UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS
SECOND SESSION

VOLUME 136—PART 1

JANUARY 23, 1990 TO FEBRUARY 6, 1990
(PAGES 1 TO 1486)

GENERAL SERVICES ADMINISTRATION
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1990

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

LAW
LIBRARY

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, January 23, 1990*

The House met at 12 noon.

The SPEAKER. This being the day fixed by Public Law 101-228, 101st Congress, enacted pursuant to the 20th amendment of the Constitution for the meeting of the 2d session of the 101st Congress, the House will be in order.

The prayer will be offered by the Chaplain.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O loving God, that we have been given another day to share in the responsibilities of our Nation, to do the works of justice, to seek the qualities of mercy, and to walk humbly with You on the path of life. For honesty to see the problems as they truly are, for courage to speak as we need to speak, for integrity to be what we profess to be, we ask for Your strength, Your pardon, and Your peace. Amen.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2364. An act to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1949. An act to amend the Labor Management Relations Act of 1947 to permit parties engaged in collective bargaining to bargain over the establishment and administration of trust funds to provide financial assistance for employee housing;

S. 1998. An act entitled the "Medicaid Long-Term Care Demonstration Project Waiver Act of 1989"; and

S. 1999. An act to amend the Higher Education Act of 1965 to clarify the administrative procedures of the National Commission on Responsibilities for Financing Postsecondary Education.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, December ?7, 1989.

Hon. THOMAS FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: As you know, I have been elected to the position of Borough President for the Borough of Staten Island, New York City, and will assume the duties of that office on January 1, 1990.

For your information, I am enclosing a copy of a letter of resignation I have sent this day to Governor Mario M. Cuomo. I have sent informational copies of the letter to the Clerk of the House and Sergeant at Arms.

Let me not pass up the opportunity to say that I was pleased to serve with you and that all Members of Congress, Democrats and Republicans, can be proud of the way you've handled yourself as Speaker.

I wish you good health and continued success.

Sincerely yours,

GUY V. MOLINARI,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 27, 1989.

Hon. MARIO M. CUOMO,
Governor, State of New York, Albany, NY.

DEAR GOVERNOR CUOMO: As you know, I have been elected to the office of Borough President of Staten Island and will assume the duties of that office on January 1, 1990.

For the above reason, I hereby resign my position as a Member of the United States House of Representatives from the 14th Congressional District as of midnight December 31, 1989.

Sincerely yours,

GUY V. MOLINARI,
Member of Congress.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 2, 1990.

Hon. THOMAS FOLEY,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: It is with the deepest regret that I announce my resignation as a Member of Congress representing the 18th Congressional District of New York effective midnight January 7th 1990.

Respectfully,

ROBERT GARCIA,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 2, 1990.

Hon. MARIO CUOMO,
Governor, Albany, NY.

DEAR GOVERNOR: It is with the deepest regret that I announce my resignation as a Member of Congress representing the 18th Congressional District of New York effective midnight January 7th 1990.

Respectfully,

ROBERT GARCIA,
Member of Congress.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 12, 1990.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 16, 1990, at 12:00 noon, I will be sworn in as Governor of the State of New Jersey. I therefore announce my resignation from the House of Representatives effective at 12:00 noon on January 16, 1990.

A copy of this letter of resignation has been delivered to the Clerk of the House and the Sergeant at Arms. A letter of resignation has also been delivered to Governor Thomas Kean of New Jersey.

Sincerely,

JAMES J. FLORIO,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 12, 1990.

Hon. THOMAS H. KEAN,
Governor, State of New Jersey, Trenton, NJ.

DEAR GOVERNOR KEAN: On January 16, 1990, at 12:00 noon, I will be sworn in as Governor of the State of New Jersey. I therefore announce my resignation from

the House of Representatives effective at 12:00 noon on January 16, 1990.

A letter of resignation has also been delivered to the Honorable Thomas S. Foley, Speaker of the United States House of Representatives.

Sincerely,

JAMES J. FLORIO,
Member of Congress.

CALL OF THE HOUSE

The SPEAKER. The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1]

Ackerman	de la Garza	Hayes (LA)
Akaka	DeFazio	Hefley
Alexander	DeLay	Hefner
Anderson	Dellums	Henry
Andrews	Derrick	Herger
Annunzio	DeWine	Hertel
Anthony	Dickinson	Hiler
Applegate	Dicks	Hoagland
Armey	Dingell	Hochbrueckner
Aspin	Dixon	Hopkins
Atkins	Douglas	Horton
Baker	Downey	Houghton
Ballenger	Dreier	Hoyer
Barnard	Duncan	Hubbard
Barton	Durbin	Huckaby
Bateman	Dwyer	Hughes
Bates	Dymally	Hunter
Beilenson	Dyson	Hutto
Bennett	Early	Hyde
Bentley	Eckart	Inhofe
Bereuter	Edwards (CA)	Ireland
Bevill	Edwards (OK)	Jacobs
Bilbray	Emerson	James
Bliley	Engel	Johnson (SD)
Boehlert	English	Johnston
Boggs	Erdreich	Jones (GA)
Bonior	Evans	Jones (NC)
Boucher	Fascell	Jontz
Boxer	Fawell	Kanjorski
Brennan	Fazio	Kasich
Brooks	Feighan	Kastenmeier
Broomfield	Fish	Kennedy
Browder	Flake	Kennelly
Brown (CA)	Ford (MI)	Kildee
Brown (CO)	Ford (TN)	Kleczka
Bruce	Frank	Kostmayer
Bryant	Frenzel	Kyl
Buechner	Frost	LaFalce
Bunning	Gallegly	Lagomarsino
Burton	Gallo	Lancaster
Bustamante	Gaydos	Laughlin
Byron	Gejdenson	Leach (IA)
Callahan	Gekas	Leath (TX)
Campbell (CA)	Gephardt	Lehman (CA)
Campbell (CO)	Geren	Lehman (FL)
Cardin	Gillmor	Lent
Carper	Gilman	Levin (MI)
Chandler	Gingrich	Levine (CA)
Chapman	Gonzalez	Lewis (CA)
Clarke	Gordon	Lewis (FL)
Clay	Goss	Lewis (GA)
Clement	Gradison	Lightfoot
Clinger	Grandy	Lipinski
Coleman (TX)	Grant	Livingston
Collins	Gray	Lloyd
Combest	Green	Long
Condit	Guarini	Lowery (CA)
Conte	Gunderson	Luken, Thomas
Conyers	Hall (OH)	Lukens, Donald
Cooper	Hall (TX)	Machtley
Costello	Hamilton	Madigan
Courter	Hammerschmidt	Markey
Cox	Hancock	Marlenee
Coyne	Hansen	Martin (IL)
Craig	Harris	Martin (NY)
Crockett	Hastert	Matsui
Dannemeyer	Hatcher	Mavroules
Darden	Hawkins	Mazzoli
Davis	Hayes (IL)	McCloskey
McCollum	Pursell	Smith, Robert (OR)
McCrery	Rahall	Snowe
McCurdy	Rangel	Solarz
McEwen	Ravenel	Solomon
McGrath	Ray	Spence
McMillan (NC)	Regula	Spratt
McMillen (MD)	Rhodes	Staggers
McNulty	Richardson	Stallings
Meyers	Ridge	Stangeland
Mfume	Rinaldo	Stark
Michel	Ritter	Stearns
Miller (CA)	Roberts	Stenholm
Miller (OH)	Robinson	Stokes
Miller (WA)	Roe	Studds
Mineta	Rogers	Stump
Moakley	Rohrabacher	Sundquist
Mollohan	Ros-Lehtinen	Swift
Montgomery	Rose	Synar
Moorhead	Rostenkowski	Tanner
Morella	Roth	Tauzin
Morrison (CT)	Roukema	Taylor
Morrison (WA)	Rowland (CT)	Thomas (CA)
Mrazek	Rowland (GA)	Thomas (GA)
Murphy	Roybal	Thomas (WY)
Murtha	Russo	Torricelli
Myers	Sabo	Traficant
Nagle	Saiki	Traxler
Natcher	Sangmeister	Udall
Neal (MA)	Sarpalius	Unsoeld
Neal (NC)	Savage	Upton
Nielson	Sawyer	Valentine
Nowak	Saxton	Vento
Oakar	Schaefer	Visclosky
Oberstar	Schiff	Volkmer
Obey	Schneider	Walgren
Olin	Schroeder	Walker
Ortiz	Schuette	Walsh
Owens (NY)	Schumer	Watkins
Owens (UT)	Sensenbrenner	Waxman
Oxley	Sharp	Weber
Packard	Shays	Weiss
Pallone	Shumway	Weldon
Panetta	Sisisky	Wheat
Parker	Skaggs	Whittaker
Parris	Skeen	Whitten
Pashayan	Slattery	Williams
Patterson	Slaughter (NY)	Wilson
Payne (NJ)	Slaughter (VA)	Wise
Payne (VA)	Smith (FL)	Wolf
Pease	Smith (IA)	Wolpe
Pelosi	Smith (NE)	Wyden
Penny	Smith (NJ)	Wylie
Perkins	Smith (TX)	Yates
Petri	Smith (VT)	Yatron
Pickett	Smith, Denny (OR)	Young (FL)
Pickle	Smith, Robert (NH)	
Porter		
Price		

□ 1226

The SPEAKER. On this rollcall, 376 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair asks the distinguished gentleman from Texas [Mr. BROOKS] to come forward and lead the House in the Pledge of Allegiance.

Mr. BROOKS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 5, 1990.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the Certificate of Election received from the Honorable William P. Clement, Jr., Governor of Texas certifying that, according to the official returns of the Special Election held on December 9, 1989 the Honorable Craig A. Washington was elected to the Office of the United States Representative in Congress from the Eighteenth Congressional District of Texas.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

CERTIFICATE OF ELECTION

In the name and by the authority of the State of Texas this is to certify, that at a special election held on Saturday, December 9, A.D., 1989, Craig A. Washington was duly elected United States Representative, District 18, Unexpired Term.

In testimony whereof, I have hereunto signed my name and caused the Seal of State to be affixed at the City of Austin, this the 13th day of December A.D., 1989.

W.P. CLEMENTS, Jr.,
Governor of Texas.

SWEARING IN OF THE HONORABLE CRAIG A. WASHINGTON OF TEXAS AS A MEMBER OF THE HOUSE

The SPEAKER. Will the gentleman from Texas [Mr. WASHINGTON] please face the Chair and raise his right hand.

Mr. WASHINGTON appeared at the bar of the House and took the oath of office.

The SPEAKER. I am delighted to welcome you as a Member of the U.S. House of Representatives.

□ 1230

APPRECIATION FOR PRAYER AND CONCERN

(Mr. BROOKS asked and was given permission to address the House for 1 minute.

Mr. BROOKS. Mr. Speaker, I want to thank all of you for the warmth of your reception this morning and also for your caring thoughts and kind words during my bout with pancreatitis. I really can't adequately express to you how much your prayers and sympathetic concern have meant to me during this ordeal. Your friendship and words of encouragement were deeply appreciated.

I'm glad to be alive and am grateful to our Dr. Robert Krasner and to the surgical team and staff from Bethesda Naval Hospital, headed by Dr. Duncan Harviel and the dedicated day and night surgeons, Lt. Comdr. Steve Swartz and Lt. Comdr. Mike Nellestein.

INTRODUCTION OF CONGRESSMAN CRAIG WASHINGTON

Mr. Speaker, as dean of the Texas delegation, it is my very great honor and distinct privilege to introduce the newest Member of the House of Representatives, the Honorable CRAIG WASHINGTON.

The people of Houston's 18th Congressional District have chosen wisely and have sent to us a man of uncommon ability and enormous energy. He is a lawyer with broad experience who served with distinction, compassion, and judgment in the Texas State House and Senate. I know that his presence in this body will contribute immeasurably to our work on behalf of the people of this Nation.

It is my pleasure to present to you the Honorable CRAIG WASHINGTON.

MY PLEDGE TO MEMBERS

(Mr. WASHINGTON asked and was given permission to address the House for 1 minute.)

Mr. WASHINGTON. Mr. Speaker, the circumstances, of course, which bring me here are not pleasant. I will spend the rest of my life attempting to make up for the fact that Members lost Mickey Leland. Mickey Leland was a wonderful person. I can never replace Mickey Leland. I am merely his successor. I realize that I live in the shadow of Barbara Jordan and Mickey Leland. However, with your help and with the grace of God, and your prayers, I promise as a 48-year-old man I will spend the rest of my life here as a Member of Congress so that one day we can make something come out of the tragedy that occurred on a side of the hill in Ethiopia.

I have five children, three of whom are here on the floor with me today; my son, Alexander; my daughter, Sydney; who is skirmishing around there somewhere; and my small son Christopher; together with my son Charig, who is 23 years old, and my daughter Shazau.

I want Members to know I am here for them, and I want to be a good Member of Congress. I am not smarter today than I was the day before I was elected, and I am not coming here to try to be king of the Hill. I am at the bottom of the Hill, and I need Members' help, to serve my district, and your prayers and advice, and if God leaves me on the planet and my constituents in the district, I promise to work with Members to make America a better place. God bless America, and God bless Texas.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. GEPHARDT. Mr. Speaker, I offer a privileged resolution (H. Res. 302) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 302

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1240

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 302

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from Illinois [Mr. MICHEL].

NOTIFICATION TO THE SENATE

Mr. WHITTEN. Mr. Speaker, I offer a privileged resolution (H. Res. 303) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 303

Resolved, That the clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DAILY HOUR OF MEETING

Mr. MOAKLEY. Mr. Speaker, I offer a privileged resolution (H. Res. 304) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 304

Resolved, That until otherwise ordered, the hour of meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays; 2 o'clock post meridiam on Wednesdays; 11 o'clock ante meridiam on all other days of the week up to and including May 15, 1990; and that from May 16, 1990, until the end of the second session, the hour of daily meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays and 10 o'clock ante meridiam on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO INSERT IN THE RECORD CORRESPONDENCE OF THE SPEAKER AND THE MINORITY LEADER TO THE PRESIDENT REGARDING VETO OF HOUSE JOINT RESOLUTION 390, AUTHORIZING HAND ENROLLMENT OF H.R. 1278, FINANCIAL INSTITUTIONS REFORM, RECOVERY AND ENFORCEMENT ACT OF 1989, ALONG WITH RESPONSE FROM THE ATTORNEY GENERAL

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to insert in the RECORD correspondence of the Speaker and myself to the President regarding his veto of House Joint Resolution 390, and the response received from the Attorney General.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The correspondence referred to is as follows:

WASHINGTON, DC,
November 21, 1989.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: This is in response to your action on House Joint Resolution 390. On August 16, 1989, you issued a memorandum of disapproval asserting that you would "prevent H.J. Res. 390 from becoming a law by withholding (your) signature from it." You did not return the bill to the House of Representatives.

House Joint Resolution 390 authorized a "hand enrollment" of H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, by waiving the requirement that the bill be printed on parchment. The hand enrollment option was requested by the Department of the Treasury to insure that the mounting daily costs of the savings-and-loan crisis could be stemmed by the earliest practicable enactment of H.R. 1278. In the end, a hand enrollment was not necessary since the bill was printed on parchment in time to be presented to you in that form.

We appreciate your judgment that House Joint Resolution 390 was, in the end, unnecessary. We believe, however, that you should communicate any such veto by a message returning the resolution to the Congress since the intrasession pocket veto is constitutionally infirm.

In *Kennedy* v. *Sampson*, the United States Court of Appeals held that the "pocket veto" is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment. 511 F.2d 430 (D.C. Cir. 1974). In the standing rules of the House, the Clerk is duly authorized to receive messages from the President at any time that the House is not in session. (Clause 5, Rule III, Rules of the House of Representatives; House Resolution 5, 101st Congress, January 3, 1989.)

Successive Presidential administrations since 1974 have, in accommodation of *Kennedy* v. *Sampson*, exercised the veto power during intrasession adjournments only by

messages returning measures to the Congress.

We therefore find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. We do not think it constructive to resurrect constitutional controversies long considered as settled, especially without notice or consultation. It is our hope that you might join us in urging the Archivist to assign a public law number to House Joint Resolution 390, and that you might eschew the notion of an intrasession pocket veto power, in appropriate deference to the judicial resolution of that question.

Sincerely,

THOMAS S. FOLEY,
Speaker.
ROBERT H. MICHEL,
Republican Leader.

WASHINGTON, DC,
January 4, 1990.

Hon. ROBERT H. MICHEL,
Minority Leader of the House, House of Representatives, Washington, DC.

DEAR BOB: The President has asked me to respond to your letter of November 21, 1989, concerning the status of House Joint Resolution 390. While we appreciate your concerns, it is our view that under Article I, Section 7 of the Constitution, the joint resolution did not become a law because Congress, by its adjournment, had prevented the President from returning the resolution with his objections. Accordingly, the Archivist has been instructed not to treat it as a law.

This decision was based on the interpretation of the Pocket Veto Clause that the executive branch has held for many years. That interpretation rests on the Supreme Court's decisions in the *Pocket Veto Case,* 279 U.S. 655 (1929), and *Wright* v. *United States,* 302 U.S. 583 (1938). This is the position the executive branch espoused in *Burke* v. *Barnes,* 479 U.S. 361 (1987), although the Court did not reach the merits of the Pocket Veto Clause in that case. Our view on this subject was recently set forth in detail by the Assistant Attorney General for the Office of Legal Counsel. See Testimony Before the Subcommittee on the Legislative Process of the Committee on Rules, House of Representatives, Concerning H.R. 849 (July 26, 1989).

I understand that some confusion has arisen on this point as a result of *Kennedy* v. *Sampson,* 511 F.2d 430 (D.C. Cir. 1974), in which the court of appeals declined to follow the *Pocket Veto Case.* As the Solicitor General explained in *Burke* v. *Barnes,* the executive branch believes that *Kennedy* v. *Sampson* was incorrectly decided. While I realize that there can be good-faith disagreements as to the meaning of the Pocket Veto Clause, this Administration will continue to follow the executive's traditional interpretation, which is fully in accord with the Supreme Court's teaching on the subject.

Sincerely,

DICK THORNBURGH,
Attorney General.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
December 1, 1989.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit the returned enrollment of H.R. 2712, together with a memorandum from the President relating to said bill received in my office at 6:40 p.m. on Thursday, November 30, 1989.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

EMERGENCY CHINESE IMMIGRATION RELIEF ACT OF 1989—MEMORANDUM OF DISAPPROVAL FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-132)

The SPEAKER laid before the House the following memorandum of disapproval from the President of the United States:

MEMORANDUM OF DISAPPROVAL

In light of the actions I have taken in June and again today, I am withholding my approval of H.R. 2712, the "Emergency Chinese Immigration Relief Act of 1989." These actions make H.R. 2712 wholly unnecessary.

I share the objectives of the overwhelming majority in the Congress who passed this legislation. Within hours of the events of Tiananmen Square in June, I ordered the Attorney General to ensure that no nationals from the People's Republic of China be deported against their will, and no such nationals have been deported. Since June, my Administration has taken numerous additional and substantive actions to further guarantee this objective.

Today I am extending and broadening these measures to provide the same protections as H.R. 2712. I am directing the Attorney General and the Secretary of State to provide additional protections to persons covered by the Attorney General's June 6th order deferring the enforced departure for nationals of China. These protections will include: (1) irrevocable waiver of the 2-year home country residence requirement which may be exercised until January 1, 1994; (2) assurance of continued lawful immigration status for individuals who were lawfully in the United States on June 5, 1989; (3) authorization for employment of Chinese nationals present in the United States on June 5, 1989; and (4) notice of expiration of nonimmigrant status, rather than institution of deportation proceedings, for individuals eligible for deferral of enforced departure whose nonimmigrant status has expired.

In addition, I have directed that enhanced consideration be provided under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country's policy of forced abortion or coerced sterilization.

These further actions will provide effectively the same protection as would H.R. 2712 as presented to me on November 21, 1989. Indeed, last June I exercised my authority to provide opportunity for employment to a wider class of Chinese aliens than the statute would have required. My action today provides complete assurance that the United States will provide to Chinese nationals here the protection they deserve.

It has always been my view, and it is my policy as President, that the United States shall not return any person to a country where he or she faces persecution.

I have under current law sufficient authority to provide the necessary relief for Chinese students and others who fear returning to China in the near future. I will continue to exercise vigorously this authority. Waivers granted under this authority will not be revoked.

Maintaining flexibility in administering our productive student and scholar exchange program with China is important. As many as 80,000 Chinese have studied and conducted research in the United States since these exchanges began. I want to see these exchanges continue because it is in the national interest of the United States to promote the exchange of technical skills and ideas between Chinese and Americans. It is my hope that by acting administratively, we will help foster the continuation of these programs.

My actions today accomplish the laudable objectives of the Congress in passing H.R. 2712 while preserving my ability to manage foreign relations. I would note that, with respect to individuals expressing a fear of persecution related to their country's coercive family policies, my actions today provide greater protection than would H.R. 2712 by extending such protection worldwide rather than just to Chinese nationals. Despite my strong support for the basic principles of international family planning, the United States cannot condone any policy involving forced abortion or coercive sterilization.

I deplore the violence and repression employed in the Tiananmen events. I believe that China, as its leaders state, will return to the policy of reform pursued before June 3. I further believe that the Chinese visitors would wish to return to China in those circumstances, in which case I would hope that the knowledge and experience gained by the Chinese visitors temporarily in our country be applied to help promote China's reforms and modernization.

The adjournment of the Congress has prevented my return of H.R. 2712 within the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. *The Pocket Veto Case,* 279 U.S. 655 (1929). Because of the questions raised in opinions issued by the United States Court of Appeals for the District of Columbia Circuit, I am sending H.R. 2712 with my objections to the Clerk of the House of Representatives. GEORGE BUSH.

THE WHITE HOUSE, *November 30, 1989.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the memorandum of disapproval and the bill be printed as a House document.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that further consideration of the veto of the bill, H.R. 2712, be postponed until Wednesday, January 24, 1990.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MICHEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MICHEL. Mr. Speaker, the President in his memorandum of disapproval stated the following:

> The adjournment of the Congress has prevented my return of H.R. 2712 within the meaning of article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law.

□ 1250

The President then cites the pocket veto case, 279 U.S. 655 (1929), and then, going on quoting the President,

> Because of the questions raised in opinions issued by the U.S. Court of Appeals for the District of Columbia circuit, I am sending H.R. 2712 with my objections to the Clerk of the House of Representatives.

Also the President headed his message a "Memorandum of Disapproval," and chose to return it to the Clerk in an unsealed envelope. It was not drafted as a message to the House of Representatives.

Mr. Speaker, I wonder if the Chair could enlighten the House as to the status of the veto.

The SPEAKER. In responding to the parliamentary inquiry of the minority leader, the Chair would note that the enrollment of the bill H.R. 2712 was received at the White House on November 21, 1989, and that the memorandum of disapproval was signed by the President and returned to the Clerk of the House on November 30, 1989. Thus, pursuant to article I, section 7, clause 2, of the Constitution, the enrolled bill was in fact returned by the President within 10 days—Sundays excepted—after it had been presented to him.

The bill was returned with the President's objections to the House in which it originated, his objections have been entered at large in the Journal, and the House is now in a position to proceed to reconsider the bill.

Both the Congress and the President have demonstrated that Congress did not prevent the return of the bill by its adjournment on November 22, 1989. The Congress demonstrated its position by adopting House Concurrent Resolution 239 on November 22, 1989, which included section 4 reaffirming that the adjournment of either House pursuant to that concurrent resolution shall not prevent the return by the President of any bill presented to him for approval. The President—who received a certified copy of House Concurrent Resolution 239—demonstrated that the Congress did not prevent the bill's return by in fact returning the bill to the orginating House through its agent, the Clerk.

The Chair, therefore, is constrained by the mandate of the Constitution and the precedents of the House to permit the House to proceed to reconsider the bill, the objections of the President to the contrary notwithstanding.

The Chair is not ruling on the constitutional prerogatives of the Congress and the President with respect to the exercise of a pocket veto during an intersession sine die adjournment. The Chair is responding only with respect to the responsibility of the Chair and of the House at this time in proceeding to reconsider the bill.

EMERGENCY CHINESE IMMIGRATION RELIEF ACT OF 1989

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, as we have already agreed by unanimous consent, the House will consider as the first order of business tomorrow, Wednesday, January 24, disposition of the President's veto of H.R. 2712, the Emergency Chinese Adjustment of Status Facilitation Act.

Mr. Speaker, I intend to offer a motion to refer the bill and the message jointly to the Committee on Foreign Affairs and the Committee on the Judiciary with instructions that the committees consider the merits of the veto in light of events in China since passage of the bill and actions which the President has taken to protect Chinese students in the United States and promptly report their recommendations back to the House.

The motion I intend to offer is as follows:

MOTION TO REFER H.R. 2712 TO TWO COMMITTEES

Mr. Michel moves to refer the bill, H.R. 2712, and the President's Memorandum of Disapproval jointly to the Committee on Foreign Affairs and the Committee on the Judiciary with instructions that the Committees consider the merits of the veto in light of events in China since passage of the bill and actions which the President has taken to protect Chinese students in the United States and promptly report their recommendations back to the House.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I happily yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, I would ask my distinguished friend, under that circumstance would there be 1 hour of time assigned to the gentleman's side?

Mr. MICHEL. The gentleman is correct.

Mr. BROOKS. Would the gentleman from Illinois be amenable to giving 15 minutes to the Committee on the judiciary and 15 minutes to the Committee on Foreign Affairs?

Mr. MICHEL. Of course.

Mr. BROOKS. We would not take all that time, I imagine.

Mr. MICHEL. And I am sure we certainly will not be taking the whole time either.

Mr. BROOKS. I thank the gentleman from Illinois.

Mr. MICHEL. The questions raised by this measure, just very briefly, Mr. Speaker, go far beyond those of immigration, and go to other measures, and allow me then in my extension of remarks, as I will ask unanimous consent to extend my remarks, to outline the reasons which I believe are in the best interests of our country to refer the bill and the message to the committees for further review in light of the events that have taken place since the bill was passed.

REREFERRAL OF H.R. 1641 TO COMMITTEE ON THE JUDICIARY

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the bill (H.R. 1641) to amend the War Claims Act of 1948 to provide for compensation with respect to former members of the Armed Forces of the United States for each day spent during World War II avoiding capture by hostile forces or as underground fighters while unattached to a regular unit of the Armed Forces, be rereferred to the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will now recognize five Members on each side of the aisle for 1-minute speeches, and then we will continue to recognize Members subsequently in the next hour.

INTRODUCTION OF LEGISLATION TO OPEN UP ARMY POSITIONS NOW CLOSED TO WOMEN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, have you seen the Army's latest commercial asking women to be all that they can be? The commercial portrays a woman in communications van obviously handling the communications for manuvers. Assuming that our enemy is intelligent, that woman would be the first hit in a strike. It's always smart to destroy your enemy's lines of communications first. So let me see if I have this straight. Army policy allows women to be shot first, but they can't be the first to shoot. The logic eludes me.

Today I am introducing a bill that will open up, on a test basis, those Army positions that are now closed to women. The bill, which is based on a 1989 recommendation from the Defense Advisory Committee On Women In The Services [DACOWITS], directs the Army to allow women into all military occupational specialties currently closed to them. The Army will evaluate the effectiveness of the integrated units throughout the 4-year period. We can't know if the objections to women in combat positions are based on more than conjecture until we give women the opportunity to train for and request those assignments.

Over the past weeks, I believe I have heard all the objections to women holding combat positions. They vary from emotional to practical, but the competence of military women's performances as individuals has been already been acknowledged. At the same time, many World War II, Korea, and Vietnam combat veterans write me supporting my proposal. It is pure opinion, at this point, that women can't be effective in combat jobs. The fact is, however, that the combat exclusion policy tends to limit a woman's career opportunities. More importantly, the exclusionary policies deny the military the services of qualified personnel. It is time for military service to be based on qualifications, not gender.

AMBASSADOR RUTH WASHINGTON

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, Ambassador Ruth Washington, one of my constituents, was a dynamic woman whose career personified devotion to public service. From 1979 until her return to private law practice in 1987, she was one of only two minority women on the Federal bench.

President Bush made a wise choice in appointing Ruth Washington as our Ambassador to Gambia. Ruth's extensive experience and dedication to public service would have been an asset to American diplomacy.

Tragically, this is not to be.

This past Saturday, just a few days before she was scheduled to leave for Africa, the dynamic life of Ruth Washington was snuffed out instantly in an auto accident caused by an intoxicated driver.

Ruth's many friends, admirers, and loved ones in the region of her home town of Hartsdale, NY, and throughout the Nation lovingly referred to Ruth as "the little General". Small in stature but big in heart, Ruth Washington touched many lives. Her untimely death, just as she was about to realize her dreams and apply her full potential, is a tragedy to the nation, and underscores the havoc imposed upon our society by drunk drivers.

I invite my colleagues to join with me in expressing our condolences to Ambassador Ruth Washington's family gathered in Hartsdale, NY.

THE EDUCATION PRESIDENT IS OPERATING A POLICY OF NEGLECT

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

(Mr. VISCLOSKY. Mr. Speaker, in his inaugural address last year, President Bush said: "This is a time when the future seems a door you can walk right through—into a room called Tomorrow." Addressing a joint session of Congress, the President defined the most important "room" as the classroom. He described education as the most important program in terms of American competitiveness, and cited our Nation's drop-out rate and literacy levels as needing improvement.

Unfortunately, if one looks at recent education funding levels, the President's top priority looks like empty rhetoric. For example:

In fiscal year 1989, the Reagan administration education budget was $18 billion.

In fiscal year 1990, Bush requested $18.75 billion for education, while Congress appropriated $19.85 billion.

What dollar value will the "Education President" place on education in this year's State of the Union.

A new study by the Economic Policy Institute concludes that Japan, West Germany, and other industrialized countries spend more on education than we do.

Money alone won't solve our country's problems, but President Bush is operating a policy of neglect.

Maybe there is an important message in the President's inaugural address. He said: "There are times when the future seems thick as a fog; you sit and wait, hoping the mists will lift and reveal the right path."

I urge the President to take decisive action instead of "sitting, waiting, and hoping."

□ 1300

PETTY, PARTISAN POLITICS

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, here we are back after a nice recess, a chance to visit with our constituents and our families in our districts, a time when everybody is feeling good and we are expecting some comity in this body.

But what do we find? Here on the very first day we are supposed to take up a resolution to commend the fine job that our troops did and are doing in Panama and remember those who paid the ultimate price for liberty by giving their lives in that country. But because some on our side of the aisle felt that we ought to commend the Commander in Chief who had the courage and the resolve to send the troops in the first place, we find the resolution withdrawn. At least that is what we are told. I am hoping that is wrong.

Mr. Speaker, I am hoping that it will be brought back, because if it is any wonder why this body is held in such low esteem by the American public, it is actions such as this, petty, partisan politics.

The people expect us to get along and to carry out the Nation's business, not indulge in petty, partisan politics.

STATE OF THE UNION MESSAGE SHOULD SHOW REAL COMMITMENT TO COMBATING DRUG CRISIS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the Congress is back to work. The President is preparing his State of the Union Message, and as he prepares to address the country next week, we can all look for-

ward to a stronger commitment to fighting drugs.

Yes, the demand side is vital. The Government spends billions of dollars on necessary law enforcement and drug interdiction, but quick treatment for those seeking help is also essential if this Government does not yet have a goal of a treatment slot for every person needing one.

Likewise, drug education must be a top priority since inoculating a child with education can prevent the widening of the drug epidemic.

I hope the President also addresses another great need in his State of the Union Message: spending billions means nothing without tight coordination of these resources, but efforts to fight the drug wars are still being undercut by the turf wars among Federal agencies.

Mr. Speaker, the American people need the State of the Union Message to show a genuine commitment to combating the growing drug problem, providing real aid to the Andean nations fighting coca growing, guaranteeing complete availability of treatment, beefing up education in schools.

The American people look to the State of the Union Message to show real commitment to combating a very real crisis.

COMMENDATION TO THREE MAJOR TV AFFILIATES IN DALLAS-FORT WORTH AREA

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise today to commend the three major television affiliates in the Dallas-Fort Worth area: channel 8, ABC, WFAA; channel 4, CBS, KDFW; and channel 5, NBC, KXAS.

This evening they are going to jointly televise live in prime time a 2-hour special about the drug problems in the Fort Worth-Dallas area. There will be no commercial interruptions. They have all agreed to lose the revenue from commercials that they would have obtained had they televised their regular schedule.

Mr. Speaker, this idea is originally the idea of Dave Lane, general manager of channel 8 in Dallas, but the other two network affiliates agreed very happily to this proposal.

We do have a drug problem in this country. We do have a drug problem in the great State of Texas. We do have a drug problem in the Fort Worth-Dallas area. But we are doing something about our drug problem.

I want to commend the three major television affiliates in the Fort Worth-Dallas area for being part of the solution and not part of the problem.

PRESENT HONEST PROPOSALS TO THE AMERICAN PEOPLE

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute.)

Mr. TORRICELLI. Mr. Speaker, it is as if the American people and President Bush have a special compact. The President pretends to tell us the truth about the economic, social, and fiscal state of our Union, and the American people pretend to believe him.

There are, after all, no substantive proposals from the administration to improve the quality of education in our Nation, but the public believes he is the education President. American health care is declining in access, but people are convinced that he is a caring and compassionate man. The administration proposes to oppose strengthening clean air in America, but the public believes that he is an education leader to be trusted.

As this second session of our Congress convenes again, many in the Congress will become frustrated, but our strategy must be clear. In the State of the Union, the President will once again practice the politics of promising. This Congress must practice the politics of a different sort. Perform. Practice honest proposals before the American people and trust that the American people will recognize the difference.

THE MAN-MADE DISASTER IN THE NORTHEAST

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, in December and earlier this month, a man-made disaster wreaked havoc on my region affecting some families as hurricane or earthquake would. It was a disaster that ripped at the necessities of life, forcing low-income people deeper into poverty and straining the family budgets of everyone.

This disaster was the unprecedented leap in prices of home heating oil. In 1 month, the price skyrocketed 52 percent in Massachusetts; 51 percent in Philadelphia; 45 percent in Baltimore; and 49 percent here in Washington, DC.

It was wanton greed, uncontrolled gluttony on the part of "Big Oil."

When elderly people and young families were struggling to heat their homes during a severe cold spell, "Big Oil" was engaged in a record-breaking price-gouging binge that was nothing less than immoral.

Despite the warmer weather, my people are still hurting. Fuel assistance allotments are running dry, and there's still no assurance that a similar disaster will not happen again.

In response to this disaster, I will introduce today, a comprehensive legislative package designed to address past actions, the present crisis, and the future.

Mr. Speaker, I urge all my colleagues to join me in cosponsoring this legislation. This crisis for many is not yet over.

Mr. Speaker, I might say that "Big Oil" made more money in 1 week on this raise of home heating oil than it would take to clean up the whole Valdez spill for Exxon. It it a crime.

BOOT CAMP LEGISLATION

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAPMAN. Mr. Speaker, we are all interested in fighting the war against drugs, yet despite the billions of dollars in appropriations and authorizations, it seems we just keep losing. I think it is time that we explore new avenues to address the drug problem.

One of the things that we can do is to try to break the revolving door of arrests, convictions, and rearrests that we find with many youthful drug offenders. Therefore, today I am introducing legislation that will establish a new type of sentencing alternative, one that I hope will break this chain of recidivism and one that will be a cost-effective alternative to conventional prisons.

We are told that new prison beds cost $50,000 apiece. I propose that, not unlike a military boot camp, we install a demonstration project at the Federal level in four locations in this country as a way to relieve the overcrowded prison situation and hopefully address the war on drugs. This would be an alternative for first-time offenders and youthful offenders, primarily drug offenders, that would have hopefully education, rehabilitation, and reconstruction of young lives as its primary alternative.

Mr. Speaker, the emphasis would not only be on punishment but also on creating self-esteem and values that would make youthful offenders again productive citizens of society. I believe this kind of boot camp, if you will, demonstration project at the Federal level can provide valuable experience for us as well as the States on one way to address constructively this drug problem.

Mr. Speaker, I invite my colleagues to cosponsor this legislation.

EDUCATION SPENDING

(Mr. PETRI asked and was given persmission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, to paraphrase a popular saying, there are lies, "darn" lies, and statistics. And last week we saw plastered all over the media one of the most outrageous examples of statistical chicanery to come along in years. I refer to the so-called study that purported to show that the United States spends less money on elementary and secondary education than most other industrialized nations.

Now, there is just one little problem with that conclusion: it is false. Our actual spending per pupil is among the highest in the world, far ahead of Japan, West Germany, France, or England. It is true that our spending is lower as a percentage of our national income, as the so-called study said, but that is simply because we are richer than those other countries. It is an absurd standard of comparison. A richer country can spend a lower percentage of its income and still spend more actual dollars, as we do.

Now it is one thing to argue that we can not spend our dollars more efficiently so we need to spend even more for one reason or another. But you can not argue that other countries get better results because they spend more than we do when the truth is that they actually spend less.

□ 1310

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. GEPHARDT. Mr. Speaker, the committee to report to the President is ready to report.

Mr. Speaker, the committee reports that the call was made to the President of the United States. We informed the President that a quorum has been formed in the House of Representatives and we are ready to do the business of the year.

The committee also received the message from the President that he intends to make his State of the Union speech on Wednesday, January 31, at 9 p.m.

Mr. MICHEL. Mr. Speaker, may I also say the President made a special point of saying, as we Republicans have to say in the minority, that we will be reaching across the aisle to attempt as best we can to work together on the very important issues that all Members have to deal with, and the President is looking forward to this upcoming session of the Congress.

The SPEAKER. The Chair thanks the committee for its report and service.

JOINT SESSION OF CONGRESS—STATE OF THE UNION ADDRESS

Mr. GEPHARDT. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 242) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 242

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, January 31, 1990, at 9 o'clock post meridiam, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TOMORROW, WEDNESDAY, JANUARY 24, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of this week may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT FROM THURSDAY, JANUARY 25, 1990, TO MONDAY, JANUARY 29, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, January 25, 1990, it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER laid before the House the following communication from the Chairman of the Committee on Public Works and Transportation, which was read and referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 20, 1989.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, the House Committee on Public Works and Transportation approved the following projects on November 17, 1989:

11(B) RESOLUTIONS

San Diego/Orange County, California.
Northwest, Indiana.
Pentagon, Arlington, Virginia.

EMERGENCY REPAIR RESOLUTION

Federal buildings damaged as a result of Hurricane Hugo and the Loma Prieta Earthquake.

CONSTRUCTION

Monterey, California.

LEASES

Department of Veterans Affairs, Anchorage, Alaska.

Multiple Agencies, 500 C Street, SW., Washington, DC.

National Labor Relations Board, Replacement for Penn 17 Building, Washington, DC.

Department of Justice—Immigration & Naturalization Service, Chicago, Illinois

Library of Congress, 1291 Taylor Street, NW., Washington, DC.

Department of State, Nash Street Building, Arlington, Virginia.

Multiple Agencies, Ballston Center Tower One, Arlington, Virginia.

The original and one copy of the authorizing resolution is enclosed.

Sincerely,

GLENN M. ANDERSON,
Chairman.

INTRODUCTION OF EMERGENCY LOW-INCOME HEATING ASSISTANCE PROGRAM APPROPRIATIONS BILL

(Mr. BRENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENNAN. Mr. Speaker, I know my colleagues are aware of the recent home heating oil crisis—where prices doubled and tripled almost overnight during a severe cold wave. As temperatures fell, many families faced the difficult choice of whether to heat or eat.

I have received hundreds of calls and letters from people who are both scared and angry—people who have seen the price of home heating oil jump in my State of Maine from 52 cents to over $1.50 per gallon.

These people are scared because they've spent all of their winter heating money, and it's only January. They are angry because it looks like someone has made a huge profit on their misery—indeed held them hostage to their basic need for heat.

What can we do to help?

One thing we can do is we can approve an emergency appropriation to the low-income heating assistance program, before another cold front hits. I am introducing a bill which would direct an additional $200 million to those States hit hardest by cold weather and skyrocketing prices.

Please join with me as cosponsors of this important, emergency legislation.

ABORTION IS CHILD ABUSE

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, yesterday, 75,000 Americans marched for life here in Washington to end abortion on demand. About 300 pro-life marches were also held in the several States.

While it is true that the abortionists cloak their killing in the language of

humanitarism and basic rights, the fact of the matter is that abortion is child abuse. Children who suffer this abuse are cut and dismembered and millions have been killed by injections of poison. This is not an issue of choice or "who decides." This is an issue of child abuse. And that is not a matter of choice in a civilized society.

Mr. Speaker, just as the Berlin Wall wasn't destroyed in a day, but instead was the result of years of prayer, fasting, activism, and dissent, the formidable wall of ignorance, apathy, and prejudice against unborn babies, likewise, will be toppled incrementally, and is even now coming down brick by brick. Like the wall in Berlin, this wall too shall fall. Just as it is the students in the Soviet Union and Eastern Europe who are in the vanguard of those fighting for freedom and democracy, yesterday's march made it clear that it is our youth who are in the lead in defending innocent life.

Mr. Speaker, I believe that the decade of the 1990's will be the decade of the unborn child. The weak and the vulnerable among us will be reinfranchised in law and give fresh meaning to the proposition that all men and women are created equal, endowed with the inalienable right to life.

As Congress begins a new session today, we are fully prepared for a bumpy ride. That's part of the process of reform. There may even be some setbacks along the way. That will only deepen our resolve and commitment. In the end social justice will prevail and we will win.

GRAMM-RUDMAN-HOLLINGS—A TURKEY THAT SHOULD BE SHOT DOWN

Mr. TRAFICANT. Mr. Speaker, we cannot see it, we cannot hear it, we cannot feel it. We cannot even detect it on radar. I am not talking about the B-2 bomber today, I am talking about Gramm-Rudman-Hollings. It is about as effective as placing a stop sign at the Indy 500. It has done absolutely nothing. Now it is beginning to rip off the Social Security trust fund.

Mr. Speaker, I plan to introduce legislation this week that would simply repeal Gramm-Rudman-Hollings. It is a turkey that should be shot down. The American people cannot vote for the Director of the Office of Management and Budget. They vote for us. It is our job to straighten this out.

Mr. Speaker, we started Gramm-Rudman with a $200 billion deficit. Today we have a $204 billion deficit and a bunch of IOU's in the Social Security account. Think about it.

THANKS, "COLUMBIA," FOR A JOB WELL DONE

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, it is with a great deal of pride that I congratulate the crew and all of NASA for the success of the just-completed flight of space shuttle *Columbia.* This record-setting flight ended Saturday with a remarkable night-time touchdown.

We can all be proud of the extraordinary recovery our space program has experienced in the last 3 years. And this latest flight adds another dimension to that success.

This was the longest flight by a shuttle—11 days. This was the heaviest load in shuttle history—115 tons at touchdown. But possibly the most remarkable aspect of this flight was the capture of an 11-ton satellite which was then returned to Earth in the shuttle's cargo bay.

Those of us who have been early and constant supporters of the space program and specifically the shuttle projects watched with pride as the five members of the shuttle crew performed perfectly.

My congratulations go to the crew members and those on the ground who once again have proven to the Nation and to the world that America's superiority in space has been regained. Thanks *Columbia* for a job well done.

□ 1320

PRESIDENT CRISTIANI STOOD UP TO BOTH THE LEFT AND RIGHT IN EL SALVADOR

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, when one thinks of all the developments which have taken place since we adjourned last November 22 there are many issues which could be discussed; of course successfully getting rid of that narco-military dictator Manuel A. Noriega in Panama, seeing the crumbling of the Eastern bloc and of course a wide range of domestic issues.

But I would like to on this first day of the second session of the 101st Congress say that I believe one of the most important developments which took place during the congressional recess was taken by the duly elected President of El Salvador, a man who represents the first transition from one democratically elected government to another in the history of that country. What he did, Mr. Speaker, was he very clearly stood up to both the left and the right by working to bring to justice those who are responsible for the tragic massacre of Father Ignacio Ellacuria and the five other Jesuits.

We need to provide firm and strong support to President Cristiani and this fledgling democracy.

THE HOUSE SHOULD OVERWHELMINGLY OVERRIDE THE PRESIDENT'S VETO

(Mr. MORRISON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Connecticut. Mr. Speaker, tomorrow this House will vote on an override of the President's veto of legislation to provide protection for Chinese students here in the United States.

I urge my colleagues to overwhelmingly vote in favor of this legislation which passed the House in November by a vote of 403 to 0.

This is not just routine immigration legislation; this is human rights legislation and we must answer for America the question of which side are we on?

The President has lost his way. He has kowtowed to the killers in Beijing. He has forgotten that the proud flag of America stands for human rights and democracy. This legislation stands for that proud tradition and those proud values.

We, the Congress, must speak on behalf of the American people and teach the lesson that in a democracy wrong decisions by the leader can be redressed.

We have accountability; it is the accountability we were sent here to bring to our Government.

On behalf of the people of the United States the House should overwhelmingly say to the Chinese students and the Chinese people, "We believe that the future of China lies in democracy and freedom and we stand up for that future."

DECISION TO ORDER 27,000 ARMED TROOPS INTO PANAMA MAY HAVE BEEN AN ACT OF WAR

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, amid the debate on the President's decision to send troops to Panama we must, I think, question the manner in which that decision was carried out. Were the appropriate articles of the Constitution considered and followed when the decision was made to invade Panama? The power to declare war is granted solely to the Congress of the United States by the Constitution. If existing conditions protecting this right are inadequate, additional measures must be developed and certainly the War Powers Act is inadequate.

The decision to order 27,000 armed troops into a foreign nation I think clearly was an act of war. It is the type of situation the framers of the Constitution felt needed the caution and restraint of a legislative debate.

We as Members of Congress must examine the adequacy of these checks and balances to ensure that they are carried out.

CHINESE JUSTICE: SWIFT, HARSH, AND CONTROLLED BY PARTY

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous material.)

Mr. HOAGLAND. Mr. Speaker, a recent article that appeared in the Omaha World Herald, which I ask be made a part of the RECORD, describes a system of justice in China.

Let me tell you how that system of justice works. It tells of 31 men accused of crime being brought into a stadium in China full of 30,000 people. The charges were read with respect to each individual; he was pronounced guilty and a short while later in a field behind the stadium he was summarily executed with a bullet in his head by a policeman.

Now, colleagues, the observer who wrote the article relates that after the Tiananmen Square incident, scores of pro-democracy supporters were given justice in the same fashion and were executed.

Now by removing the statutory guarantee, President Bush's veto could require that thousands of Chinese students currently studying in America could be required to return to China to face this kind of justice, to face this kind of justice. His veto, colleagues, was inexplicable, absolutely inexplicable; as Congressman MORRISON said, he has lost his way.

Mr. Speaker, I would urge you to overwhelmingly vote to override the veto tomorrow.

The article referred to is as follows:

[From the Omaha World Herald, Jan. 21, 1990]

CHINESE JUSTICE: SWIFT, HARSH AND CONTROLLED BY PARTY

Beijing—More than 30,000 Chinese men, women and children looked on as 31 men in uniform paraded before them at a football stadium in the southern port city of Guangzhou.

The men were not football players, and this was no game.

The uniforms were drab prison garb, and what was taking place in this stadium Jan. 11 was a trial, what the Chinese call a "mass rally to pronounce judgment."

Each man stepped forward as his name was called out along with the charges against him: rape, murder, robbery. All were pronounced guilty.

Moments later, in a field behind the stadium, the men knelt and a policeman shot them with a pistol, one by one, in the back of the head.

This exercise by the Guangizbou Intermediate People's Court was a dramatic example of criminal justice, Chinese-style. It is the method the Communist Party here has used for decades against common criminals.

LITTLE CHANGE

It took place on the same day that authorities in Beijing lifted martial law, which had been imposed last June at the time of the crackdown on China's pro-democracy movement. And it helps to explain why analysts believe that the lifting of martial law has little meaning.

"When you look at the power already in the hands of the party here, such as the death penalty, mass trial and the absence of the rule of law, you realize why so many people are saying that the martial law debate is purely superficial," a foreign scholar in Beijing said.

It is not clear how many criminals have been put to death in recent years. In its last official report on the subject, the New China News Agency said that 10,000 people had been executed in the four years ending in June 1987.

China's senior judicial official announced this month that 144,900 criminals had been given sentences ranging from life imprisonment to execution between January and November of last year. He did not specify how many had been executed.

Every month since then, the state news agency has reported at least one mass "people's trial" and execution for crimes ranging from petty theft to murder.

After the June massacre of pro-democracy demonstrators, scores of suspected leaders and supporters of the movement were brought before people's courts and executed.

SIX VICES

In recent weeks, dozens of people have been put to death as part of a nationwide crackdown on the so-called six vices: prostitution, pornography, gambling, drugs, selling women and children and "profiting through superstition."

The crackdown has been so sweeping that authorities have reportedly put to death the keepers of cricket-fighting dens in Shanghai. Cricket-fighting, as popular here as cockfighting elsewhere, is outlawed, yet it continues to flourish, and gamblers continue to wage huge sums on it.

Have China's harsh sentences had a deterrent effect?

The government boasted this month that China has the world's lowest crime rate, saying that there are six crimes per 10,000 people in China compared with 515 in the United States and 106 in the Soviet Union.

Most foreigners in Beijing support the claim that China is among the world's safest countries. A diplomat said he never locks his car "because anyone who tried to steal it would be blown away by the police within hours."

"Now I consider that a deterrent," he added.

HONORING THOSE WHO GAVE THEIR LIVES IN PANAMA

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker I rise in respect for the military personnel who lost their lives during Operation Just Cause in Panama.

It would be very easy to stand before this body and remark upon the cause for which 23 Americans gave their lives. They responded unselfishly to a call by the President and the American people to protect the lives of Americans in Panama, to bring a vicious, drug-running dictator to justice, and to advance freedom and democracy in Panama. These are all noble causes and those who fought and died for them deserve recognition for their most supreme sacrifice.

However, no matter how glorious the cause, no matter how willing the sacrifice, no matter how high the honor, there is no joy in death, only tragedy. Any time men and women must serve and die, even if such action and sacrifice are justified, is a time of sadness. Every human life is precious. Nowhere is this better understood than among the families of the 23 men who died in Panama. My prayers, and I am sure those of the Nation, are with them in their time of suffering.

The Nation must also recognize and pray for the speedy recovery of those who were wounded during Operation Just Cause.

PETROLEUM PROFITEERS RAISE PRICES AT EVERY LITTLE OPPORTUNITY

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, last Saturday my colleague, JIM TRAFICANT, and I met with 650 very angry truckers. These are independent owner-operators, entrepreneurs who are trying to make a living delivering America's productivity.

They are mad as hell because they have no control whatsoever over the price of oil and they are at the mercy of the petroleum profiteers who raise prices at every little opportunity and flimsy excuse.

Now I have seen the tax forms of some of these truckers who showed it to me and I can show you that some of them, for this past year and past two years, have netted maybe $4,000, $5,000, maybe $6,000 or $7,000.

They cannot raise their families, feed their families, or clothe them on that kind of money.

Now, Mr. Speaker, I have heard people say, "Get out of the business and get into something that you can make some money." Well, who is going to deliver the goods then?

If so, then watch the prices of your goods go up. You pay for the petroleum profiteers. What we need to look at perhaps is reregulation of that industry to try to stabilize the cost of fuel, rates, and safety standards.

TAMPERING WITH THE SOCIAL SECURITY SYSTEM

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, as we enter this new second part of the session I want to caution my colleagues to beware of those who want to once again tamper with the Social Security system. There is an effort on part of some to privatize Social Security.

Well, Social Security does not belong to them; it belongs to the people of this country. It is paid for by employers and employees and a trust fund that truly belongs to the people. It is the cornerstone of economic security for disabled and elderly people and has been for more than 50 years, and it now has a huge surplus.

□ 1330

Maybe that is why they want to privatize it. What we ought to be doing, Mr. Speaker, is take it out of the budget.

That is why today, because we want to defeat this effort, I am introducing a sense of the House, urging the House to resist and defeat recent efforts to privatize the Social Security Program. If Members want to protect Social Security, cosponsor my sense of the House resolution.

Mr. Speaker, I am introducing today a sense of the House resolution which urges the House to resist and defeat any proposal to privatize the Social Security Program. I urge all of my colleagues to cosponsor this important resolution.

As we all know, the debate over the misuse of the Social Security trust fund reserves to hide the true size of the Federal budget deficit has finally come to the forefront of public debate. Along with Congressman DORGAN, I have labored for almost 3 years to alert my colleagues to this impending budget and social policy disaster and to urge the Congress and the President to stop this dishonest practice. Make no mistake about it: We are lying to the American public when we tell them we are using money from their incomes to fund their retirement and, then, use that money for general Government operations instead. This hidden policy is wrong, it is dishonest and it is destabilizing to the most important, popular, and intelligent Government action of the last 50 years.

Mr. Speaker, efforts to take advantage of the Social Security debate to privatize the Social Security system will only serve to destroy the most important social contract between Government and the people. Privatization will weaken the public's faith in our ability to keep our word and to maintain a financially secure Social Security system.

The answer to the problem is the same today as it has been for the last 3 years—change the budget deficit calculations and leave the trust fund reserves alone. The 1983 bipartisan agreement to secure the funding of the Social Security system and create the all-important reserves for future generations was the correct policy in 1983 and it is working today. In short, if it ain't broke, don't fix it.

Again, I urge all of my colleagues to cosponsor my resolution which resists the privatization of the Social Security system.

IN MEMORY OF BRAVE SERVICEMEN

(Mr. EVANS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS. Mr. Speaker, tomorrow we will consider a resolution saluting our brave servicemen who lost their lives or were wounded during the military operation in Panama.

One of the fallen was Pfc. Scott Roth. Scott was a military policeman at Fort Hood, TX, who was stationed in Panama. He was also my constituent, coming from the town of Milan, IL. Unfortunately, people too often forget about the sacrifices that soldiers like Scott Roth have made. Scott's father, Gary Roth, knows this fact too well.

Mr. Roth recently spoke about an incident that brought this fact particularly close to home. He said that two coworkers had complained to him about missing part of a college basketball game because the broadcast was interrupted by the news that General Noriega had been apprehended. It had only been 15 days since the death of Scott Roth. Yet, Mr. Roth's coworkers had already forgotten.

Because of this, Gary Roth has a dream to build a memorial to commemorate the servicemen who lost their lives in Panama. As we consider this resolution, I hope that we can all join in and help make Gary Roth's idea a reality. For all the soldiers who lost their lives in Panama, it is the least we can do.

OPPORTUNITY TO EXTEND GOOD WILL

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, since this House adjourned in November, just before Thanksgiving, and today, there has been an absolute revolution in the face of Eastern Europe, and indeed, in the face of the Soviet Union, with Mr. Gorbachev now saying that individual nationality groups can secede from the U.S.S.R.

This opens some marvelous, some breathtaking windows of opportunity for our country to extend the hands of good will, to extend some aid to those five countries in the Eastern bloc: Poland, Hungary, Czechoslovakia, Bulgaria, and Romania. They have finally followed our preachings for the last 40 years and have rejected communism and are espousing democratic free market systems. What a glorious opportunity.

Yet, Mr. Speaker, when we have a President who says, "Read my lips, no new taxes," we are perforce constrained to react in a pusilanimous and faint-hearted way to these glorious opportunities. We have offered Poland and Hungary a little over $600 million this year; West Germany, with one-fifth of our population has offered them $2 billion, and Japan with just about half of our population has offered them $1.4 billion. Therefore, we are in danger, as long as we stick to the business of saying "we cannot do it, we do not want to do it," we are in danger of trivializing ourselves.

Just after World War II during the Marshall Plan era we gave 3.2 percent of our GNP to foreign aid. It was a glorious era. Today we are giving one-tenth of that amount.

Shamefully, the United States is now 15th in the world in per capita overseas development assistance, at a paltry $40 per person per year. By contrast, Norwegians give $236 annually, more than five times the United States rate.

In fact, all the Scandinavian countries, and France too, give more than $123 annually per capita, but the United States can manage less than a third of this rate. Canada, our neighbor to the north, gives foreign aid at more than twice the United States rate. Is it any wonder we are viewed around the world as a muscle-bound giant?

IN SUPPORT OF CHINESE PRO-DEMOCRACY DEMONSTRATORS

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, within days of the Tiananmen Square massacre last June, Congress placed itself squarely on the side of democracy and human rights in China. As reports of mass arrests and secret executions spread, the Congress moved to enact stringent sanctions against the hard-line government in Beijing.

President Bush, however, was moving in just the opposite direction, both publicly and privately. In public he rushed to relax his half-hearted sanctions, and in secret, he sent his top advisers to confer with the killers of the prodemocracy demonstrators.

The President's most shameful kowtow to the Chinese leadership was his veto of the bill introduced by the gentlewoman from California [Ms. PELOSI], a bill to protect Chinese students from sure persecution they will face if forced to return to China. He attempts to throw dust in the eyes of the American people by proposing an

insufficient administrative alternative to the congressional bill.

If President Bush believes that Congress has forgotten his callous disregard for these brave Chinese students, he will learn otherwise. Most certainly, his veto should be and will be overriden in the House tomorrow. I urge my colleagues to join the effort to reverse the President's wrong-headed policy in China by voting to override his veto.

HALT ABUSES WITH LEVERAGED BUYOUTS

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, as we begin the 1990's, it is time for the corporate community to reject the old success at any price mentality which led many businesses to ruin and their employees to the ranks of the unemployed as the result of leveraged buyouts.

While some see LBO's as opportunities to increase profits and to restruct the company, in fact, these transactions have left thousands of workers without protection, incurred a huge debt, and placed related industries and financial markets at great risk.

These corporate acquisitions, which rely on loans secured by the stockholders' assets, have increased dramatically since 1981. There were 99 LBO's in 1981 with a reported total value of $3 billion. In 1988 there were 318 LBO's with a reported total value of $43 billion.

I do not believe our Government can continue to condone these large and risky transactions without serious damage to our economy. Over the next few weeks, I will be bringing to the House's attention the many offensive and destructive aspects of this so-called restructuring. I believe we must take prompt action to halt the abuses associated with leveraged buyouts.

THE GROWING SOCIAL SECURITY TRUST FUND SURPLUS

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, it seems appropriate at this time to ask the question—what is the biggest game this year? Here is a hint: It is not the football contest being waged on Sunday in New Orleans. It is the childish game that is being played daily here in Washington. Day after day, we continue to allow the Bush administration to hide behind the growing surplus in the Social Security trust fund rather than facing the reality that in all other accounts the budget deficit in 1990 is not $141 billion but closer to $206 billion. It is clear that the administration intends to continue to allow Social Security revenues to mask the deficit and further use the Social Security payroll tax as an ongoing source of funding for the general budget. Those Social Security funds were not intended to be used for a purpose other than protecting the retirement income of upcoming generations of retirees.

We can put an end to this "great budget charade of the 1980's," and return to honest budgeting. We can move ahead with legislation, which I am introducing today, that rescinds the Social Security payroll tax increase that went into effect on January 1 and reduces the FICA tax to 5.1 percent in 1991. By returning the Social Security System to pay-as-you-go financing, we can remove the temptation to use those funds for other purposes. And we can put additional dollars in the pockets of American workers.

A reduction in the payroll tax is a dramatic and controversial step, but it sends a clear message to the President that the game is over and we all know the score. Unless we face the deficit honestly, American taxpayers—both now and in the future—will be the real losers.

INDIVIDUAL SOCIAL SECURITY RETIREMENT ACCOUNTS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the senior Senator from New York dropped a bomb on Congress when he announced his plan to eliminate surpluses in the Social Security trust fund by cutting the payroll tax rate. He's right that we have to make sure that Congress doesn't continue to use this money to cover its deficits or spend it on new programs. But he's dead wrong about cutting the tax rate. That would gut the trust fund and imperil the retirement benefits of today's workers.

What we need to do is to make the trust fund immune from political temptation and save the reserve for future retirees. The way to do this is to refund annually the portion of the reserve not needed for current benefits into individual Social Security retirement accounts for every American worker.

Workers would own these accounts, invest and reinvest them in safe investments and have them available upon retirement for a portion of their retirement benefits. Congress could not get its hands on the money, the retirement of future workers would be protected, and we would build a tremendous base of savings and investment under our economy that would lower interest rates, promote economic expansion and give every American worker a financial stake in the success of our economy.

We should take Social Security out of the reach of Congress. But we should also protect the reserve, not consume it. This proposal will accomplish both.

A TROUBLESOME DROP IN CORPORATE RESEARCH FUNDING

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, the New York Times carries an interesting story today about corporate research funding. It is down by nine-tenths of 1 percent, 1989 from 1988. That is the first time there has been a drop in corporate research since 1975.

There is an interesting comment from a vice president of Xerox, and I quote from that comment:

> We have moved from research and development as being a corporate asset to where it is what a corporate raider looks for first. They can make significant cuts and get cash flow. I haven't seen a takeover yet where they increased a research and development activities.

What is perhaps more troublesome here is that the trend here is very different than that in Japan. Since 1987, that is, the year for which we have the most recent figures, the rate of increase in Japan in research was three times that for the United States companies. There is some complexity in issue, but one thing is clear and simple—the drop in the rate of increase in corporate research is another warning flag to the United States that we had better wake up from our complacency.

TRIBUTE TO MARTIN J. JOHNSON

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, I rise to extol the exemplary public service of my constituent, Martin J. Johnson, and to congratulate him on his recent retirement.

Martin Johnson began his service with the Federal Government in January, 1935, and retired in January, 1990—55 years of civil service that is probably a record. In 1936, Mr. Johnson transferred from the Veterans' Administration to the new Social Security Board. He assumed the position of District Manager in Tuscaloosa in 1937 and became District Manager in Mobile in 1947, the job he remained in until his retirement. He was the senior District Manager for the Nation for many years and has the longest period

of service as a District Manager in one location in the Social Security administration's history.

Martin Johnson represents everything a civil servant should be—he is dedicated, knowledgeable, and compassionate. I have always boasted that Mobile has the best Social Security office in the Nation, and that is because of the sincere personal attention Martin Johnson gave to all those with whom he came in contact.

I would be remiss if I did not mention the many, many non-Federal activities Martin Johnson undertook that have enhanced the well-being of our community in Mobile. In recognition of his charitable work, he received Mobile's highest honor—Mobilian of the year—some years ago. Although he has retired from office, I am confident that Mobile will continue to benefit from his selfless service to others.

Mr. Speaker, I would just like to say, "Thank you, Martin Johnson, for your contributions to every function you have undertaken and for the standard you have set for those who follow."

A PRAYER FOR DEMOCRACY AND HUMAN RIGHTS IN EL SALVADOR

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, today we began the second session of the 101st Congress with a prayer. We prayed for our Nation and the American people.

Mr. Speaker, here in 1990 we continue to marvel at the movement toward democracy in eastern Europe, and we pray that the steady march towards freedom will continue. We must also extend this same prayer for democracy and human rights in El Salvador.

Recent events in El Salvador have continued the pattern of human rights violations by the Salvadorean military—the very organization which should be the defender of those rights.

Mr. Speaker, the people of El Salvador need to be freed from the tragic cycle of violence which grips that nation. One step toward doing just that is to end all United States military aid to El Salvador so that the process of national reconciliation and reconstruction may begin.

THE SOCIAL SECURITY PAYROLL TAX INCREASE OUT OF HAND

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, in 1939, when our Social Security was created, an employee's maximum annual payroll was $30. By 1969 that payroll tax was $374, and today the top payroll tax for Social Security is over $3,900 a year. The dramatic increase in the payroll tax was designed to protect baby boomers when they retired. This forced savings through a higher payroll tax was to create a trillion-dollar reserve to care for today's 40-something when they reached 60-something.

But it did not work. The Social Security surplus has been borrowed out of the trust fund as fast as it has arrived in Washington. Instead of a reserve, today's payroll tax payees find only an IOU in the trust fund.

Mr. Speaker, it is time to tell President Bush and his budget wizards that the party is over. It is time to say, stop collecting higher Social Security payroll taxes if the Government is not going to honor its promise to preserve this reserve for future retirees. I would say to the President, Mr. Bush, when it comes to the Social Security payroll tax, "If you can't protect it, don't collect it."

IT IS GOOD TO BE BACK

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, since the Congress adjourned, the Berlin Wall fell, we invaded Panama and arrested Noriega, Communist governments collapsed in Romania, Czechoslovakia, and East Germany, Corazon Aquino survived another coup, Senator MOYNIHAN dropped a Social Security grenade, and the Mayor of Washington was busted for drugs. Other than that, nothing happened. How could the world do this to us while we were out of session?

Mr. Speaker, the point is that we should not take ourselves too seriously as we start this new year in Congress. The world can get along well without us. Nonetheless, it is good to be back.

A CRITICAL REVIEW OF RECENT FOREIGN AID PROPOSALS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, one of the proposals that was made while we were away was by the Senator from Kansas about foreign aid. I read his remarks with great interest, and I must say that both on the substance and as well on the tone, they were wrong-headed.

On the substance, what Senator DOLE suggested is that we cut foreign aid from five countries by 5 percent and send the money to Eastern Europe. The trouble is that those five countries need the aid more than ever. There is no glasnost with Iran and Syria and Libya, the Philippines still have the great problems that they had, and to rob Peter to pay Paul, to take the limited resources in the foreign aid budget and simply rearrange the deck chairs makes no sense.

Israel is still the only democracy in the Middle East. It is America's most reliable ally, and it is a pro-Western bastion in a sea of countries that vote against America in the U.N.

Now, meanwhile the GAO estimates that we spend $170 billion defending Europe from the greatly weakened Warsaw Pact. If Senator DOLE were truly serious and wanted to get aid to Eastern Europe, something I support, why not take it out of some of the money we use to defend Western Europe? On the one hand, we are spending all this money to defend Western Europe from the onslaught from the East and on the other hand we want money to help the East. It does not make sense.

Finally, as to the tone of Senator DOLE's article, I cannot help but take offense at it, even though I do not think the Senator intended it. When he criticizes Israel's supporters for not being more concerned with America, this smacks of accusations of un-American loyalties in the days when Catholics were accused of taking orders from the Pope and Jews were accused of being loyal only to Israel. I do not believe Senator DOLE intended to use the same code words that many of a more base motive used freely, but his speech would give succor to their attempts, and I would hope he would rethink his proposal and clarify his comments.

□ 1350

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. BRUCE). The Chair would admonish Members that reference to Senators by name or to their opinions is contrary to House rules.

LOOKING FORWARD TO FUTURE DECADES OF SECURITY

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, I rise today to join my colleagues in welcoming everyone back to this session. It truly was a remarkable end to 1989 with all the changes in Eastern Europe and the spread of democracy throughout the world.

Mr. Speaker, during the break I had the opportunity to tour Panama after the United States intervention there, and, Mr. Speaker, we heard often about the American heroes in that action, but many of the people, the men and women who served so valiant-

ly and professionally, have not been mentioned, and I wanted to take just a moment as we start to reflect this year in this session about the potential changes in the budget of the military, that we not overlook the factors that made that mission such a success.

Mr. Speaker, one of those factors, of course, was the readiness and training that was provided for our men and women in uniform. They were as highly trained as any troops have ever been in the American forces and in combat.

Second, some of those unsung heroes are men and women who flew over 115 missions to provide airlift, not only for the paratroopers, but the resupply effort, in Panama.

Mr. Speaker, as we reflect on the potential changes in the budget, let us be mindful of the need to protect the readiness, the sustainability, the training of our forces and, most importantly, to continue to modernize our airlift capability as we look forward to the future decades and potential threat to U.S. security.

Mr. Speaker, we applaud the efforts of the military in Panama and are glad that the errors of Grenada were not repeated.

LEGISLATION TO CURB BANK MONEY LAUNDERING INTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today I am introducing the Depository Institution Money Laundering Amendments of 1990. This legislation is designed to give banks a powerful incentive not to take part in money laundering. That incentive is a simple one. Under the legislation, any bank convicted of money laundering will lose its charter. In simple English, any financial institution convicted of money laundering will suffer the death penalty.

Our Nation faces a huge drug problem. Every day, lives of Americans, whether they are rich or poor, famous or anonymous, are ruined because of illegal drugs. Drug dealers don't use checks or credit cards, they accept only cash. Ultimately, that cash works its way back into the banking system. This legislation is designed so that any bank which joins up with drug dealers in a criminal enterprise to launder money, will lose its charter.

We put the street pusher in jail, and we put the drug kingpin in the penitentiary, but no one has devised a way to do that to a bank. Fines and forfeitures are totally inadequate. All too often, it is merely a cost of doing business.

The way to take a criminal financial institution out of circulation is to revoke its charter. Without its charter, it cannot operate. For too long, corporate crooks have escaped the penalties imposed on common criminals. Revoking the charter of a bank convicted of criminal money laundering makes the institution pay the ultimate price for its part in the destructive drug trade.

This legislation requires the appropriate Federal regulatory agency to revoke the charter of any federally chartered financial institution.

For national banks, the chartering agency is the Comptroller of the Currency. For federally chartered savings and loans, it is the Office of Thrift Supervision and for federally chartered credit unions, it is the National Credit Union Administration.

For State chartered banks, savings and loans, and credit unions, the State chartering agency would be required to revoke the charter or the institution would lose its Federal deposit insurance.

Some may think that this is a harsh measure. After all, money laundering is not a violent crime. No guns are used. No one is assaulted. But the money that is being laundered is the fruit of human tragedy. That money was paid to the drug dealers by persons enslaved to substances that will eventually kill them. Furthermore, the drug dealers themselves do not hesitate to use violence. In the Nation's Capital, 80 percent of the murders are estimated to be drug related. The dealers kill to protect their profitable business, and they hire people to kill for them. At the root of the slaughter is the money.

Banks that willfully take part in laundering this money stained with blood and human tragedy have forfeited their right to remain in business. Banks operate under license from the States or the Federal Government. A bank is granted a charter only after it has shown that it is worthy of receiving the right to accept deposits from the public.

An institution violates that trust when it participates in money laundering. A conviction for money laundering is a violation of an institution's duty to its chartering authority and a violation of the public's trust. The participation of a financial institution in drug trafficking through money laundering is conclusive proof that the institution has so seriously abused its charter that it should not have one.

The provisions of this legislation will only apply when the institution itself is convicted of money laundering. It does not apply should employees of the institution be convicted. This assures that the provisions only apply to corrupt institutions. Institutions which have adequate compliance programs to detect and deter money laundering in the institution will have nothing to fear from this provision. Only those financial institutions which set out to willfully violate the prohibitions on money laundering need to be concerned. And those are the kind of institutions that our financial system do not need.

I urge all Members to join with me in cosponsoring this legislation.

NEW LEGISLATION REGARDING HUD AND EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. YATES] is recognized for 30 minutes.

Mr. YATES. Mr. Speaker, today I filed three bills. The first relates to a fight with HUD over the financing of a building in Chicago, in my district, at 850 Eastwood Avenue, and my bill would attempt to keep the financing alive by extending 1989 low-income tax credits through 1990.

The second bill, Mr. Speaker, would extend protection of prepaid mortgage buildings by seeking to make more permanent the position they now hold.

The third bill would repeal the 1990 appropriations entirely for El Salvador.

I want to address now, Mr. Speaker, the bill relating to 850 Eastwood Avenue in Chicago, IL.

Mr. Speaker, Catch-22 is Joseph Heller's humorous, sadly ironic story of the impossibility of dealing with the U.S. Air Force regulations during World War II. He could just as easily have written the same story about the trials of doing business with the Department of Housing and Urban Development today. Trying to do business with HUD is a catch-22. HUD has become a fortress, Fortress HUD. It is no longer open and accessible to the public or even to its own branches outside the central office. It has converted itself into a bastion like an ancient castle; it is remote and isolated. Its divisions are like battlements or parapets designed to keep everybody out and to maintain its interiors secure from encroachment.

Mr. Speaker, HUD's outer protective walls are an ever-thickening construction of regulations, and some of these are catch-22's. My constituents at 850 Eastwood Avenue in Chicago are caught in one of these.

Mr. Speaker, we all know and we all like Secretary Jack Kemp. We worked with him in the House where he was personable, articulate, able, and where he voted right occasionally. He is no longer accessible as he was then. He has been buffeted about so much by the revelations of HUD under Secretary Pierce and what he found out that he has withdrawn into Fortress HUD. Now he emerges occasionally to say how bad conditions are in HUD.

Last year Secretary Kemp was ecstatic about President Bush's new housing program. Project Hope he called it. That is the administration's plan to house America's people.

Mr. Speaker, for those of us who live in America's big cities with areas that are suffering decay and rot which need rehabilitation, Project Hope has offered no hope at all. It consists of nothing but words. There is no action to back it up. The Bush administration's words and promises mean nothing. Everything is locked up in Fortress HUD. For the big cities, Mr. Speaker, Project Hope should be called Project No Hope.

□ 1400

For those who try to deal with HUD, one can only remember the classic line from Dante's Inferno, "Abandon all hope ye who enter here."

850 Eastwood Avenue, Chicago, Mr. Speaker, is in my district; 230 families live there, families who live at risk there now because HUD, Washington, turned down their plan to refinace the mortgage on the building.

Last October the tenants' developer obtained low-income housing credits from the city of Chicago which enabled it to draft a refinancing proposal. It received the approval of HUD, Chicago, which sent the plan to Washington. October passed, November passed, December passed, until the last few days of that month were upon us.

I made appointments for the developer to go to Washington. He met with their officials. Delay ran into delay. Papers were demanded. Papers were furnished. Secretary Kemp's Assistant Secretary, Tim Coyle, and I were in conversation, and I believed him when he said he thought it would be approved.

Mr. Speaker, December 31 came, the last day, and we waited for HUD, Washington's, decision. It was a denial, a rejection of the plan. Why? HUD said it had not had enough time to review the application.

Mr. Speaker, months and months, and yet it said it could not complete the job. With the expiration of the 1989 tax credits on December 31, hope became despair for the 230 families who live in the building, because the tax credits upon which the refinancing plan was based were destroyed.

Mr. Speaker, taking HUD at its word that there was not enough time, that there still is a chance for approval, I filed a bill today to extend the 1989 tax credits that were made possible for 850 Eastwood Avenue, Chicago, into 1990. My bill would extend those tax credits for another year, which would certainly give HUD enough time to revise and plan even at HUD's snail's pace.

I filed that bill today, Mr. Speaker, and I told the developer for my constituents at 850 Eastwood Avenue to continue negotiating with HUD, and it was then that I learned that my constituents were in a catch-22. I called the developer yesterday to ask whether he had started the process again at HUD. I was told, Mr. Speaker, that he had taken the initiative only to have the door slammed in his face right at the start.

Mr. Speaker, he was told by HUD, Chicago, that HUD, Washington, had issued a directive for its branches not to do anything until they had received new criteria from HUD, Washington. Thus, the local offices cannot proceed to process applications. Everything is held up while they wait for the new criteria.

Mr. Speaker, I also learned from HUD, Chicago, through my developer that such proposals as he has made for 850 Eastwood Avenue must be reviewed by the Office of Preservation at HUD Central in Washington. The difficulty with that course is that, in effect, there is no Office of Preservation. There is no staff in existence for the Office of Preservation. Talk about catch-22. Joseph Heller, where are you?

Fortress HUD has doomed Project Hope. I cannot believe that Secretary Jack Kemp knows what is going on in HUD. When one reads the interviews hes has given in the press, one finds that he is only finding out what is going on in HUD.

In a recent statement he talked about the pervasiveness of poison in HUD. I would tell the Secretary to take a look at Mr. Loeb's office. That is the inner sanctum of HUD, and he will find plenty of posion there. That is where our plan for 850 Eastwood was killed. That is where the catch-22's are developed. I would ask Secretary Kemp to take a look at 850 Eastwood in Chicago. Two of Mr. Loeb's assistants were supposed to investigate it last week. When they heard that the tenants were coming out and the press would be there to question them, they canceled their trip, and they dashed back to Fortress HUD. I would ask Secretary Kemp to take a look at it. The 230 families, as I said before, are at risk there now because of HUD's unsympathetic, unrealistic action.

Project Hope? There is no hope there now, Secretary Kemp. There is despair. Let us hear from Secretary Kemp. Let us see what is going on.

EL SALVADOR

Mr. Speaker, with respect to the second bill that I filed relating to El Salvador, we know what is going on in El Salvador. We know that the funds are being misused. We know that the military is in control rather than the civilian government. We know that efforts are being made presumably for taking to trial people who have been named as the killers of the priests.

If the past is to be any precedent, if we are to judge the history of El Salvador by what has occurred with respect to the killing of the church women 6 years ago, it took 6 years for El Salvador to do anything.

There were no officers who were indicted or who were convicted. Six soldiers were indicted and sent to prison for a brief period. No officers at all.

We are afraid that is what is going to happen here. I think that until we can be assured that there will be justice in El Salvador, Mr. Speaker, the Congress ought to hold up those funds, and that is why I have offered my bill.

This bill will rescind all fiscal year 1990 military and economic assistance to El Salvador. I am doing this because the United States is a moral and decent country, and we are being disgraced by a murdering, corrupt military in El Salvador that cannot be controlled or influenced in any effective way either by the Governments of El Salvador or the United States.

The murder of the Jesuits, their cook and her young daughter is the latest chapter in a series of sickening military atrocities in that country. We are all familiar with the murders of the four American churchwomen, the two American labor leaders and the killings of thousands of innocent men, women, and children by the military death squads and by cowardly army attacks on El Salvador's poorest villages. The military, that is American trained and which we advise on a daily basis, has done these things, and our citizens and taxpayers are paying to support and maintain them.

The current rate of expenditures is running at $1 million per day in El Salvador. Over the past decade over $3 billion in United States assistance has gone to that tiny county. The policies and gross cruelties that these funds support in El Salvador are not worthy of our country.

Our support for that war must end. That is what my bill will do. When the very rich and influential element in San Salvador discovers that it must pay for the war with its own resources, we will see real negotiations and solid peace talks and prompt end to the violence in El Salvador. I hope for an early hearing by the House Committee on Appropriations.

PROJECT HOPE WITH RESPECT TO PREPAID MORTGAGES

Mr. Speaker, the third bill relates to trying to bring hope, Project Hope again, I would say to Secretary Jack Kemp, Project Hope again, with respect to the prepaid-mortgage situation.

We have learned that in cases where mortgages have been prepaid in HUD-controlled buildings, rents have doubled, in some cases have tripled, tenants have been required to move out in the face of these enormous increases.

We are trying to prevent that by this bill. There has been some relief until next September. A moratorium is in existence until that time, but we want to make it much more permanent.

The need for decent, affordable housing is a serious and growing problem in almost every part of this country. I think nearly everyone would agree that the need for housing stands as one of our most difficult and complex domestic problems.

We all know there is no single or easy answer. But there are ways to deal with the Nation's housing prob-

lems and I have introduced a bill, the Low-Income Housing Preservation Act, which I am convinced is a part of the answer.

The key word in the bill is preservation. Authority is provided in the bill to enable existing, assisted housing stock to continue operating as subsidized housing for thousands of low- and moderate-income families and individuals. In short, the bill is intended to preserve existing neighborhood housing that was created by wise Federal incentives.

As you know, in the 1960's we enacted a housing program that encouraged private investors to build low- and moderate-income housing. The private sector response to that law and the investment opportunity it created was a housing success. One of the provisions of that law, however, stated that after 20 years, owners could prepay their mortgages and relieve themselves of the need to maintain units of assisted housing. In certain parts of the country, and Chicago is one, the rapid increases in real estate prices have made many of these properties quite valuable and owners have begun to exercise their 20 years prepayment option. This has had a terribly distressing effect on the low- and moderate-income people in many neighborhoods across the country who live in these apartments. We have recognized the problem and passed legislation to delay the mortgage prepayment process. But that has been only a temporary solution.

My bill adds a new section to the housing law which will enable public and nonprofit organizations to purchase the existing subsidized buildings and then operate them as assisted housing for very low-, lower- and moderate-income families and individuals. A new HUD grant program is authorized which will provide the funds to enable the various agencies to purchase the buildings.

A second part of the bill provides complete relief from capital gains taxation on the sale of these properties by the current owenrs when they are sold to the public and nonprofit hosing agenices. This provison, of course, is the incentive for the current owners to sell.

There are tax costs here as well as with the cost of the HUD grant progam. But the advantages are real and compelling. Existing neighborhoods of low- and moderate-income people are preserved. Thousands of lives are saved from dislocation and a basic, successful element in our housing program is preserved. To me, it is a sound and practical way to deal with a part of our housing problem and I hope you will join me.

NEW SOLUTIONS FOR THE 1990'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk today about new solutions for the 1990's, and in a sense, I guess my symbol for this discussion is the best-selling toy of Christmas, which was the Teenage Mutant Ninja Turtle.

Mr. Speaker, I want to make a point or two to my colleagues. We are entering a new decade, the decade which I believe is the springboard to the 21st century.

I spent the 2-month break back home in Georgia thinking through the dramatic changes in the world around us. It was impossible to avoid the changes in the world outside the United States, Romania, East Germany, Bulgaria, Poland, Czechoslovakia, Hungary, Lithuania, Estonia, Latvia, the whole process of glasnost and perestroika that Gorbachev has unleashed in the East in response to Thatcher and Reagan and the rise of a confident, assertive West in the 1980's, but in addition, of course, the liberation of Panama from an extraordinarily deranged dictator, the defeat of the drug lords in what was for awhile a virtual civil war in Colombia, a tremendous process of change and turmoil in the outside world.

I was reminded that here at home changes are going on that are equally dramatic, but they are not highlighted as much because in the American tradition, we change a little bit every day instead of having 25 years of stability with a dictator like Ceausescu suddenly collapse in bloodshed or having a wall such as the Berlin Wall, which stands for 28 years and then suddenly crumbles virtually overnight. In America there is a constant, ongoing process of change. I was very struck with the scale of change. First when my 4½-year-old niece Lauren showed me one of her videotapes of teenage mutant ninja turtles and began to talk about Michaelangelo and Raphael and the process of what she watched on television. Then my 8-year-old nephew Mark got one of the plastic teenage mutant ninja turtles Christmas Day. His father was telling me this was the most popular single toy of 1989.

□ 1410

Now, it struck me that there is a lesson here for politicians, that we have certain assumptions about America and the American people that need to be challenged.

The first lesson I think for those of my generation is that the world has really changed. That the world we grew up in, the world of Howdy-Doody or the world of the Mickey Mouse Club has been replaced by a very different, a more complicated world. Not necessarily more sophisticated, not necessarily any wiser, but very different.

That for those of us today active in politics, and this certainly is true of a whole generation who are rising to authority in the House, we were shaped by the fights of the late 1960's and early 1970's, by Vietnam, by Watergate, by a struggle in the 1970's with inflation and tremendous economic problems, with weakness militarily and the Ayatollah and the Iranian debacle. In that sense we represent a politics of 10 or 15 years ago.

But that world is also gone. When you realize, for example, that the youngest voter in 1992 when we vote for President next will have been 6 years old when Jimmy Carter left office, you begin to understand how much the world is changing, how much the assumptions that those of us who are active in politics may not match up with the assumptions of the American people.

The second lesson I think of this year's most popular Christmas toy is that people are a lot smarter than we tend to give them credit for. I cannot think of a single political analyst or think of a single advertising agent who would suggest that you have a campaign slogan anywhere near as complicated as the teenage mutant ninja turtle. They would say it is too difficult, it is hard to say. People will not understand it. Yet the fact is that 4-, 5-, 6-, and 7-year-olds understood it, and understood it in fact well enough to be able to ask their parent to go buy it and be able to ask consistently enough that they made it the single most popular toy of 1989 at Christmas.

I would argue that what we should learn from this is that the American people are quite intelligent enough to learn what they think they need to learn. They can learn fancy topics, they can learn complicated topics, they can learn big words, but they have to believe that it really matters to them.

In fact, I would say that former Speaker O'Neill's famous adage that all politics is local is only partially true. In fact, all politics is personal. That people are inclined to be very active and very involved if they think it will change their life and if they are involved in something they care about.

That is why people who will not stand in line to vote will go and stand in line at a toy store to buy precisely the toy their child tells them matters. That is why people who will never spend 3 or 4 or 5 hours running around trying to save their Government will spend 3 or 4 or 5 hours running around looking for a plastic toy that looks like a turtle carrying a ninja stick.

Let me suggest that the American people, when 50 percent of them did not vote in 1988, were sending us in

politics a signal. The signal I think is those of us in leadership have an obligation to be candid, to lower our assumptions about how the world works, and to reexamine what we think is politics.

I was just stuck by my good friend, the gentleman from Illinois [Mr. YATES], who talked about the catch-22's of trying to deal with Housing and Urban Development and its bureaucracy, because he pointed his finger I think to an example of why Americans do not vote, an example of why we have had such a hard time getting people to take politics seriously.

We have now built what I would call a system, a bureaucratic welfare system, so cumbersome, so filled with red tape, so tied up in its own processes, that any rational person looking at that would say it is not worth the effort, it is not worth the time to go and get involved.

That leads me to suggest that that is part of the message that the 50 percent of the American people who did not vote in 1988 were trying to send. They were suggesting to us as customers who could have shown up and decided not to, that we are offering a product line that is obsolete, that we are talking about problems that are not in their lives, and that we are talking about a world which they defined as government in a pejorative way and politics in a negative way in which they have said they cannot influence and cannot have an impact upon.

I think the answer is not for those of us in public life to now decide the American people are dumb or lazy or that the American people do not care. The answer is for us to have the moral courage to reexamine our assumptions, to look candidly and openly at how much change is going on around us, and maybe, frankly, to apply glasnost and perestroika to the United States. To recognize that the antibureaucratic, anticentral government way of emotion and energy that is shaking up Hungary and Czechoslovakia and Poland and the Soviet empire, maybe if we look at New York City's bureaucracy, a $25 billion annual budget for the city of New York, maybe if you look at the process of bureaucracy and welfare in Detroit or Philadelphia, or for that matter Washington, DC, or maybe if you go down to the great Federal bureaucracy, you come to the conclusion we have to have some new approaches and we need to approach it with at least the same level of courage that we applauded in this House when we had Lech Walesa here from Poland and he spoke to us so eloquently.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank my friend for yielding. I think he has hit an important point in an important message for this House as we start to go into the next session. The message is simply that freedom works. People around the world are escaping countries, climbing walls to get away from countries which have social agendas in which government bureaucrats literally have a program for everyone from cradle to grave.

I think this is an important message for this Congress to keep in mind as we develop our agenda. We do not want to move toward the same socialization, that cradle-to-grave social program structure, that people around the world are literally crawling over fences to get away from.

This is a very important message for the Members of this House. I hope as we move out we are going to look once again at the values and the goals and the ideals that really matter to people.

I think the gentleman hit the nail on the head. People care about politics when politics have personal meaning to them. The one compelling force that has had a personal meaning to more people in the world over the last 10 years have been freedom. The manifestations of that desire for freedom are spilling out over the walls in Berlin. They are spilling out of the massive demonstrations of 1 million plus people in Eastern European capitals.

Let us not as the U.S. Congress move down the road toward a social agenda that says the way to make the American people happy is to give them more government and more bureaucrats.

I thank the gentleman for yielding.

Mr. GINGRICH. Mr. Speaker, I think in a sense the choice of children at Christmas has made the point. I cannot imagine any bureaucrat that would have come up with the same kind of choice that happened to make kids happy this year.

Part of what we are really debating in America today is whether or not the average American deserves the right, should be empowered to pursue happiness in their own unique way, or whether they should be in effect assigned a bureaucracy to help them pursue happiness.

I am often surprised nowadays with some of my more liberal friends who say you cannot really be with Jack Kemp in favor of tenant ownership of public housing, because poor people cannot manage their own public housing.

My answer is that is exactly wrong. Of course poor people if given a chance to be empowered to do it, they can start with tenant management and can work their way up to tenant ownership. The history of America was a history of empowering poor people to become wealthy, the history of giving opportunity to people to become educated, and the history of giving people a chance to go out and pursue their own particular version of happiness on their own terms.

Mr. Speaker, I do want to read one thing into the RECORD. It was striking to me how much change we are living through. This is an editorial in yesterday's Wall Street Journal, entitled "Past, Present, Future."

If we were constructing a brief allegory of the Democratic Party, Michael Dukakis would be the Past, Mario Cuomo the Present, and Douglas Wilder the Future. The Governors of Massachusetts, New York and Virginia all delivered summaries recently of their politics and programs. Read together, their remarks take you on a tour of what in various incarnations the Democratic Party has stood for in our recent political history.

Mr. Dukakis in his State of the State address apologized to Massachusetts for running a losing campaign for the presidency while letting the state's fiscal health fall apart. The Governor described his career—its fall, rise and final fall—as nearly a Greek tragedy, and in the speech's denouement spoke words relevant to the entire party: "Our ability to preserve the gains we've made in the '80s will require a commitment to the fundamental reform and restructuring of our most expensive obligations." He is not running for reelection.

We doubt that the lessons of the Massachusetts tragedy are very popular among the party's most active members. Their present mood was better captured by Mario Cuomo's speech to the people of New York, an almost mindboggling description of constituencies, causes and campaigns that are, or will be, receiving money from the state.

□ 1420

After delivering a seemingly comprehensive catalog of modern liberalism commitments, schools, college tuition, teachers, drug treatment, mental illness, housing, the homeless, AIDS, acid rain, an environmental bond issue, land acquisition, nearly $50 billions' worth of bricks and mortar, transportation, children's health insurance, day care, in-home services for the elderly, veterans nursing homes, possibly a new bridge linking Buffalo and Canada, Governor Cuomo says, "There is more we must do for our future, more than I can detail this afternoon." Days later he announced a delay in the scheduled cut in the State's income tax.

Now comes Douglas Wilder. Mr. Wilder delivered his State of the Commonwealth speech that was widely described the next day as conservative; much was made of Mr. Wilder's conservative speech because it is seen as a politicial oxymoron. Mr. Wilder is not only a Democrat, he is a black, the first black elected to the governorship in U.S. history.

As has been recorded throughout history, Mr. Wilder said, "Freedom is nowhere to be found when people are overtaxed and overregulated." It is fine with us if conventional wisdom wishes to regard this as actions of conservatism and the antithesis of liberalism. We suspect that Douglas Wilder

merely regards it as the rational conclusion of any American politician still able to respond to a reality check.

Now, it may well be that it is easier for Douglas Wilder to resist tax increases and to support the death penalty in Virginia than it would be were he Governor of New York or Massachusetts. Still, the political differences are striking. We will leave it to the academic political scientists to decide whether Massachusetts and New York are in fiscal peril because their Governors merely responded to the desires of liberal electorates or because liberal Democrats tend to spend well beyond the electorate's desire.

The simple fact is that in New York one of the Democratic Party's most often-mentioned prospects for the U.S. Presidency is still saying "more" while the party's highest elective black politican is announcing an agenda that is being described as "conservative."

Now, the point of my reading this into the record is simple. I think there is a bipartisan evolution beginning among some politicians who recognize that more Government, more bureaucracy, more welfare State is a failure, that more taxes in fact would crush the economy and guarantee a severe recession and increase the deficit. I think to a surprising degree Michael Dukakis, when he said, "We'll require a commitment to the fundamental reform and restructuring of our most expensive obligations," was putting his finger on what the 1990's will be all about.

The 1990's will be about applying common sense to the process of solving our problems, going back out from the ground up and looking at what would common sense, what William James called "pragmatism" lead us to do? William James said it was the first basic American contribution to philosophy.

This idea, which originated in the frontier, is that what you ought to do is look at the facts and then do what common sense tells you to do. It evolved for a very practical reason: If you came from Europe with a lot of book learning and you ended up in western Pennsylvania or western Massachusetts in the 1690's, you starved to death, you froze to death or you were killed by Indians, because you had to adapt to a new country, to new conditions, to a new reality.

So Americans learned to value very highly the practical, everyday common sense, and I think part of what Douglas Wilder is suggesting, part of what Governor Dukakis, in his valedictory address, is suggesting is that we must rethink from the ground up, we must apply our own glasnost and perestroika to reexamining Government. In a sense I think what Congressman YATES was saying earlier in his discourse on HUD and the problems with the HUD bureaucracy in Chicago is that if only we could apply common sense once again to Government, which means rethinking the bureaucracy.

I would be glad to yield to my friend from California.

Mr. HUNTER. I thank the gentleman for yielding. I think the gentleman has made a number of very excellent points. You know, he has told us about a number of leaders, some of them Democrat leaders, national Democrat leaders who have come to their senses in that they are now telling their colleagues in their own party and Americans what their priorities are not and where some of their priorities have in the past been misplaced. For example, taxes, some of the social programs.

I think it is interesting at the same time the American people, who my good friend has said have really excellent common sense, have stated what some of America's priorities should be.

I thought it was interesting that a few weeks ago, with all this talk of the peace dividend and how we were going to reciprocate to this 1½ percent real cut in defense that Mr. Gorbachev has made, the latest national poll that I saw that asked the American people if they should cut defense spending, was answered by a majority, in excess of 60 percent, saying that, "No, we should not cut defense spending." I think that is a real wisdom that the American people have shown even while they have been cajoled by some of the opinion leaders to not even consider whether or not there should be a peace dividend, but whether or not they should spend it. The American people have come back and said, "We don't want to cut defense."

I think one of the Vatican representatives hit the nail on the head as to why the American people do not want to cut defense when he was asked, "Why are we having glasnost and perestroika and why are the Russians at the bargaining table as they have never been before?" This representative of the Vatican, who had been critical of Ronald Reagan and a number of his defense programs in the past, surprised everyone by saying that it was Ronald Reagan being strong and showing the Soviet Union that the military option was not a viable one that produced the spark of change that now is exploding in the Soviet Union itself and throughout the captive nations.

So I think that the American people do have a good sense of priorities, and if we make this next decade a decade of freedom and a decade of individual responsibility. You know, I think one thing every Member saw a lot of, no matter where we were in this world during the break, is a lot of airports. Members of Congress were literally all over the United States and indeed all over the world.

I had an opportunity, like my colleagues, to sit and listen to families and family members as they would sit in airports assessing where they were going and what they were doing and their family problems and how they were going to solve them.

It was an interesting lesson for somebody who comes from Washington to just sit there unobserved and listen to Americans talk about how, perhaps, Aunt Alice is not doing well right now and who is going to help her out and how she does need some help, and now can "she stay with you folks for a while, and she can come over and live at our house?" And people basically working out within the family unit their problems, which legislators and bureaucrats in Washington would immediately label as being social problems which should be handled by Government bureaucrats, by the State.

And yet these individuals who really cared about their family members were making a great deal of headway in solving those problems. It occurred to me that that is one reason why these millions and millions of people are spilling over the Berlin Wall and spilling out of those socialist systems which have literally social programs for every single individual who was born and some individuals who are not born, pursuant to forced abortions, literally from conception to grave. Yet people around the world have run from this social agenda which is complete.

If we go to the Soviet Union, you do not have to ask them about their State-run childcare program because it has been in place for a long time. You do not have to ask them about socialized medicine, because it has been in place for a long time. Yet the people are dying to get away from those systems.

So I hope that this decade is a decade in which the American people tell the representatives in this body what their priorities are not and also what their priorities should be.

I think that the American people want Government to win the drug war and to do the meaningful things that only Government can do to win the drug war, and yet we are not doing them.

I made a survey of how many American agents are on the border in the entire State of California at any given time as the first line of defense against the massive cocaine traffic that is moving up from Central America through northern Mexico and into California; how many agents are on the line at any given time during the day or night on that 150-mile border between San Diego, CA, and Yuma, AZ? The answer is less than 50 on their best day. That is one agent for every 3 miles. That means we have more agents by far protecting Con-

gressmen on Capitol Hill—talk about priorities—than guarding the entire land border between the United States and Mexico against the massive cocaine traffic that is moving northwards.

Now that is an example of the Federal Government moving off its agenda and doing a lot of things in the last year that it should not have been doing but neglecting one of its very, very important duties. I feel that the interdiction of narcotics is every bit as important as our national security activities around the world.

□ 1430

We have neglected that duty. That is one thing we should be doing. In every poll the American people have answered, they show they expect Government to do that.

The average convicted murderer, and this is an issue that my friend, the gentleman from Georgia [Mr. GINGRICH] is a leader on, the average convicted murderer in the United States, after being placed behind bars, does roughly as much time behind bars as the time that is spent in college by a young person, maybe 4 to 6 years, before he is taken by the State out of that institution and placed back in our neighborhoods, to interact with our children and our families.

We are literally not extracting the criminal element from our society as fast as a State justice system is moving this criminal element back into society.

Now, that is something the Government should handle. That is something the Government should be responsible for, and that is something we have neglected.

Mr. GINGRICH. Mr. Speaker, I appreciate the remarks of the gentleman from California [Mr. HUNTER].

The gentleman's last comment is an example of what the new approaches have to play.

Senator GRAMM of Texas and I are working on a bill to introduce next week, and we encourage any colleagues who would like to cosponsor this bill to get in touch with either Member. This is a bill to declare a national crime in drug emergency, a bill to say that we ought to be able to use temporary methods of housing violent criminals and drug dealers. There is no reason to say if a person does not have an air-conditioned cell with a color television, needing the number of square feet that an upper middle class judge says is appropriate for their teenage kids, that we cannot keep a murderer or rapist locked up. It also provides for requiring prisoners to work, and for deducting the cost of their prison stay from the salary they earn for working. It provides for a number of changes that basically sets the following premise: The Government owes citizens two primary things before anything else. It owes citizens national security so that no foreigner will invade your neighborhood; and it owes citizens personal security so that no other person will invade your private property, your life, and your personal survival.

I just want to say that I think that Senator GRAMM and I are working on our bill, and we believe it is possible to development new approaches that are effective.

Let me briefly quote from one other source, because I think it is important to recognize that although the gentleman from California [Mr. HUNTER] and I are Republicans, as I said earlier in quoting from Governor Wilder, and Governor Dukakis' closing thoughts on his tenure as Governor, I was impressed with a recent speaker, Alvin From, Director, Democratic Leadership Council, and his remarks to the National Economists Club on January 11, 1990. I recommend this speech to every citizen, Democrat or Republican, who is interested in being involved directly in the process of change, and of thinking things through.

I want to quote a couple of key paragraphs from Alvin From's speech, because I think they are so profound.

The 1990's will be a decade of change and transition from America and the world. As the old industrial order yields to a new one, so too does the political order that it shaped and sustained, a fabric of social and economic relationships woven largely in the 1930's.

From went on to say,

America faces a historic opportunity: to become preeminent in the new economic order of information and knowledge just as we dominated the previous industrial era.

Few nations have successfully undergone such a transformation. History is replete with examples of powerful states that refused to bend to the winds of change . . . that developed a deep bias against the uncertainties and disruptions of economic and social change.

And so they clung rigidly to the old ways—hoping to make time stand still—and, inevitably, were in time eclipsed by new and more dynamic societies.

Our nation stands at such a crossroads: we can either master economic change or be undone by it. So far, our response has been ambiguous.

My own view is that to block or retard economic change is ultimately to condemn our people to diminishing opportunities and our society to certain decline.

At the same time, we have an obligation to help our people adjust swiftly and smoothly to the wrenching effects of inevitable change. We can't simply let them founder helplessly in capitalism's gale of creative destruction.

Instead, we need to enlist all Americans in a new partnership for national prosperity.

We need to forge a new social compact . . . to make our capitalist system both more democratic and productive.

And we need to make the American economy once again a marvelous engine of growth and opportunity.

I point out that while after the longest period of economic growth in peacetime in American history, one could quibble with the use of the phrase "Make the American economy once again a marvelous engine of growth and opportunity," but the central thrust of what Mr. From is saying is exactly right. Though we are in a position where we, together, Democrat and Republican, liberal and conservative, have an opportunity to look at some new approaches, have to develop some new answers, that we owe it to the country to make the 1990's the decade where we helped America change so Americans will succeed in the 21st century.

I want to say in closing, a number of Members are working to develop an opportunity for just that kind of new thinking. We will have on May 19 an American Opportunities Workshop by television across the whole country available to anyone who wants to tune in by using satellite dish receiver, going to a hotel or motel with a downlink, by using a school or church or other facility, or by convincing your local cable company to carry this workshop. The workshop will be a 90-minute workshop on television, followed by local breakout sessions of any person who wants to get involved. It will involve a workbook for the leader and workbooks for activists. It will be nonpartisan, inviting Democrats to participate.

The title will be "Developing 21st Century Citizenship by Focusing on New Solutions for the 1990's." It will have a lot of emphasis on the idea that if we ally common sense and focus on positive opportunities, we can develop in the inner city, in the suburbs, and small towns, and in rural America, better and more effective ways of solving our problems. I will talk more about the whole nature of the American Opportunities Workshop. Bo Callaway, former member of the House, is working at GoPAC at (202)-484-2282. He is going to be in charge of putting the whole thing together, and any Member who is listening on C-SPAN, or any person who reads this later in the CONGRESSIONAL RECORD who wants to see if they would like to be involved, there is no cost directly involved. If they would like to find out more about it and possibly in their neighborhood or local organizations participate in the workshop on Saturday morning, May 19, the number is (202)-484-2282.

Our purpose is to begin a dialog for the 1990's in which we really develop a new set of issues, new set of solutions, in which we recognize, in a country which is capable of learning the phrase "Mutant Ninja Turtles" and capable of talking about a wide range of topics, and do not have to reduce the topics to 30-second politics, and symbols that are narrow and simplistic. I hope Democrats, Republicans, liberals, and conservatives, find a wide

range of interest in looking for and developing new approaches in the 1990's.

OVERRIDE PRESIDENTIAL VETO ON CHINA

The SPEAKER pro tempore (Mr. BRUCE). Under a previous order of the House, the gentlewoman from California. [Ms. PELOSI] is recognized for 60 minutes.

Ms. PELOSI. Mr. Speaker, I brought this poster entitled "One Man in China." It says, "One man standing against madness kindles anew the sparks of freedom and elevates the spirit of man. How can we not stand with him?"

This is, of course, the photograph of the lone figure in Tiananmen Square in Beijing standing in front of the tanks that later would crush the student demonstrators in the Square and its environs.

Tomorrow, Members of Congress will have the opportunity to stand by this one man, this lone figure before the tanks, when the opportunity comes for Members in the form of the question of whether or not there is a need to override the President's veto of H.R. 2712, the bill to protect the Chinese students in America.

The answer, I believe, is an emphatic yes. We need to override the veto. The need exists for two reasons. First, we need to override the veto because of the continuing repression in China. Second, we need to override the veto because we can give statutory legal protection to the students only by changing the law.

First, the situation in China. In the spring of 1989, the Chinese people rekindled the spark of freedom by demonstrating for democratic reforms in China. Some of that spark spread through Eastern Europe, and we saw successful changes in the power structure there. In doing so in their own country, the Chinese demonstrated great courage. The symbol of the prodemocracy movement was the Goddess of Democracy. All of the world watched with joy as the students spoke out for democratic reform. It was no coincidence that the students had chosen out the Goddess of Liberty in following after the Statue of Liberty in America, because the United States has been a model of democracy for the Chinese and for the world.

On June 4, all the world watched in horror as the tanks rolled in to crush dissent and literally crushed the demonstrators. The Goddess of Democracy was toppled.

First the massacre, then the massacre raid.

□ 1440

Following the horrible slaughter in Tiananmen Square, the Chinese Government engaged in denial and repression. They had denied that many students were killed. They say there were just a few hooligans. The truth is that many hundreds of thousands were killed, many thousands were imprisoned, and many thousands were sent to labor camps. I might add that they joined there hundreds of thousands, countless numbers of Chinese in labor camps in China.

At the same time the democracy movement that was sweeping through Eastern Europe threatened the Chinese rulers. The overthrow of Ceausescu, an ally of Deng Xiaoping, threatened even more repression in China.

In this past winter, in December and November, there were reports of the Chinese authorities taking handwriting samples at many of the universities in China to compare them with the handwriting on posters used in the demonstration in Tiananmen Square last spring. They were not taking these handwriting samples to improve the handwriting of the Chinese students. It was just a continuing of their intimidation and of their repression.

I am briefly touching on a situation which is well known to every person in America because we saw with our own eyes on television the crushing of the demonstration, and we can read in the daily papers some of the reports on the continuing repression.

However, the masquerade became even more grotesque. Li Peng, in lifting martial law, made this statement:

> The People's Liberation Army performed immortal historic feats in maintaining order and security in the capital and defending the Chinese Communist Party leadership and the socialist system. For this period the people will never forget them. During the martial law period there were lots of moving deeds in which troops loved civilians and civilians supported troops in disregard for their own safety.

It appears that the troops loved the civilians so much that they loved them to death.

China, it is clear, is a place where people who have spoken out for freedom in a peaceful manner have been killed. The situation in China warrants the override of the President's veto.

I would like to refer to some remarks that were made this morning before the Senate Judiciary Committee by former Ambassador Winston Lord, and I will report these remarks just briefly. I would like to submit his complete statement for the record later, but I would first refer to two remarks he made this morning.

He said, and I quote:

> In response to a series of major American initiatives, the Chinese regime has made only minimal moves while still pursuing its overall policy of suppression, rollback of reforms, and attacks on foreign influence. The passage of this legislation, H.R. 2712, would make clear Americans are not folled by smoke and mirrors, that we are a serious people.

He added this further:

> I don't believe we can fully resume our cooperation with China until that great nation turns once again toward true reform and opening to the outside world and the Chinese leaders leave the time warp of the world's Ceausescus and begin to catch up with history.

Mr. Speaker, I submit the full statement for the record, as follows:

SENATE JUDICIARY COMMITTEE, JANUARY 23, 1990

OPENING REMARKS—WINSTON LORD

Mr. Chairman, Members of the Committee:

Thank you for inviting me to comment on the Emergency Chinese Immigration Relief Act of 1989 (H.R. 2712).

Strengthening America's relations with China has been my mission for two decades. Thus I come to the debate concerning Chinese students in this country in the broader context of American policy toward China and our long range national interests. My journey to this Committee, I confess, has been a troubling one.

As a concerned citizen, I am generally against Congressional micromanagement of foreign policy and the rigidities often introduced by tactical legislation. As a bipartisan public servant for twenty years, my inclination is to support a President's foreign policy whenever I can. As a Republican who admires President Bush, served him and applauds his overall foreign policy, I particularly regret having to oppose this Administration.

Nonetheless, with considerable ambivalence and reluctance, I am here to urge the Congress to override the President's veto.

This I strongly believe: fairly or unfairly, the vote on this issue will be interpreted abroad and at home not just as a decision on how best to protect Chinese students in America, but more fundamentally as a referendum on our posture toward the current Chinese regime.

This is the reality: fairly or unfairly, the veto, if sustained, would reinforce the mindset and the mandate of those who have proceeded from massacre to repression; those who predict America will be lulled by cosmetic gestures and return to business-as-usual; those who dismiss the Chinese as a people apart from the global winds of change.

This, too, is the reality: the legislation, if enacted, would send a powerful message of encouragement to those in China whose voices have been silenced and to Chinese citizens everywhere who seek a freer, more open country.

As for the legal arguments,they are complex and difficult for the amateur to judge. On balance I think they also favor override.

Clearly the President shares the Congressional concern about the dangers to Chinese students and believes his means accomplish the same ends as the legislation at hand. Many lawyers as well as members of Congress assert, however, that his administrative action could be challenged in court. Furthermore, reliance on INS instructions carries less weight symbolically, if not legally, than an executive order or Presidential determination.

Whatever the ultimate legal judgments, there is no question that today Chinese students feel uncertain, uneasy—and vulnerable. It is best to remove all doubts through the unambiguous means of legislation. Those who have lived in China where laws

do not protect the individual seek security in the laws of the United States. Passage of legislation would fortify the students psychologically as well as legally.

The President's administrative action laudably extends protection beyond students. The Congress, if it cannot amend this bill, should urgently review this aspect to ensure that there is no risk to Chinese here who are not students.

The crucial consideration, however, remains the diplomatic context of the looming vote.

In response to a series of major American initiatives, the Chinese regime has made only minimal moves while still pursuing its overall policy of suppression, rollback of reforms and attacks on foreign influence. The passage of this legislation would make clear that Americans are not fooled by smoke and mirrors, that we are a serious people.

The Chinese people share the same aspirations as Eastern Europeans and others around the world. They, not the hardliners in Beijing, represent the future of China—and thus our long term national interest. Their day is not distant. I believe there will be a more moderate, humane government in Beijing before this legislation is due to expire. Whenever such a government does take hold and once again makes China inviting, the Congress should repeal this bill. We should then encourage the students to return to their homeland and work to lift its horizons.

Surely the President, through his veto, does not wish to send the wrong signals to China or to the students here. But this is the inescapable consequence of the recent pattern of Administration actions toward Beijing. If the veto and accompanying administrative instructions were carried out in the context of a firm, balanced policy of condemnation and connection, the President's position would probably not be misconstrued. But in the wake of the misguided Scowcroft missions and other unilateral Americans steps, defeat of this legislation would be assessed by both Beijing and the world as one more step toward unrequited normalization. Unfair perhaps, but reality.

This need not have been the case. Until the announcement of the December Scowcroft trip, the balance of our overall China policy seemed about right. I, for one, consistently supported the President for six months, including in my November testimony before the Senate Foreign Relations Committee. Although I sounded much harsher criticism of Chinese policies than the Administration, I thought that the President was correct to stress our long term concerns while maintaining selective sanctions.

In my view the Scowcroft journey—in substance and style—destroyed that balance. In the process it also shattered the broad bipartisan consensus on China policy that we had enjoyed for twenty years through five administrations. Rather than reiterate my reasoning I ask that my December 19, 1989 Washington Post article be included as part of the record. I wrote that editorial (and had previously supported the Administration) before I knew of the first Scowcroft visit only a few weeks after Beijing massacre. That earlier journey of course, only made starker the pattern that is the backdrop for your deliberations today.

Mr. Chairman, I don't believe we can fully resume our cooperation with China until that great nation turns once again toward true reform and opening to the outside world, until Chinese leaders leave the time warp of the world's Ceaucescus and begin to catch up with history.

In the interim America does not have to choose between isolation and approbation. We should conduct a workmanlike dialogue on key issues, including international ones, while avoiding tawdry symbolism. We should maintain productive links with progressive Chinese forces. We should calibrate our actions with those of the Chinese regime. Above all, we should make clear what America stands for and where our sympathies lie.

I therefore recommend passage of H.R. 2712. In this way we will align ourselves with China's future and thereby serve American interests as well as values.

Thank you.

Mr. Speaker, the second reason the override is necessary is because the students can only have full legal statutory protection by the passage of a law. Because of the good work of the Immigration Subcommittee, the Committee on the judiciary, and both houses of the Congress, current immigration law is very specific. The J-1 visa law is very specific about the return residency requirement. The law specifically prohibits the granting of blanket waivers. The only way to change the law is to pass a law, and since the Constitution states that Congress shall make all laws, an act of Congress is required. An administrative directive cannot change a prohibition in the law.

I am very proud that over 100 Members, with bipartisan support, I might add, signed our "Dear Colleague" letter supporting the override of the President's veto. I have been told that it is the largest number of signatures ever to appear on a "Dear Colleague." It reaches every region of the country and both parties.

I have submitted some of the information in that letter for the RECORD for our Members to read. In addition, I would like to call the attention of the Members to a memorandum from the Congressional Research Service which supports the statement made in the letter that a law is necessary.

Following the Tiananmen Square massacre, I worked with other Members of this House to write a bill which would protect the students and which would not be disruptive of our immigration policy. Congress responded unanimously in support of the bill. I pray that our colleagues will support the override and send a clear message to Beijing that they cannot curb freedom of speech in the United States by lobbying against the override of the veto. And we know they are actively supporting their case against the bill. They hope to punish those who speak out not only in China but also in the United States.

What we see in China is a situation that is very painful. We see a country which has repressive leadership, but a country which has also tasted freedom because of the age of technology we are in today.

The Great Wall of China may have been able to keep out troops in a previous era, but they cannot keep out communication about freedom, which stirs the hearts of men, because it is written in the hearts of men from our own Declaration of Independence, which stated that it is self-evident that all men are created equal and that they are entitled to certain rights.

So this is inevitable. It is just a question of time when the change will be made in China. But the genie is out of the bottle. The people know better. What we see is the painful exercise of a repressive government trying to put the genie back into the bottle. It is very difficult, it is very painful, and in fact it is impossible.

When we celebrated our own bicentennial, our former colleague, Claude Pepper, stood in the well in Independence Hall in Philadelphia and he talked about the foundations of our own country, and he said:

> Since then in the 200 years, the United States of America and our democracy have been a bright and shining star to the rest of the world.

I believe that when we have the opportunity to override the veto and thereby stand by our principles and our ideals, we will add luster to that bright and shining star. I believe the Members of the House and indeed the Members of the other body will be true to our commitment to our own Declaration of Independence. I believe that we will pursue a policy which will be based on ideals and not business deals.

I do not believe that anyone who supports the Chinese student bill believes in isolating China. We have heard so much that has described those who support the bill as wanting to isolate China. The district I represent, in San Francisco, has nearly a third of its population as Asian Americans, many of them Chinese Americans. Much of the commerce of our community is with the Orient, and a large amount of it would be with China. It is not in our economic interest to cut off economic ties with China, but it is in our interest to stand firm in our commitment to our own Declaration of Independence, as I mentioned earlier.

So in any case I hope that as we take pride in the lone man standing alone and as we await to stand with him, the House will vote overwhelmingly in support of the override tomorrow, followed later in the week by the U.S. Senate, and send a very clear message not only to the students and to the authorities in Beijing but to the whole world that the United States is true to its commitment.

Mr. BURTON of Indiana. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentlewoman for yielding, and I also thank her for taking this special order.

The Chinese students in the United States, I believe, as the gentlewoman has well explained, require protection. Many of them have been active in a democracy movement in China, and many of their relatives have been active, and they are afraid that they are going to be forced to go back and suffer the persecution that we witnessed in Tiananmen Square. And that repression continues.

I think everybody in the United States felt horrified when they saw those tanks go into Tiananmen Square, and they found out subsequently that they literally ground young Chinese students who were seeking democracy into meat on the streets.

□ 1450

In addition to that, Mr. Speaker, these young people used the United States as a model. Their Statue of Liberty that they showed in Tiananmen Square was modeled after our Statue of Liberty; their Statue of Democracy rather.

Mr. Speaker, we should feel a close kinship for those Chinese students who are here in this country studying, and who want democracy in their country, and who want to make sure that that happens at some point in the future and who do not want to have to go back prematurely and suffer the consequences of their call for democracy.

So, Mr. Speaker, I support the legislation of the gentlewoman from California [Ms. PELOSI]. I will vote to override tomorrow. We do not always see eye to eye. This issue cuts across party lines. It cuts across philosophical lines. On both sides of the aisle, whether we are liberal, conservative, Democrat, or Republican, I think that we are going to find tomorrow that there is going to be overwhelming support for the legislation of the gentlewoman from California [Ms. PELOSI] on overriding the President's veto.

So, Mr. Speaker, I congratulate the gentlewoman from California [Ms. PELOSI] for that.

I would like to say just one more thing, Mr. Speaker. I am a big supporter of President Bush and Vice President QUAYLE. I think my voting record will indicate that I support them as much, or probably more than, most people in the House, and I really support the administration and, like most people in this country, think that they are doing an outstanding job.

However, Mr. Speaker, I was a little bit chagrined when I saw the head of the NSC, Mr. Scowcroft, General Scowcroft, and one of our assistant secretaries, Mr. Eagleburger, go to China and start working toward opening up a normal relationship so soon after the Tiananmen massacre when there have been no appreciable changes in the attitudes of the Chinese Government toward their people. The repression continues, and the repression will continue until the world brings pressure upon that Government to make positive change.

So, while I have great admiration and support for this administration and all the things they are doing, I would say this is one place where I take strong exception to the actions that have been taking place vis-a-vis our relations with China. We should let the Chinese Government know in no uncertain terms that this type of action is intolerable, that the people of the United States of America and the people of the world will not stand idly by and accept this kind of action and that we are going to do everything we can to bring pressure to bear upon it, economic pressure, or whatever it takes, for them to bring about positive change.

Mr. Speaker, we have seen in Eastern Europe countries that have been under the boot, the heel, of communism for 40 years move toward freedom and democracy, and we should be helping them, and we will be helping them, and at the time we are helping these countries, these fledgling democracies, head for full democracy and participation in the world community we should not be opening our arms to a repressive totalitarian Communist government in China.

Mr. Speaker, tomorrow I will be very, very happy to vote with the gentlewoman from California [Ms. PELOSI] to override this veto, and I appreciate her yielding this time to me.

Ms. PELOSI. Mr. Speaker, I appreciate the remarks of the gentleman from Indiana [Mr. BURTON]. I also thank him for signing the Dear Colleague in support of the override and for his help on this issue.

Mr. Speaker, this is not a partisan issue, as the gentleman from Indiana [Mr. BURTON] so ably pointed out. It has never been intended to be anti the President. It is an issue that passed the House and passed the Senate without one negative vote, 403 to 0 in the House of Representatives. I am very proud of the bipartisan support that we were able to gather for the bill because it is a reasonable bill, and it does precisely what it sets out to do, to protect the students. So, it is just a disagreement on tactics.

Mr. Speaker, I think we all would like to look forward to a brilliant future with China, a future bright with cultural, economic, and political ties, but it has to be done at least with some integrity from our standpoint, and I think that sending the message that this bill would send is a clearer message than the message that was contained in the toast that General Scowcroft made when he visited China. Because the issue of safety is so critical and so fundamental to this bill that we must protect the students because they cannot go back unless it is safe, I was particularly concerned about the choice of words of General Scowcroft when he lifted his glass to toast the authorities in Beijing when he said, "There are forces in both of our societies which would strive to thwart or redirect our efforts to cooperation. We must take action to stop those negative forces."

Mr. Speaker, I found that toast frightening, equating us with them and that we must take action to stop those negative forces. I think a better message to the Chinese authorities is that when people speak out in the United States of America on behalf of democracy that we are not going to send them home to a situation where people get killed for speaking out for freedom, as the gentleman from Indiana [Mr. BURTON] described in his remarks.

Also I think the gentleman from Indiana [Mr. BURTON] mentioned Eastern Europe, and I think that is very relevant here because the day or two before the President left on his trip for Malta, taking with him all of our hopes and aspirations for peace in the world and all of our good wishes for that, the Secretary of State said in effect, and I think these are his exact words, but in effect he said that we must support the prodemocratic movement in Eastern Europe and help out so that it can proceed and succeed.

So, Mr. Speaker, that gave us hope that maybe the President would sign the Chinese student bill the next day because that is what we were doing—helping a prodemocratic movement proceed and succeed. However, as far as I know, the last official act the President performed was not to sign the Chinese student bill, and he sent it back to the House unsigned. It was a little disappointing.

Mr. Speaker, I think that one of the disadvantages that we have is that people are thinking in old ways. They are thinking, "Well, we've not had human rights as an item on the table in our relationship with China. It has been an issue in Europe, so it will continue to be an issue in Europe, but in China it isn't an issue."

I know that the President, and the Vice President, and the Secretary of State, and General Scowcroft all care about human rights throughout the world. There is no question about that. But I think that this has to be a recognition that history is in a hurry. It is in a hurry in Eastern Europe, it is in a hurry in China, and we cannot revert to old ways of dealing with China.

Mr. BURTON of Indiana. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I just would like to make one brief followup comment, and that is that I share the feelings of the gentlewoman from California [Ms. PELOSI] about the administration, and General Scowcroft and Secretary Eagleburger. I think that they are fine people. I think that they are well-intentioned people. I think they do an outstanding job for our country.

However, Mr. Speaker, I do believe that the message that was sent by that visit was the wrong message. We in this country, the gentleman from New York [Mr. SCHEUER], the gentlewoman from California [Ms. PELOSI], and myself, we have been writing to the Soviet Union protesting their human rights abuses for years. We have been doing everything we could to put pressure on the torture tactics that have been taking place in that Government.

For us to go to China right after Tiananmen Square and to literally embrace them with the kind of toasts which the gentlewoman from California [Ms. PELOSI] is talking about clearly sends the wrong signal. We should have been sending signals like we have been sending to the Soviet Union, that we will not give them the kind of economic assistance or other assistance they are seeking or investments from the United States until they make positive changes, until they end those human rights abuses. That is the kind of message that should have been sent and I hope will be sent in the future.

Ms. PELOSI. Mr. Speaker, I appreciate the comments of the gentleman from Indiana [Mr. BURTON].

Mr. SCHEUER. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Speaker, I wish to express my admiration, my enormous admiration, to the gentlewoman from California [Ms. PELOSI] for her great leadership in focusing the attention of Congress and the country on the pitiable human rights conditions in China and on the very questionable public policy underpinnings of the administration's decision to send the Scowcroft delegation. That secret delegation was sent to China to meet with the gerontocracy that runs that country, Deng Xiaoping and all of his colleagues who are in their eighties, in effect to embrace them, toast them and let them know that while we may have a few piddling problems with the events of June 4, that really God is in His heaven, and all is well with the world.

Mr. Speaker, that was just exactly the wrong message to send, and it places us, yea once again, on the side of the despots against the people. We have done this all over the world. We have done it in Latin America; we have done it with painful regularity all over the world. We have sided with the despots, and ultimately, when history works its will and the people are liberated, we are vilified. We are hated. We are detested, especially by the young people, the students.

Mr. Speaker, it makes one wonder what kind of tea leaves were they reading in the White House to feel that the future of China lay in this small group of 80-year-old despots, octogenarians, who were controlling that country with a ruthless hand and who, to preserve their own power, unleashed military forces in a barbarous and barbaric way, slaughtering, slaughtering the flower of Chinese youth.

□ 1500

What makes us so sure that the future of China is with this small group of elderly aging despots? We should be more humble about our ability to appraise events. If one looks at recent happenings in Eastern Europe, one would find grounds for a great deal of humility on our part.

Yes, I was in Hungary last March. I was on the street at the time of that magnificant demonstration in Budapest on March 15. I met with our marvelous Ambassador Palmer, who is an embellishment to the American Foreign Service. I guess that many people felt that real progress was being made in Hungary, that the people really did want freedom. They were willing to demonstrate. They were willing to make themselves heard. I think the same is true of Poland.

But may I ask the gentlewoman from California a rhetorical question. Did anybody dream that beneath the smooth and calm surface, the quiet of the graveyard that existed in East Germany, there was this passion for freedom that we saw as East Germans exploded with joy, delight and exhilaration, to climb up on that wall and beat it with hammers and cross over into West Berlin without bothering to stop, in sheer exhilaration from breathing the air of freedom?

Did anybody expect that underneath the calm quiet of the graveyard that existed in Czechoslovakia, that coldest and bloodiest of Communist states in Eastern Europe, there existed this passion for freedom that was unleashed?

When Czechoslovakia finally elected Vaclav Havel, a novelist, a poet, a leader of the reform movement, as Chief of State did anybody dream that Bulgarians so quickly would topple their own Chief of State?

I was in Sofia in the last year. Nobody told me that anything like that was lurking under the surface.

Above all, in that most despotic, most abused country in Europe, Romania, did anybody in our State Department, in our Intelligence Services, in our press, did anybody dream that this passionate desire for freedom was lurking beneath those calm quiet graveyard scences in Romania?

Could anybody have conceived the passion, the outrage, the venom, the merciless taste for justice and retribution that the Romanian people exercised when freedom was within their grasp?

Could anybody have conceived that the army itself would turn against Ceausescu, would turn against the Securitate, that the army itself would side with the people when the chips were down?

Do not all these phenomena give us a degree of modesty in our efforts to penetrate the mysteries of China? Could one not postulate that in a world in instant telecommunications China is not isolated? Could one not postulate that the BBC, the Voice of America, Radio Free Europe and other means of instant communication are functioning, are alive and well, and that tens, yea, hundreds of millions of Chinese are listening and that they perhaps enjoy the same passion for freedom that we saw in East Germany, in Romania, in Bulgaria, in Hungary and Poland, the same passion for freedom which will burst through if it ever gets a chance?

Does anybody have the right to presume that the students in China do not care anymore, that the urban workers who are bitterly resentful of their treatment on the part of the Deng Xiaoping government, that they do not care, that they have no taste for freedom?

Does anybody have the right to assume that the farmers, the peasants, who are bitterly resentful of the terrible treatment they have received from the Deng Xiaoping administration, that they are incapable of reacting with outrage and with courage, given the time and the opportunity and the convergence of events?

Looking at what happened in the days and weeks preceding the massacre, when the press absolutely burst with sympathy and love at the desire for freedom and free speech they witnessed in China, can anybody believe that the press would not react?

Can anybody believe that the intellectuals are not hungering for freedom, as Vaclav Havel and other intellectuals in East Europe and Hungary were hungering?

My colleagues, I would suggest that we should act with a great deal more humility. We ought to show much more humility in writing off 1.2 billion people in China, writing off the students, writing off the intellectuals, writing off the peasants, writing off the urban workers. Let us just assume that they have the same instincts, the same thirst for freedom as the masses

in Eastern Europe who had not tasted a breath of freedom in 40 years; yet young kids who had never lived under conditions of freedom, they exhilarated, they burst forth. They seized it, they grabbed the moment.

What is to make us assume that the Chinese kids, the intellectuals, the students, the urban workers, the peasants, the intellectuals will not react in the same way, given the same opportunity?

One other thing, my colleagues. Yes, Deng Xiaoping was able to bring in peasant soldiers from a 1,000 or 2,000 miles away to perpetrate that outrage in Tiananmen Square on June 4, when other units of soldiers refused to fire on the Chinese people. Perhaps one of the reasons why they were able to get the soldiers to fire on their fellow citizens in Tiananmen Square was that there had never ever been a Tiananmen Square outrage before. They knew not what they were doing. They had never visualized, they were incapable of imagining such an atrocity, such a horror; but now they have seen it.

Can one assume that even top commanders in the army are not talking about how to prevent such an outrage of Chinese soldiers firing on the Chinese people should something remotely similar to the Tiananmen Square freedom movement appear again?

I do not think Chinese generals want to see a repetition of that. So I think that we can consider China not too different from East Germany, Poland, Hungary, Czechoslovakia, Romania and Bulgeria, that there is a pulsating thirst for freedom.

My colleagues, I would say that they are going to have an opportunity to demonstrate that thirst for freedom. I would say it is not a question of "if." It is only a question of "when," and that the signal we should send to them should be calm, collected, considered, but they should know that we are going to respect their opportunity, their chance for freedom, just as we have in Eastern Europe.

For us to put our eggs in the one basket of that aging gerontocracy in China I think is very bad gambling. Jimmy the Creek would say, "We ought to get out of the gambling business and get into another line of work," if we cannot size up the future better than that. We ought to send a wholly different signal to the people of China, and one way of doing it is to overwhelmingly affirm the gentlewoman's bill, I say to the gentlewoman from California. I congratulate her for her leadership. This is precisely the message we must send to the people of China.

As our former Ambassador to China, Winston Lord, testified only hours ago in the other body:

This is the reality: fairly or unfairly, the veto, if sustained, would reinforce the mindset and the mandate of those who have proceeded from massacre to repression; those who predict America will be lulled by cosmetic gestures and return to business-as-usual; those who dismiss the Chinese as a people apart from the global winds of change.

This, too, is the reality: the legislation, if enacted, would send a powerful message of encouragement to those in China whose voices have been silenced and to Chinese citizens everywhere who seek a freer, more open country.

Tomorrow I predict this House will override the President's veto by a huge majority on behalf of 250 million Americans, and more than a billion Chinese who yearn for freedom.

Ms. PELOSI. Mr. Speaker, I thank the gentleman very much for participating in this special order and for his kind remarks.

I would like to take up where the gentleman left off there, that it is not a matter of "if," it is a matter of "when." It is certainly inevitable that people will live free throughout the world. It is just a question of when.

I think this Congress has to see itself in an historical perspective. The year that we just lived through, 1989, the year of democracy in Eastern Europe, will be a year in history like 1776, a year like 1789, a year fraught with the spirit of the people speaking out for themselves, a year where democracy blossoms in history. It will be in Eastern Europe now and hopefully in China before this decade is out.

The immediate future for us is that we are in a new decade. At the end of this decade we will be in a new century. Indeed, we will be in a new millennium. By the year 2000 hopefully we will not have to talk about whether a tank is going to roll over a person.

□ 1510

I believe that when the Chinese authorities killed their young people in the grotesque fashion in which they did and the fact that however they did it is irrelevant, but the barbaric fashion they did it, they drew themselves outside the circle of civilized human behavior. I think we have to make them understand that. It is not in keeping with how we regard the dignity and worth of every person to roll over them in a tank, and hundreds of them at that.

I believe that when the gentleman talks about the gerontocracy in China that it has to be clear, of course, that very old people, people in their eighties, are capable of very new thinking and very young thinking. This group does not happen to be among those.

To our young people who might be listening and who care about this, and to the Chinese students to be sure, the message from this Congress has to be that we recognize that the old older changeth yielding place to new, as Tennyson said, and there is nothing more powerful than an idea whose time has come. The idea of democracy in the world is rampant, and as I said earlier, history is in a hurry, and democracy is the engine driving it.

We have important work to do in the next 10 years to make sure that when we turn over the year 2000, the new century and the millenium to our children and our grandchildren that we will be doing it having done everything we could to make the world a freer place in which to live.

Our country is a place that people want to come to because we have a great Constitution guaranteeing freedom and independence for all Americans and all who live within our borders. If it is right for us, if we encourage it for Eastern Europe, why is it not right for China? I believe, of course, that it is, and that when we meet tomorrow that the Members of this House of Representatives will make every person in America very proud by voting almost unanimously, I hope, but certainly attaining the two-thirds necessary to override the veto so that while we say that between the executive branch and the legislative branch that certainly our goals for peace and freedom throughout the world are the same, how we get there might be a little bit different, and we have to exert our independence, too, in this House to say that our policy has to proceed not based on deals but based on ideals, not based on the old way but giving our children the hope that we are prepared to have new attitudes about what is going on in the world, recognizing that communication and technology make independence and democracy a worldwide known phenomenon, and no secret just for the Western Hemisphere and Europe.

I look forward to tomorrow. I know we will be true to what Claude Pepper said, that we were the bright and shining star of democracy, and that we will not lead people on; we will not encourage them to go out on a limb for democracy and then saw off that limb, that we will encourage them, that we will assist to assure that democracy will prevail.

People who see this earlier, the change earliest, are called leaders. Tomorrow I believe the House of Representatives will exert its leadership on this issue.

Mr. Speaker, I thank the gentleman from New York for participating in this special order and the gentleman from Indiana who was with us and those Members who are submitting statements for the RECORD and to all Members for their cooperation with the overriding of the veto tomorrow.

GENERAL LEAVE

Ms. PELOSI. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks on the subject of my special order of today.

The SPEAKER pro tempore (Mr. BRUCE). Is there objection to the request of the gentlewoman from California?

There was no objection.

THE REBIRTH AND REVITALIZATION OF ALLENDALE, IL

The SPEAKER pro tempore (Ms. PELOSI). Under a previous order of the House, the gentleman from Illinois [Mr. BRUCE] is recognized for 60 minutes.

Mr. BRUCE. Madam Speaker, I want to take this time today to talk about an event which occurred a year ago in my district.

Madam Speaker, in January 1989 a tornado struck the town of Allendale, IL. On January 7, 1990, I had a chance to return to that community and celebrate the rebirth and revitalization of Allendale, IL.

I remember a year ago when I came into Allendale after I had heard and had been contacted about the disaster that occurred late one evening. As I drove into the town of Allendale, and saw one part of the community, I thought, "Gee, it was not as bad as I had been told," but as I came across the top of a railroad bridge and looked down the main street of Allendale, I saw the disaster that had occurred in that town and realized immediately the problems that we faced as a Federal Government, State government, and all units of government which were going to have to pull together to restore that community, and, more importantly, the people in that community were going to have to pull together.

As I pulled onto the scene and got out of my car that morning, I realized that the process of rebuilding had already started. Lt. Roy Stock of the Salvation Army was there serving meals. They had already come to that community to make sure that people had something hot to drink and that preparations were being made to house those who had lost their homes.

In fact, as I looked at the city of Allendale, a church was standing, the school was nearly destroyed, the bank was standing, and that was about it.

By a strange set of circumstances, the National Guard unit from Lawrenceville, IL, was returning from its weekend maneuvers on the very highway on which Allendale is located, and they sprang into action instantly. They knew that the National Guard would be called out, but before they ever got that official call, they started helping, and they helped throughout the night. A lot of other people started immediately.

The sheriff of that county, Wabash County, Randy Grounds, when I met him, had been up all night long making sure that people got the services they needed from county government, and Jack Loeffler, the mayor of that community, and the fire chief, Gary Buchanan had been up all night working. We sat and talked in the bank office. Rob Coleman, the president of the bank, and the chairman of that bank, Keith Loeffler, had said, "Look, the major structure that is remaining in Allendale is the bank. If you need it, we are going to open up the bank to the people. We are going to help solve this disaster." So the Illinois State Police and the disaster relief people were inside with no lights, inside a bank, and we were trying to plug into a small portable generator to get lights into that facility. Not only had the Salvation Army gotten into action that day and the National Guard, but almost every agency in the U.S. Government, the Emergency Services Disaster Administration, FEMA, HUD, Farmers Home Administration, the Small Business Administration. Even the IRS sent people in over the last year to make sure that people understood the tax consequences of a disaster. The State government started working rapidly with a visit from the Governor of the State of Illinois, Jim Thompson. There was the speedy work of our two State legislators, State Senator Bill O'Daniel and State Representative Larry Hicks. They knew the problem and they made sure new money was made available so that Allendale could build a new school.

Other people pitched in and made sure that the streets were clean. That morning there was more than 8 feet of debris on the main street of Allendale, IL, and almost no houses standing.

□ 1520

The American Red Cross, John Hughes and his father, Tom, made sure that there was some way of moving all that material and cleaning the streets.

At the post office all the windows had been blown in and the building had been severely damaged. The postmistress moved all the mail to her own garage on the other side of town, and the post office, at a little after 9 o'clock in the morning the day after the disaster, was open and functioning.

The school had been destroyed, but neighboring schools opened their schools to make sure that the kids were soon back in the classroom. One of the nicest touches in this whole event was when the schoolchildren went from their school to the neighboring schools, they made provisions to put a sign over the door in which they were going in that said, "Welcome, Allendale students."

Trooper Iles from the State police made sure there were communications. When people called in, they found out whether their loved ones had been injured. Through a lot of good luck not a single person died in this incident.

Schoolteachers and school board members made sure that schools functioned. The media pitched in immediately. The Mount Carmel Republican-Register put reporters there making sure that the paper almost became a community bulletin board of those who had been injured, what services were being provided, and what additional help was on the way.

One of the television stations, WFIE of Evansville, IN, put on a telethon and raised more than $60,000 to make sure that people had money for clothing and immediate shelter.

Radio Station WFER in Mount Carmel broadcast ways people could get assistance.

Insurance companies sent people in immediately to start settling claims. The Illinois Employment Service counseled people very quickly. Fire departments from adjoining communities made their equipment available and put in the community in case there were any fires.

Churches opened up and made emergency shelters. One of the churches in Mount Carmel realized that this was such a short time after Christmas and that many children had lost all of the Christmas presents. One of the nicest things was one afternoon shortly after the tornado, we took presents to schoolchildren down at a church and we opened up Christmas presents again.

Labor organizations said "Look, if there is anything you need, call, because we can help. We have the skilled craftsmen."

I received a call in a couple of days from a person that used to deliver packages for United Parcel in the community of Allendale. He now works in Louisville, KY.

He said, "Terry, we just built a new facility for United Parcel Service in Lousiville, but we have three trailers that can be used as temporary schools or the city hall or a community center."

Local people from not only Allendale but other communities donated their time and got those trailers. For $1 we got thousands and thousands of dollars worth of emergency trailers, still used in Allendale, and which will be used later by the National Guard in disasters that may occur in the State of Illinois in the future.

Not only did we get to use those trailers in Allendale, but the good works of United Parcel Service will go on and on.

There were many people. John Spitz of my staff went down and felt he needed to be on the site all the time. John stayed there and represented me and my office and made sure that all

Federal agencies coordinated their efforts. We are proud of the kind of people that Allendale had. We are proud of the kind of people that helped them.

In this last year we have seen a lot of interesting big headlines. Big headlines about Hurricane Hugo, about the San Francisco earthquake, about international incidents in Hungary and Poland, the Berlin Wall, Romania, Gorbachev, Noriega, and Panama.

Those are big stories. But the big story for me last year was the fact that in 1 short year Allendale and its neighbors rebuilt their community. They were tested, and tested severely, but got an A. It was a year in which there was a catastrophe that was turned into caring and making sure neighbors had what they needed.

This was really a year in which Allendale went from a tornado to triumph. Allendale and the people in Allendale, we are proud of you, proud of Allendale's commitment to the community, to the schools, to the churches, to the governmental system, to the senior citizens, and we are all proud of the neighbors who helped in time of need.

It was an excellent story for America to see the rebuilding and rebirth of Allendale in 1 short year.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MANTON (at the request of Mr. GEPHARDT) for today on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. YATES, for 30 minutes, today.

(The following Members (at the request of Mr. COX) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, today, January 24, and January 25.

(The following Members (at the request of Ms. PELOSI) to revise and extend their remarks and include extraneous material:)

Mr. OWENS of New York, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes each day, on January 24 and January 25.

Mr. LIPINSKI, for 5 minutes each day, on January 30, February 6, February 20, and February 27.

Ms. PELOSI, for 60 minutes, today.

Mr. BRUCE, for 60 minutes, today.

Mr. SKELTON, for 30 minutes, on January 24.

Mr. MANTON, for 60 minutes, on January 31.

Mr. FEIGHAN, for 60 minutes, on February 7.

Mr. LIPINSKI, for 60 minutes each day, on January 31, February 7, February 21, and February 28.

Mr. CLEMENT, for 60 minutes, on March 15.

Mr. FAZIO, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COX) and to include extraneous matter:)

Mr. BROOMFIELD.

Mr. SAXTON.

Mr. PURSELL.

Mr. SHUMWAY.

Mr. DICKINSON in two instances.

Mr. SCHAEFER.

Mrs. MORELLA.

Mr. SKEEN.

Mr. BILIRAKIS.

Mr. MILLER of Ohio in three instances.

Mr. RINALDO.

Mr. GILMAN.

(The following Members (at the request of Ms. PELOSI) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. ASPIN.

Mr. TRAFICANT in three instances.

Mr. FRANK.

Mr. MILLER of California.

Mr. SOLARZ.

Mr. BATES.

Mrs. LOWEY of New York.

Mr. MINETA.

Mr. GUARINI.

Mr. TRAXLER.

Mr. LIPINSKI.

Mr. APPLEGATE.

Mr. JOHNSON from South Dakota.

Mr. DOWNEY.

Mr. FAZIO.

Ms. PELOSI.

Mr. MCMILLEN of Maryland.

Mr. WILLIAMS in two instances.

Mr. LANTOS in three instances.

Mr. LEHMAN of Florida.

Mr. RICHARDSON in two instances.

Mr. CLEMENT in two instances.

BILLS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT OF THE FIRST SESSION OF THE 101ST CONGRESS

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On December 13, 1989:

H.R. 3299. An act to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990.

On December 18, 1989:

H.R. 901. An act to amend title 38, United States Code, to provide a 4.7-percent-cost-of-living adjustment in rates of disability compensation for veterans with service-connected disabilities and in rates of dependency and indemnity compensation for survivors of veterans dying from service-connected causes and to improve certain veterans health care, education, housing, and memorial affairs programs; and for other purposes.

BILLS AND JOINT RESOLUTIONS APPROVED AFTER SINE DIE ADJOURNMENT

The President, subsequent to the sine die adjournment of the first session of the 101st Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the House of the following titles:

On October 21, 1989:

H.R. 3385. An act to provide assistance for free and fair elections in Nicaragua.

On October 23, 1989:

H.J. Res. 400. Joint resolution designating October 27, 1989, as "National Hostage Awareness Day;"

H.R. 1300. An act to amend the Head Start Act to increase the amount authorized to be appropriated for fiscal year 1990; and

H.R. 2788. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

On October 24, 1989:

H.R. 2987. An act to name the Department of Veterans Affairs medical center in Leavenworth, KS, as the "Dwight D. Eisenhower Department of Veterans Affairs Medical Center."

On October 25, 1989:

H.J. Res. 392. Joint resolution designating October 1989 as "Italian-American Heritage and Culture Month;"

H.J. Res. 401. Joint resolution to designate the month of October 1989 as "Country Music Month;"

H.R. 2087. An act to transfer a certain program with respect to child abuse from title IV of Public Law 98-473 to the Child Abuse Prevention and Treatment Act, and for other purposes; and

H.R. 2088. An act to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986.

On October 26, 1989:

H.J. Res. 423. Joint resolution making further continuing appropriations for the fiscal year 1990, and for other purposes.

On October 30, 1989:

H.J. Res. 380. Joint resolution designating October 18, 1989, as "Patient Account Management Day;" and

H.R. 801. An act to designate the United States Court of Appeals Building at 56 Forsyth Street in Atlanta, GA, as the "Elbert P. Tuttle United States Court of Appeals Building."

On November 3, 1989:

H.R. 2989. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1990, and for other purposes; and

H.R. 3281. An act to reauthorize the National Flood Insurance Program, the Federal Crime Insurance Program, and the Defense Production Act of 1950, to extend certain housing programs, and for other purposes.

On November 8, 1989:

H.J. Res. 131. Joint resolution to designate May 25, 1989, as "National Tap Dance Day;"

H.J. Res. 241. Joint resolution designating October 25, 1989, as "National Arab-American Day;" and

H.J. Res. 280. Joint resolution increasing the statutory limit on the public debt.

On November 9, 1989:

H.R. 2916. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes.

On November 10, 1989:

H.R. 24. An act to amend the Child Nutrition Act of 1966 and the National School Lunch Act to revise and extend certain authorities contained in such acts, and for other purposes; and

H.R. 3012. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

On November 15, 1989:

H.J. Res. 35. Joint resolution designating November 5–11, 1989, as "National Women Veterans Recognition Week;"

H.J. Res. 435. Joint resolution making further continuing appropriations for the fiscal year 1990, and for other purposes; and

H.R. 3318. An act to redesignate the Federal building in Houston, TX, known as the Concorde Tower, as the "George Thomas 'Mickey' Leland Federal Building."

On November 17, 1989:

H.J. Res. 425. Joint resolution designating November 12, through 18, 1989, as "Community Foundation Week;"

H.R. 2710. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes; and

H.R. 3287. An act to waive the period of congressional review for certain District of Columbia acts authorizing the issuance of District of Columbia revenue bonds.

On November 21, 1989:

H.J. Res. 278. Joint resolution to designate the period commencing on November 20, 1989, and ending on November 26, 1989, as "National Adoption Week;"

H.J. Res. 282. Joint resolution designating November 19–25, 1989, as "National Family Caregivers Week;"

H.R. 2883. An act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes;

H.R. 2991. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and for other purposes;

H.R. 3014. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1990, and for other purposes;

H.R. 3015. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes;

H.R. 3072. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes;

H.R. 3566. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes;

H.R. 3743. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes; and

H.R. 3746. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

On November 22, 1989:

H.R. 2642. An act granting the consent of the Congress to amendments to the Southeast Interstate Low-Level Radioactive Waste Management Compact; and

H.R. 3544. An act to authorize the transfer of a specified naval landing ship dock to the Government of Brazil under the leasing authority of chapter 6 of the Arms Export Control Act.

On November 27, 1989:

H.J. Res. 291. Joint resolution designating November 16, 1989, as "Interstitial Cystitis Awareness Day"; and

H.R. 215. An act to amend title 5, United States Code, with respect to the method by which premium pay is determined for irregular, unscheduled overtime duty performed by a Federal employee.

On November 28, 1989:

H.J. Res. 357. Joint resolution providing for the reappointment of Samuel Curtis Johnson as a citizen regent of the Board of Regents of the Smithsonian Institution;

H.J. Res. 358. Joint resolution providing for the reappointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution;

H.J. Res. 393. Joint resolution to grant the consent of Congress to the boundary change compact between South Dakota and Nebraska;

H.R. 569. An act for the relief of Maurice G. Hardy;

H.R. 1020. An act to permit reimbursement of relocation expenses of William D. Morger;

H.R. 1310. An act to redesignate a certain portion of the George Washington Memorial Parkway as the "Clara Barton Parkway";

H.R. 2120. An act to amend the Deep Seabed Hard Mineral Resources Act to authorize appropriations to carry out the provisions of the act for fiscal years 1990, 1991, 1992, 1993, and 1994;

H.R. 3402. An act to promote political democracy and economic pluralism in Poland and Hungary by assisting those nations during a critical period of transition and abetting the development in those nations of private business sectors, labor market reforms, and democratic institutions; to establish, through these steps, the framework for a composite program of support for East European Democracy [SEED]; and

H.R. 3532. An act to extend the U.S. Commission on Civil Rights.

On November 29, 1989:

H.R. 2461. An act to authorize appropriations for fiscal years 1990 and 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

On November 30, 1989:

H.R 2748. An act to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency retirement and disability system, and for other purposes; and

H.R. 3660. An act to amend the Rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for Governmentwide ethics reform, and for other purposes.

On December 6, 1989:

H.J. Res. 448. Joint resolution making supplemental appropriations for the fiscal year 1990, and for other purposes;

H.R. 481. An act to designate the building located at 2562 Hylan Boulevard, Staten Island, New York, as the "Walter Edward Grady United States Post Office Building"; and

H.R. 3294. An act to authorize distribution within the United States of the U.S. Information Agency film entitled "A Tribute to Mickey Leland."

On December 7, 1989:

H.R. 972. An act to amend section 3724 of title 31, United States Code, to increase the authority of the Attorney General to settle claims for damages resulting from law enforcement activities of the Department of Justice;

H.R. 1312. An act to revise and extend the programs of the Domestic Volunteer Service Act of 1973;

H.R. 2134. An act to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the distribution of wholesome meat and poultry products for human consumption that are not in compliance with the acts to charity and public agencies; and

H.R. 3720. An act to amend provisions of the National Consumer Cooperative Bank Act relating to the payment of interest on and the redemption of Class A notes issued by the National Consumer Cooperative Bank.

On December 11, 1989:

H.J. Res. 429. Joint resolution to designate the week of December 10, 1989, through December 16, 1989, as "National Drunk and Drugged Driving Awareness Week";

H.R. 422. An act to amend the Department of Transportation Act to reauthorize local rail service assistance;

H.R. 875. An act to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park near Fredericksburg, VA;

H.R. 1495. An act to amend the Arms Control and Disarmament Act to authorize appropriations for the Arms Control and Disarmament Agency, and for other purposes;

H.R. 3620. An act to clarify the Food Security Act of 1985; and

H.R. 3696. An act to provide survival assistance to victims of civil strife in Central America.

On December 12, 1989:

H.J. Res. 175. Joint resolution to authorize entry into force of the Compact of Free Association between the United States and the Government of Palau, and for other purposes;

H.J. Res. 449. Joint resolution providing for the convening of the second session of the 101st Congress;

H.R. 91. An act to prohibit exports of military equipment to countries supporting international terrorism, and for other purposes;

H.R. 1502. An act to authorize the appropriation of funds to the District of Columbia for additional officers and members of the Metropolitan Police Department of the District of Columbia, to provide for the implementation in the District of Columbia of a community-oriented policing system, and for other purposes;

H.R. 1668. An act to authorize appropriations for certain ocean and coastal programs of the National Oceanic and Atmospheric Administration;

H.R. 2459. An act to authorize appropriations for the Coast Guard for fiscal year 1990, and for other purposes;

H.R. 3275. An act to implement the steel trade liberalization program;

H.R. 3614. An act to amend the Drug-Free Schools and Communities Act of 1986 to revise certain requirements relating to the provision of drug abuse education and prevention program in elementary and secondary schools, and for other purposes; and

H.R. 3629. An act extending the authority of the Secretary of Commerce to conduct the quarterly financial report program under section 91 of title 13, United States Code, through September 30, 1993.

H.R. 1727. An act to modify the boundaries of the Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park, and for other purposes;

H.R. 2178. An act to designate lock and dam numbered 4 on the Arkansas River, AR, as the "Emmett Sanders Lock and Dam;"

H.R. 3607. An act to repeal medicare provisions in the Medicare Catastrophic Coverage Act of 1988;

H.R. 3611. An act to combat international narcotics production and trafficking; and

H.R. 3670. An act to authorize the expansion of the membership of the Superior Court of the District of Columbia from 50 associate judges to 58 associate judges.

On December 15, 1989:

H.R. 1. An act to amend Federal laws to reform housing, community and neighborhood development, and related programs, and for other purposes; and

H.R. 3671. An act to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program.

On December 18, 1989:

H.R. 901. An act to amend title 38, United States Code, to provide a 4.7 percent cost-of-living adjustment in rates of disability compensation for veterans with service-connected disabilities and in rates of dependency and indemnity compensation for survivors of veterans dying from service-connected causes and to improve certain veterans health care, education, housing, and memorial affairs programs; and for other purposes; and

H.R. 3259. An act to amend the Immigration and Nationality Act to provide for adjustment of status, without regard to numerical limitations, for certain H-1 nonimmigrant nurses and to establish conditions for the admission, during a 5-year period, of nurses as temporary workers.

On December 19, 1989:

H.R. 2494. An act to reauthorize the Export-Import Bank tied-aid credit fund and pilot interest subsidy program, to provide for the participation of the United States in a replenishment of the Inter-American Development Bank and in the enhanced structural adjustment facility of the International Monetary Fund, to improve the safety and soundness of the U.S. banking system and encourage the reduction of the debt burdens of the highly indebted countries, to encourage the multilateral development banks to engage in environmentally sustainable lending practices and give greater priority to poverty alleviation, and for other purposes; and

H.R. 3299. An act to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990.

COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The Clerk received a message from the Senate after the sine die adjournment of the first session of the 101st Congress announcing the approval of the President on the following dates, of the bills and joint resolutions of the Senate of the following titles:

On November 3, 1989:

S.J. Res. 86. Joint resolution designating November 17, 1989, as "National Philanthropy Day;" and

S.J. Res. 120. Joint resolution to designate the period commencing November 12, 1989, and ending November 18, 1989, as "Geography Awareness Week."

On November 8, 1989:

S.J. Res. 19. Joint resolution to designate November 8, 1989, as "Montana Centennial Day."

On November 9, 1989:

S.J. Res. 131. Joint resolution to designate November 1989 as "National Diabetes Month;" and

S.J. Res. 209. Joint resolution to designate November 11, 1989 as "Washington Centennial Day."

On November 13, 1989:

S.J. Res. 73. Joint resolution to designate the week beginning October 29, 1989, as "Gaucher's Disease Awareness Week;" and

S.J. Res. 194. Joint resolution designating November 12 through 18, 1989 as "National Glaucoma Awareness Week."

On November 14, 1989:

S.J. Res. 198. Joint resolution designating November 1989 as "An End to Hunger Education Month."

On November 15, 1989:

S. 750. An act to extend the deadlines under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Washington.

On November 16, 1989:

S. 1827. An act to revise and clarify the authority of the Administrator of General Services relating to the acquisition and management of certain property in the city of New York.

On November 17, 1989:

S.J. Res. 215. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 20, 1989, as "National Military Families Recognition Day."

On November 27, 1989:

S. 931. An act to protect a segment of the Genesee River in New York; and

S.J. Res. 184. Joint resolution to designate the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 25, 1990, and ending on December 1, 1990, as "National Home Care Week."

On November 28, 1989:

S. 818. A act to commemorate the contributions of Senator Clinton P. Anderson to the establishment of the National Wilderness Preservation System, and for other purposes;

S. 978. An act to establish the National Museum of the American Indian within the Smithsonian Institution, and for other purposes;

S.J. Res. 159. Joint resolution to designate April 22, 1990, as Earth Day, and to set aside the day for the public activities promoting preservation of the global environment;

S.J. Res. 207. An act approving the location of the memorial to the women who served in Vietnam; and

S.J. Res. 218. An act to designate the week of December 3, 1989, through December 9, 1989, as "National American Indian Heritage Week."

On November 29, 1989:

S. 338. An act to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes;

S. 737. An act to adjust the boundary of Rocky Mountain National Park; and

S. 1390. An act to provide for the construction of biomedical facilities in order to ensure a continued supply of specialized strains of mice essential to biomedical research in the United States, and for other purposes.

On December 5, 1989:

S. 974. An act to designate certain lands in the State of Nevada as wilderness, and for other purposes;

S.J. Res. 16. Joint resolution designating November 1989 and November 1990 as "National Alzheimer's Disease Month;" and

S.J. Res. 205. Joint resolution designating December 3 through 9, 1989, as "National Cities Fight Back Against Drugs Week."

On December 6, 1989:

S. 892. A act to exclude agent orange settlement payments from countable income and resources under Federal means-tested programs; and

S. 1960. An act to authorize the food stamp portion of the Minnesota family investment plan.

On December 7, 1989:

S. 1164. An act to authorize appropriations for fiscal year 1990 for the Office of the U.S. Trade Representative, the U.S. International Trade Commission, and the U.S. Customs Service;

S. 1877. An act to improve the operational efficiency of the James Madison Memorial Fellowship Foundation, and for other purposes;

S.J. Res. 164. Joint resolution designating 1990 as the "International Year of Bible Reading;"

S.J. Res. 202. Joint resolution providing for the appointment of Robert James Woolsey, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 203. Joint resolution providing for the appointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution.

On December 11, 1989:

S. 488. An act to provide Federal assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes.

On December 12, 1989:

S. 1793. An act to make technical and correcting changes in agriculture programs.

On December 13, 1989:

S. 804. An act to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

BILL DISAPPROVED AFTER SINE DIE ADJOURNMENT OF THE FIRST SESSION OF THE 101ST CONGRESS

The President announced his disapproval of the following bill with a memorandum of disapproval as follows:

H.R. 2712

MEMORANDUM OF DISAPPROVAL

In light of the actions I have taken in June and again today, I am withholding my approval of H.R. 2712, the "Emergency Chinese Immigration Relief Act of 1989." These actions make H.R. 2712 wholly unnecessary.

I share the objectives of the overwhelming majority in the Congress who passed this legislation. Within hours of the events of Tiananmen Square in June, I ordered the Attorney General to ensure that no nationals from the People's Republic of China be deported against their will, and no such nationals have been deported. Since June, my Administration has taken numerous additional and substantive actions to further guarantee this objective.

Today I am extending and broadening these measures to provide the same protections as H.R. 2712. I am directing the Attorney General and the Secretary of State to provide additional protections to persons covered by the Attorney General's June 6th order deferring the enforced departure for nationals of China. These protections will include: (1) irrevocable waiver of the 2-year home country residence requirement which may be exercised until January 1, 1994; (2) assurance of continued lawful immigration status for individuals who were lawfully in the United States on June 5, 1989; (3) authorization for employment of Chinese nationals present in the United States on June 5, 1989; and (4) notice of expiration of nonimmigrant status, rather than institution of deportation proceedings, for individuals eligible for deferral of enforced departure whose nonimmigrant status has expired.

In addition, I have directed that enhanced consideration be provided under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country's policy of forced abortion or coerced sterilization.

These further actions will provide effectively the same protection as would H.R. 2712 as presented to me on November 21, 1989. Indeed, last June I exercised my authority to provide opportunity for employment to a wider class of Chinese aliens than the statute would have required. My action today provides complete assurance that the United States will provide to Chinese nationals here the protection they deserve.

It has always been my view, and it is my policy as President, that the United States shall not return any person to a country where he or she faces persecution.

I have under current law sufficient authority to provide the necessary relief for Chinese students and others who fear returning to China in the near future. I will continue to exercise vigorously this authority. Waivers granted under this authority will not be revoked.

Maintaining flexibility in administering our productive student and scholar exchange program with China is important. As many as 80,000 Chinese have studied and conducted research in the United States since these exchanges began. I want to see these exchanges continue because it is in the national interest of the United States to promote the exchange of technical skills and ideas between Chinese and Americans. It is my hope that by acting administratively, we will help foster the continuation of these programs.

My actions today accomplish the laudable objectives of the Congress in passing H.R. 2712 while preserving my ability to manage foreign relations. I would note that, with respect to individuals expressing a fear of persecution related to their country's coercive family policies, my actions today provide greater protection than would H.R. 2712 by extending such protection worldwide rather than just to Chinese nationals. Despite my strong support for the basic principles of international family planning, the United States cannot condone any policy involving forced abortion or coercive sterilization.

I deplore the violence and repression employed in the Tiananmen events. I believe that China, as its leaders state, will return to the policy of reform pursued before June 3. I further believe that the Chinese visitors would wish to return to China in those circumstances, in which case I would hope that the knowledge and experience gained by the Chinese visitors temporarily in our country be applied to help promote China's reforms and modernization.

The adjournment of the Congress has prevented my return of H.R. 2712 within the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. *The Pocket Veto Case*, 279 U.S. 655 (1929). Because of the questions raised in opinions issued by the United States Court of Appeals for the District of Columbia Circuit, I am sending H.R. 2712 with my objections to the Clerk of the House of Representatives.

GEORGE BUSH.

THE WHITE HOUSE, *November 30, 1989.*

ADJOURNMENT

Mr. BRUCE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 25 minutes p.m.) the House adjourned until tomorrow, Wednesday, January 24, 1990, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2067. A letter from the Acting Administrator, Farmers Home Administration, Department of Agriculture, transmitting the report on the Department's Certified State Agricultural Loan Mediation Program, pursuant to 7 U.S.C. 5105; to the Committee on Agriculture.

2068. A letter from the Acting Administrator, Farmers Home Administration, transmitting a report on the annual target participation rates for loans to socially disadvantaged groups to purchase or lease inventory farmland, pursuant to 7 U.S.C. 2003; to the Committee on Agriculture.

2069. A letter from the Secretary of Agriculture, transmitting a report identifying activities of the Food Safety and Inspection Service and the Agricultural Marketing Service, respective to residue sampling and testing of imported meat, meat food products, poultry, poultry products, and egg products, pursuant to 21 U.S.C. 1401nt.; to the Committee on Agriculture.

2070. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to give the Secretary of Agriculture authority, independently or in cooperation with the Government of any country of the world or with any international organization or association, to produce and sell sterile screwworms to the Government of any country of the world or to any international organization or association; to the Committee on Agriculture.

2071. A letter from the Acting Assistant Secretary of the Army (Financial Management), transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter July 1, 1989, through September 30, 1989, pursuant to Public Law 99-190, section 8014 (99 Stat. 1205); Public Law 99-591, section 9010 (100 Stat. 3341-102); Public Law 100-202, title VIII, section 8010; to the Committee on Appropriations.

2072. A letter from the Deputy Assistant Secretary (Logistics), Department of the Air Force, transmitting notification that a decision to convert the aircraft maintenance function at Williams Air Force Base, AZ, to contractor performance is the most cost-effective method of accomplishment, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Appropriations.

2073. A letter from the Secretary of Defense, transmitting a report of five violations of the Anti-Deficiency Act which occurred in the Department of the Navy and

the Defense Logistics Agency a number of years ago, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2074. A letter from the Secretary of Housing and Urban Development, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department's Research and Technology Appropriation 85-0108-0-1-451 for fiscal years 1985, 1986, and 1987, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2075. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of December 1, 1989, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 101-124); to the Committee on Appropriations and ordered to be printed.

2076. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of January 1, 1990, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 101-131); to the Committee on Appropriations and ordered to be printed.

2077. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notification of the discovery and emergency disposal of one M-134 chemical bomblet at the "Target S" grid area of Dugway Proving Ground, UT, on December 5, 1989, pursuant to 50 U.S.C. 1518; to the Committee on Armed Services.

2078. A letter from the the Assistant Secretary of the Army (Installations, Logistics and Financial Management, transmitting notification of the discovery and emergency disposal of a chemical bomblet at the "Target S" grid area of Dugway Proving Ground, UT, on October 16, 1989, pursuant to 50 U.S.C. 1518; to the Committee on Armed Services.

2079. A letter from the the Assistant Secretary of the Army (Installations, Logistics and Financial Management, transmitting notification of the discovery and emergency disposal of a chemical bomblet at the "Target S" grid area of Dugway Proving Ground, UT, on November 8, 1989, pursuant to 50 U.S.C. 1518; to the Committee on Armed Services.

2080. A letter from the Comptroller of the Department of Defense, transmitting the supplemental contract award report for the period November 1, 1989, to December 31, 1989, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

2081. A letter from the Secretary of the Army, transmitting a copy of the inspection report of the U.S. Soldiers' and Airmen's Home for fiscal year 1988, pursuant to 24 U.S.C. 59, 60; to the Committee on Armed Services.

2082. A letter from the Director, Legislative Liaison, Department of Air Force, transmitting notification of the selection of certain bases as Rail Garrison bases; to the Committee on Armed Services.

2083. A letter from the Director, Congressional Budget Office and Director Office of Management and Budget, transmitting a report on the technical assumptions to be used in preparing estimates of national defense function outlays for fiscal year 1991, pursuant to Public Law 101-189, section 5; to the Committee on Armed Services.

2084. A letter from the Secretary of Agriculture, transmitting an interim report on the Rural Housing Guaranteed Loan Demonstration Program, pursuant to Public Law 100-242, section 304(d) (101 Stat. 1894); to the Committee on Banking, Finance and Urban Affairs.

2085. A letter from the Secretary of Housing and Urban Development, transmitting the Department's 1989 interim report on the Neighborhood Development Demonstration Program, pursuant to 42 U.S.C. 5318 nt.; to the Committee on Banking, Finance and Urban Affairs.

2086. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting the annual report of the National Advisory Council on International Monetary and Financial Policies for fiscal year 1988, pursuant to 22 U.S.C. 284b, 285(b), 286b(b) (5), (6), 286b-1, 290i-3; to the Committee on Banking, Finance and Urban Affairs.

2087. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's affirmative program for equal employment opportunity, pursuant to 12 U.S.C. 1833e; to the Committee on Banking, Finance and Urban Affairs.

2088. A letter from the Chairman and Vice Chairman, Interagency Council on the Homeless, transmitting the Agency's 1989 annual report on the homeless, pursuant to Public Law 100-77, section 203(c)(2) (101 Stat. 487); Public Law 100-628 (102 Stat. 3228); to the Committee on Banking, Finance and Urban Affairs.

2089. A letter from the President and CEO, Oversight Board, Resolution Trust Corporation, transmitting the Board's strategic plan for conducting the functions and activities of the Resolution Trust Corporation, pursuant to Public Law 101-73, section 501(a) (103 Stat. 367); to the Committee on Banking, Finance and Urban Affairs.

2090. A letter from the Chairman, Resolution Trust Corporation, transmitting a report on equal employment opportunity and minority outreach programs, pursuant to 12 U.S.C. 1833e; to the Committee on Banking, Finance and Urban Affairs.

2091. A letter from the President, transmitting a report that it is in the national interest of the United States to terminate the suspensions under subsection 103(a) of programs of the Export-Import Bank for the People's Republic of China, pursuant to Public Law 101-240, section 103(c); to the Committee on Banking, Finance and Urban Affairs.

2092. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Follow-up on Contracts Awarded by the DHS to KOBA, ARE and PSI," pursuant to D.C. Code Section 47-117(d); to the Committee on the District of Columbia.

2093. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Annual Audit to The Boxing and Wrestling Commission for Fiscal Year 1989," pursuant to D.C. Code Section 47-117(d); to the Committee on the District of Columbia.

2094. A letter from the Director, Fund Board, Department of Education, transmitting a report on projects funded by the Fund Board for improvements and reform of schools and teaching for fiscal year 1989, pursuant to Public Law 100-297, section 3231(c) (102 Stat. 342); to the Committee on Education and Labor.

2095. A letter from the Commissioner, Rehabilitation Services Administration, transmitting a report on the accomplishments of the supported employment programs for the fiscal year October 1, 1987, through September 30, 1988, pursuant to 29 U.S.C. 777a; to the Committee on Education and Labor.

2096. A letter from the Secretary of Education, transmitting Final Regulations for Training Personnel for the Education of the Handicapped-Grants to State Educational Agencies and Institutions of Higher Education Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2097. A letter from the Assistant Attorney General, Office of Juvenile Justice & Delinquency Prevention, transmitting the Departments 1988 annual report on missing children, pursuant to 42 U.S.C. 5773(a); to the Committee on Education and Labor.

2098. A letter from the Secretary of Labor, transmitting the annual report of enforcement activities under the Fair Labor Standards Act for the period October 1, 1986, through September 30, 1987, pursuant to 29 U.S.C. 204(d)(1); to the Committee on Education and Labor.

2099. A letter from the Chairman, Jacob K. Javits Fellowship Board, transmitting the second report on the Jacob K. Javits Fellows Program, pursuant to 20 U.S.C. 1134i; to the Committee on Education and Labor.

2100. A letter from the Secretary of Education, transmitting the annual report of the International Research and Studies Program; to the Committee on Education and Labor.

2101. A letter from the Director, Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting the annual report on the employment of minorities, women, and individuals with handicaps in the Federal Government, fiscal year 1988; to the Committee on Education and Labor.

2102. A letter from the Secretary of Commerce, transmitting the second report on the Liability Risk Retention Act of 1986, pursuant to 15 U.S.C. 3901 nt.; to the Committee on Energy and Commerce.

2103. A letter from the Secretary of Health and Human Services, transmitting the annual report for 1989 on compliance by States with personnel standards for radiologic technicians, pursuant to 42 U.S.C. 1006(d); to the Committee on Energy and Commerce.

2104. A letter from the Secretary of Health and Human Services, transmitting the annual report on the Health Care for the Homeless Program, pursuant to Public Law 100-77, section 601 (101 Stat. 515); to the Committee on Energy and Commerce.

2105. A letter from the Inspector General, Department of the Interior, transmitting a final audit report entitled "Accounting for Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Office of Environmental Project Review, Office of the Secretary," Report No. E-OS-OSS-20-89, dated December 1989, pursuant to 31 U.S.C. 7501 nt.; to the Committee on Energy and Commerce.

2106. A letter from the Chairman, Federal Trade Commission, transmitting the 20th report concerning the impact on competition and small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the International Energy Program, pursuant to 42 U.S.C. 6272(i); to the Committee on Energy and Commerce.

2107. A letter from the Secretary, Interstate Commerce Commission, transmitting notice that the Commission has extended the time period for acting on the appeal in No. 38301S, *Coal Trading Corporation, et al.* v. *the Baltimore and Ohio Railroad Company, et al.*, to January 1, 1990, pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

2108. A letter from the Secretary, Interstate Commerce Commission, transmitting notification that it has extended the time period for acting on the appeal in No. 38301S, *Coal Trading Corporation, et al.,* v. *the Baltimore and Ohio Railroad Company, et al.,* pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

2109. A letter from the Secretary, Interstate Commerce Commission, transmitting notice that the Commission in Finance Docket No. 31424, "Acquisition by Tampa Bay and Western Trans., Inc., of a CSX Transp., Inc., Line Between Sulphur Springs and Broco, FL," has extended the time period for issuing a final decision by 30 days, pursuant to 49 U.S.C. 11345(e); to the Committee on Energy and Commerce.

2110. A letter from the Acting Administrator, Agency for International Development, transmitting the Private Sector Revolving Fund's annual report for fiscal year 1989, pursuant to 22 U.S.C. 2151f(h); to the Committee on Foreign Affairs.

2111. A letter from the Deputy Secretary of State, Agency for International Development, transmitting his determination that it is in the national interest to grant assistance to Sudan, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

2112. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of defense articles or defense equipment sold commercially to Japan (Transmittal No. MC-27-89), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2113. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Taiwan (Transmittal No. MC-26-89), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2114. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of defense articles or defense articles or defense services sold commercially to Intelsat (Transmittal No. MC-25-89), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2115. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of proposed antiterrorism assistance to the Yemen Arab Republic, pursuant to 22 U.S.C. 2349aa-3(a)(1); to the Committee on Foreign Affairs.

2116. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed lease of defense articles to Korea (Transmittal No. 2-90), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

2117. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 06-89, concerning a proposed memorandum of understanding [MOU] with the Governments of France, the Federal Republic of Germany, the United Kingdom, and the United States regarding a cooperative project for the development of the next generation future tank main armament system, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

2118. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a copy of the Acting Secretary's determination and justification that it is in the national interest to grant assistance to Cameroon, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

2119. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the quarterly report concerning human rights activities in Ethiopia, covering the period July 15, 1989–October 14, 1989, pursuant to Public Law 100-456, section 1310(c) (102 Stat. 2065); to the Committee on Foreign Affairs.

2120. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the December 4, 1989, abduction of Jack C. Warren, a United States civilian contract employee, by armed FMLN insurgents in El Salvador, pursuant to 22 U.S.C. 2761(c)(2); to the Committee on Foreign Affairs.

2121. A communication from the President of the United States, transmitting the bimonthly report, covering the period September 1 through October 31, 1989, on progress toward a negotiated settlement of the Cyprus question, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

2122. A communication from the President of the United States, transmitting a report on developments concerning the continuing national emergency with respect to Libya, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 101-129); to the Committee on Foreign Affairs and ordered to be printed.

2123. A letter from the Secretary of Commerce, transmitting notification that the Department intends to impose and expand foreign policy-based controls on certain precursor chemicals useful in the production of chemical weapons, pursuant to 50 U.S.C. app. 2405(f); to the Committee on Foreign Affairs.

2124. A letter from the Secretary of Commerce, transmitting the Export Administration's annual report for fiscal year 1989, pursuant to 50 U.S.C. app. 2413; to the Committee on Foreign Affairs.

2125. A letter from the Assistant Secretary of Defense (Force Management and Personnel), transmitting a report on the audit of the American Red Cross for the year ending June 30, 1989, pursuant to 36 U.S.C. 6; to the Committee on Foreign Affairs.

2126. A letter from the Acting Administrator, Agency for International Development, transmitting the Sahel Development Program: 1986-88 report, pursuant to 22 U.S.C. 2151s(b); to the Committee on Foreign Affairs.

2127. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting the 17th 90-day report on the investigation into the death of Enrique Camarena, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico, pursuant to Public Law 99-93, section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

2128. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2129. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2130. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2131. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2132. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2133. A communication from the President of the United States, transmitting a report on the coup attempt against the constitutional government of the Philippines, December 1, 1989 (H. Doc. No. 101-123); to the Committee on Foreign Affairs and ordered to be printed.

2134. A communication from the President of the United States, transmitting a report on the development concerning the deployment of United States Forces to Panama (H. Doc. 101-127) on December 20, 1989; to the Committee on Foreign Affairs and ordered to be printed.

2135. A letter from the Secretary of Agriculture, transmitting the semiannual report of the Office of Inspector General covering the period ending September 30, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2136. A letter from the Secretary of Agriculture, transmitting notification of a delay in submitting the management followup report on the activities of the Office of Inspector General, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2137. A letter from the Secretary of Education, transmitting the 19th semiannual report of the Office of Inspector General covering the period April 1, 1989 to September 30, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2138. A letter from the Secretary of Education, transmitting the the Department's first semiannual report on the audit followup of the activities of inspector general for the period April 1, 1989 through September 30, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2139. A letter from the Secretary of Energy, transmitting the first semiannual report of the Office of Inspector General covering the period April 1, 1989 to September 30, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

2140. A letter from the Secretary of Housing and Urban Development, transmitting the semiannual report of the Office of Inspector General covering the period April 1, 1989 to September 30, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

2141. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting the first semiannual report of the Corporation's inspector general covering the period April 1, 1989 to September 30,

1989, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

2142. A letter from the Secretary of Transportation, transmitting the semiannual report of the Office of Inspector General for the period ended September 30, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2143. A letter from the Secretary of the Treasury, transmitting U.S. Government annual report for the fiscal year ended September 30, 1989, pursuant to 31 U.S.C. 331(c); to the Committee on Government Operations.

2144. A letter from the Comptroller General transmitting a list of all reports issued by GAO during October 1989, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2145. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued by GAO during November and a cumulative of the preceding 12 months, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2146. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by GAO during December 1989, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2147. A letter from the Acting Secretary of the Treasury, transmitting a report of the Department's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2148. A letter from the Acting Secretary of State transmitting a report of the Department's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2149. A letter from the Chairman, Administrative Conference of the United States, transmitting a report of their compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2150. A letter from the Acting Administrator, Agency for International Development, transmitting the semiannual report of the Agency's inspector general for the period April 1, 1989, through September 30, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2151. A letter from the Acting Administrator, Agency for International Development, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system during fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2152. A letter from the Acting Federal Inspector, Alaska Natural Gas Transportation System, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2153. A letter from the Federal Cochairman Designate, Appalachian Regional Commission, transmitting its report on the implementation of section 8E of the Inspector General Act of 1978, as amended, pursuant to Public Law 100-504, section 111 (102 Stat. 2529); to the Committee on Government Operations.

2154. A letter from the Federal Cochairman Designate, Appalachian Regional Commission, transmitting the first semiannual report of the Office of Inspector General covering the period April 1, 1989, to September 30, 1989, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

2155. A letter from the Director, ACTION, transmitting the first semiannual report of the inspector general for the period ending September 30, 1989; Agency's comments thereon, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

2156. A letter from the Director, ACTION, transmitting a report of the Agency's compliance with the requirements of the internal accounting and administrative control system during the year ended September 30, 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2157. A letter from the Chairman, Barry M. Goldwater Scholarship and Excellence to Education Foundation, transmitting a report in compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2158. A letter from the Chairman, Consumer Product Safety Commission, transmitting a report of the Commission's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2159. A letter from the Chairman, Railroad Retirement Board, transmitting a report of the Board's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2160. A letter from the Secretary, Commission of Fine Arts, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2161. A letter from the Chairman, Commodity Futures Trading Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2162. A letter from the Comptroller General, transmitting a report on the Financial Integrity Act entitled, "Inadequate Controls Result in Ineffective Federal Programs and Billions in Losses" (GAD/AFMD-90-10, November 1989); to the Committee on Government Operations.

2163. A letter from the Director, Congressional Budget Office, transmitting a report entitled "Credit Reform: Comparable Budget Costs for Cash and Credit", pursuant to Public Law 100-119, section 212; to the Committee on Government Operations.

2164. A letter from the Director, Congressional Budget Office, transmitting a report on unauthorized appropriations and expiring authorization, pursuant to 2 U.S.C. 602(f)(3); to the Committee on Government Operations.

2165. A letter from the Chairman, Consumer Product Safety Commission, transmitting the first semiannual report of the Office of Inspector General covering the period April 1, 1989 to September 30, 1989, pursuant to Public Law 95-452, section BE(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

2166. A letter from the Secretary, Department of Education, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2167. A letter from the Director, Division of Commissioned Personnel, Public Health Service, Department of Health and Human Services, transmitting the annual report on the financial condition of the Public Health Service Commissioned Corps retirement system for the year ending September 30, 1988, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2168. A letter from the Attorney General, Department of Justice, transmitting the first semiannual report of the Office of Inspector General for the period April 14, 1989, through September 30, 1989; report on audit resolution, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

2169. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report of the Office of Inspector General covering the period April 1, 1989 to September 30, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2170. A letter from the Administrator, Environmental Protection Agency, transmitting a report of the Agency's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2171. A letter from the President and Chairman, Export-Import Bank, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2172. A letter from the Chairman, Farm Credit Administration, transmitting the first semiannual report of the Office of Inspector General for the period January 22 through September 30, 1989, comments at later date, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

2173. A letter from the Chairman, Farm Credit Administration, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2174. A letter from the Chairman, Farm Credit Administration, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2175. A letter from the Chairman, Federal Communications Commission, transmitting the first semiannual report for the Office of Inspector General covering the period April 1, 1989, to September 30, 1989, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

2176. A letter from the Managing Director, Federal Communications Commission,

transmitting notification of two proposed new, and one altered, Federal records systems, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

2177. A letter from the Chairman, Federal Election Commission, transmitting the first semiannual report of the Office of Inspector General during the 6-month period ending October 31, 1989, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

2178. A letter from the Acting Director, Federal Emergency Management Agency, transmitting the semiannual report of the Office of Inspector General covering the period April 1 to September 30, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

2179. A letter from the Acting Director, Federal Emergency Management Agency, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system during the year ending September 30, 1989, pursuant to 21 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2180. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system for fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2181. A letter from the Acting Chairman, Federal Maritime Commission, transmitting the first semiannual report of the Office of Inspector General covering the period April 1, 1989, to September 30, 1989, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

2182. A letter from the Acting Chairman, Federal Martime Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2183. A letter from the Acting Director, Federal Mediation and Conciliation Service, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system during fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2184. A letter from the Chairman, Federal Trade Commission, transmitting the first semiannual report of the Office of Inspector General since its inception May 23, 1989 to September 30, 1989, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

2185. A letter from the Chairman, Federal Trade Commission, transmitting a report of the Commission's compliance with the requirements of the internal accounting and administrative control system during fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2186. A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949 to authorize executive agencies to establish more than one supply source for a particular commodity or service; to the Committee on Government Operations.

2187. A letter from the Acting Administrator, General Services Administration, transmitting a report covering the disposal of surplus Federal real property for historic monument, correctional facility, and airport purposes for fiscal year 1989; description of negotiated disposals of surplus real property having an estimated value of more than $15,000, pursuant to 40 U.S.C. 484(o); to the Committee on Government Operations.

2188. A letter from the Inspector General, General Services Administration, transmitting a copy of the Audit Report Register of his office, as an addendum to the semiannual report of activities for the 6-month period ending September 30, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2189. A letter from the Acting Administrator, General Services Administration, transmitting the Administrator's first semiannual report on the status of audit followup of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2190. A letter from the Acting Administrator, General Services Administration, transmitting a report of the agency's compliance with the internal accounting and administrative control system, as of September 30, 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2191. A letter from the Acting Public Printer, Government Printing Office, transmitting the first semiannual report of the Office of Inspector General for the period April 1, 1989 through September 30, 1989; report on final action to be transmitted under separate cover, pursuant to 44 U.S.C. 3903 (102 Stat. 2531); to the Committee on Government Operations.

2192. A letter from the Chairman, International Cultural and Trade Center Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system during fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2193. A letter from the Chairman, Interstate Commerce Commission, transmitting a report of the Commission's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2194. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the 22d semiannual report of the Office of Inspector General for the period April 1, 1989 through September 30, 1989; first management report on the status of audit followup, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2195. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2196. A letter from the Chairman, National Credit Union Administration, transmitting the first report on the activities of the Office of Inspector General covering the period April 1, 1989 to September 30, 1989, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

2197. A letter from the Chairman, National Credit Union Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2198. A letter from the Chairman, National Endowment for the Arts, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2199. A letter from the Chairman, National Endowment for the Arts, transmitting the inspector general's semiannual report and management's semiannual report, pursuant to Public Law 100-504, section 104(a) (102 Stat. 2522); to the Committee on Government Operations.

2200. A letter from the Director, National Gallery of Art, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2201. A letter from the Chairman, National Mediation Board, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2202. A letter from the Chairman, National Science Board, transmitting the initial report of the Office of Inspector General, National Science Foundation, for the period April 1 through September 30, 1989; comments thereon, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

2203. A letter from the Director, National Science Foundation, transmitting a report on compliance with the requirements of the internal accounting and administrative control system during the year ending September 30, 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2204. A letter from the Chairman, National Transportation Safety Board, transmitting a report on compliance with the requirements of the internal accounting and administrative control system during the year ending September 30, 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2205. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the first semiannual report of the Office of Inspector General covering the period since its inception April 15, 1989 to September 30, 1989, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

2206. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system during the year ending September 30, 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2207. A letter from the Director, Office of Management and Budget, transmitting a report on accounts containing unvouchered expenditures that are potentially subject to audit by the General Accounting Office, pursuant to 31 U.S.C. 3524(b); to the Committee on Government Operations.

2208. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting a report of the agency's compliance with the requirements of the internal accounting and

administrative control system during fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2209. A letter from the Administrator, Panama Canal Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2210. A letter from the Director, Peace Corps, transmitting the first semiannual report of the Office of Inspector General for the period April 1, 1989, through September 30, 1989; comments thereon, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

2211. A letter from the Deputy Assistant to the President for Management and Director of the Office of Administration, President of the United States, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2212. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting a report of actions taken to increase competition for contracts during fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2213. A letter from the Secretary of the Treasury, transmitting the first semiannual report of the Office of Inspector General for the period ended September 30, 1989; comments thereon, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

2214. A letter from the Secretary of Agriculture, transmitting a report of the Department's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2215. A letter from the Secretary of Commerce, transmitting a report of the Department's compliance with the requirements of the internal accounting and administrative control system during fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2216. A letter from the Secretary of Defense, transmitting the semiannual report of the Office of Inspector General during the 6 months ending September 30, 1989, pursuant to Public Law 95-452, section 5(b) (96 Stat. 750, 102 Stat. 2526); to the Committee on Government Operations.

2217. A letter from the Secretary of Defense, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2218. A letter from the Secretary of Education, transmitting a report of surplus Federal real property disposed of to educational institutions, fiscal year 1989, pursuant to Public Law 100-612, section 5 (102 Stat. 3181); to the Committee on Government Operations.

2219. A letter from the Secretary of Education, transmitting a report of the Department's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2220. A letter from the Secretary of Energy, transmitting a report of the Department's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2221. A letter from the Secretary of Health and Human Services, transmitting a report of the Department's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2222. A letter from the Secretary of Housing and Urban Development, transmitting a report of the Department's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2223. A letter from the Secretary of Transportation, transmitting a report of the Department's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2224. A letter from the Secretary of Veterans Affairs, transmitting the semiannual report of the Inspector General for the period April 1, 1989, through September 30, 1989; Department's initial management report on actions taken in response to audit recommendations, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526, 2640); to the Committee on Government Operations.

2225. A letter from the Secretary of Veterans Affairs, transmitting a report of the Department's compliance with the requirements of the internal accounting and administrative control system for the period ending September 30, 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2226. A letter from the Chairman, Securities and Exchange Commission, transmitting the first semiannual report of the Office of Inspector General for the period ending September 30, 1989; Chairman's response to the report, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

2227. A letter from the Director, Selective Service, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2228. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Inspector General for the period April 1, 1989, through September 30, 1989; status of management actions thereon, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2229. A letter from the Administrator, Small Business Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2230. A letter from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting a report of the Commission's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2231. A letter from the Associate Director, U.S. Information Agency, transmitting a report of the Agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2232. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2233. A letter from the Director, U.S. Peace Corps, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2234. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2235. A letter from the Director, U.S. Information Agency, transmitting the Agency's fifth and final annual report on competition advocacy during fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2236. A letter from the Chairman, U.S. International Trade Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2237. A letter from the Director, U.S. Office of Personnel Management, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2238. A letter from the Chairman, U.S. Securities and Exchange Commission, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2239. A letter from the Lieutenant General, USAF, Retired Governor, U.S. Soldiers' and Airmen's Home, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2240. A letter from the Clerk of the House, transmitting a list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives, pursuant to rule III, clause 2, of the Rules of the House (H. Doc. No. 101-133); to the Committee on House Administration and ordered to be printed.

2241. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2242. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to

43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2243. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2244. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2245. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2246. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2247. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payables in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2248. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2249. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the first biennial report on the estimated reserves of crude oil and natural gas in the Federal Outer Continental Shelf, pursuant to 43 U.S.C. 1865; jointly to the Committee on Interior and Insular Affairs; and Merchant Marine and Fisheries.

2250. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2251. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2252. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2253. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2254. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2255. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2256. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2257. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2258. A letter from the Assistant Secretary for Water and Science, Department of the Interior, transmitting the High Plains States Groundwater Demonstration Program 1989 interim report, pursuant to 43 U.S.C. 390g-2(c)(2); to the Committee on Interior and Insular Affairs.

2259. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2260. A letter from the Director, Bureau of Land Management, transmitting the ninth annual program report on the public lands, entitled "Managing the Nation's Public Lands," pursuant to 43 U.S.C. 1741(a); to the Committee on Interior and Insular Affairs.

2261. A letter from the Secretary of the Interior, transmitting the 10th annual program report on the managing of the Nation's public lands, pursuant to 43 U.S.C. 1741(a); to the Committee on Interior and Insular Affairs.

2262. A letter from the Assistant Secretary—Indian Affairs, Department of Interior, transmitting a newly proposed plan for the use of judgment funds awarded to the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Docket 50233 before the U.S. Court of Claims; to the Committee on Interior and Insular Affairs.

2263. A letter from the Secretary of the Interior, transmitting the 1990 update to the national plan for research in mining and mineral resources and the 1990 report on the Mineral Institute Program of the U.S. Department of the Interior, pursuant to 30 U.S.C. 1229(e); to the Committee on Interior and Insular Affairs.

2264. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the report of the proceedings of the Judicial Conference of the United States, September 1989, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

2265. A letter from the Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the calendar year 1987, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

2266. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on recommendations submitted to the Judicial Conference of the United States from the ad hoc Committee on Federal Habeas Corpus in Capital Cases, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

2267. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the legion's annual audit as of April 30, 1989, pursuant to 36 U.S.C. 1101(28), 1103; to the Committee on the Judiciary.

2268. A letter from the Acting Adjutant General, Military Order of the Purple Heart, transmitting a copy of their financial audit as of June 30, 1989 and 1988, pursuant to 36 U.S.C. 1101(31), 1103; to the Committee on the Judiciary.

2269. A letter from the Chairman, Board of Directors, National FFA Organization, transmitting a report on the audit of the accounts of the Future Farmers of America for the period ending August 31, pursuant to 36 U.S.C. 1101(23), 1103; to the Committee on the Judiciary.

2270. A letter from the Executive Vice President, Noncommissioned Officers Association, transmitting a copy of the audited financial statement statement for 1988, pursuant to Public Law 100-281, section 13 (100 Stat. 75); ; to the Committee on the Judiciary.

2271. A letter from the Director, Office of Drug Control Policy, transmitting the report on the study of the necessity to establish a new division or make other organizational changes within the Department of Justice in order to promote better civil and criminal law enforcement, pursuant to Public Law 100-690, section 1053(a) (102 Stat. 4190); to the Committee on the Judiciary.

2272. A letter from the Chief Financial Officer, Paralyzed Veterans of America, transmitting a copy of the annual audit report of the Paralyzed Veterans of America for the fiscal year ended September 30, 1989, pursuant to 36 U.S.C. 1166; ; to the Committee on the Judiciary.

2273. A letter from the veterans of World War I of the U.S.A., Inc., transmitting proceedings of the 37th National Conference, pursuant to 36 U.S.C. 776; 44 U.S.C. 1332 (H. Doc. No. 101-137); to the Committee on the Judiciary.

2274. A letter from the Clerk, U.S. Claims Court, transmitting the court's report for the year ended September 30, 1989, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

2275. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting a report on developing a mapping plan for the U.S. Great Lakes region, pursuant to 33 U.S.C. 883a nt.; to the Committee on Merchant Marine and Fisheries.

2276. A letter from the Chairman, Migratory Bird Conservation Commission, transmitting the annual report of activities for the fiscal year ended September 30, 1989, pursuant to 16 U.S.C. 715b; to the Committee on Merchant Marine and Fisheries.

2277. A letter from the Admiral, U.S. Coast Guard Commandant, transmitting the U.S. Coast Guard's study of safety problems on fishing industry vessels, pursuant to 46 U.S.C. 4502 nt.; to the Committee on Merchant Marine and Fisheries.

2278. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting a report on the Agency's Endangered Species Protection Program as it relates to pesticide regulatory activities; to

the Committee on Merchant Marine and Fisheries.

2279. A letter from the Secretary of Transportation, transmitting the Department's comments on the effects of the Shipping Act of 1984, pursuant to 46 U.S.C. 1717(c)(2); to the Committee on Merchant Marine and Fisheries.

2280. A letter from the Deputy Assistant to the President for Management and Director of the Office of Administration, The White House, transmitting the aggregate report for personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development (domestic policy staff), and the Office of Administration, fiscal year 1989, pursuant to 3 U.S.C. 113; to the Committee on Post Office and Civil Service.

2281. A letter from the Chairman, Merit Systems Protection Board, transmitting a report titled "OPM's Classification and Qualification Systems—A Renewed Emphasis, A Changing Perspective," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

2282. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting the annual activities report for fiscal year 1988, pursuant to Public Law 101-12, section 3(a)(11) (103 Stat. 29); to the Committee on Post Office and Civil Service.

2283. A letter from the Secretary of Commerce, transmitting the annual report on the activities of the Economic Development Administration, fiscal year 1988, pursuant to 42 U.S.C. 3217; to the Committee on Public Works and Transportation.

2284. A letter from the Administrator, Environmental Protection Agency, transmitting the annual report on the nonpoint sources of water pollution reduction activities and programs, fiscal year 1988, pursuant to Public Law 100-4, section 316 (101 Stat. 59); to the Committee on Public Works and Transportation.

2285. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Mill Creek, TN, together with other pertinent reports and comments (H. Doc. No. 101-125); to the Committee on Public Works and Transportation and ordered to be printed.

2286. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report dated February 7, 1989, from the Chief of Engineers, Department of the Army, on Coyote and Berryessa Creek, CA, together with other pertinent reports (H. Doc. No. 101-126); to the Committee on Public Works and Transportation and ordered to be printed.

2287. A letter from the Chairman, Barry Goldwater Scholarship and Excellence in Education Foundation, transmitting the annual report of the activities of the Goldwater Foundation, pursuant to 20 U.S.C. 4711; to the Committee on Science, Space, and Technology.

2288. A letter from the Executive Director, Task Force on Women, Minorities, and the Handicapped in Science and Technology, transmitting a final report entitled, "Changing America: The New Face of Science and Engineering"; to the Committee on Science, Space, and Technology.

2289. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the 1989 annual report on the performance of its industrial application centers and on the ability to interact with the Nation's small business community, pursuant to 15 U.S.C. 648(f); to the Committee on Small Business.

2290. A letter from the Chairperson, National Women's Business Council, U.S. Business Administration, transmitting the first activities report of the National Women's Business Council activities, pursuant to 15 U.S.C. 631 nt.; to the Committee on Small Business.

2291. A letter from the National Adjutant, the Disabled American Veterans, transmitting the report of the proceedings of the organization's 68th National Convention, including their annual audit report of receipts and expenditures as of December 31, 1989, pursuant to 36 U.S.C. 90i; 44 U.S.C. 1332 (H. Doc. No. 101-136); to the Committee on Veterans' Affairs and ordered to be printed.

2292. A letter from the Adjutant General, the United Spanish War Veterans, transmitting the proceedings of the 90th national encampment held in Des Miones, IA, August 23-31, 1988, pursuant to 44 U.S.C. 1332 (H. Doc. No. 101-138); to the Committee on Veterans' Affairs and ordered to be printed.

2293. A communication from the President of the United States, transmitting notification of his intention to add Poland to the list of beneficiary developing countries under the Generalized System of Preferences [GSP], pursuant to 19 U.S.C. 2462(a) H. Doc. 101-130); to the Committee on Ways and Means and ordered to be printed.

2294. A letter from the Secretary of Health and Human Services, transmitting 1989 interim report on demonstration projects with respect to work incentives for disabled OASOI beneficiaries, pursuant to 42 U.S.C. 1310 nt.; to the Committee on Ways and Means.

2295. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the final monthly treasury statement of receipts and outlays of the U.S. Government for fiscal year 1989, pursuant to 31 U.S.C. 331(c); to the Committee on Ways and Means.

2296. A letter from the Secretary of Commerce, transmitting the first report of the President's Advisory Committee on Trade Policy and Negotiations' EC92 task force on its review and recommendations on the European Community's program to develop a single market by the end of 1992, pursuant to Public Law 100-418, section 1103(b)(3) (102 Stat. 1130); to the Committee on Ways and Means.

2297. A letter from the Secretary of Labor, transmitting a report on methods of expediting certification of workers for trade adjustment assistance, pursuant to Public Law 100-418, section 1429; to the Committee on Ways and Means.

2298. A letter from the Board of Trustees, transmitting the 1989 annual report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), 1395t(b)(2) (H. Doc. No. 101-134); to the Committee on Ways and Means and ordered to be printed.

2299. A letter from the Chairman, U.S. International Trade Commission, transmitting the fourth annual report on the impact of the Caribbean Basin Economic Recovery Act on U.S. industries and consumers, pursuant to 19 U.S.C. 2704; to the Committee on Ways and Means.

2300. A letter from the Special Assistant to the President for Agricultural Trade and Food Aid, transmitting a report on expanding export markets for U.S. agriculture including higher value products, pursuant to 7 U.S.C. 1736-1(c)(9); jointly, to the Committees on Agriculture and Foreign Affairs.

2301. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to change the statutory authority for the pay level of the Director of the U.S. Mint to Executive Level V; jointly, to the Committees on Banking, Finance and Urban Affairs and Post Office and Civil Service.

2302. A letter from the Secretary of Labor, transmitting the annual report on employment and training programs for veterans during program year 1987 (July 1, 1987-June 30, 1988) and fiscal year 1988 (October 1, 1987-September 30, 1988), pursuant to 38 U.S.C. 2009(b); jointly, to the Committees on Education and Labor and Veterans' Affairs.

2303. A letter from the Commissioner, Monitored Retrievable Storage Commission, transmitting the first report on the need for a Federal monitored retrievable storage facility, pursuant to 42 U.S.C. 10163; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2304. A letter from the Acting Chairman, National Transportation Safety Board, transmitting a copy of the Board's letter to the OMB appealing the fiscal year 1991 allowance for the Board, pursuant to 49 U.S.C. app. 1903(b)(7); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

2305. A letter from the Secretary of Commerce, transmitting a report on imports during the first 6 months of 1989, and the appendix, of strategic and critical materials from countries of the Council for Mutual Economic Assistance, pursuant to 22 U.S.C. 5092(b)(2); jointly, to the Committees on Foreign Affairs and Ways and Means.

2306. A communication from the President of the United States, transmitting his determination that it is in the national interest of the United States to lift the prohibition on reinstatement and approval of export licenses for the three U.S.-built AUSSAT and AsiaSat satellites for launch on Chinese-built launch vehicles, pursuant to Public Law 101-162, section 610; jointly, to the Committees on Foreign Affairs and Appropriations.

2307. A letter from the Comptroller General, General Accounting Office, transmitting the audit of the Pennsylvania Avenue Development Corporation's financial statements for the fiscal year ending September 30, 1988, pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Government Operations and Interior and Insular Affairs.

2308. A letter from the Secretary of the Interior, transmitting a report describing the current condition of habitat at the Salton Sea National Wildlife Refuge, CA, pursuant to Public Law 100-675, section 208; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

2309. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation, adopted by the Judicial Conference of the United States, to require the Secretary of the Treasury to mint gold and silver coins in commemoration of the Bicentennial of the Bill of Rights and the role of the Federal judiciary in interpreting the Bill of Rights; jointly, to the Committees on Judiciary and Banking, Finance and Urban Affairs.

2310. A letter from the Comptroller of the Currency, transmitting notification of adjustments to OCC's compensation for the calendar year 1990; jointly, to the Committees on Post Office and Civil Service and Banking, Finance and Urban Affairs.

2311. A letter from the Director, Office of Personnel Management, transmitting a report on SES positions in the Department of Housing and Urban Development, pursuant to Public Law 101-144; jointly, to the Committees on Post Office and Civil Service and Appropriations.

2312. A letter from the Comptroller of the Department of Defense, transmitting notification of the Department's intent to transfer $20 million for Jordan as a reprogramming action, pursuant to Public Law 101-165, section 9108; jointly, to the Committees on Appropriations, Armed Services, and Foreign Affairs.

2313. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting the certification that 10 strategic minerals currently imported from South Africa are essential for the economy or defense of the United States and are unavailable from reliable and secure suppliers, pursuant to 22 U.S.C. 5094(a); jointly, to the Committees on Armed Services, Foreign Affairs; and Ways and Means.

2314. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to raise the authorized pay level of the Treasurer of the United States to Executive IV; jointly, to the Committees on Banking, Finance and Urban Affairs; Post Office and Civil Service; and Ways and Means.

2315. A communication from the President of the United States, transmitting final report of the Presidential Economic Delegation to Poland in November 1989 (H. Doc. No. 101-135); jointly, to the Committees on Agriculture; Banking, Finance and Urban Affairs; Education and Labor; Foreign Affairs; Energy and Commerce; and Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Nov. 20, 1989, the following reports were filed on Dec. 15, 1989]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2061. A bill to authorize appropriations to carry out the Magnuson Fishery Conservation and Management Act through fiscal year 1992; with amendments (Rept. 101-393). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3332. A bill to provide for development of a National Global Change Research Plan to coordinate oceanographic, atmospheric, terrestrial, and polar research programs; to direct to the Council on Environmental Quality to advise the President on policies relating to global change; and for other purposes; with an amendment (Report 394, Pt. 1). Ordered to be printed.

[Pursuant to H. Res. 84 the following report was filed on Jan. 12, 1990]

Mr. MILLER of California: Select Committee on Children, Youth, and Families. No Place To Call Home: Discarded Children in America (Rept. 101-395). Referred to the Committees on Education and Labor, Energy and Commerce, the Judiciary, and Ways and Means and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS (for himself, Mr. HORTON, Mr. SYNAR, Mr. WAXMAN, Mr. NEAL of North Carolina, Mr. GILMAN, Mr. BATES, Mr. DE LA GARZA, Mr. NOWAK, Mr. DICKS, Mr. TORRES, Mr. TALLON, Mr. SLATTERY, Mr. DYMALLY, Mr. WOLPE, Mr. SHAYS, Mr. SMITH of Vermont, Mr. BOEHLERT, Mr. COURTER, Mr. PURSELL, Mr. WALSH, Mr. FISH, and Mr. BEVILL):

H.R. 3847. A bill to establish a Department of Environmental Protection, and for other purposes; to the Committee on Government Operations.

By Mr. ANNUNZIO (for himself Mr. HUBBARD, Mr. VENTO, Mr. KLECZKA, Mr. KANJORSKI, Mr. FLAKE, Mr. MFUME, Mr. HOAGLAND, Mr. ROTH, Mr. BATES, Mr. BRYANT, Mr. FOGLIETTA, Mr. PENNY, and Mr. ROE):

H.R. 3848. A bill to require the appropriate Federal depository institution regulatory agency to revoke the charter of any Federal depository institution which is found guilty of a crime involving money laundering or monetary transaction report offenses and to require the Federal Deposit Insurance Corporation and the National Credit Union Administration Board to terminate the deposit insurance of any State depository institution which is found guilty of any such crime; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BATES (for himself, Mr. ANNUNZIO, Mr. FAZIO, Mr. FLIPPO, Mr. FROST, Ms. OAKAR, Mr. GEJDENSON, Mr. KOLTER, and Mr. MANTON):

H.R. 3849. A bill to amend title 44, United States Code, to reform the public information functions of the Public Printer and the Superintendent of Documents; to the Committee on House Administration.

By Mr. HAWKINS (for himself, Mr. MARTINEZ, Mr. OWENS of New York, and Mr. PERKINS):

H.R. 3850. A bill to assure a fair chance for a good education for all children; to the Committee on Education and Labor.

By Mr. BRENNAN (for himself, Mr. NEAL of Massachusetts, Mr. DONNELLY, Mr. OWENS of New York, Mr. ACKERMAN, Mr. NOWAK, Mr. KOLTER, Mr. FOGLIETTA, Mr. FRANK, Mr. STUDDS, and Mr. MURPHY):

H.R. 3851. A bill making supplemental appropriations to the Department of Health and Human Services for the Low-Income Home Energy Assistance Program [LIHEAP] in certain States for the fiscal year ending September 30, 1990; to the Committee on Appropriations.

By Mr. BROWN of California (for himself, Mr. FAZIO, Mr. LEWIS of California, Mr. MOORHEAD, Mr. CAMPBELL of California, Mr. PACKARD, Mr. BATES, and Mr. WAXMAN):

H.R. 3852. A bill to require the Secretary of Energy to carry out a program for purposes of accelerating the development and demonstration of electric vehicle technology; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. BUSTAMANTE:

H.R. 3853. A bill requiring the Office of Science and Technology Policy to coordinate and evaluate Federal efforts to promote and assist mathematics and science education; to the Committee on Science, Space, and Technology.

By Mr. CHAPMAN:

H.R. 3854. A bill to establish and evaluate four military-style boot camp prisons within the Federal prison system as a 4-year demonstration program; to the Committee on the Judiciary.

By Mr. CONTE (for himself, Mr. NEAL of Massachusetts, Mr. SMITH of Vermont, Mr. DONNELLY, Mr. FRANK, Mrs. KENNELLY, Ms. SCHNEIDER, Mr. MACHTLEY, Mr. SHAYS, and Mr. KILDEE):

H.R. 3855. A bill to amend the Energy Policy and Conservation Act to provide for the establishment of regional petroleum products reserve, and for other purposes; to the Committee on Energy and Commerce.

H.R. 3856. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on windfall profits derived from home heating oil, and for other purposes; to the Committee on Ways and Means.

By Mr. DORGAN of North Dakota (for himself, Mr. DURBIN, Mr. PENNY, Mrs. SCHROEDER, Mr. THOMAS A. LUKEN, Mr. FAUNTROY, Mr. BORSKI, and Mr. DE LUGO):

H.R. 3857. A bill to amend the Internal Revenue Code of 1986 to repeal the 1990 scheduled increase in Social Security taxes; to the Committee on Ways and Means.

By Mr. EMERSON (for himself and Mr. ACKERMAN):

H.R. 3858. A bill to amend the Internal Revenue Code of 1986 to provide that income of a child which is to be used for the child's educational expenses shall be taxed at the child's rates and not the parent's rates; to the Committee on Ways and Means.

By Mr. FORD of Michigan (for himself, Mr. BUECHNER, Mrs. COLLINS, Mr. DONNELLY, Mr. GEPHARDT, Mr. HALL of Texas, Mr. HAMILTON, Mr. LIVINGSTON, Mr. MFUME, Mr. NAGLE, and Mr. TAUKE).

H.R. 3859. A bill to authorize assistance to the Washington Center for Internships and Academic Seminars; to the Committee on Education and Labor.

By Mr. HAWKINS (for himself and Mr. OWENS of New York):

H.R. 3860. A bill to assist schools in improving student performance; to the Committee on Education and Labor.

By Mr. JONES of North Carolina:

H.R. 3861. A bill to prohibit oil and gas leasing, exploration, and development offshore North Carolina until adequate physical oceanographic, ecological, and socioeconomic information is available to enable informed decisionmaking, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. KOLTER:

H.R. 3862. A bill to extend nondiscriminatory treatment to the products of Czechoslovakia for 5 years; to the Committee on Ways and Means.

By Mr. KOSTMAYER (for himself, Mr. GRAY, Mr. MURPHY, Mr. BEREUTER, Mr. PEASE, Mr. TOWNS, Mr. MCDADE, Mr. ACKERMAN, Mr. FOGLIETTA, Mr. WALGREN, Mr. LEWIS of Georgia, Mr. YATRON, Mr. MARKEY, and Mrs. MEYERS of Kansas):

H.R. 3863. A bill to amend the National Trails System Act to provide for the study and designation of the Underground Histor-

ic Trail; to the Committee on Interior and Insular Affairs.

By Ms. OAKAR:

H.R. 3864. A bill to amend title XVIII of the Social Security Act to provide for coverage of annual screening mammography under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PENNY (for himself and Mr. THOMAS A. LUKEN):

H.R. 3865. A bill to amend the Internal Revenue Code of 1986 to repeal the 1990 scheduled increase in Social Security taxes and to reduce such taxes in 1991; to the Committee on Ways and Means.

By Mr. RAHALL (for himself and Mr. VENTO):

H.R. 3866. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RICHARDSON:

H.R. 3867. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to provide interpretation and visitor education regarding the rich cultural heritage of the Chama River Gateway Region of northern New Mexico; to the Committee on Interior and Insular Affairs.

By Mrs. SCHROEDER:

H.R. 3868. A bill to direct the Secretary of the Army to carry out a 4-year test program to examine the implications of the removal of limitations on the assignment of female members of the Army to combat and combat-support positions; to the Committee on Armed Services.

By Mr. SLATTERY (for himself, Mr. AKAKA, Mr. HALL of Ohio, Mr. PENNY, Mr. BATES, Mr. BATEMAN, and Mr. HERGER):

H.R. 3869. A bill to provide that no interest shall be imposed on any underpayment of tax resulting from the retroactive application of the amendment denying the deduction for personal exemptions under the alternative minimum tax; to the Committee on Ways and Means.

By Ms. SNOWE:

H.R. 3870. A bill making supplemental appropriations to the Department of Health and Human Services for the Low-Income Home Energy Assistance Program for the fiscal year ending September 30, 1990; to the Committee on Appropriations.

By Mr. SOLOMON:

H.R. 3871. A bill to amend the Controlled Substances Act to provide the penalty of death for major drug traffickers; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. WILLIAMS:

H.R. 3872. A bill to amend the Internal Revenue Code of 1986 to repeal recent increases in Social Security taxes, and to amend the Congressional Budget and Impoundment Control Act of 1974 to exclude receipts and disbursements of the Social Security trust funds from the calculation of Federal deficits and maximum deficit amounts under the Balanced Budget and Emergency Deficit Control Act of 1985; jointly, to the Committees on Ways and Means and Government Operations.

By Mr. WILLIAMS (for himself and Mr. VENTO):

H.R. 3873. A bill to designate certain lands in the State of Montana as congressional study lands for the purpose of protecting Indian treaty rights; to the Committee on Interior and Insular Affairs.

By Mr. YATES:

H.R. 3874. A bill to rescind all funds for El Salvador for fiscal year 1990; to the Committee on Appropriations.

H.R. 3875. A bill to allocate a housing credit dollar amount to certain buildings; to the Committee on Ways and Means.

H.R. 3876. A bill to preserve and maintain as housing affordable to low-income families or persons privately owned dwellings that were produced for such purpose with Federal assistance; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. CONTE (for himself, Mr. NEAL of Massachusetts, Mr. SMITH of Vermont, Mr. DONNELLY, Mr. FRANK, Mrs. KENNELLY, Ms. SCHNEIDER, Mr. MACHTLEY, Mr. SHAYS, Mr. KILDEE, Mr. RINALDO, Mr. SHARP, Mr. HOYER, Mr. PETRI):

H.J. Res. 455. Joint resolution making dire emergency supplemental appropriations for low-income home energy assistance; to the Committee on Appropriations.

By Mr. CONTE (for himself, Mr. NEAL of Massachusetts, Mr. SMITH of Vermont, Mr. DONNELLY, Mr. FRANK, Mrs. KENNELLY, Ms. SCHNEIDER, Mr. MACHTLEY, Mr. SHAYS, Mr. KILDEE):

H.J. Res. 456. Joint resolution to require a study of and report on the home heating oil crisis during the winter months of 1989 and 1990; to the Committee on Energy and Commerce.

By Mr. GREEN (for himself, Mr. GILMAN, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. WOLPE, Mr. ENGEL, Mr. GALLEGLY, Mr. HYDE, Mr. BERMAN, Mr. HAMILTON, Mr. LEVINE of California, Mr. FEIGHAN, Mr. LAGOMARSINO, Mr. LANTOS, Mr. SMITH of Florida, Mrs. MORELLA, Mr. TORRICELLI, and Mr. BROOMFIELD):

H.J. Res. 457. Joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379; to the Committee on Foreign Affairs.

By Mr. GUARINI (for himself, Mr. GREEN, Mr. STUDDS, Mr. WOLF, Mrs. BENTLEY, Mr. THOMAS A. LUKEN, Mr. HUTTO, Mr. MCGRATH, Mrs. PATTERSON, Mr. BROWN of California, Mr. RANGEL, Mr. MILLER of California, Mr. ROE, Mr. ACKERMAN, and Mr. STOKES):

H.J. Res. 458. Joint resolution designating May 6 through 12, 1990, as "Be Kind to Animals and National Pet Week"; to the Committee on Post Office and Civil Service.

By Mr. RICHARDSON:

H.J. Res. 459. Joint resolution to designate the month of September 1990 as "International Vistors Month"; to the Committee on Post Office and Civil Service.

By Mr. ROE:

H.J. Res. 460. Joint resolution to designate the period commencing on May 6, 1990, and ending on May 12, 1990, as "National Drinking Water Week"; to the Committee on Post Office and Civil Service.

By Ms. SCHNEIDER (for herself and Mr. MACHTLEY):

H.J. Res. 461. Joint resolution conferring U.S. citizenship posthumously upon Ivan Dario Perez; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.J. Res. 462. Joint resolution designating October 25, 1990, as "National Arab-American Day"; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT:

H. Con. Res. 242. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union; considered and agreed to.

By Mr. HAYES of Louisiana:

H. Con. Res. 243. Concurrent resolution expressing the sense of the Congress that certain minimum requirements for compliance must be met before the United States agrees to donate medical equipment to such hostile countries as the Socialist Republic of Vietnam; to the Committee on Foreign Affairs.

By Mr. SCHUMER:

H. Con. Res. 244. Concurrent resolution expressing the sense of the Congress that Italy should be commended for its assistance to Jewish emigrants from the Soviet Union; to the Committee on Foreign Affairs.

By Mr. GEPHARDT:

H. Res. 302. Resolution providing for a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. WHITTEN:

H. Res. 303. Resolution to inform the Senate that a quorum of the House had assembled; considered and agreed to.

By Mr. MOAKLEY:

H. Res. 304. Resolution providing for the hour of meeting of the House; considered and agreed to.

By Mr. ARMEY:

H. Res. 305. Resolution encouraging State and local governments to deny or otherwise restrict the driving privileges of minors convicted of drug-related offenses; to the Committee on Public Works and Transportation.

By Ms. OAKAR:

H. Res. 306. Resolution expressing the sense of the House of Representatives against proposals to privatize the Social Security Program; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

303. By the SPEAKER: Memorial of the General Assembly of the State of Illinois, relative to apartments in Illinois subsidized by HUD; to the Committee on Banking, Finance and Urban Affairs.

304. Also, memorial of the Senate of the State of West Virginia, relative to the Clean Air Act; to the Committee on Energy and Commerce.

305. Also, memorial of the House of Representatives of the State of Florida, relative to the adoption of H.R. 2945 which would prohibit oil and gas leases in certain offshore areas near Florida; to the Committee on Interior and Insular Affairs.

306. Also, memorial of the Senate of the State of Michigan, relative to awarding Mr. George Mantello the Congressional Medal of Freedom; to the Committee on Post Office and Civil Service.

307. Also, memorial of the General Assembly of the State of Illinois, relative to a proposed American Coal Miners' Memorial Day; to the Committee on Post Office and Civil Service.

308. Also, memorial of the General Assembly of the State of Illinois, relative to the use of ethanol as an alternative fuel in urban buses; to the Committee on Public Works and Transportation.

309. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to phased shifts to alternative transportation

fuels, tax incentives to reduce obstacles posed by initial capital expenditures for shifts to such fuels; jointly, to the Committees on Ways and Means and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GOSS introduced a bill (H.R. 3877) for the relief of William L. Stuck, Glenn Jenkins, Charles L. Cavell, Alto C. Bowdoin, Jr., and Nathan J. Schnurman; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. BERMAN, Mr. CROCKETT, and Mr. KASTENMEIER.

H.R. 60: Mr. GALLO, Mr. GEKAS, Mr. SISISKY, Mr. WYDEN, Mr. BALLENGER, and Mrs. JOHNSON of Connecticut.

H.R. 82: Mr. MCMILLEN of Maryland.

H.R. 109: Mr. DANNEMEYER.

H.R. 195: Mr. ROE.

H.R. 222: Mr. VISCLOSKY.

H.R. 283: Mr. CALLAHAN, Mr. FLIPPO, Mr. THOMAS of Georgia, Mrs. MARTIN of Illinois, Mr. SCHUETTE, Mr. FRENZEL, Mr. DERRICK, Mr. JONES of North Carolina, Mr. TALLON, Mr. BEVILL, Mr. HARRIS, Mr. SISISKY, Mr. ESPY, Mr. VALENTINE, Mr. EVANS, Mr. MAVROULES, and Mr. PARRIS.

H.R. 379: Mr. ENGEL and Mr. SOLARZ.

H.R. 539: Mr. CAMPBELL of Colorado, Mr. POSHARD, Mr. BOEHLERT, Mr. ATKINS, Mr. SKAGGS, Mr. NEAL of North Carolina, Mr. DYSON, Ms. PELOSI, Mr. CHANDLER, and Mr. BATES.

H.R. 560: Mr. DYSON.

H.R. 572: Mr. BILIRAKIS.

H.R. 614: Mrs. SAIKI.

H.R. 691: Mr. PETRI and Mr. SUNDQUIST.

H.R. 718: Mr. COYNE.

H.R. 726: Mr. ROE.

H.R. 780: Mr. MCMILLEN of Maryland and Mr. DERRICK.

H.R. 787: Mr. CROCKETT, Mr. LEWIS of Georgia, and Mrs. COLLINS.

H.R. 930: Mr. ESPY.

H.R. 1010: Mr. MILLER of Washington.

H.R. 1043: Mr. HUTTO.

H.R. 1044: Mr. STALLINGS and Mr. GEJDENSON.

H.R. 1085: Mr. KANJORSKI.

H.R. 1086: Mr. BARNARD and Mr. SPRATT.

H.R. 1171: Mr. GLICKMAN and Mr. WHITTAKER.

H.R. 1200: Mr. LEHMAN of Florida and Mr. RICHARDSON.

H.R. 1205: Mr. BLILEY, Mr. CARPER, Mr. HORTON, Ms. LONG, Mr. MARKEY, Mr. MAZZOLI, Mr. SAXTON, Mr. SKEEN, and Mr. SMITH of New Hampshire.

H.R. 1239: Mr. NIELSON of Utah, Mr. DORNAN of California, and Mr. GALLEGLY.

H.R. 1243: Mr. WOLPE.

H.R. 1383: Mr. FAZIO.

H.R. 1400: Mr. MRAZEK, Mrs. JOHNSON of Connecticut, Mr. MAVROULES, Mr. DEFAZIO, Mr. GORDON, Mr. WILLIAMS, Ms. SCHNEIDER, Mr. HOAGLAND, Mrs. PATTERSON, Mr. DORNAN of California, Mr. BROWN of California, Mr. MARTINEZ, Mr. NEAL of North Carolina, Mr. MCCANDLESS, Mr. DERRICK, Ms. PELOSI, Mr. CLEMENT, Mr. GRANT, Mr. STARK, Mr. DUNCAN, and Mr. BERMAN.

H.R. 1563: Mr. RAY.

H.R. 1574: Mr. FALEOMAVAEGA, Mr. HAYES of Illinois, and Mr. MCNULTY.

H.R. 1710: Mr. WOLPE and Mr. KENNEDY.

H.R. 1725: Mr. BILBRAY.

H.R. 1730: Mr. LAUGHLIN, Mr. DORGAN of North Dakota, Mr. FEIGHAN, Mr. MILLER of Washington, Mr. OBERSTAR, Mr. INHOFE, and Mr. WYDEN.

H.R. 2166: Mr. BUSTAMANTE.

H.R. 2270: Mr. SANGMEISTER, Mr. TOWNS, Ms. PELOSI, and Ms. KAPTUR.

H.R. 2288: Mr. ESPY, Mr. ENGEL, Mr. BARNARD, and Mr. DELLUMS.

H.R. 2418: Mr. SHAW, Mr. ROBERTS, Mr. UPTON, and Mr. BOUCHER.

H.R. 2596: Mr. COSTELLO and Mr. DEFAZIO.

H.R. 2665: Mr. MCMILLEN of Maryland, Mr. NEAL of Massachusetts, Mr. ESPY, Mr. HORTON, Mr. ROE and Mr. ENGEL.

H.R. 2690: Mr. WEISS.

H.R. 2699: Mr. BONIOR, Mr. GINGRICH, Mr. MCDERMOTT, Mr. UDALL, Mr. ANDERSON, Mr. LEHMAN of Florida, Mr. COUGHLIN, and Mr. FORD of Tennessee.

H.R. 2734: Mr. PASHAYAN, and Mr. NEAL of North Carolina.

H.R. 2776: Mr. GONZALEZ, Mr. TORRICELLI, Mr. CARPER, Mr. COURTER, Mr. HUBBARD, Mr. HUGHES, Mr. ENGEL, Mr. GOODLING, Mr. AKAKA, Mr. THOMAS A. LUKEN, Mr. BOUCHER, Mr. MOORHEAD, and Mr. BATES.

H.R. 2797: Mr. ARMEY, Mr. GALLEGLY, and Mr. MCGRATH.

H.R. 2876: Mr. RANGEL.

H.R. 2951: Mr. ENGEL, Mr. FOGLIETTA, Mr. BERMAN, Mr. SIKORSKI, and Mr. LEWIS of Georgia.

H.R. 2952: Mr. ENGEL, Mr. FOGLIETTA, Mr. LEHMAN of Florida, Mr. BERMAN, Mr. SIKORSKI, Mr. LEWIS of Georgia and Mr. LOWERY of California.

H.R. 2957: Mr. JONTZ.

H.R. 3004: Mrs. BENTLEY, Mr. CHAPMAN, Mr. EMERSON, Mr. HALL of Texas, Mrs. KENNELLY, Mr. MACHTLEY, and Mr. SMITH of New Hampshire.

H.R. 3051: Mr. SCHIFF, Mr. SENSENBRENNER, Mr. ROE, Mr. DORNAN of California, Mr. RIDGE, and Mr. KYL.

H.R. 3095: Mr. JOHNSTON of Florida.

H.R. 3162: Mr. BAKER, Mr. LIVINGSTON, Mr. BATES, Mr. LAGOMARSINO, and Mr. LIPINSKI.

H.R. 3182: Mr. CROCKETT, Mr. FOGLIETTA, Mr. PRICE, Mr. QUILLEN, Mrs. SAIKI, Mr. CLARKE, Mr. GRANT, Ms. SLAUGHTER of New York, Mr. FROST, and Mr. JONES of Georgia.

H.R. 3205: Mr. DAVIS and Mr. PAXON.

H.R. 3208: Mr. MAVROULES.

H.R. 3248: Mr. HAMILTON.

H.R. 3267: Mrs. BOXER.

H.R. 3280: Mr. BEREUTER, Mr. QUILLEN, Mr. BILBRAY, Mr. MACHTLEY, Mr. ROSE, Mr. JOHNSON of South Dakota, Ms. KAPTUR, Mr. HOCHBRUECKNER, Mr. SMITH of New Jersey, Mr. PAYNE of New Jersey, Mr. SWIFT, and Mr. SOLOMON.

H.R. 3288: Mr. EDWARDS of Oklahoma.

H.R. 3297: Mr. DE LUGO and Mr. THOMAS A. LUKEN.

H.R. 3315: Mr. CARPER and Mr. MCEWEN.

H.R. 3336: Mr. EMERSON and Mr. STEARNS.

H.R. 3350: Mr. PASHAYAN, Mr. ROGERS, Mr. LAGOMARSINO, Mr. HASTERT, and Mr. CRAIG.

H.R. 3389: Mr. SHAYS, Mr. FRANK, Mr. MACHTLEY, Mr. KLECZKA, Mr. SMITH of Vermont, Mr. VENTO, and Mr. KILDEE.

H.R. 3401: Mr. BOEHLERT, Mr. LENT, and Mr. KLECZKA.

H.R. 3429: Mr. BLILEY and Mr. LEWIS of Florida.

H.R. 3466: Mr. ESPY and Mr. ATKINS.

H.R. 3475: Mr. FALEOMAVAEGA, Mr. DIXON, Mr. JONES of Georgia, Mr. ROE, Mr. PAYNE of New Jersey, Mr. SAXTON, Mr. DORNAN of California, Mr. ACKERMAN, Mr. SCHEUER, Mr. HYDE, and Mr. WAXMAN.

H.R. 3489: Mr. ARMEY, Mr. BENNETT, Mr. BORSKI, Mr. COURTER, Mr. DORNAN of California, Mr. GALLEGLY, Mr. HANCOCK, Mr. HYDE, Mr. LAGOMARSINO, Mr. MCGRATH, Mr. ROWLAND of Connecticut, Mr. SENSENBRENNER, Mr. SCHAEFER, Mr. ESPY, and Mr. ATKINS.

H.R. 3498: Mr. JACOBS, Mr. MCEWEN, Mr. SABO, Mr. LAGOMARSINO, and Mrs. SAIKI.

H.R. 3500: Mr. BRYANT, Mr. SKAGGS, Mr. HENRY, Mr. GLICKMAN, Mr. SMITH of Texas, Mr. ROWLAND of Georgia, and Mr. PRICE.

H.R. 3511: Mr. FAZIO.

H.R. 3520: Mr. DINGELL, Mr. SWIFT, Mr. RINALDO, Mr. VENTO, Mr. BROWN of California, Mr. OWENS of Utah, and Mr. SAXTON.

H.R. 3527: Mr. WISE, Mr. BROWN of California, Mr. OWENS of Utah, and Mr. ENGEL.

H.R. 3533: Mr. SMITH of Texas, Mr. WHITTEN, Mr. LIPINSKI, Mr. FAWELL, Mr. MINETA, Mr. ROE, Mr. MADIGAN, Mr. ESPY, Mrs. COLLINS, Mr. DONALD E. LUKENS, Mr. OWENS of Utah, Mr. DYMALLY, and Mr. NEAL of Massachusetts.

H.R. 3539: Mr. ESPY.

H.R. 3541: Mr. FAWELL.

H.R. 3577: Mr. WOLF and Mr. CLINGER.

H.R. 3587: Mr. ACKERMAN, Mr. ANNUNZIO, Mr. BEVILL, Mr. BOUCHER, Mr. BRUCE, Mr. COLEMAN of Texas, Mr. CROCKETT, Mr. ENGEL, Mr. GONZALEZ, Mr. LEHMAN of Florida, Mr. PAYNE of Virginia, and Mr. SHUMWAY.

H.R. 3591: Mr. TORRES, Mr. KOSTMAYER, and Mr. ATKINS.

H.R. 3595: Mr. BLILEY, Mr. COX, Mr. CRAIG, Mr. DORNAN of California, Mr. HUNTER, Mr. LAGOMARSINO, Mr. MCCOLLUM, Mr. MOORHEAD, Mr. SHAYS, and Mr. TAUZIN.

H.R. 3657: Mr. SHAYS.

H.R. 3705: Mr. DOUGLAS, Mr. LANTOS, Mr. ROSE, Mr. DORNAN of California, Mr. PORTER, Mr. WYDEN, and Mrs. UNSOELD.

H.R. 3706: Mr. BROWDER and Mr. KENNEDY.

H.R. 3722: Mrs. JOHNSON of Connecticut, and Mr. ROWLAND of Connecticut.

H.R. 3735: Mr. POSHARD, Mr. FAUNTROY, Mr. KLECZKA, Mr. YATES, Mr. ROE, Mr. TRAFICANT, Mr. WALSH, Mr. JONTZ, Mr. BOEHLERT, Mr. DE LUGO, Mr. WILSON, Mr. MCCLOSKEY, and Ms. PELOSI.

H.R. 3736: Mr. TRAFICANT.

H.R. 3737: Mr. TRAFICANT.

H.R. 3766: Mr. ACKERMAN, Mr. AUCOIN, Mr. BOSCO, Mrs. BOXER, Mrs. COLLINS, Mr. COSTELLO, Mr. DYMALLY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. GEJDENSON, Mr. GRANT, Mr. HERGER, Mr. HOYER, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. DONALD E. LUKENS, Mr. MARTINEZ, Mr. MCEWEN, Mr. MRAZEK, Mr. MOODY, Mr. NIELSON of Utah, Ms. OAKAR, Mr. OLIN, Mr. PALLONE, Mr. PAYNE of Virginia, Mr. PAXON, Ms. PELOSI, Mr. RAY, Ms. ROS-LEHTINEN, Mr. RINALDO, Mr. SHAYS, Mr. WALSH, and Mr. FAWELL.

H.R. 3798: Mr. HERGER, Mr. LIVINGSTON, and Mr. FAWELL.

H.R. 3805: Mrs. MORELLA, Mr. BATES, Mr. TOWNS, Mr. JACOBS, Mr. MCMILLEN of Maryland, Mr. DAVIS, Ms. ROS-LEHTINEN, Mr. HUTTO, Mr. POSHARD, Mrs. PATTERSON, Mr. TRAFICANT, Mr. BLILEY, and Mr. MORRISON of Connecticut.

H.R. 3806: Mr. HAMILTON, Ms. LONG, Mr. SLATTERY, Mr. EVANS, and Mr. FAUNTROY.

H.R. 3817: Mr. PAYNE of New Jersey, Mr. KENNEDY, Mr. BATES, Mr. WOLPE, Mr. HUTTO, Mr. MRAZEK, Mr. LAFALCE, Mrs.

BOXER, Mrs. MORELLA, Mr. BRYANT, Hochbrueckner, Mrs. COLLINS, Mr. BERMAN, Mr. TRAFICANT, and Mr. ENGEL.

H.J. Res. 54: Mr. MOODY, Mr. WEISS, Mr. ANNUNZIO, Mr. NEAL of Massachusetts, and Mr. BEILENSON.

H.J. Res. 57: Mr. ANDERSON.

H.J. Res. 226: Mr. ROSE.

H.J. Res. 398: Mr. CROCKETT, Mr. FOGLIETTA, Mr. PRICE, Mr. QUILLEN, Mrs. SAIKI, Mr. CLARKE, Mr. GRANT, Ms. SLAUGHTER of New York, Mr. FROST, and Mr. JONES of Georgia.

H.J. Res. 417: Mr. ANNUNZIO, Mr. LEVINE of California, Mr. MORRISON of Connecticut, and Mrs. VUCANOVICH.

H.J. Res. 427: Mr. ACKERMAN, Mr. AUCOIN, Mr. BATES, Mr. BENNETT, Mr. BERMAN, Mr. BEVILL, Mr. CARR, Mrs. COLLINS, Mr. COUGHLIN, Mr. CROCKETT, Mr. FALEOMAVAEGA, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FRENZEL, Mr. FUSTER, Mr. GEKAS, Mr. HORTON, Mr. JONTZ, Mr. KASTENMEIER, Mr. LANCASTER, Mr. LEWIS of Georgia, Mr. MCCOLLUM, Mr. MCGRATH, Mr. MCNULTY, Mr. MANTON, Mr. MARKEY, Mr. MILLER of California, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MRAZEK, Mr. MURTHA, Mr. NATCHER, Mr. NEAL of North Carolina, Mr. NELSON of Florida, Ms. OAKAR, Mr. OWENS of Utah, Mr. PALLONE, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RANGEL, Mr. RHODES, Mr. RICHARDSON, Mr. ROE, Mrs. ROUKEMA, Mr. ROYBAL, Mr. STARK, Mr. TOWNS, Mr. WHEAT, Mr. WOLF, and Mr. YATES.

H.J. Res. 439: Mr. MOAKLEY, Mr. FUSTER, Mr. KANJORSKI, Mr. LEHMAN of Florida, Mr. ROE, Mr. HORTON, Mr. ANNUNZIO, Mr. BENNETT, Mr. THOMAS A. LUKEN, Mr. COYNE, Mr. FAZIO, Mr. ERDREICH, Mr. PAYNE of New Jersey, Mr. BEILENSON, Mr. MURTHA, Mr. AUCOIN, Mr. EMERSON, Mr. FAUNTROY, Mrs. COLLINS, Mr. GORDON, Mr. WEISS, Mr. STUDDS, Mrs. BENTLEY, Mr. SMITH of Florida, Mrs. BOXER, and Mr. MCNULTY.

H.J. Res. 452: Mrs. BOGGS, Mrs. MARTIN of Illinois, Mr. BEVILL, Mr. OWENS of Utah, Mr. DYSON, Mr. FAUNTROY, Mr. LEACH of Iowa, Mr. COSTELLO, Mr. NEAL of Massachusetts, Mr. ANNUNZIO, Mr. LIGHTFOOT, Mr. HATCHER, Mr. WOLF, Mr. FLIPPO, Mr. BOUCHER, Mrs. JOHNSON of Connecticut, Mr. DORGAN of North Dakota, Mr. FUSTER, Mr. HALL of Texas, Mr. DICKS, Mr. SYNAR, Mr. BROWN of California, Mr. KENNEDY, Mr. MAVROULES, Mr. TAUZIN, Mr. GONZALEZ, Mr. STALLINGS, Mr. PORTER, Mrs. SMITH of Nebraska, Mr. BROWN of Colorado, Mr. DWYER of New Jersey, Mr. FRENZEL, Mr. HUCKABY, and Mr. CRAIG.

H. Con. Res. 21: Mr. NEAL of North Carolina.

H. Con. Res. 23: Mr. SAXTON, Ms. KAPTUR, and Mr. BRENNAN.

H. Con. Res. 66: Mr. FAUNTROY and Mr. PANETTA.

H. Con. Res. 135: Mr. MCMILLEN of Maryland, Mr. COSTELLO, Mr. TOWNS, Mr. PURSELL, and Mr. WALSH.

H. Con. Res. 149: Mrs. BENTLEY, Mr. BOSCO, Mr. CAMPBELL of California, Mr. CLINGER, Mr. DOWNEY, Mr. HASTERT, Mr. LEVINE of California, Mr. THOMAS A. LUKEN, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. STANGELAND, Mr. STENHOLM, Mr. TANNER, Mr. YATES, and Mr. YATRON.

H. Con. Res. 172: Mr. ENGEL, Mr. FOGLIETTA, Mr. SIKORSKI, Mr. BERMAN, and Mr. LEWIS of Georgia.

H. Con. Res. 176: Mr. MCCOLLUM, Mr. NELSON of Florida, Mr. TORRES, Mr. HORTON, Mr. HASTERT, and Mr. LIVINGSTON.

H. Con. Res. 182: Mr. FISH and Mr. WAXMAN.

H. Con. Res. 187: Mr. FISH.

H. Con. Res. 202: Mr. DELLUMS, Mr. DWYER of New Jersey, Mr. GALLO, Mr. GOSS, Mr. HORTON, Mr. HUGHES, Mr. LAGOMARSINO, Mr. MILLER of Washington, Mr. OWENS of Utah, Mr. PAXON, Mrs. SAIKI, and Mr. WALSH.

H. Res. 121: Mr. MAZZOLI.

H. Res. 297: Mr. HUNTER, Mr. HYDE, Mr. KYL, Mr. HANCOCK, Mr. HILER, Mr. LAGOMARSINO, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. MARLENEE, Mr. PACKARD, Mr. PAXON, Mr. ROHRABACHER, Mr. SHAYS, Mr. SOLOMON, Mr. TAUZIN, Mr. WALKER, and Mr. WILSON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

123. By the SPEAKER: Petition of the Council of the city of New York, NY; relative to an override of the President's veto of the bill to broaden assistance for federally financed abortions; to the Committee on Appropriations.

124. Also, petition of Washington State Association of Counties, Olympia, WA, relative to military expansion on local government; to the Committee on Armed Services.

125. Also, petition of the Secretary, Board of Trustees, City University of New York, NY, relative to drug education; to the Committee on Education and Labor.

126. Also, petition of Mrs. Patti C. Roemer, Baton Rouge, LA, relative to the National Governors Association State literacy initiative; to the Committee on Education and Labor.

127. Also petition of office of the Governor, Trenton, NJ, relative to New Jersey's global climate change initiative; to the Committee on Energy and Commerce.

128. Also, petition of the Common Council, city of Buffalo, NY, relative to an end to United States aid to the Government of El Salvador; to the Committee on Foreign Affairs.

129. Also, petition of Lisa Lively, et al, Hood River, OR, relative to an investigation concerning all Americans missing in action or prisoners of war; to the Committee on Foreign Affairs.

130. Also, petition of Washington State Association of Counties, Olympia, WA, relative to offshore oil exploration and development; to the Committee on Interior and Insular Affairs.

131. Also, petition of the Governor of the State of Alaska, relative to the reauthorization of the Alaska Land Use Council; to the Committee on Interior and Insular Affairs.

132. Also, petition of the Council of the city of New York, NY, relative to banning the sale and possession of weapons commonly known as assault weapons; to the Committee on the Judiciary.

133. Also, petition of Washington State Association of Counties, relative to offshore oil exploration and development; to the Committee on Merchant Marine and Fisheries.

134. Also, petition of the State treasurer and chairperson, State bond commission, Baton Rouge, LA, relative to the private activity bond allocation for Louisiana and other similarly situated States; to the Committee on Ways and Means.

SENATE—*Tuesday, January 23, 1990*

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember one of our doormen who is in a coma now, very ill, Bill Dietrich.

** * * ye have not passed this way heretofore.*—Joshua 3:4.

Almighty God, Lord of history, these words from Joshua speak to leadership at this incredible moment in history. Millions of oppressed peoples demonstrating for freedom as governments crumble. The 2d session of the 101st Congress begins a new year, a new decade, on the threshold of a new century and a new millenium. We "have not passed this way before." Godless governments have collapsed. Those they oppressed now seek the freedom we have enjoyed for 200 years. In light of this total bankruptcy of atheism as government policy, help the Senators and all leadership to take God seriously and to recover the theological convictions and the spiritual commitments of our Founding Fathers which guided them in their struggle to bring to birth this great Nation.

In His name who is truth, justice, and righteousness incarnate. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF LEADERS' TIME AND ORDER FOR RECESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time for the two leaders be extended for 15 minutes each, and that following the time for the two leaders the Senate stand in recess until 2:15 for the two-party luncheon conferences.

Mr. SPECTER. Mr. President, reserving the right to object, will there be any time, I ask the majority leader, for statements by other Senators in morning business this morning?

Mr. MITCHELL. I intend to complete my request which will provide time for morning business of Senators immediately following the party caucuses, yes.

Mr. SPECTER. I wonder if I might have 5 minutes this morning before the party caucuses?

Mr. MITCHELL. I have an opening statement and Senator DOLE and I have discussed the matter and agreed that we would have equal time, and then we would have the caucuses. Thereafter there would be a period for approximately an hour for morning business in which any other Senator who wishes to speak may do so. That is the schedule that we have discussed previously and agreed upon.

Mr. SPECTER. I had not heard that. If that is the wish of the majority leader I shall make no objection.

Mr. MITCHELL. Is it convenient for the Senator to be here for sometime between 2 and 2:30? We will ask that he be recognized at a particular time.

Mr. SPECTER. No. If the majority leader wishes to pursue on that basis, I will be present and seek my turn in the regular course.

Mr. MITCHELL. I thank the Senator. I do not mean to inconvenience him in any way.

Mr. SPECTER. I thought there would be morning business as I understood the schedule. I was not apprised of arrangements worked out. Since that is the way the leaders wish to proceed, I will accommodate my schedule with the majority leader's wishes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I would like to amend that request by saying that if my remarks, which I am about to make in a moment regarding the upcoming session, exceed 15 minutes the distinguished Republican leader be given a time equal to whatever time I use in that regard. I so ask unanimous consent.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, following the two party conferences, I shall suggest the absence of a quorum which will be the live quorum that commences each session of Congress. I ask unanimous consent, that following the establishment of a quorum and the passage of two resolutions notifying the House of Representatives and the President that a quorum of the Senate is assembled and is ready to transact business, that there be a period for routine morning business not to extend beyond 3:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. President, that completes my request.

The PRESIDENT pro tempore. Is there objection?

The Chair hears no objection. It is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, following the conclusion of morning business at 3:30 p.m., I will seek unanimous consent to proceed to the consideration of calendar item No. 427, that is S. 1630, the clean air legislation.

THE SENATE AGENDA

Mr. MITCHELL. Mr. President, we begin this session with the Clean Air Act. This is critical legislation. It has been over 12 years since the Clean Air Act was last debated in the Senate. Since then, our population has grown, automobile use increased, and the economy expanded, with the accompanying increases in production facilities, energy use, congestion, and inevitably, pollution.

These factors have overwhelmed our efforts to improve air quality in the places where the majority of Americans live and work.

Today, more than half the American people are forced to breathe air that does not meet national health standards.

This will be a substantive debate and, on some issues, a controversial one. Air quality issues vary by region. Some regions are at significantly greater risk from the effects of acid rain; some rural areas do not suffer as much from ozone as cities; congested urban areas are seeing a further degradation in air quality.

I welcome the President's strong call for action on a Clean Air Act. I commend him for it. It is my intention that the Senate give him a strong Clean Air Act.

There are many aspects to this issue. One overrides all others. We must protect the health of Americans.

We will, as we should, debate the costs of this bill. In that regard, I emphasize two points.

First, if measured solely in dollars and cents, this bill should pass because the cost of inaction is higher than the cost of action.

It costs the United States more in health care and lost productivity than it would to clean up air pollution. This

bill will save the American people money.

Second, the bill ought not be measured solely in dollars and cents. That would exclude consideration of the most important of our values—human values.

The evidence is clear, compelling and undisputed that air pollution causes thousands of premature deaths and millions of illnesses each year. Especially vulnerable are children.

I ask each Senator, what is the dollar value of a human life? What is the dollar value of a child's health? Your child's health? Obviously, these are unanswerable questions. But just because we can't put a dollar value on a child's health doesn't mean we should exclude the health of American children from this debate. To the contrary, it is and should be central to this debate.

We should get in perspective and keep in perspective the fact that we are considering a health bill. Its purpose is basic: To make the air we must all breathe fit for human lungs.

Beyond the Clean Air Act, this 2d session of the 101st Congress will be busy. We have unfinished business from the first session to complete, important reauthorizations to write, a dramatically different world against which to weigh our Nation's security needs and priorities, as well as the required budget and appropriations measures for 1991.

I hope conferees on the unfinished business of the first session, drug treatment legislation and oilspill liability, will act promptly. These are important matters we should be able to finish swiftly.

Tomorrow, the House will override the President's veto of legislation extending the visa protections of Chinese students and exchange scholars. It is my intention to ask the Senate to move promptly to that proposal.

I regret the President's veto of this bill. His claim that he is doing as much through a Presidential memorandum of disapproval as the bill would do through the law is unpersuasive.

The President's memorandum of disapproval is only an administrative action. It provides no statutory legal protection for the Chinese students. It can be revoked by the President or the Attorney General at their discretion.

This administrative action could also be challenged because immigration law does not, in general, permit aliens to adjust their status if they apply to do so while they are technically in illegal status. It is an open question whether the administration has the authority to grant such a generalized waiver of a congressionally mandated stipulation. The best way to answer that question and to resolve all doubt is to do what Congress did last year: Change the law.

That is why we must now override the veto.

Equally important, the veto sends exactly the wrong signal.

The President says he does not want to isolate the Government of China. Neither do I.

But to the extent that it is isolated, the Government of China isolated itself. It isolated itself from its own people and from the community of nations by murdering its own citizens, by denying to those citizens even the most basic of human rights. Our response to the urgent and well-founded fears of the Chinese students in our country was not taken to isolate anyone: It was an appropriate American response to the victims of murder by government.

I hope my colleagues will repeat their unanimous approval of the bill last year with an equally strong vote to override the veto. It is the right thing to do.

It is my intention to proceed to the crime legislation on or about February 7, as provided in the agreement we reached last year.

Senator BIDEN, the chairman of the Judiciary Committee, has proposed a vehicle which incorporates the three uncompleted items of the Bush agenda—another Federal death penalty, habeus corpus reform, and exclusionary rule changes—along with some important additional elements to curb drug money-laundering, the DeConcini assault weapons bill, language to curb the export of assault weapons to drug dealers in Latin America, as well as additional funding for law enforcement personnel and other matters.

I know other Senators have proposals in this field as well.

The most effective direct assistance the Federal Government can provide to States for the purpose of curbing violent crime is additional resources for law enforcement, prosecution, and detention. We made a good start on financing that assistance last year. I hope the President's budget for 1991 builds on that beginning.

Following passage of clean air legislation, we will consider national service legislation.

The national service concept seeks to reinstate at a national level the sense of community, participation, and self-help that are all part of the American tradition.

National service will give our young people an opportunity to use their energy and ideals to help the larger society. It can give an alternative to that half of our young people who do not go to college. It will give them a way to make a contribution and, at the same time, earn a stake in their own education or their first home.

For the many young people who know that their desire to attend college poses an enormous financial sacrifice to their parents, national service can be a way to help themselves, by earning their tuition costs in advance of school, rather than graduating with an enormous debt load.

Most important, national service will show young people in very direct and practical terms that their efforts, their talents and their ideals are valued by their society and needed by many millions of their fellow citizens.

The bill we will debate includes a voluntary service component, a conservation component, and a pilot program for the core idea of national service in exchange for education or home ownership credits.

It is my intention also to move promptly to address the Nation's key education needs.

Our higher education system is among the finest in the world. But half our students do not go on to higher education. The education crisis is not at the college level; it is at the elementary and secondary levels, where the basic foundations of literacy, mathematical skills, and learning skills are established.

We will debate the Educational Excellence Act, which contains the President's proposals to give awards to schools and teachers for excellence, encourage innovative teaching methods, and reduce student loan defaults.

I also want to consider the National Literacy Act, which is designed to eliminate illiteracy in this Nation by the year 2000. No single action is more critical to our future economic security. By the end of the century, adequate literacy will be an essential precondition to living in our society.

Only 14 percent of the jobs available then will be adequately performed by high school graduates. Most jobs will need higher skills. But 80 percent of new job seekers at that time will be minorities, immigrants, and women. If we have not substantially improved our literacy levels by that time, we risk seeing those jobs exported overseas.

For the last decade, we have read reports and analyses of the shortcomings in basic educational achievement in our country. It is time to act on what we know, both as to shortcomings and the best way to correct them.

We know that a third of our math and science teachers today are unqualified to teach in those subjects; we know we face a shortfall of teachers in the next decade that could reach 2 million, we know American children score consistently lower on math and science tests than children from Asian and European countries. We know reading and writing skills need substantial improvement.

We also know that early intervention and focused resources help. We know that extra help to the disadvantaged in elementary schools raises educational achievement levels in high

schools; we know Head Start and other enrichment programs bring gains that continue through a child's school life.

This year, it is time to put what we know is needed together with what we know will make a difference, and get our school system back on track. After a decade of reports and rhetoric, Americans expect action and I think we should provide it.

Americans also expect action on child care legislation. I hope the differences there can be worked out shortly so that a final form of this bill can be voted upon and sent to the President. Working parents need affordable care for their children but they also want quality care. The Congress should pass a bill to ensure both.

Those immediate concerns—clean air, national service, crime legislation, and education reform measures—are a good start for our work this year. But they do not exhaust our agenda.

One issue of particular importance to all of us is campaign finance reform.

It is evident that if we do not reform the manner in which election campaigns are financed, we will forfeit the trust of the American people. The enormous costs of campaigning are making it more and more difficult for any other than the very wealthy to contemplate serving in the Congress. The demands of election campaigns force far too much attention to be paid to fundraising activities.

The appearance is one that undermines confidence in Congress. The reality is one that distorts Congress' ability to function.

Campaign finance reform is a goal I have pursued for 8 years. I shall continue to press for it, and I hope that this year we will finally see an opportunity to take effective action.

THE RETIREMENT OF MAX BARBER

Mr. MITCHELL. Mr. President, I would like to take this opportunity to acknowledge the recent retirement of Max Barber, who served as superintendent of the Senate Radio-TV Gallery.

Max has been a familiar face in the U.S. Capitol for 38 years. During those years, Max worked as an elevator opertor, served on the Capitol Police Force, and most recently was the superintendent of the Senate Radio-TV Gallery, where for 17 years he assisted our friends in the broadcast media.

Max was privileged to witness many changes that have occurred in the Congress. I was privileged to have his support and assistance during my first year as majority leader.

Shortly before the holidays, Max announced his retirement. I understand that he and his wife, Sylvia, are now enjoying the sunny skies of Florida for the winter months. On behalf of all my colleagues in Congress, I wish Max and Sylvia a most happy and healthy retirement. He will be missed.

I also want to take this opportunity to extend to his successor, Larry Janezich, the very best wishes in his new role. I know he is up to the task.

AN ENVIRONMENTAL DIVIDEND: CAPITALIZING ON NEW OPPORTUNITIES FOR INTERNATIONAL ACTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that a speech given by the distinguished chairman of the Senate Foreign Relations Committee, Senator CLAIBORNE PELL of Rhode Island, be inserted in the RECORD.

The honorable chairman of the Foreign Relations Committee recently addressed the Global Forum on Environment and Development for Survival in Moscow. His remarks focus on the catastrophic threats to the world's environment—including global climate change, ozone depletion and a host of problems that require international cooperation.

I would like to call this important speech to the attention of my colleagues. Not only does it deal with one of the most significant problems of our times, it does so with eloquence and clarity. I hope other Senators will take the time to review Senator PELL's statement.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AN ENVIRONMENTAL DIVIDEND: CAPITALIZING ON NEW OPPORTUNITIES FOR INTERNATIONAL ACTION

(Remarks by Senator Claiborne Pell, Global Forum on Environment and Development, Moscow, U.S.S.R., January 17, 1990)

We are gathered here at an extraordinary time in human history. In a matter of months a series of popular movements have transformed Europe. The Iron Curtain has ceased to be a barrier between East and West. A democratically elected government has taken power in Poland, and in the next few months free elections will be held in East Germany, Czechoslovakia, Bulgaria, Hungary, and Romania. In addition, the Soviet Union is well along on a path to freedom, openness and democratic renewal.

With the changes in Eastern Europe and the Soviet Union, East and West will begin to share common values of a belief in individual rights and democratic institutions. The wave of democracy is also spreading to the developing world. With the recent elections in Chile, every government in South America will be a democracy. Elsewhere in the just concluded decade, dictatorships in the Philippines and Pakistan have disappeared and India's recent elections, the largest exercise of popular choice in human history, reminds us of the appeal of democracy to even the world's poorest people. Of course, there are setbacks, as last June's events in Tiananmen Square remind us, and democracy can be fragile as witnessed by recent events in Manila. Of the overall trend, however, we can be optimistic: democracy is indeed on the march.

It is an interesting fact that modern history has never known a war between democratic states. And, indeed, the spread of democracy and freedom across Europe has resulted in a dramatic reduction of tensions. In 1981, the Bulletin of Atomic Scientists advanced the clock of global survival to three minutes before the midnight of nuclear Armageddon. Today with a treaty on Intermediate Nuclear Forces in place and agreements for drastic reductions in strategic and conventional forces in the offing, we can see the hands of that clock being set further back.

We in the United States consider the European democracies to be our friends and allies. Looking ahead we might ask whether democratic nations in Eastern Europe and the Soviet Union might also be our friends and allies, and if so, for what threat do we need anything comparable to our existing level of armaments?

A more peaceful world does not translate into a problem-free world. Indeed, as the threat of nuclear incineration recedes, we can see more clearly the danger posed by environmental degradation and global climate change. As nuclear winter would suddenly alter man's climate and prospects for survival, so might global warming albeit more gradually. If we do nothing we may be trading the risk of a flash fry for the certainty of a slow roasting. In the end, however, the results can be comparably catastrophic.

If a deteriorating environment is comparable in consequence, if not immediacy, to global war, then logically it requires a comparable response. Put simply, we must be prepared to come forward with the resources to protect our environment. Today my country spends $295.6 billion on defense and $5.6 billion at the federal level, or about one-fifteenth as much, on protecting our environment. It is not realistic to expect these proportions to be reversed, but they must be changed.

The end of the Cold War is already leading to cuts in military spending. This trend should be accelerated as we conclude agreements to reduce strategic and conventional arms. These will save substantial money for both the countries of NATO and those linked to the Warsaw Pact. We have successfully met the challenge of the Cold War. The question now is how will we meet the challenge of peace?

Here I would suggest that a meaningful percentage, perhaps 15 percent, of our prospective peace dividend be dedicated to the environment. And I would propose that the upcoming agreements on strategic and conventional forces explicitly earmark 15 percent of the resultant savings for additional environmental protection to be expended either within the country where the savings are made or internationally.

Under the domestic law of the United States such funds would have to be appropriated pursuant to our constitutional processes. I am sure the same would be true for other countries that would participate in such an agreement. However, the inclusion of an environmental peace dividend in an arms control treaty will create an obligation and a goal for both West and East. It would also set an important precedent for future East-West agreements, one where we agree not only on measures to reduce the risk of mutual destruction but also on major measures of mutual cooperation.

I would further propose that we direct the earmarked environmental expenditure largely to those problems which are international or global in nature. In Europe this would mean spending to clean up shared rivers, to prevent air pollution which in Europe has no boundaries, and to neutralize acid rain which is destroying the forests, lakes, and monuments of Europe.

It is no secret that the countries of Eastern Europe have lagged far behind Western Europe in utilizing pollution control technologies in their manufacturing and power generation processes. Partly this results from antiquated plants, partly from economic distress that necessitates use of polluting technologies and fuels, such as high sulfur coal, and partly it is the product of a political system in which the ruling elite was not responsive to the concerns of the population. Whatever the reason, however, the victims of East European pollution live in both the Eastern and Western wings of the common European home. Both wings will benefit from cleaning up the environment. However, it follows that a very large part of the European generated component of my proposed environmental peace dividend should be channeled to Eastern Europe.

In the case of the United States and Canada, our people will undoubtedly expect that the greater part of our peace dividend be spent in a manner that visibly benefits our own people. Thus, most of our two countries' new environmental expenditure should occur on our North American continent. This expenditure should nonetheless be made in a way that benefits the global environment. North Americans are both in the aggregate and on a per capita basis the biggest producers of the greenhouse gases, and in particular of carbon dioxide. Logically, the effort to begin to control global warming must start in North America. Under my proposed scheme I would recommend that a great part of our environmental dividend be used to develop energy conservation technologies as well as alternatives to fossil fuels. As a bonus, this effort will help ameliorate the problem of acid rain, which has become a major bilateral issue in U.S.-Canada relations and has inflicted damage on my home region of New England.

At this time I cannot state the amount of new environmental expenditure to be generated by my proposal. However, some project that the end of the Cold War might lead to a 50 percent reduction in U.S. defense spending by the end of this century. If 15 percent of this saving went to the environmental peace dividend, the annual new environmental expenditure in the United States would equal $22 billion, or four times our present federal effort. Comparable sums should be generated by reductions in European and Soviet defense expenditure. With this level of resource commitment we might truly begin to have an impact on the mammoth environmental problems facing us.

So far I have discussed how the peace dividend generated by the end of the Cold War might be used to enhance the environment of the Cold Warring nations, that is, of Europe and North America. We live in a single global community. The Spring cleaning made possible by the thaw in the Cold War will benefit not only our house but also our global community. However, we cannot be indifferent to an environmental deterioration in that part of the world which is neither East nor West, that is, the Third World, the developing world which is home to 70 percent of the world's population.

On an environmental level, we will accomplish little if the savings in greenhouse gases made by conservation and new technology use in the developed countries are offset by the ecologically unsound industrialization of the developing world and by the destruction of the tropical forests which are quite literally the lungs of our planet. Worse, environmental degradation in the third world is the product of, the companion of, and the cause of increased poverty and human misery. This misery can only breed popular anger and governmental instability. It could harm the process of democratization in the third world and lead to the emergence of aggressive regimes. It would be truly tragic if the end of the Cold War were followed by new wars in the developing world or growing conflict along north-south, rich-poor lines.

Given the consequences, our response to environmental deterioration in the third world is woefully inadequate. Until recently, the principal development banks and major donors did not include the environment as priority in the development process. Indeed, many donor-financed projects went forward without regard to the environmental consequences with sometimes disastrous consequences.

It was only in 1972 that the international community established an organization specifically concerned with the global environment. That organization, the United Nations Environment Program, remains stunningly underfunded. In 1989 the UNEP budget was a mere $30 million, not even one percent of U.S. environmental expenditure at the federal level. In its 17 years UNEP has had an extraordinary catalytic role in developing international environmental law, in assisting developing countries build environmental institutions, and in enhancing an awareness of the close link between the environment and development. Among UNEP's recent achievements is the Montreal Protocol on the ozone layer, the major international environmental agreement of the decade and the first serious effort to address the global warming problem. This alone would, in my view, justify the paltry sums our world community has expended on UNEP.

I believe we should in this decade resolve to support a rapid increase in the size and scope of UNEP activities. I would urge a tenfold expansion in the UNEP budget over the next three years. This, of course, will require leadership from the parliamentarians amongst us to increase our own countries' contributions. However, even at the $300 million level, UNEP would still be a modest sized U.N. agency, and the overall effort would be still small as compared to the environmental needs of the developing world or the scale of the global environmental problem.

As you will have noticed my remarks have focused heavily on the issue of resources. After a decade of borrowing and spending, it has become fashionable in the United States to talk of actions that do not cost money. Given the economic crisis of the East, they too may be subject to the same tendency. And there is, of course, much that can be done to protect the environment without costing a lot of money. However, we cannot seriously address our environmental crisis unless we are also prepared to address the need for major new resources. Hence the importance I have given to means for finding such resources.

As a planet we face a threat to our survival comparable to the threat a foreign enemy can pose to national survival. New ideas and cost-free measures have their place. There is, however, no substitute for cold, hard cash. Fortunately, the prospective peace dividend provides a source for such cash.

This said, I would like to put in a word on behalf of several relatively low cost environmental initiatives with which I personally have long been associated. On several occasions I have persuaded my Senate colleagues to endorse resolutions containing draft treaty language. I am pleased to say that two of these efforts were, in fact, converted from Senate resolution into an actual treaty now in force. These are a treaty banning the emplacement of weapons of mass destruction on the seabed floor and a treaty banning the use of environmental modification techinques in warfare.

In 1977 I put forward draft language for a third treaty, an international agreement mandating the preparation of an environmental impact assessment for all projects, public and private, that would impact on the territory of another state or on the global commons. My proposed Environmental Impact Assessment Treaty would not prohibit a state from carrying out the activity. It would, however, be required to make a detailed assessment of the impact of the activity and to communicate this information to the affected countries or, in the case of the global commons, to the United Nations Environment Program.

This idea was endorsed unanimously by the U.S. Senate in 1978. Since then it has been on the agenda of the UNEP Governing Council and, as principles to be followed by member states, has received the endorsement of that Governing Council. Further, UNEP's international law unit has made substantial progress toward drafting a treaty. I realize many European agreements go far beyond this treaty. However, where no such agreements are in place, I believe this Environmental Impact Assessment Treaty represents an important step toward greater environmental responsibility.

Second, I would urge we move forward quickly with proposals to draft and enact an international convention to protect biological diversity. This, too, is an issue of personal concern and I am proud to be the author of a provision of U.S. law establishing a program, under the auspices of our Agency for International Development, to assist countries in the protection of biological diversity. With the rate of extinctions rapidly accelerating there can be no doubt of the seriousness of the problem. Here in the presence of so many spiritual leaders I can only wonder how the divine must view the destruction of so many of His creations. And I wonder what He must think of the cavalier manner in which these extinctions are being carried out—elephants and rhinos destroyed for ivory trinkets and aphrodisiac powder, or perhaps worse, entire species obliterated without man even knowing what was once there.

A treaty to conserve biological diversity should include provisions under which countries would register species-rich habitats, and in particular, the habitats of endangered species. Registration of the habitat would include an obligation to protect the habitat, and the species contained therein. In my view, a treaty should spell out minimum standards for habitat and species protection. In return for protecting these habitats, the registering countries should receive technical assistance for their protective activities and perhaps a priority for other kinds of assistance intended to encourage

local peoples to value the preserved life resources.

Finally, I would note that the last 15 years has seen an enormous explosion in the number and scope of international legal agreements relating to the environment. The development of international environmental law is a low cost and highly beneficial way of protecting global environment and of enhancing global environmental cooperation. This is a trend we must encourage. I would hope that UNEP's environmental law unit might become the nucleus of a new international environmental law institute. Such an institute should draw on the resources of UNEP members, and in particular those with more developed domestic environmental law. I would hope these states might secund lawyers to the international environmental law institute both for the purpose of developing further international environmental law and to assist countries in the development of domestic environmental law.

Twenty-five years ago, in his last speech to the United Nations, U.S. Ambassador Adlai Stevenson made reference to the photographs of Earth taken from an early space mission. Today these images have become commonplace but at that time they were strikingly new and they led Ambassador Stevenson to reflect on the fragility of our human environment.

"We travel together," he said, "passengers on a little space ship, dependent on its vulnerable reserves of air and soil, all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and I will say, the love we give our fragile craft."

The rapid political changes of the last year now provide an extraordinary opportunity—an opportunity for unprecedented global cooperation and an opportunity to mobilize significant new resources—to the task of protecting our fragile craft. We must go forward from here reaffirming our love for this planet and rededicating ourselves to its protection.

Mr. MITCHELL. Mr. President, I would like now to yield to my distinguished friend and colleague, the Republican leader and to say that it is as always a pleasure to be here on the Senate floor with the distinguished Republican leader. I look forward to what I know will be a busy and I hope will also be a very productive session for the Senate and the Nation.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. Under the order, the Republican leader is recognized for 15 minutes.

Mr. DOLE. I thank the distinguished Presiding Officer and the distinguished majority leader.

THE SENATE AGENDA

Mr. DOLE. Mr. President, I extend everybody a belated happy new year. I hope we have a good year. Obviously it would be our aim in every possible way to cooperate with the majority leader and our other colleagues in the Senate on both sides of the aisle to move the program. We are pleased that we are starting today hitting the ground running.

The majority leader spelled out what he hopes we can accomplish in the short run before, as I understand it, February 12, the so-called Lincoln Day recess, and then some of the things that will come thereafter. I certainly want to cooperate with the majority leader. We may have our differences. Some of the bills are highly controversial.

We had a meeting this morning in my office of about 30 Republican Senators, Secretary Brady, Chief of Staff John Sununu, and OMB Director Richard Darman. We discussed a number of the issues. If it is of any help, I can tell you there is division among Republicans on clean air, not based on partisanship so much as on geography, different circumstances, jobs, and where the Senator may live. So I would guess the majority leader knows that bill will take some time.

THE SIX C'S

We discussed virtually the six "c's" in our session this morning: clean air, Chinese students, campaign finance reform, child care, capital gains, and the crime bill and if some would spell Social Security with a "c" that would have been seven. We did discuss Social Security, and the status of some nominations because there are nominations in the works and some we hope will be moved rather quickly. We hope we will continue our discussion at the policy luncheon starting at 1 o'clock.

VETO OVERRIDE

With reference to Chinese students, it seems to me in this instance, since the bill passed, the President by administrative directive—I heard the majority leader indicate this is not accurate—has done as much or more than the bill which passed unanimously and that the President vetoed.

So it would seem to me that where the President has done by administrative directive what the bill would accomplish, there really is no good reason to override the President's veto unless it is just straight out politics. I think we can agree that President Bush understands China. He lived there for some time. He has visited there numerous times. I think we can agree China is not monolithic; that they have different leaders, and we are trying to appeal to some to open up to China.

I recall a meeting we had in S-211 not long ago. I think Leonard Woodcock, former Ambassador to China; Cy Vance, former Secretary of State; Bill Rogers, former Secretary of State; and I think former Secretary Kissinger were speaking to us about how we should deal with the People's Republic of China after Tiananmen Square. In every case—and these were Republicans and Democrats who had served in high positions in Republican and Democrat administrations—they cautioned us to be certain that we did not by what we did in effect drive China back into isolation.

I mentioned briefly in the program the majority leader and I were on Sunday and then yesterday through the majority leader's staff we might want to postpone action on this veto. It is not unprecedented. We postponed action on the FSX veto for months. We might want to postpone it to see what additional response we get from the People's Republic of China. It seems to me, if we want to deal with this issue from the standpoint of what is in our interest and what is in the international interest, then that might be an option. I hope, unless it has already been foreclosed, it is something I might discuss further with the majority leader.

It is not an original thought with me; occasionally I read the papers. I happened to pick up the New York Times on Sunday and there was an excellent article by A. Doak Barnett. I do not know Mr. Barnett. I do not know his politics. He wrote a very interesting article. The bottom line was it seemed to him that increasingly Bush seems to be right on China. He indicated he did not like the Scowcroft secret visit. That is not the issue. The issue is our relationship with China and what happens to the Chinese people in the future and what happens to our relationship.

One thing he suggested in this article, which I will ask be included in the RECORD, is if we are really concerned about what will happen down the road, then we should not rush to judgment on the veto. There is not any reason we have to take it up this week unless we want to bash the President before he delivers the State of the Union Message. It should not be partisan. I hope it is not partisan. I hope it is not party line. I hope that people might, as I did, learn from reading this very interesting op-ed piece. I ask unanimous consent it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 21, 1990]

INCREASINGLY, BUSH SEEMS RIGHT ON CHINA

(By A. Doak Barnett)

WASHINGTON.—Like virtually all Americans, and most people in the Western world, I was shocked and outraged as well as saddened by the massacre of several hundred demonstrators in Beijing in early June.

I strongly supported President Bush's condemnation of the massacre and his imposition, by executive action, of carefully defined, limited sanctions. But I also strongly support his decision to try to reopen a dialogue with China's leaders—although I am critical of the way he did it, particularly of his decision, at China's request, to maintain secrecy until the national security adviser, Brent Scowcroft and the Deputy Secretary of State, Lawrence Eagleburger, arrived in Beijing. However, I think the action should

be judged on the basis of more fundamental considerations than the style and method of renewing a dialogue.

China is a country of great importance, a member of the nuclear club, a country whose policies have an enormous influence on the stability of Asia—as well as on global stability. The ending of the old U.S.-China-Soviet triangle does not end the need for U.S.-China consultation and, where possible, cooperation. Some argue that this can be done at the ambassadorial level. I disagree. To deal with major issues, a dialogue at the highest levels is essential.

Our objective must be to encourage a return to active, effective economic and political reform in China. We have to recognize the severe limits of any foreign power's ability to determine domestic trends in China, and we cannot expect rapid democratization on the Western model; China's traditions and circumstances are different from Eastern Europe's.

But we can hope for renewed progress toward political liberalization. I am convinced that this can and will resume over time—but in a process of two steps forward and one step backward—with retreats occurring whenever social instability reaches a critical point.

The key question is how progress toward reform and liberalization can be encouraged by outside powers. Many Americans now assume that strong, continuing outside pressure will help. I strongly disagree. Outside pressures will almost certainly strengthen conservative hardliners and weaken moderate reformers. To the extent that contacts with the outside increase in the future, this will strengthen reform, as it has during the past decade.

The tragedy in June has created an unstable, uncertain situation. The present leadership is not monolithic. Conservative hardliners are temporarily in the ascendancy, but most of China's reformers are still in place, waiting for a change in the country's leadership and policies.

While present economic policies are regressive, there has been no basic reversal of the policies of economic reform, only a partial, and I believe temporary, retreat. The post-Tiananmen policies of political repression of individuals and groups most active in the events of April-June continue, even after the lifting of martial law in Beijing. But when I was in China in September, I was struck by the fact that the repression has not resulted in the purging of most reformers. Even if temporarily cowed, most reformers are not demoralized or intimidated.

I feel very strongly that prolonged and strong U.S. pressures on China—and ostracism of China—will simply delay, not accelerate, a revival of needed reforms. Punitive action and intemperate rhetoric will, if prolonged, simply encourage hostile xenophobia on the part of hardliners.

Much will depend on the Chinese response to the President's initiative. The early response is encouraging: Beijing's assurance on refraining from selling missiles to the Middle East, the lifting of martial law, allowing a Voice of America correspondent in the country, possible flexibility on Cambodia and discussions about a renewal of the Fulbright program and creation of a Peace Corps program.

The U.S. and others have urged Beijing to go further. Encouraging, in this regard, is the recent announcement by the Ministry of Public Security of the release of 573 people who were detained after the Tiananmen demonstrations and had pleaded guilty.

There are many other things China could do, including the following: End jamming of V.O.A. broadcasts and allow journalists greater freedom; finally resolve the case of the dissident physicist, Fang Lizhi, and his wife, who are now taking refuge in the U.S. Embassy; clarify Beijing's commitment to continued intellectual and student exchanges with the West; and further moderate domestic political policies.

We cannot expect that Chinese leaders will immediately do all these things. No list of this kind should be used as a litmus test. But we can and should expect significant Chinese responses to Mr. Bush's initiative.

I believe Congress should allow some time—at least another month or two—to see what the Chinese responses will be. Congress should not move to pass over the President's vetoes, its legislative sanctions amendment or its Emergency Chinese Immigration Relief Act. The sanctions are likely to be counterproductive, and the immigration act seems gratuitous because the President has pledged to achieve its objectives by administrative means.

If both of these are passed over the President's vetoes, China clearly will feel compelled to retaliate, possibly quite strongly. This is likely to cause a serious further deterioration of U.S.-China relations, and a further downward spiral, for at least a year or two, before new efforts can be made to repair relations.

Further U.S. punitive actions against China would almost certainly create serious divisions between the U.S. and our allies in Europe and Japan. Some Western diplomats in Beijing have already argued to their home governments that sanctions have encouraged conservative, isolationist and xenophobic trends, and have recommended that their governments renew high-level contacts. They have praised, at least privately, the Scowcroft-Eagleburger visit, saying that it will bolster moderates and improve U.S.-China relations.

I believe they are right, and that President Bush needs to be given time to test whether his judgment was right.

(A Doak Barnett is professor emeritus of Chinese studies at The Johns Hopkins University's School of Advanced International Studies. This article is adapted from his testimony last month before the House Foreign Affairs Committee.)

Mr. DOLE. I also ask unanimous consent that a comparison of the Chinese Student Act which has been vetoed by the President and the administrative action taken by the President, along with a letter from the Attorney General, be included in the RECORD. If you read this carefully, you will see that in every case the President has done as much or more.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, January 22, 1990.

Hon. ROBERT DOLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: As you know, the President on November 30 vetoed H.R. 2712, the "Emergency Chinese Immigration Relief Act." However, at the same time, the President directed the Attorney General to provide humanitarian relief equivalent to, or greater than, the relief provided by H.R. 2712. Under the President's directive, employment authorization extends to all Chinese aliens (not just Chinese students), and enhanced asylum consideration applies to all aliens (not just Chinese aliens) who express fear of persecution on account of a government's forced abortion and sterilization policy.

We are enclosing a copy of the letter sent by the Attorney General to the President, which outlines the relief provided Chinese nationals, and the action taken by the Department of Justice to carry out the intent of the President's directive. Also provided is a side-by-side comparison of this relief with H.R. 2712. I hope these documents will be of assistance to you in conveying the efforts taken by the Bush administration to ensure that the humanitarian intent of the President's directive is realized.

Sincerely,

DICK THORNBURGH,
Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, January 16, 1990.

The PRESIDENT,
The White House,
Washington.

MY DEAR MR. PRESIDENT: On November 30, 1989, you directed me to take certain actions to improve the immigration status of nationals of the People's Republic of China ("PRC") currently in the United States. You requested that I report to you on the status of these actions. This letter sets forth the actions I have taken. In each instance, the action I have taken affords relief equivalent to, or greater than, the relief that would have been provided by H.R. 2712 (the "bill"). (I have attached copies of my letter to the Immigration and Naturalization Service ("INS") of December 1, 1989, and INS' cable to its field offices of the same date, implementing your directives).

1. You directed that I provide PRC nationals with an irrevocable waiver, that they may exercise until January 1, 1994, of the foreign residence requirement of 8 U.S.C. § 1182(e).

I have waived this requirement for all PRC aliens present in the United States as of December 1, 1989. This waiver is irrevocable. Any such alien who makes a nonfrivolous application for adjustment or any change of status may avail himself of the waiver until January 1, 1994. This action provides adjustment relief equivalent to that provided by the bill.

2. You directed that I take steps to assure the continued lawful status of PRC aliens lawfully present in the United States on June 5, 1989.

I have directed that PRC aliens who were in lawful status as of June 5, 1989, be considered to have maintained lawful status for the purposes of adjustment or change of nonimmigrant status. Again, this action provides relief equivalent to that provided by the bill.

3. You directed that I provide authorization for employment of PRC nationals present in the United States on June 5, 1989.

I have directed that INS grant all PRC aliens who were present in the United States as of June 5, 1989, the necessary authorization to engage in employment. This action provides employment opportunities greater than those afforded by the bill, which would have granted employment authorization only to certain PRC aliens, i.e., Chinese students in the F, J, or M visa categories.

4. You directed that I provide notice of expiration of nonimmigrant status, rather than institution of deportation proceedings, to PRC aliens who are eligible for deferral of enforced departure and whose nonimmigrant status has expired.

I have directed that any PRC aliens who are eligible for deferral of enforced departure and whose authorized period of stay has expired be given notice of expiration of nonimmigrant status. This notice will be nonadversarial in nature and will explain the options available. This action provides for notification equivalent to that required by the bill.

5. Finally, you directed that I provide for enhanced consideration under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country's foreign policy of forced abortion or sterilization.

I have directed that, with respect to all applications for asylum, withholding of deportation, and refugee status, careful consideration be given to applicants expressing fear of persecution related to family planning policies of forced abortion or sterilization. If an applicant establishes that the applicant has refused to abort or to be sterilized, he or she will be considered to have established a well-founded fear of persecution. All other factors that may contribute to a determination of eligibility for asylum, withholding of deportation, and refugee status, will also be given additional weight. These actions provide broader relief to persons fearing coercive family planning policies than that provided by the bill, which extended only to PRC aliens. Draft regulations to implement this directive, effective upon publication, will be available within a week.

In addition to these measures, INS has established an Outreach Program to assist PRC aliens in the United States. INS has held briefings and consultations with representatives of PRC student leaders, the National Association of Foreign Student Affairs, and private groups interested in the PRC, to inform them of available options. Many INS district offices have also arranged meetings with local Chinese community and educational institutions. Each INS District Office has designated a point of contact specifically to assist PRC nationals under this program.

INS field offices are also making every effort to expedite the processing of applications for benefits provided under the emergency relief measures. As of January 12, 1990, INS has granted work authorization to 2,779 PRC nationals; granted adjustment to permanent resident status for 87, with 108 cases still pending; authorized a change in temporary status for 225; and granted waivers of the foreign residence requirement of section 1182(e) for 70.

Initial results of the program indicate that these outreach efforts have been successful and that PRC aliens are aware of the available options and are filing applications. Of course, I will continue to monitor developments to assure the success of your policy of providing necessary relief to PRC nationals present in the United States.

Sincerely,

DICK THORNBURGH,
Attorney General.

Existing law	H.R. 2712	Administration's directive
Provides for waiver of home residence requirement if certain prerequisites are met; does not preclude granting waiver to all members of a specified group.	Grants waiver of home residence requirement to PRC nationals subject to requirement.	Waives home residence requirement for PRC nationals in United States on Dec. 1, 1989; satisfies requirements for granting of waivers consistent with existing law.
Constitution gives the Executive Branch the discretion not to enforce departure of certain nationality group; this discretion exercised by the Attorney General.	Provides no independent basis under which PRC nationals can remain in United States; benefits contingent on Attorney General's exercise of his authority to defer enforced departure.	Consistent with Executive's constitutional authority, thus, consistent with existing law.
Permits any PRC national to seek asylum in order to avoid return to PRC.....	Protects PRC national in the United States on June 5, 1989 in a lawful status against return to PRC only so long as deferral of enforced departure is in effect; adds no further protection to that provided by the administration.	Protects all PRC nationals in the United States on June 6, 1989 against return to PRC, even if status was already unlawful. Protection lasts as long as deferral of enforced departure is in effect.
Provides that aliens in unlawful status may not adjust to lawful status. Gives the Attorney General authority to interpret INA by resolving legal questions arising under it.	Does not provide basis for PRCs to adjust status; merely provides they are to be considered in status for purposes of adjustment, but only while Attorney General's directive is in effect.	Determines that PRC nationals in status on June 5, 1989 will be considered still in status for purposes of adjustment while deferral of enforced departure is in effect. Proper exercise of authority to interpret the INA.

CLEAN AIR

Mr. DOLE. Clean air I will discuss with the majority leader, but I have had one objection from our side to even proceeding to it until he has an opportunity to read it. Apparently it is 500 pages. As the majority leader already indicated, it is very complicated. It is not going to be party line; it is going to involve regional relationships, and I hope to discuss that with the majority leader privately to see if we can move ahead.

CHILD CARE

I agree with the majority leader on child care. We did not all agree on the final package that passed the Senate but the Senate has acted. It is now in the hands of the House. If they pass something and go to conference, it seems to me that is something we should take care of as quickly as possible.

CAMPAIGN FINANCE REFORM

Campaign finance reform, why not—again, if we can work out a couple of areas—they are fairly substantial—public financing and a limit on campaign expenditures. There are a lot of other related issues that are very important, certainly I want to work with the majority leader on that. We have had meetings on our side.

Maybe it is not possible, but I recall the Presiding Officer in the early stages of working on that bill was able to come up with some academic types who were not necessarily partisan who studied the problem and made recommendations. We were able to find a couple ourselves. If we can maybe find some of these people who are not so partisan and who are not concerned from a personal standpoint to give us some advice, maybe we can come together on some of those issues.

CAPITAL GAINS

We also, of course, hope that this year we can work out a capital gains package that will have near unanimous support in the Senate.

CRIME PACKAGE

As the majority leader indicated, the crime bill is going to come up under a time agreement. There are two bills, the Biden bill and the Thurmond bill. They are different, much different, and I am not certain what will happen there. But I guess the bottom line is we are prepared to go to work; we are prepared to cooperate with the majority leader in every way that we can.

MAX BARBER: DEDICATED CAREER ON CAPITOL HILL; RADIO AND TV GALLERY VETERAN DESERVES BEST WISHES FOR RETIREMENT

Mr. DOLE. Mr. President, during the holidays one of the most respected figures on the Hill decided to call it a career. After 38 years of dedicated Government service, Max Barber, the longtime superintendent of the Senate Radio and Television Gallery, quietly announced his retirement and moved to Florida.

Beginning in the House Gallery in 1955, and culminating with 17 years as the Senate Gallery's director, Max witnessed incredible changes in electronic journalism—a veritable history of the medium, in fact.

But through all the changes—from the era of radio and film, to the amazing world of videotape and satellite technology—Max provided steady and able leadership.

It is no easy task, meeting the round-the-clock demands of news, much less dealing with hundreds of news agencies and more than a few prima donnas in the media and Congress. But it never rattled Max. He met the challenge with true professionalism.

Max is in Florida now, enjoying a well-deserved retirement. I know my colleagues join me in wishing Max all the best in his retirement, and thanking him for a job well done.

U.S. DEFENSE POLICY IN THE 1990'S

Mr. DOLE. Mr. President, yesterday, I held a meeting with a small bipartisan group of Senators and defense experts to discuss the critical issue of the

direction of U.S. defense policy in the 1990's.

In light of the dramatic changes in Eastern Europe—and around the globe—and in view of U.S. deficit pressures, deciding the direction of U.S. defense policy is one of the most pressing matters the administration and the Congress will face this year.

In my view, the United States needs to reach a consensus on defense priorities, and most importantly, on strategy, early in the budget process. I am very pleased that the following distinguished group of experts, with experience in the Nixon, Ford, Carter, and Reagan administrations were able to reach a consensus on many key issues:

Dr. Richard Allen, former National Security Adviser, currently president of Richard V. Allen Co., an international consulting firm.

Dr. Al Carnesale, served on the SALT I delegation, currently dean and professor at the John F. Kennedy School of Government at Harvard University.

Ambassador Robert Ellsworth, former Member of Congress, served as the U.S. Ambasssador to NATO from 1969 to 1971 and as Deputy Secretary of Defense from 1975 to 1977.

Mr. Joseph Fromm, a veteran of 39 years with U.S. News & World Report, where he served as a foreign correspondent and editor, currently a foreign affairs consultant.

Dr. Kim Holmes, director of foreign policy and defense studies at the Heritage Foundation where he is responsible for the managing and editing of all foreign policy and defense studies.

Dr. Fred Ikle, Under Secretary of Defense for Policy from 1981 to 1988, and former Director of the U.S. Arms Control and Disarmament Agency, currently holds the position of distinguished scholar at the Center for Strategic and International Studies.

Dr. Phillip Karber, senior vice president for national security programs at BDM International where he directs BDM's work in strategic and conventional arms control policy, verification, and regional and global military assessments.

Mr. James Thomson, former member of the National Security Council staff from 1977 to January 1981, currently president and chief executive officer of the Rand Corp.

Despite their range of experience and expertise these eight defense experts reached consensus on the following key issues:

First and foremost, the United States needs to develop a strategy. This strategy should define a view of the future U.S. role in Europe. In approaching our defense budget, we need to look ahead at where we want to be 5 years from now, and not plod along cutting here and there.

Second, the U.S. approach must be cautious. We are in a period of uncertainty and potentially great instability, particularly in Eastern Europe and the Soviet Union. It would be very unwise to dismantle our force structure and without a plan or strategy.

Third, reductions of U.S. troops and/or weapons systems should be pursued within the framework of arms control negotiations and verifiable agreements. Unilateral cuts must be resisted.

Fourth, we need to reorganize and restructure our forces to respond to the changes in the threats we face. In addition to making our forces more mobile and flexible, we need to continue to invest in new technologies as a hedge against new threats and the possibility for a reversal of reform in the Soviet Union.

I hope that these views will be helpful to my Senate colleagues as we begin this session. I believe that one of the most important responsibilities I have as a U.S. Senator is to provide the necessary resources for America's defense.

During the past decade, we made America strong again. We confronted communism with strength and as a result, democracy is alive and spreading throughout the world.

Mr. President, I urge my colleagues not to put these dramatic gains at risk in an emotional pursuit of illusions such as the "peace dividend." Instead let us approach the 1990's with caution and cool heads.

RECESS UNTIL 2:15 P.M.

The PRESIDENT pro tempore. Under the order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

QUORUM CALL

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1]

Adams	Grassley	Reid
Boschwitz	Heinz	Riegle
Bradley	Johnston	Robb
Burns	Kassebaum	Rockefeller
Byrd	Kasten	Rudman
Chafee	Kohl	Sanford
Coats	Lautenberg	Simon
Cohen	Leahy	Simpson
D'Amato	McClure	Specter
Dole	McConnell	Stevens
Exon	Mikulski	Symms
Fowler	Mitchell	Wallop
Glenn	Murkowski	Warner
Gorton	Pell	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1]

Adams	Fowler	Mikulski
Armstrong	Glenn	Mitchell
Baucus	Gorton	Moynihan
Bentsen	Graham	Murkowski
Bingaman	Grassley	Nickles
Boschwitz	Harkin	Packwood
Bradley	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Helms	Reid
Burns	Hollings	Riegle
Byrd	Humphrey	Robb
Chafee	Jeffords	Rockefeller
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Daschle	Kohl	Simpson
DeConcini	Lautenberg	Specter
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Lieberman	Wallop
Domenici	Lott	Warner
Durenberger	McClure	Wirth
Exon	McConnell	
Ford	Metzenbaum	

The PRESIDING OFFICER. A quorum is present. The majority leader is recognized.

Mr. MITCHELL. May we have order, please.

The PRESIDING OFFICER. The Senate will be in order.

RESOLUTION INFORMING HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED—S. RES. 228

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 228) informing the House of Representatives that a quorum of the Senate is assembled.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 228) was agreed to.

The resolution reads as follows:

S. RES. 228

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

RESOLUTION INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED—S. RES. 229

Mr. MITCHELL. Mr. President, I send another resolution to the desk, ask that it be stated, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 229) informing the President of the United States that a quorum of each House is assembled.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 229) was agreed to.

The resolution reads as follows:

S. RES. 229

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Presiding Officer announces that pursuant to Senate Resolution 229 the majority leader and minority leader are appointed members of the committee.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business will now proceed, not to extend past 3:30, with each Senator permitted to speak for not more than 5 minutes.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE MIDEAST PEACE PROCESS

Mr. SPECTER. Mr. President, today I seek recognition to make a few comments about a trip which I recently made to the Mideast. I intend to submit a more detailed report at a later time. But a few of my comments, I think, are worthy of note at this time, because of the pendency of certain issues now being considered by the administration and soon to be considered by Congress. It relates to the priorities on the Mideast peace process.

Mr. President, I suggest that U.S. priorities are now misplaced on the simering problems of the Mideast, with so much tension on the Palestinian issue, which is very important, but I suggest that the central issue is security and peace in the region.

Mr. President, I suggest that the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DODD. Mr. President—I'm sorry.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. Mr. President, I suggest that the Senate is still not in order. The distinguished Senator from Connecticut did not even know this Senator had the floor.

The PRESIDING OFFICER. The Senate will be in order. The Senators in conversation will withdraw from the Chamber.

Mr. SPECTER. Mr. President, the comment which I wish to make here very briefly is that I suggest that the real issue in the Mideast today is security. If the security issue were to be established by the entire region, especially the security of Israel, then it is my thought that the Palestinian issue, the issue of the intifada, would be relatively easy to solve.

I had the opportunity earlier this month, Mr. President, to meet with President Assad of Syria and with President Hussein of Iraq. I made the point to both of these national leaders that if they were to participate in the Mideast peace process and sit down at sessions, perhaps an international conference which would include Israel as well as Egypt and Jordan and the Palestinians, and the peace issue were to be resolved there, then I think that the other issues in the Mideast would be solvable.

The question on the Palestinian delegation is a very complex issue that is not easy to solve, and I am hopeful that it will be solved. I commend Secretary of State Baker, President Mubarak of Egypt, and Prime Minister Shamir of Israel for the efforts they are undertaking at the present time.

But that, Mr. President, is not the central issue. What is going on in the Mideast today is a "Cuban missile crisis" every day of the year. It certainly is a crisis for Israel with the missiles present in Syria, and with the three-stage rocket which Iraq has recently announced.

The meetings that I have had with these two national leaders, who are forceful men, who are important men, was of great value. These men are now looking westward at least in their interest in having discussions with one U.S. Senator and I urge my colleagues to follow on these trips.

Last year, some other Senators had met with President Assad of Syria. I have had an opportunity to have lengthy discussions with President Assad in 1988, 1989, and again earlier this month.

When I was talking to President Assad of Syria, I noted a significant change in his position. For example, on the convening of an international conference where it has been Syria's position that a conference had to be convened by all five permanent members of the United Nations, he now is willing to have the international conference convened by only the United States and the Soviet Union.

When I brought that information to Prime Minister Shamir, he expressed interest because there had been a concern there would be undue pressure on Israel, and that is another point where President Assad, of Syria, was willing to make a very flat statement that there should not be undue pressure and that the parties should sit down and have the discussions.

When President Saddam Hussein, of Iraq, raised a question as to my own personal views of the Palestinian issue, I responded I was pleased to hear the question because I thought that the issue was the business of the President of the United States, President Bush, and the President of Egypt, President Mubarak, as well as President Hussein, of Iraq, and he was a little surprised because he then asked why is it my business. I responded because Iraq is a major participant in the security interest in the region as was Syria, and once those issues can be resolved, it seemed to this Senator, that the other issues in the region would be satisfied.

I want to make one more point briefly and then yield the floor because others of my colleagues are waiting to speak.

One of the issues raised by President Saddam Hussein, of Iraq, was his thought that the United States was excluding Soviet Jews in order to compel Soviet Jews to go to Israel. I commented that the President of Iraq did not have the facts straight because he just was not informed, that we did not have any unique policy on excluding Soviet Jews from the United States but these were regularly established quotas. I further commented about the efforts of many of us, including myself, to try to expand the number of Jews who come to the United States, but it was not an effort made to direct Jews to Israel.

That is illustrative, Mr. President, of what I think the value is of more trips being made by Senators, Members of the House, and American citizens of all walks of life to try to have closer relations, because Iraq is interested in and so is Syria. There are some questions as to Syria and terrorism that I think have to be resolved, and I will speak more about that at a later time.

I had an opportunity earlier today to call these issues to the attention of

Secretary of State James Baker, who met with the Republican luncheon, and the brief opportunity to mention them yesterday to President Bush in talking about another subject.

I hope that our national policy, Mr. President, will focus on the security issue with renewed evident bilateral relationships between this country and Iraq and this country and Syria to try to move toward this very central issue, and then I think the other matters in the Mideast will fall into place.

I thank the President and yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I thank the Chair.

(The remarks of Mr. GLENN pertaining to the introduction of S. 2006 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Vermont.

U.S. FOREIGN AID IN A CHANGING WORLD

Mr. LEAHY. Mr. President, in the last few days new questions have been raised about U.S. foreign assistance priorities and how these should be affected by the historic changes sweeping Eastern Europe. Some have even questioned whether we should not break existing earmarks of military and economic assistance to some recipients, including the so-called big five, Israel, Egypt, the Philippines, Turkey and Pakistan, and shift some of those funds to countries in Eastern Europe.

Foreign aid is an instrument of U.S. foreign policy. How we allocate limited foreign aid resources should reflect the national interests. Obviously, we cannot do everything we would like—or even should do—in foreign assistance. The responsibility of leadership is to make choices, often very hard choices, among competing interests and claims.

These decisions are made even harder by the fact that since 1985, in real terms U.S. foreign aid has been cut by about a quarter. In the final analysis, what is at the root of administration attacks on funding decisions by Congress as reflected in earmarks is a lack of enough foreign aid money to meet all the needs the administration believes exist.

The Foreign Operations Subcommittee, which I chair, will hold hearings this year aimed at reexamining U.S. foreign aid priorities in light of the vast changes in the international situation. As far as I am concerned, every program in the fiscal 1991 foreign aid appropriation will be reviewed. No program will be exempt from scrutiny. If any program level cannot be fully justified in terms of U.S. foreign policy or national security interests, or as serving the humanitarian or moral values and commitments of the American people, as far as I am concerned as chairman of Foreign Operations, it will be subject to reconsideration.

Any reexamination would obviously have to take into account special considerations, such as our longstanding special moral and security relationship with Israel, the NATO status of recipients like Turkey or Greece, or unique historical ties, such as with the Philippines.

At the same time, while everything in the foreign aid program is open to debate, I cannot support any action which would break existing commitments the U.S. Government has made to allies and friends. In particular, absent the most compelling justification I will oppose any attempt to change the aid allocations Congress made in the current foreign aid appropriation.

At the beginning of last year, as the new chairman of the Foreign Operations Subcommittee, I publicly offered to Secretary Baker to discuss with him and other senior members of the administration whether it would not be possible to work out a better way for Congress to establish its own spending priorities in foreign aid while giving the President more flexibility.

The response conveyed in various ways throughout the year was that foreign aid is the exclusive responsibility of the President, Congress' role is limited to appropriating the money, and the administration will make the allocation decisions among the competing programs.

Mr. President, there is no way I as a Senator and a member of the Appropriations Committee can agree to such a point of view. Congress has constitutional responsibilities to determine how the public money will be spent. We do not just hand over a lump sum in any other area, and we are not going to do so in foreign aid, either. Earmarking is not some legislative encroachment into the prerogative of the executive branch. It is the means by which we in Congress decide how money is to be spent. We prefer to make those decisions in consultation with the executive branch, as I repeatedly offered to do. But we will make them by ourselves if the White House will not cooperate in deciding priorities.

Over the last 3 months of 1989, both Houses of Congress went through one of the most difficult foreign aid allocation processes ever. In an extremely painful series of decisions, Congress approved a fiscal 1990 foreign aid appropriation that represented extraordinarily hard choices among competing priorities. With little or no cooperation from the President or the executive branch agencies in setting priorities or in finding funds, in the fiscal 1990 foreign aid appropriation Congress shaped a major Eastern Europe aid package of over $430 million, funded a significant expansion of our international antidrug effort, provided for a continued export financing program in the Export-Import Bank over the opposition of the administration, found ways to meet our most urgent refugee assistance demands, and funded bilateral programs the administration claimed represented its top priorities.

Those difficult decisions now represent firm commitments by the United States upon which our allies and friends are not basing many of their own national budgets. A substantial fraction of those fiscal 1990 funds are already obligated or committed against specific needs. As a great nation, we must honor the commitments we have made and upon which countries of enormous foreign policy, national security and moral importance to us now rely.

Having said that, let me once again emphasize that as far as the fiscal 1991 foreign aid appropriation is concerned, we will look at every program. No program is off limits to the need to be justified against changing national priorities. As chairman of Foreign Operations, I am deeply sensitive to the extraordinary importance of our foreign aid, and the degree to which it sustains nations which share our political, economic, and moral values. We should not make decisions about these programs based on newspaper headlines, transitory irritations, diplomatic disagreements or short term political considerations. Once again, I am prepared to sit down with Secretary Baker and others from the executive branch and discuss how the different priorities of the administration and Congress might be reconciled. Only after the most serious discussion will we be able to determine how the current structure of foreign aid programs can be affected by the tremendously important changes in Eastern Europe, Central America, and elsewhere.

I look forward to this crucial debate and reexamination year. After decades of carrying out foreign aid programs based on Cold War rationales—containment of communism, support for anti-Communist regimes, often of the most undemocratic character, disguised rent for United States military bases intended to counter perceived military threats from Soviet or other Communist countries, buying of polical or diplomatic influence and access in countries which do not share our political or moral values in order to keep them aligned with us against the Soviet bloc—we now have an historic opportunity to reshape the whole conceptual underpinning of our foreign aid.

The most urgent challenges now facing the United States abroad are no

longer determined by the cold war and the United States-Soviet military competition. We must reorient our foreign aid to deal with the real global problems of massive Third World poverty, weak and undemocratic political institutions, economic and social underdevelopment, environmental degradation on a catastrophic scale, exploding populations, the international narcotics menace. We must use our aid to support emerging democratic nations and to assist to bringing peace to unstable regions of the world.

Those are the new issues which must frame our debate. Let us not be diverted into sterile and pointless fights over foreign aid decisions and commitments we have already made. Let us look to the future and find ways to work together.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the introduction of S. 2015 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Washington.

A WORLD PROFOUNDLY DIFFERENT

Mr. GORTON. Mr. President, I return to these familiar surroundings and to the faces of our friends and colleagues and it can almost but not quite cause us to to forget the fact that we have come back to a new world, a world profoundly different from that in which we lived when the first session of this Congress adjourned just 2 short months ago.

In fact, one learned columnist, whose work I read during the recess, referred to the year 1989 by that old Latin phrase annus mirabilis, a year of miracles or a year of remarkable happenings. In fact, for the cause of freedom, 1989 was truly an annus mirabilis. It was also, in my opinion, a magnificent tribute to American ideas and ideals and to the unflagging leadership for freedom and for the free world which we provided.

Our example is sought in Eastern Europe. We contributed more directly to the freeing of the people of Panama from a corrupt dictator. In fact, we inspired the one movement for freedom which was spectacularly unsuccessful in 1989—that of the people of China, whose aspirations were symbolized by their copy of our Statue of Liberty.

The same learned writer who used that Latin phrase pointed out that perhaps once in each century that designation has attracted itself to a particular year. In the 18th century, that year was 1776. In the 18th century that year was 1776. In the 19th century, it was 1848.

The writer went on, however, to caution us as we go into the year 1990. Seventeen seventy-six, annus mirabilis, was of course the beginning of the experiment of which we are still a part here today. Eighteen forty-eight, on the other hand, while it was marked by the same kinds of aspiration for democracy, the same kind of willingness for some people in Europe to lay down their lives for that democracy, was followed by years of reaction during which all of those movements came to naught.

So the most fundamental question for us, Mr. President, is what do we do the year after, in 1990? Will we act in such fashion as to make 1989, for our children and grandchildren, more like 1776 or more like 1848?

First and foremost, Mr. President, we here in the United States are going to be able to deal with what now goes commonly under the phrase, "a peace dividend." It is not the existence of that peace dividend, but only its amount which is in question.

The President himself, in his budget next week, will propose a budget for national defense which is some $12 billion, or more, less than what he anticipated proposing not much more than 1 year ago today. That $12 billion is a substantial dividend presented to the people of the United States by their strength and constancy over the course of the past decades.

At the same time, I think all of us know that his proposal will not be a floor but will be a ceiling on that budget for national defense. It is the view of this Senator that that peace dividend is more likely to bear somewhere between $15 billion and perhaps as much as $25 billion less than what we might well have anticipated the budget for national defense to have been for 1991 a year or so ago.

This gives us many opportunities. I am already well aware, by various Members of the House or Congress or one lobbying group or another, that dividend has been spent at least a half a dozen times, perhaps a dozen. It does seem to me, however, Mr. President, that if we devote it primarily toward getting our own fiscal house in order it can make great dividends for the people of the United States: a better opportunity to start new businesses; bluntly, greater competitiveness with the Japanese and with other trading partners.

With respect to Eastern Europe, however, Mr. President, it seems to me unlikely that we are about to embark on a new Marshall plan. We do, however, have people power.

It seems to this Senator the greatest gift we can offer is to expand a modest existing program and to create a new Peace Corps of businessmen, capitalists, engineers and the like, who are willing to volunteer their time to create strong, free political societies and strong, free economic societies in those countries which have so bravely liberated themselves.

I will speak on this subject again at a later time.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. I thank the Chair.

(The remarks of Mr. BRYAN pertaining to the introduciton of S. 2013 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FOREIGN AID

Mr. LAUTENBERG. Mr. President, I rise today to briefly share my thoughts with my colleagues about an incipient debate that is starting on the foreign aid budget—for fiscal year 1991 and beyond.

Mr. President, presumably Secretary Baker and the President have made their final decisions on what they will recommend to the Congress next week about foreign aid for fiscal year 1991. I assume that in support of that budget request, and in the face of a real dilemma on how to meet all of our obligations—moral, diplomatic, and security needs—the Secretary and Minority Leader DOLE have kicked off an early debate on how to proceed.

Last week, the minority leader sent up a trial balloon which proposed cutting aid to Egypt, Israel, Pakistan, the Philippines, and Turkey to make room in the budget for higher levels of support to the emerging democracies in Eastern Europe and Panama, and to combat drug trafficking in Latin America. Also last week, Secretary Baker suggested to the Senate leadership that the Congress agree to cut $250 million of aid we approved just months ago to send the aid to an unspecified list of countries—places the administration favors.

The problem, I take it, is that the administration is faced with budget constraints due to a persistent budget deficit, sustained levels of military spending, and a policy of no new revenues. It is having difficulty achieving our national security and diplomatic goals, and meeting our moral obligations, within the confines of the budget situation it has structured.

Mr. President, the administration has chosen to frame this debate in terms of its desire for flexibility in dealing with foreign aid. This flexibility would significantly reduce congressional prerogatives over foreign policy. One important way Congress has traditionally asserted its influence over foreign policy is through the allocation of U.S. foreign aid dollars. It is one of the most effective ways Congress can make its voice heard in the foreign policy area. Such allocations, called earmarks, represent a consensus about which countries, for strategic,

humanitarian, political, and economic reasons, deserve our monetary support. Removing earmarks would strip Congress of one its prime tools in influencing foreign policy, and change the balance between the executive and the legislative branch on foreign policy in a deterimental way.

Further, I believe that really, the issue is as much, or more, a substantive, policy issue rather than a process issue of congressional earmarks. I think that the administration is having trouble constructing a budget to meet our foreign policy needs and wants to take power away from the Congress to let it do what it wants to do—things we presumably would not agree with.

Let's look at the issue of Eastern Europe. If Eastern Europe needs our help, as I believe it does, let's acknowledge it serves our national security interest to help her, and act accordingly. That means looking to our defense budget to meet the new needs that increase our national security. We've already done that in the case of Poland and Hungary, whose newly minted aid package was funded largely out of the defense budget, at the administration's own suggestion.

It makes sense to allocate to Eastern Europe some of the money we now spend to defend ourselves militarily against the Soviet Union. We're now spending at least $150 billion on troops and weapons for the defense of Europe. Stable democracies in Eastern Europe would certainly provide as much security for America in guarding against the threat of a Soviet invasion of Western Europe.

Country after country in Eastern Europe is replacing democratic rule for that of the Communist yoke. They are changing their constitutions to renounce the supremacy of Communist parties. Czechoslovakia and Hungary have already called for the removal of Soviet troops from their territory and want to reduce the size of their own armed forces. We are engaged in serious negotiations over reductions in conventional force levels in Europe—negotiations that were underway even before the stunning and historic changes taking place in Eastern Europe. Leaving aside our emotions and moral responsibility to these brave people, to ignore these changes, and the obvious security opportunities they offer, would be an error of enormous proportions.

Mr. President, there are also many ways to nurture democracy besides foreign aid dollars. Romania, Czechoslovakia, and East Germany could benefit from receiving most favored nation status and receiving granted special trade status under the generalized system of preferences. The President announced yesterday his support for increased sales of advanced computers, telecommunications equipment and machine tools to East bloc nations to modernize their economies. We might also explore other ways of encouraging new investment in Czechoslovakia, East Germany, and Rumania by extending Government guarantees to businesses that invest there. All of the emerging leaders have emphasized one thing: They want capitalist business investment and management skills and advice. That's the key to rebuilding their economies. These are areas where the President can provide more leadership.

Having underscored the importance of supporting democratic forces in Eastern Europe, we must face the budget issue. Is it in our security interests to respond to these needs by cutting assistance to other key allies around the world? I think not.

So, Mr. President, I would take issue with any suggestion that the Congress should not earmark foreign aid or that we should cut foreign aid to the Middle East, the Philippines, and other strategic allies as the only means of meeting the challenges we face in Eastern Europe and Latin America. Such proposals violate congressional prerogatives on foreign policy, and look in the wrong place for new foreign aid dollars.

For example, the Philippines is a new democracy facing a widespread Communist insurgency and severe and recurrent threats of a coup from its military. Last year we provided military help to the Aquino government to prevent its overthrow. This year we'll contribute $160 million to a multilateral effort to stabilize the political and economic situation in the Philippines. A stable, democratic Philippines is vitally important to peace in Southeast Asia. Even a small cut in that aid could be interpreted as a lessening of U.S. commitment, emboldening enemies of democracy there.

Similarly, our aid to Pakistan encourages the growth of democratic institutions in a newly democratic country critical to the stability of Southeast Asia. It also helps Pakistan's efforts to combat illegal narcotics trafficking, and decreases Pakistan's need to go nuclear by helping beef up their conventional deterrent against India. It also provides a buffer against an unpredictable and potentially threatening neighbor like Afghanistan. Benazir Bhutto's enemies would be only too happy to use a cut in United States aid against her, undermining the fragile democracy in Pakistan.

Our aid to Israel and Egypt helps keep the peace in the Middle East, and thus is a wise investment in our own security. The winds of change in Eastern Europe have yet to blow in the Middle East. The Soviet Union continues to supply arms to Iraq, Syria, and Libya, all radical Arab countries. Any cut in aid to Israel would undermine her security at a time when she faces an Iraqi army strengthened and enlarged by its war with Iran, a Syria bent on strategic parity, and an Arab world armed with ever more sophisticated ballistic and chemical weapons. It could lead to war by encouraging Israel's enemies to strike while she is in a weakened state.

Our aid also helps assure that a strong and secure Israel can take the risks she needs to achieve peace. Further, cuts in economic aid would make it impossible for Israel to respond to the enormous needs of the current and expected Soviet emigration.

Finally, Israel is an important strategic ally whose foreign aid is an American investment that pays dividends to our security account every day. Even in an environment of lessened Soviet threat, Israel plays a key role in United States efforts to contain the regional threat posed by Syria, Libya, Iraq. She acts as a valuable regional ally in the volatile Persian Gulf. And, Israel is a key port for the repair and refueling of the United States 6th Fleet in the Mediterranean, a tool for U.S. force projection in conflicts in the gulf and beyond.

American-Israeli strategic cooperation shows its face in countless ways every day. For example, Israel has made its hospitals available to care for wounded American military and other personnel in the region. The Israeli Navy has participated in joint naval exercises with the 6th Fleet to strengthen United States antisubmarine warfare capabilities in the eastern part of the Mediterranean. It has made facilities available for the storage and maintenance of U.S. materiel for American use in a conflict.

Egypt, too, is a strong regional friend that plays an essential role in regional stability. Her influence helps reduce the threats of Iranian expansion, terrorism, and religious extremism in the region. Her efforts have helped to advance the peace process. Cuts in United States aid could backfire by demonstrating to other Arab countries that taking risks to make peace with Israel is not a guarantee of strong American support. Moreover, even small cuts in aid to Egypt, an extremely poor country, can lead to great unrest and instability.

Mr. President, I would point out that it's especially appropriate to look in other places besides foreign aid to respond to the needs in Eastern Europe and Latin America if we consider that during the Reagan years, foreign aid was slashed more than any other program besides revenue sharing, which terminated. And spending on foreign aid last year comprised only 1.2 percent of the entire Federal budget. In contrast, our defense budget—which is supposed to support our security needs—grew at an unprecedented rate during the Reagan years

and now comprises roughly 30 percent of our Federal budget.

Mr. President, as we move into the budget process this year, it's important that we not send the wrong signals to our allies around the world—many of whom have taken great risks for the United States—and that we frame this debate carefully.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2005 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. I ask unanimous consent to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PANAMA INVASION

Mr. KENNEDY. Mr. President, now that United States troops are coming home from Panama, it is time for Congress to begin to reflect on the implications of the United States invasion of that country.

No one questions the bravery of the American service men and women who carried out this mission. They reponded with skill and courage to the call of the President, and all of us mourn those who were lost.

But I have serious reservations about the justification for the invasion itself. The administration has offered four rationales for its action. It claims that the invasion was necessary to:

Save American lives;

Protect the Panama Canal;

Restore democracy to Panama; and

Bring General Noriega to justice.

Nothing on the public record makes any of these justifications persuasive. Certainly, the United States does not have the right under international law or any other law that I know of to roam the hemisphere, bringing dictators to justice or installing new governments by force on other nations. Surely, it is a contradiction in terms and a violation of America's best ideals to impose democracy by the barrel of a gun on Panama or any other nation.

There was no imminent threat to the Panama Canal. In fact, for the first time in its history, the canal was shut down—because of the U.S. invasion.

Was the invasion necessary to save American lives? We will never know the true answer to that question, because we will never know what would have happened had there been no invasion. But we do know certain facts.

In October, President Bush had been embarrassed and criticized for failing to do enough to ensure the success of a coup against General Noriega. The coup failed, perhaps because of U.S. blunders.

On the Friday before the invasion, the Noriega-created Panama Assembly passed a resolution saying that a "State of War Exists" in Panama, and listing a series of what it considered acts of aggression by the United States against Panama, including United States economic sanctions. It is difficult to call this resolution a declaration of war by Panama against the United States.

On the Saturday before President Bush acted, four unarmed United States servicemen were stopped in their car at a roadblock in front of the headquarters of the Panama defense forces. When they attempted to drive off, one of the servicemen was shot and killed, and another was wounded. A Navy lieutenant and his wife who witnessed the incident were taken into custody by the PDF and beaten, and the lieutenant's wife was sexually threatened. Two nights later, the invasion began.

These incidents followed 2 years of PDF harassment of American servicemen and their wives. Over 750 such incidents passed without significant U.S. protest, including cases involving serious assaults and even shootings.

According to the Army Times of March 20, 1989, "U.S. servicemen in Panama have been abducted, beaten, kicked and had handguns held against their heads." Either our Government underreacted to these incidents, or overreacted to the incidents of last December.

As a result of the invasion, 23 American servicemen are dead; 3 American civilians are dead; 300 other Americans are wounded; 500 Panamanians are dead; thousands of Panamanians are wounded, and vast physical destruction has been wreaked on Panama City. On this record, it is difficult to deny that the invasion cost more lives than it saved.

Contrary to the administration's threadbare and legalistic claims, the invasion violated our fundamental commitments under the United Nations Charter and the Charter of the Organization of American States. The administration's claim that the invasion was somehow justified as an act of self defense is not credible. It is no surprise that the United States was overwhelmingly rebuked for the invasion—by a vote of 20 to 1 in the Organization of American States, and by a vote of 75 to 20 in the United Nations General Assembly.

In the Declaration of Independence, the Founders of our Nation proclaimed their liberty and spoke of "a decent respect to the opinions of mankind." Two centuries later, we have still not learned to pay that respect.

Panamanians and Americans alike are glad to be rid of the dictator Noriega. But the costs of the invasion are already high, and it may be some time before we know the full costs.

The Panamanian economy is in shambles and American taxpayers have already been called upon to help rebuild the country.

The Endara government has requested emergency economic aid, and negotiations to reduce trade barriers. The Bush administration is said to be developing an overall aid package worth from $1.5 to $3 billion.

Thousands of U.S. troops remain in Panama. Until these forces are reduced to their preinvasion levels and returned to U.S. bases, the Endara government cannot hope to establish its legitimacy in the region. Latin American nations have been slow to recognize the new government, because it was installed by the military power of the United States, not by the people of Panama. Only time will tell whether the Endara government can survive without the presence of United States troops, or whether the Bush administration intends to back up this invasion with further invasions in the future, in order to guarantee order, security in and democracy in Panama.

I am also concerned that the invasion has done long-term damage to our foreign policy, to our ability to work with other nations in Latin America, and to our goal of achieving lasting democracy in the region. It has already caused serious setbacks in the war on drugs.

Peru is less cooperative, Colombia balked at the administration's inept effort to station United States warships off its coast, and all of Latin America balked at the misguided plan to rush Vice President QUAYLE to the region.

Coupled with the irresponsible sacking of the Nicaraguan Ambassador's residence by United States forces in Panama City, the outcry against the invasion has significantly boosted the prospects of the Sandinistas in the Nicaraguan elections that will take place next month. President Bush may have captured Noriega, but at the cost of electing Ortega.

Historians will eventually tally these costs and judge the wisdom of the action. Already, however this feel good invasion does not feel so good any more.

In the meantime, we need to move forward and do as much as we can to strengthen democracy in Panama.

First, in my view, we should announce a timetable for the complete withdrawal of U.S. troops. Only then can the Endara government claim full authority and establish its national and international credibility.

Second, we should move swiftly to implement a generous and well-designed package of aid to repair the war damage and reconstruct the Panama economy.

The first step is an immediate lifting of all sanctions. The next is to develop assistance to build a healthy, independent economy. Handouts will not work; the creation of jobs will. Our assistance must be designed to put the Panamanian people to work, encourage United States investment, and increase trade between our nations. The Bush administration is currently discussing the package with the Endara government, and Congress should be prepared to ensure that appropriate aid is approved as soon as possible.

Third, the United States should lend its full support to the idea of replacing Panama's corrupt and discredited military forces and officer corps with an efficient and moderately sized police force. While this is clearly a decision for the people of Panama to make, the United States is already heavily involved in determining the future of Panama's security forces. Panama needs no standing Army, and the nation will prosper more quickly if it is able to channel funds into strengthening the nation's economic and social services. The safety of the canal can be assured by a variety of arrangements involving the United States, Panama, and other countries in the region.

As Costa Rican President Oscar Arias noted when he put forward a proposal to dismantle the Panamanian armed forces, "to demilitarize the country means to make a profound decision. It is not enough to change the name of the armed forces. It is necessary to change the minds of those people who only yesterday wore a military uniform."

As we enter a new decade, perhaps it is time for the United States also to make a profound decision, look at our own mindset, and change our own thinking on the way we deal with Latin America.

The United States invasion of Panama reflects the long-standing predisposition of this country to bail out flawed policies through United States unilateral military interventions that ride roughshod over the sovereignty of other nations in the hemisphere. For years, we have viewed Panama as something just short of the 51st state. No other nation depends so heavily on the dollar for its economy. The original Panama Canal Treaty was negotiated without a Panamanian present. And throughout the century, we have built up a military structure in Panama that would do our bidding and restrain any overly independent political figures.

Over the last decade, the administration lent legitimacy and support to one election farce after another in Panama. We continued to support the military and cultivate individuals who would be loyal and do our bidding. Manuel Noriega fit that mold. He was a bright, ruthless officer, and it was only logical that we would bring him into our camp.

Our support for individuals such as Noriega and our repeated unilateral military interventions are natural and predictable outcomes of our misplaced, ill-advised and paternalistic approach toward the region. Unless we learn from our past history, we will be condemned to repeat it.

Throughout Central America, as in Panama, we have supported coups, recognized blatantly fraudulent elections, and ignored corruption and flagrant human rights abuses—all in the name of U.S. interests and regional stability.

Over the last two centuries, we have invaded Nicaragua 10 times, Panama 10 times, Honduras 7 times, and El Salvador once.

In Nicaragua, we supported the Dictator Somoza while driving many true democrats into the Soviet, Cuban, and Sandinista camps.

In El Salvador, Honduras, and Guatemala, we have enthusiastically built up large military forces and structures which have become uncontrollable bastions of corruption, death squads, and brutal human rights abuses.

Our emphasis on military solutions in Central America has polarized those societies and impeded economic growth and social progress.

It is no mere coincidence of history that the only country in the region that has shed its military force—Costa Rica—boasts four decades of peace, prosperity and some of the highest living standards in the region.

In sharp contrast, Costa's Rica's five neighbors—Honduras, Guatemala, Nicaragua, El Salvador, and Panama—continue to suffer war, poverty, social and political conflict, plummeting living standards, and atrocious human rights violations.

It is time for the United States, once and for all, to abandon this failed policy of easy resort to military intervention in our hemisphere.

If we heed these lessons, then perhaps the invasion of Panama in 1989 will come to be seen as the last example of "old thinking" by the United States in Latin America, and that 1990 will mark the dawn of a new era of respect by the United States to our neighbors and a new alliance for progress in the region.

Mr. President, I ask unanimous consent that the texts of the resolutions passed by the United Nations and the Organization of American States regarding the United States invasion of Panama may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS

44/240. EFFECTS OF THE MILITARY INTERVENTION BY THE UNITED STATES OF AMERICA IN PANAMA ON THE SITUATION IN CENTRAL AMERICA

The General Assembly,

Taking note of the statements made in the General Assembly and the Security Council regarding the invasion of Panama,

Reaffirming the sovereign and inalienable right of Panama to determine freely its social, economic and political system and to develop its international relations without any form of foreign intervention, interference, subversion, coercion or threat,

Recalling that, in accordance with Article 2, paragraph 4, of the Charter of the United Nations, all Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming the need to restore conditions which will guarantee the full exercise of the human rights and fundamental freedoms of the Panamanian people,

Expressing its profound concern at the serious consequences the armed intervention by the United States of America in Panama might have for peace and security in the Central American region,

1. Strongly deplores the intervention in Panama by the armed forces of the United States of America, which constitutes a flagrant violation of international law and of the independence, sovereignty and territorial integrity of States;

2. Demands the immediate cessation of the intervention and the withdrawal from Panama of the armed invasion forces of the United States;

3. Demands also full respect for and strict observance of the letter and spirit of the Torrijos-Carter Treaties;

4. Calls upon all States to uphold and respect the sovereignty, independence and territorial integrity of Panama;

5. Requests the Secretary-General to monitor the developments in Panama and to report to the General Assembly within twenty-four hours after the adoption of the present resolution.

88th plenary meeting, 29 December 1989.

VOTE ON EFFECTS OF MILITARY INTERVENTION IN PANAMA

The General Assembly adopted a draft resolution on the effects of military intervention in Panama (document A/44/L.63) by a recorded vote of 75 in favour to 20 against, with 40 abstentions, as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussia, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Equatorial Guinea, Ethiopia, Finland, German Democratic Republic, Ghana, Guatemala, Guinea, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Libya, Malaysia, Mali, Mauritius, Mexico, Mongolia, Myanmar, Nepal, Nicaragua, Pakistan, Paraguay, Peru, Romania, Solomon Islands, Spain, Sri Lanka, Sudan, Surinam, Sweden, Syria, Trinidad and

Tobago, Uganda, Ukraine, USSR, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, Dominica, El Salvador, France, Federal Republic of Germany, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Panama, Portugal, Turkey, United Kingdom, United States.

Abstaining: Antigua and Barbuda, Bahrain, Brunei, Darussalam, Cape Verde, Central African Republic, Chad, Costa Rica, Egypt, Fiji, Greece, Grenada, Honduras, Iceland, Ireland, Kenya, Lebanon, Liberia, Madagascar, Malawi, Malta, Morocco, Niger, Oman, Papua New Guinea, Philippines, Poland, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Singapore, Somalia, Thailand, Togo, Tunisia, United Arab Emirates, Yemen, Zaire.

Absent: Bahamas, Bangladesh, Benin, Cameroon, Comoros, Cote d'Ivoire, Democratic Kampuchea, Djibouti, Dominican Republic, Gabon, Gambia, Guinea-Bissau, Lesotho, Maldives, Mauritania, Mozambique, Nigeria, Saint Kitts and Navis, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Swaziland.

The text of the OAS resolution that was adopted December 22, 1989, in the wake of the United States action in Panama. Vote was 20 in favor, 1 against the United States and 6 abstentions—Antigua and Barbuda, Costa Rica, El Salvador, Honduras, Guatemala, and Venezuela—is as follows:

RESOLUTION ADOPTED BY THE ORGANIZATION OF AMERICAN STATES, DECEMBER 22, 1989

Resolves:

1. To deeply regret the military intervention in Panama.

2. To urge the immediate cessation of hostilities and bloodshed and to request the launching of negotiations between the various political sectors of the country that will lead to a concerted solution to the Panamanian institutional crisis.

3. To express its deepest concern over the serious incidents and the loss of lives taking place in the Republic of Panama.

4. To call for the withdrawal of the foreign troops used for the military intervention and to reaffirm that solving the crisis Panama is undergoing at this time necessarily requires full respect for the right of the Panamanian people to self-determination without outside interference and faithful adherence to the letter and spirit of the Torrijos-Carter treaties.

5. To express the need to comply with the obligations assumed by the States parties to the Vienna Conventions on Diplomatic and Consular Relations.

6. To urge that the International Committee of the Red Cross (ICRC) be provided with the facilities and cooperation necessary for it to carry out its humanitarian work with the wounded and the civilian population.

7. To express its fraternal support for and solidarity with the Panamanian people and to urge that the parties involved engage in dialogue for the purpose of safeguarding the lives and personal safety of all the inhabitants of Panama.

8. To recommend that a new session of the Twenty-first Meeting of Consultation be held when appropriate to examine the Panamanian situation as a whole.

9. To instruct the Secretary General of the OAS to take the steps necessary for the implementation of this resolution.

Having seen:

The serious events in the Republic of Panama, especially the armed clashes resulting from the military intervention by the United States and the deplorable loss of lives and property;

The obligation of States not to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State; and

The obligation to respect the inviolability of the territory of a State, which may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever; and

Considering:

The provisions of Resolution I adopted by the Twenty-first meeting of Consultation of Ministers of Foreign Affairs on May 17, 1989 and the declarations made by the President of the Meeting and adopted on June 6, July 20, and August 24, 1989 on the Panamanian crisis in its international context;

That, at the nineteenth regular session, the General Assembly requested the Permanent Council to keep the situation in Panama under permanent consideration;

That, any just and lasting solution to the Panamanian problem must be based on full respect for the right of its people to self-determination without outside interference;

That it is necessary to guarantee full respect for the sovereignty of Panama; and

That it is also necessary to reestablish conditions that will guarantee the full exercise of the human rights and fundamental freedoms of the Panamanian people, and

That the Panamanian people have an inalienable right to self-determination without internal dictates or external interference.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I understand there are other Senators who wish to address the Senate in morning business. Therefore, I ask unanimous consent that the period for morning business be extended until 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. HUMPHREY. I thank the Chair.

(The remarks of Mr. HUMPHREY pertaining to the introduction of Senate Joint Resolution 235 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JUDGE ROBERT S. VANCE

Mr. HEFLIN. Mr. President, I rise today filled with remorse at the death of one of my dear friends. Oftentimes, a great man dies with little or no attention paid to his accomplishments. We should not allow this injustice to befall my friend, Judge Robert S. Vance. His beliefs and accomplishments will far outshine the shock and horror of his brutal murder in his home in Birmingham, AL.

Most of you heard about Judge Vance when the national news carried the story about the mail-bomb which killed him and seriously injured his wife, Helen Rainey Vance. However, the national news only touched the surface of who Bob Vance was and what he stood for. What the news did not cover was the loving relationships Bob had with his wife and two sons, Robert, Jr., and Charles. It did not cover the devotion which Bob brought to each of his endeavors. It did not show the intellectual acumen with which he faced each problem and approached each case. Finally, the news did not show what drove Bob Vance—his love of life, his constant quest for truth, and his eternal commitment to everything that is right.

Judge Vance's only elected offices were those of chairman and member of the State Democratic executive committee. As chairman of the party's governing body from 1966 until 1977, Bob Vance left a huge imprint on the face of the State political scene. In this position, Bob commanded respect from both Republicans and Democrats for his reasoned approaches to the challenges of the day. Although the Democratic Party in Alabama was somewhat divided at the time, Bob's demeanor and talents allowed him to push the party ever forward and eventually unite the factions. All may not have agreed with his efforts, but everyone recognized Bob's ability to get the job done. He led the party through these tough years and spearheaded the efforts which integrated the Democratic Party in Alabama. He felt we had to move forward out of the racial unrest we were in.

In 1977, President Jimmy Carter recognized Bob Vance's considerable talents by appointing him to the Fifth U.S. Circuit Court of Appeals. When the circuit split, Judge Vance moved to the 11th circuit. He cherished the liberties provided to each of us by the Constitution and took very seriously the responsibility he had to this country first as one of its citizens and second as one of its faithful Government servants. He brought about unprecedented changes to the political landscape of Alabama. When Judge Vance was appointed, his interest in politics never waned but his understanding that he was a judge transcended his past political goals. Bob's opinions often evoked praise from both sides of a case for his fairness. His expert understanding of the law and his unwavering quest for the truth guaranteed each case a fair trial.

Although we do not know who killed Judge Vance, it seems as if the bombing was racially motivated. Although we can offer little comfort to Judge Vance's family and friends, we can testify that he did not die in vain. It is only through the efforts of Robert Vance and others like him that racially motivated violence seems so much more shocking today than in the 1960's. This type of bombing was becoming almost commonplace until people with the courage of their convictions—like Bob Vance—began to stand up for what is right. The world needs people like Bob Vance.

Mr. President, I am still shocked by the death of this good friend. I wish Helen Vance a rapid recovery and want her to know that we share her grief. I know that words of condolence often ring hollow so I am going to offer words of hope. I hope that men like Bob Vance come this way more often. He deeply touched his family and friends. All who knew him were better for it.

Mr. President, I was touched by the eulogy of Judge Vance given by his close friend, Judge Clifford Fulford, and ask unanimous consent that a copy of these remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY OF JUDGE ROBERT VANCE GIVEN BY JUDGE CLIFFORD FULFORD

We come here today in outrage to remember and celebrate the life of a man who was the antithesis of outrage. So it is that we put aside our outrage for the moment and think about Bob Vance, the man he was and the life he lived.

If, in that process, our outrage increases, so be it. If the taking of such a noble life enrages us, Bob would be the first to tell us that we honor him most by remembering the values he held dear.

Bob Vance loved life. He lived life fully and with gusto. He did not wish to die. He did not deserve to die. But his assassins were cheated if they picked Bob Vance thinking that he was afraid to die. Bob knew that death was the bargain we all make to be born, and that the time in between made the bargain a good one.

The tragedy in Bob Vance's untimely death is that he had so much yet to give. We, the beneficiaries of his intellect and wit, are the ones who have been robbed by his death.

It is not unfitting that Bob's death has come in this Advent Season of short days and long nights. He knew that the days will soon lengthen, and that a time of good will and cheer is coming. That is the way—the optimistic and hopeful way—he approached all adversity. He always knew, with his unique confidence, that things would work out, given time.

More than any man I have know, Bob Vance had perspective. He never lost sight of his goal to resolve disputes reasonably and peacefully. He could and often did reduce tension in hotly contending groups with his unusual wit. He saw and gave proportion to issues in terms of their possible solutions.

He had the unique ability to draw his circles to include his adversaries and to join them in the search for common ground on which both could honorably stand.

It is no wonder that his assassins, who lacked his capacity and belief in the rule of law, could not tolerate such a man in their presence.

Bob Vance distrusted accumulations of political power. He knew that such concentrations paved the way for despotic and arbitrary conduct, even by good people. He revered our constitution. He trusted an informed electorate and believed passionately in the election process. He eschewed the handpicking of candidates. When the Legislature turned down his proposal to require all candidates to file reports of their campaign finances before the election, he persuaded his party to adopt his rule. He then challenged other parties to follow his party's lead. When his side was beat at the polls in the selection of delegates to the national convention, he opposed all efforts to unseat the delegates selected by popular vote.

Bob Vance continued to develop and use his skills as a member of our Federal appellate court system. His insistence on a level playing field for contending parties in our judicial process was well known. So was his recognition that our liberties are assured only by our responsible conduct. He believed that a citizen's duty to pay the cost of government should bear reasonable proportion to the benefits that government bestowed on him.

He distrusted excessive governmental control. His instincts were for the underdog and the underprivileged. He participated in the fight to require reapportionment of state legislatures dominated by oppressive minorities.

Bob Vance gave a good account of his talents and how he used them. We will not likely see his kind again, but he is a role model for those men and women who knew him and worked with him in the causes he promoted.

Through all of his work and accomplishments, Bob was supported by a loving wife, Helen Rainey Vance, to whom he was devoted. Their marriage was a paragon that produced two fine sons, Robert Jr. and Charles. They have the support of their memories of a remarkable husband and father to carry them through their grief in which we all join.

I am sure they know that their grief cannot just now be less because their love for him was so great. May they be comforted by the certainty, born of faith, that Bob has entered the greater service of God in His creation and know that their pride in him will grow even as the intensity of their pain diminishes.

Finally, I read and saved a poem by Isla Paschal Richardson—never dreaming that I would ever use it on an occasion such as this. However, it says what I think Bob is saying now to his family and friends, if we could but hear him, and I want to share it with you in closing:

TO THOSE I LOVE

If I should ever leave you whom I love
To go along the Silent Way,
Grieve not nor speak of me with tears,
But laugh and talk of me as if I were beside you there.
(I'd come—I'd come, could I but find a way!
But would not tears and grief be barriers?)
And when you hear a song or see a bird I love,
Please do not let the thought of me be sad . . .
For I am loving you just as I always have . . .
You were so good to me!
There were so many things I wanted still to do—
So many things to say to you . . .
Remember that I did not fear . . .
It was just leaving you that was so hard to face . . .
We cannot see Beyond . . .
But this I know:
I loved you so—'twas heaven here with you!
(Poem by Isla Paschal Richardson.)

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Kansas is recognized.

Mrs. KASSEBAUM. I thank the Chair.

(The remarks of Mrs. KASSEBAUM pertaining to the introduction of S. 2012 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. KASSEBAUM. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS UNTIL 4:40 P.M.

Mr. MITCHELL. Mr. President, earlier today I announced that at 3:30 p.m. I would ask consent to proceed to the clean air legislation. Shortly prior to that time, I was asked on behalf of the distinguished Republican leader to withhold that request for a brief time, and I agreed to do that.

We are now awaiting the return of the distinguished Republican leader from a meeting, at which time I will, of course, consult with him.

But I want to, in response to the many questions I have received from Members as to what is occurring, explain that the only reason for this delay is that I was asked to delay by the distinguished Republican leader for a brief period of time, and I am accommodating his request. As soon as I have the opportunity to discuss it with him, I still intend to attempt to proceed to the bill, the managers having been present and ready to proceed. I expect we will be on the bill shortly.

In the meantime, I understand there may be other Senators who wish to address the Senate. Accordingly, I ask unanimous consent that the period for morning business be extended until the hour of 4:40 p.m.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered. Who wishes to be recognized?

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. MOYNIHAN].

(The remarks of Mr. MOYNIHAN pertaining to the introduction of S. 2016 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

JUSTICE FOR CYPRUS

Mr. PRESSLER. Mr. President, the momentous events in Berlin and Eastern Europe herald a new era for Europe and for the world. While we must not let our guard down, we must assess the impact of these events on other foreign policy issues in which we are involved.

One such issue that remains on the agenda is the division of Cyprus and Turkey's continuing illegal occupation of 37 percent of northern Cyprus with 35,000 Turkish troops and over 60,000 Turkish colonists.

The dividing line of Cyprus is called the Green Line. The Berlin Wall has come tumbling down and it is time that the Green Line be removed and freedom of movement allowed for the Turkish and Greek Cypriots throughout the island.

It is long overdue that the Turkish troops leave Cyprus.

It is long overdue that the 60,000 colonists leave Cyprus.

It is long overdue that we have an accounting of the five Americans taken by the Turkish army in 1974 and who remain unaccounted for.

It is time that we had an accounting by Turkey of the 1,614 missing Greek Cypriots.

It is time that we had a constitutional settlement on Cyprus based upon normal democratic principles of majority rule, the rule of law and fully protected minority rights, as stated by President Bush in July of 1988.

I urge my colleagues to cosponsor S. 22, the rule of law conditions bill regarding United States aid to Turkey.

Mr. President, I ask unanimous consent to have printed in the RECORD my recent article from the Washington Times on this subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Nov. 13, 1989]

READERS' FORUM

Columnist Georgie Anne Geyer, whom I know and greatly respect, recently wrote that "It may well be that, as the great but artifical ideologies of democracy and communism prove less able to assimilate people, it is better for peoples to part, to divorce, to live separately for a while—and then to start the great dreams of mankind again." I respectfully disagree with this conclusion.

Miss Geyer's column was inspired by her conversation with Rauf Denktash, head of a Turkish Cypriot regime that is recognized by only one nation, Turkey. Untold in her account is the fact that many Turkish Cypriots resent Mr. Denktash's and Turkey's military occupation and colonization of northern Cyprus. Those Cypriots want a reunited Cyprus. Anyone who has examined the Cyprus situation carefully knows that the Denktash regime could not survive without massive support from Turkey. In fact, almost 60 percent of the economy of the occupied area depends on Turkish support.

The "state" Mr. Denktash claims as his own exists by force of Turkish arms supplied by the taxpayers of the United States. I deplore this situation, and many Turkish Cypriots agree that what is happening in the land they have long shared with Greek Cypriots is wrong. Foreign occupation troops have withdrawn from Angola and Cambodia, and U.S.-Soviet relations are warming, yet Turkey continues to occupy Cyprus with 30,000 troops. This is wrong and must stop.

Contrary to assertions in the article, unification of Cyprus is not an obsession. Turkey invaded Cyprus in 1974. For 15 years, Turkey and its puppets in northern Cyprus have dragged their feet on efforts to resolve this unnatural division of the island nation. Greek and Turkish Cypriots are willing to live together in the same nation—as they have for centuries. Miss Geyer's premise that Mr. Denktash may be right or more realistic in suggesting a preference for dividing the island into two countries is not convincing.

For example, the Turkish Cypriot party opposing Mr. Denktash referred to his continued threats to settle Turkish refugees from Bulgaria in the occupied areas of Cyprus as a conscious attempt by his party to destroy the peace talks with a view to avoiding a federal solution. Many in the Turkish Cypriot community agree with their Greek Cypriot neighbors that a federal solution to the Cyprus problem is attainable and would result in a just and lasting peace.

Mr. Denktash's confederation proposal ignores several important facts. Most important, only one Cyprus is recognized by the United Nations.

After the brutal 1974 invasion, 200,000 Cypriot citizens were forced to leave their homes and take refuge in the southern part of the island. One cannot ignore the fact that these people desire to return to their homes and businesses. Mr. Denktash rejects the rightful claims of these refugees to their property when he speaks of confederation. Furthermore, Cyprus is an island with a rich, multicultural tradition. It would be a tragedy to divide this cultural heritage in the name of a dubious "more realistic alternative."

Confederation makes little sense for Cyprus, which is approximately the size of Rhode Island and has the population of New Hampshire. A unified Cyprus would allow this small country to better compete in world markets. Cyprus is being considered for admission into the European Economic Community. Participation would ensure its economic health and viability for future generations. In a unified Cyprus, such economic security would benefit both Greek and Turkish Cypriots.

The most debatable assertion in the Oct. 17 column is the statement that democracy is an "artificial" ideology. Communism may be artificial, but democracy is not. Collapse of the "artificial" Soviet communist empire should be no surprise. But to suggest that ethnic, racial and religious tensions put the United States into a comparable category is questionable.

The genius of democracy, which I suggest is the great dream of mankind, is that it provides a means for people to resolve their disagreements with minimal coercion. The Soviet empire is falling because "artificial" communism does not understand the true nature of humanity. East and West Germans wish to be reunited. Poles and Hungarians wish to be free and democratic. Greek and Turkish Cypriots want a united, democratic political system that respects the rights of both communities. They will achieve that aim if Turkish troops leave Cyprus and if Ankara politicians leave Cyprus to settle its problems alone.

The "great dream of mankind" is democracy. Democracy contemplates and embraces unification—not division. Democracy compromises differences across racial, ethnic, religious, and other artificial lines. We all are people. If we can't get along with each other within the same democratic political, economic and social systems, we surely won't get along with each other separated by the unnatural boundaries of nation states. The division of Cyprus is unrealistic and it violates the great dreams of mankind.

E pluribus unum!

LARRY PRESSLER.

WASHINGTON.

(Editor's note: Sen. Pressler, of South Dakota, is the ranking Republican member of the Senate Foreign Relations Subcommittee on European Affairs.)

FOREIGN AID PRIORITIES

Mr. PELL. Mr. President, during the congressional recess, there was a lot of discussion in the press about cutting foreign aid to the five largest recipients and utilizing the funds generated by such a cut to assist the emerging democratic governments in Eastern Europe. Much of the commentary on this subject has centered on a possibe 5-percent cut in assistance to Israel and Egypt. I would be opposed to forcing such a cut on Israel and Egypt, and I urge the administration to do the same.

I would agree that we should reassess the need for military assistance to many countries for which the rationale has been a presumed Communist threat directed from Moscow. Such a reassessment, however, is not relevant in the case of Israel, which continues to face a formidable combination of hostile, overly armed Arab neighbors, who continue to acquire new and highly sophisticated weapons. Also, Israel is facing additional demands to finance the cost of absorbing a flood of new Jewish immigrants from the Soviet Union.

Finally, as my colleagues are aware, the United States, Israel, and Egypt are engaged in difficult discussions about how to implement Secretary of State Baker's five-point peace plan. It would not be helpful, to say the least, to tell the leaders of those two countries that they will receive less financial support from the United States as the peace process proceeds.

For all of these reasons, reducing aid to Israel and Egypt makes no sense. Israel and her partner in peace need our undiminished support now more than ever. The new democracies of Eastern Europe need our support as well, but not at the expense of Israel and Egypt. The logical source of help for Eastern Europe should be from the defense budget.

THE DEADLY CONFLICT BETWEEN ARMENIA AND AZERBAIJAN

Mr. PELL. Mr. President, the Soviet Trans-Caucasus is awash in blood. In Baku and other cities throughout the Soviet Republic of Azerbaijan, Armenians have been the targets of theft, torture, and murder. Since the newest eruption of violence 10 days ago, in Baku alone, more than 65 Armenians have lost their lives; more than 130 have been injured; and countless others have been forcibly and brutally evicted from their homes. Particularly disturbing is the fact that these attacks have been carefully planned and premeditated; they have been executed with a single-mindedness and intensity that calls to mind the term "pogrom."

Given the nature of the attacks against the Armenian people and the very real threat of civil war, it would appear that Soviet President Gorbachev was left no alternative than to dispatch army troops to Azerbaijan. This past weekend, an estimated 29,000 troops were present in the region to quell the violence. The tragically high death toll to date poignantly demonstrates the need for a resolution of the underlying conflict.

Troops alone cannot end the fighting between Armenians and Azerbaijanis. At the root of the violence is the issue of Nagorno-Karabagh, a region where the Armenian majority is subjected to Azerbaijani rule. As long as Azerbaijan continues to control this area, I fear that the atrocities will continue. We in the United States must do what we can to press the Soviets on this issue. In fact, I recently returned from Moscow where I met with Foreign Minister Eduard Shevardnadze on a wide range of foreign policy issues—including the anti-Armenian violence.

Last November, the Senate passed Senate Joint Resolution 178, a joint resolution that I authored and introduced on the issue of Nagorno-Karabagh. Among other things, the joint resolution urges the United States administration to make Nagorno-Karabagh a priority item in its bilateral discussions with the Soviet Union. Since I still believe this to be a necessary course, I would hope that the House of Representatives would pass the resolution shortly and that the administration would take heed. I ask unanimous consent that this joint resolution, as well as a letter that I and Senators WILSON, PRESSLER, SIMON, and KERRY sent to President Gorbachev be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. The ongoing violence in Azerbaijan is the latest chapter in a long history of Armenian suffering. In times of tragedy, the Armenian community in the United States has come to the aid of family and friends in the Soviet Union, and the current situation is no exception. Armenians in my own State of Rhode Island have been particularly responsive to the needs of its homeland. I send to the desk an article from the Providence Journal that outlines some of the efforts being made by Armenians in Rhode Island, and ask that it, too, be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD as follows:

EXHIBIT 1

S.J. RES. 178

Whereas the people of the United States have strong historical and cultural ties with the people of Armenia;

Whereas the 80 percent Armenian majority in the region of Nagorno-Karabagh has continually expressed its desire for self-determination and freedom;

Whereas the current status of the region of Nagorno-Karabagh is a matter of concern and contention for the people of the Armenian and Azerbaijani Soviet Republics;

Whereas the Soviet Government has termed the killings of Armenians on February 28-29, 1988, in Sumgait, Azerbaijan, "pogroms";

Whereas continued discrimination against Karabagh Armenians and the uncertaintly about Nagorno-Karabagh have led to massive demonstrations and to unrest that is continuing to this day in this area;

Whereas the people and government of the Soviet Union initially responded to the outbreak of violence in Nagorno-Karabagh with the positive step of creating an interim Special Administrative Committee to stabilize the situation;

Whereas the Administrative Committee has proven ineffective because its mission has been undermined by a number of factors, including organized violence against Armenians, Jews, and other ethnic groups, and blockades of Nagorno-Karabagh, Armenia, and Georgia;

Whereas the three month blockade, theft and damage of goods in transit to Armenia have crippled the work of Armenians, Soviets, Americans, and the entire international community in rebuilding after the tragic December 7, 1988 earthquake in Armenia;

Whereas the Government and people of the United States strengthened their commitment to Armenia by assisting in the immediate relief effort and the overall reconstruction of those areas affected by the earthquake;

Whereas the United States maintains its resolve to assist the Armenians as they rebuild from the earthquake;

Whereas the United States supports the fundamental rights and the aspirations of the people of Nagorno-Karabagh for a peaceful and fair settlement to the dispute over Nagorno-Karabagh: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the United States should—

(1) continue to support and encourage the reconstruction effort in Armenia;

(2) urge Soviet President Gorbachev to restore order, immediately reestablish unrestricted economic and supply routes to the people of Armenia and Nagorno-Karabagh, secure the physical safety of the people of Nagorno-Karabagh from attacks and continue a dialog with representatives of Nagorno-Karabagh regarding a peaceful settlement;

(3) promote in its bilateral discussions with the Soviet Union an equitable settlement to the dispute over Nagorno-Karabagh, which fairly reflects the views of the people of the region;

(4) urge in its bilateral discussions with the Soviet Union that an investigation of the violence against the people of Nagorno-Karabagh be conducted, and that those responsible for the killing and bloodshed be identified and prosecuted; and

(5) express the serious concern of the American people about the ongoing violence and unrest which interferes with international relief efforts.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of State.

Amend the title so as to read: A joint resolution "To express United States support for the aspirations of the people of Nagorno-Karabagh for a peaceful and fair settlement to the dispute.".

U.S. SENATE,
Washington, DC, January 18, 1990.

His Excellency MIKHAIL S. GORBACHEV,
President of the Soviet Union,
The Kremlin, Moscow, U.S.S.R.

Dear MR. PRESIDENT: We are deeply concerned about the murders, tortures, and property destruction that the Armenian community of Baku has suffered over the past six days as a result of attacks by organized groups of Azerbaijanis. Among the 60 people killed and more than 156 injured since this renewed conflict began, most of the victims have been Armenian civilians.

Furthermore, the bloody events only of this week have created an estimated 4,000 refugees and Soviet officers dispatched to Azerbaijan have characterized the situation as a "civil war."

We commend your efforts to prevent both the further loss of life and the continued violations of the Armenian minority's human rights in this region. Beyond the restoration of civil peace, we also believe that the most important goals for Soviet authorities include the guarantee of safe passage for Armenians in Azerbaijan who wish to leave for their homeland, and the breaking of the Azeri-imposed economic blockade of Nagorno-Karabagh and Armenia, where Americans and other foreign nationals still work on earthquake relief projects.

The horrifying upsurge of violence in Azerbaijan only dramatizes the need for the Soviet government to insure that the 160,000 residents of the enclave of Nagorno-Karabakh can exercise their autonomy by reuniting with Soviet Armenia. For nearly seventy years, Azerbaijani rulers have succeeded only in imposing cultural persecution and economic discrimination on the Armenian people of Nagorno-Karabakh, who account for 80 percent of the territory's population.

We therefore urge you to address the core issue of this tragedy by allowing the people of Nagorno-Karabakh to freely choose their political and cultural associations within the Soviet Union.

Sincerely,

PETE WILSON,
PAUL SIMON,
LARRY PRESSLER,
JOHN F. KERRY,
CLAIBORNE PELL.

[From the Providence Journal Bulletin, Jan. 16, 1990]

R.I. ARMENIANS RALLY FOR SUFFERING COUNTRYMEN

(By Gerald M. Carbone)

PROVIDENCE.—She knew all she needed to know: That once again, Armenians are being killed because they are Armenian. That sad piece of news prompted Nevarte Caprielian to open her purse last night, and write a check for $1,000.

Caprielian held the check in her fist as 40 men and women from Rhode Island's Armenian community discussed the latest tragedy to strike their countrymen in the Soviet Union: persecution in the Soviet republic of Azerbaijan.

"My people are dying and it disturbs me that there is so much discussion about a collection," Caprielian whispered, as a debate about fund raising held center stage in the basement of Sts. Vartanantz Armenian Apostolic Church in Federal Hill.

"Do you know how much these people are hurting, the tragedy of these people?" Caprielian said.

Ani Haroian knew of the tragedy. Her grandparents were deported by the Turks in 1915, when Turkish forces massacred 1.5 million Armenians. Twenty-two of her relatives have been living in a one-room apartment since an earthquake ravaged Armenia on Dec. 7, 1988.

Now the earthquake victims are being asked to accept refugees from the ethnic strife that has been simmering since a majority of residents of the heavily Armenian Nagorno-Karabakh region of Azerbaijan voted to be governed by Armenia. The Azerbaijanis don't want that to happen.

"Actually, I'm quite angry," Haroian, a member of the Providence chapter of the Armenian National Committee, said last night. "I'm not as calm as I appear. It's been one crisis after another."

The movement by residents of Nagorno-Karabakh increased the historical tension between Azerbaijan and Armenia. For months Armenians have been fleeing Azerbaijan in droves, heading back to their quake-torn homeland to escape persecution, said the Rev. Mesrob Tashijan, pastor of Sts. Vartanantz Church.

Father Tashjian recently returned from Armenia where, he said, Azerbaijanis have been sabotaging railroad cars bringing construction materials to quake-damaged regions of Armenia.

"This is what makes you angry, and saddens you, and breaks your heart," said Father Tashijan. "As a clergyman I am against violence. One of my eyes says, 'Love, peace.' The other eye says, 'Hey, what's going on? Where is justice?"

"This is the time to show our love," he said. "We have to show our compassion, our charity, by helping."

AMERICAN EDUCATION IN TROUBLE

Mr. HELMS. Mr. President, during the holidays there was considerable and frequent dicussion at our house about the problems of education in America today. I listened with interest to a professional educator whom I admire and respect. I have known her since the day she was born.

She is today the principal of St. Timothy's School in my hometown of Raleigh, NC. Later this year she will serve as principal of two schools—simultaneously. Perhaps I may be forgiven for suggesting that she is a remarkable young woman. She is my daughter.

Jane Helms Knox [Mrs. Charles R. Knox] has always wanted to be a teacher. I cannot count the times, beginning when she was 5 or 6 years old, that she and her younger sister played school. Jane was always the teacher, Nancy was always the student. Nancy, who always wanted to be a nurse—and she is today a registered nurse—would claim equal time—Nancy would be the nurse and Jane would be the patient, complete with bandages and whatever else that seemed to be essential.

But, Mr. President, back to the principal, as we call her. After several discussions with her, I suggested that she put on paper her thoughts about American education today. She did. When I read her paper, I decided that while some will surely disagree with her, there was plenty of substance to her analysis that deserves to be considered. In a moment, I shall ask unanimous consent that Mrs. Knox's paper be printed in the RECORD.

Before doing that, however, I should myself give equal time to Nancy, the nurse. Nancy [Mrs. John C. Stuart] has three children, the oldest is 11 years of age. Jane has two, the older a freshman at Wake Forest University. They work at their respective professions because they have been convinced that they are needed—and because they love their work. And both are good at what they do.

In my 17 years in the Senate, I have never before presumed on the Senate's time to talk about my family. But as I said earlier, I believe the principal has expressed some thoughts worthy of consideration.

So, Mr. President, I ask unanimous consent that the aforementioned paper, "American Education in Trouble," be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICAN EDUCATION IN TROUBLE

There is little doubt that American education is in trouble. Politicians and educators strive to discover the roots of the problems and to correct the problems by throwing money at them, hoping they will go away. However, that is not going to happen. The problems just get bigger and more widespread.

I believe that the source of the problems has a simple explanation. We have forgotten the bottom line in education—the child, the student. So few seem to really care about the child. Oh, there is an abundance of lip service given to professing concern—but is this not, in fact, a sham?

We express concern about racial balance, effective teaching, merit pay, curriculum, and textbooks—to name a few. But where, really, is the child in all of this?

One large county school board in North Carolina has as its Number One goal: "racial balance." This means putting school children of all races on school buses as much as two hours before school opens and dropping them off at school as much as an hour before the school day begins. The children are worn out before classes even begin. Small wonder that they cannot learn: No one, adult or child, can learn when he is fatigued. Is this the way to care about the children?

Teachers are being trained to be "effective teachers"—which, when translated, means that they will follow certain set "behaviors" in the classroom. When observed by an administrator, teachers must complete all the prescribed "behaviors" in order to obtain a passable score.

If the children dare to interrupt, or try to become involved in the lesson, woe be unto them. (This, you see, will interfere with mandated "behaviors" and lower the teacher's rating, so let's not get the children involved in the learning process.)

Thankfully, most states are now finding that this "behavioral approach" does nothing to enhance student learning, and this scheme is being abandoned.

Merit pay, although a credible concept, must be linked to some meaningful form of evaluation of teachers. Today, the type of evaluation most commonly used is the one linked to the effective teacher system. The problem is, this system is used by most teachers only when being evaluated. Therefore, it is not a valid measuring device for identifying teachers who are truly deserving of merit pay.

Then there's the textbook system in the United States which is becoming an expensive absurdity. The content of so many textbooks is based on curricula written by self-proclaimed "experts" in their fields, and

that curricula is dictated either by the educational fad of the decade or by the special interests of the expert—or both.

Since educational fads generally last about ten years, textbooks often are obsolete before the teachers become accustomed to the information and techniques contained therein. Also, because the textbook industry is large and lucrative, smaller school systems and states are at the mercy of the textbook selectors in the states that are the biggest spenders.

Recent history is filled with examples of the influence large states (e.g., California) have had on the textbook industry. Some time back, California rejected all science books because the treatment of evolution was too scanty. Presto, today's science books are replete with assertions seeking to prove that the unproven theory of evolution is an absolute fact.

In the process, religion was banished from textbooks in the early and mid-80s because of the separation of church and state controversy.

No American or World History textbook can now be considered accurate without giving the influence of history in *all* areas of history. As a consequence, thousands of adults do not really understand history. Once again, who cares about the student?

Any criticism of the American education system provokes screams and anger among the teachers in the "system." In general, teachers are as much the victims as the children. They are overworked like no other worker. They have an obligation to care for the very people the "system" has forgotten. In forgetting the children, the system forgets that teachers are people too.

Teachers cannot constantly be given more to teach without being given the time to teach. This is not to say that more time should be added to the school day. Neither more time nor more money can solve this problem. Instead, teachers should be allowed to teach the basics—mathematics, English, science, social studies, and foreign language.

They should be teaching children who are fairly rested, not exhausted after a long bus ride and a long wait in some cafeteria. They should be evaluated by people who maintain current teaching certificates and have been active in the classroom at least one year during their certification period. They should never be given extra duty unless the administrators are willing to carry their share of the same extra duty also.

The days of administrative rulers must end. Humility, a position of servanthood, and genuine caring for children are the keys to a successful educational system. Children will learn as much as they can be reasonably expected to learn. They also will learn best from those who really care for them.

MARY, MARY, QUITE CONTRARY GETS OVERDUE COMEUPPANCE

Mr. HELMS. Mr. President, a lot of Americans laugh at columnist Mary McGrory, and some undoubtedly laugh with her. But she never leaves any doubt about where she stands. Just about everybody on Earth is slightly to the right of Contrary Mary.

I say that with some admiration because I believe the lady to be quite sincere. The problem is, she is so often sincerely wrong. But there is no question about her willingness to stand up for her convictions, and I like that even with people with whom I differ.

But Contrary Mary met her match on January 9 when a fine newspaper in my State, The Dunn (NC) Daily Record, published a column by Stacy McGlothlin. Mrs. McGlothlin is news editor of the Dunn newspaper. She is also the wife of Mike McGlothlin, who happens to be a military policeman stationed at Fort Bragg—and who just happens to be in Panama just now serving his country.

Stacy McGlothlin read one of Contrary Mary's recent columns in which Ms. McGrory rather angrily attacked President Bush and went on to attack the United States servicemen sent to Panama by the President.

It occurs to me that Senators, and others who peruse the CONGRESSIONAL RECORD, may enjoy Stacy McGlothlin's response to Mary McGrory. Therefore, Mr. President, I ask unanimous consent that her column be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COLUMNIST IS QUICK TO CONDEMN PRESIDENT AND U.S. SOLDIERS

(By Stacy McGlothlin)

Now that Gen. Noriega is in custody of the United States Government it seems as if columnist Mary McGrory might think differently on the subject of the U.S. invasion—that is if she has a side to her that is not compelled to attack the President and the military for any action they might take.

Ms. McGrory has said that the 82nd Airborne is childish and resorted to "frat-house pranks" by playing loud music that was aimed at Gen. Noriega and for shooting out the street lights surrounding the Papal Nuncio. The fact that it was aimed at Gen. Noriega has yet to be determined and, in fact, it may have been aimed at news media, like herself, that could have, with their personal viewpoints, endangered the mission.

Surely Ms. McGrory does not think that the street lights were shot out at the hands of 82nd Airborne teenagers for the sheer joy of destroying property. No, those street lights were shot out for a purpose by trained military men. Maybe she needs to be reminded that this was a very important sensitive mission that needed to be handled carefully, not in front of every passerby or person watching from the balconies of the nearby hotels.

A war is not about manners as Ms. McGrory alludes when she says "In the next consignment, we should include a Miss Manners for the benefit of our own forces." War is not a trivial thing and should not be perceived as such. If she was so worried about our servicemen, why is she not worried about them dying instead of their manners?

She wrote "the invasion of Panama has no style." The mission was accomplished at the cost of only 23 American dead and though the death tolls of Panamanians has not yet been calculated it is surely higher than 23. Our military performed an excellent mission and has accomplished the goals set forth in the planning stages of the mission.

Perhaps Ms. McGrory would like to explain that the invasion was worthless for the families whose soldiers gave their lives for the cause of democracy and the drug war. Perhaps she would even like to try and explain it to those of us who have loved ones in Panama who fought for the same cause, but were fortunate enough to make it through the ordeal.

The columnist surely does not understand the scope of Gen. Noriega's operations. He has been a major source in the drug war. She surely does not condone his behavior such as drug trafficking and killing 10 men who participated in the attempted coup in October. This man needed to be brought to justice. The United States could not stand by and watch this type of behavior in a country where we have such vital interests. We cannot allow American servicemen and their families to be killed or tortured at the whim of a drug-dealing dictator.

There are more important things to worry about than the condemnation of Operation Just Cause by the Organization of American States and the United Nations. America should not worry about showing Latin America and the OAS "how uncouth we can be" as the columnist said. America does not need friends like those who voted against us. Perhaps we have all learned a thing or two about the OAS and the U.N. and the dissenting countries during this invasion. It should be hard for Congress to give these fair-weather friends the amount of money that we have in the past.

Although it is no secret that Ms. McGrory is a Democrat, I do not understand the need to constantly condemn President Bush. She says that he has acted in "the Bubba spirit" during his first military adventure. If that is true then maybe the Panamanian people would like to learn the word "Bubba" just as they have "thank you."

The Panamanian people are thankful that we have well-trained armed forces and a president like George Bush, both of which came to their rescue at a time when they were most needed.

Perhaps Ms. McGrory has misplaced the need to consult Miss Manners, as she needs to learn to accept a gift like democracy graciously.

U.S. WOMEN'S LACROSSE ASSOCIATION—WORLD CUP CHAMPIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that a letter I sent to the President on December 7, 1990, which is self-explanatory, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 7, 1989.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: At one of the many Open House/Town Meetings I hold in Pennsylvania during Congressional recesses, I was confronted today in Norristown by a constituent who requested your formal recognition at a White House ceremony for the U.S. Women's Lacrosse Association, which won the World Cup Championship in international competition in Perth, Australia, last September.

The constituent, Mr. Charles L. Dolby, of 408 Perkiomen Avenue, Oaks, Pennsylvania 19456, telephone number 215/666-0669, pointed out that the U.S. team defeated

eight other national teams during this competition and brought honor to our country with its splendid play. He said the team, which is made up of young women from Virginia, Connecticut, Massachusetts and New Jersey, as well as Pennsylvania, made the trip to Australia at their own expense. Thus far, he told me, the team as gotten no formal recognition whatsoever from our government.

Mr. Dolby said he believes that the U.S. Women's Lacrosse Association deserves the same kind of White House reception that is given our other U.S. sports champions.

Mr. President, I agree with Mr. Dolby and respectfully request that you accord this fine group of athletes their day at the White House so that the citizens of our nation become fully aware of the great victory this team has won for the United States.

The president of the association is Ms. Susan Lubkin and the group's headquarters is located at 20 E. Sunset Avenue, Philadelphia, Pennsylvania 19118, telephone number 215/248-3771.

Sincerely,

ARLEN SPECTER.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,774th day that Terry Anderson has been held in captivity in Beirut.

As we enter the second session of this Congress, I ask that we continue to pay attention to Terry Anderson's captivity—it has been nearly 5 years—and to the ordeal that persists for his family.

HEARING ON CHINESE STUDENTS AND CHINA POLICY

Mr. KENNEDY. Mr. President, this morning the Subcommittee on Immigration and Refugee Affairs held a hearing on Chinese students and human rights in China. The testimony received was really quite disturbing—and extremely relevant to our upcoming vote on overriding the President's veto of the Emergency Chinese Immigration Relief Act.

The subcommittee heard from Ambassador Winston Lord, our Ambassador to China during the Reagan administration, who expressed criticism of the administration's policy toward China, and urged Congress to override the President's veto of the Emergency Chinese Immigration Relief Act.

We also heard very troubling statements from Chinese students in America who have been threatened and harassed by their own Embassy officials for even minimal participation in prodemocracy activities here. Chinese Embassy officials have demanded that students involved in the democracy movement submit written confessions and self-criticisms of their pro-democracy activities, and many have been informed that they will be branded for life as traitors and counterrevolutionaries if they do not.

The students reported that the harassment has in fact increased since the President vetoed the bill on November 30.

Finally, the subcommittee received a legal analysis from the Congressional Research Service which highlights some of the points on which the administration's actions on behalf of Chinese students may be subject to court challenges. The legal analysis was published yesterday by the American Law Division of CRS.

Mr. President, I ask that Ambassador Lord's statement before the subcommittee and that of Dr. Hai Ching Zhao be included in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

OPENING REMARKS BY WINSTON LORD, SENATE JUDICIARY COMMITTEE, JANUARY 23, 1990

Mr. Chairman, Members of the Committee:

Thank you for inviting me to comment on the Emergency Chinese Immigration Relief Act of 1989 (H.R. 2712).

Strengthening America's relations with China has been my mission for two decades. Thus I come to the debate concerning Chinese students in this country in the broader context of American policy toward China and our long range national interests. My journey to this Committee, I confess, has been a troubling one.

As a concerned citizen, I am generally against Congressional micromanagement of foreign policy and the rigidities often introduced by tactical legislation. As a bipartisan public servant for twenty years, my inclination is to support a President's foreign policy whenever I can. As a Republican who admires President Bush, served him and applauds his overall foreign policy, I particularly regret having to oppose this Administration.

Nonetheless, with considerable ambivalence and reluctance, I am here to urge the Congress to override the President's veto.

This I strongly believe: fairly or unfairly, the vote on this issue will be interpreted abroad and at home not just as a decision on how best to protect Chinese students in America, but more fundamentally as a referendum on our posture toward the current Chinese regime.

This is the reality: fairly or unfairly, the veto, if sustained, would reinforce the mindset and mandate of those who have proceeded from massacre to repression; those who predict America will be lulled by cosmetic gestures and return to business-as-usual; those who dismiss the Chinese as a people apart from the global winds of change.

This, too, is the reality: the legislation, if enacted, would send a powerful message of encouragement to those in China whose voices have been silenced and to Chinese citizens everywhere who seek a freer, more open country.

As for the legal arguments, they are complex and difficult for the amateur to judge. On balance I think they also favor override.

Clearly the President shares the Congressional concern about the dangers to Chinese students and believes his means accomplish the same ends as the legislation at hand. Many lawyers as well as members of Congress assert, however, that his administrative action could be challenged in court. Furthermore, reliance on INS instructions carries less weight symbolically, if not legally, than an executive order or Presidential determination.

Whatever the ultimate legal judgments, there is no question that today Chinese students feel uncertain, uneasy—and vulnerable. It is best to remove all doubts through the unambiguous means of legislation. Those who have lived in China where laws do not protect the individual seek security in the laws of the United States. Passage of legislation would fortify the students psychologically as well as legally.

The President's administrative action laudably extends protection beyond students. The Congress, if it cannot amend this bill, should urgently review this aspect to ensure that there is no risk to Chinese here who are not students.

The crucial consideration, however, remains the diplomatic context of the looming vote.

In response to series of major American initiatives, the Chinese regime has made only minimal moves while still pursuing its overall policy of suppression, rollback of reforms and attacks on foreign influence. The passage of this legislation would make clear that Americans are not fooled by smoke and mirrors, that we are a serious people.

The Chinese people share the same aspirations as Eastern Europeans and others around the world. They, not the hardliners in Beijing, represent the future of China—and thus our long term national interest. Their day is not distant. I believe there will be a more moderate, humane government in Beijing before this legislation is due to expire. Whenever such a government does take hold and once again makes China inviting, the Congress should repeal this bill. We should then encourage the students to return to their homeland and work to lift its horizons.

Surely the President, through his veto, does not wish to send the wrong signals to China or to the students here. But this is the inescapable consequence of the recent pattern of Administration actions toward Beijing. If the veto and accompanying administrative instructions were carried out in the context of a firm, balanced policy of condemnation and connection, the President's position would probably not be misconstrued. But in the wake of the misguided Scowcroft missions and other unilateral American steps, defeat of this legislation would be assessed by both Beijing and the world as one more step toward unrequited normalization. Unfair perhaps, but reality.

This need not have been the case. Until the announcement of the December Scowcroft trip, the balance of our overall China policy seemed about right. I, for one, consistently supported the President for six months, including in my November testimony before the Senate Foreign Relations Committee. Although I sounded much harsher criticism of Chinese policies than the Administration, I thought that the President was correct to stress our long term concerns while maintaining selective sanctions.

In my view the Scowcroft journey—in substance and style—destroyed that balance. In the process it also shattered the broad bipartisan consensus on China policy that we had enjoyed for twenty years through five administrations. Rather than reiterate my reasoning I ask that my December 19, 1989 Washington Post article be included as part of the record. I wrote that editorial (and had previously supported the Administra-

tion) before I knew of the first Scowcroft visit only a few weeks after the Beijing massacre. That earlier journey of course, only made starker the pattern that is the backdrop for your deliberations today.

Mr. Chairman, I don't believe we can fully resume our cooperation with China until that great nation turns once again toward true reform and opening to the outside world, until Chinese leaders leave the time warp of the world's Ceaucescus and being to catch up with history.

In the interim America does not have to choose between isolation and approbation. We should conduct a workmanlike dialogue on key issues, including international ones, while avoiding tawdry symbolism. We should maintain productive links with progressive Chinese forces. We should calibrate our actions with those of the Chinese regime. Above all, we should make clear what America stands for and where our sympathies lie.

I therefore recommend passage of HR. 2712. In this way we will align ourselves with China's future and thereby serve American interests as well as values.

Thank you.

TESTIMONY OF DR. HAICHING ZHAO, DELEGATE FOR THE NEW ENGLAND REGION INDEPENDENT FEDERATION OF CHINESE STUDENTS AND SCHOLARS, BEFORE THE SENATE JUDICIARY COMMITTEE'S SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS, JANUARY 23, 1990

Good morning, members of the subcommittee. My name is Haiching Zhao. I am a post doctoral fellow in the Department of Biochemistry and Molecular Biology at Harvard University, and I am the chairman of the National Committee on Chinese Students Affairs. The Committee is organized under the auspices of the Independent Federation of Chinese Students and Scholars, and represents students from the People's Republic of China at over 200 colleges and universities throughout the United States on the specific issue of legislation affecting our status in America.

I first want to express our appreciation to you, the members of Congress, for your continuing interest in the developments in China and our ongoing struggle for democracy. You, and the American People, have convinced us that you will not stand by and watch business as usual return to China, but that you will stand by us and work with us in our efforts to ensure that the hope for freedom sweeping the world is not dashed against the rocks of the Great Wall. Thank you for inviting me here this morning.

In reaction to the bloody crackdown and continuing repression against participants in the pro-democracy movement in China, Congress passed H.R. 2712. This bill waives the requirement that those of us whose visas are expiring return to China before applying for a change or adjustment of immigration status. The President vetoed the bill, complaining of Congressional micromanagement and citing his desire to retain flexibility over such a waiver program, yet issued a directive to implement a similar plan.

H.R. 2712 was passed with three major objectives in mind. Congress wanted to protect students and scholars in the United States from having to return to China prematurely and face certain repression. Congress also wanted to respond to the harassment students in the United States have been experiencing. Finally, Congress' action was aimed at making Beijing understand that the only way to ensure our return is not through negotiations with the White House, but through genuine improvement of human rights in China such that we would dare to return voluntarily. The President's approach, while perhaps well intended, partially addresses the first objective and does not address the other two at all.

As you consider whether to vote to override the President's veto of H.R. 2712, you should ask yourself not whether President Bush was justified in sending high-level missions to Beijing, but rather, whether the human rights situation in China has improved since the tragic events of June 5. As I will explain today, we believe the human rights situation in China is still unacceptable, especially for students. We urge you to override the veto so that we are protected from reprisals at home and can work for democracy here, free of fear and retribution.

I. THE PRESIDENT'S DIRECTIVE DOES NOT ADEQUATELY PROTECT CHINESE STUDENTS

Although on its face President Bush's directive to the Immigration and Naturalization Service ("INS") is quite generous, by its very nature it cannot do what Congress alone can do through legislation. The directive may be modified or withdrawn by the President at any time. It is not a law. In fact, INS officials have recently backed away from statements made in December regarding the scope of the directive. For example:

1. The INS said it would permit students seeking a change of status under the directive to continue their practical training even though they did not satisfy the training requirements of their new status. Without this guarantee, students seeking relief under the President's program would be forced to forfeit needed work opportunity for nine months. The INS now says students must requalify for training under the new status. The nine month wait to work will hurt all students seeking relief under the President's program, especially those students who have lost government sponsorship.

2. The INS has now cast in doubt whether students on school-sponsored study programs or visits home for family emergencies are eligible for relief under the President's directive. As the committee knows, in order to be eligible for a waiver under the directive, the Chinese National must have been in the United States as of December 1, 1989, except for any "brief, casual or innocent absence." We were assured early on that absences of up to five months from the United States because of required school or program-related studies, would be deemed brief, casual and innocent. We were also told that absences of up to two months from the United States, because of family emergencies, would also be considered brief, casual and innocent. The representatives now say that the normal definition of that phrase will apply. That means that students outside of the U.S. on December 1, 1989 on school-sponsored programs or for family problems may therefore be ineligible for relief under the President's program.

Even if the directive is not withdrawn, immigration law experts advising us believe that it may be challenged and eventually struck down as unconstitutional. They argue that the INS has no legal authority to implement the Executive directive because the President had no constitutional or statutory authority to issue the directive in the first place. The directive contradicts several provisions of the existing immigration law. For example, the directive grants a blanket waiver of the two-year foreign residency requirement for Chinese Nationals. By law, such a waiver is only available under certain circumstances and on a case by case basis. In addition, the directive provides for a change or adjustment of status to Chinese Nationals who have fallen out of status after June 5, 1989. By law, the change or adjustment of status is not available to those persons whose status has lapsed.

As a result of these contradictions, foreign student offices at some unversities have refused to honor the directive. As most of you know, in order to apply for a change of student status under the President's program, the student must first go to the foreign student office and request an authorization form. Foreign student advisors at George Mason, Purdue, Oregon State, the University of Hawaii, Texas Tech, and elsewhere have recently turned away Chinese students seeking relief. They told students the directive conflicts with existing INS regulations and that they cannot implement the directive, e.g., issue the authorization form, without new, legally binding regulations. The INS has been unwilling to intervene on our behalf.

The President's directive could be challenged in court, further delaying relief. Although none of the Chinese Nationals in the U.S. would challenge the directive, there are several groups that have standing and may seek a judicial remedy. These groups include the Chinese government, overseas organizations or institutions that finance J visa activity, U.S. academic institutions and other sponsoring organizations, U.S. citizen students and employers of J visa holders. If one of these or similar organizations decided to file suit, not only would the implementation of the directive be tied up for months, but the directive itself could ultimately be struck down.

I am not a lawyer, nor do I claim to be an expert on these issues; however, I do know human nature. I and the 40,000 Chinese students and scholars who are the object of this legislation know that if, in fact, Congressional enactment of H.R. 2712 would add nothing to what the President has already done, then neither the White House nor our own government in Beijing would have any reason to oppose the override. The fact that Beijing is lobbying the White House so hard to oppose the override convinces us that the critics are right—there is a big difference between an administrative directive and Congressional action.

II. THE PRESIDENT'S PLAN DOES NOT ADDRESS HARASSMENT OF CHINESE STUDENTS IN THE UNITED STATES

What is at issue is not just freedom from being deported to China within the near future, but our freedom to openly work for democracy in China. Some students are beginning to believe that a Beijing tantrum is sufficient to secure the veto of legislation intended to protect us, and that therefore, we have reason to obey the anonymous telephone caller or the advice of our government representatives here. By overriding the veto, Congress would break Beijing's control over what we say and what we do while we are here and help restore confidence that the United States will stand with our democracy movement, rather than with those who oppress us.

In the month and a half since the President's veto of H.R. 2712, the Chinese embassy, through its consulates nationwide, has stepped up its efforts to end our pro-democracy activities here.

The Chinese Embassy in Washington has several dozen officers in its educational division who maintain liaison with Chinese students and scholars in the U.S. Their responsibilities are divided up geographically, and they know the names and home addresses, and phone numbers and academic programs of the students they monitor. In addition, education division personnel at the several Chinese consulates throughout the U.S. have responsibility for some of the schools and students in their part of the country.

The harassment we are experiencing has been continuous ever since the Tiananmen massacre in June. The embassy has threatened Chinese students here not to join protest demonstrations or to seek legislation designed to protect their immigration status without their having to return home. Students also learned that the embassy was covertly investigating their activities. These efforts intensified in September, when organizational activities began in earnest for the October 1 March for Freedom Rally in Washington. The rally date coincided with the 40th anniversary of the People's Republic of China, a national holiday in China.

Concerned about the changes sweeping Eastern Europe and the abrupt downfall of Romania's Nicolae Ceausescu and emboldened by the President's veto of H.R. 2712, the Chinese government, through its officials in the U.S., is now tightening its grip. Consular officers are now identifying and targeting prodemocracy leaders and participants in prodemocracy activities. Officers are desperately trying to pressure Chinese students supportive of pro-democracy efforts to return home. They also press students to renounce their prior pro-democracy activities, and to help gather information against more active students. These efforts have dealt a severe blow to the pro-democracy movement here.

In the past two weeks, we have learned that Chinese Embassy and consular officials are waging a campaign to dissuade students from working for an override of the President's veto of H.R. 2712. In meetings with students around the country, these Chinese officials have promised to provide "no objection" letters to receive the waiver of the two year return requirement with Beijing's blessing, thereby avoiding any retaliation. In return, students must: (1) stop participating in pro-democracy activities, including efforts to obtain an override; (2) "cooperate" with Chinese officials, that is, provide information on pro-democracy activities; and (3) refrain from seeking relief directly under the President's directive or H.R. 2712. Officials threaten that students who do not accept their "offer" are committing treason and will not be given passport extensions.

We believe the Chinese government is concerned that if we are able to obtain a waiver of the two year return requirement without their blessing, they may be less able to control our future pro-democracy activities. These incidents underscore the intensity of the government's campaign against our pro-democracy activities and illustrate the need for more permanent relief, of the type considered by Congress last session.

Within the past four weeks, consular officers have met with students at schools across the country—from Cornell, Minnesota, and Oregon, to name a few. Students at these schools, though large in number, are generally less well organized, and thus more susceptible to intimidation.

In an effort to persuade students that the situation in China has changed and that they are safe to return, consular officials are visiting several western schools, including UCLA, Berkeley, Oregon State, and the University of Washington, with administrators and professors from Beijing and other Chinese universities. The pro-democracy leaders were excluded from the meeting.

One week ago, visiting consular officials reminded students at a California school that the Chinese government considers the pro-democracy organization to be counter-revolutionary; that is, an outlaw organization. The officials warned that participation in pro-democracy activities will trigger severe reprisals against the students and their relatives back in China.

In addition to group meetings, consular officials have met with students individually to gather as much information as possible regarding student leaders and the pro-democracy movement. The officers obtain "cooperation" by telling students that the officer will eventually find out the leaders' names and their activities. Officers threaten that students who do not cooperate will also be in danger. These efforts seem calculated to isolate individuals from the pro-democracy organization.

They are also part of a plan to increase pressure on student leaders. Two weeks ago, a Chicago-based consular official met with activists in one midwestern university. He asked them, "what if you fail to obtain an override?" The threat conveyed, and taken by these student leaders, was that the Chinese government believes it can persuade the President to modify or terminate his directive, forcing the students to return home to certain persecution. Some of these student leaders are now afraid to continue to work for passage of H.R. 2712. In UCLA student leaders were reminded by Los Angeles-based consular officials, that "your sisters, brothers and relatives are still in the hands of the people in power" and that continued involvement in pro-democracy activities is anti-government.

Officers have also used family members to intimidate leaders. One student leader in Massachusetts received a phone call from his father in China weeks after a New York consular officer had visited his campus. During the campus visit, the officer had collected information on the leader's pro-democracy activities from fellow students. The father cried uncontrollably on the phone and asked his son, "Why are you doing this to us? Why don't you care about our safety?" The father had never called his son before. The student is shaken and has become much less active in prodemocracy activities.

Another active student received a letter from his father telling him that their relatives in China would be held responsible for his activities, and that his father would disown him if he did not stop. We believe officials here informed Communist Party officials in the father's town of the student's activities.

In addition to these visits, students have reported that Chinese officials continue to engage in active surveillance. A Chicago-based consular officer has a collection of photographs and videotapes of the activities of students at the University of Minnesota. He has used these materials in meetings with individual students to obtain names of pro-democracy activists. A student in California reported that the National Security Bureau, the Chinese equivalent of the KGB, has sent several agents to the U.S. to spy on students named on a "black list" of pro-democracy activists.

Many student leaders and others have been unable to get their passports renewed, even though they remain eligible to continue their studies here. A New York consular official told a New Jersey student that his effort to help organize the Chicago Congress, which established a pro-democracy federation, made him a "plotter" as well as a participant in anti-government activity. The official asked him to send a report of all of his anti-government activities in order to have his case reconsidered. The official added that the Chinese government should terminate the citizenship of those participating in anti-government activity.

As we learn of incidents, we report our concerns to the U.S. government. It is becoming increasingly difficult, in this current climate, to gather such information from students, let alone encourage them to participate in pro-democracy activities.

III. There Has Been No Genuine Improvement of Human Rights in China Since June 5

It is critical that our return to China be the result of genuine unilateral changes in Beijing, and not simply the playing of a bargaining chip. The President's plan, while well intended, raises Beijing's hopes that in another few months, they may be able to negotiate some flexibility in the President's position, and that in the meantime, they can continue the repression and reeducation of our friends and families back home. We who are in the United States know that enactment of H.R. 2712 is the only way Beijing will be forced to cease the human rights abuses against our families and compatriots in China.

Despite protests by the Chinese government to the contrary, the level of human rights violations in China has remained depressingly constant since the Tiananmen Square massacre. The lifting of martial law in Beijing two weeks ago does not reflect a fundamental change from the repressive practices of the Chinese government. Recent weeks have been marked by continued arrests and trials, as well as renewed efforts to curtail freedom of assembly and freedom of speech. Chinese students remain targets for governmental harassment.

As you consider your vote on the override of the Presidential veto of H.R. 2712, remember that even before Tiananmen Square, China routinely violated basic human rights. For example, the Chinese legal system is marked by arbitrary arrests, indefinite detention of persons without charge, torture of detainees to extract confessions, a presumption by the courts that a person brought to trial is guilty, and secret trials.

Before the Tiananmen Square massacre, the Department of State had reported some improvement in the way in which political dissidents were punished. Last year's country report stated "Instead of sentencing these critics of the regime to long periods of imprisonment or reform through labor, retribution became more subtle, often involving lose of party membership and its accompanying prerequisites". The Tiananmen Square massacre brought back in full force the old, harsher criminal justice regime for political dissidents.

The Chinese government acknowledges that more than forty persons have been executed in the wake of the Tiananmen Square incident. Amnesty International has recorded over 300 executions in China since June, a majority of which are of students and others supportive of democratic reforms.

39-059 O-91-3 (Pt. 1)

The U.S. media have reported that many pro-democracy activists in China who were not put to death are languishing in forced labor reeducation camps, without ever standing trial. By all accounts, conditions in these camps are inhumane, and physical and mental torture is common.

As leaders of the protests in Tiananmen Square, students have been a key target of repression by the Chinese government. A massive effort is underway to identify and ultimately punish pro-democracy activists and sympathizers. Students recently were required to submit a list of their daily activities from April through June 1989. Each student was specifically required to state whether or not he or she was in Tiananmen Square or participated in pro-democracy activities. Students were also required to provide at least three witnesses for each activity listed during this period. Communist party officials are now beginning the second stage, interviews with each student to confirm the truth of their submission. This effort has triggered a rash of suicides. For example, one student jumped out of a window, rather than face punishment for sheltering for one night student leaders fleeing Beijing. Thus far, we have received reports of 15 suicides. The vast majority occurred in Beijing, at Peking and Qinghua universities.

Educational and employment opportunities are now more severely limited. The entire first year class of Beijing University was inducted into the army for a one year period, and professors from several universities have been sent to labor camps. Graduate students that participated in demonstrations are now denied state-allocated jobs which they had previously been allocated.

Belying United States' claims of influence through quiet diplomacy, China executed six more protesters last month, directly following former President Richard Nixon's visit. On December 9, several hours after the United States delegation toasted Chinese leaders, Beijing police arrested and beat eight Chinese students for protesting in front of the Ministry of Radio, Film and Television. The students were announcing the continued existence of the pro-democracy movement. Approximately December 20, the regime increased surveillance on campuses and required additional political study sessions.

There are also continuing reports that students studying abroad, who have returned to visit their families since the massacre, have been harassed by the police. These students were required to prove that they were not involved in political activities abroad before they were allowed to leave China.

The heralded lifting of martial law in Beijing is a facade. Through other means, the party continues to check the exercise of basic human rights.

The World Journal, a United States-based Chinese language paper, has reported that 40,000 army troops that were enforcing martial law in Beijing have been deputized as police officers to patrol Beijing. Other troops are stationed in camps around Beijing in preparation for another political crackdown.

A new ordinance in Beijing forbids protests in the majority of the city. In other areas, groups may only protest if they secure a permit, which is unlikely to be granted.

The same week it announced its decision to lift martial law, the Chinese government announced that all publishing houses must re-register by the end of January. This crackdown is aimed at barring publication of dissident works, and signals that hardliners have taken over the nation's propaganda apparatus. Under the new directive, publishers that issue works contrary to the party line will lose their licenses and be closed immediately. Already, the government has virtually stopped authorizing new publications in publishing houses. Many publishers, especially those affiliated with universities and academic institutions, are no longer publishing, afraid of doing anything that might trigger reprisals.

In another effort to control information, this past weekend the Beijing regime announced a new, more restrictive code for foreign journalists. The code permits expulsion of correspondents for "distorting facts" and "spreading rumors" and thus damaging state interests. These are the same conditions that justified expulsion of foreign correspondents under martial law.

Of course, many detainees picked up before the lifting of martial law are still being held. To manipulate international opinion, some detainees are periodically released. A few are convicted after public trials which serve to intimidate the citizenry. At the same time, many more trials are still held in secret to evade international press.

One week ago, we celebrated the birthday of the Reverend Dr. Martin Luther King, Jr. His struggle for American civil rights has inspired us and, in turn, people across Eastern Europe. In Dr. King's memory, we are nurturing our dream of a more democratic China on American soil. We hope that soon we will be able to plant that seed in China. Until that day, we urge the Congress to keep our dream of democracy alive by voting to override the veto of H.R. 2712.

I'd like to close with an excerpt from an address I gave last week, during the City of Boston's tribute to Reverend King:

I have a dream that one day the Chinese students studying abroad will be able to return home of their own free will. Not forced back, as targets of repression, but welcomed as free men and women, with the knowledge and experience gained here to build a more democratic China. I have a dream that one day we will be able to say to the world loudly, I'm proud of you China, my homeland.

FAIR ELECTIONS IN BURMA?

Mr. MOYNIHAN. Mr. President, on October 24 of last year the Congress unanimously agreed to a concurrent resolution expressing its support and that of the American people for free and fair elections in Burma. As assuredly as we agreed to that resolution the dictatorship in that country headed by Gen. Saw Maung and by Gen. Ne Win, who for 26 years ruled Burma in isolation from the rest of the world, promised reform. Promised reform, Mr. President. I might add that those promises were made only after untold thousands of prodemocracy protestors were killed and thousands more arrested in a series of demonstrations and crackdowns beginning in early 1988.

In the wake of that bloodshed the regime in Rangoon called for general elections for May of 1990 and then proceeded to place under house arrest the central opposition figure in Burma, Daw Aung San Suu Kyi. Many members of her party, the National League for Democracy, have either disappeared, have been arrested or are in hiding leaving the opposition little opportunity to participate in Rangoon's promised free and fair election.

Indeed, since the new year, Daw Aung San Suu Kyi has been officially banned as the main opposition leader disqualifying her from participating in the May 27 election. In addition, the former prime minister of that country, U Nu, has been placed under house arrest leaving little doubt as to the validity of the election scheduled for May of this year. U Tin Oo who, like Aung San Suu Kyi, had been placed under house arrest was only recently jailed for up to 3 years on charges of subversion.

This is the promised reform. Unfortunately, little attention has been paid to the struggle by the Burmese people to achieve a multiparty, democratic system in their country. Sadly, the situation in Burma has deteriorated as quickly as the reforms in Eastern Europe have transformed those countries; ending years of oppressive government control and totalitarianism.

We in the Congress shall continue our efforts to focus attention on the plight of the Burmese people to achieve democracy and a democratically elected government in Burma. Last fall, I wrote our representative at the United Nations, Ambassador Pickering, expressing my hope that he would raise this issue with his colleagues in the General Assembly. In his response to my letter, Ambassador Pickering shared my concerns about the situation in Burma and expressed his belief that much could be accomplished at this winter's United Nations Human Rights Commission meeting in Geneva. It is my great hope that Ambassador Pickering will continue his best efforts to achieve a successful resolution of this crisis in Burma. I intend to closely follow the progress of these talks and urge my colleagues to do so as well.

Mr. President, it is my intention to shortly offer legislation which will urge the President to provide for election monitors in Burma. That election is less than 5 months away and as I have already stated, the case can clearly be made today that those elections will neither be free nor will they be fair, with the main opposition either banned or under house arrest. But the world must continue to be reminded that governments continue to deny the most basic of freedoms to their people and the world must be reminded that we, in the United States, will not abide by the Burmese regimes' actions nor shall we in any way participate in such dealings. Elections in

the Philippines, Nicaragua, and Panama have been monitored, and the information from that monitoring has had profound and dramatic effects. I would hope that President Bush would similarly share the significance which I attach to election day in Burma.

In conclusion, Mr. President, I ask unanimous consent that a number of articles be printed in the CONGRESSIONAL RECORD, each of which demonstrates clearly the farcical attempt by the Burmese regime to reform its oppressive and now dated attachment to totalitarian government.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 17, 1990]

LETTERS—CEAUSESCU'S BURMESE TWIN

To the Editor:

Sometime last summer, in a statement to Congress, Senator Daniel Patrick Moynihan referred to the Burmese dictator Gen. Ne Win as "the Asian Noriega." The Senator pointed to the strong ties between Ne Win and Southeast Asian drug traffickers who together supply close to half of all the heroin in the United States and appropriately questioned United States anti-narcotics efforts in the region, especially past cooperation with the Ne Win regime. I'm sure Ne Win is hoping everyone's forgotten the comparison by now.

Perhaps a better comparison is between Ne Win and Romania's former President Nicolae Ceausescu. The similarities between what recently happened in Romania and what happened last year in Myanmar (formerly Burma) are striking, and help demonstrate the global nature of some of today's revolutionary changes.

Both regimes were xenophobic and chauvinistic left-wing dictatorships that had fairly good relations with the United States. Both dictators isolated their countries from the outside world for about the same period of time (in Myanmar's case, 26 years) and had built up repressive police states that appeared to have silenced all opposition. Both dictators impoverished potentially rich countries.

In Myanmar in August 1988, huge crowds took to the streets to demand the overthrow of the Government. The uprisings were spontaneous and, though university students played important roles, were generally leaderless. The demands were for complete political change and the establishment of some sort of popular government. As in Romania, the regime did not hesitate to open fire on unarmed demonstrators or to instruct its agents to use terrorist methods.

In Myanmar, Ne Win's agents poisoned some water supply, as Mr. Ceausescu's security forces were rumored to have done, and attempted to assassinate opposition leaders. Government agents who were caught were often handed over to mob justice. In Myanmar, 3,000 unarmed protesters, some schoolchildren as young as 12, were killed in Yangon (formerly Rangoon) alone (perhaps 5,000 nationwide) from Aug. 8 to 12. But there the similarity ends (for now).

Ne Win was cleverer than Mr. Ceausecu. He would never have addressed large crowds the way Mr. Ceausescu did during the uprising. Ne Win knew how unpopular he had become and went to great lengths to insure army loyalty. When it seemed that units in the regular army might side with the demonstrators, Ne Win pulled them back. He let the demonstrations go on for more than four weeks as tens of millions of people marched in every city and town in emotional and colorful scenes never shown on American television.

Civil administration collapsed everywhere in what was probably the largest uprising in modern Asian history. Then, when he thought he had his troops under control, Ne Win sent in his light infantry divisions—crack troops that were specially paid and trained—to end the uprising. At least 3,000 more people were killed on Sept. 18 when he re-established his regime.

The Burmese human rights situation remains one of the worst in the world. Perhaps Romania would have suffered the same fate if Mr. Ceausescu's regime had survived. Tens of thousands have been jailed and tortured, and thousands of others, mainly students, have fled to the jungles along the Thai border where they remain, forgotten by the outside world.

The Government has promised democracy and free elections in the spring but has locked up or killed nearly the entire leadership of the prodemocracy movement. With people angrier than ever, Myanmar seems headed for another, almost certainly bloodier uprising soon. Perhaps recent events in Panama and Romania will convince Ne Win and his army that time is running out for dictators everywhere.

THANT MYINT-U.

WASHINGTON, *January 4, 1990.*

(The writer, grandson of U Thant, is cofounder of Emergency Relief Burma.)

[From the Far Eastern Economic Review, Jan. 18, 1990]

GOVERNMENT ELIMINATES LIBERAL POLL CONTENDERS: THE ELECTION CHARADE

(By Bertil Lintner in Bangkok)

With only a month left before national election campaigning begins, Burma's ruling State Law and Order Restoration Council (SLORC) is taking no chances that any group will be able to present a real challenge to its grip on power. All prominent opposition leaders have been detained or are under threat of arrest, thousands more political prisoners remain in jail and outdoor political meetings of five or more people remain banned.

In addition, the government is keeping a tight lid on the news media, Staff of the SLORC-controlled Working People's Daily and the handful of Burmese who work for foreign news agencies in Rangoon are being intimidated, and foreign journalists are barred from entering the country. But despite the oppression, dissent is building, with the revolutionary changes in Eastern Europe giving hope to Burma's fledgling pro-democracy movement.

One by one, opposition political figures who had become prominent a year ago following countrywide, anti-government demonstrations—which were brutally suppressed by the military regime—have disappeared from public life.

Tin Oo, the 63-year-old chairman of the most prominent opposition party, the National League for Democracy (NLD), has been sentenced to three years' imprisonment with hard labour for "attempting to divide the army."

Aung San Suu Kyi, the NLD's general secretary, is under house arrest. She faces the same charges as Tin Oo, and the government could stop her from contesting the elections by formally charging her.

U Nu, the octogenarian patron of the League for Democracy and Peace, and Burma's prime minister between 1948 to 1962, is under house arrest for refusing to dissolve a "parallel government" he formed shortly before the SLORC's takeover of power in September 1988.

Moe Thi Zun, former chairman of the main officially sanctioned student organisation, the Democratic Party for a New Society, left Rangoon last April when the government launched its current crackdown on dissent. He has since joined the All-Burma Students Democratic Front, an underground umbrella organisation of dissident students, and became its chairman in November, vowing to lead an armed struggle against the SLORC.

In addition, 15 of the NLD's 33 central committee members have been detained, and even those who have not been arrested face constant harassment. When Aung Shwe, a retired brigadier who has served as NLD acting chairman since Tin Oo's house arrest, went to Shan state recently on a campaign tour, agents of the Directorate of the Defense Services Intelligence (DDSI), Burma's secret police, filled the front seats of a local meeting hall.

The SLORC's latest moves have left the opposition without any prominent leaders, making the elections little more than a charade. Apart from the military-backed leaders of the National Unity Party (NUP), which ruled Burma from 1962 to 1988 under the Burma Socialist Programme Party banner, only three political figures of any relevance remain.

They are: Thakin Chit Maung, leader of the leftist Democratic Front for National Reconstruction; Cho Cho Kyaw Nyein, head of the Anti-Fascist People's Freedom League, and Aung Gyi, erstwhile chairman of the NLD who left the league in December 1988 to set up his own United Nationals Democracy Party (UNDP).

Both Thakin Chit Maung and Cho Cho Kyaw Nyein are considered political lightweights who pose no challenge to the military regime. But Aung Gyi's role is intriguing. Although he helped start the 1988 pro-democracy movement by writing a series of open letters to Ne Win, Burma's military strongman since 1962, Burmese tend to regard him as a turncoat. Aung Gyi and his new party are emerging as possible pro-military alternatives to the NUP should that party fail to make a decent showing in the elections.

Burmese sources say that on 28 November 1989, DDSI Chief Brig.-Gen. Khin Nyunt held an hour of talks at the Defence Ministry in Rangoon with Kyi Han, the UNDP's general secretary. The session was one of only two such meetings between the SLORC and leaders of a political party (the other was with leaders of the military-backed NUP). Since the talks, observers note, UNDP leaders have been given unprecedented freedom and encouragement by the SLORC.

In December, another UNDP leader, Khin Nyo, went to Tokyo, where he spoke with a representative of Burma's main ethnic rebel group, the Kachin Independence Organisation. Under Burmese laws, contact with such an outlawed insurgent group would disqualify the UNDP from contesting the elections.

Another UNDP cadre, US-based Malcolm Sein, has been trying to woo the Committee for Restoration of Democracy in Burma, the main organisation of Burmese exiles abroad. He has also approached American politi-

cians who actively support Burma's democracy movement, asserting that Aung Gyi is the country's "only real oppositionist."

Commenting on these activities, a well-placed Burmese source said: "It is inconceivable that Aung Gyi's men can do all this without official approval. The aim seems to be to try to infiltrate various anti-government groups in order to sow confusion among them. There seems to be a direct link between the 28 November meeting in Rangoon and subsequent activities of certain UNDP people."

Despite the oppression and the apparent manipulations of the SLORC, 2,134 candidates have registered to contest the elections, including 72 independents and 2,071 from 97 political parties. They are seeking seats in a 489-member national assembly whose duty will be to draft a new constitution before a second set of elections are held. Meanwhile, the SLORC will remain in power, which will give it more leeway if the first round of elections do not produce the desired result.

[From the Bangkok Post, Jan. 18, 1990]

SUU KYI BARRED FROM BURMESE ELECTION

RANGOON (Reuter).—Burma's main opposition leader, Aung San Suu Kyi, has been barred from next May's general election because of alleged contacts with banned organisations, a spokesman for her party said yesterday.

A rival politician from the National Unity Party (NUP), which diplomats said is strongly favoured by the ruling military council, "protested on the grounds that Aung San Suu Kyi had links with unlawful organisations," he said.

Additional armed troops were deployed on the streets of Rangoon following the Tuesday evening decision by a district commission on the Elections Commission to disqualify her.

Aung San Suu Kyi, 44, who has been under house arrest since July, is leader of the National League for Democracy (NLD), the most popular of more than 100 political parties.

She was a prominent figure in the mass popular uprising against 25 years of military-led rule that was crushed by the September 1988 army takeover.

Initial reports said she was barred from Burma's first elections in 29 years because of her nationality status. The rival politician, Laban Grawng, had earlier asked a lower elections body to bar her because she held the rights of a British citizen and had not registered in Rangoon.

Grawng changed his accusation at the higher district elections commission, the NLD spokesman said.

Under the elections law decreed by the military rulers last year, anyone with links to "outlawed organisations in armed revolt against the state"—a reference to ethnic or communist insurgency groups fighting for autonomy, would be barred.

The military authorities have frequently accused Aung San Suu Kyi of links with communist groups, a charge she has denied. Spokesmen for the ethnic guerrilla groups have offered her their support.

Although there is no formal right of appeal under rules established by the ruling military council, the NLD submitted a letter asking the Elections Commission to review the ban.

The army, which took power to suppress demonstrations against the repressive single-party administration in 1988, sent troops onto the streets overnight to prevent public protest.

Armed troops, some carrying riot shields, were seen guarding the City Hall in the heart of the capital.

[From the Washington Post, Jan. 18, 1990]

BURMESE BAN TOP OPPOSITION CANDIDATE

(By Stephen Erlanger)

BANGKOK, THAILAND.—The most popular opposition leader in Myanmar, formerly Burma, was disqualified today from running in elections scheduled for May, Western diplomasts said.

The disqualification of the opposition leader, Daw Aung San Suu Kyi, and the house arrest last month of another leading opposition politican, the former Prime Minister U Nu, made it next to impossible that the May elections could be regarded as free or fair, the diplomats said, interviewed here and by telephone from the capital, Yangon, formerly Rangoon.

Mrs. Aung San Suu Kyi, 44 years old, has been under house arrest since July 20, with access to her restricted to immediate family members. The daughter of Burma's most cherished political figure, the late U Aung San, she is the secretary general of the National League for Democracy, most of whose leadership is under arrest or in hiding.

She came to prominence during the demonstrations for democracy in Myanmar in September 1988 that were crushed with gunfire by the military, which had long ruled the country under the reclusive U Ne Win. Diplomats say they believe that at least 3,000 Burmese were killed.

PUT UNDER HOUSE ARREST

The military attempted to calm the Burmese by promising them a transition to "free and fair" multiparty elections, but Mrs. Aung San Suu Kyi was put under house arrest when she began to attack Mr. Ne Win and accuse the military of abuses against democracy and human rights. The official leader of her party, U Tin Oo, was put under house arrest at the same time. Last month, he was jailed for up to three years for "subversion."

An election commission established by the military Government decided on Tuesday night to disqualify Mrs. Aung San Suu Kyi from running, news reports and the diplomats say. The commission acted on an appeal by a rival politican running in her constituency for the National Unity Party, which is backed by the military.

The rival politican, U Labang Grong, said Mrs. Aung San Suu Kyi was not eligible to run, maintaining that she is not a resident of Burma, that she had ties to rebel student organizations and that she is entitled only to the privileges of a foreigner.

Mrs. Aung San Suu Kyi is married to a Briton but has always held a Burmese passport. She lived with her husband in England, until she returned to Myanmar to care for her dying mother in April 1988 and became caught up in the demonstrations against the autocracy of Mr. Ne Win. Her father is regarded as the father of the country and was assassinated in 1947 with six members of his Cabinet.

"THEY DON'T WANT HER TO RUN"

Mr. Labang Grong's first attempt to disqualify Mrs. Aung San Suu Kyi was turned down by a local election commission, but he appealed to the larger Yangon office, which overturned the local commission and disqualified her, diplomats said. They said her party has now appealed to the five-man central election commission.

"The army clearly decided she might win the election even from behind the bars of house arrest," one Western diplomat said tonight.

Asked if it were possible that the central commission might reinstate her, allowing the military to try to demonstrate that the elections will be fair, the diplomat said: "It's possible, but I think you're sincerely afraid of her. Even if they do allow her to stand, they'd have to allow her out of the house in order to run, and that would risk a revolution."

Other diplomats said that with so many prominent opposition politicans under arrest, or other restrictions, the elections could not be regarded as fair in any case. Martial law is still in force, barring the public gathering of more than five people, and political parties have been unable to organize freely. Diplomats say that thousands of opposition figures have been arrested.

In August, the American Embassy in Myanmar reported in an internal cable that the Americans had "credible, first-hand reports" of routine mistreatment of pro-democracy figures in custody, including beatings and torture, as well as some deaths.

[From Asiaweek, Jan. 19, 1990]

PLAYING WITH "LOADED DICE"

Burmese actor and singer Kyaw Hein strutted confidently toward the stage. He was used to pandemonium erupting among audiences at the mere mention of his name. But as soon as the movie idol stepped out on the boards that November evening, he was pelted with stones and catcalls. To the Rangoon crowd, he had done the unthinkable: he was widely said to be planning to contest upcoming elections under the banner of the National Unity Party (NUP) controlled by "retired" strongman Ne Win. The would-be MP, nursing some bruises, beat a hasty retreat. A few days later, a paid ad in the local press made clear that Kyaw Hein had absolutely no interest in activities other than acting and singing.

It was a small—and increasingly rare—victory for the anti-Ne Win forces. In the run-up to the long-promised polls due May 27, Burma's martial-law authorities have escalated their crackdown on "destabilising elements." Key opposition leaders are under house arrest. A relentless official propaganda push is in full swing while popular political activities remain severely restricted. And while the military junta that took power in September 1988 professes neutrality, critics charge that it is doing everything it can to keep allies of Ne Win in power. "This government wants to see change but controls the pace of the change for its benefit," says a diplomat in Rangoon. Asserts another source: "They're conducting the elections for their self-preservation."

Nonsense, maintains the chairman of the State Law and Order Restoration Council, Gen. Saw Maung. The SLORC took control in a brutal crackdown after the weeks of huge pro-democracy demonstrations that had earlier led Ne Win to officially step down. Insists Saw Maung: "Our duty is to bring about a government that will grant full democratic rights." By his reckoning, that goal is already in sight. A total of 2,359 candidates, including contenders from 100 parties and 83 independents, had filed their candidacies with the Election Commission when registration ended last week. They will vie for 492 seats in a legislature that is supposed to write a new constitution.

On the face of it, there is democracy aplenty. The 16-month-old NUP, the reconstituted successor to Ne Win's Burma Socialist Program Party (BSPP), is expected to field a contender in every constituency (no party breakdown had been released by last week). Also represented strongly should be the National League for Democracy, the largest and seemingly most popular opposition group, the League for Democracy and Peace of deposed expremier U Nu, and the Union Nationals Democracy Party led by former Ne Win ally Aung Gyi, 71. A three-month campaign period with greater political liberty is due to begin by the end of February.

But critics insist the SLORC has loaded the dice against the opposition. The NLD's chairman, 66-year-old Tin U, has been sentenced to three years' hard labour for sedition. Its secretary-general, Aung San Suu Kyi, 44 is under house arrest. So now is 83-year-old U Nu, who last month refused to dissolve his so-called "parallel government" reinvoking the one Ne Win overthrew in 1962. Hundreds of other opposition supporters are in prison. The U.S. embassy has charged that people are routinely tortured by military officials using electric shocks and burning cigarettes.

Martial-law administrators have said that convicted persons and those still in detention by the time nominations are given the go-ahead this month will be disqualified. Chief among them is likely to be the magnetic Suu Kyi, daughter of pre-Independence hero Auug San, who has built a large personal following. She has been allowed to submit candidacy papers for a Rangoon suburb seat, but her NUP opponent has applied to have her disqualified because of her foreign ties. She is married to Briton Michael Aris, an Oxford don, though she still holds a Burmese passport. Kept virtually incommunicado in her Rangoon home since July, Suu Kyi has already lost time and momentum. Her husband was granted a two-week visa to spend Christmas with her, but the request of her two teenage sons were denied. Bereft of its top leaders, her party has reportedly become embroiled in squabbles.

The NUP's financial muscle is also hard to match. A sore point with the opposition is the Election Commission's Nov. 30 decision to let the party take over some $75 million in cash, real estate and other property owned by the old BSPP. Six parties, including Aung Gyi's moderate UNDP, had asked the polls body to deregister the NUP for making use of its predecessor's assets claiming that it has no right to these as it is an altogether new entity. Sources say the commissioners endorsed this view but the Council overruled them.

The NUP war chest will be formidable, especially in the countryside which was less affected by the 1988 unrest. Although Aung San Suu Kyi drew large crowds on tours of the hinterland last year before her arrrest, the opposition is considered strongest in the cities. In Rangoon, the Council is disbursing millions of dollars on high-visibility projects such as roads, parks, playgrounds and festivities to try to boost NUP chances. Fat pay raises were granted government employees in April, although inflation has largely eaten them up. The NUP can also trade on the extensive network that the BSPP built up during its more than two decades in power.

Above all, there is Ne Win. Almost no one accepts the SLORC's assertions that the bogyoke (general) officially at the country's helm for 26 years is now only a "private citizen." Says a Burmese exile in Bangkok: "After all those years in power, we find it hard to believe that the Old Man is going to change. He has never put up with political rivals."

Sources in Rangoon say intelligence chief Birg.-Gen. Khin Nyunt, widely seen as the real power in the SLORC, makes daily calls on Ne Win. The activities of Khin Nyunt, who is the Council's Secretary 1, and Brig-Gen. Tin Oo, Secretary 2, are shown for hours each night on television. (Tin Oo should not be confused with former intelligence chief Brig.-Gen. Tin Oo, jailed in 1983 ostensibly for corruption and released recently. An embittered man, he has turned down invitations to run for the NUP.)

Saw Maung told Asiaweek a year ago that he would retire after the elections. In line to succeed him in the top military post is Lt.-Gen. Than Shwe. Diplomats in Rangoon say the supreme commander dislikes his deputy, but both men have what it takes: they owe their careers to Ne Win. If the elections return a hung parliament, as seems quite possible, analysis do not discount a "Prem" scenario. Like the former Thai supreme commander who served as non-elected premier for eight years, Saw Maung could shed his uniform and become prime minister. Ne Win and his cabinet had also solemnly devested themselves of their khaki in the early 1970s and turned the civilian BSPP into the governing front.

In the event, the NUP could team up with the conciliatory Aung Gyi. The onetime deputy armed forces chief, whose open letters to Ne Win helped spark the 1988 unrest, has avoided criticising the strongman directly. A failure to forge a majority might also provide the Council with an excuse to remain in power.

Some outsiders are heartened by Rangoon's new, more open attitude toward foreign trade, which they see as an incentive for the current régime to curb excesses. Indeed, the elections have often been viewed as a gambit to court world opinion. But there is little evidence that protests over the opposition crackdown and human-rights violations are making the Council think twice. In any case, international reaction has been muted lately. Saying that Tin U's sentencing was "politically motivated," the U.S. State Department mildly urged Rangoon to "refrain from measures which would further undermine confidence in the legitimacy of the [May] elections." World attention, of course, is much more riveted by events in Eastern Europe. Not surprisingly, Rangoon media have yet to report the Romanian revolution.

THE CLEAN AIR ACT

Mr. MITCHELL. Mr. President, earlier today, repeating prior public statements that I made on several occasions over a period of several months, I announced that I would this afternoon seek consent to proceed to the Clean Air Act. I had the opportunity to discuss it with the distinguished Republican leader, the managers of the bill, and a number of colleagues, and I will shortly make such a request.

I want at this time to describe my intentions with respect to the bill so that Senators may be aware of it in considering that request. This is important legislation. It is lengthy and complex legislation. The bill is over 500 pages long. The report accompanying the bill is over 700 pages long. Both have been available for some time. But as the distinguished Republican leader has pointed out to me and others, most Senators have been away and are just returning and now getting to review the bill and report for the first time. And of course he is correct.

I said earlier, and I repeat, that it is not my intention to force the pace on this bill in a manner that would deprive any Senator of the fullest possible opportunities to consider, deliberate on, debate on, ask questions about, and offer amendments to this bill. That remains my intention.

I am determined that we will complete action on it, and I hope very much that we will pass it. But I think it has to be done in a way that every Senator feels that he or she has had full opportunity to study the issue before being called upon to vote on it.

Therefore, it is my intention that we will be on the bill today—there will be merely opening statements today by the managers. We will continue with opening statements tomorrow, with full opportunity for Senators to discuss the matter; that on Thursday, for at least part of the day, we will take this up, although part of the day may be taken up with respect to another matter; and that on Friday the Senate will not be in session.

So during this week it is not my intention, nor as I understand it that of the managers, to have votes on any major or controversial aspects of the bill. If there are any votes they will be on committee amendments which are noncontroversial, if there are any such amendments to the Clean Air Act, and that will give Senators this entire week to review the matter, to ask questions about it, to study it and be prepared for what I expect will be an intensive deliberation next week with numerous votes and much debate.

It is, therefore, against that background I am about to propound a request, but would ask, before I do, if the distinguished Republican leader has any comments or questions he wishes to make before I propound the request itself.

Mr. DOLE. If the majority leader will yield, I would say I think he stated the facts accurately. There is certainly no disposition from anybody on this side to hold up consideration of the bill. But there is the reality, as he has indicated, that this bill is over 500 pages in length. Unless a Senator is a member of this committee, he has to have done a lot of work to gain any expertise. Some members of the committee have been working on this for 7 or 8 years. So I think in order to have a constructive debate and end up with a bill that will not only be passed by the Senate but go to conference and

eventually be signed by the President, it is encouraging to hear the majority leader say he is not going to push this bill.

If someone starts stalling intentionally, that is another set of circumstances, but on this side of the aisle I think all my colleagues are asking is time to look at it, time to read it, time to get staff help, time to get help from different agencies, staff on the committee. There is a lot of bipartisanship in the bill so it is not a partisan effort.

So, based on the statement that the only amendments to be considered this week would be "noncontroversial" or technical amendments, I think all the other time, it is my understanding, will be used for good debate on the bill, opening statements to explain certain provisions of the bill, and on that basis we have no objection on this side.

Mr. MITCHELL. Mr. President, I might say before propounding the request formally that a number of Democratic Senators as well have expressed their concern about some provisions of the bill and there are a number of studies and reports with respect to it which have been requested and which the committee staff is endeavoring to respond to, so that Senators may be fully informed in that regard, at least in response to the specific questions that have arisen.

CLEAN AIR ACT AMENDMENTS, 1989

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 427, that is S. 1630, the Clean Air Act.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works with an amendment to strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Clean Air Act Amendments of 1989".

TABLE OF CONTENTS

TITLE I—ATTAINMENT AND MAINTENANCE OF AMBIENT AIR QUALITY STANDARDS

Sec. 101. Designation of areas.
Sec. 102. Enhanced monitoring and inventories.
Sec. 103. Transportation guidance.
Sec. 104. General planning requirements.
Sec. 105. Federal facilities.
Sec. 106. General provisions for nonattainment areas.
Sec. 107. Additional requirements for ozone nonattainment areas.
Sec. 108. Additional requirements for carbon monoxide nonattainment areas.
Sec. 109. Additional requirements for PM-10 nonattainment areas.
Sec. 110. Interstate pollution.
Sec. 111. Outer continental shelf activities.
Sec. 112. Indian tribes.
Sec. 113. Miscellaneous and conforming amendments.
Sec. 114. Role of secondary standards.

TITLE II—MOBILE SOURCES

Sec. 201. Emissions standards for certain motor vehicles.
Sec. 202. Carbon monoxide emissions at cold temperatures.
Sec. 203. Control of vehicle refueling emissions.
Sec. 204. Evaporative emissions.
Sec. 205. Onboard emission diagnostic systems.
Sec. 206. Emissions of carbon dioxide from passenger cars.
Sec. 207. Low-polluting vehicles.
Sec. 208. Light duty vehicle useful life.
Sec. 209. Warranties.
Sec. 210. Non-road engines.
Sec. 211. Prohibition on production of engines requiring leaded gasoline.
Sec. 212. Motor vehicle testing and certification.
Sec. 213. In-use compliance—recall.
Sec. 214. Fuel volatility.
Sec. 215. Desulfurization.
Sec. 216. Lead phasedown.
Sec. 217. Fuel quality.
Sec. 218. Oxygenated fuels.
Sec. 219. Misfueling.
Sec. 220. Urban buses.
Sec. 221. Enforcement.
Sec. 222. Coordination of Federal transportation and environmental policies.

TITLE III—AIR TOXICS

Sec. 301. Hazardous air pollutants.
Sec. 302. Marine manufacturing.
Sec. 303. NRC-licensed facilities.
Sec. 304. Accident prevention.
Sec. 305. Conforming amendments.
Sec. 306. Municipal waste combustion: Air emissions.
Sec. 307. Ash management and disposal.

TITLE IV—ACID DEPOSITION CONTROL

Sec. 401. Acid deposition control.
Sec. 402. Repeal of percent reduction.
Sec. 403. Federal facilities.
Sec. 404. Acid deposition standards.
Sec. 405. National acid lakes registry.
Sec. 406. Industrial SO_2 emissions.
Sec. 407. Sense of the Congress on emissions reductions costs.
Sec. 408. Continuation of the National Acid Precipitation Assessment Program.

TITLE V—PERMITS

Sec. 501. Part A—Miscellaneous.
Sec. 502. Part B—Permits.

TITLE VI—ENFORCEMENT AND REAUTHORIZATION

Sec. 601. Section 113 enforcement.
Sec. 602. Reviewability of administrative orders.
Sec. 603. Compliance certification.
Sec. 604. Contractor inspections.
Sec. 605. Administrative enforcement subpoenas.
Sec. 606. Emergency orders.
Sec. 607. Contractor listings.
Sec. 608. Judicial review pending reconsideration of regulation.
Sec. 609. Citizen suits and petitions.
Sec. 610. Enhanced implementation and enforcement of new source review requirements.
Sec. 611. Movable stationary sources.
Sec. 612. Authorization.

TITLE VII—STRATOSPHERIC OZONE AND GLOBAL CLIMATE PROTECTION

Sec. 701. Subpart B repeal.
Sec. 702. Stratospheric Ozone and Global Climate Protection.

TITLE I—ATTAINMENT AND MAINTENANCE OF AMBIENT AIR QUALITY STANDARDS

DESIGNATION OF AREAS

SEC. 101. (a) DESIGNATIONS.—Section 107 of the Clean Air Act is amended by adding the following new subsection:

"(f)(1) Upon promulgation of a new or revised national ambient air quality standard, the Administrator shall designate as attainment, nonattainment or unclassifiable all areas of the country pursuant to this subsection as expeditiously as practicable, but in no case later than six months from the date of promulgation of the new or revised standard. Such period may be extended for specific areas for up to six additional months in the event the Administrator has, after making reasonable efforts to obtain the relevant information, insufficient information to make the designations. The Administrator shall designate as—

"(A) nonattainment, any area that does not meet (or contributes to ambient air quality in a nearby area that does not meet) the new or revised national ambient air quality standard for the pollutant;

"(B) attainment, any area (other than an area identified in subparagraph (A)) that meets the new or revised national ambient air quality standard for the pollutant;

"(C) unclassifiable, any area that cannot be classified on the basis of available information as having met the new or revised national ambient air quality standard for the pollutant.

"(2) A designation for an area made pursuant to this subsection shall remain in effect until the Administrator redesignates the area.

"(3) Each area which, as of the last calendar year before the date of enactment of this subsection for which data is available, did not meet the national primary ambient air quality standard for ozone or such standard for carbon monoxide averaged over an eight-hour period, is hereby designated by operation of law as nonattainment.

"(4) Until redesignation by the Administrator, each area which—

"(A) is identified in 52 Federal Register 29383 (August 7, 1987) as a Group I area, or

"(B) contains a site for which air quality monitoring data shows a violation of the national ambient air quality standard for PM-10 before the date of enactment of this subsection,

is hereby designated by operation of law nonattainment for PM-10. All other areas of the country not described in subparagraph (A) or (B) are designated unclassifiable for PM-10, until such time as the Administrator redesignates any such area. Any designation for particulate matter (measured in terms of total suspended particulates) which the Administrator promulgated pursuant to section 107(d), as in effect before the date of enactment of this subsection, shall remain in effect for purposes of implementing the max-

imum allowable increases in concentrations of particulate matter (measured in terms of total suspended particulates) pursuant to section 163(d), until the Administrator determines that such designation is no longer necessary for such purpose.".

(b) REDESIGNATION.—Section 107(d)(5) of the Clean Air Act is amended to read as follows:

"(5)(A) Based on a request for area redesignation by the Governor of any State, or at any time on the Administrator's own motion, the Administrator may revise the designation of any area or portion of an area in accordance with this section and part D.

"(B) Whenever the Administrator obtains evidence demonstrating that an area exceeds a national ambient air quality standard for any pollutant and is not designated as a nonattainment area for such pollutant pursuant to this section, the Administrator shall, within ninety days of receiving such evidence, propose, and within one hundred and eighty days promugate by rule, a revised designation of such area as nonattainment for such pollutant, and where applicable, a classification of such area in accordance with part D.

"(C) The Administrator may redesignate a nonattainment area to attainment only if—

"(i) the Administrator promulgates the redesignation by rule, after notice and opportunity for comment;

"(ii) the Administrator determines that the area has attained the national ambient air quality standard;

"(iii) the Administrator has fully approved the applicable implementation plan;

"(iv) the Administrator determines that the improvement in air quality is due to permanent reductions in emissions;

"(v) the Administrator has fully approved a maintenance plan for the area as meeting the applicable requirements of section 110 and part D; and

"(vi) the State containing such area has met all requirements applicable to the area under section 110 and part D.

"(D) the Administrator shall not redesignate any area from nonattainment to unclassifiable.".

(c) AREA BOUNDARIES.—Section 107(c) of the Clean Air Act is amended by inserting "(1)" after "(c) and by adding the following new paragraphs at the end thereof:

"(2) If an area is designated nonattainment with respect to ozone and is located within a metropolitan statistical area or a consolidated metropolitan statistical area (as defined by the Office of Management and Budget), the boundaries of such area are hereby revised by operation of law to include the entire metropolitan statistical area or consolidated metropolitan statistical area, as the case may be. Such boundary revision shall apply for purposes of any State implementation plan revision required to be submitted by any State after enactment of this paragraph. If a State demonstrates to the satisfaction of the Administrator within sixty days of such designation that with respect to a portion of a metropolitan statistical area or consolidated metropolitan statistical area,

"(A) sources in that portion do not contribute to violations of the standards, and

"(B) there is a geographical basis for excluding that portion,

the Administrator may approve a State's request to exclude such portion from the nonattainment area. The Administrator shall determine whether or not to exclude such portion within sixty days of receiving the State's request.

"(3) In the case of any area which is designated as a nonattainment area for carbon monoxide and is classified as serious pursuant to section 187(a) or this section, the Administrator may, after consultation with the State in which such area is located, modify the boundaries of the area by rule to include the entire metropolitan statistical area or consolidated metropolitan statistical area, as the case may be, if the Administrator determines that such modification is necessary to attain the carbon monoxide air quality standard. Such boundary revision shall apply for purposes of any State implementation plan revision required to be submitted by the State after such modification.".

ENHANCED MONITORING AND INVENTORIES

SEC. 102. Section 108 of the Clean Air Act is amended by adding the following at the end thereof:

"(g) GUIDELINES FOR ENHANCED MONITORING AND INVENTORIES.—Not later than six months after enactment of this subsection, the Administrator shall publish the following:

"(1) guidelines for enhanced monitoring by the State or local air pollution control agencies of emissions of pollutants (or precursors thereof) for which there is a national ambient air quality standard established under section 109, including guidelines governing the frequency, location, and maintenance of monitors; and

"(2) guidelines for improving the inventories of emissions from mobile and stationary sources (including, but not limited to, emissions factors for estimating emissions from stationary sources which emit less than twenty-five tons per year and other area sources) of pollutants (or precursors thereof) for which there is a national ambient air quality standard established under section 109.

Failure by the Administrator to publish guidelines required under paragraphs (1) and (2) shall not affect other applicable deadlines under this Act, including, but not limited to requirements under section 110 or part D.".

TRANSPORTATION GUIDANCE

SEC. 103. (a) TRANSPORTATION PLANNING GUIDANCE.—Section 108(e) of the Clean Air Act is amended by deleting the first sentence and inserting in lieu thereof the following: "The Administrator shall, after consultation with the Secretary of Transportation and with State and local officials, within nine months after enactment of the Clean Air Act Amendments of 1989 and periodically thereafter as necessary to maintain a continuous transportation-air quality planning process, update the June 1978 Transportation-Air Quality Planning Guidelines and publish guidance on the development and implementation of transportation and other measures necessary to demonstrate and maintain attainment of national ambient air quality standards.".

(b) TRANSPORTATION CONTROL MEASURES.—Section 108(f)(1) of the Clean Air Act is amended by deleting all after "(f)" through the end of subparagraph (A) and inserting in lieu thereof the following:

"(1) The Administrator shall publish and make available to appropriate Federal, State, and local environmental and transportation agencies not later than one year after enactment of the Clean Air Act Amendments of 1989, and from time to time thereafter—

"(A) information prepared, as appropriate, in consultation with the Secretary of Transportation, regarding the formulation and emission reduction potential of transportation control measures related to carbon monoxide, ozone precursors, particulate matter and toxic air pollutants, including, but not limited to—

"(i) programs for improved public transit;

"(ii) restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high occupancy vehicles;

"(iii) employer-based transportation management plans;

"(iv) trip-reduction ordinances;

"(v) traffic flow improvement programs that achieve emission reductions;

"(vi) fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit service;

"(vii) programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use, through road use charges, tolls, parking surcharges, or other pricing mechanisms, vehicle restricted zones or periods, or vehicle registration programs;

"(viii) programs for the provision of all forms of high-occupancy, shared-ride services;

"(ix) transportation management plans for shopping centers;

"(x) programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place;

"(xi) programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas;

"(xii) programs to control extended idling of vehicles;

"(xiii) programs for the conversion of fleet vehicles to cleaner engines or fuels, or to otherwise control fleet vehicle operations; and

"(xiv) programs to reduce motor vehicle emissions which are caused by extreme cold start conditions.".

GENERAL PLANNING REQUIREMENTS

SEC. 104. (a) SUBMISSION OF PLANS.—Section 110(a)(1) of the Clean Air Act is amended by striking "(1)" after "(a)" and by striking "nine" each time it appears and inserting in lieu thereof "twenty-four".

(b) STATE IMPLEMENTATION PLAN ELEMENTS.—Section 110 of the Clean Air Act is amended by striking subsection (a)(2) and subsection (a)(3)(A) and inserting the following:

"(b) MAINTENANCE PLANS.—

"(1) Whenever an area containing all or part of a metropolitan statistical area or consolidated metropolitan statistical area is designated attainment or unclassifiable with respect to a national ambient air quality standard, the Administrator shall, and in other cases may, require the State containing such area to submit an implementation plan (including such emissions inventories as the Administrator may prescribe) that provides for maintenance of such standard for at least twenty years from the date such plan is submitted. Every ten years after submission of the last twenty-year maintenance plan, the State shall submit an updated twenty-year maintenance plan.

"(2) Any plan required to be submitted pursuant to paragraph (1) shall meet the applicable requirements of subsection (c) (concerning general plan requirements).

"(3) Any plan required to be submitted pursuant to paragraph (1) shall be submitted by the State in accordance with such

schedules as the Administrator may reasonably prescribe.

"(c) GENERAL REQUIREMENTS FOR IMPLEMENTATION PLAN SUBMITTALS.—Each implementation plan submitted by a State under this Act shall be adopted by the State after reasonable notice and public hearing. Each such plan shall—

"(1) include enforceable emission limitations and other control measures, means, or techniques as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this Act;

"(2) provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to—

"(A) monitor, compile, and analyze data on ambient air quality, and

"(B) upon request, make such data available to the Administrator;

"(3) include a program to provide for the enforcement of the measures described in paragraph (1), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved and maintained, including a permit program as required in parts C and D;

"(4) contain adequate provisions—

"(A) prohibiting any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will—

"(i) contribute significantly to nonattainment in or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard,

"(ii) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility, or

"(iii) contribute to atmospheric loadings of pollutants or their transformation products which may reasonably be anticipated to cause or contribute to an adverse effect on public health or welfare or the environment in any other State,

"(B) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);

"(5) provide—

"(A) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof), including a statement from the attorney general (or the attorney for those relevant State (or, as appropriate, local) air pollution control agencies which have independent legal counsel) that the laws of such State (or locality) provide adequate authority to carry out such implementation plan,

"(B) requirements that the State comply with the requirements respecting State boards under section 128, and

"(C) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provisions;

"(6) require, as may be prescribed by the Administrator—

"(A) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,

"(B) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and

"(C) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;

"(7) provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;

"(8) provide for revision of such plan—

"(A) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and

"(B) except as provided in section 110(h)(2), whenever the Administrator finds on the basis of information available to him that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this Act;

"(9) in the case of a plan or plan revision for an area designated as nonattainment under section 107, meet the applicable requirements of part D (relating to nonattainment areas);

"(10) meet the applicable requirements of section 121 (relating to consultation), section 127 (relating to public notification), and part C (relating to prevention of significant deterioration of air quality and visibility protection);

"(11) provide for—

"(A) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and

"(B) the submission, upon request, of data related to such air quality modeling to the Administrator;

"(12) require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover—

"(A) the reasonable costs of reviewing and acting upon any application for such a permit, and

"(B) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action).

"(d) ENVIRONMENTAL PROTECTION AGENCY ACTION ON PLAN SUBMISSIONS.—

"(1)(A) The Administrator shall promulgate minimum criteria that any plan submission must meet before the Administrator is required to act on such submission under this subsection.

"(B) Within sixty days of the Administrator's receipt of a plan or plan revision, but no later than six months after the date by which a State is required to submit the plan or revision, the Administrator shall determine whether each part of the plan or revision meets the minimum criteria established pursuant to subparagraph (A). Any plan or plan revision that a State submits to the Administrator, and that has not been determined by the Administrator (by the date six calendar months after receipt of the submission) to have failed to meet the minimum criteria established pursuant to subparagraph (A), shall on that date be deemed by operation of law to meet such minimum criteria.

"(C) Where the Administrator determines that a plan submission (or part thereof) does not meet the minimum criteria established pursuant to subparagraph (A), the State shall be treated as not having made the submission (or, in the Administrator's discretion, part thereof).

"(2) Within twelve months of a determination by the Administrator (or a determination deemed by operation of law) under paragraph (1) that a State has submitted a plan or plan revision (or, in the Administrator's discretion, part thereof) that meets the minimum criteria established pursuant to paragraph (1), the Administrator shall act on the submission in accordance with paragraph (3).

"(3) In the case of any submittal on which the Administrator is required to act under paragraph (2), the Administrator shall—

"(A) approve such submittal as a whole if it meets all of the applicable requirements of this Act, or

"(B) disapprove the submittal in whole (or approve it in part, based on criteria established by the Administrator, and, simultaneously with such partial approval or subsequently within the twelve-month period under paragraph (2), disapprove it in part) if it does not meet all of the applicable requirements of this Act.

"(4) Whenever the Administrator finds that the applicable implementation plan for any area is substantially inadequate to attain or maintain the relevant national ambient air quality standard, or to otherwise comply with any requirement of this Act, the Administrator shall require the State to revise the plan as necessary to correct such inadequacies. The Administrator shall notify the State of the inadequacies, and may establish reasonable deadlines for the submission of such plan revisions. Such findings and notice shall be public. Any finding under this paragraph shall, to the extent the Administrator deems appropriate, subject the State to the requirements of this Act to which the State was subject when it developed and submitted the plan for which such finding was made, except that the Administrator may adjust any dates applicable under such requirements as appropriate (except that the Administrator may not adjust any attainment date except as prescribed under part D).

"(5) Whenever the Administrator determines that his action approving, disapproving, or promulgating any plan or plan revision (or part thereof), was in error, the Administrator may, in the same manner as the approval, disapproval, or promulgation, revise such action as appropriate without requiring any further submission from the State. Such determination and the basis thereof shall be provided to the State and be public.

"(e) PLAN REVISIONS.—Each revision to an implementation plan submitted by a State under this Act shall be adopted by the State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement of this Act.

"(f) FEDERAL IMPLEMENTATION PLANS.—

"(1) The Administrator may, after notice and opportunity for public comment, promulgate regulations setting forth an implementation plan, or portion thereof, for a State whenever the Administrator—

"(A) finds a State has failed to submit an implementation plan or revisions as required by this section or part C or D;

"(B) determines that a plan, or portion thereof, submitted by a State is not in accordance with the requirements of this section or part C or D; or

"(C) finds that any requirement of a previously approved plan is not being implemented.

"(2) If, two years after the imposition of any sanctions under this section or part D for failure to submit a plan or portion thereof that meets the requirements of this section and part D, a State has failed to submit such plan, the Administrator shall propose regulations setting forth a plan, or portion of a plan, assuring that the requirements of this Act are met. The plan proposed by the Administrator shall be promulgated after notice and opportunity for public hearing in the State, but not later than one year after the date of proposal, unless, within such period, the State has adopted and submitted a plan which the Administrator has determined is in accordance with the provisions of this section and part D.

"(3) Any plan proposed or promulgated pursuant to this paragraph shall meet all of the requirements of this section and part D, except that an initial plan for a nonattainment area may be promulgated without a demonstration of attainment, provided that such plan is revised by the Administrator not later than three years after the original date of proposal to include such demonstration.

"(4) If, subsequent to the promulgation of an implementation plan by the Administrator, the State adopts and submits a plan, or portion of a plan, which meets all of the requirements of this section and part D, the Administrator may approve the proposed State plan, or portion thereof, for implemtnation in lieu of the plan promulgated under this paragraph.

"(g) SAVINGS CLAUSE.—Any provision of any applicable implementation plan or any revision thereof that was approved or promulgated by the Administrator pursuant to this section as in effect prior to the date of enactment of the Clean Air Act Amendments of 1989 shall remain in effect as part of such applicable implementation plan, except to the extent that a revision to such provision is approved or promulgated by the Administrator pursuant to this Act.".

(c) CONFORMING AMENDMENTS.—Section 110 of the Clean Air Act is amended as follows:

(1) Redesignate subparagraph (B) of section 110(a)(3) as paragraph (1) of section 110(h) and, in this newly designated paragraph, strike the phrase "paragraph (2) of this subsection" and insert "subsection (c)".

(2) Redesignate subparagraph (C) of section 110(a)(3) as paragraph (2) of section 110(h) and, in this newly designated paragraph—

(i) strike the word "subsection" after the phrase "approved under this" and insert "section",

(ii) strike the reference to subsection (c) and insert "subsection (f)", and

(iii) strike "section 110 (f) or (g)" and insert "section 110(l) or (m)".

(3) Delete subparagraph (D) of section 110(a)(3).

(4) Delete paragraph (4) of section 110(a).

(5) Delete paragraph (5) of section 110(a).

(6) Redesignate paragraph (6) of subsection (a) as subsection (i).

(7) Delete subsection (b).

(8) Delete paragraph (1), (2), (4), and (5) of subsection (c) and redesignate paragraph (c)(3) as subsection (j).

(9) Strike subsection (d) and add the following new subsection after subsection (j):

"(k) APPLICABLE IMPLEMENTATION PLAN.—(1) For purposes of this Act, an applicable implementation plan is the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under this section, promulgated under subsection (f) and which implements the requirements of the Act. Such term includes any portion of an implementation plan which has been submitted by a State and approved by the Administrator. Notwithstanding any other provision of this Act, each provision of such implementation plan (and each permit in effect under such plan) shall remain in effect, and shall be enforced under this Act, until a revision of such plan is approved by the Administrator or a plan is promulgated by the Administrator under subsection (f).".

(10) Delete subsection (e).

(11) Redesignate subsections (f) through (j) as subsections (l) through (p).

(12) In newly designated subsection (m), strike "the required four month period" and insert "twelve months of submission of the proposed plan revision".

(13) In newly designated subsection (n)—

(i) strike "one year after the date of enactment of the Clean Air Act Amendments of 1977 and annually thereafter" and insert "five years after the date of enactment of the Clean Air Act Amendments of 1989, and every three years thereafter"; and

(ii) strike the second sentence of paragraph (1).

(14) In newly designated subsection (o)—

(i) strike "110(f) or (g)" and insert "110(l) or (m)"; and

(ii) strike "110(a)(3)" and insert "(110(e)".

FEDERAL FACILITIES

SEC. 105. The second sentence of section 118(a) of the Clean Air Act is amended to read as follows: "The preceding sentence shall apply (A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, any requirement respecting permits and any other requirement whatsoever), (B) to any requirement to pay a fee or charge imposed by any State or local agency to defray the costs of its air pollution regulatory program, (C) to the exercise of any Federal, State, or local administrative authority, and (D) to any process and sanction, whether enforced in Federal, State, or local courts, or in any other manner.".

GENERAL PROVISIONS FOR NONATTAINMENT AREAS

SEC. 106. (a) HEADING.—Part D of the Clean Air Act is amended by inserting "SUBPART 1—NONATTAINMENT AREAS IN GENERAL" immediately after the heading "PART D—PLAN REQUIREMENTS FOR NONATTAINMENT AREAS."

(b) APPLICABILITY.—Subpart 1 of part D of the Clean Air Act is amended by adding a new section 170 as follows:

"APPLICABILITY

"SEC. 170. Each provision of this subpart applies as set forth herein, except to the extent it is inconsistent with a provision in another subpart, in which case the provision in such other subpart shall apply.".

(c) DEFINITIONS.—Section 171 of the Clean Air Act is amended—

(1) by amending paragraph (2) to read as follows:

"(2) The term 'nonattainment area' means, for any air pollutant, an area which is designated 'nonattainment' with respect to that pollutant pursuant to section 107."; and

(2) by adding at the end thereof the following new paragraph:

"(5) The term 'major stationary source' or 'major emitting facility' includes each discrete operation, unit or other activity and each combination thereof that, except as otherwise provided in this part, produces or has the potential to produce emissions of 100 tons or more per year of a pollutant or precursors of a pollutant which contribute to ambient air quality in an area that does not meet the national ambient air quality standard for the pollutant.".

(d) PERMITS.—

(1) Section 172 of the Clean Air Act is amended as follows:

(A) Subsection (a) is amended to read as follows:

"(a) ATTAINMENT DATES FOR NONATTAINMENT AREAS—(1) The attainment date for an area designated nonattainment with respect to a primary national ambient air quality standard shall be the date by which attainment can be achieved as expeditiously as practicable, but no later than five years from the date such area was designated nonattainment under section 107, except that the Administrator may extend the attainment date to the extent the Administrator determines appropriate, for a period no greater than ten years from the date of designation as nonattainment, considering the severity of nonattainment and the availability and feasibility of pollution control measures.

"(2) The attainment date for an area designated nonattainment with respect to a secondary national ambient air quality standard shall be within a reasonable time after the date such area was designated nonattainment under section 107.";

(B) Subsection (c) is deleted, subsection (b) is redesignated as subsection (c), the heading "NONATTAINMENT PLAN PROVISIONS.—" is inserted after "(c)", the text following "The" through "subsection (a)" in the first sentence is deleted, and the following is inserted in lieu thereof: "provisions of an applicable implementation plan for a State relating to attainment and maintenance of national ambient air quality standards in any nonattainment area";

(C) Section 172(c)(6) (as redesignated by subparagraph (B) is amended to read as follows:

"(6) require permits for the construction and operation of new or modified major stationary sources, and, beginning not later than three years after the date of enactment of the Clean Air Act Amendments of 1989, for the operation of all major stationary sources, in accordance with section 173 (relating to permit requirements);"; and

(D) A new subsection (b) is added as follows:

"(b) SCHEDULE FOR PLAN SUBMISSIONS.—At the time the Administrator designates an area as nonattainment with respect to a national ambient air quality standard under section 107, the Administrator shall establish a schedule according to which the State containing such area shall submit a plan or plan revision (including the plan items) meeting the applicable requirements of subsection (c) and section 110(c). Such schedule must, at a minimum, include a date or dates, extending no later than two years from the date of the nonattainment designation, for the submission of a plan or plan revision (including the plan items) meeting

the applicable requirements of subsection (c) and section 110(c).".

(2) Section 173 of the Clean Air Act is amended by inserting "(a) CONSTRUCTION PERMITS—" after "SEC. 173.", by deleting "and operate" in the first sentence, by substituting "172(c)" for "172(b)" each time it appears, and by adding the following at the end thereof:

"(b) OPERATING PERMITS.—

"(1) Each operating permit issued as required pursuant to this part for a new or existing stationary source shall—

"(A) be for a fixed term not to exceed five years and shall require compliance with applicable emission limitations and with such monitoring measures as are appropriate for adequately determining compliance with such limitations;

"(B) require the permittee to submit quarterly reports to the permitting authority containing the results of the monitoring required under subparagraph (A) and, no less often than every six months, certification to the permitting authority that demonstrates compliance with the permit. Any report or certification required to be submitted by a permittee under this title shall be signed by a responsible corporate official who shall certify its accuracy;

"(C) require that the permittee promptly report any violations of the permit or other requirements under this Act to the permitting authority and a program for correcting these violations including a schedule for implementation of the corrections; and

"(D) set forth inspection and entry requirements to assure compliance with the permit terms and conditions.

"(2) Applications for any permit to be issued pursuant to this part shall be accompanied by a fee sufficient to cover all direct and indirect costs of developing and administering the permit program.

"(3) Before issuing any permit pursuant to the provisions of this part the State shall provide notice of the application and an opportunity for a public hearing on the conditions to be included in the permit.

"(4) No permit may be issued pursuant to this part if the Administrator within sixty days objects to its issuance as not meeting the goals and objectives of this Act.

"(5) A copy of each permit and certification shall be submitted by the permittee, or by the permitting authority (as determined by the permitting authority), to the Administrator and shall be available to the public in the same manner as is provided for records and reports under section 114(c). No such permit may be issued unless the permitting authority or its agent has conducted an on-site inspection of the source to which such permit is issued. Not later than six months after the enactment of this subsection the Administrator shall publish guidelines for permit programs under this part. Such guidelines may be revised from time to time as the Administrator deems appropriate.".

(e) OFFSETS.—Section 173 is further amended by adding at the end thereof the following new subsections:

"(c) OFFSETS.—A new or modified major stationary source may comply with any offset requirement in effect under this part for increased emissions of any air pollutant by obtaining enforceable emissions reductions of such air pollutant from other sources in the same nonattainment area. Such enforceable emissions reductions shall be in effect by the time a new or modified source commences operation and shall assure that the total tonnage of increased emissions of the air pollutant from the new or modified source shall be offset by a greater reduction in the actual emissions of such air pollutant from other sources in the area. Where specific ratios for such offsets are specified in other provisions of this Act, such ratios shall govern. Emissions reductions otherwise required by law shall not be credited as an emissions reductions for purposes of any such offset requirement.

"(d) FEES.—The owner or operator of any source liable for the payment of an emissions fee to a State or local pollution control agency under this part shall also be liable for the payment of a fee to the Administrator in an amount and on a schedule as the Administrator shall require. In establishing the amount of such fees, the Administrator shall take into account the direct and indirect costs incurred by the Agency in carrying out the provisions of this part with respect to the pollutants emitted by such source and the proportionate share of such costs to be allocated among those liable for payment of the fee. In no event shall the fee be less than $15 per ton of violatile organic compound, oxides of nitrogen, carbon monoxide or PM–10 emitted by the source. Notwithstanding the provisions of section 3302(b) of title 31, United States Code, revenues from fees imposed under this subsection shall be deposited into a special fund of the Treasury and shall thereafter be available for appropriation only to carry out the activities of the Agency under this Act.".

(f) PLANNING PROCEDURES.—Section 174 of the Clean Air Act is amended to read as follows:

"PLANNING PROCEDURES

"SEC. 174. (a) For any ozone, carbon monoxide or PM–10 nonattainment area, the Governor of the State containing such areas and elected officials of affected local governments shall, prior to the date required for submittal of the inventories described under sections 182(a), 188(a), and 192(a), jointly review and update as necessary the planning procedures adopted pursuant to this subsection as in effect immediately before the date of enactment of the Clean Air Act Amendments of 1989 or develop new planning procedures pursuant to this subsection, as appropriate. In preparing such procedures the State and local elected officials shall determine which elements of a revised implementation plan will be developed, adopted, and implemented (through means including enforcement) by the State and which by local governments or regional agencies, or any combination of local governments, regional agencies, or the State. The implementation plan required by this part shall be prepared by an organization certified by the State, in consultation with elected officials of local government in the affected area, and representatives of the State air quality planning agency, the State transportation planning agency, the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for the area under section 134 of title 23, United States Code, the organization responsible for the air quality attainment and maintenance planning process under regulations implementing this Act, and any other organization with responsibilities for developing, submitting, or implementing the plan required by this part.

"(b) The preparation of implementation plan provisions and subsequent plan revisions under the continuing transportation-air quality planning process described in section 108(e) shall be coordinated with the continuing, cooperative and comprehensive transportation planning process required under section 134 of title 23, United States Code, and such planning processes shall take into account the requirements of this part. The Administrator shall consult with, and make recommendations to, the Secretary of Transportation within nine months from the date of enactment of the Clean Air Act Amendments of 1989 on changes to the Department of Transportation policies and planning and programming process that will assist the planning and implementation process of this part.

"(c) In the case of a nonattainment area that is included within more than one State, the affected States may jointly, through interstate compact or otherwise, undertake and implement all or part of the planning procedures described in this section.".

(g) SANCTIONS.—Section 176 of the Clean Air Act is amended by—

(1) inserting in the heading "SANCTIONS AND" before "LIMITATIONS";

(2) deleting subsection (b) and redesignating subsections (c) and (d) as (b) and (c), respectively; and

(3) amending subsection (a) to read as follows:

"(a) SANCTIONS.—The following actions, as required or authorized by provisions of subpart 2 (relating to ozone and ozone precursors), subpart 3 (relating to carbon monoxide), or subpart 4 (relating to PM–10) are available as specified in such subparts, to the Administrator or the Secretary of Transportation:

"(1) a prohibition by the Administrator on the construction or modification of any major stationary source of the relevant pollutant or pollutants in a nonattainment area;

"(2)(A) a prohibition, applicable to a nonattainment area, by the Secretary of Transportation on the approval of any projects or awarding of any grants, under title 23, United States Code, other than projects or grants specified under subparagraph (B).

"(B) Projects or grants that may be approved, notwithstanding the prohibition in subparagraph (A), are the following—

"(i) capital programs for improved public transit;

"(ii) construction or restriction of certain roads or lanes solely for the use of passenger buses or high occupancy vehicles;

"(iii) planning for and implementation of requirements for employers to reduce employee work-trip-related vehicle emissions;

"(iv) highway ramp metering, traffic signalization, and related programs that improve traffic flow and achieve a net emission reduction;

"(v) fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit operations;

"(vi) programs for inspection and maintenance of vehicles emission control systems;

"(vii) programs for the conversion of publicly-owned fleet vehicles to vehicles that use low-polluting fuels, or to otherwise control fleet vehicle operations and miles traveled;

"(viii) programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use, through road use charges, tolls, parking surcharges, or other pricing mechanisms, vehicle restricted zones or periods, or vehicle registration programs;

"(ix) programs for breakdown and accident scene management, non-recurring congestion, and vehicle information systems, to reduce congestion and emissions; and,

"(x) such other transportation-related programs as the Administrator, in consultation with the Secretary of Transportation, finds would improve air quality and would not encourage single occupancy vehicle capacity.

In considering such measures, the State should seek to ensure adequate access to downtown areas and avoid relocating emissions and congestion rather than reducing them. Notwithstanding the requirements of title 23, United States Code, or any other provision of law, any Federal funds made available to a State to carry out the provisions of such title shall be available without limitation to implement the programs and provisions of this subparagraph in nonattainment areas, and the State share shall not be required to exceed 10 per centum of the cost of such programs.

"(C) Nothing in this paragraph shall preclude the Secretary of Transportation from approving projects or awarding grants under title 23, United States Code, for (i) elimination of highway safety hazards pursuant to sections 130, 152, and 402 of such title, or (ii) rehabilitation or replacement of deteriorated highway bridges, provided that such projects or grants will add no significant additional right-of-way and are determined by the Administrator to be consistent with maintaining air quality;

"(3) the withholding by the Administrator of all or part of the grants for support of air pollution planning and control programs that the Administrator is authorized to award under section 105.".

(h) CONFORMITY REQUIREMENTS.—Section 176(b) of the Clean Air Act (as redesignated by subsection (g)) is amended by deleting the second sentence, by striking "(1)", "(2)", "(3)" and "(4)" where they appear, by inserting "(1)" after "(b)", and by adding the following at the end thereof: "Conformity to a plan means—

"(A) conformity to a plan's purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards and achieving expeditious attainment of such standards; and

"(B) that such activities will not, considering any growth likely to result from such activities—

"(i) cause or contribute to any new violation of any standard in any area;

"(ii) increase the frequency or severity of any existing violation of any standard in any area; or

"(iii) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

"(2) Any transportation plan or program developed pursuant to title 23, United States Code, or the Urban Mass Transportation Act shall implement all relevant transportation provisions of any implementation plan approved under this Act applicable to all or part of the area covered by such transportation plan or program. No Federal agency may approve, accept or fund any transportation plan, program or project unless such plan, program or project has been found to conform to this Act and any implementation plan in effect under this Act. In particular—

"(A) no transportation plan or transportation improvement program may be adopted by a metropolitan planning organization designated under title 23, United States Code, or the Urban Mass Transportation Act, or be found to be in conformity by an air quality planning agency, department or officer until a final determination has been made that emissions expected from implementation of such plans and programs are consistent with estimates of emissions from motor vehicles and necessary emissions reductions contained in the State's implementation plan, and that the plan or program will, considering any growth likely to result from such plan or program, conform to the requirements of paragraph (1)(B);

"(B) no metropolitan planning organization or other recipient of funds under title 23, United States Code, or the Urban Mass Transportation Act shall adopt or approve a transportation improvement program of projects until it determines that such program provides for timely implementation of transportation control measures consistent with schedules included in the applicable implementation plan;

"(C) no transportation project may be adopted or approved by a metropolitan planning organization or any recipient of funds designated under title 23, United States Code, or the Urban Mass Transportation Act, or found in conformity by an air quality planning agency, or approved, accepted, or funded by the Department of Transportation unless—

"(i) such a project comes from a conforming plan and program;

"(ii) the design, scope, and emissions from such project have not changed significantly since the conformity finding regarding the plan and program from which the project derived;

"(iii) emissions from such a project remain consistent with emissions reduction schedules in the applicable implementation plan; and

"(iv) it is demonstrated, in any case where such a demonstration was not made during the process to determine the conformity of the plan and program from which project derived, that the project is consistent with the provisions of paragraph (1)(B).

The determinations required by this subsection shall be made by Federal, State and local agencies as prescribed pursuant to criteria and procedures which shall be promulgated by the Administrator no later than one year after the date of enactment of the Clean Air Act Amendments of 1989. Such procedures shall include a requirement that each State containing an ozone or carbon monoxide nonattainment area shall submit to the Administrator within eighteen months of such date of enactment, a revision to its implementation plan that includes, for each such nonattainment area, criteria and procedures for assessing the conformity of any plan, program or project subject to the conformity requirements of this subsection.".

(i) MAINTENANCE PLANS.—Subpart 1 of part D of the Clean Air Act is amended by adding a new section 179 as follows:

"MAINTENANCE PLANS

"SEC. 179. (a) PLAN REQUIREMENTS.—The maintenance plan required under section 107(d)(5)(C) as a precondition for redesignation of an area shall—

"(1) comply with the provisions of section 110(a)(2);

"(2) provide for the maintenance of the national ambient air quality standard of the relevant air pollutant in such area for a period of twenty years after attainment; and

"(3) include the following provisions—

"(A) an identification of sources, including area and mobile sources, that are expected to contribute to increases in emissions of such pollutant after attainment of a national ambient air quality standard;

"(B) a quantitative estimate of emissions increases from such sources for each three-year period following attainment;

"(C) an identification of transportation control measures, emission control limitations or standards, or permit requirements as may be necessary to limit emissions or permissible emission increases; and

"(D) an identification of contingency measures to be implemented in the event of an exceedance of the air quality standard sufficient to correct any air pollution problem which may lead to redesignation as a nonattainment area.

"(b) PLAN REVISIONS.—Maintenance provisions required by this section shall be updated every ten years and submitted to the Administrator for approval pursuant to section 110 and this part as a revision to the implementation plan.".

ADDITIONAL REQUIREMENTS FOR OZONE NONATTAINMENT AREAS

SEC. 107. Part D of the Clean Air Act is amended by adding the following new subpart at the end thereof:

"SUBPART 2—ADDITIONAL PROVISIONS REGARDING OZONE NONATTAINMENT AREAS

"CLASSIFICATION OF OZONE NONATTAINMENT AREAS

"SEC. 181. (a) CLASSIFICATION BY OPERATION OF LAW.—Each area that did not meet the national primary ambient air quality standard for photochemical oxidants (hereinafter "ozone") as of the last calendar year ending before enactment of this subpart for which data are available is hereby classified by operation of law in one of the following categories based upon the percentage by which such standard is exceeded:

"Area classification	Amount by which standard exceeded
Moderate ozone nonattainment area.	Not greater than 20 per centum
Serious ozone nonattainment area.	More than 20 per centum but not more than 50 per centum
Severe ozone nonattainment area.	More than 50 per centum but not more than 120 per centum
Extreme ozone nonattainment area.	More than 120 per centum

"(b) DATA AND METHODS FOR CLASSIFICATION.—For purposes of determining the percentage by which the national primary ambient air quality standard for ozone is exceeded in any area—

"(1) the most recent monitoring data available shall be used; and

"(2) the same methods as are used under regulations of the Administrator for determining attainment of the standard shall be applicable (including the design value, reference methods, and guidelines for interpretation of ozone air quality standards).

Not later than thirty days after the enactment of this subpart, the Administrator shall publish a notice of the percentages by which the national primary ambient air quality standard for ozone was exceeded in each area referred to in subsection (a).

"(c) DEADLINES FOR ATTAINMENT.—The following deadlines apply to the ozone nonattainment areas classified in accordance with subsection (a):

"Area classification	Applicable Attainment Date (in years after enactment of the Clean Air Act Amendments of 1989)
Moderate Area	5 years
Serious Area	10 years

"Area classification	Applicable Attainment Date (in years after enactment of the Clean Air Act Amendments of 1989)
Severe Area	15 years
Extreme Area	20 years.

"(d) REFERENCES TO TERMS.—Any reference in this subpart to a 'moderate area', a 'serious area' a 'severe area', or an 'extreme area' shall be considered a reference to a moderate ozone nonattainment area, a serious ozone nonattainment area, a severe ozone nonattainment area, or an extreme ozone nonattainment area as classified under this section.

"REQUIREMENTS APPLICABLE TO ALL OZONE NONATTAINMENT AREAS

"SEC. 182. (a) INVENTORIES.—Not later than one year after the date of enactment of this subpart in the case of each State that contains a nonattainment area or portion thereof classified pursuant to section 181(a), or in the case of a State containing an area subsequently classified nonattainment pursuant to section 107 and this subpart, within eighteen months of such classification, such State shall submit to the Administrator—

"(1) for each such area, a comprehensive, accurate, current inventory of actual emissions of volatile organic compounds and oxides of nitrogen from all sources in such area. Such inventory shall be of emissions in the calendar year of enactment, or such other calendar year between 1987 and the year of enactment, inclusive, approved by the Administrator. Each such inventory shall be prepared in accordance with the guidance required to be published by the Administrator pursuant to section 108(g)(2), if such guidance is available. Revisions of each such inventory shall be submitted every three years thereafter until the area for which the inventory is prepared is redesignated attainment; and

"(2)(A) a revision to the State implementation plan that contains a requirement that the owner or operator of each stationary source of oxides of nitrogen or volatile organic compounds within an ozone nonattainment area or portion thereof in such State provide the State with a statement in such form as the Administrator may prescribe (or the State may prescribe, if the Administrator does not) for classes or categories of sources, showing the actual emissions from that source during the previous calendar year of oxides of nitrogen and volatile organic compounds. The first such statement shall be submitted for the calendar year in which the revision referred to in the first sentence of this subparagraph was submitted to the Administrator. Subsequent statements shall be submitted at least annually thereafter.

"(B) The State may waive the application of subparagraph (A) to any class or category of stationary sources which emit less than twenty-five tons per year of oxides of nitrogen or volatile organic compounds if the State, in its submissions under paragraph (1), provides an inventory of emissions from such class or category of sources based on guidelines provided by the Administrator under section 108(g)(2) (relating to inventories).

"(b) IMPLEMENTATION OF CURRENT REQUIREMENTS.—Each State containing an ozone nonattainment area or portion thereof shall—

"(1) not later than eighteen months after the date of enactment of this subpart, fully implement all provisions of any implementation plan for the attainment of the ozone air quality standard for each such area or areas which have been approved by the Administrator prior to the date of enactment of this subpart, and

"(2) within six months after the date of enactment of this subpart, submit a revision or revisions to the applicable implementation plan to include provisions to correct requirements in (or add requirements to) the plan concerning reasonably available control technology as were required under section 172(b) (as in effect immediately before the date of enactment of this subpart), including a requirement to implement within one year after submission reasonably available control technology with respect to all sources of volatile organic compounds in such area or areas covered by a control technique guideline issued before the date of enactment of this subpart.

"(c) PERMIT REQUIREMENT.—

"(1) Each State containing an area or portion thereof classified pursuant to section 181(a) or subsequently classified pursuant to section 107 and this subpart shall, not later than eighteen months after the date of such classification submit to the Administrator a revision to the implementation plan for each such area requiring an operating permit as provided in sections 172(a)(6) and 173(b) for each new or existing major stationary source of volatile organic compounds or oxides of nitrogen located within any such nonattainment area. It shall be unlawful to operate any such major stationary source without a permit issued pursuant to an approved implementation plan beginning thirty-six months after the date of enactment of this subpart.

"(2) For the purpose of satisfying the permit program requirement of section 173(c) (pertaining to offsets), the ratio of volatile organic compounds emissions reductions to increased emissions of such compounds in serious nonattainment areas shall be at least 1.5 to 1 and in severe and extreme nonattainment areas, 2 to 1 and the ratio of emissions reductions of oxides of nitrogen to increases in such emissions in an extreme area shall be at least 2 to 1.

"(d) AUTO REGISTRATION FEE.—Each State containing an area classified pursuant to section 181(a) or subsequently classified pursuant section 107 and this subpart shall, not later than eighteen months after such classification, submit to the Administrator a revision to the implementation plan for each such area providing for the collection of a fee beginning not later than six months after such date of not less than $2 for each vehicle registered within such nonattainment area. Such fees shall be used by the responsible regulatory agencies to develop and implement air pollution control programs pursuant to section 110 and this part. If the Administrator determines that the fee provisions of the applicable implementation do not meet the requirements of this subsection or if the Administrator determines that the State or subdivision thereof is not administering and enforcing the fee required under this subsection, the Administrator shall collect such fees, which, notwithstanding section 3302(b) of title 31, United States Code, shall be deposited into a special fund of the Treasury and shall thereafter be available for appropriation to the Environmental Protection Agency to carry out activities under this Act.

"(e) STATIONARY SOURCE EMISSION FEES.—Each State containing an area classified pursuant to section 181(a) or subsequently classified pursuant to section 107 and this subpart shall, not later than eighteen months after such classification submit to the Administrator a revision to the implementation plan for each such area providing for the collection of a fee beginning not later than six months after the date of submission to be imposed on the owner or operator of each major stationary source of volatile organic compounds or oxides of nitrogen emissions located within such area. The fee shall be not less than $75 for each ton emitted. All revenues from any fee collected under this subsection shall be used by the State (or local pollution control agency) to develop and implement air pollution control programs pursuant to section 110 and this part. If the Administrator determines that the fee provisions of the applicable implementation plan do not meet the requirements of this paragraph or if the Administrator determines that the State or subdivision thereof is not administering and enforcing the fee required under this paragraph, the Administrator shall collect such fees, which, notwithstanding section 3302(b) of title 31, United States Code, shall be deposited into a special fund of the Treasury and which shall thereafter be available for appropriation to carry out to the Environmental Protection Agency activities under this Act.

"REQUIREMENTS FOR SPECIFIC CLASSES OF OZONE NONATTAINMENT AREAS

"SEC. 183. (a) REQUIREMENTS FOR MODERATE AREAS.—Each State containing an area classified as a moderate nonattainment area pursuant to section 181(a) or subsequently so classified pursuant to section 107 of this subpart, shall, with respect to the moderate area, submit to the Administrator, by the dates provided, the following revisions to the applicable implementation plan:

"(1) within one year of the date of classification, a revision that requires implementation, within one year of submission of such revision, of requirements in either paragraph (A) or (B)—

"(A) an enhanced vehicle emissions control inspection and maintenance program to reduce in-use emissions of volatile organic compounds and oxides of nitrogen from motor vehicles, which program shall include each of the following elements—

"(i) require coverage of all light-duty vehicles registered in, at a minimum, each metropolitan statistical area (as defined by the Office of Management and Budget) with a population of one hundred thousand or more according to the 1980 Census,

"(ii) direct inspection of components of vehicle emission control systems (including evidence of misfueling) and, where such components have been rendered inoperative, the repair or replacement of such components,

"(iii) computerized emission analyzers,

"(iv) if a provision waiving the requirements for repairing the emission control system in the event of failure is included, a provision that such waiver shall apply only when the costs of repair exceed $200,

"(v) enforcement through denial of vehicle registration (except for any program in operation prior to the effective date of this section whose enforcement mechanism is demonstrated to the Administrator to be more effective than the applicable vehicle registration program in assuring that non-complying vehicles are not operated on public roads), and

"(vi) any requirements the Administrator may prescribe under section 202(j)(3) (per-

taining to onboard emission diagnostic systems), or

"(B) a requirement that all persons within the area transferring gasoline to a motor vehicle fuel tank from a gasoline dispensing system use a fill nozzle designed to (i) prevent discharge of hydrocarbon vapors into the ambient air, (ii) direct vapor displaced from the automotive fuel system to a system where organic compounds in the displaced vapor are recovered, and (iii) prevent vehicle fuel tank overflows or spillage on fill nozzle disconnect. The requirement of this subparagraph shall apply only to facilities which sell more than twenty thousand gallons of gasoline per month. The Administrator may revise or waive the requirements of this subparagraph, as appropriate, after such time as the Administrator determines that onboard emissions control systems required under this Act are in widespread use throughout the motor vehicle fleet.

Each vehicle inspection and maintenance program required by this paragraph shall include such additional elements as are necessary to assure that the program would achieve a reduction in emissions of volatile organic compounds equivalent to a reduction of four thousand seven hundred tons of such emissions per million vehicles covered in the year of enactment of this subpart (if such program had been operating in such year). The Administrator may establish an alternative performance standard with respect to such programs for nonattainment areas located in California, if the Administrator finds that such alternative standard is necessary to reflect lower average emissions of volatile organic compounds from vehicles operating in such State. Any area which is already operating a vehicle emission control inspection and maintenance program or for which the implementation plan, as of the date of enactment of this subpart, includes a specific schedule for implementation of such a program shall comply with subparagraph (A);

"(2) an ozone nonattainment area for which the design value is less than .13 parts per million in the year immediately preceding enactment of this subpart shall not be required to comply with the requirements of subsection (a)(1) (pertaining to inspection and maintenance and refueling programs) unless such compliance is needed to bring the area into attainment with the primary ambient air quality standard for ozone by the date specified in section 181(c). The design value shall be calculated according to the interpretation methodology issued by the Environmental Protection Agency most recently before the date of enactment of this subpart;

"(3) within one year after the date of classification, a revision that contains a permit program which meets the requirements of section 172(a)(6), section 173, and title V.

"(b) REQUIREMENTS FOR SERIOUS AREAS.—For the purposes of requirements applicable to areas under subsection (c) and this subsection and sections 172, 173, 176, or 184, major stationary sources or major emitting facilities of volatile organic compounds are sources or facilities that produce or have the potential to produce twenty-five tons or more per year of such compounds. Each State containing an area classified as a serious area pursuant to section 181(a) or subsequently so classified pursuant to section 107 and this subpart shall, with respect to the serious area, make the submissions described under subsection (a) and in addition submit to the Administrator the following revisions to the applicable implementation plan and other items:

"(1) an inventory that meets the requirements of section 182(a)(1) and, where all or part of such area is in a metropolitan statistical area (MSA) or consolidated metropolitan statistical area (CMSA), includes emissions from all sources within such MSA or CMSA, whichever is applicable, plus the twenty-five-mile radius around such area;

"(2) no later than one year after the date of classification, a revision to provide for, and a demonstration that the plan as revised will provide for, within three years after classification, emissions reductions of volatile organic compounds of 12 per centum from actual emissions in the calendar year of classification. Emissions reductions that will occur by the applicable deadline from measures required under either the applicable implementation plan or rules promulgated by the Administrator (other than rules promulgated under section 211(h)) may be credited toward the required 12 per centum reduction;

"(3) no later than three years from the date of classification a revision which demonstrates, based on photochemical grid modeling or any other analytical method determined by the Administrator, in the Administrator's discretion, to be at least as effective, that the plan, as revised—

"(A) will provide for attainment by the applicable attainment date; and

"(B) will result in volatile organic compound emission reductions from emissions reported in the initial inventory required under section 182(a)(1) equal to 12 per centum, averaged over each consecutive three-year period beginning with the fourth year after the date of classification, and extending until the area attains the primary ambient air quality standard for ozone. Such demonstration shall explicitly quantify projections with respect to emissions and necessary emission reductions from motor vehicles, using estimates for growth in vehicle miles traveled, congestion levels, and other relevant parameters that are used by the agency or agencies responsible for transportation planning for the area. Emissions reductions may be credited towards the 12 per centum reduction requirement to the extent they will occur by the applicable deadline from measures required under either the applicable implementation plan or rules promulgated by the Administrator (other than rules promulgated under section 211(h)). Any area that achieves an actual reduction in emissions in excess of that required by this subparagraph, as determined by the Administrator, may credit such excess emissions reductions toward the next three-year reduction requirement period. The revision may provide that reductions in emissions of oxides of nitrogen (other than reductions attributable to Federal motor vehicle standards) may be substituted for the reductions of volatile organic compounds required by this subparagraph at no less than a one-for-one ratio (nitrogen oxides to volatile organic compounds) if a State demonstrates to the satisfaction of the Administrator that such reductions of oxides of nitrogen, together with remaining reductions of volatile organic compounds, would result in a reduction in ozone concentrations at least equivalent to that which would occur from the reductions in volatile organic compound emissions required by the first sentence of this subparagraph. A State may request, and the Administrator may provide, technical assistance in making this demonstration;

"(4)(A) beginning one year after the date of classification, annual reports on measures adopted or implemented during the preceding calendar year and any failure to implement measures scheduled for implementation during such year;

"(B) beginning with the fourth such report and in each third such report thereafter, a demonstration by the State as to whether current vehicle miles traveled, congestion levels and other relevant parameters are consistent with those used for the demonstration required in paragraph (2) or for emissions projections pursuant to paragraph (3)(B)(i). Where such parameters and emissions levels exceed the levels projected for purposes of the area's three-year emissions reduction demonstration, the State shall, within one year, develop and submit a revision to the applicable implementation plan that includes a transportation control measures program consisting of measures from, but not limited to, section 108(f) that will reduce emissions to levels that are consistent with emission levels projected in such demonstration. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(e) and with the requirements of section 174(b) and shall include implementation and funding schedules that achieve expeditious emissions reductions in accordance with implementation plan projections;

"(5) within one year of the date of classification, a revision that satisfies the requirements of subparagraphs (A) (pertaining to vehicle inspection and maintenance) and (B) (pertaining to vapor recovery during vehicle fueling) of subsection (a)(1);

"(6) within twelve months of classification, a revision to require implementation of reasonably available control technology for all stationary sources of volatile organic compounds that are not covered by a control technique guideline or listed pursuant to section 185(a) and that have the potential to emit twenty-five tons or more of such compounds and for all stationary sources of oxides of nitrogen that have the potential to emit one hundred tons or more per year of such pollutant. Such revision shall require the implementation of such technology no later than two years after classification and, in the case of volatile organic compounds, shall provide that reductions of 80 per centum or more from uncontrolled levels be achieved unless the State determines for a category of sources that such level of reductions is not technologically or economically feasible, in which case the required reduction shall be the maximum that is technologically and economically feasible;

"(7) within one year of the date of classification, a revision that provides that if the area has failed to attain the primary ozone air quality standard by the deadline applicable to the area pursuant to section 181, each major stationary source of volatile organic compounds located in the area shall pay a fee for each calendar year until such standard is attained of $5,000 per ton (to be adjusted annually for inflation consistent with changes in the Consumer Price Index) of volatile organic compounds actually emitted during each such calendar year in excess of 50 per centum of such compounds actually emitted (as reported in the statement required by section 182(a)(2)) in the calendar year such area was to have attained the primary ozone air quality standard.

"(c) REQUIREMENTS FOR SEVERE AREAS.—Each State containing an area classified as a severe area pursuant to section 181(a) or subsequently so classified pursuant to section 107 and this subpart shall, with respect

to the severe area, comply with the requirements of subsections (a) and (b) and in addition submit to the Administrator the following revisions to the applicable implementation plan and other items:

"(1) within two years after the date of classification, a revision that identifies and adopts specific enforceable strategies and transportation control measures to offset any growth in emissions from growth in vehicle miles traveled or numbers of vehicle trips in such area and to attain reduction in motor vehicle emissions as necessary, in combination with other emission reduction requirements of this subpart, to comply with the requirements of subsection (b)(3)(B) (pertaining to periodic three-year emissions reduction requirements). The State shall consider, at a minimum, measures specified in section 108(f) and if the State fails to include any such measure, the implementation plan shall contain an explanation of why such measure was not adopted and what emissions reduction measure was adopted to provide a comparable reduction in emissions, or reasons why such reduction is not necessary to meet the requirements of subsection (b)(3)(B) or to attain a national ambient air quality standard;

"(2) within one year after the date of classification, a revision requiring employers in such area to implement programs to reduce work-related vehicle trips and miles traveled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and shall, at a minimum, require that each employer of one hundred or more persons in such area increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods by not less than 25 per centum above the average vehicle occupancy for all such trips in the area at the time the revision is submitted. The guidance of the Administrator may specify average vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. The revision shall provide that each employer subject to a vehicle occupancy requirement shall submit a compliance plan within two years after the date the revision is submitted which shall convincingly demonstrate compliance with the requirements of this paragraph not later than four years after such date. An employer may demonstrate in such plan compliance with a vehicle occupancy rate less than 25 per centum greater than the average in the area, if (A) expenditures by the employer in implementing the compliance plan are equal to or greater than the cost of providing each employee with a parking space at the location of the workplace; and (B) compliance with a vehicle occupancy rate 25 per centum above the areawide average is not feasible at such cost.

"(d) REQUIREMENTS FOR EXTREME AREAS.—

"(1) When all or part of an extreme area is in a metropolitan statistical area (MSA) or consolidated metropolitan statistical area (CMSA), the boundaries of the extreme area for the purposes of this subpart shall be defined, by operation of law, as the boundary of such MSA or CMSA, as applicable, plus twenty-five miles. If a State demonstrates to the satisfaction of the Administrator within sixty days of such designation that with respect to a portion of such area,

"(A) sources in that portion do not contribute to violations of the standards, and

"(B) there is a geographical basis for excluding that portion,

the Administrator may approve a State's request to exclude such portion from the nonattainment area. The Administrator shall determine whether or not to exclude such portion within sixty days of receiving the State's request.

"(2) For the purpose of requirements applicable to extreme areas under this subsection and sections 172, 173, 176, or 184, major stationary sources or major emitting facilities of volatile organic compounds are sources or facilities that produce or have the potential to produce ten tons or more per year of such compounds.

"(3) Each State in which an extreme area or portion thereof is located shall, with respect to the extreme area, comply with the requirements of subsections (a), (b), and (c) and in addition submit to the Administrator revisions to the applicable implementation plan that comply with—

"(A) subsection (b) (2) and (3) (pertaining to initial and periodic 12 per centum emission reduction requirements) except that in addition to the required reductions in emissions of volatile organic compounds, the State shall submit revisions providing for initial and triennial 12 per centum reductions in emissions of oxides of nitrogen; and

"(B) subsection (b)(6) (pertaining to reasonably available control technology) except that the requirements therein shall apply to all stationary sources that have the potential to emit ten tons or more per year of volatile organic compounds and to all stationary sources that have the potential to emit ten tons or more per year of oxides of nitrogen.

"(e) CERTAIN NON-SELF-GENERATING AREAS.—

"(1) Notwithstanding any other provision of section 181 or this section, a State containing an ozone nonattainment area that does not include and is not adjacent to any part of a metropolitan statistical area or, where one exists, a consolidated metropolitan statistical area (as defined by the Office of Management and Budget), which area is determined by the Administrator to be non-self-generating within the meaning of paragraph (2), shall be treated by operation of law as satisfying the requirements of this section if it complies with regulations promulgated by the Administrator. Such regulations shall be promulgated no later than January 1, 1991, and shall, at a minimum, require compliance with the provisions of section 182 and such other measures as the Administrator determines appropriate to provide for the attainment and maintenance of the national ambient air quality standard for ozone.

"(2) The Administrator may determine an ozone nonattainment area to be non-self-generating if the Administrator finds that sources of volatile organic compounds and oxides of nitrogen emissions within the area do not make a significant contribution to the ozone concentrations measured in the area or in other areas.

"FAILURE TO COMPLY OR ATTAIN

"SEC. 184. (a) FAILURE TO SUBMIT AN APPROVABLE PLAN.—Whenever a State fails to make a plan submission or revision required for a nonattainment area within such State under this subpart, or the Administrator disapproves such plan or revision in whole or significant part, the Administrator—

"(1) shall, with respect to such area, impose the prohibition of section 176(a)(1) (pertaining to new source construction);

"(2) shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding); and

"(3) may withhold funds as provided under section 176(a)(3) (pertaining to air pollution control program grants).

"(b) FAILURE TO IMPLEMENT A PLAN.—Whenever any requirement of an approved plan (or approved part of a plan) is not being implemented, the Administrator, with respect to the area (or areas) in which such requirement is not being implemented—

"(1) shall impose the prohibition of section 176(a)(1) (pertaining to new source construction);

"(2) shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding); and

"(3) may withhold funds as provided under section 176(a)(3) (pertaining to air pollution control program grants).

"(c) FAILURE TO ACHIEVE REQUIRED EMISSIONS REDUCTIONS.—

"(1) Whenever an ozone nonattainment area fails to achieve the emissions reductions required under section 183(b) (2) or (3)(B), the Administrator shall—

"(A) impose the prohibition of section 176(a)(1) (pertaining to new source construction) and shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding); and

"(B) perform an annual audit, until such area achieves the required emissions reductions, of the plan and its implementation in such area to determine the reasons the plan is not achieving the required reductions.

"(2) Whenever an ozone nonattainment area fails to achieve the emissions reductions required under section 183(b) (2) or (3)(B), the Administrator may, in the Administrator's discretion—

"(A) lower the quantity of emissions of volatile organic compounds or oxides of nitrogen, or both, that, for such area, defines a source as a major stationary source;

"(B) require, in the case of an area listed as serious under section 181(a), that such area comply with the provisions of section 183(c) (relating to severe areas) and in the case of an area listed as severe under section 181(a), that such area comply with the provisions of section 183(d) (relating to extreme areas).

"(d) FAILURE TO ATTAIN.—For any ozone nonattainment area that fails to attain the primary ozone air quality standard by the date applicable to such area pursuant to section 181, the Administrator shall—

"(1) in the case of a moderate area reclassify such area as a serious area, in the case of a serious area, reclassify such area as a severe area, and in the case of a severe area, reclassify such area as an extreme area. From the date of reclassification each such area shall be subject to the provisions of this subpart, including the attainment date, that are applicable to the classification to which the area has been reclassified; and

"(2) in the case of a serious, severe, or extreme area, assure that the provisions of the implementation plan required by section 183(b)(7) (pertaining to emissions fees for major stationary sources) are enforced.

"ADDITIONAL FEDERAL MEASURES TO CONTROL OZONE POLLUTION

"SEC. 185. (a) CONTROL TECHNIQUES GUIDELINES.—

"(1) Not later than six months after the date of enactment of this subpart, the Ad-

ministrator shall publish a list of at least twelve categories of stationary sources for which control technique guidelines, in accordance with subsection 108(b), have not previously been published and which the Administrator considers to make the most significant contribution to the formation of ozone air pollution. The categories shall be divided into three groups (with an equal number of categories in each group) and the Administrator shall establish a schedule for publication of guidelines for each of such groups at the time of publication of the list of categories.

"(2) The Administrator shall publish control technique guidelines for sources within the categories listed under paragraph (1). The guidelines shall be published for the first group of such sources within the first eighteen months after publication of the list and for at least one additional group in each succeeding eighteen-month period until guidelines have been published for all listed categories.

"(3) Within thirty-six months after the date of enactment of this subpart, and every four years thereafter, the Administrator shall review and, if necessary, update control technology guidelines including those issued before the enactment of this subpart. The Administrator may publish such additional guidelines as the Administrator deems necessary.

"(b) VOLATILE ORGANIC COMPOUNDS EMISSIONS FROM LOADING AND UNLOADING OF CERTAIN VESSELS.—Within two years after the enactment of this subpart, the Administrator shall publish a control technique guideline, in accordance with section 108(c), regarding control of volatile organic compound emissions from the loading or unloading of petroleum products onto or from vessels. Such emissions shall be considered to be direct emissions of the onshore terminal for all purposes under this Act.

"(c) CONSUMER OR COMMERCIAL PRODUCTS.—

"(1) Within two years after the date of enactment of this subpart, the Administrator shall submit to the Congress a final report on emissions of ozone precursors from consumer or commercial products which emit significant quantities of ozone precursors, and include recommendations for the control of such emissions.

"(2)(A) Within one year of submission of the report required under paragraph (1), the Administrator shall propose, and within two years of such submission shall promulgate, regulations to aid in the attainment of the ozone ambient air quality standard by decreasing emissions of ozone precursors from classes or categories of consumer or commercial products. Such regulations shall be designed to achieve reductions from the selected product categories to a level equal to the level that would be achieved by the application of reasonably available controls to each such class or category of consumer or commercial products and shall, at a minimum, achieve, within three years after promulgation, reductions in nationwide emissions of volatile organic compounds of three per centum below the level of such emissions in the calendar year of enactment of this subpart.

"(B) Such regulations may include any system or systems of implementation as the Administrator may deem appropriate, including but not limited to requirements for registration and labeling, self-monitoring and reporting, prohibitions, limitations, or fees concerning the manufacture, processing, distributions, use, consumption, or disposal of the product.

"(C) The regulations may exempt health-use products for which the Administrator determines there are not suitable substitutes.

"(D) Any fees collected under such regulations shall be deposited in a special fund in the United States Treasury which shall thereafter be available for appropriation, to remain available until expended, to carry out activities of the Environmental Protection Agency under this Act.

"(3) Any standard established under this subsection shall be treated, for purposes of sections 113, 114, 115, 120, and 304, as a standard under section 111.

"(4) The Administrator may, pursuant to regulations, delegate to any State that so requests, administration and enforcement of the regulations promulgated under paragraph (2).

"(5) For the purposes of this subsection—

"(A) the term 'reasonably available controls' means the degree of emissions reduction that the Administrator determines, on the basis of technological and economic feasibility, health, environmental, and energy impacts, is reasonably achievable through the application of any equipment, processes, systems or techniques, including, but not limited to, chemical reformulation, product or feedstock substitution, repackaging, or directions for use, consumption, storage, or disposal;

"(B) the term 'consumer or commercial products' means any substance, product, or article (including any container or packaging) held by any person, the use, consumption, storage, disposal, destruction, or decomposition of which may result in the release of ozone precursors. The term does not include fuels or fuel additives as defined under section 211; and

"(C) the term 'ozone precursors' means pollutants that contribute to the ambient air concentrations of ozone.

"(d) HAZARDOUS WASTE FACILITIES.—The Administrator shall, not later than March 31, 1991, and after notice and opportunity for public comment, promulgate regulations pursuant to section 3004(n) of the Solid Waste Disposal Act controlling emissions of volatile organic compounds and other pollutants from treatment, storage, and disposal facilities subject to such Act which shall, at a minimum, achieve within three years after promulgation, reductions in nationwide emissions of volatile organic compounds of 4 per centum below the level of such emissions in the calendar year of enactment of this subpart.

"CONTROL OF INTERSTATE OZONE AIR POLLUTION

"SEC. 186. (a) OZONE TRANSPORT REGIONS.—The area comprising the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, and the consolidated metropolitan statistical area including the District of Columbia is established as an ozone transport region. The Administrator may add any State or portion of a State to any region established under this subsection or establish other ozone transport regions, consisting of two or more States, when the Administrator determines that the interstate transport of air pollutants from such State or States significantly contributes to concentrations of ozone or ozone precursors in any nonattainment area in another State classified under section 181(a) as a serious, severe, or extreme area for ozone. The ozone transport commission established under subsection (b) for any ozone transport region may remove any State or portion of a State from the region if the commission determines that the control of emissions in that State or portion of a State pursuant to this section will not significantly contribute to the attainment of the primary ambient air quality standard for ozone in any nonattainment area.

"(b) OZONE TRANSPORT COMMISSIONS.—Not later than six months after enactment of this subpart, the Administrator shall establish an ozone transport commission for the ozone transport region established by the first sentence of subsection (a). Not later than three months after the establishment of any other ozone transport region, the Administrator shall establish an ozone transport commission for the region. Each ozone transport commission shall be comprised of the following members—

"(1) an air pollution control official representing each State in the region, appointed by the Governor or as provided under State law;

"(2) the Administrator (or an employee designated by the Administrator from the headquarters office of the Environmental Protection Agency); and

"(3) the Regional Administrator (or an employee designated by the Regional Administrator) for each Environmental Protection Agency regional office for each Environmental Protection Agency region affected by the ozone transport region concerned.

Decisions of each ozone transport commission may be made only by a majority vote of all members other than the Regional Administrators (or designees thereof).

"(c) PLAN PROVISIONS FOR STATES IN OZONE TRANSPORT REGIONS.—Not later than two years after the enactment of this subpart (or nine months after the subsequent inclusion of a State in an established ozone transport region), each State included within an ozone transport region shall submit a State implementation plan or revision thereof to the Administrator which requires the following—

"(1) that each area in such State that is in an ozone transport region, that is not a nonattainment area, and that is a metropolitan statistical area or part thereof with a population of 100,000 or more, comply with the provisions of section 183(a)(1)(A) (pertaining to vehicle inspection and maintenance programs);

"(2) implementation of reasonably available control technology with respect to—

"(A) all sources of volatile organic compounds in the State covered by a control techniques guideline issued before the date of enactment of this subpart.

"(B) all sources of volatile organic compounds or oxides of nitrogen in the State covered by a control techniques guideline issued by the Administrator after the date of enactment of this subpart, and

"(C) all stationary sources that have the potential to emit one hundred or more tons of volatile organic compounds and that are not covered by a control technique guideline or listed pursuant to section 185(a); and

"(3) a requirement that all persons within the State transferring gasoline to a motor vehicle fuel tank from a gasoline dispensing system use a fill nozzle designed to (i) prevent discharge of hydrocarbon vapors into the ambient air, (ii) direct vapor displaced from the automotive fuel system to a system where organic compounds in the displaced vapor are recovered, and (iii) prevent vehicle fuel tank overflows or spillage on fill nozzle disconnect. The requirement of this subparagraph shall apply only to facilities

which sell more than twenty thousand gallons of gasoline per month. The Administrator may revise or waive the requirements of this subparagraph, as appropriate, after such time as the Administrator determines that onboard emissions control systems required under this Act are in widespread use throughout the motor vehicle fleet.

"(d) ADDITIONAL CONTROL MEASURES.—

"(1) Upon petition of any State within an ozone transport region, the commission may, after notice and opportunity for comment, develop a plan of additional control measures to be applied within all or a part of such transport region if the commission determines such measures are necessary to bring any area in such region into attainment by the dates provided by this subpart. The commission shall transmit such plan to the Administrator.

"(2) Whenever the Administrator receives a plan prepared by a commission pursuant to paragraph (1) (the date of receipt of which is hereinafter in this section referred to as the receipt date), the Administrator shall—

"(A) immediately publish in the Federal Register a notice stating that the plan is available and that written data, views, or comments on the plan may be submitted to the Administrator within ninety days beginning on the receipt date; and

"(B) commence a review of the plan to determine whether the control measures in the plan are necessary to bring any area in such region into attainment by the dates provided by this subpart and are otherwise consistent with this Act.

"(3) In undertaking the review required under paragraph (2)(B), the Administrator shall consult with members of the commission of the affected States and shall take into account the data, views and comments received pursuant to paragraph (2)(A).

"(4) Within one hundred and twenty days after the receipt date, the Administrator shall determine whether to approve, disapprove, or partially disapprove and partially approve the plan; shall notify the commission in writing of such approval, disapproval or partial disapproval; and shall publish such determination in the Federal Register. If the Administrator fails to act within one hundred and twenty days, the plan shall be deemed approved. If the Administrator disapproves or partially disapproves a plan, the Administrator shall specify—

"(A) why any disapproved additional control measures are not necessary to bring any area in such region into attainment by the dates provided by this subpart or are otherwise not consistent with the Act; and

"(B) recommendations concerning actions that could be taken by the commission to conform the disapproved portion of the plan to the requirements of this section.

"(5) Upon approval or partial approval of a plan submitted by a commission, the Administrator shall issue to each State which is included in the transport region and to which a requirement of the approved plan applies, a finding under section 110(d)(4) that the implementation plan for such State is inadequate to meet the requirements of section 110(c)(4). Such finding shall require each such State to revise its implementation plan to include the approved additional control measures within one year after the finding is issued.

"(e) EXEMPT AREAS.—(1) Upon petition of any State within an ozone transport region, the Administrator, after seeking written views of the commission and after publishing a written finding in the Federal Register, may exempt any area within such State from one or more of the requirements of subsection (c) if the State demonstrates to the satisfaction of the Administrator that stationary or mobile sources within the area do not contribute to nonattainment in any other area in such region. The Administrator shall make a determination under this paragraph within nine months following receipt of a petition.

"(2) The requirements of subsection (c)(3) shall not apply to any State that contains no ozone nonattainment area or portion thereof unless the Administrator determines that such requirements are necessary to achieve attainment in any area in an adjoining State or the Governor of the State containing no ozone nonattainment area determines, pursuant to State law, that such requirements should apply in such State.

"(f) PETITIONS.—Any State or political subdivision may petition the Administrator to make a determination that any other State or portion thereof should be included within an ozone transport region under this section. The petitioning State shall include with such petition such evidence as is available to it regarding the contribution made by sources located in (or operating in) the State (or portion thereof) which is the subject of the petition to ozone concentrations in the petitioning State. Within one hundred and twenty days after receipt of any petition under this subsection and after a public hearing, the Administrator shall include the State (or portion thereof) within an ozone transport region or deny the petition.

"(g) BEST AVAILABLE AIR QUALITY MONITORING AND MODELING.—For purposes of this section, not later than six months after the enactment of subpart, the Administrator shall promulgate criteria for purposes of determining the contribution of sources in one area to concentrations of ozone in another area which is a nonattainment area for ozone. Such criteria shall require that the best available air quality monitoring and modeling techniques be used for purposes of making such determinations.".

ADDITIONAL REQUIREMENTS FOR CARBON MONOXIDE NONATTAINMENT AREAS

SEC. 108. NEW REQUIREMENTS FOR CARBON MONOXIDE NONATTAINMENT AREAS.—Part D of title I of the Clean Air Act is amended by adding the following new subpart after subpart 2:

"Subpart 3—Additional Provisions Regarding Carbon Monoxide Nonattainment Areas

"CLASSIFICATION OF CARBON MONOXIDE NONATTAINMENT AREAS

"SEC. 187. (a) CLASSIFICATION BY OPERATION OF LAW.—Each area which did not meet the national primary ambient air quality standard for carbon monoxide averaged over an eight-hour period as of the last calendar year ending before enactment of this subpart for which data is available is hereby classified by operation of law in one of the following categories based upon the percentage by which the standard was exceeded in that area:

"Area classification	Percentage exceedance
Moderate	Not Greater than 55 per centum
Serious	Greater than 55 per centum.

Any reference in this subpart to a 'moderate nonattainment area' or a 'serious nonattainment area' shall be considered a reference to a moderate or serious carbon monoxide nonattainment area as classified under this subsection (or as subsequently reclassified under this subpart). Any reference in this subpart to the 'carbon monoxide air quality standard' shall be considered a reference to the national primary ambient air quality standard for carbon monoxide averaged over an eight-hour period.

"(b) DATA AND METHODS FOR CLASSIFICATION.—For purposes of calculating the percentage by which the carbon monoxide air quality standard is exceeded in any area—

"(1) the most recent monitoring data available shall be used; and

"(2) the same methods as are used under regulations of the Administrator for purposes of determining attainment of the standard shall be applicable.

Not later than thirty days after the date of enactment of this subpart the Administrator shall publish a notice identifying the percentage by which each area referred to in subsection (a) exceeds the carbon monoxide air quality standard and the classification of each area as moderate or serious.

"(c) DEADLINES FOR ATTAINMENT.—The following deadlines apply to the carbon monoxide nonattainment areas classified in accordance with subsection (a)—

"Area Classification	Applicable attainment date (in years after enactment of this subpart)
Moderate	5 years
Serious	10 years.

"(d) NEW STANDARD.—If the Administrator revises the carbon monoxide air quality standard after the enactment of this subpart, the Administrator shall, within six months after the revision, promulgate requirements applicable to all areas which have not attained the revised standard and shall require the submission of implementation plans or revisions to such plans for such areas within twenty-four months after the revision of the standard. Such requirements shall provide for controls which are not less stringent than the controls applicable to areas classified under subsection (a) and shall provide for attainment of such revised standard according to a schedule which is comparable to that specified in subsection (c).

"REQUIREMENTS APPLICABLE TO ALL CARBON MONOXIDE NONATTAINMENT AREAS

"SEC. 188. (a) INVENTORIES.—Each State containing a nonattainment area classified pursuant to section 187(a) shall, not later than one year after the date of enactment of this subpart and every three years thereafter, submit an inventory of carbon monoxide emissions from stationary and mobile sources located within each such area as provided in the guidelines issued by the Administrator pursuant to section 108(g). The initial inventory shall report emissions occurring in the calendar year immediately preceding enactment of this section or the subsequent year. Any area subsequently classified nonattainment pursuant to section 107 and this subpart shall submit (and update as provided in this subsection) carbon monoxide emissions inventories beginning eighteen months after the date of classification. Guidance for inventory preparation published by the Administrator pursuant to section 108(g) shall contain factors for estimating carbon monoxide emissions from wood stoves and other small combustion sources.

"(b) MONITORING.—The enhanced monitoring program required by section 108(g) shall include the use of mobile monitors for carbon monoxide to determine the geographic extent of any nonattainment problem for such pollutant within an area. Monitoring pursuant to such guidelines shall be commenced in all areas classified pursuant to section 187(a) or subsequently pursuant to section 107 and this subpart not later than eighteen months after such classification. The Administrator may require through guidance or by rule the use of mobile monitoring devices for carbon monoxide in areas designated as attainment areas.

"(c) EXISTING COMMITMENTS.—

"(1) Not later than eighteen months after the date of enactment of this section each State containing an area classified nonattainment pursuant to section 187(a) shall fully implement all provisions of any implementation plan for the attainment of the carbon monoxide air quality standard for such area or areas which have been submitted to the Administrator for approval (whether or not approved) prior to the date of enactment of this section.

"(2) Each State containing an area classified pursuant to section 187(a) shall promptly and fully implement any additional measures not previously proposed by the State but required by subpart 1.

"(d) AUTO REGISTRATION FEE.—Each State containing an area classified pursuant to section 187(a) or which contains an area subsequently classified pursuant to section 107 and this subpart shall not later than eighteen months after such classification submit to the Administrator for approval a revision to the implementation plan for each such area providing for the collection of a fee beginning not later than six months after such date of not less than $2 for each vehicle registered within such nonattainment area or areas. The requirement of this section shall not be in addition to any similar fee requirement imposed on vehicle registrations in such area under subpart 2. All revenues from any fee collected under this subsection shall be used by the State (or by a local air pollution control agency) to fund air pollution control programs pursuant to section 110 and this part. Such use may include expenditures for the planning, development and implementation by the State (or by a local air pollution control agency) of control measures in such nonattainment area or areas. If the Administrator determines that the fee provisions of the applicable implementation plan do not meet the requirements of this subsection or if the Administrator determines that such agency is not administering and enforcing the fee required under this subsection, the Administrator shall collect such fees, which, notwithstanding section 3302(b) of title 31, United States Code, shall be deposited into a special fund of the Treasury and shall thereafter be available for appropriation to the Environmental Protection Agency to carry out activities under this Act.

"(e) STATIONARY SOURCE EMISSIONS FEE.—Each State containing an area classified pursuant to section 187(a) or which contains an area subsequently classified pursuant to section 107 and this subpart shall not later than eighteen months after such classification submit to the Administrator a revision to the implementation plan for each such area providing for the collection of a fee beginning not later than six months after the date of submission to be imposed on the owner or operator of each major stationary source of carbon monoxide emissions located within such area. The fee shall be not less than $75 for each ton of carbon monoxide emissions. The owner or operator of each such source shall be liable to the State for payment of such fee. The liability for fees to be paid under this subsection shall be in addition to liability for any similar fees imposed under other provisions of this Act. All revenues from any fee collected under this subsection shall be used by the State (or local pollution control agency) to develop and implement air pollution control programs pursuant to section 110 and this part. Such use may include expenditures by the State (or by a local air pollution control agency) for the planning, development and implementation of control measures in such nonattainment area or areas.

"(f) PERMIT REQUIREMENT.—

"(1) Each State containing an area classified pursuant to section 187(a) or which contains an area subsequently classified pursuant to section 107 and this subpart shall not later than eighteen months after the date of such classification submit to the Administrator for approval a revision to the implementation plan for each such area requiring an operating permit as provided in sections 172(a)(6) and 173(b) for each new or existing major stationary source of carbon monoxide emissions located within any such nonattainment areas. It shall be unlawful to operate a major source of carbon monoxide emissions without a permit issued pursuant to an approved implementation plan beginning thirty-six months after the date of enactment of this subpart.

"(2) Each permit issued pursuant to this subsection shall require the installation of continuous emission monitoring for carbon monoxide emissions from the source.

"(3)(A) For purposes of this part a major stationary source of carbon monoxide emissions is any stationary source located or to be located in a moderate nonattainment area which emits or has the potential to emit fifty tons or more of carbon monoxide per year or any such source located or to be located in a serious nonattainment area which emits or has the potential to emit twenty-five tons or more of carbon monoxide per year.

"(B) For the purpose of satisfying the requirement of section 173(c) (pertaining to offsets) the ratio of emissions reductions to increased emissions in serious nonattainment areas shall be at least 1.5 to 1.

"(g) ATTAINMENT DEMONSTRATION AND MILESTONES.—

"(1) Each State containing a moderate or serious nonattainment area shall, after notice and opportunity for public comment but not later than twenty-four months after such area has been designated nonattainment, submit to the Administrator for approval revisions to the implementation plan for each such area which demonstrate, as provided in section 110 and this part, attainment of the carbon monoxide air quality standard by the deadline for attainment for such area or areas as provided in section 187(c).

"(2)(A) Notwithstanding the provisions of paragraph (1), revisions demonstrating attainment under this subsection shall not be required for any moderate nonattainment area for which the design value in the most recent calendar year immediately preceding enactment of this section did not exceed the carbon monoxide air quality standard by more than 10 per centum: Provided, That, within three months after the date of enactment of this subpart the Governor of such State submits to the Administrator a detailed statement of the measures to be undertaken in such area which will assure attainment of the carbon monoxide air quality standard by not later than thirty-six months after such date of enactment.

"(B) In the event that a moderate nonattainment area for which an attainment demonstration has not been submitted pursuant to subparagraph (A) does not attain the carbon monoxide air quality standard by the date thirty-six months after the date of enactment of this subpart, the State in which such area is located shall, after notice and opportunity for public comment, submit within an additional twelve-month period revisions to the implementation plan for the area making such demonstration and such area shall be subject to all of the requirements of this subpart applicable to moderate nonattainment areas including implementation of a vehicle inspection and maintenance program pursuant to subsection (i) and the deadlines for attainment established by section 187(c).

"(3) Revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain quantitative milestones to be achieved in each year in which an inventory is required under subsection (a) until the area is reclassified attainment and which demonstrate, as defined in section 171(1), reasonable further progress toward attainment by the date applicable to the area under section 187(c). Milestones proposed for inclusion in an implementation plan under this paragraph may be stated as—

"(A) reductions in vehicle miles traveled or vehicle trips in the nonattainment area, or both, during periods when the standard is likely to be violated;

"(B) reductions in tons of emissions of carbon monoxide emitted annually in the nonattainment area;

"(C) reductions in the design value for carbon monoxide averaged over an eight-hour period for the area;

"(D) reductions in the number of exceedances of the national carbon monoxide air quality standard which would be expected to occur each year; or

"(E) any combination of the above.

"(4) Revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain one or more contingency measures sufficient to reduce (singly or in combination) carbon monoxide emissions in the nonattainment area as reported in the most recent inventory by not less than 5 per centum for moderate nonattainment areas and not less than 10 per centum for serious nonattainment areas. The revisions shall provide for automatic implementation of the measures in the event the area does not attain the carbon monoxide air quality standard by the date applicable to the area as provided in section 187(c). Contingency measures may be implemented only in part if all measures are not necessary to assure attainment of such standard as determined by the Administrator. Implementation of contingency measures shall not be delayed by any extension granted pursuant to section 190(d)(1).

"(5) The Administrator may not approve any revisions submitted pursuant to this subsection unless such revisions taken as a whole convincingly demonstrate attainment by not later than the dates specified in section 187(c). Notwithstanding the provisions of this paragraph, the Administrator may order that any or all requirements contained in such revisions be implemented and en-

forced pending submission of additional revisions of the implementation plan which can be approved as demonstrating attainment of the carbon monoxide air quality standard by the dates applicable under section 187(c).

"(h) CONTINUING AUDITS OF IMPLEMENTATION PLANS.—

"(1) The Administrator shall conduct an audit of each implementation plan for carbon monoxide for each area designated nonattainment for the carbon monoxide air quality standard to determine whether the State (or local air pollution control agency) is adequately implementing and enforcing each provision of the plan and achieving the milestones established pursuant to subsection (g). Audits shall be conducted not less frequently than every three years and shall be scheduled, to the extent practicable, in years immediately following the compilation of an inventory as provided by subsection (a).

"(2) If the Administrator finds that any provision required by section 110, section 172(a) (1) through (10), section 173 or this subpart is not being adequately implemented and enforced, the Administrator shall promptly notify the State in which the area is located and shall impose the sanctions required by section 190 until such time as full implementation is achieved.

"(3) If the Administrator finds that any milestone established pursuant to subsection (g) has not been achieved by the applicable date, the Administrator shall require the State in which the area is located to promptly submit revisions to its plan, including provisions which may be identified by the Administrator, assuring achievement of the milestone as expeditiously as practicable but not later than eighteen months after the date originally scheduled for achieving the milestone. The Administrator shall also impose the sanctions required by section 190 until such time as the milestone is achieved.

"(i) VEHICLE INSPECTION AND MAINTENANCE PROGRAM.—Each State containing an area classified nonattainment pursuant to section 187(a) or which contains an area subsequently classified nonattainment and which is required to submit revisions to the implementation plan for such area demonstrating attainment pursuant to subsection (g) shall, not later than one year after the date of such classification, submit a revision to the applicable plan providing for implementation of a vehicle inspection and maintenance program which achieves carbon monoxide emissions reductions equivalent to a reduction of fifty-two thousand tons of such emissions per million vehicles covered in the year of enactment of this subpart (if the program had been operating in such year) and includes each of the elements in clauses (i) through (vi) of section 183(a)(1)(A).

"(j) OXYGENATED FUELS.—Revisions demonstrating attainment submitted pursuant to subsection (g) shall contain provisions implementing and enforcing an oxygenated fuels program for each moderate or serious nonattainment area as provided in section 211(e).

"REQUIREMENTS APPLICABLE TO SERIOUS CARBON MONOXIDE NONATTAINMENT AREAS

"SEC. 189. (a) TRANSPORTATION CONTROL MEASURES.—Revisions demonstrating attainment submitted pursuant to section 188(g) for any serious nonattainment area shall contain a commitment to implement as expeditiously as practicable each of the transportation control measures specified in section 108(f) or a statement of the reasons for not including such measure in such revisions and an identification of other measures which will be taken in the area to obtain carbon monoxide emissions reductions equal to or greater than those which would have been achieved by implementation of such measure or measures, or reasons why such reduction is not necessary to meet the requirements of subsection 188(g)(3) or to attain a national ambient air quality standard.

"(b) EMPLOYER RIDERSHIP PROGRAM.—Revisions demonstrating attainment submitted pursuant to section 188(g) for any serious nonattainment area shall contain provisions requiring employers in such area to implement programs to reduce work-related vehicle trips and miles traveled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and shall, at a minimum, require that each employer of one hundred or more persons increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods by not less than 25 per centum above the average vehicle occupancy for all such trips in the area at the time the revision is submitted. The guidance of the Administrator may specify vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. The revision shall provide that each employer subject to a vehicle occupancy requirement shall submit a compliance plan within two years after the date the revision is submitted which shall convincingly demonstrate compliance with the requirements of this subsection not later than four years after the date the revison is submitted. An employer may demonstrate in such plan compliance with a vehicle occupancy rate less than 25 per centum greater than the average in the area, if (1) expenditures by the employer in implementing the compliance plan are equal to or greater than the cost of providing each employee with a parking space at the location of the workplace; and (2) compliance with a vehicle occupancy rate 25 per centum above the areawide average is not feasible at such cost.

"FAILURE TO COMPLY OR ATTAIN STANDARD

"SEC. 190. (a) FAILURE TO SUBMIT AN APPROVABLE PLAN.—Whenever a State fails to make a plan submission or revision required for a nonattainment area within such State under this subpart, or the Administrator disapproves such plan in whole or significant part, the Administrator—

"(1) shall, with respect to such area, impose the prohibition of section 176(a)(1) (pertaining to new source construction);

"(2) shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding); and

"(3) may withhold funds as provided under section 176(a)(3) (pertaining to air pollution control program grants).

"(b) FAILURE TO IMPLEMENT A PLAN.—Whenever any requirement of an approved plan (or approved part of a plan) is not being implemented, the Administrator, with respect to the area, or areas, in which such requirement is not being implemented—

"(1) shall impose the prohibition of section 176(a)(1) (pertaining to new source construction);

"(2) shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding); and

"(3) may withhold funds as provided under section 176(a)(3) (pertaining to air pollution control program grants).

"(c) FAILURE TO ACHIEVE REQUIRED EMISSIONS REDUCTIONS.—Whenever a carbon monoxide nonattainment area fails to achieve emissions reductions or a milestone required under section 188(g), the Administrator shall impose the prohibition of section 176(a)(1) (pertaining to new source construction) and shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding).

"(d) FAILURE TO ATTAIN.—

"(1) The Administrator shall reclassify any moderate nonattainment area failing to attain, as provided in section 187(c), the carbon monoxide air quality standard by the date five years after the date of enactment of this subpart as a serious nonattainment area, and such area shall from the time of reclassification be subject to the provisions of this subpart applicable to serious nonattainment areas. The Administrator may grant a one-year extension of the attainment date established by section 187(c) for a moderate nonattainment area before reclassification provided that the State has fully implemented all provisions in the implementation plan for the area and the area has not exceeded the carbon monoxide air quality standard by more than 10 per centum in the two years prior to such date. Not more than two one-year extensions may be granted to any area under this subsection. Within twelve months of reclassification, the State shall submit to the Administrator for approval revisions to the implementation plan for such area as may be necessary to comply with the requirements for serious nonattainment areas.

"(2) In the case of an area classified as a serious nonattainment area in which the carbon monoxide air quality standard is not attained by the date provided in section 187(c), the State in which such area is located shall, after notice and opportunity for public comment, submit within twelve months after the applicable attainment deadline plan revisions which provide for attainment of the carbon monoxide air quality standard as provided in section 172(a), and, from the date of such submission until attainment, for an annual reduction in carbon monoxide emissions within the area of not less than 5 per centum of the amount of such emissions as reported in the most recent inventory prepared for such area.".

ADDITIONAL REQUIREMENTS FOR PM-10 NONATTAINMENT AREAS

SEC. 109. (a) NEW REQUIREMENTS FOR PM-10 NONATTAINMENT AREAS.—Part D of title I of the Clean Air Act is amended by adding the following new subpart after subpart 3:

"Subpart 4—Additional Provisions for PM-10 Nonattainment Areas

"ATTAINMENT DEADLINES FOR PM-10 NONATTAINMENT AREAS

"SEC. 191. (a) DEADLINES FOR ATTAINMENT.—State implementation plans required for any PM-10 nonattainment area not meeting the national ambient air quality standard for particulate matter with an aero-dymanic diameter less than or equal to a nominal ten micrometers (as measured by such method as the Administrator may determine) under this subpart shall demonstrate attainment as expeditiously as practicable but not later than the date five years after the date on which such area was designated nonattain-

ment for PM-10. The attainment deadline for areas designated nonattainment pursuant to subparagraphs (A) or (B) of section 107(f)(4) shall not extend beyond December 31, 1993. The Administrator may extend the deadline applicable to any area under this subsection upon a showing by the State that—

"(1) attainment within five years is impracticable because measures or technology to reduce PM-10 emissions are not available or secondary aerosols account for a significant portion of PM-10 levels in such area;

"(2) the State will implement all reasonably available control measures including all measures and control technology requirements described in any guidance issued by the Administrator pursuant to section 195; and

"(3) reasonable further progress toward attainment will be achieved and demonstrated at regular intervals until the attainment date, as provided in section 192(e).

No extension provided under authority of this subsection may extend for a period beyond the date ten years after the date on which an area has been designated nonattainment.

"(b) NEW STANDARD.—If the Administrator revises the particulate matter air quality standard after the date of enactment of this subpart, the Administrator shall, within six months after such revision, promulgate requirements applicable to all areas which have not attained the revised standard and shall require the submission of implementation plans or revisions to such plans for such areas within twenty-four months after the revision of the standard. Such requirements shall provide for controls which are not less stringent than the controls applicable to areas designated nonattainment for PM-10 and shall provide for attainment of such revised standard.

"REQUIREMENTS APPLICABLE TO PM-10 NONATTAINMENT

"SEC. 192. (a) INVENTORIES.—Each State containing an area designated nonattainment pursuant to section 107(f)(4) shall, not later than one year after the date of enactment of this subpart and every three years thereafter, submit an inventory of PM-10 (and PM-10 precursors) emissions from stationary and mobile sources located within each such area as provided in guidelines issued by the Administrator pursuant to section 108(g). Any area subsequently designated nonattainment pursuant to section 107 or this subpart shall submit (and update as provided in this subsection) such emissions inventories beginning eighteen months after the date of designation. Guidance for inventory preparation issued by the Administrator pursuant to section 108(g) shall contain factors for estimating PM-10 (and PM-10 precursors) emissions from area and natural sources.

"(b) APPROVED SIPS.—Nothing in this section shall be interpreted to require preparation and submission of plan revisions for areas for which the State has submitted and the Administrator has approved a plan revision pursuant to regulations promulgated on August 7, 1987 (52 Federal Register 29383) if such plan revisions otherwise meet the requirements of this subpart.

"(c) STATIONARY SOURCE EMISSIONS FEE.—Each State containing an area designated nonattainment for PM-10 pursuant to section 107(f)(4) or which contains an area subsequently designated nonattainment for PM-10 pursuant to section 107 or this subpart shall not later than eighteen months after such designation submit to the Administrator for approval a revision to the implementation plan for each such area providing for the collection of a fee beginning not later than six months after the date of submission to be imposed on the owner or operator of each major source of PM-10 or PM-10 precursor emissions located within such area. The fee shall be not less than $75 for each ton of PM-10 or PM-10 precursor emissions. The owner or operator of the source shall be liable to the State for payment of such fee. The liability for fees imposed under this subsection shall be in addition to liability for any fees imposed under other provisions of this Act. All revenues from any fee collected under this subsection shall be used by the State (or local pollution control agency) to develop and implement air pollution control programs pursuant to section 110 and this part. If the Administrator determines that the fee provisions of the applicable implementation plan do not meet the requirements of this paragraph or if the Administrator determines that the State or subdivision thereof is not administering and enforcing the fee required under this paragraph, the Administrator shall collect such fees, which, notwithstanding section 3302(b) of title 31, United States Code, shall be deposited into a special fund of the Treasury and which shall thereafter be available for appropriation to the Environmental Protection Agency to carry out activities under this Act.

"(d) PERMIT REQUIREMENTS.—

"(1) Each State containing an area designated nonattainment for PM-10 pursuant to section 107(f)(4) or which contains an area subsequently designated nonattainment for PM-10 pursuant to section 107 or this subpart shall not later than eighteen months after the date of such designation submit to the Administrator for approval a revision to the implementation plan for each such area requiring an operating permit as provided in sections 172(a)(6) and 173(b) for each new or existing major source of PM-10 or PM-10 precursor emissions located within such areas. It shall be unlawful to operate a major source of PM-10 or PM-10 precursor emissions without a permit issued pursuant to an approved implementation plan beginning thirty-six months after the date of enactment of this subpart.

"(2) Each permit issued pursuant to this subpart shall require monitoring of PM-10 or PM-10 precursor emissions from the permitted source not less frequently than monthly. The owner or operator shall periodically (but not later than twenty-four hours after any violation is detected) report the results of such monitoring to the State in which the source is located.

"(3) For purposes of this part a major stationary source of PM-10 or PM-10 precursor emissions is any stationary source located or to be located in a PM-10 nonattainment area which emits or has the potential to emit fifty tons or more of PM-10 or pollutants which are precursors of PM-10 per year.

"(4) For purposes of satisfying the requirement of section 173(c) (pertaining to offsets) the ratio of emissions reductions to increased emissions in areas granted an extension of the attainment deadline pursuant to section 191(a) shall be at least 1.5 to 1.

"(e) ATTAINMENT DEMONSTRATION AND MILESTONES.—

"(1) Each State containing an area designated nonattainment pursuant to section 107(f)(4) shall, after notice and opportunity for public comment but not later than twenty-four months after such designation, submit to the Administrator for approval revisions to the implementation plan for each such area which demonstrate attainment of the PM-10 air quality standard by the date provided in section 191(a).

"(2) Plan revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain quantitative milestones which are to be achieved in each year in which an inventory is required under subsection (a) until the area is redesignated attainment and which demonstrate, as defined in section 171(1), reasonable further progress toward attainment by the date applicable under section 191(a).

"(3) If a State includes in a plan revision an attainment date for an area which is after the date five years after the date of enactment of this subpart, the State shall commit to implementing each of the guidelines for control technology and measures which the Administrator promulgates pursuant to section 194 for each class or category of PM-10 or PM-10 precursor emission sources in the area. If the Administrator promulgates guidelines which are applicable to such classes and categories of sources after the date on which a plan revision is required by this subsection, the State shall further revise its plan within one year after the promulgation of such additional guidelines to provide for prompt implementation.

"(4) Plan revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain one or more contingency measures sufficient to reduce (singly or in combination) PM-10 or PM-10 precursor emissions in the nonattainment area as reported in the most recent inventory by not less than 10 per centum. The plan revision shall provide for automatic implementation of the contingency measures in the event the area does not attain the PM-10 air quality standard by the date established pursuant to section 191(a). Implementation of contingency measures shall not be delayed by any extension granted pursuant to section 193(d).

"(5) The Administrator may not approve any revisions submitted pursuant to this subsection unless such revisions taken as a whole convincingly demonstrate attainment by not later than the dates applicable under section 191(a). Notwithstanding the provisions of this paragraph, the Administrator may order that any or all requirements contained in a plan revision be implemented and enforced pending submission of additional revisions of the implementation plan which can be approved as demonstrating attainment of the PM-10 air quality standard by the dates applicable under section 191(a).

"(f) CONTINUING AUDITS OF IMPLEMENTATION PLANS.—

"(1) The Administrator shall conduct an audit of each implementation plan for PM-10 for each area designated nonattainment pursuant to section 107(f)(4) to determine whether the State (or local pollution control agency) is adequately implementing and enforcing each provision of the plan and achieving the milestones established pursuant to subsection (e). Audits shall be conducted not less frequently than every three years and shall be scheduled, to the extent practicable, in years immediately following the compilation of an inventory as provided in subsection (a).

"(2) If the Administrator finds that any provision required by section 110, subpart 1 or this subpart is not being adequately implemented and enforced, the Administrator shall promptly notify the State in which the

area is located and shall impose sanctions required by section 193 until such time as full implementation is achieved.

"(3) If the Administrator finds that any milestone established pursuant to subsection (e) has not been achieved by the applicable date, the Administrator shall require the State in which the area is located to promptly submit revisions to its plan, including provisions which may be identified by the Administrator, assuring achievement of the milestone as expeditiously as practicable but not later than eighteen months after the date originally scheduled. The Administrator shall also impose the sanctions required in section 194 until such time as the milestone is achieved.

"(g) WAIVERS FOR CERTAIN AREAS.—The Administrator may, on a case-by-case basis, waive a requirement applicable to an area granted an extension under subsection 191(a) where he determines that nonanthropogenic sources of PM-10 are the principal cause of the violation of the PM-10 standard in the area, except that no requirement for reasonably available control measures or best available control measures applicable to anthropogenic sources which make a significant contribution to PM-10 levels and which are required pursuant to an extension granted under subsection 191(a) shall be waived. The Administrator may also waive a specific date for attainment of the standard where he determines that nonanthropogenic sources of PM-10 in combination with extraordinary meterological conditions contribute significantly to the violation of the PM-10 standard in the area.

"FAILURE TO COMPLY OR ATTAIN STANDARD

"SEC. 193. (a) FAILURE TO SUBMIT AN APPROVABLE PLAN.—Whenever a State fails to make a plan submission or revision required for a nonattainment area within such State under this subpart, or the Administrator disapproves such plan in whole or significant part, the Administrator—

"(1) shall, with respect to such area, impose the prohibition of section 176(a)(1) (pertaining to new source construction);

"(2) shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding); and

"(3) may withhold funds as provided under section 176(a)(3) (pertaining to air pollution control program grants).

"(b) FAILURE TO IMPLEMENT A PLAN.—Whenever any requirement of an approved plan (or approved part of a plan) is not being implemented, the Administrator, with respect to the area (or areas) in which such requirement is not being implemented—

"(1) shall impose the prohibition of section 176(a)(1) (pertaining to new source construction);

"(2) shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding); and

"(3) may withhold funds as provided under section 176(a)(3) (pertaining to air pollution control program grants).

"(c) FAILURE TO ACHIEVE REQUIRED EMISSIONS REDUCTIONS.—Whenever a PM-10 nonattainment area fails to achieve emissions reductions of a milestone required under section 192(e), the Administrator shall impose the prohibition of section 176(a)(1) (pertaining to new source construction) and shall notify the Secretary of Transportation who shall impose the prohibition of section 176(a)(2) (pertaining to transportation funding).

"(d) FAILURE TO ATTAIN.—

"(1) The Administrator may, for any area, grant a one-year extension of the attainment date established pursuant to section 191(a) provided that—

"(A) the State has fully implemented all provisions in the implementation plan for the area;

"(B) the area does not exceed the PM-10 standard averaged annually; and

"(C) the area has not exceeded the PM-10 air quality standard averaged over twenty-four hours by more than 10 per centum in the two years prior to such date.

Not more than two one-year extensions may be granted pursuant to the authority of this subsection.

"(2) In the case of an area designated nonattainment pursuant to section 107(f)(4) in which the PM-10 standard is not attained by the date provided in section 191(a) (and considering any extension provided in paragraph (1)), the State in which such area is located shall, after notice and opportunity for public comment, submit within twelve months after the applicable attainment date, plan revisions which provide for attainment of the PM-10 air quality standard as provided in section 172(a), and, from the date of such submission until attainment, for an annual reduction in PM-10 or PM-10 precursor emissions within the area of not less than 5 per centum of the amount of such emissions as reported in the most recent inventory prepared for such area.

"GUIDELINES FOR PM-10 SOURCES

"SEC. 194. (a) INITIAL GUIDELINES.—Not later than eighteen months after the date of enactment of this section, the Administrator shall promulgate control technique guidelines with respect to reasonably available control technology and best available control technology for PM-10 (and PM-10 precursor) emissions from major stationary sources. At the same time, the Administrator shall publish guidelines with respect to reasonably available control measures and best available control measures for controlling PM-10 (and PM-10 precursor) emissions from area sources which cause or contribute to PM-10 nonattainment. At a minimum, guidelines published under this subsection shall include identification of technology and measures for combustion sources including wood smoke, prescribed burning for silviculture and agriculture, and urban fugitive dust.

"(b) WOODSTOVE CURTAILMENT.—In addition to the guidelines required by subsection (a), the Administrator shall, not later than twelve months after the date of enactment of this subpart, publish guidelines for the curtailment of residential wood burning as a reasonably available control measure under this subpart. Each State containing an area or areas which are designated nonattainment for PM-10 and for which residential wood burning contributes 20 per centum or more of PM-10 levels shall, not later than twenty-four months after the date of enactment of this subpart, submit a plan revision for each such area providing for the implementation of guidelines issued under this subsection. A State may elect to exempt wood heaters that have certified under the Environmental Protection Agency's Wood Heater Certification Program from any such curtailment.

"(c) ADDITIONAL GUIDELINES.—Not later than six months after the date for submission of plans and plan revisions pursuant to section 192(e)(1), the Administrator shall publish a list of all other classes and categories of sources of PM-10 emissions which States have indicated will prevent attainment of the PM-10 air quality standard within five years after the date of enactment of this subpart because control technology is not available. Not later than forty-eight months after the date of enactment of this subpart, the Administrator shall publish control technique guidelines and guidelines for area sources (as provided in subsection (a)) for each such class or category.".

(b) PM-10 INCREMENTS IN PSD AREAS.—Section 166 of the Clean Air Act is amended by adding the following new subsection:

"(f) PM-10 INCREMENTS.—The Administrator is authorized to substitute, for the maximum allowable increases in particulate matter specified in section 163(b) and section 165(d)(2)(C)(iv), maximum allowable increases in particulate matter with an aerodynamic diameter smaller than or equal to ten micrometers. Such substituted maximum allowable increases shall be at least as stringent in effect as those specified in the provisions for which they are substituted. Until the Administrator promulgates regulations under the authority of this section, the current maximum allowable increases in concentrations of particulate matter shall remain in effect.".

INTERSTATE POLLUTION

SEC. 110. (a) Section 126 of the Clean Air Act is amended as follows:

(1) by adding a new subsection as follows:

"(d) Emissions of air pollutant which, by itself or in combination, reaction, or transformation, adversely affects the public health or welfare of another State, is a violation of this section.";

(2) in subparagraph (B) of subsection (a)(1), by striking "in excess of the national ambient air quality standards";

(3) in subsection (b)—

(A) in the first sentence, following "major source", by inserting "or group of sources"; and

(B) by striking "110(a)(2)(E)(i)" and inserting in lieu thereof "110(c)(4) or this section"; and

(4) in subsection (c)—

(A) in the first sentence, following the words "violation of", inserting "this section and"; and

(B) striking "110(a)(2)(E)(i)" wherever it appears and inserting in lieu thereof "110(c)(4) or this section".

(b) Section 302(h) of the Clean Air Act is amended by inserting before the period ", whether caused by transformation, conversion, or combination with other air pollutants".

(c) Section 304(a)(1) of the Clean Air Act is amended by—

(1) striking "or" after "Act" and inserting a comma in lieu thereof, and

(2) inserting at the end thereof the following: "or (C) section 126,".

OUTER CONTINENTAL SHELF ACTIVITIES

SEC. 111. Title III of the Clean Air Act is amended by adding the following new section after section 326:

"AIR POLLUTION FROM OUTER CONTINENTAL SHELF ACTIVITIES

"SEC. 327. (a) APPLICABLE REQUIREMENTS.—Not later than twelve months after the enactment of this section, the Administrator, by rule, shall establish requirements to control air pollution from Outer Continental Shelf sources ('OCS sources'). Such requirements shall be the same as would be applicable if the source were located in the corresponding onshore area. Such requirements shall take effect with respect to new or modified sources on the date of promulgation and with respect to existing sources on the

date twelve months thereafter. The authority of this section shall supersede any inconsistent authorities established under other law. Each requirement established under this section shall be treated, for purposes of sections 113, 114, 116, 120, and 304, as a standard under section 111.

"(b) STATE PROCEDURES.—Each State adjacent to an OCS source may develop and submit to the Administrator a procedure for implementing and enforcing the requirements promulgated by the Administrator under subsection (a) for OCS sources. If the Administrator finds that the State procedure is adequate he shall delegate to that State any authority he has under this Act to implement and enforce such requirements.

"(c) DEFINITIONS.—For purposes of this section—

"(1) The term 'Outer Continental Shelf' has the meaning provided by section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

"(2) The term 'corresponding onshore area' means, with respect to any OCS source, the onshore attainment or nonattainment area that is closest to the source, unless the Administrator determines that another area with more stringent requirements may reasonably be expected to be affected by such emissions. Such determination shall be based on the potential for air pollutants from the OCS source to reach the other onshore area and the potential of such air pollutants to affect the efforts of the other onshore area to attain or maintain any Federal, State, or local ambient air quality standard or to comply with the provisions of part C.

"(3) The terms 'Outer Continental Shelf Source' and 'OCS source' includes any equipment, activity, or facility which (A) emits or has the potential to emit any air pollutant, (B) is regulated or authorized under the Outer Continental Shelf Lands Act, and (C) is located on the Outer Continental Shelf or in or on waters above the Outer Continental Shelf. Activities include, but are not limited to, exploration, construction, development, processing, and transportation. Emissions from any vessel servicing or associated with an OCS source, including emissions while at the OCS source or en route to or from the OCS source and the corresponding onshore area, shall be considered emissions from that OCS source.".

INDIAN TRIBES

SEC. 112. Title III of the Clean Air Act is amended by adding the following at the end thereof:

"INDIAN TRIBES

"SEC. 328. (a) IN GENERAL.—Subject to the provisions of subsection (b), the Administrator—

"(1) is authorized to treat Indian tribes as States under this Act,

"(2) may delegate to such tribes primary responsibility for assuring air quality and enforcement of air pollution control, and

"(3) may provide such tribes grant and contract assistance to carry out functions provided by this title.

"(b) EPA REGULATIONS.—

"(1) The Administrator shall, within eighteen months after the enactment of this section, promulgate final regulations specifying those provisions of this Act for which it is appropriate to treat Indian tribes as States. Such treatment shall be authorized only if—

"(A) the Indian tribe is recognized by the Secretary of the Interior and has a governing body carrying out substantial governmental duties and powers;

"(B) the functions to be exercised by the Indian tribe are within the area of the tribal government's jurisdiction; and

"(C) the Indian tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of this title and of all applicable regulations.

"(2) Indian tribes shall not be treated as States for purposes of the last sentence of section 105(c). For any other provision of this Act where treatment of Indian tribes as identical to States is inappropriate, administratively infeasible or otherwise inconsistent with the purposes of this Act, the Administrator may include in the regulations promulgated under this section, other means for administering such provision in a manner that will achieve the purpose of this section and such other provision. Nothing in this section shall be construed to allow Indian tribes to assume or maintain primary responsibility for assuring air quality and enforcement of air pollution control in a manner less protective of public health or welfare than such responsibility may be assumed or maintained by a State. An Indian tribe shall not be required to exercise criminal jurisdiction for purposes of complying with the proceeding sentence.".

MISCELLANEOUS AND CONFORMING AMENDMENTS

SEC. 113. (a) Section 106 of the Clean Air Act is amended by inserting—

(1) after "section 107" the following: "or of implementing section 186 (relating to control of interstate ozone air pollution)";

(2) after "program costs of" the following: "any commission established under section 186 (relating to control of interstate ozone air pollution) or"; and

(3) in the last sentence after "such agency" in each place it appears the following: "or such commission".

(b)(1) SURFACE COAL MINE FUGITIVE EMISSIONS.—Prior to any use of the Industrial Source Complex (ISC) Model using AP-42 Compilation of Air Pollutant Emission Factors to determine the effect on air quality of fugitive particulate emissions from surface coal mines, for purposes of new source review or for purposes of demonstrating compliance with national ambient air quality standards for particulate matter applicable to periods of twenty-four hours or less, under section 110 or parts C or D of title I of the Clean Air Act, the Administrator shall analyze the accuracy of such model and emission factors and make revisions as may be necessary to eliminate any significant over-prediction of air quality effect of fugitive particulate emissions from such sources. Such revisions shall be completed not later than four years after the date of enactment of this subpart.

(2) Until such time as the Administrator develops a revised model for surface mine fugitive emissions, the State may use alternative empirical based modeling approaches pursuant to guidelines issued by the Administrator.

ROLE OF SECONDARY STANDARDS

SEC. 114. (a) The Administrator shall request the National Academy of Sciences to prepare a report to the Congress on the role of national secondary ambient air quality standards in protecting welfare and the environment. The report shall:

(1) include information on the adverse effects on welfare and the environment which are caused by ambient concentrations of pollutants listed pursuant to section 108 and other pollutants which may be listed;

(2) estimate welfare and environmental costs incurred as a result of such effects;

(3) examine the role of secondary standards and the state implementation planning process in preventing such effects;

(4) determine ambient concentrations of each such pollutant which would be adequate to protect welfare and the environment from such effects;

(5) estimate the costs of meeting secondary standards which are protective of welfare and the environment; and

(6) consider other means consistent with the goals and objectives of the Clean Air Act which may be more effective than secondary standards in preventing or mitigating such effects.

(b) The report shall be transmitted to the Congress not later than three years after the date of enactment of this section. There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE II—MOBILE SOURCES

EMISSIONS STANDARDS FOR CERTAIN MOTOR VEHICLES

SEC. 201. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(g) MODEL YEARS AFTER 1992.—(1) Effective with respect to the model years specified in tables 1 and 2 below, the regulations under subsection (a) applicable to emissions of nonmethane hydrocarbons (NMHC), total hydrocarbons (HC), oxides of nitrogen (NO_x), carbon monoxide (CO) and particulates (PM) from motor vehicles and motor vehicle engines in the classes specified in the tables shall contain standards which provide that emissions may not exceed the levels specified in the tables.

"TABLE 1a.—EMISSIONS STANDARDS FOR GASOLINE-FUELED LIGHT DUTY VEHICLES

Pollutant	Model years	Standards
NMHC	1993 through 2002.	0.25 gpm.
HC	1993 through 2002.	0.31 gpm.
HC	2003 and after.	0.125 gpm.
NO_x	1993 through 2002.	0.4 gpm.
NO_x	2003 and after.	0.2 gpm.
CO	2003 and after.	1.7 gpm.

"TABLE 1b.—EMISSIONS STANDARDS FOR DIESEL-FUELED LIGHT DUTY VEHICLES

Pollutant	Model years	Standards
NMHC	1993 through 2002.	0.25 gpm.
HC	1993 through 2002.	0.31 gpm.
HC	2003 and after..	0.125 gpm.
NO_x	1991 through 2002.	1.0 gpm.
NO_x	2003 and after..	0.7 gpm.
CO	2003 and after..	1.7 gpm.
PM	1993 and after..	0.08 gpm.

"TABLE 2.—EMISSION STANDARDS FOR GASOLINE AND DIESEL-FUELED TRUCKS AND BUSES

Vehicle or engine type	Pollutant	Model years	Standard[1]
Trucks (3,750 lbs or more but less than 5,750 lbs, loaded vehicle weight).	NMHC	1995 and after.	0.32 gpm.
	HC	1995 and after.	0.38 gpm.
	NO_x	1995 and after.	0.7 gpm.
	CO	1995 and after.	4.4 gpm.
Trucks (5,750 lbs loaded vehicle weight or more but less than 8500 lbs GVW).	NMHC	1995 and after.	0.39 gpm.
	HC	1995 and after.	0.46 gpm.
	NO_x	1995 and after.	1.1 gpm.
	CO	1995 and after.	5.0 gpm.
	PM	1995 and after.	0.12 gpm.
Heavy duty trucks..	NO_x	1996 and after.	4.0 gbh.
	PM	1991-93	0.25 gbh.
	PM	1994 and after.	0.1 gbh.
Heavy duty buses.	PM	1991 and after.	0.1 gbh.

[1] Standards are expressed in grams per mile (gpm) or grams per brake horsepower hour (gbh).

"(2) Effective with respect to model years after 1992, any motor vehicle with a loaded vehicle weight of three thousand seven hundred and fifty pounds or less, as determined by the Administrator, shall be a light duty vehicle.".

CARBON MONOXIDE EMISSIONS AT COLD TEMPERATURES

SEC. 202. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(h) COLD CO STANDARD.—The Administrator shall promulgate regulations under subsection (a) applicable to emissions of carbon monoxide from light duty vehicles and light duty trucks when operated at twenty degrees Fahrenheit. Such regulations shall contain standards which provide that, with respect to model years 1993 through 1999, emissions of carbon monoxide in the case of light duty vehicles may not exceed ten grams per mile and, in the case of light duty trucks, thirteen grams per mile. Such regulation shall also contain standards that provide that with respect to model year 2000 and thereafter, emissions of carbon monoxide in the case of light duty vehicles may not exceed three and four-tenths grams per mile, and, in the case of light duty trucks, four and four-tenths grams per mile.".

CONTROL OF VEHICLE REFUELING EMISSIONS

SEC. 203. Section 202(a)(6) of the Clean Air Act is amended to read as follows:

"(6) The Administrator shall promulgate regulations applicable to all motor vehicles requiring that such vehicles be equipped with vehicle-based ('onboard') systems for control of evaporative emissions during refueling. Such regulations shall take effect, with respect to light duty vehicles, beginning in model year 1993, and, with respect to other vehicles, at the earliest date the Administrator determines is feasible, and shall require that such systems provide a minimum evaporative emission capture efficiency of 95 per centum.".

EVAPORATIVE EMISSIONS

SEC. 204. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(i) EVAPORATIVE EMISSIONS.—Within eighteen months after the enactment of this subsection the Administrator shall promulgate regulations under subsection (a) applicable to evaporative emissions of hydrocarbons, including emissions during vehicle operation, from all gasoline-fueled motor vehicles. Such regulations shall take effect beginning in model year 1994 and shall require the greatest degree of emission reduction achievable by means expected to be available during any model year to which such regulations apply.".

ONBOARD EMISSION DIAGNOSTIC SYSTEMS

SEC. 205. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(j) ONBOARD EMISSION DIAGNOSTIC SYSTEMS.—

"(1) Within eighteen months after enactment of this subsection, the Administrator shall promulgate regulations under subsection (a) requiring manufacturers to install on all new light duty vehicles and light duty trucks diagnostic systems capable of—

"(A) accurately identifying emission-related systems deterioration or malfunction including, at a minimum, the catalytic converter and oxygen sensor, which could cause or result in failure of the vehicles to comply with emission standards established under this section,

"(B) alerting the vehicle's owner or operator to the likely need for emission-related components or systems maintenance or repair, and

"(C) providing access to stored information in a manner specified by the Administrator.

The Administrator may, in the Administrator's discretion, promulgate regulations requiring manufacturers to install such onboard diagnostic systems on heavy-duty vehicles and engines.

"(2) The regulations required under paragraph (1) with respect to light duty vehicles and light duty trucks shall take effect no later than model year 1994.

"(3) The Administrator may by regulation require States that have implementation plans containing motor vehicle inspection and maintenance programs to amend their plans within two years of promulgation of such regulations to provide for inspection of onboard diagnostic systems (as prescribed by regulations under paragraph (1) of this subsection) and the maintenance or repair of malfunctions or system deterioration identified by or affecting such diagnostic system.".

EMISSIONS OF CARBON DIOXIDE FROM PASSENGER CARS

SEC. 206. Title II of the Clean Air Act is amended by redesignating section 216 as section 219 and inserting the following new section after section 215:

"EMISSIONS OF CARBON DIOXIDE FROM VEHICLES

"SEC. 216. (a) PROMULGATION OF REGULATIONS.—

"(1) The Administrator shall promulgate regulations providing for standards applicable to emissions of carbon dioxide from light duty vehicles. Such standards shall require that for each model year 1996 to 1999, the production weighted fleet average of carbon dioxide emissions from light duty vehicles manufactured by any manufacturer shall not exceed two hundred and sixty-six grams per mile, and for model year 2000 and each model year thereafter, such average shall not exceed two hundred and twenty grams per mile.

"(2) Test procedures to determine emissions of carbon dioxide shall be those used to determine compliance with corporate average fuel economy requirements for model year 1988, or procedures which the Administrator determines yield comparable results.

"(b) CIVIL PENALTIES.—

"(1) If, based on the number of vehicles manufactured in a given model year, the average of carbon dioxide emissions required to be achieved by a manufacturer under subsection (a) is exceeded, the manufacturer shall be subject to a civil penalty equal to the amount obtained by multiplying $6 by the number of grams per mile by which the average carbon dioxide emissions from the vehicles to which such standard applies exceeds the applicable carbon dioxide standard, multiplied by the number of vehicles to which such standard applies.

"(2) The Administrator may promulgate regulations allowing a manufacturer that reduces carbon dioxide emissions below the level required by subsection (a) in one model year to receive credits equal to the number of grams by which the applicable emission standard exceeds the average emissions of vehicles manufactured in such model year, multiplied by the number of vehicles manufactured in such model year. Such credits shall be available with respect to no more than two model years before or after the model year in which such manufacturer achieves the emission average below the applicable standard.".

LOW-POLLUTING VEHICLES

SEC. 207. (a) DEFINITION OF LOW-POLLUTING FUEL.—Section 219 of the Clean Air Act (as redesignated by section 206) is amended by adding the following new subsection:

"(7) The term 'low polluting fuel' means methanol, ethanol, propane, or natural gas, or any comparably low-polluting fuel. In determining whether a fuel is comparably low-polluting, the Administrator shall consider both the level of emissions of air pollutants from vehicles using the fuel and the contribution of such emissions to ambient levels of air pollutants. For purposes of this sub-

section, the term 'methanol' includes any fuel which contains at least 85 per centum methanol unless the Administrator increases such percentage as he deems appropriate to protect public health and welfare.".

(b) STANDARDS AND RELATED REQUIREMENTS.—Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(k) LOW-POLLUTING VEHICLES.—

"(1) Within eighteen months after the enactment of this subsection, the Administrator shall promulgate specific standards under subsection (a) for motor vehicles which burn low-polluting fuel. Such standards shall apply to the emission of carbon monoxide, formaldehyde, hydrocarbons, oxides of nitrogen, carbon dioxide, and such other air pollutants as the Administrator may identify as a potential threat to public health or welfare. The Administrator may establish different standards for vehicles powered by each of such fuels. Such standards shall take effect in the second model year commencing after the model year in which the standards are promulgated.

"(2) Any standard referred to in paragraph (1) shall require that each vehicle which burns a low-polluting fuel use the best available technology for the control of each air pollutant referred to in paragraph (1), taking costs into account. Such standard shall not permit emissions of any such air pollutant, including evaporative emissions, to exceed the standard applicable to emissions of such air pollutant from comparable gasoline powered vehicles under subsection (a) and shall require that such emissions contribute less to ozone formation.

"(3) Nothing in this subsection shall be construed to prevent the Administrator from certifying (under section 206) any motor vehicle having a multiple fuel capability or capable of burning a mixture of fuels if the vehicle meets the standards under this subsection for each such fuel which it is capable of burning.".

LIGHT DUTY VEHICLE USEFUL LIFE

SEC. 208. Section 202(d)(1) of the Clean Air Act is amended to read as follows:

"(1)(A) in the case of light duty vehicles and light duty vehicle engines manufactured during or before the 1994 model year, be a period of use of five years or of fifty thousand miles (or the equivalent), whichever first occurs;

"(B) in the case of light duty vehicles and light duty engines manufactured in the model year 1995 and thereafter, be a period of use of ten years or one hundred thousand miles (or the equivalent), whichever first occurs;".

WARRANTIES

SEC. 209. Section 207 of the Clean Air Act is amended as follows:

(a) strike out "useful life (as determined under section 202(d))" in each place it appears in subsection (b) and insert in lieu thereof "warranty period (as determined under subsection (i))";

(b) strike so much of section 207(b) as follows the third sentence thereof;

(c) add the following new subsection at the end thereof:

"(i) WARRANTY PERIOD.—

"(1) For purposes of subsection (a)(1) and subsection (b), the warranty period, in the case of light duty vehicles and light duty vehicle engines manufactured during or before the 1994 model year shall be the useful life (as determined under section 202(d)). For the purposes of such subsections, the warranty period, in the case of such vehicles and engines manufactured during model year 1995 and thereafter, shall be the first two years or twenty-four thousand miles of use (whichever first occurs), except as provided in paragraph (2).

"(2) In the case of a specified major emission control component, the warranty period for purposes of subsection (a)(1) and subsection (b) shall be eight years or eighty thousand miles of use (whichever first occurs). As used in this paragraph, the term 'specified major emission control component' means only a catalytic converter or electronic emissions control unit, except that the Administrator may designate any other pollution control device or component as a specified major emission control component if—

"(A) the device or component (except in the case of onboard emission control diagnostic equipment required by section 216) was not in general use on vehicles and engines manufactured prior to the model year 1990; and

"(B) the Administrator determines that the retail cost (exclusive of installation costs) of such device or component exceeds $200 (in 1989 dollars, adjusted for inflation or deflation as calculated by the Administrator at the time of such determination).

Nothing in this Act shall be interpreted to mean that parts other than those specified by the Administrator as major emission control components shall be construed to be warranted under this Act for eight years or eighty thousand miles.

"(3) Subparagraph (A) of subsection (b)(2) shall apply only where the Administrator has made a determination that the instructions concerned conform to the requirements of subsection (c)(3).";" and

(d) amend subsection (a)(1) by adding the following at the end thereof: "In the case of vehicles and engines manufactured in the model year 1995 and thereafter such warranty shall require that the vehicle or engine is free from any such defects for the period of two years or twenty-four thousand miles of use (whichever first occurs), except that for a specified major emission control component (as defined in subsection (i)) such warranty shall require that such component is free from any such defects for the period of eight years or eighty thousand miles of use (whichever first occurs).".

NON-ROAD ENGINES

SEC. 210. (a) DEFINITIONS.—Section 219 of the Clean Air Act (as redesignated by section 206 of this Act) is amended by adding the following new subsections:

"(8) The term 'non-road engine' means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or in a vehicle used solely for competition in vehicle racing or which is not subject to standards promulgated under section 111 (pertaining to new stationary sources) or section 202 (pertaining to motor vehicles) or to regulation under part B of this title (pertaining to aircraft emissions).

"(9) The term 'non-road vehicle' means a vehicle that is powered by a non-road engine and that is not a motor vehicle.".

(b) Subsection (1) of section 219 of the Clean Air Act (as redesignated by section 206) is amended by striking the phrase "new motor vehicles or new motor vehicle engines" every place it occurs and inserting in its place "new motor vehicles, new motor vehicle engines, new non-road vehicles or new non-road engines".

(c) The Clean Air Act is amended by adding a new section 217 as follows:

"EMISSION STANDARDS FOR NON-ROAD ENGINES AND VEHICLES

"SEC. 217. (a) LIST OF CATEGORIES.—Not later than twenty-four months after the date of enactment of this section and after notice and opportunity for public comment the Administrator shall publish (and from time to time revise) a list of all categories of non-road engines and non-road vehicles together with estimates of the contribution of each category to ambient ozone and carbon monoxide levels in nonattainment areas and to oxides of nitrogen and total particulate levels.

"(b) EMISSION STANDARDS.—Whenever the Administrator determines that emissions from categories of non-road engines or vehicles contribute significantly to concentrations of ozone, carbon monoxide or to oxides of nitrogen or particulate levels or otherwise contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, the Administrator shall promulgate regulations applicable to emissions from new vehicles or engines in such categories. Such standards shall achieve the greatest degree of emission reduction achievable through the application of technology which the Administrator determines will be available for the engines or vehicles to which such standards apply, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers and to noise, energy, and safety factors associated with the application of such technology. In determining what degree of reduction will be available, the Administrator shall first consider standards equivalent in stringency to standards for comparable motor vehicles or engines (if any) regulated under section 202, taking into account the technological feasibility, costs, safety, noise and energy factors associated with achieving standards of such stringency.

"(c) ENFORCEMENT.—The standards under this section shall be subject to the same provisions of title II as are applicable in the case of standards under section 202, and shall be enforced in the same manner as the standards under section 202, with such modifications as the Administrator deems appropriate.".

PROHIBITION ON PRODUCTION OF ENGINES REQUIRING LEADED GASOLINE

SEC. 211. The Clean Air Act is amended by adding a new section 218 as follows:

"PROHIBITION ON PRODUCTION OF ENGINES REQUIRING LEADED GASOLINE

"SEC. 218. The Administrator shall promulgate regulations applicable to motor vehicle engines and non-road engines manufactured after model year 1992 that prohibit the manufacture, sale, or introduction into commerce of any engine that requires leaded gasoline.".

MOTOR VEHICLE TESTING AND CERTIFICATION

SEC. 212. (a) IDLE TEST.—Section 206(a) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(4) Not later than one year after the enactment of this paragraph, the Administrator shall promulgate regulations adding an idle test and idle test mode to the Federal test procedure for light duty vehicles. Such modified test procedure shall be used for the certification of light duty vehicles and engines manufactured during or after model year 1992.".

(b) PRODUCTION LINE TESTING.—Section 206(b) of the Clean Air Act is amended by adding the following at the end thereof:

"(3) The Administrator shall revise the regulations under this section regarding selective enforcement auditing of new light duty vehicles (as set forth in section 86.610 of subpart G of part 86 of title 40 of the Code of Federal Regulations) such that the maximum percentage of failing vehicles that, for purposes of sampling inspection, can be considered satisfactory as a process average for purposes of such selective enforcement audits shall be 10 per centum. Such revised regulations shall apply with respect to motor vehicles manufactured after the model year 1991.".

(c) REVISION OF CERTAIN TEST PROCEDURES.—Section 206 of the Clean Air Act is amended by adding the following new subsection:

"(h) Within eighteen months after the enactment of this subsection and at least every four years thereafter, the Administrator shall review and revise as necessary the regulations under subsection (a) and (b) of this section regarding the testing of motor vehicles and motor vehicle engines to insure that vehicles are tested under circumstances which reflect the actual current driving conditions under which motor vehicles are used, including conditions relating to fuel, temperature, acceleration and altitude. Such revised test procedures shall include testing of evaporative emissions (including running losses) as well as tail-pipe emissions and shall provide for the testing of trucks with a gross vehicle weight rating of six thousand pounds or more in a loaded mode approximating such rating.".

(d) AVERAGING PROHIBITED.—Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(l) AVERAGING PROHIBITED.—Each emission standard under this section shall apply to, and be met by, each and every vehicle or engine sold, offered for sale, introduced into commerce, or imported, and may not be met or complied with by the average of the performance of various vehicles, engines, engine families, or models manufactured by the same manufacturer.".

IN-USE COMPLIANCE—RECALL

SEC. 213. (a) USE OF INFORMATION FROM STATE PROGRAMS.—Section 207(c) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(4) In making determinations of nonconformity under this subsection, the Administrator shall take into account information collected under any State vehicle emission control inspection and maintenance program. Any State in which such a program is operating may petition the Administrator to make a determination of nonconformity under paragraph (1) on the basis of information collected in such program. The Administrator shall act upon such petition within sixty days of receipt of such petition.".

(b) RECALL TESTING AT MANUFACTURER'S EXPENSE.—Section 207(c) of the Clean Air Act is further amended by adding the following new paragraph:

"(5) If the Administrator has reason to believe that in-use vehicles or engines may not conform to regulations prescribed under section 202, the Administrator may require the manufacturer of such vehicles or engines to pay the costs that the Administrator incurs in procuring and testing such vehicles or engines. Such reason to believe shall be based on data or information available to the Administrator, including but not limited to, field surveys, State inspection and maintenance programs and consumer complaints.".

FUEL VOLATILITY

SEC. 214. Section 211 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(h) EVAPORATIVE EMISSIONS FROM MOTOR VEHICLE FUELS.—

"(1) The Administrator shall promulgate regulations to reduce evaporative emissions from motor vehicle fuels.

"(2) Regulations under this subsection shall include a standard for gasoline volatility. The standard shall apply to all gasoline sold, or offered for sale, or introduced into commerce for use in motor vehicles during the high ozone periods of each year. Effective with respect to gasoline sold in the second high ozone period which commences after the enactment of this subsection, the standard shall require that such gasoline sold, or offered for sale, or introduced into commerce for use in motor vehicles in class C areas (as defined by the American Society of Testing Materials as of the date of enactment of this subsection) shall not exceed a Reid vapor pressure of nine pounds per square inch unless the Administrator establishes a lower number which the Administrator determines to be achievable and appropriate for purposes of protecting public health and welfare. The regulations shall require a proportional reduction in areas other than such class C areas.

"(3) For purposes of regulations referred to in paragraph (2), the high ozone period shall be the period between May 16 and September 15 each year or such longer period as the Administrator establishes for any region to cover periods of potential ozone air pollution in excess of the standard for ozone for the region.

"(4) For fuel blends containing gasoline and 10 per centum denatured anhydrous ethanol, the Reid vapor pressure limitation pursuant to this subsection shall be one pound per square inch greater than the applicable Reid vapor pressure limitations established under paragraph (2): Provided, however, That a refiner, distributor, blender, marketer, reseller, carrier, retailer, or wholesale purchaser shall be deemed to be in full compliance with the provisions of this subsection and the regulations promulgated thereunder, if it can demonstrate (by showing receipt of a certification or other evidence acceptable to the Administrator) that (A) the gasoline portion of the blend complies with the Reid vapor pressure limitations promulgated pursuant to this subsection, and (B) the ethanol portion of the blend does not exceed its waiver condition under subsection (f)(4).".

DESULFURIZATION

SEC. 215. Section 211 of the Clean Air Act is amended by adding the following new subsection to the end thereof:

"(i) DESULFURIZATION OF DIESEL FUEL.—

"(1) Effective October 1, 1993, no person shall manufacture, sell, offer for sale, dispense, transport or introduce into commerce motor vehicle diesel fuel which contains a concentration of sulfur in excess of 0.05 per centum (by weight) or which fails to meet a cetane index minimum of 40.

"(2) No later than twelve months after the enactment of this subsection, the Administrator shall promulgate regulations to implement and enforce the requirements of paragraph (1). The Administrator shall require manufacturers and importers of diesel fuel not intended for use in motor vehicles to dye such fuel in order to segregate it from motor vehicle diesel fuel.

"(3) The sulfur content of fuel required to be used in the certification of 1991 through 1993 model year heavy-duty diesel vehicles and engines shall not exceed 0.05 per centum (by weight). The sulfur content and cetane index minimum of fuel required to be used in certification of 1994 and later model year heavy-duty diesel vehicles and engines shall comply with the regulations promulgated under paragraph (2).".

LEAD PHASEDOWN

SEC. 216. Section 211 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(j) PROHIBITION ON LEADED GASOLINE FOR HIGHWAY USE.—Effective January 1, 1991, it shall be unlawful for any person to sell, offer for sale, or introduce into commerce, for use as fuel in any motor vehicle (as defined in section 219(2)) any gasoline which contains lead or lead additives. The Administrator may extend the January 1, 1991, deadline for up to two years, if the Administrator determines that unavailability of gasoline containing lead or lead additives for such vehicles will reduce the availability of such gasoline for farm vehicles and that alternatives to gasoline containing lead or lead additives are unavailable for use in gasoline powered farm vehicles.".

FUEL QUALITY

SEC. 217. Section 211 of the Clean Air Act is amended by adding the following new subsection to the end thereof:

"(k) FUEL QUALITY.—

"(1) Not later than thirty-six months after the date of enactment of this subsection the Administrator shall, after notice and opportunity for public comment, promulgate regulations establishing specifications for fuel quality which will minimize, to the extent economically and technically achievable, emissions (including evaporative emissions) of hydrocarbons, carbon monoxide, oxides of nitrogen, particulate matter and hazardous air pollutants over the useful life of vehicles and engines certified for manufacture under this title. Such regulations may prohibit the presence of fuel impurities and other substances or mandate the use of specific additives to achieve the purposes of this subsection. The regulations shall be effective for fuels sold on and after January 1, 1994. In the event that the Administrator does not promulgate the regulations required by this paragraph, effective January 1, 1994, it shall be unlawful to sell, offer for sale or introduce into commerce any fuel for use in a gasoline-powered vehicle unless such fuel contains additives effective in preventing the accumulation of deposits in fuel-injected engines.

"(2) In order to achieve and maintain attainment of ambient air quality standards, the Administrator may promulgate regulations applicable to fuel refiners, distributors, marketers, or consumers establishing specifications for fuels (including regulations requiring the availability or sale of fuels meeting the specifications in a nonattainment area or areas) to reduce emissions of pollutants subject to a standard under this title or hazardous air pollutants from motor vehicles. In establishing such specifications and availability requirements the Administrator shall consider other environmental effects which would result from production and use of fuels meeting the specifications. The Administrator shall require as part of any specification under this paragraph that there be no increase in emissions of any other pollutant subject to a standard under this title or any hazardous air pollutant by vehicles using the specified fuel. Regulations under this paragraph shall be

stated as performance standards and may be satisfied by any fuel which, as certified to the Administrator by the refiner or distributor, achieves comparable emissions reductions and otherwise satisfies the specification.".

OXYGENATED FUELS

SEC. 218. Section 211 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(l)(1) Except as provided in paragraph (2) and effective October 1, 1991, no person shall, during the period from October 1 to March 31 each year, sell, offer for sale, or introduce into commerce in any area classified as nonattainment for carbon monoxide any gasoline fuel for use in a motor vehicle unless the oxygen content of such fuel shall be 3.1 per centum or greater.

"(2) The Administrator shall, not later than nine months after the date of enactment of this subsection, promulgate guidelines allowing the exchange of marketable oxygen credits between sellers of fuels with an oxygen content higher than that required by paragraph (1) and other sellers of fuels to offset the sale or use of fuels with a lower content than required: Provided, That such exchanges shall not be permitted between sellers located in different nonattainment areas and that the average oxygen content of fuels sold in any area that is nonattainment for carbon monoxide be 3.1 per centum or greater.

"(3) The Administrator may waive, in whole or in part, the requirements of this subsection in any area upon a demonstration by the State to the satisfaction of the Administrator that the use of oxygenated fuels would prevent or interfere with the attainment by such area of a national primary ambient air quality standard (or a State or local ambient air quality standard) for any air pollutant other than carbon monoxide.

"(4) Any person selling oxygenated fuel at retail pursuant to this subsection shall be required under regulations promulgated by the Administrator to label the fuel dispensing system with a notice that the fuel is oxygenated and will reduce carbon monoxide emissions from motor vehicles.".

MISFUELING

SEC. 219. Section 211 of the Clean Air Act is amended by deleting subsection (g) and inserting the following new subsection:

"(g)(1) No person shall introduce, or cause or allow the introduction of, leaded gasoline into any motor vehicle which is labeled 'unleaded gasoline only,' which is equipped with a gasoline tank filler inlet designed for the introduction of unleaded gasoline, which is a 1990 or later model year motor vehicle, or which such person knows or should know is a vehicle designed solely for the use of unleaded gasoline.

"(2) Beginning October 1, 1993, no person shall introduce or cause or allow the introduction into any motor vehicle of diesel fuel which such person knows or should know contains a concentration of sulfur in excess of 0.05 per centum (by weight) or which fails to meet a cetane index minimum of 40.".

URBAN BUSES

SEC. 220. (a) Section 219 (as redesignated by section 206) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(10) the term 'urban bus' has the meaning provided under regulations of the Administrator promulgated under section 202(a).".

(b) Section 212 of the Clean Air Act is amended to read as follows:

"URBAN BUSES

"SEC. 212. Not later than twelve months after the enactment of the Clean Air Act Amendments of 1989, the Administrator shall promulgate regulations requiring the use of low polluting fuels in new urban buses operated primarily in a metropolitan statistical area or consolidated metropolitan statistical area (as defined by the United States Office of Management and Budget) with a 1980 population of one million persons or more. The regulations shall provide that all new urban buses beginning with the model year 1994 purchased or placed into service by owners or operators of urban buses in such areas must be capable of operating, and must be exclusively operated, on low polluting fuels. The Administrator shall prescribe a schedule phasing in the applicability of the requirements established by this paragraph over the 1991 through 1994 model years as follows: 10 per centum of new urban buses purchased or placed into service in model year 1991; 25 per centum of new urban buses purchased or placed into service in model year 1992; 60 per centum of new urban buses purchased or placed into service in model year 1993; and 100 per centum of new urban buses purchased or placed into service in 1994 and later model years. Emissions of particulate matter from buses purchased or placed into service as required by this paragraph shall not exceed 0.10 grams per brake horsepower-hour.".

ENFORCEMENT

SEC. 221. (a) TESTING.—Section 203(a)(2) of the Clean Air Act is amended by inserting before the semicolon at the end thereof the following: ", or to refuse to pay for procurement or testing under section 207(c)".

(b) TAMPERING WITH VEHICLE EMISSION CONTROLS.—(1) Section 203(a)(3) of the Clean Air Act is amended to read as follows:

"(3)(A) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser; or

"(B) for any person to manufacture or sell, or offer to sell, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of such part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title, and where such person knows or should know that such part or component is being offered for sale for such use or put to such use; or".

(2) At the end of section 203(a) of the Clean Air Act insert the following: "No action with respect to any device or element of design referred to in paragraph (3)(A) shall be treated as a prohibited act under that paragraph until the vehicle or engine on which such device or element of design had been installed (i) has been subsequently released from the custody and control of the person performing such action, if such person is a manufacturer, dealer, or person engaged in the business of repairing, servicing, selling, leasing or trading motor vehicles or motor vehicle engines (or an employee or agent of such a person), or (ii) has been subsequently operated on a street or highway, if the person performing such action is a person who operates a fleet of motor vehicles or any person other than a person listed in (i).".

(c) CIVIL AND ADMINISTRATIVE PENALTIES.—Section 205 of the Clean Air Act is amended to read as follows:

"SEC. 205. (a) CIVIL PENALTIES.—Any person who violates paragraph (1), (2), or (4) of section 203(a) or any manufacturer or dealer who violates paragraph (3)(A) of section 203(a) of this title shall be subject to a civil penalty of not more than $25,000. Any other person who violates paragraph (3)(A) or any person who violates paragraph (3)(B) of such section 203(a) shall be subject to a civil penalty of not more than $2,500. Any such violation with respect to paragraph (1), (3)(A), or (4) of section 203(a) of this title shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine. Any such violation with respect to paragraph (3)(B) of such section shall constitute a separate offense with respect to each part or component. Any such violation with respect to paragraph (2) of such section shall constitute a separate offense with respect to each day of violation.

"(b) CIVIL ACTIONS.—The Administrator may commence a civil action to assess and recover any civil penalty prescribed in subsection (a) of this section, subsection (d) of section 211 (pertaining to fuels and fuel additives), subsection (b) of section 216 (pertaining to emissions of carbon dioxide), or subsection (c) of section 217 (pertaining to nonroad engines and vehicles). Any action under this subsection may be brought in the district court of the United States for the district in which the violation is alleged to have occurred or in which the defendant resides or has his principal place of business, and such court shall have jurisdiction to assess such civil penalty. In determining the amount of any civil penalty to be assessed under this subsection, the court shall consider the seriousness of the violation, the economic benefit or savings (if any) resulting from the violation, the size of the violator's business, the violator's history of compliance with this title, any good faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require. In any such action, subpoenas for witnesses who are required to attend a district court in any district may run into any other district.

"(c)(1) The Administrator may assess a civil penalty prescribed in subsection (a) of this section, subsection (d) of section 211 (pertaining to fuels or fuel additives), subsection (b) of section 216 (pertaining to emissions of carbon dioxide) or subsection (c) of section 217 (pertaining to nonroad engines and vehicles), except that the maximum amount of any civil penalty assessed under this paragraph shall not exceed $200,000. Assessment of a civil penalty under this subsection shall be by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. The Administrator may issue rules for discovery procedures for hearings under this paragraph.

"(2) In determining the amount of any civil penalty assessed under this subsection, the Administrator shall consider the seriousness of the violation, the economic benefit (if any) resulting from the violation, the size of the violator's business, the violator's history of compliance with this title, any good-faith efforts to comply with the applicable requirements, the economic impact on the

violator, and such other matters as justice may require.

"(3)(A) Action by the Administrator under this subsection shall not affect or limit the Administrator's authority to enforce any provision of this Act, except that any violation—(i) with respect to which the Administrator has commenced and is diligently prosecuting an action under this subsection, or (ii) for which the Administrator has issued a final order not subject to further judicial review and the violator has paid a penalty assessment under this subsection, shall not be the subject of civil penalty action under subsection (b).

"(B) No action by the Administrator under this subsection shall affect any person's obligation to comply with any section of this Act.

"(4) An order issued under this subsection shall become final thirty days after its issuance unless a petition for judicial review is filed under paragraph (5).

"(5) Any person against whom a civil penalty is assessed in accordance with this subsection may obtain review of such assessment in the United States Court of Appeals for the District of Columbia Circuit, or for any other circuit in which such person resides or transacts business, by filing a notice of appeal in such court within the thirty-day period beginning on the date the civil penalty order is issued and by simultaneously sending a copy of such notice to the Administrator and the Attorney General. The Administrator shall promptly file in such court a certified copy of the record on which the order was issued. Such court shall not set aside or remand such order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's assessment of the penalty constitutes an abuse of discretion, and such court shall not impose additional civil penalties for the same violation unless the Administrator's assessment of the penalty constitutes an abuse of discretion.

"(6) If any person fails to pay an assessment of a civil penalty imposed by the Administrator as provided in this subsection—

"(A) after the order making the assessment has become final, or

"(B) after a court in an action brought under paragraph (5) has entered a final judgment in favor of the Administrator,

the Administrator shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at rates established pursuant to 26 U.S.C. 6621(a)(2) from the date of the final order or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 per centum of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

"(7) The Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, or documents in connection with hearings under this subsection. In case of contumacy or refusal to obey a subpoena issued under this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, or to appear and produce documents before the Administrator, or both. Any failure to obey such order of the court may be punished by such court as a contempt thereof.".

(c) ENFORCEMENT OF SECTION 211.—Section 211(d) of the Clean Air Act is amended to read as follows:

"(d)(1) Any person who violates subsection (a), (f), (g), (j), or (l) or the regulations prescribed under subsection (c), (h), (i), or (k) or who fails to furnish any information or conduct any tests required by the Administrator under subsection (b) shall be liable to the United States for a civil penalty of not more than $25,000 per day of violation. Any violation with respect to a regulation prescribed under subsection (c) of this section which establishes a regulatory standard based upon a multiday averaging period shall constitute a separate day of violation for each and every day in the averaging period. Such civil penalties shall be assessed in accordance with the provisions of subsections (b) and (c) of section 205.

"(2) INJUNCTIVE AUTHORITY.—The district courts of the United States shall have jurisdiction to restrain violations of subsections (a), (f), (g), or (j) and of the regulations prescribed under subsection (c), (h), (i), or (k), to award other appropriate relief, and to compel the furnishing of information and the conduct of tests required by the Administrator under subsection (b). Actions to restrain such violations and compel such actions shall be brought by and in the name of the United States.".

COORDINATION OF FEDERAL TRANSPORTATION AND ENVIRONMENTAL POLICIES

SEC. 222. (a) FINDINGS.—The Congress finds that—

(1) it is Federal policy, as reflected in the Clean Air Act, to require the use of new technologies and alternative fuels by public transportation vehicles to further improve air quality;

(2) the installation and use of new technologies and alternative fuels by public transportation vehicles will require substantial capital investment, and could significantly increase the costs of operating such vehicles;

(3) under existing Federal transportation policy, Federal funding for maintenance, improvement, and expansion of public transportation systems is very limited;

(4) it is in the public interest that such new technologies and alternative fuels be brought into use in the appropriate timeframe, and that public transportation systems become more available and efficient; and

(5) Federal surface transportation programs must be reauthorized by September 30, 1991.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) increased use of multipassenger and public transportation vehicles should be strongly encouraged by Federal, State, and local governments;

(2) Federal transportation policy should reflect environmental policy and concerns; and

(3) the upcoming reauthorization of Federal surface transportation programs should—

(A) take into account and authorize appropriate Federal funding of additional costs imposed on State and local entities relating to environmental requirements contained in this Act;

(B) encourage increased State and local funding for public transportation systems; and

(C) provide various regions, States, and localities with the flexibility to best meet their transportation and environmental needs.

TITLE III—AIR TOXICS

HAZARDOUS AIR POLLUTANTS

SEC. 301. Section 112 of the Clean Air Act is amended to read as follows:

"HAZARDOUS AIR POLLUTANTS

"SEC. 112. (a) DEFINITIONS.—

"(1) The term 'major source' means any stationary source (including all emission points and units of such source located within a contiguous area and under common control) of air pollutants that emits, considering installed and operating controls, in the aggregate, ten tons per year or more of any hazardous air pollutant or twenty-five tons per year or more of any combination of hazardous air pollutants. The Administrator may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source than that specified in the previous sentence, on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.

"(2) The term 'area source' means any stationary or mobile source of hazardous air pollutants that is not a major source.

"(3) The term 'stationary source' means any facility or installation or unit of such facility or installation which emits or may emit any hazardous air pollutant.

"(4) The term 'new source' means a source the construction or reconstruction of which is commenced after the Administrator first proposes regulations under this section establishing emissions standards applicable to such source.

"(5) The term 'hazardous air pollutant' means any air pollutant listed pursuant to subsection (b).

"(6) For purposes of this section, the term 'adverse environmental effects' means any threat of significant adverse effects, which may reasonably be anticipated, to wildlife, aquatic life, or other natural resources including disruption of local ecosystems, impacts on populations of endangered or threatened species, significant degradation of environmental quality over broad areas, or other comparable effects.

"(7) The term 'electric utility steam generating unit' means any fossil fuel fired steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than twenty-five megawatts electrical output to any utility power distribution system.

"(8) The terms 'owner or operator' and 'existing source' shall have the same meaning as such terms have under section 111(a).

"(b) LIST OF POLLUTANTS.—

"(1) The Congress establishes for purposes of this section a list of hazardous air pollutants as follows:

CAS number	Chemical name
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorine

CAS number	Chemical name
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
7664417	Ammonia
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
105602	Caprolactam
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
95487	Cresols/Cresylic acid (isomers and mixture)
108394	Cresols/Cresylic acid (isomers and mixture)
106445	Cresols/Cresylic acid (isomers and mixture)
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3'-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
7783064	Hydrogen sulfide
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
78933	Methyl ethyl ketone (2-Butanone)
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4'-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91255	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	Xylenes (isomers and mixture)
108383	Xylenes (isomers and mixture)
106423	Xylenes (isomers and mixture)
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds[1]
0	Glycol ethers[2]
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Mineral fibers[3]
0	Nickel Compounds
0	Polycylic Organic Matter[4]
0	Radionuclides (including radon)[5]
0	Selenium Compounds

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

[1] X'CN where X = H' or any other group where a formal dissociation may occur. For example KCN or $Ca(CN)_2$

[2] includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-$(OCH_2CH_2)_n$-OR' where

n = 1, 2, or 3

R = alkyl or aryl groups

R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R-$(OCH_2CH)_n$-OH

Polymers are excluded from the glycol category

[3] includes glass microfibers, glass wool fibers, rock wool fibers, and slag wool fibers, each characterized as "respirable" (fiber diameter less than 3.5 micrometers) and possessing an aspect ratio (fiber length divided by fiber diameter) greater than 3.

[4] includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C

[5] a type of atom which spontaneously undergoes radioactive decay.

"(2) The Administrator shall, from time to time, but not less often than every five years, review and revise the list established by paragraph (1) adding pollutants which present, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects (including, but not limited to, substances which are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, neurotoxic, which cause reproductive dysfunction, or which are acutely or chronically toxic but not including effects for which a pollutant has been listed pursuant to section 108 of this Act) or adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition, or otherwise, but not including releases subject to regulation under section 129 as a result of emissions to the air. No substance, practice, process, or activity regulated under title V of this Act shall be subject to regulation under this section solely due to its adverse effects on the environment.

"(3)(A) Any person may petition the Administrator to modify the list established by paragraph (1) by adding or deleting a substance. Any such petition shall include a showing by the petitioner that there is adequate data on the health effects of the pollutant or other evidence adequate to support the petition. Within twelve months after receipt of a petition the Administrator shall either grant the petition or publish a statement of the reasons for not granting the petition. The Administrator may not deny a

petition on the basis of inadequate resources or time for review.

"(B) The Administrator shall add a substance to the list upon a showing by the petitioner or on the Administrator's own determination that the substance is an air pollutant and that emissions, ambient concentrations, bioaccumulation or deposition of the substance are known to cause or may reasonably be anticipated to cause adverse effects to human health or adverse environmental effects, or that the substance is an air pollutant that qualifies for addition to the list established under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986.

"(C) The Administrator shall remove a substance from the list upon a showing by the petitioner or on the Administrator's own determination that there is adequate data on the health and environmental effects of the substance to determine that emissions, ambient concentrations, bioaccumulation or deposition of the substance may not reasonably be anticipated to cause any adverse effects to the human health or adverse environmental effects, or that the substance qualifies for deletion from the list established under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986. Action by the Administrator pursuant to section 313(d)(3) of such Act prior to the date of enactment of this paragraph shall constitute a deletion for the purposes of this section.

"(4) If the Administrator determines that information on the health or environmental effects of a substance is not sufficient to make a determination required by this subsection, the Administrator may use the authorities of section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act and other information-gathering authorities under such Act and other laws administered by the Agency to acquire such information.

"(5) The Administrator may establish test measures and other analytic procedures for monitoring and measuring emissions, ambient concentrations, deposition, and bioaccumulation of hazardous air pollutants.

"(c) LIST OF SOURCE CATEGORIES.—

"(1) Not later than twelve months after the date of enactment of this paragraph and after notice and opportunity for public comment, the Administrator shall publish (and from time to time revise) a list including all categories and subcategories of major sources of hazardous air pollutants which shall, to the extent practicable, be consistent with the list of source categories established pursuant to section 111 and part C of this Act.

"(2) The Administrator shall list under this subsection and designate for regulation under subsection (d) each category or subcategory of area sources which the Administrator finds presents a threat of adverse effects to human health or the environment (by such sources individually or in the aggregate) warranting regulation under this section.

"(3) In addition to those categories and subcategories of sources designated for regulation pursuant to paragraphs (1) and (2), the Administrator may at any time designate additional categories and subcategories of sources of hazardous air pollutants according to the same criteria for designation applicable under such paragraphs and at the time of designation shall establish a date for the promulgation of emissions standards under subsection (d).

"(4) At the time of setting a standard for any category or subcategory of sources pursuant to subsection (d), (f), or (g), the Administrator shall also establish a minimum emissions rate for each hazardous air pollutant emitted by sources in the category or subcategory reflecting the criteria for listing a hazardous air pollutant established by subsection (b)(2). All sources in the category or subcategory emitting more than the minimum emissions rate for any hazardous air pollutant shall be subject to standards promulgated under subsection (d), (f), or (g). In no event shall the minimum emissions rate be greater than ten tons per year for any one hazardous air pollutant or twenty-five tons per year for any combination of such pollutants.

"(5) Notwithstanding the provisions of paragraph (4), the Administrator may establish a minimum emissions rate of more than ten tons for a category or subcategory and a pollutant for which a health effects threshold can be established, provided that, the minimum emissions rate assures, with an ample margin of safety, such threshold will not be exceeded within the vicinity of the sources in the category and that no adverse environmental effects will occur as the result of emissions from the sources individually or in combination with emissions from other similar sources.

"(6) With respect to alkylated lead compounds, polycyclic organic matter, hexachlorobenzene, mercury, polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzofurans and 2,3,7,8-tetrachlorodibenzo-p-dioxin, the Administrator shall establish minimum emissions rates for categories and subcategories of sources assuring that sources accounting for not less than 90 per centum of the aggregate emissions of each such pollutant are subject to standards under subsection (d)(1).

"(d) EMISSIONS STANDARDS.—

"(1) The Administrator shall promulgate emissions standards for every category or subcategory of sources of hazardous air pollutants designated for regulation pursuant to subsection (c).

"(2) Emissions standards promulgated under this subsection and applicable to new or existing sources of hazardous air pollutants shall require the maximum degree of reduction in emissions of each air pollutant subject to this section (including a prohibition on such emissions, where achievable) that the Administrator, taking into consideration the cost of achieving such emissions reduction, and any non-air-quality health and environmental impacts and energy requirements, determines is achievable for new or existing sources in the category or subcategory to which such emissions standard applies, through application of measures, processes, methods, systems or techniques including, but not limited to, measures which—

"(A) reduce the volume of such pollutants through process changes, substitution of materials, or other modifications,

"(B) enclose systems or processes to eliminate emissions,

"(C) collect, capture, or treat such pollutants when released from a process, stack, storage, or fugitive emissions point,

"(D) are design, equipment, work practice, or operational standards (including requirements for operator training or certification as provided in subsection (h)), or

"(E) are a combination of the above.

"(3) The degree of reduction in emissions that is deemed achievable for new sources in a category or subcategory shall not be less stringent than the most stringent emissions level that is achieved in practice by a source in the same category or subcategory, as determined by the Administrator, and may be more stringent where feasible. Emissions standards under this subsection for existing sources in a category or subcategory may be less stringent than standards for new sources in a similar category or subcategory, if the Administrator determines that the level of control applicable to new sources is generally technically or economically infeasible for existing sources in the category or subcategory and, considering, sequentially, the level of control achieved by existing sources in the category or subcategory beginning with the most stringent such level, establishes an emissions limitation which is generally feasible and assures the maximum total reduction in emissions from all sources in the category or subcategory. The Congress finds that a reduction of 90 per centum (95 per centum in the case of particulates) from uncontrolled levels is an appropriate benchmark for emissions standards applicable to existing sources under this subsection.

"(4) With respect to pollutants for which a health threshold can be established, the Administrator may consider such threshold level, with an ample margin of safety, when establishing emissions standards under this subsection.

"(5) With respect only to categories and subcategories of area sources listed pursuant to subsection (c)(2), the Administrator is authorized, in addition to the authorities provided in paragraph (2) and subsections (f) and (g), to promulgate standards or requirements applicable to sources in such categories or subcategories which provide for the use of cost-effective and generally available control technologies or management practices by such sources to reduce emissions of hazardous air pollutants.

"(6) The Administrator shall review, and revise as necessary (taking into account developments in practices, processes, and control technologies), emissions standards promulgated under this section no less often than every seven years.

"(7) No emissions standard or other requirement promulgated under this section shall be interpreted, construed or applied to diminish or replace the requirements of a more stringent emission limitation or other applicable requirement established pursuant to section 111, part C, section 172(b) (3) or (6), or other authority of this Act or a standard issued under State authority.

"(8) Emissions standards promulgated under this subsection shall be effective upon promulgation.

"(e) SCHEDULE FOR STANDARDS AND REVIEW.—

"(1) The Administrator shall promulgate regulations establishing emissions standards for categories and subcategories of sources designated for regulation pursuant to subsection (c) as expeditiously as practicable, assuring that—

"(A) emissions standards for categories or subcategories of sources of acrylonitrile, benzene, 1,3-butadiene, cadmium, carbon tetrachloride, chloroform, chromium, ethylene dichloride, ethylene oxide, methylene chloride, perchloroethylene, trichloroethylene, and coke oven emissions are promulgated not later than twenty-four months after the date of enactment of the Clean Air Act Amendments of 1989;

"(B) emissions standards for 25 per centum of the categories and subcategories designated pursuant to subsection (c) (1) and (2) shall be promulgated not later than three years after such date;

"(C) emissions standards for 50 per centum of the categories or subcategories designated pursuant to subsection (c) (1) and (2) shall be promulgated not later than five years after such date; and

"(D) emissions standards for all categories and subcategories designated for regulation pursuant to subsection (c) (1) and (2) shall be promulgated not later than ten years after such date.

"(2) In determining priorities for scheduling the promulgation of standards pursuant to subparagraphs (1) (B), (C), and (D), the Administrator shall consider—

"(A) the known or anticipated adverse effects of such pollutants on human health and the environment;

"(B) exposure to and the location of major sources of such pollutants including risks to individuals most exposed and the consequent urgency of a national standard;

"(C) the quantity of hazardous air pollutants that sources in each category or subcategory emit; and

"(D) the efficiency of grouping the categories or subcategories according to the pollutants emitted or the processes or technologies used.

"(3) Not later than twenty-four months after the date of enactment of the Clean Air Act Amendments of 1989 and after opportunity for comment, the Administrator shall publish a schedule establishing a date for the promulgation of emissions standards for each category and subcategory of sources listed pursuant to subsection (c) (1) and (2) which shall be consistent with the requirements of paragraphs (1) and (2). The determination of priorities for the promulgation of standards pursuant to this paragraph is not a rulemaking and shall not be subject to judicial review, except that, failure to promulgate any standard pursuant to the schedule established by this paragraph shall be subject to review under section 304 of this Act.

"(4) If, under other provisions of this Act, the Administrator is proposing or promulgating requirements applicable to a class of sources similar to a category or subcategory listed pursuant to this section, the Administrator may simultaneously propose or promulgate emissions standards under this section for such category or subcategory notwithstanding the priorities established by paragraph (2). Nothing in this paragraph shall be construed or applied to stay a deadline for control requirements otherwise applicable under this or other law.

"(5) The Administrator shall not promulgate any standard with respect to the emissions of chlorine or compounds containing chlorine from electric utility steam generating units before the date three years after the date of enactment of this paragraph.

"(6) Notwithstanding the provisions of paragraph (1), the Administrator shall promulgate standards pursuant to subsection (d) applicable to publicly owned treatment works (as defined in title II of the Federal Water Pollution Control Act) not earlier or later than five years after the date of enactment of this paragraph.

"(7)(A) Not later than three years after the initial promulgation of emissions standards for a category or subcategory of sources pursuant to subsection (d), the Administrator shall commence an evaluation of the risks to human health and the environment resulting from emissions of hazardous air pollutants by sources in the category or subcategory remaining after application of such standards. If the Administrator finds as the result such evaluation, that emissions of hazardous air pollutants from sources in the category or subcategory (or portion thereof), individually or in the aggregate, after application of the prescribed standards, present a significant risk of adverse effects on public health or a threat of adverse environmental effects, the Administrator shall complete, within two years after the date of commencement, such evaluation and revise standards applicable to such category or subcategory (or portion thereof) using the authorities of subsection (f) or (g), as appropriate.

"(B) The Administrator shall take such steps as are necessary, including studies pursuant to section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, to assure that adequate data on the health and environmental effects of any hazardous air pollutant emitted by sources in a category or subcategory subject to review under this paragraph are available at the commencement of the evaluation.

"(C) To the extent that standards promulgated under subsection (d) do not eliminate lifetime risks of carcinogenic effects greater than one in one million to the individual in the population who is most exposed to emissions of a pollutant (or stream of pollutants) from a source in the category or subcategory (as determined according to Guidelines for Carcinogenic Risk Assessment published by the Administrator), the Administrator shall use the authorities of subsection (f) to revise the standards applicable to such pollutant (or stream of pollutants) and categories or subcategories. To the extent that standards promulgated under subsection (d) do not reduce emissions to a level at or below the threshold for adverse health effects, with an ample margin of safety, for pollutants other than carcinogens, the Administrator shall use the authorities of subsection (g) to revise the standards applicable to such pollutants and categories or subcategories. With respect to any hazardous air pollutant which is both a carcinogen and causes adverse health effects for which a threshold exists, the Administrator shall establish standards pursuant to subsection (f) for sources of such pollutant, unless a more stringent standard than would be promulgated pursuant to subsection (f)(1)(A) is necessary to assure that such threshold, with an ample margin of safety, will not be exceeded. The Administrator shall in any such case establish a standard under subsection (g) in lieu of the standard which would be applicable under (f)(1)(A).

"(f) ADDITIONAL REGULATION OF CARCINOGENS.—

"(1) The Administrator is authorized to promulgate emissions standards under this subsection applicable to categories or subcategories of sources of any hazardous air pollutant which is a known, probable, or possible human carcinogen. For each such pollutant (or stream of pollutants containing carcinogens) the Administrator shall establish two simultaneously applicable standards including—

"(A) a standard which eliminates all lifetime risks of carcinogenic effects greater than one in ten thousand to the individual in the population who is most exposed to emissions of a pollutant (or stream of pollutants) from a source in the category or subcategory; and

"(B) a standard which eliminates all lifetime risks of carcinogenic effects greater than one in one million to the individual in the population who is most exposed to emissions of a pollutant (or stream of pollutants) from a source in the category or subcategory.

No consideration of cost, cost effectiveness, economic, energy, or other factors or technological feasibility shall be included in the determination of the appropriate level of any emissions standard under this subsection.

"(2) Any standards promulgated under this subsection shall be effective upon the date of promulgation.

"(g) STANDARDS TO PROTECT HEALTH AND THE ENVIRONMENT.—

"(1) The Administrator is authorized to promulgate emissions standards under this subsection applicable to categories or subcategories of sources of any hazardous air pollutant which is not a carcinogen. The Administrator shall establish any emission standard or standards under this subsection at the level which, in the judgment of the Administrator, provides an ample margin of safety to protect the public health, unless a more stringent standard is required to protect the environment. No consideration of costs, cost effectiveness, economic, energy, or other factors or technological feasibility shall be included in the determination of the appropriate level of any emission standard or the margin of safety to protect the public health under this subsection.

"(2) Any emission standard established pursuant to this subsection shall become effective upon promulgation.

"(h) WORK PRACTICE STANDARDS AND OTHER REQUIREMENTS.—

"(1)(A) In addition to any numerical emissions limitation established under this section, the Administrator is authorized to promulgate a design, equipment, work practice, or operational standard (including requirements for operator training or certification), or combination thereof, applicable to sources in categories or subcategories listed pursuant to subsection (c) and consistent with the provisions of subsection (d), (f), or (g). The Administrator shall promulgate such standards whenever it is not feasible to prescribe or enforce an emission standard for a category or subcategory for control of hazardous air pollutants (or a stream of such pollutants). In the event the Administrator promulgates a design or equipment standard under this paragraph, the Administrator shall include as part of such standard such requirements as will assure the proper operation and maintenance of any such element of design or equipment.

"(B) For the purpose of this paragraph, the phrase 'not feasible to prescribe or enforce an emission standard' means any situation in which the Administrator determines that (i) a pollutant (or stream of pollutants) listed pursuant to subsection (b) cannot be emitted through a conveyance designed and constructed to emit or capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any Federal, State, or local law, or (ii) the application of measurement methodology to a particular category or subcategory of sources is not practicable due to technological and economic limitations.

"(C) If after notice and opportunity for public hearing, any person establishes to the satisfaction of the Administrator that an alternative means of emission limitation will achieve a reduction in emissions of any air pollutant (or stream of pollutants) at least equivalent to the reduction in emissions of such pollutant achieved under the requirements of subparagraph (A), the Administra-

tor shall permit the use of such alternative by the source for purposes of compliance with this section with respect to such pollutant.

"(D) Any standard promulgated under subsections (d), (f), or (g) shall include a numerical emissions limitation whenever it is feasible to promulgate and enforce a standard in such terms.

"(2) For the purposes of developing or assisting in the development of any standard, requirement, or regulation, conducting any study, or enforcing the provisions of this section, the Administrator (or a State with an approved program under subsection (1)) may require the owner or operator of any facility which emits air pollutants subject to this section or stores any substance subject to section 129 of this act to monitor for the presence of such pollutant in the emissions (both point and nonpoint) from such source and in the ambient air within the vicinity of the facility, to install and maintain leak detection systems, and to keep records and make reports on the results of such monitoring and leak detection.

"(3)(A) Emissions standards promulgated pursuant to this section shall include, where appropriate, leak prevention, detection and correction requirements consistent with the provisions of subsection (d)(2) and may include monitoring, recordkeeping, reporting, vapor recovery, secondary containment, or other requirements, which shall be applicable to devices and systems (including pumps, compressors, valves, flanges, connectors, containers, and vessels) from which there may be emissions of any pollutant subject to this section.

"(B) Regulations under this paragraph may require the owner or operator of a source to carry out an annual audit and safety inspection to locate and correct all leaks and other preventable routine or episodic releases of any air pollutant subject to this section. The results of such inspection and the results of any other safety inspection, survey, or audit carried out with respect to the source shall be available to the Administrator, to the State in which the source is located, and to the public, consistent with the provisions of sections 322, 323, and 324 of the Emergency Planning and Community Right-to-Know Act of 1986.

"(4) Any design, equipment, work practice, or operational standard, audit or monitoring requirement or any combination thereof, described in this subsection shall be treated as an emission standard for purposes of the provisions of this Act (other than the provisions of this subsection).

"(i) SCHEDULE FOR COMPLIANCE.—

"(1) After the effective date of any emission standard, limitation, or regulation under subsection (d), (f), (g), or (h), no person may construct any new major source or reconstruct any existing major source subject to such emission standard or limitation unless the Administrator (or a State with a permit program approved under subsection (j)) determines that such source, if properly constructed and operated, will comply with the standard or limitation.

"(2) After the effective date of any emissions standard under this section, no air pollutant may be emitted from any source in violation of an emissions standard under this section, except in the case of an existing source, the Administrator shall establish a compliance date or dates for each category or subcategory of existing sources, which shall provide for compliance as expeditiously as practicable, but in no event later than three years after the effective date of such standard, except as provided in paragraphs (3) through (8).

"(3) With respect to standards established pursuant to subsection (f)(1)(A), the Administrator after consultation with the State in which the source is located may grant an extension permitting an existing source a period of up to five additional years to comply with such standard, if the Administrator determines, based on specific information submitted by the owner or operator of the source estimating costs and effectiveness of good faith compliance efforts and other available information, that—

"(A) the owner or operator would experience extraordinary economic hardship in compliance with such standard and requires that such source or category of sources comply with the emissions standard promulgated pursuant to subsection (d); and

"(B) during the period of the extension, emissions standards applicable to the source shall assure that the health of persons will be protected from any imminent and substantial endangerment.

Compliance with standards promulgated pursuant to subsection (f)(1)(A) shall not be stayed during the pendency of any judicial proceeding to review a determination made under this paragraph.

"(4)(A) With respect to standards promulgated pursuant to subsection (f)(1)(B) the Administrator (or a State acting pursuant to a program approved under subsection (l)) may grant an existing source a temporary exception from the standard, if the Administrator (or the State) determines, based on specific information provided by the owner or operator of the source and other information, that the standard cannot be achieved by the source using all available technology and operational controls and that the source will implement a risk-reduction program employing all such technology and controls. For purposes of this subparagraph the phrase 'all available technology and operational controls' shall include all measures which are technically feasible including process modifications and materials substitution to reduce emissions of hazardous air pollutants from the source. The Administrator (or the State) may require the owner or operator of the source to conduct research and development on improved or more effective control technologies or management practices as a condition for any temporary exception or permit renewal pursuant to this paragraph.

"(B) Any request for an exception under this paragraph shall be submitted within six months of the date of promulgation of the applicable standard and shall include all information necessary for the Administrator (or the State) to make a determination with respect to the eligibility of a source for an exception. The Administrator (or the State) shall review and approve or disapprove any request within one year of submittal. Any request failing to meet the requirements of this subparagraph shall be deemed denied.

"(C) An exception may only be granted under this paragraph, if the Administrator (or the State) has provided notice of the proposed exception and has provided an opportunity for public comment and a public hearing on the conditions of the proposed exception. The Administrator may review, on appeal by any person or on the Administrator's own motion, and reverse any exception granted by a State under this paragraph. The Administrator shall make a determination with respect to any appeal within one hundred and eighty days.

"(D) An exception granted under this paragraph shall be reviewed upon renewal of the permit for the source, and may be extended after a further determination subject to the same terms and conditions as applicable in the first instance.

"(5) The President may exempt any source from compliance with paragraph (1) for a period of not more than two years if the President finds that the technology to implement such standards is not available and the operation of such source is required for reasons of national security. An exemption under this paragraph may be extended for one or more additional periods, each period not to exceed two years. The President shall make a report to Congress with respect to each exemption (or extension thereof) made under this paragraph.

"(6)(A) The Administrator (or a State acting pursuant to a program approved under subsection (l)) shall exempt any existing source from an emissions standard promulgated pursuant to subsection (d) upon a showing by the owner or operator of such source that it has achieved a voluntary reduction of 90 per centum or more in emissions of hazardous air pollutants (95 per centum or more in the case of a pollutant which is a particulate) from the source on or before December 31, 1992.

"(B) The reduction shall be determined with respect to verifiable and actual emissions in a base year not earlier than calendar year 1985, provided that, there is no evidence that emissions in the base year are artificially or substantially greater than emissions in other years prior to implementation of emissions reduction measures. Emissions data satisfying all requirements imposed pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 shall be considered 'verifiable and actual' for the purpose of establishing base year emissions.

"(C) For each source granted an exemption under this paragraph there shall be established by a permit issued pursuant to subsection (j) an enforceable emissions limitation for hazardous air pollutants reflecting the reduction which qualifies the source for an exemption under this paragraph. An exemption under this paragraph shall not include an exemption from standards or requirements promulgated pursuant to subsection (f) or (g) and the Administrator shall review emissions from sources granted exemptions under this paragraph according to the provisions of subsection (e)(7) at the same time that other sources in the category or subcategory are reviewed.

"(D) For purposes of this paragraph, the term 'voluntary' means not otherwise required by a Federal, State, or local air pollution control law or regulation.

"(E) The Administrator shall promulgate regulations to carry out the provisions of this paragraph as expeditiously as practicable, but not later than twelve months after the date of enactment of the Clean Air Act Amendments of 1989. Such regulations may include fees sufficient to offset the costs of reviewing applications for exemptions submitted under this paragraph. Revenues from such fees received by the Administrator shall, notwithstanding the provisions of the Miscellaneous Receipts Act, be used for the purpose of administering this section.

"(F) With respect to pollutants for which high risks of adverse human health effects may be associated with exposure to small quantities including, but not limited to, chlorinated dioxins and furans, the Administrator shall by regulation limit the use of offsetting reductions in emissions of other hazardous air pollutants from the source as

counting toward the 90 per centum reduction in such high-risk pollutants qualifying for an exemption under this paragraph.

"(7) Notwithstanding the requirements of this section, no existing source that has installed—

"(A) reasonably available control technology (which achieves a reduction of 80 per centum or more from uncontrolled levels of hazardous air pollutants emitted by the source),

"(B) best available control technology (as defined in section 169(3)),

"(C) technology required to meet a lowest achievable emissions rate, or

"(D) has voluntarily achieved (as certified to the Administrator) on or after January 1, 1993, a reduction of 90 per centum in the emissions of the hazardous air pollutants emitted by the source,

prior to the promulgation of a standard under this section applicable to such source and the same pollutant (or stream of pollutants) controlled pursuant to an action described in subparagraph (A), (B), (C), or (D) shall be required to comply with such standard under this section until the date five years after the date on which such installation or reduction has been achieved, as determined by the Administrator. The Administrator may issue such rules and guidance as are necessary to implement this paragraph.

"(8)(A) If at any source a hazardous air pollutant is subject to regulation under this section because the source emits more than the minimum emissions rate of other pollutants, the Administrator (or a State acting pursuant to a program approved under subsection (l)) may, at the request of the owner or operator of the source, waive the requirements applicable to such pollutant where emissions of the pollutant are in de minimis amounts and do not present a significant risk of adverse effects to human health or adverse environmental effects and control of the pollutant would require installation of additional and separate control technologies for that pollutant only.

"(B) Applications for waivers under this paragraph shall be submitted not later than four months after the effective date of the relevant standard and the Administrator (or the State) shall make a determination on any application within six months of submission. Applications which are not complete shall be deemed denied without further opportunity for reapplication. An application for a waiver under this paragraph shall not stay the applicant's obligation to comply with emissions standards applicable to other pollutants. Applications shall be accompanied by fees adequate to offset all direct and indirect costs of reviewing such applications. Not later than eighteen months after the date of enactment of this paragraph, the administrator shall publish guidance on procedures for application and review.

"(j) PERMIT PROGRAM.—

"(1) Except as provided in paragraph (2) and after the date of enactment of this section, it shall be unlawful for any person to construct a new source, or for the owner or operator of any source to emit any air pollutant, subject to any emissions standard under this section, except in compliance with a permit issued by the Administrator (or a State acting pursuant to a program approved under subsection (l)) under this subsection. The Administrator shall promulgate within twelve months after the date of enactment of this subsection regulations establishing the minimum elements of a permit program. These elements shall include—

"(A) requirements for permit applications, including a standard application form and fees sufficient to offset the direct and indirect cost of processing applications;

"(B) requirements for monitoring (including continuous emissions monitoring, unless determined to be unavailable or inappropriate) the mass and rate of emissions for each hazardous air pollutant emitted by the source according to test procedures established by the Administrator, reporting of monitoring results not less frequently than annually and the maintenance of such records with respect to monitoring which the Administrator shall require;

"(C) a requirement that permittees pay an annual fee sufficient to offset all direct and indirect costs of administering the program (if such fees are paid to the Administrator, the Administrator may, notwithstanding any requirement of the Miscellaneous Receipts Act, expend such receipts for the purposes of administering the provisions of this section); and

"(D) a requirement that any State seeking approval of a program pursuant to subsection (l) have adequate personnel and funding to administer the program and adequate authority to—

"(i) issue permits that apply, and assure compliance by all sources within the State with, each applicable standard, regulation or requirement under this section;

"(ii) issue permits for a fixed term, not to exceed five years;

"(iii) terminate or modify permits for cause, including establishment of a new emissions standard applicable to the source;

"(iv) enforce permits and the requirement to obtain a permit, including adequate civil and criminal penalties;

"(v) provide public notice of each application for a permit and an opportunity for public hearing before a determination on each such application; and

"(vi) assure that no permit will be issued if the Administrator timely objects to its issuance.

No fee schedule established by the Administrator under this subsection shall be designed with the purpose of supporting other aspects of any State air pollution control program including elements for control of area sources or prevention of accidents. Nothing in this subsection shall prevent a State from imposing additional permit fees, except that, the Administrator shall not approve any program pursuant to subsection (l), if revenues from such fees are used for purposes other than the development and implementation of programs to control the emissions of hazardous air pollutants. When issuing permits in the absence of an approved State program, the Administrator shall comply with the guidelines issued to implement this paragraph.

"(2)(A) Notwithstanding the requirements of paragraph (1), an existing source in a category or subcategory subject to an emissions standard under this section may continue operations prior to the issuance of a permit, provided that, the owner or operator of the source certifies to the Administrator (or to the State) that the source will comply with all applicable standards and requirements under this section. Certification pursuant to this paragraph shall be provided not later than six months after the effective date of any applicable standard or revision of a standard under this section. The certification shall be accompanied by a compliance plan describing means by which the source intends to achieve the standard on and after the compliance date established by subsection (i) and shall be signed by a responsible official of the business concern owning or operating the source.

"(B) Upon receipt of any certification, the Administrator (or the State) shall issue a temporary operating permit for the source, unless within thirty days the Administrator (or the State) notifies the owner or operator of the source that the certification does not adequately demonstrate compliance with all applicable standards and requirements under this section. Any temporary permit issued under this paragraph shall be for a term not exceeding one year and shall be enforceable to the same extent as any standard or other requirement promulgated under this section.

"(C) Within six months of the issuance of any temporary operating permit for any source under this paragraph, the Administrator (or the State) shall complete a review of the operations of such source, including an inspection at the site of the source, to determine whether a full operating permit under this subsection should be issued. If upon conclusion of such review (including any right to administrative appeal, but not including pendency of any judicial proceeding), the Administrator (or the State) determines that a permit should not be issued, the temporary permit granted under this paragraph shall be suspended immediately.

"(D) The Administrator shall require that certifications under this paragraph be accompanied by a fee sufficient to offset the full administrative costs of reviewing certifications.

"(3)(A) In the event that the Administrator fails to promulgate a standard for a category or subcategory of sources by the date established pursuant to subsection (e) (1)(A) or (3), and beginning six months after such date, it shall be unlawful for the owner or operator of any source in such category or subcategory to emit any hazardous air pollutant except in compliance with a permit issued by the Administrator (or a State acting pursuant to a program approved under subsection (l)) under this paragraph.

"(B) The permit shall be issued pursuant to the provisions of paragraph (1) and such other provisions as are necessary to carry out the objectives of this Act. In preparing applications for permits under this paragraph, the owner or operator of the source shall commit to the installation and operation of technology and practices to control emissions of hazardous air pollutants which are the best technology and practices available for such source, as certified by an independent, registered professional engineer.

"(C) Each permit issued under this paragraph shall include an enforceable emission limitation for each hazardous air pollutant emitted by the source and no such pollutant may be emitted in amounts exceeding the applicable limitation immediately for new sources and, as expeditiously as practicable, but not later than the date three years after the permit is issued for existing sources.

"(D) If the Administrator subsequently promulgates a standard which would be applicable in lieu of the emissions limitations established by permit under this section, the Administrator (or the State) shall revise such permit upon the next renewal to reflect the standards promulgated by the Administrator.

"(E) Paragraph (2) shall not be available to any source requiring a permit under this paragraph.

"(4) The Administrator shall suspend the issuance of permits by the Agency in any State promptly upon approval of a program for that State under subsection (l).

"(5)(A) Each State shall transmit to the Administrator a copy of each permit application (but not including certifications for temporary permits) and including any application for an extension or modification submitted under this section, and shall provide for notice of each permit proposed to be issued by the State.

"(B) No permit shall be issued if the Administrator within sixty days objects in writing to its issuance as not in compliance with the requirements of this section. The Administrator shall provide with the objection a statement of the reasons for the objection and the terms and conditions that the Administrator would impose if the permit were issued by the Administrator.

"(C) If the State fails within ninety days after the date of the objection to submit a permit revised to meet the objection, the Administrator shall have authority to issue or deny the permit.

"(D) Nothing in this paragraph shall be interpreted, construed, or applied to require the Administrator to review each permit to be issued by a State, provided that the Administrator conducts an audit program which assures that State permitting activities are consistent with the goals and objectives of this section.

"(6) To the maximum extent practicable, permits issued under this section shall be consolidated with other permits required under this Act.

"(k) AREA SOURCE PROGRAM.—

"(1) The Congress finds that emissions of hazardous air pollutants from area sources may individually, or in the aggregate, present significant risks to public health in urban areas. Considering the large number of persons exposed and the risks of carcinogenic and other adverse health effects from hazardous air pollutants, ambient concentrations characteristic of large urban areas should be reduced to levels substantially below those currently experienced. It is the purpose of this subsection to achieve a substantial reduction in emissions of hazardous air pollutants from area sources and an equivalent reduction in the public health risks associated with such sources including a reduction of not less than 75 per centum in the incidence of cancer attributable to emissions from such sources.

"(2) The Administrator shall, after consultation with State and local air pollution control officials, conduct a program of research with respect to sources of hazardous air pollutants in urban areas and shall include within such program—

"(A) ambient monitoring for a broad range of hazardous air pollutants (including, but not limited to, volatile organic compounds, metals, pesticides and products of incomplete combustion) in a representative number of urban locations;

"(B) analysis to characterize the sources of such pollution with a focus on area sources and the contribution that such sources make to public health risks from hazardous air pollutants; and

"(C) consideration of atmospheric transformation and other factors which can elevate public health risks from such pollutants.

Health effects considered under this program shall include, but not be limited to, carcinogenicity, mutagenicity, teratogenicity, neurotoxicity, reproductive dysfunction, and other acute and chronic effects including the role of such pollutants as precursors of ozone or acid aerosol formation. The Administrator shall report the preliminary results of such research not later than three years after the date of enactment of this paragraph.

"(3) Each air pollution control agency receiving a grant under section 105 of this Act, and which has responsibility for a Metropolitan Statistical Area with a population exceeding two hundred and fifty thousand persons shall commence, not later than eighteen months after the date of enactment of this subsection, a monitoring program in each such area to detect and measure the ambient concentration of hazardous pollutants in the air. The Administrator shall, after consultation with the States, prescribe a list of hazardous air pollutants and detection methods (including frequency and location) for purposes of this paragraph which shall reflect those pollutants likely to be emitted by area sources in metropolitan areas and which present the greatest risk to public health. To the extent practicable, monitoring under this paragraph shall be conducted at various times of the day and seasonally and at a variety of locations within each metropolitan area. Each agency required to conduct monitoring shall prepare a biennial report on the results of the monitoring program which shall be made available to the public at a hearing within the metropolitan area and which shall be transmitted to the Administrator. The report shall identify sources or categories of sources contributing to the presence of hazardous pollutants in the air and shall quantify the risks to public health. The Administrator may promulgate such regulations as are necessary to carry out this paragraph, including provisions which—

"(A) phase in the monitoring program over a longer period, but not to exceed three years;

"(B) provide for a reduction in the frequency of monitoring in areas which have detected low ambient concentrations or health risks in previous monitoring cycles; and

"(C) which extend the monitoring program to other areas.

"(4)(A) Considering information collected pursuant to the monitoring program authorized by paragraphs (2) and (3), the Administrator shall, not later than five years after the date of enactment of this subsection and after notice and opportunity for public comment, prepare and transmit to the Congress a comprehensive strategy to control emissions of hazardous air pollutants from area sources in urban areas.

"(B) The strategy shall (i) identify not less than ten hazardous air pollutants which, as the result of emissions from area sources, present the greatest threat to public health in the largest number of urban areas and which are or will be listed pursuant to subsection (b) and (ii) identify the source categories or subcategories emitting such pollutants which are or will be listed pursuant to subsection (c). When identifying categories and subcategories of sources under this subparagraph, the Administrator shall assure that sources accounting for 90 per centum or more of the aggregate emissions of each of the ten identified hazardous air pollutants are subject to standards pursuant to subsection (d) or this subsection.

"(C) The strategy shall include a schedule of specific actions to substantially reduce the public health risks posed by the release of hazardous air pollutants from area sources which will be implemented by the Administrator under authority of this or other laws (including, but not limited to, the Toxic Substances Control Act, the Federal Insecticide Fungicide, and Rodenticide Act, and the Resource Conservation and Recovery Act) or by the States. Requirements applicable to mobile sources or to fuels shall be established pursuant to title II of this Act.

"(D) The strategy may also identify research needs in monitoring, analytical methodology, modeling or pollution control techniques and recommendations for changes in law that would further the goals and objectives of this subsection.

"(E) Nothing in this subsection shall be interpreted to preclude or delay implementation of actions with respect to area sources of hazardous air pollutants under consideration pursuant to this or any other law and which may be promulgated before the strategy is prepared.

"(F) The Administrator shall implement the strategy as expeditiously as practicable assuring that all sources are in compliance with all requirements not later than nine years after the date of enactment of this subsection.

"(5) In addition to the national urban air toxics strategy authorized by paragraph (4), the Administrator shall also encourage and support areawide strategies developed by State or local air pollution control agencies which are intended to reduce risks from emissions by areas sources within a particular urban area. From the funds available for grants under this section, the Administrator shall set aside not less than 10 per centum to support areawide strategies addressing hazardous air pollutants emitted by area sources and shall award such funds on a demonstration basis to those States with innovative and effective strategies. At the request of State or local air pollution control officials, the Administrator shall prepare guidelines for control technologies or management practices which may be applicable to various categories or subcategories of area sources.

"(6) The Administrator shall report to the Congress at intervals not later than eight and ten years after the date of enactment of this subsection on actions taken under this subsection and other parts of this Act to reduce the risk to public health posed by the release of hazardous air pollutants from area sources. The reports shall also identify specific metropolitan areas which continue to experience high risk to public health as the result of emissions from area sources.

"(7) The Administrator shall prepare a report with recommendations on health impacts of mobile source benzene emissions considering both fuel and vehicle-based control strategies to be submitted to the Environment and Public Works Committee of the Senate and the Energy and Commerce Committee of the House of Representatives not later than twenty-four months after the date of the enactment of the Clean Air Act Amendments of 1989.

"(l) STATE PROGRAMS.—

"(1) Each State may develop and submit to the Administrator for approval a program for the implementation and enforcement (including a review of enforcement delegations previously granted) of emission standards and other requirements for air pollutants subject to this section or requirements for the prevention and mitigation of sudden, accidental releases pursuant to section 129. A program submitted by a State under this subsection may provide for partial or complete delegation of the Administrator's authorities and responsibilities to implement

and enforce emissions standards and prevention requirements but shall not include authority to set standards less stringent than those promulgated by the Administrator under this Act.

"(2) Not later than twelve months after the date of enactment of this paragraph, the Administrator shall publish guidance which would be useful to the States in developing programs for submittal under this subsection. Guidance shall, at a minimum, include permitting requirements for new and existing sources of air pollutants subject to this section. The guidance shall also provide for the registration of all facilities producing, processing, handling, or storing any substance listed pursuant to section 129 in amounts greater than the threshold quantity. The Administrator shall include as an element in such guidance an optional program for the review of high-risk point sources of air pollutants including, but not limited to, hazardous air pollutants listed pursuant to subsection (b).

"(3) The Administrator shall establish and maintain an air toxics clearinghouse, control technology center and risk information center to provide technical assistance and information to the States and local agencies and, on a cost reimbursable basis, to others on—

"(A) measures, methods, practices and techniques effective in reducing emissions of air pollutants subject to this section or section 129;

"(B) risk assessment;

"(C) ambient monitoring and modeling and emissions measurement and modeling.

The Administrator may conduct research on methods for preventing, measuring and controlling emissions and evaluating associated health and ecological risks. All information collected under this paragraph shall be available to the public.

"(4) Upon application of a State, the Administrator may make grants, subject to such terms and conditions as the Administrator deems appropriate, to such State for the purpose of assisting the State in developing and implementing a program for submittal and approval under this subsection. Programs assisted under this paragraph may include program elements addressing air pollutants other than those specifically subject to this section or section 129. Grants under this paragraph may include support for high-risk point source review as provided in paragraph (2) and support for the development and implementation of areawide area source programs pursuant to subsection (k).

"(5) Not later than one hundred and eighty days after receiving a program submitted by a State, and after notice and opportunity for public comment, the Administrator shall either approve or disapprove such program. The Administrator shall disapprove any program submitted by a State, if the Administrator determines that—

"(A) the authorities contained in the program (including conditions in permits) are not adequate to assure compliance by all sources within the State with each applicable standard, regulation, or requirement established by the Administrator under this section;

"(B) adequate authority does not exist, or adequate resources (including revenues from permit fees) are not available, to implement the program;

"(C) the schedule for implementing the program (including the schedule for issuing permits) and assuring compliance by affected sources is not sufficiently expeditious; or

"(D) the program is otherwise not in compliance with the guidance issued by the Administrator under paragraph (2) or is not likely to satisfy, in whole or in part, the objectives of this Act.

If the Administrator disapproves a State program, the Administrator shall notify the State of any revisions or modifications necessary to obtain approval. The State may revise and resubmit the proposed program for review and approval pursuant to the provisions of this subsection.

"(6) Whenever the Administrator determines, after public hearing, that a State is not administering and enforcing a program approved pursuant to this subsection in accordance with the guidance published pursuant to paragraph (2) or the requirements of paragraph (5), the Administrator shall so notify the State and, if action which will assure prompt compliance is not taken within ninety days, the Administrator shall withdraw approval of the program. The Administrator shall not withdraw approval of any program unless the State shall have been notified and the reasons for withdrawal shall have been stated in writing and made public.

"(7) Nothing in this subsection shall prohibit the Administrator from enforcing any applicable emission standard or requirement under this section or section 129.

"(8) The Administrator may after notice and opportunity for public comment approve programs developed and submitted by a local pollution control agency (after consultation with the State) pursuant to this subsection and any such agency implementing an approved program may take any action authorized to be taken by a State under this section.

"(m) TECHNICAL ASSISTANCE FOR SMALL SOURCES.—The Administrator (and each State with an approved permit program) shall establish means and measures to supply technical assistance and information to area sources and stationary sources that are not major sources to help carry out the requirements of this section, including meeting applicable standards and obtaining needed permits. The assistance shall include information availability and types of equipment, measures, methods, practices, processes and techniques in reducing emissions of air pollutants and preventing and detecting accidents. The Administrator shall establish and maintain a clearinghouse of such information.

"(n) STATE AUTHORITY.—Nothing in this section shall preclude, deny, or limit any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement or standard (including any procedural requirement) which is more stringent than a regulation, requirement, or standard in effect under this section or that applies to a substance not subject to this section. Nothing in this section shall authorize any State to impose any standard, limitation or requirement on the emissions of radionuclides from facilities licensed by the Nuclear Regulatory Commission where such standard, limitation or requirement would be barred by other Federal law including the Atomic Energy Act.

"(o) ATMOSPHERIC DEPOSITION TO GREAT LAKES AND COASTAL WATERS.—

"(1) The Administrator shall conduct a program to identify and assess the extent of atmospheric deposition of hazardous air pollutants and other air pollutants to the Great Lakes, Lake Champlain and coastal waters. As part of such program, the Administrator shall—

"(A) monitor Great Lakes and coastal waters, including monitoring of Great Lakes waters through the monitoring network established pursuant to paragraph (2) of this subsection and designing and deploying an atmospheric monitoring network for coastal waters pursuant to paragraph (4);

"(B) investigate the sources and deposition rates of atmospheric deposition of air pollutants (and their atmospheric transformation precursors);

"(C) conduct research to develop and improve monitoring methods and to determine the relative contribution of atmospheric pollutants to total pollution loadings to Great Lakes and coastal waters;

"(D) evaluate any adverse effects to human health or the environment caused by such deposition (including effects resulting from indirect exposure pathways) and assess the contribution of such deposition to violations of water quality standards established pursuant to the Federal Water Pollution Control Act and drinking water standards established pursuant to the Safe Drinking Water Act; and

"(E) sample for such pollutants in biota, fish, and wildlife of Great Lakes, Lake Champlain and coastal waters and characterize the sources of such pollutants.

"(2) The Administrator shall oversee, in accordance with Annex 15 of the Great Lakes Water Quality Agreement, the establishment and operation of a Great Lakes atmospheric deposition network to monitor atmospheric deposition of hazardous air pollutants and other air pollutants to the Great Lakes.

"(A) As part of the network provided for in this paragraph, and not later than December 31, 1990, the Administrator shall establish in each of the five Great Lakes at least one facility capable of monitoring the atmospheric deposition of hazardous air pollutants in both dry and wet conditions.

"(B) The Administrator shall use the data provided by the network to identify and track the movement of hazardous air pollutants through the Great Lakes, to determine the portion of water pollution loadings attributable to atmospheric deposition of such pollutants, and to support development of remedial action plans and other management plans as required by the Great Lakes Water Quality Agreement.

"(C) The Administrator shall assure that the data collected by the Great Lakes atmospheric deposition monitoring network is in a format compatible with databases sponsored by the International Joint Commission, Canada, and the several States of the Great Lakes region.

"(3) The Administrator shall establish at Lake Champlain an atmospheric deposition station to monitor deposition of hazardous air pollutants and other pollutants within the Lake Champlain watershed. The Administrator shall determine the role of air deposition in the pollutant loadings of Lake Champlain, investigate the sources of air pollutants deposited in the watershed, evaluate the health and environmental effects of such pollutant loadings and shall sample such pollutants in biota, fish and wildlife within the watershed as necessary to characterize such effects.

"(4) The Administrator shall design and deploy atmospheric deposition monitoring networks for coastal waters and their watersheds and shall make any information collected through such networks available to the public. As part of this effort, the Administrator shall conduct research to develop and improve deposition monitoring meth-

39-059 O-91-4 (Pt. 1)

ods, and to determine the relative contribution of atmospheric pollutants to pollutant loadings.

"(5) Within two years of the date of enactment of this Act and biennially thereafter, the Administrator shall submit to the Congress a report on the results of any monitoring, studies, and investigations conducted pursuant to this subsection. Such report shall include, at a minimum, an assessment of—

"(A) the contribution of atmospheric deposition to pollution loadings in the Great Lakes, Lake Champlain and coastal waters;

"(B) the environmental and human health effects of any pollution which is attributable to atmospheric deposition to the Great Lakes, Lake Champlain, and coastal waters;

"(C) the source or sources of any pollution to Great Lakes, Lake Champlain, and coastal waters which is attributable to atmospheric deposition;

"(D) whether pollution loadings in Great Lakes, Lake Champlain, or coastal waters cause or contribute to violations of drinking water standards pursuant to the Safe Drinking Water Act or water quality standards pursuant to the Federal Water Pollution Control Act; and

"(E) a description of any revisions of the requirements, standards, and limitations pursuant to this Act and other applicable Federal laws as are necessary to assure protection of human health and the environment.

"(p) PUBLICLY OWNED TREATMENT WORKS.—The Administrator may conduct, in cooperation with the owners and operators of publicly owned treatment works, studies to characterize emissions of hazardous air pollutants emitted by such facilities, to identify industrial, commercial and residential discharges which contribute to such emissions and to demonstrate control measures for such emissions. When promulgating any standard under this section applicable to publicly owned treatment works, the Administrator shall consider control measures which include pretreatment of discharges causing emissions of hazardous air pollutants and process or product substitutions or limitations which may be effective in reducing such emissions. The Administrator may prescribe uniform sampling, modeling and risk assessment methods for use in implementing this subsection.

"(q) HYDROGEN SULFIDE.—The Administrator is directed to assess the hazards to public health and the environment resulting from the emission of hydrogen sulfide associated with the extraction of oil and natural gas resources. To the extent practicable, the assessment shall build upon and not duplicate work conducted for an assessment pursuant to section 8002(m) of the Solid Waste Disposal Act and shall reflect consultation with the States. The assessment shall include a review of existing State and industry control standards, techniques, and enforcement. The Administrator shall report to the Congress within twenty-four months of the enactment of this subsection with the findings of such assessment, together with any recommendations, and shall develop and implement a control strategy for emissions of hydrogen sulfide as appropriate to protect human health and the environment, based on the findings of such assessment, using authorities under this Act including section 111 and this section.

"(r) SAVINGS CLAUSE.—No amendment to this section made by the Clean Air Act Amendments of 1989 shall affect any emission standard for a hazardous air pollutant which has been promulgated prior to the enactment of such Act. Emissions standards for categories and subcategories of sources of radionuclides for which standards were proposed at 54 Federal Register 9612 (March 7, 1989) except sources which are subject to licensing by the Nuclear Regulatory Commission and including any emission standards for a new subcategory of grate calcination elemental phosphorus plants, shall be established in accordance with section 112 of the Clean Air Act as in effect prior to the enactment of this subsection.

"(s) STUDY OF RISK ASSESSMENT.—The Administrator shall conduct a review of risk assessment methods used by the Agency to determine the carcinogenic risks associated with exposure to various hazardous air pollutants and source categories and subcategories subject to the requirements of this section and report to the Congress the results of such review not later than twenty-four months after the date of enactment of this subsection. As an element of such review, the Administrator shall examine the factors which may contribute to overestimating or underestimating such risks, including the exposure parameters used in establishing carcinogenic risk estimates for the most exposed individual. The Administrator shall compare the parameters used in risk assessments for hazardous air pollutants conducted by the Agency with actual conditions of exposure and comparable assumptions made for exposure to other environmental threats and shall seek the views of the National Research Council on such parameters. The Administrator shall include in the report a description of the range of risks, the number of persons exposed at various levels of risk and the cancer incidence for source categories and subcategories which are listed pursuant to subsection (e)(1)(A). The report shall also include a summary of information and methods for assessing the risk of adverse human health effects for pollutants and effects other than carcinogenicity (including, but not limited to, inheritable genetic mutations, birth defects, and reproductive dysfunctions) where no threshold for safe exposure may be determined.

"(t) ANNUAL REPORT.—Not later than January 15, 1991, and within one hundred five days of the close of the fiscal year for each fiscal year thereafter, the Administrator shall prepare and transmit to the Congress a comprehensive report on the measures taken by the Agency and by the States to implement the provisions of this section and section 129. The Administrator shall maintain a database on pollutants and sources subject to the provisions of this section and shall include aggregate information from the database, in each annual report. The report shall include, but not be limited to—

"(1) a status report on standard-setting under subsections (d), (f), and (g);

"(2) information with respect to compliance with such standards including the costs of compliance experienced by sources in various categories and subcategories;

"(3) development and implementation of the national urban air toxics program;

"(4) recommendations of the Chemical Safety and Hazard Investigation Board with respect to the prevention and mitigation of sudden, accidental releases; and

"(5) such recommendations for additional legislation to achieve the purposes of this section and section 129 as the Administrator may deem appropriate.

"(u) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section.".

MARINE MANUFACTURING

SEC. 302. When establishing emissions standards for styrene under section 112 of the Clean Air Act, the Administrator shall list boat manufacturing as a separate subcategory unless the Administrator finds that such listing would be inconsistent with the goals and requirements of such Act.

NRC-LICENSED FACILITIES

SEC. 303. (a) Section 122(a) of the Clean Air Act is amended by revising the words "including source material, special nuclear material, and byproduct material" to read "excluding source material, special nuclear material, and byproduct material regulated by the Nuclear Regulatory Commission or by a State which has an agreement with the Commission pursuant to section 274 of the Atomic Energy Act of 1954, as amended".

(b) Section 122(c) of the Clean Air Act is deleted.

(c) Section 302(g) of the Clean Air Act is amended by revising the words "including source material, special nuclear material, and byproduct material" to read "excluding source material, special nuclear material, and byproduct material regulated by the Nuclear Regulatory Commission or by a State which has an agreement with the Commission pursuant to section 274 of the Atomic Energy Act of 1954, as amended".

ACCIDENT PREVENTION

SEC. 304. The Clean Air Act is amended by adding the following new section at the end of part A of title I:

"PREVENTION OF SUDDEN, ACCIDENTAL RELEASES

"SEC. 129. (a) PURPOSE AND GENERAL DUTY.—It shall be the objective of the regulations and programs authorized under this section to prevent the sudden, accidental release and to minimize the consequences of any such release of any substance listed pursuant to subsection (c) or any other extremely hazardous substance. The owners and operators of facilities producing, processing, handling, or storing such substances have a general duty to identify hazards resulting from such releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of sudden, accidental releases which do occur. Nothing in this subsection shall be interpreted, construed, or applied to create any liability for compensation for bodily injury or property damages to any person which may result from sudden, accidental releases of such substances.

"(b) DEFINITIONS.—

"(1) The term 'accidental release' means the direct or indirect introduction of an extremely hazardous substance into the air under circumstances which are not routine and which are not authorized pursuant to any permit or emission limitation or standard under any other provision of this Act or any other Federal law.

"(2) The term 'facility' means all buildings, structures, equipment, installations or substance emitting stationary activities or any other point or nonpoint source of a release. The term 'facility' does not include the right-of-way of a railroad outside of any railroad yard.

"(c) LIST OF SUBSTANCES.—The Administrator shall, not later than twelve months after the date of enactment of this section, propose and, not later than twenty-four months after such date, promulgate, a list of not less than fifty substances which may, as the result of sudden events, be released in concentrations that may reasonably be antici-

pated to cause acute adverse health effects in humans. The list shall be drawn from, but not be limited to, those substances on the list established by section 302 of the Emergency Planning and Community Right-to-Know Act of 1986 and shall include those substances with the greatest likelihood to cause death, injury, property damage, or evacuations as the result of sudden, accidental releases. The initial list shall include sulfuric acid, chlorine, anhydrous ammonia, hydrochloric acid, methyl chloride, ethylene oxide, toluene, vinyl chloride, methyl alcohol, nitric acid (94 per centum by weight or more HNO_3), styrene, tetrachloroethylene, ammonia, hydrogen sulfide, acetone, methylene chloride, benzene, methyl ethyl ketone, toluene diisocyanate, phosgene, sulfur dioxide (10 per centum or more by volume), formaldehyde (gas), butadiene, hydrofluoric acid, and acrylonitrile. The Administrator shall from time to time (but not less often than every five years) review and revise the list established by this subsection adding substances which, as a result of sudden events, may be released in concentrations that may reasonably be anticipated to cause acute adverse health effects in humans. At the time any substance is placed on such list, the Administrator shall establish a threshold quantity for such substance, taking into account the toxicity (including short- and long-term health effects), reactivity, volatility, dispersibility, combustibility, or flammability of the substance.

"(d) HAZARD ASSESSMENTS.—

"(1) Not later than twelve months after a substance is listed under subsection (c), the owner or operator of each facility at which such substance is present in amounts greater than the threshold quantity shall conduct and complete a hazard assessment for each such substance present at the facility. The purpose of such assessment shall be to anticipate the consequences of a range (including worst case events) of sudden, accidental releases of such substances from the facility and to provide information that may aid in the prevention, or mitigation, of or response to such releases.

"(2) Not later than twelve months after the date of enactment of this subsection the Administrator shall propose and not later than twenty-four months after such date publish guidance with respect to the preparation of hazard assessments. In preparing such guidance the Administrator shall review and require, as appropriate, each of the following elements—

"(A) basic data on the facility, units at the facility which contain or process substances listed under subsection (c) (including the longitude and latitude of such units), facility operating procedures, population of the nearby communities, and the meteorology of the area where the facility is located;

"(B) an identification of the potential sources of sudden, accidental release from the facility of substances listed under subsection (c);

"(C) an identification of any previous such releases from the facility for which a report was required under this or other laws, including the amounts released, frequencies, and durations;

"(D) an identification of a range (including worst case events) of potential releases from the facility including an estimate of the size, concentration, and duration of such potential releases and a correlation of such factors with the distance from the source of release;

"(E) a determination of potential exposure (including the concentration and duration of exposure) for all persons who may be put at risk as the result of a sudden, accidental release from the facility;

"(F) a determination of the probability of exposure as the result of various release scenarios including consideration of meteorological factors;

"(G) information on the toxicity of the substances listed under subsection (c) present at the facility;

"(H) a review of the efficacy of various release prevention and control measures; and

"(I) a sensitivity analysis with respect to the uncertainties and assumptions incorporated in the hazard assessment.

"(3) Each hazard assessment prepared pursuant to this subsection shall be updated biennially. Hazard assessments shall not be required to include potential releases from rolling stock infrequently and temporarily located at the facility but may be required to consider hazards with respect to the substances contained in rolling stock which are regularly present.

"(4) To the maximum extent practicable, the Administrator shall coordinate requirements for hazard assessments under this section with any comparable requirements that may be imposed by the Occupational Safety and Health Administration including joint promulgation of regulations: Provided, That, impacts of potential releases on human health and property outside the boundary of the facility are fully considered in any such regulation, that hazard assessments are available to the public as provided in this subsection, and that nothing in such regulation is interpreted, construed, or applied to preclude or diminish the right of any State or a political subdivision thereof to impose requirements for hazard assessment or accident prevention and mitigation more stringent than those established under such regulations.

"(5) To the extent practicable, and where there are a large number of small facilities with similar business and operating characteristics which are likely to present similar risks of sudden, accidental releases of extremely hazardous substances, the Administrator shall facilitate compliance with the requirements of this subsection by designing generic hazard identification and assessment tools including training manuals, checklists, and workbooks which would be useful to the owners and operators of such facilities. The Administrator is authorized to cooperate with trade associations and other organizations representing such facilities and other advisory groups to develop hazard identification and assessment materials and to conduct training programs in the use of such materials.

"(6) Hazard assessments prepared pursuant to the requirements of this subsection shall be available to the Administrator, to the Chemical Safety and Hazard Investigation Board, to the State in which the facility is located, to any local emergency planning entity or public safety agency having responsibility for planning or response with respect to sudden, accidental releases which may occur at such facility, and to the public subject to the conditions of sections 322, 323, and 324 of the Emergemcy Planning and Community Right-to-Know Act of 1986.

"(7) As a part of the guidance published pursuant to paragraph (2), the Administrator may collect and publish information on accident scenarios and consequences covering a range of possible events for substances listed under subsection (c). The Administrator shall establish a program of long-term research to develop and disseminate information on methods and techniques of hazard assessment which may be useful in improving and validating the procedures employed in the preparation of hazard assessments under this subsection.

"(e) CHEMICAL SAFETY BOARD.—

"(1) There is hereby established within the Environmental Protection Agency an independent safety board to be known as the Chemical Safety and Hazard Investigation Board.

"(2) The Board shall consist of three members, including a chairperson, who shall be appointed by the President, by and with the advice and consent of the Senate. Members of the Board shall be appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in the fields of accident reconstruction, safety engineering, human factors, chemical safety, toxicology, or chemical regulation.

"(3) The terms of office of members of the Board shall be five years. Any member of the Board, including the chairperson, as determined by the President, may be removed for inefficiency, neglect of duty, or malfeasance in office.

"(4) The chairperson shall be the chief executive officer of the Board and shall exercise the executive and administrative functions of the Board including the selection, appointment and compensation of such officers and employees as are necessary to carry out the functions of the Board.

"(5) The Board shall—

"(A) investigate (or cause to be investigated), determine and report to the public in writing the facts, conditions, and circumstances and the cause or probable cause of any sudden, accidental release involving the production, processing, handling, or storage of chemical substances resulting in a fatality, serious injury, or substantial property damages;

"(B) issue periodic reports to the Congress, Federal, State, and local agencies, including the Environmental Protection Agency and the Occupational Safety and Health Administration, concerned with the safety of chemical production, processing, handling and storage, and other interested persons recommending measures to reduce the likelihood or the consequences of sudden, accidental releases and proposing corrective steps to make chemical production, processing, handling, and storage as safe and free from risk of injury as is possible and may include in such reports proposed rules or orders which should be issued by the Administrator under the authority of this section or the Secretary of Labor under the Occupational Safety and Health Act to prevent or minimize the consequences of any release of substances that may have an acute adverse effect on human health as a result of sudden events; and

"(C) establish by regulation requirements binding on persons for reporting accidental releases subject to the Board's investigatory jurisdiction under this paragraph: Provided, That, reporting releases to the National Response Center, in lieu of the Board directly, shall satisfy such regulations: And provided further, That, the Center shall promptly notify the Board of any releases which are within the Board's jurisdiction.

"(6) The Board shall coordinate its actions under paragraph (5) with investigations and studies conducted by other agencies of the United States having a responsibility to protect public health and safety, but in no event shall the Board forego an investigation where a sudden, accidental release involving the production, processing, handling, or storage of a chemical substance

causes a fatality or serious injury among the general public. The Board shall enter into a memorandum of understanding with the National Transportation Safety Board to assure coordination of functions and to limit duplication of activities which shall designate the National Transportation Safety Board as the lead agency for the investigation of releases which are transportation related.

"(7) The Board is authorized to conduct research and studies with respect to the potential for the sudden, accidental release of substances subject to section 302 of the Emergency Planning and Community Right-to-Know Act of 1986 and other extremely hazardous substances, whether or not an accidental release has occurred, where there is evidence which indicates the presence of a potential hazard or hazards. To the extent practicable, the Board shall conduct such studies in cooperation with other Federal agencies having emergency response authorities, State and local governmental agencies and associations and organizations from the industrial, commercial, and nonprofit sectors.

"(8) No part of the conclusions, findings, or recommendations of any report of the Board relating to any accidental release or the investigation thereof shall be admitted as evidence or used in any action or suit for damages arising out of any matter mentioned in such report.

"(9) Not later than eighteen months after the date of enactment of this section, the Board shall publish a report accompanied by recommendations to the Administrator on the use of hazard assessments in preventing the occurrence and minimizing the consequences of sudden, accidental releases of extremely hazardous substances. The recommendations shall include a list of extremely hazardous substances (including threshold quantities for such substances) and categories of facilities for which hazard assessments would be an appropriate measure to aid in the prevention of accidental releases and to minimize the consequences of those releases that do occur. The recommendations shall also include a description of the information and analysis which would be appropriate to include in any hazard assessment. The Board shall also make recommendations with respect to the role of risk management plans as provided for in subsection (f)(2) in preventing accidental releases. The Board may from time to time review and revise its recommendations under this paragraph.

"(10) Whenever the Board submits a recommendation with respect to the safety of chemical production, processing, handling, and storage to the Administrator, the Administrator shall respond to such recommendation formally and in writing not later than one hundred and eighty days after receipt thereof. The response to the Board's recommendation by the Administrator shall indicate whether the Administrator will—

"(A) initiate a rulemaking or issue such orders as are necessary to implement the recommendation in full or in part, pursuant to any timetable contained in the recommendation;

"(B) decline to initiate a rulemaking or issue orders as recommended.

Any determination by the Administrator not to implement a recommendation of the Board or to implement a recommendation only in part, including any variation from the schedule contained in the recommendation, shall be accompanied by a statement from the Administrator setting forth the reasons for such determination.

"(11) The Board, or upon authority of the Board, any member thereof, any administrative law judge employed by or assigned to the Board, or any officer or employee duly designated by the Board, may for the purpose of carrying out duties authorized by paragraph (5)(A)—

"(A) hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise attendance and testimony of such witnesses and the production of evidence and may require by order that any person engaged in the production, processing, handling, or storage of chemical substances submit written reports and responses to requests and questions within such time and in such form as the Board may require; and

"(B) upon presenting appropriate credentials and a written notice of inspection authority, enter any property where a sudden, accidental release causing a fatality, serious injury or substantial property damage has occurred and do all things therein necessary for a proper investigation pursuant to paragraph (5)(a) and inspect at reasonable times records, files, papers, processes, controls, and facilities and take such samples as are relevant to such investigation.

"(12) The Board is authorized to establish such procedural and administrative rules as are necessary to the exercise of its functions and duties. The Board is authorized without regard to section 5 of title 41 of the United States Code to enter into contracts, leases, cooperative agreements or other transactions as may be necessary in the conduct of the duties and functions of the Board with any other agency, institution, or person.

"(13) The Administrator shall provide to the Board such support and facilities as may be necessary for operation of the Board.

"(14) Any records, reports, or information obtained by the Board shall be available to the public, except that upon a showing satisfactory to the Board by any person that records, reports, or information, or particular part thereof (other than release or emissions data) to which the Board has access, if made public, is likely to cause substantial harm to the person's competitive position, the Board shall consider such record, report, or information or particular portion thereof confidential in accordance with section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, and authorized representatives of the United States concerned with carrying out this Act or when relevant under any proceeding under this Act. This paragraph does not constitute authority to withhold records, reports, or information from the Congress.

"(15) Whenever the Board submits or transmits any budget estimate, budget request, supplemental budget request, or other budget information, legislative recommendation, prepared testimony for congressional hearings, recommendation or study to the President, the Administrator, or the Director of the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have authority to require the Board to submit its budget requests or estimates, legislative recommendations, prepared testimony, comments, recommendations or reports to any officer or agency of the United States for approval or review prior to the submission of such recommendations, testimony, comments or reports to the Congress. In the performance of their functions as established by this Act, the members, officers and employees of the Board shall not be responsible to or subject to supervision or direction of any officer or employee or agent of any other part of the Environmental Protection Agency or any other agency of the United States except that the President may remove any member of the Board for inefficiency, neglect of duty or malfeasance in office.

"(16) The Board shall submit an annual report to the President and to the Congress which shall include, but not be limited to, information on sudden, accidental releases which have been investigated by or reported to the Board during the previous year, recommendations for legislative or administrative action which the Board has made, the actions which have been taken by the Administrator or the heads of other agencies to implement such recommendations, an identification of priorities for study and investigation in the succeeding year, progress in the development of risk-reduction technologies and the response to and implementation of significant research findings on chemical safety in the public and private sector.

"(17) There are authorized to be appropriated to carry out the provisions of this subsection not to exceed $12,000,000 in each of the fiscal years ending September 30, 1990, 1991, 1992, 1993, and 1994.

"(f) ACCIDENT PREVENTION.—(1) In order to prevent the release of substances listed pursuant to subsection (c) or other extremely hazardous substances (which may cause acute adverse effects on human health as the result of sudden events) from devices and systems (including, but not limited to, pumps, compressors, valves, flanges, connectors, containers, and vessels but not including rolling stock), the Administrator shall promulgate release prevention, detection, and correction requirements which shall include monitoring, recordkeeping, reporting, training, vapor recovery, secondary containment, and other design, equipment, work practice, and operational requirements. Regulations promulgated under this subsection may make distinctions between various types, classes, and kinds of facilities, devices, and systems taking into consideration factors including, but not limited to, the size, location, process, process controls, quantity of substances handled, potency of substances, and response capabilities present at any facility.

"(2) The regulations under this subsection may require the owner or operator of any facility handling an extremely hazardous substance to prepare and implement a risk management plan to detect and prevent or minimize the potential for an accidental release of extremely hazardous substances and to provide prompt emergency response in the event of a release. The Administrator may require that such plans be reviewed by an independent engineer and that any deficiencies identified be corrected.

"(3) In carrying out the authority of this subsection, the Administrator shall consult with the Secretary of Labor and seek to coordinate any requirements under this subsection with any requirements established for comparable purposes by the Occupational Safety and Health Administration. Nothing in this section shall be interpreted, construed, or applied to impose requirements affecting, or to grant the Administrator, the Chemical Safety and Hazard Investigation Board, or any other agency any authority to regulate (including requirements for hazard assessment), the accidental release of radionuclides arising from the construction

and operation of facilities licensed by the Nuclear Regulatory Commission.

"(g) DETECTION.—Regulations promulgated pursuant to subsection (f) shall include requirements for monitoring of all devices and systems (including, but not limited to pumps, compressors, valves, flanges, pipes, and pipelines, connectors, processes, containers and vessels), storage facilities, and transfer points adequate to detect immediately and report concurrently to the facility operator accidental releases of such substances from covered facilities.

"(h) ORDER AUTHORITY.—

"(1) In addition to any other action taken, when the Administrator determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a substance listed pursuant to subsection (c) or other extremely hazardous substance from a facility, the Administrator may secure such relief as may be necessary to abate such danger or threat, and the district court of the United States in the district in which the threat occurs shall have jurisdiction to grant such relief as the public interest and the equities of the case may require. The Administrator may also, after notice to the State in which the facility is located, take other action under this subsection including, but not limited to, issuing such orders as may be necessary to protect human health, welfare, or the environment.

"(2) Any person who willfully violates, or fails or refuses to comply with, any order of the Administrator under paragraph (1) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $25,000 for each day in which such violation occurs or failure to comply continues.

"(3) Within one hundred and eighty days after enactment of this section, the Administrator shall publish guidance for using the order authorities established by this subsection. Such guidance shall provide for the coordinated use of the authorities of this subsection with other emergency powers authorized by section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act, sections 311(c), 308, 309, and 504(a) of the Federal Water Pollution Control Act, sections 3007, 3008, 3013, and 7003 of the Solid Waste Disposal Act, sections 1445 and 1431 of the Safe Drinking Water Act, sections 5 and 7 of the Toxic Substances Control Act, and sections 113, 114, and 303 of this Act.

"(i) ENFORCEMENT.—Each requirement under this section shall, for purposes of section 113, 114, 116, 304, and 307, be treated as a standard in effect under section 112.

"(j) PRESIDENTIAL REVIEW.—The President shall conduct a review of release prevention, mitigation, and response authorities of the various Federal agencies and shall clarify and coordinate agency responsibilities to assure the most effective and efficient implementation of such authorities and to identify any deficiencies in authority or resources which may exist. The President may utilize the resources and solicit the recommendations of the Board in conducting such review. At the conclusion of such review, but not later than twenty-four months after the date of enactment of this section, the President shall transmit a message to the Congress on the release prevention, mitigation, and response activities of the Federal Government making such recommendations for change in law as the President may deem appropriate. Nothing in this subsection shall be interpreted, construed, or applied to authorize the President to modify or reassign release prevention, mitigation, or response authorities otherwise established by law.

"(k) STATE AUTHORITY.—Nothing in this section shall preclude, deny, or limit any right of a State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard (including any procedural requirement) that is more stringent than a regulation, requirement, or standard in effect under this section or that applies to a substance not subject to this section.

"(l) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out the provisions of this section.".

CONFORMING AMENDMENTS

SEC. 305. (a) Section 111(d)(1) of the Clean Air Act is amended by striking "112(b)(1)(A)" and inserting in lieu thereof "112(b)".

(b) Section 111 of the Clean Air Act is amended by striking paragraphs (g)(5) and (g)(6) and redesignating the succeeding paragraphs accordingly. Such section is further amended by striking "or section 112" in paragraph (g)(5) as redesignated in the preceding sentence.

(c) Section 114(a) of the Clean Air Act is amended by striking "or" after "section 111," and by inserting ", or any accident prevention regulation under section 129," after "section 112".

(d) Section 118(b) of the Clean Air Act is amended by striking "112(c)" and inserting in lieu thereof "112(i)(3)".

(e) Section 302(k) of the Clean Air Act is amended by adding before the period at the end thereof ", and any design, equipment, work practice, or operational standard authorized by this Act constitutes a violation of an 'emission standard' whether or not an air pollutant is emitted to the ambient air".

(f) Section 304(b)(1) of the Clean Air Act is amended by striking "112(c)(1)(B)" and inserting in lieu thereof "112".

(g) Section 307(b)(1) is amended by striking "112(c)" and inserting in lieu thereof "112".

MUNICIPAL WASTE COMBUSTION: AIR EMISSIONS

SEC. 306. (a) Part A of title I of the Clean Air Act is amended by adding the following new section at the end thereof:

"MUNICIPAL WASTE COMBUSTION

"SEC. 130. (a) STANDARDS FOR NEW UNITS.—(1)(A) Not later than eighteen months after the date of enactment of this section, the Administrator shall promulgate standards of performance to control emissions of air pollutants into the ambient air from each—

"(i) new or modified municipal waste incineration unit; and

"(ii) municipal waste incineration unit which begins operation after July 1, 1989, except units which are substantially completed before such date.

"(B) The standards promulgated under this subsection shall reflect the greatest degree of emission limitation achievable through application of the best available control technologies and practices which the Administrator determines at the time of promulgation (or revision, in the case of a revision of a standard)—

"(i) has been achieved in practice by a municipal waste incineration unit, excluding periods of malfunction or misoperation, or

"(ii) is contained in a State or local regulation or any permit for municipal waste incineration units, and will be implemented at such units,

whichever is more stringent, unless the Administrator determines that such degree of emission limitation will not be achievable by units to which the standards apply or was adopted for reasons that are unique to the unit or jurisdiction in which the unit is located and are not applicable to other units or jurisdictions. In determining the emissions limitation to be required under this subsection, the Administrator shall take into account the performance of all units which achieve, in whole or in part, emissions limitations more stringent than current standards and may subsequently exclude units from consideration only to the extent provided in this subparagraph. In establishing standards under this section the Administrator may distinguish between types and classes of municipal waste incineration units based on combustion technology or pollution control systems.

"(C) In no event shall the standards promulgated under this subsection permit such municipal waste incineration units to emit any pollutant in excess of the amount allowable under any applicable new source standards of performance.

"(D) Standards under this subsection shall be based on methods and technologies for removal or destruction of pollutants before, during, or after combustion, and shall incorporate siting requirements that minimize, on a site specific basis, to the maximum extent practicable, any potential risk to human health or the environment. The following practices and control technologies, used individually, in combination with one another, or in combination with other available practices or control technologies not identified in this paragraph, shall be deemed available for purposes of this paragraph: electrostatic precipitators, fabric filtration, flue gas scrubbers, spray dry scrubbers, negative air flow, and good combustion practices, including availability of auxiliary fuel to maintain specific temperatures.

"(E) In adopting standards of performance, the Administrator may take into consideration other technologies and practices that, either by themselves or in combination with other technologies or practices, may achieve a greater degree of emission reduction for the pollutants specified in paragraph (2)(A), including the use of selective or non-selective catalytic reduction, wet flue gas denitrification, selective noncatalytic reduction, wet scrubbing, or catalytic oxidation.

"(2)(A) The standards promulgated under this subsection shall specify numerical emission limitations for the following substances or mixtures: particulate matter (total and fine), opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, halogenated organic compounds, dioxins, and dibenzofurans. In establishing such standards of performance under this subsection, the Administrator shall take into account the use of numerical standards or other methods to reduce the presence in air emissions or ash from a municipal waste incineration unit of each of the following additional substances: volatile organic compounds, beryllium, hydrogen fluoride, antimony, arsenic, barium, chromium, cobalt, copper, nickel, selenium, zinc, polychlorinated biphenyls, chlorobenzenes, chlorophenols, and polynuclear aromatic hydrocarbons.

"(B) Except as provided in subparagraph (C), any such standard shall not allow—

"(i) an outlet gas carbon monoxide concentration greater than 50 parts per million corrected to 7 percent oxygen on a 8-hour

average except that the Administrator is authorized to establish a standard for refuse-derived fuel units allowing carbon monoxide concentrations not to exceed 100 parts per million corrected to 7 percent oxygen on an 8-hour average if such units commencing construction or modification after the date of enactment of this section control emissions with dry scrubbers and fabric filtration;

"(ii) an outlet gas particulate concentration greater than 0.015 grains per dry standard cubic foot corrected to 7 percent oxygen;

"(iii) an outlet gas concentration of sulfur dioxide greater than 40 parts per million corrected to 7 percent oxygen on an 8-hour average, unless uncontrolled emissions of sulfur dioxide are reduced by not less than 70 percent;

"(iv) an outlet gas concentration of hydrogen chloride greater than 30 parts per million corrected to 7 percent oxygen, unless uncontrolled hydrogen chloride emissions are reduced by not less than 90 percent;

"(v) a retention temperature and time of less than 1800 degrees Fahrenheit or less than 1 second at fully mixed height (or the equivalent), except that the Administrator may establish standards for combustion parameters (including temperature) other than those stated in this paragraph for units employing atmospheric-fluidized bed boilers for the control of oxides of nitrogen, if such standards achieve a combustion efficiency equivalent to that required of other units; or

"(vi) a flue gas temperature of 450 degrees Fahrenheit or more averaged over 4 hours at the inlet of the particulate control device.

"(C) The Administrator shall by regulation establish periods of unit startup, unit shutdown and process upset to which the requirements of subparagraph (B)(i) do not apply and shall establish alternative standards during such period which shall include numerical limitations for carbon monoxide emissions and a requirement to use auxiliary fuels to minimize emissions of such pollutant.

"(3) Standards promulgated under this subsection shall be effective no later than six months after the date of promulgation. To the extent that installation of an acid gas scrubber at a municipal waste incineration unit is required to comply with a standard or standards under this subsection, such standard shall be effective for units at which a scrubber is to be installed not later than twenty-four months after the date of promulgation. Not later than five years following the initial promulgation of such standards and at five-year intervals thereafter, the Administrator shall review and, in accordance with this subsection, revise such standards. Such revised standards shall be effective as of the date six months after the date of promulgation with respect to facilities which begin construction or modification on or after the date on which such standards are first proposed.

"(4) After the effective date of any standard promulgated under this section, it shall be unlawful for any owner or operator of any municipal waste incineration unit to operate such unit in violation of such standard applicable to such unit.

"(5) When promulgating standards (or revised standards) under this subsection the Administrator shall consider the applicability of such standards (as the result of subsection (k)(2)(B)) to municipal waste incineration units already in operation and shall publish with such standards a schedule for compliance for each such unit providing adequate time for retrofit of necessary pollution control equipment, but in no event longer than four years after the date such standards are promulgated.

"(b) RECYCLING AND ASH MANAGEMENT.—(1) In addition to any other applicable requirements, after the date thirty-six months after the enactment of this section, no permit may be issued under a State program approved under part C or part D of this Act for any new or modified municipal waste incineration unit unless (A) the applicant has fully complied with the application requirements for the permit (pursuant to 40 CFR 52.21) and any applicable State requirements before such date, or (B) each of the jurisdictions served by the municipal waste incineration unit (as designated by the State in accordance with section 4006 of the Solid Waste Disposal Act) has been certified by the director of the solid waste program for the State in which the unit is to be located as in compliance with all solid waste planning requirements under the Solid Waste Disposal Act and will achieve pursuant to an enforceable plan a solid waste recycling rate of 25 per centum or more before such unit begins operation, unless the director determines that recycling at such rate is economically infeasible and establishes an alternative rate. Yard waste shall not be credited for more than 10 per centum of the waste stream for purposes of the recycling requirement under this paragraph.

"(2)(A) Beginning twenty-four months after the date of enactment of this section, no permit may be issued under this Act to a municipal waste incineration unit unless an ash management plan has been submitted for the ash from such unit. The application for each permit to be issued to a new or modified municipal waste incineration unit or renewal or issuance of a permit for an existing unit, shall include a reasonable demonstration of adequate capacity to treat, manage, or dispose of the ash produced by the unit for a period of not less than five years in compliance with the requirements of section 4011 of the Solid Waste Disposal Act. Demonstrations required by this paragraph shall be updated every five years as required by subsection (f).

"(B) The Administrator may promulgate regulations or issue guidelines for the implementation of this paragraph which shall provide that, to the extent practicable, demonstrations are based on the characteristics of ash from the municipal waste incineration unit as determined by testing methods prescribed pursuant to section 4011 of the Solid Waste Disposal Act. The initial demonstration required for new or modified municipal waste incineration units under this paragraph shall be based on the characteristics of the ash from units of comparable design (including pollution control equipment and ash treatment systems) combusting similar waste streams.

"(C) Notwithstanding any other provision of this Act or the Solid Waste Disposal Act, no person may operate a municipal waste incineration unit unless adequate capacity is available to treat, manage or dispose of the ash produced by the unit in compliance with section 4011 of the Solid Waste Disposal Act.

"(c) INTERIM STANDARDS.—If the Administrator fails to promulgate standards under subsection (a) of this section, beginning eighteen months after the date of enactment of this section and extending until such time as standards are promulgated no permit may be granted to the owner or operator of any municipal waste incineration unit which begins operation after July 1, 1989, and which is required to obtain a permit under a State program approved under part C or part D of this Act unless such permit requires compliance with emission standards that comply with subsection (a)(2)(B). Compliance with standards promulgated under subsection (a) shall be required six months after the date such standards are promulgated for all municipal waste incineration units subject to the provisions of this subsection, unless a unit is required to install an acid gas scrubber to comply with a standard in which case the standard shall be effective for such unit no later than twenty-four months after promulgation.

"(d) STANDARDS FOR EXISTING UNITS.—(1) Not later than eighteen months after the enactment of this section, the Administrator shall promulgate regulations and standards of performance to control emissions of air pollutants into the ambient air from each municipal waste incineration unit which is in operation or which is substantially completed prior to January 1, 1989. Such standards of performance shall be established on the basis of the degree of emission limitation achievable through application of available control technologies and practices as determined under subsection (a)(1), and shall specify emission limitations for the substances required under subsection (a)(2). In establishing standards under this subsection the Administrator may distinguish between types and classes of municipal waste incineration units based on combustion technology or pollution control systems.

"(2) Except as provided in paragraph (3), any such standard shall not allow—

"(A) an outlet gas carbon monoxide concentration greater than 100 parts per million corrected to 7 percent oxygen on an 8-hour average except that the Administrator is authorized to establish a standard for units allowing carbon monoxide concentrations not to exceed 200 parts per million corrected to 7 percent oxygen on an 8-hour average provided that such units control emissions with acid gas scrubbers and fabric filtration;

"(B) an outlet gas particulate concentration greater than 0.020 grains per dry standard cubic foot corrected to 7 percent oxygen;

"(C) an outlet gas concentration of sulfur dioxide greater than 60 parts per million corrected to 7 percent oxygen on an 8-hour average, unless uncontrolled emissions of sulfur dioxide are reduced by 70 percent;

"(D) an outlet gas concentration of hydrogen chloride of 45 parts per million corrected to 7 percent oxygen, unless uncontrolled emissions of hydrogen chloride are reduced by 90 percent;

"(E) a retention temperature and time of less than 1800 degrees Fahrenheit or less than 1 second at fully mixed height (or the equivalent); or

"(F) a flue gas temperature of 450 degrees Fahrenheit or more averaged over 4 hours at the inlet of the particulate control device.

The Administrator shall promulgate a schedule for compliance with these standards. In no event shall such schedule provide for compliance with such standards later than the date six years after the enactment of this section.

"(3) The Administrator shall by regulation establish periods of unit startup, unit shutdown and process upset to which the requirements of paragraph (2)(A) do not apply and as part of such standards shall include a numerical limitation for carbon monoxide emissions and a requirement that auxiliary

fuels be used during such periods to minimize emissions.

"(e) MONITORING.—(1) The Administrator shall promulgate regulations requiring the owner or operator of each municipal waste incineration unit—

"(A) to monitor emissions from the unit at the point at which such emissions are emitted into the ambient air (or within the stack, combustion chamber or pollution control equipment, as appropriate) and at such other points as necessary to protect human health and the environment;

"(B) to monitor such other parameters relating to the operation of the unit and its pollution control technology as the Administrator determines are appropriate; and

"(C) to report the results of such monitoring.

Such regulations shall contain provisions regarding the frequency of monitoring, test methods and procedures validated on municipal incineration units, and the form and frequency of reports containing the results of monitoring and shall require that any monitoring reports or test results indicating exceedance of standards under this section shall be reported separately and in a manner that facilitates review for purposes of enforcement actions. Such regulations shall require that copies of the results of such monitoring be maintained on file at the facility concerned and that copies shall be made available for inspection and copying by interested members of the public during business hours.

"(2) The Administrator shall promulgate the regulations required under this subsection within eighteen months after the enactment of this section. Such regulations may be revised from time to time in accordance with paragraph (1). Except as provided in paragraph (3), the requirements of this subsection shall take effect—

"(A) upon commencement of operation of any new or modified unit; and

"(B) twenty-four months after the enactment of this part in the case of any existing municipal waste incineration unit.

"(3)(A) The regulations promulgated under this subsection shall, at a minimum, require continuous monitoring for the following: opacity, hydrogen chloride (if such monitoring device or method is available), sulfur dioxide, oxides of nitrogen, carbon monoxide, carbon dioxide, oxygen, stack temperature, furnace temperature (or secondary combustion zone temperature, as appropriate) and stack gas temperature at the inlet to the particulate control device.

"(B) For all emissions subject to standards under this section that are not subject to continuous monitoring under subparagraph (A), the regulations promulgated under this subsection shall require periodic monitoring of such emissions at each municipal waste incineration unit not less frequently than—

"(i) every six months, or

"(ii) six months after commencement of operations, and every eighteen months thereafter if the owner or operator of such unit demonstrates that such unit has complied with all applicable emissions standards as of the commencement of operations and during the previous periods of monitoring and maintains compliance with all applicable emissions standards during each interval between monitoring.

Regulations promulgated under this section shall provide for prompt monitoring of emissions and parameters which are not monitored continuously whenever there is a violation of a related emission standard or parameter which is continuously monitored.

"(C) The initial monitoring under this subsection shall commence at the later of the following—

"(i) the date six months after the promulgation of regulations under this subsection; or

"(ii) the commencement of operation of the unit concerned.

"(4) Notwithstanding the provisions of paragraph (3), regulations promulgated under this subsection and applicable to municipal waste incineration units which are not major emitting facilities as defined in part C may provide for monitoring with other than EPA-certifiable monitoring methods and shall at a minimum require continuous monitoring of: oxygen; opacity; furnace temperature (or secondary combustion zone temperature, as appropriate); carbon monoxide; pH; and such other parameters as the Administrator shall require.

"(5)(A) The regulations required by this subsection may require the owner or operator of each municipal waste incineration unit to establish and operate, or to pay the costs of establishing and operating, a program to detect impacts of the unit, or any associated releases, on the environment or human health. Such program shall require periodic testing for and public reporting of the presence of waste constituents or contaminants (or indicators thereof) at statistically significant levels.

"(B) In any case in which exposure to municipal waste incineration unit emissions or ash may pose a potential risk to human health, the Administrator or the State may request the Administrator of the Agency for Toxic Substances and Disease Registry to conduct a health assessment in connection with the unit and such other health studies or surveillance as may be warranted, as authorized under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Such studies may include programs to detect changes in the body burden of various pollutants including but not limited to lead, mercury, cadmium, halogenated hydrocarbons, and dioxins in any area affected by incineration unit emissions or ash.

"(f) PERMITS.—Notwithstanding any other provision of this Act, each permit for a municipal waste incineration unit issued under this Act may be issued for a period of up to twenty years and shall be reviewed every five years after date of issuance or reissuance. Each permit shall continue in effect after the date of issuance until the date of termination, unless the Administrator or State determines—

"(1) that the unit is not in compliance with all standards and conditions contained in the permit; or

"(2) capacity to treat or dispose of the ash from such unit in compliance with section 4011 of the Solid Waste Disposal Act for a five-year period after such determination has not been demonstrated.

Such determination shall be made at regular intervals during the term of the permit, such intervals not to exceed five years, and only after public comment and public hearing. No permit for a municipal waste incineration unit may be issued under this Act by an agency, instrumentality or person (other than a Governor) that is also responsible, in whole or part, for the design and construction or operation of the unit. Notwithstanding any other provision of this subsection, the Administrator or State may require the owner or operator of any unit to comply with emissions limitations or implement any other measures, if the Administrator or State determines that emissions in the absence of such limitations or measures may reasonably be anticipated to endanger public health or the environment.

"(g) OTHER AUTHORITY.—(1) Nothing in this section shall diminish or otherwise affect any authority to establish and enforce standards under section 111 or 112 or under any other authority of law for emissions from municipal waste incineration units of any air pollutant not referred to in subsection (a). With respect to emissions from municipal waste incineration units of any air pollutant referred to in subsection (a)—

"(A) nothing in this section shall diminish the authority of the Administrator to promulgate more stringent standards under section 112 or any other provision of this Act;

"(B) nothing in this section shall diminish the authority of the Administrator or a State to establish any other requirements under any other authority of law, including the authority to establish for any such air pollutant a national ambient air quality standard;

"(C) no requirement of an applicable implementation plan under section 165 (relating to construction of facilities in regions identified pursuant to section 107(d), relating to the designation of areas as nonattainment with respect to a national ambient air quality standard)) or under section 172 (relating to permits for construction and operation in nonattainment areas) may be used to weaken the standards in effect under this section; and

"(D) nothing in this section shall be interpreted, construed or applied to limit the authority of the Administrator to impose more stringent requirements for the incineration of hospital or other infectious wastes under this Act or other authority including subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921, et seq.).

"(2) Nothing in this Act shall be construed, interpreted, or applied to preempt, supplant, or displace other State or Federal law, whether statutory or common.

"(h) STATE PROGRAMS.—Any State may submit to the Administrator a proposed State program for implementation and concurrent enforcement of the requirements of this section. After ninety days after submission to the Administrator, the State shall be treated as authorized to enforce the requirements of this section in such State unless the Administrator determines that the State program does not provide enforcement equivalent to Federal enforcement under this Act. Whenever the Administrator determines that a State is not enforcing the requirements of this section in a manner equivalent to Federal enforcement, the Administrator shall withdraw the authorization for such State. Each State program approved under this subsection shall, at a minimum, include permitting requirements for each new and existing municipal waste incineration unit located in the State. Any permit issued by a State may be reviewed and withdrawn by the Administrator on the Administrator's own motion or upon a showing by any person that the conditions contained in such permit are not in compliance with the requirements of this Act.

"(i) STATE AUTHORITY.—Nothing in this section shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard relating to municipal waste incineration units that is more stringent than a regulation, requirement, or standard in effect under this section or under any other provision of this Act.

"(j) ENFORCEMENT.—For purposes of sections 111(e), 113, 114, 116, 120, 304, and 307 each standard and other requirement promulgated under this section shall be treated in the same manner as a standard of performance under section 111 which is an emission limitation and each requirement of a State plan authorized under this section shall be treated as a requirement of an applicable implementation plan. Any civil penalties imposed by a court against a unit of local government under this Act for violations of this section shall be paid into a trust fund or comparable mechanism established by a court or the State and shall be applied in support of public programs or activities, as authorized by the court (or a fund administrator appointed by the court), that serve to enhance the protection of human health and the environment of the residents of such unit of local government but shall not be used to come into compliance with requirements established under this section or section 4011 of the Solid Waste Disposal Act.

"(k) DEFINITIONS.—As used in this section—

"(1) The term 'municipal waste incineration unit' means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). Such term does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act. The Administrator may promulgate standards for hospital incineration units (or other units operated principally to handle infectious wastes) under other provisions of this Act or section 3005 of the Solid Waste Disposal Act in lieu of standards under this section, provided that such standards are no less stringent than the standards under this section which are applicable to municipal waste incineration units of a comparable class or type. Until such regulations are promulgated, hospital incineration units (or other units operated principally to handle infectious wastes) shall be subject to the requirements of this section. The term 'municipal waste incineration unit' does not include air curtain incinerators provided that such incinerators only burn wood wastes, yard wastes and clean lumber and that such incinerators comply with opacity limitations to be established by the Administrator by rule.

"(2) The term 'new municipal waste incineration unit' means a municipal waste incineration unit—

"(A) the construction or modification of which is commenced after the Administrator proposes requirements under this section establishing emissions standards or other requirements which would be applicable to such unit, or

"(B) effective January 1, 1992, which had commenced operation thirty years or more previously, except that any unit in compliance with the requirements of subsection (d) shall not be considered a new unit until thirty years after the date for compliance specified in such subsection.

"(3) The term 'substantially completed unit' means a unit not in operation before July 1, 1989 for which the addition of required pollution control equipment will cost more than twice what such equipment would have cost had it been constructed as part of the permitted design or for which 90 per centum of all construction has been completed before such date.

"(4) The term 'modified municipal waste incineration unit' means a municipal waste incineration unit at which modifications have occurred after the effective date of a standard under subsection (a) or (d) if (A) the cumulative cost of the modifications, over the life of the unit, exceed 50 per centum of the original cost of construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation), or (B) the modification is a physical change in or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under this section.

"(5) The term 'existing municipal waste incineration unit' means a municipal waste incineration unit which is not a new or modified municipal waste incineration unit.

"(l) SOURCE SEPARATION.—(1) Not later than eighteen months after the enactment of this section, the Administrator shall publish guidelines identifying items or materials that should be removed from municipal waste prior to incineration, either through separation by the generator of such waste or at a central facility from the general waste stream or through limitations on the composition (including inks and pigments) of products or on the disposal of such items or materials in municipal waste.

"(2) Regulations under this section shall require the operator of any municipal waste incineration unit to establish contractual requirements or other appropriate notification and inspection procedures sufficient to assure that the unit does not receive any waste required to be placed in a facility permitted under section 3005 of the Solid Waste Disposal Act.

"(m) PRODUCT COMPOSITION.—If the Administrator finds that there is a reasonable basis to conclude that any product or article distributed in commerce presents, or may (to a reasonable degree of certainty) present, a threat to human health or the environment as the result of incineration of such product or article at municipal waste incineration units which are in compliance with standards promulgated under this section or as the result of the handling or disposal of ash from such units, the Administrator shall by rule apply one or more of the following requirements to the composition of such product or article, its distribution in commerce or methods of disposal as may be necessary to protect human health and the environment—

"(1) requirements prohibiting or limiting the manufacture, processing or distribution in commerce of such product or article;

"(2) requirements with respect to the concentration of any substances in the composition of the product or article, including a prohibition on the presence of such substances in the product, article or its residue;

"(3) requirements for the marking or labeling of such product or article, including instructions for the proper disposal of such product or article or its residues;

"(4) requirements for recovering or recycling such product or article, including the imposition of reimbursable fees on the sale of such product or article;

"(5) requirements that solid waste management plans for areas served by municipal waste incineration units as required by subsection (b) of this section provide for the separation, recovery or recycling of such products or articles or residues to prevent, to the maximum extent practicable, any threat to human health or the environment which may result from the incineration of such products, articles or their residues or the handling or disposal of ash from units which have incinerated such products, articles or their residues; or

"(6) requirements for the disposal of such product or article or its residues.

Not later than twenty-four months after the date of enactment of this section, the Administrator shall identify not less than five pollutants which present the greatest threat to public health or the environment as the result of municipal waste combustion or the disposal of ash from such combustion and for which health and environmental threats can be substantially diminished through rules issued pursuant to this subsection. The Administrator shall make a determination under this subsection with respect to the principal consumer or commercial products or residues of such products which contribute to the generation of the identified pollutants not later than thirty-six months after the date of enactment of this subsection.

"(n) OPERATOR TRAINING.—Not later than eighteen months after the enactment of this section, the Administrator shall develop and promote a model State program for the training and certification of municipal waste incinerator operators. The program shall include a requirement that all operators achieve a passing grade on an examination on (and participate in continuing education to stay informed about) current technology for the control of pollution from municipal waste incineration units. The Administrator may authorize any State to implement a State program for the training and certification of municipal waste incinerator operators if the State has adopted a program which is at least as stringent as the model program developed by the Administrator. Beginning on the date thirty months after the date of enactment of this section it shall be unlawful to operate a municipal waste incineration unit unless each person with control over processes affecting emissions from such unit has satisfactorily completed a training and certification program meeting the requirements established by the Administrator under this subsection.".

(b) Section 169(1) of the Clean Air Act is amended by striking "two hundred and" after "municipal incinerators capable of charging more than".

ASH MANAGEMENT AND DISPOSAL

SEC. 307. (a) Subtitle D of the Solid Waste Disposal Act is amended by adding the following new section:

"MUNICIPAL WASTE COMBUSTION ASH

"SEC. 4011. (a) IN GENERAL.—(1) Not later than eighteen months after the date of enactment of this section, the Administrator shall promulgate regulations for the management, handling, storage, treatment, transportation, reuse, recycling, and disposal of ash from municipal waste incineration units, as may be necessary to protect human health and the environment. Notwithstanding other provisions of this Act, the management, handling, storage, treatment, transportation, reuse, recycling, and disposal of ash from municipal waste incineration units shall be subject to this section and subtitle and not subject to the provisions of subtitle C except that the Administrator may issue regulations under subtitle C in lieu of regulations under this section applicable to ash from units operated primarily to incinerate hospital or other infectious wastes. Until such time as regulations are promulgated for such units, ash from units operated primarily to incinerate hospital or other infectious wastes shall be subject to the re-

quirements of this section. The provisions of sections 3007 and 3008 shall apply to ash from municipal waste incineration units and the requirements of this section to the same extent that such sections apply to hazardous wastes and the requirements of subtitle C.

"(2) For the purposes of this section, the term—

"(A) 'municipal waste incineration unit' shall have the meaning given in section 130(k)(1) of the Clean Air Act; and

"(B) 'treatment' means any method, technique, or process designed to change the physical, chemical, or biological character or composition of any ash so as to remove or permanently fix in place any constituent of the ash which, in the event of mismanagement during transportation, storage, reuse or disposal, would pose a threat to human health or the environment and includes testing of such ash to assure that criteria promulgated under subsection (e) are satisfied.

"(3) Regulations promulgated under this section may establish requirements that apply to fly ash separately, to bottom ash separately, or to the combination of fly ash and bottom ash.

"(b) DISPOSAL.—(1) Regulations promulgated under subsection (a) for the disposal of ash from municipal waste incineration units in landfills shall require—

"(A) the installation of a double liner consisting of one flexible membrane liner and a composite liner with a leachate collection system above and between such liners, in accordance with paragraph (2); and

"(B) ground water monitoring.

"(2) The requirement of paragraph (1)(A) may be satisfied by the installation of liners designed, operated, and constructed of materials to prevent the migration of any constituent into such liners during the period such facility remains in operation (including any post-closure monitoring period). For the purposes of this section the term 'composite liner' means a liner which consists of a flexible membrane liner and at least a three-foot thick layer of recompacted clay or other natural material with a hydraulic conductivity of no more than 1×10^{-7} centimeter per second. The provisions of this paragraph apply prior to and after the promulgation of regulations under paragraph (1).

"(3)(A) Notwithstanding the requirement of paragraph (1)(A), regulations promulgated under subsection (a) may provide for the placement of ash from municipal waste incineration units in a monofill (containing only ash from such units) with a composite liner designed, operated and constructed of materials to prevent the migration of any constituent into and through such liner during the period the monofill remains in operation (including any post-closure monitoring period), ground water monitoring and leachate collection.

"(B) For the purpose of paragraph (4), a monofill (containing only ash from municipal waste incineration units) with two or more flexible membrane liners, a leachate collection system above and between such liners and ground water monitoring is determined to be an alternative design which will prevent the migration of any hazardous constituent into ground water or surface water at least as effectively as the design requirements of subparagraph (A).

"(C) If fly ash is to be disposed in a monofill containing solely or substantially fly ash, such ash shall be treated pursuant to treatment standards established under this section before disposal or such monofill shall be constructed with an additional liner and a leachate detection and collection system between the liners.

"(D) Requirements under this paragraph are minimum requirements and the Administrator shall promulgate more stringent requirements applicable where necessary to assure that releases from a monofill will not contaminate ground water or surface water or otherwise pose a threat of adverse effects on human health or the environment.

"(4) The design requirements of paragraphs (1) and (3) shall not apply if the owner or operator of a solid waste management unit utilizing an alternative design demonstrates to the State, and the State finds, that the alternative design and operating practices will prevent the migration of any hazardous constituent into the ground water or surface water at least as effectively as the design requirements of paragraphs (1) or (3) of this subsection. The State shall not solely or substantially rely upon location characteristics to make any determination under this paragraph. The Administrator may review, on appeal by any person or on the Administrator's own motion, and reverse any determination made by a State under this subsection. The Administrator shall make a decision on any appeal within one hundred and eighty days.

"(5) Liner requirements imposed under paragraphs (1) or (3) of this subsection or subsection (c) shall include provisions for quality control and quality assurance with respect to the design and installation of the liners.

"(6) Nothing in this section shall be interpreted, construed or applied to require the routine testing of ash which is disposed in a landfill or monofill meeting the requirements of this subsection.

"(c) DISPOSAL IN SANITARY LANDFILLS.—Regulations promulgated under subsection (a) may allow disposal of ash from municipal waste incineration units in sanitary landfills with, at a minimum, one liner, leachate collection and ground water monitoring and otherwise meeting the requirements of revised criteria promulgated under section 4010(c), if (1) such ash is routinely tested and does not fail any criteria under subsection (e); and (2) any fly ash so disposed (including any fly ash combined with bottom ash) has undergone treatment (as defined in subsection (a)) in accordance with regulations for treatment promulgated under this section and such treated fly ash is separately tested and does not fail any criteria established under subsection (e). For the purposes of this section, the mixing of fly ash and bottom ash, or the mixing of such ash with other solid waste, without the introduction of chemical stabilization agents, does not constitute treatment. Ash may not be disposed of in units that are created as a result of vertical expansion of an existing waste disposal facility unless the owner or operator of such facility demonstrates, and the State finds, that there will be no settling (that would impair the integrity of any required liner) of the waste upon which the proposed unit is to be built.

"(d) REUSE.—(1) The regulations under this section shall include such requirements applicable to the reuse and recycling of the ash from municipal waste incineration units, including criteria and routine testing procedures, as may be necessary to protect human health and the environment. In developing such regulations, the Administrator shall consider, to the extent feasible and appropriate, all potential pathways of human and environmental exposure, including both short-term and long-term, to hazardous constituents of such ash from such recycling and reuse. The pathways to be considered shall include, but not be limited to, inhalation, ingestion as a consequence of incorporation of the ash or any hazardous constituents into the food chain, ingestion of potable water or aquatic organisms contaminated by surface runoff, leaching or percolation of such ash or its hazardous constituents into ground water or surface water, ingestion or inhalation of soil particles contaminated with such ash, and dermal contact with such ash. At a minimum the Administrator shall consider with respect to such recycling and reuse, appropriate methods to determine leaching, total chemical analysis, respirability, and toxicity.

"(2) Such regulations shall require treatment of ash from municipal waste incineration units before any such ash is recycled or reused to protect human health and the environment. Such regulations shall specify those levels or methods of treatment that, taking into account the potential pathways of exposure identified in paragraph (1)—

"(A) substantially reduce the likelihood of migration of ash or its hazardous constituents so that short-term and long-term threats to human health and the environment are minimized;

"(B) satisfy any criteria and routine testing procedures included in the regulations under paragraph (1); and

"(C) assure that the recycling or reuse of such ash is protective of human health and the environment.

"(3) If the Administrator fails to promulgate regulations under this subsection, no person may reuse or recycle ash from a municipal waste incineration unit after the date thirty-six months after the date of enactment of this section unless such ash is treated and leachate from an extraction procedure toxicity test applied to such ash does not exceed standards established pursuant to section 1412 of the Safe Drinking Water Act for any pollutant or contaminant.

"(e) CRITERIA AND TESTING.—(1) For the purposes of developing regulations for the management, handling, storage, treatment, transportation, reuse, recycling, and disposal of ash from municipal waste incineration units under this section, the Administrator shall promulgate criteria and testing procedures for identifying the characteristics of ash from municipal waste incineration units that may pose a hazard to human health or the environment. In considering potential hazards to human health and the environment, the Administrator shall consider, to the extent appropriate and feasible, all potential pathways of human or environmental exposure to constitucnts of such ash, including, but not limited to, inhalation, ingestion as a consequence of incorporation of the ash or any constituent into the food chain, ingestion of potable water or aquatic organisms contaminated by surface runoff, leaching or percolation of such ash or its constituents into ground water or surface water, ingestion or inhalation of soil particles contaminated with such ash, and dermal contact with such ash (including, for all such pathways, situations of disposal or reuse). At a minimum, the Administrator shall consider appropriate methods to determine leaching, total chemical analysis, respirability, and toxicity. The criteria and accompanying testing procedures promulgated by the Administrator under this subsection shall reflect the heterogeneous characteristics of municipal solid waste and mu-

nicipal incinerator ash, including seasonal variations in the constituents of such solid waste and ash. Leaching procedures established under this subsection shall include testing under acidic and native conditions. Test leachate from any ash containing a substance in concentrations exceeding the maximum contaminant level for such substance established pursuant to section 1412 of the Safe Drinking Water Act by a factor of one hundred or more shall, unless the Administrator establishes a more stringent requirement, constitute a failure of the test required by this section.

"(2) The Administrator shall, pursuant to subsection (c) or (d), require the owner or operator of any municipal waste incineration unit or any facility handling, transporting, storing, treating, reusing, recycling, or disposing of ash from such unit to test such ash in accordance with the criteria and testing procedures promulgated under this subsection. If fly ash and bottom ash are combined, such combined ash must also be tested in accordance with such criteria and testing procedures, including, as the Administrator determines necessary, the separate testing of bottom ash and fly ash.

"(3) Any ash which fails in any characteristic under the criteria and testing procedures promulgated by the Administrator under this subsection shall be disposed of in a facility in compliance with subsection (b)(1) or (3), or shall be treated (as defined in subsection (a)) in accordance with regulations promulgated under subsection (a) and shall be demonstrated to satisfy all applicable criteria promulgated under this subsection before disposal (pursuant to subsection (c)) or reuse (pursuant to subsection (d)).

"(4) The Administrator shall seek to validate the criteria and testing procedures established pursuant to this subsection by conducting a program of continuing analysis of leachate produced at facilities disposing or reusing ash from municipal waste incineration units.

"(f) CORRECTIVE ACTION.—(1) Whenever on the basis of any information the Administrator determines that there is or has been a release of any hazardous constituent from a facility regulated under this section, the Administrator may issue an order requiring corrective action or such other response measure as the Administrator deems necessary to protect human health or the environment or the Administrator may commence a civil action in the United States district court in the district in which the facility is located for appropriate relief, including a temporary or permanent injunction.

"(2) Any order issued under this subsection may include a suspension or revocation of authorization to operate, shall state with reasonable specificity the nature of the required corrective action or other response measure, and shall specify a time for compliance. If any person named in an order fails to comply with the order, the Administrator may assess, and such person shall be liable to the United States for, a civil penalty in an amount not to exceed $25,000 for each day of noncompliance with the order.

"(3) Regulations promulgated under subsection (a) shall require corrective action for all releases of hazardous constituents from any solid waste management unit at a facility seeking a permit under this section, regardless of the time at which waste was placed in such unit. Permits issued under this section shall contain schedules of compliance for such corrective action and assurances of financial responsibility for completing such corrective action.

"(g) CLOSURE.—Regulations promulgated under subsection (a) shall establish requirements for the proper closure of facilities treating, storing, or disposing of ash from municipal waste incineration units, for the post-closure monitoring and care of such facilities for a period of not less than thirty years, and for assurances of financial responsibility for closure, post-closure care and corrective action.

"(h) STATE PROGRAMS.—(1) Beginning eighteen months after the date of enactment of this section, any State may submit to the Administrator a proposed program for implementation and concurrent enforcement of the requirements of this section which may be considered and approved by the Administrator in accordance with the procedures established in section 4007. State programs approved under this subsection shall contain provisions assuring that each facility receiving ash from a municipal waste incineration unit obtains a permit or other form of prior approval. Whenever the Administrator determines that a State is not enforcing the requirements of this section in a manner equivalent to Federal enforcement, the Administrator shall withdraw the authorization of such State program under this subsection.

"(2) Nothing in this section shall prohibit any State or political subdivision thereof from imposing any requirement with respect to the management, handling, storage, treatment, transportation, reuse, recycling or disposal of ash from municipal waste incineration units which is more stringent than any requirement established under this section.

"(i) EXPORT.—(1) Export of ash from a municipal waste incineration unit to locations outside of the United States shall be unlawful except as provided in an international agreement between the United States and the country receiving the ash. Any such international agreement shall include at a minimum—

"(A) a provision for obtaining the consent of the receiving country prior to shipment of the ash;

"(B) a provision that requires tracking of the ash shipment from the site of generation to the receiving country;

"(C) a provision for cooperation between the United States and the receiving country on compliance and enforcement of the agreement.

"(2) No person shall export ash from a municipal waste incineration unit to locations outside of the United States without a permit or other prior approval from the Administrator to do so. Permits granted for export under this section shall have a term not to exceed five years, shall be accompanied by fees sufficient to offset the cost experienced by the Administrator in monitoring compliance with the conditions of the permit and shall contain such other requirements as the Administrator may deem appropriate.

"(j) EFFECTIVE DATES.—(1) Regulations promulgated under this section shall be effective upon promulgation, except that requirements promulgated pursuant to subsection (b) or (c) with respect to the disposal of ash from municipal waste incineration units shall be effective on and after the date forty-eight months after the date of enactment of this section.

"(2) Beginning eighteen months after the date of enactment of this section and until the effective date of disposal requirements promulgated pursuant to subsection (b) or (c), ash from municipal waste incineration units shall not be disposed in landfills unless such landfills have, at a minimum, one liner, leachate collection and ground water monitoring and otherwise meet the criteria for sanitary landfills issued under this subtitle.

"(3) Notwithstanding the provisions of paragraph (2), the Administrator or a State may grant on a case-by-case basis a variance from the requirement that ash from each municipal waste incineration unit be disposed in a facility with a liner, leachate collection and ground water monitoring beginning eighteen months after enactment of this section, on a showing by the owner or operator of any such unit that sufficient capacity to dispose of ash in compliance with such requirements is not available for the unit taking cost into consideration. No variance granted under this paragraph shall extend for a period longer than thirty months after the date of enactment of this section.

"(4) Notwithstanding the provisions of paragraph (1), the Administrator or a State may grant on a case-by-case basis a variance from the requirement that ash from municipal waste incineration units be disposed only in landfills meeting the requirements of subsection (b) or (c) beginning forty-eight months after the date of enactment of this section, on a showing by the owner or operator of any such unit that good faith efforts were made to satisfy such requirement but the unit will fail to do so for reasons not in control of the owner or operator of such unit. No variance granted under this paragraph shall extend for a period longer than seventy-two months after the date of enactment of this section.

"(5) If the Administrator fails to promulgate regulations under subsection (a) for the disposal of ash from municipal waste incineration units, no person may dispose of ash in a landfill after forty-eight months after the date of enactment of this section unless such landfill satisfies the requirements of subsections (b)(1) or (b)(3).

"(k) PROHIBITION.—(1) Beginning on the effective date of any regulation or requirement under this section it shall be unlawful to manage, handle, store, treat, transport, reuse, recycle, or dispose ash from a municipal waste incineration unit otherwise than in accordance with such regulation or requirement or a State program approved pursuant to subsection (h).

"(2) Prior to and after the effective date of regulations under this section, the Administrator may use the authorities of section 3008 to enforce the requirements of this section. In the case of a violation in a State which is authorized to implement and enforce a program under subsection (h), the Administrator shall give notice to the State in which a violation has occurred prior to issuing an order or commencing civil action under section 3009.".

(b) The table of contents for subtitle D of the Solid Waste Disposal Act is amended by adding the following new item at the end thereof:

"Sec. 4011. Municipal waste combustion ash.".

(c) Subsection (i) of section 3001 of the Solid Waste Disposal Act is repealed.

CONSULTATION

SEC. 308. Notwithstanding the provisions of the Federal Advisory Committee Act, prior to promulgation of any regulations, requirements, or guidelines pursuant to section 4011 of the Solid Waste Disposasl Act or

section 130 of the Clean Air Act, the Administrator shall consult with elected officials of State and local governments, or their representatives or representatives of their organizations which may develop plans, administer programs, issue permits, promulgate regulations or take corrective action under such sections to receive their advice and recommendations on such regulations, requirements and guidelines.

TITLE IV—ACID DEPOSITION CONTROL

SEC. 401. The Clean Air Act is amended by adding the following new title:

"TITLE IV—ACID DEPOSITION CONTROL

"FINDINGS AND PURPOSES

"SEC. 401. (a) FINDINGS.—The Congress finds that—

"(1) the presence of acidic compounds and their precursors in the atmosphere and in deposition from the atmosphere represents a threat to natural resources, ecosystems, materials, visibility, and public health;

"(2) the principal sources of the acidic compounds and their precursors in the atmosphere are emissions of sulfur and nitrogen oxides from the combustion of fossil fuels;

"(3) the problem of acid deposition is of national and international significance;

"(4) strategies and technologies for the control of precursors to acid deposition exist now that are economically feasible, and improved methods are expected to become increasingly available over the next decade;

"(5) current and future generations of Americans will be adversely affected by delaying measures to remedy the problem;

"(6) reduction of total atmospheric loading of sulfur dioxide and nitrogen oxides will enhance protection of the public health and welfare and the environment; and

"(7) control measures to reduce precursor emissions from steam-electric generating units should be initiated without delay.

"(b) PURPOSES.—The purpose of this title is to reduce the adverse effects of acid deposition through reductions in annual emissions of sulfur dioxide of ten million tons from 1980 emission levels, and, in combination with other provisions of this Act, of nitrogen oxides emissions of approximately two million tons from 1980 emission levels, in the forty-eight contiguous States and the District of Columbia. It is also the purpose of this title to encourage energy conservation, use of renewable and clean alternative technologies, and pollution prevention as a long-range strategy for reducing air pollution and other adverse impacts of energy production and use.

"DEFINITIONS

"SEC. 402. As used in this title—

"(a) The term 'affected source' means a source that includes one or more affected units.

"(b) The term 'affected unit' means a unit that is subject to emission reduction requirements or limitations under sections 404, 405, 406, 407, or 410 of this title.

"(c) The term 'allowance' means an authorization, issued to an affected source by the Administrator under this title, to emit, during a specified calendar year, one ton of sulfur dioxide or nitrogen oxides.

"(d) The term 'baseline' means the annual quantity of fossil fuel consumed, measured in millions of British Thermal Units ('mmBtu's'), by an affected unit, calculated as follows:

"(1) For each steam-electric generating utility unit that was in commercial operation prior to January 1, 1985, the baseline shall be the annual average quantity of mmBtu's consumed in fuel during calendar years 1985, 1986, and 1987, as recorded by the Department of Energy pursuant to Form 767. For any unit for which such form was not filed, the baseline shall be the level specified for such unit in the 1985 National Acid Precipitation Assessment Program (NAPAP) Emissions Inventory, Version 2, National Utility Reference file (NURF). For other units, the baseline is the NAPAP Emissions Inventory, Version 2. The Administrator may exclude periods during which a unit is shutdown for a continuous period of four months or longer.

"(2) For each steam-electric generating utility unit that entered operation on or after January 1, 1985, the baseline shall be an annual average quantity of mmBtu, as calculated pursuant to a method which the Administrator shall prescribe, by regulation to be promulgated not later than one year after the date of enactment of the Clean Air Act Amendments of 1989.

"(3) For any other unit, the baseline shall be the annual average quantity, in mmBtu consumed in fuel by that unit, as established by regulation to be promulgated by the Administrator not later than eighteen months after enactment of the Clean Air Act Amendments of 1989.

"(e) The term 'capacity factor' means the ratio between the actual electric output from a unit and the potential electric output from that unit.

"(f) The term 'compliance plan' means a plan submitted pursuant to section 408 describing how the source will comply with all applicable requirements under this title, including a schedule for compliance and certification by the owner or operator that the facility is in compliance with the requirements of this title.

"(g) The term 'continuous emission monitor' (CEM) means the equipment used to sample, analyze, measure, and provide on a continuous basis a permanent record of emissions and flow (expressed in pounds per million British thermal units (lbs/mmBtu) and pounds per hour (lbs/hr)) or such other forms as the Administrator may prescribe by regulations under section 412 of this title.

"(h) The term 'existing unit' means a unit (including units subject to section 111) that is operating prior to the date of enactment of the Clean Air Act Amendments of 1989. Any unit modified, reconstructed, or repowered after the date of enactment of the Clean Air Act Amendments of 1989 shall continue to be an existing unit for the purposes of this title.

"(i) The term 'generating unit' means a turbine together with its generator reported pursuant to Department of Energy Form 860.

"(j) The term 'new unit' means a unit that commences operation on or after the date of enactment of the Clean Air Act Amendments of 1989.

"(k) The term 'permitting authority' means the Administrator or the air pollution control agency, as defined under section 302(b).

"(l) The term 'repowering' means replacement of an existing coalfired coal boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or a derivative of one of these techniques, as determined by the Administrator, in consultation with the Secretary of Energy.

"(m) The term 'State' means one of the forty-eight contiguous States and the District of Columbia.

"(n) The term 'unit' means a fossil fuel-fired combustion device.

"(o) The term 'actual 1985 emission rate' for electric utility units means the annual average sulfur dioxide or nitrogen oxides emission rate in units of pounds per million Btu as reported in the NAPAP Emissions Inventory, Version 2, National Utility Reference File. For non-utility units, the term 'actual 1985 emission rate' means the annual average sulfur dioxide or nitrogen oxides emission rate in units of pounds per million Btu as reported in the NAPAP Emission Inventory, Version 2.

"(p) The term 'utility unit' means a unit that produces electricity for sale. For purposes of this title, a unit that cogenerates steam and electricity shall be considered a utility unit if the unit is constructed for the purposes of supplying more than one-third of its potential electric output capacity and more than 25 megawatts electrical output to any utility power distribution system for sale.

"ALLOWANCE PROGRAM FOR EXISTING AND NEW UNITS

"SEC. 403. (a) ALLOCATIONS OF ANNUAL ALLOWANCES FOR EXISTING AND NEW UNITS.—(1) For the emission limitation programs under this title, the Administrator shall allocate annual allowances to the owner or operator of the affected units at an affected source in an amount equal to the annual tonnage emission limits calculated under sections 404, 405, 406, 407, and 410 except as otherwise specifically provided in section 405 (c) and (h) and elsewhere in this title. Subject to the provisions of paragraph (2) of this subsection, the Administrator shall issue allowances for each affected unit at an affected source at the time the permit is issued for such source, as provided in section 408. If an existing unit subject to the requirements of sections 404, 405, 406, or 407 is removed from commercial operation, the annual allocation of allowances shall continue to be issued to the owner or operator for each five year period in accordance with the schedule for issuance of permits pursuant to sections 351 and 408.

"(2)(A) The Administrator shall issue to the owner or operator of each affected unit allowances in an amount equal to 98 per centum of the total number of allowances allocated to that unit. Each unit's remaining allowances shall be deposited in a reserve to be controlled by the Administrator as provided in this paragraph.

"(B) Pursuant to the regulations promulgated under this paragraph the Administrator shall sell to the owners or operators of units subject to the requirements of subsection (e) of this section the allowances deposited in the reserve created in accordance with subparagraph (A). Not later than 36 months after the date of enactment of the Clean Air Act Amendments of 1989, the Administrator shall promulgate regulations providing for the establishment of a reservation list for the sale of such allowances, qualifications for the owners and operators seeking such sales, requirements for a showing that allowances are not otherwise available from persons holding allowances pursuant to this section, and such other requirements as the Administrator deems necessary. The regulations shall also provide for the issuance of allowances from the reserve to the owners or operators of units described in section 405(h).

"(C) The Administrator shall determine whether each applicant meets the requirements of the regulations, and shall allocate allowances in an appropriate amount to each qualified applicant upon receipt of payment of $1,500 per ton (adjusted for inflation based on the Consumer Price Index beginning on the date of enactment of the Clean Air Act Amendments of 1989 and annually thereafter). Payment shall be made to the United States Treasury, as provided by regulations promulgated under paragraph (B).

"(D) All monies collected, and any allowances remaining in the reserve at the end of each phase, or five-year period as defined in accordance with the schedule for issuance of permits pursuant to sections 351 and 408 that are not issued as provided in this subsection, shall be issued to the owners or operators of the affected units from which the allowances were withheld, on a pro rata basis.

"(b) ALLOWANCE SYSTEM.—Allowances issued under this title may be transferred among the owners or operators of affected sources under this title or other persons who lawfully acquire such allowances, as provided by regulations to be promulgated by the Administrator not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989. The Administrator shall promulgate regulations, not later than eighteen months after enactment, to establish the allowance system prescribed under this section, including, but not limited to, requirements for the issuance, transfer, and use of allowances under this title. Such regulations shall prohibit the use of allowances prior to the calendar year for which the allowances were issued, and shall provide, consistent with the purposes of this title, for the identification of unused allowances, and for such unused allowances to be carried forward and added to allowances allocated in subsequent years. Such regulations shall permit transfers only within each of the two major geographic regions of the country as defined by such regulations. Nothing in the regulations shall relieve the Administrator of the Administrator's permitting, monitoring and enforcement obligations under this Act nor relieve sources of their requirements and liabilities under this Act. Transfers of allowances shall not be effective until written certification of the transfer, signed by a responsible official of each party to the transfer, is received and recorded by the Administrator.

"(c) INTERPOLLUTANT TRADING.—The regulations under subsection (b) shall provide for trading and banking of sulfur dioxide and nitrogen oxide allowances. Such rules shall provide that, for trading purposes, 1.5 pounds of nitrogen oxides shall be equivalent to 1.0 pound of sulfur dioxide. Interpollutant trades of these pollutants in areas failing to meet the national ambient air quality standards shall be subject to approval by the Administrator.

"(d) ALLOWANCE TRACKING SYSTEM.—The Administrator shall promulgate, not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989, a system for issuing, recording, and tracking allowances and shall specify procedures and requirements. All allowance allocations and transfers shall upon recordation by the Administrator be deemed a part of each unit's permit requirements pursuant to section 408, but shall not require permit review and revision.

"(e) NEW UTILITY UNITS.—The owner or operator of each new utility unit must hold allowances equal to the annual tonnage of sulfur dioxide emitted by such unit after January 1, 2000. Such new utility units shall not be eligible for an allocation of sulfur dioxide allowances under subsection (a). Notwithstanding the geographic limitations on transfers of allowances in subsection (b), new utility units may obtain allowances from any unit allocated allowances under this title. After January 1, 2000, it shall be unlawful for any new utility unit to emit sulfur dioxide in an amount exceeding the allowances the owner or operator of such unit holds for such unit. The owner or operator of any new utility unit in violation of this subsection shall be liable for fulfilling the obligations specified in section 411 of this title.

"(f) NATURE OF ALLOWANCES.—An allowance issued under this title is a limited authorization to emit sulfur dioxide or nitrogen oxides in accordance with the provisions of this title. Such allowances may be limited, revoked or otherwise modified in accordance with the provisions of this title or other authority of the Administrator. Such allowance does not constitute a property right.

"(g) PROHIBITION.—It shall be unlawful for any person to hold or transfer any allowance issued under this title, except in accordance with regulations issued by the Administrator.

"PHASE I SULFUR DIOXIDE REQUIREMENTS

"SEC. 404. (a) EMISSION LIMITATIONS.—After January 1, 1995, each source that includes one or more affected units listed in Table A is an affected source under this section. After January 1, 1995, it shall be unlawful for any affected unit to emit sulfur dioxide in excess of the tonnage limitation stated in table A for phase I unless the emissions reduction requirements applicable to such unit have been achieved pursuant to subsection (b) or the owner or operator of such unit has obtained allowances equal to the emissions in excess of those permitted under Table A, pursuant to section 403. The owner or operator of any unit in violation of this section shall be liable for fulfilling the obligations specified in section 411 of this title. The annual limitation for any unit totaled on Table A shall equal the product of each unit's baseline multiplied by an emission rate of 2.5 lbs/mmBtu, divided by 2,000.

"(b) SUBSTITUTIONS.—The owner or operator of an affected unit under subsection (a) may submit a proposal to the Administrator to reassign, in whole or in part, the sulfur dioxide reduction requirements to any other unit(s) under the control of such owner or operator. Such proposal shall specify—

"(1) the designation of the substitute affected units to which any part of the reduction obligations of subsection (a) shall apply, in addition to, or in lieu of, the original affected units designated under such subsection;

"(2) the baseline, the actual 1985 sulfur dioxide emissions rate, and the authorized annual tonnage limitation stated in Table A for the original affected unit;

"(3) calculation of the calendar year 1985 annual tonnage emitted by the substitute units, based on the baseline for each unit, as defined in section 402(d), multiplied by the unit's actual 1985 emission rate;

"(4) the emission rates and the actual tonnage limitations that would be applicable to the original and substitute affected units;

"(5) documentation, to the satisfaction of the Administrator, that the reassigned tonnage limits will, in total, achieve the same or greater emissions reduction than would have been achieved without such substitutions; and

"(6) such other information as the Administrator may require.

"(c) ADMINISTRATOR'S ACTION ON A PROPOSAL.—

"(1) The Administrator shall approve or disapprove such substitution not later than six months after receipt of a substitution proposal that fulfills the requirements of this subsection. If a proposal does not meet the requirements of subsection (d), the Administrator shall disapprove it. The owner or operator of a unit listed in Table A may not substitute another unit without the approval of the Administrator.

"(2) For an approved proposal, each substitute unit and source shall be deemed affected under this title, and the Administrator shall act on the submission in accordance with section 408. The Administrator shall allocate allowances for the affected units in accordance with the approved proposal pursuant to section 403. It shall be unlawful for any source or unit that receives allowances pursuant to this section to emit sulfur dioxide in an amount in excess of the allowances allocated to it. The owner or operator of any unit in violation of this subsection shall be liable for fulfilling the obligations specified in section 411 of this title. For a disapproved proposal, the Administrator shall issue allowances in accordance with subsection (a).

"TABLE A.—AFFECTED SOURCES AND UNITS IN PHASE I AND THEIR SULFUR DIOXIDE ALLOWANCES (TONS) IN PHASES I AND II

State	Plant name	Unit	Phase I allowances	Phase II allowances
Alabama	Colbert	1	13,600	6,520
		2	15,300	7,350
		3	15,400	7,390
		4	15,400	7,400
		5	37,200	17,800
	E.C. Gaston	1	18,100	8,690
		2	18,500	8,900
		3	18,300	8,790
		4	19,300	9,250
		5	59,800	28,700
Florida	Big Bend	1	28,400	13,600

"TABLE A.—AFFECTED SOURCES AND UNITS IN PHASE I AND THEIR SULFUR DIOXIDE ALLOWANCES (TONS) IN PHASES I AND II—Continued

State	Plant name	Unit	Phase I allowances	Phase II allowances
		2	27,100	13,000
		3	26,700	12,800
	Crist	6	19,200	9,200
		7	28,100	13,500
Georgia	Bowen	1	54,800	26,300
		2	56,300	27,000
		3	71,800	34,400
		4	71,700	34,400
	Hammond	1	8,780	4,220
		2	9,220	4,420
		3	8,910	4,280
		4	37,600	18,100
	Jack McDonough	1	19,900	9,550
		2	20,600	9,880
	Wansley	1	70,800	34,000
		2	65,400	31,400
	Yates	1	7,200	3,460
		2	7,040	3,380
		3	6,950	3,340
		4	8,910	4,280
		5	9,410	4,520
		6	24,800	11,900
		7	21,500	10,300
Illinois	Baldwin	1	42,000	20,200
		2	44,400	21,300
		3	42,600	20,400
	Coffeen	1	11,800	5,600
		2	35,700	17,100
	Grand Tower	4	5,910	2,840
	Hennepin	2	18,400	8,820
	Joppa Steam	1	12,600	6,040
		2	10,800	5,170
		3	12,300	5,890
		4	11,400	5,450
		5	11,400	5,480
		6	10,600	5,100
	Kincaid	1	31,500	15,100
		2	29,100	14,000
	Meredosia	3	13,900	6,670
	Vemillion	2	8,880	4,260
Indiana	Bailly	7	11,100	5,320
		8	12,400	5,970
	Breed	1	18,500	8,880
	Cayuga	1	33,400	16,000
		2	34,100	16,400
	Clifty Creek	1	20,200	9,670
		2	19,800	9,510
		3	20,400	9,800
		4	20,100	9,640
		5	19,400	9,290
		6	20,400	9,780
	Elmer W. Stout	5	3,880	1,860
		6	4,770	2,290
		7	23,600	11,300
	F.B. Culley	2	3,100	1,490
		3	17,000	8,140
	Frank E. Ratts	1	8,330	4,000
		2	8,480	4,070
	Gibson	1	40,400	19,400
		2	41,000	19,700
		3	41,100	19,700
		4	40,300	19,400
	H.T. Pritchard	6	5,770	2,770
	Michigan City	12	23,000	11,100
	Petersburg	1	16,400	7,890
		2	32,400	15,500
	R. Gallagher	1	4,690	2,250
		2	7,280	3,490
		3	6,530	3,130
		4	6,800	3,270
	Tanners Creek	4	24,800	11,900
	Wabash River	1	3,400	1,920
		2	2,860	1,370
		3	3,750	1,800
		5	3,670	1,760
		6	12,300	5,890
	Warrick	4	27,000	12,900
Iowa	Burlington	1	10,700	5,140
	Des Moines	7	1,680	805
	Milton L. Kapp	2	13,800	6,610
	Prairie Creek	4	8,180	3,920
	Riverside	5	3,300	1,590
Kansas	Quindaro	2	4,130	1,980
Kentucky	Coleman	1	11,200	5,390
		2	12,800	6,160
		3	12,300	5,930
	Cooper	1	7,450	3,570
		2	15,300	7,360

"TABLE A.—AFFECTED SOURCES AND UNITS IN PHASE I AND THEIR SULFUR DIOXIDE ALLOWANCES (TONS) IN PHASES I AND II—Continued

State	Plant name	Unit	Phase I allowances	Phase II allowances
	E.W. Brown	1	7,110	3,410
		2	10,900	5,240
		3	26,100	12,500
	Elmer Smith	1	5,440	2,610
		2	14,400	6,920
	Ghent	1	28,400	13,600
	Green River	4	7,820	3,750
	H.L. Spurlock	1	22,800	10,900
	Henderson II	1	13,300	6,410
		2	12,300	5,910
	Paradise	3	59,200	28,400
	Shawnee	10	10,200	4,880
Maryland	Chalk Point	1	21,900	10,500
		2	23,900	11,700
	C.P. Crane	1	10,300	4,960
		2	9,230	4,430
	Morgantown	1	35,200	16,900
		2	38,500	18,500
Michigan	J.H. Campbell	1	19,300	9,250
		2	23,100	11,100
Mississippi	Jack Watson	4	17,800	8,540
		5	36,500	17,500
Missouri	Asbury	1	16,200	7,770
	James River	5	4,830	2,320
	Labadie	1	35,700	17,100
		2	37,700	18,100
		3	40,300	19,400
		4	35,900	17,300
	Montrose	1	7,390	3,550
		2	8,200	3,940
		3	10,100	4,840
	New Madrid	1	28,200	13,600
		2	32,500	15,600
	Sibley	3	15,600	7,480
	Sioux	1	22,600	10,800
		2	21,100	10,100
	Thomas Hill	1	10,300	4,920
		2	17,200	8,270
New Hampshire	Merrimack	1	10,200	4,890
		2	22,000	10,600
New Jersey	B.L. England	1	9,060	4,350
		2	11,700	5,630
New York	Dunkirk	3	12,600	6,050
	Milliken	1	8,380	4,020
		2	12,400	5,960
	Northport	1	19,800	9,510
		2	24,100	11,600
		3	26,500	12,700
	Port Jefferson	3	10,500	5,030
		4	12,300	5,920
Ohio	Ashtabula	5	16,700	8,040
	Avon Lake	8	11,700	5,590
		9	30,500	14,600
	Cardinal	1	34,300	16,400
		2	38,300	18,400
	Conesville	1	4,210	2,020
		2	4,890	2,350
		3	5,500	2,640
		4	48,800	23,400
	Eastlake	1	7,800	3,750
		2	8,640	4,150
		3	10,000	4,810
		4	14,500	6,970
		5	34,100	16,400
	Gen. J.M. Gavin	1	79,100	38,000
		2	80,600	38,700
	Kyger Creek	1	19,300	9,260
		2	18,600	8,910
		3	17,900	8,600
		4	18,700	8,980
		5	18,700	9,000
	Miami Fort	6	11,400	5,460
		7	38,500	18,500
	Muskingum River	1	14,900	7,140
		2	14,200	6,800
		3	14,000	6,700
		4	11,800	5,650
		5	40,500	19,400
	Niles	1	6,940	3,330
		2	9,100	4,370
	Picway	5	4,930	2,370
	R.E. Burger	3	3,080	1,480
		4	10,800	5,170
		5	12,400	5,970
	W.H. Sammis	5	24,200	11,600
	W.C. Beckjord	5	8,950	4,290

"TABLE A.—AFFECTED SOURCES AND UNITS IN PHASE I AND THEIR SULFUR DIOXIDE ALLOWANCES (TONS) IN PHASES I AND II—Continued

State	Plant name	Unit	Phase I allowances	Phase II allowances
		6	23,000	11,000
Pennsylvania	Armstrong	1	14,400	6,920
		2	15,400	7,410
	Brunner Island	1	27,800	13,300
		2	31,100	14,900
		3	53,800	25,800
	Cheswick	1	39,000	18,700
	Conemaugh	1	59,800	28,700
		2	66,400	31,900
	Hatfield's Ferry	1	37,800	18,200
		2	37,300	17,900
		3	40,300	19,300
	Homer City	1	40,100	19,200
		2	34,700	16,700
	Martins Creek	1	12,700	6,080
		2	12,800	6,150
	Portland	1	5,940	2,850
		2	10,200	4,910
	Shawville	1	10,300	4,960
		2	10,300	4,960
		3	14,200	6,830
		4	14,100	6,760
	Sunbury	3	8,760	4,210
		4	11,500	5,500
Tennessee	Allen	1	15,300	7,360
		2	16,800	8,050
		3	15,700	7,520
	Cumberland	1	86,700	41,600
		2	94,800	45,500
	Gallatin	1	17,600	8,470
		2	17,300	8,310
		3	20,000	9,610
		4	21,300	10,200
	Johnsonville	1	7,790	3,740
		2	8,040	3,860
		3	8,410	4,040
		4	7,990	3,830
		5	8,240	3,950
		6	7,890	3,790
		7	8,980	4,310
		8	8,700	4,180
		9	7,080	3,400
		10	7,550	3,630
West Virginia	Albright	3	10,700	5,120
	Fort Martin	1	41,600	20,000
		2	41,200	19,800
	Harrison	1	8,600	23,300
		2	46,100	22,100
		3	41,500	19,900
	Kammer	1	18,700	9,000
		2	19,500	9,340
		3	17,400	8,350
	Mitchell	1	44,000	21,100
		2	45,500	21,800
	Mount Storm	1	43,700	21,000
		2	35,600	17,100
		3	42,400	20,400
Wisconsin	Edgewater	4	24,700	11,900
	La Crosse/Genoa	3	19,100	9,160
	Nelson Dewey	1	6,010	2,880
		2	6,680	3,210
	North Oak Creek	1	5,220	2,510
		2	5,140	2,470
	Pulliam	8	7,510	3,600
	South Oak Creek	5	9,670	4,640
		6	12,000	5,780
		7	16,200	7,770
		8	15,800	7,580

"PHASE II SULFUR DIOXIDE REQUIREMENTS

"SEC. 405. (a). APPLICABILITY.—After January 1, 2000, each steam-electric existing utility unit as provided below is subject to the limitations or requirements of this section. Each utility unit subject to an annual sulfur dioxide tonnage emission limitation under this section is an affected unit under this title. Each source that includes one or more affected units is an affected source. In the case of an existing unit that was not in operation during calendar year 1985, the emission rate for a calendar year after 1985, as determined by the Administrator, shall be used in lieu of the 1985 rate. The owner or operator of any unit in violation of this section shall be liable for fulfilling the obligations specified in section 411 of this title.

"(b) UNITS EQUAL TO, OR ABOVE, 75 MWE AND 1.20 LBS/MMBTU.—After January 1, 2000, it shall be unlawful for any steam-electric existing unit with nameplate capacity equal to, or greater, than 75 MWe and an actual 1985 emission rate equal to or greater than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by an emission rate equal to 1.20 lbs/mmBtu, divided by 2000 unless the owner or operator of such unit has obtained allowances equal to the emissions in excess of those permitted under this subsection. In the case of a unit which has decreased its emissions rate as of the date of enactment by forty per centum or greater from 1980, and whose utility system's residential customer growth has increased by at least three per centum per year since 1980, such unit has the option of calculating its baseline, as defined in section 402(d)(1), using an average of any three consecutive years between 1980 and 1989.

"(c) COAL OR OIL-FIRED UNITS BELOW 75 MWE AND ABOVE 1.20 LBS/MMBTU.—After January 1, 2000, it shall be unlawful for any coal or oil-fired steam-electric existing utility unit with nameplate capacity less than 75 MWe and an actual 1985 emission rate

equal to or greater than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide emission rate limitation equal to its actual 1985 emission rate.

"(d) COAL-FIRED UNITS BELOW 1.20 LBS/MMBTU.—After January 1, 2000, it shall be unlawful for any coal-fired utility unit with an actual 1985 sulfur dioxide emission rate less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by a factor of 120 per centum and its actual 1985 emission rate, divided by 2,000 unless the owner or operator of such unit has obtained allowances equal to the emissions in excess of those permitted under this subsection. For the purposes of this section, in the case of an oil- and gas-fired unit which has been awarded a clean coal technology demonstration grant as of January 1, 1991, by the United States Department of Energy, such unit may use any three consecutive years between 1980 and 1989 in calculating its baseline, as defined in section 402(d)(1).

"(e) OIL AND GAS-FIRED UNITS EQUAL TO OR GREATER THAN 0.4 LBS/MMBTU AND LESS THAN 1.20 LBS/MMBTU.—After January 1, 2000, it shall be unlawful for any oil and gas-fired utility unit with an actual 1985 sulfur dioxide emission rate equal to or greater than 0.4 lbs/mmBtu, but less than 1.20 lbs/mmBtu to exceed an annual tonnage sulfur dioxide emission limitation equal to the product of the unit's baseline multiplied by a factor of 120 per centum and its actual 1985 sulfur dioxide emission rate, divided by 2,000 unless the owner or operator of such unit has obtained allowances equal to the emissions in excess of those permitted under this subsection.

"(f) OIL AND GAS-FIRED UNITS LESS THAN 0.4 LBS/MMBTU.—After January 1, 2000, it shall be unlawful for any oil and gas-fired unit with an actual 1985 emission rate less than 0.4 lbs/mmBtu that consumes annually, on a Btu basis, 90 per centum or less of its fuel in the form of natural gas to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by a factor of 120 per centum and its federally approved emission limitation, divided by 2,000 unless the owner or operator of such unit has obtained allowances equal to the emissions in excess of those permitted under this subsection.

"(g) UNITS THAT COMMENCE OPERATION BETWEEN 1985 AND THE DATE OF ENACTMENT.—After January 1, 2000, it shall be unlawful for any unit that commences operation on or after January 1, 1985, but not later than the date of enactment of the Clean Air Act Amendments of 1989 to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 per centum capacity factor multiplied by the emission rate specified in its permit or other federally enforceable sulfur dioxide emission limitation, divided by 2,000 unless the owner or operator of such unit has obtained allowances equal to the emissions in excess of those permitted under this subsection.

"(h) OIL AND GAS-FIRED UNITS LESS THAN 10 PER CENTUM OIL CONSUMED.—After January 1, 2000, it shall be unlawful for any oil- and gas-fired utility unit that consumes annually, on a Btu basis, more than 90 per centum of its fuel in the form of natural gas to exceed an emission rate limitation equal to its actual 1985 sulfur dioxide emission rate. In any year that the supply of natural gas is curtailed to any such unit, the owner or operator may apply to the Administrator for allowances equal to the difference between the unit's actual 1985 emission rate multiplied by its baseline and actual emissions during the year including the period of curtailment. The Administrator shall issue allowances to any qualifying source, as provided in section 403(a)(2), as necessary to meet the requirements of this subsection.

"CREDITS FOR CLEAN STATES

"SEC. 406. (a) CREDITS.—Existing units in States in which less than one hundred fifty thousand tons of sulfur dioxide were emitted by utility steam-electric generating units in 1985 and in which more than 50 per centum of the coal-fired utility-generated electricity was produced in calendar year 1988 from boilers with a technological system of continuous emissions control shall not be considered affected units for purposes of sections 404 and 405.

"(b) AFTER 2000.—After January 1, 2000, it shall be unlawful for each existing unit in States described in subsection (a) to emit sulfur dioxide in excess of its annual average emissions of sulfur dioxide during calendar years 1996, 1997 and 1998. The owner or operator of any unit in violation of this subsection shall be liable for fulfilling the obligations specified in section 411 of this title.

"NITROGEN OXIDES EMISSION REDUCTION PROGRAM

"SEC. 407. (a) APPLICABILITY.—Emission limitations for nitrogen oxides shall apply to coal-fired affected utility units as defined under sections 404, 405, and 406. Such units are affected units for the purposes of this section.

"(b) EMISSION LIMITATIONS.—After January 1, 2000, it shall be unlawful for any affected source that includes one or more affected units to emit nitrogen oxides in excess of the emissions tonnage limitation provided by this section unless the owner or operator of such source has obtained allowances equal to the emissions in excess of those permitted under this subsection. Such limitation is the annual nitrogen oxides limitation that is the product of each unit's baseline multiplied by the following emission rate divided by 2,000—

"(1) for tangentially-fired boilers, 0.45 lbs/mmBtu; or

"(2) for dry bottom wall-fired boilers, 0.50 lbs/mmBtu.

"(3) for all other boiler-types, including, but not limited to cyclone, wet bottom, and stoker boilers, their actual annual average nitrogen oxides emission rate as recorded for those units in 1995 and 1996 based on Continuous Emission Monitoring System data required under section 412, or such lower rate as may be specified for such units by the Administrator if the Administrator determines that nonrepresentative operating conditions have resulted in elevated actual rates for such boiler types.

"(c) REVISED PERFORMANCE STANDARD.—(1) Not later than January 1, 1993, the Administrator shall propose revised standards of performance pursuant to section 111 for emissions of nitrogen oxides from fossil fuel fired steam generating units, including both electric utility and nonutility units. Not later than January 1, 1994, the Administrator shall promulgate such revised standards of performance. Such revised standards of performance shall reflect improvements in methods for the reduction of emissions of oxides of nitrogen.

"(2) Not later than January 1, 1993, the Administrator shall propose standards of performance pursuant to section 111 for emissions of oxides of nitrogen from large stationary diesel and turbine engines. Not later than January 1, 1994, the Administrator shall promulgate such standards of performance.

"PERMITS AND COMPLIANCE PLANS

"SEC. 408. (a) PERMIT PROGRAM.—This title shall be implemented by permits issued in accordance with the provisions of this Act. Any permit issued by the Administrator, or a State with an approved permit program, shall prohibit each of the following:

"(1) annual emissions of sulfur dioxide or nitrogen oxides in excess of the total allowances held by the affected unit or source,

"(2) exceedances of applicable sulfur dioxide or nitrogen oxide emissions rates, and

"(3) contravention of any other provision of the permit.

"(b) COMPLIANCE PLAN.—Each permit application shall be accompanied by a compliance plan for the source to comply with its requirements under this title. The compliance plan shall provide all necessary information on the schedule and means by which the source will obtain compliance with its annual tonnage limitation, or emission rate if applicable, including specification of the owner's or operator's intent to acquire any additional allowances beyond the initial allocation that will be used to achieve compliance and the owner or operator's certification that such owner or operator will comply with the requirements of this title in all circumstances, including, but not limited to, those in which such owner or operator fails to secure any such additional allowances necessary to achieve compliance. The Administrator may also require—

"(1) for a source, a demonstration of attainment of national ambient air quality standards, and

"(2) from the owner or operator of two or more affected sources, an integrated compliance plan providing an overall plan for achieving compliance at the affected sources.

"(c) FIRST PHASE PERMITS.—The Administrator shall issue permits to the affected sources under section 404—

"(1)(A) Not later than thirty months after the date of enactment of the Clean Air Act Amendments of 1989, the owner or operator of each affected source under section 404 shall submit a permit application and compliance plan for that source in accordance with regulations issued by the Administrator. The permit application and the compliance plan shall be binding on the owner or operator, and be enforceable for purposes of this Act, in lieu of a permit, until a permit is issued by the Administrator for the source pursuant to this section and title III of this Act. During pendency of the permit application and the compliance plan, the owners or operators may amend such applications or plans automatically provided that they notify the Administrator of such amendments.

"(B) In the case of a compliance plan for an affected source under section 404 for which the owner or operator proposes to meet the requirements of that section by reducing utilization of the unit by 20 per centum or more, as compared with the baseline prescribed in section 402(d), or by shutting down the unit, the owner or operator shall include in the compliance plan a specification of the units that will provide electrical generation to compensate for the reduced output of the affected source or a demonstration that such reduced utilization will be accomplished through energy conservation or improved unit efficiency. The

source, and any unit to be used for such compensating generation, if not otherwise affected under section 404, shall be deemed affected under section 404, subject to the requirements of section 404 of this title, except that allowances shall be allocated to such unit in the amount of an annual limitation equal to the product of the unit's baseline multiplied by the unit's actual 1985 emission rate, divided by 2,000.

"(2) The Administrator shall review each proposed compliance plan to determine whether it satisfies the requirements of this title, and shall approve or disapprove such plan within six months after receipt of a complete submission.

"(3) Not later than eighteen months after enactment of the Clean Air Act Amendments of 1989, the Administrator shall promulgate regulations consistent with regulations required to be promulgated under title III of this Act to implement a Federal permit program to issue permits for affected sources under this title. Following promulgation, the Administrator shall issue a permit to implement the requirements of section 404 and the allowances provided under section 403 to the owner or operator of each affected source under that section. Such a permit shall supersede any permit application and compliance plan submitted under paragraph (1). The permitting authority shall issue a permit to the affected source in accordance with title III.

"(d) SECOND PHASE PERMITS.—(1) To implement sections 405, 406, and 407, each State in which one or more sources subject to those sections are located, shall submit a permit program to the Administrator for approval. The Administrator shall approve any permit program meeting the requirements of section 351.

"(2) The owner or operator of each affected source under section 405 shall submit a permit application and compliance plan for that source to the permitting authority, not later than January 1, 1994.

"(3) Not later than July 1, 1995, each State with an approved permit program pursuant to title III of this Act shall issue permits to the owners or operators of existing affected sources under section 405 that satisfy the requirements of this Act. In the case of a State without an approved permit program, or a State that fails to issue permits to all of its existing affected sources by July 1, 1995, the Administrator shall, not later than July 1, 1996, issue a permit to the owner or operator of each such affected source that has not been issued a State permit.

"(4) Not later than July 1, 1996, the Administrator shall issue allowances to each affected source. These shall be deemed a part of the permit issued for that source, as provided in section 403. Allowances shall be issued each year by the Administrator to affected sources in accordance with sections 403 and 411.

"(5) The owner or operator of any unit subject to the requirements of section 407 shall submit a permit application for such unit to the permitting authority, not later than January 1, 1997. The Administrator shall, not later than July 1, 1998, issue a permit to the owner or operator of each such affected source that has not been issued a State permit. The permitting authority shall issue a permit to the owner or operator that satisfies the requirements of this title, including any appropriate monitoring and reporting requirements.

"(6) The owner or operators of any unit subject to the requirements of section 406 shall submit a permit application for such unit to the permitting authority not later than July 1, 1999. The permitting authority shall issue a permit to the owner or operator that satisfies the requirements of this title, including any appropriate monitoring and reporting requirements.

"(e) NEW UNIT PERMITS.—(1) Each State shall submit a comprehensive and enforceable permit program for new units to the Administrator for approval, as provided under title III. The Administrator shall approve or disapprove complete submittals within one year of receipt.

"(2) The owner or operator of each source that includes a new unit or units shall submit a permit application and compliance plan to the permitting authority not later than twenty-four months prior to January 1, 2000, or to commencing operation of the unit, whichever is later. The permitting authority shall issue a permit to the owner or operator of the unit that satisfies the requirements of this title.

"(f) AMENDMENT OF APPLICATION AND COMPLIANCE PLAN.—At any time after the submission of an application and compliance plan under this section, the applicant may submit a revised application and compliance plan, in accordance with the requirements of this section.

"(g) PROHIBITION.—It shall be unlawful for an owner or operator (1) to fail to submit a permit application or compliance plan in accordance with the deadlines specified in this section or otherwise to fail to comply with regulations implementing this section, or (2) to operate any source subject to this title except in compliance with the terms and requirements of a permit application and compliance plan or permit issued by the Administrator or a State with an approved permit program.

"REPOWERED SOURCES

"SEC. 409. (a) AVAILABILITY.—Not later than December 31, 1997, the owner or operator of an existing unit subject to the requirement of section 405 may demonstrate to the permitting authority that one or more units will be repowered with a qualifying clean coal technology to comply with the requirements under section 405. The owner or operator shall, as part of any such demonstration, provide, not later than January 1, 2000, satisfactory documentation of a preliminary design and engineering effort for such repowering and an executed contract for the majority of the equipment to repower such unit and such other information as the Administrator may require by regulation.

"(b) EXTENSION.—An owner or operator satisfying the requirements of subsection (a) shall be granted an extension of the emission limitation requirement compliance date for that unit from January 1, 2000, to December 31, 2003. The extension shall be specified in the permit issued to the source under section 408, together with any compliance schedule and other requirements necessary to meet second phase requirements by the extended date. Any unit that is granted an extension under this section shall not be eligible for a waiver under section 111(j) of this Act.

"(c) ALLOWANCES.—(1) For the period of the extension under this section, the Administrator shall issue to the owner or operator of the affected unit, annual allowances for sulfur dioxide equal to the affected unit's baseline multiplied by the lesser of the unit's federally approved State Implementation Plan limitation or its actual emission rate for 1995. Such allowances may not be transferred or used by any other source to meet emission requirements under this title. The source owner or operator shall notify the Administrator sixty days in advance of the date on which the affected unit for which the extension has been granted is to be removed from operation to install the repowering technology.

"(2) Effective on that date, the source shall be subject to the requirements of section 405. Allowances for the year in which the source is removed from operation to install the repowering technology shall be calculated by multiplying 1.20 lbs/mmBtu by the existing utility unit, divided by 2,000, and prorated accordingly, and are transferable.

"(3) Allowances for such existing utility units for calendar years after the year the repowering is complete shall be calculated by multiplying 1.20 lb./mmBtu of sulfur dioxide by the existing utility unit's baseline divided by 2,000.

"(e) PROHIBITION.—It shall be unlawful for the owner or operator of a repowered source to fail to comply with the requirement of this section, and any regulations to implement this section.

"ELECTION FOR ADDITIONAL SOURCES

"SEC. 410. (a) APPLICABILITY.—The owner or operator of any existing unit that is not an affected unit or that is subject to section 405 (c) or (h) or that is a process source under subsection (e), that emits sulfur dioxide or nitrogen oxides, may elect to designate that unit, or source, to become an affected unit and receive allowances under this title. An election may be submitted to the Administrator for approval anytime after promulgation of regulations under subsection (g) of this section. The Administrator shall approve a designation that meets the requirements of this section and such designated unit, or source, shall receive allowances for purposes of this title, and be an affected unit or source.

"(b) ESTABLISHMENT OF BASELINE.—The baseline for a unit designated under this section shall be established by the Administrator by regulation, based on fuel consumption and operating data for the unit for calendar years 1985, 1986, and 1987, or if such data is not available, the Administrator may prescribe a baseline based on alternative representative data.

"(c) EMISSION LIMITATIONS.—Annual emission limitations for sulfur dioxide and nitrogen oxides shall be equal to the product of the baseline multiplied by the lesser of the unit's 1985 actual or allowable emission rate in lbs/mmBtu, or, if the unit did not operate in 1985 the emission rate for a calendar year after 1985 (as determined by the Administrator), divided by 2,000. After January 1, 2000, the emission rate for calculating an emission limitation under this subsection shall be the rate prescribed under section 405 for any unit subject to those provisions. However, any such unit shall be subject only to an emission limitation under this section, and not also to an emission rate requirement under those provisions.

"(d) ALLOWANCES AND PERMITS.—The Administrator shall issue allowances to an affected unit, or source, under this section in an amount equal to the limitation calculated under subsection (c) or (e), in accordance with section 403. Such allowances may be transferred to the owner or operator of any other affected source in accordance with section 403.

"(e) PROCESS SOURCES.—The Administrator shall establish a program under which the owner or operator of a process source that emits sulfur dioxide or nitrogen oxide may elect to designate that source to receive al-

lowances under this title for designation of process sources as affected sources under this section. The Administrator shall define the sources that may be included (not including any unit as defined under this title), specify the operating, emission baseline, and other data requirements, prescribe CEMS or other monitoring requirements, and promulgate permit, reporting, and any other requirements necessary to implement such a program.

"(f) LIMITATION.—Any unit designated under this section shall not transfer or bank allowances produced as a result of reduced utilization or shutdown. In no case may the Administrator permit a source to receive allowances in an amount greater than the emissions resulting from operation of the source in full compliance with the requirements of this Act in effect prior to enactment of this title.

"(g) IMPLEMENTATION.—The Administrator shall issue regulations to implement this section not later than eighteen months after enactment of the Clean Air Act Amendments of 1989.

"EXCESS EMISSIONS FEE

"SEC. 411. (a) EXCESS EMISSIONS FEE.—The owner or operator of any unit or process source subject to the requirements of sections 403(e), 404, 405, 406, or 407 or designated under section 410 that emits sulfur dioxide or nitrogen oxides for any calendar year in excess of the unit's or process source's emissions limitation requirement or of the allowances the owner or operator possesses for the unit or process source for that calendar year that are unclaimed or unused by any other source shall be liable for the payment of an excess emission fee. That fee shall be calculated on the basis of the number of tons emitted in excess of the unit's or process source's emissions limitation requirement or of the allowances the operator possesses for the unit or process source multiplied by $2,000. Any such fee shall be due and payable without demand to the Administrator as provided in regulations issued by the Administrator. Any such funds shall be deposited in the United States Treasury pursuant to the Miscellaneous Receipts Act. Any fee due and payable under this section shall not diminish any fine, penalty or fee imposed on the same source under any other section of this Act.

"(b) EXCESS EMISSIONS OFFSET.—The owner or operator of any affected source liable for payment of a fee under subsection (a) is also liable to offset the excess emissions by an equal tonnage amount in the following calendar year, or such longer period as the Administrator may prescribe. The owner or operator of the source shall, within sixty days after the end of the year, submit to the Administrator, and the State, a plan to achieve the required offsets. The Administrator shall also deduct allowances equal to the excess tonnage from those issued for the source for the calendar year, or succeeding years, following the year in which the excess emissions occurred.

"(c) FEE ADJUSTMENT.—The Administrator shall, by regulation, adjust the fee specified in subsection (a) for inflation, based on the Consumer Price Index, on the date of enactment and annually thereafter.

"(d) PROHIBITION.—It shall be unlawful for the owner or operator of any source liable for a fee and offset under this section to fail to pay the fee under subsection (a) or to provide, and thereafter comply with, a compliance plan as required by subsection (b), or offset excess emissions as required by subsection (b).

"MONITORING, REPORTING, AND RECORDKEEPING REQUIREMENTS

"SEC. 412. (a) APPLICABILITY.—All sources subject to this title shall be required to install and operate continuous emissions monitors and quality assure the data for sulfur dioxide, nitrogen oxides, opacity and volumetric flow for each unit subject to this title. The Administrator shall, by regulations issued not later than eighteen months after enactment of the Clean Air Act Amendments of 1989, specify the requirements for continuous emissions monitors, for alternative methods that provide information with the same precision, reliability, accessibility, and timeliness as that provided by continuous emissions monitors, and for recordkeeping and reporting of information from such systems.

"(b) FIRST PHASE REQUIREMENTS.—Not later than thirty-six months after enactment of the Clean Air Act Amendments of 1989, the owner or operator of each affected unit under section 404 shall install and operate continuous emissions monitors, quality assure the data, and keep records and reports in accordance with regulations issued under subsection (a).

"(c) SECOND PHASE REQUIREMENTS.—Not later than January 1, 1995, the owner or operator of each source subject to this title that has not previously met the requirements of subsection (a) shall comply with those requirements.

"(d) UNAVAILABILITY OF CONTINUING EMISSION MONITORING SYSTEM.—If continuous emissions monitors data is not available for any affected unit during any period of a calendar year in which such data is required under this title, and the owner or operator cannot provide information, satisfactory to the Administrator, on emissions during that period, the Administrator shall deem the unit to be operating in an uncontrolled manner and, by regulation, prescribe means to calculate emissions for that period. The owner or operator shall be liable for excess emissions fees and offsets under section 411 in accordance with such regulations which shall be issued not later than eighteen months after enactment of the Clean Air Act Amendments of 1989.

"(e) PROHIBITION.—It shall be unlawful for the owner or operator of any source subject to this title to operate a source without complying with the requirements of this section, and any regulations implementing this section.

"GENERAL COMPLIANCE WITH OTHER PROVISIONS.

"SEC. 413. Except as expressly provided, compliance with the requirements of this title shall not exempt or exclude the owner or operator of any source subject to this title from compliance with any other applicable requirements of this Act.

"ENFORCEMENT

"SEC. 414. A violation by the owner or operator of a source subject to this title of the prohibitions of, requirements of, or regulations promulgated pursuant to this title shall be a violation of this Act. Operation of an affected source to emit sulfur dioxide or nitrogen oxides in excess of its allowances shall be deemed a violation, with each ton emitted in excess of allowances held constituting a separate violation.".

REPEAL OF PERCENT REDUCTION

SEC. 402. (a) REPEAL.—Section 111(a)(1) of the Clean Air Act is amended to read as follows:

"(1) The term 'standard of performance' means a standard for emissions of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.".

(b) REVISED REGULATIONS.—Not later than three years after the date of enactment of the Clean Air Act Amendments of 1989, the Administrator shall promulgate revised regulations for standards of performance for new fossil fuel fired stationary sources commencing construction after the date on which such regulations are proposed that, at a minimum, require any source subject to such revised standards to emit any pollutants for which a standard has been promulgated pursuant to section 109 at a rate not greater than would have resulted from compliance by such source with the applicable standards of performance under this section prior to such revision.

(c) APPLICABILITY.—The provisions of subsections (a) and (b) apply only so long as the provisions of section 403(e) of the Clean Air Act remain in effect.

(d) BACT DETERMINATIONS.—Section 169(3) of the Clean Air Act is amended by inserting: ", clean fuels," after "including fuel cleaning,".

FEDERAL FACILITIES

SEC. 403. (a) FEDERALLY OWNED FACILITIES.—

(1) CONSERVATION.—Not later than September 30, 1995, each Federal facility in the service territory of a utility operating an affected source, as defined in section 402 of the Clean Air Act, shall install, in federally owned facilities, all electric energy conservation improvements that are cost-effective based on a life-cycle cost analysis. Cost analyses performed must recognize all environmental costs and benefits arising from the systems being compared.

(2) RENEWABLE AND ALTERNATIVE CLEAN ENERGY TECHNOLOGY.—Not later than January 1, 1995, each Federal agency with facilities in the service territory of a utility operating an affected source shall utilize renewable and alternative clean energy technologies to satisfy at least 10 per centum of the total electric needs of the agency's facilities in the affected area. Renewable and clean energy technologies that satisfy the purpose of this requirement shall have maximum emissions rates as follows:

Pollutant	Maximum Emission Rate
SO_2	0.1 pounds per gigawatt hour.
NO_x	135.0 pounds per gigawatt hour.

(3) After January 1, 1995, no Federal agency shall spend funds for the construction or acquisition of a building in any location unless that agency has complied with the requirements of sections (a)(1) and (a)(2).

(b) FEDERALLY LEASED FACILITIES.—After January 1, 1992, no Federal agency shall enter into or renew a lease for space exceeding thirty-five thousand square feet in new or renovated buildings where the federally leased space exceeds 70 per centum of the buildings leaseable space, which is in the service territory of a utility operating an affected source, unless that building has installed all electric energy conservation improvements that are cost effective, based on life cycle cost analysis which includes all environmental costs and benefits.

(c) GUIDANCE.—The Administrator of the Environmental Protection Agency shall provide guidance on the implementation of this section 415, and by January 1991, shall issue a methodology and guidelines for conduct of the life-cycle cost analysis required by sections (a) and (b). Additionally the Administrator will conduct an analysis of affected Federal facilities, particularly those that utilize less than one thousand megawatt hours per year or that are government research or experimentation facilities, and issue a finding of practically limiting the extent of applicability of sections (a) and (b). A determination of practicality will consider the size of the facility, the amount of electrical power consumed, the diversity of electric power usage at the facility, and the feasibility of making the required changes.

(d) REPORT.—Each affected Federal agency shall submit by January 1, 1992 a report, to the Administrator of the Environmental Protection Agency and to the Congress, detailing its implementation of the requirements of sections (a) and (b).

(e) DOD-EPA COOPERATION.—Recognizing that the Department of Defense owns and operates and will continue to establish many unique facilities in affected areas, to the extent feasible the Administrator of the Environmental Protection Agency and the Secretary of Defense shall cooperate in meeting the requirements of this section.

ACID DEPOSITION STANDARDS

SEC. 404. Not later than thirty-six months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the feasibility and effectiveness of an acid deposition standard or standards to protect sensitive and critically sensitive aquatic and terrestrial resources. The study required by this section shall include, but not be limited to, consideration of the following matters:

(a) identification of the sensitive and critically sensitive aquatic and terrestrial resources in the United States and Canada which may be affected by the deposition of acidic compounds;

(b) description of the nature and numerical value of a deposition standard or standards that would be sufficient to protect such resources;

(c) description of the use of such standard or standards in other Nations or by any of the several States in acid deposition control programs;

(d) description of the measures that would need to be taken to integrate such standard or standards with the control program required by title IV of the Clean Air Act;

(e) description of the state of knowledge with respect to source-receptor relationships necessary to develop a control program on such standard or standards and the additional research that is on-going or would be needed to make such a control program feasible; and

(f) description of the impediments to implementation of such control program and the cost-effectiveness of deposition standards compared to other control strategies including ambient air quality standards, new source performance standards and the requirements of title IV of the Clean Air Act.

NATIONAL ACID LAKES REGISTRY

SEC. 405. The Administrator of the Environmental Protection Agency shall create a National Acid Lakes Registry that shall list, to the extent practical, all lakes that are known to be acidified due to acid deposition, and shall publish such list within one year of the enactment of this Act. Lakes shall be added to the registry as they become acidic or as data become available to show they are acidic. Lakes shall be deleted from the registry as they become nonacidic.

INDUSTRIAL SO_2 EMISSIONS

SEC. 406. (a) Not later than January 1, 1995, the Administrator of the Environmental Protection Agency shall transmit to the Congress an inventory of sulfur dioxide emissions from industrial sources along with a report indicating likely trends in such emissions over the following twenty-year period. The Administrator shall update such inventory every five years.

(b) Whenever the inventory required by this section indicates that sulfur dioxide emissions from industrial sources may reasonably be expected to reach levels greater than one million five hundred thousand tons less than such emissions in 1980, the Administrator of the Environmental Protection Agency shall take such actions under the Clean Air Act as may be appropriate, including the promulgation of standards for existing sources of such emissions under section 111(d), to assure that sulfur dioxide emissions from industrial sources do not exceed such levels.

SENSE OF THE CONGRESS ON EMISSION REDUCTIONS COSTS

SEC. 407. It is the sense of the Congress that the Clean Air Act Amendments of 1989, through the allowance program, allocates the costs of achieving the required reductions in emissions of sulfur dioxide and oxides of nitrogen among sources in the United States. Broad based taxes and emissions fees that would provide for payment of the costs of achieving required emissions reductions by any party or parties other than the sources required to achieve the reductions are undesirable.

CONTINUATION OF THE NATIONAL ACID PRECIPITATION ASSESSMENT PROGRAM

SEC. 408. (a) The National Acid Precipitation Assessment Program created by Public Law 96-294 shall be continued pursuant to this section. The Chairman of the Joint Chairs of the National Acid Precipitation Task Force shall be the Administrator of the Environmental Protection Agency.

(b) The Task Force shall sponsor monitoring and research in the federal agencies and in the scientific community that is necessary to understand the effects of the emissions control program created by this title. The Task Force shall undertake cost-benefit analyses of the effects of the emissions control program created by this title.

(c) The Task Force shall provide for the collection of information regarding—

(1) natural and anthropogenic emissions of the precursors of acid deposition;

(2) actual levels of all types of acid deposition;

(3) the status of ecosystems (including forests and terrestrial waters), materials, and visibility affected by acid deposition; and

(4) the costs and benefits of the control program created by this title.

The Task Force shall assure that this data is interpreted in such a way as to allow interested persons to determine as accurately as possible the total effects of the emissions control program created by this title.

(d) The Task Force shall provide for the maintenance and updating of models that describe the interaction of emissions with the atmosphere such as the Regional Acid Deposition Model, and models that describe the response of ecosystems to acid deposition.

(e) The Task Force shall make a unified budget recommendation. Every two years beginning in 1992, the Task Force shall submit a report to the President and the Congress describing the results of its investigations and analysis of the effects of the emissions control program contained in this title.

(f) There are authorized to be appropriated the amount of $10,000,000 per year to carry out the purposes of this section, to remain available until expended.

TITLE V—PERMITS

SEC. 501. The Clean Air Act is amended—

(1) by inserting after the heading "TITLE III—GENERAL" the subheading "PART A—MISCELLANEOUS"; and

(2) by adding at the end of title III the following:

"PART B—PERMITS

"DEFINITIONS

"SEC. 350. As used in this title—

"(1) The term 'affected source' shall have the meaning given in title IV.

"(2) The term 'major source' means any stationary source (or any group of stationary sources located within a contiguous area and under common control) that—

"(A) is a major source as defined under section 112 or part D of this Act; or

"(B) is a major stationary source as defined in section 302(j).

"(3) For sources subject to standards issued under section 112 of this Act, the terms 'new source', 'stationary source', and 'area source' shall have the meaning given in that section.

"(4) For sources subject to standards issued under section 111 of this Act, the terms 'new source', 'modification', 'existing source', 'stationary source', and 'owner or operator' shall have the meaning given in that section.

"(5) The term 'schedule of compliance' means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an applicable implementation plan, emission standard, emission limitation, or emission prohibition.

"(6) The term 'permitting authority' means the Administrator, or the air pollution control agency authorized by the Administrator to carry out a permit program under this title.

"PERMIT PROGRAMS

"SEC. 351. (a) After the effective date of any permit program approved or promulgated under this title, it shall be unlawful for any person to violate any requirement of a permit issued under this title, or to operate a major source, any other source (including an area source) subject to standards or regulations under section 111 or 112, any source required to have a permit under parts C or D of this Act, or any other source designated by regulations promulgated by the Administrator, except in compliance with a permit issued by a permitting authority under this title. Nothing in this subsection shall be construed to alter the requirements of sections 165, 172, and 173 regarding the requirement that a permit be obtained prior to construction. The Administrator may, in the Administrator's discretion, promulgate regulations to exempt one or more source categories from the requirements of this subsection if the Administrator finds that such an exemption would be consistent with the purposes of this Act.

"(b) Not later than twelve months after the date of enactment of this title, the Administrator shall promulgate regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. These elements shall include:

"(1) Requirements for permit applications, including a standard application form.

"(2) Monitoring and reporting requirements.

"(3)(A) A requirement under State law that the owner or operator of each source subject to the requirement to obtain a permit under this title pay an annual fee, or the equivalent over some other period, sufficient to cover all direct and indirect costs of developing and administering the permit program, including, but not limited to, the reasonable costs of—

"(i) reviewing and acting upon any application for such a permit,

"(ii) if the owner or operator receives a permit for such source, whether before or after the date of enactment of this section, implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),

"(iii) emissions and ambient monitoring,

"(iv) preparing generally applicable regulations or guidance,

"(v) modeling, analyses, and demonstrations, and

"(vi) preparing inventories and tracking emissions.

"(B) The total amount of fees collected by the permitting authority shall conform to the following requirements:

"(i) The Administrator shall not approve a program as meeting the requirements of this paragraph unless the State demonstrates that, except as otherwise provided in subparagraphs (ii) through (v) of this subparagraph, the program will result in the collection, in the aggregate, from all sources subject to subparagraph (A), of an amount not less than $25 per ton of each regulated pollutant.

"(ii) As used in this subparagraph, the term 'regulated pollutant' shall mean (I) each pollutant regulated under section 111 or 112; and (II) each pollutant for which a national primary ambient air quality standard has been promulgated (except that ozone precursors, carbon monoxide, and PM-10 precursors shall be excluded from this reference).

"(iii) The fee calculated under clause (i) shall be increased in each year beginning after the year of enactment of this section by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989.

"(C)(i) If the Administrator determines, under section 502(d), that the fee provisions of the operating permit program do not meet the requirements of this paragraph, or if the Administrator makes a determination, under section 502(i), that the permitting authority is not adequately administering or enforcing an approved fee program, the Administrator may, in addition to taking any other action authorized under this title, collect reasonable fees from the sources identified under subparagraph (A) without regard to the requirements of paragraph (B).

"(ii) Any source that fails to pay fees lawfully imposed by the Administrator under this subparagraph shall pay a penalty of 50 per centum of the fee amount, plus interest on the fee amount computed in accordance with section 6621(a)(2) of title 26, of the United States Code (relating to computation of interest on underpayment of Federal taxes).

"(iii) Any fees, penalties, and interest collected under this subparagraph shall be deposited in a special fund in the United States Treasury for licensing and other services, which thereafter shall be available for appropriation, to remain available until expended, subject to appropriation, to carry out the Agency's activities for which the fees were collected.

"(iv) Any fee required to be collected by a State or interstate agency under this subsection shall be utilized to support the air pollution control program of such State or interstate agency.

"(4) Requirements for adequate personnel and funding to administer the program.

"(5) A requirement that the permitting authority have adequate authority to—

"(A) issue permits that apply, and assure compliance by all sources required to have a permit under this title with each applicable standard, regulation or requirement under this Act;

"(B) issue permits for a fixed term, not to exceed five years;

"(C) assure that permits incorporate emission limitations and other requirements in an applicable implementation plan;

"(D) terminate, modify, or revoke and reissue permits for cause;

"(E) enforce permits, permit fee requirements, and the requirement to obtain a permit, including authority to recover civil penalties in an amount not less than $10,000 per day for each violation, and appropriate criminal penalties; and

"(F) assure that no permit will be issued if the Administrator timely objects to its issuance under section 505.

"(6) Adequate procedures for public notice, including offering an opportunity for public comment and a hearing, on any permit application.

"(7) Authority to make available to the public any permit application, compliance plan, permit, and monitoring or compliance report under section 503(e).

"(c) A single permit may be issued for a facility with multiple sources.

"(d) Not later than three years after the enactment of this title, the Governor of each State shall develop and submit to the Administrator a permit program under State law or under an interstate compact meeting the requirements of this title. In addition, the Governor shall submit a legal opinion from the attorney general (or the attorney for those State air pollution control agencies that have independent legal counsel), or from the chief legal officer of an interstate agency, that the laws of the State, locality or the interstate compact provide adequate authority to carry out the program. Not later than one year after receiving a program, and after notice and opportunity for public comment, the Administrator shall approve or disapprove such program, in whole or in part. The Administrator may approve a program to the extent that the program meets the requirements of this Act, including the regulations issued under subsection (b) of this section. If the program is disapproved, in whole or in part, the Administrator shall notify the Governor of any revisions or modifications necessary to obtain approval. The Governor shall revise and resubmit the program for review under this section within one hundred and eighty days after receiving notification. If the Governor fails within such period to resubmit an approvable program, the Administrator—

"(1) shall, to the extent the permit program would implement an applicable implementation plan, withhold final action on plan revisions affecting one, or a limited group of, major sources; and

"(2) may in the Administrator's discretion take either or both of the following actions:

"(A) apply any of the sanctions specified in section 179(b) of this Act other than the sanction specified in section 179(b)(2); or

"(B) promulgate a program, or partial program, under this title.

"(e) The Administrator shall suspend the issuance of permits promptly upon publication of notice of approval of a permit program under this section, but may in such notice retain jurisdiction over permits that have been federally issued, but for which the administrative or judicial review process is not complete. The Administrator shall continue to administer and enforce federally issued permits under this title until they are replaced by a permit issued by a permitting program. Nothing in this provision should be construed to limit the Administrator's ability to enforce permits issued by a State.

"(f) The Governor of a State may submit, and the Administrator may approve, a partial permit program. No partial permit program shall be approved unless, at a minimum, it applies, and assures compliance with, this title and—

"(1) all requirements established under title IV applicable to 'affected sources';

"(2) all requirements established under section 112 applicable to 'major sources', 'area sources', and 'new sources'; or

"(3) all requirements of title I (other than section 112) applicable to sources required to have a permit under this title.

Approval of a partial program shall not relieve the State of its obligation to submit a complete program, nor from the application of any sanctions under this Act for failure to submit an approvable permit program.

"(g) INTERIM APPROVAL.—If a program (including a partial permit program) submitted under this title substantially meets the requirements of this title, but is not fully approvable, the Administrator may by rule grant the program interim approval. In the notice of final rulemaking, the Administrator shall specify the changes that must be made before the program can receive full approval. An interim approval under this subsection shall expire on a date set by the Administrator not later than two years after such approval, and may not be renewed.

"(h) EFFECTIVE DATE.—The effective date of a permit program, or partial or interim program, approved under this title, shall be the effective date of approval by the Administrator.

"(i) Whenever the Administrator makes a preliminary determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this title, he shall notify the permitting authority of such determination and the reasons therefor. If the permitting authority fails to take action to assure adequate administration and enforcement, the Administrator may in the Administrator's discretion, but not before ninety days after issuing such notice, take one or more of the following actions:

"(1) withdraw approval of the program or portion by rule;

"(2) propose to apply any of the sanctions specified in section 179(b) of this Act other than the sanction specified in section 179(b)(2); or

"(3) promulgate a program, or portion of a program, under this title.

"PERMIT APPLICATIONS

"SEC. 352. (a) Any source specified in section 502(a) shall become subject to a permit program, and required to have a permit, on the later of the following dates:

"(1) the effective date of a permit program or partial or interim permit program applicable to the source; or

"(2) the date such source becomes subject to section 502(a).

"(b) The regulations required by section 502(b)(1) shall include a requirement that the owner or operator submit with the permit application a compliance plan describing how the source will comply with all applicable requirements under this Act. The compliance plan shall include a schedule of compliance, and a schedule under which the owner or operator will submit progress reports to the permitting authority no less frequently than every six months. The regulations shall further require any owner or operator submitting a compliance plan to periodically certify that the facility is in compliance with any applicable requirements under this Act, and to promptly report any violations of such requirements to the permitting authority.

"(c) The owner or operator of any source required to have a permit shall, not later than six months after the date on which the source becomes subject to a permit program approved or promulgated under this title, or such earlier date as the permitting authority may establish, submit to the permitting authority a compliance plan and an application for a permit signed by a responsible corporate official, who shall certify the accuracy of the information submitted.

"(d) Except for sources required to have a permit prior to construction under sections 165, 172, or 173, if an owner or operator has submitted a timely and complete application for a permit required by this title, but final action has not been taken on the application, the source's failure to have a permit shall not be a violation of this Act, unless the delay in final action was due to the failure of the applicant to timely submit information required or required to process the application. No source required to have a permit under this title shall be in violation of section 502(a) before the date on which the source is required to submit an application under subsection (c) of this section.

"(e) A copy of each permit application, compliance plan, emissions or compliance monitoring report, certification, and each permit issued under this title, shall be available to the public. If an applicant is required to submit information entitled to protection from disclosure under section 114(c) of this Act, the applicant may submit such information separately from the application. The requirements of section 114(c) shall apply to such information. The contents of a permit or of a compliance plan shall not be entitled to protection under section 114(c).

"PERMIT REQUIREMENTS AND CONDITIONS

"SEC. 353. (a) Each permit issued under this title shall include emission limitations and standards, a schedule of compliance, and such other conditions as are necessary to assure compliance with applicable requirements.

"(b) The Administrator may by rule prescribe procedures and methods for determining compliance and for monitoring and analysis of pollutants regulated under this Act.

"(c) Each permit issued under this title shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions. Such monitoring and reporting requirements shall conform to any applicable regulations under subsection (b) of this section. Any report required to be submitted by a permit under this title shall be signed by a responsible corporate official, who shall certify its accuracy.

"(d) The permitting authority may, after notice and opportunity for public hearing, issue a general permit covering numerous similar sources. Any general permit shall comply with all requirements applicable to permits under this title. No source covered by a general permit shall thereby be relieved from the obligation to file an application under section 503.

"(e) The permitting authority may issue a single permit to an owner or operator authorizing emissions from similar operations at multiple temporary locations. No such permit shall be issued unless it includes conditions that will assure compliance with all the requirements of this Act at all authorized locations, including, but not limited to, ambient standards and compliance with any applicable increment or visibility requirements under part C of title I. Any such permit shall in addition require the owner or operator to notify the permitting authority in advance of each change in location. The permitting authority may require a separate permit fee for operations at each location.

"(f)(1) A permit may not be reissued or modified to contain emission limitations or other requirements that are less stringent than the comparable emission limitations or requirements in the previous permit or that applied to the source under an applicable implementation plan.

"(2) Notwithstanding paragraph (1) of this subsection, a permit may be reissued or modified, in accordance with section 405 of this title, to contain a less stringent emission limitation or other requirement (other than standards established under section 111 or 112) if the applicant shows that the revised emission limitation or requirement is consistent with any demonstration of attainment and any progress requirement in an approved implementation plan, the requirements of part C or section 173 of the Act, and will not otherwise interfere with attainment of the ambient air quality standards, progress requirements, and any other requirements of this Act and that—

"(A) the increased emissions authorized by the permit are compensated for by emissions reduction from another permitted facility, as determined under rules prescribed by the Administrator;

"(B) material and substantial alterations or additions to the permitted source occurred after permit issuance;

"(C) information is available that was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and that, if known, would have justified the application of a less stringent emission limitation or requirement at that time;

"(D) technical mistakes or mistaken interpretations of law were made in issuing the permit; or

"(E) the permittee demonstrates, in accordance with procedures prescribed by the Administrator, that it has installed the controls required to meet the emission limitations and requirements in the permit and has properly constructed and tested the facility, but has nevertheless been unable to achieve the emission limitations specified in the permit, in which case the limitations in the revised, reissued, or modified permit may reflect the level of emission control actually achieved.

"(3) No permit may be reissued to contain emission standards less stringent than those established under sections 111 or 112 unless the applicable standard has been revised.

"(g)(1) Compliance with a permit issued under this title shall be deemed compliance with section 502. Except as otherwise provided by the Administrator by rule, the permit may also provide that compliance with the permit shall be deemed compliance with other applicable provisions of this Act. Compliance with a permit issued under a partial program under section 502(f) shall be deemed compliance only with those requirements for which the program was approved. For purposes of this subsection, 'compliance with a permit' means compliance with all terms, conditions and requirements of a permit including all modifications made to such permit by rule or order subsequent to issuance of permit.

"(2) Notwithstanding the provisions of paragraph (1), compliance with a permit issued under this title or under a partial program under section 502(f) shall not alter, modify or otherwise affect the authority of the Administrator under section 303 (emergency powers) or the requirement to comply with any order issued under section 303.

"NOTIFICATION TO ADMINISTRATOR AND CONTIGUOUS STATES

"SEC. 354. (a)(1) Each permitting authority shall transmit to the Administrator a copy of each permit application, including any compliance plan, or for a permit modification, submitted under this title, and shall provide notice, in accordance with regulations promulgated by the Administrator, of every action related to the consideration of the application, including each permit proposed to be issued by the authority.

"(2) The permitting authority shall notify all States contiguous to the State in which the emission originates of each permit application, and each draft permit or proposed permit forwarded to the Administrator under this section, and shall provide an opportunity for such States to submit written recommendations respecting the issuance of the permit and its terms and conditions. If any part of those recommendations are not accepted by the permitting authority, such authority shall notify the State submitting the recommendations and the Administrator in writing of its failure to accept those recommendations and the reasons therefor.

"(b) No permit shall be issued if the Administrator (1) within ninety days after receipt of the proposed permit under subsection (a)(1) of this section, or (2) within ninety days after receiving notification under subsection (a)(2), objects in writing to its issuance as not in compliance with the requirements of this Act, including the requirements of section 110(d)(4)(A). The Administrator shall provide with the objection a statement of the reasons for the objection.

"(c) If the permitting authority fails within ninety days after the date of the objection, to submit a permit revised to meet the objection, the Administrator may issue or deny the permit in accordance with the requirements of this title. No objection shall be subject to judicial review until the Administrator takes final action to issue or deny a permit under this subsection.

"(d)(1) The Administrator may waive the requirements of subsections (a) and (b) of

this section at the time of approval of a permit program under this title for any category (including any class, type, or size within such category) of sources covered by the program.

"(2) The Administrator may by regulation establish categories of sources (including any class, type, or size within such category) to which the requirements of subsections (a) and (b) of this section shall not apply.

"(3) The Administrator may exclude from any waiver under this subsection notification under paragraph (a)(2). Any waiver granted under this subsection may be revoked or modified by the Administrator by rule.

"(e) If the Administrator finds that cause exists under section 502(b)(5)(D) to terminate, modify, or revoke and reissue a State permit under this title, the Administrator shall notify the permitting authority of such finding. The permitting authority shall, within ninety days after receipt of such notification, forward to the Administrator under this section a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The Administrator may extend such ninety-day period for an additional ninety days if the Administrator finds that a new or revised permit application is necessary, or that the permitting authority must require the permittee to submit additional information. The Administrator may review such proposed determination under the provisions of subsections (a) and (b) of this section. If the permitting authority fails to submit the required proposed determination, or if the Administrator objects and the permitting authority fails to resolve the objection within the period prescribed in subsection (c) of this section, the Administrator may terminate, modify, or revoke and reissue the permit.

"RELATION TO OTHER AUTHORITY

"SEC. 355. (a) Nothing in this title shall prevent a State or interstate permitting authority from establishing additional permitting requirements not inconsistent with this Act.

"(b) ACID DEPOSITION PROGRAM.—Nothing in this title shall be construed to authorize the Administrator, or a State, to modify or revoke any allowance granted under title IV, or to alter or amend any provision of title IV.".

TITLE VI—ENFORCEMENT AND REAUTHORIZATION

SECTION 113 ENFORCEMENT

SEC. 601. (a) Section 113(a)(1) of the Clean Air Act is amended as follows:

(1) In the first sentence, after "finds that any person", insert the words "has violated or"; and following the words "shall notify the person" replace "in violation of" with "who violated".

(2) In the second sentence,

(A) strike the words "If such violation extends beyond the thirtieth day after the date of the Administrator's notification," and insert in lieu thereof the words "At any time after the expiration of thirty days following the date on which such notice of the violation is issued,";

(B) insert after "of such plan" the following: ", may issue an administrative penalty order in accordance with subsection (d),"; and

(C) insert, at the end of the sentence, the following: ", without regard to the period of the violation. Nothing in this subsection shall preclude the United States from commencing a criminal action under section 113(c) without such notification for any such violation.".

(b) Section 113(a)(2) of the Clean Air Act is amended as follows:

(1) Strike the "or" at the end of section 113(a)(2)(A), redesignate subparagraph "(B)" as "(C)", and insert the following new subparagraph (B):

"(B) by issuing an administrative penalty order under subsection (d) of this section, or".

(2) Insert the following new sentence at the end of section 113(a)(2): "Nothing in this subsection shall preclude the United States from commencing a criminal action under section 113(c) without such notification for any such violation.".

(c) Section 113(a)(3) of the Clean Air Act is amended as follows:

(1) Insert the words "has violated or" before the words "is in violation of" in the first sentence.

(2) Strike the words "section 111(e)" and all that follows down through "(relating to inspections, etc.), he" and insert in lieu thereof the following new language: "any other requirement of this title, title III, or title IV, including, but not limited to, a requirement of any rule, order, waiver or permit promulgated or approved under those titles or for the payment of any fee owed the United States under this Act, the Administrator:".

(3) Strike the words "or he" before the words "may bring a civil action" and insert in lieu thereof the following words: "may issue an administrative penalty order in accordance with subsection (d), or".

(4) Insert after the words "may bring a civil" the words "or criminal".

(d) Section 113(a)(4) of the Clean Air Act is amended by inserting at the end thereof: "An order issued under this subsection shall require the person to whom it was issued to comply with the requirement as expeditiously as practicable, but in no event longer than one year after the date the order was issued, and shall be nonrenewable. No order issued under this subsection shall prevent the State or the Administrator from assessing any penalties nor otherwise affect or limit the State or the United States' authority to enforce under other provisions of this Act, nor affect any person's obligations to comply with any section of this Act, or a term or condition of any permit or applicable implementation plan promulgated or approved under this Act.".

(e) Section 113(a)(5) of the Clean Air Act is amended to read as follows:

"(5) Whenever, on the basis of any available information, the Administrator finds that a State is not acting in compliance with any requirement of the Act relating to the construction of new sources or the modification of existing sources, the Administrator may—

"(A) issue an order prohibiting the construction, modification or operation of any major stationary source in any area to which such provisions apply;

"(B) issue an administrative penalty order in accordance with subsection (d); or

"(C) bring a civil action under subsection (b)(5).

Nothing in this subsection shall preclude the Administrator from filing a criminal action under section 113(c) at any time for any such violation.".

(f) Section 113(b) of the Clean Air Act is amended to read as follows:

"(b) The Administrator shall, in the case of any person which is the owner or operator of a major emitting facility or a major stationary source, and may, in the case of any other person, commence a civil action for a permanent or temporary injunction, or to assess and recover a civil penalty of not more than $25,000 per day for each violation, or both, whenever such person—

"(1) violates any requirement of an applicable implementation plan (such action shall be commenced (A) during any period of federally assumed enforcement, or (B) more than thirty days following the date of the Administrator's notification under subsection (a)(1) of a finding that such person is violating such requirement); or

"(2) violates any other requirement of this title, title III, or title IV, including a requirement of any rule, order, waiver or permit promulgated or approved under this Act or for the payment of any fee under this Act; or

"(3) attempts to construct, modify or operate a major stationary source in any area with respect to which a finding under subsection (a)(5) of this section has been made.

Any action under this subsection may be brought in the district court of the United States for the district in which the violation is alleged to have occurred, or in which the defendant resides, or where the defendant's principal place of business is located, and such court shall have jurisdiction to restrain such violation, to require compliance, to assess such civil penalty, and to collect any fees owed under the Act and any noncompliance assessment and nonpayment penalty owed under section 120 and to award any other appropriate relief. Notice of the commencement of such action shall be given to the appropriate State air pollution control agency. In the case of any action brought by the Administrator under this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party or parties against whom such action was brought in any case where the court finds that such action was unreasonable.".

(g) Section 113(c) of the Clean Air Act is amended to read as follows:

"(c) CRIMINAL ENFORCEMENT.—

"(1) Any person who knowingly fails to pay any fee owed the United States under this title, title III, or IV, shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, or by imprisonment for not more than one year, or by both, per day for each violation. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(2) Any person who negligently releases into the air any hazardous air pollutant listed pursuant to section 112 of this Act or any extremely hazardous substance listed pursuant to section 11002(a)(2) of title 42, and who at the time negligently places another person in imminent danger of death or serious bodily injury shall, upon conviction, be punished by a fine under title 18 of the United States Code, or by imprisonment for not more than one year, or by both, per day for each violation. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(3) Any person who knowingly violates any requirement or prohibition of this title, title III, or IV, including but not limited to a requirement or prohibition of any rule, plan, order, waiver or permit promulgated

or approved under those titles shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, or by imprisonment for not more than five years, or by both, per day for each violation. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(4) Any person who knowingly—

"(A) makes any false statement, representation, or certification in, or omits material information from or knowingly alters, conceals or fails to maintain or file any notice, application, record, report, plan, or other document filed or required to be maintained or used for purposes of compliance under this Act (whether with respect to the requirements imposed by the Administrator or by a State); or

"(B) fails to notify or report as required under this Act; or

"(C) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained or followed under this Act;

shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, or by imprisonment for not more than two years, or by both, per day for each violation. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(5)(A) Any person who knowingly releases into the air any hazardous air pollutant listed pursuant to section 112 of this Act or any extremely hazardous substance listed pursuant to section 11002(a)(2) of title 42, United States Code, and who knows at the time that he thereby places another person in imminent danger of death or serious bodily injury shall, upon conviction, be punished by a fine under title 18 of the United States Code, or by imprisonment of not more than fifteen years, or by both, per day for each violation. Any person committing such violation who is an organization shall, upon conviction under this paragraph, be subject to a fine of not more than $1,000,000 per day for each violation. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment. For any hazardous air pollutant listed pursuant to section 112 for which the Administrator has set an emissions standard, a release of such pollutant shall not constitute a violation of this paragraph unless it exceeds such standard.

"(B) In determining whether a defendant who is an individual knew that the violation placed another person in imminent danger of death or serious bodily injury—

"(i) the defendant is responsible only for actual awareness or actual belief possessed; and

"(ii) knowledge possessed by a person other than the defendant, but not by the defendant, may not be attributed to the defendant;

except that in proving a defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to be shielded from relevant information.

"(C) The term 'organization' means a legal entity, other than a government, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.

"(D) The term 'serious bodily injury' means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(6) For the purposes of this subsection, the term 'person' includes, in addition to the entities referred to in section 302(e), any responsible corporate officer.".

(h) Section 113(d) of the Clean Air Act is amended as follows:

"(d) ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES.—

"(1) The Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to $25,000, per day for each violation, whenever, on the basis of any available information, the Administrator finds that such person—

"(A) violates any requirement of an applicable implementation plan (such order shall be issued (i) during any period of federally assumed enforcement, or (ii) more than thirty days following the date of the Administrator's notification under subsection (a)(1) of this section of a finding that such person is violating such requirement); or

"(B) violates any other requirement of this title, title III, or IV, including, but not limited to, a requirement of any rule, order, waiver or permit promulgated or approved under this Act or for the payment of any fee owed the United States under this Act; or

"(C) attempts to construct, modify or operate a major stationary source in any area with respect to which a finding under subsection (a)(5) of this section has been made.

The Administrator's authority under this paragraph shall be limited to matters where the total penalty sought does not exceed $200,000 and the first alleged date of violation occurred no more than twelve months prior to the initiation of the administrative action.

"(2)(A) An administrative penalty assessed under paragraph (1) shall be assessed by the Administrator by an order made on the record after opportunity for a hearing in accordance with sections 554 and 556 of title 5 of the United States Code. The Administrator may issue rules for discovery and other procedures for hearings under this paragraph. Before issuing such an order, the Administrator shall give written notice to the person to be assessed an administrative penalty of the Administrator's proposal to issue such order and provide such person an opportunity to request such a hearing on the order, within fifteen days of the date the notice is received by such person.

"(B) The Administrator may compromise, modify, or remit, with or without conditions, any administrative penalty which may be imposed under paragraph (d)(1).

"(3) The Administrator may implement through regulation, after consultation with the Attorney General, a field citation program for appropriate minor violations, which authorizes the issuance of field citations assessing civil penalties not to exceed $5,000 per day for each violation. Any person to whom a field citation is assessed may, within a reasonable time as prescribed by the Administrator through regulation, elect to pay the penalty assessment or request a hearing on the field citation. If a request for a hearing is not made within the time specified in the regulation, the penalty assessment in the field citation shall be final. Such hearing shall not be subject to section 554 or 556 of title 5 of the United States Code, but shall provide a reasonable opportunity to be heard and to present evidence. Payment of a civil penalty required by a field citation shall not be a defense to further enforcement by the United States or a State to correct a violation, or to assess the statutory maximum penalty pursuant to other authorities in the Act, if the violation continues.

"(4) Any person against whom a civil penalty is assessed under this subsection may seek review of such assessment in the United States District Court for the District of Columbia, or for the district in which the violation is alleged to have occurred, in which such person resides, or where such person's principal place of business is located, by filing a notice in such court within thirty days following the date the civil penalty order is issued under paragraph (2), or the final decision in a hearing under paragraph (3) is rendered, and by simultaneously sending a copy of the filing by certified mail to the Administrator and the Attorney General. The Administrator shall promptly file in such court a certified copy, or certified index, as appropriate, of the record on which the order or final decision was issued within thirty days. Such court shall not set aside or remand such order or final decision unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's assessment of the penalty constitutes an abuse of discretion. In any such proceedings, the United States may seek to recover civil penalties assessed under this section.

"(5) If any person fails to pay an assessment of a civil penalty—

"(A) after the order making the assessment or field citation has become final, or

"(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Administrator,

the Administrator shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at rates established pursuant to section 6621(a)(2) of title 26, United States Code, from the date of the final order or decision or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis a civil penalty under this section shall be required to pay, in addition to such penalty and interest, the United States' enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 per centum of the aggregate amount of such person's outstanding penalties and nonpayment penalties accrued as of the beginning of such quarter.".

(i) Current section 113(e) of the Clean Air Act is deleted in its entirety and replaced with the following new section 113(e):

"(e) PENALTY ASSESSMENT CRITERIA.—

"(1) In determining the amount of any penalty to be assessed under this section or section 304(a), the court shall take into consideration (in addition to such other factors

as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

"(2) A penalty may be assessed for each day of each violation. For purposes of determining the number of days of violation for which a penalty may be assessed under this section or section 304(a), or an assessment may be made under section 120, the violation shall be deemed to commence on the first provable date of violation and to continue each and every day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.".

REVIEWABILITY OF ADMINISTRATIVE ORDERS

SEC. 602. (a) Section 307(b)(2) of the Clean Air Act is amended by adding at the end thereof: "Orders or notices issued under section 113(a), section 167 and section 303, administrative subpoenas under section 307(a), and actions under sections 114, 206(c) and 208 of this Act are not considered final actions for purposes of this section. Such orders, notices, subpoenas and actions shall not be subject to judicial review except in a proceeding commenced by the United States under sections 113, 120, 204 or 205, or in a citizen suit commenced under section 304, to enforce the order, notice, subpoena or action. No such order, notice, subpoena or action may be challenged in any citizen suit under section 304 unless the Administrator and the Attorney General are notified in writing of such challenge.".

(b) Section 307(e) of the Clean Air Act is amended by inserting at the end thereof the following: "Orders or notices issued under section 113(a), section 167 or section 303, subpoenas issued under section 307(a), and actions under sections 114, 206(c) and 208 of this Act may only be reviewed in a proceeding commenced by the United States under section 113, 120, 204, or 205, or in a citizen suit under section 304, to enforce the order, notice, subpoena or action.".

COMPLIANCE CERTIFICATION

SEC. 603. (a) Section 114(a)(1) of the Clean Air Act is amended by—

(1) inserting ", on a one-time, periodic or continuous basis" immediately before "to (A) establish and maintain";

(2) inserting ", audit procedures," immediately before "or methods, (D)";

(3) inserting "procedures or" immediately before "methods, at such locations,";

(4) inserting "during such continuous periods" immediately before ", and in such manner as the Administrator";

(5) striking "and" immediately before subparagraph (E); and

(6) redesignating subparagraph (E) as (G) and inserting the following new subparagraphs: "(E) keep periodic or continuous records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical, (F) submit compliance certifications in accordance with section 114(a)(3); and".

(b) Section 114(a) is amended by adding the following new paragraph:

"(3) The Administrator shall in the case of any person which is the owner or operator of a major stationary source, and may, in the case of any other person, require enhanced monitoring and submission of compliance certifications. Compliance certifications shall include (i) identification of the applicable requirement that is the basis of the certification, (ii) the method used for determining the compliance status of the source, (iii) the compliance status, (iv) whether compliance is continuous or intermittent, (v) such other facts as the Administrator may require. Compliance certifications and monitoring data shall be public information. Submission of a compliance certification shall in no way limit the Administrator's authorities to investigate or otherwise implement the Act.".

(c) Section 307(b)(1) is amended by inserting "or revising regulations for enhanced monitoring and compliance certification programs under section 114(a)(3) of this Act," immediately before "or any other final action of the Administrator".

CONTRACTOR INSPECTIONS

SEC. 604. (a) Section 114(a)(2) of the Clean Air Act is amended by inserting "(including an authorized contractor acting as a representative of the Administrator)," immediately before "upon presentation of his credentials".

(b) Section 114(c) is amended by striking ", except that such record," and all that follows in the subsection and inserting ". Any authorized representative of the Administrator (including an authorized contractor acting as a representative of the Administrator) shall be considered an employee of the United States for purposes of the provisions of section 1905 of title 18. Nothing in this subsection shall prohibit the Administrator or an authorized representative of the Administrator (including any authorized contractor acting as a representative of the Administrator) from disclosing records, reports or information to other officers, employees or authorized representatives of the United States (including any authorized contractor acting as a representative of the Administrator), or to any State concerned with carrying out this Act, or when relevant in any proceeding under this Act.".

ADMINISTRATIVE ENFORCEMENT SUBPOENAS

SEC. 605. Section 307 of the Clean Air Act is amended by redesignating subsection (a)(1) as subsection (a), and, in that newly designated subsection, striking "or" before "section 202(b)(5)" and inserting "any investigation, monitoring, reporting requirement, entry, compliance inspection, or administrative enforcement proceeding under the Act (including but not limited to section 113, section 114, section 120, section 205, section 206, section 208, section 303 or section 306), or to otherwise carry out the provisions of the Act," immediately after "section 202(b)(4) or 211(c)(3)".

EMERGENCY ORDERS

SEC. 606. Section 303 of the Clean Air Act, is amended by—

(a) striking "the health of persons, and that appropriate State or local authorities have not acted to abate such sources" and inserting "public health or welfare, or the environment";

(b) revising the second sentence to read, "If it is not practicable to assure prompt protection of public health or welfare or the environment by commencement of such a civil action, the Administrator may issue such orders as may be necessary to protect public health or welfare or the environment.";

(c) striking the last two sentences in their entirety; and

(d) deleting subsection (b) in its entirety and redesignating subsection 303(a), as amended, as section 303.

CONTRACTOR LISTINGS

SEC. 607. Section 306(a) of the Clean Air Act is amended by—

(a) striking "(1)" after "section 113(c)"; and

(b) inserting at the end thereof: "For convictions arising under section 113(c)(2), the condition giving rise to the conviction also shall be considered to include any substantive violation of this Act associated with the violation of 113(c)(2). The Administrator may extend this prohibition to other facilities owned or operated by the convicted person.".

JUDICIAL REVIEW PENDING RECONSIDERATION OF REGULATION

SEC. 608. Section 307(b)(1) of the Clean Air Act is amended by adding at the end thereof the following: "A petition for reconsideration by the Administrator of any otherwise final agency action shall not render the action nonfinal for purposes of judicial review nor extend the time within which a petition for review may be filed, and shall not postpone the effectiveness of the agency action.".

CITIZEN SUITS AND PETITIONS

SEC. 609. (a) CIVIL PENALTIES.—

(1) Section 304(a) of the Clean Air Act is amended by inserting immediately before the period at the end thereof: ", and to apply any appropriate civil penalties (except for actions under paragraph (a)(2)), including those pursuant to a consent judgment, payable to the special fund as established in subsection (g), taking into account the factors listed in section 113(e)".

(2) Section 304 of the Clean Air Act is amended by adding the following new subsection:

"(g) PENALTY FUND.—Penalties received under subsection (a) shall be deposited in a special fund in the United States Treasury for licensing and other services, which shall be available for appropriation, and remain available until expended for use by the Environmental Protection Agency to finance air compliance and enforcement activities.".

(3) Paragraph (2) of subsection 304(c) of the Clean Air Act is amended to read as follows:

"(2) In any action under this section, the Administrator, if not a party, may intervene as a matter of right at any time in the proceeding. In such intervention, the Administrator may substitute himself as the plaintiff with regard to any claim for civil penalties. Upon such substitution, the citizen plaintiff's claims for civil penalties shall abate. A judgment in an action under this section to which the United States is not a party shall not, however, have any binding effect upon the United States.".

(b) UNREASONABLE DELAY.—Section 304(a) of the Clean Air Act, as amended by subsection (a), is further amended as follows:

(1) Paragraph (2) is amended to read as follows:

"(2) against the Administrator where there is alleged a failure to act that violates one or more of the standards set forth in section 307(d)(9), or constitutes unreasonable delay, provided however that a failure to act does not include a written decision not to take action which the Administrator designates, within such decision, as a final action within the meaning of section 307(b)(1); or";

(2) by inserting after "to perform such act or duty," the following: "or to compel agency action unreasonably delayed,"; and

(3) by adding at the end thereof the following: "Where a provision of the Act mandates that the Administrator shall take specified action when certain preconditions are met, the court's power to compel the specified action under paragraph (2) shall not depend in any manner upon whether the Administrator has published in the Federal Register a proposed or final determination that the threshold preconditions are met.".

(c) NOTICE TO THE GOVERNMENT.—Section 304(c) is amended by adding the following new paragraph:

"(3) Whenever any action is brought under this section the plaintiff shall serve a copy of the complaint on the Attorney General of the United States and on the Administrator. No consent judgment shall be entered in an action brought under this section in which the United States is not a party prior to forty-five days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator during which time the government may submit its comments on the proposed consent judgment to the court and parties or may intervene as a matter of right.".

(d) DEFERRED ACTIONS.—Section 307(b) of the Clean Air Act is amended by adding the following at the end thereof:

"(3) Where a final decision by the Administrator undertakes to perform an action, but defers such performance to a later time, any interested person may either challenge the deferral pursuant to paragraph (1) or bring an action at any time under section 304(a)(2) to compel such performance.".

(e) PETITIONS.—Section 307 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(h) PETITIONS.—Any person may petition the Administrator to issue, amend, reconsider, or repeal any regulation or order issued under the authority of this Act. Within twelve months the Administrator shall either grant the petition or issue a final decision denying the petition, except that in the case of a petition for reconsideration under section 307(d)(7)(B), the Administrator shall grant or deny the petition within four months. In any case in which the Administrator grants a petition, the Administrator shall take final action in response to any such petition within a reasonable time.".

ENHANCED IMPLEMENTATION AND ENFORCEMENT OF NEW SOURCE REVIEW REQUIREMENTS

SEC. 610. Section 167 of the Clean Air Act is amended by striking "the construction of a major emitting facility" and inserting "the operation, construction, or modification of a major emitting facility".

MOVABLE STATIONARY SOURCES

SEC. 611. Section 302 of the Clean Air Act is amended by adding the following subsection:

"(q) STATIONARY SOURCE.—The term 'stationary source' means generally any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes.".

AUTHORIZATIONS

SEC. 612. Title III of the Clean Air Act is amended by adding at the end thereof the following new section:

"(c)(1) There are authorized to be appropriated $120,000,000 for each of the fiscal years ending September 30, 1991, 1992, 1993, 1994, and 1995 to make grants to the States pursuant to section 105. In addition there are authorized to be appropriated $50,000,000 for each of the fiscal years ending September 30, 1991, 1992, and 1993 to make grants to the States to prepare implementation plans as required by subpart 2, 3, or 4 of part D.

"(2) There are authorized to be appropriated $90,000,000 for each of the fiscal years ending September 30, 1991, 1992, 1993, 1994, and 1995 to carry out the research and development activities authorized by sections 103 and 104 and other sections of this Act.

"(3) In addition to the sums authorized by paragraphs (1) and (2) there are authorized to be appropriated $250,000,000 for each of the fiscal years ending September 30, 1991, 1992, 1993, 1994, and 1995 to carry out the activities authorized under this Act.".

TITLE VII—STRATOSPHERIC OZONE AND GLOBAL CLIMATE PROTECTION

SEC. 701. Part B of the Clean Air Act entitled "Ozone Protection", sections 150 through 159, is hereby repealed.

SEC. 702. The Clean Air Act is amended by adding the following new title:

"TITLE V—STRATOSPHERIC OZONE AND GLOBAL CLIMATE PROTECTION

"FINDINGS

"SEC. 501. The Congress finds that—

"(1) the best available scientific evidence shows that manufactured substances, including chlorofluorocarbons and other substances covered by this title, are destroying stratospheric ozone, and significantly contributing to global climate change by enhancing the greenhouse effect and causing other atmospheric modifications;

"(2) no level of stratospheric ozone depletion or global climate change caused by human activities can be deemed safe;

"(3) stratospheric ozone depletion will lead to increased incidence of solar ultraviolet radiation in the troposphere and at the surface of the Earth;

"(4) increased incidence of solar ultraviolet radiation will cause increased rates of disease in humans (including increased rates of skin cancer, cataracts, and, potentially, suppression of the immune system), threaten food crops and marine resources, and otherwise damage the natural environment;

"(5) the Ozone Trends Report completed in March 1988 through the effort of over one hundred international scientists found undisputed observational evidence that the atmospheric concentrations of source gases important in controlling stratospheric ozone levels and aggravating the problem of uncontrolled global climate change (chlorofluorocarbons, halons, methane, nitrous oxide, and carbon dioxide) are increasing on a global scale as a result of human activities;

"(6) scientific expeditions and analyses have established that chlorine compounds derived from emissions of chlorofluorocarbons are responsible for destruction of the stratospheric ozone layer over the Antarctic and the surrounding oceans;

"(7) recent scientific reports indicate that a similar destruction of the ozone layer may occur over the Arctic region and that the same chlorine compounds found in the Antarctic region are present in areas of the Arctic ozone layer;

"(8) experimental laboratory studies and measurements of ozone depletion suggest that the chemical reactions responsible for destruction of ozone over Antarctica could operate in the aerosol layer of the stratosphere and would not be limited to the polar regions;

"(9) the Montreal Protocol on Substances that Deplete the Ozone Layer (the Montreal Protocol) provides a framework for all nations of the world to protect the Earth's ozone shield;

"(10) the control measures that are set forth in the Montreal Protocol (a freeze on the consumption of certain chlorofluorocarbons at 1986 levels in 1989 followed by a 20 per centum reduction in 1993 and an additional 30 per centum reduction in 1998, coupled with a freeze on the consumption of certain halons at 1986 levels in 1992) will allow atmospheric concentrations of chlorine to increase by at least a factor of two to three;

"(11) because of the worldwide recognition of the need to reduce significantly the use of ozone-depleting chemicals, United States chemical producers and chlorofluorocarbon and halon user industries should be encouraged to develop improved chemicals, products, and technologies that do not rely on chlorofluorocarbons and halons;

"(12) the Ozone Trends Report and other recent scientific studies have raised serious questions about the adequacy of the control measures that are set forth in the Montreal Protocol;

"(13) ozone depleting chlorofluorocarbons are also powerful greenhouse gases projected to be responsible for 15 to 25 per centum of global warming and, under the existing Montreal Protocol, 10 per centum of future warming;

"(14) stratospheric ozone depletion and global climate change from continued emissions of chlorofluorocarbons and other halogenated chlorine containing halocarbons with ozone depleting potential, and emissions of other gases, such as methane and carbon dioxide, imperil human health and the environment worldwide;

"(15) in order to stabilize and eventually reduce concentrations of chlorine and bromine in the stratosphere, to conserve the stratospheric ozone layer (an exhaustible natural resource), and to reduce the extent of global climate change—

"(A) emissions of chlorofluorocarbons and other substances covered by this title, including partially halogenated chlorine containing halocarbons with ozone depleting potential, should be terminated rapidly;

"(B) it is necessary to control international trade in substances covered by this title and products containing such substances; and

"(C) emissions of other gases, such as methane and carbon dioxide, should be controlled;

"(16) the highest priority must be given to developing and deploying safe and energy efficient products and technologies as substitutes for ozone depleting substances as rapidly as possible; and

"(17) the United States needs to develop and deploy safe, energy efficient substitutes to replace ozone depleting substances in order to demonstrate to the world its commitment to protect the stratosphere and to limit global climate change.

"OBJECTIVES AND NATIONAL GOAL

"SEC. 502. (a) The objectives of this title are to restore and maintain the chemical and physical integrity of the Earth's atmosphere, to protect human health and the global environment from all known and potential dangers due to atmospheric or climatic modification, including stratospheric ozone depletion, to provide for a smooth transition from the use of ozone-depleting chemicals to the use of safe chemicals, products, and technologies that do not threaten the ozone layer, and to reduce the genera-

tion of greenhouse gases in order to protect the Earth's ozone layer and to limit anthropogenically induced global climate changes by—

"(1) reducing significantly the production and emission into the atmosphere of pollutants caused by human activities,

"(2) promoting the rapid development and deployment of energy efficient alternatives to the use of chlorofluorocarbons and other substances covered by this title,

"(3) assuring that such alternatives reduce ozone depleting potential to the maximum extent possible and, at the same time, do not exacerbate the problem of human induced global climate change either directly as radiatively important trace gases or indirectly as substances that reduce the energy efficiency of products which incorporate or use such substances, and

"(4) promoting additional scientific research on atmospheric or climatic modification, including stratospheric ozone depletion, and on the known and potential adverse effects therefrom on human health and the global environment.

"(b) In order to achieve the objectives of this title, it is the national goal to eliminate atmospheric emissions of manufactured substances with ozone depleting potential as well as direct and indirect global warming potential, including chlorofluorocarbons and other halogenated chlorine or bromine containing halocarbons with ozone depleting and global warming potential, to reduce to the maximum extent possible emissions of other gases caused by human activities that are likely to affect adversely the global climate, and to provide for an orderly and equitable shift to alternative, safe chemicals, products, and technologies.

"DEFINITIONS

"SEC. 503. As used in this title, the term—

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) 'household appliances' means noncommercial personal effects, including airconditioners, refrigerators, and motor vehicles;

"(3) 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States;

"(4) 'manufactured substances' means any organic or inorganic chemical substances of a particular molecular identity, or any mixture, that has been manufactured for commercial purposes;

"(5) 'medical purposes' means medical devices and diagnostic products (including drugs, as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) and drug delivery systems (A) for which no safe and effective substitute has been developed and, where necessary, approved by the Commissioner of the Food and Drug Administration (the Commissioner) and (B) which, after notice and opportunity for public comment, has been approved and determined to be essential by the Commissioner in consultation with the Administrator;

"(6) 'person' means an individual, corporation (including a government corporation), partnership, firm, joint stock company, trust, association, or any other entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof (including any interstate body), or of any foreign government (including any international instrumentality);

"(7) 'to produce' means to manufacture a substance from any raw material or feedstock chemical but does not include the manufacture of substances that are used and entirely consumed in the manufacture of other chemicals; and

"(8) 'substances covered by this title' means those substances which are known or may reasonably be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion, and are listed under subsections (a) or (b) of section 504 of this title.

"PART A—CONTROL OF CHLOROFLUOROCARBONS AND OTHER MANUFACTURED SUBSTANCES

"LISTING OF REGULATED SUBSTANCES

"SEC. 504. (a) PRIORITY LIST AND INITIAL LISTS OF SUBSTANCES TO BE PHASED-OUT.—Within sixty days after enactment of this title, the Administrator shall publish a priority list of manufactured substances which are known or may reasonably be anticipated to cause or contribute significantly to atmospheric or climatic modification, including stratospheric ozone depletion. The initial list shall include all fully halogenated chlorine or bromine containing halocarbons, including chlorofluorocarbon-11, chlorofluorocarbon-12, chlorofluorocarbon-113, chlorofluorocarbon-114, chlorofluorocarbon-115, carbon tetrachloride, halon-1211, halon-1301, and halon-2402.

"(b) OTHER REGULATED SUBSTANCES.—Simultaneously with publication of the priority list, the Administrator shall create a list of other manufactured substances which, in the judgment of the Administrator, are known or may reasonably be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion. The list of other substances shall be subject to the limitations on production and use under section 508 of this title and shall include all partially halogenated chlorine containing halocarbons not listed under subsection (a), including hydrochlorofluorocarbon-22, hydrochlorofluorocarbon-123, hydrochlorofluorocarbon-124, hydrochlorofluorocarbon-141(b), hydrochlorofluorocarbon-142(b), and methyl chloroform. At least annually thereafter, the Administrator shall publish a proposal to add to the priority list under subsection (a) or the list under this subsection other manufactured substances which, in the judgment of the Administrator, meet the criteria set forth in the first sentence of subsection (a) or this section and warrant listing under subsection (a) or under this subsection. Within one hundred and eighty days of any such proposal, after allowing an opportunity for public comment, the Administrator shall promulgate a regulation adding each such substance to the appropriate list, unless the Administrator determines that such substance clearly does not meet the criteria set forth in the first sentence of subsection (a) or this subsection.

"(c) OZONE DEPLETION POTENTIAL, GLOBAL WARMING POTENTIAL, AND ATMOSPHERIC LIFETIME.—Simultaneously with publication of the lists or additions thereto under this section, and at least annually thereafter, the Administrator shall assign to each listed substance numerical values representing the ozone depletion potential of such substance, on a mass (per kilogram) basis, as compared with chlorofluorocarbon-11, the chlorine or bromine contribution of such substance, the global warming potential of such substance, and the atmospheric lifetime of such substance. Unless the Administrator promulgates regulations under this subsection setting forth a different value, the following ozone depletion factors shall apply for the following listed substances:

"Substance	Ozone depletion factor
chlorofluorocarbon-11	1.0
chlorofluorocarbon-12	1.0
hydrochlorofluorocarbon-22	0.05
chlorofluorocarbon-113	0.8
chlorofluorocarbon-114	1.0
chlorofluorocarbon-115	0.6
hydrochlorofluorocarbon-123	0.02
hydrochlorofluorocarbon-124	0.02
hydrochlorofluorocarbon-141(b)	0.1
hydrochlorofluorocarbon-142(b)	0.06
carbon tetrachloride	1.06
methyl chloroform	0.15
halon-1211	3.0
halon-1301	10.0
halon-2402	6.0

"REPORTING REQUIREMENTS

"SEC. 505. (a) PRIORITY LIST.—Unless such information has previously been reported to the Administrator, within ninety days after enactment of this title, each person producing or importing a substance listed pursuant to subsection (a) of section 504 shall file a report with the Administrator setting forth the amount of the substance that was produced or imported by such person during calendar year 1986. Not less than annually thereafter, each such person shall file a report with the Administrator setting forth the production and importation levels of such substance in each successive twelvemonth period until such person ceases production or importation of the substance. Each such report shall be signed by a responsible corporate officer.

"(b) OTHER REGULATED SUBSTANCES.—Within ninety days of the date on which a substance is placed on the list under subsection (b) of section 504, each person producing or importing such substance shall file a report with the Administrator setting forth the amount of the substance that was produced or imported by such person during the twelve months preceding the date of listing. Not less than annually thereafter, each such person shall file a report with the Administrator setting forth the production or importation levels of such substance in each successive twelve-month period until such person ceases production or importation of the substance. Each such report shall be signed by a responsible corporate officer.

"PRODUCTION PHASE-OUT OF SUBSTANCES ON THE PRIORITY LIST

"SEC. 506. (a) NATIONAL POLICY.—The Congress hereby declares it to be the national policy of the United States that the production and use of substances listed under subsection (a) of section 504 are to be reduced and eliminated as expeditiously as possible.

"(b) ACCELERATED SCHEDULE.—The Administrator shall promulgate regulations, after notice and opportunity for public comment, which control and reduce production of—

"(1) a substance listed under subsection (a) of section 504 more rapidly than the schedule provided under this title; or

"(2) a substance listed under subsection (b) of section 504 on a specific schedule not otherwise provided for in this title;

if (A) the Administrator determines that such revised or specific schedule (i) based on the latest assessments of information regarding the harmful effects on the stratosphere or climate which may be associated with a listed substance, may be necessary to protect human health and the environment

or (ii) based on the availability of substitutes for a listed substance, is attainable, or (B) the Montreal Protocol is modified to include a schedule to control and reduce production or consumption of any such substance more rapidly than the schedule set forth in subsection (c) of this section or in regulations promulgated in accordance with this subsection. Any person may petition the Administrator to issue such regulations. The Administrator shall issue such regulations within one hundred and eighty days after receipt of any such petition, unless the Administrator determines that such regulations are not necessary and denies the petition. No less often than every eighteen months, the Administrator shall, in response to a petition or otherwise, either publish such regulations or a determination that such regulations are not necessary.

"(c) SCHEDULE.—In the absence of regulations promulgated in accordance with subsection (b) establishing earlier dates—

"(1) effective July 1, 1989, it shall be unlawful for any person to produce a substance listed under subsection (a) of section 504 in annual quantities greater than that produced by such person during calendar year 1986;

"(2) effective July 1, 1993, it shall be unlawful for any person to produce a substance listed under subsection (a) of section 504 in annual quantities greater than 80 per centum of that produced by such person during calendar year 1986;

"(3) effective July 1, 1998, it shall be unlawful for any person to produce a substance listed under subsection (a) of section 504 in annual quantities greater than 50 per centum of that produced by such person during calendar year 1986; and

"(4) effective July 1, 2000, it shall be unlawful for any person to produce any quantity of a substance listed under subsection (a) of section 504 unless such person has, in accordance with subsection (d), received prior authorization to produce such substance.

"(d) EXCEPTION FOR MEDICAL PURPOSES.—Notwithstanding the prohibition set forth in subsection (c)(4) or in regulations promulgated in accordance with subsection (b), the Administrator, after notice and opportunity for public comment, shall authorize the production or importation of limited quantities of a substance listed under subsection (a) of section 504 solely for medical purposes if such authorization is determined by the Commissioner of the Food and Drug Administration, in consultation with the Administrator, to be necessary for medical purposes.

"(e) IMPORTATION.—Any person who imports a substance covered by this title shall, for the purposes of this section and section 508 (control of other regulated substances), be deemed to have produced an equivalent amount of such substance on the date of such importation.

"PRODUCTION PHASE-OUT EXCEPTION FOR NATIONAL SECURITY

"SEC. 507. The President may issue such orders regarding production and use of chlorofluorocarbon-114, halon-1211, halon-1301 and halon-2402, at any specified site or facility as may be necessary to protect the national security interests of the United States if the President finds that adequate substitutes are not available and that the production and use of such substance is necessary to protect such national security interests. Such orders may include, where necessary to protect such interests, an exemption from any requirement contained in this title. The President shall notify the Congress within thirty days of the issuance of an order under this paragraph providing for any such exemption. Such notification shall include a statement of the reasons for the granting of the exemption. An exemption under this paragraph shall be for a specified period which may not exceed one year. Additional exemptions may be granted, each upon the President's issuance of a new order under this paragraph. Each such additional exemption shall be for a specified period which may not exceed one year. No exemption shall be granted under this paragraph due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

"CONTROL OF OTHER REGULATED SUBSTANCES

"SEC. 508. [Reserved.]

"NATIONAL RECYCLING AND DISPOSAL PROGRAM

"SEC. 509. (a) The Administrator shall, not later than July 1, 1991, promulgate regulations establishing standards and requirements regarding the use of substances covered by this title. Such regulations shall include requirements that (1) reduce the use and emission of such substances to the lowest achievable level and (2) maximize the recapture and recycling of such substances. Such regulations may include requirements to use alternative substances (including substances which are not covered by this title) or to minimize use of substances covered by this title.

"(b) The Administrator shall promulgate regulations establishing standards and requirements controlling the production or use of any manufactured substance that may, either directly as a radiatively important trace gas or indirectly as a substance that reduces the energy efficiency of products which incorporate or use such substance, exacerbate the problems of human induced global climate change.

"(c) The Administrator shall, before January 1, 1994, promulgate regulations establishing standards and requirements for the safe disposal of substances covered by this title. Such regulations shall include requirements that—

"(1) substances covered by this title that are contained in bulk in appliances, machines or other goods (including but not limited to refrigerators and air-conditioners) shall be removed from each such appliance, machine or other good prior to the disposal of such items;

"(2) any appliance, machine or other good containing a substance covered by this title in bulk shall not be manufactured or distributed in commerce unless it is equipped with a servicing aperture which will facilitate the recapture of such substance during service and repair of such item; and

"(3) any product in which a substance covered by this title is incorporated so as to constitute an inherent element of such product shall be disposed of in a manner that reduces, to the maximum extent practicable, the release of such substance into the environment. If the Administrator determines that the disposal of any product covered by paragraph (3) would result in producing only marginal environmental benefits, the Administrator shall include in such regulations an exception for such product.

"(d) Effective January 1, 1992, it shall be unlawful for any person in the course of maintaining, servicing, repairing, or disposing a household appliance or a commercial refrigeration or air-conditioning unit to knowingly vent or otherwise knowingly release or dispose of any substance used as a refrigerant in such appliance or unit and covered by this title in a fashion which permits such substance to enter the environment. De minimis releases associated with good faith attempts to recapture and recycle or safely dispose of any substance covered by this title shall not be covered by the preceding sentence.

"MOTOR VEHICLE AIR-CONDITIONING

"SEC. 510. (a) CERTIFICATION OF EQUIPMENT.—Within one year after the date of enactment of this title, the Administrator shall issue regulations which provide that on or after January 1, 1992, no person shall perform service for consideration on a motor vehicle air-conditioning system, including maintenance and repair services, unless such person uses equipment which is certified as meeting the standards set by the Society of Automotive Engineers for the extraction and reclamation of a refrigerant from motor vehicle air-conditioning systems by—

"(A) the National Institute of Standards and Technology,

"(B) the Underwriters Laboratories, or

"(C) an entity which the Administrator determines to be comparable to the entities described in subparagraphs (A) or (B).

"(b) SCHEDULE FOR ACQUISITION AND USE OF EQUIPMENT AND DOCUMENTATION OF SUCH USE.—(1) Within one year after the date of enactment of this title, the Administrator shall issue regulations establishing a phased schedule of deadlines by which the equipment described in subsection (a) shall be acquired by entities that perform service for consideration on motor vehicle air-conditioning systems.

"(2) In establishing the schedule under paragraph (1), the Administrator shall—

"(A) set an earlier deadline for any entity that performs service on a high volume of motor vehicle air-conditioning systems, as determined by the Administrator, and

"(B) require all entities that perform service for consideration on motor vehicle air-conditioning systems to have such equipment operational and in use for any such service performed on or after January 1, 1992.

"(c) DOCUMENTATION REQUIREMENTS.—Within one year after the date of enactment of this title, the Administrator shall promulgate regulations which require entities described in subsection (b)(1) to document the following on a form provided by the Environmental Protection Agency—

"(A) the number of motor vehicle air-conditioning systems repaired or otherwise serviced by such entity;

"(B) the amount and type of substances covered by this title that are purchased by such entity; and

"(C) the amount and type of substances covered by this title that are sold by such entity.

"(d) RESTRICTIONS ON THE SALE OF LISTED SUBSTANCES.—Effective January 1, 1992, it shall be unlawful for any person to sell or offer for sale to any person or entity (other than a person or entity performing service for consideration on motor vehicle air-conditioning systems in compliance with subsection (a) of this section) any substance covered by this title that is suitable for use as a refrigerant in a motor vehicle air-conditioning system and is in a container which contains less than twenty pounds of such refrigerant.

"(e) RESTRICTIONS ON THE SALE OF MOTOR VEHICLE AIR-CONDITIONING SYSTEMS THAT USE CHLOROFLUOROCARBONS.—(1) Within two

years after enactment of this title, the Administrator shall issue regulations establishing standards and requirements to assure that a minimum percentage of the motor vehicles manufactured in the United States and imported into the United States that are equipped with passenger compartment air-conditioning systems are equipped with systems that are not dependent on chlorofluorocarbon-12 as a refrigerant (or any substitute refrigerant with a comparable ozone depletion factor). Such regulations shall provide that, beginning with model year 1994, not less than 25 per centum of such motor vehicles are so equipped and, beginning with model year 1996, not less than 50 per centum of such motor vehicles are so equipped.

"(2) If the Administrator determines that, as a result of technological development problems, the development of alternative systems or products necessary to equip motor vehicle passenger compartments with air-conditioning systems that are not dependent on chlorofluorocarbon-12 as a refrigerant (or any substitute refrigerant with a comparable ozone depletion factor) will not occur within the time necessary to provide for compliance with paragraph (1) of this subsection, the Administrator shall so inform the Congress and propose alternative effective dates for this subsection.

"(f) DEFINITION.—As used in this section, the term 'motor vehicle' has the meaning given for such term under section 102 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391(3)).

"NONESSENTIAL CONSUMER PRODUCTS CONTAINING CHLOROFLUOROCARBONS

"SEC. 511. (a) Effective twelve months after the date of enactment of this title, it shall be unlawful for any person to sell or distribute, or offer for sale or distribution, nonessential products that release substances listed under subsection (a) of section 504 into the atmosphere during use, including chlorofluorocarbon-propelled plastic party streamers and noise horns, chlorofluorocarbon-containing cleaning fluids for noncommercial electronic and photographic equipment, and other consumer products determined by the Administrator to be nonessential. Nothing in this section shall apply to products used for medical purposes, as defined in section 503(5) of this Act.

"(b) Effective January 1, 1994, it shall be unlawful for any person to sell or distribute, or offer for sale or distribution—

"(1) any aerosol product or other pressurized dispenser (other than a medical devise or diagnostic product, including drugs, as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) or a drug delivery system) which contains a substance listed under subsection (b) of section 504; or

"(2) any plastic foam product (other than a foam insulation product) which contains or is manufactured with a substance listed under subsection (b) of section 504.

"CERTIFICATION OF EQUIVALENT PROGRAMS

"SEC. 512. (a) IMPORTS.—Effective twelve months after the date on which a substance is placed on the priority list under subsection (a) of section 504, it shall be unlawful for any person to import such substance or any product containing such substance unless the Administrator, in consultation with the Secretary of State (the Secretary), has published a decision, after notice and opportunity for public comment, certifying that the nations in which such substance or product was manufactured and from which such substance or product is imported are parties to and in compliance with the Montreal Protocol on Substances that Deplete the Ozone Layer. Effective July 1, 2000, it shall be unlawful for any person to import a substance listed under subsection (a) of section 504 or any product containing such substance unless the Administrator, in consultation with the Secretary, has published a decision, after notice and opportunity for public comment, certifying that the nations in which such substance or product was manufactured and from which such substance or product is imported have established and are fully implementing programs that require reduced production of such listed substance, and limit production of other substances covered by this title, on a schedule and in a manner that is at least as stringent as the reduction schedule for, and limitations on, domestic production which apply under this title. The prohibition on the import of any product containing a substance listed under subsection (a) of section 504 shall include, after notice and opportunity for public comment, any product which the Administrator has reason to believe may contain or is designed to contain or use such substance. The Administrator's decision that a product contains or is designed to contain or use such substance shall constitute a rebuttable presumption.

"(b) CERTIFICATION OF NATIONAL PROGRAM.—The Administrator shall not certify any national program under the second sentence of subsection (a) unless it is determined that—

"(1) the Nation has adopted legislation or regulations which give the reduction schedule for each listed substance the force of law; and

"(2) the legislation or regulations include reporting requirements and enforcement provisions no less stringent than those specified in sections 505 and 515 of this title, and that the information contained in such reports is available to the Administrator and the Secretary.

"(c) REVOCATION.—At least annually, the Administrator, in consultation with the Secretary, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the applicable conditions of subsections (a) and (b) remain satisfied and that the reduction schedule for each listed substance is in fact being carried out in such nations. Any such revocation shall take effect one hundred and eighty days after notice of the revocation has been published.

"(d) INVESTMENT AND EXPORT.—(1) Within one year after enactment of this section, the President shall prohibit—

"(A) the export of technologies used to produce a substance listed under subsection (a) of section 504; and

"(B) direct or indirect investments by any person in facilities designed for or capable of producing a substance listed under subsection (a) of section 504 in nations not certified under this section.

"(2) Not later than January 1, 1992, and every two years thereafter, the President shall, after notice and opportunity for public comment—

"(A) determine whether there exists, for each class of products containing a substance listed under subsection (a) of section 504 or manufactured with a process that uses such substance, substitute products or manufacturing processes that do not rely on the use of such substances; and

"(B) promulgate regulations for each class of products for which a positive determination has been made under subparagraph (A). Such regulations shall prohibit direct or indirect investments by any person in facilities designed for or capable of—

"(i) using a substance listed under subsection (a) of section 504 in nations not certified under this section in quantities that will increase use of such substance in any such nation, or

"(ii) manufacturing products that require the use of a substance listed under subsection (a) of section 504 in nations not certified under this section in quantities that will increase use of such substance in any such nation.

"(e) FOREIGN AID.—The President shall direct that no agency of the government provide bilateral or multilateral subsidies, aids, credits, guarantees, or insurance programs, for the purpose of producing any substance listed under subsection (a) of section 504.

"LABELING

"SEC. 513. (a) Not later than January 1, 1992, and every two years thereafter, the Administrator shall, after notice and opportunity for public comment—

"(1) determine whether there exists, for each class of products containing a substance listed under subsection (a) of section 504 or manufactured with a process that uses such substance, substitute products or manufacturing processes that do not rely on the use of such substances; and

"(2) promulgate regulations for each class of products for which a positive determination has been made under paragraph (1). Such regulations shall prohibit the introduction or reintroduction into interstate commerce of any product containing such substance or manufactured with a process that uses such substance ninety days after promulgation of such regulations unless such product bears a label stating either of the following as appropriate:

"(A) 'Warning: This product contains (insert name of listed substance) a substance which harms public health and the environment by destroying ozone in the upper atmosphere and by disrupting the climate'.

"(B) 'Warning: This product is manufactured with (insert name of listed substance) a substance which harms public health and the environment by destroying ozone in the upper atmosphere and by disrupting the climate'.

"(b) The Administrator shall, after notice and opportunity for public comment, promulgate labeling requirements determined by the Administrator to be appropriate for products containing a substance listed under subsection (b) of section 504 or manufactured with a process that uses such substance.

"SAFE ALTERNATIVES POLICY

"SEC. 514. (a) POLICY.—To the maximum extent practicable, substances covered by this title shall be replaced by chemicals, product substitutes, or alternative manufacturing processes that reduce overall risks to human health and the environment.

"(b) REVIEWS AND REPORTS.—The Administrator shall—

"(1) recommend Federal research programs and other activities to assist in identifying alternatives to the use of substances covered by this title as refrigerants, solvents, fire retardants, foam blowing agents, and other commercial applications and in achieving a transition to such alternatives;

"(2) examine Federal procurement practices with respect to substances covered by this title and recommend measures to promote the transition by the Federal Govern-

ment, as expeditiously as possible, to the use of safe substitutes; and

"(3) specify initiatives, including appropriate intergovernmental, international, and commercial information and technology transfers, to promote the development and use of safe substitutes for substances covered by this title, including alternative chemicals, product substitutes, and alternative manufacturing processes.

"(c) ADDITIONAL MEASURES.—Notwithstanding any other provision of law, the Administrator shall require that—

"(1) any person who produces a chemical substitute for substances covered by this title shall provide to the Administrator all published and unpublished health and safety studies on such chemical substitute; and

"(2) any person who produces a chemical substitute for substances covered by this title shall notify the Administrator of such person's intent to introduce such chemical substitute into commerce not less than sixty days prior to such introduction.

"FEDERAL ENFORCEMENT

"SEC. 515. (a) COMPLIANCE ORDERS.—(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this title, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator under this title and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of noncompliance for each violation of a requirement of this title. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(b) PUBLIC HEARING.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

"(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator.

"(d) CRIMINAL PENALTIES.—Any person who—

"(1) knowingly exceeds the production limits under section 506 (production phase-out for initial list) or section 508 (control of other regulated substances);

"(2) knowingly introduces into interstate commerce a substance that was produced in violation of section 506 or section 508;

"(3) knowingly imports a substance listed under subsection (a) of section 504, or a product containing such substance, in violation of section 512 (certification of equivalent programs);

"(4) knowingly exports technologies or invests in facilities in violation of section 512 (certification of equivalent programs);

"(5) knowingly vents or releases a substance into the environment in violation of section 509 (recycling and disposal program);

"(6) knowingly introduces into interstate commerce a substance or product in violation of section 509 (recycling and disposal program), section 510 (motor vehicle air-conditioning), section 511 (nonessential consumer products), or section 513 (labeling);

"(7) knowingly omits material information or makes any false material statement or representation in any application, record, report, permit, or other document filed, maintained, or used for purposes of compliance with this title; or

"(8) knowingly produces, transports, distributes or uses any substance listed under section 504, or a product containing such substance, and who knowingly destroys, alters, conceals, or fails to file any record, application, report, or other document required to be maintained or filed for purposes of compliance with this title

shall, upon conviction, be subject to a fine in accordance with title 18 of the United States Code for each day of a violation, or imprisonment not to exceed two years, or both. If conviction is for a violation committed after a first conviction of such person under this subsection, the maximum punishment shall be doubled with respect to both fine and imprisonment.

"(e) CIVIL PENALTY.—Any person who violates any requirement of this title shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation.

"(f) VIOLATIONS.—Each day of violation of any requirement of this title shall, for purposes of this section, constitute a separate violation. In addition, for purposes of section 506 (production phase-out for initial list) and section 508 (control of other regulated substances), the production, introduction into commerce, or importation of each one hundred pounds of a substance listed under section 504 that is in excess of the production limits under section 506 or section 508 shall constitute a separate violation.

"JUDICIAL REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS

"SEC. 516. Any judicial review of any final action of the Administrator pursuant to this title shall be in accordance with sections 701 through 706 of title 5 of the United States Code, except that—

"(1) a petition for review of any final action of the Administrator may be filed by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business, and such petition shall be filed within ninety days from the date of such action or after such date if such petition is for review based solely on grounds arising after such ninetieth day; action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement; and

"(2) if a party seeking review under this title applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper; the Administrator may modify administrative findings as to the facts, or make new findings, by reason of the additional evidence so taken, and shall file with the court such modified or new findings and the Administrator's recommendation, if any, for the modification or setting aside of the original administrative order, with the return of such additional evidence.

"CITIZEN SUITS

"SEC. 517. (a) IN GENERAL.—Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on his own behalf—

"(1) against any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to have violated or to be in violation of any permit, regulation, condition, requirement, prohibition, or order which has become effective pursuant to this title; or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this title which is not discretionary with the Administrator.

Any action under paragraph (1) of this subsection shall be brought in the district court for the district in which the alleged violation occurred. Any action brought under paragraph (2) of this subsection may be brought in the district court for the district in which the alleged violation occurred or the District Court of the District of Columbia. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the permit, regulation, condition, requirement, prohibition, or order, referred to in paragraph (1), to order such person to take such other action as may be necessary, or both, or to order the Administrator to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties under section 515.

"(b) ACTIONS PROHIBITED.—No action may be commenced under subsection (a)(1) of this section—

"(1) prior to sixty days after the plaintiff has given notice of the violation to—

"(A) the Administrator; and

"(B) to any alleged violator of such permit, regulation, condition, requirement, prohibition, or order; or

"(2) if the Administrator has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require compliance with such permit, regulation, condition, requirement, prohibition, or order.

In any action under subsection (a)(1), any person may intervene as a matter of right. Any action respecting a violation under this title may be brought under this section only in the judicial district in which such alleged violation occurred or is occurring.

"(c) NOTICE.—No action may be commenced under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice to the Administrator that said plaintiff will commence such action.

Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

"(d) INTERVENTION.—In any action under this section the Administrator, if not a party, may intervene as a matter of right.

"(e) COSTS.—The court, in issuing any final order in any action brought pursuant to this section or section 515, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(f) OTHER RIGHTS PRESERVED.—Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or requirement or to seek any other relief (including relief against the Administrator).

"SEPARABILITY

"SEC. 518. If any provision of this title, or the application of any provision of this title to any person or circumstance is held invalid, the application of such provision to other persons or circumstances and the remainder of this title shall not be affected thereby.

"RELATIONSHIP TO OTHER LAWS

"SEC. 519. (a) Nothing in this title shall be construed to alter or affect the authority of the Administrator under any other provision of this Act or the Toxic Substances Control Act or to affect the authority of any other department or agency, or instrumentality of the United States under any provision of law to promulgate or enforce any requirement respecting the control of any substance, practice, process, or activity for purposes of protecting the stratospheric ozone layer or reducing the extent of global climate change.

"(b) Nothing in this title shall preclude or deny any State or political subdivision thereof from adopting or enforcing any requirement respecting the control of any substances, practice, process, or activity for purposes of protecting the stratospheric ozone layer or reducing the extent of global climate change except as otherwise provided in subsection (c).

"(c) If a regulation of any substance, practice, process, or activity is in effect under this title in order to prevent or abate any risk to the stratosphere, or ozone in the stratosphere, no State or political subdivision thereof may adopt or attempt to enforce any requirement respecting the control of any such substance, practice, process, or activity to prevent or abate such risk, unless the requirement of the State or political subdivision is identical to the requirement of such regulation. If upon application of any person, after notice and opportunity for public hearing, the Administrator determines that the requirement of a State or political subdivision does not impose a substantial and unreasonable burden on interstate commerce, the Administrator shall waive application of the preceding sentence. No such waiver shall be granted if the Administrator determines that—

"(1) the decision of the State or political subdivision is arbitrary and capricious, or

"(2) the requirements and accompanying enforcement procedures of such State or political subdivision are inconsistent with the requirements and procedures of this title.

"AUTHORITY OF ADMINISTRATOR

"SEC. 520. The Administrator is authorized to prescribe such regulations as may be necessary to carry out this title.

"GRANTS

"SEC. 521. (a) The Administrator is authorized to establish and carry out a grant program through the Office of Air and Radiation for purposes of promoting the objectives of this title by: testing the basic properties of chemical substitutes; examining product redesign and technological innovations that would reduce, avoid, or eliminate chemical use in specific production processes; testing the applicability of possible substitutes in specific products; examining health, environmental, and safety issues related to the use of potential chemical substitutes; developing new technologies; improving the energy efficiency of new or modified technologies; monitoring environmental impacts; conservation; and other related purposes. Grants made under such program may be made to public and private entities, or combinations thereof, including consortia established expressly for the purpose of conducting research and related activities pursuant to this title.

"(b) Applications for grants under this title shall be submitted at such time and in such form and contain such information as the Administrator shall prescribe by regulation.

"(c) In making grants under this section, the Administrator shall consider, among other factors: the quantities of ozone-depleting chemicals or greenhouse gas emissions the proposed substitute, product or technology would replace; the timing of possible reductions with preference given to substitutes, products and technologies that will yield prompt reductions in demand for ozone-depleting chemicals covered by this title; the global climate implications of a proposed project; the likelihood of commercialization of the technology; the degree of public and private participation and support for a proposed project; the extent to which the results of the project will be accessible to the public; and the energy efficiency that would result from the project.

"(d) There are authorized to be appropriated to the Environmental Protection Agency such amounts as may be necessary to carry out the grant program pursuant to this section.

"PART B—METHANE ASSESSMENT

"OBJECTIVE AND NATIONAL GOAL

"SEC. 522. (a) The objective of this part is to identify and analyze options to reduce the risks of tropospheric ozone formation and global climate change by—

"(1) reducing global methane emissions sufficiently to assure that the atmospheric concentration of methane does not rise above current levels;

"(2) identifying and analyzing the relationships among methane and other atmospheric pollutants to determine the synergies that may be contributing to tropospheric ozone formation and global climate change;

"(3) promoting additional analyses of the factors causing methane concentrations to increase and of the sources of methane emissions and the opportunities for reducing such emissions; and

"(4) identifying emissions reductions options that are economically as well as environmentally advantageous.

"(b) In order to achieve the objective of this part, it is a national goal to—

"(1) reduce methane emissions associated with human activities in the United States;

"(2) stimulate international agencies to fund projects in developing countries that will reduce methane emissions;

"(3) stimulate other governments to implement measures to reduce methane emissions; and

"(4) in support of international efforts to reduce methane emissions, provide data regarding sources of methane emissions and options for reducing such emissions.

"INFORMATION COLLECTION

"SEC. 523. The Administrator is authorized to collect from persons responsible for the release of methane to the atmosphere during manufacturing, processing, resource recovery or distribution, waste management, or other economic activities information concerning such releases as may be necessary to complete the studies required by this part. Failure or refusal to provide such information in such form as the Administrator may reasonably require shall constitute a violation for purposes of section 515 of this title. To the extent information concerning methane releases is already being reported to a State or Federal agency and such information is available to the Administrator, the Administrator shall utilize such sources of information.

"ECONOMICALLY JUSTIFIED ACTIONS

"SEC. 524. Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit a report to the Congress that identifies activities, substances, processes, or combinations thereof that could reduce methane emissions and are economically justified with or without consideration of environmental benefit.

"DOMESTIC METHANE SOURCE INVENTORY AND CONTROL OPTIONS

"SEC. 525. (a) Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to the Congress reports on:

"(1) Methane emissions associated with natural gas extraction, transportation, distribution, storage, and use. Such report shall include an inventory of methane emissions associated with such activities within the United States. Such emissions include, but are not limited to, accidental and intentional releases from natural gas and oil wells, pipelines, processing facilities, and gas burners.

"(2) Methane emissions associated with coal extraction, transportation, distribution, storage, and use. Such report shall include an inventory of methane emissions associated with such activities within the United States. Such emissions include, but are not limited to, accidental and intentional releases from mining shafts, degasification wells, gas recovery wells and equipment, and from the processing and use of coal.

"(3) Methane emissions associated with management of solid waste. Such report shall include an inventory of methane emissions associated with all forms of waste management in the United States, including storage, treatment, and disposal.

"(4) Methane emissions associated with agriculture. Such report shall include an in-

ventory of methane emissions associated with rice production and animal production in the United States.

"(5) Methane emissions associated with biomass burning. Such report shall include an inventory of methane emissions associated with the intentional burning of agricultural wastes, wood, grasslands and forests.

"(6) Other methane emissions associated with human activities. Such report shall identify and inventory other domestic sources of methane emissions that are deemed by the Administrator to be significant.

"(b) Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to the Congress a report that presents a plan outlining measures that could be implemented to stop the growth in atmospheric concentrations of methane from sources within the United States. This plan shall identify and evaluate the technical options for reducing methane emissions from each of the activities listed in subsection (a) as well as other activities or sources deemed by the Administrator to be significant and shall include an evaluation of costs. The plan shall identify the emissions reductions that must be achieved to prevent increasing atmospheric concentrations of methane. The plan shall also identify programs of the United States and international lending agencies that could be used to induce lesser developed countries to undertake measures that will reduce methane emissions and the resource needs of such programs.

"INTERNATIONAL STUDIES

"SEC. 526. (a) Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrator of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to the Congress a report on methane emissions from countries other than the United States. Such report shall include inventories of methane emissions associated with the activities listed in subsection (a) of section 525.

"(b) Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to the Congress a report that analyzes the potential for preventing an increase in atmospheric concentrations of methane from activities and sources in other countries. Such report shall identify and evaluate the technical options for reducing methane emissions from each of the activities listed in subsection (a) of section 525 as well as other activities or sources that are deemed by the Administrator to be significant and shall include an evaluation of costs. The report shall identify the emissions reductions that must be achieved to prevent increasing atmospheric concentrations of methane. The report shall also identify technology transfer programs that could promote methane emissions reductions in lesser developed countries.

"NATURAL SOURCES

"SEC. 527. Not later than September 30, 1992, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to Congress reports on—

"(1) methane emissions from biogenic sources such as (A) tropical, temperate and subarctic forests, (B) tundra and (C) freshwater and saltwater wetlands; and

"(2) the changes in methane emissions from biogenic sources that may occur as a result of predicted increases in temperatures and atmospheric concentrations of carbon dioxide.".

The PRESIDING OFFICER. The Chair recognizes the Senate Republican leader.

Mr. DOLE. Mr. President, I ask if I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOLE pertaining to the introduction of Senate Joint Resolution 237 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. DOLE pertaining to the introduction of S. 2017 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE. I would be happy to add the distinguished Senator from Rhode Island [Mr. CHAFEE] as a cosponsor of both measures.

The PRESIDING OFFICER. It is so ordered.

CLEAN AIR ACT AMENDMENTS, 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from North Dakota, the chairman of the Committee on Environment and Public Works, Mr. BURDICK.

Mr. BURDICK. Mr. President, this is an important moment for the Senate and a landmark occasion for environmental legislation. I am honored and proud to bring the Clean Air Act amendments of 1989 before the full Senate for consideration.

It has taken a decade of effort by the Environment and Public Works Committee to get to this point.

Since 1981, the committee has conducted more than 60 days of hearings on air quality and closely related issues.

This is the fourth comprehensive bill the committee has reported, and the first to make it to the floor. A key event occurred last year that helped make it possible for the Senate to take up clean air legislation today.

After 8 years of administration opposition to efforts to address air quality concerns, President Bush, with the capable assistance of EPA Administrator Reilly, acknowledged that reforms were necessary.

The President came forth with a very positive proposal to amend the Clean Air Act. His action reversed nearly a decade of administrative apathy on the subject and led to constructive dialogue with Congress as we developed this clean air package.

There are four major components to S. 1630. The bill addresses ambient air quality; motor vehicle emission; toxic air pollutants; and acid rain. I know several provisions of the bill will be discussed in detail in the coming days. I will direct my remarks to just a few specific features.

First, the bill's phased reduction of motor vehicle emissions is a critical element in controlling air pollution. To accommodate anticipated growth in the number of vehicles on the road, a two-stage reduction in tailpipe emissions of nitrogen oxide, carbon monoxide and hydrocarbon is necessary to avoid increasing pollution. The bill requires the first set of standards to be met starting with the 1993 model year. These first round requirements are based on standards that are already being implemented for new vehicles sold in California.

The second phase standards become effective in 2003. The standards call for a 50-percent reduction from 1993 emission levels. Technology is under development that should make these standards attainable. In fact, some vehicles have been certified at the emission levels this bill requires after 2003. I am particularly interested in the bill's provisions regarding municipal waste incineration. The bill addresses concerns associated with municipal incinerator emissions, ash disposal, and the corresponding difficulty in siting new facilities. It establishes a comprehensive program for insuring the use of best available technology in new facilities emissions monitoring and requirements to promote recycling. The second component includes strict standards for the disposal of ash.

I have long believed that incineration, if properly regulated, can be a viable option in addressing our growing solid waste problems. We are rapidly reaching the limit of landfill capacity in many areas of the country. The municipal incinerator provisions should go a long way in assuring that incineration of municipal waste will take place in a manner which is environmentally sensitive and which protects public health.

Mr. President, many Members have devoted a great deal of time over the past decade grappling with the problem of acid rain. It is one of the most perplexing that I have encountered in my 30 years in Congress. In the early 1980's many of the acid rain proposals focused on the 31-State region east of the Mississippi. Following the Clean

Air Act Amendments of 1977, many States, primarily in the west, invested substantial amounts of money in air pollution control.

North Dakotans have spent over $175 million in capital investment and over $23 million in annual operating costs for utility plant scrubbers. Seventy-five percent of North Dakota's coal-fired electric generation is produced by scrubbed powerplants. North Dakota emits about 130,000 tons of sulfur dioxide from its powerplants annually. In comparison, one State emits over 2 million tons annually and currently scrubs only 3 percent of its coal-fired electric generation. Because many Midwestern utilities have avoided adding air pollution controls or switching to lower sulfur fuels, they have enjoyed huge cost savings over the last decade. In many instances, the amounts saved in just the last 5 years exceeds their estimated cost of compliance under the acid rain title of this bill. In recognition of the uneven pollution control performance across the country, the bill recognizes the substantial abatement efforts of a half dozen sparsely populated States. States whose coal-fired powerplants emit less than 150,000 tons of SO_2 annually and use scrubbers in generating more than half their coal-fired electricity, are recognized under the clean State provisions. While these six States have only 8 percent of all U.S. coal-fired capacity, they produce 37 percent of scrubbed electricity generated. On a national basis, only 24 percent of coal-fired generation is from scrubbed facilities.

The acid rain title of the bill generally embraces the polluter pays principle and the bill's acid rain provisions are largely those of the President. Acid rain reductions will be accomplished through a system of marketable allowances. This system will ensure that emission reductions are achieved in a cost-effective and flexible manner. We have debated acid rain for many years, and I believe this title adequately addresses this complex problem.

Mr. President, several people deserve credit for shaping this legislation and making Senate consideration possible. First, I must acknowledge the contribution of my predecessor, as chairman, Senator Stafford. He laid the groundwork for this bill. No Senator deserves more commendation than the distinguished majority leader. Senator MITCHELL. Upon coming to the Senate in 1980, Senator MITCHELL made clean air legislation a top priority, and his commitment has never wavered. Senator MITCHELL was an active and valued member of the committee during development of the bill before us, while shouldering the enormous and time-consuming responsibilities of his leadership post. Senator BAUCUS assumed chairmanship of the Environmental Protection Subcommittee just 1 year ago. Under his capable leadership, the subcommittee reported three bills that form the basis of these amendments. It is to his credit that a bill was ready to be reported by the full committee before adjournment last year, and I have asked him to manage this bill on the Senate floor.

The distinguished ranking member of the committee, Senator CHAFEE, has been invaluable in helping guide us to this point. A long-time advocate of clean air, his knowledge, insight, leadership, and good humor have been invaluable to the process.

Senator DURENBERGER also deserves special mention. We joined forces in the development of the municipal incinerator provisions of this bill, and I appreciate his painstaking work on the air toxics title. The present scheme for regulating air toxics has proved cumbersome and unworkable. Senators LAUTENBERG and BREAUX, joined in the development of a system that will simplify and improve air toxics regulation.

Senator LIEBERMAN, a newcomer to the Senate and committee last year, has proven his diligence and dedication to environmental issues. His contributions to the mobile source and non-attainment provisions of the bill are notable.

Each and every member of the committee has contributed in one way or another to the legislation before us. Members' interest and commitment to this legislation was well illustrated the day the committee reported the bill. All 16 members were present and actively participated in mark-up, including the distinguished majority leader and minority whip.

Legislation such as this could not have been produced without the assistance of a capable and diligent staff. I want to thank everyone who assisted in bringing this bill to the Senate floor.

I am fortunate to have a number of people in my service who selflessly dedicated themselves to development of this bill. David Strauss, the committee staff director, deserves special appreciation for keeping this giant legislative effort on track. I commend his efforts to accommodate the concerns of all committee members and give full attention to all parties concerned with the legislation. Mike Shields and Kate Kimball have borne the largest share of the burden in coordinating development of this bill. Without their tireless labor, this bill would not have been possible. Lynn Schloesser has been particularly helpful in handling economic analyses and maintaining good relations with various interest groups. I also want to mention the valuable contributions of Jennifer Hess, Joe Goffman, Stephanie Clough, and Cliff Rothernstein. Paul Chimes, the editorial director for the committee, played a special role in producing this bill. His skills as an editor and manager of documents for the committee are unparalleled in my experience.

The committee has a long tradition of nonpartisanship with respect to environmental matters. This applies to the staff as well. I especially appreciate the fine job done by Bob Hurley, the minority staff director, and the senior counsels and professional staff, including Kathy Cudlipp, Steve Shimberg, and Jimmie Powell.

Many other staff members have put in hard and long hours to make this bill possible. The phones have been ringing nonstop for months now. Judy Campbell, Elizabeth Thompson, Ingrid Utech, Karen Spence, Janice Nace, and Emily Berman deserve special acknowledgment for their diligent efforts.

We have received fine cooperation from EPA Administrator Reilly, his Assistant Administrators and the agency staff. The participation of many industry and environmental organizations has been essential in helping us craft a sound and workable bill.

It has been 20 years since environmental problems first captured the Nation's attention. The time is right, and the time is now, for Congress to act on this legislation.

The reforms contained in this landmark legislation will guide air quality policy into the 21st century, protecting our health and our environment for future generations.

I ask unanimous consent that the rest of my remarks be made a part of my RECORD statement as if read.

I yield the floor to my friend from Montana.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, I first want to thank the chairman of the committee, Senator BURDICK, from North Dakota. The Senator has been very, very solid, and very, very wise in his handling of the committee, bringing groups together. It is through the stewardship of his chairmanship, Mr. President, frankly, that we are here.

Mr. President, we are beginning the 1990's on a positive note. Here it is, January 23, 1990. At long last, after a decade of delay, we will enact a new Clean Air Act. It has taken leadership beginning with that of the President.

President Bush, who broke the political gridlock, proposed a comprehensive bill; our Majority Leader, GEORGE MITCHELL, from Maine, who has been our leading clean air advocate for years; the chairman of our committee, QUENTIN BURDICK from North Dakota, whose able leadership brings us here; and certainly that of Senator JOHN CHAFEE from Rhode Island, a very strong advocate of strong environmental laws for many years—he, too, is

largely responsible for this bill—all of them have brought us to the threshold of a historic opportunity.

This is not just another piece of legislation. In fact, only 12 current Senators were here when the original Clean Air Act was passed, and only 38 of us were here when it was last amended.

It has taken us 13 years to get to this point. And our actions that we take this year will affect public health well into the 21st century.

We have two choices. We can appease the special interests, and pass a weak bill.

Or we can meet the moment. We can pass a solid, responsible, historic bill.

By doing so, we can leave our children, and our grandchildren, a legacy—of strong hearts, strong lungs, and good health.

THE LEGACY OF EARTH DAY

It is a fitting time to debate clean air, 1990 is a symbolic year. We will celebrate the 20th anniversary of the original Clean Air Act. We will celebrate the 20th anniversary of the Environmental Protection Agency.

And we will celebrate the 20th anniversary of "Earth Day," on April 22, 1990.

Earth Day marks the beginning of the modern environmental movement. The day when it became clear that clean air and clean water were important to more than just a few activists and academics; they were important to every American family.

For good reason! Back then, smog levels in Los Angeles were more than seven times the health standard needed to protect public health. Our rivers stank. Most parents would not dream of letting their kids swim in Lake Erie. The Mahoning River in Ohio actually caught fire. Trash littered our highways. Open dumps attracted rats. Open burning filled the air with searing smoke.

The American people became fed up. They were no longer willing to sacrifice their children's health. On Earth Day, they made a simple appeal for common sense.

It was the largest demonstration in American history. As many as 20 million people turned out in more than 2,000 cities and towns and on 12,000 high school and college campuses.

It was not just rallies and marches. Businesses held seminars. Boy Scouts and Girl Scouts picked up litter along highways. As Newsweek put it, "an implausible congregation of uncounted millions of concerned Americans * * * demanded a halt to the wanton destruction of the nation's—and the world's—life-giving air, water, and soil."

WELCOME PROGRESS

Some suggested that this display of public concern was just a passing fad, a "springtime lark."

But the cynics were wrong. We soon began to see real environmental progress. The people inspired the Congress to act.

And Congress did act, with a series of landmark environmental laws: the Clean Air Act of 1970, the Clean Water Act of 1972, the Ocean Dumping Act, the Safe Drinking Water Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act, and Superfund.

And it was not just legislation. Cities and towns began cleanup programs. Businesses became more sensitive to the impact of their operations on local communities. Charities and other volunteer organizations did their part.

We have come a long way from the days of flaming rivers and open burning.

Our air and water are cleaner than they were on Earth Day 1970. Most of us can think of a river, a highway, a park, or a city sky that is cleaner now than 20 years ago. Children can even swim in Lake Erie.

THE JOB UNFINISHED

But the job of cleaning up America, began 20 years ago, remains unfinished.

Like any legislation, the landmark environmental laws of the seventies had shortcomings.

What is more, the enforcement of those laws eroded during the 1980's, in the hands of an administration that was, at best, unconcerned about environmental protection.

And science has continued to pierce the veil of ignorance—satellite photography, computer modelling, and monitoring equipment that enables us to make pollution measurements down to the level of one part per billion, or less.

As a result, we have discovered dangerous environmental problems that simply were not apparent 20 years ago.

Acid rain, which kills as many as 50,000 people a year and destroys thousands of lakes and forests;

The disintegrating ozone layer, which leaves us naked against the Sun's cancerous rays;

The greenhouse effect, which may cause a climate change equivalent to another Ice Age;

And the deadly dangers of invisible toxic pollutants.

RENEWED AWARENESS

These new problems, combined with the unfinished agenda of the 1970's, have revived the spirit of Earth Day.

Once again, Americans across the country are demanding that we do more to clean up the environment.

In fact, the American people are way ahead of the Congress.

Three in every four Americans identify themselves as environmentalists.

Almost two-thirds view environmental pollution as a very serious threat to society.

One in five believes that they or a family member has suffered health damage from dirty air, ozone depletion, or exposure to hazardous materials in the workplace.

Four in five believe the problem is getting worse.

Virtually everybody—a staggering 97 percent—believe both the public and private sectors have done an inadequate job of pollution control, and believe that stronger action is needed.

In fact, nearly two out of three Americans believe that cleaning up our air is more important than increasing the minimum wage or making child care more affordable.

The American people are ready. There now is a consensus—a national, bipartisan consensus—for tougher environmental protection.

Our challenge, as in 1970, is to transform that consensus into bold action.

THE COST OF DIRTY AIR

As in 1970, we must begin by cleaning up the air that we breathe.

We have made progress, it is true.

We now use unleaded gasoline, which means our children are not breathing lead. We now have catalytic converters on our cars, which means that newer cars have lower emissions.

But grave problems persist.

Forty-four of our urban areas still do not meet the health standard for carbon monoxide. One hundred and one do not meet the standard for smog. Fifty-four do not meet the standard for airborne particulates.

These are not just sterile statistics; 150 million people live and breathe in these areas.

One hundred and fifty million are breathing air that is unsafe.

Children are particularly vulnerable. Their lungs are undeveloped, and they respirate more rapidly. In fact, we are sending our children outside to play in air that OSHA will not let factory workers operate machinery in.

Each year, between 5 and 10 million Americans get sick, or die prematurely, because of dirty air.

And we are not just talking about big cities. We are not just talking about Los Angeles and Denver.

In my own State of Montana, seven communities exceed the standards for particulates, and three—Billings, Missoula, and Great Falls—exceed the standards for carbon monoxide. The same is true in cities and towns all across the country.

There are other problems. Our utilities continue to belch sulfur dioxide by the millions of tons—roughly 23 million tons per year forming acid rain, killing people, and destroying our lakes and streams.

Our industries continue to discharge billions of pounds of hazardous air pollutants that cause cancer. There are thousands of unnecessary cancer-relat-

39-059 O-91-5 (Pt. 1)

ed deaths each year. That is right—thousands.

The human cost is chilling.

And there also are economic costs, hospitalization, doctor's bills, and lost work days.

We now spend 12 percent of our GNP on health care. In 1990, we will spend $640 billion.

Rising health care costs are undermining the Federal budget and crippling American businesses. Chrysler spends $600 per car on health care, while Japanese companies spend $200.

We often talk about the need to reduce these costs through prevention.

Here is a place to start. Through the preventive measures in this bill, we can reduce the $100 billion we are spending to treat illnesses and diseases caused by dirty air.

There is more. Farmers are losing $5.3 billion each year to crop damage from ozone. We are spending over $2 billion each year to repair structures that have deteriorated because of acid rain.

BREAKING THE GRIDLOCK

Mr. President, I believe that every Senator thinks these health costs are too high. Every one of us believes dirty air must be cleaned up.

But we have been stuck in a political gridlock, paralyzed by ideology and by conflicts among different industries and regions.

This time, though, it is for real. We all know that there will be a clean air bill enacted this year. President Bush deserves a lot of credit. He stepped up to the plate, introduced his comprehensive bill and showed real leadership. The majority leader, GEORGE MITCHELL, kept the pressure on, putting clean air legislation at the top of the legislative agenda this year. In fact, Senator MITCHELL first introduced acid rain legislation back in 1981.

As a result, we have momentum. But as an American architect Mies Van Der Rohe said, "God is in the details." Those details will tell. We can be courageous and clean up the air or instead we can pass a weak mediocre, pablum bill, a bill that enables each of us to put out a press release claiming we are all for clean air, without facing up to tough decisions, a dirty air bill. That is what this debate is about, clean air or dirty air.

The Environment and Public Works Committee passed a bill by a vote of 15 to 1 for clean air. We have recommended to the full Senate a solid, responsible bill. It is based on the same goal as the original 1970 Clean Air Act, namely, protecting public health by making sure that all Americans have clean air to breathe.

To accomplish this, it tightens up various provisions of the act so that we will achieve our goal, of clean air for all, by early in the next century.

At the same time, we have learned some lessons since 1970.

Most importantly, we have learned that we cannot compromise public health by allowing some future administration the discretion to negotiate our clean air away.

We have learned that, whenever possible, laws should be implemented by the level of government most able to get the job done.

Therefore, S. 1630 provides maximum flexibility to States and localities, while maintaining Federal authority where necessary.

We have learned that we cannot get the job done well overnight.

It has taken many years for our air quality to degrade to the point where it is today. It is going to take some time to clean it up, and our bill recognizes this more than other versions have.

That is why we have given States and localities more time to meet our national standards, whether it is 20 years in the case of Los Angeles or 5 years in the case of Minneapolis, Kansas City, or Charleston.

That is why, in the case of the auto industry, we have given them more than a decade to develop a low polluting vehicle.

And that is why we've given utilities until the year 2000 to reduce their sulfur dioxide emissions by 10 million tons.

Let me briefly describe what we have done.

Titles I and II cover ozone nonattainment. What we are talking about here is smog. Deadly, choking, smog.

The nonattainment provisions reflect a bargain. Communities that have failed to meet their nonattainment deadlines are given extended deadlines.

The new deadlines are realistic. Ozone deadlines are the longest because reducing ozone pollution is complex. Ozone is not a local phenomenon but is formed and transported over hundreds of miles. Control strategies therefore must cover a wider geographic area which will require more time.

The emphasis in the bill, however, is not on the deadlines. The emphasis is on achieving steady progress before the deadlines, to make sure that, this time, the deadlines work.

Therefore, we require specific incremental progress over defined periods for ozone, carbon monoxide, and particulate matter.

These requirements alone will not guarantee clean air. The bill, therefore, also includes significant changes, to address motor vehicle emissions.

Although there have been significant reductions of emissions of volatile organic compounds [VOC's] and carbon monoxide since 1970, motor vehicles are still the single largest source of ozone and carbon monoxide emissions.

In fact, cars, trucks, and buses are responsible for half of all VOC and NO_x emissions, and 90 percent of all carbon monoxide pollution. NO_x emissions have increased since 1970. And smog is as much a function of oxides of nitrogen as it is of hydrocarbons.

Furthermore, unless new standards are adopted, the progress that comes from cleaner vehicles will be more than offset by more cars and more driving miles.

This year, for example, Americans will drive 25 billion miles more than they did last year. By the time our second round tailpipe standards are scheduled to take effect, Americans are likely to drive more than twice as many miles a year as they do now.

The committee bill recognizes that there is no single approach to reducing motor vehicle emissions. Rather, achieving significant progress will require a variety of measures that affect vehicle technology and fuel quality.

These measures include tighter tailpipe standards, enhanced maintenance and inspection programs, and measures to reduce vehicle use, among others.

We are going to hear a lot about the mobile source provisions, especially the second round of tailpipe standards.

Let me simply say this. There is no free lunch. If we are to meet our pollution reduction goals, the reductions must come from some sector. If not from autos, then from small individual stationary sources—bakeries, dry cleaners, auto body shops and others. They will have to do even more than is presently required.

The legislation also adds a new title IV to the Clean Air Act to reduce emissions of the precursers of acid rain—sulfur dioxide and oxides of nitrogen.

This acid rain program is similar to that proposed by President Bush, who proposed a strong, innovative program.

When fully implemented, the acid rain provision will reduce annual SO_2 emissions by 10 million tons below 1980 levels and cap it at these levels by the year 2000.

The bill does this fairly—without cost sharing and without mandated scrubbers. It provides flexibility and freedom of choice so that utilities find the cheapest and most effective way to reduce SO_2 emissions. Utilities can scrub, switch fuels, install clean coal technology or use other methods to reduce SO_2 emissions.

The bill also recognizes that utilities in some States have already made large capital investments on pollution control technology. It does not require additional SO_2 reductions of utilities in States that have scrubbed at least

50 percent of their capacity and emit no more than 150,000 tons of SO_2 per year.

Montana's utilities, for example, have spent over $600 million to install scrubbers. They scrub 92 percent of their capacity and emit as low as .09 pounds of SO_2 per million BTU's—one of the lowest emissions rates in the country.

When fully implemented, this program will reduce SO_2 emissions annually by 10 million tons below 1980 levels and cap it at these levels by the year 2000.

Title V of the bill provides new Federal authority requiring operating permits for sources of air pollution. This is not required under the current act, but is necessary to ensure better enforcement and faster implementation of control requirements.

Title VI broadens the scope of activities that can be the subject of civil or criminal sanctions and penalties.

Finally, title VII addresses two related but distinct environmental problems—global climate change from the greenhouse effect and destruction of the stratosphere ozone layer.

As the committee reported, this title will help to restore and maintain the integrity of the Earth's atmosphere, and provide a smooth transition from the use of ozone-depleting chemicals to safe substitutes.

As the floor debate unfolds, we may hear that the Senate is getting the "bum's rush," moving too quickly, without adequate study. We may even hear the shocking charge that the EPW Committee reported the bill in one day.

But, we all know what is going on. If you cannot win on the merits, stall for time.

Let us look at the record. This bill did not spring full-blown from the EPW Committee late last year. In fact, it may be the most thoroughly, painstakingly, even tediously debated bill in history.

Since 1980, the EPW Committee has held 80 days of hearings, and 45 days of markup, on clean air. We have repeatedly reported legislation that includes the basic concepts of S. 1630.

This year, we held 9 days of hearings. We heard every conceivable perspective. Let me read a list of some of the witnesses.

Senators CRANSTON, GLENN, HEINZ, LEVIN, WILSON, WIRTH, and COATS; three Governors; several mayors and attorney generals; six doctors; EPA Administrator Reilly; State air pollution administrators; representatives of the auto industry, including GM, Ford, and Chrysler; Richard Trumka of the United Mine Workers; the California Air Resources Board; representatives of the Clean Air Coalition and other environmental groups; representatives of various industries, including oil, printing, iron and steel, mining, engine manufacturers, clean coal technology, chemical manufacturing, incinerator operators, and others.

I say through virtually all of these hearings. They were not taken lightly.

Mr. President, I understand that Senators who do not serve on the committee and who have not been living with these issues for the last year, need time to dig in and get a feel for the issues.

They will have that time. We are not going to try to jam this bill down anybody's throat. The debate, in fact, may take several weeks.

But those who argue that we need even more hearings, more studies, more delay, are putting up a smokescreen for a very different agenda.

COMPETITIVENESS

We also will hear that this bill will undermine America's international competitiveness.

It will, they say, break American industry's back.

Mr. President, I take this issue seriously. I am cochair of the competitiveness caucus, as is the ranking member of this committee. I care deeply about restoring this country's international leadership through more savings, investment, education, and R&D.

In fact, with all due respect, I yield to no Member of this Chamber in concern about American competitiveness.

But I reject this false choice between the environment and the economy, the idea that clean air and competitiveness are inevitable, immutable enemies.

I believe that they are two sides of the same coin.

Let us face it. Budget deficits, leveraged buyouts, and clouds of deadly pollution eroding the atmosphere are all symptoms of the same problem: The idea that we can live for today and forget about the future.

More than anything else, we have to restore our sense of vision, of common purpose, of building for the future together.

The old-fashioned notion is that, when we pass this country on to our kids, we will leave it better than we found it.

That means economic policies that restore our long-term competitiveness. And it means environmental policies that conserve a clean, healthy, and beautiful country.

And there is another angle to competitiveness. America used to lead the world in environmental technology. The catalytic converter was invented in America.

But we are losing that lead to Japan, Germany, and other countries that have taken a more aggressive approach to environmental problems.

This bill gives us an opportunity to regain that initiative, to not only clean up our air, but become again world leader in environmental technology.

THE COST OF CLEAN AIR

We will hear that the committee bill costs too much. Dueling cost estimates will ricochet around the Chamber.

Yesterday, I saw an ad claiming that this bill will cost $104 billion a year. Amazing.

Let us put this issue in perspective. Obviously, cost is important.

But we must take estimates with a grain of salt. To paraphrase President Harry Truman, there are lies, damn lies, and cost estimates of legislation you don't like.

Twenty years ago, the auto companies were predicting that the Clean Air Act would bankrupt the industry, calling it a "66 billion dollar mistake." They are saying the same thing now. Take it with a grain of salt.

In addition, the cost of action must be weighed against the cost of inaction.

And these costs of inaction are huge.

The American Lung Association estimates the economic cost of air pollution at $100 billion a year.

And there are other costs, noneconomic costs.

What price do we put on a life, or a child's health?

I ask this to make a point. We cannot decide these issues through calculations on an accountant's ledger sheet.

Yes, the debate is about costs. But it also is about values.

And the most important value is this. The American people want us to clean up the air once and for all.

Remember the poll results. By an overwhelming margin, the American people believe that the costs of dirty air outweigh the costs of clean air. They prefer the option of clean air.

POLLUTION NEUTRALITY

As we consider amendments, we must keep our eyes on the ball.

Many amendments will have appeal because they let someone off the hook.

But they also have another effect. They increase pollution. They are dirty air amendments.

To keep this in perspective, I suggest that we approach this bill like a budget resolution or reconciliation bill.

The requirement of revenue neutrality in our budget process imposes necessary discipline. We all gripe about it. But we all know that, without revenue neutrality, we could not even begin to reduce the budget deficit.

We also have a pollution deficit. If this bill is to reduce that deficit, we need the same sort of discipline.

Pollution neutrality. If an amendment increases pollution in one place, that increase must be offset with reductions in another.

If we want to loosen up on cars, we have to tighten up on small business. If we want to loosen up on utilities, we

have to tighten up on industrial boilers.

If an amendment fails to achieve pollution neutrality, it is a dirty air amendment, plain and simple.

CLEAN AIR LEADERS

Before concluding, Mr. President, I would like to acknowledge those responsible for this bill.

Again, President Bush's leadership should be applauded. We have our disagreements. But the value of his initiative cannot be overstated.

In addition, his chief environmental advisor, Bill Reilly, has played a very, very constructive role.

Our chairman, Senator BURDICK, marshalled the committee and brought this bill to the floor.

Our ranking member, Senator CHAFEE, continued his long role as one of the Nation's environmental leaders. He has worked hard to keep the process bipartisan, and this is his bill as much as that of any other Senator.

Senator MOYNIHAN got the ball rolling years ago, with and has followed through the National Acid Precipitation Assessment Program, a program to evaluate the effects of acid rain.

Senators LAUTENBERG and DURENBERGER were heavily involved in the development of the entire bill and were primary authors of major provisions.

Senator LIEBERMAN made an important mark as a new committee member, involved from start to finish.

Senator SIMPSON worked constructively on all aspects of the bill, especially acid rain.

Senator BREUX, Senator GRAHAM, Senator JEFFORDS, and every other member of the committee played an important part.

Finally, I should acknowledge the majority leader.

He came to the Senate in place of one of our great environmental leaders, Senator Ed Muskie. And he quickly made it clear that he would continue, indeed build upon, Senator Muskie's leadership.

In fact, one of the first bills freshman Senator MITCHELL introduced in the 97th Congress, S. 1739, was a tough acid rain bill.

Since then he has devoted a large part of his energy to clean air legislation.

It is somewhat ironic that Senator MITCHELL no longer serves as subcommittee chairman, managing this bill as it finally comes to the floor.

But he laid the foundation for this bill through years of work. And, as leader, he has cleared the way for this debate.

CONCLUSION

As the debate unfolds, it will be tempting to weaken this bill. To pass a clean air bill that's only minimally acceptable. One that makes a few small improvements, but one that does make us proud.

Anything worth doing is worth doing well. If we're going to pass a clean air bill, we should pass a solid, comprehensive, lasting bill, that gets the job done once and for all.

Senator Muskie put it well in a similar situation in 1970, when he urged the Senate to enact the original Clean Air Act. He said that the debate "will be a test of our commitment and a test of our faith: in our institution, in our capacity to find answers to difficult problems, and in the ability of American citizens to rise to the challenge of ending the threat of air pollution."

In 1970, we started down that road, and the country is better for it.

I am confident that we will meet the test again in 1990.

I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

Mr. BAUCUS. Will the Senator yield for one brief statement?

Mr. CHAFEE. I yield.

Mr. BAUCUS. I would like, Mr. President, at this point to read into the RECORD a letter from the American Lung Association addressed to me. If the Senate will bear with me, it will probably take about, say, 1 or 2 minutes.

AMERICAN LUNG ASSOCIATION,
Washington, DC, January 22, 1990.

Hon. MAX BAUCUS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: The future of the federal government's air pollution control program will be a priority issue when the Senate reconvenes this week. A new report from the American Lung Association, The Health Costs of Air Pollution, discusses the complex issue of identifying economic costs related to the health effects of exposure to ambient air pollution. These effects include both illness and premature death. ALA's latest survey of the health costs of air pollution shows that estimates of the costs of living in a polluted environment are on the rise despite the national program to reduce pollution. These estimates are not due necessarily to the erosion of environmental quality, but rather to a recognition that air pollution costs us much more dearly than we thought.

ALA's monograph reviews 12 studies which examine a variety of health effects from exposure to different pollutants, by different groups of people, in different geographic areas. The majority of studies reviewed concentrated on one or two pollutants and identified health costs in the range of $500 million to $15 billion. Upper range estimates in separate studies put the health costs of sulfate pollution at $432 billion and the cost for all "criteria" pollutants except lead at $697 billion. The report also quantifies, for the first time, the health costs directly related to auto pollution—a cost ranging from $4 billion to $93 billion.

No single study has ever derived a total dollar figure representing all the health costs associated with human exposure to air pollution—this may be an impossible task given today's data base and methodological approaches. However, estimates approaching an annual cost of $100 billion are defensible based on the reasonable middle ranges of the comprehensive, multipollutant studies. Five years ago when ALA released its previous study, the high range estimate for the health costs of air pollution was $40 billion. This change clearly represents the growing price tag of air pollution and the failure to strengthen the Clean Air Act.

It is noteworthy to observe that health costs, while the dominant result, are only a portion of the economic effects resulting from air pollution. Other effects—such as reduced agricultural and forest yields, corrosion of buildings and reduced visibility—also have substantial costs associated with them. The cost of air pollution continues to grow—clearly enactment of strong clean air legislation can cut this price tag. The American Lung Association urges your support for S. 1630.

Sincerely,

FRAN DU MELLE,
Director, Government Relations.

Mr. President, I yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, this is an auspicious and long-awaited day. Senators BURDICK, BAUCUS, MITCHELL, SIMPSON, SYMMS, and myself were present on April 8, 1981, when Senator Stafford convened the first hearing to consider comprehensive amendments to the Clean Air Act.

Since that day, the Environment and Public Works Committee has held 70 hearings. We have conducted 45 markups and reported clean air legislation to the Senate on four different occasions, the last one being November 20 of last year.

In the intervening 9 years, the Senate—and the Congress—have adopted comprehensive amendments to a whole series of other environmental legislation, to RCRA, to the Safe Drinking Water Act, to Superfund, to the Clean Water Act. Why is it that agreement on these other difficult environmental issues has been possible, while resolution on the Clean Air Act has eluded us?

In large part, I believe, Mr. President, it is because the other problems are more visible to the public. People can see waste dumps in their communities. They can see and they can smell when that favorite fishing spot or stretch of river has been fouled by pollution. And citizens react quickly when they learn that the water that comes out of their taps could threaten the health of their children or themselves.

Regrettably, unhealthy air often cannot be seen or even smelled, and its damaging effect takes years to become evident.

Yet epidemiological studies estimate that polluted air is responsible for between 50,000 and 100,000 deaths a year. Toxic air pollutants are estimated to cause up to 2,500 cancer cases each year. Illnesses because of bad air

is estimated to affect over 4 million people in our country every year.

Health costs associated with air pollution, as estimated in the studies just reviewed by the American Lung Association, range from low estimates of $25 million to a high of $100 billion, with the most likely cost being in that high range. That is every year.

Air pollution defaces buildings and monuments. For example, Massachusetts estimates that its spends $13 million annually to refurbish culturally significant buildings that have been damaged by foul air. Air pollution causes great damage to streams, lakes, forests, and even estuaries and oceans.

Let me stop here, if I might, Mr. President, to note that we would not be here on this floor this evening considering this clean air legislation but for the leadership of the President of the United States, President George Bush. The President submitted clean air legislation to Congress last summer and has challenged us to work with him to produce a clean air bill for the first time since 1977. That was when the last clean air bill was passed. The President's bill provided much of the framework and substance that we see in the Environment Committee bill before us tonight. And his initiative and commitment have broken the impasse which has plagued congressional efforts to enact a law over the past decade.

The majority leader, Senator MITCHELL, as has been mentioned, has given the Environment Committee outstanding leadership and encouragement to produce good, strong legislation in a timely fashion, and his commitment to making clean air a Senate priority has culminated in our beginning consideration of the Clean Air Act Amendments of 1989 today. And I do want to stress the key role that Senator MITCHELL has played.

The chairman of our committee, Senator BURDICK, has given us fine guidance. Senator BAUCUS, the chairman of the Environmental Protection Subcommittee, deserves great praise for his leadership during the months since our first clean air hearing in April of last year. He has kept a steady hand at the helm and worked mightily to see that the committee members studied the issues at hand and made informed decisions on the difficult questions that arise any time the Clean Air Act comes up.

Inevitably, as we consider the provisions of S. 1630, which is the bill before us, questions of the cost of the bill will come up. At the outset of the bill and the debate, the estimates of what S. 1630 will cost vary widely. That is one key thing I think it is important for everybody to remember. The cost estimates are all over the lot. The Business Roundtable has released a study concluding the clean air legislation could cost anywhere from $14 billion to $104 billion annually—now that is a pretty good range right there, from 14 to 104—with their "best estimate" being $55 billion a year. Their report says S. 1630 could cost even more than that.

The administration estimates for the Environment Committee bill are $40 billion a year. But the administration projects that the President's bill, which is quite similar to S. 1630 in many respects, will cost only $19 billion. In other words, the estimate is his costs 19, the subcommittee bill costs 40.

Now the differences, Mr. President, are due primarily to the cost of the committee's requirement for emission reductions from automobiles, which take place in the year 2003, and the committee's requirement for reduction in toxic air pollutants, which begin to take effect 15 years after this bill is passed. What I am saying here is the two great variances in estimates come over the second round standards for the pollution reduction of automobiles which come in 2003 and the air toxic pollution reduction requirements which take place 15 years from now, and that is in the next century also. We should look carefully at the basis for those estimates as we debate each of the provisions, and when we do I believe we will find that this legislation has been overpriced.

As we talk about the costs of cleaning up the air—and it will not be inexpensive. I am the first one to state that this bill is going to cost some money. We might as well recognize that. We do not get clean air for nothing.

I would like to note for the record, when we talk about $40 billion for this legislation, in 1988 Americans spent $63 billion on alcoholic beverages, $63 billion on soft drinks and candy, $38 billion on tobacco products, $25 billion on jewelry, and $19 billion on cosmetics and fragrances. In this context, it seems to me, as we debate the various provisions of the bill, it will be well to keep in mind the question, how much is clean air worth?

The bill breaks down into different segments. I would like to briefly talk about what we call the nonattainment provisions. Attainment means that the air meets the standards set forth by EPA. Nonattainment means that those areas have not met the standards set by the EPA.

Title I of the bill deals with attaining and maintaining what are known as ambient air quality standards. In simple language, that means maintaining an air quality that is healthy to breathe.

Pennsylvania has set ambient air quality standards for six pollutants. Title I of the bill is primarily concerned with three of those: Ozone, carbon monoxide, and particulate matters, or PM-10.

Let me say a few words about the harmful effects of each of those pollutants. When someone inhales ozone, that person is inhaling a bleach. At very high concentrations, ozone is fatal. At lower concentrations, ozone can cause chest pains, shortness of breath, and increased susceptibility to respiratory infections. It can also reduce the functional capacity of the lungs. That is what ozone does.

Evidence is accumulating that repeated exposures to ozone can result in long-term effects, such as premature aging of the lungs. And recent studies are showing significant reductions in the function of the lungs of vigorously exercising adults and children, even at ozone levels lower than the current ambient air quality standards.

In other words, deleterious effects can come at lower standards than those imposed by EPA. But we are not dealing with those. We are dealing with even greater offenders than EPA has set forth as satisfactory for the ambient air quality standards.

Ozone is also clearly responsible for damage to our forests. As scientists with the National Acid Precipitation Assessment Program [NAPAP] reported this September, and this is a quote from their report:

> Ozone stress is the predominant factor in the decline of ponderosa and Jeffrey pines in the San Bernardino Mountains near Los Angeles . . . and is causing some degree of physiological stress to trees over large areas in the United States and Canada.

That was their findings.

EPA has estimated that ozone causes annual crop losses, including loss in the production of soybeans, tomatoes, and beans of $2 billion to $3 billion a year.

There are a lot of farmers. Those who are from agricultural States in this Senate I think ought to be interested in those statistics. Ozone causes crop damages.

The World Resources Institute estimates the value of increased crop yields from a 50-percent reduction in the ozone levels—in other words, if we can reduce ozone, we will get increased crop yields—of $5.3 billion a year in our country; $5.3 billion in the United States per year increased agriculture production if we can reduce ozone by 50 percent.

The next offender, carbon monoxide. That is an invisible and odorless pollutant that is fatal at high concentrations; everybody knows that. High concentrations of carbon monoxide from one's automobile, in a confined area, can kill you because it interferes with the blood's ability to carry oxygen. Even at releatively low concentations it can be harmful to fetal development, for which an adequate supply of oxygen is critical.

Carbon monoxide at lower concentrations is also a threat to people with heart disease and can bring on attacks of angina.

Now, particulate matter, and especially smaller particulates, is a problem. Particulate matter is not really a single pollutant, but includes a variety of substances that come from a large and diverse number of sources. Particulate pollution is a serious concern, as shown by the statement before our committee by a Harvard researcher, Dr. Haluk Ozkaynak. This is what Dr. Haluk Ozkaynak had to say.

Now, the most important conclusion that can be derived from all of the epidemiologic investigations we have performed is that air pollution, especially particulate pollution, even at current levels, could be of concern to public health in terms of its contribution to excess mortality and morbidity.

Morbidity means illness.

In every epidemiologic investigation that we have performed over the past 6 years, we have repeatedly found a 2 to 5 percent air pollution effect on human mortality and morbidity.

That is the end of his statement.

Particulate matter is also responsible for reducing visibility nationwide, including in our national parks, and soiling materials and building surfaces.

A study for EPA estimated the cost of soiling damage at $1 to $2 billion a year.

So you can see, Mr. President, the issues dealt with in title I of the committee's bill are serious ones. This is the nonattainment section I referred to. I would like to devote just a few minutes to describe what the bill requires with respect to reducing this harmful and widespread ozone pollution.

It is important to recognize about half of the population—I think Senator BAUCUS touched on this—about half the population in the United States lives in areas that do not meet the ambient air quality standard for ozone. The extent of the pollution varies greatly in these areas, but all need to make improvements if the health standard is to be achieved.

Ozone pollution is formed—this is what ozone is. Some people say it is smog. It is smog. But how does it come about?

Volatile organic compounds—sometimes we will refer to them as VOC's in the discussion here on the floor—and oxides of nitrogen—sometimes referred to as NO_x—combine in the presence of sunlight. You have the volatile organic compounds and the nitrogen oxides, and they combine in the presence of sunlight, and they form smog or ozone.

So reduce the concentrations of ozone in the air we breathe, clearly we have to reduce the emissions of both VOC's and NO_x. It is not enough to solely do one.

Because the atmospheric chemistry associated with ozone formation is very complicated, there is some uncertainty as to how reductions in the emissions of NO_x will affect ozone levels at every point over a broad area.

In some areas, some localized areas, ozone levels may rise as a result of reducing NO_x emissions. There is a little inexactness to this science. Over the wider area, however, NO_x reductions will bring about lower ozone levels.

In other words, if over a wide area, you reduce your NO_x emissions, you are going to bring down your ozone, even though in a localized area, you might bring down the NO_x emissions and the ozone might stay the same or, indeed, increase.

The available empirical evidence is that the only way to bring about substantial reductions in ozone is to reduce the emissions of both of these, both the NO_x and the VOC's, and this is the approach we take in the committee bill.

Mr. President, one of the facts that makes the issues in this bill so difficult to deal with is there is no one or two magic solutions to cleaning up the air. In order to make progress, we really have to deal with small reductions in pollution from many, many different sources. It is not possible to say: Do this, and you will cut the emissions, the creation of ozone by 50 percent. Unfortunately, it is not that simple.

When dealing with ozone and emissions of VOC's, each requirement that is put in place only reduces the emissions by a seemingly small amount, like 1 or 2 percent. And it is very tempting to consider exempting this category or that category, saying it is so small; it does not make that much difference; it is only 1 percent; it is only 2 percent. Until we realize that virtually every control would be exempted and healthy air would never be achieved.

Once again, I want to stress there is no great single emitter. And thus we have to make these series of reductions, whether they are 2 or 3 or 4 percent.

The bill divides the nonattainment areas of the country, of which there are currently 102 nonattainment areas in the country—and these 102 areas include, as I say, over half the population of our country—the bill divides them into four separate categories based upon the severity of their ozone pollution.

The lower ones are moderate, the next area is serious, the next area is severe, and the final area, which is only Los Angeles, is extreme.

There are 62 areas in the moderate category, that is, the lowest one; 31 in the serious category; 8 in the severe—that is most of the principal cities of our country—New York, Chicago, Houston, and others—and one, Los Angeles, as I said before, is in the extreme category. Every area is to take steps to achieve the ozone health standard as quickly as possible with a maximum of 5 years to achieve the standard for moderate airs.

Now, mind you, these are areas that were meant to be in compliance several years ago, but we are giving them extended time in this bill—5 years for the moderate areas, 10 years for the serious areas, 15 years for the severe areas, and 20 years for Los Angeles. So the suggestion we are coming down like a ton of bricks on these communities just is not true.

Except for the moderate category, each area must reduce the emissions of VOC's by 4 percent per year averaged over a 3-year period. In other words, taking them in 3-year periods, the reductions must be an average of 4 percent per year until the area reaches the ozone health standard.

The many specific requirements in the bill for reducing VOC emissions will count toward the 4 percent requirement, except for one requirement, which is to reduce the volatility of gasoline.

Implementation of the bill's specific requirements in the early years will probably achieve the annual reduction requirement. Some of the bill's provisions that take effect in later years, such as the requirement for EPA to reduce VOC emissions by 3 percent nationwide and the requirement for tighter exhaust standards for cars in 1993 and again in the year 2003, all of these will help keep the areas on the track. It will be necessary in many instances for State and local areas to reduce NX_x emissions, and these can be traded for VOC reductions where the trade will reduce ozone levels in order to reach these milestones of 4 percent per year.

The milestone provisions of the bill are designed to avoid a repeat of the situation that occurred when we passed the 1977 amendments. In the 1977 amendments we said to the communities, you have to clean up by x year, and in many instances the States submitted plans called SIP's, State implementation plans, that purported to show attainment of this ozone standard after 10 years. The State would come forward with this plan and say, "We are going to meet the standard in 10 years." But they did not have any milestones by which we could judge them or judge their progress or, more often, lack of progress. The result was that although in 1981 the National Commission on Air Quality projected that all but six or seven areas would meet the standard by 1987—in other words, the bill passed in 1977. In 10 years you have to be cleaned up. Five years after the bill passed, a report came in that everything is going fine; they are going to meet the standards. But the facts were that when the

deadline came in 1987, there were still 102 areas not in attainment. Earlier checkpoints would have shown the expected progress was not being made and would have brought about demands by EPA that more be done.

The bill allows moderate areas—remember, moderate is the least offensive, the areas that although not in attainment are closest to it of the various areas—to choose to implement either a vehicle inspection or maintenance program or going to what is known as stage II controls at service stations to reduce vehicle refueling emissions.

The words "stage II" will be brooded about here to some extent. That refers to these improved fuel delivery hoses that recapture the VOC when one puts gasoline in his car. In the moderate areas, you can either have the stage II, the new type of dispensing pump, in your gasoline stations or you can have inspection and maintenance of your vehicles. All other areas, the serious, the severe, and the extreme areas, must implement both of these programs.

Experience has shown that stage II controls—that is, the gas hose fitted with this new type of device—are among the most cost effective VOC controls available. The cost effectiveness ranges from $600 to $700 per ton reduction of VOC's in California, New Jersey, and Missouri to $1,400 a ton reduction in cost in Massachusetts. These estimates compare to a cost of $3,500 a ton for implementation of the inspection and maintenance and $5,000 a ton for new controls on stationary sources.

Estimates of VOC reductions from installing stage II range from 2 to 4 percent.

Inspection and maintenance programs are another way to reduce emissions of VOC and they also reduce NO_x, which is emitted by the vehicles.

The bill requires reasonably available controls on stationary sources in nonattainment areas. What is a source? It is, for example, a drycleaning establishment of some size.

The size of sources of which these controls must be installed varies depending on the nonattainment category. Once again, for the more polluted areas, those that are severe and extreme, controls are required to be installed on smaller sources down to those that emit 25 or more tons of VOC per year. In Los Angeles, those sources that emit the 10 tons per year, for example, will have to have these controls. If pollution from these sources is not controlled, it is unlikely that these areas will ever attain the clean air standards.

The Office of Technology Assessment, OTA, estimates that 15 percent of VOC emissions come from sources that range in size from 25 to 100 tons of VOC emissions a year. In other words, in order to get control of the VOC's, you have to go to some of these smaller emitters. Controlling emissions with reasonably available control technologies should reduce VOC inventory by 2 percent.

In the most severely polluted carbon monoxide and ozone areas, the bill requires that measures be considered and put in place to reduce the amount of vehicle travel.

Now, we admit this is controversial, but we are talking about the most severely polluted areas. These transportation control measures are important complements to the motor vehicle provisions in title II of the bill because, as we have seen, even with very significant reductions in emissions from individual cars, total emissions can increase because more vehicles are driven more miles per year.

We are on a treadmill here. We brought down the number of emissions from the vehicles but the trouble is there are more vehicles on the road every year, and every vehicle drives more miles per year. I think each of us can testify to that in our own experience. We are driving our cars more miles per year. Thus the total amount of emissions that comes from all the vehicles does not go down, even though we have made significant reductions in the amount of pollutants from each vehicle.

More miles driven means more ozone and more carbon monoxide pollution. One of the measures included in this bill is the requirement in severe—these eight major cities—an extreme. That means Los Angeles and in the more seriously polluted carbon monoxide areas of which there are 11 in the country, employers of more than 100 employees undertake programs to reduce vehicle use by employees in work-related trips.

A program such as this has been adopted in the Los Angeles area, and is expected to reduce VOC emissions from vehicles by about 4 percent.

Under the program, employers could choose to subsidize employee transit fares, reduce or eliminate subsidies for employee parking, give preferential parking space or subsidies to multiple occupancy employee vehicles, provide van pool services, or in other ways encourage employees to decrease single occupancy trips to and from work.

Many of the transportation control provisions in the bill are not likely to bring about immediate major reductions in the emissions but they are necessary if ozone and carbon monoxide health standards are going to be attained.

Because ozone is a regional and not a local pollutant; that is, ozone and its constituent pollutants can travel long distances—for instance, on the east coast, in the section I live in, we are not polluters but we do not attain the standards because the air is what they call transported. It comes up from further south and further to the southwest. It comes up along the coast. Ozone is one of the great travelers.

The bill takes regional approach to control the transport of ozone. The most important ozone transport provisions establish a Northeast Regional ozone Transport Commission composed of the 12 Northeastern States and the District of Columbia. In conjunction with the EPA, they are to recommend what control requirements should be adopted throughout the region.

Mr. President, in accordance with some discussions with the majority floor manager of the bill, we decided to continue this tomorrow, ceasing at this time.

So, therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL APPROVALS

A message from the President of the United States, received on December 27, 1989, during the sine die adjournment of the Congress, announced that the President has approved and signed the following enrolled bills and joint resolutions:

On November 3, 1989:

S.J. Res. 86. Joint resolution designating November 17, 1989, as "National Philanthropy Day."

S.J. Res. 120. Joint resolution to designate the period commencing November 12, 1989, and ending November 18, 1989, as "Geography Awareness Week."

On November 8, 1989:

S.J. Res. 19. Joint resolution to designate November 8, 1989, as "Montana Centennial Day."

On November 9, 1989:

S.J. Res. 131. Joint resolution to designate November 1989 as "National Diabetes Month."

S.J. Res. 209. Joint resolution to designate November 11, 1989, as "Washington Centennial Day."

On November 13, 1989:

S.J. Res. 73. Joint resolution to designate the week beginning October 29, 1989, as "Gaucher's Disease Awareness Week."

S.J. Res. 194. Joint resolution designating November 12 through 18, 1989, as "National Glaucoma Awareness Week."

On November 14, 1989:

S.J. Res. 198. Joint resolution designating November 1989 as "An End to Hunger Education Month."

On November 15, 1989:

S. 750. An act to extend the deadlines under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Washington.

On November 16, 1989:

S. 1827. An act to revise and clarify the authority of the Administrator of General Services relating to the acquisition and management of certain property in the city of New York.

On November 17, 1989:

S.J. Res. 215. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 20, 1989, as "National Military Families Recognition Day."

On November 27, 1989:

S. 931. An act to protect a segment of the Genesee River in New York.

S.J. Res. 184. Joint resolution to designate the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 25, 1990, and ending on December 1, 1990, as "National Home Care Week."

On November 28, 1989:

S. 818. An act to commemorate the contributions of Senator Clinton P. Anderson to the establishment of the National Wilderness Preservation System, and for other purposes.

S. 978. An act to establish the National Museum of the American Indian within the Smithsonian Institution, and for other purposes.

S.J. Res. 159. Joint resolution to designate April 22, 1990, as Earth Day, and to set aside the day for public activities promoting preservation of the global environment.

S.J. Res. 207. An act approving the location of the memorial to the women who served in Vietnam.

S.J. Res. 218. An act to designate the week of December 3, 1989, through December 9, 1989, as "National American Indian Heritage Week."

On November 29, 1989:

S. 338. An act to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, Iowa, and for other purposes.

S. 737. An act to adjust the boundary of Rocky Mountain National Park.

S. 1390. An act to provide for the construction of biomedical facilities in order to ensure a continued supply of specialized strains of mice essential to biomedical research in the United States, and for other purposes.

On December 5, 1989:

S. 974. An act to designate certain lands in the State of Nevada as wilderness, and for other purposes.

S.J. Res. 16. Joint resolution designating November 1989 and November 1990 as "National Alzheimer's Disease Month."

S.J. Res. 205. Joint resolution designating December 3 through 9, 1989, as "National Cities Fight Back Against Drugs Week."

On December 6, 1989:

S. 892. An act to exclude Agent Orange settlement payments from countable income and resources under Federal means-tested programs.

S. 1960. An act to authorize the food stamp portion of the Minnesota Family Investment Plan.

On December 7, 1989:

S. 1164. An act to authorize appropriations for fiscal year 1990 for the Office of the United States Trade Representative, the United States International Trade Commission, and the United States Customs Service.

S. 1877. An act to improve the operational efficiency of the James Madison Memorial Fellowship Foundation, and for other purposes.

S.J. Res. 164. Joint resolution designating 1990 as the "International Year of Bible Reading."

S.J. Res. 202. Joint resolution providing for the appointment of Robert James Woolsey, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 203. Joint resolution providing for the appointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution.

On December 11, 1989:

S. 488. An act to provide Federal assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes.

On December 12, 1989:

S. 1793. An act to make technical and correcting changes in agriculture programs.

On December 13, 1989:

S. 804. An act to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on December 6, 1989, subsequent to the sine die adjournment of the Congress, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 1. An act to amend Federal laws to reform housing, community and neighborhood development, and related programs, and for other purposes;

H.R. 2178. An act to designate lock and dam numbered 4 on the Arkansas River as the "Emmett Sanders Lock and Dam";

H.R. 2494. An act to reauthorize the Export-Import Bank tied aid credit fund and pilot interest subsidy program, to provide for the participation of the United States in a replenishment of the Inter-American Development Bank and in the Enhanced Structural Adjustment Facility of the International Monetary Fund, to improve the safety and soundness of the United States banking system and encourage the reduction of the debt burdens of the highly indebted countries, to encourage the multilateral development banks to engage in environmentally sustainable lending practices and give greater priority to poverty alleviation, and for other purposes;

H.R. 3259. An act to amend the Immigration and Nationality Act to provide for adjustment of status, without regard to numerical limitations, for certain H-1 nonimmigrant nurses and to establish conditions for the admission, during a 5-year period, of nurses as temporary nurses;

H.R. 3607. An act to repeal medicare provisions in the Medicare Catastrophic Coverage Act of 1988; and

H.R. 3671. An Act to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program.

Under the authority of the order of the Senate of January 3, 1989, the enrolled bills were signed on December 7, 1989, subsequent to the sine die adjournment of the Congress, by the President pro tempore [Mr. BYRD].

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on December 11, 1989, subsequent to the sine die adjournment of the Congress, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 3299. An Act to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990.

Under the authority of the order of the Senate of January 3, 1989, the enrolled bill was signed on December 13, 1989, subsequent to the sine die adjournment of the Congress, by the President pro tempore [Mr. BYRD].

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on December 13, 1989, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 901. An Act to amend titled 38, United States Code, to provide a 4.7 percent cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and in rates of dependency and indemnity compensation for survivors of veterans dying from service-connected causes and to improve certain veterans health-care, education, housing, and memorial affairs programs; and for other purposes.

Under the authority of the order of the Senate of January 3, 1989, the enrolled bill was signed on December 15, 1989, subsequent to the sine die adjournment of the Senate by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 3:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1727) to modify the boundaries

of the Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 242. A concurrent resolution providing for a joint session of the Congress to receive a message from the President on the State of the Union.

The message further announced that the House has agreed to the following resolution:

H. Res. 303. A resolution informing the Senate that a quorum of the House is present and that the House is ready to proceed with business.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2001. A communication from the Chief Judge of the United States Tax Court, transmitting, pursuant to law, the actuarial reports for the U.S. Tax Court Judges' Retirement and Survivor Annuity Plans for the year ending December 31, 1987; to the Committee on Governmental Affairs.

EC-2002. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the proposed regulations governing foreign nationals; to the Committee on Rules and Administration.

EC-2003. A communication from the Acting Assistant Secretary of the Army, transmitting, pursuant to law, notification of the discovery of one M-134 chemical bomblet at Dugway Proving Ground, Utah; to the Committee on Armed Services.

EC-2004. A communication from the Director, Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notification of the modernization of certain missile programs; to the Committee on Armed Services.

EC-2005. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to Turkey for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2006. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a supplemental contract award report for the period November 1 to December 31, 1989; to the Committee on Armed Services.

EC-2007. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report on the Rural Housing Guaranteed Loan Demonstration Program; to the Committee on Banking, Housing, and Urban Development.

EC-2008. A communication from the Director of the Administrative Office of the United States Courts, transmitting a draft of proposed legislation to require the Secretary of the Treasury to mint gold and silver coins in commemoration of the Bicentennial of the Bill of Rights and the role of the Federal judiciary in interpreting the Bill of Rights; to the Committee on Banking, Housing, and Urban Affairs.

EC-2009. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a copy of the Board's letter to the Office of Management and Budget appealing the fiscal year 1991 allowance for the Board; to the Committee on Commerce, Science, and Transportation.

EC-2010. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on Department of Energy plans regarding schedules, program management and contractor integration with respect to implementation of the Nuclear Waste Policy Act; to the Committee on Energy and Natural Resources.

EC-2011. A communication from the Assistant General Counsel of the Department of Energy, transmitting, pursuant to law, notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-2012. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on activities and programs implemented under section 319 of the Clean Water Act for fiscal year 1988; to the Committee on Environment and Public Works.

EC-2013. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on water quality improvements that have resulted from the application of best available technology economically achieveable to control toxic pollutants from industrial sources; to the Committee on Environment and Public Works.

EC-2014. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on the activities of the Economic Development Administration, Department of Commerce, for fiscal year 1988; to the Committee on Environment and Public Works.

EC-2015. A communication from the Secretary of Labor, transmitting, pursuant to law, the quarterly report on the expenditure and need for Worker Adjustment Assistance Training Funds under the Trade Act of 1974; to the Committee on Finance.

EC-2016. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the final monthly Treasury Statement of Receipts and Outlays of the U.S. Government for Fiscal Year 1989; to the Committee on Finance.

EC-2017. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to November 22, 1989; to the Committee on Foreign Relations.

EC-2018. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to November 9, 1989; to the Committee on Foreign Relations.

EC-2019. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the seventeenth 90 day report on the investigation into the death of Enrique Camarena, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico; to the Committee on Foreign Relations.

EC-2020. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Integrity Act: Inadequate Controls Result in Ineffective Federal Programs and Billions in Losses"; to the Committee on Governmental Affairs.

EC-2021. A communication from the Secretary of Energy, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Energy, for the period April 1 to September 30, 1989; to the Committee on Governmental Affairs.

EC-2022. A communication from the Acting Public Printer, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, Government Printing Office, for the period April 1 to September 30, 1989; to the Committee on Governmental Affairs.

EC-2023. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, United States Peace Corps, for the period April 1 to September 30, 1989; to the Committee on Governmental Affairs.

EC-2024. A communication from the Deputy Assistant to the President for Management and Director of the Office of Administration, transmitting, pursuant to law, the aggregate report on personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development (Domestic Policy Staff), and the Office of Administration; to the Committee on Governmental Affairs.

EC-2025. A communication from the Federal Co-chairman Designate of the Appalachian Regional Commission, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, Appalachian Regional Commission, for the period April 1 to September 30, 1989; to the Committee on Governmental Affairs.

EC-2026. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, Federal Trade Commission, for the period April 1 through September 30, 1989; to the Committee on Governmental Affairs.

EC-2027. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, United States Information Agency, for the period April 1 to September 30, 1989; to the Committee on Governmental Affairs.

EC-2028. A communication from the Director of the ACTION Agency, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General of the ACTION Agency for the period April 1 to September 30, 1989; to the Committee on Governmental Affairs.

EC-2029. A communication from the Attorney General of the United States, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, Department of Justice, for the period April 1 to September 30, 1989; to the Committee on Governmental Affairs.

EC-2030. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, Securities and Exchange

Commission, for the period April 1 to September 30, 1989; to the Committee on Governmental Affairs.

EC-2031. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, National Science Board, for the period April 1 to September 30, 1989; to the Committee on Governmental Affairs.

EC-2032. A communication from the Secretary of Education, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, Department of Education, for the period April 1 to September 30, 1989; to the Committee on Governmental Affairs.

EC-2033 A communication from the Acting Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, Federal Maritime Commission, for the period April 1 to September 30, 1989; to the Committee on Governmental Affairs.

EC-2034. A communication from the Director of the Division of Commissioned Personnel, Department of Health and Human Services, transmitting, pursuant to law, the annual audit report of the condition of the Public Health Service Commissioned Corps Retirement System for the plan year ending September 30, 1989; to the Committee on Governmental Affairs.

EC-2035. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General, Pension Benefit Guaranty Corporation, for the period April 1 to September 30, 1989; to the Committee on Governmental Affairs.

EC-2036. A communication from the Acting Secretary of the Postal Rate Commission, transmitting, for the information of the Senate, notice of proposed rulemaking; to the Committee on Governmental Affairs.

EC-2037. A communication from the Secretary of Housing and Urban Development, and the Secretary of Health and Human Services, transmitting jointly, pursuant to law, the annual report of the Interagency Council on the Homeless for 1989; to the Committee on Governmental Affairs.

EC-2038. A communication from the Acting Administrator of General Services, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949 to authorize executive agencies to establish more than one supply source for a particular commodity or service; to the Committee on Governmental Affairs.

EC-2039. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office during October 1989; to the Committee on Governmental Affairs.

EC-2040. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report entitled "Report to the Attorney General on Systems for Identifying Felons Who Attempt to Purchase Firearms, October 1989"; to the Committee on the Judiciary.

EC-2041. A communication from the Director of the Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report on using existing Federal research and development facilities to support Federal law enforcement efforts in the war on drugs; to the Committee on the Judiciary.

EC-2042. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1988; to the Committee on Labor and Human Resources.

EC-2043. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department of Labor on the administration of the Black Lung Benefits Act during calendar year 1987; to the Committee on Labor and Human Resources.

EC-2044. A communication from the Acting Administrator of the Farmers Home Administration, Department of Agriculture, transmitting, pursuant to law, the report on the U.S. Department of Agriculture-Certified State Agricultural Loan Mediation Program; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2045. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a letter to report a violation of the Antideficiency Act; to the Committee on Appropriations.

EC-2046. A communication from the Acting Assistant Secretary of the Army (Financial Management), transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter July 1, 1989, through September 30, 1989; to the Committee on Armed Services.

EC-2047. A communication from the Secretary of Commerce, transmitting, pursuant to law, the second report on the Liability Risk Retention Act of 1986; to the Committee on Commerce, Science, and Transportation.

EC-2048. A communication from the Secretary of Energy, transmitting, pursuant to law, the Tenth Annual Report on the use of alcohol in fuels; to the Committee on Energy and Natural Resources.

EC-2049. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2050. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on imports during the first six months of 1989 of strategic and critical materials from countries of the Council for Mutual Economic Assistance and the appendix; to the Committee on Foreign Relations.

EC-2051. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Report of the Attorney General for Calendar Year 1987; to the Committee on Foreign Relations.

EC-2052. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period April 1 through September 30, 1989 from the moneys appropriated to the Architect of the Capitol; to the Committee on Appropriations.

EC-2053. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, notice that the Defense Logistics Agency intends to exercise the provision of law for exclusion of the clause concerning examination of records by the Comptroller General; to the Committee on Armed Services.

EC-2054. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the status of efforts to improve safety on the main line of the Northeast Corridor; to the Committee on Commerce, Science, and Transportation.

EC-2055. A communication from the State Co-Chairman and the Federal Co-Chairman of the Alaska Land Use Council, transmitting, pursuant to law, a report on the accomplishments of the Council; to the Committee on Energy and Natural Resources.

EC-2056. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a report on estimated crude oil and natural gas reserves in the Federal Outer Continental Shelf, estimates of undiscovered, economically recoverable resources for Outer Continental Shelf Planning Areas, and estimates of undiscovered resource base; to the Committee on Energy and Natural Resources.

EC-2057. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, a report on the disposal of surplus real property for historic monument, correctional facility, and airport purposes; to the Committee on Environment and Public Works.

EC-2058. A communication from the Assistant Legal Advisory for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to December 7, 1989; to the Committee on Foreign Relations.

EC-2059. A communication from the Federal Co-Chairman Designate of the Appalachian Regional Commission, transmitting, pursuant to law, a report on the establishment and actions of an Inspector General, in the Appalachian Regional Commission during fiscal year 1989; to the Committee on Governmental Affairs.

EC-2060. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Managing Information Resources: Seventh Annual Report Under the Paperwork Reduction Act of 1980"; to the Committee on Governmental Affairs.

EC-2061. A communication from the Executive Vice President of the Non Commissioned Officers Association of the United States of America, transmitting, pursuant to law, the audited financial statement of the Association for 1988; to the Committee on the Judiciary.

EC-2062. A communication from the Director of the Office of National Drug Control Policy, Executive Office of the President, a report on the necessity to establish a new division or make other organizational changes within the Department of Justice in order to promote better civil and criminal law enforcement; to the Committee on the Judiciary.

EC-2063. A communication from the Commissioner of the Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, a report on the accomplishments of supported employment programs for fiscal year 1988; to the Committee on Labor and Human Resources.

EC-2064. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report entitled "Annual Report on the Employment of Minorities, Women and Individuals With Handicaps in the Federal

Government, Fiscal Year 1988"; to the Committee on Labor and Human Resources.

EC-2065. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, a report on the internal control processes and audit follow-up systems of the National Gallery of Art; to the Committee on Rules and Administration.

EC-2066. A communication from the President of the United States, transmitting, pursuant to law, a report under the War Powers Act, of the deployment and mission of United States Armed Forces in the Republic of Panama (received and referred in the Senate on December 21, 1989); to the Committee on Foreign Relations.

EC-2067. A communication from the Army (Installations, Logistics, and Environment), transmitting, pursuant to law, a report on the discovery of one M-134 chemical bomblet at Dugway Proving Ground, Utah on December 5, 1989; to the Committee on Armed Services.

EC-2068. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on a study on converting the aircraft maintenance function at Williams Air Force Base, Arizona, to performance under contract; to the Committee on Armed Services.

EC-2069. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the annual report on the enforcement program performance of the Federal Aviation Administration for fiscal year 1989; to the Committee on Commerce, Science, and Transportation.

EC-2070. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Automotive Technology Development Program for fiscal year 1989; to the Committee on Energy and Natural Resources.

EC-2071. A communication from the Assistant Secretary of the Interior (Water and Science), transmitting, purusant to law, the interim report on the High Plains States Groundwater Demonstration Program for 1989; to the Committee on Energy and Natural Resources.

EC-2072. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on developing a system to encourage beneficiaries to return to work and information on the fiscal year 1988 research demonstration program and updated information on the fiscal year 1989 program; to the Committee on Finance.

EC-2073. A communication from the Director of the Defense Security Assistance Administration, transmitting, pursuant to law, the annual report on the operation of the Special Defense Acquisition Fund for fiscal year 1989; to the Committee on Foreign Relations.

EC-2074. A communication from the Secretary of Transportation, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Transportation for the period ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2075. A communication from the Secretary of Defense, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Defense for the period ending September 30, 1989; to the Committee on Governmental Affairs.

EC-2076. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the disposal of certain surplus Federal real property during fiscal year 1989; to the Committee on Governmental Affairs.

EC-2077. A communication from the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, the annual report on the system of internal control and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2078. A communication from the Associate Director of the United States Information Agency, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2079. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Follow-up On Contracts Awarded By The DHS to KOBA, ARE, and PSI"; to the Committee on Governmental Affairs.

EC-2080. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report on the system of internal accounting and management controls in effect during 1989; to the Committee on Governmental Affairs.

EC-2081. A communication from the Governor of the United States Soldiers' and Airmen's Home, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in effect during 1989; to the Committee on Governmental Affairs.

EC-2082. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in effect during 1989; to the Committee on Governmental Affairs.

EC-2083. A communication from the Acting Federal Inspector, Alaska Natural Gas Transportation System, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2084. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in effect during 1989; to the Committee on Governmental Affairs.

EC-2085. A communication from the Chairman of the National Mediation Board, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2086. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Environmental Protection Agency for the period ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2087. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, General Services Administration, for the period ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2088. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, the audit report register, including all financial recommendations, for the six month period ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2089. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Federal Election Commission, for the period ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2090. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the annual report on competition advocacy; to the Committee on Governmental Affairs.

EC-2091. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Semiannual report of the Office of Inspector General, Nuclear Regulatory Commission, for the period ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2092. A communication from the Secretary of Labor, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Labor for the period ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2093. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of the Treasury, for the period ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2094. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, National Endowment for the Arts, for the period ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2095. A communication from the Acting Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Federal Emergency Management Agency for the period ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2096. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Housing and Urban Development for the period ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2097. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Small Business Administration for the period ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2098. A communication from the Acting Administrator of the Agency for International Development, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Agency for International Development for the period ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2099. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, National Aeronautics and Space Administration for the period ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2100. A communication from the Secretary of Health and Human Services, trans-

mitting, pursuant to law, the annual report on actions taken to recruit and train Indians to qualify for positions which are subject to preference under Indian preference laws; to the Select Committee on Indian Affairs.

EC-2101. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on compliance by States with personnel standards for radiologic technicians; to the Committee on Labor and Human Resources.

EC-2102. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on enforcement activities under the Fair Labor Standards Act for fiscal year 1987; to the Committee on Labor and Human Resources.

EC-2103. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report on the performance of the Industrial Applications Centers and their ability to interact with the nation's small business community; to the Committee on Small Business.

EC-2104. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report describing employment and training programs for veterans during program year 1987; to the Committee on Veterans' Affairs.

EC-2105. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Revised Final OMB Sequester Report for Fiscal Year 1990; pursuant to the order of January 30, 1975, as modified, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans' Affairs, the Select Committee on Indian Affairs and the Select Committee on Intelligence.

EC-2106. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on compliance with statutory residue requirements for imported meat, poultry products, and egg products; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2107. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Federal Agricultural Mortgage Corporation—GAO Actions to Meet Requirements in the Agricultural Credit Act of 1987"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2108. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the actual amount of revenues deposited in the Panama Canal Commission Fund during fiscal year 1989; to the Committee on Armed Services.

EC-2109. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Environment), transmitting, pursuant to law, a report on the recent discovery of an M-134 chemical bomblet at Dugway Proving Ground, Utah; to the Committee on Armed Services.

EC-2110. A communication from the President and CEO of the Resolution Trust Company Oversight Board, transmitting, pursuant to law, a strategic plan for conducting the functions and activities of the Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-2111. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the expansion and imposition of foreign policy export controls on certain chemicals; to the Committee on Banking, Housing, and Urban Affairs.

EC-2112. A communication from the President of the United States, transmitting, pursuant to law, a notice of the continuation of the national emergency with respect to Libya; to the Committee on Banking, Housing, and Urban Affairs.

EC-2113. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Export Administration for fiscal year 1989; to the Committee on Banking, Housing, and Urban Affairs.

EC-2114. A communication from the President of the United States transmitting, pursuant to law, notice that it is in the national interest of the United States to terminate certain suspensions of programs of the Export-Import Bank for the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-2115. A communication from the President of the United States, transmitting, pursuant to law, a report stating that it is in the national interest of the United States to lift the prohibition on reinstatement and approval of export licenses for the three United States built AUSSAT and AsiaSat satellites for launch on Chinese-built launch vehicles; to the Committee on Banking, Housing, and Urban Affairs.

EC-2116. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice of the extension of the time period for acting on the appeal in No. 38301S, Coal Trading Corporation, Et Al. V. The Baltimore and Ohio Railroad Company Et Al.; to the Committee on Commerce, Science, and Transportation.

EC-2117. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice of an extension of the time period for issuing a decision in Docket No. 31424, Acquisition by Tampa Bay and Western Trans, Inc., of a CSX Transp., Inc., Line between Sulphur Springs and Broco, FL; to the Committee on Commerce, Science, and Transportation.

EC-2118. A communication from the Governor of the State of Alaska as State Co-Chairman of the Alaska Land Use Council, transmitting, for the information of the Senate, a statement of his support for the reauthorization of the Council subject to certain modifications requiring both legislative and nonlegislative action; to the Committee on Energy and Natural Resources.

EC-2119. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the current condition of habitat at the Salton Sea National Wildlife Refuge, California; to the Committee on Environment and Public Works.

EC-2120. A communication from the Chairman of the Migratory Bird Conservation Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1989; to the Committee on Environment and Public Works.

EC-2121. A communication from the Inspector General of the Department of the Treasury, transmitting, pursuant to law, a report entitled "Review of Reimbursable Superfund Costs, Fiscal Year 1988"; to the Committee on Environment and Public Works.

EC-2122. A communication from the President of the United States, transmitting, pursuant to law, notification of his intention to add Poland to the list of beneficiary countries under the Generalized System of Preferences; to the Committee on Finance.

EC-2123. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on methods of expediting certification of workers for trade adjustment assistance; to the Committee on Finance.

EC-2124. A communication from the Secretary of the Treasury and Managing Trustee and the Secretary of Labor as a trustee of the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, the 1989 annual report on the Fund; to the Committee on Finance.

EC-2125. A communication from the Acting Administrator of the Agency for International Development, transmitting, pursuant to law, the annual report on the portfolio and finances of the Private Sector Revolving Fund; to the Committee on Foreign Relations.

EC-2126. A communication from the Assistant Legal Advisor For Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to January 4, 1990; to the Committee on Foreign Relations.

EC-2127. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a quarterly report on human rights activities in Ethiopia for the period July 15 to October 14, 1989; to the Committee on Foreign Relations.

EC-2128. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to December 21, 1989; to the Committee on Foreign Relations.

EC-2129. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place for 1989; to the Committee on Governmental Affairs.

EC-2130. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report on the system of internal controls and financial managment in place during 1989; to the Committee on Governmental Affairs.

EC-2131. A communication from the Director of Selective Service, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2132. A communication from the Director of ACTION, transmitting, pursuant to law, the annual report on the system of internal controls and financial management during 1989; to the Committee on Governmental Affairs.

EC-2133. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report on the system of internal controls and financial

management in place during 1989; to the Committee on Governmental Affairs.

EC-2134. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2135. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office during November 1989; to the Committee on Governmental Affairs.

EC-2136. A communication from The President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2137. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2138. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2139. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2140. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2141. A communication from the Special Counsel, U.S. Office of Special Counsel, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2142. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2143. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2144. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2145. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report on the system of internal control and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2146. A communication from the Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2147. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2148. A communication from the Administrator of General Services, transmitting pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2149. A communication from the Administrator of General Services, transmitting, pursuant to law, the semiannual report on the Office of Inspector General, General Services Administrator for the period April 1 to September 30, 1989; to the Committee on Governmental Affairs.

EC-2150. A communication from The Secretary of Agriculture, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2151. A communication from the Chairman of the Federal Labor relations Authority, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2152. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2153. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place for 1989; to the Committee on Governmental Affairs.

EC-2154. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2155. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2156. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-2157. A communication from the Deputy Assistant to the President for Management and Director of the Office of Administration, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in effect during 1989; to the Committee on Governmental Affairs.

EC-2158. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2159. A communication from the Acting Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2160. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2161. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2162. A communication from the Chief Justice of the United States, transmitting, pursuant to law, the report of the proceedings of the Judicial Conference of the United States held in Washington, D.C., on September 20, 1989; to the Committee on the Judiciary.

EC-2163. A communication from the Assistant Secretary of Defense (Force Management and Personnel), transmitting, pursuant to law, the audit report of the American Red Cross for the year ended June 30, 1989; to the Committee on Labor and Human Resources.

EC-2164. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Training Personnel for the Education of the Handicapped Grants to State Educational Agencies and Institutions of Higher Education Programs; to the Committee on Labor and Human Resources.

EC-2165. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Health Care for the Homeless program for calendar year 1988; to the Committee on Labor and Human Resources.

EC-2166. A communication from the Acting Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2167. A communication from the Secretary of Defense, transmitting, pursuant to law, a report of certain apportionment violations; to the Committee on Appropriations.

EC-2168. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, the cumulative report on recissions and deferrals dated December 1, 1989; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-2169. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, the cumulative report on recissions and deferrals dated Janaury 1, 1990; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-2170. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to repeal section 7299(a) of title 10, United States Code, so as to permit the distribution of assignments and contracts for construction of combatant vessels and escort vessels

on the basis of economic and military consideration; to the Committee on Armed Services.

EC-2171. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's 1989 Interim Report on the Neighborhood Development Demonstration Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2172. A communication from the Assistant Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report in the U.S. Great Lakes Shoreline Mapping Plan; to the Committee on Commerce, Science, and Transportation.

EC-2173. A communication from the Under Secretary of Commerce (Oceans and Atmosphere), transmitting, pursuant to law, the Deep Seabed Mining Report of the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

EC-2174. A communication from the Commandant of the United States Coast Guard, transmitting, pursuant to law, a report on the study of safety problems on fishing industry vessels; to the Committee on Commerce, Science, and Transportation.

EC-2175. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2176. A communication from the Acting Assistant Secretary of Energy (Fossil Energy), transmitting, pursuant to law, a report on progress in setting up a cooperative program of fossil energy management between the Federal Government and the States; to the Committee on Energy and Natural Resources.

EC-2177. A communication from the Secretary of the Interior, transmitting, pursuant to law, the National Plan for Research in Mining and Mineral Resources and the 1990 Report on the Mineral Institute Program of the Department of the Interior; to the Committee on Energy and Natural Resources.

EC-2178. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the Annual Report on NASA Progress on Superfund Implementation in Fiscal Year 1980; to the Committee on Environment and Public Works.

EC-2179. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the United States Government Annual Report for the Fiscal Year Ended September 30, 1989; to the Committee on Finance.

EC-2180. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the results of an audit of the Pennsylvania Avenue Development Corporation's financial statements for the fiscal year ended September 30, 1988; to the Committee on Governmental Affairs.

EC-2181. A communication from the Director of the United States Office of Personnel Management, transmitting, pursuant to law, a report on Senior Executive Service positions in the Department of Housing and Urban Development; to the Committee on Governmental Affairs.

EC-2182. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, reports on new and altered systems; to the Committee on Governmental Affairs.

EC-2183. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, a report on the evaluation of the system of internal accounting and administrative control of the National Credit Union Administration in effect during the year ended September 30, 1989; to the Committee on Governmental Affairs.

EC-2184. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report on the Commission's internal control and financial systems for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2185. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the first report on Indian Sanitation Facility Deficiencies; to the Select Committee on Indian Affairs.

EC-2186. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a proposed plan for the use and distribution of certain Indian judgment funds; to the Select Committee on Indian Affairs.

EC-2187. A communication from the Assistant Attorney General (Legislative Affairs), transmitting for the information of the Senate, certain guidelines to forestall possible employment discrimination against authorized workers who look and sound foreign; to the Committee on the Judiciary.

EC-2188. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on the recent award of the Young American Medals for Bravery and Service for calendar years 1987 and 1988; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-385. A resolution adopted by the Energy, Natural Resources, and Agriculture Interim Committee of the Utah Legislature favoring the completion of the Central Utah Project; to the Committee on Energy and Natural Resources.

POM-386. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Finance:

"HOUSE RESOLUTION 2230

"Whereas House Resolution 2230 is legislation filed by Representative Jack Brooks of Texas which would empower States and the District of Columbia to require collection of State and local sales tax of out-of-State sellers for the sale of goods to State residents; and

"Whereas in 1967 the Supreme Court ruled that a company cannot be required to collect a sales tax unless said company had a retail outlet in that State. Although the intention over twenty years ago was to promote interstate commerce, this ruling has certainly been outdated in recent years; and

"Whereas due to the widespread use of cable television, telephone order and mail order company sales have comprised an increasing percentage of sales receipts in the past several years; and

"Whereas, these companies have tremendous marketing ability through television and mail advertising, and because these companies are able to sell their products at below-market prices due to the absence of a sales tax, Massachusetts businessmen are faced with unfair competition without competitive pricing; and

"Whereas, H.R. 2230 would only apply to companies which "regularly and systematically solicit" business in the State, and is also limited to companies who have annual sales exceeding twelve and one-half million dollars nationwide or annual sales exceeding five hundred thousand dollars in that State; and

"Whereas, only five percent of all mail order outlets exceed the twelve and one-half million dollar minimum, but those five percent account for seventy percent of all mail order sales. These sales in combination with the estimated sales receipts from television phone order companies arrive at projections between one hundred and two hundred million dollars in lost revenues annually to the Commonwealth of Massachusetts; therefore be it

"*Resolved*, That the Massachusetts House of Representatives urges the Congress of the United States to support House Resolution 2230; and be it further

"*Resolved*, That copies of these resolutions be forwarded by the clerk of the House of Representatives to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

POM-387. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Finance:

"HOUSE RESOLUTION

"Whereas millions of retired workers who were born between 1917 and 1926 have lost thousands of dollars in social security benefits as a result of the unfair "notch year" benefit cuts; and

"Whereas Senator Terry Sanford and Congressman Bill Hefner have introduced legislation which would resolve this situation in a fair and financially responsible way; and

"Whereas under the Sanford/Hefner solution (S. 1212/H.R. 2707) most retired workers born after 1916 would receive a lump sum payment up to $1,000 plus an annual benefit depending on earnings and age at retirement; and

"Whereas those who are hit hardest by the "notch" inequity could receive increases of more than $1,000 per year in addition to the lump sum payments of as much as $1,000; therefore be it

"*Resolved*, that the Massachusetts House of Representatives urges the Congress of the United States to support the Sanford/Hefner solution (S. 1212/H.R. 2707) which would rectify the unfair "notch year" Social Security benefit cuts; and be it further

"*Resolved*, that copies of these resolutions be forwarded by the Clerk of the House of Representatives to the Presiding Officer of each branch of the Congress, and to the Members thereof from this Commonwealth."

POM-388. A petition from the Governor of the Absentee Shawnee Tribe of Oklahoma favoring the appointment of a certain individual to the National Indian Gaming Commission; to the Select Committee on Indian Affairs.

POM-389. A petition from a citizen of Hunt Valley, Maryland praying for a redress of grievances; to the Committee on the Judiciary.

POM-390. A petition from the people's advocate of Iowa favoring changes in certain laws and regulations relating the Congress of the United States; to the Committee on Rules and Administration.

POM-391. A resolution adopted by the House of Representatives of the State of Florida; to the Committee on Energy and Natural Resources:

"HOUSE RESOLUTION 79-D

"Whereas H.R. 2945, a bill to prohibit the United States Secretary of the Interior from issuing oil and gas leases on certain portions of the outer continental shelf off the State of Florida, is now pending in the Congress of the United States, and

"Whereas the adoption of H.R. 2945 is necessary to protect the coastal environment and resources of Florida from damage caused by oil and gas drilling, and

"Whereas, the original Florida sponsors of H.R. 2945 include Congressmen Bennett, Fascell, Goss, Grant, Ireland, Johnston, Lehman, and Nelson, who are to be commended for their sponsorship of this bill, now, therefore, be it

"Resolved, by the House of Representatives of the State of Florida: That the Congress of the United States is requested to adopt H.R. 2945 to prohibit the Secretary of the Interior from issuing oil and gas leases on certain portions of the outer continental shelf off the State of Florida; and be it further

"Resolved, That copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-392. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Finance:

"SENATE RESOLUTION

"Whereas many communities in our Nation have not yet attained a level of air quality that meets minimum Federal standards, and much air pollution is a direct result of emissions from automobiles, diesel-fueled buses and trucks and other motor vehicles; and

"Whereas alternative transportation fuels such as natural gas, ethanol and methanol can reduce carbon monoxide and reactive hydrocarbon emissions to levels that are substantially below the emissions from gasoline and diesel fuel; and

"Whereas imports of foreign oil are rising steadily, undercutting our national security and draining away capital that is badly needed for the revitalization of American industry; and

"Whereas two-thirds of all oil burned in America is burned as transportation fuel, while natural gas and other domestic fuels are readily available for this purpose; and

"Whereas the technological feasibility of change has already been demonstrated for some of the alternative transportation fuels, such as the natural gas that is now being used by 30,000 vehicles in the United States, 22,000 vehicles in Canada and more than 500,000 vehicles worldwide; and

"Whereas, despite the availability of domestic alternative transportation fuels and of the technologies to use them, the initial capital investments required for clean fuel vehicles, and for the supporting infrastructure, make it unlikely that the private sector will initiate extensive development unless pressed to do so by concerned Federal, State, and local governments; and

"Whereas the states of Texas, Arizona and California have already taken action by enacting mandates for the phased shift of certain fleet vehicles to alternative transportation fuels, and other states are considering similar action; and

"Whereas, the Federal Government could greatly accelerate the development process by enacting Federal mandates and incentives that are powerful enough to create a national marketplace for alternative transportation fuels; therefore be it

"Resolved, That the Senate of the Commonwealth of Pennsylvania urge the Congress of the United States to enact a meaningful mandate for phased shifts to alternative transportation fuels by a substantial number of our Nation's vehicles, and to assure that this mandate permits undistorted competition, under comparable regulatory conditions, between all transportation fuels that are substantially cleaner than oil-based products; and be it further

"Resolved, That the Senate of the Commonwealth of Pennsylvania urge the Congress of the United States to enact tax incentives for the private sector and financial assistance incentives for the states and municipalities, in order to reduce the obstacles posed by initial capital expenditures for shifts to alternative transportation fuels; and be it further

"Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-393. A petition from citizens of the State of Pennsylvania favoring the adoption of a constitutional amendment to protect the flag; to the Committee on the Judiciary.

POM-394. A resolution adopted by the City Council of Lakewood, OH, urging the U.S. Government to cut off economic and military aid to the Government of El Salvador; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of November 22, 1989, the following reports of committees were submitted on December 20, 1989:

By Mr. BURDICK, from the Committee on Environment and Public Works with an amendment in the nature of a substitute:

S. 1630. A bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes (Rept. No. 101-228).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources with amendments:

S. 1594. A bill to revise the boundary of Gettybsburg National Military Park in the Commonwealth of Pennsylvania and for other purposes (Rept. No. 101-229).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources with an amendment in the nature of a substitute:

S. 286. A bill to establish the Petroglyph National Monument in the State of New Mexico, and for other purposes (Rept. No. 101-230).

S. 319. A bill to effect an exchange of lands between the U.S. Forest Service and the Salt Lake City Corporation within the State of Utah and for other purposes (Rept. No. 101-231).

S. 555. A bill to establish in the Department of the Interior the De Soto Expedition Trail Commission and for other purposes (Rept. No. 101-232).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources with amendments and an amendment to the title:

S. 1046. A bill to designate the Merrimack River in the State of New Hampshire as a river to be studied for inclusion in the National Wild and Scenic Rivers System and for other purposes (Rept. No. 101-233).

By Mr. RIEGLE, from the Committee on Bnaking, Housing, and Urban Affairs:

Special Report entitled "Monetary Policy Report for 1989" (with additional views) (Rept. No. 101-234).

Under the authority of the order of the Senate of November 22, 1989, the following reports of committees were submitted on January 10, 1990:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources with an amendment in the nature of a substitute:

S. 247. A bill to amend the Energy Policy and Conservation Act to increase the efficiency and effectiveness of State energy conservation programs carried out pursuant to such Act and for other purposes (Rept. No. 101-235).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ARMSTRONG:

S. 2001. A bill to designate certain areas in the State of Colorado as wilderness areas and recreation areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANFORD:

S. 2002. A bill to make certain supplemental appropriations for early childhood education programs, and for other purposes; to the Committee on Appropriations.

By Mr. HOLLINGS:

S. 2003. A bill to establish a commission to advise the President on proposals for national commemorative events; to the Committee on the Judiciary.

By Mr. HEINZ:

S. 2004. A bill to provide for the reliquidation of, and refund of duties on, certain entries of methanol; to the Committee on Finance.

By Mr. GRAHAM:

S. 2005. A bill to repeal the provision of law exempting intercity rail passenger service from certain waste disposal requirements; to the Committee on Commerce, Science, and Transportation.

By Mr. GLENN (for himself, Mr. ROTH, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. KOHL, Mr. LEVIN, and Mr. BINGAMAN):

S. 2006. A bill to establish the Department of the Environment, provide for a global environmental policy of the United States, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 2007. A bill to designate the General Mail Facility on Highway 49 in Gulfport, Mississippi, as the "Larkin I. Smith General Mail Facility"; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 2008. A bill to authorize a certificate of documentation for the vessel PACIFIC PEARL; to the Committee on Commerce, Science, and Transportation.

By Mr. CRANSTON (for himself and Mr. LEAHY):

S. 2009. A bill to limit the use of appropriated funds for the B-2 advanced technology bomber aircraft program; to the Committee on Armed Services.

By Mr. CRANSTON:

S. 2010. A bill to amend the Home Owners' Loan Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DECONCINI:

S. 2011. A bill to authorize the expansion of the Tumacacori National Monument; to the Committee on Energy and Natural Resources.

By Mrs. KASSEBAUM (for herself and Mr. HATCH):

S. 2012. A bill to amend the Employee Income Security Act of 1974 to require an independent audit of statements prepared by certain financial institututions with respect to assets of employee benefit plans; to the Committee on Labor and Human Resources.

By Mr. BRYAN (for himself, Mr. REID and Mr. DASCHLE):

S. 2013. A bill to require that the surplus in the Highway Trust Fund be expended for the Federal-Aid Highway System; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2014. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to provide interpretation and visitor education regarding the rich cultural heritage of the Chama River Gateway Region of northern New Mexico; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself, Mr. LEAHY, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. WIRTH, Mr. KOHL, Mr. HEFLIN, Mr. LIEBERMAN, Mr. HARKIN, Mr. HUMPHREY, Mr. BRYAN, Mr. ADAMS, Mr. ROBB, Mr. KERRY, Mr. LEVIN, and Mr. LAUTENBERG):

S. 2015. A bill to amend the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989 to apply the same honoraria provisions to Senators and officers and employees of the Senate as apply to Members of the House of Representatives and other officers and employees of the Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN (for himself, Mr. SANFORD, Mr. PELL, Mr. EXON and Mr. HOLLINGS):

S. 2016. A bill to cut Social Security contribution rates and return Social Security to pay-as-you-go financing; to the Committee on Finance.

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. HEINZ, Mr. HEFLIN, and Mr. CHAFEE):

S. 2017. A bill to provide a permanent endowment for the Eisenhower Exchange Fellowship Program; to the Committee on Foreign Relations.

By Mr. LAUTENBERG:

S. 2018. A bill to provide for the temporary suspension of duty on certain types of veneer; to the Committee on Finance.

By Mr. SYMMS (for himself, Mr. MCCLURE, and Mr. SHELBY):

S. 2019. A bill to amend title XVIII of the Social Security Act to eliminate the reimbursement differential between hospitals in different areas; to the Committee on Finance.

By Mr. WIRTH:

S. 2020. A bill to prohibit Members of the Senate and Senate staff from receiving honoraria; to the Committee on Governmental Affairs.

By Mr. HUMPHREY (for himself and Mr. DECONCINI):

S.J. Res. 235. Joint resolution proposing a constitutional amendment to limit Congressional terms; to the Committee on the Judiciary.

By Mr. WILSON (for himself, Mr. THURMOND, Mr. HATFIELD, Mr. HEFLIN, and Mrs. KASSEBAUM):

S.J. Res. 236. Joint resolution designating May 6 through 12, 1990, as "Be Kind to Animals and National Pet Week"; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. SPECTER, Mr. HEINZ, Mr. EXON, Mr. HEFLIN, and Mr. CHAFEE):

S.J. Res. 237. A joint resolution providing for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. GLENN, Mr. MATSUNAGA, Mr. HOLLINGS, Mr. SIMON, Mr. DECONCINI, Mr. BURDICK, Mr. KERRY, Mr. PELL, Mr. NUNN, Mr. DOMENICI, and Mr. DODD):

S.J. Res. 238. Joint resolution to designate the week beginning March 5, 1990 as "Federal Employees Recognition Week"; to the Committee on the Judiciary.

By Mr. DOLE:

S.J. Res. 239. Joint resolution to urge the Washington Metropolitan Airport Authority to use its existing authority to change the name of the Washington Dulles International Airport to Eisenhower International Airport; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL:

S. Res. 228. Resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

S. Res. 229. Resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. GLENN:

S. Res. 230. Resolution to authorize the printing of additional copies of the Committee on Governmental Affairs hearing entitled "Prospects for Development of a United States HDTV Industry"; to the Committee on Rules and Administration.

By Mr. BRADLEY (for himself, Mr. LUGAR, Mr. PELL, Mr. DODD, and Mr. BOSCHWITZ):

S. Res. 231. Resolution urging the submission of the Convention on the Rights of the Child to the Senate for its advice and consent to ratification; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ARMSTRONG:

S. 2001. A bill to designate certain areas in the State of Colorado as wilderness areas and recreation areas, and for other purposes; to the Committee on Energy and Natural Resources.

COLORADO HERITAGE PRESERVATION ACT

● Mr. ARMSTRONG. Mr. President, from the majestic beauty of snow-covered mountains to sunburnt sandstone cliffs, the greatness of Colorado is seen in the land. We live in a vast preserve of beauty that inspires awe and pure wonder. Anyone who has seen above the plain a vivid western sunset of reds and golds, or witnessed the perfect rainbow of a remote waterfall, or walked under a forest canopy of fir and pine, knows we are charged with saving for posterity that which surely is the work of God.

I am pleased to begin my final year in the Senate by introducing the Colorado Natural Heritage Preservation Act. This legislation will give special protection to 594,175 acres of Colorado's most beautiful and pristine land. Of this acreage, 471,875 acres will be designated as wilderness, 122,300 acres as national recreation areas. The remaining portions of the study areas will be released for multiple-use management by the Forest Service. When this bill becomes law, Colorado will have more than 3 million acres of wilderness, the bulk of which has been designated from National Forest lands.

In every wilderness discussion about 1 percent of the people want everything west of the Mississippi declared wilderness, 1 percent declare we have far too much wilderness already, but 98 percent of our people recognize the claims of extremists on both sides as exaggerations. Most people recognize the necessity to strike a reasonable balance between preserving our great natural assets and, at the same time, protecting private rights, jobs and economic opportunity.

Over the past 5 years my staff and I have discussed and worked with thousands of individual citizens and groups in Colorado to develop a balanced wilderness bill. To some, this may appear as an impossible dream, but as Carl Sandburg said, "Nothing happens unless first a dream." We can achieve a balance that serves the public interest. I believe this bill achieves that worthy end by designating all remaining National Forest lands that meet wilderness standards, creating a new national recreation area designation to protect beautiful, unique areas which cannot qualify as wilderness and by solving the water issue which has stalled the process for the past 5 years.

This legislation will clear the way for the designation of additional wil-

derness from areas now under study by the Bureau of Land Management. It is a vital step toward the ultimate completion of Colorado's wilderness system and the fulfillment of our obligation to serve as good stewards of the natural beauty and environment with which our State has been so richly blessed.

BACKGROUND

Colorado has been a leader among the States in the designation of wilderness. In 1979, the Forest Service completed its second roadless area review and evaluation—RARE II—of all National Forest lands considered to have potential for designation as wilderness. The Colorado congressional delegation promptly responded by passing the Colorado Wilderness Act of 1980. This legislation added 1.4 million acres to the National Wilderness Preservation System bringing the total in Colorado to 2.6 million acres; 684,250 acres could not be agreed on and Congress mandated that it remain in study status. The remaining 4.4 million acres of RARE II lands were deemed unsuitable for wilderness designation and released for multiple-use management by the 1980 act.

The 684,250 acres remaining in further planning or wilderness study status have been managed as wilderness and given extensive additional study by the Forest Service. These study areas are the subject of this legislation. While many States are still developing their first wilderness legislation in response to the RARE II studies, Colorado has been working on a second round of RARE II designations encompassing areas which are more marginal from a wilderness standpoint and contain numerous conflicts.

By 1984, the Forest Service completed its research of the mandated study areas and recommended 401,593 acres as suitable for wilderness designation. In response, legislation was introduced by several members of the Colorado delegation reflecting their individual views on how the final designation of forest lands should proceed.

THE WATER ISSUE

In 1984, the Sierra Club filed a suit in U.S. District Court asserting that Congress, in the designation of wilderness, intended to create Federal water rights to serve wilderness purposes—by implication. The suit challenged an historic understanding in Congress that wilderness designation had no effect on water rights. As a result, the most eminent water authorities in Colorado requested that I include a provision in my legislation to guard against an adverse court decision. At the time this possibility seemed remote, but at their urging, I included a provision in my 1984 bill which clearly denied the creation of any new Federal water right, either express or implied, by virtue of wilderness designation.

In November 1985, the worst fears of Colorado's water leaders were realized when Judge John L. Kane handed down a decision in *Sierra Club* v. *Block*, 615 F.Supp. 44 (1984) which essentially supported the Sierra Club's position and ordered the Federal agencies to assert Federal water claims. Judge Kane augmented the decision with two others, *Sierra Club* v. *Block*, 622 F.Supp. 484 (1985), and *Sierra Club* v. *Lying*, 661 F.Supp. 1490 (1987). These decisions are at odds with the legislative history of wilderness designation. Moreover, a court of equal jurisdiction in New Mexico has concluded the opposite. [*State of New Mexico* v. *Molybdenum Corp. of America*, CV9780C (D.N.M.) Report of Special Master filed March 27, 1987, Report of Special Master affirmed by the court February 2, 1988, motion for reconsideration denied June 2, 1988.] The Kane decision is being strongly challenged by the Department of Agriculture acting on behalf of the Federal Government and is now under appeal in the 10th Circuit Court of Appeals. The State of Colorado and the Colorado Water Congress are among the intervenors supporting the appeal.

The water issues raised by the Sierra Club suit and the Kane decision have stalled wilderness designation in Colorado since 1985. The congressional delegation has made several attempts to break the impasse and has demonstrated by negotiations that agreement could be reached on all issues except water.

In 1987, Senator WIRTH and I created a negotiating team of 16 outstanding Colorado leaders to explore all possibilities for compromise of the water issue. The group included: Harold Miskel of the Colorado Water Congress, Denver Water Providers, Metro Denver Water Authority, Southeastern Water Conservation District and the Cities of Pueblo, Colorado Springs, and Aurora; William H. Miller of the Denver Water Board; Sam Maynes of the Southwestern and Rio Grande Water Conservation Districts; William McDonald of the Colorado Water Conservation Board; Keith Propst of the Colorado Farm Bureau; Rollie Fischer of the Colorado River Water Conservation District; Carl Trick of the Colorado Cattlemens Association; Greg Hobbs of the Northern Colorado Water Conservation District and lead attorney for the appeal of the Kane decision; Maggie Fox of the Sierra Club; David Getches of the University of Colorado Law School; Francis Green of the Holy Cross Wilderness Defense Fund; Darrell Knuffke of the Wilderness Society; Chris Meyer of the National Wildlife Federation and the Natural Resources Clinic; Glenn Porzak of the Colorado Mountain Club; Lori Potter of the Sierra Club Legal Defense Fund; and Charles B. White, Denver attorney.

It was our hope and intention to develop legislation we could jointly introduce and pass. The water negotiating group has worked diligently for 2 years but has not yet been able to resolve the issue. On July 18, 1989, Senator WIRTH decided to move independently and introduce his own legislation, declaring, "Negotiations have gone as far as they can go, it's deadlocked." Colorado's leading water attorneys have closely analyzed the water language in the Wirth bill and have determined that it clearfly endangers our State's water system and, at the same time, undermines Colorado's appeal of the Kane decision. As a result, a large number of major organizations and governmental entities have entered the debate with resolutions expressing the critical need to protect Colorado's water rights system.

Those who do not understand how water issues could snag wilderness designation simply do not understand the West. In the Western States, there is no issue more fundamental and far-reaching than water. In arid States, with annual rainfall of 12 inches or less, life is literally dependent on water development. From earliest settlement, we have been haunted by the twin spectres of flood and drought. Our ancestors experienced the heartbreak of spring floods washing away their homes followed by withering crops as the last of mountain snows melted and streams dried up. Because farsighted leaders developed extensive water management systems keyed to dams and reservoirs for storage of the limited water supply, most modern inhabitants of the West have been spared the worst ravages of flood and drought.

Fundamental to this essential water development has been the evolution of a legal framework to encourage beneficial water development and protect the water rights of those who successfully carried it out. Colorado has pioneered a system of water law over the last century under which all claims are adjudicated in State water courts. Each claim is quantified and given priority standing in relation to other claims based on the date the water was actually put to beneficial use. Supremacy of Western State water law is a critical issue because there are no property rights more important than western water rights. Virtually all property values, jobs and economic activity, including recreation, are hinged upon water rights, as is the future of one of the fastest growing regions in the Nation. To superimpose new Federal water rights on these State water systems would create legal and economic chaos with extremely damaging results.

The issue is not whether we should create wilderness areas to protect wil-

derness values. We should. The issue is how to create wilderness without permanently disrupting State water systems and destroying private water rights.

An additional difficulty is that a wilderness water right would be a new kind of right, completely foreign to western water systems. It would give Federal agencies the right and obligation to maintain streams in wilderness areas in their "natural condition" requiring historic flow patterns. Once established, the Federal Government would have the legal basis for stopping any development of any kind which would alter natural flows within a wilderness.

The West has been built on the foundation of stabilization of stream flows by storing flood water and releasing it back to streams when needed. But, if the right to maintain "natural stream flows" is achieved by the Federal Government, any needed development or change in a stream which altered flow characteristics, would be blocked. The West cannot cede its ability to meet future needs to the Federal Government by granting it the power to throttle all future changes in water management.

Establishment of new Federal water rights for wilderness purposes could also endanger the interstate water compacts. These pivotal agreements divide the water between the States in every major watershed; and each one required decades of negotiation. In the aftermath of the Kane decision we must guard against any possibility of the Federal Government's using wilderness rights to demand water flows across our State lines above and beyond compact requirements. This issue is particularly critical to Colorado where we have six major rivers flowing out of the State. Colorado still has unused entitlements to water under the compacts which would be vulnerable to demands to maintain "natural flows" in downstream wilderness areas in other States. The compacts guarantee our right to use our share of water arising in our State against the claims of large and politically powerful downstream States. Even so, these agreements also serve a highly beneficial environmental purpose by guaranteeing substantial stream flows form one State to another to meet the compact obligations.

I have decided to proceed with introduction of this bill to demonstrate how the water issue can logically be solved to balance the interests of all concerned. The water language in this legislation is the result of over 5 years of dialog and debate with the leading water experts in our State and throughout the West. It does not superimpose Federal water rights on the State water system, it requires the Federal Government to acquire water rights for wilderness purposes through Colorado's existing in-stream flow law. This visionary system is now a well-established means for protecting essential minimum flows within Colorado without disrupting or destroying the water rights of others. Over 7,000 miles of Colorado streams are now guaranteed basic minimum flow as a result of this system.

Most of the areas designated by this legislation encompass headwaters of streams where wilderness will have limited direct impact on water rights. However, action by Congress on this legislation will send a powerful signal to the courts on creation or denial of Federal wilderness water rights and establish a precedent for future designations.

The BLM lands, now under study for wilderness, are generally at lower elevations. These proposed wilderness areas span rivers and streams with literally thousands of adjudicated water rights utilizing a vast system of irrigation ditches, storage dams, municipal water supplies and hydro-generation plants above them. It would be grossly irresponsible to proceed with this legislation without thoroughly understanding the devastating consequences of establishing Federal wilderness water rights.

It is not only fair, but absolutely essential, for the Federal Government to continue to play by the same rules as all other entities competing for scarce water supplies. The bill's water provisions will protect Colorado's water rights system, preserve our options to develop Colorado's allotment of water under the interstate compacts, and utilize a proven method for assuring reasonable stream flows in wilderness areas. All of these requirements must be met before we can proceed with wilderness designation. This legislation meets them.

BALANCING THE USES OF PUBLIC LAND

The bill is also the culmination of years of information gathering and debate on a wide range of other issues involved in wilderness designation. We in Colorado are now in a position to proceed with confidence that we are extending our wilderness system to the utmost within the framework of protecting Colorado's water system, safeguarding private property rights and balancing all of the interests involved in the use of our public lands.

Public land belongs to everyone and is not the province of the few, either to lock away or exploit. This bill is an honest effort to balance the goal of preserving major tracts of land in their natural state with an increasing demand for outdoor recreational benefits offered by the public lands. It is also a conscientious effort to balance public demands with the protection of private property and with established rights to economic uses of public land.

Because public-use policies of Federal land have such long-term fundamental effects, we cannot afford to go to extremes. Wilderness is a form of nonmanagement—a conscious decision to leave an area to the ravages of nature and to preclude any and all activities which could leave the imprint of man's presence. Thus, all designation of wilderness must be in the context of the effect on surrounding areas and the interests of the public at large.

While it is vital to preserve major tracts of land in a natural state, we need not designate all public land as wilderness to protect it. Outdoor recreational uses are managed in an enlightened way to give millions of Americans great pleasure from the public lands. Activities such as cross-country skiing, snowmobiling, hunting and fishing, camping, hiking, canoeing, and various forms of motorized recreation can be carefully managed to protect the basic land resource in perpetuity.

With over one-third of Colorado owned by the Federal Government, the economic well-being of a large number of our people is directly dependent upon continued multiple-use of public lands—whether for water storage, commercial recreation, grazing, timbering, or energy. Scientific harvest of renewable resources on nonwilderness public lands can, if carefully carried out, improve the natural environment while providing essential products to our people.

But, we will never again allow economic uses to despoil the public lands. The new environmental ethic, now widely accepted, is reinforced by Federal, State, and local laws to ensure environmental protection of our public lands. Consequently, most private businesses recognize the imperative of carrying our economic uses of public resources in a manner designed to protect and enhance the environment.

WILDERNESS DESIGNATION

The 14 areas proposed for wilderness designation are all worthy additions to Colorado's wilderness system. All meet the wilderness standards outlined in the National Wilderness System Act of 1964 which require the areas to be "with the imprint of man's work substantially unnoticeable," to "have outstanding opportunities for solitude," and "of sufficient size as to make practicable its preservation and use in an unimpaired condition."

These new areas are located in Colorado's beautiful high country and will offer outstanding opportunities for wilderness experience. The largest and most spectacular addition is the 20,000 acre area encompassing the Sangre de Cristo range and includes several 14,000 foot peaks popular with mountain climbers. One downstream area, the Piedra, is included, but the water rights that exist upstream from the wilderness are protected by the care-

fully crafted water language. Taken as a whole, the new additions will round out a system with wilderness areas well distributed throughout Colorado's mountainous areas.

The boundaries of each proposed area have been drawn after an extensive effort to understand and resolve the many conflicts created by wilderness designation. Experience has demonstrated the folly of encompassing significant conflicts in wildernesses areas. Such action leaves an aftermath of thorny problems which are expensive and laborious—and sometimes impossible—to solve. Congress has never appropriated sufficient funds to buy preexisting inholdings and private rights in wilderness areas and the exchange process has very slow and laborious. Too often, private property owners face the quandary of enduring preemption of rights by the Government or undertaking costly legal redress.

There are a number of difficult problems created by inholdings in existing wilderness. It is far better to avoid as many of these conflicts as reasonably possible at the time of the designation than to spend scarce Federal resources in dealing with endless administrative problems and lengthy litigation.

This bill would also direct the Forest Service to make an immediate study of the problem of conflicts within existing wilderness areas in Colorado, including private inholdings, rights of way, and other valid private rights. The Forest Service would be directed to report back to Congress within 1 year of the enactment of this bill on the extent of the problems and costs now incurred by the agency in dealing with them. Further, the Forest Service would be required to develop a proposed program and budget to resolve these existing conflicts within a reasonable timeframe and with adequate protection for the rights of those involved.

NATIONAL RECREATION AREAS

This legislation also creates four national recreation areas, comprised of five of the study areas, none of which can objectively qualify as wilderness. National recreation areas have been created through the years for the preservation and enhancement of recreational opportunities on public lands. It is another level of management which has been used primarily in the past as a means of expanding recreational opportunities in and around major Federal water projects. There is no basic organic national recreation area law comparable to the National Wilderness Act. Each area carries its own definition tailored to the specific resources involved.

I am proposing to use this established designation for the furtherance of outstanding backcountry recreational opportunities in Colorado and the protection of the natural environment. The legislation outlines general management guidelines for these areas while preserving essential latitude for the Forest Service to prescribe the most appropriate uses for each individual area.

This designation has the advantage of allowing recreational uses and facilities not allowed in wilderness areas and accommodating preexisting uses which are not compatible with wilderness designation. The management of these areas would differ from multiple-use management in that the priority objective is the creation and enhancement of back-country recreational opportunities. Other uses are permitted if compatible with the purposes of the designation. It also provides that active management techniques be used to provide and enhance the recreational opportunities of the areas.

The public land use increasing most rapidly is outdoor recreation. Much of the demand is keyed to a wide variety of off-highway vehicles which enable a broad spectrum of people a chance to experience the back country. Creation of national recreation areas to meet this demand will provide an outlet within a well-managed context and help protect our fragile high-country from unauthorized off-road travel. It also provides a way to give areas like the magnificent Spanish Peaks a protective status which is compatible with extensive inholdings and establish a national designation which many of the local citizens seek as a way to promote their local area.

There are large numbers of people in our society who have to rely on motorized access. Our country's demographics are changing, particularly by dramatic increases in life expectancy. The way we utilize our public lands must change to meet the outdoor recreational needs of increasing numbers of older people. Likewise, we need to become more sensitive to the needs of handicapped citizens by extending their opportunities for back-country experiences. These needs can be met if we maintain sufficient motorized and mechanized access.

We also must respond to the changing needs of American families. It is important to provide practical opportunities for back-country recreation to families that must juggle leave time of working members. Families in this situation often have to schedule short vacations which preclude taking the time required for hiking long distances into the back country. Families with children also have special access needs which should not be overlooked.

Utah's Canyonlands National Park is an example where a unique back-country experience is provided, through all-wheel-drive motorized access, to thousands of Americans who would otherwise be unable to see any significant part of this spectacular area. At the same time, a powerful use ethic has evolved by visitors who zealously respect the admonition to use only designated trails. This approach enables Americans of all ages and circumstances to enjoy unique natural areas and still preserve and protect the natural environment.

THE WILDERNESS DEBATE

It is to everyone's benefit to achieve a reasonable balance between competing public interests in designating wilderness and nonwilderness lands. Many of the issues are controversial with valid points of view on both sides. The protection of our environment and the wisest use of public land are crucial issues and merit the most rigorous adherence to truth and the assembly of the most factual and scientific data available.

It is incumbent upon all who participate in this process to do their part to preserve the integrity of the debate. That is why have devoted so much time to trying to find the basis for a broad consensus and have insisted on gathering as much factual information as possible before finally drafting and introducing this legislation.

I invite all Coloradans to review this legislation with a view to the long-term future of our great State and a fair and reasonable balancing of the important values involved. Our children, grandchildren, and all generations to come will be the beneficiaries of our efforts to protect their increasingly precious natural heritage of wild and scenic lands. It is equally important for us to protect a proud heritage of civil debate, preservation of individual rights, protection of private property and a healthy economic climate in which to grow and prosper. All of these fundamental values are essential to the survival of a great nation committed to the ideals of democracy and freedom.

I ask unanimous consent to include in the CONGRESSIONAL RECORD a section-by-section description of this legislation, and an area-by-area summary of the areas proposed for designation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION DESCRIPTION

TITLE I—ADDITIONS TO THE WIDERNESS PRESERVATION SYSTEM

Sec. 101. Designation of Wilderness Areas—adds fourteen new wilderness areas to Colorado, adding 471,875 acres to the Wilderness Preservation System.

Name of study area	Acres studied	Proposed acres	Name of wilderness area
American Flats	4,710	1,200	Addition—Big Blue.
Buffalo Peaks	56,950	29,400	Buffalo Peaks.
Cannibal Plateau/ Powderhorn.	72,470	62,300	Powderhorn.
Davis Peak	8,100	9,800	Addition—Mt. Zirkel.
Greenhorn Mountain	22,300	22,000	Greenhorn Mountain.
Lost Creek	23,000	7,000	Lost Creek.
Piedra	41,500	41,500	Piedra.
Sangre de Cristo	222,742	195,100	Sangre de Cristo.
Service Creek	39,860	33,600	Sarvis Creek.

Name of study area	Acres studied	Proposed acres	Name of wilderness area
South San Juan/V-Rock/ Montezuma Peak.	32,800	10,800	Addition—South San Juan.
Spruce Creek	8,000	8,000	Addition—Hunter-Fryingpan.
Vasquez	12,800	11,300	Vasquez Peak.
Weminuche Additions	33,660	28,744	Addition—Weminuche, and West Needle.
Wheeler Geologic	11,390	15,900	Wheeler Geologic.

Sec. 102. Grazing—reaffirms the allowance of continued grazing within wilderness areas in accordance with the Wilderness Act of 1964 and the Colorado Wilderness Act of 1980.

Sec. 103. State Jurisdiction—protects the State of Colorado's jurisdiction and responsibility with respect to fish and wildlife within national forests in Colorado.

Sec. 104. Administration of Wilderness—directs the Secretary to administer the newly created areas in accordance with the Wilderness Act and this Act.

Sec. 105. Hunter-Fryingpan—deletes the provision of law which created the Spruce Creek Wilderness Study Area, since that area is designated as wilderness by this Act.

Sec. 106. Colorado Wilderness Act Amendments—deletes the provision of law which created the wilderness study and further planning areas in Colorado since those areas are designated as wilderness or national recreation areas, or are released for multiple-use by this Act.

Sec. 107. BLM Wilderness Study Areas—deletes the provision of law which created those BLM Wilderness Study Areas continguous to Forest Service Study areas which are designated as wilderness or national recreation areas, or are released for multiple-use by this Act.

TITLE II—NATIONAL RECREATION AREAS

Sec. 201. Findings—establishes the legislative foundation for designation of national recreation areas.

Sec. 202. Establishment of National Recreation Areas—designates four National Recreation Areas totaling 122,300 acres.

Name of study area	Acres studied	Proposed acres	Name of recreation area
Fossil Ridge	47,400	43,300	Fossil Ridge.
Oh! Be Joyful	5,500	5,500	Oh! Be Joyful
Spanish Peaks	19,570	18,400	Spanish Peaks
St. Louis Peak	12,800	(1)	
Williams Fork	53,888	[1] 55,100	Williams Fork.

[1] St. Louis Peak and Williams Fork are combined, creating one area.

Sec. 203. Mission—sets forth the goals and objectives of national recreation area designation. Provides for active management and enhancement of recreation opportunities.

Sec. 204. Administration—

(a) Requires the Secretary of Agriculture to manage the national recreation areas, subject to valid existing rights, to provide for a variety of recreational opportunities, to conserve scenic and historic values, and to utilize natural resources were appropriate.

(b) Authorizes the Secretary to use modern equipment for management purposes as administratively necessary.

Sec. 205. Protection of Existing Rights—ensures protection of existing rights in areas designated as national recreation areas.

TITLE III—WATER

Sec. 301. Water—

(a) Reservation of water rights—to protect the water law of the State of Colorado, this section denies any new federal water right, express or implied, for areas designated wilderness or national recreation by this Act, or any previous wilderness act.

(b) United States water rights—to protect the integrity of the areas designated wilderness or national recreation by this Act within the framework of Colorado State law, this section allows the Secretary of Agriculture or the Secretary of the Interior to recommend to the Colorado Water Conservation Board, pursuant to the Colorado instream water flow statutes, the quantity of instream flow rights necessary for management of the designated area.

(c) Reaffirmation of previous acts—reaffirms previous federal legislation protecting water rights.

(d) Reasonable access—authorizes reasonable access to water rights and facilities.

TITLE IV—ADMINISTRATIVE PROVISIONS

Sec. 401. Maps—

(a) Filing—requires the Secretary of Agriculture and the Secretary of the Interior to file maps for each area designated wilderness or a national recreation area by this Act with the Committee of Energy and Natural Resources of the United States Senate, and the Committee on Interior and Insular Affairs of the House of Representatives.

(b) Public Inspection—requires the Chief of the Forest Service, and the Director of the Bureau of Land Management to make maps available for public inspection.

Sec. 402. Land Outside Wilderness Areas—

(a) Effect of designation—ensures that designation by this Act does not create or imply buffer or protective zones around wilderness or national recreation areas.

(b) Activities outside area—ensures that activities outside wilderness and national recreation areas are not precluded simply because they can be seen or heard from within the area.

Sec. 403. Mineral—requires the Secretary of Interior to continue to make assessment, using environmentally compatible methods, of the mineral potential in wilderness areas in Colorado.

Sec. 404. Access to Valid Existing Rights—reaffirms the allowance of reasonable access, including motorized and mechanized access to valid existing rights within wilderness and national recreation areas.

Sec. 405. Release Language—

(a) Findings—recognizes the extensive investigation completed by the Department of Agriculture, the Department of the Interior and the United States Congress concerning the suitability of forest lands in Colorado for designation into the Wilderness Preservation System.

(b) Determination and direction—directs that those forest service lands not designated wilderness by this Act shall be considered adequately studied for wilderness suitability, shall be released for multiple-use management, and shall no longer be managed to protect their suitability for inclusion in the Wilderness Preservation System. Prohibits further statewide wilderness studies on forest service lands in Colorado unless expressly authorized by Congress.

TITLE V—STUDY OF CURRENT MANAGEMENT OF WILDERNESS IN COLORADO

Requires the Secretary of Agriculture to report to Congress on the current management problems associated with the inclusion of valid existing rights in wilderness areas in Colorado.

AREA-BY-AREA DESCRIPTIONS—THE COLORADO HERITAGE PRESERVATION ACT

This information was compiled by the staff of Senator William L. Armstrong from the following sources; the United States Forest Service, the United States Bureau of Land Management, the Environmental Impact Statements pertaining to Wilderness and Further Study Areas in Colorado, the United States Bureau of Mines, the United States Geological Survey, and citizens of the State of Colorado.

AMERICAN FLATS/BILL HARE GULCH/LARSON CREEK

Acreage: 4,710 acres in the Bureau of Land Management Wilderness Study Areas.

Designation Recommendations:

BLM—1,505 (tentative).

Armstrong—1,200.

Wirth—3,900.

Forest: Grand Mesa-Uncompahgre and Gunnison.

County: Ouray/Hinsdale.

Ouray land area sq. miles—542.

Public land percent of total—46.

FS/BLM land percent—37/9.

Hinsdale land area sq. miles—1,115.

Public land percent of total—95.

FS/BLM land percent—78/17.

Location: In the southwestern part of the state, these three areas are contiguous with the 97,700 acre Big Blue Wilderness Area administered by the Forest Service. They are east of the town of Ouray.

Recommendation: The 1,505 acres of the American Flats area considered acceptable by the BLM are proposed for wilderness designation with slight modification. This addition would round out a logical boundary for the Big Blue Wilderness without impacts on areas of most concern to local residents. Bill Hare Gulch and Larson Creek are not recommended for designation.

General features: Most of these WSAs are above timberline. Forest cover occurs on 178 acres and elevations range from 11,000 to 13,000 feet.

Special features: These areas would be small additions to the Big Blue Wilderness and administered by the Bureau of Land Management.

Legislative history: The BLM's wilderness program is a result of the Federal Land Policy and Management Act (FLPMA) of 1976. These areas were identified by the BLM as wilderness study areas, and BLM tentatively recommended 1,505 acres as suitable.

Relation to other wilderness: These areas are adjacent to the Big Blue Wilderness. They are near the Mt. Sneffels, Lizard Head, Weminuche and La Garita Wilderness Areas, and the proposed Cannibal Plateau Study Area.

Vegetation: Much of these WSAs are above timberline. Forest cover occurs on 178 acres and is mainly Engelmann spruce.

Wildlife: Many deer, elk and bear are located in the area and some hunting occurs.

Threatened and Endangered Species: None has been identified.

Conflicts: The local communities are very concerned about expansions of the Big Blue Wilderness because of the substantial impact it will have on development of their tourist industry. Motorized recreation trails which currently exist are considered essential to the stability of these economies. The Engineer Pass road is used as access to the current wilderness by hikers, hunters, and campers. Several mining claims exist, and mineral exploration is ongoing. The Bill Hare Gulch and Larson Creek areas would

add little to the quality of the existing Big Blue Wilderness, but if designated would detract substantially from local tourism.

Water: Stream drainages include the North Fork of Henson Creek and other tributaries to Henson Creek plus the headwaters of Cow Creek, which is a tributary to the Uncompahgre River. All streams are a part of the Gunnison River drainage system.

Minerals: American Flats is located in the Uncompahgre Caldera complex adjacent to the Eureka graben, where many mining operations contributed to the production of precious and base metals in the late 1800s and early 1900s. In areas immediately adjacent to the WSA, exploration is occurring on both public and private land. There are 40 unpatented mining claims on file with the BLM in the Dolly Varden Mountain, North Fork of Henson Creek and Sunshine Mountain areas. In adjacent areas similar to these, mining has occurred in the past. In addition to precious and base metals potential, geochemical and geophysical analyses indicate the Dolly Varden Mountain areas have potential for economic concentrations of uranium.

Leases: No leases exist.

Claims: The area directly south of the American Flats area includes 5 unpatented mining claims.

Timber: Most of these areas are above timberline. Forest cover occurs on 178 acres and is mainly Englemann spruce. Of this, 83 acres is withdrawn from timbering, leaving 95 acres which contain 855 thousand board feet with a potential sustained yield volume of 8 million board feet per year.

Grazing: Two grazing allotments are located partly in the American Flats area for a total of 353 animal unit months. The area is grazed by sheep frcm early July to October 1.

Recreation: Many visit the areas to hunt deer, elk and bear. Several groups regularly use the American Flats area during the summer season; for example, the Colorado Outward Bound School has projected a yearly use figure of 1,248 recreations user days. Vehicle travel and viewing of scenery are the recreational activities that receive the greatest use around the periphery of the WSA.

BUFFALO PEAKS

Acreage: 56,900 acres in the Wilderness Study Area

Designation Recommendations:

Forest Service—36,000

Armstrong—29,400

Wirth—58,160

Forest: San Isabel

Country: Chafee, Lake and Park

Chafee County land area sq. miles—1,008.

Public land percent of total—79.

Forest Service land percent—71.

Lake County land area sq. miles—379.

Public land percent of total—75.

Forest Service land percent—68.

Park County land area sq. miles—2,192.

Public land percent of total—51.

Forest Service land percent—47.

Location: In the center of the state, on the Continental Divide about 80 miles southwest of Denver and 10 miles southeast of Leadville. Elevations range from between 9,200 and 13,236 feet.

Recommendation: The proposed boundary generally follows the Forest Service recommendation with a few modifications to avoid existing mining claims, water developments, private property and a Forest Service repeater station. The area is also expanded on the north and east sides to achieve a more manageable boundary while avoiding infringement of private rights and mineral interests. The southern boundary also excludes a portion of the study area south of West Buffalo Peak which contains a large number of mining claims. The proposed southwestern boundary also excludes a small portion of the study area to avoid conflict with the Homestake pipeline, proposed tunnel and a large number of mining claims. Extending the wilderness boundary to include Marmot Peak is unrealistic because of the large number of mining claims, inholdings and the need for wildlife habitat management for big horn sheep and elk.

General Features: The WSA contains heavily timbered mountain slopes as well as alpine tundra. It is located along the northwest southeast-trending Mosquito Range between the Arkansas and the South Platte Rivers. The Buffalo Peaks are two highly eroded volcanic intrusions of lava and ash that have partially buried the Mosquito Range formation.

Special Features: The dominant features are the East and West Buffalo Peaks with elevations of 13,300 and 13,326, and the popular Buffalo Meadows.

Legislative History: Buffalo Peaks was recommended to Congress as suitable for Wilderness in 1979 as part of RARE II. It was designated a WSA by the 1980 Wilderness Act. The Forest Service determined that 36,060 acres were suitable for designation.

Relation to other Wilderness: There are over 2 million acres of wilderness within 150 miles of the area. The Collegiate Peaks Wilderness is 5 miles to the southwest, the Holy Cross is 15 miles to the northwest, the Mount Evans is 10 miles to the west, and the Mount Massive and Holy Cross Wilderness areas are also close by.

Vegetation: Aspen, Engelmann spruce, subalpine fir, ponderosa pine, Douglas fir, and lodgepole pine are present. Bristlecone pine and subalpine grasses and sedges, mountain meadows, and alpine tundra characterize the higher elevations.

Wildlife: Wildlife species which commonly occur are bighorn sheep, elk, mule deer, pine marten, northern three-toed wood pecker, many songbirds and raptors. Important lambing areas for bighorn sheep, calving areas for elk and fawning sites for deer have been identified. In both the northern and southern ends of the WSA habitat management activities must be maintained to sustain the present elk and bighorn sheep herds. These activities would be precluded with wilderness designation.

Fishing: Cutthroat and rainbow trout are common in the area.

Threatened and Endangered Species: There are no species identified.

Conflicts: Several parts of the study area have existing mining claims. The Forest Service has indicated that over 140 claims exist. Parcels of private land and a radio tower on South Peak are excluded from the proposed wilderness designation. The southern portion of the study area is not recommended for designation because of a proposal by Colorado Springs for a tunnel for water development. The area south of the study area is essential habitat for bighorn sheep which must be managed if the bighorn sheep are to be fully protected. Because habitat management is needed to maintain the present population of elk and deer, the areas southeast of the study area are not included in the wilderness. This area also contributes to local firewood needs.

Water: Parts of six watersheds occur within this WSA, four of which are tributaries to the Arkansas River and two of which are tributaries to the South Platte River. There are no existing water diversions. Current water yield is estimated to be about 33,000 acre feet per year, with a potential to increase the yield by 1,500 acre feet with treatments in spruce fir and in lodgepole pine stands above 9,000. The water is highly valued for agriculture and domestic use. In the southern part of the area, the boundary is drawn to avoid a pipeline and allow for maintenance and emergency repair.

Minerals: Several mining districts surround the WSA including Granite on the west, Weston Pass on the northeast and Fourmile on the south. Silver, gold and lead continue to be mined in the Granite District. Silver, lead and zinc ores occur as replacement deposits in Leadville limestones in the Weston Pass Mining district. The Ruby Mine in this district contained disseminated galena and some sphalerite along with cerussite, calamine and smithsonite. There is high potential for leasable minerals in the southern part of the areas. Recently, claims have been staked on the north end. About 54 percent of the area is estimated as high or moderate potential for locatable minerals, while about 10 percent has a high or moderate potential for leasable minerals. The Bureau of Mines reports development of uranium resources and silver and base metal resources will be forgone if the eastern side of the WSA is designated wilderness.

Leases: None has been identified.

Claims: The Forest Service indicates 140 mining claims exist in or close to the study area. These occur in the southern, northern and eastern sides of the area. Many of these private rights have been avoided with minor boundary adjustments.

Timber: Timberline occurs at about 11,800 feet with alpine vegetation, rock outcrops, and talus slopes above this elevation. Vegetation below timberline is generally Engelmann spruce on the north slopes with Douglas fir on the south slopes. Other trees include aspen, subalpine fir, ponderosa pine and lodgepole pine. Much of the timber is mature or approaching maturity. Approximately 63 percent of the area is capable of producing regulated timber products. Early logging occurred in the late 1800's or early 1900's for railroad ties, mine props, house logs, and bridge timbers. Because of this and a wildfire, the Forest Service considers this area presently understocked in seedlings, saplings and pole-sized stands. The western and southern ends of the WSA can contribute significantly to local firewood demands.

Grazing: The area contains parts of seven livestock allotments having a permitted use of 948 animal unit months per year. Range improvements include a few drift fences.

Recreation: The southern part of the area is very popular with jeepers. Day hikes are also popular with people from Colorado Springs. Some residents have expressed concern about overuse if this area is designated wilderness. If wise boundaries are established the Forest Service can develop trailheads to provide toilet facilities and garbage cans, as well as appropriate information on low-impact camping. All of this can help mitigate the impact of extensive use on the area.

Other: The sights and sounds of the highway and railroad development along the Arkansas River significantly diminish the wilderness characteristics on the west end of the WSA and the boundary is drawn to avoid this.

CANNIBAL PLATEAU/POWDERHORN PRIMITIVE

Acreage: 72,470 total acres in study status; 31,990 acres Cannibal Plateau Study Area; 40,480 acres Powderhorn Primitive Area.

Designation Recommendations:

FS/BLM—56,911.

Armstrong—62,300.

Wirth—69,940.

Forest: Gunnison.

County: Hinsdale.

Land Area sq. miles—1,115.

Public land percent of total—95.

FS/BLM land percent—95.

Location: In the south central portion of the state, approximately 25 miles southwest of Gunnison, about 3 air miles east of Lake City and 160 air miles southwest of Denver.

Recommendation: A substantial portion of the study area is recommended for wilderness designation. The proposed wilderness area boundaries modify the study area to protect water rights along the southwestern edge of the area. The southwestern boundary is drawn to avoid several oil and gas leases and the heavily used snowmobile trail which is under permit to Lake City Snowmobile Club.

General features: The topography is rolling and flat plateaus reaching elevations of 12,500 feet and separated by steep rugged canyons. About one-half of the area is above timberline.

Special features: The two principal land forms, Cannibal Plateau and Calf Plateau, are recognized as having some of the largest expanses of alpine willow ecosystem in the continental United States. The area was named for Colorado's most famous cannibal, Alferd Packer.

Legislative history: The area was studied in RARE II and was recommended as a further planning area (FPA) in the final RARE II EIS. The Colorado Wilderness Act retained its designation as an FPA. The Forest Service recommended 13,599 acres of the area suitable for designation as wilderness, and the BLM recommended 43,311 acres suitable.

Relation to other wilderness: There are 904,700 wilderness acres within 50 miles; 1,699,000 wilderness acres within 100 miles, and 1,830,809 wilderness acres within 150 miles of the Cannibal Plateau Further Planning Area. The nearest areas are La Garita two miles east, and the Big Blue five miles west.

Vegetation: Vegetation at the lower elevation is characterized by grassy parks surrounded by aspen and Engelmann spruce tree stands. Above timberline, the alpine tundra is interspersed with large areas of willow.

Wildlife: Large grassy parks and willow fields on Cannibal Plateau, Calf Creek Plateau, and Mesa Seco are valuable elk summer range. Some winter range occurs along Cebolla Creek.

Fishing: Deer Creek, Brush Creek and North Fork of Mill Creek have excellent fisheries principally stocked with brown, brook and cutthroat trout. Fishing pressure is light.

Threatened and endangered species: None has been identified.

Conflicts: Many recreational users are concerned about the designation of the Mesa Seco area because of historic snowmobiling and other motorized recreational uses, and the important economic impacts these activities have on the surrounding communities. Local recreation-based economic development could be hampered in the communities if they are unable to develop these unique recreation opportunities. This issue is particularly important to counties like Hinsdale where the local tax base is severely limited by the extensive federal land holdings. Motorized access to manage grazing permits would be prohibited. A wind-driven mechanism currently used to introduce oxygen into Devils Lake to reduce fish kill would be precluded by the designation. Oil and gas leases located in the Mesa Seco region have been avoided by the proposed boundary.

Water: Two adjudicated water rights have been identified in the southeastern part of the area. Most of the area lies at the headwaters of Cebolla Creek, with a small portion of drainage into the Lake Fork of the Gunnison River. The area produces an estimated 42,000 acre feet of water annually. The potential for water development is low.

Minerals: Offsite mineral intrusions are evident. However, most of the Plateau has a very low potential for locatable minerals and an extremely low potential for oil and gas. The southwest portion of the FPA could contain locatable minerals and the north portion of Slumgullion Earthflow has geologic evidence for potential minerals, however Slumgullion is withdrawn from mineral entry as a National Natural Landmark. The Bureau of Mines reports the south rim near Slumgullion has high potential for molybdenum and precious metals.

Leases: 2 oil and gas leases are located in the Mesa Seco region.

Claims: 2 unpatented mining claims have been identified.

Timber: The area contains 17,410 forested acres containing Engelmann spruce, subalpine fir and aspen. The area contains an estimated 175 million board feet of old sawtimber.

Grazing: There are 3 stock ponds, some small scattered dams, and .65 miles of fence used for grazing purposes. The FPA contains 2 cattle and horse allotments and 2 sheep and goat allotments. Current grazing use is 4,716 animal unit months on 10,705 acres of suitable summer pasture.

Recreation: The southern part of the area (Mesa Seco) is a popular snowmobile area with loop trails. The area also contains about 20 miles of trail of which 8 are open to motorized vehicles and mountain bikes. The Lake City Snowmobile Club currently uses the area under a special-use permit.

Other: Existing recreational use and the economic benefits communities derive from recreation can continue without detracting from the natural beauty. The proposed boundary reflects the careful balancing of all these important needs.

DAVIS PEAK

Acreage: 8,100 acres in the Wilderness Study Area.

Designation recommendations:

Forest Service—8,100.

Armstrong—9,800.

Wirth—36,000.

Forest: Routt.

County: Jackson County.

Land area sq. miles—1,614.

Public land percent of total—51.

Forest Service land percent—32.

Location: Approximately 33 miles northwest of Walden and adjacent to Mount Zirkel Wilderness.

Recommendation: The Forest Service recommendation is proposed for designation with an expansion to the eastern edge of the study area. This compromise would allow for protection of the area while ensuring the continuation of vegetation treatment and timber harvest programs that will improve watershed management, and will not interfere with motorized recreation or timber management currently being carried on outside the study area. The expansion to the east beyond the study area has no known conflicts.

General features: This area is formed by rounded peaks and broad, deeply glaciated valleys. Elevations range from 8,600 to 10,900.

Special Features: Dinner Peak to South Hog Park Creek is one of the highest producing watersheds in the state.

Legislative History: The area was studied during RARE II and allocated to further planning by the 1980 Colorado Wilderness Act. The study area has been recommended as suitable for wilderness by the Forest Service. Forest Service lands outside the study area were released by Congress in 1980 for multiple use management, and have been managed accordingly by the Forest Service.

Relation to other wilderness: There are 3 other wilderness areas within a 50-mile radius of the area—totaling 223,480 acres. The proposed area is contiguous to the Mount Zirkel Wilderness.

Vegetation: The majority (72%) of the area is forested, mostly with spruce fir. There are dense stands of spruce, fir and lodgepole, with small groups of aspen interspersed among the conifer. Much of the forested portion is very steep. The remaining area is grassland, most of which is meadowland located in drainage bottoms on the Main and West Forks of the Encampment River.

Wildlife: Big game species in the areas include black bear, mule deer, elk and a few bighorn sheep that drift into the area from Wyoming.

Fishing: Fishing opportunities are varied.

Threatened and Endangered Species: No species has been identified.

Conflicts: The Forest Service has identified 800 acres of mineral estate that is privately owned in and around the center of the study area. Expanding the wilderness into areas outside the study area leads to substantial and significant conflicts with mining claims, water rights, and planned and proposed timber harvests. Further, the Manzapares Lake area and areas to the south have well established and maintained motorized recreation trails which have not compromised the natural beauty of the terrain, but this recreation would be lost if the area is designated wilderness.

Water: This area averages about 11,000 acre feet annually, with excellent water quality. Most of the water from the area flows into the Encampment River, although a portion (25%) of the east side goes into the North Platte drainage. A Forest Service well supplies water to the Big Creek Campground near Big Creek Lakes. If that source is exhausted the United States will seek the right to drill upstream to guarantee a water supply to the campground. The boundary is drawn to avoid this conflict.

Minerals: About 5,000 acres (62%) of the area have moderate to high potential for locatable minerals. However, there has been little mining activity in the past. Three mining claims are located near Big Creek Falls.

Leases: No leases exist.

Claims: There are 3 unpatented mining claims just outside the southeastern portion of the study area.

Timber: About 5,830 acres (72%) is forested with predominantly spruce fir. Practically all is sawtimber size class, with an existing timber volume of 67.1 million board feet.

Expanding the wilderness area to land outside of the study area would have a negative impact on planned timber sales. The Forest Service indicates there are 20,018 acres of land that are tentatively suitable for timber harvest with a standing volume of 228.1 million board feet. Of that, 7,258 acres are considered "suitable" for timber harvest by the Forest Service. The South Fork drainage is managed to improve water yield. Vegetation treatment and timber harvesting have helped produce one of the highest volume watersheds in the state. The area is excluded from designation so management can continue.

Grazing: There has been little grazing activity except for recreation horses in the past several years. Grazing conditions are considered good.

Recreation: A variety of recreation opportunities occur in the area including camping, hunting, fishing, horseback riding, and hiking. There are about 8 miles of trails which are extensively used. Any expansion of the wilderness designation outside the study area to the west or south would eliminate substantial motorized recreation areas—recreation which helps local economies.

Other: The integrity of the wilderness concept could be compromised if the area is expanded substantially. Expanding the current Mount Zirkel wilderness to the edge of developed areas, roads and timber harvests would not provide for "wilderness experience". The area can be adequately protected by designation of a reasonable amount of wilderness, allowing the rest of the area to be properly managed for wise multiple use.

FOSSIL RIDGE

Acreage: 47,400 acres in the Wilderness Study Area.

Designation Recommendations:

Forest Service—unsuitable.

Armstrong—43,300*.

Wirth—55,560.

*Proposed National Recreation Area.

Forest: Gunnison.

County: Gunnison.

Land area sq. miles—3,328.

Public Land percent of total—78.

Forest Service Land percent—61.

Location: In the southwest corner of the State, 125 air miles from Denver, about 8 miles NE of Gunnison.

Recommendation: This area is unsuitable for wilderness, but is proposed to be designated a National Recreation Area. Given the high mineral potential and extensive motorized trail system, as well as the proximity of the area to other wilderness areas, this area should not be designated as wilderness. The Forest Service has documented over 40 mining claims, 182 acres of private land, and 9 adjudicated water rights in the proposed area. Further, the proposed Union Creek Reservoir Project may conflict with the northern and eastern boundaries of the area. Existing motorized recreation has a substantial beneficial impact on the local economies in the region. The National Park Service is currently studying the Paleozoic fossils in the sedimentary rock to determine if that area should be designated a National Natural Landmark. Wilderness designation would be difficult to administer and is not needed to protect the natural values of the area. Because adequate solitude must be provided to visitors to wilderness areas, the Forest Service believes they may have to resort to a limited permit system, allowing only a certain number of visitors into the area at any given time. Current management practices, coupled with those required of a National Recreation Area will protect the area without compromising existing rights. A National Recreation Area designation would enable all of the study area to be given protective status, and allow optimum management of the extensive outdoor recreation uses. Trail development and maintenance will be facilitated to meet rising demands for a variety of recreational uses for all ages and groups.

General features: The area is characterized by steep V-shaped valleys below timberline, and cirque basins with headwalls, serrated ridges, and sharp peaks and cliffs above timberline. Elevation varies from 9,000 to 13,200.

Special features: About 2,700 acres of the area is under study by the National Park Service for inclusion in the National Natural Landmarks Program. This designation, if justified, would adequately protect the Paleozoic fossils in the area.

Legislative history: The area was studied during RARE II and was recommended unsuitable. It was studied again after the 1980 Colorado Wilderness Act, and again found unsuitable for wilderness designation by the Forest Service.

Relation to other wilderness: There are several large wildernesses close to the WSA. 739,500 wilderness acres are within 50 miles, and 2,136,000 within 100 miles of the WSA. The Collegiate Peaks Wilderness is 12 miles to the north, the Maroon-Bells Snowmass Wilderness is 15 miles northwest, the West Elk Wilderness is 18 miles west and the La Garita Wilderness is 35 miles to the southwest.

Vegetation: Coniferous vegetation, primarily Engelmann spruce and lodgepole pine, cover 60% of the area. Aspen occurs in 10% of the area. The remainder of the area is mostly grassland and rock. Sedge and fescue are the most abundant other vegetation. The higher peaks consist almost entirely of surface rocks.

Wildlife: The area provides summer range for a small herd of mule deer and an estimated 80 to 100 elk. There is no winter range inside the WSA which is the main factor limiting deer and elk populations. The area may be historic range for bighorn sheep, but there is not a resident population there at this time. Bighorn sheep from the nearby Taylor Canyon occasionally move through the area. A herd of mountain goats occupies the Henry Mountain area year round.

Fishing: There are six lakes in the area. Fishing pressure is light except for Lamphier Lakes. None of the lakes can withstand heavy fishing pressure due to their small size, low temperatures and the periodic winter-kill problems. Aerial restocking of cutthrout is carried out about every two years. National Recreation Area status will allow this restocking to continue, but wilderness designation would not.

Threatened and endangered species: There are no known threatened or endangered species in the area. Although bald eagles occasionally fly over the area, typical bald eagle habitat does not occur.

Conflicts: Numerous conflicts exist in the area. Recreation is extensive in the area; it includes many retired persons using mechanized or motorized vehicles, who would be excluded by a wilderness designation. Recreation with motorized and mechanized vehicles has a beneficial impact on several small local businesses, and on the area's economy as a whole. 182 acres near Bush Creek is privately owned, and over 40 mining claims have been identified. The Bureau of Mines has identified this area as one of high mineral potential. Concern with several agricultural grazing permits has been expressed. Watershed management to increase water yield through small timber harvests is a desirable option. The proposed Union Park Reservoir may be impacted.

Water: Although generally a headwaters area, Forest Service records show 6 adjudicated water rights exist. However, the Colorado River Water Conservancy District has documented 16 adjudicated water rights within the proposed area. The area is located on the watershed divide between the Taylor River and Gold Creek. Annual runoff is estimated to be 50,000 acre feet. Data indicate the water is of high quality, and the water yield can be increased by proper timber management. The proposed Union Park Reservoir may encroach on the area when the reservoir is at its highest level, and a parcel of private land within the area also has potential for water storage enhancement along Lottis Creek.

Minerals: The proposed wilderness partially encompasses three mining districts (Gold Brick, Cross Mountain, Tincup). The Quartz Creek Mining District is adjacent to the proposed boundary. There are no active mines in the WSA, but the area has substantial resource potential for gold, silver, copper, lead, zinc, molybdenum, uranium, thorium, rare earth elements and high calcium limestone. In the past, these districts produced primarily gold and silver, although lesser amounts of lead, copper, and zinc were also produced. Some mines on Cameron Mountain were being worked in 1982. Green Mountain was the site of core drilling for molybdenum-tungsten in 1982. Mining claims for high purity limestone were staked in the eastern part of the proposed wilderness; many tracts of patented mining claims are also within the proposed wilderness. The Bureau of Mines believes that exploration and development of molybdenum, tungsten, precious metals, and uranium resources would be precluded if the area east of the Summerville trail is designated as wilderness. Apparently, the area has low potential for oil and gas.

Leases: No leasing exists and no applications are pending.

Claims: The Forest Service has identified over 40 unpatented claims in the area, and many tracks of patented mining claims.

Timber: The Forest Service indicates the area as a whole has a low economic timber potential, although there are 32 thousand acres of tentatively suitable timber which could contribute to the allowable sale quantity. The timber is located on isolated stands, on rocky, steep slopes, and as stringers along creek bottoms. Lack of access presents a problem and haul roads would be difficult to construct and expensive to maintain. No sales have been proposed, although limited harvesting is recommended to improve watersheds.

Grazing: The area contains portions of several cattle and horse allotments. Although the wilderness designation is to have no impact on grazing, permittees express concern over limitations on motorized use, and the potential pressure to halt existing permits if wilderness is designated. A grazing management fence about a mile long is located in the WSA on Shaw Ridge.

Recreation: This area is presently open to motorized vehicle use with the exception of the three mile primitive road to Lamphier Lakes. The area has system trails totaling 42.7 miles used for motorcycling, mountain biking and snowmobiling, as well as horse-

back riding and backpacking. Motorized recreation users work with the Forest Service and have documented numerous hours of trail maintenance and clean-up activities to ensure trails are not damaged. Motorized recreation has a substantial economic impact on the local economies.

Other: Although the area possesses scenic beauty, a viable wilderness would be difficult for the Forest Service to manage. Twice the Forest Service has found this area unsuitable. To designate this area as wilderness would preclude the Forest Service from implementing a forest plan for adequate protection of the natural beauty while allowing it to be enjoyed by a wide variety of different users. A national recreation designation would protect the land, without compromising existing rights and historic uses.

GREENHORN MOUNTAIN

Acreage: 22,300 acres in the Wilderness Study Area.

Designation Recommendations:
Forest Service—22,300.
Armstrong—22,000.
Wirth—24,130.
Forest: San Isabel.
County: Huerfano/Pueblo.
Huerfano:
Land area sq. miles—1,584.
Public land percent of total—21.
Forest Service land percent—14.
Pueblo:
Land Area sq. miles—2,377.
Public Land percent of total—4.
Forest Service land percent—2

Location: On the southern end of the Wet Mountain Range in the San Isabel National Forest, about 130 miles south of Denver and 20 miles southwest of Pueblo.

Recommendation: The Forest Service recommendation is proposed for designation with a few minor boundary modifications to avoid known conflicts. The study area is in close proximity to private land except on its northern boundary. With minor modifications the wilderness boundaries should conform to the study area to ensure public access to the wilderness. Retaining a perimeter of public land around the wilderness will ensure publicly owned sites for trailhead development, if necessary.

General features: The area is characterized by, steep rocky terrain. About 75% of the area is forested, with species ranging from pinon juniper lands in the dry southern end of the area to alpine tundra on the mountains' upper slopes. Elevation varies from 7,600 to 12,367 feet.

Special features: If designated, Greenhorn Mountain would be the easternmost wilderness in the state.

Legislative history: It was designated a Wilderness Study Area in the Colorado Wilderness Act of 1980. It has been studied extensively since that time and was recommended by the Forest Service as suitable for inclusion in the Wilderness Preservation System.

Relation to other wilderness: There are 5 nearby designated wilderness areas; 257,080 acres are partly or entirely in the Pike and San Isabel Forests, amounting to about 11 percent of the Forests' area. Within 150 miles of the WSA, there are a total of 2,315,098 acres of wilderness—Forest Service, BLM and Park Service Lands. The Greenhorn Mountain WSA is separated from other areas. It is 30 air miles (3 driving hours) from the wilderness areas within the Great Sand Dunes National Monument and 90 air miles (2½ driving hours) from the Collegiate Peaks Wilderness Area. The Spanish Peaks and the Sangre de Cristo areas are also nearby.

Vegetation: About 65% of the area is forested with pinon juniper and ponderosa pine, Douglas fir and spruce fir. The other 35% is nonforested grass, brushland and rock. A preponderance of steep, rocky slopes characterizes the WSA, making timber harvest difficult.

Wildlife: Winter range for bighorn sheep covers about 2,200 acres.

Fishing: Some fishing, with approximately 1,000 annual recreation visitor days.

Threatened and endangered species: The WSA is a habitat for the greenback cutthroat trout, classified as threatened—3 miles in South Apache Creek, 3 miles potentially in North Apache Creek. The area also has four potential nesting sites for endangered peregrine falcons—two sites along South Apache and Graneros Creeks, and another 2 within ½ mile of the WSA boundary along South Muddy and Little Graneros Creeks.

Conflicts: Concern has been expressed about the fire hazard of a wilderness in such close proximity to the town of Rye, Colorado. Some forest fires have already occurred in the area and there is a strong likelihood of extensive fire in the future where timber management is forbidden. All but one of the adjudicated water rights in the area are excluded from wilderness designation. The road to the summit of Greenhorn Mountain has been closed to motorized access for several years, but its existence detracts from the wilderness characteristics of the area.

Water conflicts: Nine adjudicated water rights are located within the study area, eight of which can be avoided with minor boundary changes. The WSA covers portions of 4 watersheds: Turkey Creek, Maes Creek, Apache Creek, and Greenhorn Creek. Water production from this area averages about .5 acre feet of water per acre per year, with a current annual water yield estimated at 10,260 acre feet per year. There is a potential to increase this yield by 590 acre feet to about 10,850 acre feet per year through vegetation management. This increased yield will be forgone if the area is designated wilderness.

Minerals: The WSA has no developed or proven mineral resources. However, the southern portion of the area was recently staked for minerals (probably uranium). According to the Forest Service, about 85% to 90% of the area has high to moderate potential for locatable minerals. However, the U.S. Geological Survey and the U.S. Bureau of Mines completed a mineral resource study finding there is little likelihood of mineral resources in most of the WSA.

Leases: About 100 acres have pending oil and gas leases.

Claims: One unpatented mining claim exists in the southern part of the area. This conflict is avoided with a small boundary adjustment.

Timber: Little logging has occurred in the WSA due to the many rocky, steep slopes. About 22,330 acres (53%) of the WSA is forest land capable of producing regulated timber products, but the steep slopes of the area make timbering difficult. The eastern side of the area is used by local residents for post and pole cutting.

Grazing: The WSA contains portions of 2 livestock allotments with a permitted use of about 687 animal unit months per year. An additional 951 acres is potentially suitable range with an estimated capacity of 236 animal unit months.

Recreation: 2,700 acres or 97% of the WSA is classified as semiprimitive nonmotorized. Travel within the area is limited because of the steep rocky terrain and is confined to access trails. The end of Greenhorn Road is near the summit of Greenhorn Mountain. The area is primarily accessible from the Pueblo area, which takes about 2 hours. Driving time to Rye, the access nearest to the east side, is about 1 hour from Pueblo. The Santana Trail provides access from the west across private land controlled by the landowner.

GREENHORN MOUNTAIN

Acreage: 22,300 acres in the Wilderness Study Area.

Designation recommendations:
Forest Service—22,300.
Armstrong— 22,000.
Wirth—24,130.
Forest: San Isabel.
County: Huerfano/Pueblo.
Huerfano:
Land area sq. miles—1,584.
Public land percent of total—21.
Forest Service land percent—14.
Pueblo:
Land area sq. miles—2,377.
Public land percent of total—4.
Forest Service land percent—2.

Location: On the southern end of the Wet Mountain Range in the San Isabel National Forest, about 130 miles south of Denver and 20 miles southwest of Pueblo.

Recommendation: The Forest Service recommendation is proposed for designation with a few minor boundary modifications to avoid known conflicts. The study area is in close proximity to private land except on its northern boundary. With minor modifications the wilderness boundaries should conform to the study area to ensure public access to the wilderness. Retaining a perimeter of public land around the wilderness will ensure publicly owned sites for trailhead development, if necessary.

General features: The area is characterized by steep rocky terrain. About 75 percent of the area is forested, with species ranging from pinon juniper lands in the dry southern end of the area to alpine tundra on the mountains' upper slopes. Elevation varies from 7,600 to 12,367 feet.

Special features: If designated, Greenhorn Mountain would be the easternmost wilderness in the state.

Legislative history: It was designated a Wilderness Study Area in the Colorado Wilderness Act of 1980. It has been studied extensively since that time and was recommended by the Forest Service as suitable for inclusion in the Wilderness Preservation System.

Relation to other wilderness: There are 5 nearby designated wilderness areas; 257,080 acres are partly or entirely in the Pike and San Isabel Forests, amounting to about 11 percent of the Forests' area. Within 150 miles of the WSA, there are a total of 2,315,098 acres of wilderness—Forest Service, BLM and Park Service Lands. The Greenhorn Mountain WSA is separated from other areas. It is 30 air miles (3 driving hours) from the wilderness areas within the Great Sand Dunes National Monument and 90 air miles (2½ driving hours) from the Collegiate Peaks Wilderness Area. The Spanish Peaks and the Sangre de Cristo areas are also nearby.

Vegetation: About 65% of the area is forested with pinon juniper and ponderosa pine, Douglas fir and spruce fir. The other 35% is nonforested grass, brushland and rock. A preponderance of steep, rocky slopes

characterizes the WSA, making timber harvest difficult.

Wildlife: Winter range for bighorn sheep covers about 2,200 acres.

Fishing: Some fishing, with approximately 1,000 annual recreation visitor days.

Threatened and endangered species: The WSA is a habitat for the greenback cutthroat trout, classified as threatened—3 miles in South Apache Creek, 3 miles potentially in North Apache Creek. The area also has four potential nesting sites for endangered peregrine falcons—two sites along South Apache and Graneros Creeks, and another 2 within ½ mile of the WSA boundary along South Muddy and Little Graneros Creeks.

Conflicts: Concern has been expressed about the fire hazard of a wilderness in such close proximity to the town of Rye, Colorado. Some forest fires have already occurred in the area and there is a strong likelihood of extensive fire in the future where timber management is forbidden. All but one of the adjudicated water rights in the area are excluded from wilderness designation. The road to the summit of Greenhorn Mountain has been closed to motorized access for several years, but its existence detracts from the wilderness characteristics of the area.

Water conflicts: Nine adjudicated water rights are located within the study area, eight of which can be avoided with minor boundary changes. The WSA covers portions of 4 watersheds: Turkey Creek, Maes Creek, Apache Creek, and Greenhorn Creek. Water production from this area averages about .5 acre feet of water per acre per year, with a current annual water yield estimated at 10,260 acre feet per year. There is a potential to increase this yield by 590 acre feet to about 10,850 acre feet per year through vegetation management. This increased yield will be forgone if the area is designated wilderness.

Minerals: The WSA has no developed or proven mineral resources. However, the southern portion of the area was recently staked for minerals (probably uranium). According to the Forest Service, about 85% to 90% of the area has high to moderate potential for locatable minerals. However, the US Geological Survey and the US Bureau of Mines completed a mineral resource study finding there is little likelihood of mineral resources in most of the WSA.

Leases: About 100 acres have pending oil and gas leases.

Claims: One unpatented mining claim exists in the southern part of the area. This conflict is avoided with a small boundary adjustment.

Timber: Little logging has occurred in the WSA due to the many rocky, steep slopes. About 22,330 acres (53%) of the WSA is forest land capable of producing regulated timber products, but the steep slopes of the area make timbering difficult. The eastern side of the area is used by local residents for post and pole cutting.

Grazing: The WSA contains portions of 2 livestock allotments with a permitted use of about 687 animal unit months per year. An additional 951 acres is potentially suitable range with an estimated capacity of 236 animal unit months.

Recreation: 2,700 acres or 97% of the WSA is classified as semiprimitive nonmotorized. Travel within the area is limited because of the steep rocky terrain and is confined to access trails. The end of Greenhorn Road is near the summit of Greenhorn Mountain. The area is primarily accessible from the Pueblo area, which takes about 2 hours. Driving time to Rye, the access nearest to the east side, is about 1 hour from Pueblo. The Santana Trail provides access from the west across private land controlled by the landowner.

LOST CREEK

Acreage: 23,000 in the Further Planning Area.

Designation recommendations:

Forest Service—unsuitable.

Armstrong—7,000.

Wirth—11,000.

Forest: Pike National Forest.

County: Park.

Land area sq. miles—2,192.

Public Land percent of total—51.

Forest Service land percent—47.

Location: In the center of the state, on the North end of the Platte River mountains adjacent to the Lost Creek Wilderness Area, about 40 miles southwest of Denver and 10 miles from Bailey.

Recommendation: 7,300 acres of the study area are proposed for wilderness designation. Even though approximately 780 acres of State mineral reservation and 10 unpatented mining claims are included, the designation is warranted in order to include the renowned Ben Tyler Trail in the Lost Creek Wilderness.

General features: This is an addition to the current Lost Creek Wilderness and has no unique landforms or areas of geologic interest that are not found in nearby wilderness.

Special features: The Ben Tyler Trail, approximately 11 miles long, receives most of the hiking, hunting and horseback use in this study area.

Legislative history: The RARE II process inventoried the Lost Creek Area, recommending 71,000 acres as wilderness and 58,040 acres as a Further Planning Area. In 1980, 106,000 acres were designated the Lost Creek Wilderness Area. 23,000 acres were left to be evaluated for wilderness suitability in the forest planning process. After that exhaustive process, the Forest Service determined this area unsuitable for this designation.

Relation to other wilderness: There are 5 designated wilderness areas partly or entirely in the Pike National Forest—257,420 acres. This amounts to 11 percent of the forest's area. In addition, other wilderness with about 298,800 acres are adjacent to the forest.

Vegetation: The terrain tends to be moderately sloping. The lower elevations are well timbered. Fingers and patches of trees intermingle with the meadows in the subalpine zone. The area contains spruce fir, lodgepole pine, aspen, Douglas fir and ponderosa pine.

Wildlife: The area is ideal habitat for deer, elk, and bighorn sheep. Approximately 970 acres is deer winter range and the headwaters of Rock Creek is a bighorn sheep lambing area.

Fishing: Fishing opportunities are limited.

Threatened and Endangered species: No species has been identified.

Conflicts: The study area contains over 3,800 acres of state-owned mineral rights, 35 mining claims and 5 adjudicated water rights. Other concerns have been expressed about motorized recreation trails, existing roads, and watershed management opportunities that would be precluded if timber harvest is prohibited. State-owned mineral rights could be used to enhance state revenues, but the potential to develop these interests is hampered by wilderness designation. The proposed boundaries are drawn to avoid most of these private and state rights. Over 8,000 acres of the state's mineral reservation and most of the unpatented mining claims would remain outside the proposed wilderness.

Water: Five adjudicated water rights have been identified, but are avoided by the boundary modification.

Minerals: The entire area has high to moderate potential for locatable minerals. However, no minerals were identified by the Bureau of Mines in the area. The state owns 3,800 acres of the mineral estate in two tracts. The area is covered with mining claims.

Leases: Lease applications on some of the 3,800 acres of state owned minerals.

Claims: 34 unpatented mining claims exist.

Timber: About 13,200 acres contain timber on slopes suitable for logging with conventional methods, with potential production at 2.5 million board feet per year, enough to keep a medium-sized sawmill in operation. There are 19 miles of logging roads, over 600 acres of recently cut area, approximately 60 acres of timber plantation, and two old sawmill sites. Current annual sales for forest land under 45 degree slope is estimated at 2,292,000 board feet.

Grazing: There is about 1 mile of range drift fence. Over 3,000 acres are suitable for livestock grazing. The area currently has 200 animal unit months under permit, with no additional capacity.

Recreation: The Ben Tyler trail is used by hikers and recreation enthusiasts. Several 4WD roads exist but are avoided with boundary modifications. The area provides popular access for the Lost Creek Wilderness.

OH BE JOYFUL

Acreage: 5,500 in the Wilderness Study Area.

Designation recommendations: Forest Service—unsuitable.

Armstrong—5,500.*

Wirth—5,500.

Forest: Gunnison.

County: Gunnison.

Land area sq. miles—3,328.

Public land percent of total—78.

Forest Service land percent—61.

Location: In the west-central part of the state, 125 air miles southwest of Denver and 4 miles northwest of Crested Butte.

Recommendation: This area is proposed to be designated a National Recreation Area. It is unsuitable for wilderness designation. This area has high mineral potential, contains private land, and a large number of mining claims. Further, an extensively used two mile road bisects the area and provides access to the Ragged Wilderness. Its unique qualities can be protected through designation as a National Recreation Area without compromising existing rights and uses.

General features: The area is a superb example of glacially-cut alpine country: its valley is a long, narrow U-shape, with steep walls on three sides.

Special features: Numerous small lakes are found at the bases of the mountain walls.

Legislative history: This area was studied during RARE II and was listed as unsuitable for wilderness. It was designated a WSA by the 1980 Colorado Wilderness Act. Extensive study by the Forest Service has deter-

*Proposed National Recreation Area.

mined this area to be unsuitable for wilderness designation.

Relation to other wilderness: There are 4 wilderness areas within a 20 mile radius of the WSA, containing 596,372 acres, including the 463,900 added by the 1980 Colorado Wilderness Act. The Maroon Bells-Snowmass and Ragged Wildernesses are to the north, Collegiate Peaks Wilderness is to the NE, and West Elk Wilderness is to the southwest.

Vegetation: The lower, north-facing slopes have sub-alpine fir and Engelmann spruce. The south-facing slopes and upper elevations consist of alpine grass and shrub types. Riparian areas are found along the Oh-Be-Joyful Creek, Peeler Creek, Peeler Lakes, Blue Lake and in Democrat Basin.

Wildlife: Species in this area include mule deer and elk during the summer, but there is no winter range. Other mammals in the area are pika, marmot, red squirrel, beaver, coyote, porcupine, black bear, weasel, and fox.

Fishing: Brook, rainbow and native trout are found in the Lower Peeler Lake, Peeler Creek, Blue Lake and Oh-Be-Joyful Creek.

Threatened and endangered species: None has been identified.

Conflicts: The area contains private land—including 50 acres of patented mining claims—over 200 unpatented mining claims, mineral potential, and extensive motorized vehicle use. It would be difficult to administer as wilderness and such a designation would have a negative impact on the private rights held in the area. The area also includes a well-established jeep trail which is used for access to the Ragged Wilderness. National Recreation Area designation would not compromise the private property rights involved, while allowing protection of the land.

Water: The average flow at the confluence of the Oh-Be-Joyful and Peeler Creeks is 13,200 acre feet. The town of Crested Butte has considered using Oh-Be-Joyful Creek as an alternative water source. If this is done, a storage reservoir would have to be constructed, with possible sites located inside the WSA boundary. There are no active diversions of water, but there are three relatively senior water rights existing in the drainage. These diversionary water rights include the Columbine Ditch, the Mariposa Ditch and the Mariposa Pipeline.

Minerals: The WSA is on the west edge of the Colorado Mineral Belt and is in a geologic setting favorable for economic mineral deposits. It is in the Ruby Mining District. The Bureau of Mines reports 50 percent of the area has substantiated and probable mineral resource potential. There is surface evidence the WSA contains lead, zinc, silver and gold-bearing sulfides. The potential for buried molybdenum is very high. Economic coal deposits are also a possibility. Three inactive mines and many prospects exist. About 84 percent of the area is covered with unpatented claims. There is recorded mineral production of gold, silver, lead and zinc. The Bureau of Mines reports that detailed mapping, geochemical sampling and geophysical surveys are needed, and that inclusion of any of this area will prevent exploration for and development of important deposits of silver, lead-zinc resources and molybdenum resources.

Leases: 4 oil and gas leases covering 4,375 acres.

Claims: 200 unpatented mining claims, covering 3,105 acres, and 6 patented claims encompassing 50 acres.

Timber: Of the total area, only 400 acres of spruce fir is classified as commercial forest, and has a total standing volume of about 2.74 million board feet. This is considered a marginal resource because of the low volume, poor access and steepness of the slopes.

Grazing: There has been minimal recreational stock (horses) grazing. Since 1977 about 200 cattle have been using the WSA during August through October each year.

Recreation: The overall management emphasis is on providing primitive non-motorized recreation. However, the area has a high priority for trailhead development for access to the Ragged Wilderness. The area is also becoming popular for mountain biking.

PIEDRA

Acreage: 41,500 in this Wilderness Study Area.

Designation recommendations:

Forest Service—41,500.

Armstrong—41,500.

Wirth—60,000.*

Forest: San Juan.

County: Archuleta/Hinsdale.

Archuleta:

Land Area—sq. miles 1,353.

Public Land percent of total—51.

Forest Service land percent—49.

Hinsdale:

Land Area—sq. miles 1,115.

Public Land percent of total—95.

Forest Service land percent—78.

Location: In the southwestern corner of the state between the towns of Durango and Pagosa Springs.

Recommendation: The entire study area should be designated as wilderness. This area is suitable for such a designation, and will add a significant resource to the Wilderness Preservation System. However, it is a downstream area, with significant portions of the upper reaches of the Piedra River arising above the study area. Piedra offers an opportunity to demonstrate how downstream wilderness can be created without injuring existing water rights and throwing the state water administration system into chaos. The water language in the legislation is designed specifically to protect Colorado's water in future designation of downstream areas.

It is therefore imperative to protect the integrity of Colorado's water law system specifically and clearly by requiring the federal government to apply under state water law for reasonable, quantifiable instream flow rights for wilderness areas. No express or implied federal wilderness reservations of water or water rights is allowed or necessary.

The avenue for obtaining water for this wilderness is available through Colorado law which provides for a state instream flow program, administered by the Colorado Water Conservation Board.

Designation of Piedra should not be delayed. Piedra has been thoroughly studied for years, and specific water language now has been carefully developed to enable downstream areas to be designated. A million acres of lower elevation BLM lands are now being studied for their wilderness suitability. Colorado needs the experience of designating an area like Piedra to be certain we know precisely how to protect the thousands of water rights involved in the downstream BLM wilderness designations to come.

General features: This area contains primarily unroaded, forested lands ranging in elevation from 6,800 to 10,500 acres. The landform is characterized by south-facing slopes deeply dissected by the Piedra River and its tributaries. A few isolated, plateau-like areas are scattered throughout.

Special features: The Piedra River provides outstanding white-water rafting and kayaking opportunities.

Legislative history: As a result of RARE II, Piedra was recommended suitable for wilderness designation. It was then designated a WSA by the 1980 Colorado Wilderness Act. This area is suitable for wilderness designation provided Colorado's water rights system is adequately protected. Further study would simply be a waste of scarce Forest Service resources.

Relation to other wilderness: There are 15 wildernesses with over 1.3 million acres within a 100 mile radius of the area.

Vegetation: Coniferous vegetation covers over 70% of the area with the Douglas fir type representing one half of the total. Spruce fir is second with 17%, and ponderosa pine with 3%. Aspen leads among deciduous species, covering 25% of the area. Only about 5% of the area is not timbered.

Wildlife: Principal wildlife includes elk, mule deer, black bear and mountain lion. South and west facing slopes are used by deer and elk as winter range, although the primary big game use of the area is for summer and fall ranges. An important migration corridor for elk and deer passes through the area. Other wildlife species such as cottontail rabbit, snowshoe hare, squirrels, pine and ground squirrels, badger, coyote, various weasels, pine marten, bobcat, band-tailed pigeon, and blue grouse are well represented within their respective habitat niches.

Fishing: The Piedra River and its major tributaries contain fair to excellent cold water fish habitat. Species present include cutthroat, brown, rainbow and brook trout. Periodic stocking is necessary to maintain fishable populations under present harvest pressure. This restocking would be prohibited within the wilderness segments of the river.

Threatened and endangered species: There are no known federally designated endangered species occupying the area. However, the river otter, on the State of Colorado's threatened and endangered species list, was introduced into the Piedra River in 1978. This appears to be successful.

Conflicts: Except for the major water issues involved, there are very few potential conflicts with wilderness designation. Some mineral rights and timber resources exists outside of the study area but are avoided by this designation.

Water: Water yield is estimated at 41,500 acre feet on an average annual basis of 1 acre foot/acre/year. All of this water drains into the Piedra River. The Piedra River is being studied for possible wild and scenic river designation. Water quality is considered good to excellent. A potential hydroelectric site exists in the First Box Canyon of the Piedra River and has the capacity of generating 40 million kilowatt hours annually. However, the Federal Energy Regulatory Commission has informed the Forest Service no plans exist for development of this site.

Minerals: Mineral activity is relatively low. There are no outstanding lease applications, or claims within the study area. The mineral estate to 640 acres near the Rocky Basin is owned by a private party, this area is not within the proposed wilderness.

Leases: None has been identified.

* Left in further study status.

Claims: None has been identified.

Timber: About 96% (40,018 acres) of the WSA is capable of timber production, 30% of which could be timbered due to degree of the slopes. Most of the trees are Douglas fir.

Grazing: About 70% of the WSA is grazed by cattle and recreation horses. Nine spring developments and 4 miles of drift fences are in the southern half of the area. Current grazing is 2,860 animal unit months per year on 5 different allotments—four cattle and one sheep.

Recreation: There are about 55 miles of trails in the WSA. Access to the WSA from the south is by the First Fork Road and First Notch Road, both of which come within ¼ mile of the boundary. Access through the north is by Piedra Road and Sand Creek Bench Road, both of which come within ⅛ mile of the boundary.

Other: All surface and mineral estates within the designated area are owned by the United States.

Acreage: 12,800 acres in the Further Planning Area.

Designation Recommendations:

Forest Service—unsuitable.

Armstrong 86—55,100.*

Wirth—24,160.†

Forest: Arapaho.

County: Grand.

Land area sq. miles—1,854.

Public land percent of total—68.

Forest Service land percent—48.

Location: In the central part of the state, about 70 miles west of Denver and a few miles southeast of Kremmling.

Recommendation: This area is unsuitable for wilderness designation, and is proposed to be designated as a National Recreation Area. The southern portion of the study area is an elongated narrow strip of land so close to major industry that it has no discernible wilderness characteristics. The northern portion, because it is contiguous to the Fraser Experimental Forest, makes wilderness management extremely difficult. In order to protect this ongoing experimentation, and to provide recreation opportunities close to the Denver metropolitan area, this study area is added to the Williams Fork proposal to make a large and unique area with varied recreation opportunities.

General features: The elevations of the study area range from 9,000 to 12,800 feet. About 60 percent of the area is forested, with the rest being grassland and rocky or barren areas.

Special features: The area borders the Fraser Experimental Forest.

Legislative history: The area was studied during RARE II, and has been in study status since then. The Forest Service found this area unsuitable for wilderness designation.

Relation to other wilderness: There are 8 existing wildernesses within a 50 mile radius of the study area, totaling 462,169 acres. The closest wilderness areas are Eagle's Nest Wilderness to the southwest and Indian Peak Wilderness to the northeast. The area is located near the Vasquez Peak and the Williams Fork Study Areas.

Vegetation: 7,400 acres or 60 percent is forested with spruce fir and some lodgepole pines. The rest consists of grasslands.

Wildlife: Big game species found in the area are similar to those found in the Vasquez Peak area. They include elk, mule deer, black bear and possibly mountain goat. Small game species include blue grouse, white-tailed ptarmigan, red squirrel and snowshoe hare.

Fishing: Kinney and Darling Creeks support a small population of brook trout. However, steep gradients and low summer flows limit the fish habitat.

Threatened and endangered species: None have been identified.

Conflicts: A right-of-way and two adjudicated water rights exist on the southern end of the study area. The close proximity to water developments, mining operations and a power line mandate the study area not be designated wilderness.

Water: Two adjudicated water rights exist. Water yield averages about 14,430 acre feet per year with good to excellent quality. Practically all water runs in to Williams Fork River via Keyser and Kinney Creeks.

Minerals: Only a small percent of the study area on the southern end has moderate to high potential for locatable minerals. Some exploration has taken place in the study area, mainly for hard rock minerals. About ¼ of the area (lands south and east of Darling Creek) has moderate to high potential for locatable minerals.

Leases: No oil or gas leases or lease applications.

Claims: No patented or unpatented claims exist.

Timber: About 7,400 acres or 60 percent is forested, predominantly with spruce-fir and some lodgepole pine. The majority of existing timber (81 percent) is of sawtimber size. 16 percent of total area is on slope of greater than 40 degrees.

Grazing: There is one sheep grazing allotment in the study area. All grazing takes place in the alpine zone, and current grazing use totals 210 animal unit months.

Recreation: The area offers recreational camping, hunting, fishing, nature study and horseback riding. There are about 23 miles of trails in the area. Regardless of designation, the area lends itself to non-motorized recreation. Access through the Fraser Experimental Forest may increase with designation.

Other: All of the lands area both surface and subsurface, belong to the United States.

SANGRE DE CRISTO

Acreage: 222,742 in a Wilderness Study Area.

Designation Recommendations:

Forest Service—190,500.

Armstrong—195,100.

Wirth—252,080.

Forest: San Isabel and Rio Grande Forests.

Country: Fremont/Custer/Huerfano/Alamosa/Saguache.

Fremont land area sq. miles—1,538.

Public land percent of total—44.

Forest Service land percent—2.

Custer land area sq. miles—740.

Public land percent of total—38.

Forest Service land percent—33.

Huerfano land area sq. miles—1,584.

Public land percent of total—21.

Forest Service land percent—14.

Alamosa land area sq. miles—719.

Public land percent of total—18.

Forest Service land percent—6.

Saguache land area sq. miles—3,167.

Public land percent of total—65.

Forest Service land percent—47.

Location: It is in the south-central part of the state, 120 miles southwest of Denver, 40 miles west of Walsenburg, and 10 miles south of Salida.

Recommendation: Most of the study area is proposed for wilderness designation. The boundary is carefully drawn to avoid most of the known existing private rights. The boundary protects the beauty of this majestic mountain range while allowing for appropriate and adequate management. The Rainbow Trail provides a manageable boundary on the eastern side. The trail will remain open for its historic and agreed upon motorized recreational use. The road to South Colony Lake and the surrounding area will not be included in the designation. This area contains three 14,000 foot peaks and is heavily used. If the area were designated wilderness a permit system would have to be developed to ensure solitude. Such a system would unfairly limit access to the area, which is very popular with mountain climbers. Two passes through the 70-mile Sangre de Cristo range are excluded from the wilderness—Hayden Pass and Medano Pass. In addition, the Cloverdale Basin is also excluded to the Continental Divide because of the large concentration of mining claims and 4WD roads. The south end of the study area around Blanca Peak has also been excluded because of a large number of conflicts, including inholdings, water rights, mining claims and the nationally known 4WD road to the summit of Blanca Peak. However, the area east of California Peak to the Ute Trail has been included. Though it is outside the study area, there appear to be no conflicts if the boundary skirts the water development in the upper reaches of the Huerfano River.

General features: This WSA includes the Sangre de Cristo Mountain Range, which is characterized by alpine vegetation along its crest and spruce and fir trees at lower elevations. Elevation ranges between 8,200 and 14,345 feet. The Sangre de Cristo range is over 70 miles long.

Special features: Five mountains, including Blanca, Little Bear, Crestone, Crestone Needle and Humbolt Peaks, exceed 14,000 feet in elevation. The Sangre de Cristo Mountains are highly visible—viewed primarily from the San Luis Valley and the Wet Mountain Valley.

Legislative history: The Sangres were recommended for wilderness designation as a result of the RARE II process. It was designated a WSA by the Colorado Wilderness Act of 1980, and was again recommended suitable for wilderness by the Forest Service.

Relation to other wilderness: There are 5 designated wilderness areas in the Rio Grande National Forest, encompassing 257,420 acres. The Sangres are near the wilderness areas of the Great Sand Dunes National Monument, administered by the National Park Service. It is within 65 air miles of the Lost Creek, South San Juan, La Garita, Mount Massive, Hunter-Fryingpan and Collegiate Peaks Wilderness Areas, which total over 512,000 acres.

Vegetation: Alpine vegetation occurs along the crest of the range with spruce fir, Douglas fir and ponderosa at lower elevations. Riparian area vegetation includes willows, sedges and grasses. A prairie grassland not found in other Colorado wildernesses is located on the west side of the range.

Wildlife: The Sangre de Cristo WSA provides winter range for deer, elk and bighorn sheep. Habitat acreages may overlap as 2 or all 3 species may use the same range. Deer use a total of 16,800 acres, elk use 11,500 acres and bighorn sheep use 27,800 acres. Other species that commonly occur are goshawk, and northern three-toed woodpecker.

*Proposed National Recreational Area, including Williams Fork.

†Includes Vasquez Peak Area.

Fishing: The area is used extensively for fishing.

Threatened and endangered species: None has been identified. However, about three miles of Cottonwood Creek have been identified as potential habitat for the greenback cutthroat trout, a federally listed endangered species. This portion of Cottonwood Creek is left out of wilderness so the opportunity to develop this habitat remains.

Conflicts: There are a variety of conflicts identified by the Forest Service and private individuals. In the study area, and proposed expansion of that area, the Forest Service reports 17 tracts of private land encompassing over 1,123 acres, 3 tracts of land on which mineral rights are reserved encompassing 907 acres, 3 developed 4WD roads, an extensive motorized recreation trail system, an oil and gas lease, easements for several irrigation ditches, mine access, a road right-of-way, and a dam and reservoir.

The Forest Service has also documented 30 adjudicated water rights, and 361 existing mining claims, an electronic station, and several established campsites and administrative buildings. These private rights are respected in the proposed designation. Other considerations include the ability of the Forest Service to manage wildlife habitat for the protection of the many animals in the area, and sufficient allowance for the development of trailheads and parking facilities for those traveling into the wilderness. There are also significant timber resources which would be forgone, including the use of the area by local residents for firewood and Christmas tree harvesting.

Water: The Forest Service has identified 30 adjudicated water rights in the area and the proposed expansion, and the Colorado River Water Conservancy District has documented 60 water rights in the area. The eastern portion of the WSA contains parts of 13 watersheds, all of which are tributaries of the Arkansas River. The western part of the WSA includes portions of 14 watersheds, which are all tributaries of the Rio Grande River. All streams are high quality water. Current water yield for the WSA is estimated at 79,000 acre feet per year, but through vegetation management above 9,000 feet, the yield can be increased to 86,400 acre feet per year. Several water improvements are located in the WSA.

Minerals: There is much past and present mining activity in the area, mostly concentrated north of Hayden Pass and between Mosca Pass and Blanca Peak. About 53% of the WSA has high or moderate potential for locatable minerals. The high potential occurs at the northwest end of the WSA. Only 5% of the area is considered unlikely to have any mineral potential. The area is believed to have oil and gas potential along both sides of the Continental Divide.

Leases: The Forest Service has one lease application pending, and several others have been documented totaling 102,300 acres.

Claims: Over 360 unpatented mining claims are present in the area. However, many have been avoided by this boundary.

Timber: Most of the WSA has been logged or had some timber cutting in the past. About 25% of the WSA is forest land capable of producing regulated timber products, but about 49% of this land is on slopes of 45 degrees or less. The mountain pine beetle has attacked the ponderosa pine, but is not as prevalent now as in past years. The western spruce budworm is active in Douglas fir/white fir stands throughout the WSA. Defoliation has been severe in some stands and could remain stable or increase in the near future.

Grazing: The WSA contains portions of 9 existing livestock allotments in the San Isabel Forest, with a permitted use of 1,037 animal unit months (AUM) per year. There is an additional 8,900 acres of potentially suitable range, with an estimated capacity of 5,350 AUM's per year. Several of the grazing permittees have expressed concern about their ability to exercise their rights if the area is designated, given the increasing pressure to move grazing off public lands.

Recreation: The expanse of the area allows for a variety of recreation opportunities to co-exist. Recreation in the area is substantial and varied, including big game hunting, backpacking, hiking, horsepacking, fishing, motorcycling, ATV riding, 4WD recreation, rockclimbing, and mountain climbing. Access is generally from Highway 50 on the northeast side. Major access points on the eastern slope are Hayden Creek Road, Lake Creek Campground, Hermit Lake Road, Alvarado Campground, Medano Pass Road and Mosca Pass Road. On the west side, the major access points are Hyden Pass Road, Crestone Creek, and the Medano Creek Road from Great Sand Dunes National Monument. Several 4-wheel drive roads penetrate the WSA a short distance. The Rainbow Trail, one of Colorado's most popular motorized recreation trails, parallels the eastern boundary from Music Pass to the north end of the WSA. In the early 1970's a long term management plan was agreed upon by all recreation enthusiasts in the area. The agreement left the Rainbow and several other trails open for motorized use. The Rainbow Trail is the site for several motorcycle events during the year, and is used by many tourists who visit the area. Many trails fork off the Rainbow Trail and provide access to the high mountain lakes, but most of these side trails are closed to motorized access.

SARVIS CREEK

Acreage: 39,860 of Further Planning Area.
Designation Recommendations:
Forest Service—39,860.
Armstrong—33,600.
Wirth—54,700.
Forest: Routt National Forest.
County: Routt
Land area sq. miles—2,367.
Public Land percent of total—44.
Forest Service land percent—39.

Location: In the northern part of the state, a few miles southeast of Steamboat Springs.

Recommendation: The Forest Service recommendations are proposed with slight modifications. The name of the wilderness is proposed to be Sarvis Creek to conform to long-term local custom. The recommended northern and western boundaries should be modified to avoid conflicts with the proposed ski development of the Catamount Resort, several water rights, and privately owned mineral rights. The southern boundary should be moved to the north side of Silver Creek to allow continued use of the popular Silver Creek bike trail and to avoid water rights and parcels of private property. However, these acreage reductions can be compensated to some extent by expanding the eastern boundary beyond the study area where there are no wilderness conflicts.

General features: The area is characterized by broad, smooth slopes with spruce fir, lodgepole pine and aspen vegetation. The area is dissected by three major drainages which exit the area on the west. Elevation ranges from 7,000 to 10,700 feet.

Special features: Sarvis Creek is the only lower elevation forested area proposed for wilderness. The area does not possess unique scenic value: it lacks prominent high points and the landforms and vegetation patterns are common in adjacent areas. But its designation would preserve a lower elevation area and provide balance to the wilderness system.

Legislative history: This area was proposed to remain in non-wilderness status by RARE I, but the Administration determined the area needed more study and placed it in further study status. The area was extensively studied, and the Forest Service considers it suitable for wilderness.

Relation to other wilderness: The Routt National Forest presently contains 187,029 acres of designated wilderness. This accounts for 14 percent of the Forest, and is distributed among the Mt. Zirkel Wilderness and portions of the Flat Tops, Neota, Never Summer, and Rawah Wildernesses. There are 8 designated wilderness areas within a 50 mile radius of the area totaling 496,116 acres.

Vegetation: The area has Douglas fir, which is unusual in northern Colorado. Lodgepole pine is predominant and substantial spruce fir exists. There is a large area of dead spruce (spruce bark beetle kill about 40 years ago). The remainder of the area is grasslands, mountain shrub and some sagebrush.

Wildlife: Big game species found within the area include elk, mule deer and black bear. The area is important spring, summer and fall range for elk. Numerous species of both small game and non-game animals are present. Opportunities to enhance vegetation to improve the elk winter range would be lost if the area is designated.

Fishing: Brook trout are found in nearly all the streams. Rainbow trout are occasionally in the lower reaches of the larger creeks. Opportunities to enhance fisheries habitat would be foregone with designation.

Threatened and endangered species: None has been identified in the area.

Conflicts: Many of the known mineral, water and private right conflicts in the study area are avoided with slight boundary modifications. Access rights-of-way owned in the northern part of the area for ditch repair and maintenance and for the Walton Peak Communications Site and mineral rights in three parcels totaling 480 acres are avoided. However, the pre-existing Hubbard life estate in the center of the wilderness area cannot be excluded and these private rights are protected by exemptive language in the legislation.

Water: Sixteen adjudicated water rights exist within the proposed area. All are avoided with slight boundary modifications. The water yield of the area is about 44,200 acre feet per year, with excellent quality. All the water from the area drains into the Yampa River. The FPA has a series of municipal water or power projects proposed within its boundaries and one trans-basin diversion out of one watershed immediately above the FPA. The Sarvis Ditch diverts an adjudicated 43 cfs from upper Service Creek to Muddy Creek. The Forest Service has two current water uses totaling 10.4 acre-feet and seven foreseeable uses totaling 2.7 acre feet for livestock within the FPA. Downstream uses of the water include livestock, recreation, fisheries, municipal, industrial, agricultural, and energy development.

Minerals: The potential for all minerals is low in the FPA, although considerable mining activity has occurred north and south of the study area. The area encompasses no mining districts. The mineral

estate to 480 acres is owned by a private party.

Leases: None has been identified.

Claims: None has been identified.

Timber: Approximately 82% or 31,774 acres are forested, with lodgepole pine predominant and substantial spruce fir. About 78% of the FPA is in sawtimber size trees. Another 20% is a large area of dead spruce (spruce bark beetle kill about 40 years ago). The remainder of the area is grasslands, mountain shrub and some sagebrush. There is an estimated timber volume of 339.1 million board feet in the area.

Grazing: A very small number of cattle use the southern edge of the FPA and there is a Service Creek sheep allotment which has been waived by the permittee. At the present time, there are no plans or requests to stock the allotment. Range condition is considered good. Current grazing use is approximately 102 animal unit months per year. Few range developments are within the FPA, but include a sheep bridge over Service Creek, several short drift fences and spring developments.

Recreation: Steamboat Springs Area recreation has increased. The Stagecoach Reservoir and subsequent recreational development also may increase recreation in the Wilderness area. Motorized vehicle use is already restricted in the proposed area, but mountain bike use is becoming very popular. The Service Creek trail is touted as one of the most unique experiences in the state. Hunting and fishing exists, although current use is relatively light. There are approximately 21 miles of trails.

SOUTH SAN JUAN EXPANSIONS MONTEZUMA PEAK AND V-ROCK

Acreage: 32,800 acres in two wilderness study areas—Montezuma Peak: 13,000 acres; V-Rock: 19,800 acres.

Designation Recommendations:

Forest Service—unsuitable.

Armstrong—10,800.

Wirth—32,800.

Forest: San Juan.

County: Montezuma Peak—Rio Grande/Archuleta/Mineral/Conejos V-Rock—Archuleta/Conejos.

Rio Grande land area sq. miles—913.

Public land percent of total—57.

Forest Service land percent—48.

Archuleta land area sq. miles—1,353.

Public land percent of total—51.

Forest Service land percent—49.

Mineral land area sq. miles—887.

Public land percent of total—94.

Forest Service land percent—94.

Conejos land area sq. miles—1,227.

Public land percent of total—59.

Forest Service land percent—35.

Location: Composed of two separate areas in the southwestern part of Colorado, one adjoining the north and the other adjoining the south side of the South San Juan Wilderness Area. The area lies about 20 miles east of Pagosa Springs and is entirely to the west of the Continental Divide.

Recommendation:

Montezuma Peak: Although the Forest Service, after extensive study, considers this area unsuitable for wilderness, about half of the Montezuma Peak area is proposed for designation while avoiding the known mineral potential and existing mining claims.

V-Rock: A portion of the V-Rock area is also proposed for designation. To avoid existing water rights, mineral potential, and several excellent motorized vehicle trails, the southern part of the area is excluded. These additions will nicely complete the current San Juan Wilderness.

General features: Both areas contain primarily unroaded, mountainous lands ranging in elevation between 8,200 and over 13,000 feet. However, each area is unique.

Montezuma Peak: This area is characterized by rugged glacial terrain. Alpine tundra dominates the steep mountain slopes, and fingers of subalpine forest extend up the U-shaped valleys.

V-Rock: The landform is typical of alpine areas in the southern Rocky Mountains, with outstanding alpine scenery, varied topography and high vegetative diversity.

Special features: The Colorado Division of Wildlife, the Forest Service and the U.S. Fish and Wildlife Service conducted a cooperative study for the presence of grizzly bear. However, the results showed little. Some sign was observed in 1980, but it was considered to be 2 to 4 years old at the time. Moreover, these areas are generally adjacent to areas heavily affected by man and, consequently, it is unlikely a grizzly population could ever be re-established.

Legislative history: Both these areas were studied under RARE I and RARE II, but were not recommended for designation either time. Congress designated them as WSAs with the 1980 Colorado Wilderness Act. The Forest Service considers both these areas unsuitable for wilderness designation.

Relation to other wilderness: There are 19 other wildernesses, totaling almost 1,670,000 acres, within a 100-mile radius of these areas. These include the South San Juan Wilderness running between the two areas, and the huge Weminuche Wilderness to the northeast.

Vegetation: Both areas contain spruce, fir and some aspen trees, as well as alpine grassland vegetation.

Wildlife: Big game species within the areas include elk, mule deer, bighorn sheep, black bear and mountain lion. The primary use of the areas by bighorn sheep is for summer and fall range. Other wildlife species such as cottontail rabbit, snowshoe hare, pine and ground squirrels, badgers, coyote, weasels, pine marten, bobcat, band-tailed pigeon, and blue grouse are well represented within their respected habitat niches.

Fishing: Five species are present including cutthroat, rainbow and brook trout. Periodic stocking has been necessary to maintain fishable populations under present harvest regulations. This stocking would be prohibited in areas designated wilderness.

Threatened and endangered species: No federally-designated species has been identified in either area. However, there is some acceptable habitat for wolverine, although no sightings have been confirmed. The wolverine is on the Colorado list of endangered species.

Conflicts:

Montezuma Peak: Approximately 10 acres of private land and 120 unpatended mining claims exist, but have been avoided. The western boundary borders the East Fork Ski Area, but this will not be impacted.

V-Rock: This area contains adjudicated water rights, several grazing permits and a developed motorized trail system. All have been avoided.

Water: Some adjudicated water rights have been identified, but are avoided by the proposed boundaries. The water yield is estimated at 49,355 acre-feet per year. Water from Montezuma Peak flows into the east fork of the San Juan River via Quartz Creek, Lost Creek, Bear Creek and Elwood Creek. The northern ¾ths of of V-Rock drains northward into the Rio Blanco River via Fish Creek, South Creek, Castle Creek and Leche Creek. The southern quarter is drained by the little Navajo River. Maximum potential water yield increases could result from clearcutting 20 percent of the accessible spruce-fir and aspen stands and maintaining snowfences in 25 percent of the alpine area.

Minerals:

Montezuma Peak: About 12,081 acres (36.9 percent) of this area has high to moderate potential for locatable minerals. There has been active exploration by several companies. 120 mining claims exist, but most are avoided by the proposed boundary. The Bureau of Mines notes that exploration of molybdenum deposits (with associated base, and precious metals, indium and gallium) would be lost if the northern portion of the area were to be designated.

V-Rock: About 15,632 acres (47.7 percent) of V-Rock has high to moderate potential for leasable minerals. Seismic exploration and oil and gas production have occurred close to the boundary of V-Rock. The area is considered to have low or no potential for geothermal, uranium, coal or natural gas.

Leases: Several leases exist.

Claims: Approximately 120 unpatented claims exist.

Timber: About 22,131 acres (67 percent) of the areas are classified capable of production. The predominant timber type is spruce-fir, covering 69 percent of the capable forest land.

Montezuma Peak: About 65 percent of capable forest occurs in slopes greater than 60 degrees, making harvest opportunities difficult.

V-Rock: About 54 percent of the timber in this area occurs on slopes less than 30 degrees. Considerable timber activity and roads exist to the west and south of V-Rock.

Grazing: Cattle and recreation horses graze about 30 percent of the areas. Current grazing totals about 1,500 animal unit months annually.

Montezuma Peak: Grazing takes place on portions of 2 allotments, one sheep and one cattle.

V-Rock: Grazing could take place on portions of 7 allotments, one is a vacant sheep allotments. The other 6 are cattle. Three relatively small livestock water developments and about 10 miles of allotment boundary and drift fences exist in the area.

Recreation: Recreation activities include big game hunting, hiking, horseback riding, camping, viewing scenery, nature study and cross-country skiing. There is limited motorcycle riding on some of the trails, but because of the steepness of much of these areas, those are few. There are 35 miles of trail in these areas.

Montezuma Peak: The Quartz Creek Trail borders the western edge of the area, then traverses through the WSA to its junction with the Continental Divide Trail. The Continental Divide Trail itself borders the eastern edge of the area.

V-Rock: Several trails traverse into and out of the V-Rock area, including Fish Creek Trail, Leche Creek Trail, Navajo Peak Trail and V-Rock Trail. Access to this area is provided by the Buckles Lake Road and the Castle Creek Road.

SPANISH PEAKS

Acreage: 19,570 in the Wilderness Study Area.

Designation Recommendations:

Forest Service—unsuitable.

Armstrong—18,400 (proposed National Recreational Area).
Wirth—19,570.
Forest: San Isabel.
County: Huerfano and Las Animas.
Huerfano County land area sq. miles—1,584.
Public land percent of total—21.
Forest Service land percent—14.
Las Animas County land area sq. miles—4,771.
Public land percent of total—10.
Forest Service land percent—.7.

Location: This WSA is in the southern part of the state, 160 miles south of Denver and 20 miles southwest of Walsenburg.

Recommendation: This area is unsuitable for wilderness designation, but is proposed to be designated as a National Recreation Area. The area if filled with private inholdings. Opportunities for solitude are only moderate, and opportunities for unconfirmed recreation are limited. The area's small size prohibits extended camping trips. The boundary of the WSA was determined by roads, land ownership and past nonconforming uses rather than geographic features. The absence of natural features and barriers would make the area difficult to manage as wilderness. Exercise of existing private rights would result in road-building or mine development. Attempts to eliminate the private inholdings through boundary modifications would substantially degrade the already marginal wilderness character and suitability. The area has already been designated a National Natural Landmark which protects the unique natural characteristics of the dikes that radiate outward from the peaks. National Recreation Area designation will give the area a special protection without trammeling the rights of private property owners. The area is ideally located to provide outdoor recreation to the nearby population of vacation and permanent residents and will attract growing numbers of hikers and backpackers. Trail development and maintenance to serve these needs can be carried out much more effectively in a Recreation Area.

General features: The area is characterized by steep slopes and varied vegetation. Elevation ranges between 8,400 and 13,683 feet. West Spanish Peak is 13,626 feet and East Spanish Peak is slightly higher at 13,683 feet.

Special features: The prominent feature aside from the peaks are the unique system of dikes radiating outward from the peaks. The dikes form spectacular free standing walls from 1 to 100 feet high and extend up to 14 miles, many of which are outside the designated area. The peaks and surrounding area were approved for inclusion in the National Registry of Natural Landmarks in January 1977 for protection of their unique character.

Legislative history: The area was recommended for inclusion in the Wilderness Preservation System as a result of RARE II. It was designated a WSA by the Colorado Wilderness Act of 1980, and after extensive study was determined unsuitable for designation by the Forest Service.

Relation to other wilderness: There are 5 designated wilderness areas partly or entirely in the San Isabel Forest system, totalling 257,420 acres. There is only one wilderness area nearby, that part of the Great Sand Dunes National Monument designated as wilderness. However, the Greenhorn Mountain and Sangre de Cristo study areas are in close proximity to Spanish Peaks.

Vegetation: About 73% of the WSA is forested and includes pinon pine and Gambel oak at lower elevations, ponderosa pine and Douglas fir at mid-elevations, and Englemann spruce, white fir and bristlecone pine at the higher elevations. The area also contains grasslands, alpine vegetation and oakbrush. Vegetation management is necessary to help reduce insect and disease occurrence and to improve and maintain wildlife habitat.

Wildlife: The area contains over 2,500 acres of deer winter range and over 1,000 acres of bighorn sheep winter range. Wildlife species that commonly occur are pine marten, elk, mule deer and northern three-toed woodpecker.

Threatened and endangered species: No threatened or endangered species have been identified.

Conflicts: The WSA contains 870 acres of private land. They occur in 5 tracts plus several patented mining claims. One is currently used for a dude ranch and contains a log cabin, stable and picnic facilities. Another tract is used as a part of a cattle operation and has 4-wheel drive roads for salting cattle. Oil, gas and mineral rights are reserved on approximately 420 acres in the area. Some of those rights are owned by the state.

Water: Seven adjudicated water rights exist in the study area, all of which are avoided by the National Recreation Area proposal. The Cucharas Water and Sanitation District has an immediate need to develop water supply facilities on White Creek and the area is excluded by the Armstrong legislation. The WSA straddles two watersheds, the Spanish Peaks and Apishapa watersheds. Water is of high quality and the current annual water yield is 8,820 acre-feet, with a potential increase to about 9,740 acre-feet through vegetation manipulation above 9,000 feet.

Minerals: The WSA has several old mines within its boundaries. Coal deposits have been identified next to the southeastern boundary of the WSA. About 90% of the area has a high or moderate potential for locatable minerals, and approximately 93% has high to moderate potential for leasable minerals. Any coal within the WSA would be found several thousand feet deep and has little likelihood of development.

Leases: There are no current leases, but there are pending oil and gas lease applications on about 15,170 acres (78%) of the WSA.

Claims: 10 unpatented mining claims exists.

Timber: About 73% of the WSA is forested. 65% of the forest is capable of producing regulated timber products, but only 31% is on slopes less than 45 degrees. Little of the area has been logged in the past. The WSA has an annual allowable sale quantity of 1.765 million board feet from suitable lands. The growing stock volume, on suitable lands within the WSA, is about 60.5 million board feet. About 9,600 acres are not suited for timber production because of steep slopes and low timber volume per acre.

Grazing: The Spanish Peaks WSA contains portions of 2 livestock allotments with a permitted use of about 138 animal unit months (AUM's) per year. Additional range in the WSA has the potential of increasing that by 151 AUM's to 289 AUM's.

Recreation: The area is very popular for hikers and backpackers. There are about 18 miles of trails providing access in the WSA to the area and to the peaks. Roads provide access to the Bull's Eye Mine on the north side and jeep access to private lands tracts on the west. The area, however, is generally managed for non-motorized recreation. The Forest Service has plans to develop a loop trail around the two peaks to increase access to the area. This could increase the number of visitors, but make opportunities for wilderness solitude difficult.

Other: This small WSA is exposed on all sides to population growth, development and semi-urban influences which detract from its wild character.

SPRUCE CREEK

Acreage: 8,000 acres in the Wilderness Study Area.
Designation recommendations:
Forest Service—8,000.
Armstrong—8,000.
Wirth—8,000.
Forest: White River.
County: Pitkin.
Land area sq. miles—968.
Public land percent of total—83.
Forest Service land percent—79.

Location: In northeastern Pitkin County about 9.5 miles northeast of Aspen.

Recommendation: The Forest Service boundaries are proposed to be designated with minor modifications on the northeastern corner to avoid existing private property rights, and portions of a 4WD road used to access the Hunter-Frying Pan Wilderness. These slight modifications would remove very few acres from designated wilderness, and allow local residents continuation of their historical use of a jeep trail; they would also protect the rights of a property owner.

General features: This area is composed of a diverse physical environment. Elevations range from 9,200 to 12,000 feet above sea level and include both alpine and montane life zones. The Spruce Creek drainage consists of a northwesterly facing slope, while the Upper Woody Creek drainage contains both north and south facing slopes.

Legislative history: In 1978, Congress enacted the Hunter-Fryingpan Wilderness and directed the Secretary of Agriculture to study the 8,000 acre Spruce Creek addition for designation. This area was determined suitable for wilderness designation by the Forest Service.

Relation to other wilderness: Many current wilderness areas are in the immediate vicinity. Within a 15 mile radius of the WSA there are 876 square miles of wilderness, or 560,410 acres. They include the Hunter-Fryingpan (74,450), Maroon Bells-Snowmass (174,060), Holy Cross (126,000), Mt. Massive (26,000), and Collegiate Peaks (159,900).

Vegetation: The area contains a limited mix of vegetation types. The dominant ones are Engelmann spruce, subalpine fir and lodgepole pine. There are also small areas of aspen as well as areas of riparian vegetation in the valley bottoms and around the wet areas. Approximately 80% of the land is forested. The non-forested part of the area consists of sub-alpine vegetation and rock outcrops.

Wildlife: Wildlife in the area consist of those species commonly associated with mature spruce-fir and lodgepole pine forests such as goshawks, red-backed voles, snowshoe hares, chichadees and pine marten. Deer and elk occur throughout all habitat types during the summer and fall. The area is used as a migration corridor for big game migrating between summer and winter ranges.

Fishing: Cutthroat trout are found in the lower reaches of Spruce Creek.

Threatened and endangered species: There are no known federally listed, threat-

ened or endangered species within the area. The wolverine and lynx, both on the Colorado list of threatened species have been reported, although sightings have not been confirmed.

Conflicts: Very few conflicts exist in the area. However, mineral rights are owned by a private party near Mt. Yeck. Several 4WD and jeep roads are located in that area as well; fortunately, all of these conflicts have been easily avoided with very modest boundary modifications.

Waters: No water rights exist in the area. There are no known diversions or substantial consumption of water in the area. Additionally, there is no indication of demand for future water developments for downstream users. The area of land lying upstream from the proposed wilderness is on a steep slope with low potential for water development.

Minerals: A mineral survey by the Bureau of Mines and US Geological Survey reported that Spruce Creek has low potential for mineral deposits. Past mining activity has been negligible. Only one small mine, which is no longer active, exists.

Leases: None has been identified.

Claims: None has been identified.

Timber: About 5,200 acres of the area are suitable for timbering. The rest of the area is considered unsuitable because of the wetness and steep slopes which cannot be harvested using conventional methods. The potential average annual sale quantity is between 2.0 and 2.5 million board feet.

Grazing: Grazing is currently limited to use by recreation livestock, and regardless of the area's designation, this can be expected to increase slightly in the future.

Recreation: The area is used for access to the Hunter-Frying Pan wilderness. Some of the area has been used for motorized recreation in the past.

VASQUEZ PEAK

Acreage: 12,800 acres in Wilderness Study Area.

Designation recommendations:

Forest Service—12,800.

Armstrong—11,300.

Wirth—24,160* (includes St. Louis Peak area).

Forest: Arapaho.

County: Grand.

Land area sq. miles—1,854.

Public land percent of total—68.

Forest Service land percent—48.

Location: In central Colorado, about 2 miles south of Winter Park Ski Area and four miles south of Fraser. The area is about a 2 hour drive from the Denver metropolitan area.

Recommendation: The Forest Service recommendation is proposed with a few minor adjustments to protect existing water rights, and to protect the rights of Berthoud Pass and Winter Park Ski Areas' expansion. The proximity to the Fraser Experimental Forest should be recognized. In order to protect this ongoing experimentation, administrative flexibility is given to the Forest Service to treat for disease and beetle kill, and take active steps to fight fires when necessary. In addition, the right to tunnel under the wilderness area and to carry out maintenance and repair is protected.

General features: The WSA lies on the western edge of the Front Range. Alpine meadow vegetation covers over half the area. The elevation in the WSA ranges from 8,600 to 12,000 feet.

Special features: The most striking feature of the area is the deeply dissected, steep-sided valley formed by Vasquez Creek. Vasquez Peak is visible from some areas within the WSA as well as Winter Park Ski Area. The area is adjacent to the Fraser Experimental Forest.

Legislative history: The area was evaluated under RARE II and allocated to further planning. The 1980 Colorado Wilderness Act designated to the area a WSA. The area is considered suitable for wilderness by the Forest Service.

Relation to other wilderness: There are 9 existing Wilderness areas within a 50-mile radius, totaling 524,200 acres. The closest of these areas are Indian Peaks to the north, Eagle's Nest to the southwest and Mt. Evans to the southeast.

Vegetation: About a third of the area, 3,995 acres, is spruce fir, with grasslands making up the majority of the remaining area.

Wildlife: Big game species found within the area include elk, mule deer, black bear and mountain goat. Small game species in the area include blue grouse, white-tailed ptarmigan, red squirrel and snowshoe hare. Various songbirds, raptors, small mammals, and furbearers are also present.

Fishing: Numerous opportunities exist.

Threatened and endangered species: None has been identified.

Conflicts: Private easements for tunnels and irrigation ditches exist within the area, and will not be compromised due to wilderness designation. The Berthoud Pass and Winter Park Ski Areas' proposed expansion areas are avoided with small boundary modifications. There are two existing water rights which are also avoided with slight boundary modifications.

Water: Two adjudicated water rights exist in the proposed area. Water yield averages 18,700 acre-feet per year, most of which flows into Vasquez Creek. Water quality is excellent. An existing tunnel, which is part of a Denver Water Board transmountain diversion, passes under the WSA. Even though the portals of the tunnel are outside the WSA, the right to essential maintenance of the tunnel must be assured.

Minerals: A portion of the WSA has a moderate to high potential for locatable minerals. The potential for leasable minerals, however, is low over the entire area. The WSA lies close to areas of considerable exploration and development, especially to the south and east. In those areas, deposits of lead, zinc, silver, copper, and molybdenum are known to occur. The Berthoud Pass fault zone which extends into the eastern part of the WSA may also contain vein-type uranium.

Leases: None has been identified.

Claims: None has been identified.

Timber: About ⅓ of the area is considered tentatively suitable for timber production, with spruce fir the predominant timber. 80 percent of the area is sawtimber size trees.

Grazing: Current grazing use is very light, only 9 animal unit months. There are portions of 3 sheep allotments on the WSA. Two are vacant with no plans to stock them. The one that is stocked involves only a small part of the area.

Recreation: There are 14 miles of trails in the WSA. A variety of recreational opportunities exists, including camping, hunting, horseback riding, hiking and limited fishing. There is an old road about 7 miles long between the Vasquez Tunnel and Vasquez Pass, which has been used by 4-wheel drive vehicles and motorcycles. Access to the WSA is from the north via the Vasquez Tunnel Road No. 148, which leaves U.S. 40 at Winter Park. On the eastern boundary, U.S. 40 parallels the WSA at a distance of about ½ mile, but there are no trailheads and the terrain is steep. Most of the area is not accessible to motor vehicles and current motorized use is minimal. Also, the base of Winter Park Ski Area is less than 2 miles NE of the WSA boundary. When the permitted expansion of the ski area is undertaken, the boundaries of it will be immediately adjacent to the WSA.

Other: All land is owned by the United States.

WEMINUCHE WILDERNESS ADDITIONS, WEMINUCHE CONTIGUOUS, WHITEHEAD GULCH, NEEDLE CREEK AND WEST NEEDLE

Acreage: 33,660 in the Wilderness Study Areas.

Designation recommendations:

Forest Service—28,744.

Armstrong—23,975

Wirth—33,000 (includes 2,240 acres in Purgatory Flats Study Area which is left in study status).

Forest: San Juan.

County: San Juan/La Plata.

San Juan land area sq. miles—388.

Public land percent of total—87.

Forest Service land percent—70.

La Plata land area sq. miles—1,692.

Public land percent of total—40.

Forest Service land percent—37.

Location: In southwestern Colorado, between Durango and Silverton, it adjoins the western boundary of the existing Weminuche Wilderness Area.

Recommendation: All of the Weminuche Wilderness Addition Study Area is proposed to be designated with the exception of a minor boundary change in the eastern portion to exclude mining claims. The proposed northern boundary goes beyond the study area for a short distance near Andrews Lake to achieve a more manageable boundary. However, any further extensions of the area northward would infringe on a major powerline corridor. The Needle Creek area is designated only as far south as Webb Lake to prevent inclusion of a 20 acre inholding. Only the southernmost section of Whitehead Gulch, which encompasses Mount Garfield, is included in the designation due to the large number of mining claims which exist in the rest of the area. All of the Weminuche Contiguous Area recommended suitable is included in the proposed designation.

General features: Elevation in the WSA ranges from 8,000 to 13,000 feet. The area is marked by pointed peaks, cirque basins, jagged cliffs and glacial remnants. About 60% of the WSA has particularly notable examples of these features.

Legislative history: These areas were studied as part of RARE I and RARE II. As a result of RARE II, the portions were recommended to Congress for inclusion in the wilderness system. However, Congress formally established them as WSA in 1980. The Forest Service has determined that portions of these areas are suitable for wilderness designation.

Relation to other wilderness: There are 13 wilderness areas with over 1.3 million acres within a 100-mile radius of the WSA, including Mt. Sneffels and Weminuche Wildernesses.

Vegetation: Much of the WSA is relatively devoid of vegetation due to the ruggedness of the terrain. Some Engelemann spruce and subalpine fir types cover about 40% of the area. The rest of the area is mostly grassland and rock.

Wildlife: Big game species include mule deer, Rocky Mountain bighorn sheep, black bear, and possibly mountain lion. All big game species primarily use the area as spring, summer, and fall habitat. Mountain goats and bighorn sheep make limited use of the area during the winter months. Although acceptable wolverine habitat is present, no wolverines are known to live in the area. Small game species include snowshoe hare, blue grouse and white-tailed ptarmigan. Numerous song birds, raptors, and mammals normally found in coniferous forests and subalpine and alpine regions of Colorado also inhabit the area.

Fishing: Cutthroat, rainbow, and brook trout are found in several lakes and streams within the WSA. Very limited natural reproduction occurs in streams. Stream populations are sustained through periodic restocking by the Colorado Division of Wildlife. This wildlife manipulation is forgone in designated wilderness areas.

Threatened and endangered species: None has been identified.

Conflicts: Approximately 700 acres of private land exist in the area. Many mining claims also exist within the area. Most of the conflicts with these private rights are eliminated with slight boundary modifications that also preserve the integrity of the wilderness characteristics. However, there is a 640-acre section of Colorado state land in the middle of the Weminuche Addition which is included in the designated area. There is a projected powerline corridor in the Molas Pass area that is not infringed upon.

Water: Water yield is estimated at 33,000 acre feet per year. The eastern part of the WSA drains into the Animas River via several short, steep drainages. Molas Creek, along the eastern part, is the only perennial stream. The western part of the WSA is drained by tributaries to Lime Creek. The water quality is high and no existing or proposed impoundments, irrigation reservoirs or distribution systems are located in the WSA, and no decreed water rights exist, according to Colorado Water Resource Division records.

Minerals: Despite the high number of claims, there has been no recent exploration activities. However, a portion of the WSA borders an active uranium mine, and 31 of the mining claims lie north of Molas Creek. About 94% of the area had moderate to high mineral potential. However, the U.S. Bureau of Mines found only minor base and precious metal values, which do not indicate the presence of mineral resources. Exxon has identified a potentially large uranium deposit at the Elk Park Mine on the WSA's boundary, which could be projected laterally into the study area. Drilling within the WSA would be required to determine depth, extent and ore grade.

Leases: No applications or existing leases.

Claims: The Forest Service has documented 44 unpatented mining claims.

Timber: Only 19% of the area (3,808) is classified as capable for timber production, most of which is spruce fir.

Grazing: Domestic sheep grazing is authorized on ⅔ of the WSA. Due to the steepness of the terrain, almost 30% of the authorized area is not grazed. Current annual grazing use on the WSA is about 590 animal unit months annually. On the WSA are portions of 3 sheep allotments, 2 are extensively managed and one is currently managed for recreation horses and big game.

Recreation: Most of the recreation opportunities in the areas are semi-primitive and non-motorized. However, snowmobiling, mountain biking and motorcycling use occurs on trails. This activity is especially important to the residents of San Juan and San Luis counties. A balance between the non-motorized and motorized recreation needs is achieved with the proposed boundaries.

Other: The Durango-Silverton Narrow Gauge railroad runs along the Animas River. Adequate access for general maintenance and repair for this important tourist-drawing activity is maintained by the boundary.

WHEELER GEOLOGIC

Acreage: 11,390 acres in the Wilderness Study Area.

Designation recommendations:

Forest Service—unsuitable.

Armstrong—15,900.

Wirth—25,000.

Forest: Rio Grande National Forest.

County: Mineral/Saguache.

Mineral land area sq. miles—3,309.

Public land percent total—94.

Forest Service land percent—94.

Saguache land area sq. miles—3,167.

Public land percent of total—65.

Forest Service land percent—47.

Location: In the southwestern part of the state, within the Upper Rio Grande River drainage on the western slope of the La Garita Mountains and adjacent to the La Garita Wilderness Area. The WSA is about 6 miles northeast of Creede.

Recommendation: Although the Forest Service recommended against designation, a substantial portion of the area is proposed to be designated as wilderness to provide additional protection to the geological area. The wilderness proposal is expanded to the east of the study area to follow the jeep road for a more logical boundary, and expanded to the west of the study area to protect the fragile tundra from motorized access. The portion of the study area excluded from wilderness designation is the SE portion above West Bellows Creek Canyon which contains the 4WD access to the geologic formations. The access road must be excluded from wilderness designation if access to the Wheeler formations is to be maintained for families, the elderly and handicapped individuals.

General features: The area is part of the La Garita Mountain Range. The spectacular badlands in Rat Creek Tuff are perched in, on and amidst tuffs, flow and breccias of the La Garita caldera. The eroded volcanic ash formations stand out starkly against the surrounding forest and sky. The area south of the formation is separated by the deep, red-walled canyons of East Bellows Creek and West Bellows Creek.

Special features: The Wheeler Geologic formations are the main attraction in the study area. Named in honor of Captain George M. Wheeler, who conducted geological surveys of Colorado between 1873 and 1884, the "Wheeler Geologic Area" gained national recognition in 1908, when it was designated a National Monument by President Theodore Roosevelt. In 1933, jurisdiction was transferred from the Forest Service to the Park Service. The Park Service, after developing criteria on what areas belong in the "National Park System," recommended the lands be returned to the National Forest because of difficulties in administering and developing the Monument due to its small size, isolation from other components of the Park system, and the lack of funds. Wheeler National Monument status was abolished in 1945 and the area returned to the Forest Service for management. In 1960, the Forest Service concluded special protection measures were necessary for the fragile geologic formation, and in July 1962, withdrew a 640-acre tract from mineral prospecting, location, or purchase. The area is protected as a National Geological and Scenic Area.

Legislative history: The 1964 Wilderness Act created the La Garita Wilderness just north of Wheeler. Public concern for protection of Wheeler resulted in several proposals for expansion of the La Garita Wilderness. The area was evaluated under RARE I but not recommended for wilderness. The area was also studied under RARE II and recommended unsuitable for wilderness. However, the Carter Administration recommended the area for wilderness designation. The area was designated a WSA by the 1980 Colorado Wilderness Act, and after further study was still considered unsuitable for designation by the Forest Service.

Relation to other wilderness: Prior to 1980, 7 wilderness areas lay within a 100-mile radius of the Wheeler Geologic Study Area—totalling 645,987 acres. Two areas were within the National Park System and the remaining areas were on National Forest System lands. The 1980 Colorado Wilderness Act added 7 new wildernesses and enlarged four existing wildernesses within the 100-mile radius, amounting to a total of 1,594,566 acres within 100 miles of the WSA. Moreover, there are twenty wildernesses encompassing a total of 2,298,550 acres within a 150-mile radius of the Area.

Vegetation: Dominant tree species are Engelmann spruce and subalpine fir. Most timber stands range in age from 150 to 250 years. About 20% of the area contains timberlands considered suitable for harvest.

Wildlife: Big game species within the area include elk, mule deer, and black bear. The area receives moderate hunting pressure. Small-game species occupying the area include blue grouse, cottontail rabbit and snowshoe hare. Various birds, small mammals and furbearers are found in the area. Other species that might be observed include yellow-bellied marmot, pine marten, pika, golden eagle, goshawk and prairie falcon.

Fishing: Fishing opportunities are varied.

Threatened and endangered species: No threatened or endangered species have been identified. However, the cliffs along East and West Bellows Creek may provide habitat for the peregrine falcon, an endangered species. Introduction of these species would be forgone with wilderness designation. Also, the drainages in the area have been identified as possible release sites for the river otter, a species listed as endangered by the State of Colorado. Again, this type of wildlife manipulation would be forgone because of wilderness designation.

Conflicts: The study area, with the exception of 4WD access to the Wheeler formations, is devoid of most conflicts, making this area suitable for wilderness designation. The mechanized and motorized access to the formations can be maintained with slight boundary modifications. Trail #787 to Halfmoon Pass is used for motorized access to the La Garita Wilderness. This historic motorized use would be eliminated by designation of the entire wilderness study area. Four adjudicated water rights outside the study area are avoided by this proposal.

Water: The WSA drains into East and West Bellows Creeks, which later flow into the Rio Grande near Wagon Wheel Gap. The area produces about 11,000 acre feet of

water per year, used downstream for irrigation, livestock, recreation and wildlife. Maximum potential water yield increase would result from patch cutting ⅓ of all timber stands and constructing snow fences on 70% of the alpine, high grass and old burn areas, resulting in an increased water yield of about 1,370 acre feet per year. This increased water yield would be forgone if the area is designated wilderness.

Minerals: Geologic studies by the US Geological Survey and the Colorado Metal Mining Fund Board show metallic ore deposits in the San Juan Mountains in the Creede Mining District immediately to the west of the Wheeler Geologic Study Area. However, there is no evidence they extend into the WSA.

Leases: There are no leases.

Claims: There are no mining claims.

Timber: Within the WSA are 3,628 acres of spruce fir with only 1,980 acres on slopes below 45% containing about 21.6 million board feet—described as overmature for production.

Grazing: The WSA has been historically used for grazing and recreation, leaving few intrusions: a primitive log shelter at the base of the formations, a spruce pole fence marking about 700 feet of the geologic area's boundary, a primitive jeep road, and several miles of foot and horse trails. Since the early 1900's, the area has been grazed by sheep. The permitted grazing season is from July 11 to September 30, for about 985 animal unit months—3,283 sheep months. Forage is considered fair to good.

Recreation: The area offers both semi-primitive non-motorized and motorized recreation, including hiking, fishing, camping, photography, horseback riding, hunting, trailbiking and jeeping. Trail register data and observation indicate the area receives less recreation visitors than the nearby wildernesses.

WILLIAMS FORK

Acreage: 53,888 acres in the Wilderness Study Area.

Designation recommendations:

Forest Service—unsuitable.

Armstrong—55,100 (proposed National Recreation Area, including St. Louis Peak Area).

Wirth—40,000 (the remaining 13,888 acres of the study are left in further study status).

Forest: Arapaho.

County: Summit/Grand.

Summit land area sq. miles—607.

Public land percent of total—81.

Forest Service land percent—80.

Grand land area sq. miles—1,854.

Public land percent of total—68.

Forest Service land percent—48.

Location: In the centra part of the state, 70 miles west of Denver and 4 miles north of Dillon.

Recommendation: This area is proposed to be designated a National Recreation Area, because it is unsuitable for wilderness designation. Opting for a National Recreation Area designation makes it feasible to designate the entire study area. It would require stretching wilderness standards beyond any reasonable interpretation to classify any of the area as wilderness. This NRA designation will assure substantial outdoor recreational opportunities within a short distance from the Denver metropolitan area. It is easily accessed from all sides and provides outstanding opportunities for high country hiking and backpacking. This area shows many signs of man's permanent imprints on the land. To designate this as a wilderness would be to compromise the integrity of the definition of wilderness.

General features: The area has riparian and alpine ecosystems, similar to the Vasquez and St. Louis Peak areas. A variety of man-made developments are visible from the area which detract from its wilderness potential.

Special features: Steelman Creek and Bobtail Creek are affected by past mining and current water development by the Denver Water Board. Traffic noise from Interstate 70 and Colorado Highway 9 impact the west and south parts of the Williams Fork Divide.

Legislative history: Evaluated under RARE II and allocated to further planning, this area has been extensively studied and is unsuitable for wilderness designation.

Relation to other wilderness: There are 9 existing wilderness areas within a 50-mile radius totaling 651,881 acres. The Vasquez and St. Louis Peak WSA are directly north of Williams Fork.

Vegetation: Approximately 68% of the area is forested with spruce fir and lodgepole pine, the rest is grasslands, rock, strub and wetlands.

Wildlife: The area hosts the same variety of wildlife as in the Vasquez and St. Louis Peak Areas. Elk, mule deer, black bear and mountain goat have been identified as have various small game species. Yellow-bellied marmot, pine marten, pika, golden eagle, goshawk, and prairie falcon have been observed.

Fishing: Fishing is popular along the numerous watersheds. The middle and south fork of the Williams Fork and their major tributaries support fishable populations of brook and native trout. The lower reaches of the major tributaries to the Williams Fork are periodically stocked with rainbow and brook trout. This activity will be maintained under this designation.

Threatened and endangered species: No species has been identified.

Conflicts: This study area is surrounded on all sides by extensive development. A stock driveway, trail and firelane is located on the western edge, and proposed expansion of the Loveland Ski area will be forgone if the area to the east is included as wilderness. Adjudicated water rights are located at eight points within the area, and the current Denver Water Board developments are clearly evident. Any future developments may be jeopardized by designation as wilderness. The Henderson Mine and Mill activities are clearly visible from many parts of the area, as is an existing power line, railroad and road developments. The western and southern boundaries run along, Colorado Highway 9, Interstate 70 and the Eisenhower Tunnel. Atop Ptarmigan Peak visitors clearly view the town of Dillon and the Dillon Reservoir. Although the area is a scenic and beautiful one, designation as wilderness is not appropriate to protect its unique qualities. Visitors to a wilderness do not expect to see powerlines, mining operations and permanent structures—let alone a major national interstate highway—all of which exist along the boundaries of this area. Further, wilderness visitors do not expect to hear highway traffic and other unavoidable signs of man's presence.

Water: Eight adjudicated water rights have been identified by the Forest Service. Average water yield is 68,350 acre-feet per year. There is one major water conflict with the Denver Water Board (DWB). On the northeastern corner of the FPA, the DWB has one diversion on Steelman Creek and their expansion road has been constructed past Steelman Creek about 4.5 miles into the FPA.

Minerals: Much of the area (72%) has moderate to high potential for locatable minerals. There are several producing mines in the area including the Henderson Mine. The study area, however, has a low potential for leasable minerals. There is little effort to develop the mineral potential within the area, and this designation would eliminate all but existing mineral development. Current mining activity would not be jeopardized, however, ensuring that these jobs and important resources, which are important to our state, are allowed to continue.

Leases: No leases exist or have been applied for.

Claims: The Forest Service has not identified any mining claims.

Timber: About 68% of the area is forested predominantly with spruce fir and lodgepole pine; 58% of the total area, or 31,348 acres, is tentatively suitable for timber production.

Grazing: Portions of 2 domestic sheep allotments fall in the area. Current use is 710 animal unit months annually. The majority of the range is in fair condition.

Recreation: The close proximity to the Denver area makes this a popular recreation area. Much of the visitation is for hunting, hiking, horseback riding, primitive camping and other activities associated with the 41 miles of trail within the area. The area is currently closed to motorized use.

Other: All surface and mineral rights are owned by the U.S.●

By Mr. SANFORD:

S. 2002. A bill to make certain supplemental appropriations for early childhood education programs, and for other purposes; to the Committee on Appropriations.

SUPPLEMENTAL APPROPRIATIONS FOR EARLY CHILDHOOD EDUCATION PROGRAMS

Mr. SANFORD. Mr. President, what is the explanation of "A little child shall lead them?" Simply this. A little child, under all circumstances, is its simple honest self; never appearing wealthy when it is in poverty; never appearing learned when it is ignorant; never appearing important when it feels unimportant. Booker T. Washington once said:

In a word, the life of the child is founded upon the great and immutable. There is no pretense. There is no mockery.

Each year, almost 1 million children from low-income families enter school for the first time. While their more fortunate classmates may face the new challenge with assurance, many children from low-income homes begin school with health problems and a lack of self-confidence. Without the will to move ahead, these children often fall behind in their first years of school and find their troubles compounded in later years.

According to the U.S. Census Bureau, one in every five children in America—some 12.6 million youngsters under the age of 18—is living in poverty.

Worse yet, the Bureau's survey shows that children have succeeded old people as the poorest age group in the Nation. Millions live in one-parent families where there is no father to contribute to their support.

As a result of 8 years of cutbacks and deferred priorities during the Reagan administration, there currently exists in the United States an early education deficit, the scope of which is comparable to a chasm, separating children with academic and financial resources from children who have neither. Breeching this chasm will require a substantial and steadily increasing investment in Head Start and chapter 1. Two programs demonstrably effective but severely underfunded.

Since 1990, Federal spending for education has decreased 4.7 percent in real terms, despite a growing population of disadvantaged young people—at whom most Federal education programs are aimed.

What has this meant to children in need, our future work force in the 21st century? It means that while poverty among all children has grown to 22 percent, participation in the chapter 1 program of compensatory education for disadvantaged children has dropped by 500,000 students since 1980.

Chapter 1, which is successfully raising the reading and math competency of 4.5 million children, is serving less than half of the youngsters eligible for this vital help.

It means that Head Start, the proven preschool program for disadvantaged children continues to serve only 453,000 youngsters, or less than 20 percent of its eligible population.

While there is no easy answer to the problem of ingrained poverty, study after study has shown that early childhood education programs for disadvantaged children offers the best opportunity for breaking the cycle of poverty.

Study after study has shown that a $1 invested in high-quality preschool programs like Head Start and chapter 1 saves $6 in lowered costs for special education, grade retention, public assistance, and crime later on. Children formerly enrolled in these programs are more likely than other poor children to be literate, employed, and enrolled in postsecondary education. They are less likely to be high school dropouts, teen parents, dependent on welfare, or arrested for criminal or delinquent activity.

Study after study has shown that the common characteristics of a dropout-prone student includes low socioeconomic status, weak academic skills, low self-esteem, and a fatalistic outlook often observed as early as the third grade.

Clearly the Federal Government needs to reaffirm its longstanding commitment to ensuring the disadvantaged access to quality education programs such as Head Start and chapter 1. Because without equity—there can be no real "excellence" in education.

That is why I am introducing this bill calling for full funding for the Head Start and chapter 1 programs by 1992. This legislation calls for investments in two programs that work.

Today, the issue is not whether we can afford to make meaningful investments in the future, but that we absolutely cannot afford to maintain the status quo—for we are still trying to make up for lost ground. The children we fail to support now may well be lost to us forever. We simply cannot afford as a nation to give up on 80 percent of our children—condemning them to a life of poverty and despair.

The time to help our most disadvantaged children is while they are still very young. It's those early years that count most. Right now, we're giving only one in five children the help they need. We must do better! The best investments we can make with our Federal dollars is an investment in our disadvantaged children. Those funds are more important than anything else our Government can do. It's time we started spending more wisely and investing heavily in our children, for their sake and for the Nation.

Let's face facts. American education is in a state of crisis and only a massive commitment of resources to fully fund Head Start and chapter 1 will turn things around.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1990, and for other purposes, namely:

TITLE I—DEPARTMENT OF HEALTH AND HUMAN SERVICES

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

HUMAN DEVELOPMENT SERVICES

For an additional amount for carrying out the Head Start Act, $1,000,000,000.

TITLE II—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for carrying out the activities authorized by chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as amended, $1,700,000,000, which shall become available on July 1, 1990 and shall remain available until September 30, 1991, of which $73,000,000 shall be available for migrant education activities under subpart 1 of part D, $70,000,000 shall be available for handicapped education activities under subpart 2 of part D, and $3,000,000 shall be available for delinquent and neglected education activities under subpart 3 of part D.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. It is the sense of Congress that appropriations for the Head Start Act shall be increased to fully serve the potential, eligible population under the Act by fiscal year 1992.

SEC. 303. It is the sense of Congress that appropriations for chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as amended, shall be increased to the authorization level by fiscal year 1992.

SEC. 304. This Act may be cited as the "Early Education Supplemental Appropriations Act of 1990".

By Mr. HOLLINGS:

S. 2003. A bill to establish a commission to advise the President on proposals for national commemorative events; to the Committee on the Judiciary.

NATIONAL COMMEMORATIVE EVENTS ADVISORY ACT

● Mr. HOLLINGS. Mr. President, today marks the beginning of the second session of the 101st Congress, and I rise to introduce legislation that will help us get back to business. This legislation will save hundreds of thousands of dollars in printing costs and staff time by establishing a "President's Advisory Commission on National Commemorative Events." This Commission would review the hundreds of congressionally sponsored commemorative resolutions which recognize particular days, weeks, months, or years through Presidential proclamation.

Somewhere along the way we've let our zeal for commemoratives get out of hand. During the 95th Congress, we had 34 commemoratives. In the 100th Congress, 258 commemoratives were passed, and in the 101st Congress, we're on track for over 300.

The process of obtaining cosponsors and getting these commemoratives passed is preventing legislators and staff from devoting valuable time to more important issues. I want us to get out of the commemorative business and into the business of doing some real work around here. Therefore I'm introducing a bill to create a Commission on "National Commemorative Events" to sift through these resolutions.

The Commission, which would be modeled on the Stamp Commission, would be comprised of 11 members: two House Members, two Senate Members, and seven Presidential appointees. Their job would be to review all commemorative proposals and make recommendations to the President for approval or disapproval. A Commission would not mean another layer of bureaucracy since the bill does not create salaried support staff for the

Commission. Appointed Commissioners would receive per diem expenses, but staffing requirements would be met by the administration.

I know that sponsoring commemorative legislation on behalf of worthy causes and special interests of constituents is important to Members of Congress. I myself have sponsored a yearly resolution to honor our Nation's law enforcement personnel. However, I am willing to see a Commission take a hard look at these observances.

The bill that I am introducing today is the companion bill to H.R. 539, which was introduced by Representative DAVE MCCURDY of Oklahoma. I commend Congressman MCCURDY for his work on this bill. H.R. 539 and a similar bill introduced by Representative CLAUDINE SCHNEIDER of Rhode Island (H.R. 746) have a combined 335 cosponsors, and the House Subcommittee on Census and Population has scheduled a hearing on this legislation next month. I hope that the Senate will follow suit and consider the creation of this Commission. We should honor our constituents not by passing commemorative after commemorative, but by spending our time working on legislation that will make a real difference in their lives.●

By Mr. HEINZ:

S. 2004. A bill to provide for the reliquidation of, and refund of duties on, certain entries of methanol; to the Committee on Finance.

DUTY TREATMENT ON CERTAIN ENTRIES OF METHANOL

● Mr. HEINZ. Mr. President, although the major policy debate over steel was at least temporarily concluded by President Bush's decision last year to extend the VRA Program until March 31, 1992, further research has emerged that, if nothing else, proves one of the central points I tried very hard to make last year—the determining role of market forces on steel.

I refer to a study by David Cantor of the Congressional Research Service, "Steel Imports: Is the U.S. Market A Profit Center for Foreign Steel?" which was released last December. This study begins with the statistical fact that the VRA limits were not filled in 1987 or 1988, and probably not in 1989, and goes on to demonstrate that one likely reason for that was the fact that for other industrialized producers the U.S. market was less profitable than their own. In other cases, mostly LDC's, prices were higher in the U.S. market, but that was primarily because of price controls in their domestic markets.

While this information may be more of academic interest at this point, it helps make clear the ongoing primacy of market forces in international steel trade despite the VRA Program. And, in fact, it is market forces that are determining the level of imports into the United States.

That may come as something of a shock to those who opposed extension of the VRA's because it is a significant addition to the mountain of evidence demonstrating they were—and are—wrong. No doubt when this issue returns in 1992 they will be back arguing against any further extensions—and they will be wrong once again.

Mr. President, I ask that the text of Mr. Cantor's study be printed at this point in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

STEEL IMPORTS: IS THE U.S. MARKET A PROFIT CENTER FOR FOREIGN STEEL?

(By David J. Cantor)

SUMMARY

The decline in U.S. steel imports in recent years has been attributed to the steel import restraint program that was instituted in 1984. But the fact that the quotas established under this program were not filled in 1988 and apparently in 1989 suggests that other factors have influenced imports. One of these factors is that the profitability on sales in the U.S. market is less for certain countries than it would be in their home markets. For other countries, such sales are more profitable than at home.

A recent comparative analysis of costs and price of one major and representative steel product, cold rolled sheet, presents data indicating that advanced industrial countries achieve higher profit margins in their home markets than in the United States. Two of these countries, Japan and West Germany, are estimated to have negative margins on U.S. sales. Third World countries, on the other hand, are found to achieve higher profit margins on U.S. sales than major advanced industrial countries. They also earn more from exports to the United States than in their home markets, largely a result of government price-fixing policies in their home markets.

To a large extent, the profitability of sales of cold rolled sheet in the United States has been influenced by changes in the foreign exchange value of the U.S. dollar. Had the exchange rates prevailing in 1985 remained constant, six major foreign suppliers—Canada, West Germany, Japan, South Korea, Taiwan, and the United Kingdom—would have had estimated pre-tax profit margins in the range from 13.2 percent to 36.2 percent. Given the change in the exchange rates, however, these six countries have estimated profit margins in mid-1989 in the range from −16.1 percent to 1.3 percent.

Since 1984, the share of steel imports into the U.S. market have declined significantly, from 26.4 percent in 1984 to about 17.7 percent in the first eight months of 1989.[1] To some extent, this reduction in import market share was the result of the steel voluntary export restraint (VRA) program that was instituted by President Reagan in 1984. But data on the extent to which the quotas negotiated with the countries participating in this program were filled indicates that these countries were exporting significantly less tonnage than they were permitted, especially in 1987 and 1988.[2] That VRA quotas were not filled suggests that there are other reasons for the drop in steel imports at least in later years of the steel VRA program.

One reason for the decline in U.S. imports of steel products is that the profit margin on sales of steel mill products in the United States is less for certain countries than it would be in their home markets. In principle, one would expect steel companies (or, for that matter, firms engaged in any line of business), wherever they are located, to develop and expand those markets which are the most profitable in the long run. Alternatively, it is reasonable to expect businesses to withdraw from relatively less profitable markets over the long term.[3]

To a large extent, the ability to achieve a positive profit margin on sales of steel in the United States is tied to the foreign exchange rate. Recent data, discussed herein, indicate that some advanced industrial countries, whose currencies have appreciated in value relative to the U.S. dollar, generally attain lower or even negative profit margins on their steel sales to the United States. Conversely, Third World countries, whose currencies have not increased in value relative to the U.S. dollar or have appreciated less than the currencies of advanced industrial countries, are able to earn relatively high profit margins on steel sales in the United States and other countries than in their home markets.

These general findings are based on estimates of costs, price, and exchange rates developed by The WEFA Group, an independent private economic forecasting organization. The WEFA Group's estimates of cost and price comparisons are for a single product, cold rolled sheet, and for eight countries and the United States. The eight countries are: Brazil, Canada, West Germany, Japan, South Korea, Mexico, Taiwan, and the United Kingdom. While the estimated profit margins of selling steel products other than cold rolled sheet may differ from those for cold rolled sheet, this product is considered to be representative of a major finished steel mill product. In the first eight months of 1989, cold rolled sheet was the largest single category of domestic steel shipments, accounting for 16.9 percent of all shipments to end-users; in addition, it is the basic raw material input to galvanized sheet, which represented 10.1 percent of U.S. steel mill shipments to end-users.[4]

ESTIMATED PROFIT MARGINS ON SALES OF COLD ROLLED SHEET IN THE UNITED STATES AND HOME MARKETS OF MAJOR STEEL-PRODUCING COUNTRIES, MID-YEAR 1989

The United States appears to be a relatively profitable market for cold rolled sheet imported from six of eight major for-

[1] American Iron and Steel Institute. 1988 *Annual Statistical Report.* Washington, 1989. p. 6; and, American Iron and Steel Institute, *Apparent Supply of Steel Mill Products. Year 1989.* Washington, 1989. p. 2.

[2] U.S. International Trade Commission. *The Effects of the Steel Voluntary Restraint Agreements on U.S. Steel Consuming Industries.* USITC Publication 2182, May 1989. Washington, 1989. p. 2-1.

[3] In the short run, companies could engage in trade even at a loss, if they are able to recover their variable costs. This may explain why firms in some countries continue to sell steel mill products to the United States, even though the profitability of this activity is relatively low. Such firms may have contractual or other long-standing relationships with U.S. customers which they do not wish to jeopardize.

[4] American Iron and Steel Institute. *Net Shipments of Steel Mill Products. All Grades Including Carbon, Alloy and Stainless. Net Tons. August 1989.* Washington, 1989. 1 p.

eign steel producing countries, for which cost and price estimates are available. Steel exporters from Brazil, Canada, South Korea, Mexico, Taiwan, and the United Kingdom earn more profits before taxes from sales in the United States than they do in their home markets. West Germany and Japan earn lower profits from sales of this product in the United States than they realize in their home markets. Estimates of these pre-tax profit margins are presented in table 1.

A COMPARISON OF HOME MARKET PROFIT MARGINS ON SALES OF COLD ROLLED SHEET

The estimates of the pre-tax profit margins in home markets range from −16.3 percent in Brazil to 10.2 percent in the United Kingdom. The estimated profit margin in the United States is about 9.3 percent. Only Japanese and United Kingdom producers have higher profit margins in their home markets than do U.S. steel companies. Three countries—Brazil, South Korea, and Mexico—have negative profit margins on sales of cold rolled sheet in their home markets. With the exceptions of Japan and the United Kingdom, the estimated profit margins on the home market sales of cold rolled sheet are less than the home market profit margin estimated for U.S. producers.

Home market profit margins in third world countries

Home market profit margins are lowest in the four Third World countries—Brazil, South Korea, Mexico, and Taiwan—considered herein. As noted previously, the first three of these countries have negative profit margins on home market sales of cold rolled sheet. The estimated pre-tax profit margin on sales of this product in Taiwan is 1.5 percent.

TABLE 1.—ESTIMATED PRE-TAX PROFIT MARGIN ON SALES OF COLD ROLLED SHEET IN HOME AND U.S. MARKETS, FOR SELECTED COUNTRIES, MID-1989

[In percent]

Country	1989 exchange rate [1]	Home market	U.S. market
United States	1.0	9.3	9.3
Brazil	1.1	−16.3	4.9
Canada	1.2	3.4	1.3
West Germany	1.9	8.4	−0.1
Japan	145.0	9.7	−16.1
South Korea	665.0	−1.7	−.9
Mexico	2,500.0	−6.3	8.0
Taiwan	25.5	1.5	0
United Kingdom	0.6	10.2	1.3

[1] The exchange rates are expressed as the ratios of units of national currency to one U.S. dollar as of mid-1989. The rates shown are those estimated by the WEFA Group. Calculated by CRS, using as its source: The WEFA Group. Steel Executive Summary. September 28, 1989. Bala Cynwyd, 1989. p. 12.

The WEFA Group explains the negative or relatively low profit margins on sales in the home markets of Third World countries by pointing to government policies to fix prices in their markets.[5] For example, according to The WEFA Group, Brazilian steel producers have targeted exports as their primary source of sales revenue rather than the domestic steel market, owing to official price regulations.[6] Howell et al. reported that the Mexican government established domestic price controls in order to stimulate the growth of steel-using industries in that country.[7] Similar policies are reported for Korea and Taiwan.[8]

Home market profit margins in advanced industrial countries

The four advanced industrial countries for which data are available—Canada, West Germany, Japan, and the United Kingdom—all have positive and pre-tax profit margins on their home market sales of cold rolled sheet. The margins range from 3.4 percent in Canada to 10.2 percent in the United Kingdom. The home market margins of Canadian and West German producers are lower than those of U.S. firms. Japan's margin is slightly higher than in the United States, by about 0.3 percentage points. The margin in the United Kingdom is about 10 percent higher than in the United States. The margins in all of these countries is significantly higher than those in the Third World countries.

To a considerable extent, the profit margins of the advanced industrial countries are generally in the same range as the margin in the United States, because these countries have similar cost structures. Energy and material costs account for about 65 percent of operating cost in these countries; they are estimated to range from about $290 per metric ton in the United States to about $303 per metric ton in West Germany. Labor costs per metric ton range from about $129 in the United Kingdom to about $156 in Japan. Selling and administrative costs range from about $17 per metric ton in Canada to about $20 per metric ton in Japan; the estimate of selling and administrative costs in the United States is about $19 per metric ton. Financial costs (interest, depreciation, and state and local taxes) range from about $37 per metric ton in West Germany to about $88 per metric ton in Japan; these costs in the United States are estimated to be about $41 for one metric ton.[9] Data on the cost structure of cold rolled sheet production in the four advanced industrial countries are presented in table 2.

The relatively high profit margin on sales of cold rolled sheet in the United Kingdom home market may be explained by lower labor and financial costs for the British steel industry than for the steel industries of the other advanced industrial countries. These two cost components are estimated to be about $158. These costs average about $207 per metric ton in the other four advanced industrial countries. The other cost elements in the United Kingdom are estimated to be about $318 per metric ton; in the other four advanced industrial countries, they average about $315 per ton. That is, in the United Kingdom, the costs of producing a metric ton of cold rolled sheet other than labor and financial costs are nearly equal to those in the other countries.

TABLE 2.—ESTIMATED COSTS OF PRODUCING ONE TON OF COLD ROLLED SHEET IN SELECTED ADVANCED INDUSTRIAL COUNTRIES, MID-1989

[U.S. dollars per metric ton]

Cost component	United States	Canada	Germany	Japan	United Kingdom
Energy/materials	290	295	303	295	300
Labor	148	141	152	156	129
Selling/administrative	19	17	19	20	19
Financial [1]	41	62	37	89	29
Total cost [2]	497	516	510	561	476

[1] Includes interest, depreciation, and state and local taxes.
[2] Column data may not sum to the total owing to rounding.

Note.—The exchange rates used to express costs in terms of U.S. dollars are those prevailing in mid-1989, as reported by The WEFA Group.

Source: The WEFA Group. Steel Executive Summary. September 28, 1989. Bala Cynwyd, 1989. p. 12.

Even if the estimated home market price for cold rolled sheet were equal in all of the relevant countries, the lower labor and financial costs in the United Kingdom enable its steel industry to earn a higher return on sales. But the price estimates are not equal. In the United Kingdom, the price of a metric ton of cold rolled sheet is estimated to be about $530, which is lower than the home market price estimate in any of the other countries.[10] If these estimates of price and cost are correct, the data suggest that the principal reason for the relatively high home market profit margin in the United Kingdom is the nearly $50 per ton advantage that its steel industry has over the others with respect to labor and financial costs of production.

The estimated high pre-tax profit margin in Japan and the low margin in Canada are explained by the estimated home market prices of cold rolled sheet in their markets. The WEFA Group estimates that the mid-year price of this product in Japan is $621 per metric ton, and, in Canada is $534 per ton. Even though Japan is the highest cost producer of this product among the advanced industrial countries considered herein, its price is also the highest. Similarly, the estimated Canadian home market price of $534 per metric ton is the lowest of all the advanced industrial countries considered; in addition, Canada's costs of production are estimated to be higher than costs in all of the other industrial countries other than Japan.

The profit margin in West Germany is 0.9 percentage points less than in the United States. This differential appears to be the result of higher energy and material costs in West Germany; these costs are estimated to be $13 per ton more in West Germany than in the United States. While estimates of labor costs are higher by $4 per metric ton in West Germany than in the United States, financial costs are lower by the same amount.

A COMPARISON OF PROFIT MARGINS ON SALES OF COLD ROLLED SHEET IN THE UNITED STATES

A different picture emerges in comparing the pre-tax profit margins of the several countries on sales of cold rolled sheet in the U.S. market. In general, the Third World countries earn significantly more on these sales than do the advanced industrial countries. In addition, all of the advanced indus-

[5] The WEFA Group. *Steel Executive Summary. August 15, 1989.* Bala Cynwyd, 1989. p. 14.

[6] The WEFA Group. *Steel Executive Summary. September 28, 1989.* Bala Cynwyd, 1989. p. 23.

[7] Howell, Thomas R., William A. Noellert, Jesse G. Kreier, and Alan Wm. Wolff. *Steel and the State.* Boudler, Westview Press, 1988. p. 312 f.

[8] Ibid., p. 289 f., and 334 f.

[9] The WEFA Group. *Steel Executive Summary. September 28, 1989.* p. 12.

[10] Ibid. The WEFA Group estimates the home market prices per metric ton for these other advanced industrial countries to be: United States—$548; Canada—$534; West Germany—$557; and Japan—$621.

trial countries earn less on sales of cold rolled sheet in the United States than they obtain in their home markets. Two of them, West Germany and Japan, are estimated to have negative pre-tax profit margins on their sales in the United States.

The profit margins are estimated as the difference between the home market place in the United States, $548 per metric ton, and the cost of production (including transportation and related charges) in the exporting country, and dividing this difference by the U.S. home market price. It is assumed that foreign producers would have to sell their product in the United States at no more than the U.S. home market price. Transportation and related charges will be shown to be a significant factor in estimating profit margins on U.S. sales, because the exporting country would have to absorb these charges, assuming that the home market price realized by U.S. producers is the maximum price charged by foreign producers.

In all likelihood, the price of the foreign steel would probably be priced somewhat less than the U.S. price to account for the relative uncertainty of supply. That is, foreign producers generally cannot assure purchasers of delivery dates with absolute certainty owing to possible delays in transit and clearance through customs. Thus, it is probably that the estimates of pre-tax profit margins on imported cold rolled sheet are somewhat overstated. Nevertheless, for purposes of this analysis, it is assumed that the U.S. home market price is the value at which foreign steel is traded in the United States.

Profit margins on U.S. sales of Third World countries

The average pre-tax profit margins of Third World countries on sales of cold rolled sheet in U.S. markets is about 3.0 percent. The margins for these countries range from about −0.9 percent in South Korea to about 8.0 percent in Mexico. By contrast, the average pre-tax profit margin of the four advanced industrial countries is about −3.4 percent. If these estimates and those for price and costs are correct, the four Third World countries earn about the same amount per metric ton of cold rolled sheet sold in the United States as the four advanced industrial countries lose on their U.S. sales of this product.

Three of the four Third World countries—Brazil, South Korea, and Mexico—earn more per metric ton of cold rolled sheet sold in the United States than they do in their home markets. Brazil is estimated to have a pre-tax profit margin of 4.9 percent on U.S. sales; the profit margin for Mexico is estimated to be about 8.0 percent. Although the profit margin for South Korean cold rolled sheet sold in the United States is estimated to be negative, South Korea still loses less on U.S. sales than on home market sales. These three countries are estimated to have negative profit margins in their home markets, a result of reported government price fixing in those markets.

Only Taiwan, among the Third World countries, is estimated to earn more in its home market than on sales in the United States. Its estimated margin on home market sales is 1.5 percent; on U.S. sales, Taiwan has a zero profit margin. In part, Taiwan's estimated zero profit margin on U.S. sales results from the fact that estimated transportation and related charges offset completely any realized profits. If these shipping charges were not factored into the calculation of estimated profit margins, Taiwan would have a margin of about 13.7 percent on its sales of cold rolled sheet in the United States.[11]

While it is not surprising that the Third World countries considered herein have higher estimated profit margins on sales of cold rolled sheet to the United States, it is of some interest that those margins are not higher. As discussed previously, the relatively low home market profit margins may be explained by government price-fixing in domestic markets. But one might expect that relatively low labor costs in these countries would affect their overall costs substantially, and permit them to enjoy "very high" profits on sales in relatively high labor cost countries, like the United States.

The data on costs of production in these countries indicates that labor costs are significantly less than in advanced industrial countries. But this labor cost advantage is substantially offset by higher financial costs. Data on the cost structure of cold rolled sheet production in the four Third World countries considered here are presented in table 3 along with similar data for the United States for purposes of comparison.

Estimated employment costs per metric ton of cold rolled sheet in the four Third World countries range from $33 in Brazil and Mexico to $77 per ton in Taiwan. These costs in South Korea are estimated to be $66 per metric ton of output. In each case, these costs are substantially less than the estimated U.S. labor cost to produce a metric ton of cold rolled sheet. In the case of Taiwan, estimated labor costs are nearly 48 percent less than in the United States, where the labor component of cost is estimated to be $148 per metric ton. In Korea, they are about 55 percent below those in the United States. In Brazil and Mexico, they are nearly 78 percent less than labor costs in the United States. If labor were the only factor in cost of production, the Third World countries would indeed have a substantial cost advantage over the United States.

TABLE 3.—ESTIMATED COSTS OF PRODUCING ONE TON OF COLD ROLLED SHEET IN THE UNITED STATES AND SELECTED THIRD WORLD COUNTRIES, MID-1989

[U.S. dollars per metric ton]

Cost component	United States	Brazil	South Korea	Mexico	Taiwan
Energy/materials	290	280	295	300	290
Labor	148	33	66	33	77
Selling/administrative	19	18	21	20	18
Financial [1]	41	124	97	101	87
Total cost [2]	497	456	478	454	473

[1] Includes interest, depreciation, and state and local taxes.
[2] Column data may not sum to the total owing to rounding.

Note.—The exchange rates used to express costs in terms of U.S. dollars are those prevailing in mid-1989, as reported by the WEFA Group.

Source: The WEFA Group. Steel Executive Summary. September 28, 1989. Bala Cynwyd, 1989. p. 12.

[11] If shipping charges could be ignored in estimating profit margins on U.S. sales, higher profit margins would be attained in all countries. These margins after disregarding transportation charges would be: Brazil, 16.8 percent; Canada, 5.8 percent; West Germany, 6.9 percent; Japan, −2.4 percent; South Korea, 12.8 percent; Mexico, 17.2 percent; Taiwan, 13.7 percent; and, the United Kingdom, 13.1 percent.

But financial costs (interest, depreciation, and state and local taxes) in these countries are considerable. The estimated financial costs range from $87 per metric ton in Taiwan to $124 per ton in Brazil; the estimated financial cost per metric ton of output in South Korea is about $97; in Mexico, it is an estimated $101 per ton. In the United States, financial costs per metric ton of output are estimated to be $41 per ton. That is, the financial cost component of total costs of production in the Third World countries are at least two times greater than in the United States; in the case of Brazil, they are about three times greater than in the United States. The significant differences between these costs in the Third World countries and the United States may be explained by the fact that the steel industry is relatively new to the Third World countries. Expansion of their industries generally and into products, like cold rolled sheet, essentially began in the mid-to-late 1970s. In the United States and other advanced industrial countries, the industry is relatively old and mature; consequently, depreciation expense on much of their physical plant had been taken. Thus, in the Third World countries, one would expect depreciation charges at least to loom large, while they would be considerably less in countries, like the United States.

Profit margins on U.S. sales of advanced industrial countries

The four advanced industrial countries are estimated to have profit margins that are less than the margins in their home countries. They range from −16.1 percent in Japan to 1.3 percent in Canada and the United Kingdom; the estimated profit margin for West Germany is −0.1 percent. In their home markets, the average pre-tax margin in these four countries is estimated to be about 7.9 percent; on their sales in the U.S. market, their average profit margin is estimated to be about −3.4 percent.

THE EFFECT OF CHANGES IN THE FOREIGN EXCHANGE RATE ON PROFIT MARGINS ON SALES OF COLD ROLLED SHEET IN U.S. MARKETS

The change in the value of the U.S. dollar relative to the values of the currencies of most of the other countries considered herein appears to be the principal factor explaining the relatively low profit margins on sales of cold rolled sheet in the U.S. market. The pre-tax profit margins based on 1985 and 1989 exchange rates are presented in table 4. Since 1985, the currencies of all of the countries discussed here with the exceptions of Brazil and Mexico appreciated in value against the U.S. dollar. They rose in value in the range from about 14.5 percent in Canada to about 66 percent in Japan between 1985 and mid-year 1989. Had the foreign exchange value of the U.S. dollar not changed since 1985, all other things being equal, steel exporters in these countries would have experienced pre-tax profit margins on U.S. sales of cold rolled sheet in the range from about 13.2 percent in Canada to about 36.2 percent in Taiwan. The change in the value of the U.S. dollar since 1985 reduced profit margins on U.S. sales for all of the countries except Brazil and Mexico to less than 10 percent, and in four instances (West Germany, South Korea, Japan, and Taiwan), to either zero or negative values.

TABLE 4.—ESTIMATED PRE-TAX PROFIT MARGINS ON SALES OF COLD ROLLED SHEET IN THE UNITED STATES BASED ON 1985 AND 1989 EXCHANGE RATES

Country	1985		1989	
	Exchange rate [1]	Profit margin (percent)	Exchange rate [1]	Profit margin (percent)
Canada	1.4	13.2	1.2	1.3
West Germany	2.9	31.2	1.9	−0.1
Japan	238.5	27.9	145.0	−16.1
Korea	870.0	22.8	665.0	−.9
Taiwan	39.9	36.2	25.5	0
United Kingdom	0.8	26.1	.6	1.3

[1] Exchange rates are expressed as the units of national currencies per U.S. dollar.

Sources: International Monetary Fund. International Financial Statistics, v. XLII, October 1989; Federal Reserve Bulletin, v. 73, July 1987. p. A68; and, The WEFA Group. Steel Executive Summary. September 28, 1989. Bala Cynwyd, 1989. p. 12.

These estimates were obtained as follows. The estimated current cost of production in each of the several countries was restated in terms of the currency of each of the countries using current exchange rates. These estimates of cost were then converted into U.S. dollars using the 1985 exchange rates. The difference between these current cost estimates based on 1985 exchange rates and the current U.S. market price of cold rolled sheet adjusted for transportation and related charges was then divided by the adjusted U.S. market price of cold rolled sheet.

The currencies of the six countries identified in table 3 all appreciated in value against the U.S. dollar since 1985, the year when the drop in the foreign exchange value of the U.S. dollar began. Given that 1989 domestic costs of production denominated in the currencies of each of the six countries would be unaffected directly by the change in the exchange rate, restating them in U.S. dollars at the 1985 exchange rate would result in lower dollar costs. Table 5 presents data on the estimated 1989 costs of production of a metric ton of cold rolled sheet in each of the six countries in terms of domestic currency and U.S. dollars at the 1985 and 1989 exchange rates.

Using 1985 exchange rates, the estimated cost of producing one metric ton of cold rolled sheet (expressed in U.S. dollars) is lower than the dollar cost using 1989 exchange rates in the range from about 12 percent in Canada to about 39 percent in Japan. The effect of using the 1985 exchange rate is to lower the dollar cost in Canada by an estimated $64 per ton. Japanese dollar costs would be reduced by about $220. West German costs would drop by $181 per metric ton; Taiwanese costs would be decreased by $171 per ton; the dollar-denominated cost in the United Kingdom would be lowered by $119 per ton; and, those in South Korea would be $113 less than if the 1989 exchange rates were used.

Brazil and Mexico are not considered here, because their currencies depreciated significantly against the dollar. As discussed previously, the currencies of the other six countries rose in value relative to the U.S. dollar. But the U.S. dollar appreciated against the Brazilian cruzeiro by nearly 200 percent since 1985, and against the Mexican peso by close to 1,000 percent. In both cases, substantial inflationary pressures led to the devaluation of their currencies. The effect of the two devaluations was to bring the cost and price of a metric ton of cold rolled sheet into line with those of the United States and the other six countries.

TABLE 5.—ESTIMATED 1989 COSTS OF PRODUCTION OF COLD ROLLED SHEET IN DOMESTIC CURRENCY AND U.S. DOLLARS AT 1985 AND 1989 EXCHANGE RATES

[Cost per metric ton]

Country/currency	1989 Production cost in		
	Domestic currency	U.S. dollars: 1985 exchange rate	U.S. dollars: 1989 exchange rate
Canada/dollar	619.2	454	516
West Germany/deutsche mark	969.0	329	510
Japan/yen	81,345.0	341	561
South Korea/won	317,870.0	365	478
Taiwan/dollar	12,061.5	302	473
United Kingdom/pound	285.6	357	476

Sources: International Monetary Fund. International Financial Statistics, v. XLII, October 1989; Federal Reserve Bulletin, v. 73, July 1987. p. 68; and, The WEFA Group. Steel Executive Summary. September 28, 1989. Bala Cynwyd, 1989. p. 12.

This analysis illustrates the significant role that changes in the foreign exchange value of the U.S. dollar have played in affecting the profitability of the U.S. market for major foreign sellers of steel. Note that, in general, those countries whose currencies have risen in value more than others are estimated to have lower pre-tax profit margins than the others. For example, Japan's yen rose in value against the dollar by over 65 percent as compared with the roughly 15 percent increase in the value of the Canadian dollar. Japan is estimated to lose money in the U.S. market; Canada earns an estimated 1.3 percent pre-tax profit margin. To be competitive with domestic and other foreign sellers in the U.S. market, Japan has to accept the prospects of losses. Countries, like South Korea, do not have to reduce their prices as much as Japan, in part because their currencies have not appreciated in value as much as the Japanese yen or the West German mark.

CONCLUDING OBSERVATIONS

The U.S. steel market, as represented by the market for cold rolled sheet, is not universally profitable for foreign producers. The Third World countries that have emerged as major steel producing countries appear to be able to earn more per ton of steel sold in the United States than do traditional exporters to the U.S. market, mainly the advanced industrial countries. The latter group have been affected significantly by the change in the value of their currencies relative to the U.S. dollar and relative to the currencies of some Third World countries. The Third World countries not only benefit from relatively favorable exchange rates in comparison with advanced industrial countries, but also from the ability to earn more in the U.S. market than at home owing to reported government price-fixing. That advanced industrial countries have shipped less steel to the United States than in the past may reflect the fact that their producers can earn higher profits at home than in the United States.

Why, if profits are poor, might advanced industrial countries sell steel at all in the U.S. market? In part, such sales enable them to maintain high operating rates in their steel industries, which have been found to have a significant bearing on costs of production.[12] Canada, for example, is shipping about 3 million tons of steel mill products to the United States. This volume represents about one-fifth of its finished steel output, and about 18 percent of its steelmaking capacity. Canada's steel industry is estimated to be operating about 81 percent of its capacity.[13] To reduce its exports to the United States by 50 percent, for example, would be to lower its capacity utilization rate to about 72 percent. Similarly, Japan, which is shipping about 3.7 million tons of steel to the United States, is estimated to be operating about 74 percent of its capacity, a relatively low rate of capacity utilization.[14] Cutting its shipments in half could reduce its industry's capacity utilization rate to 72 percent. Even though these foreign producers might earn low profits or incur losses, being able to maintain higher operating rates could permit them to produce steel for their home or other export markets at lower costs.

[12] Barnett, Donald F. and Louis Schorsch. *Steel. Upheaval in a Basic Industry.* Cambridge, Ballinger Publishing Company, 1983. p. 193 f.

[13] The WEFA Group. *World Steel Forecast. Mid-Year 1989.* Bala Cynwyd, 1989. p. 2.2.

[14] Ibid., p. 2.16.●

By Mr. GRAHAM:

S. 2005. A bill to repeal the provision of law exempting intercity rail passenger service from certain waste disposal requirements; to the Committee on Commerce, Science, and Transportation.

REPEAL OF AMTRAK EXEMPTION FROM WASTE DISPOSAL REQUIREMENTS

Mr. GRAHAM. Mr. President, today I am introducing legislation to repeal the exemption allowed Amtrak from Public Health Service Act regulations. Repealing this exemption will return to the Surgeon General the authority to make and enforce regulations preventing the discharge of wastes by Amtrak.

Mr. President, this is an issue of great concern in our State. The State of Florida is engaged in a court battle against Amtrak to stop the dumping of raw waste. This past November, the passenger rail company was convicted in State court of violating Florida's litter laws. During the proceedings, the President of Amtrak, Mr. W. Graham Claytor, testified that Florida's environmental laws should not apply to the company and cited a Federal exemption in support of this position.

Sentencing of Amtrak was scheduled for January 19, but on January 17 it was postponed indefinitely by U.S. District Judge Howell Melton. The precedent setting decisions relating to jurisdiction over Amtrak will have to wait until the Federal court has an opportunity to hear Amtrak's case.

Mr. President, what we have here is an anomaly. The United States has been engaged in passenger rail traffic since 1825. Throughout that period, railroads have been exempt from most pollution laws.

The Federal exemption which permits the dumping of waste dates back to 1976 when Congress exempted Amtrak from the Public Health Serv-

ice regulations and directed the Department of Health, Education, and Welfare [HEW] to conduct a followup study to determine whether the freight railroads and other passenger railroads should be made to comply with the regulations.

HEW concluded that the costs of converting existing rail car disposal facilities to either a retention type toilet or one that fully treats waste before discharge "is excessively high to justify protection against a public health hazard which is potential only and which in fact has never been demonstrated anywhere in the world."

HEW did, however, recommend that passenger cars manufactured after June 1, 1972, be equipped to retain wastes at speeds of less than 25 miles per hour. Above that speed, wastes could be discharged directly onto the roadbed without treatment. In addition, HEW concluded that Amtrak's maceration-type retention-dump systems employed on the new Superliner equipment would be satisfactory provided they released wastes only at speeds in excess of 25 miles per hour.

To date, it has been stated by Mr. Claytor that this practice continues on all except for short-distance coaches used in the Northeast corridor. He added that the Superliner cars used in the West and the Amfleet II cars used on long-distance Eastern routes were specifically designed to release waste en route after maceration once the train is moving at speeds in excess of 35 miles per hour. Amtrak's Heritage sleeping cars, many of which are over 40 years of age and which operate on routes on the east coast release waste to the right-of-way.

Mr. President, the situation in Florida was brought to a head this summer when Lt. Robert Lee, of the Florida Game and Fish Commission, observed an Amtrak train discharging raw sewage into the St. John's River. He has witnessed more than one occurrence. He has taken testimony from individuals who were sprayed by waste while fishing in the river, and he was responsible for the filing of commerce litter charges against Amtrak.

Mr. President, we are allowing to this mode of transportation an exemption which is not available to any other mode of transportation and which, frankly, would be shocking to the conscience of the American public were it to be so. We cannot imagine commercial buses, airlines, or other forms of transportation having this exemption from our basic pollution law. I believe in the principle of leadership by example. If the Federal Government wants to set high health and environmental standards, certainly those agencies which are under its direct control, such as Amtrak, ought to be setting the national standard, and not seeking an exemption.

This is not an issue which is peculiar to Florida. Other States: Arkansas, California, Idaho, Louisiana, Nebraska, the President's State of Nevada, New Mexico, New York, North Carolina, Oregon, Pennsylvania, South Carolina, Utah, Vermont, West Virginia, and Wisconsin have submitted comments at congressional hearings in opposition to a continuation of Amtrak's current waste disposal practices.

Mr. President, I am aware of the difficulties that we face in repealing Amtrak's exemption. I have included in the legislation which I am offering today a 3-year delay in the effective date in order to allow Amtrak that period of time in which to retrofit their cars and change their operational practices to come into compliance.

It is time that we seriously address this issue and eliminate this threat to our Nation's health and environment. It is time to eliminate this scar against the Federal Government's real commitment to the environment of America.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 306(i) of the Rail Passenger Service Act (45 U.S.C. 546(i)) is repealed, effective on the first day of the 37th month following the month in which this Act is enacted into law.

By Mr. GLENN (for himself, Mr. ROTH, Mr. LIEBERMAN, Mr. KOHL, Mr. LEVIN, and Mr. LAUTENBERG):

S. 2006. A bill to establish the Department of the Environment, provide for a global environmental policy of the United States, and for other purposes; to the Committee on Governmental Affairs.

DEPARTMENT OF THE ENVIRONMENT ACT

Mr. GLENN. Mr. President, I rise to introduce the Department of the Environment Act of 1990, a bill that, among other things, transforms the Environmental Protection Agency into a new Cabinet-level department, the Department of the Environment.

I am pleased that the distinguished ranking member of the Governmental Affairs Committee, Senator ROTH, is here to join me in this introduction, since the bill is a product of a joint effort involving ourselves, our staffs, and the administration.

I am also pleased to announce as original cosponsors Senators LIEBERMAN, KOHL, LEVIN, LAUTENBERG, and BINGAMAN.

Mr. President, 20 years ago, the Congress created the Environment Protection Agency as a response to what was perceived as a serious and growing pollution problem that threatened the health and well being of the American people. We have made progress in many areas, though not enough to become complacent in any area. In some areas, problems have gotten worse. Twenty years ago, few persons thought about the long-range transport of pollutants across international boundaries; of acid rain falling in continental Europe because coal was being burned in England; of ocean dumping of toxic substances that wash up on distant shores; of radioactive particles falling from the sky over France, Germany, Belgium, and Poland from a nuclear accident in the Soviet Union; of destruction of the stratospheric ozone layer, that protects us from damaging ultraviolet rays, from the release of millions of tons of chlorofluorocarbon compounds in our spray cans, refrigerators and air conditioners; and of the possibility of a potentially disastrous warming of the Earth from emissions of carbon dioxide resulting from the burning of fossil fuels.

Last November, the Administrator of EPA attended an international meeting with environmental ministers from 67 other countries to discuss and adopt an agreement in principle on the stabilization of carbon dioxide emissions. Like it or not, international agreements to achieve environmental progress are now a necessary feature of sound environmental protection policy.

These global concerns—stratospheric ozone destruction, the creation of ozone "smog" from deteriorating forests, acid rain, desertification, ocean pollution, and trafficking in hazardous waste, as well as the national pollution problems stemming from development and industrialization have induced every major industrialized nation to create a ministerial post for environmental protection with the only exception being the United States, where environmental concerns are handled by subcabinet officers.

As we approach the end of the 20th century, it is time for the United States to move aggressively in a leadership position across the board in the solution of global environmental problems. To do otherwise is to consign the quality of life of all Americans to the policy decisions of others—and what else should one call that except a threat to our national security?

It is a fact of diplomatic life that the seriousness with which one views another government's concerns is influenced by the stature of the person articulating those concerns. A subcabinet EPA does not send the appropriate signal to the rest of the world as to the priority and leadership to be given by the United States to the cause of environmental protection. If this were the only argument in favor of elevat-

ing EPA to Cabinet-level status, it would, and does, carry considerable weight. But there is much more to say.

EPA is our protector to ensure that the air we breathe, the water we drink, the wastes we dispose of, are not harmful to our health or our quality of life. These are among the most profound, fundamental concerns of Americans and will continue to be so for the indefinite future. Can anyone truly claim that there should be no room at the Cabinet table for the agency that grapples with the elements needed to sustain life?

In the last Congress, when the question of elevating the Veterans' Administration to Cabinet-level status came up, we discovered that no one had ever systematically set down criteria by which to judge whether a Federal agency should be given Cabinet status. The Governmental Affairs Committee contracted with the National Academy of Public Administration to produce such a set of criteria—which turned out to have 16 elements. We believe EPA meets nearly all of the 16 individual tests.

The bill I am introducing with Senator ROTH establishes a Bureau of Environmental Statistics to collect, coordinate, and make accessible environmental data of all kinds. It also authorizes the establishment of an Interagency Committee on Global Enviromental Change; and calls for new measures by the United States to promote energy conservation in connection with multilateral assistance programs. The bill also calls for convening in the United States of an International Meeting on Energy Efficiency and Renewable Resources as well as the negotiation of a Multilateral Global Climate Protection Convention at a separate international meeting to be held in the United States. The bill does not deal with specifics of environmental policy, but contains a mechanism, in the form of a Presidential commission, for taking a fresh look, across-the-board, at our environmental laws and regulations for the purpose of examining their logic consistency, overlap, and effectiveness.

I am confident that the step we are taking today will strengthen the American commitment to a cleaner and more healthful environment, not only for America, but the global commons.

I urge my colleagues and the President to support this measure, which I intend to move expeditiously through the Governmental Affairs Committee and to the floor of the Senate as soon as possible.

I would like to take this opportunity to acknowledge the efforts of many colleagues, past and present, who have worked hard to raise public consciousness of the need to elevate EPA to cabinet level status. The efforts of Senators DURENBERGER, CHAFEE, and BAUCUS, as well as the majority leader, Mr. MITCHELL, should be duly recognized and applauded, and I invite all who are interested to work with us to ensure that the final product that gets signed into law brings us a Department of the Environment that we can all be proud of.

I ask unanimous consent that the bill and a section-by-section analysis prepared by the Congressional Research Service be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of the Environment Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TITLE I—GENERAL FINDINGS
Sec. 101. Findings.
TITLE II—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY TO CABINET LEVEL
Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Establishment of the Department of the Environment.
Sec. 204. Assistant Secretaries.
Sec. 205. Deputy Assistant Secretaries.
Sec. 206. Office of the General Counsel.
Sec. 207. Office of the Inspector General.
Sec. 208. Bureau of Environmental Statistics.
Sec. 209. Miscellaneous employment restrictions.
Sec. 210. References.
Sec. 211. Savings provisions.
Sec. 212. Conforming amendments.
Sec. 213. Additional conforming amendments.
Sec. 214. Effective date.
TITLE III—ESTABLISHMENT OF THE INTERAGENCY COMMITTEE ON GLOBAL ENVIRONMENTAL CHANGE
Sec. 301. Findings.
Sec. 302. Establishment.
Sec. 303. Functions of the Committee.
Sec. 304. Relation to other laws.
Sec. 305. Effective date.
TITLE IV—ENVIRONMENTAL ROLE OF THE UNITED STATES IN INTERNATIONAL ORGANIZATIONS TO WHICH IT BELONGS
Sec. 401. Findings.
Sec. 402. Multilateral lending considerations for energy conservation and environmental protection.
Sec. 403. International energy conference.
Sec. 404. Multilateral global climate protection convention.
Sec. 405. International carbon dioxide monitoring program.
Sec. 406. Relation to other laws.
TITLE V—ESTABLISHMENT OF THE COMMISSION ON IMPROVING ENVIRONMENTAL PROTECTION
Sec. 501. Findings.
Sec. 502. Establishment; membership.
Sec. 503. Commission responsibilities.
Sec. 504. Report to the President and Congress.
Sec. 505. Commission staff.
Sec. 506. Advisory groups.
Sec. 507. Funding; authorization of appropriations.

TITLE I—GENERAL FINDINGS

SEC. 101. FINDINGS.

The Congress finds that—

(1) the Earth's environment is being altered by human activities such as the generation of solid and toxic wastes, the generation of water and air pollution, inefficient energy utilization, and poor land management practices;

(2) these environmental effects have serious implications for the Earth's ecosystems, agricultural production, water supply, air quality, human health, wetlands, and climate;

(3) Federal energy, natural resources, and environmental policies must be coordinated to take account of the fragility of the Earth's ecosystem; and

(4) adoption and implementation of a high-level, coordinated Federal policy which addresses the environment on a national and international level is necessary to protect the Earth's ecosystem.

TITLE II—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY TO CABINET LEVEL

SEC. 201. SHORT TITLE.

This title may be cited as the "Department of the Environment Act."

SEC. 202. FINDINGS.

The Congress finds that—

(1) recent concern with Federal environmental policy has highlighted the necessity of assigning to protection of the domestic and international environment a priority which is at least equal to that assigned to other functions of the Federal Government;

(2) protection of the environment increasingly involves negotiations with the representatives of foreign states, a majority of whom are of minister status; and

(3) the size of the budget and the number of Federal civil servants devoted to tasks associated with environmental protection is commensurate with departmental status.

SEC. 203. ESTABLISHMENT OF THE DEPARTMENT OF THE ENVIRONMENT.

(a) REDESIGNATION.—The Environmental Protection Agency is hereby redesignated as the Department of the Environment (hereafter referred to as the "Department") and shall be an executive department in the executive branch of the Government.

(b) SECRETARY OF THE ENVIRONMENT.—(1) There shall be at the head of the Department a Secretary of the Environment who shall be appointed by the President, by and with the advice and consent of the Senate. The Department shall be administered under the supervision and direction of the Secretary.

(2) The Secretary may not assign duties for or delegate authority for the supervision of the Assistant Secretaries, the General Counsel, the Director of Environmental Statistics, or the Inspector General of the Department to any officer of the Department other than the Deputy Secretary.

(c) DEPUTY SECRETARY.—There shall be in the Department a Deputy Secretary of the Environment, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such responsibilities as the Secretary shall prescribe and shall act as the Secretary during the absence or disabil-

ity of the Secretary or in the event of a vacancy in the Office of Secretary.

(d) OFFICE OF THE SECRETARY.—The Office of the Secretary shall consist of a Secretary and a Deputy Secretary and may include an Executive Secretary.

SEC. 204. ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Assistant Secretaries, not to exceed 10, as the Secretary shall determine, each of whom—

(1) shall be appointed by the President, by and with the advice and consent of the Senate; and

(2) shall perform such responsibilities as the Secretary shall prescribe.

(b) RESPONSIBILITIES OF ASSISTANT SECRETARIES.—The Secretary shall assign to Assistant Secretaries such responsibilities as the Secretary considers appropriate, including, but not limited to—

(1) enforcement and compliance monitoring;

(2) research and development;

(3) air and radiation;

(4) water;

(5) pesticides and toxic substances;

(6) solid waste;

(7) hazardous waste;

(8) hazardous waste cleanup;

(9) emergency response;

(10) international affairs;

(11) policy, planning, and evaluation;

(12) intergovernmental and public affairs; and

(13) administration and resources management, including financial and budget management, information resources management, procurement and assistance management, and personnel and labor relations.

(c) DESIGNATION OF RESPONSIBILITIES PRIOR TO CONFIRMATION.—Whenever the President submits the name of an individual to the Senate for confirmation as Assistant Secretary under this section, the President shall state the particular responsibilities of the Department such individual shall exercise upon taking office.

(d) CONTINUING PERFORMANCE OF ASSISTANT SECRETARY RESPONSIBILITIES PENDING CONFIRMATION.—An individual who, on the effective date of this Act, is performing any of the responsibilities required by this section to be performed by an Assistant Secretary of the Department may continue to perform such responsibilities until such responsibilities are assigned to an individual appointed as an Assistant Secretary of the Department under this Act.

(e) CHIEF FINANCIAL OFFICER.—(1) The Secretary shall designate the Assistant Secretary whose responsibilities include financial management as the Chief Financial Officer of the Department. Such individual shall be selected on a basis of demonstrated ability in financial management.

(2) The Chief Financial Officer shall—

(A) be the principal financial management advisor to the Secretary;

(B) develop and maintain financial management systems for the Department, including accounting and related transaction systems, internal control systems, financial reporting systems, credit, cash, and debt management systems which would provide for the—

(i) development and maintenance of consistent, compatible and useful financial data;

(ii) development and reporting of cost information; and

(iii) integration of accounting and budget information;

(C) supervise and coordinate all financial management activities and operations of the Department, including—

(i) the development of financial management budgets;

(ii) the approval and management of financial management system design or enhancement projects;

(iii) management of internal control processes;

(iv) the development of long-range financial management plans; and

(v) oversight over credit and cash management, credit extension, debt servicing, debt collection, and other credit management activities;

(D) monitor the financial execution of the Department's budget in relation to actual expenditures and prepare timely performance reports for senior managers; and

(E) issue such policies or directives as may be necessary to carry out this section.

(f) CHIEF INFORMATION RESOURCES OFFICER.—(1) The Secretary shall designate the Assistant Secretary whose responsibilities include information management functions as required by section 3506 of title 44, United States Code, as the Chief Information Resources Officer of the Department.

(2) The Chief Information Resources Officer shall—

(A) advise the Secretary on information management activities of the Department as required by section 3506 of title 44, United States Code;

(B) develop and maintain an information resources management system for the Department which provides for—

(i) the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

(ii) the implementation of all applicable government-wide and Department information policies, principles, standards, and guidelines with respect to information collection, paperwork reduction, privacy and security of records, sharing and dissemination of information, acquisition and use of information technology, and other information resource management functions;

(iii) the periodic evaluation of and, as needed, the planning and implementation of improvements in the accuracy, completeness, and reliability of data and records contained with Department information systems; and

(iv) the development and annual revision of a 5-year plan for meeting the Department's information technology needs; and

(C) report to the Secretary as required under section 3506 of title 44, United States Code.

SEC. 205. DEPUTY ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Deputy Assistant Secretaries as the Secretary may determine.

(b) APPOINTMENTS.—Each Deputy Assistant Secretary—

(1) shall be appointed by the Secretary; and

(2) shall perform such functions as the Secretary shall prescribe.

(c) MINIMUM NUMBER OF DEPUTY ASSISTANT SECRETARY POSITIONS IN THE COMPETITIVE SERVICE.—At least one-half of the number of positions established under subsection (a) and filled under subsection (b) shall be in the competitive service.

(d) FUNCTIONS.—(1) Subject to paragraph (2), functions assigned to an Assistant Secretary under section 204(b) may be performed by one or more Deputy Assistant Secretaries appointed to assist such Assistant Secretary.

(2) The following functions may be performed by a Deputy Assistant Secretary only if such Deputy Assistant Secretary is in a competitive service position:

(A) Personnel management and labor relations functions.

(B) Equal opportunity functions.

SEC. 206. OFFICE OF THE GENERAL COUNSEL.

There shall be in the Department the Office of the General Counsel. There shall be at the head of such office a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall provide legal assistance to the Secretary concerning the programs and policies of the Department.

SEC. 207. OFFICE OF THE INSPECTOR GENERAL.

The Office of Inspector General of the Environmental Protection Agency, established in accordance with the Inspector General Act of 1978, is hereby redesignated as the Office of Inspector General of the Department of the Environment.

SEC. 208. BUREAU OF ENVIRONMENTAL STATISTICS.

(a) ESTABLISHMENT.—There is established within the Department an independent Bureau of Environmental Statistics (hereafter referred to as the "Bureau"). The Bureau shall be responsible for—

(1) assembling a comprehensive set of environmental quality measures, not necessarily limited to those aspects of the environment under jurisdiction of the Department; the measures should include (but are not limited to) data—

(A) on the nature and amount of pollutants in the environment; and

(B) regarding the effects on the public and the environment of those pollutants;

(2) promulgating guidelines for the collection of the data required for the measures under paragraph (1) to assure that the data are accurate, reliable, relevant, and in a form that permits systematic analysis;

(3) coordinating the collection of such measures with related information-gathering activities conducted by other Federal agencies; (except the Bureau shall not collect data if the Bureau can obtain that data more efficiently and with equal reliability from another agency and such other agency is already collecting such data);

(4) making readily accessible the data required for the measures under paragraph (1);

(5) preparing, in cooperation with other Federal agencies, the report required under section 201 of the National Environmental Policy Act of 1969 (42 U.S.C. 4341); and

(6) fulfilling the duties and functions under paragraphs (1), (2), (6), and (7) of section 204 of the National Environmental Policy Act of 1969 (42 U.S.C. 4344(1), (2), (6), and (7)).

(b) DIRECTOR OF ENVIRONMENTAL STATISTICS.—The Bureau shall be under the direction of a Director of Environmental Statistics (hereafter referred to as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be a qualified individual with experience in the collection and analysis of environmental statistics. The Director shall report directly to the Secretary. The Director shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) ENVIRONMENTAL STATISTICS ANNUAL REPORT.—On February 1 of the year following the date of the enactment of this section and annually thereafter, the Director shall submit to the President an Environmental Statistics Annual Report (hereafter referred to as the "Report"). The Report shall include but not be limited to—

(1) data on environmental quality as referred to in sections 201(1) and 204(6) of the National Environmental Policy Act of 1969, (42 U.S.C. 4341(1) and 4344(6)), including the status and condition of the air, aquatic, and terrestrial environments, changes to those environments over time, trends in such conditions and changes, and the underlying causes of the changes;

(2) data on the health of human and nonhuman species and ecosystems;

(3) documentation of the method used to obtain and assure the quality of the data presented in the Report;

(4) economic information on the current and projected costs and benefits of environmental protection; and

(5) recommendations on improving environmental statistical information.

(d) DESIGNATION OF FUNCTIONS PRIOR TO CONFIRMATION.—Whenever the President submits the name of an individual to the Senate for confirmation as Director under this section, the President shall state the particular functions of the Department such individual will exercise upon taking office.

(e) CONTINUING PERFORMANCE OF THE FUNCTIONS OF THE DIRECTOR PENDING CONFIRMATION.—An individual who, on the effective date of this Act, is performing any of the functions required by this section to be performed by the Director may continue to perform such functions until such functions are assigned to an individual appointed as the Director under this Act.

(f) ADVISORY COUNCIL ON ENVIRONMENTAL STATISTICS.—The Director shall appoint an Advisory Council on Environmental Statistics, comprised of no more than 6 private citizens who have expertise in environmental statistics and analysis, to advise the Director on environmental statistics and analyses, including whether the statistics and analyses disseminated by the Bureau are of high quality and are based upon the best available objective information. The Council shall be subject to the provisions of the Federal Advisory Committee Act.

(g) BUREAU AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated $2,800,000 in fiscal year 1991 and $5,400,000 in fiscal year 1992 to carry out the provisions of this section.

SEC. 209. MISCELLANEOUS EMPLOYMENT RESTRICTIONS.

(a) LIMITATION ON NUMBER OF NONCAREER SENIOR EXECUTIVES.—Notwithstanding section 3134(d) of title 5, United States Code, the number of Senior Executive Service positions in the Department which are filled by noncareer appointees in any fiscal year may not exceed 12 percent of the total number of senior executives employed in Senior Executive Service positions in the Department at the end of the preceding fiscal year.

(b) PROHIBITED EMPLOYMENT AND ADVANCEMENT CONSIDERATIONS.—Except as otherwise provided in this Act, political affiliation or political qualification may not be taken into account in connection with the appointment of any person to any position in the career civil service or in the assignment or advancement of any career civil servant in the Department.

(c) REPORTS ON IMPLEMENTATION.—The Secretary, at the end of each of the first 4 fiscal years following the date of enactment of this title, shall report to the Senate Committees on Governmental Affairs and Environment and Public Works and to the House of Representatives on the estimated additional cost of implementing this title over the cost as if this title had not been implemented, including a justification of increased staffing not required in the execution of this title.

SEC. 210. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining—

(1) to the Administrator of the Environmental Protection Agency shall be deemed to refer to the Secretary of the Environment;

(2) to the Environmental Protection Agency shall be deemed to refer to the Department of the Environment;

(3) to the Deputy Administrator of the Environmental Protection Agency shall be deemed to refer to the Deputy Secretary of the Environment; or

(4) to any Assistant Administrator of the Environmental Protection Agency shall be deemed to refer to an Assistant Secretary of the Department of the Environment.

SEC. 211. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of the Environmental Protection Agency, or by a court of competent jurisdiction, in the performance of functions of the Administrator or the Environmental Protection Agency; and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of the Environment, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending before the Environmental Protection Agency at the time this Act takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this Act shall not affect suits commenced before the date this Act takes effect, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Environmental Protection Agency, or by or against any individual in the official capacity of such individual as an officer of the Environmental Protection Agency, shall abate by reason of the enactment of this Act.

(e) PROPERTY AND RESOURCES.—The contracts, liabilities, records, property, and other assets and interests of the Environmental Protection Agency shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department.

SEC. 212. CONFORMING AMENDMENTS.

(a) PRESIDENTIAL SUCCESSION.—Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: ", Secretary of the Environment".

(b) DEFINITION OF DEPARTMENT, CIVIL SERVICE LAWS.—Section 101 of title 5, United States Code, is amended by adding at the end thereof the following: "The Department of the Environment".

(c) COMPENSATION, LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following: "Secretary of the Environment".

(d) COMPENSATION, LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking out "Administrator of Environmental Protection Agency" and inserting in lieu thereof "Deputy Secretary of the Environment".

(e) COMPENSATION, LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Inspector General, Environmental Protection Agency" and inserting in lieu thereof "Inspector General, Department of the Environment"; and

(2) by striking each reference to an Assistant Administrator of the Environmental Protection Agency and by adding at the end thereof the following: "Assistant Secretaries, Department of the Environment (10). "General Counsel, Department of the Environment.".

(f) INSPECTOR GENERAL ACT.—The Inspector General Act of 1978 is amended—

(1) in section 2(1)—

(A) by inserting "the Department of the Environment,": after "Veterans Affairs,"; and

(B) by striking out "The Environmental Protection Agency,";

(2) in section 11(1) by striking out "or Veterans Affairs" and inserting "Veterans Affairs, or the Environment,"; and

(3) in section 11(2) by striking out "or Veterans Affairs" and inserting "Veterans Affairs, or the Environment,".

SEC. 213. ADDITIONAL CONFORMING AMENDMENTS.

After consultation with the Committee on Governmental Affairs and the Committee on Environment and Public Works of the United States Senate and the appropriate committees of the House of Representatives, the Secretary of the Environment shall prepare and submit to the Congress proposed legislation containing technical and conforming amendments to the United States Code, and to other provisions of law, to reflect the changes made by this Act. Such legislation shall be submitted not later than 6 months after the effective date of this Act.

SEC. 214. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on such date during the 6-month period beginning on the

date of enactment, as the President may direct in an Executive order. If the President fails to issue an Executive order for the purpose of this section, this Act and such amendments shall take effect on January 20, 1991.

TITLE III—ESTABLISHMENT OF THE INTERAGENCY COMMITTEE ON GLOBAL ENVIRONMENTAL CHANGE

SEC. 301. FINDINGS.

The Congress finds that—

(1) problems of global environmental change, including, but not limited to, changes in climate, depletion of the stratospheric ozone layer, loss of biodiversity and ecosystems (especially tropical rain forests), disposal of wastes, and acidification of the biosphere, must command the coordinated attention of the United States at both domestic and international levels;

(2) development of effective policies to mitigate and cope with human-induced global changes will rely on greatly improved scientific understanding of global environmental processes and on the ability to distinguish between the effects of human activities and the results of natural change;

(3) new developments in interdisciplinary earth sciences, global observing systems, and computing technology make possible significant advances in the scientific understanding and prediction of global changes and their effects;

(4) global environmental change scientific research is coordinated by, among others, the Committee on Earth Sciences of the Federal Coordinating Council on Science, Engineering, and Technology within the Office of Science and Technology Policy and the National Climate Program Office in the National Oceanic and Atmospheric Administration of the Department of Commerce;

(5) to maximize the benefit of this scientific research effort, there must be a parallel policy research effort to provide a basis for international and related domestic policy recommendations; these should evolve in accordance with future gains in scientific understanding of global environmental change;

(6) a coordinating, interagency Committee is required to oversee the design and implementation of Federal policy responses to problems of global environmental change; and

(7) a Committee with such responsibilities should be Cabinet-level and report directly to the President.

SEC. 302. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is authorized to be established, within the Executive Office of the President, the Interagency Committee on Global Environmental Change (hereafter referred to as the "Committee") which shall be composed of—

(1) the Secretary of the Environment;

(2) the Secretary of Energy;

(3) the Secretary of the Interior;

(4) the Secretary of Commerce;

(5) the Secretary of Transportation;

(6) the Secretary of Health and Human Services;

(7) the Secretary of State;

(8) the Secretary of Agriculture;

(9) the Director of the Office of Management and Budget;

(10) the Director of the National Science Foundation;

(11) the Administrator of the National Aeronautics and Space Administration;

(12) the Attorney General of the United States;

(13) the Director of the White House Office of Science and Technology; and

(14) the Chairman of the Council on Environmental Quality.

(b) OTHER OFFICIALS AND CHAIRMAN.—The President may name to the Committee such other officers and officials as he deems advisable. The President shall designate a member of the Committee to serve as Chairman of the Committee.

(c) ADMINISTRATIVE PROVISIONS.—(1) The Committee shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of title 5, United States Code. With the approval of the Committee, the Executive Director may appoint and fix the compensation of not more than 10 additional technical staff members for the Committee.

(2) Upon the request of the Committee, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Committee to assist the Committee in carrying out its duties.

(3) The Office of Administration shall provide to the Committee such administrative and support service as the Committee may request.

SEC. 303. FUNCTIONS OF THE COMMITTEE.

(a) FUNCTIONS.—The Committee shall provide advice and assistance to the President in—

(1) coordinating the domestic and international programs, plans, and policies of all Federal agencies related to global environmental change, including—

(A) surveying the programs, plans, policies, and accomplishments of all Federal departments and agencies engaged in global environmental change activities; and

(B) ensuring cooperation among Federal departments and agencies with respect to their global environmental change activities;

(2) developing and transmitting to the Congress, no later than September 1 of each year, a policy plan which—

(A) covers the upcoming fiscal year;

(B) is parallel to and commensurate with the scientific research coordinated by, among others, the Committee on Earth Sciences and the National Climate Program Office; and

(C) ensures that Federal policy responses to global environmental change problems—

(i) are effectively coordinated among all Federal agencies, among all United States-supported bilateral and multilateral aid institutions (including, but not limited to, the United States Agency for International Development, the International Energy Agency, the World Bank, the International Monetary Fund, the United Nations, the African Development Bank, the Asian Development Bank, and the Inter-American Development Bank), and among other international organizations to which the United States belongs; and

(ii) are designed significantly to improve the global environment;

(D) may make recommendations for legislation as the President considers necessary or desirable for the attainment of the objectives identified by the Committee;

(3) develop and transmit to the Congress on September 1 every other year a report detailing the Committee's progress toward meeting the goals in the plan required by paragraph (2);

(b) CONSULTATIONS.—In carrying out this title, the Committee shall as they may find necessary and appropriate, consult with such other Federal interagency and advisory groups (including, but not limited to, the White House Economic Policy Council and the White House Domestic Policy Council) and non-Federal organizations as State governments, scientific and public policy research institutions, universities, and industry.

SEC. 304. RELATION TO OTHER LAWS.

The President and the Committee shall ensure that the activities carried out by the Department of the Environment and the Department of State under the Global Climate Protection Act of 1987 (15 U.S.C. 2901 note; Pub. Law 100-204, sections 1101-1106) are considered in the conduct and planning of a coordinated Federal global environmental program.

SEC. 305. EFFECTIVE DATE.

The provisions of this title shall take effect on such date during the six-month period beginning on the date of enactment, as the President may direct in an Executive Order. If the President fails to issue an Executive Order for the purpose of this section, this title shall take effect on July 1, 1991.

TITLE IV—ENVIRONMENTAL ROLE OF THE UNITED STATES IN INTERNATIONAL ORGANIZATIONS TO WHICH IT BELONGS

SEC. 401. FINDINGS.

The Congress finds that—

(1) the United States should continue to provide leadership in developing and implementing an international response to global environmental change;

(2) the most effective policies for addressing global environmental change will involve issues of the generation and disposal of wastes, the generation of water and air pollution, energy generation and utilization, sustainable development, and land management; and

(3) dealing with these issues will require concerted international agreement and action.

SEC. 402. MULTILATERAL LENDING CONSIDERATIONS FOR ENERGY CONSERVATION AND ENVIRONMENTAL PROTECTION.

The Congress strongly urges the Secretary of the Treasury, with the advice of the Committee established in title III, to instruct the United States Executive Director to each of the multilateral development banks to consider and promote the energy conservation and environmental protection efforts of borrowing countries when issuing loans and other financial or technical assistance.

SEC. 403. INTERNATIONAL ENERGY CONFERENCE.

The Secretary of State, in consultation with the Secretary of Energy and the Secretary of the Environment, and with the advice of the Committee established in title III, is authorized and strongly urged to convene an international meeting to be held in the United States with invitations to representatives of all countries of the world, the purpose of which shall be to encourage the exchange of information concerning energy efficiency and renewable energy resources that are environmentally acceptable and ecologically sustainable.

SEC. 404. MULTILATERAL GLOBAL CLIMATE PROTECTION CONVENTION.

(a) INTERNATIONAL MEETING.—The Secretary of State in consultation with the Secretary of the Environment and the United States science agencies (such as the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Ad-

ministration, and the National Science Foundation), and with the advice of the Committee established in title III, is authorized and strongly urged to convene an international meeting to be held in the United States with invitations to representatives of all countries of the world, the purpose of which shall be to encourage actively the adoption of a multilateral global climate protection convention.

(b) ADDITIONAL MEETINGS.—The Secretary of State, in consultation with the Secretary of Environment, is authorized and strongly urged to sponsor other meetings with the goal that the convention is opened for signature no later than the end of 1993.

SEC. 405. INTERNATIONAL CARBON DIOXIDE MONITORING PROGRAM.

The President, with the advice of the Committee established in title III, shall encourage the establishment of an office of the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) to monitor annual generation of carbon dioxide and estimated trace gases on a country-by-country basis. That office shall also be responsible for assisting global negotiations and ultimately administering a global protocol.

SEC. 406. RELATION TO OTHER LAWS.

The activities authorized under this title are to be carried out in a manner consistent with the duties assigned the Department of Environment and the Department of State under the Global Climate Protection Act of 1987 (15 U.S.C. 2901 note; Pub. Law 100-204, sections 1101-1106).

TITLE V—ESTABLISHMENT OF THE COMMISSION ON IMPROVING ENVIRONMENTAL PROTECTION

SEC. 501. FINDINGS.

The Congress finds that Federal environmental statutes and other environmental authorities have resulted in inconsistent approaches to regulating pollutants and problems with cross-media and residuals management, and numerous Federal agencies, offices, and bureaus charged with environmental protection responsibilities.

SEC. 502. ESTABLISHMENT; MEMBERSHIP.

(a) ESTABLISHMENT.—There is established the Commission on Improving Environmental Protection (hereafter referred to as "the Commission") whose 13 members other than the Chairman shall be composed of experts in governmental organization (with emphasis on environmental organization), management of organizations and environmental regulation and improved environmental governmental service delivery, including—

(1) seven members to be appointed by the President;

(2) three members to be appointed by the Speaker of the House; and

(3) three members to be appointed by the Senate Majority Leader.

(b) CHAIRMAN.—The Chairman of the Commission shall be appointed by the President in consultation with the Congress.

(c) EX OFFICIO MEMBER.—The Secretary of the Department of the Environment (hereafter referred to as "the Department") shall be a non-voting ex officio member of the Commission.

SEC. 503. COMMISSION RESPONSIBILITIES.

The Commission shall be responsible for examining and making recommendations on integrating Federal environmental law and other authorities to improve the ability of the United States to protect the environment. The Commission shall make recommendations and otherwise advise the President and Congress on—

(1) the need for comprehensive pollution control administrative and legislative reforms that would consolidate, rationalize, and strengthen the management of Federal environmental protection;

(2) the advantages and disadvantages of unifying existing major statutory authorities;

(3) new or modified institutional arrangements, processes, or regulations that would improve the integration and delivery of Federal environmental protection, research, and planning programs; and

(4) specific steps and proposals for implementing the Commission's recommendations.

SEC. 504. REPORT TO THE PRESIDENT AND CONGRESS.

The Commission shall report to the President and the Congress on its investigation, findings, and recommendations in an interim report no later than 12 months after the effective date of this title, and in a final report no later than 24 months after the effective date of this title. The interim report shall be made available for public review and comment, and the comments taken into account in finalizing the report.

SEC. 505. COMMISSION STAFF.

The Commission shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 title 5, United States Code. With the approval of the Commission the Executive Director may appoint and fix the compensation of staff sufficient to enable the Commission to carry out its duties.

SEC. 506. ADVISORY GROUPS.

The Chairman shall convene at least one advisory group to assist the Commission in developing its recommendations. One advisory group shall be composed of past staff of the Department of the Environment and its predecessor Environmental Protection Agency, other Federal and State officials experienced in administering environmental protection programs, members of the regulated community and members of public interest groups organized to further the goals of environmental protection.

SEC. 507. FUNDING; AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $3,000,000 in fiscal year 1991 and $5,000,000 in fiscal year 1992 to carry out the provisions of this title.

[From the Congressional Research Service, the Library of Congress, Environmental and Natural Resources Policy Division, Jan. 22, 1990]

SECTION-BY-SECTION ANALYSIS OF THE DEPARTMENT OF THE ENVIRONMENT ACT OF 1990

(By Mary E. Tiemann and Martin R. Lee)

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS

This section identifies the short title as the "Department of the Environment Act of 1990" and lists the contents of the bill.

Title I—General Findings

This title lists congressional findings on the alteration of the Earth's environment, its serious implications, the need for coordinated Federal energy, natural resources, and environmental policies, and the necessity of adopting a high-level coordinated Federal policy which addresses the environment on a national and international level.

Title II—Elevation of the Environmental Protection Agency to Cabinet Level

SECTION 201. SHORT TITLE

This section cites title II as the "Department of the Environment Act."

SECTION 202. FINDINGS

This section declares the necessity of giving environmental protection a priority at least as high as other Federal functions; recognizing that international negotiations are increasingly involved, and that environmental protection funding and staff levels are commensurate with departmental status.

SECTION 203. ESTABLISHMENT OF THE DEPARTMENT OF THE ENVIRONMENT

This section redesignates the Environmental Protection Agency as the Department of the Environment. It establishes a Secretary of the Environmental, appointed by the President, by and with the consent of the Senate, to administer the Department. It prohibits the Secretary from assigning delegating authority for supervising Under Secretaries, Assistant Secretaries, the General Counsel, the Director of Environmental Statistics, or the Inspector General of the Department of any officer of the Department other than the Deputy Secretary. In addition, it authorizes a Deputy Secretary of the Environment, appointed by the President, by and with the consent of the Senate. Also, it establishes an Office of the Secretary consisting of a Secretary, Deputy Secretary and possibly an Executive Secretary.

SECTION 204. ASSISTANT SECRETARIES

This section authorizes as many as ten Assistant Secretaries, appointed by the President, and performing responsibilities prescribed by the Secretary. It lists, but does not limit, their responsibilities to 13 functions, including enforcement and compliance monitoring; research and development; air and radiation; water; pesticides and toxic substances; solid waste; hazardous waste; hazardous waste cleanup; emergency response; international affairs; policy, planning, and evaluation; intergovernmental and public affairs; and administration and resource management, including financial and budget management, information resources management, procurement and assistance management, and personnel and labor relations. It requires that, when nominating, the President state the particular responsibilities an Assistant Secretary will exercise. Further, it allows those performing assistant secretarial-level responsibilities to continue to do so until an Assistant Secretary is appointed. It requires the Secretary to designate the Assistant Secretary whose responsibilities include financial and budget management as the Chief Financial Officer, to be selected on a basis of demonstrated ability in financial management. It lists five broad responsibilities for that officer. It requires the Secretary to designate a Chief Information Resources Officer who will advise the Secretary and develop and maintain an information resources management system.

SECTION 205. DEPUTY ASSISTANT SECRETARIES

This section authorizes the Secretary to establish, appoint, and prescribe duties for, any number of Deputy Assistant Secretaries, at least one-half of whom are to be in the competitive service. It allows the Deputy Assistant Secretaries to perform some Assistant Secretaries' functions in certain circumstances.

SECTION 206. OFFICE OF THE GENERAL COUNSEL

This section establishes an Office of the General Counsel, headed by a General Counsel appointed by the President with the advice and consent of the Senate.

SECTION 207. OFFICE OF THE INSPECTOR GENERAL

This section redesignates the current Office of Inspector General as the Office of Inspector General of the Department of the Environment.

SECTION 208. BUREAU OF ENVIRONMENTAL STATISTICS

This section establishes within the Department of the Environment a Bureau of Environmental Statistics, to be headed by a Director of Environmental Statistics, appointed by the President with the advice and consent of the Senate. It requires an annual environmental statistics report. This section also authorizes the Secretary of the Department of the Environment to appoint a six-person Advisory Council on Environmental Statistics to advise the Director. Authorizations for the Bureau would include $2.8 million for fiscal year 1991 and $5.4 million for fiscal year 1992.

SECTION 209. MISCELLANEOUS EMPLOYMENT RESTRICTIONS

This section limits the number of Senior Executive Service positions filled by noncareer appointees to 12 percent of the total number of senior executives. It also prohibits taking political affiliation into account in employment appointments, assignments and advancements, and requires the Secretary to report annually on the costs of implementing Title II.

SECTION 210. REFERENCES

This section provides that current references in law or other documents to the Administrator, the Environmental Protection Agency, the Deputy Administrator, and any Assistant Administrator are deemed to refer to the Secretary, the Department of the Environment, the Deputy Secretary of the Environment, and Assistant Secretary, respectively.

SECTION 211. SAVINGS PROVISIONS

This section authorizes the continuing effect of legal documents, proceedings, suits, actions, and property and resources.

SECTION 212. CONFORMING AMENDMENTS

This section specifies various technical amendments to the U.S. Code.

SECTION 213. ADDITIONAL CONFORMING AMENDMENTS

This section requires the Secretary, after consulting with the Senate Committee on Governmental Affairs and Committee on Environment and Public Works and appropriate House committees, to submit within six months proposed legislation to reflect changes made by this Act.

SECTION 214. EFFECTIVE DATE

This sets the Act's effective date as the date the President directs within six months of enactment, or January 20, 1991.

Title III—Establishment of the Interagency Committee on Global Environmental Change

SECTION 301. FINDINGS

This section expresses the congressional finding that the United States must coordinate attention to global environmental change at both the domestic and international levels, and that developing effective policies responding to those changes will require greatly improved scientific understanding and capability. The Congress further finds that a Cabinet-level inter-agency Committee is required to coordinate the design and implementation of Federal policy responses to problems of global environmental change and that such a Committee should report directly to the President.

SECTION 302. ESTABLISHMENT

This section establishes the Inter-agency Committee on Global Environmental Change within the Executive Office of the President. Committee members include: the Secretaries of Environment, Energy, Interior, Commerce, Transportation, Health and Human Services, State, and Agriculture; the Attorney General of the United States; the Director of the Office of Management and Budget; the Director of the National Science Foundation; the Administrator of the National Aeronautics and Space Administration; the Director of the White House Office of Science and Technology; and the Chairman of the Council on Environmental Quality.

Section 302 authorizes the President to name additional officers and officials to the Committee as he deems advisable and to designate a Committee member to serve as Chairman.

SECTION 303. FUNCTIONS OF THE COMMITTEE

Section 303 directs the Committee to provide advice and assistance to the President in coordinating domestic and international programs, plans, and policies of all Federal agencies related to global environmental change, and in delivering a policy plan to Congress annually. The plan is to cover the subsequent fiscal year, is to be commensurate with related Federal efforts, and is to ensure that Federal policy responses to global environmental change problems are coordinated among all United States-supported aid institutions.

This section also requires the President to submit biannually to the Congress a report on the Committee's progress toward meeting the plan's goals.

SECTION 304. RELATION TO OTHER LAWS

This section directs the President and the Committee to ensure the activities carried out by the Departments of Environment and State under the Global Climate Protection Act of 1987 (P.L. 100-204) are considered in the Federal global environmental program.

SECTION 305. EFFECTIVE DATE

This sets the Act's effective date as the date the President directs within six months of enactment, or July 1, 1991.

Title IV—Environmental Role of the United States in International Organizations to Which it Belongs

SECTION 401. FINDINGS

The Congress finds that the United States should continue to provide leadership in developing and implementing an international response to global environmental change. Effective response policies will address issues of waste management, air and water pollution, energy generation and use, sustainable development, and land management, and will require concerted international action.

SECTION 402. MULTILATERAL LENDING CONSIDERATIONS FOR ENERGY CONSERVATION AND ENVIRONMENTAL PROTECTION

This section strongly urges the Secretary of the Treasury, with the advice of the Interagency Committee on Global Environmental Change, to instruct the U.S. Executive Director to each multilateral development bank to consider and promote energy conservation and environmental protection efforts of borrowing countries when issuing loans and other financial or technical assistance.

SECTION 403. INTERNATIONAL ENERGY CONFERENCE

This section authorizes and strongly urges the Secretary of State, with the Secretaries of Energy and Environment, and the advice of the Committee, to work toward convening an international meeting in the United States to encourage information exchange on energy efficiency and environmentally sound and ecologically sustainable renewable energy resources.

SECTION 404. MULTILATERAL GLOBAL CLIMATE PROTECTION CONVENTION

This section authorizes and strongly urges the Secretary of State, with others, to convene an international meeting in the United States encouraging the adoption of a multilateral global climate protection convention. It also authorizes and urges the Secretary of State, with the Secretary of Environment, to sponsor additional meetings to attain a convention open for signature by the end of 1993.

SECTION 405. INTERNATIONAL CARBON DIOXIDE MONITORING PROGRAM

This section calls for the President to encourage the establishment of an office of the United Nations Environment Program (UNEP) and the World Meteorological Organization (WMO) to monitor annual generation of carbon dioxide and trace gases on a country-by-country basis. This office is also to assist negotiations and administration of a global protocol.

SECTION 406. RELATION TO OTHER LAWS

This section requires that activities authorized herein are administered in a manner consistent with those duties assigned under the Global Climate Protection Act (P.L. 100-204).

Title V—Establishment of the Commission on Improving Environmental Protection

SECTION 501. FINDINGS

This section finds that Federal environmental statutes have resulted in: (1) inconsistent approaches to regulating pollutants; (2) problems with cross-media and residuals management; and (3) numerous Federal agencies, offices and bureaus being charged with environmental protection responsibilities.

SECTION 502. ESTABLISHMENT, MEMBERSHIP

This section establishes a Commission on Improving Environmental Protection, with 7 members appointed by the President, 3 by the Speaker of the House, and 3 by the Senate Majority Leader. The President in consultation with the Congress appoints the Chairman, and the Secretary of the Department of the Environment serves *ex officio*.

SECTION 503. COMMISSION RESPONSIBILITIES

This section outlines the responsibilities of the Commission to examine and make recommendations on integrating Federal environmental law. It requires the Commission to make recommendations to the Congress and the President on the need for comprehensive pollution control administrative and legislative reforms, the advantages and disadvantages of unifying major statutory authorities, improved institutional arrangements or regulations, and specific steps and proposals for implementing the Commission's recommendations.

SECTION 504. REPORT TO THE PRESIDENT AND CONGRESS

This section requires the Commission to report on its investigation, findings and recommendations to the President and Congress in an interim report within 1 year and a final report within 2 years.

SECTION 505. COMMISSION STAFF

This section authorizes the Commission to appoint an Executive Director and sufficient staff for carrying out the Commission's duties.

SECTION 506. ADVISORY GROUPS

This section allows the Chairman of the Commission to convene at least one advisory group composed of past Department and Environmental Protection Agency staff, other Federal and State environmental officials, members of the regulated community, and members of public interest groups.

SECTION 507. FUNDING; AUTHORIZATION OF APPROPRIATIONS

This authorizes $3 million for fiscal year 1991 and $5 million for fiscal year 1992.

Mr. ROTH. Mr. President, I rise today, along with Senator GLENN, to introduce legislation to elevate the Environmental Protection Agency to a cabinet-level Department of the Environment. The changes that are occuring in our environment, whether due to natural process or human influence, can have a vast impact on the welfare of all humans. Few would argue that issues concerning the environment have come to the forefront of the public's mind, and the creation of a Department of the Environment would reflect this level of concern in the Federal Government's organization and structure.

The distinguished chairman of the Governmental Affairs Committee, Senator GLENN, and I have worked for many months on shaping what we now feel is a forward-thinking, prudent piece of bipartisan legislation. Our two staffs worked diligently with a common goal in mind—to create a government institution that best serves its intended purpose. Senator GLENN and I have always worked well together, and I believe this bill reflects a great deal of time well spent.

I believe our Federal planning and decisionmaking on environmental issues must come from an organization with Cabinet-level stature. More and more, environmental factors must become a part of all upper-level government policy decisions, so it is essential that a Secretary of the Environment sit at the table during Presidential cabinet meetings. When the Secretary of Transportation discusses the shipping of oil from one U.S. port to another, the Secretary of the Environment should be there to point out the environmental impact. When the Secretary of Energy discusses the treatment of waste at our Nation's nuclear facilities, the Secretary of the Environment should be there to discuss the environmental implications. And when the Secretary of State discusses a forthcoming meeting with a foreign leader, the Secretary of Environment should be there to offer input on what global environmental issues should be addressed.

If this bill is enacted, the newly established Secretary of the Environment would be given the ability to not only meet with other cabinet secretaries as an equal domestically, but also to work with foreign Ministers of the Environment as an equal internationally. In the years to come, we will see the nations of the world getting together to reach agreement on the important environmental issues that affect us all. If we are to be taken seriously as global environmental leaders, other nations must realize that they are dealing with an individual of substance when they sit at the negotiating table with the Secretary of the Environment.

The United States must continue to take the lead in facing today's environmental challenges whether it be acid rain, solid waste, smog, or the depletion of the ozone layer. In order for their government to be a true world leader in this area, the American people themselves must be educated and energized. A Secretary of the Environment would be in an ideal position to promote environmental ideals on a large scale.

In considering the reorganization of the EPA, we have built in needed administrative changes to allow for more efficient and effective use of resources within the Department. For example, at the Assistant Secretary level, this bill calls for a Chief Financial Officer and an Informational Resources Manager to coordinate the finances and paperwork within the new Department. Furthermore, this bill would establish a Bureau of Environmental Statistics within the Department to develop and maintain comprehensive environmental data. Given the growing volume of data on environmental change, much of which seems to be contradictory, this Bureau will serve as a beacon of statistical thought. These internal controls will ensure that the Department of the Environment competently fulfills its obligation to the American people, and their success will point the way toward more responsible management throughout the rest of the executive branch.

Whether it be the shores of Lake Erie in Senator GLENN's home State of Ohio, or the banks of the Delaware River in my home State, I think we all realize how precious our environment is to us and how important it is that we be its guardians. When it comes to the Earth's environment there are ultimately no dividends or penalties—simply consequences. It is these consequences that demand the highest form of responsibility and action. The environmental legacy we leave for future generations depends on the right decisions being made today—and I hope you will agree with me that those decisions must be made by a Department of the Environment.

Mr. LIEBERMAN. Mr. President, I am honored to cosponsor the Department of the Environment Act of 1990. I commend my colleagues, Senators GLENN and ROTH for their leadership on this bill, which elevates the Environmental Protection Agency to the Cabinet of the United States.

This bill will also establish an Interagency Task Force on Global Climate Change. It will define the role of the United States in International Environmental Organizations. It will establish a Commission on Improving Environmental Protection to make recommendations to the President and to Congress on necessary steps to continue the leadership of our environmental institutions into the 21st century. Finally, the bill establishes a Bureau of Environmental Statistics.

EPA is charged with one of the most complex and challenging missions in our Government. As the only Member of the Senate who sits on both the Government Affairs Committee and the Environment and Public Works Committee, I have something of a unique perspective on this legislation. This bill reflects the growth of our knowledge of the environment and environmental management in the twenty years since EPA was created. While it is not a glamorous bill, it provides the essential institutional framework we need.

The United States is increasingly involved in environmental matters around the globe. In the last several years, we have come to recognize that the Environmental Protection Agency's mission, in reality, extends to the very preservation of life on this planet. The quality of our environment in this country is directly related to the policies of countries across the globe. Whether the issue is stratospheric ozone depletion, global warming, acid rain or the proliferation of toxic materials and hazardous waste, the United States must take an active leadership role in world environmental affairs. We will not fully realize that role until our environmental agency is a full fledged member of the President's Cabinet.

If this is true in global environmental policy, it is even more true in domestic environmental policy. EPA is charged with protecting our health and preserving the quality of our natural environment.

From my own experience on the Environment Committee, I know that EPA is constantly in battles with other parts of the administration about what level of protection is appropriate. Others in the administration concentrate on the economic consequences of environmental policies but EPA is the advocate for our health

and the protection of our lakes and streams.

Many of the solutions to our environmental problems lie beyond the traditional scope of EPA programs. The quality of our air is directly related to energy and transportation policy. The quality of our drinking water is directly related to land use decisions. It may be that we, the Federal Government, are the largest generator of hazardous waste in the Nation. Our environmental future is bound up in the programs and policies of the agencies represented at the Cabinet table. It is time for a Secretary of Environment to be a full partner at that table. This legislation will ensure that every significant environmental decision made by the executive branch will be debated among equals.

It is especially appropriate that this legislation pass this year. In April the Nation and the world will celebrate the 20th anniversary of Earth Day. One of our Government's most important responses to the original Earth Day was the creation of the Environmental Protection Agency. In the ensuing years, we have come to understand that EPA's actions play a critical role in the fabric of our everyday lives, in our economy, and in our foreign policy.

As EPA's mission has evolved, the Agency itself has matured. While I don't always agree with EPA's actions, there is no question that the Agency has proven its ability to contribute at the highest levels of Government.

Today, the Senate begins consideration of the Clean Air Act amendments. Congress will pass that bill this year and it will be EPA's responsibility to enforce it. We don't want to create a first-class bill and put it in the hands of a Government agency with second-class status. We must give EPA the governmental status that environmental protection deserves. Bill Reilly is an able administrator and first-rate environmentalist. When the President calls his team together, Bill Reilly should be there, each and every time, with Cabinet rank.

The creation of a Bureau of Environmental Statistics to collect uniform data and evaluate the effect of pollutants is essential. In spending our country's economic resources, we must know which pollutants pose the greatest risk to human health and the environment. This knowledge will tell us which environmental problems to address first.

This legislation demonstrates our commitment to strong environmental programs in the future. The creation of a Department of Environment sends an unequivocal message to all Americans and to the world that the United States places environmental protection among its most important concerns.

By Mr. CRANSTON (for himself and Mr. LEAHY):

S. 2009. A bill to limit the use of appropriated funds for the B-2 advanced technology bomber aircraft program; to the Committee on Armed Services.

LIMITATION ON THE USE OF B-2 BOMBER FUNDS

Mr. CRANSTON. Mr. President, today marks the beginning of the end for the B-2 bomber, a billion dollar bomber we cannot afford and do not need.

Today, with my distinguished colleague from Vermont, Senator PATRICK LEAHY, I am introducing the B-2 termination bill.

I would like to send to the desk a copy of that bill, and Senator LEAHY's statement, and ask that it appear in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. This legislation is designed to stop funding for any new production starts for the B-2. This legislation is designed to terminate what will prove—if it is built—to be the most expensive weapons system ever bought by mankind.

The Senate is on notice. The B-2 termination bill marks the launching of a sustained campaign to end this irresponsible B-2 weapon buying spree. We will be back again and again debating the merits of the B-2, obtaining rollcall votes, and rallying grassroot support until we prevail. I will continue to expend every reasonable effort to achieve a majority in Congress to terminate the B-2. It is clear to me that the time to terminate the B-2 is now.

For too long the details of the B-2 have been shrouded in secrecy, precluding public debate and effective congressional scrutiny. Last fall we began to develop the public record on the merits of the B-2 bomber. Even then, the debate during consideration of the Defense appropriation bill did not occur until the early hours of the morning, when many did not hear in the Senate and outside of the Senate. Let us consider this program in broad daylight and in the glare of the public eye. Let us debate the merits of this program until the many speeches made in its defense are finally revealed.

I have no illusions. This will be a long, uphill journey. We begin today with 32 votes in hand from last fall's rollcall votes. And in the short time since I came to this Chamber last fall to declare my opposition to this program, a number of key members of the defense community have joined us in questioning the merits of proceeding with new production on the B-2. It seems that the tide is beginning to turn.

The Air Force is determined to win this battle. Anticipating our efforts to end this unnecessary program, the Air Force has gone on the offensive—holding a strategy retreat and even stooping to promotional gimmickry during the recent invasion of Panama. The Air Force decision to send the F-117A, the Stealth fighter, to bomb an airfield in Panama, despite the lack of significant Panamanian air defenses, was a charade. It was a publicity stunt in the middle of a military operation. The only rationale for sending the F-117 was to shape the debate on the future of Stealth technology. The point was certainly made—sending strategic aircraft on conventional missions highlights the fact that we do not need these high-priced toys. We could have accomplished the same mission at less risk with other aircraft.

I am keenly aware that the debate will not be about the B-2 bomber alone. During consideration of the budget resolution in the coming months, we can expect a guns versus butter debate of historic proportion. Our goal is to save the more than $100 billion that the B-2 would cost, thereby, beginning to realize a substantial peace dividend, spending some of these savings on crucial environmental, education, housing, health, antidrug, anticrime, and industrial competitiveness programs, not to mention deficit reduction. Although there are sound defense rationales for ending production of the B-2, the obscene costs of the B-2 bomber will surely be at the center of our budget debate.

Nobody—not even the Pentagon—would claim that the B-2 Stealth bomber is "worth its weight in gold." The sad and horrifying fact is that the B-2, the world's first $1 billion bomber, costs its weight in gold.

Figure it out for yourself. Based on our experience with the B-1, which ended up costing twice as much as original estimates, the life cycle cost of the B-2 is $1 billion apiece, and a bit more. Today's price of gold is $406.10 an ounce, or $6,544 a pound. The B-2 weighs 174,000 pounds.

That comes to something over $1.1 billion in simple math, simple math but crazy logic. Imagine building an airplane that literally costs its weight in gold.

Here I have a gold version of the B-2; a ridiculous concept to build a plane worth more than its weight in gold.

Even Midas, who could turn everything into gold just by touching it, would never have been that wasteful.

I believe we can help avoid a tax increase, or at least cut back on the tax increase that may become necessary at some point, by saving money on costly, unnecessary programs like the B-2.

Last fall I proposed that if we keep throwing dollars at this aircraft we might as well adopt a new B-2 budget accounting system.

Let me demonstrate just one moment on the chart I have available here for my colleagues, and others

watching, precisely what it is here that we are talking about.

At a total 30-year lifecycle cost per plane of at least $1 billion a pop, we could more than double annual federal spending on AIDS research and prevention programs—$1.6 billion—if we cancelled just 1½ of these B-2 bombers.

Or here we have the total 3-year budget for the Simon-Cranston bill providing aid to Poland and Hungary—some one billion dollars. Now, there are those who have called for a reallocation of foreign aid to meet this growing need. Well, we could double the aid we send—double it, without cutting out the aid we send to Egypt and Israel, and really put the heat on communism in Eastern Europe for the life cycle cost of just one B-2 bomber, a great investment in democracy. We spend billions and trillions to prepare to defend against communism. Now we have communism receding, collapsing in Eastern Europe. We should be able to invest some money in democracy there. That has been our goal all along.

Or let us bring this spending priorities question closer to home. We have all but eliminated Federal aid to cities. But if we were of a mind to, the Federal Government could pay the city of San Jose's budget—and have change left over—with the 30-year costs of just one B-2 bomber.

Obviously this holds true for other cities. They no longer have revenue sharing. They have difficulties. This is one way to help.

Here we have annual spending on Headstart, one of the best programs ever devised to help kids to get a start in life, disadvantaged children, annual spending, which provides only for 20 percent of students eligible for this valuable program. Under present budgeting for the cost of only four B-2's we could have all eligible children enrolled in the Head Start Program, a great advance for our society.

What about the war on drugs? Do you really imagine that we will be sending B-2's to Colombia for the war on drugs? Of course not. We can match the amount of money the Federal Government provides each year for treatment of Americans trying to overcome their drug dependencies with the funds saved from canceling just 1.2 planes. For an additional cost of just one-half of one B-2 per year, we could pay for all Americans seeking help to break their drug dependency, and thus strike a real blow to win the war on drugs.

You want to house the homeless? For the cost of one-tenth of one plane, barely visible on the chart here, we could finance the entire McKinney Act, our landmark Federal program to aid homeless Americans.

As the chart demonstrates, finally we could match all EPA spending on the environment by canceling just 5½ planes and do more than we are now doing to protect the environment.

When we consider the fiscal 1991 defense authorization bill, we can expect a heated debate on strategic priorities for the 1990's and beyond in light of the dramatic changes taking place in Eastern Europe and the Soviet Union. Although the Iron Curtain is melting, the Bush administration is proceeding blindly on automatic pilot. The swift erosion of Warsaw Pact cohesion and rapid improvement in United States-Soviet relations reduce the need for yet another modern strategic bomber. We are safe militarily. We can afford to be safe fiscally.

Before I close I want to make a final observation regarding the impact of this program on California, my home State.

If we are to change our way of operating in Washington and stop treating the cold war and the defense budget as a jobs program to be funded by borrowing money from future generations, we are all going to have to propose sacrifices, beginning at home.

The vast majority of funds for the B-2 would be spent in my home State and could provide thousands of jobs. I deeply respect the individuals involved and the wondrous technology they have labored to produce. When the B-2 is finally halted, as I am confident it will be ultimately, I pledge to work very hard to provide alternative opportunities for the talented men and women of my home State who have applied their skills to this effort. I will work to provide jobs that can lead to substantial improvements in our quality of life while expanding our GNP. The space station, mass transit, and highway improvements are among the many areas where aerospace and engineering and high-technology skills can be reapplied to programs promising greater benefits to Californians and other citizens of this country than the B-2 offers.

But leadership on cutting the budget deficit and reordering our priorities has to begin at home.

I invite my colleagues to join me in this effort. I urge my colleagues to cosponsor the B-2 termination bill, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON USE OF APPROPRIATED FUNDS FOR PRODUCTION OF THE B-2 AIRCRAFT

Notwithstanding any other provision of law—

(1) amounts appropriated for the Department of Defense may not be obligated or expended to commence production of any B-2 aircraft; and

(2) amounts appropriated for the Department of Defense for the B-2 aircraft program may be expended only for—

(A) the completion of B-2 aircraft the production of which was commenced with funds appropriated before the date of the enactment of this Act;

(B) research and development in connection with the B-2 aircraft program; and

(C) flight testing of B-2 aircraft.

Mr. LEAHY. Mr. President, the American people are looking to Washington for leadership—leadership to cut the Federal deficit. Leadership to make tough choices. Leadership to respond to our changing world. We are here today to make one of those tough choices: We are introducing a bill to end production of the B-2 bomber.

The defense budget will be cut this year. President Bush knows that. Secretary Cheney knows that. And the American people know that.

I happen to believe in the Willie Sutton school of deficit reduction: To cut the budget, we must go to where the money is. I believe we do not need to look any further than the B-2 bomber program.

The B-2 bomber is the most expensive plane in the history of the world. It will not enhance our deterrent capability. It is a plane that continues to search for a mission in a world far different than the one in which it was originally conceived.

Last year, when I offered the initial amendment to end the production of the B-2 bomber, I pointed out that the Department of Defense spending plans outpaced the funding it would receive by nearly $150 billion. It was as clear then as it is now that cuts in the lavish spending plans generated during the Reagan administration would be needed. There is no possible way that a shrinking Defense budget can fund the stealth bomber at twice the level of star wars.

Recent events have made the argument against the B-2 even stronger. Only several months ago, nobody could have predicted the radical changes in Eastern Europe. Tensions between NATO and Warsaw Pact forces are at an all-time low. The warning time of a surprise attack has increased to nearly 1 month. And, perhaps most importantly, Soviet defense spending is on the decline.

Nickel-and-diming the B-2 will only increase the unit and program cost. Last June, Secretary Cheney asked Congress to either fully fund the B-2 or cancel it. There was no way we could afford to efficiently produce this plane so I said we should end production. We are now hearing about a reported stretchout of the B-2 procurement schedule. Such a decision would be unfortunate. Terminating production now would save U.S. taxpayers nearly $40 billion.

That is $40 billion wasted on a plane we do not need for our national securi-

ty. American taxpayers just spent $30 billion to purchase 100 B-1B bombers. The Air Force insists these planes will be effective penetrating bombers into the late 1990's. Their effectiveness will be greatly extended if they are equipped with air launched cruise missiles, particularly the advanced cruise missile which itself will be stealthy. Armed with these weapons, the B-1B will be able to launch an attack from outside Soviet airspace.

Supporters of the B-2 argue that the plane is a bargain. I say that a bomber that costs as much as the annual budget of the State of Vermont is too much. And, the $500 million per copy price tag will only go up if the Bush administration opts for a program stretchout.

I am angered by those who try to advertise the B-2 at a so-called fly away cost of $300 million. This phony price is cooked up by excluding the research and development costs of the program, as if the American taxpayer somehow does not pay for research and development.

At the same time, B-2 supporters argue against cancellation of the program because so much has already been spent. Most of that money is on research, development, and testing. But if the program is canceled those efforts are apparently exclusive to the B-2 and the money will go down the drain. I call that talking out both sides of the mouth.

Proponents of the B-2 also claim that the added deterrence of the B-2 is worth the cost. First, they insist the B-2 offers increased stability through flexibility. Penetrating bombers are slow to anger weapons since they take hours to reach their targets. The bombers can be recalled at any point during their mission. However, bombers armed with cruise missiles have a similar flexibility and are much cheaper than the B-2. They, too, take hours to reach their stations and can be easily recalled.

In addition, proponents insist the technological advances of the B-2 justify the cost. But, Mr. President, there is no public information supporting these claims. Last year, Congress passed the fly before you buy amendment to establish a series of requirements the B-2 must meet before any additional money was obligated. Well, since then the plane has flown eight times for a total of 30 hours. But none of these tests involved any radar detection trials. Those critical tests are now reportedly not expected to begin until this summer. By the time the analysis is complete the debate over next year's Defense budget will probably be over. We need facts, not promises to debate this program.

The B-2 termination bill will permit the completion of at least 15 planes—more than an entire wing. I suggest to my colleagues that we should try before we buy—and not just fly before we buy. The bill continues the research, development, and testing of the program. We can learn a lot from the current program even if we end production now.

Finally, I am alarmed that the Air Force continues to insist that the B-2 is essential to a START agreement. Last year, I attended the START negotiations as a representative of the majority leader. I am convinced that United States negotiating leverage comes from the Soviet desire to reduce the defense burden on its staggering economy. The B-2 is irrelevant to the Soviet interest in a START agreement and it is not needed as a bargaining chip.

A related claim is that the United States needs the B-2 bomber in order to have adequate deterrence under a START agreement. The current START proposal would allow each side to keep 6,000 ballistic and cruise missile warheads. The proposed counting rules, however, count penetrating bombers as only one warhead when these planes actually carry up to 20 warheads. The Air Force insists that it needs more than 6,000 warheads in order to have adequate deterrence. The only possible way to achieve this is to maintain a penetrating bomber force. Again, the B1-B will be able to penetrate into the 1990's.

Regardless, this Senator believes that when each side has 6,000 warheads deterrence is secure. In addition to the air breathing leg of the triad our security is ensured by thousands of warheads on land based missiles and nuclear submarines.

Mr. President, in sum, let us try before we fly and save our taxpayers $40 billion. The plane is not essential to our national security and we cannot afford such a lavish program at a time when we need to be exercising fiscal restraint.

I ask unanimous consent that a recent article in the Baltimore Sun appear in the RECORD. The article reports that air-conditioned shelters for the B-2 will cost $1.6 billion. As the chairman of the Subcommittee on Foreign Operations, I would like to note that $1.6 billion is about half of what our country spends on foreign economic assistance. At a time when the United States is considering an increase in our assistance to Eastern Europe, we should think seriously about spending money on air-conditioned hangars for an airplane we do not need.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Jan. 19, 1990]

AIR FORCE WANTS AIR-CONDITIONED HANGARS TO KEEP HEAT FROM DAMAGING B-2S

(By Mark Thompson)

WASHINGTON.—The Air Force's fleet of B-2 "Stealth" bombers costing $532 million each will require 120 air-conditioned garages costing $1.6 billion because—among other reasons—their cockpit windows don't open and can't let damaging heat escape.

Air Force officials have told Congress that B-2s with sealed windows sitting on runways during the summer months would get hot enough to destroy the plane's sophisticated electronics.

The Air Force detailed the cost and need for what it calls B-2 "docks" for the first time in secret testimony recently released by two congressional committees.

"I understand the Air Force wants to buy 120 individual climate-controlled plush-type hangars for the B-2 fleet," Sen. J. James Exon Jr., D-Neb., chairman of the Senate Armed Services Committee's Strategic Forces Subcommittee, told Air Force officials during a closed-door hearing last June. "In this time of great budget austerity, how on earth can we justify this decision?"

"Docks will greatly reduce the extreme cockpit heat buildup which will occur during the summer months because the B-2 does not have openable windows." the 'Air Force told the panel in a written justification for building the hangars.

"Controlling summertime cockpit temperatures will prevent premature aging and failure of avionics components." it added, referring to the destructive impact heat can have on sensitive electronics.

The Air Force also said the hangars were needed in the winter to protect the B-2 from snow and ice. "Traditional methods of ice and snow removal will degrade the B-2's low-observable [Stealth] characteristics and cannot be used," the service said, referring to the use of brooms to remove snow and deicing fluids to melt ice.

The Air Force said the hangars also were needed for other activities that preserve the bat-like plane's radar-eluding coatings, for protection from fire and for increased security.

"Maintenance activities involving special coating and composite materials are critical to preservation of the B-2's stealth qualities," it said. "These special coatings and composite materials, which are applied during standard maintenance procedures, require controlled environments for proper curing and drying."

Conducting such tasks outside or in standard hangars would require much more time and "will significantly decrease availability of B-2 aircraft for operational and training missions," the Air Force said.

The hangars will include fire-extinguishing gear capable of smothering the plane with foam or other agents within 20 seconds of an alarm.

Storing the B-2 inside the hangars also "reduces the potential for damage from small arms fire and other acts of sabotage and vandalism" and protects the plane's classified innards, exposed during maintenance, from spies, the service added.

The Air Force wants to spend $70.2 billion for 132 planes.

By Mr. CRANSTON:

S. 2010. A bill to amend the Home Owners' Loan Act; to the Committee on Banking, Housing, and Urban Affairs.

BONDHOLDERS PROTECTION ACT

Mr. CRANSTON. Mr. President, I am today introducing legislation, the Bondholders Protection Act of 1990, that will allow 20,000 or more individ-

uals who purchased bonds issued by American Continental Corp., the holding company for Lincoln Savings & Loan Association, to seek relief against the United States based upon what appears to be negligence by various Federal agencies and instrumentalities of the United States in approving the sale of these bonds. The legislation would provide for a waiver of sovereign immunity to allow the bondholders to sue the United States and to recover damages in the event that they are not compensated in lawsuits brought against the private parties involved.

Mr. President, I am deeply concerned about what happened to these thousands of individuals, many of them elderly, who bought what are now apparently worthless bonds issued by American Continental Corp., after the sales were approved by both the Federal Home Loan Bank Board [FHLBB] and the Securities and Exchange Commission [SEC]. Material provided to me from the Office of Thrift Supervision [OTS], the successor to the now-defunct Federal Home Loan Bank Board, indicates that these bond sales were approved by the Federal regulators despite information which these agencies had which raised serious questions regarding the solvency of Lincoln Savings & Loan and American Continental Corp.

According to the statements made by OTS in a December 20, 1989 response to the General Accounting Office, these sales could not have gone forward but for the approval of the Federal Home Loan Bank regulators. These materials also state that the primary responsibility for approval of the sale of these bonds rested with the Federal Home Loan Bank Board, whose Chairman at the time the sales began in the offices of Lincoln Savings & Loan was Ed Gray. Although documents provided by OTS also note that both SEC and the California Department of Corporations also had the power to stop the sale of these bonds, there is little question that no agency had more intimate knowledge of the problems associated with Lincoln Savings & Loan and American Continental than the Federal Home Loan Bank Board, and its then-chairman, Ed Gray. It is unconscionable that this agency actually approved these sales and allowed thousands of innocent individuals to lose their life savings, given the internal memorandum and statements made at that time about the condition of these entities. If the FHLBB had not given the green light to this bond sale, it would not have happened and thousands of Californians would not have had their financial well-being destroyed.

Mr. President, according to the information provided by OTS, the FHLBB regulators knew that the bonds were being sold in the lobby of Lincoln Savings & Loan and continued to approve the sales. Yet, according to OTS, although the FHLBB regulators were also responsible for onsite monitoring the sales of those bonds to assure compliance with Federal regulations designed to protect purchasers from being misled, no such monitoring took place while the bonds were being sold in the Lincoln offices.

Many of the individuals who purchased these bonds believed that they were purchasing federally insured bonds. I believe they were let down by the Federal agencies—particularly the FHLBB—who should have been protecting their interests.

Mr. President, what happened to thousands of Californians in this matter is one of the most upsetting things that has been brought to my attention. I first learned of the plight of the bondholders after the takeover of Lincoln Savings last April. Even though I had earlier discussed with both sides the dispute between Keating and the FHLBB regulators, no one had ever mentioned to me the bonds or any problems associated with them. In retrospect I know that if Ed Grey and his regulators had done what I urged and brought the Lincoln investigation to a conclusion, this financial disaster might have been avoided. But that's no consolation to the victims. As their Senator, I consider it is as if members of my own family had been stripped of their life savings. I intend to do everything in my power and pursue every possible avenue to see to it that the widows and elderly people and others who lost their savings in those bonds get justice.

I will not let up until justice is done.

I have heard in detail from Shirley Lampel, one of the leaders of the bondholders—and from other bondholders—of the tragic conditions now facing many elderly, ill, widowed victims who bought the bonds while believing with good reason that they were backed by the U.S. Government. Many of them are now bereft of all their resources. They can't pay their rent. They can't pay for decent food. They can't even afford to heat their homes.

Some of them are too embarrassed to tell their relatives and friends of their plight, even though they, of course, did nothing wrong and were let down by their own Government—specifically by regulators headed by Ed Gray whose responsibility it was to protect them.

I ask unanimous consent that a copy of the OTS transmittal of facts in this matter along with a chronology of regulatory events surrounding the bond sale be reprinted in the RECORD along with the text of the bill being introduced today and a section-by-section analysis.

Their being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Home Owners' Loan Act is amended by adding at the end the following:

"SEC. 15. LIABILITY OF THE UNITED STATES.

"(a) IN GENERAL.—Any person or class of persons who—

"(1) purchased a bond or other debt obligation of American Continental Corporation upon issuance during the period beginning on January 1, 1986, and ending on April 30, 1989;

"(2) sustained a financial loss in connection with such bond or other debt obligation,

may, notwithstanding the exception contained in section 2680(a) of title 28, United States Code, bring a civil action against the United States for damages allegedly caused by one or more negligent actions or failures to act by an agency or instrumentality of the United States.

"(b) LIMITATION.—The amount of any liability of the United States under subsection (a) shall be reduced by any amount recovered or recoverable by the persons described in subsection (a) in any other action for damages arising from the sale of such bonds or other obligations.

"(c) RULES GOVERNING ACTIONS.—Proceedings for the determination in an action described in subsection (a), determination of damages, and review and payment of any judgment on such action, shall be in accordance with the provisions of law applicable to cases of which the court had jurisdiction under section 1346(b) of title 28, United States Code.

"(d) NO INFERENCE OF LIABILITY.—Nothing in this section shall be construed as an inference of liability on the part of the United States.".

(b) The table of contents of such Act is amended by adding at the end the following:

"Sec. 15. Liability of the United States.".

(c) This Act may be cited as the "Bondholders Protection Act of 1990".

SECTION-BY-SECTION ANALYSIS—
BONDHOLDERS PROTECTION ACT OF 1990

Section 15. subsection a (1) (2) Identifies the persons eligible to sue under the bill. Waives the defense of soveriegn immunity by the government.

Section 15. subsection (b) Requires offsetting by the Court of any other amounts recovered by the bondholders against recovery from the U.S. government.

Section 15. subsection (c) Sets the jurisdiction of the Court by treating as a diversity of citizenship case.

Subsection (b) and (c) Adds new title and a short title of bill.

ENCLOSURE I

GENERAL ACCOUNTING OFFICE,
Washington, DC, September 26, 1989.

GENERAL GOVERNMENT DIVISION

Mr. JAMES DEEMER,
Acting Director of the Controller Division, Office of Thrift Supervision

DEAR MR. DEEMER: We have been asked by Senator Cranston to address certain issues related to the issuance of American Continental Corporation debt and the marketing

and sale of the bonds in branches of its subsidiary thrift, Lincoln Savings and Loan. In order to do so, we need responses to the following questions.

1. What federal laws, regulations, and supervisory processes (excluding securities law, regulations, and processes) apply to: (1) the issuance of thrift holding company debt and (2) the use of branches of a subsidiary thrift for marketing and selling the debt. What are the purposes of these provisions. What specific actions (review, approval, implicit approval, disapproval . . .) are required of or normally taken by entities within the Federal Home Loan Bank Board System. Are such actions required to be or normally documented.

2. With respect to (1) the debt issuance and (2) the use of the thrift branches in the American Continental/Lincoln case, what federal entity was responsible for the actions cited in (1) above. Were any of these responsibilities delegated to the Office of Regulatory Affairs and/or the Federal Home Loan Bank in San Francisco? If so, when? What specific actions were taken, by whom, and when. Were these actions documented? Please provide copies of any supporting documentation.

A. Was the Supervisory Agent and/or any supervisory official of the Federal Home Loan Bank in San Francisco contacted, officially or informally, by the state regulator regarding the use of the Lincoln branches for marketing and selling the American Continental debt. If so, what was their response and what actions, if any, did they take.

B. Was the Supervisory Agent and/or any federal supervisory official aware, or did they become aware through formal or informal means, of the sale of the American Continental debt in the Lincoln branches. If such information had come to their attention, what actions, either required by specific regulations or procedures or called for under general supervisory responsibilities, should and/or did they take.

3. What actions are required of a thrift and/or its holding company by federal (nonsecurities) law or regulation with respect to (1) debt issuance and (2) use of subsidiary thrift branches for marketing and selling debt. Specify the form and extent of American Continental/Lincoln compliance with all applicable federal requirements.

4. What federal (nonsecurities) laws or regulation, if any, either explicitly or by implication, seek to protect customers of a thrift in situations in which holding company debt is sold in the thrift.

Please respond to these questions in writing by October 12, 1989. You may contact Alison Kern (898-7196) if you have any questions. The job code assigned by GAO is 233259.

Sincerely,

CRAIG A. SIMMONS,
Director, Financial Institutions and Markets Issues.

ENCLOSURE II

OFFICE OF THRIFT SUPERVISION,
DEPARTMENT OF THE TREASURY,
Washington, DC, December 20, 1989.

MR. CRAIG A. SIMMONS,
Director, Financial Institutions and Market Issues, General Accounting Office, Washington, DC.

DEAR MR. SIMMONS: This letter has been prepared in response to your request for information regarding the issuance of subordinated debt by holding companies of savings and loan associations, particularly American Continental Corporation (ACC), the holding company for Lincoln Savings and Loan Association of Los Angeles, California (Lincoln). The Office of Thrift Supervision (OTS) response is presented in the same order as your questions. Copies of the referenced laws, regulations and supporting documentation are attached.

1. Prior to adoption of the Financial Insitutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), the incurrence of debt by a non-diversified savings and loan holding company or any subsidiary thereof which was not an insured institution, was subject to Section 408(g) of the National Housing Act and 12 C.F.R. 584.6, copies of which are attached hereto. Subject to certain exceptions not relevant to the ACC/Lincoln situation, these provisions generally mandated that the prior written approval of FSLIC (or its delegate) be obtained for the incurrence of debt in an amount that, when added to existing debt, would exceed 15% of the consolidated net worth of the holding company at the end of the preceding fiscal year. In approving an application filed by a holding company, FSLIC (or its delegate) was generally required to determine that the act or transaction contemplated by the applicant would not be "injurious to the operation of any subsidiary insured institution in light of its financial condition and prospects." In order to obtain the required written approval of FSLIC, the applicant was required to file an Application H-(g). This application required the furnishing of detailed information on the financial effects of the proposed debt issuance on the applicant and its subsidiaries, such as pro forma capitalization information and the ability of the applicant to service the debt proposed to be issued.

Regulation 584.6(g) gave to the Supervisory Agent the authority to determine whether or not a particular holding company would be permitted to issue debt or, in the alternative it permitted him to refer an application to the Office of Regulatory Policy, Oversight and Supervision (ORPOS) in the event a significant issue of policy or law was raised by an application. Thus, the Supervisory Agent was generally empowered to administer the implementation of applicable regulations and policies in matters regarding specific associations and holding companies. ORPOS was the predecessor to the Office of Regulatory Activities (ORA). ORA has since been superseded by Supervision Operations and Supervision Policy of the OTS.

Certain holding companies were not required to submit an application with each proposed debt offering, but rather were provided "blanket debt authority." Such authority was granted to holding companies that had extensive activities other than the ownership and management of an insured thrift subsidiary and required regular access to the capital markets. Under such blanket debt authority, the holding company was required to submit a "debt budget" on an annual basis that set forth the proposed level and use of holding company indebtedness for the ensuing year.

Although no established criteria generally existed for the review of a holding company's proposed annual debt budgets, the Supervisory Agent's review normally consisted of a determination of: (i) the holding company's ability to reasonably service the debt; (ii) whether the proposed level of debt was reasonable; and (iii) whether the assumptions underlying the level of debt and the ability to service the debt were well supported and realistic. The Supervisory Agent could either "take objection to" or "take no objection to" the proposed debt budget. In summary, the debt budget process was generally used as a vehicle to monitor compliance with blanket debt authority and to review the financial impact of certain debt levels upon the holding company, and was not intended to demonstrate how and to whom the debt was to be sold.

NHA Section 408(d), Regulation 584.3.—A statutory that, prior to the adoption of FIRREA, governed, in part, the sale of holding company debt through the branches of its insured subsidiary was Section 408(d) of the National Housing Act, and its implementing regulation, 12 CFR 584.3 (copies of which are attached). Regulation 584.3 prohibits certain transactions between a holding company and its insured subsidiaries. Without the prior written approval of the Supervisory Agent (SA), a holding company cannot engage in any transaction with any insured affiliate involving the purchase, sale or lease of property or assets where the amount of consideration paid over a 12-month period exceeds the lesser of $100,000 or 0.1 percent of the institution's total assets at the end of the preceding fiscal year. This regulation was applicable in that ACC had leased space from Lincoln in order to sell its subordinated debentures. Generally, compliance with any affiliated transaction is reviewed through on-site visits or field examinations of the holding company and/or its insured subsidiary. It should be noted that Section 408(d) of the National Housing Act had been superseded by Section 10(p) of the Home Owners Loan Act as modified by FIRREA.

Regulation 563g.17.—12 C.F.R. 563g.17 of the Insurance Regulations (copy attached) further regulates the sale of securities by an insured institution, or it's affiliates (including its holding company), through offices of the insured institution. This section requires that the following conditions be met if sales are to be made through the institutions offices: no commissions can be paid to employees or other persons offering securities; no offers or sales can be made by tellers or at the teller counter, or by comparable persons at comparable locations; offers and sales must be made only by regular, full-time employees; and, the institution issuing the securities must be in compliance with its minimum regulatory capital requirement.

Generally, compliance with Regulation 563g.17 is monitored through on-site visits or field examinations of the holding company and/or the insured institution.

RECENT DEVELOPMENTS

It should be noted that Section 408(g) of the National Housing Act, which, as described above, governed the incurrence of debt by savings and loan holding companies and their non-insured institution subsidiaries, was repealed by FIRREA. However, Section 10(p) of the Home Owners Loan Act gives to the Director of OTS the ability to impose restrictions on a savings and loan holding company of any activity that constitutes a serious risk to the financial safety, soundness, or stability of a savings and loan holding company's subsidiary savings association. Such restrictions must be issued in the form of a directive and are effective as a final cease and desist order. This provision provides to the Director a wide range of discretion to impose on a savings and loan holding company restrictions on activities and transactions, including the ability to incur debt, and is a provision that was

strongly favored by OTS senior staff during the FIRREA deliberations.

2. The Federal Home Loan Bank Board held primary responsibility for the approval of the debt issued by ACC, excluding any approval requirements imposed by the federal securities laws. The Supervisory Agent held primary responsibility for the review of and objection/non-objection to the annual debt budgets, and for determining compliance with Sections 584.3 and 563.17(g) of the Insurance Regulations regarding affiliated transactions and the sales of holding company securities through an insured institution's branches.

WHAT SPECIFIC ACTIONS WERE TAKEN, BY WHOM, AND WHEN

a. *Debt Budget.*—On July 20, 1984, the Federal Home Loan Bank Board, by Resolution No. 84-381, approved ACC's application to issue, sell, renew, or guarantee any debt security of ACC or its non-insured subsidiaries up to an additional principal amount of debt securities not to exceed $366.5 million over and above the amount outstanding at December 31, 1983 ($183.5 million). The Resolution also provided that the Corporation (FSLIC) could terminate or modify the approval for good and reasonable cause and also provided that certain conditions be complied with in a manner satisfactory to the Supervisory Agent of the Federal Home Loan Bank of San Francisco (FHLB-SF). One of those conditions was that a proposed debt budget be submitted on an annual basis in a form satsifactory to the Supervisory Agent. This debt budget would be subject to the review and objection/non-objection of the Supervisory Agent.

On November 14, 1986, ACC submitted its proposed debt budget for 1987. Following the receipt of certain additional information that was submitted over a period of several months, on February 6, 1987, the Supervisory Agent sent a letter to ACC objecting to the proposed debt budget. This objection was based on material concerns relating to the following:

(i) ACC had not shown an ability to adequately meet new and/or existing debt servicing requirements;

(ii) ACC projected substantial increase in debt such that compliance with the debt limitations imposed by FHLBB Resolution No. 84-381 would not be maintained;

(iii) Certain investments contemplated by the debt budget were questionable;

(iv) Certain assumptions made by ACC were not reasonable; and,

(v) The information submitted was not complete and adequate.

The February 6, 1987 letter objecting to the 1987 debt budget also requested a meeting with ACC to discuss these concerns.

On February 6, 1987, members of ACC and the FHLB-SF held such a meeting and discussed the above-noted concerns as well as ACC's intention to revise its 1987 debt budget proposal in order to alleviate those concerns. The attached March 17, 1987 memo from R.A. Sanchez to C.A. Deardorff summarizes the substance of this meeting. On March 16, 1987, ACC submitted to the Supervisory Agent a revised debt budget providing for the replacement of higher-yielding debt with lower-yielding debt and a modest decline in the overall level of debt by the year end 1987. Additionally, ACC provided revised cash flow and other financial projections that purported to demonstrate its ability to service the debt, exclusive of any cash dividends from Lincoln and the ability to meet its 1987 debt projections. On March 17, 1987, representatives of ACC met with the Supervisory Agent and other representatives of the FHLB-SF to discuss the revised 1987 debt budget proposal.

Following receipt and review of additional information provided by ACC, on June 19, 1987, the Supervisory Agent notified ACC that it took no objection to the 1987 debt budget, as amended, pursuant to paragraph one of FHLBB Resolution No. 84-381, base upon finding that ACC (1) had demonstrated its ability to service the proposed level of debt without injuring its insured subsidiary, (2) would be replacing high-yielding debt with lower-yielding debt, and (3) would experience a modest decline in its overall level of debt for 1987. However, the Supervisory Agent also communicated certain concerns raised in connection with the review of the debt budget as follows: (i) although ACC's ability to service its debt in 1987 and possibly 1988 appeared reasonable, this ability to continue to roll over existing debt and issue new debt; (ii) ACC did not have a long-term operating strategy; and (iii) the FHLB-SF had material concerns over the viability of Lincoln, which was ACC's primary asset.

On August 31, 1987, ACC responded to the Supervisory Agent's concerns as set forth in the June 19, 1987 letter.

On November 13, 1987, ACC submitted its proposed debt budget for 1988 to the Supervisory Agent. This debt budget provided more conservative assumptions than previous debt budgets and called for further replacement of higher-yielding debt with lower-yielding debt.

An internal FHLS-SF analysis dated March 7, 1988 recommended the 1988 debt budget be approved and that ACC be requested to submit an operating plan detailing its future operating strategy. The recommendation was based on ACC's apparent ability to adequately service its debt; its significant progress in reducing its outstanding debt during 1987; and, its apparent inclination to continue this trend. However, many of the concerns raised in the June 19, 1987, letter approving the 1987 debt budget remained and were aggravated by the fact that ACC had been able to forestall an examination of either Lincoln or ACC that would have ascertained the validity of the holding company's claims regarding tis financial strength.

On March 7, 1988, the Supervisory Agent informed ACC that it took no objection to the proposed debt budget for 1988, as amended, pursuant to paragraph one of FHLBB Resolution No. 84-381. Such non-objection was based upon the above-mentioned findings.

On November 16, 1988, ACC submitted its proposed debt budget for 1989 to the Office of Regulatory Activities. This debt budget was rejected in December 1988 by ORA based on the findings of the September 1988 examination of ACC, which indicated substantial doubt as to ACC's abilities to support the debt.

b. *Sale of ACC Subordinated Debentures Through Lincoln Branches.*—The FHLB-SF became aware that ACC's subordinated debentures were being sold from Lincoln branches when it was notified by the California Department of Savings and Loans (CDSL) in December 1986. The CDSL directed Lincoln to make a full and complete report regarding the sales. After receiving Lincoln's response, the CDSL notified Lincoln that it was in violation of Savings Association Law ("SAL") Section 6503(b) because Lincoln failed to obtain the written consent of the Commissioner to sublease branch office facilities to ACC. CDSL also conducted an independent review of the manner in which the subordinated debentures were sold and concluded that the practices did not violate applicable regulations. The FHLB-SF also requested and received a legal opinion from ACC's outside counsel, Arnold & Porter, stating that ACC's sublease of Lincoln office space did not violate Regulation 584.3(a)(7)(i). This opinion was based on the representations ACC and Lincoln made to Arnold & Porter regarding the total consideration paid by ACC to Lincoln in connection with the lease (total consideration would be less than $100,000). As a result, the March 7, 1988 analysis concluded that "based upon the outstanding concerns regarding ACC's long-term viability, ACC's financial condition will be assessed in the next examination, and a recommendation for the recision of ACC's debt authority will be made."

In February 1987 the FHLB-SF informed the FHLBB's Office of General Counsel's, Corporate and Securities Division, the Office of Enforcement and the Office of Examination and Supervision of its concerns regarding the sales of ACC subordinated debentures from Lincoln branches. The Office of Enforcement then notified the SEC of the possibility that ACC was selling securities based upon a false and misleading registration statement and that its periodic filings during the past two years may have been false and misleading. The SEC requested and was granted access to examination reports and other documents concerning ACC and its subsidiaries. Other concerns cited in the FHLB-SF's February 1987 memorandum include: (i) The high risk nature of ACC's activities; (ii) Inadequate underwriting; and (iii) Potential trading based on inside information.

In June 1988, the CDSL notified ACC and Lincoln that sales of the subordinated debentures from Lincoln branches were to be discontinued as of the completion of the original $200.00 million issuance of August 1, 1988, whichever was earlier.

Please note that the documents that refer to the specific actions taken regarding the debt issuance and the use of Lincoln branches to sell ACC subordinated debentures have been attached. The above summary provides only a brief factual description of the sequence of events which we believe is responsive to your request. For a more detailed assessment of the facts, we recommend a thorough review of the attached documents and interviews with OTS staff.

3. The federal (nonsecurities) laws and regulations that govern the issuance of holding company debt, and the sale of this debt through branches of the insured institution, have been provided in (1) above. The following section will therefore discuss ACC's compliance with those regulations.

a. *Compliance with Regulation 584.6.*—Based upon information gained since the conservatorship/receivership of Lincoln Savings, it is now apparent that ACC/Lincoln intentionally submitted false and misleading information in order to gain approval from the FHLBB and the SA for its applications under 12 C.F.R. 584.6. However, such knowledge of misrepresentation was not possible at the time of the original debt application and the various debt budgets in the absence of a detailed holding company examination. When a holding company examination was conducted from September through December 1988, a determination was made that, contrary to ACC's representations to the FHLB-SF and ORA in its

debt budget applications, it had issued securities that were financially insupportable. This was in violation of the criteria set forth in the National Housing Act and the applicable regulations promulgated thereunder at 12 C.F.R. 584.6 of the Insurance Regulations. As a result, ACC's debt budget for 1989 was rejected.

b. *Compliance with Regulation 584.3.*—Inasmuch as the consideration between ACC and Lincoln for the lease of the branch space was reported to be less than $100,000, the transaction was considered de minimus in nature and in compliance with 12 C.F.R. 584.3.

c. *Compliance with Regulation 563g.17.*—In 1987, the CDSL conducted an investigation of the sales practices of ACC personnel selling subordinated debentures at Lincoln branches, and found that such personnel were, at that time, complying with the applicable regulatory requirements, including 12 C.F.R. 563g.17. However, a subsequent review by the CDSL in 1988 found that ACC was in violation of Regulation 563g.17 inasmuch as during the period of sales of the first $200 million issuance, some investors believed that the debentures were the obligations of Lincoln Savings.

4. The federal (non-securities) regulation for which OTS has jurisdiction, that explicitly seeks to protect the consumer from uninformed or misleading purchases of securities is Section 563g.17 of the Insurance Regulations. By restricting the personnel that can offer these securities to those who are not involved with opening accounts or other transactions with the insured institution's customers, this regulation limits the confusion that might arise regarding the difference between subordinated debentures and insured deposits.

It is appropriate to point out that the above discussed laws and regulations regarding affiliated transactions with holding companies and the issuance of debt by holding companies were superseded by FIRREA. In their place, Section 10(p) of the Home Owners Loan Act, as modified by FIRREA, allows the Director of OTS to restrict activities by the holding company that impose serious risk to insured associations. In addition, on April 13, 1989 ORA (succeeded by OTS) issued Thrift Bulletin 23. This bulletin elaborates on the controlling regulations regarding debt sold through branches and specifies that debt issuances in denominations under $10,000 could be considered an unsafe and unsound practice. The bulletin further requires that the institution: require purchasers to sign an acknowledgment that the securities are not Federally insured; develop procedures to determine whether the investment is appropriate for the proposed purchaser before the sale; train the employees in sales procedures to avoid misleading customers; carefully scrutinize advertising for misleading or insufficient information; carefully review compliance with the applicable federal securities laws; and submit any documentation or advertising to the staff at OTS for review.

The OTS is now reviewing the advisability of restricting savings associations and their affiliates from offering to sell or selling securities through savings and loan branches or deposit gathering operations. The experience of Lincoln, and the apparent ease with which insured deposits can be confused with other securities, has shown OTS that the practice must be more carefully controlled and monitored if it is allowed. Current proposals range from complete prohibition of such sales to greater disclosure along the same lines as the "Truth in Lending" requirements.

It should also be pointed out that the practice of selling subordinated debt in branches is allowed by the national banking agencies. In general, the reason institutions are allowed to sell their securities through the branch system is that the issuance of debt by other means is very expensive and usually prohibitive for all but the largest institutions. As such, it is an efficient method of raising capital. We must ensure that consumers are properly informed about the risk of certain investments, but the state of the industry demands that institutions raise additional capital. Our office welcomes any suggestions that you might make in this matter.

Although your questions ask specifically about non-securities laws, disclosure practices for holding company securities is primarily regulated by the Securities and Exchange Commission (SEC), and the California Department of Corporations (CDC). In this regard, the securities laws of California and the SEC regarding proper disclosure are controlling. The Federal Home Loan Bank System (and its successor the OTS) has no jurisdiction to enforce the controlling disclosure laws that govern the issuance of securities by holding companies. This authority is held by the SEC which performed a full review of most of the prospectuses used by ACC to sell the subordinated debentures. You will find an attached letter to Representatives Henry B. Gonzalez and Chalmers P. Wylie dated November 16, 1989 that discusses the provision of information by this office to the SEC.

In contrast to the sales of ACC debt, where different regulatory bodies had differing responsibilities, it is notable that a very different result occurred in a proposed sale of subordinated debt of Lincoln, a situation over which the Bank Board did have full authority to oversee the issuance. After review of the proposed offering circular for the planned debt issuance in 1988 by the Washington office, the Bank Board required substantially expanded disclusure regarding the significant risks to investors if they purchased securities, as well as significant additional disclosure relating to the following areas: affiliated transactions, including whether regulatory approvals were received; exposure to loan losses including non-performing loans, loan classifications, collateralization, potential weakness in the real estate economy, loans restructured and others; the FHLB Board Examination; the SEC investigation; the impact of a deflationary market on the real estate investments activities and an accounting of real estate investments in areas with depressed real estate markets; the exposure to rising interest rates; the level of brokered deposits; material GAAP and regulatory accounting differences; the market value of the equity securities portfolio; gains taken in the sale of real estate and securities investments; discussion of the prospect of future gains from the sale of real estate or securities; the financial strategy justifying Lincoln's securities activities; and many others. After requesting that the Bank Board withdraw several of the above comments (such requests were denied), Lincoln abandoned its attempt to register the debt with the Bank Board. The above referenced letter to Representatives Gonzalez and Wylie gives a further discussion of this matter.

The ACC/Lincoln situation illustrates perhaps better than any other recent case why a "dual responsibility" for disclosure matters regarding savings and loan holding company debt issuances should be considered. The lawyers and accountants at OTS responsible for the securities oversight function have access to the most current information available on particular institutions, including examination reports, have established working relationships with supervisors in the field, and possess broad knowledge of the thrift industry as a result of the various responsibilities they perform in addition to the securities oversight function. These factors all provide advantages in the disclosure area that are unique and greatly contribute to ensuring full and fair disclosure by thrift institutions.

We have collected other supporting documentation which is considered privileged and confidential. Should Senator Cranston desire to review this material, he should make a written request to this agency to receive it.

We apologize for the delay in providing this response. If you have further questions please contact Kevin O'Connell at 331-4526.

Sincerely,

JAMES B. DEEMER,
Director, Controllers Division,
Office of Thrift Supervision.

---

1. * Federal Home Loan Bank Board, Resolution No. 84-381, July 20, 1984 (FHLBB-ACC-1815-1817).

2. * Memo from J. Williams to D. Dochow, November 7, 1989; ACC/Lincoln—analyses of statutes and regulations applicable to the sale of ACC sale of subordinated debt.

3. * Comparison of Regulatory Oversight in the ACC Subordinated Debt Sales and the proposed sales by Lincoln.

4. * California Securities laws relating to the ACC sale of the subordinated debt.

5. * Authority of the SEC to stop the ACC sale of the subordinated debt once it began.

6. * Regulation of holding company debt issuances (Pre-FIRREA).

7. * Post-FIRREA treatment of holding company debt issuances.

8. * OTS regulations applicable to over-the-counter sale of securities.

9. * Letter from K. Hoyle to H. Gonzalez and C. Wylie, November 16, 1989; Lincoln Hearing.

10. * Chronology regarding ACC Subordinated debenture issurance.

11. * Letter from D. Dochow to ACC Board of Directors, December 30, 1988; Report of examination of ACC.

FEDERAL HOME LOAN BANK BOARD

No. 84-381

July 20, 1984.

Whereas, American Continental Corporation ("ACC"), Phoenix, Arizona, a nondiversified savings and loan holding company controlling Lincoln Savings and Loan Association ("Lincoln Savings"), Los Angeles, California, has filed an application, on behalf of itself and its subsidiaries, with the Federal Savings and Loan Insurance Corporation ("Corporation") pursuant to Section 408(g) of the National Housing Act ("Act"), and to Section 584.6 of the Holding Company Regulations ("Regulations") for authority to issue, sell, renew, or guarantee any debt security of ACC or its noninsured subsidiaries or assume any debt or otherwise incur future indebtedness in any fiscal year up to an additional principal amount of debt securities outstanding not to exceed $366.5 million, without further application; and

Whereas, the Federal Home Loan Bank Board ("Bank Board"), as operating head of

the Corporation, after considering the application and other available materials, has found that the application to incur future debt without further application comports with statutory and regulatory requirements for approval; and

Whereas, the Bank Board has found the incurrence of the proposed indebtedness would not be injurious to the operation of ACC's insured subsidiary, Lincoln Savings, and would not impose an unreasonable or imprudent financial burden on the applicant and its noninsured subsidiaries;

Now therefore, it is hereby resolved, that the applicant's request for authority to issue, sell, renew, or guarantee any debt security of ACC or its noninsured subsidiaries or assume any debt or otherwise incur future indebtedness in any form in any fiscal year, up to an additional principal amount of debt securities not to exceed $366.5 million over and above the amount outstanding at December 31, 1983, without further application to the Corporation is hereby approved provided that the Corporation may terminate or modify this approval for good and reasonable cause after providing the applicant with notice and an opportunity to be heard, and provided that the following conditions are complied with in a manner satisfactory to the Supervisory Agent at the Federal Home Loan Bank of San Francisco ("Supervisory Agent"):

1. ACC, no later than 45 days prior to the beginning of each fiscal year hereafter, shall file a statement of anticipated issuance of debt by ACC and each of its noninsured subsidiaries ("Proposed Debt Budget") for the upcoming fiscal year. The Proposed Debt Budget shall be in a form satisfactory to the Supervisory Agent and is to be filed with the Supervisory Agent with copies to the Bank Board's Office of Examinations and Supervision. Unless notified in writing by the Supervisory Agent within 10 calendar days following receipt of a Proposed Debt Budget or amendment thereto, a Proposed Debt Budget shall be considered complete. If the Supervisory Agent does not object to the Proposed Debt Budget within 30 calendar days following the receipt of a complete Proposed Debt Budget, the Proposed Debt Budget shall be deemed approved and ACC and its noninsured subsidiaries shall have the right to issue, sell, renew, guarantee, or assume indebtedness as set forth in the Proposed Debt Budget without any further filing with respect thereto;

2. In the event that during any fiscal year after the current year, ACC or any of its noninsured subsidiaries plans to incur, sell, renew, guarantee, or assume indebtedness not specifically set forth in or in an amount exceeding the Proposed Debt Budget as approved by the Supervisory Agent, and such unspecified or excess indebtedness, on a cumulative basis for such fiscal year, is greater than 15 percent of the consolidated net worth of ACC as of the end of ACC's most recent fiscal quarter, ACC shall submit to the Supervisory Agent, with copies to the Bank Board's Office of Examinations and Supervision, an Application H-(g). If the Supervisory Agent does not object to the proposed debt transaction within 30 calendar days following the receipt of either said Application H-(g) of any additional information that may be requested by the Supervisory Agent within 10 calendar days of receipt of such Application H-(g), ACC or any noninsured subsidiary may consummate the proposed debt transaction, and within 15 calendar days thereafter, ACC shall notify the Supervisory Agent in writing that the debt transaction has been consummated in accordance with the provisions of the Application H-(g);

3. ACC and its noninsured subsidiaries will comply with all covenants in its debt instruments imposing limitations on the amount of permissible debt outstanding and any defaults with regard to such covenants will be promptly cured, and if incurred for a period of 30 days or more, will be reported to the Corporation;

4. ACC will submit to the Corporation, through the Supervisory Agent, no later than 90 days following the end of each fiscal year, a report with respect to the issuance and retirement of debt securities during such fiscal year and a report showing compliance with all covenants in its debt instruments imposing limitations on the amount of permissible debt outstanding. Both reports will be in a form satisfactory to the Supervisory Agent;

5. ACC shall submit to the Corporation, through the Supervisory Agent, a stipulation that there shall be no future pledge, mortgage, or hypothecation of any of the capital stock of Lincoln Savings held by ACC or any of its subsidiaries or for the benefit of ACC without the prior written approval of the Supervisory Agent;

6. The Corporation may terminate the indebtedness approval contained herein after reasonable notice and opportunity to be heard, which termination will in no event preclude ACC from filing for Corporation authority to incur indebtedness on a case-by-case basis; and

7. The provisions of this Resolution and the requirements of the Proposed Debt Budget shall not apply to the issuance, sale, renewal, guaranty, or assumption of any debt approved without application under Section 584.6(b) of the Holding Company Regulations.

By the Federal Home Loan Bank Board.

J.J. FINN,
Secretary.

MEMORANDUM

To: Darrel Dochow, Senior Deputy Director for Supervision Operations.
From: Julie L. Williams, Deputy Chief Counsel.
Date: November 7, 1989.
Subject: ACC/Lincoln.

As promised at our meeting on last Friday, I have attached several brief analyses of statutes and regulations that were applicable to the ACC sale of subordinated debt. Copies of the enclosed have also been provided to Al Smuzynski and Kevin O'Connell.

If you have any questions on the attached materials, or if we can be of any further help to you, please don't hesitate to give myself or Howard Bluver a call.

COMPARISON OF REGULATORY OVERSIGHT IN THE ACC SUBORDINATED DEBT SALES AND THE PROPOSED SALES BY LINCOLN

American Continental Corp. ("ACC"), the former parent of Lincoln Savings and Loan ("Lincoln"), registered and sold subordinated debt securities through Lincoln branch offices in the 1986-1987 period. After ACC declared bankruptcy in mid-1989, holders of this subordinated debt commenced a class action lawsuit against ACC and many of its former officers and directors in an attempt to recover money invested in the subordinated debt which, because of the bankruptcy filing, was apparently lost. In addition, the GAO commenced an inquiry into the circumstances surrounding the sale of the subordinated debt in an attempt to assess the role of various federal and state government entities in the situation.

In the ACC sale of debt, the Securities and Exchange Commission ("SEC") had exclusive securities disclosure jurisdiction. The federal securities law gives such exclusive jurisdiction to the SEC in all securities issuances by savings and loan holding companies such as ACC. As a result, ACC filed several registration statements with the SEC in an attempt to register the subordinated debt proposed to be sold. After fully reviewing most of these registration statements, the staff of the SEC cleared them, declared them effective, and permitted the sale of the securities to commence. In reviewing the registration statements filed by ACC, the SEC, because it is not a primary financial institution regulatory agency, did not have access to the kind of current information on ACC and Lincoln that permits a reviewer to go far beyond the information contained in filed documents, such as the most current examination reports on Lincoln, nor did the SEC have the ability to consult with field supervisors that were most familiar with the then current financial and operational condition of Lincoln and ACC. As a result, the review process at the SEC was generally limited to the information that ACC chose to include in the filed documents or was otherwise required to be provided under federal securities laws. The shortcomings of this review process, which are not unique to the ACC situation, had disastrous consequences in the case of ACC's sale of its debt.

When ACC apparently was no longer able to sell its own debt, it then tried to turn to Lincoln to raise funds. Lincoln's attempt to register subordinated debt with the OTS in 1988 is in striking contrast, however, to the experience of ACC. In this regard, § 3(a)(5) of the Securities Act of 1933 coupled with 12 C.F.R. Part 563g of the OTS's regulations, gives OTS exclusive securities disclosure jurisdiction over securities issuances by federally insured savings associations such as Lincoln. From May 27, 1988 to July 22, 1988, Lincoln filed a registration statement and several amendments thereto with the Federal Home Loan Bank Board (predecessor to OTS) in an attempt to obtain clearance for the sale of an aggregate principal amount of $100,000,000 of subordinated debt. Upon the filing of these documents, the staff assigned to review them immediately reviewed the most current examination reports of Lincoln and had long conversations with field personnel who were most familiar with the then current operations and financial condition of Lincoln and ACC. The staff also spoke with attorneys in Enforcement who had handled recent investigations of Lincoln and ACC. After engaging in these preliminary activities and becoming familiar with the current condition of Lincoln and ACC, the staff then reviewed the documents filed by Lincoln and quickly determined that they were insufficient. In two comment letters dated June 30, 1988 and August 10, 1988 the staff asked for substantial additional information about Lincoln, ACC and their officers and directors, and indicated that substantial additional disclosure would have to be made before the staff would be in a position to declare Lincoln's registration statement effective and permit the proposed offering to commence. The additional information requested and the changes in disclosure compelled related to, among other things, the accuracy of the financial statements included with the filed documents, transactions with affiliates, the significant

risks to investors in the event they purchased subordinated debt, detailed information related to asset classifications and the current status of government investigations that were pending at the time of filing. After several conversations with representatives of Lincoln in which the staff was asked to but declined to waive certain of the comments issued, Lincoln abandoned its attempt to register subordinated debt with the Bank Board.

The ACC/Lincoln situation illustrates significant differences in the way the securities oversight role is implemented by OTS and the SEC because of the status of OTS as a primary financial institution regulator. The lawyers and accountants at OTS responsible for the securities oversight function have access to the most current information available on particular institutions, including examination reports, have established working relationships with supervisors in the field, and possess broad knowledge of the thrift industry as a result of the various responsibilities they perform in addition to the securities oversight function. These factors all provide advantages in the disclosure area that are unique and greatly contribute to ensuring full and fair disclosure by thrift institutions, as now has been unfortunately illustrated by comparing the treatment of the ACC and Lincoln debt offerings.

CALIFORNIA SECURITIES LAWS RELATING TO THE ACC SALE OF THE SUBORDINATED DEBT

The California Corporations Code contains several provisions that regulated the sale by ACC of the subordinated debt and provided state officials with the ability to halt the sales under certain circumstances. The following paragraphs briefly summarize the applicable provisions, the full text of which are attached hereto.

A. § 25110 of California Corporate Securities Law (sometimes referred to as the state "blue sky" law) generally provides that it is unlawful for any person to offer or sell any security in California unless such sale has been "qualified" under applicable state law or unless such security or transaction is exempted under applicable state law. In the case of ACC's sale of subordinated debt, no exemption from qualification was available; thus "qualification" of the proposed offering was necessary.

B. § 25111 of California's blue sky law provides for a procedure called "Qualification by Coordination" in cases where the issuer of securities also registers the securities to be issued with the SEC under the Securities Act of 1933. This procedure was apparently used by ACC, since it did register the securities issued with the SEC. The qualification by coordination procedure generally provides that the qualification of securities in California automatically becomes effective (and the securities may be offered and sold) at the moment the registration statement filed with the SEC becomes effective. Thus, in effect, the SECs clearance of ACC's registration statements (apparently) was relied upon by California as a result of the availability for the "Qualification by Coordination" procedure.

C. It should also be noted, however, that the California Commissioner of Corporations has wide discretion to halt the offer or sale of securities in California for any number of reasons. § 25140 of the blue sky law gives to the Commissioner the ability to issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any qualification of securities, if he finds: (1) that such an order is in the public interest and (2) that the proposed plan of business of the issuer or the proposed issuance or sale of securities is not fair, just, or equitable, or that the issuer does not intend to transact its business fairly and honestly, or that the securities proposed to be issued or the method to be used in issuing them will tend to work a fraud upon the purchaser thereof. In short, the California Commissioner of Corporations appears to have had the ability to immediately stop the sale of ACC subdebt if information had come to his attention that ACC was engaging in business or selling practices that were not fair, just, equitable or honest.

CHAPTER 2—ISSUER TRANSACTIONS

25110. Necessity of qualification of security or exemption of security or transaction.

25111. Qualification by coordination; application; contents; effective date; conditions.

25112. Qualification by notification; application; contents; effective date.

25113. Qualification by permit; application; contents; effective date.

25114. Effective period of qualification.

25115. Signing and verifying applications for qualifications.

Chapter 2 was added by Stats. 1968, c. 88, p. 256, § 2, operative Jan. 2, 1969.

§ 25110. Necessity of qualification of security or exemption of security or transaction

It is unlawful for any person to offer or sell in this state any security in an issuer transaction (other than in a transaction subject to Section 25120), whether or not by or through underwriters, unless such sale has been qualified under Section 25111, 25112 or 25113 (and no order under Section 25140 or subdivision (a) of Section 25143 is in effect with respect to such qualification) or unless such security or transaction is exempted under Chapter 1 (commencing with Section 25100) of this part

(Added by Stats. 1968, c. 88, p. 256, operative Jan. 2, 1969. Amended by Stats.1972, c. 810, p. 1446, § 1.5.)

HISTORICAL NOTE

The 1972 amendment substituted "person" for "issuer" and substituted the words "in an issuer transaction" for the words "issued by it".

Section 10 of Stats. 1972, c. 810, p. 1455, provided: "Sections 1.5 and 2.5 of this act do not constitute changes in but are declaratory of existing law."

Prior law: Former § 25500, added by Stats. 1949, c. 384, p. 707, § 1; amended by Stats. 1961, c. 1574, p. 3398, § 1; Stats. 1963, c. 1592, p. 3171, § 1.

Stats. 1917, c. 532, p. 675, § 3; Stats. 1931, c. 423, p. 941, § 2; Stats. 1941, c. 615, p. 2064, § 1.

CROSS REFERENCES

Issuance of stock certificates, see § 12801.
Sale defined, see § 25017.
Sale of securities, filing fee, see § 25608.
Securities exempted, see § 25100 et seq.
Security defined, see § 25019.
Transactions exempted, see § 25150 et seq.
Violations of corporate security law, see § 25540.

ADMINISTRATIVE CODE REFERENCES

Checks, drafts and money orders, exemption from this section, see 10 Cal.Adm.Code 260.105.16.

Exemptions from operation of this section, see 10 Cal.Adm.Code 260.105.1 et seq.

Issuer bond, form, see 11 Cal.Adm.Code 31(m).

Sales to public agencies, exemption, see 10 Cal.Adm.Code 260.105.14.

LAW REVIEW COMMENTARIES

Administrative regulation under California Securities Act of securities sold through syndication. (1930) 18 C.L.R. 373, 391.

Application of doctrines of estoppel, waiver and ratification in actions based upon violation of Corporate Securities Act. (1946) 34 C.L.R. 695, 700.

Application of pari delicto rule in action by buyers based on violation of Corporate Securities Act. (1946) 34 C.L.R. 695, 697.

Availability to syndicator of private offering exemption to California Corporate Securities Law (1966) 17 Hast.L.J. 792.

Conflict of laws as respects Corporate Securities Act, necessity of permit, (1938) 11. So.Cal.L.R. 345.

Effect of failure to obtain permit upon validity of sales or issues of securities. (1938) 18 C.L.R. 149.

Effect of violation of Corporate Securities Act upon validity of contracts. (1946) 34 C.L.R. 543, 550.

Estoppel to deny validity of nonconforming shares. (1938) 26 C.L.R. 495.

Exemptions of cooperative securities. Francis Kerner (1968) 19 Hast.L.J. 313.

Exhibition of permit to sell corporate securities (1934) S.So.Cal.L.R. 43.

For a series of articles regarding regulation and civil liability under the California Corporate Securities Act, see T. W. Dahlquist (1946) 34 C.L.R. 344; (1946) 34 C.L.R. 534; (1946) 34 C.L.R. 695; (1945) 33 C.L.R. 343.

Franchise regulation—the need for a new approach. Anthony R. Pierno (1969) 44 Los Angeles Bar Bull. 501.

Fraud as basis for recovery where securities are sold in violation of Corporate Securities Act. (1946) 34 C.L.R. 543, 554.

Indoctrination of competitive bidding into the field of issuing securities (1951) 3 Hast.L.J. 38.

§ 25111. Qualification by coordination; application; effective date; conditions; open-end investment companies; unit investment trusts

(a) Any security for which a registration statement has been filed under the Securities Act of 1933 * * * in connection with the same offering may be qualified by coordination under this section either in an issuer or nonissuer transaction.

(b) Except as provided in subdivision (d), an application for qualification under this section shall contain the following information and be accompanied by the following documents, in addition to the information specified in Section 25160 and the consent to service of process required by Section 25163: (1) a copy of the registration statement under the Securities Act of 1933, together with all exhibits other than exhibits incorporated by reference and those specified by rule of the commissioner, unless requested by the commissioner); (2) an undertaking to forward to the commissioner all future amendments to the registration statement under the Securities Act of 1933, other than an amendment which merely delays the effective date of the registration statement, promptly and in any event not later than the first business day after the day they are forwarded to or filed with the Securities and Exchange Commission, whichever first occurs; and (3) such other information as may be required to evidence compliance with any rules of the commissioner. Such application must be filed with the commissioner not later than the fifth business day following filing of the registration statement with the Securities and Ex-

change Commission, unless such time is extended by rule or order of the commissioner.

(c) Except as provided in subdivision (d), qualification of the sale of securities under this section automatically becomes effective (and the securities may be offered and sold in accordance with the terms of the application as amended) at the moment the federal registration statement becomes effective if all the following conditions are satisfied: (1) no stop order or order under subdivision (a) of Section 25143 is in effect under this law; (2) the application has been on file with the commissioner for at least 10 days; and (3) a statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for two business days or such shorter period as the commissioner permits by rule or order and the offering is made within those limitations. The applicant shall promptly notify the commissioner by telephone or telegram of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a posteffective amendment to the application containing the information and documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, interest, dividend or conversion rates, call prices and other matters related to the offering price. Upon failure to receive the required notification and posteffective amendment with respect to the price amendment, the commissioner may enter a stop order, without notice or hearing, retroactively denying effectiveness to the application for qualification or suspending its effectiveness until compliance with this subdivision, if he promptly notifies the applicant by telephone or telegram (and promptly confirms by letter or telegram when he notifies by telephone) of the issuance of the order. If the applicant proves compliance with the requirements of this subdivision as to notice and posteffective amendment, the stop order is void as of the time of its entry. The commissioner may by rule or order waive either or both of the conditions specified in clauses (2) and (3) of this subdivision. If the federal registration statement becomes effective before all the conditions in this subdivision are satisfied and they are not waived, the application for qualification automatically becomes effective as soon as all of the conditions are satisfied. If the applicant advises the commissioner of the date when the federal registration statement is expected to become effective, the commissioner shall promptly advise the applicant by telephone or telegram, at the applicant's expense, whether all the conditions are satisfied and whether he then contemplates the institution of a proceeding under Section 25140 or 25143; but his advice by the commissioner does not preclude the institution of such a proceeding at any time.

(d) An *open-end* investment company or a unit investment trust which has previously qualified the sale of its securities pursuant to this section shall, in lieu of filing the application specified in subdivision (b), file pursuant to this subdivision if it has made no material change in its offering and if it is in compliance with all terms of its prior qualification. An application filed pursuant to this subdivision shall contain the following information and be accompanied by the following documents, in addition to the information specified in Section 25160 and the consent to service of process required by Section 25165: (A) a statement that the applicant has made no material change in its offering and that it is in compliance with the terms of its qualification; and (B) a copy of its current registration statement under the Securities Act of 1933.

Asterisks * * * indicate deletions by amendment

If no stop order or orders under subdivision (a) of Section 25143 are in effect under this law, qualification of the sale of securities under this subdivision automatically becomes effective (and the securities may be offered and sold in accordance with the terms of the application) upon the day following the expiration of its prior qualification pursuant to this section or, if such qualification has expired, upon the first business day following the filing of the application pursuant to this subdivision. Nothing contained in this subdivision shall restrict the authority of the commissioner pursuant to Section 25140 or 25143.

(X) A unit investment trust which has not previously applied to qualify the sale of its securities pursuant to this section but which is substantially the same as one or more unit investment trusts previously qualified under this section by the same sponsor, shall file pursuant to this subdivision if it can make the statements specified below. An application filed pursuant to this subdivision shall contain the following information and be accompanied by the following documents, in addition to the information specified in Section 25160 and the consent to service of process required by Section 25165: (A) a statement that the applicant, in its organization, its plan of business, its securities and its offering, is substantially the same as a unit investment trust previously qualified under this section by the same sponsor; (B) a statement that such previously qualified unit investment trusts are in compliance with the terms of their qualifications and (C) a copy of its current registration statement under the Securities Act of 1933. * * * If no stop order or orders under subdivision (a) of Section 25143 are in effect under this law, qualification of the sale of securities under this subdivision automatically becomes effective (and the *security* may be offered and sold in accordance with the terms of the application) *at the moment the federal registration becomes effective or, if the registration is effective when the application is filed,* upon the first business day following the filing of the application pursuant to this division. * * *

(Amended by Stats. 1980, c. 242, p. 484, § 1, eff. June 26, 1980; Stats. 1982, c. 564, p. 2516, § 3. eff. Aug. 25, 1982, Stats. 1984, c. 577, § 4).

[1] 15 U.S.C.A. § 77a et seq.

HISTORICAL NOTES

1980 Amendment. Added subd. (d) and the qualifying phrase at the beginning of subds. (b) and (c).

1982 Amendment. Inserted pars. designations in subd. (d); added "or a unit investment trust" in pars. (1) of subd. (d); undesignated former alternatives (1) and (2) of pars. (1) as (A) and (B); and added the provisions of pars. (2).

1984 Amendment. Added the second paragraph of subd. (d)(1); and substituted the third and concluding sentence of subd. (d)(2) in place of former subd. (d)(3) which read: "(3) If no stop order or order under subdivision (s) of Section 25143 are in effect under this law, qualifications of the sale of securities under this subdivision automatically becomes effective (and the securities may be offered and sold in accordance with the terms of the application) upon the day following the expiration of its prior qualification pursuant to this section or, if such qualification has expired, upon the first business day following the filing of the application pursuant to this subdivision. Nothing contained in this subdivision shall restrict the authority of the commissioner pursuant to Section 25140 or 25143)".

NOTES OF DECISIONS

In general 1
Pleadings 2

1. In general

Despite the fact that some of the California securities laws are modeled to some degree after the federal securities laws and references at the former are made to the latter, there is nothing to suggest that the two statutory schemes are to be interdependent rather than separate, autonomous systems. Blake v. Pallon C.A. 1977) 554 F.2d 947

2. Pleadings

In action for alleged violations of federal and state securities law, plaintiff was permitted to amend complaint to attempt to state a cause of action under Colorado and California law for alleged failure to file registration statement prior to sale of securities. Rochambeau v. Brent Exploration Inc. (D.C. 1978) 79 F.R.D. 381.

Italic indicates change or addition by amendment

CHAPTER 5—AUTHORITY OF THE COMMISSIONER

Sec.

25140. Issuance of stop orders affecting qualification of securities; refusal to issue or suspension or revocation of permits; grounds.

25141. Deposit in escrow as condition of qualification of securities.

25142. Application for permit to issue exchange securities; approval of terms and condition; hearing.

25143. Postponement or suspension of effectiveness of qualification; notice; hearing.

25144. Vacation or modification of stop order.

25145. Records and reports of issuer.

25146. Reports required of issuer for 18 months after effective date of qualification.

25147. Sale of security qualified by permit; form of subscription or sale contracts; preservation of copy.

25148. Prospectus or proxy statement.

25149. Escrow; authority of commissioner to act as escrow holder.

25150. Opinions, appraisements and reports of engineers, appraisers or other experts.

25151. Consent to transfer of securities placed in escrow; procedure.

25152 to 25157. Repealed.

Chapter 5 was added by Stats. 1968, c. 88, p. 260, § 1, operative Jan. 2, 1969.

ADMINISTRATIVE CODE REFERENCES

Standards for exercise of authority, see 10 Cal. Adm. Code 260.140 et seq.

§ 25140. Issuance of stop orders affecting qualification of securities; refusal to issue or suspension or revocation of permits; grounds

(a) The commissioner may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any qualification of securities under Sections 25111, 25112 or 25131 or may suspend or revoke any permit issued under Section 25113 or 25122 if he finds (1) that the order is in the public interest and (2) that the pro-

posed plan of business of the issuer or the proposed issuance or sale of securities is not fair, just, or equitable, or that the issuer does not intend to transact its business fairly and honestly, or that the securities proposed to be issued or the method to be used in issuing them will tend to work a fraud upon the purchaser thereof.

(b) The commissioner may refuse to issue a permit under Section 25113 unless he finds that the proposed plan of business of the applicant and the proposed issuance of securities are fair, just, and equitable, that the applicant intends to transact its business fairly and honestly, and that the securities which it proposes to issue and the methods to be used by it in issuing them are not such as, in his opinion, will work a fraud upon the purchaser thereof.

(c) The commissioner may refuse to issue a permit under Section 25122 unless he finds that the proposed plan of recapitalization or reorganization and the proposed issuance of securities are fair, just, and equitable to all security holders affected.

(d) Notwithstanding the provisions of subdivisions (a) and (b) of this section, the commissioner shall not have authority to issue any stop order or to refuse to issue or to suspend or revoke any permit on the basis that the price at which the security is to be offered is unfair, unjust or inequitable in any case where the security is being publicly offered for cash pursuant to a registration statement under the Securities Act of 1933 and the offering is the subject of a firm commitment underwriting by an underwriter or syndicate of underwriters all of whom are registered under the Securities Exchange Act of 1934. For the purposes of this subdivision a firm commitment underwriting means an underwriting pursuant to which the underwriter or syndicate of underwriters is committed to take up and pay for the securities subject only to the usual or customary conditions, but not including any "market out" or similar condition operative after the time of commencement of the offering. (A condition relating to the suspension of all trading on a national securities exchange, a banking holding, war, civil insurrection, or the like is not a "market out" or similar condition within the meaning of this subdivision.) Nothing contained in this subdivision shall deny authority to the commissioner to issue a stop order or to refuse to issue or to suspend or revoke a permit because of unreasonable discounts, commissions or other compensation to underwriters, sellers or others, unreasonable promoters' profits or participations or unreasonable amounts or kinds of options.

(Added by Stats. 1968, c. 88, p. 260, § 2, operative Jan. 2, 1969.)

HISTORICAL NOTE

Prior law: Former § 25507 added by Stats. 1949, c. 384, p. 709, § 1; Stats. 1965, c. 1078, p. 2727, § 1.

Stats. 1917, c. 532, p. 676, § 4; Stats. 1925, c. 447, p. 966, § 2; Stats. 1931, c. 423, p. 942, § 3; Stats. 1933, c. 898, p. 2312, § 2; Stats. 1935, c. 166, p. 834, § 3; Stats. 1947, c. 130, p. 650, § 1.

AUTHORITY OF THE SEC TO STOP THE ACC SALE OF THE SUBORDINATED DEBT ONCE IT BEGAN

A. Section 5 of the Securities Act of 1933 generally provides that, in the absence of any specific exemption enumerated in Sections 3 or 4 of the Securities Act, it is unlawful to make use of any means of interstate commerce for the purpose of selling securities, unless a registration statement filed with the SEC has been declared effective. In the case of ACC's sale of subordinated debt, no exemption from registration was available; thus, ACC filed several registration statements with the SEC in order to comply with the registration requirements of the Securities Act.

B. The SEC, pursuant to several provisions in the Securities Act, has wide discretion to halt an ongoing offer or sale of securities in the event it discovers (through investigation or otherwise) that information in the registration statements filed by the applicant was false or misleading or that the selling practices pursuant to which an offering is being conducted constitute a violation of federal securities laws. For example, Section 8(d) provides, in pertinent part, that the SEC may, after notice and a hearing, issue a stop order suspending the effectiveness of a registration statement if it "appears to the [SEC] at any time that the registration statement includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading." Similarly, Section 20(b) provides that, whenever it shall appear to the SEC that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the Securities Act or any rule promulgated thereunder, the SEC may, in its discretion, "bring an action in any district court of the United States . . . to enjoin such acts or practices, and upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond." Pursuant to these provisions, the SEC has the authority to investigate possible violations of laws applicable to the public offering of securities and to choose among a range of remedies to halt such violations. In the ACC situation, it appears the SEC could have commenced a stop order proceeding or instituted a court action to halt the sale of the sub debt if the SEC had determined that violations of the federal securities laws may have occurred (including a failure to adequately disclose the financial condition of ACC and Lincoln in the registration statements filed with the SEC).

SECURITIES ACT OF 1933

(a) the minimum aggregate sales price per purchaser shall not be less than $250,000.

(b) the purchaser shall pay cash either at the time of the sale within sixty days thereof; and

(c) each purchaser shall buy for his own account only; or

(ii) where such securities are originated by a mortgagee approved by the Secretary of Housing and Urban Development pursuant to sections 203 and 211 of the National Housing Act and are offered or sold subject to the three conditions specified in subparagraph (A)(i) to any institution described in such subparagraph or to any insurance company subject to the supervision of the insurance commissioner, or any agency or officer performing like function, of any State or territory of the United States or the District of Columbia, or the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or the Government National Mortgage Association.

(B) Transactions between any of the entities described in subparagraph (A)(i) or (A)(ii) hereof involving non-assignable contracts to buy or sell the foregoing securities which are to be completed within two years, where the seller of the foregoing securities pursuant to any such contract is one of the parties described in subparagraph (A)(i) or (A)(ii) who may originate such securities and the purchaser of such securities pursuant to any such contract in any institution described in subparagraph (A)(i) or any insurance company described in subparagraph (A)(ii), the Federal Home Loan Mortgage Corporation, Federal National Mortgage Association, or the Government National Mortgage Association and where the foregoing securities are subject to the three conditions for sale set forth in subparagraphs (A)(i)(a) through (c).

(C) The exemption provided by subparagraphs (A) and (B) hereof shall not apply to resales of the securities acquired pursuant thereto, unless each of the conditions for sale contained in subparagraphs (A)(i)(a) through (c) are satisfied.

(6) transactions involving offers or sales by an issuer solely to one or more accredited investors, if the aggregate offering price of an issue of securities offered in reliance on this paragraph does not exceed the amount allowed under section 3(b) of this title, if there is no advertising or public solicitation in connection with the transaction by the issuer or anyone acting on the issuer's behalf, and if the issuer files such notice with the Commission as the Commission shall prescribe.

[¶ 1071] PROHIBITIONS RELATING TO INTERSTATE COMMERCE AND THE MAILS

Sec. 5. (a) Unless a registration statement is in effect as to a security, it shall be unlawful for any person, directly or indirectly—

(1) to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise; or

(2) to carry or cause to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale.

(b) It shall be unlawful for any person, directly or indirectly—

(1) to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to carry or transmit any prospectus relating to any security with respect to which a registration statement has been filed under this title, unless such prospectus meets the requirements of section 10, or

(2) to carry or to cause to be carried through the mails or in interstate commerce any such security for the purpose of sale or for delivery after sale, unless accompanied or preceded by a prospectus that meets the requirements of subsection (a) of section 10.

(c) It shall be unlawful for any person, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding of examination under section 8.

[¶ 108] REGISTRATION OF SECURITIES AND SIGNING OF REGISTRATION STATEMENT

Sec. 6. (a) Any security may be registered with the Commission under the terms and conditions hereinafter provided, by filing a registration in triplicate, at least one of which shall be signed by each issuer, its principal executive officer or officers, its

principal financial officer, its comptroller or principal accounting officer, and the majority of its board of directors or persons performing similar functions (or, if there is no board of directors or persons performing similar functions, by the majority of the persons or board having the power of management of the issuer), and in case the issuer is a foreign or Territorial person by its duly authorized representative in the United States, except that when such registration statement relates to a security issued by a foreign government, or political subdivision thereof, it need be signed only by the underwriter of such security. Signatures of all such persons when written on the said registration statements shall be presumed to have been so written by authority of the person whose signature is so affixed and the burden of proof, in the event such authority shall be denied, shall be upon the party denying the same. The affixing of any signature without the authority of the purported signer shall constitute a violation of this title. A registration statement shall be deemed effective only as to the securities specified therein as proposed to be offered.

(b) At the time of filing a registration statement the applicant shall pay to the Commission a fee of one fiftieth of 1 per centum of the maximum aggregate price at which such securities are proposed to be offered, but in no case shall such fee be less than $100.

(c) The filing with the Commission of a registration statement, or of an amendment to a registration statement, shall be deemed to have taken place upon the receipt thereof, but the filing of a registration statement shall not be deemed to have taken place unless it is accompanied by a United States postal money order or a certified bank check or cash for the amount of the fee required under subsection (b).

(d) The information contained in or filed with any registration statement shall be made available to the public under such regulations as the Commission may prescribe, and copies thereof, photostatic or otherwise, shall be furnished to every applicant at such reasonable charge as the Commission may prescribe.

[¶ 109] INFORMATION REQUIRED IN REGISTRATION STATEMENT

Sec. 7. The registration statement, when relating to a security other than a security issued by a foreign government, or political subdivision thereof, shall contain the information, and be accompanied by the documents, specified in Schedule A, and when relating to a security issued by a foreign government, or political subdivision thereof, shall contain the information, and be accompanied by the documents, specified in Schedule B, except that the Commission may by rules or regulations provide that any such information or document need not be included in respect of any class of issuers or securities if it finds that the requirement of such information or document is inapplicable to such class and that disclosure fully adequate for the protection of investors is otherwise required to be included within the registration statement. If any accountant, engineer, or appraiser, or any person whose profession gives authority to a statement made by him, is named as having prepared or certified any part of the registration statement, or is named as having prepared or certified a report or valuation for use in connection with the registration statement, the written consent of such person shall be filed with the registration statement. If any such person is named as having prepared or certified a report or valuation (other than a public official document or statement) which is used in connection with the registration statement, but is not named as having prepared or certified such report or valuation for use in connection with the registration statement, the written consent of such person shall be filed with the registration statement unless the Commission dispenses with such filing as impracticable or as involving undue hardship on the person filing the registration statement. Any such registration statement shall contain such other information, and be accompanied by such other documents, as the Commission may by rules or regulations require as being necessary or appropriate in the public interest or for the protection of investors.

[¶ 1101] TAKING EFFECT OF REGISTRATION STATEMENTS AND AMENDMENTS THERETO

Sec. 8. (a) Except as hereinafter provided, the effective date of a registration statement shall be the twentieth day after the filing thereof or such earlier date as the Commission may determine, having due regard to the adequacy of the information respecting the issuer theretofore available to the public, to the facility with which the nature of the securities to be registered, their relationship to the capital structure of the issuer and the rights of holders thereof can be understood, and to the public interest and the protection of investors. If any amendment to any such statement is filed prior to the effective date of such statement, the registration statement shall be deemed to have been filed when such amendment was filed; except that an amendment filed with the consent of the Commission, prior to the effective date of the registration statement, or filed pursuant to an order of the Commission, shall be treated as a part of the registration statement.

(b) If it appears to the Commission that a registration statement is on its face incomplete or inaccurate in any material respect, the Commission may, after notice by personal service or the sending of confirmed telegraphic notice not later than ten days after the filing of the registration statement, and opportunity for hearing (at a time fixed by the Commission) within ten days after such notice by personal service or the sending of such telegraphic notice, issue an order prior to the effective date of registration refusing to permit such statement to become effective until it has been amended in accordance with such order. When such statement has been amended in accordance with such order the Commission shall so declare and the registration shall become effective at the time provided in subsection (a) or upon the date of such declaration, whichever date is the later.

(c) An amendment filed after the effective date of the registration statement, if such amendment, upon its face, appears to the Commission not to be incomplete or inaccurate in any material respect, shall become effective on such date as the Commission may determine, having due regard to the public interest and the protection of investors.

(d) If it appears to the Commission at any time that the registration statement includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, the Commission may, after notice by personal service or the sending of confirmed telegraphic notice, and after opportunity for hearing (at a time fixed by the Commission) within fifteen days after such notice by personal service or the sending of such telegraphic notice, issue a stop order suspending the effectiveness of the registration statement. When such statement has been amended in accordance with such stop order the Commission shall so declare and thereupon the stop order shall cease to be effective .

(e) The Commission is hereby empowered to make an examination in any case in order to determine whether a stop order should issue under subsection (d). In making such examination the Commission or any officer or officers designated by it shall have access to and may demand the production of any books and papers of, and may administer oaths and affirmations to and examine, the issuer, underwriter, or any other person, in respect of any matter relevant to the examination, and may, in its discretion, require the production of a balance sheet exhibiting the assets and liabilities of the issuer, or its income statement, or both, to be certified to by a public or certified accountant approved by the United States. If the issuer or underwriter shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of a stop order.

(f) Any notice required under this section shall be sent to or served on the issuer, or, in case of a foreign government political subdivision thereof, to or on the underwriter, or, in the case of a foreign or Territorial person, to or on its duly authorized representative in the United States named in the registration statement, properly directed in each case of telegraphic notice to the address given in such statement.

[¶ 1111] COURT REVIEW OF ORDERS

SEC. 9. (a) Any person aggrieved by an order to the Commission may obtain a review of such order in the court of appeals of the United States, within any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such Court, within sixty days after the entry of such order, a written petition praying that the order of the Commission be modified or be set aside in whole or in part. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. No objection to the order of the Commission shall be considered by the courts unless such objection shall have been urged before the Commission. The finding of the Commission as to the facts, if supported by evidence, shall be conclusive. If either party shall apply to the court for leave to additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and its recommendation, if any, for the modification or

setting aside of the original order. The jurisdiction of the court shall be exclusive and its judgement and decree, affirming, modifying, or setting aside, in whole or in part, any order of the Commission, shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of Title 28, United States Code.

(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

[¶ 1121] INFORMATION REQUIRED IN PROSPECTUS

SEC. 10. (a) Except to the extent otherwise permitted or required pursuant to this subsection or subsections (c), (d), or (e)—

(1) a prospectus relating to a security other than a security issued by a foreign government or political subdivision thereof, shall contain the information contained in carry out the policies, provisions, and purposes of this subsection. Any sums so appropriated shall remain available until expended.

(6) Notwithstanding any other provision of law, neither the Commission nor any other person shall be required to establish any procedures not specifically required by the securities laws, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, or by chapter 5 of title 5, United States Code, in connection with cooperation, coordination, or consultation with—

(a) any association referred to in paragraph (1) or (3) or any conference or meeting referred to in paragraph (4), while such association, conference, or meeting is carrying out activities in furtherance of the provisions of this subsection, or

(B) any forum, agency, or organization, or group referred to in section 503 of the Small Business Investment Incentive Act of 1980, while such forum, agency, organization, or group is carrying out activities in furtherance of the provisions of such section 503.

As used in this paragraph, the terms "association", "conference", "meeting", "forum", "agency", "organization", and "group" include any committee, subgroup, or representative of such entities.

[¶ 1271] INJUNCTIONS AND PROSECUTION OF OFFENSES

Sec. 20. (a) Whenever it shall appear to the Commission, either upon complaint or otherwise, that the provisions of this title, or of any rule or regulation prescribed under authority thereof, have been or are about to be violated, it may, in its discretion, either require or permit such person to file with it a statement in writing, under oath, or otherwise, as to all the facts and circumstances concerning the subject matter which it believes to be in the public interest to investigate, and may investigate such facts.

(b) Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this title, or of any rule or regulation prescribed under authority thereof, the Commission may, in its discretion, bring an action in any district court of the United States, or United States court of any Territory, to enjoin such acts or practices, and upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General who may, in his discretion, institute the necessary criminal proceedings under this title. Any such criminal proceeding may be brought either in the district wherein the transmittal of the prospectus or security complained of begins, or in the district wherein the transmittal of the prospectus or security complained of begins, or in the district wherein the prospectus or security is received.

(c) Upon application of the Commission, the district courts of the United States and the United States courts of any Territory shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this title or any order of the Commission made in pursuance thereof.

[¶ 1281] HEARINGS BY COMMISSION

Sec. 21. All hearings shall be public and may be held before the Commission or an officer or officers of the Commission designated by it, and appropriate records thereof shall be kept.

[¶ 1291] JURISDICTION OF OFFENSES AND SUITS

Sec. 22. (a) The district courts of the United States and United States courts of any Territory shall have jurisdiction of offenses and violations under this title and under the rules and regulations promulgated by the Commission in respect thereto, and, concurrent with State and Territorial courts, of all suits in equity and actions at law brought to enforce any liability or duty created by this title.

REGULATION OF HOLDING COMPANY DEBT ISSUANCES (PRE-FIRREA)

Prior to adoption of FIRREA, the incurrence of debt by a non-diversified savings and loan holding company or any subsidiary thereof which was not an insured institution, was subject to Section 408(g) of the National Housing Act and 12 C.F.R. § 584.6, copies of which are attached hereto. Subject to certain exceptions not relevant to the ACC/Lincoln situation, these provisions generally mandated that the prior written approval of FSLIC (or its delegate) be obtained for the incurrence of debt in an amount that, when added to existing debt, would exceed 15% of the consolidated net worth of the holding company at the end of the preceding fiscal year. In approving an application filed by a holding company, FSLIC (or its delegate) was generally required to determine that the act or transaction contemplated by the applicant would not be "injurious to the operation of any subsidiary insured institution in light of its financial condition and prospects." In order to obtain the required written approval of FSLIC, the applicant was required to file an Application H-(g). This application required the furnishing of detailed information on the financial effects of the proposed debt issuance on the applicant and its subsidiaries, such as pro forma capitalization information and the ability of the applicant to service the debt proposed to be issued.

Pursuant to the foregoing provisions, FSLIC adopted a practice whereby certain holding companies were allowed to file a proposed "debt budget" on an annual basis in order to satisfy the prior approval requirement set forth in the statute and regulations. This process was sometimes referred to as "blanket debt approval." ACC received blanket debt authority in 1984 and filed annual debt budgets thereafter. It was not until December 1988 that objection was taken to the proposed debt budget filed for 1989. It appears FSLIC (or its delegate) may have had the ability to step in and prohibit the incurrence of further debt by ACC at any time prior to December 1988, either by declining to continue the debt budget approach and requiring case-by-case approval for incurrence of specified amounts of debt by ACC, or by suspending the debt budget approval in mid-cycle. In either case, blocking further incurrence of debt by ACC would have had to be based upon a finding that the incurrence of such debt by ACC would be injurious to Lincoln in light of Lincoln's financial condition and prospects. Whether such a connection to injury to Lincoln could have been made would have been the critical issue faced had either action been attempted.

¶ 4458.—(g) Holding company indebtedness.

(1) No savings and loan holding company or any subsidiary thereof which is not an insured institution shall issue, sell, renew, or guarantee any debt security of such company or subsidiary, or assume any debt, without the prior written approval of the Corporation.

(2) The provisions of paragraph (1) of this subsection shall not apply to—

(A) a diversified savings and loan holding company or any subsidiary thereof; or

(B) the issuance, sale, renewal, or guaranty of any debt security, or the assumption of any debt, by any other savings and loan holding company or any subsidiary thereof, if such security or debt aggregates, together with all such other securities or debt then outstanding as to which such holding company or subsidiary is primarily or contingently liable, not more than 15 per centum of the consolidated net worth of such holding company or subsidiary at the end of the preceding fiscal year.

(3) The Corporation shall, upon application approve any act or transaction not exempted from the application of paragraph (1) of this subsection if the Corporation finds that—

¶ 5791.—§ 584.6 Holding company indebtedness.

(a) Limitations on holding company indebtedness. Except as otherwise provided in paragraph, no savings and loan holding company or any subsidiary thereof which is not an insured institution may issue, sell, renew, or guarantee any debt security of such company or subsidiary, or assume any debt, without the prior written approval of the Corporation. The restrictions imposed by this section do not apply to:

(1) A diversified savings and loan holding company or any subsidiary thereof; or

(2) The issuance, sale, renewal, or guaranty of any debt security, or the assumption of any debt, by any other savings and loan holding company or any subsidiary thereof (other than an insured institution), if such security or debt aggregates, together with all such other outstanding debt as to which such holding company or any such subsidiary is primarily or contingently liable, not more than 15 percent of the consolidated regulatory capital of such holding company at the end of the preceding fiscal year.

(b) Interim approval by the Corporation. Until further notice by order or regulation, the Corporation hereby approves without application the issuance, sale, renewal, or guaranty of any debt security, or the assumption of any debt, incurred:

(1) In the ordinary course of business in connection with a purchase or acquisition of goods or services, or the execution of an employment contract or lease, for which a sav-

ings and loan holding company or any subsidiary thereof (other than an insured institution) is primarily or contingently liable;

(2) In connection with the extension or renewal for not exceeding 1 year of any outstanding debt for which a savings and loan holding company or any subsidiary thereof (other than an insured institution) is primarily or contingently liable as of February 14, 1968: *Provided*, That such extension or renewal does not impose a substantially greater financial burden upon such holding company or such subsidiary than the debt being extended or renewed;

(3) By a mortgage banking subsidiary of a savings and loan holding company which is fully secured by a first mortgage insured or guaranteed by any Federal agency;

(4) By a savings and loan holding company's subsidiary bank which is a bank as defined in Section 2(c) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1841(c)), or which is a savings bank as defined in Section 3(a) of the Federal Deposit Insurance Act (12 U.S.C. § 1813(g)), or other a specifically —— by the charter to providing early —— or other subsidiary services or which is —— bank of the Federal Deposit Insurance Corporation and had been acquired by the holding company as was in operation prior to July 1, 1983[;]

(5) In connection with the issuance of any policy or contract of insurance in the ordinary course of business by a savings and loan holding company's subsidiary insurance company which is authorized to do business subject to regulation by appropriate State authorities; and

(6) By a savings and loan holding company or any subsidiary thereof as a result of an indemnification customarily given to an underwriter in connection with making a public offering of the securities of such holding company or subsidiary.

(c) Exemptions from computation of 15 percent limitation. The Corporation, without limitation upon and in addition to the exemption contained in paragraph (a)(2) of this section, hereby approves without application the issuance, sale, renewal or guarantee of any debt security or the assumption of any debt insured:

(1) By a service corporation subsidiary of an insured institution subsidiary of a savings and loan holding company, including any wholly owned subsidiary of such service corporation: *Provided*, that this paragraph (c)(1) does not apply to any service corporation subsidiary or subsidiary of such service corporation that is a bank, other than a bank described in paragraph (b)(4) of this section.

(2) By a finance subsidiary (as defined in § 563.13-2(a)(4) of this chapter) of an insured institution that is a subsidiary of a savings and loan holding company.

(3) In connection with the issuance of any policy or contract of insurance in the ordinary course of business by a savings and loan holding company's subsidiary insurance company which is authorized to do business subject to regulation by appropriate State authorities.

(d) Filing of applications. Applications for prior written approved of the Corporation for the issuance, sale, renewal, or guarantee of any debt security, or the assumption of any debt, shall be filed with the Corporation on the form prescribed in paragraph (e) of § 584.10 of this subchapter. Applications shall be addressed to the the Supervisory Agent of the district in which the principal office of the subsidiary insured institutions which conducts the principal savings and loan or savings bank business of such holding company as indicated.

(e) Approval by the Corporation.

(1) The Corporation will, upon application, approve any act or transaction not exempted from the application of paragraphs (a) of this section, if the Corporation finds that:

(I) The proceeds of any such act or transaction will be used for either (a) the purchase of permanent, guaranty, or other nonwithdrawable stock to be issued by a subsidiary insured institution, or (b) the purpose of making a capital contribution to a subsidiary insured institution; or

(II) Such act or transaction is required for the purpose of refunding, extending, exchanging, or discharging an outstanding debt, security, or for other necessary or ugent corporate needs, and would not impose an unreasonable or imprudent financial burden on the applicant.

POST-FIRREA TREATMENT OF HOLDING COMPANY DEBT ISSUANCES

Section 408(g) of the National Housing Act, which governed the incurrence of debt by savings and loan holding companies and their non-insured institution subsidiaries, was repealed by FIRREA. However, new Section 10(p) of the Home Owners Loan Act gives to the Director of OTS the ability to impose restrictions on a savings and loan holding company if he determines "that there is reasonable cause to believe that the continuation by a savings and loan holding company of any activity constitutes a serious risk to the financial safety, soundness, or stability of a savings and loan holding company's subsidiary savings association." Such restrictions must be issued in the form of a directive and are effective as a final cease and desist order. This provision provides to the Director a wide range of discretion to impose on a savings and loan holding company restrictions on activities and transactions, including the ability to incur debt, and is a provision that was strongly favored by OTS senior staff during the FIRREA deliberations. This provision would appear to be most useful in a situation like ACC/Lincoln, where transactions between the two entities were occurring quite frequently and it became increasingly clear that activities and transactions involving ACC were becoming inextricably intertwined with the operations of Lincoln, thereby at least presenting a "serious risk" to Lincoln's safety, soundness or stability.

"(p) HOLDING COMPANY ACTIVITIES CONSTITUTING SERIOUS RISK TO SUBSIDIARY SAVINGS ASSOCIATION.—

"(1) DETERMINATION AND IMPOSITION OF RESTRICTIONS.—If the Director determines that there is reasonable cause to believe that the continuation by a savings and loan holding company of any activity constitues a serious risk to the financial safety, soundness, or stability of a savings and loan holding company's subsidiary savings association, the Director may impose such restrictions as the Director determines to be necessary to address such risk. Such restrictions shall be issued in the form of a directive to the holding company and any of its subsidiaries, limiting—

"(A) the payment of dividends by the savings association;

"(B) transactions between the savings association, the holding company, and the subsidiaries or affiliates of either; and

"(C) any activities of the savings association that might create a serious risk that the liabilities of the holding company and its other affiliates may be imposed on the savings association.

Such directive shall be effective as a cease and desist order that has become final.

"(2) REVIEW OF DIRECTIVE.—

"(A) ADMINISTRATIVE REVIEW.—After a directive referred to in paragraph (1) is issued, the savings and loan holding company, or any subsidiary of such holding company subject to the directive, may object and present in writing its reasons why the directive should be modified or rescinded. Unless within 10 days after receipt of such response the Director affirms, modifies, or rescinds the directive, such directive shall automatically lapse.

"(B) JUDICIAL REVIEW.—If the Director affirms or modifies a directive pursuant to subparagraph (A), any affected party may immediately thereafter petition the United States district court for the district in which the savings and loan holding company has its main office or in the United States District Court for the District of Columbia to stay, modify, terminate or set aside the directive. Upon a showing of extraordinary cause, the savings and loan holding company, or any subsidiary of such holding company subject to a directive, may petition a United States district court for relief without first pursuing or exhausting the administrative remedies set forth in this paragraph.

OTS REGULATIONS APPLICABLE TO OVER-THE-COUNTER SALE OF SECURITIES

12 C.F.R. Section 563g.17 (copy attached) generally governs the sale of securities by a savings association or an affiliate thereof at an office. Such direct sales are permitted by the regulation so long as the institution issuing the securities is in compliance with its regulatory capital requirements, no commissions are paid to any employee or other person, no offers or sales are made by tellers or at the teller counter, and offers and sales are made only by regular, full-time employees.

5281

§ 563g.17 Direct sales of securities at an office.

Securities of an insured institution or an affiliate may only be offered or sold at an office of an insured institution or an affiliate if:

(a) No commissions are paid to any employer or other person;

(b) No offers or sales are made by tellers or at the teller counter, or by comparable persons at comparable locations;

(c) Offers and sales are made only by regular, full-time employees; and

(d) The institution issuing the securities is in compliance with the Corporation's regulatory capital requirements during the time the offering is made, except that such compliance is not required for repurchase agreements issued in compliance with § 563.8-4 of this subchapter.

OFFICE OF THRIFT SUPERVISION,
DEPARTMENT OF THE TREASURY,
Washington, DC, November 16, 1989.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

Hon. CHALMERS P. WYLIE,
Ranking Republican, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND CONGRESSMAN WYLIE: As you know, we have urged that

the hearings of the Committee into the Lincoln Savings and Loan situation produce a full, fair and accurate airing of the facts regarding the regulatory oversight of that institution. With this in mind, we have read the statement of Richard C. Breeden, Chairman of the Securities and Exchange Commission, submitted to the Committee on November 14, 1989, and have followed Chairman Breeden's oral testimony in front of the Committee on that same date. In the interests of an accurate and complete description of events, certain aspects of Chairman Breeden's remarks require correction.

Unfortunately, significant factual statements made by Chairman Breeden in both his prepared testimony and his oral testimony are simply not true. In particular, the statements to the effect that the Bank Board ultimately accepted Lincoln's accounting and evaluation treatment as to every dollar in dispute between the Bank Board and Lincoln, does not comport with the facts. On the contrary, substantial asset writedowns and sales of substantial disputed assets occurred as a direct result of the Bank Board's examination report and because the Bank Board staff insisted upon such firm action. Numerous meetings between SEC and Bank Board staff regarding these matters were held in which the effect of these actions on Lincoln were made abundantly clear.

Similarly, statements regarding the adverse effect on the ongoing SEC investigation of ACC that were caused by certain agreements executed between the Bank Board and Lincoln do not comport with the facts. These agreements had no effect on the ability of the SEC to vigorously pursue its investigation of ACC. This point was made clear in several meetings held between the SEC and Bank Board staff, most notably in a meeting which was held immediately after these agreements were executed, specifically for the purpose of explaining their scope and effect to SEC staff.

For your information, we have attached to this letter a chronology detailing all relevant events that occurred from the time the Bank Board first referred this matter to the SEC in late 1986. We hope all members of the Committee consider this information as we move forward.

Sincerely,

KARL T. HOYLE,
Senior Deputy Director for Congressional Relations and Communications.

CHRONOLOGY

Late 1986: Bank Board staff informally notifies SEC staff by telephone that an ongoing examination of Lincoln indicated substantial issues were being raised with respect to the adequacy of Lincoln's loan loss reserves and other possible accounting irregularities.

January 30, 1987: These concerns are communicated by a letter to a branch chief in the SEC's Enforcement Division. The letter indicates that examiners would be questioning the adequacy of Lincoln's loan loss reserves, the accounting treatment for various loan and direct investments, other regulatory deficiencies and possible insider trading in ACC securities. The letter specifically raises the possibility that ACC was selling securities based on false and misleading offering documents that were filed with the SEC during 1986 and cleared by the SEC staff, and that ACC's periodic securities filings for the preceding two years may have been false and misleading.

April 20, 1987: The Bank Board's 1986 examination report relating to Lincoln is mailed to Lincoln. The final report identifies an aggregate of $167.4 million in writedowns to be taken on certain identified assets as a result of accounting improprieties, appraised losses, misclassified joint ventures and improperly characterized interest and expenses, all of which were determined by the staff of the Federal Home Loan Bank of San Francisco.

July 6, 1987: Following final review by the Bank Board, the final examination report on Lincoln is provided to the SEC after the staffs of both the SEC and the Bank Board resolve certain issues relating to the privacy rights of depositors and other legal issues. At this point in time, Lincoln has not yet responded to the issues raised in the report.

September 15, 1987: An inquiry concerning Lincoln and ACC is opened by the SEC staff.

July-September 1987: Substantial telephone contacts are made between Bank Board staff and SEC staff concerning the contents of the examination report.

October 1987: A meeting is held between the staffs of the two agencies to further discuss the contents of the examination report and issues raised therein.

December 31, 1987: Lincoln's regulatory reports filed with the Bank Board for the period ending December 31, 1987, reflect that Lincoln agrees to and takes specific losses on identified assets in the amount of $36 million as directed by the San Francisco supervisors. Further, of the aggregate of $167.4 million in writedowns directed on the assets discussed in the examination report, the Federal Home Loan Bank of San Francisco, after receiving additional information from Lincoln relating to the Phoenician development project, an asset it had identified as one apparently requiring an $80 million writedown in the original examination report, withdraw its determination that a loss reserve should be established for that project. Also, as a result of the sale of a substantial portion of the remaining disputed assets at issue, the amount of losses in dispute has been reduced to an aggregate of $18 million. Thus, at December 31, 1987, the aggregate amount of losses in dispute is $18 million because of (1) specific writedowns actually taken by Lincoln (2) the decision of the San Francisco supervisors not to require an $80 million writedown on the Phoenician development, and (3) the sale of substantial disputed assets by Lincoln. (As discussed below, the remaining $18 million in dispute was ultimately required to be established in a supervisory agreement obtained by the Bank Board.)

Thus, statements in Mr. Breeden's testimony to the effect that the Bank Board ultimately accepted Lincoln's accounting and evaluation treatment as to every dollar in dispute, are simply not true. In fact, substantial writedowns and sales of substantial disputed assets occurred as a direct result of the findings of the 1986 examination and were added to Lincoln's financial statements filed with the Bank Board for the year ended December 31, 1987.

April 14, 1988: ACC files an S-2 registration statement with the SEC in order to register for sale $300 million principal amount of subordinated debentures to be sold at Lincoln branches. The SEC did not, as it frequently does in other cases involving savings and loan holding companies, send a copy of the document to the Bank Board for comment or otherwise seek input from the Bank Board with respect to the disclosures and the financial statements included with the filing. The April 14, 1988 registration statement met the SEC's criteria for full review, according to Mr. Breeden, and thus, presumably, was fully examined by the SEC staff. Nevertheless, despite the ongoing investigation of ACC, the offering was allocated to proceed.

May 9, 1988: ACC files an amendment to its registration statement and two days later, on May 11, 1988, the SEC staff affirmatively declares the registration statement effective. This affirmative action by the SEC staff permitted ACC to commence the selling of the debt securities covered by the registration statement in Lincoln offices. This action is taken by the SEC almost 1½ years after the Bank Board first notified the SEC staff of the problems at Lincoln and 10 months after the Bank Board provided to the SEC staff a copy of the examination report on Lincoln.

May 20, 1988: A supervisory agreement (the "Agreement") and a separate memorandum of understanding ("MOU"), both dated May 20, 1988, are executed by Lincoln and the Bank Board relating to both matters raised by the original 1986 examination and other issues arising as a result of Lincoln's equity risk investments. Among other things, Lincoln agrees that, of existing reserves recorded at December 31, 1987, it will designate as specific reserves for regulatory purposes, $18,269,000 related to assets questioned in the 1986 examination report. This action effectively resolved in the Bank Board's favor all remaining disputes with respect to the writedown of assets identified in the original 1986 examination report.

Thus, contrary to the assertion by Mr. Breeden in his testimony to the effect that the Bank Board did not require any adjustments to, or restatement of prior or current financial statements of Lincoln, or did not require any addition to Lincoln's loan loss reserves, in fact, Lincoln was required to and did in fact make substantial additions to its loan reserves for regulatory purposes because of the examination report and because the Bank Board staff insisted upon such additions.

May 27, 1988: A meeting is held between SEC and Bank Board staff relating to Lincoln. At this meeting, the attendees review the supervisory agreement and MOU, with the Bank Board staff explaining the effect of the various provisions on Lincoln for regulatory purposes. In addition, the meeting covers the additions to loan loss reserves that Lincoln had taken prior to the execution of the two agreements and the additional losses taken as a result of the agreements. The points are conveyed at this meeting that the Bank Board is now satisfied that Lincoln reflects on its books accurate loss reserves for matters raised in the Bank Board's 1986 examination, and that this action, by its nature, was a prospective type correction not entailing a restatement of Lincoln's prior regulatory reports to the Bank Board. It is emphasized that if the SEC disagrees with the timing of taking those reserves for purposes of ACC's consolidated financial statements filed with the SEC, or if subsequent developments reveal other problems, the SEC could certainly pursue those issues with a view toward forcing a restatement of ACC's prior period financial statements. In this regard, the point is emphasized that neither the Agreement or the MOU between the Bank Board and Lincoln specifically covered this timing issue or precluded the SEC from otherwise vigorously pursuing its investigation of ACC.

May 27, 1988 to July 22, 1988: Lincoln files a registration statement and two amendments thereto with the Bank Board in an attempt to register an aggregate principal amount of $100,000,000 of subordinated debt. (Unlike the ACC offerings, for which the SEC was the exclusive disclosure oversight regulator, the Bank Board was the primary disclosure oversight regulator for Lincoln).

June 1988: Apparently, ACC files a registration statement with the SEC. The ultimate status of this document is unclear. No notice of this filing is given to the Bank Board and no copy of the registration statement is referred to the Bank Board for comment.

June 30, 1988 and August 30, 1988: Staff of the Bank Board ask for substantial additional information about Lincoln, ACC, and its officers and directors, and indicate that substantial additional disclosure would have to be made before the Bank Board staff would be in a position to declare the documents effective and permit the offering of Lincoln debt to commence. Areas for which the staff asks for substantial additional disclosures include the accuracy of the financial statements included with the filing, transactions with affiliates, the significant risks to investors in the event they purchased debt, detailed information relating to asset classifications and the then current status of all ongoing government investigations, including the then (and still) pending SEC investigation.

September 1988: After several conversations with representatives of Lincoln in which the Bank Board staff is asked to but declines to withdraw several of the comments previously issued, Lincoln abandons its attempt to register and sell debt on the Lincoln level.

October 1988: The staff of the Bank Board receives an interim report on ACC from the Chicago District Bank which contains some very troubling information on ACC. This information relates to stock repurchase programs by ACC and its ESOP which benefits ACC insiders while weakening ACC, possible stock price manipulation, the use of Lincoln for cash flow through the upstreaming to ACC of deferred tax payments and exceedingly high salaries and other compensation to ACC insiders. This report is promptly furnished to the SEC staff.

November 10, 1988: A series of meetings between the SEC and Bank Board staff are commenced and continue periodically well into early 1989. In addition, numerous telephone contacts are made with the SEC staff from Bank Board supervisory and accounting staff on an ongoing basis until the date Lincoln is placed into conservatorship.

Today: The SEC has not taken any enforcement action against ACC.

CHRONOLOGY RE: ACC SUBORDINATED DEBENTURE ISSUANCE

Lincoln was acquired by ACC in February 1984. ACC was deemed to be a non-diversified holding company despite the fact that ACC had significant activities outside of the insured subsidiary even after acquisition. A non-diversified holding company is a holding company that receives the majority of its income from activities that are related to its insured subsidiary. On December 31, 1983, ACC had $844 million in assets, $124 million in shareholder's equity, and had shown net earnings for the year of $7.3 million. Prior to acquiring Lincoln, ACC's primary activity was real estate investement and development. Because of the apparent health of ACC, the FHLB Board granted ACC a blanket debt authority on July 20, 1984. Generally, this authority is granted so that a holding company can readily access the credit markets to fund activities that do not involve the insured subsidiary.

Under this authority, ACC could issue up to $367 million in debt over the debt level of December 31, 1983 as long as the debt fell under the provisions of 12 CFR 584.6(b). This section of the regulation specifies the conditions and limitations under which a non-diversified holding company may incur debt. Included in this section are provisions stating that the holding company should not issue debt that would pose a significant financial burden on the insured subsidiary. Also included in the board's resolution are provisions requiring ACC to submit a report on issuances or retirement of debt during the proceeding year and a yearly debt budget that showed the amount of debt to be incurred during the year following. ACC could only incur the debt described in the debt budget if there were no objection from the supervisory agent. ACC submitted debt budgets to the FHLB of San Francisco for the years 1985 through 1988. The supervisory agent made no objection to these budgets.

As of December 31, 1983, ACC had $619 million in long term debt, most of which was secured. Of this total, $112 million was unsecured senior notes and debentures, and $29 million was unsecured subordinated noted and debentures.

During 1984 ACC's senior notes and debentures increased to $114 million and the subordinated notes and debentures remained at $29 million, giving a total of $143 million in long term unsecured borrowing.

The debt budget for 1985 was not objected to by the Supervisory Agent because the operations of ACC had not changed substantially from the time the debt authority was granted.

In 1985 ACC issued a $50 million 14¾% senior subordinated offering, with the payment of principal guaranteed by American Continental Mortgage Corporation (ACM). This debt was underwritten by Drexel Burnham Lambert, Inc. and was sold primarily to institutional investors. The additional unsecured borrowing raised total unsecured debt to ACC to $189 million, made up of $116 million in senior debt, $49 million in senior subordinated debt and $24 million in subordinated debt.

During 1985 ACC sells its Arizona homebuilding subsidiary and cuts back operations of other homebuilding operations. As well, the mortgage banking operation was allowed to wind down and the mortgage bonds that made up the majority of the balance sheet was allowed to self liquidate.

The debt budget for 1986 was not objected to by the Supervisory Agent because the operations of ACC had not changed substantially from the time the debt authority was granted.

In 1986 ACC issued $25 million in 12% senior debentures. This issue was sold in amounts as low as $2,000 through securities dealers. Also in 1986, ACC initiated a $200 million subordinated debt offering that was to be sold on a "best effort" basis through Lincoln offices in space leased by ACC. This issue was sold in denominations as low as $2,000 and was not sold out until sometime in 1988. By December 31, 1986 ACC had $142 million in senior debt, $49 million in senior subordinated debt and $2.5 million in subordinated debt giving a total of $194 million.

On November 14, 1986 ACC submitted its debt budget for 1987. It anticipates issuing $295 million in new debt and retiring $100 million in debt.

On November 26, 1986 The FHLBank asks for significantly more information regarding the debt budget.

On December 29, 1986 ACC provides a response to FHLBank's request for further information. The response still fails to give substantive answers to questions regarding cash flows and earnings prospects.

In a letter dated December 17, 1986 the CDSL informs ACC that the sale of debt through the branches is a violation of California law and directs ACC to provide information to justify the practice.

ACC responds to the CDSL's letter on January 6, 1987. The letter explains sales practices and claims that the Federal restriction on affiliated transactions was not violated because the bonds are sold in space that requires de minimis compensation from ACC to Lincoln.

In a letter dated January 9, 1987 the FHLBank requests further information to support ACC debt budget submitted for 1987.

The CDSL informs ACC in a letter dated January 12, 1987 that the Federal regulation regarding de minimum transactions does not absolve ACC of its requirement to request approval before selling ACC debt in Lincoln branches. The letter requires a response within 10 days.

ACC sends a response to the FHLBank's request for additional information in a letter dated January 26, 1987.

An internal memo of the FHLBank dated January 30, 1987 reviews ACC's debt budget. The memo cites serious question as to the viability of the budget projections and discusses rejecting the debt budget by February 8, 1987.

A letter dated January 30, 1987 from Steve Hershkowitz of OE to the SEC expresses concern that the latest examination of Lincoln indicates that ACC's registration statements may misstate ACC's condition.

In a letter dated February 2, 1987 the SEC requests that the FHLBBoard grant access to information regarding ACC and Lincoln.

An internal memo dated February 2, 1987 cites outstanding questions about the debt budget.

An internal memo to Lincoln's Supervisory Agent dated February 3, 1987 summarizes questions and concern about ACC debt budget.

Letter from Supervisory Agent to Al Smuzynski dated February 3, 1987 stating concerns about ACC's disclosure of its financial condition and cites possible inability to service the debt into the future.

Letter from OE to SEC dated February 5, 1987 granting access to information on ACC and Lincoln.

Letter from Supervisory Agent to ACC dated February 6, 1987 objecting to the 1987 debt budget.

Internal memo of FHLBank dated February 13, 1987 on ACC's debt burden. Concludes that ACC may not have the ability to service the debt in the long term.

Meeting between ACC representatives and the FHLBank on February 24, 1987 to discuss ACC's debt budget and operations. Concludes that more support is needed for the debt to be approved but that current indications are that debt authority should be revoked.

In a letter dated March 16, 1987 ACC responds to the FHLBank's questions regard-

ing its ongoing operations and its ability to service the debt in a revised application.

In a phone conversation on April 23, 1987 the FHLBank requests additional information regarding ACC's debt.

A letter dated April 28, 1987 from ACC to FHLBank responds to additional questions regarding debt application.

A letter dated June 18, 1987 from ACC to FHLBank supplied additional information on debt levels at ACC in 1985 and 1986.

An internal memo to the Supervisory Agent dated June 19, 1987 recommends that debt budget be approved as amended but cites continuing concern about ACC's long term viability and ability to service the debt.

In a letter to ACC dated June 19, 1987 the Agent approves the debt budget but expresses strong concern over ACC's continued ability to generate positive earnings and cash flows sufficient to service the debt and that a business plan for ACC should be produced.

In a letter dated August 31, 1987 ACC responded to the FHLBank's concern regarding their long term viability and lack of specific business plan.

In a September 1987 memo to file at the FHLBank it is concluded that the ACC letter does not quell concerns about the company, that the cash flow of ACC should be monitored and the states that the Agent will recommend recession of ACC blanket debt authority.

In 1987 senior debt declined to $93 million, senior subordinated debt declined to $11 million and subordinated debt increased to $93 million from sales of the $200 million issue. Total unsecured long term debt was $197 million.

ACC submits its 1988 debt budget in a letter dated November 13, 1987.

A letter from FHLBank to ACC dated November 25, 1987 requesting additional information regarding the 1988 debt budget.

In a letter dated January 22, 1988 ACC responds to the FHLBank's request.

Internal memo to the Supervisory Agent dated March 7, 1988 explains that ACC should be able to support the issuance of further debt on a cash flow basis but continues to cite a lack of long term viability.

In a letter dated March 7, 1987 the Supervisory Agent takes no objection to ACC's debt budget but expresses serious concern about ACC's financial condition and cites FHLBank conclusion that Lincoln will require a capital infusion from ACC.

An internal memo dated April 6, 1988, FHLBank staff discuss a call by the California Department of Corporations (CDC) regarding Lincoln's condition and information in the 10-K stating that ACC was negotiating with the FHLBBoard regarding Lincoln's status. No information was given but a note was made to contact the FHLBBoard and ask that the Board contact the CDC.

In a letter from FHLBank to Jordan Luke dated April 7, 1988 the Agent passes along CDC's request for information on Lincoln's status and the negotiations mentioned in the 10-K.

In 1988 senior debt declined to $60 million due to repayments, senior subordinated debt also declined to $8 million and subordinated debt increased to $224 million. The increase in subsidiary debt was partly due to sales under a $300 million issue that was initiated during the year. Like the $200 million issue, this debenture was sold on a best effort basis in denominations as low as $1,000.

Included in the 10-K filed by ACC for the year ended December 31, 1987, and the offering circulars for the subordinated debt, is a discussion of an investigation of ACC by the Securities and Exchange Commission (SEC). The SEC subpoenaed documents relating to issues raised in an examination of Lincoln by the FHLB Board. Also discussed in the 10-K is the Report of Examination of the FHLB Board, transmitted April 21, 1987. It is explained that the examination "proposed certain adjustments to Lincoln Savings' net worth" that Lincoln Savings believes were erroneous.

The California Department of Savings and Loan state in a letter dated June 20, 1988, that no further space should be leased by ACC for the purpose of selling ACC subordinated debt. It further asserted that some investors believed the debentures are obligations of Lincoln. The letter directs that ACC may lease space from Lincoln until the $200 million issue is sold out or August 1, 1988, whichever was sooner.

In a letter dated November 16, 1988, to Darrel Dochow, ACC submitted the debt budget under the blanket debt authority. This budget was rejected.

In November 1988 the California Department of Savings and Loan conducted an informal investigation into ACC's subordinated debt selling practices. It was found that Lincoln branch employees were "touting" the subordinated debt of ACC. Such actions would have been a violation of 12 CFR 563g.17(b). As discussed above, this regulation states that no teller or similar employee may offer or sell securities of an institution or its affiliates.

Other than the possible violation mentioned above, no violations of the regulations regarding the issuance of this debt were noted. Up to this point, the California Department of Corporations had no record of any complaints or calls for inquiry into the sales practices of ACC.

In December 1988 ACC ceased selling subordinated debt in their Arizona offices at the same time that a investigation was begun by the Arizona Department of Banking into allegations that Lincoln was illegally accepting deposits in Arizona. Although ACC and Lincoln have offices in Arizona, the insured institution is located only in the state of California.

On December 22, 1988 an examination of ACC by the FHLB System was transmitted to ACC management. This examination disclosed: serious operating deficits, a shortage of liquid assets, that ACC had pyramided debt in order to meet its obligations, and significant regulatory violations. ACC failed to properly disclose this fact in the subsequent offering circulars, only attaching a copy of a press release regarding the examination to the back of the circular.

By March 1, 1989, debt balances had declined further due to repayments. At that time senior debt totaled $50 million, senior subordinated debt totaled $10 million and subordinated debt totaled $193 million.

In a letter dated October 25, 1989 Dirk Adams recalls telling Julie Williams and Steve Hershkowitz his concerns regarding ACC's sale of sub debt in the branches in light of ACC's and Lincoln's financial condition. He referenced a statement of supervisory concerns from the FHLBank that would provide background.

OFFICE OF REGULATORY ACTIVITIES,
December 30, 1988.

BOARD OF DIRECTORS,
American Continental Corp.,
Phoenix, AZ.

Attention: Robert Kielty, Corporate Counsel.

DEAR DIRECTORS: Enclosed please find the Report of Examination of American Continental Corporation (ACC) and its non-FSLIC insured subsidiaries as of September 6, 1988. The findings of this examination raise serious concerns regarding the financial condition of ACC. These findings and the findings of the July 11, 1988 examination report of your wholly owned subsidiary, Lincoln Savings and Loan Association (Lincoln), indicate that the board of directors should take immediate steps to ensure the financial strength of both ACC and Lincoln, and to correct any deficiencies noted in the Report of Examination of ACC. The board of directors should provide us with a written response to the concerns noted in both the Report of Examination and this letter by January 17, 1989.

Based upon the Report of Examination of ACC, we are concerned with ACC's continued ability to support its levels of debt. Therefore, we are disapproving the proposed debt budget filed on November 16, 1988, pursuant to the debt budget authority granted by Federal Home Loan Bank Board resolution 84-381, dated July 20, 1984. However, this office will entertain individual debt applications by ACC, and will take into consideration your response as it pertains to ACC's ability to service its debt and provide financial support to Lincoln.

In addition, your response should include the reasons why this office should not consider revoking your authority to incur debt, pursuant to resolution 84-381. Your response will better enable this office to determine the appropriate course of action regarding ACC and its debt level.

Since ACC is responsible for ensuring the capital adequacy of Lincoln, the board of directors of ACC should take steps to restore Lincoln's capital levels to at least the amount required by the Insurance Regulations. At the same time, the board should also take all appropriate measures to repay or fully collateralize with cash or cash equivalents, all contingent and actual liabilities to Lincoln. The board should also take steps to reduce the operating expenses of ACC.

This office is obviously aware of the proposed sale of Lincoln, and we will work with all parties to promptly process any application for a change in control. In the interim period, please be assured that we remain available to answer any questions you may have.

Sincerely,

WILLIAM L. ROBERTSON,
(for and on instruction from Darrel W. Dochow, Acting Principal Supervisory Agent).

ATTACHMENT A

CHRONOLOGY OF EVENTS SET FORTH IN OTS 12/20/89 RESPONSE TO GAO

(1) 7/20/84: FHLBB grants blanket authority for sale of ACC bonds; requires annual approval of debt budget (bond sales) by SF Supervisory Agent (SF) (p. 4); SF agent approves annual bond sales budgets from 1985 to 1988 (attachment 10).

(2) 1986: ACC initiates the $200 million bond sales in Lincoln branches in space leased by ACC. Bonds were sold in denominations as low as $2,000 and were not sold out until sometime in 1988 (attachment 10).

(3) 11/14/86: ACC submits 1987 debt budget (bond sales) (p. 4).

(4) 12/17/86: CDSL notifies SF that ACC bonds are being sold in Lincoln branches (p. 6); CDSL requests Lincoln to report on

sales; CDSL notifies Lincoln it is in violation of law for failure to obtain prior written approval (p. 7; attachment 10).

(5) 12/86: CDSL conducts review of the manner in which the bonds were sold and concluded that the practices did not violate applicable regulations (p. 7).

(6) 12/86: SF requests and receives legal opinion from ACC's outside counsel (Arnold & Porter) stating that sale of ACC bonds in Lincoln offices does not require prior written approval under Regulation 584.3(a)(7)(i) because the lease of space was less than $100,000. (p. 7).

(7) Late 1986: FHLBB staff "informally" notifies SEC staff that examination of Lincoln raises substantial questions re Lincoln and "irregularities". (attachment 9).

(8) 1/6/87: ACC responds to CDSL re sales practices in Lincoln branches (attachment 10).

(9) 1/12/87: CDSL informs ACC prior approval required before sale of ACC debt in Lincoln branches (attachment 10).

(10) 1/30/87: Internal memo of SF cites serious questions re viability of budget projections and discusses rejecting debt budget by 2/8/87 (attachment 10).

(11) 1/30/87: Letter from FHLBB to SEC expresses concern that latest examination of Lincoln indicates ACC's registration statements may misstate ACC's condition (attachment 10); letter specifically raises possibility that ACC was selling securities based on false and misleading offering documents filed in SEC in 1986 (attachment 9).

(12) 2/6/87: SF objects to 1987 debt budget on grounds (1) ACC had not shown ability to meet adequately new and/or existing debt servicing requirements, (2) increases in debt projected not in compliance with blanket authority granted in 1984, (3) certain investments contemplated were questionable, (4) certain assumptions not reasonable, and (5) information submitted not complete and adequate (p. 4-5).

(13) 2/24/87: Meeting between SF and ACC (p. 5); concludes that more support needed for approval and that current indications are that entire debt authority should be revoked (attached 10).

(14) 2/87: SF notified FHLBB's General Counsel's Office, Corporate Securities Division, Office of Enforcement and Office of Examination of its concerns regarding the sales of ACC bonds from Lincoln offices. Office of Enforcement notifies SEC of possibility that ACC was selling bonds based upon false and misleading registration statement and that its periodic filings during the past two years may have been false and misleading. SEC requests and is granted access to examination reports and other documents relating to ACC and its subsidiaries. SF also expresses concerns about high risk nature of ACC's activities, inadequate underwriting, and potential trading based upon inside information. (p. 7).

(15) 3/16/87: ACC submits revised budget (p. 5).

(16) 3/17/87: Meeting between SF and ACC (p. 5).

(17 4/20/87: FHLBB sends 1986 examination of Lincoln to Lincoln; cites an aggregate of $167.4 million in writedowns on assets as a result of accounting improprieties and improperly characterized or classified activities (attachment 9).

(18) 6/19/87: SF approves ACC 1987 debt budget (bond sales) based upon finding that ACC (1) had demonstrated its ability to service the proposed level of debt without injuring Lincoln (2) it would be replacing high-yielding debt with lower-yielding debt, and (3) it would experience a modest decline in its overall level of debt for 1987. SF also expressed "concern" over (1) ability of ACC to continue to roll over existing debt and issue new debt, (2) lack of long-term operating strategy and (3) SF had material concerns over the viability of Lincoln, ACC's primary asset. (p. 5-6).

(19) 8/31/87: ACC responds to concerns re long-term viability (attachment 10).

(20) 9/87: Memo to file at FHLBB concludes that 8/31/87 response from ACC does not quell concerns and states that SF will recommend recession of blanket debt authority. (attachment 10).

(21) 11/13/87: ACC submits 1988 debt budget (bond sales) (p. 6).

(22) 1987: CDSL conducts on site reviews of bond sales at Lincoln and concludes in compliance. (p. 8, no date specified).

(23) 3/7/88: Internal SF memo recommends approval of 1988 debt budget (bond sales), but expresses the same concerns expressed in the 1/19/87 approval of the 1987 sales which were "aggravated by the fact that ACC had been able to forestall an examination of either Lincoln or ACC that would have ascertained the validity of the holding company's claims regarding its financial strength (p. 6). 3/7/88 analysis concludes that "based upon the outstanding concerns regarding ACC's long-term viability, ACC's financial condition will be assessed in the next examination, and a recommendation for the recision on of ACC's debt authority will be made." (p. 7).

(24) 3/7/88; SF approves 1988 debt budget (bond sales) (p. 6).

(25) 4/14/88: ACC files with SEC to sell $300 million in notes to be sold at Lincoln branches (attachment 9).

(26) 5/11/88: SEC approves new ACC filing; ACC commences selling new bonds in Lincoln branches (attachment 9).

(27) 5/27/88: SEC and FHLBB meet to review Lincoln (attachment 9).

(28) 6/20/88: CDSL orders discontinuation of further sales of ACC bonds in Lincoln branches as of the completion of the original $200 million issuance or August 1, 1988, whichever is sooner (p. 7); CDSL further states some investors believed the bonds are obligations of Lincoln (rather than ACC) (attachment 10).

(29) 10/88: FHLBB receives "some very troubling" information (re stock manipulation, use of Lincoln funds by ACC, etc.) on ACC from Chicago District Bank (attachment 9).

(30) 11/16/88: ACC submits 1989 budget (bond sales) to Washington ORA (now OTS) (p. 6).

(31) 11/88: CDSL conducts informal investigation of ACC bond selling practices; finds Lincoln branch employees were "touting" ACC bonds in violation of CFR 563.g17(b). (attachment 10).

(32) 12/30/88: ORA disapproves the 1989 debt budget (bond sales) based upon the 9/6/88 examination of ACC and the 7/11/88 examination of Lincoln (attachment 11).

(33) 1/10/90: California Commissioner of Savings and Loans (William Crawford) states he never heard of the 12/30/88 order from FHLBB disapproving further bond sales. (SF Chronicle, 1/10/90).

NOTE: FHLBB is Federal Home Loan Bank Board. ACC is American Continental Corporation. CDSL is California Department of Savings and Loans. SF is the San Francisco branch of FHLB.

ATTACHMENT B

EXCERPTS FROM OTS 12/20/89 RESPONSE TO GAO

RESPONSIBILITIES OF THE FEDERAL HOME LOAN BANK BOARD WITH RESPECT TO THE SALE OF AMERICAN CONTINENTAL BONDS

(1) *Issuance of bonds*: "The Federal Home Loan Bank Board held primary responsibility for the approval of the debt issued by ACC, excluding any approval requirements imposed by the federal securities laws." OTS letter, 12/20/89, p. 4.

(2) *Monitoring sales of bonds in the Lincoln Savings and Loan branches*:

"The federal (non-securities) regulation for which OTS has jurisdiction, that explicitly seeks to protect the consumer from uninformed or misleading purchases of securities is Section 563g.17 of the Insurance Regulations. By restricting the personnel that can offer these securities to those who are not involved with opening accounts or other transactions with the insured institution's customers, this regulation limits the confusion that might arise regarding the difference between subordinated debentures and insured deposits."—OTS letter, 12/20/89, p. 9.

"Generally, compliance with Regulation 563g.17 is monitored through on-site visits or field examinations of the holding company and/or the insured institution."—OTS letter, 12/20/89, p. 3.

By Mr. DECONCINI:

S. 2011. A bill to authorize the expansion of the Tumacacori National Monument; to the Committee on Energy and Natural Resources.

EXPANSION OF TUMACACORI NATIONAL MONUMENT

● Mr. DECONCINI. Mr. President, today I am introducing a companion measure to a bill introduced in the House by the senior member of the Arizona delegation and the chairman of the House Interior Committee, Congressman MORRIS K. UDALL. This bill would authorize the Secretary of Interior to acquire from the Archeological Conservancy of Santa Fe, NM, two important sites which will be added to the existing Tumacacori National Monument in southern Arizona. It is my firmly held belief that these sites should be under the jurisdiction of the National Park Service in order that they may be protected and interpreted so that we can gain a better understanding of this important and exciting period in American history: the Spanish exploration of the American Southwest in the 17th and 18th centuries.

As many of my colleagues are aware, Father Eusebio Francisco Kino established a line of missions along the Santa Cruz River in what is now northern Mexico and southern Arizona. These missions, to a great extent, resulted in the settlement of this portion of the United States. The first of the sites to be acquired includes the ruins of the Los Santos Angeles de Guevavi, the first known mission within the current boundaries of Arizona. It prossesses a wealth of archeo-

logical information, particularly on the relationships of the early missionaries and the Pima Indians. The Conservancy acquired this site from Ralph Wingfield, a rancher and pioneer Arizonan in his own right. For years, Mr. Wingfield cared for and protected the remains of this mission.

The other site addressed by this legislation contains the Kino visita and the rancheria ruins of Calabassas. Like the Los Santos Angeles de Guevavi, it is rich with information that will shed light on what southern Arizona was like in the 17th century.

The bill I am introducing differs in only one respect from that of Chairman UDALL's. My bill retains the name of the Tumacacori National Monument rather than changing its designation to the Kino Missions National Monument. The residents in the area expressed a preference for keeping the current name of this Park Service unit. Accordingly, Chairman UDALL has indicated to me that he intends to modify his bill to retain the Tumacacori name.

I want to commend the Archeology Conservancy for its efforts to acquire these sites. It is through endeavors such as these that we are able to expand our knowledge about the diverse cultural history of this country.

I also want to extend my appreciation to Chairman Mo UDALL for his efforts to protect and preserve this legacy of Father Kino. This legislation, in my opinion, is further testament to the leadership that Mo has demonstrated over the years in the protection and preservation of both our natural and cultural heritages.

Mr. President, I ask unanimous consent that the bill appear in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HISTORIC PROPERTIES.

In order to protect and interpret, for the education and benefit of the public, sites associated with the early Spanish missionaries and explorers of the 17th and 18th centuries, the Secretary of the Interior, hereinafter referred to as the "Secretary," is authorized to acquire the following described properties in the State of Arizona:

(1) the ruins of Los Santos Angeles de Guevavi, the first mission in Arizona, consisting of approximately 7 acres; and

(2) the Kino visita and rancheria ruins in Calabazas, consisting of approximately 22 acres.

The properties are those generally depicted as "proposed additions" on the map entitled, "Kino Missions," numbered , and dated 1989, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

SEC. 2. ACQUISITION AND ADMINISTRATION.

Within the boundaries depicted on the map referred to in Section 1 of this Act, the Secretary of the Interior is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that property owned by the State of Arizona or any political subdivision thereof may be acquired only by donation. Lands and interests in lands acquired pursuant to this Act shall be administered by the Secretary as part of Tumacacori National Monument, subject to all the laws and regulations applicable to such a monument.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.●

By Mrs. KASSEBAUM (for herself and Mr. HATCH):

S. 2012. A bill to amend the Employee Retirement Income Security Act of 1974 to require an independent audit of statements prepared by certain financial institutions with respect to assets of employee benefit plans; to the Committee on Labor and Human Resources.

INDEPENDENT AUDIT OF CERTAIN FINANCIAL STATEMENTS

Mrs. KASSEBAUM. Mr. President, today I am offering legislation on behalf of myself and Senator HATCH to eliminate a provision that permits pension funds to receive less than comprehensive audits.

Our private pension system is based on the concept of fiduciary responsibility and full disclosure. The integrity of our private pension system is essential. In 1988 employer pensions paid the Nation's retirees more than $222 billion in benefits, compared to $148 billion paid to retirees by Social Security. Independent audits play an important role in securing full disclosure for plan beneficiaries.

Currently, under the Employee Retirement Income Security Act, pension funds are only required to receive limited scope audits. A limited-scope audit means that pension fund managers are allowed to instruct auditors not to examine assets held in government-regulated entities, such as banks or insurance companies. The bottom line is that some pension plans are currently receiving less than thorough audits. Absent thorough and comprehensive audits, the integrity and assurance intended by ERISA for pension beneficiaries will not be achieved. This is becoming an increasingly important issue because of the trend of deregulation of our financial institutions, and the growing size of private pension funds. As our society ages, these funds will take on an even greater significance.

The importance of full disclosure is not solely limited to plan beneficiaries. All taxpayers have a very real interest in assuring that private pension plans receive a thorough and independent audit. Under ERISA, the majority of private pension plans are insured by the Pension Benefit Guaranty Corporation. Like a variety of other Federal insurance plans, the PBGC is a Government-sponsored enterprise. Over the past decade we certainly have learned the importance of maintaining tight regulation and requiring full disclosure of industries and enterprises enjoying Federal insurance.

Our pension insurance system is strong today. It is only with the type of continued vigilance provided by thorough audits and meaningful regulation that we can assure the integrity of the private pension system for future beneficiaries.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INDEPENDENT AUDIT OF CERTAIN STATEMENTS REGARDING EMPLOYEE BENEFIT PLAN ASSETS.

(a) IN GENERAL—Paragraph (3) of section 103(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(a)(3)) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 103(a)(3) of such Act (29 U.S.C. 1023(a)(3)(A)) is amended by striking "Except as provided in subparagraph (C), the" and inserting "The".

(2) Subparagraph (A) of section 104(a)(5) of such Act (29 U.S.C. 1024(a)(5)) is amended by striking "section 103(a)(3)(D)" and inserting "section 103(a)(3)(C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to annual reports required to be published after the date of the enactment of this Act.

Mr. HATCH. Mr. President, I am pleased today to cosponsor legislation introduced by Senator NANCY KASSEBAUM to eliminate a provision in current law that permits limited scope audits of private pension plans under the Employee Retirement Income Security Act of 1974 [ERISA].

I agree with Senator KASSEBAUM that our pension insurance system is strong today. I also share with Senator KASSEBAUM and the Secretary of Labor the concern that we remain vigilant in our efforts to ensure the continuing integrity of our Nation's system.

This bill represents an important step in that regard. Further, I understand that the Secretary of Labor is currently reviewing a number of proposals aimed at improving and strengthening ERISA enforcement. I look forward to working with the administration in the coming months in developing appropriate measures to further ensure the continued strength and integrity of private pension plans.

39-059 O-91-7 (Pt. 1)

By Mr. BRYAN (for himself, Mr. REID, and Mr. DASCHLE):

S. 2013. A bill to require that the surplus in the Highway Trust Fund be expended for the Federal-Aid Highway System; to the Committee on Environment and Public Works.

EXPENDITURES FOR THE FEDERAL-AID HIGHWAY SYSTEM

Mr. BRYAN. Mr. President, traffic congestion and highway and bridge deterioration are priorities facing the Nation now and in the decade to come. As these problems escalate, there is considerable debate about how to fund surface transportation programs. Along with Senators REID and DASCHLE, I am introducing legislation today which takes several steps in the right direction.

While back in our States, many of us saw first-hand the problem of traffic congestion. From I-15 in Las Vegas to 395 South in Reno, NV's traffic problems grow worse by every day. Having grown 50 percent since 1980, Nevada is the fastest growing State in the country. Combined with a booming tourist industry, this growth has led to massive traffic congestion that has severe negative economic impacts.

The Federal Highway Administration estimates that traffic delays nationwide burn up about 1.4 billion gallons of fuel annually and cause over $9 billion in user costs in terms of wasted time and fuel.

Not only does congestion have severe economic consequences, but the condition of our roads and bridges are disasters waiting to happen. Only when a bridge collapses or some other tragedy occurs do people see the accumulation of maintenance needs that should have been addressed long before the catastrophe.

Aging highways and bridges across the United States are virtually falling apart, threatening the Nation's infrastructure from the core. In my State of Nevada, of a total of 545 rural and urban roads, 8.4 percent are in need of repairs.

In Nevada, we have identified $4.5 billion in urgent transportation needs. But only $2 billion is in the pipeline under existing funding sources. That leaves a $2.5-billion shortfall over the next 10 years. Other States across the Nation are facing problems.

As a former Governor, I can attest that States are making major efforts to deal with traffic problems. In my State of Nevada, we have one of the highest gas taxes in the country—23 cents—which is dedicated to transportation. It is time for the Federal Government to step up its commitment.

The revenues raised from Federal gas taxes must be dedicated for transportation purposes. Unfortunately, highway trust fund moneys have been diverted for other purposes. My legislation would bring this to a halt.

Ironically, the money collected to repair our highways and build desperately needed new roads through a 9-cent-per-gallon Federal gasoline tax is going unspent. Over $10 billion sits in the highway trust fund while our transportation infrastructure is in desperate need of repair and expansion.

My legislation would require the Secretary of Transportation to spend the accumulated balances in the highway trust fund over a 3-year period. The trust fund has more than $10 billion that has been collected in gas taxes that has not been spent. An additional $3 billion a year would help put a dent in our transportation backlog.

Additionally, my legislation would require the Secretary of Transportation to spend each year what the highway trust fund collects in revenues.

I believe investment in and preservation of surface transportation systems is essential to the Nation's economic growth and productivity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Notwithstanding any other provision of law, the Secretary of Transportation is authorized and directed to expend out of the Highway Trust Fund for programs and projects authorized under title 23, United States Code, or under any other provision of law, for Federal-aid highways—

(1) in addition to amounts otherwise authorized to be expended—

(A) $3,000,000,000 for the fiscal year in which this Act is enacted, and

(B) $3,000,000,000 for each of the 2 succeeding fiscal years, and

(2) for the third fiscal year beginning after the fiscal year in which this Act is enacted, and for each succeeding fiscal year, such sums as are deposited into the Highway Trust Fund during the fiscal year.

SEC. 2. (a) Section 105 of the Federal-Aid Highway Act of 1987 (13 U.S.C. 104, note) is hereby repealed.

(b) Any limitation imposed on the total amount of obligations for Federal-aid highways and highway safety construction programs for any fiscal year that is contained in any law enacted prior to the enactment of this Act shall have no force or effect after the date of enactment of this Act.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2014. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to provide interpretation and visitor education regarding the rich cultural heritage of the Chama River gateway region of northern New Mexico; to the Committee on Energy and Natural Resources.

CHAMA RIVER GATEWAY TO THE PAST INTERPRETATION AND VISITOR EDUCATION ACT

● Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to establish interpretive and visitor education programs in the Chama River gateway region of north-central New Mexico. This bill will result in enhanced public understanding of the rich cultural heritage and additional protection of cultural resources in the Chama River region.

Human groups probably first entered the Chama River gateway region about 12,000 years ago. Living in small groups, they traveled with the seasons to take advantage of available wild plant and animal resources. This hunting and foraging way of life continued with many variations for thousands of years. Around A.D. 400, a shift to greater reliance on domesticated plants made a more settled way of life possible, and sometime after A.D. 1200, people began to congregate in large settlements. These settlements were short-lived, however, and all are thought to have been abandoned by the time the Spaniards arrived.

In 1540, a small contingent from the Coronado expedition traveled through the area. The Spanish conquistadores returned in 1598 and established the farthest outpost of the Spanish empire, the first Spanish settlement in New Mexico near the confluence of the Chama and the Rio Grande Rivers.

Navajo, Commanche, Utes, and Apache continued to frequent the area for hunting, grazing, and trading. Around 1850, after the departure of the Utes and other groups, Hispanic homesteads and communities were established throughout the Chama River region.

Hundreds of prehistoric and historic sites have been identified in the Chama River drainage. The ruins of massive multi-storied pueblos, that contained over 2,000 rooms, stretch across the mesa tops. These particular prehistoric villages are among the largest pueblos in the Southwest. Other cultural remains include smaller pueblos, ancient rockshelters, Spanish settlements, historic forest ranger stations, and Civilian Conservation Corps camps. Many of these properties are nationally significant.

Annually, several hundred thousand people visit the Chama River region. Few visitors, however, are aware of the rich history of the area as only one of the properties in the Chama River drainage is currently interpreted for the public.

Interpretation of the Indian, Hispanic, and Anglo history of the area would greatly enhance public understanding and enjoyment. Through interpretation and education, visitors can better comprehend the relationship between people and the land, and

how that relationship has changed over time.

Fortunately many cultural resource properties in the Chama River region are in public ownership on lands managed by the USDA Forest Service, the Bureau of Land Management, and the U.S. Army Corps of Engineers. Both the USDA Forest Service and the Bureau of Land Management have a clear mandate to provide public education concerning cultural resources and both agencies are placing increased emphasis on interpretation and public outreach programs. My bill would result in the creation and implementation of an interagency program to interpret the prehistoric and historic resources of the Chama River region. A system of interconnected interpretive loops linking the cultural resource sites in the area would be developed.

The agencies have already begun such a coordination effort and have produced an interpretive prospectus entitled "Living with the Land: People and Cultures of the Chama." This document lays a foundation for interpretive and visitor education programs to develop the public's comprehension of the relationship of people to the land, by focusing on topics such as ancient farming techniques, early settlement patterns, archaic lifeways, stone tool technology, Spanish colonial frontier culture, Navajo, Apache, and Comanche life and today's living Tewa legacy. This plan contains innovative and cost effective proposals to utilize cultural resources to stimulate local economic development.

Chama River gateway region interpretation and education programs will stimulate visitor interest in the past, increase the public's appreciation of the values of cultural resources, and provide visible agency presence which will enhance protection of these valuable resources. In addition, they will increase the involvement of local residents, especially the Indian and Hispanic communities, in the management and interpretation of their heritage.

Development of Chama River interpretation programs and facilities will also enhance tourism and economic growth in rural northern New Mexico. The area of New Mexico currently suffers from a depressed local economy; job opportunities are limited and unemployment is high. This bill offers the prospect of additional jobs and increased spending.

A multitude of creative and cost effective interpretive techniques might be employed for Chama River gateway region. An interagency visitor facility will be developed at the current USDA Forest Service Ghost Ranch Living Museum to provide visitors an orientation to the Chama region. Other interpretive options, such as guided and self-guided tours for automobiles, hikers and rafters, audiovisual presentations, living history demonstrations, signs, exhibits and brochures, are all existing possibilities.

Partnerships between the public and private sectors will help make the Chama River interpretation and education a reality. The Federal agencies will engage State entities, local communities, Indian and Hispanic groups, commercial recreation providers, existing museums, archeological groups, and others in this endeavor.

Partnerships and a focus on interpretation of our Nation's cultural heritage further the goals of the USDA Forest Service's "National Recreation Strategy" and the Bureau of Land Management's "Recreation 2000." Each agency has developed an initiative to expand and improve its recreation program to meet the growing demands for the use of public lands in this country. The objectives of these initiatives to enhance customer satisfaction, emphasize the multiple uses of our public lands and collaborate with others will be achieved through the implementation of the Chama River Gateway Region Interpretation and Visitor Education Act.

Part of the Chama River region's history involves Spanish colonization. Certainly interpretation will remind people of the Hispanic heritage of the area. These programs will play a role in the celebration of the quintcentennial of Columbus's discovery of America.

Attention will be focused on the diverse cultural heritage of north-central New Mexico and will engender a sense of discovery for local residents and visitors alike. Chama River interpretation and education programs will open a window on the past to the public. I urge my colleagues to join me in supporting this legislation to interpret and protect a part of our Nation's cultural heritage.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chama River Gateway to the Past Interpretation and Visitor Education Act of 1990".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Chama River Gateway Region, including the Chama River and its tributaries stretching from El Vado Lake on the north, to the Rio Grande on the south, to the Rio Gallina on the west and to the Rio Vallecitos and Rio Ojo Caliente on the east, is known for its striking landscapes and scenic beauty;

(2) the Rio Chama River, a segment of which has been designated as a wild river in section 3(a)(108) of the Wild and Scenic River Act (16 U.S.C. 1274(a)(108)), is located within the Chama River Gateway Region;

(3) few visitors are aware that people have lived in the Chama River Gateway Region for the past 12,000 years;

(4) hundreds of prehistoric and historic properties exist on public lands managed by the Bureau of Land Management, the United States Army Corps of Engineers and the Forest Service that reflect the Chama River Gateway Region's Indian, Hispanic, and Anglo heritages;

(5) many prehistoric cultural properties in the Chama River Gateway Region are potentially nationally significant, especially the 2,000-room prehistoric villages that are among the largest in the Southwest;

(6) the Chama River Gateway Region includes many historic cultural properties that reflect northern New Mexico's Hispanic heritage, including the earliest Spanish settlement in the State and the remains of later homesteads and villages;

(7) only one of these prehistoric and historic properties is currently interpreted for the public;

(8) the Act entitled "An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes", approved October 15, 1966, commonly known as the "National Historic Preservation Act" (11 U.S.C. 470 et seq.), directs that federally owned prehistoric and historic properties be administered in a spirit of stewardship for the inspiration and benefit of present and future generations;

(9) the Forest Service's "National Recreation Strategy" and the Bureau of Land Management's "Recreation 2000" initiatives both foster increased opportunities for public recreation and interpretation of cultural resources;

(10) development of interpretation and visitor education programs in the Chama River Gateway Region will enhance tourism and economic growth in rural northern New Mexico; and

(11) interpretation of the prehistoric and historic properties of the Chama River Gateway Region will enhance public understanding, appreciation, and protection of our Nation's cultural heritage and will open a "Gateway to the Past" for visitors and residents alike.

SEC. 3. INTERPRETATION AND VISITOR EDUCATION.

(a) PROGRAM.—The Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to as the "Secretaries"), shall cooperatively develop and implement a program of interpretation and visitor education regarding the prehistoric and historic resources within the area generally referred to as the Chama River Gateway Region (referred to as the "Region"), north of Santa Fe, New Mexico.

(b) PLANNING.—(1) The Secretaries shall locate and identify the historic and cultural resources of the Region that are available and suitable for interpretation and education for the Region's visitors.

(2) Not later than 12 months after the date of enactment of this Act, the Secretaries shall develop an Interpretation and Visitor Education Plan (referred to as the "Plan") for the Region describing and prioritizing opportunities for interpretation and visitor education regarding the prehistoric and historic resources identified pursuant to paragraph (1).

(3) The Plan shall consider a diverse range of opportunities for such interpretation and education, including—

(A) guided and self-guided tours for automobiles, hikers, and rafters;

(B) interpretive centers and displays;

(C) audio-visual presentations;

(D) demonstrations; and

(E) signs, exhibits, and brochures.

(4) The Plan shall be updated periodically.

(5) The Secretaries shall develop, for the cultural resource properties managed by the Bureau of Land Management and the Forest Service in the Region, uniform policies and consistent procedures for—

(A) compliance with the National Historic Preservation Act;

(B) issuance of permits pursuant to the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) consultation with Indian, Hispanic, and other local residents and communities;

(D) visitor center development;

(E) on-site interpretations;

(F) publications; and

(G) patrol and monitoring.

(c) IMPLEMENTATION.—(1) The Secretaries shall—

(A) develop and periodically update a long range strategy for implementation of the Plan;

(B) not later than 2 years after the date of enactment of this Act, establish, designate, and sign tour routes (identfied in the Plan) consisting of interconnected interpretive loops, which may be modified from time to time as determined in the periodic updates the Plan;

(C) direct interpretive and visitor education efforts initially toward properties, especially those accessible by public road or trail, managed by the Bureau of Land Management or the Forest Service;

(D) publish and periodically update a brochure describing the interpretive and educational opportunities in the Region that are available to the public;

(E) consult with and enter into cooperative agreements with other Federal agencies, State and local agencies, Indian tribes, Hispanic groups, individuals, organizations, and other interested parties to carry out this Act; and

(F) develop a long range strategy for completion of needed inventory, evaluation, nomination, protection, and interpretation of significant cultural resource properties on Bureau of Land Management and National Forest System lands in the Region.

(2) The Secretary of Agriculture shall develop, maintain, and operate, in cooperation with other Federal agencies and other public and private entities, a portion of the Ghost Ranch Living Museum as a "Gateway to the Past" visitor center to provide information, orientation, interpretation, and education regarding the prehistoric and historic resources of the Region.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

By Mr. DODD (for himself, Mr. LEAHY, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. WIRTH, Mr. KOHL, Mr. HEFLIN, Mr. LIEBERMAN, Mr. HARKIN, Mr. HUMPHREY, Mr. BRYAN, Mr. ADAMS, and Mr. ROBB).

S. 2015. A bill to amend the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989 to apply the same honoraria provisions to Senators and officers and employees of the Senate as apply to Members of the House of Representatives and other officers and employees of the Government, and for other purposes; to the Committee on Governmental Affairs.

BAN ON HONORARIA

Mr. DODD. Mr. President, today I am introducing legislation to ban the receipt of honoraria by U.S. Senators. It has long been my contention that Senators ought to be paid by the people they work for—the taxpayers. The pay system that has evolved over the years—with the public paying part of a Senator's salary and a handful of interest groups picking up the rest—is untenable, and it must be changed. This is the time to do it—at the start of the new session, in the wake of the House-passed honoraria ban, in these early months before our attentions turn to the other demands of a busy election year. I am pleased to be joined in my efforts here today by my colleagues, Senator LEAHY, Senator DECONCINI, Senator ROCKEFELLER, Senator WIRTH, Senator KOHL, Senator HEFLIN, Senator LIEBERMAN, Senator HARKIN, Senator HUMPHREY, Senator BRYAN, Senator ADAMS, and Senator ROBB.

This bill is quite straightforward. It would conform the Senate's rules on honoraria and outside income to those approved by the House last November. As such, the bill would prohibit acceptance of honoraria by Senators beginning January 1, 1991, and would, at the same time, limit outside earned income to 15 percent of a Senator's salary. The bill does not affect cost-of-living increases which the Ethics Reform Act of 1989 granted Senators retroactively for 1988 and 1989 nor the COLA scheduled for 1990.

In additional conformity with the House, beginning in 1991, no payments in lieu of honoraria may be paid on behalf of a Senator, officer or employee directly to a charitable organization if such payments exceed $2,000 or are made to a charitable organization from which the individual or immediate family member derives any direct financial benefit.

The bill also places some other limitations on outside income. Beginning in 1991, a Senator may not: First, affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation; second, permit that Senator's name to be used by any such firm, partnership, association, corporation, or other entity; third, practice a profession which involves a fiduciary relationship for compensation; fourth, serve for compensation as an officer or member of the board of any association, corporation, or other entity; or fifth, receive compensation for teaching without prior notification and approval of the Senate Ethics Committee.

Some may ask why it is necessary to revisit this issue after the long and grueling debates of the last session surrounding both the honoraria and pay raise issues. After all, did we not settle this debate in the last days of the last session? The fact of the matter is that all the Senate ended up doing last session as it related to honoraria was to agree not to settle the issue. Valiant attempts by the leadership to couple a pay raise with a corresponding ban on honoraria were thwarted at the 11th hour. When the doors closed on the first session of this congress, the Senate found itself in the bizarre position of being the only place in the Federal Government where the receipt of honoraria was still legal.

I happen to believe that the best way to rid ourselves of honoraria is to couple the ban with a corresponding pay raise—much like the House did. I offered legislation coupling the pay raise with a corresponding ban on honoraria in June of last year. I did this because I strongly believe that the vitality of our Nation's future is linked to our ability to attract our best young people into public service. We cannot attract our best into public service in a world of inflation and economic uncertainty if we are not willing to pay them salaries that can allow them to remain committed to a government of integrity that is a necessary catalyst for improving the quality of our Nation's future.

Absent the political will to vote a pay raise, however, the integrity of this institution remains threatened by the continued receipt of honoraria. Even with elaborate disclosure and accounting requirements, the notion of special interest groups supplementing Senators' incomes with speaking fees is a system burdened by the potential for abuse. Even the appearance of conflict should be enough to end a system that does nothing but add fuel to the fire of public cynicism about the motives of its highest elected officials.

"Who pays the Senate?" The answer should be a simple one: as public servants, our Senate salaries should come from the public. I look forward to working with my colleagues in making our answer to that question finally and unequivocally clear.

Mr. President, I ask unanimous consent that a copy of the bill and section-by-section summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO TITLE 5 OF THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) ADMINISTRATION.—Section 503(1) of the Ethics in Government Act of 1978 is amended by inserting "or the Senate" after "House of Representatives" the first place it appears and by inserting "or the Senate, as the case may be" before the semicolon.

(b) DEFINITIONS.—Section 505 of the Ethics in Government Act of 1978 is amended—

(1) in paragraph (1) by inserting "a Senator or" after "means"; and

(2) in paragraph (2) by striking "(A)" and all that follows through "(B)".

SEC. 2. AMENDMENTS TO THE ETHICS REFORM ACT OF 1989.

Section 1101(b) of the Ethics Reform Act of 1989 is repealed and section 1101(c) is redesignated section 1101(b).

SEC. 3. CONFORMING AMENDMENTS.

(a) FEDERAL ELECTION CAMPAIGN ACT OF 1971.—Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is repealed.

(b) SUPPLEMENTAL APPROPRIATIONS ACT, 1983.—Section 908 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is repealed.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect on January 1, 1991.

SECTION-BY-SECTION ANALYSIS ON S. 2015

SECTION 1. DEFINITIONS

Amends two terms used in new Title V, Section 505 of the Ethics in Government Act of 1978. The term "Member" is defined to include a Senator. The term "officer or employee" is defined to mean any officer or employee of the government—i.e., the exemption for Senate officers and employees is deleted. Administrative responsibility for the law's provisions as they apply to the U.S. Senate is given to the appropriate Senate committee.

SECTION 2. ELIMINATION OF HONORARIA AND LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT

Section 1101 of the Ethics Reform Act of 1989 is amended by repealing subsection (b) which provides for annual cost-of-living salary increases for U.S. Senators and concurrent reductions in the limit on honorarium.

SECTION 3. CONFORMING AMENDMENTS

(a) Repeals provision of the Federal Election Campaign Act of 1971 limiting honoraria.

(b) Repeals provision of Supplemental Appropriations, 1983, defining and restricting honoraria.

SECTION 4

Provides that the effective date is January 1, 1991.

By Mr. MOYNIHAN (for himself, Mr. SANFORD, Mr. PELL, EXON, and Mr. HOLLINGS):

S. 2016. A bill to cut Social Security contribution rates and return Social Security to pay-as-you-go financing; to the Committee on Finance.

SOCIAL SECURITY CONTRIBUTION ADJUSTMENTS

Mr. MOYNIHAN. Mr. President, on December 29, I announced that on the first day of this second session of the 101st Congress. I would introduce legislation to rescind the January 1, 1990 increase in the FICA contribution, and also in the same bill return the Social Security system to a pay-as-you-go basis on the first day of 1991.

I do so now, sir, in the distinguished company of my colleagues, Mr. EXON, who is on the floor, Mr. SANFORD, Mr. PELL, and Mr. HOLLINGS.

This legislation would strengthen the Social Security System, restore honesty and integrity to our Federal finances, and provide a fair tax cut to 132 million Social Security taxpayers.

The Social Security tax rate increased on January 1 from 6.06 percent for employees and employers each to 6.2 percent—excluding the 1.45 percent rate for Medicare. The bill would repeal this rate increase retroactively, further cut the rate effective January 1, 1991 to 5.1 percent, and schedule future tax rate increases starting in 2012.

This would be a $55 billion tax cut for working people in 1991. For a couple with combined earnings at the Social Security taxable maximum in 1991—an estimated $54,300—the tax cut savings would be about $600 in that year alone. Savings in future years would be even greater.

At the same time, future Social Security benefits would be even more secure than they are under present law. The legislation would put Social Security on a sound current cost, or pay-as-you-go, financial basis that would keep the system solvent for the next 75 years—or 20 years longer than under the current arrangements.

Using the flat-rate Social Security payroll tax to finance a growing share of Government expenses places an unfair burden on middle-class working Americans. Unfair because income tax cuts for the rich and payroll tax increases for everyone else have left middle-income workers bearing a disproportionate burden.

Mr. President, I do not take this measure lightly, or without awareness of the complexity of the matter. To the contrary, at the beginning of last year I made it quite explicit that this option might have to be chosen.

Specifically, the report of the Democratic Commissioners of the National Economic Commission, issued on March 1, 1989, dealt primarily with the opportunities presented by the existence of large and growing surpluses in the Social Security trust funds. We stated that if the administration and Congress could bring about a balanced operating budget, the Social Security surplus would allow us to retire privately held Government debt. This would automatically translate into an increase in national savings—perhaps doubling the current savings rate—which offered a means of insuring a strong productive U.S. economy capable of supporting retirees in the next century. We recommended this.

At the same time, Commissioners Strauss, Gray, Iacocca, Kirkland, Rohatyn, and myself were explicit in stating that unless this were done, there would be no defensible reason for continuing the payroll tax at present levels, and that Social Security would have to be returned to pay-as-you-go financing as a matter of simple fairness.

The General Accounting Office made the same recommendation in their report, "Social Security: The Trust Fund Accumulation, the Economy, and the Federal Budget," released January 19, 1989. The GAO suggested:

If the Congress and the President are unable to agree upon and implement a strategy for restoring fiscal balance in the non-Social Security part of the budget, we believe that the Congress should reconsider the pattern of payroll tax increases that is producing the current and projected social security surpluses. To implement this option, it would be appropriate to return the social security program to a pay-as-you-go financing basis once the social security reserves have reached a desirable contingency level of about 100 to 150 percent of annual outlays.

A year has gone by. Early on there were various suggestions from the administration that our warning has been heard, and that some general agreement would be reached. Then silence. Silence can denote but one thing. The administration is content to see the budget deficit gradually eliminated by the growing Social Security tax revenue.

As we pointed out in our NEC report, and as was made very clear in the GAO study, the operating budget deficit is not declining. It is growing. The deficit for fiscal year 1989 was $204 billion without the Social Security surplus. The Congressional Budget Office baseline projections show the deficit in the operating budget growing to $268 billion in the year 2000. In that same year the Social Security surplus will be $236 billion. A $268 billion deficit financed almost exclusively by the Social Security payroll tax.

This is totally unacceptable. The tax structure of the United States is fast becoming one of the most regressive of any Western nation. The 1980's have witnessed a decline in the progressivity of Federal taxes as a whole—income, payroll, and excise taxes combined—despite improvements made in the Tax Reform Act of 1986. As CBO Director Robert D. Reischauer recently noted: "federal taxes in 1990 will be less progressive than they were in either 1977 or 1980. * * *" This is so because the Social Security payroll tax has come to make up an increasingly large share of total federal tax levies. Social Security tax revenue as a percent of total federal revenue rose by 23 percent form 1980 to 1988, while personal and corporate income tax revenue as 1 percent of total Federal revenue declined by 6 percent and 23 percent, respectively. And the Social

Security Administration reports that of those taxpayers who will pay any Social Security tax in 1990, about 74 percent will pay more in FICA taxes—including the employer's share—than in income taxes.

The 1983 decision to move the Social Security trust funds to a partially funded basis was a responsible one. But the only justification there can be for running large Social Security surpluses is to use the surpluses to increase national savings—and thereby provide for higher future productivity and income to support the retirement of the baby boom generation. This was the aim, but we have not achieved it. It was a good idea that was eclipsed by the Reagan-Bush budget deficits of the 1980's, and now 1990's. So the time has come to return Social Security to pay-as-you-go financing.

Social Security was financed on a pay-as-you-go basis for decades prior to 1983. Under this financing method, we schedule Social Security tax rates that will produce the revenue needed for current and future benefits and for maintaining a reserve equal to about a year's worth of outlays. We have not had a reserve of a year's worth of benefits since 1970, but under this bill we would have such a reserve at the end of 1990, and at the end of 2065, and at the end of every year in between.

Robert J. Myers, who helped create our Social Security system in 1934 and who for 23 years was its chief actuary, has urged a return to pay-as-you-go financing. In testimony of May 1988 before the Senate Finance Subcommittee on Social Security, Myers stated:

I believe that OASDI [Old-Age, Survivors, and Disability Insurance, or Social Security] should be financed on close to a current cost basis. Income should, on the whole, slightly exceed outgo each year, in order to build up a fund which is about equal to one year's outgo—and certainly no more. This should be accomplished by changing the future tax-rate schedule so as to more nearly match the trend of outgo.

We have tailored our proposal to Mr. Myers' specifications. A Social Security tax rate of 5.1 percent starting in 1991 will be sufficient to finance benefits through 2011 while maintaining a reserve of about a year's worth of benefits. In 2012 the tax rate would rise to 5.6 percent. The legislation schedules a tax rate of 6.2 percent—the current rate—for 2015, 7 percent for 2020, and 7.7 percent for 2025. The rate would peak at 8.1 percent for 2045 and later years.

Let me stress that the reserve that would build up under the current law would be exhausted in 2045 in any event, so at that point we would have to go to the same 8.1 percent rate anyway. Also, assuming only modest rates of economic growth between now and 2045, workers at that time will make twice as much in real terms as workers today. Finally, the proposed rise in the rate over the next 55 years is modest compared to the historical rise over the past 55 years. In 1935, the rate was set at 1 percent of the first $3,000 of wages. This has risen, with full public support, to 6.2 percent of the first $51,300 of wages. This is a sixfold increase in the rate over the past 55 years, compared to a 59-percent proposed increase over the next 55 years.

We must end the shameful practice of using Social Security revenues to finance budget deficits. This proposal will restore honesty and integrity to the Federal fisc, strengthen the Social Security system, and provide a much-needed tax cut for low- and middle-income American workers.

Mr. President, I ask unanimous consent that a column written by Robert J. Myers that appeared on January 17, 1990 in the Washington Times in support of this proposal be included in the RECORD at this point. I also ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN FICA TAXES AND TAXES ON SELF-EMPLOYMENT INCOME.

(a) FICA TAXES.—

(1) TAX ON EMPLOYEES.—The table in section 3101(a) of the Internal Revenue Code of 1986 (relating to rate of tax on employees for old-age, survivors; and disability insurance) is amended to read as follows:

"In the case wages received during:	The rate shall be:
1990	6.06 percent
1991 through 2011	5.1 percent
2012 through 2014	5.6 percent
2015 through 2019	6.2 percent
2020 through 2024	7.0 percent
2025 through 2044	7.7 percent
2045 or thereafter	8.1 percent."

(2) TAX ON EMPLOYERS.—The table in section 3111(a) of such Code (relating to rate of tax on employers for old-age, survivors, and disability insurance) is amended to read as follows:

"In the case wages paid during:	The rate shall be:
1990	6.06 percent
1991 through 2011	5.1 percent
2012 through 2014	5.6 percent
2015 through 2019	6.2 percent
2020 through 2024	7.0 percent
2025 through 2044	7.7 percent
2045 or thereafter	8.1 percent."

(3) REALLOCATION TO FEDERAL DISABILTY INSURANCE TRUST FUND.—Section 201(b)(1) of the Social Security Act (42 U.S.C. 401(b)(1)) is amended by striking out "(O) 1.20 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 2000, and so reported, and (P) 1.42 per centum of the wages (as so defined) paid after December 31, 1999, and so reported" and inserting in lieu thereof "(O) 1.16 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 2000, and so reported, (P) 1.34 per centum of the wages (as so defined) paid after December 31, 1999, and before January 1, 2012, and so reported (Q) 1.6 per centum of the wages (as so defined) paid after December 31, 2011, and before January 1, 2015, and so reported, (R) 1.64 per centum of the wages (as so defined) paid after December 31, 2014, and before January 1, 2020, and so reported, (S) 1.7 per centum of the wages (as so defined) paid after December 31, 2019, and before January 1, 2025, and so reported, (T) 1.76 per centum of the wages (as so defined) paid after December 31, 2024, and before January 1, 2045, and so reported, and (U) 1.82 per centum of the wages (as so defined) paid after December 31, 2044, and so reported".

(b) TAX ON SELF-EMPLOYMENT INCOME.—

(A) IN GENERAL.—The table in section 1401(a) of the Internal Revenue Code of 1986 (relating to rate of tax on self-employment income for old-age, survivors, and disability insurance) is amended to read as follows:

"In the case of a taxable year

Beginning after:	And before:	Percent:
December 31, 1989.	January 1, 1991.	12.12
December 31, 1990.	January 1, 2012.	10.2
December 31, 2011.	January 1, 2015.	11.2
December 31, 2014.	January 1, 2020.	12.4
December 31, 2019.	January 1, 2025.	14.0
December 31, 2024.	January 1, 2045.	15.4
December 31, 2044.	.....	16.2."

(2) REALLOCATION TO FEDERAL DISABILITY INSURANCE TRUST FUND.—Section 201(b)(2) of the Social Security Act (42 U.S.C. 401(b)(2)) is amended by striking out "(O) 1.20 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1989, and before January 1, 2000, and (P) 1.42 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999" and inserting in lieu thereof "(O) 1.16 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1989, and before January 1, 2000, (P) 1.34 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999, and before January 1, 2012, (Q) 1.6 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2011, and before January 1, 2015, (R) 1.64 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2014, and before January 1, 2020, (S) 1.7 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2019, and before January 1, 2025, (T) 1.76 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2024, and before January 1, 2045, and (U) 1.82 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2044,".

[From the Washington Times, Jan. 17, 1990]

IS IT TIME TO LOWER THE SOCIAL SECURITY LEVY? YES: RETURN TO PAY-AS-YOU-GO

(By Robert Myers)

Sen. Daniel Moynihan, New York Democrat, recently announced his intention to submit a bill that would change the financing of the Social Security program back to the pay-as-you-go basis that prevailed from the mid-1950s to the early 1980s.

Under pay-as-you-go financing, a moderate fund balance is accumulated and maintained—about one year's outgo.

The purpose of this fund is to provide adequate short-range financing during periods of economic recession. Also, the interest earnings of the fund's investments are of some assistance in financing the program.

When Social Security was started in 1935, it was designed to accumulate a large fund that would provide interest earnings to finance a significant part of the cost of the program.

Widespread discussion occurred on this point, and it was concluded that this was unwise. As a result, subsequent legislation increased benefits in th early years and decreased them in later years. Contributions were not allowed to rise as originally scheduled.

Thus in actual practice, the financing was on a pay-as-you-go basis from the mid-1950s until legislation in 1972 more formally provided for pay-as-you-go financing.

The financing basis was changed in 1977 and again in 1983. The emphasis of the 1983 legislative process was to assure that the program would have no financial crisis in the 1980s (and now it can be said that this was most certainly achieved), and to provide, on the average, adequate financing over the next 75 years.

The result was to provide substantially more income than outgo in the first half of the period and, counter-balancingly, less in the second part. We will have a mammoth fund balance—as much as $12 trillion—40 years from now. But that will be depleted in the two decades that follow.

The problem with the present "roller coaster" method of funding the Social Security program is that after the fund is exhausted, the tax rate will have to be increased significantly—about 2 percent each on employer and employee—to maintain benefits.

Two problems occur under the present method of financing, under which a mammoth fund builds up.

The annual excesses of income over outgo are invested in government bonds. The ready availability of these large excesses, which will soon be as much as $100 billion a year, make the government's borrowing problems much easier and thus can result in lack of fiscal discipline in general government spending.

Further, the financing of a major portion of government debt is done through the payroll tax, which is regressive for this purpose.

The second problem relates directly to the Social Security program. Even in the next few years, because a mammoth fund balance of billions of dollars is accumulated, irresistible pressure from beneficiaries will arise for the liberalized benefits of all sorts.

If such liberalizations are made, they cannot readily be undone when the baby boomers retire, and the costs at that time will be correspondingly higher—and that much more difficult to finance.

The solution to these problems is to revert to pay-as-you-go financing for Social Security, as Mr. Moynihan is urging.

What this means is that the present 6.2 percent tax on employers and employees (exclusive of the 1.45 percent for the hospital insurance portion of Medicare) could be reduced to 5.1 percent for the next 25 years.

Then, a gradual increase would be made every five years, until an ultimate rate of 8.1 percent is reached in 2045. The later rate is slightly less than would be required under present law after the trust balance had been depleted.

The effect of this proposed tax schedule would be to develop a fund balance that, beginning in 1991, would be very close to one year's outgo at all times, never going below 85 percent and never rising above 130 percent.

This approach is fiscally and economically sound, as well as intellectually honest in giving the public a clear view of the cost of the program and of the general budget situation of the government.

Mr. President, I see that my distinguished cosponsor, the Senator from Nebraska, is on the floor. As I am sure he would want to speak, I am happy to yield the floor. I thank the Chair for this courtesy.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair and I thank my friend and colleague from the State of New York.

Mr. President, I am pleased to sign on as a cosponsor of this measure. It is a very ingenious thought and suggestion by a man in the U.S. Senate that has been Mr. Social Security for a long, long time.

I have listened with interest to the remarks that Senator MOYNIHAN has just made, and I think he cuts through the cloud, the misunderstanding, very well.

I am signing on as a cosponsor of this measure not certain that it, as introduced by the Senator from New York, will eventually become law without some amendments, without some changes. I want to be a cosponsor of the law because then I will be in a position to be consulted by my friend from New York on what changes are made down the line.

It is not a perfect piece of legislation. There are very few of us who have ever introduced a perfect piece of legislation on the floor of the U.S. Senate and I suspect this again will follow along those lines that we make some changes.

What it has done, above everything else, Mr. President, it caused people to think about what we are doing with the Social Security trust fund. There is no fund and therefore I suggest there is very little trust as far as the baby boomers are concerned. Certainly there is a buildup, as the Senator from New York has presently indicated, that gives us the largest reserve that we have ever had since the early 1970's and that is good. But if something like what the Senator has suggested becomes law, it would not further increase the reserve, it would not further increase the temptation to steal that money or embezzle that money, call it what you will, to run the Federal Government. The facts are that is what we are doing today.

And even before the Moynihan bill came out, this Senator, for the last year, has been trying to ring the bell. And I got very little attention. I was ringing the bell to try and bring some honesty in budgeting to the Federal process, to talk about fair policies of taxation. As the Senator has so well pointed out, this is not a tax, it is supposed to be a trust fund that we save, but we are spending it.

I thought it was interesting, the Senator will probably remember in the Budget Committee a year ago, this Senator dubbed the budget that we were working on as uglier than Rosemary's baby and one of the reasons it was so ugly, among other things, was the fact that we were using the Social Security trust fund, which is a trust to offset, to mask the real deficit.

Mr. President, we are never going to be able to solve the magnificent and scary deficit problem that we have in this country, which has accumulated to where it is over $3 trillion in national debt, unless we have an honest point to start from.

Above everything else, I suggest that the Senator from New York has at least sparked with his ingenious proposal reduction to cut taxes to give the people back money that we do not need now rather than have us continue to finance the Federal Government under a guise for which it was certainly not intended.

I would say to my colleague from New York that even after the ringing of the bell and several speeches and comments that I have made where I have said time and time again that if anyone could find the Social Security trust fund in Washington, DC, there would be $60 billion in there according to the sign on it but if you opened the drawer there is nothing but a bunch of IOU's. The money has been spent.

My daughter-in-law, during the Christmas season, said to me, "Dad, what is this about? Have they spent our Social Security money?" She is a baby boomer, a 38-year-old young professional. And I told her what had happened. She said, "They can't do that."

I said, "Well, that is a nice attitude, but the facts of the matter are, they have."

So I congratulate my colleague from New York. I am proud to be a cosponsor of this bill, thanking him for bringing it up. I am not sure that it is ever going to be law as introduced today but it is the first time we have had a clear-cut signal, something that we could get our teeth into, and the people of the United States begin to

understand finally what really is going on with our mismanagement, our embezzlement, or call it what you will, with the so-called sacred Social Security trust fund that myself and most Members of this body are very much dedicated to protect. Because Social Security is something that most of us have stood for and stood behind and demanded it be financed in a fundamental honest way and we want that to continue in the future.

I thank my friend from New York, and I yield the floor.

Mr. MOYNIHAN. Mr. President, I would like to take this opportunity to say that it is with pleasure that I find myself associated once again—as we have on many issues over 14 years—with the able, indomitable Senator from Nebraska. He is given to making comments from time to time about the Syracuse football team with which I cannot wholly associate myself, but otherwise he is an estimable force in this body. He has been with us on Social Security from the beginning, and I accept his thoughts in exactly the sense in which they were offered.

Mr. PELL. Mr. President, I am pleased to join with the distinguished senior Senator from New York, Senator MOYNIHAN, in introducing today a bill to reduce the Social Security payroll withholding tax paid by workers and their employers.

In my view this legislation is essential to stop a huge, if unintended, fraud on American workers and their employers: the use of billions of dollars in Social Security taxes to hide the size of the true Federal budget deficit, and the use of those Social Security funds to finance a large part of the deficit.

I emphasize the bill in no way poses any threat to current or future Social Security benefit payments, nor will it prevent payment of future cost-of-living adjustments in Social Security benefits. The bill will simply stop the current misuse of Social Security taxes now being collected from workers and their employers.

The bill will essentially restore the Social Security system to the pay-as-you-go basis upon which it was established and upon which it operated until a few short years ago. It was just 7 years ago, in 1983, that the Congress approved a series of Social Security withholding tax increases designed to produce for the first time annual surpluses in the Social Security fund. The idea was to set the money aside to pay benefits in 25 or 30 years when there would be a larger number of retirees.

I voted for that legislation, but in all honesty we should now admit it is not working. The annual Social Security surplus is not really being set aside or invested productively. Instead the surplus taxes, taken from today's working men and women, are being used to hide the size of the Federal Government deficit and to help finance that deficit. Those surplus funds are used to purchase U.S. Treasury bonds and thus to help pay for current operating expenses of the Government—from the Pentagon, to the weather service to farm subsidies. And 25 or 30 years from now, when the Social Security system cashes in those Treasury bonds, our Government will have to tax the people again to pay off the bonds. And thus the people will pay twice for their Social Security benefits—once now and again in 25 or 30 years.

It is simply wrong and it must be stopped.

The bill will repeal retroactively the Social Security tax increase that went into effect on January 1 of this year, and on January 1 of next year will reduce the Social Security withholding rate to 5.1 percent, compared to the current rate of 6.1 percent. The change does not affect the Medicare system or its financing at all.

For a single worker, the rate reduction would mean a tax cut of nearly $300 in 1991, and an identical saving for his employer. And for a working married couple the tax cut would be nearly $600 a year.

Mr. President there are those who question this tax cut proposal, stating it will increase the deficit and asking how we intend to make up for the lost revenue. But this bill does not create a deficit: this bill eliminates a surplus in the Social Security system that is being misused. In doing so, the bill reveals the true size of the Government deficit that already exists—but it does not create the deficit.

Although this bill is being introduced only today there has already been a great deal of public discussion of it. Even those who are critical of the bill, however, agree that Social Security surpluses are being misused; they just disagree with the solution provided by this bill. With them rests the responsibility of finding a better solution. I know of no better solution than to eliminate the unfair tax.

Mr. President, we are taxing the working men and women of America unfairly for Social Security; we are taxing small, medium and large businesses unfairly for Social Security; we are taxing nonprofit organizations and their workers unfairly for Social Security. The Government will collect surplus taxes of $55 billion for Social Security next year and use it to finance other activities.

This bill will eliminate that unfair use, and restore honesty to our budget and to our Social Security system. I commend and congratulate Senator MOYNIHAN for his leadership in developing this proposal and I am pleased to support his effort.

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. HEINZ, Mr. HEFLIN, and Mr. CHAFEE):

S. 2017. A bill to provide a permanent endowment for the Eisenhower Exchange Fellowship Program; to the Committee on Foreign Relations.

PERMAMENT ENDOWMENT FOR THE EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

Mr. DOLE. Mr. President, I rise today to introduce legislation to provide a permanent endowment for the Eisenhower Exchange Fellowship Program.

As we enter the centennial year of the birth of President Eisenhower, I am proud to propose this bill, which will honor our Nation's 34th President for his character, courage, and patriotism, and for his leadership based on moral integrity and trust.

President Eisenhower, though born in Texas, grew up in Abilene, KS. For two decades his character and beliefs were shaped by his family and the environment of this city in America's heartland. Here he attended high school and excelled as an athlete. In order to help his family meet expenses, Ike worked in a creamery and grew and sold vegetables.

Eisenhower's interest in military history began when he was just a boy. His military career began at West Point, and didn't reach its climax until he became Commander in Chief of the Armed Forces. In 1952 he was elected the 34th President of the United States and was reelected in 1956.

The 1990 centennial year could easily be seen as an exercise in nostalgia, but in fact should be recognized as much more. It should be seen as an opportunity to reflect on the former president's legacy and to realize the issues we must confront in the 1990's and on into the next century are directly related to the decisions and policies of Dwight Eisenhower.

One of the most important lessons from Ike's leadership is the belief in the interdependence of life in the modern world. He knew, and we should all be aware, there is much we as a Nation can gain from working together with other nations—gains both political and economic in nature. Working together though, requires keeping sight of America's interests—it does not mean compromising on the principles of freedom and liberty.

There is a lot of talk these days about America's responsibilities to other nations—aid in all forms including food, shelter, and as always dollars. But underneath these tangibles, I think there is something much more basic that must be addressed—our responsibility as a Nation and as individuals to develop an understanding of the people and cultures found in foreign countries.

The Eisenhower Exchange Fellowships was established for such pur-

pose. Established in 1953, it was the first Eisenhower-named organization in President Eisenhower's administration. Ike envisioned this program as a means through which the national interests of the United States could be furthered, and the dignity of other peoples recognized.

Since its founding, the program has served to invite rising leaders from other countries for in-depth visits to the United States, and to give outstanding Americans similar exposure to other countries. In 1953, President Eisenhower hailed the new program as "something that could well become the most meaningful thing that has happened in our time."

Eisenhower Exchange Fellowships are dedicated to mutual influence through the exchange of practical knowledge. Promising young leaders, both from the United States and our overseas neighbors, have the opportunity to prepare for, and enhance their own professional careers while at the same time work toward advancement of peace through international understanding.

The program has clearly helped demonstrate Eisenhower's conviction that world peace could best be achieved through friendships between individuals. The organization has a good track record: two former fellows have become heads of state and more than 100 have been cabinet appointees, Supreme Court judges, ambassadors, or college presidents.

Thus, with the centennial year of Dwight Eisenhower's birth upon us, and in effort to provide a meaningful, and lasting commemorative with an eye to the future, I ask my colleagues on both sides of the aisle to join me in supporting the $5 million permanent endowment for the Eisenhower Exchange Fellowships. Additionally, this bill will match the funds the Eisenhower Exchange Fellowships Program can raise from the private sector, up to an additional $2.5 million, over the next 4 years.

Mr. President, I would like to make clear to my colleagues that half of the money provided from the endowment as well as from the matching funds will be used for the specific purpose of sending Americans to emerging European democracies, where we clearly have national interests in and a need for developing mutual understanding.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2017

Be it enacted by the Senate and House of Represenatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES.

The purposes of this Act are—

(1) to provide a permanent endowment for the Eisenhower Exchange Fellowship Program;

(2) to honor Dwight D. Eisenhower for his character, courage, and patriotism, and for his leadership based on moral integrity and trust;

(3) to pay tribute to President Eisenhower's leadership in war and peace, through his diverse understanding of history, practical affairs, and the hearts of humankind;

(4) to address America's need for the best possible higher education of its young talent for a competitive world which shares a common and endangered environment;

(5) to advance the network of friendship and trust already established in President Eisenhower's name, so that it may continue to grow to the imminent challenges of the 21st century;

(6) to complete Dwight David Eisenhower's crusade to liberate the people's of Europe from oppression;

(7) to deepen and expand relationships with European nations developing democracy and self-determination; and

(8) to honor President Dwight D. Eisenhower on the occasion of the centennial of his birth through permanent endowment of an established fellowship program, the Eisenhower Exchange Fellowships, to increase educational opportunities for young leaders in preparation for and enhancement of their professional careers, and advancement of peace through international understanding.

SEC. 2 AUTHORIZATION.

(a) IN GENERAL.—To provide a permanent endowment for the Eisenhower Exchange Fellowship Program, there are authorized to be appropriated to Eisenhower Exchange Fellowships, Incorporated, not to exceed—

(1) $5,000,000, plus

(2) the lesser of—

(A) $2,500,000; or

(B) an amount that is equal to the amount that is obtained by Eisenhower Exchange Fellowships, Inc., from private sector sources during the 4-year period beginning on the date of enactment of this Act.

(b) PAYMENTS.—Amounts appropriated under subsection (a)(2) shall be made available to Eisenhower Exchange Fellowships, Inc., in annual installments in the amounts appropriated under such subsection.

SEC. 3. USE OF INCOME ON THE ENDOWMENT.

Not less than 50 percent of the annual income on the permanent endowment provided under this Act shall be available only to assist United States fellows in traveling to and studying in emerging European democracies.

SEC. 4. ANNUAL REPORT.

Following any fiscal year in which Eisenhower Exchange Fellowships, Inc., receives funds under this Act, it shall prepare and transmit to the Comptroller General of the United States a report on its activities. Not later than 60 days after receipt of such report, the Comptroller General of the United States shall transmit to the Congress any comments on such report.

Mrs. KASSEBAUM. Mr. President, I am pleased to join Senator DOLE in sponsoring legislation to provide a permanent endowment for the Eisenhower Exchange Fellowship Program.

This endowment would support the work of the Eisenhower Exchange Fellowship Program, which brings foreign professionals to this country to gain a better understanding of the work of their counterparts in the United States. In addition, this legislation would expand the existing exchange program to help United States fellows travel to and study in emerging European democracies.

This year marks the 100th anniversary of the birth of Dwight D. Eisenhower, and this legislation represents a most fitting memorial to him. As a man who knew well and cared deeply about the international community, President Eisenhower would have moved quickly to extend the hand of help and friendship to the peoples of Eastern Europe in their struggle to be free. The rapid and astonishing developments in those nations during the past year stand in stark contrast to the gloomy Cold War atmosphere which existed when Eisenhower left office in 1961.

In his parting comments to the American public, President Eisenhower expressed his vision of hope with these words:

To all the peoples of the world, I once more give expression to America's prayerful and continuing aspiration:

We pray that peoples of all faiths, all races, all nations may have their great human needs satisfied; that those now denied opportunity shall come to enjoy it to the full; that all who yearn for freedom may experience its spiritual blessings; that those who have freedom will understand, also, its heavy responsibilities; * * * and that, in the goodness of time, all peoples will come to live together in a peace guaranteed by the binding force of mutual respect and love.

The Eisenhower Exchange Fellowship Program has been working to forge these ties. This legislation, which provides for a permanent endowment of up to $7.5 million, will allow the program to build upon this record of service.

As members of the Eisenhower Centennial Commission, Senator DOLE and I will be engaged in a number of activities thoughout the country. I hope our colleagues in the Senate will join us in paying tribute to this distinguished man through their support for this legislation.

By Mr. LAUTENBERG:

S. 2018. A bill to provide for the temporary suspension of duty on certain types of veneer; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON CERTAIN TYPES OF VENEER

● Mr. LAUTENBERG. Mr. President, today I am introducing a bill to temporarily suspend the duty on certain types of wood veneer. The International Trade Commission has reviewed this bill, which offers prospective duty relief through 1994, and has determined that there are no domestic producers of these veneers. Similar legislation, H.R. 3231, has been introduced by Congressman DWYER in the House.

I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN VENEER.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by inserting in numerical sequence the following new heading:

"9902.44.21	Manmade or recomposed wood veneer sliced from a block composed of wood veneer sheets produced from logs and flitches (provided for in subheading 4421.90.90.	Free	No Change	No Change	On or before 12/31/94".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of enactment of this Act.●

By Mr. SYMMS (for himself, Mr. MCCLURE, and Mr. SHELBY):

S. 2019. A bill to amend title XVIII of the Social Security Act to eliminate the reimbursement differential between hospitals in different areas; to the Committee on Finance.

REIMBURSEMENT DIFFERENTIAL ELIMINATION ACT

● Mr. SYMMS. Mr. President, I rise today to reintroduce a bill I sponsored with the senior Senator from Idaho and Senator SHELBY of Alabama in the first session of this Congress. This bill will eliminate the reimbursement differential between urban and rural hospitals under Medicare, bringing some equity into the system. We are reintroducing the legislation with a change from the previous language, thus speeding up the elimination process.

The fiscal year 1990 Budget Reconciliation Act, passed by Congress last November, included a provision to phase out the reimbursement differential. While this was definitely a step in the right direction, the process is not scheduled to begin until 1992. This is a long wait for many of our hospitals which are threatening to close their doors as I speak. They need financial relief now, not in 1992.

The present Medicare payment system does not adequately account for the fact that small rural hospitals compete for the same doctors and nurses, buy from the same suppliers, and have other costs comparable to those paid by hospitals in metropolitan areas. In fact the rural/urban differential is entirely capricious, penalizing a hospital if it happens to be located in an area which is certainly in need of a health care provider, but is termed "rural."

Medicare payments have a particularly large impact on rural hospitals. Because most rural hospitals are small, they cannot adjust easily to fluctuations in inpatient admissions or case mix, whereas larger hospitals can average the fluctuations from year to year and over many cases. For small rural hospitals which tend to operate closer to the margins of their costs, and cannot take advantage of spreading Medicare losses across large numbers of patients, as done by large metropolitan hospitals, these fluctuations can be devastating financially. Because a large proportion of rural hospital patients are Medicare patients, rural health providers are doubly at risk when the prospective payment system fails to compensate them adequately for their special circumstances or when inequities in payment policies exist.

Too many of our hospitals are suffering, thus endangering the health and well-being of millions of Americans. If this differential is not adjusted, my State of Idaho will likely lose at least five hospitals in the near future, not to mention numerous facilities around the country.

I know that this is not a problem which is unique to my State of Idaho. Rural hospitals everywhere are in need of assistance. Therefore, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF SEPARATE AVERAGE STANDARDIZED AMOUNTS FOR HOSPITALS IN DIFFERENT AREAS.

(a) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

"(i)(1)(A) On or before April 1, 1990, the Secretary and the Prospective Payment Assessment Commission established under subjection (e) (in this subsection referred to as the 'Commission') shall each submit to the Congress a report recommending a methodology that provides for the elimination of the system of determining separate average standardized amounts for subsection (d) hospitals (as defined in subsection (d)(1)(B)) located in large urban, other urban, or rural areas. The methodologies set forth in such reports shall provide for a graduated reduction of the differences in the average standardized amounts applicable to large urban, other urban, or rural area hospitals during the 36-month period beginning October 1, 1990 and shall provide for the complete elimination of such differences for discharges occurring on or after October 1, 1992. Such methodologies may provide for such changes to any of the adjustments, reductions, and special payments otherwise authorized or required by this section as the Secretary or the Commission determines to be necessary and appropriate to carry out the purposes of this subsection.

"(B) Not later than May 1, 1990, the Congressional Budget Office (in this subsection referred to as 'CBO') shall submit to the Congress an analysis of each of the reports submitted under subparagraph (A).

"(C) Not later than June 1, 1990, the Secretary shall promulgate proposed regulations to implement the recommendations of the Secretary under subparagraph (A) (including any recommended changes in the adjustments, reductions, and special payments otherwise authorized or required by this section).

"(D) Not later than August 30, 1990, the Secretary shall promulgate final regulations to implement the recommendations and changes described in subparagraph (C).

"(E) If the Congress does not enact legislation after the date of the enactment of this subsection and before October 1, 1990, with respect to the average standardized amounts applicable to large urban, other urban, or rural area hospitals, then, notwithstanding any other provision of this section, the average standardized amounts for such hospitals for discharges occurring on or after October 1, 1990, shall be determined in accordance with the final regulations promulgated under subparagraph (D).

"(2)(A) On or before April 1, 1991, the Secretary and the Commission shall each submit to the Congress a report specifying the manner in which the average standardized amounts determined under the regulations becoming effective in accordance with paragraph (1)(E) should be adjudicated appropriately to reflect legitimate differences in the operating costs of inpatient hospital services (as defined in subsection (a)(4)) for different categories of subsection (d) hospitals.

"(B) Not later than May 1, 1991, CBO shall submit to the Congress an analysis of each of the reports submitted under subparagraph (A).

"(C) Not later than September 1, 1991, the Secretary shall promulgate proposed regulations to implement the recommendations of the Secretary under subparagraph (A).

"(D) Not later than December 30, 1991, the Secretary shall promulgate final regulations to implement the Secretary's recommendations under subparagraph (A).

"(E) If the Congress does not enact legislation after the date of the enactment of this subsection and before January 31, 1992, with respect to adjustments to the average standardized amounts applicable to large urban, other urban and rural area hospitals, then, notwithstanding any other provision of the section, the average standardized amounts for such hospitals for discharges occurring on or after January 31, 1992, shall be determined in accordance with the final regulations promulgated under paragraph (1)(D) and subparagraph (D) of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date of enactment of this Act.●

By Mr. WIRTH:

S. 2020. A bill to prohibit Members of the Senate and Senate staff from receiving honoraria; to the Committee on Governmental Affairs.

BAN ON HONORARIA FOR SENATE MEMBERS AND STAFF

Mr. WIRTH. Mr. President, today I am introducing legislation to ban honoraria. In addition, I am no longer accepting honoraria payments and will continue not to accept honoraria payments regardless of the outcome of this bill.

In the past years, while I have accepted honoraria from various groups, I have been careful in selecting the groups to which I spoke. For example, while chairing a major subcommittee in the House of Representatives, I did not accept speaking fees from companies with legislation before my subcommittee.

This care in selecting audiences and honoraria was important in order to avoid the reality or appearance of a conflict of interest. But the public climate has changed, and even this careful policy is now not acceptable. So I am changing my personal policy and will no longer accept honoraria.

I had hoped that this issue would be resolved during the last session of Congress. Congress approved ethics legislation that contained a number of reforms for both congressional and administration officials. Unfortunately, the Senate did not have an opportunity to vote on an honoraria ban during consideration of this bill. The final bill, which I opposed, included a 25-percent pay raise for the House of Representatives and a 10-percent cost-of-living adjustment for Senators. The bill only included a partial reduction of the honoraria limit for Senators.

My bill bans honoraria outright for Senators, Senate officers, and employees effective January 1, 1991. It does allow honoraria appearances for which payment is made directly to a charitable organization. Also, in the event the House repeals its pay raise and returns to the status quo ante, the prohibition against honoraria remains in place for the Senate.

It is clear to me that the system needs reform. Steps must be taken to restore confidence in the Congress and our Government—the elimination of honoraria is crucial to accomplishing this goal. I am hopeful that 1990 will bring about an opportunity to pass a full ban on honoraria into law.

Finally, I hope that when the Senate resolves the honoraria issue, it will move on to the even more important issue of campaign finance reform. I am a cosponsor of broad sweeping campaign finance legislation which will be considered by the Senate in the near future.

By Mr. HUMPHREY (for himself and Mr. DECONCINI):

S.J. Res. 235. Joint resolution proposing a constitutional amendment to limit congressional terms; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS

● Mr. HUMPHREY. Mr. President, on behalf of Senator DECONCINI and on my own behalf, I introduce a joint resolution proposing an amendment to the Constitution limiting the number of terms one may serve in Congress. Although this measure may not be welcomed with open arms by some in this body, I believe it presents a sound and serious remedy for the fundamental flaws which have developed in our system of representative democracy. A recent Gallup poll shows that 70 percent of the American public favor a term limitation, and I believe we in Congress must give careful consideration to this strong popular sentiment.

This resolution is a slightly modified version of Senate Joint Resolution 17, which was introduced earlier in this Congress by Senator DECONCINI. I strongly commend Senator DECONCINI for his initiative on this important issue.

The proposed amendment to the Constitution would limit Senators to two full terms and Members of the House to six full 2-year terms. Like Senate Joint Resolution 17, this proposed amendment would authorize an additional period of service beyond the term limitation to accommodate the situation of Members who are elected or appointed to complete an unfulfilled term. It would thus limit future Senators to 14 years total service and future House members to 13 years total service, where the circumstance of appointment or election to fill an unfulfilled term arises.

I also stress that both measures exclude the past and current terms served by current Members of Congress from the limitations imposed. In other words, no matter how many terms have been served by a current Member at the time the amendment might be adopted, he or she could still serve two additional Senate terms and six additional House terms under this measure. I hope this provision will make the proposal more palatable.

Frankly, I prefer not to include that provision. It is, after all, a grandfathering provision, and in the case of more than a few Members a grandmothering provision. But I feel that the measure has no hope whatsoever without that provision in it. Thus I included it.

Mr. President, near-guaranteed incumbency has rendered elections nearly meaningless. Members of Congress have increasingly become creatures of the Washington establishment. Both the House and the Senate need more new Members who are willing and able to isolate themselves from this narrow, self-contained culture. This can only be achieved by greater turnover and greater diversity in both Houses of Congress.

Institutionalization of incumbency makes it nearly impossible for a challenger to defeat an incumbent. Franking privileges, legions of eager staffers, and lavish financial and in-kind support from special interest groups often make it all but impossible for well-qualified new candidates to mount a meaningful challenge to sitting Members of Congress. For example, in the 1988 elections, over 98 percent of House Members seeking reelection were successful. By comparison, only 79 percent of the House Members were successful some 40 years ago.

This system of entrenched incumbency is reenforced by the special advantages of accumulated seniority. Seniority leads to key chairmanships, additional platoons of staff, and even greater power to command the financial support of the business and interest groups which are most affected by the committee where the Member wields power.

Because of these circumstances, few elections today are really decided on the relative merits of the opposing candidates. Instead, the outcome is generally predetermined by the institutional and financial advantages of the incumbent. This is nothing less than a malfunctioning of representative democracy.

Some will suggest, no doubt, the remedy for this real problem is to provide for public financing of elections. Whatever the merits of that idea may be, it will not help, because all other things being equal, incumbency will still predominate in most situations.

In fact, I think the argument can be made that public funding of elections is an incumbent protection scheme itself. Others may not think so, but many do.

The fact is that incumbents have always found—I am sure this has been so in every legislative body—incumbents have always found ways to protect and enhance the advantages of incumbency, and they always will because it is human nature to do so.

The reasonable term limitations proposed by this resolution will go a long way toward restoring a more truly representative Congress. No longer would seats in the House and the Senate be the equivalent of personal fiefdoms, as they are today. No longer would meritorious new candidates be effectively barred from seeking to represent their States or districts by the unassailable advantages of a perpetually entrenched incumbent.

Term limitations would have another beneficial effect. The recurring debates over the need for congressional pay raises largely result from the fact that so many Members of Congress are now career legislators. Since

these Members expect to spend their entire active careers in Congress, they claim that recurring pay raises are the only way they can maintain a comfortable standard of living for their families.

And it is true. I do not deny the economics. I have argued that very case. But the point is one should not make a career of serving in Congress.

Mr. President, I am convinced that the term limitations contained in this proposal will produce a more responsible Congress. I urge the Judiciary Committee to hold hearing on this proposal in the near future, and I ask my colleagues for their support.

Mr. President, in their consideration of this resolution, I would ask each Member to ask himself this question: Would it not work an enormous change in attitudes in this institution of Congress if Members knew upon the first day of their first term that no matter how clever they were in enhancing and using the advantages of incumbency, no matter how clever they were in marshaling the support of special interest groups, there would be no possible way to make a career of serving in Congress?

The answer to that question is surely yes; if Members knew on day 1 that no matter what they did, they could not make a lifetime career of serving in Congress, I believe to the depth of my soul that we would see an enormous change in this institution, that we would begin to see the kind of intellectual honesty and political courage that are so sorely needed in dealing with the difficult issues of our time and which are so sorely absent on most occasions in this body.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 235

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission for ratification:

"ARTICLE —

"SECTION 1. No person shall be elected to the Senate for more than two full terms. No person shall be elected to the House of Representatives for more than six full terms.

"SECTION 2. Notwithstanding section 1, a person may serve not more than fourteen years as a Senator and not more than thirteen years as a Representative.

"SECTION 3. For purposes of determining eligibility for election under section 1, no election occurring before the date on which this article is ratified shall be taken into account. For purposes of determining years of service under section 2, no service of any part of a term of office of a Senator or Representative elected to such term before the date this article is ratified shall be taken into account.".●

Mr. DECONCINI. Mr. President, today, I rise to reintroduce with my colleague, Senator HUMPHREY from New Hampshire, a joint resolution proposing a constitutional amendment to limit the number of congressional terms. On January 25, 1989, I introduced Senate Joint Resolution 17 which would also limit congressional terms in both bodies. The joint resolution we introduce today differs from Senate Joint Resolution 17 only in that it would limit elected terms to the House of Representatives to 6 instead of 7 and correspondingly limit total service to 13 years instead of 15.

As Senator HUMPHREY pointed out in his statement, this minor alteration to Senate Joint Resolution 17 will provide symmetry to the term limitation provision in that the limitation of 2 terms in the Senate and 6 in the House would both constitute 12 years of service. The basic tenet behind Senate Joint Resolution 17 stays intact. This amendment would put an end to a system which makes our Government less, rather than more, democratic. We must do all we can to ensure that our Government is as representative as possible. This goal can only be reached by passage of this amendment.

As I stated when I introduced Senate Joint Resolution 17 earlier this term, justifications for limiting the number of congressional terms are more compelling today than they have ever been. The current seniority system, with unlimited numbers of possible congressional terms, creates an inequality among Senators. Senators, merely by virtue of tenure in office, are able to gain powerful positions as chairs of standing committees. Senators in such positions are able to secure benefits for their home States which are out of proportion to a rational allocation of Federal resources. Junior Senators, on the other hand, are at a competitive disadvantage from the first day on the job and may be unable to shepherd meritorious legislation through the complex legislative process.

Because this seniority system creates inequality among Senators, the States we represent receive unequal representation in this body. The amendment we propose will cure that problem and return the idea of equal representation embedded in the roots of our democracy.

I have continued to advocate this amendment even as I entered my third term. Had I left the Senate after 2 terms, the very system I condemn today would have detrimentally affected my State because, had I departed, Arizona would have had a total of 2 years of senatorial seniority. The present rules of the game would have placed my State at an extreme disadvantage had I not sought reelection. It is because of this disadvantage that I pursue passage of this amendment, so that we can submit it to the States for ratification and eventually it may become part of our Constitution.

By amending the Constitution to maximize political participation, we are perfecting the fundamental law that governs us. We will have reaffirmed our commitment to the principle that the laws which govern this great land should be democratic and without prejudice toward any State or region.

I would like to thank Senator HUMPHREY for joining me in this cause to break down the barriers that have limited political participation in these bodies.

By Mr. WILSON (for himself, Mr. THURMOND, Mr. HATFIELD, Mr. HEFLIN, and Mrs. KASSEBAUM):

S.J. Res. 236. Joint resolution designating May 6 through 12, 1990 as "Be Kind to Animals and National Pet Week"; to the Committee on the Judiciary.

BE KIND TO ANIMALS AND NATIONAL PET WEEK

● Mr. WILSON. Mr. President, I rise today to introduce a joint resolution designating the week of May 6–12, 1990 as "Be Kind to Animals and National Pet Week." I am pleased that Senators THURMOND, HATFIELD, HEFLIN, and KASSEBAUM have joined me as original cosponsors of this resolution.

The week of May 6–12, 1990 holds great significance to the animal welfare community as it marks the 75th anniversary of the American Humane Association's Be Kind to Animals Week and the 10th anniversary of National Pet Week, sponsored by the American Veterinary Medical Association [AVMA], the auxiliary to the AVMA, and the American Animal Hospital Association.

This resolution provides the Congress with the opportunity to recognize the contributions of veterinarians and humane organizations to animal health and welfare and highlight the important role that companion animals play in over 50 million American households.

Additionally, the designation of May 6–12, 1990 as "Be Kind to Animals and National Pet Week," will provide a national focus for the efforts of veterinarians and humane organizations to inform pet owners of the health needs of their animals. The American public has an obligation to promote responsible care of animals and pets and guard against irresponsible treatment. This resolution is an effective, low-cost way to educate the public about this obligation.

It is also important to note that this measure represents a cooperative effort between the scientific and animal protection communities toward increasing public awareness of proper animal care and welfare. Veterinarians and animal shelters in every State in this country are supporting this initiative.

I encourage my colleagues to cosponsor this resolution and designate the week of May 6-12, 1990, as "Be Kind to Animals and National Pet Week." I thank those Senators who have joined me as original cosponsors, and I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 236

Whereas 1990 marks the 75th anniversary of the American Humane Association's "Be Kind to Animals Week" and the 10th anniversary of "National Pet Week", sponsored by the American Veterinary Medical Association, the Auxiliary to the American Veterinary Medical Association, and the American Animal Hospital Association;

Whereas animals and pets give companionship and pleasure in daily living, share the homes of nearly 50,000,000 individuals or families in the United States, and provide special benefits to elderly persons and children;

Whereas the people of the United States have a firm commitment to promote responsible care of animals and pets and guard against cruel and irresponsible treatment;

Whereas teaching kindness and respect for all living animals through education in schools and communities is essential to the basic values of a humane and civilized society;

Whereas the people of the United States are grateful to the veterinary medical profession for providing preventive and emergency medical care and assistance to animals, spaying and neutering animals to combat overpopulation, and contributing to the education of animal owners; and

Whereas the people of the United States are indebted to animal protection organizations, State humane organizations, and local animal care and control agencies for promoting respect for animals and pets, educating children about humane attitudes, and caring for lost, unwanted, abused, and abandoned animals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 6 through 12, 1990, is designated as "Be Kind to Animals and National Pet Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.●

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. SPECTER, Mr. HEINZ, Mr. EXON, Mr. HEFLIN, and Mr. CHAFEE):

S.J. Res. 237. Joint resolution providing for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower; to the Committee on the Judiciary.

COMMEMORATION OF THE 100TH ANNIVERSARY OF THE BIRTH OF DWIGHT DAVID EISENHOWER

Mr. DOLE. Mr. President, I am pleased to introduce this joint resolution today, providing for the commemoration of the 100th anniversary of the birth of our Nation's 34th President, Dwight David Eisenhower.

Eisenhower is a name that stands tall among the giants of American history. It is a name synonymous with courage, vision, and leadership. Eisenhower's mark was that of a true leader—of men in war, of the people of his country, and of all nations striving for peace.

It almost goes without saying, his public career produced some remarkable achievements, including leading the Allies to victory in World War II, forging the creation of NATO, ending the Korean war, exercising real fiscal discipline as evidenced by his three balanced budgets. Ike is also responsible for creating the Interstate Highway System, and establishing NASA. Not bad for a small-town boy from Kansas.

He gave his country two terms of outstanding service, giving America 8 years of peace and prosperity while he was in the White House. He saw the addition of Alaska and Hawaii to the Union, and he sent the Army to Little Rock, AR, to enforce the landmark racial desegregation decision.

The list of accomplishments could, literally, go on and on—I trust my colleagues are aware of what an outstanding man and leader he was.

Although our paths never officially crossed in Washington—I was elected to Congress in 1960, the last year of Eisenhower's Presidency—he has had significant influence on me, as well as on my home State of Kansas. The combination of Ike's military accomplishments and his devotion to public service has made him a hero not only in the Sunflower State, but also across our Nation and around the globe.

I am proud to serve as the chairman of the national nonpartisan Dwight David Eisenhower Centennial Commission, which has been working with many organizations in the private sector, as well as with the Kansas State Centennial Commissions to organize and plan commemorative activities. Interest is building both here on Capitol Hill, throughout America, as well as in more than 13 foreign countries. It is truly remarkable to see the degree of effort and dedication put forth by so many individuals in coordinating the centennial events.

Thus, with the centennial year of Eisenhower's birth upon us, I believe it is especially appropriate to honor the former President by designating October 14, 1990, the anniversary date of his birth, as "Dwight David Eisenhower Day" and also by holding a joint meeting of the Congress on March 27, 1990.

The 1990 centennial gives us a new opportunity to reflect on Eisenhower's greatness. Moreover, this reflection should actually give us a new perspective on the future. In this century, we have marked the centennials of only three other U.S. Presidents—Herbert Hoover, Franklin Delano Roosevelt, and Harry S. Truman—so I ask all of my colleagues to join me in this historic celebration.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 237

Whereas October 14, 1990, marks the 100th anniversary of the birth of Dwight David Eisenhower;

Whereas Eisenhower was born on October 14, 1890, in Denison, Texas, and soon thereafter moved with his family to Abilene, Kansas;

Whereas Eisenhower developed an interest in military history early in childhood, and attended the United States Military Academy at West Point, New York, from 1911 through 1915;

Whereas in 1915, upon graduation from the United States Military Academy, Eisenhower was commissioned as a second lieutenant and assigned to the 19th Infantry at Fort Sam Houston, Texas;

Whereas at the conclusion of World War I, Eisenhower assumed the rank of captain, and was promoted to the rank of major shortly thereafter;

Whereas in 1935, Eisenhower accompanied General Douglas MacArthur to the Philippines, where he served as a senior military assistant to General MacArthur;

Whereas Eisenhower was promoted to the rank of lieutenant colonel during his service in the Philippines;

Whereas Eisenhower was subsequently assigned to Fort Lewis, Washington, where he served as executive officer of the 15th Regiment of the 3d Infantry Division from January through November, 1940, and as chief of staff to General Kenyon A. Joyce of the 9th Corps from March through June of 1941;

Whereas in March 1942, Eisenhower was promoted to the rank of General and named Chief of the Operations Division for the General Staff of the United States Army;

Whereas in June 1942, Eisenhower achieved the rank of Lieutenant General, and in December 1944, he became a General of the Armies;

Whereas Eisenhower served as President of Columbia University from 1948 through 1950;

Whereas Eisenhower was appointed by President Harry S. Truman as Supreme Commander of the North Atlantic Treaty Organization forces in Europe, and served in that position from 1951 through 1952;

Whereas Eisenhower was elected the 34th President of the United States on November 4, 1952, and was reelected to serve a second term on November 6, 1956;

Whereas President Eisenhower hosted 115 foreign chiefs of state and heads of government on visits to the United States, traveled to 28 foreign countries, and participated in 20 summit talks with foreign government leaders;

Whereas Eisenhower strongly supported education and promoted international understanding through education;

Whereas Eisenhower had a long and productive association with Gettysburg College,

serving as a member of the College's Board of Trustees, using a campus office to write his memoirs and to fulfill the numerous duties of a former President, and receiving an honorary doctorate from the College;

Whereas after leaving office on January 20, 1961, Eisenhower retired with his wife to their farm and home in Gettysburg, Pennsylvania;

Whereas Eisenhower died on March 28, 1969, and was buried in military uniform in the place of mediation on the grounds of the Eisenhower Center in Abilene, Kansas; and

Whereas throughout 1990, various public and private organizations, including the Eisenhower Society, the Eisenhower Foundation, the Eisenhower World Affairs Institute, the Eisenhower Exchange Fellowship Program, Inc., the Eisenhower Centennial Commission, and others, will be sponsoring and conducting events across the Nation to commemorate the centennial of the birth of Dwight David Eisenhower: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 14, 1990, the 100th anniversary of the birth of Dwight David Eisenhower, is designated as "Dwight D. Eisenhower Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

SEC. 2. The members of the Senate and the House of Representatives who are members of the Dwight David Eisenhower Centenniel Commission, with the assistance of the other members of that commission (referred to hereinafter as the "Commission"), shall—

(1) make arrangements for a joint meeting of the Congress to be held on Tuesday, March 27, 1990, or such other day as may be designated by the Speaker of the House of Representatives, in the Hall of the House of Representatives in commemoration of the centennial of the birth of Dwight David Eisenhower;

(2) plan the proceedings of and issue appropriate invitations to the joint meeting; and

(3) coordinate the foregoing arrangements with the activities of the Dwight David Eisenhower Centennial Commission.

SEC. 3. The expenses of carrying out this joint resolution shall not exceed $25,000 and shall be paid from the contingent fund of the House of Representatives upon vouchers approved by Speaker of the House of Representatives.

Mr. SPECTER. Mr. President, today I join Senator DOLE as an original cosponsor in introducing a joint resolution which will honor the 100th anniversary of the birth of Dwight David Eisenhower by designating October 14, 1990, as "Dwight D. Eisenhower Day" and calling for a joint meeting of Congress to commemorate this centennial.

In furtherance of this national celebration, the Eisenhower Foundation, an organization devoted to promoting the goals, ideals, and legacy of Dwight Eisenhower, the Dwight D. Eisenhower Society, which conducts programs to highlight the work of Eisenhower, Gettysburg College, and other organizations will host a series of events during the year to celebrate this anniversary. The activities will include a 4-day symposium comprised of international scholars, government leaders, and military leaders at Gettysburg College in October 1990, as well as presentations, seminars, art exhibits, and other events in honor of President Eisenhower.

Raised in Abilene, KS, President Eisenhower developed his interest in military history early in his childhood. He began an honorable career of military service with his enrollment in the U.S. Military Academy at West Point in 1911. Following graduation in 1915, Eisenhower spent several years serving his country in ranking military positions. After World War I, he resumed the permanent rank of captain and soon was promoted to major. Receiving a series of promotions, Eisenhower continued his loyal service to the United States throughout World War II. In 1944, his superior military skill was recognized with the award of the rank of five-star general of the U.S. Army.

Dwight Eisenhower subsequently went on to serve as president of Columbia University and as the Supreme Commander of the North Atlantic Treaty Organization [NATO]. On November 4, 1952, the country recognized Eisenhower's ability and vision by electing him the 34th President of the United States. He was reelected 4 years later.

As President of the United States, Eisenhower was known for his staunch anticommunism. His personal dislike of this oppressive system evolved into a policy of aiding any country threatened by Communist aggression or subversion—the Eisenhower doctrine. In 1961, Eisenhower delivered a farewell address which articulated a four-point agenda for the Nation. The themes identified by Eisenhower almost 30 years ago are among the most pressing issues of our time, typifying Eisenhower's wisdom and foresight.

It is fitting that Gettysburg should honor Eisenhower since his connection to the town can be traced back to 1915 when he first traveled there as a senior cadet at West Point to study military tactics. Three years later Eisenhower returned as commander of Camp Colt, a deserted Gettysburg campsite which underwent transformation into a training center for the newly formed Tank Corps. Upon completion of his duty, Eisenhower left the area, but returned once again in 1946 to receive an honorary doctor of laws degree from Gettysburg College. In 1950, President Eisenhower purchased land in Gettysburg and built a home for his family, in which he lived at various times during his Presidency and thereafter. He later served as a trustee of Gettysburg College from 1961 to 1969. The Eisenhower farm in Gettysburg today is maintained by the U.S. National Park Service as a continuing tribute to the significant contributions of Dwight Eisenhower.

Last October at Gettysburg College, which sponsored one of the many kickoff ceremonies nationwide for the Eisenhower centennial, David Eisenhower, grandson and biographer of the former President, shared his thoughts about his grandfather and Gettysburg:

Dwight D. Eisenhower's identification with Gettysburg was profound. This was the place I knew him best and the place he felt natural and at home. I always hoped the town and the college would respond in the way they have today.

Mr. President, I urge my colleagues to join in supporting this important resolution to recognize the service of President Dwight D. Eisenhower on the 100th anniversary of his birth.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. GLENN, Mr. MATSUNAGA, Mr. HOLLINGS, Mr. SIMON, Mr. DECONCINI, Mr. BURDICK, Mr. KERRY, Mr. PELL, Mr. NUNN, Mr. DOMENICI, and Mr. DODD):

S.J. Res. 238. Joint resolution to designate the week beginning March 5, 1990, as "Federal Employees Recognition Week"; to the Committee on the Judiciary.

FEDERAL EMPLOYEES RECOGNITION WEEK

● Mr. SARBANES. Mr. President, today I am introducing a joint resolution to designate the week beginning March 5, 1990, as Federal Employees Recognition Week. I have introduced similar resolutions in previous Congresses to honor the men and women who work in jobs that are so critically important to the strength and vitality of our Nation. The individuals who make up the Federal work force have made significant contributions to improve the quality of life and provide essential services for Americans and indeed for others throughout the world. I again want to commend the more than 3 million men and women who perform those jobs.

Federal workers continue to be the source of growth and development in America, helping Americans achieve strong, energetic, and prosperous communities. I am proud that our Government has such a highly qualified and competent work force. If our Government did not have such knowledgeable, capable hardworking individuals, America would not be in the forefront of medical and scientific research and the development of new technology. Great achievements have been made by Federal employees over the years in these areas.

In my view, the Nation as a whole, and perhaps the entire world has benefited from the accomplishments of Federal workers. The men and women who work for our Government are positive about their work and the op-

portunity to accomplish something worthwhile. They deserve recognition for the expertise they provide.

Federal Employee Recognition Week will give the public an opportunity to recognize the advancements made by Federal employees, as well as a week for Federal employees to reflect on their contributions. I am pleased today to introduce legislation which recognizes and acknowledges the invaluable contributions that Federal employees have made to our Nation and urge you to join my colleagues Senators MIKULSKI, GLENN, MATSUNAGA, HOLLINGS, SIMON, DECONCINI, BURDICK, KERRY, PELL, NUNN, DOMENICI, and DODD in supporting this resolution.●

By Mr. DOLE:

S.J. Res. 239. Joint resolution to urge the Washington Metropolitan Airport Authority to use its existing authority to change the name of Washington Dulles International Airport to Eisenhower International Airport; to the Committee on Commerce, Science, and Transportation.

CHANGING THE NAME OF WASHINGTON DULLES INTERNATIONAL AIRPORT TO EISENHOWER INTERNATIONAL AIRPORT

Mr. DOLE. Mr. President, I rise today to introduce a joint resolution to urge the Washington Metropolitan Airport Authority to use its existing authority to change the name of the Washington Dulles International Airport to the Eisenhower International Airport.

Washington Dulles International Airport was constructed during the Eisenhower administration and by Executive order, Eisenhower named the airport after Secretary of State John Foster Dulles.

I understand there is tremendous support among the Airport Authority to change the name of the airport, for reasons directly related to the considerable confusion between Dulles and Dallas Airports.

Some of my colleagues may ask, why Eisenhower? I think the answer is clear—this airport is of considerable importance in our region, and in global transportation. It makes good sense to me that if a name change is to take place, as I understand the plan to be, it should carry a name of an internationally known figure.

Renaming the airport that serves the Capital of the free world is a fitting tribute to Dwight Eisenhower. He is still recognized around the world as the man who helped save the world from tyranny and his legacy continues to inspire international peace and cooperation.

Mr. President, I ask all of my colleagues to support this resolution, and I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 239

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington Metropolitan Airport Authority is urged to use its existing authority to change the name of the Washington Dulles International Airport to the Eisenhower International Airport, and at the same time retain the name of the main terminal, the Dulles Terminal.

ADDITIONAL COSPONSORS

S. 87

At the request of Mr. THURMOND, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of S. 87, a bill to amend title 18 to limit the application of the exclusionary rule.

S. 88

At the request of Mr. THURMOND, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of S. 88, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 92

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 92, a bill to redefine "extortion" for purposes of the Hobbs Act.

S. 346

At the request of Mr. WIRTH, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 346, a bill to amend the Alaska National Interest Lands Conservation Act, and for other purposes.

S. 419

At the request of Mr. SIMON, the names of the Senator from Kansas [Mr. DOLE], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 419, a bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation.

S. 434

At the request of Mr. REID, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 434, a bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

S. 520

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 520, a bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities.

S. 577

At the request of Mr. HOLLINGS, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 577, a bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasts afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

S. 619

At the request of Mr. SARBANES, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Wisconsin [Mr. KOHL], the Senator from Delaware [Mr. BIDEN], the Senator from Illinois [Mr. SIMON], the Senator from Rhode Island [Mr. PELL], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 619, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia.

S. 714

At the request of Mr. MCCLURE, the name of the Senator from Nebraska [Mr. EXON] was added as a consponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 747

At the request of Mr. DECONCINI, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponoser of S. 747, a bill to amend chapter 44 of title 18, United States Code, regarding assault weapons.

S. 878

At the request of Mr. WILSON, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 878, a bill to grant a Federal charter to the Michael Jackson International Research Institute.

S. 1000

At the request of Mr. MCCLURE, the names of the Senator from Idaho [Mr. SYMMS], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 1000, a bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to exclude the malting barley price from the national weighted market price for barley in determining the payment rate used to calculate deficiency payments for the 1989 and 1990 crops of barely, and for other purposes.

S. 1049

At the request of Mr. SPECTER, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1049, a bill to recognize the organization known as the Montford Point Marine Association, Inc.

S. 1081

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii

[Mr. INOUYE] was added as a cosponsor of S. 1081, a bill to authorize the Secretary of Housing and Urban Development to carry out a cost-effective community-based program for housing rehabilitation and development to serve low- and moderate-income families.

S. 1150

At the request of Mr. CONRAD, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1150, a bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the Refuge Revenue Sharing Fund.

S. 1430

At the request of Mr. KENNEDY, the names of the Senator from Texas [Mr. BENTSEN] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 1430, a bill to enhance national and community service, and for other purposes.

S. 1511

At the request of Mr. PRYOR, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1624

At the request of Mr. THURMOND, the names of the Senator from Georgia [Mr. NUNN], the Senator from Montana [Mr. BURNS], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1624, a bill to grant a Federal charter to the National Association of Women Veterans, Inc.

S. 1651

At the request of Mr. MCCAIN, the names of the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. INOUYE], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 1651, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United States Organization.

S. 1664

At the request of Mr. HEINZ, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Colorado [Mr. WIRTH], the Senator from Montana [Mr. BURNS], the Senator from Tennessee [Mr. SASSER], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 1664, a bill to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941.

S. 1669

At the request of Mr. BENTSEN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1669, a bill to provide Hispanic-serving institutions of higher education with financial assistance to improve their capacity to expand Hispanic educational attainment.

S. 1675

At the request of Mr. KENNEDY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1675, a bill to provide financial assistance for teacher recruitment and training, and for other purposes.

S. 1692

At the request of Mr. NUNN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1692, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain timber activities under passive loss rules.

S. 1696

At the request of Mr. KENNEDY, the names of the Senator from Washington [Mr. ADAMS], the Senator from Delaware [Mr. BIDEN], the Senator from Missouri [Mr. DANFORTH], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1696, a bill to amend title 28 of the United States Code to prohibit racially discriminatory capital sentencing.

S. 1758

At the request of Mr. GLENN, the names of the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 1758, a bill to provide for the establishment of an Office for Small Government Advocacy, and for other purposes.

S. 1791

At the request of Mr. ROCKFELLER, the names of the Senator from California [Mr. CRANSTON], and the Senator from California [Mr. WILSON] were added as cosponsors of S. 1791, a bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 1832

At the request of Mr. LAUTENBERG, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1832, a bill to amend and reauthorize the Public Housing Drug Elimination Act of 1988.

S. 1835

At the request of Mr. WILSON, the names of the Senator from North Carolina [Mr. SANFORD], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 1835, a bill to amend the Drug-Free Schools and Communities Act of 1986 to provide for the awarding of grants for drug abuse resistance education instruction for students, and for other purposes.

S. 1876

At the request of Mr. KOHL, the names of the Senator from Indiana [Mr. COATS], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 1876, a bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for the costs of small businesses in providing accessibility for disabled individuals.

S. 1890

At the request of Mr. THURMOND, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Virginia [Mr. WARNER], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 1890, a bill to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes.

S. 1893

At the request of Mr. LAUTENBERG, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1893, a bill to reauthorize the Asbestos School Hazard Abatement Act of 1984.

S. 1898

At the request of Mr. REID, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 1898, a bill to provide Federal Government guarantees of investments of State and local government pension funds in high-speed intercity rail facilities.

S. 1902

At the request of Mr. KENNEDY, his name was withdrawn as a cosponsor of S. 1902, a bill for the relief of Temistocles Ramirez de Arellano, T. Rameriez & Company, Inc., and Empacador Del Norte, S.A.

S. 1911

At the request of Mr. DODD, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1911, a bill to provide assistance in the development of new or improved programs to help younger individuals through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; to provide for a White House Conference on Young Americans; and for other purposes.

S. 1912

At the request of Mr. CRANSTON, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1912, a bill to protect the re-

productive rights of women, and for other purposes.

S. 1925

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1925, a bill to amend the Higher Education Act of 1965 to require colleges and universities to establish and disclose campus security policies and to inform students and employees of campus crime statistics, and for other purposes.

S. 1930

At the request of Mr. GORE, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1930, a bill to amend the Higher Education Act of 1965 to require colleges and universities to establish and disclose campus security policies and to inform students and employees of campus crime statistics, and for other purposes.

S. 1945

At the request of Mr. WIRTH, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1945, a bill to authorize a land exchange in South Dakota and Colorado.

S. 1955

At the request of Mr. COATS, his name was withdrawn as a cosponsor of S. 1955, a bill to amend the Controlled Substances Act to provide the death penalty for engaging in a continuing criminal drug enterprise involving a large quantity of drugs.

S. 1956

At the request of Mr. D'AMATO, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1956, a bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate any portion of any overpayment of income tax, and to contribute other amounts, for payment to fight the war on drugs, and for other purposes.

S. 1971

At the request of Mr. THURMOND, the names of the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 1971, a bill to establish a consitutional death penalty and strengthen and improve Federal criminal penalties and procedures.

SENATE JOINT RESOLUTION 71

At the request of Mr. HELMS, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 71, a joint resolution designating April 16 through 22, 1989, as "National Ceramic Tile Industry Recognition Week."

SENATE JOINT RESOLUTION 103

At the request of Mr. BRADLEY, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Wisconsin [Mr. KOHL], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 103, a joint resolution to designate the period commencing February 18, 1990, and ending February 24, 1990 as "National Visiting Nurse Associations Week."

SENATE JOINT RESOLUTION 190

At the request of Mr. HEINZ, the names of the Senator from Texas [Mr. BENTSEN], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 190, a joint resolution designating April 9, 1990 as "National Former Prisoners of War Recognition Day."

SENATE JOINT RESOLUTION 195

At the request of Mr. D'AMATO, the names of the Senator from Maryland [Ms. MIKULSKI], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Joint Resolution 195, a joint resolution proclaiming Christopher Columbus to be an honorary citizen of the United States.

SENATE JOINT RESOLUTION 206

At the request of Mr. GORE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Joint Resolution 206, a joint resolution calling for the United States to encourage immediate negotiations toward a new agreement among Antarctic Treaty Consultative parties, for the full protection of Antartica as a global ecological commons.

SENATE JOINT RESOLUTION 208

At the request of Mr. SIMON, the names of the Senator from Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. EXON], the Senator from Ohio [Mr. GLENN], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. GORTON], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. HEFLIN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Hawaii [Mr. INOUYE], the Senator from Wisconsin [Mr. KASTEN], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Florida [Mr. MACK], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Idaho [Mr. MCCLURE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Michigan [Mr. RIEGLE], the Senator from Alabama [Mr. SHELBY], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], the Senator from Virginia [Mr. WARNER], the Senator from California [Mr. WILSON], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 208, a joint resolution designating February 16, 1990, as "Lithuanian Independence Day."

SENATE JOINT RESOLUTION 229

At the request of Mr. CRANSTON, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Delaware [Mr. ROTH], the Senator from Iowa [Mr. GRASSLEY], the Senator from Texas [Mr. BENTSEN], the Senator from Nevada [Mr. BRYAN], the Senator from Nevada [Mr. REID], the Senator from Washington [Mr. ADAMS], the Senator from Georgia [Mr. NUNN], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 229, a joint resolution to designate April 1990, as "National Prevent-A-Litter Month."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. DODD, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution commending the decision of the Board of Immigration appeals to allow Joseph Patrick Doherty to apply for political asylum, expressing concern at the Attorney General's June 30, 1989, decision to deny Joseph Patrick Doherty a political asylum hearing, and asking the Attorney General to respect the BIA decision on political asylum and immediately to release Joseph Patrick Doherty on bond pending final completion of the immigration proceedings.

SENATE CONCURRENT RESOLUTION 87

At the request of Mr. KENNEDY, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from New York [Mr. D'AMATO], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of Senate Concurrent Resolution 87, a concurrent resolution in support of the United Na-

tions Secretary General's current efforts regarding Cyprus.

SENATE RESOLUTION 228—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 228

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 229—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 229

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 230—RELATING TO THE PRINTING OF ADDITIONAL COPIES OF A GOVERNMENTAL AFFAIRS COMMITTEE HEARING

Mr. GLENN submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 230

Resolved, That there be printed for the use of the Committee on Governmental Affairs three hundred additional copies of its hearing of the One Hundred and First Congress entitled "Prospects for Development of a United States HDTV Industry"; and that there be printed for the use of the committee such additional copies not to exceed the cost of $1,200.

SENATE RESOLUTION 231—URGING SUBMISSION OF THE CONVENTION ON THE RIGHTS OF THE CHILD TO THE SENATE

Mr. BRADLEY (for himself, Mr. LUGAR, Mr. PELL, Mr. DODD, and Mr. BOSCHWITZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 231

Whereas the future peace and prosperity of all nations depend upon the good health and well-being of the world's children;

Whereas the Congress has long recognized the vulnerability of children and has enacted numerous laws that afford them special protections in this country;

Whereas similar protections for children are either totally lacking or inadequately enforced in much of the world;

Whereas, in part as a result of this lack of protection, millions of children are threatened daily by poverty, malnutrition, homelessness, exploitation and abuse, depriving both family and society of their productivity and potential;

Whereas the Child Survival and Development Revolution, launched in 1982 to attack the root causes of infant mortality and child ill-health through low-cost means such as universal child immunization and oral rehydration therapy, is saving the lives of more than 3 million children each year and has demonstrated that the number of child deaths can be reduced significantly if available resources are used appropriately;

Whereas despite these gains and an emerging international consensus about the importance of protecting children, children both here and abroad will continue to face poverty, sickness, and ill-treatment;

Whereas on November 20, 1989, the United States and other members of the United Nations unanimously endorsed the Convention on the Rights of the Child and urged national governments to ratify the Convention and make possible its application as international law;

Whereas this convention, if implemented, will help establish universal legal standards for the care and protection of children against neglect, exploitation, and abuse;

Whereas the United States Government, scores of private voluntary organizations, and hundreds of American citizens were actively involved in the drafting of this Convention; and

Whereas the United States must continue playing a leading role in the implementation of the Convention to ensure that it becomes a force for improving the lot of children, both in this country and abroad; Now, therefore be it

Resolved, That it is the sense of the Senate that the issue of children's rights and their well-being is important both to the United States and the world at large and that, in consideration thereof, the President should promptly seek the advice and consent of the Senate to the ratification of the Convention on the Rights of the Child, adopted by the United Nations with the support of the United States on November 29, 1989.

● Mr. BRADLEY. Mr. President, today, I am pleased to submit with Senator LUGAR a resolution calling on the President to send to the Senate as expeditiously as possible the Convention on the Rights of the Child for ratification.

The United States and the other members of the United Nations unanimously endorsed the Convention on the Rights of the Child on November 20, 1989.

This unanimous approval reflects, first and foremost, the world's awareness that we need universal standards for the care and protection of children against neglect, exploitation and abuse.

America has long recognized that children are particularly vulnerable and need special protections. Congress has passed many laws to provide these protections. But even in this country, we know all too well the tragedy of infant mortality, the terror of child abuse, the scourage of drugs and the wasted potential of school drop outs.

In the rest of the world, where legal protections are weak or nonexistent and resources scarce, the plight of the child is considerably worse. Children are born stateless, unwanted, without any government to assume responsibility for them. Some work under appalling conditions. Some are literally bought and sold, through illegal adoption schemes. Armed conflict devours many and few know any semblance of protection for what we would consider basic rights—freedom of speech, of thought, religion, assembly, privacy. And where government policies don't attack children, poverty and ignorance do. Far too many children die needlessly of easily preventable diseases or treatable conditions.

Mr. President, the Convention on the Rights of the Child will help focus needed attention on these problems, here and abroad. Ten years in the making, it establishes minimum standards for measuring the way governments treat their children. It entitles children to a name and nationality at birth. It stresses the importance of child survival and the need for primary health care. It emphasizes primary education, where 4 years of schooling can turn potential beggars into productive citizens. It requires governments to protect their children against child labor, drug abuse, sexual exploitation. It provides for special protections in adoption, and mandates proper care for orphaned children. It requires countries to establish minimum standards of juvenile justice. It prohibits states from using children as cannon fodder during war. And, if implemented, it becomes international law, binding on all signatories, with a committee of experts to monitor and publicize the extent to which governments meet these standards. The Convention will become a powerful voice in promoting and protecting children, in this country and abroad.

Mr. President, for us, the need for these rights and protections is self-evident. But getting all countries to agree on the text of the Convention was a difficult process. The unanimous adoption was possible because the Convention is the product of 10 years of intensive negotiations among all members of the United Nations, with each and every provision agreed to by concensus. The U.S. Government was actively involved in the drafting process, and indeed can take considerable credit for the inclusion in the Convention of the language guaranteeing the political and civil rights of children.

The United States must continue to play a leading role in promoting the Convention on the Rights of the Child. We should be the first, not the last, to sign. And we should encourage

others to join us. If we do not put our weight behind this Convention, we cannot expect others to do so.

I urge all Senators to join me in sponsoring this resolution. We need to show the President the importance we place upon the issue. We need to ensure that the executive branch completes its review of the Convention as expeditiously as possible, so that the President can send it to the Senate for ratification.

I ask unanimous consent that the attached statements by the U.S. Government be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY TOM JOHNSON, REPRESENTATIVE TO THE U.N. COMMISSION ON HUMAN RIGHTS UPON PASSAGE OF RESOLUTION FAVORING THE CONVENTION ON THE RIGHTS OF THE CHILD, MARCH 8, 1989

Thank you, Mr Chairman. My statement is in the nature of a comment and an explanation of vote before the vote on Draft Resolution L88. Mr. Chairman, my delegation is pleased to be able to express its support for Draft Resolution L88 as it has been placed before us and of course that includes support for adoption by this Commission of the Draft Convention on the Rights of the Child as it has been submitted by the Working Group in document E/CN4/1989/29 and co-agenda 1. We believe that this draft resolution and incorporating by reference the Draft Convention should be adopted by this Commission by consensus.

Mr. Chairman my delegation is pleased to be able to note our support for draft resolution L88 because it represents many years of work by members of this Commission, by observers and by Non-Governmental Organizations. My government has been active at every stage of the process and as one who participated in the very early years of the Working Group, my delegation would agree with the many speakers who have said today that there has been quite an evolution in the process since 1978 when it all began.

Like some other delegations, Mr. Chairman, my delegation had its doubts whether in the end we would be able to support a resolution like L88. This is because the Draft Convention did not originate in a broad based proceed need for such a Convention. Rather at the outset it appeared to be a symbolic effort in connection with the International Year of the Child. And secondly, the approach taken in the original draft was more like that in a Declaration rather than in a Convention. And finally, my delegation had its doubts that we would ever get to a draft resolution like L88 because the original draft took an approach that, in our view, implied that the approach that should be taken in the final Convention would be that of a centralized government approach to all matters concerning the child rather than any consideration to private sectors.

Our ability to join consensus on L88 stands from the achievement of the Working Group in accomplishing three objectives, Mr. Chairman. The first, as we have heard from many speakers today, this final version of the Draft Convention includes articles on many important subjects which were not addressed in the original draft. Secondly, Mr. Chairman, the Working Group ensured that the Draft Convention recognizes parents rights vis-a-vis governmental intervention as well as the civil and political rights of children themselves. And finally, Mr. Chairman, the Working Group over the years was able to correct the systematic bias in the original draft in favor of assuming centralized government control over all aspects of society and the corresponding disregard of the private sector.

Mr. Chairman, as I indicated earlier, what we have in resolution L88 represents a great deal of hard work by government representatives and by Non-Governmental Organization representatives and in that regard, my delegation would note the positive changes in the nature of the composition of the Working Group over the years and by the last few years of the Working Group's existence, there was great deal of expertise among both government and NGO representatives. We still had the difficult problems of maintaining a balance between legal, technical and diplomatic expertise but nevertheless the Working Group had come a long way in its ten years of existence.

Mr. Chairman, despite our readiness to join consensus on Draft Resolution L88, my delegation is disappointed with certain provisions in the Convention just as many other speakers have noted today, but this is part of the consensus process and my delegation will note to specify which provisions we had difficulties with, we did that in the Working Group and this Commission is pressed for time at the moment. But, as the Working Group report makes clear, Mr. Chairman, the entire text of this Convention, every article, every paragraph has been adopted by consensus, except for the financing provisions in article 43. Mr. Chairman, without going into great detail, we would note that many remarks have been made today about article 38 of the Draft Convention which concerns children in armed conflicts. It's been the view of my government that this Commission, the General Assembly are not the appropriate forums to rewrite or revise existing humanitarian law and again, without going into the merits of the debate because we did that extensively in the Working Group, my delegation would note the comments just made by the International Committee of the Red Cross and to cite the specific words used, the International Committee of the Red Cross suggested that article 38 be confined to the first paragraph and stated that that constituted the most reasonable solution. My delegation thinks that if that very reasonable approach had been taken at the outset, many of the difficulties that have been experienced could have been avoided.

Mr. Chairman, my delegation takes great pleasure in being able to announce our support for draft resolution L88 for 3 additional reasons. First, Mr. Chairman, we think that the delegation of Poland, the government of Poland deserves a great deal of credit for pursuing this initiative. It can be said that, if Poland had not taken this initiative some other government might have done so at some point, and that may be true but the fact remains that Poland did take the initiative, maintained its interest and involvement in this matter over a 10-year-period, put up with all sorts of frustrations from a wide variety of viewpoints and a wide variety of governments and each year, the Commission on the Human Rights and in the General Assembly, introduced the resolution, gathered the co-sponsors and was able to obtain adoption of the resolution in each case. So we think that Poland deserves a great deal of credit for bringing us to this point where draft resolution L88 can, we hope, be adopted by consensus.

Secondly, Mr. Chairman, my delegation would join those who have saluted the chairman of the Working Group for all 10 of its years, Mr. Adam Lopatka of Poland. Before he left today, my delegation told him privately what we will now say publicly, and that is that over the 10 years that this product—referring to L88—was in the gestation stage, 6 different members of the Department of State, office of the legal adviser had the privilege of representing the United States. All six are still employed by the Department of State, and all six of us would agree that not only can we join the consensus, but in fact we would be willing to vote in favour of the proposition that draft resolution L88 and what it represents is doing a great part to the dedication, determination, and virtually unlimited patience of Professor Adam Lopatka, the kind of patience that you would expect to see from a very kind and caring father no matter how exasperating the situation and I can assure you that over the last ten years, there have been many exasperating situations some of which my delegation has contributed to and he has without question, without exception, been patient in the face of almost overwhelming frustration.

And finally, Mr. Chairman, my delegation would like to pay tribute to the Secretariat in this matter. We think that if delegations simply look at the volume of documentation connected with draft resolution L88, namely the report of the Working Group plus the various stages of the Convention itself that have had to be produced and had to be produced in all languages and had to be produced fairly quickly, we think that Mr. Martenson and his staff deserve tremendous praise and credit for the job they have been able to do with a minimum level of typographical errors and other problems. So my delegation thinks that draft resolution L88 has been a team effort involving governments, Non-Governmental Organizations and the Secretariat and we are very pleased at the prospect that draft resolution L88 will be adopted by consensus. Thank you, Mr. Chairman.

[Press release from the U.S. Mission to the United Nations, New York, NY, Nov. 10, 1989]

STATEMENT BY HON. CHRISTOPHER H. SMITH, U.S. ALTERNATE REPRESENTATIVE TO THE 44TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY, IN THE THIRD COMMITTEE, ON ITEM 108, ADOPTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

Thank you very much, Mr. Chairman. After ten years of constructive dialogue, seemingly endless consultations and finally an agreement, the Commission on Human Rights has presented the Convention on the Rights of the Child to the United Nations General Assembly for adoption. The United States participated actively in the drafting of the Convention. We believe that it represents a notable step forward in the needed promotion and protection of the rights of children. Although the Convention is far from perfect—no agreement ever is—the United States strongly believes in the enumerated commitments and goals of the Convention, and it is our hope that the General Assembly will adopt the text without change.

Mr. Chairman, the Government of Poland deserves much of the credit for the conclusion of this Convention. The version we

have before us today represents many years of debate and revisions to the Government of Poland's first draft; but if it were not for that initial effort over ten years ago, we might not be considering adoption of a Convention on the Rights of the Child during the forty-fourth session of the General Assembly. We must also make special mention of Professor Adam Lopatka of Poland, who served with distinction as Chairman of the working group established to draft the Convention.

Mr. Chairman, the United States also recognizes the valuable contribution made by many non-governmental organizations during the drafting process. The promotion of human rights standards inevitably creates a certain tension between what might be best in an ideal world and what governments are prepared to accept today. Although in the end it is governments that are bound to uphold human rights standards, the participation of non-governmental organizations in the drafting of these conventions—and in the United Nations generally—serves to push us to higher standards over and above our parochial interests. In addition, it prevents us from being content to settle for the lowest common denominator.

The Convention on the Rights of the Child grapples with many difficult issues and rests on several hard-fought compromises. A number of these compromises were necessitated by the differing cultural, legal, and religious views of the unique relationship between the rights of the child, the rights and responsibilities of parents, and the state's obligations of legal and moral protection. Other concessions were necessary on other matters. My government, like many others, is not completely satisfied with some of these compromises. But because we recognize the importance and desirability of adopting the Convention without further delay, we do not wish to reopen negotiation on any part of the text.

For the record, Mr. Chairman, I would like to make a brief statement of my government's views on several aspects of the Convention.

PROTECTION OF THE UNBORN

The United States fully supports the inclusion within the Preamble of the Convention language from the 1959 Declaration of the Rights of the Child confirming that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."

Birth is an event which happens to each of us. The most tender, formative 9 months prior to this great event will forecast the healthiness of the child after birth. One of the most positive protections for a healthy childhood—after life itself—is proper prenatal care.

We in the United States are just now fully recognizing the positive effects of basic maternal and prenatal care. This does not demand elaborate, expensive medical facilities; the basics cost little but are extremely effective. For instance, sound nutritional education and tetanus toxoid inoculation for mothers produce resounding positive effects. Neonatal tetanus is the single most important identifiable cause of infant mortality in the developing world. Mr. Chairman, this threat can be wiped out if the child inherits the benefits of his or her mother's tetanus inoculation.

The United States Agency for International Development has launched a new project for maternal and neonatal health and nutrition in developing countries. Comprehensive research and experience, domestically and internationally—through organizations such as the World Health Organization—have proven that proper prenatal and neonatal care spell the difference between a healthy or health-threatened mother, and between a strong or vulnerable child. Healthy babies, right from the start, will help provide brighter futures for all of our children, who represent our own future and our legacy for the next generation.

RELIGIOUS RIGHTS AND FREEDOM OF CONSCIENCE

My Government concurs fully and is pleased that the Convention reaffirms "the right of the child to freedom of thought, conscience and religion." The international community has long agreed that all people, including children, must be guaranteed religious rights. As early as 1948, when the General Assembly adopted the Universal Declaration of Human Rights (the one document which was deposited with the United Nations Charter in the cornerstone of this building), the General Assembly declared that "Everyone"—and I wish to emphasize the word everyone—"has the right to freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance" (Article 18).

Although parents or guardians must of course offer guidance and assist young children in the exercise of their right to freedom of conscience, we must recognize that this inherent and inalienable right of religious freedom is a precious right of each individual, including children. If possible, the United States would have wished for a stronger reaffirmation of this in the Convention.

In particular, Mr. Chairman, we would have liked to specify that children continue to have such supplementary rights as the freedom to have or to change a religion, the right to worship according to their beliefs alone or with others, and the right to teach, learn, and practice their religion in public and in private. The Universal Declaration on Human Rights and other international instruments include references to such supplementary rights, and the United States continues to believe that they apply to everyone, including children.

FUNDING

The United States firmly believes that the costs of the Committee on the Rights of the Child that will be established by the Convention should be borne exclusively by the States that ratify the Convention. In our view, Mr. Chairman, the Committee established by the Convention is not a United Nations body, but an instrument of the States Parties to the Convention. Only those States may nominate and elect members of the Committee; only those States submit reports to it. Moreover, the Convention will enter into force when only twenty States have ratified it. We believe that it would be inappropriate for the entire membership of the United Nations to bear the expenses of a body created to serve so small a number of States, at least initially.

In any event, United Nations financing is no guarantee of full financing for committees such as this one. In times of budgetary constraint, the Members of the United Nations can and very well may decide which functions the Committee will have to forgo. The United States believes that State-party financing is more likely to preserve the independence of the Committee on the Rights of the Child for that financing method would give the Committee complete power to decide how to use its funds.

The current draft of the Convention on the Rights of the Child addresses many of the social concerns facing the children of the world. I would like to highlight a number of the key elements that the United States Government supports.

FAMILY REUNIFICATION

We are particularly concerned about the reunification of families, so that children and parents can live together. Families have been torn apart by wars, restrictive borders, and indiscriminate limits on emigration rights. This disruption in cohesive family ties is especially detrimental to the lives of children, who are generally the ones who suffer the most from forced separations. The Convention obligates the States parties to address reunifcation applications by children or their parents "in a positive, humane and expeditious manner." This is an easily obtainable goal, and governments should not have difficulty in doing this.

ABUSE AND NEGLECT

The prevention of physical and mental abuse against children demands constant vigilance, a moral and ethical consciousness throughout our society—from government agencies, to churches, synagogues and mosques, to local community awareness efforts, to neighbors and families. The scourge of child abuse—whether physical or sexual abuse, whether negligence, neglect, or other forms of exploitation—is all too prevalent throughout the world. Governments must be committed to providing legal and administrative protection to children, as well as supporting social and educational programs that help prevent this gross scourge which has infected many of our communities.

ADOPTION

With the strong and active encouragement of President Bush, the United States Government has promoted the adoption of children by loving and caring families. Through legal safeguards and constructive adopting agencies, governments can help ensure that eligible children or orphaned children enjoy the love and nurture of a family. As an example of how a government can promote adoption, President Bush is scheduled to sign into law a bill which will designate the last week of this month as "National Adoption Week" in the United States.

This initiative of the Congress and the President of the United States will help bring attention to the rewards of adoption, both for children and for parents. A specific commemorative week will help promote legal adoption, and it will call special attention to the needs of children with mental and physical handicaps who do not have a family to care for their special requirements. This brings to mind Article 23 of the Convention, which deals with disabled children.

DISABLED CHILDREN

The United States is keenly aware of the special needs of mentally or physically disabled children, and we fully support the Convention's call for a "full and decent life" for these children.

The world has come a long way from the days when the handicapped were locked away far from the support base of their family and the loving care of those who are able to help rehabilitate, train, and educate these children with special needs. Recogni-

tion of the rights of the handicapped has been slow. We hope that there will be a strong commitment to this particular goal in helping ensure that children with special needs receive proper guidance, so that they may "achieve the fullest possible social integration and individual development."

CONCLUSION

As I made clear at the outset, the United States is satisfied that the working group which drafted the Convention on the Rights of the Child made such progress and achieved consensus on all substantive issues. We sincerely hope that the General Assembly will adopt the Convention without a vote and without changing any of the text.

The United States does believe, however, that we must view the Convention in a sober, realistic light. It is not a perfect document, and its entry into force will not solve all problems and all threats for all children. Only by recognizing this can the international community work together to make the best possible use of the Convention. Necessary protection for our societies' vulnerable and helpless will ultimately have to be demanded by the moral commitment of men and women throughout the world, and will have to be guaranteed by Member States.

To borrow from the teachings recorded in the Book of Luke, "he who is the least among you all—he is the greatest." Our children are the greatest hope among our generation. They deserve our protection, our loving care, and the opportunity to achieve their best with their talents. The adoption of the Convention on the Rights of the Child will serve as a starting point—a launching pad—for improving the status and situation of all children of all nationalities, creeds, and social status. Thank you, Mr. Chairman.●

● Mr. LUGAR. Mr. President, I am pleased to join my colleague Senator BRADLEY today in introducing a resolution encouraging the administration to review and quickly forward to the Senate for ratification of the Convention on the Rights of the Child.

I share Senator BRADLEY's intense interest in ensuring the basic rights and freedoms for children the world over. Today, we underscore our belief that children are our most precious resource and deserving of the protections we as caring adults are committed to provide. That is why children have special protection in the United States. Our laws punish child abusers, regulate and oversee adoption and foster care, help parents provide for child care, assure collection of child support payments, and attempt to educate all our children. However, we are painfully aware that assurances are not provided or guaranteed universally. The purpose of this convention is to prod all countries to subscribe to higher standards of treatment and protection for children.

Throughout the world, children are subject not only to social and economic difficulties, but also to intentionally inflicted abuses of their most fundamental rights. In many countries, governments refuse to acknowledge any responsibility for their children and have abdicated responsibility for preparing their future generations for the challenges ahead. In parts of the world, children work under appalling conditions, are bought and sold in illegal adoption schemes, and are used as cannon fodder in war. Around the world, nearly 40,000 children die of lack of immunization against preventable disease.

The U.N. Convention on the Rights of the Child is an international treaty guaranteeing children the fulfillment of their basic needs, protections, and freedoms. The Convention was unanimously endorsed by the United States and other members of the United Nations on November 20, 1989, after 10 years of study and debate. The Convention establishes minimum standards for measuring the way governments treat their children and includes many of the rights guaranteed under our Bill of Rights. Today, we encourage President Bush to take the next important step by embracing the convention and promptly seeing the advice and consent of the Senate on its ratification. Ratification will not incur any cost or appropriation by the United States. It would set high standards for all nations to agree to in the treatment of children and for all to judge compliance. Hopefully, it will help build a commitment by other nations to improve the lives of children and to give greater priority to their needs.

Senator BRADLEY and I intend to work closely to speed the progress of the ratification process. We have agreed to serve on an advisory council to urge adoption of this Convention. We believe that the United States has a special leadership role to play in ensuring that the most basic protections long afforded children in our country become a part of the lives of children worldwide. I encourage our colleagues to join us in this effort.●

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony from the Department of Energy on its decision plan related to the opening of the waste isolation pilot plant in Carlsbad, NM. Testimony will also be received on any proposed legislation to withdraw the public lands surrounding the WIPP site.

The hearing, originally scheduled to take place on February 1, 1990, has been rescheduled. The hearing will now take place on Thursday, March 8, 1990, at 9:30 a.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attn: M.L. Wagner.

For further information, please contact Mary Louise Wagner at (202) 224-7569.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony from the Department of Energy's implementation of the civilian nuclear waste program.

The hearing will take place on Thursday, February 22, 1990, at 9:30 a.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for this hearing should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please contact Mary Louise Wagner at (202) 224-7569.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on S. 1554, the Truckee-Carson-Pyramid Lake Water Rights Settlement Act.

The hearing will take place on February 6, 1990, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the subcommittee, SD-364, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on February 7, 1990, beginning at 2 p.m. The purpose of the hearing is to receive testimony on two major provisions of H.R. 987, the House-passed Tongass

reform legislation, which have not been directly addressed at previous subcommittee hearings. Specifically, the subcommittee will take testimony on those portions of H.R. 987, relating to fisheries protection and buffer zones (sec. 104(e)), and those provisions relating to the designation of additional wilderness areas on the Tongass National Forest (title III).

The hearing will be held in room SD-366 of the Senate Dirksen Office Building in Washington, DC. Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510.

For further information regarding the hearing, please contact Beth Norcross of the subcommittee staff at (202) 224-7933.

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Mr. HARKIN. Mr. President, I am pleased to advise the Senate that the Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies will hold its fiscal year 1991 public witness hearings on the following dates: March 20, 21, 22, 27, 28, and 29. The first day of hearings will include any testimony from Members of Congress.

The deadline for interested groups or individuals to submit their request to testify is Wednesday, February 14. All requests must be in writing and should be addressed to me in care of the Labor, Health and Human Services, Education, and Related Agencies Appropriations Subcommittee, Senate Dirksen 186, Washington, DC 20510.

Unfortunately, the subcommittee can no longer accept reservations for multiple slots made by Washington representatives but instead must have signed requests from the individual organizations.

It should be noted that again this year, because of time constraints, the number of public witnesses will be limited to 150. Therefore I urge interested parties to respond in a timely manner.

Those first 150 persons whose requests are received by February 14 will receive a letter providing instructions for their appearance before the subcommittee. Interested groups or individuals who are not among the first requests will be given the opportunity to have their written testimony published in the committee's hearing record.

The deadline for those who wish to submit statements for the hearing record will be Monday, April 9. Such statements must be no longer than five double-spaced pages, and three copies should be sent to me in care of the subcommittee.

For those Senate offices which I believe may be interested, I ask unanimous consent that the regular hearing schedule for the subcommittee be printed in the RECORD.

There being no objection, the material was ordered to be reprinted in the RECORD, as follows:

FISCAL YEAR 1991 HEARING SCHEDULE

SENATE APPROPRIATIONS SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

Friday, February 2, 10:00 a.m.-12 noon, SD-192

Department of Education: Secretary of Education; Special Institutions.

Friday, February 2, 1:30 p.m.-3:00 p.m., SD-192

Assistant Secretaries; Inspector General.

Tuesday, February 6, 10:00 a.m.-12 noon, SD-138

Department of Labor: Secretary of Labor; Inspector General.

Wednesday, February 7, 10:00 a.m.-12:15 p.m., SD-192

Department of HHS: Secretary-Overview, Office of Civil Rights, Policy Research; Family Support Administration; Human Development Services; Inspector General.

Wednesday, February 7, 1:15 p.m.-3:00 p.m., SD-192

Social Security Administration; Health Care Financing Administration.

Friday, February 9, 10:00 a.m.-12 noon, SD-192

Office of the Assistant Secretary for Health; Office of Health Care Policy and Research; Centers for Disease Control; Alcohol Drug Abuse and Mental Health Administration; Health Resources and Services Administration.

Tuesday, February 20, 10:00 a.m.-12:30 p.m., SD-138

National Institutes of Health: Overview (includes Office of Director and Buildings & Facilities); National Cancer Institute; Heart, Lung and Blood Institute; National Dental Institute; Diabetes, Digestive, and Kidney; Allergy & Infectious Diseases; Child Health & Human Development; Environmental Health.

Tuesday, February 20, 1:30-4:00 p.m., SD-138

National Institutes of Health: Neurology Institute; Deafness Institute; General Medical Sciences; National Eye Institute; National Institute on Aging; Arthritis Musculoskeletal & Skin; Division of Research Resources; Nursing Research; Human Genome; National Library of Medicine.

Wednesday, February 28, 10:00 a.m.-12:30 p.m., SD-192

Related Agencies: ACTION; National Council on Disability; Federal Mediation and Conciliation Service; National Mediation Board; Railroad Retirement Board; Federal Mine Safety and Health Review Commission; National Labor Relations Board; Occupational Safety and Health Review Commission.

Wednesday, February 28, 1:30-3:30 p.m., SD-192

Related Agencies: Physician Payment Review Commission; Corporation for Public Broadcasting; National Commission on Libraries; U.S. Institute of Peace; National Commission on AIDS; Prospective Payment Assessment Commission; National Commission to Prevent Infant Mortality; Soldiers' and Airmen's Home.

PUBLIC WITNESSES

Tuesday, March 20, 9:30 a.m.-12 noon, SD-138.

Wednesday, March 21, 9:30 a.m.-12 noon, SD-192.

Thursday, March 22, 9:30 a.m.-12 noon, SD-138.

Tuesday, March 27, 9:30 a.m.-12 noon, SD-138.

Wednesday, March 28, 9:30 a.m.-12 noon, SD-192.

Thursday, March 29, 9:30 a.m.-12 noon, SD-116.

ADDITIONAL STATEMENTS

RULES OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JOHNSTON. Mr. President, in accordance with the standing rule XXVI(2), I submit the rules of the Committee on Energy and Natural Resources for publication in the CONGRESSIONAL RECORD.

The rules of the Committee on Energy and Natural Resources follow:

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee meeting or hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) Hearings and business meetings of the Committee or any Subcommittee shall be open to the public except when the Committee or such Subcommittee by majority vote orders a closed hearing or meeting.

(b) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of the Committee or the Subcommittee involved agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances

require expedited procedures and a majority of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure or subject shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include legislative measures or subjects on Committee or Subcommittee agenda in the absence of such a request.

(b) The agenda for any business meeting of the Committee or any Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or any Subcommittee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), seven Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matters shall be ordered reported from the Committee unless ten Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), one-third of the Subcommittee Members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request on any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 9. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or Subcommittee deems such to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made public on a form approved by the Committee, unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a statement of their financial interests in the form required in the case of Presidential nominees under this rule.

CONFIDENTIAL TESTIMONY

Rule 10. No confidential testimony taken by or confidential material presented to the Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public, in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 11. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 12. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 13. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

FULL COMMITTEE ISSUES

Jurisdiction of the Full Committee includes oversight and legislative responsibilities for strategic petroleum reserves; intergovernmental relations; Outer Continental Shelf leasing; investigation and oversight; international energy affairs; global climate change; natural gas pricing and regulation; utility policy; nuclear waste and insurance programs; territorial affairs including Commonwealths; Free Associated States; and Antarctica. [In addition, other issues are retained in the Full Committee on an ad hoc basis. Generally, these are issues which (1) require extremely expeditious handling or (2) substantially overlap two or more subcommittee jurisdictions, or (3) are of exceptional national significance in which all Members wish to participate fully.]

MEMBERSHIP AND JURISDICTION OF SUBCOMMITTEES

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Howard M. Metzenbaum, *Chairman*
Bill Bradley
Jeff Bingaman
Timothy E. Wirth
Don Nickles
Frank H. Murkowski
Pete V. Domenici

J. Bennett Johnston and *James A. McClure* are Ex Officio Members of the Subcommittee

Jurisdiction of the Subcommittee includes oversight and legislative responsibilities for Federal energy conservation programs; energy information; commercialization of new technologies (e.g., wind, solar, ocean thermal energy conversion); liquefied natural gas projects; oil and gas pipelines and pipeline regulation including regulation of Alaska Natural Gas Transportation System, Trans-Alaska Pipeline System, and other oil or gas pipeline transportation systems within Alaska (e.g., the Trans-Alaska Gas line system); regulatory functions of ERA; refinery policy; gasoline rationing; emergency preparedness; petroleum allocation; and coal conversion.

NOTE.—Italic denotes Republican Members.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Wendell H. Ford, *Chairman*
John D. Rockefeller IV, *Vice Chairman*
Dale Bumpers
Howard M. Metzenbaum
Timothy E. Wirth
Howell T. Heflin
Pete V. Domenici
Mitch McConnell
Don Nickles
Conrad Burns
Jake Garn

J. Bennett Johnston and *James A. McClure* are Ex Officio Members of the Subcommittee

Jurisdiction of the Subcommittee includes oversight and legislative responsibilities for nuclear R&D; coal and synfuels R&D; nuclear and nonnuclear energy commercialization projects; nuclear fuel cycle policy, including uranium resources; new technologies R&D (e.g., conservation, solar, OTEC, and MHD); nuclear facilities siting; and breeder reactor development.

NOTE.—Italic denotes Republican Members.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Jeff Bingaman, *Chairman*
Howell T. Heflin, *Vice Chairman*
Dale Bumpers
Wendell H. Ford
Kent Conrad
Frank H. Murkowski
Mitch McConnell
Malcolm Wallop
Don Nickles

J. Bennett Johnston and *James A. McClure* are Ex Officio Members of the Subcommittee

Jurisdiction of the Subcommittee includes oversight and legislative responsibilities for energy and nonfuel mineral resources; Federal mineral leasing; national mining and minerals policy and general mining laws; surface mining, reclamation and enforcement; coal production, distribution and utilization; oil and gas production and distribution; mining education and research; minerals exploration development and production from public and acquired lands; mineral conservation; royalty management; coal severance tax, Naval Petroleum and Oil Shale Reserves; deep water ports; and deep seabed mining.

NOTE.—Italic denotes Republican Members.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Dale Bumpers, *Chairman*
Timothy E. Wirth, *Vice Chairman*
Bill Bradley
Jeff Bingaman
Kent Conrad
John D. Rockefeller IV
Malcolm Wallop
Mark O. Hatfield
Conrad Burns
Jake Garn
Pete V. Domenici

J. Bennett Johnston and *James A. McClure* are Ex Officio Members of the Subcommittee

Jurisdiction of the Subcommittee includes oversight and legislative responsibilities for the public lands administered by the Bureau of Land Management; National Forest System; National Park System; National Wilderness Preservation System; Wild and Scenic Rivers System; National Trails System; establishment of wildlife refuges on public lands; Alaska Native Claims Settlement Act; Alaska National Interest Lands Conservation Act; reserved water rights; military land withdrawals; national recreation areas; national monuments; historic sites; military parks and battlefields; Land and Water Conservation Fund; historic preservation; renewable resources; outdoor recreation resources; and on the public domain, preservation of prehistoric ruins and objects of interest.

NOTE.—Italic denotes Republican Members.

SUBCOMMITTEE ON WATER AND POWER

Bill Bradley, *Chairman*
Kent Conrad, *Vice Chairman*
Wendell H. Ford
Howard M. Metzenbaum
Howell T. Heflin
Conrad Burns
Mark O. Hatfield,
Jake Garn
Malcolm Wallop

J. Bennett Johnston and *James A. McClure* are Ex Officio Members of the Subcommittee

Jurisdiction of the Subcommittee includes oversight and legislative responsibilities for irrigation; reclamation projects; including related flood control purposes; power marketing administration (e.g., Bonneville Power, Alaska Power, Southwestern Power, Western Area Power, Southeastern Power); energy development impacts on water resources; groundwater resources and management; small power producers; hydroelectric power; low head hydro.

NOTE.—Italic denotes Republican Members.●

RETIREMENT OF DELZA MARTIN

● Mr. WILSON. Mr. President, it is with enormous admiration for her lifelong dedication to the Old Globe Theatre in San Diego, CA, that I join with her community in saluting Delza Martin on the occasion of her retirement from the Old Globe's board of directors.

Delza has been at the heart and soul of the Old Globe Theatre, as instigator and visionary leader of its growth and global distinction, as a guiding light toward its excellence, and as guardian of a most important part of San Diego's cultural fabric.

The title given her by an appreciative community as president emeritus of the Old Globe Theatre is eloquent testimony to the extraordinary contributions she has made to this theater since its inception as the San Diego Community Theater in 1937 both as an actress and as one who has defined the structure and essence of this theater. She has seen the Old Globe through its good times, and in a time when courage and fortitude were required to rebuild it from the ashes of a destructive fire.

In writing many pages of San Diego history in the course of her association with the Old Globe, Delza has given her community, and its treasured theater, an uncommon legacy of service. I am proud to honor her in this Chamber of the U.S. Senate as she closes this productive chapter and I join with her fellow San Diegans in congratulating her and in wishing her every future happiness.●

SEVENTIETH ANNIVERSARY OF THE BUTLER INSTITUTE OF AMERICAN ART

● Mr. METZENBAUM. Mr. President, October 19, 1989, marked the 70th anniversary of the Butler Institute of American Art, located in Youngstown, OH. A pioneer among American art museums and the first museum in the United States founded for the care and collection of American art, the Butler Institute serves as a cultural center of the northeastern Ohio and western Pennsylvania region. The permanent collection of the Butler Institute includes the works of such noted artists as Benjamin West, John Singleton Copley, Winslow Homer, Thomas Eakins, Martin Johnson Heade, Mary Cassatt, Albert Bierstadt, Frederick Remington, Fitzhugh Lane, Edward Hopper, Raphael Soyer, Jack Levine, Joan Mitchell, Philip Pearlstein, Helen Frankenthaler, and Andy Warhol.

In celebration of its 70th anniversary, the Butler Institute is hosting a premier exhibition of major drawings and prints of the world-renowned American artist Jasper Johns from the collection of the distinguished New York gallery owner Leo Castelli. Mr. Johns, an artist who personifies the true greatness of American postwar art, has been a major influence on the direction of contemporary American art for 30 years. Mr. Castelli, founder of the Leo Castelli Gallery, the premier gallery of contemporary American art in the world, has promoted excellence among American contemporary painters and sculptors and has made a unique and lasting contribution to the visual arts culture of the United States.

The historic Butler Institute of American Art continues to offer free admission to all in keeping with the wishes of the museum's founder, industrialist Joseph G. Butler, Jr. With its 18 art-filled galleries containing numerous artistic treasures, the Butler Institute has been called America's Museum.

Mr. President, it is with great pleasure that I take this opportunity to extend my congratulations to Dr. Louis A. Zona and the board of trustees of the Butler Institute on the occasion of the museum's 70th anniversary.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by the foreign government or organization.

The select committee has received a request for a determination under rule 35 for Mr. Karl Hausker, economist for the Committee on energy and Natural Resources, to participate in a program in Venezuela, sponsored by the Petroleos de Venezuela, from November 25 to 30, 1989.

The committee has determined that participation by Mr. Hausker in the program in Venezuela, at the expense of the Petroleos de Venezuela, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Mary K. Wakefield, a member for the staff of Senator BURDICK, to participate in a program in Taiwan, sponsored by the Soochow University, from November 29 to December 5, 1989.

The committee has determined that participation by Ms. Wakefield in the program in Taiwan, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. James T. Bruce, senior counsel for the Committee on Energy, to participate in a program in Venezuela, sponsored by the Petroleos de Venezuela, from November 25 to 30, 1989.

The committee has determined that participation by Mr. Bruce in the program in Venezuela, at the expense of the Petroleos de Venezuela, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Laura Hudson, a member of the staff of Senator JOHNSTON, to participate in a program in Austria, sponsored by the Austrian Federal Economic Chamber, from February 9 to 24, 1989.

The committee has determined that participation by Ms. Hudson in the program in Austria, at the expense of the Austrian Federal Economic Chamber, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. C. Richard D'Amato, a member of the staff of Senator BYRD, to participate in a program in France, sponsored by the Center of Analysis and the Future, in cooperation with the Association for the Reception of Foreign Personalities of the French Foreign Ministry, from December 4 to 23, 1989.

The committee has determined that participation by Mr. D'Amato in the program in France, at the expense of the Center of Analysis and the Future, in cooperation with the Association for the Reception of Foreign Personalities of the French Foreign Ministry, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Alfred Cumming, a member of the staff of Senator GRAHAM, to participate in a program in Venezuela, sponsored by the Petroleos de Venezuela, from November 25 to 30, 1989.

The committee has determined that participation by Mr. Cumming in the program in Venezuela, at the expense of the Petroleos de Venezuela, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Denise Greenlaw Ramonas, a member of the staff of Senator DOMENICI, to participate in a program in Turkey, sponsored by the Foreign Policy Institute, from December 8 to 17, 1989.

The committee has determined that participation by Ms. Ramonas in the program in Turkey, at the expense of the Foreign Policy Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Mitchell Bainwol, the administrative assistant to Senator MACK, to participate in a program in Taiwan, sponsored by the Soochow University, from November 29 to December 5, 1989.

The committee has determined that participation by Mr. Bainwol in the program in Taiwan, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Brent Franzel, a member of the staff of Senator BOND, to participate in a program in Turkey, sponsored by the Foreign Policy Institute, from December 8 to 17, 1989.

The committee has determined that participation by Mr. Franzel, in the program in Turkey, at the expense of the Foreign Policy Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Dr. Harry G. Broadman, chief economist of the Committee on Governmental Affairs, to participate in a program in Korea, sponsored by the Korean Development Institute, from December 8 to 17, 1989.

The committee has determined that participation by Dr. Broadman in the program in Korea, at the expense of the Korean Development Institute is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Anthony H. Cordesman, a member of the staff of Senator MCCAIN, to participate in a program in Zurich, sponsored by the Center for Security Studies and Conflict Research, from January 12 to 14, 1990.

The committee has determined that participation by Mr. Cordesman in the program in Zurich, at the expense of the Center for Security Studies and Conflict Research, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Anthony H. Cordesman, a member of the staff of Senator MCCAIN, to participate in a program in Geneva, sponsored by the Graduate Institute of International Studies at the University of Geneva, from December 19 to 21, 1989.

The committee has determined that participation by Mr. Cordesman in the program in Geneva, at the expense of the Graduate Institute of International Studies at the University of Geneva, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Dan Rich, a member of the staff of Senator CRANSTON, to participate in a program in the People's Republic of China, sponsored by the Chinese People's Institute for Foreign Affairs, from December 7-21, 1989.

The committee has determined that participation by Mr. Rich in the program in the People's Republic of China, at the expense of the Chinese People's Institute for Foreign Affairs, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. William Conway, a member of the staff of Senator JOHNSTON, to participate in a program in Austria, sponsored by the Austrian-American Friendship Program, from January 6-20, 1990.

The committee has determined that participation by Mr. Conway in the program in Austria, at the expense of the Austrian-American Friendship Program, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Rob Soofer, a member of the staff of Senator GORTON, to participate in a program in the People's Republic of China, sponsored by the Tamkang University, from January 11-19, 1990.

The committee has determined that participation by Mr. Soofer in the program in the People's Republic of China, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Andrew Samet, a member of the staff of Senator MOYNIHAN, to participate in a program in Malaysia, sponsored by the U.S.-Asia Institute, from January 3-16, 1990.

The committee has determined that participation by Mr. Andrew Samet in the program in Malaysia, at the expense of the U.S.-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Brian McKeon, a member of the staff of Senator BIDEN, to participate in a program in South Korea, sponsored by the A-san Foundation, from January 6-13, 1990.

The committee has determined that participation by Mr. KcKeon in the program in South Korea, at the expense of the A-san Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Sarah Sewall, a member of the staff of Senator MITCHELL, to participate in a program in the People's Republic of China, sponsored by the U.S.-Asia Institute, from December 7-21, 1989.

The committee has determined that participation by Ms. Sewall in the program in the People's Republic of China, at the expense of the U.S.-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Saul Singer, a member of the staff of Senator MACK, to participate in a program in Ankara, Turkey, sponsored by the Foreign Policy Institute, from December 8-17, 1989.

The committee has determined that participation by Mr. Singer in the program in Ankara, Turkey, at the expense of the Foreign Policy Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Sharon Soderstrom, a member of the staff of Senator COATS, to participate in a program in Taiwan, sponsored by the Chinese Cultural University, from December 10-18, 1989.

The committee has determined that participation by Ms. Soderstrom in the program in Taiwan, at the expense of the Chinese Cultural University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Michael Hoon, a member of the staff of Senator WALLOP, to participate in a program in the People's Republic of China, sponsored by the Chinese Cultural University, from December 11-18, 1989.

The committee has determined that participation by Mr. Hoon in the program in the People's Republic of China, at the expense of the Chinese Cultural University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Richard J. Tarplin, a member of the staff of Senator DODD, to participate in a program in Taiwan and the People's Republic of China, sponsored by the Chinese Cultural University, from December 9-18, 1989.

The committee has determined that participation by Mr. Tarplin in the program in Taiwan and the People's Republic of China, at the expense of the Chinese Cultural University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Marjorie Chorlins, a member of the staff of Senator DANFORTH, to participate in a program in Korea, sponsored by the Korea Development Institute, from December 8-17, 1989.

The committee has determined that participation by Ms. Chorlins in the program in Korea, at the expense of the Korea Development Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Kathleen Harrington, a member of the staff of Senator DODD, to participate in a program in the People's Republic of China, sponsored by the Chinese People's Institute of Foreign Affairs in conjunction with the U.S.-Asia Institute, from December 7-22, 1989.

The committee has determined that participation by Ms. Harrington in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs in conjunction with the U.S.-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Bill Johnstone, a member of the staff of Senator FOWLER, to participate in a program in Kuala Lumpur, Malaysia, sponsored by the Institute of Strategic and International Studies of Malaysia in conjunction with the U.S.-Asia Institute, from January 3 to 16, 1990.

The committee has determined that participation by Mr. Johnstone in the program in Kuala Lumpour, Malaysia, at the expense of the Institute of Strategic and International Studies of Malaysia in conjunction with the U.S.-Asia Institute, from January 3 to 16, 1990, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. John Moseman, a member of the staff of Senator MURKOWSKI, to participate in a program in Oman and the United Arab Emirates, sponsored by the National Council on U.S.-Arab Relations, from January 13 to 21, 1990.

The committee has determined that participation by Mr. Moseman in the program in Oman and the United Arab Emirates, at the expense of the National Council on U.S.-Arab Relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Mark Seetin, a member of the staff of Senator BOSCHWITZ, to participate in a program in Malaysia, sponsored by the U.S.-Asia Institute, from January 3 to 16, 1990.

The committee has determined that participation by Mr. Seetin in the program in Malaysia, at the expense of the U.S.-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Brett O'Brien, a member of the staff of Senator MITCHELL, to participate in a program in Malaysia, sponsored by the U.S.-Asia Institute, from January 3 to 16, 1990.

The committee has determined that participation by Mr. O'Brien in the program in Malaysia, at the expense of the U.S.-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Riemenschneider, a member of the staff of Senator LEAHY, to participate in a program in Australia, sponsored by the Australian Special Visits Program, from January 9 to 20, 1990.

The committee has determined that participation by Mr. Riemenschneider in the program in Australia, at the expense of the Australian Special Visits Program, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Michelle Maynard, a member of the staff of the Committee on Foreign Relations, to participate in a program in Taiwan, sponsored by

the Taiwan Culture University, from January 8 to 15, 1990.

The committee has determined that participation by Ms. Maynard in the program in Taiwan, at the expense of the Taiwan Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Cesar Conda, a member of the staff of Senator KASTEN, to participate in a program in South Korea, sponsored by the A-san Foundation, from January 6 to 13, 1990.

The committee has determined that participation by Mr. Conda in the program in South Korea, at the expense of the A-san Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Robert Vastine, a member of the staff of Senator CHAFEE, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs and the Far East Studies Institute, from February 11-17, 1990.

The committee has determined that participation by Mr. Vastine in the program in China, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Patricia Davis-Watters, a member of the staff of Senator BREAUX, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from January 7-15, 1990.

The committee has determined that participation by Ms. Watters in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Barbara Larkin, a member of the staff of Senator SANFORD, to participate in a program in Malaysia, sponsored by the Institute of Strategic and International Studies of Malaysia, from January 3-16, 1990.

The committee has determined that participation by Ms. Larkin in the program in Malaysia, at the expense of the Institute of Strategic and International Studies of Malaysia, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Jim Fitzhenry, a member of the staff of Senator HATFIELD, to participate in a program in Malaysia, sponsored by the Institute of Strategic and International Studies of Malaysia, from January 3-16, 1990.

The committee has determined that participation by Mr. Fitzhenry in the program in Malaysia, at the expense of the Institute of Strategic and International Studies of Malaysia, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. John Deeken, a member of the staff of Senator BOREN, to participate in a program in Malaysia, sponsored by the Institute of Strategic and International Studies of Malaysia, from January 3-16, 1990.

The committee has determined that participation by Mr. Deeken in the program in Malaysia, at the expense of the Institute of Strategic and International Studies of Malaysia, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Ed Quick, a member of the staff of Senator PRYOR, to participate in a program in South Korea, sponsored by the A-san Foundation, from January 6-13, 1990.

The committee has determined that participation by Mr. Quick in the program in South Korea, at the expense of the A-san Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Gwendolyn van Paasschen, a member of the staff of Senator MCCAIN, to participate in a program in Taiwan, sponsored by the Soochow University, from January 6-14, 1990.

The Committee has determined that participation by Ms. Paasschen in the program in Taiwan, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Sherman, a member of the staff of Senator SIMPSON, to participate in a program in Taiwan, sponsored by the Soochow University, from January 5-14, 1990.

The committee has determined that participation by Ms. Sherman in the program in Taiwan, at the expense of the Soochow University, is in the interet of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Rolf Lundberg, a member of the staff of Senator PACKWOOD, to participate in a program in Taiwan, sponsored by the Soochow University, from January 6-14, 1990.

The committee has determined that participation by Mr. Lundberg in the program in Taiwan, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Eric Thoemmes, a member of the staff of Senator COATS, to participate in a program in Taiwan, sponsored by the Tamkang University, from January 11-19, 1990.

The committee has determined that participation by Mr. Thoemmes in the program in Taiwan, at the expense of the Tamkang University, is in the interest of the Senate and the United States.●

PROJECT GOOD TURN: KEEPING MONTANA CLEAN

● Mr. BAUCUS. Mr. President, I want to take just a moment today to recognize an example of the Montana spirit of voluntarism.

Under the sponsorship of the Montana Council of the Boy Scouts of America, an organization known as Project Good Turn has mobilized to clean up over 5,000 tons of trash from Montana's highways and public lands. Though it involves over 1,500 concerned Montanans, this remarkable effort does not cost the American taxpayer a single dime.

Mr. President, I salute the hundreds of Montanans involved in Project Good Turn. I ask that a description of the accomplishments of Project Good Turn be printed in the RECORD.

The summary follows:

SUMMARY OF PROJECT "GOOD TURN"

On April 23, 1988 approximately 15,000 participants including boy scouts and their leaders along with numerous civic organizations throughout the state of Montana scoured the highways, parks, campgrounds, and other public areas to rid our environment of the large amount of litter being dumped onto our public lands. This clean up campaign known as Project "Good Turn" led to the ultimate removal and disposal of approximately 2,000 tons of trash in only a 3-hour period.

Project "Good Turn" is an outgrowth of the original clean up birthed in 1985 called Project "93" which was designed to clean up a 500-mile span of Highway 93 and involved 1,100 scouts. Since the first project was completed, the clean up has grown to include cleaning highways, parks, campgrounds and many other public areas throughout the entire state and has brought an untold number of civic organizations to help the boys with this tremendous project. During the 5 years of it's existence, Project "Good Turn" has removed approximately 5,000 tons of trash from our public lands. The service project has raised public interest in the condition of our land and has enhanced the beauty of Montana, promoted recycling, and has given the young boys a new pride in their State. Since youth are our future, we hope to implant in them an attitude of stewardship and responsibility for the natural resources in America.

We have received significant support from the Governor's office, the Montana State Highway Patrol, the Montana Sheriff's and Peace Officer's Association, the state Amateur Radio Club, the Montana State Department of Highways, and many other organizations who helped support the project in various capacities.

The project has been extremely successful since it's conception, we have been chosen

the winner in the "Take Pride in America" campaign for 3 consecutive years and we just recently received a call from the awards committee to offer their special congratulation on the fact that Project "Good Turn" is 1 of only 4 groups nationwide who have been national winners 3 times in a row since the awards program began in 1984.●

UKRAINIAN INDEPENDENCE DAY

● Mr. D'AMATO. Mr. President, I rise today to ask that the following proclamation be printed in its entirety in the CONGRESSIONAL RECORD.

I believe that the Ukrainians should celebrate their day of Independence. I urge my colleagues to recognize the efforts of all Ukrainians.

The proclamation follows:

CITY OF BUFFALO—PROCLAMATION

Whereas, the past has brought to some parts of Central Eastern Europe long awaited changes, and where we are witnessing the opening of the Berlin Wall together with positive changes in Poland, Hungary and elsewhere; and

Whereas, there monumental events vividly demonstrated the total bankruptcy of the Communist system and electrified the free world, heightening the hopes and aspirations of the Captive Nations within the Soviet Union; and

Whereas, freedom and independence for each nation has been guaranteed by numerous international treaties, covenants and agreements, with all participating signatories pledging these rights; and

Whereas, notwithstanding these binding treaties and guarantees, only the massive outrage of the populace can undo Russian Communist oppression; and

Whereas, the Ukrainian people have solemnly declared in 1918, and reaffirmed in 1919, their determined will to lead an independent sovereign existence and have repeatedly and amply demonstrated their revolve of attainment of same; and

Whereas, there are signs that Mikhail Gorbachev is maintaining a different stance vis-a-vis Ukraine, the Baltic States, Georgia, Azerbaijan and others, and the fate of these once free nations hangs in limbo; and

Whereas, these enslaved nations form a powerful third force in the world and this force is closely bound to our moral and political convictions as an unbreakable bond declaring that freedom is indivisible and a birthright to all,

Now, therefore, I, James D. Griffin, Mayor of the City of Buffalo, do hereby proclaim Monday, January 22, 1990, as "Ukrainian Independence Day" in the City of Buffalo, and urge all our citizens to give renewed devotion to the just aspirations of the people of Ukraine who seek to regain national independence and individual liberty.●

RULES OF THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, Senator RUDMAN joins me to ask that, in accordance with rule XXVI of the Standing Rules of the Senate, the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and amended on December 21, 1989, be printed in the first publication of the CONGRESSIONAL RECORD for the 2d session of the 101st Congress, and we ask that the rules be so published.

The amendments adopted by the committee on December 21, 1989, included changes which allow a reduced quorum to take testimony except during an adjudicatory hearing, and which clarify the authority provided for subpoenas and depositions. [See, rule 1(d)(3), rule 3(c)(2), rule 4(b)(2), and rule 7].

The material follows:

SELECT COMMITTEE ON ETHICS

JURISDICTION AND AUTHORITY

S. Res. 338, 88th Cong., 2d Sess. (1964) [1]

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of Rule XXIV of the standing rules for the Senate at the beginning of each Congress. For purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c)(1) A majority of the Members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three Members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one Member of the quorum is a Member of the Majority Party and one Member of the quorum is a Member of the Minority Party. During the transaction of routine business any Member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the Members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d)(1) A member of the Select Committee shall be ineligible to participate in any initial review or investigation relating to his own conduct, the conduct of any officer or employee he supervises, or the conduct of any employee of any officer he supervises, or relating to any complaint filed by him, and the determinations and recommendations of the Select Committee with respect thereto. For purposes of this subparagraph, a Member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 11 of rule XXXVII of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at his discretion, disqualify himself from participating in any initial review or investigation pending before the Select Committee and the determinations and recommendations of the Select Committee with respect thereto. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any initial review or investigation or disqualifies himself under paragraph (2) from participating in any initial review or investigation, another Member of the Senate shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such initial review or investigation and the determinations and recommendations of the Select Committee with respect thereto. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself.

SEC. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Member of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action (including, but not limited to, in the case of a Member: censure, expulsion, or recommendation to the appropriate party conference regarding such Member's seniority or positions of responsibility; and in the case of an officer or employee: suspension or dismissal) to be taken with respect to such violations which the Select Committee shall determine, after according to the individuals concerned due notice and opportunity for hearing, to have occurred;

(3) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by a Member of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities; and

(4) report violations by a majority vote of the full committee of any law to the proper Federal and State authorities.

(b)(1) Each sworn complaint filed with the Select Committee shall be in writing, shall be in such form as the Select Committee may prescribe by regulation, and shall be under oath.

(2) For purposes of this section, "sworn complaint" means a statement of facts

[1] As amended by S. Res. 4, 95th Cong., 1st Sess. (1970), S. Res. 110, 95th Cong., 1st Sess. (1977), S. Res. 204, 95th Cong., 1st Sess. (1977), S. Res. 230, 95th Cong., 1st Sess. (1977), S. Res. 312, 95th Cong., 1st Sess. (1977), S. Res. 78, 97th Cong., 1st Sess. (1981).

within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate.

(3) Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the Select Committee may refer any such case to the Attorney General for prosecution.

(4) For the purposes of this section, "investigation" is a proceeding undertaken by the Select Committee after a finding, on the basis of an initial review, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(c)(1) No investigation of conduct of a Member or officer of the Senate, and no report, resolution, or recommendation relating thereto, may be made unless approved by the affirmative recorded vote of not less than four members of the Select Committee.

(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the members of the Select Committee voting.

(d)(1) When the Select Committee receives a sworn complaint against a Member or officer of the Senate, it shall promptly conduct an initial review of that complaint. The initial review shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(2) If as a result of an initial review under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall report such determination to the complainant and to the party charged together with an explanation of the basis of such determination.

(3) If as a result of an initial review under paragraph (1), the Select Committee determines that a violation is inadvertent, technical or otherwise of a de minimus nature, the Select Committee may attempt to correct or prevent such a violation by informal methods.

(4) If as a result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence but that the violation, if proven, is neither of a de minimus nature nor sufficiently serious to justify any of the penalties expressly referred to in subsection (a)(2), the Select Committee may propose a remedy it deems appropriate. If the matter is thereby resolved, a summary of the Select Committee's conclusions and the remedy proposed shall be filed as a public record with the Secretary of the Senate and a notice of such filing shall be printed in the Congressional Record.

(5) If as the result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence, the Select Committee shall promptly conduct an investigation if (A) the violation, if proven, would be sufficiently serious, in the judgment of the Select Committee, to warrant imposition of one or more of the penalties expressly referred to in subsection (a)(2), or (B) the violation, if proven, is less serious, but was not resolved pursuant to paragraph (4) above. Upon the conclusion of such investigation, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

(2) Upon the conclusion of any other investigation respecting the conduct of a Member or officer undertaken by the Select Committee, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

(e) When the Select Committee receives a sworn complaint against an employee of the Senate, it shall consider the complaint according to procedures it deems appropriate. If the Select Committee determines that the complaint is without substantial merit, it shall notify the complainant and the accused of its determination, together with an explanation of the basis of such determination.

(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

(g) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting investigations of complaints.

(i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.

(b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

(2) Any investigation conducted under section 2 shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

(d) Subpoenas may be issued (1) by the Select Committee or (2) by the chairman and vice chairman, acting jointly. Any such subpoena shall be signed by the chairman or the vice chairman and may be served by any person designated by such chairman or vice chairman. The chairman of the Select Committee or any member thereof may administer oaths to witnesses.

(e)(1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such

act, be subject to any sanction by the Senate.

(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

(8) A brief description of a waiver granted under paragraph 2(c) of rule XXXIV or paragraph 1 of rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

Sec. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

Sec. 5. As used in this resolution, the term "officer or employee of the Senate" means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

RULES OF PROCEDURE

135 Cong. Rec. S2933 (daily ed. Mar. 17, 1989), amended Dec. 21, 1989

RULE 1. GENERAL PROCEDURES

(a) OFFICERS: The Committee shall select a Chairman and a Vice Chairman from among its members. In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) PROCEDURAL RULES: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) MEETINGS:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman, if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written request in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) QUORUM:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority party. During the transaction of routine business any member of the Select Committee, constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 6 and any deposition taken outside the presence of a Member under Rule 7, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) ORDER OF BUSINESS: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) HEARINGS ANNOUNCEMENTS: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) OPEN AND CLOSED COMMITTEE MEETINGS: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5(b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specified period or purpose.

(h) RECORD OF TESTIMONY AND COMMITTEE ACTION: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness' testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 6 on Procedures for Conducting Hearings.)

(i) SECRECY OF EXECUTIVE TESTIMONY AND ACTION AND OF COMPLAINT PROCEEDINGS:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a sworn complaint shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) RELEASE OF REPORTS TO PUBLIC: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the views, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Com-

mittee report. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) INELIGIBILITY OR DISQUALIFICATION OF MEMBERS AND STAFF:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) The member's own conduct;

(B) The conduct of any employee or officer that the member supervises, as defined in paragraph 11 of Rule XXXVII of the Standing Rules of the Senate;

(C) The conduct of any employee or any officer that the member supervises; or

(D) A complaint, sworn or unsworn, that was filed by a member, or by any employee or officer that the member supervises.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member may also disqualify himself from participating in a Committee proceeding in other circumstances not listed in subparagraph (k)(1).

(4) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any initial review, investigation, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(5).

(5) Whenever a member of the Committee ineligible to participate in or disqualifies himself from participating in any initial review, investigation, or other substantial Committee proceeding, another Member of the Senate who is of the same party shall be appointed by the Senate in accordance with the provisions of paragraph 1 of Rule XXIV of the Standing Rules of the Senate, to serve as a member of the Committee solely for the purposes of that proceeding.

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any Member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) RECORDED VOTES: Any member may require a recorded vote on any matter.

(m) PROXIES; RECORDING VOTES OF ABSENT MEMBERS:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of an initial review or an investigation, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) APPROVAL OF BLIND TRUSTS AND FOREIGN TRAVEL REQUESTS BETWEEN SESSIONS AND DURING EXTENDED RECESSES: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV, and to approve or disapprove foreign travel requests which require immediate resolution.

(o) COMMITTEE USE OF SERVICES OR EMPLOYEES OF OTHER AGENCIES AND DEPARTMENTS: With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR SWORN COMPLAINTS

(a) SWORN COMPLAINTS: Any person may file a sworn complaint with the Committee, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate.

(b) FORM AND CONTENT OF COMPLAINTS: A complaint filed under paragraph (a) shall be in writing and under oath, and shall set forth in simple, concise and direct statements:

(1) The name and legal address of the party filing the complaint (hereinafter, the complainant);

(2) The name and position or title of each Member, officer, or employee of the Senate who is specifically alleged to have engaged in the improper conduct or committed the violation (hereinafter, the respondent);

(3) The nature of the alleged improper conduct or violation, including if possible, the specific provision of the Senate Code of Official Conduct or other law, rule, or regulation alleged to have been violated.

(4)(A) A statement of the facts within the personal knowledge of the complainant that are alleged to constitute the improper conduct or violation.

(B) The term "personal knowledge" is not intended to and does not limit the complainant's statement to situations that he or she personally witnessed or to activities in which the complainant was a participant.

(C) Where allegations in the sworn complaint are made upon the information and belief of the complainant, the complaint shall so state, and shall set forth the basis for such information and belief.

(5) The complainant must swear that all of the information contained in the complaint either (a) is true, or (b) was obtained under circumstances such that the complainant has sufficient personal knowledge of the source of the information reasonably to believe that it is true. The complainant may so swear either by oath or by solemn affirmation before a notary public or other authorized official.

(6) All documents in the possession of the complainant relevant to or in support of his or her allegations may be appended to the complaint.

(c) PROCESSING OF SWORN COMPLAINTS:

(1) When the Committee receives a sworn complaint against a Member, officer or employee of the Senate, it shall determine by majority vote whether the complaint is in substantial compliance with paragraph (b) of this rule.

(2) If it is determined by the Committee that a sworn complaint does not substantially comply with the requirements of paragraph (b), the complaint shall be returned promptly to the complainant, with a statement explaining how the complaint fails to comply and a copy of the rules for filing sworn complaints. The complainant may resubmit the complaint in the proper form. If the complaint is not revised so that it substantially complies with the stated requirements, the Committee may in its discretion process the complaint in accordance with Rule 3.

(3) A sworn complaint against any Member, officer, or employee of the Senate that is determined by the Committee to be in substantial compliance shall be transmitted to the respondent within five days of that determination. The transmittal notice shall include the date upon which the complaint, was received, a statement that the complaint conforms to the applicable rules, a statement that the Committee will immediately begin an initial review of the complaint, and a statement inviting the respondent to provide any information relevant to the complaint to the Committee. A copy of the Rules of the Committee shall be supplied with the notice.

RULE 3: PROCEDURES ON RECEIPT OF ALLEGATIONS OTHER THAN A SWORN COMPLAINT; PRELIMINARY INQUIRY

(a) UNSWORN ALLEGATION OR INFORMATION: Any member or staff member of the Com-

mittee shall report to the Committee, and any other person may report to the Committee, any credible information available to him or her that indicates that any named or unnamed Member, officer or employee of the Senate may have—

(1) violated the Senate Code of Official Conduct;

(2) violated a law;

(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate; or

(4) engaged in improper conduct which may reflect upon the Senate. Such allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) SOURCES OF UNSWORN ALLEGATIONS OR INFORMATION: The information to be reported to the Committee under paragraph (a), may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints that do not satisfy all of the requirements of Rule 2;

(2) anonymous or informal complaints, whether or not satisfying the requirements of Rule 2;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) PRELIMINARY INQUIRY:

(1) When information is presented to the Committee pursuant to paragraph (a), it shall immediately be transmitted to the Chairman and the Vice Chairman, for one of the following actions:

(A) The Chairman and Vice Chairman, acting jointly, may conduct or may direct the Committee staff to conduct, a preliminary inquiry.

(B) The Chairman and Vice Chairman, acting jointly, may present the allegations or information received directly to the Committee for it to determine whether an initial review should be undertaken. (See paragraph (d).)

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, and subpoenas that the Chairman and the Vice Chairman deem appropriate to obtain information upon which to make any determination provided for by this Rule.

(3) At the conclusion of a preliminary inquiry, the Chairman and Vice Chairman shall receive a full report of its findings. The Chairman and Vice Chairman, acting jointly, shall then determine what further action, if any, is appropriate in the particular case, including any of the following:

(A) No further action is appropriate, because the alleged improper conduct or violation is clearly not within the jurisdiction of the Committee;

(B) No further action is appropriate, because there is no reason to believe that the alleged improper conduct or violation may have occurred; or

(C) The unsworn allegations or information, and a report on the preliminary inquiry, should be referred to the Committee, to determine whether an initial review should be undertaken. (See paragraph (d).)

(4) If the Chairman and the Vice Chairman are unable to agree on a determination at the conclusion of a preliminary inquiry, then they shall refer the allegations or information to the Committee, with a report on the preliminary inquiry, for the Committee to determine whether an initial review should be undertaken. (See paragraph (d).)

(5) A preliminary inquiry shall be completed within sixty days after the unsworn allegations or information were received by the Chairman and Vice Chairman. The sixty day period may be extended for a specified period by the Chairman and Vice Chairman, acting jointly. A preliminary inquiry is completed when the Chairman and the Vice Chairman have made the determination required by subparagraphs (3) and (4) of this paragraph.

(d) DETERMINATION WHETHER TO CONDUCT AN INITIAL REVIEW: When information or allegations are presented to the Committee by the Chairman and the Vice Chairman, the Committee shall determine whether an initial review should be undertaken.

(1) An initial review shall be undertaken when—

(A) there is reason to believe on the basis of the information before the Committee that the possible improper conduct or violation may be within the jurisdiction of the Committee; and

(B) there is reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred.

(2) The determination whether to undertake an initial review shall be made by recorded vote within thirty days following the Committee's receipt of the unsworn allegations or information from the Chairman or Vice Chairman, or at the first days, unless this time is extended for a specified period by the Committee.

(3) The Committee may determine that an initial review is not warranted because (a) there is no reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred, or (b) the improper conduct or violation, even if proven, is not within the jurisdiction of the Committee.

(A) If the Committee determines that an initial review is not warranted, it shall promptly notify the complainant, if any, and any known respondent.

(B) If there is a complainant, he or she may also be invited to submit additional information, and notified of the procedures for filing a sworn complaint. If the complainant later provides additional information, not in the form of a sworn complaint, it shall be handled as a new allegation in accordance with the procedures of Rule 3. If he or she submits a sworn complaint, it shall be handled in accordance with Rule 2.

(4)(A) The Committee may determine that there is reason to believe on the basis of the information before it that the improper conduct or violation may have occurred and may be within the jurisdiction of the Committee, and that an initial review must therefore be conducted.

(B) If the Committee determines that an initial review will be conducted, it shall promptly notify the complainant, if any, and the respondent, if any.

(C) The notice required under subparagraph (B) shall include a general statement of the information or allegations before the Committee, and a statement that the Committee will immediately begin an initial review of the complaint. A copy of the Rules of the Committee shall be supplied with the notice.

(5) If a member of the Committee believes that the preliminary inquiry has provided sufficient information for the Committee to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the member may move that the Committee dispense with the initial review and move directly to the determinations described in Rule 4(f). The Committee may adopt such a motion by majority vote of the full Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN INITIAL REVIEW

(a) BASIS FOR INITIAL REVIEW: The Committee shall promptly commence an initial review whenever it has received either (1) a sworn complaint that the Committee has determined is in substantial compliance with the requirements of Rule 2, or (2) unsworn allegations or information that have caused the Committee to determine in accordance with Rule 3 that an initial review must be conducted.

(B) SCOPE OF INITIAL REVIEW:

(1) The initial review shall be of such duration and scope as may be necessary to determine whether there is substantial credible evidence which provides substantial cause of the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(2) An initial review may include any inquiries, interviews, sworn statements, depositions, and subpoenas that the Committee deems appropriate to obtain information upon which to make any determination provided for by this Rule.

(c) OPPORTUNITY FOR RESPONSE: An initial review may include an opportunity for any known respondent or his designated representative, to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(d) STATUS REPORTS: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(e) FINAL REPORT: When the initial review is completed, the staff or outside counsel shall make a confidential report to the Committee on findings and recommendations.

(f) COMMITTEE ACTION: As soon as practicable following submission of the report on the initial review, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence. In this case, the Committee shall report its determination to the complainant, if any, and to the respondent, together with an explanation of the basis for the determination. The explanation may be as detailed as the Committee desires, but it is not required to include a complete discussion of the evidence collected in the initial review.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In this case, the Committee may attempt to correct or to prevent such violation by informal methods. The Committee's final

determination in this matter shall be reported to the complainant, if any, and to the respondent, if any.

(3) The Committee may determine that there is such substantial credible evidence, but that the alleged violation, if proven, although not of a de minimis nature, would not be sufficiently serious to justify the severe disciplinary actions specified in Senate Resolution 338, 88th Congress, as amended (i.e., for a Member, censure, expulsion, or recommendation to the appropriate party conference regarding the Member's seniority or positions of responsibility; or for an officer or employee, suspension or dismissal). In this case, the Committee, by the recorded affirmative vote of at least four members, may propose a remedy that it deems appropriate. If the Committee's conclusions and the remedy proposed and agreed to shall be filed as a public record with the Secretary of the Senate and a notice of the filing shall be printed in the Congressional Record.

(4) The Committee may determine, by recorded affirmative vote of at least four members, that there is such substantial credible evidence, and also either:

(A) that the violation, if proved, would be sufficiently serious to warrant imposition of one of the severe disciplinary actions listed in paragraph (3); or

(B) that the violation, if proven, is less serious, but was not resolved pursuant to the Committee shall order that an investigation promptly be conducted in accordance with Rule 5.

RULE 5: PROCEDURES FOR CONDUCTING AN INVESTIGATION

(a) DEFINITION OF INVESTIGATION: An "investigation" is a proceeding undertaken by the Committee, by recorded affirmative vote of at least four members, after a finding on the basis of an initial review that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within its jurisdiction has occurred.

(b) SCOPE OF INVESTIGATION: When the Committee decides to conduct an investigation, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. In the course of the investigation, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct inquiries or interviews, take sworn statements, and compulsory process as described in Rule 7, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make this determination.

(c) NOTICE TO RESPONDENT: The Committee shall give written notice to any known respondent who is subject of an investigation. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an investigation. The notice shall include a statement of a nature of the possible violation, and a description of the evidence indicating that a possible violation occurred. The Committee shall offer the respondent an opportunity to present a statement or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) RIGHT TO A HEARING: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate.

(e) PROGRESS REPORTS TO COMMITTEE: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the investigation. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) REPORT OF INVESTIGATION:

(1) Upon completion of an investigation, including any hearings held pursuant to Rule 6, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the investigation and which may recommend disciplinary action, if appropriate. Findings of fact of the investigation shall be detailed in this report whether or not disciplinary action is recommended.

(2) The Committee shall consider the report of the staff or outside counsel promptly following its submission. The Committee shall prepare and submit a report to the Senate, including a recommendation to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No recommendation or resolution of the Committee concerning the investigation of a Member, officer or employee of the Senate may be approved except by the affirmative recorded vote of not less than four members of the Committee.

(3) Promptly, after the conclusion of the investigation, the Committee's report and recommendation shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation shall be printed and made public, unless the Committee determines by majority vote that it should remain confidential.

RULE 6: PROCEDURES FOR HEARINGS

(a) RIGHT TO HEARING: The Committee may hold a public or executive hearing in any inquiry, initial review, investigation, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate. (See Rule 5(e).)

(b) NON-PUBLIC HEARINGS: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) ADJUDICATORY HEARINGS: The Committee, may, by majority vote, designate any public or executive hearing as an adjudicatory hearing; and, any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) SUBPOENA POWER: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 7.)

(e) NOTICE OF HEARING: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) PRESIDING OFFICER: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) WITNESSES:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by majority vote, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness' scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) RIGHT TO TESTIFY: Any person whose name is mentioned or who is specifically identified or other wise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) CONDUCT OF WITNESSES AND OTHER ATTENDEES: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) ADJUDICATORY HEARING PROCEDURES:

(1) NOTICE OF HEARINGS: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules of all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) PREPARATION FOR ADJUDICATORY HEARINGS:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) SWEARING OF WITNESSES: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) RIGHT TO COUNSEL: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) RIGHT TO CROSS-EXAMINE AND CALL WITNESSES:

(A) In adjudicatory hearings, any respondent who is the subject of an investigation, and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness' scheduled appearance, a witness or a witness' counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness' counsel may also submit additional sworn testimony for the record within 24 hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within 5 days after the testimony is received.

(6) ADMISSIBILITY OF EVIDENCE:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible, unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a majority vote of the Committee before the recess of that day's hearings.

(7) SUPPLEMENTARY HEARING PROCEDURES: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) TRANSCRIPTS:

(1) An accurate stenographic or recorded transcript shall be made of all public and excecutive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within 5 working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness' testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 7: SUBPOENAS AND DEPOSITIONS

(a) SUBPOENAS:

(1) AUTHORIZATION FOR ISSUANCE: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time before a preliminary inquiry, for the purpose of obtaining information to evaluate unsworn allegations or information, or at any time during a preliminary inquiry, initial review, investigation, or other proceeding.

(2) SIGNATURE AND SERVICE: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person 18 years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) WITHDRAWAL OF SUBPOENA: The Committee, by majority vote, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) DEPOSITIONS:

(1) PERSONS AUTHORIZED TO TAKE DEPOSITIONS: Depositions may be taken by any Member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) DEPOSITION NOTICES: Notices for the taking of depositions shall authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time before a preliminary inquiry, for the purpose of obtaining information to evaluate unsworn allegations or information, or at any time during a preliminary inquiry, initial review, investigation, or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) COUNSEL AT DEPOSITIONS: Witnesses may be accompanied at a deposition by counsel to advise of their rights.

(4) DEPOSITION PROCEDURE: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any Member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any Member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no Member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to

the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) FILING OF DEPOSITIONS: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness' testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness' request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

RULE 8: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) VIOLATIONS OF LAW: Whenever the Committee determines by majority vote that there is reason to believe that a violation of law may have occurred, it shall report such possible violation to the proper state and federal authorities.

(b) PERJURY: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) LEGISLATIVE RECOMMENDATIONS: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in an initial review, investigation, or other proceeding.

(d) APPLICABLE RULES AND STANDARDS OF CONDUCT:

(1) No initial review or investigation shall be made of an alleged violation of any law, rule, regulation, or provision of the Senate Code of Official Conduct which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to, or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may conduct an initial review or investigation of an alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 9: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusation of such conduct; to any resulting preliminary inquiry, initial review, or investigation by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) PROCEDURES FOR HANDLING CLASSIFIED MATERIALS:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED DOCUMENTS:

(1) Committee Sensitive and classified documents and materials shall be segregated in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be taken by a member of the Committee staff to the office of a member of the Committee for his or her examination, but the Committee staff member shall remain with the Committee Sensitive or classified documents or materials at all times except as specifically authorized by The Chairman or Vice Chairman.

(3) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(4) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) NON-DISCLOSURE POLICY AND AGREEMENT:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by his successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the non-disclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 10: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by majority vote that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfer with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 11: PROCEDURES FOR ADVISORY OPINIONS

(a) WHEN ADVISORY OPINIONS ARE RENDERED:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) FORM OF REQUEST: A request for any advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) OPPORTUNITY FOR COMMENT:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) ISSUANCE OF AN ADVISORY OPINION:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, of (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) RELIANCE ON ADVISORY OPINIONS:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 12: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) BASIS FOR INTERPRETATIVE RULINGS: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifing or explaining and rule or regulation of the Select Committee on Ethics.

(b) REQUEST FOR RULING: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) ADOPTION OF RULING:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) PUBLICATION OF RULINGS: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) RELIANCE ON RULINGS: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) RULINGS BY COMMITTEE STAFF: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 13: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) AUTHORITY TO RECEIVE COMPLAINTS: The Committee is directed by section 6(b) of Public Law 93-191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) DISPOSITION OF COMPLAINTS:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an initial review or investigation, must be summarized, together with the disposition, in a notice promptly transmitted for publication in the Congressional Record.

(3) If a compliant is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) ADVISORY OPINIONS AND INTERPRETATIVE RULINGS: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 11 and 12.

RULE 14: PROCEDURES FOR WAIVERS

(a) AUTHORITY FOR WAIVERS: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are ex-

pected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) REQUESTS FOR WAIVERS: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 11 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) RULING: The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision.

(d) AVAILABILITY OF WAIVER DETERMINATIONS: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 15: DEFINITION OF "OFFICER OR EMPLOYEE"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 16: COMMITTEE STAFF

(a) COMMITTEE POLICY:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subjects that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) APPOINTMENT OF STAFF:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular initial review, investigation, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel if necessary or appropriate for any action regarding any complaint or allegation, initial review, investigation, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any investigation undertaken after an initial review of a sworn complaint, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) DISMISSAL OF STAFF: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) STAFF WORKS FOR COMMITTEE AS WHOLE: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) NOTICE OF SUMMONS TO TESTIFY: Each member of the Committee staff shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 17: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) ADOPTION OF CHANGES IN SUPPLEMENTARY RULES: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a majority vote of the entire membership taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) PUBLICATION: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.●

DRUNK AND DRUGGED AWARENESS WEEK

● Mr. COATS. Mr. President, I rise today to commend President Bush on his declaration of December 10-16, 1989, as "Drunk and Drugged Awareness Week." As the Republican leader of the Labor and Human Resources Subcommittee on Children, Family, Drugs and Alcoholism, and, more importantly, as a father of three, I am very concerned about the destruction caused by drug and alcohol abuse in our country.

During the past year, Congress has devoted much time and energy to the "War on Drugs." The President's declaration reminds us of something we sometimes overlook. Alcohol abuse is as much a part of our war as crack or cocaine, and, like illegal drugs, alcohol has torn apart many families and shattered many lives.

The affects of alcohol abuse know no bounds, and tragically, these consequences are not limited to the abusers themselves. Look no further than the American family for a sobering view of alcohol's devastating influence. Divorce is more than seven times higher among alcoholics and their spouses, and today, more than 40 percent of all problems which surface in family courts around the country involve alcohol abuse.

I applaud the President's declaration and I am happy to see that many Americans are taking steps to make the public aware of this serious problem. Groups such as M.A.D.D., Community Watch, and Just Say No have made great strides in showing the American people the cold realities of substance abuse.

In particular, I would like to single out the fine work of the National Citizens Commission on Alcoholism [NCCA]. The NCCA has made significant contributions by supporting research and educating society as to the calamitous effects of alcohol misuse. I am especially pleased with its efforts to raise on-campus awareness at our colleges and universities.

Further, the NCCA's program of public service announcements, in both English and Spanish, reaches out to millions with its important message of sobriety and moderation. In fact, this year's intensive media efforts are expected to result in over $50 million in contributed broadcast time and print space. I am proud to serve as honorary

chairman of the NCCA and I am even prouder of its persistence in combating substance abuse.

Mr. President, I commend all of these life-saving organizations, and encourage their vitality and growth throughout the country. I believe it is crucial that we recognize the problems associated with substance abuse and take the necessary steps to make our citizens aware of the magnitude of this issue. Every inch of ground that we gain in this war will bring our Nation that much closer to winning the battle against drug and alcohol abuse once and for all.●

MS. CYNTHIA ANN BROAD, MICHIGAN TEACHER OF THE YEAR

● Mr. RIEGLE. Mr. President, I rise today to pay tribute to Ms. Cynthia Ann Broad who was recently selected as Michigan's "Teacher of the Year" for the 1989-90 school year. Ms. Broad's outstanding work in the field of education and her unending dedication to her students make Ms. Broad most deserving of this special honor.

Ms. Broad has made invaluable contributions on both a State and local level. She was instrumental in organizing and developing activities for a cultural exchange program for 40 visiting Chinese educators. She has conducted over 30 workshops to discuss and develop the special education curriculum in Michigan. In 1978 she became the first special education teacher to score 100 percent on a classroom audit by the Macomb Intermediate School District. Her research and creative ideas have had a substantial impact on the quality of special education in Macomb County and throughout the State.

Administrators, parents, and students alike have the utmost respect and admiration for this outstanding educator. Dan Sapp, director of special education, had this to say about her performance: "Cynthia is one teacher that every parent wishes for their child and each administrator hopes to meet once during his career."

Mr. President, I am very pleased to join in honoring Ms. Broad for her commitment to excellence in education. We are all grateful to her and to all teachers who have devoted their lives to helping our children develop to their fullest potential.●

CENTRAL INTELLIGENCE AGENCY

● Mr. SIMON. Mr. President, in Newsday, David Wise, the author of a book about the Central Intelligence Agency [CIA], has an article which admonishes us not to use the CIA for assassinations.

His advice is sound.

I believe my colleagues in the House and Senate would find his article of real interest. I encourage Members and their staffs to read the article.

I ask to insert it into the RECORD at this point.

The article follows:

[From New York Newsday, Oct. 22, 1989]

NO LICENSE TO KILL

(By David Wise)

Early in 1961, the Central Intelligence Agency fed gelatin capsules containing botulinum toxin to a group of monkeys. The monkeys died.

This result, while predictable, pleased the CIA officials who had ordered the laboratory experiment. Because the deadly poison would next be administered, they hoped, to Fidel Castro, Cuba's prime minister.

To that end, the CIA contacted John Rosselli, a dapper Chicago mobster regarded as an expert in the elimination of objectionable persons. At a meeting at the Fontainebleau Hotel in Miami Beach, the capsules and a bundle of cash were delivered by a CIA representative to Rosselli. The mobster was cautioned that the poison would not work in "boiling soups." Rosselli in turn gave the capsules to a Cuban who worked in a restaurant frequented by Castro, and who was supposed to slip the poison into the Cuban leader's food.

The plot failed—Castro stopped going to the restaurant—as did a number of other CIA schemes to incapacitate or murder Castro, several of which seemed to have been invented by Woody Allen: a plan to impregnate Castro's cigars with something like LSD, in the hope he would smoke one before delivering a speech; another plan to dust his shoes with thallium to cause his beard to fall out, thus ruining his macho image, and an effort to sprinkle his diving suit with a fungus that would produce a hideous chronic skin disease known as Madura foot.

The CIA was involved, directly or indirectly, in plots against seven foreign leaders: Castro, Patrice Lumumba of the Congo, Rafael Trujillo of the Dominican Republic, President Salvador Allende of Chile, President Ngo Dinh Diem of South Vietnam, President Francois Duvalier of Haiti and President Sukarno of Indonesia. Four of these leaders died violently, with the CIA's level of complicity and involvement varying widely.

All of this, including the details about the monkeys, the botulinum pills and the mob, is set forth in one of the most remarkable documents ever issued about the U.S. government, "Alleged Assassination Plots Involving Foreign Leaders." The 347-page report was made public in 1975 by the Senate intelligence committee then headed by Sen. Frank Church, an Idaho Democrat.

The committee also revealed that the CIA had a unit called Executive Action, which was in charge of planning to bump off foreign leaders, and something called the "Health Alteration Committee," the purpose of which was exactly what its name stated. It was just such ghastly details—including the CIA's effort to infect Lumumba's toothbrush with a deadly African disease—that led President Gerald Ford to issue an executive order on Feb. 18, 1976, banning assassinations by U.S. agencies.

From that day forward, the United States, on paper at least, has been out of the assassination business. Every subsequent president—Jimmy Carter, Ronald Reagan and George Bush—has continued the ban. The Reagan executive order on intelligence, issued in 1981, still stands. It states: "No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination."

That 22-word prohibition, is, of course, at the heart of the debate over the Bush administration's handling of the failed coup in Panama earlier this month against dictator Manuel Antonio Noriega.

Only last week, CIA director William Webster called on Congress and the president to give the intelligence agency greater freedom to deal with coup plotters, even if there is risk—and there usually is—that the target will be murdered. While the United States does not engage in "selective, individual assassination," Webster said, the CIA's authority to deal with plotters should be more clearly defined.

Stung by congressional criticism that the administration muffed an opportunity to rid the hemisphere of the Panamanian strongman, White House officials have blamed the Senate intelligence committee for interpreting the ban on assassination to mean that the United States could have virtually no contact with coup plotters in Panama.

Brent Scowcroft, the president's national security advisor, went on television in the wake of the coup attempt and excoriated the Senate committee—the permanent successor to the Church panel—for "micromanagement of the executive branch going clear back to the executive order prohibiting assassinations, which was forced by the Congress."

Behind Scowcroft's complaint was the committee's objection in 1988 to a proposal by the Reagan administration that the CIA support a group of Panamanian officers plotting a coup against Noriega. The senators said the plan might violate the assassination ban. The CIA covert operation was ended, although officials disagree about whether the CIA or the Senate committee caused the plan to be abandoned.

But the political maneuvering and finger-pointing over the Panama coup has raised, in the starkest possible terms, the larger question of whether the United States is prepared to use political assassination as an instrument of foreign policy. Does the ban on assassination mean that the U.S. government cannot encourage, or even talk with, coup plotters? It isn't clear, which makes Webster's call for better guidelines understandable.

The White House, in fact, has supported Webster's position and is reportedly drafting just such new guidelines for American officials in Panama. The new rules are not likely to be restrictive, given Bush's repeated exhortations to Panamanians to overthrow Noriega, who has been indicted on drug-trafficking charges in the United States.

"I'd like to see him out of there," the president reiterated after the coup attempt.

One difficulty is that the executive order on intelligence does not define "assassination."

Unlike most laws, executive orders do not always spell out the meaning of the terms used. Although hiring a Mafia hit man to plug Fidel Castro would fairly clearly be prohibited by the president's order, it is much less clear whether a conversation between a CIA officer in Panama and a dissident colonel planning a coup—which might or might not result in the death of its target—would violate the order.

As Gen. Maxwell Taylor put it, after the murder of South Vietnam's Diem in a coup

supported by the Kennedy administration, "a coop is not like a tea party." Once it begins, in other words, people may get killed.

Trying to define assassination, and attempting to spell out what kind of activity by U.S. officials might be permissible without violating the ban, is to set foot on what lawyers call a "slippery slope." In the coup in Vietnam, Diem was killed, but Johnny Rosselli might argue that it was not a hit directed by the CIA. Except that Rosselli cannot make that point because his body was found wrapped in chains inside a 55-gallon oil drum floating in Biscayne Bay in 1976, not long after he testified to the Church committee.

To an extent, the presidential ban on assassination appears to conflict with, or certainly to restrict, the authority claimed by presidents since Harry Truman to conduct covert operations under the National Security Act of 1947. Although that law, which created the CIA, does not explicitly authorize such operations, it allows the president to order the agency to carry out "other functions and duties." That loophole has been cited as the legal basis for covert operations that have ranged over the years from the Bay of Pigs invasion of Cuba to the Iran-contra arms-for-hostages scheme.

As a practical matter, U.S. diplomats and intelligence officers talk to opposition leaders around the world. No one would suggest that the president issue a blanket ban on such contacts, although the White House has complained that congressional interference could have that result. Beyond mere talk, however, when the United States encourages coup plotters, or channels money or arms to them, it risks violating the presidential assassination ban.

There was good reason for that ban, as the 1975 revelations of CIA murder plots demonstrated. No one appointed the president of the United States to overthrow the governments in peacetime, much less to assassinate their leaders, as nasty or corrupt as they may be. The government should confine itself to collecting intelligence about potential coups, but it should not instigate them or promise military aid. Aside from all other reasons, and there are many, there is the risk that assassination of a head of state could lead to retaliation against our own leaders. In the absence of a declaration of war by Congress, the Constitution would not seem to provide for hit men operating out of the White House.●

CHILDREN'S TELEVISION LEGISLATION

● Mr. INOUYE. Mr. President, on January 8, 1990, Newsweek carried an article "Watch What Kids Watch." The article points out that the overwhelming majority of new children's fare available on commercial television has little educational material and that these programs cannot even be argued to promote prosocial behavior. To make matters worse, many of these programs have products associated with them, such as candy and toys.

The education of our youth is a national crisis. On average, 25 percent of elementary and secondary students drop out of school each year; 40 percent of these dropouts are blacks and over 50 percent are Hispanics. Approximately 13 percent of 17 year olds cannot read, write or count.

As further evidence of this disturbing trend, the 1989 "Report to the Nation on the Future of Mathematics Education" by the National Research Council concluded that the United States is experiencing a decline in mathematical skills and interest. For example, in 1987, only 55 percent of the 700 tellers hired by Chemical Bank passed an eighth grade level mathematics test. In 1983, more than 70 percent passed the test. In addition, from 1976 to 1986, high school student interest in mathematics declined by 50 percent.

The results of the "Second International Math Study" (1982) indicate that the performance of the top 5 percent of United States math students is matched by the top 50 percent of students in Japan. In addition, the top 1 percent of U.S. students scored lowest of the top 1 percent of all participating countries. Thus, our best math students ranked the lowest when compared to their counterparts in other countries.

If we are going to improve the education of this country's youth, we cannot rely on schools alone. Nor can we rely solely on their parents. Instead, we must be creative and determine how best to reach them.

Our children spend more time watching television than any other single activity—except for sleep. The fact is that children from all socioeconomic groups watch educational programming and the large body of evidence shows that children learn from educational television programming. Yet, only public broadcasting provides a significant amount of educational children's programming; and while public broadcasting is to be praised for these efforts, it is not enough. Commercial broadcasters must also participate, but today commercial television is practically devoid of educational children's programming.

I believe that this article highlights the reason that we need to enact legislation designed to increase the amount of educational and informational programming available to this Nation's children and to restrict the amount of commercial matter aired during these programs. In an effort to begin to address this deficiency, I have sponsored two bills: S. 797, the national endowment for children's educational programming; and S. 1992, the Children's Television Act of 1989. The objective of S. 797 is to establish a national endowment for children's educational television which will provide funding for the production of programming aimed at educating children. The bill was reported by the full committee on May 16, 1989 and passed the Senate on August 4, 1989. I hope the House will consider this bill shortly. I know they share my deep concern about this issue.

S. 1992 is complementary legislation designed to increase the amount of educational and informational broadcast television programming available to children on commercial stations. It also protects children from overcommercialization of programming. S. 1992 was reported out of committee late last year and is pending before the full Senate. I want everyone to know that I intend to bring this legislation before the Senate within the next 2 months. I will not let it languish.

It is clear that unless we take steps to stimulate the production and carriage of educational and informational children's programming and restrict the amount of commercial matter, we can only expect more of the same as described in this article. I ask that this article be printed in the RECORD at this point.

The article follows:

WATCH WHAT KIDS WATCH

(By Harry F. Waters)

The name of our town, folks, is Grover's Corners. The time is Saturday morning. Over there at the Gibbs house, 8-year-old George has skipped basketball practice again. Yet he's in front of the T.V. New show, it appears. Called "Captain N: The Game Master." All about a young boy who gets sucked inside a video game and likes it so much he refuses to return home. Wonder what Mrs. Gibbs would think of that. And over here at the Webbs, little Emily is watching "Beetlejuice." This one's about a mighty disgusting ghoul who teaches a young girl how to become—let's listen in a second—"the grossest kid in school." Well! Now both George and Emily have switched to "Slimer and the Real Ghostbusters." Or is it "Rude Dog & The Dweebs"? My. Things sure have changed in Grover's Corners.

Too bad the same can't be said for the state of children's television: while Grover's Corners was imagined by Thornton Wilder, its Saturday-morning video diversions are depressing real. After four decades of protests and promises, network "kidvid" remains a national embarrassment—a brain-rotting assault of animated comic books and shrieking commercials that borders on child abuse. But all of a sudden (Hey, kids!) there's tangible hope for significant reform (Hey, parents!). Later this winter, Congress is expected to approve a landmark bill obligating television stations to upgrade the air quality of children's programming. No one, however, knows whether George Bush will sign the bill or veto it. The man who would be our "education president" is about to confront a decision directly affecting almost every child in America.

It is to be hoped that Bush won't take his cue on the kidvid issue from his predecessor. Ronald Reagan vetoed nearly identical legislation as one of his last acts in office, claiming that it infringed upon broadcasters' First Amendment rights to free expression. In rebuttal, children's TV reformers cite the Communications Act's mandate that, to retain its license, every station must "serve the public interest." What's indisputable is that the Reagan administration bears heavy responsibility for kidvid's darkest age.

Under its deregulatory policies, stations jettisoned their few intelligent small-fry programs and replaced them with more lucrative shows that were, in effect, 30-minute commercials for toys. Though that trend has waned somewhat, crusaders like Peggy Charren, president of Action for Children's Television, have managed to contain their joy. The best that can be said about the current network offerings, muses Charren, is that "they don't make kids' hair fall out." But, she angrily adds, "most of them are just dumb. Is this the best that the wealthiest institutions in broadcasting can come up with? They should be ashamed of themselves."

To understand Charren's ire, one need only observe what's passing for the "new" kidvid season. Essentially, ABC's "The Adventures of the Gummi Bears" is a program-length commercial for a jellied candy, while NBC's "Captain N: The Game Master" is a program-length commercial for a video game (its youthful protagonist keeps encountering Nintendo's most popular heavies). CBS, however, has topped them both. "The California Raisins," which stars those toe-tapping little pitch-persons for the raisin industry, amounts to a commercial for another commercial.

As for the other new series, a grown-up viewer doesn't have to suffer from a case of sour grapes to discern some equally dubious messages. CBS, justifiably acclaimed for brightening everyone's weekends with "Pee-Wee's Playhouse," deserves a big demerit for unleashing "Rude Dog & The Dweebs." Its canine hero is exactly what his name suggests—an incorrigibly obnoxious wiseheimer who drives a hot-pink Caddy and disgustedly advises his nerdy companions to "Get rude!" Adult characters, on the other hand, tend to be stereotyped as hopeless klutzes. The bumbling head counselor on NBC's "Camp Candy" appears to possess the IQ of a deer tick. He's forever falling out of trees and into lakes; the show's real authority figures are the moppets in his charge who must constantly rush to his rescue. And while we're on the subject of undermining authority, the same network's "Saved by the Bell" (a sitcom about high-school life) features the most, er, unusual teacher ever to pop up in kidvid. She's a grossly pneumatic black who wears skin-tight leather, six-inch earrings and three-inch spikes. If there's a message here, it may be X-rated.

Relief of sorts can still be found on weekday afternoons. ABC's "Afterschool Specials," its Emmy-winning series of one-hour dramas, launched its latest season with the story of a teenage boy coming to grips with his father's mental illness. CBS's own variation, called "Schoolbreak Specials," recently aired the true tale of a California girl who pioneered the passage of a state law protecting student rights. Unfortunately, both ABC and CBS run fewer than a dozen such specials a year, while NBC has abandoned the genre entirely. That's left the daily afternoon airwaves to such syndicated cartoon dreck as "Snorks," "Transformers" and "Teenage Mutant Ninja Turtles."

As some see it, kidvid's most grievous transgression is the advertising the programs interrupt. To watch it is to be engulfed in a torrent of slickly exploitative spiels for the unnecessary and possibly unhealthy: the Barbie Power Wheels convertible and Soda Shoppe, the Li'l Miss Makeup doll, Pocket Rockers tapes, Cinnamon Rolls, Corn Pops, Froot Loops and Fruity Pebbles. There's also more of it than anywhere else on the dial. While commercials in prime time account for about 8-minutes-per hour, the number on some stations on Saturday mornings can add up to nearly twice that figure. Charren, who has been leading the kidvid reform movement for 20 years, offers a less obvious reason for regulation. "Contrary to adults," she says, "children like TV ads. They like to be told what to lobby for. They're uniquely vulnerable, and that's why they have to be protected from overcommercialization."

Limit ads: The bill currently before Congress aims to make a modest start. One of its provisions would limit ad time on weekend children's programming to 10½ minutes per hour. But it is the bill's second provision that has inspired the most hope. This requires the Federal Communications Commission to determine how well every TV station has served the "educational needs" of the young as a condition of license renewal. Exactly how the FCC would measure the quality of that service has yet to be spelled out—and therein lies the bill's last negotiating hurdle before landing on the President's desk. Though the TV industry grudgingly accepts the inevitability of kidvid legislation, some remain troubled over how such a law would work. CBS vice president Judy Price, perhaps the most highly regarded kidvid programmer, sums up their concern when she wonders: "Who's going to be sitting in judgment over what's appropriate for our children? What are the rules and standards?"

Others at the networks maintain that public TV and cable TV are better suited to take up the kidvid slack. That claim is, at best, disingenuous. Yes, the PBS schoolhouse delivers some terrific lessons, but it possesses neither the time, money nor reach to serve the entire young population. And yes, such cable innovations as the Nickelodeon children's channel—currently marking its 10th anniversary—manage to offer something for every age (box). The problem here is one of home economics. Not only are many urban areas still unwired for cable, but the households who can't afford to subscribe are precisely those whose children most need cable's educational uplift. For millions of poor youngsters, the "let them eat cable" philosophy constitutes an invitation to remain intellectually malnourished.

What the activists want and what the kidvid bill would presumably encourage is diversity as well as quality. If the networks can provide newscasts, documentaries, talk shows and mini-series for adults, why not for their most impressionable constituency? Who decided that kids won't sit still for anything that isn't animated? On the other hand, no one wants to see reform become the only norm. The 20 million youngsters who use weekend kidvid to unwind are just as entitled to their video escapism as their elders. Or in the words of CBS's Price: "Saturday mornings should not be a sixth day of school." Wait a minute. Maybe making it precisely that would bring about the most salutary solution of all:

It's another Saturday morning in our town and there's George and Emily heading for the TV again. Let's see what they've turned on. "Miss Manners' Neighborhood" (click) . . . "The Wonderful World of Grains and Greens" (click) . . . "Prepping for the SATs: It's Later Than You Think" (click, click). My, look at that. George and Emily are running straight for the front door! Ah, well. Guess there's plenty of worse places for a child to be on a beautiful morning than outdoors in Grover's Corners.

REVENGE OF THE "VEGETABLE NETWORK"

This is about a 10-year old that started out wrong and ended up a precociously accomplished, nationally celebrated force. When the Nickelodeon children's network premiered on cable in 1979, it quickly drew a flunking grade from its prime demographic targets. Audience research discovered that Nickelodeon's programming tone—earnestly educational, full of what's-good-for-you preachments—was precisely what the kids didn't want. One dubbed it "the green-vegetables network" suitable only for "dorks and doodoo heads." Today Nickelodeon is the biggest thing in children's television, reaching 48 million households with a dawn-to-dusk lineup of more than 50 different shows.

How did Nickelodeon win over all those cynics in training? By giving the kids what they really wanted, which turned out to be their own versions of adult programs. "Don't Just Sit There" is a small-fry talk show and "Hey Dude" a teenage sitcom. "Kids' Court," a mini-knock-off of "People's Court," casts youngsters as judges, jury members and impassioned litigants (typical case: a boy stands accused of reading his sister's diary). "You Can't Do That on Television" is a junior "Laugh-In" featuring adolescent comics and skits that invariably (and inexplicably) conclude with a dousing of green slime. Messiest of all is "Super Sloppy Double Dare," a new game show. Contestants stomp on oatmeal-filled balloons with their legs tied and plummet down slides into giant sundaes.

If most of this seems silly, it's meant to be. "Our mission isn't to teach kids reading," says Nickelodeon president Geraldine Laybourne. "It's to make them feel good about being kids. Today's children are being pressured very severely to grow up too fast. Our goal is to provide a safe haven that accepts them for what they are." Not that the cable network doesn't slip some messages into the froth. When "You Can't Do That on Television" portrays adults as ogreish scolds, explains Laybourne, its viewers receive reassurance that their own nagging parents are anything but unique. Sometimes the solace gets delivered more directly. Comedienne Whoopi Goldberg, who recently made a guest appearance on "Don't Just Sit There," poignantly recalled her childhood despair over being too tall, too skinny and too black. "I felt left out of life," she remarked to a rapt circle of gangly young black girls.

Nickelodeon shapes its programming to the times with extraordinary solicitude. To create a show for the surging numbers of preschoolers in day care, the producers consulted child psychologists and educators, then conducted focus-group sessions with working mothers and their young. The result, called "Eureeka's Castle," deftly uses puppetry and animation to explore problems that newcomers to day care face: handling competition, making friends and dealing with bullies. So what could ABC, CBS and NBC learn from Nickelodeon? "Show more respect for your audience," suggests Laybourne. "Kids today want to be taken seriously." Of course the tricky part is to make the serious stuff fun to watch. After all, not even a network president can afford to be labeled a doodoo head.—Harry F. Waters.●

HOW MUCH IS POLAND WORTH?

● Mr. SIMON. Mr. President, recently, Ira L. Straus, executive director of the Association to Unite the Democracies, an organization based in Washington, issued a statement with a simple title, "How Much Is Poland Worth?"

It outlines why Western nations should respond quickly and vigorously to the Polish challenge.

And, I hope we will be precisely that.

The Financial Times of London had an editorial recently along the same line, which touches on the Polish situation from a little different perspective, but, again, it points out to the West the urgency of the Polish situation.

I urge my colleagues in the House and Senate and their staffs to read these articles. At this point, I ask to insert them in the RECORD.

The articles follow:

HOW MUCH IS POLAND WORTH?

(By Ira Straus)

For 2 months an ever-growing mass of commentators, left and right, European and American, has pleaded with the Bush Administration to do more to help democracy in Poland. For 2 months the Administration has stonewalled.

This week the pleading ended. Senator Paul Simon introduced legislation to up the ante by a factor of ten. It is still a small sum that he proposes—$1 billion over 3 years—but at least the issue is now engaged politically, with power being wielded on both sides. It is no longer a question of begging the Administration to listen to reason, it is a question of debating and voting in Congress.

Partisanship will now enter the picture. It will not be an exercise in pure reason. But the dialectic of political conflict can at least be expected to insure attention to the big questions.

The debate will focus first of all on money: how much can we afford, how much is needed, how much is appropriate. To put it crudely: How much is Poland worth?

It is time to establish criteria for planning and evaluating expenditures on Poland. It is time to get our priorities straight.

First we must figure out how much getting rid of Communism would be worth. Congressman Solarz suggested that it would be worth the entire defense budget. That is the right starting point—the defense budget is a variable dependent primarily on Communism—but the wrong conclusion. On basic investment principles, the end of Communism would be worth far more than that.

The U.S. spends $300 billion a year for defense against Soviet Communism. If $2 trillion would bring Soviet bloc Communism to an end (a peaceful end, leaving democracy rather than something worse in its stead), then it would bring real returns in U.S. defense savings of 15% of principal per annum. That would make it a brilliant investment. So the end of Communism would be worth at least $2 trillion up front to the U.S.

Actually this is a gross underestimation of the value: a government investment need not earn anywhere near a 15% return; and Russia as a friendly democracy would bring America huge positive gains as well as huge negative savings. A more plausible valuation would be $5-10 trillion. But for now let us be cautious and stick with what is crystal clear: that a peaceful, democratic end to Soviet bloc Communism is worth at minimum $2 trillion up front to the U.S.

Since Poland counts for 10% of the Soviet bloc and is a key demonstration case for democratization there, a peaceful democratic end to Communism in Poland is worth at least $200 billion up front to the U.S.

The point is not to spend all $200 billion, but to seek ways to help on a scale commensurate with the need and the opportunity. The more the U.S. can genuinely help, the more fortunate this is for the U.S. The U.S. should not balk at the price tag unless it begins to get within range of $200 billion.

Solidarity asked the West for $10 billion *before* Jaruzelski had agreed to a Solidarity government. That was a modest figure even then, and far too modest today. Yet the Bush Administration has refused to go beyond the $100 million range. This has strained the politeness of Lech Walesa, who has blurted out that if the Solidarity government fails, the blame will in large part be with the Administration.

It is no use pleading bankruptcy. Deficits are bad but Communism is worse. Perhaps the U.S. cannot afford another generation of cold war and defense budgets at $300 billion a year, which is what it will have to pay if the reform governments in the Soviet bloc go under. But it *can* afford to invest up to $200 billion, no matter whether at the cost of higher taxes or a greater budget deficit this year, in making possible a massive reduction in defense needs. With GNP of $4 trillion, the money is there. What the U.S. cannot afford is not to do it.

[From Financial Times, Aug. 31, 1989]

THE POLISH CHALLENGE

Just once or twice in a normal politican's career there comes a challenge that far transcends the small change of politics. A statement is no more than a politican who has the ability to recognize and meet such challenges. So it is now with Poland. As Mr. Tadeusz Mazowiecki comes into office at the head of the first, fragile non-communists government in an eastern bloc country, the challenge is extraordinary—and not for the Poles alone.

Failure of this government would ensure political and economic chaos in Poland, undermine perestroika in the Soviet Union, and greatly increase the likelihood of instability throughout eastern Europe. At best, Western Europe would be threatened with a flood of refugees. Worst, the hope of a peaceful transition from the communist cul de sac would be revealed as an illusion.

Success, by contrast, would go far to heal the wounds inflicted by the Second World War, the anniversary of whose beginning is—with apt symbolism—now upon us. The war began with a cynical deal to divide and subjugate Poland. It would be an occassion for rejoicing if its anniversary were to see secured the ostensible aim of the Western Allies at that time: a free Poland. Now the West now treats Poland would also be seen as both a precedent and an incentive for the rest of eastern Europe.

For Poland to remain free and styable, it will also have to become prosperous. The Government must introduce a programme of economic reform that gives a chance of successful market-oriented economic development. In return, the western allies and particularly western Europe must be prepared to ensure both the required resources and market access.

That programme of reform must be comprehensive; it must be radical; and it must be implemented swiftly. This is the lesson of successful adjustment elsewhere, but it is a lesson of still more relevance to Poland.

WINDOW OF OPPORTUNITY

The conjunction of the Solidarity-led coalition government in Poland with perestroika in the Soviet Union creates a narrow window of opportunity. The most objectionable features of the socialist omelette need to be unscramabled before concerted opposition—within and outside Poland—can even be mounted. Equally, if ever a Government could reasonably expect a honeymoon, this is the one. But it will be short.

The status quo is, in any case, not an option. Poland's economy is sliding downhill. Food deliveries have plummeted and industrial production is in decline. In a land of shortages only cash is abundant, with prices rising by 85 per cent over the first seven months of the year compared with the corresponding period of 1988.

More fundamentally, an economy as distorted as that of Poland cannot be liberalised piecemeal. What is the point of freeing prices if there is no competition? What is the use of liberalising domestic prices if they bear no relation to prices abroad? How can enterpreneurs function if an army of bureaucrats interferes at random in all their decisions?

Economic reform must have three elements: macroeconomic stabilisation; reform of incentives; and privatisation. Each is necessary, but only together will they be sufficient.

The Government must find a way of financing itself without resort to the printing press and, in addition, must reform the currency. Beyond a certain amount, monetary holdings might be swapped into long term indexed bonds or real assets (perhaps housing).

The most important change in incentives is comprehensive trade liberalisation. (To the extent that responsibilities to Comecon remain, they would have to be dealt with separately, just as India continues to conduct barter trade with the Soviet Union.) There should also be reform of personal taxation and a unified market in foreign exchange, along with convertibility on current account.

But this would not be enough. In the socialist state hundreds of thousands of people may interfere in economic life, but nobody benefits directly from the efficient use of productive assets. If improved incentives are to bring corresponding changes in supply, there must be privatisation, with failure by enterprises bringing clear penalties and success equally clear rewards.

The details need to be worked out carefully, but it will be swifter and more sensible to give assets away than attempt to sell them. Those assets could perhaps be divided among the population at large, the workers in individual enterprises and, as compensation for the army of bureaucrats who need to lose their jobs, the members of the *nomenklatura*.

CROSSING THE ABYSS

This is a daunting programme, but no more so than the task. An abyss cannot be crossed in two strides. Even so, the new Polish government will not succeed unaided. Western governments should offer technical assistance and encourage their firms to invest in the Polish economy. Above all, they must open their markets to Polish ex-

ports and offer to eliminate the Polish debt in return for comprehensive reform.

Fortunately, western governments account for almost two-thirds of Poland's debt. They can, therefore, provide the bulk of the required relief without "bailing out the banks." Small-minded people will bleat about the precedent of debt forgiveness. The Brady plan has, however, already recognised the principle of debt reduction. More important, a unique and fragile opportunity to further the principal strategic objective of the western alliance of the past 45 years is no occasion to emphasise petty principles or count petty cash.

More important is how such a programme should be monitored. The International Monetary Fund is inevitably involved as a source of new funds (along with the World Bank). But the role of western Europe suggests a corresponding role for the European Community. At the very least the EC will play a decisive role as Poland's principal western trading partner, while the European Free Trade Association could become a new home for a reformed Polish economy.

There is another institution into which Poland should also be invited: the Organisation for Economic Cooperation and Development, the progeny of the organisation that oversaw the Marshall Plan. What Poland needs, after all, is no more than the policies and the resources denied it during the postwar recovery of western Europe.

This is the heart of the moral case for active and generous western involvement. Not that the case is moral alone, since the practical consequences of failure are so grave. But none of the great western powers can be unaware of their responsibility for Poland's present plight.

To create the conditions for successful economic development in Poland will take some years. To reap the fruits will take longer still. The new Government is doomed to be bold, but it will need generous help if it is to succeed. Poland's entire debt is, however, only $39 bn and its gross national product less than $80 bn. Against this, the combined GNP of the members of the western alliance is now some $9 trillion. It is not a matter of not being able to afford to help. It is a matter of not being able to afford not to.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination:

Calendar No. 488—Edwin L. Nelson, to be U.S. district judge for the Northern District of Alabama; and

Calendar No. 490—Susan Webber Wright, to be U.S. district judge for the Eastern and Western Districts of Arkansas.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered en bloc and confirmed en bloc are as follows:

THE JUDICIARY

Edwin L. Nelson, of Alabama, to be U.S. district judge for the Northern District of Alabama; and

Susan Webber Wright, of Arkansas, to be U.S. district judge for the Eastern and Western Districts of Arkansas.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to the consideration of legislative business.

ORDER FOR STAR PRINT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the annual report of the Senate Intelligence Committee, Senate Report 101-219, be star printed to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR A JOINT SESSION OF THE TWO HOUSES TO RECEIVE A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurent Resolution 242, a concurrent resolution providing for a joint session of Congress on January 31, 1990, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

H. CON. RES. 242

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, January 31, 1990, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 242) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR WEDNESDAY, JANUARY 24, 1990

RECESS UNTIL 9:30 AND MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. tomorrow, Wednesday, January 24, and that following the time for the two leaders there be a period for morning business until 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL, Mr. President, at 10 a.m. tomorrow with Senate will resume debate on S. 1630, the clean air bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—VETO MESSAGE ON H.R. 2712

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate receives from the House the veto message on H.R. 2712, the Chinese Student Immigration Status Act, it be immediately spread upon the Journal, the reading be waived and the message be laid aside until called up by the majority leader after consultation with the Republican leader.

I further ask unanimous consent that when the Senate considers this veto message it be considered under the following time limitation: 4 hours for debate to be equally divided between Senators KENNEDY and SIMPSON, or their designees, and that when all time is used or yielded back the Senate proceed to vote, without any intervening action, on whether or not the President's veto shall be sustained.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object, and I shall not object, I think it should be reflected on the RECORD that we hope that vote will come early afternoon. Is that the hope of the majority leader?

Mr. MITCHELL. Yes, Mr. President. I have discussed it with the distinguished Republican leader. It appears to be most convenient for Members on both sides to commence the debate on Thursday morning and to complete it

Thursday afternoon and have the vote then. We will spend overnight and in the morning attempting to determine the convenience of the largest number of Members on both sides, with Senators traveling both to and from the Nation's Capital on that day.

Mr. DOLE. I thank the majority leader. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9:30 a.m. on Wednesday, January 24.

There being no objection, the Senate, at 6:47 p.m., recessed until Wednesday, January 24, 1990, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 23, 1990:

DEPARTMENT OF STATE

EVERETT ELLIS BRIGGS, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL.

PAUL C. LAMBERT, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ECUADOR.

EDWARD MORGAN ROWELL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LUXEMBOURG.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

SUSAN JANE KOCH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY, VICE WILLIAM H. FITE, RESIGNED.

DEPARTMENT OF DEFENSE

DOUGLAS ALAN BROOK, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE KEN KRAMER, RESIGNED.

COLIN RILEY MCMILLAN, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JACK KATZEN, RESIGNED.

ENRIQUE MENDEZ, JR., OF PUERTO RICO, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE WILLIAM E. MAYER, RESIGNED.

DEPARTMENT OF JUSTICE

THOMAS W. CORBETT, JR., OF PENNSYLVANIA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS, VICE J. ALAN JOHNSON, RESIGNED.

U.S. SENTENCING COMMISSION

JULIE E. CARNES, OF GEORGIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 1995, VICE PAUL H. ROBINSON, RESIGNED.

DEPARTMENT OF AGRICULTURE

GARY C. BYRNE, OF CALIFORNIA, TO BE ADMINISTRATOR OF THE RURAL ELECTRIFICATION ADMINISTRATION FOR A TERM OF 10 YEARS, VICE HAROLD V. HUNTER, RESIGNED.

DPEARTMENT OF COMMERCE

L. JOYCE HAMPERS, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE ORSON G. SWINDLE III, RESIGNED.

BARBARA EVERITT BRYANT, OF MICHIGAN, TO BE DIRECTOR OF THE CENSUS, VICE JOHN G. KEANE, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ANTONIA COELLO NOVELLO, OF THE DISTRICT OF COLUMBIA, TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF 4 YEARS, VICE C. EVERETT KOOP, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

D'WAYNE GRAY, OF VIRGINIA TO BE CHIEF BENEFITS DIRECTOR, DEPARTMENT OF VETERANS AFFAIRS (NEW POSITION).

BOARD FOR INTERNATIONAL BROADCASTING

MALCOLM S. FORBES, JR., OF NEW JERSEY, TO BE A MEMBER OF THE BOARD FOR INTERNATIONAL BROADCASTING FOR A TERM EXPIRING APRIL 28, 1992 (REAPPOINTMENT).

THE JUDICIARY

ANNICE M. WAGNER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF 15 YEARS, VICE JULIA P. COOPER MACK, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

THE FOLLOWING-NAMED PERSONS TO BE ASSOCIATE DIRECTORS OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY (NEW POSITIONS):

WILLIAM D. PHILLIPS, OF MISSOURI.

EUGENE WONG, OF CALIFORNIA.

FEDERAL COMMUNICATIONS COMMISSION

ERVIN S. DUGGAN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF 5 YEARS FROM JULY 1, 1989, VICE PATRICIA DIAZ DENNIS, RESIGNED.

FEDERAL MARITIME COMMISSION

DONALD ROBERT QUARTEL, JR., OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 1994, VICE EDWARD J. PHILBIN, TERM EXPIRED.

FEDERAL RESERVE SYSTEM

DAVID W. MULLINS, JR., OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1982, VICE H. ROBERT HELLER, RESIGNED.

EDWARD W. KELLEY, JR., OF TEXAS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FED-ERAL RESERVE SYSTEM FOR A TERM OF 14 YEARS FROM FEBRUARY 1, 1990 (REAPPOINTMENT).

MERIT SYSTEMS PROTECTION BOARD

JESSICA L. PARKS, OF GEORGIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE REMAINDER OF THE TERM EXPIRING MARCH 1, 1995, VICE SAMUEL W. BOGLEY.

NATIONAL COUNCIL ON DISABILITY

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE NATIONAL COUNCIL ON DISABILITY FOR THE TERMS INDICATED:

FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 17, 1991:

MARY MATTHEWS RAETHER, OF VIRGINIA, VICE PHYLLIS D. ZLOTNICK, TERM EXPIRED.

FOR A TERM EXPIRING SEPTEMBER 17, 1992:

SANDRA SWIFT PARRINO, OF NEW YORK (REAPPOINTMENT).

ALVIS KENT WALDREP, JR., OF TEXAS (REAPPOINTMENT).

ANTHONY HURLBUTT FLACK, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1991, VICE JOHN F. MILLS.

NATIONAL LABOR RELATIONS BOARD

DENNIS M. DEVANEY, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF 5 YEARS EXPIRING DECEMBER 16, 1994 (REAPPOINTMENT), TO WHICH POSITIONS HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CLIFFORD R. OVIATT, JR., OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 27, 1993, VICE WILFORD W. JOHANSEN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL RAILROAD PASSENGER CORPORATION

TOMMY G. THOMPSON, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL RAILROAD PASSENGER CORPORATION FOR A TERM OF 4 YEARS, VICE ROBERT D. ORR, RESIGNED.

NATIONAL TRANSPORTATION SAFETY BOARD

JAMES L. KOLSTAD, OF COLORADO, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF 2 YEARS, VICE JAMES EUGENE BURNETT, JR., TERM EXPIRED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

VELMA MONTOYA, OF CALIFORNIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 27, 1991, VICE ROBERT E. RADER, JR., RESIGNED.

THE JUDICIARY

RONALD M. HOLDAWAY, OF WYOMING, TO BE AN ASSOCIATE JUDGE OF THE UNITED STATES COURT OF VETERANS APPEALS FOR THE TERM OF 15 YEARS (NEW POSITION).

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

ROLLAND E. ANDERSON, JR., OF VIRGINIA.

CHARLES J. O'MARA, OF MARYLAND.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

CHRISTOPHER E. GOLDTHWAIT, OF NEW YORK.

MATTIE R. SHARPLESS, OF NORTH CAROLINA.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be medical director

KENNETH J. BART
HENRY FALK
PETER GREENWALD
HENRY METZGER
ABNER L. NOTKINS

To be senior surgeon

J. MICHAEL MCGINNIS
EUGENE R. PASSAMANI
STEPHEN J. ROJCEWICZ, JR.

To be surgeon

RUTH L. BERKELMAN
MICHAEL R. BOYD
CLAIRE BROOME
STEPHEN L. COCHI
MARY C. DUFOUR
STEPHEN W. HEATH
NORRIS S. LEWIS
STEVEN M. PAUL
MARC D. REYNOLDS

To be senior assistant surgeon

ANDREW M. FRIEDE
JAMES M. GALLOWAY
THOMAS R. NAVIN
PATRICK W. O'CARROLL
GARY F. ROSENBERG
JOSEPH E. SNIEZEK

To be dental surgeon

WILLIAM W. SAVAGE, JR.

To be senior assistant dental surgeon

STEVEN J. BAUNE
JOHN S. BETZ
DALE F. BURKE
MILTON J. EISIMINGER
ANDREA G. FEIGHT
DOUGLAS D. GORTHY
SHAWNEEQUA M. HARRIS
JAN T. JOSEPHSON
LAWRENCE B. LANE
JEFFREY C. MABRY
RAY M. MCCULLOUGH
THOMAS R. PALANDECH
MIGUEL RICO
EUGENE K. ROBBINS
CAROL E. SHERMAN
JEANINE R. TUCKER
WALTON L. VANHOOSE
HORACE M. WHITT
RUSSELL C. WILLIAMS, JR.

To be nurse officer

LYNN E. MCCOURT

To be senior assistant nurse officer

ARLENE B. BARTH
WERNER H. BECKERHOFF, JR.
PAULINE A. CAHALAN
GAYLE N. CLARK
ROBIN R. DANIELZUK
KAREN J. DECANIO
MARGARET J. DICLEMENTE
ALAN D. GOLDSTEIN
JOYCE E. HIGGINS
PENNY M. HLAVNA
BYRON N. HOMER, JR.
ROY C. LOPEZ
CLEOPHAS LYONS, SR.
ELLEN P. MADIGAN
REBECCA P. MANLEY
DANIEL J. MCELROY
RUSS P. METLER
RAYLENE PERN
ANA M. PUENTE
DIANE P. RUBY
ABRAHAM SIMMONS
PELAGIE C. SNESRUD
RUTH F. WALKER

To be assistant nurse officer

FERN S. DETSOI
THOMAS J. EDWARDS
KIMBERLAE A. HOLLEY
BARBARA A. ISAACS
JANE F. RUIZ
JOCELYN W. WYNNE

To be engineer officer

JOHN M. DEMENT
CURTIS F. FEHN
RICHARD J. WAXWEILER

To be senior assistant engineer officer

LEO M. BLADE
JOSE F. CUZME
LARRY W. STRAIN
KELLY R. TITENSOR
MARVIN L. WEBER
ROBERT C. WILLIAMS

To be assistant engineer officer

TODD M. SCOFIELD

To be senior scientist

MARILYN A. FINGERHUT

To be scientist

EVE K. MOSCICKI

To be senior assistant scientist

DAVID L. ASHLEY
DAVID F. WILLIAMSON
RANDY L. TUBBS

To be sanitarian

PAUL T. DAY
THEODORE J. MEINHARDT

To be senior assistant sanitarian

DANIEL ALMAGUER
KEVIN TONAT
LYNN E. JENKINS
L.J. DAVID WALLACE III
KENNETH J. SECORD
PETER P. WALLIS
CHARLES D. STANLEY

To be senior assistant veterinary officer

RICHARD F. CULLISON
CHERI A. REID-QUINN
MARY L. MARTIN

To be pharmacist

STEVEN R. MOORE

To be senior assistant pharmacist

CHERYL L. AUNE
MARLA L. KENT
DAVID C. BOZZI
MICHAEL R. LILLA
JAMES L. BUTLER
JAMES W. MITCHELL
DAVID L. CHRISTENSEN
JANET M. MORGAN
LULA D. FISHCHBACH
WILLIAM D. SAGE
BEN GLIDEWELL
MARTIN L. SMITH
SCOTT W. HAYES
JAMES P. STABLES
JAMES D. HAZELWOOD
JAMES P. STUMPFF
IRENE J. HUMPHREY
SHEILA E. VEIKUNE
JAMES C. JORDAN
CYNTHIA A. WAY

To be assistant pharmacist

REBECCA J. LIDEL

To be senior assistant dietitian

JANICE M. HUY
JAMES M. PEARCE
JOYANNE P. MURPHY

To be senior assistant therapist

MARK W. DARDIS
JOSEPH HUNTER
ELAINE A. DENNIS

To be assistant therapist

KAREN N. LOHMANN

To be senior assistant health services officer

DUANE R. BECKWITH
ANN G. MAHONY
MARY B. COOPER
LURA S. ORAVEC
ROCHELLE E. CURTIS
MAX A. TAHSUDA
CHERYL A. LAPOINTE
THOMAS R. TAHSUDA
STEVEN R. LOPEX
HENRY A. WALDEN, JR.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral

JAMES A. YEAGER

To be rear admiral (lower half)

RAY E. MOSES
RAYMOND L. SPEER
SIGMUND R. PETERSEN

To be captain

MELVYN C. GRUNTHAL
ARTHUR N. FLIOR
MICHARL A. MCCALLISTER
FREDERICK J. JONES
DONALD L. SULOFF
MARTIN R. MULHERN
ANDREW N. BODNAR, JR.
ALBERT E. THEBERGE, JR.
NICHOLAS A. PRAHL

To be commander

GEORGE C. PLAYER III
EDWARD B. CHRISTMAN
PAMELA R. CHELGREN-KOTERBA
DENNIS J. SIGRIST
THOMAS L. MEYER
TERRY M. LAYDON
ROBERT J. PAWLOWSKI
GREOGRY V. SEGUR
DOUGLAS G. HENNICK
EDWARD E. SEYMOUR, JR.
DAVID C. MCCONAGHY
GARTH W. STROBLE
WILLIAM J. HARRIGAN
ANDREW M. SNELLA

To be lieutenant commander

NEAL G. MILLETT
JOHN W. BLACKWELL
CHARLES E. GROSS
SAMUEL P. DE BOW, JR.
MICHAEL R. JOHNSON
MARK S. FINKE
BRIAN P. HAYDEN
ROBERT X. MCCANN, JR.
DEREK C. SUTTON
TIMOTHY D. RULON
JOHN D. WILDER
JAMES M. HERKELRATH
JOHN C. CLARY III
MICHAEL K. MALLETTER
MILES M. CROOM
ELIZABETH A. WHITE
LEEANNE ROBERTS

To be lieutenant

MICHAEL F. CHOLKO
DAVID W. MOELLER
RANDAL J. SHRUELL
GREGG LAMONTAGNE
DUANE A. TIMMONS
LEE M. COHEN
JOHN E. LOWELL, JR.
MARK H. PICKETT
DAVID M. MATTENS
JOHN S. GRIFFIN
JON E. RIX
THOMAS W. HURST
CLIFFORD C. WILSON
MARK W. HULSBECK
WAYNE E. MITCHELL
CHRISTOPHER A. MEBANE
TIMONTHY J. CLANCY

To be lieutenant (junior grade)

GERD F. GLANG
CHRISTOPHER S. MOORE
RAYMOND C. SLAGLE
ANDREW L. BEAVER
EDWARD R. CASSANO
STACY L. BIRK-RISHEIM
PHILIP J. MEIS
ANGELA M. LUIS
DEWAYNE J. NODINE
JEFFREY A. FERGUSON
DANIEL W. CHENG
MICHAEL R. LEMON
TINA L. BERTUCCI
PHILIP S. HILL
BRENT M. BERNARD
WILLIAM B. KEARSE
MARK S. LARSEN
THOMAS A. NIICHEL
JAMES S. VERLAQUE
STEVEN P. LABOSSIERE
SCOTT K. SULLIVAN
DAVID K. ZIMMERMAN
DANA S. WILKES
JOHN E. HERRING
DONNAL M. JUROSKY
PATRICK I. WADDINGTON
CYNTHIA N. CUDABACK
ROBERT S. PAPE
GARY R. MAY
LAURIE A. RAFFETTO
JOSEPH S. MCDOWELL
THOMAS R. WADDINGTON

To be ensign

TIMOTHY T. MADSEN
ANDREA M. HRUSOVSKY
MATTHEW J. HAWKINS
RICHARD A. FLETCHER
HARRIE W. BONNAH II
KURT E. BROWN
DOUGLAS G. LOGAN
ANDREW J. PATE
SUSAN L. GAERTNER
BARRY K. CHOY
MICHAEL J. HOSHLYK
WILBUR E. RADFORD, JR.
DENISE J. SWALLOW
NINA I. ROOKS
KAREN L. SCHOONOVER
RICHARD R. WINGROVE
JAMES T. WAPLES
KIMBERLY R. CLEARY
NEIL A. DABOUL
MICHAEL D. FRANCISCO
RALPH R. ROGERS
KERRY E. GOOD
MICHELE A. FINN
ALAN C. HILTON
LEE D. WEINER
KATHERINE A. MCNITT
MATTHEW J. WINGATE
HAROLD E. ORLINSKY
FRANK Y. ZINK
RANA D. PRICE
CYNTHIA M. RUHSAM
GEOFFREY S. SANDORF
HEIDI J. MUENCH
CHRISTOPHER J. WARD
PHILIP A. GRUCCIO
PAMELA K. WEBER
KIM T. MCDONOUGH
CRAIG E. WINKLER
LISA M. SCRIBA
JAMES L. YEATTS, JR.
FRANCIS W. NOWADLY

CONFIRMATIONS

Executive nominations confirmed by the Senate January 23, 1990:

THE JUDICIARY

EDWIN L. NELSON, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA.

SUSAN WEBBER WRIGHT, OF ARKANSAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS OF ARKANSAS.

WITHDRAWAL

Executive message received January 23, 1990, withdrawing from further Senate consideration the following nomination:

MERIT SYSTEMS PROTECTION BOARD

SAMUEL W. BOGLEY, OF MARYLAND, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF 7 YEARS EXPIRING MARCH 1, 1995, VICE DENNIS M. DEVANEY, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

EXTENSIONS OF REMARKS

ELECTRIC VEHICLE TECHNOLOGY DEVELOPMENT AND DEMONSTRATION ACT OF 1990

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. BROWN of California. Mr. Speaker, I am pleased to introduce today the Electric Vehicle Technology Development and Demonstration Act of 1990. This measure will help our Nation to achieve very important—and heretofore mutually exclusive—goals: Clean air and convenient transportation. Joining me today as original cosponsors are Representatives VIC FAZIO, JERRY LEWIS, CARLOS MOORHEAD, TOM CAMPBELL, RON PACKARD, HENRY WAXMAN, and JIM BATES.

The scope of the problem is clear. We know that over 100 urban areas do not meet existing Clean Air Act standards for ozone and that more than 40 areas fail to meet standards for carbon dioxide. We know that programs directed at reducing emissions from mobile source will be central to air quality restoration efforts in these areas.

Electric vehicles must be part of any clean air solution because they may be the single most effective means of reducing transportation sector emissions in nonattainment areas. A recent report by the California Air Resources Board compared emissions of gasoline and alternately fueled vehicles, finding that even when the incremental emissions resulting from increased electrical generation are considered, electric vehicles can reduce up to 98 percent of emissions of reactive hydrocarbons, 89 percent of nitrogen oxides and 99 percent of carbon monoxide compared to gasoline powered vehicles. When the Air Resources Board compared other alternative fuels with electric vehicles, such vehicles still came out significantly ahead. For example, in carbon monoxide emissions, electric vehicles are 124 times better than methanol, 174 times better than liquefied petroleum gas and 11 times better than compressed natural gas. Replacement of gasoline powered vehicles with electric vehicles also offers the potential for actually reducing carbon dioxide emissions as well.

In fact one study has concluded that replacement of just 1 percent of the vehicles registered in the United States with electrically powered vehicles could eliminate 160,000 tons of pollutants emitted per year.

Electric vehicles have another important benefit: energy security. More than 60 percent of U.S. oil consumption is attributable to the transportation sector. One successful way of reducing oil imports is to use electric vehicles. Substitution of 1 percent of the vehicles registered today would save over 60,000 barrels of oil per day, and the U.S. balance of trade deficit would be reduced by $1 billion.

Unfortunately, electric vehicles have not always been given the prominent role they deserve in the national policy debate about alternative vehicle fuels. While there may be a number of reasons for this—some technological, some economic—the real issue facing Congress today is how to move electric vehicles from the drawing boards onto our Nation's roads, particularly in those urban areas where they can contribute significantly to air quality improvement efforts. Even a combination of regulatory mandates to use alternative fuels may not resolve the obstacles which combine to thwart the development of an electric vehicle market in time to make EV's a viable option by the middle of this decade.

This legislation is a natural expansion of the effort to encourage development of electric vehicle technologies that we called for in the electric and Hybrid Vehicle Research, Development and Demonstration Act in 1976. In 1976, we identified electric vehicles as being an important means of reducing our national use of petroleum products. We recognized that our dependence on foreign petroleum products was a threat to our national security as well as to our balance of payments. We saw introduction of electric and hybrid vehicles—particularly in urban areas—as an effective means of reducing our use of imported petroleum. We observed that electric vehicles "do not emit any significant pollutants or noise," and for these reasons we set forth a program aimed at facilitating the development of and removing barriers to the use of electric and hybrid vehicles and to promote their substitution for gasoline- and diesel-powered vehicles in appropriate applications.

The ambitious objectives of the act have yet to be fully realized, even though the benefits of electric vehicles from both an environmental and an energy security standpoint are unsurpassed by any other alternative vehicle fuel. Part of the reason that we have not achieved the goals of the 1976 Act is due to the decreased pressure for developing alternatives to petroleum-based fuels resulting from the drop in world oil prices. Nor has technology, particularly in the area of electric storage batteries, proceeded at the pace we expected in 1976.

The increasing environmental costs of continued near-exclusive reliance on gasoline are exerting renewed pressure for the development of alternative fuels. We have an important opportunity today to act.

The sponsors of this legislation are well aware that there are also real technological barriers to be overcome. Electrical drive trains must be improved, and the range and performance of current generation of electric vehicles must be enhanced if full consumer acceptance is to be achieved. Battery research and development efforts, both federally supported programs and those of private industry, must continue and intensify.

But we do not have the luxury of waiting until electric vehicle battery technologies are perfected to move forward with a commercialization program. If we do, electric vehicles simply will not be available in the mid-1990's timeframe contemplated by the alternative fuels programs now under consideration. The technology available today is adequate for certain applications, primarily for fleet use in urban areas. Getting that technology on the road and creating niche markets for EV's offers us an effective means to pull private sector research and development funds into battery programs at a far greater pace.

Our legislation proposes a Federal cost-sharing program to stimulate market demand for electric vehicles by cutting the high per vehicle purchase cost of initial models off the production line. Our goal is twofold: To establish a domestic production capability and to drive down the cost of electric vehicles by achieving favorable economies of scale through greater production to the point at which EV costs will be at least comparable, on a life-cycle basis, with conventionally-fueled vehicles.

The program will be oriented to areas not in compliance with Clean Air Act standards. The Federal Government's role would be limited to competitively selecting a manufacturer or manufacturers and specifying minimum performance standards for electric vehicles along with methods of integrating advances in battery technology into the initial production models. The private sector would be responsible for finding purchasers for the electric vehicles to be supported. The program will also generate data needed by consumers to assess the usefulness of electric vehicles for particular applications.

Mr. Speaker, I believe this legislation is a way to bring electric vehicle technologies to their rightful place in the forefront of national efforts to increase the use of alternative vehicle fuels. It offers a means to introduce the marketplace to the benefits of electric vehicles through a program that will attack directly consumer reluctance attributable to high initial vehicle costs. I hope that our colleagues will support our proposal and that we will be able to move forward promptly with its consideration during the current session. A summary of the bill is provided below:

SECTION-BY-SECTION ANALYSIS OF THE ELECTRIC VEHICLE DEVELOPMENT AND DEMONSTRATION ACT OF 1990

Section 1: Short Title.

Section 2: Findings.

The section recites the important benefits of widespread use of electric vehicles, including improving air quality, permitting the efficient utilization of electrical generating capacity, enhancing national energy security and encouraging electric vehicle production in the United States. The findings also acknowledge the barrier to electric vehicle commercialization caused by the high

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

initial cost to users or owners. In view of the benefits of electric vehicles to national energy and environmental policy, it is in the public interest for the federal government to assist in the development, demonstration and commercialization of electric vehicles.

Section 3: Identification of Nonattainment Areas; Eligible Nonattainment Areas.

A two-step procedure is created to provide for the designation of areas in which electric vehicles should be introduced. First, within 30 days of enactment of the legislation, the Administrator of the Environmental Protection Agency would identify those nonattainment areas with the highest number of nonattainment days where mobile sources are a significant cause of the nonattainment. Subsequently, within 30 days after being notified of the identification of these nonattainment areas by the EPA Administrator, the Secretary of Energy will designate which of these nonattainment areas will be eligible areas for electric vehicle sales ("eligible nonattainment areas") under the program.

Section 4: Application.

Within 120 days of the date of enactment, the Secretary of Energy must implement a program to request applications from manufacturers to manufacture, distribute, sell, warranty and service electric vehicles in one or more eligible nonattainment areas. If the responses received to the initial request for applications are deemed inadequate, additional requests for applications may be made.

The request for applications would require responding manufacturers to identify the sales area, quantity of vehicles proposed, distribution means, the type of vehicles to be produced, along with specifications and performance characteristics, price, life cycle cost information and such other information as the Secretary may require. It is expected that requirements for minimum performance standards would be developed by the Department of Energy and included in the request for applications.

Section 5: Selection of Manufacturers.

Within 300 days of enactment, and in consultation with the Secretaries of Commerce and Transportation and the EPA Administrator, the Secretary of Energy is to select one or more manufacturers to sell electric vehicles. Criteria on which the Secretary's selection would be based are set forth, including the capability of the manufacturer to provide the vehicles, the suitability of the vehicles for cargo or passenger applications, the technical viability of the technology proposed, the ability of the manufacturer to achieve life cycle cost reductions, the price proposed for the vehicle, and other criteria specified by the Secretary.

Section 6: Discount to Purchaser.

This section sets forth the mechanism for federal cost-sharing for purchases of electric vehicles. The amount of federal cost-sharing is expressed as a "discount" that may be offered to the ultimate purchaser and will consequently be reflected in the price the ultimate purchase pays for the vehicle. The discount will be equal to either (1) the amount by which the estimated life cycle cost of the electric vehicle exceeds the life cycle cost of a comparable conventionally fueled vehicle, or (2) the amount by which the selling price to be charged by the manufacturer exceeds the suggested manufacturer's retail price of a comparable conventionally fueled vehicle. (Such discount not to exceed 50% of the manufacturers' selling price.)

Cost-sharing payments will be made directly to the manufacturer, and passed through to the ultimate purchaser in the form of a reduced purchase price for the vehicle. To receive payment, manufacturers will be required to certify to the Secretary (1) that the discount will not lower the manufacturer's selling price of the electric vehicle below a manufacturer's suggested retail price of a comparable vehicle; and (2) that the electric vehicle will be used in the eligible nonattainment area in which the vehicle is purchased.

Once initiated, the commercialization program will be an ongoing program, with cost sharing to be available to the selected manufacturer or manufacturers for five fiscal years, unless the Secretary of Energy determines that a manufacturer is not performing under applicable contractual terms and conditions, in which case further assistance may be withheld.

Section 7: Definitions.

Electric vehicles are powered by electric motors drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, permitting the use of different powering technologies and not restricting the nature of the vehicles to be included in the commercialization program.

Life cycle costs are defined as all the costs associated with the purchase, operation maintenance and disposal of a vehicle.

Section 8: Authorization of Appropriations.

The legislation authorizes the appropriation of $10,000,000.00 for each of the five fiscal years following the date of enactment of this Act.

INTRODUCTION OF THE ELECTRIC VEHICLE TECHNOLOGY COMMERCIALIZATION ACT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. FAZIO. Mr. Speaker, in the debate on ways to improve the quality of our environment, much attention is now being focused on alternatives to conventional motor vehicle fuels. In my experience, however, inadequate attention has been paid to one important alternative fuel option—electricity. For this reason, my colleagues, Mr. BROWN, Mr. LEWIS, and I are introducing legislation, the Electric Vehicle Technology Commercialization Act of 1990, to encourage the widespread use of electric vehicles [EV's] in this country.

The legislation we are proposing calls for a multiyear Federal cost-sharing program that will demonstrate the environmental and energy benefits of electric vehicles. The measure will also serve to stimulate market demand for electric vehicles and encourage technical enhancements to improve today's available technologies.

Using EV's instead of gasoline-powered vehicles will produce substantial reductions in the emissions that produce urban smog. In addition, increased use of EV's offers an important means to improve our energy security by cutting our growing reliance on supplies of foreign oil.

When compared with the benefits of other alternate fuel technologies the environmental benefits of EV's often exceed those offered by other frequently cited alternatives.

Yet given their current state of development, vehicles using these other alternate fuels may be closer to commercial availability than are electric vehicles. If our Nation is to realize the substantial environmental benefits offered by EV's, we must begin efforts now that will assist in the accelerated commercialization of EV's.

We have recognized at least since the passage of the Electric and Hybrid Vehicle Research, Development and Commercialization Act in 1976 that sound national energy policy should include increased reliance on electric vehicles. Still there is presently no electric vehicle alternative available to potential users. A myriad of problems combine to frustrate the widespread development of electric vehicles, including high per vehicle cost. These high costs are, in part, a result of the fact that economies of scale and facilities to produce electric vehicles are not available. This lack of production facilities is itself the result of a lack in consumer demand for electric vehicles. Consumer resistance is also an outgrowth of the lack of consumer experience with electric vehicle technology. We have a completed circle for inaction.

The legislation we are offering today will address these impediments to electric vehicles. The Electric Vehicle Technology Commercialization Act calls for the Department of Energy to issue a competitive solicitation for one or more manufacturers to assume responsibility for producing, delivering, servicing, and selling electric vehicles. Specifications for the solicitation would be prepared by the Department of Energy, to assure that the highest technical standards are met by the proposers and the best available technology is produced.

Manufacturers responding to the DOE solicitation would be required to commit to distribute vehicles in the most serious nonattainment areas, as determined by the Administrator of the Environmental Protection Agency and the Secretary of Energy. In this way, the program would demonstrate the contribution that electric vehicles can make to air quality restoration efforts in severely polluted, urban areas.

I have also introduced legislation to reform Federal procurement policies to encourage the acquisition of alternately fueled vehicles. However, the legislation we introduce today has a different goal of generating enough experience with electric vehicles and information on the capabilities of the available technology to encourage the eventual development of a selfsustaining electric vehicle market.

Our other key element of the proposal is private sector cost-sharing. Under the legislation, the Federal share of the cost of any electric vehicle to be produced by a manufacturer is limited to 50 percent of the vehicle's selling price. This limitation is designed to assure that Federal funds are leveraged to the greatest extent possible with private sector funds. In addition, during the multiyear life of the demonstration program, economies of scale and technical advances will produce reductions in per vehicle costs. The legislation also provides that in no circumstance may the purchase price of an electric vehicle supported under this program be reduced to less than the manufacturer's suggested retail price of a

comparable, gasoline fueled vehicle. An alternative means of calculating the Federal cost-share is also provided, which is based on the difference in life cycle costs between an electric vehicle produced under the program and a gasoline powered vehicle.

The planned multiyear duration of the program will provide stability and permit the integration of technology improvements, such as advanced batteries, that are foreseen in the next several years. With improved battery technologies will come improvements in vehicle range and performance characteristics, all of which are essential before the electric vehicle can be viewed by consumers as an acceptable mode of transportation or delivery. I believe that we may even encourage additional private sector research and development efforts in electric vehicle batteries once manufacturers realize that a market for the batteries is being developed.

The importance of electric vehicle technology development must be addressed in conjunction with the clean air debate, and particularly the alternative fuels programs being discussed as part of those efforts. This legislation complements the objectives of the alternative fuel proposals already under consideration, and I am hopeful that we can look forward to action on this proposal in the very near future.

REPEAL SOCIAL SECURITY TAX INCREASE

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce legislation to cut the payroll tax for Social Security this year. This reduction would be retroactive to January 1, 1990. My bill would reduce the tax rate to 7.51 percent in 1990 for both employees and employers while permitting the wage base to rise to $51,300. In 1991, and calendar years thereafter, the rate would fall to 7.35 percent. This bill applies the same tax cut to tier I railroad retirement.

This act would save workers and employers in Montana a combined total of $11.9 million in 1990. This is vital to the workers and employers in my State.

We have allowed Social Security trust funds to be used to pay for increases in defense spending, servicing the interest on our national debt, and reducing the deficit. It is time to face reality and move away from this regressive form of taxation as a major source of revenue.

We have borrowed trust funds to the point where we will have to find new revenue sources to pay Social Security benefits when they become due regardless of action on this bill. This trust fund is not the only one that we are borrowing from to meet the increases in defense spending, interest payments and deficit reduction, but it is clearly the largest. We are also committing the same hoax with highway, retirement, and unemployment insurance funds. The following table from CBO's August 1989 Economic and Budget Outlook (p. 51) displays the magnitude of this problem:

TABLE II-6.—TRUST FUND SURPLUSES IN THE CBO BASELINE

[By fiscal year, in billions of dollars]

	Actual 1988	1989	1990	1991	1992	1993	1994
Social Security	39	54	65	75	86	99	113
Medicare	15	21	23	21	17	15	13
Military Retirement	14	15	14	14	15	15	16
Civilian Retirement [1]	19	20	21	23	24	26	28
Unemployment	8	8	9	6	4	4	3
Highway and Airport	2	4	2	1	1	1	([3])
Other [2]	1	([3])	2	2	2	1	1
Total trust fund surplus	98	121	135	143	150	162	175
Federal funds deficit	−253	−283	−276	−287	−291	−304	−303
Total deficit	−155	−161	−141	−144	−141	−143	−128

[1] Includes Civil Service Retirement, Foreign Service Retirement, and several smaller funds.

[2] Primarily Railroad Retirement, Employees' Health Insurance and Life Insurance, and Hazardous Substance Superfund.

[3] Less than $500 million.

Source: Congressional Budget Office.

This legislation will further protect the Social Security trust fund by taking these funds out of the calculation used to meet the Gramm-Rudman target, and therefore the Congress and the Nation to develop a more progressive form of revenue increases or face a higher, more honest deficit level.

UKRAINIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. GILMAN. Mr. Speaker, this week is the 71st anniversary of the Declaration of Independence by the Ukraine. After years of oppression by the Soviets, the independence of the Ukrainian people has long ago ceased to be a political reality. However, the spirit of independence which lives on in the hearts of Ukrainians remains unabated and stronger than ever.

The Ukrainian nationality enjoys one of the richest histories and cultures of all European peoples. Under the 19th century leadership of that literary giant, Taras Shevchenko, Ukrainian literature has been the envy of scholars and linguists since the mid-1800's. Shevchenko was not satisfied with leading the revival of Ukrainian writing, however; he also spearheaded the Ukrainian cultural revival, which proved to be the bedrock for the subsequent efforts to achieve Ukrainian political independence.

Michael Drahomanov formulated a political program for the Ukraine during the latter part of the 1800's. Drahomanov, a political moderate, envisioned the liberation of the Ukrainian people by means of democracy, federalism, and social reform. These moderates worked on the local level through cooperatives, but found their work twarted by the repressiveness of the Czarist regime. The door was open for the Ukrainian radicals, who founded the Revolutionary Ukrainian Party in 1899.

Thus, the stage was set for Ukrainian independence when World War I engulfed the peoples of Europe.

The magnitude of the First World War proved too burdensome to the already corrupt and weakened Czarist regime. The March Revolution of 1917 overthrew monarchy forever in the Russian Empire. Later that year, the November revolution brought the Communists to power. The Ukrainian leaders were quick and adept in seizing this initiative to formulate a national state. On January 22, 1918, the independent Republic of the Ukraine was established.

Despite the determination of the Ukrainian people, under the sterling leadership of Simon Petlyura, Ukrainian independence proved to be extremely short lived. The Bolsheviks, who gained control of Russia, invaded the Ukraine from the north and the east. Poland invaded the Ukraine from the west. The White Russians conducted a fifth-column civil war from within the Ukraine. Against these combined forces, the armed services of the Ukraine didn't stand a chance, despite their courage on the battlefield. When the shooting came to an end, the Ukrainian Republic had ceased to exist. The U.S.S.R. and Poland divided Ukrainian lands between themselves. Even the newly created nation of Czechoslovakia gobbled up some Ukrainian territory.

Under the dictatorial heel of Josef Stalin, the Ukrainian people suffered greatly. A famine in the early 1920's claimed many lives. But this tragedy paled when the great famine of the 1930's took place. Forced collectivization of agriculture caused the death of some 3 to 5 million Ukrainians. As a member of the Ukrainian Famine Commission, I joined with my colleagues on that Commission in culling through substantial testimony regarding the inhumanity and the crimes which took place during those terrible days—a deliberate effort to crush the spirit and the heart of the Ukrainian people, and to thoroughly Russianize the Ukrainian homeland.

Those efforts were not successful. Today, the Ukrainian people remain more determined than ever to preserve their rich cultural heritage and their political integrity.

Mr. Speaker, in my own congressional district, Ukrainian Independence Day was commemorated by numerous Ukrainian-Americans as well as Americans of Ukrainian ancestry. In Glen Spey, NY, one active Ukrainian-American community conducted commemorative services which stressed the deep religious faith of the Ukrainian people. In Rockland County, NY, the Ukrainian-American Veterans Association memorialized the many Ukrainians who died on the battlefield both in the Ukraine, to achieve independence, and throughout the world, to protect the liberties of the United States.

Mr. Speaker, I invite all of our colleagues to salute a proud people on a proud occasion, and to join with us in praying for the day that Ukrainian independence will be revived, total and permanent.

WE TRY HARDER—U.S. FUNDING EFFORT FOR EDUCATIONAL EXCELLENCE LAGS OTHER NATIONS

HON. MATTHEW G. MARTINEZ
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. MARTINEZ. Mr. Speaker, if you want better results, you try harder. At last September's education summit, President Bush declared that the United States "lavishes unsurpassed resources" on education. Shortly before the summit, Bush's Chief of Staff, John Sununu, declared "(w)e spend twice as much (on education) as the Japanese and almost 40 percent more than all of the other major industrialized nations of the world." According to the administration, we are spending more and getting less.

"It ain't necessarily so" according to a recent study from the Economic Policy Institute, a nonpartisan research organization. Economists will argue until the Moon turns blue over the best way to compare activities across nations. Multiple indicators are vital: Different measures tell us different things. Policy differences—such as national programs for health care and pensions and definitions of who is a teacher—can make comparisons of even basic things, such as teacher salaries—one of the largest factors in cost-per-pupil ratios—tricky to compare. Wild fluctuations in the value of the U.S. dollar, due in large part to the twin deficits that emerged during the Reagan administration, make currency conversions difficult. Despite complexities, the issue of how we are doing is too important to ignore.

"Shortchanging Education: How U.S. Spending on Grades K–12 Lags Behind Other Industrial Nations" by the Economic Policy Institute opens a vital dialog. One would expect the United States to spend more on education than more centralized and homogeneous nations. Given decentralization, immigration, big regional differences and rapid economic change, one would expect the United States to spend more on education. Moreover, our Nation's commitment to building educational excellence for the disadvantaged and for the handicapped in order to keep America a land of opportunity for all demands higher levels of expenditures than in lands where students are tracked at an early age into vocational and college prep programs.

Effort is important in solving problems—and we have problems. Study after study tells that United States students lag relative to our goals and relative to other nations. The proportion of gross domestic product devoted to education is probably the best single measure of this effort. As CRS points out, among other things, there are fewer problems with data expressed relative to a nation's own currency. The proportion of national product going into an activity—such as health care or defense—is widely used as one measure of effort. Issues of how those resources are used—such as the fair chance of a local school to obtain an equitable share of those resources to educate its students—are equally vital, and an area that international comparisons could also inform as we appear to lag many nations in this area as well.

This is not the first study to suggest that the United States may not be trying harder when it comes to funding education. A 1988 study by the Congressional Research Service pointed out that the United States primary school teacher-student ratio was equal or higher than for all other nations in the study except Japan—and even Japan had lower ratios for early elementary grades. CRS also found that average teacher compensation was below that for 4 of the 7 other nations in the study. CRS noted that the United States was devoting significantly less of its educational finance effort to K–12 education than nations such as Germany and Japan—with Japan spending a tenth of a percent more of its huge GNP than did the United States.

It is not just CRS that has raised concerns in this area. For example, a 1986 Comparison of Teachers' Salaries in Japan and the United States contracted by the Department of Education found that while salaries of entering teachers in Japan could be less than in the United States, salaries of senior Japanese teachers were as much as 30 to 40 percent higher than in the United States—and Japan had much higher retention rates for teachers as indicated by seniority. As the study put it: "This means that the average Japanese teacher's salary buys a significantly larger share of the nation's goods and services than does the average teacher's salary in the United States."

I have always said that "Education is the first line of defense." As tidal waves of change reshape the "Soviet Block"—and as the need to improve our schools to meet domestic and international challenges grows—the question of where we should put our financial muscle again comes to the fore.

As the banker said, "That which is not financed does not exist." The EPI study points out the need to strengthen our knowledge of the competition. That is why I strongly support U.S. participation in the OECD educational indicator project, and why I authored provisions in the pending reauthorization of the Perkins Vocational Education Act to develop internationally comparative data on technological education.

The Department of Education has attacked the "Shortchanging Education" study with such vigor that I believe that it is vital that members have the opportunity to examine the study first-hand as part of the larger debate over building educational excellence in America. Major excerpts from the study follow; the full text is available from the Economic Policy Institute.

SHORTCHANGING EDUCATION: HOW U.S. SPENDING IN GRADES K–12 LAGS BEHIND OTHER INDUSTRIAL NATIONS

(By M. Edith Rasell and Lawrence Mishel)

Over the past decade, Americans have become increasingly concerned about the educational and academic achievements of US students, particularly at the primary and secondary levels. Numerous high-level commissions, composed of leaders from government, education, and business, have examined the schools, and most recently state governors and Administration officials, including President Bush, met at the "Education Summit" to discuss needed reforms. Improving the education of US students has risen to the top of the public agenda.

President Bush, who has declared his desire to be known as the "education president" has, however, attempted to limit the discussion of educational reform initiatives to those which do not involve spending additional public funds. At the "Education Summit" in September President Bush declared that the US "lavishes unsurpassed resources on (our children's) schooling." Therefore, "our focus must no longer be on resources, it must be on results." At this same conference, Secretary of Education Lauro Cavazos stated that the problem with US education "is not . . . an issue of dollars . . . (Funding is truly not an issue."

The President and administration officials have justified this anti-spending stance by asserting that the US education system is already well-funded in comparison with other industrial nations. Two measures of spending have been used by Administration officials and others to compare US expenditures with those of other countries. One measure is spending per pupil. According to Secretary Cavazos, "we are already spending more money per student than our major foreign competitors, Japan and Germany." President Bush's Chairman of the Council of Economic Advisers, Michael Boskin, agrees: "(w)e spend more, per pupil, than most of the other major industrialized economies." In the New York Times, Chester Finn, Jr., former Assistant Secretary of Education in the Reagan Administration wrote "(w)e already spend far more per pupil than any other nation."

The second measure of spending which is used to make international comparisons is the share of national income devoted to education. In appearances on the NBC "Today Show" . . . President Bush's Chief of Staff, John Sununu declared, "(w)e spend twice as much (on education) as the Japanese and almost 40% more than all of the other major industrialized countries of the world." The Council of Economic Advisors Chairman Boskin stated, "we spend a very large amount of our national income on education."

The Administration's proposition that US education is well-funded and therefore poor student performance cannot be a matter of insufficient monies is a key element in the national debate over education. It has provided policymakers at federal, state, and local levels a convenient rationale for not devoting more resources to education in a time of budgetary stress.

This paper is an examination of the statistical under-pinnings of the Administration's claims. It concludes that the assertions about funding are misleading and therefore invalid guides to educational policy. Specifically, our examination of education expenditures in 16 industrialized countries, adjusted for differences in national income, shows:

US public and private spending on pre-primary, primary and secondary education, the levels of schooling which have been the focus of most concern, is lower than in most other countries. The US ties for 12th place among 16 industrialized nations, spending less than all but three countries.

When expenditures for K–12 are further adjusted to reflect differences in enrollment rates, the US falls to 14th place, spending less than all the other countries but two.

When US public spending alone is compared to public spending abroad, we rank 14th in spending for *all* levels of schooling, 14th in spending on K–12, and 13th on K–12 spending adjusted for enrollments.

If the US were to increase spending for primary and secondary school up to the *average* level found in the other 15 countries, we would need to raise spending by over $20 billion annually . . .

This paper is focused on education spending. It is not a prescription for improving the US education system. We recognize that money does not guarantee excellence and we suspect that other changes—in curriculum, in the status of teachers, and in expectations about students, to name just a few, will also be fundamental to any improvement in education quality and student achievement. But to begin a process of education reform by denying the need to increase spending, especially when US schools are under-funded compared to those in other industrial countries, places a severely limiting constraint on any plans for educational improvement.

This paper compares education spending in 16 industrialized countries: most of western Europe, Canada, Japan, and the US. Our data source is the UNESCO, virtually the only commonly accepted source for such comparisons and the same source used by Administration officials. US 1985 expenditure data come from the Digest of Education Statistics.

INTERNATIONAL COMPARISONS: EDUCATION SHARE OF NATIONAL INCOME

We will begin our study by comparing education expenditures expressed as a percentage of national income (Gross Domestic Product). This is a common method used for international comparisons which allows us to avoid the distortions caused by fluctuating exchange rates. Also, education expenditures expressed as a percentage of national income provide a measure of the national effort which each country directs toward education.

Table I shows education expenditures as a percentage of national income for 16 countries in 1985, the last year for which such data are available. A first, but as we will show later, misleading glance shows that US spending for all levels of schooling. . . . amounted to 6.8% of national income. This places the US in a three-way tie for second place with one of the highest expenditure levels among the 16 countries studied. By this measure it appears that only Sweden spends a larger share of national income on education than does the US, and Canada and the Netherlands spend equivalent amounts. This figure showing the US to spend a relatively large percentage of national income on education is the basis for claims made by the President and others that the US spends "lavishly" on education and that we spend more than most other countries.

This comparatively high expenditure on education is due, in large part, to the substantial sums the US spends on higher education. A relatively larger number of US students are enrolled in post-secondary education than in most other countries. In 1985, 5.1% of the entire US population was enrolled in some form of higher education, a figure two to three times larger than the percentage enrollments of any other country except Canada. Larger enrollments, in what is also a more expensive form of education raise US total education expenditures above levels in many other countries.

But the current crisis of American schools is not higher education: it is in the primary and secondary school systems. A comparison of funding for all levels of education combined thus obscures the main focus of concern about American education. If spending on K-12 only is compared, in 1985 the US tied for 12th place spending less than 11 of the other countries. . . .

But this picture of relative spending is still incomplete. Calculations of funding adequacy must also be related to the size of the school age population in each country. Among the countries studied, the US enrolls a relatively large percentage of the population in pre-primary, primary, and secondary school. For example, over 19% of the US population is enrolled in K-12, but less than 15% of the West German population. . . . (When expenditure figures) are adjusted to take into account the relative size of each country's K-12 enrollment . . . among the 16 countries studied, the U.S. spends less on preprimary, primary, and secondary education than all but two other countries. Only Australia and Ireland spend less than the U.S. for the critically important grades K-12 (see Figure 1).

We can also compare U.S. education spending as a share of national income with the average share of the other 15 countries. . . . The U.S. spent 4.1% of its national income on K-12 education in 1985, while the average abroad was 4.6%. If the U.S. were to have reached this average in 1985, we would have needed to raise spending for pre-primary, primary, and secondary school by over 12%, or by $20.6 bn. annually.

All the international comparisons made thus far still give an incomplete picture of comparative education spending. Large U.S., Japanese, and German trade imbalances skew the data and make the U.S. education expenditure appear larger than is actually the case. A more accurate picture of education spending, taking into account trade imbalances, would lower U.S. spending and raise Japanese and German spending beyond the levels shown in Table 1.

FIGURE 1.—*Comparison of Country Education Expenditure, 1985*

	Percent
Sweden	7.0
Austria	5.9
Switzerland	5.8
Norway	5.3
Belgium	4.9
Denmark	4.8
Japan	4.8
Canada	4.7
West Germany	4.6
NonUnited States average	4.6
France	4.6
Netherlands	4.5
United Kingdom	4.5
Italy	4.2
United States	4.1
Austrialia	3.9
Ireland	3.8

SPENDING ON GRADE K-12 AS PERCENT OF GROSS DOMESTIC PRODUCT PUBLIC SPENDING ON EDUCATION COMPARED

We have seen that the U.S. spends a smaller share of its national resources on K-12 than do most other industrialized countries. But there is another dimension in which characterization of the U.S. as a big spender on education is wrong—public expenditures.

For most of the 16 countries studied UNESCO assembles data on public expenditures for education because public revenues provide virtually all the money spent on education. . . . The two exceptions are Japan and the U.S. where 20-25% of all educational funding comes from private sources. For these two countries UNESCO provides data on public and private education expenditures. . . . If we educated public and private K-12 students at the actual per public expenditure found in public schools, this would increase spending and raise the U.S. ranking from 14 to 13.

INTERNATIONAL COMPARISONS: EXPENDITURES PER PUPIL

Thus far we have focused on education's share of national income in different countries. Education investment can also be analyzed by comparing expenditures per pupil. . . . However, there are two potential sources of error in the use of per pupil expenditures to compare nation's spending on education. The first is the instability of exchange rates. Before cross-national comparisons can be made, expenditures measured in each country's national currency must be expressed in some common unit of measurement, e.g. dollars, yen, marks, etc. But whatever measure one chooses, it requires converting data collected in all other currencies to one currency. However, exchange rates fluctuate, sometimes markedly, and this has been particularly true in the 1980s. For instance, in 1985, if $100,000 would have purchased a German school bus, by 1988, due to a decline in the value of the dollar, the same bus could have cost $166,000. . . . The size of the German expenditure measured in German marks would be unchanged, but fluctuations in the exchange rate used to convert marks to dollars would markedly change the dollar value of the expenditure. . . . Using 1985 exchange rates . . . . the U.S. ranked fourth among the 16 countries studied. But if some other value of the dollar is used to make the conversion, e.g., the 1988 exchange rate, then the U.S. ranking changes to ninth.

The second problem in using per pupil expenditures is that they do not necessarily reflect the national effort devoted to education. The real issue underlying cross-national comparisons is not the number of dollars . . . which each country spends, but the relative national effort devoted to education. For example, a poorer country could spend a relatively larger share of national income on education, i.e. could make a large national effort to educate its youth, but have a much lower spending per pupil than a richer country devoting a smaller share of its income to education. Before meaningful international comparisons can be made, education expenditure levels must be related to some measure of total national income.

Moreover, countries with high per capita incomes will also have higher wages reflecting a higher standard of living. . . . Therefore, we would expect education expenditures per pupil to be higher in the U.S. than in other countries.

Per pupil expenditures can be used to make international comparisons if two conditions are met: exchange rates are avoided, and if some measure of national income is included in the calculation. Such a measure is shown in table 6 . . . We find that of the 16 countries studied, US spending on preprimary, primary, and secondary education is lower than in all but two other countries.

THE HISTORICAL RECORD

Despite the increase in overall US education funding of K-12 between 1980 and 1985, our position relative to other countries declined. . . . In 1980 the US ranked 12th in adjusted spending on K-12, spending less than 11 other countries. But by 1985 the US had fallen in rank to number 14. . . .

CONCLUSION

We have seen that when public plus private spending on all levels of education is

compared with the spending in other industrialized countries, the US is in a three-way tie for second place among the countries studied. However, when spending for primary and secondary education alone is compared with expenditures abroad, the US ranking falls to a tie for 12th place. And when adjustments are made for enrollment size, the US falls further to 14th place, spending less than all the other countries except two.

When levels of public spending on education only are compared, showing the social commitment to education, again the US compares unfavorably with the other countries. Comparisons of public spending for all levels of education and for K-12 alone, both place the US in 14th place. In enrollment adjusted K-12 public expenditures, the US does slightly better, ranking number 13th. But by all comparisons, the US devotes fewer resources to primary and secondary education than do most industrialized nations.

The claim that the US spends more than other nations on education is misleading. By all comparisons, the US devotes a smaller share of its resources to pre-primary, primary and secondary education than do most industrialized countries.

The comparatively weak US investment in K-12 is not a result of a more efficient administrative structure or favorable demographics. In fact, the US might be expected to spend proportionally more than other countries because of the particular characteristics of the US school system and American society. Our decentralized school system gives more local autonomy and local choice, but is also more expensive than a single, centrally administered system. Our population is more heterogeneous than in most other countries. Some immigrants do not speak English. Students come from a variety of cultural backgrounds. The very high number of children living in poverty makes additional demands on the school system.

Available data do not permit cross-country comparisons to be made in much more detail, but other evidence suggests that the spending gap is particularly wide between the youngest American and foreign children. For example, it is generally accepted that the US Head Start Program of early childhood education for disadvantaged children age three to five is valuable and cost effective, yet limited federal funding permits only 20% of eligible children to take part. Many of our competitors seem to have a stronger commitment to early childhood education, and some of them have nearly universal pre-kindergarten enrollments. In France, 100% of four and five year olds attend school/educational day care, 90% of three year olds attend, and 36% of the two-year-olds. In Belgium, 96% of three- to six-year-olds are in school, and in the Netherlands, 98% of four- and five-year-olds.

Spending m only answer to the difficult problem of revitalizing primary and secondary education in the US. But the data presented here indicate that in education, as in every other service, we may "get what we pay for." Given the level of investment in our pre-primary, primary, and secondary schools, it is not surprising that we are slipping behind in comparative measures of performance as well.

LEGISLATION TO RESCIND THE SOCIAL SECURITY [FICA] TAX

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. PENNY. Mr. Speaker, today I am introducing legislation to rescind the Social Security [FICA] tax increase that went into effect on January 1, 1990, and to further reduce the FICA tax in 1991 by 1.1 percent on both employees and employers. A similar proposal has been advanced in the other body by Senator DANIEL PATRICK MOYNIHAN.

Specifically, my bill will reduce the FICA tax to its 1989 level of 6.06 percent from the current level of 6.2 percent. In 1991, the FICA tax would be further reduced to 5.1 percent. This legislation would result in a $7 billion saving for Social Security taxpayers in 1990 and a $55 billion saving in 1991. The FICA tax levels proposed in my bill are based on the recommendations of Robert J. Myers, who was Social Security's chief actuary for 23 years, in testimony before Senator MOYNIHAN's Social Security Subcommittee last year.

This tax reduction will mean an additional $600 per-year to a couple with combined earnings at the Social Security taxable maximum ($54,300 in 1991). For the 74 percent of working Americans who pay more FICA taxes than Federal income taxes, this will be real tax cut. It will produce an immediate positive impact on the overall economy and should assist in creating new job opportunities.

My legislation will also put to an end the "great budget charade of the 1980's," namely: using Social Security tax receipts to fund the general operations of government, a purpose for which they were never intended. Enactment of this legislation will finally force the President and the Congress to focus on real deficit reduction while protecting future Social Security retirees.

I know this is a controversial and provocative proposal. However, dramatic action is necessary to force Congress and the administration to talk about how to set national priorities and balance the budget. With the actual deficit exposed we will be required to look at a combination of specific budget cuts and/or tax increases to bring us to our goal of a balanced budget. Second, it will once again stimulate discussion on the long-term solvency of the Social Security system, including the possible adjustment of benefits in the future for those in the Baby Boom generation. We want to guarantehuge tax increase on 21st century workers. In the near future, I plan to introduce additional reforms to address these concerns.

Reducing the payroll tax is a dramatic step, but one that may be necessary to bring us to our senses about the deficit. There are many options available to achieve this objective, but it is clear that we must act now.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF SCHEDULED INCREASE IN SOCIAL SECURITY TAXES; REDUCTION OF TAXES IN 1991.

(a) TAX ON EMPLOYEES.—Subsection (a) of section 3101 of the Internal Revenue Code of 1986 (relating to tax on employees) is amended by striking the last 2 items in the table and inserting the following:

"1988, 1989, or 1990	6.06 percent.
"1991 or thereafter	5.10 percent."

(b) TAX ON EMPLOYERS.—Subsection (a) of section 3111 of such Code (relating to tax on employers) is amended by striking the last 2 items in the table and inserting the following:

"1988, 1989, or 1990	6.06 percent.
"1991 or thereafter	5.10 percent."

(c) SELF-EMPLOYMENT TAX.—Subsection (a) of section 1401 of such Code (relating to self-employment tax) is amended by striking the last 2 items in the table and inserting the following:

"December 31, 1987–January 1, 1991	12.12
"December 31, 1990	10.20."

(d) TIER 1 RAILROAD RETIREMENT TAX ON EMPLOYEES.—Subsection (a) of section 3201 of suc tax on employees) is amended by striking the last 2 items in the table and inserting the following:

"1988, 1989, or 1990	7.51.
"1991 or thereafter	6.55."

(e) TIER 1 RAILROAD RETIREMENT TAX ON EMPLOYEE REPRESENTATIVES.—Subsection (a) of section 3211 of such Code (relating to tier 1 railroad retirement tax on employee representatives) is amended by striking the last 2 items in the table and inserting the following:

"1988, 1989, or 1990	15.02.
"1991 or thereafter	13.10."

(f) TIER 1 RAILROAD RETIREMENT TAX ON EMPLOYERS.—Subsection (a) of section 3221 of such Code (relating to tier 1 railroad retirement tax on employers) is amended by striking the last 2 items in the table and inserting the following:

"1988, 1989, or 1990	7.51.
"1991 or thereafter	6.55."

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to remuneration paid after December 31, 1989.

(2) SELF-EMPLOYMENT TAX.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 1989.

REMEMBERING THE BUDAPEST GHETTO

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. SOLARZ. Mr. Speaker, the bright new dawn rising over Europe is being felt around the world. The Iron Curtain that had descended over Hungary so many years ago has been lifted as relations between that nation and the State of Israel have been renewed.

To mark the resumption of diplomatic relations between these two great nations, and to celebrate the increasing liberalization of human and religious rights by the Hungarian Government, the Emanuel Foundation for Hungarian Culture will sponsor a gala dinner at the Hotel Pierre on January 31, 1990.

The proceeds of the dinner will benefit the new Hungarian Holocaust Victims and Heroes Memorial which is currently being erected on the site of the Budapest Ghetto. It was there that thousands of Jews died of disease and starvation, victims of the depraved Nazi slaughter that swept over Europe a half century ago. Funds raised at the dinner will also support the renaissance of Jewish culture and Jewish institutions in Hungary, including the Dohany and Kzinczy Synagogues.

The memorial itself will represent a tree in the shape of an inverted menorah, with the names of those who perished inscribed on the tree's leaves as a lasting memorial to the past and as a symbol of hope for the future.

The most extraordinary part of the memorial will be the site itself. Located on the corner of Rumbach and Wesselenyi Streets in downtown Budapest, and adjacent to a mass grave where thousands of Holocaust victims were interred anonymously, the plaza has been donated by the Hungarian Government.

For the survivors of the Nazi terror, and for Jews around the world, this rebirth of a community once nearly obliterated by the blind brutality of fascism is indeed a miracle. Were these extraordinary events merely a great new day for world Jewry, it would be enough.

The events of the last few months are a sign of hope for all humanity: the chipping away at the Iron Curtain, the memorialization of the victims of the Holocaust, the restoration of human rights are all events that have captured the imagination of the world. People of all nations are rejoicing in the fresh breeze blowing across the continent.

I am proud to note the active role our Nation, and its Jewish community, has played in these exciting events. The work of the Emanuel Foundation for Hungarian Culture is a shining example of the activist role being played by these partisans of freedom.

The foundation will honor five great Americans at its dinner:

Richard Roth, of the architectural firm of Emery Roth & Sons, is a native New Yorker and the firm's chairman since 1988. While the name Emery Roth & Sons may not be well known to the man on the street, its buildings are. Its best known works are the World Trade Center, the Pan Am Building, and the Citicorp Building. These striking and innovative structures are as much a part of the New York landscape as Central Park or the Brooklyn Bridge.

The firm's founder Emery Roth, immigrated to the United States in 1884 and lived the American dream, founding his own firm at the age of 32. His buildings are now landmarks and the firm he began one of New York's most respected.

Michael Hont of the brokerage house of Asiel & Co. has been active in the effort to erect a monument to the martyrs and heroes of the Budapest ghetto. In recognition of his efforts, he will receive the Humanitarian Award. A member of the board of the Emanuel Foundation, he is a fountain of energy and commitment.

Most of all, Michael Hont has been a builder for the future of Hungary's Jewish community. He has worked to forge bonds of understanding between people of all faiths and nationalities. Through his work he is helping to give life to the words "never again!"

Erwin and Madeleine Herling will receive the Memorial Builder Award for their dedicated support of the Hungarian Holocaust Victims and Heroes Memorial and for the Dohany Synagogue in Budapest.

Erwin Herling helped rebuild Hungarian industry after the war and, as president of the Getex Corporation, is a highly successful importer of clothing from Eastern Europe. It was on one of his early trips to Hungary that he met his wife, Madeleine, whom he married in the Dohany Synagogue.

Madeleine Herling is also a successful business person. As president of Jolie Gabor Ltd. and the Countess Madeleine Galleries, Ltd., she brings her own special talents and creative instincts to the world of fine jewelry and art.

Erwin and Madeleine Herling have never forgotten the importance of repaying good fortune. As Mr. Herling has often said, "The more we give, the closer we approach Godliness."

Ibi Adler will be presented with the Memorial Patron Award. A native of Nyiregyhaza, Hungary, she has long been known for her quiet, unassuming, yet effective assistance to the elderly in both Hungary and the United States. Bringing food, and subsidizing medical care, she has become a guardian angel for these communities.

With her husband, George, Ibi Adler has worked tirelessly on behalf of the Emanuel Foundation as a board member and advocate for the establishment of a monument to the Hungarian Jews killed by the Nazis.

The evening's speaker will be the acclaimed author Leon Uris, who has traveled across the United States and to Hungary to promote the work of the foundation and the memorial in Budapest.

Mr. Speaker, from the ashes of a divided and war-torn Europe, a new Europe is rising. We must never forget the terrible events of the past, but we must strive to overcome the burden of that bitter legacy. The opening of Europe, the establishment of relations between Hungary and Isreal, the restoration of human rights in Hungary, and the construction of a Holocaust memorial on the site of the Budapest ghetto are all signs of extraordinary change. I am pleased and honored to join the Emanuel Foundation for Hungarian Culture in celebrating these historic events and in honoring these exceptional individuals.

INTRODUCTION OF LEGISLATION TO ADDRESS THE HOME HEATING OIL CRISIS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. CONTE. Mr. Speaker, today I will introduce a comprehensive legislative response to the recent crisis in home heating oil supplies and prices.

In December of last year and earlier this month, the Northeast and other areas of the country experienced and felt the greed of big oil first hand. In the middle of one of the coldest periods in history, the supply of home heating oil to New England was restricted and the price jumped through the roof. On December 4, the average retail price per gallon was 90 cents. Within a week, it jumped 12 cents to $1.02, and the next week it jumped another 8 cents to $1.10 per gallon. And that was just the beginning. In just 3 days, between December 18 and December 21, the price jumped another 13 cents. For the next 13 days, the price increased an average of over 2 cents per day, skyrocketing from $1.23 on December 21 to $1.51 on January 1. And there's no way anyone can tell me the costs of production caused this unconscionable gouging of American consumers.

This avaricious conduct on the part of the oil companies has a real and dangerous impact on the people of my region and down the eastern seaboard. In Boston, the price rose 52 percent during December. In Philadelphia, the people were subject to a 51-percent price increase. In Baltimore, it was 45 percent, and in Washington, DC the increase was 49 percent during this short period. Overall, this money grab by big oil produced the greatest monthly increase in home heating oil ever recorded, and the impact was substantial, real, and painful.

In testimony submitted earlier this month, the Governor of Massachusetts reported a few real life effects of this crisis. There's the elderly woman, sitting huddled in her chair in her small living room, bundled up in winter coat, boots and hat, with the thermostat set at 60°. When she was told by a visiting nurse that she must turn up the thermostat for her own well being, the lady told her that she was unable because she couldn't afford to buy food and pay the high cost of oil at the same time. And there's the elderly woman on social security who receives fuel assistance. She called the State energy office, shaking and scared, with a desperate plea for help. Her $675 fuel stipend which normally lasts the winter is now down to $87. She still had half of January, February, and March to pay for, and she is keeping her thermostat at 55°.

Mr. Speaker, in my 32 years in this House, I've rarely seen such uncontrolled greed, even during the energy crisis of the 1970's. It's unconscionable the way these companies exploited the necessities of human life for profit,

for the bottom line. Such gluttony will not go unchecked, and to address this crisis, I am introducing a comprehensive legislative package. It's a four-point plan designed to address past actions, the present crisis and the future.

First, we must find out what happened and get those who broke the law. I will introduce a joint resolution directing the Secretary of Energy, in consultation with the Attorney General, the General Accounting Office, and the Federal Trade Commission, to conduct an emergency study to determine the direct and indirect causes of the price increases and to recommend measures to avoid such a disruption in the future. The resolution also directs the Secretary to report any violations of the law to the Attorney General for prosecution.

Second, we must disgorge excess profits from those who abused the free market system. I will introduce a bill imposing a retroactive windfall profits tax on all those profits in excess of the average company profit for November 1989. The revenues from this tax will be placed in an emergency fund and will be made immediately available for use by the Low Income Home Energy Program.

Third, we must respond immediately, with direct Federal appropriations, to help those most affected by the rapid and unparalleled increase in the price of home heating oil. I will introduce a dire emergency supplemental appropriations bill to provide immediate relief for low income energy consumers. The bill will appropriate $300 million for the Low Income Home Energy Assistance Program.

Fourth, we must provide as much insurance as possible against the likelihood of a crisis of this type happening again. I will introduce a bill to establish a regional petroleum products reserve in New England. The reserve will be available to ease the effects of severe price increases, and it will be funded through receipts from the naval petroleum reserves. The bill also requires private companies to establish industrial petroleum reserves to ensure that there is an adequate private sector supply of petroleum products.

Mr. Speaker, this comprehensive legislative response is not necessarily the final solution to this particular crisis or to situations like one that may happen in the future. Big oil and those who profit from the business of selling home heating oil, a necessity of life, should engage in some self restraint. The American people are generally willing to pay the price for a free market economy. After all that's what America is all about. But when that free market turns into a price gouging binge which affects the necessities of human life, the Federal Government will step in with sure, swift, and effective justice.

The Congress must act now, to ease the impact on those who have suffered and to ensure that this situation will not reoccur. I urge all members to cosponsor these bills and support this effort to address this dire emergency energy crisis.

INTRODUCTION OF THE CHAMA RIVER GATEWAY LEGISLATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. RICHARDSON. Mr. Speaker, the Chama River Gateway region is one of most attractive hidden treasures in northern New Mexico. Hundreds of prehistoric and historic landmarks exist that are of national significance. Scenic landscapes in the area are unmatched. Anyone who visits the area will surely be fascinated by the mystery of the past and the scenic beauty of the present.

In the past, I have worked with the Congress to successfully designate a segment of the Rio Chama River, located within the Chama River Gateway region, as wild and scenic. Today, I am introducing legislation to establish the "Chama River Gateway", a series of interpretive trails and a visitor center that would allow visitors to experience the rich cultural heritage of the Chama River Valley region.

Few people realize that 12,000 years ago small bands of hunter-gatherers traveled with the seasons through the Chama area. These early groups hunted and foraged for thousands of years before a reliance on domesticated plants allowed for a more settled way of life. However, these early settlements were abandoned by the time the Spanish arrived.

Spanish settlement in the Chama River Valley began in the early 1700's but was relatively sparse. Navajo, Commanche, Utes, and Apache also used the area for hunting, grazing, trading, and occasional raids. The combination of Indian, Spanish, and more recent anglo heritage make the Chama River Valley a multicultural bonanza.

The legislation I am introducing today directs the Forest Service and the Bureau of Land Management, to develop a program of interpretation and visitor education so that the rich cultural heritage of the Chama River Valley is available to all. The concept of a "Gateway to the Past" visitor center where visitors can learn about the cultural resources and pose questions about the past is a key component of the development program.

Visitors will also be able to enjoy interpretative trails pointing out ancient Indian ruins, archeological and historic sites, and scenic views in the area. The Forest Service and the Bureau of Land Management will cooperatively manage the area providing tours, talks, and exhibits for the public. I urge my colleagues to support this legislation and provide a valuable historic resource for our Nation.

CONVOCATION REMARKS OF DAVID W. BROWN ON SEPTEMBER 13, 1989

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. DURBIN. Mr. Speaker, I am submitting the following convocation remarks by David W. Brown, president of Blackburn Community College, in Carlinville, IL.

It is with great pleasure that I submit the following remarks, which reflect President Brown's attitudes about the role higher education institutions play in preparing students for a multicultural and interdependent world.

CONVOCATION REMARKS OF DAVID W. BROWN ON SEPTEMBER 13, 1989

I accept with pleasure the office of President which this ceremony confirms. On this occasion, I should first acknowledge those women and men who have come before us in the long history of Blackburn—who watch now what we will do with their distinguished legacy. I should next acknowledge all of you who are here, our trustees, faculty, students, staff, alumni, neighbors and friends of Blackburn who want this College to have a distinguished future. My charge and opportunity as Blackburn's new president is to keep the faith with those who have come before us and to earn your support for the hard work we share in making Blackburn an exemplary learning community. A ceremony today can confer authority of presidential office on me but for authority to have real consequence, it must be earned every day. And that I will try to do. Alice and I have come here to serve your community—a community not of our making but of yours and the loving ghosts who watch all of us now.

What then will become of Blackburn? Let me begin by noting that no matter how old an institution may be, each generation who volunteer to sustain that institution's traditions and provide for its future must make their own case that there is a vital connection between what the institution offers and what our larger society needs. Without that vital connection, institutions falter, fail and finally disappear. Their history alone cannot sustain them. Like the authority conferred on me today, the authority of an institution must also be earned every day by what it does for what needs doing in the larger society which it presumes to serve. Part of leadership then is for me to make clear on behalf of the College that there is a vital connection between what we offer and what our society needs. Let me begin to do that now.

During the past several years I have written and lectured on the need to prepare young women and men for a world that will be increasingly multicultural and interdependent. It will be a world in which the individual, no matter how much he has paid for his educational credentials or how well trained she is for performing specific skills, will be relatively powerless to effect change unless they have also been educated to work together for their common good. That is why I said recently, "to empower young women and men requires that they first learn how to empower each other through shared forms of membership and enterprise. What is at stake is an idea about the kind of education they need for the kind of world that is coming. . ."

Most institutions of higher education today only focus on individual empowerment. They establish competitive, rather than cooperative, learning environments where students are tested on their individual abilities to survive alone. They are rarely offered any learning structures of membership and enterprise on campus that resemble the complex organizations and diverse communities which await them after graduation. It is like teaching a public office

holder how to draft a legislative bill without any instruction on how to get elected in the first place. It is like teaching a business executive how to sell a widget without any instruction on how to motivate employees to produce a good widget so it can be sold.

The consumer model, as I have called it, in higher education assumes a relatively unchanging society where the individual is educated to be self-sufficient, equipped to succeed on his or her own. It reflects the long prevailing American ethos that celebrates individualism. But it ignores the long prevailing American experience that we rarely accomplish anything of significance solely by ourselves. Those on the frontier shared in the work of helping a neighbor put up a needed barn; diseases were conquered by public health measures that required most everyone's cooperation, shoemakers had to come together in Massachusetts to improve their work conditions; Texas farmers learned to form cooperative alliances to gain access to better markets; black church members advanced the cause of civil rights only when they were all willing to boycott the city buses in Montgomery, Alabama. But more important than clarifying our history, is to take note of our future. The American experience of mutual dependence is bound to become even more central as urban areas grow, environmental concerns increase and economic markets become truly global.

The consumer model in higher education offers a coveted undergraduate degree but it is not enough. It is why so many young women and men, that I know, still feel the ache of powerlessness despite their individual accomplishment of getting ahead. The prevailing consumer model does not challenge them to explore ways of coming together, of working together on common problems. So they find themselves ill-equipped for influencing events or solving collective problems in the workplace, in the neighborhood, in the environment, or in international exchange. Collective problems require collective action. An individual's credentials and skills are not enough. Collective problems require a common effort mobilized by those educated to cope with the diversity of race, gender, religion and ethnic identity, by those who have already learned from the experience of membership in a community what it means to share a commitment, serve interests beyond their own, and contribute to a common good.

There seem to be few colleges and universities which are intent on developing the habits and lessons of community life. Furthermore, many young women and men who enroll are without any compensating experience of their own. Increasingly, they may be from families which have broken up. They no longer have any contact with church membership. They don't know what it means to be a member of any private association. College life may be the first and the last time when there can be an intentional effort to have them be part of a community, to learn what it means to be a member, to look out for more than just themselves. We can no longer take for granted that they will learn about such things somewhere else.

And this is where Blackburn has so much to offer as we use our work program and attentive staff and faculty to build community right here during a student's important undergraduate years. Flawed and confused as any community will be, we have the conditions necessary to provide a campus laboratory, so to speak, that is both multicultural and interdependent. Although the community model is an alternative to the consumer model, it does not ignore the need for educating the individual mind and developing individual skills. It does these things, however, within the context of an intentional community. It is the community context that approximates the organizational life and collective problems that our graduates will confront when they leave here.

I hope that I can help make Blackburn's community model more visible, something that is engaging for people both here and for those looking for such an enterprise. So that at one place, at one time in a small college in this vast country, a vital connection is made that addresses the needs of the larger society of which we remain inextricably a part. If the community model can be made to work here for the sake of our students and the kind of world that is upon us all, then we have the answer to the question I began with, "What will become of Blackburn?"

TRIBUTE TO AL TEGLIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to my dear friend, Al Teglia, on the occasion of this retirement after 37½ years of loyal and dedicated service to the Mateo Union High School District. Al has been operations manager, and he holds the longest tenure in the school district. His service to the schools of San Mateo County represents the highest and finest tradition of public service.

Mr. Speaker, Al Teglia was born in the city of Colma in San Mateo County of Genoese immigrant parents in 1931. He grew up in Daly City, attended Jefferson High School and then the College of San Mateo. Upon graduation he began work with the San Mateo Union High School District.

Al has served the people of our peninsula in a number of key posts. He has been elected a Daly City Councilman for three terms, and he held the office of Daly City mayor three times. Al is a member of the San Mateo Council Transportation Authority, the SamTrans Board of Director, and numerous other boards and commissions serving the citizens of our peninsula. He also was elected to three terms as members of the board of trustees of Jefferson Union High School, president of the San Mateo County School Boards Association, and delegate to the assembly of the California School Boards Association. Al Teglia has served our peninsula community on the boards of the San Mateo County Historical Society, the Daly City-Colma Historical Society, the San Mateo County Arts Council and many other organizations.

In 1988, he received the Columbus Award of the San Mateo County Italian American Federation, and in 1985 was given the Humanitarian-of-the-Year Award from the San Mateo County Easter Seal Society. He has been honored by the Daly City Jaycees, the Hispanic Concilio of San Mateo County and a number of other community groups and organizations.

Mr. Speaker, I invite my colleagues in the Congress to join me in paying well-deserved tribute to my constituent and dear friend, Al Teglia, on the occasion of his retirement from the San Mateo Union High School District. It is also our sincere hope, however, that Al will continue his dedicated and active involvement in community service for the residents of our peninsula.

TRIBUTE TO DR. RALPH WYATT ADAMS

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. DICKINSON. Mr. Speaker, as we move into the new year, I would like to note the accomplishments of a special Alabamian who retired in 1989, Dr. Ralph Wyatt Adams of Troy, AL.

Born on June 4, 1915, at Samson, AL, Dr. Ralph Adams received his A.B. degree from Birmingham-Southern College, then the LL.B., LL.D., and J.D. degrees from the University of Alabama. He is married to Dorothy Kelly Adams and they have three grown children.

On September 1, 1989, Dr. Ralph Adams retired from the duties of both president of Troy State University and chancellor of the Troy State University system. He had assumed the duties of president of Troy State University on October 1, 1964, after completing a long, honorable tour of duty with the U.S. Air Force, the U.S. Air Force Reserve, and the Alabama Air National Guard. He retired from the military as a major general on June 3, 1975.

Dr. Adams served under President John F. Kennedy as head of the Alabama Selective Service System, then under President Gerald R. Ford as a member of his Presidential Clemency Board. He has also served as chairman of the council of presidents for the Alabama Commission on Higher Education, the Alabama State Personnel Board, and the Alabama State Insurance Board. He has also served as president of the Alabama Association of College and University Presidents. Indeed, a list of his positions of responsible leadership could be continued at great length.

Through his performance as a community and academic leader, Dr. Ralph Wyatt Adams has distinguished himself by securing many noteworthy honors. He was Man of the Year for Troy, AL (in both 1968 and 1975); distinguished alumnus of Birmingham-Southern College in 1978, and designated one of the top 100 Most Effective College Presidents by the Exxon Education Foundation in 1986. For his dedication to the enhancement of the multicultural education program on his campus at Troy State University, Dr. Adams received the Order of the Rising Sun from the Government of Japan in May 1989.

Dr. Adams has attracted many scholars of international acclaim to address Troy State University students, and through his close association with the English-Speaking Union, Dr. Adams was named to the National Board of Directors of the English-Speaking Union in the USA. Ever since 1972, Troy State University has provided a full 1-year scholarship to a student from England. The criteria for receipt of

this scholarship has been that the person must have been accepted for entrance at either Oxford or Cambridge, and be identified as a person who could conceivably become a Prime Minister. The Troy State University campus has been most fortunate to have had some truly outstanding scholars and students leaders among alumni of this program.

As a companion to the scholarship opportunity for an English person to Troy State University each year, Troy State has sent two students each summer to the annual English-Speaking Union summer program at Jesus College, Oxford, entitled "Britain Today."

Dr. Adams also initiated somewhat similar programs offering scholarships to outstanding Japanese university students who are nominated by the America-Japan Society and to German university students nominated by the German-American Friendship Clubs of the Federal Republic of Germany. These programs are continuing to show great rewards for the students chosen, for the students and faculty of the Troy State University main campus, and for better cultural understanding of all societies concerned.

I take particular pride in inviting the attention of the Congress to this outstanding citizen of Alabama who has successfully opened the minds of our young people to the fresh realm of international living and multicultural education.

BLOODSHED AND VIOLENCE IN AZERBAIJAN MUST BE BROUGHT TO AN END

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. BROOMFIELD. Mr. Speaker, as we follow the Soviet Government's efforts to bring stability in Soviet Azerbaijan, and when we read about the deaths that occurred, the large anti-Soviet demonstrations by the Azeris, and their threat to secede from the Soviet Union, it is important to keep this event in perspective.

It is important to remember that until the Soviet troops went into the Azerbaijani capital of Baku, a brutal anti-Armenian pogrom was taking place in that city. Some 60 people were killed and about 150 people were injured—the majority of whom were Armenians. There were reports of Armenian neighborhoods being ransacked, and Armenians being attacked by mobs of Azeris, being burned alive and hurled from balconies.

In other parts of Azerbaijan, Armenian communities were forming guerrilla units and were becoming armed camps with protective trenches as they prepared to protect themselves from Azeri attack, and the term "civil war" was becoming used more and more. Automatic rifles, machine guns, helicopters, and armored personnel carriers were utilized in battle between the communities. Since last June, an Azeri blockade of rail lines and roads into earthquake-damaged Armenia and the Armenian community of Nagorno-Karabagh stopped needed food and supplies from reaching the Armenians.

I fully agree with the President that the Soviet actions are fully understandable. As the administration stated, "It is the responsibility of any government to maintain order and protect its citizens." As the administration further pointed out, "the effort to establish order should not become a cloak for the abridgment of the exercise of political rights."

Mr. Speaker, the reestablishment of stability in Azerbaijan and the breaking of the blockades of Armenia and Nagorno-Karabagh, however, must not be the end of Soviet efforts in the Transcaucuses. The issue of the political administration of the Armenian-populated region of Nagorno-Karabagh must be resolved or this will constantly serve as a source of trouble in the relationship between these two Soviet Republics.

Under the administration of Azerbaijan, the people of Nagorno-Karabagh have had to endure second-class citizenship in their own province. They have been subjected to cultural oppression, cut off from Armenian-language mass media, and forbidden to teach the Armenian language in their schools. When economic support was provided by Moscow to the Azerbaijan region, Nagorno-Karabagh got the leftovers. It is no wonder that they have shared the dream of their cousins in Armenia of wanting to once again be under the political administration of Armenia, and have sought the right of self-determination within the Soviet Union.

I would certainly hope that this bloodshed and violence directed against the Armenians in Azerbaijan will be brought to an end, and I encourage President Gorbachev to go to the heart of the matter in helping to resolve the issue of Nagorno-Karabagh. It is hard to see how lasting peace can be brought to this area until this is done.

TRIBUTE TO TROOP 44'S EAGLE COURT OF HONOR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Boy Scout Troop 44's Eagle Court of Honor of my 17th Congressional District. On November 27, 1989, the Fall Court of Honor Troop 44 had three members receive the highest award possible in scouting, the Eagle Scout Award. The three young men receiving the prestigious award were Stephen E. Morris, Michael E. Colyer, and John Zastany.

Stephen E. Morris is 17 years old and has been a member of Troop 44 since 1983. He has earned 21 merit badges, the 50 Miler Award, Mile Swim, and the World Crest. Stephen plans to attend either Miami University or Ohio State University and wants to major in systems analysis.

Michael E. Colyer is 16 years old and has been a member of Troop 44 since 1984. He has earned 24 merit badges, the Mile Run, the Mile Swim, 50 Mile Award, and the World Conservation Award. Michael is a junior at Poland Seminary High School and is a member of the Delta Society with a 4.0 grade point average. He plans on attending the U.S. Naval Academy.

John Zastany is 18 years old and has been a Boy Scout since 1982 and joined Troop 44 in 1989. He earned 22 merit badges, the Alpha Omega Religious Award, Senior Patrol Leader Medal, and the Stambaugh Emblem. John is a graduate of Cambpell Memorial High School and is presently attending Youngstown State University. He is majoring in math and secondary education and plans to complete Army Reserve Officer Training as second lieutenant.

I would also like to commend Ray Slaven who has been Scoutmaster for Troop 44 for 27 years. Through his time and inspiration Mr. Slaven has helped 88 Scouts achieve the Eagle Scout Award.

Mr. Speaker, I would like to take this opportunity to congratulate Stephen E. Morris, Michael E. Colyer, and John Zastany on achieving such a prestigious award. The hard work and dedication they have shown is no doubt an indication of their future success. I am proud to represent all these outstanding individuals.

MILITARY AID TO EL SALVADOR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. ANDERSON. Mr. Speaker, I believe today that it is time to reevaluate our policy in El Salvador. A decade has gone by and billions of dollars have been spent in the effort to establish a democracy in that war-torn country. Once more, we are confronted with funding a government whose military is admittedly involved in the murder of civilians. Once more, we must ask ourselves the tough question of whether it is right to provide U.S. tax dollars to a death-squad supporting military fighting an equally violent leftist guerrilla group. We long for a democracy in El Salvador. So, while our case is noble, the means to that end appear questionable.

We have tried to turn the Salvadoran military into a force capable enough to defeat the FMLN guerrilla movement. I will have to say that effort has not succeeded. While the recent FMLN offensive was a failure, it still demonstrated that the FMLN continues to grow in strength. But worse than our failure to achieve our military goals is the fact that we have created a monster in the process. The military, supplanting the oligarchy, has become the dominant political player. Corruption runs rampant, with nonexistent soldiers receiving pay and officers running extortion rackets.

We have given the military guns and helicopters, but not taught the responsibility those weapons imply. We have given bullets without an accompanying sense of democratic duty and values. The United States-created Salvadoran military is a monster because its ends are only to see itself stronger and more powerful. We hope for a democracy, with armed services who will be that democracies protector. What we get is a military seeking only to protect itself.

While our intentions in El Salvador are good, the means defeat the purpose. Support

for the FMLN will disappear when civilians can look to the military for support, not repression. I hope that in the upcoming session we will listen to our past promises of restricting aid if the military does not reform. Or else, I fear that the killing of nuns and Jesuits, opposition candidates, and labor organizers, of peasants and merchants will continue. Our constituents support democracy, but not the way we are trying to achieve it. The Salvadoran military must know that the American people and their elected government will not stand for the killing of civilians and political opponents.

IN MEMORY OF PATRICK POUZAR

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. CLEMENT. Mr. Speaker, I would like to pay tribute to Patrick Pouzar, a gentleman from the 5th District of Tennessee who died tragically earlier this month while in service to our country.

Patrick Pouzar of Nashville was on a mission in the Republic of Chile in his capacity as a senior investigator for the U.S. Food and Drug Administration. Mr. Pouzar was traveling with another FDA official and representatives from the Chilean Government and a fruit export association when the light aircraft that ferried them to the fruit-producing region of northern Chile disappeared.

Mr. Pouzar and his party were in Chile at the request of that government to visit several cities and to observe the various security measures that have been taken to ensure the safety of fresh fruit during processing for export.

Many Americans recall that last spring, the FDA halted the importation of Chilean-grown grapes and other fruit products following the discovery of grapes which contained traces of cyanide. That revelation led the Chilean Government to incorporate new protective and emergency measures to avoid contamination of or tampering with fresh fruit. It was those actions that prompted a format invitation from the Chilean Ambassador last November to the FDA for an inspection tour. Because of Mr. Pouzar's involvement with the fruit-tampering incident last year, he volunteered to undertake this mission.

Patrick Pouzar's career with the FDA spanned more than 26 years. His professionalism and special dedication to his work earned him tremendous respect from his peers and subordinates and a succession of career promotions. At the time of his death, Mr. Pouzar was stationed at FDA's Nashville office, where he served as the director of a field investigative unit. Although last year's fruit crisis had no direct effect on the operations at the Nashville office, he willingly offered his services in the management of this episode. For his contributions, Mr. Pouzar received FDA's award of merit for outstanding dedication and personal sacrifice in conducting foreign inspections to assure the safety of fruit exported to the United States.

Mr. Speaker, we often overlook the men and women in our civil service who, like Patrick Pouzar, confront dangerous working conditions to complete their tasks. Their service is integral to promoting the general welfare. Regretably, it is on occasions when tragedy has befallen one of these individuals that we remember to thank them for their work.

On behalf of all of the citizens of the 5th District of Tennessee, I want to extend our deepest sympathies to Patrick's wife, Judy, and to his daughters, Paige, Lori, and Emily.

TREAT ME LIKE A DOG, PLEASE!

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. STARK. Mr. Speaker, the January 12, 1990 issue of the American Medical Association's newspaper contains an article which starts as follows:

When the patient began losing his eyesight, he was taken to an ophthalmologist. He was then referred to a neurologist who did a computed tomographic scan. The scan showed a large pituitary tumor, which was declared inoperable. But the patient started radiation treatments, and after his 18th visit, a new CT scan revealed that the tumor was gone.

The patient, a 13-year-old pointer [dog], could go back to chasing squirrels.

Mr. Speaker, I love cats and dogs. That is why I am worried about the AMA's headline on this story, which reads, "Animal medical care now rivaling treatment level delivered to humans."

I hope not.

In all our congressional districts, mothers give birth without ever seeing a doctor. People who cannot raise a cash deposit are turned away from hospital emergency rooms to die. Nursing home costs devastate families and lead to suicide.

I wouldn't want to treat a dog like that.

In 1990, I would hope we could resolve that all human animals have access to quality health care. Surely a society that can spend over $5 billion on pet health care can find a way also to provide health insurance for everyone.

WILLIAM G. THOMAS, NEW MARITIME PARK SUPERINTENDENT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Ms. PELOSI. Mr. Speaker, on January 26, 1990, many San Franciscans will gather to congratulate Bill Thomas on his work in behalf of our national parks and to welcome him to his new post as superintendent of the San Francisco Maritime National Historical Park. I would like to enter my comments honoring Bill at this event into the CONGRESSIONAL RECORD:

Bill Thomas is an old friend to San Francisco.

Years ago, he worked with Congressman Phillip Burton to create the GGNRA and now he stands before us as the superintendent of a new national park for our city.

There is the popular conspiracy theory—that this was the plan all along. Knowing Phil Burton, it would not surprise me.

When you look over the achievements of Bill's past, it is clear that his life's work was leading him to this point.

From his early journalism days to his work with Phil to create the GGNRA, and then with the National Park Service, Bill was destined to this post.

I can think of no better person to lead the maritime park. With the combination of public relations skills and park knowledge, to say nothing of what he might have picked up from Phil Burton, Bill will be a great success.

It's good to have Bill looking after the historic ships. The fleet is an important resource that deserves our attention, as community supporters as well as national park users.

The maritime park now has an excellent superintendent and the planning process for its future is underway. Let's all work with Bill to make this a good example of what an activist community can do to preserve this national treasure.

PROTECT CHINESE STUDENTS

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. BARTON of Texas. Mr. Speaker, recently I received a letter from Mr. Xun Ge a student at Texas A&M University located in College Station, TX, which is in my congressional district.

For the information of my colleagues, I am inserting into the RECORD the following letter from Mr. Ge. This letter will show that Chinese students are not victims of political repression in China—they are the target of it.

Hon. JOE L. BARTON,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BARTON: My name is Xun Ge, a graduate student in Physics Department Texas A&M University. I came to Texas A&M University on Aug. 15, 1986 with a F-1 visa. I have been in Texas A&M for three years, current GPA is 3.9. I was born in Beijing, China on July 12, 1959 and grew up in Beijing. My mother, my sister and a little nephew are still in Beijing now. I'd like to tell you some stories I have experienced.

Before I came to Texas A&M University, I worked in the Institute of Atomic Energy. At that time (in 1985) I had a good friend and colleague Mr. Xuetian Tang. We worked together in the same department. In 1984, Mr. Tang visited West Germany for about one year and stayed in Japan for a short period of time. During his visit in West Germany, he experienced the atmosphere of freedom and democracy. He admired this. Then he wrote a letter with some others to Mr. Deng Xiaoping to express his own idea. Not long after, the Communist Security Bureau sent men to my Institute to investigate Mr. Tang (you know this is very serious), and forced him to come back. Unfortunately he came back. After he came back, the Communist Party asked him

to do a lot of things he did not want to do, such as self criticism. He had to report his activities to the police. He could not travel freely. Therefore, he felt that he was under great pressure. For several months he could not sleep well. Finally he committed suicide by hanging himself on one dark night in his small apartment. On his desk the last thing he wrote was an unfinished application to attend an academic conference in Brazil. He knew there was absolutely no chance for him to go. He was a very good theoretical physist, did a lot of beautiful research work. He died and left his two young children behind, left his aging mother in a small mountian village.

Now think about our Chinese students are facing right now. We are facing even worse situation than Mr. Tang was. I have another friend Mr. Juntao Wang. We were in the same study group. He graduated from Beijing University, which has the tradition of Freedom and Democracy. He is 31 years old, young and smart. He was on the top of the Communist Party most wanted list, because he went to the peaceful demonstration in May. He was just arrested several days ago. I really hope he can endure the dirty Chinese jail and harsh torture. From these stories, it is not hard to understand why we, Chinese students, would like to send our highest appreciation to you for your support the legislation to protect Chinese students studying here in the United States. As you know, a lot of Chinese students' visas will be expired soon, and the most important thing is, they are deeply involved in the demonstration demanding the basic human rights in China. We really need the legislation be passed as soon as possible.

Now the Chinese Government is continuing to punish the people who participated in the pro-democracy movement this spring. At this moment, should the United States continue economic aid and loans to China? Should the United States continue high-tech transfer and military aid to China? The answer is NO. It is really hard to understand why more than 30 Chinese engineers resumed their work to modify F-8 fighters in New York State. As a Chinese student, I know Chinese people don't need F-8 fighters. What we need is the American people's support for our freedom and democracy, to stop severe repression and killing by the Communist Party. Economic sanctions against China are very necessary. I hear American people say: "China will not be free until America moves." That is true! The people killed in Tiananmen Square and in Beijing will not die in vain. We'll continue our struggle for basic human rights in China. We, Chinese people say:" "Give me liberty or give me death".

I watched the TV news recently, tears came down from my eyes. I strongly believe that today's East Europe will be tomorrow's China.

Yours sincerely,

XUN GE.

TRIBUTE TO JANET SAINER COMMISSIONER, NEW YORK CITY DEPARTMENT FOR THE AGING

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. DOWNEY. Mr. Speaker, as the chairman of the House Select Committee on Aging's Subcommittee on Human Services, I am very proud to pay tribute to an individual who has become a legend among New York City's senior citizens. Janet Sainer, who has served as commissioner of the New York City Department for the Aging for the past 12 years, will be leaving her position this year. It is my pleasure to share Janet's extremely successful career with my colleagues, who I know join me in wishing her all the best.

First, I must tell you a little about the department that Janet has administered for over two decades. The New York City Department for the Aging, originally established 22 years ago as the Mayor's Office on Aging, became the Nation's largest area agency on aging in 1975. This agency has as its mission improving the quality of life of more than 1.3 million New Yorkers who are 60 years of age and older. To help maintain the independence and dignity of Older New Yorkers, the department, under the Older Americans Act, and through State and city funds, supports a broad range of services. Most services are provided through contracts with community-based agencies. Others are programs directly operated by the department.

During Janet's tenure as commissioner, the New York City Department for the Aging saw many changes come about. New services and programs were made possible not only with Federal funds, but State and city resources as well. State funding was provided for recreation and cultural activities at the local level, as was additional support for elderly crime victims assistance. In 1979, New York State enacted the Community Services for the Elderly [CSE] program, providing additional funds specifically targeted to serve the frail elderly in areas of homecare transportation, and expanded home delivered meals.

While the 1970's saw tremendous development in new programs for the aging, by the early 1980's, cutbacks in Federal funds brought this growth to a standstill. Had the city not stepped in, at Commissioner Sainer's request, to ensure that support for aging services would be sustained, there would have been a critical reduction in services at that time. During the 1980's, State resources for services were expanded through two new programs, the Supplemental Nutrition Assistance Programs [SNAP] for additional services to the nutritionally at-risk elderly and the Expanded In-Home Services for the Elderly Program [EISEP], which provided State funds for the first time, for nonmedical, in-home services for the near-poor elderly who do not meet Medicaid eligibility criteria.

Janet Sainer has been a responsive administrator of the New York City Department for the Aging and has helped to raise public awareness of concerns of the elderly, locally as well as nationally, by leading and participating in, conferences, presenting testimony before Congress and other legislative bodies, and by broad outreach and public relations campaigns. I am proud to say that Commissioner Sainer has appeared before the House Select Committee on Aging at least eight times testifying on subjects from Medicare to the needs of the low-income and minority elderly. In addition, Janet has been recognized internationally in the field of aging, having been appointed as a board member of the Brookdale Institute of Gerontology and Adult Development in Israel. Janet has also helped to increase the department's responsiveness to the needs of the elderly in New York through community-based planning, and she developed additional resources by stimulating public/private/voluntary sector involvement.

During Commissioner Sainer's administration, she was responsible for many new Department initiatives, which include:

1. CITYMEALS ON WHEELS.

This new partnership was formed with public, private, and voluntary sectors whose annual donations—$4.3 million last year—and pro bono activities have brought this supplemental nutrition program for the homebound elderly from 6,000 holiday meals in 1981 to more than 700,000 weekend, holiday, and emergency meals in 1988. Citymeals on Wheels is the mode for the national Meals on Wheels America, a new nutrition program for the homebound elderly now in 30 cities across the Nation.

2. ALZHEIMER'S RESOURCE CENTER

This center is the first municipal counseling and referral program for patients and families of patients.

3. JOB AND TRAINING OPPORTUNITIES

Commissioner Sainer worked with the private sector to expand employment opportunities for older people through such programs as the Ability Is Ageless Fair, Job Search Club, Senior Employment Service, and subsidized programs.

4. HEALTH PROMOTION

The New York City Department for the Aging has community hypertension control, education, and self-help programs to foster better health among the elderly in 87 senior centers.

5. PARTNERSHIP FOR ELDERCARE

I was proud to have been part of the inaugural luncheon for this new program, which was established for the growing number of working people who are also caring for elderly relatives. Partnership for Eldercare was designed to provide counseling services on available community services. It also offers education and training on aging issues to employees groups in the public and private sectors, as well as personnel responsible for employee relations.

6. FOSTER GRANDPARENT PROGRAM

Under Janet's direction, new initiatives were developed which utilize foster grandparents in services to AIDS babies, those in danger of child abuse, boarder babies, and other at-risk children.

7. HISPANIC ENHANCEMENT PROGRAM

This new program was established for Hispanic elderly in order to increase their access

to entitlements, benefits, and services, including the Hispanic Helpline which responded to over 10,000 New Yorkers in the past year, and English as a second language classes, conducted in selected senior centers. This unit also provides technical assistance to community-based minority programs throughout New York, and is responsible for translating all major department publications.

8. INTERGENERATIONAL WORK/STUDY PROGRAM

This dropout prevention program, conducted in cooperation with the New York City Board of Education, helps high school students gain work experience while providing services to the elderly in 82 senior centers and senior programs. It was initiated with private resources and 18 months after its inception it became a program supported by the city.

Janet Sainer's professional career has been one of excellence and commitment to the aged. Her professional affiliations include:

Gerontological Society of America, treasurer;

Health Systems Agency of New York City, member, board of directors;

National Council on Aging, member, board of directors;

Brookdale Institute of Gerontology and Adult Human Development in Israel, board member;

Member of the U.S. Commissioner on Aging's Task Force on Public/Private Services Initiatives;

National Resource Center on Health Promotion and Aging of AARP, board member;

New York City Transportation Disabled Committee, board member;

Chair, Interdepartmental Council on Aging of New York City.

Commissioner Sainer has been recognized many times in her career for her work on behalf of the elderly. Among her awards are the Presidential Citation for RSVP; the Community Service Award from the National Council on Aging; New York State's Association for Human Services Award for Outstanding Community Service; the Distinguished Service Award from the Wurzweiler School of Social Work; the Humanitarian Service Award from the Hebrew Home for the Aged in Riverdale, NY, and she has been elected to the Hunter College Hall of Fame.

Prior to becoming commissioner, Mrs. Sainer directed aging programs for 14 years at the Community Service Society where she developed a demonstration program that led to the establishment of the Retired Senior Volunteer Program [RSVP]. RSVP is currently operating in some 700 communities across the country and has now been established abroad as well. She also developed the Jamaica Service Program for Older Adults [JSPOA] and the Community Agency for Senior Citizens [CASC] on Staten Island.

There is so much that could be said about Janet Sainer. She has been a valued resource for so many. She is an accomplished author, and has presented papers at many conferences across the Nation. Her counsel has guided so many city, State, and Federal officials, aging professionals, geriatric students, and everyday citizens to better understand the aging process. She had been a hands-on commissioner, one who has not been timid at taking a stand in order to help the thousands of seniors in need of services and assistance.

Commissioner Sainer leaves with a record of accomplishment that will endure for years to come. She recognized that hers was an important mission, namely, to improve the quality of life for New York City's large, diverse, and growing elderly population. She did this and more. She provided leadership in the city, and her example allowed her to be a national and international spokesperson on aging issues.

The Older Americans Act established during the early 1970's what is now known as the aging network. It consists not only of State and area agencies on aging, but providers of service as well. Area agencies on aging exist in more than 670 communities around the Nation. Yet, the single largest one was run by Janet Sainer these past 12 years. She set the standard for what an area agency should be. It is a unit of local government which coordinates a service plan to meet the needs of its at-risk population. It works to leverage all forms of financial support for services, the public dollar, the private dollar, the corporate dollar. No one has done it better than Janet Sainer these past 12 years.

It has been my honor to pay tribute to this remarkable, committed, compassionate, and indefatigable public servant. Janet Sainer is an advocate's advocate. She fights. She wins. Yes, sometimes she loses. But, she is always in there fighting for her constituents—the elderly. That is why there is such a reservoir of respect and affection for Janet as she moves on to new endeavors. The city and the State of New York as well as the national aging network have benefited from Janet Sainer's leadership. I salute her and wish her all the best for the future.

A NOAH'S ARK OF SPECIES

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. LAUGHLIN. Mr. Speaker, today I want to take the opportunity to share with my colleagues an article about the Aransas Wildlife Refuge that appeared in the January/February edition of the National Geographic publication, Traveler. Although, it is well known in the State of Texas that Aransas National Wildlife Refuge in the 14th District is home to some of the most beautiful aviary wildlife in the country, the Traveler, which has an annual readership of more than 700,000, described the vastness and greatness of Aransas with an article entitled, "Avian Eden: Texas' Aransas National Wildlife Refuge." Aransas is a place where radiant white whooping cranes, great blue heron, ducks, alligators, javelina, and numerous other species make their home. Mr. Speaker, it truly is a "Noah's ark of species."

I would like to mention some of the highlights of Aransas featured in the article. The 60,000 acres plus of forest, grassland, and marsh have many gems of our National Wildlife Refuge System. Aransas is the winter home to the only flock of whooping cranes left in the wild, and when the whooping crane count dropped to an all time low of 16 birds in 1941 the concerned and informed wildlife management worked over the course of five decades to bring the count of this rare bird up to the more than 130 in existence today.

In addition, a visit to Aransas will allow the visitor to catch a glimpse of the many uncommon animals in its thousands of acres of marsh. This includes some of its 250 alligator's, gray foxes, cougars, bobcats, snow geese, hill cranes, black-necked stilts, spotted skunks, and innumerable other species.

Mr. Speaker, part of the reason why the Aransas Wildlife Refuge is one of the crown jewels of our Nation's Wildlife Refuge System is the hard work, and dedication of the game wardens and staff of the Aransas Refuge. As a native of this area I am pleased to bring the Aransas Wildlife Refuge to the attention of my colleagues in this Chamber. As the Congressman from the 14th District of Texas I am proud to have the Aransas Refuge in my district.

FATHER AND SON POLICE CHIEFS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. RINALDO. Mr. Speaker, I wish to call the attention of my colleagues to the contributions of father and son police chiefs in the community of New Providence, NJ.

On December 31, 1989, Chief James J. Venezia, Sr., officially retired from the New Providence Police Department after nearly 40 years of outstanding service in which he protected the lives, liberty, and property of the residents and businesses in this community of 13,000 residents. He helped to build its reputation as one of the safest communities in New Jersey.

What is unique is that Chief Venezia is being succeeded by his son, James, Jr., who for the past 4 years has trained many of the young men in the department. An excellent profile by Steven Coleman appeared in the Courier-News, and I ask that it be included in the RECORD.

NEW PROVIDENCE POLICE CHIEF HAD A GOOD TEACHER

(By Steven Coleman)

NEW PROVIDENCE.—James Venezia Jr. gave up his job in education for a police officer's badge 15 years ago, yet he never lost the desire to teach.

Venezia will take over as police chief here on Jan. 1, and he says skills he developed as a teacher at Union Catholic Regional High School in Scotch Plains in the early '70s have shaped his philosophy in law enforcement.

He will replace his father, James J. Venezia Sr., who spent nearly 40 years with the Police Department, the past 14½ years as chief. The elder Venezia suffered a heart attack in August and has been on sick leave since.

During the past four years, the younger Venezia has been responsible for training veteran officers and rookies in the 24-member department. He also has served as an instructor at the Union County Police Academy for the past nine years.

"I enjoy teaching," the 41-year-old acting police chief said. "Training and education are very important, and they add to the professionalism of the officer and his ability to perform effectively."

He also maintains that officers must be better-trained today to protect both themselves and their departments from lawsuits.

As chief, Venezia said the communication skills he learned teaching Spanish to high schoolers and the management skills he learned while serving two years as the school's athletic director will come in handy.

Venezia said his interest in law enforcement developed over time, adding that his father never pressured him into the field.

"One of the things he was good at was pointing out the pros and the cons of things and letting you make the decision," he said.

However, Venezia said his ability to work under his father has made their relationship much closer.

"When I was growing up, I didn't see much of my father because he was doing shift work," said Venezia, adding that his father would often work odd jobs during his time off to support his wife and four children.

Filling the shoes of his father won't be easy, Venezia said.

"It's a challenge," he said. "He ran a pretty efficient operation. The challenge of improving on that is what I face."

Venezia joined the department in September 1975. He was promoted to sergeant in 1980 and was assigned to supervise the detective bureau. He made lieutenant in 1982, and has been assigned to administrative services and training for the past four years.

The elder Venezia is retiring after seeing his town of 13,000 people become one of six communities in the state and 110 nationwide cited in the book "Safe Places for the '80s."

Since joining the department in May 1950, the elder Venezia has watched the department grow from a staff of just three officers. He was responsible for adding the positions of crime prevention officer and juvenile officer. Before becoming chief, he also served as the department's first detective.

"He was an open, fair individual who cared very much about the community and the department," the younger Venezia said.

IN HONOR OF THOMAS A. McNUNN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. FAZIO. Mr. Speaker, I rise today to honor a longtime friend, adviser, and one of Solano County's most outstanding civic leaders, Thomas A. McNunn.

Born and raised in Nebraska, Tom moved to Solano County after serving with the U.S. Air Force in Korea. He started his postmilitary service career with the Vallejo Chamber of Commerce, and he remained there until he relocated to Vacaville in 1966.

As the chief executive officer of the Vacaville Chamber of Commerce from 1966 to 1989, Tom's progressive approach to economic development and community enrichment has greatly benefited Vacaville and Solano County.

With unending stamina, Tom has always worked extremely long hours and gone beyond the call of duty to provide service to his community. His former secretary of 10 years, Betty Ladd, said, "Tom's ability to dedicate endless hours to a good cause sets a very fast pace for the entire working staff."

Vacaville businessman Glen Miller also commended Tom for his "boundless energy, good attitude, and on-call devotion to community and civic endeavors." Mr. Miller praised Tom for applying these attributes to create "one of California's most outstanding chambers of commerce."

Tom has held many prominent community positions including: chairman of the local United Way Telethon, general chairman of the Vacaville Fiesta Days Committee, chairman of the Vacaville Onion Festival, director of the Solano County Private Industry Council, and Vacaville chairman of the Vaca Valley Hospital Fund Drive. Tom has also served as director of the California Association of Chamber of Commerce Executives, vice president of the Vacaville Art League, president of the Vacaville Host Lions Club, and president of the 20–30 Club. As one of Solano County's most generous volunteers, Tom has set a standard for others to follow.

As Tom leaves the Vacaville Chamber of Commerce after 23 years of distinguished leadership, Solano County pauses to say, "Thank you, Tom, for enriching our community and our lives; Solano County appreciates and respects your many contributions." Having worked with Tom for many years, I know firsthand the valuable and unselfish service he has given to Vacaville and the entire Solano County community.

THE BADGER-TWO MEDICINE ACT OF 1990

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. WILLIAMS. Mr. Speaker, today I rise to introduce the Badger-Two Medicine Act of 1990. This legislation creates a congressional study area in the Badger-Two Medicine roadless area, and avoids costly court actions against the Federal Government.

My purpose is to avoid costly court action and further delay of a final determination of the management of this area. This will not be the first time that the Congress will have considered this legislation; it was included in the Montana Natural Resource Protection and Utilization Act of 1989, which passed both the House and Senate in the 100th Congress. That bill passed both the House of Representatives and the Senate on voice votes. The legislation was then vetoed by President Reagan, however, although the Badger-Two Medicine portion of the bill (section 12 2751) was not cited in the veto message.

I am again introducing this portion of the vetoed bill because the crisis Congress hoped to avoid with that legislation is about to be quickly upon us. Actions on the part of the Forest Service has threatened to circumvent congressional intent for the area and has started another round of conflicts with the Blackfeet Tribe and Montana's conservationists and sportsmen.

The land covered by this legislation is just south of Glacier National Park on the Lewis and Clark National Forest. The Badger-Two Medicine is not a typical portion of the national forest, however, because it is subject to treaty rights between the Federal Government and the Blackfeet Tribe. An agreement between the Federal Government and the tribe was consummated in 1896 and ceded the Badger-Two Medicine lands to the Government. This treaty also stipulated certain rights over the area which would remain with the tribe.

This area has been the subject of controversy regarding those rights for many years, and just recently the tribe contacted the Forest Service and indicated its desire to again assume control of the area. It is the tribe's belief that the agreement was a 50-year lease of the "Rocky Ridges" and not a cessation. The tribe has continued over these years to utilize the area for religious practices and the names of the land's peaks reflect the stories of Blackfeet legend. Morning Star Mountain, Badger Creek, and Two Medicine River are not just place names but pillars of the Blackfeet religion.

The Congress clearly recognized the very real possibility of conflicts with Indian treaty rights when it passed S. 2751 in 1988. Section 12 of that bill established a 3-year study in order to determine how management activities should take into account rights left with the tribe at the time of cessation. This approach was supported by the tribe. The Congress and the Blackfeet Tribe believed then, and I still hold, the best way to establish appropriate management is by involving the tribe in formulation of a joint management plan. Given the opportunity to have their rights considered in the Lewis and Clark National Forest management plan would go a great ways to addressing the tribe's concerns.

Failure to recognize this approach will almost inevitably lead, as the Congress believed, to a lengthy court challenge and needless expense for the Government and U.S. taxpayers. Recent actions by the tribe only validate that to push forward with the leasing approach, outlined by the supervisor of the Lewis and Clark Forest, creates conflict between the tribe and the Forest Service, conflict between the Congress and the Forest Service, and conflict between Montanans and the Forest Service, with no clear hope of resolution except in litigation.

The Forest Service has learned the hard way that redoing Forest Plans, Environmental Impact Statements, Environmental Assessments, Management Alternatives and Roadless Area Reviews is a duplicative, expensive, exasperating process. The legislation I introduce today says clearly that we want to avoid having the courts decide management this time around.

Contrary to the Forest Service's belief, proceeding with development is not the only option that they have. Discussions with the tribe and consultation with Congress prior to movement on any development is an acceptable and frankly much more prudent alternative

for protecting the public's clear right to decide the use of these lands.

It should also be noted that it is not only the tribe that has questioned development of the Badger-Two Medicine. The State of Montana's Division of Fish, Wildlife, and Parks has publicly expressed grave reservations about development in this area and the impact it would have on this Nation's second largest elk herd and largest Big Horn sheep populations, both of which rely heavily on the Badger-Two Medicine for their very survival.

Montana's conservationists and sportsmen have long advocated this area for inclusion in the National Wilderness Preservation system and do not support development.

The Congress appropriately and reasonably moved once to assure that in this case treaty rights are protected. With this legislation I am attempting to again do so.

TRIBUTE TO VINCENT RANIERE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. SOLARZ. Mr. Speaker, the district I represent encompasses some of this Nation's most diverse and colorful ethnic neighborhoods. One such area which is especially known for its rich cultural flavor is the Bensonhurst community, located in the central portion of my congressional district.

Contrary to popular belief, great neighborhoods don't just happen; they are most often the product of hard work and dedication on the part of community activists. In Bensonhurst, such leadership and vision has been amply supplied over many years by Vincent Raniere, outgoing two-term chairman of Community Board 11. It gives me great pleasure to rise today to pay tribute to this wonderful man who will be honored on February 1, 1990, as he steps down from this position after 4 years.

Bensonhurst residents for the last 25 years, Vincent and his wife, Phyllis, are the proud parents of three children: Vincent, Jr.; Susan; and Geraldine. The family belongs to St. Frances Cabrini parish and has been active in parish organizations for many years. A member of the parish council, Vincent has also served as chairman of St. Frances' Home School Association and as coach and athletic director of the school's Little League through the years.

In addition to being a devoted family man, Vincent is one of those exceptional human beings who has dedicated much of his life to the benefit of the entire community in which he lives. His talents are well known, and the list of his accomplishments is long and distinguished.

Vincent has been a member of Community Board 11 since 1977. In addition to being chairman for 4 years, he has also served the board as youth chairman, budget chairman, and 1st vice chairman. A gentle, kind man, Vincent's cool head and warm heart have allowed him to lead the board through many tough community issues with sensitivity and intelligence.

In light of Vincent's long record of achievement, I am delighted to salute him for his efforts. I have been privileged to know him for many years and to count on his wise counsel and effective assistance.

Vincent is truly a man of the people and for the people who I am proud to count as a constituent and a friend. I look forward to working with him for many more years to come.

COMMEMORATING THE RETIREMENT OF RALPH J. GIONET

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to a man who has served his community with notable distinction. The name of this great American is Ralph Gionet, and on January 26 a testimonial will be held for him in recognition of his retirement after more than 35 years of activity within the school department of Pittsfield, MA.

In 1954, Ralph accepted a teaching position at North Junior High School in Pittsfield. Since that time, he has held a number of educational posts, including teacher, guidance counselor, as well as department head for the occupational education division at Pittsfield High School: the position from which he now retires. Throughout the years, Ralph has established himself as a pillar on which his colleagues and students have leaned for support and turned to for guidance, and I am proud to note that he has always searched for ways in which he could do more for his pupils and community.

Some of the words used to describe this fine man include warm, professional, fair, and compassionate. I have been assured by the members of the department which he leaves behind that no one individual will ever be able to take his place, as his constitution consists of such a remarkable combination of caring and dedication, not easily found among most individuals.

As if his efforts on behalf of education were not enough, Ralph has consistently devoted himself to a wide scope of community services throughout the area I am fortunate to represent in Congress. These activities have ranged from coaching with the Boys Club Hockey League to acting as president of the Goodwill Industries Advisory Board, and even chairman of the parish council at St. Teresa's Church. The work he has contributed to these volunteer organizations stands as a shining example of concerned citizenship, and his actions should inspire all those who know him to emulate his splendid example.

Despite his active lifestyle, Ralph and his lovely wife, Elizabeth, have managed to raise five sons: Mark, Bruce, David, Alan, and Gary; each of whom was educated within the same school system of which their father has been a part these past 35 years. Undoubtedly, the experience of having a father as kind and attentive as Ralph has enabled each of the boys to better handle the adversities that life often presents, and has provided them with the tools needed to attain their highest goals.

To say that Ralph Gionet will be sorely missed is an understatement. To fill the shoes of such a committed individual is no easy task, but fortunately there are many who have learned from his example and will do their best to carry on his tradition of excellence. Nevertheless, considering Ralph's undying efforts on behalf of others, I doubt that we have heard the last of him. Besides his love for fishing and Agatha Christie novels, Ralph Gionet also has a love for people. Knowing that, I am sure he will continue to make a difference in our world, and thank God for that!

I salute you Ralph Gionet, and I wish you the most enjoyable of retirements.

INTERNATIONAL VISITOR MONTH

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. RICHARDSON. Mr. Speaker, today, I am introducing a resolution designating September 1990 as "International Visitor Month."

This resolution recognizes an outstanding program, administered by the U.S. Information Agency, which brings foreign leaders to the United States to develop a more personal understanding of our people and culture. This program: Helps shape American foreign policy; draws on an array of experts to examine current domestic problems; complements the curriculum or elementary and higher educational programs nationwide; creates opportunities for international business ventures; brings money into American cities and towns; and, introduces American people of all backgrounds to future world leaders visiting the United States.

American Embassies overseas select only the most promising midcareer professionals to participate in the month long exchange program. Last year the program brought more than 5,000 visitors to our country. Once the visitors arrive, the members of the National Council for International Visitors [NCIV] carry out the program in communities in nearly every State.

This is a worthwhile program that deserves the Congress' support. I urge my colleagues to join me in cosponsoring International Visitor Month. The resolution follows:

INTERNATIONAL VISITOR MONTH

Whereas the United States Information Agency conducts educational and cultural exchange programs that bring current and future foreign leaders to the United States, often for their first visit;

Whereas the experiences of these visitors affect attitudes and decisions regarding our country and international relations in general;

Whereas the success of these programs depends on the visitors seeing American democracy in all its openness and diversity;

Whereas such broad and meaningful exposure requires thousands of volunteers, who open their homes, businesses, and communities to more than 5,000 visitors each year;

Whereas such volunteer efforts are coordinated by the 103 not-for profit community organizations throughout the United States, and the 42 national programming agencies which form the National Council for International Visitors;

Whereas these international visits not only enrich the United States and the world in cultural, social, and human terms, but also provide the United States and foreign nations opportunities in international trade, commerce, and economic development; and

Whereas the continuing vitality and growing value of such programs depend upon community awareness and support: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 1990 is designated as "International Visitors Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

PUTTING THE SECURITY BACK IN SOCIAL SECURITY

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. DURBIN. Mr. Speaker, today I am introducing legislation with Representative BYRON DORGAN to repeal the FICA payroll tax increase that took effect on January 1, 1990. I do so because the time has come to put an immediate end to the practice of using Social Security Trust Fund revenues to mask the true Federal budget deficit. If we cannot take stop this practice, then I think we must level with the American people and halt the increases in the Social Security payroll tax.

Simply put, the working men and women of this country are being misled. Each week, contributions to the Social Security Trust Fund are deducted from their paychecks. Most believe that these contributions are left in the trust fund to pay for their future retirement costs.

They are wrong. In fact, the revenues in the trust fund are invested in Government securities, providing a new and expanding source of revenue for the Treasury. Instead of using these trust fund revenues for their intended purpose, to build a reserve and stimulate future economic growth, Treasury has been allowed to use these reserves to mask the growing Federal budget.

What was supposed to be an exercise in good government has become nothing more than a budget device to disguise the true size of the Federal budget deficit. If you exclude the $68 billion in trust fund revenues for fiscal year 1990, we have a real budget deficit approaching $200 billion. If we put off taking these surplus revenues out of the budget process until after 1993, we will waste another $420 billion. In fact, if you discount this transfer of trust fund revenues, we have made little progress on reducing the budget deficit over the past several years.

This practice should not be allowed to continue. It removes discipline from the budget process, since the growing revenues from the Social Security Trust Fund enable us to meet the Gramm-Rudman targets without cutting spending. It uses a regressive payroll tax to fund an increasing share of Federal spending, continuing the trend toward an inequitable Tax Code. And it deceives the working men and women of this country into thinking that their retirement savings in Social Security are being protected.

Representative DORGAN of North Dakota and I have supported legislation to protect the Social Security Trust Fund by immediately blocking the use of trust fund revenues for deficit reduction under Gramm-Rudman. If that plan is adopted, the President and Congress will have to face the real deficit.

If, however, trust fund revenues continue to be used to mask the deficit, hard-earned taxpayer money will be squandered and the Social Security benefits of today's workers cannot be guaranteed. In that case, the only responsible approach will be to reduce the Social Security payroll tax. The legislation I am introducing with Representative DORGAN of North Dakota today would start down that road by rolling back the payroll tax increase for 1990.

It is intended as a signal that it is not good enough to admit the problem but put off the solution. The American people deserve an end to this practice, not in 1997, nor in 1993, but now.

TRIBUTE TO JACKIE SPEIER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. LANTOS. Mr. Speaker, California State Assemblywoman Jackie Speier has been selected by the South San Francisco Chamber of Commerce as its "Citizen of the Year." I join my friends at the South San Francisco Chamber in paying tribute to Ms. Speier and invite my colleagues in the Congress to join me in honoring her.

Jackie Speier was elected to the California State Assembly in 1986 representing the 19th Assembly District which includes parts of San Francisco and San Mateo Counties. She has been recognized by her assembly colleagues as a competent and effective legislator, serving as a member of the key ways and means and rules committees and as majority whip.

Prior to her service in the State assembly, Ms. Speier was elected a member of the San Mateo County Board of Supervisors, where she served from 1981 to 1987. As county supervisor she was known for her outstanding work in focusing attention on women's issues. She was instrumental in establishing the San Mateo County Advisory Council on Women, the Household Hazardous Waste Clean-Out Program, Sexual Assault Care Center, and a number of initiatives on child care and parental leave.

Jackie Speier is no stranger to Washington. She was a legislative assistant to our former colleague Leo J. Ryan, who served in Congress until his untimely death in Guyana in 1978.

As a grandfather of 13, I consider one of Ms. Speier's finest accomplishments to be the distinction she achieved as the first member of the California Legislature to have a child while in office. She and her husband, Steve Sierra, are the parents of Jackson Kent Sierra, born July 18, 1988, on the opening day of the last Democratic National Convention.

Mr. Speaker, I invite my colleagues in the Congress to join me in paying well-deserved tribute to my constituent and friend, Jackie Speier, member of the California State Assembly and the South San Francisco Chamber of Commerce "Citizen of the Year."

WILL HILL TANKERSLEY

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. DICKINSON. Mr. Speaker, effective, October 19, 1985, Secretary of Defense Caspar Weinberger appointed the Honorable Will Hill Tankersley, a native of Montgomery, AL, to a 4-year tour Chairman of the Reserve Forces Policy Board of the Department of Defense. This Board was established in 1952 by Congress as the principal policy advisor to the Secretary of Defense on matters concerning the National Guard and the Reserve of all the armed services.

The Reserve Forces Policy Board, under Chairman Tankersley's direction, has advised the Secretary of Defense on matters that have helped to modernize and integrate the National Guard and Reserve into a genuine and ready total force. The Board was created by Congress as an independent source of advice to the Secretary of Defense and to Congress. Its annual report has become the most comprehensive document available on Guard and Reserve programs and serves as the definitive reference document for reserve component data. Mr. Tankersley's commitment, dedication, and devotion have assured the success of the Board in meeting its congressional mandate.

Will Hill spent 8 years in the regular Army and is a decorated combat infantry veteran of six campaigns of the Korean war, a ranger, and a master parachutist. When he retired from the Army Reserve as a major general, he was awarded the Army's Distinguished Service Medal. He served on all levels from platoon to the Department of Army staff. The Secretary of the Army appointed him to the Army Reserve Forces Policy Committee. His final assignment was commander of the 87th U.S. Army Maneuver Area Command in Birmingham.

From 1969 to 1974 he was civilian aide to the Secretary of the Army for the State of Alabama. President Ford nominated him to be Deputy Assistant Secretary of Defense on September 5, 1974. He was confirmed by the Senate, and sworn in by then Secretary of Defense, James R. Schlesinger. He served in this post until July 1977.

Not only was Will Hill interested in the overall welfare of our defense posture, but he was equally committed to his community. Will Hill is vice chairman of the board of directors of the Montgomery Area Chamber of Commerce. He is a member of the Auburn University Research Advisory Council, he is a past president of the Montgomery Rotary Club, he was director of the Montgomery Area United Way, the Montgomery Academy and the Tukabatchee Area Council of the Boy Scouts of America. And he served as director of the Gover-

nor's Management Improvement Program for State Government. Will Hill is currently the president of Sterne, Agee & Leach, Inc., Alabama's oldest and largest securities firm.

A true southern gentleman, Will Hill Tankersley was a tremendous asset to our Department of Defense, and he remains a devoted champion of Montgomery and the State of Alabama.

COMMEMORATING UKRAINIAN INDEPENDENCE DAY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. BROOMFIELD. Mr. Speaker, during this past year, we have witnessed momentous changes in Eastern Europe. We have seen an expansion of participatory government and a new commitment to human rights in those countries. There has been important movement toward market-oriented economies that allow individuals greater freedom in determining their economic lives. It has been an exciting and heartwarming experience to see the Berlin Wall come down and to observe the other important events that have characterized these past few months.

To a great degree, President Gorbachev had much to do with allowing these changes to take place without far greater bloodshed and repression. Yet in the Soviet Union itself, the winds of freedom and human rights have yet to blow freely.

The Ukrainian American community has observed January 22 as a day commemorating the time seven decades ago when the Ukraine was an independent, democratic nation, and reaffirmed its support for the dream of self-determination for the people of the Ukraine. At the same time, they reminded all of us that while notable changes have been made in the Soviet Union, we must not ignore the fact that there is much further to go.

After centuries of foreign domination, the Ukrainian National Assembly, meeting in Kiev on January 22, 1918, proclaimed the independence of the Ukraine. This period of independence was short-lived. By the early 1920's, the Soviet Union militarily occupied eastern Ukraine creating the Ukrainian S.S.R.

From the early 1920's to today, harsh and brutal efforts were made to destroy the spirit and the culture of the people of the Ukraine. For the past 4 years, I have served as one of four congressional commissioners to the Commission on the Ukrainian Famine of 1932-33. During those 4 years we took extensive testimony from eyewitnesses to the famine that took millions of Ukrainian lives. We came to the inescapable conclusion that the famine was man-made as a deliberate part of Stalinist policy of genocide to break the back of the Ukraine.

When that failed, the Soviet Government took other harsh steps. From 1934 to 1940, thousands of Ukrainian intellectuals were shot or sent to labor camps, and under the policy of Sovietization, Ukrainian churches were outlawed, Russian was taught in the schools, and expressions of Ukrainian culture were suppressed.

It is time for President Gorbachev to allow perestroika to enter into the political relationship among the various republics of the Soviet Union. Sovietization has failed in the Baltic States and it has failed in the Ukraine. A first step has been taken by allowing the Ukrainian Catholic Church to register as a religion to be observed in the Soviet Union.

However, there is still much further to go. The people should be allowed to freely worship whether they are Ukrainian Catholic, Russian Orthodox, Ukrainian Orthodox, or any other denomination or religion. People must also be allowed to take pride in their full identity. As Americans take pride in their ethnic identity while still being American, the Soviet Government must realize people cannot have an alien identity forced upon them. Finally, a political relationship needs to evolve that recognizes the aspirations of the people of the Ukraine.

Mr. Speaker, during this commemoration of the independence of the Ukraine we must continue to support the aspirations of the people there and encourage President Gorbachev to let necessary changes take place. The Soviet Government must finally accept that the status quo is no longer acceptable and shape its policy toward the Ukraine accordingly.

TRIBUTE TO DARLA RAE PERLOZZI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Darla Rae Perlozzi who is an aspiring musician from my 17th Congressional District. Darla Rae, who is from Struther, OH, recorded her first single in 1989 which was released in the United States and Europe.

Darla Rae has been playing the drums for more than 15 years and recently released her first single, "Let There Be Drums," which is a rendition of Sandy Nelson's recording from the 1960's. Along with "Let There Be Drums," she recorded "A Brighter Day," which is intended as a song of hope for the less fortunate people of the world. She feels that music is an international language and that it can be used to communicate messages that spoken language cannot.

Ms. Perlozzi graduated from Struthers High School in 1985 and has received a number of musical awards including, six superior ratings in the Ohio Music Education State Competition, Whose Who in Music, the Governor Youth Recognition Award in 1986, and a scholarship from the Music Association of the Music Club. Presently Darla Rae is a member of the musicians' union 86-242 and a member of the band Cloverleaf.

Mr. Speaker, I would like to take this opportunity to congratulate Darla Rae Perlozzi on the release of her first single and commend her on her concern for her fellow man. Darla Rae has a bright future ahead of her and I wish her the best of luck.

TRIBUTE TO DUANE B. BEESON, ESQ.

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Ms. PELOSI. Mr. Speaker, I rise today to share with my colleagues the valuable contributions of Duane B. Beeson, Esq., who was honored by All-Charities as a "Great Bay Area Humanitarian" on January 20, 1990. Duane has touched many people in great and small ways over the years.

Duane's stellar legal career began when he graduated from Harvard Law School in 1948, and got off to an auspicious start when he obtained a highly esteemed appointment as a Federal law clerk for the Honorable William E. Orr, judge of the U.S. Court of Appeals, Ninth Circuit. His career with the National Labor Relations Board validated that early promise and many of the cases that Duane shepherded during his tenure at the NLRB remain landmark decisions in labor law.

Duane has not limited his contributions to the practice of labor law alone. In addition, he had served as an instructor at the University of San Francisco Law School, Hastings Law School, George Washington Law School and the University of California Law School. His contributions also extend to constitutional law as Duane's victorious decision in the 1965 case United States versus Seeger before the U.S. Supreme Court on conscientious objections still stands as an important milestone in that area.

Duane joined the firm of Beeson, Tayer, Silbert, Bodine & Livingston in 1961 and has represented many unions, including the Teamsters, California Nurses Association, International Typographical Union, Mailers, and the American Federation of Television and Radio Artists.

Duane B. Beeson has woven a thread of humanitarianism throughout all of his dealings. He has maintained a reputation as a thoughtful, fair, and skillful advocate both in litigations and in negotiations.

A CONGRESSIONAL SALUTE TO BILL TREJO, JR.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. ANDERSON. Mr. Speaker, I rise today to bring to the attention of my colleagues Mr. Bill Trejo, Jr., an individual that has played a major role in the U.S. shipbuilding and repair industry. At a time when this vital domestic industry is experiencing adversity, it is reassuring to know that there are still individuals willing to stand by what they believe in.

Recently the San Pedro News Pilot ran a profile story of Mr. Trejo, and his role in the on-going difficulties faced by Todd Shipyards, San Pedro. For those of you that do not know, this company was forced to close recently leaving 2,000 workers unemployed. It is my

hope that my colleagues will read the following article on Mr. Trejo, both as a tribute to the man, and to demonstrate the need to save our domestic shipbuilding and ship repair industry before it is extinct.

UNIONIST'S LOVE IS LABOR—BILL TREJO, JR., A SELF-TAUGHT NEGOTIATOR AT TODD

(By Bob James)

Bill Trejo Jr. likes to do things the hard way.

Whether negotiating a contract on behalf of his members, earning an education or simply finding time for his family, the executive secretary for Local 9 of the Industrial Union of Marine and Shipbuilding Workers of America rarely takes the easiest route.

"I feel good in doing things the hard way, he said. "I feel good because I have a conscience that tells me I'm doing the right thing."

Raised in East Los Angeles by his mother, Trejo saw gang and prison violence eventually take three family members. But during those years, he also got his first taste of Los Angeles Harbor's salt air when he visited his father, a Todd Shipyards worker, on the weekends.

"I was always awed and amazed by the harbor," he said as he sat in the living room of his San Pedro home. "Being from East L.A., this is another world."

Since then, Trejo has emerged as a major force in the harbor's shipbuilding and repair industry. After beginning his labor career as a shop steward in Todd's dry dock department, trustee and treasurer for the local, he stepped into Local 9's top post almost a year ago—just as the union's main employer, Todd, began its swan song.

The stocky father of two has also earned a reputation as a devoted union man who above all else represents his membership fairly. He often takes a low-key approach to negotiating, but also can be confrontational and hot-tempered.

"His heart is really into it," said Rene Herrera, president of Local 13 of the International Longshoremen's and Warehousemen's Union.

"He really believes in what he's doing," said Herrera, who has known Trejo since their days at Todd in 1978. "All you have to do is stop by and see how hard he works to know that."

"He's good," said Kevin Sullivan, the shipbuilder's union West Coast representative. "He always represented his men well and fairly. "He's had to make some tough decisions and has done well."

In the days when young Billy Trejo attended Todd Christmas parties at the Warner Grand Theater in San Pedro, he never planned to follow in his father's footsteps, but after graduating from high school in 1974, the former athlete found that, thanks to a serious knee injury, he had no way to attend college.

So he picked up odd jobs as a bouncer in a Hollywood nightclub, in a surf shop looking for shoplifters and finally at Todd, where he obtained off-and-on work as a shipfitter's helper.

Working in the same department as his father did for more than 20 years, the younger Trejo learned the craft of piecing together giant sections of sea-going vessels as his father had been taught—from the veterans.

In 1977, when Todd began work on the mammoth 18-ship Navy frigate program, Trejo moved to the dry dock. As the youngest man in the department, he got the dirtiest, hardest jobs and a ton of overtime, he recalled.

In 1978, Trejo married his high school sweetheart Sylvia, in Hawaii. For the next couple years they traveled around the country and to Eastern Europe, returning to the Harbor Area periodically to work again at Todd.

Trejo, 33, returned to Todd full time in 1982, right around the time his first child, Christina, was born. He returned to the dry dock—and the union.

"I wasn't involved in the beginning. I was doing my own thing," Trejo recalls of his relationship with the union.

"But I remember getting disgusted at certain issues, like the distribution of overtime and always hearing that 'personnel said this' and 'personnel said that.' "

"So I started saying, 'Just because personnel said that doesn't make it right. Let's look at where we stand with this contract.' And then I started getting involved in contracts and the next thing you know I'm the shop steward."

Trejo's involvement deepened and he said he "began filing grievances and going into arbitrations" on behalf of his department.

Sullivan said not only was his friend of 10 years a good steward, "he was good at his trade too.

"That's always a good combination because someone who works hard at his trade will usually work hard for the union," Sullivan said, noting that Trejo also earned the respect of management because he was not "over-zealous" in his position.

But the shipbuilder's mettle was put to the test when Todd began installation of the synchro-lift in 1986. The high-tech device essentially replaced the older method of dry-docking vessels by hand by raising and lowering the ship by hydrologic lifts. Trejo said the company also planned to dismantle his department with the old dry-dock.

"A lot of different departments wanted to take it over, but he fought hard to make sure his department got it," Sullivan said. "The winning argument was that he had the expertise in operating dry docks and that this was a similar piece of equipment."

"It was needless. That should have been negotiated square from the beginning," Trejo said of the issue. "But (the negotiators) told me I was secure, but when it came down to it, I wasn't."

The episode marked a change in philosophy for him. From that point on, Trejo said, he wouldn't really trust anyone except himself.

"I've paid a price for it, but I've also paid a price when I did trust people," Trejo said.

From shop steward, Trejo became trustee of the local and then moved on to treasurer and was labeled "The Watchdog" because of his tenacious control over the books. Sullivan said he was one of the most outstanding treasurers the local ever had.

"These guys had their own way of doing things and people let things go as they would," Trejo said, recalling Local 9's fiscal health when he came in.

"But I was doing things, making the company justify what it was doing and so some of that rubbed off with the union hall," Trejo said, admitting his actions cost him some popularity. "But I never challenged anything unless I thought I was right."

Despite his fiscal acuity, Trejo found his real calling in 1986 on the panel negotiating Local 9's new contract with Todd. Even then, company officials said the firm was in trouble and that the union had to take cuts to prevent the yard from closing. Trejo and company stood firm, forcing Todd to issue its "final offer" about 20 times, Trejo said.

Negotiating "is what it's all about. That's where you're able to make a big difference," Trejo said. "That's why the labor movement is there—to make an impact negotiating certain benefits on behalf of the membership."

Having had no formal training in the art of bargaining, Trejo did what he did when the synchro-lift issue arose—hit the books. He read about how to read facial expressions, body language and the art of listening and comprehension. He used tape recorders and takes copious notes and when the issues get really touchy, he said he simply takes a break to mull over in his mind what was said.

"He always conducts himself like a gentleman," said Bill Campbell, vice president of Dockside Marine and Industrial Co. of Wilmington, which was struck by Local 9 for five weeks earlier this year. "I only saw him lose his temper once. He got kind of out of control, but he came back and apologized later."

"Billy does do a good job representing his membership," said John O'Hara, industrial relations manager for Todd. "He mirrors what Local 9 stands for and operates the way they expect him to operate."

When Todd declared bankruptcy in 1987, Local 9 expected even more out of him.

"He spent most of his evenings at the union hall and then when he came home, he had business on his mind," said Mrs. Trejo. "And then people would call all night asking 'How's it going? Is it closing?' It was very stressful."

Mrs. Trejo said there were always rumors the yard was closing, but she didn't believe them.

"(Bill) said there was no way they would close it, that it was just scare tactics. But when they started laying everybody off, it was clear they were closing."

These days, with Todd closed and 2,000 union members out of work, Trejo's responsibility has increased even more. The priority now, he said, is getting a buyer for the yard in there that won't pack up in a couple years. But the road to that goal is filled with obstacles.

"Things are moving so quickly, I try to read a lot now, probably too much because we've stopped communicating," Trejo said, flashing a toothy grin at his wife. "That's how I've educated myself, picking up law books, case histories, books on negotiating tactics, psychology, comprehension, reading facial expressions—anything that would be advantageous for the labor movement.

"One wrong move can cost me and this local our survival," Trejo said.

But dedication has its price. Just as the synchro-lift and treasurer episodes cost him, so has the fight to save Todd. This time, however, his private life paid the bill.

"Since Chapter 11 there hasn't been a whole lot of fun," Trejo said as he opened the door to a garage filled with barbells, scuba diving gear, fishing poles and other toys he hasn't used in a long time.

"You get so deep into a certain issue that sometimes you lose sight of everything else, including your family. That's when you have to take a step back."

While Trejo said his family understands, he admits he felt "a little guilty about not being home for dinner when I should have.

"It took some time for me to learn to say, 'Adios, I'm out of here,' then lock the door of the hall and go home."

Trejo gives his wife a lot of credit for keeping him sane. "She's been great," he said, noting that he is finding more time for his family. Christina, 7, and he are part of the YMCA's Indian Princess program for fathers and daughters and Trejo loves to play with 4-year-old Michael.

"I've been blessed," he said. "I never asked to be in this position and I've felt good when I was able to be successful and felt bad when I lost. But I owe the union for everything that I have."

PAUL CORBIN: THE COMMANDER

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. CLEMENT. Mr. Speaker, I want to pay tribute today to a man who was once one of the most colorful political figures of this century, Mr. Paul Corbin.

The Commander, as he described himself, died following a bout with cancer on Tuesday, January 2, 1990, at the age of 75. Today in Nashville a group of Corbin's friends and acquaintances will pay tribute to this man, and I'd like to honor his memory myself as we begin the second session of the 101st Congress. Considering the political legacy Paul Corbin left, I think this is most fitting.

Following his death various political columnists described Paul Corbin as "a national political operative, a most unforgettable character, brash, energetic, controversial, a prankster and a confidante." Paul Corbin was many things, including a very savvy and experienced adviser to some of the leading political figures of the past three decades. Paul Corbin was one of the most respected political minds of our time.

I borrow excerpts from newspaper articles written for the Nashville Banner and Tennessean newspapers in my hometown, Nashville, TN, and from the Janesville, WI, Gazette, to paint a picture of this unique individual.

I would like to submit for the RECORD an article by reporter Jim O'Hara which appeared on Wednesday, January 3, 1990 in the Tennessean.

PAUL CORBIN, POLITICAL FIGURE, DIES

(By Jim O'Hara)

Paul Corbin, confidante of the late Robert F. Kennedy and a national political operative for more than two decades, died yesterday of cancer at his home in Alexandria, Va.

He had both political and business ties to Nashville, dating back to the late 1960s.

Services for Mr. Corbin, 75, will be at 11 a.m. Friday at the De Maine Funeral Home in Alexandria. Burial will be in St. Mary's Cemetery in Alexandria.

Mr. Corbin was born in Winnipeg, Manitoba, in 1914 and moved to Janesville, Wis., in 1935.

He became a U.S. citizen in 1943 and joined the U.S. Marine Corps during World War II. When he was honorably discharged in 1945, Corbin had attained the rank of master sergeant.

Returning to Wisconsin after service in the South Pacific, he became active in the Marine Corps League, eventually becoming the league's national chief of staff. He was also president of the Wisconsin Veterans Council in 1946.

Before and after Corbin's military service, he worked as a labor organizer and that activity eventually resulted in a 1962 appearance before the House Un-American Activities Committee.

He bluntly told the congressmen on the committee that reports of his having ties to the Communist Party were false. Corbin was represented before the committee by Nashville attorney John J. Hooker Jr.

In 1960, Corbin met John F. Kennedy, who was seeking the Democratic presidential nomination, and Corbin worked for him in the Wisconsin and West Virginia primaries.

During the 1960 general election, Corbin worked for John Kennedy in New York state.

From 1961-64, Corbin was a staff member of the Democratic National Committee. He left that position after President Lyndon Johnson pointedly excluded Robert F. Kennedy from consideration as his running mate in 1964

Corbin then worked for Robert Kennedy in his 1964 election to the U.S. Senate from New York. He also worked in the Democrat's 1968 presidential campaign during the California primary.

For Corbin, politics was founded on personal loyalty and friendships.

He was fond of telling friends that while most people lived their lives like funny paper characters in the daily newspapers, he intended to live his like the Sunday comics—in full color.

There was no doubt that Corbin was colorful. He favored long overcoats with fur collars and broad-brimmed black fedoras.

Corbin was also controversial—and sometimes seemed to enjoy that role.

Even Corbin's closest friends were never certain when to separate the fiction from the fact surrounding his activities. Consequently, they were almost never surprised by a Corbin story although they were often left shaking their heads in wonder.

That was the case in 1983 when reports surfaced in the media that Corbin was involved in obtaining briefing papers for a debate from the campaign of President Carter and turning them over to Ronald Reagan's campaign manager, William J. Casey.

And Corbin left it a mystery.

"The Commander." "The Colonel." Those were just two of the sobriquets by which Corbin would conspiratorially identify himself to strangers.

But there was no mistaking the gravelly voice that invited reporters and politicians into Corbin's world where legend and fact were gleefully mixed—and usually to Corbin's advantage.

Corbin's political ties in Tennessee included working for Republican Lamar Alexander in the 1982 governor's race and drumming up support for Democrat Ned McWherter in the 1986 gubernatorial contest.

In May 1989, Corbin was called to testify before a federal grand jury here investigating Sheriff Fate Thomas and was asked by a female reporter to discuss his testimony.

"I don't kiss and tell, do you?" he responded.

That did not stop him from then privately regaling friends with a story of his wanting to smoke while in the grand jury room. When told he couldn't, Corbin said he turned to the grand jury and asked the smokers on the panel if they didn't want to light up.

A recess in the proceedings for the smokers was then called, Corbin said as he proclaimed another personal victory over established authority.

A Corbin story did not have to be believed, only enjoyed.

"The world of politics has lost one of its most colorful characters and I have lost a close, personal friend," said John Seigenthaler, chairman, publisher and chief executive officer of The Tennessean.

Robert and Ethel Kennedy were Corbin's godparents when Corbin and his wife, Gertrude, converted to Catholicism.

After Robert Kennedy's assassination, Corbin moved to Nashville where he was curator of the Country Music Wax Museum.

He then moved to Washington, DC., where he worked as a political consultant.

Corbin was founder of the American Institute for Public Service and served on its board to select recipients of the Jefferson awards. He was also a founder of the Federal City Club in Washington and a member of the Mt. Kenya Safari Club.

Mr. Corbin is survived by his wife, Gertrude; two sisters, Irene Culter of Winnipeg and Freida Shankman of Suissan, Calif.; and a daughter, Darlene Corbin of Marina Del Rey, Calif.

The family asks that donations be made to the Robert F. Kennedy Memorial, 1031 31st Street NW., Washington, DC., 2007.

Following Mr. Corbin's death, the Nashville Banner reported that Mr. Corbin was very proud of the friendships he formed with Kennedy insiders, including John Seigenthaler, now chairman, publisher and chief executive officer of the Tennessean, describing the relationships as "a band of brotherhood that was never broken."

Seigenthaler used to joke that "Corbin is our cross to bear."

Other Kennedy pals claimed that they drew straws after Robert Kennedy's death to see who got Corbin, "and Seigenthaler lost."

Robert Kennedy's biographer, Arthur Schlesinger, described Mr. Corbin as a "natural born con man" who took "cheerful delight in causing trouble and reorganizing the truth."

In 1961, Republican U.S. Representative Melvin Laird accused Mr. Corbin of having Communist ties. John Jay Hooker, who also worked in the Kennedy campaign, served as Mr. Corbin's attorney at hearings before the House Un-American Activities Committee.

The hearings never produced proof that Mr. Corbin had Communist links.

But Mr. Corbin had a lot of laughs in later years recounting how he broke the tension during the hearings by announcing in a very loud voice, "Nothing doing, John Jay. I'm going to tell the truth."

Columnist Mitch Bliss in Corbin's hometown paper, the Janesville Gazette, described Mr. Corbin as "an ex-Marine with a gravelly voice and rapid fire delivery. Corbin was not big physically, but gave you the feeling you would sure want him on your side in a war or any other kind of fight."

Fascinating, engaging, savvy and tough as a bantam rooster, Paul Corbin was the kind of man whose exploits became political legends. Perhaps the highest tribute I can pay Paul Corbin today is to say that I admired and respected him and the advice he gave. When Paul Corbin talked, I wanted to listen.

Like hundreds of his family members and friends, I will miss Paul Corbin. But I also understand that legends grow and live on forever.

BANK ROBBERY ON A GRAND SCALE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. STARK. Mr. Speaker, the Christian Science Monitor contains a recent editorial by Richard Morin and Joseph Ellis, titled "Bank Robbery on a Grand Scale." Morin and Ellis have eloquently described the S&L mess, caused by an era of deregulation coupled by a lack of needed oversight and Federal Government administration. The costs of the resulting waste, fraud, and abuse will be felt by every taxpayer for years to come.

The second session of the 101st Congress will provide an opportunity to resolve potential disasters in the pension guarantee, home mortgage, farm mortgage, and banking industries. I fear, however, that too many special interest groups will bury their heads in the sand and deny that potential problems exist. The time to act is now, and we ought to be willing to make the difficult decisions before the next crisis' financial costs have mushroomed beyond comprehension.

I recommend the following article to my colleagues:

BANK ROBBERY ON A GRAND SCALE

(By Richard Moran and Joseph Ellis)

Until recently, the most memorable comment on bank robbery was made by the legendary stickup man Willy Sutton. When asked why he robbed banks, Sutton explained, "Because that's where the money is." But the recent savings-and-loan scandal has produced a worthy rival in the quotation sweepstakes. Testifying before Congress, the California S&L commissioner observed, "The best way to rob a bank is to own one."

It is time we realized the enormous cost imposed on society by corporate criminals. Until this new breed of bank robbers showed up, there never was a robbery that bankrupted a bank. According to the Justice Department, the average take from a bank job is less than $3,000. Although Willy Sutton, John Dillinger, Bonnie and Clyde, and Jesse James have grabbed all the notoriety, the truth is, they don't amount to a hill of beans when compared to their modern-day counterparts.

Over the next 30 years the cost of bailing out the S&L industry is estimated at between $300 billion and $473 billion. During the next decade, every American taxpayer will be forced to contribute between $2,000 and $3,000 to finance the losses. The savings-and-loan scandal is the most costly crime in recorded history.

The fact is, most of these banks failed not because of deregulation, bad loans, or shifting commercial real estate markets, but because they were either bled dry by a bunch of pin-striped bandits or bankrupted by gamblers who took illegal risks with developers' money.

A recent Government Accounting Office study found that criminal activity played a central role in the 26 most costly thrift failures. Of the 11,319 S & L bankruptcies referred to the Justice Department for possible prosecution, criminal behavior is believed to have played a significant role in 80 percent of them.

The illegal strategies and criminal techniques employed are much too complex to describe in detail here. Essentially they involved siphoning funds, illegal risk taking, and covering up. Siphoning, or bleeding-dry, was the most common and lucrative method employed. Top management paid themselves exorbitant salaries in violation of federal regulations, purchased luxury homes, boats, and cars, and arranged sweetheart deals for friends and relatives. In short, they robbed their own banks.

In defense of federal laws and regulations, saving-and-loan managers made illegal high-risk acquisition, development, and construction loans, often requiring no down payment and relieving the developer of liability if the project went broke. If successful the bank would receive high profits. If unsuccessful, the taxpayers would foot the bill, since all deposits up to $100,000 are insured by the federal government. It's a "heads I win, tails you lose" investment strategy.

And, finally, the executives and managers covered up. They inflated their net worth by financing the purchase of their own stock. They sold land back and forth to each other at inflated prices, thereby creating false increases in total assets. They "cooked" the books, hiding theft, fraud, and insolvency.

If you are having trouble seeing these bank executives as real criminals, consider that the Mafia has been doing the same thing for years. Once gangsters gain a foothold in a legitimate business, they too milk it dry by siphoning off cash, building up large credit lines from suppliers, and then liquidating inventories. When they pull out, all that remains is a shell of a company with creditors holding the bag. They leave behind a snarled network of paper which makes it difficult and costly to prosecute. When the Mafia does this it is called as a "bust-out." When bank managers do it, it is called an insolvency.

While it is true that deregulation of the banking industry created an atmosphere in which corporate crime flourished, this argument serves only to explain how the thievery got so out of hand. It does not excuse the executives' behavior or make it any less criminal. After all, prohibition explains how the mob was able to grow and prosper. And street crime can be traced to the conditions in the ghetto. Drug trafficking, auto theft, prostitution, take your pick, they all can be explained by pointing to the environment in which they are nourished.

Willy Sutton stole from banks the old-fashioned way—he robbed them. The new breed of bank robbers steal sums of money that Sutton never imagined in his most larcenous dreams. Yet very few of them will ever see the inside of a prison, even though they have perpetrated the greatest heist in American history.

FATHER DRINAN ON SOVIET JEWS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. FRANK. Mr. Speaker, my predecessor in the House, Father Robert Drinan, was one of the first Members of Congress to recognize the importance of human rights across the world as an issue which demanded the attention of Americans. Among the areas where he provided moral leadership was that of the question of Jews in the Soviet Union who were facing severe persecution. Although he is no longer in Congress, Father Drinan continues to be an extremely dedicated advocate of human rights and he continues to apply his expertise to these questions. Earlier this month he published an article in the Boston Globe giving an up-to-date review of the situation of Jews in the Soviet Union, and discussing some of the important policy questions that arise out of the changes that have occurred there. Because of his acknowledged status of one of the experts in this area, and because the issues he raises are so timely, I ask that that article be printed here so that our colleagues may get the benefit once again of Father Drinan's analysis.

[From the Boston Globe, Jan. 1, 1990]

TO EMIGRATE—OR STAY?

(By Robert F. Drinan)

For the million Jews in the Soviet Union, it is the best of times and the worst of times.

The numbers able to leave are astonishing. In the first 11 months of 1989, 62,504 Soviet Jews emigrated, easily exceeding the record of 51,333 in all of 1979. In addition, 500,000 Soviet Jews have applied for permission to leave or have documents enabling them to make an application.

The dream of the last exodus is being fulfilled. It was Elie Weisel's 1967 book "The Jews of Silence" which began the worldwide aspiration to liberate the 20 percent of the Jews in the world who, because they lived in the USSR, were denied the right to practice their religion.

The first World Conference on Soviet Jewry, held in Brussels in 1971, began the organized global efforts which have brought about astonishing freedom for Jews in Russia. I participated in the second world conference in 1976 and the third in Jerusalem in 1984. No one at those gatherings could possibly have predicted that up to 70,000 Jews would be able to leave the Soviet Union in 1989.

But amid the rejoicing of Soviet Jews there is widespread anxiety. Should everyone leave—with all of the traumatic experience that entails? Could freedom for Jewish culture become so available in the Soviet Union that it would not be necessary to emigrate? Or, is the ancient memory and tradition of anti-Semitism likely to revive if Jews openly practice their faith and develop their culture?

As angry nationalities come alive in the Soviet Union, grass-roots anti-Semitism and ancient prejudices seem to be growing. The London Economist for Dec. 23, 1989, documents some of the ugly anti-Semitic threats that are emerging in the Soviet Union.

But anti-Semitism is officially banned. The flow of anti-Jewish propaganda copied from Nazi hate books, which the government sponsored for many years, has stopped. There is not yet any legal apparatus to guarantee all Jewish students access to universities, but freedom for Jews has expanded far beyond anything ever dreamed of in the 72 years from 1917 to 1989.

For the first time in 50 years there is a rabbinical school in Moscow. Teaching Yiddish, Hebrew, and Jewish history is no longer forbidden. For the first time since Stalin died in 1953, there is a Jew in the Politburo.

To consolidate these gains, Jewish leaders recently held a congress in Moscow, the first such gathering since the 1917 revolution. Sentiment at that conference was deeply divided. Some urged that most Jews should emigrate lest new waves of anti-Zionist prejudices erupt.

Others felt that the spectacular turn in favor of human rights in the USSR and in Eastern Europe meant that Soviet Jews have many reasons to feel that they will be appreciated in the new country that is emerging.

Anti-Semitism has had a long and dark history in Russia. The poison of that stain is now being revived by a movement called Pamyat. Since its start in the early 1970s, Pamyat has claimed that it is dedicated to the preservation of Russia's cultural history.

But it has revived some of the nation's oldest anti-Semitic prejudices and has added a few more.

Pamyat alleges that Jews are "over-represented" in Soviet public life and consequently urges that Jews should not be admitted to universities and scientific academies. Pamyat has been instrumental in the new wave of anti-Semitism which has led to desecrated Jewish graves, graffiti on synagogue walls, and threatening letters.

The repression that has produced anguish in the Soviet Union for millions since 1917 is hopefully coming to a welcome end. But Jews who remain must daily confront the problem of whether they should prefer certain exodus today or possible extermination tomorrow.

From 1970 to 1989, the US Congress was enormously helpful in making the emigration of 270,000 Soviet Jews possible. The work of the Congress on behalf of all of the Jews in the Soviet Union is entering a new and daunting phase.

NATIONAL EYE DONOR MONTH: MARCH 1990

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. GUARINI. Mr. Speaker, the efforts of Congress have helped make possible the enormous humanitarian and economic benefits of organ and tissue transplantation: Lives saved, bodies repaired, sight restored, thousands of men, women, and children returned to the workplace, classroom, and community. Our support of eye donation, in particular, has dramatically impacted Americans today.

Thanks to the increased public awareness of the benefits of eye donation, a record number of humanitarian-minded citizens are choosing to pledge their eyes to be used after death for sight restoring surgery and research. Last year alone, more than 80,000 donor eyes were received by eye banks across the United States and Canada. Of this number, the Eye Bank Association of America, [EBAA] reports that more than 36,000 were used for other sight enhancing surgical procedures and in important research projects, to speed the day when thousands of persons with other types of blindness might also have their sight restored.

Since 1961, when the EBAA was founded by the American Academy of Ophthalmology, more than 336,000 corneal transplants have been performed with a 90-percent success rate, making this surgery the most successful and frequent of all transplant procedures. Persons who have received the precious gift of sight through this surgery have come from all walks of life and all parts of the country, including a 9-day-old infant and a 103-year-old great-great-grandfather.

The EBAA coordinates various activities across the United States and Canada through its 96 member eye banks in order to increase eye donations, expedite research and ensure the maintenance of high standards for the screening and distributing of corneas for transplantation. The EBAA is supported by its allied organizations, the Association of Nurses Endorsing Transplantation [ANET] and the National Ambassadors for Corneal Transplant [NACT], whose members are former blind persons whose sight has been restored through corneal transplantation.

Despite this remarkable effort, thousands of blind men, women and children still wait in darkness because of a shortage of eye donations. Eye banking experts are convinced that one of the most effective means for increasing donations is to increase public awareness of the donation process. They indicate that many people do not realize all eyes are acceptable for donation, regardless of the donor's age or quality of vision.

Therefore, it is fitting that we in Congress inform the public of the need for eye donations and encourage more Americans to become organ and tissue donors, as we have done each year since 1983. We do so by designating March 1990 as "National Eye Donor Month" and call on all citizens to support this humanitarian cause.

HER SON'S FLAG

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. HUGHES. Mr. Speaker, I rise today to recognize one of my constituents, Mrs. Dee Scerni of Galloway Township, who has written a beautifully touching poem about our flag. The woman who is the focus of Mrs. Scerni's poem, suffers a tragic loss at the death of her son. Although the woman's loss was great, she took comfort in the courage of her son, symbolized by the American flag. I sincerely believe that Dee Scerni's poem captures the spirit, symbolism, and deep meaning that our flag has engendered for Americans since the founding of the Republic.

Accordingly, it is with great pleasure that I present the full text of Mrs. Scerni's poem which follows:

HER SON'S FLAG

She clutched the folded flag to her breast,
somehow she felt closer to him;
She closed her eyes as tears fell, her memories would not grow dim.
They took her back to a hot Fourth of July,
when he was only three,
As he stood and waved his flag, for everyone to see.
Her arms caressed the folded flag, lovingly,
once more;
The same arms that held this child, that she once bore.
Tears fell upon the folded cloth, she gently wiped them away;
But with it in her arms, she felt closer to him that day.
She remembers when he was twelve, it was a Boy Scout jamboree:
He led the parade carrying our flag, he was as proud as he could be.
She placed the flag upon her lap, the very spot he'd lay his head,
When he was but a child, and she'd carry him to bed.
How proud he was of our country, the freedom that we know;
And when the day came to defend it, off to war he'd go.
She placed the flag near his picture, it was all she had left you see;
But for a heart full of sorrow and a proud memory.
She remembers yet another day, he carried his flag home;
It was draped upon his casket, she stood there all alone.
Through tears she was glad he knew not, of the burnings they want allowed;
Of the flag of his country, while living, he held so proud.

HONORING BEN REIFEL

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. JOHNSON of South Dakota. Mr. Speaker, our Nation recently lost one of its leaders, former Congressman Ben Reifel of my State of South Dakota, who served in this body from 1960 to 1970. Ben was an enrolled member of the Rosebud Sioux Tribe, and distinguished himself in the House by being quietly effective. I would like to insert into the RECORD the editorial printed in the January 6, 1990, Sioux Falls Argus-Leader, which eloquently pays tribute to Ben and his career:

STRAIGHT SHOOTER REIFEL'S MARK IN HISTORY WILL GROW

As time goes on, Ben Reifel's stature in South Dakota history likely will grow.

As the first American Indian to serve in the U.S. House of Representatives, he helped bridge cultural gaps, nationally and in South Dakota. He was a believer in education who worked his way to success.

But to thousands of South Dakotans, he was simply a popular congressman who served the state throughout the 1960s.

Reifel, who died Tuesday of cancer, will be remembered for more than his political service to South Dakota. He campaigned as

a straight shooter, and he earned a reputation as one.

He also will be remembered for his concern for agriculture, the arts and Indians. He was known as *Wiyaka Wanjila*, Lone Feather, among his Indian family.

Funeral services for the 83-year-old Lake Poinsett resident will begin at 10 a.m. today in Calvary Episcopal Cathedral in Sioux Falls. Burial will be at 2:30 p.m. in Erwin Cemetery.

Reifel was born in 1906 near Parmalee on the Rosebud Reservation. He was the son of a German rancher and a Sioux mother. He learned to speak both English and Lakota, and hungered for more education.

He earned a bachelor's degree from what is now South Dakota State University and a master's and doctorate from Harvard University.

Before serving in Congress, he taught agriculture at the Pine Ridge Reservation, served in the Army for four years during World War II, was superintendent of the Fort Berthold Reservation in North Dakota and the Pine Ridge Reservation, and was Aberdeen area director for the Bureau of Indian Affairs.

South Dakotans elected him to Congress in 1960, and he was re-elected four times. At the time, the state had two seats in the U.S. House, not just one. Reifel represented the eastern portion of the state.

He often has been credited with helping to bring the Earth Resources Observation System data center to rural Sioux Falls and for helping to keep open Ellsworth Air Force Base near Rapid City.

After retiring from Congress, Reifel served briefly under President Ford as interim commissioner of Indian affairs and on various boards.

He was not loud or flashy, but former colleagues say he was effective. He made few enemies.

Even in the last years of his life, he kept trying to bring Indians and non-Indians closer together.

"We (Indian people) can't relive the past. We find ourselves where we are," he said last year in an interview published in *South Dakota Magazine*. "We have our feet in two worlds. We want to preserve our old values and that is good. But we cannot continue the same value systems as we had with the buffalo economy."

Reifel asked that whites recognize the cultural struggle that American Indians are up against in assimilating into American culture. "Be patient," he said. "Be careful not to stereotype. Be understanding."

That is good advice from a man whose words will deserve more than passing mention in state history.

SAMP LAW OFFICES,
January 8, 1990.

Hon. TIM JOHNSON,
U.S. Representative, Sioux Falls, SD.

DEAR TIM: We are handling the estate and final matters relating to Ben Reifel's estate.

In that regard, I would appreciate your assistance in checking on the following:

1. We need the form to transfer payment on the Congressional retirement benefit from Ben to Mrs. Reifel's guardianship (copy enclosed);

2. We need to know of any other Congressional benefits paid to deceased members. For instance, we believe there is a life insurance or death benefit available, but we do not have any paperwork on the same;

3. Could you check to see whether Mrs. Reifel has the health benefit coverage referred to herein?

We appreciate your assistance on this.

In addition, we will be sending all Honorary Pallbearers and other close associates of Ben a compilation of news articles, editorials, etc. on his passing. If there are any remarks included in the Congressional Record or if you note any stories in the Washington papers, we would certainly like to include them.

Thank you for your help.

Sincerely yours,

ROLLYN H. SAMP.

SALUTING GEORGE KNOX ROTH

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. MINETA. Mr. Speaker, this past decade has seen a desire to review and reconsider some momentous events which occurred 48 years ago. Given this Nation's common thirst for the future and disinterest in the past, such a reconsideration is as unique as it is fruitful.

These events of a previous generation were powerful enough to pull the attention of today's historians, lawmakers, civil libertarians, and artists. As a result, we are now taking steps to redress some wrongs committed long ago and thus to reaffirm our great Constitution and the freedoms guaranteed therein.

Our reflections on the past must include acknowledgement of those few who had the vision and strength, when these wrongs were executed, to stand up in protest. George Knox Roth was one of this small group. He, and a few others, spoke out and followed their hearts and their principles, rather than the winds of popularity. They suffered for their stand.

On February 19, 1942, President Roosevelt signed Executive Order 9066, which was to lead to the wholesale abrogation of civil rights of thousands of loyal Americans of Japanese ancestry. These acts and the tragedies which thus resulted were the result of wartime hysteria, racial prejudice, and a failure of political leadership.

At the time of the evacuation and internment of this group of loyal Americans, few voices were raised in protest. Often, those who spoke in favor of the freedom and rights of Americans of Japanese ancestry and of their belief in the loyalty of these hard-working citizens were themselves ostracized as were those of Japanese ancestry. George Knox Roth spoke out, and saw his personal life destroyed.

Such a stigma can cling for years, many years. To this day I receive mail from people who have not yet realized the difference between Americans of Japanese ancestry and a long-gone government of Japan. These letters still attempt to place a stigma on the shoulders of Americans of Japanese ancestry.

The costs of such senseless prejudice are high—to the people ostracized as well as to those others who spoke out for justice. Our Nation, however, pays the highest price of all through the loss of human resources, ideas and contributions. We pay the price in the erosion of progress toward the ideals which we seek and in the undermining of the institutions and principles on which our Nation is built.

Mr. Speaker, we should be especially grateful to those voices who struggled for what was right. We must recognize their cries for justice, cries unclouded by fear, or anger, or ambition.

It has taken many years for this Nation to face up to a shameful wrong. But only by admitting this wrong can we begin to hope that such a tragedy never again occurs.

On March 9, George Knox Roth will be 83 years old. I ask my colleagues to join me in a salute to George and to his leadership. His stand caused him to suffer many sacrifices over the years. We cannot rectify those losses, but we can thank him for his unwavering vision. Without the efforts of men like him, the tragedy of the evacuation and internment would never have been redressed.

Thank you.

NEW YEAR ADDRESS OF CZECHOSLOVAK PRESIDENT VACLAV HAVEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. LANTOS. Mr. Speaker, the highlight of my recent visit to Europe with members of the U.S. congressional delegation to the European Parliament was our meeting with the new President of Czechoslovakia, Vaclav Havel.

As my colleagues know Vaclav Havel has been a beacon for human rights in Czechoslovakia since the Charter 77 human rights organization was first organized in January 1977. This year, Havel was one of the key individuals who led Czechoslovakia from totalitarian dictatorship toward democracy. Thanks to his inspiring leadership of the Civic Forum, Czechoslovakia's "Velvet Revolution" transformed the country.

Mr. Speaker, the people of Czechoslovakia are fortunate indeed to have a man of such stature, integrity, and commitment to democracy and human rights, leading them at this critical time in their history.

As the new year began, just a few days after Vaclav Havel took office, he delivered the traditional new year's address. Mr. Speaker, I ask that President Havel's address be placed in the CONGRESSIONAL RECORD. His realism, commitment to democracy and pluralism, and his dedication to the people of Czechoslovakia is something that all of us should share.

OUR FREEDOM

Dear fellow citizens: For the past 40 years on this day you have heard my predecessors utter different variations on the same theme, about how our country is prospering, how many more billion tons of steel we have produced, how happy we all are, how much we trust our government and what beautiful prospects lie ahead of us. I do not think you put me into this office so that I, of all people, should also lie to you.

Our country is not prospering. The great creative and spiritual potential of our nation is not being used to its full potential. Whole sectors of industry are producing things in which no one is interested, while the things we need are in short supply.

The state, which calls itself a state of the working people, is humiliating and exploiting the workers. Our outdated economy is squandering energy, of which we are in short supply. A country which could once be proud of the standard of education of its people spends so little on education that today it occupies 72nd place in the world. We have laid waste to our soil and the rivers and the forests that our forefathers bequeathed to us, and we have the worst environment in the whole of Euorpe today. Adults in our country die earlier than in most other European countries.

Allow me to tell you about a little personal experience of mine. Flying to Bratislava recently, I found time to look out of the window. What I saw was the Slovnaft [oil refinery] complex and the Petrzalka suburb immediately beyond it. That view was enough for me to understand that our statesmen and politicans had not even looked, or did not even want to look, out of the windows of their planes. None of the statistics available to me would have enabled me to understand more quickly or more easily the situation we have gotten ourselves into.

But not even all of that is the most important thing. The worst thing is that we are living in a decayed moral environment. We have become morally ill, because we have become accustomed to saying one thing and thinking another. We have learned not to believe in anything, not to have consideration for one another and only to look after ourselves. Notions such as love, friendship, compassion, humility and forgiveness have lost their depth and dimension, and for many of us they represent merely some kind of psychological idiosyncrasy, or appear to be some kind of stray relic from times past, something rather comical in the era of computers and space rockets. Few of us managed to cry out that the powerful should not be all-powerful, and that the special farms which produce ecologically sound and high quality foodstuffs for them should send their produce to the schools, children's hotels and hospitals, since our agriculture is not yet able to offer this to everyone.

The previous regime, armed with its arrogant and intolerant ideology, denigrated man into a production force and nature into a production tool. In this way it attacked their very essence and the relationship between them. It made talented people who were capable of managing their own affairs and making an enterprising living in their own country into cogs in some kind of monstrous, ramshackle, smelly machine whose purpose no one can understand. It can do nothing more than slowly but surely wear itself down, along with all the cogs in it.

When I talk about a decayed moral environment, I do not mean merely those gentlemen who eat ecologically pure vegetables and do not look out of their airplane windows. I mean all of us, because all of us have become accustomed to the totalitarian system, accepted it as an inalterable fact and thereby kept it running. In other words, all of us are responsible, each to a different degree, for keeping the totalitarian machine running. None of us is merely a victim of it, because all of us helped to create it together.

Why do I mention this? It would be very unwise to see the sad legacy of the past 40 years as something alien to us, handed down to us by some distant relatives. On the contrary, we must accept this legacy as something which we have brought upon ourselves. If we can accept this, then we will understand that it is up to all of us to do something about it. We cannot lay all the blame on those who ruled us before, not only because this would not be true but also because it could detract from the responsibility each of us now faces—the responsibility to act on our own initiative, freely, sensibly and quickly. . . .

Throughout the world, people are surprised that the acquiescent, humiliated, skeptical Czechoslovak people who apparently no longer believed in anything suddenly managed to find the enormous strength in the space of a few weeks to shake off the totalitarian system in a completely decent and peaceful way. We ourselves are also surprised at this, and we ask where the young people, in particular, who have never known any other system, find the source of their aspirations for truth, freedom of thought, political imagination, civil courage and civic foresight. How is it that their parents, the generation which was considered lost, also joined in with them? How is it even possible that so many people immediately grasped what had to be done, without needing anyone else's advice or instructions?

I think that this hopeful aspect of our situation today has to main reasons. Above all, man is never merely a product of the world around him, he is always capable of striving for something higher, no matter how systematically this ability is ground down by the world around him. Second, the humanistic and democratic traditions—which are often spoken about in such a hollow way—nonetheless lay dormant somewhere in the subconscious of our nations [ethnic groupings] and national minorities, and were passed on quietly from one generation to the next in order for each of us to discover them within us when the time was right, and to put them into practice.

Of course, for our freedom today we also had to pay a price. Many of our people died in prison in the '50s, many were executed, thousands of human lives were destroyed, hundreds of thousands of talented people were driven abroad. Those who defended the honor of our nations in the war were persecuted, as were those who resisted totalitarian government, and those who simply managed to remain true to their own principles and think freely. None of those who paid the price in one way or another for our freedom today should be forgotten. Independent courts should justly assess the appropriate guilt of those responsible, so that the whole truth about our recent past comes out into the open.

Neither should we forget that other nations paid an even higher price for their freedom today, and thus they also paid indirectly for us too. The rivers of blood which flowed in Hungary, Poland, Germany and recently also in such a horrific way in Romania, as well as the sea of blood shed by the nations of the Soviet Union, should not be forgotten primarily because all human suffering affects every human being. But more than that, they must not be forgotten because it was these great sacrifices which weaved the tragic backdrop for today's freedom or gradual liberation of the nations of the Soviet bloc, and the backdrop of our newly charged freedom too.

Without the changes in the Soviet Union, Poland, Hungary and the GDR, the developments in our country could hardly have happened, and if they had happened, they surely would not have had such a wonderful peaceful character. The fact that we had favorable international conditions, of course, does not mean that anyone was helping us directly in these weeks. For centuries, in fact, both our nations have risen up by themselves, without relying on any help from more powerful states or big powers.

This, it seems to me, is the great moral stake of the present moment. It contains the hope that in the future we will no longer have to suffer the complex of those who are permanently indebted to someone else. Now it is up to us alone whether this hope comes to fruition, and whether our civic, national and political self-confidence reawakens in a historically new way.

REGARDING "NATIONAL ARAB-AMERICAN DAY"

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. TRAFICANT. Mr. Speaker, today, I have reintroduced legislation that would honor Arab-Americans for their contributions to American society by designating October 25, 1990 as "National Arab-American Day." Arab-Americans across the Nation are grateful for the honor we bestowed upon them by granting them a national day last year.

Unfortunately, House Joint Resolution 241, the resolution that became law last year, was not signed by the President until 5 days after the commemoration date. Arab-Americans were unable to partake in any festivities. My hope is that this year the resolution become law prior to October 25, 1990, so that Arab-Americans across the Nation have a chance to celebrate their day of commemoration.

Arab-Americans contribute extensively to the social, cultural, economic, and political make-up of American society. It is estimated that 2.5 million Americans of Arab origin reside in the United States. They deserve a chance to celebrate a national day dedicated exclusively to them. Therefore, I encourage all my colleagues to become cosponsors of this important resolution. Your continued support of this effort to recognize Arab-Americans as an important ethnic group in the United States is much-appreciated by Arab-Americans across the Nation.

BRING PERESTROIKA TO U.S. FARM POLICY

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. ROHRABACHER. Mr. Speaker, my good friend and colleague, DICK ARMEY of Texas, has written an excellent article on the problem of continued subsidization and price control of the farm industry. This is a problem that we need to address and I hope that my colleagues take time to read Congressman ARMEY's article and take his suggestions to heart.

MOSCOW ON THE MISSISSIPPI: AMERICA'S SOVIET-STYLE FARM POLICY

(By Representative Dick Armey)

Even as perestroika comes to the Communist world, our own federal farm programs remain as American monuments to the folly of central planning. Through subsidies, price supports, import barriers, and countless regulations, the Department of Agriculture continues to try to manage half of U.S. farming, with the predicable result of staggering waste and inefficiency of almost Soviet proportions. If we have reached the end of history with the vindication of the free economy, the USDA has not yet heard the word.

Fifty years ago, when the Roosevelt administration announced certain "temporary emergency measures," farm programs were highly controversial. Something about paying farmers not to farm, as many of the programs did, struck the public as ludicrous. Even Henry Wallace, the Agriculture Secretary who conceived the idea remarked, "I hope we shall never have to resort to it again. To destroy a standing crop goes against the soundest instincts of human nature." The USDA has been resorting to it ever since.

Under the current farm law, passed in 1985, the Department of Agriculture has paid dairy farmers to kill 1.6 million cows and take five-year vacations from farming. It has enforced regulations that have led to the squandering of 3 billion oranges, 2 billion lemons, and hundreds of millions of pounds of nuts and raisins. It has rewarded crop farmers for leaving idle 61 million acres of farmland—an area equal to all the territory of Ohio and Indiana, and half of Illinois. For these dubious contributions to American competitiveness, the USDA has charged the taxpayers about $20 billion a year and forced consumers to pay $10 billion a year in higher food costs.

As James Bovard has recently written in The Farm Fiasco:

"Farm subsidies are the equivalent of giving every full-time subsidized farmer two new Mercedes Benz automobiles each year. Annual subsidies for each dairy cow in the United States exceed the per capital income for half the population of the world. With the $260 billion that the government and consumers have spent on farm subsidies since 1980, Uncle Sam could have bought every farm, barn, and tractor in 33 states. The average American head of household worked almost one week a year in 1986 and 1987 simply to pay for welfare for fewer than a million farmers."

Farm programs are unrivaled for their sheer economic absurdity, and they are fertile ground for serious spending reductions. Sadly, however, they are being neglected by key policymakers—even as the new farm bill comes under consideration on Capitol Hill.

FIVE-YEAR PLANS

Our farm economy is governed by a series of five-year plans. (Surely Stalin would appreciate the irony.) The last five-year farm bill, which has cost over $100 billion to date, was signed by President Reagan in 1985. The next, which will guide farm spending through 1995, is now being considered by Congress.

Although the Reagan administration failed to terminate or privatize many deserving government programs, it at least restructured the major entitlements, saving billions of dollars in the long run. Cost controls were imposed on Medicare, the huge military and civil service pension programs were completely reorganized, and even Social Security benefits were trimmed in the reform of 1983. Virtually the only major program to escape is agriculture, which remains a stubborn pocket of resistance to the Reagan Revolution.

In fact, the cost of farm programs has exploded under the Republicans. As recently as 1980, farm price supports cost the taxpayers only about $3 billion. By 1986, they had skyrocketed to an unprecedented $26 billion, making farm programs the fastest growing part of the federal budget during the Reagan years, dwarfing the percentage increases of defense and health care. The farm sector was practically a free market economy when Jimmy Carter was president.

Today, farm programs are so generous and distort markets so severely that even the most self-reliant farmer has little choice but to sign up. In 1982, when farm programs were mushrooming, only one in five Indiana corn farmers signed up for federal benefits. David Rapp of Congressional Quarterly explains, "In Indiana, taking money from the federal government was a sign of poor farm management or, worse, socialistic political tendencies." By 1987, however, half the corn farmers in the state had joined the programs. Nationally, the amount of corn-growing land covered by federal programs jumped from 30 to 90 percent between 1982 and 1987. "It's almost to a point where it's mandatory for a farmer to be in the program," an Indiana banker says.

The Reagan administration's repeated unwillingness to make even minor agriculture reforms were to David Stockman "the smoking gun which proved that the White House couldn't tackle the fabulous excesses of the farm pork barrel, and that was the very bottom of the whole spending barrel."

PENNIES FROM WILLIE NELSON

Unfortunately, the Bush administration may be preparing to surrender the field as well. The administration has apparently only begun to think about its farm policy. The opportunity to propose and achieve major farm reform is rapidly slipping away. In fact, despite the billions of dollars at stake, this year's farm debate may be the quietest in a decade. In 1985, farm programs had become a "cause" on a level with the Nuclear Freeze. Cissy Spacek and Jessica Lange testified before Congress to share the insight on agricultural policy they had gained while starring in Hollywood movies about farming. Country singer Willie Nelson held a Farm Aid concert, which collected a few million dollars for farmers above the $26 billion that Congress would soon be sending them. In the general hysteria of a "crisis on the farm," conservatives and liberals alike scruntinized the farm bill. But, as of this writing, the media has not yet discovered a new farm crisis to draw attention to the coming debate this year.

More important, the farm lobby is now using, with some effect, the breathtaking argument that farm programs are actually contributing to deficit reduction. They point out that this year's price support spending of $12 billion represents a decline from the $26 billion we spent in the record-shattering year of 1986 (which, of course, says more about spending in 1986 than it does about spending today).

When the 1981 farm bill came before Congress, the USDA said it would cost $12 billion over four years. It actually cost $60 billion. When the 1985 farm bill came to the floor, the USDA said it would cost $52 billion over five years. It has already cost more than $100 billion. Any recent reduction in farm spending is thus only a partial reduction of a spectacular cost overrun—a cost overrun larger than the gross national product of several countries. To fail to reform the USDA after such monumental prodigality would be comparable to making Deborah Gore Dean the new Secretary of HUD.

HOMEGROWN INDUSTRIAL POLICY

The farm lobby's most important advantage is that few people understand its programs. As one farmer told Insight magazine, "Sitting here on the farm and knowing the money being spent on farm programs, I think if people understood it more and knew they were paying that kind of price, there'd be an uprising." Even the eyes of otherwise well-informed policymakers glaze over at terms like "nonrecourse loans," base acreage," and "deficiency payments." They tend to leave farm policy to the farm lobby and legislators from farm states. While the Armed Services Committee has its Pat Schroeder and Ron Dellums, there are no fundamental critics of farm subsidies on the Agricultural Committees.

This is unfortunate. For all their apparent complexity, the general idea behind the biggest of the farm programs is simple. Basically, they work like this:

First, the government spends hundreds of millions of dollars to raise farm incomes by raising the prices of certain farm commodities. This has the effect of encouraging farmers to produce those commodities in large amounts, while encouraging customers (like those in our overseas export markets) to buy them in small amounts. Soon a massive surplus occurs. Then the government spends hundreds of millions of dollars to encourage farmers to stop producing them.

By analogy, suppose Congress decided that American cars should be sold for at least $15,000 apiece. Even though a Ford Escort might sell for half that on the open market, Congress might argue that making cars is expensive and the Great American Autoworker deserves to be adequately rewarded for his labors. So it passes a bill, and the government announces that, henceforth, no car will sell for a nickel less than that target price—even if the government has to buy them itself.

There is gaiety in Detroit. Suddenly, everyone wants to be in the car business. New factories open, old ones are expanded, some that were going to produce other things continue producing autos instead. Cars begin rolling off the assembly line by the thousands, then the tens of thousands.

But then something completely unexpected happens. A huge surplus of American cars mysteriously appears. Foreign sales vanish, domestic sales drop. There aren't enough people willing to pay $15,000 for Ford Escorts. Baffled, government bureaucrats find themselves having to buy more and more. Soon government parking garages are overflowing. For a time, the crisis is eased when the government gives some of the extra cars to Zimbabwe under the "Drive for Peace" program. Others are given to poor people and students through the welfare system. But these measures are inadequate.

Eventually, the government hits upon a solution. Stop guaranteeing a $15,000 sticker price for cars? Not at all. Instead, the government decides to pay Detroit to shut down its factories (at which point there is gaiety in Tokyo).

THE OPEC SCHOOL OF FARMING

The largest farm programs apply to wheat, corn, rice, cotton, and a few other

crops. The prices on these commodities are artificially supported by various government policies. For example, the government may make a loan to farmers, based on a loan rate set by Congress. If the farmer can sell his crop for more than the loan amount, he does so, and returns the government's money. But if he cannot, he can keep the loan money and give the government his crop instead. In effect, the farmer is guaranteed that he can sell his crop at the government's price. The problem is that Congress sets that price above market level.

This leads to massive surpluses. At that point, the government buys the surplus and tries to distribute it through the welfare system, foreign aid, or other programs, and begins paying farmers not to farm in a frantic effort to reduce production. The government manages farms like a man trying to drive a car by putting his feet on the accelerator and the brake at the same time.

Other farm programs hike prices and cut production in other ways. Under the dairy program, local dairy cooperatives are allowed to form government-protected monopolies. Because there is no competition, people have no choice but to buy milk at high prices—which is a good arrangement for the big cooperatives, but a bad arrangement for parents who buy milk for their children. The resulting dairy surpluses have been reduced by the government's paying dairy farmers to slaughter or export their cows and leave dairy farming for five years. (Can anyone imagine the government paying automakers to destroy or export their machines? And then not to work for five years?)

Similar rules, called marketing orders, allow a few large California orange growers to decide how many California oranges may be released to the market. By forcing all the state's orange growers to withhold as much as two-thirds of their crops (and watch them rot), the large producers can set the price for the rest of their fruits at a high level. If a small producer defies the large growers and tries to sell his oranges at a lower price, he is prosecuted by the federal government. This is great for Sunkist, bad for everyone else. One grower merely tried to give away his oranges to a church helping the needy, and the USDA threatened to sue him for it. In effect, the government is the enforcer of a cartel—a miniature OPEC for oranges.

DEPORTING OUR FARMLAND

"Supply control" policies—paying farmers not to farm—epitomize the attitude, prevalent throughout the USDA and the Agriculture Committees in Congress, that farm productivity is a problem rather than a national asset. In the 1985 Farm Bill and in other legislation, Congress has given the USDA a number of weapons to use against farmers who are too productive. The Acreage Reduction Program is typical. A farmer is told that if he wants to receive federal farm benefits, he must first agree to take a percentage of his land out of production. It is not uncommon for a wheat farmer, for instance, to be told to leave a quarter of his land idle.

There is also a "paid land diversion" program, in which a farmer simply receives a check from the government of idling acres; a conservation program, in which he is paid to take erosion-prone land out of production (as if he cannot himself see the wisdom in preserving his land); and a new "0/92" program in which he can get up to 92 percent of his federal benefits if he agrees not to plant anything at all.

Like any central plannning effort, whether in the Soviet Union or the American Corn Belt, all supply-control policies are riddled with irrationalities and unintended consequences. Even though the USDA has one bureaucrat for every six full-time farmers, fine-tuning the farm economy is a difficult task.

While the set-asides are supposed to be good for farmers, they inadvertently devastate the rural businesses that depend on farming, and end up hurting almost as many people as they are intended to help. Just as a government policy that would pay automakers not to make cars would hurt the glass, steel, and rubber industries, paying farmers not to farm hurts everyone from the fertilizer companies to the tractor dealers. According to the USDA's own figures, payments to farmers to idle acreage cost the economy 300,000 potential jobs and $4 billion in lost sales for the "farm input" industry in 1987.

Then there is unfair competition. Under the Dairy Termination Program, the government's final solution to the "problem" of milk productivity, dairy farmers were paid to slaughter their cows and take five-year vacations. It apparently never occurred to the USDA or Congress that this might have an effect on the ranchers who raise beef cattle. It did. When the government announced that it was going to have a million dairy cows killed, everyone realized that the market would soon be inundated with tons of additional meat. The market instantly collapsed, and cattlemen lost $25 million in the first week alone.

The government typically behaves as if its many different policies were conceived by different groups of people who never talk to each other. At the same time one part of the government is spending billions of dollars to encourage farmers to take their land out of production, another is spending billions more (and wasting precious water resources) to irrigate new farmland in the Southwest. While the government is paying some dairy farmers to take a vacation from farming for five years, it is giving cheap loans to other farmers to expand their operations. Our farm programs are at war with themselves.

For all their contradictions and unintended consequences, however, supply controls ultimately represent a calculated government effort to lower the productivity of one of our largest industries. Telling farmers to idle their land is like telling factory managers to operate their plants far below full capacity. It is tremendously inefficient, and the consequences are predictable. While U.S. farmers are being directed by the government to take their land out of production, farmers in Canada, Australia, Argentina, and Europe have been eagerly planting. As the USDA has paid U.S. farmers to idle 61 million acres, foreigners have planted 70 million new acres since 1980. In effect, the USDA deported our farmland.

The problem at the root of farm programs is this: While a sound economy should produce an abundance of goods that can then be sold at a low price, our farm programs are designed to create a scarcity of goods that can then be sold at a high price. Having a "surplus" of corn does not mean that farmers produce too much corn, only that they produce more corn than can be sold at the government-inflated price. Farm productivity is good, so long as the market is permitted to function. If the government did not artificially inflate the price of corn and wheat, efficient U.S. farmers could plant fencerow to fencerow and dominate global markets. If high production then forced the price of corn and wheat very low—which wouldn't be the worst thing that could happen in a hungry world—then some farmers would switch to growing crops that people need more. And some farmers might even leave farming.

LATTER-DAY LUDDITES

This last possibility—that even a single farmer might quit farming—haunts some farm legislators. The guiding spirit of much of our farm policy seems to be a desire to freeze the farm economy in time—to stop all change, prevent all innovations, scorn all efficiencies—out of a fear that somebody in the farming business might have to switch jobs. In 1985, the House Agriculture Committee even voted to outlaw an automatic egg-breaking machine, "The Egg King," because it would hurt egg producers who package powdered eggs for the armed services and cafeterias. More recently, a milk producers' lobby opposed the use of a hormone that would vastly increase the production of milk. As we move into the competitive 1990s, one of America's largest industries is being run by latter-day Luddites.

Many believe that farming is a uniquely uncertain business because of the weather. Without some government cushions in the form of price supports and other programs, no farmer according to this argument could survive the vagaries of the farm marketplace.

But how would the farmer fare without farm programs? Contrary to popular misconception, almost half of U.S. farmers grow crops that receive no federal price supports. Anything from meat to vegetables to specialty crops are produced by farmers operating in a free or nearly free economy. The bankruptcy rate of those farmers has actually been lower than the bankruptcy rate of farmers "benefiting" from federal programs. If potatoes can be grown without federal help, corn can as well.

The fluctuations in the market caused by the USDA's inept attempts at central planning have caused the modern farmer more grief than Mother Nature ever has. Any cattleman who was nearly bankrupted when the USDA and Congress had a whim to pay for the slaughter of a million cows can tell us much about the vagaries of the marketplace.

In a number of ways, federal programs hurt the farmers they are intended to benefit. For example, federal crop subsidies raise the value of farmland, which is good for the landowners, but almost half of American farmers rent their land. When the government raises the value of the land, their rents rise.

The Farm Credit System provides cheap, subsidized loans to farmers who are uncreditworthy and cannot receive loans elsewhere. This means that farmers who saved their money and managed their farms wisely have to compete against those who have been bailed out by the government. It also means that inept farmers are encouraged by the government to stay in farming longer than many of them should. Rather than move to town after a few bad years, the cheap federal money encourages them to stay on the farm until they have lost everything. Then the government forecloses on them.

The family farm might flourish in the absence of farm programs. The current subsidy system compels farmers to concentrate on maximizing their yields rather than on

minimizing their costs. This gives an advantage to large, heavily mechanized farms over smaller, family operations. Wealthy farmers can afford the huge combines that allow them to outproduce small farmers and even buy them out. Without price supports, however, the advantage would shift to small operations with low production costs and free labor—the family farm. As Dennis Avery, an analyst with the Hudson Institute, has written: "Federal farm programs have led to an overcapitalization of agriculture with less actual employment than what it would otherwise have." Contrary to the fears of the Agriculture Committees, without farm programs, we might have more farmers than we do today.

WORLD CHAMPION LOG ROLLERS

The farm lobby cannot prevail through its numbers alone. According to Bernal Green and Thomas Carlin, two economists with the USDA, while no one expects farming to be a dominant industry in large metropolitan areas, "it's surprising to find that farming isn't all that important to most of the nation's rural counties either." They estimate that only 46 of the 435 congressional districts are farm oriented.

Like the labor unions, however, farm groups have used political organizing skill to amplify their power far beyond their numbers. First, differences between the various groups are minimized. Although the dairy farmers have different interests than do the sugar producers, for example, they tend to support each other's claims before Congress. They are champion logrollers. David Nagle, a Democrat from Iowa, took the floor last fall and referred quite explicitly to a deal farm state legislators had cut with the maritime unions. In return for congressmen from farm states supporting "cargo preference requirements" (sort of a "ship-American" rule), the maritime interests agreed to support the farm programs. As Magle explained it:

Had we been forced to rely on our own farm state votes, none of those [agriculture] programs would have been enacted. Our numbers are small and getting smaller. So—back in 1985—we farm state members sat down with other groups facing the same problem and reached an agreement on the proper scope of the cargo preference requirements.

Nevertheless, the strength of the farm bloc may be overrated. As recently as 1980 the farm economy was relatively free of instrusive farm programs. The dairy program could have been terminated in 1985 had it not been for the general "farm crisis" hysteria that year. The House voted to abolish both the sugar and honey programs in 1981 (although they still survived).

AN AGENDA FOR PERESTROIKA

As we continue the farm debate this spring, there are several initiatives that should be considered in Congress. While major reforms are unlikely without the active involvement of the administration, public discussion of many points could cause the farm lobby some healthy discomfiture and cast farm programs in their proper light. The policies we consider should:

Shift from price supports to welfare for farmers. If the goal of our farm programs is to help needy farmers, we should do so directly with welfare payments rather than with the complex and costly system of price supports. Agricultural economist Clifton B. Luttrell estimates that such a welfare policy would cost $4 billion a year at most, far less than the $12 billion the USDA is now spending.

Repeal all marketing orders. The semi-feudal regulations that prohibit free Americans from selling oranges in California without the approval of Sunkist are perhaps the most offensive element of our farm programs in principle. Current law prohibits the Office of Management and Budget from even studying them. Marketing orders should be repealed.

Terminate the dairy program. This is the program in which farmers were paid to kill their cows and take five-year vacations from farming so that parents can pay higher prices for milk at the grocery store. It should not exist.

Stop paying farmers not to farm. The average man on the street does not want the USDA to pay farmers not to farm. It is an affront to common sense, an insult to farmers, and an attack on American competitiveness. An amendment should be attached to this year's farm bill repealing the USDA's authority to reward farmers for idling their land.

When I was an economics professor, I like to tell my students about Armey's Axiom No. 1: "The market is rational; the government is dumb." Farm programs are replete with examples that validate that principle. In the stench of billions of rotting oranges, the spectacle of a million slaughtered cows, and the stillness of 61 million acres of idled farmland, one can discern the fundamental truth: The free market works and central planning does not.

LANE KIRKLAND: AN AUTHENTIC HERO

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. LAFALCE. Mr. Speaker, I would like today to pay tribute to an unsung hero who helped advance the cause of democracy and freedom in Eastern Europe. He is, however, not an Eastern European. He is very much American. And his name is Lane Kirkland.

Today, in the wake of democracy's emerging triumphant in Eastern Europe, it is all too easy to forget the long struggle which preceded it. We should recall that the change which is now sweeping Eastern Europe first got its start in Poland. For it was there that Lech Walesa and the Solidarity movement, after a near decade of struggle, succeeded in forming the first non-Communist government in Eastern Europe.

During that near-decade of struggle, Lane Kirkland, as the president of the AFL-CIO, played a crucial role in sustaining Poland's Solidarity movement. When the prospects for Solidarity's survival seemed much in doubt, the AFL-CIO, under Kirkland's leadership, came through with sorely needed money and equipment. And by its advocacy, the AFL-CIO also focused much needed international attention on the struggles of the Polish labor movement. In a very real way, Lane Kirkland and the AFL-CIO helped to change the course of history.

M.S. Forbes, Jr., the deputy editor-in-chief of Forbes magazine, recently wrote a salute to Kirkland, calling him "an authentic hero" for his role in sustaining Solidarity. At this time, I would like to share that salute with my colleagues.

AN AUTHENTIC HERO

One man who deserves special recognition for the extraordinary wave of freedom sweeping through Eastern Europe is AFL-CIO President Lane Kirkland.

In the dark days of the early 1980s, when Solidarity was being actively persecuted by Poland's martial-law government, Kirkland and his American labor colleagues provided the sustenance that helped keep Walesa's organization alive. The AFL-CIO poured in badly needed money and provided the Polish underground with smuggled printing presses and electronic equipment. It made sure the beleaguered movement received valuable worldwide publicity when observers thought Solidarity was on the ropes.

The movement thus stayed alive and gradually gained the strength to topple Warsaw's communist government. It did so, of course, not through an armed uprising, but through depriving the Red regime of its last vestiges of authority and legitimacy. With Poland's economy collapsing, with its population sullen and uncooperative, the Kremlin decided this summer not to use force to keep out a non-communist-dominated cabinet. Solidarity's assumption of power started the landslide that is sweeping away Europe's repressive Red governments.

This writer came to know Lane Kirkland through our membership on the Board of International Broadcasting, which oversees Radio Free Europe and Radio Liberty, two of the most powerful, underappreciated (in the West) incubators of democracy in the former Eastern bloc. While engaging and witty, Kirkland is an unswerving champion of democracy and human rights. Unlike other Western labor organizations, the AFL-CIO never dealt with unions associated with communist regimes.

By acting upon their principles, Kirkland and American labor played a vital part in the most dramatic expansion of human freedom this century has seen.

MINERAL EXPLORATION AND DEVELOPMENT ACT OF 1990

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. RAHALL. Mr. Speaker, today I am introducing legislation to revise the Mining Law of 1872. This bill is aimed at providing a focal point for debate in the House of Representatives, after a hiatus spanning more than a decade, on some very pressing issues facing the future of mineral exploration and development on public domain lands in this country.

Joining me in introducing this bill is my colleague on the Committee on Interior and Insular Affairs, BRUCE VENTO, the chairman of the Subcommittee on National Parks and Public Lands.

In fashioning this legislation, I have been extremely mindful of the divergent views held by those with an interest in this matter. I anticipate that the mere introduction of legislation to reform the Mining Law of 1872, regardless of the contents of the bill, will be roundly criticized by certain parties. I also realize that there will be those who will say this bill does

not go far enough, or goes too far, in its proposals to revise the mining law regime.

This is, of course, something to be expected when dealing with a law that has accumulated so much history, and which has generated so much controversy since its inception. Signed into law by President Ulysses S. Grant on May 10, 1872, serious efforts to revise the mining law commenced within a decade thereafter. However, over the years the Mining Law of 1872 has remained relatively intact and survives as the last vestige of such 19th century western settlement measures as the Homestead Act. Today, this law continues to govern the disposition of minerals from western public domain lands in much the same manner as it did when it was enacted, with the major exceptions of the energy and fertilizer minerals, placed under a leasing system in 1920, and common varieties of mineral materials such as sand, stone, gravel, and clay which were made subject to sale in 1947.

Under the Mining Law of 1872, mining claims are located on public domain lands for minerals such as gold, silver, lead, copper, and zinc. No payments of any kind for the use of Federal lands are required and a claimholder need spend only $100 per year in order to maintain a claim. If valuable minerals are found, the claimholder can purchase the land for $2.50 an acre.

Nonetheless, much has changed in the area of public land policy and mineral exploration and development techniques since 1872. While the mining law remained static, the world around it has evolved. Despite administrative and judicial attempts to twist and mold the Mining Law of 1872 into some semblance of compatibility with the mineral requirements, modern business practices, and public land use philosophies of today's America, some of the more archaic provisions of the law that thwart efficient mineral exploration and development remain. Nothing short of legislation can fix this situation.

I do think that if the father of the Mining Law of 1872, Senator William Stewart of Nevada, were to sit down today and draft mining law legislation, he would do it differently. Would even an unabashed mining industry attorney like Senator Stewart in this day and age devise a system which allows public lands to be disposed of for $2.50 an acre? Would he stipulate that the diligent development of a claim only required the expenditure of $100 per year? In light of the type of mineralization of interest today would he stipulate that there must be a discovery of a valuable mineral in order to locate and hold a mining claim? For my part, I cannot conceive of any of this being the case.

In effect, while the mining law of 1872 over the years has done great service to the development of this Nation, I believe that we have already passed the point in time when this 19th century law can be depended upon to serve the country's 21st century mineral needs.

Entitled the "Mineral Exploration and Development Act of 1990," this legislation revises the mining law to eliminate some of its 118-year-old abuses and deficiencies. At the same time, it will ensure the availability of a continued supply of minerals so desperately needed for the health of our economy and the maintenance of our very standard of living.

This is a mining claim bill, based on the principles of access to public domain lands and the right of self-initiation. One of the major thrusts of this legislation is to provide locators of mining claims with the type of security of tenure they currently do not have.

The mining law of 1872 provides that claims cannot be located until there is a discovery of a valuable mineral. At some point in the past, while the mining law dictum of discovery and the judicially promulgated concept of pedis possessio may have made sense, they simply do not comport well with today's modern mineral exploration techniques, or for that matter, the types of mineralization involved. Making a discovery of a valuable mineral was a lot easier to do during the 19th century when there could still be found surface manifestations of minerals. Today, for the most part, in this age of mining "no see-um" gold this simply is not the case.

In my view, discovery is an illusory concept that is grounded in a quagmire of judicial and administrative pitfalls and fraught with time consuming and expensive legal proceedings. I do not deny that the most fervent proponents of discovery are lawyers. Perhaps the least support for the discovery concept comes from the folks who do not sit around in office buildings all day but who are actually out on the ground exploring for minerals.

This legislation says, quite simply, that once you locate and record a mining claim, your possessory rights are protected against any other party so long as there is compliance with the rental, diligent development, and filing requirements of the bill. The proposed rental rate is not set so as to burden small prospectors, yet at the same time, it would provide some return to the public for the use of their lands.

In the same sense, the proposed diligent development requirements of the legislation are set low enough during the first few years after the location and recordation of a mining claim so as to facilitate, and not hinder, mineral prospecting and exploration activities.

I believe the national interest is best served if mining claimants spend their money toward the development of minerals. As such, this bill is not aimed at extracting revenue from holders of mining claims. This should not be the purpose of mining legislation. While I have incorporated a rental, which shows good faith among those who lay claim to public domain lands, I am not proposing that a production royalty be imposed on minerals produced from mining claims.

Over the years I have had a great deal of experience with our Federal onshore oil, gas, geothermal, and coal royalty system. While royalty payments are appropriate for these minerals, I believe that the Federal Government would spend more money that it would net in attempting to devise valuation guidelines, collect and audit royalty payments from the almost countless types of minerals, from the widespread to the extremely rare, subject to the mining law of 1872.

To wit, even with the royalties the Government collects from Federal onshore energy minerals it nets less than 10 cents on the dollar after disbursing 50 percent of collections to the States, 40 percent to the reclamation fund, and deducting all administrative costs for royalty collections from the remaining 10 percent. Further, as a witness to the years-old struggle to devise Federal valuation standards for royalty purposes for that would appear to be a relatively simple commodity such as coal, I tremble to think of the dilemma in which Interior Department bureaucrats would find themselves in attempting to set forth valuation regulations, audit, and collect royalties for minerals such as yttrium, let alone tungsten or zinc.

Unless something drastically changes to improve the Federal Government's royalty management capabilities, I cannot in good conscience support the imposition of royalties on hardrock mineral production.

By eliminating the concept of discovery and a number of other arcane aspects of the mining law of 1872, such as the distinction between lode and placer claims, and causing claims to be held on the basis of sound market-based business decisions I believe this legislation offers the mining industry a much more superior legislative framework under which to operate.

At the same time, this legislation does recognize some other basic values held by our society. It requires that mineral development be subjected to surface management regulations and the land-use planning process. It also dispenses with the mining law's authority to dispose of public domain lands. Finally, it seeks to provide for better administrative efficiencies by vesting jurisdiction over mining law activities with the surface management agency involved.

This legislation has been a year in the making, and we have taken great pains to solicit input from anyone who cared to work with us. However, I do not purport to have devised a perfect piece of legislation. Be that as it may, this proposal is representative of some very basic tenets that I believe should be discussed as part of any consideration of legislation in this area.

I would also note that in 1987 I challenged industry and environmentalists to drop their long-standing mistrust of each other on mining law issues and work together toward a mutually acceptable legislative package. As a result, a dialog group was formed and continues to meet on a sporadic basis. This is the sort of forum that I hope to look toward for consensus recommendations on some of the issues raised by this legislation, especially in the areas of surface management and land use planning.

Mr. Speaker, as I stated earlier, the purpose of this legislation is to begin once again consideration of the need to improve upon the type of regime set forth by the mining law of 1972. I am extremely open to comments from all interested parties and look foward to our future deliberations.

THE UNDERGROUND RAILROAD HISTORIC TRAIL

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. KOSTMAYER. Mr. Speaker, today I am introducing legislation to establish the Underground Railroad Historic Trail. The Underground Railroad was a secret avenue from slavery to freedom in the Northern States and Canada for somewhere between 30,000 and 100,000 slaves from approximately 1815 through the 1860's. Slaves were hidden in stables, attics, and secret passages in homes across the country. Many of these sites are still standing today. This legislation would help preserve these way stations for our descendants. Preceding the establishment of the trail would be a study and evaluation of the locations, their historic significance, architectural integrity, and physical condition.

I would also like to take the opportunity to insert portions of an article by Lacy McCrary entitled "Liberty Train, Lingering Tracks" that appeared in the Philadelphia Inquirer on January 16.

LIBERTY TRAIN, LINGERING TRACKS

The underground Railroad [was] a train that had no tracks, no stations, no timetables. Instead, it was a network of paths through the woods and fields, river crossings, boats and ships and wagons. Its stations were churches, homes, farmhouses, barns and cellars of white and black people who opposed slavery and risked their lives in many cases to help the slaves escape their Southern masters . . . .

U.S. Rep. Peter H. Kostmayer (D., Pa.) wants the federal government to formally identify those perilous paths to freedom. Kostmayer says he will introduce a bill to established the "Underground Railroad Historic Trail as a fitting and appropriate national commemoration to those who fled to freedom on the railroad and to those who aided slaves seeking their freedom.

"It is a part of our history which reflects well on the country, but which has an unhappier side," Kostmayer said in a recent interview. "We need to remember we were a country in which slavery existed. And at the same time remember there were people who thought it was wrong and were willing to risk their lives to change it," Kostmayer said.

He said some of the stations had been individually designated, "but I don't think any comprehensive effort has been made to recognize as many stations as possible."

Kostmayer's bill would direct the Secretary of the Interior to designate a route as the Underground Railroad Historic Trail, install suitable signs and markers and provide maps, brochures and other informational devices to assist the public.

Mount Gilead A.M.E. Church, a neat, two-story fieldstone building, stands in a grove of trees atop Buckingham Mountain in Buckingham Township, Bucks County. The church, originally built of logs in 1835, was the last main stop on the Underground Railroad in Pennsylvania. From the church, fugitive slaves were transported across the Delaware River into New Jersey. It is marked as a "historic place" by the Bucks County Conservancy, but there is nothing to indicate it was a part of the road to freedom * * *.

No one knows how many slaves traveled the Underground Railroad to freedom. Charles L. Blockson, a prominent historian at Temple University, says it could have been as few as 30,000 or as many as 100,000 who fled roughly between 1830 and 1860, in what he called "an epic of American heroism."

Later Blockson learned about people such as Harriet Tubman, called Moses to other blacks, who was born a slave in Maryland and fled north to freedom in 1849, to the Philadelphia area, where she joined and inspired the Underground Railroad. At least 19 times, Tubman returned south to conduct more than 300 fugitives, including her own family, northward. He learned about William Still, of whom it was said that 19 of every 20 fugitives passing through Philadelphia stopped at his home on Lombard Street in Society Hill.

Blockson said he was elated at the idea of a historic trail.

"I think it would help foster better interracial understanding and give the present generation a sense of the past and the tribulations of people of all races and creeds who came together for a just cause," said Blockson, now curator of the Afro-American Collection named after him at Temple.

"In my 19 years of research on the subject I have discovered we are losing quite a few of these historic sites because of urban renewal," Blockson said.

"This church is like many throughout the United States which harbored fugitive slaves escaping from the South through Pennsylvania to Canada and freedom," Kostmayer said.

Blockson in an earlier interview said Pennsylvania was the key state in the Underground Railroad and that there was overwhelming evidence that free blacks of the state and its black churches were the primary cause of the success of its clandestine operations.

He said Quakers won an early and richly deserved reputation as friends to fugitive slaves. However, in a 1984 National Geographic magazine article, he wrote that "the fellowship of the Underground Railroad was truly ecumenical, including Roman Catholics, Jews and Protestants as well as freethinkers * * *."

Blockson said runaway slaves entering Philadelphia—as many as 9,000 before 1860—were forwarded to points along the Reading and Pennsylvania Railroads and put on trains to New York state and New England.

Philadelphia's Mother Bethel A.M.E. Church hid hundreds of fugitive slaves, according to Blockson, and stands on the oldest piece of ground continuously owned by blacks in the nation.

Clarence Still, 61, a great-great-grandnephew of William Still, says his family still talks about their famous ancestor and his exploits in forwarding hundreds of slaves to freedom.

He said that Lawnside, N.J. was an all-black community of about 1,000 homes in 1840 and that it was easy to hide runaways there.

Mariline Wilkins, whose great-great aunt was Harriet Tubman, said she believed Tubman rescued more slaves than history books give her credit for.

"The history books say she freed about 300, but she told my mother it was more than that. She told my mother she traveled at night and on weekends. She was supposed to be an ignorant little black woman, but she had God-given sense," said Wilkins, who lives in North Philadelphia.

"I think the bill is worthwhile," she said. "Many people think the Underground Railroad was just a myth. It was not a myth."

STOP EFFORTS TO PRIVATIZE SOCIAL SECURITY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Ms. OAKAR. Mr. Speaker, today I have introduced a sense-of-the-House resolution urging the House to resist and defeat recent efforts to privatize the Social Security Program. My resolution is designed to galvanize congressional support to resolve the true concerns of the American people regarding the Social Security trust fund reserves.

I think the Congress should recognize the proposal to privatize the Social Security System for what it is: an effort to take advantage of the current debate regarding the misuse of Social Security trust fund reserves in order to ultimately serve the most important social contract ever devised. The Social Security System has been the most important, popular, and intelligent Government program for the last 50 years. Its social contract with the American people continues to form the bedrock of American social policy. To privatize the system would alter a successful and popular program and would be tantamount to congressional abdication of the most important Government-citizen agreement of all time.

One of the reasons for Social Security's extreme popularity is its central role in meeting the needs of Americans of all ages. Not only does Social Security provide supplemental or total retirement income for senior citizens, it also provides critical income for many of the most vulnerable citizens in our Nation. Social Security provides income for the disabled, the blind, and for motherless and/or fatherless children. Indeed, the positive effects of Social Security are felt across all generations.

To convert this extremely well-run program to a system of private accounts would, in effect, tell our constituents that the Congress is no longer interested in helping Americans prepare for their retirement years. It would also say that by decoupling the retirement accounts from the other accounts within the Social Security System we really don't care about the disabled, the blind, and motherless and/or fatherless children. Furthermore, it undermines the fairness and progressivity of the present system with a plan designed to give our citizens only what they pay into the system. In many ways, this is an extension of the basic Reagan administration theme of shifting the burdens of Government to the poor and middle class. I strongly resist this concept and call for all Members of the House to join me.

The 1983 bipartisan commission that devised the present funding schedule for the Social Security System was correct when it set up the current trust fund reserve system. The commission properly foresaw the need

for increased national savings to fund the retirement needs of the baby boom generation. All accounts of the commission's work indicate that the financing plan is working perfectly and should not be tampered. Privatizing the Social Security System would unwisely change our success. Short, if it ain't broke, don't fix it!

The true solution to our present dilemma is to change the Federal budget deficit calculations to remove the Social Security trust funds from the deficit calculations. Only by changing the deficit calculations can we secure the trust fund reserves for future retirees. If, instead, we vote to retain the current deficit calculation, we are allowing the robbery of dedicated Social Security revenues to continue. This is the only responsible, reasonable, and honest public policy for America.

Mr. Speaker, again I urge all of my colleagues to cosponsor my resolution to resist the attempt to convert the Social Security Program to a private system which would undermine the most important, successful, and popular social contract of the last 50 years.

WOMEN HAVE A RIGHT TO CHOOSE

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. BRENNAN. Mr. Speaker, yesterday marked the seventeenth anniversary of Roe versus Wade, the landmark Supreme Court decision protecting a woman's right to choose.

Men and women in virtually every major city across this Nation rallied Monday to recognize the importance of this decision. I joined them in affirming the wisdom of the court 17 years ago by sending the following letter to be read to those who gathered in Bangor, MA, to show their support for choice.

JANUARY 22, 1990.

DEAR FRIENDS: Seventeen years ago, in the *Roe* v. *Wade* decision, the United States Supreme Court guaranteed a woman's right of choice on the difficult issue of abortion.

As a Member of Congress, I have consistently supported *Roe* v. *Wade*, and a woman's right to make her own decision on this very personal issue. But within the last year, women's rights have been threatened by the Court's Webster decision, and its consideration of other abortion cases.

Congress now has the opportunity to affirm its support for *Roe* v. *Wade*. I am pleased to announce today that I am a cosponsor of the Freedom of Choice Act, which simply codifies into law the rights guaranteed in that landmark decision.

Abortion is not an easy issue. I have struggled with it myself, as many people have. But I thought deeply about the issue, and the conclusion I reached, while I was still Governor, is that government should not be involved in making this most personal of all decision for a woman. The ultimate decision should be left where it belongs: not with a Congressman, not with a policeman, but with the woman herself.

As Supreme Court Justice Harry Blackmun said: "Few decisions are more personal and intimate, more properly private, or more basic to individual dignity and autonomy."

I will continue to oppose any efforts, at the state or federal level, to retreat from the rights guaranteed women in *Roe* v. *Wade*, I will work for passage of the Freedom of Choice Act in Congress.

Thank you and best wishes.

Sincerely,

JOSEPH E. BRENNAN,
Member of Congress.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM EMERGENCY APPROPRIATION

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1989

Ms. SNOWE. Mr. Speaker, today I am introducing legislation that will appropriate an additional $200 million for the Low-Income Energy Assistance Program. We are all aware of the dramatic rise of oil prices that impacted much of the Nation in the past 2 months. This is a critical issue for the people of the United States and one which must be fully investigated by the Congress and the executive branch. I have written to the Energy and Justice Departments urging a full investigation by both Departments. I know that many of my colleagues and many Governors have made similar requests.

However, the reason for the oil price increase is only one issue that must be addressed. There is another, more immediate, crisis that has resulted from the high fuel oil prices. Lower temperatures, which increased demand, and higher oil prices, which reduced the benefit of energy assistance to consumers, combined to severely deplete the Low-Income Home Energy Assistance Program funds for many States.

The State of Maine was particularly affected by this problem. Not only was the State faced with the coldest December on record, but they were also faced with oil prices that increased an average of 80 percent in the space of a month. These two factors combined to severely impact Maine's Home Energy Assistance Program and the Community Action Agencies that are responsible for distributing energy assistance funds. Overall, 1,900 more applications for energy assistance had been received at the end of December than at the same time a year ago. This, combined with the abnormally high oil prices, caused recipients to receive less oil for the assistance they received.

These demands have depleted Maine's Federal low-income energy assistance grants and have caused the State to seek emergency funding to keep the program funded through the remainder of the winter. While Governor McKernan and the State legislature move to release $1.7 million in oil overcharge money, even this may not be enough to serve the qualified applicants in the State. I have asked that the Office of Management and Budget release remaining funds for LIHEAP, but it is also clear that more funds will be needed if this program is to continue serving those in need. That is why I am introducing this legislation for a supplemental appropriation to this program.

Mr. Speaker, I believe that the Congress must act quickly to address the unprecedented oil price increases that devastated much of the United States. I hope that our efforts will lead to an understanding of why the increase occurred and to solutions for preventing a recurrence. It is critical that we take the necessary steps to ease the impact on those who suffered as a result of the unparalleled price increases for home heating oil. I ask my colleagues to join with me in seeking additional assistance for the States that have been so severely impacted by the weather and the high oil prices.

TEACHING DEMOCRACY IN NEW MEXICO

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. SKEEN. Mr. Speaker, we have just witnessed the closing of a decade in which millions of people who had long suffered from repressive regimes have toppled those regimes in their quest for freedom and democracy. We, who have benefited from the longest lasting constitutional democracy in history, should rejoice in the overthrow of those tyrannical governments and in the recognition by their citizens of the importance of the principles and values of free government we have cherished for so long.

We must wish the people of these nations well in the difficult tasks that lie ahead. And, we must do everything we can to ensure the success of their endeavors to establish governments based upon the principles of constitutional democracy.

At the same time, we must not neglect to pass on to our own youth the understanding of the fundamental principles and values of our democratic institutions that leads to a reasoned commitment to their preservation and improvement. In this regard, I am most pleased to commend the efforts of Nancy Blaugrund, an educational leader in New Mexico's Second Congressional District, whose dedication to the improvements of the civic education of our students has been exemplary. Nancy coordinates the "We the People * * *" bicentennial programs on the Constitution and Bill of Rights, which include the National Bicentennial Competition, its noncompetitive companion program, Congress and the Constitution, and the National Historical Pictorial Map Contest in the Second Congressional District.

Through the dedicated and voluntary efforts of Nancy Blaugrund, thousands of upper elementary, middle, and high school students have studied the program's curriculum. This curriculum, incorporated in the "We the People * * *" text, introduces students to the philosophical ideas of our founders, the historical background of the Philadelphia Convention, and the issues and debates that shaped the writing of our Constitution. Students learn how our Government is organized and how it protects the rights and liberties of all citizens.

Finally, and most important, students learn of the responsibilities which accompany the rights of citizenship in a democracy.

It is ironic that while those who have experienced repressive regimes throughout the world are clamoring for the right to vote in free elections, in the United States, only one out of five eligible voters under the age of 30 takes advantage of that very right. With so few young people understanding the purpose and importance of our Constitution, it is clear that we must do all we can to turn the tide of political apathy into a wave of active and informed participating. I am pleased to express my admiration and appreciation to Nancy Blaugrund for her impressive contributions to the development of competent and responsible citizenship.

TRIBUTE TO ROSE KUSHNER

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mrs. MORELLA. Mr. Speaker, Montgomery County, the State of Maryland, and the entire country suffered a tragic loss with the death of Rose Kushner, a psychologist, journalist, and advocate for breast cancer patients.

Rose Kushner was internationally known for her advocacy of the rights of breast cancer patients, writing a number of books and articles on the subject, and lobbying State and Federal officials on these issues for many years. First diagnosed with breast cancer 16 years ago, Rose worked to ensure the rights of women to participate in the decisions surrounding the diagnosis and treatment of their breast cancer. The current procedure, known as the two-step procedure, in which the woman is first told of the results of her biopsy before any decisions are made about the treatment, is now the norm throughout the world. Rose has received much of the credit for the use of this procedure.

She worked tirelessly for progress in the treatment of breast cancer, a disease which she believed was ignored. Rose played an integral role in the organization of the National Institutes of Health Consensus Conference on Breast Cancer and promoted the use of hormonal therapy, rather then chemotherapy. Sacrificing her own privacy, she used her own personal case in order to advance her cause. She offered counsel, support, and advice to countless breast cancer patients, even opening a hotline from her own home.

Rose wrote many books and articles on breast cancer, and founded the National Breast Cancer Advisory Center and, most recently, organized Breastpac, a political advocacy and lobbying organization. In 1980, she was appointed by President Carter to the National Cancer Advisory Committee, on which she served for 6 years. Rose was a member of the Montgomery County Commission on Health and was appointed last year to the American Cancer Society Breast Cancer Task Force. She received many awards for her work, including the layman's award from the Society of Surgical Oncology for "outstanding contributions to the fight against cancer" which she was to have accepted in May.

Rose Kushner was one of my constituents, a Kensington, MD resident who had lived in Montgomery County since 1955. She attended Johns Hopkins University, Baltimore Junior College, and Montgomery College. She graduated with honors from the University of Maryland in 1972.

I had the privilege of working with her for the passage of several bills to improve the rights and benefits of Medicare and Medicaid breast cancer patients, and to increase funding for breast cancer research at the National Institutes of Health. Rose was a compassionate, tireless, and extremely effective advocate for her cause, and she will be missed.

I know many of my colleagues join me in conveying my sympathies to her husband Harvey and the other members of her family. Certainly, there is some comfort in knowing that Rose's memory will live on to inspire future strides in breast cancer research and the rights of the women who suffer from this disease.

THE GOLDEN BUFFALOES—WHAT A SEASON

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. HEFLEY. Mr. Speaker, I am honored today to recognize the University of Colorado Buffalo football team as they are the consensus No. 1 team in the Nation for the first time in their history.

From my home State of Colorado, the Golden Buffaloes will go head-to-head against Notre Dame in the 1990 Orange Bowl. This will be CU's fourth journey to Miami, the first time since 1977.

Celebrating its 100th season of intercollegiate football, Colorado is enjoying their fourth longest winning streak in the school's history.

Head Coach Bill McCartney is in his eighth season at the helm of the Buffaloes, compiling a 46–44–1 record. McCartney's careful guidance and inspiration have led Colorado to the most successful season of their history.

Although preseason publications had not projected the Buffaloes as conference champs, they have proven themselves worthy of challenging the Fighting Irish for the national championship. Their successes have brought them much well-deserved acclaim.

Quarterback Darian Hagan was selected the Sporting News' "Player-of-the-Year" in college football for 1989. Plus the Colorado Heisman Trophy candidate was the first CU quarterback since 1975 to complete over 50 percent of his passes.

I see a bright future for the Golden Buffs. I wish them the very best of luck in Miami and hope that this is the first step in a long line of national championships that will come their way.

HAROLD RUPP: WE NEED MORE MEN LIKE HIM

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. TRAXLER. Mr. Speaker, I rise today to pay tribute to a gentleman who is a great humanitarian, and whom I am proud to call my close and dear friend.

Harold Rupp of Bay City, MI, is an individual who has selflessly dedicated his time throughout his life so that others in his community may have a chance for a happier and better life. He is being honored on February 21 by the Boys and Girls Clubs of Bay County at a "Night to Remember" in appreciation for his 25 years of invaluable service to the clubs. I am very pleased to be joining in this special celebration.

The program for the celebration of Harold's generosity quotes his philosophy which is such an important hallmark for the question of how we can help the youth of today: "Give a kid a place to go, something to do, some guidance, lots of love, the kid will beat the streets." If only more of us could adopt his philosophy as our own, the news would be filled with many more stories of accomplishment, and fewer of frustration.

Over Harold's many years of civic involvement, he has served as a president of the Bay County Baseball Federation. He has been the president and a board member of the Bay County Recreation Commission. He has been a member of the Lions Club, the Elks Club, the American Legion, and the Disabled American Veterans. He has supported the business community, of which he is a vital part, through the Bay Area Chamber of Commerce.

He has held many other positions of public responsibility, including an appointment by President Jimmy Carter to the President's Council on Small Business, an appointment by Michigan's Gov. Jim Blanchard to the Governor's Council on Small Business, and a number of additional years of service to the Michigan Department of Social Services, Bay County, and the Bay County Medical Care Facility.

Harold's crowning glory has been his service to the Boys and Girls Clubs of Bay County. As a charter member of the clubs foundation, he has been responsible for several very successful fund raising efforts. His work on both the first and second capital campaigns has helped to raise nearly $1 million, while additional efforts have enabled him to raise over $5,000 each year for the past 10 years for the operations of the clubs.

Mr. Speaker, some people say "why doesn't somebody do something to help create more opportunities for our youth". Harold Rupp is one of those "somebodies" who does do something. His enthusiasm and his devotion have encouraged many others to share their time and resources for the boys and girls of Bay County so that his grandchildren Jennifer and Patrick can be very proud to say that Harold Rupp is their grandfather. His wife Norine, while sacrificing time with Harold, can be very proud to be associated with a

man who cares so much about others around him.

Mr. Speaker, Harold Rupp is an outstanding individual who has made the time to give back to his community to help make it a better place. We truly do need more men like him.

MIMI EBERHARDT, STOCKTONIAN OF THE YEAR

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. SHUMWAY. Mr. Speaker, at this time I ask that my colleagues join with me in paying tribute to an outstanding woman who is not only my constituent, but also a very close friend of mine: Mrs. Mimi Eberhardt, of Stockton, CA. Mimi has just been selected "Stocktonian of the Year."

With Mimi Eberhardt's selection as the 36th Stocktonian of the Year, Stockton can boast the first-ever husband and wife team to be so honored: her husband received the award in 1975. Appropriately enough, Mimi was surprised with the news of her selection by being presented with a UOP-promoting teddy bear. Mimi's leadership as a founding director of "Hug-Me-Bears" to help abused children, as well as her founding membership in "Orange-Aid," which promotes UOP's community relations, are both well known in our community.

In praising Mimi Eberhardt for her full-time job of being a volunteer, the Stockton Board of Realtors could not have chosen a more apt description! In fact, I find it difficult to pinpoint an area of community involvement which has not benefited from Mimi's leadership, commitment and compassion. That she has done so while raising four daughters and being a devoted and supportive wife is even more indicative of Mimi's caring and competence.

Mimi's dedication to our youth is embodied in so many of her undertakings. Not only has she worked on behalf of abused children and welcomed college students—she has also served as a founding member of the Stockton Police Youth Activities, raising funds for athletic activities for young Stocktonians, many of whom are underprivileged. She is also a charter member of former Police Chief Julio Cecchetti's Blue Ribbon Task Force Committee which raised funds for underprivileged youth. Special Olympics has benefited from Mimi's efforts since the group was founded; she continues to serve as food cochairman. Women's athletic programs at UOP also receive Mimi's help through her active support and fundraising efforts.

Mimi contributed 13 years to the board of directors of the Bacon Bash, and she has served as cochair of the pregame fundraising luncheon.

She is a founding member of the Friends of the Blind Center, as well as a 10-year member of the board of directors of the Community Blind Center. Mimi also has worked on behalf of San Joaquin County Parents of Deaf Children.

Goodwill Industries has benefited from Mimi's service as a past director, and as an executive committee member.

Ducks, Unlimited, has enjoyed Mimi's dauntless commitment through her service as a cofounder of Ruffled Feathers, the ladies' auxiliary which has raised $90,000 in just 4 years to help maintain and develop breeding habitat for waterfowl.

The Haggin Museum Junior Women's Group, a valuable and effective fundraising arm for the musem, has benefited from Mimi's founding membership. She is also a former director of the Alan Short Gallery.

The Easter Seal Society, the Rape Crisis Center, the Gemini Sickle Cell Anemia Program, the Hanot Foundation, the Asparagus Festival, the Neighborhood Watch Program—these are but a few more of the many worthy causes to which Mimi Eberhardt has donated time, attention, and expertise. She is committed to Stockton and all of its residents, and has greatly improved the quality of life for so many Stocktonians.

Mimi Eberhardt embodies all the qualities and traditional values that we treasure as Americans. She symbolizes neighbor helping neighbor, the generous, caring, voluntary spirit which is so capable of accomplishing so much. Stockton is fortunate to have Mimi, and all of us owe her not only our admiration, but also our gratitude.

Speaking personally, I have always been very pleased to count Mimi among my personal friends. To Mimi, as well as her husband and daughters, I am pleased to say thank you from the bottom of my heart for duty above and beyond the call, and every best wish for continued success and fulfillment.

BERKS COUNTY FEDERATION OF WOMEN'S CLUBS CELEBRATES 65TH ANNIVERSARY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. YATRON. Mr. Speaker, this year, the Berks County Federation of Women's Clubs will celebrate its 65th anniversary and, therefore, I would like to take a moment to recognize this truly outstanding organization which has contributed so much to the communities of the Sixth District of Pennsylvania.

Made up of 36 women's clubs with a membership of over 2,400 women, the Berks County Federation of Women's Clubs has had an extraordinary and profound impact on the lives of many people. Through the hard work and dedication of its membership, the federation has helped improve community services in our area and has made these services more accessible to those in need.

Established on March 6, 1925, the Berks County Federation of Women's Clubs will celebrate 65 years of outstanding service on April 24, 1990. In addition, February 24, 1990 will mark the 25th annual Federation Day, a day set aside specifically to recognize the organizations such as the Berks County Federation of Women's Clubs.

Committed to making a difference through service, the members of the Berks County Federation of Women's Clubs have devoted their time, talents and energy to helping others. Indeed, Mr. Speaker, these outstanding citizens have made a difference and they are to be commended for making the lives of others better and brighter. Thus, it is with great pleasure that I take this opportunity to congratulate all the members of the Berks County Federation of Women's Clubs on their 65th anniversary and to thank them for their continuing commitment to improving our community.

CONGRATULATIONS TO KATHLEEN BRAUN FOR HER EFFORTS TO INCREASE CIVIC AWARENESS

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. MOODY. Mr. Speaker, I rise today to salute Kathleen Braun for her dedication to education and civic awareness in the Milwaukee community. Ms. Braun coordinates the "We the People" bicentennial programs on the Constitution and Bill of Rights for Wisconsin's Fifth Congressional District which I am proud to represent.

In the United States, one of the world's oldest democracies, voter participation has reached a new low. For younger voters the statistics are even more troubling: only one in five eligible voters under the age of 30 goes to the polls. Surveys of geographical knowledge among high school students reveal a distressing lack of education; some students are unable to pick out the United States itself on an unmarked world map.

The "We the People" programs seek to address these disturbing trends by educating young people about the Constitution, the three branches of Government, and the Nation's geography. Ms. Braun has volunteered her time and efforts to bring these valuable programs to thousands of upper-elementary, middle and high school students in Milwaukee. Through promotion and administration of the "We the People" national bicentennial competition, Congress and the Constitution program and the National Historical Pictorial Map Contest, Ms. Braun has helped to teach students about how the Government is structured, how it protects the rights and liberties of all its citizens and about the civic responsibilities which accompany the rights of citizenship in a democracy.

Mr. Speaker, I am proud today to salute Kathleen Braun for her leadership and dedication in educating students in Milwaukee about government and responsible citizenship.

LIGHTHOUSE CELEBRATION

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. BENNETT. Mr. Speaker, on November 12, Jacksonville celebrated "Lighthouse Celebration Day," and I include Mayor Hazouri's proclamation to that effect. I also include re-

marks made by Adm. James Libscomb at the celebration which included a tour of the modern lighthouse facilities at Jacksonville and of the 1859 predecessor, now on the National Historic Register.

Admiral Libscomb admits to me that his story of the lighthouse is apocryphal, but I think it is worth repeating.

The proclamation and remarks follow:

PROCLAMATION

Whereas: The first lighthouse at the mouth of the St. Johns River was erected in 1830, followed by a replacement lighthouse in 1834; but both were abandoned because of heavy seas and drifting sand; and

Whereas: A brick lighthouse, first lit in 1859, had its light shot out by the keeper to prevent Union forces from entering the St. Johns River; and

Whereas: The Lightship St. Johns, manned by the Coast Guard, guided ships past the shifting sand bars beginning in 1929, replacing the 1859 brick tower which is on the National Historic Register; and

Whereas: Today a modern automated lighthouse, first lit in 1954, stands on a dune at the eastern edge of Mayport Naval Station; and

Whereas: A "Bicentennial Lighthouse Celebration," commemorating 200 years of lighthouses in the United States, will be held on November 12, with tours of the St. Johns Lighthouse, but tours of the old lighthouse as well as live entertainment; and

Whereas: This celebration is being sponsored by the American Lighthouse Historical Society, the Jacksonville Historical Society, the Beaches Historical Society, the Mayport Preservation Society and the Maritime Museum.

Now, therefore, I, Thomas L. Hazouri, by virtue of the authority vested in me as Mayor of Jacksonville, Florida, do hereby proclaim Sunday, November 12, 1989, as Lighthouse Celebration Day and urge all citizens to visit these monuments to shipping safety on this special occasion, and to learn about their historic significance.

REMARKS OF ADMIRAL LIBSCOMB USCG

Welcome to latitude 30°23.1" N, longitude 81°23.9" W., the exact position of the St. Johns Lighthouse. I am Jimmy Libscomb, your master of ceremonies. I am a native born and lifelong resident of Jacksonville and the beaches. I am proud to be a member of the Jacksonville and the Beaches Area Historical Societies, two of the groups sponsoring the opening of the lighthhouse. I am a fanatic about lighthouses.

Major Charles B. Meyer, late of Her Britannic Majesty's Army, the instigator of the project to open this lighthouse to the public during the bicentennial year of the United States Lighthouse Service, will lead us in the pledge and pronounce the invocation.

Let me introduce distinguished members of this community as well as individuals who have played an important role in bringing about the opening to the public of the St. Johns Lighthouse:

The mayor of Neptune Beach, John Kowkabany.

The former mayor of Neptune Beach Ish Brant.

The mayor pro-tempore of Jacksonville Beach, Bob Marsden.

Bill and Freida Trotter, co-founders of the American Lighthouse Historical Society and curators of the exhibits on display in the lighthouse. Bill and Freida have done more than any other people in this community, perhaps even in the Nation, to promote public interest in and love for our lighthouses and the celebration of the Lighthouse Bicentennial. They are remarkably talented individuals, who have successfully led us in a great cause. We are fortunate in this community to have them with us.

Sarah Van Cleve, president of the Jacksonville Historical Society and chairman of the Jacksonville Lighthouse Bicentennial Committee, a most delightful lady to know and with whom to work.

Joe Caldwell, president of the Beaches Area Historical Society.

Sandra Tuttle, secretary of the Mayport Preservation Society.

Commander Tim Taylor, USN, who heads up the Public Affairs Office of Naval Station Mayport and has worked tirelessly to promote this event and keep the members of the local committee on a true course without deviation or variation.

Julian Barrs of Naval Station Mayport, who has coordinated all the physical preparations for today's event.

Although Congressman Bennett will be our principal speaker, we are also pleased to have several other distinguished individuals on the stage, whom I shall call upon to make a few brief remarks.

Captain Peter A.C. Long, Commanding Officer, U.S. Naval Station Mayport.

LCDR Douglas P. Rudolph, Commander, Coast Guard Group Mayport.

Becky Jarboe, aide to Jacksonville Mayor Tommy Hazouri, who will present the mayor's proclamation.

Jim Jarboe, member of the Jacksonville City Council, representing the Jacksonville Beaches.

Last, but certainly not least, I want to introduce Master Chief Paul Leone, USCG (Ret.), the last resident lighthouse keeper of this lighthouse before it was automated. The master chief has the distinction of having made naval and maritime history when he successfully challenged the USS *Forrestal* during his tour of duty here as lighthouse keeper. The aircraft carrier was inbound from the east when a power surge knocked out all her electronic navigation equipment. The forward lookout reported to the bridge that there was an object dead ahead with a flashing light and on a constant bearing. The captain of the *Forrestal* signalled the object to change course 20° to starboard. Seconds later the captain received a signal from the object telling him to change course 20° to starboard. Irritated, the captain signalled "I am a captain in the United States Navy, and I order you to change course 20° to starboard." Seconds later the captain received a signal that said, "I am Paul Leone, a first class petty officer in the Coast Guard. Change course 20° to starboard." With this, the captain was really irritated and signalled back, "I am the attack aircraft carrier, USS *Forrestal,* and I command that you immediately change course 20° to starboard." Seconds later *Forrestal* received this signal: "I am the St. Johns Lighthouse. Change course 20° to starboard or you'll be sorry." *Forrestal* complied.

TRIBUTE TO MAJ. GEN. RAYMOND A. MATERA

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. ASPIN. Mr. Speaker, when the people of Wisconsin speak of the Wisconsin National Guard, they do so with great pride. And they have good reason to. The Wisconsin National Guard has become the recognized leader in readiness and professionalism. More than anyone else, we owe this great distinction to one man—Maj. Gen. Raymond A. Matera.

While serving as the adjutant general of the Wisconsin National Guard, General Matera's dedication and leadership resulted in an unprecedented growth in responsibilities and accomplishments. He increased the strength of the Army National Guard by over 20 percent, he increased combat capabilities by restructuring and upgrading obsolete battalions, and he created a highly successful armory rebuilding program. Most importantly, his guidance was responsible for the tremendous expansion of training programs for both officer and enlisted personnel. This foresight and leadership have resulted in the superb combat readiness and mobility of Wisconsin's National Guard.

Because of General Matera's efforts, the Wisconsin National Guard has made an increasingly important contribution to the national defense. The 32nd Infantry Brigade was selected to participate in the 1986 REFORGER exercise. The 128th Tactical Fighter Wing fulfilled regular USAF combat readiness standards and was assigned responsibilities in Europe and Panama. The 128th Air Refueling Group has become a necessary asset for the Strategic Air Command. These three examples are but a small list of the contributions made by Wisconsin Guard members during General Matera's tenure.

Undoubtedly, General Matera's accomplishments are the result of his unfailing dedication and countless hours of hard work. But I think his most noteworthy quality was seen at the personal level. General Matera exemplified the phrase "leadership by example". Wisconsin Guard members were accustomed to seeing their Commander-In-Chief appear along side them at almost any time. Whether it was a formal setting such as a National Guard Association or an enlisted association function, or in the day-to-day situations—out in the field, on the flight line, or in the shops—General Matera was never too busy to get involved, to lend a hand.

In recognition of his superior achievements, General Matera has received numerous decorations, including the Legion of Merit, the Distinguished Flying Cross, the Air Medal with cluster, a Distinguished Unit Citation, and many others. Additionally, for his singularly distinctive contribution to the State of Wisconsin, he was awarded the first Wisconsin Distinguished Service Medal.

General Matera's presence will be sorely missed when he retires this year. He has been the catalyst in rebuilding the Wisconsin National Guard into a strong, enthusiastic, and

capable force. He has made a lasting contribution to the State of Wisconsin, and to the United States of America. For this he will be remembered by the people of Wisconsin, and the people of this Nation, for many years to come.

A TRIBUTE TO REAR ADM. RODNEY K. SQUIBB, SC, USN

HON. MARVIN LEATH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. LEATH of Texas. Mr. Speaker, I rise today to honor an outstanding and exemplary member of the U.S. Navy, Rear Adm. Rodney K. Squibb, who is retiring February 1, 1990, after 44 years of naval service.

Our Nation is indeed fortunate to have benefited from the dedication of this great American. His years of unselfish devotion to duty have left their mark on the Nation and on the millions of sailors and families who benefited from his service.

Admiral Squibb is truly a unique individual, rising through the ranks through every enlisted grade. As such, he could well empathize with the needs of all naval personnel. His most recent assignment as commander of the Naval Resale and Service Support Office culminated his admirable career as he charted a course to improve quality-of-life services that touch each sailor every day of the year. He raised the Navy's exchange and commissary system to new heights and instituted quantum improvements to the many services offered by this agency. His leadership inspired all who had the privilege to work with him to go the extra mile in the achievement of excellence.

Admiral Squibb spent his formative years in Morton, MN, graduating from Morton High School in 1945 as senior class president. On October 29, 1945, he enlisted in the U.S. Navy and served on various ships from patrol craft and destroyers to destroyer tenders and shore stations. He advanced through every enlisted grade and then, in 1957, while at the Massachusetts Institute of Technology, he was commissioned an ensign in the supply corps.

His first Navy resale tour was as the Navy exchange officer of the Naval Air Station, Oppama, Japan, with a follow-on tour as the Navy exchange officer, Naval Air Station, Minneapolis, MN. Upon completion of this tour he returned to sea as the senior assistant supply officer, U.S.S. *Yellowstone* (AD 27). His next assignment was with Commander Service Squadron Eight as the senior staff supply officer with logistics responsibilities for 37 ships ranging in type from cable layers to Polaris missile stores ships.

Returning to sea duty in October 1969, he reported as the assistant supply officer, U.S.S. *Kitty Hawk* (CV 63), making a combat deployment to Southeast Asia in 1970–71. He then served at the Naval Sea Systems Command and Naval Supply Systems Command in Washington, DC. In 1975, he was selected as the first commissioning supply officer of the new nuclear aircraft carrier U.S.S. *Dwight D. Eisenhower* (CVN 69) and served in this capacity for 3 years. During his total career—enlisted and officer—Admiral Squibb has served on 11 ships, commissioning three ships, U.S.S. *PCE 902,* U.S.S. *Fechteler* (DDR 870), and U.S.S. *Dwight D. Eisenhower* (CVN 69). In addition, he decommissioned one ship, U.S.S. *PC 778.*

Subsequently, Admiral Squibb reported to the aviation supply office, where his duties included inventory control officer, planning and data systems officer, and executive officer. In 1981 he reported as the Assistant Chief of Staff (Supply), Commander Naval Air Force, U.S. Atlantic Fleet, with logistics readiness responsibilities for 8 aircraft carriers, 5 Marine air groups, and 17 shore stations, totaling in excess of 1,600 aircraft.

In June 1984, Admiral Squibb returned to the aviation supply office in Philadelphia, PA, this time as the commanding officer and base commander, with responsibilities for the worldwide material readiness for all U.S. Navy and Marine aviation forces. In September 1986, he returned to the Naval Supply Systems Command in Washington, DC, as the deputy commander, Fleet Support, Corporate Plans and Logistics. On July 10, 1987, he assumed the duties of commander, Navy Resale Services Support Office, Staten Island, NY.

Admiral Squibb was educated at the University of Minnesota, Old Dominion College, and he is a graduate of the Naval Postgraduate School, Monterey, CA. His graduate education also includes studies at George Washington University and the University of Pittsburgh.

His success has been greatly enhanced by the support of his family. He is married to the former Lavada Carpenter. They have a son Mark and a daughter Sandra.

Admiral Squibb's decorations for superior performance ashore and afloat include the Navy Distinguished Service Medal, Legion of Merit—two gold stars in lieu of second and third awards—Meritorious Service Medal, Navy Commendation Medal, and Navy Achievement Medal.

Admiral Squibb, your lifetime of service is hereby recognized with appreciation by the American people and for your contributions to the peace and security of this great Nation. I urge my colleagues to join me in honoring a great American, Rear Adm. Rodney K. Squibb, Supply Corps, U.S. Navy.

PASTOR'S SERVICE MARKED IN GERMANTOWN, TN

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. SUNDQUIST. Mr. Speaker, a few weeks ago I had the privilege of joining the congregation of Germantown Baptist Church in Germantown, TN, in saluting their pastor, Ken Story, on 25 years of faithful service.

Because Pastor Story has been so active in community affairs and played so vital a role in shaping the character of one of Tennessee's fastest growing cities, I want to share with my colleagues something about him and his contribution.

Germantown Baptist Church, Germantown, TN, celebrated the 25th anniversary of Dr. Kenneth P. Story's pastoral ministry on Sunday evening, December 3, 1989, with a dinner at the Omni Hotel. About 725 members and guests attended. Honored guest included Dr. Landrum Leavell, president of New Orleans Baptist Seminary, and Dr. Hyran Barefoot, president of Union University. There were many other distinguished pastors and local political figures in attendance.

Dr. Story came to Germantown Baptist Church as pastor on December 6, 1964. He, his wife Elizabeth, and a small son, Steve, moved into the pastor's residence across the street from the white clapboard chapel which was rebuilt in 1870 following the Civil War. The church was organized in 1838 and the original building was burned during the Civil War.

While Liz was setting up housekeeping in their home, Ken began his ministry. Along with his pastoral duties he assumed the duties of janitor, typist, mimeograph operator, and maintenance man. When Ken arrived at Germantown the church had a Sunday school enrollment of 167 with an average attendance of 87. The average weekly gifts were $191 and the annual contributions to the Southern Baptist Convention were $830.

Things happened pretty fast once Ken got to work. In late 1971, the congregation moved from the small chapel to an interim sanctuary, the first phase of a six-phase building program. The small chapel still stands and has been designated as a historical site. During this busy time, Ken managed to earn his doctorate degree from New Orleans Seminary in 1976. The last phase of the six-phase building program was completed in 1986 when a 50,000-square-foot educational building and office complex became operational. The total building program included a Christian Family Center—gym, crafts, et cetera—a new 1,400-seat sanctuary and conversion of the interim sanctuary and building into a children's building. The church has grown mightily under Dr. Story's leadership. Presently, there is a Sunday school enrollment of 4,150 with an average weekly attendance of 1,819. The weekly offerings average $52,539 and $241,000 was contributed to the cooperative program last year. Dr. Story conducts three services on Sundays at 8:30 a.m., 9:45 a.m., and 11:00 a.m. There are also Sunday schools at 9:45, and 11:00 a.m. The church just recently purchased 64 acres in Germantown and has laid plans for moving the entire church as soon as the Lord provides.

Dr. Story has reached out far beyond the borders of Germantown. The church has established a mission in the small community of Rossville where each Wednesday about 100 or so local residents come for lunch and preaching services. The church also provides a clothes closet for the visitors to the mission. Dr. Story has led church members on mission trips to Michigan, Alaska, and the Philippines in the past several years. A group of laymen make several yearly mission trips to churches where they are invited.

Dr. Story served as president of the Tennessee Baptist Convention in 1988 and was just recently elected to this body's executive board.

The most fitting tribute, however, comes from members of his church, who wrote, "Dr. Story is a shining example of a pastor who reflects God's love for each of us. He is our friend, our counselor, our mentor, our pastor, and we love him."

EARTH DAY 1990

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of the congressional countdown to Earth Day.

Almost 20 years ago, on April 22, 1970, the United States saw the beginning of the environmental movement, as well as the largest organized demonstration in history. Now, Earth Day, 1990, is a short 90 days away, and we have the opportunity once again to enact landmark environmental legislation to address new environmental problems which we are only beginning to understand.

Because the problems we face today are problems which did not exist or were not imagined in 1970, we must face these new challenges with flexibility and understanding.

Amending the Clean Air Act to reduce the problems of acid rain, air toxics, and urban air quality, should be a major accomplishment of the second session of the 101st Congress.

Additionally, the recent indication of support from the Bush administration for a Cabinet level Environmental Protection Agency is encouraging and would be a fitting tribute to the first Earth Day which lead to the creation of the EPA.

However, the difficulties facing us today are so vast that they threaten not only our Nation, but the world as well. Legislation to deal with the impending threat of global warming is essential to forestall any potential devastation. Furthermore, global water scarcity and food production are issues that cannot be ignored.

With the complex issues facing our environment, it is time again for an Earth Day; a day for everyone to celebrate our planet and become actively involved in solving the many problems facing our environment.

Mr. Speaker, I urge my colleagues to join today in support of Earth Day 1990.

YOSEMITE'S 100TH BIRTHDAY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. MILLER of California. Mr. Speaker, October 1, 1990, is Yosemite National Park's 100th Birthday. This is a time for all of us throughout this country to celebrate.

We should celebrate that a place of such spectacular beauty—the soaring granite domes, the massive, ancient sequoia trees, the pristine alpine wild areas, the forests and waterfalls—exists.

We should celebrate that our predecessors, 100 years ago, had the wisdom and foresight to preserve this area for our enjoyment and the enjoyment of our children. Like millions of other Americans over the last century, my family and I have spent many happy days hiking, camping, and exploring Yosemite. These are treasured memories for me.

As we celebrate Yosemite's birthday, we should also pay tribute to John Muir, a resident of Martinez, CA.

John Muir traveled for years throughout the Sierra Mountains of California. In his book, "The Mountains of California," Muir captured the essence and magic of those mountains when he wrote:

> Along its [the Central Valley] eastern margin rises the mighty Sierra, miles of height, reposing like a smooth, cumulous cloud in the sunny sky and so gloriously colored, and so luminous, it seems to be not clothed with light, but wholly composed of it, like the wall of some celestial city. Along the top, and extending a good way down, you see a pale, pearly-gray belt of snow; and below it a belt of blue and dark purple, marking the extension of the forests; and along the base of the range a broad belt of rose-purple and yellow, where lie the miner's gold fields and the foot-hill gardens. All these colored belts blending smoothly make a wall of light effably fine, and as beautiful as a rainbow, yet firm and adamant.

These eloquent words—in my mind—capture Yosemite.

But, Muir did far more than explore, study, and write about California's mountains. He began to fight—as early as 1881—to protect Yosemite, when he drafted a bill. He worked hard to convince Presidents Harrison, Theodore Roosevelt, and Taft to set aside Yosemite, and other lands as national parks. He was finally successful in convincing Congress to create Yosemite and Sequoia National Parks.

On this centennial of Yosemite's creation, let us remember what our great national parks teach us. It is our responsibility to protect these and the other special wild areas in this Nation. We have a duty to ourselves and future generations to preserve this country's natural areas—much as the duty our predecessors had to us. Yosemite's 100th birthday is the opportunity to renew our own commitment to conservation.

EXPOSING THE TRUTH WITH THE SOCIAL SECURITY TRUST FUND

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, on January 1, 1990, the FICA payroll tax which finances the Social Security system increased from 6.06 percent—7.51 percent with Medicare—on the first $48,000 of income of 6.2 percent—7.65 percent with Medicare—on the first $51,000 of income. This represents an increase of $320 for an employee paying the maximum FICA tax as well as an increase of $320 in the contribution of the employer.

This scheduled increase is part of the 1983 Social Security Reform Act, which was designed to create substantial Social Security reserves to meet anticipated needs when the baby boomers retire after the turn of the century. Unfortunately, these sizable yearly Social Security reserves are now being used in the Gramm-Rudman calculations as an offset against operating budget deficits. The fact is, yearly Social Security reserves—totaling $68 billion this year—are being used as a substitute for other reserves that would be needed to meet the same deficit targets.

This is dishonest budgeting. It's a hoax. It is using one of the most regressive forms of taxation as a major source of new revenue to reduce the Federal deficit. It is one of the great hoaxes of modern financial history to see a President and Congress misuse upwards of $70 billion in new money each year—from the most regressive type of taxes—to make the Federal budget deficit appear to be getting smaller when it's not.

This must be stopped, and it has to be stopped now. Today, I am introducing legislation with my colleague, Mr. DURBIN, and six other original cosponsors that will take the mask off of this charade. My legislation would return the Social Security tax rate to its 1989 level, 6.06 percent. This would roll back the January 1 payroll tax increase. It seems to me that if the Congress and the administration are going to continue to raid the Social Security reserves, it is grossly unfair and dishonest to continue to raise the payroll tax that funds these Social Security reserves. My intention in introducing this bill is to force the administration and the Congress to take the Social Security reserves out of the budget deficit calculation and truly save these funds for the purpose for which they were collected.

I urge my colleagues to support this legislation to roll back this increase until Congress enacts legislation to stop this giant budget hoax.

IN SIGHT OF LOUISVILLE: A PERSPECTIVE OF LOUISVILLE ARTISTS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. MAZZOLI. Mr. Speaker, I was very excited that, beginning the week of November 13, 1989, and running through December 15, 1989, artists from Louisville and Jefferson County—which I am privileged to serve in the U.S. Congress—participated in an exhibit at the Washington, DC Design Center which provided a unique insight into the art and culture of Louisville.

Everyone in Louisville and Jefferson County was excited about this opportunity to showcase the artistic talent in our community. This exhibit, "In Sight of Louisville: A Perspective of Louisville Artists," included the works of veteran artists as well as newer artists in our artistic community. And, it illustrated the very wide variety of talent—and enthusiasm and energy—of our local artists.

The artists whose works were included in the exhibit were: Tom Butsch, Ying Kit Chan, Madison Cawein, Gaela Erwin, Joyce Garner, Susan Gorsen, James Grubola, Kay Polson Grubola, Ed Hamilton, Billy Hertiz, Suzanne

Mitchell, Pam Pfister, Chris Radtke, Andrew Speer, Chuck Swanson, and Cathy Tuggle.

I hope that my colleagues had a chance to view this exhibit while it was in Washington.

TRIBUTE TO ARNOLD L. HUDGENS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. HUBBARD. Mr. Speaker, it is my privilege to pay tribute to a long-time friend, Arnold L. Hudgens, who died January 5 at age 76 at Community Hospital in Mayfield, KY.

Mr. Hudgens, a beloved and highly respected Bardwell, KY, resident, was a former sheriff of Carlisle County, the father-in-law of the Carlisle County superintendent of schools, Robert Edward Watson of Bardwell, a veteran of World War II and a member of Bardwell United Methodist Church.

Mr. Hudgens, who was affectionately referred to as "Shug" by friends, was always very helpful to those of us who called on him for assistance. Shug Hudgens and his family were very helpful to me as early as 1967 when I was a 29-year-old candidate for State senator. He was preceded in death by his lovely and talented wife, Martha Turner Hudgens.

Surviving are three daughters, Brenda Watson and Ann Carter, both of Bardwell, and Phyllis Hughes of Virginia; a son, Joe Hudgens of Bardwell; a sister, Mona Coil of Paducah, and several grandchildren.

My wife Carol and I extend to the family of Arnold L. Hudgens our sympathy.

TRIBUTE TO CPL. IVAN D. PEREZ

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Ms. SCHNEIDER. Mr. Speaker, Cpl. Ivan Perez of Pawtucket, RI, died a hero's death in combat. He paid the highest price and made the ultimate sacrifice for the United States. We owe him an eternal debt of gratitude.

In the early morning hours of December 20, 1989, Corporal Perez rode into battle. He was in the first Bravo Company platoon to attack General Noriega's headquarters—the Comandancia. During the ensuing firefight, Perez, who manned the .50 caliber machinegun atop an armored personnel carrier, was killed in combat. His bravery helped our Armed Forces to quickly knock out Noriega's headquarters and neutralize any organized opposition.

Our gratitude to Corporal Perez is strong and unquestioned. However, Ivan Perez won the gratitude of another set of people: The Panamanians. During my recent trip to Panama, I saw firsthand the ravages of General Noriega and felt the palpable relief of the Panamanian people. Ivan Perez was a liberator—he died so that millions could live without tyranny.

Today, I am introducing a bill to make Corporal Perez an American citizen. I understand that Corporal Perez planned to apply for citizenship upon leaving the Armed Forces. I feel that it is the least we can do to make him a citizen posthumously.

Today, I salute Cpl. Ivan D. Perez as a great American and a fellow Rhode Islander. May his memory live forever.

CITIZENS FEDERAL SAVINGS: THE GOOD NEWS ABOUT S&L'S

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. LEHMAN of Florida. Mr. Speaker, if all savings and loans were operated like the Miami-based Citizens Federal Savings, there wouldn't be a need for bailout bills and criminal prosecutions.

Founded by my old friend, the late David Stuzin and brilliantly guided through the past turbulent decade by his son Charles, Citizens Federal has enjoyed several years of profitability; successful expansion into markets in states outside Florida; and a capital reserve that exceeds Federal standards by one third at a time when a quarter of all U.S. thrifts are unable to meet the minimum.

The Miami Herald recently profiled this Miami institution and its remarkable CEO, and I would like to commend this article to the attention of my colleagues.

During these days of savings and loan scandals, closings and failures, Citizens Federal should be a model for every savings and loan.

[From the Miami Herald, Jan. 15, 1990]

THE GOOD CITIZENS

(By Gregg Fields)

Was there ever a better citizen than Jimmy Stewart in *It's a Wonderful Life?*

He was a tireless community worker. He was a selfless civic booster. He was—gasp!—a savings and loan executive.

As an S&L executive himself, Charles Stuzin hasn't found the public to have such warm regard for thrift executives lately, however.

"So after I tell them I'm a thrift executive, I tell them I'm also a lawyer," chuckles Stuzin, chairman of Miami's Citizens Federal Savings.

In reality, if there are worthy successors to Stewart's mythical legacy, they are Stuzin and Citizens Federal, say competitors, analysts and former co-workers.

Citizens is boasting seven years of improving operating profits in an era when even healthy savings associations are losing money. It surpasses new federal capital standards by a third at a time when 760 thrifts—a fourth of the U.S. total—can't meet the minimum. It is looking expansively toward the future at a time when many S&Ls are trying frantically to lop off the excesses of the past.

The key to success: In the 1980s, Citizens went against the grain and stayed conservative. Instead of entering bidding wars for consumer deposits, it quietly sought investors seeking unexciting but safe returns. When thrifts from around the country spent enormous sums of money to enter Florida, Citizens expanded in the unglamorous Midwest.

Perhaps most significantly, as S&Ls were buying junk bonds and building country clubs, Citizens stuck stubbornly to the basically dull business of home loans.

"In an industry that's collapsing, Charlie Stuzin is a real beacon," says Bill Allen, chairman of Citizens competitor Atico Savings. "He's gone out and made money the old-fashioned way. And his integrity is beyond reproach."

Along the way, Stuzin became a national figure within his industry. It is an industry whose foundations are being badly shaken, he concedes. "I think half the thrift industry will disappear," he says. "I'm talking about the healthy ones."

When asked whether Citizens will be a survivor, or an acquisition, he shrugs. "Independence isn't important."

A FATHER'S ADVICE

Independence was important to Stuzin's late father, David. An accountant by trade, he moved from New York City to South Florida and became a bank auditor.

"He realized there weren't that many S&Ls, and there were none in Hialeah," says his widow, Ruth. Stuzin got his federal charter in 1952, setting up shop in Hialeah. "At that time, building was beginning to boom," recalls Ruth Stuzin. "He always said, 'Don't forget the purpose of the business: home loans.'"

The family still owns 44 percent of the company.

The younger Stuzin was interested in the business. Dad decided he should learn it from the ground floor. "I started when I was 15 as a teller," says Charles Stuzin. "I worked in every department. That's how I learned the basics."

An accounting degree from the University of Florida polished his numbers knowledge. A law degree, with a specialty in real estate, gave him insight into home lending.

DEREGULATION STRATEGIES

But nothing could have prepared him for the thrift industry crisis of the mid-1980s, Stuzin says. In the early 1980s, market conditions forced S&Ls to pay high interest rates on deposits while they earned low yields on fixed-rate mortgages. Losses ensued.

Citizens survived, but a fourth of Florida's S&Ls didn't.

In the mid-1980s, empowered by deregulation, many S&Ls voluntarily bid up rates on deposits because they could now pump the deposit money into high-interest commercial loans rather than mortgages.

The problem: High-interest loans are made to less creditworthy customers.

Citizens saw disaster looming. "The industry was paying too much for deposits," Stuzin said. "That means you've got to get higher rates on your loans to earn a profit. And that means you have to make riskier loans."

The dilemma: Citizens couldn't afford to bid for deposits, but it couldn't afford not to. No thrift can survive without new deposits.

A SHIFT TO INVESTORS

With regulators' blessings, Stuzin found a solution. Rather than take money in from consumers, he turned to investors. He sold notes and short-term commercial paper backed by letters of credit from the Federal Home Loan Bank of Atlanta. Safety-seeking investors snapped up $400 million worth.

"We were the first in the Southeast to do these things," says Stuzin. "It kept our cost of funds normal."

If Citizens bent tradition on the deposit side, it stuck to tradition on loans. All across South Florida, S&Ls were entering wild arrays of new businesses—and many posted more glamorous earnings than Citizens, at least initially.

Citizens quietly swam against the tide, pumping 90 percent of its assets into the home mortgage business. Tradition won out. Citizens earned $63 million in the last five years. Many high-fliers failed or dipped dangerously into red ink.

"WHAT WE KNEW BEST"

In retrospect, Stuzin says remaining a mortgage lender wasn't an easy decision. The pinch of the early 1980s proved that no business—even home loans—is immune to economic pressures.

Yet, embarking on risky new ventures made little sense. Citizens could seek solutions in home lending—a business it knew—or face the dangers of unknown ventures.

"We decided to stick to what we knew best—home lending and consumer lending," he said. "The ones that took the risks—look what happened. We consciously stayed more conservative."

Citizens did some retooling, though. Today, more than half its mortgages are adjustable, meaning they go up and down with market rates. Also, rather than strictly hold mortgages, Citizens also invested heavily in mortgage-backed securities.

J. Dan Brock, a prominent Florida businessman who retired from Citizens' board in 1988, says time proved Citizens right. Citizens "consistently made money, and Charlie deserves most of the credit," Brock says. "The name of the game isn't to see how big you can get and how much money you can lose."

EXPANDING WEST

Has Stuzin, perhaps, taken too few risks? He pauses. "We have taken risks. We've expanded."

With expansion, Citizens once again went against popular fads. Thrifts in Florida were expanding aggressively on their booming home turf. S&Ls from around the country paid premiums to establish Florida beachheads.

Citizens skipped the competitive fray and took the road less traveled—to central Ohio, southern Illinois and Richmond, VA. It also went to California. But it snubbed the metropolitan areas for tiny Guerneville.

The deals were federally assisted. That means Citizens got cash from the government for taking over a sick institution. The government also sometimes kept the bad assets.

"Based on the strategy we had, Ohio and Illinois were the two greatest things we could have done," Stuzin says. The Midwest economy revived. Today, it is one of the nation's strongest housing markets.

In addition, Midwesterners are loyal customers, less likely to bankhop in search of higher rates on deposits.

THE POST-BAILOUT WORLD

Getting into the new states positions Citizens for the post-bailout world, says Erwin Katz, president of Tampa's Williams Securities.

"They are going to be a survivor," Katz predicts. "In effect, they have national market presence."

Regulators know they can deal with Citizens, Katz says, which will be an important plus when hundreds of insolvent S&Ls are sold. Also, banks scouting for acquisitions will look favorably on an institution with a five-state franchise, Katz says.

To be sure, there have been some disappointments. Like Virginia. Many troubled S&Ls there have bid up rates on deposits to raise cash.

More significantly, Citizens assumed $35 million in undeclared losses, also known as goodwill, from the acquired institutions. In the past, that didn't hurt. Regulators allowed goodwill to be counted as capital, and the goodwill could be written off over 20 years.

In effect, taking over sick thrifts strengthened your balance sheet.

That changed last summer. The Financial Institutions Reform Recovery and Enforcement Act, also known as the bailout bill, sharply restricted goodwill's use as capital. It will be eliminated entirely by 1994.

STUZIN'S COMPLAINT

Stuzin is clearly rankled even though Citizens meets capital standards without goodwill. To him, changing the rules on goodwill is a broken government promise.

"I found it very perverse," he says. "Where was it ever demonstrated that the industry's problems were caused by healthy thrifts taking over unhealthy ones?"

If there is a broad dilemma facing Citizens, it is this: What saved it in the past may kill it in the future. Citizens soared as a traditional S&L, but many forecast extinction even for healthy home-lending specialists. Banks and mortgage loan companies already have half the market. Deregulation and the high bailout costs have ignited debate on the need for a separate S&L industry.

"They have no purpose," says Hugh McColl, chairman on banking giant NCNB.

Perhaps. But William O'Connell, former powerful head of the U.S. League of Savings Institutions, disagrees. S&Ls have a meaningful purpose for the future, he says. It is the purpose that so helped Citizens in the past—providing home loans.

"THE UNIFIER"

In an assessment that perhaps explains Citizens' success, O'Connell says Stuzin's mix of new approaches with time-proven traditions made his input highly valued by league members.

So far as O'Connell could tell, Stuzin made no enemies despite some occasionally rancorous debate on various committees. "Charlie was basically a unifier—he tried to balance things between the various factions," O'Connell says. "I always counted on him for that."

GOVERNMENT PRINTING OFFICE IMPROVEMENT ACT OF 1990

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. BATES. Mr. Speaker, today I am introducing legislation designed to amend and update title 44, the U.S. Printing Code. The Government Printing Office Improvement Act of 1990 would provide for the utilization of electronic information technologies in the fulfillment of the Government's information functions and reduce expenditures by promoting greater efficiency in Government printing.

Last year, a report issued by the Office of Technology Assessment warned that "congressional action is urgently needed to resolve Federal electronic information issues." The printing laws defined in title 44 predate electronic information. Therefore, it is currently impossible to ensure that electronic information is finding its way into the hands of the public, where it properly belongs. The legislation I am proposing will ensure that electronic information is made available to the American public through the Federal Depository Library Program.

Hearings held by the Subcommittee on Procurement and Printing last year revealed that a great deal of Government information produced by Federal agencies is printed in a highly decentralized environment at a very inflated cost. This legislation proposes to strengthen the centralization of in-house printing and printing procurement by the Government Printing Office.

Therefore, the Government Printing Office Improvement Act of 1990 will reform the public information functions of the Government Printing Office and will provide for higher efficiency and cost effectiveness to the Federal Government.

EDUCATION: AMERICA'S NATIONAL CHALLENGE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, the Cuban American National Council [CNC] will hold its 5th National Conference titled "Education: America's National Challenge" at the Hyatt Regency Hotel, downtown Miami, FL, from January 24 through January 26, 1990.

The conference workshops will highlight four major topics frequently addressed in debates on education. The first workshop attempts to frame the educational goals and expectations of key decision makers for the 21st century.

The second workshop focuses on the status of millions of students who systematically fail to keep up with their peers, due to special, economic, and cultural factors.

The conference's third workshop will address corporate America's growing concern with education and basic skills of its future labor force.

The last workshop addresses the educator's ongoing search for curricula that meets our students' basic needs, and whether the best possible courses can be effective, if students are not driven by commonly accepted social values.

Mr. Speaker, I would like to thank the Cuban-American National Council and its president, Mr. Guarione Diaz, for the timeliness of this conference, as a national consensus is growing to place education among our country's top priorities. Together, we can meet this challenge and ensure a good education for our children.

TRIBUTE TO URBAN MISSION OF STEUBENVILLE

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. APPLEGATE. Mr. Speaker, I rise today to pay tribute to the Urban Mission of Steubenville, for 30 years of dedicated service to the needy of Jefferson County, OH. The anniversary is being recognized at the Urban Mission's annual dinner on January 27, 1990.

The Urban Mission can trace its beginnings to the Millmen's Hostel and its only Director, Rev. Robert Henthorn (Rev. "Bob"). This organization served as an outreach to workers of the Steubenville plant of the Wheeling-Pittsburgh Steel Co. From 1959 to 1973 the Millmen's Hostel offered a four-fold ministry consisting of religious services, pastoral counseling to workers and their families, recreation, and refreshments. Reverend Henthorn traveled throughout the Ohio area lecturing on subjects concerning industrial relations in the context of the Christian gospel.

The Millmen's Hostel had to be closed when Wheeling-Pitt decided to expand their parking facilities and to raze the Hostel building. In order to continue such a ministry in the area of labor-management relations, Reverend Henthorn was appointed to the staff of Boardman United Methodist Church.

The Urban Mission Ministry, created from the philosophy of the hostel, was the result of a study conducted by an Urban Strategy Committee appointed by Rev. Avery Bulter. Rev. Fred Gaston was made Urban Minister in 1973 with the mandate to explore places and situations where a Christian presence and ministry seemed viable. In 1973, the board of directors approved the following areas of ministry: The Street Ministry, Lincoln Ave., Youth Center, Jail Ministry, Emergency Aid to Families, and a Christian Nursery School. The first nursery school class was held on December 3, 1973, and has operated there ever since. The Youth Center was dedicated in June 1974, and shortly thereafter, the day and resident camping program began. A Market Place Ministry was started at the Fort Steuben Mall in December. In 1979, a Tri-County Criminal Seminar became the starting point for a wider volunteer criminal justice ministry.

Rev. Robert Hutton succeeded Rev. Gaston upon his retirement in 1981. Rev. Hutton served until his death in 1987. Under his directorship, The Aid to Families and the Homeless was expanded and a Vietnam Veterans Outreach started.

On December 7, 1986, Bishop James Thomas hosted the dedication ceremony of the newly acquired headquarters of the Urban Mission Ministry. The expanded facility allowed the staff to more completely fulfill its motto. "To listen with compassion and serve with love." The present director, Rev. Roger Skelly-Watts was appointed in April 1988. He and his staff have enlarged the Ministry to the Homeless through a new project called the Hutton House, which provides temporary shelter for families until a permanent residence can be located. The contemporary Urban Mission Ministry is a fitting memorial to Reverend "Bob."

Mr. Speaker, it is my distinct privilege and honor to ask my colleagues to join with me in acclamation of both the Millmen's Hostel and the Urban Mission Ministry for the services they have provided over the last 30 years to the community of Steubenville.

HONORING LOUIS C. HOYT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. LEVINE of California. Mr. Speaker, I would like to recognize Mr. Louis C. Hoyt who will be honored by the law firm of Katz, Hoyt, Seigel & Kapor upon his retirement from the practice of law. At age 84, Mr. Hoyt's retirement comes after a long and exemplary legal career which began in New York, 1931.

Louis is a senior member of the firm and has been a partner in its predecessor firms. He received his LL.B degree, cum laude, from St. John's University in 1930 and was admitted to the Bar of the State of New York in 1931. Of the six thousand applicants to the New York Bar in 1930, Louis scored among the top 8 candidates on the bar examination.

In 1939, Louis joined the claims department of the Prudential Insurance Co. at its original home office in Newark, NJ and when it opened its western head office in Los Angeles, CA, he transferred to that location.

Louis was admitted to the California Bar in 1959 and returned to private practice at that time. In his many years of practice, he has received substantial recognition and numerous accolades as a California trial and appellate attorney.

Louis is admitted to the U.S. district courts within the States of California and New York, the Court of Appeals for the Ninth Circuit, and the U.S. Supreme Court. He is a member of the Los Angeles County Bar Association as well the bars of the States of New York and California. Although presently semiretired, Louis continues to devote the majority of his working days to complex civil litigation and appellate matters. His background and experience include expertise in matters related to all areas of insurance and commercial arbitration proceedings. He is an associate of the Life Office Management Associates, having received the third highest mark in the United States and Canada in that association's examination regarding insurance mathematics.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Louis Hoyt for his outstanding contributions to the legal profession.

TRIBUTE TO JOHN J. PARTINGTON

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to John J. Partington for his 8 years of service as chief of police in the town of Cumberland. He will be honored for his service on January 26, 1990.

Mr. Partington began his career in law enforcement more than three decades ago in his hometown of Cumberland as a patrolman. In 1962, Mr. Partington became a deputy U.S. marshal and served in the Justice Department for 20 years. During his service in the Justice Department, Mr. Partington was commended over 75 times for his outstanding service. In 1975, Mr. Partington received the "Federal Employee of the Year Award."

In 1982, Mr. Partington returned to Cumberland to serve as chief of police. During his service in Cumberland, Mr. Partington strived to open communications between the community and the police force. Mr. Partington has created many programs for the youth, the elderly, and the entire community of Cumberland which have helped make Cumberland a safer place to live. Mr. Partington has also been recognized for his outstanding public safety record by being named public safety commissioner in Providence.

I would like to thank Mr. Partington for his years of service to the town of Cumberland. His dedication and excellence are a tribute to his concern for others. I hope that others will follow Mr. Partington's example and always ask what they can do to help protect others.

TEENAGERS, CARS, AND DRUG ABUSE

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. ARMEY. Mr. Speaker, every day there are new statistics graphically showing the toll that drugs are taking on this society. In terms of human life, lost productivity, growing violence, and the sheer numbers of people involved, no one can deny that we have a national crisis on our hands. This crisis will only be solved if the demand for drugs can be reduced.

Interdiction, education, and treatment are all effective tools in stemming the flow of drugs, but we also have to focus on prevention and deterrence. America's jails are overflowing and the court system is struggling to keep up with the constant influx of new cases. Jail is not always the answer, particularly in the case of young and first-time offenders. We need new and innovative solutions—we need to make a strong impact on the youth of this Nation.

That is why I am offering this resolution today urging the States to adopt laws which would take away the drivers license of any minor convicted of a drug-related offense. We all know how anxious our teenagers are to get their hands on the car keys—taking away that privilege may provide that extra incentive to stay away from drugs. This is one solution that can be tailored to fit the needs of each State, and it is one idea that may make a difference. It is the individual steps and small victories that will ultimately tip the balance against drugs. This resolution may make a difference in one teenager's life, and I would consider that a victory.

COUNTDOWN TO EARTH DAY

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. UDALL. Mr. Speaker, the story is told of the Brooklyn Dodgers baseball team in a particularly bad slump. Each year, at the end of another losing season, the fellow who kept the scoreboard in the outfield would put up a large banner that read, "Wait till next year!" After a few bad years, the Dodgers won the pennant and the fellow in the outfield put up a banner that read, "This is next year." Well, I'm here to tell you that for the environmental movement, this is next year.

Well, it's been 20 years since Earth Day and we are starting the 2d session of the 101st Congress. We have a healthy agenda, and there aren't going to be a whole lot of surprises on the environmental front and we'll probably have to make some compromises.

Mr. Speaker, Earth Day 1990 is being organized to celebrate past environmental victories and to show renewed commitment to finding solutions to the environmental problems we face today.

We have a great need to educate our citizens about growing environmental problems. Depletion of the stratospheric ozone layer; erosion of rain forests, wetlands, and other wildlife habitats; air and water pollution and the storage of radioactive and other hazardous wastes are problems which require solutions.

Mr. Speaker, the most effective environmental policies come from an educated public. Earth Day is an important part of any educational effort. We must become environmentally responsible consumers who conserve energy, increase recycling efforts, and promote environmental responsibility in our communities.

JOHN M. HOBEN NAMED SUPERINTENDENT OF THE YEAR

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. PURSELL. Mr. Speaker, it is indeed a pleasure that I bring to your attention today an honor bestowed upon my friend and constituent, Dr. John Michael Hoben, superintendent of schools in Plymouth, MI. Dr. Hoben has been named the 1990 Superintendent of the Year by the Michigan Association of School Administrators.

For the past 34 years, Dr. Hoben has exhibited how he truly believes in public education, and has actively worked to meet educational challenges and to maximize educational opportunities.

Born in Adrian, MI, Mike began his career as a teacher in Cheboygan, MI, in 1949. In 1955, he moved to our community of Plymouth and has progressively worked his way through the ranks from teacher to counselor to principal to assistant superintendent to superintendent of schools. He has held that post for 19 years.

Prior to beginning his career in education, Mike served two tours of duty in the U.S. Marines, first in the South Pacific, and then in Korea. A widower, he is the proud father of a son, John, and a daughter, Michelle.

His professional and community service accomplishments are numerous. Such service has included the United Fund, Rotary Club, YMCA, and many professional associations and boards.

I salute Dr. John M. Hoben on his memorable career, and congratulate him on becoming Michigan's Superintendent of the Year for 1990.

THE 50TH WEDDING ANNIVERSARY OF MR. AND MRS. JOSEPH MATULA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an exemplary couple from the Fifth Congressional District of Illinois, Joseph and Theresa Matula, on the occasion of their 50th wedding anniversary back in August 1989. They were married at St. Richard's Church by Father Quinn on August 27, 1939, and are a role model of the family strength and solidity which has made America great.

They are both active members of the A.A.R.P. and have lived on the southwest side of Chicago their whole lives. In addition to their 6 children, they are proud of their 12 wonderful grandchildren.

Their commitment to each other and their family is impressive and deserving of special recognition and honor. I am sure that my colleagues join me in congratulating Mr. Joseph Matula and his bride of 50 years, Theresa, on their many years of love and commitment. May their life together continue to be an adventure and offer them many more pleasant memories.

TRIBUTE TO EARL SIEGMAN

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. SAXTON. Mr. Speaker, my colleagues and I often take this time to pay tribute to some of the great citizens of this country who have served their communities in extraordinary ways. Today, I rise once again to ask my colleagues to join me in paying tribute to Mr. Earl Siegman, a constituent of mine who is being honored for over 30 years of service to the great State of New Jersey.

Earl Siegman has held many important positions in the State and local fire service. During the past 15 years, Earl has served in almost every line officer capacity, including fire chief. He has been an active force as a member of the Evesham Board of Fire Commissioners in Evesham, NJ. This board is the guiding force for all of the fire and emergency medical services within Evesham Township.

Among Earl's many positions in the township, his tenure as treasurer of the district stands as one of the best examples of his abilities and dedication. Through his leadership, the district has developed a highly efficient electronic accounting system, a continuing 5-year capital planning program and assisted in setting up the funding program for the recently incorporated emergency medical services division.

Earl Siegman's civic responsibilities extend beyond his time spent with the emergency services. He also serves full time on a local school board and is active with the South Jersey Development Council.

Mr. Speaker, I know my colleagues join with me and the rest of the citizens of the great State of New Jersey in recognizing Earl Siegman and thanking him for his many years of service.

TRIBUTE TO VELMA M. SLACK

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. SCHAEFER. Mr. Speaker, today I rise to pay tribute to a dedicated public servant who is retiring after 35 years with the Federal Government; 33 of them with the Social Security Administration.

Velma, who began her career as a claims development clerk in San Antonio, TX, continued her advancement as a claims representative; then becoming an operations supervisor.

Velma's dedication to the Social Security Administration led to the formation of the first data review unit and training the first data review technicians in the San Francisco region. As a senior staff officer in the Denver Regional Office, she succeeded in getting the offices upgraded. In 1981 Velma was promoted to executive analyst and in 1984 she became the District Manager. In 1986 Velma received the Regional Director's Citation for her excellent work with the Social Security Administration and in 1989, Velma received the Innovative Manager of the Year Award for advancement in automation, productivity, and service to the public.

I would like to commend Velma M. Slack for the years of dedication and hard work in her quest for innovations and improvements in the Social Security Administration. She exemplifies what a dedicated public servant can be and I applaud her and thank her for the 35 years she has given to our Federal Government.

KIWANIS INTERNATIONAL ANNIVERSARY

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to commend Kiwanis International on its 75th anniversary and to congratulate the local clubs of Anne Arundel and Prince

Georges Counties on years of outstanding community service.

Seventy-five years ago this month Kiwanis was established in Detroit, MI, and a rich tradition of compassion and generosity began. Over the years the organization has grown to 320,000 members in more than 8,500 clubs in 74 nations. Its name has been associated with everything from promoting democracy worldwide to fighting the drug problem here in America's schools. And I'm proud to say I'm a member of the Kiwanis Club of Crofton, MD.

In recent years, the organization has emphasized the serious problem of drug and alcohol abuse among our young people. Yesterday, Kiwanis International launched Operation KNOW in a dozen cities nationwide to educate the children of America to the dangers of substance abuse. Operation KNOW includes sing-alongs, informational games, skits, and special events to get children involved.

Locally, Maryland Kiwanis clubs have used their own funds and a grant from the State of Maryland to sponsor a number of innovative programs aimed at the drug problem. Among them have been several "Just Say No" days and "Positive Peer Scene Theatre," a group of high school youngsters who present powerful improvisational theater performances about adolescent problems to school assemblies, civic and community service organizations, and others.

Mr. Speaker, people have said the spirit of voluntarism is dying in America, but I know a place in every community where it is alive and well: it is in the local chapter of the Kiwanis International, and I'm proud to come before you today to salute this fine organization and its members.

SENATE—*Wednesday, January 24, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate will come to order. Today's prayer will be offered by our guest chaplain, the Reverend Dr. Paul M. Youngdahl, pastor of the Mount Olivet Lutheran Church, which is the largest Lutheran Church in the United States, in Minneapolis, MN.

Dr. Youngdahl.

PRAYER

The Reverend Dr. Paul M. Youngdahl, pastor, Mount Olivet Lutheran Church, Minneapolis, MN, offered the following prayer:

Let us pray:

Gracious God, we know that You are present in Your world and that our lives should be grounded in You. We live in a time of rapid and exciting change, so we need Your guidance each day.

Often we have lived only for ourselves, denying life to others by our self-centeredness. For sins of commission and omission we seek Your forgiveness, dear God. Give us gentle hearts that we might not add to the world's sorrow. Give us loving hearts that we might share our wealth and abundance with the world.

Grant health and favor to all who bear office in our land, especially the President, the Senate, the House of Representatives, the courts, and all in authority. As they govern, give them the freedom to be Your servants and servants of Your children.

Faithful Lord, we pray today a special blessing on Your servant, Chaplain Halverson. We are grateful for his meaningful, loving and dignified ministry here in our Capitol. Bless him with continued good health, wisdom, and courage.

We pray for peace, for peace within ourselves and for Your world. Teach us to walk in the ways of peace and to learn the lessons of love.

God, hear us as we pray together the prayer that I learned and loved in my childhood: "Dear Lord, of Thee three things I pray: To see Thee more clearly, to love Thee more dearly, and to follow Thee more nearly, day by day. In Your name we pray. Amen."

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Senate will be in order.

The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time reserved for the two leaders there will be a period for morning business until 10 a.m., with Senators permitted to speak therein for up to 5 minutes each. At 10 a.m. the Senate will resume consideration of the clean air bill, S. 1630.

I know that there are a number of Members who have expressed an interest in addressing the clean air bill. I encourage them to come to the floor today. Today has been reserved for debate, questions, and comments on the clean air bill.

Regarding the veto message on the Chinese students status bill, that is H.R. 2712, the House is slated to vote to override it today. When that message is received in the Senate it will be considered under the provisions of the unanimous-consent agreement reached yesterday. The agreement provides for a time limitation of 4 hours of debate to be equally divided and controlled between Senators KENNEDY and SIMPSON, or their designees, with a vote occurring on the expiration or yielding back of time.

Mr. President, as both Senator DOLE and I indicated last night, we now anticipate that the debate on the Chinese students bill will occur tomorrow morning and early tomorrow afternoon with the vote coming sometime during the afternoon. I will, I hope shortly, after consultation with the distinguished Republican leader, announce the precise time on the vote.

We wanted to make the announcement last evening to give Senators the opportunity to return to Washington to be present for the vote in the cases where Senators are not currently here. We understand that there are several Senators who are not present, who are traveling in their States engaged in political and other campaigns, and while, of course, all of those are important, the primary business of any Senator is here in the Senate Chamber and particularly when an important vote is to occur such as this very important veto override vote.

So Senators—and I hope those who are not present—will be notified by their offices immediately and should be aware that an important vote will occur tomorrow, and that it is imperative that those Senators not present today return for that. The very reason for announcing this in advance is to give every Senator the opportunity to return to fulfill his or her obligations as Senators on this important measure. We look forward, of course, to the presence of all Senators for this very important vote.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the time of both leaders is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, the Senate will now proceed to a period for morning business until 10 o'clock a.m., with Senators being permitted therein to speak for up to 5 minutes each.

THE 1989 YEAR END REPORT

The mailing and filing of the 1989 Year End Report required by the Federal Election Campaign Act, as amended, is Wednesday, January 31, 1990. Principal campaign committees supporting Senate candidates file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 8 a.m. to 9 p.m. on the filing date to accept these filings. In general, reports will be available to the public 24 hours after receipt. For further information, please contact the Public Records Office on (202) 224-0322.

NOTICE CONCERNING ANNUAL REGISTRATIONS OF MASS MAILINGS

In view of the approaching February 1 filing date, Senators should be reminded of the requirements concerning registrations of mass mailings under Senate rule 40.

Members are required to register annually such mailings. The 1989 calendar year filings will be due on February 1, 1990. Mass mailing registrations are also accepted on an "as mailed" basis if Members so desire.

For your information, following are excerpts from rule 40:

* * * 3. (a) When a Senator disseminates information under the frank, by a mass mailing (as defined in Section 3210(a)(6)(E) of Title 39, United States Code), the Senator shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary a copy of the matter mailed and providing on a form supplied by the Secretary, a description of the group or groups of persons to whom the mass mailing was mailed.

(b) the Secretary of the Senate shall promptly make available for public inspection and copying a copy of the matter mailed and a description of the group or groups of persons to whom the mass mailing was mailed * * *.

The Senate Office of Public Records will be open from 8 a.m. to 6 p.m. on the filing date for the purpose of accepting these filings.

For further information, please do not hesitate to contact the Public Records Office on (202) 224-0322.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nevada [Mr. REID], is recognized for not to exceed 5 minutes.

CAMPAIGN REFORM

Mr. REID. Three years ago exactly I appeared in this Chamber and spoke at that time about the race that I had just been involved in. It was a hotly-contested contest and one not conducted in the way that the American public thinks campaigns should be conducted. As a result of that race, a number of complaints were filed with the Federal Election Commission on my behalf, seven in number. Some of those complaints were filed almost 4 years ago. To this day they have not been resolved.

The first thing that you would think we would do is complain and rail against the Federal Election Commission. But I did not do that 3 years ago and I am not going to do it today. Why? Because we, here in Congress, have not given the Federal Election Commission the power to be anything more than a toothless tiger.

I said 3 years ago that I thought there were certain reforms that should be made. Never in my wildest dreams did I think I would be more than halfway through my term and not a single reform executed. We have another set of elections coming up in less than a year, and those elections will be conducted in the very same way that my race was conducted 3 years ago. Why? Because there are no constraints. Everyone knows the limit of things that have been done, and the majority leader of the Senate, during the 100th Congress, led a fight to change the campaign spending laws. Senator BYRD of West Virginia, in fact, led that fight to the extent that it holds the record for the most times attempting to invoke cloture on a bill. It was never done. Numerous times this body attempted to invoke cloture so we would get to the merits of the bill. There was a filibuster that prevented us from doing so.

We now hear people standing and saying there must be campaign reform, but we are in the same morass we were in 2 years ago, because one side is saying we must have spending limits. The other side is saying we must have PAC reform.

What I am saying is that there are certain things that can be done. For example, take the Federal Election Commission that has not responded to six complaints filed on my behalf in an election over 3 years ago. Senator MCCONNELL and this Senator introduced a bill last year that would set some minimal standards and streamline FEC procedures. We would not get into spending limits. We would not get into limitations regarding PACs, but we agreed on certain measures in a bipartisan fashion.

For example, the Federal Election Commission should have injunctive relief. Under certain conditions, the Federal Election Commission should be able to issue an injunction. Candidates and parties have the right to sue, and they should not be forced to sue in the District of Columbia. They should be able to sue, for example, in their own congressional district or in their own State. They should not have to come to the District of Columbia to attempt to assert their legal claims.

We should also have increased penalties. The penalties now are so minimal that many people violate them with impunity. That is wrong.

We should do something about the millionaire loophole. If someone is going to spend more than $25,000 of their own money, certain measures in our bill would kick in and would eliminate millionaires from being able to have an unfair advantage in a Senate race.

We also agreed in that legislation that bundling practices should be changed. I have talked about a few things that should be done. It is my earnest wish that this Congress, this year, will do something about campaign spending, so that the 1990 elections, and certainly the 1992 elections, will be guided by rules, rules that the American people think are fair and the candidates can approach, giving the American public what they really deserve. That is, a fair, concise election.

The PRESIDENT pro tempore. The time of the Senator from Nevada has expired.

Mr. BENTSEN addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Texas [Mr. BENTSEN] is recognized for not to exceed 5 minutes.

TOP MEDIA EVENTS OF 1989

Mr. BENTSEN. Mr. President, of all the images provided for us by journalists last year, two stand out for me: First, the peaceful protestors demonstrating for democracy in Czechoslovakia and East Germany, holding candles as they marched in the autumn night; the other, that solitary man in China, standing bravely in front of a tank in Tiananmen Square.

It is a stunning surprise that candlepower could jolt entrenched leaders from power with virtually no bloodshed.

Ultimately, though, the man in China moved aside. China responded to the pleas for democracy by its people by launching a brutal, bloody repression.

Thus far, the United States has responded favorably and generously to the earth-shaking changes in Eastern Europe. I believe that we can and should do more to help democracy take root and flourish in that region.

In China, however, the administration is disregarding the strongly held views of the Congress and the American people for a tougher response to Chinese leaders and for better treatment of Chinese students in this country.

Administration policy since June 4 has been deeply flawed. Our official Government reaction was strong in words but quite limited in deeds.

The administration totally undermined its announced suspension of high-level contacts with the two Scowcroft missions to Beijing. It misled the American people by concealing the first Scowcroft trip until it became undeniable.

I do not know whether there is a Chinese proverb to cover this situation. But our own belief in judging deeds not words means that we, too rapidly, were willing to overlook China's crackdown. Our Government was more interested in Chinese democracy.

The administration argues that we must not leave China isolated. I agree. That's why Congress did not vote sanctions which would have broken off relations or ended trade. We recog-

nize the importance of using the leverage we have to push for the kinds of positive changes which had been occurring prior to June 4.

Nor would legal protection for Chinese students have led to further isolation of China. If that were true, it should have occurred when the administration announced its own changes in immigration policy.

The fact is, though, that so far, our China policy has been a one-way street of American concessions to Chinese intransigence. How has China improved its treatment of its people since the veto and since the Scowcroft Mission? Fang Lizhi and his wife are still in asylum in our Embassy. Martial law has been lifted in Beijing, but dissent is still not allowed. There even has been significant recentralization of economic policy.

And the repression of the people continues. Just last week, January 17, the Washington Post reported that more than 800 Chinese have been convicted and sentenced to prison terms in recent months for so-called counterrevolutionary crimes. While mass arrests are no longer continuing, the Post said, reliable Chinese sources say that individual arrests continue. And there is no end in sight.

Under these circumstances, Mr. President, the least we can do is to give some protection to the Chinese students who remain in our midst, whether there are 40,000 of them as one estimate would have it, or the 73,000 contained in another.

For that reason I oppose the President's veto of the Emergency Chinese Immigration Relief Act. I will vote to override it. This measure passed Congress with virtually no opposition because it provided much-needed assurances that Chinese students in America would not be forced to return to the oppressive conditions in their native land.

While the administration claims that its actions provide sufficient guarantees for students, its policy has made their position more precarious.

Instead of the certainty of statute law, they have only a temporary change in administrative guidance. The President did not even issue an executive order to carry out his plan.

The administration's promises could vanish overnight, with the stroke of a pen. After all, its own National Security Adviser toasted Chinese leaders just last month by criticizing negative voices in both countries who seek to redirect or frustrate our cooperation.

Who have been the most vocal critics of our business-as-almost-usual policy following the bloodshed in Tiananmen Square? The students, we know it. They know it, too. How secure can that make them feel?

The Chinese students are in worse shape than people with a month-to-month lease from a cranky landlord. They could be evicted at any second. They are at the mercy of Sino-American diplomacy, which seems to be more concerned with friendly gestures than substantive changes.

I think we can do better by them. Many of these young people were the vanguard of hope for a new China, one open to Western ideas and values as never before.

These students came here to learn, but were as distracted as any of us by the pro-democracy demonstrations across China last spring. Fax machines worked overtime between China and America, sharing information and broadening understanding.

We should offer them safe haven, just as we earlier offered them a chance for the best possible education. We can benefit from their presence here, whether for a short time or a long one. We can use their intelligence, their commitment to democracy, their devotion to learning. Their presence among us can make our country at least a little bit better for all of us.

They were the best and the brightest in their homeland; that is why they were sent here to study. Now we have a chance to keep their candles burning until freedom comes to Tienanmen Square.

The PRESIDENT pro tempore. The time of the Senator from Texas has expired.

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The point of no quorum having been raised the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader's time was reserved, and he is now recognized.

FOREIGN AID: NEW DEMANDS DEMAND REALLOCATION

Mr. DOLE. Mr. President, This week, we start a new session; and in some important ways, we face a new world.

In places from Panama to Poland, long oppressed people continue to take giant strides toward democracy and free markets. You get the feeling that the folks at State Department, trying to keep track of events in Eastern Europe, have to write the names of the heads of government on a magic slate—in order to keep up. It is changing that fast.

It is a very dynamic, in some ways volatile, situation. And, no doubt about it, some prudence is in order.

GOOD NEWS: FREEDOM EPIDEMIC

But this much is already clear. We have a responsibility, and a terrific opportunity, to help advance the cause of freedom, and at the same time advance critical American national security interests. If the great experiments in democracy and free markets succeed, freedom will continue to advance; and it can mean, for the United States, greater security, lower defense spending, and great new markets for our products and ingenuity.

That is the good news.

The bad news is—while in some ways it is a new world out there, in other ways we still face some old realities.

BAD NEWS: FEDERAL DEFICIT

We have almost incomprehensible Federal deficits. We have put some flimsy wallpaper over the yawning gap between what we take in and what we spend; but we have not really come to grips with the deficit crisis.

And it is going to get worse—much worse—in the next couple of years. Overall, we are just not going to have large amounts of new money to pour into foreign aid. That is a fact.

Down the road, if a substantial peace dividend does materialize, I hope we will use it primarily to reduce the deficit. One other important priority that could be addressed would be foreign aid. But, as I say, that is some years down the road.

The hard reality is: for this year, fiscal year 1990, and for next, fiscal year 1991, we are going to be operating with pretty much the same pot of money, to meet our increasing bilateral foreign aid requirements.

And let me stress this point: I have spoken so far about new opportunities and responsibilities. We also have a host of extremely important longstanding and on-going responsibilities—allies and friends, whose own fate and policies will have a great impact on our security and well-being.

LATIN AMERICA—NO MORE COLD SHOULDER

Right now, we just do not have enough money to go around, to meet all of their legitimate requests. We do not have enough money to take advantage of every opportunity to help ourselves—our security and economic well-being—through timely help to them.

I want to make it very clear at this point I am not talking about just handing people money. Obviously investments and making certain that they are preparing for market economies in these emerging democracies are going to be very important and probably should be the precedents for any aid. Talk about foreign aid, the economic aid.

Over the recess, I visited five nations in Latin America—Bolivia, Argentina,

Paraguay, Venezuela, and Trinidad. At every stop, we heard the same legitimate lament: Already seeing themselves as far down the totem pole in terms of United States interest and aid, they see events in Eastern Europe pushing them even further down. And the news is even worse than that. Not only do we have a big, big deficit problem. Not only do we have an aid budget stretched tight as a drum, and many new foreign aid responsibilities.

EARMARKING STATS

We here in Congress have compounded all these problems with massive earmarking—legislating very high levels of aid for certain countries, and thereby taking up front a very high percentage of our foreign aid budget.

Some statistics tell the tale—92 percent of the foreign military sales pot is earmarked; in other words, it is assigned by Congress; the Congress has decided what will be done with it; and the President is left with only 8 percent at his discretion, in this rapidly changing world, to meet new opportunities or unexpected needs.

Eighty-two percent of the economic support fund pot is earmarked.

Five countries—Israel, Egypt, Turkey, the Philippines, and Pakistan—receive more than two-thirds of our total bilateral aid.

Comparing the President's initial requests for foreign aid with the amount of discretionary money Congress left for him, the shortfall is about $650 million.

THIRTY-FIVE COUNTRIES COULD BE ZEROED OUT

As many as 35 individual country programs are on the chopping block—facing big cuts or even being totally zeroed out.

Countries like Bolivia and Peru—on the frontlines of the war on drugs. I do not envy President Bush, having to go down to the drug summit next month to urge those two countries to leap into our common battle against the drug kingpins; and then add the P.S.—"by the way, we're cutting your aid."

Countries like Guatemala, which has turned back several coup attempts, and held yet another democratic election. Or El Salvador—faced with a brutal assault by Cuban and Nicaraguan supplied Communist guerrillas. Our response to their situations: "tough luck, your aid is being cut."

Countries like Kenya, Zaire, Liberia, Senegal—key countries on a key continent. The halls of Congress ring with speeches about how important they are—but their aid check arrives with a little note attached: "Sorry it can't be more, but we have more important needs."

Countries on every continent, in every region, beset with every political and economic and social problem. Our message: Your needs are legitimate, our interests are real—but our pockets are empty. It is the wrong message to send, at the wrong time.

It flies in the face of our rhetoric and our responsibilities. It means throwing away enormous opportunities. It undermines America's interests.

Now, what is the answer?

Well, first of all, I do not pretend to have the whole answer or maybe even part of the answer. But I am encouraged because I have heard Republicans and Democrats in the House and the Senate indicate that maybe it is something we ought to debate. Some would say, "Make the pie bigger." Well, we have huge deficits and no mandate for tax increases. And some people have suggested we need to look into questions about money stuck in aid pipelines. Some countries have money they have not spent. And that is certainly worth a look, but I am not yet convinced that's the answer.

We may be able to do something about repayment on existing loans. That is something we should reemphasize. You are supposed to pay loans. Maybe some of these countries, as Congressman HAMILTON and others have suggested, could start repayment of loans.

So these ideas, and others, have to be explored.

But I do think I have part of the answer. Or perhaps I should say; two parts of the answer.

IMMEDIATE NEEDS: FISCAL YEAR 1990

One part related to our immediate needs—our shortfall in fiscal year 1990.

One part related to our longer term need—for greater Presidential flexibility in allocating our foreign aid dollars in fiscal year 1991 and beyond.

I might say at this point, I have been advised by the State Department—I mentioned five countries—that if the President had the flexibility that he should have in foreign aid, two of these five countries would receive more money—Turkey and the Philippines. We have never shortchanged the Philippines until the earmarking came along. I would just suggest, even though I have stated we ought to cut across the board, I am advised by the administration that, if you give the President flexibility, two of the five countries I have discussed—Turkey and the Philippines—could receive additional aid.

But, in any event, for fiscal year 1990, I have urged a 5-percent across-the-board cut in all the large and earmarked foreign aid accounts. As many in the Senate already know, I made that proposal in an op-ed in the New York Times. And I ask unanimous consent to have the text of the op-ed printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 16, 1990]

TO HELP NEW DEMOCRACIES, CUT AID TO ISRAEL, FOUR OTHERS

(By Bob Dole)

WASHINGTON.—It's always a little risky to predict history's verdict on contemporary events. But even from today's sometimes shortsighted perspective, it is safe to declare 1989 as one of the watershed years of the 20th century—the year in which Communism collapsed and the long dormancy of freedom suddenly and dramatically blossomed in places from Poland to Panama.

In fact, events have been moving so fast that, in some ways, we're all playing catch-up in our own analyses and policy prescriptions. A little caution makes great sense in such a volatile environment.

But this much is already clear: We do have an enormous opportunity to consolidate and expand freedom's gains and, at the same time, to enhance America's security and ecomonic potential.

If the new democracies and free market economies fail, the long-term cost to America and to the cause of freedom will be enormous. But if they succeed, it will mean that the United States could enjoy increased security, reduced defense budgets and armament levels and expanded markets for our exports and our ingenuity. Simply put, there is no better investment we can make in America in 1990 than finding ways to support the new democracies.

That's the good news. The bad news is that supporting freedom is not free. It will cost bucks—big bucks. And we must find those bucks within the constraints of our own crushing budget deficits and a foreign aid budget that is already stretched to the breaking point.

We may be able to increase marginally our overall foreign aid expenditures. But the reality is that we are not going to have much more foreign aid money in the next few years, at least until the so-called peace dividend kicks in (if it ever materializes).

The immediate answer must include reallocation of what we are spending on foreign aid now.

Let me make this point clear: I am certainly not suggesting abandoning or short-changing our long-time friends around the world. They remain very important to us, and their needs are just as real and pressing as those of the new democracies.

What I am suggesting is to re-examine some of the huge aid programs in a few countries—the so-called earmarked countries—that take most of our current aid budget. Right now, the big five—Israel, Egypt, the Philippines, Turkey and Pakistan—receive more than two-thirds of our foreign aid.

Does it make sense, at this historic moment, to provide these countries practically all of our aid at the cost of foreclosing dramatically promising new aid initiatives in Eastern Europe or other important countries? What about, for example, those Latin American nations in the front lines in the war against drugs?

Consider this simple fact: A 5 percent cut in current aid programs for the big five would provide about $330 million—enough to respond to the needs of new democracies such as Poland, Hungary, Panama and countless needy countries that under current allocations will receive not one penny of American aid.

Perhaps an even larger across-the-board cut and reallocation would be warranted, as the democratic revolution gains momentum.

That would represent a better balancing of our limited resources with our changing priorities.

No doubt, these proposed reallocations will raise a hue and cry. But can't we convince our friends who would "lose" a tiny amount of their aid how much it is in their interest, too, to help insure against the failure of new democracies and free-market economies?

Can't those pressure groups that have turned some of our foreign aid programs virtually into "entitlement programs" realize that making some minor adjustments in aid allocations can simultaneously serve the countries of their special interest, and serve America?

And can't my colleagues in Congress, who have forced the President to swallow a few huge earmarked aid programs, stand up to domestic political pressure and resist the temptation to politicize foreign aid? Can't they instead support an amended foreign aid strategy that more completely serves the national interest?

Even despite Congressionally mandated aid programs, the President has the authority to make the small reallocations of foreign aid that I believe are warranted. I encourage him to consider seriously making those reallocations now. I stand ready to work hard to insure that the Congress and the American public will back him up.

To me, it boils down to this: are big gains for freedom worth a small cut in a few huge foreign aid programs? I say yes.

Mr. DOLE. Mr. President, I should also take this moment to stress that the headline—written by the Times—has mislead some. So let me stress again: My proposal is for an across-the-board cut in all the large and earmarked programs. You do not take any money from Turkey unless you are going to give Greece the same treatment. And I was aware of that, but somehow the headline was misleading.

As a matter of fairness, and simple arithmetic—to get enough money so that you can address the real needs that exist—I don't believe you should exclude, or fence, any large recipient country from the cuts.

A 5-percent across-the-board cut will yield about $400 million in fiscal year 1990. Some have pointed out that we actually need more. I agree. We are going to have to find more money. We always find more money when we need it. I assume we are going to find more money for some of the emerging demcracies in Eastern Europe. But I simply do not buy the argument from some critics that $400 million is meaningless. Four hundred million dollars is not meaningless. That is like saying a proposal which would house 25 percent of the homeless makes no sense, since 75 percent would still be on the street.

We have to do what we can do. Maybe it is not enough, but it is a start.

FOUR HUNDRED MILLION DOLLAR DOWN PAYMENT

I just do not see $400 million as a trivial amount, not worth the effort; $400 million still means something in Kansas. And I might say that I doubt that the majority of Kansans think we ought to give $400 million to anybody in foreign aid. Still, America is fairly generous and I believe objective about its responsibilities around the world.

More important, $400 million can mean a lot—a whole lot—in our foreign aid budget.

It can make up nearly two-thirds of the shortfall I mentioned earlier, between the President's requests and the discretionary money left for him.

We have already funded a big program for Poland and Hungary. To put that $400 million in perspective, it is enough to pay for the Poland program we have; the Hungary program we have; and still have over $170 million left over, for many more Hungary-sized programs in Eastern Europe, and to address the needs of a dozen or more critical countries around the world.

That is not nonsense, as one commentator called it—but important dollars and cents, to address important needs.

So I strongly believe an across-the-board 5-percent cut in fiscal year 1990 must be part of the answer. Maybe it is 2 percent, maybe it is 1 percent, maybe it is 4 percent. Maybe it is in economic aid. Maybe it is in military aid.

PRESIDENT NEEDS FLEXIBILITY

But, in any event, I think the bottom line is we have to give the President of the United States, whether he is a Democrat or Republican, some flexibility. Look at what has happened since Congress left here last year. Look at the countries that are emerging as new democracies. It seems to me that the bottom line on foreign aid should not be what the percentage is, but is across the board, or how we do it, or how it is finally done, but the real mission is to give the President of the United States some much-needed flexibility; that is the point that the President has made from time to time.

When Congress adjourned last year, there was a drug-running dictator running Panama. There was a megalomaniac and his family running Romania. Now, we have witnessed all of the dramatic changes in Panama, Germany, and Bulgaria; and Czechoslovakia's and Yugoslavia's Communist leaders were still looking for ways to turn back the tide of Communist history. In the 60 days since Congress left town, the world has turned upside down.

And what resources does the President have to respond to all this history? Zero. Zero.

The President has zero dollars. And, to me, that is not the way it should be.

So I would just say, as I conclude, that, first of all, I did not send any political message. Some would say that it is a political message, because once you mention Israel in this Chamber, that is a political message. I am a strong supporter of Israel, but believe me it was not a political message. It was not a message to any country, any one country—Israel or Greece or Turkey or the Philippines. I offered the proposal to start the debate. Senator MOYNIHAN started the debate in another area. I hoped to start a debate in this area. It's a fact: We have too many foreign aid needs and not enough foreign aid resources. And, like any other program, when we cut domestic programs, we go back and review domestic programs. We ought to go back and review foreign aid programs and ask some questions of these countries and make certain that the money we give in economic aid and military aid is being spent for appropriate purposes.

So, if someone is looking for veiled messages or secret codes or hidden motives, I would just say, look at my record; and then look somewhere other than this proposal. It is what it is, and I hope it will be considered and evaluated and judged on that basis.

We do live in a new world. It just seems to me that congressional appropriators have all kinds of demands and never enough money. We could always spend more, no doubt, some of our friends probably deserve more. But our till is empty.

So the debate is underway. I have been encouraged by statements I have heard from Congressman HAMILTON on the House side and in certain publications that indicate we must have a debate. I have discussed this issue with the majority leader, Senator MITCHELL, and with Secretary Baker. I know Secretary Baker has discussed it with the Speaker on the House side and with Congressman MICHEL and will be discussing it with others. I just hope the debate will go forward and that all of my House and Senate colleagues will come on in. The water gets a little warm sometimes, but otherwise it is fine.

CUTS IN SOCIAL SECURITY TAXES

Mr. SHELBY. Mr. President, I rise today to oppose legislation that would roll back the Social Security tax increase that went into effect this year.

On December 29, the distinguished senior Senator from New York announced his intention to introduce legislation that would cut Social Security taxes by $55 billion in 1991 alone. While I commend Senator MOYNIHAN for bringing this issue to the forefront of Congress, I must oppose his proposal.

The Social Security Program is perhaps the Nation's most important social program. Since its inception nearly 54 years ago, 39 million people have come to rely on monthly Social

Security benefits. Over 130 million individuals are now paying into the Social Security System with justifiable expectations of a reasonable return for that investment during their retirement years.

I have consistently opposed legislation that could result in the reduction of these hard earned benefits. I am compelled to do so again.

Some of the Nation's leading economists, respected on both sides of the aisle, have warned that any move to cut Social Security taxes could: Lead to an increase in interest rates and further damage the economy; result in later tax increases; and possibly lead to a reduction in Social Security benefits.

None of these consequences is acceptable.

Over the past 7 years, the Social Security system has been accumulating substantial reserves to protect future beneficiaries. Yes, the tax has increased, but benefits have kept pace with these increases. Since 1978, the maximum retirement benefit at age 65 has more than doubled.

Many of my colleagues will remember that prior to the passage of the Social Security Amendments of 1977 the Social Security trust was facing eminent bankruptcy. Congress enacted legislation to take care of the short-term crisis. Public Law 95-216 was heralded as a measure that would take the trust safely through the nineties.

In subsequent years, the Nation's economy was in turmoil. We were faced with record inflation and a second oil crisis. Once again, Social Security was in trouble. In 1983, Congress was compelled to act again to preserve Social Security. Public Law 98-21, the Social Security Amendments of 1983, laid the ground work to rebuild Social Security reserves.

A report compiled by the General Accounting Office [GAO] at the request of Senator MOYNIHAN, points out the sensitive nature of the Social Security trust in relationship to the state of the economy. The GAO reminds us that an unforeseen, serious recession can cause the balance of the trust to fall rapidly, while a boom can cause reserves to accumulate rapidly. This is a point that is all too evident in light of the state of the economy and the Social Security trust between the years of 1977 and 1983.

Experts have agreed that a reasonable reserve for any unforseen economic crisis would be a balance within the range of 100 to 150 percent of annual expenditures. Under current law, the Social Security reserves are projected to reach $500 billion in 1993 and $12 trillion by 2030. While we have begun the process of building these reserves, we are currently only at a balance of approximately 77 percent of annual expenditures. Consequently, I believe that Congress must continue to move cautiously to insure the well-being and future security of generations to come.

A roll back in Social Security taxes would bring about a drastic reduction in surplus funds. While I share the concerns of a great many of my colleagues regarding the factoring of the Social Security trust fund surplus into the calculation of the Federal budget deficit, I do not believe that doing away with the surplus funds now being paid into the Social Security trust is the most prudent way to confront this issue.

Legislation has already been introduced in the last session of Congress that would prohibit the annual Social Security trust fund surplus from being factored into the calculation of the budget deficit. I joined as a cosponsor of S. 401, the Social Security Preservation Act, introduced by my distinguished colleague, Senator ERNEST (FRITZ) HOLLINGS.

S. 401 would be a bold step in unmasking and exposing the full scale of the Federal deficit. Borrowing from the Social Security trust fund surplus to mask the true size and depth of our Federal deficit is a grave deception of the American people.

Yes, we must move toward truth in budgeting. Yes, we must protect the interests of both present and future Social Security beneficiaries. However, we must carefully evaluate the means through which we seek to accomplish these goals.

THE AIDS COVERUP

Mr. HELMS. Mr. President, the January 22 edition of Time magazine included a most enlightening report, "The AIDS Political Machine," in which Time describes the activities of a well-oiled special interest lobby which has distorted the statistics of the public health apparatus of the U.S. Government.

It is important that an objective assessment be made of the question raised by the magazine: Have AIDS activists distorted the national medical response to the disease? It is essential that all of us review the following facts and decide for ourselves whether the militant AIDS lobby has not in fact skewed the national health care agenda to the detriment of millions of other critically ill Americans who do not have, nor will ever, have AIDS.

Mr. President, the Centers for Disease Control will shortly announce that the number of Americans infected with the AIDS virus is far below the alarming numbers projected in the middle 1980's. In fact the predicted—circa 1986—1.5 million infections may turn out to as low as 650,000. Despite the dire warnings, there has been no AIDS outbreak in the heterosexual community.

Federal AIDS funding is now at $1.6 billion per year. Compare that with the $600 million allocated for heart disease—which kills millions. There are 4 million Americans with Alzheimer's disease. Each one will die a distressing death, yet Alzheimers funding is a mere drop in the bucket compared to AIDS. Cancer kills half a million people each year, but cancer research is shortchanged in the headlong flight to appease the AIDS lobby.

The dollar figures used for AIDS research represent more than excessive Federal attention to the disease. Slowly but surely money and talent are being diverted from other projects to AIDS research. Because AIDS research is so singularly focused, chances for spinoff medical discoveries are remote. As Doctor David Korn, dean of the Stanford Medical School, told Time, "* * * target money too narrowly, you exclude other areas that may prove very fruitful."

Mr. President, the AIDS lobby has forced Government to do away with proven public health measures which have successfully controlled deadly diseases in the past. Activists demand quick Federal funding, and approval of untried miracle cures, thereby leaving the door open for quacks and snake oil salesmen. Approval of AZT was rammed through the FDA system in less than 4 months. James Todd of the American Medical Association noted that "penicillin couldn't get through that fast." (The average drug approval time is more than 2 years.)

Mr. President, I have yet to mention the political agenda which keeps the AIDS machine rolling along consuming dollars and traditional values as it goes.

AIDS is on the way to becoming a legal handicap for discrimination purposes. The Americans With Disabilities Act, which passed the Senate in September, extends civil rights protections to HIV carriers even though upwards of 90 percent of them caught the disease through unlawful conduct and warped "life styles."

Homosexual activists hailed the passage of the Americans With Disabilities Act. We may shortly see the Hate Crimes Statistics Act, which leaders of the radical homosexual left proclaim as the most important step toward including "sexual orientation" in the Civil Rights Act.

Mr. President, compassionate Americans have seen their Government make concession after concession to the AIDS lobby, and to the homosexual movement which supports it. What originally began as a response to a public health emergency has become a battle for the transformation of the American value system. I doubt that many look with favor upon that.

COMMENDING FRANK YOUNG

Mr. HATCH. Mr. President, last month, the leadership at the Food and Drug Administration underwent dramatic change. After serving as FDA Commissioner for the last 5 years—longer than any Commissioner since Dr. George Larrick, who served in the post from 1954 to 1966—Dr. Frank E. Young has been appointed by Secretary Sullivan to the new post of HHS Deputy Assistant Secretary for Health, Science, and the Environment.

Dr. Young's departure from the FDA marks the end of an important chapter in the agency's history. As we move into a new decade and reflect back on the 1980's, several key tests of integrity and leadership stand out.

Our health care system was called upon to deal with one of the most daunting epidemics that has plagued mankind—AIDS. Treating those afflicted with this terrible disease, curbing its spread, and engaging in a massive program of research to find a cure became one of the highest priorities for health leaders in this country and around the world.

Waging this battle has required innovative leadership, compassion, and a strong will. Extraordinary measures have been necessary to combat this menacing and vexing problem. Since becoming FDA Commissioner in mid-1984, Dr. Young has been a constant force on the front lines. For example, Dr. Young paved the way for an accelerated drug review process that provided needed relief for tens of thousands of AIDS patients through the approval of major new therapies such as AZT. This special program has also yielded approvals for a number of investigational new drugs for AIDS treatment in record-breaking time.

As important as the AIDS problem is, it was far from the only issue on Commissioner Young's agenda. It was Dr. Young who provided the impetus for streamlining FDA's internal review processes by which investigational new drugs are approved for use in treating patients with debilitating diseases, such as cancer and Alzheimer's disease, and to implement another plan for reducing the time required for human testing of life-sustaining drugs. This latter initiative reduced the average approval time from 7.5 years to 4.2 years without undermining the scientific integrity of the process or diminishing product safety and effectiveness.

This new wave of efficiency in product reviews carried over to the area of biotechnology where Dr. Young led the FDA team to approve over a dozen therapeutics and vaccines in less than half the usual time. Among these were milestone drugs for treating lethal leukemia, fighting the rejection of kidney transplants, and dissolving blood clots in heart attack victims.

During his watch, the FDA also eliminated overdue medical device applications awaiting product review and established clearer procedures for processing new submissions from the device industry. This resulted in the approval of an impressive array of medical products, many of the cutting edge of technology, such as the total artificial heart, an implantable heart defibrillator, lithotripsy machines to noninvasively destroy kidney stones, and laser angioplasty devices.

In the area of prevention, Dr. Young led the fight for greater truth in food adverstising and for ingredient labeling to assist health conscious consumers to control their diet. In addition, Dr. Young authorized the ban on the use of sulfides in salad bars and required the disclosure of sulfide use in substances through product labeling. At the same time, Commissioner Young was a forceful advocate for change in how the FDA regulates food products that contain trace amounts of additives that have been scientifically shown to pose insignificant risks to human health.

During his time at FDA, Dr. Young also faced serious national emergencies. Among these were the 1986 Tylenol tamperings, which posed a grave threat to American consumers. Dr. Young and the FDA moved rapidly and effectively to ameliorate this problem and, in the wake of the incidents, secured the cooperation of the food and drug industries to undertake vigorous tamper resistant packaging efforts. FDA's quick and decisive action helped save American consumers from the "cries of confidence" that could have easily been the outcome of this heinous act of tampering with medications.

Dr. Young also led the crackdown on the generic drugs industry to root out wrongdoing and to shore up public confidence in these low-cost products by ensuring the safety and quality of generic drugs now in use. Although this unfortunate episode occurred during Dr. Young's tenure, it should not tarnish the major remedial actions that have been taken to fortify the generic drugs program as a result of his personal intervention. Nor should it overshadow his overall record of achievement as Commissioner.

I have remarked many times in this body that FDA is a preeminent institution in consumer protection, yet it is forced to function under conditions that are far from optimal. As I said last April in introducing S. 845, a bill to revitalize the FDA, the agency must have adequate financial and human resources in order to meet both current and future demands. Creating incentives to enhance the recruitment and retention of high caliber scientists and regulatory professionals is a prerequisite to an effective FDA. Consolidating and upgrading FDA's facilities, particularly its laboratories, is essential to the coordination of the agency's broad-ranging activities. FDA has historically been underfunded and that problem, too, requires serious and prompt attention. These are all goals that Dr. Young believed in and worked hard to bring to fruition.

Mr. President, by any standard measure, Dr. Young has distinguished himself as a national health leader and as someone who cares deeply about the future welfare of an agency that regulates products which account for 25 percent of consumer goods in this country. The Nation is indebted to him for his service to the public health and to the betterment of American society. I thank him and wish him well in his new assignment, where I know he will serve Secretary Sullivan, President Bush, and all American consumers with equal distinction.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,775th day that Terry Anderson has been held in captivity in Beirut.

CHINESE STUDENTS EMERGENCY IMMIGRATION ACT

Mr. PRESSLER. Mr. President, I have the greatest regard for President Bush and the outstanding leadership he is providing. Thus it pains me to say I shall vote against his position regarding the China students immigration legislation. It seems to me that we are voting on a fundamental human rights issue in this case. The memories of the Tiananmen Square Massacre in China, the continuing cruel repression of disent there, and the pleas of the Chinese students who might be forced to return to China are such that I think the President has made one of his rare mistakes with this veto.

During this time of peaceful progress toward greater freedom and democracy in Eastern Europe, the continuing represssion of liberty in China is a painful reminder that the pursuit of freedom sometimes imposes heavy costs on those who lead the way. We should not, however, reward those who exact that cost.

Rightly or wrongly, the Government of the People's Republic of China would interpret enactment of this legislation as a signal that the United States Government is willing to look the other way whenever Beijing officials resort to massacre and imprisonment to silence peaceful demonstrations. We should not send such a signal. That would destroy aspirations for freedom, not only in China, but also in other authoritarian nations.

If the Chinese Government truly wishes to restore normal relations

with the United States, it can do so by releasing political prisoners and demonstrating greater respect for human rights. Official Chinese threats to suspend educational and cultural exchanges with our Nation unless the veto of this bill is sustained should be rejected. The act of overriding this veto is a statement that the American people care more about expanding respect for human rights than doing business as usual with a regime that has not been elected by the people and that does not tolerate peaceful criticism.

I share most of President Bush's foreign policy objectives, and, as I said earlier, I regret opposing him on this issue. However, I believe that the President was poorly advised in this case. President Bush should be applauded for trying so hard to compensate for this veto through his directives to the Immigration and Naturalization Service to allow waivers of current requirements affecting Chinese students. Unfortunately, portions of the directives appear to be in conflict with existing law. The bill as passed by Congress is not similarly handicapped. The bill provides stronger protection for Chinese students who have a legitimate fear of persecution if they were forced to return to China in the current circumstances.

President Bush is keenly aware of the importance of China to United States interests. He has struggled hard to find an acceptable formula that might lift United States-China relations to a higher plateau. The President has made a good effort, in other words, to direct those relations toward more positive areas. I believe that has been his intention and commend him for it.

Another area of concern with this veto relates to the Armstrong provision in the bill, authored by our distinguished colleague Senator ARMSTRONG of Colorado. That provision permits granting refugee or asylee status to Chinese who flee coerced abortions or forced sterilizations. The sad fact is that such practices do occur in China. Under current law, people fleeing from China for these reasons have great difficulty in trying to enter the United States as refugees, or seek to asylum here. H.R. 2712, with the Armstrong provision, would make clear that those people could enter the United States as refugees or asylees. If the veto of this bill is upheld, we would remain under current law, which does not reach out to Chinese fleeing forced sterilization and abortion in their homeland.

For the reasons I have stated, Mr. President, I shall vote to override the veto of H.R. 2712, the Emergency Chinese Adjustment of Status Facilitation Act.

CYPRUS VISITORS

Mr. PRESSLER. Mr. President, I rise today to extend a warm welcome to an official parliamentary delegation from the Republic of Cyprus. The delegation is led by the distinguished President of the Cypriot Parliament, Dr. Vassos Lyssarides. Joining Dr. Lyssarides in this visit to Washington are Mr. Dinos Constantinou, the chairman of the House Standing Committee on Financial and Budgetary Affairs; Mr. Alexis Galanos, chairman of the House Standing Committee on Foreign Affairs; Mr. Takis Hadijdemitriou, chairman of the House Standing Committee on Defense Affairs; and Mr. Yiannakis Matsis, chairman of the House Standing Committee on Development Plans and Public Expenditure Control. These representatives of the Cypriot people have come to Washington to discuss the division of their country.

Cyprus has remained a divided nation since the brutal Turkish invasion in 1974. Today, some 15 years since the invasion, Turkey continues to foster this division. Thirty-five thousand Turkish troops illegally occupy Cyprus. Despite numerous calls by the international community for the removal of its troops. Turkey has made no effort to do so.

Furthermore, Turkey has fostered the division by attempting to destroy the demographics of the country. This has taken place through the colonization of the occupied zone with Turkish settlers. It is estimated that 65,000 Turkish citizens are living in homes formerly owned by Greek-Cypriots who were forced to flee during the invasion. At present, the threat of further colonization remains. Last June, Turkish Cypriot leader Rauf Denktash threatened to settle Turkish refugees from Bulgaria on Cyprus.

Recent efforts by the U.N. Secretary General to resolve the conflict have been thwarted by Mr. Rauf Denktash. For example, in July of 1989, the Secretary General set forth a set of ideas as food for thought for the two sides to discuss. Mr. Denktash, wrongly claiming that the United Nations lacked authority to present the food for thought document, walked away from the negotiating table and has not returned. Since that time, the Secretary General has worked diligently to bring the two sides together. Most recently he invited President Vassiliou and Mr. Denktash to meet in New York on February 12 for 2 weeks of intensive meetings in order to address and settle their differences. Again, Mr. Denktash, without sufficient reason, has declined the invitation to continue talks.

Mr. President, it has become more and more obvious to this Senator that Mr. Denktash is uninterested in resolving this problem. In contrast to Mr. Denktash, President Vassiliou has on numerous occasions shown his sincere desire to negotiate in good faith, and I know if given the opportunity, he would favorably resolve the conflict for all the parties on Cyprus. In addition to the President, newly appointed Ambassador Michael E. Sherifis, like the very able former Ambassador Andrew J. Jacovides, remains dedicated to educating the United States on his nation's plight. His interest in resolving the conflict is genuine. I encourage our distinguished colleagues to meet with him and show that we too are concerned about the predicament on Cyprus.

The Berlin Wall has been torn down, yet the green line remains on Cyprus. I urge our colleagues to hear what our distinguished visitors from Cyprus have to say, and help them end the tragic partition of their island nation.

DEATH OF JOHN HARTY

Mr. SARBANES. Mr. President, with the untimely death earlier this month of Mr. John Harty, the State of Maryland and indeed the entire Nation lost an extraordinarily able and caring public servant. Mr. John Harty, or "Jack" as he was known to his family and friends, was a senior international affairs specialist with the Food and Drug Administration.

While Mr. Harty was on an assignment in Chile, the plane carrying him, an FDA field investigator and two Chilean officials crashed in the mountains north of Santiago. All four passengers and the pilot died in the crash. Mr. Harty was there at the request of the Chilean Government to observe the steps taken by Chilean fruit processors to safeguard their exports of fresh fruit products.

Last year, you will recall, the FDA embargoed the entry of Chilean produced fruit into the United States after detection of cyanide in several grapes. After extensive product testing by FDA laboratories, the embargo was lifted and the flow of Chilean fruits to United States markets was resumed. In light of the adverse impacts of this regrettable incident, our Government joined with the Republic of Chile to create a working plan designed to allow prompt action on problems arising from suspected chemical contamination of fruit products.

In keeping with this cooperative agreement, Mr. Harty and his colleague volunteered to return to Chile to tour that country's fruit growing districts and confirm that the preventive measures had been carried out.

I think that every Senator would agree with me that the FDA is a preeminent force in consumer protection, whose stature is well know all over the world. Its international prominence and public support here in the United States is due in large measure to the

competence and sacrifice of the over 7,500 men and women who make up this agency. The work of Mr. Harty, which spanned more than a quarter of a century, ended with the supreme sacrifice. Jack Harty will be remembered as a dedicated public servant and as a deeply admired and respected family man and friend.

This Nation is better for him and for his service, as well as for the contributions of his fallen colleague. We are indebted to them both and mourn their passing.

GOV. L. DOUGLAS WILDER'S INAUGURAL ADDRESS

Mr. WARNER. Mr. President, it was my profound pleasure to be among the guests invited to the inauguration of L. Douglas Wilder as Governor of the Commonwealth of Virginia on Saturday, January 13.

That gathering was, indeed a historic occasion in the history of my State in The History of the American political system. All who attended the ceremony were moved by Governor Wilder's remarks.

I was particularly impressed by the Governor's pledge to demonstrate during the next 4 years that he will be beholden to but one special interest: The welfare of Virginians, all Virginians.

I wish Governor Wilder success during his tenure. For, as I told him that day, to the extent he succeeds, all Virginians succeed.

Mr. President, it is my pleasure to ask unanimous consent that the text of Governor Wilder's excellent inaugural address be printed in the RECORD at the conclusion of Senator ROBB'S remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. ROBB. Mr. President, it is with a great deal of pleasure that I join with my distinguished senior colleague, Senator WARNER, in asking that the remarks of Virginia's new Governor on the occasion of his inauguration be included in the RECORD.

January 13, 1990, was a great day for the Commonwealth of Virginia and for the Nation. Much has been made of the historic aspect of the event, and to be sure that day marks an important milestone in this Nation's progress. But I see the election of Lawrence Douglas Wilder as the 66th Governor of Virginia as the natural and logical extension of Thomas Jefferson's notion of an aristocracy of merit, as Virginians proved once again that we look to the most qualified, most experienced individual to lead us.

Senator WARNER and I were present as Governor Wilder delivered his inaugural address. We commend it to you for its reflection of the sweep of history which led to the particular moment and its appreciation of the challenges that Virginia and the Nation face as the 20th century comes to a close. I am happy to join with Senator WARNER in asking that it be reprinted in the RECORD.

EXHIBIT NO. 1

TEXT OF GOVERNOR WILDER'S INAUGURAL ADDRESS DELIVERED AT THE CAPITOL

(Following is the text of Gov. L. Douglas Wilder's inaugural address)

Mr. Justice Powell, Mr. Justice Carrico, to the lieutenant governor, to the attorney general, members of the General Assembly, distinguished guests, family and friends, and my fellow Viginians, we gather here today for what is both a culmination and a continuation of the democratic process.

Four years ago, I stood on this spot to assume the second highest office in the commonwealth. Today, because of your faith in our efforts, I stand before you as chief executive of this state. And now—in keeping with the sanctioned privilege extended to all governors—it is my honor to address the people of this commonwealth, and to express to my fellow citizens the profound gratitude and deep sense of purpose that I feel in fulfilling your expectations.

Candor and honesty would have me admit to you that I was not blessed with the foresight to know that this moment was in the offing when I stood here in 1985. Having been tested in the political crucible of trial and cross-examination, I have been rendered a verdict by having had delivered unto me the greatest outpouring of votes ever accorded any candidate for this great office. For that, I shall be eternally grateful. And—be assured—I shall demonstrate that gratitude during the next four years by being a governor who will be beholden to but one special interest: the welfare of Virginians, all Virginians.

"THE BEST OF MY ABILITIES"

But my gratitude is not of such recent origin. It is said "To whom much is given, much shall be expected." I will be the first to admit that I have been the beneficiary of much through no endeavors of my own. While I have indeed worked hard and performed to the best of my abilities, I have also had a few breaks along the way.

Indeed in every walk—in every period of my life—there have been many more deserving and justly entitled to the fruits that wholesome opportunities present. And yet, for many, those chances never came and the bell of fulfillment never tolled for them. Providence indeed has directed my course. And I shall remain ever mindful of my good fortune.

In recent years, Virginia too has been blessed with good fortune. The progress and the prosperity we have enjoyed during this period has enabled us to reclaim the respected achievements of times past.

In looking to our accomplishments in education, economic development, the environment, employment, housing or transportation, we find that Virginia ranks among those states in the vanguard of forward looking movement. Not surprisingly, the ensuing pride in seeing our state climb in rank among our sister states in the nation and in preeminence among the Southern states, cause Virginians everywhere to feel good about our cause, our mission, and our success in forging Virginia's New Mainstream.

COMMITMENT TO LOOK AHEAD

That commitment to looking ahead and not behind—of building rather than destroying; of bringing people together rather than pitting them against each other—also calls for me to address you with measured sobriety in facing conditions in the commonwealth today, and I will comment further in that regard when I address the General Assembly on Monday.

But for this moment, let me assure you that I do not intend to participate in bringing to a halt the momentum to which people of Virginia have grown accustomed, supported and enjoyed.

Cicero in parting observation, noted that, "A commonwealth is not any collection of human beings . . . but an assembly of people joined in agreement on justice and partnership for the common good, and a community where civility must reign and all must live peacefully together." And we know what happened to Cicero's Rome which could not pass on the heritage of its past to the people of its future. But we have done so; we can do so. And we shall do so.

There are times when the people of our state and of our country can feel the resurgence of the dominance of the individual spirit which proves daily to be unconquerable. Whirlwinds of rebellion shake all shores where tyranny once ruled, and we are redeemed in our deeply held and treasured beliefs in the development of the high possibility of every individual who breathes the sweetness of liberty's air.

At this time—and in the place where so many great names in American history have trod—we renew this celebration of freedom in the full and certain knowledge that with it comes great responsibility.

Without question, much tighter economic times which loom in the days ahead will test to the fullest our ability to make hard decisions, to lead, and to govern.

INCREASED FREEDOM

But progress will be possible.

Opportunity can be expanded.

Freedom can be increased.

Resources employed in the past for the finer things in life can be—and will have to be—deployed for the more serious of our needs.

For we know that freedom is but a word for the man or woman who needs and cannot find a job.

Freedom—as it has been written—is a dream deferred when it "Dries up like a raisin in the sun, and stinks like rotten meat."

Freedom is meaningless when a woman's right to choose is regulated outside the dictates of her own faith and conscience.

Freedom is impotent when there is intolerance to those who hold moral and political beliefs different from our own.

Freedom is restricted when labor and management cannot reach agreements.

Freedom is impossible for the uneducated who try to live in today's complex world.

Freedom is restrained for business and industry when our network of transportation is allowed to deteriorate.

Freedom for the police is denied when their resources are unduly limited.

Freedom for the people is assaulted when lawful authority is abused.

Freedom for the next generation is mortgaged when we destroy our environment.

And—as has been proven throughout recorded history—freedom is nowhere to be found when the people are overtaxed and overregulated.

As we salute the idea of freedom today, let us pledge to extend that same freedom to others tomorrow.

Let us fulfill the perfect promise of freedom and liberty left as a legacy for us by those who found this commonwealth.

And let us likewise be thankful that—while our country gave birth to a freedom long denied and delayed for all who loved freedom—the belief in these dreams held by those forebears was passed from generation to generation, and spawned the seeds that propagated the will and the desire to achieve.

We are on hallowed ground today, and the steps we take from this place must be steps of honor. The words we issue must be words of wisdom. The laws we passed must be laws of mercy and justice. And the faith we possess must be true to the Almighty.

In meeting these challenges—and they will be difficult—I ask your help and that of God. I do not shrink from the enormity of the task. In 6 million Virginians, there is endless courage and enormous strength—in the coming years, we will need it all.

As we all know, as complexities of human relationships increase, the power to govern them also increases. The proper use of that power must always be subordinated to the public good and that shall be uppermost in the hearts and minds of those to whom those powers are justly delegated by the people.

DESTINIES NOT FULFILLED

We shall not pause; we shall not rest upon laurels. For we have not fulfilled our destinies.

In the coming years, we must persist and make every citizen of our commonwealth the subject of our interest and concern. We must insist that every agency of our government utilize every proper and effective instrument to carry out the will of the people—for, as with any democracy . . . the will of the people is supreme.

An administration can only be effective when it works for the people . . . all of the people. Our prosperity can continue only if our leaders and private citizens alike stay constantly advised of all of the relevant facts.

In turn, we can expect to receive your support—as well as your constructive criticism—when you receive true information from those of us who serve as your trustees.

I am undaunted by that which lies ahead, as we have shown at other points in our history what we can accomplish when we fearlessly face the future. We have—and we shall—shun the defects of destruction, and shall work to achieve the highest degree of improvement in our status of which we are capable.

We have a common concern, and we share the responsibility. I see a Virginia of hope and happiness, of mothers and fathers building nurturing families in those hearthstones where the cradle of childhood is rocked with wholesome expectations for the future—a future in which an education is within intellectual and financial reach; a future in which adequate and affordable housing is possible; a future in which nothing is impossible.

I see a place where crime is not only reduced and our streets and neighborhoods are safe, but the root causes thereof—illiteracy, poverty, joblessness—are stamped out.

SHELTER FOR HOMELESS

I see a Virginia where the homeless can find shelter, where hunger cannot and does not stalk those unable to fend for themselves.

We must set priorities in the coming years.

Specifically, we must be partners in working toward a revived economy—a healthy and thriving economy that provides equal opportunity for all Virginians. While the flow may have slowed, Virginia's New Mainstream is far from drying up. It shall be the task of this administration to ensure that a rising tide of prosperity and opportunity is possible in the future.

Some describe conditions in our commonwealth today in dismal terms. And yet, one must question the resolve and the reserve of those who are not called upon to make sacrifices greater than those who have preceded us.

Despite our economic slowdown, we are living in the best of times. And they can be even better. And they will be better.

If you will forgive me . . . a moment of nostalgia . . .

We mark today not a victory of party or the accomplishments of an individual, but the triumph of an idea—an idea as old as America; as old as the God who looks out for us all.

It is the ideal expressed so eloquently from this great commonwealth by those who gave shape to the greatest nation even known . . . Jefferson, Madison, Mason and their able colleagues.

The idea . . . that all men and women are created equal;

That they are endowed by their Creator with certain inalienable rights;

The right to life, liberty and the pursuit of happiness.

The idea that shows forth in the concepts of freedom and opportunity—not only in Virginia—but more recently in the fresh, new winds of Eastern Europe and the tumult of Panama.

If these words about freedom are to be heard at all today, I hope they will be heard by the young people of this commonwealth. I want them to know:

That oppression can be lifted;

That discrimination can be eliminated;

That poverty need not be binding;

That disability can be overcome.

And that offer of opportunity in a free society carries with it the requirement of hard work, the rejection of drugs and other false highs, and a willingness to work with others whatever their color or national origin.

We have come far, but we have far to go.

We have done much, but we have much to do.

I ask for your energy; for your understanding; for your dedication; for your patience; and—yes—for your prayers.

Four years ago, I said to the people of Virginia that I was proud to be a Virginian. I did not think then that my pride could possibly be greater. And—in theory—it isn't.

But in reality, that pride does burst forth, and lifts my voice and my spirit to proclaim, "I am a son of Virginia."

I thank you all. And may God be ever with us.

THE PRESENTATION BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF GEN. COLIN POWELL OF THE UNITED STATES POSITION AT THE SEMINAR ON MILITARY DOCTRINE IN VIENNA, AUSTRIA, ON JANUARY 16, 1990

Mr. WARNER. Mr. President, as the Senate convenes today here in Washington to begin the 2d session of the 101st Congress, there is ongoing in Vienna, Austria, a ground breaking, and perhaps revolutionary, seminar on military doctrine being conducted within the framework of the negotiations on confidence and security-building measures as part of the conference on security and cooperation in Europe.

Mr. President, this seminar on military doctrine brings together for the first time the senior military leaders of the 35 nations participating in the negotiations on confidence and security-building measures to present, discuss, and question the overall military strategy and doctrine of each of those nations. To my knowledge, never before has there been such an opportunity for this type of high-level, detailed exchange of views about the military strategy and doctrines of this large a group of nations. These presentations and discussions will last for 3 weeks, covering the period of January 16 through February 5, 1990. These discussions should lead to a greater appreciation and understanding of the military capabilities and intentions of the participating nations.

The United States was afforded the honor of making the initial presentation of its military doctrine when the seminar convened last Tuesday morning, January 16, 1990. The Chairman of our Joint Chiefs of Staff, Gen. Colin Powell, delivered the opening U.S. presentation.

Mr. President, I urge each of my colleagues to read the statement of General Powell. It is an eloquent presentation of the appropriate role of U.S. military force within the broader context of the peaceful, democratic ideals of our Nation. I am especially impressed by the fact that no other nation in the world can lay claim to the same historical and constitutional underpinnings for their armed forces as were cited by General Powell. Specifically, General Powell noted that each member of our Armed Forces is required to pledge his sacred honor to the Constitution of the United States—not to a man and not to a government, but to the ideals expressed in our Constitution.

Mr. President, I commend General Powell for his presentation before the Seminar on Military Doctrine in Vienna. The United States has a right to be proud of the role its Armed Forces have played in our history and will continue to play in our future. That role as defender, not aggressor, and peacekeeper, not war maker, is one to which the military forces of all nations should aspire.

Mr. President, I ask unanimous consent that the full presentation made by General Powell be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD as follows:

CSBM MILITARY DOCTRINE SEMINAR PRESENTATION BY GEN. COLIN L. POWELL, CHAIRMAN, JOINT CHIEFS OF STAFF

As I begin my remarks today. I am struck by the historic events which have made possible this unprecedented gathering. On this date six years ago, representatives from the 35 CSCE member States gathered in Stockholm for the CDE Conference. That Conference came at a time of deep division between East and West. Glasnost and Perestroika had not yet emerged in the Soviet Union. Arms control negotiations had come to a standstill. There was tension in the world, and it was difficult to find cause for hope.

How far we have come since that date: A CDE agreement, a historic INF treaty, broad arms reduction negotiations, East-West summitry, and epochal changes taking place in Eastern Europe and the Soviet Union. The world is full of hope and promise as we begin the last decade of a turbulent century.

I am struck as well by the setting for our seminar. This palace is forever linked in the annals of history with one of the greatest of conferences: The Congress of Vienna. Those who attended that conference nearly two centuries ago were intent on imposing stability in Europe. Our task today is different: It is to help shape a new order in Europe; one that responds to the desires of our citizens to live in peace, security and freedom. So this must not be a routine conference. We must educate each other. We must break down walls and build bridges. We must talk straight and be candid. This is a seminar for work and not just words. As the senior military officers of our respective countries, we are duty bound to contribute to the historic process unfolding today across this continent.

THE CONSTITUTION

Let me begin by sharing with you an event that occurred when I was commissioned into the Army as a second lieutenant. At that time I was required to take an oath to support and defend the Constitution of the United States. The U.S. Constitution is a remarkable document—and a demanding one for those of us who choose to make our career in the military. We are required to pledge our sacred honor to a document that looks at the military, and in particular at my service—the Army—as a necessary, but undesirable institution useful in times of crisis; and to be watched carefully at all other times.

The authors of this document exacted this oath from me because they insisted that I and all soldiers understand that what we were to defend was not just land, or natural resources, or empire, or government, but an idea. An idea borne of the age of the enlightenment. What we were pledged to defend were the rights of men in a system ruled by law. When called upon, our "citizen army" had to remain true to this oath even during the gravest of crises.

During the debates over our Constitution, one of our Founding Fathers, James Madison, defined the strength of the United States as emanating from the people, united behind their Government. He wrote, "America, united with a handful of troops, or without a single soldier, exhibits a more forbidding posture to foreign ambition, than America disunited, with a hundred thousand veterans ready for combat." Indeed, so strong was the sentiment against maintaining a "standing army" that one of the authors of the Constitution recommended a limit of 2,000 troops. George Washington responded, "An excellent idea—if only we can convince our collected enemies to maintain no more than an equivalent amount."

Our Constitution gave Congress the right to declare war and to "raise and support armies," but prohibited the Congress from appropriating funds for the Army for more than two years at a time. Reflecting the fact that the United States is a maritime nation dependent on the seas for security and commerce, the Constitution granted Congress the right to provide for and to maintain navies, but to raise armies only when needed. The Constitution made the President Commander in Chief of the Armed Forces. But his power would not match those of his contemporaries abroad.

Above all, the Constitution was the embodiment of the will of the people. Its essence is captured in its first three words, "We the People." Having vested power in the Government, the Constitution vested final authority—the essence of accountability—in the people. Policies may be reversed, elected officials may come and go, but the Constitution—the law of the land, the will of the people—is permanent.

AMERICA IN THE TWENTIETH CENTURY

My purpose in tracing this seeming ambivalence in our Constitution toward the ends and means of military force is to underscore two fundamental points with respect to United States military doctrine. First, from the very birth of our Republic our national bias has been against large standing armies. Indeed, they are seen as an aberration, contrary to the spirit of democratic government. Second, the American people have insisted that when we do have to raise armies, their posture must be defensive, and the rationale for their size must be relentlessly examined so that their ranks can shrink at the first prudent opportunity. As I sit here today my Congress is at home in Washington thinking up ways to shrink our Army.

The discomfort we Americans have toward maintaining a military establishment was dramatically demonstrated in the aftermath of World War II. As President Truman said, "Once hostilities are over, Americans are . . . spontaneous and . . . headlong in their eagerness to return to civilian life. No people in history have been known to disengage themselves so quickly from the ways of war." Having fought total war, Americans yearned to return to total peace. So great was the demand for demobilization after World War II that six months after final victory, one-half of our twelve million men under arms had returned to civilian life; within a year, only three million remained on duty.

This desire to move to total peace is also reflected in the way Americans view their military leaders. Dwight Eisenhower, from Supreme Commander in Europe became a university president; is remembered for his two terms as President of the United States, for his willingness to reach out to the Soviet Union with ideas such as "Open Skies"—an idea which is finally coming to fruition—and for his warning to the American people to beware the dangers of the "military industrial complex." Douglas MacArthur, Supreme Commander in the Pacific, is remembered for planting the seeds of democracy in Japan. And George Marshall, organizer for war, is revered as an architect of peace. In war Americans support their generals, but they honor and remember them not for what they destroyed in wartime but for what they created in peace.

THE UNITED STATES MILITARY POSTURE IN THE POST-WAR PERIOD

I dwell on this historical prelude because it is essential to an understanding of American military doctrine in the post-World War II era. The wrenching realization forty years ago that peace was not to be had, that Europe lay victim to continued oppression and that war had come again in the Far East confronted the United States with a stark choice—to retreat again to our historic isolation or accept a global security role which ran against the grain of our democratic tradition. Having paid a bitter price several times in the 20th century for not being vigilant to threats to our national security, we resolved the issue in favor of accepting global responsibilities, and building the necessary forces to carry them out. Yet, in so doing, we developed four clear principles in meeting threats to our security in the post-War period.

First, we have structured our defense posture not for war, but to deter aggression. Deterrence, the cornerstone of our military strategy, is geared toward preventing an attack on the U.S. and on its allies.

Second, when we are challenged, we will respond—with force if necessary—to defend our citizens, our allies, our interests and our values. The "citizen army" will rise in anger and do its duty when called on. But its duty will be as it always has been: Response commensurate with the threat. Thus, we do not shrink from protecting our citizens by deposing tyrants such as Mr. Noriega and returning Panama to its people.

Third, we will honor our commitments to collective security, to partnership with nations who share our fundamental values. At the same time, we cannot expect our allies to entrust their security to our declaratory statements. Therefore, what we ask of them we ask of ourselves: To maintain forces that are capable and committed to defend the security of all alliance members.

Fourth, we will continue to adhere to the distinction as laid down in the Constitution between raising armies and maintaining navies. We are like an island astride two great oceans. To our east, our security commitments and economic well-being lie across the Atlantic; to our west our security commitments and economic well-being lie within the Pacific. You are all military officers, so what I will tell you is not novel: Naval forces can provide security to ourselves and to our allies. But there are two things navies cannot do: They cannot seize territory and they cannot, by themselves, win wars.

THE UNITED STATES ROLE IN NATO

Although the idea of collective security is global, it took root first in Europe. Yet, our first steps on the road to collective security did not come easy. The Truman administration did not seek the creation of the NATO alliance. We endorsed membership in NATO because we understood that nations come together for one of two purposes: Either common values or common threats. In the late 1940's we and our West European allies shared both.

In May of 1945 the guns fell silent across Europe. But the instruments of war were replaced by the instruments of coercion. Throughout the capitals of Eastern Europe the liberated became the occupied. And in those bleakest of times—of political subversion in Prague and military pressure in Berlin—European leaders stepped forward. Their backgrounds were diverse: Ernest Bevin, a union industrialist from Britain, Robert Schuman, a political economist from

France, Paul Henri Spaak, a lawyer from Belgium, and Halvard Lange, a history teacher from Norway. But their vision was the same: Collective security, to rid a war-ravaged Europe of the fear that two World Wars were but a prelude to another threat: One that could extinguish their liberties, their common heritage and their lives.

We could not turn our backs on the continent that had been the birthplace of the enlightenment ideals which infuse our Constitution—and our doctrine. And so we responded. We did not use Western Europe as a security shield; we extended a security shield over Western Europe. Western security was then—and remains now—indivisible.

NATO'S MILITARY POSTURE

If the soul of collective security is shared values, the body is shared risks and responsibilities. And here let me focus on how the United States, its principles and its military doctrine support collective security in Europe. There are six distinct tenets that frame the American role in NATO. Some are subsumed under the title of "doctrine." Others transcend purely military concepts and speak to the very essence of collective security.

What are these six tenets?

First, we consult. We do not impose our views or our military strategies on the alliance. Consultations are fundamental to the existence of NATO. Democracies by their very nature are quarrelsome. We argue, we debate; and our disagreements take place under the glare of public scrutiny. But in the end we emerge strengthened, not debilitated, by this open process. Moreover, this exchange guarantees the defensive character of our common cause. It is inconceivable that an alliance whose posture and purposes are subjected to such intense public scrutiny in sixteen democratic societies could ever undertake aggressive military action.

Second, the United States supports the notion of collective defense: To defend collectively against a threat so great as to overwhelm the defenses of individual States. That is why the American people accept the permanent stationing of our forces abroad despite the costs entailed. The first Chairman of the Joint Chiefs of Staff, General Omar Bradley, supported the return of American troops to Europe, so that as he said "There will be no chance for doubt of American interest in the defense rather than the liberation of Europe."

To this day, the central concern of our alliance remains the specter of confronting greatly superior forces armed, trained and suited for offensive ground operations. I hasten to add that we are enormously heartened by the declarations and initial evidence of an historic redefinition and restructuring of Warsaw Pact doctrine and forces to a defensive posture. The prospects posed for rapid advances in arms reductions, and indeed for a wholesale readdressal of European security arrangements, given renewed hope for finally settling the divisive legacy of the Second World War.

Third, the American commitment to NATO is based on forward defense. This NATO commitment to preserve territorial integrity at every potential point of attack is central to shared burdens and responsibilities. It also explains the NATO strategy of bringing force to bear on successive echelons of attacking forces, because NATO's disadvantage in crucial force ratios will not permit successful defense against unattrited waves of heavily armored forces. Under no circumstances, however, does this imply the alliance's intent to invade and seize territory. An alliance which under the best of circumstances still finds itself in the position of military inferiority, does not have the option to think in terms of offensive strategies. Offensive strategies are morally and politically untenable to the spirit and character of the NATO alliance.

Fourth, America remains committed to the strategy of flexible response. The very nature of flexible response is to provide a credible deterrent, and, failing that, to be able to halt hostilities quickly and restore the status quo. This requires a wide range of capabilities from conventional through nuclear.

More than twenty years ago NATO decided to incorporate nuclear weapons into its defense. At the same time all of us in NATO have worked to ensure that their numbers were commensurate with both alliance conventional capabilities and the climate of mutual security. Thus, happily, we have significantly reduced the numbers of nuclear weapons in NATO arsenals, both unilaterally and through negotiations, over the past several years. Finally, as agreed by our senior civilian leadership last May, we are prepared to enter into further negotiations to reduce nuclear weapons as soon as the promise of the CFE talks is achieved.

Fifth, American troops are not occupying forces. As President Bush has said, American troops will remain in Europe for as long as they are welcomed by the governments and publics of Western Europe, and as long as the collective judgement of the alliance decides that they continue to be needed.

Sixth, U.S. forces and interests do not dictate the military management of the alliance. We act as an alliance. Our soldiers train within the context of NATO. My first command 32 years ago was as a NATO lieutenant in charge of forty soldiers astride the Fulda Gap. Today, four of the eight combined commands within the NATO alliance are led by European officers. At the highest echelons, we have effectively integrated democratic political procedures and military decision making. Our staffs have come to think in common terms and develop common solutions to military issues. Most importantly, in the field, from senior commanders to the youngest soldiers, we train and exercise with the unity inspired by shared values and nobility of purpose.

We follow these six tenets because our allies believe in them and the American people support them. The roots of American defense policy run deep. For over two hundred years the American people have supported their military when there was a crisis necessitating a U.S. response. I stress the word, "response." Military power built around the notion of offense, of initiating conflict and seizing territory, is contrary to the laws, the spirit, and the tradition of America.

THE FUTURE

I spoke earlier of western values. In Malta, President Gorbachev stressed that these are universal values. He is right. We have never claimed them exclusively for ourselves.

Today we are witnessing significant changes in the Soviet Union and Eastern Europe; changes that can help increase the security of all the participating States in CSCE. We are heartened by the reductions and withdrawals of Warsaw Pact military forces that have taken place, as well as Soviet statements that policies of coercion—such as the Brezhnev doctrine—are relics of the past.

But there is more at work here in Europe than military reductions. President Gorbachev has spoken of democratization. The changes taking place in the Soviet Union are without precedent. Throughout Eastern Europe we see dramatic movement toward political pluralism. For the United States—as for any democracy—glasnost—public discussions and debates over military strategy and programs—is as important as perestroika. For through real glasnost, national security and military policies will no longer be the purview of the few, but the responsibility of the many.

Americans have demonstrated over the last forty years—indeed throughout their history—that they will respond to challenge. So too do Americans stand ready to seize opportunities. President Bush has committed the United States to move beyond containment. That is why we are negotiating conventional reductions in this city. That is why we are continuing—indeed accelerating—the trend toward lower defense expenditures and reduced force levels.

There is nothing sacrosanct about the number of American troops stationed in Europe. There is nothing carved in stone that says that military power in a divided Europe should remain as it has over the last four decades. The United States welcomes the changes all around us. We are hopeful that the process in which we are all engaged will lead to the day when the military demands on both European alliances are greatly diminished. Above all, we are hopeful that the dream of a peaceful community of democratic nations sharing universal values, a dream that has been kept alive in both East and West, will become a reality.

Both within and outside the CSCE process we are devoting our efforts toward reducing tensions, reducing military forces, eliminating barriers, and restoring confidence between States. Today, I know I share with each of you the sense that East and West have reached a common conclusion that the era of confrontation in Europe must end. The spirit of democracy is pervasive on this continent. Sharing in this vision, we can all work together to usher in a new era of European peace, security and freedom.

CONCLUSION

In the course of this seminar you will hear my colleagues go into greater depth on American policies and doctrine. Major General Robinson will describe in detail how we design our policies and force structure to achieve the national security objectives assigned to us by the American people. Assistant Secretary of Defense Chu will describe how we obtain funds for our defense forces from an expert, demanding, suspicious Congress performing its constitutional role. General Leland will outline how U.S. forces in Europe conduct their training in support of our collective security responsibilities.

At the end of our presentations I hope you will be convinced of the defensive nature of our doctrine. You will see that we are a superpower with worldwide responsibilities. You will see that our forces exist to protect our values, not to impose them. You will see that we are determined to pay whatever is necessary to preserve our freedom and the freedom of our friends. You will see that no nation committed to the ideals of this conference need fear the United States.

This is an historic meeting and much is expected of it. I look forward to hearing the presentations of my fellow chiefs of defense.

DITCHLEY CONFERENCE ON POLITICAL AND ECONOMIC REFUGEES

Mr. KENNEDY. Mr. President, some weeks ago the distinguished Ditchley Foundation of Britain sponsored a high-level conference at Ditchley Park outside of Oxford, England, to review the issue of political and economic refugees and the growing, worldwide problems of migration, asylum, and resettlement.

As a major immigrant and refugee receiving country, these are issues the United States has grappled with repeatedly. But we are not alone, and the problem is increasingly international in scope, affecting both developed and developing countries.

Refugees are on the move in every region of the world, and their most significant impact is largely on Third World nations who can least afford to bear the burdens they represent. And migration is not only from the less developed countries to the West—to Europe and the United States; illegal migration is a problem for developing countries as well.

How the international community responds to the differing character, and conflicting needs, of refugees and economic migrants, while still protecting political refugees, was the theme of the Ditchley conference. This past week, the conference rapporteur distributed an essay reflecting the discussions and conclusions of the conference, making some important observations as well as offering some very concrete recommendations.

Mr. President, the growing movement of people around the world—the plight of refugees, the needs of migrants, and the push-pull behind economic migrants—will be with the international community in increasing numbers in the years ahead. So, too, will the burdens they represent, and the questions of equity, fairness, and protection associated with this human tide.

For these reasons, I would like to share with my colleagues and readers of the RECORD, the essay on the Ditchley conference on political and economic refugees and therefore ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

POLITICAL AND ECONOMIC REFUGEES: PROBLEMS OF MIGRATION, ASYLUM AND RESETTLEMENT

(By R.J. Vincent)

(An essay on a Ditchley Foundations conference held at Ditchley Park, Oxfordshire, England on the weekend of October 13-15, 1989.)

I. INTRODUCTION

The Ditchley conference on refugees met as the movement of East Germans to the Federal Republic of Germany via the neighbouring countries was capturing the newspaper headlines. Shortly after the conference broke up we read in the same headlines of the resignation of the United Nations High Commissioner for Refugees and of the British proposal forcibly or, at all events mandatorily, to repatriate Vietnamese refugees encamped in Hong Kong. One of our conference themes, namely the extent to which the question of involuntary migration was one of the great issues of our time, was thus given an affirmative answer in the world outside Ditchley if newspaper coverage is the criterion.

At Ditchley, however, our concern was not with what happened to be in the news, but with the many sides of the refugee problem, not least in those parts of the world which, not being directly connected with western or northern preoccupations, featured less prominently in our press. (The problem of Mozambican refugees in Malawi was dealt with at the conference as a case in point). More than one participant at the conference noted, in this regard, the extent to which the refugee problem was a Third World and not a First World one from the point of view of both senders and receivers. For while many Third World refugees might aspire to resettlement in the West, and to keep this aspiration alive in their countries of first asylum, the reality for most of the world's fourteen million or so refugees was not safe transmission to comfortable resettlement, but the grim prospect of an indefinite stay in crude camps across the border from the country they had fled.

The questions we asked ourselves at Ditchley ranged from those concerned with the root-causes of refugee and other population flows, to the sorts of problems refugees raised for the "international community" (a term whose meaning was not always clear), to the rights of refugees and other kinds of migrant and the duties these rights imposed upon others, to the responses outsiders do and should make to the question of involuntary migration. We also discussed particular institutions like the United Nations High Commission for Refugees, and particular conventions like the Refugee Convention of 1951 and went into the question of their improvement.

This conference did not, as some Ditchley conferences do, come up with a series of prescriptions for the international community in the form of suggestions regarding the creation of new institutions or other instruments. But it did deal illuminatingly with questions of definition, with the practical problems associated with the various features of the refugee question, and with the areas in which improvement of the régime was particularly important. The mood of the conference was one of realistic awareness of the limits of the possible, rather than one of making expansive demands on a minimalist system.

II. THE PROBLEM

Migration, the movement of population from one point on the earth's surface to another, is not a new phenomenon. The history of human habitation of the earth can be told in terms of it. And it has taken place for many reasons, from the search for new pastures to the sack of Rome. We talk now of push factors and pull factors prompting migration. Push factors like persecution, war and famine drive populations out of their homelands. Pull factors, like higher standards of living or apparently freer communities, pull people away from their homelands. And, of course, repulsion and attraction have often worked in harness.

Migration, voluntary or involuntary, becomes a problem between societies when populations on the move run into others. In contemporary international society, where the habitable land-surface of the globe is completely covered with nation-states, movement of people out of their state is bound to involve movement into the jurisdiction of another state. (We noticed, more than once at the conference, that there was also such a thing as internal migration, which might be quite as significant from a demographic point of view as external migration, but it was external or international migration that we had met to discuss). States have attempted to control international migration by means of immigration and refugee regulation, the former dealing with the ordinary principles of admission, the latter with the extraordinary. Roughly, if you are pulled you are an immigrant, and if you are pushed you are a refugee. Also roughly, the point of distinction between immigrants and refugees was to establish an orderly queue for admission while setting up acceptable criteria in terms of which the queue could be jumped in exceptional circumstances. The preservation of the distinction became a theme of the conference. No one thought it wise to collapse one category into the other, and several thought that an expansive definition of a refugee would do just this.

The principle which seems to underlie both immigration and refugee law in modern international society is that which endorses the legitimacy of the sovereign nation-state. Ordinarily, according to this principle, most people, most of the time, wish to remain within the population in which they were born and brought up. There are exceptions to this, people who for one reason or another wish to migrate, and immigration law is designed to respond to them. And there are dramatic exceptions to it when, for one reason or another, individuals, or groups, or even whole nations, seem driven suddenly to seek a welcome abroad. Refugee law is designed to respond to these. The difference between them is that whereas immigration law is concerned with the ordinary exceptions to the 'nationality principle', and has as its objective permanent resettlement in a new state (carrying with it thereby a new nationality but not a new nationality principle) refugee law has as its objective the return to the normal nationality-distribution when the crisis is over. So while nonrefoulement, or non-return is the great principle of a refugee policy while the crisis which led to the refugee flow continues, it should no longer apply when the crisis is over. Thus voluntary repatriation (but with some assurance of a non-hostile reception) comes traditionally at the top of the list of the refugee agencies' objectives, (see Note 1) then temporary safe-haven, and only third the prospect of permanent resettlement on all fours with ordinary immigrants. It is a commonplace to point out the centrality of the nation-state in everything; in relation to refugee law the commonplace explains the hierarchy of objectives. It might also explain the place of such rather questionable strategies as 'humane deterrence' whose purpose it is to eliminate the pull factor from the decision-making of the potential refugee. Humane deterrence is designed to leave people where they are with their received nationalities. This rationale continues into other responses to the refugee problem that were discussed at the conference. For example, the idea that sender states should be made to 'pay for their sins'

in causing refugee flows, accepts that states can sin at the same time as accepting that nevertheless they retain their authority and can be held responsible for those actions. Also, the related idea of improving the human rights record of sender states to make it less likely that they will become the source of refugee flows, presupposes the legitimacy of the nation-state arena within which human rights are to be observed. But mention of human rights opens up an alternative perspective which we shall return to in the conclusion.

The rationale, then, behind the international response to the refugee problem is such as to treat the problem as in principle something temporary. Refugees are on the way to becoming something else, either nationals of a new state, or nationals of their old state domiciled again at home. This exposes one of the central problems of refugees, debated at the conference, as to whether to treat them as people requiring temporary humanitarian protection (the UNHCR approach) or as people whose supposed temporary plight looks fairly permanent and should therefore be treated as a development problem (the Refugee Studies Programme approach). We did not resolve this question at the conference but it was an issue to which we often returned. Refugees break open the conventional categories, and the international community, with a certain lack of imagination, seeks to return them to the categories against which they protested.

III. DEFINITION

Ditchley conferences are often dogged by definition, especially when lawyers are present. But as more than one participant pointed out, in this instance, definition had more than an academic significance since policy depended on it both in the sense of following the legal rule, and in the sense of relying for its success on a well-drafted definition.

We began with the 1951 Convention definition. A refugee is a person outside his or her own country who 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion', is unwilling to accept the protection of his or her country or return to it.

There are difficulties with this definition which participants were not slow in pointing out.

The first group of difficulties was with the concept of persecution. The idea of what constituted persecution shifted over time. Persecution seemed to be an act of commission, but some wished to have it include acts of omission (the failure to protect). Persecution might have an economic aspect as well as a political one which might stretch the conception of a Convention refugee beyond manageable limits.

A second group of difficulties lay with the list of grounds on which persecution was based. Since it was not exhaustive, some participants worried that it might allow governments to refuse asylum on some rather spurious technical ground such as that the particular kind of persecution was not mentioned in the Convention.

A third difficulty arose from the rather important practical observation that a person with a well-founded fear of persecution might not qualify as a refugee if he or she had not been able to escape his or her country across the border or into a foreign embassy.

Although there were difficulties of this kind with the definition no one at the conference wished to reject the Convention definition and start again. What did emerge from the discussion was a majority, it not a consensus, in favour of a three-fold conception of the 'refugee phenomenon' for which there was also support in practice and in academic writing:

1. A narrow band of Convention refugees, the unambiguous victims of persecution, whose rights as refugees triggered an obligation on the part of receiving states to trump their ordinary legislation on immigrants.

2. A broader band of non-Convention involuntary migrants who could not claim to be escaping persecution, but who were driven out by war, civil disorder and the like. Reference was made here to the OAU Convention on Refugees whose wording was more generous than the 1951 Convention. However, the majority view here was that while life-threatening violence might lead host-states to be sympathetic to a claim for asylum, there was no general legal obligation binding them to accept it.

3. The broadest band of economic migrants who might be successful in making a bid for admission to a host country but did not do so either on the basis of a legal right or of a moral claim of the kind acknowledged in (2) above.

This three-fold categorization did not dispose of our problem. There remained, for example, a 'grey area' (a popular conference notion) between category (1) and category (2) in relation to the idea of economic persecution, and between category (2) and category (3) in relation to economic deprivation. But it was acceptable as a basis for discussion.

The reason for a tough-minded adherence to category (1) as the only class of refugees properly so-called was forcibly expressed by several speakers. If the legitimacy of a category which falls short of full refugee recognition is acknowledged, then states will be tempted to use this category even when the stronger category is justified, thus diluting the legal obligation to those most in need. Thus the 'restrictionist' interpretation of the Convention as good public policy was defined by reference to the quality of the obligation that was thereby honoured. It was then buttressed by the observation that the principle of equity was best served by seeing to it that the queue of immigrants was jumped only by deserving cases. If less than completely deserving cases were allowed through the turnstiles first, then the whole of immigration policy was placed on a less reliable footing, and both order and equity suffered. The consensus of the conference was that it was desirable to preserve the distinction between refugee and immigration policy, though there was an anxiety, to which we shall return in the conclusion, regarding the kind of 'order' and 'equity' that preserving the integrity of this distinction might be said to imply.

III. 'CONVENTION REFUGEES'

Compliance by states with the Convention was thought to be less than satisfactory. There were a number of reasons for this. A 'restrictionist' interpretation of the Convention, however desirable in principle, did create rigidities in the system which made queues of refugees much longer than desirable. The application of refugee law, moreover, was notoriously politicized, and the tendency of the United States, for example, to assume that migrants from communist countries must qualify as refugees because the system they were leaving was one which institutionalized persecution, was noted as a rather blanket response which brought the discriminatory character of the refugee régime into disrepute. Also, it was suggested that the disagreeable measures associated with 'humane deterrence' (which, it has been observed, would not deter if they were humane), such as prolonged detention and interdiction en route to safe haven, made it difficult for individuals and groups to test the applicability of the Convention to their own cases in their chosen countries of asylum.

Modes of improving compliance at three levels were discussed.

At the international level, the level at which international institutions operated in the matter of the interests of refugees, neither the enhancement of the office of the United Nations High Commissioner for Refugees, nor an enlargement of the role of the International Court of Justice was thought likely to bear much fruit. Certainly the UNHCR could do what it was doing much better, and especially if it raised more funds from the states whose financial support would then demonstrate their faith in the institution. But this would not solve the problem of the principles on which it ought to act. And because UNHCR was in the pockets of states, action at state level, to which we shall shortly come, was thought to have more potential. Similarly in regard to the International Court of Justice, it was thought that greater use could be made of the Advisory Opinion procedure, but this would not constitute a radical departure from the Court's established practice and was not therefore likely to cause dramatic change.

At the regional level, where, it was pointed out, the bulk of the problem presented itself and where the chief response should therefore be made, our discussion dealt mainly with the opportunity that 1992 presented to Europe for the development of a regional policy of asylum-adjudication.

At the national, or state, level, we looked at senders and receivers. More attention, it was suggested, should be focused on refugee-generating countries. The connection should be made clear between human rights violations, or consistent patterns of these, and the generation of refugee flows. The obligations of states in regard to both human rights and refugee law should be clarified. And consideration should be given to making habitual refugee-sending countries pay for what should be considered a delinquency. Some of us even went so far as to sanction outside intervention into the refugee-sending countries in order to eradicate the source of the problem, though this was not a view that commanded a consensus—especially given the strongly-stated objection that the location of delinquency was not in many instances obvious. Refugee flows, it was emphasized, might be the result of intervention as much as a cause of it, and any pattern of flow might be the result of several causes. In view of this it was dangerous to go in for a general hunt for a particular malefactor.

As regards receiver states, the strategies for improving compliance with the Convention were different. Here it was suggested by some that it was necessary as far as possible to detach asylum decision from the vagaries of foreign policy, so that individual cases were dealt with on their merits according to refugee law rather than at the whim of governments. The Canadian practice—through its Immigration and Refugee Board—was commended in this regard.

Strategies of shame, associated with the activity of Amnesty International on human rights, were discussed as being applicable to

both senders and receivers: to senders so that they would be disgraced in the eyes of other states and before world opinion generally; to receivers in order that they dealt properly with claimants, according to the Convention and without discrimination, the audience here being again domestic and international opinion.

A theme that ran through the discussion of Convention refugees, and of involuntary migration generally, was the connection between the human rights régime and the refugee régime. More than once we returned to the idea that violations of human rights were a contributory cause of refugee flows. In this regard the international community had an interest in each of its members' human rights record whatever its obligations in respect to the rights of individuals within their jurisdiction. This interest consisted in doing as much as possible to prevent refugee flows prophylactically by inhibiting the spread of the conditions in which they were likely to occur. But from the point of view of receiver states this connection between human rights and refugees was more problematic, because it raised the question of the obligations states owed to individuals and groups, not to other states. If receiver states were to refer, not to emergency refugee law to decide on who should jump the immigration queue, but to human rights law, for example, the obligations they might be said to owe in respect of every individual's freedom of movement, then the stampede would kill the gatekeepers of sovereignty.

IV. NON-CONVENTION REFUGEES

Non-Convention "refugees", "temporary refugees", "displaced persons"—the conference did not agree on a label—were, it was agreed, in terms of sheer numbers a bigger problem for the international community than Convention refugees. We did not come up with a new definition for them, but recognized the existence of a category, between Convention refugees and economic migrants, composed of people who left their countries under some form of pressure but could not call it persecution. Famine, flood, earthquake, fear of generalized violence, civil wars, might each lead to involuntary migration. Some, even most, of those people finding themselves in this position might accurately be described as fleeing violation of their human rights. But since this was a much broader category of infraction than that recognized under the Convention they did not enjoy protection under this instrument and were supplicants to an international community relatively quick to recognize abstract and general rights, but slow to concede concrete and particular obligations.

What was to be done about this category? We kept calling it a "grey area" category at the conference, a twilight zone between the night of economic migration and the day of Convention refugee status. But it is by now a fairly well-established "grey area" in virtue of the existence of which the High Commissioner for Refugees acknowledges some responsibility for the provision of humanitarian treatment under a co-ordinated international effort. (See Note 2).

At the conference we were quick to see the difficulties in dealing with this grey area. "Humane deterrence" did not apparently deter, and if it was humane it couldn't. Thus, for example, in Hong Kong, the Vietnamese "refugees" continued to arrive despite the disagreeable circumstances in which they did and could except to arrive. Resettlement of a temporary or permanent nature in countries of first or subsequent asylum was unlikely to be easier for these migrants than it was for strictly Convention refugees. Forcible repatriation went against the humanitarian grain when there was no evidence that the situation which led to migration had improved. And even induced 'voluntary' repatriation was subject to the same criticism.

In view of these difficulties, the suggestion was made at the conference, though it was not a suggestion that commanded a consensus, that the international community could attempt to clear up this category in a new international instrument. The objection to this was that it was relatively easy to get states-members of the international community to go along with the passing of 'soft law', but much harder to get them to honour their obligations to it, even the obligations that they had already in principle conceded.

This took the question back to the practical policy of the states which were the gatekeepers seeking to control global population flow. In practice, it was pointed out, they were capable of a very liberal interpretation of what a 'refugee' was when it fitted their interests to admit individuals or groups from countries whose régimes were taken, almost by definition, to be on the edge of persecution of all their citizens. The problem for a humanitarian refugee and immigration policy was to make this category consistent as well as expansive: consistent in that it allowed the admission of anyone who triggered its mechanisms wherever they were from, expansive in that it should be part of the refugee policy to increase the supply of asylum to meet the increasing demand for it. In regard to consistency, the point was heard again in this context that non-governmental agencies like the Canadian Immigration and Refugee Board might play the gatekeeper's rôle more humanely than governments. Though it might be argued against this that the problem of domestic support for a liberal immigration policy confronts whatever agency is empowered to undertake it.

V. CONCLUSIONS

The conference sometimes had the air of a convention of lawyers trying to tidy up the edges of a problem whose centre was political and beyond them. But there was a more profound difficulty for us, namely that two different moralities confronted us all, both of which had an authentic anchorage in the Charter of the United Nations. The first was the morality of the non-interventionist world of states, according to which the treatment of individuals was fundamentally a domestic question which outside powers took account of only in emergencies such as when refugees were generated and presented a practical problem at the doors of other states. The second morality was the inclusive morality of all humankind according to which individuals in world society encounter each other directly as bearers of rights and duties or in lawyers' language as themselves subjects of international law. The problem of refugees and involuntary migration is a problem in which claims derived from the second morality are presented in the world constructed by the first, and their reception there has been predictably inhospitable.

In this first morality refugees and involuntary migrants are a problem because they confront established sovereign arrangements for populations. And they remain as a problem for admission and resettlement no matter how much of a humanitarian insistence there is that refugees can in the long-run be contributors to host societies and not a burden on them. Hence the dominant idea of equity at the conference, according to which receiver states did the best they could to make fair arrangements for the queues of claimants lining up at their frontiers. The alternative view, which doubted the morality of the distribution of populations to sovereignties in the first place, and which, in addition, placed responsibility for refugee flow as much on global as on local politics, was less confident about the underpinning rules for the handling of population movements.

But the message of the conferences was not of this highfalutin' theoretical kind. Its concerns and findings were low key and practical: a more effective, better-funded better-led United Nations High Commission for Refugees; states which made more practical and more humane arrangements for the screening of refugees; improved monitoring and better information about refugees carried on by an Amnesty for Refugees which could then adopt effective strategies of shame along the lines of the model institution; not new international instruments and institutions but making the old machinery work better; the attempt to detach refugee policy from the day-to-day preoccupations of international politics.

In the end, the conference participants did not live in a different world from the political one in which they, some of them, took a direct part, and they had a practical message for politicians which can be illustrated by reference to Kampuchea, to which case we often referred. Human rights problems, of a profound kind, which are ignored in a particular state today, might present difficulties for the whole of the international community tomorrow. The Western policy of resigned power politics conducted towards Kampuchea might be said to have been complicit in the resultant worst of all possible worlds, so that a debased *Real politik* can reap only what it sows. A consistent foreign policy, which took human rights to be one of its interests, might make the outcome less bankrupt. In this regard refugee policy and human rights are rather firmly connected.

The conference recognized its distance from day-to-day refugee problems in the front-line, namely in Malawi, or Pakistan, or Thailand, or in Hong Kong where first asylum meant for those countries burden-bearing rather than the burden-sharing which was a slogan in the West. But it also recognized the political realities in the countries where resettlement was most desired, and from which most of the participants came.

Notes:

(1) See JP Hocké,—'Beyond Humanitarianism: the Need for Political Will to Resolve Today's Refugee Problem' in Gil Loescher and Laila Monahan (eds.). *Refugees and International Relations*, (Oxford, Oxford University Press, 1989), p 45.

(2) Ibid.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. KOHL). Morning business is closed.

CLEAN AIR ACT AMENDMENTS, 1989

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1630, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, yesterday I was giving my opening statement in connection with our clean air legislation and I stopped in the area where we are dealing with nonattainment.

If I might just briefly review the bidding, nonattainment are those areas in the country that have not achieved the standards for area cleanliness, the minimum standards that are set forth by the Environmental Protection Agency.

Furthermore, in those areas that have not met attainment standards, proper clean air, there are four categories, based on the more clean, which are the moderate; the serious are less clean; the severe are some seven cities in the country which constitute the severe category; and one city is in the extreme category: Los Angeles.

I described briefly what the bill does in order to achieve attainment. These areas that are in nonattainment, that do not meet the health standards—and by the way, Mr. President, we are talking health here. That is what this is all about. It is a health problem. That is where we are wrestling with clean air difficulties, trying to restore clean air to our Nation. The principal reason is a health one but, in addition, there are environmental problems that arise in these nonattainment areas of the country.

To continue my discussion, if I might, with the nonattainment section of the bill, the bill imposes certain requirements everywhere in the region, whether or not a particular portion is in a nonattainment area, because emissions from everywhere in the region contribute to the high ozone levels that are experienced from Virginia to Maine. Unless controls are consistent in areas downwind of nonattainment areas like those in my own State of Rhode Island, no level of control in a single, isolated nonattainment area will be sufficient to bring that area into attainment.

Let me note one last provision related to ozone. Currently, OCS facilities off the coast of California and in the Gulf of Mexico are not required to meet the same emissions requirements that similar facilities onshore must meet. The result in California has been that emissions from the OCS have affected the ability of onshore nonattainment areas to reduce emissions sufficiently to meet the Federal air quality standards. To address this problem, the committee bill transfers authority for control of OCS air pollution from the Department of the Interior to EPA and requires EPA to mandate the same controls as would be required if the facility were onshore.

The carbon monoxide and particulate matter—or PM-10—provisions in the bill are similar in structure to the ozone provisions. That is, areas that have failed to meet either the CO health standard or the PM-10 health standard are separated into categories—in each case, two categories—and each category is assigned control requirements and deadlines of no later than 5 or 10 years to meet the health standard. Milestones of progress are required.

For all nonattainment areas, the bill prescribes consequences or sanctions for areas that fail to meet certain requirements. For areas that do not submit acceptable plans to implement the requirements of the law or that fail to implement the measures that were proposed in the plans or to meet interim emission reduction milestones, the bill requires the Administrator of EPA to prohibit construction of new sources that will emit pollutants that contribute to nonattainment. The Secretary of Transportation is also directed to approve only those highway projects, defined in the bill, that will improve, rather than diminish, air quality.

Areas that fail to attain the ambient air quality health standard by the deadline established in the bill are moved into the next higher nonattainment category, with all the requirements of that category. And for ozone areas that fail to meet a deadline, major stationary sources of VOC's are required to reduce VOC emissions by 50 percent below emissions in the year of the deadline or pay $5,000 for each ton above that 50 percent level.

These provisions are designed to achieve emission reductions or, at least avoid emissions increases, in areas that have shown either that they cannot carry out an acceptable control program or that the program is not working as it was designed to.

MOTOR VEHICLE PROVISIONS

One of the primary reasons areas have failed to attain the ozone and carbon monoxide health standards are emissions that come from motor vehicles. Motor vehicles are responsible for 70 percent of CO emissions nationwide and about 90 percent in urban areas. Cars and trucks contribute about 45 percent of VOC emissions and 35 percent of the NO_x nationwide and are responsible for about 50 percent of the ozone in urban areas. Unless emissions from vehicles are further reduced, ozone and CO nonattainment areas are unlikely to achieve healthy air.

There have been major improvements in control of emissions from cars. New cars today emit 96 percent less CO, 96 percent less VOC's, which are also called hydrocarbons, and 70 percent less NO_x than cars produced before 1968. Because the performance of emissions controls deteriorate in use, however, the overall reductions from precontrol cars are less than for new cars. But great progress has been made, and it is progress that was said by the automakers in 1970 to be unachievable. To their credit, they have proven themselves wrong.

Much of the gain that has been achieved by reducing each car's emissions, however, has been lost because there are more vehicles traveling more miles each year. The national increase in vehicle miles traveled—or VMT—has been about 2.7 percent per year during the 1980's. At this rate, VMT will increase 30 percent between 1990 and 2000 and almost 60 percent by 2010.

With increased VMT comes increased pollution. Because new, cleaner cars are still replacing less well-controlled cars, emissions from vehicles are going down. This trend will continue until approximately 1997 or 1998, when almost all cars on the road will have the latest generation of controls, but VMT will continue to rise and pollution will begin to increase. At current VMT rates, pollution will be back to 1989 levels by about 2005 and will rise from there unless additional emission reductions have been achieved by vehicles.

Unless we plan ahead now for future improvements in vehicle emissions, we will be, once again, behind the curve. For one thing, auto manufacturers need to know what standards they must meet several years before they are required to produce the improved cars. And then it takes 6 or 7 years for half the fleet on the road to be replaced by the cleaner vehicles. So we are talking about at least 10 years from the time a new emission standard is put into law before the air gets any significant benefit from less-polluting vehicles.

Title II of the committee bill requires several measures to reduce pollution from vehicles. First, it requires a 40-percent reduction in hydrocarbon emissions and a 50-percent reduction in NO_x emissions, beginning in 1993. Then beginning with cars manufactured in 1995, it requires those reductions to be achieved throughout the entire life of the car, that is, for 10 years or 100,000 miles. Currently, emission control systems can be designed to last for only 50,000 miles or 5 years, roughly half the usual life of a car.

California has already put in place regulations requiring the same emissions reductions that are in the committee bill, but gives manufacturers a phase-in period from 1993 to 1995 to meet them, and relaxes the standards slightly for the second 50,000 miles or 5 years. The California Air Resources Board has stated that the requirements in the committee bill are feasible.

Second, the committee bill requires a second round of reductions in tailpipe emissions. In 2003 cars would be required to reduce hydrocarbons, NO_x, and CO by 50 percent from the 1993 levels. Again, the California Air Resources Board, leading experts in vehicle emissions control programs, has testified that the requirements are feasible, given the long leadtime. In fact, California has adopted, in principle, tailpipe standards that are tougher for hydrocarbons and as tough for NO_x for the year 2003.

Further evidence that the second round standards are not infeasible is the fact that 30 of 85 vehicle models certified in 1988 were certified at the levels required by the committee bill in 2003. The committee did not adopt the second round standards believing that certifying a vehicle is the same thing as being able to produce a vehicle that will meet those standards for 100,000 miles, but the data does suggest that the standards are achievable, given a 13-year leadtime.

The California Air Resources estimated that the cost of the second round provisions in the committee bill would be approximately $125 above the cost of the 1993 standards. This cost estimate is an important figure, since one of the biggest additional costs of the committee bill compared to the President's bill, as calculated by the administration, is the second round of tailpipe standards. The administration's estimate of the cost per car is $500. The administration uses this cost-per-car figure to arrive at the conclusion that the committee bill is $8 billion more costly than the President's bill in this regard. If the California cost estimate is used, that difference is reduced by about $6 billion.

As a point of reference for debate about the costs of emissions controls, which I agree are significant, statistics from the Motor Vehicle Manufacturers Association show that in 1988 Americans spent a total of $346 billion on vehicle-related items. This includes new vehicles, repairs, fuel, and insurance.

Another control required by the committee bill is onboard canisters that will reduce emissions of hydrocarbons during refueling by 95 percent. The Office of Technology Assessment estimates that the cost effectiveness of the onboard systems is approximately $1,100 per ton of hydrocarbon. This is about the same cost as for stage II controls.

The basis for the committee's decision to include both onboard and stage II controls is illustrated by the OTA estimate that there will be no emissions reductions from onboard technology in 1994, because only a very few cars will have the technology in place that year. OTA estimates, however, that stage II will achieve a 2-percent reduction in that year. In 1999, onboard technology will achieve a 1.6-percent reduction but will not reach its full potential of 2.1-percent reduction until 2004.

The committee bill requires light duty trucks to meet tougher emissions standards, beginning in 1995. The control equipment for light duty trucks are basically the same as for cars, but because of the heavier weight and carrying capacity, trucks cannot meet the same standards as cars. Therefore, the standards are increased proportionately to account for the differences. It is important to assure that light trucks are adequately controlled, as they are increasing in numbers and in miles driven. In 1988 light duty trucks were 30 percent of total sales of light duty cars and trucks, up from 22 percent in 1983.

Emissions of hydrocarbons, NO_x, CO and particulates from cars and trucks, that is, vehicles that run on the highways and roads, have been significantly reduced over the last 20 years. The same cannot be said for nonroad vehicles such as construction equipment, locomotives, farm equipment and a host of other vehicles and engines. These are not negligible polluters. Estimates are that they contribute between 2.5 and 10 percent of VOC's, depending on the area, up to 13 percent of CO, and between 4 and 13 percent of NO_x.

The California Air Resources Board has begun a process to regulate these vehicles and engines that is scheduled to be completed within 2 years. The Environmental Protection Agency has done little or nothing with respect to these categories.

The committee bill directs EPA to categorize these vehicles and assess the pollution from each category. Categories are to be drawn as broadly as possible consistent with the need to issue control requirements that apply to the category. For each category that the Administrator determines makes significant contributions to ozone, CO, NO_x, or particulate levels, the Administrator is to issue standards that, to the maximum extent feasible, are to be as stringent as any standard for a comparable highway vehicle. In the context of the pollutants of concern, significant contributions need not be even 1 percent. Every feasible reduction of these pollutants is needed if all areas of the country are to achieve health standards and healthy air.

The committee consciously chose not to extend the preemption applicable to State regulation of motor vehicles to nonroad engines and vehicles. California, which has already moved far ahead of EPA, should not be prohibited or even discouraged from proceeding, and other States should not be forced to wait for what could be a lengthy period before EPA action if they find that regulation of these pollution sources would be a productive strategy to attain and maintain healthy air.

Mr. President, the committee bill proposes to regulate a pollutant that has not yet been regulated under the Clean Air Act. The bill requires that emissions of carbon dioxide from cars be reduced in two stages. Fleets of cars being manufactured today emit, on average, 340 grams per mile of CO_2. The bill requires each manufacturer to achieve a fleetwide average of 266 grams per mile beginning with the 1996 model year and 220 grams per mile in model year 2000.

An analysis prepared by the World Resources Institute shows that if vehicle miles traveled continue to grow at the same rate of growth as in 1980–86, emissions of CO_2 from vehicles will increase by 35 percent between 1986 and 2005. Even with the requirements in the bill for reductions in CO_2 emissions, if VMT continues to grow at its 1980–86 rate, CO_2 emissions from vehicles in 2010 will still be 3-percent higher than in 1986.

The Department of Energy, in an analysis of fuel economy standards that are roughly equivalent to the CO_2 requirements in the committee bill, has stated that the standards are achievable by domestic car manufacturers using technology available today if they "return to 1987 levels of size, performance, and luxury * * *."

Mr. President, the United States is responsible for almost 25 percent of global CO_2 emissions, and motor vehicles account for a quarter of U.S. emissions. CO_2 emissions from transportation sources in this country exceed total emissions from each of the following countries or regions of the world: Latin America, Japan, West Germany, the United Kingdom, South and Southeast Asia, or France. Reducing CO_2 from cars is both a real step in addressing global warming and an indication to the rest of the world that the United States is willing to act as well as talk.

Now for a moment I would like to talk about a provision that is not in the committee bill. The President's clean air bill proposed a program to move us toward cleaner cars and cleaner fuels. Some felt that the President's proposal favored one alternative fuel—methanol—over other possible alterna-

tives. Administration representatives have been working with Members of Congress to address those concerns.

The Environment Committee held a hearing on January 11 to examine a number of clean car and clean fuel proposals, one of which is a proposal that I have circulated. Committee members are working together to develop an amendment to present to the Senate. We are working to craft a proposal that will assure that the auto companies and oil companies cooperate in bringing the consumer a far cleaner car/fuel option than is currently available or likely to be achieved by the other provisions of the bill. The market for these cleaner alternatives will be the most heavily polluted ozone areas and fleet vehicles.

I am optimistic that we will be able to bring to the Senate a proposal that will complement the second round tailpipe standards that are already in the bill and that may well lay the groundwork for a new generation of cleaner-running vehicles that will make compliance with the other provisions of the bill easier for the auto manufacturers.

AIR TOXICS

Mr. President, now I would like to turn to title III of the bill which deals with air toxics.

The term air toxics or hazardous air pollutants refers to a large number of substances which can cause illness or death when released as air pollutants.

Several examples include benzene which is a potent cancer-causing substance that is a component of gasoline and is emitted by cars and trucks all across the country.

Mercury which accumulates in the tissues of fish and causes nerve damage in humans when the fish is eaten.

Chromium is a metal added to water in air conditioner cooling towers to prevent bacterial growth. Substantial cancer risks are associated with that use.

Styrene is the solvent in fiberglass used for boat building, and is another carcinogen.

The list is long and touches every major industry from mining base metals to making high-technology electronics.

Under the Superfund law, major manufacturers are now required to report their air emissions of 350 of these substances. The data is summarized in a toxics release inventory by EPA which showed 2.7 billion pounds of emissions in 1987. This is probably only about one-fifth of the actual total, since not all air toxics are covered and only major industries in the manufacturing sector of the economy must collect data. Ten billion pounds would be a better estimate counting other industry, cars and trucks and all the small sources.

The principal health effect associated with toxic emissions is cancer. EPA estimates that 2,700 cancers per year are caused by exposure to air toxics. That means that 190,000 of the Americans now alive would contract a cancer as a result of this environmental risk. One other Government agency, the South Coast Air Quality Management District in California, has made an independent cancer estimate for air toxics. They believe air toxics to be a more serious problem. If their estimate of the risk is correct, 500,000 of the Americans now alive would be expected to contract cancer as a result of air toxics.

The overall number of cancer cases is only one dimension of the problem. Over 2,000 cancer cases is not large in the context of the half million people who die of cancer each year. But another dimension of the problem is that the risk is not spread evenly. Those living near large chemical plants or in concentrated urban corridors face much higher risks than most Americans. So, it is also an equity issue.

And it is not just cancer. These substances also cause kidney and liver damage, blindness, nerve damage, birth defects, genetic mutations and reproductive disorders. The extent of those health effects have not been quantified by any Government agency.

Air pollution has also become a principal source of water pollution. Eighty percent of the toxics in Lake Superior and 50 percent in Lake Michigan is fallout from the air and not from sewage or industrial discharges to the lakes or the watershed.

There is a large island in Lake Superior called Isle Royale. It is essentially a wilderness area. There is a lake on that island which is not connected with the waters of Lake Superior in any way. This is the remote undeveloped area where there has never been industrial or commercial activity. Nevertheless, scientists find high levels of PCB's and the pesticide toxaphene in the waters of this isolated lake. The pollutants can only have come from the air. The toxaphene must have been transported hundreds of miles from locations in the South where it was used as a pesticide on cotton.

Mercury has also become a significant water pollutant in the Great Lakes region. Mercury bioaccumulates in the tissue of fish and may affect organisms all up the food chain including waterfowl and man. All of the lakes in Michigan are posted with warnings. Pregnant women and children shouldn't eat the fish at all. Healthy adults should not have more than one meal of fish per week.

Over 200 lakes in Minnesota are posted with mercury warnings. Ninety of Wisconsin's 300 lakes carry warnings. Lakes in several other States are also affected. This mercury comes from powerplants and municipal incinerators and is deposited in these lakes from the air.

EPA is authorized under the current Clean Air Act to regulate these pollutants. But the program has not worked well. In 20 years EPA has listed only eight pollutants and regulated only some sources of seven. At the same time a handful of active States have set standards for 708 different substances.

The problem under current law is a disagreement about the regulation of the cancer-causing pollutants. The law says that EPA is to provide an "ample margin of safety to protect the public health." Safety is the bottom line. But Government policy since the 1950's has been based on the principle that there is no safe level of exposure to a carcinogen.

Taken together the two principles imply that there can be no emissions of cancer-causing agents. That would be the only way to assure safety, but in an industrial society zero emissions is a practical impossibility. Over the years EPA has tried in a variety of ways to solve this dilemma by factoring cost considerations into the very stringent health standard for hazardous air pollutants in the current Clean Air Act. They have been sued and lost on each occasion.

The bill reported by the committee has a two phase regulatory program that is designed to get the program moving. There is a broad consensus on the first phase. It requires EPA to issue emissions standards for a large number of industrial categories which will require about 20,000 individual facilities which are major sources of about 200 air toxics to install best available control technology. These technology standards will take cost into account and should achieve emissions reductions that average 90 to 95 percent from current levels. They apply to the large industrial facilities like chemical plants, oil refineries and steel plants. A very similar program has already been implemented for toxic discharges to surface waters.

The bill contains a separate program to control the smaller area sources of these pollutants. Areas sources include dry cleaners, wood stoves, gas stations and cars, buses and trucks. EPA is to develop a national area source strategy which will reduce cancer risks from these pollutants by 75 percent which is the goal the President announced last summer.

The second phase of the program is called residual risk. It is the point of controversy in the air toxics title. It is the same controversy which has plagued current law. The technology standards of the first phase do not guarantee that emissions will be reduced enough to prevent all health risks. A 90-percent reduction in emissions of a cancer-causing substance

cannot remove all risks, if by definition there is no safe level of exposure. The remaining 10 percent, the residual risk, is addressed in the second phase of the program.

The committee bill takes a middle ground position. On one side of this debate, the environmental community is asking that cancer risk from industrial point sources be limited absolutely to no more than a 1 in 1,000,000 chance of contracting cancer. That is a traditional definition of negligible risk and is included in the air toxics legislation which Congressman WAXMAN has introduced on the House side.

On the other side, the administration is proposing that no specific standard be placed in the law. Rather, EPA would be given authority to regulate any unreasonable risk should it be discovered. That same unreasonable risk standard has been used in the other laws for chemicals and pesticides, but has not worked well. Finding an unreasonable risk means balancing the costs of control against the adverse health effects of the pollutant on a case-by-case basis with no firm standard.

The bill reported by the Senate committee has a residual risk goal of 1 in 1,000,000. Sources which can reach that level will be required to do so as they would be under the Waxman bill. However, sources which can't get to 1 in 1,000,000 because it is not feasible may get a waiver. They may continue to operate at higher risk levels. But the bill puts an overall cap on the risk that will be allowed at 1 in 10,000.

A 1 in 1,000,000 risk means if 1,000,000 people were exposed to the emissions from a plant over their whole lifetime, just one person would contract cancer as a result of that exposure. A 1 in 10,000 risk is 100 times higher. There would be 1 additional cancer for every 10,000 persons exposed.

The administration and industry are asking that some flexibility be provided in the residual risk phase. That's their plea. The Senate bill provides flexibility. It adopts the traditional negligible risk threshold of 1 in 1,000,000 as a goal, but allows a waiver where that requirement is infeasible and more time is needed to develop control technology. It caps the range over which the Administrator can be flexible at 1 in 10,000—100 times more risk than the traditional negligible risk standard which the environmentalists want as an absolute.

In addition to this two-phase program to control routine emissions of air toxics, the bill also includes a program to prevent catastrophic chemical accidents like that which occurred in Bhopal in 1984. EPA has published an inventory of these events which indicates that more than 11,000 chemical accidents occurred in the United States between 1982 and 1986. That is four per day. More than 300 people were killed. More than 11,000 were injured with hundreds of thousands evacuated from homes and jobs and hundreds of millions of dollars lost in property damage. The most surprising finding of this EPA study was that 17 of the events had the potential to cause more damage than Bhopal. The chemicals released were more toxic or released in larger amounts. That few were injured or killed in these 17 events is mere good fortune. The committee hopes to replace good fortune with good engineering so that fewer of these events occur.

The bill establishes a Chemical Safety Board to investigate these accidents. It will operate much as the National Transportation Safety Board does for aviation accidents. EPA will be authorized to issue regulations to make chemical manufacturing and processing safer based on recommendations which the Board develops.

CONTROL OF CFC'S

Mr. President, title VII of this bill adds a new title V to the Clean Air Act. It repeals sections 150 through 159 of the existing law and replaces them with the Stratospheric Ozone and Climate Protection Act.

This new title is designed to address the dual problems of global climate change and destruction of the stratospheric ozone layer, both of which are caused by atmospheric pollution—air pollution.

The 1977 Clean Air Act Amendments tried to address the ozone depletion problem. As a result of those amendments, part B of the existing law authorizes EPA to regulate chlorofluorocarbons—known as CFC's—but it does so only in very general, vague terms.

The legislation before us today is a natural extension of the existing law. As with the rest of the act, we are updating it on the basis of new science and technological developments.

There is no question that we are breaking bold, new ground with this bill. As stated in a letter circulated by environmental groups in support of this legislation.

Enactment of this bill is the first concrete action Congress can take to reduce the global threats of ozone depletion and the greenhouse effect.

Numerous committees on both sides of the Hill have held hearing after hearing on the problems of global climate change and destruction of the ozone layer. But now the Senate has the opportunity to actually do something about these problems.

This bill focuses on the control of CFC's and similar compounds—manmade chemicals that are responsible for destruction of the ozone layer.

Although ozone at ground level is a toxic pollutant responsible for smog and all kinds of health and environmental problems, ozone in the stratosphere, 6 to 30 miles over our heads, is good ozone. While we are trying to eliminate ozone down here, we want it to stay up there.

The stratospheric ozone layer is the Earth's main shield against the Sun's harmful ultraviolet [UV] radiation. A decrease in stratospheric ozone allows more UV radiation to reach Earth and the experts tells us that this will cause increased rates of disease. We will see increased rates of skin cancer, cataracts—the leading cause of blindness in this country—and, potentially, suppression of the immune system. If our immune systems are affected, all of us will be more susceptible to diseases of all types.

The problem is this: CFC's and similar compounds are persistent, extremely stable chemicals that rise up into the atmosphere intact until they reach the stratosphere. In the stratosphere, the Sun's radiation breaks the molecule apart and frees the chlorine component. The chlorine then attacks and destroys ozone.

EPA has estimated that a phaseout of CFC's and halons in the year 2000—the date set out in this bill—will benefit the entire U.S. population born before 2075 by eliminating almost 158 million cases of skin cancer, more than 3 million cancer deaths, and over 18 million cases of cataracts.

The addition of methyl chloroform to the year 2000 phaseout will eliminate an additional 3.6 million cases of skin cancer, almost 65,000 cancer deaths, and more than 360,000 cases of cataracts among U.S. residents born before 2075.

In addition to the health effects associated with increased UV radiation, damage to the ozone layer presents a serious threat to our food crops by reducing crop yields. All forms of life on land and in the sea are at risk.

EPA has estimated that the economic and environmental benefits of a year 2000 phaseout of CFC's and halons is approximately $58 billion through 2075 in the United States alone. This includes $41 billion in the form of reduced damage to our food crops.

Most of us are familiar with the connection between CFC's and destruction of the ozone layer. Less well known, however, is the connection between CFC's and global climate change that is predicted to occur as a result of an intensified greenhouse effect.

The threat of uncontrolled global climate change is caused by the accelerating accumulation of greenhouse gases in the atmosphere, primarily carbon dioxide, CFC's, and methane. These gases act as a thermal blanket, trapping heat in the Earth's atmosphere and causing temperatures to rise.

Carbon dioxide emissions account for an estimated 50 percent of the pre-

dicted global warming. CFC's are estimated to account for a substantial portion of the problem—from 15 to 20 percent.

The fact that each molecule of CFC has approximately 20,000 times more impact on global climate than does a single molecule of carbon dioxide makes the control of CFC's an important part of any strategy to combat global warming.

It is easy to overstate the uncertainty that surrounds this issue. It is true that scientists disagree about matters such as whether the greenhouse effect has already begun. It is true that there is no scientific consensus about the precise timing or magnitude of the predicted changes.

Nevertheless, there is a remarkable degree of scientific consensus concerning the threat of massive, uncontrolled global climate change. Specifically, most experts agree that if we do not change our pattern of polluting the atmosphere, many of us, our children, and our grandchildren will experience devastating climate changes of a magnitude and at a rate that will preclude natural evolutionary responses.

There appears to be consensus on another critical point. That is: By the time there is scientific proof for every detail of the problem, it will be too late to avoid the most devastating impacts of an intensified greenhouse effect and global climate change.

We can ill-afford to wait for 10 years of research before we take action: First, to reduce atmospheric concentrations of greenhouse gases to limit the rate and extent of future climate change; and second, to implement adaptation strategies for coping with the changes to which we are already committed.

Elimination of these ozone destroying chemicals is a double winner. First, it is the most effective, single step we can take to curb the phenomenon known as the greenhouse effect. Second, prompt elimination of these chemicals is absolutely essential if we are to stop destroying the ozone layer.

By reviewing the history of this serious environmental problem, we can develop a better understanding of the need for this legislation.

In 1974, Drs. Sherwood Rowland and Mario Molina from the University of California published a paper demonstrating how CFC's destroy ozone in the stratosphere. In this country, the original scientific theory led to a ban on the use of CFC's in most aerosols in 1978. The ban was promulgated by EPA and the Food and Drug Administration.

There were no measurements of actual ozone loss, just the scientific theory.

Recognizing the problem, industry began to look for safe substitutes. Progress was being made when, in the early 1980's, the threat of further Government regulation subsided, the search for substitutes came to a virtual standstill, and worldwide use of CFC's continued to grow.

Today, the United States produces approximately 700 million pounds of CFC's each year, accounting for roughly one-third of the world total. Nonaerosol uses of CFC's in the United States have grown to record high levels and per capita usage of CFC's in the United States is among the highest in the world.

In 1985, scientists discovered a significant loss of ozone over a portion of the southern hemisphere that is the size of North America. The collapse was not predicted and measurements have revealed losses greater than 50 percent in the total column and greater than 95 percent between an altitude of 15 to 20 kilometers—9 to 12 miles. The discovery of this hole in the stratospheric ozone layer over Antarctica gave renewed impetus to international efforts to understand and protect the ozone layer.

In September 1987, the Montreal protocol on substances that deplete the ozone layer was negotiated and signed by more than two dozen nations. The protocol entered into force in January 1989 and more than 40 nations are now parties to the protocol.

Unfortunately, since the Montreal protocol was negotiated and signed in 1987, scientists have observed and measured losses of ozone on a global scale. It has been discovered that destruction of the ozone layer is not limited to remote, uninhabited portions of Antarctica.

A map showing the areas affected by this loss of ozone is printed in the committee report at page 384. That map shows losses measured over vast areas of this country and brings the problem dangerously close to home.

Losses of ozone since 1970 have been measured during the winter months on a worldwide basis, including losses ranging from 2.3 to 6.2 percent over densely populated portions of the Northern Hemisphere. These measurements of actual ozone loss are significantly greater than computer models had predicted and raise serious questions about the adequacy of the control measures set forth in the Montreal protocol and existing EPA regulations.

Mr. President, if we fail to enact this bill we will be aggravating the problems of global climate change and destruction of the ozone layer.

The United States is the largest producer and user of these chemicals in the world as stated earlier. We account for roughly one-third of worldwide use of CFC's and halons, more than any other nation in the world. The significance of our contribution compared to other nations is represented by the pie chart on page 381 of the committee report.

Of even greater significance is the bar graph on page 382 of the report. This chart shows that, even though we banned most aerosol uses in 1978, per capita consumption of ozone depleting chemicals in the United States continues to be among the highest in the world and exceeds that of Western Europe, Japan, the Soviet Union, China, and India by a substantial margin.

In 1986, we consumed 1.52 kilograms for every man, woman and child in the United States. That is more than 3⅓ pounds per person.

By comparison, Western Europe used 1.18 kilograms per capita, that is around 2.5 pounds per person or 25-percent less than the United States; Japan was next at 0.95 kilograms, equal to 2 pounds and, compared to the United States, 40-percent less per person; the Soviet Union consumed 0.43 kilograms per person, less than 1 pound, and more than 70-percent below our level; and China and India weigh in at 0.02 kilograms, less than one-half pound per person, almost 99-percent less than United States levels.

If we fail to enact the emissions controls called for in this bill, the United States will be responsible for the damages caused by the production of almost 700 million pounds of new CFC's each year that will find their way into the atmosphere. In addition, we will be releasing all of the CFC's produced in past years and currently contained in products such as refrigerators all across the country.

Assuming a simple, year 2000 phaseout of CFC's without emission controls, just new production in this country between now and the year 2000 would result in more than 6 billion pounds of CFC's being released into the atmosphere.

The Stratospheric Ozone and Climate Protection Act will accomplish three major objectives.

First, it will force the elimination of the most potent ozone depleters—CFC's-11, 12, 113, 114, and 115, the halons, and carbon tetrachloride—as soon as possible and no later than the year 2000. This is consistent with commitments made by our domestic chemical producers, the President of the United States, and the leaders of some 80 other nations that met in Helsinki last May.

Second, with the addition of a floor amendment we will be offering, it will control production and use of other ozone depleting chemicals in a manner that protects the ozone layer.

Third, it will eliminate unnecessary emissions of ozone depleting chemicals by mandating a new recapture and recycling program.

This title of the bill has seven main elements.

First, it declares it to be a national policy that CFC's, the halons, and

carbon tetrachloride, should be eliminated "as expeditiously as possible".

Second, the Administrator is required to implement a phaseout schedule more aggressive than the schedule set forth in the bill if: First, information suggests it may be necessary to protect human health and the environment; second, based on the availability of substitutes, an accelerated schedule is attainable; or third, the Montreal protocol is modified to include a more aggressive schedule.

Third, subject to acceleration by the Administrator, the bill places CFC's on a production phase-down schedule that tracks the current version of the Montreal protocol—20 percent reduction in 1993 and 50 percent reduction in 1998—and adds an additional step: elimination by not later than 2000.

Fourth, halons and carbon tetrachloride are placed on the same phaseout schedule as the CFC's—the current version of the protocol will only freeze production of the halons and does not regulate carbon tetrachloride at all, both of which are powerful ozone depleters.

Fifth, it will place a limit on the production and use of hydrochlorofluorocarbons [HCFC's] and methyl chloroform.

Sixth, as a supplement to the production phaseout, the bill provides for significant reductions in the emissions that are destroying the ozone layer and contributing to the greenhouse effect. To achieve this—

By July 1, 1991, EPA must promulgate recapture and recycling regulations;

As of January 1, 1992, the practice of venting these chemicals from refrigeration and air-conditioning units will be prohibited;

By January 1, 1994, EPA must promulgate safe disposal regulations;

Statutory limitations and controls are prescribed for motor vehicle air-conditioning systems in the form of mandatory recapture and recycling by January 1, 1992, and, beginning with model year 1994, a requirement to equip a portion of the new car fleet with air-conditioning systems that do not rely on CFC's; and

Statutory limitations and controls are prescribed for nonessential consumer products containing CFC's. Specifically, effective 1 year after enactment, there will be a ban on the sale and distribution of items such as CFC-propelled plastic party streamers and noise horns.

Seventh, the bill includes trade sanctions providing that 12 months after this becomes law, importation of CFC's, halons and carbon tetrachloride in bulk or in products will be prohibited unless EPA certifies that the country of origin is a party to and in compliance with the Montreal protocol.

At the same time, persons subject to U.S. jurisdiction will be prohibited from transferring technology or investing in facilities to produce or expand the use of these chemicals in countries that have not been certified. To be certified after the year 2000, a country must be implementing a control program no less stringent than ours.

On November 3, 1989, EPA circulated a draft report entitled "Costs and Benefits of Phasing Out CFC's and Halons in the United States." The report estimates that a year 2000 phaseout of CFC's and halons will create social costs in the United States of around $2.7 billion between 1989 and 2000 (an average of $225 million per year). Over the longer term, between now and 2075, the costs are estimated to be in the range of $49 to $50 billion.

More importantly, however, the report goes on to show that the benefits of a year 2000 CFC and halon phaseout range from just over $3 to more than $12 trillion through 2075. The report demonstrates that these benefits exceed the social costs by a substantial margin.

Even if we take the lowest estimate of benefits and the highest estimate of costs, the benefits come out on top by a margin of $3 trillion to $50 billion—that is a ratio of 60 to 1.

The benefits to just crop production in this country are estimated to be $41 billion through 2075. That benefit alone is almost enough to justify the costs of controls.

What kind of health benefits are we talking about? As I mentioned earlier, EPA has estimated that a year 2000 phaseout of CFC's and halons will benefit the entire United States' population born before 2075 by eliminating almost 158 million cases of skin cancer, more than 3 million cancer deaths, and over 18 million cases of cataracts.

The addition of methyl chloroform to the year 2000 phaseout will eliminate an additional 3.6 million cases of skin cancer, almost 65,000 cancer deaths, and approximately 363,000 cases of cataracts among U.S. residents born before 2075.

During markup of this bill, we heard two arguments against this title. The first was that no one had seen it.

That is simply not true. This title is based on a bill that was first introduced in February 1987, reintroduced in March 1989, and reported by the Environment Committee as part of the budget reconciliation process in July 1989.

The July version of the bill attracted a great deal of attention. We received numerous comments and suggestions on how to improve it. Many of those comments were incorporated into a new draft that was widely circulated in early November and approved by the Environment Committee on November 16.

The most controversial portion of the July version, the imposition of a production fee and windfalls profit tax is not included in this bill. That issue was dealt with in reconciliation and is not before us today.

The second argument against this title was based on the alleged failure to hold hearings. Our committee has developed an extensive hearing record on this issue and on this legislation. We have held 10 days of hearings on this since June 1986. As I mentioned earlier, the bill that forms the basis for this title, S. 491, was first introduced in February 1987. Since it was first introduced, we have held 6 days of hearings, the most recent being May 19, 1989.

We have received testimony from scientists, the administration, producers, users, and environmentalists. This has been a very open process.

One of the most commonly heard arguments against this bill is based on the erroneous premise that unilateral action will do nothing to help the environment, it will put our domestic industries at a competitive disadvantage, and it will tie the hands of the administration that is trying to negotiate a revision of the Montreal protocol.

Sure there is some risk with unilateral action. But we have been careful to craft a program that promotes U.S. interests. No one wants to unfairly penalize our domestic industries.

Our approach to this problem involves several key points. First of all, it is important to keep in mind that the controlled use and recycling portions of this bill will not interfere with the ongoing international negotiations.

The protocol does not address emissions controls and unilateral action on this front is being taken by numerous countries that are parties to the Montreal protocol. Canada, Germany, and the Scandinavian countries, are all imposing controls on the various uses of CFC's and halons.

Even in the area of phaseout schedules, several countries are moving faster than the international process. For example, in March 1989, the German Bundestag decided unanimously to mandate a 95-percent reduction by 1995.

This bill is designed to eliminate these chemicals as quickly as possible while, at the same time, leaving room for international negotiations. It tracks the reduction schedule set forth in the current version of the Montreal protocol—a 20-percent cut in 1993 and a 50-percent cut in 1998—and adds a final step, elimination by no later than 2000.

At the international level, various proposals to accelerate the protocol's interim reduction schedule are being

discussed by the parties to the protocol. For example, the European Community has suggested a 50-percent cut by 1992 and an 85-percent cut by 1996. At the same time, Canada has proposed a 50-percent cut in 1995 and 85 percent by 1998.

The expectation is that strengthening amendments to the protocol will be adopted by the parties at a June 1990 meeting in London, including an amendment to eliminate CFC's in industrialized countries by 2000.

Many of us in this body think we must and can do better in terms of both the current interim reduction schedule and the year 2000 phaseout. The original version of my bill would have accelerated the protocol's schedule by requiring a 20-percent cut in 1992, a 50-percent cut in 1995, and complete elimination by 1997.

I support the proposals put forth by the EC and Canada but, recognizing that our international negotiating team needs some room to maneuver in the next few months, this bill gives them guidance but stops short of mandating immediate, unilateral acceleration of the phaseout schedule.

Apart from the question of negotiating room, the notion that no one should do anything until everyone agrees to act together is a formula for disaster.

As I noted earlier, the United States is the largest producer and user of ozone depleting chemicals in the entire world. We created them. We have a responsibility to lead the world in eliminating them and finding safe substitutes.

Not only will unilateral action provide world leadership, it will push our domestic industries to the front of the line in terms of finding solutions to the problem. The world is clamoring for a CFC-free society. The requirements of this bill can help our industries seize the opportunity and develop a competitive edge.

Some of our companies are already thinking along these lines. For example, a review of activity in the electronics area shows that:

In August 1989, American Telephone & Telegraph announced a new corporate policy to eliminate all CFC emissions from its manufacturing processes in the United States and abroad by 1994. It had already initiated a policy of not accepting any packaging or packaging material from its suppliers that are made with CFC's;

Northern Telecom has made commitments to end their use of CFC-113 by 1991;

Boeing plans to reduce its use of CFC's regulated under the protocol (CFC's-11, 12, 113, 114, and 115) 60 percent by 1992 and 90 percent by 1995. Their goal is to reduce use of ozone depleting chemicals not regulated under the protocol, such as methyl chloroform, 20 percent by 1992 and 50 percent by 1995.

In September 1989, IBM established a goal of complete elimination of the use of CFC's by the end of 1993. In addition, plant managers have been advised to avoid the use of methyl chloroform as a substitute for CFC's.

In the interim, IBM is working to minimize releases of CFC's through the use of conservation and recycling and has made significant progress in reducing emissions. For example, their 1988 emissions in the United States were 25 percent less than in 1987 and, at their San Jose site, the reduced emissions 50 percent in 1988 by switching to a water-based cleaning process;

In December 1989, the American Electronics Association announced a new policy targeting a 50-percent cut in CFC emissions by 1993, an 80 percent cut by the end of 1997, and 100 percent elimination by 2000. The AEA also pledged to reduce emissions of methyl chloroform 40 percent by the end of the year 2000; and

In September 1989, Storage Technology Corp., a Colorado-based company, annouced that it is committed to a 50-percent reduction in CFC emissions by the end of 1990 and to the elimination of CFC emissions by 1993.

The fact that about 41 percent of CFC-12 that is used for refrigeration in this country is used in vehicle air-conditioners makes progress in the automotive arena particularly important. Here we find a number of encouraging developments. For example:

In August 1989, General Motors announced that a compact recycling machine is available to GM dealers for the 1990 model year and will be required service equipment for the 1991 model year beginning in the fall of 1990;

In September 1989, Underwriters Laboratories endorsed several new recycling machines for use on automobiles under warranty, and;

Hertz has announced that it is supplying all of it car maintenance centers with recycling systems;

Nissan has said that by the year 1993 its air-conditioners and manufacturing processes will be completely free of CFC's;

Calsonic International, announced in October 1989 that they had successfully built an automobile air-conditioning system that works without CFC's;

The Rovac Corp. has developed a patented rotary-vaned, low-pressure compressor that uses no CFC's. These units reportedly meet or exceed the performance of traditional CFC-based mobile air-conditioning systems;

In January 1989, EPA and the Motor Vehicle Manufacturers Association announced a voluntary agreement on an industry standard of purity for recycled refrigerants as part of an effort to reduce emissions; and

The Mobile Air-Conditioning Society, which represents manufacturers, distributors, and over 400 service establishments nationwide that service mobile air-conditioners, is urging its members to reduce releases of CFC's through recycling.

Home appliances and commerical heating and cooling systems are also significant users of CFC's. Here too, we are seeing some companies step up to the plate:

In October 1989, Whirlpool Corp., the world's largest manufacturer of major home appliances, announced the development of a portable process to recover CFC's during in-home repairs of refrigerators and freezers. They plan to have this equipment available next spring for all 6,500 service companies authorized to do warranty repair work for them, and;

A Texas company known as Ener-Craft, Inc. is marketing a portable CFC recycling machine for use on large chillers and heat pumps;

An engineer at the University of Northern Iowa has devised a system for recovering and recycling CFC's from large building and commercial cooling units;

Carrier Corp., the world's largest manufacturer of heating and cooling systems and equipment, recently introduced a new recovery and recycling system designed to capture large quantities of CFC-11 from commercial chillers; and

In September 1989, the appliance industry formed a research consortium with EPA and the Department of Energy. Their goal is to identify energy efficient, environmentally safe substitutes for CFC's currently used in refrigerators and freezers and to eliminate the use of CFC's as soon as possible before the year 2000.

If every company in America was following the lead of those included on this list, we would not need this bill. Unfortunately, these companies are still the exception rather than the rule.

In announcing the development of a new process that eliminates the need for CFC's as blowing agents in the manufacuture of foam seats and furniture cushions, the chairman of Union Carbide, Robert Kennedy, summed it up well, when he said:

> As a company whose products are essential for virtually every major industry in this country, we see tremendous opportunity for technology to come to the aid of the environment. And we intend to pursue them.

This legislation should not be viewed as an unfair burden being heaped on U.S. industries. The environmental problem known as ozone depletion is indeed a problem. But it is also an opportunity.

By waiting for measurements of actual ozone loss, by failing to take ap-

propriate action on the basis of credible scientific theory, governments around the world allowed a manageable environmental threat to become an environmental crisis. As a result of atmospheric lag time and the persistence of CFC's and similar ozone depleting and greenhouse forcing gases, it is too late to prevent additional damage to the ozone layer or human-induced global climate change.

Our challenge is to take action as rapidly as possible that will, to the greatest extent possible: First, reduce the threat of additional damage to the ozone layer; and second, reduce the rate and magnitude of human-induced global climate change.

Title 7 of this bill on CFC's and similar compounds meet that challenge, Mr. President, and I urge my colleagues to support it.

ACID RAIN

Let me turn now, briefly, to title IV of the committee's bill, the title that deals with acid deposition. We have, after 9 years of debate over whether there is a need for legislation on this issue, finally arrived at widespread agreement that the answer is "Yes."

The Administrator of the Environmental Protection Agency, Bill Reilly, made the case as succinctly as anyone when he testified before the Environment Committee last September, as follows:

> From years of scientific research we know that acid rain has damaged not hundreds but thousands of lakes and streams both in the United States and also in Canada. We know that acid rain is responsible for fully half of the haze, the visibility impairment that hangs over the Eastern United States, and that it seriously degraded the experience of visibility in some of the Nation's crown jewels—some of its great national parks, such as the Grand Canyon.
>
> We know that acid rain damages building and monuments. We know that acid rain impairs tree species and weakens our forests. And, finally, scientists have long been concerned over studies linking aerosols to damaged respiratory function in children and even to excess deaths.
>
> In the face of this research and in the face of what we now know, the President has concluded the time for study is over now. Now is the time for action.

The Environment Committee agrees with the President and has, with a few modifications, incorporated into our bill the President's proposal for controlling acid rain. Both the President's bill and ours call for 8.5 million tons of reductions in sulfur dioxide emissions from electric utilities between 1980 and 2000. These reductions, together with reductions from industrial sources and from reducing the sulfur content in diesel fuel, will achieve a total of 10 million fewer tons of SO_2 pollution in 2000 than in 1980.

Utilities will be required to reduce SO_2 emissions in two phases: By the beginning of 1995, 107 plants listed in the bill must meet specified emission tonnage limitations, and by the beginning of 2000, the bill sets tonnage limitations for six different categories of utilities depending on their size, emission rates prior to 2000, and the fuel used.

The committee bill, like the President's bill, caps SO_2 emissions after 2000 to assure that the environmental gains from reducing SO_2 are not wiped out by emissions growth.

The committee bill adopted the President's innovative approach to achieving SO_2 reductions in a cost-effective manner: it provides for an allowance system that lets utilities—or other SO_2 emitters, if they choose—buy and sell emission reduction credits. This system permits the owner of a facility that can reduce emissions at lower costs achieve controls beyond what it is required to do and sell the excess emission reductions to the owner of another facility for which controls would be more expensive.

The allowance system, in addition to encouraging implementation of the most cost-effective controls, provides a means for some of the utilities with the greatest emission reduction requirements to partially recoup control expenses by selling excess emission reductions at prices above what they paid to control emissions. The allowance system, together with the cap on emissions after 2000, also encourages energy conservation and efficiency.

The committee bill does differ somewhat from the President's in its treatment of emissions of NO_x. The bill sets specific emission limitations for NO_x from utilities, depending on the type of boiler involved. The level of control required is expected to reduce NO_x emissions from utilities by 2 million tons below current levels by 2000. Together with other provisions in the bill, total NO_x reductions could approximate 4 million tons below 1980 levels by 2000.

Oxides of nitrogen are harmful to the environment in a number of ways. As I have already mentioned, NO_x is one of the necessary ingredients in the formation of ozone. NO_x, in addition to SO_2, is a precursor of acid rain and dry acid deposition. And a recent study by the environmental defense fund identified NO_x emissions from utilities and vehicles as the second greatest source of nitrogen loading in the Chesapeake Bay, surpassing sewage outfalls and runoff of animal waste. Nitrogen, a nutrient, causes excessive growth of algae, loss of oxygen and light to the water and the long-term decline of marine life.

The committee acknowledges that with a program as innovative as the acid rain proposal, there may be a need to make adjustments to assure equitable treatment of all the affected sources. Like the President, we are working to find a program that accomplishes the fairest distribution of reduction requirements while reducing total SO_2 tonnage by 10 million tons below 1980 levels, keeping in place the tonnage limit after 2000, and assuring significant and permanent reductions in emissions of NO_x.

ENFORCEMENT AND PERMITS

Mr. President, I want to turn now to titles V and VI of this bill, and explain very briefly their importance to our clean air effort.

Title V of the bill conforms the Clean Air Act to many other environmental statutes by requiring plants that emit significant amounts of air pollution to obtain operating permits.

Title VI of the bill grants to EPA the same kinds of powers to monitor performance and enforce compliance with the Clean Air Act as the agency already enjoys under other environmental statutes, such as the Clean Water Act.

Both of these titles were recommended to us by the President. These titles are modeled after provisions the Senate has already approved in the context of another significant piece of environmental legislation—the Clean Water Act. In particular, the operating permits called for under title V of the bill would follow the very successful permit program authorized under the Clean Water Act. And the kinds of enforcement flexibility built into title VI of the bill are essentially the same as found in the Clean Water Act.

I want to emphasize these similarities for a very important reason. Just 3 years ago the Senate passed the Clean Water Act over President Reagan's veto by a vote of 86 to 14. I can assure the Senate that the need for permitting and enforcement under the Clean Air Act is just as great as is the need for enforcement of the Clean Water Act.

In titles V and VI, we give EPA the tools to ensure that those who violate the requirements of the Clean Air Act are identified promptly and punished appropriately.

The permits will serve the very useful function of gathering and reciting in one place—the permit document itself—all of the duties imposed by the Clean Air Act upon the source that holds the permit. This would clearly be an improvement over the present system, where both the source and EPA must search through numerous provisions of State implementation plans and regulations to assemble a complete list of requirements that apply to any particular plant.

To cover the costs associated with processing the permit and with monitoring permit compliance, the title will require each permitted source to pay a fee.

The title grants EPA the flexibility to design a variety of permits tailored to the needs and processes of each source. For example, the title would allow EPA to issue general permits for

entire classes of similar sources—such as service stations. The title would also allow EPA to issue a bubble permit that would cover a single plant that had numerous emission points.

Once these permits are in place, plant managers will be better able to understand and to follow the requirements of the Clean Air Act. At the same time, EPA will be better able to monitor how well each plant is complying with those requirements. This is a highly sensible approach for all concerned.

Title VI of the bill conforms the enforcement provisions of the Clean Air Act to the kinds of provisions already found in the Clean Water Act and other environmental statutes in several ways.

First, the title expands the range of activities that can be the subject of civil or criminal penalties. It is most important to our efforts to maintain progress in protecting air quality that we have on the books significant sanctions that are available to punish those who violate the act. This title makes those penalties available to EPA in appropriate cases.

Second, the title provides EPA with the ability to impose administrative penalties on violators of the act. This provision establishes a system that is like the one EPA has used quite successfully to respond to violations of the Clean Water Act.

Third, the title allows courts to impose civil penalties when citizens successfully show violations of the act. These penalties will be deposited in a special treasury fund for use by EPA to help pay for air pollution programs.

Fourth, the title will allow citizens to sue EPA to compel actions that the agency has unreasonably delayed. This provision will help to ensure that our progress toward cleaning the air continues at a steady pace, and that statutory requirements are met by the agency.

The enforcement provisions are much-needed additions to the EPA arsenal in its efforts to monitor and maintain strict compliance with the Clean Air Act.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I am very pleased the Senate is finally going to debate the Clean Air Act reauthorization on the Senate floor. In the past, the Senate Environment and Public Works Committee has reported some very extreme clean air bills that never ever seemed to be debated, but it is always a great exercise. The vote is usually 16 to 0 or 15 to 1 and we shoot this thing out of committee to the desk and watch it just languish there and nothing ever happens, and that has happened for 8 years.

If anybody wonders why we have not done a Clean Air Act, it is because of extremists on both sides of the issue. I have watched them. They are purists in the ultimate form: It is not a pure enough bill. We need more time to study. It will wipe out corporate America.

I have seen all sides of this one. They have effectively stopped clean air legislation for 8 years, and they should get their lumps for that. That does not mean we process and go forward in a blind way, but it does mean that we have serious issues and we must address them, and we have and we will.

But I have been, I must say, very frustrated as we have dealt with issues of how we got this far. We wanted a bill that was flexible; we wanted a bill that would do the job, that would reduce acid rain by 10 million tons, and assure that we meet the test of the polluter paying. We had to have caps. We cannot have a proper bill without caps. Emissions trading is admittedly a subsidy, but we are ready to consider that.

I want to pay particular tribute to Senator BAUCUS, who had a tough, tough job. He represents a Western State, my northern neighbor, Montana. He has the same problems there. They have a lot of coal in that State, too—one of the big coal-producing States. They are very interested in their environment and they have much to preserve, like we do in Wyoming, pristine areas, remarkable vistas. And so it is a tough one for him.

There is a lot of conflict in it, I can imagine, as he is here on the floor managing the bill. But in the course of it, we all feel that type of conflict. I hope we can stay with our agenda, which so far we have, through subcommittee and full committee. But I must say that I am somewhat disturbed to hear the debate now going suddenly into the issue of children, dead babies.

Come on, we have to do better than that on this issue. It is a tough issue. We have been to those extremes. We have heard those things before and got nowhere. Certainly there is not anything to be partisanly gained by saying that one side is more interested in the youth of our Nation or less dead babies. We really do not need that in this argument. No one is for that.

Those are the things that make our work difficult. I have said 150 times from this floor the way you pass or kill a bill when you do not have merits with it is to use a deft blend of emotion, fear, guilt, or racism. We do not need that. We certainly do not need it here. It is the reason we have not done anything for 8 years.

All of us know that the public health is affected by acid rain. Who does not? And if that continues to come up, I will continue to wander out here and through my angular form into the fray. We do not need that. That is unbecoming in this debate. What we do need is to talk about what this is going to do. Is it going to get the job done for us? Is it going to keep America competitive? Because one of the things I know that this fine chairman has spoken about for years is competitiveness. Now we are looking at some real hold cards on this bill after we do this, and we are going to do it, and I am going to be ready to do it. I will do everything I can to assist.

We are not here to peddle low-sulfur coal or just represent our own States selfishly. We are ready to do things, ready to do things to assist the Midwest. We are ready to see that we do not do something to punitively impact on them. We are ready to see we do not do punitive things to the high-sulfur coal industry. But we are not going to let punitive things happen to the low-sulfur coal industry either like we did with percentage reduction like in 1977 before any of us were here. That is not going to happen.

We think the polluters should pay. The rates in the West should not be 343 percent higher than the average, and the rates in the Midwest should not be 33 percent less than the average. That means grinding. We are going to do that. But these are important issues.

Then there is a part of this bill which there are not five people in America who really know what is in it, and that is the toxic pollutant aspect of it. It is highly complex. It is highly technical. There are two or three staff persons that crank around in it and I think eat it for breakfast. The rest of us just kind of wander into the vapors. Toxic pollutants could have a lot of ramifications that we do not understand at all. It gives me concern. Ozone nonattainment is clear enough. There are areas of the country where 100 million Americans live that are not meeting the ozone levels that we have all prescribed. Some of those places are going to be out of business.

What are they going to use when we finish an acid rain bill? Are they going to then reexamine the nuclear option? Of course they will have to. There are people here on this floor who do not want anything to do with the nuclear option, yet there are 108 reactors already cranking and there will be 1,250 reactors cranking within the next 1½ to 2 years. People forget that. Do we go to low-sulfur coal? Do we go to natural gas?

Anyway, my State will not lose. We produce natural gas and we will be producing a pipeline to California to assist them in enhanced oil recovery and ozone attain. And low-sulfur coal and nuclear—these are tough issues. Then some of these things are dramatic.

I guess I hate to see, too, now a discussion and rhetoric rising not before, but now. Now, here we go. I knew this was going to be a bloodbath. There is not anybody around that knows that is not going to be the case. The reason it will is because, I have said this many times, for the first time in the debate the Midwest Senators will weigh in. We are going to hear it from our unique and remarkable colleagues from Ohio, Illinois, Indiana, and Missouri. We never heard from them before. We sit in the Environment and Public Works Committee and there are a bunch of Senators from the West and the Northeast. We then do our mystical work leaving out the four States that are most critically effected. We are going to hear a lot from them in this debate and should.

We are going to hear about emissions trading and allowances. What does that do? What really does it do? What does it do to the clean States who are already there? How about the clean States that are poor and could not buy any kind of emissions trading? Those are things that are going to be in this debate.

But I think what I see happening too, other than the fact we are now back to the human, is a totally human dimension that anyone who is not aboard now is ready to see our fellow citizens just gasp and go off in a miasma of fog and soot and smoke. That is not what we are talking about.

We have heard rhetoric now about the need for a strong clean air bill. Now we are hearing comments that the President's bill is weaker than the Senate bill and now we are using that ancient argument. We have been there before, too. That always leads to nothing. Remember, we have done nothing for 8 years while the people of America have been clamoring for an acid rain bill.

That type of oversimplification does not provide service to the public or the Congress, absolutely none. It is curious and frustrating, I must say, to hear the old harangues now about certain provisions being weakening amendments. That is always said with a great flutter and gasp; or strengthening amendments which is done with great breast-pounding, and we have all been through that. Use of that terminology is an absolute cop-out now.

The President's bill and the committee bill are both good, good strong bills. I supported the committee bill. I had a little ruckus from that. But I do. I have. I admire the tenacity in which it prevailed as we put it together. But the President's bill provides the same environmental protection as the Senate bill but for about 20 billion bucks less.

Surely we have learned around here that the express train does not run with just how many bucks you can get on the cars as it goes through here. But I do not think we ever do. So if you can do something for less, I think we should do it, and still get the same result. That is what the President's measure could do. I am supportive of both because I am a legislator. If you are a purist you ought to get out of legislating.

We have a long way to go here. We have to go through a floor debate which is going to be contentious and just absolutely riotous. We are going to hear some terrible horror stories about companies and utilities are going to go out of existence they say, and we are going to hear it about the oil industry and their problems. We are going to have to deal with that.

And then we are going to do a bill and we will get it. The House will do a bill and then we will go to conference, and the conference will be an absolutely remarkable gathering. It will be much like Superfund. And some of us on this floor, my colleague from New Jersey and I, were on that conference on Superfund. We remember what that was.

So there is no purity. There is not anyone sitting with their charts either from the administration or the environmentalists or the extremists or the "Don't do anything" crew or anybody who is not going to have to junk those particular documents, and just get into the fray as we do what we should do best, and that is called legislating.

I hope Senators will talk about the relative merits of certain provisions of the bill without resorting to the old business about weakening the Clean Air Act. How can you weaken it any more when you have not done anything with it in 8 years? That ought to be about the ultimate weakness that could ever be had.

So that type of rhetoric I think is very uncalled for, very inappropriate. It is intellectually inferior to the actual debate about what specific provisions will accomplish or not accomplish for a specific cause. I trust we can recognize that the American people are intelligent. They can digest facts, and they can spot the people who get on this floor and try to lead us off into the labyrinth of things other than the factual situation with regard to this. They can digest facts about clean air. And I really do not think we need to hear the old emotionally-charged phrases about weakening and strengthening.

So we are here. We are here because President Bush is deeply involved in the issue. We are here because the Environment and Public Works Committee of the Senate is heavily involved in the issue. But our singular reason why we have come this soon to this issue is because of President Bush. He presented his own bill and it was a good one. He should be given full recognition and credit for being an important catalyst in the consolidation and passage of the clean air legislation.

The past administration was not that deeply involved in the deliberations, and the environmental and the private sector groups were extremely fond of lobbing bombs in order to sabotage any progress toward any kind of good, commonsense bill.

It was our former colleague from Colorado, Gary Hart, who used to call this activity "mau-mau" politics when one talked about the Clean Air Act. I trust, as we proceed with this debate, we will not see this same kind of activity.

It seems to me, and I pay them credit, that the extreme environmental groups have toned down their rhetoric a bit this year. Perhaps their fundraising activities have toppled off somewhat. They will come back into the fray if they need to. I have every reason to believe they are being more reasonable, and I think that is good for us.

We will have to hear the views of our Midwestern colleagues. We will. Acid rain is the premier issue. We know what is driving it. Many polls say the Americans are willing to pay for clean air, but that does not mean we should gouge the public with expensive subsidies or overzealous regulations.

We are all interested in maximum flexibility and least cost. The committee bill leans in that direction with regard to acid rain. I still have my problems with ozone control and hazardous air pollutants. I am ready to help with that.

I think it could, in its present form, put some businesses out of business. I also believe that permitting and enforcement provisions of the bill have not received enough attention from us. I am ready to work on that, because I think some of those provisions may be a bit draconian. That will be resolved.

The acid rain debate is not about the need for action, but it is simply how we do the sulfur dioxide control strategies that should be accomplished. There are going to be differences with regulatory issues, fairness, utility rates, regional coal struggles, environmental impacts.

I think we all agree that there is a consensus for a least cost approach, and no cost-sharing. Last year, over 50 Senators signed a letter to the President embracing the principles of least cost and flexibility. We have three distinct groups in the country, geographically. We have the Northeast, the one most affected, the most vociferous, many damaged lakes. We have the Midwest, which is most affected by the controlled technologies and strategies, and the West and South, relatively clean, that are experiencing—or soon will again—some positive economic and population growth.

We must keep all of these things in context. The history of pollution control and coal production and utility rates is critical to debate and, of course, as I say, we put this thing on the books in 1970. Then we produced the 1977 Clean Air amendments, and then we got into the struggle geographically with high sulfur coal and low sulfur coal. That was destructive. None of us will go back to that. Even those who feel very strongly note that that would be the ultimate criteria, because at that time, back then, the high sulfur coal interest saw that emission reductions could be achieved by either using clean, low sulfur coal or expensive scrubbage, the gas emitted from powerplants burning high sulfur coal.

Organized labor was concerned about losing markets to the cleaner coal States. Even when low sulfur coal is located also in some of those States where they do a lot of high sulfur coal mining, it really is an extraordinary irony that as people speak for a high sulfur coal industry, they often have a low sulfur coal coal industry in the State. As union members speak for a high sulfur coal industry, they have union members in low sulfur coal States. So that has always been contentious.

So in an effort, then, to gimmick the marketplace, the changes were made to help to sell dirty, high-sulfur coal. That was 1977 when that was accomplished. The Midwestern Members, at the objection of Senator Muskie, who was appalled and spoke on it, said this is a wrong thing to do, placed the owner's percentage reduction requirement in the Clean Air Act during the conference committee consideration of the 1977 amendments; and that provision was placed there without any hearings or debate in the House and the Senate, and its full impact was not realized for some time, and maybe not even yet.

In any event, it was done; it mandated the use of costly scrubbers when utilities burned either type of coal, requiring 90 percent sulfur removal when high-sulfur coal was used, and 70-percent sulfur removal when low-sulfur coal was used.

It was billed as an attempt to clean-up the environment, but in fact it was a very blatant effort to unfairly influence the Nation's coal markets. We also have the history of utility emissions. States in the Midwest wanted to continue using their high sulfur coal reserves and so chose to meet the Federal standards without implementing any stronger State-based emission standards. And in the meantime, States such as my home State of Wyoming, and I think Montana, the Western States, passed laws that significantly reduced sulfur dioxide emissions.

I was a member of the Wyoming Legislature, as was the occupant of the chair in his State. We met years ago when we were in the State legislature together, he in Nevada and I in Wyoming. We passed a State law that required an SO_2 standard that is six times more stringent than the Federal requirement. We are not wanting to go back, and we are not ready to pay any more. We have paid. We tottied up and really laid it on the barrelhead.

Well, that strategy allowed the Midwest to continue the burning of local high sulfur coal, with all the economic advantages of doing that and keeping local utility rates low. While these States belched out pollution and damaged lakes in the Northeast, they profited, and very handsomely.

Now we find that the same States are saying it is unfair to require them to reduce their emissions further. I do not see the logic or the fairness in that. These Midwestern States would have us abandon the polluter pays principle, something we have stuck with in Superfund, and almost every other environmental law should not deviate from it now.

Some have called for a national tax to pay the States emitting high amounts of sulfur dioxide to reduce emissions. I think that is an idea that has no merit, personally. Midwestern utilities and rate payers have reaped the economic benefits of their own unwillingness to reduce emissions and so should not be treated as though they were the victims. It reminds me of that old story of the child that murdered his parents and then went before the judge and pleaded for leniency on the basis that he was an orphan. That is about what that argument comes to.

We sometimes see a very strange alliance of large coal companies and organized labor on this issue. We hear the claims about potential job losses and displacement of miners. I am ready to listen to that debate and try to help with that. We do not hear how the percentage reduction requirement helps high sulfur coal producers and how the massive Federal clean coal technology programs benefit mostly high sulfur coal in States east of the Mississippi.

Our new Secretary has realized that because you have low sulfur coal does not mean you should not be involved in new technologies and clean coal technology, but billions and billions of bucks have gone to the high sulfur coal industry in these last years; please remember that in this debate—billions.

They have not suffered. Those programs have truly been subsidies, in any sense, and should be recognized as such.

Obviously, low-sulphur coal has increased over the past several years in production. In fact my State is the No. 1 coal-producing State in the United States today.

A little history is important and it should be pointed out that the traditional coal-producing States of Pennsylvania, West Virginia, Kentucky, and Illinois were the big coal producers for 100 years before we shipped a single load of coal from Wyoming. Indeed the economic benefits of that historic production have been very significant and already been felt by those States. We have not had our chance to feel it.

I also want to say that I am not in favor of clean air legislation in order to simply peddle Wyoming coal. I have said that. I do not need to do that. But I am on record as opposing the gimmickry that we have seen in the past, and I want to be vigilant in order to prevent other types of legislative market tampering and any unfair subsidies in the future.

While we are the No. 1 coal-producing State, the economy of our State is very poor and very fragile. Overall, our economy is based on oil and gas production, and with oil prices at rock-bottom level the people of Wyoming are suffering every bit as much as the people in West Virginia or other high-sulphur coal States.

Finally, I am troubled by the Environment Committee bill because it contains a system of allowances. The allowance system essentially gives "credits" to utility plants that reduce emissions below a certain level and these emission credits may then be sold to offset the cost of the scrubbers. In effect, this is a type of hidden subsidy for Midwestern States. Western States, as I have said, have already cleaned up their emissions, so they have very little opportunity to develop offsets or allowances.

We have before us a bill from the committee with an indirect subsidy provision. I knew it was there. I am willing to do that. And then we hear, though, some of the Midwestern interests want even more assistance, perhaps double allowances or two-for-one credits for emission reductions. The Senate must conclude a conference committee with the House after we consider this bill and the prosubsidy sentiments in the House are stronger than they are here. I can only wonder where those demands will stop.

I note that the administration is adamantly opposed to the two-for-one-allowance proposal, as are a significant number of other Senators.

The final concern about the committee bill, as I have already indicated, is with hazardous or toxic air pollutants. I think there is a general consensus that EPA has not been aggressive enough in controlling these hazardous emissions, but little attention has been given to the Senate hazardous air pollutant provisions. These are lengthy, they are complex, they are confusing. They deserve to be examined extreme-

ly closely and probably should be modified by an amendment during Senate consideration.

I say honestly I do not think there are five staffers anywhere in the Senate or the House who understand it, and certainly there are going to be many things that come up where we are going to receive some remarkably gratuitous amendments which will say, "This is just a housekeeping amendment which will tilt or do something," We all ought to be on guard for that.

I have great concern what that provision can do to the petroleum industry. Title III of S. 1630 specifies hardline risk limits of carcinogens of one in one million, and somewhere along in the whole thing we are going to have to revisit the issue of risk assessment, on who are the gnomes that present to us that if we do this there will be one additional cancer death per million people.

Who are these people? Risk assessment is going to just grind us into rubble in years to come because there are risks to life.

Of course, one of the great risk assessment hearings of years ago before we came to the Senate was as a manufacturer testified in the Dirksen Building on background radiation and one of the members, who will leave us soon, Senator MCCLURE, brought in a radiation device, a Geiger counter, and his presentation showed that the background radiation in the Dirksen Building was greater than the one they had in the bill that they were trying to reach.

So those are the things we go through in this ghastly exercise of environment. We have the extremists on both sides.

It was Bill Ruckelshaus who left the EPA who said:

> This is really some line of work. We get two people in my office. We are talking about radionuclides. One is telling me that on that uranium mill tailings pile, the grass is growing. Antelope eat it and bound through the prairies with renewed vigor. Another one tells me if you walk over the top of the pile, you will be sterilized.

This is what we have to go through in this exercise and we should go through it with this. But as to risk assessment, I hope we will keep a sensible approach to that.

But one in one million to the maximally exposed individual, what is that? Who did that? We are going to have to look at that. And that is without consideration of cost, feasibility, or other important factors, including common sense. It would seem much more prudent to protect citizens from unreasonable risk while considering feasibility.

Then, maximum available control technology. I think that should be defined predominantly by the technology used in each source category and should not broadly specify for technology transfer between source categories.

After listing and ranking of sources, only those source categories meriting control should be required to implement maximum available controls. Otherwise, you are going to have numerous small facilities such as oil and gas production sites posing little risk going to be subject to very expensive requirements. I believe that special consideration should be given to oil and gas production facilities so that only those facilities that are posing the significant risk to the surrounding population shall be subject to those requirements.

I will be offering several amendments to the committee bill during consideration of the legislation dealing with these issues. I am going to work with the committee to determine if we can reach consensus on those before offering them. We had to parry our work and we did. I am not complaining at all. It was a good long markup and it was done. But I will be pursuing that first with the committee, first with the majority, first with the staff. Here we go.

We should be witnessing and taking part in a very spirited debate on a very important subject. I look forward to working with the majority leader, Senator MITCHELL. He and I have been working on acid rain issues for years together. We almost had one. But that is another story.

I will look forward to working with Senator BYRD, an extraordinarily important player in this issue, and he will be a steady and forceful debater in the process.

Our fine leader on our side of the aisle, Senator DOLE; JOHN CHAFEE, the ranking Republican on the Senate Environment Committee; Senator BURDICK, who worked doggedly on this; Senator BAUCUS, who has done a tremendous amount of work on the issue; and all others who have a keen interest in ensuring that Americans have clean air to breathe and natural resources that are adequately protected from pollution and recognizing the tremendous costs that will be required in completing it all in a manner which will not further lessen our competitiveness in this world's economy. These are some things that I am looking forward to, and, indeed, it will be one of the most spirited debates of current vintage.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BAUCUS] is recognized.

Mr. BAUCUS. Mr. President, I thank the Senator from Wyoming for that very thoughtful statement. The Senator from Wyoming, the distinguished assistant minority leader, a member of the committee, has continually contributed to a solution to the problem, and his statement here on the floor today is further evidence of that. I say that for many reasons.

No. 1, the Senator pointed out the various regions of the country which historically had difficulty finding a solution, but he went on to point out that he is going to consult first with the committee and, before offering amendments, try to work out a solution in a spirit of compromise. It is for that reason, first, I very much commend the Senator from Wyoming. It is an indication from the minority side that they want to work with the majority side to find an agreement.

The Senator also said "here we go;" it is going to a contentious and raucus debate. It will be contentious at times, and I think there will be very well stated differences of opinion. I tend to think, however, that the year of the passage of the Clean Air Act is here. It will happen this year. Therefore the debate, although it will be confrontational, perhaps will not be as contentious and raucus as some might say. The President wants the bill. The leadership in the Senate and House want the bill. The country wants a bill. There will be a clean air bill this year.

The Senator further pointed out this is a continual process; debate, amendments will be offered, informally and formally, here on the floor. The next step after the passage of the bill here in the Senate will be a full consideration by the House. The House will have its point of view in passage of the Clean Air Act.

After that, there will be the conference. As we all know, the conference is, if not the most critical part of the process, certainly it is one of the most critical parts of the process the passage of any bill. So there will be many opportunities for Senators and for House Members as they examine this bill to offer changes, improvements. And, of course, the committee will be very responsive to those suggestions because it is our goal to finally pass the bill.

We are a complex, large country. The Senator from Wyoming has put his finger on the mark by pointing out, if you listen to the full totality of his statement, that now is the time for cooperation. Let us get together. Let us pass a bill. I again thank the Senator from Wyoming for the very, very constructive and helpful tone that he has helped set here today.

I yield the floor.

The PRESIDING OFFICER (Mr. KERREY). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senator from New York [Mr. MOYNIHAN] be given 5 minutes in this debate without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SOCIAL SECURITY

Mr. MOYNIHAN. I thank my distinguished, gallant, generous colleague from New Jersey for giving me this opportunity, Mr. President.

I rise for a painful purpose—to state my disappointment in the remarks made by the President this morning at his press conference in response to questions concerning my legislation to return the Social Security System to pay-as-you-go financing. I introduced the bill yesterday in the company of a number of colleagues, having said on December 29 that I would do so.

Mr. President, there is no "sleight of hand" involved whatever. I do not see that there was any need to make such a characterization. If there is a problem of dissimulation, I would suggest it resides with the present practice of using Social Security trust funds as general revenues. My distinguished friend, the Republican Senator from Pennsylvania, Senator HEINZ, has used a very direct word for this. He says it is called "embezzlement".

The simple fact is that in the National Economic Commission report, published March 1, 1989, the Democratic commissioners said that we would hope to see the Social Security surpluses saved, but if they were not, we would return Social Security to pay-as-you-go financing. We said that on the basis of a General Accounting Office study commissioned by the Subcommittee on Social Security, which was given to the Congress January a year ago, that said save the Social Security surplus or return to pay as you go when you have a reserve of a year's or perhaps a year and a half's worth of benefits.

We proposed in our legislation to do just that. At the end of this year we will have a year's reserve. We have not had such a reserve since 1970. The Social Security benefits are in the best possible shape.

I have to say, Mr. President, that I was surprised this morning when the President was asked about a proposal by a Republican member of the House to privatize Social Security, which is in effect to abolish Social Security. The President described that as "innovative." Is it "innovative" to suggest that after 50 years of steady payments we should start dismantling Social Security? Well, I do not think so.

I ask unanimous consent to have printed in the RECORD an article entitled "House Republicans Push Anew for Privatization of Social Security," by Tom Kenworthy and Helen Dewar, about the proposal the President described as innovative.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 20, 1990]

HOUSE REPUBLICANS PUSH ANEW FOR PRIVATIZATION OF SOCIAL SECURITY

(By Tom Kenworthy and Helen Dewar)

Two influential House Republicans have dusted off an old idea and tossed it into the raging debate on the integrity of the Social Security trust fund touched off by Sen. Daniel Patrick Moynihan's proposal to cut the Social Security payroll tax by $50 billion a year.

With the backing of House Minority Whip Newt Gingrich (R-Ga.), Rep. John Edward Porter (R-Ill.) yesterday said he will push anew for the gradual privatization of Social Security by using the systems rapidly growing surplus to establish individual retirement accounts for American taxpayers.

Porter, who introduced legislation last year calling for a study of his proposed retirement benefit system, said he will redraw the proposal this year and offer it as a substitute for Moynihan's plan.

Moynihan and Porter long have criticized a federal accounting system that allows the trust fund reserves to distort the size of the federal deficit. Although Porter gave Moynihan credit yesterday for kicking off a spirited national debate, he parted company with the New York Democrat over the proposed cut in the payroll tax.

"We should not be playing tax-cut politics with the Social Security system," said Porter, arguing that the payroll tax reduction would force future congresses to drastically raise income taxes or slash retirement benefits to meet the government's obligation to the Baby-Boom generation when it retires.

Recognizing the political appeal of Moynihan's tax cut proposal, many Republicans, including President Bush, have labeled it a cynical ploy designed to force the White House to accept a general tax increase and have warned that its advocates are endangering the future retirement benefits of millions of Americans.

Under Porter's proposal, the reserves now building up in Social Security, now about $65 billion, would be used to create Individual Social Security Retirement Accounts controlled by each taxpayer. The funds would be invested in relatively safe instruments, such as government bonds, and converted to annuities by each worker upon retirement. Participation would be mandatory, and early withdrawals would be prohibited.

The current Social Security system would become fully privatized once all of today's taxpayers are retired. In the meantime, Porter said, there would be a hybrid of the current Social Security system and the evolving private accounts.

In the Senate, Majority Leader George J. Mitchell (D-Maine) said Moynihan has made a "serious and important proposal" but expressed concern about its potential impact on the deficit. Mitchell said he is awaiting two staff studies analyzing the proposal's implications for the Social Security trust fund and the deficit and will not take a position until they are available.

But Mitchell said Moynihan's proposal "brought home in a very dramatic way the tremendous inequities of the American tax system" and what he called the "inconsistencies" of Bush's tax policies, which he described as "let the little people pay but cut taxes for the very wealthy." This was a reference to Bush's proposal to cut taxes on capital gains.

Minority Leader Robert J. Dole (R-Kan.) said he thinks that Moynihan's proposal will "self-destruct," especially since it prompts moves to raise taxes, such as a proposal from Sen. Ernest F. Hollings (D-S.C.) to levy a value-added tax, or national sales tax, to offset the cost of proposed Social Security and capital gains tax reductions. "He [Moynihan] brought the good news; Hollings delivered the bad news," Dole said.

Mr. MOYNIHAN. I would like to say that throughout the 1980's, this Senator, as either chairman of the Subcommittee on Social Security or ranking member, fought efforts to cut Social Security benefits on this floor. In 1981, the Reagan-Bush administration proposed a 40-percent reduction in early retirement benefits in the first 4 months in office. I came to this floor and said no to a 40-percent reduction for people retiring at age 62.

My amendment to stop the benefit cuts was tabled, or killed, by a vote of 49 to 48, with then Senator Quayle voting against me and for benefit cuts. By the end of the day, Senate Republicans joined with Senate Democrats in repudiating the Reagan-Bush proposals to cut Social Security.

We are doing what we said we would do. We are strengthening Social Security and restoring honesty and integrity to Federal finances. I do not think that that should be characterized as sleight of hand. I regret that. Perhaps the President regrets it. If so, we can leave it behind. But for the moment I had to make this statement. I thank the Chair for his courtesy and I thank the Senator from New Jersey for giving me the opportunity to make this statement.

I ask unanimous consent that an article in the current issue of the Economist be printed in the RECORD, which says—and I will conclude with this statement—that, as Mr. MOYNIHAN said in the report of the National Economic Commission last March, this present practice amounts to a stealthy substitution of regressive payroll tax for progressive income tax in paying for Federal spending. That might be described as sleight of hand.

I thank the Chair and I thank my friend from New Jersey.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Economist, Jan. 20, 1990]

TAXES: HIDDEN TREASURE

WASHINGTON, DC.—In starting a campaign to cut the payroll tax that pays for retirement benefits, Senator Patrick Moynihan has acquired strange political allies. Right-wing think-tanks cheer him on; his fellow Democrats keep an embarrassed silence. President Bush is in the awkward position of resisting a tax cut that would benefit all working Americans, while proposing in his 1991 budget a cut in the capital-gains tax, plus tax breaks for saving, both of which would mainly help the better-off. Mr. Moy-

nihan's move could make the payroll tax, not Mr. Bush's proposals, the focus of tax debate this year.

The payroll tax falls equally on employers and workers. The proceeds go into two trust funds, one that finances social security (old-age pensions), the other Medicare, the health-care programme for the old. After a 1983 report on the system's solvency from a commission of which Mr. Moynihan was a member, Congress approved a series of big increases in the tax. The latest, to a total of 15.3% levied on all pay below the cut-off level of $51,300 a year, came on January 1st. The rate is now 60% higher than it was in 1970.

The payroll tax wreaks havoc with marginal tax rates. True marginal tax rates are at their peak for two-earner couples making between $50,000 and $100,000 a year (see chart)—precisely the middle-income people who would best respond to the incentive of lower rates. America has one of the world's least progressive tax structures. The average proportion of income paid in tax by the poorest 50% of families rose in the 1980s by 6%, while for the richest 10% it fell by 10%. And thanks largely to higher payroll taxes, the share of federal taxes in GNP throughout the supposedly tax-cutting 1980s stayed unchanged at around 19.5%.

There are big annual surpluses in both the social-security and Medicare trust funds ($65 billion and $25 billion respectively this year, though the rising cost of health care means that the Medicare surplus will soon disappear). The social-security surplus is designed to meet the pensions of retired baby-boomers in the next century. But since it is invested in Treasury securities, it is not being saved but used to finance spending. As Mr. Moynihan said in the report of the National Economic Commission last March, this amounts to a stealthy substitution of regressive payroll tax for progressive income tax in paying for federal spending.

Mr. Moynihan now wants to roll back the January 1st increase and, by a further cut next year, to return social security from annual surpluses to a pay-as-you-go system (with a modest reserve). Getting rid of the bogus surplus would be much better than the administration's bogus plan to protect it after 1993 by using it to retire federal debt.

But cutting payroll tax runs into one huge obstacle: it would add $55 billion to the 1991 budget deficit. That would scupper any chance of meeting the Gramm-Rudman deficit target of $64 billion unless spending were cut or other taxes raised. Mr. Moynihan has disappeared to Africa without saying which he prefers, though it is generally assumed to be the second. His opponents fear that Congress might cut the payroll tax and ignore Gramm-Rudman (which can be suspended if GNP growth in two successive quarters is less than 1% at an annual rate—and the fourth quarter of last year probably met that test).

Regardless of GNP growth, it would plainly be wrong to increase the budget deficit. There are plenty of ways in which that can be avoided: bigger cuts in defense or other spending; higher income, petrol or excise taxes; or broadening the tax base to include fringe benefits or the full value of social security. Mr. Bush could find that using the deficit argument against the payroll-tax cut is no more effective politically than the same argument was against Mr. Reagan's tax cuts in 1981. A better strategy would be for him to use it as tax-cutting cover to disguise bigger tax increases elsewhere.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in strong support of S. 1630, the Clean Air Act Amendments of 1989. The American people have made clear their desire to have clean air—air which is safe to breathe, which does not harm trees, lakes, and coastal waters, and which does not pose the kind of threat that a Bhopal-type accident, that killed and maimed thousands, to happen in the United States. S. 1630 provides the legislative underpinning to achieve these goals.

I want to express my appreciation to Senators BURDICK, BAUCUS, and CHAFEE for leading the effort to develop strong clean air legislation and bringing this bill to the floor. And I want to particularly commend our majority leader, Senator MITCHELL, who for a decade has been the conscience of the Senate on clean air. I believe that his unstinting efforts to develop clean air legislation and see that it is enacted will be rewarded this year.

Mr. President, this year we celebrate the 20th anniversary of enactment of the National Environmental Policy Act. NEPA establishes a firm recognition that each person should be able to enjoy a healthful environment. And that healthful environment depends on clean breathable air. Human life is dependent on it. So is all life. Without clearn air, we will fail to achieve all of the hopes that life has for each of us and the generations that follow. Unfortunately, numerous medical groups have concluded air pollution is causing a public health crisis. Air pollution may be causing as many as 50,000 premature deaths per year. And the American Lung Association has estimated that the United States spends $100 billion every year in additional health care costs due to air pollution exposure. EPA's implementation of the existing Clean Air Act has not resulted in the healthful environment called for by NEPA.

Mr. President, the findings of the American Lung Association are worth emphasizing because we hear so much about the cost of bettering our environment. One hundred billion dollars in health care cost. We should keep that in mind, because, as the debate proceeds, we will hear complaints the cost of clean air legislation is too high.

It is a familiar complaint. Down through the years, there has been a minority of voices telling Americans that the cost of better health was too high—the cost of better lives was too high.

We heard it when we took children out of sweatshops. We heard it when we gave workers a minimum wage. We heard it when we passed mine safety and factory safety laws. The price it was said, was too high.

And we have heard it every time we have moved to control environmental pollution. Mr. President, it is not the price of action that is not too high. It is the price of inaction.

Americans want cleaner air. They want us to pass a tough bill. They know that will mean some changes. They know that will mean adjustments. But, they know we have the ingenuity, and the creativity, to meet the challenge.

Those who say the cost of clean air legislation is too high are really saying something different. They are saying America cannot afford it, cannot afford the increased cost to protect the health of its people. Think of what that means. It is a message of lower horizons. It is a message of gloom. It is the kind of message that says America's economic strength can only be built if we continue to soil and damage our environment.

Mr. President, that is not the America we know. A sign of our progress as a nation is that with our increasing strength and increasing prosperity, we have achieved higher quality of life for our people. That is progress. And, with the passage of this clean air legislation, we will make a big step toward better, healthier lives. And it is about time we get on with the task.

The Clean Air Act authorization for appropriations expired in 1981 and since then the Congress has neither reauthorized nor strengthened the act. This is primarily the fault of the Reagan administration which first tried to weaken the act and when that failed, opposed every effort to strengthen the act.

To his credit, President Bush has made passage of clean air legislation a priority. This is a major advance over the Reagan administration position, and has helped provide the impetus for congressional action during this Congress. And the President's acid rain proposal represents a serious effort to reduce sulfur dioxide.

But simply being better than the Reagan administration, which was so hostile to environmental values, is not enough. Unfortunately, President Bush's proposal fails to provide the tough programs we need to address nonattainment and air toxics. And even his acid rain proposal inadequately controls emissions of oxides of nitrogen which play an important role in the generation of acid rain. S. 1630 provides the tough, comprehensive program we need.

Air toxics present a significant threat to public health and safety and to the environment. Air toxic emissions are too high—at least 2.7 billion pounds in 1987 according to the right-to-know data. That is roughly 10 pounds of toxic air emissions for every

man, woman, and child in the United States. And total air toxic emissions are up to five times higher when we account for sources of emissions not included in the Right-To-Know Program.

Air toxic emissions threaten our health. A 1989 EPA study estimated a national annual cancer incidence of up to 2,700 cancer cases from exposure to just 90 air toxics. This means that 190,000 now alive—2,700 annually times 70-year life span—are expected to contract cancer from exposure to air toxics. And EPA has identified 149 facilities where the risk to the most exposed individual is greater than 1 in 10,000. One plant in Texas poses a risk of cancer greater than 1 in 10.

Toxic air emissions also pose significant noncancer risks including respiratory disease and birth defects.

It is not surprising that as early as 1987, EPA concluded that air toxics pose a high risk of cancer and no-cancer health risks when compared to other sources of pollution.

And air toxics also threaten our environment.

Air toxics account for roughly 25 percent of the total toxic loading of the Great Lakes and up to 80 percent of the toxics in Lake Superior.

And a draft EPA report concludes that atmospheric deposition also may be an important source of toxics to estuaries and coastal waters. Toxics in our coastal environment cause tumors, reproductive failures, and growth and developmental abnormalities in fish and shellfish.

Finally, some chemicals are extremely hazardous and if not handled properly, pose significant risk of accidents.

According to EPA, there have been over 300 deaths and almost half a million people evacuated between 1982 and 1986 as a result of chemical accidents. And at least 17 of these events had the potential for more damage than occurred at Bhopal where 3,400 died and 200,000 were injured from a catastrophic release.

It is clear that the existing air toxics program at EPA is broken. In 18 years, EPA has regulated only a few sources of toxic chemicals.

The staggering amount of air toxics releases, together with the threat to public health and safety and the environment which they pose, and EPA's failure to act, make an overwhelming case to enact air toxics legislation.

S. 1630 includes tough air toxics legislation based on a bill which I, along with Senators DURENBERGER and BREAUX and others, introduced last April.

It addresses public health and safety, and protection of the environment.

It requires EPA to regulate categories of sources which release certain levels of 191 hazardous substances. Facilities emitting these air toxics in amounts above the established levels will be required to install the maximum available control technology. This is not just end-of-the-pipe technology; it can include process changes and materials substitution to reduce or eliminate the generation of toxic air pollutants and a prohibition on such emissions where achievable.

If after installation of this technology, remaining emissions present a significant risk of adverse effects on human health or a threat to the environment, facilities will have to further reduce their emissions to eliminate these risks.

For carcinogens, which have no safe level of emissions, facilities must reduce their emissions to levels which pose less than a 1 in 1,000,000 risk of cancer to the most exposed individual. Facilities which cannot achieve this level using all available technology can continue to operate as long as their emissions pose a risk less than 1 in 10,000. But facilities which cannot achieve the 1 in 10,000 level would be required to shut down.

S. 1630 also establishes a program for addressing the problem of the soup of hazardous air emissions in urban areas. According to EPA, the cumulative impact of smaller sources in our urban areas represents a large portion of the risks posed by air toxics. For example, the lifetime risk of cancer from toxic air emissions in Chicago is 3 in 1,000. The bill requires EPA to regulate emissions from sources of the 10 toxic pollutants which pose the greatest threat to public health in the largest number of urban areas.

S. 1630 also requires EPA to establish a program to monitor atmospheric deposition of toxics into the Great Lakes and into coastal waters.

Finally, the bill addresses the public safety concerns posed by catastrophic releases of extremely hazardous substances. It builds upon the program we created in the emergency planning and community right-to-know law which gave communities information about facilities so that they could prepare to respond to an accident.

S. 1630 requires facilities handling certain levels of extremely hazardous substances to prepare hazard assessments to determine the potential for an accident. This will help prevent such accidents from occurring.

The bill also establishes an independent Chemical Safety and Hazard Investigation Board, modeled after the National Transportation Safety Board. We need an independent board to ensure that chemical accidents will be subject to thorough investigations. The Chemical Board will investigate and report on chemical accidents involving death, serious injury, and substantial property damage and make recommendations to EPA for action to prevent or mitigate chemical accidents. EPA must respond in writing to each recommendation, EPA is given authority to promulgate accident prevention regulations, and EPA must require leak detection systems.

So this bill establishes a comprehensive program to reduce the number and extent of chemical accidents plaguing our Nation. The bill makes a number of significant improvements over the President's bill.

The President's bill fails to require action to be taken to protect the environment. It fails to establish a specific program to address urban air toxics. It has a meager accident prevention program without an independent review board and without the required preparation of hazard assessments. It only requires that EPA establish technology standards for 50 percent of the sources of toxics.

And the administration's bill only requires EPA to eliminate unreasonable risks. This requires EPA to balance public health protection against costs. Under the Toxic Substances Control Act which requires regulation of chemicals which also pose unreasonable risk, EPA has regulated just two pollutants since 1976.

S. 1630 establishes a public health standard and prohibits this balancing.

We also need to establish a tough, comprehensive program to rid our air of the ozone, carbon monoxide and particulate pollution which plague our Nation.

These pollutants threaten the health of our citizens and our environment. Roughly 150 million Americans live in areas where ozone levels exceed the existing ozone standard. Some citizens have been exposed to ozone levels which exceed the standard established by the Occupational Health and Safety Administration to protect the health of factory workers. This, even though the ozone standard was supposed to be achieved by 1977. And unless tougher measures are adopted to reduce the precursors of ozone, volatile organic compounds and nitrogen oxides, ozone pollution is likely to worsen because of the substantial increase in the use of motor vehicles in the future.

Millions of Americans also live in areas that fail to meet the carbon monoxide and particulate public health standards.

Violations of the ozone health standard can result in lung function impairment, chest pains, shortness of breath, coughing, nausea, throat irritation, increased susceptibility to respiratory infections and in high enough levels, death. Young children are particularly susceptible to both acute and permanent effects of ozone pollution. Ozone pollution also can result in adverse effects on crops, forests, and materials.

Carbon monoxide robs the body of needed oxygen and violations of the health standard can result in reduced

work capacity and fetal effects. Particulate matter can produce a range of effects from temporary reductions of lung function and increased respiratory symptoms to aggravation of existing respiratory and cardiovascular disease, cancer, and premature death.

In 1988 in New Jersey, the ozone standard was violated 45 days, the highest number of violations in 5 years, with levels over 66 percent higher than the ozone standard. The entire State is classified as a nonattainment area for ozone. Northern New Jersey has carbon monoxide levels which exceed the existing standard by over 50 percent. And this despite having some of the toughest air pollution controls in the Nation. Moreover, New Jersey would be in noncompliance even if all emissions in New Jersey were eliminated for a day because of ozone and ozone precursor pollutants from areas upwind of New Jersey.

And recent evidence demonstrates that the existing ozone standard may not be fully protective of human health. Long-term exposure to levels of zone 50 percent below the existing standard have been shown to adversely affect lung function.

Unfortunately, President Bush's proposal fails to call for the necessary measures. According to the State and Territorial Air Pollution Program Administrators [STAPPA], the provisions of the President's bill "* * * fall far short of what is needed to expeditiously attain and maintain the National Ambient Air Quality Standard for ozone." A similar finding was made for the President's carbon monoxide control program. And concerning the President's program to control emissions from motor vehicles, the largest source of both ozone and carbon monoxide pollution, STAPPA concluded that the program "* * * is inadequate and represents the weakest part of the administration's clean air proposal."

S. 1630 includes strong measures to bring the Nation into attainment with air pollution standards. It is also tough, but technologically and economically feasible standards to reduce automotive emissions. Auto emissions result in 50 percent of the Nation's hydrocarbons, and 75 percent of its carbon monoxide and are believed to be responsible for 50 percent of all cancer deaths caused by air toxics. Despite significant reductions in emissions from cars, remaining emissions still cause a large part of the Nation's ozone, carbon monoxide and air toxics problems.

And vehicle miles traveled are growing rapidly. Overall mileage may double between now and the year 2000. This means we need continued reductions in auto emissions which will be achieved by the bill's second round standards if we are to achieve the clean air public health standards.

Finally, and most important to my State, S. 1630 includes a strong program which I advocated to regulate pollutants transported from upwind States. Attainment areas within the Northeast Transport Region would be required to adopt reasonably available and cost-effective controls.

We also need to be concerned about municipal solid waste incineration. Most States have incineration facilities for municipal solid waste either on line or planned. In 1986, 6 percent of municipal solid waste was incinerated and this figure is expected to rise sharply. While the choice of incineration is a State and local decision, the Federal Government has a role to ensure that air emissions and ash disposal do not pose threats to public health and the environment.

S. 1630 includes a strong program to control emissions from incinerators and ash disposal. It also provides that incinerators cannot be permitted unless the jurisdictions served have adopted programs which are certified by the State to achieve a 25-percent solid waste recycling rate. Finally, the bill includes a provision I offered as an amendment to the bill in the last Congress to require EPA to publish guidelines identifying items that should not be incinerated because of the threat that incineration of those materials poses to public health.

Mr. President, we also need to reduce emissions of pollutants which cause acid rain. Acid deposition is caused by emissions of sulfur dioxide from the combustion of fossil fuels containing sulfur and nitrogen oxides which result from the combustion of fossil fuels. These pollutants form solutions of sulfuric, nitric, and other acids in the atmosphere, which can be carried by winds as small particles or droplets of water for hundreds of miles. Acid rain can impair visibility, corrode structures and materials, pollute lakes, streams and coastal areas, reduce the growth rates of trees and crops and increase respiratory problems in humans. A 1987 EPA study concluded that just 8 of the 44 potential benefits from an acid rain program similar to the one in S. 1630 would result in saving $5.2 billion a year in the costs of acid rain.

Rain in New Jersey has been measured at levels at least 70 to 80 times more acidic than natural rain. New Jersey streams and lakes are vulnerable to continued acid deposition. There is evidence of damage caused by acid rain in lakes along Kittatinny Range in northeast New Jersey. Many other lakes throughout the Highlands region are near the limits of their natural buffering capacities. And the Pinelands, which has excess sulfate and nitrate in its soils, is vulnerable to any increase in acidity. One study already shows a 30-percent growth reduction among roughly two-thirds of the pitch pines in the Pinelands.

In addition, acid rain has been linked to elevated levels of nitrogen in coastal waters. The effects of excess nutrients in bodies of water are anoxic conditions in bottom waters, blooms of nuisance and sometimes toxin-producing organisms, reduction in water clarity, and degradation in species composition of the aquatic community. Preliminary estimates are that atmospheric nitrogen entering estuarine watersheds is responsible for roughly one-third of the nitrogen in the New York Bight and the Chesapeake Bay.

S. 1630 establishes the program we need to address the acid rain problem. It provides for a 10-million-ton reduction in sulfur dioxide emissions from 1980 levels by the year 2000. And it requires a 2 million ton reduction in nitrogen oxides from 1980 by the year 2000. To ensure that emissions of these pollutants do not increase after the year 2000, the bill caps emissions at the year 2000 requirement and establishes a program of emissions allowances to achieve cost-effective reductions in emissions.

One thing the bill does not do is provide for cost-sharing. Pollution generating States should pay for cleanup just as we have in New Jersey and other Eastern States. In fact, the largest sulfur emitting States in the States have lower electric rates than the national average.

Finally, the bill addresses the problems of global warming and stratospheric ozone depletion. While there is some dispute about the timing and extent of global warming, there is little question that we are heating up the Earth which may lead to climate change. This change could lead to extinction of plants and animals which are unable to adapt to rapidly changing conditions, adverse effects on agriculture because of reduced soil moisture content and altered storm and precipitation patterns, a rise in sea level of at least 1 foot which would inundate an area 100 to 200 feet from current coastlines and an increase in global average temperature of 3 to 11 degrees Fahrenheit.

The bill addresses global warming in a number of ways. First, the bill establishes carbon dioxide emissions standards for automobiles. Motor vehicles produce one-quarter of the carbon dioxide emitted in the United States and we are responsible for 20 percent of the worldwide carbon dioxide emissions. The standards in the bill will result in an average fuel efficiency of 33 miles per gallon in 1996 and 40 miles per gallon by 2000. These are standards which the Department of Energy says are achievable with available technology.

This increase in fuel efficiency is needed just to offset the increase in

vehicle miles traveled. Without the carbon dioxide standard and with the continuing growth in vehicles miles traveled, carbon dioxide emissions from cars will increase 35 percent by the year 2005.

Second, the emissions cap for emissions of acid rain precursors will put a premium on energy conservation as a means for reducing these emissions. Increased energy conservation will lower emissions of carbon dioxide.

Finally, the bill establishes a regulatory program to control substances including chlorofluorocarbons and halons which destroy the stratospheric ozone layer and also act as greenhouse gases. The destruction of ozone in the stratosphere increases the amount of ultraviolet light reaching the Earth. This will lead to adverse human health effects including increased skin cancer and cataracts and harm to crops and marine animals. CFC's and related chemicals account for 15 to 20 percent of the predicted greenhouse effect and the United States is responsible for one-third of all CFC emissions.

There is one provision in the bill which I do strongly oppose. This concerns the mandatory use of gasohol as an oxygenated fuel within carbon monoxide nonattainment areas.

As reported by the committee, this provision could have significant, counterproductive impacts. The provision is a mandate for a greatly increased use of ethanol-based fuel—gasohol. While the use of gasohol can result in the reduction of carbon monoxide levels, its increased volatility can also contribute to the ozone problem faced by many communities.

The committee provision mandates, through environmental legislation, a greatly increased market share for gasohol, which is already highly subsidized through several sources, including an exemption from 6 cents of the 9-cent Federal gas tax. This exclusion already costs the Federal Highway Trust Fund [HTF] approximately $500 million in revenues annually. In turn, the mass transit account of the HTF, which is also supported by the gas tax, suffers. The impact on revenues from the committee provision has been estimated at between $300 million to $1 billion annually. Therefore, through an expanded, mandated use of gasohol, Federal support for mass transit, which is so vital to the efforts of areas like northern New Jersey to meet clean air goals, would be reduced.

Much of this problem could be alleviated by allowing other carbon monoxide-reducing fuels to be used by nonattainment areas. That was the intent of an amendment I offered during committee consideration. By setting a minimum oxygen content of fuels during winter months at 2.7 percent, other fuels, such as methyl-tertiary-butyl-ether [MTBE], could be used in nonattainment areas. MTBE is not exempt from the gas tax, and therefore does not have the draining impact on public transportation and highway spending. Importantly, while providing virtually the same carbon monoxide reduction benefits as gasohol, MTBE also can reduce hydrocarbons, and does not contribute to the ozone problem.

As stated by the State and Territorial Air Pollution Program administrators, any oxygenated fuels requirement should be fuel-neutral, not favoring the use of one beneficial fuel over another. Unfortunately, the committee provision does not meet this test. In failing to do so, I believe its environmental benefits are outweighed by its disadvantages. Consequently, I will be working to improve this provision before the Senate completes action on the clean air bill.

Mr. President, we need to act quickly to pass S. 1630. I urge my colleagues to support its adoption.

Mr. LIEBERMAN. Mr. President, I am pleased to rise in support of Senate bill 1630 and particularly to do so after the exceptional comments of my friend and colleague from the State of New Jersey and in the presence of the senior Senator from Montana, who has been such an outstanding leader in the cause of cleaner air and a better environment generally.

S. 1630 would for the first time in a dozen years create new restrictions on the pollution that continues to degrade our air, our world, and our health.

The new Clean Air Act addresses such diverse problems as acid rain, urban smog, air toxins, catastrophic chemical accidents, municipal incinerators, global warming, and chlorofluorocarbon emissions. All are connected, however, by the threat they pose to our health and our lives.

I am extremely fortunate to have been a participant in the work of the Environment and Public Works Committee during the year that the Clean Air Act will become law. For 8 years, my colleagues have labored on this legislation against strong opposition from the previous administration and special interests that have a stake in the status quo. It is clear to us all that the status quo must change.

In the Clean Air Act of 1970, Congress resolved that all Americans would breathe healthy air within a decade. That goal was not achieved. In the years since the Clean Air Act was last amended—back in 1977—the air has become dirtier and more dangerous. Our uphill climb against the ravages of pollution has been turned into a downhill fall, and only now are we recognizing the real impact of our failure to act.

The testimony heard by the Environment and Public Works Committee demonstrates that we are paying a high price for pollution.

The Nation's leading health experts—from the American Lung Association and the Academy of Pediatrics to the American Public Health Association—all testified before Congress that the Nation faces nothing less than a public health crisis because of air pollution. I agree with our distinguished majority leader, who said at one of our early committee hearings, "If every American parent comprehended the threat to his or her child from air pollution, they would overwhelm Congress with the demand for action."

It is time to tell the American people the truth about the danger they face. Today, 150 million Americans are living in areas which fail to meet Federal health standards. But even this estimate may understate the extent of the problem. The Natural Resources Defense Council testified before the Environment Committee that in many large cities, unhealthy levels of smog occur about twice as often as EPA reports.

Research conducted at Harvard University indicates that air pollution may be a contributing factor in 1 out of every 20 deaths in the United States.

The past president of the American Public Health Association concluded that acid rain causes up to 50,000 premature deaths each year. Without action to control acid rain, he says, the number could grow to as high as 100,000 to 150,000 premature deaths a year.

There has been a lot of talk, both from the administration and from people in the private sector who want to weaken the bill before us, about the cost of Senate bill 1630. But all the talk about the economic impact has missed a very important point: you can't talk about the cost of a new Clean Air Act without considering the cost of our failure to pass a strong bill.

Air pollution costs Americans billions of dollars each year because of its effect on land and water and, most important, our health.

The American Lung Association has told Members of Congress that the health costs of pollution from such pollutants as ozone and carbon monoxide are—at a minimum—$100 billion a year. The group says that health care costs associated with pollution from cars and trucks alone amount to $93 billion a year.

Sulfate pollution is estimated to cost Americans as much as $432 billion in annual health care costs.

Add to these figures the health impact of acid rain, air toxins and CFC's and one can plainly see that the cost of doing nothing about air pollution is far higher than the cost of enacting a tough, new Clean Air Act.

Certainly some businesses and industries will have to pay more to comply with this legislation. But their accountants and planners must know that a large part of the cost of doing business in America today is associated with health care.

Members of Congress frequently hear from employers throughout this country who are extremely concerned with the rising costs of health care for their employees. In 1989, health care cost the United States more than $600 billion—about 12 percent of our gross national product. Because of the high price of health care, some 37 million Americans are not covered by health insurance—which means, of course, that when they become ill, all of us pick up the tab for their care. Rising health care costs may further threaten the 160 million Americans who do rely on employer-sponsored health insurance coverage.

So, look at the new Clean Air Act as a health care bill. It will help us dramatically reduce the cost of health care in America by reducing the amount of illness, disease, and death that air pollution causes. Taken in this context, we might well call Senate bill 1630 the "Business Health Cost Reduction Act of 1990."

Mr. President, I turn now to a discussion of some of the specific features of this legislation.

OZONE POLLUTION

Ozone pollution, which is caused mainly by emissions from so-called mobile sources, such as automobiles, is the country's most persistent pollution problem. It can cripple our lungs and cause emphysema and chronic bronchitis. In some parts of the country, breathing the air is as damaging as smoking cigarettes.

The most vulnerable among us are children, older citizens, asthmatics and people with pulmonary diseases. Nearly half the pediatricians surveyed in a recent study, The American Asthma Report, reported treating more asthmatic children today than 5 or 10 years ago.

Healthy adults can be affected by ozone pollution as well. In polluted Los Angeles, researchers found severe lung lesions and chronic disease in one-fourth of the 15- to 25-year-olds they studied.

Carbon monoxide, also emitted by automobiles, is potentially lethal to humans. It reduces the ability of blood to deliver oxygen to the body's tissues. Fetal exposure to even modest levels of carbon monoxide can lead to permanent brain damage. Nine million Americans suffering from heart disease are vulnerable to carbon monoxide pollution; elevated levels of the pollution can trigger heart attacks.

In light of these facts, it is clear we must do more to control motor vehicle emissions. In my view, this is one of the most important contributions of the legislation before this body today. Cars and trucks emit 40 to 50 percent of the Nation's hydrocarbons, 45 percent of the nitrogen oxides, and 90 percent of carbon monoxide. They also contribute up to 30 percent of all carbon dioxide emissions in the United States, which contribute to global warming.

Automakers have made a great deal of progress in controlling emissions from tailpipes of automobiles in the last 20 years. We should be grateful to them—and to the legislators who enacted laws requiring emission controls—for that. But the reductions in the amount of pollution emitted per car has been more than offset by the dramatic increase in the number of cars on the road and the number of miles each car is driven.

That trend will continue. We heard testimony in our committee that the amount of miles Americans will travel by car will continue to increase at a rate of 25 billion miles per year—that's equivalent to a million car trips around the planet Earth. The total number of vehicles is estimated to grow by 76 percent by the year 2010.

Without further controls, emission levels from cars—which are already unacceptable—will cause even greater damage than it does now.

The bill before us will require not only immediate improvements in tailpipe emission controls, but will require additional improvements down the road. It does ask a great deal of the auto industry, but it does so only because automobiles constitute such a significant part of the pollution problem we face.

The requirement for a so-called second round of tailpipe control measures—to be implemented in 2003, has been severely criticized by industry and the administration. On the other hand, environmentalists, health organizations, and State and local governments from around the country, have praised the inclusion of this additional set of controls on auto emissions.

There are several myths propounded by the auto industry and its supporters that we must deal with at the start. The first myth is that the standards are technologically infeasible.

The California Air Resources Board disagrees. In fact, California has already taken steps to introduce standards twice as strict as those required in the committee bill. California is asking the auto industry to meet these higher standards by 1997.

What is amazing to me is that the auto industry claims it cannot technologically meet the demanding standards set forth in the bill when, in fact, many of the cars it produces already certify that they can meet these standards today, for vehicles traveling up to 50,000 miles.

More significant, the manufacturers of motor vehicle emission controls—the people who will actually make it possible for the auto industry to meet the new standards—say that technology will keep pace with the legal requirements set forth in our bill.

The second myth is that this aspect of our legislation is too expensive; the economic tradeoff is not worth the effort. This myth is based on an underlying myth—the EPA says the cost of implementing the stricter emission controls would amount to $500 per car. Using this figure, others calculate that our bill increases the cost of reducing ozone by $6.5 billion a year over the President's bill.

I do not believe it will cost $500 per car to comply with the new Clean Air Act. The EPA estimate is apparently based on the assumption that the catalytic converter in every car would have to be replaced during the vehicle's lifetime. But the manufacturers of emission controls and the State of California have testified that improvements in vehicle technology, fuels electronics and catalysts should enable cars to achieve the bill's standards without having to install two catalytic converters in each automobile. The California Air Resources Board estimates the overall cost of achieving the second round of tailpipe standards at about $122 to $132 per car. This substantially reduces the cost of the committee bill.

The third myth is that the standards are not cost effective; in other words, the cost per ton of emission reductions is too high when compared with other strategies.

The correct data reveals precisely the opposite: The second round of automobile standards is among the most cost-effective strategies for controlling the pollution that will remain in the year 2003. The additional emission controls contained in our bill—as opposed to the President's bill—will according to the American Lung Association remove 243,192 tons of hydrocarbons from the air each year; 13.9 million tons of carbon monoxide; and 216,170 tons of nitrogen oxide.

If we don't take that amount of pollution out of car emissions, where will we be able to do so? If not cars, then States will have to cut emissions from shoe factories, bakeries and other sources of similar pollution—at far higher cost and inconvenience to business and consumers. In the extreme—some have testified that if we don't cut pollution from cars—we'll have to examine eliminating lawn mowers, dry cleaners, and personal deodorants. Experts testified that government would have to turn to restrictions on items like these if we don't squeeze pollution from cars.

Finally, we must not forget to figure in the cost of health care, as I have noted earlier. Motor vehicle pollution costs Americans billions each year; in

my State of Connecticut, the figure is $1.6 billion in health care costs associated with motor vehicle emissions. I believe Americans are willing to pay $130 more for a new car in order to help keep themselves and their children free of the damage of air pollution to their health—damage that can cost them far more in the future than the entire cost of their car.

TRANSPORTATION CONTROL MEASURES

In addition to strict controls on emissions from motor vehicles, the Senate bill recognizes that, for some parts of the country, it may become necessary to implement transportation control measures to reduce our reliance on the automobile.

There's a lot of talk about how insulated Washington is from the rest of the country, but one thing we share in common with many of our urban and suburban constituents is traffic. Go out to the Shirley Highway or to the beltway and see what the proliferation of automobiles is doing to our air. That pattern of gridlock is being repeated in region after region across the country.

The GAO says that urban congestion levels will increase nearly 300 percent over a 20-year period unless we take steps to change our ways.

The committee bill requires that transportation planning decisions must be evaluated in relation to their impact on air quality. This kind of connection is important if we are to get control of motor vehicle use in the years ahead. State and local air pollution control managers agree. In testimony before the environment, their representatives said:

> Significant reductions in vehicle miles traveled are sorely needed in many ozone and carbon monoxide nonattainment areas. Unless transportation projects are evaluated based upon their ability to assist in attaining and maintaining the standards, adequate reductions will be difficult, if not impossible, to achieve.

Even a modest improvement in transportation control measures could have a dramatic impact, because at present more than 80 percent of our population commutes to work in automobiles. If the average commuter passenger load were increased by just one person, we would save 33 million gallons of gasoline each day, with a commensurate reduction in pollution.

Our legislation would require EPA to provide guidance to States and localities on the benefits that can be achieved from transportation controls. It would also encourage severely polluted regions to adopt transportation controls, though the decision as to what controls to implement would be left up to the States. Our bill does not impose any requirement for taxes, rationing, or tolls.

The inclusion of transportation controls in the new Clean Air Act enjoys the support of the Clean Air Working Group, made up of 2,000 small and large businesses, the Clean Air Coalition, the umbrella group of environmental organizations, and State and local air pollution authorities.

ACID RAIN

The critical element of the acid rain bill reported by the committee is the cap on future emissions of sulfur dioxide. Without a cap, the gains from any emission control technologies could simply be wiped out by a proliferation of acid rain sources.

There will be a strong effort mounted by those who want to eliminate the cap. Any such amendments must be defeated if the new Clean Air Act is to preserve its integrity as a strong antipollution measure.

Opponents of the cap will argue that the economic growth of this country is dependent on increased acid rain emissions—they may not say it in quite so many words, but that will be their underlying message. But the statistics do not support this proposition. In fact, since 1970, electricity sales have risen 76 percent. The GNP went up 59 percent and total coal use is up 50 percent. This all occurred during a time when environmental protection measures were being implemented all over America.

Because of environmental controls, emissions of sulfur dioxide actually decreased by 28 percent over the past two decades, while the economy underwent a tremendous boom. Clearly economic growth and environmental protection are not mutually exclusive.

More important, for the long-term protection of the planet, this bill is important because of its emphasis on energy conservation. The United States bears an especially heavy responsibility because of its contribution to global warming. In 1988, U.S. fossil fuel use accounted for close to a quarter of the world's carbon dioxide emissions from fossil fuels. Electric utilities are the largest source of carbon dioxide, emitting about 35 percent of the total. We can exercise little authority in our discussions about the global warming problem with our neighbors of the world if we do not act to put our own house in order.

The bill's section 403 requires that Federal facilities in certain areas devote some of their energy costs to such alternative sources of energy as solar, thermal, photovoltaic, and fuel cell technology. Such Government promotion of these systems will help put our country at the crest of a wave of the future. There is no doubt that the industries of the future will come to rely on new sources of energy.

TOXIC AIR POLLUTANTS

Senate bill 1630 creates important new requirements in the area of toxic air pollutants. Tons of chemicals are emitted into the atmosphere of this country every day, and their total impact on human health is not known, though we can safely conclude that it is not good.

Toxic air pollutants take an annual toll of thousands of cases of cancer, acute illness, and chronic disease. EPA has concluded that 200,000 people alive today will get cancer because of these emissions. The risk is particularly high for those who live in urban areas, where one excess cancer death for every 1,000 persons is not unusual.

I was particularly struck by a description of life in an industrialized area of the Appalachian Mountains which appeared in the Washington Post last spring. In a region surrounded by large chemical companies, the air is so polluted that screens rust out, paint peels off cars, and gardens wilt. The lung cancer death rate is twice the national average. One resident described the situation this way:

"With what we breathe, what would it hurt to smoke? You wake up with a headache. You get up and start in coughing and hopefully your sinuses will clear. You have laryngitis and you just ache all over * * *. The only thing free in this world they ruined: the air."

Toxic emissions also can cause serious illnesses besides cancer, including birth defects, damage to the brain and nervous system, reproductive disorders, and genetic mutations.

The chemical industry and others will say our bill is too tough. But the toxic air pollutants portion of Senate bill 1630 is a carefully crafted compromise. EPA's own analysis of the bill concludes that most industries will be able to meet the bill's standards without an undue cost.

The President's bill does nothing to define what kind of risk from toxic pollution is unacceptable. It simply leaves EPA with the discretion to determine what constitutes unreasonable risks. EPA has that kind of authority in the field of pesticide controls, and look at the results: 18 years of living with Alar in our apples; two decades of EBDC use on a wide variety of our fruits and vegetables. The discretionary standard is so loose and so vague as to render it virtually meaningless.

Finally, the toxic air pollutants portion of the committee bill contains an important feature absent from the President's bill: A provision to prevent, detect, and respond to accidental releases of chemicals. We need an independent Chemical Safety Board to deal with the threat of chemical accidents, just as we need the National Transportation Safety Board to deal with airline and train disasters.

This Board will have the authority to investigate catastrophic accidents and make recommendations to EPA to reduce the risk of accidents in the future. The NTSB, in operation since 1967, has made a dramatic difference in the safety of transportation in

America. It is time for us to create a Chemical Safety Board to promote the safer manufacture and use of chemicals in this country. One thing is clear: if we have a Bhopal-like disaster in America, Congress would create a Chemical Safety Board within weeks after the chemical clouds dissipate. Why wait for such a tragedy? In fact, chemical accidents are happening with disturbing frequency, and people are getting sick and dying because of them. A Chemical Safety Board is a simple, effective way to deal with this growing environmental problem.

Mr. President, there are many other details of this new Clean Air Act which are important for the protection of our environment and our health, and I know we will be debating them in the days ahead. I commend our majority leader for his longstanding efforts to enact legislation such as this; the fact that we are considering it today is due in large part to his persistence and his dedication to creating a cleaner America.

I also salute our committee chairman, the senior Senator from North Dakota, for his leadership and his determination to see clean air legislation rise to the top of the national agenda. And we are all indebted to the distinguished senior Senator of Montana and Senator CHAFEE for their tenacity and knowledge of the intricacies of this very complicated field of pollution control; I look forward to working with them as this debate continues.

Mr. President, the American people want clean air. They want a new Clean Air Act. Let us give them one that we can be proud of, and they can depend on. Our efforts will not bear full fruit for many years to come but, rest assured, if we fail to enact as strong a bill as possible, the fruit of this labor will sour, and air more polluted than ever will be the health legacy of our work.

Senate bill 1630 is one of the most important bills to come before this body in many years. Coming, as it does, at the beginning of a new decade, let us work on it with the knowledge that at the end of this decade we want a world that is cleaner and healthier for all our children and grandchildren.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I ask unanimous consent that I may speak as if in morning business?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I have consulted with the distinguished manager of the bill, and, at the moment, there are no other speakers on the Clean Air Act. I understand the Senator from Michigan [Mr. LEVIN] will be on the floor very shortly to do so.

Mr. President, while on the floor, I have been listening to the distinguished Senator from Connecticut in his statement, and I must say, very detailed statement, relative to the Clean Air Act.

I would like to take this time to compliment this individual Senator. For many, many years he has been involved in this fight in his home State and now as a Member of the U.S. Senate. I compliment him on his knowledge and also on his very, very fine presentation.

In addition, I compliment the distinguished Senator from North Dakota [Mr. BURDICK], the chairman of the committee, where this legislation originated.

I compliment, as did the Senator from Connecticut, the distinguished majority leader, Senator MITCHELL, for his long fight in this effort and who ultimately has seen his dream become a reality. It is now on the Senate floor. It is being debated.

No one could have been chosen who would be better qualified than the distinguished Senator from Montana [Mr. BAUCUS] to handle this very complex, lengthy, and, I must say, controversial piece of legislation.

Approximately 1 year ago, I had the privilege of traveling with Senator BAUCUS. I asked Senator BAUCUS what he was reading. It appeared to me to be about an 18-pound notebook. He said, "I am preparing and studying for the debate on the Clean Air Act."

I doubt there are many more emotional issues that have come before the Senate and once again to work out the various interests and to handle each State's and each region's various problems as we go into the full-scale debate on the Clean Air Act. Once again, there is no one more highly qualified, more knowledgeable or better suited to deal with this issue than my friend, the distinguished Senator from Montana.

A PEOPLE'S CORPS

Mr. PRYOR. Mr. President, in recent weeks awesome global changes that we have witnessed have given rise to a new phrase in this body, the "peace dividend." Only weeks ago we were not even thinking about such a possibility. Now it has become a part of congressional and public vocabulary.

The distinguished Republican leader, Senator DOLE, has in recent days thrown out an idea of cutting the top five recipients of our foreign aid program and sending the 5 percent to Eastern Europe. The President only this morning in his press conference discussed aid to Panama. Poland and Hungary have already been targeted to receive American foreign aid.

Mr. President, I rise this morning to say that we should be very cautious about starting new programs of massive foreign aid to these newly liberated countries. Even as good or altruistic as our motive may be, I fear our infusion of dollars at this time is premature and possibly will contribute to the instability of the present unstable political environment in those countries.

Most of these countries have yet even to adopt a constitution. Their knowledge of writing the basic rules and laws has not yet been tested. A plan of distribution of American aid, priorities of need and assistance of seeing our dollars hitting the target, is today nonexistent. We as a country do not have the money. Akin to revenue sharing, there is no revenue to share. Today with America's elation and hopes for a new world, there is also some frustration. We as a people want to make a positive response. We want to extend our hand in friendship and share with Eastern Europeans the blessings of liberty. The question is how do we do it?

Yes, we do have a deficit of dollars, but we do have a surplus of good Americans who are willing to give their time, their resources, their wisdom and skills in sharing, volunteers, Americans from all walks of life.

In the past weeks, in my home State of Arkansas, when I stated over and over again that we should send people not dollars, the response was truly overwhelming, personifying, I think, American generosity at its best. A dentist in Benton, AR, said, "Here is my card. I will give a year." A school teacher came up to me in Little Rock and said, "Senator PRYOR, let me give a semester." An engineer in Jacksonville said, "Put me down for 6 months." An irrigation expert in Pine Bluff said, "Please let me go."

There are hundreds, of retired citizens throughout America who thirst once again for additional challenges. We should tap that resource. Today there is an army of Americans with big hearts, special skills to share. They are ready, they are willing, and they are able to become a peoples corps, representing the best of what America is all about.

Senator GORTON yesterday on the Senate floor touched on such a thought. It is truly a concept which all of us should explore. Let us encourage the leaders of business, of industry. Let us call upon organizations who represent agriculture. Let us take the various professions or ask the various professions to become a part of a true American experience of sharing.

We do not need governments or bureaucracies or bureaucrats to intervene and confuse. We do not need misguided dollars being sent to Eastern Europe. What we do need is Americans to help make their dream become tomorrow's reality.

Mr. President, perhaps the Benton, AR, Lion's Club or the Rotary Club could sponsor the dentist who volunteered to go. What about the Arkansas Education Association sending the teacher? What about the local farm bureau? They might even sponsor the irrigation expert. Maybe we can use our surplus postal equipment to help create a new postal system, or give them this equipment which will be surplus in just a year, to help them, to inspire them to create a better system of communication. Perhaps the sharing of knowledge in setting up a telephone system would be a major contribution in some of these countries.

The possibilities, Mr. President, are endless. Our goal should not be the Americanization of Eastern Europe but, rather, the realization that our great country shared at a moment of need our greatest resource—our people and their ingenuity.

In the days to come, I have scheduled several meetings with the U.S. Chamber of Commerce, with the Business Roundtable, the International Executive Service Corps, and farm organizations to help kick around and develop such ideas for such a plan, because the people's corps could truly represent the soul, the strength and the heart of America.

Mr. President, I ask unanimous consent that an article from the Arkansas Gazette, dated January 16, 1990, which relates to this matter be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arkansas Gazette, Jan. 16, 1990]

PRYOR HAS EAST BLOC AID IDEA: USE WORK, NOT MONEY

(By George Wells)

U.S. Sen. David Pryor called Monday for an "Eastern European peace corps," rather than massive financial aid, to help the new non-communist governments of Eastern Europe.

"An Eastern European peace corps made up of American business people, American students, American teachers and American volunteers could have more impact in the next 12 months than all the billions of dollars we might send," Pryor said.

"And, I might add, we don't have those billions of dollars to send," he said.

After his talk to the Southwest Little Rock Rotary Club, Pryor wasn't comfortable with the name "peace corps" for his idea—it dredged up images of hippies who joined the official Peace Corps in the 1960s—but he was excited with the idea.

"If I weren't doing what I'm doing, I'd go," he said in an interview. "I'm going to encourage one of my sons to give a year of his life if this is started."

Actually, Pryor said, the idea was his wife's. "Barbara came in while I was shaving this morning and said, 'We need a peace corps in Eastern Europe,' and that's where it came from," the senator said.

"I think a lot of people would be willing to give a year of their life to go into these countries and help," he said.

In his speech, Pryor floated the idea as an alternative to financial aid.

"I think we should be making a very strategic mistake if we gave them any dollars or any weapons," he told the Rotarians. "They've not asked for weapons, but they will ask for money."

What the U.S. can and should give these countries "is something equivalent to the old Peace Corps made up of 5,000 volunteers," Pryor said.

Such volunteers could go in and "teach them government—they have no constitutions, not only do they have no constitutions, they don't even know how to write laws," he said.

"We can present them our way of life but not attempt to dictate to them to accept our way of life," Pryor said, "but to expose to them the opportunities that we have had and have been given under a free enterprise system and how it has made us the greatest economic power on the face of the earth."

Pryor also reflected on the "volcanic" changes in Eastern Europe last year.

He said the changes were made possible by two people—Lech Walesa, the Polish labor leader who founded Solidarity, and Soviet President Mikhail Gorbachev.

At the beginning of the 1980s nobody in the West had heard of either man, Pryor said, and at the end of the decade the face of Europe was changed because of what they had done.

Walesa was an unemployed electrician at the Gdansk shipyards who was fired for speaking about workers' rights, Pryor said, and Gorbachev was a "fifth level bureaucrat in the Agriculture Department.

"With Gorbachev challenging the system from within and Lech Walesa challenging the system from without, these two personalities provided the opportunity and the inspiration for people to do things they would never have done," the senator said.

On other issues, Pryor:

Won a round of applause when he suggested that if there is a "peace dividend" in the form of reduced defense spending, it should be applied first to reducing the national debt rather than starting new programs.

Warned that a capital gains tax supported by President Bush could lead to the sudden "dumping" of farmland, driving down the value of all farmland and leading to the Japanese and the Germans buying major holdings in this country.

Predicted that the next major investment interest of the Japanese in this country will be in communications and could involve the purchase of American newspapers.

Mr. PRYOR. Mr. President, I further ask unanimous consent that a letter dated January 17, addressed to me from professor of law, John R. Pagan of the University of Arkansas School of Law at Little Rock, encompassing his ideas for a voluntary international legal assistance corps be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF ARKANSAS AT
LITTLE ROCK SCHOOL OF LAW,
Little Rock, AR, January 17, 1990.

Senator DAVID PRYOR,
Federal Building,
Little Rock, AR.

DEAR SENATOR PRYOR: In yesterday's Gazette I read about your proposal to create an Eastern European Peace Corps to assist the countries of Eastern Europe in their transition from dictatorship to democracy.

I applaud your idea, and I hope you will introduce a bill to make the plan a reality. I thought you might be interested in a similar plan which I outlined in December as part of my application for a White House Fellowship.

The fellowship application required me to write a memorandum, of not more than 500 words, to the President, making a specific policy proposal. I was supposed to explain why I think the proposal is important, what issues it raises, and why I think the President should support it.

My proposal asked the President to include an International Legal Assistance Corps in his "Points of Light Initiative," which the President announced on June 22, 1989. The proposed Corp's mission would be to help Eastern European nations democratize their legal institutions. The Corps would be staffed by volunteer American lawyers.

I enclose a copy of my proposal. Please feel free to use any of my ideas if you think they have merit.

Sincerely,

JOHN R. PAGAN,
Professor of Law.

Mr. PRYOR. Mr. President, finally, I ask unanimous consent that Professor Pagan's letter to President Bush relative to the international legal assistance volunteer corps be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: President Bush.
From: John Pagan.
Date: December 13, 1989.
Subject: Proposal to Include an International Legal Assistance Corps in the President's Points of Light Initiative.

I. INTRODUCTION

On June 22, 1989, you urged Congress to establish a Points of Light Initiative Foundation to encourage volunteer service by all Americans. I suggest that the Foundation also administer an International Legal Assistance Corps composed of volunteer American lawyers. The proposed Corps' mission will be to help Eastern European nations democratize their legal institutions.

II. REASONS FOR CREATING THE CORPS

1. Eastern Europe needs technical legal assistance:

East Germany, Czechoslovakia, Hungary, Poland, and Bulgaria are undergoing a fundamental restructuring of their systems of government. For forty years, Communist dictatorships monopolized decisionmaking; now the people demand to govern themselves. Self-government requires reforming the machinery of state so decisions are reached fairly, with due process of law. The countries of Eastern Europe have rich cultural heritages, but they are novices at democracy. To infuse due process into their local and national institutions, they need technical assistance from the United States and other nations experienced in operating a democratic system.

2. The United States abounds in the technical expertise Eastern Europe needs:

The United States has less than 5 percent of the world's population but about half of the world's lawyers. We now have approxi-

mately 750,000 lawyers and judges and add another 40,000 annually. From this huge pool of legal talent, the Foundation should be able to attract a few hundred volunteers who gladly will donate their time and skills to help Eastern Europeans implement democracy. The volunteers should not expect Eastern Europeans to become American clones, of course. Different cultures require different institutions. Nevertheless, the volunteers' suggestions, based on the American legal system, will give Europeans a useful model they can adapt to local conditions, if they choose.

3. The Corps will enhance the United States' image abroad:

The Peace Corps has strengthened the United States' image as a proponent of international cooperation and nonviolent change. Creation of the International Legal Assistance Corps will underscore our commitment to those principles.

III. HOW THE CORPS WILL FUNCTION

a. The Foundation will ask Eastern European countries whether they desire technical assistance from American lawyers and, if so, what kind.

b. Then the Foundation will recruit volunteers from law firms willing to subsidize them during their two years of service.

c. Volunteers will receive nine to fourteen weeks of training in language and cross-cultural skills, using Peace Corps methodology, and study the host country's legal system.

d. The Foundation will oversee the volunteers' activities in consultation with the State Department (to ensure consistency with American foreign policy).

e. The program's cost will be financed by the $25 million annual appropriation you requested for the Foundation plus private contributions.

IV. CONCLUSION

Establishment of the International Legal Assistance Corps will reemphasize your Administration's belief in voluntarism and demonstrate support for the democratic movement in Eastern Europe.

Mr. PRYOR. Mr. President, I extend my thanks and gratitude to the Senator from Montana, the manager of this bill.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. ROBB.) The Chair recognizes the Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. President, I am environmentalist. I strongly believe that we can, and must, do more to protect our Nation's most precious resource—our air, our water, and our soil—from foul pollutants.

I am for clean air. I am distressed by the air in some of our communities, which is often so dirty that it obscures all but the nearest buildings. I believe we must fight acid rain, which threatens so many of our forests and lakes. I am also worried about the emission of greenhouse gases, which could change the world's climate over the course of the next century.

I am for strong action. It is unacceptable that twenty years after the enactment of the Clean Air Act, 150 million Americans continue to live in areas that fail to meet national standards for clean air. And I do not believe that we can clean up our air without sacrifices.

Air pollution is caused by every powerplant and chemical factory; every automobile; every gas pipeline and petroleum refinery; and every waste treatment, storage or disposal facility in America. Air pollution is caused by every drycleaner, bakery, print shop, and paint manufacturer; every auto body shop, every lawnmower, refrigerator, and barbecue in the country.

At an even more basic level, air pollution is caused by people. Every one of us who drives a car, flies in a plane, turns on the heater or the air-conditioner, buys a new stereo, eats any product that has been shipped by truck or rail, paints a chair, sprays a can of pesticide, takes a shirt to the cleaners, or grills a steak in the backyard causes air pollution.

The reduction of air pollution will require a lot of real sacrifices by a lot of real people. It will require cleaner powerplants, cleaner chemical plants, cleaner cars, cleaner and more efficient manufacturing, cleaner waste facilities, cleaner drycleaners, bakeries, print shops, and paint manufacturers.

Mr. President, it has been said that the costs of not cleaning the air are greater than the costs of cleaning it.

This is true. However, the costs of air pollution do not mean that we should be wasteful in our response to the problem. We simply cannot afford to squander precious resources for relatively small, relatively short term gains and lose the opportunity to invest in new technologies that could give us significant gains in the longer term.

In short, I believe that it is possible to have both clean air and a healthy economy, and that this should be our objective. The bill proposed by the President, the bill marked up by the House subcommittee—the so-called Waxman-Dingell compromise—and many of the elements of the committee bill would make it possible for us to reach both of these goals—cleaner air and a healthy economy.

Each of these bills would give us significantly cleaner air. But, the committee bill contains several provisions that go beyond the administration bill and the House bill, and would impose enormous costs on consumers for relatively small and in some cases negligible pollution reductions.

In the area of automobile emissions, for example, the President's bill, the Waxman-Dingell approach, and the committee bill have many features in common and would yield similar reductions in pollutant emissions relative to those common features.

According to the congressional Office of Technology Assessment, motor vehicles today are responsible for approximately 11 million tons of hydrocarbon emissions. By 2004, these hydrocarbon emissions will decline to 8 million tons with no change at all to current law, simply as a result of phasing in the cleaner cars now made by the automobile industry.

So we are going to go down from 11 million tons to 8 million tons of hydrocarbons by the year 2004 if we do nothing.

The OTA estimates that fuel volatility control and phase I emissions standards—two different measures that are mandated in the President's bill, in the Waxman-Dingell approach, and in the committee bill—will reduce hydrocarbon emissions from motor vehicles further, to less than 4 million tons a year.

All of the approaches that I have mentioned—the administration bill, Waxman-Dingell, and the committee bill—contain those two additional steps and will reduce the level of hydrocarbons from 8 million tons a year down to about 4 million tons a year, or somewhat less. That is a reduction, with those two additional steps, of roughly 35 percent. And the cost of that is about $1.5 billion a year.

However, the committee bill adds so-called "phase II" controls, which are an additional requirement not mandated by the President's bill or by the Waxman-Dingell compromise unless it proves to be technologically and economically feasible. And that is the heart of the Waxman-Dingell compromise, that phase II is only implemented if phase II is technologically and economically feasible.

The Office of Technology Assessment, the OTA—and I emphasize the source of these figures because I think the source of the figures is critical since we are going to hear so many different figures floating around this place in the next few weeks. I emphasize the source of my figures. It is not the automobile industry, and it is not the Lung Association. It is OTA unless I identify a different source, such as the EPA.

The OTA estimates that the phase II standards would reduce hydrocarbon emissions by an additional 160,000 tons. That is less than 2 percent, an additional 2-percent reduction from current motor vehicle emissions.

So, the two steps which the three approaches have in common yield about a 35-percent reduction for $1.5 billion a year. Where the committee goes further is in this phase II reduction, which is another 2 percent additional reduction beyond the 35 percent. And then the question is, what is the cost for that additional 2 percent?

The EPA and the OTA and independent experts have expressed doubts as to whether these additional requirements are even technologically

feasible. If the standards are feasible, in this phase II requirement, the EPA has estimated that they will cost about $6.5 billion a year—that is about $500 a car—for hydrocarbon emissions reductions of about 2 percent.

To summarize, the Waxman-Dingell bill, the administration bill, and the committee bill, all get us about 35-percent hydrocarbon reductions by the year 2004, at a cost of $1.5 billion or about $100 a car. But the committee adds the so-called phase II, which produces less than 2-percent additional reduction at a huge increased cost, of $6.5 billion a year according to EPA, which is about $500 a car.

There is going to be a lot of discussion on this floor as to whether or not that $6.5 billion figure is accurate, for what OTA says is a 2-percent additional reduction. The California Air Resources Board has said it is not going to cost $6.5 billion, it is going to cost $1.5 billion.

I happen to disagree with CARB, because they left out some critical costs, including the costs of technologically changing your catalytic converter so it is able to make greater reductions in hydrocarbons. It is critical either to change or improve the catalytic converter to make it possible, or to change the catalytic converter every 50,000 miles. We have to do one or the other.

But CARB, in its estimate, does not include either, so I disagree with them. But that is not the point. CARB says it is $1.5 billion, for what EPA says is that additional 2 percent reduction. My point here is that all three approaches that I have mentioned, administration, Waxman-Dingell, and the committee bill, because of the volatility gasoline change and the phase I tailpipe, those two together get us a 35-percent reduction in all the versions. So what the question comes down to is whether or not that slight additional gain, that 2 percent additional OTA-identified gain, is worth what EPA says is $6.5 billion and what CARB says is $1.5 billion.

The carbon dioxide emissions standards in this bill are even more extreme. These standards address only one industry, the automobile industry, and would reduce total manmade emissions of greenhouse gases by only 1 percent.

The Department of Energy has estimated that this 1 percent reduction in greenhouse gases would cost an additional $7 to $16 billion a year by the year 2000, depending on the number of cars sold. That is another $750 per car. But, by comparison, the committee approach places no other requirements on any industry that produces carbon dioxide emissions.

Carbon dioxide is emitted by powerplants, steel plants, glass plants, chemical plants, and every other facility that burns fossil fuel. EPA has issued a report that details dozens of ways in which emissions of carbon dioxide can be reduced but the EPA imposes costs on only a single segment of society. This is very different from what it has done in the area of carbon monoxide and hydrocarbons and other areas, where the committee bill looks at all the sources of emissions and tries to apportion in some way what the burdens will be to reduce those emissions.

I do not happen to agree with each and every one of its conclusions in that area but at least that was its effort. I consider that to be a worthwhile, fair, equitable process, even though the results came out different from what I believe are sensible, in a number of areas. At least the process looked at the cause and looked at the cure of an overall problem and says: This industry has to do more in one area; those cities and towns have to do more; these utilities have to do more; and so forth. And then we can argue cost and benefits of each of the solutions.

But, in the area of carbon dioxide, it singled out one industry and only one and said that it must take certain steps. It did not weigh the costs and benefits of a whole bunch of alternatives in this area, as it did in the other key clean air areas, but only on the automobile industry.

So, it is inequitable. It would impose huge costs on consumers and workers for that 1 percent reduction in manmade emissions of greenhouse gases. Most important, it is really inconsistent with the legislative process which in other parts of the bill looks at all the causes and tries to figure out the relative costs of various cures.

Mr. President, the automobile industry must do its share to reduce pollution. Despite the fact that new automobiles today emit 96 percent less hydrocarbons than the uncontrolled level of two decades ago, and despite the dramatic reductions in automobile emissions over the last two decades, the Office of Technology Assessment has estimated that, under existing law, automobiles will contribute about a third of all projected hydrocarbon emissions in 1999.

So nobody suggests we should ignore cost-effective measures to reduce those emissions. They continue to be part of the hydrocarbon problem, and they should be part of the solution. And they continue to be part of the problem, even though—again, a lot of people are not aware of this fact—a new car today has 96 percent less hydrocarbons coming out of its tailpipe than a new car did 20 years ago. So there has been great progress made but there is still a problem.

We should not, Mr. President, in addressing this problem, require wasteful steps which would cost American consumers billions of dollars and seriously weaken a very important industry in this country.

As I have indicated, the auto industry must do its share to reduce pollution but it cannot make up for other segments of society that have made no reductions at all or made less than proportionate reductions.

The committee proposal could impose a cost of almost $30 billion a year, or as much as $2,000 a car, on consumers in this country, between the phase I, phase II tailpipe standards, and the carbon dioxide requirement. The administration bill, the Waxman-Dingell bill, would cost consumers about $200 to $300 a car.

By spending billions of dollars on relatively short-term, incremental improvements in existing technologies as required by the committee bill, we would be wasting resources which could produce the next generation of automotive and clean air technology.

I believe this is a shortsighted policy, a policy of promoting relatively short-term, incremental gains at such a huge cost that we will rob ourselves of resources needed to produce the advanced, ultraclean vehicles we are going to need to make a real dent in the urban ozone pollution problem.

In the long run, clean air and a healthy environment will demand alternatives to current engines. We are going to need "leap-ahead" technologies such as electric vehicles, fuel controls, hydrogen-powered vehicles, vehicles that are partially powered by solar energy, hybrids—leap-ahead technologies that reduce emissions far below that of any current engine. Such technologies are on the horizon and they could be brought to the market earlier rather than later if we will leave some resources to invest in them.

I am afraid, however, that the decision of the committee will squander available financial and engineering resources on these short-term, incremental changes in existing cars, the phase II requirement that we are talking about and, as a result, will make the technological breakthrough to the leap-ahead technologies that I have indicated and others a lot less likely.

That will cost us environmentally, because it is those technologies with which we will be able to achieve major reductions in pollution rather than these relatively small, very expensive, incremental, relatively short-term gains which is typified by the phase II requirement in this bill.

Mr. President, those are some of the problems that I have with the committee approach, and my objections to the bill that has been offered, and as the debate on this bill unfolds I will have more to say in greater detail, with charts, about these problems. But today at least I wanted to summarize some of the issues which I know are going to be raised in this bill.

I am prepared to support a reasonable approach which places a reasonable burden on all of our industries, including the automobile industry. I am prepared to fight for an equitable bill that fairly spreads the burden of reducing emissions across segments of our society that contribute to air pollution. I remain open to that reasonable bill, but there simply are parts of this proposal I cannot accept.

Before I yield the floor, I commend my good friend, Senator BAUCUS. We have some differences on this bill, but we came to the Senate together and I know of nobody I would rather work with, be friends with than my good friend from Montana. I hope that as this debate unfolds we are going to be able to make some progress to achieve something that is mutually acceptable and environmentally sound.

I commend Senator BAUCUS and Senator BURDICK and the other members of the committee. They put in a lot of time on this bill. Even though there are some fundamental disagreements, they have made a real contribution to this debate, and I want to not yield the floor without commending them for that. I yield the floor.

Mr. BAUCUS. Mr. President, I compliment the Senator from Michigan. I know of no more able and more effective Senator who represents his or her State better than the Senator from Michigan. He is a very effective Senator, very articulate, a stalwart defender of the interests of the State of Michigan. I commend him very much for his excellent statement, and I also commend him for the degree to which he has contributed to a solution and also the degree to which he very strongly represents his State's best interests. I thank the Senator.

Mr. LEVIN. Mr. President, we have made some requests for information, and since there is this few-day period which is apparently going to elapse, I would like to make part of the RECORD the requests that we have made. I know there are a number of people trying to fill these requests and a number of agencies but it should be made part of RECORD at this point what the outstanding requests for information and analyses are.

I ask unanimous consent that a memo from myself to Senator MITCHELL be made part of the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: Senator Mitchell.
From: Senator Levin.
Date: 1/22/90.
Re: Summary of Unanswered or Incompletely Answered Correspondence on Clean Air.

The following summarizes requests for information which have not been answered or have been answered incompletely, regarding the effects of the Senate Environment Committee's Clean Air bill.

To: OTA/CRS/CBO From: 40 Senators.

Request: A cost/benefit analysis of S. 1630 as reported, and estimates of its impact broken down by industry and region.

Reply: The three agencies have indicated a need for more time.

To: DOE/CRS/OTA/EPA.

Request: Information on the carbon dioxide provisions in S. 1630 with respect to efficiency, costs, comparison of other strategies, and consumer preference.

Response: Only CRS has responded to date.

To: Sen. Baucus.

Request: A list of any changes that were made after the Committee adopted S. 1630.

Response: None yet.

To: Sen. Burdick.

Request: A complete analysis of the costs and the benefits of the bill in terms of total reductions of each considered pollutant.

Response: Information has not been provided.

To: OTA.

Request: An analysis of the California Air Resources Board and the Environmental Protection Agency's cost estimates of the second phase tailpipe standards in S. 1630. Also, the costs and reductions expected for carbon monoxide as a result of the Senate Environment Committee bill.

Response: None yet.

Mr. BINGAMAN. Mr. President, yesterday we began consideration of legislation to reauthorize the Clean Air Act. I agree with previous speakers that there are few issues Congress has considered in recent years more important to all Americans than legislation to improve air quality in this country.

Today, I believe as a people we are more aware and better informed of the important environmental challenges that our Nation and the planet face. We are more familiar with terms such as global warming, ozone depletion, acid rain, and carbon monoxide. But with this familiarity comes increased responsibility, responsibility to take the necessary action to reduce threats to our air resources and to begin to clean up the mess that has been made. Today, that process continues on the Senate floor.

I congratulate the majority leader, the chairman of the Environment and Public Works Committee, and Senator BAUCUS, who is the floor manager of this bill, for the excellent effort they have put into bringing clean air legislation to the Senate's attention. I believe action in this area is long overdue.

NEW MEXICO

Clean air is a particularly important issue to the citizens of New Mexico. I am proud of the efforts we have made in my State. We are blessed with clear skies and scenic vistas. We hope to keep it that way. Our utilities and copper smelters have made the expensive capital improvements necessary to reduce harmful SO_2 emissions. Our largest city Albuquerque has embarked on an ambitious course of action to attack both the CO and ozone problems. New Mexicans are willing to make the sacrifice necessary to preserve air quality.

IMPROVING THE BILL

Mr. President, I support clean air legislation. S. 1630 gives us a comprehensive approach to address clean air issues. However, there are provisions of this bill that must be improved. Let me review a few of these areas.

ACID DEPOSITION

I strongly support the provision in title IV of the bill which requires 107 utility plants to reduce their SO_2 emissions by January 1, 1995. In earlier versions of S. 1630, only 20 plants, involving 70 boilers, were covered. If the 20 plant option had been adopted, the resulting emissions requirements would have meant that the 20 plants could only use scrubbers. No other technology would have been able to meet the emissions targets. With 107 plants and a more equitable emissions requirement, the plants—252 boilers—will have the time to investigate alternative technologies, including cofiring, to meet the necessary reductions.

The 107 plant approach is more cost effective for controlling 107 plants at 2.5 lbs/106 Btu, significantly lowers capital cost expenditures, and gives greater flexibility for utilities. For these reasons, I strongly encourage the managers of the bill to resist any effort to lower the number of affected plants. Such action would erode confidence in our sincerity to seek a comprehensive solution to the acid rain problem and be seen as a thinly-yield cost sharing mechanism.

EMISSIONS CAP

I want to work with the managers to find an effective mechanism to deal with the concerns regarding the emissions cap provision of title IV.

This provison will prevent clean burning utilities in the west from expanding their electric generating capacity in order to meet future needs. For that reason, these provisions need to be amended. Plants emitting less than 1.2 lbs./MMBtu of emissions will be limited to their 1985 emissions rate and 120 percent of their baseline. The proposed tonnage cap results in the imposition of unreasonably harsh and unnecessarily expensive burdens being imposed on the owners of plants which already have taken major steps, whether through the installation of expensive pollution control technologies or the purchase of low-sulfur coal, to reduce their emissions. Additionally, new powerplants must hold allowances equal to the units annual SO_2 emissions. New utility units are not eligible for allocation of allowances. This prohibition could prohibit the construction of new powerplants in many growth areas, especially in the West. Because of low emissions in the Western areas of the United States, generation of allowances for new source offsets may not be possi-

ble. The only alternative may be to purchase the allowances from the high-sulfur areas of the Midwest. This will, in effect, serve as a subsidy to the midwestern utilities that have not shown the same commitment to clean air as have western utilities that have invested enormous capital toward clearing up their operations.

I remain firmly opposed to any cost sharing in this legislation and I hope the managers of bill will take action to correct this problem consistent with the committee report. I do not think it was the intent of the sponsors to prevent future electric generation capacity. I am hopeful we are able to allay the fears of those in the West who strongly support clean air and have demonstrated that commitment over the past decade.

ALTERNATIVE FUELS

I support a strong alternative fuels initiative as part of this legislation.

Urban air quality, whether acid rain, smog, or ozone, is a major and very troubling issue on our national agenda. Vehicle pollution is the major culprit, contributing to and accounting for 40 percent of the Nation's smog.

In the United States, there are about 13 million fleet vehicles—schoolbuses, taxis, trucks, delivery vans. They run throughout the day, have low fuel economy and mostly operate in the cities, where air pollution is worst. Using alternative fuels such as natural gas and oxygenates such as ethanol in these fleets will have the best immediate benefit for the country.

In the coming years, there will be an increasing number of vehicles running on alternatives fuels. In order to stimulate the use of alternative fuels, I introduced legislation last session to require the conversion of the Federal fleet of vehicles to these fuels. The U.S. Government has a responsibility to take a leadership role in the effort to reduce carbon monoxide emissions through the use of cleaner burning fuels. I encourage the managers of the bill to include my Federal fleet requirements in whatever committee amendment may be offered.

Additionally, I strongly support the committee's effort to include a strong oxygenated fuels requirement in title II of the bill related to motor vehicles. Albuquerque, NM, faced EPA sanctions in 1987 and 1988 as a result of noncompliance with CO emissions levels. Albuquerque has imposed a mandatory oxygenated fuels program and a vehicle inspection program which have helped reduce those CO levels to acceptable levels.

ADDITIONAL CONCERNS

I also plan to offer an amendment during consideration of this bill to effectively address worries I have regarding air pollution in the southwestern part of New Mexico. Particulate matter has formed a visible haze over much of the Rio Grande Valley and surrounding areas. I am concerned that part of this visibility problem is due to SO_2 emissions from the Nacozari and Cananea copper smelters in Sonora, Mexico. Both facilities are monitored by the Mexican Government which, under an agreement with the United States, has voluntarily agreed to operate the smelters in such a manner as to meet the same emissions requirements that all United States smelters are required to meet.

I understand the Mexican Government has certified that the facilities are currently meeting the emission requirements. However, I believe the amount of particulate in the air raises serious doubts about the methods used in certifying compliance with the treaty. I do realize that periodically the smelters are allowed bypass emissions—when emissions can exceed normal levels for a limited period of time. These bypass emissions or other emissions not monitored by the Mexican Government may be adding to an already serious CO and ozone problem that exists in the El Paso-Juarez area.

I intend to offer an amendment which would instruct our negotiators to review these concerns with the Mexican authorities at the next official negotiating session and see if there is some way to lessen the severity of these bypass emissions. I also will ask EPA to monitor the particulate matter on the U.S. side of the border and see if there are any additional steps that can be taken to address the problem. I am concerned not only from the perspective of visibility, which is very important to our quality of life in New Mexico, but also because of the potential health effects of such pollution.

CONCLUSION

In summary, the sponsors of S. 1630 deserve our thanks for their efforts in crafting the bill that is before us to protect and improve our air quality. I look forward to working with them during consideration of the legislation and in helping them make the necessary adjustments to win broad support for the bill. I urge my colleagues to assist in this effort.

Thank you, Mr. President.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, I am pleased that once again we are working toward significant revisions of the Clean Air Act. As a cosponsor of the bill during the last session and Senate bill 1630 this session, I would like to take a minute to commend all the Senators and the staff people who have spent a tremendous amount of time working on this issue. I would also like to give a personal note of thanks to Senator MITCHELL for his consistent leadership on addressing this urgent issue. This is a problem we must all face together. I must admit, however, that I am saddened about how little progress we have made over the years. We fought the same fights and debated the same issues over 10 years ago when I was the Secretary of Transportation. I hope that we meet with success this time.

I am very pleased that the Clean Air Act is the first issue on our agenda. Its place on our schedule reflects the public concern with this growing problem. In my home State of Washington we know that the quality of our environment is one of the most important issues confronting us, our children, and our grandchildren.

As citizens of Washington State, we are fortunate to be surrounded by beautiful mountains, lakes, and trees. These features are treasured for their aesthetic and ecological values by both residents and visitors. Our State's economy also depends upon a healthy environment. One of our largest industries is agriculture which requires a clean environment. Many people do not realize how enormous an impact a clean environment has on the agriculture of each State in the United States.

Our quality of life, our economy, and even the survival of our State is under constant threat by pollutants from a variety of sources. Air pollution from automobiles is escalating at a tremendous rate. The capital of the "Inland Empire," Spokane, situated in the beautiful, open blue skies of sunny eastern Washington, suffers from temperature inversions that trap pollutants at the ground level and often cast an ugly brown pall over that fair city. The population surrounding my hometown of Seattle, which is constantly being described, and I think truthfully so, as "one of the most livable cities in the United States," has grown over 20 percent during the past decade. This increase in population, combined with the changing work patterns, has resulted in a huge increase in automobile miles traveled, and therefore in automobile pollutants fouling our air. Statewide, we have experienced a 73-percent increase in vehicle traffic over the last 10 years alone. As a result, many areas in our State are not in compliance with the current clean air standards.

Probably the most dramatic example is illustrated in our national parks. Olympic National Park in the northwestern corner of our State has been listed as one of the four places in the world with the purest air. It is quite a formidable honor that we share with Antarctica, the Caucasus Mountains, and the 17,000-foot level of the Andes Mountains. We have a lot to protect. This is an unusual and valuable resource for all Americans, not just the people of my State.

Incredibly, this pristine park is also under siege by pollution, pollution we have created as human beings. Early reports indicate a decline in numbers of certain plant communities in the park that are sensitive to air pollution. Further research in monitoring of the air should tell us the extent of the problem. Mr. President, it would be a terrible tragedy to lose this unique natural resource.

There is no doubt we have a tremendous amount of work to do to fix the environmental problems we have created. We have created them, Mr. President, and we are responsible for their repair. We need to ensure that our actions in the future, do not add to that burden and leave an even bigger problem for our children and our grandchildren. A strong clean air bill may not win the war, but it is certainly a weapon we need to fight the battle.

A lot of attention has been focused on the cost to industry of implementing this act. No doubt, a price must be paid for environmental protection, but there are more important questions for us to consider: What are the costs of not cleaning up the environment? How much more will we pay in health care costs, lost productivity, and quality of life degradation without a strong Clean Air Act? Who is going to pay this price: today's sources of pollution, or unborn generations? Mr. President, I believe that we have a responsibility to the Earth and to our children to reduce the pollution of our atmosphere and pay the costs. Many of my constituents agree and have written to tell me that they are willing to pay their fair share, whether it means an increase in the cost of a car, electricity, or taxes. I know that the President has recently visited Eastern Europe. I have, too, and was appalled, as I viewed the damage that has been done in the Soviet Union and in Eastern Europe by uncontrolled development at the expense of the environment. Huge areas have been devastated. People are ill because of the pollution. It will take a great many years and a huge amount of money to repair this problem.

We have done better in our Nation. We have tried hard, and I think our people are dedicated to the clean air goal. But this is an important reminder to all of us that we must take another step forward to assure that our air is clean, not just for some theoretical reason, but for the health of our people, the quality of our life, and the future of our planet.

I wish to conclude, Mr. President, with the words of a very wise man spoken more than 100 years ago. The man was Indian Chief Sealth, the man after whom our largest city in Washington State was named. Chief Sealth said, and I quote:

The Earth does not belong to man. Man belongs to the Earth. This we know. All things are connected like the blood which unites one family. All things are connected. Whatever befalls the Earth befalls the sons of Earth. Man did not weave the web of life. He is merely a strand in it. Whatever he does to the web, he does to himself.

Mr. President, the web he speaks of is very tenuous. This is our legacy for future generations.

Mr. President, I appreciate the opportunity to convey my thoughts regarding this issue, and I look forward to passing revisions to the Clean Air Act this year. I know this will be a long, difficult, and complex bill, but I want the managers to know and the people of the United States to know that many of us are here to do everything we can to assure that the environment and the air we breathe are protected, not only for ourselves, but for our children and for our grandchildren.

Thank you, Mr. President. That concludes my statement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been noted, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of S. 2021 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE. Mr. President, I thank the distinguished manager for letting me intervene.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I am very pleased to support the Clean Air Act Amendments of 1989, and look forward to an illuminating debate in the Senate over the next few weeks. This is a very momentous occasion—the first time the Senate has taken up consideration of changes to the Clean Air Act in over a decade. I hope that the final bill approved by Congress and the President will be momentous as well, bringing much-needed improvements to our Nation's air quality. We need to provide ourselves with better ammunition to deal with the presistent problem of smog, the hazards of toxic air emissions, threats to our global atmosphere, and, most important to the residents of Maine, the destruction caused by acid rain.

The evidence is clear and convincing: Acid rain is caused by sulfur dioxide and nitrous oxide emitted from power plants and carried by prevailing winds to areas like Maine, far from the original source. The acidity carried in rain, fog and snow settles on lakes, rivers, crops and forests, changing nature's balance. In addition, the pollution in acid rain magnifies the problems of those who suffer from respiratory diseases.

The legislation before the Senate today would reduce the level of sulfur dioxide emissions by 10 million tons by the year 2000, put a cap on those emissions so that a future increase in pollution emissions is prevented, and allow utilities and industries to trade pollution allowances so that growth can occur without further environmental degradation. In addition, the bill would require the reduction of nitrous oxides by over 2 million tons, a level necessary to achieve if we are to reduce the impact of acid on our lakes, rivers, and forests.

I wish to remind the Senate of an invitation extended to this Congress almost 2 years ago. The Prime Minister of Canada, Brian Mulroney, said of his government and people, "We invite the administration, and the leadership of Congress, to conclude an accord whereby we agree on a schedule and targets for reducing acid rain that crosses our border." Our response to this invitation is long overdue and should be forthcoming. Mr. Mulroney maintains that by the time his country's acid rain control programs reach their projected targets the poisonous rain exported to the United States will be reduced by more than 50 percent. He also states that they can ask for nothing more than this from us. In fact, we can ask nothing less than this from ourselves.

After all, the devastating effects of acid rain are found not only in Canada, but are increasingly apparent in our landscape and wildlife. The United States has approximately 1,100 acidified lakes, in which fish no longer thrive on the water, but choke on its poisons instead. Likewise, 3,300 streams are still flowing but dying as they carry in their current the pollutants we produce.

As long ago as 1967, Swedish soil scientist Svante Oden described acid rain as a chemical war warranting immediate attention in Europe. Despite this warning, we have continued to poison the environment which struggles to nourish life. Now, we must ally ourselves with nature in an effort to undo the damage done and prevent further destruction. Today, as we engage in prolonged debate over the means to combat this menace, the war contin-

ues, with scientists often referring to acid rain as one of the worst environmental time bombs.

We do have the means to control acid rain, thereby defusing the bomb. We do not, however, have the means to stop the progression of time, which at present is witness to the growth of the problem, rather than a part of its solution. It was in 1980 that I first rose in support of acid rain legislation, and today I rise again because we have not yet taken responsibility for reversing the degradation of our Nation's resources and environment. It is essential to our well-being that the 101st Congress take measures to ensure an end to the devastating effects of acid rain.

Research indicates that the problems are grave and require immediate action. For example, studies of streams in the Eastern United States conducted by the EPA found that contamination of streams by acid rain is greater than originally thought. Also, according to a study made public in April 1988, acid rain contributes greatly to the decline of marine life in Atlantic coastal waters. Furthermore, while in the past there has been doubt about the effects of acid rain on forests, there is now strong evidence that acid rain has a grave impact. A 1988 report by the Massachusetts Department of Environmental Management documented the death of an unusually high number of red spruces, as well as the weakening of several sugar maples. These observations are largely attributed by State forestry experts to acid rain and airborne pollutants. It is frustrating to think that we allow the death toll in this chemical war to rise through inaction.

In the meantime, there have been those who have fought diligently, such as in Canada, to save their environment, only to reach the conclusion that the cooperation of several parties is needed to successfully combat transboundary pollution. Recently, Maine was vividly reminded of the effects of acid rain when 16 of 50 high-elevation lakes were found to have acidified. In addition, Maine's rain and snow in December 1988 was declared by the National Audubon Society to be 10 times more acidic than normal precipitation. Maine has initiated efforts to rid itself of such pollution, but the results have been limited by inaction on the part of other States and Congress. For example, State-approved clean air legislation reduced the 1980 figure of 106,000 tons of sulfur dioxide, the key component of acid rain, to approximately 90,000 tons. Yet, because 80 percent of the acid rain falling on Maine originates in other States, Maine has exhausted its means to protect itself.

Each year many people retreat to the State of Maine, also known as Vacationland, to be refreshed by its beautiful lakes, spectacular coastline, expansive forests, and abundance of fish and wildlife. The natural resources responsible for our tourism industry contribute to the livelihood and well-being of many Maine residents. If acid rain continues to fall on Maine, our fishing, forestry, and agricultural industries will certainly suffer, as will the residents of Maine and its future visitors. My concern deepens as I think of the increasing magnitude of the problem we face.

In the past, in dealing with the issue of acid rain, two major questions have been asked: "Who will pay?" and "What kind of regulations should be used?" Perhaps when addressing the issue of acid rain this year, we should ask ourselves the following questions: "Who will pay if nothing is done?" and "What kind of world will we live in if no regulations are agreed upon?" The answers to these questions are obvious, but it is my hope that in addressing them Congress will recognize the need for immediate action. Otherwise, we will all pay the price for inaction. At the very least, we will be sacrificing the joy of relaxing in an environment abundant with life, and at the very worst, we will be forfeiting our children's future.

The need to control the problem of smog is equally compelling. This form of pollution has crept stealthily along the eastern seaboard until it has reached the pristine islands of the Maine coast. The fact that Acadia National Park on Mount Desert Island, and another section of the Park on Isle au Haut are ozone nonattainment areas is reason enough to take strong actions to restrict the pollutants that form smog. Hancock County, ME, the rural county where Acadia National Park is located, has been an ozone nonattainment area for several years. During the summer of 1988, Acadia posted its first health warning because of severe smog levels. I believe it is disgraceful that a national park far from any urban center should be put in this position, but it is a reality we must confront. The fact that Isle au Haut is a nonattainment area would be laughable if it were not so serious a problem. This is an island several miles off the Maine coast that can only be reached by mail boat. There are no traffic jams, no highways, no polluting industries, but there is a smog problem. This situation demonstrates clearly that the problem of smog must be dealt with nationally. It cannot lie in the hands of any one State of region, no matter how responsible.

I hope my colleagues will agree that no price is too great or restriction too tough, which enables us to preserve our environment, its benefits, and the simple joys we derive from it. I am pleased to cosponsor legislation which has as its goal the protection of the environment and urge my colleagues to act quickly so that this goal might be achieved.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, at this time I would like to spend more time describing in greater detail the provisions of S. 1630, particularly with respect to title IV, the acid rain provisions.

TITLE IV

Title IV of the bill, which adds a new title IV to the Clean Air Act, will result in a reduction of 10 million tons of sulfur dioxide below 1980 levels and the reduction of 2.7 million tons of oxides of nitrogen. All of the reductions mandated will come from utility powerplants.

The acid rain program works in two phases. In phase I, which begins January 1, 1995, 107 of the highest emitters of SO_2 or sulfur dioxide must make moderate reductions. They must bring their SO_2 emissions down to a level that would be equal to a 2.5-pound SO_2 emissions rate. In the year 2000, all utility plants whose emissions rates are in excess of 1.2 pounds of SO_2 must bring their emissions down to the equivalent of that 1.2-pound level. If a plant is already emitting SO_2 rate that is under 1.2, that plant will actually be permitted to increase its emissions by approximately 20 percent.

Once this program is put in place, utility plants will be permitted to emit no more than a total of 8.9 million tons of SO_2 per year. For the acid rain program to achieve its goals, emissions must not exceed that level. Accordingly, as we move forward in the consideration of the acid rain provisions, we must commit ourselves to the principle of emissions neutrality in the same way that we observe the principle of revenue neutrality when dealing with the budget. Any alterations we propose to make to this program must not result in increased emissions. To ensure that we maintain this ceiling on total SO_2 emissions, the bill requires that any new powerplant must secure SO_2 reductions elsewhere to offset its own SO_2 emissions.

In reporting S. 1630, the Environment and Public Works Committee looked closely at the provisions of the President's acid rain proposal and embraced an innovation introduced in the Bush bill. The acid rain program established under S. 1630 includes a system of marketable allowances that will permit utilities to trade emissions reduction obligations so that they can

achieve the maximum reductions for the lowest cost. In fact, the EPA reports that this system could reduce the overall cost of the acid rain program by 20 percent. It could also help reduce costs for all regions of the country. Those facing the highest costs because they have the greatest reduction obligations are in the best position to make extra emissions reductions cost effectively. They could lower their net costs by selling those extra reductions to growth regions that sought to emit more than they would otherwise be permitted to. Both sides of the transaction would be saving money.

Let me take a few minutes to explain how the marketable allowance system will work. When the program goes into effect any unit that has an emissions tonnage limitation requirement will be allocated allowances equal in number to the number of tons it is legally permitted to emit each year. Utilities are permitted to transfer allowances between and among units across State lines and even between different utility companies. At the end of each year, each unit must hold allowances equal in number to the emissions it has produced.

In practice, any unit that reduces its emissions more than required will be required to surrender to the EPA fewer allowances than will have been allocated to it initially. The leftover allowances can be sold to another unit that may need to produce more emissions than initially permitted. Or, the leftover allowances can simply be saved for use in future years.

The allowance system adds a new financial weapon to our arsenal for combating pollution. Since selling allowances is the same as making money by making extra emissions reductions, allowances will create economic incentives for innovative technologies and strategies for reducing emissions.

At the same time, utilities will use the allowance system to find the least expensive ways of complying with their emissions requirements. According to EPA analysis, the allowance system can produce a 50-percent cost-savings for phase I, a 14-percent cost-savings in the year 2000, when phase II begins, and a 20-percent cost-savings in 2010.

The allowance system also provides the key to the regional equity established under the acid rain program. In simple terms, all regions of the country can pool their efforts through allowance trading to ensure cost reductions for each region of the country. On the one hand, plants that have to make large reductions enjoy economies of scale so that their per-ton reduction costs can be relatively low even when they make more reductions than required. On the other hand, plants in regions facing growth in energy demand and plants with smaller reduction obligations may face higher per-ton costs. This presents utilities with the perfect opportunity to reduce their costs. The higher-emitting plants will be able to make more reductions than required and will be able to do so cost-effectively. They could then sell their resulting unused allowances to plants whose on-site reductions would be more expensive. As a result of such sales, both buyers and sellers can reduce their costs.

In fact, according to the EPA, for utilities in the region comprising Iowa, Missouri, Illinois, Indiana and Ohio, allowance trading can yield a 58-percent cost saving in 1995 and savings of 10 to 16 percent between 2000 and 2010. In the same vein, utilities in West Virginia, Virginia, Kentucky, Tennessee, and the Carolinas can use allowance trading to cut costs by 8 to 34 percent during the first 15 years of the program. Units in States like Florida facing dramatic growth in energy demand in the 80 to 86 percent range between 1985 and 2010 could use the allowance system to reduce compliance costs by 11.5 percent in 2000 and 27 percent in 2010. In the same vein, utilities in North and South Carolina, facing aggregate demand growth ranging from 66 to 74 percent could reduce costs through allowance trading by 18 percent in 2000 and 9 percent in 2010.

Both the bill sent up by President Bush and S. 1630 impose a firm cap on utility SO_2 emissions beginning in the year 2000. Without such a cap—which simply requires that new units ensure that SO_2 reductions are made elsewhere to offset the emissions produced by the new units—the objectives of the acid rain program would slip away less than 10 years after they had been achieved. The EPA estimate that between 1985 and 2010 new utility units will add between 800,000 and 2.7 million additional SO_2 emissions a year—and this calculation takes full account of the fact that every new unit will by itself have very low emissions. Without this cap, we simply would not be fulfilling our promise to the American people to enact legislation that ends, once and for all, our national acid rain crisis.

Though few would disagree that common sense demands we fix a permanent limit on SO_2 emissions if we are to solve the acid rain problem, some will argue putting a limit on SO_2 emissions is just the same as putting a limit on economic growth. Now, we are always seeking reliable predictors of economic growth, but SO_2 emissions inventories are not among them. In fact, history demonstrates that there is simply no connection between SO_2 emissions and economic growth. Between 1970 and 1987 the U.S. economy grew substantially, but SO_2 emissions decreased by 28 percent.

In practical terms, utilities and independent power producers will have a wide range of feasible options for responding to the cap or new-unit offset requirement. First, new units will be able to minimize the amount of offsets they have to secure by operating at extremely low emissions levels. To achieve this, near-term energy needs can be met by a mix of low-emitting technologies that include gas turbines and gas-fired combined cycles. Over the longer term, coal-fired plants will be able to reduce their offset burden simply by increasing the efficacy of their emissions control technology. The EPA estimates that just by increasing emissions removal by 5 percent, new units will be able to lower their additional annual emissions from the 800,000 to 2.7 million ton range to the 300,000 to 800,000 ton range.

(Mr. SHELBY assumed the chair.)

Mr. BAUCUS. Thus, total annual offsets needed after 2000 will be between 300,000 and 800,000 tons. According to the EPA, the reservoir supplying these offsets will be more than ample. For example, expanded application of energy conservation could produce approximately 500,000 tons of offsets. In addition, the EPA estimates that industrial sources of SO_2 could make voluntary, cost-effective reductions totalling 800,000 tons per year, which new units could underwrite and take credit for. Finally, EPA estimates that repowering existing units—which often entails lowering emissions while increasing energy production capacity—could produce yet an additional 600,000 tons of offsets.

In all, the cost of adopting measures such as these to meet the new unit cap will add only 4 or 5 percent to the total cost of a new powerplant.

Throughout the program, older, higher emitting powerplants will retire and will be replaced by units that can match their predecessors generating capacity while producing only one-third or even one quarter of their SO_2 emissions. Eventually, the total number of utility SO_2 emissions will begin to decline and allowances available to new units will increase even further. Under one EPA scenario this may begin to occur as early as 2010.

In view of the economic incentives built into the acid rain program, the total number of offsets needed by new units to meet the cap may actually be a good deal smaller than 300,000 to 800,000 and the cost achieving reductions or obtaining allowances may be a good deal lower, too. Because of the offset requirement, new units will have powerful economic incentives to employ emissions control technologies or methods that minimize their emissions and their resulting need to obtain allowances. These incentives will lead to innovations that can maximize emissions control while minimizing costs. If successful, such innovations, which have not been factored

into the EPA's analysis of the new unit cap requirement, will help lower the price of allowances themselves.

Opponents of acid rain legislation have been quick to dismiss the possibility that the allowance market will work to lower costs or to generate offsets sufficient to allow new units to meet the cap requirement. Many contend that utilities receiving allowances will simply hoard them either to meet their own cap requirements or to stifle competition. To provide insurance against such a breakdown, S. 1630 authorizes the EPA to create a special Federal allowance pool so that new units can resort to those allowances if they cannot secure any from other sources.

But this is an insurance policy that is probably not needed. Given that utilities can achieve significant cost savings by participating in a vigorous allowance market, both their shareholders and their regulators will have ample incentive to see to it that utilities use the market to lower their overall compliance costs. Earlier this month the Public Utility Commission of Ohio adopted a resolution pledging that the Ohio PUC would encourage interstate allowance trading by Ohio utilities precisely to maximize cost savings.

Utilities that hoard their allowances on the assumption that they will be more valuable in the indefinite future will risk squandering a significant asset. In fact, the value of allowances will probably peak, possibly as early as 2010 if, as one EPA scenario predicts, total SO_2 emissions begin to decline. Also, as the price of allowances rises, utilities will have increasing incentives to find innovative ways to make greater amounts of reductions more cheaply. Eventually this effort will succeed, and, as cheaper reduction methods become available, the price of allowances will begin to fall. In short, utilities holding allowances will be under stiff economic pressure to use the market to cash in on the value of their allowances before prices peak and drop.

Traditional opponents of S. 1630 may also attack the bill for requiring utilities to meet total tonnage limits rather than simple emissions rates and may also argue that the cap should be replaced by giving the EPA authority to ratchet down on emissions rates to offset emissions increases from new units.

Simply setting an emissions rate does not guarantee that we would be able to achieve and hold a 10 million reduction. A rate is just a function of emissions over electricity output. If power generation increased, so would emissions even if the emissions rate remained the same.

Calling on the EPA to ratchet down utility emissions rates every few years would put the Agency under enormous, if not unbearable, political pressure—an ironic assignment of responsibility since it would occur only if we in Congress had shirked our own.

At the same time, if the EPA did in fact require a succession of lowered emissions rates to compensate for new unit emissions increases, then utilities would be facing repeated and costly economic disruptions for the simple reason that utilities emissions obligations would change every few years.

In contrast, S. 1630 allows utilities to undertake flexible long-term planning and carry out those plans in a stable regulatory environment.

In addition, an emissions trading program would be extremely difficult to implement under an emissions rate approach and the flexibility and savings of emissions trading would be impaired or lost.

Finally, an emission rate program would eliminate one of the most powerful methods of pollution control, energy efficiency, as an option for compliance. Again, since a rate is merely a function of output, electricity generation could be reduced without lowering a utility's emissions rate.

In short, an acid rain program that simply imposed emissions rates would lack both environmental and economic integrity.

BENEFITS OF AN ACID RAIN PROGRAM

The broad scope of benefits that will accrue from the sulfur and nitrogen reductions mandated under the acid rain provisions of the bill must not be underestimated. Much more is at stake than making reparations for a few dead fish as the opponents of this legislation might wish us to believe. On the contrary, to appreciate the full range of benefits the acid rain provisions of the bill would bring we must look at the whole vista of natural resource and human health and welfare issues involved.

One hundred and fifty million Americans live in the 31 States east of the Mississippi and virtually every one will reap the benefits of reducing by 40 percent the more than 20 million tons of sulfur dioxide we put into the atmosphere every year. At the same time, the West, celebrated for its pristine natural resources will enjoy similar benefits.

Perhaps the most well-known victims of sulfur dioxide and nitrogen oxides, the second pollutant controlled by this bill, are the forests, lakes and streams of New England, the Mid-Atlantic, the Southeast, and the Rocky Mountain high country. When we achieve the mandated reductions, however, it could well be that human health is the greatest beneficiary.

Study after study, including separate investigations by epidemiologists at Brookhaven National Laboratories, Carnegie-Mellon University, and Harvard, reveal higher health risks in those regions that have higher sulfur dioxide emissions.

According to the EPA, these studies indicate that the sulfur dioxide reductions called for in the bill could prevent between 20,000 and 50,000 premature deaths every year.

In addition, sulfur dioxide often creates acid aerosols which cause lung damage when inhaled. Because of this, the agency's Clean Air Scientific Advisory Committee has already called for a standard specifically to control acid aerosols, which, the advisory committee has found, has risen to dangerous levels in the atmosphere. Studies indicate a strong link between the acid aerosols and the risk of illness. If we reduce sulfur dioxide we will be reducing that risk.

Once upon a time, a visitor to the Shenandoah National Park in nearby Virginia could see far enough to get a clear view of the Washington monument hundreds of miles away. That day has long gone. Such views are impossible even on the clearest days. Since 1940, visibility in the eastern United States has declined by 40 percent. Again, since 1940, in the last 50 years, visibility in the Eastern United States has declined by 40 percent. Studies have established a nearly exact correlation with the level of sulfates in the air, which, in turn, are the direct product of sulfur dioxide emissions.

Finally, when we think about the damage to lakes and forests caused by acid rain, we have to remember that acid deposition can undermine entire ecosystems. Entire food chains can fail with the destruction of just a few aquatic species in a given system. For example, the EPA reports strong evidence that falling waterfowl populations may result from the acidification of lakes.

Acid deposition has the potential to release toxic metals from soils and can, in as little time as one generation, leach essential nutrients from soils that have taken thousands of years to develop.

Title IV of this bill will put in place a program to curtail acid deposition and protect our environment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

THE ELIMINATION OF EARMARKING

Mr. SPECTER. Mr. President, I would like to make just a few remarks about a subject which has been raised on the floor earlier today and is undergoing a considerable amount of public debate; that is, the proposition of discontinuing the practice of earmarking U.S. foreign aid, and that five countries had been specified among those where the earmarking should be eliminated.

I had the opportunity to travel to three of those countries in the distinguished company of Senator RICHARD SHELBY of Alabama, who happens to be the Presiding Officer today. During our trip we had discussions with the leaders of Pakistan, Egypt, and Israel, three of the countries designated to have the earmarking curtailed.

It was my view that those countries would be very adversely affected by any reduction in foreign aid which is being advanced at the present time. I happened to be in Israel at the time the announcement was made as to the distinguished Republican leader's statement, which appeared on the oped page of the New York Times, and I can say that there was considerable consternation there as to what impact there would be on Israel.

I had come from Egypt the day before and had a discussion with Egyptian officials, including President Mubarak. There was concern over Egypt's financial situation, and on that day Foreign Minister Meguid and others had left Cairo to go to the United States to deal with the IMF, International Monetary Fund, because of Egypt's precarious position.

I am sure that when President Mubarak and others read the notice of the proposal to cut their assistance, there was enormous concern. Similarly, in Pakistan, as you know, Mr. President, because you and I were present and talked to the President of Pakistan, Benazir Bhutto, about the enormous difficulties confronting Pakistan. In Pakistan there has been a special alliance with the United States on the very, very difficult issues in Afghanistan.

Mr. President, I think that ultimately we have to take a very hard look at the reduction in foreign aid from something in excess of 20 billion in 1985 to something in the neighborhood of $16 billion in fiscal year 1990. Those statistics were cited yesterday by Senator KASTEN, who is the ranking Member of the Foreign Operations Subcommittee. Since I serve on that subcommittee, I know personally the very grave problems which we face in allocating funds and dealing with this problem of earmarking.

We are looking for some funding, possibly, as a reduction in our defense needs. That has been articulated by the President and the Secretary of Defense. Where there is a necessity for assistance in Eastern Europe, we may be able to find funds in that direction. When we talk about the needs in Bolivia and Latin American countries on the drug issue, we have appropriated substantial funds, some $8.9 billion, or there may be some funds available as a reduction of defense needs.

Certainly, it is a very difficult issue. I caution my colleagues that the issue being raised may spread considerable alarm among our allies. I suggest that these delicate matters be handled preliminarily with discussions with our allies.

In Israel—as I said, I was there when the news broke—they face enormous additional costs as a result of the immigration of Soviet Jews. We know that there has been a sharp limitation in our own immigration policies, so that Soviet Jews are not able to come to the United States, which most would prefer. But instead, they are being taken by the State of Israel, and Israel is doing a favor to many, to the world really, but certainly to the United States, where there is considerable sentiment about having Soviet Jews come to this country. That is a subject which was debated very extensively last year in the immigration bill.

I know my time is growing to a close, and I thank my distinguished colleague from Vermont for yielding, because he was about to speak. I think this is a very, very sensitive issue, and the other two countries on the list, the Philippines and Turkey, are both good friends. All are good friends.

We have to do a great deal, but in the context where there is some difference with policies, as there might be with Turkey on the Armenian issue, the resolution pending in this body, or where there is debate as to whether we are trying to pressure Israel or propose a cut in foreign aid that may signify to some that it is a form of punishment, we have to proceed with great care.

I suggest, Mr. President, as we look at Eastern Europe and the chances for democracy and economic development, and look at Latin America with the need for curtailing drugs, and look at long-standing allies like Pakistan, Israel, and Egypt, we ought not to be curtailing aid and ought not send them signals which would suggest to any extent that we are fair-weather friends.

I thank the Chair and yield the floor.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. JEFFORDS. Mr. President, I wish to address the pending business, the clean air bill.

This is a day that I have looked forward to for some length of time. I have been either in the House of Representatives or the Senate for 15 years. During that period of time, little or nothing has been done to improve the Clean Air Act. The only significant event occurred 10 years ago, in 1980, when we were finally able to get a study of the problem of acid rain.

So finally the log jam has been broken and finally clean air legislation is ready to be addressed by this Congress. I rise in strong support of S. 1630, and I wish to commend the chairman of the committee, Senator BURDICK, for his leadership, and Senator BAUCUS and Senator CHAFEE, who have shown tremendous leadership, compassion, heart, stamina in moving the bill through the subcommittee and committee process.

Equally important, I commend the efforts of President Bush for making the issue of clean air a priority of his agenda. That has helped us immensely.

It has been said that people love to talk about the weather, but no one ever does anything about it. Today we are doing something about it. Today we begin in earnest the job of restoring our weather to its healthy and natural condition. Today we are poised to act to curb acid rain; to decrease urban smog; to reduce toxic air pollution; to slow the rate of global warming; to repair our stratospheric ozone shield.

I do not believe that we will see many Senators coming to the floor to argue against clean air. Rather, our disagreements will be over various provisions of the proposed action. As a member of the Environment Committee, which had developed the bill before us today, I want to make it clear that I will oppose efforts to weaken provisions of the Clean Air Act amendments.

In particular, I strongly support the acid rain provisions, including the cap on sulfur dioxide emissions after the year 2000. I support the title of the bill regulating CFC's and other ozone depleting chemicals. I support the automobile provisions, including the second round of tailpipe emission standards, the carbon dioxide emission limitation and provisions regarding evaporative emissions. In addition to the motor vehicle requirements, I intend to offer an amendment designed to improve the quality of gasoline that is sold at service stations.

My home State of Vermont, due to its particular geographical location, was one of the first States to feel the full impact of acid rain. Nearly two decades ago, we first began to notice that trees were dying and that lakes and streams were becoming void of aquatic life. Due to the inability of Congress and the unwillingness of

Federal regulators to act, the problem has only worsened. Over the past two decades, growth in electrical generation, and proliferation of tall stacks, have increased the amount of acidic precipitation in Vermont.

It remains a physical truth that what goes up must come down. The Environmental Protection Agency estimates that about 20 million tons of sulfur dioxide is emitted annually into the atmosphere from utility sources. Twenty million tons every year. Much of this SO_2 is spewed from tall stacks, assuring that the pollution will travel hundreds of miles before it falls back to Earth in its acidic form.

Unfortunately, my State of Vermont has been among those on the receiving end of those emissions. One does not need to be a meteorologist to know that our Nation's prevailing air currents flow from west to east. Vermont is in the east. Most of the sources of sulfur dioxide and nitrogen oxide, the two primary precursors to acid rain, are found to the west of Vermont and New England.

Vermonters have paid the price for acid rain. Now others must also shoulder the burden.

Does this mean that the Northeast deserves special consideration? Of course not. But it does mean that Northeast deserves equal consideration. All regions of the countries are entitled to have air that is at least clean enough for our trees to grow and our lakes to support life. The Northeast deserves to have air that is healthy for the people to breathe.

There will be regional disagreements over the acid rain title of the bill. I think there is agreement, however, that the 10-million-ton reduction is warranted. It is my view that the structure of the acid rain title fairly distributes the burden of the required reductions. There will be economic impacts. I will not deny that. But I believe the structure of the bill minimizes the economic impact and distributes the costs as fairly as is possible.

Twenty million tons of sulfur goes up. The air currents carry it from west to east. Along the way, 20 million tons comes down.

Earlier this year, President Bush proposed an innovative plan to reduce annual sulfur dioxide emissions by 10 million tons and to maintain these reductions in future years by capping them at the reduced level. The acid rain title of the bill before us is largely based on the President's proposal. Among the changes made by the Environment Committee are a more aggressive timetable, and a nitric oxide program that has been clarified to assure reductions of this pollutant.

The cap on sulfur dioxide emissions is a vital and necessary component of the bill. The cap gives us assurances that the reductions will be maintained over time, so that we do not find ourselves struggling to cope with 20 million tons of sulfur emissions again in the year 2020 or 2050.

How will we accommodate economic growth without increasing sulfur emissions beyond the year 2000 level? The options are numerous. We burn cleaner fuels. We use energy more efficiently. We install nonpolluting generators. We reduce demand through conservation. We shift electrical loads. We use renewable energy sources. We build cleaner powerplants. It can be done.

EPA estimates that by the year 2000, after utilities have complied with the emissions reduction requirements mandated by this bill, emissions of sulfur dioxide from utility sources will still be approximately 8.9 million tons per year. This pool of emission allowances should be ample to accommodate the emission needs of our Nation's coal-burning sources.

By establishing a system of marketable allowances of sulfur dioxide emissions, the bill allows for reductions to be achieved in the most cost-effective manner possible. Preferences are not given to one fuel over another. One region is not favored over another. Because the allowances can be bought and sold, those utilities required to reduce their emissions can choose to overcomply and thus generate surplus allowances. These allowances can then be sold to other utilities for whom reductions may be prohibitively costly. In this manner, a system of cost-sharing is established by the marketplace, and yet the emission reduction targets are met.

Recent studies have indicated that this system of marketable allowances will encouarge conservation and development of renewable energy resources. This is because utilities will have added incentive to explore demand-side management techniques in order to conserve their electric generation capacity.

Renewable energy sources will become more attractive since they will not require allowances to offset their production. This combination of conservation and renewable energy will serve to slow the rate of global warming, since these techniques do not have the carbon dioxide emissions inherent in the combustion of fossil fuels.

The acid rain title will generate much debate. There is much at stake in regard to both our environment and our economy. The committee bill presents a fair method for addressing both of these concerns.

Title VII of the bill applies to a family of man-made chemicals that have the dual detrimental effect of contributing to global warming and to ozone depletion. This title mandates the complete phaseout of chlorofluorocarbons, halons, and carbon tetrachloride by no later than the year 2000.

The need to phaseout CFC's and other ozone depleters has been widely recognized by scientific studies. The recently negotiated Montreal protocol gives international credence to this need. Many States have realized the global implications of CFC production and have taken action on their own to curb CFC production and use. Vermont has already banned automobiles equipped with CFC-dependent air conditioners, and is currently contemplating a complete ban of CFC's by 1994.

This bill tracks the phaseout schedule of the Montreal protocol and takes the additional step of requiring a complete halt in production of the worst ozone depleters by the year 2000. In addition, the bill will achieve reduction in emissions of ozone-depleting substances by requiring recapture and recycling of substances that have already been produced and are currently stored in millions of consumer products. Beginning in 1992, venting of these chemicals will be prohibited. By 1994, EPA must establish safe disposal techniques.

Some will argue that unilateral action by the United States is unwarranted—that it will leave us at a competitive disadvantage with other trading nations. They will support a deferral to further international negotiations such as the Montreal protocol. Indeed, the administration has already stated intentions to resume negotiations in this area.

But hesitance in the international arena should not preclude aggressive action on our part. The United States is the leading producer of CFC's, so it is logical that we should take the lead in moving away from these ozone destroyers. It is my belief that by assuming this stance, the United States will put itself at the forefront of developing and marketing safe alternatives.

Moreover, this is not purely a unilateral action. Other countries, including some of our most favored trading partners in Europe, have developed or are developing policies that are at least as stringent as those put forward in this bill.

Another issue that will be hotly debated is whether to place methyl chloroform on the list of restricted chemicals. It will be argued that the ozone depleting potential of this substance is far less than some of the more traditional CFC's.

Unfortunately, methyl chloroform is produced in such quantities that it contributes about 13 percent of the chlorine in the atmosphere. Further, because of its relatively short atmospheric lifetime, curtailment of this substance can perhaps be the biggest single step in reducing atmospheric loading of chlorine in the near term.

We must remember that it is not only the production of CFC's and other chlorine-based chemicals that is

39-059 O-91-11 (Pt. 1)

cause for concern. We must also consider the amount of these chemicals that are now stored in products currently in use. And we must strive to reduce the levels loaded in the atmosphere. It is the combination of production, release and longevity of these chemicals that poses a threat to human health and environmental stability.

Therefore, title VII seeks to eliminate production of ozone-depleting chemicals. It establishes a regulatory regime for recapture, reuse, and safe disposal of these chemicals that have already been produced and are currently in use. Finally, it will add to the phaseout list those chemicals whose higher production levels and shorter atmospheric lifetime make them candidates for achieving near-term reductions in stratospheric ozone levels.

The CFC title of the bill will be widely debated. I believe that inclusion of these provisions is both appropriate and necessary.

Title II of the bill addresses mobile sources of air pollution. It is generally agreed that combustion of fuels in automobiles is responsible for about half of the pollution that causes urban smog. In order for the more than 100 urban areas currently out of compliance with Federal air quality standards to have a chance of coming into compliance, great strides must be made in reducing pollution from automobiles.

In the past, technology forcing regulations have induced significant reductions in the levels of emissions from automobiles. It is widely recognized that growth in the overall use of automobiles has largely negated these emission reductions. This bill proposes that the Federal Government mandate tougher emissions standards for automobiles in two phases, and gives guidance to States in methods to reduce the number of vehicle miles traveled.

While past legislation has largely focused on tailpipe emissions, this bill also requires significant reductions in fuel vapors that tend to evaporate prior to combustion. These vapors can escape during refueling, as cars sit idlely in the Sun and as gas tanks heat up while in operation. This bill requires EPA to set standards to achieve the maximum possible reductions of these evaporative losses.

While much effort is being made to curtail gasoline emissions from automobiles, I am afraid we have included scant little that will encourage oil companies to produce a cleaner fuel in the first instance. A notable exception is a requirement that gasoline have a lower volatility—meaning it will have less of a tendency to evaporate. This requirement will yield significant improvements in the evaporative losses I just mentioned.

I have long believed that if we had less "garbage" in the components of automobile fuel, then we would have less "garbage" in the emissions coming out of the automobile. While the committee has had discussions on this garbage-in, garbage-out theory, it has been tough to reach a consensus on the best course of action.

Efforts have been made to develop an alternative fuel program to encourage production of inherently cleaner alternatively fueled vehicles. Senator CHAFEE has made great strides in reconciling the major points of disagreement, the underlying premise being that the final measure should be fuel neutral, meaning that no one fuel should be given an advantage over another.

As currently envisioned, the Chafee proposal would mandate the use of alternatively fueled vehicles in the worst nonattainment areas beginning in California, which is considering a similar plan on its own. Alternative fuels, such as methanol, natural gas, propane, and electricity can achieve substantial emission benefits over traditional gasoline-fueled vehicles.

These new vehicles, once in service, will have positive impacts on the smog problems of many cities. The transition to these cars will not be simple, but neither will it be beyond our capabilities.

Meanwhile, I believe a closer look at today's gasoline is in order. At the appropriate time, I will introduce an amendment calling for gasoline makers to produce a cleaner gasoline for use in cars that are on the road today. Over the past 20 years, the components of gasoline have changed considerably and this has caused problems for cities trying to comply with air quality standards. It has created difficulties even in estimating emission inventories. It is hard to estimate the effects of a given fuel if you are not certain what is in the fuel.

Recently, one major oil company announced a new gasoline designed to be substantially cleaner than standard gas.

My idea is to require that a gasoline with similar environmental benefits be sold in all nonattainment areas beginning in 1994. By 1997, this fuel should be available nationwide.

I support efforts to develop an alternative fuels program to be specified for the worst nonattainment areas. I support the tighter tailpipe and evaporative emissions standards contained in the bill. My amendment seeks to fill the missing gap—that of improving fuel components for standard automobiles that are already in service.

By moving to a cleaner fuel, we have the best chance to improve the air in all areas of the country, whether they are in attainment of the standards or not. Cars currently are responsible for about half of the toxic emissions in the country—we can reduce that percentage.

Variations in fuel quality can affect the performance of emission control devices—we can limit the variation and improve system performance.

A cleaner, more standard quality gasoline can yield substantial improvements in air quality. I urge my colleagues support when this amendment is offered.

Before closing, I would like to mention that I have talked about the most practical solution to the cleaner fuels situation. But, at the same time, we should also examine other alternatives on the pure fuel sides, and they are attainable. We can, for instance, develop electric cars and also can develop sources for electricity for photovoltaics that will have no environmental impact whatsoever. We should pursue those approaches.

Furthermore, obviously the most pure from a fuel source is hydrogen. Hydrogen combined with oxygen only gives you water. It does not give you CO_2 or any other pollutants. We should take a look especially as to busses and others that might be able to use a hydrogen-type engine. I think this is important as we look into the next century and beyond perhaps even the time schedule we have in this bill.

Mr. President, we have a strong, comprehensive bill before us today. Once again, I commend Senator BURDICK, Senator CHAFEE, and the subcommittee chairman, Senator BAUCUS for the leadership they have shown in preparing this legislation for the Senate floor. The majority leader, Senator MITCHELL, deserves praise for his work and for bringing the bill up on the first day of the second session.

The contributions of President Bush should not be overlooked.

I urge my colleagues to support this bill, to make your concerns be known, and to work to pass this much needed legislation.

I thank the Chair and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. KERRY. Mr. President, I rise today in support of the reauthorization of the Clean Air Act. I would like to begin by, commending the distinguished Senator from Maine, the majority leader, Senator MITCHELL, for his long-time efforts on this legislation. I enjoyed working with him in the past few years, in the effort to achieve a compromise, and I am pleased that, as majority leader, he is

committed to making this the first piece of legislation debated in 1990.

I also want to commend Senator BAUCUS and Senator BURDICK and the members of the committee, Senator CHAFEE in particular. I thank Senator BAUCUS for his efforts as the chairman of the subcommittee. He has fought hard to create consensus, although it has not always been possible on every aspect of this bill yet. This has been almost a decade-long labor and I know it has been his particular desire to see this Nation face up to its responsibilities across the spectrum of clean air issues.

This legislation, Mr. President, is long overdue, particularly, as it relates to tough controls on acid rain. This is not the first time that I or others have suggested that it is long overdue. This was crucial legislation during the 1980's. It was crucial during that period and that we have lost valuable time.

Now that it is 1990 and now that it is a moment when apparently more and more people in this country are becoming sensitive to the demands of environmental cleanup, we dare not delay any further.

As Lieutenant Governor of Massachusetts in the early eighties, I had the privilege of chairing the New England Governors Acid Rain Working Group. At that time the conclusion of the New England Governors could not have been clearer. Federal legislation was long overdue.

Again, in the mid-eighties, I had the privilege of serving on the National Governors Association Task Force along with my colleague Senator ROCKEFELLER and with chief of staff Governor John Sununu. At that time the determination of the task force was that acid rain legislation was long overdue.

And it was long overdue, Mr. President, each time that I sought to introduce legislation to deal with acid rain, as my first proposal submitted in the last two Congresses.

For more than a decade the President and the Congress have failed to act on this serious threat to our citizens' health and to our Nation's environment. Despite the fact that over 139 million Americans, close to half our population, has been living in communities that do not meet the legal health standards for air quality, our Government has failed to act.

Even with health professionals estimating that air pollution accounts for over 100,000 premature deaths annually and with the American Lung Association estimates that air pollution costs Americans $40 billion each year in additional health care expenses, Government has failed to act. This failure is an outrage. Obviously, citizens are rightfully angry and frustrated by the lack of responsible action.

Now we have before the Senate a comprehensive package of clean air proposals. While some modifications in some areas may make this legislation even better, this is a solid basis for our deliberations to begin and it is certainly a basis that demands we avoid delay or further procrastination.

As we well know, this package addresses three critical areas. It is not my intention at this time, Mr. President, to go through each and every one of those areas. However, I am pleased that it sets new goals for achieving acceptable air quality in areas that currently exceed pollution standards. In addition, I am particularly pleased that it regulates the emissions of dangerous air toxins. When we recognize the fact that only seven of the hundreds of toxic chemicals currently freed into the atmosphere and environment are regulated by the EPA, it becomes clear that immediate action is warranted.

The current situation places our population at enormous risk. We know the consequences of continuing to emit dangerous toxins and we must take action. I will come back at a later point in the debate to deal with some of those issues, Mr. President.

In addition, the Clean Air Act gives us an opportunity to take action, real action, to control the release of chemicals which cause cancer, birth defects and neurological disorders.

I am pleased that it directs the EPA to issue standards for about 200 toxic pollutants in a timely manner.

Finally, Mr. President, the area that I would like to discuss for a moment today, this legislation will limit emissions which cause acid rain. In the work that I have done over the course of the past decade in this area, I have focused a considerable amount of time and attention on this particular portion of the legislation and on these provisions. I am pleased that the legislation reflects some of the provisions of S. 57, the Comprehensive Acid Rain Prevention Act of 1989, which was the first piece of legislation I introduced in each of the last two Congresses.

Mr. President, the evidence is clear—it is cumulative and it is persuasive—acid rain and CO_2 emissions continue to damage our environment and to produce significant damaging health effects on our citizens.

Although we in the United States have made some definitive efforts to improve the air we breathe, experts say that we still emit roughly 15 percent of the world's sulfur dioxide, 25 percent of the globe's nitrogen oxide, and 25 percent of the Earth's carbon dioxide. These three pollutants are the major sources of the greenhouse effect, of ground level ozone, and of acid rain.

Moreover, NO_x, nitrogen oxide, which comes primarily from auto emissions and powerplants, is a primary contributor to ground level ozone, which is a major public health problem that has been linked to long-term lung damage. Furthermore, NO_x is also a key component of acid rain, and thereby it threatens fish, marine life, our lakes, our streams, it devastates forests and, more importantly, Mr. President, recent studies suggest that even low levels of NO_x can cause reduced lung function, chest tightness, cough, and may even reduce resistance to infection.

Obviously, the United States cannot unilaterally reduce air pollutants that are generated elsewhere, but as the primary contributor, we have a fundamental responsibility to lead, to set an example to the rest of the world. This legislation, if we resist efforts, temptations, and pressures to weaken its key provisions, will help us to reestablish the leadership role we had in the 1970's, and it will put us in an important, necessary, and strong position to be able to assist in Eastern Europe and in other parts of the globe to encourage and demand change.

I am concerned, Mr. President, as I think everyone of my colleagues are, that in the long run clean air legislation in this country runs the risk of being offset by worldwide pollution, particularly that of Eastern Europe.

A report issued by the World Watch Institute has stated, "The clean air gains in the West are quickly being negated by the unrestricted burning of high-sulfur brown coal and diesel fuel that is blackening cities across Eastern Europe and the Soviet Union."

At the end of the last session of Congress, I offered a series of amendments which were added to the Poland-Hungary aid bill and these measures now require that our aid be used in a way that is environmentally sound with respect to the development policies of those Eastern European countries. This is an issue I want to address further at a later point, but I do think it is important we stress the need of those hopefully developing democracies to be able to move to a market economy in a way that is sensitive to notions about sustainable growth and development. And it is equally important as we have focused on the rain forests and the issues of Latin and South and Central American countries we do so now in that industrialized portion of the Earth.

Mr. President, when I submitted acid rain legislation in the last two Congresses, I had sought to reduce emissions of SO_2 by 12 million tons per year nationally or by 50 percent by the year 2000. I also sought to reduce NO_x emissions by 3 million tons per year and to cut CO_2 emissions by 90 million tons per year while saving roughly 600,000 barrels of oil a day.

The proposal before us in the Senate demands less. It would reduce emis-

sions of SO_2 by only 10 million versus the 12; it would reduce NO_x by 2.7 versus the 3. I am pleased that it places a cap on total emissions from utilities and requires that the EPA restrict industrial SO_2 emissions if they are expected to exceed a level of 1.5 million tons below the 1980 levels.

However, this proposal is not as strong as what many people felt we ought to be doing, and it is in that light that I want to very strongly stress I will oppose efforts to reduce them further, and I hope this body will oppose efforts to reduce them further. They represent a minimal standard we ought to be applying at this point in an already delayed process.

I do believe, however, that 10 million tons and 2.7 is a definitive step forward, and it is better obviously than anything we have had on the table until this point in time. I believe it does represent important progress.

I also view the standards set forth in this legislation with respect to the health of our citizens and the deterioration of our lakes, rivers, streams, and forests in many regions of the Nation as a minimum across the board. Anything less than adoption by Congress of these requirements would be insufficient in meeting the minimal environmental responsibilities that we have not only to our own people but necessary to reassert our worldwide leadership in this area.

I commend the sponsors of the bill, Mr. President, for including stronger NO_x regulations than either the President's bill or the drafts that I am aware are now being considered in the House of Representatives. But I remain concerned about the lack of an overall cap on NO_x emissions, and I may well address that further in the course of this debate through the amendment process.

In every community in our country, Mr. President, people are expressing significant increased concern about Government inaction, even Government retreat, on a number of environmental fronts. I believe we must respond to those concerns.

During the 1988 Presidential race, for the first time in history acid rain became an issue and now, gratefully, we have a President who has suggested that the time for study is over and the time to act has arrived. We also have a Chief of Staff in the White House who is committed to action and with whom, as I stated earlier, I have had the pleasure of working on this particular issue. During the bipartisan National Governors' Association Task Force effort as well as the New England Governors' effort, I came to understand his desire to move, though clearly there were some differences with respect to approach.

Today, citizens throughout the Nation are more educated and more aware and more demanding about the dangers of both the human and environmental consequences associated with air pollutants. This is the time for action. On the basis that this is the first legislative effort of the new decade, I believe we are setting an appropriate example for what this Congress ought to be doing in setting an agenda for the years to come.

Mr. President, while endless debate has sidetracked action, Massachusetts and other States have suffered increased and severe damage. In fact, frustrated by the absence of a national clean air legislative effort, Massachusetts and other States have themselves enacted new restrictions toward reducing acid rain emission within that State. In my State, the regulations stem from a 1985 law. It is interesting to note that 5 years ago Massachusetts took this step in order to try to respond to something that the Federal Government is still only now at this stage debating.

It is interesting, Mr. President, that at that time we capped the amount of sulfur dioxide allowed to be emitted in our State, and we are expected to reduce SO_2 emissions in Massachusetts by 26 percent by the mid-1990's.

Why was Massachusetts willing to impose tough standards on itself when it only contributes 1.3 percent of the SO_2 nationwide and particularly when the majority of SO_2 that falls in my State damaging it so severely comes from other States? The answer is very simple. It is because our rivers, our lakes, our streams, our forests, our buildings, and our marine life had suffered for too long. In Massachusetts, we understood and recognized the consequences of that damage, and wanted to try to set an example about our seriousness and our need for other States to respond to those consequences.

We knew it with such certainty and with such concern, Mr. President, that even the modest improvements that such a cap could produce was deemed both necessary and helpful.

Furthermore, we recognized that some of our emissions at certain times also flowed downwind. They flowed not only downwind to New Hampshire or Vermont or Maine, but they flowed downwind to Canada, and we accepted our responsibility to try to set an example with respect to the relationship with our northern neighbor.

We implore the rest of the States of this country, many of which have never taken the steps to clean to the level that we have, many which have never reduced their emissions to the level that the EPA required them to in the course of the 1970's and 1980's, and we ask them to join us in that effort now.

Since 1983 an ongoing study has been conducted in Massachusetts by the Massachusetts Acid Rain Monitoring Project in order to put together a realistic data base with which to study the magnitude of acid rain's effects on our surface waters.

Last year phase 2 of the study was concluded and the results were released. The findings are portrayed in the chart that is behind me. The chart's findings and the study's findings are alarming. A total of 64 percent of the 1,200 water bodies that were tested were found to be vulnerable to acid deposition, over 20 percent were critically sensitive, and the darkest areas on the map indicate the 5 percent were found to be fully acidified—in other words, dead. These are areas where no life is sustainable. Again 5 percent of the lakes in Massachusetts are dead as a consequence of the level of acidity.

We have also learned that for the huge percentage of those lakes considered critically sensitive as the level of pH goes down the alkalinity goes up and, the ability of those water bodies to buffer against increased acidity, diminishes incrementally. The curve moves in the direction where the damage exceeds any capacity to catch up and an extraordinarily rapid downgrading effect is the result.

Mr. President, in Massachusetts as well as in other States we have already borne a considerable cost in order to clean up our air. We pay a higher price every day, higher cost associated in burning cleaner, more efficient fuels or in burning fuels more cleanly and expensively. But we have done literally all we can do ourselves, despite these higher costs, to clean our air on our own. There is no way that we can clean up what is deposited on us when it comes from another State. Our efforts to negotiate reductions with other States, some of which efforts I remember engaging in when I visited Ohio and met with Governor Celeste, or met with Governor Perpich, and Governors in other States—have proven fruitless because of the problems within those States, and a basic unwillingness to move at the same rate as some of their sister States.

Mr. President, no one allows their neighbor to dump garbage in their backyard. The laws prevent that. We do not allow communities to willfully damage neighboring communities. How is it that we have ignored the unfairness of upwind States freely admitting airborne garbage on their downwind neighbors? In fact, we permitted a policy where people were encouraged to build large smokestacks so that the air quality within the region of the smokestack was measured as being fine but no one stopped to think about the consequences of what was sent up to the higher level and where it traveled and where it fell.

This bill is long overdue in its effort to provide equity with respect to a remedy for that dumping process. The

Federal Government must restore basic fairness to the interstate disposal of waste, which is really what we are talking about.

The devastating consequences of acid deposition are not solely felt by estuaries, rivers, and other bodies of water, by aquatic life, by forests, or even by soils. We learned recently from a study last year that even the light, the shallow salt water bodies, such as the Chesapeake Bay, increasingly are being damaged by virtue of nitrate overloading that takes place as a consequence of the acidity of the water that falls on the soil and then leaches the minerals into the water causing algae bloom, oxygen deprivation for water life, and ultimately the death of those kinds of water bodies.

In Massachusetts, Mr. President, we also pay for other damages. Approximately $13 million is being spent each year to simply protect and restore statues and buildings that are eaten away by acidic moisture. In order to provide safe drinking water we spend $1.2 million per year to ensure that the tap water from Quabbin Reservoir, the main water supply for the metropolitan Boston area, does not exceed safe levels of toxics such as lead. That lead is again leached out of lead pipes by virtue of the higher acidity of the water.

If we take into account the health, the forests, and other ecological and financial impacts of this damage and you project it on a national scale, the deterioration and its effects are enormous.

Mr. President, we can look beyond, obviously, Massachusetts to see those examples of damages associated with acid rain. Close to home, on Camels Hump in neighboring Vermont, there has been a 40- to 70-percent decrease in the life expectancy of spruce trees over the past 20 years. In the 1983 survey, 10 to 30 percent of the standing red spruce in the Catskill, Adirondack, and Green and White Mountain forests were dead with the greatest mortality at the highest altitudes which is precisely where the acid precipitation is most abundant.

In the Chesapeake Bay the nutrients from acid deposition are choking marine life. And on Mount Mitchell in North Carolina where just 5 years ago spruce forest covered the peak, one can today find only raspberry bushes, clumps of sedge, and a few young trees.

According to an American Forestry Association official, conditions in southern Appalachia show the same damaging signs as the forest damage of the German Black Forest.

Mr. President, I want to share with you that as a firsthand observer of the Black Forest damage I believe that is a frightening prospect. When I served as chairman of the New England Governors Task Force on Acid Rain, I visited the Black Forest, some 7 years ago. What I found was a nation's heritage that was literally being destroyed by acid rain. When I met with their associated industries of Germany, the leader of the associated industries described to me how in Germany they were going to retrofit every single company and every single entity that was responsible for SO_2 emissions. I asked them how they were going to do that. Were they getting government subsidy, were they getting loans, were they getting a tax credit or a tax deduction? He answered, "No. We are doing this through our own capitalization process." And I said: "Why?" It was a very simple answer, Mr. President. He said, "Because we cannot afford not to. We are losing the heritage of our country."

According to German forestry officials, 80 percent of the Bavarian Alps are now damaged, 97 percent of the trees aged 100 to 120 are dying, including evergreens, birch, and firs, and 41 percent of the young trees are already showing signs of imminent loss.

If we cannot learn from the experience of other countries and prevent the same thing from happening, where already we have forestry officials in Georgia and in the Northeast telling us that they are noticing the same precursor of damage, then we fail to learn from history. I believe that we are peering into the future on that visit, and that is one of the reasons I believe so strongly that this moment is a vital moment for us with respect to this clean air opportunity.

Swiss scientists with whom I have visited, Mr. President, report that alpine lakes are virtually dead and cannot support fish life. In Norway, scientists estimate by the year 2000, salmon will no longer inhabit their coastal waters or rivers due to acid rain pollution.

In Norway when I was there, Mr. President, they told me of the 5,000 square miles of lakes that are dead today. In Sweden when I visited, they told me of 18,000 lakes that are dead and of the millions of dollars they are spending on liming in order to try to restore life into these lakes.

In Greece, according to engineers who have carefully examined those structures, the famous Parthenon is literally collapsing under the acidic bath of air pollution. And in nearby Quebec, a 1986 study found that 82 percent of the sugar maples in one area were dead or dying, making maple sugar production the lowest in centuries.

It is no wonder that acid rain control is perhaps a most serious demand on the United States by Canada, our most critically important ally, economic partner, and neighbor.

Moreover, Mr. President, we should not forget our basic responsibility to our neighbors to the north. Canada has made it clear over the past few years that the goal of achieving acid rain reductions within Canada from sources in the United States is one of Canada's highest priorities.

I quote Prime Minister Brian Mulroney:

> We know the cause of acid rain, we know the consequences, and we know the cure. The Government of Canada is firmly determined to end the plight of acid rain and expects the same genuine resolve from the United States of America.

Unfortunately, during the Reagan administration, the response was one study after another, and in their view, studies addressed the problem adequately.

I am delighted with the reversal of this policy that has been promptly initiated by President Bush. I look forward to the leadership he has provided and will be called upon to provide during the difficult debates that will occur during the legislative consideration of this particular bill.

Mr. President, from Massachusetts, from all of America, from the world, the data is in, and it is indisputable. The bill before us is based on the best scientific evidence available on acid rain.

The committee's excellent report documents clearly and compellingly some of the major scientific conclusions which form the solid foundation upon which I hope we will act. Issues that produced rancorous debate for most of this past decade have been greatly clarified.

Evidence on damage, for instance, has been quantified to make a solid case for the cost benefit questions. Information on difficult questions like the linearity of damage has been clarified. The relationship between what goes up the chimney, what comes down as acid deposition and the damage that it causes is clearer than ever before.

The patterns of the emissions migration have been clarified so that the relationship between smokestacks in the Midwest and dead lakes in Massachusetts is clear. Our technology for reducing emissions has advanced dramatically with energy efficient gains and cost reductions that reduce significantly the cost of dealing with this problem.

As one who has been involved in this fight now since I have come into public life, I have heard this debate develop. I have watched it evolve. I am completely convinced that we have a compelling case for action now. We do not need a stronger case. We do not need better evidence on what is happening. We are not wanting for a scientific certainty. We do not want more assurances regarding the economic costs.

We have sufficient evidence, and most of all we have had sufficient

delay. The issues associated with acid rain are complex, but the results are simple. Acid deposition is damaging our valuable assets all around the world.

It is my hope that we will act. I know the distinguished Presiding Officer comes from a State with deep concerns about the dislocation of miners and workers. There is obviously a tension between high sulfur coal and low sulfur coal. There are legitimate questions about retraining, about that dislocation.

But it is my belief, Mr. President, that when you balance the process by which we can do those things against the equities of all the other costs to us as a society, not to mention the cost to us as our position of leadership in the world, this moment becomes even more compelling and more possible in that light.

I know that the distinguished manager of this bill, the Senator from Montana, who worked so hard to bring us to this moment, is committed to working hard to guarantee that the various problems that still exist are worked on and listened to. I certainly want to be part of the effort, as I think I have been when previously I submitted a cautionary proposal when we were working in a whole different atmosphere on this legislation. But it is my hope that as Prime Minister Mulroney once said:

> The day Congress joins the battle to purge acid rain from our common environment will be a day of celebration on both sides of the border.

I hope we will give our allies to the north and throughout the world, as well as every American who cares about the environment, and our Nation a reason to celebrate, Mr. President.

I look forward to working with the Presiding Officer and the distinguished manager of this bill in the effort to do that.

Mr. President, we have had a lot of speeches about the environment. Almost a day does not go by that some Senator does not come to the floor and talk about global warming or deforestation or some aspect of environmental problems today.

The fact is that here we are in the first legislative effort of 1990, with something that we have wanted on the agenda for a long time, and the rhetoric ought to end. This is a time to measure whether people are really for the environment or not, whether or not they will put their votes where their mouths have been over the course of this past decade. It will separate those who talk a good game and those who are willing to legislate a good bill.

I hope, Mr. President, that as a consequence of all of our best actions and interests, this institution and this country, as a consequence of this institution, will be able to celebrate the passage of this most important legislation.

Mr. BAUCUS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. I strongly commend the Senator from Massachusetts for that statement and more particularly, for his tremendous efforts in two respects. No. 1, on behalf of efforts to begin to combat the global warming in this world, stratospheric ozone depletion, tropical deforestation. He has worked diligently, and I can think of no Member in this Senate who worked harder than he in leading this country and this world in addressing those problems.

The second respect is the strong degree to which he works for his own State of Massachusetts. The Senator who just spoke, the Senator from Massachusetts, does a terrific job, and people who live in Massachusetts should be very proud of the efforts that the Senator has undertaken. I know all of us in this body are equally respectful of what he has done. I compliment the Senator.

Mr. KERRY. I thank the Senator for his kind sentiment, and I look forward to continuing to work with him.

I thank the Chair.

VETO MESSAGE—H.R. 2712

Mr. MITCHELL. Mr. President, I have discussed with the distinguished Republican leader scheduling on the vote on the veto message on the Chinese Students Immigration Status Act.

As I announced last night, we will be debating and voting on that matter tomorrow. I am about to propound an unanimous-consent agreement that would fix the times precisely. This agreement follows my consultation with the distinguished Republican leader, who is present on the Senate floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Accordingly, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the veto message on H.R. 2712, the Chinese Students Immigration Status Act, at 10 a.m. tomorrow. I further ask unanimous consent that the vote on whether or not to sustain the President's veto occur at 2:30 p.m. tomorrow, with the time from 2:10 p.m. to 2:20 p.m. reserved for the Republican leader, and the time from 2:20 p.m. to 2:30 p.m. reserved for the majority leader.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MITCHELL. Mr. President, the prior unanimous-consent agreement regarding the time allotted for debate on this matter, which was agreed to yesterday, provided for 4 hours. I ask unanimous consent that that agreement be amended to be for 4½ hours and thereby be consistent with the agreement just entered into.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank the distinguished Republican leader for his usual courtesy.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. SYMMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho [Mr. SYMMS] is recognized.

Mr. SYMMS. Mr. President, my colleagues, it has been 9 years now that I have had the privilege to be on the Environment and Public Works Committee in the U.S. Senate. Each Congress, the Environment and Public Works Committee has passed a bill; each bill I have voted against, and each bill has died before it came to fruition and passed the Congress.

One of the problems that I see as a member of the committee is its regional imbalance—and I might say, Mr. President, it is not surprising that I was the only member of that committee that cast a vote against this bill.

I think there is good, sound reason why I cast that vote, and I do not say what I am about to say to, in any way, impugn the motives of my colleagues because I think all Americans want clean air. Clean air is a noble goal, but it is very interesting to hear my good friend from Massachusetts, who was just speaking about the fact that a large body of scientific evidence now says that we have a major problem with global warming. It was only 15 years ago, when I was a member of the House Agriculture Committee and we had witness after witness come before the House Agriculture Committee and tell us that the Polar caps are freezing, that we are going into an ice age, and we all need to start making preparation to migrate south closer to the equatorial zone of the Earth because the Earth was going to cool off again and we were going to freeze. Now the very same people, in the short span of 15 years, have reversed their position and now the big panic is global warming.

There well may be a problem with global warming, but I think that when we start acting with respect to legislation impacting the lives and the opportunities of the citizens we represent, we should consider some very basic, fundamental principles that have served this Nation so well.

One of those fundamental principles is that we try to maximize the deci-

sionmaking process outside of Washington, DC. This bill has quite an opposite effect. This bill has the long arm of the Federal Government reaching into the very lives of our citizens. It reaches into the lives of the county commissioners. It is going to tell the Governors how they have to run their affairs, and it is going to be very, very costly to the American people. There has never been a tax bill pass the Congress that has been as costly in one big chunk as this bill stands to be.

The regulatory costs and the range of the costs of this bill can go anywhere from $50 to $100 billion depending on whose set of figures you want to impose on the people each and every year. It is nice to get in there and talk about the air that people breathe and how bad it may be and how terrible it is for their health, but, given the cost associated with the bill, I think we also need to put in perspective that this bill, according to the figures the CRS has given me, will consume the entire life earnings of 95,000 Americans every year. What that means is that it will consume the earnings of one American's entire life at the rate of one American every 5½ minutes.

Mr. President, I have to say, with all due respect to my colleagues on the committee, that for the past 9 years that I have been on the committee—this is starting my 10th year in the Senate—in each Congress a bill like this has never been able to come before the Senate and even be dealt with by the Senate because it was so out of step with what the rest of the Senate thought.

There are major geographical regions in the United States of America that are not represented on the Environment and Public Works Committee. And those areas of the country are yet to be heard from on how they will be impacted. What is the impact going to be on the lives of the people in Indiana, in Ohio? How many people will be unemployed? The same people come in every day and say that we are losing out competitively to the Japanese or West Germans, and yet they are preparing to pass legislation which would impose one of the biggest regulatory costs imposed on America and America's working people than has ever passed or even been brought to the floor of this Senate, much less been debated on this Senate floor.

If this is the standard we are going to set for 1990 and the decade of nineties, I say, "God help the American people." They better grab their wallets and run for cover because, if the Congress is going to continue to pass legislation like this. I hope we will make substantial reforms in this bill or this bill will not become law.

In the past, when bills that were as offensive to the lives and to the opportunities and to the very happiness of the American people as this bill is, other leaders have chosen not to take up the Senate's time to discuss it. Now we are starting out because the President has asked for clean air legislation. The majority leader has asked for this bill to be the first one. So we are doing it, but I just remind my colleagues before I get into the details of the bill that in the last 2 months we have witnessed people all over Eastern Europe overthrowing governments that have tried to command and control the lives of their people on a daily basis. We have witnessed people flooding across the Iron Curtain, flooding through the Berlin Wall to get away from the very essence of what this bill is about.

This bill reaches into the lives of the American people in every facet of their life, and I say that if by some chance it did become law in its current form, that beware and start preparing today to explain to people some of the taxes that will be imposed in this bill on local governments, some of the regulations that will be imposed, some of the higher power costs people will have, explain to them and make preparations, my fellow colleagues and Mr. President, make preparations to be able to go back home in 10 years from now and explain to people why it is that they now generate all the electricity in Canada and wheel it back across the border so we can pay twice as much for it. Explain why we are imposing rules and regulations on the American people not even based on sound science. There is a whole body of thought that challenges the very premises of some of the titles of this bill, and I think we should debate those titles.

I think it is time we started debating the bill so that the other Senators who are not on the Environment and Public Works Committee can have time to study this piece of legislation, take a careful look at it, look and see how it is going to affect the people in their parts of the country. I hope we can have an extended debate here, not a filibuster, not anything to slow it down, but a good debate, talk about each section of the bill, and allow Senators the opportunity to go back to their home States, talk to the people in those States to find out what the impact will be on their States.

And when we need to consider, Is it really worthwhile? When you look at President Bush's bill, which I think probably in some areas goes too far, the best estimates of cost that I have been able to find on it say that it will clean up 98 percent of the pollutants out of the air that the committee bill would clean up, but it would do it for less than half the cost on the American people.

The question I think each Senator is going to have to make is how far do we want to go to favor clean air. Of course, we all want clean air. There has to be a balance. There has to be common sense applied to it. There has to be other considerations.

There is no doubt in this Senator's mind that the ability of Americans to breathe clean wholesome air, free from life-threatening pollutants, is intrinsic to the inalienable rights of life, liberty, and the pursuit of happiness which we declared to be ours at the inception of this Nation. Certainly disabling illness, confining respiratory disease, and life-stealing cancer are as much, or more, our enemy as anything we can face.

But, Mr. President, I think it is appropriate for Congress to look at this and seek a means to secure and protect the integrity of the air we breathe, and we have done that. For over 3½ decades, the means chosen by Congress has been embodied in what we know as the Clean Air Act. This is not a new act. We have a Clean Air Act.

In my opinion, we have made a lot of headway with the current Clean Air Act. We have done a lot better than we used to do.

The Clean Air Act we operate under today was Public Law 159 originally. It was signed into law July 14, 1955. A series of amendments have been enacted by Congress since that time in an effort to expand and to improve its effectiveness as a tool to combat air pollution.

As the clean air program has expanded, it has met with varied degrees of success. Certainly one of its original intentions was to bring about cleaner automobiles and transportation in general. And to a large part a lot of that has been achieved. Today's automobiles are 25 times cleaner than they were 20 years ago. Just think of that, 25 times cleaner.

(Mr. LIEBERMAN assumed the chair.)

Mr. SYMMS. One thing I would say to my colleagues, just as a note on the side, if today's automobiles are 25 times cleaner than 20-year-old automobiles, maybe the best thing we can do in the Senate would be to not do things that are going to raise the price of automobiles so that the working men and women of the country are priced out of the market and cannot buy a new automobile that is cleaner, 25 times cleaner, than the ones they may drive and that are forced to stay in the old fleet. I think it makes sense, Mr. President.

Other once-serious airborne health threats are coming under control as well. Ambient levels of lead and oxides of nitrogen are well within acceptable health thresholds in most parts of the United States. Just since 1978, carbon monoxide and sulfur dioxide levels have been reduced by a third. Even where health goals have not been

achieved, the quality of the air in U.S. cities is much better than it is in most other major industrial cities around the globe.

Mr. President, this improved air quality can be seen in the health of Americans. I know that people like to come on the Senate floor and gloom and doom and wring their hands and say people are being poisoned by the air. But, I would just like to point out some of the real facts. Since the turn of the century.

Life expectancy is 29 years longer,

Infant mortality—the incidence of a newborn dying before its first birthday—is down 90 percent, and

The incidence of incurable disease, including cancer, has dropped from 90 percent to 45 percent.

As we look for ways to continue this improvement, it is helpful to look back and see what has worked in the past—what has been successful in bringing about cleaner air—and what has not. The exercise reveals some valuable lessons, including the following three guiding principles:

The first one, of course, is allow freedom to work. Freedom works. That is what people are telling us all over the world. They want to be free. They want the same opportunities that we have had in the United States of America. They are trying to get the Government off their backs so they can be free to innovate, to make new, better, simpler designs.

The solution to pollution is innovation. It is better technology. It is not going to be resolved with the whips and guns of government. That is what those people are trying to get away from. We have it a lot better here than they have it in the countries that have a government telling everyone what they can do.

The unleashing of the human mind in a free society, resulting in entrepreneurial innovation and continuing technological conveniences, Mr. President, is our best hope.

The single greatest improvement in air quality in the United States came about with a small invention that we often just take for granted. We forget all about it—the electric motor. Where would we be without the electric motor? The electric motor has done more for clean air in this country than probably any other invention. Innovations that improve quality of life are happening all the time.

Ford Motor Co. recently developed a new catalyst that maximizes the control of auto emissions using a more cost-effective mix of platinum group metals. Arco Oil Co. recently started sales of a new leaded gasoline, EC-1, designed to achieve lower emissions from the cars still on the road that create the most pollution.

The interesting point is that neither of these new inventions that are so important, so beneficial to cleaner air in our cities where there are many, many automobiles being driven in very condensed areas, neither one of those came about because of the whips and guns of government. Neither came about because of the command of the political spectrum. They came about as a result of the marketplace, of prudent managers and corporations identifying ways to cut losses and to attract new customers.

History tells us every day that closed societies, where the Government controls technology and innovation, have dismal success records at achieving clean air goals. It is not surprising to me that the West Germans have had to waive the air pollutant standards on East German cars. East Germans have been recently fleeing to the cleaner air of West Germany, the free air, but also cleaner air. Their smoke-belching cars must be exempted from the West German emission standards as they roll through the Iron Curtain.

It is not a surprise to me, but if you look at this piece of legislation, you would think that the authors of this legislation paid no mind to what is going on in the world outside the little clique inside the beltway here.

There are some who claim that economic growth and technology is what threatens our health and the environment. Nothing could be further from the truth. It was William J. McIlrath who recalled the time when—

> * * * There were about 8,000 cars in the United States, only 10 miles of concrete pavement, few spray cans to destroy the ozone layer. * * * The air was relatively unpolluted * * * and our average life expectancy was 47 years.

Forty-seven years old when life was like that. Now it is up to 75 years and going up every day. Physicians expect it to keep rising and continuing to rise for the foreseeable future and that is because of modern technology. It is because of wealth created through a free enterprise, capital, profit-and-loss system of free men working through free institutions to be able to develop new, better, simpler, cleaner, and more positive ways to do things.

Modern technology can be credited for saving lives, and fostering a society in which technology thrives is the best way to assure hope for improved air quality. So it is overkill, throwing the baby out with the bathwater, as this bill does in my opinion. This bill could not be any more negative on what I foresee for the future.

I said to some friends of mine yesterday that the stock market dropped some 75 points on Monday and then it held its ground yesterday, that was when the meeting was. I said if the American people had any idea what was in the bill that is being debated on the U.S. Senate floor, the stock market would probably drop 750 points if they realized the cost of imposition, interference, entanglement that the long arm of government would be imposing on people to be able to make their own decisions; the lack of flexibility of county commissioners, the city mayors, and the Governors who will have to try to run the affairs of their State and local governments; the inability of business leaders to be able to make decisions, and the denial of the opportunity to have our system work that this bill carries with it.

Mr. President, the second principle that I think we need to look to—the first principal is that freedom works—the second principle is that we should adhere to sound science. If Government standards and emission limitations must be set, clean air goals are best achieved when those standards are firmly founded in the soundest of science.

The police power of the Federal Government exists, as Thomas Jefferson said, "only to defend our true rights and freedoms, and to take none of them from us." Such power should be used in the name of "cleaning the air" only when the best science has confirmed that cleaner air will, as a matter of scientific fact, be the result. Regulations and restrictions that lack a basis in sound science impose on the freedom of the individual, consuming time and resources, with the possibility of yielding little or no health benefit to show for it.

If that is what we are setting up to do, we do not know where we are going to take the economy of this country. We do not know what will happen.

Are we really going to pass this law and end up having squandered our resources? If we do that, then we have violated the principles of good government. And ultimately it will take its toll because we failed to apply those resources where they really could achieve cleaner air. It is what you can see and what you cannot see. If you spend all of your efforts on something that does very little good, you have no resources left to spend on the opportunity where you really could do some good. It is called opportunity cost, for those who are economists.

One of the most well-respected provisions of the Clean Air Act is its procedure for developing ambient air quality standards. The development of criteria documents, the exhaustive review of scientific studies, analyses and available literature is definitely time-consuming. But when attaining those standards could cost billions of dollars and force dramatic lifestyle changes on millions of Americans, any lesser priority on ensuring the absolute best science cannot be justified.

This bill is a question, in large part, regarding the application of the soundest science. I will have more to say about that later with some major

efforts to correct some of those parts of the bill.

The third principle that has worked very well in the past and I think it will continue to work in the future, is: Permit local flexibility. The Clean Air Act has been successful, to the degree that it has been successful, because it has adhered to one of its original findings and that is, "The prevention and control of air pollution at the source is the primary responsibility of the States and local governments."

The people who are closest to the source, whose lives as well as livelihoods are at stake, can best choose for themselves how they want to achieve their clean air goals. Leaving such flexibility to local and State governments allows them to develop the control strategies that are most likely to address the unique problems they face. It also allows them to craft the strategy in a way that a regulated community can appreciate and accept.

The mechanisms of the Clean Air Act have always worked best when there is common ground and consensus between the regulator and the regulated. Conversely, the act's most serious flaws have occurred where compliance is achieved only at the whips and chains of the Federal Government.

The Clean Air Act Amendments of 1989, S. 1630, represent the Senate and Environment and Public Works Committee's latest attempt to improve on the Clean Air Act.

Most people would say there is no dispute that we should make an effort to improve the Clean Air Act. Some people even go so far as to claim that there are 100 million people who are breathing air that is hazardous to their health. I do not see those people falling and dying in droves. I see people living longer and healthier. I have already cited those statistics, but people make that claim and they make the statement that 2 people out of 1,000 are not going to live as long, and so on and so forth.

I think this is a gross misrepresentation. That is my opinion. However, health standards have not been achieved in many of the America's major cities. That is what brings us to the effort to improve air quality. To the degree that the above principles leading to better air quality can be employed to address this problem, some improvement on the current Clean Air Act may be possible. And it may also be prudent, in a moderate fashion.

Unfortunately, Mr. President, the committee bill does not adhere to these three principles, but it, instead, relies heavily on the same command and control proposals that have been raised unsuccessfully in the past, time and time again throughout the last decade. At almost every turn the bill ignores low cost but efficient control strategies and instead adopts extremely costly technologically difficult provisions.

The bill seems to accept the flawed philosophies that individuals will become creative and innovative if you hold a large enough gun to their heads.

That has not been true in any of the countries that are having their Communist systems thrown up in their faces and are breaking down. But yet we are trying to apply that kind of force of government and threats of government to the very Americans who we are expecting to solve the problem. If such forcing actions were possible I would suggest, Mr. President, that the Communist bloc would be the greatest technological power in the world today. We all know that is not the truth.

We all know the truth. All we have to do is go behind the Iron Curtain. It is like stepping back 50 years, in terms of technology that the average man and woman lives with. In many places, this bill abandons any adherence to sound science, advancing billion dollar measures that may or may not improve the quality of the air we breathe. And it radically overhauls the way in which the Federal clean air program is administered through State and local governments, usurping many local decisions and foisting upon the local businesses a straitjacket of permits and enforcement.

The permit system in this bill is replete with opportunities for unlimited interferences and frustrations for the people of this country.

Mr. President, the bill does deserve some credit, more so than the previous clean air proposals reported by this committee. The bill reported this year does reflect a recognition that the marketplace can select opportunities for air pollution reductions more efficiently than can any centralized regulatory power.

Mandatory Federal emission warranties are rolled back in order to allow greater competition in the service and after-market parts industries, and the acid deposition title at least pays lip service to the concept of allowing the marketplace to determine where to most efficiently achieve acid reductions.

Because of this slightly new tone, the committee bill may serve as an acceptable framework for further debate. If it is to be successful in achieving our clean air goals, however, there are many provisions currently contained in this bill that must receive greater scrutiny. I sincerely hope that the fundamental principles of clean air can progress, that they can be infused into the bill during the course of the floor debate.

Mr. President, I am only going to address ambient air standards today on this bill, title I. But I do want to talk a little bit about that because it is a very critical, important part of the bill.

How to measure attainment? I think it is important that our colleagues get a grasp on this, understanding how it will affect their States. The committee bill divides areas of the country that have not attained national ambient air quality standards into four classes, each with different requirements and deadlines. These requirements become more stringent as the severity of the problem escalates.

A system which designates four categories of nonattainment is a vast improvement over a system that recognizes nothing but attainment versus nonattainment. However, making this categorization inflexible, and imposing rigid Federal requirements within each category, is very arbitrary.

The classification system needs to be more sensitive to local conditions so that local people can consider the geographic problems of the area; the natural, if you will, Mr. President, geographic area ambient air, natural air problems of the area as opposed to some rigid Federal requirement.

The design value: The bill specifically adopts the use of present ozone monitoring data and the present EPA approach of using the design value extracted from the data to define nonattainment.

The bill would actually increase the impact of these techniques by using them as the basis for classifying nonattainment areas for the purposes of assigning them to one of the four categories of nonattainment.

There are severe problems with EPS' approach to monitoring and the use of the design value, and those problems are compounded by the committee bill.

Every air quality area engages in monitoring, though there is no specific number of monitors. There can be as few as 1 or as many as 43. EPA's general guidance is to place these monitors where high ozone levels are likely to be found. Each locality collects hourly readings from the monitors. If over a period of 3 years, four readings from any monitor exceed the standard, then the entire area is classified in nonattainment.

That is real good for real estate values, I might say, Mr. President. So you might think about that, if your area is going to be put in nonattainment because of the fact—and I want to repeat this—over a period of 3 years, where there could be as many as 43 monitors, if four readings of the monitors are in excess of the standard, then the entire area could end up being classified as nonattainment.

If you have just invested a lot of money in a plant or factory or some of your constituents who work there are trying to get a loan and expand and stay competitive with the Japanese and it gets classified as a nonattain-

ment area, good luck. I hope you have a good explanation to the people who start losing their jobs and they come to you and say, Senator, where were you when this bill passed the Senate that imposed this kind of a standard on our area. We have a geographical problem. We are trying to meet some standard set by those in Washington, DC. We have this mountain in the clouds in the so forth and so forth and there is an inversion layer, and this is what is causing it and it only happens 1 day out of 10 years but it just happened here and now we are called nonattainment. That is the kind of problem that this bill has in it in this first title. It can stand to cause great problems for the people.

The fourth highest reading above the standard—the one that tips the area into nonattainment—is the design value, and is the future toward which efforts to reach attainment are targeted. This design value is frequently cited with an implication that it represents some measure of average air quality for the entire region. In fact, it is computed from the highest measurements from any monitor in the entire area.

The design value is not likely to be representative of overall air quality. It ignores other important considerations, such as the number of times per year the ozone standard is exceeded or how great it is exceeded.

Mr. President, it places no weight on the duration of the time that it is out of balance or exceeded. It does not recognize that different conditions may prevail in different parts of a nonattainment area, and the monitors are usually sited to identify the worst levels, not the average levels.

Given these problems, the reliance on the design value as the basis for the significant and extremely costly Federal mandates is ill-advised. The whole design value approach needs reform, and until this is accomplished this number should be given greatly diminished importance.

Mr. President, they are assuming that the worst air is in this nonattainment area, if it exceeds it for 1 day, that everybody in the area breathes that air all the time. It is not the case. It states a completely different problem. The risk assessment needs a real reining in. We have to understand the nature of the problem.

Perhaps the best argument for adhering to an attainment strategy with the greatest local flexibility is the degree to which attainment is sometimes more a function of local weather and topography than a matter of controls on industry.

There are sometimes local topographical, geographical, meteorological problems that exist that have a bigger impact on what happens than the specifics of what the industries are doing in that area.

Biogenic hydrocarbons. A great inequity currently exists in the way the Clean Air Act pursues the attainment. While the current focus on mobile and industrial emissions has met with success in some cities, those same controls have achieved no success in others, such as Houston and Atlanta. One of the reasons for this is the mere fact that not all the air pollution is manmade and as long as the clean air efforts focus only on man-made pollution—I think the scientists like to call it anthropogenic pollution—the real problems will not be solved.

A report prepared by researchers at the Georgia Institute of Technology summarize the problem as follows:

> The effects of natural hydrocarbons must be considered in order to develop a reliable plan for reducing ozone in the urban atmosphere. Trees can emit significant quantities of hydrocarbons to metropolitan areas such as Atlanta, and model calculations indicate that these natural emissions can significantly affect urban ozone levels. By neglecting these compounds, previous investigators may have overestimated the effectiveness of ozone abatement strategies based on reducing anthropogenic hydrocarbons.

Aberrations in the weather, another important fact that I have already mentioned. The current dependence on the design value also exacerbates the degree to which weather variations may completely distort the perception of real air quality conditions.

In a report analyzing ozone trends in 71 major areas, Dr. K.H. Jones notes:

> Last year was an abnormally hot one. As a consequence, the number of times that ozone levels in many areas exceeded the Federal clean air standard increased dramatically over the historical trend.
>
> In contrast, 1989 was much more in line with "normal" and the number of calendar day exceedances of the ozone standard in areas most affected by the drought decreased dramatically in a range from 64 to 94 percent.

All related to the weather, nothing to do with man-made pollutants.

The general public has been lead to believe that 150 million people are exposed to unsafe levels of ozone. This simply is not the case, in my opinion. In fact, based on 1986 data, over 70 percent of the Nation's people are living in areas that are monitored and show no ozone problem. Dr. Jones further notes that "the majority of U.S. cities where ozone levels exceed Federal standards will likely come into attainment within 5 years without additional controls. In fact, the 22 cities added to EPA's list of nonattainment areas last year should probably not even be on the list." To base significant and long-term air quality planning on such an abnormal situation lacks scientific integrity.

Mr. President, what are we doing here? We are getting ready to legislate something that is not based on scientific integrity, that some weather factor can happen, and all of a sudden an area is in nonattainment and they cannot get loans; they cannot get jobs; people are out of work. What does that do for people? There is such a thing as people starving to death. It is nice to starve to death with clean air, I guess. Maybe that is the way my colleagues feel.

We will pass the bill and everybody will have thousands and thousands of people out of work. The Japanese will continue to grab a bigger share of the market. With the booming Europe of 1990, now adding all those thousands of people, if they become free, we will become less of an economic leader than we were if we continue to pass laws as suggested by this committee.

If one were to come to this world from another planet and went around the world to decide where he would like best to invest his money and live, I believe he would say I would like to go to that place called the United States of America. They have great people. They have a great record. They did not get started 2,000 years ago. They are only 200 years old. Boy, they made an impact in the time they have been there. It looks to me like they are just ordinary people, but they have been extraordinarily successful. It looks like it is because they have been free.

If they came into the Senate today and read this bill we are suggested passing for the working men and women of this country, they would say, if they are going to pass laws like that in the 90's, it is hard to tell where that country is going to be in 2010. And maybe they will decide to settle somewhere else, maybe in Canada, where they could make the electricity and sell it back to the United States and our people can pay more for it—we can cut wages for people to make up the difference, so wages can go down, so power rates can go up if we are going to stay competitive. I think people ought to think about this.

Out there in the hinterland of America, outside this beltway, if there is anybody watching TV today—they must not have much to do if they are watching me speak, but if they are watching, they better start calling their Congressmen and Senators and tell them you better be cautious about what you are getting ready to shove down our throat with this Clean Air Act. We can only stand so much.

If we can get 98 percent of the pollutants out of the air with a bill that costs half as much as the one the committee is supporting, I think that would be a good place to start. I think the President's bill goes too far in some areas, as I have said, but it is a big improvement over this bill.

The more people read this bill, the more they study it, the less they are going to like it.

The advanced planning program. As this Nation embarks on another round of costly air control measures to

achieve clean air goals, it is essential that the mistakes of the past not be ignored and repeated. Many within the regulated industry believe the best way to accomplish a modernizing of our view toward attainment goals is through an advance planning program involving all levels of Government.

This advance planning program would develop better criteria for dividing and assessing when an area is in nonattainment, improve the accuracy of inventories which influence the control strategies, create a monitoring system which defines the characteristics of the problem, improve air quality modeling techniques and rank the cost effectiveness of control options, identifying why some controls have worked and why others have not. And then try to use those controls that work and reject those that have not.

The current drive to reach such ill-defined attainment goals may not be in the Nation's long-term best interests. Many localities have imposed extensive, costly control requirements only to find out that they must go back to the drawing board and seek to impose even more costly controls, the effectiveness of which have not yet been guaranteed.

It is imperative, Mr. President, that the Nation take its time now to assess the problems, and obtain better information to more thoroughly analyze possible solutions and advanced planning and programming would provide a solid basis for accomplishing this. It should be part of Congress' current activity of the Clean Air Act.

As a condition of any area of nonattainment being assigned to a particular category, the committee bill lays out a number of control options for areas to adopt. Apparently it is the view of the majority on the committee that the local planners do not understand air pollution problems they face, and therefore we are going to have Congress impose their judgment. The Congress knows what is best for you people. You people that live out along the banks of the Snake River according to this bill do not know what is good for them, but we know what is good for them in Washington, DC, and we are going to shove it down their throats. That is what this bill does. It will shove it down their throats whether they like it or not, and they will pay for it whether they like it or not, and it is going to consume the life savings of one American every 5 minutes. That is what we are talking about. That is what this bill does.

This is going to be the most costly piece of legislation to ever pass this Congress, imposed on the backs of the American people and at the same time the same Senators are going to run around the country and say, oh, we have got problems with trade, we cannot compete with the Japanese, we cannot compete with the Germans, and we cannot compete with who else. They will wonder why when they are passing legislation like this.

If this legislation passes, ladies and gentlemen, my colleagues, Mr. President, I will tell you this will be an absolute donnybrook to our economy. It may create another recession of its own weight. This bill alone has the potential to put this country at a real competitive disadvantage, and cause thousands and thousands and millions of Americans to have a lower standard of living. They may have cleaner air but they will not live as well. They can maybe have 98 percent as clean air as this bill would have for a third the cost. That is what some of the best estimates are. I do not know why we have to go so far overboard to throw the baby out with the bathwater.

NEW FEDERALLY IMPOSED REQUIREMENTS

Mr. President, another area that we need to discuss is the fee structure.

This is a real dandy. Perhaps the most encompassing of the committee's bill is a new imposition on ambient air pollutant sources, and the many varied fees to be assessed besides the basic $75 per ton fee for carbon monoxide, ozone, and ozone precursor and particulate matter sources, the committee bill includes the following: $2 auto registration fee.

This bill also requires areas in carbon monoxide or ozone attainment to impose an annual $2 fee on top of the current automobile registration fees. If a State or a locality fails to do this, EPA is empowered to levy the fee itself. I do not know what they want to do with the money. But I want everybody to know if they vote for this bill, then be prepared to explain to everybody that has to get a license for their car, unless this is changed and taken out of the bill, that they are voting to raise the fee by $2.

So I guess they can hire more people, more policemen, to go out and tell them to dig up their gas tanks that do not leak. It is what is happening right now all across rural America. When I was home during the last break, I talked to many, many people.

We had hearings in the State. School districts, bus districts, service stations are digging up tanks all over America, thanks to Uncle Sam in Washington. We are imposing it. Now we are getting ready to do it again in this case in the clean air bill.

This bill will require areas in carbon monoxide to impose this annual $2 fee, and if the State and local governments say we do not need the fee, we do not need the money, we do not want to impose it, then EPA is going to impose the fee on them. The fee is completely unjustified.

First, if a State or locality needs the revenue to operate their air quality programs, they can figure out how to do it. They do not need this provision in the bill to do it. They can seek those revenues on their own. It is entirely possible that a State may want to impose fees on something other than auto registration in an attempt to encourage voluntary participation in some other program.

The committee provision excludes that kind of local discretion. I think that is a big issue. Others may not think that is a big issue, but in my opinion, that is a big issue that we are going to have people sitting along the banks of the Potomac telling people out along the banks of the Missouri River in Montana, or along the banks of the Snake River in Idaho that they do not know what is best for them, but we know what is best for them in Washington, DC, and we are going to shove it down their throat whether they like it or not.

Furthermore, there is no equity in such a fee. Automobile emission controls are built into the cost of an automobile when the owner buys it. Highway maintenance and construction undertaken as part of transportation control measures are also paid for by highway users in the form of a fuel tax which is paid at the gas pump.

Most State air program costs are due to stationary sources, not mobile sources. Consequently, this fee taxes car owners to cover the cost of completely unrelated air program administration. So automobile owners of America, grab your wallets and run for cover because the committee clean air bill is going to raise your taxes and it is going to start out at $2. If it is anything like what we have seen in the past, it will go up every year.

Should a State or locality refuse to assess the fee, the money accrues to the EPA in a special fund. Guess what? It is outside the appropriation process for the agency. So the EPA will have their own little nest egg of money that they do not have to come to Congress and ask for their permission to spend. So they can go out here and tell your constituents what they should be doing. Then you will go back home, my colleagues, and say "We don't have any control over that. We cannot control it." You have control over it right here. Take this out of the bill. We will give you an opportunity to take this out of this bill. So that will be one amendment that Senators could be prepared to vote for.

I want to quote what the Highway Users Federation has to say about this lulu. They say such a fee would in effect constitute a tax on vehicle ownership, the revenue is going to an ill-defined entity or EPA, whichever the case was, for an ill-defined purpose. It would also lead to enormous administrative problems since motor vehicles are registered, licensed, and taxed at the State or county but seldom metropolitan levels. Potential evasion of such localized fee might be fairly

likely. And the cost of enforcement would offset much of the revenue generated. Highway users accept responsible user fees when the revenues are used for highway improvements, but they resist being singled out to pay for general societal programs which should be funded by all taxpayers.

This portion of this bill must be stricken before the bill leaves the Senate. EPA budget add-on fee. In an apparent effort to completely bypass the normal appropriation process of the Congress, the committee bill makes anyone already paying a fee under other sections of the bill tack on an amount "as the administrator shall require," but at least $15 a ton to go to EPA.

Then, notwithstanding the provisions—requiring deposit of Federal revenues in the Treasury pending appropriation—revenues from fees imposed under this subsection shall be deposited into a special fund of the Treasury and shall thereafter be available for appropriation only to carry out the activities of the agency under this act.

Mr. President, that sounds like a tax to me. I am on the Finance Committee. We are supposed to have the say-so on raising taxes on the backs of the working men and women in this country. But this is in the Environment and Public Works Committee. This is a tax on a tax.

Then they have the gall in this bill to give it to EPA where we do not even have to appropriate it. There is no equitable basis for such a fee. The committee did not even entertain at any hearings or solicit any cost estimates on it. It was inserted as a leadership amendment at the subcommittee markup.

Here is another doozy, Mr. President: The $5,000 sanction fee. If an area does not come into attainment within the time specified for the category to which it has been assigned, one of the sanctions is to elevate the normal $75-a-ton emission fee to $5,000 a ton.

Now, there is a real flaw in this that is twofold. No. 1, the condition of attainment is not well defined and may be influenced by factors out of the control of the State regulators, and certainly beyond the control of an individual source.

A plant or factory, even one that reduced its emissions far beyond that required by the permit or by the State's implementation plan, could still be faced with a $5,000-a-ton fee, merely on account of an abnormally hot or abnormally cold year, because of the geography, meteorology, or some natural event that happens in the area. But they can still be imposed $5,000 a ton.

This fee is imposed on all major sources, which could very easily include—and I hope Senators will listen to this—pulp mills, drycleaners—Does anybody here in the Senate have drycleaners in their States? They can be fined with this. Or any other companies that are involved in painting, printing, plastic coating, solvents, electronics. Many, many small businesses, Mr. President, emit up to 100 tons per year.

So if you have a small business, it is possible that a small printing shop, cleaning, solvent shop, a small paint or repair shop, automotive, or other shop could easily emit up to 100 tons per year, and that would mean that it would end up getting a one-half million dollars a year fee imposed on it.

I venture to say, Mr. President, that it is pretty easy for the Senate to pass a bill that would carry one-half million dollars for a small business fee to be imposed on them over and above all their other costs, even though that small business might not even do one-half million dollars' worth of business, much less make one-half million dollars in profit that it could be able to turn over to the Government.

I mean, it is an outrage. I hope my colleagues will take this bill and study this bill tonight and the next night and the next night, and we will talk about a clean air bill. I said this in the committee, Mr. President. By the time this bill gets to the Senate floor and Senators begin to read it, it is going to smell like a bag of rotten fish. As we are trying to clean up the atmosphere, are we trying to pollute America with big government? How does that clean up the atmosphere in America?

Freedom is what works, and sound science works, and good technology works. We are not doing that bad in the United States. We are not doing that bad on the clean air program. But to hear people here tell it, you would think we have the dirtiest air in the world.

I suggest to people that think the air is bad in the United States, maybe they ought to go to a foreign country and breathe a little, and when they come back, they will find out the air is pretty good here. It is not perfect, but we are making good headway.

Stage II, vapor recovery. This is another real interesting one, the issue of whether or not to force gas stations to adopt bulky accordion-like vapor recovery systems. That is not a new issue, but that was an issue of substantial debate when the committee considered S. 1894 in the 100th Congress.

EPA Administrator Lee Thomas, in testimony before the committee, had clearly voiced concerns about the duplicative overcontrol imposed by the overlapping stage II vapor recovery and on board canister provisions in the bill.

Now, it duplicates itself. "The administration," and I am quoting Mr. Thomas now:

> The administration is doubtful of the benefits of requiring stage II technology on gasoline pumps in order to control basically the same refueling vapors captured by the onboard control required on new cars by title II.
>
> Over the long term, this technological redundancy would lead to very high marginal costs and very little marginal improvement in the air quality.

This is a classic example of Government overkill. Mr. President, the highways to hell are paved with good intentions, and this is a classic example. My colleagues, I know, have good intentions, but this is overkill, double kill, to have redundancy, to do the same thing and impose these horrendous costs on the American people—for what? For very, very little improvement in the air quality.

Mr. Thomas went on and presented a graph prepared by EPA's Office of Mobile Sources, showing that by mid-1996, onboard canisters can be controlling the same and more hydrocarbon emissions as the stage II recovery systems mandated by this bill—assuming current enforcement.

Stage II enforcement is even more difficult. For the awkward and cumbersome stage II nozzle to work properly, it must be held so as to form a seal around the gas tank opening on the car. If you have not tried one of these, buy some fuel here from a station in the District of Columbia and you can see what I am talking about.

It is difficult for some people to do this. In fact, many people do not do it.

Stage II efficiency, as measured in the real world, is extremely low. New York State has not, with existing monitors, measured by ozone level reductions attributable to stage II.

Maybe what we can do, is take the fees we will impose on everybody, and we can hire somebody to work for the air control board of the Government, and they can stand there at the fuel station and be sure that everybody holds those stage II little accordion vapor locks up next to the tank exactly the way it was designed to work to keep it on.

This is one of the most ridiculous things I have heard come out of Government, to try to impose something like this. We have self-service gas stations, in case most of you have not noticed. It is not a matter of training the people who work at the service station to do it. You have 50 million Americans filling up their own cars out there. If you want to hire policemen to stand at every gas pump to make sure everyody does this correctly, vote for this bill, but this Senator will not vote for it.

This is an absolute outrage to the American people, that we would even discuss something like this and bring it to the floor. If people think they have a problem, let the people in those States take care of that problem.

In the face of clear evidence that the stage II requirement is ineffective, duplicative, some argue this duplication is necessary so as to control refueling emissions sooner.

Considerable evidence, however, discredits even that argument.

According to the New York State Department of Environmental Conservation, "the estimate for fully implementing a stage II program, in just the ozone nonattainment areas, is 5–6 years." If that is true, then the stage II program imposed by this bill could not be fully implemented until after onboard canister controls are mandated on all new cars in 1993.

And finally, there are the costs of this provision to consider. The Congressional Research Service estimates this provision could cost America's gas stations more than half a billion dollars. According to EPA, the capital investment required for stage II is at least $12,000 per gas station, and the petroleum marketers and service station dealers estimate it to be much more. After that, an additional $2,500 per year is required for maintenance. The Service Station Dealers of America, Inc. have estimated that these costs could force many service stations out of business, as many as 9 percent due to inability to finance the initial capital costs, and as many as 20 percent due to the annual maintenance costs.

Mr. President, I do not know whether my figures are accurate, whether they already counted how many stations were currently running out of business because of underground storage tank regulations being imposed on American rural and city gas stations today. It may be by the time we get this bill on the books, if it passes in its current form, our past sins will already run some of these people out of business. That is, unless we can get relief from EPA and pass the bill that my colleague, the junior Senator from Montana, has introduced to give a little time out there in America. I know in my State and neighboring Montana, Utah, Nevada, and many rural States, people are telling me in intermountain regions that 30 percent of fuel stations are already being closed because of the arm of big government imposing on them the cost of insurance, technical requirements, improved tanks that do not leak, throwing the baby out with the bath water. The American Service Station, Inc. estimated anywhere from 9 to 20 percent more would be closed by this bill. Whether that is before or after the fact of past Government intervention I do not know.

TRANSPORTATION CONTROL MEASURES

The bill requires States with serious and severe ozone and serious carbon monoxide nonattainment to revise their State implementation plans to include "transportation control measures" designed to dramatically curtail automobile use. These measures would not only demand radical changes in the lifestyles and restrictions on the personal mobility of ordinary Americans, but also impose further crushing burdens on large and small businesses. For example, the bill could require States to adopt measures like the following, or alternative measures that lower emissions by a comparable amount:

"Trip reduction ordinances," which likely could mean gas taxes, gas rationing, alternative driving days, or forced reductions in miles traveled per car or per person;

"Vehicle restricted zones," which could cripple business activity in downtowns and other commercial areas; and

"Programs for improved public transit," which could mean multibillion-dollar mass transit systems.

This is what I was talking about at the outset. This bill has the potential to make or break the future of millions and millions of Americans. What if you happen to be an American that had a job in the new shopping center somewhere in middle America or maybe in Connecticut or maybe in Montana or maybe in Idaho, or Iowa, or Missouri, but this shopping center had been put into place based on the fact that people were going to be able to drive their automobiles to get there? And then along comes the Congress, after the fact that people that bought their homes, they signed the mortgages, bought the cars, are sending the children to college, and all of sudden, lo and behold, Congress imposes something that is going to deny people the opportunity to use their car. All of sudden we find out for some reason nobody is going to that shopping center any more and it is going broke.

A number of national interests groups representing the mainstream Americans likely to severely impacted by these measures voiced the concerns to the committee. Among them were the American Automobile Association [AAA] representing the average driver, and the National Asssociation of Home Builders, representing those who are faced with the dilemma of putting homes in places where people will be able to commute back and forth to work.

Perhaps most indicative of the concerns voiced were those of the National Retail Merchants Association. In a letter to members of the committee, Tracy Mullin explained NRMA's position as follows:

> The bill includes provisions that would limit downtown access by imposing fees and charges on roads and parking, impose no-drive days and vehicle restricted areas and ban single-drive cars. In NRMA's view these measures are extremely inflexible, could well exacerbate downtown decay and may prove counterproductive by adding to traffic congestion in toll plazas or on roads that have not been restricted.
>
> In our view, each governor ought to be encouraged to find creative solutions to transportation concerns that best meet the need of each state.

I would like to reiterate that, Mr. President. Each Governor should be doing this, not Congress, not Congress directing, commanding the American people what they should do from our little ivory tower here in the Nation's capital. That is not our mission. Our mission should be to provide people with environment that they can live in that is clean, I agree, but that provides an opportunity for people to survive, to work, to save, to invest, to propose. This bill interferes with those very basic, fundamental values that Americans cling to.

OFFSET REQUIREMENTS

The committee bill requires those sources seeking new permitted emission authority to offset such emissions with reductions on some emissions sources one and a half times greater, in serious nonattainment areas, and double, in severe and extreme areas.

That the committee doesn't recognize how counterproductive such offset requirements are to true air quality improvement is astonishing. The chairwoman of California's Air Resources Board, an entity known for its willingness to adopt far-reaching measures to obtain even small increments in improved air quality, expressed her concerns with such offsets as follows:

> As with the existing Act, the bill requires that new or modified major sources obtain reductions in emissions from existing sources to "offset" the new emissions they create prior to receiving permits. However, based on the assumption that offsets are generally available, S. 1630 seeks to obtain a net air quality benefit from the new sources by requiring as much as a 2.0 to 1 offset ratio whereby the new sources must reduce twice the emissions it produces.
>
> Unless alternatives to the high offset ratios are provided, new sources otherwise desired by local communities are fully willing to meet stringent emission requirements, will find it very difficult to locate in the state. In addition some existing sources, particularly those with the lowest emissions, will find it difficult to expand or modernize their facilities in order to remain competitive in the marketplace.

Mr. President, that statement was form the chairwoman of the California Air Resources Board trying to tell the committee in advance what not to do. But, boy, we really paid attention. The most aggressive clean air State in the Union, some of the best expertise in air quality control in the Union, trying to tell us what we should not do, and we go right on and send the bill to the Senate.

Mr. President, this bill needs a lot of work. I say to my colleagues I intend to address each title of the bill in the next days in the debate.

And that concludes my first comments on the general picture of where we are with this bill on title I. But I think that we have a lot of work to do and I know many of my colleagues have worked very hard on this bill for very many years, but I say to my colleagues who are not on the Environment and Public Works Committee, I urge you to put your staffs to work on the committee report. I know, Mr. President, that there was only one Senator, and that is the junior Senator from Idaho, who voted against this bill in committee and the only one who filed minority views in opposition to the bill. But I urge my colleagues to have their staffs review those minority views then find out how it affects your States, and then I believe that with a lot of hard work and some discussions here in the Senate that this bill can be substantially improved.

Mr. President, I had a letter here I wanted to make a couple quotes from President Bush to put in the RECORD here today and I think it is important that the President's letter to Senator DOLE be read by all Senators. Basically the statement of the administration, January 22, outlines the President's position very clearly.

I have had the opportunity to talk to some of the President's staff people at the White House, Governor Sununu and others. I am convinced that if we do not make substantial improvements in this piece of legislation that this legislation will not pass the Congress. If it does pass the Congress, it will not pass the President's desk.

I urge all my colleagues to get the statement of January 22, 1990, from the White House, from the administration, carefully, read it, carefully apply it to the bill. We need to start working immediately to make major, substantial changes in this bill. This bill is replete with excesses of Government intervention and the denial of decisionmaking at the local level, a denial of sound science and technology. It is based on a premise that in many cases is faulty science and it should not be passed in its current form.

That is not to say that this Senator or any other Senator who might feel this way is not for clean air. But there is another side of this story that is yet to be told. I urge my colleagues to make some serious considerations on this legislation. How will it affect Indiana? How will it affect Ohio? How will it affect West Virginia? How will it affect certain States?

My State happens to be a clean State. The way this bill was written, it will probably always be a clean poor State because we will never be able to grow. The cap that is in the bill will require Inahoans to come up with money to buy certain pollution rights. That is another subject that I will discuss at a later date. I thank my colleagues for their indulgence.

Mr. President, I ask unanimous consent that the letter from the President, dated January 22, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington DC, January 22, 1990.

STATEMENT OF ADMINISTRATION POLICY

(S. 1630—Clean Air Restoration and Standards Attainment Act of 1989, Baucus (D) Montana and 12 others)

The President, in a letter to Senate Minority Leader Dole dated January 19, 1990, reaffirmed his support for reauthorizing and strengthening the Clean Air Act.

TEXT OF THE PRESIDENT'S LETTER

Last July I submitted to the Congress a comprehensive proposal for reauthorizing and strengthening the Clean Air Act. That proposal was the result of a long and careful debate within the Administration, and reflected extensive consultation with Members of the House and Senate, representatives of affected industries, state and local governments, and environmental and public health groups.

Consistent with my belief that environmental protection and economic growth can be compatible, the Administration's Clean Air bill seeks to achieve public health and environmental protection in an economically efficient way by making extensive use of market principles. My comprehensive proposal carefully balanced our mutual desire for enhanced public health, a cleaner environment, and sustained economic growth. Even so, the cost estimate of the Administration's bill to the American economy is approximately $19 billion annually when fully phased-in.

As the Senate moves toward floor consideration of the Clean Air Act, I am convinced that we must maintain the balance reflected in the Administration's bill. Initial cost estimates of the Clean Air bill reported by the Senate Environment and Public Works Committee exceed $40 billion annually—more than double the cost of the Administration's bill. Yet the Committee bill provides little incremental environmental benefit above that proposed by the Administration. And the additional costs of some of the Committee bill's far-reaching provisions have yet to be incorporated in these estimates.

I want to sign a Clean Air bill this year—so that the 1990s can indeed be known as the "Clean Air decade." But I will only sign legislation that balances environmental and economic progress.

Specifically, I will only approve legislation which meets the following minimum tests of balance and reasonableness:

(1) The important environmental protections afforded by the Administration's bill must be maintained in the final legislation and preserved over time. The Administration proposes to: reduce sulfur dioxide emissions permanently by 10 million tons; achieve attainment of ozone, carbon monoxide and particulate matters standards; and sharply curtail the hazards posed by air toxics emissions. These represent critically important steps in achieving clean and healthy air for all Americans. In view of the environmental and health risks posed by acid rain; the fact that 100 million Americans now live in cities which are out of attainment with public health standards for ozone; and the estimate that current excessive levels of air toxics emissions may result in premature cancer deaths and other serious adverse health effects; it is vital that we move quickly and decisively to reduce these pollutants. The Administration's proposed bill would do just that.

(2) The bill should not impose aggregate costs on the economy that exceed the already considerable costs embodied in the Administration's bill—with an adjustment of no more than ten percent to reflect certain mobile source provisions added in the House Energy and Commerce Subcommittee on Health and the Environment. The House subcommittee added certain provisions affecting mobile sources to the titles of the bill which relate to non-attainment that will modestly increase the cost of these titles. Unfortunately, several provisions currently contained in the Senate Environment and Public Works Committee's bill—such as mandatory nationwide second phase tailpipe standards for automobiles, an inflexible second phase of air toxics control, and carbon dioxide emissions standards for mobile sources—cause the Senate bill to exceed substantially the cost of the Administration bill. The result of an excessively costly bill will be a less competitive American economy with fewer jobs for American workers.

The Administration has received letters from around the country, for example, indicating that a considerable number of plant closings could result from adoption of the Senate's air toxics provisions. The Administration has set up a task force under the chairmanship of the Council of Economic Advisers, and including the Environmental Protection Agency, the Office of Management and Budget, the Department of Energy, and the White House Office of Policy Development, to monitor and estimate the economic cost of various clean air proposals as the debate proceeds.

(3) Controls in the bill should be designed to achieve reductions in the most cost-efficient way—that is, for the least cost per ton of reduced pollutant. By incorporating flexibility and innovation in its recommended control strategies, the Administration's bill would allow environmental and health standards to be met in a way that creates maximum choice for both states and regulated industries and places fewer burdens on consumers. For example, the Administration's alternative fuels proposal will challenge the automobile and oil industries to produce cleaner vehicles and cleaner fuels at the lowest cost to the consumer.

The "command and control" approach embodied in several provisions of the Environment and Public Works Committee's bill—such as that which disallows "netting" for factories and commercial facilities seeking to meet ozone non-attainment standards in the most cost-effective way—results in the same environmental benefit, but at greatly increased cost and with sharply increased impediments to economic growth. Similarly, the provisions in the Environment and Public Works Committee's bill which move up emissions reduction deadlines while failing to provide incentives for clean coal technology needlessly inflate the cost of acid rain control.

(4) The system of emissions trading, which allows acid rain reductions to be achieved in the least costly and most equitable fashion, must be allowed to work. The Administration's proposed acid rain emissions trading program inherently reduces

the cost of any given level of sulfur dioxide or nitrogen oxide reduction, and provides an efficient mechanism for balancing the burdens imposed on any given region of the country. The Administration has provided information to several Senators which indicates that this trading system can dramatically reduce the impact of acid rain controls on electric utility rates in any given state, while at the same time reducing the cost of the overall bill by up to billions of dollars per year. In the first phase, the initial allocation of required reductions to 107 plants is essential to ensuring that effective trading opportunities exist. The trading system must survive in a form that achieves environmental benefits comparable to those in the administration's bill and involves a sufficient number of plants in the first phase to ensure its workability.

(5) The legislation must not include a national electricity tax to pay for controls, which would penalize consumers in those states which have already undertaken reductions by making them in effect "pay twice" for clean air. Supporters of such "cost sharing" argue that it is needed to address regional inequities. Any imbalance in control costs can be addressed far more effectively, efficiently, and equitably through the operation of a robust emissons trading system—which would not require new taxes.

The Administration took substantial time and effort to craft a balanced proposal. My staff and I stand ready to assist you and the other Members of both the House and Senate as you work to develop legislation which maintains this vitally important balance, and which does not violate one or more of the above mentioned "tests."

I look forward to signing legislation that will accelerate progress toward cleaner air for a growing America at the earliest possible opportunity.

Mr. BAUCUS. Mr. President, I will be very brief. The senior Senator from California is on the floor and wishes to be recognized. Very briefly, I would like to thank the Senator from Idaho for his statement. He is a member of the committee that reported out this bill.

This bill was reported out by the EPW Committee by a near unanimous vote; that is, Mr. President, every member of the committee supported this bill but for the Senator from Idaho. The Senator from Idaho was available and did contribute during all of the deliberations of the bill. There were many meetings, many formal hearings, many informal hearings. The Senator from Idaho was afforded more than an ample opportunity to make his wishes known at that time, although he did not make his wishes known nearly as much at that time as he did now. That is fine and that is certainly the privilege of the Senator from Idaho.

I have only one point to make here, and that is that when we ask ourselves what are the costs of this bill in the various States, what are the costs of this bill to the people of the various States, that we ask ourselves what are the health costs of people in all our States because of dirty air.

There are many studies, many compilations of studies which have documented the economic costs, dollars and cents economic costs, of dirty air in America that affect Americans all across our country, whether they are in the North, East, South, or West. The American Lung Association, for example, has compiled various studies which showed the economic costs only of dirty air because of auto emissions from automobile source emissions that range from the low end of $4 billion a year that Americans pay in economic costs because of dirty air up to the high end of $93 billion a year in economic costs Americans suffer because of dirty air.

That is just economic costs and that is only auto emissions or trucks and buses, mobile source emissions. That has nothing to do with additional economic costs of crop losses, agriculture losses because of ozone in particular. It does not even mention the economic losses attributable to air toxics, that is the chemicals, often carcinogenic toxics, that come out of some plants in our country. Nor does it mention the economic costs of acid rain in our country.

So the economic costs of dirty air, Mr. President, that fall upon Americans all across our country in economic costs that people pay because of health bills, hospital bills, and lost work, far exceed the highest exaggerated economic costs industry would have to pay to help clean up the air. And I underline the word "exaggerated."

We have not been able to see the basis, the hypothesis, or the assumptions of the exaggerated economic costs that some State will befall upon businesses across our country. And we would like to see those, because I think the assumptions behind those studies are inaccurate, they are fallacious.

The final point and the main point is that we should always keep in mind, as we hear all these ricocheting estimates of economic costs, to also keep in mind the economic costs of dirty air in America. Because those economic costs, all the studies that we are able to find demonstrate conclusively, far exceed the other side of the costs on the other side of the ledger.

And I have not even mentioned the discomfort, the tragedy of illness, the personal effects of illness. I have not mentioned death. There is between 2 to 5 percent increased illness and death in this country because of dirty air. When I say economic costs, I do not even include that because nobody can attach economic value to life.

This year, for example, in the Los Angeles area 3,800 people will die of benzine in automobile exhausts. Those people live their lifetimes in California in the L.A. area. That is only one chemical, one part of the country, to say nothing of other toxics, other aerial pollutants that affect people, causing premature illness or premature death.

So I say, Mr. President, that the comments of the Senator from Idaho have been helpful. But whenever we listen to those horror stories of the costs and how much problem this bill is going to cause to the American people, keep in mind the economic costs and the cost of premature death and illness that fall upon Americans because of dirty air in America.

I thank the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I rise in strong support of the measure before us, S. 1630, the clean air amendments of 1989. I commend Senator MITCHELL, Senator BAUCUS, who are handling the measure on the floor at the present time, Senator BURDICK and Senator CHAFEE for their herculean efforts in working so wisely and effectively on this issue, and their success in bringing this important legislation to the Senate floor.

S. 1630 is a tough and comprehensive bill. It renews the attack on ground-level ozone and carbon monoxide pollution which, despite our past efforts, continue to plague urban areas around the country. In addition, this far-reaching legislation confronts the issues of acid rain, air toxics, global warming, municipal incinerators, and CFC emissions—making S. 1630, in my opinion, one of the most important environmental bills ever to come before this body.

Action on this measure is long overdue. Despite numerous attempts, the Clean Air Act has not been amended in 13 years, yet more than 100 areas around the country still exceed the Federal standard for ozone; more than 40 areas do not meet the standard for carbon monoxide; and about 58 areas are out of compliance for particulate matter. Millions of Americans live in areas where the air they breathe is unhealthy.

My State of California has the unfortunate distinction of having the most severe air quality problem in the whole country.

Particularly troublesome is the problem of ground-level ozone pollution, commonly known as smog. California experiences approximately 75 percent of the Nation's population exposure to smog at levels above the national standards. Los Angeles, San Diego, Bakersfield, Fresno, Sacramento, Modesto, San Francisco, Santa Barbara, Stockton, Visalia, Tulare, and Porterville are all ozone nonattainment areas.

Mr. President, the adverse health effects resulting from continued exposure to ozone pollution is well-documented. The lungs are ozone's primary target. Ozone damages cells in the lungs are ozone's primary target.

Ozone damages cells in the lungs which causes inflammation and swelling of the passageways. Short-term exposure to unhealthy levels of ozone pollution can lead to chest and lung pain, labored breathing, and nausea. Children are particularly vulnerable since their lungs are not fully developed and early damage to the respiratory tract can increase the risk of respiratory disease in later life. Also at greater risk are people who already suffer from respiratory disease, such as asthma, emphysema, and chronic bronchitis. But ozone also affects healthy people. Scientists now believe that repeated exposure to ozone pollution over a long period of time may lead to permanent lung damage.

I do a lot of running. But I found it is not wise to run close to where there are a lot of automobiles along freeways or crowded streets. You run in part to develop your lungs and maintain your lungs. You have to be careful, even if very healthy, about where you run.

We should be able to wander around our country, our communities, totally free, without having such concerns.

S. 1630 would allow those areas, which currently are out of attainment for ozone, additional time in which to meet the Federal standard provided that specific control measures designed to bring these areas into attainment as quickly as possible are implemented. Nonattainment areas are divided into four categories—moderate, serious, severe, and extreme. The severity of the pollution problem in an area dictates the stringency of the control measures that must be implemented and the time in which that area must meet the Federal air quality standard.

The legislation also addresses the problem of carbon monoxide pollution. Carbon monoxide, another criteria pollutant, is emitted almost exclusively by motor vehicles. When inhaled, it interferes with the blood's ability to absorb oxygen. When inhaled by pregnant women, it is believed to threaten fetal growth and development. Under S. 1630, areas failing to meet the carbon monoxide standard would be divided into two categories and classified as either moderate or serious. Attainment deadlines would be extended by 5 years and 10 years respectively. All carbon monoxide nonattainment areas would be required to implement an enhanced vehicle inspection and maintenance program and an oxygenated fuels program. Those areas designated as serious would also have to implement specified transportation control measures.

The Los Angeles area, otherwise called the South Coast Basin, faces the worst air quality problem in the Nation. Ozone levels are three times the Federal standard; carbon monoxide and fine particulate levels range up to twice the national health-based standards. Air pollution costs the residents in the area as much as $13 billion a year in health expenses and damage to property and crops. The South Coast Basin has recently put together a plan designed to achieve attainment in 20 years as required under this legislation. In order to reach this goal the plan relies to a certain extent on measures that are technology forcing. This presents a problem under current law and I will be offering an amendment at a later point to address this problem.

Mr. President, any serious attempt to deal with air pollution must include strong technology-forcing tailpipe standards for all categories of motor vehicles. Motor vehicles are the single largest source of ozone and carbon monoxide pollution. Cars and trucks account for almost 50 percent of the ozone pollution and 90 percent of the carbon monoxide pollution in urban areas around the country.

The Federal tailpipe emissions standards in force today are the standards established in the Clean Air Act way back in 1970. They have not been strengthened since then. The number of vehicles on the road has increased dramatically, as has the number of miles driven by motorists. As a result EPA is projecting that for the first time in 20 years, pollution from cars and trucks will begin to increase again unless tailpipe emission standards are tightened.

Unlike the Federal Government, California has continued to make strides in this area so that—I'm proud to say—California now has the strictest standards in the country. Despite a 50-percent increase since 1970 in the total number of vehicles on the road in California and a 65-percent increase each year in vehicle miles traveled, emissions from vehicles have decreased dramatically. By setting tough standards California has spurred the major technological advances that have been made in automobile pollution control. I take great pride in these accomplishments of Californians.

Recently, out of frustration over the lack of Federal leadership on this issue, and in recognition of the fact that tougher tailpipe standards are absolutely essential in order to meet Federal air quality standards, eight States in the Northeast announced their intent to adopt automobile emissions standards as stringent as those in California.

S. 1630 contains strong emissions standards. These standards are divided into two tiers. The first tier of standards would go into effect in 1993. Light-duty vehicles would have to meet a NO_x standard of 0.4 gram per mile and a hydrocarbon standard not to exceed 0.25 gram per mile. These standards are not technology-forcing at all, they simply require at the Federal level the standards already adopted in California.

The second tier of standards would go into effect in 2003. Emissions standards for hydrocarbons, NO_x and carbon monoxide for cars and light trucks would be reduced to half their 1993 levels. The tier two standards will require certain advancements in technology before cars meeting these standards can be mass produced. However, already there are demonstration cars that meet these standards in certification testing. S. 1630 gives us 13 years in which to come up with the technology on a large scale. Those who say this cannot be done—those who anticipate failure—are selling us short.

The Air Resources Board in California is the best organization in the country working on this problem. Several Senators have made that remark to me in the course of the beginning of consideration of this measure. So it is not just my view.

Already in California, the Air Resources Board has taken the first step in adopting a regulation that would require low emitting vehicles and ultra-low emitting vehicles in Los Angeles in 1994. This plan would require that the tier two standard for hydrocarbons specified in S. 1630, which go into effect in 2003 on a national level, will go into effect for a percentage of vehicles in Los Angeles beginning in 1994—9 years ahead of the Federal schedule. And the tier two standard for NO_x would go into effect in a percentage of vehicles in California beginning in 1997—6 years ahead of the Federal schedule.

In addition to the mobile source provisions already in the bill, severe and extreme ozone nonattainment areas around the country will need additional emissions reductions that can be achieved through the use of clean fuel vehicles. Clean burning alternatives to gasoline are absolutely necessary and cannot be overlooked in Federal legislation if many areas are going to accomplish the mandated air quality.

In southern California, more than 50 percent of our smog is directly attributable to mobile sources. Southern California will not be able to meet federally mandated air quality standards unless it moves to clean fuel vehicles. This is true because of California's rapidly growing population, the shortage of affordable housing close to jobs, and the corresponding increase in vehicles and vehicle miles traveled. The South Coast Air Quality Management District plans to have 40 percent of cars and 70 percent of trucks and buses running on clean fuels by the year 2000. The success of local plans trying to move in this direction is uncertain unless the Federal Government takes this opportunity to make sure that these vehicles and clean

fuels are made available. However, the clean fuels program must be a complement, not a substitute for the tier two tailpipe standards.

Mr. President, title II also includes a carbon dioxide standard which would essentially require that light-duty vehicles, beginning in model year 1996, meet a 33-miles-per-gallon fleet average, increasing to 40 miles per gallon in the year 2000. The United States is the largest contributor to global CO_2 emissions and has a unique responsibility to provide leadership in what will have to be a global effort to resolve the problem. So far we have failed to provide that leadership. We cannot afford to drag our feet any longer. In the short term we must take reasonable steps first to control our CO_2 emissions and move then, as more is learned, to reduce our total emissions. The first step is to become more efficient in our energy use. Thirty percent of our total CO_2 emissions comes from mobile sources. Requiring that our cars and trucks become more efficient is a step in the right direction.

Along the same vein, title VII of this legislation addresses the issue of depletion of the Earth's stratospheric ozone layer. This new title is similar to a bill introduced by Senators CHAFEE and BAUCUS last year—S. 491. I was a cosponsor of that legislation and I strongly support its inclusion into the bill pending before us. If we have learned anything at all, Mr. President, it is that we must stop looking at these issues as if they existed in a vacuum, separate from one another. They are inextricably linked. Action taken in one area has widespread repercussions in other areas. We need to approach these issues in a comprehensive manner. This is exactly what S. 1630 attempts to do.

Again, I congratulate Senator BAUCUS and the other architects of this measure for their great work.

Finally, I want to mention section 111 which deals with Outer Continental Shelf activities. The Outer Continental Shelf Lands Act of 1978 delegated authority to the Secretary of Interior to perscribe regulations for OCS oil and gas activities to the extent that the emissions significantly affected onshore air quality. This responsibility was delegated to the Mineral Management Service. There has been ongoing litigation in California since 1981 when California filed suit alleging that Interior's rules were not adequate to protect onshore air quality. It is now 9 years later and this issue has still not been resolved. Interior has failed miserably in its many attempts to come up with a satisfactory rule.

The OCS provision in this bill directly addresses this situation by transferring jurisdiction of OCS air emissions from the Department of Interior to EPA and requiring equitable treatment of onshore and OCS pollution sources in the same air basin. The underlying premise is simple—OCS sources contribute to the onshore air quality problem therefore they must do their fair share to contribute to the solution. Without it, many areas along the coast in California and the Gulf of Mexico may be hindered and possibly prevented from reaching attainment because of OCS pollution. With the provision that is now in the bill, OCS sources will be required to use the same or similar pollution control requirements as onshore sources. It will end the disparity in regulation that currently exists and ensure that all sources are consistently and fairly controlled.

Mr. President, in 1970 when the Clean Air Act was initially passed, the stated intention of that legislation was to bring all areas of the country into attainment thereby assuring clean air for everyone. Despite subsequent amendments and the passage of 20 years we still face a public health crisis due to air pollution. With this bill we are attempting finally to deliver on our 1970 promise. No one denies that it means making certain sacrifices or that it will cost money but what is the alternative? You cannot choose not to breathe the air. You need clean air.

S. 1630 is a very good bill. Its purpose is to achieve clean, healthy air for everyone. That is what the American people expect—that is what they want. That is what they have waited for a long time. We must finally deliver on our promise.

I yield the floor.

Mr. BAUCUS. Mr. President, I thank the Senator from California, who has worked very hard on behalf of his home State particularly to clean up the air. As the Senator said, he enjoys the dubious distinction of representing the State of which the southern part has some of the dirtiest air in the Nation, that is, the Los Angeles basin is in a category of extreme in our four categories we set in our nonattainment provision, and the Senator from California has done a terrific job in helping craft this bill so that we begin to put southern California and some other parts of his State back into attainment.

I also want to point out, Mr. President, that the Senator in his statement mentioned that California needs a round two in tail pipe emission standards in order to reach attainment. We in our bill provide that California need only reach attainment in 20 years—that is, southern California, because Southern California, the Los Angeles basin is so far out of attainment, but the experts from California, the California Air Resources Board in particular, as referred to by the Senator from California, have said that California must have round two in order to comply with the provisions in this bill, and it wants to comply with the provisions of this bill. That applies not only to California, Mr. President, but also to the other most serious areas of the country.

Why do I mention this point? I mention it because there are some who say we should not enact round two tail pipe emission standards. As I said, the Senator from California and experts from California said they must have it.

I must go further and point out that round two provisions in our bill, which California says it must have, are really only the middle position. California is going much further than we are in this bill—that is, we in our bill provide that round two goes into effect in the year 2003—13 years from now. California says, that is right, we need round two, but the staff of the California Resources Board—and by the way, they have a good record because basically what they recommend is approved in southern California—recommends that California have a standard which goes into effect at an earlier date, much tighter and significantly earlier.

So I say, Mr. President, that the so-called tough round two standards that we have in this bill are the middle position. It is the middle position because it is fair and it is the middle position because that is a good national position. It is only fair and appropriate that if California wants to go further, even tighter than we are in this bill, it will be allowed to do so. In fact, that is the basic tenet of the Clean Air Act. There is an exception carved out only for the State of California because of California's unique requirements.

So again I compliment the Senator from California for his great work, and also I compliment the State of California for its leadership. They have a difficult problem and they have met it foursquare. I am, frankly, very proud of the efforts of the California Resources Board and am proud to be associated with the Senator from California in his efforts as well.

Mr. CRANSTON. Mr. President, I thank the chairman very much for those thoughtful words and for his recognition of what we have set out to do and what we are accomplishing in California. The point should be made clear that if we in California can set such high standards and make progress toward meeting them without disrupting our economy and can afford the costs as they fall upon us, then others can do it also. Clean air is needed everywhere, and if we can do it, surely the rest of the Nation can do it. We are making progress in California, and yet we have a very successful economy at the present time. There has been no disaster to the economy because of all this. I wish our air was as great as our economy right now.

But we are making progress in that direction.

I am delighted that Senator BAUCUS and others are committed to moving forward on this front. I want to assure the Senator that I will be on this floor working with him as we come to grips with the amendments that would water down this measure, as we come to grips with the other issues we will have to face in coping with the needs of clean air in our country.

I will be following the leadership of the chairman and doing my best to see he has the support and the troops are there when they are needed on crucial votes that we will be facing that will affect the lives and health and well-being of people all over this country—children, the elderly, everybody.

Mr. BAUCUS. Mr. President, I see the Senator from Virginia on the floor. I yield to him.

Mr. WARNER. Mr. President, the Senate is now taking up a truly historic piece of legislation as its first order of business in this 2d session of the 101st Congress. For the next several weeks, we will be debating S. 1630, the Clean Air Act Amendments of 1990, a comprehensive bill to address the serious environmental problems of ozone and carbon monoxide pollution, cancer-causing toxic emissions, acid rain, and ozone depletion.

As a member of the Senate Committee on Environment and Public Works, I voted with an overwhelming majority of the committee—all but one of the members—to report S. 1630 to the full Senate. During consideration of this legislation, it was clear that amendments to the Clean Air Act are greatly needed and long overdue. Indeed, as many of my colleagues have already pointed out, it has been 12 years since we have amended the existing clean air law. In that time period, this country has experienced dramatic change and growth. It is time for us in the Congress to provide EPA with the tools not only to keep pace with the changes that have already occurred, but also to anticipate future needs.

Last year, as in years past, the Committee on Environment and Public Works worked long and hard to produce a bill to address the air pollution problems we face today. I commend my colleagues on the committee, and in particular, Senators MITCHELL, BAUCUS, and CHAFEE, for their leadership on this important issue.

Mr. President, I also wish to commend the President for changing the terms of this clean air debate. It cannot be understated: President Bush broke a longstanding logjam against this legislation by sending the Congress a tough, credible clean air bill of his own. Only through this action were we able to hold any realistic hope of enacting a strong set of clean air amendments.

We have now reached the point, Mr. President, where each Member of the Senate must analyze this extremely complex legislation to determine not only the impact it will have on air quality but also its effects on the economy in each State and the Nation as a whole. And, above all, Members must determine who is going to pay the bill for these controls? I submit that individuals will be hit the hardest, because corporate America will certainly pass the costs on.

As we begin this debate, Mr. President, it is my judgment that the committee has produced a strong bill that will produce positive results in our fight against air pollution.

Of course, Mr. President, when any committee considers legislation as far ranging as S. 1630, it cannot possibly produce a perfect bill. As we will see when the substantive debate begins, the divisions that this bill creates are more along regional than partisan lines. The full Senate will no doubt work to improve those parts of S. 1630 that can produce more equitable treatment. It is my sincere hope that, in working to produce a bill that is strong, yet fair and cost effective, the Senate will act responsibly.

In the coming days, there will be many opportunities to discuss the details of this legislation. There will no doubt be a discussion of the cost of acid rain controls to be imposed on ratepayers, the feasibility of a variety of new requirements to be imposed on industry, and the possibility of reasonable, environmentally sound economic growth in the future. These are important issues, not to be considered lightly. As we take each one up in turn, I urge my colleagues to proceed with any amendments to S. 1630 with the deliberateness that a bill of this magnitude deserves.

Mr. President, that is the approach I intend to take in the days and weeks to come.

ADDITIONAL COSPONSOR—S. 2006

Mr. WARNER. Mr. President, I ask that the Senator from Virginia be added as a cosponsor of S. 2006, a bill to establish a Department of the Environment, sponsored by Senators GLENN and ROTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Earlier this afternoon, I was privileged to join with Senators GLENN, ROTH, CHAFEE, and DURENBERGER and Members of the House to meet with President Bush in the Oval Office. In that meeting, the President indicated that he will support the goal of S. 2006, and a comparable bill introduced by Senator DURENBERGER earlier this year, creating a Cabinet post for that individual who is given the responsibility to head up the Environmental Protection Agency.

This is a recommendation that took courage on behalf of these various Senators. I am privileged to be a cosponsor. It took even greater courage on behalf of our President, a man dedicated to trying to limit the size of growth in Government, but nevertheless recognizing that the time has come for the United States of America to join other industrial nations in making environmental protection of the highest importance, both at home and abroad.

In the words of Senator ROTH as he spoke to the President in the Oval Office:

> The future economic situation of America depends on competition, and we are in competition with other nations in the world that do not pay the attention that we and other major industrial nations do to our environment.

We should not allow other nations to gain an unfair advantage over American firms because they do not comply with basic standards of good environmental law. It is one of the hopes and aspirations of the President and those of us who sponsored this legislation that we will be able to have a stronger voice in the global community of nations, to see that all nations meet basic standards to clean up the environment globally as well as in our respective countries.

I thank the Chair.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

The PRESIDING OFFICER. The Senator from Kansas [Mrs. KASSEBAUM] is recognized.

THE FOREIGN AID CRISIS

Mrs. KASSEBAUM. Mr. President, a debate over the funding for foreign aid will be one of the most important issues facing us as we begin our work this year.

As Senator DOLE so clearly pointed out in his column in the New York Times, our congressional process of earmarking foreign aid severely hampers our ability to respond to the dramatic changes taking place. Over 80 percent of our foreign aid budget is earmarked, with only five countries getting over two-thirds of the foreign aid funds. With earmarking, we in Congress have set up a system that

prevents us from responding to opportunities such as in Eastern Europe or Panama.

The historic events of this year have put a spotlight on our foreign aid crisis. Our leadership role in aiding new democracies is threatened, I think, by these particular requirements.

But, Mr. President, our foreign aid crisis has been a problem for some time. The overall cuts in foreign aid, which began several years ago, have created a greater need than ever before for efficient management of funds and programs. There must be sufficient flexibility as well. Without flexibility, we will be unable to respond to changing world situations.

As a member of the Foreign Relations Committee, I reached the conclusion several years ago that the foreign aid process both here in Congress and the Administration can be improved.

Senator DOLE's proposal for a 5-percent cut in the top five earmarked countries has focused attention on these problems. I support that proposal. I hope it leads to the serious review and substantive reform our foreign aid process needs. The present system has resulted in the use of earmarks on an ad hoc basis. That is a far cry from the comprehensive review of our foreign policy goals and priorities.

In the 100th Congress and again in this Congress, I have introduced a foreign aid reform bill. Perhaps the most important change in this bill is that it will no longer allow congressional earmarks. The bill replaces this ad hoc approach with regional accounts, making our budget process more systematic. It also will distribute any budget cuts much more evenly. Furthermore, Congress would move to a budget process that parallels the administration process. It would also help relate our development programs directed to the needs of specific regions.

This reform would not remove Congress from foreign policy, but it would make our role more responsible.

Improving the congressional process is only one part of the equation. The executive branch is also required by the bill to make a number of management reforms aimed at reducing costs, keeping budgets lean, and maximizing efficiency.

Since I introduced my bill, the House established a task force to review foreign aid, and they have done some very important work over on the House side. However, there have been no hearings on the Senate side to date. I urge our committee chairman, Senator PELL, and the Foreign Relations Committee to begin a review of the foreign aid process. The pressure on our budget and the challenges to our foreign policy will only grow, not subside.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATIVE DIRECTIVE ON CHINESE IMMIGRATION

Mr. DOLE. Mr. President, during the past couple of days, I have heard a lot about a Congressional Research Service memorandum that allegedly shows that the President's immigration directive is somehow subject to court challenge. I know that the CRS memorandum is cited in at least one "Dear Colleague" letter supporting a veto override.

And since we are going to vote tomorrow at about 2:30 on the Chinese student question and I do not have time to circulate a "Dear Colleague" letter, I thought most Senators would like to know that the general counsel's office of the Immigration and Naturalization Service has prepared a memorandum rebutting each and every claim or suggestion of illegality made in the CRS memorandum.

In fact, the INS memorandum unequivocally shows that the Attorney General has legal authority to grant a blanket waiver of the 2-year foreign residency requirement for J-1 visa holders—that the Attorney General can promulgate regulations that provide the Board of Immigration Appeals with binding rules of decision—and that the Attorney General can properly delegate much of his authority to administer and enforce the immigration laws to the Commissioner of the INS.

Mr. President, I ask unanimous consent that the entire text of the INS memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

This memorandum responds to the Congressional Research Service memorandum of January 22, 1990, which compares H.R. 2712 and the Bush Administration's immigration relief plan for nationals of the Peoples' Republic of China.

There are two matters that should be mentioned at the outset. The first is the allegation that the Administration's initiative is "vulnerable to court challenge." We cannot conceive of a single context in which any party would have standing to challenge in court the Attorney General's directives giving relief of PRC nationals. The directives benefit PRC nationals and harm the legal interests of no one.

Secondly, it is important to note, as the CRS memorandum does, that the benefits under H.R. 2712 that relate to work authorization, presumption of lawful status, and notification of expiration of stay are effective only so long as the Administration's deferral of enforced departure remains in effect. If H.R. 2712 becomes law, but the Administration's directive expires, the H.R. 2712 will not give any PRC national any independent basis for remaining in the United States lawfully, beyond the expiration of the Administration's directive.

1. WAIVER OF THE FOREIGN RESIDENCE REQUIREMENT OF EXCHANGE VISITORS

The CRS memorandum suggests that there exists no authority under current law to grant a blanket waiver of the foreign residence requirement which INA § 212(e) imposes on certain exchange visitors. CRS Memorandum at 6. It is important to note, however, that nothing in section 212(e) prevents the Attorney General from granting a waiver on a blanket basis. INA § 212(e), 8 U.S.C. § 1182(e). Even the CRS Memorandum acknowledges that section 212(e) "does not clearly preclude group relief." CRS Memorandum at 6. The Attorney General has authority to take such actions as he deems proper to carry out his authority under the INA. INA § 103(a), 8 U.S.C. § 1103(a).

The CRS Memorandum also suggests that the USIA Director's recommendation is problematic. CRS Memorandum at 6. However, the actions of the USIA Director and of the Attorney General clearly comply with the requirements of section 212(e). It is true that the USIA Director recommended that the Attorney General grant the waiver to all PRC nationals in the United States on June 5, 1989. The Attorney General granted this waiver. The USIA Director then sent a second recommendation, setting the date at December 1, 1989. The Attorney General also granted this waiver.

Next the CRS Memorandum suggests that the Administration's Directive is not clear on what PRC nationals must do to obtain the benefits of the waiver. CRS Memorandum at 6. Again, this is not correct. All a PRC national needs to do to obtain the benefit of the waiver is to file a nonfrivolous application for adjustment or change of status, or for an immigrant visa, at any time before January 1, 1994. It should be noted that H.R. 2712 had the same requirement: H.R. 2712 would have granted the waiver only to PRC nationals who filed nonfrivolous adjustment applications within four years of the date of enactment. H.R. 2712 § 2(a).

2. EMPLOYMENT AUTHORIZATION

The CRS Memorandum notes that the Attorney General has "ample authority under current law to carry out its work authorization relief." CRS Memorandum at 8. The Memorandum also notes that the Administration has granted this relief to a larger group than would have been covered by H.R. 2712. *Id.* Under H.R. 2712, only students and scholars would have received employment authorization. The Attorney General has granted this relief to all PRC nationals in the United States on June 5, 1989.

3. PRESUMPTION OF CONTINUED LAWFUL RESIDENCE

The CRS Memorandum suggests that the Administration's Directive may conflict with

INA section 245(c)(2). CRS Memorandum at 9. This provision bars the adjustment of status of most aliens who are in an "unlawful immigration status" on the date they apply for adjustment. INA § 245(c)(2), 8 U.S.C. § 1255(c)(2). The memorandum itself, however, notes that the Attorney General has authority to "set standards for lawful residence." CRS Memorandum at 12. There are "no detailed requirements for remaining in lawful status." *Id.* The CRS also notes that the Attorney General has authority to determine how long and under what conditions an alien may remain in the United States as a non-immigrant. *Id.* The source of this authority is section 214 of the INA. Regulations promulgated under this authority permit the extension of an alien's authorized period of stay. 8 C.F.R. § 214.1(c). In appropriate circumstances, these extensions can be granted even after the initial period of stay has expired, so long as the failure to obtain the extension in a timely manner is excusable. 8 C.F.R. § 214.1(c)(2). In addition, section 245 itself provides additional flexibility to deal with aliens who have fallen out of status "through no fault of their own or for technical reasons." INA § 245(c)(2), 8 U.S.C. § 1255(c)(2). INS regulations reflect this flexibility. 8 C.F.R. § 245.1(c)(2)(ii). The Attorney General has, in his discretion, deemed that the PRC nationals who cannot return to China at the present time are in an analogous situation. The CRS Memorandum notes that "the Attorney General may be able to assist PRC nationals to maintain lawful status through" the use of this authority. CRS Memorandum at 12. The CRS believes that regulations may be necessary to accomplish this result. *Id.* The Attorney General, however, already has the authority to exercise, in person, the authority given under INA § 214 and 8 C.F.R. § 214.1(c)(2). INA § 103(a), 8 U.S.C. § 1103(a); 8 C.F.R. § 2.1. Thus, additional regulations are not needed.

4. ASYLUM STANDARDS RELATIVE TO COERCIVE POPULATION CONTROL POLICIES

The CRS Memorandum notes that the Attorney General's directive conflicts with the decision in *Matter of Chang*, I.D. No. 3107 (BIA 1989), in which case the Board of Immigration Appeals denied an asylum request that was based on the alien's fleeing the PRC's population control policies. CRS Memorandum at 13ff. The CRS suggests that the Attorney General's directive may not bind the BIA and the immigration judges, since the Attorney General may not dictate results to the BIA in a given case. *Id.* at 16. The Attorney General may, however, reverse the Board after certifying a case to himself. 8 C.F.R. § 3.1(h)(1)(i). *Chang*, therefore, does not stand in the way of full implementation of the Attorney General's directive.

The CRS Memorandum also suggests that a regulation promulgated by INS to implement the Attorney General's directive may not bind the Board. CRS Memorandum at 16. The Attorney General himself, however, promulgated these regulations. Thus, there can be no question that these regulations will bind the Board and the immigration judges.

5. NOTIFICATION OF EXPIRED STATUS

The CRS Memorandum acknowledges that the Attorney General has the authority to notify PRC nationals of the expiration of their period of authorized stay, without initiation of deportation proceedings. CRS Memorandum at 17. The CRS also notes that there is no legal bar to the cancellation of orders to show cause that had been issued against PRC nationals who were in lawful status on June 5, 1989.

Mr. DOLE. Mr. President, let me add another point here:

As a result of President Bush's directive—not any law, but of his directive—the INS has granted work authorization to 4,852 Chinese nationals, waived the 2-year foreign residency requirement for 129 nationals—with 58 pending, adjusted 133 nationals to permanent resident status, and adjusted 465 nationals to temporary status. All this good work took place in a month—between December 19, 1989, and January 19, 1990.

During this period, not a single court action was brought challenging the INS actions. Not a single one.

So, I think it behooves the Senate to start focusing on real-life situations and not on hypothetical lawsuits.

Finally, President Bush has written a letter to me in which he points out—correctly—that the administration has provided relief to students and other Chinese Nationals that is, in fact, more favorable—and I would underscore "more favorable"—than the relief that would be granted by H.R. 2712. In this letter, President Bush also gives his personal assurance that he will never take any action that would force the return of Chinese students whose lives or liberty are at stake.

Mr. President, I ask unanimous consent that the entire text of President Bush's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, January 24, 1990.

Hon. BOB DOLE,
U.S. Senate, Washington, DC.

DEAR BOB: You have asked how Chinese students in this country will be affected if Congressman Pelosi's bill never becomes law. I am writing to give you my personal assurance that no Chinese students will be disadvantaged in any way.

At my direction, the Attorney General has implemented a program that extends—and extends irrevocably—the same rights and benefits that Chinese students would receive under the proposed legislation. Indeed, we have gone beyond the legislation by providing work authorization for all Chinese aliens in this country, not just Chinese students, and asylum protection for all aliens under the threat of coercive family planning programs, not just Chinese aliens. Beyond that, you can rest assured that I will never allow any action that would force the return of Chinese students whose lives or liberty are at risk.

I hope this commitment provides the assurance some of your Senate colleagues were seeking.

Sincerely,

GEORGE BUSH.

Mr. DOLE. Mr. President, I would ask my colleagues or members of their staffs, when they receive the RECORD in the morning, to take a look, not particularly at my remarks, but take a look at the memorandum from the general counsel of the INS. I think it will answer many of the questions that I know some of my colleagues on this side have asked me about and perhaps some of the questions that Members on both sides have.

THE STATUS OF PENDING EXECUTIVE NOMINATIONS

Mr. DOLE. Mr. President, on several occasions during the closing weeks of the 1st session of the 101st Congress, I reported to my colleagues on the status of pending executive nominations. This is the start of a new year, the beginning of the second session. I will continue from time to time, to update my colleagues. This Senator is confident that all Senators will act in a responsible manner, to expedite the confirmation process in an orderly fashion.

To date, there are 99 nominations awaiting Senate action, the majority of which are pending in Senate committees. It is important to note however, that the Senate received 33 of those nominations from the White House just yesterday. I have been advised that possibly as many as 45 nominations will be acted on by their respective committees prior to the end of March. This is good news. Yet it seems that there are still a number of nominations which are not scheduled for committee action. I would hope that the committees would begin scheduling hearings to expedite these nominations.

Again, I would like to emphasize that this is a new year and a new session. I am confident that the Senate will work in a timely fashion to confirm the nominations, so that these men and women can perform their official duties, and allow the executive branch to operate at an optimum level of efficiency. The Senate has an obligation to the American public to act on these nominations so that our Government can perform its duties for all Americans.

I look forward to working with the majority leader, and Members of the Senate on both sides of the aisle to move as many of the nominations as possible in the coming months or, hopefully, the coming weeks.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRYAN). The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

The following message from the House of Representatives was communicated to the Senate by Mr. Hays, one of its reading clerks:

The House of Representatives having proceeded to reconsider the bill (H.R. 2712) entitled "An Act to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The PRESIDING OFFICER. The message will be received. Pursuant to the previous order, the reading of the message is waived. The message shall be spread upon the Journal and consideration laid aside until 10 a.m. on Thursday, January 25, 1990.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHIFT FROM DEFENSE, NOT AMERICA'S FRIENDS

Mr. HARKIN. Mr. President, last year, in an historic address to a joint session of Congress, Lech Walesa made an impassioned appeal on behalf of emerging democratic forces in Poland and elsewhere in Eastern Europe. The heroic labor leader said to us then:

We believe that assistance extended to democracy and freedom in Poland and all of Eastern Europe is the best investment in the future and in peace, better than tanks, warships, and war planes, an investment leading to greater security.

Democratic movements in Eastern Europe have taken the first step toward lasting independence. But the next several steps are the most daunting. For freedom to last it must be demonstrated that democracy and free-market economies bring real benefits—better jobs, more purchasing power and richer lives.

The historic changes sweeping across Eastern Europe have opened new doors for democracy. But they have also placed equally weighty responsibilities on democratic nations.

Eastern Europe demands more than speeches and promises. It needs effective action from the West. It awaits, according to Walesa, "an investment in freedom, democracy and peace—an investment adequate to the greatness of the American nation."

I am encouraged that the senior Senator from Kansas, in a recent editorial, accepts Walesa's conclusions by writing that "we have enormous opportunities to consolidate and expand freedom's gains and at the same time, to enhance America's security and economic potential."

To realize this potential, the article recognizes that freedom in Eastern Europe will cost us "bucks"—more American foreign aid.

The article's assessment of the problem is correct, but its proposed solution—across-the-board cuts from the five leading recipients of foreign aid—Israel, the Philippines, Pakistan, Turkey, and Egypt—which, not coincidentally, top the list of our most important allies—is wrong—dead wrong.

A 5-percent across-the-board cut—which totals $330 million—won't get the job done in Eastern Europe. Poland, according to Walesa, needs $10 billion over the next 3 years to rebuild its economy. While insufficient to meet our new friends' needs, Senator DOLE's proposed shift of funds will seriously harm our old friends.

You don't help our new friends by cutting off the legs of old friends. Mr. DOLE's proposed shift will likely damage our security interests in trouble spots like the Middle East and Asia. President Aquino of the Philippines still struggles to consolidate democracy against frequent threats from an unruly military.

Israel's security remains at risk so long as neighboring Arab nations threaten its existence. Equally important, as the peace process in the Middle East stays on track, why, now, pull the rug out from under Israel, and in the process, strengthen the hand of forces hostile to our most reliable ally in the region?

The other partner in the peace process, Egypt, would also be hurt by DOLE's cuts. Cuts in vital economic assistance to a poor country like Egypt could stir domestic upheaval and divert Mubarak from his role in the peace process.

Now is not the time to undercut the two major players in the Middle East peace process, Israel and Egypt, whose security and survival depend on continued levels of assistance from the United States.

Moreover, Israel's strained economy will be pressured even further by the influx of thousands of Jews from the Soviet Union. Have we forgotten that Soviet Jews, like Poles, Romanians, and others in Eastern Europe, are also beneficiaries of Gorbachev's political opening?

Shifting funds from an already shrunken foreign aid pie—which has decreased by 25 percent in real terms since 1985—is not only ill-advised, it is counterproductive to our security interests.

Instead, we should look to Lech Walesa for the solution. It was the Polish freedom fighter who said that assistance to Eastern Europe is an investment "better than tanks, warships, and war planes * * *." Yet, we currently devote 60 percent of the defense budget—or $180 billion—for the defense of democracy and freedom in Western Europe.

Events of the past year have changed our defense and foreign policy priorities which now are directed toward expanding democracy and freedom in all Europe. Our budget priorities should reflect those changes as well.

In the 1990's, Europeans await the flow of investments and aid from the West, not the movement of tanks and soldiers from the East. The principal threat to the expansion of European democracy in this decade is economic, not military. The Pentagon's budget, which is already bloated by years of the Reagan buildup, can stand a cut. The same cannot be said of foreign aid, which has been pared to the bone in the past 5 years.

If we were really serious about sustaining democratic movements in Eastern Europe and elsewhere, why not divert some real money to meet the pressing needs of freedom's newest friends? In a recent article, Charles Krauthammer proposes a 5-percent shift from our military budget for Europe, to underwrite democratic changes in Eastern Europe.

The idea is not new. Last year, the Bush administration found $430 million for Poland and Hungary in the defense budget. During the heyday of the United States war against Nicaragua, the previous administration shifted more than one-quarter of a billion dollars from the Pentagon to the phony freedom fighters, otherwise known as the Contras.

Why not divert some real money for the real freedom fighters in Eastern Europe? Krauthammer's transfer would shift $7.5 billion to Eastern Europe and Panama, while insuring that scarce aid resources would not be diverted from our old friends in the Middle and Near East and Asia.

The foreign aid budget should not be approached as a zero-sum game, especially when vital security interests and alliances are at stake.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and treaties which were referred to the appropriate committees.

(The nominations and treaties received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 6:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 2712) to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved that the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2189. A communication from the from the Comptroller of the Department of Defense, transmitting, pursuant to law, notice of the transfer of certain funds for Jordan; to the Committee on Appropriations.

EC-2190. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual foreign policy report for the period January 21, 1990 to January 20, 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-2191. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "A Compendium of Options for Government Policy to Encourage Private Sector Responses to Potential Climate Change"; to the Committee on Energy and Natural Resources.

EC-2192. A communication from the Deputy Inspector General, Federal Emergency Management Agency, transmitting, pursuant to law, the audit report on the administration of the Comprehensive Environmental Response, Compensation and Liability Act for fiscal year 1988; to the Committee on Environment and Public Works.

EC-2193. A communication from the Inspector General, Department of the Interior, transmitting, pursuant to law, a report entitled "Accounting for Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Office of Environmental Project Review, Office of the Secretary"; to the Committee on Environment and Public Works.

EC-2194. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to January 18, 1990; to the Committee on Foreign Relations.

EC-2195. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, certification that the strategic minerals currently imported from South Africa are essential for the economy or defense of the United States and are unavailable from reliable or secure suppliers; to the Committee on Foreign Relations.

EC-2196. A communication from the Acting Federal Cochairman of the Appalachian Regional Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2197. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office during December 1989; to the Committee on Governmental Affairs.

EC-2198. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on the system of internal control and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2199. A communication from the Secretary of the Mississippi River Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1989; to the Committee on Governmental Affairs.

EC-2200. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2201. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report of the Administration on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2202. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1989; to the Committee on Governmental Affairs.

EC-2203. A communication from the Chairman of the United States International Cultural and Trade Center Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2204. A communication from the Chairman of the Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting, pursuant to law, the annual report on the system of internal control and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2205. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2206. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during 1989; to the Committee on Governmental Affairs.

EC-2207. A communication from the Chairman of the Board of Governors of the U.S. Postal Service, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1989; to the Committee on Governmental Affairs.

EC-2208. A communication from the Chief Judge of the U.S. Claims Court, transmitting, pursuant to law, copies of the report of the Hearing Officer and the report of the Review Panel in the case of Edward J. Chapman, Jr., et al. C.R. No. 1-86; to the Committee on the Judiciary.

EC-2209. A communication from the Secretary of Veterans Affairs and the Secretary of Defense, transmitting jointly, pursuant to law, a report on the implementation of the health resources sharing portion of the "Department of Veterans Affairs and the Department of Defense Health Resources Sharing and Emergency Operations Act" for fiscal year 1989; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. SIMPSON, Mr. BOSCHWITZ, and Mr. GRASSLEY):

S. 2021. A bill to amend title 11, United States Code, to ensure that the bankruptcy laws are not used to prevent restitution to, or recovery of, failed financial institutions; to the Committee on the Judiciary.

By Mr. HELMS:

S. 2022. A bill to extend the suspension of duty on machines designed for heat-set, stretch texturing of continuous man-made fibers; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself, Mr. THURMOND, Mr. DURENBERGER, Mr. MACK, Mr. SARBANES, Mr. SPECTER, Mr. DODD, Mr. BRYAN, Mr. BAUCUS, Mr. ADAMS, Mr. DECONCINI, Mr. MATSUNAGA, Mr. KENNEDY, Mr. BURDICK, Mr. BENTSEN, Mr. BUMPERS, Mr. HEINZ, Mr. DASCHLE, Mr. BURNS, and Mr. BINGAMAN):

S. Con. Res. 88. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued in honor of Claude Denson Pepper; to the Committee on Governmental Affairs.

By Mr. MITCHELL (for Mr. SASSER):

S. Con. Res. 89. Concurrent resolution correcting the enrollment of S. 1838; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. SIMPSON, Mr. BOSCHWITZ, and Mr. GRASSLEY):

S. 2021. A bill to amend title 11, United States Code, to ensure that the bankruptcy laws are not used to prevent restitution to, or recovery of, failed financial institutions; to the Committee on the Judiciary.

TAXPAYER RECOVERY ACT

Mr. DOLE. Mr. President, I join today with my distinguished colleagues, Senators KASSEBAUM, SIMPSON, BOSCHWITZ, and GRASSLEY, in introducing the Taxpayer Recovery Act of 1990.

THE PROBLEM

Mr. President, I do not need to tell anyone in this Chamber about how much the thrift bailout will cost the taxpayers of this country. The estimates are staggering—ranging from a low of $50 billion to as much as $150 billion. Some economists have estimated that the price tag will rise even higher as new information becomes available and as market conditions change.

And who will have to foot this bill? The American taxpayer, of course—to the tune of several thousand dollars for each man, woman, and child in this country. One of the main causes behind the collapse of the thrift industry can be summed up in a single word—greed. The greed of dishonest thrift executives. The greed of dishonest attorneys and accountants. The greed of other dishonest thrift "insiders." And unbelievably, the greed continues—even after the thrift insiders have been arrested, convicted, sentenced, and put behind bars.

Take the case of Attorney Larry Vinyard, who is now serving a prison term for defrauding a savings and loan. Vinyard paid $963,000—in cash—for a five-bathroom mansion 4 days after he was convicted. The FDIC is currently unable to attach Vinyard's mansion—even though Vinyard owes the Federal Government—and the taxpayers of this country—millions of dollars in criminal fines.

Or take the case of Jay and Leif Solderling, two brothers who apparently like to go on shopping sprees despite owing $1.5 million in criminal restitution to the Federal Savings and Loan Insurance Corporation.

The two spent more than $500,000 after they were released from prison in 1988—not bad for a pair that claimed that they were so broke that they were unable to pay their court-ordered restitution.

How can this happen? How can the S&L criminals continue to own and enjoy many of the fruits of their illegal actions—despite being responsible for gouging the American taxpayers out of millions and millions of dollars?

Mr. President, the answer is simple: as currently drafted, the Federal Bankruptcy Code contains a number of gaping loopholes that give the S&L criminals safe haven. Taking advantage of these loopholes is—unbelievably—perfectly legal.

THE PROVISIONS OF THE TAXPAYER RECOVERY ACT

The Taxpayer Recovery Act of 1990 attempts to close some of these loopholes through a number of minor—but important—changes to the Federal Bankruptcy Code. Let me briefly explain what these changes are and how they would work:

First, the act provides that a criminal restitution order issued against a person who has criminally defrauded a failed financial institution is not dischargeable under chapter 3 of the Bankruptcy Code.

Although the nondischargeability of criminal restitution orders is the subject of a case now pending before the Supreme Court, Congress must weigh in—and it must weigh in now. Criminal restitution orders—and particularly those restitution orders issued against the S&L crooks—should not be dischargeable in bankruptcy. Period. The taxpayers of this country demand no less.

Second, the act provides that judgments obtained by the FDIC against officers and directors for defrauding their financial institutions will also be nondischargeable in chapter 13 proceedings.

These officers and directors have abused the fiduciary trust of their depositors and shareholders—and should be punished accordingly.

Third, normally, a creditor has approximately 60 days during which to object to the discharge of a particular debt. However, there have been a number of instances of dishonest thrift executives filing for bankruptcy long before the completion of the FDIC's investigation. As a result, the FDIC is often shut out of the objection procedure.

The act corrects this problem by extending the time period during which the FDIC can object to the discharge of certain debts in bankruptcy. Finally, the act restricts the amount of personal assets that a debtor accused of defrauding a failed financial institution act can shield under the so-called homestead exemptions contained in the various State bankruptcy laws. Federal law protects only $7,500 in home equity, but allows States to make the exemption more generous.

Not surprisingly, many of the S&L criminals have taken advantage of these more generous State exemptions—in some instances, using the State exemptions to protect multi-million dollar mansions, expensive motorboats, and even yachts from the reach of the FDIC.

Let me emphasize that the act would not restrict—in any significant way—the availability of these State homestead exemptions. The State exemptions would continue to be available to all law-abiding citizens.

The act would simply apply the less generous Federal homestead exemption to those who have defrauded our Nation's financial institutions—and hence, the American taxpayer.

CONCLUSION

Mr. President, the Taxpayer Recovery Act of 1990 does not call for a major revision of the Federal bankruptcy laws. It is simple and specific legislation with a very simple and specific goal: To stop the S&L crooks from manipulating the Federal and State bankruptcy codes for their own personal, selfish advantage.

Those who have so shamelessly flouted the law in the past should not now reap the benefits that the law provides. And those who have defrauded America's taxpayers to the tune of millions and millions—perhaps even billions—of dollars should not continue to defraud the taxpayers by wrapping themselves around the protective shield of the Federal and State bankruptcy codes.

Mr. President, it's time for justice to be rendered to the American taxpayer. It's time for the S&L criminals to ante up.

Mr. President, I ask unanimous consent that the text of the Taxpayer Recovery Act of 1990 be printed in the RECORD.

There being on objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taxpayer Recovery Act of 1990".

SEC. 2. EXCEPTION TO DISCHARGES.

(a) Subsection (a) of section 523 of title 11, United States Code, is amended—

(1) by inserting "1328(a)," immediately before the phrase "or 1328(b)",

(2) by striking out "or" at the end of paragraph (9),

(3) by striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon, and

(4) by adding at the end thereof the following new paragraphs:

"(11) for restitution that the debtor has been ordered to pay by any court of the United States, or of any State, in any criminal proceeding arising from any act that caused loss to any bank, savings association, or credit union; or

"(12) for damages provided in any judgment, order, or consent decree entered in any court of the United States, or of any State, or in any settlement agreement entered into by the debtor, arising from any act involving fraud or reckless disregard for

the law committed with respect to any bank, savings association, or credit union.".

(b) Section 523 of title 11, United States Code, is amended by adding at the end thereof the following new subsections:

"(e) Any individual acting as a director, officer, or institution-affiliated party (as defined in section 3(u) of the Federal Deposit Insurance Act (12 U.S.C. 1813(u))) of a bank, savings association, or credit union shall be considered to be acting in a fiduciary capacity with respect to the bank, savings association, or credit union for purposes of subsection (a)(4).

"(f) Notwithstanding subsection (a)(2)(B)(ii) of this section, reliance by a creditor will not be required to establish an exception to discharge if the creditor is a financial regulatory agency that is a successor to a bank, savings association, or credit union.".

(c) Subsection (c) of section 523 of title 11, United States Code, is amended by—

(1) striking out "Except as" and inserting in lieu thereof "(1) Except as", and

(2) adding at the end thereof the following new paragraph:

"(2) Notwithstanding any other provision of law, a complaint objecting to the discharge of any debt owned to—

"(A) a bank, savings association, or credit union that is closed, is in receivership or conservation, or is sold to (or has its assets and liabilities assumed by) another bank, savings association, or credit union in a transaction assisted by a financial regulatory agency, or

"(B) a financial regulatory agency,

may be filed on or before the date that is the later of 120 days after the date of the debtor's first meeting of creditors or 120 days after the date of the appointment of a conservator or receiver by a financial regulatory agency for the bank, savings association, or credit union with respect to which the debt arises.".

(d) Paragraph (2) of section 1328(a) of title 11, United States Code, is amended by striking out "section 523(a)(5)" and inserting in lieu thereof "section 523(a)".

SEC. 3. EXEMPTIONS.

(a) Section 522 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(n) Notwithstanding subsections (b) and (1), or any other provision of State or Federal law, an individual debtor who has committed an act involving fraud or reckless disregard for the law, or is subsequently adjudicated to have committed an act involving fraud or reckless disregard for the law at any time during the pendency of his bankruptcy proceeding, with respect to any bank, savings association, or credit union that is in receivership or conservatorship, is sold (or has its assets and liabilities assumed by) another bank, savings association, or credit union in a transaction assisted by a financial regulatory agency, shall not exempt from property of the estate—

"(1) more than $7,500 in value of the debtor's aggregate interest in any real property that the debtor, or a dependent of the debtor, uses as a residence or in a cooperative that owns property that the debtor, or a dependent of the debtor, uses as a residence, and

"(2) the debtor's interest in any insurance policy or annuity.".

(b) Paragraph (1) of section 522(c) of title 11, United States Code, is amended by striking out "section 523(a)(1) or 523(a)(5)" and inserting in lieu thereof "paragraph (1), (5), (11), or (12) of section 523(a)".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act.

Mrs. KASSEBAUM. Mr. President, I am pleased to join Republican Leader DOLE in introducing the Taxpayer Recovery Act. We have all read with disgust how some savings and loan executives drained deposits to finance lavish lifestyles. What is now more appalling is that these same people are still continuing their lavish lifestyles by taking advantage of liberal provisions under the Federal bankruptcy code. Under the bankruptcy code, States may provide homestead exemptions to protect the debtor's home and household goods from creditors. There is a gaping loophole in this exemption because some States allow bankrupt debtors to continue to keep their houses regardless of how palatial they may be.

People convicted of illegally taking money from savings and loans are using their ill-gotten gains to purchase expensive houses so they can avoid having to pay back the money to the Federal deposit insurance fund.

I do not believe that convicted criminals should be able to use the bankruptcy code to maintain million-dollar homes and expensive cars. This money belongs to the American taxpayers who are paying for the savings and loan clean up and we should do everything possible to see that we recover these funds.

● Mr. BOSCHWITZ. Mr. President, many of my constituents in Minnesota are alarmed by the current savings and loan crisis and its implications for taxpayers. As they read about the billions of dollars that will be exacted from honest citizens, they grow increasingly outraged. They are further offended when they observe an unwillingness to assume personal responsibility on the part of those directly at fault. Given the justifiable concern of my constituents, I am pleased today to join my good friend Senator DOLE as a sponsor of the Taxpayer Recovery Act of 1990.

I strongly support vigorous prosecution of individuals guilty of defrauding financial institutions, and contributing to their downfall. Mr. President, I know you agree that those convicted of criminal activity should be jailed and heavily fined. I am proud of what we accomplished through the enactment of the Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA], especially our approval of almost $50 million of additional funding devoted to prosecuting criminal wrongdoing arising from savings and loan failures.

Despite our best efforts, however, criminals found guilty of fraudulent acts are still avoiding full accountability by using the bankruptcy laws to escape payment of restitution. In other words, an individual who has been convicted of defrauding a failed financial institution and has been ordered to make restitution, can file for protection under chapter 13 of the Bankruptcy Code and obtain a discharge of this obligation.

The Taxpayer Recovery Act of 1990 addresses that problem. It ensures that the Bankruptcy Code is not misused by criminals who should be forced to step up and accept responsibility for their roles in financial institution failures.

The bill's intent is as follows:

First, to prevent the discharge of criminal restitution orders under chapter 13 of the Bankruptcy Code;

Second, to prevent the discharge of criminal judgments against the officers/directors of failed thrifts;

Third, to extend the time period during which the FDIC can object to the discharge of debts under the Federal bankruptcy laws; and

Fourth, to restrict the amount of personal assets that a debtor can shield under the homestead exemptions contained in various State bankruptcy laws.

Mr. President, I urge my colleagues to support this legislation. Our constituents rightly demand that we play a role in making sure that perpetrators are held fully accountable for actions which could topple our financial system and ultimately threaten all of us. This legislation provides an important way to obtain some redress from those adjudged to have violated the public trust.●

ADDITIONAL COSPONSORS

S. 276

At the request of Mr. DURENBERGER, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 276, a bill to establish a Department of Environmental Protection.

S. 585

At the request of Mr. LAUTENBERG, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 585, a bill to implement the national objective of pollution prevention by establishing a source reduction program at the Environmental Protection Agency, by assisting States in providing information and technical assistance regarding source reduction, and for other purposes.

S. 1216

At the request of Mr. SIMON, the names of the Senator from Michigan [Mr. LEVIN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1216, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act

to employers and employees in similarily situated industries, to give to such employers and performers the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1310

At the request of Mr. SIMON, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1310, a bill to eliminate illiteracy by the year 2000, to strengthen and coordinate literacy programs, and for other purposes.

S. 1393

At the request of Mr. REID, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1393, a bill to direct the Secretary of Defense to give priority to the Federal Bureau of Prisons in transferring any surplus real property or facility that is being closed or realigned.

S. 1430

At the request of Mr. KENNEDY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1430, a bill to enhance national and community service, and for other purposes.

S. 1436

At the request of Mr. PACKWOOD, the names of the Senator from Montana [Mr. BURNS], the Senator from Utah [Mr. HATCH], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Alaska [Mr. STEVENS], the Senator from Idaho [Mr. SYMMS], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 1436, a bill to revise, streamline, and make more efficient the review of land and resource management plans, together with sales and other actions implementing such plans, to clarify the jurisdiction and powers of the courts with regard to review of such plans and actions pursuant thereto, and for other purposes.

S. 1675

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1675, a bill to provide financial assistance for teacher recruitment and training, and for other purposes.

S. 1751

At the request of Mr. GORTON, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from California [Mr. WILSON] were added as cosponsors of S. 1751, a bill to prohibit the use of refrigerated motor vehicles for the transportation of solid waste, to prohibit the use of cargo tanks in providing motor vehicle transportation of food and hazardous materials, and for other purposes.

S. 1843

At the request of Mr. BOSCHWITZ, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Maine [Mr. COHEN], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1843, a bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable credit for the purchase and installation of Mode C equipment for transponders used in aircraft.

S. 1931

At the request of Mr. DANFORTH, the name of the Senator from Michigan [Mr. LEVIN] was added as a consponsor of S. 1931, a bill to prevent the discharge in a chapter 13 bankruptcy proceeding of certain debts arising out of the debtor's operation of a motor vehicle while legally intoxicated.

S. 1951

At the request of Mr. HATFIELD, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1951, a bill to promote interagency cooperation in the area of science, mathematics, and technology education.

S. 1978

At the request of Mr. GLENN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1978, a bill to establish as an executive department of the Government a Department of Industry and Technology, to establish within such Department the Advanced Civilian Technology Agency, to add the Secretary of the Treasury and Industry and Technology and the United States Trade Representative to the National Security Council, and for other purposes.

S. 2006

At the request of Mr. GLENN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 2006, a bill to establish the Department of the Environment, provide for a global environmental policy of the United States, and for other purposes.

At the request of Mr. WARNER, his name was added as a cosponsor of the bill S. 2006, supra.

S. 2017

At the request of Mr. DOLE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 2017, a bill to provide a permanent endowment for the Eisenhower Exchange Fellowship Program.

SENATE JOINT RESOLUTION 223

At the request of Mr. GARN, the names of the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 223, a joint resolution to authorize and request the President to issue a proclamation designating May 1990 as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 228

At the request of Mr. FORD, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 228, a joint resolution to designate May 1, 1990, through May 31, 1990, as "Worldwide Bluegrass Music Month."

SENATE JOINT RESOLUTION 229

At the request of Mr. CRANSTON, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Colorado [Mr. WIRTH], the Senator from Idaho [Mr. MCCLURE], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 229, a joint resolution to designate April 1990 as "National Prevent-A-Litter Month."

SENATE CONCURRENT RESOLUTION 88—RELATING TO THE ISSUANCE OF A CLAUDE DENSON PEPPER STAMP

Mr. GRAHAM (for himself, Mr. THURMOND, Mr. DURENBERGER, Mr. MACK, Mr. SARBANES, Mr. SPECTER, Mr. DODD, Mr. BRYAN, Mr. BAUCUS, Mr. ADAMS, Mr. DECONCINI, Mr. MATSUNAGA, Mr. KENNEDY, Mr. BURDICK, Mr. BENTSEN, Mr. BUMPERS, Mr. HEINZ, Mr. DASCHLE, Mr. BURNS, and Mr. BINGAMAN) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 88

Whereas Claude Denson Pepper served the Nation for 14 years in the Senate and 26 years in the House of Representatives with great distinction and dedication;

Whereas Claude Pepper championed the cause of social justice and fought against discrimination of all types, including his brave stand in the 1940's against the poll tax;

Whereas Claude Pepper fought for the underdog by supporting causes that needed sponsors and speaking up for those whose voices could not be heard in the political arena;

Whereas Claude Pepper continued undaunted in the face of political attack, precarious health, and changing times to devote himself to serving the residents of the 18th Congressional District of Florida and the many friends and supporters he had across the Nation who relied on his leadership;

Whereas Claude Pepper, regardless of political trends, always strove to fight for the needs of the poor, the sick, and the elderly;

Whereas Claude Pepper worked tirelessly for adequate health care for all Americans and sponsored legislation that led to the participation of the United States in the World Health Organization and established 5 of the National Institutes of Health;

Whereas Claude Pepper was the leading advocate for the elderly, and brought national attention to their needs;

Whereas Claude Pepper was a staunch supporter of Social Security and played a

major role in restoring the system to a sound financial footing; and

Whereas the lives of countless Americans have been immeasurably enriched by the career of Claude Pepper: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Citizens' Stamp Advisory Committee of the United States Postal Service should recommend to the Postmaster General that a postage stamp honoring Claude Pepper should be issued, notwithstanding the requirement of the Committee that an individual must be deceased for at least 10 years before the Committee will make a recommendation that a stamp honoring a deceased person should be issued.

Mr. GRAHAM. Mr. President, I rise today to submit a concurrent resolution to call upon the Citizen's Stamp Advisory Board to issue a stamp in honor of our former colleague, Senator Claude Pepper of Florida.

Senator Pepper was a family friend, as well as an inspiration and mentor. Throughout his distinguished career, representing Florida in this Chamber and in the House of Representatives, Senator Pepper was a champion for justice. Regardless of the political climate, he fought tirelessly for civil rights, for help for the poor and the sick, and for dignity for our older citizens.

As a servant to the public, he utilized his unique combination of courage and vision to aid those most needy of assistance, and millions have benefited from his efforts. Senator Pepper's service to America provides a goal to which all who serve in Congress should aspire.

By issuing a stamp to honor our departed friend, we will express our gratitude to Senator Pepper for all he has given to the people of our Nation. America will miss this champion, but we will honor his memory by renewing our dedication to his ideals of justice and human dignity.

Representative MOODY has introduced this legislation in the House of Representatives, where it already has 275 cosponsors. I strongly urge my colleagues to lend their support to the Senate version of this legislation.

SENATE CONCURRENT RESOLUTION 89—CORRECTING THE ENROLLMENT OF S. 1838

Mr. MITCHELL (for Mr. SASSER) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 89

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 1838), to establish or modify, research, promotion, and consumer education programs for certain agricultural commodities, and for other purposes, the Secretary of the Senate is hereby authorized and directed, in the enrollment of the said bill, to make the following correction, namely, in section 405(g)(5) after "any producer" insert: "operating mushroom production facilities,".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Thursday, February 22, 1990, to examine technology transfer and small business. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 9:30 a.m. For further information, please call Joan Bready at 224-2016 or Scott Varady at 224-3052.

SUBCOMMITTEE ON AGRICULTURE AND STABILIZATION OF PRICES

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Production and Stabilization of Prices of the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing in preparation for the 1990 farm bill regarding soybeans. The hearing will be held on Thursday, February 1, 1990, at 9:30 a.m. in room 332 Russell Senate Office Building.

Sentor DAVID PRYOR will preside. For further information, please contact Miles Goggins at 224-6241.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Wednesday, January 24, 1990, at 9 a.m. to receive testimony on the changes in the Soviet threat.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, January 24, 1990, 9:30 a.m., for a hearing to receive testimony on the energy policy implications of S. 1630, legislation amending the Clean Air Act, as ordered reported by the Senate Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SHEPARD LEE, PORTLAND, ME

● MR. COHEN. Mr. President, I would like to take this opportunity to call the attention of my colleagues to an interview from the Portland Press Herald with one of my constituents, Mr. Shepard Lee of Portland.

Shep is the chairman of the board of the Lee Group, a holding company involved principally with automobile dealerships. He started as a saleman for his father's car dealership and advanced through the ranks until he eventually took over the business. He has gone on to become an outstanding businessman and has made great contributions to the business community of Maine.

In addition to this work, Shep has also gone throughout the world lecturing on American business. He was one of four Americans to take part in the 1988 Brandeis University Institute of Enterpreneurship lecture in China. His knowledge of the industry is currently being tapped by French auto dealers in their preparations for the expansion of trade within the European Common Market in 1992.

I would like to commend Shep for all that he has done, and is continuing to do, in the automobile dealer industry. And I would like to have his interview included in the CONGRESSIONAL RECORD.

The article follows:

SHEPARD LEE, CHAIRMAN, THE LEE GROUP

Shepard Lee began selling DeSotos in Auburn with his father in 1947, when, he says, "everybody in Androscoggin County thought DeSoto was the guy who discovered the Mississippi River and didn't realize it was an automobile." In its first year, his father's business employed four people and sold 97 DeSotos.

Last year was not a good year for either new or used car sales, he says, but in a "good year" Lee's dealerships in Westbrook and Auburn sell close to 7,000 new cars and about 4,000 used.

In addition to serving as chairman of the board of The Lee Group, Lee has lectured abroad about American business. In 1988, he was among four American business people who lectured in China as part of Brandeis University's Institute of Enterpreneurship. He now is consulting with European dealers. Recently, he has been working with a French bank, Credit General Industrial, and Prexo, a French consulting firm, assisting French auto dealers as they prepare for 1992, when trade barriers among European countries are lowered.

Lee discussed his work with foreign dealers, the "megadealer" trend toward multifranchise dealership and the current downturn in the U.S. auto Industry with staff writer Alberta Cook.

Q: How were you chosen to consult with the French automobile dealers?

A: I think they knew I had given some speeches about megadealers and had been involved in National Automobile Dealers Association workshops.

The French dealers see the megadealer movement growing in Europe. I went over there for a week, and I met with the bankers and some dealers and got some idea of what the market was like over there. They have been coming over yearly—this is the second year of the program—and they go for a week to Harvard Business School. They're coming to Phoenix in September,

and I'm going to Barcelona in April, then I'm going to Brussels.

The objective is for these dealers really to learn how to be megadealers—how to acquire more dealerships, how to get whatever economies of scale you can get from owning several dealerships.

Q: Tell me about your work with them.

A: They see both an opportunity and a threat in the European Common Market in 1992 when all the (trade) barriers presumably will be down. That means the German dealers, the Belgian dealers, the Spanish dealers can all sell to France. And the French dealers can sell somewhere else.

I think the ultimate objective is to eliminate all tariffs. They certainly see one market—tariff-free—as the end result. They see an opportunity to sell in adjacent countries and they also see a lot more competition coming from these other countries.

They see the megadealer movement growing in Europe. The objective is for these dealers to learn how to acquire more dealerships, how to get whatever economies of scale you can get from owning several dealerships.

The feeling is that if it happened here, the same thing is going to happen there. Because the European Common Market will be—I think—a bigger market than the United States if all the barriers are down. So they're looking for insights about how to operate a group of dealerships. And they wanted to (meet with) someone who had started small, as we did, and had grown. They pay me very well on a per day basis and pay all of my expenses.

Now, I have my hands full and I regard this (my business) as the major challenge, and I'm not looking to be a career consultant. But it's fun to do. It's been a great experience.

Q: What kinds of advice do they ask?

A: They ask me to take them through a typical day of how you operate a sales department, or how you organize your computer operation, or how you do your service. They are becoming very quality-oriented. We have, for instance, a group of telephone operators—we call every service customer every day. If you were in for service yesterday, the goal is to call today and see if you're satisfied. If you're not, we have a service manager call you back and try and rectify the problem.

The French dealers are very interested in all of that. There's a greater focus on what we call CSI—customer satisfaction index—and the factories are very interested in that now. They want to know what American megadealers are doing that has enabled them to grow.

Q: How is the car business doing in Europe?

A: Business in Europe is better than in the United States. They're not having a recession. They're in a growth mode. They are in the same kind of situation we were in three years ago.

Q: How do your sales now compare with the way they were a year ago?

A: They are way off. It varies with the franchise to some extent. The car manufacturers have laid off, closed plants. Every dealer I know carrying any make of car is having a much harder time now than they were a year ago.

Q: Are your imports selling better than American cars?

A: I can't say that there's been anything consistent. Hondas have been a consistently good seller. Both imports and American car (sales) are off.

We've been lucky because we've had a balance of imports and domestics. Automobiles are usually cyclical. You have three or four good years and you have a couple of bad ones. What's happening now is not only a severe downturn, because of the restructuring that's going on and the diminution of the number of dealerships.

Because we had about five or six good years, many dealers paid what we call "blue sky"—an overage—for dealerships. And a lot of them incurred heavy bank debt. All of a sudden business slowed way down. So not only was the volume of new car sales off, but the gross margins that you made on the cars were way down. And the banks had a field day financing almost anybody in the last five or six years.

Now if you do a survey of a lot of typical car owners, many of them owe more on the car than they're worth. So they don't have equity.

I think dealers thought it was going to go on forever. Dealers are retrenching. They're combining facilities, management staffs, doing everything a prudent business person would do when business slows way down. We've combined jobs, and we've moved the Dodge facility to this location (Westbrook). What we haven't done is cut anybody's wages. We've tried to reduce by attrition more than any other way.

But we're in a little different situation than others. We've always kept the earnings in the business. We've been through downturns several times before. I've always grown during bad times. We're doing what we need to do to get through the tough period, and we're sure there will be dealerships who want to sell or who go broke. Our hope is to buy some of those dealerships and fill up this 14-acre piece of land.

THE LEE FILE

Residence: Portland.

Age: 63.

Education: Bowdoin College, 1947.

Career: Began as a salesman for Advance Auto Sales in Auburn, a DeSoto and Plymouth dealership founded by his father and a Portland business partner in 1936, worked in every department of the business, taking over in 1963; currently is principal shareholder in The Lee Group, the holding company that owns six automobile franchises, a leasing company, management company, real estate company and a wholesale auto parts business. Auto dealerships include Lee Dodge and Lee Hyundai in Westbrook and Lee Honda, Lee Nissan, Lee Giant Advance Chrysler Plymouth Dodge and Lee Oldsmobile Cadillac GMC Truck franchises in Auburn.

Hobbies: Politics, tennis, opera, theater.

Q: So you think there will be some dealers going bankrupt this year?

A: The J.D. Power organization—the preeminent consumer research group in the automobile industry—predicted that 15 percent of the dealers (nationwide) would go out of business before the end of the year. The National Automobile Dealers Association predicted 10 percent. When I say "go out of business," (I mean) they'll give up. Some will go bankrupt. Some will just give up.

Q: In the Portland area?

A: I can't predict (about) the Portland area. It will be unusual if the Portland area is exempt. It's happening all over the country. I can't give you a good reason why it won't happen here. It will surprise me if a year from now, if every dealer who's in business now still has the same (business).

Q: Is this a good time to get a bargain on a car?

A: Anybody who wants a new car can walk into almost any dealership and almost write his own ticket. Because dealers have a lot of inventory and it isn't selling. And they're paying interest to the bank on this inventory. We carry $15 million in vehicles all the time. This is a terrific time to get a good buy on a car because business is so poor. You figure if a car cost us $12,000-$13,000, it costs us easily $140 a month just to pay the interest on that one car to the bank.●

GREG LEMOND, SPORTS ILLUSTRATED 1989 SPORTSMAN OF THE YEAR

● Mr. DURENBERGER. Mr. President, each year Sports Illustrated magazine honors one athlete to be its Sportsman of the Year. In 1989, the honor was given to Greg LeMond of Wayzata, MN.

Greg LeMond has shown the world that comebacks are possible. After becoming the first non-European ever to win the Tour de France Bicycle Road Championship in 1986, a tragic hunting accident nearly cost Greg his life. With 30 shotgun pellets remaining in his body, including two in the lining of his heart, Greg began the long road to recovery. Many setbacks, including an appendectomy 4 months after the shooting, blocked his road to recovery over the next 2 years.

After 2 years of recovery and promising finishes in several preliminary bicycle races, Greg was ready to tackle the Tour de France again. The rest is bicycle racing history. Greg LeMond is the only non-European to win the Tour de France, and he has won it twice. Greg LeMond, 1989 Sports Illustrated Sportsman of the Year, has shown the world that nothing is impossible. The complete story of Greg LeMond's struggle back to the top of the bicycle racing world is documented very well in the December 25, 1989, issue of Sports Illustrated. I wish to bring Greg LeMond's accomplishments to the Senate's attention and hereby request that this article be printed in the RECORD at this time.

The article follows:

GREG LEMOND, 1989 SPORTSMAN OF THE YEAR

(By E.M. Swift)

It was a ride every bit as shocking to cycling enthusiasts as Bob Beamon's long jump in Mexico City was to track fans—a performance the experts believed simply could not be done. Not with the Tour de France on the line. Not by a mere mortal, made of flesh and blood and sinew. Certainly not by 28-year-old Greg LeMond, whose body is all those things plus approximately 30 small lead pellets.

The distance of the final time trial, from Versailles to Paris (24.5 kilometers), was too short, the experts said; the course (slightly downhill) was too easy; the time to make up (50 seconds) was too great. And Laurent Fignon, the two-time Tour winner who was the overall leader going into the final stage, was arrogant, too contemptuously Gallic to

be whipped on his home turf by an American in the bicentennial year of the French Revolution. "Greg believes he can win," Fignon had said on the eve of the final stage. "But it is impossible. I am too strong in the mind and the legs. Fifty seconds is too much to make up in such a short distance."

Fifty seconds should have been too much of a margin for LeMond to overcome. On a normal day the best LeMond could hope for, it was said, was to gain one second a kilometer on Fignon—24.5 seconds in all—less than half the time he needed to make up to win. Not even LeMond's most optimistic supporters—not even his wife, Kathy, who thinks he hung the moon—believed he could erase Fignon's lead. Kathy didn't allow herself to hope for such a miracle. She would be happy with second. That, to her, would be miracle enough.

Because by being in a position to challenge again for the famous yellow jersey—le maillot jaune—in cycling's greatest race, LeMond had silenced all those who had doubted him over the past 27 months. He had proved wrong all the ones who said: You can't; you won't; you haven't the strength or the desire. He had even vanquished the worst enemy of all, that voice in the back of his head that had tried, in the darkest moments, to convince him to give up the chase and move on to other things.

So, you see, in many ways LeMond's race had already been won. Which is what he was thinking when he went to bed on July 22, the night before that final, spectacular ride. Fignon and the 50 seconds were a last golden apple to be reached for after the bushel basket was full. The important matter had been settled. LeMond no longer doubted himself.

What a feeling that was, to know that he could listen to his instincts and feel the rhythms of his body and trust what they told him. To hear "You can do it" and be able to believe.

It had always been that way for LeMond, ever since he first started competitive cycling at age 14 in the hills around Reno. He had ascended in his sport at a dizzying pace, turning pro at 19, joining a top French team and establishing himself among the European elite of cycling at a time when the U.S. was decidedly a Third World country in that sport. In 1983 LeMond became the first American to win the professional road race at the world championships, the most prestigious one-day event in the sport. In 1984 LeMond became the second American ever to attempt the Tour de France, and he finished third. (That year the race was won by Fignon.) In 1985 he finished second in the Tour to the legendary five-time winner, Bernard Hinault, who was LeMond's teammate and rival. Then, in 1986, LeMond became the first non-European ever to win the Tour, beating Hinault and becoming No. 1 in his sport at the relatively tender age of 25. With his prime competitive years still ahead of him, Greg LeMond was at the top of the heap.

A few months later, all that changed. In April 1987, LeMond went turkey hunting with his uncle and his brother-in-law, Patrick Blades, on a ranch in Lincoln, Calif. The three split up and lost track of one another. LeMond was just getting settled behind a bush when a shotgun blast—his brother-in-law's—went off so close by that at first he thought his own gun had accidentally discharged. LeMond started to straighten up, to ask, "Who shot . . . ?" when he felt the blow of approximately 60 No. 2-sized pellets in his back and side. He discovered he could barely breathe—his right lung had collapsed. His kidney and liver were hit. So were his diaphragm and intestine. Two pellets lodged in the lining of his heart. As LeMond lay in the field, awaiting the helicopter that would ultimately save his life, he thought he was going to die. He even had an idea how it would feel: no violent death throes, no excruciating pain. He would just pass out from the loss of blood and die, like going to sleep. He was too shot up to worry about whether he would ride a bicycle again. His concerns were more basic: Will I live to see my wife and kids?

He learned about pain. A tube to draw blood out of his collapsed lung had to be inserted into his chest without anesthesia, and it remained there for a week. "I never thought I'd be the type that needed painkillers," LeMond says. "You think you're used to pain on your bike, but that's not pain. The suffering you feel on your bike is nothing compared to real pain. I think of that sometimes when I ride."

Thirty shotgun pellets remain in LeMond, including the two in the lining of his heart, but miraculously, none of the damage was irreparable. Eight weeks later he started the long road back.

At the time of the accident LeMond weighed 151 pounds, with a body-fat content of 4%. When he started training again, he weighed 137, with 17% body fat. His body, in its efforts to survive, had consumed vast amounts of its muscle. LeMond began to understand how weak he really was when he went riding with a 250-pound man one day, and the man left him behind on a climb.

The next two years were lost ones, professionally. Every time he started to show signs of progress, something would set him back. He had an emergency appendectomy four months after the shooting accident, ending his 1987 season. In July 1988 his comeback was further delayed by surgery to repair an infected tendon in his right shin, forcing him to miss the Tour de France for a second straight year. The powerful Dutch team, PDM, with which LeMond had signed a two-year deal in 1987, wanted to cut his 1989 salary by $200,000. "They had lost total confidence in me," he says. "They were trying to claim that maybe my liver was bad, my lung was shot up, maybe I had lead poisoning. That's why I wasn't riding well. They said, 'Maybe you're not going to ever come back.' "

When he reasoned it out, LeMond knew that he had to be patient. His body had to go through a series of plateaus, every one requiring a period of adaptation. To reach each new plateau, LeMond had to stretch his endurance. Then he had to allow his body time to recuperate before stretching again to reach a higher level. "No matter how dedicated you are, how seriously you train, you need a certain period of time to do that," he says. "It's impossible to go straight there."

When he didn't reason it out, however—and what athlete is a perpetual slave to reason?—when he listened to his disgruntled employers and read what the skeptics were saying, at home and abroad, he kept hearing one phrase in his head: Maybe you're not going to ever come back.

Before the start of the 1989 season, LeMond took a pay cut and signed with ADR, a Belgain-based truck-leasing company, for $350,000 plus bonuses. ADR has a lower budget and considerably lower expectations than powerhouse PDM. That translated to less pressure on LeMond, but it also meant he had a weaker team working for him. Teammates who help to break the wind and chase down opponents are an integral part of professional cycling.

After riding well in the spring classics in Europe, LeMond returned to the U.S. in May and fared poorly in the inaugural Tour de Trump—a race he had designs on winning. He struggled from the start and finished 27th, leading even his most ardent American supporters to question whether he could ever regain his former level. "I was just not capable of staying with anybody on the hills," LeMond says. "I suffered unbelievably."

Before the shooting accident LeMond was one of the most daunting cyclists in the mountains, a climber who thrived on the steepest grades. Now he was the one being dropped. "The hardest part about coming back from an injury is you always remember yourself at your best," he says. "Never the way you were when things were going badly. I kept remembering how I rode in the '86 Tour de France, when I floated up hills or when I could ride 30 miles per hour for an hour and a half during the time trials."

LeMond had his blood tested near the end of the Tour de Trump to see if that might yield some clue to his disappointing performances. It revealed nothing. He returned to Europe to prepare for the Tour of Italy, one of cycling's most prestigious events after the Tour de France. There, too, he faltered. In the first mountain stage LeMond lost eight minutes to the leaders. His masseur, Otto Jacome, who has been a friend of the LeMond family since Greg was 15, took one look at him afterward and said, "You are white. You need iron."

Again LeMond had his blood tested. This time he was diagnosed as anemic, and his doctor immediately gave him an injection of iron. "I was riding myself into the ground," LeMond says. "I was pushing so hard that I was eating into my muscles."

The worst was still to come. In the 11th stage of the Tour of Italy, during a climb called the TreCime di Laverado, LeMond finished 17 minutes behind the leaders. If it hadn't been for the Italian spectators urging him on, he figures he would have finished 25 to 30 minutes down. Riders he had once dominated were pedaling away from him with bewildering ease. How did they do it? he wondered. He was more impressed than angry, feeling for the first time in his career that he was out of his league.

"I came back to the room and was ready to cry," he recalls. "I called Kathy that night and told her, 'Get ready to sell everything. I want no obligations. If things don't turn around, I'm quitting at the end of the year.' " She didn't try to talk him out of it. It was the lowest point in his cycling career.

Shortly after that phone call, things began to turn. LeMond had a second injection of iron and started feeling stronger. He actually stayed within shouting distance of the leaders on a late mountain stage of the Tour of Italy, which was such a morale booster that he wanted an all-out test. Being hopelessly out of contention in the overall standings, LeMond decided to go for broke in the final stage of the Tour of Italy, and individual time trial of just under 34 miles. He would hold nothing back, start to finish. If he ran out of gas—"blew up," in cycling parlance—so be it. But LeMond didn't blow up. He finished second, a whopping minute and 18 seconds ahead of Fignon, the overall winner. "It changed my

entire outlook," says LeMond. "Obviously, there was nothing wrong with me physically."

So he came to the Tour de France quietly hopeful. His goals for the 23-day, 2,025-mile race were relatively modest: He wanted to finish in the top 20 in the overall standings and to win one of the 21 stages. LeMond's name was never mentioned among the pre-race favorites, whose numbers included Pedro Delgado of Spain (the defending champion), Stephen Rooks of the Netherlands, Stephen Roche of Ireland, Andy Hampsten of the U.S. and Fignon. LeMond, having watched the race on television the past two years, was just happy to be there.

But the Tour de France is an event unlike any other, and LeMond felt invigorated in a way he had not been since his accident. The carnival-like caravan that precedes the cyclists along the route, the throngs of people lining the roads, the hordes of international journalists, the daily live television coverage, the tension among the athletes—all of these elements contribute to the supercharged atmosphere of the race. Twenty-four hours a day for more than three weeks the Tour is the center of the universe for all those involved. Sleep comes in snatches. Bags are never unpacked. There is no escaping the mounting pressure, the crowds, the physical and mental exhaustion that gradually wears down all but the strongest riders.

LeMond soaked it all in. This was the turf. He had never finished worse than third in the Tour, and the last time he had competed he won. He felt, in a funny way, as if he were defending his title. In the July 1 Prologue—a 4.8-mile sprint against the clock through Luxembourg that opened the 76th Tour—LeMond's morale got a further boost when he finished fourth among the 198 starters, tied with Fignon and six seconds behind the leader, Erik Breukink of the Netherlands. In a stunning development, Delgado came to the starting line two minutes and 40 seconds late and finished the Prologue dead last, 2:54 behind the leader. LeMond began to adjust his sights upward. "I said to myself if I could finish in the top five in the Prologue, I could finish in the top five overall."

LeMond's strategy was to use the first eight stages, which were relatively flat, to refine his conditioning before the Tour headed into the mountains. He figured to lose some time in the second stage of the race, the team time trial through Luxembourg, and he did. LeMond's ADR team finished the 28.5-mile course 51 seconds behind Fignon's winning Super U team. Still, LeMond was pleased. ADR was fifth of 22 teams, five places better than he thought it would finish. Delgado, meanwhile, suffering stomach cramps, fell more than seven minutes behind Fignon, six behind LeMond, before the Tour was 72 hours old.

The race headed into Belgium for stages 3 and 4. LeMond knew it was in these long, flat early stages—one, 149.4 miles, the other, 158.1—that the Tour could be lost but not won. The field was still full of vigor and high hopes. Inches separated the cyclists as they sped through the countryside, and because the true contenders had yet to be determined, nobody was willing to give space. Outside the Belgian city of Liège, the route narrowed from a nice paved road to a cobblestone lane about six feet wide. It was important to be near the front of the peloton at that point, to avoid being devoured by the terrible crashes that sometimes consumed 30 or 40 riders. As the field jockeyed for position, the pace of the peloton picked up. The cyclists, riding along at a 25-mph clip, increased their speed to 30 mph as they neared the cobblestone section, then to 35, then to 40 mph, full racing speed. Britain's Sean Yates, riding beside LeMond, touched the wheel of the bike ahead of him and went down hard, bringing a handful of riders down with him. One Swiss rider, Mauro Gianetti, broke his nose in a crash and lost 11 minutes to the leaders. LeMond considered it a fine omen that he got away in one piece.

His first major test came during the fifth stage, a 45-mile individual time trial through rainy, windswept Brittany, from Dinard to Rennes. The French call these trials "the races of truth." Tactics and teammates are meaningless. The cyclists, individually spaced at one-to-two-minute intervals, simply go all out against the clock. The best man almost invariably wins. LeMond, when he is right, is the best time trialist in the world. In this race, however, he also ahd a technological ally—tri-bars—which were developed by an American cyclist named Boone Lennon. Widely used by triathletes, these clip-on U-shaped handlebars stick out over the front wheel of the bike, putting the cyclist into an aerodynamically streamlined position similar to a skier's tuck. LeMond had first considered using tri-bars at the Tour de Trump, in which a number of riders experimented with them with success. But he never even took a practice ride with them until the day before the Dinard-to-Rennes time trial, because if the tri-bars worked, LeMond knew, everyone would be using them before long and his edge would be lost. He found they not only put him in a better aerodynamic position but allowed him to rest on his bike, relaxing his upper body and enabling him to push a bigger gear.

LeMond rode like the LeMond of old that day, catching five of the riders who had started ahead of him, including the Netherlands' Breukink, winner of the Prologue. He covered the rainswept course, into a headwind, in 1:38:12, which works out to an average speed of about 28 mph. LeMond beat Delgado by 24 seconds, Fignon by 56 seconds and the fourth-place finisher, France's Thierry Marie, by an impressive one minute, 51 seconds. It was not so staggering a margin that everyone ran out and got themselves a new set of handlebars, but LeMond knew he could do even better. Early in the race he had hit a bump, the impact of which pushed his tribars down so that his body position changed. He felt too stretched out as he pedaled.

That time trial was LeMond's first win since his hunting accident, and the margin of his victory propelled him into first place in the overall standings, five seconds ahead of Fignon. Clutching the yellow jersey, LeMond called the moment his greatest day in cycling, more thrilling even than the day he won the Tour in '86. He had expected to win then. This, he had only dreamed of. And deep inside he began thinking, for the very first time, that if he could win that time trial, he might just be able to win the whole darn thing." "Although," he says, "the mountains were still to come, and I hadn't raced well in the mountains in three years."

LeMond was so excited that he began to take a sleeping pill every night just to get some rest. With the yellow jersey came responsibilities that LeMond knew could sap his strength. Other riders look to the wearer of the yellow jersey to control the Tour. He had to stay near the front of the peloton, ready to follow every break and chase down every attack. At the end of each stage there was the crush of autograph seekers and always the interviewers posing the same questions: How do you feel? Who else looks strong? How long can you keep it?

"There's a lot of wasted energy when you take the yellow jersey," LeMond says. "But I wanted to wear it as long as I could, whether it was one, two or three days, because at that point I had no idea how I would perform when the mountains showed up."

It is the mountain stages that make the Tour de France one of the most grueling physical challenges in sport. Impossible climbs up narrow switchbacks are followed by terrifying descents at speeds approaching 70 mph. Hundreds of thousands of spectators make annual pilgrimages to the steepest climbs, the ones that are rated "beyond category," to watch the world's greatest cyclists laboring past, standing on their pedals, moving barely faster than a man can walk. It is in these mountains—first the Pyrenees, then the Alps—that the race is usually won, and it was in these mountains that most observers expected LeMond to falter.

He surprised even himself when he didn't. In the first stage in the Pyrenees, from Pau to Cauterets, a 91-mile trek that included four major climbs, LeMond stayed with Fignon the entire way to hang on to the yellow jersey for the fourth straight day. It was another psychological benchmark, and at two o'clock in the morning he called Kathy, who was staying in the house in Kortrjik, Belgium. (The LeMonds also have a house in Wayzata, Minn., which is where they live in the winter.) "You awake honey?" he asked.

"Yes," she answered. "What are you doing awake?"

He was too excited to sleep, he told her. He was back. How far back—80 percent? 90 percent? All the way?—remained to be seen. But they both knew that by staying with Fignon in the mountains, he had already cleared a hurdle that only three weeks earlier had seemed impossible. And now, as Kathy remembers, "We began to get greedy and actually think about the possibility of Greg winning the Tour. So I stopped sleeping at night, too."

The weakness of LeMond's team began to take its toll, however, in the 10th stage, from Cauterets to Luchon-Superbagnères, the second and last day in the Pyrenees. LeMond noticed Fignon struggling early on. At one point both he and Hampsten saw Fignon grab on to a photographer's motorcycle for a second or two during a climb, an act that technically could have disqualified the Frenchman. "He was hurting, and if I'd had teammates with me," says LeMond, "we could have set a really hard pace and tried to drop Fignon on that climb and the next climb and the next one. It could have cost him minutes."

But LeMond was, essentially, riding without help, so he bided his time while Fignon rode through his early troubles. Meanwhile, Delgado—still 6:24 behind in the overall standings—broke away from the leaders. No one responded. "Everyone was looking at me as if to say, It's your job to chase him down, Greg, you've got the yellow jersey," recalls LeMond. "But I had no choice but to play it cautious and calm, as if Delgado didn't matter. The ideal thing for Fignon would have been for me to lead the chase and tire myself out, then to attack me on the final climb."

Fignon, recovering from his early problems, did attack on the final climb, an 11.2-mile monster up to Superbagnères that took 45 minutes for the leaders to complete. LeMond hung with him most of the way. Then, less than a mile from the summit, Fignon attacked again. LeMond responded too quickly. "It was a big mistake on my part, a tactical error,' he says. "I should have kept my pace and recovered the ground slowly. Instead I caught right up to him then all of a sudden I blew up, boom. I put my body into oxygen debt."

In the last half mile Fignon gained 12 seconds on LeMond to take over the yellow jersey, but the big winner of the day was Delgado, who made up 3½ minutes to catapult himself into fourth place overall, only 2:53 behind Fignon.

It was the first time Fignon had worn the yellow jersey since his winning years of 1983 and '84. He, like LeMond, had had his share of injuries in the interim. Surgery on his left Achilles tendon had put him off his form for four years. Now that he was back on top, Fignon wasted little time alienating friend and foe. "Success goes straight to his head," says LeMond. "He can change from a very humble guy to a very arrogant guy overnight."

LeMond, whose return to form in the race had been the talk of French cycling fans, was Fignon's first target. Fignon accused the underdog LeMond, through the press, of not defending the yellow jersey like a champion, of being content to ride on his—Fignon's—wheel, allowing Delgado to race away from the pack.

LeMond confronted Fignon the next day. "Don't talk to me about not racing like a champion," he told Fignon. "I saw you hang on to that motorcycle, and if you consider that racing like a champion, I'd be happy to tell people about it."

Before the Tour was over, a television crew would videotape Fignon spitting into the lens of its camera in response to a request for an interview. Fignon consistently declined to smile for pictures, insisting on one occasion that he was just as cute when frowning. And, memorably, when Fignon refused to accommodate photographers for even five minutes during a rest day in the Alps, he provoked French journalists into organizing a nationwide Fignon boycott. No photographs were published of the dour and temperamental race leader in any French paper for the next 48 hours.

A genuine rivalry was developing between the boyish, optimistic LeMond and the arrogant Fignon, with many Frenchmen allied with LeMond. And privately, LeMond believed it was to his advantage that Fignon had the yellow jersey during the second week of the race. It would be Fignon who would be expected to control each day's stage, chasing down attackers, and Fignon who would be hounded for interviews. LeMond, just seven seconds back, felt the pressure ease. "It was like a load off my shoulders," he says.

The next three stages resulted in few changes in the overall standings, though the 100°-plus temperatures and the breakneck pace began to wear down the pack. Four of LeMond's ADR teammates had already dropped out—in all, 60 of the original 198 riders failed to make it to Paris—but he was not without allies. Vincent Barteau, one of Fignon's teammates, happens to be among LeMond's closest friends in cycling. LeMond had convinced the PDM team to sign Barteau for the 1988 season and had, essentially, kept him from quitting the sport. Their friendship paid dividends: During the race, whenever Fignon was feeling strong, Barteau would make his way over to LeMond before the start and warn him, "Keep your head up today, Greg, things are going to happen." When Barteau won the 13th stage in Marseilles, he dedicated the win to LeMond, a gesture that raised LeMond even higher in the esteem of the French populace.

Then on July 15, with a week to go in the race, LeMond recaptured the yellow jersey. He did so impressively, beating Fignon by 47 seconds in the second of the Tour's three individual time trials, a margin that gave him the overall lead and a cushion of 40 seconds. Any doubts that LeMond had had about his climbing ability were laid to rest permanently at this stage—the first of five grueling days in the Alps. The route went from the city of Gap (elevation: 2,400 feet) to the Alpine resorts of Orcières-Merlette (6,003 feet), a distance of 24 miles, which included climbs of five and six miles. That night, after he had finished, LeMond felt stronger, both physically and mentally, than the had when he won the 1986 Tour. He knew now he could win the race.

LeMond had even stopped thinking of Fignon as the man to beat. It was Delgado, just 2:48 behind and in fourth place, whom LeMond would watch out for as the Tour continued through the Alps.

Visibly struggling, Fignon lost another 13 seconds to LeMond in the 16th stage, from Gap to Briançon, a 108-mile route that included a tortuous 13-mile climb up the Col d'Izoard. LeMond pressed the pace all day in an effort to stay with Delgado and drop Fignon once and for all. But, as it turned out, the Frenchman's powers of recovery and, perhaps, his pride were greater than LeMond had anticipated. "I killed myself to do well in that stage," says LeMond. "And I paid for it the next day."

He paid because the next day finished with the climb L'Alpe d'Huez, the single most difficult ascent in the Tour de France. It is an annual event on the Tour, a punishing spectacle to which some 250,000 spectators travel, waiting along the roadside as long as 24 hours to exhort the riders up the 6,000-foot, 15-kilometer climb. Other ascents are longer, a few are steeper, but none is more dramatic than the 21 switchbacks of L'Alpe d'Huez, which this year came at the end of a 100-mile, five-hour-plus stage that included two other mountains rated "beyond category" in height and difficulty. It was the stage that nearly cost LeMond the Tour.

Delgado, LeMond and Fignon reached the base of L'Alpe d'Huez together, paced by a Colombian, Abelardo Rondon, a teammate of Delgado's. LeMond knew—as did the others—that if he could stay with them during that climb, he would almost certainly win the Tour. It was the last major test before the time trial into Paris, and time trials being LeMond's forte, if he could retain his 53-second lead, he would be all but uncatchable.

Rondon set a very fast pace from the outset, too fast for LeMond's liking. He was hurting, gritting his teeth to keep up. Delgado apparently wasn't faring much better, for he finally shouted to his teammate to slow down.

Seven kilometers from the top, halfway up L'Alpe d'Huez, LeMond began running out of energy. When he is truly laboring, as he was now, LeMond's shoulders start to bob back and forth. Fignon's coach, Cyrille Guimard, recognized the signs immediately. In 1980, Guimard, then with the Renault team, had signed LeMond to his first European contract. So Guimard sped his car up to Fignon and shouted to him, in French, "You've got to go now! Right now!"

LeMond, just ahead, could hear every word, but he resisted the urge to look back lest Fignon recognize the look of panic on his face. "I can't do it," Fignon replied. "I can't."

Guimard's car dropped back. The pace continued as before. LeMond's shoulders continued to rock. Four kilometers before the finish Guimard drove up to Fignon again and yelled, "Attack him now! You've got to go now!"

Fignon went bolting past LeMond and Delgado. Delgado responded, but LeMond couldn't keep up. With three kilometers to go, he had dropped 35 seconds behind. Two kilometers from the top, LeMond was 52 seconds back. He gathered what reserves he could and finished the stage 1:19 behind Fignon and Delgado, who had ridden together to the top. LeMond had lost the overall lead. Once again, the yellow jersey was Fignon's.

Still, LeMond trailed Fignon by only 26 seconds, a margin he was confident he could make up in the final time trial into Paris. Fignon, too, was uncomfortable with so narrow a lead, and he made a daring solo attack the next day during the relatively short (57-mile) 18th stage. The attack caught LeMond by surprise. Fignon, riding the last 14 miles alone, won the stage by 24 seconds, increasing his overall lead to 50 seconds over a dejected LeMond. When Greg saw Kathy afterward, his first words were, "Maybe I lost the Tour today."

He certainly had, as far as everyone else was concerned. The French media crowed about Fignon's panache and forgave him his past indiscretions. In postmortem tones newspapers and television commentators praised LeMond for lending drama and gumption to the race. No one seriously entertained the notion that he still had a chance to win, particularly after he gained no time on Fignon in the 19th stage—the final one in the mountains—despite outsprinting Fignon to the finish in Aix-les-Bains for his second stage win of the Tour.

Even Fignon believed the race was over. He told LeMond before the 20th and penultimate stage—an uneventful ride during which everyone saved his strength for the next day's time trial—"You raced a great race, Greg. I have to tell you, my coach, Guimard, predicted that this is the way it would finish, me winning and you second. He said at the Tour of Italy, you'd be the most dangerous rider."

LeMond thanked him and told Fignon that he, too, had raced a great race, particularly over the last few days. But he was thinking, it's not over yet, pal. And you're not psyching me into quitting.

Because, the way LeMond had it figured, on a normal day, when both he and Fignon were riding to form, he could beat Fignon in that Versailles-to-Paris time trial by 30, maybe even 40 seconds. On a normal day. With the advantage of the tri-bars, plus the aerodynamically designed helmet LeMond planned to use, who could tell? Those two things could easily be worth another second per kilometer, which would bring the total up past the 50 seconds he needed. Besides, LeMond felt terrific, the best he'd felt the entire Tour, fully recovered from that brutal climb up L'Alpe d'Huez. And he had nothing to lose. He had already accomplished far more than he had hoped. The

night before the time trial, he told his masseur he thought he could win.

"That's the way to talk," Jacome said.

There was a festive air about Paris on July 23, which dawned warm with a slight breeze. LeMond rode the course in the morning to get a feel for it and was concerned because it was so easy, with a 200-to-300-foot drop at the start and no significant climbs. He had already decided he didn't want aides in his support vehicle to tell him his splits or how he was faring in relation to Fignon. That would only detract from his concentration. LeMond's plan was to put his head down and ride as fast and as smart as he could for 24.5 kilometers (15.2 miles).

Fignon, on the other hand, asked Guimard to keep him informed of LeMond's progress. After trying his own version of the tri-bars in a practice ride that morning, Fignon had gone back to the cowhorn-style handlebars that are preferred by most European racers. Inexplicably, Fignon chose to discard the racing helmet he had used during earlier time trials and went hatless, letting his ponytail flap in the breeze—a triumph of vanity over aerodynamics. Fignon, you see, was treating this race into Paris as little more than a formality. He was too strong in mind and body for LeMond to make up the 50 seconds (although Fignon later revealed that he was suffering from a boil on his backside that had to be anesthetized). He did not believe he could lose.

Fignon took off two minutes behind LeMond. After five kilometers Guimard shouted to Fignon that he had already last 10 seconds. No way! Fignon cranked his pace up a notch. It did no good. After 10 kilometers he had lost 19 seconds to Lemond. What? After 14 kilometers, 24 seconds. After 18 kilometers, 35 seconds. Harder and harder Fignon rode, panic creeping into his legs.

LeMond, meanwhile, had no notion of the stir he was creating until he reached the Champs-Elysees, about three miles from the finish. Heading up toward the Arc de Triomphe on the big cobblestone avenue, LeMond thought he heard the public-address announcer say he had gained 35 to 40 seconds on Fignon. Some spectators, sensing an upset, were waving American flags as he approached. But LeMond kept his head down, holding his tuck position, allowing his helmet to slice through the wind, only lifting it every few seconds to get a sight reading and a breath of air, like a swimmer pushing a kickboard.

LeMond nearly caught Delgado, who had started two minutes ahead of him, crossing the finish line in 26 minutes, 57 seconds. His time was 33 seconds faster than the previous best, which had been posted by Fignon's teammate Thierry Marie. Now there was nothing to do but wait.

LeMond, alternatively glancing at the ticking digital clock and the flashing lights of the caravan of vehicles trailing Fignon, knew that the outcome would be close. That, in itself, was exhilarating. LeMond was tired but not spent. It had been too short a ride to exhaust him. He could make out Fignon now, wearing the yellow jersey, barreling toward the finish. Watching the clock, then Fignon, hearing the roar of the fans, LeMond kept thinking how terrible it would be to lose by one second after more than 2,000 miles. Then that second quietly passed . . . 27:47 . . . 27:48. . . . He had won.

Fignon crossed the line with the third-best time of the day, 27:55—58 seconds slower than LeMond. Had the two of them started in Versailles that day side by side, LeMond would have won the race by some 900 yards. It was a margin that, even now, seems incredible. LeMond had averaged 34 mph—the fastest time trial ever in the Tour de France. Fignon, thinking he had won even as he crossed the finish line, slid from his bike and collapsed in exhaustion. It wasn't until his masseur, holding him in his arms, said, "Laurent, you lost the race," that he knew the truth. His mind went blank. Holding his head in his hands, Fignon burst into tears—the first time he had cried since he was a child.

For LeMond, well, you can imagine. After pumping his fist in the air a few times, he was in shock. He wanted to find Kathy. Then he wanted to find his father, Bob. Those were the two people who had never lost faith in him. He wanted to remember this moment exactly as it was, always.

On the victory platform, looking out across the sea of faces and awaiting the playing of The Star-Spangled Banner, he thought back on the events of the last two years with a sort of wonder. "I kept thinking about how I almost quit two months ago, and what a good thing it was that I never give up early," he says. "That's what it taught me. Never give up early. The last two years have really reinforced that."

In September, as a magical postscript to his comeback year, LeMond won for the second time the professional road race at the world championships, in Chambéry, France. He thus becomes only the fourth cyclist to win the worlds and the Tour de France in the same year. His foil, again, was poor Fignon, whom he chased down three times in the last 2½ miles of the 163-mile race.

It was another magnificent performance by this country's greatest cyclist, especially so because the winner of the Tour de France is always a marked man at the worlds. But it did not qualify as a shocker. Not after what happened in July. Notice had already been served. With his prime competitive years now upon him, Greg LeMond, Sportsman of the Year, is back on top of the heap.●

DANIEL DUTTON

● Mr. McCONNELL. Mr. President, I would like to bring to the attention of my colleagues a recent article in the Louisville Courier Journal that acknowledges the vision, creativity and contributions a fellow Kentuckian of mine has made to the art world.

Daniel Dutton is truly a gifted individual. His genius lies in his ability to interpret his thoughts and ideas onto either canvas or clay. His mastery of these two concentrations within the artistic genre have served as the catalysts to realizing his long-term desire of becoming a successful composer.

The Courier Journal points out that it was during a painful period in his life where his success as a painter and sculptor seemed shallow because creating works that sold immediately was becoming too easy. The answer to Mr. Dutton's dissatisfaction with his work was found in a dream. After experiencing this very vivid unconscious fantasy Daniel Dutton found a story line intriguing enough to serve as the foundation for a full length opera.

As mentioned in the Courier Journal, Dutton's 1987 dream solved his problem, and "Stone Man" has been pretty much a full-time obsession ever since. In addition to composing the score, he has made more than 500 drawings to serve as scenic and costume designs. Daniel Dutton's all-around contribution to the success of his opera and the many hours of work such success demands illustrates the devotion this gifted individual is willing to make so that his story can be shared and appreciated by the general public.

I commend Daniel Dutton for his contributions to the art world and I encourage my colleagues to read the Louisville Courier Journal article which I am inserting into the RECORD at this time.

The article follows:

FOR DANIEL DUTTON, "STONE MAN" IS TRULY CULMINATION OF A DREAM

(By William Mootz)

Daniel Dutton vividly recalls a dream he had in 1987, during a particularly painful period in his life. His success as a painter and sculptor seemed hollow because creating works that sold immediately was becoming too easy. At the same time, a long-time love affair was falling apart.

Then, at what he now calls the bleakest period of his life, came a dream that seemed prophetic in the way it symbolized his despair. Impressions distilled from that dream became the basis for "The Stone Man," an opera that the Kentucky Opera will present beginning Saturday at the Kentucky Center for the Arts.

The dream that inspired "The Stone Man" was a "real humdinger," Dutton says, and the way he speaks of it leaves little room for doubt. As it began, he saw a tomb in which acolytes were wrapping a body.

"I realized the sleeping body was me—that everything happening in the dream was happening to me," Dutton says.

The dreamscape then changed, and Dutton found himself climbing a hill on his family's farm near Somerset, Ky.

"Sunlight was drifting through leafy trees, just like the way I had portrayed it hundreds of times in my paintings."

When he reached the top of the hill, he found himself in a family graveyard where relatives both living and dead were gazing peacefully across the hills.

Then, across a field, appeared "a malevolent hag. I felt compelled to follow her. I knew she was taking me to show me something from my past. Suddenly we stood in the doorway of an old mill, and I started to hear music."

At this point, Dutton says, he began to panic: "I knew the music would become part of my opera, and that I had to remember it."

But the dream continued as two figures came into the mill. One was a man, made entirely of black basalt. The other, a woman, was a tart, and the two of them seemed locked in an unending journey, during which they had to return to the mill over and over again.

"The stone man represented perfect beauty, the woman wantonness," Dutton says. "I knew I had to do something to release them."

His dream then grew even more dense in symbols, involving hidden gold that burst into flames, violent crimes, the man of stone changing into an ordinary human with a bloodied head, and Dutton picking up a gun to commit murder. At this point he awoke; he immediately began to write down incidents and fragments of melodies that he would later use in his opera.

For Dutton, each incident in the dream had significance. His dream dilemma became a symbol of the impotence he felt in his waking life. By using it to create an opera that asks questions about violence in the contemporary world and a painter's responsibility to create objects of perfection, Dutton felt purged of pain and restored to equilibrium as a creative artist.

Dutton is fascinated by dreams and their relationship to a person's waking life. He keeps a journal of his dreams and works to control them, just as he tries to control his actions in his waking life. He calls this "lucid dreaming."

"Dreams are grist for my mill," he says. "They provide clues for what I do as a creative person. The struggle to gain technical control of his tools is one of the artist's hardest jobs."

Nothing from the dream that inspired "The Stone Man" is brought to literal life in the opera. Instead, the libretto deals with a Dreamer, who is "a vessel of imagination," as he wanders through a series of 31 scenes in search of knowledge.

"I wish I didn't have to cast the Dreamer as a single gender," Dutton says. "It really isn't fair. But I had to because of vocal considerations, so the role is sung by a kind of high baritone."

Dutton was born 30 years ago on the family farm where he still lives. He was the youngest of six children—"much the youngest"—with the result that his older sisters taught him to read long before he started school. He lived a charmed childhood as a pampered, multitalented, adored sibling.

He was a "reluctant student who wanted to create my own agenda" throughout his teen-age years because he had already read most of what his teachers assigned him. But he got good grades until he graduated from Pulaski County High School, at which time he gave up thoughts of higher education. He preferred to pursue a personal, "voracious" reading program that included the study of folk myths and religions of different civilizations.

Dutton especially enjoys comparative mythology—tracing a folk tale as it takes various forms in cultures based from Northern Europe to South Africa.

"It's fascinating trying to decide why a certain story lasts, and whether it still has something to say," he says.

Although Dutton was supporting himself as a painter and sculptor by the time he was 20 with galleries in Kentucky and Southern Ohio showing his work, his ambition to be a composer had begun to develop when he fell under the spell of Igor Stravinsky in his early teens.

"The first piece of classical music I ever heard was the 'The Rite of Spring.' I begged my parents to buy me a piano, so I could study it, and the first thing I every played was the opening chord of 'The Dance of the Adolescents.' "

His introduction to opera was equally unconventional. Instead of becoming enamored of "Madame Butterfly" or "Carmen," the starting point for most opera buffs, his first opera was Debussy's "Pellas and Melisande," admired by connoisseurs but never enthusiastically embraced by the general opera-going public.

"I loved 'Pelleas' and knew when I heard it that I would write an opera someday," Dutton says. "But I never heard a note of Verdi until the Kentucky Opera gave 'Falstaff' last year. If hearing a great work like 'Falstaff' doesn't rob you of a determination to write an opera, nothing will."

Dutton's trouble was finding a story "that pushed me hard enough to begin. For a while I considered Poe's 'The Fall of the House of Usher' but gave it up because its mood seemed too monotonous. I finally decided just to wait for an idea strong enough to move me. When that happens, I thought, I'll make it into an opera."

Dutton's 1987 dream solved his problem, and "Stone Man" has been pretty much a full-time obsession ever since. In addition to composing the score, he has made more than 500 drawings to serve as scenic and costume designs.

While admitting that composing an opera is an enormously complex undertaking, Dutton seems undaunted by his lack of a formal musical education. He speaks of musical motives—"there are more motives in this opera than I count"—and claims that every aria derives from a single melodic cell that he also used as "musical building blocks."

This is not the language of a "typical hillbilly who reads music only laboriously" as Dutton describes himself. A listener gradually learns that such self-deprecating humor often masks an intense seriousness about himself and his role as an artist who knows he has something to say.

"I'm a regionalist, but I'm not an isolationist," he says. "There are folk influences in my music, but my opera is not a folk pastiche. There are other influences: a bit of Mozart here, a memory of Beethoven there. It's like making a quilt. You take all these musical pieces and make new patterns to give your work special emotional impact."

Orchestration was a special problem. "I hear orchestral sound as color, the way I use color as a painter. I finally settled for 14 instruments—winds, strings, piano and percussion, although if I had unlimited resources, I would have made it larger and more conventional."

As if to avoid giving the impression that he takes himself too seriously, he tells about a spectator who sat for hours in front of a mixed-media exhibit erected by Dutton at the J.B. Speed Art Museum. It featured wildlife gathered around a rippling stream.

Dutton's curiosity about the man's interest in his exhibit finally got the best of him, and he introduced himself to ask what the man thought.

"You should market this for stress," the man said.

"So I did. And I called it an opera."

Dutton then shifts gears to speak movingly of people who have exerted a powerful influence on his career—balladeer Jean Ritchie and the songs she taught him; his father, Joe, and the yarns he spins.

"My father says that ghosts can't harm you, but they can cause you to harm yourself," Dutton says. "I used this in my opera, when a Parisian chanteuse sings about an unhappy love affair. She questions whether the memory is a ghost that is hurting her."

"The Stone Man," according to Dutton, "runs about 85 minutes and is a hard work to explain but an easy work to experience. It's very romantic and melodic. I just hope people will be drawn in by its spell and trust it enough to let up their guard and enjoy."

Dutton is aware that the Kentucky Opera is taking a gamble in producing an opera by a composer of such limited experience. When he took his idea to general director Thomson Smillie, "I think he was impressed by my spunk. I have a high amount of respect for the tolerance shown me in creating this work. And I don't think calling me 'self-educated' has much meaning. That doesn't take into account the enormous number of people who have demonstrated faith in me by giving me information, or the countless artists and authors whose works I've read and plundered."

Dutton hopes to write more operas, because "opera is storytelling with all the stops pulled out. But there's a question of whether I'll be asked. And then, if I am, whether I'll have another fit like the one that brought on 'Stone Man.' "

"Composing an opera is hard work, so the muses may have a hard time tricking me into doing it again. Although, to be perfectly honest, I already have a couple of ideas that seem promising."●

BRONKO NAGURSKI: FOOTBALL'S TRUE LEGEND

● Mr. DURENBERGER. Mr. President, on January 7, 1990, the sports world lost football's true legend, Bronko Nagurski.

At 6 feet 2 inches tall and weighing 235 pounds, Bronko combined speed, power, and ruggedness on both sides of the line of scrimmage. Famed sportswriter, Grantland Rice, called him the best all-around football player he had ever seen, and in 1963, Bronko was named a charter member of the Pro Football Hall of Fame.

Born in Rainy River, Ontario, Canada, in 1908, Bronko moved to International Falls, MN, 3 years later. Because his given name, Bronislau, was difficult to pronounce by a school teacher, he was nicknamed Bronko.

Bronko won All-America recognition playing football for the University of Minnesota from 1927 to 1929. In 1929, he became the only football player in history to be honored as an All-American at two positions, defensive tackle and fullback, in a single season. After his college days, Bronko was signed by George Halas and joined the Chicago Bears for $5,000 per year.

While with the Bears, Bronko helped them win NFL championships in 1932 and 1933 and was voted All-Pro three times. While Bronko's teammate, Red Grange, was known for his speed and ability to run around players, Bronko was known for running over players. When his $6,000 salary request for the 1938 season was refused, Bronko retired and became a professional wrestler. Bronko returned to football for one more season and helped the Chicago Bears with another championship in 1943.

His career is full of legendary exploits and stories. In one of the most famous Bronko stories, he scored a touchdown against the Redskins on a play that began when he ran through

the center of the line, sending two linebackers flying, ran over a safety, knocked down the goalpost and stopped only when he smashed into a brick wall beyond the endzone. When later asked about the run, Bronko responded "that last guy hit me awfully hard."

Bronko retired to International Falls to operate a gas station and raise six children with his wife, Eileen. It is said that he got a lot of return business because no one could remove the gas caps after Bronko screwed them in. Although his arthritic joints gave him much pain, Bronko would not leave International Falls and the fishing that he could enjoy just outside his home on Rainy Lake.

Bronko Nagurski played football when the sport was young. There were no million-dollar-a-year salaries or product endorsements for players. Football players wore leather helmets with no faceguards, wore little padding and played on offense and defense. Steroids had not been invented. Men played the game of football because they loved the game.

Although Bronko has passed away, his legacy lives on. His jersey No. 72 has been retired at the University of Minnesota, the sports teams in International Falls are named after him, and he is a charter member of the Pro Football Hall of Fame. These events all testify to Bronko's place in American sports history. When one thinks of baseball, one thinks of Babe Ruth. When one thinks of football, one thinks of Bronko Nagurski, a true legend of the game.●

REMARKS OF DR. RICHARD LESHER

● Mr. LUGAR. Mr. President, today I rise to introduce as a part of the RECORD remarks made by Dr. Richard Lesher, president of the U.S. Chamber of Commerce, to students at the Prague School of Economics in October of last year. I urge all of my colleagues to read the address which Dick Lesher gave and his dialog with the students which followed.

Dick Lesher has spent his career, both as a professor and in his association with the chamber for the past 15 years, espousing the benefits of the free enterprise system. Under his leadership, the U.S. Chamber of Commerce has grown to be the world's largest, most diverse voluntary organization. The chamber works tirelessly to encourage all nations to participate in free and open trade, and to provide economic and political freedom for all.

Dick accepted the invitation to speak to students at the Prague School of Economics with great enthusiasm. It gave him a unique opportunity to express the chamber's interest, and indeed his own personal interest, in spreading democracy and free enterprise throughout the world. Dick made compelling arguments for the achievement of a strong economy through free enterprise. I found the questions asked by the students after the address to be particularly enlightening, as they reflect an apparent thirst for knowledge about how the United States achieves all that it does in the competitive world marketplace.

I commend Dick Lesher and the chamber of commerce for their efforts in working toward peace through prosperity. Dick Lesher's remarks are an important reflection of these efforts.

The material follows:

LECTURE AND QUESTION AND ANSWER SESSION OF DR. RICHARD L. LESHER AT THE PRAGUE SCHOOL OF ECONOMICS

[Introduction in foreign language.]

[Applause.]

Dr. LESHER. Dubre den [phonetic].

[Applause.]

That is the extent of my facility with your language.

I thank you so very much for your warm, warm welcome and for your enthusiasm. Please feel free, those of you who do not speak English as well as you would like, to whisper with your neighbor and let them help you out as I go along. Today it is okay to speak up in class to your neighbor even though on other days it is not acceptable.

I am indeed very much honored by your presence. I have been looking forward to this moment with great anticipation. In your country I have had a very outstanding program. We just came from a meeting with the Secretary of the Central Committee. And we will have meetings with other distinguished people like that all day long.

But I want you to know that I put this meeting at the top of my list of priorities, because at heart I am a professor and I like to be with young people. Because the future of Czechoslovakia is in your hands. I do not want you to take that responsibility lightly.

And I come to you not with a lot of answers but with a lot of questions, questions which I raise, and questions which you should be raising.

I have the good fortune to be in my position for almost 15 years. And in that 15 years I have traveled to all corners of the world. I have been in more than 60 countries in that 15-year period. I have been in all of the states of the United States, most of them many times. And some of the countries I have been in many, many times.

But I am convinced that the problems and the opportunities of economic progress and human progress are the same in all corners of the world. So I want to convey to you and share with you some of the conclusions that I have arrived at. And most importantly, I want to spend as much time at the end with your questions.

But let me begin with some reference to history, to economic history, which might be new to you even though you are all scholars of economics and business. The Dean, by the way, told me that there are 10,000 students here at the University studying. And I asked him how many are here who are not studying? And he was not able to answer me. But he said a few.

But at any rate, let's begin with a brief moment on economic history of the world. The London Economist some time ago published some numbers which interested me, which pointed out that mankind has lived in poverty throughout history. It pointed out that at the time Christ walked on earth, income per capita worldwide was $200 per person per year, income per capita worldwide 2000 years ago was $200 per year.

Nearly 1800 years later when America was founded, the centuries had come and gone, families had come and gone, generations had come and gone, and one thing had not changed. Income per capita worldwide was still $200 per person per year.

And the conditions in early America were worse than the conditions anywhere else. It was a colony. It was a frontier. And many of our founding fathers did not survive the bitter winters, the food shortages, and the like.

But in the later part of the Eighteenth Century, we put together a new experiment in human progress, something called the United States of America, based upon some new ideas, some noble ideas. And in the process we generated a machine which created wealth and lifted mankind out of poverty for the first time in history.

And some of the basic principles of our Constitution I would like to share with you today, because I believe that those principles are crucial for unleashing the potential of man and woman to reach their full economic potential.

First of all, our Constitution guarantees a government of the people, by the people, and for the people. It became one of the rallying cries, one of the things that the young people adopted most vigorously in Mainland China. But our government, our Constitution, attempted to limit the role of government and to extol the virtues of the individual. And I suggest to you that that is very important for all countries.

A second thing that our constitution did was to prevent tariff and non-tariff barriers among the states. At the time of the colonies we had trade barriers between the colonies. And as a result, we didn't have much trade between the colonies. The Constitution outlawed tariff and non-tariff barriers and made America at once a free trade organization and created the world's first common market, as all of our states traded without barriers. That was one of the key things that made our economy so strong over the years.

A third basic foundation of our Constitution is the right to hold debt.

A system of private enterprise based upon private property and using the profit to turn the system on, a guarantee that you have the opportunity to compete but not a guarantee that you will be successful, a system of risk and return, a system of profit and loss, a system which encourages individuals to succeed if they are willing to put forth the effort to do so, and finally, the right to retain the fruits of those efforts. In short, the American dream was born, the dream that someone born into poverty could become rich. Someone born into a family that was uneducated could became a Ph.D. or professor, a system that guaranteed that a person with ability could enter a field that needed such abilities.

And over the course of a relatively short span of 200 years from the time of our Constitution in 1976, in the short period of 200 years after living in poverty for 2,000 years, we saw income per capita go from $200 per person per year to more than $18,000 per person per year. We saw a frontier nation turned into the largest market in the world, the largest industrial machine, with the highest standard of living. We saw America become a leader in science and technology and management and research and develop-

ment. We saw a country that broke the frontiers of space, interplanetary research.

And most of all, we saw a country willing to share its ideas, its notions, its trade, its investment with friends all over the world. And many countries have copied that system. In fact, some countries copied it too well. Japan and Korea and the newly-industrialized nations in Southeast Asia have indeed copied our system very well and improved upon it. And they too are doing very well.

Today we live in one world, a world of competition in all corners of the globe. And America is still a world leader even though many other countries have begun to catch up, Japan and Korea and the countries of Western Europe. Nevertheless we are continuing to grow year after year.

We now have 14 million business firms in America. We have 136 million full-time jobs. We have seen the creation of 20 million new jobs in the last seven years. We still do have the largest economy, the highest productivity. And we are the largest exporter as well as the largest importer.

And the principles of our Constitution are still operational. It is still easy to start a business. If you have an idea, if you have a dream, you can be in business overnight. And in the last three years, there have been 2 million new business firms. Think if that, 2 million new companies formed in America in the last three years.

Now, you read in the popular press that America is going out of the manufacturing business. But the popular press is often wrong and misleading. We have 50,000 new manufacturing companies in the last ten years. Individual incentives still work. People do start businesses. Some of them go bankrupt, and others become millionaires virtually overnight. The policies that were put into our Constitution are still serving us very well.

The organization that I represent, the United States Chamber of Commerce, celebrated its 75th anniversay two years ago. And as part of that process, we went back and looked at what are some of the problems, what were some of the problems, that troubled American business back at the beginning of this century. And it was very interesting to see what those problems were.

Number one, the over-taxation of business and individuals. Number two, the overspending by the government. Number three, the over-regulation of business by government. And number four, the competition for trade in all corners of the world. Those are still the four most important issues facing us in the 1980s. They are the same issues that face Czechoslovakia. They are the same issues that face all countries of the world, because we do live in an interdependent world.

In the spring of last year, President Ronald Reagan addressed our membership for the last time as President. And he recounted the history of his eight years as President. The so-called Reagan Revolution was a revolution that came about in 1980 because the American people were ready for a new revolution. Taxes and spending had become too high and our economy was bogging down.

So in his speech President Reagan was reciting his success at reducing taxes and reducing regulation and opening up trade even further with all corners of the world. And he told us that the Reagan Revolution was successful only because the American business community was behind it. And he paid tribute to our Chamber membership for bringing about the changes in public policy that caused economic growth to begin rising very rapidly once more.

And I think there is a lesson there for all people who believe in free enterprise, that they must understand free enterprise, and they must speak up for it. And President Reagan reminded us that even though we have success in the eighties, that we must always be ready to continue to fight, to continue the debate because taxes have a tendency to go up, government spending is always on the rise, government regulations, there is always one more bureaucrat willing to throw one more regulation in the way of economic progress.

One of our founding fathers had told us to beware of that problem. Thomas Jefferson told us that it is the natural order of things for governments to grow and for liberty to yield. Think about that. It is the natural order of things for government to grow and for liberty to yield.

Well, today we live in a very, very exciting world that you folks will be entering into when you finish your studies. We live in a marvelous age of progress. One country after another is discovering that big government is not the answer for economic progress.

They are turning to market forces, they are turning to market economics, and they are turning to a reliance on individual incentives, individual initiative in order to get their economies growing. They are turning away from big government, government spending and government regulation.

And the result is nothing short of miraculous. In one country after another, we are seeing economic progress that is dramatic and real, the first such progress in many, many years for some of those countries, as they turn away from government programs and turn toward market solutions.

Nine years ago I had the opportunity to lecture in Beijing for the first time in the Great Hall of the People, Mainland China. The Vice Premiere of China was my host. And he opened the meeting by saying China is poor and America is rich, and you must help us.

And I said, no, China is not poor. China is rich. You kept your oil in the ground until the price went up. Everyone there laughed. They understood my joke. But I made that joke to make a point.

I went on to say how is it that such a great nation as China, which has oil in the ground, coal in the ground, natural gas, minerals, a climate, an infrastructure, and one billion people, one billion people with one of the greatest heritages of invention and innovation, how is it that such a great nation lives in poverty? There must be something wrong with the system.

I went on to make the point, I said how is it that such great people live in poverty in such a great country with so many resources, but if they are pushed off the continent into a place called Taiwan, which used to be called Formosa, with no natural resources, no coal, no gas, no oil, how is it that in such a desolate place those same people could create a gross natural product per capita 14 times greater than those people on the Mainland?

How is it that the same people when they go to Singapore can create a gross national product 25 times that of the Mainland? Or if they go to Hong Kong, which is essentially a Chinese colony, they can create wealth 26 times the wealth on the Mainland? The same people, so there must be something to the said about the system.

It is instructive to look around the world. There are many such examples. I will just share a few more with you, just to make the point and raise the question, why is it that the gross national product per capita in South Korea is more than three times that of North Korea? The same people, the same peninsula, the same climate, the same resources.

How is it that the West Germans——

[Laughter.]

This is a very good group. They are ahead of me.

How is it that the West German gross national product per capita is more than five times greater than the gross national product per capita in East Germany? Why is it that the gross national product in Austria is five times greater than that of Hungary? Or you could go on to ask why is it fifteen times greater in America than it is in the Soviet Union?

Now, this is an interesting period in history when we are all allowed to raise such questions and pose our own answers. My answer is a very simple answer, that we have a system in America where we have mobile capital, mobile labor, and incentives for both capital and labor to advance human progress through an economic, political and social system which is based upon individual initiative, incentive, freedom, and opportunity.

It does not take much more than that: incentive, initiative, freedom, and opportunity. Those are the key elements for economic success. Mobility of capital and labor, incentives, private property rights, and the market determining the allocation of resources, supply and demand conditions arrive at a price and a price allocates those resources better than some bureaucratic planning machine can do. A system of profit and loss with no guarantee of success, that is our notion, that is our idea that we wanted to share with you.

Czechoslovakia can be proud that the gross national product per capita today in this country is 16 percent higher than it is in East Germany and two and a half times greater than the Soviet Union. But are you going to be satisfied that gross national product in this country is only one third of what it is in Austria, one fourth of what it is in West Germany, or 20 percent of what it is in Japan?

Those of you who have studied your national heritage, your national history, know full well that there was a time when Czechoslovakia was number one in many fields. The middle of the last century——

[Applause.]

No, wait, wait. I didn't mean it that way. That was one of the times. But you ought to all be very, very proud that in the middle of the last century the entire world was benefitting from management policies, labor policies, and technology which were flowing from your country. And that progress continued into this century. You have a proud history, a proud heritage, an inventive people who understand the processes of innovation and technology.

And there wasn't a long, long time when you lead the world. But recently your unmet human needs, the list of unmet needs, is growing longer. I don't need to recite all of them for you. The infrastructure, the need for sewers and water purification, mass transit, highways, communications, the whole challenge of the environment, cleaning up the environment, the air, the water pollution, the demands for new energy sources, the demands by the con-

sumer for a wider variety of high-quality products at a low price.

Your economic system has some problems with currency, with foreign exchange, with capital shortages. But where we come from we believe very strongly that problems are there to be solved. And you have the capability of solving these problems.

As I've said, you have an inventive history. You have a prime location. You have a great climate. You have a good education system with a good work force, well educated.

But today your country stands at a crossroads. The great debate is going on of which road to take.

We in the West are a little bit confused about exactly which road you are going to take. So I came to see for myself. And I'm not sure that I have all the answers yet. But let me just give you a little example of how that decision is being played in the press.

Last month on September 12—this paragraph I took from the Washington Post—Poland and Hungary have adopted free market incentives and have taken steps forward toward multi-party democracy as part of an effort to invigorate their societies, while East Germany, Rumania, Bulgaria, and Czechoslovakia have staunchly resisted such pressures to make such moves.

Only one month later the exact opposite report was contained in the Washington Post. And it went to the extent that your foreign minister, Mr. Johannes, said that your country will implement deep-rooted changes aimed at democratization and economic stability, a deeply democratic political system, and private enterprise.

If that statement is correct, we will be the first to applaud and say congratulations. And you people, young people, you have a role and a responsibility to help make that happen. The future belongs to the young people. And you must take those responsibilities very carefully.

Today the world is changing, more dramatically perhaps than at any time in history. We are seeing dramatic changes, not just in Poland and Hungary. But the Soviet Union is undergoing changes today that were totally unthinkable five years ago. The United States and Japan, virtually all of Latin America, are all constantly reevaluating public policies to see how we can improve, how we can make our system better.

Western Europe is working everyday on EC 1992, their notion that by 1992, Western Europe will become one large market. When it does, if it does, it becomes the world's largest market overnight, the largest importer and the largest exporter. They are trying to drop their trade barriers among themselves to encourage trade and investment.

So all over the world change is taking place. And the most popular word on earth is competitiveness. What does it take to become competitive? What does it take to become competitive in this rapidly-changing world of ours?

We do indeed live in our global village, spacecraft earth, one world, one world which is indeed competitive. The only thing that we can count on for sure is that we will have more change, technological change. And the lessons of history are being reduced to a handful of principles. One government after another is working very hard to reduce taxes, to reduce spending, to reduce regulations and to privatize, to put into private hands the tools of economic production.

A few weeks ago I met with President Menhem of Argentina. They experienced inflation of 192 in one month this year, in July. Today their inflation rate is down to six percent per month. And next year they expect an annual rate of inflation under 16 percent for the entire year. That is a small economic miracle, because they are doing everything at once.

Two months ago I was in Mexico, met with President Salinas. It is the same story there, an economy that had been an economic disaster for a long, long time, a country that had been nationalizing one industry after another up until just a few short years ago. They are now privatizing everything as fast as they can, reducing taxes, reducing spending, privatizing, and reducing regulations in order to attract foreign capital to build their future.

In the Soviet Union, which until three or four years ago didn't like the idea of capital coming from the West, they are now signing joint ventures with Western companies daily to build their economic future. And all of this is wrapped up in these new words of glasnost and perestroika, a time when we can stop, when we can examine our history and the future as we see it, and we can work to influence that future is a measured, intelligent way.

That process is going on all over the world, including Czechoslovakia. And you have taken the first steps. You have a new investment law. It remains to be seen how the regulations will be published, what that investment law will mean to everyone. You have the beginning of decentralization of decision making. You have new banking regulations, and you have a lot of other efforts in the mill being developed.

But there is so much more work to be done. It is not good enough any more to be as good as your neighbor or slightly better. Capital moves throughout the world instantly. We know that every day from the news. The New York Stock Exchange fell 190 points on Friday and sent quivers around the world to the Tokyo Exchange, the London Exchange, and so on. Capital moves rapidly, as does communications. And people move just as quickly.

In my opinion, no issues are more important than these. You must deal with the current convertability. You must deal with price reform. You must deal with private ownership and incentives and profits.

Your government has pledged to lead the way. Your government needs support, enthusiastic support, to move in the direction of these reforms. I speak not only of economic reforms, but I think I speak of political reforms as well.

Your government has said that these reforms will take place in a very careful and a very measured way. I think that that is reasonable and wise. But I would add a note of caution, that the day is late and the hour is late, and it is time to begin to do more.

Delay of these decisions will not make the decisions any easier. And the lead that other countries have, that I spoke of earlier, gets bigger every day. It is your future. You and your friends and your families in all corners of this great land, I suggest that you give a lot of attention and a lot of thought to how you might help that process along.

In America we stand ready to assist. We will be entertaining a trade and investment mission in Washington next month, which will come from Czechoslovakia and discuss trade and investment opportunities. We have been discussing a lot of ways that we can cooperate, everything from seminars to space bridges, discussion via satellite, and so forth.

We want this new era to succeed in Czechoslovakia, in the Soviet Union, in China, and all over the world.

Let me try to summarize so that we can get on to the questions and answers. In our country, we now have the longest expansion of our economy in our history, 83 months of uninterrupted economic growth, unemployment the lowest that it has been in many, many years, inflation low. And best of all, our economic outlook is that our economy will continue to grow for the indefinite future.

That is good and it is probably good for most of our trading partners, because we do still have a lot of influence on the world economy because economy is so large. But based upon the progress of the last 20 years, it is easy to predict that the next 10 years will be the most productive period of economic growth in all of history. All of the forces are in place to make that a very safe prediction, the technology, the labor, and the capital are all there moving in the direction of even more promising growth.

So we're at the dawn of a new era in human history. Throughout most of history, mankind has lived under the shadow of two overriding fears, the fear of poverty and the fear of war. I would suggest to you that we've done more worldwide in the last ten years to bring down and to reduce those fears than anytime since the dawn of history. And we can predict with a high degree of certainty that the competition in the future will stand up well throughout that period.

We believe very strongly that this country has the potential to compete with anyone if the right policies are put into place and the right decisions are made here at this key decision point in history.

The American business community, the United States Chamber of Commerce, and our government all care, we do indeed care, about the future of Czechoslovakia. We want you to succeed. We want human progress through economic progress for all of the people of the world.

The 21st Century, we can be sure, will be exciting, will be full of challenge, full of change, and indeed will have the greatest prosperity that we have ever seen in all of history. But the prosperity will be for those who prepare for it and produce it. It has always been the same.

You young folks as you prepare for your careers, which will stretch well into the 21st Century, you should be excited about that future as we gaze into it. It's going to be very exciting and it's only ten years away. We hope that you individually, your institutions, and your country, will be poised to take advantage of those opportunities in the 21st Century.

Thank you very much. And I will be glad to try to answer any of your questions. [Applause.]

MODERATOR. Thank you, Dr. Lesher. Thank you very much for a very interesting lecture. And now for questions, it is the time for you, the students. If you have questions, you can put them all in Czech language or the English language. Dr. Lesher will be glad to answer them.

Dr. LESHER. I have a little more difficulty answering them if they are not in English. I hope you understand that. [Laughter.]

Yes, sir.

QUESTION. [Inaudible].

Dr. LESHER. I'll repeat that question if you didn't hear it. Could I tell some of the results of the negotiation with our government.

We weren't really negotiating with your government per se. We were discussing opportunities, some of which I talked about in my remarks. But with the Czechoslovakian Chamber of Commerce and Industry we do have concrete results.

We will be helping on the trade and investment conference that is coming up next month in Washington. We are planning ahead for the next meeting of the Czechoslovakian-U.S. Business Council. We have agreed to share a lot of information on economics.

We in the United States Chamber of Commerce operate a very large communications operation with a very large business magazine, which is going to, in the future hopefully, do a major story on the economic opportunities that are here.

We also operate a very large television studio. We produce regular, daily programming. And some of that programming is available via satellite all over the world. And we are trying to encourage the use of that program to bring it down and to use it here. It is a business and economics news show with emphasis on markets in all corners of the world, emphasis on management, emphasis on economics. And so that is something else that we are talking about.

And finally, we are also talking about doing seminars via satellite where we could open the telephones and have a discussion on some of the major economic issues of our time. Hopefully, we will be doing the latter experiment some time early next year and seeing if that is a useful thing to do, where we would have a panel of economists to look at currency problems, monetary problems, and issues of that kind.

So we discussed a wide variety of potential activities.

Dr. LESHER. Way up in the back.

QUESTION. You say governments can't always do the right thing. Do you mean our government or yours?

Dr. LESHER. Do I have to tell you? Do I have to answer that?

I speak only of my government. They can't plan anything right. And so we oppose our government any time they want to plan anything. We believe the market is imperfect, but it is still the best economic planner the world has every seen.

We let the consumers do the planning with their money. If something is in short supply and large demand, the price goes up. And more entrepreneurs come in and meet that demand, the price goes back down. That is planning.

You might be surprised to know that the number one responsibility of the United States Chamber of Commerce is to lobby our government. We lobby the Congress, we lobby the White House. And we are always trying to get them to move closer to the markets and away from government decision making and government planning and government activities. That is our viewpoint.

Yes, sir.

QUESTION. Mr. President, do you personally believe in perestroika?

QUESTION. Especially for Czechoslovakia?

Dr. LESHER. For those of you in the back of the room who didn't hear the question, the question is do I personally believe in perestroika. And then somebody added on especially for Czechoslovakia.

And the answer is yes in both cases. The question is not whether perestroika and glasnost are real. They are real. The question is what will be the end result, which roads will be taken, which decisions will be made? There are economic necessities that have brought about perestroika.

In our country we have the great debate about Star Wars, if I could just disgress for a second. Ronald Reagan proposed Star Wars. You know, it is a very expensive, high tech, where you could see incoming missiles and take them out of the sky with a big blanket of defense and so forth. And all the people who debated that never fully understood or appreciated that the economics of Star Wars are far more important than the technology, whether it was technologically feasible or not.

It was very clear that it was going to be very, very expensive to undertake that. It was also very clear that the Soviet Union was not going to be able to afford one more huge layer of military expenditure.

So perestroika was inevitable. Change is inevitable. So the question is not whether it's real; the question is where does it come out, and what are the final decisions?

Next question. Yes, sir.

QUESTION. [Inaudible] in the near future?

Dr. LESHER. The question is do I think that Czechoslovakia will be granted most favored nation status in the near future. The short answer is yes.

For those of you who are not familiar with it, most favored nation, or MFN as we call it, is the granting of normalized trade relations between countries. And that has just been extended, as you probably know, to Hungary and to Poland. The likelihood is that it will be extended to the Soviet Union by our Congress sometime within the next year. And I expect that soon after that it will be extended to a number of other countries in Eastern Europe.

I think again, perestroika is real, glasnost is real. There are lots of things taking place, including the change of immigration. The Soviet Union has changed dramatically, as other countries are doing as well. Each country must make its own set of decisions based upon the conditions that exist in that country. But those decisions are waiting to be made, and the time grows short.

Other questions? Yes, sir.

QUESTION. You spoke very much about the American dream, about the possibility of somebody that does not have big means to come up. Do you really believe in that? For example, somebody from a poor family in the States can achieve—can become rich as easily as somebody that comes from a very rich family or a very prosperous family?

Dr. LESHER. The question for those of you in the back of the room, I spoke very much of the American dream that a person from a poor family can come up through the ranks and become successful, rich, or whatever.

I believe that with all my heart. It happens every day in America. And I stand before you as probably a very good example. My father did not finish grammar school. My father did not finish eight years of schooling. And he was an ordinary working person. And I was able to go through and earn three degrees. I worked my way through. I worked full time, I went to school full time for three degrees.

But that kind of story in America is commonplace. People from any walk of life can achieve their dreams with hard work. It does take hard work, sorry to tell you that part, just like it takes hard work to study and to become the tops in the class. But effort, initiative are rewarded in our system every day.

QUESTION. But doesn't someone from a rich family have a better chance?

Dr. LESHER. Yes. I think you could probably get into a legitimate debate. The opportunity obviously, if someone is already rich, they might instead of going to public school, they might go to an expensive preparatory school. But I've always had the notion that that probably is a handicap.

Public schools—I'm the product of state universities, which are publicly and privately supported, rather than the private schools. We have a mixture in our country, a wide variety of literally thousands of universities to choose among. And anyone who wants a college degree, an advanced degree, can get them if they're willing to work hard. I have to come back to that.

Way up in the corner.

QUESTION. [Inaudible] is it possible to use your system of financial management [inaudible]?

Dr. LESHER. Let me repeat that to make sure that I heard all of it. You'd like to know my opinion, whether or not it's possible to use our system of financial management in your country?

Not completely our system under your present form of government and your controls on equity and so forth. I believe that that's a critical decision that must be made.

I was in Budapest two years ago, and I was astounded when they told me that they expect to be operating a full-fledged stock market in Hungary within five years. I visited with many Hungarians many times in the last two years, and I have just come from there. And they are well on the way to operating a stock market, selling shares in companies that were previously owned by the government, and beginning to freely trade those shares.

That is our system of the combination of debt capital and equity capital, stocks, bonds, and other bank loans. So we have a wide variety of financial devices that we can choose among. And there is no reason why you could not adopt some parts of that system here if you decided to do so.

But currently that is not exactly the system that you have, as you already know.

Yes.

QUESTION. I do not raise a question, but I would like to use your presence here. I have rarely seen such eager people who are waiting for each one of your words with great interest. I would like to use this presence for something.

You are saying that the reprivatization is one of the forms to change and get better results. Our country has a tradition even before the war. There was a time when our country was much more prosperous. We had state-owned companies, perfect, well-run, example for international economic community. It is not only the ownership that is changing. It is since then the quality of people, you mentioned it, system and quality of people. All these people are waiting. The changes are coming from somewhere. And I agree with them. And I would like to join them in their hopes.

In the meantime, I believe that each one of them must start somewhere. You mentioned the theory that the quality of each individual is decisive. And I want that they know and you confront to them that to get the chance in the States, it is hard work and hard efforts from the students and from the professors. And that our system of rating of students should change, should show who is the good one, who is the best, and who is the worst, as for professors as for students.

And I just wanted to use this opportunity. Thank you very much. [Applause.]

Dr. LESHER. Thank you very much for that statement. I totally agree with that statement. I think it's worth repeating a couple of parts of that.

There are some people who come to America who are not prepared for America. They are not prepared for the competition, for the fast life. Because we do compete. We have an active interest in sports and business. We compete. We thrive on it. We believe in it. But it's not for everyone.

But the good news is that the immigrants, the immigrants who continue to come to America are very, very special people, whether they are Czechs or Chinese or Thais or Mexicans.

We did a study in the U.S. Chamber of Commerce that showed that immigration is much of the life blood and vitality of America, because they are people who are willing to take the risk, to leave home, to go somewhere where they don't know the language, don't have a job, don't have the skills that perhaps are needed in that system, take the chance and go and work. And they go up unbelieveably.

And you asked the question earlier about the American dream. There is considerable evidence to suggest that the American dream works best for new immigrants that don't even have family in our country, rich or poor. These people go to the top because they want the opportunity to succeed based upon their own initiative. It's a marvelous, marvelous story that gets repeated over and over and over.

Some Americans complain about the immigrants because we have so many. And the Congress passes laws to try to limit the number that come in from all over the world. But the world continues to knock down the door and to beat on the door, we want to be there, we want to be part of this.

And they come with the clothes on their back. And within five years, they own the store. But they do it through hard work, hard work, hard work, hard study. Work leads to achievement. And achievement is the greatest satisfaction in life. Whether it is achievement in work, achievement in sports, or achievement in academics, achievement is a reward that no one can take from you.

I believe our system turns on human energies in such a way that it brings out the best in people and causes them to rise to the top. But I believe that all systems can do that in varying degrees. And certainly all systems need it.

So I concur with you completely. It is a very, very good point to make. Thank you.

All the way up in the back.

QUESTION. [Inaudible].

Dr. LESHER. I'll repeat the question, what do I think of the future of the organization of COCOM? Probably limited. It's one of those institutions which probably will change fairly dramatically over the course of the next ten years. I think a lot will depend on a lot of things, not the least of which is what happens with the EC and how does the EC interact with COCOM?

But, again, the one thing that we can be certain of is that there will be change.

I saw another hand over here someplace. Yes, sir.

QUESTION. How long will it take to make our currency converted, or what will it take to make it convertible?

Dr. LESHER. The question is how long will it take or what will it take to make our currency convertible?

Our chief economist is working with the government of Hungary on that same issue. And we're actually talking about the possibility for Hungary developing a whole new currency, which would be backed by a commodity basket, it would be backed by something, like a partial return to the gold standard.

The problem, of course, is that the official rates are irrelevant. And they don't make much sense in terms of market rates. When I gave you numbers where we compared the economies earlier, I was trying to use market rates because you get a very different picture if you use official rates. We all know that the official rates are not the ones that make things happen day in and day out.

To respond to your question what will it take, in essence it will take real value behind the currency, which makes it exchangeable, marketable, around the world. How long will it take? I don't know. Because it relates to all of these other issues as well.

Yes, sir.

QUESTION. [Inaudible] market mechanism for these issues. But I [inaudible] in our socialist economy. So the [inaudible] economic reform. I believe it is possible to [inaudible].

Dr. LESHER. The statement and question is with reference to my belief that incentives in our system work well, that perhaps for this country it is better to try to build upon socialism and build incentives into socialism to get better performance, and it can work here as well.

I would agree that that is possible. But I would say that it has been tried, and it has not worked as well. And it is not something new that is being proposed.

I think in all the countries we talked about earlier that are changing so rapidly, they have tried lots of different ways of making incentives work. And they do indeed work in some places in a socialized environment. But they fail to work in more cases than they do. That's been the experience.

Now, I think everyone in every country has to make their own decisions in that regard. But I think the evidence is overwhelming that the more you rely on markets and private property and private ownership and sharing the profits and the equity, the more likely you are to get success, even in a socialized system.

Yes, sir.

QUESTION. In your speech you have mentioned the European market '92. But the United States together with Canada has signed an agreement to make a free trade zone within ten years. And there are some ideas to include Mexico into this market.

Can you tell us something about this program.

Dr. LESHER. Thank you very much.

The question relates to my starting point of talking about EC '92. But he would like to know about the U.S.-Canada Free Trade Agreement, and the likelihood of including Mexico into a similar agreement as to the one that we've signed with Canada.

The U.S.-Canada Free Trade Agreement will take about eight years to implement. But the idea is to drop all trade and investment barriers between our two countries. The law has been created and ratified in both countries. But it will be difficult, nonetheless, to carry it out. But it is a very, very positive indication of the willingness of both countries to move toward freer markets rather than to move toward protectionism.

I think also it is likely that one day we will have a similar agreement with Mexico. But it won't be within the next two years. But it will probably be within the next five or six.

And the best news of all is that not only are the changes taking place that we've talked about already, but in terms of trade the whole world is moving toward bringing down the barriers to trade where they very well could have moved toward protectionism. I think the more trade we have, the more economic growth we have, and the more wealth creation we have, the higher standard of living. I think it is better for everyone if we work down the barriers to trade.

Yes.

QUESTION. [Inaudible].

Dr. LESHER. The question is what do I think of COMECOM, which is related to the question I spoke on earlier.

I think that the one thing again that we can be sure of is that we are going to see change. Most of the COMECOM are much more concerned about EC '92 than they are about their relationships with each other. And that's not surprising. I mean, Japan wants to know about EC '92. And America is very intensely interested in EC '92.

So I think EC '92 will command a lot more attention. And a lot of the COMECOM countries will be seeking to get bilateral relationships rather than multilateral relationships. It's probably a little bit easier to do so.

QUESTION. You have said that America stands to assist in public [inaudible]. So I would like to ask you if you can specify how the United States, especially the government can—or as far as you can go, but in terms of Czechoslovakia, how you can help Czechoslovakia and how you can overcome certain negatives that are between these two countries.

And [inaudible] in Czechoslovakia, if you can, also tell us how [inaudible] during your visit here.

The question is in two parts. One is how can America help Czechoslovakia. And, two, what are some of our goals during our trip?

Well, there are lots of ways that America can help Czechoslovakia. In our opinion, the single most important way is by encouraging trade and investment. Yes, we do have foreign aid. And, yes, we do give foreign aid around the world. And there are many people in the United States Congress who think only in terms of foreign aid.

We in the business community think that it is far more important to center on trade and investment. Because when a company comes with trade and investment, they come with the infrastructure, they come with training, they come with technology. They come with a whole package which helps make things better over time.

It's like the old Oriental proverb about giving someone a fish, you feed them for a day; teach them to fish, you feed them for a lifetime. We believe that foreign aid is in the first category and trade and investment is in the second category, far more important.

I don't want to go back over on your second question about our goals. I think I've covered that fairly well. We want to share ideas about trade and investment, about markets, and about public policy. And we also are working on a lot of specific things to encourage those end results. And I think we have fairly well covered those. And I don't have a great deal to add.

Other questions. Yes, sir.

QUESTION. [Inaudible].

Dr. LESHER. Mixed. The question is what is our attitude toward EC '92, if I heard you correctly.

Three weeks ago we had a press conference releasing a major document that my staff has prepared to help the American business community really understand everything that's going on in the EC '92.

It is a very, very involved process, industry by industry. And it will be going on for the next several years. So the publication of this major document is the first step. And then we will be publishing a periodical to keep people posted on the changes.

The original fear in the American business community was that EC '92 would become fortress Europe, that they would turn inward and become protectionist. I think we are not so much concerned about that today. It would appear that they are going to reluctantly be opening up in most cases. But that will come as a result of their own deliberations and outside pressure from us and the Japanese and a lot of other people to keep them on that track.

Up here.

QUESTION. Can you tell us what the U.S. expects from Czechoslovakia and do you see any difference between socialism in Sweden and socialism in Czechoslovakia?

Dr. LESHER. Two very, very important questions, but of course, not easy questions to answer.

There are a host of things that—it is not so much what does America expect from Czechoslovakia. If Czechoslovakia does certain things, it will encourage more interaction, more trade, more investment. The more it moves toward markets, the more it moves toward market pricing. Where you have state pricing, you have great difficulties for entering into trade agreements.

Most of Eastern Europe would like to get into the GATT, the General Agreement on Tariffs and Trade. But where you have state pricing, it is very difficult to decide what is subsidized, what is not subsidized, what is a competitive price, what is an unfair price.

So pricing, free markets, mobility of capital and labor, all of those things, the more that we see of the promise that has been made, the better we would expect our relationships to become, a lot of key things there.

With regard to the other question, you're probably in a better position to answer the difference between socialism in Sweden and socialism here. In Sweden, socialism has been held up as the one place where it has really worked. That's what we hear in the West, that's what the journalists say all the time.

Last November, one year ago, they decided it wasn't working so well. They engaged in supply-side tax reductions for the first time because their tax rates had become so high to pay for all these socialized programs, that they were putting down the initiative. And they were actually losing some of their most productive citizens because of the punitive high tax rates.

Because the people go abroad and say I won't go home any more. Even though I love my homeland, I am not going to work and pay 70 or 80 percent of it to the government. The tax rates in Sweden have been as high as 80 percent. So they've lost doctors, scientists, and tennis players, to draw an analogy between the two countries.

Yes, sir.

QUESTION. [Inaudible].

Dr. LESHER. The American Congress—the question is that I didn't mention human rights, and you hope that America will continue to press for human rights.

We will continue to do so. You are quite correct. It is part of our law. And there has been a lot of result. You may not be aware of it, but one of the main concerns of the Congress was the Soviet policy of not allowing the Jewish community to leave Russia. And there was so much in the news when we were arguing that. Now that they are doing it, in huge numbers, it doesn't get in the news.

But those pressures have paid off in that particular instance. And I think that there are some pressures around the world. And we continue to put those pressures on in favor of human rights.

Thank you for that question.

Yes, sir.

QUESTION. [Inaudible].

Dr. LESHER. Dean, you have a very bright group of students here. We keep getting really intelligent questions. And I thank you for that question.

And I'll repeat it for the rest of you. The question is it possible to implement economic reforms without political reforms?

In my opinion, it is possible, but it is not as likely to work unless you do both. The very, very unfortunate situation in Mainland China is a result of trying to do economic reforms in a piecemeal fashion without doing political reforms.

The students in China—it's not even in the newspapers, about some of their problems. They are assigned a major, they are assigned a career when they are very young. They are not allowed to change courses, they are not allowed to change major interest of studies. They have no mobility whatsoever. That was one of the things that the Chinese students were complaining about, and something that could be given to them without a radical reform of their system. But their leaders are unwilling to consider even that small change.

When I was in China in the eighties, I devoted my lecture to that issue. It is important to have mobility of capital and labor in order for free markets to work. So the more that you have of that, the more likely you are for free enterprise to work.

So it is possible to have economic reforms without having political reforms, but it is much better if they go hand in hand. Your government has promised to do both and we would like to see that happen.

Yes, sir.

QUESTION. Do you see Eastern Europe being included in the overall European market?

Dr. LESHER. That Eastern Europe will be included into that overall market, we are optimists. We believe that the rest of the world will encourage the EC to open up to the rest of the world. We think that will happen. We are very confident that they will participate with America because they don't want to lose our market. They don't want to have us engage in retaliation, as we've already done on a couple of occasions when they've tested us.

QUESTION. Mr. President, you have said when countries do not have open societies it could be the fault of the system, the leaders or the people?

Dr. LESHER. The leaders, the system, or the people.

QUESTION. Which one is it in Czechoslovakia?

Dr. LESHER. I have told you over and over and over how highly I prize the Czechoslovakian people. [Applause.]

QUESTION. How can this be improved?

Dr. LESHER. Change, change is happening in Poland because the people want change. Change is happening in Hungary because the people want change. We changed in America in 1980 with our second revolution, throwing out the socialized policies of the sixties and the seventies when Ronald Reagan came to town because the American people wanted change.

The first step in progress is for the people to want change.

I think the changes are real. You might disagree. I think that the change that you've seen to date will be surpassed dramatically in the future. [Applause.]

At the conclusion of the two hour session with over 300 students crammed into an auditorium built to hold about 240, many of the students surrounded Dr. Lesher on the floor of the auditorium and followed him into the outside corridor continuing their questioning about the role they could play to bring about important changes in their system and a better economy to their country. To bring about the human and economic progress about which he spoke.

ILLINOIS FREEMASONS FIGHT DRUG AND ALCOHOL ABUSE

● Mr. SIMON. Mr. President, it is with great pleasure and no small amount of pride that I call my colleagues' attention today to a landmark program that brings Illinois community leaders together with Illinois State government for a common cause. The Illinois Freemason's Grand Lodge, under the leadership of its Grand Master Robert Ford, approached Illinois State government with its offer to help establish community-by-community teacher training programs to identify and intervene with drug and alcohol abuse among Illinois schoolchildren.

As my colleagues know, American Freemasons are, and have been since even before the beginning of the Republic, integral members of America's communities. As such, they are uniquely placed to help with solutions to this problem which is ravaging our families and our society. This community approach is exactly what William Bennett's Drug Control Office, President Bush, and the Congress have been pointing to as a long-term, effective solution to this drug epidemic.

The elected head of the Freemasons of Illinois, Grand Master Robert Ford, in an enlightened example of the community working together with government, met with Illinois Lt. Gov. George Ryan last November to offer the cooperation of Illinois Freemasonry in establishing and supporting a Student Assistance Training Program. This program has been dramatically successful in identifying and intervening with youngsters who are at-risk of using, or beginning to use, drugs and alcohol.

That offer was accepted, and details of the program are now being crafted. Soon, Grand Lodge and State representatives will be chosen to receive initial orientation from Student Assistance Training experts, and an Illinois region will be selected to receive the

first Student Assistance Training week.

The Student Assistant Training Program has been established in several other Masonic jurisdictions in the United States, offering several unique features not found in other programs.

Key to the process is the training of "Core Teams" from individual schools. These teams learn to identify children showing signs of trouble with alcohol and drugs. The teams then receive training in quietly effective intervention techniques. Early returns from other areas where the "Masonic Model" has been instituted are showing dramatic results in reduction of adolescent drug and alcohol abuse. These positive results often extend beyond just the educational setting into the community at large.

Mr. President, it is my strong conviction that if all our institutions and community groups were to engage in this struggle against drug and alcohol addiction in such a singular and concrete way, we could begin to see this country pulling together against this common enemy that is attacking the very foundations of our country. Illinois and the Nation are grateful to the Freemasons of Illinois for launching an effort that, I believe, will soon yield important victories in the war on drugs.●

A BILL TO REVISE THE BOUNDARY OF GETTYSBURG NATIONAL MILITARY PARK

● Mr. HEINZ. Mr. President, I rise to speak on behalf of S. 1594, a bill to revise the boundary of Gettysburg National Military Park. But first, I want to thank the majority leader for taking this important legislation from the calendar and making it one of the first items that the full Senate considers at the beginning of this session of Congress.

Gettysburg holds special significance for this Nation, as much for the outcome of the 3-day battle as for the events that have transpired there since.

Gettysburg marked the high tide of the Confederacy. In the weeks preceding the battle, an energized Confederate Army, confident in its leadership, had undertaken a bold campaign into the North, while an uncertain Union Army under a new commander struggled to block the thrust. European governments were making plans to recognize the Government in Richmond and to provide aid and assistance. At the end of 3 sweltering, bloody, courageous and decisive days of battle, a shattered Southern Army retreated to Virginia. The Northern Army gained new heart. Offers of diplomatic recognition and assistance to the Confederate States evaporated. The tide had turned.

As we were reminded on the 125th anniversary 2 years ago, Gettysburg has come to mean more than just a place of battle. It is also a place of reconciliation. In November 1863, President Abraham Lincoln in his Gettysburg Address, speaking at the dedication of a new national cemetery for the fallen of both sides, eloquently characterized the spirit of this great Nation. Lincoln's Gettysburg Address is one of the most important speeches in our political heritage. Its author understood the terrible cost of battle and the hatreds engendered by war, yet attempted to lay the foundation of shared values upon which a reconciled Nation could be built. Seventy-five years later, in 1938, veterans of both sides returned to Gettysburg and in moving ceremonies found the common ground where enmity is replaced by brotherhood.

Mr. President, we Pennsylvanians are honored to be the custodians of such a significant heritage. We are proud to welcome and host literally millions of visitors to the battlefield every year. However, our ability to preserve and enhance the experience of visiting the national park is threatened. South-central Pennsylvania is experiencing rapid economic growth. Once overwhelmingly rural, the area surrounding Gettysburg has become an attractive place to locate a business and raise a family. The resulting pressure to develop available land could undermine valuable attributes of the park. We are hopeful that our legislation will lead to a fair balance of interests.

Mr. President, currently, Gettysburg National Military Park has only a limited boundary. This bill will codify the National Park Service recommendation to Congress that an expanded legislative boundary for the park be created. This legislation gives to the Secretary of the Interior the power to acquire lands which properly belong within the park, which are historically significant, and which deserve the protection of the National Park Service. It would allow the Secretary to purchase, or if this is not possible, to take appropriate measures to maintain, protect and interpret monuments and tablets commemorating the Battle of Gettysburg which lie outside the boundary of the park. Lastly, the legislation instructs the Interior Secretary to encourage conservation of the battlefield setting at Gettysburg by landowners, local governments, organizations, and businesses through grants, information, and technical assistance.

The new boundary will successfully balance the long-term protection of the park while also taking into account the local concerns and needs of the surrounding community. The new boundary will add approximately 1,900 acres to the park, increasing its size to 5,700 acres. Only 250 of the 1,900 new acres will be added to the park through outright purchase in fee, with the remaining acreage being protected through scenic easements and the purchase of development rights.

Mr. President, this legislation has the support of the local community, historical preservation societies, and the National Park Service. The urgency of this legislation is measured by the quickening pace of development in the area and I ask my colleagues to support this bill.●

BOB KASTEN'S HOUSING ADDRESS

● Mr. MACK. Mr. President, I rise today to draw the attention of my colleagues to an intelligent exposition of American housing policy by my distinguished friend, BOB KASTEN.

Senator KASTEN believes that empowering the people of the inner cities—giving them a choice over their own destiny—is the key to lifting them toward full participation in the American dream. I recommend his insightful and and thought-provoking address to everyone concerned about this important national issue. I therefore ask that it be included in the RECORD.

The remarks follow:

ADDRESS: HOUSING POLICY FOR A NEW DECADE

Thank you very much, Pat. Pat Kerns has been a friend of mine for many years—so I'll forgive him for making his introduction much too kind.

I'd like to offer a special thank you to Bill Lawrence and the people of the Private Industry Council for arranging today's meeting. It's good to see that so many old friends and business and government leaders have joined us here this morning.

All over the world, men and women are discovering liberty. It seems that every week a new and previously inconceivable headline graces the front page of our newspapers: "Soviets To Hold Election." "Berlin Wall Falls." "Romanian Dictator Overthrown."

Today, I'd like to begin by taking you back briefly to England, the birthplace of modern liberties. In England, the principle arose over long centuries that a person's home was his castle—and this home was the seat of personal responsibility, of pride, of citizenship and rights. A man had rights because he had roots.

This principle of home ownership as a safeguard of liberty was transplanted to the American colonies and became a foundation stone of the new United States. For two centuries thereafter, it grew into the very definition of the "American Dream."

How close are we—today—to this ideal? The homeless are roaming our streets. The working poor are scraping with great difficulty to find and pay for affordable housing. And young middle-income Americans are facing a crunch as they try to buy a first home for their new families.

Today, I would like to outline what I think we ought to do to make affordable housing a reality for all these Americans. I'd also like to extend a hand to all those here today who are grappling with this problem on a day-to-day basis. These are challenges that—if we are to overcome

them—we will have to face together, as a community.

I hope we can all agree that, to begin with, the very best housing policy is a sound economic policy. Low interests rates, low inflation rates, low taxes and the availability of jobs with good wages are essential if we want to house America's families.

Over the last decade, we've had some success in this regard. I recently learned that if 1980 trends in inflation, taxes and interest rates had continued, today's average American family would have to pay over $300 more for housing each and every month.

But there are those—and we see them every day—who have been left behind. When I reflect that there are thousands of homeless people right here in Milwaukee, I cannot escape the conclusion that we have to do more. When working poor families are spending 70 percent of their income to pay rent, we have to do more. And when the dream of homeownership recedes into the distance for young middle American families, we have to do more.

The problem so far has not been a lack of financial commitment on the part of the government. Over the last decade, government spending on housing has increased. In 1988, the U.S. Department of Housing and Urban Development spent 21 percent more in inflation-adjusted dollars than it had spent in 1981. In 1989, the number of families who received housing assistance was 40 percent higher than the number who received assistance in 1980.

The problem isn't in our hearts. It's in our programs. And—until our housing policy is effective in action as well as intention—we cannot call it a success.

In short, we need to bring glasnost and perestroika to our nation's housing policy. We need to tell the truth about the problem—and apply some new thinking to its solution.

We must reject the programs that lead to dependency instead of self-sufficiency, that promote self-satisfied and self-protecting bureaucracy instead of individual initiative. We need to tear down the Berlin Wall of bureaucratic indifference and insensitivity—and replace that wall with a window through which enterprise, self-help, and empowerment of individuals can brighten up the community.

We ought to make changes at the Federal and local levels to bring market incentives to housing policy—and make carefully targeted Government spending available to those who need it most.

THE HOMELESS

Let's begin with the homeless. We cannot deal effectively with the problem of the homeless until we come to grips with the fact that mental illness and drug addiction are among its primary root causes. The Urban Institute estimates that 60 percent of America's homeless suffer from severe mental illness or drug dependency. A recent survey of shelter operators on the East Coast indicates that—at least in some cities—the number could be as high as 80 or 90 percent.

America has failed to win the war on homelessness because so much of the help, especially government help, overlooks this important fact. We're losing the war because we're misallocating our resources.

For every homeless person, there are now over 10 vacant housing units. There are more than three million vacant rental units in the United States today—the highest vacancy level in history. Clearly, the problem is not a shortage of housing, but rather a shortage of common sense.

Let's give the homeless what they really need. In the short term, they need shelters. Over the long term—and this is just as important—they need special support services to deal with drug abuse and mental impairment problems. These programs must pay special attention to the needs of the chronic homeless, who need rehabilitation and health care.

I support full funding of the Stuart B. McKinney Act—and I'm proud to report that we have achieved 100-percent funding for the activities of this program here in Wisconsin. I also think that this aid ought to be provided to states and communities in the form of block grants. Too often, states and cities face unreasonable restrictions on how they can use these funds. I think we ought to give Mayor Norquist, County Executive Schulz and others at the local level more leeway to try creative approaches in coping with homelessness.

Each community must pursue a multi-faceted strategy free of Washington-imposed red tape. Non-profit, private-sector, community-based organizations have an important role to play. They're already doing it—I'll say some more about that in a few minutes.

The bottom line on homelessness is empowerment. We have to lift homeless people out of the root afflictions that have made them homeless. We have to lift—and we have to heal. With appropriate attention, the homeless can move on up out of their shelters and welfare hotels—into permanent housing—and into full participation in what America has to offer them.

THE WORKING POOR

From the problem of homelessness, let's move on to the radically different situation afflicting America's working poor. As with the homeless, a misunderstanding of the problem has resulted in costly and ineffective solutions.

Too many people still believe that the cause of the low-income housing crunch is a shortage of housing units. But the facts tell a different story. From 1980 to 1987, America added more than 12 million new units to its housing stock—while adding only 8.7 million new households. In 1987, the total number of housing units vacant all year round was 8.6 million.

So the problem is not in the supply of housing—but in the lack of sufficient income to rent the existing housing units that are currently being wasted. At this point, building still more low-income housing would be like dealing with hunger by opening new grocery stores—instead of just giving poor people the money they need to buy food already available.

What usually happens when a problem is misdiagnosed is that the solution itself becomes a problem. And this has certainly happened in the area of low-income housing.

Federal spending on unnecessary construction has perpetuated the inner-city cycle of social decay and welfare dependency. Since the 1960's, we have spent about a quarter of a trillion dollars on the construction of more than four million low-income housing units. The result has been the de facto segregation of low-income people into blighted and crime-infested neighborhoods. Black activist Robert Woodson has observed that housing projects "have turned into social dumping grounds"—big prisons that serve only to isolate low-income people from the opportunities they need.

We can do better than that. We can create a new approach that reallocates resources into initiatives that directly benefit the working poor. The big developers don't need our money. The influence peddlers and the ex-HUD officials don't need our money. The working poor do need our money if they are going to be able to afford housing.

The great majority of the poor are now renters. Almost half of these renters—a full 45 percent—pay more than 70 percent of their incomes in rent. We have to empower these low-inome families. They need jobs and opportunities—they need self-sufficiency and a stake in their communities.

What they need is housing vouchers. Instead of warehousing low-income people in the ghetto, vouchers allow recipients themselves to decide where they choose to live. Vouchers boost the purchasing power of the poor—and give low-income people the mobility to pursue job opportunities.

Each year, the Federal budget commits $6 billion to various housing-production or rehab programs. Those funds generate fewer than 50,000 housing units annually. That same money—spent on vouchers worth up to $600 per month—would aid one million poor families.

That's a twenty-fold gain. We need vouchers and we need them now.

We also have to implement enterprise zones—federal, state and local initiatives to reduce tax and regulatory barriers to investment in blighted areas. In the states where these enterprise zones have been tried, they have established a proven track record of success—creating an estimated 180,000 jobs and spurring about $9 billion in private investment in low-income areas.

Thanks to Governor Thompson's leadership, we already have eight of these enterprise zones here in Wisconsin—and we need more.

These are private sector jobs, not government make-work jobs—and the small business sector has led the way. The goal of enterprise zones is not to tear down the homes of the poor and replace them with urban industrial parks for wealthy corporations. The goal is to attract small service and manufacturing firms that can blend into—and build-up—the community.

We ought to cut payroll taxes, maybe even eliminate them outright for these businesses. We ought to eliminate the capital gains tax and provide other tax incentives for individuals and banks willing to fund this vital investment.

This investment will further boost the income of low-income housing consumers in the area—and lift them steadily toward self-sufficiency and homeownership.

Also, by renewing the low-income housing tax credit, we can create further incentives for the private construction and rehabilitation of housing for working poor families.

President Bush thinks we ought to tie this housing tax credit to our proposed across-the-board capital gains cut. I disagree with him. I think low-income housing is too important to be held hostage in this manner. The capital gains cut is important too—and we'll have the votes to pass it. But we should pass the housing tax credit right now—no matter what.

We have to promote homesteading and tenant management—giving low-income residents of federally insured and subsidized housing the opportunity to buy their own homes. When residents acquire an equity stake in the future of their building, in the future of their neighborhood, they develop a more constructive and responsible atti-

tude—and they urge their neighbors to do likewise. During the last five years, over half a million dwellings have been sold to public housing tenants in Britain, and we've had a number of success stories here in the U.S. as well.

We also have to start turning over FHA foreclosures to nonprofit groups—because these groups can turn board-ups into build-ups. Today, I am announcing that I will introduce legislation to increase the supply of low-income housing to nonprofit groups. My bill would eliminate the capital gains tax for the sale of privately-held low-income housing to qualified non-profits, charities, and public housing authorities. This will provide an important incentive to preserve the existing stock of low-income housing—which might otherwise be converted to office buildings or shopping malls.

Another creative new initiative is Operation Bootstrap. Under this program, which I was proud to help Secretary Kemp push through Congress, the recipients of low-income housing aid will also be provided with the services they need in order to achieve upward mobility: Job training. Child care. Transportation.

Over the next five years, Operation Bootstrap will provide more than $2.6 million in federal funds to community-based, public-private efforts to move low-income people toward self-suffiency. Jack Kemp has high hopes for this program, and so do I—because it opens up the ladder of economic advancement to the people who need it most.

The City of Milwaukee will be a flagship for this new program. City officials, the Private Industry Council and all concerned Milwaukee citizens have a stake in its success—because America is looking to Milwaukee for leadership.

The government has an important role in this. But we mustn't forget that the ultimate solution will come from the people themselves—from their desire to fulfill their immense potential and to make a contribution to our national mosaic.

LOOKING FOR A FIRST HOME

We must now confront the problems of first-time homebuyers. Largely because today's consumers are demanding bigger, better-quality homes, new homes today are becoming more and more expensive. Our incomes have risen since the 1950's, but the increased tax burden has eaten up over half of the gains in our purchasing power.

We have to continue to bring down that tax burden. We cannot allow it to destroy the chances of young Americans to finance their first homes.

But we can do more. I support legislation allowing first-time homebuyers to draw, without penalty, on IRA savings as a down payment for that first home. Of course, many young people haven't had the opportunity to build up IRAs—so I think we should expand this concept to the parents of these would-be homebuyers.

A third of first-time buyers depend on family assistance to supplement their savings—and I think allowing parents to contribute in this way would be a big help.

We also have to refocus the Federal Housing Administration on the needs of first-time homebuyers. Some would have us raise the FHA loan limit to 95 percent of median house prices. That sure doesn't help first-time homebuyers—how many of them are buying those expensive houses?

I think the FHA needs to stop bankrupting the system—and to get back in touch with the needs of middle-income Americans.

President Bush and Secretary Kemp have unveiled a pathbreaking new plan to help make housing more affordable to everyone. Project HOPE stands for "Homeownership and Opportunity for People Everywhere." And the HOPE plan provides incentives for state and local governments to cut through the terrifying tangle of local zoning regulations, complex building codes, and rent controls. These regulations can add as much as 25 percent to house prices—and that doesn't help.

I'll support that measure vigorously, because the Housing Opportunity Zones it will create will bring the dream of homeownership closer to reality for many low- and moderate-income Americans.

WORKING TOGETHER

The goal of all the measures I am proposing here today is restoring power to the people. America will be adequately housed when we realize that individual freedom works—that if we give people a choice and a chance, they will succeed.

Even in the pages of Pravda—the chief newspaper of Communist Russia—this truth is being recognized and admitted. A Soviet lawyer named A. Movye recently published an article in that newspaper in which he argued that the government ought to get out of the business of running public housing. He wrote that if people own their own apartments, housing availability will increase and tenants will be more mobile. Referring to a Kremlin decree that mandated the building of new housing stock, he asks, and this is a direct quote: "But where should they be built? In what cities? . . . No planning or other agency is in a position to make such an accounting in a huge country."

End of quote. And if they can't do it there—we sure can't do it here.

So the success of housing policy will not—cannot—be a success of government officials. It must be a success of people—people working together to make Wisconsin and American better places to be. Individuals, the private sector, the non-profits—these will be the backbone of victory.

Look what generous and courageous people have already accomplished. Right here in Milwaukee, the YWCA is operating a transitional housing program for women. With some help from volunteers, local businesses, and private industry—and funding from Community Development Block Grants and the McKinney Act—they've been able to provide 17 apartments to give shelter, social services and job training to women in need.

Up in Medford, Wisconsin, the Hurd Millwork Company is setting aside 50 cents for every window and patio door its clients specify in their architectural plans—and they're sending that money to a homeless-support program called The Search For Shelter.

The Wheaton Fransiciscans have opened Project HOPE here in Milwaukee—a plan to rehabilitate boarded-up houses and turn them into affordable housing.

These non-profit efforts point the way toward the future. They are genuine participants in what President Bush calls "the thousand points of light." And I think Federal assistance ought to focus on support for this kind of heart-felt, community-based initiative.

Today, I would like to call on Wisconsin's business leaders to lend a hand. Through tax cuts, deregulation, and other pro-growth economic measures, we've put Wisconsin business back in business and back on top. In this time of plenty, let us all remember that we are one community—and that the future will always judge a society on how it treated its poorest members.

I am optimistic—because Wisconsin has always been a progressive state, willing to try new ideas and new approaches. We know how valuable our human resources are. That's why we have an education system that's second to none.

Let's take that spirit of investment in people—and harness it to lift all Americans towards homeownership and a down payment on the American Dream.●

COMMENDING STUDENTS AT LOVELOCK ELEMENTARY SCHOOL

● Mr. BRYAN. Mr. President, I rise today to congratulate the sixth grade classes of Mrs. Cindy Myers, Mrs. Martha Harrington, and Mrs. Dana Hodges at Lovelock Elementary School in Lovelock, NV.

These outstanding young men and women have raised more than $8,700 for the installation of an emergency telephone system for Pershing County, NV. This service will undoubtedly provide needed care for the citizens of Pershing County for years to come, perhaps saving the lives of many.

Through bake sales and private solicitations, these young people were able to raise money for this service. In the process of making this service possible, they not only raised the morale of the community, but proved to themselves that they can reach their goals—that they can accomplish whatever they set out to do.

In an age where drugs have trampled the dreams of so many young men and women, and dampened public confidence in the next generation, their actions have shown what our children can accomplish. Congratulations to them, both for the results they have achieved, and the example they have set for Nevada and the Nation. I am very proud of each one of them.●

DESCRIPTIVE VIDEO SERVICE

● Mr. KENNEDY. Mr. President, I would like to call my colleagues' attention to a very exciting project that is being launched today by WGBH, a public television station in Boston. Beginning with this evening's episode of "American Playhouse," thousands of visually impaired individuals in over 30 media markets will have greater access to television programs they are viewing through a new project entitled "Descriptive Video Service."

Descriptive Video Service allows visually impaired viewers to understand the plot of a television program through a narrated explanation of the program's visual elements. During breaks in the dialog, the narrator will explain settings and scene changes,

along with a detailed description of the characters.

The service was made possible by the development of stereo television in 1984. Through the separate audio program channel available on stereo television, viewers can push a button on their television set to receive these special broadcasts. WGBH test marketed this service from 1986 to 1988, and it proved to be so successful that plans were made to expand on a nationwide basis.

I have viewed a tape of how Descriptive Video Service works, and it is truly an impressive achievement. WGBH was a leader in developing captioning for the hearing impaired over 20 years ago, and I commend the station for continuing their tradition of service to the community and the Nation through this new development.

Descriptive Vide Service will expand in March to include the PBS series "Mystery!" "American Playhouse" and "Degrassi High" will follow in the near future. Plans are already underway to expand the service to commercial television.

I also commend Dr. Barry Cronin, who developed Descriptive Video Services, and Laurie Everett, who through her hard work and dedication made Descriptive Video Service a reality. Important financial assistance was provided by the Corporation for Public Broadcasting and the National Endowment for the Arts. These individuals and organizations deserve great credit for making Descriptive Vide Service a reality for thousands of visually impaired individuals.●

WORLD SUGAR MARKET

● Mr. INOUYE. Mr. President, I wish to bring to the attention of my colleagues an article on the sugar industry which appeared in the December/January issue of Farmline, a U.S. Department of Agriculture publication of the Economic Research Service. We so frequently read attacks on the sugar program from both within and outside our Government by people who have very limited knowledge of the program and the industry. It is indeed refreshing to find a balanced and informative article from an authoritative source.

As you know, the 1990 farm bill will be before us this year. The sugar program is an essential part of the farm bill and I am confident that your understanding of the need for and the merits of that program will be enhanced by reading this article. Mr. President, I hereby request that it be placed in the RECORD.

The article follows:

[From Farmline, December 1989–January 1990]

SUGAR PRODUCERS, USERS COULD GAIN A FAIRER MARKETPLACE

Trade barriers that have long protected the sugar industry worldwide and in the United States are being reevaluated, both in the U.S. Congress and in the 97-nation General Agreement on Tariffs and Trade (GATT). The outcome may be a freer market for the heavily traded commodity.

Sugar, produced in about 100 countries, is one of the world's most traded and protected food commodities, says economist Annette Clauson of USDA's Economic Research Service. Sugar is an ingredient in most food items and plans an essential role in the food chain. It is also an important source of revenue to most countries. Therefore, the concern for, and protection of, sugar is worldwide.

"Most major sugar-producing countries maintain more than one sugar policy to protect their producers and consumers from market price fluctuations," says the economist. Such programs include domestic and import price controls, export controls and subsidies, minimum prices to farmers, and production quotas. The current U.S. sugar program includes import controls and a minimum price to producers.

"Sugar, historically, has been one of the most volatile of all commodity markets," says Clauson. For example, monthly world raw sugar prices have ranged from 2.7 cents to 41.1 cents per pound in the 1980's. "When supplies are low, prices rise sharply, impacting consumers. Conversely, when supplies are high, prices are severely depressed, impacting producers. One factor that cannot be controlled is the weather, making harvested acreage, yields, and sugar recovery rates unpredictable from year to year," says the economist.

ERS analysts say that quotas (restricted imports) are necessary to protect domestic sugar producers from competition with world sugar when prices are depressed. The U.S. program maintains a domestic price for raw sugar high enough to avoid defaults on processors' Commodity Credit Corporation (CCC) loans.

"Only about a quarter of world sugar is traded in international markets, and an even smaller amount, about 15 percent, is currently traded at world prices. This is an important point, since many people believe that unlimited quantities of sugar can be bought at the 'world price.' In reality, world-priced sugar is a small uncommitted amount that is sold for whatever price it might bring," says Clauson.

Consumers pay the cost of world sugar protection at different rates, depending on where purchases are made. Little of the sugar traded in the world market is sold at world market prices, says Clauson. Almost all is sold at prices reflecting the domestic sugar policies of the trading countries.

For example, according to a survey conducted by U.S. agricultural attachés in 1988, sugar prices varied significantly in each country. In Canada, where world market sugar is available, the government provides a guaranteed return to growers in the form of income support payments. Retail prices in Ottawa were low, about 17 cents per pound, although prices varied and averaged 29 cents a pound in other cities, according to a Canadian government survey. At the other end of the spectrum, in Japan, which has substantial duties, sugar sold at 89 cents a pound. The U.S. maintains a price support program protected by import quotas, and the price to consumers in 1988 averaged 38 cents per pound.

Sugar-exporting nations have criticized the United States for maintaining its sugar-import restrictions, including a formal challenge brought by Australia through the GATT dispute settlement process against the allegedly improper implementation of U.S. import quotas. The European Community also filed a complaint through the same GATT process against the United States for its use of the Section 22 authority of the Agricultural Adjustment Act of 1933 to impose import restrictions on sugar-containing products.

IMPLICATIONS OF GATT PROPOSALS

GATT negotiators have debated proposals to restructure and decrease trade distorting agricultural subsidies. In April 1989, GATT negotiators reached framework agreement. Clauson says that although no major issues were resolved, the language appears flexible and strong enough to suggest substantive long-term reductions in import barriers, supports, and subsidies.

The framework agreement did not include specific language on the level of reductions or a schedule for such reductions. Since agriculture will be one of the toughest resolution areas, says Clauson, trade negotiators are expected to propose more specific intentions by January 1, 1990. Trade negotiators plan to discuss long-term reform proposals and complete the negotiations by late November or early December 1990 in the Uruguay round.

Clauson points out that the language on import access and support levels in the framework agreement works within the scope of its members' existing legislation, and their existing rights and obligations as members of GATT. For the short term the language of the agreement ensures that:

"Current domestic and export support and protection levels are not exceeded, except as required by current law."

For the United States, the current 18-cent per pound loan rate specified in the 1985 farm bill could not be increased and additional protection measures and import quota restrictions could not be added, except under existing legislation.

Clauson explains that the U.S. sugar program offers nonrecourse loans for raw cane sugar and refined beet sugar. A price objective, called the Market Stabilization Price, and the quotas on imported sugar allow a domestic price to be maintained that encourages processors to redeem loan collateral, rather than to forfeit the sugar to the federal government.

"Participants shall be deemed to be in compliance with this undertaking so long as the access opportunities granted to individual products in 1989 and 1990 are not less than those granted in 1987 and 1988."

Clauson says the wording is unclear on whether the intent is the maximum, minimum, or some average. If some averaging method is used, the U.S. raw/refined sugar import quota levels in 1989 and 1990 would not be reduced below the combined 1987 level of 1.0 million short tons and the 1988 level of 1.06 million short tons. The escape clause, "within the scope of existing legislation," permits reduction of the import quota level if necessary to avoid forfeitures of sugar to the CCC.

"Support prices to producers are not raised above the level prevailing at the date of this decision."

This means that the 18-cent loan rate for sugar cannot be increased in the short term. Changes in support limitations and access restrictions beyond 1990 will likely be dictated by the Uruguay round.

One of the changes in import quotas of sugar committed to the United States was announced in September 1989. The quota

(for all exporting countries) was increased from 1,125,255 metric tons, raw value, to 1,986,950. Also announced was a 9-month extension of the quota period (until September 30, 1990). This change puts quota shipments for the 21-month period at a somewhat higher level on a 12-month equivalent basis than the previously announced quota of 1,125,255 metric tons.

When announcing the changes, Secretary of Agriculture Clayton Yeutter said, "We are continuing to look at the options for bringing quotas into conformity with the GATT, but a decision on how to do this has not been made. In the interim, this modification of the import quota and the quota period is necessary to correct for a tightness in our sugar market, particularly during the last quarter of this calendar year."

LONG-TERM GOALS

Long-term goals will require that GATT negotiators provide a fair environment for sugar trade, says Clauson. Industry spokesmen attending the April 1989 GATT negotiations in Geneva offered the following opinions:

While the United States is an average cost world producer, the United States and most other sugar-producing countries cannot compete with the usually lower priced excess sugar placed on the world market.

Clauson explains that world sugar production increased by about 30 percent from 1975 through 1988/89. The largest exporting regions—the Caribbean, the European Community, Australia, and Central/South America—together had 16.5 million metric tons of excess sugar to trade in 1988/89.

Multilaterally eliminating protectionist policies and restraining countries from dumping sugar at depressed prices on the world market will need to be addressed, say the industry spokesmen.

Congress will review sugar price support levels and market access issues during the 1990 farm bill debate. The U.S. government wants farm program changes that produce a more market-oriented agriculture, and these changes will likely include risks and incentives for producers. Because of budget constraints, speculate industry spokesmen, there will likely be no increased support levels for commodities in the 1990 farm bill.

The sugar program's current no-cost provisions require the avoidance of accumulations of sugar by the CCC. Adjusted for inflation, the 18-cent loan rate set in 1985 is actually 15.5 cents today. U.S. sugar producers and processors have had to increase efficiency to offset the loss.

In the opinion of industry spokesmen, U.S. policy during the transition period, while protectionist policies are being removed worldwide, might include one or more of the following: marketing allocations by factory or mill, acreage reductions and quotas, a reduction of the loan rate, a tariff-quota system, and a two-price system for domestic sugar that includes marketing a fixed quantity at a guaranteed price and excess sugar at the world price.

After all protectionist policies are removed worldwide, the world price for sugar should effectively fluctuate around a level that covers all production, processing, and milling costs in most major producing countries. Such a level, say the industry spokesmen, would be considerably above current prices.

The length of transition periods, currency fluctuations, and social, health, and safety requirements for U.S. workers versus other developed and developing country workers are specific topics requiring further discussion by GATT negotiators when moving from short-term to long-term agreements.

The heavy protection in international sugar markets makes reducing all trade barriers for sugar a major undertaking for GATT negotiators," says Clauson.

[Based on information provided by economist Annette Clauson of the Commodity Economics Division, Economic Research Service.]

WILL TIGHTER SUPPLY SPUR THE DRIVE TO LIFT CONTROLS ON SUGAR?

Sugar, one of the world's most traded food commodities, "could be headed for a bull market," says ERS sugar analyst Peter Buzzanell. In 1989, tight supplies and increasing prices characterized the world market.

Contributing to the tight market were major cutbacks in Brazil's exports because of its automobile fleet's sugar-based ethanol demand, and the USSR's entrance into the world market because its Cuban sugar source had become unreliable, says the economist. Also, Mexico and Indonesia made unusually heavy purchases and there was considerable market speculation that India would enter the market.

The increase in sugar consumption in most countries is outpacing production, chipping away at world stocks. This year (1989/90), world sugar production, forecast at a record 106.75 million metric tons raw value, is nearly 2 million tons less than consumption. Sugar consumption is forecast to rise 1 percent in 1989/90 to a record 108.72 million tons, and exceed production for the fifth straight year. If so, global stocks will be their lowest since 1980/81.

Internal problems in Brazil and Cuba had the greatest effect on the sugar market in 1989, says Buzzanell. Brazil, normally the third largest sugar exporter, sold only 1.37 million tons in the world market, its lowest sales since 1975/76. Brazil's exports to the United States so far have been less than one-quarter of what we usually get from them.

Internal demand for cane in Brazil is high, says Buzzanell. Brazil's new fleet of cars, produced in-country, require ethanol fuel. Brazil diverted two-thirds of its cane production to manufacture the fuel.

Also, Brazil is privatizing all sugar exports, eliminating its Sugar and Alcohol Institute's monopoly on marketing. However, the Institute has been made responsible for setting export quotas to guarantee that domestic sugar needs are met and that only excess production is available for export.

The USSR's imports are tied to Cuba's problem with foreign exchange. Traditionally, about half of Cuba's sugar is exported to the USSR. In 1988, about 20 percent of Cuba's remaining export sugar was sold to China, 15 percent to other East European countries, and 18 percent to other countries.

Seventy-five percent of Cuba's foreign exchange comes from its sugar trade. Problems with insufficient inputs to improve the industry slowed production growth, resulting in reductions in exportable surpluses to nonsocialist markets. Cuba is caught in a "vicious cycle," say ERS economists, because these markets are the main sources of foreign exchange needed to buy capital goods to improve Cuba's sugar industry.

In an effort to increase its foreign exchange, Cuba overcommitted sugar sales to countries other than the USSR in 1989. As a result, Cuba had to postpone several shipments to Japan, its most important nonsocialist export market, and it bought substantial amounts of sugar on the open market to fulfill its commitment to the USSR. Currently Cuba is an unreliable source for the Soviets, says Buzzanell, causing the USSR to open its refined and raw sugar market to other exporters.

Consumer demand for sugar in the USSR is very high, says the economist. The Soviets have one of the highest per capita sugar consumption rates in the world. Sugar is just behind grain as the USSR's major import.

Despite assertions earlier in 1989 that their buying was over, the Soviets were very active in purchasing 300,000 tons of refined sugar and 200,000 tons of raw sugar. Buzzanell says they needed the imports to service the traditional surge in summer demand and perhaps to offset supply tightness because of smaller-than-expected domestic output and lagging supplies from Cuba.

Other pivotal countries affecting the world sugar trade are:

CHINA

Prospects that China would reenter the market in a big way last summer as it did in 1988 did not materialize, says Buzzanell. While total imports for 1988/89 are estimated at 3.0 million tons, it appears that the Chinese government has been drawing down stocks rather than expanding imports, says the economist. In part, this may reflect a lack of foreign exchange for imports as well as working off excessive stocks. China is likely to remain the world's second largest sugar importer after the USSR.

INDIA

The sugar production forecast was reduced nearly 5 percent in 1988/89 as a larger-than-expected amount of sugarcane was diverted from sugar mills to traditional nonmill uses. This reduced output implies that India could be a significant net importer in 1989/90 for the first time in 3 years.

THAILAND

The striking production performance of Thailand transformed the country from a minor sugar exporter to the world's third largest in 1988/89.

Buzzanell says that the Thai industry is likely to be the important moderating factor to the potential run-up in world sugar prices during 1989/90.

World sugar prices were more volatile than usual in 1989. But the moderating influence on the world market are prospects in the coming months of improved beet sugar output in Western Europe, the Soviet Union, and Eastern Europe, and cane sugar from Australia and Thailand.●

FIGHTING DENIAL OF THE ARMENIAN GENOCIDE

● Mr. SIMON. Mr. President, Mr. Van Krikorian, Director of Government and Legal Affairs at the Armenian Assembly of America, delivered an excellent paper on December 21, 1989, to the Capitol Legal Council of B'nai B'rith, entitled "Fighting Denial of the Armenian Genocide." Mr. Krikorian takes issue with the arguments that have been put forward against the Armenian Genocide Resolution, Senate Joint Resolution 212. It is my hope that we can pass this resolution early this year, so that Armenian Americans can have this commemorative in hand by April 24, 1990—the

date of the 75th anniversary of the Armenian Genocide.

I commend Mr. Krikorian's paper to my colleagues, and I ask that it be printed in the RECORD in full.

The article follows:

FIGHTING DENIAL OF THE ARMENIAN GENOCIDE

(By Van Z. Krikorian)

In the spring, you heard a speech from a Turkish Embassy official contending that the Armenians did not suffer a genocide between 1915 and 1923. That contention is patently false. But, Turkey's and its agents' insistence on vigorously pursuing it poses a frightening threat to all people who believe in democracy and human rights. Make no mistake, those who are denying the Armenian genocide today are paving the way for those who deny other genocides and for those who will undoubtedly plan future episodes of race extermination. I am sure you are aware that Hitler publicly laid the foundation for the Holocaust by referring to "the extermination of the Armenians" starting, at least, in 1931 and most forcefully in 1939 when he commanded his military to show no mercy by asking: "Who, after all, speaks today of the annihilation of the Armenians?"

Those who deny the Armenian Genocide are removing the underpinnings of all human progress by pretending that nothing exists which, for whatever reason, they do not want to exist. This approach is often viewed as politically expedient. But, in the end, it only aborts the cause of civilization.

This is why I am especially glad to address you this afternoon and to publicly challenge the arguments of the deniers. I am also glad to know that the Holocaust Memorial Council has publicly and unequivocally committed to include the Armenian genocide in the United States Holocaust Memorial Museum, a decision which rebukes the deniers and promotes historical integrity.

Today, I plan to discuss some of the reasons why the Armenian genocide is properly classified as a genocide and then refute some of the more popular arguments offered by the Turkish government and other deniers.

First of all, what does the term genocide mean? Literally, it means the killing of a race. An attorney and Holocaust survivor, Rafael Lemkin, coined the term in 1944 and then dedicated himself to creating and promoting the United Nations Genocide Convention. Before, during, and after coining the term, Lemkin used the Armenian case as a definitive example of genocide. In Lemkin's view, it would be impossible to question whether the Armenians suffered a genocide, because the term was created to be a synonym with the Armenian experience.

Similarly, the United Nations legislative history of the Genocide Convention is clear that the Armenian case is an example of genocide, a position from which the United Nations has not moved. In the United States, the legislative history of ratifying the Genocide Convention and the implementing legislation is equally clear that the Armenian case is synonymous with the term genocide. These legislative histories, of course, merely reflect the overwhelming evidence of the Armenian genocide. Yet, the deniers argue that the Armenian case somehow does not fit the definition of genocide.

The Genocide Convention provides:

"Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

"(a) Killing members of the group;

"(b) Causing serious bodily or mental harm to members of the group;

"(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

"(d) Imposing measures intended to prevent births within the group;

"(e) Forcibly transferring children of the group to another group."

No one realistically questions whether Ottoman Turkey engaged in the specific acts enumerated in this definition. That would be absurd because the Armenian population of over two million was unquestionably reduced to under 100,000, and those people did not simply disappear—they were killed, forcibly converted to Islam, and, in small numbers, escaped.

What the deniers question is whether the government committed the acts with the intent to destroy the Armenian presence in their homeland of three thousand years. This contention is shamefully absurd.

I cannot go over all the admissions and evidence establishing beyond any doubt that the government planned and implemented a campaign of race extermination, but the archives of the United States and almost every European country (including the Central Powers, Turkey's allies) are overflowing with this evidence. Today, I would like to call your attention to the following pieces of evidence: (1) a December 1914 authenticated blueprint for genocide issued by the ruling Committee of Union and Progress Party which can be found in the British archives; (2) the post World War I, Turkish trials and convictions (based on substantial, irrefutable testimonial and documentary evidence) of the government officials responsible for ordering and implementing the extermination of the Armenians; (3) a November 8, 1920 order for the military to exterminate the Armenians living in Russia; (4) and the acknowledgment of the Armenian genocide by the founder of modern Turkey, Kemal Ataturk.

The December 1914 order reads as follows:

"(1) Profiting by Articles 3 and 4 of Committee Union and Progress, close all Armenian Societies, and arrest all who worked against Government at any time among them and send them into the provinces such as Bagdad or Mosul, and wipe them out either on the road or there.

"(2) Collect arms.

"(3) Excite Moslem opinion by suitable and special means, in places as Van, Erzeroum, Adana, where as a point of fact the Armenians have already won the hatred of the Moslems, provoke organized massacres as the Russians did at Baku.

"(4) Leave all executive to the people in provinces such as Erzeroum, Van, Mamuret ul Aziz, and Bitlis, and use Military disciplinary forces (i.e. Gendarmerie) ostensibly to stop massacres, while on the contrary in places as Adana, Sivas, Broussa, Ismidt, and Smyrna actively help the Moslems with military force.

"(5) Apply measures to exterminate all males under 50, priests and teachers, leave girls and children to be Islamized.

"(6) Carry away the families of all who succeed in escaping and apply measures to cut them off from all connection with their native place.

"(7) On the ground that Armenian officials may be spies, expel and drive them out absolutely from every Government department or post.

"(8) Kill off in an appropriate manner all Armenians in the Army—this to be left to the military to do.

"(9) All action to begin everywhere simultaneously and thus leave no time for preparation of defensive measures.

"(10) Pay attention to the strictly confidential nature of these instructions, which may not go beyond two or three persons."

In fact, these orders basically describe the actual pattern of the genocide. Of course, during implementation, the ruling party issued additional orders on massacring Armenians (I will share another with you shortly) as well as orders to punish those Turks who showed mercy to the Armenians.

The post-war trials are also dispositive not only for their indictments and verdicts, but also for the overwhelming evidence used to secure the verdicts. Specifically, both central and provincial government officials were tried and convicted for the "massacre and destruction of the Armenians." Besides a major trial in Istanbul, moreover, local trials for the same crimes, which have yet not been widely publicized, also took place. (Parenthetically, I would add here that these trials were cited as precedent for the Nuremberg trials following World War II.)

Next, I would like to share a November 8, 1920 central government order, quoted from a Turkish source. This order commanded General Kazim Karabekir to essentially continue the job of exterminating the Armenians after World War I by wiping out the Russian-Armenian population:

"By virtue of the provisions of the Sevres Treaty Armenia will be enabled to cut off Turkey from the East. Together with Greece she will impede Turkey's general growth. Further, being situated in the midst of a great Islamic periphery, she will never volunarily relinquish her assigned role of a despotic gendarme, and will never try to integrate her destiny with the general conditions of Turkey and Islam.

"Consequently, it is indispensable that Armenia be eliminated politically and physically [siyaseten ve maddenten ortadan kaldirmak].

"Since the attainment of this objective is subject to [the limitations of] our power and the general political situation, it is necessary to be adaptive in the implementation of the decision mentioned above [tevfiki icraat]. Our withdrawal from Armenia as part of a peace settlement is out of the question. Rather, you will resort to a modus operandi intended to deceive the Armenians [Ermenileri igfal] and fool the Europeans by an appearance of peacelovingness. In reality, however, [fakat hakikatde] the purpose of all this is to achieve by stages the objective [stated above]. . . . [I]t is required that vague and gentle-sounding words [mubhem ve mulayim] be employed both in the framing and in the application of the peace settlement, while constantly maintaining an appearance of peacelovingness toward the Armenians.

"[t]hese instructions reflect the real intent [makasidi hakikiyesi] of the Cabinet. They are to be treated as secret, and are meant only for your eyes."

Again, documents like these as well as direct admissions of guilt by the government officials are literally everywhere.

Recognizing that indisputable fact, Kemal Ataturk, the founder of modern Turkey, did not hesitate to condemn the responsible Ottoman government for its actions. In an interview published August 1, 1926 in the Los Angeles Examiner, he said that all those responsible "should have been made

to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred." Today, the Turkish government has called the authenticity of this quote into question. Yet this 1926 statement was not an isolated event. In 1918, Ataturk called for the execution of the genocide's perpetrators. In 1919, as recorded by a presumably unimpeachable source, future Turkish prime minister Raul Orbay, Ataturk acknowledged the government's massacres "of 800,000 Armenians" and "decried the extermination of the Armenians." In a 1920 speech, Attaturk explicitly condemned the massacres as "scandalous." Again, this type of documentation is indisputable and overwhelming, but we still face those who act as if it does not exist. When such denials are funded from a country as important as Turkey, we face the prospects of the Nazi operating principle: "a lie told 1,000 times becomes the truth."

Accordingly, I would next like to refute the predominate arguments used by the deniers today. Let me start with one that the embassy official who spoke here in the spring touted as dispositive—"It was not a systematic effort to kill all Armenians [because] no harm was done to the Armenian communities living outside the war zone—in Istanbul, the Ottoman capital, for example." Initially, I would note that this argument is as fallacious as saying that Jews did not suffer a genocide because they were relatively safe in Rome and Bulgaria. But, more importantly, the factual assertion is not true.

Armenians certainly were exterminated in Istanbul and every other part of Turkey, and it was clearly systematic. For example, on December 7, 1915 German Ambassador Metternich informed Berlin that the government had wiped 30,000 Armenians out of Istanbul and that "gradually a clean sweep will be made of the remaining 80,000 Armenian inhabitants of the Ottoman capital." Indeed, the government massacred or tried to massacre all Armenians from European Turkey by first shipping them over the Bosporous and then killing them. One example is the eradication of the Armenians from the European town of Rodosto. In fact, Armenians and their friends commemorate the genocide on the anniversary of April 24, 1915 because on that date the government gave the clearest signal of systematic race extermination. It arrested and killed hundreds of unquestionably innocent Armenian community leaders (including legislators, clergy, educators, and attorneys) in Istanbul.

Another argument which the deniers forward is that Armenians died of natural causes (famine, cholera, diseases), not government ordered massacres. Putting aside all the direct evidence of the genocide, this argument is ridiculous. It would be the first time, that I know of, in which famine and disease moved from town to town across an entire country removing all but less than 100,000 Armenians from over 2,000,000 and leaving the Turkish Moslem population as the sole survivors. Frankly, such a "selective disease" argument has no historical or scientific credibility, and those who make the argument must not expect their audience to reflect on its merits very deeply.

But, the deniers argue that there was also a great civil war in which Armenians took up arms against Turks. In that supposed war, great, mutual killings occurred. Never mind that the government had disarmed all the Armenians, the government drafted all the able-bodied Armenian men into labor battalions of the army where they were massacred, and contemporaneous reports do not reference any civil war. In fact, in a newly published book, "The Slaughterhouse Province," we can read American consul Davis's official, eyewitness report from the interior of Turkey of the disarming of the Armenians and the lack of any real resistance. He reports that after the massacres of Armenians in the Province of Harput (ultimately over 100,000), the government could "find only four or five instances where any Turks had been killed or even injured by Armenians and less than a dozen instances of any resistance by Armenians." In other isolated areas, of course, Armenians fought back against Turks. But, these were either minor incidents; self-defense; or because Armenians were Russian citizens, drafted into the Russian army, and were a part of the Allied war effort fighting Ottoman Turkey. As Ambassador Morgenthau reported as early as July 1915, moreover, allegations of rebellion were only "a pretext" for "a campaign of race extermination."

Nevertheless, some people still claim that the massive Armenian deaths resulted from the legitimate quashing of a rebellion. This "pretext" or "legitimate basis" denial argument is probably the most dangerous. If it is accepted (regardless of its inaccuracy), it sanctions the murder of an entire nation based on the prodemocracy cries of only a few groups. Civilization will not progress if a justification claim can be made in defense of genocide. Otherwise, the Nazis and every subsequent perpetrator would build the defense in as the crime was committed. During the Armenian genocide, the government attempted exactly such a defense, and it was rejected as both inaccurate and immoral by the international community as well as the succeeding Turkish government. There is no reason why it should be accepted now.

A more slippery denial argument on the "mutual killings" theme involves the amount of Turks and Moslems who also died in the war. I call this argument slippery because its proponents slide between "Turkish" and "Moslem" deaths. For example, some point to "two million Turkish deaths during the war" as a reason not to sympathize with Armenians. Yet this two million figure includes the 1.5 million Turkish-Armenians killed, the over 300,000 Turkish army casualties, and the tens of thousands of Turkish-Greeks and Arabs put to death at the same time.

Another strand of this argument points to "hundreds of thousands of Moslem deaths"—again implying that the genocide was really an Armenian-Turkish war. Yet in calculating the "Moslem" figures, these people not only include the Turkish war casualties and the massacres of tens of thousands of Arabs in Turkey, but also the Moslems who died fighting with the Allies against the Turks in the Middle East—that is Moslems which the Turks themselves killed.

A third strand of this "numbers game" argument applies artificial formulas to the nineteenth century populations, plugs in some theoretical conditions, and concludes with ridiculous population and mortality figures which bear no relation to reality. This argument falls on its face because it completely ignores the direct, factual evidence of the genocide. Its proponents are as off base as those who recently claimed in the newspaper "Sieg" that only 150,000-200,000 Jews died under Nazi rule and those deaths came during the "German-Jewish war."

Another denial theme is that commemorating or recognizing the Armenian genocide promotes terrorism. Initially, let me say that we unequivocally condemn all terrorism, including Armenian terrorist attacks on innocent Turks. But, the threat of terrorism does not justify rewriting history to deny Ottoman Turkey's crimes against humanity. More importantly, and again the deniers conveniently fail to mention this fact, Armenian terrorism is a moot point. In a March 1989 report, even the State Department had to acknowledge that there has not been an Armenian terrorist attack in three or four years and Armenian terrorist groups have withered away. This cessation of terrorism is attributed to lack of mainstream Armenian community support and to the growing international rejection of Turkey's denial campaign. For example, in 1985 the United Nations Subcommittee on Human Rights, after years of study, overwhelmingly recognized the Armenian genocide as an indisputable historical fact, and in 1987 the European Parliament conditioned Turkey's acceptance to the European Community on recognizing the Armenian genocide.

The following denial argument is particular to deniers in the United States. They point out that in 1985 sixty-nine scholars signed an advertisement questioning the accuracy of a Congressional resolution commemorating the armenian genocide and therefore "there was no Armenian genocide" or "the issue should be left to historians"—an argument from authorities so to speak. Following the advertisement, we contacted these sixty-nine people. We found that some did not authorize use of their names on the advertisement and some said they were misled about the text and apologized. Many explicitly recognize the Armenian genocide as a fact. But, most importantly, we found that only four of the sixty-nine actually focus their work on the time span of 1915-1923. All of these individuals are subsidized by the Republic of Turkey, and none has credibility on the Armenian genocide issue. Thus, when deniers make claims like a majority of United States experts question the Armenian genocide, they are simply not telling the truth. Among those sociologists, attorneys, historians, psychologists, anthropologists, political scientists, and others who seriously study genocide, there is no question that the Armenians suffered a genocide, by any definition. There is also no question among the credible genocide scholars that failure to memorialize and condemn past genocides facilitates future genocides.

Before leaving this "scholars" issue, however, I would like to make clear that some of those people who signed the 1985 advertisement and continue to question the Armenian genocide really have little choice. These people are Turkish or Ottoman historians. If they do not assume the current government's line, they will be cut off from resources necessary for their life's work. Even Turkish sources confirm that cooperation with the government pays dividends while criticism exacts a high price.

The next denial argument is one of the more interesting. This argument contends that a judgment on the Armenian genocide must be reserved until the Republic of Turkey opens its archives of the period. The argument is interesting because Armenians sought free access to the Ottoman archives for years. Then the irrelevance of these archives became obvious. For instance, Turkey does not even own all the relevant archives from the period. After the War, the govern-

ment sold hundreds of thousands of its records to the Bulgarians as scrap paper. Other parts of the archives exist in Jerusalem, the Soviet Union, the Middle East, and Europe. In addition, after World War I, Turkish officials readily acknowledged that the files on Armenian massacres were removed and destroyed. In fact, the documentation in archives around the world contains more direct evidence of the genocide than we can possibly digest. (The United States archives contain approximately 25,000 pages for the period 1915–1918 alone, including captured German records, which fully document the genocide.) So, while the Turkish held archives may be interesting, they are only a very minor contribution to the history of the genocide.

Moreover, Turks themselves acknowledge that military and foreign service officials have been reviewing the records for years to remove whatever incriminating evidence may still exist and that the government is using the archives strictly for public relations purposes. This year, the government, in various ways, has announced that the archives on Armenian issues are open. Yet, they fail to publicize that the wrong achives are open or the restrictions which prevent any incriminating documents from coming to light. For example, in January, they announced that the archives are open, but they did not open the relevant World War I years. Recently, they announced that the Council of Ministers files were open for the war years, but they did not open the records of the party apparatus or other agencies which actually controlled the genocidal operations. (Scholars have found that the genocide was implemented through a two track system of orders—one set ordering "deportations" and another set ordering the translation of "deport the Armenians" to "massacre the Armenians.") Read these continual announcements on the opening of the archives carefully; you will find that there is always a caveat such as "all previously catalogued archives are open" or that a researcher may see only fifteen pages at a time and a government official has the right to screen the documents first. The Turkish government continues to use the archives as a delaying tactic. As Cumhuriyet a Turkish newspaper reported in January 1989:

"Endless and empty statements have been made over the years concerning the opening of the Ottoman archives, and it is creating a disturbance among those who follow this topic closely. For the last 8 years, every 6 months a statement is made regarding the opening of the Ottoman archives. That these don't come true indicates that Turkey is pursuing a policy of distraction."

At this point, the Ottoman archives held by Turkey are worthless. This explains why only Turcophiles and the uninitiated place any weight on them. It also explains why the archives' administrators publicly complain that serious scholars have not come to review what has been released.

The last denial argument I would like to touch on is a "character" argument—that is, "Turks are hospitable, good people" and good people would not do what the Armenians allege happened under Ottoman reign. Let me say that the character of the Turkish people is not at issue here. Turkish hospitality is well known, and many Turks proved their sense of humanity during the genocide by protecting individual Armenians. That does not change what the government did to the Armenians from 1915 to 1923, the fact that the racist ideology of Pan-Turkism (Turket only for Turks) was and still is prevalent, or that the government continues to have a poor human rights record and severely discriminates against Armenians in Turkey today.

You should also know that the 1915–1923 Armenian genocide was not an isolated event. From 1894 to 1896, Sultan Abdul Hamid openly and proudly ordered the massacre of hundreds of thousands of Armenians, ostensibly to send the Armenians a message about their place in Turkish society. Lord Kinross gave the following example of the atrocities in this period:

"[The Massacre's] objective based on the convenient consideration that Armenians were now tentatively starting to question their inferior status, was the ruthless reduction, with a view to elimination of the Armenian Christians, and the expropriation of their lands for the Moslem Turks. Each operation, between the bugle calls, followed a similar pattern. First the Turkish troops came into a town for the purpose of massacre; then came the Kurdish irregulars and tribesmen for the purpose of plunder. Finally came the holocaust, by fire and destruction, which spread, with the pursuit of the fugitives and mopping-up operations, throughout the lands and villages of the surrounding province. This murderous winter of 1895 thus saw the decimation of much of the Armenian population and the devastation of their property in some twenty districts of eastern Turkey. Often the massacres were timed for a Friday, when the Moslems were in their mosques . . . Cruelest and most ruinous of all were the massacres at Urfa, where the Armenian Christians numbered a third of the population . . . When the bugle blast ended the day's operations, some three thousand refugees poured into the cathedral, hoping for sanctuary. But the next morning—a Sunday—a fanatic mob swarmed into the church in an orgy of slaughter, rifling its shrines with cries of 'Call upon Christ to prove Himself a greater prophet than Mohammed.' Then they amassed a large pile of straw matting, which they spread over the litter of corpses and set alight with thirty cans of petroleum. The woodwork of the gallery where a crowd of women and children crouched, wailing with terror, caught fire, and all perished in the flames. Punctiliously at three-thirty in the afternoon the bugle blew once more, and the Moslem officials proceeded around the Armenian quarter to proclaim that the massacres were over . . . the total casualties in the town, including those slaughtered in the cathedral, amounted to eight thousand dead."

Similar accounts of massive Armenian massacres during this 1894-1896 period abound. In 1909, for similar reasons, the government set another prelude to the 1915-1923 genocide. Then, it ordered and carried out massacres in Adana which killed 30,000 Armenians.

Today, as I have noted, the Turkish government is engaged in an all out effort to deny the Armenian genocide. In addition to its efforts in the United States, it is eradicating the physical evidence of any Armenian existence in Turkey. At the beginning of this century Armenians had two thousand churches in Turkey. Now under two hundred are standing. As for the rest, the government has: destroyed them; converted them to mosques, warehouses, cinemas, and other uses; or allowed them to be plundered and destroyed. In Armenian schools, Armenians are forbidden to teach history and geography, those subjects can only be taught by Turkish officials. As a final example, Turkey strictly forbids open discussion of Armenian history or any other matters which do not comply with government policy. In March of this year, the Independent Magazine reported that:

"In early December 1986 Hilda Hulya Potuoglu was arrested by the Turkish Security Police and charged with 'making propaganda with intent to destroy or weaken national feelings.' The prosecutor of the Istanbul State Security deemed her offense as meriting severe punishment and asked for between a seven-and-a-half and a 15-year jail sentence.

"Potuoglu's crime was to edit the Turkish edition of the Encyclopedia Britannica. In this was included a footnote which read as follows: 'During the Crusades the mountainous reigions of Cilicia were under the hegemony of the Armenian Cilician kingdom' . . .

"The Encyclopedia Britannica was not the first publication to offend. In 1981 the authorities seized Ankara 50, a guidebook to Ankara produced by the British Institute of Archaeology. The book, when published in 1973, had been passed by the military censor. By 1981, however, times had changed. It was noticed that the book featured a map naming the Roman provinces of Asia Minor including—with perfect historical accuracy—the province of Armenia. The guidebook quickly joined the index of forbidden books along with other such politically dubious publications The Time Atlas of World History and the National Geographic Atlas of the World."

This is the type of action that the Turkish government and those in the United States who deny the Armenian genocide are promoting—the sacrifice of truth and integrity on the altar of perceived political expedience. This is why I am especially glad to have had this time with you today, to publicly expose exactly what we are all up against in fighting denial of the Armenian genocide. Thank you.

HUMAN LIFE AMENDMENT TO THE CONSTITUTION

● Mr. GARN. Mr. President, this past Monday people from all over our country on both sides of the abortion issue descended on the Nation's Capitol on the 17th anniversary of the Supreme Court decision in Roe versus Wade.

However, unlike on other anniversaries, pro-lifers have new encouragement due to the Supreme Court Webster versus Reproductive Health Services decision. The Webster ruling is narrow in that it applies only to Missouri, but it does set the stage for other States to pass more restrictive measures regulating abortion. This is certainly a move in the right direction.

In what appears to be an attempt to further resolve the abortion issue, the Supreme Court has agreed to hear three other abortion cases. One addresses permissible regulation of private abortion clinics and two concern parental notification. All three regard State laws having the effect of creating obstacles to the access of first-trimester abortions. Perhaps Webster is a signal that the Court is now prepared to uphold State restrictions on abortion that have been ruled uncon-

stitutional for 16 years, many by lower courts. At the very least, Webster assures that the abortion debate will continue to dominate both the judicial and political agenda.

Although the Webster decision is a victory for abortion opponents, it has fanned the flame of determination of abortion rights advocates throughout the country that the right to abortion on demand must not be altered. That makes the task of stopping this taking of innocent, voiceless lives even tougher and the efforts of pro-lifers even more important.

Last January, I again introduced, for the seventh consecutive Congress, a human life amendment to the Constitution. Senate Joint Resolution 3 states that "with respect to the right to life, the word 'person' as used * * * in the Fifth and Fourteenth amendments to the Constitution * * * applies to all human beings, irrespective of age, health, function, or condition of dependency, including their unborn offspring at every stage of their biological development." The amendment goes on to say, "No unborn person shall be deprived life by any person: *Provided, however,* That nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother."

The Supreme Court in Roe versus Wade indicated that the Constitution never specifically defines "person" but that in most sections where "person" appears * * * the use of the word is such that it has application only postnatally. None indicates, with any assurance, that it has any possible prenatal application." My amendment addresses this and I will continue in this regard, until we return to a correct interpretation of the Constitution which protects the rights of all human life.●

THE FUTURE OF OUR SOCIETY

● Mr. HUMPHREY. Mr. President, human life is precious, both inside and outside the womb. In my opinion, nobody understands this better than Kevin and Linda Cross. In a January 17, 1989 letter to the editor of the Eagle Times of Claremont, NH, Kevin writes about the untimely and tragic death of their son Matthew. It is my hope that those who favor the killing of prenatal infants take the time to read Kevin's letter.

Mr. President, I ask that this letter be placed in the RECORD.

The letter follows:

THE FUTURE OF OUR SOCIETY IS AT STAKE

To the EDITOR:

Across our nation, churches will be celebrating "Sanctity of Human Life Sunday" on Jan. 21. The concern for life in America will be one of the major issues for the nineties. From abortion to euthanasia, how we determine the meaning of life now will affect our nation in the next century.

As a citizen of the United States and a minister by profession, it is my responsibility to know and care for life. The Bible and the Constitution provide a right to life for all persons. Yet how do we determine when life begins? Let me share a personal experience.

When my wife Linda became pregnant, we were delighted. We dreamed many things for our child. When our baby was seven weeks old in the womb, we saw through an ultrasound the body and heart beat of this little "fetus."

Then my wife began to bleed. Our doctor monitored the growth of our child in the womb for the next seven weeks. But at 14 weeks in the womb, my wife miscarried. As I saw a little five-inch baby boy delivered at the hospital, I both marveled and cried. The detail of our little child at only 14 weeks in the womb was incredible—fingers, toes, a complete body. Yet he was too small to live.

Fortunately our nurse was very compassionate. She asked if we wanted to hold our baby, whom we named Matthew. We did, and we sobbed. We held a funeral several days later, although many couldn't understand why. But if they could have just seen the child we held in our hand for those few minutes, they would know why we grieved so.

Nothing can bring Matthew back to life, but we can seek to save those who will be lost to both abortion and euthanasia. It is imperative that we as a nation strive to preserve the dignity of human life, whether in the womb or in the nursing home. My experience has shown me that life is sacred, from beginning to end. Please decide for yourself where we as a nation will draw the line to life. The future of our society is at stake.

KEVIN P. CROSS,
Claremont, NH.●

SUSPENSION OF PARAGRAPH 2 OF RULE XXVI

Mr. MITCHELL. Mr. President, I ask unanimous consent that paragraph 2 of rule XXVI, requiring the printing of committee rules in the CONGRESSIONAL RECORD by March 1 of this year, be suspended for those committees who have not made changes in their rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNIVERSARY OF VOLUNTEERS IN SERVICE TO AMERICA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Item No. 426, House Concurrent Resolution 228, relating to the 25th anniversary of Volunteers in Service to America.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 228) expressing the sense of the Congress regarding the 25th anniversary of Volunteers in Service to America.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the concurrent resolution (H. Con. Res. 228) was considered and agreed to.

The preamble was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURES INDEFINITELY POSTPONED

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar Nos. 27, 217, and 336 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 428, 429, 430, 431, and 432, en bloc; that the committee amendments were appropriately agreed to en bloc; that the bills be deemed read a third time and passed, and the motion to reconsider the passage of these bills be laid upon the table; and that the title amendment, where appropriate, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION OF BOUNDARIES OF GETTYSBURG NATIONAL MILITARY PARK

The Senate proceeded to consider the bill (S. 1594) to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 1594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION.

(a) LANDS INCLUDED IN THE PARK.—In furtherance of the purposes of the Act entitled "An Act to establish a national military park at Gettysburg, Pennsylvania", approved February 11, 1895 (16 U.S.C. 430g et seq.), the Gettysburg National Military Park (hereafter in this Act referred to as the "park") shall hereafter comprise the lands and interests in lands within the boundary generally depicted as "Proposed Park Boundary" on the map entitled "Proposed Boundary [Concept", numbered NPS

305/80034, and dated , 198 , which shall be on file and available for] *concept", numbered NPS 305/80034-A, and dated November, 1989, which shall be on file and available for* public inspection in the Office of the Director of the National Park Service, Department of the Interior.

(b) LANDS EXCLUDED FROM THE PARK.—Lands and interests in lands outside of the boundary so depicted as "Proposed Park Boundary" on the map referred to in subsection (a) are hereby excluded from the park and shall be disposed of [under section 2(o).] *in accordance with the provisions of subsection 2(c).*

SEC. 2. ACQUISITION AND DISPOSAL OF LANDS.

(a) GENERAL AUTHORITY.—The Secretary is authorized to acquire lands and interests in lands within the park by donation, purchase with donated or appropriated funds, exchange, or otherwise.

(b) AUTHORITY TO CONVEY FREEHOLD AND LEASEHOLD INTERESTS WITHIN PARK.—The Secretary may convey lands and interests in lands within the park authorized in accordance with [section 5(a) of the Act approved July 15, 1968 (16 U.S.C. 4601-22,) *subsection (a) of the Act of July 15, 1968 (16 U.S.C. 4601-22),* except that, notwithstanding subsection (d) of that section, the net proceeds from any such conveyance [may be retained and used] *may be used, subject to appropriations,* to acquire lands and interests within the park.

[(c) CONVEYANCE OF LANDS EXCLUDED FROM PARK.—In acquiring lands and interest in lands within the park, the Secretary may convey by exchange those Federal lands and interests excluded from the park by section 1. If any such Federal lands and interests are not so conveyed after five years after the date of enactment of this Act, the Secretary may sell any or all such lands and interests to the highest bidder and, notwithstanding any other provision of law, retain and use the net proceeds to acquire lands and interests within the park.]

(c) CONVEYANCE OF LANDS EXCLUDED FROM PARK.—The Secretary is authorized, in accordance with applicable existing law, to exchange Federal lands and interests excluded from the park pursuant to subsection 1(b) for the purpose of acquiring lands within the park boundary.

(2) If any such Federal lands or interests are not exchanged within five years after the date of enactment of this Act, the Secretary may sell any or all such lands or interests to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but any such conveyance shall be at not less than the fair market value of the land or interest, as determined by the Secretary.

(3) All Federal lands and interests sold or exchanged pursuant to this subsection shall be subject to such terms and conditions as will assure the use of the property in a manner which, in the judgment of the Secretary, will protect the battlefield setting. Notwithstanding any other provision of law, the net proceeds from any such sale or exchange shall be used, subject to appropriations, to acquire lands and interests within the park.

(d) RELINQUISHMENT OF LEGISLATIVE JURISDICTION TO PENNSYLVANIA.—With respect to any lands over which the United States exercises exclusive or concurrent legislative jurisdiction and which are excluded from the park [by section 1,] *pursuant to subsection 1(b),* the Secretary may relinquish to the Commonwealth of Pennsylvania such exclusive or concurrent legislative jurisdiction by filing with the Governor a notice of relinquishment to take effect upon acceptance thereof, unless otherwise provided by the laws of the Commonwealth.

SEC. 3. AGREEMENTS WITH RESPECT TO MONUMENTS AND TABLETS LOCATED OUTSIDE PARK BOUNDARY.

The Secretary is authorized to enter into agreements with the owners of property outside the boundary of the park on which have been erected historic monuments and tablets commemorating the Battle of Gettysburg. The Secretary may make funds [available] *available, subject to appropriations,* for the maintenance, protection, and interpretation of such monuments and tablets pursuant to such agreements. [In addition, the Secretary may] *In addition, within the area depicted as the "Battlefield Setting" on the map referred to in subsection 1(a), or in proximity thereto, the Secretary may, with the consent of the owner,* acquire, by donation, purchase, or exchange, lands and interests comprising such monuments and tablets together with lands and interests necessary to provide adequate public access thereto.

SEC. 4. CONSERVATION OF HISTORIC SETTING.

The Secretary shall take appropriate action to encourage conservation of the battlefield setting at Gettysburg by landowners, local governments, organizations, and businesses. The Secretary shall give priority in making grants under section 101(d), and in providing technical assistance, information, and advice under section 101(h), of the National Historic Preservation Act (16 U.S.C. 470a(d), (h)) to programs and activities that will assure development and use of natural and cultural resources in a manner that is consistent with the conservation and maintenance of the historic character of the battlefield setting. The Secretary shall also provide, [on a request basis,] *on request,* technical assistance to assist local governments in cooperative efforts which complement the values of the park and battlefield and to help landowners prepare individual property plans which meet landowner and conservation objectives in the area known as the "Battlefield Setting" as depicted on the map referred to in [section] *subsection* 1(a).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provision of this Act.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time and passed.

S. 1594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION.

(a) LANDS INCLUDED IN THE PARK.—In furtherance of the purposes of the Act entitled "An Act to establish a national military park at Gettysburg, Pennsylvania", approved February 11, 1895 (16 U.S.C. 430g et seq.), the Gettysburg National Military Park (hereafter in this Act referred to as the "park") shall hereafter comprise the lands and interests in lands within the boundary generally depicted as "Proposed Park Boundary" on the map entitled "Proposed Boundary concept", numbered NPS 305/80034-A, and dated November, 1989, which shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior.

(b) LANDS EXCLUDED FROM THE PARK.—Lands and interests in lands outside of the boundary so depicted as "Proposed Park Boundary" on the map referred to in subsection (a) are hereby excluded from the park and shall be disposed of in accordance with the provisions of subsection 2(c).

SEC. 2. ACQUISITION AND DISPOSAL OF LANDS.

(a) GENERAL AUTHORITY.—The Secretary is authorized to acquire lands and interests in lands within the park by donation, purchase with donated or appropriated funds, exchange, or otherwise.

(b) AUTHORITY TO CONVEY FREEHOLD AND LEASEHOLD INTERESTS WITHIN PARK.—The Secretary may convey lands and interests in lands within the park authorized in accordance with subsection (a) of the Act of July 15, 1968 (16 U.S.C. 4601-22), except that, notwithstanding subsection (d) of that section, the net proceeds from any such conveyance may be used, subject to appropriations, to acquire lands and interests within the park.

(c) CONVEYANCE OF LANDS EXCLUDED FROM PARK.—(1) The Secretary is authorized, in accordance with applicable existing law, to exchange Federal lands and interests excluded from the park pursuant to subsection 1(b) for the purpose of acquiring lands within the park boundary.

(2) If any such Federal lands or interests are not exchanged within five years after the date on enactment of this Act, the Secretary may sell any or all such lands or interests to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but any such conveyance shall be at not less than the fair market value of the land or interest, as determined by the Secretary.

(3) All Federal lands and interests sold or exchanged pursuant to this subsection shall be subject to such terms and conditions as will assure the use of the property in a manner which, in the judgment of the Secretary, will protect the battlefield setting. Notwithstanding any other provision of law, the net proceeds from any such sale or exchange shall be used, subject to appropriations, to acquire lands and interests within the park.

(d) RELINQUISHMENT OF LEGISLATIVE JURISDICTION TO PENNSYLVANIA.—With respect to any lands over which the United States exercises exclusive or concurrent legislative jurisdiction and which are excluded from the park pursuant to subsection 1(b), the Secretary may relinquish to the Commonwealth of Pennsylvania such exclusive or concurrent legislative jurisdiction by filing with the Governor a notice of relinquishment to take effect upon acceptance thereof, unless otherwise provided by the laws of the Commonwealth.

SEC. 3. AGREEMENTS WITH RESPECT TO MONUMENTS AND TABLETS LOCATED OUTSIDE PARK BOUNDARY.

The Secretary is authorized to enter into agreements with the owners of property outside the boundary of the park on which have been erected historic monuments and tablets commemorating the Battle of Gettysburg. The Secretary may make funds available, subject to appropriations, for the

maintenance, protection, and interpretation of such monuments and tablets pursuant to such agreements. In addition, within the area depicted as the "Battlefield Setting" on the map referred to in subsection 1(a), or in proximity thereto, the Secretary may, with the consent of the owner, acquire, by donation, purchase, or exchange, lands and interests comprising such monuments and tablets together with lands and interests necessary to provide adequate public access thereto.

SEC. 4. CONSERVATION OF HISTORIC SETTING.

The Secretary shall take appropriate action to encourage conservation of the battlefield setting at Gettysburg by landowners, local governments, organizations, and businesses. The Secretary shall give priority in making grants under section 101(d), and in providing technical assistance, information, and advice under section 101(h), of the National Historic Preservation Act (16 U.S.C. 470a(d), (h)) to programs and activities that will assure development and use of natural and cultural resources in a manner that is consistent with the conservation and maintenance of the historic character of the battlefield setting. The Secretary shall also provide, on request, technical assistance to assist local governments in cooperative efforts which complement the values of the park and battlefield and to help landowners prepare individual property plans which meet landowner and conservation objectives in the area known as the "Battlefield Setting" as depicted on the map referred to in subsection 1(a).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

PETROGLYPH NATIONAL MONUMENT ES TABLISHMENT ACT

The Senate proceeded to consider the bill (S. 286) to establish the Petroglyph Monument in the State of New Mexico, and for other purposes which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That (a) this Act shall be cited as the Petroglyph National Monument Establishment Act of 1989".

(b) The Congress finds that—

(1) the nationally significant Las Imagines National Archeological District on Albuquerque's West Mesa Escarpment contains more than fifteen thousand documented prehistoric and historic petroglyphs;

(2) this district also contains approximately 65 other archeological sites;

(3) the West Mesa Escarpment and the petroglyphs are threatened by urbanization and vandalism, and hundreds of petroglyphs have already been destroyed;

(4) the State of New Mexico has shown great leadership by recognizing the importance of the archeological resources of the West Mesa Escarpment through the establishment of the Las Imagines National Archeological District;

(5) the city of Albuquerque has played a significant role in the preservation of the natural, cultural, and recreational resources of the West Mesa Escarpment;

(6) the Middle Rio Grande Pueblo Tribes have shown a strong and sincere interest in preservation of their heritage through protection of the West Mesa Escarpment;

(7) the Atrisco Land Grant, now held by Westland Development Co., Inc., a corporation whose stock is owned primarily by heirs of the Atrisco Land Grant, has played a significant role in the settlement of the West Mesa area since the grant's formation in 1692 and has shown a strong interest in the preservation of their traditional lands;

(8) the National Park System has no unit established for the specific purpose of protecting, preserving, and interpreting prehistoric and historic rock art; and

(9) in light of the national significance of the West Mesa Escarpment and the petroglyphs and the urgent need to protect the cultural and natural resources of the area from urbanization and vandalism, it is appropriate that a national monument be established in the West Mesa Escarpment area, near Albuquerque, New Mexico.

SEC. 2. (a) In order to preserve, for the benefit and enjoyment of present and future generations, that area in New Mexico containing the nationally significant West Mesa Escarpment, the Las Imagines National Archeological District, a portion of the Atrisco Land Grant, and other significant natural and cultural resources, to provide for the interpretation of such resources, and to facilitate research activities associated with the resources, there is hereby established the Petroglyph National Monument (hereinafter referred to as the "monument") as a unit of the National Park System. The monument shall consist of approximately 7,274 acres including the Atrisco, Boca Negra, and Piedras Mercadas Units as depicted on the map entitled "Boundary Map, Petroglyph National Monument", numbered NM-PETR-80,010 and dated January 1989, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, in the offices of the Department of Energy, Minerals, and Natural Resources of the State of New Mexico, in the office of the mayor of the city of Albuquerque, New Mexico.

(b) The monument shall be administered by the Secretary or, where appropriate, by the Secretary in cooperation with the State of New Mexico (hereinafter referred to as the "State") and the city of Albuquerque, New Mexico (hereinafter referred to as the "city"), in accordance with section 4 of this Act.

(c) Within 6 months after the enactment of this Act, the Secretary shall file a legal description of the monument designated under this section with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (a) of this section. The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, in the offices of the Department of Energy, Minerals, and Natural Resources of the State of New Mexico, in the office of the mayor of the city of Albuquerque, New Mexico, and in the monument office: Provided, That the Secretary may from time to time, after completion of the plan referred to in section 5(a) of this Act, make minor adjustments to the boundary by publication of a revised map or other boundary description in the Federal Register.

SEC. 3. (a) Within the boundary of the monument, the Secretary is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency, except that lands or interests therein owned by the State or a political subdivision thereof may be acquired only by donation or exchange.

(b) Where the surface and subsurface estates of private land to be acquired are separately owned, the Secretary shall acquire the subsurface estate to such land prior to or at the same time the surface estate is acquired: Provided, That this subsection shall not be applicable if the Secretary determines that the prior acquisition of the surface estate is necessary—

(1) to prevent damage to the resources of the monument; or

(2) to properly manage and interpret the monument in accordance with section 2.

(c) The Secretary may exchange lands within the area described on the map referred to in section 2 as the Piedras Mercadas Unit for lands owned by the city within the area described on the map referred to in section 2 as the Atrisco Unit. The Secretary may exchange lands within the area described on the map referred to in section 2 as the Boca Negra Unit for lands owned by the State within the area described on the map referred to in section 2 as the Atrisco Unit. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the properties exchanged.

(d) It is the intent of Congress that the lands referred to in section 2 be administered in perpetuity as a unit of the National Park System. If any portion of the monument consisting of lands acquired from Westland Development Co., Inc., pursuant to this Act is ever deauthorized as a unit of the National Park System, the Secretary of the Interior, within one year from the date of such deauthorization, shall offer to sell such portion to Westland Development Co., Inc., its successor in interest, or assigns, for the amount that the Secretary paid for the land, adjusted in accordance with the Consumer Price Index: Provided, That such amount may not exceed the fair market value of the land. If such offer is not accepted within 90 days of the date of the offer, the Secretary may dispose of the lands as provided by applicable law.

(e) Prior to acquiring fee simple ownership of private lands or interests therein within the boundaries of the monument, the Secretary is authorized to acquire an appropriate interest in such land by donation or for a nominal fee from its owners for the purpose of providing immediate protection against trespass and vandalism and initiating any resource inventories necessary to carry out the purposes of this act.

SEC. 4. (a) The Secretary shall administer, manage, and protect the monument in accordance with the Act of August 25, 1916, (39 Stat. 535; 16 U.S.C. 1 et seq.), the Act of August 21, 1935 (49 Stat. 666; U.S.C. 461 et seq.), and this Act, and in such manner as to preserve, for the benefit and enjoyment of present and future generations, its cultural and natural resources, and to provide for interpretation of and research on such resources.

(b) The Secretary is authorized to enter into cooperative agreements with either the State or the city under which the Secretary

may manage and interpret any lands owned by the State or the city, respectively, within the boundaries of the monument.

(c) In order to encourage a unified and cost effective interpretive program of the natural and cultural resources of the West Mesa Escarpment and its environs, the Secretary is authorized to enter into cooperative agreements with other Federal, State, and local public departments and agencies, Indian tribes, and nonprofit entities providing for the interpretation of these resources. Such agreements shall include, but need not be limited to, provision for the Secretary to develop and operate interpretive facilities and programs on lands and interests in lands outside the boundaries of the monument, with the agreement of the owner or administrator thereof. Such cooperative agreements may also provide for financial and technical assistance for the planning and implementation of interpretive programs and minimal development related to those programs.

(d) The Secretary may participate in land use and transportation management planning conducted by appropriate local authorities for lands adjacent to the monument and may provide technical assistance to such authorities and affected land owners for such planning.

(e) Nothing in this Act shall be construed as authorizing or requiring revocation of any interest or easement for existing electric transmission or distribution facilities or prohibiting the operation and maintenance of such facilities within or adjacent to the boundaries of the monument.

SEC. 5. (a) Within 3 years from the date funding is made available for the purposes of this section, the Secretary, in cooperation with the city and the State, shall develop and transmit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, a general management plan for the monument consistent with the purposes of this Act, including but not limited to—

(1) a statement of the number of visitors and types of public use within the monument which can be accommodated in accordance with the protection of its resources;

(2) a general interpretive program;

(3) a plan to implement the joint resolution entitled "American Indian Religious Freedom", approved August 11, 1978 (42 U.S.C. 1996); and

(4) a general development plan for the monument, including proposals for a visitors' center, and the estimated cost thereof.

(b) The management plan shall be prepared in consultation with the Petroglyph National Monument Advisory Commission, established pursuant to section 7, appropriate Indian tribes and their civil officials, the heirs of the Atrisco Land Grant, the New Mexico State Historical Preservation Office, and other interested parties.

(c) The Secretary shall undertake research on other Rio Grande style rock art sites on Federal lands in New Mexico and provide the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, within 3 years of the date funding is made available for the purposes of this section, a report that—

(1) lists various locations of Rio Grande style rock art;

(2) identifies the condition of the resources; and

(3) identifies the appropriate type of technical assistance needed for the protection and care of these resources.

The report shall be updated and transmitted to such committees every 2 years thereafter.

SEC. 6. In recognition of the past use of the monument by Indian people for traditional cultural and religious purposes, the Secretary shall insure nonexclusive access to the monument by Indian people for such traditional cultural and religious purposes, consistent with Public Law No. 95-341 (42 U.S.C. 1996). As part of the plans prepared pursuant to section 5, the Secretary, in consultation with appropriate Indian tribes and their civil officials, shall define the past cultural and religious uses of the monument by Indian people.

SEC. 7. (a) There is established the Petroglyph National Monument Advisory Commission (hereinafter referred to as the "Commission"). The Commission shall be composed of 10 members appointed by the Secretary for terms of 5 years as follows:

(1) one member, who shall have professional expertise in history or archaeology, appointed from recommendations submitted by the Governor of the State of New Mexico;

(2) one member, who shall have professional expertise in history or archaeology, appointed from recommendations submitted by the major of the city of Albuquerque, New Mexico;

(3) one member, who shall have professional expertise in Indian history or ceremonial activities, appointed from recommendations submitted by the All Indian Pueblo Council;

(4) one member who shall be a shareholder of the Westland Development Co., Inc.;

(5) one member who shall be an heir of the Atrisco Land Grant;

(6) one member who shall be an affected land owner;

(7) one member who shall have professional expertise in geology;

(8) one member who shall have professional expertise in Indian rock art;

(9) one member from the general public; and

(10) the director of the National Park Service, or his or her designee, ex officio.

(b) Any member of the Commission may serve after the expiration of his term until his successor is appointed. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5, United States Code.

(d) The Chair and other officers of the Commission shall be elected by a majority of the members of the Commission to serve for terms established by the Commission.

(e) The Commission shall meet at the call of the Chair or a majority of its members, but not less than twice annually. Five members of the Commission shall constitute a quorum. Consistent with the public meeting requirements of section 10 of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall, from time to time, meet with persons concerned with Indian history and historic preservation and with other interested persons.

(f) The Commission may make such bylaws, rules, and regulations as it considers necessary to carry out its functions under this Act. Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(g) The Commission shall advise the Secretary on the management and development of the monument and on the preparation of the plan referred to in section 5(a) of this Act. The Secretary, or his designee, shall from time to time, but at least semiannually, meet and consult with the Commission on matters relating to the management and development of the monument.

(h) The Commission shall cease to exist 10 years after the date of its first meeting.

SEC. 8. The first sentence of section 202 of Public Law 100-225 (16 U.S.C. 460uu-12) is amended by deleting "and Zuni-Cibola National Historical Park" and inserting "Zuni-Cibola National Historical Park, and Petroglyph National Monument".

SEC. 9. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

THE PETROGLYPH NATIONAL MONUMENT ESTABLISHMENT ACT OF 1989

Mr. DOMENICI. Mr. President, I rise today to encourage my colleagues to join me in supporting the passage of the Petroglyph National Monument Establishment Act, S. 286.

This bill will designate a portion of the Northwest Mesa Volcanic Escarpment here in Albuquerque as the Petroglyph National Monument. This legislation is needed to protect the escarpment and the thousands of ancient petroglyphs it contains from being destroyed by vandalism and increasing urbanization.

Mr. President, I think—and I know I may have a bias—that a sunset in Albuquerque is one of the most beautiful sights I have ever seen.

As the sun sets, the sky becomes nature's palette, a rich mosaic of blue, red, yellow, purple, orange, and pink. The Sandia Mountains, towering above the eastern edge of the city, radiate the colors of the setting Sun. The Rio Grande shimmers in the multihued light as it flows on its long, lazy trek south through the cottonwood bosque in the middle of the city.

Silhouetted before the sunset on the western edge of Albuquerque is the Northwest Mesa Volcanic Escarpment. Some 190,000 years ago, a series of volcanic eruptions along a 5-mile fissure in the Earth spewed lava in thin, but broad sheets toward the Rio Grande. Later eruptions covered the earlier lava flows, creating over time a 17-mile long, serpentine cliff—the Northwest Mesa Volcanic Escarpment—that sweeps up from the desert floor to rise 100 feet above it at some points.

Jutting up from the mesa top are five steep volcanic cones that now stand in silent testimony to the violent eruptions that created the West Mesa many eons ago. As the sky explodes in color and the Sun sets behind it, the dark ribbon of the escarpment and its

volcanic cones deepen to a primordial black.

Mr. President, words cannot express the beauty of a sunset in Albuquerque. You have to see it. And in order for the residents of Albuquerque and for people from all across America to see it, we must protect it.

The people of Albuquerque have already preserved the Sandia Mountains and the cottonwood bosque along the Rio Grande. Now, it is time to preserve the Northwest Mesa Volcanic Escarpment in order to protect our sunsets.

Just as importantly, we need to preserve the escarpment in order to protect our history.

Man first arrived at the escarpment at a time when mammoths, mastodons, and giant bison roamed up and down the Rio Grande Valley. The first inhabitants of the area, people we now call the Paleo-Indians, were hunters and gatherers who followed the herds of these large animals.

In the millennia that followed, the early Pueblo Indian people came to lead a less nomadic existence and relied more on agriculture. It was during this time, approximately 1000 B.C. to 500 A.D., that one of the inhabitants of the Rio Grande Valley picked up a rock and used it to peck out a geometric pattern on one of the large, dark basalt boulders that were strewn along the slope of the escarpment and created the first petroglyph.

In the ensuing centuries, as the population of the Pueblos that dotted the Rio Grande Valley grew, thousands more petroglyphs, picturing lizards, squirrels, men, crosses, circles, star beings, birds, flute players, serpents, and a world of other figures, were carved onto the boulders of the escarpment.

By the time that the first Spanish explorer, Vasquez de Coronado, arrived in the area in 1540, over 15,000 Indian petroglyphs stretched along the 17 miles of volcanic cliffs of the escarpment. The early Spanish settlers carved their symbols into the escarpment, creating their own petroglyphs.

The petroglyphs left by the Pueblo Indian inhabitants and the early Spanish settlers of the Rio Grande Valley can still be seen on the escarpment today. They are an important visual record of the early history of Albuquerque.

Unfortunately, the escarpment and the petroglyphs upon it are currently being threatened by vandalism and urbanization as Albuquerque spreads to the west. Hundreds of petroglyphs have already been destroyed.

In order to prevent any further destruction of the escarpment and the petroglyphs, we must act to preserve this area soon. If we delay, this magnificent resource, which forms a scenic boundary of Albuquerque and contains an important part of the city's history, will be lost.

Mr. President, in 1986, at my request, the Congress directed the National Park Service to conduct a study of the Northwest Mesa Volcanic Escarpment and the petroglyphs.

The Park Service's final report on the petroglyphs was released last year.

The report details that there are approximately 15,000 petroglyphs on the escarpment, most of which were created between 1300 and 1650 A.D. There are also at least 65 archaeological sites along the escarpment, some as old as 10,000 B.C.

According to the report:

> It is important to protect the integrity of the petrolglyphs for future research and study. To move or destroy the rock art and the physical setting would greatly reduce the quality of the resources.

The report also states that preservation of the escarpment will protect the scenic quality of Albuquerque.

The Park Service concludes that the escarpment is threatened by development pressures and immediate action is needed to preserve the escarpment. It recommends taking action to protect these resources using all available public and private capabilities.

The National Park Service outlines three alternatives for preserving the area:

First, a national monument under National Park Service control;

Second, a national monument jointly managed by the National Park Service, the State of New Mexico, and the city of Albuquerque; and

Third, joint management of the area by the State and the city with the cooperation of private landowners and technical and financial assistance from the Federal Government.

The report states that, because of the costs and geographic aspects of the area, alternative 2 would be the most effective method for protection of the escarpment.

The National Park Service estimates that a national monument protecting the petroglyphs would attract as many as 400,000 visitors a year, two-thirds of whom would be from out-of-State. These visitors would contribute an estimated $1.7 to $3.3 million to the local economy.

Following the conclusion of the National Park Service study, I convened an advisory group of conservationists, land owners, Government officials, and other concerned citizens to provide information and views on the various alternatives to the New Mexico congressional delegation as it put together the legislation to protect the escarpment.

In May 1988, this group, which was named the Advisory Group for the Establishment of a Petroglyph National Monument, presented its report to me. The advisory group supported the creation of a national monument. It made specific boundary recommendations, proposed provisions to be included in the legislation, and developed innovative proposals for land acquisition along the escarpment. Their work was essential in putting together a reasonable plan for the protection of this area.

While these efforts were underway, the city of Albuquerque was also working to protect the escarpment. In November of 1987, the city adopted a Northwest Mesa Escarpment plan. The plan recommends the conservation of the escarpment for the purpose of preserving the petroglyphs and the volcanic cliffs as public open space.

The city's escarpment plan proposes public ownership, through a phased acquisition program, for the escarpment and critical surrounding areas. It also provides immediate protection for the escarpment by imposing various zoning and construction restrictions, such as height and density limitations and buffer zones between development and the escarpment.

In addition, in October of 1987, the city instituted a ¼-cent sales tax for a variety of projects to enhance the quality of life in Albuquerque. Fourteen million dollars collected under that tax are earmarked for open space acquisition along the escarpment. The city has already spent or obligated $12 million of these funds, acquiring 500–600 acres. This is in addition to the 2,468 acres that it previously acquired along the escarpment.

The State of New Mexico has been involved in the effort to preserve the escarpment through its ownership of the existing Petroglyph State Park on the escarpment. Although the park is a State park, it is owned and operated by the city of Albuquerque and, thus, is a State park in name only.

In 1987, the New Mexico State Senate passed a memorial that directed the State government to assist the National Park Service and the city in the preparation of their respective plans for the preservation of the escarpment. The memorial also mandated that the State determine what its ultimate role should be in the effort to protect the escarpment.

The State supports preservation of the escarpment. It has agreed to assist with land acquisition associated with the expansion of Indian Petroglyph State Park. Over the past 2 years, the State legislature has authorized $6 million for the acquisition of land to expand Petroglyph State Park.

Mr. President, the city of Albuquerque and the State of New Mexico have begun the process of protecting Albuquerque's Northwest Mesa Volcanic Escarpment and its historic petroglyphs. Now it is time for the Federal Government to establish its role in this project through the creation of a Petroglyph National Monument.

The monument proposal has been developed over the past 4 years and

has involved scores of Federal, city, and State officials, private landowners, and concerned citizens. It enjoys unusually strong and practically universal support. In addition, the creation of a Petroglyph National Monument is consistent with the President's commitment to protecting the environment through the development of national park units in and near urban areas.

In 1988, then Congressman—and now Secretary of the Interior—Manuel Lujan and I developed and introduced the Petroglyph National Monument Establishment Act. However, because it was introduced late in the session, it was not enacted into law.

Last year, the new Congressman from Albuquerque, STEVE SCHIFF, took up where Manuel Lujan left off by introducing this legislation in the House of Representatives. Congressman SCHIFF has worked diligently on this legislation, and his efforts have made this a better bill.

My distinguished colleague from New Mexico, Senator BINGAMAN, is a cosponsor of the bill, and has been very supportive of the creation of the Petroglyph National Monument.

The Petroglyph National Monument Act:

First, declares that the petroglyphs are significant, that they are threatened by urbanization and vandalism, that the State of New Mexico and city of Albuquerque have shown great leadership in the protection of the petroglyphs, that the Pueblo Indians and the Atrisco heirs have shown a strong interest in the preservation of the escarpment, and that the National Park Service has no unit specifically established for the preservation of rock art.

Second, establishes the Petroglyph National Monument, encompassing essentially the boundaries identified as "Alternative 2" by the Park Service plus the "Southern Geologic Window and the Zuris-Mann Site." The 7,274-acre monument would be divided into three units: a 5,280-acre federally managed Atrisco unit; the 215-acre State/city-managed Boca Negra unit; and the 1,779-acre city-managed Piedras Marcadas unit.

Third, directs that the monument be administered by the National Park Service, in cooperation with the State and the city.

Fourth, allows the National Park Service to acquire lands in the national monument by donation, purchase, or exchange. State of New Mexico and city of Albuquerque lands may only be acquired by donation or exchange. The Secretary would have to acquire the surface and subsurface estates at the same time, unless doing so would hamper the ability to protect the escarpment or manage the monument. Allows the city and the State to acquire lands in the Federal area and then exchange them for Federal lands in their areas.

Fifth, allows Westland Development Co. to buy back their land that is purchased for the monument if their land is ever deleted from the monument.

Sixth, allows the National Park Service to provide immediate protection to threatened areas of the escarpment through acquisition by donation or a nominal fee of leasehold interests of escarpment land.

Seventh, authorizes the National Park Service to enter into cooperative agreements with the State of New Mexico and the city of Albuquerque for the administration of their lands within the national monument.

Eighth, authorizes the National Park Service to enter into cooperative agreements with public entities, Indian tribes, and nonprofit entities for the interpretation of the petroglyphs outside the national monument. This will allow the National Park Service to provide technical and financial assistance for the interim protection of areas along the escarpment.

Ninth, recognizes and protects existing utility corridors and facilities within the monument.

Tenth, permits the National Park Service to participate in land use and transportation management planning for lands adjacent to the monument and to provide technical assistance to the city and affected landowners for such planning.

Eleventh, directs the National Park Service, in consultation with the Petroglyph National Monument Advisory Commission, Pueblo Indians, the Atrisco heirs, and other interested parties, to develop a general management plan for the monument in 3 years. The plan shall include an estimate of visitor use, an interpretive program, a plan to implement the American Indian Religious Freedom Act, and a monument development plan.

Twelfth, directs the National Park Service to study other Rio Grande style rock art sites on Federal land in New Mexico, then report to Congress on the condition of those resources.

Thirteenth, allows nonexclusive access to the monument by Indian people for traditional cultural and religious purposes.

Fourteenth, establishes a 10-member advisory commission for the monument, consisting of representatives of the State, the city, the All Indian Pueblo Council, the Atrisco heirs, Westland Development Co., affected landowners, and others, to advise the Secretary of the Interior on the management and development of the monument and the preparation of the general management plan for the monument.

Fifteenth, amends the El Malpais National Monument Act approved in 1987 to include Petroglyph National Monument in the Masau Trail, the automobile touring route linking historic and prehistoric sites throughout New Mexico.

Mr. President, the Petroglyph National Monument is an innovative proposal because unlike most national park units, the Federal Government would not be responsible for the full cost of acquisition, development, and operation. Rather, the costs of the project would be split between the Federal Government, the city of Albuquerque, and the State of New Mexico.

The total cost of acquisition for the monument will be approximately $90 million. The cost to the Federal Government will be approximately $58 million. However, the value of the land acquired will be much greater, as significant portions of the monument may be acquired by donation or exchange.

Although the price-tag is high, I would like to assure my colleagues that the monument boundaries have been tightly drawn, so as to encompass the minimum amount of land necessary to create a viable unit of the National Park System.

The Federal Government will acquire 2,245 acres of private land, the city has acquired or will acquire 4,248 acres, and the State has acquired or will acquire 771 acres. The State and the city, thus, together will contribute over 2 acres for every acre that the Federal Government will contribute.

Two hearings were held on this bill, one in Albuquerque last April and the other in Washington in July. All the witnesses at both hearings testified in support of the creation of a petroglyph national monument.

This strong support is due to the effort that many groups, including the All Indian Pueblo Council, the American Association of University Women, the Friends of the Albuquerque Petroglyphs, the League of Women Voters, the National Parks and Conservation Association, the National Trust for Historic Preservation, the Open Space Task Force, Preservation Action, the Quality of Life Coalition, the Sierra Club, the Society for American Archaeology, the Wilderness Society, and others have put into this project.

I want to particularly note the contribution of Ike Eastvold of the Friends of the Albuquerque Petroglyphs, who came to me in August of 1986 and informed me about the need to protect the area. He has devoted the last 4 years of his life to this effort, and it is fair to say that, without him, this marvelous resource may have been lost.

In addition, J.J. Johnson, who served as president of the Advisory Committee for the Establishment of a Petroglyph National Monument, was instrumental in bringing together

many different interests and gaining their support for the national monument.

Westland Development Co., Inc. and the heirs of the Atrisco land grant also have been both helpful and accommodating. In 1692, the King of Spain created the Atrisco land grant on the escarpment. A good portion of the land in the area is still owned by the heirs of the Atrico land grant, through their corporate entity, Westland Development Co., Inc. They had some serious concerns about the legislation, which we were able to resolve by working them out together.

Finally, I would like to express my thanks to the National Park Service, and in particular to Doug Faris, chief of planning and design for the Southwest region of the Park Service. Doug has spent literally hundreds of hours on this project, and this legislation is a testament to the high quality of service that he performs on behalf of the Park Service.

Mr. President, nature has provided a beautiful backdrop for Albuquerque, with the Sandia Mountains on the east, the Rio Grande and the bosque in the middle, and the Northwest Mesa Volcanic Escarpment on the west. The people of Albuquerque have already preserved the mountains and the bosque. Now they want to preserve the West Mesa Escarpment so that we can save our sunsets and our history for Albuquerqueans and all Americans to enjoy. Let's help them do it.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time and passed.

EXCHANGE OF CERTAIN FEDERAL LANDS

The Senate proceeded to consider the bill (S. 319) to effect and exchange of lands between the U.S. Forest Service and the Salt Lake City Corp. within the State of Utah, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Salt Lake City Watershed Improvement Act of 1989".

SEC. 2. FINDINGS AND PURPOSES.

(a) The Congress finds that—

(1) current land ownership patterns in the Northern Canyons of the Wasatch Mountains east of Salt Lake City, Utah, unnecessarily impede efficient land and water resource management activities by the Forest Service and Salt Lake City on their respective lands;

(2) the Act of September 19, 1914, reserved Federal lands in these canyons from mineral entry and set them aside as a municipal water supply reserve for the use and benefit of Salt Lake City;

(3) the 1914 Act further provides for cooperation between the Forest Service and Salt Lake City in managing the lands for municipal water supply purposes; and

(4) a consolidation of Forest Service lands and Salt Lake City lands in the canyon vicinities would be in the public interest and would enhance land management and water resource protection opportunities for both Salt Lake City and the Forest Service.

(b) The purposes of this Act are to authorize an exchange of Forest Service and Salt Lake City lands to consolidate ownership and facilitate management, to adjust boundaries of the Wasatch National Forest accordingly, and to protect valid existing rights appurtenant to lands subject to conveyance under this Act.

SEC. 3. CONVEYANCE OF LANDS.

(a) The Secretary of Agriculture (hereafter referred to as the "Secretary") is authorized and directed to convey certain Federal lands managed by the Forest Service within the State of Utah, and generally as depicted on the map entitled "Salt Lake City—Wasatch National Forest Land Exchange" and dated November 1989, for certain lands owned by the Salt Lake City Corporation (hereinafter referred to as the "City") as generally depicted on such map. Such map, along with a legal description of all lands to be conveyed, shall be on file and available for public inspection in the office of the Forest Service, Department of Agriculture. The Secretary shall convey such Federal lands to the City only upon the occurrence of all of the following:

(1) Publication by the Secretary in the Federal Register of a legal description of all Federal lands to be conveyed to the City pursuant to this Act;

(2) Publication by the Secretary in the Federal Register of a legal description of all City lands to be conveyed to the United States pursuant to this Act;

(3) Written notification by the City to the Secretary that the City accepts the provisions of this Act;

(4) Delivery to the Secretary by the City of documents of conveyance of the lands to be conveyed by the City; and

(5) Delivery to the City and the Secretary of written approval by the Attorney General of the United States of the title to the lands described in documents of conveyance submitted by the City within three months of their receipt by the Secretary.

(b) Conveyances of Federal lands under this Act shall be completed notwithstanding—

(1) the reservations of the Act of September 19, 1914;

(2) section 206(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(3) withdrawals of lands under the United States court case National Wildlife Federation versus Burford,

(c) Unless otherwise described in the legal land descriptions as provided under subsection (a), all land acquisitions and conveyances made pursuant to this Act shall only include the surface estate.

(d) Land conveyances pursuant to this Act shall not require the preparation of an environmental analysis or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(e) Lands acquired by the United States pursuant to this Act shall be added to, and administered as part of, the National Forest System under principles of multiple use/sustained yield consistent with and conforming to the reservations and purposes of the Act of September 19, 1914, and this Act.

(f) Upon conveyance of the lands pursuant to this Act, the Secretary is directed to modify the boundaries of the Wasatch National Forest to exclude those lands conveyed from the United States to the City and to include those lands conveyed from the City to the United States.

(g) Valid existing rights appurtenant to lands acquired by the Secretary or acquired by the City pursuant to this Act shall be recognized, protected, and managed by the acquiring government in accordance with the terms and authorities under which such rights were issued until new, similar rights can be issued by the acquiring government—

(1) in the case of lands acquired by the Federal Government, the Secretary shall negotiate with holders of valid existing rights appurtenant to such lands issued by the City and provide such holders of rights new, similar rights under the authority of the Federal Government.

(2) in the case of lands acquired by the City—

(A) the City shall negotiate with holders of grazing permits, special use permits (to include easements and rights-of-way), or other valid existing rights appurtenant to such lands issued by the Federal Government and provide such holders of rights with similar new rights under the authority of the City; and

(B) the Secretary and the Secretary of the Interior shall consult and cooperate with the City on any terms and conditions, consistent with watershed and water resource protection under the Act of September 19, 1914, for leaseholder or mining claimant access to the mineral estate retained by the Federal Government.

(h) The City will recognize the designation of the Mormon Pioneer National Historic Trail over lands which it acquires pursuant to this Act and will manage its lands in a manner consistent with such designation.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time and passed.

DESOTO EXPEDITION TRAIL COMMISSION ACT

The Senate proceeded to consider the bill (S. 555) to establish in the Department of the Interior the DeSoto Expedition Trail Commission, and for other purposes, which had been re-

ported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "De Soto Expedition Trail Commission Act of 1989".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the expedition of Hernando de Soto was the first major European exploration of the interior of the southeastern United States and that the chronicles of the expedition provide a rare description of indigenous Indian societies;

(2) knowledge gained as a result of the expedition contributed significantly to the subsequent exploration and colonization of the region;

(3) discovery of the first winter encampment in Tallahassee, Florida, is the most recent archaeological evidence of the De Soto expedition in the United States;

(4) the State of Florida has completed the marking of a commemorative De Soto trail and the State of Alabama has identified a commemorative trail to be marked by 1990;

(5) the De Soto Trail Commission of the Southeast Region has identified a recommended "Highway Route of the De Soto Expedition"; and

(6) official commemoration of the De Soto expedition will increase public awareness of early European exploration of the southeastern United States, encourage further archaeological and historical research, and ultimately increase our knowledge of the early historic period of the southeastern United States.

(b) PURPOSE.—In furtherance of the findings set forth in subsection (a) of this section, it is the purpose of this Act to establish, through a Commission composed of individuals representing scholarly research and all concerned levels of government: (1) a commemorative highway route of the De Soto expedition, and (2) a comprehensive plan for the administration of such a highway route including associated public interpretive facilities.

TITLE I—DE SOTO EXPEDITION TRAIL COMMISSION

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—To carry out the purposes of this title and to assist with the establishment of a commemorative highway route of the De Soto expedition, there is hereby established in the Department of the Interior the De Soto Expedition Trail Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall exercise its responsibilities and authorities as provided in this Act with respect to that region of the southeastern United States comprising the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Texas (hereinafter in this Act referred to as the "involved States"). The Commission shall consist of 19 members, appointed by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") as follows:

(1) 10 members appointed from recommendations submitted by the Governors of the involved States, of which one shall represent each State;

(2) 4 members appointed from recommendations submitted by the De Soto Trail Commission of the Southeast Region;

(3) 2 members appointed from recommendations submitted by State Historic Preservation officers of one or more involved States, both of whom shall represent local or county historical commissions;

(4) 2 members appointed by the Secretary, of which one shall hold the position of Superintendent, De Soto National Memorial and the other shall have knowledge and experience in the Spanish colonization of the southeastern United States; and

(5) 1 member appointed by the Secretary from recommendations submitted by the Smithsonian Institution.

(b) APPOINTMENT.—All members of the Commission shall be appointed for terms of two years, except that the terms of the 10 members appointed from recommendations submitted by the Governors of the involved States pursuant to subsection (a)(1) shall be for a term of four years.

(c) CHAIRPERSON.—The Commission shall elect a chairperson from among its members. The term of the chairperson shall be two years.

(d) TERMS.—Any member of the Commission appointed for a definite term may serve after the expiration of such term until a successor is appointed. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which its predecessor was appointed.

(e) QUORUM.—A simple majority of Commission members shall constitute a quorum.

(f) MEETINGS.—The Commission shall meet at least biannually or at the call of the chairperson or a majority of its members.

(g) COMPENSATION.—Members of the Commission shall serve without compensation as such. Members shall be entitled to travel expenses under section 5703, title 5, United States Code, when engaged in Commission business, including per diem in lieu of subsistence in the same manner as persons employed intermittently.

SEC. 102. FUNCTIONS OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) coordinate activities of Federal, State, and local governments and private businesses and organizations in order to further the commemoration of the De Soto expedition;

(2) recommend to the Secretary guidelines and standards consistent with standards established by the National Park Service for the commemoration of the De Soto expedition, including interpretive methods;

(3) submit to the Secretary, within two years after the date of enactment of this Act, recommendations pertaining to the identification and designation of a highway route of the De Soto expedition, interpretive facilities to appropriately commemorate Spanish exploration, and a detailed plan to administer such route and facilities; and

(4) provide advice and assistance with respect to the preparation of grant or loan applications to the Secretary as provided in section 105.

(b) ANNUAL REPORTS.—(1) The Commission shall submit an annual report to the Secretary describing the activities of the Commission, progress with respect to the designation of a commemorative highway route and establishment of interpretive facilities and setting forth expenses and income.

(2) The Secretary shall submit an annual report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives describing the Commission's activities. Such report shall specify research activities, progress with respect to commemorative route designation, a summary of loans, grants, and technical assistance provided by the Secretary under this Act, including the amount, recipient, and purpose of any loan, grants, and technical assistance so provided, as well as the anticipated funds and personnel to be made available by the Secretary during the next fiscal year to implement the provision of the Act. Such report shall also include an analysis of the adequacy of actions taken during the previous year to: commemorate the De Soto expedition, conduct archeological and historical research, and publish information regarding the expedition and native cultures encountered by the expedition.

(c) EXPIRATION.—The Commission established pursuant to this title shall cease to exist four years after the date of enactment of this Act. Any property or funds of the Commission remaining upon the expiration of the Commission shall be transferred by the Commission to the United States, to a State or local government agency, to a private nonprofit organization exempt from income taxes under section 501(c)(3) of the Internal Revenue Code of 1986, or to any combination of the foregoing.

SEC. 103. STAFF OF THE COMMISSION.

(a) STAFF.—(1) The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provision of title 5, United States Code, governing appointments in the competitive service; and

(B) shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) STAFF OF OTHER AGENCIES.—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties.

(2) The Commission may accept the services of personnel; detailed from one or more of the involved States (and any political subdivision thereof) and may reimburse the State(s) or political subdivision(s) for those services.

SEC. 104. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may for the purpose of carrying out the provision of this title hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable.

(b) BYLAWS.—The Commission may make such bylaws, rules and regulations, consistent with this Act, as it considers necessary to carry out the purposes of this title.

(c) DELEGATION.—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(d) TECHNICAL ADVISORY GROUPS.—The Commission may establish and appoint one or more technical advisory groups to pro-

vide technical advice in financing, interpretive facilities, tourism, publications, and intergovernmental coordination.

(e) DONATIONS.—Notwithstanding any other provision of law, the Commission may seek and accept donations of funds or services from individuals, foundations, corporations, and other private entities, and from public entities, for the purpose of carrying out its duties.

(f) FUNDS FROM OTHER SOURCES.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(g) OBTAINING PROPERTY.—The Commission may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services, as may be needed to carry out its duties except that the Commission may not acquire any real property or interest in real property.

SEC. 105. GRANTS AND LOANS.

(a) In furtherance of the purposes of this title, the Secretary, in consultation with the Commission, is authorized to make grants and loans for archeological and historical research and field investigations regarding the De Soto expedition, for purposes including, but not limited to: the location of the expedition route, recovery and preservation of archeological or historical materials, identification of encampment sites, and advancement of knowledge regarding Hernando de Soto, his expedition through the southeastern United States and the native cultures inhabiting the region during the period of the expedition.

(b) Prior to making any grant or loan the Secretary shall require a detailed cost estimate to be prepared for the project to be funded. Any loan made pursuant to this section shall be subject to such terms and conditions, including interest, as may be established by the Secretary, in consultation with the Commission.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) For the purposes of carrying out the functions of the Commission, there are authorized to be appropriated such sums not to exceed $250,000.

(b) For the purposes of section 105, there are authorized to be appropriated such sums not to exceed $750,000.

TITLE II—HIGHWAY ROUTE OF THE DE SOTO EXPEDITION

SEC. 201. DESIGNATION OF THE ROUTE.

(a) DESIGNATION.—In order to provide for public appreciation, education, understanding, and enjoyment of the De Soto expedition and the native cultures encountered by the expedition, the Secretary, with the concurrence of the agency having jurisdiction over applicable public roads, and in consultation with the Commission, shall designate by publication of a description thereof in the Federal Register, a vehicular route along existing public roads paralleling as closely as practicable the route of the De Soto expedition. Such route shall be known as the Highway Route of the De Soto Expedition (hereinafter in this title referred to as the "Highway Route"), and shall be designated with appropriate markers and other informational displays to guide members of the public. The Secretary may provide funds to States or units of local government having jurisdiction over such roads so designated for such markers and other informational displays.

(b) INITIAL ROUTE.—The route as initially designated shall include that portion as designated by the State of Florida described as Florida Highway 64 from the De Soto National Memorial to Bradenton, thence U.S. Highway 301 to Bushnell, thence U.S. Highway 48 to Floral City, thence U.S. Highway 41 to Williston, thence Florida Highway 121 to Gainesville, thence Highway 90 to the Florida-Georgia State line and that portion proposed to be designated by the State of Alabama described as U.S. Highway 278 from the Georgia-Alabama State line to Piedmont, thence Alabama Highway 21 to Winterboro, thence Alabama Highway 76 to Childersburg, thence U.S. Highway 231 to Montgomery, thence U.S. Highway 80 to Uniontown, thence Alabama Highway 61 to Greensboro, thence Alabama Highway 69 to Tuscaloosa, thence U.S. Highway 82 to the Alabama-Mississippi State line.

(c) ADDITIONAL SEGMENTS.—The Secretary may, in the manner set forth in section 201 of this title, designate additional segments of the Highway Route from time to time upon the recommendation of the Commission as provided by section 102(a)(3).

SEC. 202. TECHNICAL ASSISTANCE.

With respect to segments of the Highway Route, the Secretary may, in consultation with the Commission, provide technical assistance to States for the development of interpretive displays and materials in order to enhance public appreciation of the archeological, historical, and cultural values along the Highway Route.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums not to exceed $500,000 to carry out the purposes of this title. No funds made available under this title shall be used for the operation, maintenance, or repair of any road or related structure.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time and passed.

MERRIMACK RIVER WILD AND SCENIC RIVERS ACT

The Senate proceeded to consider the bill (S. 1046) to designate the Merrimack River, in the State of New Hampshire, as a river to be studied for inclusion in the National Wild and Scenic Rivers System, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken and shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Merrimack River Study Act of 1989".

SEC. 2. STUDY RIVER DESIGNATION.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. [1276(a)) is] *1276(a)), as amended, is further* amended by adding the following new paragraph:

["(————————)] *"(106)* MERRIMACK RIVER, NEW HAMPSHIRE.—The segment from its origin at the confluence of the Pemigewasset and Winnipesaukee Rivers in Franklin, New Hampshire, to the backwater impoundment at Hooksett Dam, excluding the Garvins Falls Dam and its impoundment.".

SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. [1276(b)) is] *1276(b)), as amended, is further* amended by adding the following new paragraph:

["(————————)] *"(8)* The study of the Merrimack River, New Hampshire, shall be completed and the report thereon submitted not later than 3 years after the date of enactment of [the Merrimack River Study Act of 1989".] *this paragraph.".*

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a segment of the Merrimack River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.".

THE MERRIMACK RIVER STUDY BILL OF 1989

Mr. RUDMAN. Mr. President, I rise today in support of S. 1046, the Merrimack River Study Act of 1989. Senate approval of this bill will be a major step in the direction of long-term protection for this remarkable river resource, which begins in Franklin, NH, at the confluence of the Pemigewasset and Winnepesaukee Rivers and flows southward into eastern Massachusetts to the Atlantic Ocean. Passage of S. 1046 will be a major victory for the communities who organized to protect the river from encroaching development. As part of a 2-year effort, the Merrimack River Coordinating Committee, working with all local communities and the various interests, built a consensus on the long-term protection of the Merrimack. The legislation we are considering today represents that consensus. This measure has the support of Governor Gregg and all the communities along the proposed study segment.

I want to thank the Senate Energy and Natural Resources Committee for taking rapid action on this measure. I would also like to express my appreciation for the work of the chairman and ranking member of the Subcommittee on Public Lands, Senators BUMPERS and WALLOP.

I ask unanimous consent to have a letter from the mayor of Concord, NH,

printed in the RECORD following my remarks. I am proud to be part of this effort and I urge my colleagues to support this measure.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CITY OF CONCORD, NH,
December 26, 1989.

Hon. WARREN E. RUDMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR RUDMAN: Thank you for your help and the help of your staff on the request for the Merrimack River Study by the United States Department of the Interior National Park Service. This letter is to give you a recap of the City Council action regarding the request.

A special meeting of the City Council was called by eight Councilors on November 6, 1989. They were reacting to the request of several landowners in the river area to consider the possibility of requesting an extension of the comment period or seeking a 30-day delay of the Senate Subcommittee vote on the matter of the study bill. At this meeting the Concord City Council voted to hold a public hearing on December 4, 1989, to address the concerns that had been raised.

The City Council held the public hearing on December 4, 1989 and the meeting was attended by approximately 230 people. The meeting, originally scheduled for the City Council Chamber had to be moved to the Legislative Office Building and then to Representatives Hall in the State House because of the large number of citizens present. This was a first for the City Council which can always accommodate interested parties in its own chamber. At the hearing there were three people who testified in favor of a modification of the quarter mile set-back, one local businessman who testified against any study, and twenty-eight people who testified in support of the study. The City Council took no action at the close of the hearing.

At the regular meeting of the City Council held Monday, December 11, 1989, a City Councilor requested that the matter of Council support for the study be reconsidered. That motion received no support from those present. The Councilor said he would not pursue the matter due to the lack of support.

Your work on this study is appreciated. The City is looking forward to working with the Park Service after the study bill is passed into law.

Very truly yours,

ELIZABETH S. HAGER,
Mayor.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time and passed.

S. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Merrimack River Study Act of 1989".

SEC. 2. STUDY RIVER DESIGNATION.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)), as amended, is further amended by adding the following new paragraph:

"(106) MERRIMACK RIVER, NEW HAMPSHIRE.—The segment from its origin at the confluence of the Pemigewasset and Winnipesaukee Rivers in Franklin, New Hampshire, to the backwater impoundment at Hooksett Dam, excluding the Garvins Falls Dam and its impoundment.".

SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)), as amended, is further amended by adding the following new paragraph:

"(8) The study of the Merrimack River, New Hampshire, shall be completed and the report thereon submitted not later than 3 years after the date of enactment of this paragraph.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

CORRECTION IN THE ENROLLMENT OF S. 1838

Mr. MITCHELL. Mr. President, on behalf of Senator SASSER I send to the desk a concurrent resolution correcting the enrollment of S. 1838 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 89) correcting the enrollment of S. 1838.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 89) was considered and agreed to as follows:

S. CON. RES. 89

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 1838), to establish or modify, research, promotion, and consumer education programs for certain agricultural commodities, and for other purposes, the Secretary of the Senate is hereby authorized and directed, in the enrollment of the said bill, to make the following correction, namely, in section 405(g)(5) after "any producer" insert: "operating mushroom production facilities,".

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:45 a.m. tomorrow, Thursday, January 25, 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the time for the two leaders that there be a period for morning business until 10 a.m. with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, to outline the schedule tomorrow for the benefit of Senators, at 9:45 we will come in. There will be 5 minutes of leader time for both the distinguished Republican leader and myself and 5 minutes for morning business for the introduction of legislation or other matters that can be accomplished in that time.

At 10 the Senate will take up the veto message of the President on H.R. 2712. That will be considered under a 4½-hour time limitation with a vote occurring at 2:30 p.m. on whether or not to override the President's veto.

Once the Senate has disposed of the veto message we will then return to the clean air bill and I will have an announcement tomorrow morning in leader time of the schedule for the remainder of the day tomorrow with respect to the clean air bill following the vote on the veto override.

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9:45 a.m. tomorrow, Thursday, January 25, 1990.

There being no objection, the Senate, at 6:18 p.m., recessed until Thursday, January 25, 1990, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate January 24, 1990:

THE JUDICIARY

RAYMOND C. CLEVENDER, III, OF THE DISTRICT OF COLUMBIA, TO BE U.S. CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE OSCAR H. DAVIS, DECEASED.

ALAN D. LOURIE, OF PENNSYLVANIA, TO BE U.S. CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE DANIEL M. FRIEDMAN, RETIRED.

DAVID H. SOUTER, OF NEW HAMSPHIRE, TO BE U.S. CIRCUIT JUDGE FOR THE FIRST CIRCUIT, VICE HUGH H. BROWNES, RETIRED.

ROBERT H. HODGES, JR., OF SOUTH CAROLINA, TO BE A JUDGE OF THE U.S. CLAIMS COURT FOR A TERM OF FIFTEEN YEARS, VICE JOHN L. NAPIER, RESIGNED.

JOSEPH M. HOOD, OF KENTUCKY, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY, VICE SCOTT REED, RETIRED.

JAMES F. MCCLURE, JR., OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE WILLIAM J. NEALON, RETIRED.

LAWRENCE M. MCKENNA, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE WILLIAM C. CONNERE, RETIRED.

JOHN S. MARTIN, JR., OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE EDWARD WEINFELD, DECEASED.

JOHN D. RAINEY, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE GABRIELLE K. MCDONALD, RESIGNED.

JAMES K. SINGLETON, JR., OF ALASKA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF ALASKA, VICE JAMES M. FITZGERALD, RETIRED.

WILLIAM M. NICKERSON, OF MARYLAND, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE HERBERT F. MURRAY, RETIRED.

DANIEL B. SPARR, OF COLORADO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE JOHN P. MOORE, ELEVATED.

NORMAN H. STAHL, OF NEW HAMPSHIRE, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW HAMPSHIRE, VICE MARTIN F. LOUGHLIN, RETIRED.

DEPARTMENT OF JUSTICE

JACK N. EGNOR, OF COLORADO, TO BE U.S. MARSHALL FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS, VICE CHARLES L. DUNAHUE.

DONALD W. TUCKER, OF ARIZONA, TO BE U.S. MARSHALL FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS, VICE JOHN W. ROBERTS.

DEPARTMENT OF ENERGY

JOHN WESLEY BARTLETT, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, VICE BEN C. RUSCHE, RESIGNED.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

BRADLEY GORDON, OF VIRGINIA, TO BE AN ASSISTANT DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY, VICE KATHLEEN C. BAILEY, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. ROBERT T. HERRES, xxx-xx-xxxx FR, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. BERNARD P. RANDOLPH, xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. RONALD W. YATES, xxx-xx-xxxx, USAF.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. SPENCE M. ARMSTRONG, xxx-xx-xxxx, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. RICHARD A. BURPEE, xxx-xx-xxxx FR, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ROBERT D. BECKEL, xxx-xx-xxxx FR, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF, NATIONAL GUARD BUREAU, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3040, AND APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE SERVING IN THIS POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601:

To be chief, National Guard Bureau

To be lieutenant general

MAJ. GEN. JOHN B. CONAWAY, xxx-xx-xxxx FG, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS R. FERGUSON, JR. xxx-xx-xxxx, USAF.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID J. TEAL, xxx-xx-xxxx, USAF.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL UNDER PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. EDGAR R. ANDERSON, JR., xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. DONALD J. BUTZ, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. ROBERT E. DEMPSEY, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. ALBERT J. EDMONDS, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. JOHN S. FAIRFIELD, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. JOHN C. FRYER, JR., xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. EUGENE E. HABIGER, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. WILLIAM P. HALLIN, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. DONALD G. HARD, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. RONALD W. IVERSON, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. JAMES L. JAMERSON, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. JAY W. KELLEY, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. WALTER KROSS, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. JAMES L. LECLEIR, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. CHARLES D. LINK, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. ROBERT M. MARQUETTE, JR., xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. JAMES C. MCCOMBS, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. STEPHEN M. MCELROY, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. JAMES W. MEIER, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. PHILIP L. METZLER, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. KENNETH V. MEYER, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. CARL G. O'BERRY, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. RICHARD J. O'LEAR, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. RAYMUND E. O'MARA, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. ROBERT W. PARKER, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. MICHAEL D. PAVICH, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. DAVID J. PEDERSON, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. JOSEPH W. RALSTON, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. RALPH R. ROHATSCH, JR., xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. MICHAEL E. RYAN, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. RONALD C. SPIVEY, xxx-xx-xxxx FR, U.S. AIR FORCE.
BRIG. GEN. WALTER T. WORTHINGTON, xxx-xx-xxxx FR, U.S. AIR FORCE.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. DON E. FOLLIS, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. FREDERICK R. KEITH, JR., xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. GARY C. BLAIR, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WILLIAM P. BLAND, JR., xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. HARTWELL F. COKE, IV, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ARTHOR B. CORNELIUS, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOSEPH C. DALY, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOSEPH A. GREENLEE, JR., xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DENNIS B. HAGUE, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN H. HEBL, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ALLEN J. HENDERSON, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ORVILLE K. HOLLENBECK, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. LARRY D. LESSLY, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. TIMOTHY J. LOWENBERG, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ROBERT V. PASCHON, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ALLEN C. PATE, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JAMES L. PIERCE, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. LYLE M. RICH, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. RALPH D. TOWNSEND, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. JOHN T. MYERS, xxx-xx-xxxx, U.S. ARMY.

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT AS A RESERVE COMMISSIONED OFFICER OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. KENT H. HILLHOUSE, xxx-xx-xxxx.
BRIG. GEN. JAMES H. MUKOYAMA, JR., xxx-xx-xxxx.
BRIG. GEN. PAUL G. REHKAMP, xxx-xx-xxxx.
BRIG. GEN. STEPHEN H. SEWELL, JR., xxx-xx-xxxx.
BRIG. GEN. BARCLAY O. WELLMAN, xxx-xx-xxxx.

To be brigadier general

COL. THOMAS V. BRUNER, xxx-xx-xxxx.
COL. WILLIAM N. CLARK, xxx-xx-xxxx.
COL. MAX GUGGENHEIMER, xxx-xx-xxxx.
COL. THOMAS B. MURCHIE, xxx-xx-xxxx.
COL. MAX L. SCHARDEIN, xxx-xx-xxxx.
COL. GEORGE J. STEINER, xxx-xx-xxxx.
COL. JOHN M. VEST, xxx-xx-xxxx.

IN THE MARINE CORPS

THE FOLLOWING NAMED COLONELS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

JAMES R. DAVIS	CLAUDE W. REINKE
PAUL A. FRATARCANGELO	DAVID A. RICHWINE
RUSSEL H. SUTTON	GRANVILLE R. AMOS
MAVIN T. HOPGOOD, JR.	ANTHONY C. ZINNI
RICHARD I. NEAL	

THE FOLLOWING NAMED COLONELS OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

ALBERT C. HARVEY, JR. DENIS L. SHORTAL

THE FOLLOWING NAMED BRIGADIER GENERAL OF THE MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MITCHELL J. WATERS

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 154:

To be vice chairman of the Joint Chiefs of Staff

To be admiral

ADM. DAVID E. JEREMIAH, xxx-xx-xxxx, U.S. NAVY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. CHARLES R. LARSON, U.S. NAVY, xxx-x... xx.../1120.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370.

To be vice admiral

VICE ADM. ALBERT J. HERBERGER, xxx-xx-xxxx/1110, U.S. NAVY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. PAUL F. MCCARTHY, JR., xxx-xx-xxxx/1310, U.S. NAVY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), AND TO BE APPOINTED AS SENIOR NAVY MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 711:

To be vice admiral

To be senior navy member of the Military Staff Committee of the United Nations

REAR ADM. ROBERT J. KELLY, U.S. NAVY, xxx-xx-xxxx/1310.

THE FOLLOWING NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE LINE, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE

To be rear admiral

REAR ADM. (LOWER HALF) WILSON F. FLAGG, xxx-x... xx.../1315, U.S. NAVAL RESERVE.
REAR ADM. (LOWER HALF) LARRY B. FRANKLIN, xx... xxx-x.../1115 U.S. NAVAL RESERVE.

SPECIAL DUTY OFFICER (INTELLIGENCE)

REAR ADM. (LOWER HALF) GENE P. DICKEY, xxx-xx... xx.../1635 U.S. NAVAL RESERVE.

THE FOLLOWING NAMED CAPTAIN OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE SUPPLY CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be rear admiral (lower half)

CAPT. LYLE R. HALL, xxx-xx-xxxx/3105 U.S. NAVAL RESERVE.

THE FOLLOWING NAMED CAPTAIN OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE CIVIL ENGINEER CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be rear admiral (lower half)

CAPT. WILLIAM A. HEINE, III, xxx-xx-xxxx/5105.

THE FOLLOWING NAMED CAPTAIN OF THE RESERVE OF THE U.S. NAVY FOR PERMJANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE DENTAL CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be rear admiral (lower half)

CAPT. ROGER W. TRIFTSHAUSER, xxx-xx-xxxx/2205 U.S. NAVAL RESERVE.

THE FOLLOWING-NAMED CAPTAINS IN THE LINE OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. LLOYD EDWARD ALLEN JR., xxx-xx-xxxx/1320, U.S. NAVY.
CAPT. DENNIS CULTER BLAIR, xxx-xx-xxxx/1110, U.S. NAVY.
CAPT. ARCHIE RAY CLEMINS, xxx-xx-xxxx/1120, U.S. NAVY.
CAPT. DENNIS RONALD CONLEY, xxx-xx-xxxx/1110, U.S. NAVY.
CAPT. JOSEPH JOHN DANTONE, JR., xxx-xx-xxxx/1310, U.S. NAVY.
CAPT. DONALD ALVIN DYER, xxx-xx-xxxx/1110, U.S. NAVY.
CAPT. JAMES HARDIN FINNEY, xxx-xx-xxxx/1310, U.S. NAVY.
CAPT. MACK CHARLES GASTON, xxx-xx-xxxx/1110, U.S. NAVY.
CAPT. HAROLD WEBSTER GEHMAN JR., xxx-xx-xxxx/1110, U.S. NAVY.
CAPT. WILLIAM JOHN HANCOCK, xxx-xx-xxxx/1110, U.S. NAVY.
CAPT. ROBERT PHILIP HICKEY, xxx-xx-xxxx/1310, U.S. NAVY.
CAPT. JAY LYNN JOHNSON, xxx-xx-xxxx/1310, U.S. NAVY.
CAPT. DENNIS ALAN JONES, xxx-xx-xxxx/1120, U.S. NAVY.
CAPT. JOHN ALLEN LOCKARD, xxx-xx-xxxx/1230, U.S. NAVY.
CAPT. MICHAEL ALLEN MCDEVITT, xxx-xx-xxxx/1110, U.S. NAVY.
CAPT. DANIEL TRANTHAM OLIVER, xxx-xx-xxxx/1310, U.S. NAVY.
CAPT. JAMES BLENN PERKINS III, xxx-xx-xxxx/1110, U.S. NAVY.
CAPT. LEONARD FRANCIS PICOTTE, xxx-xx-xxxx/1110, U.S. NAVY.
CAPT. DONALD LEE PILLING, xxx-xx-xxxx/1110, U.S. NAVY.
CAPT. NORMAN WILSON RAY, xxx-xx-xxxx/1310, U.S. NAVY.
CAPT. WILLIAM ANDREW RETZ, xxx-xx-xxxx/1110, U.S. NAVY.
CAPT. RICHARD ANDERSON RIDDELL, xxx-xx-xxxx/1120, U.S. NAVY.
CAPT. THOMAS JAMES ROBERTSON, xxx-xx-xxxx/1120, U.S. NAVY.
CAPT. JOHN FRANCIS SHIPWAY, xxx-xx-xxxx/1220, U.S. NAVY.
CAPT. ROBERT SUTTON, xxx-xx-xxxx/1110, U.S. NAVY.
CAPT. WILLIAM EDWIN TERRY, xxx-xx-xxxx/13103, U.S. NAVY.
CAPT. FRANK LEE TILLOTSON, xxx-xx-xxxx/1310, U.S. NAVY.
CAPT. GEORGE FRANCIS ADOLF WAGNER, xxx-xx-xxxx/1210, U.S. NAVY.
CAPT. JOSEPH SCOTT WALKER, xxx-xx-xxxx/1310, U.S. NAVY.
CAPT. HUGH DENNIS WISELY, xxx-xx-xxxx/1310, U.S. NAVY.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. ARTHUR CLARK CLARK, xxx-xx-xxxx/1444, U.S. NAVY.
CAPT. JOHN JOSEPH DONEGAN JR., xxx-xx-xxxx/1444, U.S. NAVY.

AERONAUTICAL ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. LAWRENCE GEORGE ELBERFELD, xxx-xx-xxxx/1504, U.S. NAVY.,

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral (lower half)

CAPT. JOHN MICHAEL MCCONNELL, xxx-xx-xxxx/1630, U.S. NAVY.

THE FOLLOWING-NAMED CAPTAINS IN THE STAFF CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

To be rear admiral (lower half)

CAPT. WILLIAM J. MCDANIEL, xxx-xx-xxxx/2100, U.S. NAVY.
CAPT. HUGH P. SCOTT, xxx-xx-xxxx/2100, U.S. NAVY.

SUPPLY CORPS

To be rear admiral (lower half)

CAPT. EUGENE B. HARSHBARGER, xxx-xx-xxxx/3104, U.S. NAVY.
CAPT. DONALD E. HICKMAN, xxx-xx-xxxx/3104, U.S. NAVY.
CAPT. JOHN T. KAVANAUGH, xxx-xx-xxxx/3104, U.S. NAVY.

THE FOLLOWING NAMED CAPTAINS IN THE STAFF CORPS OF THE U.S. NAVY FOR APPOINTMENT TO THE PERMANENT GRADE OR REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

CIVIL ENGINEER CORPS

To be rear admiral (lower half)

CAPT. PATRICK W. DRENNON, xxx-xx-xxxx/5104, U.S. NAVY.
CAPT. RICHARD M. ROHRBACK, xxx-xx-xxxx/5104, U.S. NAVY.

THE FOLLOWING NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE LINE, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

To be rear admiral (lower half)

CAPT. GRANT THOMAS HOLLETT, JR., xxx-xx-xxxx/1115, U.S. NAVAL RERSERVE.
CAPT. TIM MCCALL JENKINS, xxx-xx-xxxx/1115, U.S. NAVAL RESERVE.
CAPT. JAY RALPH MILLER, JR., xxx-xx-xxxx/1315, U.S. NAVAL RESERVE.
CAPT. JOHN JACOB MUMAW, xxx-xx-xxxx/1315, U.S. NAVAL RESERVE.

UNRESTRICTED LINE OFFICER (TAR)

CAPT. JAMES DUANE OLSON, II, xxx-xx-xxxx/1317, U.S. NAVAL RESERVE.

PUBLIC AFFAIRS OFFICER

CAPT. RICHARD LEE BECKER, xxx-xx-xxxx/1655, U.S. NAVAL RESERVE.

IN THE COAST GUARD

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL:

ROBERT E, KRAMEK
RONALD M. POLANT
WILLIAM P. LEAHY, JR.
JOEL D. SIPES
RICHARD D. APPELBAUM

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

GREGORY A. PENINGTON
PAUL E. VERSAW
WILLIAM C. DONNELL
KENT H. WILLIAMS
JAMES M. LOY

THE FOLLOWING RESERVE OFFICER OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF CAPTAIN:

DAVID M. BERNSTEIN

THE FOLLOWING RESERVE OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF COMMANDER:

CLIFFORD L. SAMUEL
REBECCA D. RICHARDSON

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT (JUNIOR GRADE):

MARK J. WILBERT
FRANK T. KATZ
ROBERT I. GRIFFIN
JEFFREY S. HUDKINS
STEPHEN MATADOBRA
DAVID J. ROKES
NICHOLAS J. HUTCHINS
GUY T. PILLA III
RICARDO R. RODRIGUEZ
JOHN A. MILNE
THOMAS M. JENKINS
ROBERT P. STUDEBAKER
THOMAS J. MORIARTY
ROBERT B. WILSON, JR.
ROBERT D. PERKINS
THURMAN T. MAINE
CRAIG A. PETERSEN
DONALD R. LING, JR.
MARK J. GANDOLFO
DIRK A. GREENE
JOSE M. CABRERO
DONALD E. JACCARD
RANDALL C. SCHNEIDER
ROBERT M. ATADERO
QUINTON G. STEPHENS
HAL R. PITTS
SCOTT A. MATTHEWS
SCOTT R. MCFARLAND
TERRENCE W. KANZIG
FREDDIE J. MILBRY

THE FOLLOWING CADETS OF THE U.S. COAST GUARD ACADEMY FOR APPOINTMENT TO THE GRADE OF ENSIGN:

THOMAS G. ALLAN
HERBERT M. ANDREWS
MICHAEL BAKER
CHRISTOPHER A. BARTZ
EMILE R. BENARD
ROBERT A. BEVINS
DUANE E. BONIFACE
MATTHEW W. BREUER
DAVID C. BROWN
JEFFREY S. BROWN
ANDREW P. BRUZDZINSKI
WILLIAM J. BURNS
TERRY L. CARPENTER
MAX A. CARUSO
DUNCAN B. CHALMERS
DAVID K. CHAREONSUPHIPHAT
SCOTT W. CLENDENIN
STEVEN M. COOLEY
JAMES J. DEMPSEY
MICHAEL C. DICKEY
PASQUALE DIBARI
VIRGINIA R. DOWNING
LEONARD E. FARRELL
DAVID H. ANDREWS
BRIAN M. ARMENTA
BERNARD B. BARTICK
DARRYL BELL
KORY J. BENZ
STEPHEN W. BLEASE
BRETT BOWDEN
PETER M. BRODA
JACOB E. BROWN
JOEL E. BROWN
TODD BURLINGAME
WILLIAM K. CAPUNE
MATTHEW R. CARTY
DOMINIC CATALANO
TODD R. CHAPPELL
TODD G. CHASE
PATRICK M. COLE
CASEY K. CORCORAN
LAURA M. DICKEY
JEFFREY F. DIXON
DEIRDRE A. DOHERTY
DONNA A. DULO
WILLIAM P. FAY
MICHAEL P. FAYS
GEORGE W. FOLTA
JON G. GAGE
BRIAN S. GILDA
ANDREW T. GRENIER
RICHARD A. HAHN
RANDAL A. HARTNETT
EDWARD J. HAUKKALA
STEVEN B. HENDERSHOT
GREGORY S. HOBBS
KY H. HUBBLE
DOUGLAS A. HUTCHISON
GERARD A. JERNEGAN
KIMBERLY K. JOHNSON
MICHAEL J. JOHNSTON
HELEN P. KILTY
DEBORAH S. KINYON
JAMES C. KOERMER
GREGORY C. KRUCZYNSKI
ERIC C. LANGENBACHER
WILLIAM J. LAWRENCE
AARON M. LEVER
REGINA A. LOTTER
PERRY A. MACKEY
WILLIAM J. MAKELL
JOHN F. MARTIN
GREGORY S. MATLIN
SCOTT MCCARTNEY
WILLIAM H. MCDONOUGH
KERRY P. MCNAMARA
WILLIAM F. MOELLER
DANIEL P. MULHERN

JAY J. MYERS
ROBERT T. NELSON
ELIZABETH M. NORDQUIST
JENNIFER PALMER
JAMES D. PICHE
DANIEL P. PRECOURT
JEANNE L. QUARM
JAMES M. RABY
LINDA S. RANKIN
LUKE M. REID
DANIEL O. RICE
JOSEPH M. SANTO
PHILIP C. SCHIFFLIN
MICHAEL E. SENECAL
GEORGE E. SHEETS
STEVEN L. SIDES
JOHN W. SLEETING
SCOTT J. SMITH
SCOTT S. STUTZ
STEPHEN M. SURINA
GREGORY P. TOBER
HUNG Q. TRAN
JONATHAN F. TRIMBLE
EVAN Y. WATANABE
WILLIAM WISE
AMY C. FEENEY
THOMAS A. GAFFNEY
RICHARD D. GARVIN
WALTER E. GREEN
WALTER S. GRUDZINSKI
KENNETH M. HALL
ERIC K. HARVEY
CHRISTOPHER J. HAYES
MARK R. HINDLE
HELEN K. HOGARTH
MICHAEL D. HUNT
JAMES K. INGALSBE
ERIC W. JOHNSON
LANE D. JOHNSON
PATRICK A. KEFFLER
JOSEPH B. KIMBALL
WILLIAM J. KLUNK
ERIC P. KOWACK
DONALD T. LACOMBE
RONALD B. LAURENCE
MARK A. LEDBETTER
CHARLES P. LITTLEFIELD
TODD W. LUTES
ROBERT D. MACLEOD
JUDITH E. MARCHAND
KAREN E. MARTIN
YVONNE M. MATSUDA
MATTHEW G. MCDONALD
ANDREW S. MCGURER
PETER A. MINGO
JOSEPH R. MORGAN
DAVID W. MURK
KEVIN S. NASH
JOAN D. NICKENS
ELIZABETH A. ORWAT
CHRISTOPHER R. PHILSON
POLLY R. PIETEREK
GREGORY T. PRESTIDGE
ROBERT K. QUINN
JEFFREY L. RADGOWSKI
PAMELA L. REETZ
HARLAND E. REX
ERIC C. RIEPE
RICHARD T. SCHACHNER
DAVID P. SEMNOSKI
ROBERT E. SHAUL
ELLEN C. SHIRVELL
JOHN P. SLAUGHTER
MICHAEL E. SMITH
SCOTT J. SPIVEY
ANDREW M. SUGIMOTO
ROBERT J. TARR
SHAWN M. TOOHEY
DANIEL J. TRAVERS
JAMES E. TSCHAMPL
TODD C. WIEMERS
MICHAEL L. WOOLARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT:

ROBERT L. DEYOUNG
MARK V. KASPER
PAULA J. TUTEIN
SCOTT E. WILLIAMS
DENISE L. MATTHEWS
DEAN C. BRUCKNER
EDGAR B. WENDLANDT
PAUL F. THOMAS
MICHAEL J. LODGE
DAVID S. KLIPP
MARY K. MORRISSEY
SEAN F. BYRNES
ROBERT P. WAGNER
DOUGLAS J. HENKE
JOSEPH M. VOJVODICH
JAMES L. MCCAULEY
MICHAEL A. WALZ
JOSEPH D. SCHRUENDER
PAUL J. BRABHAM
MICHAEL J. HAYCOCK
DONALD P. COFFELT, JR.
DAVID G. THROOP
JOHN F. PRINCE
GERALD W. WILSON
MICHAEL J. SCULLY
TIMOTHY J. QUIRAM
MICHAEL P. MCKENNA
DAVID W. NEWTON
PAMELA A. MENCEL
DANIEL B. OWENS
WILLIAM J. MARTIN
LISA M. FESTA
JAMES ADASE
JAMES M. MONTGOMERY
ROCH E. GARAND
WILLIAM D. GITTLER
STEPHEN J. SCHREIBER
EDWARD N. ENG
NICHOLAS F. RUSSO
VINCENT D. DELAURENTIS
TODD P. SEAMAN
CAMERON J. LEWIS
ALDO NOTO
JOHN P. SIFLING
KAREN M. MINOCK
BOBBY M. LAM
JAMES F. HIGGINS
JEFFREY C. ROBERTSON
WILL O. STEVENSON, JR.
CHRISTOPHER A. MARTINO
MICHAEL M. BRADLEY
LUKE B. HARDEN
CHARLES C. HOFFMAN
PHILLIP F. DOLIN
TIMOTHY J. ATKIN
PAUL E. DEVEAU
MARC E. GAGE
CHARLES D. MICHEL
JOHN A. FURMAN
PETER J. BROWN
FREDERICK J. SOMMER
BRIAN R. PIERCE
STEPHAN P. GIONDOMENICA
PETER J. COXON
CHRIS P. REILLY
TODD A. SOKALZUK
CHRISTOPHER J. LUTAT
CARL B. FRANK
PETER G. BASIL
DANIEL C. BURBANK
JOHN E. ROSEN
JERALD S. RAINEY
BRADLEY D. NELSON
EDWARD R. FONTAINE
THOMAS P. WYMAN
STEVEN J. ANDERSEN
THOMAS A. STANEK
JOHN M. KNOX
MICHELLE M. LAUZON
VALERIE C. CONROY
JOHN J. HICKEY
CHARLES W. MELLO
MICHAEL W. STANLEY
ROBERT S. SCHUDA
MARK E. MOONEY
MICHAEL J. ROER
TERRY W. BRANDSMA
WAYNE A. MUILENBURG
WILLIAM S. KREWSKY
MARK J. HUEBSCHMAN
ROBERT J. PAULISON
JERRY C. TOROK
GARY S. SPENIK
PAUL E. PERLT
KELLY A. BARNES
KELLY L. HATFIELD
JOHN R. PASCH
CHRISTOPHER D. ALEXANDER
JOHN D. SWEENEY IV
CRAIG A. MEYER
GREGORY T. NELSON
JEFFREY R. BRANDT
LOUIS L. VINCIGUERRA
TIMOTHY AGUIRRE
JAMES B. DONOVAN
DALE M. JONES, JR.
KEVIN L. CONROY
BYRON H. ROMINE
MEREDITH L. AUSTIN
GARY D. LAKIN
STEPHEN M. GODDARD
SCOTT P. EHRHORN
STEPHEN S. SCARDEFIELD
TOM E. FLANAGAN
CARLYLE A. BLOMME
KELLY S. STRONG
WILLARD S. ELLIS
WAYNE D. CAWTHORN
JOSEPH C. MCGUINESS
FRANK H. KINGETT
ROBIN E. KANE
ROBERT B. WATTS
KEITH J. TURRO
LORI A. DOWD
EDWARD J. GIBBONS
EDWARDO GAGARIN
DAVID M. SINGER
CHRIS J. THORNTON
LINCOLN H. BENEDICT
SCOTT A. FLEMING
BRIAN F. POSKAITIS
FRANKLIN D. HOFFMAN, JR.
TERRY L. HOOVER
DANIEL S. ROTERMUND
ADOLPH L. KEYES
CHARLES A. SCHUE III
GUY A. MCARDLE
TIMOTHY D. DIOQUINO
JOHN A. MEEHAN
WILLIAM J. ZIEGLER
BRIAN L. DUNN
JOHN J. FAGAN
JOSEPH M. RE
LINDA L. FAGAN
JEFFREY D. LOFTUS
RICHARD T. LEITNER
BRYAN R. EMOND
CHRISTOPHER P. SCRABA
STEPHEN C. ROTHCHILD
MICHAEL W. SHOMIN
JOHN E. EVENSEN
CHRISTOPHER K. DONAHOE
NEAL F. REARDON
MARK A. DEVORE
GREGORY S. MCLELLAN
JOSEPH D. PHILLIPS
CHRISTOPHER A. BUCKRIDGE
RONALD J. MAGOON
THOMAS J. HUGHES
ARLYN R. MADSEN, JR.
STEPHEN F. KING
DANIEL J. CHRISTOVICH
MARK F. MCCABE
ROBERT W. SHENE
LAWRENCE E. SMITH
DAVIS L. KONG
MANUEL R. RARAS III
MATTHEW E. MILLER
DOUGLAS H. OLSON
MARK G. MASER
DAMIAN R. SCHMITT
PAUL W. KRYNICK
KRISA A. SLOMA
KEVIN P. CRAWLEY
DUANE F. RUMPCA
JOSEPH P. STAFFORD
STEVEN A. WEIDEN
MICHAEL R. STALKER
ROGER V. BOHNERT
GEORGE J. BOWEN II
CLIFTON D. MARSH, JR.
TOM J. BLINKINSOP
KENNETH J. REYNOLDS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE 32, UNITED STATES CODE, AND SECTIONS 8363 AND 593, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

ANDERSON, RONALD R., xxx-xx-xxxx
ARNETT, PAUL W., xxx-xx-xxxx
BAILEY, RICHARD L., xxx-xx-xxxx
BERG, WILLIAM M., xxx-xx-xxxx
BERNHARDT, TERRY O., xxx-xx-xxxx
BIEHUNKO, ROBERT L., xxx-xx-xxxx
BILLINGS, DENNIS L., xxx-xx-xxxx
BJERKE, KEITH D., xxx-xx-xxxx
BOWERS, JERRY L., xxx-xx-xxxx
BRIDGMAN, SPENCER C., xxx-xx-xxxx
CASEBERG, RICHARD E., xxx-xx-xxxx
COBB, LAWRENCE D., II, xxx-xx-xxxx
COPPIN, EDWARD, C., xxx-xx-xxxx
DEGENERES, SAMUEL G., xxx-xx-xxxx
DESPAIN, THOMAS H., xxx-xx-xxxx
DURBIN, DONALD R., JR., xxx-xx-xxxx
EISENMENGER, JAMES P., xxx-xx-xxxx
ELDRUP, KENNETH N., xxx-xx-xxxx
ELLINGSON, DUANE H., xxx-xx-xxxx
GUIDRY, ROBERT J., xxx-xx-xxxx
GUY, WILLIAM M., xxx-xx-xxxx
HORNUNG, EDWIN H., xxx-xx-xxxx
HUGHES, LOUIS R., III, xxx-xx-xxxx
KEATING, ERNEST R., xxx-xx-xxxx
MATTOX, JERRY T., xxx-xx-xxxx
MCDUFFIE, DANIEL B., xxx-xx-xxxx
MILROY, BRIAN J., xxx-xx-xxxx
MORGAN, RUDOLPH W., xxx-xx-xxxx
MURPHY, MICHAEL C., xxx-xx-xxxx
NESS, ALLAN W., xxx-xx-xxxx
PFALZGRAF, JOHN R., xxx-xx-xxxx
PINSON, REGINALD A., xxx-xx-xxxx
POWELL, DONALD S., xxx-xx-xxxx
POWERS, THOMAS W., xxx-xx-xxxx
REIMERS, JAMES P., xxx-xx-xxxx
REYNOLDS, STEVEN K., xxx-xx-xxxx
ROSE, WILBUR E., xxx-xx-xxxx
SAILOR, RONALD A., xxx-xx-xxxx
SCARRATT, HARRY A., JR., xxx-xx-xxxx
SCHROER, KENNETH A., xxx-xx-xxxx
STEVLINGSON, DONALD L., xxx-xx-xxxx
STREIT, EDWARD C., III, xxx-xx-xxxx
THOMAS, JACK G., xxx-xx-xxxx
TIDEMANN, MERLYN S. xxx-xx-xxxx
TOBEL, FRANK E., xxx-xx-xxxx
VANDOMELEN, JOHN F., xxx-xx-xxxx
WHERLEY, DAVID F., JR., xxx-xx-xxxx
WILKENING, ALBERT H., xxx-xx-xxxx
WILSON, HUGH H. JR., xxx-xx-xxxx
ZENAN, JOHN G., JR., xxx-xx-xxxx

CHAPLAIN CORPS

CRIQUI, JOSEPH K., xxx-xx-xxxx
SANTANNA, XEL., xxx-xx-xxxx

JUDGE ADVOCATE

ROBBINS, KENNETH C., xxx-xx-xxxx
ROTHMAN, FEDERICK P., xxx-xx-xxxx
SCHWANBECK, VICTOR R., xxx-xx-xxxx
SLAYTON, JACK L., xxx-xx-xxxx

MEDICAL CORPS

BAYSA, NORBERTO, xxx-xx-xxxx
HALVORSON, HAROLD C., xxx-xx-xxxx
KING, JOHN P., xxx-xx-xxxx
ROBINSON, HARRY J., JR., xxx-xx-xxxx
STANLEY, RONNIE L., xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING PERSON FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

PALAD, CONSOLADOR C., xxx-xx-xxxx

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. ANTHONY AUGELLO, xxx-xx-xxxx 24 AUG 89
MAJ. MARK. A. DRYJA. xxx-xx-xxxx 10 JUN 89
MAJ. RICHARD J. GIBA, xxx-xx-xxxx 26 SEP 89
MAJ. KARL J. KROENER, xxx-xx-xxxx 5 SEP 89
MAJ. RONALD W. SAEGER, xxx-xx-xxxx 1 AUG 89

CHAPLAIN CORPS

MAJ. BRIAN T. BELL, xxx-xx-xxxx 9 SEP 89
MAJ. JOHN B. ELLINGTON, JR., xxx-xx-xxxx, 19 AUG 89

MEDICAL CORPS

MAJ. JEFFERY A. DUFFEY, xxx-xx-xxxx, 12 AUG 89
MAJ. JOHN A. ERICKSTAD, xxx-xx-xxxx 6 AUG 89
MAJ. DEAN. L. WINSLOW, xxx-xx... 9 SEP 89

NURSE CORP

MAJ. JOAN M. NYSTROM, xxx-xx-xxxx 19 AUG 89

DENTAL CORPS

MAJ. JAMES A. BALUKJIAN, xxx-xx-xxxx 1 AUG 89

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. TERRY L. ANDERSON, xxx-xx-xxxx 15 OCT 89
MAJ. JAMES R. BERRY, xxx-xx-xxxx 11 AUG 89
MAJ. THOMAS A. BERRY, xxx-xx-xxxx 2 NOV 89
MAJ. ROBERT E. DOEHLING, xxx-xx-xxxx 18 OCT 89
MAJ. WILLIAM P. EDWINS, xxx-xx-xxxx 22 OCT 89
MAJ. GERALD T. GARLINGTON, xxx-xx-xxxx 20 SEP 89
MAJ. RICHARD L. HALL, xxx-xx-xxxx 14 OCT 89
MAJ. BENNY A HUFFMAN, xxx-xx-xxxx 6 OCT 89
MAJ. MICHAEL J. MARTINI, xxx-xx-xxxx 29 SEP 89
MAJ. PAUL E. MCKAY, xxx-xx-xxxx 21 OCT 89
MAJ. KEVIN L. MORRIS, xxx-xx-xxxx 21 OCT 89
MAJ. CRAIG A. RHYMERS, xxx-xx-xxxx 22 OCT 89
MAJ. ROBERT L. SNELLENBERG, xxx-xx-xxxx 18 OCT 89
MAJ. DAVID V. SWEIGART, xxx-xx-xxxx 3 OCT 89
MAJ. JESSE A THOMAS, xxx-xx-xxxx 19 OCT 89
MAJ. ALAN S. WEBER, xxx-xx-xxxx 11 OCT 89
MAJ. JAMES R. WENZELL, xxx-xx-xxxx 13 AUG 89
MAJ. DARRELL R. WINNER, xxx-xx-xxxx 11 SEP 89
MAJ. WILLIAM A. WOOD, JR., xxx-xx-xxxx 10 OCT 89

MEDICAL SERVICE CORPS

MAJ. JAMES R. EASLEY, xxx-xx-xxxx 9 SEP 89
MAJ. JAMES R. MASON, xxx-xx-xxxx 14 OCT 89

MEDICAL CORPS

MAJ. BARBARA A. HARKNESS, xxx-xx-xxxx 15 OCT 89
MAJ. RICHARD W. KIMBLER, xxx-xx-xxxx, 14 OCT 89
MAJ. PROINNSIAS O'CROININ, xxx-xx-xxxx, 9 AUG 87
MAJ. ENLOW R. WALKER, xxx-xx-xxxx 24 SEP 89
MAJ. BERNARD J. YUKNA, xxx-xx-xxxx 14 OCT 89

NURSE CORPS

MAJ. MARY A. EPPS, xxx-xx-xxxx 9 SEP 89

DENTAL CORPS

MAJ. JOHN D. MOORE, xxx-xx-xxxx, 14 OCT 89

IN THE AIR FORCE

THE FOLLOWING PERSONS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

BECKER, DAVID W., JR., xxx-xx-xxxx
COUNCIL, BENJAMIN P., xxx-xx-xxxx
KAUFMANN, HERBERT A., xxx-xx-xxxx
SUTTERFIELD, THOMAS C., xxx-xx-xxxx
TRENT, DAVID L., xxx-xx-xxxx

THE FOLLOWING REGULAR OFFICERS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be lieutenant colonel

HUEY, DIANE, xxx-xx-xxxx
PENIX, ARNOLD R., xxx-xx-xxxx
QUINTON, RONALD R., xxx-xx-xxxx
SPOHN, PETER J., xxx-xx-xxxx

LINE

To be lieutenant colonel

ROLLINS, EDWARD A., xxx-xx-xxxx
STRALY, MILES H., xxx-xx-xxxx

THE FOLLOWING RETIRED OFFICERS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE.

RETIRED RESERVE

LINE

To be lieutenant colonel

BUTLER, MICHAEL E., xxx-xx-xxxx
MANUEL, FREDERICK D., xxx-xx-xxxx

THE FOLLOWING OFFICERS FOR RESERVE OF THE AIR FORCE (NON-EAD) PROMOTION, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 1552, TITLE 10, UNITED STATES CODE.

LINE

To be lieutenant colonel

YUDELL, GARY E., xxx-xx-xxxx

NURSE CORPS

To be lieutenant colonel

WOOD, JUDITH H., xxx-xx-xxxx

THE FOLLOWING OFFICER FOR RESERVE OF THE AIR FORCE (NON-EAD) PROMOTION, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 8371, TITLE 10, UNITED STATES CODE.

JUDGE ADVOCATE

To be colonel

KEELER, PETER A., xxx-xx-xxxx

THE FOLLOWING OFFICER FOR RESERVE OF THE AIR FORCE (NON-EAD) PROMOTION, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 1552, TITLE 10, UNITED STATES CODE.

LINE

To be lieutenant colonel

ELLIS, STEPHEN T., xxx-xx-xxxx

THE FOLLOWING NAMED OFFICER FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

NURSE CORPS

To be major

MOORE, GARY J., xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

ARMY

To be colonel

WILLIAM J. MCDOUGALL, xxx-xx-xxxx
BILLY H. PEARSON, xxx-xx-xxxx

JUDGE ADVOCATE GENERAL CORPS

To be colonel

MICHAEL J. BRAWLEY, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

*DWIGHT D. FLETCHER, xxx-xx-xxxx

ARMY

To be major

JOHN K. AUSTIN, xxx-xx-xxxx
*STEPHEN H. SAVAGE, xxx-xx-xxxx

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL CORPS

To be colonel

CALVIN E. MEIN, xxx-xx-xxxx

To be lieutenant colonel

*CALVIN B. DELAPLAIN, xxx-xx-xxxx
*RICHARD T. HARPER, xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

JOHN C. MITCHELL, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

SAMUEL L. COLVERT, xxx-xx-xxxx

MEDICAL CORPS

To be major

RALPH O. BOLING JR., xxx-xx-xxxx
GEORGE F. HODGES, xxx-xx-xxxx
MICHAEL F. LYONS II, xxx-xx-xxxx
ARLENE C. MARX, xxx-xx-xxxx
LARRY J. MUNDY, xxx-xx-xxxx
JOHN W. NOLAN, xxx-xx-xxxx
DANIEL R. OUELLETTE, xxx-xx-xxxx
TIMOTHY P. REARDEN, xxx-xx-xxxx

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593 AND 3353:

MEDICAL CORPS

To be colonel

ALLEN, THOMAS W., xxx-xx-xxxx
POZZA, NICHOLAS J., xxx-xx-xxxx

To be lieutenant colonel

AHN, BOK S., xxx-xx-xxxx
BAILEY, DONALD D., xxx-xx-xxxx
BUENAFE, FELICISIMO N., xxx-xx-xxxx
CARTER, NORMAN A., xxx-xx-xxxx
EMO, JOHN W., xxx-xx-xxxx
GOODENOUGH, GERALD K., xxx-xx-xxxx
JOHNSON, CHARLES J., xxx-xx-xxxx
JOHNSON, ROBERT J., xxx-xx-xxxx
JOO, YONG D., xxx-xx-xxxx
KAUR, DALJIT NMI, xxx-xx-xxxx
KIM, TAY S., xxx-xx-xxxx
LEE, CHRISTOPHER S., xxx-xx-xxxx
LITTLE, F., MILES, xxx-xx-xxxx
LOMNITZ, ESTEBAN R., xxx-xx-xxxx
MAZDAI, ABOUZARJOMEHR NMI, xxx-xx-xxxx
MORRIS, DAVID P., xxx-xx-xxxx
MOSKOWITZ, HARRY L., xxx-xx-xxxx
OH, JAI-JOON, xxx-xx-xxxx
PARDOE, RUSSEL NMI, xxx-xx-xxxx
PERIN, LAWRENCE A., xxx-xx-xxxx
REED, RICHARD H., xxx-xx-xxxx
SAMII, AKBAR M., xxx-xx-xxxx
VILLARICA, JOSE D., xxx-xx-xxxx
WAKE, BRIAN D., xxx-xx-xxxx
YAZAWA, KEIJIRO NMI, xxx-xx-xxxx

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593 AND 3353:

MEDICAL CORPS

To be colonel

BOURKE, LARRY T., xxx-xx-xxxx
STAVNEY, LUTHARD S., xxx-xx-xxxx

To be lieutenant colonel

BANAAG, CAROLINA D., xxx-xx-xxxx
BARBIER, ARTHUR G., xxx-xx-xxxx
BARTZ, JOHN K., xxx-xx-xxxx
CAMPANA, PAUL F., xxx-xx-xxxx
COLON, BARBARA W., xxx-xx-xxxx
FRISHMAN, WILLIAM H., xxx-xx-xxxx
HELLER, JOE T., xxx-xx-xxxx
MAHAKIAN, CHARLES G., xxx-xx-xxxx
STOUT, KEITH B., xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10., U.S.C., SECTION 593(A) AND 3370:

CHAPLAIN

To be colonel

BURKE, JAMES C., xxx-xx-xxxx
CLYBURN, DAVID A., xxx-xx-xxxx
GERSTEIN, STANLEY R., xxx-xx-xxxx
GLENN, ERNEST W., xxx-xx-xxxx
KINSLER, ARTHUR W., xxx-xx-xxxx
KURTZ, IVAN G., xxx-xx-xxxx
MARTIN, THOMAS B., xxx-xx-xxxx
MCCASKEY, CHARLES W., xxx-xx-xxxx
MCDONALD, JAMES L., xxx-xx-xxxx
OHAGAN, PATRICK J., xxx-xx-xxxx
PIERCE, DAVID W., xxx-xx-xxxx
PILCHER, WILLIAM E., xxx-xx-xxxx
PRICE, JOHN W., xxx-xx-xxxx
RICHARDSON, CHARLES, xxx-xx-xxxx
RUFF, ROGER O., xxx-xx-xxxx
SCHMELING, JOHN P., xxx-xx-xxxx
SENTER, ALFRED H., xxx-xx-xxxx
STREET, JAMES W., xxx-xx-xxxx
WOOD, JOE, xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PRIVISIONS OF TITLE 10., U.S.C., SECTION 593(A) AND 3366:

CHAPLAIN

To be lieutenant colonel

BANKS, WILLIAM B., xxx-xx-xxxx
BONNOT, BERNARD R., xxx-xx-xxxx
CLARDY, JAMES C., xxx-xx-xxxx
FASS, MARVIN, xxx-xx-xxxx
FEYRER, DAVID A., xxx-xx-xxxx
FOLSOM, PAUL D., xxx-xx-xxxx
HARRIS, DAVID A., xxx-xx-xxxx
HASKINS, DAN D., xxx-xx-xxxx
KNICELEY, WILLIAM G., xxx-xx-xxxx
KRIENKE, HOWARD A., xxx-xx-xxxx
LAGASSE, RONALD J., xxx-xx-xxxx
LEIDER, JON F., xxx-xx-xxxx
LEWIS, WILLIAM D., xxx-xx-xxxx
MAHALIC, PHILIP A., xxx-xx-xxxx
MILLS, CARL D., xxx-xx-xxxx
OLSON, WAYNE A., xxx-xx-xxxx
RATCLIFFE, KERMIT H., xxx-xx-xxxx
SPORTE, DOUGLAS R., xxx-xx-xxxx
SUMRALL, DUDLEY D., xxx-xx-xxxx
WELCH, JAMES J., xxx-xx-xxxx
WEST, MICHAEL F., xxx-xx-xxxx
WILLIAMS, LEWIS A., xxx-xx-xxxx
WILLIS, JOSEPH R., xxx-xx-xxxx
WITMER, CHARLES D., xxx-xx-xxxx

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ARNOLD, SUSAN K.	BECKER, BRUCE A.
BISHOP, NANCY M.	BLDE, KENT A.
CLARKSON, CHUNJAI L.	CRAIG, WILLIAM D.
DANCHENKO, ADRIAN M.	DISNEY, JEFFREY D.
DEBLOIS, THOMAS E.	FONTAINE, ANNIE M.
GILSTAD, ELIZABETH A.	HARARI, AMIR E.
HELMERS, SCOTT W.	JOHNSON, GAIL H.
KANE, JOHN L., III	KEANE, CYNTHIA A.
KIRBY, RICHARD A.	LAMY, JEANETTE M.
LE, HOANG T.	LECLAIR, LAWRENCE L.
LECLAIR, SUSAN J.	LEE, WENDY
LEONG, HERMAN G.	LIOTTA, ELIZABETH A.
MASON, ROBERT B., II	MAZZILLI, MICHAEL A.
MELBOURNE, MARIA H.	MEZEBISH, DAVID S.
MISHKY, PETER B.	MORRISON, ALAN L.
MORSE, WILLIAM L.	NOBLE, GARY W.
POLO, JAMES M.	RINEER, SCOTT K.
ROWEDDER, ANTHONY M.	SAPERSTON, ADAM R.
SHAUGHNESSY, JOSEPH M.	SHIVE, STEVEN C.
	STANLEY, PHILIP F.
STACEY, MICHAEL J.	SWEETMAN, JANET M.
STEVENSON, TERRY K.	TANNER, WILLIAM J.
TANEJA, ANIL	WATSON, BRENT T.
WALKER, CLARK W.	ZAWACKI, KEVIN E.
WOOD, ROBIN E.	

KENNETH P. BURNS, NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATE, TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

MARTIN B. HARRISON, NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATE, TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

THOMAS MCCLELLAN, LIEUTENANT, U.S. NAVY, RETIRED, TO BE REAPPOINTED PERMANENT LIEUTENANT COMMANDER, FROM THE TEMPORARY DISABILITY RETIRED LIST, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 1211.

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

AMEY, P.M.	SHOWS, D.W.
BENNETT, R.G.	SWANSON, RAY A.
CAMERON, ROBERT A.	WENGER, D.L.
CONDE, FERNANDO T.	WOOD, JAMES J.
GASCOIGNE, R.H.	BATES, R.A.
MACK, B.T.	BUDDE, R.G.
HANSEN, L.E.	COLLINS, CHARLES D.
HESTER, J.W.	FORTIER, PAUL J.
MACMILLAN, WILLIAM G.	GRAHAM, B.C.
MILLER, CYNTHIA K.	HAMM, E.A.
RAYL, C.I.	HERZOG, S.M.
SCOTT, NANCY E.	HOMOLA, JERRY P.

MICHELET, J.C.
O'BRIEN, TIMOTHY P.
SANFORD, J.P.
SHEEHAN, JOHN M.
SKARAN, A.O.
VANGHEEM, MICHAEL J.
WESTLAKE, CHRISTOPHER C.
WOODS, GREGORY T.

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

FAUCETT, CLYDE J.
QUIGG, ROBERT W.
STEENBARGER, JOHN R.
GABRIEL, KEITH R.
SAUL, WILLIAM L.

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BEST, T.A.
HENDERSON, D.J.
JOHNSON, A.D.
LUETH, P.S.
MCSHEA, S.M.
PIERCE, D.J.
STALFORD, R.D.
GREEN, R.K.
HENNEY, L.L.
KUNKA, R.J.
LUTE, R.D.
MILLER, C.B.
SCHROEDER, M.C.

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

BONNER, ROBERT E.
DEPRY, DENNIS L.
PRATT, MICHAEL F.
TANKSLEY, RADFORD D., JR.
WHALEN, THOMAS V.
CALDWELL, MADELENE B.
MYERS, E. ANN
ROSENSTOCK, JOEL
TIMBERLAKE, GREGORY A.

THE FOLLOWING NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

REEVES, JOHN W.

THE FOLLOWING NAMED CANDIDATES IN THE NAVY ENLISTED COMMISSIONING PROGRAM TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVY ENLISTED COMMISSIONING PROGRAM, USN

To be ensign; permanent

ADAMS, DAVID A.
BALICE, NICHOLAS A.
BELEW, LYLE G.
BEYER, JOSEPH M.
BOSSET, DONALD
BRAGGS, REGINALD T.
BRUCE, HAROLD M.
CARLSON, EUGENE C.
CARSTEN, DAVID M.
CHANDLER, JOHN M.
CLOUTIER, TODD J.
COLEMAN, LEO F.
COLMAN, DANIEL M.
COOPER, CHRISTOPHER J.
DANIEL, LESLIE A.
DEBENEDETTI, MICHAEL R.
EDGE, WILLIAM W.
ELLIOT, JOHN D.
ENRIQUEZ, SOTERO
FERNANDEZ, RODOLFO A.
FISHER, MICHAEL A.
FITZPATRICK, ERIC L.
FLOWERS, DAVID M.
FUENTES, FERNANDO H.
GARRETT, WARREN L.
GOCONG, EMIL A.
GREEN, DALE F.
GROENING, SUSAN E.
HADLOW, LEVERETT A.
HALVORSON, JEFFREY A.
HARLEY, DOUGLAS W.
HEDRICK, DOUGLAS H.
AMROZOWICZ, MICHAEL D.
BARTON, HAROLD D.
BERGMAN, STEVEN M.
BLEDSOE, DAVID N.
BOWERS, ROBERT M.
BROWN, DARIN J.
CAIN, LOYD M.
CARON, WILLIAM D.
CAUTHEN, TIMOTHY A.
CHRISTIANSEN, MARTIN O., JR.
COBB, CHRISTOPHER B.
COLLIER, ORIN B.
CONKEL, MICHAEL D.
CZACHOR, LANCE R.
DANKO, DALE J.
DURBIN, KENNETH E.
EDGEMAN, JOEL E.
ELLIOTT, ERNEST
FAEHNRICH, DAVID C.
FIELD, ROBERT A.
FISHER, MICHAEL R.
FLORES, ROBERT D
FRERICHS, THOMAS L.
GALLAGHER, MARK E.
GENTILE, DANIEL L.
GONZALES, MORRIS G.
GRIFFIN, GLEN A.
GRUNDEN, TIMOTHY T.
HAGERTY, JOHN W.
HANLEY, DENIS
HARRISON, MARTIN B.
HESSLER, RICK M.
HICKS, JEFFREY D.
HUENEFELD, CHARLES K.
JACKSON, MARK H.
JEFFERIES, CHRISTOPHER C.
JOHNSON, MICHAEL L.
JONES, JOHN D.
KING, JAMES O.
KNIGHT, JAY L.
LAWSON, ANN M.
LITTLE, JEFFREY B.
LUNSFORD, GREGORY D.
MCALINEY, JAMES F.
MILLER, JIMMIE
MONTEFORTE, ROBERT A.
NICKLIN, MICHAEL S.
NORHEIM, CRAIG A.
NYSTROM, JOHN R.
OWEN, VERN M.
PACE, HOWARD
PAWLOWSKI, MICHAEL H.
PERKINS, ROBIN J.
REAMER, WILLIAM S.
RICHARD, MICHAEL D.
ROBERTS, DOUGLAS L.
ROLDAN, REGGIE M.
ROWLEY, THOMAS M.
SANDERS, DILLON
SCHY, MARTIN S.
SENN, DEBORAH R.
SIMMONS, CLAYTON M.
SMITH, RICHARD Q.
SMITH, TERRY L.
STARLING, DAN A.
STEPURA, STEVEN
TECKEMEYER, JOHN F.
THREADCRAFT, JOSEPH L.
TOLMACHOFF, ALEX R.
VALENTINE, HAROLD W.
WAGNER, MARK H.
WAINWRIGHT, DAVID A.
WEBSTER, SEAN T.
HOLLIDAY, TIMOTHY M.
IRVINE, HENRY A.
JANOLINO, LARRYJON G.
JOHNSON, MARK H.
JONES, ATHANASE J.
KELLY, FRANK J.
KLEMPIN, KEITH A.
KOHNKE, DAVID K.
LEEDY, ALLAN F.
LORENTZEN, FRANK J.
MARTIN, CURT E.
MCCLURE, PAUL D.
MOLNAR, JOSEPH M.
MURDOCK, SCOTT W.
NIETO, ADAN N.
NORTON, BILLY W.
OLANDER, EDWARD W., JR.
OZDEN, EROL R.
PARSONS, TY A.
PEREZ, KAREN L.
PERRIN, DONALD C.
REED, BRIAN W.
RINGER, WILLIAM P.
ROBINSON, KEVIN M.
ROMERO, NESTOR E.
RUSSELL, RONALD W.
SCHREINER, JEFFERY E.
SCOTT, WILLIAM W.
SERRANO, MARCUS A.
SINES, JEFFREY L.
SMITH, STEPHEN P.
STACHURA, ROBERT R.
STARR, WILLIAM F.
STOUFFER, TODD E.
THOMAS, CEDRIC J.
TINSLEY, TODD L.
TRICE, GEORGE F.
VICKERS, STANLEY
WAINER, BRUCE R.
WARREN, CHARLES R.
WERRING, PAUL G., JR.
WIGGIN, JEFFREY D.
WILSON, HAROLD M.
YOUNGER, MICHAEL T.
WILSON, DEAN A.
WILSON, KIM B.
ZIEGLER, MICHAEL L.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, 532, AND 533:

RICHARD A. AKRE, xxx-xx-xxxx
FREDERICK ALLEN, JR., xxx-xx-xxxx
JOHN W. ALLEN, xxx-xx-xxxx
RODNEY K. ALSTON, xxx-xx-xxxx
BRADLEY L. ALVADJ, xxx-xx-xxxx
DAVID P. ANDERS, xxx-xx-xxxx
MICHAEL J. ARINELLO, xxx-xx-xxxx
DAVID R. BAKER, xxx-xx-xxxx
TERRY L. BALDWIN, xxx-xx-xxxx
JUNIO O. BARBER, xxx-xx-xxxx
MARK W. BAREFIELD, xxx-xx-xxxx
ANNE F. BARKER, xxx-xx-xxxx
KEITH D. BARNES, xxx-xx-xxxx
THOMAS J. BARTEK, xxx-xx-xxxx
LOUIS BARTLEBAUGH, xxx-xx-xxxx
TERRY D. BASHAM, xxx-xx-xxxx
CASTO J. BASURTO, xxx-xx-xxxx
JAMES C. BATES, xxx-xx-xxxx
RICHARD A. BECHTEL, xxx-xx-xxxx
JAMES A. BEINKEMPER, xxx-xx-xxxx
TYRONE BELTHROP, xxx-xx-xxxx
WILLIAM P. BELUE, xxx-xx-xxxx
RICHARD A. BERGLUND, xxx-xx-xxxx
SEAN BERMINGHAM, xxx-xx-xxxx
ALENA M. BETCHLEY, xxx-xx-xxxx
BALRAM J. BHEODARI, xxx-xx-xxxx
RAYMOND L. BINGHAM, xxx-xx-xxxx
DONALD L. BISHOP, xxx-xx-xxxx
MATTHEW W. BIVIN, xxx-xx-xxxx
ROBERT J. BLACK, xxx-xx-xxxx
CHRISTOPHER BONHEIM, xxx-xx-xxxx
MICHAEL P. BOSS, xxx-xx-xxxx
MARK H. BOURGEOIS, xxx-xx-xxxx
ALAN G. BOURQUE, xxx-xx-xxxx
JAMES A. BRAMBLE, xxx-xx-xxxx
CYNTHIA A. BRANDEL, xxx-xx-xxxx
PORT BRANDONMCCRAW, xxx-xx-xxxx
BARRY A. BRASSEUR, xxx-xx-xxxx
PATRICK BREWINGTON, xxx-xx-xxxx
TONY A. BREWINGTON, xxx-xx-xxxx
LARRY E. BRITTON, xxx-xx-xxxx
GREGORY N. BROOKS, xxx-xx-xxxx
PAUL R. BROOKS, xxx-xx-xxxx
JOSEPH D. BROWN, xxx-xx-xxxx
MITCHELL R. BROWN, xxx-xx-xxxx
PAUL D. BROWN, xxx-xx-xxxx
ROBERT C. BROWN, xxx-xx-xxxx
RONALD E. BROWN, xxx-xx-xxxx
MICHAEL D. BRUCE, xxx-xx-xxxx
WILLIAM BRYAN, xxx-xx-xxxx
STEVEN L. BULLIMORE, xxx-xx-xxxx
JOHN M. BUNN, xxx-xx-xxxx
MARK F. BURKE, xxx-xx-xxxx
MICHAEL P. BURKE, xxx-xx-xxxx
DENNIS S. BURKET, xxx-xx-xxxx
PETER BURNHAM, xxx-xx-xxxx
ANDREW S. BURRIS, xxx-xx-xxxx
ROBERT M. BURTON, xxx-xx-xxxx
CHARLES C. BUSH, xxx-xx-xxxx
CHERYLANN L. BUSSEY, xxx-xx-xxxx
DAVID G. BUTCHER, xxx-xx-xxxx
LAWRENCE E. BYNUM, xxx-xx-xxxx
EDWARD C. CAMACHO, xxx-xx-xxxx
SUE CANTU, xxx-xx-xxxx
MARK D. CARLSON, xxx-xx-xxxx
STEVEN P. CARNEY, xxx-xx-xxxx
MARC B. CAROLAN, xxx-xx-xxxx
ROBERT J. CAULFIELD, xxx-xx-xxxx
CHARLES A. CAUSEY, xxx-xx-xxxx
WALLACE B. CELTRICK, xxx-xx-xxxx
RICHARD CHALOUPKA, xxx-xx-xxxx
ROBERT CHAMBERLAIN, xxx-xx-xxxx
GLENN A. CHAMBERS, xxx-xx-xxxx
BOBBY CHILDS, xxx-xx-xxxx
JOHN M. CHIU, xxx-xx-xxxx
NORMAN K. COBB, xxx-xx-xxxx
THOMAS COFFMAN, xxx-xx-xxxx
JOHN P. CONNELL, xxx-xx-xxxx
RICHARD J. CONNORS, xxx-xx-xxxx
VINCENT COVIELLO, xxx-xx-xxxx
JAMES D. COX, xxx-xx-xxxx
THOMAS A. CROWDER, xxx-xx-xxxx
MELVIN CRUTCHER, xxx-xx-xxxx
LOU A. CUNNINGHAM, xxx-xx-xxxx
RICHARD A. DAVIDSON, xxx-xx-xxxx
KYLE L. DAVIS, xxx-xx-xxxx
MARK S. DAVIS, xxx-xx-xxxx
ROGER T. DAY, xxx-xx-xxxx
TODD E. DAY, xxx-xx-xxxx
ARTHUR S. DEGROAT, xxx-xx-xxxx
ROBERTO L. DELGADO, xxx-xx-xxxx
PAMELA J. DENCH, xxx-xx-xxxx
WILLIAM E. DODD, JR., xxx-xx-xxxx
BRADLEY D. DOMBAUGH, xxx-xx-xxxx
ELIZABETH DREILING, xxx-xx-xxxx
KEVIN F. DRISCOLL, xxx-xx-xxxx
STEPHEN J. DUBROSKY, xxx-xx-xxxx
DON J. DUDLEY, xxx-xx-xxxx
AUBREY B. DUNCAN, xxx-xx-xxxx
DONALD R. DUNNE, xxx-xx-xxxx
STEVEN P. DYKES, xxx-xx-xxxx
RODNEY D. EDGE, xxx-xx-xxxx
STEVEN M. ELKINS, xxx-xx-xxxx
KENNETH W. ELLISON, xxx-xx-xxxx
DAVIS A. ESTES, xxx-xx-xxxx
THOMAS P. EVANS, xxx-xx-xxxx
MICHAEL L. EVERETT, xxx-xx-xxxx
SAMUEL FARMER, JR, xxx-xx-xxxx
GREGORY S. FAWCETT, xxx-xx-xxxx
EDWARD O. FENN, xxx-xx-xxxx
FRANK S. FERACO, xxx-xx-xxxx
KENNETH F. FISHER, xxx-xx-xxxx
JON E. FLEISCHNER, xxx-xx-xxxx
ANDRE Q. FLETCHER, xxx-xx-xxxx
DONALD J. FONTENOT, xxx-xx-xxxx
MICHAEL N. FORREST, xxx-xx-xxxx
PETER R. FORTNER, xxx-xx-xxxx
HARRISON FOUNTAIN, xxx-xx-xxxx
SYLVIA T. FRANCIS, xxx-xx-xxxx
DONALD G. FRYC, xxx-xx-xxxx
GEORGE H. FURGURSON, xxx-xx-xxxx
TIMOTHY FYE, xxx-xx-xxxx
DAVID B. GAFFNEY, xxx-xx-xxxx
NANETTE GALLANT, xxx-xx-xxxx
JACKY L. GARDNER, xxx-xx-xxxx
RICHARD C. GARDNER, xxx-xx-xxxx
CHARLES N. GATES, xxx-xx-xxxx
WILLIAM J. GATES, xxx-xx-xxxx
JAMES R. GIERLACH, xxx-xx-xxxx
THOMAS B. GILBERT, xxx-xx-xxxx
PAUL D. GILLEY, JR, xxx-xx-xxxx
ANGELY GILMAN, xxx-xx-xxxx
JOSEPH A. GIUNTA, xxx-xx-xxxx
JOHN R. GLAZE, xxx-xx-xxxx
DALE E. GOBLE, xxx-xx-xxxx
JOSEPH M. GOSS, xxx-xx-xxxx
JAY F. GRANDIN, xxx-xx-xxxx
STEVEN D. GREAF, xxx-xx-xxxx
CRAIG E. GREENE, xxx-xx-xxxx
THOMAS R. GREGORY, xxx-xx-xxxx
DAVID M. GRIFFITH, xxx-xx-xxxx
JAMES M. GUDKNECHT, xxx-xx-xxxx
NICHOLAS C. GUERRA, xxx-xx-xxxx
ANGELITO GUTIERREZ, xxx-xx-xxxx
MITCHEL E. HADAD, xxx-xx-xxxx
BILLY J. HADFIELD, xxx-xx-xxxx
LEE E. HANSEN, xxx-xx-xxxx
MATTHEW J. HARDY, xxx-xx-xxxx
ROGER L. HARLAN, xxx-xx-xxxx
TOM E. HARLOW, xxx-xx-xxxx
WILLIAM H. HARMAN, xxx-xx-xxxx
ROBERT A. HARNEY, JR, xxx-xx-xxxx
ANTHONY HARRISON, xxx-xx-xxxx
DONALD A. HAZELWOOD, xxx-xx-xxxx
KENNETH J. HEANEY, xxx-xx-xxxx
MICHAEL R. HEAP, xxx-xx-xxxx
ROY G. HENSON, xxx-xx-xxxx
JEFFREY M. HEWLETT, xxx-xx-xxxx
JOHN F. HIGGINS, xxx-xx-xxxx
THOMAS HINRICHSEN, xxx-xx-xxxx
RICKY L. HOOKER, xxx-xx-xxxx
RUSSELL L. HOOPER, xxx-xx-xxxx
THOMAS C. HOUSTON, xxx-xx-xxxx
GARY J. HURST, xxx-xx-xxxx
KEVIN A. HYNEMAN, xxx-xx-xxxx
JIMMY IBANEZ, xxx-xx-xxxx
NATHANIEL IDLET, xxx-xx-xxxx
JAMES L. JACKSON, xxx-xx-xxxx
JAN V. JEDRYCH, xxx-xx-xxxx
STEVEN A. JOHNS, xxx-xx-xxxx
FRED W. JOHNSON, xxx-xx-xxxx
MICHAEL E. JOHNSON, xxx-xx-xxxx
STEVEN W. JOHNSON, xxx-xx-xxxx
JON D. JONES, xxx-xx-xxxx
LUTHER L. JONES, xxx-xx-xxxx
MARSHALL J. JONES, xxx-xx-xxxx
WILLIAM R. JONES, xxx-xx-xxxx
BRAD J. JUNEAU, xxx-xx-xxxx
GREGORY P. KANDT, xxx-xx-xxxx
DAVID S. KELLY, xxx-xx-xxxx
DENNIS G. KENNEDY, xxx-xx-xxxx
JERRY A. KIDRICK, xxx-xx-xxxx
THOMAS A. KIEF, xxx-xx-xxxx
TIMOTHY J. KIMPTON, xxx-xx-xxxx
MARYSE J. KING, xxx-xx-xxxx
ROBERT R. KISER, xxx-xx-xxxx
EDWARD T. KOLIFRATH, xxx-xx-xxxx
GREGORY L. KORDER, xxx-xx-xxxx
ROBERT D. KREFTING, xxx-xx-xxxx
WALTER R. KRUEGER, xxx-xx-xxxx
CHRISTIAN T. KUBIK, xxx-xx-xxxx
DAVID F. LABRANCHE, xxx-xx-xxxx
ERIC L. LAMBERSON, xxx-xx-xxxx
ANDY L. LAMBERT, xxx-xx-xxxx
MARK E. LARRABEE, xxx-xx-xxxx
DAVID K. LARSON, xxx-xx-xxxx

LAWRENCE LECLERCQ, xxx-xx-xxxx
DOUGLAS D. LEE, xxx-xx-xxxx
STEPHEN B. LEEDER, xxx-xx-xxxx
JON S. LEHR, xxx-xx-xxxx
KENNETH J. LENERS, xxx-xx-xxxx
ANTHONY R. LEWIS, xxx-xx-xxxx
JONATHAN E. LEWIS, xxx-xx-xxxx
GEORGE T. LOCKWOOD, xxx-xx-xxxx
JOHN J. LONERGAN, xxx-xx-xxxx
WILLIAM K. LONG, xxx-xx-xxxx
JEFFERY K. LUDWIG, xxx-xx-xxxx
ROBERT H. LUNN, xxx-xx-xxxx
ROBERT S. LYMAN, xxx-xx-xxxx
ALAN D. MAHAN, xxx-xx-xxxx
ROBERT D. MAHONEY, xxx-xx-xxxx
DAVID F. MAKOWSKI, xxx-xx-xxxx
NANCY A. MAKOWSKI, xxx-xx-xxxx
KIRK D. MANLOVE, xxx-xx-xxxx
ERASMO A. MARTINEZ, xxx-xx-xxxx
THOMAS J. MATTE, xxx-xx-xxxx
JAMES B. MCCABE, xxx-xx-xxxx
GEORGE R. MCCAHAN, xxx-xx-xxxx
JOHN G. MCCRACKEN, xxx-xx-xxxx
WILLIAM W. MCDONALD, xxx-xx-xxxx
DANIEL T. MCDOWELL, xxx-xx-xxxx
JAKE MCNEAL, JR., xxx-xx-xxxx
JAMES S. MEADOWS, xxx-xx-xxxx
THOMAS G. MEARA, xxx-xx-xxxx
THOMAS R. MELTON, xxx-xx-xxxx
JULIO G. MENA, xxx-xx-xxxx
JOSEPH W. MERLO, xxx-xx-xxxx
FRANKLIN D. MERRITT, xxx-xx-xxxx
LEE D. MILLER, xxx-xx-xxxx
MICHAEL D. MILLER, xxx-xx-xxxx
PHILLIP T. MILLER, xxx-xx-xxxx
REUBEN S. MILLER, xxx-xx-xxxx
ROBERT E. MILLER, xxx-xx-xxxx
LENTFORT MITCHELL, xxx-xx-xxxx
PALMER F. MITCHELL, xxx-xx-xxxx
CONSTANCE D. MITZLINDER, xxx-xx-xxxx
WILLIAM MONTGOMERY, xxx-xx-xxxx
STEVEN R. MOORE, xxx-xx-xxxx
DOUGLAS J. MORSE, xxx-xx-xxxx
STEVEN T. MOSHER, xxx-xx-xxxx
MICHAEL D. MURRAY, xxx-xx-xxxx
ROGER E. MYERS, xxx-xx-xxxx
RANDOLPH F. NEAL, xxx-xx-xxxx
JAY W. NISPEL, xxx-xx-xxxx
KENNETH H. NIX, xxx-xx-xxxx
VALENTIN NOVIKOV, xxx-xx-xxxx
WON H. O, xxx-xx-xxxx
ROBERT A. OBRIEN, xxx-xx-xxxx
STEVEN L. OCHU, xxx-xx-xxxx
JOHN R. OCONNOR, xxx-xx-xxxx
PATRICK C. OROURKE, xxx-xx-xxxx
RUSSELL M. OSBURN, xxx-xx-xxxx
KEVIN C. OWENS, xxx-xx-xxxx
MICHAEL P. OWENS, xxx-xx-xxxx
JAMES PALSHA, xxx-xx-xxxx
CHRIS G. PAPPAS, xxx-xx-xxxx
JACK O. PARKHURST, xxx-xx-xxxx
STEVEN C. PARRO, xxx-xx-xxxx
DELORES PASIECZNIK, xxx-xx-xxxx
MICHAEL A. PATROCKY, xxx-xx-xxxx
RALPH PEREZ, xxx-xx-xxxx
DENNIS A. PERKINS, xxx-xx-xxxx
RONALD L. PERRY, xxx-xx-xxxx
TIMOTHY I. PETERSON, xxx-xx-xxxx
MARK PIERAGOSTINI, xxx-xx-xxxx
JAMES H. PLACE, xxx-xx-xxxx
JAMES G. PLACKE, xxx-xx-xxxx
CARLOS A. POTTS, xxx-xx-xxxx
HAROLD J. POWER, xxx-xx-xxxx
CARL W. PRIOLEAU, xxx-xx-xxxx
KEVIN G. PROULX, xxx-xx-xxxx
DAVID M. RAEFORD, xxx-xx-xxxx
JAMES H. RAMSEY, xxx-xx-xxxx
ERNEST R. RAWSON, xxx-xx-xxxx
HAROLD W. REEVES, xxx-xx-xxxx
RICHARD REICHARDT, xxx-xx-xxxx
MARK D. RENDINA, xxx-xx-xxxx
WILLIAM T. RICE, xxx-xx-xxxx
CARL J. RICHARDS, xxx-xx-xxxx
MATTHEW A. RICHARDS, xxx-xx-xxxx
JASON Y. RIM, xxx-xx-xxxx
WILFREDO ROSARIO, xxx-xx-xxxx
MARIE T. ROSSI, xxx-xx-xxxx
ANDREW R. ROYBAL, xxx-xx-xxxx
STEPHEN V. RUSHING, xxx-xx-xxxx
TIMOTHY J. RUSSELL, xxx-xx-xxxx
GARTH V. RYAN, xxx-xx-xxxx
ROBERT W. SADOWSKI, xxx-xx-xxxx
MARK A. SAMSON, xxx-xx-xxxx
WAYNE A. SANDERS, xxx-xx-xxxx
JEFFREY D. SAUNDERS, xxx-xx-xxxx
JOHNNY O. SAWYER, xxx-xx-xxxx
ROBERT M. SHEPPARD, xxx-xx-xxxx
RICHARD J. SHERLOCK, xxx-xx-xxxx
RICHARD T. SHIPE, xxx-xx-xxxx
MARC A. SIERRA, xxx-xx-xxxx
JOHN E. SIGGELOW, xxx-xx-xxxx
LAWRENCE S. SILAS, xxx-xx-xxxx
JONATHAN E. SILTALA, xxx-xx-xxxx
JAMES E. SIMPSON, xxx-xx-xxxx
DENNIS M. SLONE, xxx-xx-xxxx
MICHAEL SMITH, xxx-xx-xxxx
VICTOR E. SMITH, xxx-xx-xxxx
STEVEN G. SORRELL, xxx-xx-xxxx
PERRY N. SOSA, xxx-xx-xxxx
ALLAN T. STANDRE, xxx-xx-xxxx
LARRY L. STARR, xxx-xx-xxxx
ANDREW W. STEWART, xxx-xx-xxxx
TERRY L. STREETON, xxx-xx-xxxx
SIMSUNDARETH S. TAN, xxx-xx-xxxx
STEPHEN R. TANNER, xxx-xx-xxxx
ERIC S. TAUBER, xxx-xx-xxxx
DANIEL H. THOMAS, xxx-xx-xxxx
GEORGE THOMAS, JR., xxx-xx-xxxx
ROBERT L. THOMPSON, xxx-xx-xxxx
RONALD E. THORNTON, xxx-xx-xxxx
RANDY J. THREET, xxx-xx-xxxx
MICHAEL D. TILSON, xxx-xx-xxxx
JOSE TORRENS, xxx-xx-xxxx
JAMES M. TRACY, xxx-xx-xxxx
KERWIN J. TREGRE, xxx-xx-xxxx
CURTIS W. TURNER, xxx-xx-xxxx
GREGORY E. VALLET, xxx-xx-xxxx
TERRY D. VANSKY, xxx-xx-xxxx
KENNETH J. VAUGHN, xxx-xx-xxxx
TONY R. VAUGHN, xxx-xx-xxxx
ALEJANDRO I. VEGA, xxx-xx-xxxx
LUIS M. VERA, xxx-xx-xxxx
RONALD S. VOGUS, xxx-xx-xxxx
CHRISTOPHER WALLACE, xxx-xx-xxxx
DARRELL A. WARD, xxx-xx-xxxx
NANCY J. WARD, xxx-xx-xxxx
SCOTT T. WATERMAN, xxx-xx-xxxx
DALE S. WEILER, xxx-xx-xxxx
LONNY R. WELTER, xxx-xx-xxxx
ALLEN B. WEST, xxx-xx-xxxx
TIMOTHY R. WHALEN, xxx-xx-xxxx
BRENDA Y. WHITE, xxx-xx-xxxx
ROBERT A. WHY, xxx-xx-xxxx
DANIEL T. WILLIAMS, xxx-xx-xxxx
CATHERINE N. WILSON, xxx-xx-xxxx
EMMA C. WILSON, xxx-xx-xxxx
MARK L. WILSON, xxx-xx-xxxx
RORY A. WILSON, xxx-xx-xxxx
WILLIAM A. WINGET, xxx-xx-xxxx
CLIFFORD J. WOODS, xxx-xx-xxxx
LINWOOD C. WRIGHT, xxx-xx-xxxx
PATRICK M. WRIGHT, xxx-xx-xxxx
WILLIAM W. WRIGHT, xxx-xx-xxxx
WILLIAM D. WUNDERLE, xxx-xx-xxxx
KENNETH P. ZACK, xxx-xx-xxxx
YUVAL J. ZACKS, xxx-xx-xxxx

MEDICAL CORPS

To be captains

ALFONSO S. ALARCON, xxx-xx-xxxx
BRUCE D. ADAMS, xxx-xx-xxxx
ROCCO A. ARMONDA, xxx-xx-xxxx
LOUIS J. BELTZ, xxx-xx-xxxx
PAUL L. BENFANTI, xxx-xx-xxxx
STEPHEN A. BERNSTEIN, xxx-xx-xxxx
MARIE C. BETTENCOURT, xxx-xx-xxxx
ALAN D. BRUNS, xxx-xx-xxxx
PAUL D. CASNER, xxx-xx-xxxx
MARC L. DAYMUDE, xxx-xx-xxxx
KIRK W. EGGLESTON, xxx-xx-xxxx
ANDREW S. EISEMAN, xxx-xx-xxxx
ALEC T. EROR, xxx-xx-xxxx
JOHN H. FARLEY, xxx-xx-xxxx
EDWARD G. FROELICH, xxx-xx-xxxx
JESS A. GRAHAM, xxx-xx-xxxx
CYNTHIA L. GREIF, xxx-xx-xxxx
JAMIE B. GRIMES, xxx-xx-xxxx
KARLA K. HANSEN, xxx-xx-xxxx
DENNIS R. HARTUNG, xxx-xx-xxxx
JON A. HINMAN, xxx-xx-xxxx
JEFFREY J. HULL, xxx-xx-xxxx
RONALD D. JOHNSON, xxx-xx-xxxx
DAVID H. KIM, xxx-xx-xxxx
RONALD P. KING, xxx-xx-xxxx
JOSEPH R. KOLB, xxx-xx-xxxx
MARTIN L. LADWIG, xxx-xx-xxxx
WILMA I. LARSEN, xxx-xx-xxxx
KERRY T. LEE, xxx-xx-xxxx
ROBERT J. LENGYEL, xxx-xx-xxxx
NICK N. LOMIS, xxx-xx-xxxx
ERIC T. LUND, xxx-xx-xxxx
URSULA C. MACK, xxx-xx-xxxx
LIEM T. MANSFIELD, xxx-xx-xxxx
CHRISTINA L. MANTHOS, xxx-xx-xxxx
JOHN M. MCGRATH, xxx-xx-xxxx
JENNIFER S. MENETREZ, xxx-xx-xxxx
LEON E. MOORES, xxx-xx-xxxx
CHARLES R. MULLIGAN, xxx-xx-xxxx
ROBERT J. OGLESBY, xxx-xx-xxxx
WILLIAM T. PACE, xxx-xx-xxxx
KEVIN R. PERUSSE, xxx-xx-xxxx
KAREN S. PHELPS, xxx-xx-xxxx
STEPHEN D. RABORN, xxx-xx-xxxx
HERNANDO G. RAMOS, xxx-xx-xxxx
PARRICK F. REINSVOLD, xxx-xx-xxxx
ROBERT M. RUSH, xxx-xx-xxxx
JAMES R. SANTANGELO, xxx-xx-xxxx
ROBERT A. SCHMITZ, xxx-xx-xxxx
JOHN S. SCOTT, xxx-xx-xxxx
MARK T. SISSON, xxx-xx-xxxx
BRICE T. SMITH, xxx-xx-xxxx
MICHAEL R. STJEAN, xxx-xx-xxxx
GARY W. SWENSON, xxx-xx-xxxx
JAMES M. TROY, xxx-xx-xxxx
TIMOTHY L. WASHOWICH, xxx-xx-xxxx
GARY A. WHEELER, xxx-xx-xxxx
CLAUDE R. WORKMAN, xxx-xx-xxxx
NICHOLAS J. YOKAN, xxx-xx-xxxx
DAVID S. ZUMBRO, xxx-xx-xxxx

ARMY NURSE CORPS

To be captain

ANNIE J. HOFFMAN, xxx-xx-xxxx

VETERINARY CORPS

To be captain

WILLIE J. CROSBY, xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be captain

ANNETTE L. BERGERON, xxx-xx-xxxx

THE FOLLOWING NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, 532, AND 533:

DARYL G. AARON, xxx-xx-xxxx
ANDREW M. ADAMS, xxx-xx-xxxx
LARRY K. ADAMS, xxx-xx-xxxx
JAMES M. ADKINS, xxx-xx-xxxx
ANTONIO N. AGUIRRE, xxx-xx-xxxx
MARK T. ALLEGOOD, xxx-xx-xxxx
JAMES A. ALLEN, xxx-xx-xxxx
KELLY J. ALTENHOFEN, xxx-xx-xxxx
HEATHER B. AMSTUTZ, xxx-xx-xxxx
LUKE A. ANDERSEN, xxx-xx-xxxx
DOUGLAS A. ANDERSON, xxx-xx-xxxx
SCOTT K. ANDREWS, xxx-xx-xxxx
DERRICK ARINCORAYAN, xxx-xx-xxxx
PHILLIP W. ARP, xxx-xx-xxxx
JAMES R. AVICHOUSER, xxx-xx-xxxx
THOMAS R. AYRES, xxx-xx-xxxx
STEVEN W. BADE, xxx-xx-xxxx
HANSANG BAE, xxx-xx-xxxx
ANDREW L. BAKER, xxx-xx-xxxx
GEOFFREY T. BALLOU, xxx-xx-xxxx
WILLIAM J. BARRENTINE, xxx-xx-xxxx
LUIS C. BARRERA, xxx-xx-xxxx
TIMOTHY A. BASHAM, xxx-xx-xxxx
SAMUEL C. BASS, xxx-xx-xxxx
DAVID P. BATEY, xxx-xx-xxxx
ROBERT C. BAUGHER, xxx-xx-xxxx
DAVID P. BEAUCHENE, xxx-xx-xxxx
PAUL J. BECKER, xxx-xx-xxxx
RONALD J. BEDNARICK, xxx-xx-xxxx
THOMAS E. BERGEY, xxx-xx-xxxx
BENJAMIN P. BERNER, JR, xxx-xx-xxxx
JOSE R. BERRIOS, xxx-xx-xxxx
CARTER J. BERTONE, xxx-xx-xxxx
DAVID A. BEVACQUA, xxx-xx-xxxx
MICHAEL L. BINEHAM, xxx-xx-xxxx
WILLIAM R. BLACK, xxx-xx-xxxx
WILEY C. BLANKENSHIP, xxx-xx-xxxx
MICHAEL A. BLAS, xxx-xx-xxxx
TODD X. BLOCH, xxx-xx-xxxx
MICHAEL S. BOGER, xxx-xx-xxxx
ANTHONY J. BOHLIN, xxx-xx-xxxx
BRIAN F. BOREK, xxx-xx-xxxx
GERALD T. BORJA, xxx-xx-xxxx
THOMAS A. BOYD, xxx-xx-xxxx
SHARON M. BRADFORD, xxx-xx-xxxx
BENNIE E. BRASWELL, JR, xxx-xx-xxxx
MELVIN C. BRICKER, JR, xxx-xx-xxxx
JEFFERY D. BROADWATER, xxx-xx-xxxx
RICHARD J. BUDIHAS, xxx-xx-xxxx
VAN H. BUI, xxx-xx-xxxx
NICHOLAS J. BUKOVAC, xxx-xx-xxxx
JOHN S. BULMER, xxx-xx-xxxx
DOUGLAS S. BUNNER, xxx-xx-xxxx
BRETT G. BURGELES, xxx-xx-xxxx
GRADY L. BURLESON, JR, xxx-xx-xxxx
JONATHAN M. BURNS, xxx-xx-xxxx
BRIEN A. BUSH, xxx-xx-xxxx
DAVID A. BUTCHER, xxx-xx-xxxx
MICHAEL D. BYERLEY, xxx-xx-xxxx
TORRES J. CALDERON, xxx-xx-xxxx
CERVANTES E. CAMACHO, xxx-xx-xxxx
GREGORY D. CAMERON, xxx-xx-xxxx
KYLE C. CAMPBELL, xxx-xx-xxxx
WILLIAM R. CANNON, xxx-xx-xxxx
CHRISTOPHER A. CANTRELL, xxx-xx-xxxx
DAVID P. CARLSON, xxx-xx-xxxx
MONTES G. CARTAGENA, xxx-xx-xxxx
JEFFREY L. CARTEE, xxx-xx-xxxx
DARREN M. CARTER, xxx-xx-xxxx
SYNISTR B. CARTER, xxx-xx-xxxx
KENT J. CARTWRIGHT, xxx-xx-xxxx
JOHN M. CARVER, xxx-xx-xxxx
RICHARD A. CAYA, xxx-xx-xxxx
MARTIN W. CHADZYNSKI, xxx-xx-xxxx
ROBERT G. CHAPMAN, xxx-xx-xxxx
MARY A. CHICCA, xxx-xx-xxxx
GEORGE A. CHIZMAR, xxx-xx-xxxx
ROBERT E. CHRISTIAN, xxx-xx-xxxx
EDWARD T. CHRISTIANSEN, xxx-xx-xxxx
RICL F. CLABAUGH, xxx-xx-xxxx
RACHEL A. CLAY, xxx-xx-xxxx
JEFFREY T. CLIFTON, xxx-xx-xxxx
ROBERT L. CODY, II, xxx-xx-xxxx
REGINALD D. COFFEY, xxx-xx-xxxx
ALEXANDER CONYERS, xxx-xx-xxxx
PATRICK L. COOK, xxx-xx-xxxx
PAUL B. COOKE, xxx-xx-xxxx
PAMELA J. COOPER, xxx-xx-xxxx
JAMES D. COSTIGAN, xxx-xx-xxxx
CARL E. COURVILLE, xxx-xx-xxxx
JAMES E. COVINGTON, xxx-xx-xxxx
JAMES D. COWART, xxx-xx-xxxx
DAVID W. COX, xxx-xx-xxxx
LOGAN K. COX, xxx-xx-xxxx
EDWARD A. COZZINI, xxx-xx-xxxx

JOEL S. CRADDOCK, xxx-xx-xxxx
ERIC H. CRAIG, xxx-xx-xxxx
MITCHELL J. CRAMPTON, xxx-xx-xxxx
VAZQUEZ N. CRUZ, xxx-xx-xxxx
JOHN A. CUNNINGHAM, xxx-xx-xxxx
ROBERT P. CUREE, JR., xxx-xx-xxxx
JAMES J. CUTTING, xxx-xx-xxxx
GURA A. DALLAM, III, xxx-xx-xxxx
JAMES W. DAVIDSON, xxx-xx-xxxx
TRACEY D. DAVIS, xxx-xx-xxxx
AUGUSTUS R. DAWSON, III, xxx-xx-xxxx
GREGORY L. DEDEAUX, xxx-xx-xxxx
MATTHEW T. DEFOSSE, xxx-xx-xxxx
KIRK C. DELANEY, xxx-xx-xxxx
BRIAN N. DELAPLANE, xxx-xx-xxxx
LILIBETH T. DELROSARIO, xxx-xx-xxxx
CHARLES DEMERY, xxx-xx-xxxx
GARNET R. DERBY, xxx-xx-xxxx
DAVID A. DESANTIS, xxx-xx-xxxx
MARGARET S. DEVEREUX, xxx-xx-xxxx
STEPHAN A. DEVILLE, xxx-xx-xxxx
TODD D. DICKENS, xxx-xx-xxxx
RHETT M. DILL, xxx-xx-xxxx
MICHAEL W. DILLINGHAM, xxx-xx-xxxx
DANIEL L. DIPIRO, xxx-xx-xxxx
ROBERT S. DIVNEY, xxx-xx-xxxx
MANUEL C. DIWA, xxx-xx-xxxx
DARYL A. DOBERSTEIN, xxx-xx-xxxx
MICHAEL P. DONNELLY, xxx-xx-xxxx
MARC F. DOUMITT, xxx-xx-xxxx
JOHN H. DRAKE, xxx-xx-x...
DARRIN C. DRONEN, xxx-xx-xxxx
ROBERT J. DRUMMOND, xxx-xx-xxxx
MARK R. DUKE, xxx-xx-xxxx
KURT A. DULLE, xxx-xx-xxxx
RODNEY N. DUNCAN, xxx-xx-xxxx
RICHARD B. DUNHAM, xxx-xx-xxxx
ERNEST L. DUNLAP, JR., xxx-xx-xxxx
CHARLES S. DUNLOP, III, xxx-xx-xxxx
DESIREE F. DUNN, xxx-xx-xxxx
DAVE P. DURDEN, xxx-xx-xxxx
JOHN F. DURHAM, xxx-xx-xxxx
SHARON D. EDWARDS, xxx-xx-xxxx
CHARLES J. EIPPER, xxx-xx-xxxx
DARREN P. ELISAR, xxx-xx-xxxx
THOMAS C. ELLIS, xxx-xx-xxxx
NORMAN E. EMERY, xxx-xx-xxxx
JOHN W. EMRICH, xxx-xx-xxxx
ALAINE C. ENCABO, xxx-xx-xxxx
JAMES G. ERBACH, xxx-xx-xxxx
FRANCISCO J. ESCALERA, xxx-xx-xxxx
ERIC E. EVANS, xxx-xx-xxxx
THOMAS L. EVANS, JR., xxx-xx-xxxx
JANETTE A. FAVREAU, xxx-xx-xxxx
SCOTT A. FENIMORE, xxx-xx-xxxx
DYAN FERGUSON, xxx-xx-xxxx
DONALD P. FIELDS, JR., xxx-xx-xxxx
SCOTT H. FISCHER, xxx-xx-xxxx
GROSVENOR W. FISH, III, xxx-xx-xxxx
CHRIS A. FLAND, xxx-xx-xxxx
WILLIAM S. FLOURNOY, xxx-xx-xxxx
THOMAS H. FOLSE, xxx-xx-xxxx
CHRISTOPHER S. FORBES, xxx-xx-xxxx
KEITH J. FORSYTH, xxx-xx-xxxx
GREGORY J. FOX, xxx-xx-xxxx
DAVID L. FRANCISCO, xxx-xx-xxxx
DARREN C. FRANK, xxx-xx-xxxx
MICHAEL G. FREIBURGER, xxx-xx-xxxx
MICHAEL R. FUGITT, xxx-xx-xxxx
NICHOLAS E. FULLER, xxx-xx-xxxx
ANN E. FURLONG, xxx-xx-xxxx
DENNIS GAARE, xxx-xx-xxxx
MICHELLE E. GADSON, xxx-xx-xxxx
JOHN W. GAGNON, xxx-xx-xxxx
JASON L. GALINDO, xxx-xx-xxxx
FAWN D. GALVAN, xxx-xx-xxxx
ALPHONSO L. GAMBLE, xxx-xx-xxxx
JOHN G. GANINO, xxx-xx-xxxx
CRYSTAL S. GARCIA, xxx-xx-xxxx
JUAN R. GARCIA, JR., xxx-xx-xxxx
VICTORIANO GARCIA, JR., xxx-xx-xxxx
MICHEAL G. GARRETT, xxx-xx-xxxx
BRIAN O. GAYLE, xxx-xx-xxxx
ALPHONSO GENTRY, xxx-xx-xxxx
MICHAEL L. GIBBS, xxx-xx-xxxx
MICHAEL K. GILMORE, xxx-xx-xxxx
KENNETH C. GLEASON, xxx-xx-xxxx
ROBERT GLENN, III, xxx-xx-xxxx
RUSSELL L. GODSIL, xxx-xx-xxxx
JESUS F. GOMEZ, xxx-xx-xxxx
KEVIN N. GOODIN, xxx-xx-xxxx
KIMNGAN J. GOODWIN, xxx-xx-xxxx
JACQUELINE GORDON, xxx-xx-xxxx
ODELL A. GRAVES, xxx-xx-xxxx
GREGORY S. GREEN, xxx-xx-xxxx
RICHARD J. GREGOIRE, xxx-xx-xxxx
RICHARD L. GRIFFITH, xxx-xx-xxxx
CHRISTOPHER L. GRIMM, xxx-xx-xxxx
CRAIG L. GROSENHEIDER, xxx-xx-xxxx
JEFFREY C. GROVER, xxx-xx-xxxx
KEITH L. GUDEHUS, xxx-xx-xxxx
GARY M. GURAK, xxx-xx-xxxx
LINDA L. HADDIX, xxx-xx-xxxx
RAMIN HAJAVI, xxx-xx-xxxx
PAUL T. HALDEMAN, xxx-xx-xxxx
MARK A. HALE, xxx-xx-xxxx
REGINA S. HALL, xxx-xx-xxxx
TODD C. HAMILTON, xxx-xx-xxxx
JENNIFER L. HAMMOND, xxx-xx-xxxx
MARY F. HARKIN, xxx-xx-xxxx
JOHN P. HARRIS, xxx-xx-xxxx
WALLACE L. HARRIS, xxx-xx-xxxx
KEITH D. HARVEY, xxx-xx-xxxx
RALPH S. HEDDEN, xxx-xx-xxxx
MICHAEL D. HEILMANN, xxx-xx-xxxx
DAVID F. HEIN, xxx-xx-xxxx
JOHN T. HELMS, xxx-xx-xxxx
GARY E. HENDERSON, xxx-xx-xxxx
LONZA HENDERSON, JR., xxx-xx-xxxx
THOMAS J. HENTHORN, JR., xxx-xx-xxxx
THOMAS J. HERTHEL, xxx-xx-xxxx
MICHAEL D. HEWITT, xxx-xx-xxxx
DONNA M. HIBBERT, xxx-xx-xxxx
TIMOTHY J. HIGGINS, xxx-xx-xxxx
TOMMY R. HIGGINS, xxx-xx-xxxx
WILLIAM B. HIGHT, xxx-xx-xxxx
CHRISTOPHER L. HILDEBRANT, xxx-xx-xxxx
DANIEL P. HILL, xxx-xx-xxxx
MICHAEL D. HIMA, xxx-xx-xxxx
JEFFREY C. HODSDON, xxx-xx-xxxx
KERWIN N. HOLDEN, xxx-xx-xxxx
CARL L. HOLMES, xxx-xx-xxxx
KENNAN D. HORN, xxx-xx-xxxx
CHRISTOPHER D. HOWELL, xxx-xx-xxxx
MATTHEW C. HOWSON, xxx-xx-xxxx
WILLIAM J. HRUSKA, JR., xxx-xx-xxxx
JOSEPH J. INCARDONA, xxx-xx-xxxx
MARTHA A. JACKSON, xxx-xx-xxxx
TERRANCE L. JACKSON, xxx-xx-xxxx
JEFFREY R. JACOBS, xxx-xx-xxxx
WILFREDO E. JAGDON, JR., xxx-xx-xxxx
KEVIN W. JAROSIK, xxx-xx-xxxx
THOMAS A. JAYCOX, xxx-xx-xxxx
MANNING T. JETER, IV, xxx-xx-xxxx
ALBERTA M. JOHNSON, xxx-xx-xxxx
NEIL A. JOHNSON, xxx-xx-xxxx
RANDALL S. JOHNSON, xxx-xx-xxxx
WAYNE I. JOHNSON, xxx-xx-xxxx
BRIAN C. JONES, xxx-xx-xxxx
JOHN R. JONES, xxx-xx-xxxx
TRENA L. JONES, xxx-xx-xxxx
NICHOLAS D. JORDAN, xxx-xx-xxxx
CRAIG W. JORGENSON, xxx-xx-xxxx
JEFFERY C. JUSTEN, xxx-xx-xxxx
JOSEPH J. KALIL, JR., xxx-xx-xxxx
TIMOTHY H. KALLAS, xxx-xx-xxxx
CHRISTIAN F. KALTENBAUGH, xxx-xx-xxxx
TIMOTHY M. KARCHER, xxx-xx-xxxx
KEVIN J. KEIPP, xxx-xx-xxxx
ROBERT F. KEITH, xxx-xx-xxxx
MICHAEL A. KELLEY, xxx-xx-xxxx
SCOTT F. KELLEY, xxx-xx-xxxx
SHANNON P. KELLEY, xxx-xx-xxxx
ROBERT W. KETCHUM, xxx-xx-xxxx
JUNIL A. KIM, xxx-xx-xxxx
JAMES E. KINGFISHER, xxx-xx-xxxx
CHARLES T. KIRCHMAIER, xxx-xx-xxxx
WENDY R. KOCHAVER, xxx-xx-xxxx
DAVID J. KOSINSKI, xxx-xx-xxxx
PHILLIP E. KOTOFSKIE, xxx-xx-xxxx
ANN K. KRAMARICH, xxx-xx-xxxx
TODD C. KROS, xxx-xx-xxxx
MERVIN C. KRAYCSI, xxx-xx-xxxx
MICHAEL L. KUBALA, xxx-xx-xxxx
GLEN L. KUNTER, xxx-xx-xxxx
JOSEPH W. KUPPICH, III, xxx-xx-xxxx
KARL I. KUSSOW, xxx-xx-xxxx
JOSEPH E. KUYKENDALL, xxx-xx-xxxx
MICHAEL K. LANDADIO, xxx-xx-xxxx
LAURA L. LANGE, xxx-xx-xxxx
NAJA M. LANGE, xxx-xx-xxxx
DARRYL LANGFORD, xxx-xx-xxxx
ANTHONY W. LAPOINT, xxx-xx-xxxx
STEVEN M. LASKA, xxx-xx-xxxx
JOHN P. LEATHERMAN, xxx-xx-xxxx
LEE E. LEATHERS, xxx-xx-xxxx
ALLEN B. LEBRUN, xxx-xx-xxxx
BRIGITTE M. LEE, xxx-xx-xxxx
SANG B. LEE, xxx-xx-xxxx
JAMES V. LEMP, xxx-xx-xxxx
GUY D. LEVEILLE, xxx-xx-xxxx
DIRK A. LEVY, xxx-xx-xxxx
LESLIE L. LEWIS, xxx-xx-xxxx
RICHARD A. LEWIS, xxx-xx-xxxx
THOMAS W. LEWIS, xxx-xx-xxxx
RODNEY L. LIGHTFOOT, xxx-xx-xxxx
JOSEPH S. LIMTIACO, xxx-xx-xxxx
ROBERT W. LINDERMAN, xxx-xx-xxxx
MICHAEL C. LINDSEY, xxx-xx-xxxx
DOUGLAS W. LITTLE, JR., xxx-xx-xxxx
THOMAS D. LOGAN, xxx-xx-xxxx
ROBERT E. LOWE, xxx-xx-xxxx
BRIAN K. LUGENBEEL, xxx-xx-xxxx
MCKAY S. LUNDGREN, xxx-xx-xxxx
MARK J. LUNDTVEDT, xxx-xx-xxxx
JACQUELINE M. LUTHER, xxx-xx-xxxx
COLBERT A. LYNCH, xxx-xx-xxxx
STEVEN B. LYONS, xxx-xx-xxxx
HOWARD V. MACCREADY, xxx-xx-xxxx
GARY S. MACKENZIE, xxx-xx-xxxx
TODD D. MACKERT, xxx-xx-xxxx
SEAN E. MACKINTOSH, xxx-xx-xxxx
CHRISTOPHER H. MACLIN, xxx-xx-xxxx
STEPHANIE A. MADDEN, xxx-xx-xxxx
JEFFREY A. MADISON, xxx-xx-xxxx
RAYMUNDO M. MALLARI, xxx-xx-xxxx
KENNETH S. MALLERY, xxx-xx-xxxx
TERRENCE T. MANNS, xxx-xx-xxxx
GEORGE C. MARKOS, JR., xxx-xx-xxxx
ERIC D. MARRATTA, xxx-xx-xxxx
DAVID P. MARTIN, xxx-xx-xxxx
DOUGLAS C. MARTIN, xxx-xx-xxxx
KEN C. MARTIN, xxx-xx-xxxx
RODERICK C. MARTIN, II, xxx-xx-xxxx
MARTINEZ A. MARTINEZ, xxx-xx-xxxx
CRAIG T. MASKE, xxx-xx-xxxx
MICHELLE C. MASON, xxx-xx-xxxx
TAMMY J. MASSART, xxx-xx-xxxx
JACK H. MAST, JR., xxx-xx-xxxx
ALEXIS A. MATABAN, xxx-xx-xxxx
STEVEN R. MATSON, xxx-xx-xxxx
EARNEST L. MATTHEWS, xxx-xx-xxxx
WALTER C. MATTIL, xxx-xx-xxxx
MATTHEW E. MATTNER, xxx-xx-xxxx
DAVID W. MAY, xxx-xx-xxxx
MORRIS A. MAYERS, xxx-xx-xxxx
RONNIE L. MAYS, JR., xxx-xx-xxxx
SAM R. MCADOO, xxx-xx-xxxx
COLLEEN M. MCALEER, xxx-xx-xxxx
DENNIS C. MCCALLUM, JR., xxx-xx-xxxx
RITA C. MCCLELLAN, xxx-xx-xxxx
JAMES D. MCDARMONT, xxx-xx-xxxx
BRIAN P. MCDERMOTT, xxx-xx-xxxx
STANLEY D. MCDOWELL, xxx-xx-xxxx
PAULA J. MCFADIN, xxx-xx-xxxx
STEVEN T. MCGUGAN, xxx-xx-xxxx
BRIAN J. MCHUGH, xxx-xx-xxxx
DANNY L. MCINTOSH, xxx-xx-xxxx
NEAL F. MCINTYRE, xxx-xx-xxxx
TIMOTHY M. MCKEAN, xxx-xx-xxxx
PHILLIPIA S. MCKINNIE, xxx-xx-xxxx
DORIS A. MCLEOD, xxx-xx-xxxx
DALE E. MCPHERSON, xxx-xx-xxxx
JAMES S. MCPHERSON, xxx-xx-xxxx
ROBERT G. MCVAY, xxx-xx-xxxx
MICHAEL C. MEDVED, xxx-xx-xxxx
SCOTT A. MEEHAN, xxx-xx-xxxx
DANIEL E. MELIOR, xxx-xx-xxxx
ALAN S. MELLEN, xxx-xx-xxxx
WENDELL L. MIDDLETON, xxx-xx-xxxx
DWIGHT D. MILLER, xxx-xx-xxxx
MARK A. MILLER, xxx-xx-xxxx
MICHAEL S. MILLER, xxx-xx-xxxx
RUTH E. MILLER, xxx-xx-xxxx
WOODROW MILLER, JR., xxx-xx-xxxx
STEPHEN T. MILTON, xxx-xx-xxxx
RONALD E. MISAK, xxx-xx-xxxx
MARK A. MITCHELL, xxx-xx-xxxx
SCOTT MITCHELL, xxx-xx-xxxx
DAVID G. MOATS, xxx-xx-xxxx
GREGORY E. MOFFETT, xxx-xx-xxxx
ANTHONY C. MONTGOMERY, xxx-xx-xxxx
JEFFREY R. MOORE, xxx-xx-xxxx
MICHAEL K. MOORE, xxx-xx-xxxx
TITUS MOORE, xxx-xx-xxxx
CARLOS H. MORALES, xxx-xx-xxxx
LEWIS M. MORGAN, xxx-xx-xxxx
DANIEL L. MORRIS, xxx-xx-xxxx
JAMES E. MORRISON, xxx-xx-xxxx
JAY J. MORSCHING, xxx-xx-xxxx
DANNY J. MORTON, xxx-xx-xxxx
ROBERT E. NASH, xxx-xx-xxxx
KEVIN S. NAUER, xxx-xx-xxxx
TROY A. NEASBITT, xxx-xx-xxxx
DAVID R. NEEL, xxx-xx-xxxx
GLENN L. NELSON, JR., xxx-xx-xxxx
MARIANNE NESBIT, xxx-xx-xxxx
MACY NGO, xxx-xx-xxxx
PHONG N. NGUYEN, xxx-xx-xxxx
WALTER G. NICHOLS, JR., xxx-xx-xxxx
VAN A. NINE, xxx-xx-xxxx
CHARLES N. NORDAN, xxx-xx-xxxx
KIM M. NORING, xxx-xx-xxxx
LUNA A. NORMANDIA, xxx-xx-xxxx
JOYCE A. NORMANDIN, xxx-xx-xxxx
MICHAEL A. NORRIS, xxx-xx-xxxx
CHRISTOPHER S. NUDI, xxx-xx-xxxx
PATRICK L. NUGENT, xxx-xx-xxxx
MARK A. OBRIEN, xxx-xx-xxxx
DIANE K. ODONNELL, xxx-xx-xxxx
PATRICK J. OKEEFE, xxx-xx-xxxx
CHRISTOPHER OLIPHANT, xxx-xx-xxxx
EDWARD J. ONEILL, IV, xxx-xx-xxxx
JIMMY W. ORRICK, xxx-xx-xxxx
EDWARD J. OSPITAL, xxx-xx-xxxx
MICHAEL G. OSTERHOUDT, xxx-xx-xxxx
WILLIAM B. OSTLUND, xxx-xx-xxxx
JAMES B. OTTNEY, JR., xxx-xx-xxxx
VINCENT L. OWENS, xxx-xx-xxxx
JOHN E. PACHECO, xxx-xx-xxxx
GREGORY E. PAGE, xxx-xx-xxxx
BART T. PARNALL, xxx-xx-xxxx
MICHAEL L. PARR, xxx-xx-xxxx
ARTHUR D. PATIN, xxx-xx-xxxx
BRYAN E. PATRIDGE, xxx-xx-xxxx
LESLIE A. PAULSEN, xxx-xx-xxxx
BRIAN L. PEARL, xxx-xx-xxxx
RICHARD T. PEAT, JR., xxx-xx-xxxx
KATHLEEN K. PENDRY, xxx-xx-xxxx
JON K. PENNINGTON, xxx-xx-xxxx
LAURA L. PENNISON, xxx-xx-xxxx
JAMES R. PERKINS, xxx-xx-xxxx
CHRISTOPHER L. PERRON, xxx-xx-xxxx
JAMES G. PERRY, xxx-xx-xxxx
MICHAEL P. PERRY, xxx-xx-xxxx
RENAE C. PETERS, xxx-xx-xxxx
PAUL R. PFAHLER, xxx-xx-xxxx
MARY K. PHEIL, xxx-xx-xxxx
SHAWN A. PHELPS, xxx-xx-xxxx
EMORY E. PHLEGAR, JR., xxx-xx-xxxx
ERIC A. PIATT, xxx-xx-xxxx
RAYMOND D. PICCIRILLO, xxx-xx-xxxx
ELLE PIERCE, JR., xxx-xx-xxxx
MARK D. PIKE, xxx-xx-xxxx
ZOE W. PLUMMER, xxx-xx-xxxx
PHILLIP E. PLUMPP, xxx-xx-xxxx

DAVID A. POJTINGER, xxx-xx-xxxx
DAVID A. POLAND, xxx-xx-xxxx
DAVID E. PONSELL, III, xxx-xx-xxxx
KATHLEEN J. PORTER, xxx-xx-xxxx
JAMES C. POWERS, JR., xxx-xx-xxxx
ALAN R. PREBLE, xxx-xx-xxxx
CARLA S. PRICE, xxx-xx-xxxx
MICHELE M. PRIHODA, xxx-xx-xxxx
JEROME N. PRITCHETT, xxx-xx-xxxx
WILLIAM C. PRITCHETT, xxx-xx-xxxx
CURTIS K. PROFFITT, xxx-xx-xxxx
JAMES E. PUGH, xxx-xx-xxxx
SARAH H. PUTNAM, xxx-xx-xxxx
JASON O. PYLE, xxx-xx-xxxx
MICHAEL K. PYLE, xxx-xx-xxxx
RONALD L. QUINTER, xxx-xx-xxxx
TIMOTHY J. RAPP, xxx-xx-xxxx
MATTHEW F. RASMUSSEN, xxx-xx-xxxx
KEVIN W. RAWLINS, xxx-xx-xxxx
CHRISTOPHER J. RAYMOND, xxx-xx-xxxx
BRIAN W. REARDON, xxx-xx-xxxx
TROY A. REDINGER, xxx-xx-xxxx
STEVEN T. REHERMANN, xxx-xx-xxxx
DONALD M. REMBERT, JR., xxx-xx-xxxx
RICK A. RENDA, xxx-xx-xxxx
PEREDO J. REYES, xxx-xx-xxxx
ROBERT A. REYNOLDS, xxx-xx-xxxx
THOMAS R. RIBBLE, III, xxx-xx-xxxx
LANCE E. RICHARDSON, xxx-xx-xxxx
DARRIN C. RICKETTS, xxx-xx-xxxx
WAYNE S. RIDER, xxx-xx-xxxx
KENNETH R. RIGGSBEE, II, xxx-xx-xxxx
COLON F. RIVERA, xxx-xx-xxxx
MOLINA M. RIVERA, xxx-xx-xxxx
ALISON G. ROBB, xxx-xx-xxxx
RONALD L. ROBERTSON, xxx-xx-xxxx
KATHERINE M. ROBSON, xxx-xx-xxxx
CHRISTINA I. RODENBECK, xxx-xx-xxxx
ROBERTO R. RODRIGUEZ, xxx-xx-xxxx
HUGH K. ROGERS, III, xxx-xx-xxxx
STEVEN M. ROGERS, xxx-xx-xxxx
TRAVIS E. ROOMS, xxx-xx-xxxx
ANTHONY T. ROPER, xxx-xx-xxxx
TERRANCE M. ROSALES, xxx-xx-xxxx
WILLIAM F. RUDAT, xxx-xx-xxxx
ROBERT L. SANCHEZ, xxx-xx-xxxx
HERBERT SANDERS, JR, xxx-xx-xxxx
KEVIN M. SANDERS, xxx-xx-xxxx
ALEX A. SANJUAN, xxx-xx-xxxx
GEORGE J. SAWYER, IV, xxx-xx-xxxx
WILLIAM H. SCHERMERHORN, xxx-xx-xxxx
ANTHONY E. SCHMELZER, xxx-xx-xxxx
RODNEY B. SCHROEDER, xxx-xx-xxxx
JON P. SCHWARTZMAN, xxx-xx-xxxx
SWILLING W. SCOTT, JR, xxx-xx-xxxx
RICHARD D. SCRIVNER, xxx-xx-xxxx
RICHARD L. SECHRIST, II, xxx-xx-xxxx
STEVEN E. SEGER, xxx-xx-xxxx
BEN A. SHAW, JR, xxx-xx-xxxx
ANTHONY B. SHEPARD, xxx-xx-xxxx
ADAM B. SHEPHERD, xxx-xx-xxxx
GLENN R. SHIPLE, xxx-xx-xxxx
ALLEN D. SHREFFLER, xxx-xx-xxxx
ALAN J. SHUMATE, xxx-xx-xxxx
CHARLENE P. SIBAJA, xxx-xx-xxxx
JEFFREY A. SILVERMAN, xxx-xx-xxxx
RODNEY M. SIMMONS, xxx-xx-xxxx
MELVIN C. SINOBEN, xxx-xx-xxxx
BARBARA A. SION, xxx-xx-xxxx
ERNESTO L. SIRVAS, xxx-xx-xxxx
DOUGLAS C. SKAGGS, xxx-xx-xxxx
MARK W. SKINNER, xxx-xx-xxxx
DENNIS M. SMALL, xxx-xx-xxxx
ANTHONY L. SMITH, xxx-xx-xxxx
GILBERTO A. SMITH, xxx-xx-xxxx
HERBERT N. SMITH, xxx-xx-xxxx
JAMETTE A. SMITH, xxx-xx-xxxx
MARCUS O. SMITH, xxx-xx-xxxx
TIMOTHY A. SOLIE, xxx-xx-xxxx
DAVID D. SONNEN, xxx-xx-xxxx
CESAR M. SORIANO, xxx-xx-xxxx
DOMINIC J. SPARACIO, xxx-xx-xxxx
IRIS J. SPURLOCK, xxx-xx-xxxx
MICHAEL J. STAGOSKI, xxx-xx-xxxx
CHRISTOPHER C. STENMAN, xxx-xx-xxxx
VINCENT N. STEPHAN, xxx-xx-xxxx
MARK F. STEPHENSON, xxx-xx-xxxx
RANDY G. STEVENS, xxx-xx-xxxx
SHEILA R. STEVENS, xxx-xx-xxxx
GLENDA STEWARD, xxx-xx-xxxx
SCOT F. STINE, xxx-xx-xxxx
EMILLY M. STOFFEL, xxx-xx-xxxx
MATTHEW L. STORMS, xxx-xx-xxxx
JANICE L. STRAIGHT, xxx-xx-xxxx
RAYMOND STUHN, xxx-xx-xxxx
BONNIE L. SUENTZENICH, xxx-xx-xxxx
HENRY S. SULLY, xxx-xx-xxxx
RONALD F. SULPIZIO, JR, xxx-xx-xxxx
FERN O. SUMPTER, xxx-xx-xxxx
HUGH R. SUTHERLAND, xxx-xx-xxxx
JEFFREY G. SUTTON, xxx-xx-xxxx
KEITH A. SWAILES, xxx-xx-xxxx
DAWN L. SWEENEY, xxx-xx-xxxx
PAUL J. SWIERGOSZ, xxx-xx-xxxx
DAVID D. TADA, xxx-xx-xxxx
TIMOTHY J. TALONE, xxx-xx-xxxx
EDWARD J. TAYLOR, xxx-xx-xxxx
SANDRA D. TAYLOR, xxx-xx-xxxx
BRIAN J. TEMPEST, xxx-xx-xxxx
TERENCE B. THIBODEAUX, xxx-xx-xxxx
KARL R. THOMAS, xxx-xx-xxxx
LLOYD R. THOMAS, xxx-xx-xxxx
DOUGLAS A. THOME, xxx-xx-xxxx
RALPH N. THORN, xxx-xx-xxxx
MICHAEL J. TICE, xxx-xx-xxxx
LEE M. TOMLINSON, JR, xxx-xx-xxxx
ROBERT P. TORRES, xxx-xx-xxxx
GREGORY TOUSSAINT, xxx-xx-xxxx
MARTY L. TOWATER, xxx-xx-xxxx
DEAN H. TRULOCK, xxx-xx-xxxx
JANET J. TSAO, xxx-xx-xxxx
THOMAS S. TURMAN, xxx-xx-xxxx
BRADLEY E. VANHOOK, xxx-xx-xxxx
DAVID H. VAUGHAN, xxx-xx-xxxx
TODD A. VAUGHN, xxx-xx-xxxx
JEFFERY C. VOGT, xxx-xx-xxxx
DAVID L. VOHLER, xxx-xx-xxxx
MARK F. VOTIPKA, xxx-xx-xxxx
GLENDA A. WADDELL, xxx-xx-xxxx
ERIC L. WADE, xxx-xx-xxxx
JODI L. WAGNER, xxx-xx-xxxx
CHRISTOPHER E. WALACH, xxx-xx-xxxx
STEPHEN G. WALDROP, xxx-xx-xxxx
DENNIS W. WALKER, xxx-xx-xxxx
KIMBERLY A. WALKER, xxx-xx-xxxx
GORDON T. WALLACE, xxx-xx-xxxx
DAVID E. WALSH, xxx-xx-xxxx
FRANCES E. WALTERS, xxx-xx-xxxx
KATHERINE A. WALTHER, xxx-xx-xxxx
CHRISTOPHER S. WALTON, xxx-xx-xxxx
GREGORY W. WALTON, xxx-xx-xxxx
LENINAIT WASHINGTON, xxx-xx-xxxx
TOM W. WATITI, xxx-xx-xxxx
RICHARD G. WATSON, xxx-xx-xxxx
RONALD R. WATSON, xxx-xx-xxxx
WILLIAM K. WATSON, xxx-xx-xxxx
TODD B. WATT, xxx-xx-xxxx
DEAN L. WEEKS, xxx-xx-xxxx
HIELKE WELLING, xxx-xx-xxxx
STEPHEN A. WERTZ, xxx-xx-xxxx
MATTHEW A. WHALLEY, xxx-xx-xxxx
BRUCE WICKERSHAM, xxx-xx-xxxx
DARRY R. WHITAKER, xxx-xx-xxxx
JEFFERY R. WHITE, xxx-xx-xxxx
GARY L. WILLFORD, xxx-xx-xxxx
JULIUS WILLIAMS, III, xxx-xx-xxxx
MICHAEL T. WILLIAMS, xxx-xx-xxxx
SCOTTY E. WILLIAMS, xxx-xx-xxxx
STANLEY T. WILLIAMS, xxx-xx-xxxx
WILBERT O. WILLIAMS, xxx-xx-xxxx
DAVID E. WILLIAMSON, xxx-xx-xxxx
LYNDA X. WILLISON, xxx-xx-xxxx
ANDREW J. WILLSE, xxx-xx-xxxx
JAMES L. WILMETH, IV, xxx-xx-xxxx
CHARLES V. WILSON, xxx-xx-xxxx
JOHN D. WILSON, JR, xxx-xx-xxxx
RICKY A. WILSON, xxx-xx-xxxx
TERRY M. WILSON, JR, xxx-xx-xxxx
MARA L. WINTERS, xxx-xx-xxxx
PETER M. WLASCHIN, xxx-xx-xxxx
JOHN W. WOFFORD, JR, xxx-xx-xxxx
STEPHAN P. WOLFERT, xxx-xx-xxxx
PATRICK T. WRIGHT, xxx-xx-xxxx
RICHARD S. YADA, xxx-xx-xxxx
DARREN R. YARBROUGH, xxx-xx-xxxx
BRETT L. YOUNG, xxx-xx-xxxx
RANDY S. ZALES, xxx-xx-xxxx
ESMERALDO ZARZABAL, xxx-xx-xxxx
DANIEL J. ZIMMERMAN, xxx-xx-xxxx
THEODORE E. ZIMMERMAN, xxx-xx-xxxx
GEORGE A. ZSIDISIN, xxx-xx-xxxx
JOHN D. ZUKLIC, xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE AIR FORCE RESERVE, UNDER THE PROVISIONS OF SECTIONS 593, 8362 AND 8371, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

WALTER W. ADAMS, xxx-xx-xxxx
WAYNE C. BARNETT, xxx-xx-xxxx
RALPH J. BARRAS, xxx-xx-xxxx
RAYMOND S. S. BARROW, xxx-xx-xxxx
ELVERTT J. BARTON, xxx-xx-xxxx
CHARLES W. BEATTIE, xxx-xx-xxxx
SALVATORE BELLOISE, xxx-xx-xxxx
PAUL S. BERGER, xxx-xx-xxxx
LOUIS M. BERRA, xxx-xx-xxxx
GERALD A. BLACK, xxx-xx-xxxx
JOSEPH E. BLACKWELL, JR, xxx-xx-xxxx
WILLIAM C. BOLING, JR, xxx-xx-xxxx
MICHAEL J. H. BRADLEY, xxx-xx-xxxx
ALBERT L. BRADY, xxx-xx-xxxx
EDWARD M. BREAK, xxx-xx-xxxx
DUNCAN L. BRIDEWELL, xxx-xx-xxxx
GARY L. BRUEHLER, xxx-xx-xxxx
JOHN H. K. BUCHHOLZ, xxx-xx-xxxx
ROGER G. BUCKMAN, xxx-xx-xxxx
MICHAEL A. BURKE, xxx-xx-xxxx
RICHARD J. BUSBOOM, xxx-xx-xxxx
DAVID A. CARLSON, xxx-xx-xxxx
RICHARD L. CECIL, xxx-xx-xxxx
WALTER H. CLARKE, JR, xxx-xx-xxxx
KENNETH T. CLIFFORD, xxx-xx-xxxx
ALAN B. CLUNE, xxx-xx-xxxx
ROGER L. COAKLEY, xxx-xx-xxxx
RICHARD W. COKER, xxx-xx-xxxx
ANDRE W. COURCHESNE, xxx-xx-xxxx
PINAR CRANE, JR, xxx-xx-xxxx
GEORGE D. CRANSTON, xxx-xx-xxxx
RICHARD J. CROKER, xxx-xx-xxxx
JAMES P. CURTIN, xxx-xx-xxxx
ANDERSON DAVIE, JR, xxx-xx-xxxx
LARRY L. DAVIS, xxx-xx-xxxx
JOSEPH D. DELUCA, xxx-xx-xxxx
GILBERT J. DIPIETRO, xxx-xx-xxxx
GERALDINE B. DODSONSMITH, xxx-xx-xxxx
MARCIA A. DONTJE, xxx-xx-xxxx
RONALD R. DORRIS, xxx-xx-xxxx
JOHN E. DOZIER, IV, xxx-xx-xxxx
WILLIAM DUBIS, xxx-xx-xxxx
KENT M. EASTY, xxx-xx-xxxx
DUWAYNE A. EBERTOWSKI, xxx-xx-xxxx
PAUL D. EPSTEIN, xxx-xx-xxxx
ROBERT E. ERICSON, JR, xxx-xx-xxxx
RONALD R. ERNST, xxx-xx-xxxx
JAMES P. FAULKNER, xxx-xx-xxxx
JAMES P. FEIGHNY, III, xxx-xx-xxxx
JAMES H. FISCHER, xxx-xx-xxxx
CLIFFORD P. FITZGERALD, xxx-xx-xxxx
GODFREY Y. K. FO, xxx-xx-xxxx
GALE H. FRENCH, xxx-xx-xxxx
THOMAS H. GARDNER, xxx-xx-xxxx
ADAM R. GEUSS, xxx-xx-xxxx
DAVID L. GRAY, xxx-xx-xxxx
DAVID F. GROEBNER, xxx-xx-xxxx
JOHN K. GULCK, xxx-xx-xxxx
FERDINAND J. GURNEY, xxx-xx-xxxx
RICHARD A. HALAPIN, xxx-xx-xxxx
RICHARD F. HALL, xxx-xx-xxxx
LOUIS HARI, xxx-xx-xxxx
MICHAEL F. HARRIS, xxx-xx-xxxx
REUBEN E. HARRIS, JR, xxx-xx-xxxx
RICHARD H. HARRIS, JR, xxx-xx-xxxx
COURTLAN C. HAZELTON, xxx-xx-xxxx
EUGENE A. HEBERT, xxx-xx-xxxx
GORDON G. HEINIGER, xxx-xx-xxxx
WALTER A. HITTINGER, xxx-xx-xxxx
GEORGE R. HITTLE, JR, xxx-xx-xxxx
DOUGLAS D. HOBBS, xxx-xx-xxxx
STEPHEN E. HOLBERT, xxx-xx-xxxx
RICHARD A. HOUSE, II, xxx-xx-xxxx
WILLIAM G. HOUSTON, xxx-xx-xxxx
GAYNOR M. HUDSON, xxx-xx-xxxx
CHARLES M. HUTCHESON, xxx-xx-xxxx
DEAN P. HUTTON, xxx-xx-xxxx
JAMES B. HYLAND, xxx-xx-xxxx
CHRISTOPHER M. JONIEC, xxx-xx-xxxx
WILLIAM S. KARSNER, xxx-xx-xxxx
MAHENDRA KAUL, xxx-xx-xxxx
ARTHUR B. KELLER, xxx-xx-xxxx
JOHN E. KELLY, xxx-xx-xxxx
LARRY P. KELLY, xxx-xx-xxxx
JOHN L. KING, xxx-xx-xxxx
HAROLD F. KLAUS, JR, xxx-xx-xxxx
MARK Y. KOVSKY, xxx-xx-xxxx
ROBERT S. KRISS, xxx-xx-xxxx
WILLIAM R. KUHNS, xxx-xx-xxxx
LARRY D. LARSON, xxx-xx-xxxx
NORMAN E. LASATER, xxx-xx-xxxx
PAUL W. LAVENDER, JR, xxx-xx-xxxx
ARCHIE C. LEBRON, xxx-xx-xxxx
WAYNE H. LEFORS, xxx-xx-xxxx
FREDERICK W. LINDAHL, xxx-xx-xxxx
CRAIG A. LINDBERG, xxx-xx-xxxx
EUGENE R. LOCK, xxx-xx-xxxx
JOSE M. LOPEZ, xxx-xx-xxxx
HENRY J. LORENZETTI, xxx-xx-xxxx
LARRY V. LUNT, xxx-xx-xxxx
DAVID J. MACKAY, xxx-xx-xxxx
MICHAEL J. MADIGAN, xxx-xx-xxxx
ROBERT E. MARKUTSA, xxx-xx-xxxx
OLEN D. MARLOW, JR, xxx-xx-xxxx
ALAN C. MARSHALL, xxx-xx-xxxx
KENNETH R. MARSHALL, xxx-xx-xxxx
JOE L. MARTIN, xxx-xx-xxxx
RICHARD T. MASEK, xxx-xx-xxxx
RICHARD W. MATZKO, xxx-xx-xxxx
REGINA M. MCGUINESS, xxx-xx-xxxx
MICHAEL W. MCILVOY, xxx-xx-xxxx
KENNETH L. MCKIBBAN, xxx-xx-xxxx
WILLIAM A. MCLOUGHLIN, xxx-xx-xxxx
THOMAS M. MESSECAR, xxx-xx-xxxx
WENDELL J. MEYERER, xxx-xx-xxxx
CHARLES L. MICKLEY, xxx-xx-xxxx
GREGG C. MILLER, xxx-xx-xxxx
JOHN C. MILLER, xxx-xx-xxxx
ROBERT J. MILLET, xxx-xx-xxxx
ZEBULON V. MITCHELL, JR, xxx-xx-xxxx
DONALD R. MOORE, xxx-xx-xxxx
JOHN W. MORRISSEY, xxx-xx-xxxx
JAMES H. MURAKAMI, xxx-xx-xxxx
GEORGE F. NELSON, xxx-xx-xxxx
TERENCE M. NELSON, xxx-xx-xxxx
DOUGLAS E. NEWCOMB, xxx-xx-xxxx
STEPHEN C. NOBLE, xxx-xx-xxxx
DOUGLAS A. OHLDE, xxx-xx-xxxx
DEAN M. OLANDER, xxx-xx-xxxx
JOSEPH C. ORWAT, xxx-xx-xxxx
BILLY D. PARENT, xxx-xx-xxxx
EMMONS F. PARROTT, xxx-xx-xxxx
NICHOLAS R. PCHELKIN, xxx-xx-xxxx
GEORGE E. PEELER, JR, xxx-xx-xxxx
PETER J. PERKOWSKI, xxx-xx-xxxx
KYLE F. PERO, xxx-xx-xxxx
CHARLES A. PETSCHKE, xxx-xx-xxxx
MICHAEL J. PETZ, xxx-xx-xxxx
JAMES S. POLLIARD, xxx-xx-xxxx
BETTY L. POND, xxx-xx-xxxx
NELSON D. POWELL, JR, xxx-xx-xxxx
DAVID M. PURTEE, xxx-xx-xxxx
JAMES M. QUICK, xxx-xx-xxxx
WILLIAM C. REDDICK, xxx-xx-xxxx

CHARLES R. RENDER, xxx-xx-xxxx
DAVID W. REUTHER, xxx-xx-xxxx
WILLIAM P. RILEY, xxx-xx-xxxx
JAMES W. ROBERTS, xxx-xx-xxxx
EDWARD H. ROOKS, JR, xxx-xx-xxxx
DAVID J. ROTHSCHILD, xxx-xx-xxxx
MICHAEL S. RYAN, xxx-xx-xxxx
JAMES D. SAMPSON, xxx-xx-xxxx
DONALD E. SCHELL, xxx-xx-xxxx
JOHN M. SELLARS, xxx-xx-xxxx
NAHIDA C. SHERMAN, xxx-xx-xxxx
RICHARD H. SHERMAN, xxx-xx-xxxx
RICHARD W. SHINE, xxx-xx-xxxx
ATTILA T. SIMON, xxx-xx-xxxx
RONALD P. SIMPSON, xxx-xx-xxxx
COLIN E. SMITH, xxx-xx-xxxx
RUSSELL E. SMITH, xxx-xx-xxxx
FRANKLIN R. SMOYER, xxx-xx-xxxx
GARY W. SPENCE, xxx-xx-xxxx
TED T. SQUYRES, xxx-xx-xxxx
E. GIFFORD STACK, xxx-xx-xxxx
DUANE A. STANLEY, xxx-xx-xxxx
DONALD L. STEANSON, xxx-xx-xxxx
EDWARD A. STICKLER, xxx-xx-xxxx
RAYMOND L. STREETER, xxx-xx-xxxx
JAMES W. STROH, xxx-xx-xxxx
JAMES F. STUART, JR, xxx-xx-xxxx
ROBERT C. STUMPF, xxx-xx-xxxx
JAMES D. SULLIVAN, xxx-xx-xxxx
PETER K. SULLIVAN, xxx-xx-xxxx
VINCENT P. SURWILO, xxx-xx-xxxx
ANTHONY C. TAYLOR, xxx-xx-xxxx
ALLAN R. THOMAS, xxx-xx-xxxx
STEPHEN W. THROWER, xxx-xx-xxxx
TOBIE R. TITSWORTH, III, xxx-xx-xxxx
FRANCIS R. TRANCE, xxx-xx-xxxx
LARRY L. TWITCHELL, xxx-xx-xxxx
JAMES G. VALLANCE, xxx-xx-xxxx
NORMAN D. VANDYKE, xxx-xx-xxxx
RICHARD B. VANVLEET, xxx-xx-xxxx
FREDERICK A. VIOHL, xxx-xx-xxxx
LAWRENCE M. WAGER, xxx-xx-xxxx
GEORGE T. WARD, xxx-xx-xxxx
RICHARD H. WATKINS, xxx-xx-xxxx
WILLIAM N. WELBORN, xxx-xx-xxxx
RICHARD F. WHITTY, xxx-xx-xxxx
MARK J. WILCOX, xxx-xx-xxxx
BASCOMBE J. WILSON, xxx-xx-xxxx
WILLIAM C. WIRSTROM, xxx-xx-xxxx

CHAPLAIN CORPS

To be colonel

JOHN W. HEYWARD, JR, xxx-xx-xxxx
JOHN J. KROZSER, xxx-xx-xxxx
JOE E. LUNCEFORD, xxx-xx-xxxx

DENTAL CORPS

To be colonel

JOHN R. AMES, xxx-xx-xxxx
THOMAS J. BEGAN, xxx-xx-xxxx
ALLEN N. BENNING, xxx-xx-xxxx
EDWARD S. DUKE, xxx-xx-xxxx
FRANCISCO M. GRANDA, xxx-xx-xxxx

JUDGE ADVOCATE

To be colonel

THERON S. BAILEY, xxx-xx-xxxx
DAVID B. BYRNE, JR, xxx-xx-xxxx
JAMES M. CAULFIELD, xxx-xx-xxxx
TERRELL W. DAHLMAN, xxx-xx-xxxx
ROBERT O. DAMBROSIO, xxx-xx-xxxx
BERNARD A. DICKSON, xxx-xx-xxxx
EDGAR W. ENNIS, JR, xxx-xx-xxxx
LAURENCE S. FEDAK, xxx-xx-xxxx
ROBERT G. LEE, xxx-xx-xxxx
EDGAR G. PARR, xxx-xx-xxxx
JOE RAMIREZ, xxx-xx-xxxx
JOHN F. RUDY, II, xxx-xx-xxxx
ROBERT E. SEARS, xxx-xx-xxxx
WILLIAM G. STEVENS, xxx-xx-xxxx
MICHAEL R. WATTS, xxx-xx-xxxx

MEDICAL CORPS

To be colonel

JOSE BISQUERRA, xxx-xx-xxxx
JOHNNY C. ELLIOTT, xxx-xx-xxxx
RICHARD R. HILL, xxx-xx-xxxx
JOHN M. HOLMBERG, xxx-xx-xxxx
EDWARD T. KIMBLE, III, xxx-xx-xxxx
DONALD R. KLEIN, xxx-xx-xxxx
EDMOND J. LEROUX, JR, xxx-xx-xxxx
STEVEN E. LISTON, xxx-xx-xxxx
TOMMY L. LOVE, xxx-xx-xxxx
RICHARD T. LUNGER, xxx-xx-xxxx
EUGENE C. MASO, xxx-xx-xxxx
HOWARD A. MCMAHAN, xxx-xx-xxxx
ROGELIO D. NARANJA, xxx-xx-xxxx
ICARANGAL A. NAVAL, xxx-xx-xxxx
ARMIN B. OLSEN, xxx-xx-xxxx
GILLIS L. PAYNE, xxx-xx-xxxx
ALI A. SADOUGHIAN, xxx-xx-xxxx
BERTON T. SCHAEFFER, xxx-xx-xxxx
DONALD G. SEBESTA, xxx-xx-xxxx
FRANK L. SMITH, xxx-xx-xxxx
JAMES A. STRINE, xxx-xx-xxxx
WILLIAM K. SULLIVAN, xxx-xx-xxxx
PAUL W. TERRELL, xxx-xx-xxxx
NED J. WHITCOMB, xxx-xx-xxxx

NURSE CORPS

To be colonel

RAYNELLE BAILEY, xxx-xx-xxxx
ELIZABETH R. BATES, xxx-xx-xxxx
JOANN H. BOYLES, xxx-xx-xxxx
PAULA S. CARRICK, xxx-xx-xxxx
JANE C. CARSON, xxx-xx-xxxx
PHYLLIS M. CRAFT, xxx-xx-xxxx
NANCY J. DRISCOLL, xxx-xx-xxxx
DONALD E. W. ELLIOTT, xxx-xx-xxxx
GEORGIA A. HALE, xxx-xx-xxxx
JOHN J. HANSMANN, xxx-xx-xxxx
JUDITH F. HANSON, xxx-xx-xxxx
SYDNEY D. KRAMPITZ, xxx-xx-xxxx
CAROLYN MASSION, xxx-xx-xxxx
FELECIA C. MATTHEWS, xxx-xx-xxxx
ERNA R. MCEWEN, xxx-xx-xxxx
BEN D. MITTMAN, xxx-xx-xxxx
MAUREEN B. NILAND, xxx-xx-xxxx
JUDY V. SCHMIDT, xxx-xx-xxxx
VICTORIA E. SLATER, xxx-xx-xxxx
GRACE A. WILLARD, xxx-xx-xxxx

MEDICAL SERVICE

To be colonel

EDWARD G. CARTER, xxx-xx-xxxx
ROBERT C. DAVIDGE, xxx-xx-xxxx
WILLIAM K. HINDON, xxx-xx-xxxx
MICHAEL J. JANSEN, xxx-xx-xxxx
ROBERT S. MEARS, xxx-xx-xxxx
JAMES T. PATE, JR, xxx-xx-xxxx
CLEMENT H. WHITE, xxx-xx-xxxx

BIOMEDICAL SCIENCES

To be colonel

GARY L. BOWMAN, xxx-xx-xxxx
HARRY C. KING, xxx-xx-xxxx
WILLIAM E. LAMMERS, xxx-xx-xxxx
LAWRENCE F. SHEEHAN, JR, xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED THAT IN NO CASE SHALL ANY OF THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN 600306009006109104091

LINE OF THE AIR FORCE

To be captain

FRANK ABATE, xxx-xx-xxxx
STEVEN R. ACUP, xxx-xx-xxxx
DALLAS O. ADAMS, JR, xxx-xx-xxxx
DONALD J. ADAMS, xxx-xx-xxxx
PHILIP J. AGER, xxx-xx-xxxx
JEREMY J. AIKINS, xxx-xx-xxxx
JERRY L. ALCORN, xxx-xx-xxxx
BRUCE C. ALEXANDER, xxx-xx-xxxx
DAVID L. ALEXANDER, xxx-xx-xxxx
GREGORY L. ALEXANDER, xxx-xx-xxxx
DAVID M. ALFARO, xxx-xx-xxxx
THOMAS M. ALLEN, II, xxx-xx-xxxx
DANIEL B. ALLRED, xxx-xx-xxxx
KEVIN T. ALMEROTH, xxx-xx-xxxx
MARK B. ALSID, xxx-xx-xxxx
MARK D. ALTENBURG, xxx-xx-xxxx
DONATO J. ALTOBELLI, JR, xxx-xx-xxxx
JAMES W. ALTUS, xxx-xx-xxxx
ALEX G. ALVARADO, xxx-xx-xxxx
CURTIS R. AMBLE, xxx-xx-xxxx
AXEL G. ANARUK, xxx-xx-xxxx
ANTONIO ANDERSON, xxx-xx-xxxx
DAVID L. ANDERSON, xxx-xx-xxxx
DENNIS L. R. ANDERSON, xxx-xx-xxxx
DENNIS S. ANDERSON, xxx-xx-xxxx
GARY R. ANDERSON, xxx-xx-xxxx
MICHAEL R. ANDERSON, xxx-xx-xxxx
STEPHEN K. ANDERSON, xxx-xx-xxxx
RHYAN C. ANDREWS, xxx-xx-xxxx
DOUGLAS W. APPLEGREN, xxx-xx-xxxx
DEAN A. ARMSTRONG, xxx-xx-xxxx
CYNTHIA A. ARNETT, xxx-xx-xxxx
JONATHAN R. ARNETT, xxx-xx-xxxx
RONALD A. ARNOLD, xxx-xx-xxxx
ANDREW P. ARP, xxx-xx-xxxx
WILLIAM W. ARRASMITH, xxx-xx-xxxx
MICHAEL L. ARSENAULT, xxx-xx-xxxx
GREGG W. ASELAGE, xxx-xx-xxxx
LEE J. ASH, xxx-xx-xxxx
JOHN M. AUGUSTIN, xxx-xx-xxxx
LEE B. AUMEND, xxx-xx-xxxx
MARK A. AVERY, xxx-xx-xxxx
WILLIAM W. AVERY, xxx-xx-xxxx
JAMES T. AXELSON, xxx-xx-xxxx
JOHN W. AYRES, JR, xxx-xx-xxxx
BRADLEY E. BABB, xxx-xx-xxxx
STEPHEN BACHOWSKI, JR, xxx-xx-xxxx
KENNETH R. BAKER, xxx-xx-xxxx
KURT A. BAKER, xxx-xx-xxxx
TIMOTHY W. BALDWIN, xxx-xx-xxxx
THEODORE R. BALLARD, xxx-xx-xxxx
DEBORAH D. BALLEN, xxx-xx-xxxx
WAYNE R. BALSAVICH, xxx-xx-xxxx
DAVID J. BANTA, xxx-xx-xxxx
GREGORY S. BARCLAY, xxx-xx-xxxx
PATRICK BARNES, xxx-xx-xxxx
DAVID W. BARNETT, xxx-xx-xxxx
CHRISTOPHER T. BARON, xxx-xx-xxxx
EARL W. BARRETT, xxx-xx-xxxx
KENNETH B. BARRETT, xxx-xx-xxxx
DAVID L. BARTHOLOMEW, xxx-xx-xxxx
GRETA L. BARTLEY, xxx-xx-xxxx
KIRK R. BARTLOW, xxx-xx-xxxx
RICHARD F. BARWICK, JR, xxx-xx-xxxx
DOUGLAS K. BASIGER, xxx-xx-xxxx
LUKE F. BASILE, xxx-xx-xxxx
BLAINE H. BATEMAN, xxx-xx-xxxx
KEITH D. BAUDER, xxx-xx-xxxx
CHRISTOPHER P. BAUMGARTNER, xxx-xx-xxxx
BRIAN T. BAXLEY, xxx-xx-xxxx
CANDACE A. BAXTER, xxx-xx-xxxx
DAVID M. BAYS, xxx-xx-xxxx
JAMES L. BEASON, JR, xxx-xx-xxxx
GEOFFREY D. BEER, xxx-xx-xxxx
JOHN F. BEGLEY, xxx-xx-xxxx
WILLIAM M. BEHENNA, xxx-xx-xxxx
JAMES O. BEHLING, JR, xxx-xx-xxxx
MARK D. BEHNKE, xxx-xx-xxxx
DAVID M. BELLAMY, xxx-xx-xxxx
BRUCE P. BELLER, xxx-xx-xxxx
CONRAD O. BELVEAL, xxx-xx-xxxx
JOHN L. M. BELYEU, xxx-xx-xxxx
GREGORY S. BENJAMIN, xxx-xx-xxxx
RICHARD A. BENNETT, xxx-xx-xxxx
RODGER R. BENNETT, xxx-xx-xxxx
ANDREW M. BENO, xxx-xx-xxxx
GREGORY J. BENTLEY, xxx-xx-xxxx
TERRY R. BENTLEY, xxx-xx-xxxx
BRUCE A. BENYSHEK, xxx-xx-xxxx
FREDERICK D. BERG, xxx-xx-xxxx
WAYNE F. BERG, JR, xxx-xx-xxxx
JOHN J. BERGMANN, xxx-xx-xxxx
MICHAEL R. BERGSTROM, xxx-xx-xxxx
WILLIAM P. BERKBIGLER, xxx-xx-xxxx
THOMAS C. BERRODIN, xxx-xx-xxxx
OMAR BILLIGUE, xxx-xx-xxxx
ROGER L. BINGHAM, xxx-xx-xxxx
DIANE N. BINGLEY, xxx-xx-xxxx
LAWRENCE R. BIRD, xxx-xx-xxxx
ROBERT S. BIRNEY, xxx-xx-xxxx
DAN H. BISHOP, JR, xxx-xx-xxxx
MICHAEL L. BISHOP, xxx-xx-xxxx
DEMETRA B. BITZES, xxx-xx-xxxx
JOSEPH W. BLACK, xxx-xx-xxxx
ROBERT K. BLAHA, xxx-xx-xxxx
GARY A. BLEVINS, xxx-xx-xxxx
GARY V. BLOMSTROM, xxx-xx-xxxx
ROBERT L. BOESHART, xxx-xx-xxxx
JAMES D. BOGGS, xxx-xx-xxxx
TRENT L. BOGGS, xxx-xx-xxxx
ROBIN D. BONNER, xxx-xx-xxxx
KENT D. BOSWORTH, xxx-xx-xxxx
GREGORY J. BOUKEDES, xxx-xx-xxxx
ROBERT H. BOULWARE, xxx-xx-xxxx
JAMES K. BOURESSA, xxx-xx-xxxx
RANDY R. BOWMAN, xxx-xx-xxxx
THOMAS M. BOWMAN, xxx-xx-xxxx
MARVIN J. BOWSER, xxx-xx-xxxx
BRUCE D. BOYD, xxx-xx-xxxx
MICHAEL K. BRACH, xxx-xx-xxxx
CURTIS I. BRAKE, xxx-xx-xxxx
LAURA J. BRANBY, xxx-xx-xxxx
JAMES M. BRANDEBURG, xxx-xx-xxxx
RANDEL L. BRANSON, xxx-xx-xxxx
DONALD D. BRATTON, JR, xxx-xx-xxxx
JOHN J. BRATUN, xxx-xx-xxxx
SHAWN P. BRAUE, xxx-xx-xxxx
RANDALL W. BRAUNS, xxx-xx-xxxx
DARRYL W. BRAYMAN, xxx-xx-xxxx
ROBERT D. BRAZEL, xxx-xx-xxxx
MICHAEL P. BRENNAN, xxx-xx-xxxx
PATRICK J. BRENNAN, xxx-xx-xxxx
RICHARD W. BRETTIN, xxx-xx-xxxx
DANIEL C. BRINK, xxx-xx-xxxx
DONALD R. BRINSON, xxx-xx-xxxx
WILLIAM J. BRISENDINE, xxx-xx-xxxx
JAMES S. BROADWAY, xxx-xx-xxxx
WILLIAM A. BROADWAY, xxx-xx-xxxx
DAVID E. BROCKMAN, xxx-xx-xxxx
MARTIN H. BROGLI, xxx-xx-xxxx
BARRY L. BROOKS, xxx-xx-xxxx
TODD A. BROOKS, xxx-xx-xxxx
JAMES L. BROOME, III, xxx-xx-xxxx
CARY R. BROWN, xxx-xx-xxxx
GERALD E. BROWN, JR, xxx-xx-xxxx
MICHAEL A. BROWN, xxx-xx-xxxx
GRANT A. BROWNHILL, xxx-xx-xxxx
ROBERT B. BROWNING, xxx-xx-xxxx
MICAL R. BRUCE, xxx-xx-xxxx
JOHN A. BRUHN, III, xxx-xx-xxxx
JOHN J. BRUN, xxx-xx-xxxx
KEITH R. BRYNES, xxx-xx-xxxx
MARK A. BUCCIGROSSI, xxx-xx-xxxx
JEFFREY B. BUCHER, xxx-xx-xxxx
PHILIP C. BUCK, xxx-xx-xxxx
KEVIN W. BUCKLEY, xxx-xx-xxxx
KATHRYN F. BUDZIK, xxx-xx-xxxx
ROBERT W. BULLOCK, xxx-xx-xxxx
EVELYN J. BUNTON, xxx-xx-xxxx
BRENT T. BURFORD, xxx-xx-xxxx
KENNETH F. BURGESS, xxx-xx-xxxx
REGINA BURKE, xxx-xx-xxxx
HAROLD D. BURKET, xxx-xx-xxxx
LEE C. BURKETT, xxx-xx-xxxx
TED V. BURWELL, JR, xxx-xx-xxxx
JEFFRY T. BUSCHMAN, xxx-xx-xxxx
ARNOLD S. BUSTLE, xxx-xx-xxxx
THOMAS A. BUTER, xxx-xx-xxxx
JAMES K. BUTTS, xxx-xx-xxxx

MELVIN C. BYRD, xxx-xx-xxxx
SCOTT B. BYRNE, xxx-xx-xxxx
ANDREW S. CAIN, xxx-xx-xxxx
LISA M. CALDWELL, xxx-xx-xx...
WILLIAM K. CALDWELL, xxx-xx-xx...
GEORGE S. CALHOUN, JR., xxx-xx-xxxx
SCOTT E. CALKINS, xxx-xx-xxxx
DANIEL J. CALLAN, xxx-xx-xxxx
DAVID L. CALLEN, xxx-xx-xxxx
WILLIAM D. CAMERON, xxx-xx-xxxx
BRIAN R. CAMPBELL, xxx-xx-xxxx
JOHN H. CAMPBELL, JR., xxx-xx-xxxx
CRISPOLDO A. CAMPELLI, xxx-xx-xxxx
DAVID M. CANNON, xxx-xx-xxxx
BRUCE A. CANTRELL, xxx-xx-xxxx
DENNIS J. CARDA, xxx-xx-xxxx
FRANCIS X. CARILLO, JR., xxx-xx-xxxx
DAVID L. CARLON, xxx-xx-xxxx
CARL R. CARLSON, xxx-xx-xxxx
THOMAS L. CARLSON, xxx-xx-xxxx
GREGORY S. CARMICHAEL, xxx-xx-xxxx
TODD L. CARNAHAN, xxx-xx-xxxx
BARRY A. CARPENTER, xxx-xx-xxxx
GREGORY D. CARR, xxx-xx-xxxx
GUS A. CARRILLO, xxx-xx-xxxx
KENNETH D. CARTER, xxx-xx-xxxx
AARON M. CASADY, xxx-xx-xxxx
BRIAN CASEY, xxx-xx-xxxx
MICHAEL E. CASH, xxx-xx-xxxx
PHILLIP J. CASSIBRY, xxx-xx-xxxx
JEFFREY P. CATER, xxx-xx-xxxx
WAYNE R. CHAMBERS, xxx-xx-xxxx
JEFFREY L. CHANCE, xxx-xx-xxxx
RICHARD R. CHANDLER, xxx-xx-xxxx
MONICA E. CHAPMAN, xxx-xx-xxxx
SCOTT A. CHAPMAN, xxx-xx-xxxx
SIDNEY E. CHATTERLEY, xxx-xx-xxxx
DENNIS W. CHENEY, xxx-xx-xxxx
PHILIP C. CHEVALLARD, xxx-xx-xxxx
SHEILA G. CHEWNING, xxx-xx-xxxx
THOMAS A. CHILD, III, xxx-xx-xxxx
JOHN W. CHITTUM, xxx-xx-xx...
OWEN T. CHOATE, xxx-xx-xxxx
JERALD R. CHRISTENSEN, xxx-xx-xxxx
MARC W. CHRISTENSEN, xxx-xx-xxxx
PAUL L. CHRISTIANSEN, xxx-xx-xxxx
MICHAEL B. CHURCH, xxx-xx-xxxx
PAUL M. CHURCHILL, xxx-xx-xxxx
PETER A. CIPPERLY, xxx-xx-xxxx
ALBERT F. CIRCELLI, xxx-xx-xxxx
BRETT J. CLARK, xxx-xx-xxxx
CHARLES E. CLARK, xxx-xx-xxxx
DAVID H. CLARK, xxx-xx-xxxx
GREGORY C. CLARK, xxx-xx-xxxx
JASON L. CLARK, xxx-xx-xxxx
MICHAEL E. CLARK, xxx-xx-xxxx
PAUL J. CLARK, xxx-xx-xxxx
JOHN G. CLARKE, xxx-xx-xxxx
GILBERT O. CLASSEN, JR., xxx-xx-xxxx
LORENZO G. CLAYTON, xxx-xx-xxxx
STEVEN R. CLAYTON, xxx-xx-xxxx
JOHN M. CLOWE, xxx-xx-xxxx
ROBERT B. CLYBURN, JR., xxx-xx-xxxx
RICHARD D. COCHRAN, xxx-xx-xxxx
RONALD S. COGGESHALL, xxx-xx-xxxx
GEORGE W. COGGIN, xxx-xx-xxxx
ALAN R. COLE, xxx-xx-xxxx
STEWART J. COLE, xxx-xx-xxxx
CYNTHIA B. COLIN, xxx-xx-xxxx
JOSE E. COLON, xxx-xx-xxxx
DANIEL L. COLWELL, xxx-xx-xx...
PATRICK M. CONDRAY, xxx-xx-xxxx
CATHERINE A. CONDRON, xxx-xx-xxxx
MICHAEL F. CONNOLLY, xxx-xx-xx...
DOUGLAS G. CONNORS, xxx-xx-xxxx
JOSEPH CONRAD, III, xxx-xx-xxxx
DOUGLAS P. CONSTANT, xxx-xx-xxxx
GINGER D. COOK, xxx-xx-xxxx
JEFFREY N. COOMBE, xxx-xx-xxxx
PHILIP L. COONCE, xxx-xx-xxxx
DAVID J. COONEY, xxx-xx-xxxx
DANIEL E. COOPER, JR., xxx-xx-xxxx
WILLIAM G. CORDER, xxx-xx-xxxx
EDWIN H. CORDES, JR., xxx-xx-xxxx
KEITH R. CORLISS, xxx-xx-xxxx
DALE T. CORMIER, xxx-xx-xxxx
ROBERT M. COSSABOOM, xxx-xx-xxxx
RICHARD A. COSTELLO, xxx-xx-xxxx
JUDY C. COTTLE, xxx-xx-xxxx
DAVID C. COTTRELL, xxx-xx-xxxx
MICHAEL P. COULTER, xxx-xx-xxxx
WILLIAM D. COWAN, xxx-xx-xx...
DALE R. COX, xxx-xx-xxxx
NOEL J. COX, xxx-xx-xxxx
BRYAN E. CRANFORD, xxx-xx-xxxx
WILLIAM B. CRAWFORD, xxx-xx-xxxx
DANA A. CREASY, xxx-xx-xxxx
GEOFFREY C. CREWE, JR., xxx-xx-xxxx
JOSEPH P. CREWS, xxx-xx-xxxx
ALVIN J. CRITTELL, xxx-xx-xxxx
RODNEY L. CROSLEN, xxx-xx-xxxx
ARTHUR L. CROSS, xxx-xx-xxxx
RANDOLPH G. CROWDER, xxx-xx-xxxx
SCOTT K. CUMMINGS, xxx-xx-xxxx
JAMES M. CURLEY, xxx-xx-xxxx
PETER CURTIN, xxx-xx-xxxx
PETER F. CZARNOWSKI, xxx-xx-xxxx
MARTIN K. DALANE, xxx-xx-xxxx
JAMES P. DALE, xxx-xx-xxxx
KEVIN B. DAMATTO, xxx-xx-xxxx
ROBIN L. DAMIATA, xxx-xx-xxxx
TIMOTHY H. DANIEL, xxx-xx-xxxx
ALVIN E. DANIELS, xxx-xx-xxxx
RANDY E. DANIELS, xxx-xx-xxxx
RICHARD J. DANIELS, xxx-xx-xxxx
ERIC D. DARDEN, xxx-xx-xxxx
RICHARD G. DARENBERG, JR., xxx-xx-xxxx
MICHAEL C. DASCALOS, xxx-xx-xxxx
THOMAS P. DAVENPORT, xxx-xx-xxxx
BRENT A. DAVIS, xxx-xx-xxxx
CRAIG A. DAVIS, xxx-xx-xxxx
GENE C. DAVIS, xxx-xx-xxxx
MARX A. DAVIS, xxx-xx-xxxx
MICHAEL H. DAVIS, xxx-xx-xxxx
RICHARD W. DAVIS, xxx-xx-xxxx
ROBIN DAVIS, xxx-xx-xxxx
SAM J. DAVIS, xxx-xx-xxxx
STEVEN C. DAVIS, xxx-xx-xxxx
TERRY D. DAVIS, xxx-xx-xxxx
DONALD R. DAZEY, II, xxx-xx-xxxx
RONALD J. DEAK, xxx-xx-xxxx
JOHN F. DEAN, JR., xxx-xx-xxxx
DWAYNE K. DEARLOVE, xxx-xx-xxxx
KEVIN D. DEGNAN, xxx-xx-xxxx
MARTIN E. DEJACO, xxx-xx-xxxx
JEFFREY M. DELAMATER, xxx-xx-xxxx
VICTOR F. DELMORAL, xxx-xx-xxxx
CARY L. DELONG, xxx-xx-xxxx
CHARLES S. DELSOLAR, xxx-xx-xxxx
HUBERT H. DEMESTRAL, xxx-xx-xxxx
RICKY C. DENMAN, xxx-xx-xxxx
WALTER M. DENTON, JR., xxx-xx-xxxx
RICK DENZER, xxx-xx-xxxx
JEFFREY L. DERRICK, xxx-xx-xxxx
ROBERT A. DESIMONE, xxx-xx-xxxx
JAMES J. DEVINE, xxx-xx-xxxx
BLAKE D. DEVOLLD, xxx-xx-xxxx
THOMAS W. DICKSON, xxx-xx-xxxx
THOMAS L. DICUS, xxx-xx-xxxx
ERIC T. DIECKMAN, xxx-xx-xxxx
KEITH A. DIERKING, xxx-xx-xxxx
STEVEN W. DIERKS, xxx-xx-xxxx
DAVID JOHN DIETRICH, xxx-xx-xxxx
NICHOLAS J. DIETZ, xxx-xx-xxxx
THOMAS H. DILLION, xxx-xx-xxxx
ROBERT K. DIXON, JR., xxx-xx-xxxx
ROLLIN S. DIXON, xxx-xx-xxxx
ALAN L. DOBSON, JR., xxx-xx-xxxx
SHAYNE H. DOERING, xxx-xx-xxxx
EDWARD J. DONAHUE, xxx-xx-xxxx
MICHAEL R. DONLEY, xxx-xx-xxxx
DAVID D. DORNBUSCH, xxx-xx-xxxx
JOHN T. DORSEY, xxx-xx-xxxx
SAMUEL R. DOUGLAS, xxx-xx-xxxx
RONALD E. DOWNEY, xxx-xx-xxxx
MICHAEL R. DRAKE, xxx-xx-xxxx
BRIAN T. DRAVIS, xxx-xx-xxxx
MARTIN W. DRAVIS, xxx-xx-xxxx
ANDREW G. DREXLER, xxx-xx-xxxx
JAMES F. DROSTE, xxx-xx-xxxx
BRIAN J. DUBAS, xxx-xx-xxxx
DANIEL T. DUBBS, xxx-xx-xxxx
JAMES R. DUFFRIN, JR., xxx-xx-xxxx
GLENN R. DUNDAS, xxx-xx-xxxx
BRYCE L. DUNSCOMB, xxx-xx-xxxx
MICHAEL F. DURLAUF, xxx-xx-xxxx
ERIC R. DURON, xxx-xx-xxxx
GARY B. DWATER, xxx-xx-xxxx
DAVID K. EBERHARDT, xxx-xx-xxxx
ERIC W. EDGAR, xxx-xx-xxxx
LAURENCE B. EDMOND, xxx-xx-xxxx
JAMES E. EGGLESTON, xxx-xx-xxxx
RICHARD C. EINSTMAN, xxx-xx-xxxx
ROBERT B. EISENHAUER, III, xxx-xx-xxxx
JAMES W. ELMS, xxx-xx-xxxx
NEIL R. ELTON, xxx-xx-xxxx
AMELIA R. EMERY, xxx-xx-xxxx
ROBERT J. ENGLISH, xxx-xx-xxxx
PAUL G. ERMER, xxx-xx-xxxx
RONALD E. ERWERT, xxx-xx-xxxx
ROBERT A. ESLINGER, xxx-xx-xxxx
DANA D. EVANS, xxx-xx-xxxx
ROBERT G. EVANS, JR., xxx-xx-xxxx
CHRISTOPHER L. FAHEY, xxx-xx-xxxx
JAMES W. FAIRBANKS, xxx-xx-xxxx
ZACHARY R. FALLIN, xxx-xx-xxxx
RONALD W. FARRAR, xxx-xx-xxxx
SCOTT H. FAULRING, xxx-xx-xxxx
RICHARD W. FEESER, xxx-xx-xxxx
VICTORIA S. FELTMAN, xxx-xx-xxxx
ERIC C. FENDELANDER, xxx-xx-xxxx
LAURIE H. FENSTERMACHER, xxx-xx-xxxx
DANIEL R. FERNANDEZ, xxx-xx-xxxx
KEVIN C. FILER, xxx-xx-xxxx
KRIS K. FINK, xxx-xx-xxxx
GARY J. FIORE, xxx-xx-xxxx
KENNETH J. FISCHER, xxx-xx-xxxx
JAMES G. FISH, xxx-xx-xxxx
ARTHUR M. FISHER, xxx-xx-xxxx
GREGORY L. FISHER, xxx-xx-xxxx
STEPHEN P. FISHER, xxx-xx-xxxx
TIMOTHY E. FISK, xxx-xx-xxxx
CLIFFORD B. FITTS, xxx-xx-xxxx
BARRETT A. FLAKE, xxx-xx-xxxx
ANA M. FLORES, xxx-xx-xxxx
STEVEN W. FLOWERS, xxx-xx-xxxx
JOHN S. FLOYD, xxx-xx-xxxx
MICHAEL E. FOGERTY, xxx-xx-xxxx
RICHARD A. FOLKENING, xxx-xx-xxxx
RICHARD E. FONTENAULT, xxx-xx-xxxx
DOUGLAS G. FORD, xxx-xx-xxxx
MICHAEL D. FORMBY, xxx-xx-xxxx
HARRY F. FORNAROTTO, III, xxx-xx-xxxx
KEITH D. FORNEY, xxx-xx-xxxx
TERRENCE BYRON FORNOF, xxx-xx-xxxx
DEBORAH A. FORT, xxx-xx-xxxx
MICHAEL J. FORTANAS, xxx-xx-xxxx
ANNETTE N. FOSTER, xxx-xx-xxxx
GREGORY R. FOURNIER, xxx-xx-xxxx
CRAIG P. FOWLER, xxx-xx-xxxx
TIMOTHY J. FOWLER, xxx-xx-xxxx
MARION L. FOX, xxx-xx-xxxx
DION T. FRALICK, xxx-xx-xxxx
JEFFERY E. FRANCIS, xxx-xx-xxxx
MARILYN R. FRANK, xxx-xx-xxxx
BARRY A. FREDERICK, xxx-xx-xxxx
MICHAEL J. FREDERICK, xxx-xx-xxxx
RAYMOND M. FREER, xxx-xx-xxxx
KARL L. FREERKS, xxx-xx-xxxx
ROBERT J. FRIGO, xxx-xx-xxxx
MARK A. FRISS, xxx-xx-xxxx
TIMOTHY E. FROST, xxx-xx-xxxx
TIMOTHY H. FUJINO, xxx-xx-xxxx
JAMES T. FULLER, xxx-xx-xxxx
RONALD K. FULP, xxx-xx-xxxx
ROBERT A. GALENTE, xxx-xx-xxxx
WILLIAM E. GALLOWAY, xxx-xx-xx...
ARTHUR GALVAN, xxx-xx-xxxx
JOHN R. GANN, xxx-xx-xxxx
RICHARD J. GARDNER, xxx-xx-xxxx
ROBERT F. GARGIULO, xxx-xx-xxxx
BRENT K. GARNER, xxx-xx-xxxx
JAMES R. GARRETT, xxx-xx-xxxx
DONALD L. GARRISON, xxx-xx-xxxx
GEORGE V. GAVALLOS, xxx-xx-xxxx
CHRISTOPHER E. GAVIN, xxx-xx-xxxx
CHRISTIAN G. GEISEL, xxx-xx-xxxx
MICHAEL L. GERMAN, xxx-xx-xxxx
DAVID S. GIBSON, xxx-xx-xxxx
JAMES O. GIFT, xxx-xx-xxxx
TIMOTHY W. GILBERT, xxx-xx-xxxx
ROBERT M. GINNETTI, xxx-xx-xxxx
MICHAEL R. GLUECK, xxx-xx-xxxx
TIMOTHY J. GOCHNAUR, xxx-xx-xxxx
MICHAEL E. GOETZ, xxx-xx-xxxx
DOUGLAS W. GOFF, xxx-xx-xxxx
KEITH D. GOLDEN, xxx-xx-xxxx
PAUL T. GOLDMAN, III, xxx-xx-xxxx
JAY R. GOLDRICK, xxx-xx-xxxx
RAINER G. GOMEZ, xxx-xx-xxxx
JEFFREY C. GOODFLEISCH, xxx-xx-xxxx
MARK H. GOODMAN, xxx-xx-xxxx
PAUL K. GOODWIN, xxx-xx-xxxx
BRIAN A. GOUKER, xxx-xx-xxxx
CHARLES E. GOUX, xxx-xx-xxxx
GEORGE M. GOVER, xxx-xx-xxxx
REGUNALL GRAHAM, xxx-xx-xxxx
GERALD N. GRANT, xxx-xx-xxxx
RICHARD A. GRANT, xxx-xx-xxxx
MARION R. GRAVELY, III, xxx-xx-xxxx
PATRICK L. GREENAWALT, xxx-xx-xxxx
DON E. GREENBERG, xxx-xx-xxxx
HERBERT D. GREENE, xxx-xx-xxxx
JAMES S. GREENE, xxx-xx-xxxx
JOHN R. GREER, xxx-xx-xxxx
WILLIAM T. GREER, JR., xxx-xx-xxxx
MICHAEL D. GRENIER, xxx-xx-xxxx
ROBERT S. GRIFFEY, xxx-xx-xxxx
LAWRENCE D. GRIFFITH, xxx-xx-xxxx
ROBERT J. GRIFFITH, xxx-xx-xxxx
JEFFREY M. GRIGGS, xxx-xx-xxxx
GREGORY H. GRIGSON, xxx-xx-xxxx
JEFFREY D. GRIMSHAW, xxx-xx-xxxx
RANDY S. GRINSTEAD, xxx-xx-xxxx
CLAYTON M. GRISWOLD, xxx-xx-xxxx
PAUL A. GROVEN, xxx-xx-xxxx
THOMAS J. GRYCEWICZ, xxx-xx-xxxx
CONRAD D. GUEVARA, II, xxx-xx-xxxx
CHRISTOPHER A. GUEVIN, xxx-xx-xxxx
MARK J. GUIDI, xxx-xx-xxxx
RAYMOND R. GUIDONI, xxx-xx-xxxx
MARK A. GULIG, xxx-xx-xxxx
KEVIN S. GUNERMAN, xxx-xx-xxxx
ERIC V. GUNZINGER, xxx-xx-xxxx
RANDALL H. GUPTON, xxx-xx-xxxx
JAMES PATRICK GUSE, xxx-xx-xxxx
RANDALL C. GUTHRIE, xxx-xx-xxxx
MARK A. GUTKNECHT, xxx-xx-xxxx
MICHAEL A. HABRUKOVICH, JR., xxx-xx-xxxx
STEWART J. HACKER, xxx-xx-xxxx
CARL M. HADRA, JR, xxx-xx-xxxx
PATRICIA A. HAGGINBOTHOM, xxx-xx-xxxx
LARRY D. HAHN, xxx-xx-xxxx
HENRY D. HAINSWORTH, xxx-xx-xxxx
CHARLES R. HAIR, xxx-xx-xxxx
CHRIS E. HAIR, xxx-xx-xxxx
ERIK A. HALE, xxx-xx-xxxx
WILLIAM L. HALES, xxx-xx-xxxx
GARY D. HALEY, xxx-xx-xxxx
ADRIENNE M. HALL, xxx-xx-xxxx
BRUCE J. HALL, xxx-xx-xxxx
JAY K. HALL, xxx-xx-xxxx
MARK S. HALL, xxx-xx-xxxx
RANDALL H. HALL, xxx-xx-xxxx
WALTER P. HALLMAN, JR., xxx-xx-xxxx
DAVID S. HAMILTON, xxx-xx-xxxx
GREG D. HAMILTON, xxx-xx-xxxx
WILLIAM J. HAMLETT, xxx-xx-xxxx
DARYL I. HAMMOND, xxx-xx-xxxx
ROBERT G. HAMPTON, xxx-xx-xxxx
BRUCE A. HANESSIAN, xxx-xx-xxxx
CRAIG R. HANSON, xxx-xx-xxxx
TIMOTHY J. HANSON, xxx-xx-xxxx
FERDINAND HANSSEN, xxx-xx-xxxx
JEFFREY J. HARAYDA, xxx-xx-xxxx
CRAIG S. HARBOTT, xxx-xx-xxxx

JOSEPH H. HARRELL, xxx-xx-xxxx
JOSEPH M. HARRELL, xxx-xx-xxxx
GREGORY D. HARRIS, xxx-xx-xxxx
YVONNE D. HARRIS, xxx-xx-xxxx
EUGENE B. HARRISON, xxx-xx-xxxx
BEVERLY J. HART, xxx-xx-xxxx
KARL A. HART, xxx-xx-xx...
BERT H. HARTMAN, xxx-xx-xxxx
EDWARD R. HARTMAN, xxx-xx-xxxx
ROBERT B. HARWOOD, xxx-xx-xxxx
ALLARD H. HAWKS, xxx-xx-xxxx
VERBIN HAYES, JR, xxx-xx-xxxx
ANGELO T. HAYGOOD, xxx-xx-xxxx
STEPHEN M. HEAPS, xxx-xx-xxxx
NANCY J. HEARRELL, xxx-xx-xxxx
GREGORY J. HECKLER, xxx-xx-xxxx
PAUL O. HEDIN, JR, xxx-xx-xxxx
BART H. HEDLEY, xxx-xx-xxxx
DAVID R. HEFFERNAN, xxx-xx-xxxx
KARL J. HEINZ, xxx-xx-xxxx
JOSEPH L. HELMER, xxx-xx-xxxx
JON C. HELMS, xxx-xx-xxxx
ANTHONY L. HENDERSON, xxx-xx-xxxx
JAMES L. HENDERSON, xxx-xx-xxxx
JAMES S. HENDERSON, xxx-xx-xxxx
JEFFREY W. HENDERSON, xxx-xx-xx...
DAVID L. HERMAN, xxx-xx-xxxx
MICHAEL F. HERMSEN, xxx-xx-xxxx
RUBEN HERNANDEZ, xxx-xx-xxxx
RONALD S. HEROLD, xxx-xx-xxxx
DOUGLAS A. HETZEL, xxx-xx-xxxx
KYLE E. HICKS, xxx-xx-xxxx
JOHN J. HIGGINS, xxx-xx-xxxx
JOEL H. HILL, xxx-xx-xxxx
NORAH H. HILL, xxx-xx-xxxx
MARK A. HILLIARD, xxx-xx-xxxx
WILLIAM G. HILLSDON, xxx-xx-xxxx
CHRISTOPHER W. HINES, xxx-xx-xxxx
DONALD W. HINTON, xxx-xx-xxxx
STEPHEN A. HIRSCH, xxx-xx-xxxx
CHRISTOPHER B. HOAG, xxx-xx-xxxx
DAVID E. HOAGEY, xxx-xx-xxxx
DAVID L. HOBIN, xxx-xx-xxxx
MICHAEL T. HODGES, xxx-xx-xxxx
JEFFREY A. HOFFER, xxx-xx-xxxx
MICHAEL D. HOLBERT, xxx-xx-xxxx
RICHARD A. HOLCOMB, xxx-xx-xxxx
SCOTT A. HOLCOMB, xxx-xx-xxxx
JULIE A. HOLLAND, xxx-xx-xxxx
KERRY M. HOLLOMON, xxx-xx-xxxx
JOHN F. HOLLY, xxx-xx-xxxx
DANIEL R. HOLMES, xxx-xx-xxxx
TRENT D. HOLMES, xxx-xx-xxxx
MICHAEL A. HOMAN, xxx-xx-xx...
JAMES A. HOMOKI, xxx-xx-xxxx
ARTHUR R. HOPKINS, III, xxx-xx-xxxx
GARY L. HOPPER, xxx-xx-xxxx
GEORGE S. HORAN, xxx-xx-xxxx
MARK W. HORNBOSTEL, xxx-xx-x...
DOUGLAS J. HORRAS, xxx-xx-xxxx
JOHN C. HORROCKS, xxx-xx-xxxx
LARRY E. HORTON, xxx-xx-xxxx
JEFFREY P. HOYING, xxx-xx-xxxx
JAMES A. HUBERT, xxx-xx-xxxx
JOHN P. HUBERT, xxx-xx-xxxx
MICHAEL S. HUDSPETH, xxx-xx-xxxx
GARY R. HUFFINES, xxx-xx-xxxx
RICHARD J. HUGHES, xxx-xx-xxxx
RANDALL D. HUNT, xxx-xx-xxxx
JANICE D. HUNTER, xxx-xx-xxxx
ARNOLD HUNTLEY, xxx-xx-xxxx
ROBERT J. HUNTSMAN, JR, xxx-xx-xxxx
MICHAEL E. HURLEY, xxx-xx-xx...
RICKY D. HUSE, xxx-xx-xxxx
FREDERICK T. HYMAN, xxx-xx-xxxx
JOSEPH P. INTARDONATO, xxx-xx-xxxx
SCOTT D. IRONS, xxx-xx-xxxx
RONALD W. ISEMAN, xxx-xx-xxxx
GEORGE C. ISHEE, JR, xxx-xx-xxxx
STEVEN E. IVERSON, xxx-xx-xxxx
GREGORY O. JACKSON, xxx-xx-xxxx
JOHN K. JACOBS, xxx-xx-xxxx
DOUGLAS B. JAEGER, xxx-xx-xxxx
JOHN S. JAMES, xxx-xx-xxxx
VERALINN JAMIESON, xxx-xx-xxxx
BRIAN L. JANEWAY, xxx-xx-xxxx
EDWARD R. JANKUS, xxx-xx-xxxx
VERN T. JANSEN, xxx-xx-xxxx
DEREK D. JAQUISH, xxx-xx-xxxx
JEFFREY A. JASHEK, xxx-xx-xxxx
KENNETH L. JASPER, JR, xxx-xx-xxxx
LANCE A. JAY, xxx-xx-xx...
RONALD P. JENKINS, xxx-xx-xxxx
BRADLEY J. JENSEN, xxx-xx-xxxx
JEFFREY O. JENSEN, xxx-xx-xxxx
THOMAS W. JENSEN, xxx-xx-xxxx
HERMAN O. JETT, xxx-xx-xxxx
THOMAS E. JEWETT, xxx-xx-xxxx
TIMOTHY S. JEWETT, xxx-xx-xxxx
CURTIS L. JOENS, xxx-xx-xxxx
DONALD J. JOHNSON, xxx-xx-xxxx
EDWARD C. JOHNSON, xxx-xx-xxxx
ERIC L. JOHNSON, xxx-xx-xxxx
JON E. JOHNSON, xxx-xx-xxxx
MARCIA K. JOHNSON, xxx-xx-xxxx
MARK R. JOHNSON, xxx-xx-xxxx
PAUL G. JOHNSON, xxx-xx-xxxx
RICHARD P. JOHNSON, xxx-xx-xxxx
TODD W. JOHNSON, xxx-xx-xxxx
CHRISTOPHER A. JONES, xxx-xx-xxxx
GWENDOLYN M. JONES, xxx-xx-xxxx
JEFFREY B. JONES, xxx-xx-xxxx
KURT D. JONES, xxx-xx-xxxx
LORI A. JONES, xxx-xx-xx...
PATRICK O. JONES, xxx-xx-xxxx
PHILIP W. JONES, xxx-xx-xxxx
RICHARD W. JONES, JR, xxx-xx-xxxx
ROBERT J. JONES, xxx-xx-xxxx
VAN H. JONES, xxx-xx-xxxx
GREGORY M. JORGENSEN, xxx-xx-xxxx
BOBBY R. JULIAN, JR, xxx-xx-xxxx
RICHARD M. JUNKIN, xxx-xx-xxxx
BRIAN J. JURKOVAC, xxx-xx-xxxx
JAMES D. JUSTUS, xxx-xx-xxxx
KURT J. KAISLER, xxx-xx-xxxx
THOMAS A. KALDENBERG, xxx-xx-xxxx
CHRISTOPHER E. KANE, xxx-xx-xxxx
BILLY S. KARPULEON, xxx-xx-xxxx
JOHN C. KARSEN, xxx-xx-xxxx
MARK A. KARZON, xxx-xx-xxxx
JAMES R. KASMER, xxx-xx-xxxx
KEVIN M. KATTNER, xxx-xx-xxxx
MARK J. KEARY, xxx-xx-xxxx
BRIAN J. KEEHAN, xxx-xx-xxxx
AL G. KEELER, xxx-xx-xxxx
JOHN N. KEITEL, xxx-xx-xxxx
MATTHEW J. KELCH, III, xxx-xx-xxxx
BRIAN J. KELLY, xxx-xx-xxxx
DANNY L. KELLY, xxx-xx-xxxx
BERND R. KEMBITZKY, xxx-xx-xxxx
PHYLLIS Y. KENDALL, xxx-xx-xxxx
SHERRY L. A. KENNEDY, xxx-xx-xxxx
JOHN D. KENNERLY, xxx-xx-xxxx
BRENTON H. KENWORTHY, xxx-xx-xxxx
KENNETH S. KEPPLER, xxx-xx-xxxx
KEVIN J. KETNER, xxx-xx-xxxx
THOMAS R. KETTLER, xxx-xx-xxxx
JOHN D. KILCHRIST, xxx-xx-xxxx
DOUGLAS Y. C. KIM, xxx-xx-xxxx
MICHAEL D. KIM, xxx-xx-xx...
PETER Y. KIM, xxx-xx-xxxx
JONATHAN D. KIN, xxx-xx-xxxx
ANTHONY N. KING, xxx-xx-xxxx
DAVID M. KING, xxx-xx-xxxx
DAVID W. KING, xxx-xx-xxxx
KEVIN D. KING, xxx-xx-xxxx
ROBERT W. KING, xxx-xx-xxxx
WALTER J. KING, xxx-xx-xxxx
JOHN T. KINKADE, xxx-xx-xxxx
CHARLES L. KINNEY, xxx-xx-xxxx
ROBERT G. KLAHR, xxx-xx-xxxx
THOMAS A. KLINGELHOETS, xxx-xx-xxxx
GERARD J. KLINGMAN, JR, xxx-xx-xxxx
WILLIE JOE KNIGHT, xxx-xx-xxxx
DONALD F. KNOX, xxx-xx-xxxx
KENNETH L. KOBS, xxx-xx-xxxx
ROBERT D. KOEHN, xxx-xx-xxxx
BIRGIT E. KOHL, xxx-xx-xxxx
WILLIAM A. KOLAKOWSKI, xxx-xx-xxxx
SUZANNE M. KOROW, xxx-xx-xxxx
KEVIN S. KORTA, xxx-xx-xxxx
HAROLD A. KOUNS, xxx-xx-xxxx
FRANK J. KOVACS, xxx-xx-xxxx
ROBERT J. KOWALSKI, xxx-xx-xxxx
WILLIAM H. KRAMER, xxx-xx-xxxx
BRIAN K. KRAUS, xxx-xx-xxxx
KENNETH E. KRAUSE, xxx-xx-xxxx
ERIC J. KRETSCH, xxx-xx-xxxx
DAVID C. KRIEBEL, xxx-xx-xxxx
LEON P. KRONBERGS, xxx-xx-xxxx
JAMES M. KROON, xxx-xx-xxxx
JOHN C. KRUEGER, xxx-xx-xxxx
ROY K. KRUG, xxx-xx-xxxx
ROBERT B. KRUMMEL, xxx-xx-xxxx
TOMMY J. KUBLER, xxx-xx-xxxx
TIMOTHY K. KUHN, xxx-xx-xxxx
GREG L. KUNASEK, xxx-xx-xxxx
FREDERICK L. KUNDRATA, xxx-xx-xxxx
EDWARD S. KUSTOFF, xxx-xx-xxxx
TODD R. KUSTOM, xxx-xx-xxxx
KURT R. KUZNICZCI, xxx-xx-xxxx
KAREN U. KWIATKOWSKI, xxx-xx-xxxx
ALBERT O. KWON, xxx-xx-xxxx
ROBBY A. KYROUAC, xxx-xx-xxxx
THOMAS P. LACOMBE, xxx-xx-xxxx
MICHAEL L. LADAW, xxx-xx-xx...
SCOTT M. LAFFERTY, xxx-xx-xxxx
JAMES W. LAING, xxx-xx-xxxx
KURT W. LAJALA, xxx-xx-xxxx
ROBERT M. LALEMAN, xxx-xx-xxxx
RAYMOND E. LAMARCHE, JR, xxx-xx-xxxx
RICHARD E. LAMB, xxx-xx-xxxx
MARY N. LAMBERT, xxx-xx-xxxx
THOMAS A. LAMBERTI, xxx-xx-xxxx
LARRY E. LAND, xxx-xx-xxxx
MARK A. LANDERS, xxx-xx-xxxx
WILSON DAVIS LANNOM, JR, xxx-xx-xxxx
EDWARD C. LAROCHE, xxx-xx-xxxx
BRUCE A. LARSEN, xxx-xx-xxxx
JANET A. LARSEN, xxx-xx-xxxx
GARY M. LASSITER, xxx-xx-xxxx
GEORGE W. LAU, xxx-xx-xxxx
MARK S. LAUER, xxx-xx-xxxx
GORDON D. LAUZON, xxx-xx-xxxx
GARRY L. LAWRENCE, xxx-xx-xxxx
RICKEY N. LAWRENCE, xxx-xx-xxxx
BRADLEY P. LAY, xxx-xx-xxxx
WILLIAM P. LEAR, xxx-xx-xx...
KENNETH E. LEBLANC, xxx-xx-xxxx
ANTHONY P. LEE, xxx-xx-xxxx
CALVIN LEE, xxx-xx-xx...
LENNARD W. LEE, JR, xxx-xx-xxxx
PATRICK G. LEE, xxx-xx-xxxx
STEVEN M. LEE, xxx-xx-xxxx
JOHN D. LEEZER, xxx-xx-xxxx
SCOT T. LEFEBRE, xxx-xx-xxxx
MARC D. LEHRICH, xxx-xx-xxxx
PETER C. LEICHT, xxx-xx-xxxx
MARK J. LEINGANG, xxx-xx-xxxx
THEODORE R. LEMIEUX, xxx-xx-xxxx
CORWIN D. LEMON, xxx-xx-xxxx
VINCENT J. LEVRARA, JR, xxx-xx-xxxx
JEFFREY L. LEWIS, xxx-xx-xxxx
STEPHEN N. LEWIS, xxx-xx-xxxx
MICHAEL J. LINDEMAN, xxx-xx-xxxx
LANCE J. LINDSLEY, xxx-xx-xxxx
MARK S. LINK, xxx-xx-xxxx
MARK R. LLOYD, xxx-xx-xxxx
SCOTT C. LOCKARD, xxx-xx-xxxx
EDGAR A. LOGAN, JR, xxx-xx-xxxx
DONALD L. LOGSTON, xxx-xx-xxxx
BOYD E. LONG, JR, xxx-xx-xxxx
PHILLIP E. LONG, xxx-xx-xxxx
RICK A. LONG, xxx-xx-xxxx
STEVEN P. LONG, xxx-xx-xxxx
JOHN E. LOSCHIAVO, xxx-xx-xxxx
BARRY E. LOTT, xxx-xx-xxxx
JEFFREY T. LOVE, xxx-xx-xxxx
MARTIN J. LOVELESS, xxx-xx-xxxx
JEFFREY D. LOWERY, xxx-xx-xxxx
RAYMOND LUKOWICZ, xxx-xx-xxxx
GARY T. LUNDBERG, xxx-xx-xxxx
JON E. LUNDBERG, xxx-xx-xxxx
MICHAEL C. LUNT, xxx-xx-xx...
JENNIFER S. LYON, xxx-xx-xxxx
CHRISTOPHER H. LYONS, xxx-xx-xxxx
JOHN F. MABE, xxx-xx-xxxx
DAVID S. MABEE, xxx-xx-xxxx
ROBERT B. MACDOUGALL, xxx-xx-xxxx
NATHAN G. MACIAS, xxx-xx-xxxx
KENNETH P. MACKEY, xxx-xx-xxxx
KRISTIAN G. MACKEY, xxx-xx-xxxx
SCOTT B. MACKIE, xxx-xx-xxxx
PAUL JOSEPH MACKRELLA, xxx-xx-xxxx
BARRY S. MACNEILL, xxx-xx-xxxx
DAVID L. MACON, xxx-xx-xxxx
JAMES W. MADDEN, xxx-xx-xxxx
WAYNE A. MADSEN, xxx-xx-xxxx
CANDELARIO A. MADUENO, xxx-xx-xxxx
ETHEL R. MAGEE, xxx-xx-xxxx
JAMES D. MAINOUS, xxx-xx-xxxx
STEPHEN A. MAJOR, xxx-xx-xx...
THOMAS D. MAKOWSKI, xxx-xx-xxxx
JEFFREY E. MALAN, xxx-xx-xxxx
RICHARD L. MALLICK, xxx-xx-xxxx
PAUL MANDZUK, xxx-xx-xxxx
JOHN S. MANLEY, xxx-xx-xxxx
THOMAS F. MANLEY, III, xxx-xx-xxxx
PHYLLIS T. MANNION, xxx-xx-xxxx
WALTER B. MANWILL, xxx-xx-xx...
JOSEPHINE MARCANO, xxx-xx-xxxx
PAUL J. MARKLEY, xxx-xx-xxxx
CLIFFORD T. MARSHALL, xxx-xx-xxxx
TODD W. MARSHALL, xxx-xx-xxxx
IVONNE Y. MARTENS, xxx-xx-xxxx
TONY A. MARTIN, xxx-xx-xxxx
VICTOR E. MARTINEZ, xxx-xx-xxxx
JAMES K. MASON, xxx-xx-xxxx
ERIC S. MATHEWSON, xxx-xx-xxxx
BETSY T. MATSUOKA, xxx-xx-xxxx
EARL D. MATTHEWS, xxx-xx-xxxx
RICHARD M. MATTHEWS, xxx-xx-xxxx
TIMOTHY A. MATTHEWS, xxx-xx-xxxx
JEFFERY L. MATTOX, xxx-xx-xxxx
SCOTT D. MATTSON, xxx-xx-xxxx
JUAN M. MAURTUA, xxx-xx-xxxx
CHARLES R. MAYBERRY, xxx-xx-xxxx
RUSSELL M. MAYES, xxx-xx-xxxx
TIMOTHY J. MAZUR, xxx-xx-xxxx
DOUGLAS A. MCCABE, xxx-xx-xxxx
PETER M. MCCABE, xxx-xx-xxxx
CHARLES E. MCCALLUM, xxx-xx-xx...
PATRICK P. MCCARTHY, xxx-xx-xxxx
MICHAEL J. MCCARTY, xxx-xx-xxxx
JOSEPH S. MCCLAIN, xxx-xx-xxxx
MICHAEL L. MCCONKEY, xxx-xx-xx...
SEAN K. MCCOOL, xxx-xx-xxxx
JAMES M. MCCORMACK, xxx-xx-xxxx
MICHAEL W. MCCORMICK, xxx-xx-xxxx
VINCENT G. MCCRAVE, III, xxx-xx-xxxx
WILLIAM J. MCCRINDLE, xxx-xx-xxxx
MICHAEL A. MCCULLOUGH, xxx-xx-xx...
JONATHAN M. MCDANIEL, xxx-xx-xxxx
THOMAS A. MCDANIEL, xxx-xx-xxxx
JOHN W. MCDONALD, xxx-xx-xxxx
RANDY D. MCDONALD, xxx-xx-xxxx
ROBERT A. MCDONALD, xxx-xx-xxxx
JOHN F. MCDONOUGH, JR, xxx-xx-xxxx
KATHY A. MCDONOUGH, xxx-xx-xxxx
MICHAEL P. MCDONOUGH, xxx-xx-xxxx
JOHN S. MCFADDEN, xxx-xx-xxxx
WILLIAM D. MCGALLIARD, xxx-xx-xxxx
JOHN R. MCGOVERN, JR, xxx-xx-xxxx
JOHN J. MCGUIRE, III, xxx-xx-xxxx
TIMOTHY P. MCINTYRE, xxx-xx-xxxx
RICHARD D. MCKEE, xxx-xx-xxxx
KENNETH W. MCKETHAN, xxx-xx-xxxx
MICHAEL R. MCKINNON, xxx-xx-xxxx
EMMETT D. MCMILLON, JR, xxx-xx-xxxx
ARTHUR F. MCNAUGHTON, III, xxx-xx-xxxx
LUIS MELECIO, JR, xxx-xx-xxxx
JESUS Y. MELIAN, xxx-xx-xxxx
STEPHEN R. MELLIN, xxx-xx-xxxx
PAUL R. MELLOTT, xxx-xx-xxxx
PAUL F. MEMRICK, xxx-xx-xxxx
TANYA D. MENTZER, xxx-xx-xxxx

EASTON MARY K. MERCIER, xxx-xx-xxxx
DAVID T. MERRELL, xxx-xx-xxxx
TIMOTHY W. MERS, xxx-xx-xxxx
DEAN A. MERTZ, xxx-xx-xxxx
SCOTT R. MESSMER, xxx-xx-xxxx
STEVEN J. METHENY, xxx-xx-xxxx
KARL R. METZ, xxx-xx-xxxx
DENNIS L. MEYER, xxx-xx-xxxx
JEFFREY W. MEYER, xxx-xx-xxxx
RICHARD E. MEYER, xxx-xx-xxxx
ROBERT B. MEYER, III, xxx-xx-xxxx
DAVID H. MIKKONEN, xxx-xx-xxxx
GEORGE S. MIKULANICZ, xxx-xx-xxxx
EDGARD MILLAN, xxx-xx-xxxx
JEANNE M. MILLAR, xxx-xx-xxxx
CHRISTOPHER C. MILLER, xxx-xx-xxxx
ERNEST E. MILLER, JR, xxx-xx-xxxx
JEFFERY L. MILLER, xxx-xx-xxxx
JEFFREY A. MILLER, xxx-xx-xxxx
MARK A. MILLER, xxx-xx-xxxx
MARY K. MILLER, xxx-xx-xxxx
MATTHEW H. MILLER, xxx-xx-xxxx
RANDOLPH R. MILLER, xxx-xx-xxxx
RICKY MILLER, xxx-xx-xxxx
RONALD B. MILLER, xxx-xx-xxxx
THOMAS E. MILLER, xxx-xx-xxxx
SAMUEL K. MILLETT, xxx-xx-xxxx
JEFFREY T. MINEO, xxx-xx-xxxx
KEVIN D. MINER, xxx-xx-xxxx
DORCA I. MIRANDA, xxx-xx-xxxx
JAMES H. MITCHELL, xxx-xx-xxxx
LARRY G. MITCHELL, xxx-xx-xxxx
ROBERT E. MITCHELL, xxx-xx-xxxx
ROLAND MITCHELL, xxx-xx-xxxx
STEPHEN H. MITCHELL, xxx-xx-xxxx
JAMES P. MITNIK, xxx-xx-xxxx
ALAN W. MOE, xxx-xx-xxxx
ROBERT D. MOHLER, xxx-xx-xxxx
STEVEN P. MOLLENHAUER, xxx-xx-xxxx
PETER M. MONACO, xxx-xx-xxxx
DUANE L. MOODY, xxx-xx-xxxx
EDWARD S. MOORE, xxx-xx-xxxx
JAMES M. MOORE, xxx-xx-xxxx
JAMES P. MOORE, xxx-xx-xxxx
JEFFERY E. MOORE, xxx-xx-xxxx
ROBERT A. MOORE, xxx-xx-xxxx
STERLING M. MOORE, xxx-xx-xxxx
CHRISTOPHER E. MORAN, xxx-xx-xxxx
EDWIN D. MORELAND, xxx-xx-xxxx
WILLIAM W. MORELAND, xxx-xx-xxxx
BRENT D. MORGAN, xxx-xx-xxxx
ROBERT E. MORIARTY, xxx-xx-xxxx
JAMES W. MORRIS, JR, xxx-xx-xxxx
NATHAN A. MORRIS, xxx-xx-xxxx
JOHN B. MORRISON, xxx-xx-xxxx
ALBERT J. MORSON, xxx-xx-xxxx
DAVID A. MORTELL, xxx-xx-xxxx
CHARLES E. MORTON, xxx-xx-xxxx
RODNEY C. MOTLEY, xxx-xx-xxxx
JON K. MOTT, xxx-xx-xxxx
DANIEL P. MULHERIN, xxx-xx-xxxx
PETER A. MULLANEY, xxx-xx-xxxx
JOSEPH P. MULLEN, xxx-xx-xxxx
JOHN F. MULLINS, II, xxx-xx-xxxx
MICHAEL W. MUMBACH, xxx-xx-xxxx
PAUL R. MUNNELL, xxx-xx-xxxx
BRIAN K. MURRAY, xxx-xx-xxxx
WILLIAM H. MURRAY, JR, xxx-xx-xxxx
WILLIAM C. MUSGROVE, xxx-xx-xxxx
MICHAEL K. MYERS, xxx-xx-xxxx
JOHNNY M. NAIL, xxx-xx-xxxx
THOMAS J. NANCE, xxx-xx-xxxx
STEVEN M. NASH, xxx-xx-xxxx
RICHARD T. NAYLOR, xxx-xx-xxxx
MARK A. NEARGARDER, xxx-xx-xxxx
STEVEN J. NEGRON, xxx-xx-xxxx
KENNETH L. NELSON, xxx-xx-xxxx
FLOYD B. NEWBY, xxx-xx-xxxx
DAVID W. NEWELL, xxx-xx-xxxx
JAMES J. NEWELL, III, xxx-xx-xxxx
JAMES H. NICHOLS, JR, xxx-xx-xxxx
MARK A. NICHOLS, xxx-xx-xxxx
LAWRENCE J. NIKOLAUS, xxx-xx-xxxx
RODNEY K. NIMMONS, xxx-xx-xxxx
MITCHELL D. NORTON, xxx-xx-xxxx
JAMES R. NORWOOD, xxx-xx-xxxx
THOMAS J. NOSS, JR, xxx-xx-xxxx
ROBERT V. NOTMAN, xxx-xx-xxxx
ROBERT L. NOVOTNEY, xxx-xx-xxxx
JAMES E. NOWAK, xxx-xx-xxxx
MELVIN L. NOWLIN, xxx-xx-xxxx
JOHN H. NYLUND, xxx-xx-xxxx
DAVID K. OAKHILL, xxx-xx-xxxx
KEVIN W. OATLEY, xxx-xx-xxxx
JAMES M. OCONNELL, xxx-xx-xxxx
ANNE L. OCONNOR, xxx-xx-xxxx
JOHN R. ODUM, xxx-xx-xxxx
DONALD E. OFFILL, xxx-xx-xxxx
PAUL M. OLDE, xxx-xx-xxxx
MARK D. OLIVE, xxx-xx-xxxx
ERIC B. OLSON, xxx-xx-xxxx
TIMOTHY A. OLSON, xxx-xx-xxxx
DAVID R. ONAKA, xxx-xx-xxxx
MIGUEL A. ONDINAOTERO, xxx-xx-xxxx
DAVID L. ORNDOFF, xxx-xx-xxxx
BERNARD T. OROURKE, xxx-xx-xxxx
JOHN B. OSTLUND, xxx-xx-xxxx
RONALD OSTROFF, xxx-xx-xxxx
EVELIO OTERO, JR, xxx-xx-xxxx
JEFFREY S. OWEN, xxx-xx-xxxx
CHARLES E. OWENS, xxx-xx-xxxx
MERVIN H. OYAFUSO, xxx-xx-xxxx
LONNIE D. PACE, xxx-xx-xxxx
DANA J. PACKER, xxx-xx-xxxx
DUANE A. PADRICK, xxx-xx-xxxx
MARGUERITE J. PALMER, xxx-xx-xxxx
ROBERT A. PALMER, JR, xxx-xx-xxxx
TRENT E. PALMER, xxx-xx-xxxx
KIMBERLY A. PARADIS, xxx-xx-xxxx
TIMOTHY A. PARADISO, xxx-xx-xxxx
BRIAN K. PARENTEAU, xxx-xx-xxxx
WENDELL L. PARHAM, xxx-xx-xxxx
DAVID J. PARKER, xxx-xx-xxxx
KEVIN D. PARKER, xxx-xx-xxxx
MICHAEL K. PARKER, xxx-xx-xxxx
RONALD K. PARKS, xxx-xx-xxxx
ANTHONY T. PARLATI, xxx-xx-xxxx
TIMOTHY H. PARMER, xxx-xx-xxxx
VICKI L. PARSONS, xxx-xx-xxxx
JOHN D. PARTAIN, xxx-xx-xxxx
JAMES F. PATE, xxx-xx-xxxx
JAMES J. PAVEL, xxx-xx-xxxx
GEORGE L. PAVELKO, JR, xxx-xx-xxxx
DAVID W. PEAIRE, xxx-xx-xxxx
JACK R. PEARL, xxx-xx-xxxx
ALEX S. PEAT, xxx-xx-xxxx
WARREN A. PECK, xxx-xx-xxxx
JOHN M. PEDERSOLI, xxx-xx-xxxx
BRETT T. PEELE, xxx-xx-xxxx
DOUGLAS K. PENNINGTON, xxx-xx-xxxx
DAVID C. PENNY, xxx-xx-xxxx
PHILIP E. PEPPERL, xxx-xx-xxxx
ALBERT S. PERKINS, xxx-xx-xxxx
JOSEPH A. PERKOSKI, xxx-xx-xxxx
BRADY L. PERRY, xxx-xx-xxxx
LEVIS H. PERRY, JR, xxx-xx-xxxx
RALPH K. PERRY, xxx-xx-xxxx
PERRY A. PETER, xxx-xx-xxxx
DANA A. PETERSEN, xxx-xx-xxxx
JON F. PETERSEN, xxx-xx-xxxx
RALPH P. PETERSEN, xxx-xx-xxxx
KIRK A. PETERSON, xxx-xx-xxxx
RANDALL WADE PETERSON, xxx-xx-xxxx
SETH PETERSON, xxx-xx-xxxx
GLEN E. PETING, II, xxx-xx-xxxx
FRANK C. PETTEBONE, xxx-xx-xxxx
ALAN E. PFAFF, xxx-xx-xxxx
JAMES M. PFAFF, JR, xxx-xx-xxxx
KEITH P. PFEIFER, xxx-xx-xxxx
MICHAEL I. PHELPS, xxx-xx-xxxx
STEPHEN L. PHELPS, xxx-xx-xxxx
BRETT E. PHILLIPS, xxx-xx-xxxx
DADE J. PHILLIPS, xxx-xx-xxxx
DANIEL D. PHILLIPS, xxx-xx-xxxx
RONALD B. PHIPPS, xxx-xx-xxxx
DAVID A. PIERCE, xxx-xx-xxxx
SAMUEL M. PIERSON, xxx-xx-xxxx
DOUGLASS B. PIKE, xxx-xx-xxxx
TODD A. PILACINSKI, xxx-xx-xxxx
MARY B. PILE, xxx-xx-xxxx
JOHN P. PINO, xxx-xx-xxxx
MICHAEL A. PLISKE, xxx-xx-xxxx
LEE PLOWDEN, xxx-xx-xxxx
RENE G. POCHE, xxx-xx-xxxx
KENNETH G. POLKE, xxx-xx-xxxx
JOHN D. POLLEY, xxx-xx-xxxx
ROBERT A. POMPILIO, xxx-xx-xxxx
MICHAEL POMPOCO, xxx-xx-xxxx
CHRISTOPHER J. POOCK, xxx-xx-xxxx
WILLIAM T. POOLE, xxx-xx-xxxx
ROBERT A. POPP, xxx-xx-xxxx
CHARLES H. PORTER, xxx-xx-xxxx
STEVEN E. POST, xxx-xx-xxxx
ERIC J. POTTHOFF, xxx-xx-xxxx
JEFFREY A. POUNDS, xxx-xx-xxxx
DAVID E. POWDERS, xxx-xx-xxxx
WILLIAM J. POWELL, xxx-xx-xxxx
HAROLD D. POWER, JR, xxx-xx-xxxx
MICHAEL W. PRAIRIE, xxx-xx-xxxx
ROBERT L. PRATT, xxx-xx-xxxx
MICHAEL D. PRESCOTT, xxx-xx-xxxx
MARK A. PRICE, xxx-xx-xxxx
CHANA D. PRIESTLE, xxx-xx-xxxx
PAUL R. PRINE, xxx-xx-xxxx
WILLIAM K. PRINGLE, xxx-xx-xxxx
DANIEL M. PRUETT, xxx-xx-xxxx
GERALD B. PUETZ, xxx-xx-xxxx
BRIAN S. PURDY, xxx-xx-xxxx
JAMES M. QUETSCH, xxx-xx-xxxx
CARLOS R. QUINTANILLA, xxx-xx-xxxx
MICHAEL D. RABIN, xxx-xx-xxxx
THOMAS A. RADEMACHER, xxx-xx-xxxx
WALTER J. RADICK, xxx-xx-xxxx
WILLIAM D. RAMBO, xxx-xx-xxxx
JOSE E. RAMOS, xxx-xx-xxxx
JOHN D. RAMSEY, II, xxx-xx-xxxx
MATTHEW B. RANDOLPH, xxx-xx-xxxx
HAROLD A. RANQUIST, III, xxx-xx-xxxx
DAVID E. RATCLIFF, JR, xxx-xx-xxxx
BENJAMIN M. RATLIFF, xxx-xx-xxxx
JEFFREY RATTRAY, xxx-xx-xxxx
GREGORY MARK RAY, xxx-xx-xxxx
KENNETH E. RAY, xxx-xx-xxxx
ROBERT G. RAY, JR, xxx-xx-xxxx
FRANK A. REALE, xxx-xx-xxxx
DOUGLAS W. REDFIELD, xxx-xx-xxxx
JOHNNY I. REED, xxx-xx-xxxx
CHARLES S. REEDER, xxx-xx-xxxx
DONALD J. REESE, xxx-xx-xxxx
JOEL S. REESE, xxx-xx-xxxx
WAYNE W. REEVES, xxx-xx-xxxx
GLORIA J. REID, xxx-xx-xxxx
JOHN P. REILLY, JR, xxx-xx-xxxx
DEE ANNA T. REISS, xxx-xx-xxxx
ROBERT J. RELIHAN, xxx-xx-xxxx
HAROLD L. REPIC, xxx-xx-xxxx
JAMES J. REVETTA, JR, xxx-xx-xxxx
THEODORE M. REYMANN, xxx-xx-xxxx
DAVID L. REYNOLDS, JR, xxx-xx-xxxx
WILLIAM F. REYNOLDS, xxx-xx-xxxx
CLIFTON D. RHODES, xxx-xx-xxxx
STEVEN G. RHODES, xxx-xx-xxxx
STEPHEN J. RICCI, xxx-xx-xxxx
PAUL J. RICH, xxx-xx-xxxx
DANIEL J. RICHARD, xxx-xx-xxxx
MARC D. RICHARD, xxx-xx-xxxx
SCOTT O. RICHARD, xxx-xx-xxxx
WALTER H. RICHERT, xxx-xx-xxxx
JOHN S. RICHEY, xxx-xx-xxxx
BRET G. RIDER, xxx-xx-xxxx
ROBERT C. RIEGGER, xxx-xx-xxxx
ERIC R. RIGGINS, xxx-xx-xxxx
LOUIS J. RIMMELIN, IV, xxx-xx-xxxx
SCOTTIE B. RINEHARDT, xxx-xx-xxxx
JOHN R. RING, xxx-xx-xxxx
GILBERTO RIOSGUZMAN, xxx-xx-xxxx
FRANK RIVERA, JR, xxx-xx-xxxx
JOSE I. RIVERA, xxx-xx-xxxx
ROBERT J. RIZZA, xxx-xx-xxxx
DOUGLAS N. ROBBINS, xxx-xx-xxxx
MICHAEL R. ROBERDS, xxx-xx-xxxx
WILLIAM G. ROBERSON, xxx-xx-xxxx
SCOTT M. ROBERTS, xxx-xx-xxxx
DAVID M. ROBERTSON, xxx-xx-xxxx
BRENDA M. ROBINSON, xxx-xx-xxxx
LAURA ROBINSONORCUTT, xxx-xx-xxxx
TRACY L. ROCHESTER, xxx-xx-xxxx
WILLIAM M. ROCK, xxx-xx-xxxx
CHARLES P. RODENBACH, II, xxx-xx-xxxx
RAFAEL L. RODRIGUEZ, xxx-xx-xxxx
RICARDO RODRIGUEZ, JR, xxx-xx-xxxx
BENNIE L. ROGERS, xxx-xx-xxxx
ERIC A. ROGERS, xxx-xx-xxxx
KENNETH C. ROGERS, xxx-xx-xxxx
MARTIN H. ROGERS, xxx-xx-xxxx
EDWARD H. ROHLK, xxx-xx-xxxx
SHERI L. ROLFSNESS, xxx-xx-xxxx
GARY L. ROMRIELL, xxx-xx-xxxx
JAMES R. ROOD, xxx-xx-xxxx
RONALD E. ROQUEMORE, xxx-xx-xxxx
ALLEN E. ROSE, xxx-xx-xxxx
RANDY E. ROSE, xxx-xx-xxxx
ROBERT L. ROSENBERG, xxx-xx-xxxx
MICHAEL J. ROSENBLEETH, xxx-xx-xxxx
MICHAEL A. ROSS, xxx-xx-xxxx
TERRY L. ROSS, xxx-xx-xxxx
FRANK J. ROSSI, JR, xxx-xx-xxxx
CONSTANCE M. ROTHER, xxx-xx-xxxx
NANCY A. ROWLAND, xxx-xx-xxxx
FREDERICK E. ROYS, xxx-xx-xxxx
DENNIS W. RUCK, xxx-xx-xxxx
SCOTT A. RUDD, xxx-xx-xxxx
CLINTON L. RUDISILL, xxx-xx-xxxx
JOHN E. RUEHL, xxx-xx-xxxx
DANIEL B. RUNKLE, xxx-xx-xxxx
SCOTT M. RUSSELL, xxx-xx-xxxx
THEODORE A. RUYBAL, xxx-xx-xxxx
COLLEEN M. RYAN, xxx-xx-xxxx
PATRICK E. RYAN, xxx-xx-xxxx
RICHARD SACCONE, xxx-xx-xxxx
MARK W. SALAS, xxx-xx-xxxx
CRAIG D. SAMPEY, xxx-xx-xxxx
CATHERINE G. SANCHEZ, xxx-xx-xxxx
JOSUE G. SANCHEZ, xxx-xx-xxxx
THOMAS C. SANDBERG, xxx-xx-xxxx
DAVID D. SANDER, xxx-xx-xxxx
RALPH R. SANDYS, xxx-xx-xxxx
ROBERT A. SANFORD, xxx-xx-xxxx
DOMINIQUE J. SARFATI, xxx-xx-xxxx
GENNARO SARNATARO, xxx-xx-xxxx
WILLIAM F. SAUNDERS, III, xxx-xx-xxxx
THOMAS P. SAYERS, xxx-xx-xxxx
BRYANT A. SCARBOROUGH, xxx-xx-xxxx
KENNETH A. SCARBOROUGH, xxx-xx-xxxx
JOHN J. SCHATZ, xxx-xx-xxxx
DEBRA J. SCHENAKER, xxx-xx-xxxx
RANDALL A. SCHERMERHORN, xxx-xx-xxxx
MARK D. SCHEUFFELE, xxx-xx-xxxx
DAVID A. SCHIFFER, xxx-xx-xxxx
ALAN R. SCHMIDT, xxx-xx-xxxx
GUY A. SCHMIDT, xxx-xx-xxxx
JEFFREY E. SCHMIDT, xxx-xx-xxxx
JAMES F. SCHNEIDER, xxx-xx-xxxx
HEATHER W. SCHOLAN, xxx-xx-xxxx
PAUL R. SCHOMBER, xxx-xx-xxxx
TRACY H. SCHOOLEY, xxx-xx-xxxx
MARK S. SCHROER, xxx-xx-xxxx
PETER W. SCHWEYHER, xxx-xx-xxxx
GARY N. SCOGGIN, xxx-xx-xxxx
JOHN M. SCOTT, xxx-xx-xxxx
RUSSELL E. SCOTT, xxx-xx-xxxx
THOMAS A. SCOTT, xxx-xx-xxxx
NORMAN H. SEAWRIGHT, JR, xxx-xx-xxxx
PETER E. SEBALD, xxx-xx-xxxx
GREG L. SEMBOWER, xxx-xx-xxxx
STEVEN R. SERIE, xxx-xx-xxxx
GUSTAVO L. SERRA, xxx-xx-xxxx
WARREN R. SETTLES, xxx-xx-xxxx
RONALD J. SEVERS, xxx-xx-xxxx
DAVID A. SHAFFER, xxx-xx-xxxx
PATRICIA A. SHARP, xxx-xx-xxxx
DWAYNE E. SHAW, xxx-xx-xxxx
KENNY A. SHAW, xxx-xx-xxxx
MICHAEL R. SHAW, xxx-xx-xxxx
JEFFRY W. SHEA, xxx-xx-xxxx
DALE E. SHELL, xxx-xx-xxxx

STEVEN M. SHELLY, xxx-xx-xxxx
PAUL Z. SHELTON, xxx-xx-xxxx
CHARLES K. SHERMAN, xxx-xx-xxxx
GEORGE E. SHERMAN, xxx-xx-xxxx
BERNARD E. SHLESINGER, III, xxx-xx-xxxx
ALEXANDER J. SHOCKEY, xxx-xx-xxxx
ANDREW M. SHOOP, xxx-xx-xxxx
ERIC E. SHORT, xxx-xx-xxxx
STEVEN M. SHOWALTER, xxx-xx-xxxx
PAUL K. SILETZKY, xxx-xx-xxxx
BRIAN J. SIMES, xxx-xx-xxxx
GLEN A. SIMMONS, xxx-xx-xxxx
JERRY W. SIMMONS, xxx-xx-xxxx
JOHN D. SIMMONS, xxx-xx-xxxx
WILLIAM F. SIMONS, III, xxx-xx-xxxx
LINDEN K. SIMS, xxx-xx-xxxx
GARY J. SINGLER, xxx-xx-xxxx
JOHN P. SITTLER, xxx-xx-xxxx
JEFFREY S. SJOQUIST, xxx-xx-xxxx
GREGORY P. SKAGGS, xxx-xx-xxxx
DEBRA J. SKEANS, xxx-xx-xxxx
CURT JOSEPH SLACK, xxx-xx-xxxx
KENNETH D. SMALL, xxx-xx-xxxx
AL C. SMITH, xxx-xx-xxxx
BYRON E. SMITH, xxx-xx-xxxx
CRAIG S. SMITH, xxx-xx-xxxx
DENNIS J. SMITH, xxx-xx-xxxx
ERNEST P. SMITH, xxx-xx-xxxx
KEVIN L. SMITH, xxx-xx-xxxx
MATTHEW G. SMITH, xxx-xx-xxxx
MICHAEL A. SMITH, xxx-xx-xxxx
NEIL F. SMITH, xxx-xx-xxxx
REGINALD D. SMITH, xxx-xx-xxxx
RONALD H. SMITH, xxx-xx-xxxx
RONALD S. SMITH, xxx-xx-xxxx
TIMOTHY S. SMITH, xxx-xx-xxxx
JOE C. SNELL, xxx-xx-xxxx
KEITH E. SNELL, xxx-xx-xxxx
JOHN W. SNODGRASS, xxx-xx-xxxx
ROBERT J. SNOW, III, xxx-xx-xxxx
PETER M. SNOWBALL, xxx-xx-xxxx
RICHARD W. SNYDER, xxx-xx-xxxx
STEVEN C. SOLTERBECK, xxx-xx-xxxx
ELLEN L. SORRELLS, xxx-xx-xxxx
LANCE H. SOUDERS, xxx-xx-xxxx
RICHARD L. SOUKUP, xxx-xx-xxxx
ROBERT L. SOWERS, II, xxx-xx-xxxx
PATRICK F. SPAULDING, xxx-xx-xxxx
KENNETH R. SPEIR, xxx-xx-xxxx
JAMES SPELLMAN, JR., xxx-xx-xxxx
DONALD E. SPENCE, xxx-xx-xxxx
RANDALL B. SPENCE, xxx-xx-xxxx
TERRY L. SPENCE, xxx-xx-xxxx
GEORGE E. SPENCER, III, xxx-xx-xxxx
JEFFREY S. SPENCER, xxx-xx-xxxx
MICHAEL G. SPENCER, xxx-xx-xxxx
GORDON M. SPREWELL, xxx-xx-xxxx
MICHAEL C. STAATS, xxx-xx-xxxx
JOHN K. STAFF, xxx-xx-xxxx
NATALIE T. STAFF, xxx-xx-xxxx
JERRY STALLWORTH, xxx-xx-xxxx
JOSEPH G. STANDRIDGE, xxx-xx-xxxx
HOWARD A. STAPLETON, xxx-xx-xxxx
WILLIAM E. STARBUCK, xxx-xx-xxxx
MICHAEL J. STARING, xxx-xx-xxxx
LAWRENCE S. STAUDENMYER, xxx-xx-xxxx
ANTHONY STAVROS, xxx-xx-xxxx
EDWARD L. STAWARZ, JR., xxx-xx-xxxx
BARRY E. STERLING, xxx-xx-xxxx
DOUGLAS E. STEWART, xxx-xx-xxxx
JAMES A. STEWART, xxx-xx-xxxx
JAMES W. STEWART, xxx-xx-xxxx
RUSSELL G. STEWART, III, xxx-xx-xxxx
SCOTT E. STEWART, xxx-xx-xxxx
KENDALL H. STILES, xxx-xx-xxxx
CHARLES B. STILL, xxx-xx-xxxx
WILLIAM H. STIMPSON, xxx-xx-xxxx
MARK S. STOCKING, xxx-xx-xxxx
KATHERINE E. STODDARD, xxx-xx-xxxx
FRED P. STONE, xxx-xx-xxxx
RICHARD B. STONESTREET, xxx-xx-xxxx
EDWARD M. STOWERS, xxx-xx-xxxx
STEVEN A. STRADER, xxx-xx-xxxx
JAMES J. STROUD, xxx-xx-xxxx
TIMOTHY J. SULLIVAN, xxx-xx-xxxx
ALBERT R. SUNDAY, xxx-xx-xxxx
RICHARD A. SUPPES, xxx-xx-xxxx
SARAH L. SURAWSKI, xxx-xx-xxxx
EDWIN C. SWEDBERG, xxx-xx-xxxx
JOHN SWEENEY, xxx-xx-xxxx
CHARLES E. SWINDELLS, xxx-xx-xxxx
WENDEL H. TAKENAKA, xxx-xx-xxxx
ROBERT F. TAMERLER, JR., xxx-xx-xxxx
OLIVIA G. TAPIA, xxx-xx-xxxx
WILLIAM C. TASSO, xxx-xx-xxxx
STEPHEN V. TATE, xxx-xx-xxxx
MARTIN E. TAYLOR, xxx-xx-xxxx
MICHAEL L. TAYLOR, xxx-xx-xxxx
THERESA A. TAYLORHUNT, xxx-xx-xxxx
MARK D. TEEPEN, xxx-xx-xxxx
JAMES J. TEIXEIRA, xxx-xx-xxxx
KENNETH A. TERRELL, xxx-xx-xxxx
LARRY W. TERRELL, xxx-xx-xxxx
MICHAEL T. THAYNE, xxx-xx-xxxx
JOHN S. THERWHANGER, xxx-xx-xxxx
SCOTT D. THIEL, xxx-xx-xxxx
LAWRENCE D. THOMAS, xxx-xx-xxxx
RICHARD G. THOMAS, xxx-xx-xxxx
ROBERT B. THOMAS, xxx-xx-xxxx
ROBERT L. THOMAS, xxx-xx-xxxx
WILBERT J. THOMAS, JR., xxx-xx-xxxx
WILLIAM A. THOMAS, xxx-xx-xxxx
LAWRENCE EDWARD THOMPKINS, xxx-xx-xxxx
BRUCE W. THOMPSON, xxx-xx-xxxx
DAVID C. THOMPSON, xxx-xx-xxxx
GERALD D. THOMPSON, xxx-xx-xxxx
HAROLD C. THOMPSON, xxx-xx-xxxx
JEROME B. THOMPSON, xxx-xx-xxxx
KEITH A. THOMPSON, xxx-xx-xxxx
MARK E. THOMPSON, xxx-xx-xxxx
STEPHEN E. THOMPSON, xxx-xx-xxxx
THOMAS G. THOMPSON, JR., xxx-xx-xxxx
EDWIN D. THORNHILL, xxx-xx-xxxx
DAVID A. THURMAN, xxx-xx-xxxx
JEFFERY N. THURSTIN, xxx-xx-xxxx
MICHAEL W. THYSSEN, xxx-xx-xxxx
ROBERT H. TILP, xxx-xx-xxxx
CORNELL TINDALL, xxx-xx-xxxx
JAMES M. TINNESZ, xxx-xx-xxxx
ALAN B. TISUE, xxx-xx-xxxx
DAVID W. TOLBERT, xxx-xx-xxxx
GERALD K. TOM, xxx-xx-xxxx
TERRI L. TOPPIN, xxx-xx-xxxx
CHRISTOPHER M. TOSTE, xxx-xx-xxxx
TODD E. TRAINA, xxx-xx-xxxx
OZIAS TRAVIS, JR., xxx-xx-xxxx
JEFFREY A. TRIPHAHN, xxx-xx-xxxx
DOROTHY MACKEY TRIPLETT, xxx-xx-xxxx
PHILLIP C. TRIPLETT, JR, xxx-xx-xxxx
GAIO TROCHE, xxx-xx-xxxx
ELLIS R. TRUETT, III, xxx-xx-xxxx
IAN T. TSUCHIYA, xxx-xx-xxxx
ROBERT E. TUCKER, xxx-xx-xxxx
DAVID J. TULLY, xxx-xx-xxxx
ROBERT L. TURA, xxx-xx-xxxx
JEFFREY S. TURCOTTE, xxx-xx-xxxx
JEFFREY A. TURNER, xxx-xx-xxxx
PRESTON W. TURNER, xxx-xx-xxxx
ANGELA K. TUSI, xxx-xx-xxxx
DENNIS R. TUSI, xxx-xx-xxxx
FRANK M. TYBOROSKI, xxx-xx-xxxx
MICHAEL E. TYNAN, xxx-xx-xxxx
CHARLES L. ULLESTAD, xxx-xx-xxxx
CHRISTOPHER J. ULRICH, xxx-xx-xxxx
WILLIAM A. ULRICH, xxx-xx-xxxx
JOHN F. UNANGST, JR, xxx-xx-xxxx
THOMAS N. UPCHURCH, xxx-xx-xxxx
PAUL E. URBAND, xxx-xx-xxxx
ROBERT P. VALENZO, xxx-xx-xxxx
KENNETH A. VANCE, xxx-xx-xxxx
HAROLD J. VANHAZEL, xxx-xx-xxxx
DONALD J. VANSCHAACK, xxx-xx-xxxx
RAY L. VARDON, xxx-xx-xxxx
STEVEN D. VAUTRAIN, xxx-xx-xxxx
DAVID VEGA, xxx-xx-xxxx
TIMOTHY W. VERBOSKI, xxx-xx-xxxx
JAMES R. VERDON, xxx-xx-xxxx
KENNETH H. VEREEN, xxx-xx-xxxx
JOEL E. VERGUN, xxx-xx-xxxx
LEAH N. VERNIA, xxx-xx-xxxx
GLEN E. VEST, xxx-xx-xxxx
ORLANDO VILLANUEVA, xxx-xx-xxxx
EDUARDO A. VILLAVICENCIO, xxx-xx-xxxx
ERIC R. VOGT, xxx-xx-xxxx
JAMES F. WADDINGTON, xxx-xx-xxxx
BOYD R. WADE, xxx-xx-xxxx
KELLY N. WAGNER, xxx-xx-xxxx
CRAIG L. WAGSTAFF, xxx-xx-xxxx
TERRANCE WAISS, xxx-xx-xxxx
STEPHEN O. WALDROP, xxx-xx-xxxx
WILLIAM S. WALKER, xxx-xx-xxxx
ELIZABETH D. WALLACE, xxx-xx-xxxx
CELESTE K. WALLER, xxx-xx-xxxx
DAVID E. WALLIS, xxx-xx-xxxx
AMY P. WALSH, xxx-xx-xxxx
MICHAEL L. WALTERS, xxx-xx-xxxx
KLAES R. WANDLAND, xxx-xx-xxxx
BRIAN J. WAPLE, xxx-xx-xxxx
CHRISTOPHER L. WAPLES, xxx-xx-xxxx
MICHAEL D. WARBIS, xxx-xx-xxxx
DARRELL W. WARD, xxx-xx-xxxx
GERALD M. WARD, xxx-xx-xxxx
STEVEN E. WARE, xxx-xx-xxxx
JEFFERY J. WARNEMENT, xxx-xx-xxxx
MATTHEW O. WARREN, xxx-xx-xxxx
RICHARD M. WASHINGTON, xxx-xx-xxxx
TOMMY E. WATERS, xxx-xx-xxxx
CHARLES R. WATSON, xxx-xx-xxxx
STEPHEN D. WEDEMEYER, xxx-xx-xxxx
KENNETH R. WEIDE, xxx-xx-xxxx
RONALD F. WEILAND, xxx-xx-xxxx
BOBBY J. WELLS, xxx-xx-xxxx
JAMES R. WELLS, xxx-xx-xxxx
KENNETH C. WELLS, xxx-xx-xxxx
FRANKLIN C. WENUM, xxx-xx-xxxx
LOUIS S. WERTS, JR, xxx-xx-xxxx
FRANKLIN D. WEST, JR, xxx-xx-xxxx
JEFFREY C. WEST, xxx-xx-xxxx
ROBERT J. WEST, xxx-xx-xxxx
WILLIAM S. WESTBROOK, xxx-xx-xxxx
KURT G. WESTFALL, xxx-xx-xxxx
THOMAS A. WETTERSTROEM, xxx-xx-xxxx
DAVID R. WEXHLER, xxx-xx-xxxx
KEITH R. WEYENBERG, xxx-xx-xxxx
NATHAN S. WEYENBERG, xxx-xx-xxxx
WILLIAM T. WHATLEY, xxx-xx-xxxx
DONALD J. WHEATLEY, xxx-xx-xxxx
BRUCE A. WHITE, xxx-xx-xxxx
PAUL A. WHITE, xxx-xx-xxxx
VICKY L. WHITE, xxx-xx-xxxx
GARY P. WICKMAN, xxx-xx-xxxx
DENNIS D. WIKOFF, xxx-xx-xxxx
WENDELL G. WILCOX, xxx-xx-xxxx
STEPHEN G. WILDER, xxx-xx-xxxx
GREGORY E. WILEY, xxx-xx-xxxx
GREGORY A. WILHITE, xxx-xx-xxxx
KEVIN R. WILKERSON, xxx-xx-xxxx
DONALD G. WILLEMS, xxx-xx-xxxx
EDWARD C. WILLIAMS, xxx-xx-xxxx
ELIZABETH T. WILLIAMS, xxx-xx-xxxx
JACK G. WILLIAMS, xxx-xx-xxxx
JAMES H. WILLIAMS, xxx-xx-xxxx
KENT B. WILLIAMS, xxx-xx-xxxx
MARK K. WILLIAMS, xxx-xx-xxxx
RODGER L. WILLIAMS, xxx-xx-xxxx
WILLIAM A. WILLIAMS, xxx-xx-xxxx
BRUCE L. WILLING, xxx-xx-xxxx
JAMES B. WILMER, xxx-xx-xxxx
GRANT E. WILSON, xxx-xx-xxxx
MICHAEL G. WILSON, xxx-xx-xxxx
RONALD W. WILSON, xxx-xx-xxxx
BRYAN G. WINBERRY, xxx-xx-xxxx
PETER R. WINDLER, xxx-xx-xxxx
MICHAEL K. WINTER, xxx-xx-xxxx
TIMOTHY C. WINTERS, xxx-xx-xxxx
JAMES G. WOLF, xxx-xx-xxxx
ANDREW M. WOLFE, xxx-xx-xxxx
MARK B. WOLFE, xxx-xx-xxxx
KURT S. WOLZ, xxx-xx-xxxx
JAMES E. WOMELDORF, xxx-xx-xxxx
RICHARD B. WOMICK, xxx-xx-xxxx
RICHARD P. WOOD, xxx-xx-xxxx
JOSEPH D. WOODCOCK, xxx-xx-xxxx
STEVEN E. WOODRUFF, xxx-xx-xxxx
MICHAEL W. WOODS, xxx-xx-xxxx
RUDI D. WOODWARD, xxx-xx-xxxx
BRADLEY C. WRIGHT, xxx-xx-xxxx
LINDA J. WRIGHT, xxx-xx-xxxx
DOUGLAS C. WROTEN, xxx-xx-xxxx
MICHAEL L. WUBBEN, xxx-xx-xxxx
KERSHNER S. WYATT, xxx-xx-xxxx
LEWIS L. WYATT, JR, xxx-xx-xxxx
JOHN W. YEASH, xxx-xx-xxxx
JACK H. YEATTS, JR, xxx-xx-xxxx
FREDERIC T. YOOS, xxx-xx-xxxx
MATTHEW C. YOTTER, xxx-xx-xxxx
CHARLIE R. YOUNG, xxx-xx-xxxx
DAVID M. YOUNG, xxx-xx-xxxx
ROCHELLE K. YOUNG, xxx-xx-xxxx
LYN L. YUCUIS, xxx-xx-xxxx
JAMES T. YUKI, xxx-xx-xxxx
STEVEN E. ZAHLER, xxx-xx-xxxx
DEBRA K. ZAWACKY, xxx-xx-xxxx
CHARLES S. ZELLNER, xxx-xx-xxxx
GREGORY S. ZEMAN, xxx-xx-xxxx
MARK A. ZEMECK, xxx-xx-xxxx
PAMELA J. ZIMITSCH, xxx-xx-xxxx
EARL R. ZIMMERMAN, JR, xxx-xx-xxxx
WILLIAM M. ZIMMERMAN, xxx-xx-xxxx
THOMAS B. ZIRKLE, xxx-xx-xxxx

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN.

CHAPLAIN CORPS

BRUCE A. ARNOLD, xxx-xx-xxxx
MARK E. BELL, xxx-xx-xxxx
GARY R. BEMENT, xxx-xx-xxxx
MICHAEL G. BENNETT, xxx-xx-xxxx
KEVIN R. BOLL, xxx-xx-xxxx
LEVI E. BRASWELL, xxx-xx-xxxx
WALTER E. COCHRAN, xxx-xx-xxxx
LAYLONI L. CRAIG, xxx-xx-xxxx
TERESE A. ERICKSON, xxx-xx-xxxx
DANIEL L. FIGUEROA, xxx-xx-xxxx
WAYNE H. FLAKE, xxx-xx-xxxx
DAVID R. GAETA, xxx-xx-xxxx
STEVEN J. GRAU, xxx-xx-xxxx
ROBERT S. HOCHREITER, xxx-xx-xxxx
GERALD A. HOUGE, xxx-xx-xxxx
PERRY B. IRBY, xxx-xx-xxxx
EDDIE C. JASPER, xxx-xx-xxxx
MARK E. KARLE, xxx-xx-xxxx
FRANCIS F. KOENINGER, xxx-xx-xxxx
STEVEN J. MERRILL, xxx-xx-xxxx
JEROME D. MUELLER, xxx-xx-xxxx
PHILLIP M. NANNEY, xxx-xx-xxxx
RICHARD D. OBERHEIDE, xxx-xx-xxxx
PETER B. OTTO, xxx-xx-xxxx
THOMAS A. PFAFF, xxx-xx-xxxx
DANIEL J. PREZ, xxx-xx-xxxx
GARY R. SALMON, xxx-xx-xxxx
KAREN H. STOCKS, xxx-xx-xxxx
CARL J. SWANSON, xxx-xx-xxxx
JOHN L. TARRANT, JR, xxx-xx-xxxx
STEVEN M. TORGERSON, xxx-xx-xxxx
JAMES W. WADE, xxx-xx-xxxx
FLOYD A. WALKER, xxx-xx-xxxx
GEORGE R. WASHINGTON, xxx-xx-xxxx

JUDGE ADVOCATE

KEITH R. ALICH, xxx-xx-xxxx
MARK L. ALLRED, xxx-xx-xxxx
KEVIN C. AMBLER, xxx-xx-xxxx
BRUCE S. AMBROSE, xxx-xx-xxxx
CHRIS E. AMBROSE, xxx-xx-xxxx
DOUGLAS S. ANDERSON, xxx-xx-xxxx
GARY D. ANDERSON, xxx-xx-xxxx

JACK L. ANDERSON, xxx-xx-xxxx
KEVIN D. BARON, xxx-xx-xxxx
ROBERT C. BARTLEMAY, xxx-xx-xxxx
PAUL M. BARZLER, xxx-xx-xxxx
HARRY J. BATEY, xxx-xx-xxxx
RALPH A. BAUER, xxx-xx-xxxx
AMY M. BECHTOLD, xxx-xx-xxxx
RICK A. BECKER, xxx-xx-xxxx
MICHELE S. BELLIZAIRE, xxx-xx-xxxx
RAY T. BLANK, xxx-xx-xxxx
STEPHEN H. BLEWETT, xxx-xx-xxxx
BRIAN D. BOURNE, xxx-xx-xxxx
WILLIAM E. BOYLE, xxx-xx-xxxx
DAVID F. BRASH, xxx-xx-xxxx
ARTHUR C. BREDEMEYER, xxx-xx-xxxx
RANDALL G. BUNDY, xxx-xx-xxxx
RANDALL J. BUNN, xxx-xx-xxxx
CHRISTOPHER F. BURNE, xxx-xx-xxxx
MICHAEL D. BURT, xxx-xx-xxxx
MARTHA J. BUXTON, xxx-xx-xxxx
MARSHALL L. CAGGIANO, xxx-xx-xxxx
JEFFREY R. CALVERT, xxx-xx-xxxx
JAMES L. CAPPS, xxx-xx-xxxx
LAURA E. CARLAN, xxx-xx-xxxx
RICHARD W. CARLILE, xxx-xx-xxxx
LESA L. CARTER, xxx-xx-xxxx
CHARLES R. CENTER, xxx-xx-xxxx
JOHN S. CHAMBLEE, xxx-xx-xxxx
STEVEN A. CHILIAN, xxx-xx-xxxx
DAVID E. CLARK, xxx-xx-xxxx
DAVID W. CLAYPOOL, xxx-xx-xxxx
LE ELLEN COACHER, xxx-xx-xxxx
ROBERT E. COACHER, xxx-xx-xxxx
BRETT L. COAKLEY, xxx-xx-xxxx
ROBERT V. COMBS, II, xxx-xx-xxxx
GARY L. CONING, xxx-xx-xxxx
DAVID H. CONROY, xxx-xx-xxxx
CHARLES L. COOK, xxx-xx-xxxx
DAVID W. CORDINGLY, xxx-xx-xxxx
DAVID C. CORY, xxx-xx-xxxx
GREGORY D. COX, xxx-xx-xxxx
DOREENA L. CRAIGSLOAN, xxx-xx-xxxx
LAURA H. CROCKER, xxx-xx-xxxx
THOMAS G. CROSSAN, JR, xxx-xx-xxxx
WILLIAM T. CUMBIE, xxx-xx-xxxx
PAUL M. DANKOVICH, xxx-xx-xxxx
MORRIS D. DAVIS, xxx-xx-xxxx
ARIANE L. DESAUSSURE, xxx-xx-xxxx
ALLAN L. DETERT, xxx-xx-xxxx
JAMES C. DOCKERY, xxx-xx-xxxx
MICHAEL D. DRENAN, xxx-xx-xxxx
WILLIAM A. DRUSCHEL, xxx-xx-xxxx
PEGGY C. DURFEY, xxx-xx-xxxx
JOHN A. DYER, xxx-xx-xxxx
ANNETTE EDDIECALLAGAIN, xxx-xx-xxxx
EDWARD C. EISLER, xxx-xx-xxxx
BAXTER O. ELLIOTT, xxx-xx-xxxx
ALLEN G. ERICKSON, xxx-xx-xxxx
THOMAS H. ESHMAN, II, xxx-xx-xxxx
THEODORE R. ESSEX, xxx-xx-xxxx
SUSAN M. FALL, xxx-xx-xxxx
MICHAEL J. FARR, xxx-xx-xxxx
TERRENCE H. FARRELL, xxx-xx-xxxx
CHRIS L. FARRIS, xxx-xx-xxxx
JOHN D. FEEHAN, xxx-xx-xxxx
JULIE K. FEGLEY, xxx-xx-xxxx
DAVID M. FILLMAN, xxx-xx-xxxx
MARY V. FILLMAN, xxx-xx-xxxx
MICHAEL A. FLEMING, xxx-xx-xxxx
MARC A. FOX, xxx-xx-xxxx
PATRICIA ANN FREEMANFORD, xxx-xx-xxxx
DAVID L. FRISHBERG, xxx-xx-xxxx
GREGORY L. FRONIMOS, xxx-xx-xxxx
WILLIAM GAMPEL, xxx-xx-xxxx
JEFFREY S. GARDNER, xxx-xx-xxxx
KURT GARNJOST, xxx-xx-xxxx
RICHARD W. GATES, xxx-xx-xxxx
BRIAN P. GAVIGAN, xxx-xx-xxxx
PETER F. GEDRAITIS, xxx-xx-xxxx
TERRIE M. GENT, xxx-xx-xxxx
MARSHA L. GOODENOW, xxx-xx-xxxx
BARBARA J. GOODWIN, xxx-xx-xxxx
RONALD A. GREGORY, xxx-xx-xxxx
ODELL GROOMS, xxx-xx-xxxx
TIMOTHY A. GUIDEN, xxx-xx-xxxx
BRUCE A. HADDENHORST, xxx-xx-xxxx
PATRICIA ANN HARDCASTLE, xxx-xx-xxxx
TIMOTHY P. HARRISON, xxx-xx-xxxx
JOHN R. HART, xxx-xx-xxxx
STEVEN A. HATFIELD, xxx-xx-xxxx
PETER G. HERMAN, xxx-xx-xxxx
JAMES D. HILL, xxx-xx-xxxx
BART HILLYER, xxx-xx-xxxx
JOHN D. HODSON, xxx-xx-xxxx
DONALD P. HOLTZ, xxx-xx-xxxx
MARY J. HONODEL, xxx-xx-xxxx
PAMELA HOWARD, xxx-xx-xxxx
CAROLYN T. HOWELL, xxx-xx-xxxx
JUDSON B. HOWELL, xxx-xx-xxxx
RANDY A. HUMMEL, xxx-xx-xxxx
DANA D. JACOBSON, xxx-xx-xxxx
NORMAN JACOBSON, JR, xxx-xx-xxxx
THOMAS C. JASTER, xxx-xx-xxxx
DAVID D. JIVIDEN, xxx-xx-xxxx
LAUREN N. JOHNSON, xxx-xx-xxxx
JESSE JOHNSTON, xxx-xx-xxxx
JOHN B. KELLER, II, xxx-xx-xxxx
WILLIAM A. KENNEDY, xxx-xx-xxxx
MARSHALL S. KENYON, xxx-xx-xxxx
KAREN J. KINLIN, xxx-xx-xxxx
ZACHARY Z. KINNEY, xxx-xx-xxxx
ALBERT W. KLEIN, JR, xxx-xx-xxxx
HARRIS J. KLINE, xxx-xx-xxxx
GARSON R. KNAPP, xxx-xx-xxxx
DIANE L. KOVACH, xxx-xx-xxxx
BRIAN G. KOZA, xxx-xx-xxxx
CATHY S. LACY, xxx-xx-xxxx
LAWRENCE R. LALUZERNE, xxx-xx-xxxx
MARK R. LAND, xxx-xx-xxxx
VICTOR F. LAPUMA, xxx-xx-xxxx
JOFFRE S. LARET, xxx-xx-xxxx
JOHN T. LAURO, xxx-xx-xxxx
MATTHEW R. LAVERY, xxx-xx-xxxx
RACHEL V. LEE, xxx-xx-xxxx
PATRICK W. LINDEMANN, xxx-xx-xxxx
DENNIS R. LOCKARD, xxx-xx-xxxx
FELIX A. LOSCO, xxx-xx-xxxx
JANE S. LOVE, xxx-xx-xxxx
MICHAEL R. LUND, xxx-xx-xxxx
BARNARD N. MADSEN, xxx-xx-xxxx
JOEL C. MARSH, xxx-xx-xxxx
KEITH B. MARTIN, xxx-xx-xxxx
PETER R. MASCIOLA, xxx-xx-xxxx
GEORGE F. MAY, xxx-xx-xxxx
STEPHEN A. MCCORMACK, xxx-xx-xxxx
CARLOS L. MCDADE, xxx-xx-xxxx
AMY J. MCDONOUGH, xxx-xx-xxxx
MAURA THERESA MCGOWAN, xxx-xx-xxxx
CLIFFORD J. MCKINSTRY, xxx-xx-xxxx
RICHARD J. MCMAHON, xxx-xx-xxxx
MICHAEL W. MEADOWS, xxx-xx-xxxx
JAMES M. MILLER, xxx-xx-xxxx
JOSEPH L. MILLER, xxx-xx-xxxx
STEVEN L. MILLER, xxx-xx-xxxx
ANN M. MITTERMEYER, xxx-xx-xxxx
KATHY A. MONTGOMERY, xxx-xx-xxxx
JAMES E. MOODY, xxx-xx-xxxx
ROBERTA MORO, xxx-xx-xxxx
URSULA P. MOUL, xxx-xx-xxxx
MICHAEL D. MURPHY, xxx-xx-xxxx
KATHLEEN L. NESSER, xxx-xx-xxxx
BRIAN C. NEWBY, xxx-xx-xxxx
DAVID F. NEWMAN, xxx-xx-xxxx
DAVID G. NIX, xxx-xx-xxxx
STEWART L. NOEL, xxx-xx-xxxx
DARLA G. ORNDORFF, xxx-xx-xxxx
VIRGINIA A. ORR, xxx-xx-xxxx
JEFFREY R. OSBORNE, xxx-xx-xxxx
TELIN W. OZIER, xxx-xx-xxxx
MAHLON E. PADGETT, IV, xxx-xx-xxxx
STEVEN R. PARRISH, xxx-xx-xxxx
CRAIG T. PAULSON, xxx-xx-xxxx
MARY V. PERRY, xxx-xx-xxxx
WILLIAM W. PISCHNOTTE, xxx-xx-xxxx
ERIC D. PLACKE, xxx-xx-xxxx
CAROLYN J. POLLARD, xxx-xx-xxxx
GREGORY B. PORTER, xxx-xx-xxxx
LAWRENCE G. PRICE, xxx-xx-xxxx
PAUL L. PULLUM, xxx-xx-xxxx
THOMAS G. PYLE, II, xxx-xx-xxxx
REGINA E. QUINN, xxx-xx-xxxx
EDWARD N. RAMRAS, xxx-xx-xxxx
RICHARD A. REED, xxx-xx-xxxx
RONALD M. REED, xxx-xx-xxxx
ROBERT M. REIST, xxx-xx-xxxx
JEFFREY A. RENSHAW, xxx-xx-xxxx
CHRISTOPHER L. RIEGLER, xxx-xx-xxxx
TAMARA L. RILEY, xxx-xx-xxxx
RAYMOND E. RISSLING, xxx-xx-xxxx
CARL J. RITTER, xxx-xx-xxxx
ROSARIO M. F. RIZZO, xxx-xx-xxxx
JEFFREY L. ROBB, xxx-xx-xxxx
MICHAEL A. RODGERS, xxx-xx-xxxx
RONALD A. RODGERS, xxx-xx-xxxx
DANIEL E. ROGERS, xxx-xx-xxxx
PAMELA H. ROTH, xxx-xx-xxxx
FREDDY B. RUIZ, xxx-xx-xxxx
MARK R. RUPPERT, xxx-xx-xxxx
FLOYD RUSSELL, III, xxx-xx-xxxx
HOWARD R. RUSSELL, xxx-xx-xxxx
MICHAEL D. RUSSELL, xxx-xx-xxxx
KEITH J. SAUNDERS, xxx-xx-xxxx
WILLIAM E. SCHIREMAN, xxx-xx-xxxx
JOHN H. SCHUMACHER, xxx-xx-xxxx
JOSEPH C. SCHWEITZER, xxx-xx-xxxx
JAMES P. SEIDL, xxx-xx-xxxx
KIMBERLY A. SHAMBLEY, xxx-xx-xxxx
JOHN KARL SHUNK, xxx-xx-xxxx
JULES D. SILBERBERG, xxx-xx-xxxx
JAMES C. SINWELL, xxx-xx-xxxx
WALTER J. SKIERSKI, JR, xxx-xx-xxxx
BRUCE T. SMITH, xxx-xx-xxxx
JOHN M. SMITH, xxx-xx-xxxx
JERI K. SOMERS, xxx-xx-xxxx
KEITH M. SORGE, xxx-xx-xxxx
LAURENCE M. SOYBEL, xxx-xx-xxxx
GLENN L. SPITZER, xxx-xx-xxxx
JAMES W. SPRADLING, II, xxx-xx-xxxx
JOHN F. SPURLIN, xxx-xx-xxxx
NANCY S. STALLARD, xxx-xx-xxxx
MARGARET M. STANISH, xxx-xx-xxxx
PAMELA D. STEVENSON, xxx-xx-xxxx
KATHERINE J. STEWART, xxx-xx-xxxx
HOLLY M. STONE, xxx-xx-xxxx
LAWRENCE W. STUNKEL, xxx-xx-xxxx
WILLIAM R. SWANSON, xxx-xx-xxxx
KEVIN W. TECHAU, xxx-xx-xxxx
JERALD C. THOMPSON, xxx-xx-xxxx
LORI A. THOMPSON, xxx-xx-xxxx
NORMAN K. THOMPSON, xxx-xx-xxxx
KAREN L. TIBBALS, xxx-xx-xxxx
RONALD E. TODD, xxx-xx-xxxx
STEVEN N. TOMANELLI, xxx-xx-xxxx
KIRK M. TORGENSEN, xxx-xx-xxxx
CINDY L. TORRANCE, xxx-xx-xxxx
JOSEPH T. TOWNSEND, xxx-xx-xxxx
JOSEPH V. TREANOR, III, xxx-xx-xxxx
SONJA M. TRENKLER, xxx-xx-xxxx
VICKIA K. TRESSLER, xxx-xx-xxxx
RICHARD T. TROWBRIDGE, xxx-xx-xxxx
DONALD G. TYSON, xxx-xx-xxxx
DENISE A. UNDERWOOD, xxx-xx-xxxx
RICHARD J. VACURA, xxx-xx-xxxx
DANIEL M. VADNAIS, xxx-xx-xxxx
MALDEGHEM PAUL E. VAN, xxx-xx-xxxx
MARC VANNUYS, xxx-xx-xxxx
DAVID R. VECERA, xxx-xx-xxxx
CHARLES A. WALDEN, xxx-xx-xxxx
CYNTHIA L. WALDRON, xxx-xx-xxxx
WALTER R. WALKER, xxx-xx-xxxx
JEFFREY W. WATSON, xxx-xx-xxxx
BILL C. WELLS, xxx-xx-xxxx
BRIAN J. WELSH, xxx-xx-xxxx
WENDY L. WIEDENFELD, xxx-xx-xxxx
GLORIA M. WILDER, xxx-xx-xxxx
EVERETT G. WILLARD, JR, xxx-xx-xxxx
DEAH T. WILLIAMS, xxx-xx-xxxx
ELIJAH H. WILLIAMS, xxx-xx-xxxx
WAYNE WISNIEWSKI, xxx-xx-xxxx
FRANK M. WOOD, xxx-xx-xxxx
LAWRENCE H. WOODWARD, xxx-xx-xxxx

NURSE CORPS

AILEEN M. ALBERTSON, xxx-xx-xxxx
MICHAEL B. ANGELORO, xxx-xx-xxxx
LINDA D. ASKEY, xxx-xx-xxxx
RICHARD L. BERNAL, xxx-xx-xxxx
JACK C. BLAINE, xxx-xx-xxxx
VIRGINIA V. BLAZICKO, xxx-xx-xxxx
CARLOS J. BORGES, xxx-xx-xxxx
CHERYL M. BOSCO, xxx-xx-xxxx
SUZANNE F. BRADLEY, xxx-xx-xxxx
COLLEEN D. BRUSSEAU, xxx-xx-xxxx
DEBRA K. BUEGE, xxx-xx-xxxx
GREGORY E. BURTON, xxx-xx-xxxx
ELIDA CANALES, xxx-xx-xxxx
SKIPPER A. CARDIFF, xxx-xx-xxxx
FREDERICK M. CARDINAL, xxx-xx-xxxx
KRISTINA J. CARSON, xxx-xx-xxxx
LORETTA J. CEPIS, xxx-xx-xxxx
LOUISE M. CHAMBERS, xxx-xx-xxxx
MI Y. CHO, xxx-xx-xxxx
GERALD D. CHRISTICH, xxx-xx-xxxx
TERRY S. CHURCH, xxx-xx-xxxx
JUDEE L. CLARY, xxx-xx-xxxx
JULIE A. CONSTABLE, xxx-xx-xxxx
ADELL COOPER, xxx-xx-xxxx
PATRICIA G. COZINE, xxx-xx-xxxx
TERRELL A. CUNNINGHAM, xxx-xx-xxxx
JOYCE A. DAVIS, xxx-xx-xxxx
BETSY L. DEMAY, xxx-xx-xxxx
RAMON B. DENNY, xxx-xx-xxxx
ROSA M. DOMINGUEZ, xxx-xx-xxxx
GRETCHEN S. DUNKELBERGER, xxx-xx-xxxx
KATHLEEN M. DUNNCANE, xxx-xx-xxxx
M. ELIZABETH MASON EASTMAN, xxx-xx-xxxx
LISA H. EATON, xxx-xx-xxxx
CONNIE B. EDGIL, xxx-xx-xxxx
SUSAN M. EGLER, xxx-xx-xxxx
JOYCELYN ELAIHO, xxx-xx-xxxx
DARLA K. FAINTER, xxx-xx-xxxx
MARTHA A. FELLOWS, xxx-xx-xxxx
BRIAN W. FENN, xxx-xx-xxxx
SUZANNE D. FERGUSON, xxx-xx-xxxx
ANN E. GILMORE, xxx-xx-xxxx
TERRY W. GIVENS, xxx-xx-xxxx
RANDY H. GONSALVES, xxx-xx-xxxx
DONNA G. S. GONZALES, xxx-xx-xxxx
TAMI K. GRAHAM, xxx-xx-xxxx
CELINDA L. GREEN, xxx-xx-xxxx
ANNE L. GREENWALD, xxx-xx-xxxx
VENNESSA J. HAGAN, xxx-xx-xxxx
PETER R. HALEY, xxx-xx-xxxx
JACQUELINE S. HAMLIN, xxx-xx-xxxx
DALE A. HARDY, xxx-xx-xxxx
TERESA A. HARRIS, xxx-xx-xxxx
CYNTHIA J. HARTSFIELD, xxx-xx-xxxx
TERRI J. HECKMAN, xxx-xx-xxxx
MICHELLE F. HERRON, xxx-xx-xxxx
DIAS S. HIRANO, xxx-xx-xxxx
LAWRENCE M. HOGANSON, xxx-xx-xxxx
ANDREW J. HOMA, xxx-xx-xxxx
CHERYL A. JACK, xxx-xx-xxxx
CYNTHIA M. JACKSON, xxx-xx-xxxx
CYNTHIA F. JEFFREY, xxx-xx-xxxx
KRISTINE L. JOHNSON, xxx-xx-xxxx
DEBORAH R. JONES, xxx-xx-xxxx
JIMMY L. JONES, xxx-xx-xxxx
VERONICA R. KANE, xxx-xx-xxxx
LAURA N. KELLY, xxx-xx-xxxx
NANCY M. KERR, xxx-xx-xxxx
SUSAN M. KIDDER, xxx-xx-xxxx
SONYA H. KING, xxx-xx-xxxx
EILEEN M. KNAPP, xxx-xx-xxxx
PATRICIA A. KRYSTYNIAK, xxx-xx-xxxx
JOSEPHINE C. LANDGREN, xxx-xx-xxxx
PATRICK P. LASTOWSKI, xxx-xx-xxxx
STEPHANIE D. LEACH, xxx-xx-xxxx
KEVIN G. LEVELING, xxx-xx-xxxx
JUDITH LIENHARD, xxx-xx-xxxx
ELISABETH A. LINCOLN, xxx-xx-xxxx
ERNEST A. LIRA, xxx-xx-xxxx
KENNETH R. LUTTRELL, xxx-xx-xxxx
JENNY B. LUTZ, xxx-xx-xxxx
MARILYN L. MACASAET, xxx-xx-xxxx

ROBERT E. MANNELL, xxx-xx-xxxx
CHRISTY L. MARTIN, xxx-xx-xxxx
RONALD G. MARTIN, xxx-xx-xxxx
SUSAN M. MAYER, xxx-xx-xxxx
SHEILA M. MCALLISTER, xxx-xx-xxxx
CAROL L. MCANULTY, xxx-xx-xxxx
JESSIE G. MCDUFFY, xxx-xx-xxxx
KATHRYN FULLER MCLAUGHLIN, xxx-xx-xxxx
JANET S. MCPHEETERS, xxx-xx-xxxx
CYNTHIA L. MILLER, xxx-xx-xxxx
VICTORIA J. MORRISON, xxx-xx-xxxx
ROBERT J. MULVANEY, xxx-xx-xxxx
JOHN S. MURRAY, xxx-xx-xxxx
BRIAN E. NAWOJ, xxx-xx-xxxx
JULIA E. NELSON, xxx-xx-xxxx
PAMELA S. NETHERY, xxx-xx-xxxx
MARY F. NORELL, xxx-xx-xxxx
DONALD R. NUNN, xxx-xx-xxxx
JEAN A. OMARA, xxx-xx-xxxx
LINDA N. OREN, xxx-xx-xxxx
ANA M. ORRANTIA, xxx-xx-xxxx
ANN L. PARKER, xxx-xx-xxxx
LORENA D. PAUL, xxx-xx-xxxx
CARSTEN A. PENNIER, xxx-xx-xxxx
HAZEL I. PETERS, xxx-xx-xxxx
VICTORIA J. PIERCE, xxx-xx-xxxx
PHYLLIS K. PINKERTON, xxx-xx-xxxx
LAURIE L. POPE, xxx-xx-xxxx
JACQUELINE B. POSNER, xxx-xx-xxxx
SUZANNE M. PRILESZKY, xxx-xx-xxxx
LINA M. QUANASTON, xxx-xx-xxxx
DENISE R. RAHAMAN, xxx-xx-xxxx
NINA C. RAMSEUR, xxx-xx-xxxx
LYNN T. RANDALL, xxx-xx-xxxx
DEBRA A. RITROVATO, xxx-xx-xxxx
MARY J. RIVERA, xxx-xx-xxxx
SHARON L. RIVERA, xxx-xx-xxxx
SUANNE ROGERS, xxx-xx-xxxx
ROBIN S. ROSENBERG, xxx-xx-xxxx
SANDRA F. RYAN, xxx-xx-xxxx
RICHARD J. SCHOUDEL, xxx-xx-xxxx
TERRY L. SCOTT, xxx-xx-xxxx
EILEEN J. SERPA, xxx-xx-xxxx
RENETTA SEWARD, xxx-xx-xxxx
MONICA R. SKARBAN, xxx-xx-xxxx
CHARLES A. SMITH, xxx-xx-xxxx
SHEILA Y. SPINNER, xxx-xx-xxxx
DEBRA J. SPRINGS, xxx-xx-xxxx
REBECCA M. STASKO, xxx-xx-xxxx
ROBERT E. STEED, xxx-xx-xxxx
MARY STEVENS, xxx-xx-xxxx
SYLVIA J. STEWART, xxx-xx-xxxx
PAULINE E. STROHL, xxx-xx-xxxx
LOIS K. SUMNER, xxx-xx-xxxx
SUSAN C. SWANSBURG, xxx-xx-xxxx
ELIZABETH T. SWANSTROM, xxx-xx-xxxx
BEVERLY J. TUOMALA, xxx-xx-xxxx
KIMBERLY A. TURNEY, xxx-xx-xxxx
DONNA M. VIEIRA, xxx-xx-xxxx
LAURA J. WAXMAN, xxx-xx-xxxx
RICHARD E. WHEELER, xxx-xx-xxxx
BRENDA D. WILSON, xxx-xx-xxxx
VANESSA WISE, xxx-xx-xxxx
JEFFREY B. WORRELL, xxx-xx-xxxx

MEDICAL SERVICE

JOHN L. BINDER, xxx-xx-xxxx
F. MICHEAL BRIDGES, xxx-xx-xxxx
ELIZABETH C. BROWN, xxx-xx-xxxx
BRENDA R. BULLARD, xxx-xx-xxxx
MAX D. BURKE, xxx-xx-xxxx
DENISE L. BURTON, xxx-xx-xxxx
SHERRIE L. CASKEY, xxx-xx-xxxx
JAMES M. FOLEY, xxx-xx-xxxx
MARK A. FORTUGNO, xxx-xx-xxxx
ROGER S. GOETZ, xxx-xx-xxxx
GREGORY M. HAINLINE, xxx-xx-xxxx
RAYMOND F. HEATH, xxx-xx-xxxx
MICHAEL F. HEBERT, xxx-xx-xxxx
ROBERT J. HILL, xxx-xx-xxxx
CLIFFORD F. HONIKER, III, xxx-xx-xxxx
MICHELE JAKOBOSKI, xxx-xx-xxxx
RANDALL F. JONES, xxx-xx-xxxx
DONNA D. KELTZ, xxx-xx-xxxx
MARK A. LAZARUS, xxx-xx-xxxx
ROBERT C. MALDONADO, xxx-xx-xxxx
MICHAEL G. MARKOVICH, xxx-xx-xxxx
TIMOTHY R. MCCORMICK, xxx-xx-xxxx
BRUCE C. MILLER, xxx-xx-xxxx
DAVID H. MONTPLAISIR, JR., xxx-xx-xxxx
NANCY D. MOORE, xxx-xx-xxxx
ERNEST M. PARKER, xxx-xx-xxxx
VERA V. PRUITT, xxx-xx-xxxx
DANNY B. RICHARDSON, xxx-xx-xxxx
JOHN W. RIDDLE, xxx-xx-xxxx
SALLY A. RYAN, xxx-xx-xxxx
MARTHA A. SCHMITT, xxx-xx-xxxx
ROBERT R. SELLERS, xxx-xx-xxxx
IVAN L. SHERARD, xxx-xx-xxxx
DANIEL R. SHERRED, xxx-xx-xxxx
CHARLES C. SMITH, xxx-xx-xxxx
THOMAS C. SOUNHEIN, xxx-xx-xxxx
DEBRA L. STEUBER, xxx-xx-xxxx
DEAN C. TANO, xxx-xx-xxxx
SCOTT F. WARDELL, xxx-xx-xxxx
WILLIAM C. WILSON, xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

To be determined later

JOYCE A. ADKINS, xxx-xx-xxxx
LLOYD P. AINSWORTH, JR., xxx-xx-xxxx
DOUGLAS A. APSEY, xxx-xx-xxxx
PAUL W. BAILEY, xxx-xx-xxxx
GREGORY L. BARBOUR, xxx-xx-xxxx
CHARLES A. BARNES, xxx-xx-xxxx
JEFFREY M. BATEMAN, xxx-xx-xxxx
ERWIN R. BENDER, JR, xxx-xx-xxxx
BONNIE G. BENSHOOF, xxx-xx-xxxx
THOMAS C. BERG, xxx-xx-xxxx
DAVID E. BLAKESLEE, xxx-xx-xxxx
RANDALL M. BOYCE, xxx-xx-xxxx
JOHN G. BULICK, JR, xxx-xx-xxxx
RICKY L. CAMPISE, xxx-xx-xxxx
VINCENT A. CAPPELLO, xxx-xx-xxxx
STEPHEN R. CHANNEL, xxx-xx-xxxx
RICHARD L. CHILDERS, JR, xxx-xx-xxxx
MATTHEW R. CHINI, xxx-xx-xxxx
JAMES C. COFFIDIS, xxx-xx-xxxx
MITCHEL A. COLE, xxx-xx-xxxx
ROBERT S. COOK, xxx-xx-xxxx
GARY B. COPLEY, xxx-xx-xxxx
MATTHEW A. COTTEN, xxx-xx-xxxx
BRIAN K. DECKERT, xxx-xx-xxxx
JOHN R. DERUSSY, xxx-xx-xxxx
CONNIE D. DUNN, xxx-xx-xxxx
THOMAS L. DUQUETTE, xxx-xx-xxxx
THOMAS C. EDEWAARD, xxx-xx-xxxx
SUSAN P. EVANS, xxx-xx-xxxx
MICHAEL A. FATONE, xxx-xx-xxxx
MICHAEL R. FRANCE, xxx-xx-xxxx
DONALD A. FRANKENBERRY, xxx-xx-xxxx
YOLANDA A. GEDDIE, xxx-xx-xxxx
KENNETH R. HARPER, xxx-xx-xxxx
MICHELE L. HEIDEL, xxx-xx-xxxx
MARY E. HILLIS, xxx-xx-xxxx
THOMAS K. HIROTA, xxx-xx-xxxx
STEVEN J. HUTTON, xxx-xx-xxxx
ROBERT J. JACKSON, xxx-xx-xxxx
BRUCE M. JARNOT, xxx-xx-xxxx
PATRICIA A. KEATON, xxx-xx-xxxx
WILLIAM A. KIEFFER, xxx-xx-xxxx
LYNN J. KINDLEY, xxx-xx-xxxx
RAYMOND E. KING, xxx-xx-xxxx
EDWARD J. KLINENBERG, xxx-xx-xxxx
KLAUS H. KUEHL, xxx-xx-xxxx
FREDERICK L. KYTE, xxx-xx-xxxx
HENRY R. LEMKE, xxx-xx-xxxx
RODNEY T. LUTES, xxx-xx-xxxx
MICHAEL J. MADER, xxx-xx-xxxx
MICHAEL K. MARTIN, xxx-xx-xxxx
EVERETT B. MCALLISTER, xxx-xx-xxxx
ROBERT E. MILBURN, xxx-xx-xxxx
PATRICIA G. MOSELEY, xxx-xx-xxxx
PATRICK H. MURRAY, xxx-xx-xxxx
ELFI S. PAVIA, xxx-xx-xxxx
GARY G. PETERSON, xxx-xx-xxxx
DAVID M. POLLOCK, xxx-xx-xxxx
ROBERT E. POWELL, xxx-xx-xxxx
ROBERT A. PURKHISER, xxx-xx-xxxx
JOSEPH T. RAKOWSKI, xxx-xx-xxxx
BRYAN E. RAMSTACK, xxx-xx-xxxx
TERRENCE J. RAVINE, xxx-xx-xxxx
DIANA B. REIDY, xxx-xx-xxxx
CHRISTOPHER J. REVIS, xxx-xx-xxxx
ALLAN L. RHOADS, xxx-xx-xxxx
SALLY J. SATO, xxx-xx-xxxx
WILLIAM D. SHERMAN, xxx-xx-xxxx
AURELIA V. SMITH, xxx-xx-xxxx
GLYNDA R. SMITH, xxx-xx-xxxx
MARK D. SMITH, xxx-xx-xxxx
BRIAN S. SQUYRES, xxx-xx-xxxx
KENT E. STEELE, xxx-xx-xxxx
TIMMY J. TARRANT, xxx-xx-xxxx
JAMES P. VAKOS, xxx-xx-xxxx
MIGUEL V. VALDEZ, xxx-xx-xxxx
JAMES W. WEISSMANN, xxx-xx-xxxx
TIMOTHY S. WELLS, xxx-xx-xxxx
ANGELA S. WILLIAMSON, xxx-xx-xxxx
RODNEY D. WILSON, xxx-xx-xxxx
MARK T. WINTER, xxx-xx-xxxx
BRUCE A. WRIGHT, xxx-xx-xxxx
LINDA C. WRIGHT, xxx-xx-xxxx
MARIE P. ZEITLER, xxx-xx-xxxx
DON R. ZISS, xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING STUDENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES CLASS OF 1990, FOR APPOINTMENT IN THE REGULAR AIR FORCE, EFFECTIVE UPON THEIR GRADUATION UNDER THE PROVISIONS OF SECTION 2114, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

DALE R. AGNER, xxx-xx-...
JOSEPH B. ANDERSON, xxx-xx-...
MARK K. ARNESS, xxx-xx-...
ELIZABETH L. ASHBURN, xxx-xx-...
GARY E. BENEDETTI, xxx-xx-...
JAMES R. BENNION, xxx-xx-...
ROBERT W. BJORAKER, JR, xxx-xx-...
DAVID P. BLAKE, xxx-xx-...
JOHN P. BOUFFARD, xxx-xx-...
KENNETH E. CHRISTENSEN, xxx-xx-...
ANNA S. CLAYTON, xxx-xx-...
MICHAEL P. CURRISTON, xxx-xx-...
JEFFREY M. CUSIK, xxx-xx-...
JEFFREY N. DAVILA, xxx-xx-...
MARK E. DIDIER, xxx-xx-...
STEVEN D. FILARDO, xxx-xx-...
TED Y. FISHER, xxx-xx-...
WILLIAM J. FLYNN, xxx-xx-...
PAUL A. FRIEDRICHS, xxx-xx-...
SPENCER J. FRINK, xxx-xx-...
ROBERT B. GOOD, xxx-xx-...
DOUGLAS J. GRIDER, xxx-xx-...
STEVEN W. HUMBURG, xxx-xx-...
ROBERT C. JONES, xxx-xx-...
WILLIAM F. KAMMERER, xxx-xx-...
CYNTHIA A. KEANE, xxx-xx-...
BRIAN S. KENDALL, xxx-xx-...
BRYAN C. KING, xxx-xx-...
JOSEPH K. LEGAN, xxx-xx-...
JOHN G. LEVASSEUR, xxx-xx-...
VIKI T. LIN, xxx-xx-...
MICHAEL J. MARCHESSEAULT, xxx-xx-...
KEITH E. MCCOY, xxx-xx-...
JANET T. PUNYKO, xxx-xx-...
JOHN B. REED, xxx-xx-...
TIMOTHY D. ROBINETTE, xxx-xx-...
CRAIG R. RUDER, xxx-xx-...
TOD S. RUSSELL, xxx-xx-...
MARY F. SATTERLY, xxx-xx-...
CHRISTINA L. SEEBURGER, xxx-xx-...
BRETT D. SKIDMORE, xxx-xx-...
GARY N. STOKES, xxx-xx-...
ALAN B. STONE, xxx-xx-...
CHARLES S. TEDDER, xxx-xx-...
RICHARD K. TEMOFEEW, xxx-xx-...
WILLIAM J. VALKO, xxx-xx-...
GUS G. VARNAVAS, xxx-xx-...
RANDON S. WELTON, xxx-xx-...
DONALD S. WIERSMA, xxx-xx-...
CEDRIC L. WONG, xxx-xx-...

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3370:

ARMY PROMOTION LIST

To be colonel

RAFAEL A. ACEVEDO, xxx-xx-xxxx
GARY C. ACKERMAN, xxx-xx-xxxx
WILLIAM D. AKRIDGE, xxx-xx-xxxx
WILLIE A. ALEXANDER, xxx-xx-xxxx
GARY R. ALLEN, xxx-xx-xxxx
ROBERT E. ALLEN, xxx-xx-xxxx
JOSE M. ALVAREZ, xxx-xx-xxxx
DUANE A. ANDERS, xxx-xx-xxxx
MICHAEL D. ANGELO, xxx-xx-xxxx
LANDRY K. APPLEBY, xxx-xx-xxxx
STEPHEN E. AREY, xxx-xx-xxxx
BILLY C. ARMSTRONG, xxx-xx-xxxx
KARL A. ARTHUR, xxx-xx-xxxx
WILLIAM W. AUSTIN, xxx-xx-xxxx
RICHARD W. AVERITT, xxx-xx-xxxx
JOHN AVILA, JR, xxx-xx-xxxx
WILLIAM H. BACHE, xxx-xx-xxxx
WILLIAM A. BACHMAN, xxx-xx-xxxx
JOHN P. BAKER, xxx-xx-xxxx
LARRY J. BAKER, xxx-xx-xxxx
HECTOR BANCHNEGRON, xxx-xx-xxxx
JOHN R. BARBEAU, xxx-xx-xxxx
MELVIN D. BARBER, xxx-xx-xxxx
CLIFFORD B. BARKLEY, xxx-xx-xxxx
RUDOLPH C. BARNES, xxx-xx-xxxx
PETER W. BARTON, JR, xxx-xx-xxxx
ROBERT BARZILOSKI, xxx-xx-xxxx
JOHN A. BATHKE, xxx-xx-xxxx
RAYMOND C. BATTISON, xxx-xx-xxxx
KERRY R. BAUM, xxx-xx-xxxx
SANDRA J. BAUMER, xxx-xx-xxxx
MICHAEL J. BEARD, xxx-xx-xxxx
RICHARD BEARDSLEY, xxx-xx-xxxx
GEORGE L. BECK, xxx-xx-xxxx
JOSEPH W. BECK, xxx-xx-xxxx
GEORGE BENJAMIN, xxx-xx-xxxx
THOMAS M. BENNETT, xxx-xx-xxxx
DAVID M. BENT, xxx-xx-xxxx
EWALD E. BETH, xxx-xx-xxxx
CHARLIE D. BETTS, xxx-xx-xxxx
REID K. BEVERIDGE, xxx-xx-xxxx
PARK P. BIERBOWER, xxx-xx-xxxx
EDWARD C. BIERMA, xxx-xx-xxxx
NANCY E. BIRD, xxx-xx-xxxx
DAVID A. BISCOMB, xxx-xx-xxxx
HARRY E. BIVENS, xxx-xx-xxxx
JAMES C. BLACK, xxx-xx-xxxx
LAWRENCE C. BLOUNT, xxx-xx-xxxx
GEORGE W. BODDY, xxx-xx-xxxx
HOWARD J. BODE, xxx-xx-xxxx
ROBERT L. BODE, xxx-xx-xxxx
JEFFERY L. BODOUIN, xxx-xx-xxxx
KENNETH O. BOLEY, xxx-xx-xxxx
ANDREW E. BOND, xxx-xx-xxxx
DAVID A. BOOSTROM, xxx-xx-xxxx
RODNEY H. BORA, xxx-xx-xxxx
WILLIAM R. BOROUGHS, xxx-xx-xxxx
ARTHUR L. BORTZ, xxx-xx-xxxx
KENNETH R. BOSSEN, xxx-xx-xxxx
J. E. BOUCHELL, xxx-xx-xxxx
MURREL J. BOWEN, xxx-xx-xxxx
DAVID K. BOWMAN, xxx-xx-xxxx
WILLIAM J. BOYLAN, xxx-xx-xxxx
MICHAEL L. BOZEMAN, xxx-xx-xxxx
JOHN D. BRADBERRY, xxx-xx-xxxx
TERRY D. BRADLEY, xxx-xx-xxxx
QUENTIN A. BRAINERD, xxx-xx-xxxx
JAMES B. BRANDON, xxx-xx-xxxx
KENNETH W. BRAY, xxx-xx-xxxx
JAMES A. BREEDLOVE, xxx-xx-xxxx

RICHARD BREITHAUPT, xxx-xx-xxxx
GARY L. BRESS, xxx-xx-xxxx
DONALD J. BRINGOL, xxx-xx-xxxx
CECIL A. BROOME, xxx-xx-xxxx
CALVIN P. BROUGHTON, xxx-xx-xxxx
RICHARD M. BROWN, xxx-xx-xxxx
STANLEY W. BROWN, xxx-xx-xxxx
TERRY L. BROWN, xxx-xx-xxxx
JAMES L. BRUCKBAUER, xxx-xx-xxxx
RONALD R. BUDACZ, xxx-xx-xxxx
JOSEPH L. BUDREAU, xxx-xx-xxxx
ROBERT Y. BUFF, xxx-xx-xxxx
EDWARD A. BUNKER, xxx-xx-xxxx
DAVID D. BUNTON, xxx-xx-xxxx
HARRY B. BURCHSTEAD, xxx-xx-xxxx
NORMAN B. BURDETT, xxx-xx-xxxx
DAVID M. BURGETT, xxx-xx-xxxx
JAMES L. BURKE, xxx-xx-xxxx
CHARLES F. BURNS, xxx-xx-xxxx
WILLIAM L. BURPEE, xxx-xx-xxxx
DONALD A. BURSON, xxx-xx-xxxx
ROBERT D. BUSHART, xxx-xx-xxxx
CLINTON BUTLER, JR., xxx-xx-xxxx
HENRY C. BUTNER, xxx-xx-xxxx
JOHN H. BYERLY, xxx-xx-xxxx
DAVID J. BYRON, xxx-xx-xxxx
WESLEY E. CALHOUN, xxx-xx-xxxx
JOSEPH A. CALIGUIRE, xxx-xx-xxxx
EVERETT CAMERON, JR., xxx-xx-xxxx
DALE E. CARNEY, xxx-xx-xxxx
JAMES T. CARPER, xxx-xx-xxxx
DANIEL F. CARROLL, xxx-xx-xxxx
CHESTER P. CARSON, JR., xxx-xx-xxxx
FRANK H. CHAPMAN, xxx-xx-xxxx
JAMES R. CHAPMAN, xxx-xx-xxxx
PERRY S. CHENEY, xxx-xx-xxxx
LESLIE F. CHISHOLM, xxx-xx-xxxx
KENNETH CHROSNIAK, xxx-xx-xxxx
CHARLES CHUN, JR., xxx-xx-xxxx
JAMES G. CLAPP, xxx-xx-xxxx
ROBERT J. CLEARY, xxx-xx-xxxx
DERALD L. CLOW, xxx-xx-xxxx
LARRY N. CLUCK, xxx-xx-xxxx
JAMES R. COCHRAN, xxx-xx-xxxx
FLETCHER C. COKER, xxx-xx-xxxx
JAMES E. COLLINS, xxx-xx-xxxx
WILLIAM H. COLLINS, xxx-xx-xxxx
STEPHEN J. CONNOLLY, xxx-xx-xxxx
CARL B. COOPER, xxx-xx-xxxx
GILBERT E. COPELAND, xxx-xx-xxxx
JERRY N. CORBIN, xxx-xx-xxxx
PATRICK J. CORCORAN, xxx-xx-xxxx
CARLOS A. CORDOVA, xxx-xx-xxxx
LYNN V. CORIELL, xxx-xx-xxxx
ROBERT D. COTTON, xxx-xx-xxxx
JOHN R. COX, xxx-xx-xxxx
RONALD A. CRAIG, xxx-xx-xxxx
DANIEL J. CREMIN, xxx-xx-xxxx
HAROLD F. CRITES, xxx-xx-xxxx
WILLIAM R. CROCKER, xxx-xx-xxxx
RONALD W. CROSS, xxx-xx-xxxx
HAROLD L. CROW, xxx-xx-xxxx
MICHAEL S. CROY, xxx-xx-xxxx
WILLIAM A. CUGNO, xxx-xx-xxxx
DAVID K. CUMMINGS, xxx-xx-xxxx
ROBERT A. DAFFRON, xxx-xx-xxxx
ALAN R. DAHL, xxx-xx-xxxx
BARRY L. DALLARA, xxx-xx-xxxx
RONALD K. DAMRON, xxx-xx-xxxx
JAMES P. DARLING, xxx-xx-xxxx
MANUEL DAVILA, JR., xxx-xx-xxxx
CHESTER C. DAVIS, xxx-xx-xxxx
JEROME F. DAVIS, xxx-xx-xxxx
JOHN C. DAVIS, xxx-xx-xxxx
WALTER W. DAVIS, xxx-xx-xxxx
ERIC E. DAWSON, xxx-xx-xxxx
JEFFREY W. DEAN, xxx-xx-xxxx
JESSE T. DEASON, xxx-xx-xxxx
DOMENIC P. DEMARCO, xxx-xx-xxxx
FRED P. DEMARS, xxx-xx-xxxx
STEVEN E. DEMARS, xxx-xx-xxxx
PERRY F. DENNISTON, xxx-xx-xxxx
JOHN F. DEPUE, xxx-xx-xxxx
THOMAS E. DEUTSCHLE, xxx-xx-xxxx
RICHARD W. DEVOE, xxx-xx-xxxx
DAVID R. DIXON, xxx-xx-xxxx
DAVID G. DODD, xxx-xx-xxxx
WILLIAM J. DOLL, xxx-xx-xxxx
JOHN T. DONNELLAN, xxx-xx-xxxx
JOHN C. DORSEY, xxx-xx-xxxx
MALEN E. DOWSE, xxx-xx-xxxx
EARL L. DOYLE, xxx-xx-xxxx
RUSSELL W. DRIVER, xxx-xx-xxxx
PETER G. DROWER, xxx-xx-xxxx
RICHARD G. DUBUQUE, xxx-xx-xxxx
RAY W. DUNHAM, xxx-xx-xxxx
WAYNE C. DUNLAP, xxx-xx-xxxx
JAMES T. DUNN, xxx-xx-xxxx
FRANK L. DUNST, xxx-xx-xxxx
CHARLES C. DUPRE, xxx-xx-xxxx
JOE I. DURANT, xxx-xx-xxxx
RONALD R. EATON, xxx-xx-xxxx
CHARLES R. ECKART, xxx-xx-xxxx
RAMON A. EDMISTEN, xxx-xx-xxxx
KATHERINE EDMISTON, xxx-xx-xxxx
GALEN G. EMMONS, xxx-xx-xxxx
DONALD R. ENDERS, xxx-xx-xxxx
ARTHUR M. EQUINOZZI, xxx-xx-xxxx
JAMES C. EUBANKS, xxx-xx-xxxx
MONTA G. EULER, xxx-xx-xxxx
JAMES H. EVANS, xxx-xx-xxxx
MARK D. EVERETT, xxx-xx-xxxx
MARSHALL K. EWARD, xxx-xx-xxxx
ROBERT P. FAIRCHILD, xxx-xx-xxxx
ROBERT G. FALETTI, xxx-xx-xxxx
THOMAS J. FARRELL, xxx-xx-xxxx
WALTER D. FARRIS, xxx-xx-xxxx
LAURENCE W. FEASEL, xxx-xx-xxxx
MICHAEL L. FEEMSTER, xxx-xx-xxxx
JOSE A. FERNANDEZ, xxx-xx-xxxx
MARJORI FERRANDINO, xxx-xx-xxxx
MICHAEL R. FIELDING, xxx-xx-xxxx
CHARLES S. FINCH, xxx-xx-xxxx
RICHARD S. FINNERTY, xxx-xx-xxxx
PALUEL J. FLAGG, xxx-xx-xxxx
CHARLES P. FLANAGAN, xxx-xx-xxxx
CHARLES FLEISCHER, xxx-xx-xxxx
DAVID M. FLINT, xxx-xx-xxxx
CORNELIUS J. FLYNN, xxx-xx-xxxx
JOHN F. FLYNN, xxx-xx-xxxx
RONALD B. FLYNN, xxx-xx-xxxx
JOHN N. FORD, xxx-xx-xxxx
RONALD B. FOSS, xxx-xx-xxxx
EDWIN L. FRANZ, xxx-xx-xxxx
CHARLES J. FRAZIER, xxx-xx-xxxx
MICHAE FREDERIKSEN, xxx-xx-xxxx
DAVID FRIDLINGTON, xxx-xx-xxxx
FRED W. GAGE, xxx-xx-xxxx
BRADLEY D. GAMBILL, xxx-xx-xxxx
CHARLES J. GARCIA, xxx-xx-xxxx
RALPH D. GARDNER, xxx-xx-xxxx
DIRK L. GASTERLAND, xxx-xx-xxxx
JORDAN B. GAUDRY, xxx-xx-xxxx
WILLIAM H. GAYLER, xxx-xx-xxxx
LARRY S. GERSHMAN, xxx-xx-xxxx
JOHN L. GILMAN, xxx-xx-xxxx
RONALD L. GILREATH, xxx-xx-xxxx
LARRY H. GINGRICH, xxx-xx-xxxx
GLEN A. GLASS, xxx-xx-xxxx
JOHN W. GLENNON, xxx-xx-xxxx
JOSEPH W. GODWIN, xxx-xx-xxxx
JOHN J. GOFF, JR., xxx-xx-xxxx
SHERWOOD GOLDBERG, xxx-xx-xxxx
JOHN C. GOODMAN, xxx-xx-xxxx
HERBERT W. GOODYEAR, xxx-xx-xxxx
JOHN T. GOORLEY, xxx-xx-xxxx
HOWARD W. GORDON, xxx-xx-xxxx
STANLEY J. GORDON, xxx-xx-xxxx
ROBERT J. GOSS, xxx-xx-xxxx
JOHN E. GOSSETT, xxx-xx-xxxx
DEMPSEY GOTTSCHALK, xxx-xx-xxxx
BARRY H. GRABEL, xxx-xx-xxxx
RUDOLPH L. GRAF, xxx-xx-xxxx
RANDALL C. GRAHAM, xxx-xx-xxxx
EVERETT C. GRANTHAM, xxx-xx-xxxx
PETER J. GRAVETT, xxx-xx-xxxx
VIRGIL S. GRAY, xxx-xx-xxxx
RONNIE L. GREEN, xxx-xx-xxxx
STEPHEN R. GREEN, xxx-xx-xxxx
JAMES B. GRIFFITH, xxx-xx-xxxx
BENJIMAN GRINSTEAD, xxx-xx-xxxx
AUSTIN E. GRISHAM, xxx-xx-xxxx
GARY L. GROAT, xxx-xx-xxxx
RICHARD L. GROVE, xxx-xx-xxxx
JOHN E. GUIDRY, xxx-xx-xxxx
EARL H. GUNNERSON, xxx-xx-xxxx
HARVEY M. HAAKENSON, xxx-xx-xxxx
WILLIAM F. HAENN, xxx-xx-xxxx
JOHN W. HAGEMAN, xxx-xx-xxxx
DAVID R. HAM, xxx-xx-xxxx
ARMAND M. HAMMER, xxx-xx-xxxx
GEARY W. HANCOCK, xxx-xx-xxxx
RAYMOND K. HANN, xxx-xx-xxxx
WILLIAM L. HARKER, xxx-xx-xxxx
DAVID T. HARTLEY, xxx-xx-xxxx
WILLIAM V. HARTMAN, xxx-xx-xxxx
WADE W. HATHAWAY, xxx-xx-xxxx
JAMES P. HAUGHT, xxx-xx-xxxx
ROGER V. HAVERCROFT, xxx-xx-xxxx
DAVID S. HAWKINS, xxx-xx-xxxx
DONALD F. HAWKINS, xxx-xx-xxxx
DENNIS L. HEIKKILA, xxx-xx-xxxx
CECIL B. HENGEVELD, xxx-xx-xxxx
CHARLES HENNESSEY, xxx-xx-xxxx
JOSEPH S. HENRY, xxx-xx-xxxx
PETER J. HEPP, xxx-xx-xxxx
JAMES T. HILL, xxx-xx-xxxx
ROBERT S. HILL, xxx-xx-xxxx
TIMMY L. HINES, xxx-xx-xxxx
KURT H. HOEHNE, xxx-xx-xxxx
JOHN G. HOFFMAN, xxx-xx-xxxx
LARRY A. HOFFMAN, xxx-xx-xxxx
NORMAN A. HOFFMAN, xxx-xx-xxxx
JAMES D. HOLLEY, xxx-xx-xxxx
PAULA E. HOLLIFIELD, xxx-xx-xxxx
FORREST L. HOLMES, xxx-xx-xxxx
CLYDE K. HORNBERGER, xxx-xx-xxxx
DORSEY D. HOSTLER, xxx-xx-xxxx
RALPH G. HOWELL, xxx-xx-xxxx
WATSON M. HOWELL, xxx-xx-xxxx
RICHARD L. HUFF, xxx-xx-xxxx
ROBERT C. HUGHES, xxx-xx-xxxx
DONALD L. HULL, xxx-xx-xxxx
PAUL T. HUMPHREY, xxx-xx-xxxx
HENRY M. HYAMS, JR., xxx-xx-xxxx
JERRY D. ICENHOWER, xxx-xx-xxxx
GARVIN J. INGRAM, xxx-xx-xxxx
MERTON T. ISHIDA, xxx-xx-xxxx
GREGORY K. IVERSON, xxx-xx-xxxx
WILLIAM J. IVILL, xxx-xx-xxxx
WILLIAM L. JACOBS, xxx-xx-xxxx
REID S. JAFFE, xxx-xx-xxxx
DWAIN A. JAMES, xxx-xx-xxxx
FRANK S. JAMES, xxx-xx-xxxx
MICHAEL A. JAMES, xxx-xx-xxxx
FINIS B. JEFFERY, xxx-xx-xxxx
GREGORY A. JESSUP, xxx-xx-xxxx
DONALD L. JOHNSON, xxx-xx-xxxx
WAYNE A. JOHNSON, xxx-xx-xxxx
ROBERT L. JONES, xxx-xx-xxxx
JERROLD L. JURIN, xxx-xx-xxxx
EMERICK Y. KANESHI, xxx-xx-xxxx
ANDREW P. KARAS, xxx-xx-xxxx
MICHAEL A. KATZ, xxx-xx-xxxx
RONALD M. KAYSER, xxx-xx-xxxx
KEVIN C. KELLEY, xxx-xx-xxxx
LOUIS G. KELLY, xxx-xx-xxxx
FREDERIC KERSTIENS, xxx-xx-xxxx
PETER J. KILMARTIN, xxx-xx-xxxx
JOHN D. KIRBY, xxx-xx-xxxx
RICHARD KIRCHHOFF, xxx-xx-xxxx
JERRY L. KLINE, xxx-xx-xxxx
MICHAEL E. KLINGLER, xxx-xx-xxxx
DONALD KOCHERHANS, xxx-xx-xxxx
JOHN F. KOKERNAK, xxx-xx-xxxx
NOBORU KON, xxx-xx-xxxx
RICHARD K. KOVAL, xxx-xx-xxxx
DAVID R. KREIFELDT, xxx-xx-xxxx
PHILLIP L. KREJCI, xxx-xx-xxxx
DENNIS D. KRSNAK, xxx-xx-xxxx
LEONARD W. KRUSE, xxx-xx-xxxx
MICHAEL A. KUEHR, xxx-xx-xxxx
NORMAND H. LACASSE, xxx-xx-xxxx
PHILIP A. LACHANCE, xxx-xx-xxxx
RAYMOND A. LANE, xxx-xx-xxxx
THOMAS W. LARKIN, xxx-xx-xxxx
DAVID W. LARSON, xxx-xx-xxxx
RONALD J. LATTANZI, xxx-xx-xxxx
JOSEPH G. LECLERC, xxx-xx-xxxx
JAMES H. LEE, xxx-xx-xxxx
ROBERT A. LEE, xxx-xx-xxxx
ABEL C. LEITE, xxx-xx-xxxx
JACK A. LEITER, xxx-xx-xxxx
VICTOR A. LENT, xxx-xx-xxxx
LOUIS V. LEO, xxx-xx-xxxx
JACK LICHTENSTEIN, xxx-xx-xxxx
WILLIAM F. LIND, xxx-xx-xxxx
MICHAEL R. LISKA, xxx-xx-xxxx
ELLIS R. LITTLEJOHN, xxx-xx-xxxx
DANNIS LIVINGSTON, xxx-xx-xxxx
RAYMOND H. LOCKLEAR, xxx-xx-xxxx
WILLIAM R. LOGEL, xxx-xx-xxxx
HAROLD K. LOGSDON, xxx-xx-xxxx
JOHN L. LOLLEY, xxx-xx-xxxx
JAMES B. LOONEY, xxx-xx-xxxx
ROBERT C. LORENZ, xxx-xx-xxxx
CHARLES A. LOWERY, xxx-xx-xxxx
JAMES P. LOWSLEY, xxx-xx-xxxx
WILLIAM H. LUCE, xxx-xx-xxxx
ROGER A. LUCHETA, xxx-xx-xxxx
JOSEPH L. LUCKETT, xxx-xx-xxxx
ROBERT T. LYNCH, JR., xxx-xx-xxxx
WOODROW G. LYON, xxx-xx-xxxx
RAYMOND L. MABRY, xxx-xx-xxxx
MICHAEL J. MAGINN, xxx-xx-xxxx
ARNALDO MALAVE, xxx-xx-xxxx
THOMAS P. MANEY, xxx-xx-xxxx
HAROLD R. MANNS, xxx-xx-xxxx
ANDREW W. MARON, xxx-xx-xxxx
TOMMY R. MARTIN, xxx-xx-xxxx
WILFREDO MARTINEZ, xxx-xx-xxxx
RICHARD N. MARTUCCI, xxx-xx-xxxx
ADOLPH W. MASSA, xxx-xx-xxxx
JOHN V. MATONIS, xxx-xx-xxxx
JOHN V. MAUG, xxx-xx-xxxx
ROY L. MAY, xxx-xx-xxxx
JOHN I. MCBETH, xxx-xx-xxxx
JAMES R. MCCALL, xxx-xx-xxxx
THOMAS J. MCCARTHY, xxx-xx-xxxx
FREDERIC MCCORMICK, xxx-xx-xxxx
JAMES A. MCCURRY, xxx-xx-xxxx
KENNETH T. MCDONALD, xxx-xx-xxxx
HARRY F. MEHRMANN, xxx-xx-xxxx
ROBERT G. MENNONA, xxx-xx-xxxx
JOHN D. MESSER, xxx-xx-xxxx
MICHAEL T. METCALF, xxx-xx-xxxx
RICHARD W. METCALF, xxx-xx-xxxx
FRANK W. MEYERS, xxx-xx-xxxx
MICHAEL A. MEYERS, xxx-xx-xxxx
STEVEN P. MIFFLIN, xxx-xx-xxxx
PETE G. MILEY, xxx-xx-xxxx
SAMUEL D. MILLER, xxx-xx-xxxx
ALLEN D. MILLS, xxx-xx-xxxx
GERALD P. MINETTI, xxx-xx-xxxx
ROGER O. MINTON, xxx-xx-xxxx
GERALD J. MOLNAR, xxx-xx-xxxx
CHESTER M. MOORE, xxx-xx-xxxx
WILLIAM G. MOORE, xxx-xx-xxxx
CLARENCE J. MORAN, xxx-xx-xxxx
PETER J. MORAN, xxx-xx-xxxx
RICHARD MORDARSKI, xxx-xx-xxxx
THOMAS A. MORRIS, xxx-xx-xxxx
FREDERICK MORRISON, xxx-xx-xxxx
JAMES W. MORROW, xxx-xx-xxxx
JOE S. MORROW, xxx-xx-xxxx
RICHARD P. MORTON, xxx-xx-xxxx
KENNETH MOSTELLER, xxx-xx-xxxx
PAUL B. L. MOUNT, xxx-xx-xxxx
EDWARD W. MULLEN, xxx-xx-xxxx
KENNETH MURCHISON, xxx-xx-xxxx
TIMOTHY M. MURPHY, xxx-xx-xxxx
ROBERT E. MURRAY, xxx-xx-xxxx
STANLEY A. MURRELL, xxx-xx-xxxx
PAUL E. MYRON, xxx-xx-xxxx
JOHN D. NEALE, xxx-xx-xxxx
HERBERT C. NEELY, xxx-xx-xxxx

PERRY W. NEESE, xxx-xx-xxxx
JERRY L. NEFF, xxx-xx-xxxx
JOHN A. NICHOLLS, xxx-xx-xxxx
DAVID G. NICKUM, xxx-xx-xxxx
ROBERTS L. NINER, xxx-xx-xxxx
EDMOND B. NOLLEY, xxx-xx-xxxx
BRIAN M. NOONAN, xxx-xx-xxxx
HENRY A. NORRING, xxx-xx-xxxx
RAYMOND Y. NOUCHI, xxx-xx-xxxx
MELVIN G. NUNN, xxx-xx-xxxx
WILLIAM H. OBRIEN, xxx-xx-xxxx
HENRY N. OLDHAM, xxx-xx-xxxx
RONALD F. OLSOMMER, xxx-xx-xxxx
GERALD A. ONEAL, xxx-xx-xxxx
EZEQUIEL L. ORTIZ, xxx-xx-xxxx
PAUL T. OTT, xxx-xx-xxxx
DAVID A. OTTO, xxx-xx-xxxx
JOHN P. PACIOREK, xxx-xx-xxxx
NORMAN K. Y. PANG, xxx-xx-xxxx
NORMAN M. W. PANG, xxx-xx-xxxx
WILLIAM L. PARKER, xxx-xx-xxxx
DAVID D. PARKINSON, xxx-xx-xxxx
MAURICE W. PARTIN, xxx-xx-xxxx
EUGENE T. PAWLIK, xxx-xx-xxxx
BENJAMIN L. PAYTON, xxx-xx-xxxx
DUARD S. PEDERSON, xxx-xx-xxxx
WILLIAM H. PENNEY, xxx-xx-xxxx
WILLIAM T. PERRY, xxx-xx-xxxx
JAMES F. PHAIR, xxx-xx-xxxx
FRANKLIN D. PHELPS, xxx-xx-xxxx
HARRY R. PIERCE, xxx-xx-xxxx
JEFFREY L. PIERSON, xxx-xx-xxxx
ROBERT A. PINZUTI, xxx-xx-xxxx
COSTA M. PLEICONES, xxx-xx-xxxx
WILLIAM H. POLAND, xxx-xx-xxxx
EDMUND H. POLONITZA, xxx-xx-xxxx
DAVID G. POPHAM, xxx-xx-xxxx
ROBERT W. POTTS, xxx-xx-xxxx
CHARLES W. PRATT, xxx-xx-xxxx
PHILIP E. PRISCO, xxx-xx-xxxx
WALTER F. PUDLOWSKI, xxx-xx-xxxx
DALE M. PYEATT, xxx-xx-xxxx
FRANK J. PYLE, JR., xxx-xx-xxxx
WILLIAM B. RAINES, xxx-xx-xxxx
CAROLE A. RALPH, xxx-xx-xxxx
CARLOS RAMIREZ, xxx-xx-xxxx
HENRY D. RANDALL, xxx-xx-xxxx
RICHARD S. RASH, xxx-xx-xxxx
DAVID L. RATAJIK, xxx-xx-xxxx
DAVID A. RAY, I, xxx-xx-xxxx
DAVID T. RAYMOND, xxx-xx-xxxx
SALVA RECIOSANCHEZ, xxx-xx-xxxx
MARION W. REESE, xxx-xx-xxxx
RAUL L. REGALADO, xxx-xx-xxxx
LEE R. REID, JR, xxx-xx-xxxx
MARVIN B. RENEAU, xxx-xx-xxxx
MATT J. RERES, xxx-xx-xxxx
DONALD J. REUTER, xxx-xx-xxxx
MICHAEL J. RICE, xxx-xx-xxxx
ROBERT C. RICE, xxx-xx-xxxx
WILLIAM C. RICHAR, xxx-xx-xxxx
WILLIAM S. RICHARDS, xxx-xx-xxxx
DONALD RIGHTNOWAR, xxx-xx-xxxx
GEORGE C. RITTEL, xxx-xx-xxxx
PIERCE A. ROAN, xxx-xx-xxxx
WILLIAM L. ROBINSON, xxx-xx-xxxx
CHARLES R. ROCKWELL, xxx-xx-xxxx
JOHN C. ROE, xxx-xx-xxxx
EDWIN D. ROGERS, xxx-xx-xxxx
JOHN W. ROGERS, xxx-xx-xxxx
RONNIE B. RONDEM, xxx-xx-xxxx
ROGER C. ROSKENS, xxx-xx-xxxx
ROY L. ROWE, xxx-xx-xxxx
RICARDO RUIZ, xxx-xx-xxxx
DAMON L. RUNYON, xxx-xx-xxxx
PAUL L. RUSHING, xxx-xx-xxxx
ROGER D. RUSSELL, xxx-xx-xxxx
JAMES F. RYAN, xxx-xx-xxxx
KEVIN M. RYAN, xxx-xx-xxxx
MARK V. RYAN, xxx-xx-xxxx
ALGERNON P. RYLAND, xxx-xx-xxxx
RONALD A. SALVATORE, xxx-xx-xxxx
ARNOLD A. SANDBOTHE, xxx-xx-xxxx
JAMES E. SCHEURICH, xxx-xx-xxxx
CLIFFO SCHEXNAYDER, xxx-xx-xxxx
JACK W. SCHLUKEBIER, xxx-xx-xxxx
DANIEL P. SCHRAGE, xxx-xx-xxxx
ANDREW M. SCHUSTER, xxx-xx-xxxx
LLOYD R. SCOTT, xxx-xx-xxxx
WILLIAM E. SCOTT, xxx-xx-xxxx
CLIFFOR SCOURFIELD, xxx-xx-xxxx
WILLIAM A. SERIE, xxx-xx-xxxx
DAVID M. SHANK, xxx-xx-xxxx
LAWRENCE W. SHANNON, xxx-xx-xxxx
RONALD C. SHICK, xxx-xx-xxxx
JAMES D. SHILKETT, xxx-xx-xxxx
DAVID R. SHORT, xxx-xx-xxxx
RONALD M. SHUM, xxx-xx-xxxx
JOHN L. SIEMENS, xxx-xx-xxxx
JOHN R. SIKES, xxx-xx-xxxx
MANUEL F. SILVA, xxx-xx-xxxx
CHARLES M. SILVIOUS, xxx-xx-xxxx
TIMOTHY J. SIMMONS, xxx-xx-xxxx
PETER J. SKENTZOS, xxx-xx-xxxx
JACK B. SLIMP, xxx-xx-xxxx
CHARLES S. SMITH, JR, xxx-xx-xxxx
DAVID A. SMITH, xxx-xx-xxxx
EUGENE C. SMITH, xxx-xx-xxxx
MICHAEL B. SMITH, xxx-xx-xxxx
RAYBURN G. SMITH, xxx-xx-xxxx
RONALD M. SMITH, xxx-xx-xxxx
FELI SOLAALEJANDRO, xxx-xx-xxxx
DEWEY C. SPARKS, JR, xxx-xx-xxxx
PHILIP W. SPENCE, xxx-xx-xxxx
JOHN C. SPENCER, xxx-xx-xxxx
RAYMOND J. SPIRLET, xxx-xx-xxxx
DAVID T. SPURWAY, xxx-xx-xxxx
LARRY D. STACY, xxx-xx-xxxx
DONALD R. STADING, xxx-xx-xxxx
BRUCE A. STAHLEY, xxx-xx-xxxx
JAMES P. STATHES, xxx-xx-xxxx
ROY D. STEARNS, xxx-xx-xxxx
RONALD C. STECKLEIN, xxx-xx-xxxx
HOWARD W. STEFFEN, xxx-xx-xxxx
GARY C. STEINHARDT, xxx-xx-xxxx
PAUL J. STEISKAL, xxx-xx-xxxx
MICHAEL J. STENZEL, xxx-xx-xxxx
THOMAS A. STETZ, xxx-xx-xxxx
JOHN T. STEWART, xxx-xx-xxxx
HASKEL P. STONE, xxx-xx-xxxx
JEFFREY STONE, xxx-xx-xxxx
ALLEN STRAWBRIDGE, xxx-xx-xxxx
MARVIN I. STRAWN, xxx-xx-xxxx
JOSEPH F. SUDOL, xxx-xx-xxxx
WILLIAM H. SULLIVAN, xxx-xx-xxxx
FERNANDO SULSONA, xxx-xx-xxxx
JOHN J. SWEK, xxx-xx-xxxx
JOE B. SWIFT, JR, xxx-xx-xxxx
JOHN H. SYDOW, xxx-xx-xxxx
DENNIS SYMONAITIS, xxx-xx-xxxx
ALAN C. TAYLOR, xxx-xx-xxxx
ARTHUR D. TAYLOR, xxx-xx-xxxx
CLINTON R. TAYLOR, xxx-xx-xxxx
BONNIE L. THIEL, xxx-xx-xxxx
ALAN R. THIELE, xxx-xx-xxxx
JAMES H. THOMAS, xxx-xx-xxxx
JAMES S. THOMAS, xxx-xx-xxxx
JOHN S. THOMAS, xxx-xx-xxxx
JOSEPH F. THOMAS, xxx-xx-xxxx
WESLEY D. THOMAS, xxx-xx-xxxx
BOBBY D. THOMASSON, xxx-xx-xxxx
DAVID F. THOMPSON, xxx-xx-xxxx
STANLEY R. THOMPSON, xxx-xx-xxxx
WILLIAM H. THOMPSON, xxx-xx-xxxx
GARRY W. THORNLEY, xxx-xx-xxxx
SHIRLEY A. THORNTON, xxx-xx-xxxx
RONALD J. TIPA, xxx-xx-xxxx
JAMES D. TIREY, xxx-xx-xxxx
THOMAS L. TOLER, xxx-xx-xxxx
DENNIS C. TOMCIK, xxx-xx-xxxx
GIULIANO TONEATTO, xxx-xx-xxxx
ERNEST A. TOROK, xxx-xx-xxxx
WILLIAM L. TRIMBLE, xxx-xx-xxxx
STEVEN J. TRINKL, xxx-xx-xxxx
ROBERT E. TRIPP, xxx-xx-xxxx
DOMINICK TROCCHIA, xxx-xx-xxxx
JOHN A. TYMESON, xxx-xx-xxxx
HENRY W. URSTADT, xxx-xx-xxxx
RUFO M. VAQUILAR, xxx-xx-xxxx
CHARLES A. VEHLOW, xxx-xx-xxxx
WILLIAM A. VICK, xxx-xx-xxxx
JOHN M. VIEIRA, xxx-xx-xxxx
NOLLIE W. WAGERS, xxx-xx-xxxx
JAMES H. WAKEMAN, xxx-xx-xxxx
CHARLES M. WALKER, xxx-xx-xxxx
RAYMOND R. WALLACE, xxx-xx-xxxx
DAVID WARCZYGLOWA, xxx-xx-xxxx
EZELL WARE, xxx-xx-xxxx
ROGER L. WARNER, xxx-xx-xxxx
CARLOS WASHINGTON, xxx-xx-xxxx
OTIS W. WATKINS, xxx-xx-xxxx
GARY C. WATTNEM, xxx-xx-xxxx
RONNIE K. WATTS, xxx-xx-xxxx
JAMES B. WEAVER, xxx-xx-xxxx
CLEBURNE L. WEBB, xxx-xx-xxxx
WILLIAM E. WEIL, xxx-xx-xxxx
JAMES E. WELLS, xxx-xx-xxxx
WINSTON R. WELLS, xxx-xx-xxxx
PAUL D. WHARTON, xxx-xx-xxxx
RICHARD J. WHITE, xxx-xx-xxxx
ZERMAN H. WHITLEY, xxx-xx-xxxx
ROBERT H. WIG, II, xxx-xx-xxxx
JOHN G. WILLIAMS, xxx-xx-xxxx
JOHN L. WILLIAMS, xxx-xx-xxxx
CHARLES WILLIAMSON, xxx-xx-xxxx
CHARLES H. WILSON, xxx-xx-xxxx
FREDERICK M. WILSON, xxx-xx-xxxx
RODGER L. WILSON, xxx-xx-xxxx
JOHNNY M. WINGERS, xxx-xx-xxxx
KURT D. WOELFEL, xxx-xx-xxxx
JOSEPH T. WOJTASIK, xxx-xx-xxxx
DIANE M. WOOD, xxx-xx-xxxx
DAVID J. WOODING, xxx-xx-xxxx
ERNEST WOORSTER, xxx-xx-xxxx
JAMES M. WOUCZYNA, xxx-xx-xxxx
GERALD L. WRIGHT, xxx-xx-xxxx
MARY A. WRIGHT, xxx-xx-xxxx
PETER L. WYRO, xxx-xx-xxxx
THOMAS P. YINGST, xxx-xx-xxxx
FREDERICK J. ZAK, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3383:

ARMY PROMOTION LIST

To be colonel

DONALD R. ELLIS, JR, xxx-xx-xxxx
ROBERT L. FLEMING, xxx-xx-xxxx
HAROLD FREDRICKSON, xxx-xx-xxxx
WILLIAM S. GARDINER, xxx-xx-xxxx
WILLIAM T. GLADIS, xxx-xx-xxxx
DENNIS M. GLAVEY, xxx-xx-xxxx
JAMES W. HART, xxx-xx-xxxx
JOSEPH A. LACKEY, xxx-xx-xxxx
WALDO I. LINDLEY, xxx-xx-xxxx
JOHN C. REGNER, xxx-xx-xxxx
LEE J. ROMERO, xxx-xx-xxxx
JOHN G. TOWNSEND, xxx-xx-xxxx

CHAPLAIN

To be colonel

ROBERT W. MAGEE, xxx-xx-xxxx
EZRA J. RICHARDSON, xxx-xx-xxxx
JOSEPH STASZEWSKI, xxx-xx-xxxx

MEDICAL CORPS

To be colonel

MICHAEL V. COHEN, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

WILLIAM R. COOK, xxx-xx-xxxx
DENMAN R. JONES, xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

ROBERT J. BEGGS, xxx-xx-xxxx
KENT M. BEVAN, xxx-xx-xxxx
THOMAS E. BRENNER, xxx-xx-xxxx
GLEN E. CURTIS, xxx-xx-xxxx
JOSEPH S. CZYZYK, xxx-xx-xxxx
DONALD A. ELBERT, xxx-xx-xxxx
PETER J. FEE, JR, xxx-xx-xxxx
JOHN A. FENILI, xxx-xx-xxxx
THOMAS G. FERGUSON, xxx-xx-xxxx
RICHARD T. GIBBS, xxx-xx-xxxx
DANIEL T. GILLESPIE, xxx-xx-xxxx
PAUL C. HEMMER, xxx-xx-xxxx
LAWRENCE H. HILL, xxx-xx-xxxx
NORMAN T. IKEI, xxx-xx-xxxx
ALBERT S. KAWAI, xxx-xx-xxxx
MARK F. KEEN, xxx-xx-xxxx
RAYMOND M. KOMICHAK, xxx-xx-xxxx
SIDNEY S. KRAMER, xxx-xx-xxxx
FRANCIS G. MATHIAS, xxx-xx-xxxx
WILLIAM MCDERMOTT, xxx-xx-xxxx
THOMAS G. MENDONCA, xxx-xx-xxxx
TIMOTHY O'CONNELL, xxx-xx-xxxx
ANTHONY K. OLIVER, xxx-xx-xxxx
ERNEST B. ORSATTI, xxx-xx-xxxx
PATRICK D. PASKE, xxx-xx-xxxx
JAMES A. POMEROY, xxx-xx-xxxx
PETER K. PULLEN, xxx-xx-xxxx
JAMES C. REGAN, xxx-xx-xxxx
JERRY W. RESHETAR, xxx-xx-xxxx
PAULETTE M. RISHER, xxx-xx-xxxx
JAMES R. ROBINSON, xxx-xx-xxxx
ROBERT SCHOENHAUS, xxx-xx-xxxx
JACK H. SCHRON, JR, xxx-xx-xxxx
DAVID J. SUTHERLAND, xxx-xx-xxxx
ALAN R. SWARTS, xxx-xx-xxxx
MICHAEL J. WARD, xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

SIDNEY MARCEAUX, xxx-xx-xxxx
THOMAS J. ROBERT, xxx-xx-xxxx
JAMES R. SHELL, xxx-xx-xxxx
LESLIE G. SIMONSON, xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

SUSAN K. MELLOTT, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

LLOYD D. MARTIN, xxx-xx-xxxx
VIJAY K. PAHARIA, xxx-xx-xxxx
GORDON B. STROM, xxx-xx-xxxx
JO THOMAS-RICHARDS, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

GERALD L. ARENSTEIN, xxx-xx-xxxx
RANDY D. MALAN, xxx-xx-xxxx
JAMES R. MILLER, xxx-xx-xxxx
JOHN P. SCHIRMER, xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

MARGARET CICIRELLA, xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3370:

ARMY NURSE CORPS

To be colonel

JUDITH K. ALGRIM, xxx-xx-xxxx
MARIE P. ALIRE, xxx-xx-xxxx
STEPHEN ANTALOSKY, xxx-xx-xxxx

BARBAR BASKERVILLE, xxx-xx-xxxx
EILEEN M. BITTEL, xxx-xx-xxxx
LAURA P. CONARD, xxx-xx-xxxx
JO ANN COTTERMAN, xxx-xx-xxxx
CONSUELO U. DUNGCA, xxx-xx-xxxx
MARILYN FITZGERALD, xxx-xx-xx...
JOSEPH E. FOLEY, xxx-xx-xxxx
GERALDINE M. GEORGE, xxx-xx-xxxx
JANE F. GIEDT, xxx-xx-xxxx
NANNETTE B. HANCOCK, xxx-xx-xxxx
ANNETTE HUTCHERSON, xxx-xx-xxxx
JANE L. INTRESS, xxx-xx-xxxx
SHIRLEY L. JONES, xxx-xx-xxxx
MARY E. KEAVENY, xxx-xx-xxxx
WILLIE L. KNIGHT, xxx-xx-xxxx
NORMA J. LUGO, xxx-xx-xxxx
BARBARA J. MCGRATH, xxx-xx-xxxx
DANIEL J. ONEAL, xxx-xx-xxxx
SHIRLEY PATTERSON, xxx-xx-xxxx
MINNIE B. ROSE, xxx-xx-xxxx
CECIL A. RYDER, xxx-xx-xxxx
KATHRYN A. SANCHEZ, xxx-xx-xxxx
JUDY E. SOUDER, xxx-xx-xxxx
PATRICIA A. STRIGHT, xxx-xx-xxxx
ODELIA M. TABLIT, xxx-xx-xxxx
DOROTHY L. WHITE, xxx-xx-xxxx
WANDA F. WHITE, xxx-xx-xxxx
AUDREY A. WILCZEK, xxx-xx-xx...
JENNIFER A. WILSON, xxx-xx-xxxx
CHARLOTTE R. YATES, xxx-xx-xxxx
CHARLOTTE F. YOUNG, xxx-xx-xxxx

DENTAL CORPS

To be colonel

KANJI R. ASAMI, xxx-xx-xxxx
EDWARD B. BESKIN, xxx-xx-xxxx
JOHN E. BRISCOE, xxx-xx-xxxx
PHILIP L. CARRUTH, xxx-xx-xxxx
KEVIN J. DUGAN, xxx-xx-xxxx
CLIFFORD FREIDLINE, xxx-xx-xxxx
WESTON W. HERINGER, xxx-xx-xxxx
HARVARD S. HORIUCHI, xxx-xx-xxxx
ROBERT J. LUEBKE, xxx-xx-xx...
DENNIS M. MAURO, xxx-xx-xxxx
RONALD D. SILVERMAN, xxx-xx-xxxx
KENNETH A. TURNER, xxx-xx-xxxx

MEDICAL CORPS

To be colonel

MAX M. ALLEN, JR, xxx-xx-xxxx
STEVEN M. AMSTER, xxx-xx-xxxx
JOHN O. ARCHAMBEAU, xxx-xx-xxxx
JAMIE S. BARKIN, xxx-xx-xxxx
JON F. BERGSTROM, xxx-xx-xxxx
BENJAMI BETANCOURT, xxx-xx-xxxx
WILLIAM M. BOTKIN, xxx-xx-xxxx
MICHAEL J. BOULTER, xxx-xx-xxxx
DENNIS BRIGHTWELL, xxx-xx-xxxx
LEO R. BROWN, xxx-xx-xxxx
WILLIAM T. BURGESS, xxx-xx-xxxx
RODERICK CALVERLEY, xxx-xx-xxxx
THOMAS M. CANFIELD, xxx-xx-xxxx
RICHARD C. CAVANAGH, xxx-xx-xxxx
ARTHUR C. CHANDLER, xxx-xx-xxxx
JIMMIE D. COY, xxx-xx-xxxx
RICHARD G. DEDO, xxx-xx-xxxx
ANGELO M. DELBALSO, xxx-xx-xxxx
EDUARDO P. DESANTO, xxx-xx-xxxx
DALE E. DOUGLAS, xxx-xx-xxxx
ROBERT J. DREHER, xxx-xx-xxxx
FRANCIS R. DSILVA, xxx-xx-xxxx
MICHAEL J. DWYER, xxx-xx-xxxx
LARRY D. EDWARDS, xxx-xx-xxxx
ROSS L. EGGER, xxx-xx-xxxx
THOMAS J. FISCHER, xxx-xx-xxxx
RICHARD D. FRANK, xxx-xx-xxxx
THOMAS N. FRENCH, xxx-xx-xxxx
WILFRID M. GILL, xxx-xx-xxxx
MIGUELA GUTIERREZ, xxx-xx-xxxx
BILLAH M. HABAL, xxx-xx-xx...
JOHN R. HAMPTON, xxx-xx-xxxx
ROGER P. HAND, xxx-xx-xxxx
RICHARD J. HAYNES, xxx-xx-xxxx
HECTOR H. HENRY, II, xxx-xx-xxxx
KENNETH D. HERBST, xxx-xx-xxxx
RICHARD E. HODGMAN, xxx-xx-xxxx
GEORGE R. HOLT, xxx-xx-xxxx
JOHN W. HUGULEY, xxx-xx-xxxx
SAMUEL J. INSALACO, xxx-xx-xxxx
ROBY P. JOYCE, xxx-xx-xxxx
SURYABALA KANHOUWA, xxx-xx-xxxx
JAMES R. LEE, xxx-xx-xxxx
JAMES J. LEHMANN, xxx-xx-xxxx
TOMMY LEONARD, JR, xxx-xx-xxxx
DAVID W. LIPSI, xxx-xx-xxxx
LAKE LITTLEJOHN, JR, xxx-xx-xx...
RICHARD K. LOVELL, xxx-xx-xxxx
EDWARD B. MARSH, xxx-xx-xxxx
JOHN E. MARTIN, xxx-xx-xxxx
JEROME MASSENBURG, xxx-xx-xxxx
DONALD L. MCCOY, xxx-xx-xxxx
JAMES M. MCMURTRY, xxx-xx-xxxx
HAROLD F. MOESSNER, xxx-xx-xxxx
MARY J. MORRISON, xxx-xx-xxxx
FRANK M. MROZ, xxx-xx-xxxx
DWARIKA N. MUKERJEA, xxx-xx-xxxx
WILLIAM MURCHISON, xxx-xx-xxxx
ADAM M. MYERS, xxx-xx-xxxx
GLENN M. NAKADATE, xxx-xx-xxxx
JOHN A. NEUFELD, xxx-xx-xxxx
GERALD J. OBERT, xxx-xx-xxxx
JOSIE L. OLYMPIA, xxx-xx-xxxx
OWEN P. OMEARA, xxx-xx-xxxx
EUGENE G. PETERSEN, xxx-xx-xxxx
ROBERT E. PIERONI, xxx-xx-xxxx
DONALD H. POLK, xxx-xx-xxxx
ROGER D. RIGGENBACH, xxx-xx-xxxx
LEE H. SCHLOSSTEIN, xxx-xx-xxxx
RICHARD H. SEDER, xxx-xx-xxxx
EDWIN J. SELIGSON, xxx-xx-xxxx
DONALD R. SEVERSON, xxx-xx-xxxx
KHAN Z. SHIRANI, xxx-xx-xxxx
MICHAEL SILVERMAN, xxx-xx-xxxx
JEROME SILVERMANN, xxx-xx-xxxx
LAURIN G. SMITH, xxx-xx-xxxx
STUART A. SOUDERS, xxx-xx-xxxx
JOHN A. STEVENS, xxx-xx-xxxx
ROBERT TAM, xxx-xx-xxxx
WILLIAM B. THOMASON, xxx-xx-xxxx
EDWARD H. TIENG, xxx-xx-xxxx
JEAN VIKE, xxx-xx-xxxx
THELMA VILLANUEVA, xxx-xx-xx...
JOHN W. WEISS, xxx-xx-xxxx
RICHARD H. WEYER, xxx-xx-xxxx
JOHN R. WOOD, xxx-xx-xxxx
GEOFFREY E. WOOMING, xxx-xx-xxxx
JOSE B. YULO, xxx-xx-xxxx
DAVID W. ZAUEL, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

KENNETH R. ANDRESEN, xxx-xx-xxxx
JON R. BECKENHAUER, xxx-xx-xxxx
LUIS BERRIOSAMADEO, xxx-xx-xxxx
JAMES C. BRITTON, II, xxx-xx-xxxx
ALGNER E. A. BROACH, xxx-xx-xxxx
PAUL P. CISZKOWSKI, xxx-xx-xxxx
ROBERT B. CRAFT, xxx-xx-xxxx
SIDNEY R. DECKER, xxx-xx-xxxx
EMILE J. FALLO, xxx-xx-xxxx
PAUL W. GOSNELL, xxx-xx-xxxx
FRED S. HADDAD, xxx-xx-xxxx
ROSEMARY K. HARKINS, xxx-xx-xxxx
WAYNE R. HOHMAN, xxx-xx-xxxx
JOHN W. HUBBARD, xxx-xx-xxxx
PETER H. KUCK, xxx-xx-xxxx
BOO D. LEE, xxx-xx-xxxx
GEORGE A. LUZ, xxx-xx-xxxx
BOBBY D. MAISE, xxx-xx-xxxx
WILLIAM W. MANCE, xxx-xx-xx...
WILLIAM MCCORMICK, xxx-xx-xx...
GERALD J. MILLER, xxx-xx-xxxx
JAMES V. MOHATT, xxx-xx-xxxx
WILLIAM H. MOORE, xxx-xx-xxxx
KERRY L. OHARA, xxx-xx-xxxx
PHILIP P. OSTERLI, xxx-xx-xxxx
HARRY A. PATRICK, xxx-xx-xxxx
JOHN F. PATTON, xxx-xx-xxxx
WARREN J. PREVOSTO, xxx-xx-xxxx
DAVID L. RAINEY, xxx-xx-xxxx
ROBERT G. RANDALL, xxx-xx-xxxx
JOEL B. SCHNEEWEIS, xxx-xx-xxxx
ROBERT F. SEEDLOCK, xxx-xx-xxxx
HARVEY A. SHULTZ, xxx-xx-xxxx
JOHN V. SIMONS, xxx-xx-xxxx
HAROLD E. SOLOMON, xxx-xx-xxxx
MICHAEL D. SPELLMAN, xxx-xx-xxxx
ROBERT TOMKIEWICZ, xxx-xx-xxxx
JOHN TROYCHOCK, xxx-xx-xxxx
MAX E. WARREN, xxx-xx-xxxx
CHARLES H. WHITE, xxx-xx-xxxx
GEORGE L. WHITMER, xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be colonel

ANN M. SHINKLE, xxx-xx-xxxx
JAMES C. SIMPSON, xxx-xx-xxxx

VETERINARY CORPS

To be colonel

ROBERT V. TAYLOR, JR, xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

DALE M. ABRAHAMSON, xxx-xx-xxxx
JOHN V. ACCETTURO, xxx-xx-xxxx
GLENDON L. ACRE, xxx-xx-xxxx
LON G. ADAMS, xxx-xx-xxxx
RONALD W. ADAMS, xxx-xx-xxxx
THOMAS A. ADAMS, xxx-xx-xxxx
WILLIAM C. ADAMS, xxx-xx-xxxx
DAVID A. AKERMAN, xxx-xx-xxxx
RONALD W. ALBERT, xxx-xx-xxxx
ROBERT E. ALDERSON, xxx-xx-xxxx
DOUGLAS M. ALLBACH, xxx-xx-xxxx
CLAY W. ALLEN, xxx-xx-xxxx
HARRY C. ALLEN, III, xxx-xx-xxxx
BEECHER C. ALLISON, xxx-xx-xxxx
JACK H. ALTER, xxx-xx-xxxx
WILLIAM ALTGILBERS, xxx-xx-xxxx
CLIFFORD A. AMOS, xxx-xx-xxxx
CARROLL S. ANDERSON, xxx-xx-xxxx
FREDERICK ANDERSON, xxx-xx-xxxx
GEORGE M. ANDERSON, xxx-xx-xxxx
JOE L. ANDERSON, xxx-xx-xxxx
MICHAEL D. ANDERSON, xxx-xx-xxxx
RANSOME W. ANDERSON, xxx-xx-xxxx
VERNON L. ANDERSON, xxx-xx-xxxx
WILLIAM K. ANDERSON, xxx-xx-xxxx
GEORGE ANDREWS, xxx-xx-xxxx
RICHARD L. ANDREWS, xxx-xx-xxxx
JOSEPH B. ANKROM, xxx-xx-xxxx
GLENN B. ANSARDI, xxx-xx-xxxx
DAVID N. APPLEBY, xxx-xx-xxxx
DON ARAKAKI, xxx-xx-xxxx
JOHN H. ARMSTRONG, xxx-xx-xxxx
WALTER E. ARNOLD, xxx-xx-xxxx
FELIX ARROYOWALKER, xxx-xx-xxxx
ALAN J. ARTZ, xxx-xx-xxxx
LYNN E. ASHCROFT, xxx-xx-xxxx
GERALD D. ATTAWAY, xxx-xx-xxxx
JAMES A. ATTAWAY, JR, xxx-xx-xxxx
MELVIN P. AUGUSTINE, xxx-xx-xxxx
RAYMOND V. AULL, xxx-xx-xxxx
DANIEL E. AVERETT, xxx-xx-xxxx
THOMAS D. BAGWELL, xxx-xx-xxxx
WILLARD R. BAGWELL, xxx-xx-xxxx
DOLAS D. BAIN, xxx-xx-xxxx
ROBERT A. BAIRD, xxx-xx-xxxx
GARY A. BAKER, xxx-xx-xxxx
OTIS E. BAKER, xxx-xx-xxxx
RICHARD A. BAKER, xxx-xx-xxxx
WILLIAM J. BAKER, xxx-xx-xxxx
ARUNAS A. BALKUS, xxx-xx-xxxx
LOUIS M. BALLAS, xxx-xx-xxxx
THOMAS L. BALLOWE, xxx-xx-xxxx
THOMAS J. BALLWEG, xxx-xx-xxxx
SHARON I. BANISTER, xxx-xx-xxxx
DOMINIC P. BARBIERI, xxx-xx-xxxx
RICHARD L. BARKER, xxx-xx-xxxx
JOHN C. BARNETT, xxx-xx-xxxx
MAURICE W. BARRETT, xxx-xx-xxxx
ROBERT E. BARRETT, xxx-xx-xxxx
HERMAN G. BARTLETT, xxx-xx-xxxx
CAROLYN A. BASSAN, xxx-xx-xxxx
BOBBY F. BASTON, xxx-xx-xxxx
CHARLES A. BATEMAN, xxx-xx-xxxx
BLAIR E. BATES, xxx-xx-xxxx
GAIL A. BATMAN, xxx-xx-xxxx
LEE A. BATTS, JR, xxx-xx-xxxx
ROBERT K. BAUER, xxx-xx-xxxx
BRUCE F. BAXTER, xxx-xx-xxxx
ROBERT E. BEACOM, xxx-xx-xxxx
GREGORY N. BEAMAN, xxx-xx-xxxx
DENNIS N. BEAN, xxx-xx-xxxx
GEORGE T. BEBOUT, xxx-xx-xxxx
ARTHUR C. BECK, xxx-xx-xxxx
WILLIAM A. BECKWITH, xxx-xx-xxxx
RONALD N. BELLAMY, xxx-xx-xxxx
JOSEPH F. BELLAVIA, xxx-xx-xxxx
DONALD E. BELSEY, xxx-xx-xxxx
DANIEL E. BENES, xxx-xx-xxxx
RICHARD D. BENSON, xxx-xx-xxxx
MICHAEL K. BENTON, xxx-xx-xxxx
JOHN C. BERNATZ, xxx-xx-xxxx
JOHN L. BERNHARD, xxx-xx-xxxx
WILLIAM D. BERTOLIO, xxx-xx-xxxx
ALVIN J. BEVERIDGE, xxx-xx-xxxx
JOAN I. BIDDLE, xxx-xx-xxxx
JOHN M. BIDDLE, xxx-xx-xxxx
DANIEL M. BIGBIE, xxx-xx-xxxx
BARRY R. BILLMANN, xxx-xx-xxxx
CHRISTOPHER BILLS, xxx-xx-xxxx
HELEN J. BISCAN, xxx-xx-xxxx
KENNETH T. BISCAN, xxx-xx-xxxx
STEPHEN J. BISHOP, JR, xxx-xx-xxxx
ANDREW D. BISSWURM, xxx-xx-xxxx
THOMAS C. BLAIR, xxx-xx-xxxx
JON C. BLANC, xxx-xx-xxxx
GEORGE W. BLANCHARD, xxx-xx-xxxx
JAMES A. BLAND, JR, xxx-xx-xxxx
RONALD L. BLASCO, xxx-xx-xxxx
DAVID M. BLEVINS, xxx-xx-xxxx
KENNETH BLUTHARDT, xxx-xx-xxxx
LARRY L. BOCK, xxx-xx-xxxx
WILLIAM P. BOCKOVEN, xxx-xx-xxxx
HENRY A. BOESE, xxx-xx-xxxx
JAMES D. BOGGS, xxx-xx-xxxx
ANDREW S. BOGUS, xxx-xx-xxxx
CHARLES A. BOIVIN, xxx-xx-xxxx
HOMERO BOLADO, JR, xxx-xx-xxxx
BRUCE S. BOLLINGER, xxx-xx-xxxx
EVERETT J. BONNER, xxx-xx-xxxx
HENRY T. BONSER, xxx-xx-xxxx
RUSSELL L. BORAAS, xxx-xx-xxxx
JOHN C. BORCHER, xxx-xx-xxxx
JAMES D. BORDEN, xxx-xx-xxxx
WILLIAM L. BORDEN, xxx-xx-xxxx
JOHN C. BOSTON, xxx-xx-xxxx
ROBERT R. BOUCHARD, xxx-xx-xxxx
WILLIAM J. BOVER, xxx-xx-xx...
FRAME J. BOWERS, xxx-xx-xxxx
DONALD W. BOWLES, xxx-xx-xxxx
DANIEL F. BOWLINE, xxx-xx-xxxx
GEORGE F. BOWMAN, xxx-xx-xxxx
STEVEN G. BOYCE, xxx-xx-xxxx
JOHN E. BRADDY, xxx-xx-xxxx
EDWARD P. BRADLEY, xxx-xx-xxxx
JOHN H. BRAND, I, xxx-xx-xxxx
THOMAS M. BRANDON, xxx-xx-xxxx
LARRY J. BRANDT, xxx-xx-xxxx
CHARLES L. BRASHER, xxx-xx-xxxx
ROBERT P. BREEN, xxx-xx-xxxx
MICHAEL BREITHAUPT, xxx-xx-xxxx
WILLIAM T. BRENNAN, xxx-xx-xxxx
TERRY A. BRESNICK, xxx-xx-xxxx

JAMES A. BRIDGEMAN, xxx-xx-xxxx
JOHN D. BRIDGERS, xxx-xx-xxxx
GREGOR BRIDGEWATER, xxx-xx-xxxx
BRADFORD BRIGHTMAN, xxx-xx-xxxx
CONWAY W. BROOKS, xxx-xx-xxxx
LAMAR R. BROOKS, xxx-xx-xxxx
JERRY H. BROOKSHIRE, xxx-xx-xxxx
WAYNE R. BROSSETT, xxx-xx-xxxx
THOMAS D. BROWER, xxx-xx-xxxx
CHANDLER R. BROWN, xxx-xx-xxxx
DONALD L. BROWN, xxx-xx-xxxx
GEORGE E. BROWN, xxx-xx-xxxx
PHILIP K. BROWN, xxx-xx-xxxx
KENNETH W. BRUCE, xxx-xx-xxxx
THOMAS G. BRUCKMANN, xxx-xx-xxxx
WETZEL D. BRUMFIELD, xxx-xx-xxxx
DENNIS R. BRUNER, xxx-xx-xxxx
JOSEPH C. BRUNER, xxx-xx-xxxx
MICHAEL E. BRUNET, xxx-xx-xxxx
WILLIAM J. BRYANT, xxx-xx-xxxx
JOHN C. BUFORD, xxx-xx-xxxx
JOHN D. BURGESS, xxx-xx-xxxx
JAMES E. BURKE, xxx-xx-xxxx
WILLIAM E. BURKE, xxx-xx-xxxx
MICHAEL E. BURKETT, xxx-xx-xxxx
DONALD F. BURNS, xxx-xx-xxxx
HENRY L. BURNS, xxx-xx-xxxx
STEPHEN M. BURROWS, xxx-xx-xxxx
CHESTER L. BUSH, xxx-xx-xxxx
CAREY B. BUSSEY, xxx-xx-xxxx
EDWARD J. BUTKERA, xxx-xx-xxxx
HARRY W. BUTLER, xxx-xx-xxxx
JAMES R. BYERS, xxx-xx-xxxx
EDWARD J. CABOTT, xxx-xx-xxxx
RICHARD CADENASSO, xxx-xx-xxxx
RAYMOND J. CADORET, xxx-xx-xxxx
DAVID L. CAIN, xxx-xx-xxxx
JOHN L. CALDWELL, xxx-xx-xxxx
MARK G. CALDWELL, xxx-xx-xxxx
TED L. CALHOUN, xxx-xx-xxxx
THOMAS S. CALLAWAY, xxx-xx-xxxx
THOMAS J. CALLETTO, xxx-xx-xxxx
JAMES L. CAMBLOS, xxx-xx-xxxx
GERALD E. CAMPBELL, xxx-xx-xxxx
LEON G. CAMPBELL, II, xxx-xx-xxxx
SANDRA K. CAMPBELL, xxx-xx-xxxx
ROBERTO CANAS, xxx-xx-xxxx
RONALD A. CANESTRO, xxx-xx-xxxx
CHRISTOPHER CANIPE, xxx-xx-xxxx
JOHN P. CARA, xxx-xx-xxxx
DENNIS M. CARAZZA, xxx-xx-xxxx
JAMES G. CARLEY, xxx-xx-xxxx
TIMOTHY B. CARLIN, xxx-xx-xxxx
JOHN G. CARLSON, xxx-xx-xxxx
ROBERT D. CARMAN, xxx-xx-xxxx
ROGER L. CARON, xxx-xx-xxxx
KENNETH E. CARR, xxx-xx-xxxx
GERALD V. CARRATURE, xxx-xx-xxxx
CHARLES H. CARRUTH, xxx-xx-xxxx
RAYMOND K. CARTER, xxx-xx-xxxx
WILLIAM W. CARTER, xxx-xx-xxxx
BARRY W. CASANOVA, xxx-xx-xxxx
GARY N. CASSIDY, xxx-xx-xxxx
JOHN W. CATES, xxx-xx-xxxx
BENJAMIN D. CATHERS, xxx-xx-xxxx
CHARLES L. CAYOT, JR., xxx-xx-xxxx
KENNETH CHABRAJEZ, xxx-xx-xxxx
JACK L. CHAFFEE, xxx-xx-xxxx
STEPHEN G. CHAMBERS, xxx-xx-xxxx
PHILIP CHAN, xxx-xx-xxxx
EDWARD N. CHARLEY, xxx-xx-xxxx
LESLIE J. CHARLTON, xxx-xx-xxxx
GALE A. CHARTIER, xxx-xx-xxxx
CHARLES D. CHASLER, xxx-xx-xxxx
CRAIG C. CHENEY, xxx-xx-xxxx
ALFRED B. CHERRY, xxx-xx-xxxx
CHARLES B. CHESNUTT, xxx-xx-xxxx
CHARLES H. CHICO, xxx-xx-xxxx
PETER A. CHIEFARI, xxx-xx-xxxx
JAMES E. CHILDS, xxx-xx-xxxx
JOHN D. CHMELIR, xxx-xx-xxxx
DENNIS R. CHRISTIAN, xxx-xx-xxxx
HARRY T. CHURCH, xxx-xx-xxxx
DOROTHY H. CLARK, xxx-xx-xxxx
DOUGLAS S. CLARK, xxx-xx-xxxx
RAYMOND J. CLARK, xxx-xx-xxxx
MICHAEL L. CLEARY, xxx-xx-xxxx
ARTHUR W. CLEAVES, xxx-xx-xxxx
HARRELL CLENDENIN, xxx-xx-xxxx
RICK R. CLIFT, xxx-xx-xxxx
ANTON COBIANMENDEZ, xxx-xx-xxxx
ROBERT A. COCHRANE, xxx-xx-xxxx
CHARLES M. COLEMAN, xxx-xx-xxxx
RUSSELL J. COLLER, xxx-xx-xxxx
CHARLES D. COLLINS, xxx-xx-xxxx
JAMES R. COLLINS, xxx-xx-xxxx
JAMES L. CONDON, xxx-xx-xxxx
PERRY S. CONERLY, xxx-xx-xxxx
KENNETH T. CONFER, xxx-xx-xxxx
THOMAS W. CONNER, xxx-xx-xxxx
ROBERT A. CONWAY, xxx-xx-xxxx
SIMON J. COOK, xxx-xx-xxxx
PETER S. COOKE, xxx-xx-xxxx
RICHARD E. COOLEY, xxx-xx-xxxx
ROBERT W. COOMBS, xxx-xx-xxxx
JAMES L. COONCE, xxx-xx-xxxx
LEROY W. COOPER, xxx-xx-xxxx
THOMAS W. COOPER, xxx-xx-xxxx
DANNY L. COPELAND, xxx-xx-xxxx
MARK T. COPPENGER, xxx-xx-xxxx
PATRICK J. COPPIN, xxx-xx-xxxx
ANGELO J. CORPORA, xxx-xx-xxxx

MICHAEL G. CORRIGAN, xxx-xx-xxxx
ROBERT CORTELLESSA, xxx-xx-xxxx
MARC S. COSTANTINO, xxx-xx-xxxx
DANIEL J. COSTIGAN, xxx-xx-xxxx
DONALD A. COTA, xxx-xx-xxxx
MICHAEL R. COWART, xxx-xx-xxxx
ALAN M. COX, xxx-xx-xxxx
CHARLES H. COX, xxx-xx-xxxx
STEPHEN T. COX, xxx-xx-xxxx
MATTHEW J. CRANE, xxx-xx-xxxx
CHARLES W. CREASON, xxx-xx-xxxx
WILLIAM A. CREECH, xxx-xx-xxxx
ANTHONY CRESCENZI, xxx-xx-xxxx
JAMES M. CRESS, xxx-xx-xxxx
CHARLES H. CRISS, xxx-xx-xxxx
JAMES M. CROFT, xxx-xx-xxxx
WILLIAM B. CROOM, xxx-xx-xxxx
MILTON R. CROSS, xxx-xx-xxxx
JAMES A. CROWE, xxx-xx-xxxx
BRIAN T. CRUSE, xxx-xx-xxxx
BERNARD M. CULLEN, xxx-xx-xxxx
PAUL F. CULOTTA, xxx-xx-xxxx
JOHN F. CUNNINGHAM, xxx-xx-xxxx
ANTHONY K. CURRAN, xxx-xx-xxxx
JOHN J. CURTIN, xxx-xx-xxxx
NED B. CUTLER, xxx-xx-xxxx
GARY Q. CVACH, xxx-xx-xxxx
THOMAS CZAPLEWSKI, xxx-xx-xxxx
THOMAS A. DAGGETT, xxx-xx-xxxx
CARLA L. DANE, xxx-xx-xxxx
CLARENCE J. DANIELS, xxx-xx-xxxx
ROBERT P. DANIELS, xxx-xx-xxxx
STEVEN E. DART, xxx-xx-xxxx
WALTER DAUGHERTY, xxx-xx-xxxx
DAVID J. DAVENPORT, xxx-xx-xxxx
CHARLES E. DAVIS, xxx-xx-xxxx
DANNY L. DAVIS, xxx-xx-xxxx
EDWARD B. DAVIS, xxx-xx-xxxx
ELROY B. DAVIS, xxx-xx-xxxx
RUTH L. DAVIS, xxx-xx-xxxx
THOMAS C. DAVIS, xxx-xx-xxxx
WARREN P. DAVIS, xxx-xx-xxxx
WILLIABEL DAVIS, xxx-xx-xxxx
WORTHEN A. DAVIS, xxx-xx-xxxx
JAMES P. DAWSON, xxx-xx-xxxx
CURTIS J. DAY, xxx-xx-xxxx
GREGORY H. DEAN, xxx-xx-xxxx
ROBERT W. DEARMAN, xxx-xx-xxxx
WILLIAM R. DEASON, xxx-xx-xxxx
ROBERT L. DEBROSSE, xxx-xx-xxxx
WILLIAM L. DEETZ, xxx-xx-xxxx
EARL R. DEHART, xxx-xx-xxxx
JAMES M. DEICHERT, xxx-xx-xxxx
PAMELA A. DELABAR, xxx-xx-xxxx
ANTHONY J. DELISI, xxx-xx-xxxx
LESLIE J. DELO, xxx-xx-xxxx
ROBERT F. DELONG, xxx-xx-xxxx
ROBERT A. DENMARK, xxx-xx-xxxx
DWAIN C. DENNISTON, xxx-xx-xxxx
FRANK J. DENNY, xxx-xx-xxxx
PERSSE K. DEVERELL, xxx-xx-xxxx
PHILIP D. DEVORE, xxx-xx-xxxx
PRAXEDES DIAZVERA, xxx-xx-xxxx
CHARLES J. DIERKER, xxx-xx-xxxx
TIMOTHY DILLIPLANE, xxx-xx-xxxx
RICHARD T. DILLON, xxx-xx-xxxx
DANIEL V. DILORETTO, xxx-xx-xxxx
ELVIN T. DITZLER, xxx-xx-xxxx
CARMAN R. DIXON, JR., xxx-xx-xxxx
DONALD C. DOBBS, xxx-xx-xxxx
KERRY B. DOLAN, xxx-xx-xxxx
JAMES F. DOMINICK, xxx-xx-xxxx
THOMAS C. DOMINO, xxx-xx-xxxx
WAYNE V. DOMINOWSKI, xxx-xx-xxxx
RICHARD G. DONOGHUE, xxx-xx-xxxx
CURTIS N. DOSSETT, xxx-xx-xxxx
MICHAEL J. DOSTILIO, xxx-xx-xxxx
RICHARD A. DOUCET, xxx-xx-xxxx
RONALD R. DOWELL, xxx-xx-xxxx
JAMES E. DOWLING, xxx-xx-xxxx
PHILIP J. DOWNEY, xxx-xx-xxxx
SCOTT C. DOWNS, xxx-xx-xxxx
WILLIAM P. DREHER, xxx-xx-xxxx
WILLIAM H. DROHAN, xxx-xx-xxxx
JOHN P. DUBACH, xxx-xx-xxxx
HARRY M. DUBOSE, xxx-xx-xxxx
CLARENCE DUCKWORTH, xxx-xx-xxxx
WILLIAM B. DUDYSHYN, xxx-xx-xxxx
JAMES W. DUGUID, xxx-xx-xxxx
DONALD P. DUNCAN, xxx-xx-xxxx
MICHAEL H. DUNFIELD, xxx-xx-xxxx
NANCY B. DUNN, xxx-xx-xxxx
JOHN T. DURGALA, xxx-xx-xxxx
JAMES G. DURKIN, xxx-xx-xxxx
JOSEPH M. DZURENKO, xxx-xx-xxxx
JAMES L. EARL, xxx-xx-xxxx
MILTON G. EARLY, xxx-xx-xxxx
WILLIAM S. EARLY, xxx-xx-xxxx
PAUL W. EASTON, xxx-xx-xxxx
ERNEST L. EATON, xxx-xx-xxxx
BRITT L. EDWARDS, xxx-xx-xxxx
WALES D. EDWARDS, xxx-xx-xxxx
DAVID K. EGAN, xxx-xx-xxxx
JOHN W. EGAN, xxx-xx-xxxx
KESTUTIS EIDUKONIS, xxx-xx-xxxx
GARY L. ELLIS, xxx-xx-xxxx
ARCHIE R. ELMORE, xxx-xx-xxxx
JOHN K. ENGLAND, xxx-xx-xxxx
HOWARD G. ENGLEMAN, xxx-xx-xxxx
CAROLYN ENTZMINGER, xxx-xx-xxxx
JOHN F. EPLEY, xxx-xx-xxxx
ANDREW N. ERDMANN, xxx-xx-xxxx

PAUL B. ESSEX, xxx-xx-xxxx
JOE W. ESTES, xxx-xx-xxxx
ROGER ETHERINGTON, xxx-xx-xxxx
CARL E. EURE, xxx-xx-xxxx
GARY B. EVANS, xxx-xx-xxxx
GERALD T. EVANS, xxx-xx-xxxx
DENNIS J. FALLON, xxx-xx-xxxx
STEVE W. FARDO, xxx-xx-xxxx
GLENN E. FARRELL, xxx-xx-xxxx
MICHAEL FARRELL, xxx-xx-xxxx
JOE P. FARRIS, xxx-xx-xxxx
LARRY A. FARROW, xxx-xx-xxxx
JOHN J. FEARING, xxx-xx-xxxx
DOUGLAS FEATHERSTON, xxx-xx-xxxx
JAMES E. FEELY, xxx-xx-xxxx
EDWARD F. FEGENBUSH, xxx-xx-xxxx
ROBERT E. FEIDLER, xxx-xx-xxxx
ANTHONY G. FENNELLI, xxx-xx-xxxx
WILLIAM G. FENWICK, xxx-xx-xxxx
WILLIAM M. FERGUSON, xxx-xx-xxxx
JACKSON E. FIELDS, xxx-xx-xxxx
WILLIAM J. FIELDS, xxx-xx-xxxx
ROY D. FINCH, xxx-xx-xxxx
JERALD R. FINK, xxx-xx-xxxx
THOMAS F. FINN, xxx-xx-xxxx
BERNARD D. FINUF, xxx-xx-xxxx
BERNARD A. FISHER, xxx-xx-xxxx
CRAIG L. FISHER, xxx-xx-xxxx
JAMES F. FISHER, xxx-xx-xxxx
THEODORE E. FISHER, xxx-xx-xxxx
MICHAEL M. FLACK, xxx-xx-xxxx
WILLIAM F. FLANNERY, xxx-xx-xxxx
KEVIN N. FLATT, xxx-xx-xxxx
CHARLES E. FLYNN, xxx-xx-xxxx
JOSEPH J. FODOR, xxx-xx-xxxx
WOODBURY P. FOGG, xxx-xx-xxxx
GEORGE C. FOGLE, xxx-xx-xxxx
ROBERT D. FOLEY, xxx-xx-xxxx
THOMAS R. FOLK, xxx-xx-xxxx
ERNE FONSECARIVERA, xxx-xx-xxxx
NEIL M. FORTE, xxx-xx-xxxx
JON R. FORY, xxx-xx-xxxx
WILLIAM E. FOSS, xxx-xx-xxxx
JOHN P. FOSTER, xxx-xx-xxxx
JULIUS A. FRALEY, xxx-xx-xxxx
JOHN M. FRANK, xxx-xx-xxxx
DAVID E. FRASHER, xxx-xx-xxxx
LLOYD H. FRAZIER, xxx-xx-xxxx
CARL P. FRECHETTE, xxx-xx-xxxx
ROBERT W. FREER, xxx-xx-xxxx
GEORGE E. FRITZ, xxx-xx-xxxx
ROBERT G. FRITZ, xxx-xx-xxxx
JOHN E. FROMM, xxx-xx-xxxx
DOUGLAS L. FUGATE, xxx-xx-xxxx
JAMES L. FULLER, xxx-xx-xxxx
PAIGE D. FUNKHOUSER, xxx-xx-xxxx
TIMOTHY R. FUTRELL, xxx-xx-xxxx
JAMES H. GABRIEL, xxx-xx-xxxx
JOHN D. GADEN, JR., xxx-xx-xxxx
ANTHONY GAGLIARDI, xxx-xx-xxxx
CHARLES A. GAGNE, xxx-xx-xxxx
BEN J. GAINES, xxx-xx-xxxx
JOHN R. GALLOGLY, xxx-xx-xxxx
WILLIAM J. GANTER, xxx-xx-xxxx
GARY W. GARDENHIRE, xxx-xx-xxxx
DAVID C. GARRETT, xxx-xx-xxxx
KEVIN H. GARTLAND, xxx-xx-xxxx
MICHAEL L. GARVIN, xxx-xx-xxxx
WAYNE T. GARVIN, xxx-xx-xxxx
ROBERT E. GATES, xxx-xx-xxxx
LEONARD M. GAVIN, xxx-xx-xxxx
WALTER J. GAYLORD, xxx-xx-xxxx
LARRY D. GEIGER, xxx-xx-xxxx
RICHARD T. GERARD, xxx-xx-xxxx
ROBERT C. GERHARD, xxx-xx-xxxx
RODNEY M. GERHART, xxx-xx-xxxx
JAY C. GERLACH, xxx-xx-xxxx
DAVID N. GIBBS, xxx-xx-xxxx
HARRY L. GIBSON, xxx-xx-xxxx
MARTIN GIDANSKY, xxx-xx-xxxx
DOUGLAS B. GILBERT, xxx-xx-xxxx
MARK A. GILBERT, xxx-xx-xxxx
FREDERICK A. GILES, xxx-xx-xxxx
JOHN R. GILES, xxx-xx-xxxx
BRUCE R. GILL, xxx-xx-xxxx
JOHN C. GIRTMAN, xxx-xx-xxxx
PAUL P. GLEASON, xxx-xx-xxxx
EDWARD F. GLOD, JR., xxx-xx-xxxx
DONALD H. GLOVER, xxx-xx-xxxx
KENNETH P. GODIN, xxx-xx-xxxx
CHARLES L. GOEKE, xxx-xx-xxxx
MICHAEL G. GOEKEN, xxx-xx-xxxx
CHARLES D. GOLDMAN, xxx-xx-xxxx
PETER A. GOLDMAN, xxx-xx-xxxx
BARRY E. GOLDSTEIN, xxx-xx-xxxx
JAMES C. GOLDSTEIN, xxx-xx-xxxx
JUSTO GONZALEZ, JR., xxx-xx-xxxx
RICARDO D. GONZALEZ, xxx-xx-xxxx
IVAN E. GOODMAN, xxx-xx-xxxx
DAVID K. GORDON, xxx-xx-xxxx
JEROME F. GOUGH, xxx-xx-xxxx
JAMES J. GRABULIS, xxx-xx-xxxx
JAMES V. GRAFTON, xxx-xx-xxxx
CURTIS GRANDSTAFF, xxx-xx-xxxx
JOHN D. GRANGROTH, xxx-xx-xxxx
LAWRENCE E. GRATTON, xxx-xx-xxxx
HAROLD R. GRAVES, xxx-xx-xxxx
SAMUEL R. GRAVES, xxx-xx-xxxx
BOYD R. GRAY, xxx-xx-xxxx
DAVID D. GRAYDON, xxx-xx-xxxx
DONALD D. GREBIL, xxx-xx-xxxx
JOHN J. GREENE, xxx-xx-xxxx

MICHAEL F. GREENE, xxx-xx-xxxx
TERRANCE J. GREENE, xxx-xx-xxxx
TERRY F. GREENE, xxx-xx-xxxx
JAMES N. GREENWOOD, xxx-xx-xxxx
JOSEPH E. GREGOIRE, xxx-xx-xxxx
JAN M. GRIESENBROCK, xxx-xx-xxxx
GORDON S. GRIFFIN, xxx-xx-xxxx
ROBERT S. GRIFFIN, xxx-xx-xxxx
JOHN S. GROSS, xxx-xx-xxxx
JACK E. GUENTHNER, xxx-xx-xxxx
DENIS E. GULAKOWSKI, xxx-xx-xxxx
WAYNE D. GUTZMER, xxx-xx-xxxx
TIMOTHY M. HAAKE, xxx-xx-xxxx
ROBERT S. HABERMANN, xxx-xx-xxxx
MICHAE HACKENWERTH, xxx-xx-xxxx
CHARLES HAEFLINGER, xxx-xx-xxxx
JOHN D. HAFFNER, xxx-xx-xxxx
CHARLES W. HAIR, xxx-xx-xxxx
LESLIE E. HALAPY, xxx-xx-xxxx
RICHARD E. HALEY, xxx-xx-xxxx
RONALD HALVERSON, xxx-xx-xxxx
KEITH H. HAMACK, xxx-xx-xxxx
JAMES D. HAMILTON, xxx-xx-xxxx
HERSCHEL H. HAMLEN, xxx-xx-xxxx
DOUGLAS W. HANKINS, xxx-xx-xxxx
CARL J. HANSEN, xxx-xx-xxxx
GREGG A. HANSEN, xxx-xx-xxxx
JOHN R. HANSON, xxx-xx-xxxx
TODD D. HARDING, xxx-xx-xxxx
PAUL D. HARMAN, xxx-xx-xxxx
JOHN N. HAROIAN, xxx-xx-xxxx
GERALD L. HARPER, xxx-xx-xxxx
WILLIAM HARRELSON, xxx-xx-xxxx
KEVIN F. HARRINGTON, xxx-xx-xxxx
AUBREY L. HARRIS, xxx-xx-xxxx
GARY D. HARRIS, xxx-xx-xxxx
THOMAS M. HARRIS, xxx-xx-xxxx
JAMES B. HARRISON, xxx-xx-xxxx
MICHAEL W. HARTLEY, xxx-xx-xxxx
TIMOTHY T. HARTMAN, xxx-xx-xxxx
ROBERT R. HARVEY, xxx-xx-xxxx
FRANTZ HASPIL, xxx-xx-xxxx
JAMES C. HASSALL, xxx-xx-xxxx
DAVID G. HASSELBACK, xxx-xx-xxxx
JOHNATHAN S. HAUB, xxx-xx-xxxx
JOHN G. HAUG, xxx-xx-xxxx
KARL D. HAUGH, xxx-xx-xxxx
THOMAS B. HAUGO, xxx-xx-xxxx
GREGORY R. HAWKER, xxx-xx-xxxx
BERT L. HAWKINS, JR., xxx-xx-xxxx
WILLIAM M. HAWKINS, xxx-xx-xxxx
JUTTA E. HAWTHORNE, xxx-xx-xxxx
JOHN E. HAYEK, xxx-xx-xxxx
JOHN A. HAYES, xxx-xx-xxxx
LARRY G. HAYES, xxx-xx-xxxx
ROBERT C. HAYES, xxx-xx-xxxx
DAVID J. HAYMAN, xxx-xx-xxxx
THOMAS J. HEAVEY, xxx-xx-xxxx
WILLIAM R. HEDDEN, xxx-xx-xxxx
ROBERT F. HELLMANN, xxx-xx-xxxx
JOSEPH W. HELY, xxx-xx-xxxx
NEAL G. HENDERSON, xxx-xx-xxxx
WILLIAM R. HENDON, xxx-xx-xxxx
MARVIN G. HENRIKSEN, xxx-xx-xxxx
WILLIAM A. HENRY, xxx-xx-xxxx
EARL W. HENSLEY, xxx-xx-xxxx
WILLIAM R. HERB, xxx-xx-xxxx
EDWARD A. HERNDON, xxx-xx-xxxx
WARREN W. HERRGOTT, xxx-xx-xxxx
DAVID M. HERRING, xxx-xx-xxxx
ROBERT C. HERZOG, xxx-xx-xxxx
RALPH I. HESS, xxx-xx-xxxx
WILLIAM P. HICKEY, JR., xxx-xx-xxxx
JOHN A. HICKS, xxx-xx-xxxx
JOHN G. HICKS, xxx-xx-xxxx
ROY L. HIGGINS, xxx-xx-xxxx
VANCE R. HIGHSMITH, xxx-xx-xxxx
NEALE C. HIGHTOWER, xxx-xx-xxxx
BARON G. HIGNITE, xxx-xx-xxxx
FREDERICK W. HILL, xxx-xx-xxxx
JOHNIE D. HILL, xxx-xx-xxxx
MILTON E. HILL, xxx-xx-xxxx
PETER S. HILL, xxx-xx-xxxx
GERALDINE M. HINCE, xxx-xx-xxxx
FRANCIS X. HINEY, xxx-xx-xxxx
JAMES T. HODGSON, xxx-xx-xxxx
ROBERT S. HOFFMAN, xxx-xx-xxxx
STEPHEN E. HOGE, xxx-xx-xxxx
GARY G. HOLBROOK, xxx-xx-xxxx
LEON E. HOLBROOK, xxx-xx-xxxx
RUSSELL J. HOLDEN, xxx-xx-xxxx
MYRON HOLINKO, xxx-xx-xxxx
HAROLD R. HOLLISTER, xxx-xx-xxxx
BENNIE J. HOLMES, xxx-xx-xxxx
JANET H. HOLMES, xxx-xx-xxxx
NORMAN J. HOLMES, xxx-xx-xxxx
JAMES W. HOLT, JR., xxx-xx-xxxx
STEPHEN R. HOOPER, xxx-xx-xxxx
JAMES M. HOPPE, xxx-xx-xxxx
THOMAS HOPPENRATH, xxx-xx-xxxx
CRAIG W. HORNECK, xxx-xx-xxxx
PATRICK L. HOSKINS, xxx-xx-xxxx
HARRY W. HOUCHENS, xxx-xx-xxxx
ARTHUR E. HOUSE, xxx-xx-xxxx
JOSEPH M. HOVANES, xxx-xx-xxxx
PETER L. HOVDE, xxx-xx-xxxx
STEVEN J. HOWARD, xxx-xx-xxxx
STEVEN D. HOWARTH, xxx-xx-xxxx
ROBERT R. HOWE, xxx-xx-xxxx
BAXTER C. HOWELL, xxx-xx-xxxx
SPENCER D. HOWELL, xxx-xx-xxxx
WILLIAM A. HOWES, JR., xxx-xx-xxxx
JACK D. HOWLE, xxx-xx-xxxx
CHARLES F. HOWTON, xxx-xx-xxxx
ERIC G. HUBBARD, xxx-xx-xxxx
GREG R. HUBBARD, xxx-xx-xxxx
GLENN H. HUBER, xxx-xx-xxxx
JAROSLAW HUCUL, xxx-xx-xxxx
JOHN N. HUFF, xxx-xx-xxxx
JACOB C. HUFFMAN, xxx-xx-xxxx
JOHN M. HUGHES, xxx-xx-xxxx
THOMAS J. HUGHES, xxx-xx-xxxx
ZINA L. HUGHES, xxx-xx-xxxx
RICHARD E. HUIE, xxx-xx-xxxx
KENNETH S. HULL, xxx-xx-xxxx
MICHAEL HUMPHREYS, xxx-xx-xxxx
WILLIAM A. HUNT, xxx-xx-xxxx
WILLIE P. HUNT, xxx-xx-xxxx
DANIEL K. HUNTER, xxx-xx-xxxx
STEPHEN A. HUSMAN, xxx-xx-xxxx
DAVID L. HUTCHINS, xxx-xx-xxxx
MELVIN K. IMAI, xxx-xx-xxxx
IRA D. ISONHOOD, xxx-xx-xxxx
JOHNNY W. JACKSON, xxx-xx-xxxx
WILLIAM B. JACOB, xxx-xx-xxxx
WILLIAM C. JAEKEL, xxx-xx-xxxx
NORMAN M. JAHNKE, xxx-xx-xxxx
JOSEPH J. JAMBRISKA, xxx-xx-xxxx
WILLIAM D. JAMES, xxx-xx-xxxx
JAMES W. JENNINGS, JR., xxx-xx-xxxx
JOANNE R. JENSEN, xxx-xx-xxxx
JOHN P. JESTER, xxx-xx-xxxx
JOSEPH S. JIMENEZ, xxx-xx-xxxx
BOYD M. JOHNSON, xxx-xx-xxxx
CHARLES A. JOHNSON, xxx-xx-xxxx
KENNETH R. JOHNSON, xxx-xx-xxxx
TROY K. JOHNSON, xxx-xx-xxxx
WAYNE D. JOHNSON, xxx-xx-xxxx
LLOYD D. JOHNSTON, xxx-xx-xxxx
GERARD H. JONES, xxx-xx-xxxx
JENNIFER G. JONES, xxx-xx-xxxx
KYLE L. JONES, JR., xxx-xx-xxxx
RICHARD A. JONES, xxx-xx-xxxx
VICTOR W. JONES, xxx-xx-xxxx
WALTER M. JONES, xxx-xx-xxxx
WARREN E. JORDANS, xxx-xx-xxxx
THOMAS P. JUDGE, xxx-xx-xxxx
MARK L. JUNEAU, xxx-xx-xxxx
LAWRENCE A. KADEN, xxx-xx-xxxx
ALLEN T. KAGLER, xxx-xx-xxxx
ANTHONY D. KALISH, xxx-xx-xxxx
PAUL F. KANE, xxx-xx-xxxx
THOMAS W. KANIS, xxx-xx-xxxx
PAUL D. KANTON, xxx-xx-xxxx
EDWARD S. KAPRON, xxx-xx-xxxx
TERRENCE S. KATZER, xxx-xx-xxxx
ALBERT S. KAWAI, xxx-xx-xxxx
KEITH W. KAYLER, xxx-xx-xxxx
JAMES D. KECKLEY, xxx-xx-xxxx
JOHN E. KEFFER, xxx-xx-xxxx
JAMES D. KEGLEY, xxx-xx-xxxx
JOHN KELLENBERGER, xxx-xx-xxxx
HAYLE P. KELLEY, xxx-xx-xxxx
PAUL F. KELLEY, xxx-xx-xxxx
CAROLYN G. KELLOGG, xxx-xx-xxxx
DENNIS W. KELLY, xxx-xx-xxxx
EDWARD J. KELLY, xxx-xx-xxxx
WILLIAM M. KELLY, xxx-xx-xxxx
ALAN J. KEMPEN, xxx-xx-xxxx
FRANK KENDALL, III, xxx-xx-xxxx
JOHN L. KENDRICK, xxx-xx-xxxx
RICHARD A. KENLEY, xxx-xx-xxxx
GILES W. KENNEDY, xxx-xx-xxxx
DAVID A. KERCHMAR, xxx-xx-xxxx
JOHN H. KERN, xxx-xx-xxxx
THOMAS A. KESSINGER, xxx-xx-xxxx
MICHAEL C. KESSLER, xxx-xx-xxxx
PETER T. KHOURI, xxx-xx-xxxx
JOSEPH A. KILBANE, xxx-xx-xxxx
GARY A. KILGORE, xxx-xx-xxxx
GERARD R. KINEEN, xxx-xx-xxxx
BRADFORD E. KING, xxx-xx-xxxx
DONALD L. KING, xxx-xx-xxxx
JIMMIE V. KING, xxx-xx-xxxx
RONALD L. KING, xxx-xx-xxxx
HAYS L. KINSLOW, xxx-xx-xxxx
WILLIAM H. KIRBY, xxx-xx-xxxx
GERALD E. KIRK, xxx-xx-xxxx
ROBERT KIRKPATRICK, xxx-xx-xxxx
JOHN A. KISSH, xxx-xx-xxxx
CHARLES T. KITE, xxx-xx-xxxx
ROBERT E. KLEBA, xxx-xx-xxxx
LARRY KLEINSTEIBER, xxx-xx-xxxx
HERBERT E. KLING, xxx-xx-xxxx
LEONARD P. KLOEBER, xxx-xx-xxxx
MICHAEL KNAZOVICH, xxx-xx-xxxx
JAMES D. KNEELAND, xxx-xx-xxxx
KINGSLEY T. KNIGHT, xxx-xx-xxxx
PHILIP C. KNIGHT, xxx-xx-xxxx
WHITNEY A. KNOPF, xxx-xx-xxxx
RAYMOND E. KNUTZEN, xxx-xx-xxxx
JOHN W. KOENIG, xxx-xx-xxxx
DAVID L. KOPP, xxx-xx-xxxx
MANFRED B. KORGE, xxx-xx-xxxx
MICHAEL V. KOSTIW, xxx-xx-xxxx
STANLE KOZICZYNSKI, xxx-xx-xxxx
MICHAEL KOZLOWSKI, xxx-xx-xxxx
GARY J. KRUMP, xxx-xx-xxxx
FREDERICK KUEHN, xxx-xx-xxxx
TALMON D. KUHNZ, xxx-xx-xxxx
KENNETH L. KUNARD, xxx-xx-xxxx
WAYNE T. KUROKAWA, xxx-xx-xxxx
RICHARD J. KURY, xxx-xx-xxxx
JAMES C. KUYKENDALL, xxx-xx-xxxx
ROBERT J. LABADIE, xxx-xx-xxxx
PAUL W. LABELLA, xxx-xx-xxxx
RICHARD L. LACEY, xxx-xx-xxxx
PHILLIP LACHAPELLE, xxx-xx-xxxx
ROBERT L. LADD, xxx-xx-xxxx
KENT A. LAIKIND, xxx-xx-xxxx
LAWRENCE D. LALKA, xxx-xx-xxxx
WILLIAM M. LAMBERT, xxx-xx-xxxx
SAMUEL L. LAMEY, xxx-xx-xxxx
PAUL D. LAMPRU, xxx-xx-xxxx
ROBERT V. LANE, xxx-xx-xxxx
LESTER E. LANG, xxx-xx-xxxx
ROBERT H. LARDER, xxx-xx-xxxx
RALPH E. LARSON, xxx-xx-xxxx
ROBERT A. LARSON, xxx-xx-xxxx
FRANTZ J. LASSEGUE, xxx-xx-xxxx
DION P. LAWRENCE, xxx-xx-xxxx
HARRIS T. LAWRENCE, xxx-xx-xxxx
LUCIUS T. LAZARUS, xxx-xx-xxxx
FREDERICK P. LEAF, xxx-xx-xxxx
JAMES K. LEANDER, xxx-xx-xxxx
BARBARA A. LEE, xxx-xx-xxxx
DANNY E. LEE, xxx-xx-xxxx
EDMOND LEE, xxx-xx-xxxx
FRANKLIN H. LEE, xxx-xx-xxxx
JOHN R. LEE, xxx-xx-xxxx
VERNDAL C. F. LEE, xxx-xx-xxxx
TERRANCE J. LEGG, xxx-xx-xxxx
MICHAEL R. LEIBBERT, xxx-xx-xxxx
GEORGE W. LEMON, xxx-xx-xxxx
JOHN M. LENTZ, xxx-xx-xxxx
CHARLES D. LESSLY, xxx-xx-xxxx
DENNIS P. LEVIN, xxx-xx-xxxx
EDGAR R. LEWIS, xxx-xx-xxxx
PAUL L. LEWIS, xxx-xx-xxxx
KENNETH H. LIEBER, xxx-xx-xxxx
CHARLES K. LIGGETT, xxx-xx-xxxx
VERNON C. LINDGREN, xxx-xx-xxxx
ROBERT M. LIVELY, xxx-xx-xxxx
BENJAMI LIVINGSTON, xxx-xx-xxxx
JAMES T. LIVINGSTON, xxx-xx-xxxx
CHARLES E. LLOYD, xxx-xx-xxxx
WILLIAM D. LOCK, xxx-xx-xxxx
THOMAS W. LOGSDON, xxx-xx-xxxx
ARTHUR LONG, JR., xxx-xx-xxxx
JACK R. LONG, xxx-xx-xxxx
WENDELL H. LONG, xxx-xx-xxxx
ANTONIO M. LOPEZ, xxx-xx-xxxx
GERARD J. LOPEZ, xxx-xx-xxxx
DAVID R. LORENCE, xxx-xx-xxxx
TIMOTHY R. LOVE, xxx-xx-xxxx
DOUGLAS C. LUCAS, xxx-xx-xxxx
EUGENE C. LUCAS, xxx-xx-xxxx
JAMES A. LUEDEKE, xxx-xx-xxxx
JAMES A. LUNDELL, xxx-xx-xxxx
ROBERT E. LYNCH, xxx-xx-xxxx
LARRY D. MAAS, xxx-xx-xxxx
BUFORD S. MABRY, xxx-xx-xxxx
WILLIAM MACDONALD, xxx-xx-xxxx
MICHAEL MACGILLIS, xxx-xx-xxxx
JAMES C. MACINNES, xxx-xx-xxxx
ALLAN R. MACKEY, xxx-xx-xxxx
STEPHEN MACKO, JR., xxx-xx-xxxx
DAVID R. MACY, xxx-xx-xxxx
ROBERT J. MADARA, xxx-xx-xxxx
DONALD R. MADDEN, xxx-xx-xxxx
JOHN J. MADDEN, xxx-xx-xxxx
MICHAEL R. MADDEN, xxx-xx-xxxx
ROGER D. MADDOX, xxx-xx-xxxx
MARSHALL L. MAH, xxx-xx-xxxx
JAMES H. MAIO, xxx-xx-xxxx
ROBERT D. MALLAMS, xxx-xx-xxxx
CLARENCE C. MALLETT, xxx-xx-xxxx
MICHAEL A. MANGINO, xxx-xx-xxxx
ROBERT G. MANGRUM, xxx-xx-xxxx
FARO J. MANIACI, xxx-xx-xxxx
THOMAS E. MANNLE, xxx-xx-xxxx
JOHN A. MARINO, xxx-xx-xxxx
MICHAEL J. MAROSE, xxx-xx-xxxx
FRANK C. MARSHALL, xxx-xx-xxxx
JAMES R. MARSHALL, xxx-xx-xxxx
CHARLES M. MARTIN, xxx-xx-xxxx
DAVID G. MARTIN, xxx-xx-xxxx
THOMAS G. MARTIN, xxx-xx-xxxx
BRUCE L. MASEY, xxx-xx-xxxx
JOHN R. MASLY, xxx-xx-xxxx
DAVID G. MASSAMORE, xxx-xx-xxxx
FELIX M. MASSEY, xxx-xx-xxxx
JAMES E. MASSFELLER, xxx-xx-xxxx
RICHARD J. MATASON, xxx-xx-xxxx
JOSEPH R. MATHEWSON, xxx-xx-xxxx
THOMAS J. MAUS, xxx-xx-xxxx
NORBERT E. MAYER, xxx-xx-xxxx
KENNETH L. MCBEE, xxx-xx-xxxx
RICHARD J. MCCALLUM, xxx-xx-xxxx
ROBERT W. MCCALLUM, xxx-xx-xxxx
THOMAS J. MCCARRAN, xxx-xx-xxxx
CHARLES MCCARTNEY, xxx-xx-xxxx
WENDALL MCCLELLAN, xxx-xx-xxxx
KELLY L. MCCLELLAND, xxx-xx-xxxx
DAVID M. MCCLOSKEY, xxx-xx-xxxx
JOHN M. MCCONAGHY, xxx-xx-xxxx
WILLIAM L. MCCOY, xxx-xx-xxxx
STEVEN C. MCCULLY, xxx-xx-xxxx
RICHARD D. MCCURDY, xxx-xx-xxxx
ROBERT C. MCDONALD, xxx-xx-xxxx
DAVID D. MCDOUGALL, xxx-xx-xxxx
EDWARD MCDOWELL, xxx-xx-xxxx
WILLIAM MCFARLAND, xxx-xx-xxxx
SHAUN B. MCGARRY, xxx-xx-xxxx
GARY L. MCGOWN, xxx-xx-xxxx
DANIEL J. MCGRAW, xxx-xx-xxxx

THOMAS G. MCHUGH, xxx-xx-xxxx
JOHN K. MCILHENNY, xxx-xx-xxxx
HOMER J. MCKEE, xxx-xx-xxxx
RICHARD J. MCKENNA, xxx-xx-xxxx
JAMES L. MCKENZIE, xxx-xx-xxxx
JOSEPH MCLAUGHLIN, xxx-xx-xxxx
ROBERT T. MCMAHON, xxx-xx-xxxx
ARTHUR W. MCMASTER, xxx-xx-xxxx
DALE H. MCMILLEN, xxx-xx-xxxx
THOMAS L. MCNAUGHER, xxx-xx-xxxx
WAYNE E. MCSWIGGAN, xxx-xx-xxxx
DAVID R. MCWHORTER, xxx-xx-xxxx
WILLIAM D. MEAGHER, xxx-xx-xxxx
PETER T. MEANS, xxx-xx-xxxx
JOHN M. MEARS, xxx-xx-xxxx
JOHN B. MEEK, xxx-xx-xxxx
ANTHONY L. MEI, xxx-xx-xxxx
PETER W. MEIGS, xxx-xx-xxxx
HILDRED MENDENHALL, xxx-xx-xxxx
NORBERT A. MENGOT, xxx-xx-xxxx
RICHARD L. MERRELL, xxx-xx-xxxx
RODNEY L. MERRELL, xxx-xx-xxxx
JAMES F. MERRITT, xxx-xx-xxxx
FRANCIS D. MESHELLE, xxx-xx-xxxx
MARVIN G. METCALF, xxx-xx-xxxx
WILLIAM M. MICHAELS, xxx-xx-xxxx
STEPHEN MICHEL, xxx-xx-xxxx
JOHN A. MICIK, xxx-xx-xxxx
KENNETH R. MICK, xxx-xx-xxxx
JACKY MIDDLEBROOKS, xxx-xx-xxxx
BENJA MIERZEJEWSKI, xxx-xx-xxxx
CONRAD F. MIHALEK, xxx-xx-xxxx
HANS W. MIJOCEVIC, xxx-xx-xxxx
NICHOLAS M. MIKUS, xxx-xx-xxxx
JERRY D. MILAM, xxx-xx-xxxx
GREGORY B. MILLER, xxx-xx-xxxx
KNUTE M. MILLER, xxx-xx-xxxx
PHILIP C. MILLER, xxx-xx-xxxx
RICHARD J. MILLER, xxx-xx-xxxx
KENT R. MILTON, xxx-xx-xxxx
JAMES G. MIMMS, xxx-xx-xxxx
ARTHUR E. MISCALLY, xxx-xx-xxxx
GILBERT G. MITCHELL, xxx-xx-xxxx
ROBERT K. MITCHELL, xxx-xx-xxxx
GORDON T. MIZUSAWA, xxx-xx-xxxx
PETER MLETSCHNIG, xxx-xx-xxxx
JOHN MOHANCO, xxx-xx-xxxx
LAWRENCE J. MOLONEY, xxx-xx-xxxx
AMEDEO R. MONACELLI, xxx-xx-xxxx
RUBEN MONTALVO, xxx-xx-xxxx
MICHAEL MONTGOMERY, xxx-xx-xxxx
BOBBY R. MOODY, xxx-xx-xxxx
HARRY G. MOORE, JR., xxx-xx-xxxx
JOSEPH L. MOORE, xxx-xx-xxxx
MICHAEL J. MOORE, xxx-xx-xxxx
WILLIAM S. MOORE, xxx-xx-xxxx
JAMES L. MOORHEAD, xxx-xx-xxxx
CHARLES M. MOOSE, xxx-xx-xxxx
ANDREW J. MORAN, xxx-xx-xxxx
HUBERT L. MOREHEAD, xxx-xx-xxxx
ARTHUR E. MORGAN, xxx-xx-xxxx
GLENN H. MORGAN, xxx-xx-xxxx
TOM G. MORGAN, xxx-xx-xxxx
WARREN P. MORGAN, JR., xxx-xx-xxxx
JOSEPH D. MORRIS, xxx-xx-xxxx
MICHAEL J. MORRISON, xxx-xx-xxxx
CHARLES H. MORROW, xxx-xx-xxxx
ROY C. MORROW, xxx-xx-xxxx
RICHARD R. MORSE, xxx-xx-xxxx
RONALD H. MOSKOWITZ, xxx-xx-xxxx
RONALD E. MOSS, xxx-xx-xxxx
BENNETT J. MOTT, xxx-xx-xxxx
RICHARD MOUSHEGIAN, xxx-xx-xxxx
CLIFFORD J. MOY, xxx-xx-xxxx
STEVEN K. MULLIKEN, xxx-xx-xxxx
PAUL F. MULLINS, xxx-xx-xxxx
JOHN D. MUNCEY, xxx-xx-xxxx
RAYMOND S. MUNN, xxx-xx-xxxx
STEVEN J. MURA, xxx-xx-xxxx
JOHN C. MURPHY, xxx-xx-xxxx
JOHN J. MURPHY, JR., xxx-xx-xxxx
VINCENT MURPHY, xxx-xx-xxxx
MARK P. MURRAY, xxx-xx-xxxx
ROY A. MURRAY, JR., xxx-xx-xxxx
MARION S. MUSILLI, xxx-xx-xxxx
JAMES B. MYERS, xxx-xx-xxxx
PHILLIP E. MYERS, xxx-xx-xxxx
JAMES K. NADDEO, xxx-xx-xxxx
MICHAEL NAGY, JR., xxx-xx-xxxx
KENNETH J. NAYLOR, xxx-xx-xxxx
PAUL F. NEGRINI, xxx-xx-xxxx
JOHN M. NEIL, xxx-xx-xxxx
GALE D. NELLANS, xxx-xx-xxxx
DANNY L. NELSON, xxx-xx-xxxx
GERARD J. NELSON, xxx-xx-xxxx
SAMUEL E. NELSON, xxx-xx-xxxx
CHARLES M. NESTER, xxx-xx-xxxx
RICHARD C. NEVES, xxx-xx-xxxx
FRANK R. NEWETT, xxx-xx-xxxx
CHARLES F. NEWMANN, xxx-xx-xxxx
ROBERT A. NEWPORT, xxx-xx-xxxx
MAX T. NICHOLS, xxx-xx-xxxx
PHILIP A. NICHOLS, xxx-xx-xxxx
CRAIG NIEDERPRUEM, xxx-xx-xxxx
ANDREW A. NIXON, xxx-xx-xxxx
CHESTER F. NOLF, xxx-xx-xxxx
BRUCE A. NOLTE, xxx-xx-xxxx
GEORGE T. NORTON, xxx-xx-xxxx
RICHARD M. NOWLIN, xxx-xx-xxxx
WILLIAM A. NOYES, xxx-xx-xxxx
WILLIAM L. NUFFER, xxx-xx-xxxx
ROBERT E. OATIS, xxx-xx-xxxx
PATRICK F. OBRIEN, xxx-xx-xxxx
DAVID J. OCCHIALINI, xxx-xx-xxxx
DENNIS W. OCONNELL, xxx-xx-xxxx
CHARLES M. OCONNOR, xxx-xx-xxxx
RONNIE A. ODANIELL, xxx-xx-xxxx
ALLEN W. ODELL, xxx-xx-xxxx
GLEN D. ODOM, xxx-xx-xxxx
GLENN A. OGDEN, xxx-xx-xxxx
RONALD W. OHLHAUSEN, xxx-xx-xxxx
TIMOTHY J. OLEARY, xxx-xx-xxxx
ANTHONY G. OLENCZUK, xxx-xx-xxxx
KENNETH L. OLIN, xxx-xx-xxxx
DENNIS N. OLSEN, xxx-xx-xxxx
RICHARD P. OLSEN, xxx-xx-xxxx
GLENN R. OLSON, xxx-xx-xxxx
KENNETH D. OLSON, xxx-xx-xxxx
EDWARD C. ONEILL, xxx-xx-xxxx
DALE E. ONSTINE, xxx-xx-xxxx
DON C. OSBORNE, xxx-xx-xxxx
ROOSEVELT OSBORNE, xxx-xx-xxxx
MARY L. OTT, xxx-xx-xxxx
JOHN F. OURADA, xxx-xx-xxxx
JAMES M. OVERTON, xxx-xx-xxxx
CHARLES F. OWEN, xxx-xx-xxxx
ORLANDO K. OWEN, xxx-xx-xxxx
TERRY J. OXLEY, xxx-xx-xxxx
MICHAEL B. PACE, xxx-xx-xxxx
THOMAS M. PACZAK, xxx-xx-xxxx
RAYMOND PAGANDIEZ, xxx-xx-xxxx
JOHN D. PAGE, xxx-xx-xxxx
ROBERT M. PALKA, xxx-xx-xxxx
ROBERT P. PALMER, xxx-xx-xxxx
CHARLES C. PANGLE, II, xxx-xx-xxxx
JAMES J. PARENTE, xxx-xx-xxxx
ANNETTE E. PARKER, xxx-xx-xxxx
BURTON G. PARKER, xxx-xx-xxxx
GERVIS A. PARKERSON, xxx-xx-xxxx
GREGORY L. PARMA, xxx-xx-xxxx
ROBERT M. PARRY, xxx-xx-xxxx
ALAN C. PARSONS, xxx-xx-xxxx
LYNDA G. PARSONS, xxx-xx-xxxx
JACQUES O. PARTAIN, xxx-xx-xxxx
VITAS G. PASKAUSKAS, xxx-xx-xxxx
GEORGE R. PATE, xxx-xx-xxxx
WILLIAM H. PATE, xxx-xx-xxxx
JOHN H. PATTHOFF, xxx-xx-xxxx
DARRYL L. PATTILLO, xxx-xx-xxxx
JAMES R. PATTON, xxx-xx-xxxx
JIMMY A. PAYNE, xxx-xx-xxxx
ROBERT R. PAZ, xxx-xx-xxxx
THOMAS P. PEARMAN, xxx-xx-xxxx
JOHN M. PEARSON, xxx-xx-xxxx
VERNON P. PEARSON, xxx-xx-xxxx
VERNON PEDERSEN, xxx-xx-xxxx
TIMOTHY T. PEELE, xxx-xx-xxxx
CHARLES PENDERGAST, xxx-xx-xxxx
NORMAN PENDERGRASS, xxx-xx-xxxx
CHARLES C. PENNER, xxx-xx-xxxx
KENNETH L. PENTTILA, xxx-xx-xxxx
ANDREW W. PENZELL, xxx-xx-xxxx
JOHN J. PEPE, xxx-xx-xxxx
ROBERT W. PETERS, xxx-xx-xxxx
WALTER C. PETERS, xxx-xx-xxxx
EDWARD A. PETERSEN, xxx-xx-xxxx
PATRICK C. PETERSON, xxx-xx-xxxx
KOSTANDENO PETSAS, xxx-xx-xxxx
CHARLES R. PFEIFFER, xxx-xx-xxxx
DONALD W. PHARR, xxx-xx-xxxx
JACKIE L. PHELPS, xxx-xx-xxxx
JAMES P. PHILLIPS, xxx-xx-xxxx
RANDY G. PHILLIPS, xxx-xx-xxxx
ISAAC D. PICKERING, xxx-xx-xxxx
ANTHONY W. PIEPER, xxx-xx-xxxx
LEROY N. PIERCE, xxx-xx-xxxx
JACK C. PINNEY, xxx-xx-xxxx
JOSEPH J. PINZONE, xxx-xx-xxxx
KENNETH PLEASANT, xxx-xx-xxxx
STEVEN H. PLOURDE, xxx-xx-xxxx
THADDEU PODBIELSKI, xxx-xx-xxxx
FREDRIC W. PODHORA, xxx-xx-xxxx
MICHAEL D. POLANSKY, xxx-xx-xxxx
FELIX E. POLZ, xxx-xx-xxxx
ALBERT B. POMEROY, xxx-xx-xxxx
MICHAEL A. POMPONIO, xxx-xx-xxxx
ELBERT R. POOLE, xxx-xx-xxxx
HARDY B. POOLE, xxx-xx-xxxx
JAMES S. POOLE, xxx-xx-xxxx
ROGER J. PORTER, xxx-xx-xxxx
DOUGLAS C. POST, xxx-xx-xxxx
JAMES M. POTTER, xxx-xx-xxxx
JACK POWELL, xxx-xx-xxxx
KENNETH A. POWELL, xxx-xx-xxxx
THOMAS L. POWERS, xxx-xx-xxxx
RAUL C. PRADO, xxx-xx-xxxx
JOHN D. PRANGE, xxx-xx-xxxx
ROBERT P. PRATT, xxx-xx-xxxx
WILLIAM F. PREISSEL, xxx-xx-xxxx
WALTER L. PRESHA, xxx-xx-xxxx
CHARLES PRICE, xxx-xx-xxxx
DONALD L. PRICE, xxx-xx-xxxx
THOMAS J. PRINCIPE, xxx-xx-xxxx
KENNETH S. PULKET, xxx-xx-xxxx
GARY W. PURYEAR, xxx-xx-xxxx
WILLIAM J. PYLES, xxx-xx-xxxx
GERALD L. QUIGLEY, xxx-xx-xxxx
PAUL W. QUIGLEY, xxx-xx-xxxx
THOMAS R. RAGLAND, xxx-xx-xxxx
MANSLE E. RAINES, JR., xxx-xx-xxxx
THOMAS F. RAMOS, xxx-xx-xxxx
ERVIN RAMOSMOLL, xxx-xx-xxxx
WILLIAM H. RANKIN, xxx-xx-xxxx
JAMES K. RAY, xxx-xx-xxxx
ROYCE M. RAY, xxx-xx-xxxx
TERRELL T. REDDICK, xxx-xx-xxxx
WILLIAM M. REED, xxx-xx-xxxx
WALLACE R. REEDER, xxx-xx-xxxx
ALOYSIUS I. REISZ, xxx-xx-xxxx
RONALD J. RENSKI, xxx-xx-xxxx
EDWARD S. REPKO, xxx-xx-xxxx
WILLIAM P. RESEN, xxx-xx-xxxx
FRANK N. REYNOLDS, xxx-xx-xxxx
PAUL G. REYNOLDS, xxx-xx-xxxx
RICHARD A. RHODES, xxx-xx-xxxx
JOHN E. RICE, xxx-xx-xxxx
RICHARD P. RICE, xxx-xx-xxxx
DWIGHT RICHARDSON, xxx-xx-xxxx
THOMAS E. RICHTER, xxx-xx-xxxx
RAYNOR J. RICKS, xxx-xx-xxxx
JOHN R. RIDINGS, xxx-xx-xxxx
WILLIAM J. RIDLEY, xxx-xx-xxxx
CHARLES S. RILEY, xxx-xx-xxxx
RAFAEL A. RIOS, xxx-xx-xxxx
RAFAEL RIVERARIOS, xxx-xx-xxxx
WILLIAM J. RIVERS, xxx-xx-xxxx
WILLIAM J. ROBBINS, xxx-xx-xxxx
CHARLES T. ROBBS, xxx-xx-xxxx
WILLIAM V. ROBERTI, xxx-xx-xxxx
STEVEN D. ROBERTS, xxx-xx-xxxx
J. WESLEY ROBINSON, xxx-xx-xxxx
FRANCIS C. ROCHE, JR., xxx-xx-xxxx
JAMES G. ROCK, xxx-xx-xxxx
EDWIN R. RODRIGUEZ, xxx-xx-xxxx
FEDERICO RODRIGUEZ, xxx-xx-xxxx
CHRISTOPHER H. ROE, xxx-xx-xxxx
THOMAS ROE, xxx-xx-xxxx
R. E. ROGERS, JR., xxx-xx-xxxx
DAVID P. ROLPH, xxx-xx-xxxx
RICHARD M. ROMANEK, xxx-xx-xxxx
ROBERT T. RONZIO, xxx-xx-xxxx
JOHN W. ROOKS, xxx-xx-xxxx
CHARLES C. ROOP, xxx-xx-xxxx
HAROLD G. ROSE, xxx-xx-xxxx
RICHARD A. ROSE, xxx-xx-xxxx
RAYMOND E. ROSELAND, xxx-xx-xxxx
JAMES A. ROSELL, xxx-xx-xxxx
CHARLES ROSENBLUM, xxx-xx-xxxx
JAMES F. ROSENCRANS, xxx-xx-xxxx
ALBERT S. ROSS, xxx-xx-xxxx
JOHN A. ROSS, II, xxx-xx-xxxx
PAUL Z. ROSS, xxx-xx-xxxx
STEVEN D. ROSS, xxx-xx-xxxx
DAVID A. ROWLAND, xxx-xx-xxxx
GORDON A. ROWLEY, xxx-xx-xxxx
STEVEN E. RUCKER, xxx-xx-xxxx
ROBERT W. RUSSELL, xxx-xx-xxxx
WILLIAM L. RUSSELL, xxx-xx-xxxx
LANCE M. RUTALLIE, xxx-xx-xxxx
DENNIS M. RYAN, xxx-xx-xxxx
DAVID N. RYBICKI, xxx-xx-xxxx
LARRY G. SAGE, xxx-xx-xxxx
GREGORY R. SALMON, xxx-xx-xxxx
DEAN J. SALUTI, xxx-xx-xxxx
FRANLY H. SANCHEZ, xxx-xx-xxxx
RIVERA J. SANCHEZ, xxx-xx-xxxx
STEPHEN G. SANDNESS, xxx-xx-xxxx
STEPHEN R. SANDS, xxx-xx-xxxx
RICHARD I. SASAKI, xxx-xx-xxxx
RICHARD SATKOWSKI, xxx-xx-xxxx
IRVING H. SAVOY, xxx-xx-xxxx
MATTHEW T. SAWTELLE, xxx-xx-xxxx
WILLIAM D. SAWYER, xxx-xx-xxxx
DAVID P. SAXON, xxx-xx-xxxx
JAMES W. SAYRE, xxx-xx-xxxx
GARY K. SCHALL, xxx-xx-xxxx
MICHAEL L. SCHAUB, xxx-xx-xxxx
DAVID A. SCHAUER, xxx-xx-xxxx
WESLEY H. SCHERMANN, xxx-xx-xxxx
JUDITH R. SCHILL, xxx-xx-xxxx
JOSEP SCHINDELHOLZ, xxx-xx-xxxx
JON E. SCHMEISER, xxx-xx-xxxx
ROBERT W. SCHNEIDER, xxx-xx-xxxx
WILLIAM SCHNEIDER, xxx-xx-xxxx
FREDE SCHNITZSPAHN, xxx-xx-xxxx
EDWARD T. SCHOLLY, xxx-xx-xxxx
BRUCE D. SCHRIMPF, xxx-xx-xxxx
WALDO SCHROEDER, JR, xxx-xx-xxxx
GREGORY D. SCHRUBBE, xxx-xx-xxxx
RICHARD W. SCHULTZE, xxx-xx-xxxx
DON J. SCHWARZROCK, xxx-xx-xxxx
RICHARD SCHWEIZER, xxx-xx-xxxx
EDWARD D. SCOTT, xxx-xx-xxxx
GEORGE M. SCOTT, xxx-xx-xxxx
TURNER C. SCOTT, xxx-xx-xxxx
MICHAEL J. SCULLIN, xxx-xx-xxxx
DAVID B. SEARS, xxx-xx-xxxx
KNUTE E. SEEBOHM, xxx-xx-xxxx
JOHN R. SEERONEN, xxx-xx-xxxx
STANALAND A. SEERY, xxx-xx-xxxx
MATTHEW R. SEGAL, xxx-xx-xxxx
LONNIE R. SEGLIE, xxx-xx-xxxx
LEON M. SEXTON, xxx-xx-xxxx
JOHN L. SHANAHAN, xxx-xx-xxxx
RODGER L. SHANKS, xxx-xx-xxxx
TERRY L. SHARPE, xxx-xx-xxxx
JOSEPH P. SHATAS, xxx-xx-xxxx
JOHN L. SHAW, xxx-xx-xxxx
WILLIAM W. SHAWN, xxx-xx-xxxx
DENNIS P. SHEA, xxx-xx-xxxx
ROBERT P. SHEEHAN, xxx-xx-xxxx
WARREN G. SHELTON, xxx-xx-xxxx
MICHAEL L. SHERE, xxx-xx-xxxx
JIM H. SHERMAN, xxx-xx-xxxx
RICHARD A. SHERMAN, xxx-xx-xxxx
JAMES R. SHOLAR, xxx-xx-xxxx

THOMAS A. SHOPAY, xxx-xx-xxxx
JOSEPH SHORTILL, xxx-xx-xxxx
GEORGE C. SHOTT, xxx-xx-xxxx
JERRY W. SHUFFLER, xxx-xx-xxxx
ANGEL I. SIBERON, xxx-xx-xxxx
WILLIAM E. SIEDLING, xxx-xx-xxxx
MARYCLARE M. SIEGEL, xxx-xx-xxxx
ROBERT R. SIMMONS, xxx-xx-xxxx
WILLIAM A. SIMMONS, xxx-xx-xxxx
GEORGE R. SIMNO, xxx-xx-xxxx
JOSEPH N. SIMONIN, xxx-xx-xxxx
JAMES E. SIMPSON, xxx-xx-xxxx
WILLIAM A. SIMPSON, xxx-xx-xxxx
THOMAS L. SINCLAIR, xxx-xx-xxxx
RONALD M. SKAGGS, xxx-xx-xxxx
JANEK A. SKUTNIK, xxx-xx-xxxx
CHARLES R. SLADE, xxx-xx-xxxx
SHALON N. SLEDGE, xxx-xx-xxxx
HAROLD C. SLOOP, xxx-xx-xxxx
WALTER J. SLUSARK, xxx-xx-xxxx
GERALD N. SLUTZKY, xxx-xx-xxxx
ERNEST SMALLMAN, II, xxx-xx-xxxx
DALE W. SMITH, xxx-xx-xxxx
JAMES G. SMITH, xxx-xx-xxxx
MAURICE L. SMITH, xxx-xx-xxxx
MICHAEL A. SMITH, xxx-xx-xxxx
ROBERT W. SMITH, xxx-xx-xxxx
TERRY E. SMITH, xxx-xx-xxxx
WILLIAM R. SMITH, xxx-xx-xxxx
RONALD A. SNEAD, xxx-xx-xxxx
ROBERT V. SNIDE, xxx-xx-xxxx
JOHN M. SNOW, xxx-xx-xxxx
EDWARD A. SOKOLOSKI, xxx-xx-xxxx
EDWARD SONNENFELD, xxx-xx-xxxx
LORENZO J. SORDONI, xxx-xx-xxxx
ROBERT R. SOURENIAN, xxx-xx-xxxx
EDWARD P. SOUTHERN, xxx-xx-xxxx
ANDREW C. SPACONE, xxx-xx-xxxx
JAMES R. SPADAFORE, xxx-xx-xxxx
MICHAEL L. SPARKS, xxx-xx-xxxx
ALAN G. SPAULDING, xxx-xx-xxxx
WALTER C. SPAULDING, xxx-xx-xxxx
TERRELL P. SPENCE, xxx-xx-xxxx
JAMES P. SPENCER, xxx-xx-xxxx
JOHN F. SPENCER, xxx-xx-xxxx
STEVEN M. SPENCER, xxx-xx-xxxx
RICHARD H. SPICER, xxx-xx-xxxx
CECIL S. SPITLER, xxx-xx-xxxx
THOMAS R. SPIVEY, xxx-xx-xxxx
LEIF T. SPONBECK, xxx-xx-xxxx
DONALD N. SPRADLING, xxx-xx-xxxx
ROBERT F. SPRAGUE, xxx-xx-xxxx
FRANK T. STACKHOUSE, xxx-xx-xxxx
RICHARD P. STAGE, xxx-xx-xxxx
JESSE J. STAMANT, xxx-xx-xxxx
LINDA L. STANLEY, xxx-xx-xxxx
CHARLES D. STARK, xxx-xx-xxxx
CHRISTOPHER STARK, xxx-xx-xxxx
RICHARD B. STARKEY, xxx-xx-xxxx
LYNN G. STAULCUP, xxx-xx-xxxx
ROBERT M. STEADMAN, xxx-xx-xxxx
PAUL L. STEELE, xxx-xx-xxxx
JOSEPH T. STEHN, xxx-xx-xxxx
JAMES E. STEHR, xxx-xx-xxxx
CHARLES STEPHENSON, xxx-xx-xxxx
ALVIN W. STERNKE, JR, xxx-xx-xx...
STEPHEN S. STEWART, xxx-xx-xxxx
WALTER J. STEWART, xxx-xx-xxxx
DANIEL R. STICE, xxx-xx-xxxx
STEVEN A. STINSON, xxx-xx-xxxx
JOHN F. STOLEY, xxx-xx-xxxx
LARRY C. STOMPRUD, xxx-xx-xxxx
CRAIGY M. STRATTON, xxx-xx-xxxx
CHARLES P. STROM, xxx-xx-xxxx
THOMAS E. STRONGIN, xxx-xx-xxxx
ROBERT S. STUBBS, xxx-xx-xxxx
RUSSELL G. STULTZ, xxx-xx-xxxx
MICHAEL Y. SUGIMURA, xxx-xx-xxxx
MARK E. SULLIVAN, xxx-xx-xxxx
THOMAS F. SULLIVAN, xxx-xx-xxxx
ROGER C. SUMMERS, xxx-xx-xxxx
ERIC M. SUNDIN, xxx-xx-xxxx
DARRY SUPERCZYNSKI, xxx-xx-xxxx
RONALD D. SWANN, xxx-xx-xxxx
JAMES E. SWARTZ, xxx-xx-xxxx
LLOYD S. SWEET, xxx-xx-xxxx
CHARLES M. SWINFORD, xxx-xx-xxxx
ROBERT W. SYLVESTER, xxx-xx-xxxx
THOMAS J. SYRACUSE, xxx-xx-xxxx
JEFFREY W. TAFT, xxx-xx-xxxx
MELVIN S. TAMAYE, xxx-xx-xxxx
WILLIAM W. TANEY, xxx-xx-xxxx
MARGARET TANKOVICH, xxx-xx-xxxx
JOHN E. TARGETT, xxx-xx-xxxx
JOSEPH H. TATE, xxx-xx-xxxx
MARTIN C. TATE, xxx-xx-xxxx
ANDREW T. TAYLOR, xxx-xx-xxxx
ANTHONY R. TAYLOR, xxx-xx-xxxx
BERNARD TAYLOR, JR, xxx-xx-xxxx
CECIL R. TAYLOR, xxx-xx-xxxx
EARNEST R. TAYLOR, xxx-xx-xxxx
EDWARD C. TAYLOR, xxx-xx-xxxx
TERRY J. TAYLOR, xxx-xx-xxxx
MAXIE M. TENBERG, xxx-xx-xxxx
ROBERT L. TERRELL, xxx-xx-xxxx
TIMOTHY J. TERRELL, xxx-xx-xxxx
DAVID L. TERZIAN, xxx-xx-xxxx
THORVALD J. TESTMAN, xxx-xx-xxxx
VINCENT P. THIBAULT, xxx-xx-xxxx
GLENN P. THIENEL, xxx-xx-xxxx
JOHN J. THOMAS, xxx-xx-xxxx
DENNIS M. THOMPSON, xxx-xx-xxxx
EDWARD M. THOMPSON, xxx-xx-xxxx
DAVID O. THOMS, xxx-xx-xxxx
CARLOS J. TIBBETTS, xxx-xx-xxxx
WILLIAM R. TIDWELL, xxx-xx-xx...
VANCE R. TIEDE, xxx-xx-xxxx
VAL J. TIERNEY, xxx-xx-xxxx
RICHARD A. TINDELL, xxx-xx-xxxx
DANNY E. TINSLEY, xxx-xx-xxxx
ROBERT G. TIPPETT, xxx-xx-xxxx
KENNETH G. TIPTON, xxx-xx-xxxx
DOUGLAS A. TOLBERT, xxx-xx-xxxx
MICHALE O. TOLLE, xxx-xx-xxxx
ANDREW J. TOMKO, xxx-xx-xxxx
MICHAEL F. TONES, xxx-xx-xxxx
EDMUND J. TOOHER, xxx-xx-xxxx
RICHARD E. TOOHEY, xxx-xx-xxxx
JOSE TORRES, JR, xxx-xx-xxxx
TIMOTHY R. TRAFFORD, xxx-xx-xxxx
SARANTOS N. TRAKAS, xxx-xx-xxxx
FRANK L. TRAVIS, xxx-xx-xxxx
JAMES D. TREADWELL, xxx-xx-xxxx
ROBERT J. TRIER, xxx-xx-xxxx
RICHARD TROAST, xxx-xx-xxxx
HALL C. TRUNDLE, xxx-xx-xxxx
CLIFFORD P. TSUBOI, xxx-xx-xxxx
DONALD W. TUNSTALL, xxx-xx-xxxx
MARY J. TURCOTTE, xxx-xx-xxxx
GORDON L. TURNER, xxx-xx-xxxx
JERRY D. TURNER, xxx-xx-xxxx
JOSEPH T. TURNER, xxx-xx-xxxx
ROBERT F. TURNER, II, xxx-xx-xxxx
VAN N. TURNER, JR, xxx-xx-xxxx
JAMES C. UNDERWOOD, xxx-xx-xxxx
GODFREY W. UPDIKE, JR, xxx-xx-xxxx
JAMES C. USHIJIMA, xxx-xx-xxxx
JAMES A. VALENTICH, xxx-xx-xxxx
JAMES D. VALENTYN, xxx-xx-xxxx
GREGORY J. VALERIO, xxx-xx-xxxx
DALE B. VAN, xxx-xx-xxxx
JAMES A. VANDERHOEK, xxx-xx-xxxx
DENNIS E. VANFOSSEN, xxx-xx-xxxx
JACK M. VANKIRK, xxx-xx-xxxx
DAVID A. VANKLEECK, xxx-xx-xxxx
DICK R. VANTASSELL, xxx-xx-xxxx
HENRY A. VAUGHAN, xxx-xx-xxxx
LEWIS E. VEAL, xxx-xx-xx...
ROBERT L. VENEGONI, xxx-xx-xxxx
DAVID T. VIDEON, xxx-xx-xxxx
KENNETH VIEMEISTER, xxx-xx-xxxx
ELLEN C. VIETS, xxx-xx-xxxx
FREDERICK VISEL, xxx-xx-xxxx
DAVID C. VOLLRATH, xxx-xx-xxxx
ROBERT W. WADDELL, xxx-xx-xxxx
DAVID T. WAGNER, xxx-xx-xxxx
JOHN F. WAGONER, xxx-xx-xxxx
DAVID E. WAINSCOTT, xxx-xx-xxxx
RAYMOND A. WAKENELL, xxx-xx-xxxx
RICHARD M. WALFORD, xxx-xx-xxxx
BRUCE C. WALKER, xxx-xx-xxxx
THOMAS S. WALKER, xxx-xx-xxxx
WILLIE WALKER, JR, xxx-xx-xxxx
BRUCE L. WALLENTA, xxx-xx-xx...
MARK O. WALSH, xxx-xx-xxxx
JAMES H. WARE, xxx-xx-xxxx
KENNETH R. WARNER, xxx-xx-xxxx
BRADLEY K. WARREN, xxx-xx-xxxx
JOEL E. WARREN, xxx-xx-xxxx
MAURICE E. WATSON, xxx-xx-xxxx
FREDDY J. WATTS, xxx-xx-xxxx
MARTIN J. WCISLEK, xxx-xx-xxxx
JIMMY D. WEBB, xxx-xx-xxxx
MICHAEL R. WEBB, xxx-xx-xxxx
DALE E. WEBER, xxx-xx-xxxx
ALVERN C. WEED, xxx-xx-xxxx
WILLIAM E. WEIKERT, xxx-xx-xxxx
WAYNE C. WELLS, xxx-xx-xx...
RICHARD C. WENZEL, xxx-xx-xxxx
THOMAS E. WEST, xxx-xx-xxxx
FREELON D. WHEELER, xxx-xx-xxxx
JAMES M. WHEELER, xxx-xx-xxxx
THOMAS R. WHITE, xxx-xx-xxxx
WARREN A. WHITE, xxx-xx-xxxx
WILLIAM F. WHITE, xxx-xx-xxxx
BERNARD E. WHITLEY, xxx-xx-xxxx
DUDLEY C. WHITLOCK, xxx-xx-xxxx
RICHARD T. WHITMAN, xxx-xx-xxxx
JACK C. WHITNEY, xxx-xx-xxxx
DANIEL WICKERSHAM, xxx-xx-xx...
ELIJAH E. WIDENER, xxx-xx-xxxx
THOMAS M. WILCOX, xxx-xx-xxxx
ROBERT WILDER, xxx-xx-xxxx
JOHN W. WILEY, xxx-xx-xxxx
GREGORY Q. WILLIAMS, xxx-xx-xxxx
JACK M. WILLIAMS, xxx-xx-xxxx
JAMES R. WILLIAMS, xxx-xx-xxxx
JAMES W. WILLIAMS, xxx-xx-xxxx
JOSEPH V. WILLIAMS, xxx-xx-xxxx
LEONARD B. WILLIAMS, xxx-xx-xxxx
MARCUS L. WILLIAMS, xxx-xx-xx...
THOMAS E. WILLIAMS, xxx-xx-xx...
JOHN C. WILLUT, xxx-xx-xxxx
ADDISON G. WILSON, xxx-xx-xxxx
MILES M. WILSON, xxx-xx-xxxx
PHILIP M. WILSON, xxx-xx-xxxx
REX S. WILSON, xxx-xx-xxxx
EDWARD F. WINDISCH, xxx-xx-xxxx
PATRICK J. WING, xxx-xx-xxxx
BARRINGER WINGARD, xxx-xx-xxxx
CHARLES J. WINN, xxx-xx-xxxx
DONNIE E. WINTER, xxx-xx-xxxx
JOHN R. WISE, xxx-xx-xxxx
EDWARD C. WITHERELL, xxx-xx-xxxx
ALAN M. WITKIN, xxx-xx-xxxx
ROY D. WOLGAMOTT, xxx-xx-xxxx
ALOIS C. WOLSKI, xxx-xx-xxxx
GEORGE L. WOLSKI, xxx-xx-xxxx
KENNETH F. WONDRACK, xxx-xx-xxxx
WHALEN K. WONG, xxx-xx-xxxx
THOMAS L. WOODS, xxx-xx-xxxx
GREGORY E. WOOLCOTT, xxx-xx-xxxx
CLARENCE E. WORKMAN, xxx-xx-xxxx
DAVID D. WORTH, xxx-xx-xxxx
JANET M. WRAY, xxx-xx-xxxx
LEWIS H. WRAY, xxx-xx-xxxx
FRANK A. WRIGHT, xxx-xx-xxxx
JOHN YEE, xxx-xx-xxxx
ROBERT D. YOUMANS, xxx-xx-xxxx
DANIEL E. YOUNG, xxx-xx-xxxx
HANS R. YOUNG, xxx-xx-xxxx
JEFFREY C. YOUNG, xxx-xx-xxxx
PAUL W. ZAGORSKI, xxx-xx-xxxx
LOUIS S. ZEMINSKY, xxx-xx-xxxx
EDWARD L. ZIBILSKI, xxx-xx-xxxx
LIN A. ZIMMERMAN, xxx-xx-xxxx
RAYMOND ZIMMERMAN, xxx-xx-xxxx
NORMAN E. ZOLLER, xxx-xx-xxxx
BRUCE A. ZORIO, xxx-xx-xxxx
PATRIC M. ZWOLENSKI, xxx-xx-xxxx
RALPH C. ZYCHOWICZ, xxx-xx-xx...
JOHN E. ZYDRON, xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

INGRID E. ABRAMES, xxx-xx-xxxx
JUDITH ABRAMOVITZ, xxx-xx-xxxx
MARY A. AIGELDINGER, xxx-xx-xxxx
CHARMAIN ALEXANDER, xxx-xx-xxxx
NANCY J. AMES, xxx-xx-xxxx
MARJORIE ANDERSON, xxx-xx-xxxx
GRACE E. ANGELILLI, xxx-xx-xxxx
LOIS D. ANTON, xxx-xx-xxxx
MARILYN BAIERLIPP, xxx-xx-xxxx
ANNE B. BAKER, xxx-xx-xxxx
MARILYN W. BARRETT, xxx-xx-xxxx
MARY A. BARRY, xxx-xx-xxxx
GRACE J. BEGGS, xxx-xx-xxxx
DEBRA J. BELKO, xxx-xx-xxxx
RACQUEL U. BENBOW, xxx-xx-xxxx
LINDA F. BERGER, xxx-xx-xxxx
MARLENE J. BERLIN, xxx-xx-xxxx
MICHAEL E. BERUBE, xxx-xx-xxxx
REBECCA D. BLOCKER, xxx-xx-xxxx
MARY F. BOLFING, xxx-xx-xxxx
DONALD J. BONIN, xxx-xx-xxxx
LYNNETTE BORCHERT, xxx-xx-xxxx
MARY J. BOTH, xxx-xx-xxxx
MARSHA J. BOWEN, xxx-xx-xxxx
BONNIE L. BOWLAND, xxx-xx-xxxx
JUDITH C. BRANDT, xxx-xx-xxxx
JEANNE N. BRASHER, xxx-xx-xxxx
LAWRENCE E. BRENNAN, xxx-xx-xxxx
CATHIE S. BRIEN, xxx-xx-xxxx
CAMILLE M. BRINKS, xxx-xx-xxxx
LORETTA M. BROADNAX, xxx-xx-xxxx
CHARLENE T. BROCHU, xxx-xx-xxxx
JIMMIE R. BROWN, xxx-xx-xxxx
LORET BRUSHNORMILE, xxx-xx-xxxx
DORIS E. BUCKLEY, xxx-xx-xxxx
KRISTINE CAMPBELL, xxx-xx-xxxx
CAROL A. CARROLL, xxx-xx-xx...
KATHERINE H. CASE, xxx-xx-xxxx
JESSICA N. CHAPMAN, xxx-xx-xxxx
MARY R. CHASLER, xxx-xx-xxxx
DONNA K. N. COBURN, xxx-xx-xxxx
SALLY J. COLEMAN, xxx-xx-xxxx
ANN M. COLLINS, xxx-xx-xxxx
CONSTANCE COLLINS, xxx-xx-xxxx
NANCY R. CONNAWAY, xxx-xx-xxxx
MARGARET A. CONRAD, xxx-xx-xxxx
DAVID E. COOPER, xxx-xx-xxxx
KATHLEEN Y. COOPER, xxx-xx-xxxx
ELIZABETH CORTELLI, xxx-xx-xxxx
KATHLEEN R. CRANE, xxx-xx-xxxx
JOANNA L. CRANFORD, xxx-xx-xxxx
BARBARA CROOKSHANK, xxx-xx-xxxx
MICHELE C. DACENAY, xxx-xx-xxxx
DEBORAH DACUMOS, xxx-xx-xxxx
LINDA K. DAVIS, xxx-xx-xxxx
KAREN R. DAWSON, xxx-xx-xxxx
FLORENCE DEBERNARD, xxx-xx-xxxx
ELIZABETH DELFINO, xxx-xx-xxxx
HERBERT L. DILLON, xxx-xx-xxxx
CHERYL L. DOLENC, xxx-xx-xxxx
CEDALIAH R. DUKE, xxx-xx-xxxx
ARTHUR M. DUNSCOMBE, xxx-xx-xxxx
NANCY H. DUPARC, xxx-xx-xxxx
DIANE H. DUPONT, xxx-xx-xxxx
MARCIA E. EASTLUND, xxx-xx-xxxx
MARYANN P. EGBERT, xxx-xx-xxxx
CHRISTINE H. EHLIES, xxx-xx-xxxx
MARY L. ERNEST, xxx-xx-xxxx
GAIL M. FARRAR, xxx-xx-xxxx
CAROLYN FEGENBUSH, xxx-xx-xxxx
DIANE R. FENLASON, xxx-xx-xxxx
MARY P. FERINDE, xxx-xx-xxxx
SHARON L. FIORELLA, xxx-xx-xxxx
THOMAS T. FLAHERTY, xxx-xx-xxxx
MICHAEL FOBES, xxx-xx-xxxx
EARLENE M. FORSYTHE, xxx-xx-xxxx
LINDA B. FOSS, xxx-xx-xxxx
LINDA S. FRAME, xxx-xx-xxxx
JEAN M. FRANCIS, xxx-xx-xxxx
GAIL M. FRANK, xxx-xx-xxxx

DONNA J. FRIEDBERG, xxx-xx-xxxx
JANE H. FURAUS, xxx-xx-xxxx
PAULA B. GETZIE, xxx-xx-xxxx
LINDA S. GIPSON, xxx-xx-xxxx
CONNIE E. GONZALEZ, xxx-xx-xxxx
PABLO GONZALEZDIAZ, xxx-xx-xx...
BARBARA A. GORAL, xxx-xx-xxxx
JEAN GRANQUIST, xxx-xx-xxxx
UDA M. GRANT, xxx-xx-xxxx
MARY J. GRAP, xxx-xx-xxxx
WENDY J. GREENBERG, xxx-xx-xxxx
CAMILLE D. GROOM, xxx-xx-xx...
MELVIN R. HABERMAN, xxx-xx-xxxx
KATHLEEN M. HANDLEY, xxx-xx-xxxx
CLAUDETTE HANISCH, xxx-xx-xxxx
EDNA T. HARRIS, xxx-xx-xxxx
JANET L. HARRIS, xxx-xx-xxxx
WILLIAM J. HARRISON, xxx-xx-xxxx
COLIN C. HARRYMAN, xxx-xx-xxxx
SYLVIA L. HASLETT, xxx-xx-xxxx
FAY E. HATTER, xxx-xx-xxxx
MARY A. T. HAYUNGA, xxx-xx-xxxx
SANDRA L. HELLMAN, xxx-xx-xxxx
ROSEMARY HELLMANN, xxx-xx-xxxx
PAMELA B. HENSEL, xxx-xx-xxxx
ARLYS M. HEREM, xxx-xx-xxxx
DEBORAH C. HERTHER, xxx-xx-xxxx
BONITA D. HICKMAN, xxx-xx-xxxx
SUSAN E. HILDEBRAND, xxx-xx-xxxx
ANDREA L. HOFFMAN, xxx-xx-xxxx
MARGERY J. HOFFMAN, xxx-xx-xxxx
SUSAN L. HOLLER, xxx-xx-xxxx
PATRICIA L. HOOVER, xxx-xx-xxxx
MARY O. HOSTERMAN, xxx-xx-xxxx
KINLEY W. HOWARD, xxx-xx-xxxx
BONITA D. HUBERS, xxx-xx-xxxx
PATRICIA A. HUFF, xxx-xx-xxxx
CHERYL M. HUGHES, xxx-xx-xxxx
ALINE F. HUMPHREY, xxx-xx-xxxx
MARY L. HURLEY, xxx-xx-xxxx
RICHARD D. HYDE, xxx-xx-xxxx
DINA INGRAM, xxx-xx-xxxx
ELSA INTERIOR, xxx-xx-xxxx
CAROL K. JACOBS, xxx-xx-xxxx
MARY C. JANKE, xxx-xx-xxxx
ROY L. JENKINS, xxx-xx-xxxx
BRUCE E. JERUE, xxx-xx-xxxx
DEBORAH L. JIMINEZ, xxx-xx-xxxx
SHARON I. JOHNSON, xxx-xx-xxxx
VIRGINIA F. JOHNSON, xxx-xx-xxxx
THOMAS E. JOHNSTON, xxx-xx-xxxx
JANICE M. JONES, xxx-xx-xxxx
SONJA S. KAMINKA, xxx-xx-xxxx
CHERRY A. KARL, xxx-xx-xxxx
CLAUDIA KIBLINGER, xxx-xx-xxxx
WILLIAM KIDD, JR., xxx-xx-xxxx
NANCY J. KILGORE, xxx-xx-xxxx
ALICE F. KIMBLE, xxx-xx-xxxx
TONI A. KIMPTON, xxx-xx-xxxx
BEVERLY J. KING, xxx-xx-xxxx
SARAH L. KIRCHMAN, xxx-xx-xxxx
JAIME L. KLATSKY, xxx-xx-xxxx
JOAN L. F. KOLENICH, xxx-xx-xxxx
SHARON S. KOSHAREK, xxx-xx-xxxx
KARON N. KOUGIOULIS, xxx-xx-xxxx
LOI KRETSCHGEMMILL, xxx-xx-xxxx
MARY E. KUBO, xxx-xx-xxxx
DIANE K. KULECK, xxx-xx-xxxx
PHYLLIS J. KUTCH, xxx-xx-xxxx
SUSAN M. LANDER, xxx-xx-xxxx
JULIE A. LANDRITH, xxx-xx-xxxx
CYNTHIA J. LANGE, xxx-xx-xxxx
MARY C. LARCHEY, xxx-xx-xxxx
EDWARD O. LEE, xxx-xx-xxxx
MARY A. LEEMCNAIR, xxx-xx-xxxx
VIRGINIA L. LESSERT, xxx-xx-xxxx
CHRISTINE S. LEWIS, xxx-xx-xxxx
KATHLEEN A. LINDO, xxx-xx-xxxx
MARIANNE LINDSEY, xxx-xx-xxxx
PATRICIA R. LOUBEAU, xxx-xx-xxxx
CYNTHIA A. LOWMAN, xxx-xx-xx...
GRENDA J. LYNCH, xxx-xx-xxxx
CHRISTINE M. MAHON, xxx-xx-xxxx
KATHLEEN A. MANUEL, xxx-xx-xx...
VIRGINIA A. MARSH, xxx-xx-xxxx
JO ANN MARSHALL, xxx-xx-xxxx
PAMELA A. MARTELLO, xxx-xx-xxxx
RHEA R. MCCARTHY, xxx-xx-xxxx
ELLEN M. MCCOLLUM, xxx-xx-xx...
JOHN P. MCDONOUGH, xxx-xx-xxxx
DENISE C. MCINTYRE, xxx-xx-xxxx
SUSAN G. MCKEE, xxx-xx-xxxx
PATRICIA A. MCMAHON, xxx-xx-xxxx
PATRICIA A. MEADE, xxx-xx-xxxx
SUSAN K. MELLOTT, xxx-xx-xxxx
BRUCE M. MEREDITH, xxx-xx-xxxx
GAY D. MERIGGI, xxx-xx-xxxx
BARBARA L. MEYER, xxx-xx-xxxx
DANNY W. MEYER, xxx-xx-xxxx
ELLEN L. MICHALETS, xxx-xx-xx...
DONNA C. MITCHELL, xxx-xx-xx...
GRACE E. MITCHELL, xxx-xx-xx...
KUMIN D. MITCHELL, xxx-xx-xxxx
JANICE L. MOGAN, xxx-xx-xxxx
WILLIAM F. MORAN, xxx-xx-xx...
JUDY K. MORRIS, xxx-xx-xxxx
MARY K. MOSER, xxx-xx-xxxx
CONSTANCE A. MYERS, xxx-xx-xxxx
LAUNA J. NARDELLA, xxx-xx-xx...
PAMELA M. NEFF, xxx-xx-xxxx
CAROL A. NICHOLS, xxx-xx-xx...
MARY R. NICHOLS, xxx-xx-xxxx
BARBARA NIMS, xxx-xx-xxxx
HENRY J. OBEIRNE, xxx-xx-xxxx
EILEEN H. OBRIEN, xxx-xx-xxxx
MAUREEN T. OHARA, xxx-xx-xxxx
STEPHANIE ONSTINE, xxx-xx-xxxx
LINDA J. OSMAN, xxx-xx-xxxx
NOEMI OTERO, xxx-xx-xxxx
KATHERINE R. OWENS, xxx-xx-xxxx
JIMMIE L. OZIAH, xxx-xx-xxxx
NORMAN H. PATRICK, xxx-xx-xxxx
CYNTHIA PATTERSON, xxx-xx-xxxx
CATHERINE V. PECHER, xxx-xx-xxxx
PATRICI PELLEGRINO, xxx-xx-xxxx
JOAN M. PESKIN, xxx-xx-xxxx
FARINELLI PICCIOLI, xxx-xx-xxxx
WALKER H. PILLOW, xxx-xx-xxxx
BARBARA E. PINGEL, xxx-xx-xxxx
DEENA G. PINTO, xxx-xx-xxxx
HELEN E. PRICE, xxx-xx-xxxx
JEAN M. PRICE, xxx-xx-xxxx
SUSAN L. PURDY, xxx-xx-xxxx
PAULA A. QUINDLEN, xxx-xx-xxxx
ISABEL D. RABER, xxx-xx-xxxx
MARY K. RATHJE, xxx-xx-xxxx
VIRGINIA L. RAYBURN, xxx-xx-xxxx
JOAN A. REED, xxx-xx-xxxx
KATHLEEN A. REED, xxx-xx-xxxx
MARYANN M. REINITZ, xxx-xx-xxxx
RENE A. REMILLARD, xxx-xx-xxxx
HELEN Q. REYNOLDS, xxx-xx-xxxx
JACQUELINE RHOADS, xxx-xx-xxxx
CAROL A. RITTER, xxx-xx-xxxx
ANITA F. ROACH, xxx-xx-xxxx
MARY L. ROBERTS, xxx-xx-xxxx
LYDIA B. RODRIGUEZ, xxx-xx-xxxx
CHRISTA K. ROISEN, xxx-xx-xxxx
MARY K. ROMANOFF, xxx-xx-xxxx
MARICAROLYN RUCKER, xxx-xx-xxxx
RICHARD R. RUSSELL, xxx-xx-xxxx
CELIA H. RYBA, xxx-xx-xxxx
MARY M. RYDER, xxx-xx-xxxx
MARCIA J. SADLER, xxx-xx-xxxx
SYLVIA C. SANCHEZ, xxx-xx-xxxx
JAMES A. SARGENT, xxx-xx-xxxx
PETRA E. SCANDALITO, xxx-xx-xxxx
SUSAN K. SCHAEBERLE, xxx-xx-xxxx
PAULA M. SCHULTZ, xxx-xx-xxxx
RODNEY P. SCHULTZ, xxx-xx-xxxx
ANN M. SCHWARTZ, xxx-xx-xxxx
FRANCES G. SCHWARTZ, xxx-xx-xxxx
PATRICIA A. SCHWARZ, xxx-xx-xxxx
MARY R. SHAFER, xxx-xx-xxxx
AMBR SHELLENBERGER, xxx-xx-xxxx
SHIRLEY M. SIMONS, xxx-xx-xxxx
MARY B. SIMS, xxx-xx-xxxx
MOLLY L. SINGLETARY, xxx-xx-xxxx
PHYLLIS J. SMITH, xxx-xx-xxxx
JOANNE SORRENTINO, xxx-xx-xxxx
THERESA SPOERLEIN, xxx-xx-xxxx
MARY J. STAHL, xxx-xx-xxxx
WAYNE H. STANBERRY, xxx-xx-xxxx
VIVIAN D. STARK, xxx-xx-xxxx
ANNE K. STARR, xxx-xx-xxxx
MAREN C. STAVIG, xxx-xx-xxxx
ROBERT D. STEED, xxx-xx-xx...
MARCIA S. STEVENS, xxx-xx-xxxx
PAULINE R. STINES, xxx-xx-xxxx
ERLEENE E. STOKES, xxx-xx-xxxx
TONDA S. STOUFFE, xxx-xx-xxxx
GWEN STRICKLANDCID, xxx-xx-xxxx
STEPHEN G. STUPIK, xxx-xx-xxxx
ROBERT K. SUNDIN, xxx-xx-xxxx
REGINALD T. SYDER, xxx-xx-xxxx
PAULA J. SYLVESTER, xxx-xx-xxxx
CONS SZCZURRAMSETH, xxx-xx-xxxx
JOAN C. THIBODEAUX, xxx-xx-xxxx
STEVEN C. THOMAS, xxx-xx-xxxx
JANET L. THOMPSON, xxx-xx-xxxx
PATRICIA THOMPSON, xxx-xx-xxxx
ANNETTE Y. TITUS, xxx-xx-xxxx
LOIS M. TOELLE, xxx-xx-xxxx
VIANNA TOUSIGNANT, xxx-xx-xxxx
MARGARET M. TRACE, xxx-xx-xxxx
NELDA I. TUCIARONE, xxx-xx-xxxx
ROBERT UDOUCH, xxx-xx-xxxx
DOROTHY A. VAJO, xxx-xx-xxxx
GARFIELD A. VIGIL, xxx-xx-xxxx
PATTY L. VIOLET, xxx-xx-xxxx
MARGARET VITIELLO, xxx-xx-xxxx
CYNTHIA J. VITTERS, xxx-xx-xxxx
DIANE M. VOGELEI, xxx-xx-xxxx
MARY C. WALDEN, xxx-xx-xxxx
PAULA M. WALKER, xxx-xx-xxxx
KATHRYN R. WALTHER, xxx-xx-xxxx
JACQUELYN K. WARREN, xxx-xx-xxxx
CLINTON L. WASSON, xxx-xx-xxxx
RONNIE L. WATSON, xxx-xx-xxxx
JANICE R. WEATHERBY, xxx-xx-xxxx
JEANNE D. WICKLIFF, xxx-xx-xxxx
LORRAINE WILKERSON, xxx-xx-xxxx
JEANNETTE WILLIAMS, xxx-xx-xxxx
GLORIA WILLINGHAM, xxx-xx-xxxx
MARGARET E. WILSON, xxx-xx-xxxx
LYNN C. WIMETT, xxx-xx-xxxx
LINDA L. WOLCHECK, xxx-xx-xx...
GLORIA G. WOODS, xxx-xx-xxxx
EVELYN L. WOODY, xxx-xx-xxxx
CHRISTINE A. WYND, xxx-xx-xxxx
DONNA D. ZEPECKI, xxx-xx-xxxx
DIANN F. ZIMA, xxx-xx-xxxx
JANET F. ZIMMERMAN, xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

JAMES D. ANDERSON, JR., xxx-xx-xxxx
JOSEPH E. BAUGHMAN, xxx-xx-xxxx
EUGENE D. BERGEN, xxx-xx-xxxx
ALAN N. BERNBAUM, xxx-xx-xxxx
JOSEPH H. BOWERS, xxx-xx-xxxx
WILLIAM C. BROOME, xxx-xx-xxxx
WILLIAM T. CHLOSTA, xxx-xx-xx...
PHYLLIS J. CLARK, xxx-xx-xxxx
PAUL G. COLANERI, xxx-xx-xxxx
EDWARD M. DECASTRO, xxx-xx-xxxx
JOHN E. DINAN, xxx-xx-xxxx
HOWARD K. EPPINGER, xxx-xx-xxxx
FRANCIS A. FAGGIONI, xxx-xx-xxxx
SAMUEL D. FEE, xxx-xx-xxxx
ENRIQUE F. FRASER, xxx-xx-xxxx
KNUTE FREDERICKSON, xxx-xx-xxxx
GEORGE G. GATSEOS, xxx-xx-xxxx
MICHAEL GILBERT, xxx-xx-xxxx
STANLEY M. GODGES, xxx-xx-xxxx
JERALD W. HAMBLIN, xxx-xx-xxxx
STEPHEN P. JOHANSEN, xxx-xx-xxxx
JOEL P. JONES, xxx-xx-xxxx
DWIGHT H. KELLER, xxx-xx-xxxx
HENRY B. KIM, xxx-xx-xxxx
JOHN D. KRAMER, xxx-xx-xxxx
PAUL J. KRAUTMANN, xxx-xx-xxxx
JAMES N. LEMON, xxx-xx-xxxx
GREGG A. LEONARDSON, xxx-xx-xxxx
RICHARD M. LHEUREUX, xxx-xx-xxxx
CHESTER V. LOACH, xxx-xx-xxxx
RAMON MARQUEZ, xxx-xx-xxxx
RICHARD M. MCGHAY, xxx-xx-xxxx
RICHARD H. MILLER, xxx-xx-xxxx
PATRICK MONTGOMERY, xxx-xx-xxxx
TALIB A. NAJJAR, xxx-xx-xxxx
JAMES G. PADGETT, xxx-xx-xxxx
ROGER K. PALMQUIST, xxx-xx-xxxx
THOMAS J. PFAU, xxx-xx-xxxx
DIANNE T. PHILP, xxx-xx-xxxx
HOWARD E. POINTER, xxx-xx-xxxx
RICHENS W. POST, xxx-xx-xxxx
JAMES D. READ, xxx-xx-xxxx
JAMES L. RIBARY, xxx-xx-xxxx
HARRY E. RICHARDS, xxx-xx-xxxx
STANLEY A. ROBERTS, xxx-xx-xxxx
BILLY C. ROVER, xxx-xx-xxxx
MARK S. SCHIFFMAN, xxx-xx-xxxx
STEVEN E. SCHONFELD, xxx-xx-xxxx
JON A. SHNEIDMAN, xxx-xx-xxxx
DENNIS L. SIMCIK, xxx-xx-xxxx
JAMES M. SMITH, xxx-xx-xxxx
WILLIAM D. SNEED, xxx-xx-xxxx
LEON E. SOUWEIN, xxx-xx-xxxx
STEVEN J. STEED, xxx-xx-xxxx
KAREN B. TRATENSEK, xxx-xx-xxxx
HAROLD W. TRIPP, xxx-xx-xxxx
GLENN E. TURNER, xxx-xx-xxxx
DAVID C. TYLER, xxx-xx-xxxx
THOMAS E. VANDYKE, xxx-xx-xxxx
LUIS M. VARGAS, xxx-xx-xxxx
WAYNE E. WALCOTT, xxx-xx-xxxx
THOMAS W. WESTFALL, xxx-xx-xxxx
FRANKLIN D. WOO, xxx-xx-xxxx
WILSON WRIGHT, JR., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

RAFAT A. ABBASI, xxx-xx-xxxx
MITCHELL D. ACHEE, xxx-xx-xxxx
JAMES W. ADAMSON, xxx-xx-xxxx
THOMAS R. AHREND, xxx-xx-xxxx
HASAN AKHTAR, xxx-xx-xxxx
MARIA C. ALESII, xxx-xx-xxxx
DONALD W. ALLEN, xxx-xx-xx...
ROGER L. ALLEN, xxx-xx-xxxx
RALPH S. AMATO, xxx-xx-xxxx
EMILIO B. APOSTOL, xxx-xx-xxxx
NORMA M. AQUINO, xxx-xx-xxxx
SEAN T. ATTERIDGE, xxx-xx-xxxx
JOHN C. BAILEY, xxx-xx-xxxx
THOMAS M. BAKER, xxx-xx-xxxx
KUMA BALAKRISHNAN, xxx-xx-xxxx
ROMAN M. BANTON, xxx-xx-xxxx
EDITH V. BARNES, xxx-xx-xxxx
SOLOMON T. BARRERA, xxx-xx-xxxx
SHERYL J. BARTEL, xxx-xx-xxxx
CARLOS BEDROSSIAN, xxx-xx-xxxx
WILLIAM F. BENNETT, xxx-xx-xxxx
JAMES BERKENBAUGH, xxx-xx-xxxx
LILLIAN E. BERMUDEZ, xxx-xx-xxxx
KARL A. BERNHARD, xxx-xx-xxxx
GREGORY H. BLAKE, xxx-xx-xxxx
ROBERT J. BLOK, xxx-xx-xxxx
ARISTIDES L. BOISER, xxx-xx-xxxx
DANIEL A. BOLL, xxx-xx-xxxx
MAC A. BOWMAN, xxx-xx-xx...
CORSTIAAN BRASS, xxx-xx-xxxx
ROBERT M. BREWER, xxx-xx-xxxx
ROY C. BROWN, xxx-xx-xxxx
WARNER L. BRUNER, xxx-xx-xxxx
CLARENCE J. BRYANT, xxx-xx-xxxx
EMIGDIO A. BUCOBO, xxx-xx-xxxx
CLYDE M. BURNHAM, xxx-xx-xxxx
DAVID W. BURTON, xxx-xx-xxxx
JUANITA S. BURTON, xxx-xx-xxxx
LAWRENCE F. BUXTON, xxx-xx-xxxx
BILL F. BYRD, xxx-xx-xxxx

JOSE R. CABALLERO, xxx-xx-xxxx
JOSEPH A. CAMUNAS, xxx-xx-xxxx
WILLIAM G. CAREY, xxx-xx-xxxx
RANDALL B. CASE, xxx-xx-xxxx
HERACLIO F. CASTRO, xxx-xx-xxxx
WILLIAM CHAMBERLIN, xxx-xx-xxxx
GLENWOOD A. CHARLES, xxx-xx-xxxx
USHA G. CHAUDHRY, xxx-xx-xxxx
CHAK L. CHOW, xxx-xx-xxxx
RICHARD W. CLASEN, xxx-xx-xxxx
MELVIN L. COHEN, xxx-xx-xxxx
DANILO R. CORONEL, xxx-xx-xxxx
JOSE M. COSTA, xxx-xx-xxxx
CATHERINE M. CRAVEN, xxx-xx-xxxx
DAVID F. CROWDER, xxx-xx-xxxx
ALFRED G. DAWSON, xxx-xx-xxxx
MICHAEL G. DEEKEN, xxx-xx-xxxx
KAMALINE DESHPANDE, xxx-xx-xxxx
ROBERT V. DEVORE, xxx-xx-xxxx
THIERNO A. DIALLO, xxx-xx-xxxx
JOHN E. DOAN, xxx-xx-xxxx
GERALD F. DREHER, xxx-xx-xxxx
ERLAN C. DUUS, xxx-xx-xxxx
BRUCE M. ELLIOTT, xxx-xx-xxxx
JOSE S. ENCANTO, xxx-xx-xxxx
JON A. ERICKSON, xxx-xx-xxxx
STEVEN D. ESHELMAN, xxx-xx-xxxx
JUAN C. ESPINOZA, xxx-xx-xxxx
BURT I. FAIBISOFF, xxx-xx-xxxx
RAYMOND E. FAUGHT, xxx-xx-xxxx
JOSEPH A. FERNANDEZ, xxx-xx-xxxx
FRANCISC FIGUEREDO, xxx-xx-xxxx
MICHAEL H. FINCH, xxx-xx-xxxx
MITCHELL P. FINK, xxx-xx-xxxx
ALAN B. FISHER, xxx-xx-xxxx
ROBERT A. FRAMPTON, xxx-xx-xxxx
PETER FREDERICKS, xxx-xx-xxxx
EDWARD M. FRIEDLER, xxx-xx-xxxx
WILLIAM FRUEAN, xxx-xx-xxxx
THOMAS G. FRY, xxx-xx-xxxx
CAMILO V. GABIANA, xxx-xx-xxxx
DANTE M. GAMBOA, xxx-xx-xxxx
MANUEL G. GARCIA, xxx-xx-xxxx
LLOYD L. GARDNER, xxx-xx-xxxx
CHARLES N. GIDEON, xxx-xx-xxxx
BRUCE T. GILMORE, xxx-xx-xxxx
CHARLES M. GLASIER, xxx-xx-xxxx
MARCELLUS A. GOFF, xxx-xx-xxxx
MARSHALL GOLDBERG, xxx-xx-xxxx
G. GONZALEZUMPIERRE, xxx-xx-xxxx
ROBERT A. GOODELL, xxx-xx-xxxx
JOHN M. GOSSARD, xxx-xx-xxxx
GORDON D. GRAHAM, xxx-xx-xxxx
WALTER G. GRAVES, xxx-xx-xxxx
WILLIAM G. HAAS, xxx-xx-xxxx
TERENCE J. HADLEY, xxx-xx-xxxx
TIMOTHY P. HALLINAN, xxx-xx-xxxx
JEFFREY S. HANZEL, xxx-xx-xxxx
ALBIN W. HARRIS, xxx-xx-xxxx
LAURENCE W. HARTLEY, xxx-xx-xxxx
MICHAEL HARTSHORNE, xxx-xx-xxxx
WALTER H. HARVEY, xxx-xx-xxxx
JOHN R. HAYES, xxx-xx-xxxx
JOE W. HELLER, xxx-xx-xxxx
CLYDE E. HENDERSON, xxx-xx-xxxx
CLARENCE HENDRIX, xxx-xx-xxxx
ENRIQUE HERNANDEZ, xxx-xx-xxxx
THOMAS A. HICKLIN, xxx-xx-xxxx
SUSAN C. HILL, xxx-xx-xxxx
JOHN R. HILLMAN, xxx-xx-xxxx
PATRICK J. HOGAN, xxx-xx-xxxx
TU H. HONG, xxx-xx-xxxx
KUEI T. HSIANG, xxx-xx-xxxx
DANIEL L. HURST, xxx-xx-xxxx
RICHARD HYMOWITZ, xxx-xx-xxxx
APOLINAR C. ILANO, xxx-xx-xxxx
DIRK G. JOCHEMS, xxx-xx-xxxx
DELBERT E. JONES, xxx-xx-xxxx
WALTER E. JORDAN, xxx-xx-xxxx
JAMES P. JORGENSEN, xxx-xx-xxxx
DOUGLAS R. JOYNER, xxx-xx-xxxx
ANTOINE J. JUMELLE, xxx-xx-xxxx
YOUNG W. KAHN, xxx-xx-xxxx
DONALD N. KAPSCH, xxx-xx-xxxx
ROBERT J. KASULKE, xxx-xx-xxxx
DANNY P. KAUP, xxx-xx-xxxx
WILLIAM A. KEAN, xxx-xx-xxxx
LEE G. KENNARD, xxx-xx-xxxx
SUSAN B. KERN, xxx-xx-xxxx
MUHAMMAD Y. KHAN, xxx-xx-xxxx
ENG L. KHOO, xxx-xx-xxxx
MICHAEL KILHAM, xxx-xx-xxxx
SANG I. KIM, xxx-xx-xxxx
STUART B. KINCAID, xxx-xx-xxxx
JERALD D. KING, xxx-xx-xxxx
THOMAS L. KIRTLEY, xxx-xx-xxxx
PETER M. KLARA, xxx-xx-xxxx
RICHARD L. KLINGLER, xxx-xx-xxxx
BRUCE KLOSTERHOFF, xxx-xx-xxxx
JOHN B. KRAMER, xxx-xx-xxxx
DILEEP M. KUMAR, xxx-xx-xxxx
DANIEL R. KURTTI, xxx-xx-xxxx
GEORGE S. LAKNER, xxx-xx-xxxx
LITA C. LAMPA, xxx-xx-xxxx
RONALD H. LANDS, xxx-xx-xxxx
RICHARD F. LARSEN, xxx-xx-xxxx
DONALD R. LEWIS, xxx-xx-xxxx
RONALD J. LEWIS, xxx-xx-xxxx
MICHAEL M. LINDER, xxx-xx-xxxx
WILLIAM F. LONG, xxx-xx-xxxx
MILTON K. W. LUM, xxx-xx-xxxx
MARC A. LURIE, xxx-xx-xxxx
DAVID P. LYLE, xxx-xx-xxxx
THOMA MACCAUGHELTY, xxx-xx-xxxx
F. MARTINEZDELACRUZ, xxx-xx-xxxx
PARVIZ MASSARAT, xxx-xx-xxxx
WILLIAM M. MATTHEW, xxx-xx-xxxx
JAMES W. MAURER, xxx-xx-xxxx
MICHAEL MCCAFFERY, xxx-xx-xxxx
CARLOS E. MENENDEZ, xxx-xx-xxxx
DENNIS M. MICHALAK, xxx-xx-xxxx
LAURA K. MORRIS, xxx-xx-xxxx
JOHN B. MULLEN, xxx-xx-xxxx
PAUL K. MURPHY, xxx-xx-xxxx
SAHAS MUSIKABHUMMA, xxx-xx-xxxx
MOHAMMAD N. NAGY, xxx-xx-xxxx
ALLEN NEESE, xxx-xx-xxxx
JOSEPH NEUSTEIN, xxx-xx-xxxx
ZEPHRON G. NEWARK, xxx-xx-xxxx
PAUL A. NEWHOUSE, xxx-xx-xxxx
HOWARD S. NUNN, xxx-xx-xxxx
DANIEL G. ODOM, xxx-xx-xxxx
ORIN H. OGILVIE, xxx-xx-xxxx
MODESTO T. PAREDES, xxx-xx-xxxx
YOO S. PARK, xxx-xx-xxxx
ROBERT J. PARKS, xxx-xx-xxxx
PUSHPA M. PATEL, xxx-xx-xxxx
ADAM F. PETRAS, xxx-xx-xxxx
NANCY G. PEZZIA, xxx-xx-xxxx
ANTHONY PIACENTILE, xxx-xx-xxxx
JOSE R. PILPA, JR., xxx-xx-xxxx
MEREDITH C. PINSKER, xxx-xx-xxxx
CRISTO A. POLVROSA, xxx-xx-xxxx
SAMUEL D. PRESTON, xxx-xx-xxxx
GREGORY L. QUICK, xxx-xx-xxxx
PHILIP D. RABALAIS, xxx-xx-xxxx
SHEKHAR S. RAJA, xxx-xx-xxxx
ARTHUR L. RAMIREZI, xxx-xx-xxxx
MILDRED A. RAMOS, xxx-xx-xxxx
MILCIADES REYES, xxx-xx-xxxx
JAMES F. REYNOLDS, xxx-xx-xxxx
HARVEY M. RICHEY, xxx-xx-xxxx
MORTON S. RICKLESS, xxx-xx-xxxx
LYNNETT RINGENBERG, xxx-xx-xxxx
WILLIA RIVERAORTIZ, xxx-xx-xxxx
HOWARD M. ROBERTSON, xxx-xx-xxxx
PHILIP G. ROBINSON, xxx-xx-xxxx
RICHARD R. ROEBUCK, xxx-xx-xxxx
WALLACE C. ROONEY, xxx-xx-xxxx
RICHARD H. ROWE, xxx-xx-xxxx
GLICERIO L. RUFINO, xxx-xx-xxxx
HENRY P. RUSSELL, xxx-xx-xxxx
KENNETH A. RUTLEDGE, xxx-xx-xxxx
ALFREDO L. SALCEDO, xxx-xx-xxxx
LUZVIMINDA SALCEDO, xxx-xx-xxxx
REBECCA C. SALVANI, xxx-xx-xxxx
ROMEO I. SANTOS, xxx-xx-xxxx
RICHARD A. SCHATZ, xxx-xx-xxxx
DONALD A. SCHLOMER, xxx-xx-xxxx
ANGELITO SEBOLLENA, xxx-xx-xxxx
JOHN M. SEDDON, xxx-xx-xxxx
ENELITA E. SERRANO, xxx-xx-xxxx
CHARLES SHARBAUGH, xxx-xx-xxxx
CHRISTOPHER T. SHAW, xxx-xx-xxxx
JOHN W. SHUCK, xxx-xx-xxxx
TOBY A. SILVERMAN, xxx-xx-xxxx
MICHAEL J. SLATTERY, xxx-xx-xxxx
ARTHUR L. SMITH, xxx-xx-xxxx
FORREST O. SMITH, xxx-xx-xxxx
SUKHDEV C. SONI, xxx-xx-xxxx
WILLIAM J. STALCUP, xxx-xx-xxxx
WILLIAM G. STANLEY, xxx-xx-xxxx
RICHARD M. STORM, xxx-xx-xxxx
JENS A. STRAND, xxx-xx-xxxx
SVETOZAR STUKOVSKY, xxx-xx-xxxx
LINGADAH SUBBARAYA, xxx-xx-xxxx
SHELAGH K. TALBOT, xxx-xx-xxxx
BILLY J. TAYLOR, xxx-xx-xxxx
WALLACE E. TAYLOR, xxx-xx-xxxx
LARRY THIRSTRIP, xxx-xx-xxxx
BEATRICE T. TING, xxx-xx-xxxx
JAROSLAV K. TURKALO, xxx-xx-xxxx
LUCY S. TYLER, xxx-xx-xxxx
MOHAMMAD A. ULLAH, xxx-xx-xxxx
ARTHUR UNGERLEIDER, xxx-xx-xxxx
STEPHEN C. VANCE, xxx-xx-xxxx
MARC VATIN, xxx-xx-xxxx
AURORA VENTENILLA, xxx-xx-xxxx
CARLOS A. VINAS, xxx-xx-xxxx
JONATHAN R. WALBURN, xxx-xx-xxxx
PERRY T. WALTERS, xxx-xx-xxxx
SHAW P. WAN, xxx-xx-xxxx
THOMAS A. WATTERS, xxx-xx-xxxx
CHARLES B. WEBER, xxx-xx-xxxx
NANCY M. WELCH, xxx-xx-xxxx
RALPH E. WESLEY, xxx-xx-xxxx
DALE R. WESTROM, xxx-xx-xxxx
SNO E. WHITE, xxx-xx-xxxx
DUANE V. WILKINS, xxx-xx-xxxx
FRANZ J. WIPPOLD, xxx-xx-xxxx
MICHAEL C. WITTE, xxx-xx-xxxx
DAVID C. WRIGHT, xxx-xx-xxxx
DARREL W. WYATT, xxx-xx-xxxx
MICHAEL P. YOUNG, xxx-xx-xxxx
ROY G. YSLA, xxx-xx-xxxx
MARIA C. ZEPEDA, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

EDMUND ABRAMOVITZ, xxx-xx-xxxx
JULIA E. ACOSTA, xxx-xx-xxxx
KENNETH W. ADAMS, xxx-xx-xxxx
ROBERT W. ADAMS, xxx-xx-xxxx
JAMES E. ADEE, xxx-xx-xxxx
VIRGIL S. ADKINS, xxx-xx-xxxx
DALE E. ALEXANDER, xxx-xx-xxxx
TRENTON B. ALLISON, xxx-xx-xxxx
JOHN A. ANDERSON, xxx-xx-xxxx
DAVID A. ANTHONY, xxx-xx-xxxx
MAX K. ARCHER, xxx-xx-xxxx
BARRY L. ARNOLD, xxx-xx-xxxx
ROBERT E. BAMMER, xxx-xx-xxxx
ROGER A. BARENTINE, xxx-xx-xxxx
SAMUEL P. BATEMAN, xxx-xx-xxxx
JAMES A. BEAUCHAMP, xxx-xx-xxxx
HARRY P. BECNEL, xxx-xx-xxxx
LEO BELL, JR., xxx-xx-xxxx
TERRY L. BELVIN, xxx-xx-xxxx
STANLEY R. BLACK, xxx-xx-xxxx
JERRY L. BODIE, xxx-xx-xxxx
IRVING H. BOIM, xxx-xx-xxxx
GARY R. BOOZER, xxx-xx-xxxx
TED O. BOWERS, xxx-xx-xxxx
LARRY C. BRANTLEY, xxx-xx-xxxx
RAY S. BRYANT, xxx-xx-xxxx
DENNIS W. BULL, xxx-xx-xxxx
BRUCE R. BURCH, xxx-xx-xxxx
LEE E. BURROWS, xxx-xx-xxxx
LENORA I. BUSH, xxx-xx-xxxx
TIMOTHY J. BYRON, xxx-xx-xxxx
JOHN V. CALCAGNO, xxx-xx-xxxx
JAMES C. CANDLER, xxx-xx-xxxx
THOMAS D. CASSATT, xxx-xx-xxxx
BERTRAM N. CLARK, xxx-xx-xxxx
DANIEL P. COFFEY, xxx-xx-xxxx
JONATHAN W. COFFIN, xxx-xx-xxxx
BENJAMIN L. COLLINS, xxx-xx-xxxx
WILLIAM F. COLLINS, xxx-xx-xxxx
LAWRENCE G. COOK, xxx-xx-xxxx
TERRY F. COPELAND, xxx-xx-xxxx
JAMES D. COTNER, xxx-xx-xxxx
FRANK R. COTTEN, xxx-xx-xxxx
RICHARD G. CURRIER, xxx-xx-xxxx
JOHN T. DELEMARRE, xxx-xx-xxxx
BERT L. DEVIRGILIO, xxx-xx-xxxx
JACK C. DICKEY, xxx-xx-xxxx
REUBEN R. DIXON, xxx-xx-xxxx
DOROTHY DONALDSON, xxx-xx-xxxx
JOHN H. DORAN, xxx-xx-xxxx
CHESTER W. DUGGER, xxx-xx-xxxx
GIOACCHINO L. DURSO, xxx-xx-xxxx
ROSEANNE M. DWYER, xxx-xx-xxxx
PETER A. ERIKSEN, xxx-xx-xxxx
MARK C. FEAR, xxx-xx-xxxx
JOHN T. FICKETT, xxx-xx-xxxx
MARSHA E. FISHER, xxx-xx-xxxx
EARL W. FLECK, xxx-xx-xxxx
EDWARD J. FOGARTY, xxx-xx-xxxx
LARRY D. FOSTER, xxx-xx-xxxx
JERRY T. FOX, xxx-xx-xxxx
KENNETH GALLINGER, xxx-xx-xxxx
JOSEPH D. GANGEMI, xxx-xx-xxxx
DAVID N. GANS, xxx-xx-xxxx
KENNETH W. GATES, xxx-xx-xxxx
ANTHONY GIANFORTI, xxx-xx-xxxx
JOHN E. GIBSON, xxx-xx-xxxx
RICHARD GUSTAFSON, xxx-xx-xxxx
ROBERT L. HAMMOND, xxx-xx-xxxx
DONALD S. HANG, xxx-xx-xxxx
KENNETH R. HANSEN, xxx-xx-xxxx
RONALD D. HARDIN, xxx-xx-xxxx
DON R. HARRIS, xxx-xx-xxxx
GEORGE M. HARRIS, xxx-xx-xxxx
BRUCE P. HATFIELD, xxx-xx-xxxx
ROBERT W. HAVEY, xxx-xx-xxxx
ROGER A. HEALY, xxx-xx-xxxx
THOMAS C. HEINEMAN, xxx-xx-xxxx
JAMES L. HESLOP, xxx-xx-xxxx
NATHANIEL E. HICKS, xxx-xx-xxxx
BARRY W. HILTS, xxx-xx-xxxx
CHARLES J. HIRT, xxx-xx-xxxx
PHILIP M. HOLT, xxx-xx-xxxx
GARY L. HORTON, xxx-xx-xxxx
FRANK C. HOSTNIK, JR., xxx-xx-xxxx
CHARLES P. HUDSON, xxx-xx-xxxx
ROBERT W. HUNG, xxx-xx-xxxx
BETHEL T. HUNT, xxx-xx-xxxx
MILTON H. ISA, xxx-xx-xxxx
ARTHUR H. KIMBEL, xxx-xx-xxxx
DANIEL W. KING, xxx-xx-xxxx
MICHAEL KINMARTIN, xxx-xx-xxxx
MICHAEL V. KOZUB, xxx-xx-xxxx
HAROLD A. KUHNELL, xxx-xx-xxxx
JON D. LAWSON, xxx-xx-xxxx
JOHN W. LEE, JR., xxx-xx-xxxx
THOMAS C. LEE, xxx-xx-xxxx
THOMAS B. LEECOST, xxx-xx-xxxx
VICTOR K. LEN, xxx-xx-xxxx
JOSEPH J. LOESSEL, xxx-xx-xxxx
WARREN R. LONGLEY, xxx-xx-xxxx
JOSEPH L. LONGTIN, xxx-xx-xxxx
CARL L. LOPRESTI, xxx-xx-xxxx
EDWARD J. LYON, xxx-xx-xxxx
RONNIE A. MANCHETTE, xxx-xx-xxxx
MICHEAL H. MANN, xxx-xx-xxxx
SEYMOUR Z. MANSDORF, xxx-xx-xxxx
ROY A. MARTIN, xxx-xx-xxxx
KERMIT MARTINDALE, xxx-xx-xxxx
CHARLES E. MASON, xxx-xx-xxxx
STEPHEN D. MASON, xxx-xx-xxxx
LARRY J. MATTHEWS, xxx-xx-xxxx
JOHN M. MCALLISTER, xxx-xx-xxxx
RONALD L. MCGLYNN, xxx-xx-xxxx
JOHN P. MCGREGOR, xxx-xx-xxxx
JOHN T. MCHANEY, xxx-xx-xxxx

ROY D. MCKINNEY, xxx-xx-xxxx
DAVID J. MIDGLEY, xxx-xx-xxxx
MELVIN P. MILLER, xxx-xx-xxxx
ROBERT M. MILLS, xxx-xx-xxxx
JAMES T. MORGAN, xxx-xx-xxxx
MELVIN L. MORROW, xxx-xx-xxxx
MICHAEL J. MURPHY, xxx-xx-xxxx
ALAN L. MUSTION, xxx-xx-xxxx
BILL J. NIX, xxx-xx-xxxx
THOMAS E. OCHOCKI, xxx-xx-xxxx
ROBERT G. ODETTE, xxx-xx-xxxx
JOHN H. OGNIBENE, xxx-xx-xxxx
JOHN R. PATER, xxx-xx-xxxx
GREGORY B. PAYE, xxx-xx-xxxx
GEORGE L. PEACOCK, xxx-xx-xxxx
JOHN W. PENNYCOOK, xxx-xx-xxxx
JAMES G. PERLMUTTER, xxx-xx-xxxx
ROGER K. PETERSEN, xxx-xx-xxxx
LEON C. PETERSON, xxx-xx-xxxx
WILLIAM PHILLIPSEN, xxx-xx-xxxx
COURTNEY L. POLING, xxx-xx-xxxx
R. K. POLLARD, xxx-xx-xxxx
JAMES L. POPKEN, xxx-xx-xxxx
GEORGE A. PORTER, xxx-xx-xxxx
SANDRA S. PORTUGUIZ, xxx-xx-xxxx
HAROLD L. POYNTER, xxx-xx-xxxx
WILLIAM J. PURYEAR, xxx-xx-xxxx
ALBERT F. RABORN, xxx-xx-xxxx
CHRISTOPHER C. RAND, xxx-xx-xxxx
ROBERT J. RANKIN, xxx-xx-xxxx
JAMES E. RAY, xxx-xx-xxxx
PAUL C. REDD, xxx-xx-xxxx
RAYMOND V. ROGERS, xxx-xx-xxxx
DENNIS G. ROMIG, xxx-xx-xxxx
GREGOR V. RONNING, xxx-xx-xxxx
GAIL H. ROPER, xxx-xx-xxxx
RICHARD A. ROPER, xxx-xx-xxxx
JOHN P. SCHIRMER, xxx-xx-xxxx
HENRY D. SCHNEIDER, xxx-xx-xxxx
PHILIP W. SCHUCK, xxx-xx-xxxx
CAROL L. SHAW, xxx-xx-xxxx
GREGOR SHOTZBERGER, xxx-xx-xxxx
ROBERT F. SIMONS, xxx-xx-xxxx
WILLIAM M. SKEA, xxx-xx-xxxx
JOHN A. SLIVKA, xxx-xx-xxxx
AARON A. SMITH, xxx-xx-xxxx
WILLIAM H. SNIDE, xxx-xx-xxxx
JAMES W. SNYDER, xxx-xx-xxxx
JACKIE L. SPAUR, xxx-xx-xxxx
DENNIS A. STEVENSON, xxx-xx-xxxx
EMERSON STEVENSON, xxx-xx-xxxx
ROBERT L. STONE, xxx-xx-xxxx
LAWRENCE I. STRAUSS, xxx-xx-xxxx
LEROY C. STRAWHUN, xxx-xx-xxxx
SAMUEL S. STROBERT, xxx-xx-xxxx
KENNETH A. SUAREZ, xxx-xx-xxxx
JONATHON S. SUTTER, xxx-xx-xxxx
THOMAS P. SWEENEY, xxx-xx-xxxx
ALBERT A. TAGARELLI, xxx-xx-xxxx
CARL R. TATE, xxx-xx-xxxx
RALPH P. TESTA, xxx-xx-xxxx
STEVEN W. THOLEN, xxx-xx-xxxx
DANIEL H. TREMBLAY, xxx-xx-xxxx
JAMES R. VALENTINE, xxx-xx-xxxx
BERNARD G. VETTER, xxx-xx-xxxx
PATRICK A. VITALE, xxx-xx-xxxx
DORIS R. B. VOIGT, xxx-xx-xxxx
BRUCE VONAHLEFELDT, xxx-xx-xxxx
JAMES W. VOSS, xxx-xx-xxxx
GEORGE R. WARNICK, xxx-xx-xxxx
BERNHARDT C. WARREN, xxx-xx-xxxx
EDWARD R. WEBBER, xxx-xx-xxxx
WILLIAM A. WELCHER, xxx-xx-xxxx
ROBERT W. WHITE, xxx-xx-xxxx
KENNETH E. WIGGANS, xxx-xx-xxxx
LARRY W. WINGARD, xxx-xx-xxxx
WALTER A. WOCHOS, xxx-xx-xxxx
LAWRENCE A. WOJTAS, xxx-xx-xxxx
BARRY L. WORKMAN, xxx-xx-xxxx
DAVID C. YOUNGBLOOD, xxx-xx-xxxx
MICHAEL E. ZENZ, xxx-xx-xxxx
RAYMOND K. ZLAMAL, xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

KATHY L. ALFORD, xxx-xx-xxxx
THEODORE W. BECKER, xxx-xx-xxxx
JOSEPH J. BUTEAU, xxx-xx-xxxx
SUE E. CUNNINGHAM, xxx-xx-xxxx
BARBARA C. HAFT, xxx-xx-xxxx
DIANE C. HAYES, xxx-xx-xxxx
THEODORE W. KINKEL, xxx-xx-xxxx
KEYRON LAUBENTHAL, xxx-xx-xxxx
JANE E. LIVELY, xxx-xx-xxxx
GAIL A. MATTHEWS, xxx-xx-xxxx
MARSHA A. MCCLESKEY, xxx-xx-xxxx
ELDON B. MILLER, xxx-xx-xxxx
MARILYN E. MILLER, xxx-xx-xxxx
BEVERLY A. PULLEYN, xxx-xx-xxxx
REBECCA RICHARDSON, xxx-xx-xxxx
DAWN A. RUTHERFORD, xxx-xx-xxxx
CHARLES P. SCEARCE, xxx-xx-xxxx
ESTHER L. SHIELDS, xxx-xx-xxxx
JIMMIE L. STROCK, xxx-xx-xxxx
DENNIS G. TOBIN, xxx-xx-xxxx
JOHN M. WILLIAMS, xxx-xx-xxxx
MICHAEL D. WITMER, xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

ROBERT R. JERBIC, xxx-xx-xxxx
JOHN A. JONES, xxx-xx-xxxx
STEPHEN T. KELLEY, xxx-xx-xxxx
JOHN K. SKEELES, xxx-xx-xxxx
MERRILL M. TOWNLEY, xxx-xx-xxxx

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 594(A), AND 3359:

MEDICAL CORPS

To be colonel

ALAN R. FIGELMAN, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

JOHN ADNOT, xxx-xx-xxxx
MARC W. LEVIN, xxx-xx-xxxx
RAJESH R. MEHTA, xxx-xx-xxxx
JOHN B. PAYNE, xxx-xx-xxxx
ROOSEVEL STALLINGS, xxx-xx-xxxx
SUKUM VENKATARAMAN, xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

BRADFORD S. GOODWIN, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

ARMY

To be major

DANIEL F. ABAHAZY, xxx-xx-xxxx
CHRISTIAN A. *. ABBOTT, xxx-xx-xxxx
ALVIN A. *. ABEJON, xxx-xx-xxxx
DALE M. ABERNATHY, xxx-xx-xxxx
MARK H. *. ABERNATHY, xxx-xx-xxxx
JAMES A. *. ABRON, JR, xxx-xx-xxxx
STEVEN D. ACENBRAK, xxx-xx-xxxx
EDWIN S. *. ACKER, xxx-xx-xxxx
THOMAS E. *. ADAIR, xxx-xx-xxxx
CECILIA C. ADAMS, xxx-xx-xxxx
DOUGLASS S. ADAMS, xxx-xx-xxxx
KAREN S. *. ADAMS, xxx-xx-xxxx
ROBERT R. *. ADAMS, xxx-xx-xxxx
JOHN F. AGOGLIA, xxx-xx-xxxx
KENNETH B. AGOSTA, xxx-xx-xxxx
MARK W. AKIN, xxx-xx-xxxx
GEORGE AKINS, JR, xxx-xx-xxxx
DAVID H. ALANIZ, xxx-xx-xxxx
PATRICIA L. ALBERS, xxx-xx-xxxx
JOSE R. *. ALBINO, xxx-xx-xxxx
RICHARD A. ALBRECHT, xxx-xx-xxxx
WALTER A. ALEMANY, xxx-xx-xxxx
ELI T. ALFORD, xxx-xx-xxxx
ROBERT M. ALGERMISSEN, xxx-xx-xxxx
KERRY C. ALLEN, xxx-xx-xxxx
PHILLIP J. *. ALLEN, xxx-xx-xxxx
RICARDO V. *. ALLEN, xxx-xx-xxxx
SUSAN M. *. ALLEN, xxx-xx-xxxx
DANIEL B. ALLYN, xxx-xx-xxxx
DARRELL W. *. ALSTON, xxx-xx-xxxx
PATRICK W. AMSTEIN, xxx-xx-xxxx
ERIC C. ANDERSEN, xxx-xx-xxxx
BRADLEY G. ANDERSON, xxx-xx-xxxx
DAVID S. ANDERSON, xxx-xx-xxxx
DEBRA L. *. ANDERSON, xxx-xx-xxxx
JOEL D. ANDERSON, xxx-xx-xxxx
JOSEPH ANDERSON, xxx-xx-xxxx
MARK C. *. ANDERSON, xxx-xx-xxxx
STEVEN J. *. ANDERSON, xxx-xx-xxxx
JEFFREY R. ANDREWS, xxx-xx-xxxx
JAMES L. *. ANGLE, xxx-xx-xxxx
HAROLD E. *. ANSON, II, xxx-xx-xxxx
JOHN L. ARATA, xxx-xx-xxxx
MARGUERITE A. *. ARDNER, xxx-xx-xxxx
THOMAS M. ARIELLY, xxx-xx-xxxx
KEITH A. ARMSTRONG, xxx-xx-xxxx
ROGER A. ARNZEN, xxx-xx-xxxx
JAMES T. ARRIOLA, xxx-xx-xxxx
JAMES E. ARSENAULT, xxx-xx-xxxx
STEVEN L. *. ARTHUR, xxx-xx-xxxx
PETER J. ASH, xxx-xx-xxxx
ALFREDO R. *. ASTILLERO, xxx-xx-xxxx
THOMAS R. AUSTIN, xxx-xx-xxxx
MARK W. AVERY, xxx-xx-xxxx
PAUL H. AVERY, JR, xxx-xx-xxxx
CELESTE L. *. AVILES, xxx-xx-xxxx
MITCHELL A. *. AYDLETTE, xxx-xx-xxxx
MICHAEL A. *. AYERS, xxx-xx-xxxx
BRUCE A. *. BAARDSON, xxx-xx-xxxx
STEPHEN W. BACHINSKI, xxx-xx-xxxx
JOE T. *. BACK, JR, xxx-xx-xxxx
MARK D. BAEHRE, xxx-xx-xxxx
MICHAEL D. BAEHRE, xxx-xx-xxxx
CAREEN P. *. BAGGOTT, xxx-xx-xxxx
JAMES D. BAGWELL, xxx-xx-xxxx
DON W. BAILEY, xxx-xx-xxxx
CHARLES L. *. BAKER, xxx-xx-xxxx
DAVID B. BAKER, xxx-xx-xxxx
HOBERT A. *. BAKER, xxx-xx-xxxx
JOHN P. BAKER, II, xxx-xx-xxxx
JOHNNY L. *. BAKER, JR, xxx-xx-xxxx
THOMAS M. BAKER, xxx-xx-xxxx
ELIAS V. BALDERAS, xxx-xx-xxxx
ALLEN V. *. BANKS, xxx-xx-xxxx
DANIEL L. BANKSTON, xxx-xx-xxxx
GARY A. BARBER, xxx-xx-xxxx
CARLOS E. BARBOSA, xxx-xx-xxxx
JERRY S. *. BARCLAY, xxx-xx-xxxx
WALTER R. BARFIELD, JR, xxx-xx-xxxx
CHARLES E. *. BARGE, xxx-xx-xxxx
ROBERT D. BARGERON, xxx-xx-xxxx
CAROL A. BARKALOW, xxx-xx-xxxx
HONNEY L. *. BARNER, xxx-xx-xxxx
PETER R. BARNES, xxx-xx-xxxx
THOMAS E. BARNES, xxx-xx-xxxx
MICHAEL A. BARNETT, xxx-xx-xxxx
MARK A. BAROWSKI, xxx-xx-xxxx
FREDRICK N. BARR, xxx-xx-xxxx
JOHN J. BARRASS, xxx-xx-xxxx
HAROLD R. BARRENTINE, xxx-xx-xxxx
KEVIN R. *. BARRERAS, xxx-xx-xxxx
GERALD G. BARRETT, xxx-xx-xxxx
MICHAEL J. BARRON, xxx-xx-xxxx
ROBERT F. BARRY, II, xxx-xx-xxxx
RONALD F. BARRY, SR, xxx-xx-xxxx
FRANK L. BARTH, xxx-xx-xxxx
DONALD A. BARTHOLOMEW, xxx-xx-xxxx
MICHAEL T. BARTO, xxx-xx-xxxx
JEFFREY L. *. BASILOTTA, xxx-xx-xxxx
CHARLES A. *. BASS, JR, xxx-xx-xxxx
SCOTT T. BAUMAN, xxx-xx-xxxx
JUANA P. *. BAUTISTA, xxx-xx-xxxx
ROXANA *. BAYLOR, xxx-xx-xxxx
DEBBIE V. *. BAZEMORE, xxx-xx-xxxx
GREGORY E. BEACH, xxx-xx-xxxx
STEVEN F. BEAL, xxx-xx-xxxx
DAVID W. BEALS, xxx-xx-xxxx
MICHAEL K. BEANS, xxx-xx-xxxx
ROBERT W. *. BEARDEN, JR, xxx-xx-xxxx
YVONNE A. BEATTY, xxx-xx-xxxx
REGINALD B. *. BEATY, xxx-xx-xxxx
GREGORY T. BECK, xxx-xx-xxxx
ROBERT C. BECKINGER, xxx-xx-xxxx
MICHAEL J. *. BEECHER, xxx-xx-xxxx
IRA J. *. BEGLEY, II, xxx-xx-xxxx
ROGER A. *. BEHRINGER, xxx-xx-xxxx
ANTHONY B. BELL, xxx-xx-xxxx
DAVID K. *. BELL, xxx-xx-xxxx
LAWRENCE J. BELL, xxx-xx-xxxx
DAVID J. BENDER, xxx-xx-xxxx
GLENN J. BENECKE, xxx-xx-xxxx
WILLIAM E. BENNER, JR, xxx-xx-xxxx
KATHLEEN R. *. BENNETT, xxx-xx-xxxx
GUY C. *. BEOUGHER, xxx-xx-xxxx
JAMES L. BERG, JR, xxx-xx-xxxx
JON K. BERLIN, xxx-xx-xxxx
JOSEPH M. *. BERNADEL, xxx-xx-xxxx
DAN C. *. BERNARD, xxx-xx-xxxx
JANICE M. BERRY, xxx-xx-xxxx
CAROLE N. BEST, xxx-xx-xxxx
MICHAEL B. *. BEST, xxx-xx-xxxx
CHERYL A. BESTER, xxx-xx-xxxx
DARNELL J. *. BETHEL, xxx-xx-xxxx
JODY L. *. BEVILLE, xxx-xx-xxxx
BRYAN N. *. BICE, xxx-xx-xxxx
LEON A. *. BICKFORD, xxx-xx-xxxx
ROY C. *. BINGER, xxx-xx-xxxx
VICTOR M. BIRD, xxx-xx-xxxx
THOMAS E. BISHOP, xxx-xx-xxxx
MICHAEL J. BIZER, xxx-xx-xxxx
MAURICE P. BLACHER, xxx-xx-xxxx
GARY L. *. BLACK, xxx-xx-xxxx
JERZELL L. *. BLACK, xxx-xx-xxxx
JIM H. *. BLACK, JR, xxx-xx-xxxx
ROBERT J. *. BLACK, xxx-xx-xxxx
WENDELL W. *. BLAIR, xxx-xx-xxxx
FREDDIE N. BLAKELY, xxx-xx-xxxx
JAMES C. BLAKLEY, xxx-xx-xxxx
ALAN W. *. BLANCHARD, xxx-xx-xxxx
JOHN D. *. BLASSER, xxx-xx-xxxx
VINCENT R. *. BLAYLOCK, xxx-xx-xxxx
GARY L. BLISS, xxx-xx-xxxx
JAMES A. BLISS, xxx-xx-xxxx
KEITH C. BLOWE, xxx-xx-xxxx
JAMES W. BOARDMAN, xxx-xx-xxxx
JILL L. *. BOARDMAN, xxx-xx-xxxx
NOEL T. *. BOATSWAIN, JR, xxx-xx-xxxx
HAROLD J. *. BOCHSLER, xxx-xx-xxxx
MARK C. *. BOCKES, xxx-xx-xxxx
ALLAN R. *. BOCKRATH, xxx-xx-xxxx
JIM D. *. BODENHEIMER, xxx-xx-xxxx
EDWARD F. *. BODLING, xxx-xx-xxxx
KENNETH L. BOEGLEN, xxx-xx-xxxx
MATTHEW A. *. BOGART, xxx-xx-xxxx
EDWARD W. BOGGS, xxx-xx-xxxx
ALAN F. BOHNWAGNER, xxx-xx-xxxx
MATTHEW F. *. BOISON, xxx-xx-xxxx
ROBERT W. *. BOISVERT, xxx-xx-xxxx
DANNY P. *. BOITNOTT, xxx-xx-xxxx
SETH P. BOKMEYER, xxx-xx-xxxx
CHRISTOPHER J. BOLAN, xxx-xx-xxxx
JAMES L. BOLING, xxx-xx-xxxx
CLIFF F. BOLTZ, xxx-xx-xxxx
JOHN A. BONSELL, xxx-xx-xxxx
CORNELIUS M. *. BOOKER, xxx-xx-xxxx
WAYNE P. *. BOOKER, xxx-xx-xxxx
LEWIS M. *. BOONE, xxx-xx-xxxx
MICHAEL P. *. BOSS, xxx-xx-xxxx
SHERWOOD K. BOSWELL, JR, xxx-xx-xxxx
FELIX V. *. BOUGHTON, xxx-xx-xxxx
STEVE G. *. BOUKEDES, xxx-xx-xxxx
MARK A. BOUNDS, xxx-xx-xxxx

REGINALD S. *. BOURGEOIS, xxx-xx-xxxx
C. D. BOWDEN, JR., xxx-xx-xxxx
GEORGE E. BOWEN, xxx-xx-xxxx
SCOTT J. *. BOWEN, xxx-xx-xxxx
EDWARD L. BOWIE, JR., xxx-xx-xxxx
JAMES F. *. BOWIE, xxx-xx-xxxx
CHRISTOPHER R. BOWLING, xxx-xx-xxxx
MICHAEL M. BOWMAN, xxx-xx-xxxx
REYNOLD J. *. BOYCE, xxx-xx-xxxx
BEVERLY L. *. BOYD, xxx-xx-xxxx
ROBERT J. *. BOYD, xxx-xx-xxxx
WAYNE A. *. BOYD, xxx-xx-xxxx
JON *. BOYLE, xxx-xx-xxxx
MARK A. BOYLE, xxx-xx-xxxx
THOMAS J. BOYLE, xxx-xx-xxxx
THOMAS G. BRADBERRY, xxx-xx-xxxx
VERNON *. BRADLEY, xxx-xx-xxxx
WOODROW *. BRADLEY, JR., xxx-xx-xxxx
GARRY K. *. BRADY, xxx-xx-xxxx
LARRY M. *. BRAGG, xxx-xx-xxxx
ROBERT L. BRANDENBURG, xxx-xx-xxxx
DONALD H. *. BRANNON, xxx-xx-xxxx
JEFFREY L. BRANT, xxx-xx-xxxx
LINDA K. BRATCHER, xxx-xx-xxxx
LEAMON C. *. BRATTON, xxx-xx-xxxx
WILLIAM G. BRAUN, III, xxx-xx-xxxx
JAMES G. BRAY, xxx-xx-xxxx
ROBERT E. BREWSTER, JR., xxx-xx-xxxx
DIANE E. BRICK, xxx-xx-xxxx
DONALD W. BRIDGE, JR., xxx-xx-xxxx
JOHN H. BRIGGS, xxx-xx-xxxx
RANDALL N. *. BRIGGS, xxx-xx-xxxx
STEVEN J. BRIGGS, xxx-xx-xxxx
BERTHA M. *. BRILEY, xxx-xx-xxxx
JEFFREY *. BRILL, xxx-xx-xxxx
JEROME C. BRINKER, JR., xxx-xx-xxxx
JAMES C. BROADUS, JR., xxx-xx-xxxx
JONATHAN B. BROCKMAN, xxx-xx-xxxx
LATASHA F. *. BRODEN, xxx-xx-xxxx
ANTHONY BROGNA, xxx-xx-xxxx
GORDON B. BROOKS, SR., xxx-xx-xxxx
JAMES E. BROOKS, JR., xxx-xx-xxxx
JEANNE M. BROOKS, xxx-xx-xxxx
RICHARD W. BROOKS, xxx-xx-xxxx
STEVIE W. *. BROOKS, xxx-xx-xxxx
PAUL A. BROUGH, xxx-xx-xxxx
BRADLEY D. BROWN, xxx-xx-xxxx
CARLTON E. *. BROWN, xxx-xx-xxxx
DAVID W. BROWN, xxx-xx-xxxx
ELMER G. BROWN, xxx-xx-xxxx
GILBERT Z. BROWN, xxx-xx-xxxx
HEIDI V. BROWN, xxx-xx-xxxx
JEFFREY V. *. BROWN, xxx-xx-xxxx
MICHAEL A. BROWN, xxx-xx-xxxx
REX E. *. BROWN, xxx-xx-xxxx
ROBERT B. BROWN, xxx-xx-xxxx
ROBERT P. BROWN, xxx-xx-xxxx
RODERICK E. *. BROWN, xxx-xx-xxxx
STANLEY J. *. BROWN, III, xxx-xx-xxxx
STANLEY P. *. BROWN, xxx-xx-xxxx
WINFRED O. *. BROWN, SR., xxx-xx-xxxx
NANCY C. BROWNE, xxx-xx-xxxx
MICHAEL L. BRUHN, xxx-xx-xxxx
REBECCA S. *. BRYAN, xxx-xx-xxxx
DANIEL J. *. BRYANT, xxx-xx-xxxx
JACKIE J. BRYANT, xxx-xx-xxxx
FREDERICK W. BUCHER, xxx-xx-xxxx
JAMES M. BUCKINGHAM, xxx-xx-xxxx
DOUGLAS S. BUCKLEY, xxx-xx-xxxx
MELISSA M. BUCKMASTER, xxx-xx-xxxx
LARRY V. BUEL, xxx-xx-xxxx
WILLIAM E. *. BULEN, JR., xxx-xx-xxxx
DONALD C. *. BULEY, xxx-xx-xxxx
MICHAEL I. BUMGARNER, xxx-xx-xxxx
CYNTHIA E. *. BUNCH, xxx-xx-xxxx
DENNIS D. *. BUNDY, xxx-xx-xxxx
CHESTER L. *. BURDEN, xxx-xx-xxxx
THEODORE *. BURFICT, xxx-xx-xxxx
RALPH C. BURKART, xxx-xx-xxxx
ANNETTE M. BURKE, xxx-xx-xxxx
REMICK E. *. BURKE, xxx-xx-xxxx
DONALD J. *. BURNETT, xxx-xx-xxxx
PETER L. BURNETT, JR., xxx-xx-xxxx
MICHAEL R. BURNEY, xxx-xx-xxxx
JOHN C. BURNS, xxx-xx-xxxx
EUGENE F. *. BURWELL, xxx-xx-xxxx
AARON W. *. BUSH, xxx-xx-xxxx
WARREN M. *. BUSHMAN, xxx-xx-xxxx
ROGER D. BUSHNER, JR., xxx-xx-xxxx
PATRICIA J. BUSHWAY, xxx-xx-xxxx
BRIAN P. *. BUSICK, xxx-xx-xxxx
HAROLD L. BUTCHER, xxx-xx-xxxx
STEPHEN H. BUTTON, xxx-xx-xxxx
MICHAEL A. BYRD, xxx-xx-xxxx
MICHAEL A. *. BYRD, xxx-xx-xxxx
JOSE M. *. CABRERO, xxx-xx-xxxx
PETER J. CAFARO, xxx-xx-xxxx
TIMOTHY J. CAHILL, xxx-xx-xxxx
WILLIAM R. *. CAIN, xxx-xx-xxxx
WILLIAM T. CAIN, xxx-xx-xxxx
TERRENCE S. *. CALLAHAN, xxx-xx-xxxx
DEAN A. CAMARELLA, xxx-xx-xxxx
BRYAN E. CAMPBELL, xxx-xx-xxxx
DOUGLAS W. *. CAMPBELL, xxx-xx-xxxx
JAMES D. CAMPBELL, JR., xxx-xx-xxxx
JOHN E. CAMPBELL, xxx-xx-xxxx
VERNON L. *. CAMPBELL, xxx-xx-xxxx
BRIAN T. CAMPERSON, xxx-xx-xxxx
CYNTHIA J. CAMPERSON, xxx-xx-xxxx
MARK L. CANNADY, xxx-xx-xxxx
MICHAEL M. CANNON, xxx-xx-xxxx
AMADOR L. CANO, JR., xxx-xx-xxxx
JOHN R. *. CANTLON, xxx-xx-xxxx
MICHAEL E. CANTOR, xxx-xx-xxxx
ARTURO S. *. CANTU, xxx-xx-xxxx
BETTY J. *. CAREY, xxx-xx-xxxx
CONSTANCE M. *. CARPENTER, xxx-xx-xxxx
LARRY A. CARPENTER, xxx-xx-xxxx
ROBERT M. CARPENTER, xxx-xx-xxxx
KENNETH R. *. CARR, xxx-xx-xxxx
ROBERT A. CARR, xxx-xx-xxxx
THOMAS H. CARR, JR., xxx-xx-xxxx
JOHN C. CARRANO, xxx-xx-xxxx
KEVIN E. CARREL, xxx-xx-xxxx
ROBERT S. CARRINGTON, xxx-xx-xxxx
ROBIN F. CARRINGTON, xxx-xx-xxxx
JAYNE A. *. CARSON, xxx-xx-xxxx
KENNETH *. CARSON, xxx-xx-xxxx
CARLOS A. CARTAGENA, xxx-xx-xxxx
CHARLES W. CARTER, xxx-xx-xxxx
DANNY M. *. CARTER, xxx-xx-xxxx
DON C. *. CARTER, xxx-xx-xxxx
JOE N. *. CARTER, xxx-xx-xxxx
LORENZO CARTER, xxx-xx-xxxx
SAMUEL C. *. CARTER, xxx-xx-xxxx
STEVEN W. CARTER, xxx-xx-xxxx
JOHN J. *. CARTY, JR., xxx-xx-xxxx
TIMOTHY C. *. CARY, xxx-xx-xxxx
ENEDINA M. *. CASABLANCA-ERASE, xxx-xx-xxxx
BLANE J. *. CASE, xxx-xx-xxxx
DENISE M. *. CASSAGNOL, xxx-xx-xxxx
PATRICK J. CASSIDY, xxx-xx-xxxx
ALBERT A. *. CASTALDO, xxx-xx-xxxx
RAYMOND *. CASTILLO, xxx-xx-xxxx
DANIEL E. CAVANAUGH, xxx-xx-xxxx
JEFFREY P. CAVANO, xxx-xx-xxxx
PATRICK M. CEDARS, xxx-xx-xxxx
BRADLEY D. CHAIN, xxx-xx-xxxx
CHARLES T. *. CHAMBERLAIN, xxx-xx-xxxx
WALTER W. *. CHANDLER, xxx-xx-xxxx
VICTOR P. CHARGUALAF, xxx-xx-xxxx
CHRISTOPHER M. CHARLES, xxx-xx-xxxx
VANCE G. CHARTIER, xxx-xx-xxxx
DEBORAH J. CHASE, xxx-xx-xxxx
JOHN M. CHEATHAM, xxx-xx-xxxx
STUART E. *. CHENEA, xxx-xx-xxxx
OWEN W. CHENEY, II, xxx-xx-xxxx
ANDREW *. CHERRY, xxx-xx-xxxx
BRUCE D. CHESNE, xxx-xx-xxxx
MICHAEL A. *. CHESNEY, xxx-xx-xxxx
LEONARD G. CHESTER, xxx-xx-xxxx
HARRY K. *. CHING, xxx-xx-xxxx
GARY A. *. CHRISTIAN, xxx-xx-xxxx
ROBERT K. CHUNG, xxx-xx-xxxx
MICHAEL F. CHURA, xxx-xx-xxxx
CAROL D. CLAIR, xxx-xx-xxxx
BEN C. *. CLAPSADDLE, xxx-xx-xxxx
CHARLES G. CLARK, JR., xxx-xx-xxxx
DANIEL J. CLARK, JR., xxx-xx-xxxx
JAMES K. CLARK, xxx-xx-xxxx
JAMES M. CLARK, xxx-xx-xxxx
MARY J. *. CLARK, xxx-xx-xxxx
JOHN C. CLARKE, xxx-xx-xxxx
WAYNE J. *. CLARKE, xxx-xx-xxxx
LORRAINE A. *. CLARK-JONES, xxx-xx-xxxx
JILL K. *. CLEAVER, xxx-xx-xxxx
JOHN N. *. CLEAVER, xxx-xx-xxxx
GEORGE P. CLEMENTS, xxx-xx-xxxx
WILLIAM E. CLEMENTS, xxx-xx-xxxx
ELIZABETH J. CLEPPER, xxx-xx-xxxx
ROSEMARY A. *. CLINE, xxx-xx-xxxx
FRANK J. *. CLOSEN, xxx-xx-xxxx
ROBERT CLUNE, xxx-xx-xxxx
RICK L. COALWELL, xxx-xx-xxxx
JAMES P. *. COATES, xxx-xx-xxxx
GARY P. *. COBB, xxx-xx-xxxx
MICHAEL J. COGER, xxx-xx-xxxx
RUDOLPH R. COHEN, JR., xxx-xx-xxxx
PATRICK T. COHN, xxx-xx-xxxx
DAVID W. COKER, xxx-xx-xxxx
MASON M. *. COLBERT, xxx-xx-xxxx
WADE C. *. COLE, xxx-xx-xxxx
RICKEY L. *. COLEMAN, xxx-xx-xxxx
JEFFREY G. COLLEY, xxx-xx-xxxx
RAYMOND M. COLSTON, xxx-xx-xxxx
DIANE O. *. COLVARD, xxx-xx-xxxx
RICKY B. *. COMBS, xxx-xx-xxxx
STEPHEN D. COMBS, xxx-xx-xxxx
JAMES H. COMISH, xxx-xx-xxxx
WILLIAM A. COMLEY, xxx-xx-xxxx
PAUL M. *. CONLEY, xxx-xx-xxxx
MICHAEL K. CONNELL, xxx-xx-xxxx
MICHAEL H. *. CONNER, xxx-xx-xxxx
RAYMOND M. CONNER, xxx-xx-xxxx
MICHAEL C. CONNOLLY, xxx-xx-xxxx
ARTHUR W. CONNOR, JR., xxx-xx-xxxx
GEORGE R. CONRAD, xxx-xx-xxxx
RANDALL G. CONWAY, xxx-xx-xxxx
JAMES L. *. CONYERS, xxx-xx-xxxx
MARY W. *. CONYERS, xxx-xx-xxxx
JAMES O. COOGLE, JR., xxx-xx-xxxx
JAMES R. *. COOK, III, xxx-xx-xxxx
THOMAS M. COOKE, xxx-xx-xxxx
BRUCE J. COOPER, xxx-xx-xxxx
CORTEZ A. COOPER, III, xxx-xx-xxxx
KEITH L. COOPER, xxx-xx-xxxx
STEPHEN P. COOPER, xxx-xx-xxxx
DEMETRIUS C. *. COPE, xxx-xx-xxxx
TYRONE *. COPELAND, xxx-xx-xxxx
ALFRED A. COPPOLA, JR., xxx-xx-xxxx
MICHAEL R. *. CORBETT, xxx-xx-xxxx
MICHAEL F. *. CORBIN, xxx-xx-xxxx
BRIAN P. *. CORCORAN, xxx-xx-xxxx
WESLEY A. COREY, xxx-xx-xxxx
JOSEPH W. CORMACK, xxx-xx-xxxx
CARL E. *. CORNELIUS, JR., xxx-xx-xxxx
JERRY L. CORNELL, xxx-xx-xxxx
TIMOTHY R. CORNETT, xxx-xx-xxxx
JOHN I. CORNWELL, xxx-xx-xxxx
RICARDO T. *. CORONADO, xxx-xx-xxxx
RICHARD H. *. CORSETTE, xxx-xx-xxxx
RENNIE M. CORY, JR., xxx-xx-xxxx
GREGORY J. COSGROVE, xxx-xx-xxxx
JAMES F. COSTIGAN, xxx-xx-xxxx
MICHAEL D. *. COSTIGAN, xxx-xx-xxxx
JOHN S. *. COTELLESSE, xxx-xx-xxxx
BENJAMIN C. *. COTTON, xxx-xx-xxxx
KENNETH J. COX, xxx-xx-xxxx
KENNY R. *. COX, xxx-xx-xxxx
RANDALL G. COX, xxx-xx-xxxx
BRIAN M. CRADDOCK, xxx-xx-xxxx
GARY J. *. CRAFTON, xxx-xx-xxxx
PAUL E. *. CRANE, JR., xxx-xx-xxxx
TEDDY C. CRANFORD, xxx-xx-xxxx
JESSIE CRAWFORD, JR., xxx-xx-xxxx
PAUL M. CRAWFORD, xxx-xx-xxxx
WID S. CRAWFORD, xxx-xx-xxxx
DAVID F. CREAMER, xxx-xx-xxxx
JAMES J. CREAMER, xxx-xx-xxxx
JAMES R. CRICKS, xxx-xx-xxxx
SCOTT H. CRIZER, xxx-xx-xxxx
HOWARD B. CROFOOT, xxx-xx-xxxx
MELVIN C. *. CROLL, xxx-xx-xxxx
JOEL C. CROMWELL, xxx-xx-xxxx
JAMES B. CRONIN, xxx-xx-xxxx
LINDA S. *. CROSS, xxx-xx-xxxx
RAYMOND A. *. CROSS, xxx-xx-xxxx
WILLIAM B. *. CROSS, xxx-xx-xxxx
PAMELA J. *. CROSSLEY, xxx-xx-xxxx
REGINALD B. CROSSON, xxx-xx-xxxx
JAMES M. *. CROW, xxx-xx-xxxx
CHARLES L. *. CROWDER, xxx-xx-xxxx
JOYCE E. *. CROWDER, xxx-xx-xxxx
CLARENCE A. CRUSE, III, xxx-xx-xxxx
LUIS A. *. CRUZ, xxx-xx-xxxx
DIANE E. *. CSRNKO, xxx-xx-xxxx
ANTHONY S. *. CUCCIA, JR., xxx-xx-xxxx
PAUL R. CUDNEY, xxx-xx-xxxx
KENNETH J. *. CULL, xxx-xx-xxxx
MARTIN J. CULP, II, xxx-xx-xxxx
JAMES P. CUMMINGS, xxx-xx-xxxx
JOHN P. CUMMINGS, xxx-xx-xxxx
ROBERT A. CUNNINGHAM, xxx-xx-xxxx
HOWARD R. *. CUOZZI, JR., xxx-xx-xxxx
JAMES R. CURL, xxx-xx-xxxx
CHRISTOPHER F. CURRAN, xxx-xx-xxxx
ROBERT L. CURSIO, JR., xxx-xx-xxxx
JOSEPH G. CURTIN, xxx-xx-xxxx
ANTHONY J. *. CUSIMANO, JR., xxx-xx-xxxx
PETER G. DAGNES, xxx-xx-xxxx
ROBERT J. DALESSANDRO, xxx-xx-xxxx
JOY S. DALLAS, xxx-xx-xxxx
DAWN M. DALY, xxx-xx-xxxx
BRIAN J. *. DANDO, xxx-xx-xxxx
SHARAN L. DANIEL, xxx-xx-xxxx
MARK A. *. DANISON, xxx-xx-xxxx
GARY N. DANLEY, xxx-xx-xxxx
OTIS M. DARDEN, xxx-xx-xxxx
STEPHEN A. *. DARDEN, xxx-xx-xxxx
LYNN A. DAUTREMONT, xxx-xx-xxxx
JOHN *. DAVENPORT, xxx-xx-xxxx
JAMES E. DAVIDSON, xxx-xx-xxxx
ANTHONY R. *. DAVIS, xxx-xx-xxxx
BENSON *. DAVIS, xxx-xx-xxxx
BROOKS S. *. DAVIS, xxx-xx-xxxx
DARRELL R. DAVIS, xxx-xx-xxxx
JAMES L. DAVIS, xxx-xx-xxxx
JEFFREY J. *. DAVIS, xxx-xx-xxxx
JOHN A. DAVIS, xxx-xx-xxxx
KEITH E. *. DAVIS, xxx-xx-xxxx
LEE A. DAVIS, xxx-xx-xxxx
MARGARET D. *. DAVIS, xxx-xx-xxxx
ROBERT J. DAVIS, JR., xxx-xx-xxxx
THOMAS E. *. DAVIS, JR., xxx-xx-xxxx
DENISE I. GIFFORD, xxx-xx-xxxx
LA P. DE, xxx-xx-xxxx
CRAIG A. DEARE, xxx-xx-xxxx
FRANK L. *. DECKER, xxx-xx-xxxx
ROBERT P. *. DECOULAZ, JR., xxx-xx-xxxx
DAVID D. DEHAAN, xxx-xx-xxxx
DAVID S. DEHORSE, xxx-xx-xxxx
ARNOLD P. *. DELAURIER, JR., xxx-xx-xxxx
MARIO *. DELEON, xxx-xx-xxxx
JOSEPH J. DELLASILVA, xxx-xx-xxxx
WAYNE C. *. DELORIA, xxx-xx-xxxx
JAMES F. DELRE, xxx-xx-xxxx
CAROLYN A. *. DELTON, xxx-xx-xxxx
PAT N. *. DEMPSEY, xxx-xx-xxxx
MARGOT J. DEPAZ, xxx-xx-xxxx
ASHLEY A. *. DESKINS, xxx-xx-xxxx
ROBERT C. DESROSIERS, xxx-xx-xxxx
JOHN P. *. DEUTSCH, xxx-xx-xxxx
SHANE M. DEVERILL, xxx-xx-xxxx
STEWART T. DEVINE, xxx-xx-xxxx
DAVID F. DEVITO, xxx-xx-xxxx
ROBERT J. DEVLIN, xxx-xx-xxxx
DAVID L. DEVRIES, xxx-xx-xxxx
THOMAS I. DEWITT, xxx-xx-xxxx
LETA S. *. DEYERLE, xxx-xx-xxxx
PETER *. DIAZ, xxx-xx-xxxx
WILLIAM E. *. DICKENS, xxx-xx-xxxx
PAULA E. *. DICKERSON, xxx-xx-xxxx
VICTORIA *. DIEGOALLARD, xxx-xx-xxxx
MAX J. DIETRICH, xxx-xx-xxxx
MICHAEL A. DIGENNARO, xxx-xx-xxxx
GARY F. DIGESU, xxx-xx-xxxx

STEVEN R. DIGIULIO, xxx-xx-xxxx
STEPHEN J. *. DILLARD, xxx-xx-xxxx
TERENCE L. DILLARD, xxx-xx-xxxx
DEIRDRE L. DILLON, xxx-xx-xxxx
JAMES M. *. DILLON, xxx-xx-xxxx
JAMES E. *. DINGLE, xxx-xx-xxxx
GREGORY D. DISCAVAGE, xxx-xx-xxxx
STEVEN T. *. DISCHE, xxx-xx-xxxx
FORD N. *. DIXON, xxx-xx-xxxx
ROLAND M. *. DIXON, xxx-xx-xxxx
GILBERT E. DOAN, III, xxx-xx-xxxx
DAVID M. *. DOBSON, xxx-xx-xxxx
MICHAEL E. DOCTOR, xxx-xx-xxxx
JOHN J. DOLAC, xxx-xx-xxxx
MICHAEL I. *. DOLBY, xxx-xx-xxxx
ANITA M. *. DOMINGO, xxx-xx-xxxx
PATRICK J. DONAHUE, II, xxx-xx-xxxx
JOHN H. *. DONOVAN, xxx-xx-xxxx
RICHARD P. *. DONOVAN, xxx-xx-xxxx
JOHN T. DOOLEY, xxx-xx-xxxx
MICHAEL T. DOOLEY, xxx-xx-xxxx
ALEX C. DORNSTAUDER, xxx-xx-xxxx
ALASTAIR M. *. DOWNIE, xxx-xx-xxxx
DOROTHY S. DOYLE, xxx-xx-xxxx
KEVIN J. *. DOYLE, xxx-xx-xxxx
SAM D. *. DOYLE, xxx-xx-xxxx
TIMOTHY L. DOYLE, xxx-xx-xxxx
GORDON C. DRAKE, xxx-xx-xxxx
DARLENE A. *. DRAZENOVICH, xxx-xx-xxxx
MICHAEL W. DRUMM, xxx-xx-xx...
DAVID A. DRYER, xxx-xx-xxxx
EMMETT H. DUBOSE, JR, xxx-xx-xxxx
EDWARD E. DUBRAVCAK, xxx-xx-xxxx
JIM M. *. DUCHARME, xxx-xx-xxxx
JAMES W. *. DUFFY, xxx-xx-xxxx
KENT B. DUFFY, xxx-xx-xxxx
SHARON R. DUFFY, xxx-xx-xxxx
SUSAN R. DUFFY, xxx-xx-xxxx
MARC G. DUMAS, xxx-xx-xxxx
RONALD M. DUNCAN, xxx-xx-xxxx
MICHAEL S. *. DUNLAP, xxx-xx-xxxx
LARRY E. DUNN, xxx-xx-xxxx
ERIC L. *. DUPPS, xxx-xx-xxxx
EMERY B. DURHAM, xxx-xx-xxxx
TERRIE J. DURHAM, xxx-xx-xxxx
JEFFREY L. DURNFORD, xxx-xx-xx...
KIMBERLY K. DURR, xxx-xx-xxxx
STEPHEN R. DWYER, xxx-xx-xxxx
VICENTE T. *. DYDASCO, JR, xxx-xx-xxxx
PAMELA V. *. DZERVENS, xxx-xx-xx...
WARREN A. *. EADES, xxx-xx-xxxx
ELIZABETH A. *. EARLY, xxx-xx-xxxx
RUSSELL A. EASTER, xxx-xx-xxxx
JOHN A. ECONOM, xxx-xx-xxxx
BRENT D. EDMISTER, xxx-xx-xxxx
JAMES A. EDMONDS, xxx-xx-xxxx
ANDREW A. EDMUNDS, xxx-xx-xxxx
FRANK M. EDWARDS, III, xxx-xx-xxxx
KELLY M. EDWARDS, xxx-xx-xxxx
OWEN T. *. EDWARDS, xxx-xx-xxxx
ROBERT E. *. EDWARDS, JR, xxx-xx-xxxx
CARL V. *. EHLER, xxx-xx-xxxx
ADRIAN A. EICHHORN, xxx-xx-xxxx
KENT W. EISELE, xxx-xx-xxxx
RICHARD K. EISSLER, xxx-xx-xxxx
STEVEN C. ELDRIDGE, xxx-xx-xxxx
ELY E. ELEFANTE, xxx-xx-xx...
MICHAEL D. ELLERBE, xxx-xx-xxxx
CONWAY S. *. ELLERS, xxx-xx-xxxx
JERALD W. ELLINGTON, xxx-xx-xxxx
ALEXANDER C. *. ELLIOTT, xxx-xx-xxxx
BRYAN W. ELLIS, xxx-xx-xxxx
DAVID R. *. ELLIS, xxx-xx-xxxx
RONNIE T. ELLIS, xxx-xx-xxxx
TRACY L. ELLIS, xxx-xx-xxxx
RAYMOND C. *. ELLOSO, xxx-xx-xxxx
KEITH D. EMBERTON, xxx-xx-xxxx
JAMES H. EMBREY, xxx-xx-xxxx
MARK W. *. EMERSON, xxx-xx-xxxx
JOHN S. EMMERSON, xxx-xx-xxxx
BRUCE E. EMPRIC, xxx-xx-xxxx
RICHARD A. *. ENDERLE, xxx-xx-xxxx
THOMAS J. ENDRES, xxx-xx-xxxx
DONALD W. ENGEN, xxx-xx-xxxx
EUGENE C. ENGLISH, xxx-xx-xxxx
MICHAEL D. ENNEKING, xxx-xx-xxxx
TIMOTHY J. ENO, xxx-xx-xxxx
CLINTON D. ESAREY, xxx-xx-xxxx
SANTOS B. *. ESPINOSA, xxx-xx-xxxx
MICHAEL B. ESPOSITO, xxx-xx-xxxx
RICHARD M. ESPOSITO, xxx-xx-xxxx
BETTIE J. *. EVANS, xxx-xx-xxxx
GREGORY S. *. EVANS, xxx-xx-xxxx
GEORGE D. *. EVELAND, JR, xxx-xx-xxxx
WILLIAM S. *. EWELL, xxx-xx-xxxx
WALTER E. *. EWING, xxx-xx-xxxx
NICHOLAS P. *. FAHEY, xxx-xx-xxxx
KENDRA M. *. FALEN, xxx-xx-xxxx
LARRY D. *. FALLEN, xxx-xx-xxxx
THOMAS N. FALLIN, xxx-xx-xxxx
MICHAEL A. FANT, xxx-xx-xxxx
DAVID C. FARNER, xxx-xx-xx...
EDWARD C. FARNHAM, xxx-xx-xxxx
MICHAEL J. FEHN, xxx-xx-xxxx
DENNIS D. FEHRENBACH, xxx-xx-xxxx
MARK D. *. FEIERSTEIN, xxx-xx-xxxx
MICHAEL W. FEIL, xxx-xx-xx...
LESTER M. FELTON, xxx-xx-xxxx
SCOTT M. FERDERBER, xxx-xx-xxxx
ANNE FIACCO, xxx-xx-xxxx
PRINSLOW B. FIEDLER, xxx-xx-xxxx
DAVID L. FIELDS, xxx-xx-xxxx
VINCENT A. *. FIELDS, xxx-xx-xxxx
JEFFERSON M. *. FIGUERRES, xxx-xx-xxxx
STEPHEN J. FILIPOWICZ, xxx-xx-xxxx
RAYMOND C. FINCH, III, xxx-xx-xxxx
ROLAND E. *. FINGER, xxx-xx-xxxx
JON E. FINKE, xxx-xx-xxxx
JOHN G. *. FINLEY, JR, xxx-xx-xxxx
EDWARD L. *. FIORA, xxx-xx-xxxx
ALEXANDER C. *. FIORE, xxx-xx-xxxx
JEFFREY S. FISCHBACH, xxx-xx-xxxx
EDWARD J. *. FISHER, xxx-xx-xxxx
MARSHALL P. FITE, xxx-xx-xx...
DANIEL L. FITZGERALD, xxx-xx-xxxx
TIMOTHY P. FITZGERALD, xxx-xx-xxxx
KELLY M. FITZPATRICK, xxx-xx-xxxx
ROBERT G. FIX, xxx-xx-xxxx
ERIC A. *. FLAGG, xxx-xx-xxxx
GUS W. FLANGAS, xxx-xx-xxxx
RICKIE G. FLEMING, xxx-xx-xxxx
RUFUS C. *. FLEMONS, JR, xxx-xx-xxxx
LARRY W. *. FLENIKEN, xxx-xx-xxxx
RICHARD A. FLOREK, xxx-xx-xxxx
HARVEST A. *. FLOYD, xxx-xx-xxxx
MICHAEL J. FLYNN, xxx-xx-xxxx
MICHAEL T. FLYNN, xxx-xx-xxxx
VICTOR *. FONTANEZ, JR, xxx-xx-xxxx
WILLIAM G. *. FORD, xxx-xx-xxxx
ALLEN N. FORTE, xxx-xx-xxxx
DUANE K. FOSTER, xxx-xx-xxxx
JAMES M. *. FOSTER, xxx-xx-xxxx
MARK J. *. FOSTER, xxx-xx-xxxx
MARK S. FOSTER, xxx-xx-xxxx
STEVEN D. *. FOSTER, xxx-xx-xxxx
ALTON N. FOUNTAIN, III, xxx-xx-xxxx
MARK A. FOUQUIER, xxx-xx-xxxx
EDWARD J. *. FRANCIS, xxx-xx-xxxx
THOMAS A. FRANKE, xxx-xx-xxxx
KELLY R. FRASER, xxx-xx-xxxx
BENJAMIN C. FRAZIER, xxx-xx-xxxx
ROBIN B. FRIEDMAN, xxx-xx-xxxx
GREGORY J. FRITZ, xxx-xx-xxxx
PETER D. FROMM, xxx-xx-xxxx
WILLIAM R. FRUNZI, xxx-xx-xxxx
ANDRE R. *. FRYER, xxx-xx-xxxx
EDWARD FUGATT, xxx-xx-xxxx
PETER N. *. FULLER, xxx-xx-xxxx
PAUL D. *. FUNK, xxx-xx-xxxx
KIMBERELY A. *. FURGASON, xxx-xx-xxxx
PHILIP L. FURR, xxx-xx-xxxx
DOUGLAS L. GABEL, xxx-xx-xxxx
BERNARD P. GABRIEL, xxx-xx-xxxx
THAD A. GAEBELEIN, xxx-xx-xxxx
BRIAN E. GAFFIN, xxx-xx-xxxx
BOYD D. *. GAINES, xxx-xx-xxxx
STEVEN E. GALING, xxx-xx-xxxx
WILLIAM J. GALLAGHER, xxx-xx-xx...
MICHAEL S. GALLOUCIS, xxx-xx-xxxx
PATRICK O. GALYEAN, xxx-xx-xxxx
JOHN J. GANNON, xxx-xx-xxxx
SILVEN C. *. GANTT, xxx-xx-xxxx
DARY I. GARCIA, xxx-xx-xxxx
GERMAN D. *. GARCIA, xxx-xx-xxxx
JACOB A. GARCIA, xxx-xx-xxxx
OCTAVIO M. *. GARIT, xxx-xx-xxxx
NEIL A. GARRA, xxx-xx-xxxx
ANTHONY R. GARRETT, xxx-xx-xxxx
WILLIAM B. GARRETT, III, xxx-xx-xxxx
DANIEL L. *. GARVEY, xxx-xx-xxxx
EMILIO *. GARZA, JR, xxx-xx-xxxx
CHARLES E. *. GASKIN, xxx-xx-xxxx
GREGORY P. GASS, xxx-xx-xxxx
FRANCIS K. GATES, III, xxx-xx-xxxx
REGINALD E. *. GAVIN, xxx-xx-xxxx
MICHAEL D. GAYLE, xxx-xx-xx...
CARLTON E. GAYLES, xxx-xx-xxxx
JOHN E. GEIDER, xxx-xx-xxxx
RANDY E. GEIGER, xxx-xx-xxxx
ARNOLD H. GEISLER, xxx-xx-xxxx
DONALD E. GENTRY, xxx-xx-xxxx
GLENN J. GEOGHEGAN, xxx-xx-xxxx
CLARENCE W. *. GEORGE, xxx-xx-xxxx
DOUGLAS H. GERMANN, xxx-xx-xxxx
LEWIS A. *. GERMANN, xxx-xx-xxxx
WILMA A. *. GIBBS, xxx-xx-xx...
CHARLES L. *. GIBSON, xxx-xx-xxxx
DONNA D. *. DAWSON, xxx-xx-xxxx
MICHAEL W. GIFFORD, xxx-xx-xxxx
VERNDELL H. GILDHOUSE, xxx-xx-xxxx
WILLIAM J. GILLEN, JR, xxx-xx-xxxx
LINDA G. GILLESPIE, xxx-xx-xxxx
REGINALD R. GILLIS, xxx-xx-xxxx
AARON P. GILLISON, xxx-xx-xxxx
TERRY J. *. GLASS, xxx-xx-xxxx
THOMAS P. GLEASON, xxx-xx-xxxx
JOHN J. GNIADEK, xxx-xx-xxxx
GREGORY L. *. GOEHRING, xxx-xx-xxxx
CHARLES R. *. GOERTZ, xxx-xx-xxxx
RANDOLPH J. GOERTZ, xxx-xx-xxxx
WALTER M. GOLDEN, JR, xxx-xx-xxxx
PATRICK M. *. GOMEZ, xxx-xx-xxxx
JUAN A. GONZALEZ, xxx-xx-xx...
KATHARINE GOODLAND, xxx-xx-xxxx
ROBERT A. GOODMAN, xxx-xx-xxxx
MIKE D. GOODWIN, xxx-xx-xxxx
STANLEY D. *. GORCZYCA, xxx-xx-xxxx
MARK A. GORDON, xxx-xx-xxxx
GEORGE O. GORE, xxx-xx-xxxx
MATTHEW L. GOREVIN, xxx-xx-xxxx
FRANK J. GORSKI, III, xxx-xx-xxxx
STEVEN K. GOSNELL, xxx-xx-xxxx
WILLIAM A. GRABOWSKI, xxx-xx-xxxx
KARL H. *. GRAEF, xxx-xx-xxxx
ROBERT E. GRAF, JR, xxx-xx-xxxx
BRUCE I. GRAHAM, xxx-xx-xxxx
DALTON D. *. GRAHAM, xxx-xx-xxxx
JESSE R. *. GRAHAM, xxx-xx-xxxx
ROY J. GRAHAM, xxx-xx-xxxx
RONALD A. GRAHEK, JR, xxx-xx-xxxx
SALVATORE M. GRANATA, xxx-xx-xxxx
MARK L. GRANER, xxx-xx-xxxx
MICHAEL W. GRANT, xxx-xx-xxxx
PETER T. GRASS, xxx-xx-xxxx
MARK O. GRASSE, xxx-xx-xxxx
CHARLES T. *. GRAUL, xxx-xx-xxxx
REID E. GRAWE, xxx-xx-xxxx
DAVID R. GRAY, xxx-xx-xxxx
MILTON *. GRAY, xxx-xx-xxxx
THOMAS A. GRAY, xxx-xx-xxxx
THOMAS P. *. GRECO, xxx-xx-xxxx
ALLEN L. GREEN, III, xxx-xx-xxxx
DAVID K. GREEN, xxx-xx-xxxx
JEFFREY W. GREEN, xxx-xx-xxxx
LENNOX GREEN, xxx-xx-xxxx
MATTHEW *. GREEN, xxx-xx-xxxx
STEVEN M. GREEN, xxx-xx-xxxx
ALAN M. GREENBERG, xxx-xx-xxxx
STEVEN M. *. GREENBERG, xxx-xx-xxxx
GUS E. *. GREENE, xxx-xx-xxxx
HAROLD J. GREENE, xxx-xx-xxxx
MARGUERITE L. *. GREENE, xxx-xx-xxxx
BRYON E. GREENWALD, xxx-xx-xxxx
JEFFREY G. GREGSON, xxx-xx-x...
RICHARD A. GREWE, xxx-xx-xxxx
STANLEY A. *. GREZLIK, xxx-xx-xxxx
OTIS *. GRIER, JR, xxx-xx-xxxx
GEORGE A. GRIFFIN, III, xxx-xx-xxxx
GILBERT A. *. GRIFFIN, xxx-xx-xxxx
JOHN S. GRIFFIN, xxx-xx-xxxx
HARRY A. GRIFFITH, xxx-xx-xxxx
PAUL E. GRIM, xxx-xx-xxxx
WILLIAM F. GRIMSLEY, xxx-xx-xxxx
JOHN W. GROEFSEMA, xxx-xx-xxxx
REGINALD C. *. GROOMS, xxx-xx-xxxx
SHAUNE E. GROSS, xxx-xx-xxxx
GASPER GULOTTA, xxx-xx-xxxx
KARL D. GUSTAFSON, xxx-xx-xxxx
DONALD D. GUTHRIE, xxx-xx-xxxx
MARCO A. *. GUTIERREZ, xxx-xx-xxxx
DONALD A. GUTKNECHT, xxx-xx-xxxx
JOSEPH L. GUY, JR, xxx-xx-xxxx
THOMAS P. GWIAZDOWSKI, xxx-xx-xxxx
JEFFREY L. GWILLIAM, xxx-xx-xxxx
KEITH A. *. HAAS, xxx-xx-xxxx
NED E. HACKER, xxx-xx-xxxx
JOSEPH E. HAFEMAN, xxx-xx-xxxx
MARK D. HAFER, xxx-xx-xxxx
KEVIN C. *. HAGGINS, xxx-xx-xxxx
MARSHA F. *. HAGGINS, xxx-xx-xxxx
KIMBAL W. HALE, xxx-xx-xxxx
MATTHEW T. HALE, xxx-xx-xxxx
PATRICK D. *. HALE, xxx-xx-xxxx
HOWARD A. HALL, xxx-xx-xxxx
REBECCA S. HALSTEAD, xxx-xx-xxxx
BARRY G. *. HALVERSON, xxx-xx-xxxx
JOHNNIE A. HAM, xxx-xx-xxxx
STEVEN J. HAMMERSTONE, xxx-xx-xxxx
LINDA J. *. HAMPSTON, xxx-xx-xxxx
CHARLES *. HANDS, xxx-xx-xxxx
ERIC S. *. HANDY, xxx-xx-xxxx
KEITH M. *. HANDY, xxx-xx-xxxx
RICHARD C. HANDY, JR, xxx-xx-xxxx
JOHNNY E. *. HANNA, xxx-xx-xxxx
RICHARD G. HANSCOM, xxx-xx-xxxx
RONALD J. HANSEN, xxx-xx-xxxx
ERIC J. *. HANSON, xxx-xx-xxxx
RICKEY L. *. HANSON, xxx-xx-xxxx
WILLIAM R. *. HANSON, xxx-xx-xxxx
CHARLES J. *. HANSROTE, xxx-xx-xxxx
JERRY A. *. HARBISON, xxx-xx-xxxx
RALPH V. *. HARDMAN, xxx-xx-xxxx
DARRELL M. HARGROVE, xxx-xx-xxxx
DIANE M. *. HARLEY, xxx-xx-xxxx
JEFFREY S. HARLEY, xxx-xx-xxxx
DENNIS M. *. HARMS, xxx-xx-xxxx
HAROLD S. *. HARPER, xxx-xx-xxxx
HERBERT D. HARPER, xxx-xx-xxxx
JAMES H. HARPER, xxx-xx-xxxx
BENNIE L. *. HARRIS, II xxx-xx-xxxx
CLIFFORD C. *. HARRIS, xxx-xx-xxxx
COLLEEN M. HARRIS, xxx-xx-xxxx
CYNTHIA HARRIS, xxx-xx-xxxx
MICHAEL E. HARRIS, xxx-xx-xxxx
MICHAEL J. HARRIS, xxx-xx-xxxx
RONNIE A. *. HARRIS, xxx-xx-xxxx
SPENCER D. *. HARRIS, xxx-xx-xxxx
JAMES W. HARRISON, JR, xxx-xx-xxxx
LARRY J. HARRISON, xxx-xx-xxxx
CALVIN L. *. HARROP, xxx-xx-xxxx
CHARLES A. HARRY, xxx-xx-xxxx
KENNETH A. *. HARSHBARGER, xxx-xx-xxxx
STEVEN M. HART, xxx-xx-xxxx
EDWARD J. *. HARTL, xxx-xx-xxxx
RANDY R. *. HARTOS, xxx-xx-xxxx
THOMAS A. HARVEY, xxx-xx-xxxx
DAVID A. *. HASTEDT, xxx-xx-xxxx
ALDENE *. HATCHER, xxx-xx-xxxx
CHRISTOPHER N. HATLEY, xxx-xx-xxxx
ROBERT B. *. HAVERTY, xxx-xx-xxxx
KEVIN C. HAWKINS, xxx-xx-xxxx
CARL D. *. HAYDEN, xxx-xx-xxxx
GLENN D. *. HAYES, xxx-xx-xxxx
TOMMIE L. *. HAYES, xxx-xx-xxxx
RONALD J. HAYNE, xxx-xx-xxxx
CHARMAINE Y. HAYS, xxx-xx-xxxx

DAVID W. HAYWOOD, xxx-xx-xxxx
CHARLOTTE A. *. HAZELWOOD, xxx-xx-xx...
SCOTT D. HAZLETT, xxx-xx-xxxx
THOMAS A. HEANEY, JR, xxx-xx-xxxx
SHIRLEY D. HEDRICK, xxx-xx-xxxx
BRET HEHL, xxx-xx-xxxx
PAUL L. HEINEY, xxx-xx-xxxx
ROBERT G. *. HEINZMANN, xxx-xx-xxxx
BRUCE J. HELD, JR, xxx-xx-xxxx
EMORY R. HELTON, xxx-xx-xxxx
MICHAEL L. HENCHEN, xxx-xx-xxxx
EARL A. *. HENDERSON, xxx-xx-xxxx
JAMES B. HENDERSON, xxx-xx-xxxx
JAMES G. *. HENDLEY, xxx-xx-xxxx
RICHARD S. HENDRICKS, xxx-xx-xxxx
LOUIS O. HENKEL, xxx-xx-xxxx
CHRISTOPHER G. *. HENNEN, xxx-xx-xxxx
GREGORY L. HENRY, xxx-xx-xxxx
DANIEL J. HERGENROEDER, xxx-xx-xxxx
JOHN A. *. HERMAN, xxx-xx-xxxx
JEFFREY S. HERNDON, xxx-xx-xxxx
BRENT D. HEROLD, xxx-xx-xxxx
STEVEN M. HEROLD, xxx-xx-xxxx
DOUGLAS E. HERR, xxx-xx-xxxx
JOHN O. *. HERRING, xxx-xx-xxxx
MARK E. *. HESTER, xxx-xx-xxxx
DAVID L. HETHERINGTON, xxx-xx-xxxx
STEPHANIE A. *. HEWITT, xxx-xx-xxxx
JEFFREY M. *. HEWLETT, xxx-xx-xxxx
ANDREW D. *. HEYMANN, xxx-xx-xxxx
SHEILA B. HICKMAN, xxx-xx-xxxx
WAYMON L. HICKMAN, JR, xxx-xx-xxxx
GEORGE A. HICKS, xxx-xx-xxxx
GREGORY D. HIEBERT, xxx-xx-xxxx
CHRIS L. *. HIGGINS, xxx-xx-xxxx
PATRICK M. HIGGINS, xxx-xx-xxxx
WILLIAM F. HIGGINS, JR, xxx-xx-xxxx
MAURICE K. *. HILGER, xxx-xx-xxxx
HENRY L. *. HILL, xxx-xx-xxxx
KENNETH D. HILL, xxx-xx-xxxx
WILLIAM A. *. HILL, xxx-xx-xx...
LAWRENCE *. HILLIAN, xxx-xx-xx...
RICHARD L. HILLIARD, JR, xxx-xx-xxxx
JEFFREY W. HILLS, xxx-xx-xxxx
CARY A. HILTON, JR, xxx-xx-xxxx
EDWARD T. HINGULA, xxx-xx-xxxx
ANDREW Y. HIRATA, xxx-xx-xxxx
ELI HOBBS, JR, xxx-xx-xxxx
ROBERT C. HOBBS, xxx-xx-xxxx
GEORGE E. HODGE, xxx-xx-xxxx
BRIAN J. HOEY, xxx-xx-xxxx
CLAYTON L. *. HOGAN, JR, xxx-xx-xxxx
THOMAS H. HOGAN, xxx-xx-xxxx
DAVID R. HOGG, xxx-xx-xxxx
JERRY D. *. HOLLAND, xxx-xx-xxxx
JOHN R. HOLLAND, xxx-xx-xxxx
LOUIS C. *. HOLLAND, xxx-xx-xx...
DEBORAH *. HOLLIS, xxx-xx-xxxx
LARRY W. *. HOLLOWAY, SR, xxx-xx-xxxx
RALPH J. *. HOLLOWAY, xxx-xx-xxxx
WILLIAM M. *. HOLLOWELL, xxx-xx-xx...
CLAIBORNE C. *. HOLMES, xxx-xx-xxxx
DAVID M. HOLT, xxx-xx-xxxx
JAMES D. *. HOLT, JR, xxx-xx-xxxx
GREGORY D. *. HOOD, xxx-xx-xxxx
LARRY A. *. HOPE, xxx-xx-xxxx
GERALD J. HOPKINS, xxx-xx-xxxx
WILLIAM C. HOPKINSON, II, xxx-xx-xxxx
GARY B. HOPPER, xxx-xx-xxxx
ALAN R. *. HORN, xxx-xx-xxxx
DONALD H. HORNER, JR, xxx-xx-xxxx
TIMOTHY J. *. HORNER, xxx-xx-xxxx
ALICE D. *. HORTON, xxx-xx-xxxx
MARVIN G. HOUGHTON, xxx-xx-xxxx
JAMES T. *. HOWARD, xxx-xx-xxxx
JOHN C. HOWARD, xxx-xx-xxxx
KEVIN S. *. HOWARD, xxx-xx-xxxx
RAVIN L. *. HOWELL, xxx-xx-xxxx
JOHN W. *. HOWERTON, xxx-xx-xxxx
ROY C. HOWLE, JR, xxx-xx-xxxx
RUSSELL J. HRDY, xxx-xx-xxxx
EARLE F. HUDSON, JR, xxx-xx-xxxx
DALE A. *. HUEBER, xxx-xx-xxxx
ANTONIO S. HUGGAR, xxx-xx-xxxx
JAMES L. HUGGINS, JR, xxx-xx-xxxx
LYNDON W. HUGGINS, xxx-xx-xxxx
SUSAN L. HUGGLER, xxx-xx-xxxx
JOHN M. *. HUGHES, xxx-xx-xxxx
MICHELLE A. *. HUGHES, xxx-xx-xxxx
PEGGY D. HUGHES, xxx-xx-xxxx
VINCENT O. *. HUGHES, xxx-xx-xxxx
HAYWARD A. HULL, xxx-xx-xxxx
ANTHONY J. HUNT, xxx-xx-xxxx
TIMOTHY P. *. HUNT, xxx-xx-xxxx
BRIAN R. *. HURLEY, xxx-xx-xxxx
MARK S. HURLEY, xxx-xx-xxxx
ELIZABETH A. *. HURST, xxx-xx-xxxx
JAY P. *. HUSTON, xxx-xx-xxxx
ELBERT HUTCHINSON, xxx-xx-xxxx
PAUL E. HUTZKY, III, xxx-xx-xxxx
DONALD B. HYDE, JR, xxx-xx-xxxx
ROBERT J. IRBY, IV, xxx-xx-xxxx
TRACHETA L. IRONS, xxx-xx-xxxx
JOHNNY W. *. IRVIN, xxx-xx-xxxx
VICTOR D. IRVIN, xxx-xx-xxxx
DONALD N. ISBELL, xxx-xx-xxxx
HOLLIS D. ISHAM, xxx-xx-xxxx
CHRISTOPHER E. *. ISKRA, xxx-xx-xxxx
RONALD G. *. ISOM, xxx-xx-xxxx
JOHN W. IVES, xxx-xx-xxxx
BENJAMIN J. *. IVEY, xxx-xx-xxxx
CARL G. IVY, xxx-xx-xxxx
LENORA A. *. IVY, xxx-xx-xxxx
JAMES N. *. JACARUSO, xxx-xx-xxxx
ELESTER *. JACKSON, xxx-xx-xxxx
JOCELYN R. JACKSON, xxx-xx-xxxx
RAYMOND P. *. JACKSON, xxx-xx-xxxx
WILLIAM E. *. JACKSON, xxx-xx-xxxx
CHRISTOPHER A. JACOBS, xxx-xx-xxxx
JOHN F. JACOBS, III, xxx-xx-xxxx
WILLIAM C. JAHN, xxx-xx-xxxx
MARK S. JAMES, xxx-xx-xxxx
CHRISTIAN K. JAQUES, xxx-xx-xxxx
JAMES E. JARRETT, xxx-xx-xxxx
DANIEL M. *. JARVIS, xxx-xx-xxxx
ROBERT L. *. JASSEY, JR, xxx-xx-xxxx
TOM M. JEFFERSON, xxx-xx-xxxx
ALFRED T. JELINEK, xxx-xx-xxxx
ANTONIO *. JENKINS, xxx-xx-xxxx
CLARE K. JENKINS, xxx-xx-xxxx
CYNTHIA G. *. JENKINS, xxx-xx-xxxx
ERNEST G. *. JENKINS, JR, xxx-xx-xx...
KAREN L. JENNINGS, xxx-xx-xxxx
MARTIN C. *. JENNINGS, xxx-xx-xxxx
TRAVIS D. JENNINGS, JR, xxx-xx-xxxx
MICHAEL V. *. JERNIGAN, xxx-xx-xxxx
DAVID G. JESMER, JR, xxx-xx-xxxx
FRANK JESSIE, JR, xxx-xx-xxxx
REX E. JESSUP, xxx-xx-xxxx
JOSEPH D. JEWELL, xxx-xx-xxxx
BRADLEY N. JOHNSON, xxx-xx-xxxx
DARIEL W. *. JOHNSON, xxx-xx-x...
DEBRA A. JOHNSON, xxx-xx-xxxx
FULTON R. JOHNSON, xxx-xx-xxxx
GERALD C. *. JOHNSON, xxx-xx-xx...
GREGORY W. *. JOHNSON, xxx-xx-xxxx
GWENDOLYN B. *. JOHNSON, xxx-xx-xxxx
JAY A. *. JOHNSON, xxx-xx-xxxx
JONATHAN M. *. JOHNSON, xxx-xx-xxxx
KAREN E. JOHNSON, xxx-xx-xxxx
KEITHA V. JOHNSON, xxx-xx-xxxx
MARCUS L. JOHNSON, xxx-xx-xxxx
MARK JOHNSON, xxx-xx-xxxx
NANCY A. *. JOHNSON, xxx-xx-xxxx
PATRICK C. *. JOHNSON, xxx-xx-xxxx
ROBERT C. JOHNSON, xxx-xx-xxxx
SHIRLEY R. *. JOHNSON, xxx-xx-xxxx
THEODORE C. *. JOHNSON, JR, xxx-xx-xxxx
THOMAS W. JOHNSON, xxx-xx-xxxx
WAYNE P. *. JOHNSON, xxx-xx-xxxx
WILLIAM M. *. JOHNSON, xxx-xx-xx...
SILVERLENE JOHNSONKINDLE, xxx-xx-xxxx
GARY E. JOHNSTON, xxx-xx-xxxx
SUSAN R. JOHNSTON, xxx-xx-xxxx
WILLIAM F. JOHNSTON, JR, xxx-xx-xxxx
JAMES D. *. JOINER, xxx-xx-xxxx
TIMOTHY O. *. JOLLY, xxx-xx-xxxx
ALVEN JONES, xxx-xx-xxxx
BURRELL L. *. JONES, III, xxx-xx-xxxx
DALTON R. JONES, xxx-xx-xxxx
ERNEST W. JONES, xxx-xx-xxxx
FREDRICK L. *. JONES, xxx-xx-xxxx
HOPE M. *. JONES, xxx-xx-xxxx
KENNETH G. *. JONES, xxx-xx-xxxx
LETAZ S. JONES, xxx-xx-xxxx
PAMELLA C. *. JONES, xxx-xx-xx...
RICHARD L. *. JONES, xxx-xx-xxxx
STEVE L. JONES, xxx-xx-xxxx
STEVEN M. JONES, xxx-xx-xxxx
VALENCIA A. *. JONES, xxx-xx-xxxx
BENJAMIN W. JORDAN, xxx-xx-xxxx
EDWARD F. JORDAN, JR, xxx-xx-xxxx
BRIAN A. *. JOST, xxx-xx-xxxx
JAMES M. JOYNER, xxx-xx-xxxx
DOUGLAS E. JUDD, xxx-xx-xxxx
KENT K. JUDY, xxx-xx-xxxx
KIM M. JUNTUNEN, xxx-xx-xxxx
CHARLES J. KACSUR, JR, xxx-xx-xxxx
BRENT L. KADESCH, xxx-xx-xxxx
PURNELL *. KAGLER, xxx-xx-xxxx
ANTHONY G. *. KALIHER, xxx-xx-xxxx
BOBBY H. KALLAM, xxx-xx-xxxx
VINCENT W. *. KAM, xxx-xx-xxxx
JOHN S. KANE, xxx-xx-xx...
JAMES M. *. KANZENBACH, xxx-xx-xxxx
BARRY S. KAPPLAN, xxx-xx-xxxx
JOHN C. KARCH, xxx-xx-xxxx
KEITH W. KASPERSEN, xxx-xx-xxxx
KEITH T. KATZ, xxx-xx-xx...
RICHARD W. *. KAUMANS, xxx-xx-xxxx
JOHN F. *. KEARNEY, JR, xxx-xx-xxxx
RICHARD F. *. KEARNEY, xxx-xx-xxxx
RICHARD E. KECK, xxx-xx-xxxx
THOMAS J. KEE, III, xxx-xx-xxxx
WILLIAM T. KEEGAN, xxx-xx-xxxx
BILLIE W. *. KEELER, xxx-xx-xxxx
BARRY L. *. KEITH, xxx-xx-xxxx
CHARLES S. KELLAR, xxx-xx-xx...
HARRY H. *. KELLER, III, xxx-xx-xxxx
SUSAN P. KELLETTFORSYTH, xxx-xx-xxxx
GEORGE R. *. KELLEY, JR, xxx-xx-xxxx
MICHAEL P. *. KELLIHER, xxx-xx-xxxx
KEVIN W. KELLY, xxx-xx-xxxx
PATRICK KELLY, III, xxx-xx-xxxx
PAUL J. *. KELLY, xxx-xx-xxxx
STEPHEN E. KELLY, xxx-xx-xxxx
WILLIAM P. *. KELLY, xxx-xx-xx...
RICHARD J. *. KEMPF, xxx-xx-xxxx
ROBERT E. *. KEMPFE, xxx-xx-xxxx
DEBRA A. *. KEMPTON, xxx-xx-xx...
JOHN F. *. KENDALL, xxx-xx-xxxx
WILLIAM D. KENDRICK, xxx-xx-xxxx
ROBERT W. *. KENNEALLY, JR, xxx-xx-xxxx
RICHARD P. KENNEY, xxx-xx-xxxx
KEVIN B. KENNY, xxx-xx-xxxx
NICHOLAS C. KEPF, xxx-xx-xxxx
KEITH C. *. KERKHOFF, xxx-xx-xxxx
JOHN M. *. KIDD, xxx-xx-xxxx
WILLIAM G. *. KIDD, xxx-xx-xxxx
THOMAS S. KIDWELL, xxx-xx-xxxx
THOMAS E. KILGORE, xxx-xx-xxxx
GAIL D. KILPATRICK, xxx-xx-xxxx
WOOCHAN *. KIM, xxx-xx-xxxx
NORMAN W. KIMATA, xxx-xx-xxxx
RODNEY W. *. KIMURA, xxx-xx-xxxx
BEVERLEY R. *. KINCAID, xxx-xx-xxxx
DAVID L. *. KING, xxx-xx-xxxx
KENNETH M. KING, xxx-xx-xxxx
PATRICIA A. *. KING, xxx-xx-xxxx
GARY S. KINNE, xxx-xx-xxxx
ROBERT D. *. KINNEY, xxx-xx-xxxx
MARK A. KINNIBURGH, xxx-xx-xxxx
KEVIN M. *. KIRMSE, xxx-xx-xxxx
MARK C. KLACZAK, xxx-xx-xx...
DANIEL J. KLECKER, xxx-xx-xxxx
ROBERT E. KLEIN, xxx-xx-xxxx
DIANE L. *. KLIMAS, xxx-xx-xxxx
KURT N. *. KLUGE, xxx-xx-xxxx
JEFFREY P. KNAPP, xxx-xx-xxxx
MICHAEL S. KNAPP, xxx-xx-xxxx
ALFRED K. *. KNIGHT, xxx-xx-xxxx
ROBERT K. KNIGHT, xxx-xx-xxxx
DAVID B. *. KNUDSON, xxx-xx-xxxx
THOMAS R. KNUTILLA, xxx-xx-xxxx
GREGORY P. KOENIG, xxx-xx-xxxx
MARIANNE A. KOEPP, xxx-xx-xxxx
JAMES P. KOHLMANN, xxx-xx-xxxx
THOMAS A. KOLDITZ, xxx-xx-xxxx
THOMAS L. KONING, xxx-xx-xxxx
ROBERT F. *. KOSLOSKY, xxx-xx-xxxx
ANGELOS *. KOSTOPOULOS, xxx-xx-xxxx
JAN M. KOZLOWSKI, xxx-xx-xxxx
RITA A. KRAL, xxx-xx-xxxx
DON J. *. KRAMER, JR, xxx-xx-xxxx
DAVID M. *. KRAUSE, xxx-xx-xxxx
ROBERT L. KRCELIC, xxx-xx-xxxx
STEPHEN D. KREIDER, xxx-xx-xxxx
MARK W. KREYER, xxx-xx-xxxx
ORION N. *. KUJALA, xxx-xx-xxxx
MIROSLAV P. KURKA, xxx-xx-xxxx
CHARLES M. KUYK, xxx-xx-xxxx
JAMES G. *. LACEY, xxx-xx-xxxx
DAVID E. LACOMBE, xxx-xx-xxxx
ANTERO *. LACOT, JR, xxx-xx-xxxx
KINARD J. *. LAFATE, xxx-xx-xx...
WENDY R. LAGEMAN, xxx-xx-xxxx
MARY A. *. LAMMERS, xxx-xx-xxxx
STEVE J. *. LAMPROS, JR, xxx-xx-xx...
JEFFREY L. *. LANDAU, xxx-xx-xxxx
CHARLES V. LANDRY, xxx-xx-xxxx
MARK N. LANEY, xxx-xx-xxxx
JEFFREY B. LANG, xxx-xx-xxxx
KIM D. *. LANGDON, xxx-xx-xxxx
STEPHEN R. LANZA, xxx-xx-xx...
ROY C. LAPORTE, xxx-xx-xxxx
DAVID K. *. LARSON, xxx-xx-xxxx
PAUL A. *. LASKI, xxx-xx-xxxx
JOSEF R. LASSAN, III, xxx-xx-xxxx
BILLY J. *. LASTER, JR, xxx-xx-xxxx
JAY C. *. LAUBER, xxx-xx-x...
JOHN E. LAUDAN, xxx-xx-xxxx
KEITH R. *. LAVERTY, xxx-xx-xxxx
STEPHEN R. LAVIN, xxx-xx-xxxx
SCOTT W. *. LAW, xxx-xx-xxxx
STEPHEN A. *. LAWRENCE, xxx-xx-xxxx
MICHAEL K. *. LAWSON, xxx-xx-xxxx
ROBERT B. LEACH, xxx-xx-xxxx
JAYNE A. *. LEATHERWOOD, xxx-xx-xxxx
ROBERT B. LEAVITT, xxx-xx-xxxx
RICHARD Y. LEDGER, xxx-xx-xxxx
ALVIN K. LEE, xxx-xx-xxxx
CHRISTINE M. *. LEE, xxx-xx-xxxx
DOUGLAS J. LEE, xxx-xx-xxxx
EDWIN W. *. LEE, xxx-xx-xxxx
HOWARD E. LEE, xxx-xx-xxxx
SAMMY G. *. LEE, xxx-xx-xxxx
WILLIAM F. LEE, xxx-xx-xx...
CHARLES E. *. LEFURGE, xxx-xx-xxxx
JEAN M. LEGARE, xxx-xx-xxxx
ROBERT D. LEITZEL, xxx-xx-xxxx
DAVID B. LEMAUK, xxx-xx-xxxx
JUDITH K. LEMIRE, xxx-xx-xxxx
JOHN L. LEONARDI, xxx-xx-xxxx
FRANK C. LESTER, JR, xxx-xx-xx...
RICHARD K. LESTER, xxx-xx-xxxx
ARTHUR L. *. LEWIS, xxx-xx-xxxx
DAVID N. *. LEWIS, xxx-xx-xxxx
DEBRA M. LEWIS, xxx-xx-xxxx
WINSTON E. LEWIS, xxx-xx-xxxx
CHRISTOPHER L. LEYDA, xxx-xx-xxxx
WENDY L. *. LICHTENSTEIN, xxx-xx-xxxx
JAMES A. *. LIEN, xxx-xx-xxxx
DAVID M. *. LIESE, xxx-xx-xxxx
JOHN W. LIGHTNER, JR, xxx-xx-xxxx
EDWARD J. *. LIND, xxx-xx-xxxx
MARK E. *. LINDQUIST, xxx-xx-xxxx
MICHAEL J. LINEHAN, xxx-xx-xxxx
MICHAEL S. LINNINGTON, xxx-xx-xxxx
KENT R. LISTOE, xxx-xx-xxxx
DOUGLAS J. LITAVEC, xxx-xx-xxxx
AMY L. LITHGOW, xxx-xx-xxxx
RICHARD M. LITTLE, xxx-xx-xxxx
ERIC C. LITTLETON, xxx-xx-xxxx
FRANK D. *. LIVINGSTON, xxx-xx-xxxx
BRIDGEMAN R. *. LLOYD, xxx-xx-xxxx
JAMES M. LOBBAN, xxx-xx-xxxx

PRISCILLA W. LOCKE, xxx-xx-xxxx
JODY C. LOCKLEAR, xxx-xx-xxxx
GEORGE T. *. LOCKWOOD, xxx-xx-xxxx
ARTHUR B. LOEFSTEDT, III, xxx-xx-xxxx
DAVID W. LOGAN, xxx-xx-xxxx
RONALD M. LOISELLE, xxx-xx-xxxx
FRANCIS K. LONG, xxx-xx-xxxx
GREGORY T. *. LONG, xxx-xx-xxxx
HUGH B. *. LONG, JR, xxx-xx-xxxx
KRISTIE A. *. LONG, xxx-xx-xxxx
LONNIE G. LONG, xxx-xx-xxxx
RICHARD C. LONGO, xxx-xx-xxxx
STEPHEN LOONEY, xxx-xx-xxxx
MICHAEL F. *. LOPERCOLO, xxx-xx-xxxx
ISMAEL *. LOPEZ, xxx-xx-xxxx
RAYMOND LOPEZ, xxx-xx-xxxx
CATHERINE E. LOPRESTI, xxx-xx-xxxx
EMORY S. *. LORD, xxx-xx-xxxx
AUSTIN P. LOSSETT, xxx-xx-xxxx
WILLIAM R. LOVEN, xxx-xx-xxxx
CALVIN S. LOVERING, JR, xxx-xx-xxxx
JOSEPH B. LOWDER, xxx-xx-xxxx
DAVID W. *. LOWE, xxx-xx-xxxx
JOSEPH A. *. LOWE, xxx-xx-xxxx
BARRY *. LOWMAN, xxx-xx-xxxx
VALLORY E. *. LOWMAN, xxx-xx-xxxx
WARREN K. *. LOWMAN xxx-xx-xxxx
ROSS A. LOZON, xxx-xx-xxxx
JOHN W. LUBBERS, II, xxx-xx-xxxx
CHRISTOPHER H. LUCIER, xxx-xx-xxxx
DOUGLAS I. LUCKETT, xxx-xx-xxxx
BENJAMIN D. LUKEFAHR, xxx-xx-xxxx
ALTON R. *. LUMPKIN, xxx-xx-xxxx
VICKI M. LUNDQUIST, xxx-xx-xxxx
JAMES R. LUNSFORD, xxx-xx-xxxx
CHRISTOPHER B. LUSK, xxx-xx-xxxx
MICHAEL W. LUTTMANN, xxx-xx-xxxx
JOHN W. *. LYDON, III, xxx-xx-xxxx
DONALD L. LYME, xxx-xx-xxxx
WILLIAM C. LYNCH, xxx-xx-xxxx
DONALD W. MAAGE, xxx-xx-xxxx
RONALD K. *. MACCAMMON, xxx-xx-xxxx
RICHARD S. MACDERMOTT, xxx-xx-xxxx
ANNE F. MACDONALD, xxx-xx-xxxx
ARTHUR C. MACDOUGALL, xxx-xx-xxxx
MARK J. *. MACEJKO, xxx-xx-xxxx
GABRIELE E. MACK, xxx-xx-xxxx
WINFRED R. *. MACK, JR, xxx-xx-xxxx
DAVID G. MACLEAN, xxx-xx-xxxx
DONALD C. *. MACLEOD, xxx-xx-xxxx
BRUCE F. MACNEILL, xxx-xx-xxxx
JORGE L. MADERA, xxx-xx-xxxx
EUGENE P. MAGGIONCALDA, xxx-xx-xxxx
LISA C. *. MAHLEBJIAN, xxx-xx-xxxx
ROBERT M. MAIBERGER, xxx-xx-xxxx
STEVEN J. MAINS, xxx-xx-xxxx
JOSE R. *. MALDONADO, xxx-xx-xxxx
PAUL S. *. MALLORY, xxx-xx-xxxx
ANTHONY S. MALONE, xxx-xx-xxxx
WILLIAM T. *. MALONE, xxx-xx-xxxx
GEORGE M. MANCINI, xxx-xx-xxxx
SCOTT MANDERVILLE, xxx-xx-xxxx
THOMAS J. MANGAN, III, xxx-xx-xxxx
CHERYL D. *. MANN, xxx-xx-xxxx
JENNIFER J. *. MANN, xxx-xx-xxxx
MELVIN D. *. MANN, xxx-xx-xxxx
BRUCE F. MANNING, xxx-xx-xxxx
JOHN R. MANNING, JR, xxx-xx-xxxx
ANGELA M. MANOS, xxx-xx-xxxx
JOE D. MANOUS, JR, xxx-xx-xxxx
DAVID L. MAPLES, xxx-xx-xxxx
STANLEY R. MARCH, xxx-xx-xxxx
DAVID W. MARCK, xxx-xx-xxxx
LOU L. MARICH, xxx-xx-xxxx
ALBERT G. *. MARIN, III, xxx-xx-xxxx
KAREN G. *. MARSHALL, xxx-xx-xxxx
MARC E. *. MARSZALEK, xxx-xx-xxxx
FRANK A. MARTIN, III, xxx-xx-xxxx
PAUL K. MARTIN, xxx-xx-xxxx
RONALD L. *. MARTIN, xxx-xx-xxxx
AXEL MARTINEZ, xxx-xx-xxxx
PETER A. MARTUCCI, JR, xxx-xx-xxxx
MICHAEL R. *. MASON xxx-xx-xxxx
ARVEL W. *. MASTERS xxx-xx-xxxx
KARL A. MASTERS, xxx-xx-xxxx
GEORGE S. *. MASTROMICHALIS, xxx-xx-xxxx
SHAWN M. MATEER, xxx-xx-xxxx
JACOB P. MATTHEWS, III, xxx-xx-xxxx
KENNETH D. *. MATTHEWS, xxx-xx-xxxx
MARY E. *. MATTHEWS, xxx-xx-xxxx
RICHARD W. MATTHEWS, xxx-xx-xxxx
JOHN A. MATTINGLY, xxx-xx-xxxx
WILLIAM T. *. MAUGHN, xxx-xx-xxxx
IRENE G. MAUSS, xxx-xx-xxxx
BRADLEY W. MAY, xxx-xx-xxxx
MARIE A. *. MAY, xxx-xx-xxxx
PHILLIP H. MAY, xxx-xx-xxxx
REUBEN W. *. MAYNARD, xxx-xx-xxxx
ROBERT D. MAYR, xxx-xx-xxxx
MARILYN M. MCALLISTER, xxx-xx-xxxx
DENNIS P. MCAULIFFE, xxx-xx-xxxx
PATRICK A. *. MCCARTHY, xxx-xx-xxxx
PATRICK G. MCCARTHY, xxx-xx-xxxx
PATRICK W. MCCARTHY. xxx-xx-xxxx
MATTHEW K. MCCARVILLE, xxx-xx-xxxx
RICHARD I. MCCAUGHEY, xxx-xx-xxxx
NATHAN E. MCCAULEY, II, xxx-xx-xxxx
JACK R. MCCLANAHAN, JR. xxx-xx-xxxx
MARTIN C. *. MCCLEARY, xxx-xx-xxxx
CHERYL A. *. MCCLELLAN, xxx-xx-xxxx
ROBERT J. *. MCCOART, II, xxx-xx-xxxx
JAMES C. MCCONVILLE, xxx-xx-xxxx
ROBERT D. MCCORKLE, xxx-xx-xxxx
EDWARD D. MCCOY, xxx-xx-xxxx
MARY B. *. MCCULLOUGH, xxx-xx-xxxx
JAMES C. MCCUNE, xxx-xx-xxxx
LLOYD E. MCDANIELS, xxx-xx-xxxx
GERALD M. MCDONALD, xxx-xx-xxxx
HAROLD S. *. MCDONALD, xxx-xx-xxxx
SUSAN L. *. MCDONALD, xxx-xx-xxxx
JAMES C. *. MCDOUGALL, xxx-xx-xxxx
HARRY O. *. MCEWEN, xxx-xx-xxxx
MATTHEW P. *. MCGUINESS, xxx-xx-xxxx
MICHAEL E. *. MCGUINN, IV, xxx-xx-xxxx
DONALD V. MCGUIRE, xxx-xx-xxxx
WALTER L. *. MCKEE, xxx-xx-xxxx
DAVID J. *. MCKENNA, xxx-xx-xxxx
JANE H. MCKEON, xxx-xx-xxxx
MARSHALL E. MCKINNEY, xxx-xx-xxxx
RICHARD T. *. MCKINNEY, xxx-xx-xxxx
WILLIAM R. *. MCKINNEY, xxx-xx-xxxx
JOHN L. MCKNIGHT, JR, xxx-xx-xxxx
NATHAN A. *. MCLAMB, xxx-xx-xxxx
ANDREW R. MCMAHON, xxx-xx-xxxx
MICHAEL J. MCMAHON, xxx-xx-xxxx
MILTON M. *. MCMILLAN, xxx-xx-xxxx
DONALD G. *. MCMILLIAN, xxx-xx-xxxx
KENNETH M. MCMILLIN, xxx-xx-xxxx
ROBERT C. MCMULLIN, xxx-xx-xxxx
JAMES P. *. MCNEELY, xxx-xx-xxxx
RONALD D. MCNEIL, xxx-xx-xxxx
WILLIAM R. *. MCNEILL, JR, xxx-xx-xxxx
JAMES W. MCNULTY, xxx-xx-xxxx
TIMOTHY K. MCNULTY, xxx-xx-xxxx
ROBERT L. *. MCPEEK, xxx-xx-xxxx
SCOTT K. MCPHEETERS, xxx-xx-xxxx
PAUL M. *. MCQUAIN xxx-xx-xxxx
BOBBY S. *. MCQUEEN, xxx-xx-xxxx
DANNY M. MCQUEEN, xxx-xx-xxxx
LAWRENCE K. *. MCSHANE, xxx-xx-xxxx
GARY P. MCVANEY, xxx-xx-xxxx
WILLIAM T. *. MCWATTERS, xxx-xx-xxxx
DAVID R. MCWILLIAMS, xxx-xx-xxxx
DANIEL N. *. MEAD, xxx-xx-xxxx
MARK A. MEADERS, xxx-xx-xxxx
MARTIN R. MEADOR, xxx-xx-xxxx
PLAUDY M. MEADOWS, III, xxx-xx-xxxx
ROBIN L. MEALER, xxx-xx-xxxx
RUSSELL P. MEDINA, xxx-xx-xxxx
WILLIAM J. *. MEDLEY, xxx-xx-xxxx
MICHAEL T. MEEKS, xxx-xx-xxxx
MICHAEL J. MEESE, xxx-xx-xxxx
WILLIAM A. MEIDENBAUER, xxx-xx-xxxx
MARK S. *. MELIUS, xxx-xx-xxxx
TONY A. *. MEMMINGER, xxx-xx-xxxx
LAWRENCE A. *. MENDONCA, xxx-xx-xxxx
CRAIG A. *. MENGERT, xxx-xx-xxxx
BARRY T. *. MENNE, xxx-xx-xxxx
RUBEN *. MERCADO, JR, xxx-xx-xxxx
GORDON H. MERENESS, JR, xxx-xx-xxxx
PHILIP R. MERRELL, xxx-xx-xxxx
RALPH F. MERRILL, xxx-xx-xxxx
RONALD S. MERRIMAN, xxx-xx-xxxx
MICHAEL T. MERVA, xxx-xx-xxxx
LEONARD A. *. MERVIN, xxx-xx-xxxx
CAROLYN S. METCALF, xxx-xx-xxxx
JEFFREY C. *. MEYER, xxx-xx-xxxx
KENNETH H. *. MEYER, xxx-xx-xxxx
ARTHUR G. MILAK, xxx-xx-xxxx
ANDREW N. MILANI, II, xxx-xx-xxxx
JEFFREY T. MILES, xxx-xx-xxxx
JEROME *. MILES, xxx-xx-xxxx
GEORGE J. MILLAN, xxx-xx-xxxx
DAVID A. *. MILLARD, xxx-xx-xxxx
CECIL F. *. MILLER, xxx-xx-xxxx
DAVID G. *. MILLER, JR, xxx-xx-xxxx
EDWARD C. *. MILLER, xxx-xx-xxxx
EDWARD G. *. MILLER, xxx-xx-xxxx
FRANK L. MILLER, JR, xxx-xx-xxxx
GREGORY S. MILLER, xxx-xx-xxxx
MARC W. MILLER, xxx-xx-xxxx
NORMAN F. *. MILLER, xxx-xx-xxxx
RICHARD W. *. MILLER, xxx-xx-xxxx
SHANE M. *. MILLER, xxx-xx-xxxx
STEVEN N. MILLER, xxx-xx-xxxx
WILLIAM J. MILLER, xxx-xx-xxxx
MARK A. MILLEY, xxx-xx-xxxx
RICKY W. MILLS, xxx-xx-xxxx
CHARLES E. *. MILSTER, JR, xxx-xx-xxxx
KRISTOPHER F. MILTNER, xxx-xx-xxxx
DAVID S. MILTON, xxx-xx-xxxx
THOMAS J. *. MILTON, xxx-xx-xxxx
GARY A. MINADEO, xxx-xx-xxxx
JOHN R. MINAHAN, xxx-xx-xxxx
ANNA T. MINER, xxx-xx-xxxx
TERRY L. *. MINTZ, xxx-xx-xxxx
ROBERT J. MIRAVALLE, JR, xxx-xx-xxxx
KENNETH M. MISHKEL, xxx-xx-xxxx
ERIN M. MISNER, xxx-xx-xxxx
MAX H. MITCHELL, JR, xxx-xx-xxxx
RUFUS F. *. MOBLEY, III, xxx-xx-xxxx
DAVID E. MOELLER, xxx-xx-xxxx
JOHN M. MOELLER, xxx-xx-xxxx
JAMES E. MOENTMANN, xxx-xx-xxxx
H. A. *. MOHAMMED, xxx-xx-xxxx
RENEE M. *. MONGO, xxx-xx-xxxx
JANELLE L. *. MONNIER, xxx-xx-xxxx
ALEXANDER J. MONTGOMERY, xxx-xx-xxxx
BEVERLY I. *. MONTGOMERY, xxx-xx-xxxx
ANTHONY T. *. MOODY, xxx-xx-xxxx
JAMES E. MOODY, JR, xxx-xx-xxxx
MICHAEL E. MOODY, xxx-xx-xxxx
IRA D. MOORE, xxx-xx-xxxx
JAMES M. *. MOORE, xxx-xx-xxxx
MICHAEL J. *. MOORE, xxx-xx-xxxx
ROSS P. *. MOORE, xxx-xx-xxxx
STEVEN D. MOORE, xxx-xx-xxxx
PAUL K. MOOSE, xxx-xx-xxxx
CHRISTOPHER P. MOOSMANN, xxx-xx-xxxx
JAMES P. *. MORAN, xxx-xx-xxxx
SYLVIA T. MORAN, xxx-xx-xxxx
TIMOTHY M. MORAN, xxx-xx-xxxx
CESAR A. *. MOREIRA, xxx-xx-xxxx
MICHAEL T. MORETTI, xxx-xx-xxxx
LOUISE P. MORGAN, xxx-xx-xxxx
WILLIMA F. MORGAN, JR, xxx-xx-xxxx
FRANK MORGESE, xxx-xx-xxxx
MARK F. MORGIDA, xxx-xx-xxxx
BILLY W. *. MORRIS, xxx-xx-xxxx
BRETT E. MORRIS, xxx-xx-xxxx
DEAN C. MORRIS. xxx-xx-xxxx
ROBERT P. MORRIS, JR, xxx-xx-xxxx
MARK L. *. MORRISON. xxx-xx-xxxx
NANCY M. *. MORTONLINEK, xxx-xx-xxxx
PAUL D. *. MORUZA, xxx-xx-xxxx
ERIC E. *. MOSELY, xxx-xx-xxxx
RANDY D. MOSHER, xxx-xx-xxxx
DAVID A. MOSINSKI, xxx-xx-xxxx
WALTER R. MOSS, xxx-xx-xxxx
ANDREE M. *. MOUNTAIN, xxx-xx-xxxx
KEVIN J. *. MOYLAN, xxx-xx-xxxx
ALBERT A. MROZEK, JR, xxx-xx-xxxx
MICHAEL G. MUDD, xxx-xx-xxxx
STEPHEN E. MUEHLBERG, xxx-xx-xxxx
MARY J. MUELLER, xxx-xx-xxxx
JOSE L. *. MUNIZ, xxx-xx-xxxx
CHRISTOPHER J. MUNN, xxx-xx-xxxx
JEFFREY W. MUNN, xxx-xx-xxxx
DAVID W. MUNYON, xxx-xx-xxxx
GEORGE B. MURDAUGH, xxx-xx-xxxx
DONALD E. MURPHY. xxx-xx-xxxx
JAMES M. MURPHY, xxx-xx-xxxx
NATALIE E. MURPHY. xxx-xx-xxxx
RUFUS R. *. MURPHY, JR, xxx-xx-xxxx
RICHARD P. MUSTION, xxx-xx-xxxx
DAVID B. MYERS, xxx-xx-xxxx
EARL C. MYERS, II, xxx-xx-xxxx
LEANDER W. MYERS, xxx-xx-xxxx
SHIRLEY A. *. MYERS, xxx-xx-xxxx
SUSAN R. MYERS, xxx-xx-xxxx
EDWARD P. NAESSENS, xxx-xx-xxxx
PAUL E. NAGY, xxx-xx-xxxx
JOYCE P. NAPIER, xxx-xx-xxxx
KELLY *. NAPIER, xxx-xx-xxxx
THOMAS Z. *. NAPIER, xxx-xx-xxxx
JOSEPH F. NAPOLI, II, xxx-xx-xxxx
DOUGLAS E. NASH, xxx-xx-xxxx
GEORGE J. *. NEELY, xxx-xx-xxxx
EDGARDO L. NEGRON, xxx-xx-xxxx
KEVIN E. NEKULA, xxx-xx-xxxx
CLAIRE M. NELSON. xxx-xx-xxxx
DOUGLAS H. NELSON, xxx-xx-xxxx
JAMES A. *. NELSON xxx-xx-xxxx
JAMES P. *. NELSON, xxx-xx-xxxx
KENWYN G. *. NELSON, JR, xxx-xx-xxxx
RANDY C. NELSON, xxx-xx-xxxx
ROBERT S. NELSON, xxx-xx-xxxx
RODNEY C. NELSON, xxx-xx-xxxx
MARLIN A. NESS, xxx-xx-xxxx
MICHAEL A. NESTOR. xxx-xx-xxxx
MARKUS R. *. NEUMANN, xxx-xx-xxxx
MICHAEL E. *. NEUMANN, xxx-xx-xxxx
ROBERT C. *. NEUMANN, xxx-xx-xxxx
DONNA S. NEWELL, xxx-xx-xxxx
MICHAEL E. NEWELL, xxx-xx-xxxx
JOSEPH R. NEWFROCK, xxx-xx-xxxx
JARVIS *. NEWSOME, xxx-xx-xxxx
TRICIA *. NEWSOME, xxx-xx-xxxx
JEFFERY L. NEWTON, xxx-xx-xxxx
JOHN C. *. NEWTON, III, xxx-xx-xxxx
MARK F. *. NEWTON, xxx-xx-xxxx
WENDELL A. *. NEWTON, xxx-xx-xxxx
JOHN R. *. NICHOLSON, III, xxx-xx-xxxx
ROBERT K. NICHOLSON, JR, xxx-xx-xxxx
ROBERT W. *. NICHOLSON, xxx-xx-xxxx
DAVID L. *. NICKELS, xxx-xx-xxxx
STEPHEN J. NOLAN, xxx-xx-xxxx
DUANE C. *. NORELL, xxx-xx-xxxx
KEVIN R. *. NORGAARD, xxx-xx-xxxx
KEITH S. NORRIS, xxx-xx-xxxx
DOUGLAS J. NORTON, xxx-xx-xxxx
DEBORAH E. *. NORWOOD, xxx-xx-xxxx
JOHN D. NORWOOD, xxx-xx-xxxx
CHARLES *. NOVELL, xxx-xx-xxxx
GEORGE A. NOWAK, xxx-xx-xxxx
PATRICK J. *. NUGENT, xxx-xx-xxxx
DEBORAH L. NYKYFORCHYN, xxx-xx-xxxx
JACKIE R. *. OAKLEY, xxx-xx-xxxx
BEATRIZ A. OBRIEN, xxx-xx-xxxx
KEVIN R. *. OBRIEN, xxx-xx-xxxx
MARY E. OBRIEN, xxx-xx-xxxx
BRIGID OCKRASSA, xxx-xx-xxxx
JAMES G. ODONNELL, xxx-xx-xxxx
ROBERT A. *. OHLIN, xxx-xx-xxxx
GERALD B. OKEEFE, xxx-xx-xxxx
KAREN J. OLIVER, xxx-xx-xxxx
GREG D. *. OLSON xxx-xx-xxxx
DAVID H. OLWELL, JR, xxx-xx-xxxx
CHARLES L. ORGAN, xxx-xx-xxxx
MITCHELL D. ORMSON, xxx-xx-xxxx
ANDREW J. ORRIS, xxx-xx-xxxx
ROBERT B. *. ORSINI, xxx-xx-xxxx
ROBERT ORTIZABREU, JR, xxx-xx-xxxx
PETER R. *. OSTROM, xxx-xx-xxxx
GREGORY W. OUTLAND, xxx-xx-xxxx
MARTINEZ OUTLAND, xxx-xx-xxxx

TODD A. *. OVERBY, xxx-xx-xxxx
PETER T. OWEN, xxx-xx-xxxx
BARNEY C. *. OWENS, xxx-xx-xxxx
CHRISTOPHER G. OWENS, xxx-xx-xxxx
ALFRED J. *. PADDEN, xxx-xx-xxxx
HECTOR E. PAGAN, xxx-xx-xxxx
CURTIS J. *. PAIGE, xxx-xx-xxxx
ROBERT F. PAINTER, xxx-xx-xxxx
WILBUR P. *. PALECZNY, xxx-xx-xxxx
RUFUS D. PALMER, III, xxx-xx-xxxx
SAMUEL L. *. PALMER, xxx-xx-xxxx
JAMES *. PALSHA, xxx-xx-xxxx
RAYMOND P. PALUMBO, xxx-xx-xxxx
STEVEN W. PANTON, xxx-xx-xxxx
DAVID E. *. PARIS, xxx-xx-xxxx
JAMES M. PARIS, xxx-xx-xxxx
DONNA M. PARKER, xxx-xx-xxxx
JAMES P. PARKER, xxx-xx-xxxx
JOEL R. PARKER, JR., xxx-xx-xxxx
RICHARD H. *. PARKER, xxx-xx-xxxx
WILBUR A. PARKER, xxx-xx-xxxx
RANDAL L. PARKINSON, xxx-xx-xxxx
MORRIS B. *. PARRA, xxx-xx-xxxx
SAMUEL J. PARRIS, xxx-xx-xxxx
STEPHEN P. PARSHLEY, xxx-xx-xxxx
MICHAEL L. *. PARSLEY, xxx-xx-xxxx
LEAH M. PATRICK, xxx-xx-xxxx
WILLIAM N. *. PATTERSON, xxx-xx-xxxx
ROSS D. PAULEY, xxx-xx-xxxx
GEORGE F. PAVLIK, JR., xxx-xx-xxxx
CHARLES T. *. PAYNE, xxx-xx-xxxx
EDWARD W. PAYNE, xxx-xx-xxxx
JEROME F. PAYNE, xxx-xx-xxxx
JOHN B. *. PAYNE, JR., xxx-xx-xxxx
WILLIAM B. *. PEAK, xxx-xx-xxxx
GILBERT H. PEARSALL, xxx-xx-xxxx
KATHLEEN M. *. PEDERSEN, xxx-xx-xxxx
KENNETH L. *. PEEBLES, xxx-xx-xxxx
DUNCAN V. *. PEED, xxx-xx-xxxx
JOHN C. *. PELCHER, xxx-xx-xxxx
DAVID R. PELIZZON, xxx-xx-xxxx
KEVIN R. *. PELLEGRINO, xxx-xx-xxxx
JOHN D. *. PELTON, JR., xxx-xx-xxxx
RODRIGUEZ A. *. PEREZ, xxx-xx-xxxx
STEPHEN J. PEREZ, xxx-xx-xxxx
MICHAEL J. *. PERGANDE, xxx-xx-xxxx
RODNEY W. *. PERKINS, xxx-xx-xxxx
STEPHEN P. PERKINS, xxx-xx-xxxx
WILLIAM E. PERKINS, xxx-xx-xxxx
MARK W. PERRIN, xxx-xx-xxxx
BRIAN C. *. PERRIS, xxx-xx-xxxx
CHRISTINE B. PERRITT, xxx-xx-xxxx
THOMAS B. *. PERRONE, JR., xxx-xx-xxxx
MICHAEL *. PESKO, JR, xxx-xx-xxxx
ANTHONY S. *. PESNELL, xxx-xx-xxxx
DAVID L. PETERS, xxx-xx-xxxx
RALPH H. PETERS, JR., xxx-xx-xxxx
STEVEN E. PETERS, xxx-xx-xxxx
MARK B. PETREE, xxx-xx-xxxx
ROBERT O. PETRO, xxx-xx-xxxx
REGINALD E. *. PETTUS, xxx-xx-xxxx
MICHAEL F. PFENNING, xxx-xx-xxxx
LILLIAN A. PFLUKE, xxx-xx-xxxx
WILLIAM G. PHELPS, JR., xxx-xx-xxxx
RONALD K. *. PHILIPS, xxx-xx-xxxx
CHRIS A. *. PHILLIPS, xxx-xx-xxxx
DAVID D. PHILLIPS, xxx-xx-xxxx
DON A. PHILLIPS, xxx-xx-xxxx
MICHAEL W. PICK, xxx-xx-xxxx
ROBERT F. *. PIDGEON, xxx-xx-xxxx
DONALD R. PIERCE, xxx-xx-xxxx
STEVEN E. *. PILLION, xxx-xx-xxxx
JAMES A. PINER, xxx-xx-xxxx
SCOTT D. PIRO, xxx-xx-xxxx
DAVID *. PLEASANT, xxx-xx-xxxx
RICHARD L. *. PLUMMER, xxx-xx-xxxx
ALLEN E. PLUNKETT, xxx-xx-xxxx
TIMOTHY J. POLASKE, xxx-xx-xxxx
KENNITH D. POLCZYNSKI, xxx-xx-xxxx
JAMES E. POLLARD, xxx-xx-xxxx
WAYNE A. POLLARD, xxx-xx-xxxx
RICHARD J. POLO, JR, xxx-xx-xxxx
JAMES B. POMERLEAU, xxx-xx-xxxx
RANDALL D. PONDER, xxx-xx-xxxx
WILLIAM M. PONTIUS, xxx-xx-xxxx
WILLIAM R. *. POPE, xxx-xx-xxxx
MICHAEL W. PORCH, xxx-xx-xxxx
ALEX R. PORTELLI, xxx-xx-xxxx
LAWRENCE J. PORTOUW, xxx-xx-xxxx
GREGORY A. POST, xxx-xx-xxxx
TERRY W. *. POTTER, xxx-xx-xxxx
CURTIS D. POTTS, xxx-xx-xxxx
DAVID D. POWELL, JR, xxx-xx-xxxx
DEAN A. POWELL, xxx-xx-xxxx
JULIENNE *. POWELL, xxx-xx-xxxx
MICHAEL Q. *. POWELL, xxx-xx-xxxx
STEPHEN J. *. POWELL, xxx-xx-xxxx
HENRY S. *. POWERS, III, xxx-xx-xxxx
SUSAN A. PRANKE, xxx-xx-xxxx
CARL PRANTL, JR, xxx-xx-xxxx
CLARE M. PRESSLEY, xxx-xx-xxxx
DONALD PRESSWOOD, xxx-xx-xxxx
GEORGE N. *. PRESTRIDGE, JR, xxx-xx-xxxx
JAMES A. PRICE, III, xxx-xx-xxxx
GEORGE PROHODA, xxx-xx-xxxx
THOMAS K. PRUETT, JR, xxx-xx-xxxx
JERRY G. PRUITT, xxx-xx-xxxx
STANLEY J. PRUSINSKI, xxx-xx-xxxx
LARRY R. PRYOR, JR, xxx-xx-xxxx
LAWRENCE R. *. PRYOR, xxx-xx-xxxx
MARTIN E. PUCCI, xxx-xx-xxxx
ANTHONY J. PUCKETT, xxx-xx-xxxx
CARLOS A. PUENTES, xxx-xx-xxxx
DAVID W. *. PUSTER, xxx-xx-xxxx
DANIEL PUSTY, xxx-xx-xxxx
JOHN M. QUALLS, xxx-xx-xxxx
DAVID E. QUANTOCK, xxx-xx-xxxx
BRIAN F. QUIGLEY, xxx-xx-xxxx
MICHAEL L. *. QUINCY, xxx-xx-xxxx
FLOYD A. QUINTANA, xxx-xx-xxxx
WILLIAM C. *. QUISTORF, xxx-xx-xxxx
VICTORIA A. *. RADCLIFFE, xxx-xx-xxxx
DIANA M. RAINEY, xxx-xx-xxxx
MICHAEL E. RAINEY, xxx-xx-xxxx
TIMOTHY A. RAINEY, xxx-xx-xxxx
DAVID A. RAMEDEN, xxx-xx-xxxx
JOE E. RAMIREZ, JR, xxx-xx-xxxx
TORSTEN E. *. RAMIREZ, xxx-xx-xxxx
JOHN *. RAMOS, xxx-xx-xxxx
MARTHA E. *. RANKIN, xxx-xx-xxxx
DARRELL S. RANSOM, xxx-xx-xxxx
WALTER F. RANT, II, xxx-xx-xxxx
ANTHONY M. RAPER, xxx-xx-xxxx
JOSEPH A. RAPONE, II, xxx-xx-xxxx
EDWARD M. RATCLIFFE, xxx-xx-xxxx
THEODORE K. RAUSCH, xxx-xx-xxxx
GEORGE D. RAY, xxx-xx-xxxx
WAYMOND L. RAY, xxx-xx-xxxx
STEPHEN T. REAVES, xxx-xx-xxxx
STEVEN J. *. REDDIN, xxx-xx-xxxx
ROBERT S. REDDINGTON, xxx-xx-xxxx
STEPHEN A. REDMOND, xxx-xx-xxxx
ANDREW A. *. REESE, xxx-xx-xxxx
TIMOTHY R. REESE, xxx-xx-xxxx
I. V. *. REEVES, JR, xxx-xx-xxxx
JOHN S. REGAN, xxx-xx-xxxx
STEPHEN L. REGO, xxx-xx-xxxx
FREDERICK W. REICHERT, xxx-xx-xxxx
JACK L. REICHERT, xxx-xx-xxxx
WILLIAM P. *. REINER, xxx-xx-xxxx
DONALD G. REININGER, xxx-xx-xxxx
KURT C. REITINGER, xxx-xx-xxxx
BRIAN O. REMMEY, xxx-xx-xxxx
PAUL A. REMMIE, xxx-xx-xxxx
JAMES D. RENBARGER, xxx-xx-xxxx
CHRISTOPHER K. REORDAN, xxx-xx-xxxx
REBECCA S. *. REORDAN, xxx-xx-xxxx
PAUL J. REOYO, xxx-xx-xxxx
MICHAEL S. REPASS, xxx-xx-xxxx
MICHAEL RESTY, JR, xxx-xx-xxxx
DANE K. REVES, xxx-xx-xxxx
JAMES B. RHOADS, JR, xxx-xx-xxxx
MICHAEL A. RHODEN, xxx-xx-xxxx
GEORGE H. RHYNEDANCE, IV, xxx-xx-xxxx
OSCAR L. *. RICE, JR, xxx-xx-xxxx
DIANA M. RICHARD, xxx-xx-xxxx
DAVID H. *. RICHARDS, xxx-xx-xxxx
GEWON *. RICHARDS, xxx-xx-xxxx
FREDRICK G. *. RICHARDSON, xxx-xx-xxxx
IRA R. *. RICHARDSON, JR, xxx-xx-xxxx
MICHAEL A. RICHARDSON, xxx-xx-xxxx
THOMAS J. RICHARDSON, xxx-xx-xxxx
ROSS E. RIDGE, xxx-xx-xxxx
JOHN P. RIDILLA, xxx-xx-xxxx
WILLIAM R. *. RIEGER, xxx-xx-xxxx
WILLIAM A. RIGBY, xxx-xx-xxxx
WILLIAM E. RIKER, JR, xxx-xx-xxxx
FRANK L. RINDONE, xxx-xx-xxxx
RHETT A. RISHER, xxx-xx-xxxx
JOHN P. *. RITCHEY, II, xxx-xx-xxxx
STEPHEN G. RITZ, xxx-xx-xxxx
ROBERT J. RIVAS, III, xxx-xx-xxxx
MIGUEL A. *. RIVERA, xxx-xx-xxxx
PEDRO R. *. RIVERA, xxx-xx-xxxx
MICHAEL A. *. RIZZO, xxx-xx-xxxx
HOYT E. *. ROBERSON, xxx-xx-xxxx
PETER J. *. ROBERTS, xxx-xx-xxxx
STEVEN R. ROBERTS, xxx-xx-xxxx
THOMAS W. ROBERTSON, xxx-xx-xxxx
PATRICK M. *. ROBEY, xxx-xx-xxxx
HUGH G. ROBINSON, JR, xxx-xx-xxxx
LEON A. *. ROBINSON, JR, xxx-xx-xxxx
ROOSEVELT *. ROBINSON, JR, xxx-xx-xxxx
WILLIAM G. ROBINSON, III, xxx-xx-xxxx
EVAN E. ROBSON, xxx-xx-xxxx
RICHARD J. ROBSON, xxx-xx-xxxx
SUSAN M. ROCHA, xxx-xx-xxxx
RUSSELL C. ROCHTE, JR, xxx-xx-xxxx
MICHAEL R. *. ROCQUE, xxx-xx-xxxx
STEVE C. *. RODIS, xxx-xx-xxxx
GILBERTO *. RODRIGUEZ, xxx-xx-xxxx
MICHAEL J. *. ROESNER, xxx-xx-xxxx
WILLIE C. *. ROGERS, xxx-xx-xxxx
DAVID J. ROHRER, xxx-xx-xxxx
CARLOS R. ROMAN, xxx-xx-xxxx
CHRISTOPHER C. *. ROMIG, xxx-xx-xxxx
PEDRO J. *. ROSARIO, xxx-xx-xxxx
JAMES G. ROSE, xxx-xx-xxxx
JOSEPH M. ROSE, xxx-xx-xxxx
HAROLD S. ROSENTHAL, xxx-xx-xxxx
MARIE T. *. ROSSI, xxx-xx-xxxx
ROBERT N. *. ROSSI, xxx-xx-xxxx
GREGORY A. ROSTEN, xxx-xx-xxxx
JERRY H. ROTH, xxx-xx-xxxx
KATHLEEN K. *. ROTH, xxx-xx-xxxx
MICHAEL E. ROUNDS, xxx-xx-xxxx
JOHN S. ROVEGNO, xxx-xx-xxxx
JOHN L. ROVERO, xxx-xx-xxxx
ORTIZ R. *. RUBET, xxx-xx-xxxx
ANTHONY R. RUDD, xxx-xx-xxxx
FREDERICK S. RUDESHEIM, xxx-xx-xxxx
GEORGE R. RUFF, xxx-xx-xxxx
RICHARD J. *. RUFFIN, xxx-xx-xxxx
VAL L. RUFFO, xxx-xx-xxxx
EDWARD J. RUGGERO, xxx-xx-xxxx
THOMAS R. RUHL, xxx-xx-xxxx
BENIGNO B. RUIZ, xxx-xx-xxxx
JAMES C. RUNYAN, xxx-xx-xxxx
REX A. RUSSELL, xxx-xx-xxxx
JOHN T. *. RUSSO, JR, xxx-xx-xxxx
MARTIN G. RUSSO, xxx-xx-xxxx
STEPHEN L. RUST, xxx-xx-xxxx
KENNETH L. *. RUTLEDGE, xxx-xx-xxxx
DAVID J. RUTTEN, xxx-xx-xxxx
MICHAEL A. RYAN, xxx-xx-xxxx
MICHAEL C. *. RYAN, xxx-xx-xxxx
MICHAEL D. RYAN, xxx-xx-xxxx
DANIEL SACKS, xxx-xx-xxxx
DAVID G. SADLER, xxx-xx-xxxx
JOHN K. *. SAJEVIC, xxx-xx-xxxx
JAMES R. SAJO, xxx-xx-xxxx
VICTOR M. SALAZAR, xxx-xx-xxxx
MILLARD V. SALES, JR, xxx-xx-xxxx
DONALD G. SALO, JR, xxx-xx-xxxx
R. *. SANCHEZCARRASQUILLO, xxx-xx-xxxx
J. W. SANDERS, xxx-xx-xxxx
BETH A. *. SANFORD, xxx-xx-xxxx
ALAN C. SANGER, xxx-xx-xxxx
RUSSEL D. *. SANTALA, xxx-xx-xxxx
FELIX L. *. SANTIAGOTORRES, xxx-xx-xxxx
BENJAMIN B. SANTOS, xxx-xx-xxxx
MARK T. SARGEANT, xxx-xx-xxxx
JOHN SARNECKY, xxx-xx-xxxx
WILLIAM R. *. SARVAY, xxx-xx-xxxx
JOHN H. SATTERWHITE, xxx-xx-xxxx
SHEPARD A. SAWYER, JR, xxx-xx-xxxx
CALVIN R. SAYLES, xxx-xx-xxxx
DAVID A. SCARBALIS, xxx-xx-xxxx
STEVEN H. *. SCERCY, xxx-xx-xxxx
RICHARD G. SCHENCK, xxx-xx-xxxx
CHRISTOPHER M. SCHIEFER, xxx-xx-xxxx
MARK E. SCHILLER, xxx-xx-xxxx
GREGORY J. SCHLEYER, xxx-xx-xxxx
JOSEPH R. SCHMALZEL, xxx-xx-xxxx
EDWARD J. *. SCHMIDT, JR, xxx-xx-xxxx
TERRY A. SCHMIDT, xxx-xx-xxxx
MICHAEL W. SCHNEIDER, xxx-xx-xxxx
JOHN B. SCHOFFSTALL, xxx-xx-xxxx
SIEGLINDE *. SCHOLLE, xxx-xx-xxxx
STEVEN J. SCHOWALTER, xxx-xx-xxxx
JAMES L. SCHULTHEIS, xxx-xx-xxxx
WARREN R. SCHULTZ, xxx-xx-xxxx
CHRISTOPHER E. SCHUSTER, xxx-xx-xxxx
PAUL L. *. SCHWANENBERG, xxx-xx-xxxx
KENNETH D. *. SCHWENDEMAN, xxx-xx-xxxx
BRYAN D. *. SCOTT, xxx-xx-xxxx
JERRY D. SCOTT, xxx-xx-xxxx
MICHAEL R. SCOTT, xxx-xx-xxxx
REGINALD D. SCOTT, xxx-xx-xxxx
JANET M. *. SCOURSI, xxx-xx-xxxx
ROBERT F. SCRUGGS, xxx-xx-xxxx
SAMUEL SCRUGGS, xxx-xx-xxxx
VICKI L. SCRUGGS, xxx-xx-xxxx
MARK R. SEASTROM, xxx-xx-xxxx
ERIC D. SEIFARTH, xxx-xx-xxxx
KATHLEEN L. *. SEITHFAGAN, xxx-xx-xxxx
EDWARD M. SEKERAK, xxx-xx-xxxx
JULIA K. SENNEWALD, xxx-xx-xxxx
ROBERT M. SERINO, xxx-xx-xxxx
JAY D. *. SERRANO, xxx-xx-xxxx
JAMES E. *. SETTLES, xxx-xx-xxxx
JOHN E. SEWARD, xxx-xx-xxxx
SHEREEN *. SHACHNOWGILLETTE, xxx-xx-xxxx
DARDEN D. SHADRACH, xxx-xx-xxxx
MELVIN E. SHAFER, JR, xxx-xx-xxxx
EDWARD P. SHANAHAN, IV, xxx-xx-xxxx
ROBERT E. *. SHAUGHNESSY, xxx-xx-xxxx
KENT R. SHAW, xxx-xx-xxxx
ROBERT T. *. SHAW, JR, xxx-xx-xxxx
VAN J. SHAW, xxx-xx-xxxx
MICHAEL E. SHEA, xxx-xx-xxxx
TIMOTHY C. SHEA, xxx-xx-xxxx
LEONARD B. *. SHEARER, xxx-xx-xxxx
THOMAS R. SHELTON, xxx-xx-xxxx
RICHARD J. *. SHERLOCK, JR, xxx-xx-xxxx
RODNEY D. SHERMAN, xxx-xx-xxxx
MIRIAM D. *. SHIELDS, xxx-xx-xxxx
GUY A. SHIFFLETT, JR, xxx-xx-xxxx
RONALD S. *. SHIMABUKURO, xxx-xx-xxxx
EMMETT L. *. SHIPLEY, xxx-xx-xxxx
BARRY L. SHOOP, xxx-xx-xxxx
RICHARD C. *. SHRANK, xxx-xx-xxxx
GEORGE E. *. SHRIEVES, xxx-xx-xxxx
JAMES W. SHUFELT, JR, xxx-xx-xxxx
RICHARD C. *. SHUMARD, xxx-xx-xxxx
WILLIAM F. *. SHURTZ, xxx-xx-xxxx
P. J. SIEGEL, xxx-xx-xxxx
FRANCIS SIENKIEWICZ, xxx-xx-xxxx
ROBERT A. *. SILVA, xxx-xx-xxxx
JOSE I. *. SILVARODRIGUEZ, xxx-xx-xxxx
JACQUELINE A. *. SIMCHICK, xxx-xx-xxxx
RICHARD L. SIMIS, xxx-xx-xxxx
HOWARD R. *. SIMKIN, xxx-xx-xxxx
BRENDA J. *. SIMMONS, xxx-xx-xxxx
WARREN O. *. SIMMONS, xxx-xx-xxxx
MARK P. SIMMS, xxx-xx-xxxx
PATRICK V. *. SIMON, xxx-xx-xxxx
PETER O. *. SIMON, xxx-xx-xxxx
LAWRENCE G. *. SIMONDS, xxx-xx-xxxx
MARK D. *. SIMPSON, xxx-xx-xxxx
DAVID R. SINGLETON, xxx-xx-xxxx
RICHARD P. *. SIRNEY, JR, xxx-xx-xxxx
WILLIAM L. *. SISSON, JR, xxx-xx-xxxx
CINDY L. SITO, xxx-xx-xxxx
JAMES R. SKELTON, xxx-xx-xxxx
STEPHEN C. *. SKINNER, xxx-xx-xxxx

WILLIAM T. SLEDGE, JR., xxx-xx-xxxx
JAMES S. *. SLICKER, xxx-xx-xxxx
ANTOINETTE G. SMART, xxx-xx-xxxx
JON P. SMART, xxx-xx-xxxx
RICHARD A. *. SMART, xxx-xx-xxxx
ANDRE L. *. SMITH, xxx-xx-xxxx
BILLY R. SMITH, xxx-xx-xxxx
CARL *. SMITH, xxx-xx-xxxx
DAVID *. SMITH xxx-xx-xxxx
ELLIS J. *. SMITH, JR, xxx-xx-xxxx
GEORGE K. *. SMITH, xxx-xx-xxxx
GREGORY M. *. SMITH xxx-xx-xxxx
HARRY L. SMITH, xxx-xx-xxxx
JEFFREY C. SMITH, xxx-xx-xxxx
JEFFREY L. *. SMITH, xxx-xx-xxxx
JOSEPH M. SMITH, xxx-xx-xxxx
KEITH A. *. SMITH, xxx-xx-xxxx
KEITH C. SMITH, xxx-xx-xxxx
MARK D. *. SMITH, xxx-xx-xxxx
MICHAEL F. SMITH, xxx-xx-xxxx
MICHAEL J. SMITH, xxx-xx-xxxx
MICHAEL N. SMITH, xxx-xx-xxxx
MICHAEL R. *. SMITH, xxx-xx-xxxx
NATHANIEL SMITH, xxx-xx-xxxx
OLIVER W. *. SMITH, xxx-xx-xxxx
PAUL D. SMITH, xxx-xx-xxxx
REGINALD E. *. SMITH, xxx-xx-xxxx
ROBERT H. *. SMITH, JR, xxx-xx-xxxx
THOMAS J. SMITH, xxx-xx-xxxx
VERNASSA B. *. SMITH, xxx-xx-xxxx
WILLIAM H. SMITH, xxx-xx-xxxx
EDWARD W. *. SNEAD, xxx-xx-xxxx
WILLIAM A. SNEAD, xxx-xx-xxxx
AUDY R. SNODGRASS, xxx-xx-xxxx
CHARLES R. SNYDER, xxx-xx-xxxx
ARTHUR A. *. SOBERS, xxx-xx-xxxx
JOSEPH A. *. SOKOL, xxx-xx-xxxx
THOMAS R. SOLE, xxx-xx-xxxx
MICHAEL T. SOLOMON, xxx-xx-xxxx
STEVEN R. SOSLAND, xxx-xx-xxxx
MICHAEL E. SOUDER, xxx-xx-xxxx
JOHN W. SOVINE, JR, xxx-xx-xxxx
RICHARD D. SPEARMAN, xxx-xx-xxxx
PATRICIA M. *. SPENCER, xxx-xx-xxxx
WILLIAM J. SPENCER, xxx-xx-xxxx
WILLIE E. SPENCER, xxx-xx-xxxx
MICHAEL G. SPIGHT, xxx-xx-xxxx
CHRISTOPHER E. *. SPOLETI, xxx-xx-xxxx
CHARLES D. *. SQUIRES, xxx-xx-xxxx
CYNTHIA E. STALEY, xxx-xx-xxxx
THOMAS H. *. STANTON, xxx-xx-xxxx
BRIAN P. STAPLETON, xxx-xx-xxxx
DONALD S. STARCK, xxx-xx-xxxx
DANNY K. *. STARK, xxx-xx-xxxx
TIMOTHY L. *. STARK, xxx-xx-xxxx
JAMES J. STARSHAK, xxx-xx-xxxx
JAMES A. *. STAUFFER, xxx-xx-xxxx
TERENCE L. STEED, xxx-xx-xxxx
ALEXANDER P. *. STEEL, xxx-xx-xxxx
MARY D. STEELE, xxx-xx-xxxx
MARK A. STEENBERG, xxx-xx-xxxx
JAMES W. STEGALL, xxx-xx-xxxx
BARNEY J. STENKAMP, xxx-xx-xxxx
EDDIE A. STEPHENS, xxx-xx-xxxx
BRIAN P. STEPHENSON, xxx-xx-xxxx
EDWARD R. STEPHENSON, xxx-xx-xxxx
MARK W. STEPHENSON, xxx-xx-xxxx
MICHAEL K. STEPHENSON, xxx-xx-xxxx
MARK R. STEVENS, xxx-xx-xxxx
RANDALL R. *. STEVENS, xxx-xx-xxxx
CARLTON D. *. STEVENSON, xxx-xx-xxxx
CAROLYN A. STEWART, xxx-xx-xxxx
TAMARA S. STEWART, xxx-xx-xxxx
CLARENCE A. *. STIEHM, II, xxx-xx-xxxx
MICHELLE K. STINSON, xxx-xx-xxxx
BEVERLY M. STIPE, xxx-xx-xxxx
KENNETH E. STIVASON, xxx-xx-xxxx
STEPHEN C. *. STOCKMAN, xxx-xx-xxxx
CHRIS F. STOINOFF, xxx-xx-xxxx
CHARLES L. *. STONE, xxx-xx-xxxx
GEORGE F. STONE, III, xxx-xx-xxxx
JAMES A. STONE, xxx-xx-xxxx
JESSE M. STONE, xxx-xx-xxxx
KURT S. STORY, xxx-xx-xxxx
JANN E. STOVALL, xxx-xx-xxxx
KEVIN P. STRAMARA, xxx-xx-xxxx
STEVEN P. *. STRANG, xxx-xx-xxxx
ARTHUR A. STRANGE, III, xxx-xx-xxxx
JOHN C. STRATIS, xxx-xx-xxxx
CORTNEY J. STRATMAN, xxx-xx-xxxx
MARK R. *. STRICKER, xxx-xx-xxxx
JEFFERY W. *. STRINGFIELD, xxx-xx-xxxx
WILLIAM R. STROSNIDER, xxx-xx-xxxx
HARRY B. *. STRYFFELER, xxx-xx-xxxx
STEVEN M. STUBAN, xxx-xx-xxxx
CARL L. *. SUBLETT, xxx-xx-xxxx
WAYNE L. SWAN, xxx-xx-xxxx
THOMAS L. SWAREN, xxx-xx-xxxx
JOHN P. SWEENEY, III, xxx-xx-xxxx
WILMER A. SWEETSER, JR., xxx-xx-xxxx
JOEL V. SWISHER, xxx-xx-xxxx
STANLEY R. SYDENHAM, JR., xxx-xx-xxxx
CAROL J. SZARENSKI, xxx-xx-xxxx
REYNALDO N. *. TAIMANGLO, xxx-xx-xxxx
WILLIAM J. TAIT, JR, xxx-xx-xxxx
MICHAEL C. TALBOTT, xxx-xx-xxxx
DEAN P. *. TANNER, xxx-xx-xxxx
ANTHONY J. TATA, xxx-xx-xxxx
BARRY P. TAYLOR, xxx-xx-xxxx
DEBRA O. TAYLOR, xxx-xx-xxxx
JEFFREY A. TAYLOR, xxx-xx-xxxx
LEE F. TAYLOR, xxx-xx-xxxx
SAMMIE L. *. TAYLOR, xxx-xx-xxxx
WENDELL L. *. TAYLOR, xxx-xx-xxxx
BRYAN E. *. TEAGUE, xxx-xx-xxxx
JAMES G. *. TEAGUE, xxx-xx-xxxx
PETER J. TEDFORD, xxx-xx-xxxx
DAVID A. TEEPLES, xxx-xx-xxxx
PHILLIP D. TELANDER, xxx-xx-xxxx
JAMES R. *. TEMPLIN, JR, xxx-xx-xxxx
REBECCA S. *. TERRENOIRE, xxx-xx-xxxx
MARK W. *. TERRY, xxx-xx-xxxx
BOBBY D. *. THOMAS, xxx-xx-xxxx
DWAYNE L. THOMAS, xxx-xx-xxxx
ELIJAH *. THOMAS, JR, xxx-xx-xxxx
HERMAN *. THOMAS, xxx-xx-xxxx
JERRY K. *. THOMAS, xxx-xx-xxxx
KELLY J. THOMAS, xxx-xx-xxxx
PAUL C. THOMAS, xxx-xx-xxxx
RAYMOND A. THOMAS, xxx-xx-xxxx
SCOTT G. THOMAS, xxx-xx-xxxx
WALTER W. THOMAS, xxx-xx-xxxx
JERRY D. *. THOMASON, xxx-xx-xxxx
CECIL D. *. THOMPSON, JR, xxx-xx-xxxx
DENNIS H. THOMPSON, xxx-xx-xxxx
THOMAS A. THOMPSON, xxx-xx-xxxx
MASON W. THORNAL, xxx-xx-xxxx
STEVEN J. *. THORSON, xxx-xx-xxxx
DAVID S. *. THURLOW, xxx-xx-xxxx
JEFFREY J. TIERNEY, xxx-xx-xxxx
MICHAEL D. *. TILSON, xxx-xx-xxxx
TIMOTHY S. *. TIMMONS, xxx-xx-xxxx
JOHN W. TINDALL, xxx-xx-xxxx
JOHN M. *. TISSON, xxx-xx-xxxx
FRANK P. TODD, xxx-xx-xxxx
MAURICE L. TODD, xxx-xx-xxxx
WILLIAM E. TODD, xxx-xx-xxxx
DANIEL *. TODOROWSKI, xxx-xx-xxxx
ROBERT M. TOGUCHI, xxx-xx-xxxx
HUBERT E. *. TOLLISON, JR, xxx-xx-xxxx
CHARLES J. TOOMEY, JR, xxx-xx-xxxx
CHRISTOPHER J. TOOMEY, xxx-xx-xxxx
MICHAEL R. TOOMEY, xxx-xx-xxxx
ROBERT E. *. TOPPING, JR, xxx-xx-xxxx
ANDRES A. *. TORO, xxx-xx-xxxx
STEVEN M. TORRANCE, xxx-xx-xxxx
NELSON *. TORRES, xxx-xx-xxxx
RENE P. TORRES, xxx-xx-xxxx
PEDRO J. *. TORRESCHAMORRO, xxx-xx-xxxx
KARLA C. TORREZ, xxx-xx-xxxx
SCOTT W. TOUSLEY, xxx-xx-xxxx
TIMOTHY C. *. TOUZINSKY, xxx-xx-xxxx
JOHN W. *. TOWERS, xxx-xx-xxxx
WINFRED D. *. TOWNS, xxx-xx-xxxx
LINDELL B. *. TOWNSEL, JR, xxx-xx-xxxx
KONRAD J. TRAUTMAN, xxx-xx-xxxx
JIMMIE L. TRAYLOR, xxx-xx-xxxx
HOWARD D. *. TREAT xxx-xx-xxxx
BARBARA L. TREHARNE, xxx-xx-xxxx
CLIFTON N. TRIPLETT, xxx-xx-xxxx
ERBIN L. *. TROUTMAN, xxx-xx-xxxx
GERY B. *. TRUITT, xxx-xx-xxxx
STANLEY Q. *. TUNSTALL, xxx-xx-xxxx
ALBERT J. *. TURGEON, xxx-xx-xxxx
HENRY C. TURNER, JR, xxx-xx-xxxx
JOHN H. TURNER, xxx-xx-xxxx
RODERICK G. *. TURNER, III, xxx-xx-xxxx
ROBERT A. *. TWITTY, xxx-xx-xxxx
CLARENCE L. *. TYSON, JR, xxx-xx-xxxx
ROBERT C. UPTON, III, xxx-xx-xxxx
MICHAEL G. *. URBAN, xxx-xx-xxxx
PETER J. UZELAC, xxx-xx-xxxx
OSCAR B. VALENT, xxx-xx-xxxx
JOAN R. *. VALLANCEWHITACRE, xxx-xx-xxxx
NEVILLE S. *. VANDERBURG, xxx-xx-xxxx
MARION H. VANFOSSON, xxx-xx-xxxx
ELMAN D. *. VANPELT, xxx-xx-xxxx
MARK D. *. VANUS, xxx-xx-xxxx
ROBERT H. VASSE, xxx-xx-xxxx
RICARDO C. *. VAZQUEZ, xxx-xx-xxxx
DAVID S. VELASQUEZ, xxx-xx-xxxx
JESUS *. VERDEJO, JR, xxx-xx-xxxx
RICHARD A. VERNON, xxx-xx-xxxx
MARY D. *. VILLIVA, xxx-xx-xxxx
KENNETH A. *. VINING, JR, xxx-xx-xxxx
MARK W. *. VISBECK, xxx-xx-xxxx
DAVID A. *. VISSOTZKY, xxx-xx-xxxx
STEVEN D. *. VOLKMAN, xxx-xx-xxxx
KARL H. VONBOKERN, xxx-xx-xxxx
CHRISTIAN J. *. VONJACOBI, xxx-xx-xxxx
RANDALL A. VONROSENBERG, xxx-xx-xxxx
DAMIAN C. WACKERMAN, xxx-xx-xxxx
JEFFREY D. *. WADDELL, xxx-xx-xxxx
CHRISTOPHER G. WAGNER, xxx-xx-xxxx
KENNETH S. WAGNER, xxx-xx-xxxx
ROBERT J. WAGNER, xxx-xx-xxxx
PAUL S. *. WALCZAK, xxx-xx-xxxx
GREGORY A. *. WALDEN, xxx-xx-xxxx
MICHAEL J. WALDIER, xxx-xx-xxxx
JOSEPH A. WALDRON, xxx-xx-xxxx
CAREY W. WALKER, xxx-xx-xxxx
MICHAEL R. *. WALKER, xxx-xx-xxxx
MICHAEL T. *. WALKER, xxx-xx-xxxx
JOHN *. WALLACE, xxx-xx-xxxx
HENRY H. WALLER, III, xxx-xx-xxxx
GUY J. *. WALSH, xxx-xx-xxxx
KEVIN B. *. WALSH, xxx-xx-xxxx
LESLIE B. *. WALSH, xxx-xx-xxxx
KEITH R. *. WALTER, xxx-xx-xxxx
RICHARD K. WALTERS, xxx-xx-xxxx
WALLY Z. WALTERS, JR, xxx-xx-xxxx
DONALD B. WALTON, xxx-xx-xxxx
BRAD M. *. WARD xxx-xx-xxxx
JOHN R. WARD, xxx-xx-xxxx
MARION M. WARD, xxx-xx-xxxx
RICHARD W. WARD, xxx-xx-xxxx
ROLAND E. WARD, xxx-xx-xxxx
WILLIAM F. WARD, xxx-xx-xxxx
DAVID E. WARDLAW, xxx-xx-xxxx
EUGENE C. WARDYNSKI, xxx-xx-xxxx
THOMAS K. *. WARK, xxx-xx-xxxx
JOHN C. WARNKE, xxx-xx-xxxx
VINCENT E. WARRICK, xxx-xx-xxxx
KEVIN W. *. WARTHON, xxx-xx-xxxx
BETTE R. *. WASHINGTON, xxx-xx-xxxx
GEORGE K. WASHINGTON, xxx-xx-xxxx
RACHEL M. *. WASHINGTON, xxx-xx-xxxx
VON C. *. WASHINGTON, xxx-xx-xxxx
BRIAN F. *. WATERS, xxx-xx-xxxx
KENNETH A. *. WATRAS, xxx-xx-xxxx
GAIL M. *. WATKINS, xxx-xx-xxxx
ALAN G. *. WATSON, xxx-xx-xxxx
CHARLOTTE L. *. WATSON, xxx-xx-xxxx
MICHAEL J. WAWRZYNIAK, xxx-xx-xxxx
JEFFREY M. WEART, xxx-xx-xxxx
JOHN W. WEATHERFORD, xxx-xx-xxxx
JODY H. *. WEATHERWAX, xxx-xx-xxxx
CHARLES M. *. WEBB, xxx-xx-xxxx
LESLIE E. WEBB, xxx-xx-xxxx
DALE S. *. WEILER, xxx-xx-xxxx
EDWARD L. WEINBERG, xxx-xx-xxxx
IDA O. WEINER, xxx-xx-xxxx
DIANNE E. WELCH, xxx-xx-xxxx
IVAN B. *. WELCH, II, xxx-xx-xxxx
STEVEN N. WELKS, xxx-xx-xxxx
PAUL L. WENTZ, xxx-xx-xxxx
BERLYN G. *. WEST, JR, xxx-xx-xxxx
RONALD C. *. WEST, xxx-xx-xxxx
TERRY A. WEST, xxx-xx-xxxx
DENNIS A. WESTBERG, xxx-xx-xxxx
JOHN P. WESTBROOK, III, xxx-xx-xxxx
MOLLY J. WESTGATE, xxx-xx-xxxx
STEVEN D. WESTPHAL, xxx-xx-xxxx
JOHN F. WHARTON, xxx-xx-xxxx
WILLIAM A. *. WHATLEY, JR, xxx-xx-xxxx
FRANK E. WHEELER, xxx-xx-xxxx
BRENDA Y. *. WHITE, xxx-xx-xxxx
DON M. WHITECOTTON, xxx-xx-xxxx
KATHLEEN L. WHITEHEAD, xxx-xx-xxxx
RAY A. WHITEHEAD, xxx-xx-xxxx
STUART A. WHITEHEAD, xxx-xx-xxxx
CRAIG M. WHITEHILL, xxx-xx-xxxx
STUART A. WHITFIELD, xxx-xx-xxxx
MARY G. WHITLEY, xxx-xx-xxxx
ALVIE D. *. WHITLOCK, xxx-xx-xxxx
BRYAN G. WHITMAN, xxx-xx-xxxx
BRUCE G. *. WHITTEMORE, xxx-xx-xxxx
TERRY L. WIANT, xxx-xx-xxxx
GREGORY J. WICK, xxx-xx-xxxx
SUSAN M. WIDMAN, xxx-xx-xxxx
CHARLES E. *. WIGGINS, xxx-xx-xxxx
MARK R. WILCOX, xxx-xx-xxxx
ROBERT M. *. WILCOX, xxx-xx-xxxx
RICHARD I. WILES, JR, xxx-xx-xxxx
THOMAS P. WILHELM, xxx-xx-xxxx
JIMMY L. *. WILKERSON, xxx-xx-xxxx
KEVIN V. WILKERSON, xxx-xx-xxxx
SCOTT F. *. WILKERSON, xxx-xx-xxxx
MARK S. *. WILKINS, xxx-xx-xxxx
RAYMOND C. *. WILKINS, xxx-xx-xxxx
STEPHEN M. WILKINS, xxx-xx-xxxx
DOUGLAS W. WILLARD, xxx-xx-xxxx
JEFFREY D. *. WILLEY xxx-xx-xxxx
AARON J. WILLIAMS, xxx-xx-xxxx
CHRISTOPHER E. *. WILLIAMS, xxx-xx-xxxx
EDDIE B. *. WILLIAMS, xxx-xx-xxxx
GARLAND H. WILLIAMS, xxx-xx-xxxx
JAMES A. WILLIAMS, xxx-xx-xxxx
JEFFREY N. WILLIAMS, xxx-xx-xxxx
MICHAEL S. WILLIAMS, xxx-xx-xxxx
TERRELL K. *. WILLIAMS, xxx-xx-xxxx
CHAUNCER L. *. WILLIAMSON, xxx-xx-xxxx
JENNIE M. *. WILLIAMSON xxx-xx-xxxx
FRANK P. WILLINGHAM, xxx-xx-xxxx
CARLTON P. *. WILLIS, xxx-xx-xxxx
PAUL A. WILLIS, xxx-xx-xxxx
CHARLES A. WILSON, xxx-xx-xxxx
GREGORY E. WILSON, xxx-xx-xxxx
RAYMOND C. WILSON, xxx-xx-xxxx
ROBERT B. *. WILSON xxx-xx-xxxx
WILLIAM D. WILSON, xxx-xx-xxxx
CLAYTON R. *. WINSTON, xxx-xx-xxxx
JUAN J. WINTELS, xxx-xx-xxxx
STEPHEN R. *. WINTER, xxx-xx-xxxx
JAYME WINTERS, xxx-xx-xxxx
DOUGLAS R. WISNIOSKI, xxx-xx-xxxx
WILLIAM G. WITHERS, xxx-xx-xxxx
JOHN L. WOLF, xxx-xx-xxxx
ROBERT H. WOLFE, xxx-xx-xxxx
ROBERT A. WOLFF, JR, xxx-xx-xxxx
LEONARD WONG, xxx-xx-xxxx
BENNY E. WOODARD, xxx-xx-xxxx
LEE R. WOODLIFF, xxx-xx-xxxx
ANDRE G. WOODS, xxx-xx-xxxx
EDWIN P. WOODS, xxx-xx-xxxx
GEORGE J. WOODS, III, xxx-xx-xxxx
WILLIS A. WOODS, xxx-xx-xxxx
ARTHUR W. *. WOOLFREY, JR, xxx-xx-xxxx
JAMES C. *. WORKMAN, xxx-xx-xxxx
ROBERT B. WORKMAN, III, xxx-xx-xxxx
THERESA D. *. WORTHY, xxx-xx-xxxx
BRIAN A. WRIGHT, xxx-xx-xxxx
JOHNK V. *. WRIGHT xxx-xx-xxxx
MICHAEL A. *. WRIGHT, xxx-xx-xxxx
PAUL E. WRIGHT, JR. xxx-xx-xxxx
KENNETH L. *. WRISLEY, JR, xxx-xx-xxxx

LISBETH V. *. WYATT, xxx-xx-xxxx
JIMMY R. *. WYRICK, xxx-xx-xxxx
RAYMOND A. YANNELLO, xxx-xx-xxxx
LOWELL S. YARBROUGH, xxx-xx-xxxx
LEON N. YATES, xxx-xx-xxxx
MARK A. YESHNIK, xxx-xx-xxxx
FREDERICK A. YOCHIM, xxx-xx-xxxx
PETER H. *. YONG, xxx-xx-xxxx
CHET C. YOUNG, xxx-xx-xxxx
JIMMY D. YOUNG, xxx-xx-xxxx
LAVERM YOUNG, JR., xxx-xx-xxxx
RICHARD A. *. YOUNG, JR., xxx-xx-xxxx
RICHARD C. *. YOUNG, xxx-xx-xxxx
SAMUEL R. YOUNG, JR., xxx-xx-xxxx
TIMOTHY R. *. YOUNG, xxx-xx-xxxx
WAYNE M. *. YOUNGMAN, xxx-xx-xxxx
LOUIS G. YUENGERT, xxx-xx-xxxx
STEPHEN V. *. ZAAT, xxx-xx-xxxx
DANIEL L. ZAJAC, xxx-xx-xxxx
WALTER C. ZAMPELLA, xxx-xx-xxxx
THOMAS S. ZANDY, xxx-xx-xxxx
STEPHEN ZAPPALLA, JR., xxx-xx-xxxx
JERRY D. ZAYAS, xxx-xx-xxxx
JACK C. *. ZEIGLER, JR., xxx-xx-xxxx
ROBERT E. *. ZEIGLER, xxx-xx-xxxx
CHARLES G. *. ZIEGLER, xxx-xx-xxxx
CHRISTOPHER P. ZIMMERMAN, xxx-xx-xxxx
RALF W. ZIMMERMANN, xxx-xx-xxxx
MARTIN T. ZIOBRO, JR., xxx-xx-xxxx
JOHN T. ZOCCOLA, xxx-xx-xxxx
WILLIAM C. ZOLP, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING NAMED CADETS, GRADUATING CLASS OF 1990 UNITED STATES MILITARY ACADEMY, FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS, 531, 532, 533 AND 4353:

ALBERT J. ABBADESSA, xxx-xx-xxxx
MARTIN L. ABBOTT, xxx-xx-xxxx
ALLEN G. ABELL, xxx-xx-xxxx
JOANN A. ACCIARITO, xxx-xx-xxxx
WILLIAM E. ACHESON, xxx-xx-xxxx
CLAY T. ADAMS, xxx-xx-xxxx
MICHAEL A. AGUILAR, xxx-xx-xxxx
DARRYL K. AHNER, xxx-xx-xxxx
MARC D. ALBANESE, xxx-xx-xxxx
FELISA S. ALDAS, xxx-xx-xxxx
HUMBERTO J. ALEXANDER, xxx-xx-xxxx
NATHANAEL L. ALLEN, xxx-xx-xxxx
MICHAEL C. ALLISON, xxx-xx-xxxx
JON H. AMIS, xxx-xx-xxxx
GLENN H. AMNOTT, xxx-xx-xxxx
JASON B. ANASCAVAGE, xxx-xx-xxxx
LYNN S. ANDERSEN, xxx-xx-xxxx
ALBERT M. ANDERSON, xxx-xx-xxxx
DAVID C. ANDERSON, xxx-xx-xxxx
SCOTT J. ANDERSON, xxx-xx-xxxx
TIMOTHY W. ANDERSON, xxx-xx-xxxx
WALTER B. ANDONOV, xxx-xx-xxxx
PAUL P. ANDRES, xxx-xx-xxxx
FRANCIS L. ANDREWS, xxx-xx-xxxx
MICHAEL L. ANDREWS, xxx-xx-xxxx
PETER B. ANDRYSIAK, xxx-xx-xxxx
RICHARD D. ANTHIS, xxx-xx-xxxx
STEPHEN ANTHONAVAGE, xxx-xx-xxxx
DOUGLAS W. APELT, xxx-xx-xxxx
WILLIAM A. ARMELIN, xxx-xx-xxxx
ALBERT F. ARMONDA, xxx-xx-xxxx
MICHAEL R. ARMONDO, xxx-xx-xxxx
STERRITT L. ARMSTRONG, xxx-xx-xxxx
PAUL V. ASHCRAFT, xxx-xx-xxxx
JEFFREY J. AUGERI, xxx-xx-xxxx
THOMAS D. AUGUSTIN, xxx-xx-xxxx
CHRISTIAN E. AUNE, xxx-xx-xxxx
JOHN H. AUSTIN, xxx-xx-xxxx
COREY R. AVERILL, xxx-xx-xxxx
BRYAN H. BABB, xxx-xx-xxxx
MICHAEL J. BACKUS, xxx-xx-xxxx
SCOTT A. BAGGETT, xxx-xx-xxxx
BRODRICK J. BAILEY, xxx-xx-xxxx
HUGH D. BAIR, xxx-xx-xxxx
KRISTIN M. BAKER, xxx-xx-xxxx
PAUL M. BAKER, xxx-xx-xxxx
WILLIAM B. BALDWIN, xxx-xx-xxxx
TROY L. BARGMANN, xxx-xx-xxxx
DAVID M. BARNES, xxx-xx-xxxx
BENJAMIN U. BARNETT, xxx-xx-xxxx
MARCO J. BARRERA, xxx-xx-xxxx
ROBERT L. BARRIE, JR., xxx-xx-xxxx
MYLES K. BARTLEY, xxx-xx-xxxx
JOHN C. BASKERVILLE, xxx-xx-xxxx
JOHN A. BASSO, xxx-xx-xxxx
GREGORY M. BASTIEN, xxx-xx-xxxx
DANIEL G. BEATTY, xxx-xx-xxxx
LESLEE A. BECHTEL, xxx-xx-xxxx
IVAN P. BECKMAN, xxx-xx-xxxx
JASON R. BEGUE, xxx-xx-xxxx
SCOTT A. BELANGER, xxx-xx-xxxx
ROBERT L. BELL, JR., xxx-xx-xxxx
MICHAEL W. BELZILE, xxx-xx-xxxx
MELISSA S. BENCHOFF, xxx-xx-xxxx
EDWARD J. BENZ, III, xxx-xx-xxxx
ELISSA M. BERGEVIN, xxx-xx-xxxx
MICHAEL R. BERKE, xxx-xx-xxxx
DANIEL T. BERNAL, xxx-xx-xxxx
STEPHANIE E. BERNDT, xxx-xx-xxxx
DANIEL D. BERRY, xxx-xx-xxxx
JOHN A. BERRY, xxx-xx-xxxx
JOSEPH S. BIANCHI, xxx-xx-xxxx
FRED L. BIBLE, xxx-xx-xxxx
THOMAS J. BIEL, xxx-xx-xxxx
DAVID A. BIERMAN, xxx-xx-xxxx
BENJAMIN J. BIGELOW, xxx-xx-xxxx
RICHARD H. BILELLO, xxx-xx-xxxx
BRIAN S. BIRMINGHAM, xxx-xx-xxxx
MICHAEL W. BLANEY, xxx-xx-xxxx
ANDREW D. BLANK, xxx-xx-xxxx
WILLIAM T. BLISS, xxx-xx-xxxx
BETSY J. BLOCK, xxx-xx-xxxx
WILLIAM C. BLUME, JR., xxx-xx-xxxx
DIANE L. BODNAR, xxx-xx-xxxx
PATRICE M. BOEMIO, xxx-xx-xxxx
DAWN M. BOLAND, xxx-xx-xxxx
EXPEDITUS A. BOLANOS, xxx-xx-xxxx
SCOTT C. BOLICK, xxx-xx-xxxx
DOUGLAS M. BOONE, xxx-xx-xxxx
JAMES M. BOOTH, xxx-xx-xxxx
JAMES F. BORNEMAN, JR., xxx-xx-xxxx
MARK E. BOROWSKI, xxx-xx-xxxx
MORRIS L. BOTKIN, xxx-xx-xxxx
DAVID W. BOTTCHER, xxx-xx-xxxx
PHILIP R. BOYD, xxx-xx-xxxx
TERRELL C. BOYD, xxx-xx-xxxx
LEONARD C. BOYER, II, xxx-xx-xxxx
PATRICK M. BOYER, xxx-xx-xxxx
JONATHAN T. BOYER-KENDRICK, xxx-xx-xxxx
CHRISTOPHER BOYLE, xxx-xx-xxxx
SAMUEL R. BOYLES, xxx-xx-xxxx
CYNTHIA L. BRANCH, xxx-xx-xxxx
BRYAN A. BRAUER, xxx-xx-xxxx
STEPHEN M. BREAGY, xxx-xx-xxxx
DAVID N. BRECHBUHL, xxx-xx-xxxx
MARK D. BREWSTER, xxx-xx-xxxx
ROSS L. BRIGGER, xxx-xx-xxxx
HILLERY J. BROADOUS, xxx-xx-xxxx
PATRICK P. BOSSEAU, xxx-xx-xxxx
DEBORAH A. BROWN, xxx-xx-xxxx
JOHN M. BROWN, xxx-xx-xxxx
STEPHEN J. BROWN, xxx-xx-xxxx
MICHAEL E. BROWNE, xxx-xx-xxxx
JOHN R. BRUELLMAN, xxx-xx-xxxx
JOHN F. BRUMLIK, xxx-xx-xxxx
JOSEPH P. BRUNO, xxx-xx-xxxx
DOUGLAS M. BRYAN, xxx-xx-xxxx
JONATHAN D. BUELL, xxx-xx-xxxx
JAMES C. BULL, xxx-xx-xxxx
ERIC F. BULLER, xxx-xx-xxxx
RONALD B. BUNCH, xxx-xx-xxxx
ERIC C. BURGER, xxx-xx-xxxx
ANTHONY P. BURGESS, xxx-xx-xxxx
WILLIAM G. BURKE, JR., xxx-xx-xxxx
KEITH W. BURLESON, xxx-xx-xxxx
BRIAN S. BURLINGAME, xxx-xx-xxxx
DAVID R. BUSHEE, xxx-xx-xxxx
STEVEN J. BUTLER, xxx-xx-xxxx
CATHERINE M. BYRNES, xxx-xx-xxxx
MARSHALL B. CAIN, JR., xxx-xx-xxxx
RICHARD V. CAIN, xxx-xx-xxxx
RANDALL K. CALES, xxx-xx-xxxx
MARK J. CAMARENA, xxx-xx-xxxx
BRYAN E. CAMPBELL, xxx-xx-xxxx
MARJORIE M. CAMPBELL, xxx-xx-xxxx
BRIAN W. CANNON, xxx-xx-xxxx
LOREN G. CANNON, JR., xxx-xx-xxxx
JEFFERY A. CARLSON, xxx-xx-xxxx
DAWN M. CARLTON, xxx-xx-xxxx
JOSEPH A. CARMODY, xxx-xx-xxxx
WILLIAM H. CARRIER, xxx-xx-xxxx
EDUARDO L. CARTAYA, xxx-xx-xxxx
KENNETH R. CASEY, xxx-xx-xxxx
EDWARD A. CASHMERE, xxx-xx-xxxx
TIMOTHY M. CAULEY, xxx-xx-xxxx
DOUGLAS E. CHAMBERLIN, xxx-xx-xxxx
DENNIS P. CHAPMAN, xxx-xx-xxxx
KENNETH E. CHAPMAN, xxx-xx-xxxx
TOM S. CHENG, xxx-xx-xxxx
ERIC M. CHIBNIK, xxx-xx-xxxx
RAYMOND I. CHO, xxx-xx-xxxx
BENEDICT J. CHU, xxx-xx-xxxx
RANDY J. CHUNG, xxx-xx-xxxx
JON J. CHYTKA, xxx-xx-xxxx
DAVID A. CIESINSKI, xxx-xx-xxxx
STEPHEN D. CIFRULAK, xxx-xx-xxxx
THOMAS J. CLANCY, JR., xxx-xx-xxxx
FRANK S. CLARK, III, xxx-xx-xxxx
GLENN A. CLARK, xxx-xx-xxxx
JEFFREY J. CLARK, xxx-xx-xxxx
KEVIN E. CLARK, xxx-xx-xxxx
RICHARD M. CLARK, xxx-xx-xxxx
ANDREW T. CLEMENTS, xxx-xx-xxxx
MARK A. CLOUSE, xxx-xx-xxxx
TRACEY CLYDE, xxx-xx-xxxx
SAMUEL COCHRANE, xxx-xx-xxxx
DENNIS P. COLLINS, xxx-xx-xxxx
TIMMY L. COLLINS, xxx-xx-xxxx
BRIAN C. COOK, xxx-xx-xxxx
DANIEL J. COONEY, xxx-xx-xxxx
JAMES C. COPENHAVER, xxx-xx-xxxx
ROBERT G. CORMIER, xxx-xx-xxxx
EDDIE J. COTTLE, JR., xxx-xx-xxxx
DAVID B. COX, xxx-xx-xxxx
SHANNON C. COX, xxx-xx-xxxx
ERIKA I. CRAMER, xxx-xx-xxxx
EVERTON M. CRANSTON, xxx-xx-xxxx
CARL A. CURRIERA, xxx-xx-xxxx
SCOTT R. CURTIS, xxx-xx-xxxx
PAUL R. CUSACK, xxx-xx-xxxx
TRAVIS L. DALTON, xxx-xx-xxxx
MARK R. DANIELS, xxx-xx-xxxx
FREDERICK J. DANNER, xxx-xx-xxxx
KIMBERLY L. DARBY, xxx-xx-xxxx
MARCUS R. DARNELL, xxx-xx-xxxx
ROBERT E. DAVIDSON, xxx-xx-xxxx
PATRICK B. DAVIE, xxx-xx-xxxx
RICARDO DAVILA, xxx-xx-xxxx
BRIAN C. DAVIS, xxx-xx-xxxx
IRA B. DAVIS, xxx-xx-xxxx
PATRICK S. DAVIS, xxx-xx-xxxx
RICHARD A. DAVIS, xxx-xx-xxxx
RODNEY A. DAVIS, xxx-xx-xxxx
RON DAVIS, xxx-xx-xxxx
JOSEPH L. DAY, xxx-xx-xxxx
FRANK J. DECARLO, xxx-xx-xxxx
GREGORY A. DECKER, xxx-xx-xxxx
RODNEY J. DECKER, xxx-xx-xxxx
FIORE J. DECOSTY, III, xxx-xx-xxxx
BERTRAND H. DEFOREST, xxx-xx-xxxx
CHRISTOPHER J. DEGARAY, xxx-xx-xxxx
JOHN C. DEHN, xxx-xx-xxxx
JOSEPH N. DEJULIUS, xxx-xx-xxxx
DANA C. DELISLE, xxx-xx-xxxx
TODD A. DELLERT, xxx-xx-xxxx
JAMES T. DELLOLIO, xxx-xx-xxxx
DANIEL R. DELP, JR., xxx-xx-xxxx
STEVEN L. DELVAUX, xxx-xx-xxxx
KELLY M. DEMERS, xxx-xx-xxxx
SARAH D. DENTON, xxx-xx-xxxx
KELLY D. DEPREKER, xxx-xx-xxxx
JULIE E. DESMOND, xxx-xx-xxxx
MICHAEL D. DETLEFSEN, xxx-xx-xxxx
JOHN G. DEVINE, xxx-xx-xxxx
MARIO A. DIAZ, xxx-xx-xxxx
JAMES P. DIGGINS, xxx-xx-xxxx
GEORGE A. DIKEMAN, xxx-xx-xxxx
ANDREW C. DILLON, xxx-xx-xxxx
DEBBY D. DINES, xxx-xx-xxxx
BARRETT S. DOANE, xxx-xx-xxxx
KEVIN B. DODSON, xxx-xx-xxxx
MICHAEL G. DOLAN, xxx-xx-xxxx
JONATHAN R. DOLS, xxx-xx-xxxx
DANIEL G. DONELIN, xxx-xx-xxxx
MOIR P. DONELSON, xxx-xx-xxxx
KATHRYN A. DONNELLY, xxx-xx-xxxx
SEAN L. DORFMAN, xxx-xx-xxxx
JEB S. DOWNING, xxx-xx-xxxx
SEAN D. DRAKE, xxx-xx-xxxx
RONALD W. DRAPER, xxx-xx-xxxx
MICHAEL D. DRISKO, xxx-xx-xxxx
PAUL S. DUBBELS, xxx-xx-xxxx
FITZHUGH L. DUGGAN III, xxx-xx-xxxx
LEEANN DUHOSKI, xxx-xx-xxxx
TIMOTHY L. DUKEMAN, xxx-xx-xxxx
MICHAEL D. DULLEA, xxx-xx-xxxx
MICHELLE A. DUNNE, xxx-xx-xxxx
STEVEN C. DURHAM, xxx-xx-xxxx
RICHARD S. DUROST, xxx-xx-xxxx
ERIC A. DUTTON, xxx-xx-xxxx
SCOTT A. EADER, xxx-xx-xxxx
JOY L. EBBERSON, xxx-xx-xxxx
JENNIFER M. ECKROTH, xxx-xx-xxxx
KRISTIN M. EDWARDS, xxx-xx-xxxx
ERIC A. EGAN, xxx-xx-xxxx
JOHN M. EGGERT, xxx-xx-xxxx
MICHAEL L. EGGLESTON, xxx-xx-xxxx
BARRY J. EHLERS, xxx-xx-xxxx
JOHN W. EISENHAUER, xxx-xx-xxxx
CHARLES B. ELLIOTT, xxx-xx-xxxx
RICHARD L. ELLIS, xxx-xx-xxxx
ERIC S. ENOS, xxx-xx-xxxx
TIMOTHY J. ERTMER, xxx-xx-xxxx
DAVID A. ESPOSITO, xxx-xx-xxxx
ANDREW R. ETNYRE, xxx-xx-xxxx
JEFFREY S. EVANS, xxx-xx-xxxx
MICHAEL P. EVANS, xxx-xx-xxxx
JEFFREY N. EVENSON, xxx-xx-xxxx
DANIEL N. EWEN, xxx-xx-xxxx
ALBERT F. FARRAR, JR., xxx-xx-xxxx
TODD D. FATH, xxx-xx-xxxx
DANIEL J. FAY, xxx-xx-xxxx
CURTIS D. FEISTNER, xxx-xx-xxxx
RONALD E. FELDER, JR., xxx-xx-xxxx
GREGORY K. FENNEWALD, xxx-xx-xxxx
DAVID J. FERGUSON, xxx-xx-xxxx
DAVID P. FERGUSON, xxx-xx-xxxx
FELIPE FERRER, xxx-xx-xxxx
THOMAS J. FIELDS III, xxx-xx-xxxx
DANIEL C. FIRLIE, xxx-xx-xxxx
MICHAEL T. FISHER, xxx-xx-xxxx
TYLER F. FITZGERALD, xxx-xx-xxxx
BRENDAN J. FITZPATRICK, xxx-xx-xxxx
JENNIFER L. FLEMING, xxx-xx-xxxx
JENNIFER R. FLORES, xxx-xx-xxxx
ERIC P. FLOWERS, xxx-xx-xxxx
CAROLYN A. FORD, xxx-xx-xxxx
ANDREW J. FORSSELL, xxx-xx-xxxx
COLLIN J. FORTIER, xxx-xx-xxxx
MELYNDA M. FOSTER, xxx-xx-xxxx
MICHAEL L. FOSTER, xxx-xx-xxxx
DAVID M. FOYE, JR., xxx-xx-xxxx
SCOTT A. FRANK, xxx-xx-xxxx
BRIAN P. FREIDHOFF, xxx-xx-xxxx
JACK D. FREY, xxx-xx-xxxx
KENNETH S. FU, xxx-xx-xxxx
MICHAEL P. GABEL, xxx-xx-xxxx
MARK C. GAGNON, xxx-xx-xxxx
RAOUL A. GAINES, xxx-xx-xxxx
KIMO C. GALLAHUE, xxx-xx-xxxx
VICTOR G. GARCIA, JR., xxx-xx-xxxx
MARC G. GARLETT, xxx-xx-xxxx
JAMES T. GARRETT, xxx-xx-xxxx
BRIAN P. GARRISON, xxx-xx-xxxx
ERIC B. GASS, xxx-xx-xxxx
LEO T. GATEWOOD III, xxx-xx-xxxx
KAY L. GELINAS, xxx-xx-xxxx

JONATHAN D. GELMAN, xxx-xx-xxxx
DOUGLAS J. GELS, xxx-xx-xxxx
LEROY GENERAL, JR., xxx-xx-xxxx
MICHAEL D. GENGLER, xxx-xx-xxxx
BRIAN R. GEPHART, xxx-xx-xxxx
TAD L. GELINGER, xxx-xx-xxxx
WILLIAM E. GIBSON, xxx-xx-xxxx
RICHARD A. GIESELER, xxx-xx-xxxx
DANIEL J. GIESING, xxx-xx-xxxx
STEVEN W. GILLAND, xxx-xx-xxxx
GREGORY A. GILLEY, xxx-xx-xxxx
THOMAS W. GILLIGAN, xxx-xx-xxxx
ANDREW S. GIRARDI, xxx-xx-xxxx
BOBBY E. GLASPIE, JR., xxx-xx-xxxx
GEOFFREY J. GLOVER, JR., xxx-xx-xxxx
DAVID O. GLUTH, JR., xxx-xx-xxxx
GEORGE W. GODFREY, xxx-xx-xxxx
OLEG A. GOSTOMELSKY, xxx-xx-xxxx
JAMIE GOUGH IV, xxx-xx-xxxx
SCOTT A. GRAHAM, xxx-xx-xxxx
MARTHA G. GRANGER, xxx-xx-xxxx
LANCE M. GRANHOLM, xxx-xx-xxxx
TAYLOR L. GRAY, xxx-xx-xxxx
WILLIAM M. GRAY, xxx-xx-xxxx
MATTHEW K. GREEN, xxx-xx-xxxx
RONALD J. GREEN, xxx-xx-xxxx
KEVIN P. GREGOIRE, xxx-xx-xxxx
KARL A. GREIFFENDORF, xxx-xx-xxxx
DARRYL C. GRIFFIN, xxx-xx-xxxx
KIMBERLY L. GRIFFIN, xxx-xx-xxxx
ANDREW L. GROEGER, xxx-xx-xxxx
JENNIFER A. GRZBEK, xxx-xx-xxxx
ROBERT A. GUERRIERO, JR., xxx-xx-xxxx
DAVID J. GULICK, xxx-xx-xxxx
THOMAS H. GUNTRIP, xxx-xx-xxxx
TRITRON R. GURGANUS, xxx-xx-xxxx
JEFFREY C. HAGLER, xxx-xx-xxxx
SCOTT G. HAIR, xxx-xx-xxxx
ALLISON L. HALL, xxx-xx-xxxx
DAVID A. HALL, JR., xxx-xx-xxxx
HOWARD P. HALL, xxx-xx-xxxx
EDWARD S. HALLAS III, xxx-xx-xxxx
AUDREY J. HANAGAN, xxx-xx-xxxx
RICHARD L. HANSEN, xxx-xx-xxxx
DAVID W. HARDY, xxx-xx-xxxx
JEFFREY T. HARROD, xxx-xx-xxxx
DAVID M. HART, xxx-xx-xxxx
RUSSELL R. HARVILLE, xxx-xx-xxxx
MARK A. HASEMAN, xxx-xx-xxxx
MICHAEL D. HASSMAN, xxx-xx-xxxx
KEITH A. HATTES, xxx-xx-xxxx
WILLIAM A. HAUSCHILD, xxx-xx-xxxx
TIMOTHY G. HAVENHILL, xxx-xx-xxxx
KEITH A. HAVENSTRITE, xxx-xx-xxxx
KENNETH A. HAWLEY, xxx-xx-xxxx
RUSSELL C. HAYES, xxx-xx-xxxx
LISA C. HAYLETT, xxx-xx-xxxx
GARRETT D. HEATH, xxx-xx-xxxx
RONALD E. HEATHERLY, xxx-xx-xxxx
CHRISTINA L. HEBERT, xxx-xx-xxxx
JAMES M. HEIDENBERGER, xxx-xx-xxxx
JEFFREY P. HELBLING, xxx-xx-xxxx
CHRISTOPHER J. HELIXON, xxx-xx-xxxx
ROBERTO V. HENNESSY, xxx-xx-xxxx
BRANDON K. HERL, xxx-xx-xxxx
JAMES J. HEMACINSKI, xxx-xx-xxxx
HEATHER A. HERRING, xxx-xx-xxxx
KERI J. HESTER, xxx-xx-xxxx
MATTHEW W. HESTER, xxx-xx-xxxx
PAUL C. HESTER, xxx-xx-xxxx
DONALD A. HICKS, xxx-xx-xxxx
JULIANNE T. HIEBERT, xxx-xx-xxxx
DANIEL L. HIGGINS, xxx-xx-xxxx
MICHAEL S. HIGGINS, JR., xxx-xx-xxxx
DAVID C. HILL, xxx-xx-xxxx
KEVIN M. HILL, xxx-xx-xxxx
MICHAEL S. HILL, xxx-xx-xxxx
CALVIN L. HINES, xxx-xx-xxxx
WILLIAM L. HINSHAW III, xxx-xx-xxxx
STEVEN B. HOCEVAR, xxx-xx-xxxx
SCOTT L. HODSDEN, xxx-xx-xxxx
STEPHEN HOFFMANN, xxx-xx-xxxx
ANTHONY J. HOFMANN, xxx-xx-xxxx
DALLAS L. HOLVERSON, xxx-xx-xxxx
JOHN K. HOPF, xxx-xx-xxxx
KEVIN L. HOPPENS, xxx-xx-xxxx
VICTOR R. HORN, xxx-xx-xxxx
KELSO W. HORST, JR., xxx-xx-xxxx
JAMES C. HORTON, JR., xxx-xx-xxxx
JAMES M. HOULAHAN, xxx-xx-xxxx
CLAUDE E. HOUSE, xxx-xx-xxxx
EDWARD P. HOYT, xxx-xx-xxxx
DANIEL F. HUANTES, xxx-xx-xxxx
MICHAEL T. HUBBARD, xxx-xx-xxxx
JEFFREY T. HUBERT, xxx-xx-xxxx
RALPH M. HUDNALL, JR., xxx-xx-xxxx
MICHAIL S. HUERTER, xxx-xx-xxxx
CHRISTOPHER M. HUGHES, xxx-xx-xxxx
BEAVER L. HUH, xxx-xx-xxxx
CHRISTINA L. HULL, xxx-xx-xxxx
RODNEY S. HULSE, xxx-xx-xxxx
DAVID E. HURLEY, xxx-xx-xxxx
MICHAEL J. HUSTEAD, xxx-xx-xxxx
ROBERT P. HUSTON, xxx-xx-xxxx
PAUL HUSZAR, xxx-xx-xxxx
KEVIN S. HUTCHISON, xxx-xx-xxxx
HEYWARD G. HUTSON, xxx-xx-xxxx
ROBERT W. HUTSON, xxx-xx-xxxx
TODD R. HUTTON, xxx-xx-xxxx
AUGUSTO A. INGLES, xxx-xx-xxxx
STEPHEN A. INOUYE, xxx-xx-xxxx
STEPHEN D. IRAM, xxx-xx-xxxx
ROBERT D. IRVING, xxx-xx-xxxx
DANIEL J. IZZO, xxx-xx-xxxx
JEFFREY D. JACK, xxx-xx-xxxx
ANTHONY T. JACKSON, xxx-xx-xxxx
HENRY L. JACKSON II, xxx-xx-xxxx
LOUIS M. JACKSON, JR., xxx-xx-xxxx
MARK A. JACKSON, xxx-xx-xxxx
MICHAEL S. JACKSON, xxx-xx-xxxx
JAMES F. JACOBS, xxx-xx-xxxx
CHRISTOPHER P. JENKINS, xxx-xx-xxxx
JOHN P. JENKINS, xxx-xx-xxxx
BRADFORD L. JOHNSON, xxx-xx-xxxx
CAROL A. JOHNSON, xxx-xx-xxxx
GORDON B. JOHNSON, xxx-xx-xxxx
JONI J. JOHNSON, xxx-xx-xxxx
TODD G. JOHNSON, xxx-xx-xxxx
ALAN R. JONES, xxx-xx-xxxx
DAVID T. JONES, xxx-xx-xxxx
DEREK A. JONES, xxx-xx-xxxx
FLEMING H. JONES, JR., xxx-xx-xxxx
JAMES E. JONES, xxx-xx-xxxx
JOHN W. JONES, xxx-xx-xxxx
QUAY B. JONES, xxx-xx-xxxx
ROBERT S. JONES, xxx-xx-xxxx
THOMAS K. JONES, xxx-xx-xxxx
THOMAS W. JONES, xxx-xx-xxxx
SEAN C. JORDAN, xxx-xx-xxxx
MYER JOY, xxx-xx-xxxx
CHRISTINA S. JUHASZ, xxx-xx-xxxx
JOEL L. KAIN, II, xxx-xx-xxxx
AARON E. KALLOCH, xxx-xx-xxxx
JOSEPH M. KANE, xxx-xx-xxxx
ALAN D. KATZ, xxx-xx-xxxx
MARK A. KECK, xxx-xx-xxxx
JASON E. KELLEY, xxx-xx-xxxx
ROBERT L. KELLEY, JR., xxx-xx-xxxx
SUSAN L. KELLEY, xxx-xx-xxxx
ANDREW J. KELLY, xxx-xx-xxxx
DANIEL P. KENNEDY, xxx-xx-xxxx
JOHN W. KENNEDY, III, xxx-xx-xxxx
MATTHEW J. KENNEDY, xxx-xx-xxxx
SUZANNE M. KENNEDY, xxx-xx-xxxx
MATTHEW J. KEPHART, xxx-xx-xxxx
JOHN F. KERISH, xxx-xx-xxxx
RICHARD E. KERN, xxx-xx-xxxx
STEPHEN KERWICK, xxx-xx-xxxx
KUMAR C. KIBBLE, xxx-xx-xxxx
JEFFREY S. KIEFT, xxx-xx-xxxx
MICHAEL A. KILBANE, xxx-xx-xxxx
SEAN M. KILKENNY, xxx-xx-xxxx
PETER G. KILNER, xxx-xx-xxxx
DANIEL M. KING, JR., xxx-xx-xxxx
JOSHUA A. KING, xxx-xx-xxxx
KEVIN C. KING, xxx-xx-xxxx
MARK C. KIRBY, xxx-xx-xxxx
LEE C. KIRSCHBAUM, xxx-xx-xxxx
SHAWN E. KLAWUNDER, xxx-xx-xxxx
MARK J. KNEIS, II, xxx-xx-xxxx
VANN P. KNIGHT, xxx-xx-xxxx
JOHN A. KNIGHTEN, II, xxx-xx-xxxx
SHARLENE J. KNYVETT, xxx-xx-xxxx
JEAN E. KOBES, xxx-xx-xxxx
JENNIE M. KOCH, xxx-xx-xxxx
ROBERT A. KOKORDA, xxx-xx-xxxx
JEFFREY S. KOPP, xxx-xx-xxxx
DEBORAH L. KOTULICH, xxx-xx-xxxx
JAMES N. KRAKAR, xxx-xx-xxxx
BRIAN E. KRAMER, xxx-xx-xxxx
MICHAEL L. KRAMER, xxx-xx-xxxx
PETER W. KRAMER, xxx-xx-xxxx
RICHARD F. KREUSCHER, xxx-xx-xxxx
JOSEPH W. KRIDER, xxx-xx-xxxx
STEVEN A. KRNAVEK, xxx-xx-xxxx
STEVEN K. KROENLEIN, xxx-xx-xxxx
ROBERT J. KRONING, xxx-xx-xxxx
ROBERT T. KRUMM, xxx-xx-xxxx
MARK R. KUHARICH, xxx-xx-xxxx
ALEKSANDER E. KUPCIS, xxx-xx-xxxx
PAUL B. KUZNIK, xxx-xx-xxxx
PAUL M. LACKMAN, xxx-xx-xxxx
TIMOTHY C. LADOUCEUR, xxx-xx-xxxx
WALTER A. LAMB, JR, xxx-xx-xxxx
JONATHAN A. LANCIANI, xxx-xx-xxxx
MARK H. LANDES, xxx-xx-xxxx
SCOTT D. LATHROP, xxx-xx-xxxx
BRIAN M. LAYTON, xxx-xx-xxxx
DIANA M. LEACH, xxx-xx-xxxx
DAVID J. LEE, xxx-xx-xxxx
JOHN C. LEE, xxx-xx-xxxx
SEUNG J. LEE, xxx-xx-xxxx
CHRISTOPHER LEHNER, xxx-xx-xxxx
CHAD N. LEMOND, xxx-xx-xxxx
MICHAEL E. LENHART, III, xxx-xx-xxxx
JOHN J. LENKART, xxx-xx-xxxx
PENELOPE S. LENZ, xxx-xx-xxxx
DANIEL K. LEVENSON, xxx-xx-xxxx
DAVID P. LEWIS, xxx-xx-xxxx
MICHAEL A. LEWIS, xxx-xx-xxxx
RAYMOND H. LEWIS, JR., xxx-xx-xxxx
THEODORE M. LIDDELL, xxx-xx-xxxx
WILLIAM W. LIDSTER, xxx-xx-xxxx
JAMES B. LINCOLN, JR, xxx-xx-xxxx
CHRISTOPHER E. LINGLE, xxx-xx-xxxx
STEVEN M. LINN, xxx-xx-xxxx
PATRICK S. LINNIHAN, xxx-xx-xxxx
GARRET R. LIPECKY, xxx-xx-xxxx
DAVID A. LONGHORN, xxx-xx-xxxx
JAMES P. LOWE, xxx-xx-xxxx
DAVID L. LUCAS, xxx-xx-xxxx
JONATHAN E. LUNDSTEDT, xxx-xx-xxxx
PETER C. LYDON, xxx-xx-xxxx
DARREN D. LYNN, xxx-xx-xxxx
ROBERT W. LYONS, xxx-xx-xxxx
JOSEPH W. MACK, xxx-xx-xxxx
MARCOS A. MADRID, xxx-xx-xxxx
ANDREW Q. MAGRACIA, xxx-xx-xxxx
PATRICK G. MAGRAS, xxx-xx-xxxx
MICHAEL J. MAMMAY, xxx-xx-xxxx
PATRICK E. MANGIN, xxx-xx-xxxx
BRIAN K. MANGUS, xxx-xx-xxxx
ALBERT E. MANNES, xxx-xx-xxxx
TINA R. MANNING, xxx-xx-xxxx
DALE R. MANRY, xxx-xx-xxxx
SCOTT L. MAPSTONE, xxx-xx-xxxx
STEVEN D. MARCONTELL, xxx-xx-xxxx
KEITH A. MARKHAM, xxx-xx-xxxx
NIKOLAI F. MARKOWITZ, xxx-xx-xxxx
KRISTIAN M. MARKS, xxx-xx-xxxx
ANDREW J. MARTIN, xxx-xx-xxxx
MATTHEW S. MARTIN, xxx-xx-xxxx
MEG M. MARTIN, xxx-xx-xxxx
PAUL J. MATHEWS, JR., xxx-xx-xxxx
RUBEN R. MATOS, xxx-xx-xxxx
TODD M. MATTSON, xxx-xx-xxxx
DOUGLAS M. MATTY, xxx-xx-xxxx
FRANK S. MAYER, xxx-xx-xxxx
JOHN E. MAYER, xxx-xx-xxxx
MICHAEL J. MAZUR, xxx-xx-xxxx
KEVIN M. MCALLISTER, xxx-xx-xxxx
TROY J. MCCANN, xxx-xx-xxxx
DANIEL J. MCCARTHY, xxx-xx-xxxx
STEWART C. MCCARVER, xxx-xx-xxxx
THOMAS D. MCCLESKEY, xxx-xx-xxxx
DAVID M. MCCLOSKEY, xxx-xx-xxxx
LLOYD M. MCCLURE, xxx-xx-xxxx
SHANNON M. MCCONNELL, xxx-xx-xxxx
PRESTON F. MCCORMICK, xxx-xx-xxxx
GREGORY W. MCCOWN, xxx-xx-xxxx
EMILY J. MCCRACKEN, xxx-xx-xxxx
JEFFREY A. MCDOUGALL, xxx-xx-xxxx
LARRY F. MCELRATH, xxx-xx-xxxx
JOSEPH P. MCGEE, xxx-xx-xxxx
JOHN G. MCGINN, xxx-xx-xxxx
BRIAN E. MCGLUMPHY, xxx-xx-xxxx
DENNIS S. MCKEAN, xxx-xx-xxxx
WILLIAM S. MCKEE, xxx-xx-xxxx
ROBERT E. MCKILLOP, xxx-xx-xxxx
TERENCE E. MCLINSKEY, JR., xxx-xx-xxxx
MARKHAM N. MCMULLEN, xxx-xx-xxxx
MICHAEL F. MCNALLY, xxx-xx-xxxx
JAMES F. MCNULTY, JR., xxx-xx-xxxx
MARK L. MCRAY, xxx-xx-xxxx
WILLIAM A. MEDINA, xxx-xx-xxxx
JEFFREY A. MEEK, xxx-xx-xxxx
MARGARET A. MELOCH, xxx-xx-xxxx
JOEL E. MEYER, xxx-xx-xxxx
STUART L. MEYER, xxx-xx-xxxx
MATTHEW T. MICHAELSON, xxx-xx-xxxx
EDWARD O. MIILLER, III, xxx-xx-xxxx
CHARLES R. MILLER, xxx-xx-xxxx
FRED W. MILLER, III, xxx-xx-xxxx
JOHN P. MILLER, xxx-xx-xxxx
LAWRENCE C. MILLER, JR., xxx-xx-xxxx
MARK S. MILLER, xxx-xx-xxxx
ONEAL MILLER, xxx-xx-xxxx
TYLER G. MILLER, xxx-xx-xxxx
STEVEN D. MILSTEIN, xxx-xx-xxxx
ALEKSANDAR MILUTINOVIC, xxx-xx-xxxx
NEIL J. MINIHANE, xxx-xx-xxxx
DON W. MINTON, xxx-xx-xxxx
VICTORIA L. MIRALDA, xxx-xx-xxxx
STEVEN M. MISKA, xxx-xx-xxxx
VICKIE D. MITALAS, xxx-xx-xxxx
BRADLEY K. MITCHELL, xxx-xx-xxxx
GREGORY K. MITCHELL, xxx-xx-xxxx
JONATHAN S. MITCHELL, xxx-xx-xxxx
MICHAEL W. MIZE, xxx-xx-xxxx
DANIEL C. MOLL, xxx-xx-xxxx
BRYAN S. MONTEITH, xxx-xx-xxxx
SERGIO MORA, xxx-xx-xxxx
HERIBERTO MORENO, JR, xxx-xx-xxxx
RAYMOND R. MORIN, xxx-xx-xxxx
CHARLES D. MORRIS, xxx-xx-xxxx
MOREY O. MORRIS, xxx-xx-xxxx
SAMUEL D. MORRIS, xxx-xx-xxxx
KURT A. MOSHER, xxx-xx-xxxx
JOHN C. MOYSE, JR, xxx-xx-xxxx
KARL E. MUEHLHEUSER, xxx-xx-xxxx
GARRETT E. MULROONEY, II, xxx-xx-xxxx
TIMOTHY T. MULVILLE, xxx-xx-xxxx
OBERT L. MUNDEN, xxx-xx-xxxx
LUIS A. MUNIZ, xxx-xx-xxxx
SCOTT A. MUROCK, xxx-xx-xxxx
KENNARD M. MURPHY, II, xxx-xx-xxxx
KEVIN P. MURPHY, xxx-xx-xxxx
MARK E. MURRAY, xxx-xx-xxxx
MICHAEL J. MUSIOL, xxx-xx-xxxx
KENNETH J. NADERMANN, xxx-xx-xxxx
RICHARD S. NAIR, xxx-xx-xxxx
GEORGE P. NALL, xxx-xx-xxxx
CHAUNCY C. NASH, xxx-xx-xxxx
MICHAEL C. NASON, xxx-xx-xxxx
RAMON A. NEGRON, xxx-xx-xxxx
LYNDEL M. NELSON, xxx-xx-xxxx
ERIC J. NESS, xxx-xx-xxxx
MARK C. NESTER, xxx-xx-xxxx
FREDERICK A. NETTLES, xxx-xx-xxxx
EDWARD J. NEVERIL, xxx-xx-xxxx
THOMAS A. NEVILLE, xxx-xx-xxxx
JON M. NEWHARD, xxx-xx-xxxx
BRYAN D. NEWMAN, xxx-xx-xxxx
BRIAN T. NICHOLS, xxx-xx-xxxx
RAYMOND E. NICHOLS, JR, xxx-xx-xxxx
THERESA B. NICHOLS, xxx-xx-xxxx

SUZANNE C. NIELSEN, xxx-xx-xxxx
ERIC C. NIEMANN, xxx-xx-xxxx
JERRY W. NIES, xxx-xx-xxxx
JAMES L. NOLES, xxx-xx-xxxx
JAMES E. NYGAARD, xxx-xx-xxxx
WILLIAM J. NYGAARD, xxx-xx-xxxx
JOHN J. OBRIEN, xxx-xx-xxxx
DAVID I. OCLANDER, xxx-xx-xxxx
JACOB W. OCONNELL, xxx-xx-xx...
PATRICK ODEA, xxx-xx-xxxx
MICHAEL S. ODOM, xxx-xx-xxxx
FREDERICK M. ODONNELL, xxx-xx-xxxx
RODNEY J. OFTE, xxx-xx-xxxx
JOHN A. OGRADY, xxx-xx-xxxx
SCOTT D. OHEAREN, xxx-xx-xxxx
CLARE P. OKEEFFE, xxx-xx-xxxx
SHANE M. OKELLY, xxx-xx-xxxx
SUZANNE M. OLDENBURG, xxx-xx-xxxx
STEPHEN N. OLEJASZ, xxx-xx-xxxx
JOSEPH OLMEDA, xxx-xx-xxxx
ANDREW A. OLSON, xxx-xx-xxxx
JEFFREY T. ONEAL, xxx-xx-xxxx
JOHN P. ONEIL, xxx-xx-xxxx
CATHERINE C. ORPEN, xxx-xx-xxxx
JAMES R. ORRANGE, III, xxx-xx-xxxx
DAVID C. ORTEGA, xxx-xx-xxxx
MICHAEL A. ORTELLI, xxx-xx-xxxx
MICHAEL J. OTOOLE, III, xxx-xx-xxxx
DAVID F. OTTAVIANELLI, xxx-xx-xxxx
JOSEPH T. OWCZAREK, xxx-xx-xxxx
PAUL E. OWEN, xxx-xx-xxxx
SEAN P. OWENS, xxx-xx-xxxx
RONALD PADUCHAK, xxx-xx-xxxx
JAE C. PAK, xxx-xx-xxxx
JOHN A. PALAZZOLO, xxx-xx-xx...
MICHAEL P. PANCIERA, xxx-xx-xxxx
MICHAEL J. PAPP, xxx-xx-xxxx
WENDELL T. PARDUE, xxx-xx-xxxx
KEVIN W. PARKER, xxx-xx-xxxx
JONATHAN R. PAROW, xxx-xx-xxxx
JONATHAN M. PASCHAL, xxx-xx-xxxx
SCOTT A. PAUL, xxx-xx-xxxx
BRIAN K. PAXTON, xxx-xx-xxxx
JAMES P. PAYNE, xxx-xx-xxxx
GREGORY T. PEASE, xxx-xx-xxxx
SUSAN D. PECK, xxx-xx-xxxx
YALE S. PEEBLES, xxx-xx-xxxx
ERIC L. PELTZ, xxx-xx-xxxx
RICHARD W. PENDELL, II, xxx-xx-xxxx
LARRY D. PERINO, xxx-xx-xxxx
THEODORE M. PERRYMAN, xxx-xx-xxxx
JONATHAN E. PETERS, xxx-xx-xxxx
RICHARD V. PETITT, xxx-xx-xxxx
CHRISTIAN A. PFEIL, xxx-xx-xxxx
ROBERT J. PHILLIPS, xxx-xx-xxxx
WADE E. PHILLIPS, xxx-xx-xxxx
BRIAN T. PIERCE, xxx-xx-xxxx
SCOTT C. PIERCE, xxx-xx-xxxx
WILLIAM T. PETT, xxx-xx-xxxx
SAMUEL M. PLUMER, xxx-xx-xxxx
BRIAN J. POE, xxx-xx-xxxx
STANLEY P. POKRYWKA, JR., xxx-xx-xxxx
FRANCIS P. POLASHEK, xxx-xx-xxxx
KENDAL V. POLK, xxx-xx-xxxx
PAUL A. POTTER, xxx-xx-xxxx
MICHAEL J. PREISSER, xxx-xx-xxxx
RAYMOND N. PRUETT, xxx-xx-xxxx
DONALD E. PRUITT, JR., xxx-xx-xxxx
RICHARD J. RABAGO, xxx-xx-xxxx
THOMAS R. RAGGIO, xxx-xx-xxxx
ANTHONY P. RAIA, JR., xxx-xx-xxxx
CYNTHIA S. RAMIREZ, xxx-xx-xxxx
GEORGE RAMIREZ, xxx-xx-xxxx
NORA E. RAMIREZ, xxx-xx-xxxx
CONRADO RAMOS, xxx-xx-xxxx
MICHAEL E. RANSOME, xxx-xx-xxxx
MARK D. RASCHKE, xxx-xx-xxxx
STEVEN J. RAYMOND, xxx-xx-xxxx
ROBERT W. REDD, JR, xxx-xx-xxxx
ROBERT N. REDDIX, xxx-xx-xxxx
PAUL P. REESE, xxx-xx-xxxx
PHILIP R. REGUALOS, xxx-xx-xxxx
THEODORE H. REICH, xxx-xx-xxxx
CHRISTOPHER B. REID, xxx-xx-xxxx
GLENN J. REILLY, xxx-xx-xxxx
JOHN T. REIM, JR, xxx-xx-xxxx
MIKE D. REINERT, xxx-xx-xxxx
WILLIAM H. REINHART, xxx-xx-xxxx
CELIA E. RENTERIA, xxx-xx-xxxx
EDWARD J. REPETSKI, xxx-xx-xxxx
ROBERT S. REPPA, xxx-xx-xxxx
MARC T. RESCH, xxx-xx-xxxx
JOSEPH A. RICCIARDI, xxx-xx-xxxx
CARLTON W. RICE, xxx-xx-xxxx
BETH A. RICHARDS, xxx-xx-xxxx
SCOTT M. RICHARDS, xxx-xx-xxxx
GEORGE W. RIGGINS, xxx-xx-xxxx
WESLEY C. RITNER, xxx-xx-xxxx
DAVID C. ROBERTS, xxx-xx-xxxx
JOEL E. ROBERTS, xxx-xx-xxxx
JOSEPH J. RODGERS, xxx-xx-xxxx
THOMAS C. RODGERS, xxx-xx-xxxx
DOUGLAS T. ROGERS, xxx-xx-xxxx
JOHN C. ROOU, xxx-xx-xxxx
TAMARA A. ROPER, xxx-xx-xxxx
HEATH C. ROSCOE, xxx-xx-xxxx
JAMES P. ROSS, xxx-xx-xxxx
MICHAEL J. ROSS, xxx-xx-xxxx
STEVEN D. ROTHERT, xxx-xx-xxxx
PABLO E. RUIZ, xxx-xx-xxxx
JAMES A. RUPKALVIS, xxx-xx-xxxx
KEVIN J. RUTH, xxx-xx-xxxx
MARC J. RUYAK, xxx-xx-xxxx
JOSEPH J. SACCON, xxx-xx-xxxx
JAMES V. SACCONE, xxx-xx-xxxx
LYN B. SAMMONS, xxx-xx-xxxx
JEFFREY M. SANBORN, xxx-xx-xxxx
RENE SANCHEZ, xxx-xx-xxxx
DAVID M. SANDERS, xxx-xx-xxxx
GREGORY R. SARAFIAN, xxx-xx-xxxx
MORRELL K. SAVOY, xxx-xx-xxxx
CURTIS R. SAWYER, xxx-xx-xxxx
MALCOLM G. SCHAEFER, xxx-xx-xxxx
JILL R. SCHAFFNER, xxx-xx-xxxx
DAVID F. SCHARF, xxx-xx-xxxx
PAULA I. SCHASBERGER, xxx-xx-xxxx
LARRY J. SCHAUER, xxx-xx-xxxx
THOMAS C. SCHERMERHORN, xxx-xx-xxxx
ERIC A. SCHIMPF, xxx-xx-xxxx
FREDERICK C. SCHMELLING, xxx-xx-xxxx
PAUL J. SCHMITT, xxx-xx-xxxx
KARL M. SCHREIBER, xxx-xx-xxxx
ROBERT J. SCHUG, xxx-xx-xxxx
JAMES A. SCHULZ, xxx-xx-xxxx
JEROME S. SCHULZE, xxx-xx-xxxx
RAFAEL A. SCHULZE, xxx-xx-xxxx
STEVEN J. SCHWEITZER, xxx-xx-xxxx
CHRISTOPHER SCLAFANI, xxx-xx-xxxx
JOHN A. SCOTT, xxx-xx-xxxx
GEORGE H. SEAWARD, xxx-xx-xxxx
ARNOLD SEAY, xxx-xx-xxxx
JAMES E. SECKEL, xxx-xx-xxxx
THOR A. SEWELL, xxx-xx-xxxx
ROBERT L. SHEARER, xxx-xx-xxxx
WILLIAM G. SHEBOY, xxx-xx-xxxx
DAVID P. SHELSTAD, xxx-xx-xxxx
RICHARD V. SHERIDAN, II, xxx-xx-xxxx
STEVE SHERLOCK, xxx-xx-xxxx
STEVEN R. SHIELDS, xxx-xx-xxxx
JOHN K. SHIN, xxx-xx-xxxx
TIMOTHY W. SHIVELEY, xxx-xx-xxxx
THOMAS A. SHOFFNER, xxx-xx-xxxx
MICHAEL S. SHROUT, xxx-xx-xxxx
ALLEN R. SHUTT, xxx-xx-xxxx
GREGORY F. SIERRA, xxx-xx-xxxx
JOHN D. SILVERS, xxx-xx-xxxx
SCOTT E. SIMPSON, xxx-xx-xxxx
TIMOTHY E. SINGLEY, xxx-xx-xxxx
JOHN D. SINSLEY, JR, xxx-xx-xxxx
SALVATORE T. SIRNA, xxx-xx-xxxx
ALAN B. SMITH, xxx-xx-xxxx
BENJAMIN S. SMITH, xxx-xx-xxxx
CHARLES C. SMITH, xxx-xx-xxxx
DAVID A. SMITH, xxx-xx-xxxx
DERICK C. SMITH, xxx-xx-xxxx
GERARDUS J. SMITH, JR, xxx-xx-xxxx
MATTHEW M. SMITH, xxx-xx-xxxx
PAMELA S. SMITH, xxx-xx-xxxx
PATRICK B. SMITH, xxx-xx-xxxx
RONALD W. SMITH, xxx-xx-xxxx
TRACY L. SMITH, xxx-xx-xxxx
WARREN W. SMITH, xxx-xx-xxxx
DAVID P. SMOLE, xxx-xx-xxxx
JOSEPH C. SNIEZEK, xxx-xx-xxxx
JAMES M. SNOW, xxx-xx-xxxx
LOUIS J. SNOWDEN, II, xxx-xx-xxxx
SHARON L. SOLE, xxx-xx-xxxx
JON E. SOLEM, xxx-xx-xxxx
KATHLEEN A. SOLOMON, xxx-xx-xxxx
MARTIN C. SPAKE, xxx-xx-xxxx
DONALD L. SPARACO, JR, xxx-xx-xxxx
CLAYTON K. SPEED, xxx-xx-xxxx
JAMES C. SQUIRE, xxx-xx-xxxx
RICHARD P. ST ROSE, xxx-xx-xxxx
MARK E. STABILE, xxx-xx-xxxx
WILLIAM A. STACK, IV, xxx-xx-xxxx
JON C. STANAT, xxx-xx-xxxx
KRISTIN E. STANDING, xxx-xx-xxxx
CHARLES D. STARBIRD, xxx-xx-xxxx
STACY R. STARBUCK, xxx-xx-xxxx
STEPHEN J. STARK, xxx-xx-xxxx
BRETT A. STEELE, xxx-xx-xxxx
HOLLY A. STEIN, xxx-xx-xxxx
JULIE K. STENGER, xxx-xx-xxxx
JACQUELINE E. STENNETT, xxx-xx-xxxx
KENNETH A. STEVENS, xxx-xx-xxxx
SANDRA E. STEVENS, xxx-xx-xxxx
CATHERINE A. STEWART, xxx-xx-xxxx
JAMES C. STEWART, xxx-xx-xxxx
RICHARD B. STIKKERS, xxx-xx-xxxx
DAVID C. STOCKTON, xxx-xx-xxxx
CHRISTOPHER B. STOREY, xxx-xx-xxxx
FREDERICK J. STRAMPE, xxx-xx-xxxx
MICHAEL T. STRAUSS, xxx-xx-xxxx
FREDERICK D. STREETMAN, xxx-xx-xxxx
PAUL R. STRINGFELLOW, xxx-xx-xxxx
DANIEL J. STRINGHAM, xxx-xx-xxxx
KEVIN S. STRODE, xxx-xx-xxxx
MICHAEL A. STUART, xxx-xx-xxxx
MICHAEL D. SUFNARSKI, xxx-xx-xxxx
JOHN P. SUGGS, xxx-xx-xxxx
RYUNG SUH, xxx-xx-xxxx
BRIDGET M. SULLIVAN, xxx-xx-xxxx
EDWARD SULLIVAN, JR., xxx-xx-xxxx
TIMOTHY P. SULLIVAN, xxx-xx-xxxx
SCOTT R. SUTHERLAND, xxx-xx-xxxx
MICHAEL S. SUTTON, xxx-xx-xxxx
BRIAN P. SWARTHOUT, xxx-xx-xxxx
MICHAEL T. SWINDELL, xxx-xx-xxxx
SHERYL L. SWOFFORD, xxx-xx-xxxx
PETER A. SZELWACH, xxx-xx-xxxx
DARREL S. TACKETT, xxx-xx-xxxx
NEYSA L. TADDY, xxx-xx-xxxx
TODD A. TARANTO, xxx-xx-xxxx
KAREN L. TAYLOR, xxx-xx-xxxx
MICHAEL W. TAYLOR, xxx-xx-xxxx
KEVIN S. TERRELL, xxx-xx-xxxx
JOHN D. THEE, xxx-xx-xxxx
GEORGE K. THIEBES, xxx-xx-xxxx
DAVID E. THOMAS, xxx-xx-xxxx
RYAN O. THOMAS, xxx-xx-xxxx
BLAIR F. THOMPSON, xxx-xx-xxxx
JOSE M. THOMPSON, xxx-xx-xxxx
MICHAEL J. THORSON, xxx-xx-xxxx
ANDY C. TIAO, xxx-xx-xxxx
JONATHAN W. TIBBALS, xxx-xx-xxxx
BRADFORD S. TIEKE, xxx-xx-xxxx
ANTHONY L. TILLMAN, xxx-xx-xxxx
GEOFFREY L. TINELLI, xxx-xx-xxxx
JAY M. TOLAND, xxx-xx-xxxx
MARK A. TOMKOVICZ, xxx-xx-xxxx
TIMOTHY W. TOMPKINS, xxx-xx-xxxx
SHARON A. TOSI, xxx-xx-xxxx
KRISTEN L. TOWNSEND, xxx-xx-xxxx
TODD J. TRACZYK, xxx-xx-xxxx
DOMINIC H. TRADER, xxx-xx-xxxx
BRIAN K. TRAMEL, xxx-xx-xxxx
MICHAEL F. TRAVER, xxx-xx-xxxx
MICHAEL J. TRETOLA, xxx-xx-xxxx
MARK D. TRIBUS, xxx-xx-xxxx
MICHAEL R. TRISLER, xxx-xx-xxxx
JOSEPH E. TSAGRONIS, xxx-xx-xxxx
PAUL K. TSATSOS, xxx-xx-xxxx
SCOTT K. TUFTS, xxx-xx-xxxx
STEVEN C. TULLIS, xxx-xx-xxxx
ROBERT T. TURFE, xxx-xx-xxxx
JUAN K. ULLOA, xxx-xx-xxxx
ROBERT E. UNGER, xxx-xx-xxxx
KEVIN D. UNIVERSAL, xxx-xx-xxxx
ANDREW D. UNWIN, xxx-xx-xxxx
THEODORE P. VALMASSEI, xxx-xx-xxxx
PETER R. VAN PROOYEN, xxx-xx-xxxx
JOEL H. VAN TIMMEREN, xxx-xx-xxxx
BRUCE A. VANDERBUSH, xxx-xx-xxxx
ROBERT C. VANGORDER, xxx-xx-xxxx
CHRISTOPHER S. VARA, xxx-xx-xxxx
MARK S. VARA, xxx-xx-xxxx
MICHAEL L. VARUOLO, xxx-xx-xx...
JOHN A. VERMEESCH, xxx-xx-xxxx
CANDACE M. VERNOLD, xxx-xx-xxxx
MATTHEW D. VERTIN, xxx-xx-xxxx
STEVEN A. VISOSKY, xxx-xx-xxxx
HIEP V. VO, xxx-xx-xxxx
JOHN A. VOGEL, xxx-xx-xxxx
BRIAN R. VOWINKEL, xxx-xx-xxxx
JOHN T. WADE, JR, xxx-xx-xxxx
ROBERT A. WAGNER, xxx-xx-xxxx
PHILIP C. WAHLBOM, III, xxx-xx-xxxx
PAUL C. WALHEIM, xxx-xx-xx...
WRIGHT N. WALL, xxx-xx-xxxx
EDWARD T. WALLACE, xxx-xx-xxxx
PATRICK M. WALSH, xxx-xx-xxxx
GREGGORY R. WALTERS, xxx-xx-xxxx
ERIC T. WANG, xxx-xx-xxxx
JAMES L. WARFIELD, xxx-xx-xxxx
DAVID D. WARNS, xxx-xx-xx...
BOBBY W. WATTS, xxx-xx-xxxx
HOWARD C. WEBB, xxx-xx-xxxx
DAVID J. WEBER, xxx-xx-xxxx
JAMES A. WEBER, xxx-xx-xxxx
AUGUST M. WEGNER, IV, xxx-xx-xxxx
VERONICA J. WENDT, xxx-xx-xxxx
MICHAEL E. WERTZ, xxx-xx-xx...
JEFFREY L. WESTFIELD, xxx-xx-xxxx
VINCENT P. WESTOVER, xxx-xx-xxxx
FRED M. WETHERINGTON, xxx-xx-xxxx
CHRISTOPHER K. WETZEL, xxx-xx-xxxx
KEVIN T. WHANG, xxx-xx-xxxx
BRIAN E. WHEELER, xxx-xx-xxxx
JEFFREY D. WHEELER, xxx-xx-xxxx
ROGER J. WHEELER, xxx-xx-xxxx
TIMOTHY W. WHITE, xxx-xx-xxxx
ROBERT F. WHITTLE, JR, xxx-xx-xxxx
CRAIG J. WIEDL, xxx-xx-xxxx
DORNE L. WIESE, xxx-xx-xxxx
BRUCE H. WILLIAMS, xxx-xx-xxxx
DAVID B. WILLIAMS, xxx-xx-xxxx
DAVID E. WILLIAMS, xxx-xx-xxxx
DOUGLAS D. WILLIAMS, xxx-xx-xxxx
HUGH R. WILLIAMS, IV, xxx-xx-xxxx
JAMES S. WILLIAMS, xxx-xx-xxxx
JOHN D. WILLIAMS, xxx-xx-xxxx
WALTER K. WILLIAMS, xxx-xx-xxxx
ELEXA D. WILLS, xxx-xx-xxxx
RONALD R. WILSON, JR, xxx-xx-xxxx
ROBERT G. WILT, xxx-xx-xxxx
GARY W. WINCH, JR, xxx-xx-xxxx
DIANE E. WINEINGER, xxx-xx-xxxx
JOHN J. WIXTED, xxx-xx-xxxx
GEORGE B. WOFFORD, xxx-xx-xxxx
HELY D. WOOD, xxx-xx-xxxx
DANA J. WOODALL, xxx-xx-xxxx
CAMERON K. WORSHAM, xxx-xx-xxxx
PAUL L. WYNN, xxx-xx-xxxx
JAMES D. WYRWAS, xxx-xx-xxxx
NEWMAN YANG, xxx-xx-xxxx
SHANNON K. YATES, xxx-xx-xxxx
DAVID J. YEBRA, xxx-xx-xxxx
JAMES J. YEE, xxx-xx-xxxx
DARYL R. YOUNGMAN, xxx-xx-xxxx
TAE H. YUN, xxx-xx-xxxx
ERIC W. ZEEMAN, xxx-xx-xxxx
KRISTOFOR M. ZEHM, xxx-xx-xxxx
STEPHEN J. ZIEGLER, xxx-xx-xxxx
JOHN G. ZIERDT, III, xxx-xx-xxxx
ERIC A. ZILEWICZ, xxx-xx-xx...

FRANK H. ZIMMERMAN, xxx-xx-xxxx
LUIS F. ZUNA, xxx-xx-xxxx
KEVIN K. ZURMUEHLEN, xxx-xx-xxxx

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, 532, AND 533.

INFANTRY

To be second lieutenant

JAMES M. PURRENHAGE, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be second lieutenant

SCOTT AVERY, xxx-xx-xxxx

IN THE MARINE CORPS

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTIONS 531 AND 2107:

THOMAS B. ADAIR, xx...
JEFFERY A. AFMAN, xx...
MIKE B. AGEE, xx...
KEVIN E. ALLEN, xx...
JOSEPH T. ALLENA, xx...
DEAN C. ALLISON, xx...
LOUIS C. ALMON, xx...
MICHAEL E. ALOISE, xx...
SCARLET A. ANAUO, xx...
ERIN I. ANDREWS, xx...
ETHAN W. ANDREWS, xx...
GEOFFREY M. ANTHONY, xx...
GARY W. APPLEBY, xx...
DONALD J. ARAGON, xx...
DAVID B. ARMSTRONG, xx...
WILLIAM T. ARNOLD, xx...
MICHAEL J. ATCHESON, xx...
MICHAEL P. AUBUT, xx...
CALVIN A. AUSTIN, xx...
DOUGLAS J. AUTENRIETH, xx...
MARK A. AVERY, xx...
TIMOTHY C. BAILEY, xx...
PHILIP A. BAIN JR, xx...
WARREN P. BAIR, xx...
ERIC A. BALDWIN, xx...
DAVID M. BALLINGER, xx...
BRYAN C. BANDEKO, xx...
HEZEKIAH BARGE JR, xx...
CURTIS L. BARNES, xx...
ERIC K. BARNHART, xx...
JASON M. BARRETT, xx...
MARK J. BASSO, xx...
RUDY J. BAUTISTA, xx...
DAVID B. BAXTER, xx...
CLAYTON R. BEAL, xx...
RAYMOND E. BEAL, xx...
TIMOTHY D. BEARD IV, xx...
JASON A. BEAUDOIN, xx...
BRIAN C. BECKER, xx...
PATRICK A. BECKETT, xx...
MARC A. BEGIN, xx...
JOHN B. BELIVEAU, xx...
JAMES M. BELL, xx...
CHRISTOPHER J. BELPASSO, xx...
GRADY A. BELYEU, xx...
THOMAS P. BENCKERT, xx...
DARREL C. BENFIELD, xx...
WILLIAM P. BENTLEY, xx...
DANIEL N. BERGAD, xx...
JOHN W. BICKNELL JR, xx...
CLARK H. BIGGERS, xx...
MATTHEW K. BLAKLEY, xx...
THOMAS G. BOBOWSKI, xx...
JASON Q. BOHM, xx...
PRESCOTT M. BOISVERT, xx...
JONATHAN H. BOLDT, xx...
BRETT A. BOLTON, xx...
RICHARD J. BORDONARO, xx...
HOWARD J. BOROUGHS, xx...
HAROLD L. BOSTICK, xx...
RONALD J. BOUCHER, xx...
MATTHEW H. BOULOS, xx...
THOMAS S. BOWERS, xx...
WILLIAM J. BOWERS, xx...
ROBERT C. BOYLES, xx...
MARY K. BOYT, xx...
JAMES D. BRACKEN, xx...
TERRY L. BRANSTETTER JR, xx...
MICHAEL R. BRANUM, xx...
ROLF W. BREEN, xx...
DANIEL F. BRISCOE, xx...
CARL P. BRODHUN III, xx...
BRIDGET L. BROOKS, xx...
CHRISTOPHER S. BROWN, xx...
DOUGLAS A. BROWN JR, xx...
PATRICIA L. BUCHEIT, xx...
GREGORY B. BUCK, xx...
MARK A. BUCK, xx...
PHILIP A. BURDETTE, xx...
RONALD J. BURNS, xx...
MATTHEW P. BUSCH, xx...
DAVID A. BUSHEE, xx...
JOSEPH A. BUSHNER, xx...
MATTHEW D. BUSICK, xx...
GLEN G. BUTLER, xx...
ANTHONY G. BUZBEE, xx...
MAX W. CAIN II, xx...
MATTHEW A. CALLAHAN, xx...
DAVID C. CAMPBELL, xx...
REGINALD T. CANNON, xx...
FRANCIS W. CARLEY III, xx...
CARLIN D. CARPENTER, xx...
DAVID C. CARR, xx...
BETH A. CARREIRO, xx...
COLIN A. CARRELL, xx...
DAVID CARTER, xx...
MELVIN G. CARTER, xx...
MICHAEL P. CARTER, xx...
PATRICIA A. CARVER, xx...
MICHAEL N. CASTLE, xx...
MARK L. CAVALIERO, xx...
CHRISTOPHER J. CERWONKA, xx...
MICHAEL J. CHAMBERLAIN, xx...
GEORGE E. CHAMBERLIN, xx...
ERIK W. CHARLES, xx...
RUBEN CHAVEZ, xx...
ALAN C. CHEN, xx...
PETER J. CHESTNA, xx...
PAUL T. CHISHOLM, xx...
SOUMEN CHOWDHURY, xx...
STEVEN R. CHRISTMAN, xx...
JASON A. CLIMER, xx...
COREY J. CLOTHIER, xx...
KEVIN P. CLYDE, xx...
SHAWN J. COAKLEY, xx...
ALTON L. COCHRAN JR, xx...
ADAM C. COE, xx...
BRIAN H. COLLINS, xx...
JEROME M. CONLEY, xx...
SCOTT J. CONNOLLY, xx...
SHANE B. CONRAD, xx...
KIRT A. CONROY, xx...
STEPHEN G. CONROY, xx...
RICK D. COOLER, xx...
MATTHEW W. COON, xx...
TRACEY A. COPPOLA, xx...
SCOTT C. CORNER, xx...
CHRISTOPHER B. CORY, xx...
HOSEA J. COTHERN, xx...
LYNDA T. COTTER, xx...
JAMES W. COUNTS, xx...
JOSEPH M. COWAN, xx...
CHARLES B. COX, xx...
ANDREW L. CRABB, xx...
MATTHEW R. CRABILL, xx...
MICHAEL W. CRAM, xx...
TIMOTHY S. CREWS, xx...
DREW E. CUKOR, xx...
ROBERT D. CURTIS, xx...
DANIEL J. CUSHING, xx...
JOSEPH A. DANNENFELDT, xx...
ALICE C. DAVENPORT, xx...
PAUL H. DAVIES JR, xx...
DONALD J. DAVIS, xx...
MICHAEL J. DAVIS, xx...
JOE E. DAVIS JR, xx...
TEDDY L. DAYS, xx...
JEFFREY J. DEAL, xx...
ROBERT B. DEARDORFF, xx...
DAN C. DEBENPORT, xx...
MARTIN K. DEICHERT, xx...
ROBERT A. DEMBICKY, xx...
PETER E. DENEERGAARD, xx...
ROBERTO D. DESAGUN, xx...
PAUL T. DEUTSCH, xx...
ALLAN J. DIETSCH, xx...
PETER J. DILLON, xx...
MICHAEL W. DITCH, xx...
DWAYNE L. DIXON, xx...
PATRICK T. DOLAN, xx...
RONALD A. DOMINGUE JR, xx...
RANDALL W. DOMINICK, xx...
CHRISTINA M. DONG, xx...
ROBERT F. DONNER, xx...
CHRISTOPHER P. DORGAN, xx...
CHRISTINA A. DOUGLAS, xx...
CHARLES DOWLING, xx...
DARIN T. DUNHAM, xx...
JOSEPH H. DUNPHY, xx...
PHILLIP E. DURBIN, xx...
MATTHEW D. DWYER, xx...
TODD S. ECKLOFF, xx...
DWAYNE M. EDSINGA, xx...
DAVID W. EDSON, xx...
MICHAEL S. EISENBERG, xx...
KIMBERLY M. ELKINS, xx...
CHARLES E. ELLIS, xx...
JOHN W. EVANS JR, xx...
DOSTON P. FAIRFIELD, xx...
GREGG FALLAVOLLITA, xx...
TRISH A. FARNUM, xx...
KEVIN B. FARRELL, xx...
GREGORY S. FARRY, xx...
KEVIN D. FEGLEY, xx...
DOUGLAS I. FEIRING, xx...
GREGORY M. FELDMAN, xx...
ANTHONY A. FERENCE, xx...
CHRISTOPHER D. FERRIS, xx...
PHILLIP A. FICKES, xx...
ROBERT A. FIELITZ, xx...
JOSEPH P. FINKEN, xx...
EDWARD J. FISHMAN, xx...
BRIAN G. FITZPATRICK, xx...
SEAN P. FLANAGAN, xx...
MARK A. FLETCHER, xx...
EDWARD P. FLINTER, xx...
MARK A. FLOURNOY, xx...
MICHAEL D. FLYNN, xx...
STEPHEN J. FOLEY, xx...
MARK A. FONTENOT, xx...
JOHN L. FORDHAM, xx...
STEPHEN P. FORTE, xx...
MATTHEW W. FOSCATO, xx...
JAMES W. FOSTER, xx...
JOSEPH A. FRANK JR, xx...
JAMES R. FRANKS, xx...
MARK T. FREEMAN, xx...
THOMAS W. FREER, xx...
JACOB D. FREIVALD, xx...
JOHN R. FRENCH, xx...
MICHAEL S. FRUTSCHE, xx...
CHARLES E. FULLER, xx...
JULIE A. GALANTE, xx...
STEPHEN H. GANT, xx...
ERIC V. GARRARD, xx...
DAVID J. GARVER, xx...
JULIA N. GARVIN, xx...
STEVEN M. GAY, xx...
MICHAEL T. GEER, xx...
AARON K. GEORGE, xx...
CHRISTOPHER D. GIDEONS, xx...
LARRY A. GILL JR, xx...
OMER M. GINGRAS, xx...
PAUL B. GIPSON, xx...
THEODORE M. GIZEWSKI, xx...
WILLIAM G. GLASS, xx...
KYLE A. GLERUM, xx...
JEFFREY J. GOEBEL, xx...
ROBERT A. GONZALES, xx...
ANGELA GONZALEZ, xx...
KEVIN M. GONZALEZ, xx...
CHRISTOPHER A. GOODHART, xx...
JEFFREY D. GORDON, xx...
THOMAS J. GORDON IV, xx...
TIMOTHY K. GOSDIN, xx...
SCOTT W. GRANDGEORGE, xx...
MALCOLM F. GRANVILLE, xx...
PAUL H. GRAY, xx...
TIMOTHY J. GRAY, xx...
CHARLES R. GREGG, xx...
MICHAEL C. GRIFFIN, xx...
DAVID J. GROSSWEILER, xx...
MICHAEL C. GUALTIERI, xx...
GLENN R. GUENTHER, xx...
DAVID A. GUNDLACH, xx...
MICHAEL S. GUNTER, xx...
MATTHEW S. HAAS, xx...
JON M. HACKETT, xx...
RODERICK B. HADDER, xx...
MICHAEL E. HAGUE, xx...
TODD I. HALL, xx...
JAMES M. HALL JR, xx...
GREGORY M. HALLINAN, xx...
CHARLES H. HAMMOND, xx...
SCOTT HANFORD, xx...
JOHN P. HANLON, xx...
JOHN C. HARLEY, xx...
RICHARD J. HARRIES, xx...
JASON E. HARRIS, xx...
MATTHEW S. HARRIS, xx...
BARRY A. HARRISON, xx...
JAMES C. HATCHER JR, xx...
TED J. HAWKINS, xx...
DAVID Y. HEALY, xx...
WILLIAM C. HEASLET, xx...
SABRINA J. HECHT, xx...
THOMAS V. HEFFERN, xx...
MARTIN J. HEINZE, xx...
MATTHEW R. HEMENEZ, xx...
RICHARD P. HENDRY, xx...
WAYNE M. HERBERT, xx...
RYAN P. HERITAGE, xx...
ROBERT W. HESSER, xx...
JOHN D. HICKS, xx...
TIMOTHY J. HIEL, xx...
MARK D. HILDEBRAND, xx...
CHARLES F. HILLJE II, xx...
PATRICK A. HILLMEYER, xx...
THOMAS R. HITCHCOCK, xx...
JONATHAN W. HITESMAN, xx...
MICHAEL O. HIXSON, xx...
MICHAEL R. HOBBS, xx...
THOMAS K. HOBBS, xx...
THOMAS V. HOBBS, xx...
CHARLES D. HOFROCK, xx...
ALLEN W. HOLD, xx...
JOHN R. HOLLAND, xx...
WILLIAM H. HOLMES, xx...
ERIC J. HOLWEG, xx...
MICHAEL P. HOMMEL, xx...
PAUL R. HOUSTON, xx...
WILLIAM B. HOWARD, xx...
JAMES M. HUBBELL, xx...
JOHN D. HUGHES, xx...
LOLENE M. HUGHES, xx...
WILLIAM S. HUSBAND, xx...
MELISSA A. HUSTON, xx...
MICHAEL W. HUSTON, xx...
CHERYL M. HUTCHINSON, xx...
ROBERT F. JABLONSKI, xx...
WILLIAM C. JAMES, xx...
DAVID A. JAMES JR, xx...
GREGORY L. JANSON, xx...
THERESA M. JAUREGUI, xx...
MICHAEL P. JEFFRIES, xx...
TODD M. JENKINS, xx...
MICHAEL J. JERNIGAN, xx...
ANDREW P. JEWELL, xx...
KRISTI A. JOHNSON, xx...
SCOTT E. JOHNSON, xx...
PAUL H. JOHNSON III, xx...

JAMES L. JONES, xx...
LEWIS J. JONES, xx...
MICHAEL L. JONES, xx...
JOHN O. JORDAN, xx...
CHARLES L. JORDON, xx...
STEVEN P. KAEGEBEIN, xx...
STEVEN J. KAHL, xx...
KENNETH R. KASSNER, xx...
DAVID A. KEELE, xx...
RANDALL J. KEHRMEYER, xx...
CHARLES E. KELLER, xx...
JAMES J. KELLEY III, xx...
BRIAN P. KELLY, xx...
GRANT M. KEMENY, xx...
JAMES R. KENDALL, xx...
RICHARD W. KENNEDY, xx...
ANTHONY P. KENNICK, xx...
WILLIAM C. KESSLER, xx...
BRIAN J. KING, xx...
GREGORY W. KING, xx...
RUSSELL S. KING, xx...
THOMAS C. KING, xx...
SCOTT E. KINKADE, xx...
WILLIAM E. KIRALY, xx...
JEFFREY T. KIRKPATRICK, xx...
LORNE KITTLE, xx...
JOEY E. KLINGER, xx...
STEFAN KNIELING, xx...
BRENT A. KNIPPENBERG, xx...
CHARLEY A. KNOWLES II, xx...
KENNETH L. KOHN, xx...
TIMOTHY A. KOLB, xx...
ANDREW J. KOSTIC JR, xx...
ERIK B. KRAFT, xx...
JOHN P. KRESHO, xx...
ANGELA C. LAFLEUR, xx...
ALBERT A. LAGORE JR, xx...
FRANCIS E. LANDRY, xx...
FRANK N. LATT, xx...
BRIAN J. LAWLER, xx...
STEPHEN A. LAWSON, xx...
PETER E. LAZARUS, xx...
KEVIN J. LEE, xx...
MATTHEW O. LEE, xx...
FREDRICK J. LEHMAN, xx...
RICHARD E. LEINO, xx...
CAROLINE J. LEONARD, xx...
MARY L. LEONARDI, xx...
COLETTE R. LEWIS, xx...
JIMMY G. LEYBA, xx...
CALVIN A. LLOYD III, xx...
VICK A. LOMBARDO, xx...
THEODORE J. LONG, xx...
EDWARD S. LOPEZ, xx...
WILLIAM A. LORENZ, xx...
JOHN A. LUCHSINGER JR, xx...
JOSEPH A. LUCIA III, xx...
JASON C. LUENZ, xx...
STEVEN R. LUFKIN, xx...
MARK R. LWIN, xx...
JOSEPH F. LYONS, xx...
SAMUEL T. MACRANE III, xx...
GARY L. MADDUX JR, xx...
JOHN M. MAHANEY, xx...
PHILIP J. MAHONEY, xx...
DENNIS A. MANACO, xx...
JULIE C. MANGAN, xx...
EARL T. MANN JR, xx...
MARK J. MANNING, xx...
JOHN A. MANNLE, xx...
RONALD J. MAROSKO JR, xx...
JOSEPH A. MAROTTA, xx...
ANTHONY M. MARRO, xx...
ROBERT C. MARSHALL, xx...
JAMES D. MARTIN, xx...
CHRISTOPHER J. MATTEI, xx...
THOMAS MATUSZAK II, xx...
DOUGLAS S. MAYER, xx...
TROY C. MAYO, xx...
DANIEL P. MAYVILLE, xx...
JAMES C. MCARTHUR, xx...
ERIN K. MCCALLISTER, xx...
MICHAEL A. MCCAMISH, xx...
GEORGE J. MCCARRON JR, xx...
CHRISTOPHER M. MCCARTHY, xx...
GREGORY C. MCCARTHY, xx...
TIMOTHY D. MCCARTHY, xx...
KEVIN D. MCCOLLOUGH, xx...
WILLIAM F. MCCOLLOUGH, xx...
PETER W. MCCORMICK, xx...
RICHARD D. MCCORMICK, xx...
DANIEL J. MCCORMICK II, xx...
TIMOTHY D. MCDONALD, xx...
BENJAMIN C. MCGRAW, xx...
CHRISTOPHER T. MCKAY, xx...
MATHEW P. MCLAUGHLIN, xx...
TIMOTHY D. MCLEAN, xx...
JENNIFER M. MCMILLAN, xx...
KENNETH L. MCROSTIE, xx...
WILLIAM D. MCSORLEY, xx...
SCOTT E. MEAD, xx...
MELANIE A. MERCAN, xx...
RONI A. MEYERHOFF, xx...
ANNELIESE H. MEYERS, xx...
JOHN C. MIKKLESON, xx...
DAVID J. MILLER, xx...
JEFFREY W. MILLER, xx...
KIMBERLY J. MILLER, xx...
ALEXANDER B. MIN, xx...
DENNIS G. MIRIANI, xx...
DONALD J. MODDER, xx...
EDWARD C. MODINGER, xx...
PATRICK W. MOHR, xx...
STEPHEN M. MOLNAR, xx...
DAVID E. MOORE, xx...
MARK L. MOORE, xx...
PAUL H. MOORE JR, xx...
ANTONIO J. MORABITO, xx...
PATRICK E. MORAN, xx...
CHRISTOPHER L. MORRISON, xx...
PATRICK F. MORRISSEY, xx...
DOUGLAS J. MRAK, xx...
GARY R. MUISE, xx...
PERRY R. MULCRONE, xx...
JAMES E. MUNROE, xx...
SEAN E. MURPHY, xx...
TERRENCE R. MURPHY, xx...
DUNCAN V. MURRELL, xx...
MARK E. NANCE, xx...
KEVIN M. NASH, xx...
STACY M. NAVADEL, xx...
JEFFREY A. NEAL, xx...
KENNETH A. NELSON, xx...
WILLIAM J. NEMETH, xx...
DAVID B. NEWMAN, xx...
PAUL A. NICHOLAS, xx...
SHANE D. NICKLAUS, xx...
ANITA NIKOLICH, xx...
MICHAEL T. NIPPER, xx...
JOHN D. NOKES, xx...
JENNIFER L. NORTH, xx...
SETH L. OCLOO, xx...
DAVID L. ODOM, xx...
BRIAN P. OKEEFE, xx...
JAKA OKORN, xx...
GEOFFREY R. OLANDER, xx...
PATRICK D. ONEILL, xx...
ANDREW J. ORSMOND, xx...
STEPHEN B. OSTER, xx...
SHAUGN E. OSTROWSKI, xx...
TIMOTHY R. OTOOLE, xx...
RANDOLPH T. PAGE, xx...
ROBERT S. PAGE, xx...
FRANCISCO F. PALACIOS JR, xx...
ANDREW J. PALAN, xx...
MICHAEL A. PANICO, xx...
MICHAEL A. PARKER, xx...
THEODORE R. PARKER, xx...
GREGORY A. PARRAN, xx...
GEOFFREY S. PARSH, xx...
PHILIP M. PASTINO, xx...
JAMES S. PATRICK, xx...
DOUGLAS R. PATTERSON, xx...
SCOTT W. PEARSON, xx...
HANS C. PEEDERS, xx...
STEPHEN C. PELLEGRINO, xx...
JASON C. PERDEW, xx...
DAVID M. PERSKY, xx...
RICHARD J. PESSARRA, xx...
JERRY R. PETERS, xx...
FRITZ W. PFEIFFER, xx...
JASON F. PHILLIPS, xx...
KONGPHET A. PHIMPHAVONG, xx...
KENNETH W. PITTS, xx...
CHRISTOPHER R. PLATT, xx...
RITA M. PLUMMER, xx...
KRISTINE L. POLACEK, xx...
TODD D. POLDERMAN, xx...
MARC A. POLLOCK, xx...
DAVID E. POPELKA, xx...
RAYMOND T. POWELL, xx...
DARIN L. POWERS, xx...
THOMAS M. PRATT, xx...
ROBERT F. PREMO, xx...
JEFFREY W. PROWSE, xx...
RODNEY G. QUIGLEY, xx...
MATTHEW P. QUINN, xx...
RUSS C. RAINES, xx...
MARK A. RAMIREZ, xx...
MARTIN M. RANDALL, xx...
MICHAEL J. RANKIN-GOSHIE, xx...
STEPHEN E. REDIFER, xx...
THOMAS J. REED III, xx...
ANDREW D. REEVES, xx...
ANDREW M. REGAN, xx...
NOREEN M. REGAN, xx...
SEAN M. REGAN, xx...
MICHAEL T. REILLY, xx...
ROBERT A. RENARD, xx...
JEFFREY N. REVELS, xx...
CAYILL G. RICE, xx...
SCOTT T. RICE, xx...
CHAD M. RICHARDS, xx...
DAVID E. RICHARDS, xx...
DONALD B. RICHWINE JR, xx...
MARK F. RIEDY, xx...
BRIAN J. RILEY, xx...
JEFFREY R. RILEY, xx...
ERIC L. RINE, xx...
PAUL L. ROBINSON JR, xx...
ADOLFO R. RODRIQUEZ JR, xx...
SCOTT E. ROGERS, xx...
PATRICK T. ROHAN, xx...
MICHAEL P. ROHLFS JR, xx...
BRENT A. RONNING, xx...
TOMMY L. ROSS, xx...
SHANE L. ROSSOW, xx...
WILLIAM B. ROTHWELL, xx...
DAVID W. ROWE, xx...
CHRISTIAN W. RUCK, xx...
JAMES B. RUNYON, xx...
KEVIN G. RUPY, xx...
JAY A. RUTTER, xx...
JEROME J. RYAN, xx...
MICHAEL S. SAILER, xx...
MICHAEL E. SAMPLES, xx...
STEPHEN J. SANFORD, xx...
THOMAS J. SANZI, xx...
DALE F. SARAN, xx...
STEPHEN C. SCARFE JR, xx...
MIKE P. SCARFF, xx...
ERIC W. SCHAEFER, xx...
ROBERT J. SCHAFFER III, xx...
JEFFERY L. SCHMITZ, xx...
JASON W. SCHMOYER, xx...
STEVEN A. SCHNEIDER, xx...
CHRISTOPHER W. SCHOLLAERT, xx...
JAMES P. SCHULTZE, xx...
JOHN P. SCHWARZ, xx...
OLIN J. SEAGO, xx...
JOSEPH W. SEARS, xx...
CHRIS SEIPLE, xx...
JASPER W. SENTER III, xx...
RONALD S. SEYMORE, xx...
DAVID P. SHEEHAN, xx...
DANIEL P. SHEILS, xx...
FRANK T. SHELTON, xx...
MICHAEL A. SHOUP, xx...
MICHAEL B. SHULTS, xx...
MARK A. SHUSTER, xx...
JOHN T. SICKAFOOSE, xx...
MATTHEW M. SIEBER, xx...
STEVEN A. SIMMONS, xx...
DAVID J. SINGLETON JR, xx...
JOHN B. SKINNER, xx...
ANTHONY Y. SLICK, xx...
CHRISTEL M. SLOAN, xx...
DONALD M. SMITH, xx...
KONLEY L. SMITH, xx...
MARK F. SMITH, xx...
MICHAEL P. SMITH, xx...
THOMAS D. SMITH, xx...
JEFFREY C. SMITHERMAN, xx...
CHRISTINE C. SNYDER, xx...
MIKE D. SNYDER, xx...
MICHAEL SODANO, xx...
WALTER C. SOPP, xx...
DANIEL U. SPANO, xx...
JAMES T. SPARLING, xx...
STEVEN C. SPARLING, xx...
TRENT G. SPRIGGS, xx...
TIM R. SPRINGER, xx...
RONALD P. SPRINGSTON JR, xx...
DAVID L. SPRINKLE, xx...
MARK G. STAINBROOK, xx...
ANDRE L. STANDBACK, xx...
PATRICK A. STEFANEK, xx...
MARTIN C. STEIMLE, xx...
BRYAN J. STEWART, xx...
MICHAEL D. STOVER, xx...
GRAIG H. STREETER, xx...
RICHARD K. STRYKER JR, xx...
JOHN R. STUMMER, xx...
DANIEL M. SULLIVAN, xx...
SCOTT D. SUTTON, xx...
TRAVIS L. SUTTON, xx...
PATRICK D. SWEENEY, xx...
SEAN P. SWEENEY, xx...
JOHN J. SZCZYPINSKI, xx...
KEVIN K. TAKABAYASHI, xx...
DAVID S. TALLANT, xx...
JASON B. TANNER, xx...
DANIEL W. TEMPLE, xx...
ERIC K. TERASHIMA, xx...
ANTHONY P. TERLIZZI JR, xx...
CHRISTOPHER C. THIBODEAUX, xx...
MATTHEW F. THOMAS, xx...
GEORGE J. THOMAS III, xx...
GEORGE M. THOMPSON III, xx...
TRAVIS R. TIBBETTS, xx...
MICHAEL E. TIDDY, xx...
MARK E. TINGLE, xx...
WILLIAM A. TOOTLE, xx...
GREGORY P. TORGERSEN, xx...
JOHN D. TORONTO, xx...
MARK E. TRACY, xx...
MICHAEL P. TRAHAR, xx...
ALPHONSO TRIMBLE, xx...
MATTHEW G. TROLLINGER, xx...
WILLIAM J. TRUAX JR, xx...
MICHELLE L. TRUSSO, xx...
TIMOTHY E. TSCHIDA, xx...
PHILLIP W. TUCKER, xx...
THOMAS A. TUCKER, xx...
JEFFREY D. TUGGLE, xx...
KEVIN E. TUITE, xx...
MARC E. TUNSTALL, xx...
WILLIAM R. VANDERWERKER, xx...
JOHN A. VANMESSEL, xx...
REYNOLD O. VARNADO, xx...
JAMES P. VAUGHN, xx...
JOSEPH J. VIAVATTINE, xx...
ROBERT M. VILLALOBOS, xx...
MATHEW S. VLASAK, xx...
GARY L. VOLLMER JR, xx...
ERIC C. VOUGHT, xx...
THOMAS WACHNICKI JR, xx...
DAVID E. WAGNER, xx...
TYE R. WALLACE, xx...
DANIEL K. WARD, xx...
MICHAEL H. WARD, xx...
MARK R. WARNER, xx...
NOEL W. WASSON, xx...
MICHAEL E. WATKINS, xx...
BENJAMIN T. WATSON, xx...
JAMES M. WATSON, xx...

JONATHAN T. WATSON, xx...
JAMES R. WEBB JR, xx...
JEFFREY M. WEBER, xx...
DENNIS D. WELCH, xx...
DONALD J. WELLS, xx...
DAVID S. WEST, xx...
OWEN O. WEST, xx...
PAUL G. WESTERMEYER, xx...
CODY M. WESTON, xx...
CATHERINE A. WHELEN, xx...
DANIEL F. WHITE II, xx...
JONATHAN D. WHITTLES, xx...
CRAIG A. WICK, xx...
BRIAN L. WIDDOWSON, xx...
JAMES R. WILBANK, xx...
BRIAN K. WILLIAMS, xx...
ROBERT A. WILLIAMS, xx...
ROBERT L. WILLIAMS, xx...
STEPHEN C. WILLIAMS, xx...
JAMES M. WILLIAMS JR, xx...
MICHAEL E. WILLIAMS JR, xx...
SCOTT E. WILSON, xx...
ERIC S. WISE, xx...
EUGENE P. WITTKOFF, xx...
DONALD A. WOELTJEN JR, xx...
STEVEN W. WOFFORD, xx...
JAMES K. WOLF, xx...
DUFFY H. WOODFORD, xx...
JOSEPH A. WOODWARD, xx...
PAUL A. WOODY, xx...
JAMES M. WRIGHT, xx...
MICHAEL P. WYLIE, xx...
WILLIAMS W. YATES, xx...
KAY C. YINGER, xx...
DEAN M. YOUNG, xx...
RDEAN YOUNG, xx...
JEANNE E. ZACCHEA, xx...
MICHAEL J. ZACCHEA, x...
BRIAN J. ZACHERL, xx...
RUSSELL T. ZINK, xx...
JODI L. ZUCHOWSKI, xx...

THE FOLLOWING NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U. S. CODE, SECTION 531:

DAVID C. ALTENBURG, xx...
IRMA E. ALVAREZ, xx...
JOHN D. AMSDEN, xx...
JOHN R. ANTONAVICH, xx...
ALAN J. ARCENEAUX, xx...
ADAM G. ARNETT, xx...
DAVID R. BALDWIN, xx...
CHRISTOPHER P. BAUSCH, xx...
ARNOLD M. BLUMENTHAL, xx...
GREGORY L. BOLL, xx...
PATRICIA M. BORDERS, xx...
JAMES L. BREASETTE, xx...
ANDREW E. BRIDGES, xx...
LLOYD P. BROWN, xx...
MICHAEL J. BROWN, xx...
PETER J. BROWN, xx...
JOHN H. CANE, xx...
KENNETH K. CARPENTER, xx...
WANDA D. CHANDLER, xx...
DAVID A. CHILCOTT, xx...
VINCENT D. CIRELLI, xx...
MICHAEL A. CLARK, xx...
DARIN M. CLAY, xx...
TODD J. CLOUTIER, xx...
RANDALL J. COLSON, xx...
ROGER L. CONRAD, xx...
CHARLES R. COWELL, xx...
TODD S. DESGROSSEILLIERS, xx...
MICHAEL B. DICKEY, xx...
ROBERT M. DIFFENAUER, xx...
BRIAN T. DOLAN, xx...
KENNETH E. DOYLE, xx...
DAVID W. EILAND, xx...
JAMES E. ELLSESSER, xx...
ELWOOD C. EZZELL, xx...
JOHN R. FLATTER, xx...
ERIC B. GARRETTY, xx...
PETER L. GILLIS, xx...
STEVEN D. GREGORY, xx...
WILLIAM C. GRIGONIS, xx...
BRIAN E. HALL, xx...
LESTER W. HALL, xx...
PATRICK K. HARDESTY, xx...
DAN C. HENRY, xx...
DAVID P. HENSLEY, xx...
DAVID D. HINSPATER, xx...
GREGORY P. HOLD, xx...
MARC HUCKABONE, xx...
TODD M. HUNT, xx...
ANDREW JENKINS, xx...
PATRICIA JOHNSON, xx...
MARION D. JONES, xx...
CHRISTOPHER J. KATZ, xx...
DARRYL P. KORYNTA, xx...
LORRIE K. KOVACS, xx...
WALTER W. KULAKOWSKI, xx...
CRAIG P. LAMBERT, xx...
ANDRE H. LEBLANC, xx...
RODNEY LEGOWSKI, xx...
DIANE L. LIEN, xx...
RICHARD C. LYKINS, xx...
STEPHEN J. MACKLIN, xx...
CRAIG H. MARTELLE, xx...
MICHAEL R. MARTINEZ, xx...
ROBERT D. MCGUIRE, xx...
BACILIO MERCADO JR, xx...
PETER J. MITCHELL, xx...
CHARLES A. MOCK, xx...
JUAN M. MORALES III, xx...
ROBERT J. NASH, xx...
KURT S. OSUCH, xx...
HOWARD F. OVERDYK, xx...
DAVID L. PARKS JR, xx...
MORGAN M. POLK, xx...
LESLIE M. PRIOR, xx...
MICHAEL S. REED, xx...
STEPHEN C. ROBBINS, xx...
PETER A. ROWTON, xx...
ALEXANDER J. SARANT, xx...
JOHN B. SCHAMEL III, xx...
SAMUEL R. SCHMIDT, xx...
JEFFERY T. SCHWAGER, xx...
KEITH E. SHAFFER, xx...
PETER J. SHELBY, xx...
MATTHEW H. SHIRLEY, xx...
TY A. SIMMONS, xx...
DAVID L. STEELE, xx...
THEODORE M. STRYCHARZ, xx...
KIMBERLY A. TERRY, xx...
KENNETH J. TODD, xx...
TODD S. TOMKO, xx...
DANIEL TREVINO, xx...
DAVID B. TURCOTTE, xx...
JOHN D. VELA, xx...
EDWARD J. VICKNAIR, xx...
COLLEEN L. VIGIL, xx...
MICHAEL R. VILLANDRE, xx...
WILLIAM H. VIVIAN, xx...
RANDY G. WALKER, xx...
MARK F. WALKNER, xx...
DAVID A. WALL, xx...
WILLIAM M. WEBBER, xx...
TIMOTHY S. WEBER, xx...
JAMES P. WEST, xx...
ROBERT L. WINCHESTER, xx...
PHILLIP A. WOODLEY, xx...
TEAGAN J. YONASH, xx...
JAMES F. ZAGRZEBSKI, xx...

IN THE NAVY

THE FOLLOWING NAMED NAVAL ACADEMY MIDSHIPMEN TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY MIDSHIPMEN

To be ensign; permanent

WARREN ROBERT ABEL, JR
CHRISTOPHER JAMES ADAMS
JASON GRAY ADKINSON
ROBERT HAROLD AESCHBACH, JR
MICHAEL DAVID ALESI
FRED JULIUS ALEXANDER, III
LEROY ALICEA
THOMAS ROBERT ALLBEE
FRANKLIN LEROY ALLEN
SHERYL LYNN AMES
STEPHEN JOHN AMIAGA
EDWARD LEO ANDERSON
ERIC JOHN ANDERSON
KENT HARDEN ANDERSON
WILLIAM SCOTT ANDERSON
ANTHONY JAMES ANGLIN
MICHAEL ERESTAIN ARAOJO
THOMAS WILLIAM ARBAUGH
GREGORY CLARK ARCHBOLD
BRIAN JOHN ARK
VONDA MONIQUE ARMSTRONG
LOUIS WAYNE ARNY, IV
DAVID ALEXANDER ARTETA
LAWRENCE J. ARTMAN
DEAN BYRD LEE ASHER
MONTY GERALD ASHLIMAN, JR
FRANCIS XAVIER ASPER
SUZANNE MARIE AUTRY
JON MORGAN AYTES
MICHAEL GLENN BADORF
DONALD EUGENE BAIN, III
MICHELLE RENEE BAKER
HERBERT EDWARD BALL, III
JAMES Q. BALL, JR
MATTHEW HOYLE BANKS
RANDALL CHARLES BANKS
VALERIE BANKS
CARROLL WESLEY BANNISTER
BRYAN MATTHEW BAQUER
MANUEL BARBA, JR
TIMOTHY CHARLES BARKDOLL
KARON RENEE BARKER
JEFFREY TAYLOR BARNABY
DWIGHT EDWARD BARNETT
JAMES RICHARDSON BARNEY
JOHN ALBERT BARNOCKY, JR
JAMES ANTHONY BARTELLONI
AARON CALL BARTLETT
PAUL MICHAEL BASILE
JOHN LOUIS BASTIEN
KENNETH DAVID BATES
CHRISTINE NOELLE BATH
MARK WILLIAM BAUERMEISTER
CHARLES TRAVIS BEAL
MARK EDWARD BEATTY
ROBERT EDWARD BEAUCHAMP
PAUL ALEXANDER BECKLEY
PHILIP JAMES BECKMAN
ROBERT MARKEY BEER
MARK DOUGLAS BEHNING
SABRINA SUSAN BELL
FRANK REGIS BENDIK, JR
SCOTT FRANCIS BENEDICT
CHARLES EDWARD BERGER
BRODERICK VANBUREN BERKHOUT
MICHAEL WILLIAM BERNHARD
MATTHEW JOSEPH BERRA
LEWIS PARKS BERRY
JOSEPH ANTHONY BERTOLDI, III
RAYMOND ALFRED BERZINS
KURT WILLIAM BEYER
MICHAEL KENNETH BICE
RAYMOND WARD BICHARD
MICHAEL ALLAN BIDUS
VICTOR PERRY BINDI, III
DANIEL JAMES BISHOP
FRANCIS MCKINLEY BLACKBURN
DAVID BURGESS BLACKMAN
JOSEPH EDWARD BLACKSTONE
BRADFORD ALTON BLACKWELDER
JOHN HOWARD BLALOCK, JR
JEFFREY EDCHER BLANKENSHIP
STEPHEN EMANUEL BOALS
THOMAS PATRICK BOGAN
WILLIAM BRADLEY BOGAN
DAVID ERICH BOGNER
ROBERT MICHAEL BOHANEK
RICHARD SCOTT BONNEY
JAMES LEWIS BOSWELL, II
DAVID WILLIAM BOUKNIGHT
DONALD ROBERT BOURASSA
ADAM KENNEDY BOVSHOW
MELISSA MARIE BOWERS
LISA MARIA BOZZELLI
TERRY LYNN BRADFORD
DAVID ROSS BRADLEY
JAMES OTIS BRADLEY
CHARLES JOSEPH BRADY, III
JOHN J. BRADY, JR
KEITH ALLEN BRANNER
ALFRED WOOLSLEYER BREED
ROY ALAAN BRILLANTE
MARK THOMAS BRINKMAN
STEVEN VERNON BROCK
AARON MATTHEW BROSNAN
LOUIS EDWARD BROWN
RODNEY TYRON BROWN
PUTNAM HUNTINGTON BROWNE
GARY MADISON BRUCE
ERIC PAUL BRUMWELL
DANIEL JAMES BRUNK
DANIEL WAYNE BRYAN, II
DAVID ANDREW BRYSON
DAVID CONRAD BUCHER
JANELLE KAY BUCK
CATHERYNE MAE BUCKHOLTZ
JENNIFER MARIE BUENVIAJE
THOMAS GERRY BUFKIN
WILLIAM ANTHONY BULIS
ROBERT EUGENE BUNGER
ANDREW DAVID ALAN BURDEN
MARK ALAN BURGESS
TIMOTHY HAMPTON BURGESS
SARA TERESA BURKE
JAMES CHARLES BURMEISTER
JOHN FRANCIS BURNS
MICHAEL LENARD BURNS
JASON BRADLEY BURROWS
TIMOTHY SULLIVAN BUSH
WILLIAM SAMUEL BUSHNELL, JR
JAY ANDERSON BUTKA
JOHN EDWARD BYINGTON
MICHAEL ANDREW BYRD
CHRISTIAN GOLD CABANISS
AARON MICHAEL CADENA
MATTHEW GANTT CALDWELL
TIMOTHY MICHAEL CALLAHAN
THOMAS WILLIAM CALLANDER
THOMAS MACMURRAY CALLENDER, IV
JOHN RICHARD CALVERT, JR
ROBERT ALLEN CAMERON
NICOLO RUSSELL CANDELA
EUGENE CRAIG CANFIELD
PAUL ANDREW CANNON
ROBERT GLENN CANNON
TODD ERIC CARLSON
JON ROBERT CARRIGLITTO
JAMES ALEXANDER CARROLL
MARK CHRISTOPHER CARROLL
JASON MARTIN CARTER
JAMES PETER CARTWRIGHT, II
VICTOR CHARLES CARUSO
LOUIS ANTHONY CARVALHO
CHARLES ALAN CARVER
SHAWN CHRISTOPHER CASH
FRANCIS XAVIER CASTELLANO, III
BILLY WINDSOR CASTLEBERRY
BRIAN WOODBURN CAVANAUGH
KENNETH CARL CAVES
MICHAEL CELIS
JOSE CERVANTES
TIMOTHY MORROW CHAIN
ANNE LYNNE CHAPMAN
PETER ANDREW CHARLES
WILLIAM EUGENE CHASE, III
MARK BRANNON CHENOWETH
JOHN PAUL CHIMENTI
JOHN JEASHIN CHOI
MICHAEL LEE CHRIST
JENNIFER LEAH CHRISTEN
KENT TALMA CHURCHILL
JOHN DAVISON CIELO
DORANEA LATICE CLARK
KENNETH AVERY CLARK
TERENCE LEE CLARK
PETER JOHN CLARKE
WILBURN A. CLARKE
DAVID FREDERICK CLIPSHAM
GREGORY MICHAEL COLANDREA
DAVID GLEN COLEGROVE
NORMAN GUSTAVO CONCHA
JEROME DAVID CONNER
JULIE RAE CONNOR
JAMES MICHAEL CONWAY
ANDREW HILLS COOK
DANIEL ROGER COOK
MICHAEL GORDON COONAN
MATTHEW HENRY COOPER
WALTER AUGUST COPPEANS, III
DUANE DAVID CORDREY
ADRIANNE CLARE COSBY
PAUL STEPHEN COTTER, JR
RYAN LAMOND COUGHLIN
RAYMOND LEO COURNOYER, JR
PETER THOMAS COURTNEY
NEIL BRUCE COVINGTON
JOACHIM PAUL COX
JOHN C. COYNE
FREDERICK GRIFFITH CRABTREE
NELSON DANIEL CRAIG
CHRISTOPHER ELLIOTT CRANE
MARK ALLEN CREASEY
THOMAS ANTHONY CREEK
DEREK MATTHEW CRIBLEY
SPENCER JAY CRISPELL
NEIL VINCENT CUCUZZELLA
MARTIN WENDELL CULBRETH
SHAWN THOMAS CULLEN
CHRISTOPHER JOHN CULVER
JEFFREY JOHN CZEREWKO
JOSEPH CZOPEK
RHODERICK GAMBOA DACANAY
KATHRYN ELIZABETH DAILEY
DONALD ANTHONY DANDREA, JR
STACEY W. DANNENBERG
JOSEPH RONALD DARLAK
KERSAS JAMSHED DASTUR
JOSEPH WILLIAM DAUGHERTY
KEITH BENTLY DAVIDS
SCOTT THOMAS DAVIDS
CRAIG T. DAVIDSON
JOEL TODD DAVIDSON
RONALD KEITH DAVIS
JOHN MARTIN DAZIENS, JR
MARK WILLIAM DEETS
CHRISTIAN FREDERICK DEFRIES, III
JAMES HENRY DELANEY, JR
ERNESTO M. DELARIVAHERRERA
GEORGE JOHN DENNIS
THOMAS WILLIAM DENT, JR
MICHAEL KENNETH DEVAUX
ANDREAS JOSEF DEVINE
EDWARD WILLIAM DEVINNEY, II
EDWARD TIMOTHY DEWALD

NICHOLAS JOSEPH DIENNA
SCOTT CHRISTOPHER DIMELER
CHRISTOPHER JON DIRKS
JOHN ALLEN DISSINGER
THOMAS CHRISTOPHER DISY
MARK WAYNE DIXON
KELLY GEORGE DOBSON
LEONARD CY DOLLAGA
JOHN OLIVER DONELAN, JR
JOHN WILLIAM DONNELLY
MARK VINCENT DONOHUE
JOHN FRANCIS DORAN
DAVID HADEN DORTON, III
TODD ANTHONY DOUGLAS
JOHN SHEA DOWNEY
JEFFERY NORMAN DRAKE
JONATHAN DWIGHT DREWS
JOHN JOSEPH DRISCOLL, JR
RICHARD JOHN DROMERHAUSER
DAVID ANDREW DUFF
KELLY LUE DUNCAN
PATRICK MCBRIDE DUNGAN
EVERETT WILLIAM DUNNICK
DEAN ANTHONY EBERT
RICHARD ALLEN ECKLES, II
ROBERT LAMOND EDWARDS
PETER BRADBURY EGAN
KURT WILSON EGLSEDER
DONALD EMMET ELAM
MATTHEW HOYT ELLIS
GERALD L. ELLSWORTH
DANA ALAN EMERSON
VAN LEWIS EMERY
CHRISTOPHER MARK ENGDAHL
JAIME WARREN ENGDAHL
KEITH CAMPBELL ERDMAN
GREGORY BREWER EYTCHISON
JOEL DAVID FANTZ
ERIC CARTER FEAGLER
THOMAS PETER FEDDO
PAUL FEDUCHAK
TIMOTHY JOHN FELDHAUSEN
ROBERT ANTHONY FERRANTE, JR
BRIAN SCOTT FILLER
MARIA KATHLEEN FILONCZUK
MARK JOSEPH FIORI
JOHN HAYES FISCHBACH
BRIAN JOSEPH FITZELL
JOHN STEPHEN FITZPATRICK
KARA CHRISTIE FLATLEY
PATRICK DONALD FLOOD
MICHAEL O. FLORENCE
JOSE RODOLFO FLORES
KEVIN ROBERT FLYNN
DAVID HENRY FOGLESONG
JEFFERY PAUL FOLTZ
DAVID FONG
JAMES WALDRIP FORRESTER, JR
MICHAEL PAUL FORSTER
CRAIG MICHAEL FOSTER
JAMES THOMAS FOSTER
KIMBERLY MICHELE FOWLER
JAMES FREDRIC FOX
VINCENT EUGENE FRAGOMENE
JOHN BRIAN FRANKHOUSER
GEORGE FREDERICK FRANZ
DEREK PEDRO FRASZ
PAIGE LEIGH FRAUGHNAUGH
DARRIN JEROME FRAZIER
NORMAN JOHN FREEBECK
WESLEY ALAN FREEMAN
BRIAN LEE FRILEY
TERRENCE JOHN FRITZ
DANIEL LEE FROST
CHRISTINA ERIKA FRUEH
ROBERT LYNN FRYE
JULIUS ALFRED FUCHS
TRACEY ANN FUCHS
JANET SUE FULLER
DARON DURYEA FULLWOOD
MICHAEL JOHN GABRIEL, JR
TYSON JAMES GALLANDER
PETER GERARD GALLUCH
TIMOTHY LARRY GAMACHE
RAUL OCTAVIO GANDARA
JOSEPH RICHARD GANNON
ALEJANDRO JOSE GARCIA
JOSEPH LLEWLLYN GARDINER, III
ANDREW SCOTT GARNER
JAMES RANDALL GARNER
WALTER GLOVER GARNER, III
ROBERT TODD GARRETSON
BRIAN MATTHEW GARRISON
WILLIAM PATRICK GARRITY, JR
JOHN EVAN GATEWOOD
ANDREW BRENDON GENTRY
KENNETH DALE GEORGI
EDWARD GERARD GERNAT
THOMAS RICHARD GESELL
JOSEPH MICHAEL GIACOBBE
ARTHUR GIBB, III
MARK STEVEN GILBERT
MICHAEL WILLIAM GILES
DONALD HOPPER GILL, III
JEFFREY SCOTT GILL
NICOLE MARIE GILLESPIE
GREGORY GARY GILLETTE
ROBERT AUSTIN GILLETTE
CHARLES ROYCE GILLUM, JR
MARK STEPHEN GILMORE
WALTER HILL GLENN, JR
WALTER LEWIS GLENN
JONATHAN SCOTT GLENNON
MICHAEL WILLIAM GOCHIS
MARK SHAW GODFREY
RAYMOND DEAN GODSIL, III
JOSEPH DAVID GOMBAS
CHARLES PRESTON GOOD
DANIEL LAWRENCE GORDILLO
MICHAEL DAVIS GORDON
RONALD PAUL GORMAN, JR
ERICK BRANDON GOSS
GERALD C. GRAHAM
GENE ANTHONY GRANADOS
THOMAS EDWARD GRATTAN, III
GEORGE ROWLAND GRAVES
BRIAN SCOTT GRAY
ROBERT ALAN GREEN
JAMES MICHAEL GREENE
BRENT ROBERT GREGORY
JEFFREY MARTIN GRIMES
GEOFFREY MARTIN GRINDELAND
CHRISTOPHER EDWIN GRONBECH
WILLIAM JOSEPH GUARINI, JR
SAM KHODADAD GUERTIN
JOSEPH EDWARD GUGLUIZZA
JOHN A. GUILIANO
DARRIN SHAUN GUILLORY
RICHARD J. GURDAK
DEIRDRE VICTORIA GUTIERREZ
HUGO CESAR GUTIERREZ, JR
MATTHEW MELECIO GUTIERREZ
VINCENT GUTOSKY
HENRY LEE GUY, JR
DAVID WILLIAMS HAAS
RICHARD JOSEPH HABERLIN, JR
JOHN ALDEN HAGA
RICHARD STUART HAGER
WILLIAM CHRISTOPHER HAGGERTY
MERLE KELIIOLONO HAGMANN
CRAIG GAVIN HALDER
ROBERT FREDERICK HALL
HARRIS BANKS HALVERSON, II
LARRY MAURICE HALVORSEN
TRYGVE ERIK HAMMER
JENNIFER ANN HAMPSON
JAMES LEE HANCOCK
KELLY LEE HANSEN
ROBERT WILLIAM HANSEN, II
KEITH EDWARD HANZEL
GERALD BRENDAN HARAN, JR
JOHN VICTOR HARDAWAY
MICHAEL HOUSTON HARMON
JOHN CHARLES HARTMAN
EILEEN LILY HASKINS
TODD BENTON HASTIE
DAVID ALLEN HAWKINS
KEVIN RICHARD HAWKO
EDWARD BROOKS HAYNES
BERT RICHARD HAYS, JR
DAVID DARIN HEBERT
JOHN HOWARD HEDGER, JR
TIMOTHY MICHAEL HENDERSON
TONYA LYNN HENDERSON
MICHAEL DOUGLAS HENDRICKSON
MICHAEL JOHN HERGER
PETER ELDON HERINGER
JOSEPH GERARD HERLIHY
CHRISTOPHER ALAN HERRING
MARK ANTHONY HERRINGTON
WILLIS EUGENE HERWEYER
DOUGLAS I. HEWITT
JEFFREY WILLIAM HICKOX
GERALD JAMES HIGHBERGER
KARL EDWARD HINES
LYLE EDWARD HOAG
KENNETH EDWARD HOBMANN
AIMEE KATHLEEN HODGES
THOMAS WILLIAM HOFER
MARK ALLEN HOFF
ERIC ROBERT HOFMEISTER
PATRICK JOSEPH HOGAN
DAVID PAUL HOLAHAN
KERRY JOHN HOLLENBECK
CRAIG ALAN HOLTSLANDER
CARTER LEE HONESTY
GLENN MICHAEL HOPSON
SCOTT MICHAEL HORAN
GREGORY DONALD HOULDSON
LAEL LENORE HOUSE
MARK ARLEN HOUSE
HUGH WYMAN HOWARD, III
BRIAN ALAN HOYT
HUGH JOSEPH HUCK, III
MICHAEL PATRICK HUCK
JAMES WILLARD HUDSON
BRIAN DAVID HUEY
BARBARA SCOTT HUNDLEY
ADAM LOCKLIN HUNT
MARK MATTHEW HUNT
ROBERT JACKSON HUNT
GEORGE KENNETH HUNTER
EYO EYO ITA
BURCHARD CORY JACKSON
JOHN FRANCIS GERAR JACKSON
TROY SCOTT JACKSON
MICHAEL PIERRE JACOBS
CONSTANCE CAROLL JAMES
JAY TODD JAMISON
ROBERT F. JARDELEZA
KARL ERIK JENSEN
MICHAEL LOUIS JENSEN
JEFFREY CARNEY JOCKEL
CHRISTY JOHNS
AARON L. JOHNSON
AARON TYRELL JOHNSON
JAMES OLIN JOHNSON
JON ALEXANDER JOHNSON
MARC DANYEL JOHNSON
TRAVIS ALLEN JOHNSON
FRANK ERIC JOHNSTON
STEPHEN DWAYNE JOHNSTON
JOHN WAYNE JONES
SIDNEY THOMAS JONES, III
WILLIAM CLENCY JONES
MARK CAMACK JORDAN
MICHAEL JUNGE
FREDERICK WILLIAM KACHER
STEPHANIE ELAINE KARASICK
MICHAEL EUGENE KARCZEWSKI
ANNE MARIE KATCHARIAN
HAROLD PAUL KATZ
DAVID LEE KAYEA
KELLY ANN KEEFE
BRIAN LEIGH KEITH
BRIAN RENE KEITH
ROBERT JOSEPH KELLER, JR
WHITNEY WREN KEMMEY
SEAN PATRICK KENT
JOSEPH SHAYNE KIEFER
KEVIN SCOTT KINGERY
JOSEPH WALTER KIRBY
MICHAEL JOSEPH KIRCHER
JAMES ADAM KIRK
LISA ANNE KIRKPATRICK
JOSHUA JOSEPH KITCHEN
LISA MARIE KLEINFIELD
MATTHEW PAUL KLEMISH
STEPHEN WILLIAM KLINE
HARVEY ROBERT KLYCE
EARL JENNINGS KNIGHT, III
GEORGE DOUGLAS KNIGHT, JR
JOHN ALAN KNIGHT
KENN MAR KNITTEL
KEITH ALLEN KNUTSEN
STEPHEN KOCH
STEPHEN KENDRICK KOLAKOWSKI
JAMES STEPHEN KOLLAR
MICHAEL ALLEN KOSTIUK
JOHN ROBERT KRACHT
PAMELA LORRAINE KRAHL
RONALD FREDERICK KRAMPS
PAUL STEVEN KRUSH
JEFFREY ROBERT KRUSLING
ANNE ALAINA KULBITSKI
JOHN GERALD KURTZ
MARK CHRISTOPHER KUSTRA
WILLIAM JOSEPH KUZMICK
ANTHONY ROBERT KYVELOS
PETER ARTHUR LANDAUER
GARY STEWART LARSON
DAVID MAURICE LAUDADIO
JEROME PATRICK LAVELY, JR
THOMAS ANDREW LAVERGHETTA
JAMES JOSEPH LAWLESS
CRAIG PHILLIP LAWS
TINA MARIE LAWSON
CHRIS KHOI LE
DENISE SUZANNE LEADHAM
HENRY LEE
JAMES H. LEE
JOSEPH JAMES LEE
JUN KYU LEE
KWAN LEE
SUSAN SEY YON LEE
KENT ANDREW LEKA
CHRIS MICHAEL LEMMINK
THOMAS JOSEPH LEONARD, JR
TIMOTHY GIRO LEONARD
DAVID ROY LERCH
DIANNE THERESA LEROUX
ANDREW JASON LEUNG
THOMAS HALL LEUTZINGER, JR
GLEN SEBASTIAN LEVERETTE, JR
ERIC MARTIN LEWIS
JAMES ARTHUR LEWIS
LLEWELLYN DAVID LEWIS
PATRICK JAMES LIBERASKI, JR
ROBERT MICHAEL LIEBE
MATTHEW W. LIGHTNER
STEPHEN EDWARD LISZEWSKI
ADAM CHRISTOPHER LOCHMANN
DORA UMEYO LOCKWOOD
ROBERT MORRIS LOCKWOOD, II
SAMUEL LORD, JR
CHRISTOPHER LEE LOVEJOY
DAVID E. LOWE
JOSEPH PATRICK LUCHTENBERG
BRADFORD THOMPSON LUKE
JEFFRIE ROBERT LUND
JOHN SYDNEY LUNGER
BRIAN MORGAN LUNN
DAVID JOHN MACDONALD
JOHN ARCHIBALD MACDONALD, JR
KELLY EUGENE MACKEY
STEVE ALEXANDER MACLAREN
KEVIN RICHARD MAGRANE
JAMES JOSEPH MAHER
MICHAEL ANTHONY MAIER
STEPHEN ERWIN MAJEWSKI
DAVID JAMES MAKOWICZ
MICHAEL MATTHEW MALLOY
SHAWN PATRICK MALONE
EUGENE JOHN MALVEAUX, JR
GREGG ANDREW MANAZIR
JAMES KIRK MANCHESTER
MICHAEL JAMES MANGIAPANE
WILLIAM GEORGE MANN
BENJAMIN LOUIS MANSOUR
DIANNA MARIA MANZONI
STEVEN JOSEPH MARINELLO
SEAN PATRICK MARKS
DAVID BRENT MARQUAND
LAWRENCE DEAN MARTIN
MICHAEL JOHN MARTINEZ
TODD ANDREW MAYFIELD
JERRY THOMAS MCAVOY, JR
THOMAS JOHN MCBRIDE
WESLEY RAY MCCALL
ERIC SCOTT MCCARTNEY
MICHAEL ALAN MCCARTNEY
JEFFREY WILLIAM MCCAULEY
TROY MICHAEL MCCLELLAND
RICHARD CURTIS MCCORMACK
RUSSELL STEVEN MCCORMACK
JOSEPH MICHAEL MCDONALD
COLLEEN MARIE MCFEELY
DOUGLAS ALLEN MCGOFF
KEVIN CARROLL MCGOFF
KEVIN J. MCGOVERN
KEVIN M. MCGOWAN
JOHN PATRICK MCGRATH
PATRICK RYAN MCGRATH
SEAN PATRICK MCHUGH
DAVID LAWRENCE MCINTYRE
WILLIAM CLAYTON MCKINNEY
BRENDAN REID MCLANE
MICHAEL MOORE MCMILLAN, JR
SUSAN ELIZABETH MEAD
HONORE BRIDGET MEALEY
MICHAEL DUFFY MEGEATH
ALEXANDER JOSEPH MEISSEL
ERIC LOUIS MERSCH
FRANZ DAVID MESSNER
MELISSA KAY METZ
CARLA MICHELLE MEYERS
JAMES ROBERT MIDKIFF
TIMOTHY JOHN MILLEN
GILBERT JAMES MILLER
HENRY ANTHONY MILLER
TROY DEAN MILLER
MARK RONALD MINEO
DALE ROBERT MINICH
ALLEN RAYMOND MINICK
KEVIN SCOTT MINTON
JEROLD CAMERINO MIRANDA
DAVID ANTHONY MITCHELL
JAMES MICHAEL MONACO
KEVIN C. MONAGHAN
CATHERINE ALICE MOODY
PAUL WADE MOODY
ALEXANDER BREVARD MOORE, III
MATTHEW GUY MOORE
MICHAEL RENICK MOORE
REBECCA ANNE MOORE
WILLIAM KENNETH MORENO
THOMAS MICHAEL MORIARTY
ANDREW MICHAEL MORRELL
WALTER JOSEPH MORRIS, III
DARREN VAN MORTON
CHRISTOPHER MOSAKEWICZ
WILLIAM BUTLER MUIR
KARIN ANN MULLANE
EDWARD DAVIS MURDOCK
JOSEPH CHARLES MURPHY
SCOTT MICHAEL MURRAY
ERNEST ROBERT MUSSEMAN, JR
JOHN BURTON MUSTIN
STEPHANIE ANN MYERS

JEFFREY JON NAGLESTAD
SANDRA LEE NAGY
PETE LEE NANNINI, JR
CHRISTOPHER CHARLES NARDONE
MICHAEL DANA NASH
BRANDON DAVID NEISIUS
CHRISTOPHER ROLFE NELLI
JAMES ALLEN NELSON
JOSEPH BRENDAN NELSON
DAVIDA YAVETTE NELUMS
VERNON EUGENE NEUENSCHWANDER
JAMES MAVERICK NEWSOME
RICHARD PATRICK NEWTON
SINTHI HAU NGUYEN
GREGORY RICHARD NICOLAY
KENNETH ANDREW NIEDERBERGER
MICHAEL DAVID NIEDERT
MICHAEL ANTHONY NIKOLICH
JOSE RICARDO NOBREGA
PAMELA DUVAL NOLTON

KERRY CORNEALIUS OBOYLE
JOHN MICHAEL OBRIEN
KEVIN EDWARD OBRIEN
MICHAEL TRACY OBRIEN
SHAWN PATRICK OBRIEN
ELOY OCHOA, JR
RICHARD FRANCIS OCONNELL, JR
JAMES SEIJIRO OGAWA
ANTHONY LEE OHL
STEVEN CHRIS OHMSTEDE
BRUCE EDWARD MARTIN OISTAD
PETER SVEN OLEP
AMY JO OLIVER
GREGORY GEORGE OLSON
JON RAYMOND OLSON
MARGARET THERESA ONEIL
DAVID MICHAEL ONEILL
CHRISTOPHER MARK ORTEGA
DONALD EDWARD OSBORN, JR
JASON CHRISTIAN OTT
RAYMOND BERNARD OTT
DUNCAN SHAW OWEN, III
GARY ROBERT OWENS

DAVID MICHAEL PADULA
JOSEPH CHARLES PALMISANO
JAMES ALFRED PALOMBO
VINCENT ROCCO PANELLA, JR
LEE JAMES PANTAS
BRIAN KELLINGTON PARK
CONRADO SANDOVAL PARKER
GREGORY JAMES PARKER
WAYNE ALLEN PARKER
SCOTT AUSTIN PARVIN
PERRY MUNOZ PASCUAL
LAURA JEAN PEARSON
SCOTT MICHAEL PEASE
TIMOTHY JOHN PEIFLEY

DONNA MARIE PENSABENE
DANIEL LEE PEPPER
DAVID GRANT PERRIN
DARIN EUGENE PERRINE
VERA MICHELE PERRY
MICHAEL ROBERT PERSCHE
ROBERT MICHAEL PERSONALE
MICHAEL JOHN PESTORIUS
AARON SCOTT PETERS
MICHAEL CRAIG PETERSON
TAWNYA JEAN PETRICK
MARK ANDREW PETROFF
JAMES SCOTT PFAUTZ
JONATHAN ROBERT PFIFFNER
CURTIS KIMBALL MILES PHILLIPS
SCOTT DAVID PHILLIPS
ALAN D. PHILPOTT
MICHAEL DAVID PIA
CHRISTOPHER LONDON PIERCE
ERIC ROBERT PIHL
JOSEPH POLANIN
MICHAEL ANTHONY POLIDORO
MATTHEW JOHN POLK
MATTHEW TODD POLK
BRYAN PAUL PONCE
DARYL KEITH POTTER
JOHN WARD POWELL
ROBERT VENKAT PRAGADA
CHARLES FRANK PRATT, III
MATTHEW SCOTT PREGMON
JOHN MICHAEL PRENDERGAST
ERIC KENT PRIME
THEODORE A. PRINCE
SCOTT M. PRINZ
ROBERT WILLIAM PRITCHARD
JOHN ARTHUR PROCTOR, III
MARK EDMUND PRYBELL
ROBERT SCOTT PRYCEJONES
JOSEPH PETER PUGH
MARTIN JOHN PULLEN
CHRISTOPHER JOHN QUIGLEY

JAMES DONALD RAAB, JR
DAVID E. RABY
HERBERT R. RACE, JR
RICHARD ANTHONY RADICE
SALVATORE PHILLIP RAFANELLO
WILLIAM EDWARD RANDALL
BARBARA LYNN RAPSON
RENEE LOUISE RASERA
VICTOR GRAHAM RASPA
GORDON KEITH RAY
JOSEPH PAUL REASON, JR
MAX ROLAND RECK, II
DOUGLAS EDWARD RECKAMP
CHARLES VINCENT RED, JR
FRANK HOWARD REDD, JR
JENNIFER UPTON REDMAN
LEONARD EDWARD REED
TIMOTHY RAY REHMEL
MICHAEL ROBERT REIN
BARON VAUGHN REINHOLD
WADE MARTIN REINTHALER
ARTHUR JOHN REISS
MICHAEL LEE RENEGAR
CURT ANTHONY RENSHAW
JEFFREY DONN RENWICK
GREGORY ANDREW REPPAR
ALAN JAMES REYES
RICHARD PAUL REYNOLDS, JR
HYO RHEE
DOUGLAS WILLIAM RHODES
MICHAEL ANTHONY RIFFICE
MARK ANTHONY RINAUDO
MITCHELL DEAN RIOS
LUKE SCOTT RITTER
EVAN SPENCER ROBBINS, III
RAYMOND JOSEPH ROBERTS
EUGENE ROBERT ROBERTSON
SEAN PATRICK ROBINSON
EVERETTE CHARLES ROCHON, JR
ELVIN ARIAS RODRIGUEZ
HECTOR LUIS RODRIGUEZ
BRENDAN PEARSALL ROGERS
JOHN GABRIEL ROMERO
RONALD CALANAYAN ROMERO
DAVID JOSEPH ROSENBLATT
SCOTT ALLEN ROZA
MICHAEL ROLF RUEHRING
WILLIAM ROBERT RUSS, II
STEVEN MICHAEL RUTHERFORD
LOUIS FRANKLIN RUTLEDGE
RICHARD JOSEPH RYAN

BENJAMIN CHRISTOPHER SALAZAR
CHRISTI LYNNE SALAZAR
JONATHAN LEE SALKOFF
ADRIEN SANCHEZ
THOMAS EUGENE SANCHEZ
DUANE ALLEN SAND
DAVID MICHAEL SANDERS
DAVID PATRICK SANDERS
MALACHY DENIS SANDIE
ANTONIO PADILLA SANJOSE, JR
CONRAD EDWARD SANVILLE
CARLOS ABEL SARDIELLO
DANIEL ERIK SAVAGE
HEIDI GOODHUE SAVAGE
GARY HOWARD SAVITT
LOUIS JOSEPH SCHAGER, JR
PHILIP MARC SCHEIPE
VINCENT PAUL SCHIAVONE
SCOTT BRYDEN SCHLEICHER
GREGORY JOHN SCHMEISER
KURT KARL SCHOEN
RICHARD ALAN SCHOENWIESNER
KENT RAYMOND SCHRADER
MARK GREGORY SCHRECKER
MONICA MARY SCHRODT
CINDY ANN SCHULTZ
GREGORY THOMAS SCHWAIGER
STEPHEN CRAIG SCHWARTZ
KIRBY JOSEPH SCOTT, IV
ROBERT RYAN SCOTT
WALTER JOHN SCOTT
THEODORE JOHN SCYPINSKI, JR
JOHN PAUL SEMBRAT
RAYMUNDO B. SEVIDAL
JOHN LOWE SEWELL
DAVID SCOTT SEYDLITZ
NICHOLAS TODD SHAFFER
GERARD KENNY SHANLEY
KELLOG COLE SHARP
LYLE JOHN WILLIAM SHAY
TYLER WILLIAM SHEPPERD
MICHAEL ALAN SHERMAN
MICHAEL LYNN SHIRER
STEPHEN ROBERT SILVA
EDWARD ANTHONY SIMILA
MATTHEW ELIOT SIMMS
BRET ROBERT SIMON
GEORGE KIRKOR SIMONIAN
CHARLES GREGORY SIMPSON
JAY ROBERT SINGER
ANNE BARBARA SLEMROD
LINDA SLOOTMAKER
TIMOTHY BROOKS SMEETON
ANDRE LERONE SMITH
BRIAN THOMAS SMITH
CARY GARNETT SMITH
JEFFREY WARREN SMITH
LYNNE MARIE SMITH
PETER JOSEPH SMITH
STANLEY SHANE SMITH
TIMOTHY BLAIR SMITH
WESLEY SCOTT SMITH
MARK TAYLOR SMITHERMAN
PETER JOEL SNYDER
ROBERT BURNELL SOPGE, JR
RONALDO ALBAN SOLOMON
SCOT PAUL SOMES
MARK WILLIAM SORTINO
STEPHEN ANTHONY SPAGNUOLO
ROBERT FARRELL SPANDAU
CHARLES MARTIN SPANGLER, JR
DEBORAH POTTER SPARKES
CHARLES CALVIN SPARKS, II
FREDERICA CAROLINE SPILMAN
TIMOTHY WARD SPITSER
DAVID MATTHEW SPRINGER
CLAY ALLEN STACKHOUSE
RICHARD MARK STACPOOLE
BRADLEY JASON STALEY
DAVID JOHN STAMM
MICHAEL ANDREW STANZEL
STEPHEN JOHN STARK
DOUGLAS ALAN STAUNTON
KEVIN LEE STECK
RICHARD BENJAMIN STEELE
MARCUS STAVROS STEFANOU
LEIF ERIC STEINBAUGH
MICHAEL JOHN STEVENS
GEORGE JEFFREY STEWART
JAMES GORDON STONEMAN
DAVID ALAN STOUWIE
JAMES DOUGLAS STOWE
CHRISTOPHER CARRINGTON STRAW
DAVID ALAN STREIGHT
MATTHEW MARTIN STROMBERG
ANDRE STROUD
RALPH EDWARD STUART
ANTHONY HOLLIS SUGALSKI
WILLIAM CHAPMAN SUGGS
DENNIS WALTER SULLIVAN
DOUGLAS PATRICK SULLIVAN
MARK SATOSHI SUMILE
RONALD JOSEPH SURFIELD
MICHAEL SWEENEY

ROBERT KENT TAKESUYE
JAMIE ALICE TANG
JAMES BRIAN TANNAHILL
BRYAN LEE TAUZER
STEVEN ALBERT TAZZA
DANIEL RAY TEJADA
KHOI E. TENNIES
JOSEPH FRANCIS TESTA, JR
DENNIS RUEBEN THOMAS
KENT FREDERICK THOMPSON
PAUL ARTHUR THOMPSON
ALISHA DIONNE THURMAN
DONNA LYNN THUROW
BRADLEY STEVEN TIDWELL
CHRISTOPHER PETROVIC TINIO
CHRISTOPHER ROAN TIPTON
JESSE VAUGHN TOMLINSON
THOMAS NEIL TOMSHECK, JR
DIEGO PAUL TORRES
RAYMOND MARIO TORTORELLI
STEPHEN MARK TRAFTON
QUOC BAO TRAN
TARA KATHLEEN TRAYNOR
TIMOTHY DEVON TROTTER
WILLIAM JOSEPH TUMULTY, II
DERRIC TODD TURNER
JAMES DAVID TURNER
KEVIN PATRICK TURNER
PHILIP HUGH TURNER
ROGER ROLAND ULLMAN, II
MICHAEL WILSON UMSTEAD
IAN UNDERHILL
MARY FRANCES UTLEY
PHILIP SCOTT VALENT
PAUL JOSEPH VALESKY
RICHARD ANDREW VANDEROSTYNE, II
KELLY RENEE VANDYKE
MICHELLE VANEXEL
JEFFREY PAUL VARANINI
MICHAEL SCOTT VARNEY
PETER GERARD VASELY
EFREM PAUL VENTERS
MICHAEL J. VERNAZZA
JAMES CORDAHL VESTEVICH
CHARLES HARRY VICKERS
CLARO WILLIAM VILLAREAL
MICHAEL VILLEGAS
PATRICK ALEXANDER VONZURMUEHLEN

JOHN FREDRIC WADE
WILLIAM CAPEHART WALKE, III
DOUGLAS HUGH WALKER
JOEL RANDOLPH WALKER
PATRICK JOHN WALKER
JEFFREY THARPE WALL
JEROME WALLACE, JR
MICHAEL ERNEST WALLIS
SCOTT RONALD WARD
MICHAEL ALLEN WARNER
ELIZABETH JEAN WARNICK
DAVID GEORGE WASSON, JR
ROBERT FRANCIS WATERS
MARK EDWARD WATKINS
ANTHONY DWAYNE WATSON
WILLIAM LEE WATSON
STUART GLEN WAUCHOPE
PAUL MARSHAL WEBBER
ROBERT LEONARD WEDOW
MARY KATHERINE WEGNER
GLENN RYAN WEINSTEIN
ROBERT D. WEISSENFELS
RICHARD JONATHAN WELLS
DEAN EDWARD WENCE
CHRISTOPHER KEITH WHEELER
JEFFREY PAUL WHETMAN
JAMES BENJAMIN WHITE, III
KYLE EVERETTE WHITE
WILLIAM SWEENEY WHITE
STACEY SCOTT WHITEHEAD
MARTIN LENEAL WHITFIELD
SAMUEL BRIAN WHITMAN
JEFFREY CLARK WIEMANN
ERIC SCOTT WIESE
CECILY ANASIA WILLIAMS
DEBORAH LYNN WILLIAMS
JEFFREY BRENT WILLIAMS
LAURA B. WILLIAMS
RACQUEL MARIE WILLIAMS
SAMUEL NOEL WILLIAMS
STEVEN DOUGLAS WILLIAMS
EDWARDO LEO WILSON
JEFFERY BRAD WILSON
MATTHEW JAMES WILSON
MICHAEL JOHN WILSON
TIMOTHY EUGENE WINAND
MARK EDWIN RIOS WINICK
ROBERT FRANCIS WOJCIK
JAMES JOSEPH WOLF
CLEMENT KWOK MAN WONG
LAURIE SUSAN WOOD
ROBERT SCOTT WOOD, JR
STEVEN JOHN WOOD
DEAN MILES WOODARD
MONTE PATRICK WOODPIN
MATTHEW ERNEST WOODS
EMMETT RANDOLPH WOOTTON, III
HAROLD THOMAS WORKMAN
TANYA RENEE WORTHY
BRYAN RAY WRIGHT
STEPHEN CHARLES YEAGER
LAWRENCE KAI YEH
GLENN OWEN YOUNG
JAMES AGNEW YOUNG
JAMES SEYMOUR YOUNG, JR
TOM ANDREW YOUNG
WARREN YU
HAROLD THOMAS ZABROWSKI
MARK THOMAS ZAUEL
EDWARD LEO ZAWISLAK
ERIC JOHN ZERPHY
ALLAN ZIEGLER
TOMAS ALGIRDAS ZIKAS
JOHN MILNER ZUZICH
STANLEY ANTHONY ZWOLINSKI

IN THE NAVY

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL RESERVE OFFICERS TRAINING CORPS, USN

To be ensign; permanent

CHRISTOPHER M. ABELL
SCOTT R. ABRAHAMSON
KEVIN L. ACHTERBERG
DAVID R. ACOSTA
DARRYL C. ADAMS
RANDALL K. ADCOCK
JEFFERY A. AFMAN
MIKE B. AGEE
KEVIN P. AHEARN
MICHAEL T. AHRENS
GLENN C. AJERO
JOHN C. ALBERGHINI
JOHN ALBERS
BRIAN N. ALBRO
JOSEPH A. ALCORN
ROBERT W. ALDER
SHANE T. ALEXANDER
BYRON P. ALIPIO
KEVIN E. ALLEN
DEAN C. ALLISON
ANTHONY L. ALLOU, III
DANIEL C. ALMER
KELLY L. ALMON
JAMES M. ALSANTE
RICHARD B. ALSOP
FABIO H. ALVAREZ
JEFFREY M. ALVES
JOHN Z. AMBROSE
JAMES A. AMERMAN
CARL T. AMODIO
SCARLET A. ANAUO
ERIC L. ANDALIS
CHRISTOPHER D. ANDERSON
GREGORY L. ANDERSON
RANDALL G. ANDERSON
THOMAS J. ANDERSON
JOSEPH C. ANDREATTI
ETHAN W. ANDREWS
ROSALIND V. ANDRUS
TODD E. ANGERHOFER
JASON L. ANSLEY
GARY W. APPLEBY
DONALD J. ARAGON
CHARLES A. ARMIN
ALAN D. ARMSTRONG
DAVID B. ARMSTRONG
RUSSELL M. ARNOLD
WILLIAM T. ARNOLD
STEPHEN E. ARRIOLA
STEVEN M. ARVANITAS
DAVID C. ASHER
CHRISTOPHER A. ASSELTA
PATRICK S. ATKINSON
CALVIN A. AUSTIN
ANTHONY H. AZURE

PAUL E. BACHMANN
MARK M. BAENZIGER
JEFFREY S. BAILEY
JOHN C. BAILEY
TIMOTHY C. BAILEY
JOHN M. BAILLIO
BRIAN P. BAJUK
EDWARD P. BALATON
DOUGLAS E. BALDWIN
STERLING D. BALDWIN
DAVID M. BALLINGER
JASON T. BALTIMORE
ROBERT BANKS
HARRY C. BARBER
DAVID R. BARKER
ERIC S. BARKER
JEFFREY L. BARKER
GREGORY S. BARLOW
CURTIS L. BARNES
MARIO BARNES
KIRK L. BARNEY
ERIC K. BARNHART
RICHARD W. BARNWELL, JR
JASON M. BARRETT
RICHARD J. BARTILOTTI
DENNIS E. BASARA
DONALD A. BASDEN
PAUL B. BASOLA
JOHN K. BAST
JOHN A. BASTIAN, IV
JEFFREY V. BATES
BRENT J. BAUER
GARTH A. BAULCH
JEFFREY A. BAUMGARTEN
BRADLEY D. BAXTER
FERDINAND B. BAYONA
RANDALL A. BAYUK
WILLIAM D. BEABER
RAYMOND E. BEAL
TIMOTHY D. BEARD, IV
ROBERT B. BEATTY
ROBERT C. BEAUMONT
SCOTT L. BECK
FREDERICK J. BECKER, III
VANCE A. BECKLUND
JAMES R. BEESON
DAVID M. BELL
PETER B. BELL
THOMAS W. BELL
TODD A. BELL
WESLEY G. BELL
CHRISTOPHER J. BELPASSO
GRADY A. BELYEU
BASILIO D. BENA
MARK R. BENDUL
JOHN L. BENN
CRAIG M. BENNETT
DAVID J. BENNETT
JOHN L. BENNETT
ROBERT C. BENNETT
WILLIAM P. BENTLEY
JOHN C. BENTZ
MARC K. BERGET
DAVID A. BERMINGHAM
RAYMOND D. BERMUDEZ
BRENDAN D. BERRY
EDWARD P. BERTRAND
FREMONT T. BESMER
LAURA M. BEST
ROBERT L. BETTIKER
CHRISTOPHER S. BETTIS
JAMES E. BEUTE
RICHARD E. BEVEVINO
JEFFREY H. BICE
JOHN W. BICKNELL
PETER J. BIERDEN
SCOTT W. BIGGERS
WILLIAM J. BILLINGSLEY
FREDERICK J. BINDEMAN, III
GARY G. BISHOP
TIM J. BISHOP
MICHAEL L. BIZJACK
BRYANT M. BLACK
DAVID T. BLACK
WILLIAM E. BLACK
BRIAN A. BLACKMON
RICHARD J. BLANCO
MARY D. BLANKENSHIP
WINN S. BLANTON
CHRISTOPHER T. BLEKICKI
GEORGE M. BLEYLE
ERIC F. BLIER, II
CARLTON R. BLOUNT
TREVOR A. BLOW
JERRY A. BLUNCK
RAYMOND C. BOARDMAN
THOMAS G. BOBOWSKI
BARBARA L. BOCK
TODD S. BOCKWOLDT
ROBERT W. BODVAKE
THOMAS P. BOEGEL
JASON Q. BOHM

ANDREW K. BOHNER
BRENT A. BOLGER
MICHAEL D. BONIN
STEVEN C. BORAZ
JAMES B. BORGERSON
JAMES E. BOSWELL
LEROY J. BOTTLEY, III
RONALD J. BOUCHER
JOSEPH D. BOURGEOIS
MARK A. BOVERI
WILLIAM J. BOWERS
KATHERINE L. BOWES
JEFFREY R. BOWLEY
DONALD L. BOWMAN
FRANK G. BOWMAN
JENNIFER A. BOWMAN
ROBERT N. BOWMAN, II
TIMOTHY A. BOYCE
MARK E. BOYDELL
CHARLES A. BOYEDOE
KEVIN P. BOYLE
STEVEN J. BRACKETT
JEFFREY J. BRADY
MICHAEL P. BRADY
MICHAEL J. BRAMER
TERRANCE A. BRAND
JAMES M. BRANDT
JOHN E. BRAUN
ANTHONY G. BREAULT
ROLF W. BREEN
SCOTT E. BREES
BRENT M. BREINING
KEVIN M. BRENNAN
MICHAEL A. BRESS
HAROLD D. BRIAN
MICHAEL J. BRICKER, I.
PRESTON C. BRIGGS
MICHAEL J. BRILL
PAUL H. BRILL
DANIEL M. BRINTZINGHOFFER
CARL P. BRODHUN
BRIDGET L. BROOKS
GARRETT C. BROOKS
ROBERT A. BROOKS, JR
MATTHEW J. BROTT
DOUGLAS A. BROWN, JR
JEFFREY C. BROWN
LARS T. BROWN
LINWOOD L. BROWN, III
ROBERT B. BROWN
WILLIAM A. BROWN
THOMAS R. BROWNE
TABORRI I. BRUHL
CORY E. BRUMFIELD
MARK A. BRUNNER
STEVEN A. BRUNSWICK
DANIEL H. BRYAN
MICHEAL L. BRYANT
EDWARD C. BRYNN
BRUCE J. BRYSACZ
GREGORY B. BUCK
MARK A. BUCK
MARK R. BULFORD
WILLIAM A. BULL
WILLIAM A. BULLARD, III
DARYL P. BUNKER
WILLLIAM E. BUNN
BRADLEY M. BURKE
RONALD P. BURKE
RAYMOND R. BURKEMPER
EDWARD B. BURKHALTER
BRET H. BURLEIGH
RONALD B. BURLEY
PAUL C. BURLINGAME
MICHAEL S. BURNETT
EDWIN J. BURNS
JOSEPH K. BURNS
KENNETH P. BURNS
RONALD J. BURNS
JOSEPH L. BURROUGHS
SCOTT P. BURROWS
ANGELO D. BURSTION
KEVIN M. BUSCHMANN
MATTHEW D. BUSICK
GLEN G. BUTLER
DEAN BUTTERWORTH
ANTHONY G. BUZBEE

PETER J. CAHILL
MICHAEL P. CALLAGHAN
MICHAEL F. CAMLET
CHRISTOPHER J. CAMP
ROGER J. CAMP
CRISWELL D. CAMPBELL
DAVID CAMPBELL
MATTHEW G. CAMPBELL
FERNANDO A. CANCEL, III
MATTHEW E. CANDY
KENNETH B. CANETE
REGINALD T. CANNON
BOBBY P. CARDER
REGINALDO CARIASO
FRANCIS W. CARLEY
JOHN D. CARLIN
CLINTON S. CARLSON
MORRIS D. CARR
DANIEL P. CARRIGG
THOMAS W. CARTER
SEAN W. CARTY
TRACY D. CARULLO
JOSE A. CASA
DANIEL P. CASEY
JEB T. CASEY
ERIC N. CASKEY
STEPHEN B. CASSEL
MICHAEL J. CASSIDY
ROLAND M. CASTRO
JEFFREY V. CAULK
MARK L. CAVALIERO
MICHAEL S. CAVALLARO
JOHN A. CAVAZOS
MICHAEL P. CAVIL
FRANK K. CERNEY
JASON M. CHABOT
CARLTON B. CHAMBERS, JR
JAMES E. CHAMBERS
RICHARD M. CHAMBERS, JR
SCOTT H. CHANEY
JOHN Y. CHANG
PATRICK K. CHARLES
RUBEN CHAVEZ
DANIEL J. CHISHOLM
PAUL T. CHISHOLM
THOMAS M. CHISUM
LYNN T. CHOW
SOUMEN CHOWDHURY
JAMES P. CHRISTENSEN
MARK C. CHRISTENSON
JOSEPH A. CHRISTOPHER
DALE CLARK
GREGORY A. CLARK
LISA R. CLARK
ROBERT J. CLARK
VINCENT T. CLARK
WILLIAM J. CLEMENTS
DONALD T. CLEWETT
MICHAEL CLIFFORD
SHAWN J. COAKLEY
DAVID N. COCKING
JEFFREY C. COLE
CHRISTINE R. COLLINS
RONALD D. COLLISON
EDWIN R. COLON, JR
HUGH F. COLVIN, JR
JEROME M. CONLEY
MICHAEL A. CONNER
BRIAN D. CONNON
SHANE B. CONRAD
KIRT A. CONROY
ERIK M. CONWAY
FRANK M. CONWAY
KENNETH B. COOK
TODD W. COOK
WILLIAM K. COOKE
RICK D. COOLER
JOHN F. COOMBS
SCOTT D. COOMBS
MATTHEW W. COON
MARIO A. COOPER
STEVEN J. COOPER
TRACEY A. COPPOLA
CHAD C. CORBETT
CHRISTOPHER M. CORGNATI
MICHAEL E. CORSEY
STEVEN H. CORSON
RUSSELL J. CORTAZZO, JR
BRIAN J. COSSABOOM
CAMERON M. COSTA
PETER R. COSTA
RICHARD S. COTE
JOHN M. COTTER, JR
TODD A. COUCH
MICHAEL R. COUGHLIN
SHANNON E. COULTER
JAMES W. COUNTS
GREGORY E. COUPE
STEVEN N. COURINGTON
STEVEN P. COUTE
PHILIP L. COYLE
ANDREW L. CRABB
MATTHEW R. CRABILL
MICHAEL D. CRAIG
THOMAS J. CREHAN
DENNIS R. CREWS
TIMOTHY S. CREWS
JEFFREY R. CRONIN
MICHAEL A. CROOK
GORDON A. CROSS
PAUL W. CROTTY
DAVID A. CROUNSE
WILLIAM L. CRUMP, III
ZANE A. CRUTCHFIELD
TIMOTHY M. CULLEN
GAVIN R. CUNNINGHAM
WILLIAM A. CURLEE, III
ROGER L. CURRY, JR
JENNIFER L. CURTIS
ROBERT D. CURTIS
BRADLEY D. CUTSINGER
ALESSANDRO E. DAGARO
DANIEL A. DAGLIO
WILLIAM A. DAHL
ROBIN A. DAHLIN
RONALD R. DAINS
PAUL C. DALLEMAGNE
PAUL H. DAMM
PAUL E. DAMPHOUSSE
CHRISTOPHER L. DANDREA
TIMOTHY L. DANIELS
JOHN E. DANIHER
DANIEL R. DAOUST
MICHAEL R. DARGEL
ANN M. DARGIE
WHITNEY C. DAVEY
JOHN C. DAVID
CHRISTOPHER S. DAVIS
DONALD J. DAVIS
JOE E. DAVIS, JR
KENNETH M. DAVIS
MICHAEL J. DAVIS
THOMAS J. DAVIS
JILL C. DAY
TRACY S. DAY
ROBERT B. DEARDORFF
ANTHONY C. DEAVILLE
DAN P. DEBONO
JOSEPH C. DEGRANDI
EDWARD P. DELAMATER
WILLIAM E. DELISIO
MICHAEL A. DELLISANT, JR
DAVID S. DELORENZO
PAUL J. DEMIERI
DAVID A. DEMOULPIED
PETER E. DENEERGAARD
DAVID L. DENNIS
JAMES E. DENNIS
TIMOTHY A. DERNBACH
DAVID J. DERR
TIMOTHY J. DESANTIS
CHARLES H. DESBORDES
MICHAEL J. DEWEESE
JOHN F. DICKINSON
MICHAEL W. DICKINSON
THOMAS D. DICKPEDDIE
JULIA E. DILLON
LILLIE J. DIOSO
IVAN F. DIRICKSON
DAVID J. DITALLO
MICHAEL W. DITCH
DWAYNE L. DIXON
ROSS A. DOBSON
JAMES P. DODSON
SEAN M. DOHERTY
ERIC R. DOLAN
HOPE E. DOLAN
JAMES A. DONAHUE, III
HARRY DONEKER
CHRISTINA M. DONG
ERIC J. DONKERS
ROBERT F. DONNER
CHRISTOPHER DORGAN
DAVID B. DORNAK
CRAIG M. DORRANS
ALAN D. DORRBECKER
TROY L. DOTSON
RODNEY J. DOUCETTE
KEITH A. DOUGLAS
MICHAEL E. DOUGLASS
THOMAS R. DOWDLE
TIMOTHY D. DREW
DANIEL H. DRUCKENMILLER
NICHOLAS C. DRYFUSE
BEAU V. DUARTE
RONALD A. DUBOIS
DOUGLAS R. DUCHARME
RONALD J. DUFFIE
JAMES A. DUFFORD
SHAUN D. DUFRESNE
DANIEL P. DUGAN
JAY R. DUHADWAY
CHARLES H. DUNAVANT, JR
STANLEY L. DUNAWAY
PARKER A. DUNCAN
DAVID L. DUNN
GRADY D. DUNN
JOHN J. DUNNE
JOSEPH H. DUNPHY
MICHAEL J. DUSZYNSKI
JOHN C. DYKES, JR
THOMAS W. EARLY
STEWART D. EASTERBY, IV
DAVID L. EATON
MELISSA R. EBERLE
SCOTT D. EBERWINE
TODD S. ECKLOFF
MARK K. EDELSON
DWAYNE M. EDSINGA
DOUGLAS L. EDSON
MARK A. EDWARDS
JAMES M. EHLERS
ANDREW J. ELDRINGHOFF
DANIEL P. ELEUTERIO
THOMAS M. ELLIOTT
CHARLES E. ELLIS
CHARLES H. ELLIS
WILLIAM S. ELLIS
MICHAEL E. ELMSTROM
THOMAS H. ELWELL
DAVID M. ELY
JOSEPH M. EMDE
DAVID R. EMERO
THEODORE P. ENDERS
DARIN A. ENGELHART
DAVID J. ENGLE
REBECCA C. EPPERS
KENNETH W. EPPS
TED W. ERBRECHT
RAYMOND O. ERICKSON
TIMOTHY J. ERICSEN
THOMAS M. ERTEL
ERIK O. ETZ
BRIAN R. EVANS
DAMIAN P. EVANS
SCOTT A. EVANS
PAUL W. EVERITT
SEAN P. FAGAN
DANIEL J. FAHEY
DOSTON P. FAIRFIELD
ANDREW R. FALKENBERG
GARRETT J. FARMAN
KEVIN B. FARRELL
DOUGLAS I. FEIRING
KIRK A. FELBINGER
GREGORY H. FELDMAN
HANS J. FELDMANN
MARK A. FELICE
DAVID W. FENTON
ANTHONY A. FERENCE
AHMED FERGUSON
CHRISTOPHER J. FERNANDEZ
CHRISTOPHER D. FERRIS
BRIAN E. FIELDS
GINO P. FINA
SEAN R. FINDLAY
JUSTIN S. FINE
KENNETH M. FINE
ERIK R. FINO
BRIAN T. FITZGERALD
DOUGLAS J. FITZGERALD
SCOTT M. FITZGERALD
ROSS D. FITZHUGH
JEFFREY D. FITZSIMONS
DAVID W. FLANAGAN
LAWRENCE P. FLANNERY
MATTHEW G. FLEMING
MICHAEL J. FLEMMING
MARK A. FLETCHER
JOHN FLOR
DENNIS E. FLORENCE
MARK A. FLOURNOY
MICHAEL D. FLYNN
MICHAEL W. FLYNN
CHRISTOPHER C. FOLEY
STEPHEN J. FOLEY
MARK T. FONTENOT
JOSEPH V. FOPPIANO
SEAN C. FORBES
PHILLIP T. FORD
JOHN J. FORNEY
EDWARD W. FORRESTER
DAVID L. FORSTER
MICHAEL G. FORSYTHE
STEPHEN P. FORTE
CHRISTOPHER A. FORTENBERRY
BERRY J. FOSTER
ERIC C. FOUNTAIN
HAYES F. FOUNTAIN, III
MIGUEL L. FOUTS
CALENNYZO FOWLER
JAMES D. FOWLER
THOMAS R. FRANCIS
LOUIS J. FRANKLIN, III
PATRICK T. FRAZIER
FREDERICK P. FREELAND, JR
CHRISTOPHER R. FREER
THOMAS W. FREER
JOHN R. FRENCH
SCOTT H. FREWING
CATHERINE N. FRIDAY
WILLIE J. FRIERSON, JR
DAVID T. FRITZ
MICHAEL B. FROST
RONALD P. FUCHS
JOHN V. FUNN
MATTHEW C. FURNISS
ERIC J. GAASERUD
MICHAEL J. GABOCY
LOUIS W. GAFFORD
JEFFREY A. GALEN
MICHAEL T. GALGON
ROMEO J. GALLAMOZA
MARIO L. GALLEGOS
KENNETH M. GALLEN
JAMES GALLEY
LAURIS R. GALLEY
MICHAEL F. GALLI
CHRIS L. GALVEZ
EDWARD M. GALVIN
MICHAEL T. GALVIN
ROBERT W. GANOWSKI
STEPHEN H. GANT
ANDREW I. GARCIA
RICHARD H. GARCIA
JAMES D. GARLAND
CHARLES P. GARNER
TROY Q. GARNER
ERIC V. GARRARD
ROGER R. GARRETSON
DAVID J. GARVER
KYLE R. GATZMEYER
CHRISTOPHER J. GAUCHER
BRYAN O. GAUDET
STEVEN S. GAUTHIER
DAVID GEMMEL
AARON K. GEORGE
RANDY B. GEUY
EVELYN T. GIBBS
DAVID A. GIBSON
STEVEN T. GIBSON
JOCELYN S. GIEZENDANNER
KEVIN E. GIFFIN
LARRY A. GILL
TODD R. GILLIAM
JOHN E. GILLILAND
OMER M. GINGRAS
PAUL B. GIPSON
SUSAN A. GISH
THEODORE M. GIZEWSKI
REID R. GLASER
PARKER B. GLASIER, III
WILLIAM G. GLASS
FREDERICK R. GLAZIER
DAVID T. GLENISTER
KYLE A. GLERUM
KING S. GLOVER, JR
MARK V. GLOVER
DENNIS K. GOCHOEL
CHRISTOPHER B. GOETHERT
HAROLD L. GOETSCH
TIMOTHY J. GOGOLIN
GREGORY G. GOLDEN
GREGORY W. GOMBERT
KEVIN M. GONZALEZ
JAMES T. GOODWIN, JR
RICHARD A. GOODWIN
RICHARD J. GOODWIN
ANTHONY J. GORDON
CHRISTOPHER L. GORDON
DANA R. GORDON
BRIAN J. GOSZKOWICZ
JAMES C. GOUDREAU
RICHARD S. GOURLEY
ALICIA M. GRADY
THOMAS R. GRAEB
JUDSON L. GRAHAM
SCOTT A. GRAHAM
KATHLEEN H. GRANT
ANDREW P. GRAVES
LEWIS S. GRAY
MARK A. GRAY
ROBERT S. GREELEY
BARRETT E. GREEN
SCOTT B. GREENFIELD
GEORGE D. GREENWAY
ANTHONY J. GREGG
ANDREW B. GRIFFIN
CHARLES D. GRIFFIN, III
JACOB A. GRIGSBY
ALAN L. GROOMS
TINA M. GROSHONG
DAVID J. GROSSWEILER
WILLIAM R. GROTEWOLD
ROBERT G. GROTH
JAMES D. GROVE
STEPHEN R. GROVE
COURTNEY L. GROVES
JOHN M. GUARAGNA
STEPHEN R. GUENDERT
GLENN R. GUENTHER
GREGRY C. GUGEL
ROBERT H. GUISSANIE
MICHAEL S. GUNTER
KEVIN C. GUTH
CHRISTOPHER B. GUTHRIE
LARA B. GUTSCHNEIDER
JAMES D. GUY, JR
WILLIAM D. GUYTON
MATTHEW S. HAAS
GARY L. HACKADAY
JON M. HACKETT
KERITH L. HACKETT
JOHN T. HAEFLINGER
MICHAEL E. HAGUE
JEFF D. HAHN
WILLIAM H. HAIGES
HENRY J. HAIGLER
ANDREW G. HAKUN
JAMES M. HALL
RICHARD L. HALL
ROBERT J. HALLAHAN
GREGORY M. HALLINAN
SCOTT HANFORD
STEVEN R. HANLING
PETER E. HANLON
PATRICK J. HANNIFIN
ANTHONY P. HANSEN
MAIA A. HANSEN
SCOTT A. HANSON
WILLIAM L. HARDIN
PETER M. HARE
JOHN C. HARLEY
FEDORA M. HARMON
RICHARD J. HARRIES, III
DANIEL A. HARRIS
JAMES M. HARRIS
ROBERT B. HARRIS
MICHAEL T. HART
MICHAEL D. HARTLEY
STEVEN E. HARTMAN
JAMES D. HARVEY
ROBERT B. HARVEY
RICHARD L. HARVILL
HERBERT S. HASELL
MICHAEL P. HASIK
JAMES C. HAUGHT
DOUGLAS W. HAWK
RAYMOND T. HAWKINS
TY D. HAWTHORNE
BRUCE W. HAY, JR
JOHN G. HAYBURN
PERVIS D. HAYES
DAVID W. HAYS
DAVID Y. HEALY, JR
CHRISTOPHER H. HEANEY
SHARON J. HEATH
DONALD A. HEID
JOHN E. HEIKES
JAMES C. HEILMAN
JOHN W. HEINECKE
KURT A. HELGERSON
SCOTT W. HEMELSTRAND
MATTHEW R. HEMENEZ
GERMAN HENAULT
JAMES C. HENDERSON
MELVIN D. HENDERSON
STEVEN R. HENDRICKS
WILLIAM L. HENDRICKSON
TIMOTHY M. HENFLING
RENE W. HENRIKSEN
ANDREW J. HENSE
SANDRA A. HEPNER
JOHN J. HERBERT, IV
RYAN P. HERITAGE
RAYMOND M. HERNANDEZ
GREGORY A. HERVEY
JAMES D. HERZOG
JOHN A. HESS
RAYMOND J. HESSER
JOSEPH W. HETTICH
TIMOTHY J. HIEL
GRAHAM A. HIGGINS
SEAN P. HIGGINS
CHARLES A. HILL
DAVID W. HILL
LARRY E. HILL
MICHAEL T. HILL
CHARLES F. HILLJE, II
PATRICK A. HILLMEYER
JOHN S. HINDSMAN
THOMAS R. HITCHCOCK
JONATHAN W. HITESMAN
MICHAEL R. HOBBS
CHRISTOPHER W. HOCKMAN
STEPHEN H. HODGE
CHRISTOPHER F. HOFFER
DAVID P. HOFFMAN
BRIAN M. HOFFMANN
KARL C. HOFMAN
CHARLES D. HOFROCK
SCOTT D. HOGAN
WALTER V. HOGAN, III
JAMES R. HOKAJ
MARY L. HOKE
RICHARD K. HOLCOMB
ANGELA S. HOLDER
MARK U. HOLDER
TERRENCE R. HOLIHEN
ROBERT M. HOLLAND
SHAUN D. HOLLENBAUGH
FREDERICK D. HOLLER
MARK W. HOLSBO
DAVID A. HOLT
WINSTON E. HOLTON
JOHN G. HONER
ANDREW H. HOOFNAGLE
TODD D. HOOK
MICHAEL S. HOPKINS
THOMAS HOPKINS
DANIEL D. HORNFECK
ERIC R. HORNING
REUBEN P. HOUSEL
MICHAEL D. HOUSTON
WILLIAM J. HOUSTON
DAVID D. HOWARD
GARY A. HOWARD
TARONNE A. HOWARD
WILLIAM B. HOWARD

DOUGLAS P. HOWELL
RONALD E. HOWERY, JR
WILLIAM A. HOWEY
MONICA A. HRIBAR
JON A. HRUSKA
JAMES E. HUBBELL
JAY C. HUCK
JOHN D. HUGHES
KATHLEEN M. HUGHES
LOLENE M. HUGHES
JAMES P. HULL
CHRISTOPHER E. HUMPHREY
JAMES V. HUNT, JR
ANN T. HUNTER
DAVID M. HURD
SEAN T. HURLEY
JANA R. HURST
MARK H. HUSHEN
MELISSA A. HUSTON
MICHAEL W. HUSTON
MARK F. HUTCHESON
PAUL A. HUTCHESON
DANIEL G. HUTCHINS
CHERYL M. HUTCHINSON
JEFFREY D. HUTCHINSON
ROYDEN G. HUTCHISON
JOE W. HYDE
JAMES A. HYNES
EULUS B. INGRAM
ERIK K. ISAACSON
STEVEN T. IVORY

ROBERT F. JABLONSKI
RUSSELL J. JACK
DOUGLAS C. JACKSON
KEVIN M. JACKSON
KURT C. JACKSON
MARK D. JACKSON
MARK G. JAKABCSIN
DARRYN C. JAMES
WILLIAM C. JAMES
GLENN R. JAMISON
GREG L. JANSON
CHARLES A. JARAMILLO
TODD D. JEFFERY
GREGORY J. JENSEN
ANDREW P. JEWELL
GILBERT R. JIBAJA
OMAR C. JOHANSSON
TOMMY JOHN
BERTRAM T. JOHNSON
BRETT T. JOHNSON
BRIAN E. JOHNSON
BRIAN J. JOHNSON
CHARLES A. JOHNSON
DAVID B. JOHNSON
ERIK L. JOHNSON
GARRETT G. JOHNSON
KENNETH A. JOHNSON
KEVIN B. JOHNSON
LAURA C. JOHNSON
MICHAEL D. JOHNSON
ROBERT C. JOHNSON
SANDORIUS L. JOHNSON
TODD A. JOHNSON
WORTH A. JOHNSON
RANDY L. JOHNSTON
MICHAEL J. JOHNSTONE
MARK A. JOINES
ANDREW K. JONES
BOBBY S. JONES
BRUCE V. JONES
ERIC R. JONES
JAMES L. JONES
JOHN P. JONES
THOMAS N. JONES
HIAWATHA JORDAN
JOHN O. JORDAN
THOMAS B. JORDAN
DUANE C. JUBERT

CHARLES P. KACZOR
DAVID A. KAHLOW
EDWIN D. KAISER
ALGIS K. KALVAITIS
MONICA W. KAMINSKI
DAVID M. KANE
SOO B. KANG
ANTHONY J. KAPERICK
DAVID M. KARASEVICH
ROBERT D. KATZ
STEPHEN M. KAY
JOHN A. KEATON
FRANTZ E. KEBREAU
JOHN J. KEEGAN
TIMOTHY S. KEELER
PAUL J. KEENAN, JR
ROBERT M. KEHN
TROY D. KEHOE
RANDALL J. KEHRMEYER
KRISTIN E. KEIDEL
RUTH A. KELLER
TERI K. KELLER
MICHAEL C. KELLY
TED P. KELLY
GRANT M. KEMENY
THOMAS M. KEMPER
RICHARD W. KENNEDY
JAMES F. KENNEY
TERRI L. KEPPINGER
MARK A. KERN
CURTIS L. KERSTETTER
JOHN D. KETTLESTRINGS
JOSEPH T. KEYES
KENNETH A. KICIA
MATHIAS J. KILL
MARK A. KILLION
TIMOTHY J. KILROY
MIKE W. KIMBERLY
BRYAN H. KIMURA, I.
JAMES J. KINDER
AMY C. KING
GREGORY W. KING
JOHN P. KING
QUINTEN M. KING
RUSSELL S. KING
THOMAS C. KING
WILLIAM E. KIRALY
STEVEN J. KIRK
ERIC J. KIRKHOFER
CHRISTOPHER W. KITCHEN
LORNE KITTLE
JOEY E. KLINGER
GARY M. KLUTTZ
GRANT W. KLUZAK
SCOTT L. KNAPP
STEFAN KNIELING
GEORGE W. KNIGHT, JR
JAMES N. KNIGHT
MICHAEL E. KNIRNSCHILD
RAYMOND E. KOCHEY
PHILLIP C. KOELSCH
STEVEN F. KOENIG
THERESA M. KOHL
TIMOTHY A. KOLB
SCOTT A. KOLDA
NILS C. KONIKSON
CONSTANTINE A. KONSTATOS
SEAN D. KONZAL
GREGORY L. KOONTZ
JEFFREY T. KOONTZ
MELISSA K. KORBET
MATTHEW A. KOSNAR
KEVIN J. KOZAK
ERIK B. KRAFT
ROBERT W. KRAFT
JAMES M. KRAWCZYK
JAY R. KREGEL
DARWIN E. KROLL
STEVEN J. KUDER
RICHARD P. KUEGLER
PATRICK A. KUJAWA
BRIAN S. KULLEY
KURT R. KUPERSMITH
CHRISTOPHER M. KURGAN

CUONG V. LA
BRADLEY T. LADWIG
ANGELA C. LAFLEUR
PATRICK B. LAFONTANT
ALBERT A. LAGORE, JR
LINDA A. LAGORGA
BARTON W. LAGRONE
JAMES R. LAKE
CARL S. LAMB
JAMES F. LAMB, JR
VIRGINIA T. LAMB
ANDREW S. LAMBLEY
JOSEPH E. LAMIR
DONALD J. LAMONT
GEORGE LAMPKIN
MITCHELL W. LAMPLEY
JOSEPH E. LANDRY
RANDOLPH C. LANE
GEORGE M. LANGFORD
JAMES P. LANGHAM
WISTAR A. LANGHORNE
DOUGLAS M. LANGLOIS
DOMINIC LAPORE
RUSSELL C. LARRATT
LISA J. LARSEN
AARON D. LARSON
IVER N. LARSON
BRIAN J. LASAGNA
TIMOTHY A. LAVERY
BRIAN J. LAWLER
JON E. LAZAR
PARK R. LEARNED
JAMES W. LEBLANC
ROBERT H. LEBLANC
JAMES S. LEE
KEVIN J. LEE
JONATHAN B. LEETE
RUSSELL E. LEGEAR
RICHARD E. LEINO
JOEL E. LEITE
DEREK J. LENEY
DARRYL J. LENHARDT
KEVIN P. LENOX
JUAN E. LEON
ANDREW P. LEONARD
ANN C. LEONARD
CAROLINE J. LEONARD
CHARLES M. LESHER
CURTIS M. LESHER
PAUL R. LEVIN
ANGELA Y. LEWIS
BRIAN J. LEWIS
ELIZABETH R. LEWIS
JAMES H. LEWIS, III
MICHAEL D. LEWIS
TODD A. LEWIS
JIMMY G. LEYBA
COLIN E. LINDAHL
ERIC J. LINDQUIST
BRIAN D. LINNABARY
THOMAS R. LIPPINCOTT
DANIEL R. LIPPOLD
WARREN N. LIPSCOMB, III
JOSEPH A. LISTOPAD
MATTHEW J. LITTLETON
RONALD R. LIVINGSTON
KEVIN F. LIVOLSI
ANTHONY W. LIVOTI
CALVIN A. LLOYD
MICHAEL T. LLOYD
RICHARD S. LLOYD
MICHAEL S. LOCHMANN
MELISSA A. LOCKMAN
KENNETH S. LONG
GILBERT R. LOOMIS
JOHN W. LOONEY
PATRICK J. LOONEY
EDWARD S. LOPEZ
SEAN F. LOUGHRAN
DAVID M. LOWTHER
ADRIAN R. LOZANO
STEVEN M. LUBBERSTEDT
JEFFERY A. LUCAS
STEVEN R. LUFKIN
KIRK T. LUKER
MICHAEL P. LUMLUNG
TIMOTHY C. LUND
TIMOTHY T. LUND
TROY S. LUND
RG E. LUTZ
ROBIN S. LUTZ
MATHEW D. LYBRAND

KENNETH A. MACHOVEC
TERRENCE MACK
GERALD W. MACKAMAN
GARY W. MACLEOD
SAMUEL T. MACRANE
RANDY N. MACTAL
TIMOTHY M. MADDEN
TIMOTHY W. MADDEN
MARK E. MADDOX
JAMES C. MADRIL
ROBERTO Q. MAGALLANO
DOUGLAS M. MAGEDMAN
PAUL J. MAGOON
JOHN M. MAHANEY
CHARLES H. MAHER, III
GREGORY W. MAHLMAN
CHARLES W. MALONE
BERNIE L. MALONSON
JOHN V. MANCINELLI
ELIZABETH A. MANKO
CHRISTOPHER A. MANN
DAVID J. MANNING
JOHN A. MANNLE
THOMAS A. MANOR
STEPHEN C. MARANO
DAVID A. MARCH
CHRISTOPHER H. MARCHESE
CLIFFORD J. MAREK, JR
KATHARINE J. MARINO
MICHAEL S. MARKHAM
TIMOTHY R. MARKLE
MATTHEW J. MARONE
JOSEPH A. MAROTTA
ALFRED D. MARSHALL
DAVID W. MARSTON
JAMES D. MARTIN
LIVINGSTON B. MARTIN
OWEN C. MARTIN
STONY R. MARTIN
THOMAS K. MARTIN
MELISSA Y. MARTINEZ
MICHAEL D. MARTINI
DENNIS P. MASEL
MARK D. MASKIELL
COREY G. MASTERS
GIANNINE M. MASTERS
KENT R. MATHES
DENNIS R. MATHEWS
ROBERT F. MATOLA
CHRISTOPHER J. MATTEI
RODNEY O. MATTHEWS
BARRY A. MAXON
DONALD G. MAY
MATTHEW D. MAY
DOUGLAS S. MAYER
JAMES M. MAYNARD
THOMAS G. MCANDREWS
JAMES C. MCARTHUR
JAMES B. MCCABE
SCOTT T. MCCAIN
MICHAEL R. MCCALL
ERIN K. MCCALLISTER
MICHAEL B. MCCALLUM
MICHAEL A. MCCAMISH
CHRISTOPHER M. MCCARTHY
CHRISTOPHER M. MCCARTHY
CHRISTOPHER M. MCCARTHY
TIMOTHY D. MCCARTHY
MICHELLE D. MCCLAIN
PATRICK J. MCCLANAHAN
MICHAEL J. MCCLEARY
CHRISTOPHER L. MCCLURKAN
DANIEL M. MCCOLGAN
KEVIN D. MCCOLLOUGH
KEITH P. MCCOLPIN
CHRISTOPHER R. MCCORD
RICHARD D. MCCORMICK
KRISTY K. MCCULLOUGH
THOMAS C. MCDANIELS, JR
MARTIN L. MCDONALD
DONALD J. MCDONNELL
DAVID W. MCDOWELL
LAURENCE J. MCDUFF
MICHAEL W. MCFARLAND
CHRISTOPHER C. MCGLOTHLEN
JAMES P. MCGRATH, III
RICHARD G. MCGRATH, JR
BENJAMIN C. MCGRAW
NANCY A. MCGREW
ALEKXANDER P. MCGUINNESS
JOHN F. MCGUINNESS
SHANE O. MCINTOSH
JEFFREY S. MCIRVIN
KEVIN M. MCKEEN
LATTIMER J. MCKENNA
SEAN P. MCKENNA
MATTHEW J. MCKENZIE
DAVID J. MCKINLEY
TIMOTHY D. MCLEAN
JENNIFER M. MCMILLAN
PAUL R. MCMULLEN
SUZANNE M. MCNALLY
KIMBERLY A. MCNAUGHTON
PETER R. MCNIECE
SCOTT G. MCWETHY
GREGORY A. MCWHERTER
SCOTT E. MEAD
LLEWELLYN D. MEANS
DAVID F. MEDEIROS
LISA S. MEGARGLE
TERRY W. MEIER
KARLA J. MEISLAHN
CRYSTAL L. MELLOTT
KEVIN S. MENNINGEN
RAYMOND MERK
KURT C. MERKLING
SCOTT A. MERRITT
THOMAS V. MESSE
RICHARD L. METZGER
MICHAEL K. MEYER
RONI A. MEYERHOFF
ANNELIESE H. MEYERS
JOE S. MICALLEF
KYLE T. MICHAEL
MARK A. MICHELET
DAVID R. MIKESELL
JOHN C. MIKKELSON
WADE R. MIKULLA
CHARLES W. MILLER, III
FRANK B. MILLER
JEFFREY T. MILLER
JEFFREY W. MILLER
MICHAEL L. MILLER
PATRICK B. MILLER
WILLIAM G. MILLER
PETER J. MIRAGLIA
CHRISTOPHER C. MISNER
ABRAHAM K. MITCHELL
DAVID C. MITCHELL
GARY M. MITCHELL
RONALD B. MITCHELL
WILLIAM D. MITCHELL
STEVE MIU
DONALD J. MODDER
BRAD W. MOENING
PATRICK W. MOHR
JAMES S. MOLL
BARBARA J. MONHEIM
WESLEY K. MONTGOMERY
PAUL A. MOOMAW
DALE C. MOORE
DAVID E. MOORE
DAVID W. MOORE
GARY T. MOORE
JOSEPH A. MOORE
KEITH G. MOORE
MICHAEL E. MOORE
MICHAEL S. MOORE
ROBERT E. MOORE, III
ROSEMARY L. MOORE
WILLIAM L. MOORE
PATRICK E. MORAN
SCOTT D. MORAN
BRUCE A. MORAVEC
ALFRED W. MORDECAI
THOMAS J. MOREAU
GEOFFREY M. MORGAN
JOHN K. MORGAN
ELIZABETH R. MORLOCK
JEFFREY S. MORRISON
KEVIN R. MORRISON
ANDREW G. MORTIMER
DAVID MOSELLA
ROBERT B. MOSS
WILLIAM A. MOTSKO, JR
BRIAN C. MOUM
ALBERT G. MOUSSEAU, JR
CHRISTOPHER A. MUELLER
STEPHEN T. MUENCH
KEVIN J. MUIR
GARY R. MUISE
PERRY R. MULCRONE
MICHAEL E. MULLINS
JAMES E. MUNROE, II
KENNETH H. MUNSON
CRAIG R. MURPHY
SEAN E. MURPHY
TERRENCE R. MURPHY
JAMES D. MURRAY, JR
DUNCAN V. MURRELL
FRANKLIN P. MYERS
JAMES R. MYERS
BRUCE F. NAGEL
RICHARD M. NALWASKY
JOSEPH P. NAMAN
MARK E. NANCE
MATTHEW K. NAPIER
MARK E. NARENS
MARK W. NASO
STACY M. NAVADEL
ANDREW W. NEAL
JEFFREY A. NEAL
CHRISTOPHER M. NEILS
BRIAN C. NELSON
CHAD R. NELSON
CHRISTIE L. NELSON
KENNETH A. NELSON
TREVOR P. NELSON
MATHEW J. NEU
DAVID B. NEWMAN
MATTHEW L. NEWPORT
SCOTT C. NEWTON
PHILLIP H. NICHELSON
BRIAN P. NICHOLS
JEFFREY A. NICHOLS
JOHN E. NICHOLSON
HENRICO P. NIVERA
COLLEEN A. NOE
ANDREW F. NOGA
JOHN D. NOKES
MATTHEW J. NOLL
ERIC S. NORBY
CLAUDE D. NORIEGA
MICHAEL K. NORTIER
SCOTT F. NOVACK
THEODORE NYMAN
EDWARD J. OBRIEN
SEAN P. OBRIEN
SEAN P. OBRIEN
JOSEPH P. OCONNELL, JR
MICHAEL G. OCONNOR
NOELLE O. OCONNOR
KENT S. OGLESBY
FARREL W. OGORMAN
PETER W. OHARA, JR
KLAS W. OHMAN
BRIAN P. OKEEFE
JAKA OKORN
GEOFFREY R. OLANDER
ROBERT A. OLIVER, JR
PATRICK J. OLMSTEAD, JR
JOHN F. OLSEN
ERIK K. OLSTEIN
THOMAS V. ORMROD
TIMOTHY R. OTOOLE
CLARK J. OVERBAUGH
JAMES C. OWENS
EDWARD C. PACIOUS, JR
GREGORY J. PADDEN
KEVIN D. PADGETT
RICHARD J. PAFFRATH
ROBERT S. PAGE
MARK C. PALAMAR
DONALD L. PALMER
JOHN S. PAMER
ALEXANDER J. PANTAZ
ANTON PAPP
CHRIS PAPPAS
STEVEN T. PARADISE
MICHAEL A. PARKER
THEODORE R. PARKER
RUSSELL D. PARRIS
SCOTT M. PARRISH
GEOFFREY S. PARSH
THOMAS E. PARSHA
SAMEER R. PATEL
JAMES PATINO
ROBERT M. PATRICK
MICHAEL A. PATTERSON
MICHAEL D. PATTERSON
CHRISTIAN A. PAUL
DOUGLAS S. PAULINE
DANIEL V. PAVEL
JEFFREY J. PAVIA
SHARI L. PAVLIK
ANDREW R. PAYNE
JOHN C. PAYNE
ROGER H. PECKHAM
KIM D. PEDEN
STEPHEN C. PELLEGRINO
MARK E. PELTON
ALFONSO R. PENA
DANIEL A. PENCE
JAMES H. PENLAND
JASON C. PERDEW
JAMES H. PERDUE
MARCOS V. PERELLO
JAMES R. PERRON
EFREM PERRY
STEFAN PERRY
CATHERINE M. PETERS
JERRY R. PETERS
KYLE PETERSEN
CHRISTOPHER L. PETERSON
TRAVIS A. PETERSON
JOHN L. PETRANEK
MATTHEW R. PETTINGER
DANIEL M. PFEIFF
JOHN R. PFEIFFER
JEFFREY G. PFISTER
GERRY C. PFLEPSEN
CLIFTON T. PHILLIPS
PETER C. PHILLIPS
RAYMOND M. PHILLIPS
STEVEN R. PHILLIPS
KONGPHET A. PHIMPHAVONG
THOMAS C. PICKETT, JR
EDWARD W. PICONE
DAVID A. PIERSON
VON H. PIGG
ANDREW D. PILANT
JULIE A. PINEDA
BERRY G. PINNEKE
RUSSELL T. PITERA
EDWARD A. PITTMAN
SHAHRAAM R. PLASEIED
DARREN R. PLATH
ALVIN A. PLEXICO, JR
TODD D. POLDERMAN
MATTHEW W. POLING
PHILLIP W. POLIQUIN
LUKE W. POLLOCK
DAVID E. POPELKA
DOUGLAS J. POPPLEWELL
JAMES E. PORTER
PATRICK M. PORTER
MALCOLM H. POTTS
BRETT D. POULIOT
JEFFREY V. POULTON
DOI POWANDA
JOHNATHAN POWELL
THOMAS B. POWELL
DARIN L. POWERS
DOUGLAS A. POWERS
FEBBIE M. PRATER
MICHAEL S. PRATHER
ANDREW W. PRAY
ROBERT F. PREMO
JOHN C. PROHASKA
MARK A. PROKOPIUS
JOHN E. PROULX
TRACEY A. PRUITT
RICHARD A. PUGLIESE
JEFFREY A. PULS
BRIAN J. PULSCHER
CHRISTOPHER J. PURCELL
FRED I. PYLE
ANDRE J. QUEEN
MICHAEL T. QUEEN
MICHAEL E. QUIGLEY
PAUL D. QUINN
JAMES J. QUINNAN
PETER W. QUINTAL
JASON D. RABBINO
DENNIS T. RADER, JR
NICK C. RADNEY
EDWARD F. RAEKE, IV
DANIEL E. RAFFERTY
JOHN P. RAFFIER
ANDREW G. RAGEN
SALIM RAHEMTULLA
JEFFREY A. RAIMO
JAMES R. RAIMONDO
DAVID C. RAINE
THOMAS A. RAINVILLE
MARK A. RAMIREZ
RICARDO R. RAMOS, JR
ERIC R. RANDALL
BRIAN J. RANDLEMAN
MARK D. RANDOLPH
PAUL D. RANTA
BRUCE C. RASCHE
ROBERT C. RATCLIFFE
GREGORY A. RATH
REX R. RAVELO
EMMETT R. RAY, III
PAUL W. RAY, JR
CHRISTIAN RAZUKAS
MICHAEL R. READING
KENNETH L. REBER

JOSEPH P. RECK
STEPHEN E. REDIFER
CARL S. REED
ANDREW D. REEVES
NOREEN M. REGAN
SEAN M. REGAN
BRIAN L. REID
FERDINAND A. REID
YVONNE J. REID
MATTHEW P. REILLY
MICHAEL T. REILLY
WILLIAM M. REILLY
ANTHONY R. REINHOLD
LUIS E. REINOSO
PAUL A. REMICK
STEPHEN K. REVELAS
PHILLIP C. REYNOLDS
CARYLL G. RICE
SCOTT T. RICE
JAMES P. RICHARDS
JEFFERY W. RICHARDSON
RANDEL S. RICHARDSON
GEORGEJR D. RICHIE
ERIC E. RICKMAN
CHARLES O. RIDINGS
PETER W. RIEHL
WILLIAM E. RIEKE
JEFFREY R. RILEY
MICHAEL B. RILEY
MICHAEL J. RING
SCOTT P. RISSEEUW
CHARLES M. RITTLING
FELIX F. RIVERA
REINALDO RIVERA
MARK W. RIVINIUS
DAVID T. ROACH
JAMES A. ROBERTS
DONALD A. ROBERTSON
DARYL J. ROBINSON
JULIUS C. ROBINSON, III
BRIAN J. ROCHE
JASON ROCK
JON P. RODGERS
SCOTT E. ROGERS
RICARDO ROJO
JOSE L. ROLON
MICHAEL P. ROMAN
DENNIS A. ROMERO
BRENT A. RONNING
GEORGE J. ROSS
TOMMY L. ROSS
SHANE L. ROSSOW
WILLIAM B. ROTHWELL
ROBERTO J. ROVIRA
DAVID W. ROWE
JOHN D. ROY
KEVIN L. ROYE
STEPHANIE M. RUENZEL
STEPHEN F. RUETER
JAMES B. RUNYON
PAUL N. RUPERT
KEVIN G. RUPY
GREGORY G. RUSSELL
MARK N. RUSSELL
RICHARD D. RUSSELL
MICHAEL D. RUSSO
KEVIN P. RYAN
WILLIAM D. RYAN
TAMARA S. RYLEY
CORRINE E. RYPKA
ELLEN D. SABOE
TERRENCE J. SABOL, JR
RICHARD A. SAGER
MICHAEL S. SAILER
GREGORY J. SAINTGEORGE
MICHAEL SAKIMURA
EDWARD J. SALLEE
GERALD J. SALMON
JONATHAN N. SAM
ANTHONY W. SAMER
SEAN G. SAMPEY
KEVIN J. SAMPINO
MATTHEW R. SANDBERG
DAVID D. SANDERS
GREGORY M. SANDWAY
STEPHEN J. SANFORD
WILLIAM B. SANFORD
KENNETH D. SANSOM
ROBERT O. SANTAMARIA
CAMILLA A. SANTOS
THOMAS J. SANZI
ROBERT C. SAUNDERS
MICHAEL SAVICKI
GREGORY S. SAYER
JAMES M. SCANLON
STEPHEN C. SCARFE
MATTHEW G. SCARLETT
MARC A. SCHACHTER
MICHAEL A. SCHACHTER
THOMAS C. SCHAEFER
JAMES W. SCHAFFER
WILLIAM E. SCHEIBNER
CHRISTOPHER L. SCHELLENG
KARL H. SCHILD, II
STEPHEN R. SCHMIEDER, JR
TODD M. SCHMOLESKY
JASON W. SCHMOYER
PAUL R. SCHNEBELEN
CHRISTOPHER W. SCHOLLAERT
STEVEN B. SCHOMAS
CRAIG T. SCHORR
DOUGLAS R. SCHUCH
JAMES P. SCHULTZE
PHILIP C. SCHULZ
ROBERT R. SCHULZ
THOMAS S. SCHUMACHER
STEPHEN S. SCHWARZ
MICHAEL W. SCHWEEN
TRAVIS C. SCHWEIZER
MICHAEL S. SCIRETTA
JOHN W. SCIUTTI
MARK C. SCOTT
MICHAEL D. SCOTT
TULSA A. SCOTT
LAURA M. SCOTTY
SHERYL J. SCRIVENER
RICHARD J. SEEG
STEVEN D. SEGAL
RAIMUND G. SEIFART
GERROD G. SEIFERT
CHRIS SEIPLE
SCOTT R. SENAY
TARUN A. SENGUPTA
PHILIP D. SEVENZ
RICHARD A. SHANK
SUDHIR SHARMA
THOMAS R. SHAW
BRADLEY G. SHEEHAN
BRYAN P. SHEEHAN
DANIEL P. SHEILS
MICHAEL E. SHERWIN
LEONARD M. SHETLER
SAMUEL D. SHIFFMAN
LILLIAN A. SHIMER
RICHARD J. SHINN
JOHN J. SHRIVER
ANDREW W. SHUTES
JOHN T. SICKAFOOSE
TODD M. SIDDALL
KARL P. SIEBRECHT
ANDREW R. SIEGEL
CHRISTOPHER P. SIEGLE
THOMAS S. SILK
RICHARD G. SILVA
ROY SILVA
WALTER SILVA
KELLY J. SILVER
ADRIAN L. SIMMONS
STEVEN A. SIMMONS
JAMES L. SIMMS
ANTHONY M. SIMON
SCOTT B. SINGHASS
MICHAEL J. SKELPS
BRYAN D. SKINNER
CHARLES P. SKODA
ANTHONY Y. SLICK
DARREN M. SLIGAR
ROBERT L. SLINGLUFF
DAVID M. SLITER
CRISTEL M. SLOAN
ANDREW C. SMITH
BRIAN K. SMITH
CHARLES S. SMITH
CHRISTY SMITH
DANIEL E. SMITH
DAVID P. SMITH
DREW P. SMITH
JAMES B. SMITH
JAMES W. SMITH
KEVIN J. SMITH
MARK F. SMITH
NEIL A. SMITH
SPENCE H. SMITH
STEPHAN T. SNEAR
JOHN J. SNIEGOWSKI
COREY P. SNITKER
SCOTT R. SNOW
CHRISTINE C. SNYDER
SCOTT W. SNYDER
TAMARA L. SNYDER
ROBERT S. SOLOW
THOMAS G. SOMMERSDORF
JOSEPH M. SORCI
WILLIAM R. SORENSEN, II
SEAN W. SOUTHARD
THOMAS W. SPAHN
RICHARD B. SPAHR
ROBERT J. SPANE
VINCENT J. SPARACIO
STEVEN C. SPARLING
PAUL C. SPEDERO, JR
JOHN M. SPEREDELOZZI
JOHN W. SPRAGUE
MARK A. SPRAGUE
TRENT G. SPRIGGS
TIM R. SPRINGER
RONALD P. SPRINGSTON
DEBORAH A. SPULECKI
BRETTON C. STAFFORD
RONALD D. STALIWE
ALESSANDRO I. STAMEGNA
ANDRE L. STANDBACK
SAMUEL C. STEIMAN
DANA A. STEINHEIMER
CARL E. STEINMETZ
JOSEPH S. STENAKA
JOSEPH W. STENGEL
ROBERT T. STENGEL
DANIEL D. STEPENOSKY
JASON T. STEPHENS
MAJELLA S. STEVENSON
DIANE K. STEWART
NANCY J. STEWART
ARTHUR R. STIFFEL, IV
WILLIAM B. STILLEY, III
MARK P. STINGLE
TIMOTHY P. STLAURENT
SAMUEL N. STOCKS
JAY P. STORMS
ROY S. STRAND
CHRISTOPHER P. STRASSER
COLIN J. STRASSER
THOMAS M. STREIFEL
JASON T. STRENGTH
ALFRED E. STROH
ERIC J. STROMBERG
RICHARD K. STRYKER, JR
MICHAEL O. STUART
MATTHEW A. STUCKY
JON R. STUEVE
PAUL D. STUKENHOLTZ
RUSSELL A. STULTZ
JOHN R. STUMMER
ANTHONY A. STYER
JUNG Y. SUH
SCOTT P. SULA
DANIEL M. SULLIVAN
EUGENE J. SULLIVAN
JERRY L. SULLIVAN
MICHAEL A. SULLIVAN
CHRISTOPHER M. SULZER
THEODORE V. SUMMERS, III
DAVID P. SUPPLE
JOSEPH A. SURETTE
ROBERT D. SUROVCHAK
SCOTT D. SUTTON
TRAVIS L. SUTTON
KEVIN A. SWANK
JEFFREY R. SWARTZ
PATRICK D. SWEENEY
SCOTT H. SWORDS
ROBERT E. SYLVIA
SCOTT W. SYME
JOE H. SYMEONIDES
JOHN J. SZCZYPINSKI
JAY S. TABB
PATRICK B. TAGLAVORE
KEVIN K. TAKABAYASHI
JAMES L. TANGORRA
EDWARD A. TANNER
JASON B. TANNER
GARY L. TARPINIAN
TONY S. TATE
HENRY K. TATIAN
ANDREW B. TAYLOR
ANDREW M. TAYLOR
CHRISTOPHER H. TAYLOR
DANIEL H. TAYLOR
ERIC R. TAYLOR
RICHARD M. TAYLOR
ROBERT B. TAYLOR
SCOTT J. TAYLOR
BRIAN T. TEETS
BETH A. TELLES
THOMAS R. TENNANT
ANTHONY P. TERLIZZI, JR
JOHN A. TERRELL
DONALD J. TERRILL
BEN F. THALROSE
STEPHEN M. THENELL
GEORGE J. THOMAS, III
HEIDI M. THOMAS
JAMES R. THOMAS
MATTHEW F. THOMAS
GEOFFREY D. THOME
DOUGLAS R. THOMPSON
JEFFERY R. THOMPSON
JEFFREY J. THOMPSON
JOHN A. THOMPSON
JOHN C. THOMPSON
MARVIN E. THOMPSON
RICHARD W. THOMPSON
STEPHEN H. THOMPSON
DARCEY J. THURESON
MICHAEL E. TIDDY
KEITH G. TIERNAN
RODNEY P. TISHNER
SONJA L. TODD
ERIC R. TOGNOZZI
RANDALL E. TOKAR
THERESA L. TOLBERT
LUKE R. TONACHEL
ERIC T. TOOKE
WILLIAM A. TOOTLE
DAVID R. TOUPS
MARK E. TRACY
MICHAEL P. TRAHAR
JONATHAN L. TRAIL
THOMAS J. TREACY
KATHLEEN A. TREADO
BRIAN A. TREAT
BRETT H. TREESE
ERIC M. TRIMBERGER
CHARLES B. TRIMBLE
CHRISTOPHER J. TRIPPEL
MATTHEW G. TROLLINGER
TONY E. TROUP
WILLIAM F. TROUSDALE
WILLIAM J. TRUAX
LISA M. TRUESDALE
TIMOTHY E. TSCHIDA
ERIC R. TUCKER
TODD A. TUCKER
MICHAEL A. TUELLER
RODNEY E. TUGADE
KEVIN E. TUITE
JAMES L. TUPPER
JAMES M. TURECEK
DAVID W. TURNER
JOHN C. TURNER, JR
TERRY N. TURNER
PHILIP TYER
CHRISTOPHER L. TYNES
THOMAS C. UHM
STEPHEN P. ULMANN
MONTE L. ULMER
CHRISTINA L. ULSES
GREG A. ULSES
BART J. UMENTUM
MARK R. UNDERHILL
STEPHANIE L. VAHEY
BRUCE F. VALENCIA
XAVIER F. VALVERDE
CHRISTOPHER E. VANAVERY
DARRELL G. VANCE
MATTHEW R. VANDERSLUIS
WILLIAM R. VANDERWERKER, III
DAVID E. VANDIGRIFFT
STEVEN W. VANVALZAH
MICHAEL C. VARICAK
ANDREW B. VARNER
JAMES P. VAUGHN
CHRISTIAN H. VEERIS
THOMAS R. VELTE
CYNTHIA A. VERSCHUUR
MICHAEL L. VEYDT
RODRIGO F. VIAL
PETER F. VIEIRA, JR
ANTHONY S. VIVONA
JOHN VLATTAS
LYDIA A. VOGEL
NEILL A. VOGES
PETER T. VOGT
GARY L. VOLLMER
MARIA A. VOLPE
ERIC J. VORST
ERIC C. VOUGHT
ARLENE L. VOZZA
THOMAS WACHNICKI
GEOFFREY WADSWORTH
DAVID A. WALCH
CHRISTOPHER L. WALKER
JENNY L. WALKER
SEAN C. WALKER
STANLEY J. WALL
GREGORY L. WALPOLE
TIMOTHY M. WALSH
ALLAN R. WALTERS
HOWARD WANAMAKER
JAMES K. WANTROBSKI
DANIEL K. WARD
DAVID E. WARD
MARC B. WARR
JEANNE M. WARREN
DERRICK L. WATKINS
MICHAEL E. WATKINS
RONALD J. WATSON
STEVEN D. WATSON
STEVEN H. WATSON
SIMS M. WAYT
ARTHUR W. WEBER
JEFFREY M. WEBER
TIMOTHY R. WEBER
DENNIS G. WEBSTER
KEITH A. WEIDENBACH
MORGAN W. WEINBERG
STEPHEN R. WELBORN
JAMES S. WELDON
DANIEL A. WELLS
DONALD J. WELLS
CHARLES F. WELSH
BRYAN W. WENGER
DAVID S. WEST
CRAIG M. WEVLEY
MARK S. WHEELER
DAVID A. WHITE
DAVID V. WHITE
EDWARD T. WHITE
GEORGE E. WHITE
MARVIN G. WHITE
PAUL W. WHITMARSH
EDWARD P. WHITTY
MICHAEL WHORTON
CHARLES E. WIGGINS
JAMES W. WIGGS
GEORGE M. WIKOFF
DAVID A. WILKENING
PATRICK D. WILKERSON
BRADLEY D. WILLARD
PAUL F. WILLEY
CHRISTOPHER A. WILLIAMS
ERIC N. WILLIAMS
MARVIN C. WILLIAMS
STEPHEN C. WILLIAMS
CHRISTOPHER R. WILLIAMSON
STEVEN T. WILLS
DAVID M. WILSON
HERBERT K. WILSON
TOD F. WILSON
WILLIAM B. WILSON
DAVID G. WIRTH
HOWARD R. WITTERMAN
DONALD A. WOELTJEN, JR
SIDNEY D. WOMAC
BRIAN T. WOOD
TIMOTHY A. WOOD
ANTHONY R. WOODLEY
JOSEPH A. WOODWARD
MICHAEL P. WOODWARD
PAUL A. WOODY
HEATH A. WOOLEY
JOSEPH W. WORTHINGTON
TRAVIS R. WORTHINGTON
DANIEL P. WOULFE
JAMES M. WRIGHT
GRANT D. WUNSCHEL
LAWRENCE E. WYSS
AMY L. YAMAMOTO
ROBERT M. YAROSIK, JR
STEPHEN A. YATKO
RICK A. YEATER
DANIEL R. YOCUM
SAMUEL R. YORK
FORREST YOUNG
RDEAN YOUNG
MICHAEL J. ZACCHEA
HOWARD L. ZACH, JR
BRIAN J. ZACHERL
WILLIAM M. ZACHMAN, JR
JOSEPH C. ZAGST
MICHAEL H. ZEITLIN
JEFFREY G. ZELLER
KIRK A. ZIMMER
GRETCHEN A. ZIMMERMANN
NICHOLAS L. ZINSMEISTER
KEVIN D. ZIOMEK
THOMAS R. ZIOMEK
JOHN W. ZUMWALT
DOUGLAS J. ZWEERINK

IN THE NAVY

THE FOLLOWING NAMED REGULAR CHIEF WARRANT OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

REYNALDO L. APONTECESTERO
GREGOR F. BENNETT
CHARLES H. BRAKHAGE
JAMES D. DEAS
ROBERT L. FRANCE
STEVEN M. GALESKI
CHARLES R. HARRIS
MARK R. LEDERER
AUSTIN A. LYLE
ORY S. MARRIONEAUX
JOHN F. MAYO
DAVID I. MCCALLUM
WILLIAM H. MEEKER
CARL F. OLTMAN, SR
THOMAS G. POWELL
JUDITH A. ROBERTSON
JOSE P. RODRIGUEZ
MICHAEL D. STONE
FREDRICK S. SUMNER, JR
GLENN E. WILLIAMS
RONALD R. WOODRUFF

THE FOLLOWING NAMED TEMPORARY CHIEF WARRANT OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LARRY E. BAKER
DANIEL A. BUCHIN
GEORGE P. CHIASSON
RICHARD O. CLARK
RONALD M. COPE
HALDIN W. DIETZ
TIMOTHY N. GURLEY
DAVID NMN GUTIERREZ
THOMAS M. JONES
WILLIAM O. JONES
MICHAEL A. KING
RICHARD B. LACOUR
JOHN W. LEROY
MICHAEL M. LOE
WILLIAM LUSSIER
FRANK M. MACKEY
TERRANCE L. MEINEKE
JUDY A. MELLOTT
WILLIAM D. MITCHELL
LEE R. MUTH
SILVERIO D. NEPOMUCENO, JR
STEPHEN A. RAYBOURN
PAUL J. SILVERNAIL
ROBERT J. THELEN, JR

THE FOLLOWING NAMED U. S. NAVAL RESERVE CHIEF WARRANT OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MICHAEL A. DAVIS

THE FOLLOWING NAMED REGULAR CHIEF WARRANT OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT JUNIOR GRADE IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

EUGENE M. CORDOVA
ROBERT J. OMARA
GARY W. REASH

THE FOLLOWING NAMED TEMPORARY CHIEF WARRANT OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT JUNIOR GRADE IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

FRANCES M. CARROLL
MICHAEL A. FOWLER
LYNN E. HOUSEWORTH
MARY C. POLKOSKI
DANNY L. SMITH

THE FOLLOWING NAMED REGULAR CHIEF WARRANT OFFICERS, TO BE APPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENNIS J. BLUE, JR
RICHARD W. MONDAK
STEPHEN A. NEWBERN
JOSEPH K. RYAN

THE FOLLOWING NAMED U. S. NAVAL RESERVE CHIEF WARRANT OFFICERS, TO BE APPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JOY F. DEITLE
ALAN J. GUTMAN
NORA M. PEREZ

THE FOLLOWING NAMED ENLISTED MEMBERS, TO BE APPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

KIM A. BALOGH
ALLAN M. BEDASHI
JAY N. BERRY
STEPEHEN J. BODDY
FRANK NMN CARVALHO
RAYMOND W. CAST, JR
ROBERT A. GLASGOW
CONRAD F. KRESS
PATRICIA A. MCCAULEY
PATRICIA A. MILLER
JOHN J. RYAN, JR
AARON L. SCOGGINS

HOUSE OF REPRESENTATIVES—*Wednesday, January 24, 1990*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In this our prayer, O gracious God, we remember those who know not the joy and satisfaction of a full life. We recall the hostages of every nation who are separated from those they love, who endure the pain and loneliness of their captivity. We pray, that as Your spirit crosses every barrier of time and place, so may our prayers give support and encouragement to all who are in need. May Your peace that passes all understanding unite us as one people and may we share together as one human family the joys and blessings of freedom. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BOEHLERT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BOEHLERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 312, nays 89, answered "present" 3, not voting 27, as follows:

[Roll No. 2]

YEAS—312

Ackerman	Berman	Buechner
Akaka	Bevill	Bustamante
Alexander	Bilbray	Byron
Anderson	Boggs	Callahan
Andrews	Bonior	Campbell (CA)
Annunzio	Borski	Campbell (CO)
Anthony	Bosco	Cardin
Applegate	Boucher	Carper
Archer	Boxer	Chapman
Aspin	Brennan	Clarke
Atkins	Brooks	Clement
Barnard	Broomfield	Clinger
Bartlett	Browder	Coleman (TX)
Bateman	Brown (CA)	Collins
Bates	Brown (CO)	Combest
Bennett	Bruce	Condit
Bereuter	Bryant	Conte
Cooper	Kasich	Rinaldo
Costello	Kastenmeier	Ritter
Coyne	Kennedy	Roberts
Crockett	Kennelly	Robinson
Darden	Kildee	Roe
Davis	Kleczka	Rohrabacher
de la Garza	Kostmayer	Rose
DeFazio	LaFalce	Rostenkowski
Dellums	Lancaster	Roth
Derrick	Lantos	Rowland (CT)
Dicks	Laughlin	Rowland (GA)
Dingell	Leath (TX)	Roybal
Dixon	Lehman (CA)	Russo
Dorgan (ND)	Lehman (FL)	Sabo
Downey	Lent	Saiki
Duncan	Levin (MI)	Sangmeister
Durbin	Levine (CA)	Sarpalius
Dwyer	Lewis (GA)	Savage
Dymally	Lipinski	Sawyer
Dyson	Livingston	Schaefer
Early	Lloyd	Scheuer
Eckart	Long	Schiff
Edwards (CA)	Lowey (NY)	Schneider
Emerson	Luken, Thomas	Schulze
Engel	Manton	Schumer
English	Markey	Sharp
Erdreich	Martin (NY)	Shaw
Evans	Martinez	Shumway
Fascell	Matsui	Shuster
Fazio	Mavroules	Sisisky
Feighan	McCloskey	Skaggs
Fish	McCrery	Skeen
Flake	McDermott	Skelton
Foglietta	McEwen	Slattery
Ford (MI)	McHugh	Slaughter (NY)
Ford (TN)	McMillan (NC)	Smith (FL)
Frank	McMillen (MD)	Smith (IA)
Frost	McNulty	Smith (NE)
Gallo	Meyers	Smith (NJ)
Gaydos	Mfume	Smith (VT)
Gejdenson	Michel	Snowe
Gephardt	Miller (CA)	Solarz
Geren	Mineta	Spence
Gibbons	Moakley	Spratt
Gillmor	Mollohan	Staggers
Glickman	Montgomery	Stallings
Gonzalez	Morella	Stark
Gordon	Morrison (CT)	Stearns
Gradison	Morrison (WA)	Stenholm
Grandy	Mrazek	Stokes
Grant	Murtha	Studds
Gray	Myers	Swift
Guarini	Nagle	Synar
Gunderson	Natcher	Tallon
Hall (OH)	Neal (MA)	Tanner
Hall (TX)	Neal (NC)	Tauzin
Hamilton	Nielson	Taylor
Hammerschmidt	Oberstar	Thomas (GA)
Hansen	Obey	Thomas (WY)
Harris	Olin	Torres
Hatcher	Ortiz	Torricelli
Hawkins	Owens (NY)	Towns
Hayes (IL)	Owens (UT)	Traficant
Hayes (LA)	Oxley	Traxler
Hefner	Packard	Udall
Henry	Pallone	Unsoeld
Hertel	Panetta	Valentine
Hiler	Parker	Vento
Hoagland	Patterson	Visclosky
Hochbrueckner	Payne (NJ)	Volkmer
Holloway	Payne (VA)	Walgren
Houghton	Pease	Walsh
Hoyer	Pelosi	Washington
Hubbard	Penny	Watkins
Huckaby	Perkins	Weiss
Hutto	Petri	Weldon
Hyde	Pickett	Wheat
James	Pickle	Whitten
Jenkins	Porter	Williams
Johnson (CT)	Poshard	Wilson
Johnson (SD)	Price	Wise
Johnston	Pursell	Wolpe
Jones (GA)	Quillen	Wyden
Jones (NC)	Rahall	Wylie
Jontz	Ravenel	Yates
Kanjorski	Ray	Yatron
Kaptur	Richardson	Young (FL)

NAYS—89

Armey	Goodling	Paxon
Baker	Goss	Regula
Ballenger	Hancock	Rhodes
Barton	Hastert	Ridge
Bentley	Hefley	Rogers
Bliley	Herger	Ros-Lehtinen
Boehlert	Hopkins	Roukema
Bunning	Hunter	Saxton
Burton	Inhofe	Schroeder
Chandler	Ireland	Schuette
Coble	Jacobs	Sensenbrenner
Coleman (MO)	Kyl	Shays
Coughlin	Lagomarsino	Slaughter (VA)
Courter	Leach (IA)	Smith (TX)
Cox	Lewis (CA)	Smith, Denny (OR)
Craig	Lewis (FL)	Smith, Robert (NH)
Crane	Lightfoot	Smith, Robert (OR)
Dannemeyer	Lowery (CA)	Solomon
DeLay	Lukens, Donald	Stangeland
DeWine	Machtley	Stump
Dickinson	Madigan	Sundquist
Dornan (CA)	Marlenee	Tauke
Douglas	Martin (IL)	Thomas (CA)
Dreier	McCandless	Upton
Edwards (OK)	McCollum	Walker
Fawell	McGrath	Whittaker
Fields	Miller (OH)	Wolf
Gallegly	Miller (WA)	
Gekas	Moorhead	
Gilman	Parris	
Gingrich	Pashayan	

ANSWERED "PRESENT"—3

Clay	Frenzel	Green

NOT VOTING—27

AuCoin	Hughes	Nowak
Beilenson	Kolbe	Oakar
Bilirakis	Kolter	Rangel
Carr	Mazzoli	Sikorski
Conyers	McCurdy	Vander Jagt
Donnelly	McDade	Vucanovich
Espy	Moody	Waxman
Flippo	Murphy	Weber
Horton	Nelson	Young (AK)

□ 1425

Mr. UDALL changed his vote from "nay" to "yea."

Mr. GORDON changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcall 2.

PERSONAL EXPLANATION

Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent. Had I been present, I would have voted "yea" on rollcall No. 2, approving the Journal of Tuesday, January 23, 1990.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Hawaii [Mrs. SAIKI] please come forward and lead the House in the Pledge of Allegiance.

Mrs. SAIKI led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 242. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the State of the Union.

The message also announced that the Senate had passed a resolution of the following title, in which the concurrence of the House is requested:

S. RES. 228

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive five 1-minute speeches from Members on each side of the aisle.

PRESIDENT BUSH SHOULD USE HIS EXECUTIVE AUTHORITY TO UTILIZE VACANT FEDERAL PROPERTY TO RELIEVE THE PRISON CRISIS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I have great expectations for President Bush's upcoming State of the Union Address. Just over a year ago he stood in this body and said that his war on drugs would be waged on all fronts. But a year later the effort seems to be full of tangles.

On the frontline of the war on drugs, States and local communities, what does the President's plan do? It provides not one penny for the construction of local and State prisons. Convicted felons in 46 of 50 of our States are on waiting lists to serve their time.

Just last week, in my own district, four prisoners arrested for aggravated drug trafficking were released because there was no room for them.

The prison overcrowding situation has become a national crisis. Why cannot the President use his Executive authority to use vacant Federal properties to help us deal with this situation now?

I ask the President, when he comes next week before this body, to please provide the leadership to truly wage war against drugs.

The enemy, drugs, is everywhere and it is engulfing us.

CAMPAIGN REFORM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I was told when I returned to Washington that you had discussed campaign reform on a Sunday morning news show and promised that the House would take up a reform bill.

Mr. Speaker, I have devoted a good deal of time to campaign reform in this Congress. Our Republican Conference, the House Republican Conference, has adopted a set of proposals aimed at restoring some sense of integrity to Federal campaign practices, and it will be introduced shortly. But, Mr. Speaker, I am not under any delusions that the Republican bill, as good as it is, can be enacted into law. If you bring a purely Democratic bill to the floor, it will suffer the same ultimate fate.

□ 1430

If Members bring a purely Democrat bill to the floor, it will suffer the same ultimate fate.

However, by its very nature, campaign reform must be bipartisan. It is a partisan subject. True reform has to be bipartisan. This is not like budget reform or ethics reform, procedural reform, or a banking reform bill. Campaign practices are those which change the balance of power between one party and another. One party cannot change the rules of campaigning and then call it reform.

Mr. Speaker, I implore Members not to bring a Democrat bill to the floor and call it reform. I ask Members to reach consensus if possible, and then it will be reform.

I have gone the extra mile in this cause. I am not interested in a partisan exercise on the floor and some cosmetic gesture to the public demand for change. I am interested in seeing a campaign bill signed into law, and nothing short of that. I hope we will be able to work together in the best of spirit.

BUDGET PRIORITIES NEED LEADERSHIP

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, it is with great anticipation that we look forward to hearing the President's speech next Wednesday night. I hope, and I know we all hope that that speech will contain a budget that provides for authentic debt reduction. Last year's proposal from the White House was overly optimistic, as we all know, with respect to a number of assumptions, assumptions concerning economic growth and concerning interest rates that threw the figures off by billions.

We need a budget, Mr. Speaker, without asset sales that do not materialize. We need a budget that does not contain so-called off budget financing. We need a budget without smoke and mirrors. The economic future of our Nation depends on our putting our economic house in order. We have substantial and inadequate savings and investments in this Nation. We have a gross balance of trade deficit. We must bring the deficit down. We are asking for leadership from the White House on this very important issue.

HONOR SERVICE MEMBERS

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, this flag is a very special one. This flag was worn with great honor and great valor by a constituent of mine, Pfc. David "Chip" Turner while he was on duty in Panama during the recent invasion of that country.

Mr. Speaker, like so many others, Chip Turner served with valor because he was wounded in Panama during this operation. He was wounded while ministering to one of his colleagues whose wounds ultimately proved fatal.

My friend, like the hundreds and hundreds of others, thousands of others who served there, they deserve to be honored and recognized by this Congress for their duty on behalf of this country. They fought for freedom and democracy, and they fought the war on drugs in that faraway land. I am dismayed that as of yet, this Congress has not honored these men and women. This Congress has not recognized what they stood for, in Panama, and certainly has not stood up and honored yet the Commander in Chief whose leadership made possible this operation.

I hope before this week is out we will do just that.

HOPE FOR THE AMERICAN DREAM

(Mr. HAYES of Louisiana asked and was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. HAYES of Louisiana. Mr. Speaker, a week from today the President of the United States will stand back here and deliver the State of the Union Address. Mr. President, at a time of extraordinary changes in the world, I hope we would recognize that the reason that they have been brought about was because of the men and women in this country who have carried the great burden of leadership. I am not talking about any Member of

this body. I am not talking about any one person in particular.

However, as the leader of the free world, your recognition that it was the ordinary citizens whose example of the abilities to work hard to do well was the example that led to the crack in the wall. I hope when citizens receive the State of the Union, the President's plans for the future, I hope he recognizes that this is the person whose kid now needs to go to college, and that our plans include that. That this is the veteran who fought, who won, who led to the changes we are seeing today, but who cannot get all the health benefits, and our plan will include them. That these are the people who are bearing an unfair share of the tax burden, and your plans include some relief for them.

Mr. President, we talk of reaching out in bipartisan fashion. I assure Members that this Member of Congress on this side of the aisle is absolutely committed to continue the achievement of the American dream, and allow those who wish to work hard and do well, an opportunity to do no less.

NEED FOR BIPARTISANSHIP

(Mr. DOUGLAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOUGLAS. Mr. Speaker, we just heard a plea for bipartisanship. One of the reasons we do not get a good reputation in this body is petty partisanship.

Unfortunately this week, the Whip's Notice said that yesterday we were supposed to be working on a commendation for the soldiers that served in Panama. The reason we are not voting on it is that it was also asked to include the commander in chief of those soldiers. However, that was pulled. We are not going to be voting on it because it also would praise President George Bush who ordered those soldiers into service.

Now this reminds me that we have one of the Ten Commandments that talks about envy and covetousness. I close by reminding those who pulled that vote of commendation, an old English proverb: "Grudge not another what you cannot attain yourself."

INVEST IN EDUCATION

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, next week our self-proclaimed education President will present his new education budget. Ironically, some 50 million illiterate Americans are capable of reading the President's lips but they are unable to read much of anything else. I want to challenge the President to truly be the education President. To end the rhetoric and make educational excellence a top priority. To hold a National Education Conference, as the White House did recently, and to refuse to discuss spending levels, made the conference almost irrelevant.

More than ever, America is challenged to keep pace with the technological advances and dynamics of the global marketplace. Our international industrial competitiveness is totally dependent on an educated, highly skilled workforce. Yet America's young spend less time on math and science than their foreign counterparts, and their test scores prove it. One of three high school students drop out before graduation. As a result, major scientific breakthroughs, almost all of which used to originate here, are now being developed elsewhere.

Let us get smart about education. Let us declare education's significance in the coming more technological world. Let us cut the defense budget, not only to reduce our crippling deficit but to promote economic strength by investing in critical education and research and development programs. American ingenuity needs a Federal commitment to put us back on top. Mr. President, we are anxious to hear your proposal.

PANAMANIAN SUCCESS DESERVES PRAISE

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, from our calendar I see we were to take up a resolution commending the service of U.S. personnel in Panama. I was looking forward to that. All America wants to express its thanks.

However, the resolution has been pulled from the calendar. The reason I am led to believe is the sponsors of the resolutions were unwilling to include the Commander-in-Chief among those to be commended.

If that is true, it is petty politics indeed. The operation in Panama was a great success, beginning with the decision to protect the American lives in the first place. All Americans performed in an exemplary fashion, and it is a sad day when we cannot commend our military personnel for their performance, and in some cases even sacrificed their life, because the President might get some credit, too.

I do not agree with the President all the time. I am not afraid to say so. By the same token, we and the overwhelming majority of Americans do agree we should not be afraid to say either, "Thank you, Mr. President," and thanks to the thousands of men and women who served this country so well in Panama.

LEADERSHIP EXPECTED FROM THE PRESIDENT

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, 1 year ago President Bush addressed a joint session of Congress.

He told us—and these are his words: "The people didn't send us here to bicker. It's time to govern."

He was right. But on this 369th day of the Presidency of the man who asked the American people to elect him because he'd be ready from day one to hit the ground running, it appears we need to also point out that the people didn't send us here to sit on our hands, either.

The list of issues George Bush talked about a year ago, but has done very little or nothing about since, is a long one: Education, the environment, homelessness, drugs, deficit reduction, improved trade competitiveness and a greater commitment to basic research. The list goes on and on.

I urge the President to use his State of the Union Address 1 week from today to start doing what only a President can do: Lead this great Nation.

If he didn't want to lead, why did he ask for the job in the first place?

Next Wedneday night, I think we cross the Rubicon. We've waited a year. The President needs to pick up that mantle, and start leading this Nation into some bold initiatives designed to improve the quality of life and raise the standard of living of the American people. Staying the same is not part of the American dream.

For 1 year, Congress has deferred to the President for leaderhip, for 1 year, that leadership has not been forthcoming. It is now clear: if the President won't lead, the Congress must. The American people expect their Government to be more than a disinterested bystander, at this time of enormous challenge for our country.

□ 1440

EXPRESSIONS OF APPRECIATION FROM THE ALOHA STATE

(Mrs. SAIKI asked and was given permission to address the House for 1 minute.)

Mrs. SAIKI. Aloha, Mr. Speaker, on behalf of the people of Hawaii, I want to express my appreciation to those Members who came to my State over the recess to take a hard look at some of the problems in paradise.

Well, Mr. Speaker, we make no apologies for having sunshine and warm weather in January. I only wish

the media had paid more attention to the serious issues of international drug trafficking and the protection of our coastal areas.

By the way, aloha casual attire in Hawaii doesn't mean going native. It means common local business attire, not bermuda shorts and sarongs.

We of the 50th State deserve to have our concerns heard by congressional committees, and I hope more committees will hold hearings in Hawaii in the future.

I want to personally thank the House Committee on Merchant Marine and Fisheries and the Select Committee on Narcotics Abuse for taking the time, trouble, and publicity to give the people of Hawaii a sense of hope and confidence that their concerns are indeed being heard by my fellow colleagues in Congress.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2273

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 2273.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair previously announced that it would receive five 1-minute speeches from each side. Further 1-minute speeches will be received later in the day.

EMERGENCY CHINESE IMMIGRATION RELIEF ACT OF 1989—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-132)

The SPEAKER. The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 2712) to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants.

The Clerk read the title of the bill.

MOTION TO REFER OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a preferential motion and I ask for its immediate consideration.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. MICHEL moves to refer the bill, H.R. 2712, and the President's Memorandum of Disapproval jointly to the Committee on Foreign Affairs and the Committee on the Judiciary with instructions that the Committees consider the merits of the veto in light of events in China since passage of the bill and actions which the President has taken to protect Chinese students in the United States and promptly report their recommendations back to the House.

The SPEAKER. The gentleman from Illinois [Mr. MICHEL] is recognized for 1 hour.

Mr. MICHEL. Mr. Speaker, may I say that yesterday, when I alerted the House that I intended to offer this motion, the distinguished gentleman from Texas [Mr. BROOKS], Chairman of the Committee on the Judiciary, inquired as to whether or not this gentleman would yield half the time, as is the practice here at all times, to those who would oppose the motion, and I think their special request is that 15 minutes be yielded to the Committee on Foreign Affairs and 15 minutes to the Committee on the Judiciary.

I am noting that the chairmen of both of those committees are on the floor, and I would assume that is acceptable.

So, Mr. Speaker, to kick off the debate in support of the motion, I yield 4 minutes to the distinguished gentlewoman from my home State of Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989. But I also support the motion offered by our distinguished Republican leader [Mr. MICHEL] to refer the bill and the President's memorandum of disapproval to the Foreign Affairs and Judiciary Committees.

I support that motion because it contains explicit instructions to those two committees to promptly report back their recommendations after considering the events and actions which have occurred since the bill passed the Congress last November. In this connection I noted with interest that the Judiciary Committee in the other body held a hearing on this veto yesterday. I think we owe the same to ourselves and the President before proceeding with a vote on reconsideration. However, should this motion to refer fail, I will support the veto override motion. To do otherwise would send the wrong signal. I think the President and Congress are both interested in protecting those Chinese students in this country. They only disagree on the means.

Mr. Speaker, in the time remaining, I want to make as few points about the procedural situation we are in because of its relevance to the future. This does not directly affect the substance of the bill but the process under which we in the House have to share concerns for the future.

To refer to the committee with instructions to report back promptly is in conformity with the constitutional mandate that Congress proceed to the consideration of the vetoed measure. Referring a measure to committee without instructions to report back would leave the bill in a kind of legislative limbo, causing the kind of "uncertainty" in the public mind that the Supreme Court warned against in its 1929 Pocket Veto Case decision.

I have introduced legislation to ensure more congressional accountability on vetoed messages. H.R. 3462 would, among other things, require that immediately after a veto message has been read, the Speaker shall put the question on consideration of the vetoed measure, and no motion may preempt the previous question except one motion to postpone the override vote to a date certain, which shall not be more than 10 legislative days. Obviously, if the previous question is defeated, other motions would be in order, such as to table or refer.

Mr. Speaker, the second observation I would like to make is that while the President claims this was a pocket veto, he had the courtesy to return it to the Congress with his objections, thereby giving us an opportunity to vote to override. This is a departure from a minor bill he pocket vetoed in August, and I hope it indicates an accommodation with Congress on the pocket veto controversy.

As my colleagues may be aware, the administration is of the opinion that the President may pocket veto a bill at any time Congress is adjourned for more than 3 days, even when Congress has appointed agents to receive veto messages. The prevailing view in Congress is that he may only do so at the end of a Congress when he is truly prevented from returning a vetoed measure to Congress.

The Rules Subcommittee on Legislative Process, on which I serve as the ranking minority member, has reported legislation which attempts to clarify this issue. But, even if it is enacted it will only lead to more confrontation and litigation. It would be far preferable if the administration, by returning this bill, is signaling its intended practice in all future cases, since this in turn should obviate the need for legislation.

In conclusion, Mr. Speaker, I commend the President on returning this measure to the Congress with his objections so that we might exercise our constitutional prerogatives.

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I oppose the motion to refer the President's disapproval message on the Chinese students visa legislation, H.R. 2712, to the Committee on the Judiciary. The committee has reviewed this matter in great detail. The bill itself has been considered three times by the House since the committee's deliberation and report to the House. On all three occasions, the bill has passed overwhelmingly. There is no debate on whether or not relief ought to be given to the Chinese stu-

dents who would be covered by its provisions. The debate focuses on whether the relief should be granted by legislative action by the Congress or by administrative action by the executive branch.

Further review of the substance of this legislation by the committee would serve no useful purpose except to delay a remedy which is needed now. Accordingly, Mr. Speaker, I urge my colleagues to vote against the motion to refer this matter to committee so that we may proceed to vote to override the President's ill-advised veto of H.R. 2712 and enact its protections now.

□ 1450

Mr. FASCELL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in opposition to the motion to refer H.R. 2712 jointly to the Committee on Foreign Affairs and to the Committee on the Judiciary.

This legislation has already gone through the traditional referral process in the House.

Under the rules of the House, it was clear at the time of referral that this legislation was exclusively within the jurisdiction of the Committee on the Judiciary.

Pursuant to rule X, the Speaker referred this legislation only to the Committee on the Judiciary because it amends the Immigration and Nationality Act.

If the legislation had contained matters within the jurisdiction of the Committee on Foreign Affairs, we would have requested referral at that time.

Since that original referral, there has been no change in the substance of the bill which would warrant a new referral. This is simply an open attempt to delay, frustrate, or kill a bill which has already proven that it has the nearly unanimous support of the membership of the House.

This legislation deals with a waiver of a home residency requirement for holders of certain kind of visas. This is an authority under the purview of the Attorney General, not the Secretary of State. As such, it is a matter under the jurisdiction of the Committee on the Judiciary, not the Committee on Foreign Affairs. I urge the defeat of the motion of the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS], and at this time I alert my colleagues on the other side that, as the offerer of the motion, I will exercise my prerogative of closing the debate.

Mr. GEKAS. Mr. Speaker, I rise in support of the motion.

Mr. Speaker, the Congress is engaged in a game of chinese checkers, eager to jump over the President's prerogatives in establishing, and maintaining and executing foreign policy. For that reason alone we ought to be supporting and voting for the motion that has been presented by the minority leader.

But, if that were not enough, consider the other elements of this proposition.

Mr. Speaker, the gentleman from Illinois [Mr. MICHEL] insists, and I agree, that in his motion are contained references to committees which could look into the current developments on the mainland of China and with our direct relationships with the Chinese leadership. However, we want to criticize it for this action or that action.

My colleagues, it is imperative in these touchy times that the President of the United States be given latitude, discretion. I am not saying unfettered discretion. I am not saying loose ability to do anything he wants. But within the purview of establishing foreign policy discretion in the office of the President is paramount in the constitutional government that we have.

Mr. Speaker, for those reasons I say, "Let's end this game of chinese checkers. Let's resolve that it isn't necessary for the opposition to the President to show him up, to do one-upmanship on him, gamesmanship."

My colleagues, we are all in this together. We want to open the door to China. We want to give the students the right of remaining in this country, as does the President, but let us do it in the orderly, established manner which will do credit to the President and to the Congress at the same time.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, today, for all the world to witness, Congress will speak loudly where the President would only whisper. Today, Congress is standing up with strength and conviction to the forces committed to crushing the democratic movement in China.

Our vote to override the President's veto of the Emergency Chinese Immigration Relief Act is not a vote to protect inspired partisan legislation. It is simply common sense.

A vote to override meets the absolute minimum standards of humanity and justice. It accomplishes what is obviously scrupulous. The very least we can do is affirm by law a principle which ought to go without saying: That the United States is a haven for those who face physical abuse and political oppression in their homeland.

Sadly, our President opposed that codification and vetoed our legislation. In doing so, he has sent a signal to the world that the implications of the brutality at Tiananmen Square are limited at best.

Today, we have an opportunity to repair that damage, to come to the aid of the students who need our protection, and to let the Government of China be clear as to our commitment to the students who perished in Tiananmen Square in their struggle to see democracy flourish in China.

I urge my colleagues to vote to override the President's veto, and I commend my colleague from California, Representative PELOSI, for persevering to see this important legislation through.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I think we need to clear up some misconceptions.

First, Mr. Speaker, there should be no doubt about the President's position. The day after the massacre at Tiananmen Square the President made a public pledge to protect the Chinese students who were in this country and said that not one of them would be forced to return home. He has kept his pledge. The President, in fact, has already acted. He has issued an administrative directive which, as we sit here, protects the Chinese students who are in this country.

I think the real question here is, "The students are protected; what's the rush to override the veto of the President?"

Mr. Speaker, it is said that we need to send a message to Beijing, but we have already sent a message to Beijing. We did that by a 403 to zero vote last November. In fact, we could not have sent a stronger message, so why the rush?

Mr. Speaker, frankly it sounds suspiciously like a "bash President Bush brigade" is on the prowl.

My colleagues, supporting the Michel motion does no harm to the Chinese students who are in this country, but it does allow the correct legislative process to work, and it does allow the President to exercise his rightful and constitutional foreign policy authority.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I am in strong support of overriding the President's veto of this legislation. H.R. 2712 would have eliminated the requirement that Chinese nationals return home for 2 years after finishing studies in the United States. Clearly, it is unsafe for these students to return to a regime that has so little regard for human rights. As chairman of the Subcommittee on Human Rights and International Organizations, I think this veto would hand each and every student forced to return to China a prison sentence.

Even though the President has rightly issued an order waiving the return requirement, who is to say that

the administration will not unilaterally revoke the waiver some time in the future to placate Beijing. An override of the President's veto will give Chinese students the assurance that he won't and establish a human rights policy toward China that the White House will not.

Mr. Speaker, over the recess we discovered that U.S. envoys were secretly dispatched twice to Beijing, contrary to the spirit of the President's assurances to the American public. The President is now in the process of undoing his own sanctions and supporting a resumption of international bank loans to China.

Concurrent with these recent Presidential actions, China has stifled its media, severely limited demonstrations, and imposed strict censorship against foreign journalists. Furthermore, according to Asia Watch, in recent months 18 intellectuals were arrested because of their association with the democracy movement.

Frankly, I see little positive change in China. In fact, Chinese authorities have imposed tighter restrictions on demonstrations than were already in effect. Over 500 detainees were recently released, but thousands more still languish in Chinese prisons without charge or trial. These moves by the Chinese Government should be taken for what they are: a symbolic gesture meant only for international consumption.

Mr. Speaker, by overriding the President's veto of H.R. 2712, we will send a message to the Beijing government and to the White House that the Congress has a very different view of the situation in China. It is a well-founded perception that the administration was "kowtowing" to the Chinese Government by sending secret missions there. The administration is applying a double standard when it comes to human rights abuses in China. We need to reassess our strategic and commercial interests in China and should do so with its record on human rights in mind. The override of this veto places the United States on the side of the oppressed, not the oppressors.

□ 1500

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I rise, as I think we all will today, with the sense that none of us like to tell the President that we think he is wrong. It is never an easy vote to override a veto, but I believe in my heart, and I think most of the Members here do, that in this case the President is wrong. I know he has argued strongly that the administrative actions that he took are sufficient to see that the Chinese students who are in America are protected and, indeed, he did take some very significant actions.

There are two problems with that argument. First, those administrative actions are subject to lawsuit and legal attack by other people in the country, class actions and what have you, and could be rescinded in those legal actions, in which case the Chinese students would be at risk.

Second, administrative actions can come and go. They do not have the force of law, and I think everybody here, or mostly everybody here, when they vote will show that they want these rules and regulations to have the force of law.

Let us put aside the legal arguments, because as important as they are, they are largely irrelevant when we put this entire issue in the context of the foreign policy and the message that we want to send not only to the leaders of China but to people all over the world, and we also have to look at this vote against the other actions that the administration, beginning on or about July 4 of last year, took with regard to the repressive regime in China.

Winston Lord, who previously was our Ambassador to China, testified yesterday in the other body to a committee, and he said this: "As a concerned citizen, I am generally against congressional micromanagement of foreign policy and the rigidities often introduced by tactical legislation." He said, "As a Republican who admires the President, served him, and applauds his overall foreign policy, I regret having to oppose the administration." Then he said, "This is the reality. Fairly or unfairly, the veto, if sustained, would reinforce the mindset and the mandate of those who have proceeded from massacre to repression, those who predict America will be lulled by cosmetic gestures and return to business as usual, those who dismiss the Chinese as a people apart from the global winds of change."

Whether we want to believe it or not, whether we want to accept it or not, this decision today sends a loud, clear message to the leaders in China about what we believe and what people all over the world believe about human rights, and it sends a message to the leaders in the Soviet Union, the leaders in East Germany, the leaders in Czechoslovakia, and in all the countries across the world that are in a state of change that business as usual is OK. I think we believe, I know I believe, that business as usual is not OK.

We have an obligation as Members of this Congress representing our people, as representatives of the American society that stands for human rights here and across the world, to unequivocally state what we believe about what these leaders did.

Mr. Speaker, it is not good enough to send leaders there 4 weeks after the acts in Tiananmen Square. It is not good enough to send our top leaders there to clink champagne glasses 6 months after the acts. What kind of message do we want to send to the world? Do we want to say, "It is OK what you did?" Or do we want people to remember the single man who stood in front of the tank and said, "China must stand for democracy," and one man can stand up for those human rights.

Bobby Kennedy said, "If a single man plants himself on his conviction, the huge world will come round to him."

We have a chance today to bring America around to that man who stood alone in Tiananmen Square and said, "Democracy must come to China."

Vote not to refer this to committee and vote to override the veto and stand for human rights.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I rise in strong opposition to the Michel motion.

A little bit earlier today, the President said at his press conference that if his veto was overridden it would result in a decision by China to retaliate against the United States by canceling many, if not all, of the academic exchanges between our two countries. If this assessment is, indeed, accurate, then it would clearly constitute a compelling argument in favor of the Michel motion and in favor of the effort to sustain the President's veto.

I believe, however, that the President's analysis is fundamentally mistaken. The leaders of China may be brutal, they may not be interested in human rights, but they are not dumb. They can read. Because they can read, they surely know that the protections provided in the President's own executive order for the Chinese students are roughly parallel to the protections provided Chinese students in the Pelosi bill. If the Chinese are going to retaliate because we pass the Pelosi bill, they will also retaliate because of the President's executive order. If this is the case, we might ask why then pass the bill.

We need to pass the bill because on the issue of China the President has lost his credibility. If the President can send some of the most senior foreign policy and national security officials in his administration to Beijing at the very same time that he is telling the American people that he suspended all high-level contacts, then he simply cannot be relied upon not to rescind the executive order at some point in the future if this veto is sustained.

In order to provide enduring guarantees to the 40,000 Chinese students in America who fear for their careers and

possibly even for their lives if they should be obligated to return, we need to defeat this motion and override the President's veto when the vote comes before us.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. President, we know you are popular because of foreign policy, but your policy on China stinks.

President Bush's veto of the Chinese student protection bill is wrong, wrong, wrong. It is wrong because it gives the wrong signal to the repressive Communist regime in Beijing, the butchers of Tiananmen. It is wrong because the Bush administrative directive is without any legal foundation and does not provide the Chinese students the protection they seek. It is wrong because it tells those around the world wanting freedom, run by repressive regimes, that the United States will sell them out for geopolitical reasons.

It is a shame that we kowtow to the Chinese with secret trips, winks, and pats on the back.

Mr. President, with all due respect, you are wrong on this one.

Mr. Speaker, I rise today in strong support of overriding the President's veto of H.R. 2712, the Emergency Chinese Students Immigration Relief Act.

Mr. Speaker, I am certain none of us has forgotten the moving and historic scenes of last May and early June. Scenes of hundreds of thousands, indeed millions, of Chinese of all ages peaceably calling for reform of a corrupt and despotic government. Led by the brave students who occupied Tiananmen Square, the Chinese people rose and demanded a say in their nation's future. The Chinese Government's response was brutal and inhuman. The storming of Tiananmen Square remains one of the most terrifying events in modern times.

But as remarkable, tragic, and unforgettable as these events were, I am not certain the Bush administration truly remembers what took place in Beijing last spring—truly understands what the Government of China is capable of doing. We recently learned that weeks after the massacre, Gen. Brent Scowcroft traveled to China. This was followed by a second visit late last year. The President claims these visits were meant to underscore his concern regarding the Chinese Government's actions. If this was the case, why was it kept from Congress and the American people? Clearly, the events of last spring did not make a great enough impression on this administration.

The President further claims that his administrative directive is sufficient to protect the Chinese students. This directive, however, is without legal foundation and lacks the strength of law. Moreover, what is most frightening to the students is that the President's directive is discretionary and can be lifted at a moment's notice.

In light of the President's continued equivocation on this matter; in light of the administration's pursuit of business as usual with China; in light of the administration's cozy relationship with the butcher's of Beijing; any administration action aimed at protecting the Chinese students is suspect and should be regarded with the highest skepticism.

The President is concerned that this legislation will send the wrong signal to the Chinese Government. He could not be more incorrect. Overriding this veto sends a clear and correct message to Beijing—the United States stands alongside those who peaceably rise against oppression and cry out for democracy, and has no tolerance for governments which massacre those who peaceably demand change.

This is the message we should and will send, Mr. President. It is not the wrong signal; it is what this Nation stands for. I urge my colleagues to vote in favor of overriding the President's veto and affording the Chinese students the protection they certainly deserve.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. SCHEUER].

□ 1510

Mr. SCHEUER. Mr. Speaker, although the President's Executive order technically may have accomplished much the same as our bill that the President vetoed, in practical point of fact the signal that it sent, the message that it sent, both to the murderous Mandarins running mainland China today with a cruel fist, as well as to the students in our country of Chinese descent who live in daily fear that they will be delivered forcibly to a vengeful Chinese Government, it was a message a world apart.

Our former Ambassador, our brilliant Ambassador to mainland China, Winston Lord, testified only yesterday to the Senate Judiciary Committee that, "There is no question that today Chinese students in the United States feel uncertain, uneasy, and vulnerable. It is best to remove all doubts by the unambiguous means of legislation. Those who have lived in China where laws do not protect the individual seek security in the laws of the United States that do. Passage of legislation would fortify the students psychologically as well as legally."

The Washington Post noted at the time of the President's veto that the Chinese have a word for that kind of gesture: "kowtow," the touching of the forehead to the ground in servile, supine acquiescence.

Mr. Speaker, that Presidential veto, that kowtow, sent a message that is demeaning to our country. Today we should wipe the slate clean and send a message loud and clear, not only to the Chinese students in our country, not only to the aging tyrants who made the decision that resulted in Tiananmen Square, but to people around the world, that we stand for freedom. We will protect these kids. That is the message we must send today.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from South Carolina [Mr. DERRICK], a member of the Committee on Rules.

Mr. DERRICK. Mr. Speaker, I urge Members to vote to override the President's misguided veto, for two reasons.

First, we simply cannot in good conscience force Chinese students in the United States on J visas to go home to face repression. Many of the students support the democracy movement and have spoken out loudly and vigorously against the evils of Communist dictatorship. The Chinese Government has harassed them here and their families in China. After June 3, it isn't hard to imagine what Beijing has planned for them if they come home. I assure you the American people want no part of it, and rightly so.

Second, Mr. Speaker, there is an important institutional aspect to this issue. The President says we have no constitutional right to reconsider this bill because he has "pocket-vetoed" it. In his message Mr. Bush claimed that the adjournment of Congress "prevented" him from returning the bill within the meaning of article I, section 7 of the Constitution. He also claimed that by withholding his approval he had "precluded" it from becoming law, but that he was returning it to the House because of court decisions raising questions about when the pocket veto applies.

The courts have ruled a President may not use a pocket veto during adjournments within or between sessions of Congress. However, the administration refuses to accept these rulings. The Justice Department testified at a hearing last year in my subcommittee that the President can pocket veto a bill whenever its House of origin is adjourned for more than 3 days. This is absurd. Surely there is no Member of this House who believes that a President should be able to pocket-veto bills over a long weekend, but that is Mr. Bush's position. My subcommittee recently approved legislation codifying the court rulings, which we intend to bring to the floor very soon. I hope all Members will support it.

Mr. Speaker, Congress clearly has both the constitutional right and the moral duty to override this veto today. Democracy is breaking out all over the world. Let's not support the forces of darkness, brutality and repression by sending these students home. Let's show the world this Congress stands up for freedom. Let's show the White House this Congress stands up for its rights under the Constitution. Let's override this veto.

Mr. MICHEL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Georgia [Mr. GINGRICH], the minority whip.

Mr. GINGRICH. Mr. Speaker, I thank my leader for yielding me the time. I am going to vote to override the President's veto today. I announced that last week. I feel that Members do have a constitutional obligation to do that.

I am also going to vote for the motion of the gentleman from Illinois [Mr. MICHEL]. I want to explain briefly why I think it is reasonable to spend a week or two asking the Committee on Foreign Affairs and the Committee on Intelligence and other committees to review things.

I found myself just as we prepared to come back home and we were all out around the country, we were looking around and talking to people. As I sat in Douglasville, GA, in Carrollton, GA, in Jonesboro, GA, I had a chance after Christmas to listen to people.

Then I said, now we are all going to come to Washington. It suddenly occurred to me one afternoon, and I think this is an important thing for Congress to realize, that the world had changed dramatically since we left here in November. Romania had lost its dictatorship in an extraordinarily bloody cycle of events. The Soviet Empire changed substantially. The Azerbaijani rebellion all occurred since then. The process of change in Panama had been decisive with an American victory and a victory for freedom and against the drug dealers. Place after place around the planet, things changed.

In China there is a process going on. I thought what could better illustrate the willful ignorance of Congress than to rush back to Washington, and within 24 hours of arriving, decide that it could not stop and investigate, it could not have closed hearings to receive any testimony by the administration, it could not contemplate; but instead, relying on newspaper reports, relying on Christmas cards from Chinese students, relying on the passions of the moment as we remembered it the day we left, when we voted.

There is no question in my mind that the President has made a mistake. There is no question in my mind that in fact if we are going to vote to override the veto, it should be an override.

I just found it intriguing that we had to schedule this the opening week and that it had to be characterized by some people as a partisan scheduling on the part of the Democratic leadership to score one on the President.

Let me just say two things in closing about all this: In the first place, a man with 80-percent approval can probably be overridden and he will not be crippled dramatically. He might shrink to the levels of Roosevelt, to the more normal levels of Eisenhower and Roosevelt. In the second place, we will not dramatically change things.

I just want to note for my colleagues, I hope the Democratic leadership does not plan to start a whole series of partisan snipings, of which this week's schedule is an example. I think it is regrettable that they pulled the resolution on Panama, which should have been here and we understood yesterday was going to be here. I think that would have been bipartisan and positive and the American people would have supported it.

I think it is regrettable that it was decided to schedule this, and that it has been described so openly in the press as a partisan effort.

So, Mr. Speaker, I am going to vote for this motion on two grounds. First, to send the signal that on an issue that is still going to be relevant in 2 weeks, an issue where the President already personally by administrative fiat has taken care of any concerns of the students, has already protected them, that it would not have been inappropriate for Congress to wait 2 weeks to let the committees report. And the truth is the committees could not have reported during the previous period because they were not here. They could not have gotten a quorum and had a meeting.

Symbolically, first I think it is useful for the legislature to try to be informed occasionally, especially when the world is changing as fast as it has in the last 60 days.

Second, I want to send a message to my friends in the Democratic leadership. It is going to be a long season if we get to petty partisanship, if we pull a resolution on Panama that should have commended the President of the United States, that should have applauded the men and women in uniform who did the right thing, if we pull that and leave standing only a veto override in the narrowest of partisan ways.

Mr. Speaker, I hope my friends on the Republican side will vote for this motion, and those Democrats who think Congress should slow down and take a look and get briefed occasionally, they may want to vote this way too.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, in these past few months we have seen historic images of change and courage and hope. We have seen the image of free people celebrating on the ruins of the Berlin wall. We have seen, too, the image of a young Chinese man facing a convoy of tanks in an act of defiance that spoke for all mankind. And we have seen the darker image of American diplomats lifting a cynical toast to the brutal Communist ideologues who had crushed the life out of their brightest children.

Today we have the opportunity to create another image—as we, representing the sentiment of a Nation, reaffirm through law the basic decency of the American people, and the basic fairness of our moral imperative. Let us send a clear and simple marker about the American character to the butchers of Beijing.

In doing so, we will also send to freedom loving people throughout the world an unequivocal message: we stand for human rights. Let us defeat the motion to refer, let us override this unfortunate veto, and let us lift no more toasts to tyrants.

□ 1520

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the motion which I think is well intended and I understand the minority whip's proposition that we could take 2 weeks to look at this. There is, though, I believe no one in this body who believes that looking at this in 2 weeks would change the opinion of any Member of this body who represents the people of this country who were outraged, justifiably so, by the events in Tiananmen Square.

I suggest to you that perhaps people told Andrei Sakharov to wait, take 2 weeks to consider whether human rights violations were worth standing up against. Perhaps the people in Rumania were told that as well.

Vaclav Havel, who spent 5 years in prison in Czechoslovakia, I am sure was told many times, "wait."

It is time to act now, it is time, with a clear and I hope unanimous voice, state to those in China as we have done over and over again, not on a partisan fashion but together, the Soviet Union and the Communist bloc in Europe, "We stand in united opposition to violations of human rights in the Soviet Union."

Indeed our President, President Reagan said that the then Soviet Union at the time he said it was the evil empire. It is perhaps China that now stands most dramatically in that position.

This is not a time to temporize, this is not a time to delay, it is a time to act. Let us speak with a strong voice and override this misguided veto.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to commend the gentlewoman from California [Ms. PELOSI] for her leadership on this bill. Her dedication to bringing this important bill back to the floor is greatly appreciated by us all.

This vote to override President Bush's veto is a vitally important step

in continuing this country's commitment to democracy around the world. The United States, as the leader of the free world, must show to our neighbors that our promise to those fighting for freedom is expressed in actions and not just words. We have a long standing commitment to be a haven for those fleeing repression. This vote is an expression of that promise. As such, I am proud to voice my support for a bill that will allow Chinese students to stay in this country. I urge my colleagues to join forces in overriding President Bush's veto of this imperative legislation.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I would say to the President: Mr. President, your approval ratings may be skyrocketing, but that will not stop Congress from doing the right thing on the Chinese student visa issue. This House and the American people will not stand by and watch these students returned to the butchers of Tiananmen Square should your administrative remedies fail.

We in Congress respect your desire to maintain flexibility in conducting foreign policy. But we do not believe that the thousands of Chinese students in the United States should be pawns in an international game of chess with China.

This country was electrified by the courage and passion of the throngs of students who took on their repressive government and its tanks. With their efforts for reform brutally smashed, these students deserve our assurance that they will not be returned to their oppressors.

Congress gave that assurance by passing H.R. 2712. Mr. President, your veto of the bill has sent the opposite message.

Now is not the time to flex your muscle in the name of executive discretion. Now is the time to send a clear signal that the United States will not tolerate repression; that the United States will stand firmly behind the courageous men and women who struggle for freedom around the world.

You may be willing to gamble that your administrative remedies are sufficient. But if they are not, Mr. President, you would have to stand up and tell each Chinese student that they will have to go back to horrible repression because you guessed wrong.

Only by enacting H.R. 2712 will we ensure that these students do not become sacrificial lambs at the hands of those who bloodied Beijing.

Mr. President, pave the way to better relations with the Chinese Government, but not on the backs of their students. I urge my colleagues to override the President's veto and enact H.R. 2712.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore (Mr. KILDEE). The Chair will remind Members that under the rules they must direct their comments to the Chair and only to the Chair, and not directly to the President in the second person.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. I thank the Chairman for yielding.

Mr. Speaker, this is not a question of who favors deporting Chinese students to China and who does not. No one favors that. That is not the President's policy and to suggest that it is would be unfair to the President.

I think the issues are more subtle than that.

Our Government policy really should have two objectives: No. 1 to change Chinese behavior and number two to continue this relationship between the two countries.

There are really two approaches: First is the President's approach which is the carrot approach; the other is the congressional approach which includes tough sanctions.

I think both approaches are very difficult to make work. I do not know whether either approach can work. I do not know whether the President's policy or the policy enunciated by the Congress in this override effort can change Chinese behavior. I think the Chinese may in fact react against congressional pressure. But what I do think is that the Chinese cannot really moderate their behavior.

I think therefore the President and the Congress are fooling themselves when they suggest the Chinese can moderate their behavior when either a carrot or a stick is applied.

If the Chinese do moderate their behavior, if they let this genie out of the bottle they know it is all over for them.

Once democracy begins to spread in China I think that genie cannot be put back in the bottle. Therefore, I think it is in our interest to recognize that change is coming. Democracy is coming to China. Nobody knows how long or how soon it will be, but when it comes let it be said that America stood with the students and with democracy in China.

The SPEAKER pro tempore (Mr. KILDEE). The time of the gentleman from Texas [Mr. BROOKS], has expired.

The gentleman from Florida [Mr. FASCELL] has 3 minutes remaining and the gentleman from Illinois [Mr. MICHEL], has 17½ minutes remaining.

The gentleman from Illinois has the right to close debate.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Speaker, I thank the distinguished Chairman for yielding.

Mr. Speaker, I want to speak against the motion to recommit and in strong support of the override.

Mr. Speaker, it is disgraceful that Congress must even consider overriding a veto on an issue as basic as the health and safety of the Chinese students in the United States. Sadly, however, the administration has turned a cold shoulder to their fate.

Without the waiver created in this bill these students, upon completion of their studies, will be required to return to China, a country that still has not expressed remorse over the killing of hundreds of its own people. Defeat of the override can only mean two things: The students will have to go home to a dangerous welcome or risk staying in America illegally.

I cannot imagine imposing such a harsh and unnecessary fate upon the students.

Has the American sword of justice become so blunted that we will not afford simple physical protection to thousands of innocent people? Mr. Speaker, the time has come to stand up for democracy. The time has come to stand up for the brave young Chinese students who were massacred in Tiananmen Square.

The time has come to stand up to the President and to override his veto on this issue.

Mr. Speaker, the time has come to send unequivocally, on a bipartisan basis, a message to the people of China that both Democrats and Republicans alike, people from throughout America, regardless of political persuasion, support the aspirations of democracy in China, support the students who supported democracy in China and reject the brutality that was seen in Tiananmen Square.

□ 1530

Only by overriding this veto, and only by refusing to send this bill back to committee can that message be so demonstrably communicated, as it must be.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

The SPEAKER pro tempore (Mr. KILDEE). The gentleman from Florida has 2 minutes remaining, and yields 1 minute to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, today's task is simple. We choose between freedom and liberty on one side, tyranny and murder on the other. Today we tell the Chinese leaders that America does not stand for government-sanctioned murder. Unfortunate-

ly we must also send this message to the White House.

When we talk about the leaders of China, let's be clear. We are talking about murderers. We are talking about those who ordered the tanks to run down and gun down students. We are talking about those who want Chinese students returned from this country so that the Chinese version of fair punishment—murder—can be carried out.

George Bush is wrong when he says he can deal with these tyrannical murderers using reason and diplomacy. You can't reason with mad dogs, Mr. President. You can't respond to the flowing blood of dead students with a toast of red wine.

The President is wrong. We know it, the American people know it.

Vote for the veto override. Save the President from his mistake. Save the Chinese students. And save America from sanctioning tyranny and murder.

Mr. MICHEL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Speaker, I thank the distinguished minority leader for yielding time to me. I rise to review the issues. There are two issues before Members today. One is of substance; one is of symbolism. On substance, this is the strangest, most peculiar veto override circumstance in the memory of this Member. Congress passed a bill to implement a narrow change in immigration policy relating to Chinese students in this country. The President, by Executive order, implemented the policy but vetoed the legislation. In one sense, the veto was gratuitous; in another sense, the override effort is equally gratuitous. In a policy way, the result is the same, whatever the override result.

In a more positive sense, it is key to note that both the executive and legislative branches have good reasons for their actions. Congress passed compassionate legislation. The President had a very thoughtful reason to veto that legislation, his concern not only for students in this country at this time, but that we might not be able to obtain future students based on exchanges.

I stress the good intentions all around because at a symbolic level, some suggested that the veto override represents a quasi-vote of no confidence on the President's policy. I believe this vote should not be considered in that context. As a Member who believed Congress was right to pass the Pelosi bill, that the President was justified to veto it, but Congress nonetheless, correct in moving to override; I would like to stress that the balancing factor is the appropriateness of Congress taking the lead role in immigration policy, and the necessity of this body as a barometer of American values not being coerced by octogenarian oppressors in Beijing.

As for the President's broad demarche, I am convinced partisans are premature in criticism. In this regard, this body should not underestimate that modest, positive results appear to be unfolding. In the wake of the Scowcroft visit, Beijing agreed not to sell M-9 missiles to the Middle East, lifted martial law, agreed to reallow the presence of Voice of America in China, it commenced discussions on a wide range of Fulbright and Peace Corps programs, and released a small number of political prisoners. Skeptics are correct in suggesting that fundamental changes have not occurred. However, in all likelihood, without President Bush's bold gambit, none of the above would have happened. Good news is good news, even if it is not extraordinarily good news.

In this context, there is one aspect of the Scowcroft mission that I want to stress above any other. This week, serious negotiations are under way among members of the Security Council of the United Nations, to secure an international solution to the Cambodian issue.

Without the Scowcroft visit, serious cooperation with the Chinese, who hold not only a veto in the Security Council, but the most powerful card in Southeast Asian politics, would be impossible. Because of the Scowcroft mission there is a possibility, albeit slim, of an international breakthrough to prevent Pol Pot from returning to power. Because of the Scowcroft visit there is also a powerful prospect that a cooperative model could be established for Third World intervention in a peaceful way in other settings.

Given Chinese history, I think all Members in this body should understand that for the majority to be too critical of an effort to maintain direct, high-level contact with senior Chinese leaders is ironic if not dangerous. It is ironic because liberals for 20 years insisted on public recognition and diplomatic intercourse with the Mao Zedong's China, and now object to serious quiet discussion with Deng Xiaoping's government.

It is dangerous because Pol Pot and the Khmer Rouge are today closer to achieving a decisive military and political advantage over the militarily inept Cambodian Government of Hun Sen.

To conclude, I would like to emphasize that on the narrow issue of immigration policy, philosophically this veto override might be considered to reflect a healthy competition between coequal institutions of government as well as political parties. In a sense it may be seen as a celebration of a healthy aspect of American politics, a bipartisan and bi-institutional desire to do right by 73,000 Chinese students, especially the 40,000 among them who hold "J" visas.

However, I stress that competition for good government can contain seeds of destructiveness if Members of this body, particularly the majority, play politics with the broader aspects of the administration's admittedly high risk policy. My own sense is that the wise, thoughtful approach today is to give the gentleman from Illinois [Mr. MICHEL] the benefit of the doubt, to bring this issue back to the floor in a more consistent, coherent, and bipartisan fashion, but under any and all circumstances, this body is going to have to make it clear to the Chinese students that we will stand behind them.

Mr. MICHEL. Mr. President, I yield 1 additional minute to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield my remaining 2 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, history will reflect that Ronald Reagan was the best American President Japan ever had. They truly loved him. I say here today if President Bush's veto is sustained, President Bush will be remembered as the greatest American President that the Chinese Government ever had. Not the people of China, but the Government. The Government that murdered innocent people, who sought freedom. They shot them down. They have put thousands in jails. What is even worse, what flies in the face of this debate, until this day the Chinese Government will not even admit the massacre, nor admit the fact that they have detained illegally so many Chinese citizens.

Now, maybe our President is going to kowtow to a repressive Chinese Government, but this Congress should not. It is time to put your vote where you rhetoric is. If America stands for self-determination, it stands on the side of people who seek freedom, then we override this veto today. Anything short of that is un-American.

I commend the gentlewoman from California [Ms. PELOSI] for her fine effort, and the respective chairmen.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MICHEL] has 2½ minutes remaining.

Mr. MICHEL. Mr. Speaker, I am not altogether sure it was in my best interest to yield the extra minute to my distinguished friend, the gentleman from Florida [Mr. FASCELL]. However, I will give Members a much more rational argument why Members ought to support my preferential motion here today, and in the event that it does not pass, I want to make it quite clear that I will be voting to sustain the President's veto of the legislation.

I am going to begin my remarks here with a quotation which is not my own, but is very appropriate for the occasion.

It reads as such:

There are many practical reasons why the President must keep in contact with the present Chinese leadership no matter how distasteful such contact is for himself and the other American people. There is simply no other alternative if we want to get things done. By maintaining contact the President cannot right the wrong that has already been done but he may be able to prevent that gang of power-mad old men in Beijing from inflicting more madness on the Chinese people and the civilized world.

□ 1540

Mr. Speaker, the words I have just read are not, as I said, my own. They are the words of Nien Cheng, author of "Life and Death in Shanghai," a memoir of her survival as a prisoner of the Chinese Communist Government.

I do not know where Nien Cheng stands on the bill, H.R. 2712, but her words remind us that what is at stake here is not just an immigration policy but the way the United States conducts foreign policy.

I am glad, at long last, to see universal concern for human rights in China. When we opened relations with the China of Chou En Lai and Chairman Mao, those who told us of the tens of millions of innocent victims of Chinese Communists were scorned as not being "pragmatic." But because of foreign policy considerations, we went ahead and established relations with the bloodiest dictatorship in the world, and many of those now criticizing President Bush applauded the opening to China of Chairman Mao and Chou En Lai.

I mention this only to clarify a point that I am sure will be made later on in the debate on the actual veto message.

Some who want to override the President's veto will say that the President is insensitive to the Tiananmen Square massacre, but under our system an American President has to keep in touch with friend and foe alike, and some may be down right bloody dictators.

In 1941 Stalin had more innocent blood on his hands than Hitler, but President Roosevelt embraced him at the time in the long-range best interests of the United States.

Well, you might say: "But that was war."

I say that our relationship to China will have a bearing on the next 50 years of world history. We have to keep the lines of communication open and let those who decried the opening to China on human rights grounds cast the first stone. Let those who say we should not have embraced bloody Stalin lecture to us on morality.

I voted for H.R. 2712 with the overwhelming majority of our colleagues because the principles at the heart of our bill reflected our universal desire to help the Chinese students in the United States.

Incidentally, I do not know how many other Members out there received as many Christmas cards from Chinese students around the country at the various universities as I did—they were very touching—thanking us for what we had done. They have a real network in this country, and I appreciated their taking their time to send Christmas cards in appreciation for our expressing our point of view.

It was a magnificent gesture of compassion and concern for us to have adopted the legislation initially, but fine gestures are not substitutes for sound policy.

Some may argue that the situation in China is still bad, and of course it is. No one is denying that. My point is not that things are better, only that they are different and more complex with the passage of time, and we owe it to the American people to analyze the differences. No Chinese students in the United States and no principle of human rights will be sacrificed by a thorough re-examination of the current situation. It may well be that after such an examination we could decide to take different, perhaps even more wide-ranging action. And let me repeat—there will be no danger to the Chinese students if we take a second look. They are already protected by the President's directive.

Principled, effective foreign policy demands commitment to the long run, to hard work, often behind the scenes, sometimes involving compromise, sometimes involving confrontation. It sometimes involves, frankly, holding your nose with one hand while extending the other.

President Bush knows China, I would say, as well as, if not better than, any Member of this House of Representatives. He knows her people. He knows their special traits, and he must be given the room to make the foreign policy moves he feels are in the long-range, best interests of our country.

Since the goal of the President and of the Congress is the same, that is, protecting the Chinese students, and since the students are now protected, why not take the extra time and effort to re-examine what we have done?

Surely we owe it to the Chinese students and to the American people to show that democratic government involves the willingness on the part of the Legislature to admit it can perhaps do a better job.

Mr. Speaker, I ask support for our motion to refer this matter to both the committee on Foreign Affairs and the Committee on the Judiciary.

Finally, Mr. Speaker, I would like to include at this point in the RECORD three letters reflecting the views of 22 Chinese-American organizations in support of the President's veto.

JANUARY 22, 1990.

Hon. GEORGE MITCHELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: We applaud and support the President's decision to withhold approval of H.R. 2712, the "Emergency Chinese Immigration Relief Act of 1989."

The relationship between the United States and China has been difficult since June 1989 and the positive steps taken by President Bush to normalize relationship with China is serving the best interest of this nation. An override of the Presidential veto at this time will definitely send the wrong message to the leadership in China about American intentions. It will also complicate a very sensitive situation, not to mention the negative effect of limiting the President's ability to conduct diplomacy.

We strongly believe that the Presidential Directive makes H.R. 2712 totally unnecessary. We also believe that the Presidential Directive provides broader and better protection for the Chinese students. We also oppose legislation that put America in a straightjacket and Congressional actions that limit options available to the Executive Branch in responding to changing circumstances.

The President has acted in the long term best interest of America. We urge Congress NOT to override the Presidential decision to withhold approval of H.R. 2712.

Sincerely,

Samuel T. Mok, Hun J. Goon, Lawrence T. Tom, Yen-Den A. Chen, the Chinese Consolidated Benevolent Association of Washington, DC.

Alfred Hong, Chinese American Citizen Alliance.

Barry Tien, New Jersey Asian American Political Coalition.

Julie Rao, Asian American Congressional Forum.

Robert Kwok, Chinese American Music Society.

Heo-Peh Lee, Chinese American Political Action Association of New York.

Grant Moy, attorney, Bethesda, MD; Rev. Man-King Tso, Baptist Church, Georgetown, Wash., DC; Rev. Jonathan Liu, Chinese Bible Church, Rockville, MD; Daniel Ho, professor, Wash., DC; Patrick Sung, attorney, Arlington, VA; Dr. Robert Kwok, M.D., Silver Spring, MD; Eleanor Wang, businesswoman, Annapolis, MD; Homer Chen, engineer, Wash., DC; Dr. Grace Shu, Williamsport, PA; Dr. Robert Hsueh, attorney, Dallas, TX; Professor Chi Wang, Wash., DC; Nelson Lee, businessman, Silver Spring, MD.

THE GUANGDONG BENEVOLENT ASSOCIATION OF GREATER WASHINGTON,
Washington, DC, January 19, 1990.

Hon. GEORGE MITCHELL,
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: The Guangdong Benevolent Association of Greater Washington and the following organizations wish to convey to all the United States Senators a message. The organizations are:

Chinese American Communities of USA.

National Association of Chinese Americans, Washington, DC.

The Fujian Residents Association, Washington, DC.

Associated Organizations of Chinese American Heritage, Washington, DC.

American Center for Medical Sciences.

American Chinese Freemason Society.

Moy's Association.

Chinese American Chamber of Commerce, USA.

The Gee How Oak Tin Association.

China Reunification Alliance, Washington, DC.

KiangSu Residents Association.

The message is a simple one.

We believe the President did the right thing when he withheld approval of the Emergency Chinese Immigration Relief Act of 1989. We also believe that an override of this Presidential decision will not serve the best interest of United States, China, and the Chinese students in this country. As Chinese Americans, we speak with compassion for these students. As American taxpayers and voters, we speak with the interest of United States in mind. An override will endanger longterm relationship between China and the United States. It will also mislead the Chinese Government about the intentions of the American people and their perception of President Bush.

Please DO NOT allow the override of the President's decision on H.R. 2712 to take place.

Respectively,

DOUGLAS TOY,
Chairman.

JANUARY 22, 1990.

PRESIDENT GEORGE BUSH
The White House, Washington, DC

DEAR MR. PRESIDENT: We are writing this letter to support your position and policy regarding the Chinese students present in the United States. We know you would never allow any action that would force the return of Chinese students if their lives or liberty are in danger. We know you have firm commitment and are supportive of the humanitarian principles that Chinese students are fighting for. We think your Executive Order provides immediate and broader protection than H.R. 2712.

Therefore, we strongly support your memorandum of disapproval issued on November 30, 1989. You have a long record being a supporter of fighter for human rights. We firmly believe that you and America will always stand with freedom-loving men and women around the world.

Respectfully yours,

Dallas Asian-American Chamber of Commerce.

Dallas Asian-American Voters Coalition.

Chinese Lions Club.

Chinese Chamber of Commerce.

Mr. Speaker, I move the previous question on the preferential motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. KILDEE). The question is on the motion offered by the gentleman from Illinois [Mr. MICHEL].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MICHEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 137, nays 276, not voting 18, as follows:

[Roll No. 3]

YEAS—137

Archer	Bartlett	Bliley
Armey	Barton	Broomfield
Baker	Bateman	Buechner
Ballenger	Bentley	Bunning
Burton	Hiler	Ravenel
Callahan	Holloway	Regula
Chandler	Hopkins	Rhodes
Clinger	Horton	Ridge
Coble	Houghton	Ritter
Coleman (MO)	Hunter	Roberts
Combest	Hyde	Robinson
Coughlin	Inhofe	Rogers
Courter	Ireland	Ros-Lehtinen
Craig	James	Roth
Crane	Johnson (CT)	Saxton
Dannemeyer	Kyl	Schaefer
Davis	Leach (IA)	Schiff
DeLay	Lent	Schulze
DeWine	Lewis (CA)	Sensenbrenner
Dickinson	Lewis (FL)	Shaw
Dornan (CA)	Lightfoot	Shays
Dreier	Livingston	Shumway
Duncan	Lowery (CA)	Shuster
Edwards (OK)	Madigan	Skeen
Emerson	Marlenee	Slaughter (VA)
Fawell	Martin (IL)	Smith (NE)
Fields	Martin (NY)	Smith (TX)
Fish	McCandless	Smith, Robert (OR)
Frenzel	McCollum	Solomon
Gallegly	McCrery	Spence
Gallo	McEwen	Stangeland
Gekas	McGrath	Stearns
Gillmor	McMillan (NC)	Stump
Gingrich	Meyers	Sundquist
Goodling	Michel	Tauke
Goss	Miller (OH)	Thomas (CA)
Gradison	Moorhead	Thomas (WY)
Grandy	Morrison (WA)	Upton
Grant	Myers	Walker
Gunderson	Nielson	Weber
Hammerschmidt	Oxley	Weldon
Hancock	Packard	Whittaker
Hansen	Pashayan	Wolf
Hastert	Paxon	Wylie
Hefley	Petri	Young (FL)
Herger	Quillen	

NAYS—276

Ackerman	Crockett	Hefner
Akaka	Darden	Henry
Alexander	de la Garza	Hertel
Anderson	DeFazio	Hoagland
Andrews	Dellums	Hochbrueckner
Annunzio	Derrick	Hoyer
Anthony	Dicks	Hubbard
Applegate	Dingell	Huckaby
Aspin	Dixon	Hughes
Atkins	Dorgan (ND)	Hutto
Barnard	Douglas	Jacobs
Bates	Downey	Jenkins
Bellenson	Durbin	Johnson (SD)
Bennett	Dwyer	Johnston
Bereuter	Dymally	Jones (GA)
Berman	Dyson	Jones (NC)
Bevill	Early	Jontz
Bilbray	Eckart	Kanjorski
Boehlert	Edwards (CA)	Kaptur
Boggs	Engel	Kasich
Bonior	English	Kastenmeier
Borski	Erdreich	Kennedy
Bosco	Espy	Kennelly
Boucher	Evans	Kildee
Boxer	Fascell	Kleczka
Brennan	Fazio	Kostmayer
Brooks	Feighan	LaFalce
Browder	Foglietta	Lagomarsino
Brown (CA)	Ford (MI)	Lancaster
Brown (CO)	Frank	Lantos
Bruce	Frost	Laughlin
Bryant	Gaydos	Leath (TX)
Bustamante	Gejdenson	Lehman (CA)
Byron	Gephardt	Lehman (FL)
Campbell (CA)	Geren	Levin (MI)
Campbell (CO)	Gibbons	Levine (CA)
Cardin	Gilman	Lewis (GA)
Carper	Glickman	Lipinski
Chapman	Gonzalez	Lloyd
Clarke	Gordon	Long
Clay	Gray	Lowey (NY)
Clement	Green	Lukens, Donald
Coleman (TX)	Guarini	Machtley
Collins	Hall (OH)	Manton
Condit	Hall (TX)	Markey
Conte	Hamilton	Martinez
Conyers	Harris	Matsui
Cooper	Hatcher	Mavroules
Costello	Hawkins	Mazzoli
Cox	Hayes (IL)	McCloskey
Coyne	Hayes (LA)	McCurdy
McDermott	Price	Solarz
McHugh	Pursell	Spratt
McMillen (MD)	Rahall	Staggers
McNulty	Rangel	Stallings
Mfume	Ray	Stark
Miller (CA)	Richardson	Stenholm
Miller (WA)	Rinaldo	Stokes
Mineta	Roe	Studds
Moakley	Rohrabacher	Swift
Mollohan	Rose	Synar
Montgomery	Rostenkowski	Tallon
Moody	Roukema	Tanner
Morella	Rowland (CT)	Tauzin
Morrison (CT)	Rowland (GA)	Taylor
Mrazek	Roybal	Thomas (GA)
Murtha	Russo	Torres
Nagle	Sabo	Torricelli
Natcher	Saiki	Towns
Neal (MA)	Sangmeister	Traficant
Neal (NC)	Sarpalius	Traxler
Nowak	Savage	Udall
Oberstar	Sawyer	Unsoeld
Obey	Scheuer	Valentine
Olin	Schneider	Vento
Ortiz	Schroeder	Visclosky
Owens (NY)	Schuette	Volkmer
Owens (UT)	Schumer	Walgren
Pallone	Sharp	Walsh
Panetta	Sisisky	Washington
Parker	Skaggs	Watkins
Parris	Skelton	Waxman
Patterson	Slattery	Weiss
Payne (NJ)	Slaughter (NY)	Wheat
Payne (VA)	Smith (FL)	Whitten
Pease	Smith (IA)	Williams
Pelosi	Smith (NJ)	Wilson
Penny	Smith (VT)	Wise
Perkins	Smith, Denny (OR)	Wolpe
Pickett	Smith, Robert (NH)	Wyden
Pickle	Snowe	Yates
Porter		Yatron
Poshard		

NOT VOTING—18

AuCoin	Ford (TN)	Nelson
Bilirakis	Kolbe	Oakar
Carr	Kolter	Sikorski
Donnelly	Luken, Thomas	Vander Jagt
Flake	McDade	Vucanovich
Flippo	Murphy	Young (AK)

□ 1605

The Clerk announced the following pairs:

On this vote:

Mr. Bilirakis for, with Mr. AuCoin against.

Mr. McDade for, with Mr. Sikorski against.

Mr. HORTON and Mr. GOODLING changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KILDEE). The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 2712), to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Texas [Mr. BROOKS] is recognized for 1 hour.

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of voting to override the President's veto of H.R. 2712, The Emergency Chinese Immigration Relief Act of 1989, and I am pleased to yield 30 minutes of the time to the distinguished ranking minority member of the Committee on the Judiciary, the gentleman from New York [Mr. FISH], for purposes of debate only.

Mr. Speaker, H.R. 2712 simply waives, for students from the People's Republic of China, the requirement that foreign exchange visitors must go home at least 2 years after they have completed their studies here. The House has overwhelmingly approved H.R. 2712 on three separate occasions, the last time, which was the conference report, by a recorded vote of 403 to 0. The Senate has approved the measure unanimously on three separate occasions. But the President's decision to veto the bill compels the House and Senate to vote on it once again, and that's what we'll be doing today.

We don't enjoy being at loggerheads with the administration over this bill. And this issue, really, is not whether the terms and conditions of H.R. 2712 are good or bad, because the fact is that the administration has agreed that they are good and suggests it will implement administratively all of those terms and conditions. So we are arguing about substance, we are arguing about process. And so this is our choice: Do we want a statute or, instead, an administrative decree?

Frankly, I am not convinced that the executive branch has the authority under existing statutes and regulations to provide the kind of blanket waiver called for in the bill. In any event, I submit that the rights and benefits embodied in H.R. 2712 are deserving of statutory protection. They are immigration rights, but they are also human rights, and should not be relegated to the back pages of the Code of Federal Regulations or field instructions issued by the INS.

Furthermore, in light of a particular case of which I am aware, I am not at all sure that the administration will implement in good faith its stated intentions. The son of a friend of mine in China has been admitted to a university in the United States and is supposed to reenroll there today. He has his Chinese passport and his exit visa, but has twice been denied an entrance visa by the United States State Department. When President Bush vetoed this bill, he stated that he wanted to see these exchanges continue because it is in the national interest of the United States. But in this instance, it is not China, but rather the United States Government who is prohibiting this student's departure to the United States. If our current administrative policy is that inconsistent and uncertain, I certainly do not want to rely on any future administrative action to accomplish the purposes of H.R. 2712.

There are signs that the administration's efforts to normalize relations with the People's Republic of China are having some effect. The resumption of educational and cultural contacts with China, as well as that Government's release of a number of individuals who had been detained after last year's demonstrations show that relationships are improving. I do not believe that this bill will have any damaging effect on those efforts. Rather, it will show our Nation's resolve that long-term improvements in relations between the two countries must be grounded on a mutual respect for individual rights.

Mr. Speaker, I want to thank the gentlewoman from California [Ms. PELOSI] who is the primary sponsor of H.R. 2712 for all the excellent hard work she has done and I urge my colleagues to vote once again for H.R. 2712 by voting "yes" on the question of overriding the President's veto of this important bill.

In addition, Mr. Speaker, I would like to take this opportunity to briefly discuss a matter of great constitutional significance which the President's actions on this bill have raised. The President, in his "memorandum of disapproval," stated that "the adjournment of the Congress has prevented my return of H.R. 2712 within the meaning of article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law." The President cites the pocket veto case of 1929 in support of this proposition. Mr. Speaker, I believe that the President is wrong and he has seriously misread the Constitution. His message is an attempt to encroach upon the prerogatives of the Congress.

The Constitution is quite clear. It states that:

> Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after such reconsideration two thirds of the House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. (Article I, section 7, clause 2).

A bill does not become law if the Congress, by its adjournment, prevents its return—the so-called pocket veto.

Mr. Speaker, the facts in this situation are quite clear. The President has vetoed the bill. He has done what the Constitution requires. He has returned the bill to the House with his objections. The memorandum of disapproval has been entered into the Journal. It is now the constitutional duty of the House to decide whether the bill shall become law, the objections of the President to the contrary notwithstanding.

The allegation by the President that he has pocket vetoed the bill is wrong both as a matter of fact, and improper as a matter of governmental policy. It is wrong as a matter of fact since the President returned the bill with his objections to the originating House. Prior to the recess, both Houses adopted House Concurrent Resolution 239, the adjournment resolution, which specifically authorized the Clerk of the House, and the Secretary of the Senate to receive messages from the President when their Houses were not in session for the stated purpose of preserving their "constitutional prerogative * * * to reconsider vetoed measures in light of the objections of the President." By virtue of House Concurrent Resolution 239, the Congress intentionally acted so as not to prevent the President from returning any bill to the Congress for its reconsideration. For purposes of the pocket veto clause of the Constitution, the Congress was here to receive any message the President wished to send. Accordingly, in my opinion, the bill was subjected to a normal, or return veto.

The President's attempt to invoke a pocket veto in this situation is wrong as a matter of governmental policy because it is an encroachment upon the prerogatives of the Congress to reconsider bills which have been disapproved by the President. We have a solemn duty to undertake such a reconsideration. The constitutional language which I have cited clearly contemplates that, as a check on executive authority, the Congress will have the right to reconsider bills, taking the President's objections into consideration. There is no viable governmental purpose served by this naked attempt to deprive the Congress of the opportunity for such review.

While some may argue that the length of time during which the Congress will be unable to reconsider a bill between sessions necessitates the President's taking the final action in the form of a pocket veto, I do not agree with this reasoning. Vetoed bills which are returned are subject to referral to committees and other postponements. There is never a time certainty of their consideration. There have been occasions when vetoed bills have laid over for many months before reconsideration by the House. As long as the originating House will be able to reconsider the bill at some time, the pocket veto is inappropriate. The pocket veto serves no valid purpose during a Congress.

Both President Ford and President Carter recognized this fact and agreed to use their return veto during both intrasession adjournments and intersession adjournments. They recognized that in modern times the Congress truly only prevents the return of a bill in the constitutional sense when it adjourns sine die at the end of the second session of a Congress. I believe that is the only time when the pocket veto's use is justified.

Therefore, Mr. Speaker, the matter before us, H.R. 2712 is properly here as a bill returned by the President with his disapproval. I hope that my colleagues will send a message to the President by overriding this veto both on the substance of this very important legislation, and on the serious constitutional issue of ensuring that the President respects the important responsibility of the Congress to reconsider legislation which he has disapproved.

□ 1610

Mr. Speaker, I reserve the balance of my time.

Mr. FISH. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BROOMFIELD], the ranking member of the Committee on Foreign Affairs.

Mr. BROOMFIELD. Mr. Speaker, recent reports give a sense of urgency to the issue we are discussing here today.

Over the weekend, we learned that China has imposed new restrictions on foreign journalists.

That suggests to me that things are getting worse, not better, and that the authorities do not want the U.S. Congress and others in the world to read about future acts of repression.

We have also recently learned that more than 800 Chinese have been sent to prison for so-called counterrevolutionary crimes.

That can mean nothing more than making a disparaging remark about the Chinese Communist Party or one of its leaders.

Many face prison terms of 10 years or more.

I am sure many of my colleagues watched brave young Chinese students talk openly about the past and future of China on any number of television talk shows.

One I remember was a young graduate student at Harvard. He discussed the Chinese leadership with a lot of insight, and a lot of courage as well.

This bill will show that young student, and 40,000 others like him, that America takes its commitment to freedom of speech very seriously.

The President says these students can be protected through an executive order.

While I trust the President, and an executive order may be enough to do the job, I know that these 40,000 students would feel a lot more confident if their safety were guaranteed by law. So would I.

That is why I am going to vote to override the veto.

Yes, the United States has an agreement with China that obliges us to make sure their students return.

But in this case, America has a higher obligation. America also has laws and traditions which guarantee asylum to anyone with a well-founded fear of persecution.

Hundreds of Chinese students died in Tiananmen Square and hundreds of others are now in prison.

Thousands of students have been forced to sign confessions that can later be used against them.

I cannot believe we would ever deny asylum to people under such circumstances.

If we do not provide full legal protection to these students, we will be sending the wrong message to tyrants around the world.

There are surely men in the Kremlin and elsewhere who are drawing their own lessons from the events in Tiananmen Square.

If the Chinese leaders pay no price, either at home or abroad, others might find it a whole lot easier to succumb to the Tiananmen temptation.

Political leaders everywhere must know that the world community will not stand idly by while tyrants commit grave crimes against those they are supposed to serve and protect.

Make no mistake about it: this vote is a referendum on human rights that will be heard around the world. To tyrants, it will send a message that Americans will not countenance butchery.

To those who seek freedom, it will send a message that America will not abandon its principles.

Some may argue that not every culture subscribes to what they call Western concepts of freedom.

That may have been true in the past, but the sight of Miss Liberty being carried aloft by demonstrators in Beijing convinced me that these so-called Western concepts appeal to people all over the world.

The desire to be treated with kindness and dignity is a longing common to all men and women, both East and West.

I appreciate the difficult position President Bush finds himself in. America cannot always choose the heads of state it wishes to deal with.

It would be nice if the world's governments were led by Woodrow Wilsons and Dag Hammarskjolds, but that is not likely to happen anytime soon.

Yes, we should deal with the Chinese Government. However, let us do it not on their terms but on terms that accord with accepted norms of decent behavior.

China's old and tyrannical leadership is crumbling. A new generation is poised to rebuild China on a foundation of greater political and economic freedom.

One day I hope these 40,000 students will feel it is safe enough to return home to help rebuild their country.

Until that happens, the United States should do everything it can to protect them.

America should be remembered for providing a launching pad for China's leadership of the future—not for providing crutches for its tyrants of the past.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. MORRISON], chairman of the subcommittee which brought this legislation out.

Mr. MORRISON of Connecticut. Mr. Speaker, I thank the chairman of our Committee on the Judiciary for yielding me this time. I appreciate the opportunity to briefly urge my colleagues to vote in support of the motion in support of overriding the President's veto.

The President has made an unfortunate mistake, but we can correct it here on the floor of the House, and we can urge forward our Senate colleagues to do the same tomorrow.

This is a clear choice. Where do the people of America stand? We speak on their behalf when we say we stand on the side of democracy and freedom, the aspirations of the Chinese people as represented in their best and brightest who have come here to the United States to study. It is our duty to protect them from the harassment that they are receiving from the Chinese officials here in the United States, to protect them from the harassment that their families receive at home, to tell them clearly that, yes, the United States stands by their side, on their side, in support of their hope for the future of China. We will hear it said by some in this debate that this override has no practical significance. It certainly has a great symbolic significance. It tells us where America stands. It tells the Chinese where America stands. But it also tells the immigration authorities who makes the law with respect to immigration. The fact is that the President's administrative order does not comply with the existing statute, is outside of his legal authority.

It is the fact that he could withdraw the very benefits that he has given, and a court could order him to do so because they are outside of the statutory framework. Only through a statutory enactment can we guarantee that the intent of this Congress will be enforced. That is why this override not only sends a message to China, not only sends a message to the students,

but sends a message up Pennsylvania Avenue to the President that lawmaking requires that the constitutional process be obeyed. This veto and administrative action does not do that. The vote to override will do so. The law will be clear. It will be permanent. It will be protection, the very thing we want to give.

□ 1420

Mr. Speaker, I would like to address a question to the chairman of the Committee on the Judiciary regarding the intent of this legislation.

Mr. Speaker, it has come to my attention that several American universities maintain research facilities outside of the United States. Is it the understanding of the chairman that those students who have been involved in academic activities outside the United States and who as a result were out of the United States for purposes of pursuing their degrees on January 5, 1989, would be considered as having maintained their lawful status under the "brief, casual, and innocent departure provision" of H.R. 2712?

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, that is my understanding of the meaning of that legislation.

Mr. MORRISON of Connecticut. I thank the gentleman. I urge my colleagues to vote for the override.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE], the senior member of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, it is very difficult to vote against this motion to override. There are so many symbolic statements that it makes that I am about convinced that I should vote to override. But I think in all fairness, the case has not been as adequately made as might have been made for the position of the President, and I wish that the motion of the gentleman from Illinois [Mr. MICHEL] had been granted so that Members could have heard a fuller explication of the position of the President.

I think it is important to understand the geostrategic significance of China. It is important that we maintain diplomatic leverage with that important member of the Security Council.

What about Hong Kong? At the end of this decade Hong Kong will revert to the People's Republic of China. Under what terms? Under what conditions? How free or unfree will those people be?

Would not some leverage by the United States be helpful for the cause of freedom which we are all dedicated to?

What about Pol Pot? What about Cambodia? The Chinese have supported the greatest butcher in recorded history, Pol Pot. Can we not have some influence to wean them away from supporting the Khmer Rouge in a post-North Vietnamese Cambodia? Is that not important? Are human lives not at stake? Do we lose leverage by doing this gratuitous, albeit important, symbolic gesture?

What about North Korea, which is developing a nuclear facility? What about the Chinese influence on North Korea? What about our influence over China vis-a-vis North Korea? Is that important? Do we throw that out the window for a symbolic statement that makes us feel good? We will feel good, but we will not protect a single student, because they are already protected by the administration. These things are important.

Now, if we are sensitive to human rights offenses, how can you feel comfortable about the Middle East? But not a word will be said about that. This is an easy vote.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLARZ], a distinguished member of the Committee on Foreign Affairs.

Mr. SOLARZ. Mr. Speaker, in a way, this debate is both unfortunate and unnecessary. If the President, from the moment the bullets first began to fly in Tiananmen Square, had effectively expressed the outrage of the American people, if he had imposed sanctions at the outset rather than being forced to do so by the Congress, if he had not sent General Scowcroft and Mr. Eagleburger to Beijing at the very same time he was telling the American people we had suspended all high-level contacts with China, there would probably not have been any need for this legislation.

But the fact is that the President has consistently demonstrated that he is more sensitive to the concerns of the Chinese leadership than to the hopes and fears of the Chinese people.

So we need this legislation. We have to override the President's veto because on the Chinese issue, he simply no longer has the kind of credibility which would command confidence in his assurance that his directive on Chinese students would remain valid for the indefinite future.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding. I want to say that I am going to support the motion to override the President. I think that we have here a situation in which the President has had his heart in the right place. He has issued directives that have effectively to this point kept any Chinese students from being forcibly repatriated, if you will, to Communist China. In fact, H.R. 2712 is effectively a codification of the President's directives. They are very much the same. That is a fact, and I think we must concede that the President has attempted to do through administrative directive what Members are doing statutorily.

Nonetheless, I think it is important that we do this statutorily. I think there could be a challenge in the courts against the President's directives. I think there is a good argument to the effect that they are taken in violation of statute or that they go against statute and could be challenged successfully in court.

Second, I think it is very important that we send this message. This is an important time of message sending to the Communist Chinese. I welcome them aboard and I think we as conservatives should welcome aboard our liberal friends who have found this new anticommunism in their vocabulary. I almost heard a few Members from the other side of the aisle speak of the evil empire.

This is an evil empire. It is the empire that killed 40 million people, executed 40 million people in China since 1950 by British estimate without a whimper from America's liberals.

Ten minutes on television in Tiananmen Square did for the conservative cause against communism what 20 to 30 years of op-ed pieces did not do.

Let us make sure our message is consistent. We are helping the President by codifying his directives. I would urge my fellow conservatives to vote to override the veto.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Speaker, last June the world witnessed an event that came to symbolize the struggle of people everywhere who stand up against injustice. That image was captured in the picture of a single Chinese protester, standing unarmed, bringing a column of Red army tanks to a halt. More than any other, that picture remains a symbol for a movement for democracy that stretched far beyond the confines of Tiananmen Square.

In June, President Bush referred to the lone student and said, "All I can say to him, wherever he might be, or to the people around the world is we must stand with him. And that's the way it is. And that the way it's going to be."

That is what makes his decision to veto this bill so perplexing. H.R. 2712 passed the House 403 to 0. The bill would offer protection to those Chinese students who otherwise would have to return to China once their visa expires. While the President argues that the situation can be handled through administrative directives, there is no law authorizing these directives and they can be easily re-

pealed or modified by the administration.

The students deserve more of an assurance. They deserve the guarantee of U.S. law that was passed unanimously by this House. And frankly, they deserve an explanation for the President's secret policy toward China.

Just a few weeks after the events in Tiananmen Square, the President sent two top aides to China in apparent contravention of his own announced ban on high-level exchanges. I am sure that the distinction between "contacts" or "exchanges" was lost on most of these students.

The secret mission did more to cloud what should be a strong, consistent, and clear policy of telling the leadership in Beijing that there is a price to pay for the brutality of the Tiananmen Square massacre. We should be delivering that message in public and in private, in Washington, and in Beijing.

Today, we can amplify that message and at the same time offer support and safety to those Chinese students in this country who need to know that we stand with them in their fight for democracy and human rights in China.

□ 1630

Mr. FISH. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker and my colleagues, June 4 has come and gone, and Tiananmen Square will not be forgotten. The Chinese people have gone through an incredible cultural revolution in recent decades.

The fundamental family in China has changed. Today that family involves one husband and one wife and one child in virtually every circumstance. At Tiananmen Square the leaders of the Chinese Government had several choices: They could have separated those young people, forced them out of the square, they could have killed a lot of people, they could have done many things. They chose to kill a lot of people, and they were killing the single child of endless numbers of Chinese families, families that had given their all to give the best opportunity for their children. Those children were killed by autocratic action. Tiananmen Square will not be forgotten, and today I am voting to override the President's veto so that those families will understand that the people's house in this Government will remember as well.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio, [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Speaker, the action that we take here today is not just to protect Chinese students from prosecution or persecution but, in the large picture, the Bush veto must be overridden by Congress to show the rest of the world that this administration will not continue to cater to the Chinese butchers, nor sit still and watch the oppressive Chinese Government of China murder thousands of freedom-seeking Chinese and do nothing about it.

We may not change the Chinese Government, and it is not our right to do so, but we sure as hell can let them know by this action and subsequent actions that we will not sell out democracy nor its democratic principles.

Americans have fought too long, too many Americans have died over 200 years protecting these democratic principles.

Mr. Speaker, this should be a unanimous vote.

Mr. FISH. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise to ask the House' support in overriding the President's pocket veto of H.R. 2712.

The President chose to veto the bill last November and, instead, used an executive order to give Chinese students here the same protection it would have offered. His motivation was good; he wants to protect the students and at the same time try to persuade the Chinese Government to continue our existing exchange program.

But changing the regulations is not enough. As Congresswoman PELOSI said yesterday, the executive order contains a conflict with our existing immigration law, and a court challenge could overturn it. That in itself is enough to justify the override.

But beyond that, I don't think it's enough to say that passing the bill might make the Chinese Government angry. We can't base our policies on what the Chinese Government thinks of them. Our relations with that government are not what they were before Tiananmen Square. They neither can nor should be.

There is no hope for political reform under Deng Xiaoping and Li Peng, and we should not fool ourselves by saying that deferring to their wishes will bring that reform. Chinese citizens who peacefully asked for democratic change are now jailed, exiled, or dead. Economic reforms stopped with the crushing of the student movement, and hard-liners recalled to government since then are reversing those that remain.

If we believe we can stop that trend, we are wrong. Our friendly gestures will not be met with internal change. We will fail and we will lose the high standing we now enjoy with the democratic leaders who will lead China in the future.

I listened to interviews with some of the student demonstrators during the democracy protests on Tiananmen Square. They shared our deepest convictions. They were readers of Jefferson and Madison. They are China's future; the old Marxist-Leninists in the Politburo are China's past. If we stand with the students now, we will benefit from it in the future. For that reason alone, I ask the House to override this veto.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. I thank the chairman.

Mr. Speaker, some say there is a symbolic vote here, in a belittling way. Men and women have died for symbols through the ages.

It is a symbolic vote. It sends the symbol of freedom and dignity and human rights to people in Prague and Budapest and Warsaw and Bucharest and East Berlin, and it sends the symbol of freedom throughout China so that the Congress of the United States will be seen to be committed to this fundamental American value.

But we now need a second symbol, Mr. Speaker. The recipient of the Nobel Peace Prize, his Holiness the Dalai Lama, is not being received by the White House. If the White House wants to send a symbol of commitment to peace and dignity and reconciliation and human rights, it should now, in the wake of this vote, extend an invitation to the Dalai Lama, the recipient of the Nobel Peace Prize, so that he can talk to our President.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of the override of the President's veto and I commend the gentlewoman from California Ms. PELOSI for her outstanding efforts with regard to this issue. Many of us question the administration's policy toward China.

While I am reluctant to oppose our President, the human rights abuses in the People's Republic of China and in Tibet are so severe as to warrant critical, decisive action. Dissident students cannot be protected by executive order. They must have the guarantee that only a statute can provide.

On October 5, 1989, Chinese student leaders held a conference here in Washington at the invitation of the Congressional Human Rights Foundation. That same day the Nobel Prize committee announced that his Holiness the Dalai Lama was chosen to receive the Nobel Peace Prize. Accordingly, every Member of Congress who addressed the students here that day chose to begin their remarks by congratulating the Dalai Lama and expressing the hope that the demonstrations by the students and the Tibetans will continue to be nonviolent.

Ironically, it will stand as a subtle twist of history that 2 months later, on the same day when the Dalai Lama was awarded the Nobel Prize in Oslo, a high level U.S. delegation in Beijing

toasted the leaders who ordered the slaughter of innocent students in Tiananmen Square, and the monks and nuns in Tibet.

Mr. Speaker, the Congress and the executive branch must stop sending mixed signals. At a time when Communist dictatorships are disintegrating worldwide, now is not the time for our Government to prop-up the most tyrannical of them all.

Democracy and our national security interests won't somehow magically follow economic reforms. And economic investments by Western private sector interests will never truly flourish in an atmosphere of oppression. If we so badly want the market that China represents, if we want China to be a positive force in the global community, if we think we have reason to depend on her in military terms and geopolitical strategies, then we must support the students and monks and nuns who are attempting, through nonviolent means, to bring democracy to the PRC and to Tibet.

China is at ground zero. Some of her best and brightest have been killed, arrested, or are in hiding. Her future hope depends on the education that we and other Western nations give to the thousands of students that are being harbored in the West. That education will be tested in the manner in which our democracy, their temporary home, responds to the crisis in their country.

Our veto override will serve as a good first lesson.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I rise to support the override of President Bush's unfortunate veto of legislation to protect Chinese students from being involuntarily returned to China, where they may face brutal and unjustified punishment.

At a time when the celebration of democratic reform is sweeping the planet, the President counsels us to overlook the gross and repeated violation of basic human rights by the Chinese Government.

The President argues also that congressional action is not needed because he has taken comparable action administratively. How can the President argue that congressional action will insult and anger the Chinese Government, and then take supposedly similar action on his own?

No government has the right to slaughter unarmed and defenseless people who are demonstrating for the right to participate in the political process. No government has the right to treat those who demand liberty as enemies of the State, to destroy careers and families, to menace a generation of students, or to raise terror to the level of officially sanctioned State policy.

That is tyranny. This Nation, which arose in rebellion against tyranny, has historically given shelter to those who sought refuge against such brutality and oppression.

The policies of the Chinese Government did not end with the slaughter in Tiananmen Square. Since June 4, in actions reminiscent of the "Let 1,000 Flowers Bloom" campaign, the Cultural Revolution and the Democracy Wall protests, the Beijing government has unleashed a virtual reign of terror on its own citizens, and especially on student protestors.

At least 40 leaders of the pro-democracy movement have been executed, and arrests run into the tens of thousands. From personal accounts of past repressions, we know what terrible fates await many of those consigned to prisons and reeducation camps. In addition, the Government has taken brutal action against free thought, closing hunderds of publishing houses, newspapers, and journals.

Over 30,000 Chinese students currently in the United States are holders of J-visas, which require the holder to return to China for 2 years prior to seeking a change in their immigration status. In general, this restriction makes good sense, because we do not want to allow every foreign student who benefits from a U.S. education to qualify immediately for residency. That would frustrate our own immigration policies, and discourage many nations from sending their best students to study here in the United States.

But this is not a general situation. By overwhelming, bipartisan votes, the House and Senate agree that many of the Chinese students who hold J-visas may well face repression, imprisonment, reeducation, and other unwarranted forms of brutal treatment if they are compelled to return to China at this time.

H.R 2712 provides flexibility to those Chinese students who might otherwise face repression if they are forced to return home at this time. Hopefully, conditions will change in China to permit their return when the grace period has ended.

But it is clear that little has changed since the Tiananmen massacre. Within the past 2 weeks, the Chinese Government, in lifting martial law in Beijing, hailed the crushing of the students on June 4 as a great event. That does not sound repentant to me; that does not suggest that the Chinese leadership even understands why the world was horrified by its actions.

Perhaps our own President does not understand fully either. I am aware that the President feels strongly that this bill should not become law. The administration argues that passage of this law will anger the Chinese Government and damage our relations.

Mr. President, with all due respect, the slaughter of innocent students, the continuing executions, the massive imprisonments, and the assault against civil liberties and freedom of expression—these actions by the Chinese Government are what has damaged relations between our Governments. Our sympathies and friendships with the Chinese people are unmarred—and are, in fact, strengthened by their current struggle.

The entire Congress owes a debt of gratitude to our colleague, Congresswoman NANCY PELOSI of San Francisco, who has played such a critical role in raising this issue and securing passage of this legislation. When it becomes law over the President's objections, credit will most appropriately belong to this tenacious and effective Member of the House, and I want to salute her prematurely for her outstanding leadership.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. Speaker, I rise in support of the override of the President's veto, as an original cosponsor of H.R. 2712.

Mr. Speaker, as an original cosponsor of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989, I urge my colleagues to support the override of the President's veto and ask unanimous consent to revise and extend my remarks.

The administration's rush to accommodate the perpetrators of the Tiananmen Square massacre, its reliance upon covert diplomatic maneuvers, and its desire for business as usual with the Chinese Government offers little security to the brave Chinese students who have no choice but to seek refuge in our country. Only the statutory protection afforded by H.R. 2712 adequately safeguards Chinese students from the real possibility of persecution if they are forced to return to China.

Override of this veto also sends a strong message to the aging Communist autocrats in Beijing. The United States Congress and the American people support the nonviolent movement for reform and democracy in China and have not forgotten the bloody crackdown last June and the ongoing repression of dissidents. We refuse to participate in a conspiracy of denial and revision of history.

The choices before the Chinese Government are clear: Follow the evolutionary course charted by Poland, Hungary, and Czechoslovakia, or suffer the same fate as the Ceausescu regime in Romania. We all hope that China will follow the nonviolent path toward democratization, but until we see meaningful progress in that direction, Chinese nationals in our country deserve our protection.

Our choice today is just as simple: Do we stand with the Chinese students in support of human rights, nonviolent change, and democracy? Or do we join the Chinese Government in silencing the voices calling for peaceful reforms? A vote to override reaffirms our commitment to freedom and democracy.

I urge my colleagues to stand with the Chinese students in the United States, and all the brave Chinese people persecuted because of their opposition to tyranny, and to support the override of the President's veto.

□ 1440

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, as an original cosponsor of the Emergency Chinese Immigration Act, I strongly opposed President Bush's veto of this important human rights legislation.

The President's action sends a chilling message to the brave students and citizens of China who risked their lives during prodemocracy demonstrations in Tiananmen Square last June.

Congress should overwhelmingly override the President's veto and grant

a 4-year home-country waiver for students with J-visas, and adjust the immigration status of any Chinese student whose current visa has lapsed and who faces persecution in China.

Under the President's approach these human rights protections may not be extended to nearly 600 Chinese students attending college in Kansas, or to the nearly 40,000 Chinese students, currently in the United States, who have courageously supported the prodemocracy movement in China.

Many people living under oppressive governments have long looked to the United States as a symbol of democracy, freedom, and opportunity.

Today we have an opportunity to send a message to the world that America is committed to advancing human rights for all people.

We should override the President's veto.

Mr. FISH. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, while it gives me no pleasure, I rise in support of overriding the President's veto of H.R. 2712, the Emergency Chinese Adjustment of Status Facilitation Act. Having cosponsored this legislation, presented testimony in its favor before the Judiciary Committee, spoken out for it twice here on the floor, and, of course, voted for it twice, and signed a Dear Colleague on behalf of overriding, I believe this special measure is necessary and urge my colleagues to join me in voting to override the veto and make H.R. 2712 law.

We are all very aware of the tragic events that occurred in the People's Republic of China in 1989. Unlike the incredible changes that have happened in Eastern Europe, the peaceful Chinese movement for greater economic and political reform was brutally and violently crushed by the Communist authorities with tanks, bullets, and blood. Just 2 weeks ago I was in Czechoslovakia and witnessed the dramatic events unfolding there first hand. I met with President Havel—who just weeks prior had been a political prisoner. In contrast to Beijing, in Prague, students, their parents and grandparents used their people power to end the Communist monopoly and renew hope for a brighter, democratic future. Like the East Germans, Poles, Hungarians, Romanians, Bulgarians, and Yugoslavs, the Czechoslovakians are taking—to use a Chinese slogan—"The Great Leap Forward."

Sadly, China continues to fight the tide and look backwards. Instead of positive reforms and liberalization, repression and abuse continue. The human rights conditions in China have not improved and the Chinese Government has made no real effort toward making any improvements. Since the June 4 crackdown, there have been numerous reports of arbitrary arrests, executions, and continued repression. Among the many examples of human rights abuses, Asia Watch reports that at least 40 prodemocracy supporters have been executed and within the last 6 months, at least 800 students have been arrested. Clearly, the terror in China continues unrestrained.

The protections provided for by H.R. 2712 are desperately needed by the Chinese students still in the United States. Like their counterparts at home, many of them rallied for democracy and spoke out against the Communist Beijing government. Their actions certainly did not go unnoticed—especially by the Communists in China. If forced to return to China, these students would be marked and subject to arrest, torture, and even execution because they spoke their minds, expressed their true hopes for the future, and took advantage of President Bush's visa extension for their own safety. The freedoms of speech, assembly, and press that we take for granted here in the United States are viewed as crimes by the Communist Chinese and would be used against these students upon their return to China in its current political environment.

While President Bush has already provided most of the needed protections through Executive order, and I applaud him for doing so, H.R. 2712 would provide greater security by establishing these protections through law. For example, some of these protections would necessitate the changing of current statutes. An Executive order cannot do that. A new law, like H.R. 2712, can. In addition, I am concerned that the temporary safety provided for by the Executive order will not be enough as the Communist government continues its repressive policy with no signs of change. I also believe that enactment of this legislation will signal to the Chinese Government that the United States will continue to stand up for human rights, liberty, and freedom.

While I am concerned about setting a precedent by this legislation affecting our immigration laws, I believe the nature of events in China and the fact that J-1 visas are exclusive to Chinese students makes this a special, separate situation, unlike others.

I am standing by the pledge I made to Chinese and American students at the University of California-Santa Barbara, located in the heart of my district, to support H.R. 2712 and override the President's veto. I urge my colleagues to join me.

Mr. FISH. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I rise in support of the motion to override. The broader question that we face today goes beyond this motion. It is: How do we promote human rights abroad, and how do we promote human rights in particular in a Communist nation like mainland China?

For the last several years we have applied steady pressure, including clear public statements on behalf of human rights. That policy has been effective in Eastern Europe and other places. Now, the issue is in the case of China, should we change that policy? Should we send a muffled message rather than a loud and clear message? That is what this is about, because both the President and the Congress agree that we should not send the students back to face a possibility of persecution, arrest, and possible execution.

For that reason, I just say let Members continue the congressional and American tradition of loud and clear support for human rights. Let Members override the veto.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Speaker, no political party, no philosophical grouping, has a monopoly on indignation. The conservative wing of the Republicans, the liberal wing of the Democrats, the moderate center, all respectively are appalled at the indefensible oppression of democratic dissent by the current government in Beijing.

What is at issue today, however, is not a question of indignation but of judgment—how America can play a constructive role in moderating Chinese institutions and liberalizing Chinese policies. If the history of the past decade is a guide, almost every effort by the United States to isolate China has accentuated xenophobic nationalism on the mainland. On the other hand, almost every U.S. step toward constructive dialog has been met with a liberalized response.

In this context, Congress must respect the President's initiative to establish a new high-level dialog with top Chinese leaders. On the other hand, the administration and Chinese leadership must respect Congress' commitment to do everything possible to underscore and underpin support for student visitors to the United States of America. That, and that alone, is a narrow basis of this particular override consideration.

Therefore, with the deepest respect for the President, the strongest possible support for his broad initiative, I would urge that this veto be overridden. But I do so exclusively with the understanding that it is on a narrow basis, and that it under no circumstances, prejudices this Congress toward a view on sanctions or toward any other policy of a strategic dimen-

sion with regard to the People's Republic of China.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, imagine that today is not January 24, 1990, but instead January 24, 1785, and that we are not Members of the United States Congress but instead Members of the Continental Congress. Imagine further that an emissary of the French king has given Members the choice of support of the French Government by law or the support of the French Government by giving the support of one of his subcabinet ministries by directive. Which would you prefer? A French law, of course.

That is the issue today: What is best for the Chinese students in our country, a law of the land or a directive of the commissioner of immigration? A law, of course, is best.

Do not confuse procedure and process for policy. The best policy is for the United States of America to protect by law the Chinese students today in our country. The students could someday, possibly, be Jeffersons, Madisons, Monroes, and Washingtons, of their country.

Today, the House of Representatives cannot allow the Chinese people's struggle for democracy to go unnoticed. Silence in the face of government violence against the Chinese people is intolerable.

I represent Texas A&M University in College Station, TX. Texas A&M has over 300 Chinese students. These students prefer the choice on whether to stay in this country to be a legislative protective choice, not a directive by the Commission on Immigration. Reports surface every day concerning Chinese students in the United States being harassed and intimidated by Chinese Embassy officials. In some cases, the students have been warned to be aware of what they say and do or their future will be jeopardized. It is for this reason we must do all we can to protect the Chinese students. Chinese students are not victims of political oppression, they are the target of it.

The directive issued by the President is a positive document. Simply put, it is not, in my opinion, the best way to protect, or the strongest way to protect the support of the Chinese students. We must override the veto.

Mr. FISH. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I plan to vote "yes" on the override today. However, I believe it would be most unfortunate and most unfair to characterize the President's veto as one of opposition to the interests of the Chinese students or as opposition to those Chinese escaping Beijing's one-child-per-couple policy, with the heavy reliance on coercion and forced abortion.

The President has, after all, put the essential provisions of H.R. 2712 into effect by Executive order, and as a matter of fact, his language on coercion in population control programs exceeds that of H.R. 2712.

It seems to me the not so subtle issue before us today is one of turf, of Presidential prerogatives in the formulation of foreign policy, and it is also one of the geopolitical importance of the PRC. Such concerns, in my view, carry some weight but pale in light of the oppression being visited upon the people of China by its leaders. It is right and proper that H.R. 2712 become law. Prudence dictates that we codify the President's Executive order.

Therefore, I urge my colleagues to vote "yes" on the override.

Mr. KILDEE. The gentleman from New York [Mr. FISH] has 12 minutes remaining and the gentleman from Texas [Mr. BROOKS] has 15 minutes remaining.

Mr. FISH. Mr. Speaker, I yield myself 1 minute.

□ 1650

Mr. FISH. Mr. Speaker, the issue before this body today is not whether to provide protection for Chinese students but rather how best to accomplish this objective. Both the Congress and the President are committed to extending safeguards to those Chinese nationals who may face danger on return to China.

The President's veto of H.R. 2712, the Emergency Chinese Immigration Relief Act, is an expression of his belief that the safeguards Congress favors can be implemented by administrative action. The legality and ultimate effectiveness of such administrative directives, however, remain in doubt. The certainty of statutory remedies, in my view, is preferable to administrative relief clouded by possible legal challenges.

The effort to accomplish the objectives of H.R. 2712 by administrative action is problematic—as a brief analysis of two of the bill's provisions confirm.

Firstly, the bill waives—for thousands of Chinese nationals—the requirement of current law that exchange visitors (the J nonimmigrant category) return to their home country for 2 years. Although current law includes a waiver mechanism, a decision to grant waivers to large numbers of people—rather than on a case-by-case basis—may exceed the statutory authority.

Secondly, H.R. 2712 provides that Chinese nationals shall be considered—for purposes of adjustment of status or change of nonimmigrant classification—to have maintained lawful status during the period of deferral of their enforced departure from the United States. The provision effectively supercedes requirements of current law relating to maintaining continuous lawful status as a prerequisite to eligibility for adjustment to permanent resident status or change from one nonimmigrant classification to another nonimmigrant classification. An administrative directive that seeks to accomplish the same objective by making a statutory requirement inapplicable to a class of Chinese nationals arguably is invalid.

An override of the veto is advantageous, in my view, for other substantial reasons. The potential for revocation of administrative directives creates uncertainty about the continued availability of relief—causing needless anxiety for many Chinese nationals. Congressional support for the veto, in addition, can be misconstrued or issued by opponents of democracy abroad, who may argue—however erroneously—that Congress is abandoning its support for the Chinese students.

Mr. Speaker, I share the President's desire to maintain student exchange programs with China. My hope is that China will recognize that these programs remain mutually beneficial.

I urge my colleagues to support the veto override.

Mr. Speaker, I have one remaining speaker who will wrap up the presentation of the minority, and, therefore, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH], the ranking minority member of the subcommittee.

Mr. SMITH of Texas. Mr. Speaker, this is a situation where most of my colleagues from both sides of the aisle are on one side of the issue—the other side—and I would have to say that no doubt most efforts to sustain a Presidential veto are uphill, if not outright vertical. Still, even if the President does not have the votes, he does have the better argument.

In fact, the President's administrative directive is broader and better than the bill in question. It is broader because it applies not just to Chinese students but to all Chinese nationals who are in this country and who fear persecution at home.

It is better because it will not result in the termination of cultural exchange programs which have been instrumental in the prodemocracy movement in China.

I would say to my friends on both sides of the aisle that it is easy to get caught up in a current of emotionalism that seems to swirl around this issue. It is not a question of whether Chinese students are protected. The President has already done that. The question is how, and the President's administrative directive is both better and broader. I urge my colleagues to sustain the President's veto.

Mr. Speaker, I urge my colleagues to join me in support of the President by voting against the override of his pocket veto of H.R. 2712, the Chinese Student Facilitation of Status Act of 1989.

The President's administrative directive provides broader protection than H.R. 2712 provides.

I, too, believe that those Chinese students here in the United States who face persecution at home must be protected by the United States until it is safe for them to return.

I demonstrated my beliefs by voting for H.R. 2712 in the previous session of Congress.

I was also a conferee for H.R. 2712 and assisted in working out the differences between the conferees so that H.R. 2712 could move forward to the President.

It is also because of my sincere desire to assist and protect the Chinese who live in the United States in fear of persecution that I will vote to sustain the President's veto of H.R. 2712.

Since the House vote on H.R. 2712, the administration has constructed broader protection for Chinese nationals in this country.

Not only does that protection more fully assist the Chinese, it allows the President to exercise his foreign policy authority and perhaps save now-threatened U.S.-Chinese cultural exchange programs.

The administrative directive provides broader protection in that it allows legal immigration status, employment authorization and notice of expiration of legal status to all Chinese nationals, not just students.

The directive also expands the protection given to those who fear coercive population control policies.

H.R. 2712 limits this protection only to Chinese nationals.

I want to emphasize that under no circumstances will eligible Chinese students be deported if the President's veto is sustained.

Recent efforts to override the President's veto attempt to make the case that the administrative directive provides uncertain and easily revocable relief.

This is a smoke screen for those who simply want to punish the President for his position on foreign policy with China.

Opponents to the President's administrative directive are trying to create an illusion that the directive is somehow ineffective, uncertain, and short-lived.

The facts do not support the illusion.

First, opponents to the administration claim that the President's administrative directive "conflicts with existing law."

This simply is not so.

At the President's direction, the Attorney General has exercised his authority to grant certain waivers under the immigration laws.

The Department of Justice and the Immigration and Naturalization Service have determined that the President has the authority to establish this directive and that it is in accordance with current immigration laws.

Second, those promoting the override vote claim that the President's administrative directive is "subject to court challenge."

The directive is not subject to a successful court challenge since there is no injured party.

The Chinese students suffer no injury since they will get the same relief, regardless of whether it is granted through H.R. 2712 or the directive.

Precedent is clear that no one in this case would have standing to challenge a loss of immigration relief.

The third argument is that the directive "can be withdrawn anytime at discretion of the President."

The administration has stated that the administrative relief is "irrevocable."

Relief will not be prematurely withdrawn from the Chinese students.

Precedent supports this position—all prior administrative grants of extended voluntary departure have always continued for at least the initial time period prescribed by the administration.

The administrative directive is no more susceptible to revocation than legislation, which can be repealed at any time.

Since the President's administrative directive provides even broader protection than H.R. 2712, I can interpret the opposition to the veto in only one way: H.R. 2712 is being used to criticize the President's policy toward China.

This discussion of change in our immigration policy has developed into a vehicle to "bash Bush."

The Chinese students remain protected under the President's June 6 protection; waiting another few months so as to allow the administrative directive to work would not affect the protection already promised and given to the Chinese students.

If we want to discuss our differences in the matter of United States foreign policy with China, let us do so in an appropriate manner.

Using unnecessary immigration legislation as a tool to express discontent or disagreement in foreign policy affairs is inappropriate.

We, as Members of Congress, must not use this issue to promote our own foreign policy objectives.

By so doing, we needlessly gamble with the future of the Chinese students.

If we enact H.R. 2712, we will jeopardize the opportunities of future Chinese students.

The Chinese Government has informed our Ambassador to China that, if H.R. 2712 is enacted, the cultural exchange programs between the United States and China will be terminated.

Over 7,000 Chinese students have received visas to study in our country since the violence in Tiananmen Square last June.

I believe that it is because of these important cultural exchange programs that the prodemocracy movement was and is possible.

Chinese students who have studied in the United States, learned the value of democracy, and carried it back across the waters to China are the future of China.

Without the precious opportunities to exchange the ideas and principles of democracy, the pro-democracy movement may not survive.

In our efforts to be supportive of the Chinese people, it is easy to be carried along by the emotionalism of events of Tiananmen Square.

But we must put our emotions aside and look carefully at the facts of the situation.

I know that Members of this body want to send a message to Beijing that the American people abhor the events in Tiananmen Square. We want to vent the anger we feel toward the Chinese Government for crushing a revolution which captivated all of us and gave us hope that the billion people of China would soon enjoy the freedoms that should have been theirs at birth.

We have sent that message. I had the opportunity to speak here in the Chamber as we voted 403–0 to pass this bill last November. Could we have sent a stronger message?

Now it is time to look after the best interests of Chinese nationals both here and in China. I realize that my colleagues here in this body that represents the American people feel compelled to use their votes to speak out against the Chinese Government, but I hope that if we do, and if we do vote to override the President's veto, that our colleagues in the Senate will allow this vote to serve as the symbolic expression of America's outrage, while using their vote to protect best interests of Chinese students, and the division of powers set forth in the document that established our freedom: the Constitution of the United States.

Join me in providing the best possible protection for the Chinese students and people by supporting the President. Vote to sustain his veto of H.R. 2712.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Speaker, today we have the opportunity to make it clear that the United States is an advocate of human rights around the world. We are considering a measure that will afford protection to many Chinese exchange students who fear retribution for prodemocracy activities should they return home once their visas expire.

H.R. 2712 will protect those students by extending their visas, but it does more than that. It sends a message to the students, to the Chinese Government, and to the world that America will not trade the lives of students for comity with the Chinese Government.

By its unanimous vote, the House sent this statement loud and clear, but the President's veto has garbled the message. Today we must take the opportunity to make certain that the world understands our Nation stands firmly for liberty and human rights.

Mr. Speaker, I urge my colleagues to join me in voting to override the President's veto of H.R. 2712.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. SMITH], a member of the committee.

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, some of our colleagues on this side have portrayed this issue somewhat correctly. It really is a narrow policy question, but it is a broad question of the separation of powers.

The President says that he is in favor of extending this period of amnesty for the Chinese students. I believe him. However, he wants to do it in a way that Congress says is inappropriate, and I think we are right. The reason I think we are right is not because I believe we are right from the institutional sense but because, unfortunately, the President has proven that his reasoning force and his capability to adhere to what he said previously on this issue is in question, and the documentation is simple.

In addition to the amnesty period which he said he would provide, he also invoked executive sanctions against China, cutting off military, joint cooperation, stopping the sale of certain items of significant military and technological capability to the Chinese, and invoking other sanctions. This pains me. It pains me greatly to tell my collegues that the economic and military sanctions imposed on China by the Bush administration, even if they were adequate, have not been enforced.

The American people, I hope, are outraged to learn that the administration has continued to assist the Chinese Government in upgrading its military forces all during this period. They have agreed to continue the Peace Pearl Program, which is the upgrading of fighter jets, and have brought back Chinese technicians who were furloughed off back onto the job in the United States. They have continued and sent to the Chinese Government satellite tracking capability so that they can track missiles which the Chinese fire on test fires to develop the M-9 missile, which is what we asked them not to send the Saudis. That is the reason that this body must enforce its legislative capability. It is not that we do not think the President really wants to have that amnesty period.

The difference is that they are prone in the White House to saying one thing and, unfortunately, doing another. The program is important. The President has agreed that he believes in the Pelosi bill. They have passed it unanimously in the Senate by voice vote.

We all agree, and since it is our legislative prerogative to put in place items which cannot be changed except by us, not by executive action, this veto should be overridden. We should remain in control of this important policy question, and the President should understand it is for the benefit of the whole country, because ultimately, I say to the Members, the moral standards of this country are at stake. Our efficacy as a nation of democracy is at test here, and I believe we must pass this test by overriding this veto.

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the distinguished author of the bill, the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank my colleague, the gentleman from Texas [Mr. BROOKS], chairman of the committee, for yielding this time to me, and also for his leadership in helping to move this legislation forward. I also thank our colleague, the chairman of the subcommittee, for his assistance, and I thank the ranking Republican member of the Committee on the Judiciary, the gentleman from New York [Mr. FISH], for his assistance as well. I extend my appreciation to each and every one of our colleagues in the House who cosponsored this legislation and who spoke out in favor of this legislation.

I am very proud of it because it has brought so many of us together in a very bipartisan way. I think it is an appropriate way for us to begin this second session of the 101st Congress for us to rise in support of this legislation.

When I came to the House of Representatives, I was very proud to become a Member and a colleague of each and every one of you. I also thought each and every one of us was a colleague of everyone who served in this House before us, taking us all the way back to the origins of our Republic—those people, many of whom fought for our independence and helped give birth to our democracy. And in a spirit of bipartisanship that stems from our unity around the idea that we all stand for democractic principles, I wanted to add to our pictures of our Founding Fathers, George Washington on one side, and a friend of our Republic, the Marquis de Lafayette, the one man 200 years later in the square. Many of the speakers before me have referred to him, and I think so many Americans identified with him at the time, and still do.

On this painted picture, it says:

One man standing against madness kindles anew the sparks of freedom and elevates the spirit of man. How can we not stand with him?

□ 1700

Mr. Speaker, I am proud of this legislation because I believe it gives the Congress the opportunity to stand with him.

The question before the House is, "Is the veto override necessary?" I believe it is necessary for two reasons. It is necessary to give statutory legal protection to the students, and it is necessary because it is an issue of safety for the students. The situation in China makes the override necessary.

Mr. Speaker, first we saw the massacre, and then we saw the masquerade. Many of my colleagues alluded to the events that have followed the massacre in Beijing: the repression, the denial, the continued repression, the increased repression following the death of Deng Xiaoping's pal, Ceausescu, in Romania.

Now the Government of China, in addition to suppressing freedom of speech, because it became clear in June that, if someone speaks up for freedom in China, they can be killed, and many people were; now the Government in China, in opposing this override of this legislation, is trying to curb freedom of speech in the United States.

Mr. Speaker, I have no doubt that the President of the United States believes in human rights and that he does not want to send the students back, but I think the statutory legal protection is necessary because it guarantees the safety of the students. Not only that they do not have to go back, but that it guarantees that they can speak freely in the United States without any fear that their speaking out will be punished in China.

I know of a case of someone in my district who fled from China, from the Tiananmen Square massacre, had an interview with the press in the United States and is now wanted for rumor mongering in China. I ask my colleagues, "Can you imagine if everyone who had an interview with the press was wanted for rumor mongering?" In addition to that we know that the Chinese Government continues to take handwriting samples of students in universities in order to compare it to posters during the demonstration in May and June.

Mr. Speaker, I believe that we disagree with the President on the method of reaching a bright future with China, one based on economic, cultural, and political ties because the President had to do what he had to do. He believed he had to veto the bill.

However, my colleagues, Congress must do what it must do. It must send what we have all referred to today as a very clear message to the butchers of Beijing that their behavior places them outside the circle of human behavior, and, if we are to continue this relationship, and we certainly do not want to isolate China, but to continue the relationship we must insist on their respect for human rights of the people in their country.

What if we do not send that message? What is the opposite message that turning down the override, if we sustain the President's veto, what is the message that will go forth from this body to the world?

Mr. Speaker, I believe that that message is that we in the Congress of the United States cheer Lech Walesa when he comes in for his fight in Poland, take great pride in all of the democratic sweeping of Europe that is going on now, but it will say, "The people of the United States, we support lovers of freedom throughout the world, and we support and encourage

the growth of democracy in all countries of the world and throughout the world. Not so fast, China. All those who wish to speak up for democracy, please step forward. Not so fast, China."

Mr. Speaker, I urge my colleagues to join with the lone man and support the override of the President's veto.

Mr. GUNDERSON. Mr. Speaker, it is not often that I stand before this Chamber asking my colleagues to vote against the President on foreign policy issues. Nonetheless, today I have no choice but to urge Members to vote to override the President's veto of H.R. 2712, a bill to prevent the mandatory return of Chinese students to China once their J-1 visas expire.

This legislation is necessary because, without statutory protection, the fate of Chinese students is unclear. Clearly no one doubts President Bush's concern about protecting the 40,000 Chinese students currently residing in the United States. However, the reality is that the President only issued an administrative directive to the Immigration and Naturalization Service that can be withdrawn at any time. This action simply does not send a strong enough signal that the United States will not only protect the students, but will welcome those who choose to live in a country where freedom and democracy exist.

In addition, the Chinese Government must understand that if they really want these students back, they must improve the political environment—including basic human rights—in China before the students return. The Chinese authorities run the risk of losing the most brilliant young minds who are studying in the United States. We need to preserve the freedom of Chinese students to speak out on behalf of prodemocracy forces in China.

By offering a possibility that these students might become permanent residents and ultimately citizens in the United States, a clear message would be sent to Chinese authorities that unless the Government adopts meaningful reform, their students will not be returning home.

Although martial law has been lifted in Beijing, the reality is that repression continues in China. Since the June 4 massacre in Tiananmen Square, people around the world have raised their voices in support of the ideals of democracy and freedom for which the peaceful protestors died. There have been reports that more than 800 Chinese have been sentenced to prison for their involvement in the prodemocracy movement. As many of these students have received 10-year sentences for participating in "counter-revolutionary riots," the task of keeping the democracy movement alive rests on the shoulders of its supporters outside of China.

Mr. Speaker, we must provide a strong message to Chinese students in the United States that this is going to be a long-term commitment. As Americans, we cannot force Chinese students or exchange visitors to return to a country where personal liberty and safety would be endangered. Certainly, none of us are going to risk the possibilities of the consequences that could await these students if we changed our mind later on.

Mr. CONYERS. Mr. Speaker, I rise in support of the motion to override President Bush's veto of H.R. 2712, the Chinese Students Immigration Relief Act.

By any accepted measure of international human rights, the human rights abuses and antidemocratic practices by Chinese authorities are serious: at least 40 prodemocracy activists have been executed, and over 6,000 people—according to official Chinese sources—have been arrested. In the last 6 months, at least 800 students have been arrested, including many leaders of the prodemocracy demonstrations. The Chinese students currently in the United States deserve adequate protection.

Instead of condemning the continuing crackdown on the prodemocracy forces, the administration looks the other way, resisting even the most minimal attempt to impact on or denounce the abuses. The President's administrative directive does not adequately protect the students, nor does it send the necessary signal to the Chinese Government that we will not tolerate continued oppression.

This winter has brought great changes: democratic movements have triumphed in Poland, Czechoslovakia, and Hungary. The Romanian people have toppled a repressive dictatorship. How can we welcome the forces of freedom in Eastern Europe, yet turn our backs on the people struggling to bring democracy to Communist China?

We must send a clear signal to the Government in Beijing: We have not forgotten the violence in Tiananmen Square and we will continue to support the struggle for human rights and democracy in China, and around the world.

Mr. YATES. Mr. Speaker, I would be delighted if the House today rejects the President's veto of the bill to protect the Chinese students in this country. Like most Americans, I am deeply disturbed by the Bush China policy that has been revealed in recent weeks.

The picture that the whole world saw of our National Security Adviser, General Scowcroft, toasting the bloodstained Chinese leadership in Peking was an insult to the concept of international human rights, and frankly, I was ashamed. The vote today will help repair some of the damage that has been done, but I am at a loss to understand the reasoning of the Bush administration.

The Chinese leadership is old, desperate, and out of touch with its people and their aspirations. Making deals with these people makes no sense. They are a part of China's past. The Chinese students, who are studying here and in other Western countries together with their fellows in China, are China's future and we should be doing all we can to support and encourage them. The American people, in fact, understand these issues very well and that is the meaning of today's bipartisan vote. Let us hope it will help our President to understand.

Mr. PORTER. Mr. Speaker, H.R. 2712 provides essential security for Chinese students studying in the U.S. in light of the massacre in Beijing and the ongoing crackdown. Despite the President's veto, it must be enacted.

Tragically, there is still much for them to fear. Arrests, persecutions, and even executions continue. No true form of dissent is allowed, and those that spoke up in June are today punished. Listen to the words of the President of China's Supreme People's Court: "It is a mistake," he said, "to think that, because there is the law, justice can be executed without the guidance of the party's policies." Those same party policies currently guiding justice in China led to the violent June slaughter of peaceful demonstrators.

China is moving against the tide of history.

We are not just voting against the President's veto, we are also sending our message to the Chinese Government that we abhor their continued repression. I do not believe the administration has sent that message as strongly and as forcefully as it should have.

I am not in favor of cutting off all contacts with the People's Republic of China. Isolation of China is not in our interests, nor is it in the interests of the over 1 billion Chinese citizens. However, that does not mean that our hands are tied when it comes to human rights.

We constantly deal with governments which do not share all of our commitments to human rights—South Africa, El Salvador, the Soviet Union, and China are examples. Our country must stand as a beacon for repressed people everywhere. We must unequivocally state our opposition to government suppression of individual rights and fundamental freedoms whenever and wherever it occurs. China's freedom-seekers must have confidence that the United States will not put worn-out geopolitical considerations ahead of their aspirations for human rights personal dignity.

Government that abridge fundamental freedoms must face repercussions. In South Africa we imposed sanctions. In the Soviet Union we enacted Jackson-Vanik. And in El Salvador we restrict foreign assistance. Unfortunately, our response to the crackdown in Beijing has been unjustifiably mild.

The two secret Scowcroft-Eagleburger missions sent the message that our Government, at least with respect to China, was willing to look the other way. Toasting the butchers of Beijing was a slap in the face of all those who died in the streets of Beijing and all those who now must silently hope for a more democratic future.

If the Chinese Government wants substantial change in attitude on the part of Congress or the American people, I have a few suggestions: Lift martial law in Tibet; live up to the guarantees for a high degree of autonomy in Hong Kong; end arbitrary arrests; lift press restrictions; admit responsibility for the deaths this past June; and stop once-and-for-all using the cloak of "internal affairs" to avoid responsibility for blatant human rights violations.

Human rights are not internal matters. They are indivisible. The denial of fundamental freedoms and human rights anywhere is a threat to free men and women everywhere. By overriding this veto we stand solidly behind those who seek freedom in China and hopefully, if Beijing wants, the possibility for improved relations between our two countries.

Mr. MATSUI. Mr. Speaker, today, for all the world to witness, Congress will speak loudly where the President would only whisper. Today, Congress is standing up with strength and conviction to the forces committed to crushing the democratic movement in China.

Our vote to override the President's veto of the Emergency Chinese Immigration Relief Act is not a vote to protect inspired partisan legislation. It is simply common sense.

A vote to override meets the absolute minimum standards of humanity and justice. It accomplishes what is obviously scrupulous. The very least we can do is affirm by law a principle which ought to go without saying: That the United States is a haven for those who face physical abuse and political oppression in their homeland.

Sadly, our President opposed that codification and vetoed our legislation. In doing so, he has sent a signal to the world that the implications of the brutality at Tiananmen Square are limited at best. I am not implying that the President is not concerned about human rights; what I am saying is that the President's actions belie those concerns.

The President points to areas of progress which the Government of China has made since the attack in Tiananmen Square. They've accepted Peace Corps volunteers. They've accredited a Voice of America correspondent. They've reopened Fulright Exchanges. They've even lifted martial law.

I would suggest to the President and to my colleagues in Congress, however, that these are not examples of human rights advancements in China. These are insubstantial external offerings aimed at appeasing the world community which it alienated through the inhuman attack on its own people.

Can the carnage in Tiananmen Square be forgotten by an acceptance of Peace Corps volunteers? Can the more than 40 prodemocracy activists that have been executed be pitted against an accreditation of one Voice of America correspondent? Can the thousands of indiscriminate arrests be disregarded by reopening the Fulbright Exchange Program?

President Bush may be willing to accept those appeasement offering as genuine progress. I am not.

Simply put, the President has compromised the principles which he and almost all Americans hold dear in the interests of helping out an old friend, the Government of China. If this were a bill to protect Nicaraguan students against the Sandinista Government in their homeland, would we be debating a Presidential override? I doubt it.

Mr. Speaker, today we have an opportunity to repair the damage done by the President's veto, to come to the aid of the students who need our protection, and to let the Government of China be clear as to our commitment to the students who perished in Tiananmen Square in their struggle to see democracy flourish in China.

I urge my colleagues to vote to override the President's veto, and I commend my colleague from California, Ms. PELOSI, for persevering to see this important legislation through.

Mr. MINETA. Mr. Speaker, I rise in strong support of the motion to override the President's veto of H.R. 2712, the Emergency Chinese Immigration Relief Act.

It is essential that we enact this bill to give statutory protection to Chinese students in the United States. The administrative directive issued by the President simply does not give adequate protection to the Chinese students living in this country.

Mr. Speaker, the massacres and executions in Tianamen Square shocked and disgusted the world. Today, 7 months later, the violent oppression continues and the ramifications reach far beyond the borders of the Peoples' Republic.

The U.S. must deliver an unequivocal, united message to the government in Beijing: Your flagrant disregard for the human rights of peaceful protesters is reprehensible and will not be tolerated.

Mr. HAMMERSCHMIDT. Mr. Speaker, the events in Beijing last June were shocking to this Congress, this country, and the free world. The use of lethal force in quelling student demonstrators seemed to be a vicious overreaction.

Our President's condemnation of the massacre and the imposition of carefully defined sanctions by Executive order were immediate, and firm. While steps have been taken—some say controversial steps—to keep official lines of communication open, that in no way diminishes earlier pledges of protection for Chinese students in the United States, reiterated publicly just this morning by the President in his news conference.

In our congressional zeal to impress upon the leaders in Beijing our abhorance of their actions, let us consider doing so in such a way as to encourage a return to the stirrings of political and economic reform in that nation.

The United States is limited in influence on internal policy in China. Expectations or speculations that democratic reforms there can take place with the same dramatic rapidity as in Eastern Europe overlook the wide differences in tradition, history, and circumstances.

Ostracism of China by the United States, or punitive sanctions and harsh rhetoric, will simply give Beijing hardliners reason to isolate themselves and their policy from world opinion.

Much has happened in China since that horrible June day. Certain actions, such as the release—unharmed—of 573 demonstrators, martial law being lifted, and a Voice of America correspondent being allowed to enter their country, give promise of more tempered policy.

The substance of the legislative sanctions and immigration amendments under consideration in Congress can be achieved administratively. To escalate that message by congressional action would be counterproductive to U.S. best interests longrange.

The message of U.S. shock and outrage is a valid one. It can be delivered more effectively and more productively by administrative than by legislative means.

Mr. Speaker, these are among the reasons I have voted to recommit the question of overriding the veto of H.R. 2712 to committee for further evaluation, and will subsequently vote to support the President's position.

Mrs. KENNELLY. Mr. Speaker, Chinese students in the United States fear persecution in their homeland, and this fear is well-founded. Official Chinese sources confirm that to date over 6,000 people have been arrested for their involvement in the peaceful uprising in China. Unofficial estimates run as high as 30,000.

In the last 6 months, at least 800 students have been arrested, including many leaders of the spring demonstrations. Many of these students have received sentences of 10 years in jail for their "crimes"; these crimes include "divulging State secrets" or what we would term, "criticizing the Communist Party and calling for democratic reform"; and "disseminating counterrevolutionary propaganda" and "destroying State property," what we would term "putting up posters."

Although martial law has been lifted in Beijing, conditions there remain fundamentally unchanged. Chinese citizens involved in the prodemocracy movement are labeled counterrevolutionaries and live under the constant threat of arrest or execution.

In addition, Chinese authorities have ordered all Chinese students to attend mandatory reeducation classes. Students are forced to serve time in the military—the military that attacked them in Tiananmen Square—or work in the countryside before they are allowed to continue their studies. As a result, university enrollment has dropped dramatically.

Yes, martial law officially ended and students are no longer trampled by Chinese tanks. However, by suppressing their right to think and challenge the political system in which they live, students are suffocated instead.

President Bush promises that Chinese students residing in the United States who fear political persecution in China will not be deported. He calls this legislation redundant. In fact, to some degree, he's right: this legislation implements his stated policy.

However, he is also wrong. This legislation is needed. It is needed to solidify the President's policy into law. It is needed to relieve the anxiety of the Chinese students. And most of all, it is needed to send a strong message to the Chinese Government that their ruthless actions have not gone unnoticed, nor will they be tolerated.

If redundancy is the President's best argument, I say let's be redundant. I urge my colleagues to join me in voting to override the President's veto. Thank you.

Mrs. LLOYD. Mr. Speaker, I rise today in support of the motion to override the President's veto of H.R. 2712, the Emergency Chinese Students Immigration Relief Act. While I believe the President has been a good manager of U.S. foreign policy, I believe his decision to veto H.R. 2712 was a mistake which Congress must correct.

Americans were shocked and outraged last June to see pictures from Tiananmen Square of tanks and armored personnel carriers callously running over peaceful student demonstrators and troops from the People's Army turning their weapons against those they were supposed to protect. Hundreds, if not thousands, of innocent people were killed. How, Americans asked themselves, could the Chinese leaders bring themselves to shoot their own citizens?

Americans justly demanded a response from their Government to these barbarous and heinous acts. The President imposed limited economic sanctions against China. Congress responded with a tougher, more comprehensive sanctions bill and passed the

Emergency Chinese Students Immigration Relief Act. Both the sanctions bill and the immigration bill enjoyed overwhelming bi-partisan support in Congress. H.R. 2712 was passed by the House unanimously.

Mixed with the pictures of an intransigent Chinese regime viciously putting down the promise of freedom and democracy were some hopeful images which suggested that, in time, the courage and determination of the Chinese students would bring them victory. The photos of a young man standing before a column of tanks and forcing them to stop was the most compelling of these hopeful images. The Chinese Government could not resist that type of courage and commitment forever, Americans told themselves.

American television screens were also flooded with hopeful images from halfway around the world, in Eastern Europe, where Communist power in Poland was collapsing. Solidarity was swept into office by the Polish people. The Poles made it clear that they had had enough of communism and wanted a legitimate government which respected the values of freedom and democracy in its place. Poland is now headed by its first non-Communist Prime Minister since the close of World War II.

The democratic revolution in Poland turned out to be the first in a series of peaceful, democratic revolutions that were to sweep through Eastern Europe the next 6 months. Only Romania's revolution was tainted by widespread violence. As the Berlin Wall came down, as Vaclav Havel assumed the Presidency of Czechoslovakia, and as Poland and Hungary made even greater strides towards democracy and market-oriented economies, it seemed that the tide of history has swung decisively in favor of freedom and democracy and that China would eventually succumb to its powerful current.

Americans had been told, and rightly believed, that events in Eastern Europe resulted in part from the determination of U.S. foreign policy to stand firm against the tyranny of communism. Faced with the immutable commitment of the United States and its Western European Allies to freedom and democracy, Eastern Europe was forced to come to grips with the inherent failures of communism and move towards pluralism and the free market. Americans expected the United States to pursue a similar policy towards China. The initial rhetoric from the White House following events in Tiananmen Square suggested that the United States would adopt a tough policy against the repression in China.

The President followed up his rhetorical denunciation of the Tiananmen Square massacre by sending two high-level delegations on secret missions to China. The images of the bloody assault against the students who had been peacefully demanding freedom and democracy were replaced by high level Bush administration figures smiling and toasting those who had ordered the execution of the demonstrators. Americans responded with moral indignation to the images of the administration embracing octagenarian leaders in Beijing. Why, they asked, had a policy so successfully applied to the Communist dictators of Communist Eastern Europe, been abandoned in dealings with the Communist dictators in China?

The President followed his secret missions to China with a veto of H.R. 2712. He claimed that Chinese students in the United States could be protected by issuing a Presidential directive and that legislation was not necessary. Unfortunately, this is not true. The President's directive lacks a legal foundation because a number of its provisions are in direct conflict with existing immigration law. H.R. 2712 avoids this pitfall as well as others.

The President also cautioned Congress against reacting rashly to events in China. The United States needs to look at the bigger picture, he said, and cannot afford to isolate China. I want to state clearly, that the United States has not isolated China. China's leaders have isolated themselves. They gave the order to attack the demonstrators in Tiananmen Square; they are responsible for the deaths of hundreds of innocent people; they brought upon themselves the condemnation of the world. The big picture is a panorama hopefully displaying the rise of democracy and freedom around the globe. Only the dark clouds of China and the Bush administration's reaction to events there disturb the scene.

Mr. Speaker, I support the motion to override the President's veto of H.R. 2712 and urge my colleagues to do so as well.

Mr. LAFALCE. Mr. Speaker, I rise in support of overriding the President's veto of the Chinese immigration bill.

The passage of this legislation has a special significance for me and all the western New Yorkers following the case of Li Jin Mu. In Niagara County, NY, there is a young Chinese man in jail who is awaiting the outcome of his petition for asylum. In China, Li Jin Mu's wife was forced to have four abortions after their first child. But at the start of the last pregnancy, Li and his wife decided to leave China and seek the protection that they heard about on Voice of America.

Last March, Li and his pregnant wife left China and smuggled themselves over the United States border. The couple was caught and jailed. Li's wife was released from jail because of her pregnancy and soon after, she gave birth to a baby girl. Unfortunately the baby's father is still subject to deportation to China, where he is certain to meet persecution. Now in jail, Li seeks asylum and is likely to remain imprisoned for several months before his case is settled. He says this treatment is not what was depicted on Voice of America, but that jail, even death is better than what the family will face if returned to China.

Li's family is one of the few known cases of Chinese nationals seeking protection in the United States from China's one couple, one child law. President Bush has issued an administrative directive which would seem to protect both Chinese students and couples escaping forced abortion, but to date the President's action has been narrowly interpreted. We must make it clear that Chinese nationals like Li and his family are protected by our immigration law. A vote today to override the President's veto will do just that.

Mr. SIKORSKI. Mr. Speaker, I submit this statement to the RECORD to express my support for the override of the President's veto of H.R. 2712, the Emergency Chinese Adjustment of Status Facilitation Act. The University of Minnesota has approximately 650 Chinese students and scholars, the single largest population of Chinese exchange students on any campus in the United States. They are a valuable asset to our educational system, enhancing our multicultural understanding and providing us with their talented research skills.

But this issue is not only of supreme importance to me because many of these students are in my State, but rather as an American and strong advocate of human rights. I was appalled to see the brutal crushing of the students peacefully rallying for democracy in Tiananmen Square in Beijing. Like our own ancestors these students cried out for their freedom even using quotes such as "Give me liberty or give me death." I am further horrified by this administration's kowtowing to this repressive government, which has not taken one singular consequential measure to abide by international human rights standards in the aftermath of the Tiananmen massacre.

Unfortunately, the conservative, more repressive wing of the Chinese leadership has taken over the Government and they have taken every possible step to ensure that this freedom movement has been squelched. We have all witnessed the arbitrary arrests, incarceration, and execution of many innocent individuals. Asia Watch has reported the slaying of 40 prodemocracy activists and the official Chinese estimate of 6,000 arrests falls far short of the unofficial number of 30,000. Many of these students have been sentenced to 10 years imprisonment for their counterrevolutionary activities. And these abuses are extending from within their own borders into our town. Chinese students who have participated in the prodemocracy movement in the United States are being threatened with retaliation by the Chinese diplomatic corp.

We must not abandon them in their time of need, but rather look for opportunities to help them by first, letting the Chinese Government know that these demonstrations, and their subsequent reactions, will have implications for future United States-Chinese relations; and second, protecting Chinese nationals here in the United States. President Bush has decided to do neither.

Chinese nationals in the United States have good cause to fear for their lives and, quite understandably, are afraid to return to China in its present state. The President's administrative directive fulfills the desires of the Chinese Government but does little to allay the fears of Chinese nationals. The administrative directive calls for waivers that are in direct contradiction with existing law and could be subject to court challenge. Additionally, since it makes no regulatory or statutory changes, it can be withdrawn at any time.

Modifying the Immigration and Nationality Act is the humane and compassionate response that expresses the beauty of our system of government and separates us from barbaric, totalitarian regimes. These students represent what the United States fought to obtain over 200 years ago. They represent the freedom to choose, the freedom to live their lives to the fullest, and the freedom to say "I don't agree." We must turn toward these stu-

dents, not away, and aid them by supporting the status adjustment.

Mr. VENTO. Mr. Speaker, I rise in strong support for this legislation and urge my colleagues in the House to override the President's veto.

The importance of this bill to the 32,000 Chinese students now in the United States cannot be overemphasized. Without the waiver of the 2-year home residence requirement provided by this bill, these students face an uncertain future when they return to China on completion of their studies.

I have spoken with and heard from many of these students in Minnesota since the brutal and tragic massacre of prodemocracy forces in Tiananmen Square. They have conveyed their personal fears and apprehensions about returning home to China to me. In addition to fear, they are also puzzled by the U.S. Government's actions since Tiananmen and consequently have raised many appropriate questions. How could the United States, the beacon of freedom and refuge for the oppressed in the world for over 50 years, be so overly concerned about offending the feelings of the Chinese leaders responsible for the slaughter of hundreds of innocent persons advocating democracy in a Communist country? Why aren't we standing side by side with the brave prodemocracy forces in China and their counterparts in the United States?

I shared their puzzlement about the administration's actions and have taken steps to support prodemocracy students rather than the Chinese regime led by antidemocracy authoritarians. I voted for a tougher set of sanctions than those put in place by President Bush and am an original cosponsor of H.R. 2712 and wrote personally to the President urging him not to veto this bill. While I do not doubt the President's intentions, I strongly disagree with his judgment on this issue. We need solid statutory protection for the Chinese students in the United States, Not a weak administrative order which can be rescinded at the sole discretion of a President.

During the past several months, some phenomenal events have taken place in the world which have made the steadfast resistance of the Chinese Government to allow even a limited amount of democratic expression even more reprehensible. It is no wonder that the historic changes occuring in Eastern Europe are being kept secret to the Chinese people. As our spirits are lifted by the tearing down of the Berlin Wall and the withering away of the Communist regimes in Eastern Europe, we must not forget the terrible tragedy of Tiananmen and the continuing repression of prodemocracy students in China.

Chinese students in the United States have very legitimate fears about returning to this climate of fear and repression in China. Today we have an opportunity to protect these students and send an important message to the Chinese Government. I urge my colleagues to support the veto override before the House today.

Mr. LEHMAN of California. Mr. Speaker, today I rise in support of the veto override of the Emergency Chinese Student Relief Act. This bill will waive for 4 years, for Chinese students with J-visas, the current-law requirement that holders of J-visas must return to their home country for at least 2 years before applying for an adjustment of their immigration status.

This bill is vitally important in order to provide legal protection to the 73,000 Chinese students who were in the United States during the Tiananmen Square upheaval. The President's directive to the Immigration and Naturalization Service is not adequate for a number of reasons. First of all, it is without legal validity because a number of its provisions are in direct conflict with the existing immigration law. In addition, the directive can be withdrawn or modified at any time. Last, it gives the wrong message to the regime in Beijing. At this time we should not be sending confusing signals; we need to express our disgust for Beijing's brutally repressive policies and our support for those who had the courage to stand up against them.

Most importantly, the President's directive does not provide the protection that the Chinese students across the United States need and desire. It does not alleviate the fear that the students and their families experience every day. Many of these students in the United States who were involved in demonstrations here are afraid with good reason to return to China. We must ensure their safety. As long as they do not have permanent legislative protection they will live in fear and their families will be subjected to threats and harassment.

Mr. Speaker, today in a unified voice we must override the veto of the Emergency Chinese Students Immigration Relief Act. We will be accomplishing two very important functions. We will be demonstrating our support for the Chinese students both here and in China, as well as sending the proper signals to the Chinese Government that we will not tolerate its violently repressive actions.

Mr. BRENNAN. Mr. Speaker, today we consider whether to override the President's veto of H.R. 2712, legislation which protects Chinese nationals currently studying in the United States.

I have been a strong supporter of this bill, simply because I feel that forcing anyone who faces certain danger in a foreign country to return to that country would disgrace a nation which consistently prides itself on being a haven for those in need.

The President himself agrees that we cannot send these students back. However, his alternative to this legislation is unacceptable. President Bush seeks to protect these students through an administrative directive. Such action is clearly without a satisfactory guarantee of protection. As there could be a change in the White House before there is a change in Beijing's attitude toward the Chinese students who seek democracy.

The President's plan fails to send a clear enough message to either the Chinese students in this country or to Beijing. We cannot adopt a policy that can be altered at whim, one which, in fact, hovers tentatively between what the administrations of the two nations would like and what the students need. We must instead demonstrate an honest commitment to standing our legacy of freedom for all people.

The only solution is to pass this legislation today, to reinforce our commitment to freedom with law. I urge my colleagues to join me in support of this veto override and in support of human rights.

Mr. WEISS. Mr. Speaker, hundreds of Chinese have been convicted and sentenced to prison terms in recent months for counterrevolutionary crimes based on their involvement in the recent student led democracy movement. In addition to those accused of counterrevolutionary crimes, an undetermined number of Chinese citizens remain in detention without formal charges. Press reports have stated that as of last July close to 10,000 people had been detained or arrested. Arrests of prodemocracy activists continue, unannounced and unreported in the official press.

Some 32,000 Chinese students are currently in the United States under the Exchange Visitor Program and many of these students, like their counterparts in China, spoke out on behalf of democracy and against their brutal and repressive government. They courageously petitioned, marched, and appeared in the mass media. The Chinese Government knows who these prodemocracy activists are.

The need for a law to ensure sufficient protection for these Chinese students is overwhelmingly clear. Although the Congress has already approved such a law, the President has rejected this legislation and issued a much weaker directive as a substitute. This directive simply does not ensure the Chinese students adequate protection.

The administration's directive not only conflicts with existing law and is subject to court challenge but it also permits INS regional offices to interpret its measures in a restrictive and arbitrary manner. In addition, the directive makes no regulatory or statutory change and can be withdrawn anytime at the unreviewed discretion of the President and the U.S. Attorney General. Furthermore, the program would require students to relinquish permanently their current lawful status and thereby abandon their ability to adjust to some other legal status in the future.

It is clear that our country must change its laws to adequately protect these endangered students. We do not want to repeat, in a lesser form, the egregious mistakes made when the United States closed its doors to victims of the Holocaust during World War II. Instead of welcoming Jews seeking refuge in this country, the U.S. Government resisted efforts to ease rigid immigration laws and increase the number of Jewish refugees permitted to enter.

A bill that would have allowed 20,000 German Jewish children to enter the United States outside the quota was defeated in 1941. Other bills and appeals to the administration to permit refugees to enter by mortgaging future quotas and to open Alaska to them met the same fate. The State Department imposed even more complicated and time-consuming procedures on applications for visas. In the mid-1940's, when precious unused visas would have saved lives, the official in charge recommended putting "every obstacle in the way" and suggested various administrative devices that would "postpone and postpone and postpone the granting of visas."

Fortunately, some refugees were granted admission between 1934 and 1941. Among

these were a brilliant army of refugee scientists, writers, artists, and scholars including Albert Einstein, Ernst Simmel, Erich Fromm, Erik Erikson, and Herbert Marcuse.

Although we cannot correct the egregious errors that the United States has made in past immigration policies, we can prevent future suffering and death. I urge my colleagues to show that we have learned the tragic lessons of history and to act before thousands more fall victim to the treacherous hand of oppression. I urge my colleagues to vote to override President Bush's veto of H.R. 2712 and provide the endangered Chinese students with guaranteed protection.

Mr. GREEN. Mr. Speaker, the People's Republic of China nationals who have come to study and work in our country should not live in fear that we shall one day turn them over to a government that seems to know little mercy and to leaders who perceive democracy to be a threat rather than a promise. The best way we can provide them with that security is to enact H.R. 2712. Thus, I rise today to encourage my colleagues to vote to override the President's misguided veto.

The administration argues that its directive on this issue is sufficient to ensure the same protections as those contained in H.R. 2712, and therefore that congressional action on the issue is unnecessary. The fact is, however, that the administration's measures to grant immigration relief to People's Republic of China nationals are subject to serious legal challenge. They are, on numerous accounts, beyond authority in current statute and concomitant regulation. And, perhaps most importantly, the administration's directive can be withdrawn at any time. What kind of security are we providing to both the People's Republic of China nationals involved and their future employers with only potentially temporary assurances?

Our administration has to be much tougher than it has been in demanding substantive reform within the People's Republic of China leadership. Congress has been unwavering in demanding that the administration hold the People's Republic of China Government accountable for the horrifying massacre of its citizens last June and the subsequent repression of basic human rights. Today we have a chance to let the President know just how committed we really are to staying that course. Let us stand firm and vote "yes" to override his veto.

Mr. FAZIO. Mr. Speaker, I strongly support today's effort to override the President's veto of H.R. 2712.

Today's veto override vote is a reaffirmation of our commitment to democracy and the Chinese citizens who share our commitment and envision it for their own country. Although the President claims that this legislation is unnecessary, it represents the only realistic means to ensure the safety of the Chinese citizens residing in the United States as exchange visitors.

The administration directive to the Immigration and Naturalization Service as a replacement for the legislation is wholly inadequate. First, it is of questionable legal validity and conflicts with Congress' power to statutorily set immigration policy. Overriding the veto will insure that the Chinese citizens in the United States are completely and unquestionably protected under the law.

A second and equally important concern is that the directive can be withdrawn or modified at any time, thereby leaving the fate of the Chinese visitors to the unreviewed discretion of the President and the Attorney General. These individuals need a commitment, a guarantee that they can exercise the freedom to speak out in the United States without fear of reprisal. No amount of verbal assurances will substitute for legislation.

At a time when the world increasingly looks toward democracy, we cannot afford to diminish our support for democracy. And just as China has shown no signs of easing its crackdown on reformers, we should be equally committed to our concern for the safety of the Chinese nationals in the United States and our support for human rights. Let's maintain the unanimous support for this legislation and override the President's veto.

Mr. HEFLEY. Mr. Speaker, I rise today to strongly urge my colleagues to stand up for basic human rights of Chinese students in the United States and vote to override the President's veto of H.R. 2712.

In order for there to be true changes in immigration policies of Chinese nationals, Congress must establish statutory guidelines which will be applied to immigration boards and judges. As my colleagues know, guidelines have been issued twice before by the administration, and the immigration boards and judges stated the interpretation of the guidelines did not apply to them.

The INS still seeks deportation orders against those students seeking asylum stating that, as a matter of law, their defiance of Government orders does not constitute "political dissent." Well then, ladies and gentlemen of the House, what we need is legislation that does protect these students.

The President's directive has good intentions and is well meaning. However, how can we be sure the immigration boards and judges will adhere to the President's directive. Well, we can't be sure, that is why this legislation is so badly needed.

As the repression in China continues and becomes more severe, the Chinese students here at home truly fear for their lives. Until statutory protection is granted, the fate of these Chinese nationals remains uncertain. Therefore, I urge my colleagues again to stand up for basic human rights and join with me and vote to override the President's veto of H.R. 2712.

Mr. KLECZKA. Mr. Speaker, this Congress must not allow the Bush administration to ignore the plight of 42,000 Chinese students stranded here, whose rights are now in very real jeopardy by anti-democracy violence and suppression in their homeland.

I am unwilling to stand aside and permit the undoing of the human rights to which this Nation is bound at home and abroad.

This Nation once forced thousands of people who had escaped from persecution in Hitler's Germany to return to a Holocaust. We have learned much from that lesson, and I do not believe we will repeat it today.

The administration's order to protect Chinese students in America is much too little and far too late. It is a weak and faulty alterntive to Representative PELOSI's bill.

These students have no one else to turn to now in their time of trouble. I urge my colleagues to override the veto and send a message to Chinese Premier Li Peng and the Bush administration.

America should remain a sanctuary for those whose human rights are threatened elsewhere.

Mr. PAYNE of New Jersey. Mr. Speaker, since the Tiananmen Square massacre, 7 months ago, thousands of dissents have been arrested and at least 40 persons executed in further repression of anti-government sentiments. Communism is on the decline the world over, yet the Chinese Government has persisted to reinforce its position by denying basic human rights and the democratic process to its citizens. Worst of all, the President of the United States has certified China's intransigence to change through two actions: His reestablishment of full diplomatic relations and veto of H.R. 2712. Both actions were performed with complete disregard for the will of the American people.

International organizations have accurately reported human rights violations doled out by the Chinese regime. As a member of the congressional human rights caucus, I can attest to the credibility of these reports. Because Chinese law is so loosely written and defined, actions as hanging posters that call for political reform or criticize the Communist Party in any way may result in imprisonment or execution. Consequently, students who merely expressed their ideological beliefs have reportedly received 10-year sentences for allegedly divulging state secrets, destroying state property or disseminating counterrevolutionary propaganda.

In response to America's outrage, Congress unanimously passed H.R. 2712. The bill is designed to protect Chinese students currently residing in the United States who may have sympathized with the pro-democracy movement. In the House the vote was 403 to 0, in the Senate, 100 to 0.

When justifying his veto of H.R. 2712, President Bush claimed that enactment of the bill would taint the future of cultural, political and economic exchange between the U.S. and mainland China, and erode the Executive's role in foreign policymaking. Well, I disagree with both assumptions.

First, what the President fails to understand is that the global failure of communism mandates that we not placate China. Economically and politically they need us more than we need them. Second, is it worth sacrificing the lives of thousands of young Chinese men and women who have come to believe in democracy, simply to make a point about which branch of government is the preeminent foreign policy enforcer? I think not.

I am not willing to gamble away the lives of those young men and women through mere speculation. I am not willing to return those students to a repressive regime that will undoubtedly try many of them for baseless crimes against the state. But I am willing to protect those persons by voting yes on H.R. 2712, and I urge my colleagues to join me. I want to send to message to the President and

the Chinese Government, that America is a nation that respects human rights, a nation where an individual's rights come first, not executive privilege. Thank you.

Mr. FOGLIETTA. Mr. Speaker, I think that we all know the facts of this case. We have 70,000 Chinese students in the United States on J visas who, under current law, could be forced to return to possible imprisonment or even execution.

This bill would allow the students, who believe returning to China may threaten their lives, to stay here legally and without fear. It would also give them the security to continue their public support for the democracy movement in their homeland.

This country stands for freedom and democracy throughout the world, for all people. Let's not send these innocent students back to potential death or imprisonment.

Let's not leave them with the constant anxiety that their status depends on an administration that is infatuated with the idea of a relationship with China—no matter what the consequences.

Vote "Yes" for the override.

Mr. Speaker, I rise today to urge my colleagues to vote to override the President's veto on H.R. 2712, the Emergency Chinese Students Immigration Relief.

First I want to commend the work of Congresswoman PELOSI in putting together this excellent legislation. I also want to express my appreciation for the leadership's decision to make this bill a top priority.

Mr. MOODY. Mr. Speaker, I strongly support the legislation before us today that will extend the visas of Chinese students here in the United States. I hope that both the House and Senate will vote to override President Bush's veto of this bill by a strong margin.

This legislation will accomplish two things. First, it will eliminate the 2-year foreign residence requirement for these students, Second, it will modify the Extended Deferred Departure program to allow the students who qualify to apply for permanent resident status. I feel that these measures are of utmost importance to Chinese students who are here in the United States and fearful of returning to China today.

These students, regardless of their personal views, come under suspicion by the Chinese Government simply because they have taken the opportunity to study at an American institution. We must recognize that reality and address it.

This veto override is important for two reasons.

First, it provides statutory guarantees—over and above the administrative steps that have been taken—to the Chinese students who need this protection and certainty.

Second, it sends a very clear signal to the Chinese Government that the people of the United States have not forgotten the events of Tiananmen Square; they have not forgotten the democratic aspirations of the Chinese people; and they are not willing to act as if it were "business as usual" in China.

I salute the Chinese students here and in China that have had the courage to speak out again and again. I salute all the people of China who have dared to demand freedom. In passing this legislation today, we send a clear signal that we are on their side.

Mr. TORRICELLI. Mr. Speaker, some have suggested that instead of a veto override for H.R. 2712, Congress should put the override aside, by referring it or otherwise, and protect Chinese nationals by enacting a new bill. Their argument goes that if any congressional action were needed, the dispute with the President over his asserted pocket veto threatened by the Justice Department could be avoided by Congress just putting the veto aside. Passing another bill, we are told, would be a supposedly simple step, given the tremendous bipartisan-partisan support for protecting Chinese nationals and an entire session of the Congress before us.

This argument is deceptive and unpersuasive. Any diversion to attempting a new bill would mean further delays and uncertainties in protecting the concerned Chinese students. Moreover, starting over with a new bill would create real risks that this immigration protection would get wrapped up in the entire question of proposals for economic sanctions. This risk is doubly present when any new bill of ours reaches the other body, where such a proposal would be subject to all kinds of nongermane amendments, jurisdictional disputes, filibusters, second conferences, and other complications.

By resolving this veto override, we are recognizing that the President's veto, under the Constitution, is meant to give Congress a clear choice—should the Emergency Chinese Immigration Relief Act, exactly as both Houses already voted for it, be enacted despite the President's objections? Let us answer that question with a clear "yes."

Mr. JAMES. Mr. Speaker, today we are considering the Emergency Chinese Immigration Relief Act of 1989. I am voting to override the President's veto on the status of Chinese student visas. The reason for my vote is simple. The Chinese students in both this country and in China have demonstrated great bravery and commitment to democratic principles by standing up to the dictatorial Communist regime in China. They are defenders of freedom. We cannot abandon these brave men and women in their hour of need. If they returned home now, they would face immediate arrest and possible execution. America was founded on the principles of liberty and democracy for all mankind, and we must help those who defend these sacred principles. My vote is a vote to confirm all that we stand for, and I will continue to fight against oppression wherever it exists in the world.

Mr. FISH. Mr. Speaker, I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. KILDEE). The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 390, nays 25, not voting 16, as follows:

[Roll No. 4]

YEAS—390

Ackerman	Dingell	Inhofe
Akaka	Dixon	Jacobs
Alexander	Dorgan (ND)	James
Anderson	Dornan (CA)	Jenkins
Andrews	Douglas	Johnson (CT)
Annunzio	Downey	Johnson (SD)
Anthony	Dreier	Johnston
Applegate	Duncan	Jones (GA)
Archer	Durbin	Jones (NC)
Armey	Dwyer	Jontz
Aspin	Dymally	Kanjorski
Atkins	Dyson	Kaptur
Ballenger	Early	Kasich
Barnard	Eckart	Kastenmeier
Bartlett	Edwards (CA)	Kennedy
Barton	Edwards (OK)	Kennelly
Bates	Emerson	Kildee
Beilenson	Engel	Kleczka
Bennett	English	Kostmayer
Bentley	Erdreich	Kyl
Bereuter	Espy	LaFalce
Berman	Evans	Lagomarsino
Bevill	Fascell	Lancaster
Bilbray	Fawell	Lantos
Billey	Fazio	Laughlin
Boehlert	Feighan	Leach (IA)
Boggs	Fields	Leath (TX)
Bonior	Fish	Lehman (CA)
Borski	Foglietta	Lehman (FL)
Bosco	Ford (MI)	Levin (MI)
Boucher	Ford (TN)	Levine (CA)
Boxer	Frank	Lewis (CA)
Brennan	Frenzel	Lewis (FL)
Brooks	Frost	Lewis (GA)
Broomfield	Gallegly	Lightfoot
Browder	Gallo	Lipinski
Brown (CA)	Gaydos	Livingston
Brown (CO)	Gejdenson	Lloyd
Bruce	Gephardt	Long
Bryant	Geren	Lowery (CA)
Buechner	Gibbons	Lowey (NY)
Bunning	Gilman	Luken, Thomas
Burton	Gingrich	Lukens, Donald
Bustamante	Glickman	Machtley
Byron	Gonzalez	Manton
Callahan	Goodling	Markey
Campbell (CA)	Gordon	Marlenee
Campbell (CO)	Gradison	Martin (IL)
Cardin	Grandy	Martin (NY)
Carper	Grant	Martinez
Chandler	Gray	Matsui
Chapman	Green	Mavroules
Clarke	Guarini	Mazzoli
Clay	Gunderson	McCandless
Clement	Hall (OH)	McCloskey
Clinger	Hall (TX)	McCollum
Coble	Hamilton	McCurdy
Coleman (MO)	Hancock	McDermott
Coleman (TX)	Harris	McEwen
Collins	Hatcher	McGrath
Condit	Hawkins	McHugh
Conte	Hayes (IL)	McMillan (NC)
Conyers	Hayes (LA)	McMillen (MD)
Cooper	Hefley	McNulty
Costello	Hefner	Meyers
Courter	Henry	Mfume
Cox	Herger	Miller (CA)
Coyne	Hertel	Miller (OH)
Craig	Hiler	Miller (WA)
Crane	Hoagland	Mineta
Crockett	Hochbrueckner	Moakley
Dannemeyer	Hopkins	Mollohan
Darden	Horton	Montgomery
Davis	Houghton	Moody
de la Garza	Hoyer	Moorhead
DeFazio	Hubbard	Morella
Dellums	Huckaby	Morrison (CT)
Derrick	Hughes	Morrison (WA)
DeWine	Hunter	Mrazek
Dickinson	Hutto	Murtha
Dicks	Hyde	Myers

Nagle	Roth	Stallings
Natcher	Roukema	Stangeland
Neal (MA)	Rowland (CT)	Stark
Neal (NC)	Rowland (GA)	Stearns
Nielson	Roybal	Stenholm
Nowak	Russo	Stokes
Oberstar	Sabo	Studds
Obey	Saiki	Swift
Olin	Sangmeister	Synar
Ortiz	Sarpalius	Tallon
Owens (NY)	Savage	Tanner
Owens (UT)	Sawyer	Tauke
Oxley	Saxton	Tauzin
Packard	Schaefer	Taylor
Pallone	Scheuer	Thomas (CA)
Panetta	Schiff	Thomas (GA)
Parker	Schneider	Thomas (WY)
Parris	Schroeder	Torres
Pashayan	Schuette	Torricelli
Patterson	Schulze	Towns
Paxon	Schumer	Traficant
Payne (NJ)	Sharp	Traxler
Payne (VA)	Shaw	Udall
Pease	Shays	Unsoeld
Pelosi	Shumway	Upton
Penny	Shuster	Valentine
Perkins	Sisisky	Vento
Pickett	Skaggs	Visclosky
Pickle	Skeen	Volkmer
Porter	Skelton	Vucanovich
Poshard	Slattery	Walgren
Price	Slaughter (NY)	Walker
Pursell	Slaughter (VA)	Walsh
Rahall	Smith (FL)	Washington
Rangel	Smith (IA)	Watkins
Ravenel	Smith (NE)	Waxman
Ray	Smith (NJ)	Weber
Regula	Smith (VT)	Weiss
Rhodes	Smith, Denny (OR)	Weldon
Richardson	Smith, Robert (NH)	Wheat
Ridge	Smith, Robert (OR)	Whittaker
Rinaldo	Snowe	Whitten
Ritter	Solarz	Williams
Roberts	Solomon	Wise
Roe	Spence	Wolf
Rogers	Spratt	Wolpe
Rohrabacher	Staggers	Wyden
Ros-Lehtinen		Wylie
Rose		Yates
Rostenkowski		Yatron

NAYS—25

Baker	Hansen	Quillen
Bateman	Hastert	Robinson
Combest	Holloway	Sensenbrenner
Coughlin	Ireland	Smith (TX)
DeLay	Lent	Stump
Gekas	Madigan	Sundquist
Gillmor	McCrery	Young (FL)
Goss	Michel	
Hammerschmidt	Petri	

NOT VOTING—16

AuCoin	Kolbe	Sikorski
Bilirakis	Kolter	Vander Jagt
Carr	McDade	Wilson
Donnelly	Murphy	Young (AK)
Flake	Nelson	
Flippo	Oakar	

□ 1724

The Clerk announced the following pair:

On this vote:

Mr. Kolbe and Mr. Bilirakis for, with Mr. McDade against.

Mr. HAWKINS changed his vote from "nay" to "yea."

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2712, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present on January 24, 1990, I would have voted "aye" on rollcall 4; "nay" on rollcall 3.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3456

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3456.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2364, AMTRAK REAUTHORIZATION AND IMPROVEMENT ACT OF 1989

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2364) to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

The Chair hears none, and appoints the following conferees:

From the Committee on Energy and Commerce: Messrs. DINGELL, THOMAS A. LUKEN, ECKART, SLATTERY, BOUCHER, LENT, WHITTAKER, TAUKE (except for section 4 of the House bill and section 4 of the Senate amendment), and BLILEY (solely for section 4 of the House bill and section 4 of the Senate amendment).

Additional conferees:

From the Committee on the Judiciary (solely for section 4 of the House bill and of the Senate amendment): Messrs. BROOKS, MAZZOLI, EDWARDS of California, FISH, and MOORHEAD.

The Chair will reserve authority to appoint additional conferees.

LEGISLATIVE PROGRAM

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished majority whip the legislative program.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Speaker, tomorrow the House meets at 11, but there is no legislative business. Friday the House will not be in session.

On Monday, the House meets at noon, but there is no legislative business. On Tuesday the House will meet at noon and there will be suspensions, and on Wednesday the House will meet at noon to consider the National Voters' Registration Act of 1989, and the House will recess until 8:30 p.m. on Wednesday and will reconvene at 9 p.m. to receive the President of the United States in a joint meeting for the State of the Union Address. On Thursday, February 1, the House meets at 11 a.m., and there will be no legislative business. Then on Friday, February 2, the House will not be in session.

Mr. GINGRICH. Mr. Speaker, let me, if I might, ask of my friend, the gentleman from Pennsylvania: The gentleman mentioned suspensions on Tuesday, January 30. We are currently listing S. 1521, relating to the police force of the National Zoological Park. Does the gentleman expect any other suspensions, and would he happen to know what they are?

Mr. GRAY. If the gentleman will yield further, not at this point. I would say to the distinguished gentleman from Georgia, the minority whip, we do not expect any, but certainly there will be proper notification of the minority and consultation before any addition.

Mr. GINGRICH. I also wanted to ask: There are two actions with relation to Panama. One is a resolution which I understand was initially drafted and then pulled this week commending our troops for their effort in Panama and commending the Panamanian people and possibly commending the President for his decision there. The second was something we have discussed before about lifting the sanctions that were imposed on Panama while Noriega was in charge.

Does the gentleman have any information on when those two might come to the floor?

Mr. GRAY. If the gentleman will yield further, it is my understanding that the Committee on Foreign Affairs is considering both of those items. I would say to the minority whip, the gentleman from Georgia, that there is considerable support on both sides of the aisle on both of those issues, and so what we are trying to do is to allow the regular process of the Committee on Foreign Affairs to do its work and bring it in regular order to the floor so that the body may act on both of those issues.

□ 1730

Mr. GINGRICH. Mr. Speaker, I appreciate that information. I gather the gentleman does not know at the present time how rapidly they might produce those two?

Mr. GRAY. At this time we have no indication from the Committee on Foreign Affairs as to how soon that will occur, but we are hopeful that the order will proceed in a regular manner. We know there are many Members of the House on both sides of the aisle that would like to address those issues.

Mr. GINGRICH. Is it the intention of the gentleman on Tuesday to roll a vote, if one is requested on S. 1521, over to Wednesday, or will there be a vote on Tuesday?

Mr. GRAY. We think that a vote is unlikely at this time on that issue, so we think that there may not be a vote on Tuesday.

Mr. GINGRICH. Mr. Speaker, I appreciate the gentleman helping us understand what the legislative business for next week will be. It is my understanding on our side that whenever the conferees are appointed for the oilspill bill, that it is very likely there will be a motion to instruct conferees which would lead to a recorded vote. Obviously if that appointment of conferees were made on Tuesday, Members might then be faced with a vote.

Does the gentleman know offhand if it is likely either on Tuesday or Wednesday conferees might be appointed?

Mr. GRAY. At this time I cannot tell the distinguished gentleman exactly when the conferees will be appointed. Knowing that that motion is in the offing and that there would be a vote, I am certain that the leadership on this side of the aisle will make sure that it is done in a manner so that people will be able to be present and to express their will on that motion to recommit.

Mr. GINGRICH. I was partly asking because we have a good colleague from New Jersey who has worked long and hard on that bill and desires to have that opportunity. I wanted to make sure that the gentleman would have more than enough notification if he needs to be here on either Tuesday or Wednesday.

Mr. GRAY. I can assure the distinguished gentleman he would have more than enough notification with regard to that issue, and, as has been done in the past, the Speaker would certainly consult with the minority so that any motions to recommit would be entertained properly and all persons would be notified so that the House can work its will.

Mr. GINGRICH. Mr. Speaker, I thank my friend and look forward to working with him next week.

HOUR OF MEETING ON WEDNESDAY, JANUARY 31, 1990

Mr. GRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, January 30, 1990, it adjourn to meet at noon on Wednesday, January 31, 1990.

The SPEAKER pro tempore (Mr. DARDEN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain requests for 1 minute speeches.

VETO OVERRIDE OF H.R. 2712

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I rise today to express my strong support for the veto override of H.R. 2712 and to praise my colleagues in the House for their overwhelming vote in support of the Chinese students in the United States. This legislation would allow Chinese students studying in the United States to remain here until they are able to return to their homeland free of fear from government persecution. In my view it would be simply unconscionable to force over 30,000 Chinese students back into the clutches of a repressive and murderous government. H.R. 2712 will provide comprehensive legal safeguards for these students, and, despite the President's statement that he can and will protect these students without additional legislation I believe that he was sorely misguided in vetoing the bill.

We have heard a great deal over the last decade about promoting freedom and democracy abroad. Unfortunately, China's own reform movement was brutally quashed last June in Tiananmen Square. Since that time the Chinese Government has shown little willingness to consider the democratic aspirations of its own people. Mr. President, despite your desire to maintain good relations with China, which I fully share, now is not the time to pursue business as usual with that country. Chinese students living in the United States need the protection provided by this legislation. The message we send today in overriding the President's veto is the right message. The events at Tiananmen Square were barbaric, and have not been forgotten and should not be forgiven.

FREE AND FAIR ELECTIONS IN NICARAGUA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, Daniel Ortega is pulling another stunt. He is holding hostage funds appropriated by Congress, blaming it on bureaucratic redtape. IPCE, the nonprofit organization dedicated to recruiting and training opposition poll watchers, has not received their $1.5 million in funds to operate. UNO has not received the funds or the office equipment and vehicles purchased by U.S. funds.

On October 4, 263 of us voted to give $9 million as insurance that Nicaraguans have the opportunity to participate in the running of their government. The funds would help counterbalance the blatant use of government resources by the Sandinistas to maintain power.

Last week, I returned from Nicaragua cautiously optimistic over the preparations. Violeta Chamorro and the UNO opposition party have the hearts of the people with them.

What they do not have are resources. We fought a hard battle to obtain the funds for prodemocratic activities in Nicaragua, and the National Republican and Democratic institutes dodged many obstacles to send the funds to Nicaragua.

While Daniel Ortega is using government bureaucracy to hold up the release of opposition funds, I saw him give away nine new Soviet-made tractors and numerous tracts of land to those attending his rally. Do not tell me that FSLN campaign funds paid for those door prizes. And UNO can't even pay anything to those dedicated to assuring the ballot boxes aren't stuffed.

I met with representatives of the United Nations Observer Mission. They claim, and I'm sure you will agree, that if even 50 percent of the polls are without opposition watchers and the Sandinistas claim victory, no one will say the election was fair. Therefore, it is in Oretega's best interest to release our funds.

Ortega's latest ploy serves only to exemplify his fear of losing.

I saw UNO supporters turn out by the hundreds to show support for the Chamorro ticket. They are ready to

see a change in government and are sick of the repressive Sandinista regime. I hope you are as outraged as I that Daniel Ortega is trying to undermine the will of the Nicaraguan people.

CHINESE STUDENTS LEGISLATION VETO OVERRIDE

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHEUER. Mr. Speaker, our vote today to override the President's veto of H.R. 2712, the bill protecting Chinese students from deportation, showed that this House is not confused by the administration's dubious justification of its veto—that the veto could appease China's leaders without in any way hurting or endangering Chinese students in this country.

Mr. Speaker, that is incredible and inconceivable on its face. Why oh why were China's leaders appeased by a veto that President Bush now says would have had no effect?

The reason China's aging tyrants were appeased by the President's veto is the very same reason that Chinese students here were mortally terrified by it: Both groups knew the protection provided by the Executive order alone—without the backing of law—could be tenuous and ephemeral, and could be revoked by the President at any time, just as easily as it was invoked by him.

Mr. Speaker, just as President Bush sent a message when he vetoed the bill, that many of us found unacceptable and offensive, this House today sent a message even more loud and clear, a message of freedom, that will reverberate from Washington, throughout this country, and all the way to the government halls of power in Beijing.

I enclose the eloquent editorial from today's New York Times:

[From the New York Times, Jan. 24, 1990]

ON CHINA, TRUST IS NOT ENOUGH

Congress now has an excellent opportunity to show Beijing, and President Bush, how the American people feel about the backward-looking policies of China's fading leaders, and the Administration's shameful apologetics on their behalf. It can do so by voting this week to override Mr. Bush's veto of a measure that could help guarantee Chinese students in this country a chance to stay.

The bill, originally sponsored by Representative Nancy Pelosi, California Democrat, passed both houses overwhelmingly. But the President, heeding Chinese demands, vetoed it last month, just as he sent his high-level aides off to China. For Congress to override would clearly signal that the American people are not yet ready for business as usual with the butchers of Beijing.

Any Administration is entitled to considerable leeway from Congress in the routine conduct of foreign relations. And the Administration notes, correctly, that it has, by executive action, granted students the same right to apply for renewal of their visas without first returning home. But that just makes the veto look like a transparent attempt to appease Beijing.

China is anything but a routine foreign policy issue. Sino-American relations directly affect more than a billion people. They touch on a wide range of issues, including America's human rights standards, military cooperation between two nuclear powers and attitudes toward the murderous Khmer Rouge in Cambodia.

The right way for a President to handle such questions cannot be simply to say: Trust me, I'm an old China hand. Since the surprise December mission to Beijing., Americans have made plain their deep distrust of the President's China initiatives—even before the Administration admitted earlier high-level contacts with Chinese leaders. Can Congress now trust the permanence of executive remedies for the student visa problem?

By overriding the veto, Congress can nudge America's China policies back toward decency.

RELEASE OF FUNDS FOR NICARAGUA ELECTIONS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, it is time for Daniel Ortega and his Marxist/Sandinista government to get off the dime and start playing by the rules in Nicaragua.

The "dime" is actually more than $1 million of United States money—money appropriated in good faith by this Congress to promote a free and fair election in Nicaragua next month—money that is desperately needed to recruit and train opposition poll watchers—money that has become bogged down in apparently endless Sandinista redtape.

Mr. Speaker, my good friend from North Carolina, Mr. BALLENGER, and I spent 3 days in Nicaragua, talking with everyone from members of the U.N. observer team to church leaders to opposition leaders to plain, old citizens.

The message from all sides was unmistakeable: There is an air of expectation that elections will happen. Real progress has been made in the struggle to conduct truly democratic elections in a country where such a thing is a novelty. but with that progress has come the potential for serious pitfall.

As he has done so often in the past, Daniel Ortega has shown himself adept at deliberate mischief making. He's using his power and total government control to thwart the process by withholding funds for poll watching and verification of registration.

Without opposition poll watchers at the more than 4,300 polling stations in Nicaragua, this election process will make the brinks robbery look like petty larceny.

It's time for the Sandinistas to put our money where their mouths are—in the democratic election process they keep saying they support, a process the people of Nicaragua so clearly deserve.

□ 1740

TRIBUTE TO ALONZO A. SWANN

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute and seek due recognition for World War II veteran Alonzo A. Swann, a great American hero.

During World War II, Alonzo Swann was a steward's mate assigned to man gun tub 10 as a crewmember of the U.S.S. *Intrepid.* On October 29, 1944, while patroling off the Philippine Islands, the *Intrepid* was engaged by some of the first Japanese kamikaze planes. As the battle of Luzon raged on, a plane, bent on destruction, hurled at the *Intrepid*'s flight deck in a kamikaze attempt. Alonzo Swann and the other steward's mates of gun tub 10 tried furiously to bring the plane down. Alonzo Swann continued to fire at the plane until it collided with the *Intrepid.*

The actions, above and beyond the call of duty, of Alonzo Swann and the other crewmembers of gun tub 10 were not in vain. Their relentless firing inflicted such great damage on the kamikaze plane that it was unable to maintain its course and instead it crashed directly into gun tub 10, sparing the *Intrepid* from fatal damage but causing fatal and serious injuries to the members of gun tub 10.

It was freely acknowledged that of all of the gun batteries that fired upon the Japanese plane, only the crew of gun tub 10 remained at their station, until the plane was brought down. All others, succumbing to the natural instinct for self-preservation, discontinued firing and sought the protection of the splinter shields—all save the stewards and steward's mates of gun tub 10.

For this act of bravery, which Assistant Chaplin Donald Ickes said was unequaled by any of the other considerable acts of heroism he had witnessed, the members of gun tub 10 were awarded the highest naval honor possible, the Navy Cross. For unknown reasons, this award was later downgraded to the bronze star.

Alonzo Swann, placed in a dire situation that most Americans will never know, answered his Nation's call of duty above the human instinct for self-preservation. By remaining at his station and risking his life when

others sought cover, he saved lives and protected his ship from crippling damage.

Alonzo Swann's first petition to be duly recognized for his bravery fell on the Navy's deaf ears. He is not satisfied, I am not satisfied, and the people of the United States of America should not be satisfied. The Navy has informed me that they have reopened Mr. Swann's case. I thank the Navy and strongly urge them to give him his long sought, just reward. Award Alonzo A. Swann the Navy Cross.

H.R. 3686, FAIR HOUSING ACT AMENDMENT

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, before we recessed for the December break I introduced legislation which will stop discriminatory housing practices against senior citizens.

My legislation, H.R. 3686, eliminates a vague provision of the Fair Housing Act, which has placed a burdensome requirement on landlords of senior housing.

Under the law, a senior park can be declared a family park if it does not offer the proper amenities. Rather than face the possibility of a lawsuit, many landlords of senior parks have decided to open their projects to families.

My legislation would eliminate this requirement for such amenities, giving landlords and senior citizens a clearer idea of what exactly is required.

The bill does keep in place safeguards against discrimination by requiring senior housing to demonstrate an intention to be a seniors housing project by having 80 percent of the dwelling units occupied by one person over the age of 55.

I do not believe that it is fair to senior citizens to expect them to live in this state of limbo. By eliminating this provision the law will be clarified and landlords will be able to easily determine if they meet the regulations without having to go to court.

I urge my colleagues to support H.R. 3683, and stop discrimination against senior housing.

LEVERAGED BUYOUTS LEAVE DEDICATED COMPANY EMPLOYEES WITHOUT JOBS OR INCOME

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, yesterday, I spoke of my alarm about the result of many leveraged buyouts during the last decade. Today, I want to specifically mention one of these transactions.

Rich's, one of Atlanta's true retail institutions, finds itself owned by a holding company controlled by a corporate raider named Campeau who has filed for bankruptcy protection. Rich's is a profitmaking business and its employees work hard every day to provide quality goods and services to the general public. While Rich's has remained profitable, the parent company has an overlay of debt which cannot be overcome.

What is especially tragic is that our Tax Code provides an incentive for companies to go further into debt and discourages the accumulation of equity. Those who work should reap the rewards. However, leveraged buyouts leave dedicated company employees without jobs or income because corporate raiders have co-opted the company's assets for immediate personal profit.

We cannot continue to mortgage our future through corporate debt subsidized by the taxpayers.

LATIN AMERICA IS OUR NATURAL ECONOMIC AND COMMERCIAL TRADING PARTNER

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, freedom is bursting out all over the world. It is a marvelous sight to behold. We watched Central America, East Europe, Lebanon, South Africa, where progress is being made. But we need to remember our natural neighbors, Latin America. It is a historic alliance. It is politically right, it is morally correct, and they make a natural economic trading and commercial partner.

Everyone looks to 1992 in Europe, the little dragons of Asia and our troubled Middle East. But with our growing Spanish-speaking population in the United States, we need to remember to come home and have a vision, to come home and look ahead, to come home and make international progress by taking care of our natural geographic, historic partners, Latin America.

The whole world looks for exploding freedom in Europe; let us not forget our natural neighbors.

TRIBUTE TO MARTHA HICKS

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSTAMANTE. Mr. Speaker, today I rise to recognize a constituent of mine, Martha Schultz Hicks, of San Antonio, TX. In November of 1989, Martha was presented the distinguished honor of being named "American Business Woman of the Year" by the American Business Women's Association [ABWA].

Each year the ABWA recognizes one of its member's professional achievements and community involvement and presents them with its highest award. I am not surprised that 1989's recipient was Martha.

I have known Martha since I was a county judge in San Antonio, Bexar County, and she has always been a leader in the community. Her unrelenting effort to help others has benefited those in San Antonio. Martha's devotion to education and her personal involvement in teaching others to achieve their goals has truly benefited the business community there.

So, today I would just like to say, "Congratulations and thank you Martha, for all you have achieved for yourself and for San Antonio."

REPLACING THE BERLIN WALL WITH A METAL FENCE

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, in a speech to members of East Germany's Volkskammer—or People's Parliament—in early January, Acting President Wolfgang Grlach, announced his intention to complete the dismantling of the wall. If you read the transcript of the speech you also learned of the intention to replace the soon-to-be downed wall, with a metal fence of some sort.

I was very interested to see that news reports of Mr. Grlach's speech did not contain any reference to the metal fence proposal. Perhaps no one wanted to "Jam a stick into the spokes" of what has uinversally been regarded as an extraordinary development—the tearing down of the Berlin Wall. The idea of replacing the wall with a fence was finally mentioned in a caption that accompanied a picture of East German workers removing a large segment of the Berlin Wall, in yesterday's New York Times.

I mention this little story because I am concerned about people who exhibit a dangerous penchant for hearing what they want to hear, they want to hear it. No one doubts the fact that the world is changing by leaps and bounds, and certainly we all want the seeds of democracy to flourish in East Germany, Poland, and Lithuania. However, events could very easily spin out of control. When and where, we don't know—nor does the Soviet leadership. In the meantime, let's not forget that approximately 560,000 Soviet troops still have their heels dug into East European soil.

INTRODUCTION OF CONCURRENT RESOLUTION—MOST-FAVORED-NATION TRADING STATUS FOR ROMANIA

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, I have today introduced a sense-of-the-Congress resolution calling on the President to immediately reextend most-favored-nation trading status to the country of Romania.

On December 17, 1989, the people of Romania, hungering for control over their own destinies, rose up en masse and, echoing events of our own country's establishment, entered into a bloody confrontation with forces of a tyrannical ruler which culminated on December 21 with the people throwing off the yoke of Ceausescu's oppression that had lain so heavy on their shoulders for the past 27 years. In establishing a transitional government, the people of Romania have set about the difficult and arduous task of righting the social, political, and economic wrongs inflicted upon them by the despotic Ceausescu regime. The task is not an easy one. The standard of living in Romania brought about by Ceausescu's policies is one of the lowest in Europe. For a fledgling government, struggling to incorporate democratic principles into its governing scheme and to survive and grow, its economic house must be put in order quickly, with an infusion of tangible capital and goods. However, for the economic impact of that assistance to be effective it must be based upon trade which creates jobs that are long lasting, rather than direct aid, which is fleeting.

Reinstituting the most-favored-nation trading status for Romania is the United States trade incentive best suited to meet these goals. That action, in my view, meets the goals of this fledgling government.

MFN has proven in the past to be a mutually beneficial trading instrument between the United States and Romania as well as an instrument to effectuate social and political change in Romania—however minimal it might previously have been.

In 1975, Romania was granted most-favored-nation trading status as a way of rewarding and promoting its demonstrated political independence from the Soviet Union. Since the mid-1960's, Romania has sought to institute external policies which are consistent with its own view of its national interests. For example, Romania:

Condemned the invasion of Czechoslovakia;

Criticized the invasions of Afghanistan and Kampuchea;

Was the only Warsaw Pact country to recognize Israel;

Refused to endorse anti-U.S. name calling resolutions in the United Nations;

Insisted upon having relationships independent of U.S.S.R. with China, West Germany, Israel, and the United States;

Did not participate in Warsaw Pact troop maneuvers outside its borders;

Resisted Soviet efforts to integrate the East European and Soviet economies;

Was the only Warsaw Pact country to conduct more than 50 percent of its trade with the non-Communist world.

Following the extension of MFN status to Romania, trade between that country and the United States expanded fourfold from $450 million in 1975 to $1.2 billion in 1985, before declining in later years due to the economic policies of the Ceausescu regime. Leading U.S. exports were agricultural products, including corn and soybeans, coal, power generating equipment, fertilizer, animal skins, and pulp waste. Topping the imports from Romania were petroleum products, clothing, iron and steel products, footwear, and furniture. It is estimated that at its height, trade with Romania generated some 12,000 jobs within the United States.

The two governments constructed a framework conducive to the expansion of trade and economic cooperation. In addition to granting MFN in 1975, the United States supported the expansion of American exports to Romania by determining Romania's eligibility for United States export financing programs. Romania has utilized Eximbank lending programs and Commodity Credit Corporation [CCC] credits, aggregating over $1 billion in U.S. Government-backed credits since 1975 (about $800 million through the CCC and $200 million through the Eximbank). Beginning in 1976, Romania also enjoyed special tariff preferences under the Generalized System of Preferences [GSP] Program which the United States extends to developing countries. Under the GSP Program, over $700 million in goods from Romania entered the United States between 1976 and 1987, at which point Romania was stripped of its GSP privileges.

Under the MFN, 30 United States firms set up sales offices in Romania. For instance, Control Data Corp. entered into a joint venture to manufacture computer peripherals for sale in Romania, Eastern Europe and the West.

However economic conditions for Romania began to go sour in 1981, brought about by past economic mismanagement, the international credit squeeze, the adjustment of the economy to slower growth, and a restructuring of the world oil and refined petroleum products market, which made a large segment of Romania's exports industry unprofitable. Faced with enormous internal economic difficulties and a rising foreign debt the nation launched an enormous austerity drive. Because of these factors and Ceausescu's drive to eliminate Romania's external debt, imports were cutback drastically and personal consumption for the general public was cut to a bare minimum.

The cost to Romanians was tremendous, as living standards fell abysmally, particularly in the availability of food and energy. A refusal to contemplate economic reforms and excessively severe financial austerity measures drove living standards to their lowest level since the mid-1950's. Bucharest was the darkest and coldest capital city in Europe. This further erosion of the standard of living added to the growing public unrest which had been fueled by the repressive social measures instituted by the Ceausescu regime.

Long known for its human rights violations, the Ceausescu regime received increasing attention for its repression of religious liberties, freedom of speech, free emigration and other such deplorable acts against the human spirit and body.

The extension of MFN has proven to be an effective tool for social reforms within Romania.

The granting of MFN status to Romania was conditioned upon its compliance with provisions of the 1974 Trade Act, known as the Jackson-Vanik amendment. These provisions, entitled "Freedom of Emigration in East-West Trade," which principally make nonmarket economy countries ineligible for nondiscriminatory tariff treatment upon a determination that "such country denies its citizens the right or opportunity to emigrate."

Because of its economic importance to Romania, the potential for loss of MFN status due to a failure to comply with Jackson-Vanik had proven an important bargaining tool in United States dealings with Romania on its emigration and other human rights policies. Under this MFN leverage there had been a distinct improvement in Romanian emigration performance. The 1974 Jackson-Vanik amendment links extension of MFN with performance in the area of freedom of emigration. As a matter of fact, the leverage afforded by annual review has been effective in producing a rate of emigration from Romania comparable to that of all the other Warsaw Pact countries combined, excluding East Germany. The average emigration rate from Romania to the United States, Israel, and West Germany nearly tripled in the decade following the extension of MFN, including a sevenfold increase in emigration to the United States. Over 154,000 Romanians—roughly 1 in 160 of the country's current population—have departed the country legally

since MFN was granted. Moreover, under MFN leverage, procedures for emigration have been eased and some of the hardships encountered by individuals applying for immigration, such as harassment by the secret police, loss of employment, loss of housing, and the denial of access to social services had been alleviated.

Annual MFN review had helped the United States highlight individual human rights cases, and in some instances resolved them in a positive manner. However these instances were few and slow in being completed.

Congress, growing ever critical of the repressive Ceausescu regime and the deliberate lack of progress in its movement toward human rights reforms, sought to impose further stringent human rights conditions in its granting of a Jackson-Vanik waiver for an extension of MFN to Romania in 1988. Unwilling to accept the prospect of further conditions being imposed on his government, Ceausescu unilaterally withdrew his country's participation in the extension of MFN by the United States. Specifically, Ceausescu sought to avoid the imposition of further conditions by the United States that his government effect meaningful democratic reforms within Romania.

Finally, in December 1989, the Romanian people, faced with a bleak existence at best, and hounded by Ceausescu's police squads, deprived of the most basic human rights, and forced to exist on an inhuman standard of living, decided they had had enough and moved to take their destiny into their own hands, and like our Founding Fathers some 200 years ago, rose up and overthrew the despotic and repressive regime. We all watched this on television with wonder, as history unfolded before our eyes.

Since the overthrow of Ceausescu, the transitional government has struggled valiantly to overcome the problems stemming from the creation of a new government, right the social wrongs of the past regime, and foster an economic climate that will provide an improved standard of living for its downtrodden people. It has been, and will continue to be, a very difficult task indeed.

I am reminded of the creation of America's democracy, when at our darkest hour we sent three emissaries—among them Benjamin Franklin, to a political and economic giant of the times seeking support in our efforts toward freedom and self-determination. With the swipe of a pen, France, legitimized and recognized the fledgling government that was to become the United States of America. France's signing of the Economic Treaty of 1778 provided our country with the economic means to continue our struggle with Great Britain, was the first economic recognition of our country, and provided our forefathers with a critical opportunity to further establish the internal foundation upon which our democracy would be built. In other words, France provided crucial support toward the success of our young government in providing what would today be referred to as an extension by France of most-favored-nation trading status to the United States.

We stand at a very critical juncture in time, faced with an opportunity that is not dissimilar to the situation facing France in 1788. We have the opportunity to extend our hand to a fledgling government and offer nation-sustaining aid and assistance in considering the reextension of U.S. MFN trade status to a people that have beaten overwhelming odds in successfully throwing off the yoke of tyranny.

After ejecting the Ceausescu regime from power, the interim government has already extended full religious freedoms and the freedom of speech to the people of Romania, and has further stated its strong desire to right the wrongs of the former regime. No less important from our perspective is the fact that the interim government has announced its clear intention to hold free and open elections on May 20, 1990, this year.

For practical purposes, there are two criteria which must be met prior to the extension of MFN to any country.

First, the United States must have a valid trade agreement with the candidate country. In the case of Romania, a bilateral trade agreement was entered into in 1975, and will not expire until August of this year.

Second, the candidate country must be in compliance with the Jackson-Vanik free emigration provisions of the Trade Act of 1974. Again, in the case of Romania, and as I have already stated, there now exists within Romania de facto free emigration. Moreover, the interim government has announced its intention to provide for free emigration by law.

We have before us an opportunity to extend a hand of friendship and support to the people of Romania in their struggle for freedom and self-determination. This gesture of good faith and acknowledgment of legitimacy by the leading power of the free world would send a powerful message to the people of Romania. It would tell the Romanians that Americans support them in their struggle, that we trust their commitment to the cause at hand, and that they have a friend in the West. It also sends a similarly important message to the thousands of individuals and corporations in the United States and throughout the free world whose capital investment in Romania will provide the economic foundation upon which their new government will be built. That message is clearly stated in the resolved clause of the resolution introduced today which reads:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should move immediately to provide for the extension of Most Favored Nation trading status, and seek to offer other such means of indirect economic assistance to Romania as an expression of confidence in the Romanian people and their new government, and to reward, promote, aid and assist the Romanian people in their struggle for independence and freedom.

I would urge my colleagues to join me in cosponsoring this important resolution, and in moving it quickly to the floor.

□ 1750

APPLY PRESSURE TO HAITIAN DICTATORS

The SPEAKER pro tempore (Mr. DARDEN). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, I rise to speak about my concern for the double standard of the U.S. foreign policy, especially when it is applied in the Western Hemisphere. Specifically, I am concerned about the overreaction in Panama and the lack of action in the case of Haiti.

The invasion of Panama was illegal, brutal, and unnecessary. A great nation like the United States should never sink to the barbaric level of a thug like Manuel Noriega. A superpower should never allow itself to be goaded into a state of macho hysteria by a petty tyrant who is also a maniac. Innocent Panamanians and United States soldiers should not have had to die to accomplish a task which more patience and creative pressure could have accomplished.

They are going to make a deal, Mr. Speaker. They are going to make a deal anyhow. Manuel Noriega's trial will never go to its end. The monster deal makers, Mr. Noriega, the DA, and the CIA, the Justice Department, will now sit down and make a deal. The invasion of Panama failed. They brought Noriega out alive. They wanted him dead. Noriega alive is an embarrassment to the United States. They will now sit down and make a deal. Noriega's trial will result in the kind of deal that could have been made without all the killing and the unnecessary dying.

Too many civilians in Panama died because the monster deal makers could not make the deal in advance, and many in the communities, and the people in Panama that suffered the most devastation from the invasion were poor people and black people. The whole question of race in Panama has never been discussed at all in this

situation, and it is important that it be looked at. I represent the largest community of Panamanians outside of Florida. They are all glad to see Noriega go. They are all mourning the human and material losses experienced, but most of my constituents are black Panamanians, and they are worried about their civil rights and their human rights, worried about a return to the kind of oppression that existed against black people before Noriega.

Noriega, like many other tyrants, was clever enough to see that the oppressed people are the ones that he could win over and make loyal to him, so he did a great deal for the black people of Panama. They still are glad to see Noriega go. The problem is now they need relief. They need government aid. They need private aid. They need long-term assistance in terms of building the country on a whole, but certainly those communities that suffered most need assistance from the government and the people who are generous enough to know that a large amount of devastation took place. Food is needed immediately. Clothing is needed immediately. Most of all, some recognition of the long-term obligation that the United States has to Panama that is needed.

There were black people who built the Panama Canal who have never been compensated fully for their contribution. They are worried about the United States invasion of Grenada, and the fact that Grenada in 1983 when invaded was in much better shape economically. Grenada is now a basket case. On the other hand, they are worried about the fact there will be a total lack of recognition of their dilemma. All of our attention will be focused on Eastern Europe, on El Salvador, on places where we have special interests, but are not concerned about democracy, necessarily. We are more concerned about democracy in Eastern Europe than in our own hemisphere, right here in Haiti.

Haiti is a situation where the United States has a tremendous amount of influence. Consistently, this administration has taken a soft approach on Haiti. We are again faced in Haiti with another escalation of the lack of freedom. Another election was scheduled, so it prompted the present dictators of Haiti to start a new reign of terror. They have expelled the man who wrote the constitution for that new election, Prosper Avril, now coddled by the U.S. Government because they do not speak against him. Money has been covertly sneaked to the Haitians. They are surviving.

The administration would not survive for 6 months if the United States would take a hostile attitude toward the terror there. The United States has more power and influence over political and human rights abuse in Haiti than it has in any other nation. The present administration's dictators there could not exist if we do not want them to exist. We should show the Haitian military regime with the new reign of terror that the U.S. Government means business about democracy all over the world, and democracy in this hemisphere, and cut off all aid to Haiti, even humanitarian aid. The government is able to survive upon any money we send to Haiti, and takes advantage of food sent to children. This is a government with no scruples and no morality, a government which is preparing another crisis for the United States in its war against drugs.

Drug runners are using Haiti. Haiti is a major drop-off point, still. In order to finance a military action, where they cannot get money from the United States, they turn to the drug runners. If we mean business about fighting drugs, we do not need to invade Haiti. We can just apply pressure. In 6 months that pressure, if applied through the right channels, would bring down the oppressive government of Haiti.

Our double standard is such that we ignore what is happening on this island, which is just 90 miles off the shore of the United States. Is it a double standard because of race? Is it a double standard because they have no Communist party? We just ignore the human rights there. There are 5 million people there, and I hope we end the double standard. In addition to providing the kind of aid and assistance for Panama, it deserves to have pressure on Haiti. Bring down the government of Haiti and allow human rights to flourish there, and real democracy to take place in Haiti.

PRESIDENTIAL SCIENCE ADVISER'S ROLE IN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BUSTAMANTE] is recognized for 5 minutes.

Mr. BUSTAMANTE. Mr. Speaker, yesterday I introduced legislation which directs the President's Science Adviser to take the lead in coordinating Federal policy to improve math and science education in this country.

The need for such legislation is apparent given our Nation's projected "shortfall of 560,000 scientists and engineers by the year 2010." This shortfall is aggravated by the underrepresentation of minorities, the handicapped, and women in science, all of whom will constitute, in the aggregate, 85 percent of the work force by the year 2000. [Washington Post, Jan. 9, 1990, p. A17]

What we have, therefore, is a two-prong problem: On the one hand, we currently don't have enough scientists and engineers for research and development purposes; and on the other hand, the future pool of working-age Americans who could possibly fill that gap have been traditionally underrepresented in those fields. To ensure our Nation's economic competitiveness, it is incumbent upon us as legislators to find ways of increasing the representation of women and minorities in science and engineering. This point is eloquently made by National Science Director Erich Bloch who has stated publicly that:

> The large numbers of minorities and women in the country provide an opportunity—one we cannot afford to miss. Our motive should be pragmatism as much as altruism—the need to develop all our human resources.

My own recognition of the relation of minority education initiatives to our Nation's economic security is what prompted me to introduce, on March 22 of last year, H.R. 1561, The Hispanic-Serving Institutions of Higher Education Act of 1989. My distinguished colleague and senior Senator from Texas, Finance Chairman LLOYD BENTSEN introduced the companion bill, S. 1669, on September 22 of last year. Senator BENTSEN and I introudced this legislation because we believe that in this age of constant technological advances and increasing global competition, our educational system is faced with a tremendous challenge that the Congress must help that system to meet. That's one of the reasons why I included a provision in H.R. 1561 which would authorize postsecondary institutions to increase the representation of Hispanic-Americans in math, science, and engineering, for although "Hispanics comprise 9 percent of the population * * * only 2 percent of all employed scientists and engineers" are Hispanic.

In fact, increasing representation of Hispanic-Americans in these fields was one of the specific strategies outlined in a Federal report entitled—"Changing America: The New Face of Science and Engineering."

That was the title of the final report of the task force on women, minorities, and the handicapped in science and technology, which was statutorily established during the 99th Congress for the purpose of issuing recommendations on how to shore up our scarcity of workers with scientific expertise.

The same task force recommended that the Federal Government take the lead in launching programs to help the American education system to improve math and science instruction:

> The Federal Government is the largest single employer of scientists and engineers. It finances one-half of all research and development performed in the United States. It has a special responsibility to be a pacesetter.

By taking the lead in math and science promotion, the Federal Government would be indirectly encouraging private industry and State and local government to do the same. Some of

the programs envisioned under this initiative is the loaning of Federal scientists to teach at elementary and secondary schools under alternative teacher certification plans as well as the offering of job cooperatives with Federal entities engaged in scientific research. The Department of Energy and NASA are among some of the more prominent Federal Department and agencies which are currently engaged in developing such programs.

While all of these initiatives are promising and exciting, there is one major flow that afflicts them all: Not enough Federal policy coordination.

The need to make Federal policy on math and science education a high priority is clearly underscored in the task force's report. Accordingly to the task force, Federal policy in these educational areas should be made and coordinated at the Presidential level due to the President's "broad, strong, and immediate" influence. This is the principal reason why the task force specifically requested that the President:

Direct the White House Office of Science and Technology Policy to establish a Federal coordination committee for science, engineering and technology to provide visibility, coordination, and accountability for Federal agency plans to strengthen the science and engineering work force.

I believe this recommendation is probably one of the most important made by the task force, because it touches on a crucial point: The need for better coordination between the various Federal departments and agencies in promoting science education.

This is precisely the rationale for my legislation, which focuses visibility on math and science by statutorily authorizing the President's Science Adviser to act as the chief coordinator of Federal efforts to enhance math and science education at all levels.

Under this authorization, the President's Science Adviser would not only be able to establish a coordination committee as requested by the task force, but his office would be permanently charged with the task of promoting math and science education. Making this a permanent charge of the Science Adviser, and clearly outlining what that charge entails, is crucial to ensuring that our Nation has the necessary manpower resources to maintain its economic competitiveness beyond this new decade and into the 21st century.

I urge my colleagues to support this important legislation. For those Members interested in this legislation, I submit a copy of my bill for the RECORD.

H.R. 3853

A bill requiring the Office of Science and Technology Policy to coordinate and evaluate Federal efforts to promote and assist mathematics and science education

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POLICY PLANNING; ANALYSIS; ADVICE

Section 205 (a) of the Presidential Science and Technology Advisory Organization Act of 1976 (42 U.S.C. 6614(a)) is amended—

(1) by striking "and" at the end of paragraph (12);

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following new paragraph:

"(13) coordinate Federal policy designed to improve the instruction of mathematics and science at the elementary, secondary, and postsecondary levels, and assess how the various Federal departments and agencies can assist and encourage American students to pursue postsecondary study in mathematics, science, engineering, and other technology-related disciplines which may be of vital importance in enhancing our Nation's economic competitiveness; and".

SEC. 2. SCIENCE AND TECHNOLOGY REPORT AND OUTLOOK.

Section 206(a) of the Presidential Science and Technology Advisory Organization Act of 1976 (42 U.S.C. 6615(a)) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(3) by adding at the end of the following new paragraph:

"(7) an evaluation of Federal efforts to enhance mathematics and science education, including an assessment of the effectiveness of Federal programs designed to assist in increasing our Nation's manpower resources in mathematics, science, engineering, and other technology-related disciplines.".

LEGISLATION TO EXTEND DUTY SUSPENSION ON CERTAIN TEXTILE EQUIPMENT

The SPEAKER pro tempore (Mr. DARDEN). Under a previous order of the House, the gentleman from North Carolina [Mr. BALLENGER] is recognized for 5 minutes.

Mr. BALLENGER. Mr. Speaker, today I am introducing legislation to extend for a period of 5 years the existing duty suspension on heatset stretch texturing textile equipment.

My district is home to more than 40,000 textile employees with 20,000 employed in one county alone—Gaston County. I cannnot stress how important textiles are to the economic well-being of rural North Carolina.

The yarn spinners industry is an integral segment of this larger textile family on whose behalf I have introduced this legislation. The machinery in question is designed for heatset, stretch texturing of continuous manmade fibers. The textured yarns are major components in various kinds of apparel and home furnishings.

As required of all duty suspension bills, there are no domestic producers of the texturing equipment. In fact, the last domestic supplier of this machinery ceased production in 1973.

Today, the senior Senator from North Carolina, Senator JESSE HELMS, is introducing identical legislation in the Senate. I am proud to associate myself with all segments of the textile industry and urge my colleagues on the Trade Subcommittee to consider this bill for inclusion in the miscellaneous tariff and trade legislation.

THE EXIMBANK ESTABLISHES A LOAN LOSS RESERVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, after many years of unflattering reports from the General Accounting Office [GAO] and repeated calls to action, the Export-Import Bank of the United States [Eximbank] announced on January 4 the creation of $4.8 billion reserve to cover possible losses on 40 percent of its outstanding loans and guarantees. As the author of similar legislation (H.R. 3608) during the 100th Congress, I am delighted by the Eximbank's decision to establish the reserve. The loan loss requirement retroactively took effect to September 30, 1989.

Eximbank's refusal to account for loan losses hampered the ability of this key Federal export agency to operate vigorously. Without real-world accounting, Eximbank loan and guarantee losses would likely esclate, and restrict the U.S. role in present and future foreign development. Establishing a loan loss reserve is crucial for this reason—and especially important in light of a 1987 GAO report stating that discounted Eximbank loan sales may result in substantial losses for the agency in the years in which they are sold. At least now the impact of any Eximbank loan sales will be minimal, since the losses are already recognized in the reserve. Hopefully, this action will also boost the long-term financial condition of the Eximbank. As before, the Eximbank will continue to borrow funds from the Federal Financing Bank for new loans and expand its activities during this period of expansion in the world economy.

As a close observer of the Eximbank, I do not believe its best interests were served by previous annual fiscal reports which gave overly rosy but inaccurate assessments of its condition. While the new governments of Eastern Europe are looking to America for help in restructuring their economies, for instance, Congress simply cannot afford to make decisions about the Eximbank based on misleading information. Reporting the Eximbank loan loss reserve will clearly also help Congress ensure that the American people are getting their money's worth by clarifying their cost in financing export sales.

Legislation passed in the first session of the Congress, the "International Development and Finance Act" (Public Law 101-240), requires the Eximbank to submit a report on why it has persisted in not establishing a loan loss reserve. I am extremely pleased that the Eximbank Board and Chairman went one step further and created the actual reserve. After years of stonewalling by the Eximbank on this matter, new Chairman John Macomber deserves praise for his leadership in improving the fair representation of its financial status.

As a strong supporter of the Eximbank and its mission, I am confident that its adoption of real-world bookkeeping at this crucial juncture will help dissuade critics and opponents during upcoming debates on funding for its export assistance programs.

AN EXHILARATING, FASCINATING, CHALLENGING DECADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, 10 years ago today, on January 24, 1980, I was sworn in as a Member of this great body, the first member to be elected in the new decade of the eighties.

It has been an exhilarating, fascinating, challenging ten years, filled with joy and accomplishment, as well as with struggle and frustration.

I have had the support of a wonderful staff—the best of any Member of Congress—both at home and here in Washington. They do me and our country proud every day, and to me, represent the face of the committed, dedicated people of Government that all our citizens ought to have the chance to see.

I have had the support of my partner, the light of my life, my wife, Kathryn, who not only headed my staff during the early years, but has provided inspiration, ideas, and leadership every day of the decade.

I thank the wonderful people whom I am privileged to represent and my country for the opportunity to serve in this magnificent hall of human freedom. I hope that they will see fit to allow me to continue to do so.

UKRAINIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues in the House of Representatives that January 22 marked the 72d anniversary of Ukrainian independence. On January 22, 1918, independence from Russian domination was proudly proclaimed in Kiev, the capital of Ukraine, by the Ukrainian Central Rada, the parliament of the people of Ukraine, and 1 year later, the Act of Union joined western and eastern Ukraine into one Ukrainian National Republic.

During the 3 years which followed this declaration of independence, the industrious Ukrainian people made tremendous progress toward developing a stable and democratic government, despite constant pressure at the hands of the Bolsheviks. Unfortunately, however, by 1922, the Bolsheviks took control, and the Ukrainians entered a dark period of oppression and persecution.

During the barbaric years of Stalin's rule, the Ukrainians witnessed mass starvations, evacuations, and deportations, as the Soviets attempted to destroy the national identity of the Ukrainian people. However, the Soviets were not able to crush their spirit and their great desire to achieve independence and self-determination.

Today a wave of freedom is sweeping over all of the republics which have long been under the domination of Soviet rule. Millions of Ukrainians who have fought to preserve their cultural and religious heritage are bravely rising up to demand that their country may once again join the community of free nations.

The Popular Movement of Ukraine for Perebudova, an organization founded only a few months ago, now boasts hundreds of thousands of members dedicated to the cause of freedom. In an inspiring display of unity to commemorate Ukrainian Independence Day, on Sunday more than 100,000 people formed a human chain stretching 300 miles from the Ukrainian capital of Kiev, westward to the Ukrainian city of Lvov.

A few months ago, the Library of Congress sponsored an exhibit to commemorate the 175th anniversary of the birth of the great Ukrainian national poet, Taras Shevchenko. I visited this exhibit, and as chairman of the Joint Committee on the Library, I was delighted that the Library appropriately highlighted the magnificent writings of this truly outstanding Ukrainian author, choosing from its collection of more than 70,000 Ukrainian books which preserve the rich cultural, religious, social, economic, and national history of the Ukrainian people.

Mr. Speaker, on this 72d anniversary of Ukraine's proclamation of independence, I am proud to join with Americans of Ukrainian descent in the 11th Congressional District of Illinois, which I am honored to represent, and Ukrainian-Americans throughout the United States, in commemorating this stirring event in the history of free nations.

We in Congress must continue to press the Soviets at every opportunity to restore freedom for the downtrodden, and as a Member of Congress, I remain committed to devote my efforts tirelessly until the Ukraine is a democratic nation, free from the tyranny, and domination of the Communists.

INTRODUCTION OF MEDICARE BENEFIT IMPROVEMENTS ACT OF 1990 BY 53 HOUSE MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I rise to introduce the Medicare Benefit Improvements Act of 1990. I am pleased that my distinguished colleagues, Mr. GRADISON, Mr. WAXMAN, and Mr. MADIGAN and an additional 49 original cosponsors have joined together to introduce this important new bill.

The Medicare Benefit Improvements Act would provide a modest yet essential expansion of Medicare benefits. The bill would improve the Medicare benefit package to cover and expand four services: mammography, home health care screening, respite, and hospice.

Over the course of the past several years, there have been numerous congressional hearings and studies that confirm the value of these benefits. As a direct result, the benefits were included in the Medicare Catastrophic Coverage Act of 1988. Unfortunately, when Congress repealed the act, these benefits were also eliminated.

The bill would cover mammography screening for elderly and disabled Medicare beneficiaries. The clinical benefits of mammography screening have been confirmed by the scientific community. This preventive service is projected to save 4,000 lives per year.

Under the provisions of the proposed legislation, women ages 65 and older would be eligible for biennial mammography screening. Disabled beneficiaries would be eligible for a baseline screening with subsequent annual screenings for high-risk disabled beneficiaries between the ages of 40 and 49, and all disabled women between ages 50 and 64.

The bill would also expand the Medicare home health benefit to cover daily services for up to 38 days. This benefit is particularly important to frail, elderly Medicare beneficiaries, many of whom need home health services to recover from illness, regain strength, and improve their functional abilities, often following a hospital episode.

In-home respite services would also be provided by the proposed legislation. Caregivers of chronically dependent, homebound Medicare beneficiaries would be allowed up to 80 hours per year of respite. This benefit is essential to caregivers whose efforts make it possible for severely impaired beneficiaries to remain in their homes and avoid institutionalization.

Finally, the Medicare hospice benefit would be improved by eliminating the 210-day lifetime limit for Medicare covered hospice care.

These new benefits would be fully financed by a modest increase in the part B premium. According to the Congressional Budget Office, the part B premium would increase by approximately 80 cents per month in 1991, increasing to only $1.30 per month 5 years after the program is fully implemented. This modest premium increase would fund the full cost of these new benefits.

Because premiums would be set to fund the full cost of these new benefits, the proposal is financed on a Gramm-Rudman deficit neutral basis.

This proposal is endorsed by a number of national organizations, including The American Cancer Society, the American Association of Retired Persons, the Older Women's League, Families USA, the National Association for Home Care, Hospice Association of American, and the National Alliance of Breast Cancer Organizations.

I urge you to join us as cosponsors of this legislation and push for its swift consideration before the conclusion of the 101st Congress.

AMERICAN OPPORTUNITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to speak this evening about American opportunities. Last night I talked briefly about the concept of an American opportunities workshop on May 19. This is the idea of having a 90-minute program by satellite television available to anyone in America, either through their local cable programs or because they were able to get access to a dish receiver or to a hotel

that has a down link or to a school or to a church.

I talked about the concept of having 90 minutes by which by television we would outline a new way of thinking about solving problems, a new way of looking at American opportunities, and a new way of developing answers for America's future, of focusing on the concept of developing 21st century citizenship by focusing on new solutions for the nineties; and the idea that anyone could participate that could develop their own site and they could be involved. I thought that I might explain why we decided we could develop an American opportunities workshop, and why we think that is an important idea.

We started with a concept that Thomas Kuhn, in a book called The Structure of Scientific Revolution, first made popular. Kuhn argued that science could be thought of as a series of very big ideas, what he called paradigms, and a paradigm was a way of thinking about something.

Sir Isaac Newton, in thinking about the concept of gravity had developed a new paradigm, a new way of approaching things, which then solved a lot of problems for scientists and for physicists.

Then shortly after Sir Isaac Newton—not so shortly by politicians' time but shortly by a historian's time—people like Max Planck and Albert Einstein came along, and they developed the concept of relativity and of quantum mechanics. And that again became a new model, a new way of thinking about physics.

What Thomas Kuhn discovered was that by focusing on these basic changes we saw a big change in science. Recently we saw, for example, the concept of shift in geology in the late fifties, with the development of the idea of plate tectonics, the fact that the continents actually move.

□ 1810

Mr. Speaker, everybody today agrees that they move very slowly and over a very long period of time, but everybody agrees that the continents moved over the last several billion years and that that is part of what explains, for example, the Himalaya and Mount Everest, is the coming together of two of these plates. So, the concept of paradigm is the concept of a big idea.

Mr. Speaker, most politicians and most of the news does not deal with big ideas. It deals with a series of small, day-to-day events; small, day-to-day activities which occur within a large concept, a larger construct.

In the 19th century a big idea came along, what was called the national insurance state, in Germany. Bismarck, the German political leader, first developed it, and the idea was that people could be taxed to organize a bureaucracy and that the bureaucracy would provide insurance, and health care and other activities better than the private market. At its peak in the United States under Franklin Delano Roosevelt in the New Deal, and then ultimately under Lyndon Johnson in the Great Society, the concept of what became in the modern world the bureaucratic welfare state was a powerful model, was a way of saying, "We'll take some money from everybody in the form of taxes, we'll organize them together in a bureaucracy, and we'll return for your money services which will be better than you could have bought had you done it in the private market."

Mr. Speaker, it was a very popular idea, and it seemed to work for a long time. However, that paradigm, or model of the bureaucratic welfare state, when combined in the late sixties with the values of the left, created a pattern which simply failed. It turned out that the Great Society in its modern form did not work, that that bureaucracy became more and more bound in red tape, more and more bound up in work rules, that it became harder and harder to do positive things and that, in fact, we were faced with a situation in which the average citizen was less and less able to get their needs met, and they were more and more dominated by and controlled by a large bureaucracy which did not care about them.

There is an interesting pattern, if one reads, for example, the Chicago Tribune's brilliant series on education in Chicago. Read about the schoolteacher who said, having had four principals attempt to fire her for being incompetent, never having successfully been fired because the bureaucratic work rules were such that she literally was invulnerable to any of her principals, and, when asked what her educational goal was, she said that it was to retire with a full pension, clearly not what anybody had in mind when they created schools and when they created education and having nothing to do with the well-being of the children.

Mr. Speaker, I was told last night by one New York reporter that to the best of this knowledge in the last 10 years, in all of the eighties, in New York City, because of the work rules, and because of the union contracts, and because of the bureaucracy no principal had been fired in a 10-year period. I cannot vouch for that from firsthand knowledge.

We are asking that the research be done. But it was a stunning concept, and it made sense given the general feeling most people have about how large big city bureaucracy functions.

I was told that only two teachers have been fired for cause, which meant that there were literally people who had been convicted of child molestation who were teaching in schools because it was harder to get them fired, so hard to get them fired, that, in fact, it was easier to simply collapse, and lose will and lose morale.

We see these kinds of examples again and again, whether it is waste in the Pentagon, waste in the Medicare nad Medicaid Program, waste in the New York City bureaucracy. The whole structure of the modern bureaucratic welfare state seems to build in patterns, and habits and activities which, at their best, are extraordinarily wasteful and inefficient, and at their worst they are simply very, very corrupt.

So, I think it is fair to argue that the paradigm of the bureaucratic welfare state and the values of the left have simply failed. This first began to be obvious, ironically, at its very peak under Lyndon Johnson as he founded the Great Society and the first generation of a populist movement. A movement created in large part by William Buckley, by Barry Goldwater, and by Ronald Reagan began to evolve even as the bureaucratic welfare state reached its highest mark. Over the following 25 years it became more and more obvious that raising taxes to hire more bureaucrats to set up more programs to process more paper was simply not working. It was not giving Americans the goods and services they wanted. It was not providing them the future they needed.

And the Presidential election results began to follow that indication. As recently as 3 years after the Great Society began in 1965, in 1968, the left lost an election by a decisive margin, and its candidate got only 42 percent in the general election. By 1972 the left dropped to 38 percent in its vote. In 1976 the left had been so discredited that its nominee could not be found in either party, and, in fact, both candidates for President in 1976 were seen as right of center with Jimmy Carter, ironically, being seen as slightly more conservative on social policy than Gerald Ford, and so the result was that there was not even a leftwing candidate. By 1980 Carter was clearly seen as the candidate of the left, and he dropped to 41 percent. By 1984 Reagan was faced with an opponent who was calling for higher taxes, who was one of the most honorable and legitimate advocates of the modern bureaucratic welfare state, and Walter Mondale was defeated with 41 percent. In 1988 a man who was in some ways attempting to develop a new, more technologically favorable approach, who was trying to be a little different than the traditional liberal Democrat, nonetheless went down to defeat, and Michael Dukakis just got 46 percent, and, as I quoted last night, Dukakis himself has indicated that one of the lessons he has learned out of his years as Governor of Massachusetts is that every basic fundamental achievement

of the eighties has to be rethought in a very basic way, and, coming from Governor Dukakis, that was a very interesting and, I think, very revealing example of the collapse of the old paradigm of the bureaucratic welfare state and of the values of the left.

Now, Mr. Speaker, some people, despite that evidence that it is no longer popular, will still argue intellectually that the bureaucratic welfare state will work, that the values of the left will work if only they can get enough money, if only they can raise taxes on the American people, if only somehow government can receive enough resources. Yet the fact is New York City's budget is approximately $25 billion. Let me repeat that. The city of New York by itself, this New York City budget for government service in New York City, is about $25 billion in government services. That is about 300,000 full-time employees. Now one might argue that at $25 billion a year and 300,000 full-time employees a year that maybe we could have a better run, safer, better educated, healthier, and cleaner New York City. That would argue that the current model does not work, or one could argue that, despite the union work rules, despite the bureaucracy, despite the red tape, if only we had 2, or 3, or 4 billion more, New York City would work, and I think that is going to be one of the major arguments in America in the nineties. Those people who believe that New York City is fundamentally a sound model, that the bureaucratic welfare state essentially works, that the values of the left can, in fact, be applied with effective success, those folks are going to argue, "Let's raise taxes and finance the old order," and I think that is a fair position, and I think that will be the general position of people on the left, but, when realizing that it is not just a question of New York City having $25 billion, all government and America, from local school boards, to county commissioners, to sheriffs, to city government, to State government, to the Federal Government, all governments in 1986 spent $1 trillion 700 billion. That is the government part of the way we run America was $1 trillion 700 billion.

Mr. Speaker, a trillion is a lot of money. A billion used to be a lot of money when I was young, but we are now moving into the age of the trillions. Let me explain how much money a trillion is. A million dollars, if I had up here on this table a thousand million dollars, that would be a billion. That would be a lot of money. A trillion is one million million dollars. So, when we talk about a trillion dollars, we are talking about a million million dollars. So, we are talking at one point seven trillion dollars, which is the spending of all governments in America. We are talking about one million 700 thousand units of a million dollars each, and I would argue that probably that is enough, that probably, if we organize government right, if we did things as efficiently as possible, if we applied values that worked, if we were willing to rethink the bureaucracy and apply modern computers and modern information technology, that probably at a trillion 700 billion dollars we could get a lot done.

□ 1820

But that is real money. We find, in fact, when you start looking at the tale of the eighties that the answers of the traditional left and the answers of the traditional bureaucratic welfare state do not quite work. It turns out, for example, that in the mideighties education expenses went up dramatically. They went up dramatically because of the State and local level people who were raising taxes and spending far more money, and it turns out that there is no direct relationship between the amount of money spent and the amount of learning that took place.

I think it is no accident, for example, that if you look at some of the most expensive school systems in America, New York City, Detroit, Chicago, Washington, DC, they are abject failures. If you look at the school systems of America which have the lowest level of State aid, New Hampshire, it has the highest level of scholastic aptitude test scores. I think in part that is because in New Hampshire they have kept the cost of education at home so that parents and local citizens pay for it, parents and local citizens control it, and parents and local citizens keep an active interest in their schools, whereas when you get to the bigger school systems in the country, they are very heavily bureaucratized. They are very heavily unionized. They have enormously complex work rules and the result is the parent has no sense of power, no sense of involvement and therefore they do not pay much attention to the structure, and the schools fail.

Similarly, health-care costs have gone up throughout the eighties. Now, part of that is because we have somewhat better medicine and higher technology, but the fact is as health care has become more professionalized, more bureaucratic, more filled with red tape, as the Health Care Financing Administration has become more important than the medical doctor and more important than the hospital administrator, the total cost of health care has gone up faster than the quality and quantity of service that is being provided.

I would argue that one of the lessons of the eighties is that it is the core paradigm of the bureaucratic welfare state and the values of the left which have failed.

But in fact, the structure of bureaucracy, the structure of public government which we initially inherited from Bismarck around 1870, is a period, remember, when male clerks pushed quill pens. This is not just precomputer. It is preelectric typewriter and in fact it is pretypewriter.

Modern bureaucracy is a throwback to a world that ceased to exist in America at least 70 or 80 years ago, and yet the structure of bureaucracy is here.

You see the result, for example, in all too many veterans' hospitals, if you go and look at how long patients wait to be seen, if you look at how long the bureaucracy is willing to hold them around for red tape. If you compare that with the kind of service you would expect at Sears or K-Mart or Walmark or McDonald's or Wendy's, you ask yourself, why is there a difference?

At a trillion, $700 billion dollars, we should be able to do better, and yet I want to argue that those of us who represent the second generation of this movement have to face up to a very powerful reality. It is not just enough to explain why the bureaucratic welfare state does not work or to explain that the values of the left do not work. We need a new paradigm. We need a new approach, a new way of solving things, and we need a lot of local examples to help us solve them.

I think the paradigm is fairly straightforward. The model I would suggest is a triangle, and anybody who is watching can draw one, and I think you can follow this very clearly. Imagine a triangle. One side of that triangle is technological progress. A second side of the triangle is enterpreneurial free enterprise, and the third side of the triangle is basic American values.

Let me repeat that. On one side you write the words technological progress. On the second side you write entrepreneurial enterprise, and on the third side you write basic American values. The result is that you have described the basic things that made America work for 400 years, from the time the Founding Fathers arrived in Massachusetts, from the time the first Virginians came to Jamestown, all the way up to about 1960 or 1965, there was a way of functioning in America. Americans were willing, above and eager, to be involved. They knew that if they want out and did something, if they explored more land, if they trapped more beaver, if they grew more corn, they would be better off. That was entrepreneurial free enterprise, and you were pretty much allowed to go out and try something if you thought it would work.

When Walt Disney came up with the crazy idea of Steamboat Willie, which was a cartoon involving a mouse, he went ahead and did it, and of course

Steamboat Willie became Mickey Mouse and Walt Disney became very wealthy.

When Henry Ford had the crazy idea of inventing an assembly line for cars, he went ahead and did it.

When Orville and Wilbur Wright were sitting around their bicycle shop, they decided they would go ahead and invent the airplane, and they went ahead and did it. None of them felt they had to ask the Government's permission. None of them felt they had to apply for Government loans or contracts and none of them felt they had to submit a proposal in 19 copies and wait for 3 years for somebody to send them back an answer.

Now, that model of change is very, very important, that we encourage people to be entrepreneurs and we had a free enterprise system which rewarded them.

The second side is also very powerful. For almost all of American history, we have relied on technological progress to improve everyone's life. Poor people in America are better off today than rich people were 200 years ago because poor people have indoor plumbing, they have refrigerators, they have televisions, they have telephones, they have access to a technology which literally did not exist even if you were a king or a queen or a millionaire in 1800.

So Americans have relied for 200 years on better technology, giving everyone a better chance to live in the future.

Finally, we had what we call basic American values. Some of them are amazingly simple. You have to study to learn. You have to do your homework. You have to actually be able to pass a test. We are not just going to promote you because you look nice. You have to learn objective facts and objective reality. You have to show up for work on Mondays. You ought to save a little bit out of what you earn each week and in the long run you will save a lot. You ought to build for the future. You ought to be able to own your own home. These are basic common ideas.

One of them is honesty. One of the most frightening things I do is ask every high school class I visit, how many of them know somebody who cheats, and virtually every student raises their hand at virtually every class.

Now, you cannot compete in the world market and you cannot maintain a democracy if everybody grows up thinking it is OK to cheat. Basic honesty is a key to a free market society, because you want to know when you buy a product that it was built by an honest person, and you want to know that it is being sold to you by an honest person. You cannot just rely on the courts to protect you because you never have enough police and you never have enough courts in a free society. You have to rely on the basic decency and the basic honesty of most citizens, and then simply use the courts and the police for the scoundrels and the criminals. So those are basic American values.

One of the reasons we came up with the idea of a triangle is that it is our idea that any good approach, any innovation, any new idea, any new solution inside the triangle beats the old paradigm of the bureaucratic welfare state in the eyes of the left.

In other words, literally when we go around the country, if 500 different school boards have 500 different new ideas, all of them fitting inside basic American values, technological progress and entrepreneurial free enterprise, maybe the answer is to let them all find out, rather than go through some long elaborate intellectual process and writing out 90 pages of justification and shipping it off to people in Washington who have never seen your town, never seen your school, never seen your child, what if we just say within very broad zones, if you local folks think it will work better, why don't you try it in health care? Why don't you try it in helping our veterans in health care? Why don't you try it in education? Why don't you try it in catching and keeping criminals locked up?

If I could summarize it, it would be a very simple concept, that if we can get in the habit of applying common sense while focusing on opportunities, that we can cut through the redtape and we can cut through the baloney and we can solve things in America very, very fast. We can have a more commonsense Pentagon that costs less money. We can have a more commonsense New York City that costs less money.

So what we are going to try to do on May 19 is have an American Opportunities Workshop available to anyone who wants to participate, broadcast by satellite to anyone who has a down link or a dish receiver or has access to a place that has a receiver.

We do not care whether you are Democrat, Republican, whether you are a libertarian or what your background is. We do not care that you have any particular interest. What we care about is the notion that you agree that for the 1990's to be successful, we have to help America change so we can prepare for the 21st century. We want to share ideas, and in particular we want to share things that work. We want to share proposals that work.

Over the next few weeks I am going to lay out a series of ideas that work. I am going to lay out a series of success stories and draw the constrast between what happens when we empower Americans and allow them to develop new ideas and when we encourage them to find new solutions and how much they can change things, how much they can improve things if only we trust the American people to use that kind of good commonsense.

My hope is that by seeing real success stories, not by hearing theories, not by hearing ideology, not by hearing general rhetoric, but by hearing case after case after case of good news about America, on opportunities that work, of insights that are helpful, of projects that have applied entrepreneurial free enterprise or technological progress or basic American values, or all three, that folks will decide that this is an idea whose time has come.

□ 1830

Maybe it is time to launch the second generation of a movement that has already changed America but has a long way to go. Maybe it is time to develop commonsense, focus, and opportunities, and maybe it is time to develop 21st-century citizenship by getting people to focus on new solutions for the 1990's.

Mr. Speaker, I yield to my friend, the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the gentleman from Georgia for yielding.

First of all, I want to say that I congratulate the gentleman for taking this special order and talking about something that I think is extremely important to all of us, and that is to take a look at the future.

Here on the floor of Congress, the gentleman from Georgia well knows, we either have the problem of the budget or savings and loans or child care, the social security tax, whatever the issue may be, and we do not have enough time to look at the long-range problems that this country is faced with. So I welcome the gentleman's initiatives.

I serve on the Committee on Foreign Affairs, and I have for a long time been interested in what is America going to look like in the 21st century. What is the world going to look like in the 21st century?

When we have a chance to talk with people from around the globe, I think we have broken it down to three main pillars in the 21st century, and I think the gentleman has really touched on those pillars.

It is interesting that most of the problems, or many of the problems, we face here on the floor of Congress deal with this third pillar, the gentleman from Georgia, and that is our traditional values. When we take a look at what is happening in the savings and loan industry, it is costing us now some projected $500 billion, half a trillion dollars when this price tag is all finished. Why? Because of dishonesty to a great degree in the industry. When we take a look at our budget, why do we have a huge budget deficit?

Basically because we have a lot of waste, fraud, and abuse, and so if we just got back to that one traditional value of honesty, half of the problems we are faced with on the floor of Congress would be resolved.

I congratulate the gentleman for his initiative.

The question I am going to have is: How do we get there from here? Yes, we have to get back to the basic values on honesty, the work ethic and the like. I hope on May 23 we can get some ideas from people around the country.

We would be surprised, and I always am whether I speak in the Midwest or the Far West or wherever, basically people are concerned about these very issues today. Yes, we know the liberal welfare state is dead just like Marx and Engels are dead in the Soviet Union. But how does one change the system? How does one get back to the fundamental values? That is the key issue.

I salute the gentleman from Georgia for leading the initiative in that regard.

Mr. GINGRICH. I thank my colleague, the gentleman from Wisconsin, for participating. I will say, first of all, that it is May 19, a Saturday.

The point the gentleman made, and I know he served on the Committee on Banking, Finance and Urban Affairs, and he was one of the persons involved in warning us about the dangers of the savings and loan problem. Of course, there is an example whereby having the bureaucratic welfare state step in and claim that it was doing the regulating and claim that it was doing the supervising when it was not, thousands of people lost their savings, and taxpayers are going to lose something like $50 billion to $100 billion by the time it is done. It is a failure of the welfare state to be able to deliver on what is promised, because anytime there is a race between a crook and a bureaucrat, the crook has a lot bigger incentive to stay up at night figuring out how to win. The bureaucrat says, "It is 5 o'clock, I will go home." The crook hangs around for another couple hours trying to figure out how to get that extra million dollars.

I believe it was one of the millionaires who probably, I think, did not go to jail who went bankrupt who had 49 Rolls Royces in his garage at the time that he collapsed, one just knows looking at that that in a free-market environment where we had a much tougher self-regulating environment and did not rely on the bureaucracy as much, that no sound, prudent banker would have trusted that guy, because they would have seen him riding around town in another Rolls Royce, and they would have said, "Wait a second, he is living too high on the hog."

I would cite an idea that I think the gentleman brought up in meetings that I have been in, and that is the notion that we ought to have a risk-based insurance fee, that if we truly had a private insurance that was covering one's deposit in the way that if they were depositing it at a bank or a savings and loan that had high-risk loans, they would have to pay a higher insurance premium than if one were depositing in a bank or savings and loan that was investing in more prudent loans.

Just the act of suddenly having a sliding scale for risk would suddenly change the pattern, but what we did for a long time in response to the Depression is we insured every loan equally. We insured it no matter how dump the banker of the savings and loan manager, how big the risk, how foolish the way they were lending money.

Let me say one last thing, because the gentleman really reminded me of this when he talked about his own efforts to go out and to learn around America.

One of the purposes of putting this workshop together and of launching the second generation of the movement is to say that, frankly, we think that 90 to 95 perent of the new ideas or the new solutions are out in America. They are not in Washington, DC. They are out in a small town, they are out in a city council, they are out in a school board, not at Harvard or Stanford.

We think it is very important to develop an approach where people send us good ideas, send us success stories, and our real job here, I think, is to serve, in a sense I think, to broadcast the good news and broadcast the successes around the country and recognize that maybe Washington has more to learn from America than America has to learn from Washington.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Arizona.

Mr. KYL. Mr. Speaker, I want to fully associate myself with the gentleman's remarks and commend him for not only this special order but the American Opportunity Society Program on May 19 and for helping to provide some of the answers for how we get to the next century, as our colleague from Wisconsin was just inquiring.

I look forward to working with the gentleman over the course of this year and in the years to come to achieve these goals.

Mr. GINGRICH. I was going to say in closing that the American Opportunities concept and the American Opportunities Workshop is nonpartisan. We are very eager to have anybody of any background who has new ideas and new approaches or things that they think will work so that we can have the kind of successful, educated and healthy and prosperous America all of us want in the 21st century.

I would urge any of my colleagues or any of their constituents who are interested to contact my office. We are going to try to really work to develop the best set of new ideas in these special orders and to develop an approach that allows us in Washington to learn from the rest of America. I look forward very much to working with my colleagues in the next few weeks.

CALL FOR A NEW NATIONAL SECURITY STRATEGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 30 minutes.

Mr. SKELTON. Mr. Speaker, this Nation needs a new national security strategy. The need arises in part because of the successes of the strategy of containment that has served us so well for four decades. It also arises because the single-minded pursuit of containment of communism, however necessary, has feft the Nation ill-prepared to cope with developments in the world that have little to do with communism.

In many ways the present period is comparable to the months immediately after World War II. In 1945, there was much joy because the war had been won. The cry throughout the country was "bring the boys home"—and we did. However, the future at that time was uncertain. Little did we realize the great strategic threat which Stalin's Russia would assume.

Today, there is much happiness in the West. The momentous events of Eastern Europe in the last half of 1989 have signalled the end of the cold war. As in 1945, the call has gone out to cut the defense budget. Once again, however, the future is unclear. Before we disarm I believe it would be better to assess the threats we face before we arbitrarily slash our defenses.

In my remarks today I will discuss the issues and problems that a new strategy must address, the timing and responsibility for the development of the new strategy, and my intention to propose legislation that will ensure development of the national military component of a new national security strategy.

Mr. Speaker, the confident, steadfast defense of democratic, constitutional, Western values by this nation, its allies, and its friends, has resulted in a victory every bit as significant as our victories in World War I and World War II earlier in this century. Our heavily burdened citizens, who gave so much in faraway places such as Korea and Vietnam and who dedicated immense portions of their national wealth to the struggle, deserve a respite. They deserve the luxury of

time to ponder and enjoy the magnificent affirmation by the Eastern bloc of the preeminence of human rights and human dignity over totalitarian collectivist ideology.

But there is little time for this country to luxuriate in its success even though the hard times on which the Communist regimes have fallen have diminished the expansionist threat that has for so long overshadowed international relations. That conclusion was confirmed by United States and allied officials in their discussions with a delegation I led to Europe in early January.

I rise on this occasion to call the attention of this body and the Nation as a whole to the sudden necessity for a rethinking of our national security strategy precipitated by the altered position of the Soviet Union and the liberating events in Eastern Europe. The international political landscape has changed but the dangers inherent in traversing that landscape have by no means disappeared.

STRATEGIC PROBLEMS

Let me hasten to add that the altered Eastern Bloc, although the proximate cause for rethinking our national strategy, by no means is the only reason for doing so. A new national security strategy must comprehend a number of developments that are changing the world in which this nation exists and pursues its interests. A review of some of the most significant of these developments in itself makes the case for the development of a new national security strategy.

A new strategy must cope with a Soviet Union that may remain a great power with great power interests or, on the other hand, could self-destruct. It must take into account a range of possibilities from replacement of President Gorbachev and reassertion of conservative Communist control to the other end of the spectrum, nationalist insurrections, civil war, and even the dissolution of the Soviet state. Considering the vast nuclear arsenal possessed by the Soviet Union, a civil war is almost as frightening to comptemplate as a return to totalitarian rule. I wholeheartedly agree with the recent warning sounded by Adm. William Crowe, former JCS Chairman, when he said that:

> Four times in the last century we have entered major wars unprepared because we failed to fund defense properly in peacetime.

The specter of instability also looms over Eastern Europe Yugoslavia and the former Soviet satellites are economically as well as politically bankrupt. Italian officials recently told the delegation I led to Europe that they fear a resurgence of old rivalries and regional conflicts engendered by the loosening of communism's grip.

The economic and political integration of Europe, and the concomitant arrangements for European security, must be factored into a new U.S. strategy. How will the United States respond to the rationalization of European economic arrangements set for 1992? What role should the United States play in the emerging pan-European political arrangements? Some would counsel that the United States should heed George Washington's advice and resist further foreign entanglements. Yet, the Italians told my delegation that European political integration is impossible without a continued U.S. presence in Europe, and strong U.S. leadership. And George Kennan, the chief architect of the now successful containment strategy, recently asserted that the United States "must be actually involved in designing a new European security framework." What, then, is the appropriate level of U.S. forces in Europe? A high ranking American Commander in Europe told my delegation that he believes United States forces can be reduced to 50 percent of their current levels if the ongoing Conventional Forces in Europe [CFE] negotiations are, in the end, successful. He warned against a piecemeal approach to such significant reductions and urged that a coherent strategy be developed and implemented.

The approach of the United States toward German reunification must be a part of a new U.S. strategy. West Germany, whether divided as at present or reunified in some fashion with East Germany, must remain democratic and aligned with the West at all costs. How can this be accomplished while assuaging historic concerns of the Soviet Union? Further, how will our policy affect the concerns our Western allies have toward a unified Germany? For many on the European continent, memories of 1914 and 1939 are still vivid and frightening.

A new strategy must deal with the Pacific as well as the Atlantic. In the economic sense, Japan is a superpower. Our strategic focus on the threat posed by the Soviet Union as it developed into a co-equal military superpower blinded us to the potential threat to our economic security posed first by the Japanese and increasingly by other Asia economic powers—and potentially by the European Economic Community. Containment of Soviet expansionism, with its strong military component, proved to be a successful strategy vis-a-vis a militarily aggressive superpower. We have developed no comparable strategy to compete with economically aggressive powers such as Japan and increasingly, Korea, Taiwan and Singapore. And we must.

A new strategy must anticipate the consequences of rapidly increasing military power in countries throughout the world. Nuclear and chemical proliferation, in conjunction with the spread of ballistic missile and other technologies, afford the potential for countries like Libya, Syria, Iraq, Iran, India, Brazil, and China, whose military power was formerly limited in global terms, to figure on the world scene.

At the other end of the spectrum, a new strategy must cope with the conditions that foster or facilitate the many forms of low intensity conflict, including terrorism. This Nation's concentration on large-scale wars has left it sadly deficient in capabilities to conduct special operations.

The United States must develop a strategy that recognizes the Nation's dependence on other parts of the world for vital resources. It has been obvious for many years that the time would come when the United States could no longer depend on domestic sources for the raw materials to serve its industrial capacity. The time has come and gone. We need a strategy that recognizes that access to oil and other resources is a vital interest of the United States.

If the challenges to the Nation's security are as much economic and technological as they are military, we need a strategy that equips the Nation with the capacities to meet the varied threats. That means devoting the necessary resources and attention to improving the educational system in our country. It means refurbishing the transportation and communication infrastructure so necessary for increased industrial productivity. It means nurturing and revitalizing a massive, aging, industrial base. Finally, it means cultivating new technologies that hold the key to future prosperity.

A new national security strategy must address threats to all mankind that transcend national borders. Narcotics trafficking and environmental damage, though very different menaces, threaten our security and that of all nations.

DEVELOPING A NEW NATIONAL SECURITY STRATEGY

The preceding list of factors that must be taken into account in developing a new national security strategy suggests the vast scope of the undertaking. What is called for is no less an effort than that expended in the fundamental reassessment of the Nation's direction that took place in the period between 1946 and 1949. In 1946 Winston Churchill sounded the challenge in his famous "Iron Curtain" speech at Fulton, MO. The challenge was met by the United States, under the leadership of President Truman, by the Truman doctrine, the Marshall plan and the NATO alliance.

Thus, we ask the questions: How much time do we have? Whose responsibility is it to develop the strategy? What role should the Congress play?

How much time do we have? In my view, we have between 12 and 24

months to develop a new national security strategy. That will afford time for recent developments in the Eastern bloc to play out, for us to ascertain for certain whether cold war battles have been won, or whether the war itself is over. As I indicated at the outset, I believe the cold war is over. But it could be replaced by an equally unstable, threatening situation in the Eastern bloc or elsewhere.

Developing a new strategy within the next 2 years will also allow time for the West to conclude a first conventional arms control agreement that will be in our favor, whatever our emergent strategy. General Galvin, the NATO allied commander in Europe, emphasized to our delegation earlier this month that the agreements coming to fruition in Vienna this year will require destruction of over 90,000 Eastern bloc weapons while Western countries will only be required to destroy approximately one-tenth that number. Ambassador Woolsey, the U.S. Representative to the Conventional Forces in Europe [CFE] negotiations, emphasized the importance of "locking in" an agreement so that: First, the military equipment to be taken out of service will be destroyed; and second, unprecedented verification protocols will be accepted by both sides, thus increasing the likelihood of compliance by all parties.

Both Galvin and Woolsey emphasized that the United States should not "get ahead" of the negotiations and announce unilateral reductions of United States forces in Europe. That could have a domino effect on other Western countries. Ambassador Woolsey suggested that with cooperation on all sides a first conventional arms reduction agreement could be reached by the end of the year. Consequently, the United States has at least that long to develop a new national military strategy.

But momentum is building toward a second conventional arms control agreement to follow quickly on the heels of the first. The second agreement could cut United States forces in Europe in half.

And yet a third, final, CFE negotiation with even deeper cuts is being discussed. Before the second and third agreements are negotiated, the United States should have decided upon the European component of its new strategy. Thus, in my view, we have no more than 24 months maximum to develop the new national security strategy.

In the meantime, this year, I believe we should heed the advice of Senator NUNN, Chairman of the Senate Armed Services Committee, that any cuts in the defense budget should be in rough proportion to the reduction in the threat against the United States and its NATO allies by the Warsaw Pact. However, we must remember that this is a stop-gap measure, not an acceptable permanent solution.

Whose responsibility is it to develop a new strategy? The Packard Commission in 1986 called for the development of an integrated national security strategy. The Commission's recommendations were endorsed by President Reagan who subsequently issued a National Security Memorandum directing that they be implemented.

The Goldwater-Nichols Department of Defense Reorganization Act of 1986—of which I was one of the principal framers—included a provision drafted by Senator WARNER and sponsored in this body by Representative MCEWEN that requires the President to develop and submit a national security strategy to the Congress. Following is the relevant excerpt from the Goldwater-Nichols Act:

Section 104. (a)(1) The President shall transmit to Congress each year a comprehensive report on the national security strategy of the United States (hereinafter in this section referred to as a "national security strategy report").

(2) The national security strategy report for any year shall be transmitted on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code.

(b) Each national security strategy report shall set forth the national security strategy of the United States and shall include a comprehensive description and discussion of the following:

(1) The worldwide interests, goals, and objectives of the United States that are vital to the national security of the United States.

(2) The foreign policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States.

(3) The proposed short-term and long-term uses of the political, economic, military, and other elements of the national power of the United States to protect or promote the interests and achieve the goals and objectives referred to in paragraph (1).

(4) The adequacy of the capabilities of the United States to carry out the national security strategy of the United States, including an evaluation of the national power of the United States to support the implementation of the national security strategy.

(5) Such other information as may be necessary to help inform Congress on Matters relating to the national security strategy of the United States.

* * * * *

(e)(1) The Secretary shall include in his annual report to Congress under subsection (c)—

(A) a description of the major military missions and of the military force structure of the United States for the next fiscal year;

(B) an explanation of the relationship of those military missions to that force structure; and

(C) the justification for those military missions and that force structure.

(2) In preparing the matter referred to in paragraph (1), the Secretary shall take into consideration the content of the annual national security strategy report of the President under section 104 of the National Security Act of 1947 for the fiscal year concerned.

What role does Congress play? The Goldwater-Nichols Act merely codified what is implied in our form of government. The President is responsible in the first instance for proposing national security strategy. The Congress, however, shares the responsibility for ensuring that the Nation has a coherent national security blueprint. And the Congress must be a partner in the development of strategy; it must participate in the final formulation. Otherwise, the resources for implementing the strategy may not be made available by the legislative branch.

Consequently, my call today is for the President to set in motion the necessary mechanism in the executive branch to develop and propose a new national security strategy. I hope that my call will be echoed by the leadership of both houses of the Congress. Congress must insist that our Government recognize the dawn of a new era in world politics and the concomitant requirement for a new national security strategy. The Iron Curtain, of which Churchill spoke in 1946, is falling. It has turned into a shroud that cloaks the Communist system. But the sunrise of a new era may show a revival of ancient rivalries and unprecedented international turmoil. The new era may be as unpredictable as the patterns in a kaleidoscope. Uncertainties are the order of the day.

DEVELOPING THE MILITARY COMPONENT OF A NEW NATIONAL SECURITY STRATEGY

With respect to national military strategy, I believe that the Congress can and should do more than merely issue a call that the President may or may not heed. Fortunately, the Goldwater-Nichols Act established a new mechanism within the Department of Defense that Congress can insist be employed.

The Department of Defense has not developed a long-range plan that relates military strategy to the diminishing resources to be allocated to defense in the coming years. Instead of basing projected cuts on an integrated, coherent strategy that is based on the dollars that will likely be available for defense in the coming years, the Department, according to press reports, has apparently gone through a series of budget drills in which the DOD Comptroller asks the services what they could cut if their budgets were reduced 3 percent or 5 percent or X percent in each of a number of future years. The result, if this is the process being followed, will inevitably be four separate, independent, uncoordinated answers, based on very different service military strategies, designed to protect the weapons and missions of most interest to each service but not necessarily of greatest military value to the United States.

There has been a chorus of criticism of the DOD process. House Armed Services Committee Chairman LES ASPIN stated in a speech late last year that absence of a coherent strategic plan would make any DOD proposed budget very vulnerable on the Hill. Senator NUNN criticized the budget cut drills for not being based on an assessment of the threat that could serve as the starting point for revised defense plans.

I think both chairmen and the many other critics of a piecemeal approach are right on the mark. With all due respect, the Comptroller of the Office of the Secretary of Defense is commonly, and accurately, referred to as a "bean counter." He performs a necessary valuable function. But he is hardly the official to link force structure to strategic objectives and plans for their attainment.

The Goldwater-Nichols Act places responsibility on the JCS Chairman. Fortunately, the Goldwater-Nichols Act established a new mechanism for developing military strategy and relating that strategy to the resources to be allocated to defense. In that act Congress reshaped the position of the Chairman of the Joint Chiefs of Staff, making him the principal military advisor to the President and Secretary of Defense. The new law placed responsibility on the JCS Chairman to perform the long-range fiscally realistic planning that is apparently missing in DOD. The Chairman is made responsible in the act for the following strategy-related activities.

Preparing strategic plans in accordance with "resource levels projected by the Secretary of Defense to be available" during the period covered by the plan.

Advising the Secretary on the extent to which the program recommendations and budget proposals of the military departments, defense agencies, and other DOD organizations conform with the priorities in strategic plans and with the priorities the Chairman recommends for the requirements identified by the combatant commands.

Submitting to the Secretary of Defense alternative program recommendations and budget proposals that conform to the Secretary's fiscal guidance and with the priorities established by the Chairman; first, in strategic plans; and second, for the combatant command requirements.

Advising the Secretary on the extent to which the manpower programs and policies of the Armed Forces conform with the Chairman's strategic plans.

Assessing military requirements for defense acquisition programs.

Conducting net assessments to determine the capabilities of the Armed Forces of the United States and its allies as compared with those of their potential adversaries.

Overseeing the activities of the combatant commands.

Serving as the spokesperson for the commanders of the combatant commands.

Unfortunately, in my view, the JCS Chairman and his Joint Staff have not achieved what the framers of the Goldwater-Nichols Act intended. True, the Chairman has apparently become a close personal advisor of the Secretary of Defense. No doubt he has provided his views on the major issues in the defense budget. Reportedly, he has even submitted strategic concept papers developed in the joint arena. But this is far different from engaging the Chairman and Joint Staff as an institution in developing and recommending to civilian authorities a coherent, long-range strategic plan, or alternative plans, tied to resource levels established by the Secretary of Defense. The Goldwater-Nichols Act envisioned a massive, institutional, joint military undertaking. It would inevitably result in recommended tradeoffs among the services, a prospect that, however unpalatable to the military officers serving in joint positions, must be accomplished.

Let me make clear, however, that the failure to implement fully the Goldwater-Nichols strategic responsibilities of the Chairman is not entirely, or even preponderantly, the fault of the joint military institutions. As Representative ASPIN and others have pointed out, the Pentagon has so far failed to seek an integrated, coherent strategic blueprint for the reduction and realignment of U.S. military forces. Instead of attempting to develop such a plan, each service was asked what it would cut if the defense budget were reduced a certain percentage for the next 5 years. The fact is that civilian leaders in the Defense Department have overlooked the key strategic role assigned to the JCS Chairman.

That strategic role is closely linked in the Goldwater-Nichols Act to the acquisition of weapons. But the otherwise excellent defense management review, though it addresses acquisition reform at length, fails to recognize the responsibility of the Chairman to tie acquisition of military weapons and equipment to long-range strategic priorities. One of the most frequent criticisms of the weapons and equipment procured by the Department of Defense is that their military purpose, mission, or task is not clearly defined. The most recent example is the B-2 bomber, a program that I support wholeheartedly. The controversy over its mission, and how that mission fits into both U.S. nuclear and U.S. conventional strategy, has made the B-2's path through the congressional process unnecessarily difficult. Another example is the two aircraft carriers presently under construction. What will be their mission within the strategy dictated by a smaller U.S. force structure? The point is that the first "acquisition" question that must be asked is: What military task will the proposed weapon system or equipment perform in accordance with U.S. strategic plans? Thus, a strategic blueprint should be the starting point for decisions about affordable acquisitions.

We are all familiar with the Pentagon's Planning, Programming and Budgeting System, the PPBS. For years, close observers of the Pentagon have pointed out that the first "P"—Planning—is a silent "P". That is, the planning that should guide programming and budgeting is weak or nonexistent. The Goldwater-Nichols Act sought to strengthen the silent "P" by making the JCS Chairman responsible for linking strategic planning to programming and acquisition.

Needed legislation: I believe that Congress should call upon the JCS Chairman to employ the full potential of his legislative responsibilities to develop a coherent, realistic strategic plan, or set of alternative plans, for consideration by the Secretary of Defense and his principal officials, the President, and the Congress. To develop legislation requiring the Chairman to exercise his strategic responsibilities will be a complicated undertaking. I intend to consult with my colleagues on the Armed Services Committee in drafting and introducing the legislation. Following is an outline of what I have in mind:

The JCS Chairman would be given a planning top line and a set of planning assumptions. For example, the top line might be a defense budget of $275 billion in fiscal year 1996—in 89 dollars—and $250 billion in fiscal year 2000. The assumptions for this top line might include a greatly reduced Soviet threat as a result of stringent strategic and conventional arms control agreements and at least 6 months warning time of a Soviet buildup that might lead to hostilities.

The JCS Chairman might be asked to propose alternative strategic plans based on other top lines related to more pessimistic and more optimistic assumptions. The Packard Commission recommended that he be responsible for several alternative strategic plans each year based on a range of top lines.

Each of the plans would necessarily include the missions of each of the services, their manpower, force structure, and major acquisitions during the planning period.

To develop the strategic plans the JCS Chairman would obtain inputs from the unified and specified commanders—by law he is their spokesman and he oversees them—and from

the services. It is the service connection that may have dissuaded the JCS Chairman from exercising his planning responsibilities to the fullest in the past. Neither he nor the Joint Staff leaders welcome making tradeoffs among the services that might result in a recommendation to cut the Army, say, far more than the Navy or to reshape the Air Force close air support mission in favor of the Army.

The recommendations contained in the JCS Chairman's plan—or plans—should serve as the basis for deliberation by civilian administration officials and the Congress. As modified, they would become the basis for a fiscally realistic 5-year defense plan.

THE NEED FOR JOINT MILITARY STRATEGISTS

In concluding my remarks, I want to put into perspective my call for the joint military institutions—the JCS Chairman and his Joint Staff—to develop and propose to civilian authorities and the Congress the military component of the new national security strategy.

A little over 2 years ago I made a series of speeches in this body intended to call attention to the necessity for the Department of Defense to turn its attention to the development of military strategists. Those speeches were prompted by my belief that the Nation was no longer producing outstanding strategists of the caliber of George Marshall, Douglas MacArthur, Omar Bradley, Ernest King, Chester Nimitz, Hap Arnold, and Maxwell Taylor. Our military leadership, I insisted, must be capable of grasping the significance to our national security of the increasingly rapid succession of changes that characterize the national and international scene. Furthermore, in order to respond to a world in turmoil, military strategists must possess the experience, intellectual skills, and unique talents required to shape, and continually reshape, long-range military plans and the force structure required to implement those plans.

By placing the initial responsibility for developing and proposing military strategy where it belonged, squarely on the shoulders of the JCS Chairman supported by his Joint Staff, the Goldwater-Nichols Act made it imperative that any deficiencies in the number and qualifications of military strategists be corrected quickly. And the act contained provisions requiring revitalization of the professional military school system that, if implemented properly, should solve the problem. As chairman of the newly formed panel on military education, I undertook to ensure that those Goldwater-Nichols Act provisions were properly implemented. That task continues today.

Little did I realize 2 years ago that it would be necessary for the Department of Defense to initiate a fundamental reassessment of U.S. military strategy before the decade ended. There has been insufficient time for changes in the professional military education system to bear fruit in increasing the pool of highly qualified military strategists. I can only hope that military school officials and others who appeared before our panel were right when they asserted that many competent military strategists have been educated and are available to fill key positions. We shall see soon enough if the Joint Staff is capable of developing fiscally constrained long-range strategic plans that fashion the various services' missions and force structures in terms of overall national objectives rather than on the basis of allocating to each service its share of the defense pie.

In my view, the Nation not only desperately needs a new national military strategy, it desperately needs for the joint institutions to work in initiating that strategy. Former Secretary of Defense Laird recently joined the chorus of voices calling for a new military strategy. He went on to warn, however, that neither the military services nor the Congress are capable of developing such a strategy. He is right. The joint military institutions must propose a new military strategy, or alternative strategies, to civilian officials. And first the executive branch, and then the Congress must participate in finally shaping a new national military strategy.

I close with a description of the worst thing and the best thing that could happen in attempting to fulfill the Nation's need for a new military strategy.

The worst thing that could happen would be to follow the advice advanced by one Army general recently. Indicating that the Army is ready and willing to take its allocated cuts, the general asked only that the Army be left alone to implement the reductions as that service sees fit. If his advice were heeded—and that is the implication of the Department of Defense's individual budget drills with each service—the coming "build down" would yield four smaller versions of today's services, designed by their individual leaderships to maximize service interests rather than to work together in accomplishing national military missions.

The best thing that could happen, on the other hand, would be for a JCS Chairman to shoulder the mantle of George Marshall and lead in the development of an integrated national military strategy that serves as a blueprint for integrating the four services, in the words of the National Security Act of 1947, into "an efficient team of land, naval, and air forces."

Let us, as Members of Congress, urge the development of that integrated national military strategy. If it is forthcoming, let us determine to participate to the fullest to make it come to pass as a reality. When this is accomplished, we can say that we have served our Nation and world peace well in our time.

□ 1900

Mrs. BYRON. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Speaker, let me say to the gentleman, many times when a special order is taken, there are very few people on the floor of the House, but many of the Members listen to their offices, as I have been doing, to your remarks, as I was signing mail.

I could not let the gentleman finish without joining the gentleman in his request for a policy. As Members know, we work very closely. I chair the Subcommittee on Military Personnel and Compensation. One of the things that we have before Members this year, as the gentleman well knows, are the decisions to be made on where those cuts are going to be. Without a policy, how can those decisions be made in a proper manner?

Therefore, I think that what all Members are trying to ask and request is that that policy be defined, so that when we make those decisions, this Member in his capacity, looking forward to the long-term training, and the schooling that our military personnel will get, and I in my responsibility with the personnel, where we are going and what is enough, what is too much. However, more important in the environment we are in, what is too little.

Therefore, let me join with the gentleman on his remarks in the thrust of his special order this evening, and the fact that we do need a policy before we make those decisions.

Mr. SKELTON. Mr. Speaker, I certainly thank the gentlewoman from Maryland for her remarks. I am fortunate enough to be a member of her Subcommittee on Military Personnel and Compensation. I know of the gentlewoman's deep concern for the men and women of our armed services, for the national security of our Nation. We need that blueprint.

As I see it right now today, we are about where we were in the last months of 1945, possibly the early months of 1946 when we brought the boys home from Europe. We had won the war. We had won the war in Japan as well. At that time, we reduced our troop strength to some 70,000 in Europe. It was at that time that the Yalta agreement accords between Stalin and Roosevelt and Churchill were breached by Stalin and in essence, Eastern Europe was grabbed by the Soviet Union. We sat there unable to do anything.

I think that we need a policy blueprint, coming from the Chairman of the Joint Chiefs, through his Secretary of Defense, through the President, to the Congress, so we can respond just as the U.S. Congress responded to Harry Truman and his Secretary of Defense in 1947 with the Truman doctrine, in 1947 again with the Marshall plan, and the following year, 1948 with the NATO Alliance. That was born as the result of a policy.

As the gentlewoman knows, it worked. It worked through those years. That is what we need, the restructuring. We need that blueprint, that guideline, and as of this moment I am fearful we do not have it.

Mrs. BYRON. Mr. Speaker, if the gentleman will yield. I want to join with the gentleman on this special order.

Mr. SKELTON. Mr. Speaker, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 60 minutes, on January 25.

Mr. BALLENGER, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes, each day on January 25, 30, 31, and February 6 and 7.

Mr. WALKER, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes, each day on January 29, 30, 31, and February 1.

(The following Members (at the request of Mr. OWENS of New York) to revise and extend their remarks and include extraneous material:)

Mr. BUSTAMANTE, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. FAUNTROY, for 60 minutes, on January 30.

Mr. OWENS of New York, for 60 minutes, each day on January 29 and 30.

(The following Members (at the request of Mr. BUSTAMANTE) to revise and extend his remarks and include extraneous material:)

Mr. DE LA GARZA, for 60 minutes, January 30, 1990.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. BROOMFIELD.

Mrs. MORELLA.

Mr. BILIRAKIS.

Mr. BALLENGER.

Mr. LEWIS of California in two instances.

Mr. EMERSON in two instances.

Mr. RHODES.

Mr. CONTE.

Mr. GREEN.

Ms. ROS-LEHTINEN.

Mr. GINGRICH in two instances.

Mr. GRADISON.

Mr. TAUKE.

Mr. GUNDERSON.

(The following Members (at the request of Mr. OWENS of New York) and to include extraneous matter:)

Mr. BONIOR in three instances.

Mr. SKELTON.

Mr. HAMILTON.

Mr. KANJORSKI in two instances.

Mrs. SCHROEDER.

Mr. MONTGOMERY.

Mr. STARK.

Mr. MAZZOLI.

Mr. WAXMAN.

Mr. MRAZEK.

Mr. NATCHER.

Mr. RICHARDSON.

Mr. TALLON.

Mr. KASTENMEIER.

Mr. BATES.

Mr. YATRON.

Mr. SMITH of Florida.

Ms. OAKAR in two instances.

Mr. UDALL.

Mr. CLAY.

Mr. FAZIO in two instances.

Mr. DYMALLY.

Mr. STUDDS.

Mr. LANTOS.

Mr. RAY.

Mr. FORD of Tennessee.

Mr. CONYERS.

SENATE BILLS REFERRED

[Inadvertently omitted from the Congressional Record of Tuesday, January 23, 1990]

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1949. An act to amend the Labor Management Relations Act of 1947 to permit parties engaged in collective bargaining to bargain over the establishment and administration of trust funds to provide financial assistance for employee housing; to the Committee on Education and Labor.

S. 1998. An act entitled the "Medicaid Long-Term Care Demonstration Project Waiver Act of 1989; to the Committee on Energy and Commerce.

S. 1999. An act to amend the Higher Education Act of 1965 to clarify the administrative procedures of the National Commission on Responsibilities for Financing Postsecondary Education; to the Committee on Education and Labor.

ADJOURNMENT

Mr. SKELTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.) the House adjourned until tomorrow, Thursday, January 25, 1990, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Submitted Jan. 23, 1990]

2316. A letter from the Director, the Office of Management and Budget, transmitting the revised final OMB sequester report to the President and Congress for fiscal year 1990, pursuant to 2 U.S.C. 901 (H. Doc. No. 101-128); to the Committee of the Whole House on the State of the Union and ordered to be printed.

[Submitted Jan. 24, 1990]

2317. A letter from the Comptroller, Department of Defense, transmitting a copy of the contract award report for the period January 1, 1990, to February 28, 1990, pursuant to U.S.C. 2431(b); to the Committee on Armed Services.

2318. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles estimated to cost $50 million or more (Transmittal No. 90-17), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

2319. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-137, "Protection of Children from Exposure to Drug-related Activity Amendment Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2320. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-114, "Public School of Law Amendment Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2321. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-119, "Closing of a Public Alley in Square 1445, S.O. 88-152, Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2322. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-120, "Closing of a Portion of 42nd Street, N.W., S.O. 86-89, and Modification of the Highway Plan for a Portion of 42nd Street, N.W., SO. 87-51, Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2323. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-121, "Closing of a Portion of Windom Place, N.W., SO. 87-450, Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2324. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-122, "Closing of a Portion of Talbert Street, S.E., S.O. 88-44, Act of 1989," and report, pursuant to D.C. Code

Section 1-233(c)(1); to the Committee on the District of Columbia.

2325. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-123, "Closing of a Public Alley in Square 1046, S.O. 88-106, Act of 1989," and report, pursuant to the D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2326. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-124, "D.C. Substance Abuse Treatment and Prevention Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2327. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-128, "Closing, Dedications, and Designations of Streets, and Closing of Public Alleys, in or adjacent to Squares 5040, 5041, and 5066, S.O. 88-212, Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2328. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-129, "Law Enforcement Amendment Act of 1989" and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2329. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-130, "Bias-Related Crime Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2330. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-131, "Authorization to Enter the Interstate Corrections Compact Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2331. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-132, "Conveyance of Real Property Act of 1989," pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2332. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-133, "Water Pollution Control Act of 1984 Amendment Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2333. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-134, "D.C. Regional Interstate Banking Act of 1985 Amendment Temporary Act of 1989," pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2334. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-135, "Interference With Medical Health Care Facilities Temporary Act of 1989," pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2335. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-136, "D.C. Public Assistance Act of 1982 Conforming Amendments Amendment Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2336. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-139, "Housing Production Trust Fund Board Amendment Temporary Act of 1989," pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2337. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-140, "D.C. Codification Amendment Act of 1989," pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2338. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-141, "Child Support Guideline Amendment Temporary Act of 1989," pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2339. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-142, "D.C. Regional Interstate Banking Act of 1985 Amendment Act of 1989," pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2340. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-143, "D.C. Disability Compensation Adjustment Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2341. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-144, "D.C. Solid Waste Management and Multi-Material Recycling Act of 1988 Amendment Temporary Act of 1989," pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2342. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-145, "Non-Union Employee Compensation System and Pay Schedule Effective Date Amendment Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2343. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-146, "Retired Police Officer Redeployment Amendment Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2344. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-148, "Disposal of District Owned Surplus Real Property Amendment Act of 1989," pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2345. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the second "Annual Report to Congress—NASA Progress on Superfund Implementation in Fiscal Year 1989," pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

2346. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles and services estimated to cost $69 million (Transmittal No. 90-17), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2347. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Turkey for defense articles and services estimated to cost $30 million (Transmittal No. 90-11), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2348. A letter from the Director, Defense Security Assistance Agency, transmitting the fiscal year 1989 annual report on the operation of the Special Defense Acquisition Fund, pursuant to 22 U.S.C. 2795b(a); to the Committee on Foreign Affairs.

2349. A letter from the Acting Director, Defense Security Assistance Agency, transmitting an addendum to the listing of all outstanding letters of offer to sell any major defense equipment for $1 million or more; an addendum to the listing of all letters of offer that were accepted, as of September 30, 1989, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

2350. A letter from the Acting Director, Defense Security Assistance Agency, transmitting quarterly reports of the listing of all outstanding letters of offer to sell any major defense equipment for $1 million or more, for the fourth quarter of fiscal year 1989, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

2351. A letter from the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, transmitting the annual report of the agency's activities under the Freedom of Information Act, calender year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2352. A letter from the Director, Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting the annual report of the Commission's activities in compliance with the Government in the Sunshine Act, calendar year 1989, purusant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2353. A letter from the Chairman, Board of Governors, U.S. Postal Service, transmitting the annual report of the board's activities in compliance with the Government in the Sunshine Act, calender year 1988, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2354. A letter from the Secretary of Health and Human Services, transmitting the annual report with respect to actions taken to recruit and train Indians to qualify them for positions subject to Indian preference; the annual report on actions taken to place non-Indians employed by the Bureau of Indian Affairs in other Federal agencies, pursuant to 25 U.S.C. 472a(d); jointly, to the Committees on Interior and Insular Affairs and Post Office and Civil Services.

2355. A letter from the Administrator, Federal Aviation Administration, transmitting a report on the fiscal year 1988 Safety Enforcement Program performance of the FAA, pursuant to 49 U.S.C. 308 nt.; jointly, to the Committees on Public Works and Transportation and Appropriations.

2356. A letter from the Assistant Secretary, Department of the Interior, transmitting BLM's monthly status report of timber sales, December 1, 1989, pursuant to Public Law 101-121, section 318(h) (103 Stat. 750); jointly, to the Committees on Appropriations, Agriculture, Interior and Insular Affairs, and Merchant Marine and Fisheries.

2357. A letter from the Assistant Secretary, Department of the Interior, transmitting BLM's monthly status report of timber sales, January 1, 1980, pursuant to Public Law 101-121, section 318(h) (103 Stat. 750); jointly, to the Committees on Appropriations, Agriculture, Interior and Insular Affairs, and Merchant Marine and Fisheries.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BALLENGER:

H.R. 3878. A bill to extend for 5 years the existing suspension of duty on machines designed for heat-set stretch texturing of continuous man-made fiber; to the Committee on Ways and Means.

By Mr. BEREUTER (for himself, Mr. GEJDENSON, Mr. ROTH, Mr. LANTOS, Mr. THOMAS of California, Mr. FRENZEL, Mr. MILLER of Washington, Mr. LEVINE of California, Mr. ACKERMAN, Mr. SOLARZ, Mr. TORRES, Mr. GILMAN, Mr. BROOMFIELD, Mr. PEASE, Mr. VENTO, Mr. LAGOMARSINO, Mr. MOODY, Mr. CLINGER, Mr. WOLPE, and Mr. MCEWEN):

H.R. 3879. A bill to authorize Overseas Private Investment Corporation programs for Czechoslovakia; to the Committee on Foreign Affairs.

By Mr. STARK (for himself, Mr. GRADISON, Mr. WAXMAN, Mr. MADIGAN, Mr. COYNE, Mr. PICKLE, Mr. LEVIN of Michigan, Mr. MOODY, Mr. CARDIN, Mrs. JOHNSON of Connecticut, Mr. RANGEL, Mr. FORD of Tennessee, Mr. DOWNEY, Mr. ANTHONY, Mr. ANDREWS, Mr. MCGRATH, Mr. SCHEUER, Mr. WALGREN, Mr. SIKORSKI, Mr. BATES, Mrs. COLLINS, Mr. SYNAR, Mr. ACKERMAN, Mr. BOEHLERT, Mr. CONDIT, Mr. CROCKETT, Mr. DEFAZIO, Mr. DERRICK, Mr. DURBIN, Mr. FAUNTROY, Mr. GEJDENSON, Mr. GILMAN, Ms. KAPTUR, Mr. KILDEE, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LEWIS of Georgia, Mr. MAVROULES, Mr. MCDERMOTT, Mr. MCNULTY, Mrs. MORELLA, Mr. NEAL of North Carolina, Ms. OAKAR, Ms. PELOSI, Mr. PENNY, Mr. REGULA, Mr. ROYBAL, Mrs. SAIKI, Ms. SLAUGHTER of New York, Mr. UDALL, Mr. VENTO, and Mr. WOLPE):

H.R. 3880. A bill to amend title XVIII of the Social Security Act to improve Medicare benefits with respect to hospice care, screening mammography, in-home respite care, and home health services; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. CONTE:

H.R. 3881. A bill to require payment of interest on excess Medicare premiums collected as a result of delayed implementation of the Medicare Catastrophic Coverage Repeal Act of 1989 and the Omnibus Budget Reconciliation Act of 1989; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DURBIN:

H.R. 3882. A bill to amend the compensation for work injuries provisions of title 5, United States Code, to require that members of, or applicants for membership in, the Reserve Officers' Training Corps who are injured or incur illness or disease are fully informed of their rights and responsibilities under such provisions; to the Committee on Armed Services.

By Mr. FRENZEL:

H.R. 3883. A bill to extend for a 2-year period the temporary reduction of the column 2 rate of duty on certain large offset printing machines; to the Committee on Ways and Means.

H.R. 3884. A bill to temporarily reduce the column 2 rate of duty on certain paper cutting machines; to the Committee on Ways and Means.

By Mr. HILER (for himself, Mr. WOLF, Mr. DEWINE, Mr. APPLEGATE, Mr. VISCLOSKY, Mr. MYERS of Indiana, Mr. SHARP, Mr. BURTON of Indiana, Mr. JACOBS, Mr. HAMILTON, and Mr. DOUGLAS):

H.R. 3885. A bill relating to the treatment and disposal of solid waste, authorizing States to regulate solid waste in interstate commerce, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KASTENMEIER (for himself and Mr. MOORHEAD):

H.R. 3886. A bill to amend title 35, United States Code, to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity, are subject to suit in Federal court by any person for infringement of patents, and that all the remedies can be obtained in such suit that can be obtained in a suit against a private entity; to the Committee on the Judiciary.

By Mr. MCGRATH (for himself, and Mr. GILMAN,):

H.R. 3887. A bill to reduce temporarily the rate of duty on certain machine tools that are the product of East Germany; to the Committee on Ways and Means.

By Mr. OLIN:

H.R. 3888. A bill to allow a certain parcel of land in Rockingham County, VA, to be used for a child care center; to the Committee on Interior and Insular Affairs.

By Ms. ROS-LEHTINEN:

H.R. 3889. A bill to amend title 38, United States Code, to repeal the termination of the Veterans' Educational Assistance Program and to extend the 10-year delimiting period for certain Vietnam veterans; to the Committee on Veterans' Affairs.

By Mr. TAUKE (for himself, Mr. WAXMAN, and Mr. MADIGAN):

H.R. 3890. A bill to amend title XVIII of the Social Security Act to extend the period of Medicare hospice benefits; to the Committee on Ways and Means.

H.R. 3891. A bill to amend title XVIII of the Social Security Act to extend to a period of 38 consecutive days the period of continuous home health services under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TAUZIN:

H.R. 3892. A bill to amend the Tariff Act of 1930 with respect to the applicability of duties upon certain aspects of the foreign repair of vessels; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 3893. A bill to repeal the Gramm-Rudman-Hollings Act; jointly, to the Committees on Government Operations and Rules.

By Mr. RHODES (for himself, Mr. MATSUI, Mr. FAWELL, Mr. LEHMAN of Florida, Mr. WOLF, Mr. FUSTER, Mr. CONTE, Mr. FAZIO, Mr. FLIPPO, Mr. DYMALLY, Mrs. BOXER, Mr. DORNAN of California, Mrs. BENTLEY, Mr. SMITH of Florida, Mr. LEWIS of Georgia, Mr. ATKINS, and Mr. FISH):

H.J. Res. 463. Joint resolution designating the week of May 20, 1990, through May 26, 1990, as "National Water Recreation Safety Week"; to the Committee on Post Office and Civil Service.

By Mr. PARRIS:

H. Con. Res. 245. Concurrent resolution to express the sense of the Congress that the President should exercise his authority under existing law and consistent with the 1975 Bilateral Trade Agreement in immediately moving to extend most-favored-nation trading status, and should seek to offer other such means of indirect economic assistance to Romania as an expression of confidence in the Romanian people and their new government, and to reward, promote, aid, and assist the Romanian people in their struggle for independence and freedom; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. ROWLAND of Georgia:

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress regarding adequate funding for long-term health care services provided through the Medicare and Medicaid Programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ROSTENKOWSKI (for himself and Mr. ARCHER):

H. Res. 307. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Ways and Means in the 2d session of the 101st Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MRAZEK introduced a bill (H.R. 3894) for the relief of Banfi Products Corp.; which was referred to the Committee on the Judiciary.

By Mr. MRAZEK:

H. Res. 308. Resolution referring the bill (H.R. 3894) for the relief of Banfi Products Corp. to the chief judge of the U.S. Claims Court; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 37: Mr. BROWN of California, Mr. KANJORSKI, Ms. KAPTUR, and Mr. EDWARDS of California.

H.R. 44: Mr. FEIGHAN and Mr. MILLER of Washington.

H.R. 56: Mr. BARTON of Texas, Mr. CARPER, Mr. DORGAN of North Dakota, Mr. LEWIS of Georgia, Mrs. LLOYD, and Mr. WISE.

H.R. 92: Mrs. UNSOELD, Mr. BONIOR, and Mrs. LOWEY of New York.

H.R. 93: Mr. GLICKMAN and Mr. LAGOMARSINO.

H.R. 101: Mr. SCHUMER, Mrs. SCHROEDER, Mr. SAWYER, and Mr. DURBIN.

H.R. 145: Mr. NOWAK and Mr. GRAY.

H.R. 158: Mr. OBEY.

H.R. 164: Mr. SOLOMON.

H.R. 173: Mr. MADIGAN.

H.R. 201: Mrs. UNSOELD.

H.R. 216: Mr. BORSKI.

H.R. 303: Mr. ENGEL, Ms. SCHNEIDER, and Mr. SISISKY.

H.R. 377: Mr. NEAL of North Carolina.

H.R. 393: Mr. JAMES.

H.R. 446: Mr. SUNDQUIST, Mr. TAUKE, Mr. INHOFE, and Mr. HAYES of Louisiana.

H.R. 467: Mr. FOGLIETTA.

H.R. 509: Mr. MILLER of Ohio and Mr. TORRICELLI.

H.R. 567: Mr. WISE and Mr. RINALDO.

H.R. 638: Mr. BATES.

H.R. 761: Mr. OWENS of Utah.

H.R. 855: Mr. FAUNTROY, Mr. DE LUGO, Mr. COSTELLO, Mr. FOGLIETTA, and Mr. RANGEL.

H.R. 933: Mr. PALLONE and Mr. ANNUNZIO.

H.R. 993: Mr. SABO.

H.R. 1008: Mr. ROE, Mr. BOUCHER, Mr. SCHEUER, Mr. MCNULTY, Mr. HARRIS, Mr. BENNETT, and Mrs. KENNELLY.

H.R. 1024: Mr. DREIER of California.

H.R. 1046: Mr. DORNAN of California.

H.R. 1068: Mr. CALLAHAN, Mr. BOEHLERT, Mr. MURTHA, Mr. BONIOR, and Mr. SHAYS.

H.R. 1074: Mr. FLAKE.

H.R. 1092: Mr. STUDDS.

H.R. 1095: Mr. AUCOIN and Mr. DONALD E. LUKENS.

H.R. 1109: Mr. MATSUI.

H.R. 1136: Mr. BURTON of Indiana, Mr. ROE, Mr. JAMES, and Mrs. BOXER.

H.R. 1150: Mr. NELSON of Florida.

H.R. 1317: Mr. MONTGOMERY and Mr. PALLONE.

H.R. 1360: Mr. ESPY, Mr. NIELSON of Utah, Mr. ROE, Mrs. COLLINS, Mr. PETRI, and Mr. LAGOMARSINO.

H.R. 1390: Mr. RHODES and Mr. ARMEY.

H.R. 1436: Mr. BILIRAKIS, Mr. BRUCE, Mr. FEIGHAN, and Mr. SMITH of New Jersey.

H.R. 1457: Mr. KOLTER, Mr. GUNDERSON, and Mr. HILER.

H.R. 1494: Mr. GLICKMAN.

H.R. 1565: Mr. SHUMWAY.

H.R. 1675: Mr. ROBERT F. SMITH, Mr. OWENS of Utah, and Mr. GALLEGLY.

H.R. 1691: Mr. TAUZIN, Mr. SCHNEIDER, Ms. ANDERSON, and Mr. KENNEDY.

H.R. 1693: Mr. MACHTLEY, Mr. JOHNSTON of Florida, and Mr. DWYER of New Jersey.

H.R. 2121: Mr. THOMAS A. LUKEN.

H.R. 2139: Mr. PERKINS, Mr. BLAZ, Mrs. PATTERSON, Mr. AUCOIN, Mr. WAXMAN, Mr. KANJORSKI, Mr. PEASE, and Mr. GEJDENSON.

H.R. 2192: Mr. TAUZIN and Mr. CRAIG.

H.R. 2222: Mr. GUNDERSON, Mr. MORRISON of Connecticut, and Ms. SNOWE.

H.R. 2269: Mr. WATKINS.

H.R. 2290: Mr. YOUNG of Florida, Mr. BRUCE, Mr. JOHNSTON of Florida, and Mr. SHAW.

H.R. 2335: Mr. FOGLIETTA.

H.R. 2336: Mr. KOSTMAYER.

H.R. 2460: Mr. MCCOLLUM, Mr. TOWNS, Mr. IRELAND, Mr. HUTTO, and Mr. CONDIT.

H.R. 2584: Mr. PARKER, Mr. MATSUI, Ms. SNOWE, Mr. KANJORSKI, Mr. SABO, Mr. BROWDER, Mr. VALENTINE, Mr. JONTZ, Mr. MURPHY, Mr. FROST, Mr. HEFNER, Mr. WYLIE, Mr. HUTTO, Mr. MCDERMOTT, Mrs. BENTLEY, Mr. ASPIN, and Mr. BENNETT.

H.R. 2585: Mr. BRYANT, Mr. KLECZKA, Mr. MORRISON of Connecticut, Mr. FAZIO, Mr. ROE, Mr. COURTER, Mr. BILBRAY, Mr. LANTOS, and Mr. OWENS of New York.

H.R. 2596: Mr. FEIGHAN and Mr. FAUNTROY.

H.R. 2608: Ms. SLAUGHTER of New York, Mr. SAWYER, Mr. GREEN, Mr. DERRICK, Mr. BROOMFIELD, Mr. HENRY, Mr. SCHUETTE, Mr. VANDER JAGT, and Ms. SNOWE.

H.R. 2648: Mr. LANTOS and Mr. ROSE.

H.R. 2700: Mr. SHAYS and Mr. ROTH.

H.R. 2754: Mr. BAKER, Mr. BLAZ, Mr. BOEHLERT, Mrs. BOXER, Mr. BROOMFIELD, Mr. CARPER, Mr. CLAY, Mr. COLEMAN of Texas, Mr. COSTELLO, Mr. DANNEMEYER, Mr. ERDREICH, Mr. ESPY, Mr. FALEOMAVAEGA, Mr. FAUNTROY, Mr. FLAKE, Mr. FLIPPO, Mr. GALLO, Mr. GEREN, Mr. GILLMOR, Mr. GRADISON, Mr. GRAY, Mr. HENRY, Mr. HERTEL, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. HUCKABY, Mr. HYDE, Mr. IRELAND, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. KENNEDY, Mr. KLECZKA, Mr. KOLTER, Mr. KOSTMAYER, Mr. LEACH of Iowa, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LEWIS of Georgia, Ms. LONG, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MACHTLEY, Mr. MARKEY, Mr. MFUME, Mr. MILLER of Ohio, Mr. MINETA, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOODY, Mr. MORRISON of Washington, Mr. MRAZEK, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Mr. NELSON of Florida, Ms. OAKAR, Mr. PARKER, Mr. PARRIS, Mrs. PATTERSON, Mr. PRICE, Mr. RAHALL, Mr. RHODES, Mr. RICHARDSON, Mr. RINALDO, Mr. ROBERTS, Mr. ROBINSON, Mr. ROSTENKOWSKI, Mr. ROTH, Mr. SAVAGE, Mr. SCHULZE, Ms. SLAUGHTER of New York, Mr. DENNY SMITH, Mr. TAYLOR, Mr. TOWNS, Mr. TRAFICANT, Mrs. UNSOELD, Mr. WALKER, Mr. WELDON, Mr. WHITTEN, Mr. WISE, and Mr. WILSON.

H.R. 2761: Mr. DAVIS, Mr. WALGREN, Mr. SHAYS, Mr. PORTER, Mr. OWENS of Utah, Mr. THOMAS A. LUKEN, Mr. HAYES of Illinois, Mr. HARRIS, Mr. DICKS, Mr. MORRISON of Washington, Ms. SLAUGHTER of New York, Mr. ROSTENKOWSKI, Mr. LEWIS of Georgia, Mr. FAUNTROY, Mr. PICKETT, Mr. BARTLETT, Mr. CHANDLER, Mr. LEVIN of Michigan, Mr. GEKAS, Mr. HENRY, Mr. DELLUMS, Mrs. MORELLA, Mrs. KENNELLY, Mr. EMERSON, Mr. VENTO, Ms. OAKAR, Mr. UDALL, Mr. SIKORSKI, Mr. STALLINGS, Mr. HOUGHTON, Mr. TAUZIN, Mr. BARNARD, Mr. BLILEY, Mrs. LLOYD, and Mr. JOHNSON of South Dakota.

H.R. 2837:

Mr. COLEMAN of Missouri.

H.R. 2838: Mr. STEARNS.

H.R. 2852: Mr. RANGEL, Mr. HAYES of Illinois, Mr. OWENS of Utah, Mr. SCHEUER, Mrs. UNSOELD, Mr. BATES, Mr. SCHROEDER, Mr. KOSTMAYER, Mr. BERMAN, and Mr. MINETA.

H.R. 2870: Mr. COSTELLO and Mr. WALSH.

H.R. 2956: Mr. STARK, Mr. FRANK, Mr. LEACH of Iowa, Mr. AUCOIN, Ms. PELOSI, Mrs. BOXER, Mr. FRENZEL, Mr. OWENS of New York, Mr. FAZIO, Mr. GEJDENSON, Mr. BERMAN, Mr. GREEN, Mr. ATKINS, Mrs. MEYERS of Kansas, Mrs. SAIKI, Mr. MRAZEK, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FUSTER, Ms. SCHNEIDER, Mr. MORRISON of Washington, Mr. MOODY, Mrs. MORELLA, Mr. TOWNS, Ms. SLAUGHTER of New York, Mr. SCHUMER, Mr. BEILENSON, Mr. RANGEL, Mrs. LOWEY of New York, Mr. YATES, Mr. CROCKETT, Mrs. UNSOELD, Mr. SOLARZ, Mrs. JOHNSON of Connecticut, Mr. PAYNE of New Jersey, Mrs. KENNELLY, Mrs. COLLINS, Mr. EVANS, Mr. JOHNSTON of Florida, Mr. KOSTMAYER, Mr. SANGMEISTER, Ms. LONG, Mr. WHEAT, Mr. STUDDS, Mr. MATSUI, Mr. WISE, and Mrs. ROUKEMA.

H.R. 3004: Mr. SMITH of Vermont.

H.R. 3043: Mr. FRANK and Mr. KENNEDY.

H.R. 3079: Mr. SCHUETTE.

H.R. 3083: Mr. FRENZEL and Mr. GINGRICH.

H.R. 3120: Mr. WALSH, Mr. MCNULTY, and Mr. SCHEUER.

H.R. 3122: Mr. SANGMEISTER and Mr. ENGEL.

H.R. 3123: Mr. DIXON, Mr. MURPHY, Mr. TOWNS, Mr. NATCHER, Mr. TRAFICANT, Mr. SOLARZ, Mr. HUCKABY, Mr. WOLPE, Mr. DOWNEY, Mr. MURTHA, Mr. LEHMAN of Florida, Mr. DURBIN, Mr. YATES, Mr. BRUCE, Mr. WOLF, Mr. SHAYS, Mr. ROE, Mr. CARPER, Mr. TALLON, Mr. MARKEY, Mr. WALSH, Mr. MCNULTY, Mr. ROWLAND of Connecticut, Mrs. UNSOELD, Ms. PELOSI, Mr. MORRISON of Connecticut, and Mrs. MORELLA.

H.R. 3158: Mr. PALLONE and Ms. SLAUGHTER of New York.

H.R. 3167: Mr. SARPALIUS, Mr. HEFNER, and Mr. CRAIG.

H.R. 3220: Mr. SMITH of New Hampshire.

H.R. 3247: Mr. ROSE, Mr. MORRISON of Connecticut, Mr. EVANS, Mr. DORNAN of California, Mr. DEFAZIO, Mr. ECKART, Mr. ANDERSON, and Mr. BATES.

H.R. 3270: Mr. SCHAEFER, Mr. UPTON, Mr. COBLE, Mr. SENSENBRENNER, Mr. BURTON of Indiana, Mr. MILLER of Washington, and Mr. LEATH of Texas.

H.R. 3276: Mr. LEHMAN of Florida, Mr. ROWLAND of Connecticut, Mr. MILLER of Washington, and Mr. JAMES.

H.R. 3319: Mr. SMITH of New Jersey and Mr. FRANK.

H.R. 3325: Mr. PETRI.

H.R. 3370: Mr. ENGEL.

H.R. 3386: Mr. KOSTMAYER.

H.R. 3413: Mr. MILLER of Ohio.

H.R. 3422: Mr. HAYES of Louisiana, Mr. HANCOCK, and Ms. PELOSI.

H.R. 3471: Mr. KILDEE, Mrs. BENTLEY, and Mr. ENGEL.

H.R. 3480: Mr. CAMPBELL of California, Mr. PALLONE, Mr. COSTELLO, Mr. BRYANT, Mr. COLEMAN of Missouri, Mr. ENGEL, Mr. BAKER, Mr. HASTERT, Mr. SYNAR, Mr. OBERSTAR, Mr. HENRY, and Mr. BATEMAN.

H.R. 3483: Mr. BRYANT, Mr. WAXMAN, Mr. LANTOS, Mr. OBERSTAR, Mrs. MORELLA, and Mr. ENGEL.

H.R. 3484: Mr. JOHNSON of South Dakota, Mr. POSHARD, Mr. ROWLAND of Connecticut, and Mr. ROE.

H.R. 3501: Mr. ATKINS, Ms. KAPTUR, and Mr. PARKER.

H.R. 3509: Mr. EVANS, Mrs. MARTIN of Illinois, Mr. DURBIN, Ms. LONG, Mrs. COLLINS, Mr. HYDE, Mr. SANGMEISTER, Mr. LIPINSKI, Mr. HAYES of Illinois, Mr. POSHARD, Mr. HASTERT, Mr. MADIGAN, Mr. PORTER, Mr. COSTELLO, Mr. BUSTAMANTE, Mr. BROWDER, Mr. WHITTEN, Mr. COBLE, Mr. FLIPPO, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. DERRICK, Mr. SHUMWAY, and MR. HUCKABY.

H.R. 3512: Mr. KILDEE, Mr. ANNUNZIO, Mr. WISE, and Mr. EVANS.

H.R. 3517: Mr. TAUZIN, Mr. PAYNE of New Jersey, and Mr. BATES.

H.R. 3526: Mr. ESPY, Mr. HERTEL, Mr. HORTON, Mr. HUCKABY, Mrs. COLLINS, Mr. CONDIT, Mr. DONALD E. LUKENS, Mr. KOSTMAYER, Mr. LAGOMARSINO, and Mr. FROST.

H.R. 3555: Mr. ECKART, Mr. TORRICELLI, and Mr. ENGLISH.

H.R. 3561: Mr. ESPY, Mr. COSTELLO, and Mr. HOPKINS.

H.R. 3575: Mr. KOLBE, Mr. COSTELLO, Mr. DURBIN, and Mr. FAUNTROY.

H.R. 3621: Mr. LEWIS of Georgia, Mr. ATKINS, Mr. HAYES of Illinois, Mr. TOWNS, Ms. PELOSI, Mr. KILDEE, Mr. COSTELLO, Mr. NIELSON of Utah, Mrs. MORELLA, and Mr. MCGRATH.

H.R. 3622: Mr. ESPY.

H.R. 3623: Mr. BEREUTER, and Mr. SCHUETTE.

H.R. 3652: Mr. ACKERMAN, Mr. TOWNS, Mr. ROE, Mr. PENNY, Ms. PELOSI, Mr. ENGEL, Mrs. COLLINS, Mr. WILSON, Mr. MRAZEK, Mr. POSHARD, Mr. BAKER, Mr. EMERSON, Mr. LANCASTER, Mr. FAUNTROY, Mr. WALSH, Mr. GEREN, Mr. STALLINGS,

Mr. HUGHES, Mr. GORDON, Mr. PAYNE of Virginia, Mr. ROWLAND of Georgia, Mr. PRICE, and Mr. LAGOMARSINO.

H.R. 3654: Mrs. JOHNSON of Connecticut and Mr. OWENS of Utah.

H.R. 3673: Mr. WYDEN, Mr. RICHARDSON, Mr. DONALD E. LUKENS, Mr. BLILEY, Mr. HILER, and Mr. GILLMOR.

H.R. 3684: Mr. CAMPBELL of Colorado, Mr. LEHMAN of California, and Ms. KAPTUR.

H.R. 3685: Mr. HUCKABY, Mrs. LLOYD, Mr. KLECZKA, Mr. RANGEL, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. FAZIO, and Mr. ROGERS.

H.R. 3693: Mr. OBERSTAR, Mr. RINALDO, Ms. PELOSI, Mr. MATSUI, Mr. WISE, Mr.

GALLO, Mr. SMITH of Vermont, Mr. DURBIN, Ms. KAPTUR, and Mr. ROWLAND of Connecticut.

H.R. 3699: Mr. APPLEGATE, Mr. BALLENGER, Mr. BILIRAKIS, Mrs. BYRON, Mr. CHAPMAN, Mr. DAVIS, Mr. DORNAN of California, Mr. GILMAN, Mr. HUBBARD, Mr. INHOFE, Mr. JACOBS, Mr. JONES of North Carolina, Mr. MARTIN of New York, Mr. MILLER of Ohio, Mr. MONTGOMERY, Mr. MURTHA, Mr. PARKER, Mr. RITTER, Mr. ROE, Mr. SMITH of Vermont, Ms. SNOWE, Mr. SUNDQUIST, Mr. TOWNS, Mr. UPTON, and Mr. WELDON.

H.R. 3721: Mr. WILSON and Ms. KAPTUR.

H.R. 3757: Mr. HAWKINS, Mr. BRYANT, Mr. WALSH, Mr. LIPINSKI, Mr. MCDERMOTT, and Mr. FAUNTROY.

H.R. 3779: Mr. WISE, Mr. LEWIS of Georgia, Mr. BATEMAN, and Mr. POSHARD.

H.R. 3818: Mr. TORRES.

H.R. 3832: Mr. MAZZOLI.

H.R. 3869: Mr. PAYNE of Virginia and Mr. WHITTAKER.

H.J. Res. 54: Mr. DIXON.

H.J. Res. 81: Mr. COX and Mr. RAVENEL.

H.J. Res. 82: Ms. LONG, Mr. AUCOIN, Mr. DOWNEY, Mr. BOSCO, Ms. SLAUGHTER of New York, Mr. DYSON, Mr. RINALDO, Mr. STUMP, Mr. PICKLE, Mr. OBERSTAR, Mr. KENNEDY, Mr. MCNULTY, Mr. COURTER, Mr. SHAYS, Mr. KASTENMEIER, Mr. ROBINSON, Mr. ARCHER, Mr. WASLH, Mr. THOMAS of Wyoming, Mr. JACOBS, Mr. GRANDY, Mrs. UNSOELD, Mr. NEAL of North Carolina, Mr. SCHEUER, Mr. CRAIG, Mr. BENNETT, Mr. NAGLE, Mr. ROWLAND of Georgia, Mr. SMITH of New Jersey, Mrs. SAIKI, Mr. PICKETT, Mr. DELAY, Mr. SHAW, and Mr. JENKINS.

H.J. Res. 127: Mr. DARDEN, Mr. ROSE, Mr. STENHOLM, Mr. THOMAS of Georgia, Mr. TALLON, and Mr. RAY.

H.J. Res. 255: Mr. GRADISON, Mr. HASTERT, Mr. DEWINE, Mr. RITTER, Mr. PURSELL, Mr. PICKETT, Mr. BRENNAN, Mr. GORDON, Mr. PANETTA, Mr. HOAGLAND, Mr. MILLER of Washington, Mr. WHEAT, and Mr. COURTER.

H.J. Res. 287: Mr. PETRI.

H.J. Res. 345: Mr. ANTHONY, Mr. BENNETT, Mr. CLINGER, Mr. COLEMAN of Texas, Mr. DEFAZIO, Mr. FASCELL, Mr. GRANT, Mr. GEREN, Mr. GONZALEZ, Mr. HUCKABY, Mr. JACOBS, Mr. JENKINS, Mr. KYL, Mr. MCCLOSKEY, Mr. MORRISON of Washington, Mr. NATCHER, Mr. PASHAYAN, Mr. PERKINS, Mr. SHUMWAY, Mr. TAUKE, Mr. TORRICELLI, Mr. TRAXLER, Mr. VOLKMER, and Mr. WOLPE.

H.J. Res. 367: Mr. BLAZ, Mr. ESPY, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. KILDEE, Mr. KASTENMEIER, Ms. LONG, Mr. NATCHER, Mr. NELSON of Florida, Mr. PANETTA, Mr. PETRI, Mr. PICKETT, Mr. JACOBS, Mr. EVANS, Mr. GONZALEZ, Mr. ROSE, Mr. GRAY, Mr. HOYER, Mr. DELLUMS, Mr. DANNEMEYER, Mr. LANTOS, Ms. OAKAR, Mr. SOLARZ, Mr. BUECHNER, Mr. GRANDY, Mr. WHEAT, Mr. JONES of Georgia, Mr. GEJDENSON, Mr. BORSKI, Mr. ASPIN, Mr. BROOKS, Mr. JONES of North Carolina, Mrs. SAIKI, Mr. COBLE, Mr. DAVIS, Mr. RHODES, Mr. HEFNER, Mr. MCEWEN, Mr. MOODY, Mr. BRENNAN, Mr. HOPKINS, Mrs. KENNELLY, Mr. MILLER of California, Mr. TAUZIN, Mr. DE LUGO, Mr. RAY, Mr. SPRATT, Mr. KOSTMAYER, Mr. SYNAR, Mr. WILSON, and Mr. WASHINGTON.

H.J. Res. 436: Mr. MOAKLEY, Mr. KOSTMAYER, Mr. MATSUI, Mr. FAUNTROY, Mrs. COLLINS, Mr. FAZIO, Mr. MCGRATH, Mr. BOUCHER, Mr. WALSH, Mr. TOWNS, Mr. WOLPE, Mrs. BOXER, Ms. PELOSI, Mr. ACKERMAN, Mr. RANGEL, Mr. SKAGGS, Mrs. UNSOELD, Mr. OWENS of Utah, Mr. SABO, Mr. LAGOMARSINO, Mrs. MORELLA, Mr. HOYER, Mr. ERDREICH, Mr. GEREN, Mr. MRAZEK, Mr. MARTIN of New York, Mr. LEHMAN of Florida, and Mr. FROST.

H.J. Res. 441: Mr. CHANDLER, Mr. DONNELLY, Mr. BROWN of California, Mr. LENT, Mr. RITTER, Mr. BARTLETT, Mr. PASHAYAN, Mr. RHODES, Mr. BEREUTER, Mr. DICKS, Mr. WOLF, Mr. IRELAND, and Mr. CARPER.

H. Con. Res. 47: Mr. PACKARD.

H. Con. Res. 173: Mr. STARK, Mr. FRANK, Mr. LEACH of Iowa, Mr. AUCOIN, Ms. PELOSI, Mrs. BOXER, Mr. JOHNSTON of Florida, Mr. FRENZEL, Mr. OWENS of New York, Mr. FAZIO, Mr. GEJDENSON, Mr. BERMAN, Mr. GREEN, Mr. ATKINS, Mrs. MEYERS of Kansas, Mrs. SAIKI, Mr. MRAZEK, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FUSTER, Ms. SCHNEIDER, Mr. MORRISON of Washington, Mr. MOODY, Mrs. MORELLA, Mr. TOWNS, Mr. OLIN, Mr. SCHUMER, Mr. BEILENSON, Mr. RANGEL, Mrs. LOWEY of New York, Mr. YATES, Mr. CROCKETT, Mrs. UNSOELD, Mr. SOLARZ, Mrs. JOHNSON of Connecticut, Mr. PAYNE of New Jersey, Mrs. KENNELLY, Mr. FROST, Mrs. COLLINS, Mr. EVANS, Ms. KAPTUR, Mr. KOSTMAYER, Mr. SANGMEISTER, Ms. LONG, Mr. WHEAT, Mr. STUDDS, Mr. MATSUI, Mr. WISE, and Mrs. ROUKEMA.

H. Con. Res. 178: Mrs. BOXER, Mr. MCNULTY, Mrs. PATTERSON, Mr. SISISKY, Mr. MILLER of California, Mr. BRENNAN, Ms. KAPTUR, Mr. COX, Mr. RAVENEL, and Mr. LEVIN of Michigan.

H. Res. 206: Mr. MACHTLEY, Mr. KOSTMAYER, Mr. BEREUTER, Mr. BLILEY, Ms. OAKAR, Mr. ENGLISH, Mr. OWENS, of Utah, Mr. WAXMAN, and Mr. BROWN of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2273: Mr. WATKINS.

H.R. 3456: Mr. SAXTON.

EXTENSIONS OF REMARKS

H.R. 3861—THE OUTER BANKS PROTECTION ACT

HON. WALTER B. JONES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. JONES of North Carolina. Mr. Speaker, yesterday I introduced H.R. 3861, the "Outer Banks Protection Act." This bill will ensure that no oil and gas leasing, exploration, or development takes place offshore North Carolina until an adequate amount of physical oceanographic, ecological, and socioeconomic information is available to enable decisionmakers to adequately protect the coastal environment of North Carolina.

Under the bill, the Secretary of the Interior is required to undertake ecological and socioeconomic studies, additional physical oceanographic studies, including actual field work and the correlation of existing data, and other additional environmental studies, to obtain thorough, up-to-date information about all significant conditions and processes which influence oil and gas leasing, exploration, and development activities offshore North Carolina.

The bill also establishes a five-member Environmental Sciences Review Panel to consult with the Interior Secretary on the makeup of the environmental studies and to make findings and recommendations as to the adequacy of physical oceanographic, ecological, and socioeconomic information available to the Secretary. These findings must be considered by the Secretary prior to the conduct of any oil or gas activity offshore North Carolina.

Section 1 of the bill lists the "short title": The Outer Banks Protection Act. Section 2 outlines the key findings that form the basis for this legislation. Section 3 prohibits the Secretary of the Interior from: First, issuing any new leases; second, approving any plan of exploration; third, approving any permit to drill; or fourth, permitting any drilling for oil or gas on any lands described in the bill. The prohibition is effective until the later of October 1, 1991, or 45 days of continuous congressional session after the Secretary certifies, on the basis of the findings and recommendations of the Environmental Sciences Review Panel, that comprehensive and reliable information exists to support environmentally sensitive development decisions. The prohibited area includes any land of the Outer Continental Shelf [OCS] offshore North Carolina which lies between the boundaries established by the State of North Carolina and the States of Virginia and South Carolina.

Section 4 requires the Secretary of the Interior, in consultation with the environmental sciences review panel, to undertake ecological and socioeconomic studies and additional physical oceanographic studies, including actual field work and the correlation of existing data, and other additional environmental studies. The studies are intended to provide the Secretary with sufficient information about all significant conditions and processes which influence oil and gas leasing, exploration, and development activities offshore North Carolina to make appropriate determinations in authorizing such activities. This provision establishes a presumption that additional studies are necessary before development can be allowed to proceed offshore North Carolina.

Section 4 is intended to ensure that the Secretary of the Interior consults with the environmental sciences review panel before proceeding with the development of studies tailored to offshore North Carolina. Therefore, one of the first tasks for the review panel will be to examine existing environmental data to determine what is needed in the new studies.

Section 5 establishes an environmental sciences review panel consisting of: First, one marine scientist selected by the Secretary of the Interior; second, one marine scientist selected by the Governor of North Carolina; and third, one person each from the disciplines of physical oceanography, ecology, and sociology, to be selected jointly by the Secretary of the Interior and the Governor of North Carolina from a list of individuals nominated by the National Academy of Sciences.

The purpose of the environmental sciences review panel is to consult with the Interior Secretary on the establishment of additional environmental studies, and to prepare and submit to the Secretary, findings and recommendations as to the adequacy of physical oceanographic, ecological, and socioeconomic information available in enabling the Secretary to make appropriate determinations prior to authorizing activities prohibited under section 3.

In August 1988, the Minerals Management Service [MMS] notified the State of North Carolina that the Mobil Oil Co. would be submitting an exploration plan to drill up to 7 wells within a 21-block unit, with the first well located approximately 45 miles northeast of Cape Hatteras. Mobil is leading a consortium of 8 oil companies—Mobil, Amerada Hess, Chevron, Conoco, Marathon, Occidental, Shell, and Union—that owns the 21 blocks. Mobil later decided that it would submit a plan to MMS covering one wildcat well on Mobil's block 467 and, if a discovery is made, another exploration plan covering the remaining blocks and delineation wells, would be submitted.

A total of $296,294,000 was paid as bonuses to the Federal Government for the blocks in this unit which were purchased during lease sale No. 56 held in 1981 and lease sale No. 78 held in 1983. Block 467, the site of Mobil's proposed exploration wildcat well, attracted the most interest in lease sale No. 56. A partnership consisting of Mobil, Marathon, and Amerada Hess paid $103,775,000 for the lease. All of the leases in this unit have 10 year primary lease terms.

Mobil intends to drill its initial test well in 2,690 feet of water to a total depth of 14,000 feet into a structure that appears an excellent source rock for natural gas. The company estimates a 1 in 10 chance of finding natural gas and a 1 in 100 chance of finding oil in commerical quantities. If oil or gas are found, additional wells may be drilled to define the size and extent of the resource. The surface area of the target structure is approximately 50,000 acres and, according to Mobil geologists, could produce five trillion cubic feet of natural gas if filled to 50 percent of total capacity.

Although MMS approved two exploration plans in 1982 on Chevron and Arco lease blocks, no OCS exploration has ever been conducted off the State's coast. When Mobil made its initial announcement that it wanted to drill on blocks leased in 1981 and 1983, the Governor, Attorney General, coastal residents, and environmental groups voiced reservations. Because MMS's regulations under the Outer Continental Shelf Lands Act allow for only a 30-day environmental review of exploration plans by MMS and only a 20 day review for an affected state's Governor prior to approval of the plan [the plan is approved before a State's automatic 90-day Coastal Zone Management Act [CZMA] consistency review is completed], Republican Governor Jim Martin and Democratic Attorney General Lacy Thornburg began calling for a new Environmental Impact Statement [EIS] on the exploration plan.

North Carolina wanted a more up-to-date review of the potential environmental impacts, a review process that covered all 21 blocks in the unit and addressed development and production issues, guaranteed public involvement, and results of the environmental review process prior to significant actions being taken by MMS or the State. After exchanges of letters and several meetings between the State and MMS, and the State and Mobil, in which North Carolina threatened to sue if MMS approved the plan without preparing a new EIS, an impasse developed when neither MMS nor Mobil would agree to a voluntary EIS.

Due to several factors, among them a change in MMS leadership, the passage by the House of a bill (H.J. Res. 281) that contained an amendment that I offered requiring an EIS on Mobil's exploration plan, and the urging of a compromise by the State's U.S. Senate delegation, MMS offered a unique approach to resolve the impasse and stem further congressional action. MMS agreed to prepare an environmental report that mirrored the requirements of, but would not be called an EIS. MMS feared the legal precedent if an EIS were required for an exploration well. After several days of negotiating, MMS, the State, and Mobil signed a Memorandum of Understanding [MOU] on July 14, 1989. The Senate subsequently removed the Jones EIS amendment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The MOU increased the scope of environmental review through coverage of all 21 blocks rather than the one block that Mobil designated as a test well site, and coverage of issues associated with future development and production. The role of the public was heavily emphasized through scoping meetings, review of Mobil's draft exploration plan, and public hearings to review the draft environmental report.

On November 1, 1989, MMS issued the draft environmental report on proposed exploratory drilling offshore North Carolina. Shortly thereafter, the draft report was harshly criticized by environmental groups for failing to provide the quality of environmental review necessary for the State to make an informed decision about proceeding with the Mobil proposal.

On November 3, 1989, 2 days after the release of the draft environmental report, the National Research Council [NRC] issued a report to the President's OCS Task Force entitled "The Adequacy of Environmental Information for Outer Continental Shelf Oil and Gas Decisions: Florida and California." The NRC report found insufficient scientific information for making leasing and development decisions offshore Florida and California. Although the NRC report focused on the preleasing conditions off Florida and California, the analyses used and conclusions reached by the NRC should equally apply to North Carolina.

The NRC has been conducting the same analysis for all OCS areas—with final reports to be issued over the next 2 years—and generic information from the initial report is useful for comparison to the North Carolina situation. In fact, every one of the criticisms leveled against MMS by the NRC parallels concerns that the State has raised with MMS about its draft environmental report on the Mobil drilling proposal.

On December 4, 1989, the first of a series of public hearings on the draft environmental report was held in Manteo, NC. MMS used the occasion to announce plans to suspend indefinitely the time-line established by the MOU. MMS noted that the environmental report was the most comprehensive review ever undertaken for an offshore exploratory well. However, MMS agreed that the process would be better served by postponing the time-line to improve the content of the final environmental report.

The State of North Carolina submitted comments at the Manteo meeting that were highly critical of the draft environmental report. Specifically, the State found that the draft report substantially violates the requirements of both the MOU and the National Environmental Policy Act [NEPA] in scope and adequacy of its environmental analysis. Moreover, the State argues that MMS cannot conduct an adequate environmental analysis on Mobil's proposed exploration until: First, the oceanography panel created in the fiscal year 1990 Interior Appropriation Bill completes its analysis of the currents north of Cape Hatteras and additional field work is conducted to fill data gaps on the currents; second, either MMS or Mobil has completed at least one season's worth—for example, March through October—of biological field study on the fisheries resources and spawning conditions at the exploration unit; and third, complete data that would otherwise not be provided until the application for permit to drill [APD] stage, is made available for evaluation as part of the environmental report.

At this same forum, I announced my intention to introduce the Outer Banks Protection Act citing the need for additional environmental information. This belief is reinforced by the NRC report on oil and gas leasing offshore California and Florida and the inadequacies of the draft environmental report that were pointed out by the State.

I am confident that the measures required by this legislation will ensure that the people of North Carolina have sufficient information from which to determine whether natural gas can be extracted offshore North Carolina in a safe and environmentally sound manner.

A TRIBUTE TO SAN BERNARDINO COUNTY'S EXTRAORDINARY COMMITMENT TO HOUSING THE HOMELESS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. LEWIS of California. Mr. Speaker, San Bernardino County is presently addressing a problem common to other counties across the United States; namely, the plight of the homeless. It is an issue that has garnered the attention and concern of the American people including some extraordinary and dedicated individuals in my district.

Responding to this enormous social challenge, the executive director of the San Bernardino County Community Services Department, Rodolfo Castro, spearheaded an effort to establish a county homeless task force to develop a comprehensive strategy for housing the homeless, particularly during the cold winter months. The task force membership consists of many caring and committed citizens. They include Sergeant. Boswell, Kent Paxton, Aurelio De La Torre, Roy Copple, Linda Foisel, Ann Ivey, Brian Turnbull, James Curtis, Alberta Graham, Michael Van Mouwerik, Patricia Nickols, Sandra Brown, and Sondra Alvarado. Necessary staff support for the task force was provided by Eric Grulke.

Mr. Speaker, this task force has been a tremendous success, providing nearly 16,000 shelter nights for the homeless throughout the county. Through joint funding contracts of San Bernardino County's Community Services Department and its Economic and Community Development Department, this plan was implemented by assisting private organizations that have the knowledge and structure needed for proper shelter management. These organizations also depend heavily upon our most important resource in our efforts to house the homeless—the use of private volunteers.

The private community based organizations aiding in this effort include the San Bernardino Salvation Army, Desert Manna of Barstow and St. Mark's Homeless Shelter of Upland. In addition, I would like to recognize the fine efforts of the shelter directors who provide emergency housing. They include Capt. Robert Anderson, Fred Broadhead, Irene Gernon, Capt. John Tolar, Capt. William Lum, Capt. Donald Takeuchi, and Rudy Craft.

I would also like to share with my colleagues an article by Eric Grulke that first appeared in the San Bernardino Sun on Dec. 20, 1989, discussing the constructive response by many extraordinary people working with the county of San Bernardino to address this most difficult challenge:

[From the Sun, Dec. 20, 1989]

COUNTYWIDE EFFORT TRIES TO AID HOMELESS

(By Eric Grulke)

"Why are people homeless?"

I stopped keeping count of how many times I am asked this question. The best answer I've heard was presented at a community meeting by a shelter director who was looking for funds to stay open through the winter. Her response was, "Because they can't pay the rent."

In six words, she summarized what educated scholars say in 300-page manuscripts. It also suggests that there are no quick-fix solutions to this complex social problem.

If you look deeply into her response, you can see quite clearly all of the related problems that accompany an inability to pay the rent. They can be problems of circumstance (family problems, people moving to California in search of a better life), problems of personality (alcohol abuse, drug abuse) or problems of severe mental illness.

Look even deeper into her answer and envision an individual who has been homeless for several weeks. Just imagine his physical appearance when the time comes for a job interview. It would seem that the problem of homelessness is one that compounds as long as it continues.

"What are you doing about it?"

This question always follows and gives me an opportunity to present a more concrete answer.

San Bernardino County has taken the lead in developing a comprehensive plan to serve the needs of the homeless this winter. Through an ad hoc committee of the San Bernardino County Homeless Task Force, we were able to identify more than $127,000 in funding to provide cost-effective direct sheltering and vouchers for shelter across the entire county.

We have funded three shelters throughout the county and provided them with the ability to house those in need during periods of cold weather. These are the San Bernardino Salvation Army, Desert Manna in Barstow and St. Mark's Homeless Shelter in Upland.

We knew in analyzing the problem of homelessness that there was no way to service a county the size of ours with existing shelters alone. Our plan depends on the use of motel vouchers to be distributed by Salvation Army officers in Ontario, Victorville, Redlands and San Bernardino, and at the service extension office in Fontana for all other areas.

The best part of our plan is that it assists the organizations in our community that already have a structure and a knowledge of running a shelter properly. With this funding, we help these shelters through the expensive winter so that they may be there to serve the needs of the homeless in the spring with their customary sources of support.

With the joint-funding contracts of both the county's community services department and its economic and community development department, this 1989 cold-weather homeless strategy was able to be implemented.

"What about after the winter?"

This answer is far from solid and much more complex than the others.

The San Bernardino County Homeless Task Force has branched out into another ad hoc committee to look for a long-term solution to the problem of homelessness throughout the year. With the early successes of the 1989 cold-weather homeless strategy, we all have high hopes for the work of this committee.

In addition, I am actively working with cities in our area that show an interest in dealing with the problem of homelessness in their communities. We must gain the support of the cities to deal effectively with this drastic social problem.

Yet, we all must keep in mind that there are no quick-fix solutions to the problem of homelessness in our community.

PATENT REMEDY CLARIFICATION ACT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. KASTENMEIER. Mr. Speaker, today, together with my colleague, CARLOS MOORHEAD, the ranking minority member of my subcommittee—the Judiciary Committee Subcommittee on Courts, Intellectual Property, and the Administration of Justice—I am introducing the "Patent Remedy Clarification Act" to assure that patent owners can recover damages from States that infringe their patents, notwithstanding the provisions of the 11th amendment.

In the first session of this Congress, the House passed H.R. 3045, which I sponsored along with Mr. MOORHEAD and several of our colleagues on the subcommittee. That bill clarifies Congress' intent that States be subject to damage suits in Federal court for their violations of the Copyright Act. The bill that I am introducing today will assure that the same principle applies in patent law. Accordingly, it will be clear that Congress intends that State infringement of patent rights will make the State monetarily liable to the patentee.

Article 1, section 8, clause 8 of the U.S. Constitution grants Congress the explicit authority to promote the progress of science and the useful arts by granting inventors exclusive rights to their inventions. Pursuant to this authority, Congress enacted a patent statute in 1790, and has significantly revised that law three times—in 1793, 1836 and most recently in 1952. The Patent Act sets forth the requirements that must be met for the issuance of a patent, and the rights of the patent holder to protect against infringement, including the right to seek a remedy in Federal court.

In fact, the Federal courts have exclusive jurisdiction to decide patent infringement claims. However, in 1985 the Supreme Court held in Atascadero State Hospital versus Scanlon that absent a clear expression of congressional intent to the contrary, the 11th amendment prohibits individuals from recovering damages against States in Federal court.[1] While Atascadero was not a patent case, the U.S. Court of Appeals for the Federal Circuit recently ruled in Chew versus California [2] that the 11th amendment applies to cases brought by individuals against States for patent infringement, and it held that States are immune from damage suits in Federal court. Consequently, because a claim of patent infringement can only be brought in Federal court, the individual whose patent has been infringed by a State is deprived of the important remedy of damages.

The Supreme Court set forth a test to determine whether Congress intended in a particular statute to permit the recovery of damages against a State: "Congress may abrogate the State's constitutionally secured immunity from suit in Federal court only by making its intention unmistakably clear in the language of the statute." [3] Subsequent Supreme Court cases, decided this past term, expanded on the court's requirements for effective abrogation of the 11th amendment.

The legislative record does not reflect a congressional intent to exempt the States from damages for patent infringement. However, the Supreme Court rulings and the Court of Appeals for the Federal Circuit decision in Chew versus California, now require that we amend the patent laws to specifically declare that States are not immune from actions for damages under the 11th amendment. For this reason, the bill that Mr. MOORHEAD and I introduce today incorporates the Supreme Court's guidance. It makes it unmistakably clear that patentees can recover all available remedies against a State infringer and it specifically cites the monetary relief that Congress intended to make available against States.

My subcommittee will hold hearings to fully explore whether this proposed legislation will serve the public interest and what impact it will have on States, patent owners and the university community. The 11th amendment immunity is an important constitutional privilege afforded to the States, and Congress must not be indifferent about abrogating this right. Instead, we must examine the factual situation before us to determine whether there is a need to assure a remedy against States for patent infringement.

This bill has the strong support of the Patent and Trademark Office of the Department of Commerce, the American Bar Association, and the patent bar. It is part of an assemblage of important patent law revisions that my subcommittee is considering this Congress, including as well the patenting of transgenic animals and patents in space.

Congress should correct the current unintended immunity for States in the patent law just as it should in the Copyright Act. It is my understanding that Senator DECONCINI is planning to introduce a similar measure and we expect that the Senate will work with the House to assure that Congress' intent is adequately expressed in our patent and copyright laws.

I look forward to working with the members of my subcommittee and with other Members of this body on this proposed legislation.

[1] 473. U.S. 234 (1985).
[2] Civ. Act. No. 89-1390 (Fed. Cir. 1990).
[3] 473 U.S. at 242.

IN HONOR OF MAJ. GEN. JAMES C. WAHLEITHNER

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Maj. Gen. James C. Wahleithner, retiring commander of the Fourth Air Force Headquarters, McClellan Air Force Base, CA.

From May 14, 1985 through February 3, 1990, General Wahleithner played a central role in shaping the 26,000 Air Force Reservists of the Fourth Air Force into a combat-ready asset for the defense of our Nation.

The mission of the Fourth Air Force Headquarters is to provide the management necessary to assure the combat readiness of over 200 subordinate organizations across the United States. During the period of General Wahleithner's leadership, he successfully augmented the size of the command, increased the retention rate of personnel, converted virtually every subordinate unit to more modern aircraft, increased the diversity of missions, and shaped the Air Force Reserve into a model of readiness. Fourth Air Force flying units have had remarkable success in competitions with both the active duty Air Force and foreign air forces and have participated in approximately 105 military exercises worldwide. Recognizing these outstanding accomplishments, the Fourth Air Force was awarded the Air Force Outstanding Unit Award in 1988.

His devotion to the service of his country is evident in his 37 years of Air Force service and in his efforts to better the conditions of service for enlisted personnel and officers alike. He is a member of the Reserve Forces Policy Board, Reserve Officers' Association, Air Force Sergeants' Association, Department of Defense Reserve Forces Policy Board, Northern California Committee for Employer Support of the Guard and Reserve, and the Air Reserve Forces Policy Committee. He was awarded the prestigious Order of the Sword by the noncommissioned officers of the Air Force Reserve in recognition of his support for the enlisted force.

His civic affiliations include the Comstock Club, Order of Daedalians, American Legion, and the McClellan Air Force Base Air Museum Foundation.

He and his wife, Jacqueline, are the parents of 11 children, 3 of whom are currently serving their country in the Air Force Reserve.

Mr. Speaker, I join General Wahleithner's colleaques from the Air Force Reserve, his family and friends in commending the general for his many accomplishments and the tremendous contributions he has made to the service of his country.

TRIBUTE TO DEAN PETITPREN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to an outstanding community leader, Mr. Dean Petitpren. Mr. Petitpren has been selected by the Macomb Arts Council as a Patron of the Arts for 1989.

Mr. Petitpren, who is president of Petitpren Inc., an Anheuser-Busch beer distributorship, has produced and sponsored the Bud Light riversite and sound concerts for the last 4 years in Mount Clemens, MI.

Through Mr. Petitpren's support and promotion the free concert series, produced throughout the summer, has given area citizens an opportunity to enjoy our most pervasive art form—music. The series has quickly found acceptance in the community. It has become a greatly anticipated event which makes the summer that much more festive.

I commend Mr. Petitpren on his commitment and dedication to the promotion of the arts in our community. He will long be remembered as a true friend of Macomb County.

TRIBUTE TO VERNAL RIFFE, SR.

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. FEIGHAN. Mr. Speaker, today, Ohio mourns the loss of one of its great community leaders. Vernal Riffe, Sr., passed away at the age of 89.

Mr. Riffe began his long and distinguished career in public service in 1929 as a patrolman in the Ohio town of New Boston. He moved on to serve as an enforcement agent for Ohio's Department of Liquor Control and for 8 years directed New Boston's safety and service department.

Twenty years later, Mr. Riffe was elected mayor of New Boston. As a testament to his leadership ability and popularity with the people of New Boston, he was elected to 11 consecutive terms as mayor, retiring in 1971.

Throughout his life, Mr. Riffe was a great influence on the careers of hundreds of public servants, most notably his son, Vernal Riffe, Jr., speaker of the Ohio House of Representatives. From Governor to precinct committeeman, Mr. Riffe provided guidance, political insight, and just plain common sense to those who have served the people of Ohio.

It's no coincidence that at the same time people in Ohio grew in their admiration for Mr. Riffe, people across the country grew in their admiration for Ohio. Mr. Riffe's character and integrity will never be forgotten. His determination to improve the quality of life for all Ohioans will also never be forgotten. Above all, his friendship will be missed.

THE INTRODUCTION OF LEGISLATION TO REQUIRE THE PAYMENT OF INTEREST ON EXCESS MEDICARE PREMIUMS COLLECTED AS A RESULT OF DELAYED IMPLEMENTATION OF THE MEDICARE CATASTROPHIC COVERAGE REPEAL ACT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. CONTE. Mr. Speaker, I rise today to introduce legislation requiring the Secretary of Health and Human Services to pay interest on the excess part B premiums withheld from Medicare beneficiaries as a result of the repeal of the Catastrophic Program.

As we all know, the debate on whether to repeal the Catastrophic Program dragged on for months and wasn't finally resolved until November 22. By then it was too late to reprogram the computers at the Social Security Administration to drop the $5.30 a month that the Catastrophic Care Program had been expected to cost. So now, our elderly and disabled constituents must endure this reduction in their monthly Social Security checks until May at the earliest.

I opposed repeal of the Catastrophic Program but now that we've done it I believe we must make every effort to soften the hardships this action caused our constituents. I'm sure many of you have received letters from your constituents voicing their concerns over the loss of this income. Although $5.30 may not seem like very much here in Washington, it often can be the critical difference to our elderly and disabled constituents living on fixed incomes.

That's why I'm introducing this legislation. The intent is simple; it requires the Secretary of Health and Human Services when making payment of any excess part B premiums collected by the Social Security Administration to include interest with these payments. The rate of interest will be equal to the Secretary's estimate of the average rate of interest received on funds in the Federal supplementary medical insurance trust fund—about 8.5 percent. The interest will accrue from the day the excess premiums are withheld until the date of payment.

What could be more fair to our elderly constituents. If the Government is going to withhold portions of Social Security payments then they ought to be required to pay interest on this withholding. I hope I can count on the support of my colleagues to enact this legislation into law.

VOTE FOR DEMOCRACY, NOT INCUMBENCY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. GINGRICH. Mr. Speaker, every Member should read Mr. Kidder's column and recognize we will either have campaign reform to help challengers or a limitation on terms.

[From the Christian Science Monitor, Nov. 27, 1989]

VOTE FOR DEMOCRACY, NOT INCUMBENCY

(By Rushworth M. Kidder)

When Congress voted itself a much-needed pay-raise-and-ethics package, it missed the point. The ethical question isn't simply how legislators earn their salaries. The real issue concerns a principle to democracy absolutely central to its proper functioning: rotation in office.

Diplomats and foreign correspondents know about that principle. They know that long experience in a post is valuable. But they're even more aware of the dangers of "going native"—defending the nation they're supposed to be reporting on. They solve it by judicious rotation in and out of assignments.

In Congress, particularly the House, there is effectively no rotation. Consider that:

Some 98 percent of House incumbents were returned to office in 1988.

There is more turnover in the Supreme Soviet than in the U.S. Congress.

The problem is worsening. In 1948, 68 incumbents were defeated. Losses in 1988: 6.

Rotation? Hardly. The electoral flywheel has rusted up so tight that you can't even crank it over by hand. Result: Congress is dangerously close to "going native," busily ensuring its own institutional perpetuation rather than seeing to the welfare of the nation.

Why are we in this fix? Part of the fabled "power of the incumbency" rests on such pillars as franking privileges that allow mass mailings to constituents and the limelight that attracts bushels of money and the resulting paid television spots. Changes in campaign finance laws, as proposed by President Bush, could make a dent.

But even that misses the point. What needs protecting is the principle of rotation. Here are a couple of reasons why:

First, there's the damaging effect of extended incumbency. Carried to its extreme, it breeds tyranny. And tyranny and democracy don't mix. That point is being made in spades these days among the East bloc nations, where democracy springs up only after decades-long tyrannies of the old guard have been unseated.

In principle, Americans have already addressed this issue. Franklin D. Roosevelt—who liked to point out that the first duty of a politician is to get re-elected—had such an extended tenure in office that, when it finally ended, a sobered citizenry ratified the 22nd Amendment to the Constitution, limiting the president to two terms in office.

Second, there's the benefit of change. At the heart of democracy lies the idea of a citizenry made up of voters equally entitled to be heard. Granted, not everyone exercises that entitlement. But the presence of startling levels of electoral apathy doesn't mean that nobody cares. It doesn't translate into a mandate to govern without the consent of the governed, or an assumption that only a ruling elite can know what's best for the citizenry. And it certainly doesn't mean that those currently in office are the only ones suited for it.

In fact, democracy is unlike other systems in the way it breeds leaders. It doesn't pass the mantle from the top down. It grows new leaders from the bottom up. That's what brings in freshness—not only to govern-

ment, but to any organization founded on democratic principles.

But that self-renewal can't happen without genuine electoral choice—in other words, rotation in office.

That, of course, is not a question members of Congress are keen to address. They would evidently rather risk public wrath over a pay raise than their safe seats. So here's a test question to use next election time. Ask the candidate, "Do you believe that the principal job of a politician is to get re-elected?" If the answer is yes, you're being asked to vote for something other than democracy.

AN EXCEPTION TO THE KIDDIE TAX

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. EMERSON. Mr. Speaker, in years past, it was discovered that many well-to-do parents across the country were sheltering their assets from a significant amount of tax liability by nominally transferring these assets to their children. Congress quickly put a stop to this behavior by enacting the so-called kiddie tax.

As you know, under the "kiddie tax" rules, income from assets belonging to a child under 14 years of age is taxed at his/her parents' rate. This change in the law accomplished its stated goal, closing the loophole in the law and ensuring that parents could no longer evade tax liability through shifting assets to their kids.

So, we've put a stop to the attempts to deceive the Government. But what about the kids whose assets are legitimately their own? We all know of situations such as this. I know of a middle-class family in southeast Missouri in which the father died when the children were very small. Portions of his life insurance benefit established a trust for each of the children, and the funds were to be used for educational expenses. Yet when the mother remarried several years later, the children's trusts were suddenly forced into a higher tax bracket, and suddenly their college funds were significantly reduced.

This is not a case in which parents are trying to deceive the Government. This is not an instance in which children are nothing more than tax shelters for their parents. These are kids who, through the tragedy of losing their father, were given a small sum to help them with the rising costs of a college education. These kids should not be penalized because other parents once tried to evade their fair share of taxes.

I have introduced a bill which would allow a limited exemption from the "kiddie tax" for any child's income which is set aside as strictly for educational expenses. For this portion of income, the child would still pay taxes, but the child would be taxed at the child's tax rate. To ensure that this exemption is not abused, the bill exacts a 30-percent penalty on any sum which is given this treatment and not used for education.

This is a small but meaningful way in which we can encourage families to save for college, and at the same time, treat kids with a bit of equity. The kiddie tax was enacted to keep parents honest; let's make sure that it doesn't penalize the kids.

INTRODUCTION OF THE ROSE KUSHNER MAMMOGRAPHY ACT OF 1990

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Ms. OAKAR. Mr. Speaker, today I am introducing legislation which will, once and for all, provide low-cost, cost effective, life saving screening mammography to all American women covered under Medicare. When the Congress voted last November to repeal the 1988 Medicare Coverage Act, we also eliminated a major milestone in progressive, preventive health care coverage in the Medicare program—we eliminated biennial screening mammography.

One out of every nine American women will develop breast cancer. The American Cancer Society reports that 42,000 American women died from breast cancer in 1988. Studies have convincingly shown that regular mammogram screening can prevent one-third or 14,000 of these deaths. Approximately 4,000 of these women are Medicare beneficiaries. The average cost of a mammogram is $100 to $120, which most Medicare beneficiaires can scarcely afford.

Twenty-five States now mandate coverage of screening mammography by private health insurers. It is time for the Congress to take decisive action in support of cost-effective prevention in its public health policy. It is quite clear that the early treatment of the breast cancer victim costs about $10,000 to $15,000. The cost of cancer treatment in the second and third stages of development is approximately $65,000. Since I started fighting, over 6 years ago, for the inclusion of this benefit under Medicare, over 200,000 women have died from breast cancer. This is almost four times the number of American casualties in all 10 years of the Vietnam conflict. The National Cancer Institute, as well as the American Cancer Society recommend a baseline mammogram at age 35 and regular screening every 1 or 2 years beginning at age 40, and annual mammography screening for all women over age 50. A new formula, based on NCI's breast cancer detection demonstration project can calculate a woman's risk of developing breast cancer in the next 10 to 30 years based on her medical history. Accordingly, my legislation allows all women covered under Medicare a baseline screening at age 35, and up to one screening per year after age 40, based on the advice of their physician. In addition, this legislation includes a $60 cap on physician payment per mammogram. This strikes a reasonable, responsible balance between the need to contain rapidly escalating health care costs, and the need to increase economic incentives for physicians to recommend patients for mammographic screenings. This legislation has the support of the American Cancer Society.

Mr. Speaker, I have decided to name this legislation in honor of a very dear, personal friend, a champion for the rights and well-being of cancer patients whom we have recently lost to this horrible killer—Mrs. Rose Kushner. The name of Rose Kushner, who passed away here in Washington, DC on January 7, 1990, will be instantly recognized by all who have fought for the causes of cancer patients. Her perseverance and single-minded devotion to these issues will be profundly missed, especially at this time when we are so close to reaching many of her goals. Her generosity in helping others was unsurpassed. It is only fitting that this bill be named in honor of Rose Kushner. The legacy of Rose Jushner will be realized when we pass meaningful legislation which can bring hope, comfort, and perhaps a cure to the victims of cancer.

I urge all of my colleagues to cosponsor this legislation.

IMMIGRATION PROBLEM

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. ORTIZ. Mr. Speaker, I rise today to bring your attention to a situation in my congressional district that bears watching.

Just 1 year ago the Rio Grande Valley was flooded by a wave of immigrants from Central America seeking asylum. Due to policies in place with the Immigration and Naturalization Service at that time, those who were not granted asylum were released on their own recognizance to await further action on their cases. However, they were not granted work permits and were prevented from leaving a limited geographic area. At that time, the people of Cameron County, TX, were put in the position of paying for our national immigration policy. It was an intolerable situation that must never be repeated.

I had the opportunity of meeting yesterday with our new Commissioner of the Immigration and Naturalization Service. He has assured me that the INS is ready to meet any immigration challenges that may occur along the Texas border and is prepared to adjust enforcement as necessary. I am encouraged by his personal interest in this important matter. However, I can assure him that the people of south Texas and of this Nation will be keeping a careful eye to the situation along the border to ensure that there is no recurrence of last year's crisis situation.

A TRIBUTE TO CLAUDE T. (TOM) MANGRUM

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today a man who has served as a professional leader in community corrections with dedication and distinction for many years. On March 29, 1990, Mr. Mangrum will be retiring from his position as interim chief county probation offi-

cer of California's San Bernardino County. His record of service is inspiring and certainly worthy of recognition today by the House of Representatives.

Tom Mangrum began his career with the San Bernardino County Probation Department in January 1962. Over the years, he has served as probation officer, supervising probation officer, division director, and assistant chief county probation officer. He was appointed interim chief probation officer in February 1989.

Tom received his Th.B in theology from Malone College in 1952 before acquiring his B.A. in social science from Youngstown (Ohio) University in 1956. He pursued a masters degree in sociology at Kent State University in 1958 and later acquired his M.P.A. in public administration at the University of Southern California in 1972. A licensed marriage, family, and child counselor, he is also the author of a textbook for probation officers and more than 40 articles in a dozen journals on corrections and public administration. In addition, Tom has also taught at a number of colleges and universities including Kent State University, 1958–59; Chapman College, 1965–74; Pepperdine University, 1971–74; Riverside City College, 1975–81; and Loma Linda University, 1979–84.

Tom has long been active in the community through a number of professional and civic organizations. He is the past president of the San Bernardino County Peace Officers Association; past president, Exchange Club of Uptown San Bernardino; past president, Family Service Agency of San Bernardino; past president, California Probation, Parole, and Correctional Association; past secretary, American Probation and Parole Association; and president of the Arrowhead United Way.

Tom has also received numerous awards for his services to professional and charitable organizations. They include the Western Correctional Association's Pepperdine Award, the California Probation, Parole, and Correctional Association's Lester J. Haye Award; the American Probation and Parole Association's Walter J. Dunbar Award; and the Family Service Agency Award. He has also served as a delegate in the People-to-People Citizens' Ambassador Program's Juvenile Justice Tour in Europe and the U.S.S.R. In addition, Tom is listed in Who's Who in America; Who's Who in the West; and Who's Who in California.

Mr. Speaker and my fellow colleagues, I ask that you join me today in wishing Tom Mangrum a healthy and happy retirement.

MONROE, WISCONSIN EDUCATOR JERRY GUTH AND THE BICENTENNIAL PROGRAMS ON THE CONSTITUTION AND THE BILLS OF RIGHTS.

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. KASTENMEIER. Mr. Speaker, we have just witnessed the closing of a decade in which millions of people who had long suffered from repressive regimes have toppled those regimes in their quest for freedom and democracy. We, who have benefitted from the longest lasting constitutional democracy in history, should rejoice in the overthrow of those totalitarian governments and in the recognition by their citizens of the importance of the principles and values of free government we have cherished for so long. We also must wish the people of these nations well in the difficult tasks that lie ahead.

At the same time, we must not neglect to pass on to our own youth the understanding of the fundamental principles and values of our democratic institutions that leads to a reasoned commitment to their preservation and improvement. In this regard, I am most pleased to commend the efforts of a constituent, Jerry Guth, a social studies teacher at Monroe High School in Monroe, WI. Jerry Guth is Wisconsin's Second Congressional District coordinator of the "We the People . . . Bicentennial Programs on the Constitution and Bills of Rights." These programs include the National Bicentennial Competition, its noncompetitive companion program, Congress and the Constitution, and the National Historical Pictorial Map Contest.

Through the dedicated and voluntary efforts of Jerry Guth, thousands of upper elementary, middle, and high school students in my congressional district have studied the program's curriculum. This curriculum incorporated in the "We the People . . ." text, introduces students to the philosophical ideas of our Founding Fathers, the historical background of the Philadelphia Convention, and the issues and debates that shaped the writing of our Constitution. Students learn how our Government is organized and how it protects the rights and liberties of all citizens. Finally, and most important, students learn of the responsibilities which accompany the rights of citizenship in a democracy. I had the pleasure to personally present certificates to hundreds of Second District students who have completed this program, and one school in my district, the Winnequah Middle School in Monona Grove, placed first in Wisconsin in the National Historical Pictorial Map Contest.

Mr. Speaker, I want to express my admiration and appreciation to Jerry Guth for his impressive contributions in encouraging young people to understand the purpose and importance of our Constitution which, in turn, will stimulate the development of a competent and responsible citizenship.

IN HONOR OF THOMAS A. MCNUNN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. FAZIO. Mr. Speaker, I rise today to honor a longtime friend, adviser, and one of Solano County's most outstanding civic leaders, Thomas A. McNunn.

Born and raised in Nebraska, Tom moved to Solano County after serving with the U.S. Air Force in Korea. He started his postmilitary service career with the Vallejo Chamber of Commerce, and he remained there until he relocated to Vacaville in 1966.

As the chief executive officer of the Vacaville Chamber of Commerce from 1966 to 1989. Tom's progressive approach to economic development and community enrichment has greatly benefited Vacaville and Solano County.

With unending stamina, Tom has always worked extremely long hours and gone beyond the call of duty to provide service to his community. His former secretary of 10 years, Betty Ladd, said, "Tom's ability to dedicate endless hours to a good cause sets a very fast pace for the entire working staff."

Vacaville businessman Glen Miller also commended Tom for his "boundless energy, good attitude, and on-call devotion to community and civic endeavors." Mr. Miller praised Tom for applying these attributes to create "one of California's most outstanding chambers of commerce."

Tom has held many prominent community positions including: Chairman of the local United Way Telethon, general chairman of the Vacaville Fiesta Days Committee, chairman of the Vacaville Onion Festival, director of the Solano County Private Industry Council, and Vacaville chairman of the Vaca Valley Hospital Fund Drive. Tom has also served as director of the California Association of Chamber of Commerce Executives, vice president of the Vacaville Art League, president of the Vacaville Host Lions Club, and president of the 20–30 Club. As one of Solano County's most generous volunteers, Tom has set a standard for others to follow.

As Tom leaves the Vacaville Chamber of Commerce after 23 years of distinguished leadership, Solano County pauses to say, "thank you, Tom, for enriching our community and our lives; Solano County appreciates and respects your many contributions." Having worked with Tom for many years, I know firsthand the valuable and unselfish service he has given to Vacaville and the entire Solano County community.

TRIBUTE TO JEANNE BUSSE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a dynamic and altruistic individual, Mrs. Jeanne Busse. Mrs. Busse has been selected by the Macomb Arts Council as a "Patron of the Arts" for 1989.

Mrs. Busse has actively involved herself in the promotion of the arts for most of her adult life. She has remained dedicated to teaching the importance of arts in our society. She has served as chairperson of the Warren, MI Cultural Commission since 1982. Her long-time commitment to promoting arts in Warren schools and her cochairing of the Warren "Art in the Park" project since 1984 have earned her numerous accolades.

Hailed as a champion promoter of the arts in Warren schools, Mrs. Busse has garnered respect and support for the arts throughout Macomb County. The fruits of her labor have not gone unrecognized by her peers. She is being honored for her drive and dedication

which have enabled her to make a difference in the cultural climate of our community.

I commend Mrs. Busse on her commitment to promotion of the arts and her exceptional community involvement. She will long be remembered as a true friend of Macomb County.

COMMEMORATING THE RETIREMENT OF RICHARD J. DACEY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. CONTE. Mr. Speaker, I rise today to honor Richard J. Dacey. Richard is retiring after 31 years as principal of Conway Grammar School. Richard's enjoyment of working with children, his ability to guide, and his fascination with history and the government lead him to his position as the principal of the grammar school that he had once attended as a child.

Richard graduated from St. Michaels College in Vermont, where he majored in education and minored in business. It was in January 1957, when Richard began his teaching career at North Brookfield Junior-Senior High School. In 1958, Richard relocated to the grammar school where he became a teaching principal. In the early 1960's, Richard's duties became entirely administrative.

His dedication and commitment to the field of education was apparent throughout his 33 years of service to Conway's school system and community. Richard is a true educator, one who has inspired children to be creative, to develop their minds and to seek the enjoyment of learning.

His family had always been involved with the Conway community. His father, Charles Dacey, was the Postmaster for 37 years, and with Richard's mother, Bertha, they owned a general insurance company.

Born and raised in Conway, Richard has become involved in his community above and beyond his duties as an educator. He served for 27 years on the Conway Cemetery Association, is a member of the Frontier Regional School Committee, and the Historical Society. He also has served on the Conway Festival of the Hills Committee and Bicentennial Committee, and is currently a Conway Library Trustee.

After 31 years of service, Richard is stepping down from his position as principal. He plans to assess his future and enjoy a deserved break. With his newly found spare time, Richard may do some fishing, go swimming, and keep abreast of current events.

Mr. Speaker, Richard J. Dacey is an inspiration to those who know him. His service to the Conway community should be commended, for it is his genuine concern for his town and its peoples that makes America the great Nation it is. I wish Richard the best of luck in his retirement and hope that he will continue to inspire the community of Conway.

FAIR WINDS AND FOLLOWING SEAS FOR CAPT. JOHN E. KANE, U.S. NAVY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. GINGRICH. Mr. Speaker, it has come to my attention that Capt. John E. Kane will be retiring from the U.S. Navy after 21 years of honorable and distinguished service, and leaving his position as Director for Navy Liaison, U.S. House of Representatives effective February 1, 1990.

As the Navy's primary representative and spokesman on the House side of Capitol Hill, Captain Kane has performed in an extraordinary manner in support of the Navy and the Members of this body. His unique perspective and extensive grasp of all Navy programs and issues is well known and respected by me and so many of my colleagues. I believe that I share this view with the more than 150 Members that Captain Kane has personally escorted on official congressional travel worldwide as well as the many more he has interacted with on a daily basis.

Captain Kane's dedication and commitment of the Navy and the Congress will be truly missed. It gives me great pleasure today to join with his family and friends in extending my heartfelt congratulations to Capt. John Kane on the award of the Legion of Merit in recognition of his outstanding performance as Director for Navy Liaison in the House of Representatives from November 1987 to January 1990. On behalf of my colleagues I extend the traditional Navy salutation of "Fair winds and following seas" to Captain Kane and his family in their future endeavors.

OVERRIDE OF VETO OF EMERGENCY CHINESE IMMIGRATION RELIEF ACT

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. EMERSON. Mr. Speaker, today I voted to override the President's veto of the Emergency Chinese Immigration Relief Act. While I have no doubt of the President's commitment to freedom, democracy, and to the Chinese students living in this Nation, I do not feel that administrative action is strong enough, and that the congressional action is legitimate at this point, at this time.

What happened in Beijing last year—when Chinese students were massacred at the hands of their own Government—was a shocking tragedy. It is vital that the United States makes every effort to show the Chinese—and the world—that we in no way condone their actions in Tiananmen Square. It is equally important that we evidence a strong commitment by offering protection to the Chinese students temporarily living in this country. I believe our action today conveys the message our people want delivered in support of the students.

Indeed, the Emergency Chinese Immigration Relief Act sends the message that the United States will stand firm in its unwavering support to the worldwide democratic movement.

The diplomatic and geopolitical role we occupy vis-a-vis China is complex and difficult. I think President Bush is the right person at the right time to be at the helm to manage and direct this relationship. As former Ambassador to China and the United Nations, as former CIA Chief, as Vice President and President he has background and expertise to guide us through these troubled waters as no one else quite has.

ST. IGNATIUS WINS OHIO FOOTBALL CHAMPIONSHIP ALONG WITH USA TODAY NO. 1 RANKING

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Ms. OAKAR. Mr. Speaker, all of Greater Cleveland is very proud of the achievements of St. Ignatius High School, located in the Ohio city area of Cleveland, OH. For the second year in a row, St. Ignatius went undefeated on its way to the division I, Ohio high school football championship. St. Ignatius, guided by Coach Chuck Kyle, rallied from a 21-to-14 halftime deficit to win 34 to 28 against an outstanding Cincinnati Moeller team in the 1989 State championship game. Some 30,000 spectators at Ohio Stadium buzzed with excitement as the two teams ran up 820 yards in total offense in just 48 minutes of football action. St. Ignatius went 13–0 in 1989 and now has a 29 game winning streak. In recognition of the team's outstanding achievement, USA Today named Cleveland St. Ignatius the top-ranked team in the Nation.

Any outstanding football team requires enormous dedication on the part of each and every player and great skill and leadership from the coaching staff. Coach Kyle brought the best out of his players and coordinated their efforts into a winning combination week after week. What most people do not see, however, is the intensity that the team carried into each practice session. One observer noted that, "Every day at practice they work like it's a championship game." The results, of course, speak for themselves.

Although it is often difficult to single out a single player in a team effort, I want to pay tribute to the St. Ignatius quarterback, Joe Pickens, who was honored in the December 31, 1989, Parade magazine as a high school all-American. Joe completed his magnificent career at St. Ignatius with an all-American performance in the State championship game. He threw three touchdown passes and gained 311 yards in the air. He just missed a fourth touchdown by a yard.

Although the entire community is proud of the St. Ignatius football team, I would also like to point out how proud I am of the school as an academic institution. For more than a century, St. Ignatius has been located in Cleveland's near west side, serving as an anchor to

the Ohio city neighborhood throughout the decades and providing generations of young men with the very best education. St. Ignatius graduates go on to colleges and universities throughout the United States. Many of the school's alumni now assume leadership positions in the business, cultural, political, and spiritual communities in Ohio and every State in the Union. It should be emphasized that there is no academic free ride for the members of the St. Ignatius football team. Each of the players carries a full academic load and is expected to meet the school's high standards of achievement. It is a tribute to the team, to the coaching staff, the faculty, and administration of the school that St. Ignatius excels as an academic institution at the same time that it fields the top football team in America.

Congratulations to everyone associated with St. Ignatius on a fine football season and for the consistent record of achievement the school has posted year after year for more than a century now.

WELCOMING THE PARLIAMENTARY DELEGATION FROM THE REPUBLIC OF CYPRUS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. FEIGHAN. Mr. Speaker, it is my pleasure to join in welcoming the parliamentary delegation from the Republic of Cyprus on their visit to Washington. During the week, they will be visiting with our State Department and other administration officials and meeting with members of the Senate Foreign Relations Committee and with our own Committee on Foreign Affairs.

The United States and Cyprus have enjoyed close ties since the formation of the Republic in 1960. Those ties have weathered enormous difficulties, including the 1974 Turkish invasion and the continuing Turkish occupation of the northern third of the island. With the election of President George Vassiliou nearly 2 years ago, we have seen progress in getting the two communities to sit down together and work with the U.N. Secretary General to come up with a solution to the Cyprus problem.

Those efforts have the strong support of this Congress and that message was delivered to President Vassiliou and to Turkish-Cypriot leader Rauf Denktash during thier respective visits last October. In November, the House Subcommittee on Europe and the Middle East passed House Resolution 205 in support of the Secretary General's mission and calling for the resumption of talks between the two sides.

It is my understanding that the two leaders have been invited by the U.N. Secretary General for a meeting in New York in February. According to press reports, President Vassiliou has agreed to attend this meeting. However, Mr. Denktash has balked at the invitation and it is unclear whether or not he is ready to resume the dialog. I look forward to hearing about recent events on Cyprus as well as the delegation members' expectations about the upcoming meeting. I hope my colleagues will take advantage of this opportunity to hear about the situation in Cyprus from our Cypriot counterparts.

The delegation includes members from across the Cypriot political spectrum and is headed by the President of the Cypriot House of Representatives, Dr. Vassos Lyssarides. The delegation includes Mr. Dinos Constantinou, chairman of the house standing committee on financial and budgetary affairs, Mr. Alexis Galanos, chairman of the house standing committee on foreign affairs, Mr. Takis Hatdjidemetriou, chairman of the house standing committee on defense affairs, and Mr. Yiannakis Matsis, chairman of the house standing committee on development plans and public expenditure control. Let me take this opportunity to welcome each of you.

A GIANT PASSES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. CLAY. Mr. Speaker, recently, the St. Louis community mourned the passing of one of our great leaders, Mr. Ernest Calloway. It was my privilege to spend many hours working with Mr. Calloway on some of the major political and civil rights issues confronting our society. Sometimes Ernest and I disagreed on the tactics and techniques we should employ, but we never disagreed on our goals. Ernest Calloway was deeply dedicated to helping ensure that all people share equally in the freedoms and equal rights envisioned by our forefathers, and to this end he dedicated his life.

I would like to take this opportunity to share with my colleagues the following article from the St. Louis American, January 18-24, 1990.

[From the St. Louis American, Jan. 18-24, 1990]

CALLOWAY DEDICATED HIS LIFE TO LABOR UNIONS, CIVIL RIGHTS

(By Farley Wilson)

It was an ideal, and proper site for the memorial service for life-time union advocate and civil rights activist Ernest Calloway to be held at the Teamsters Plaza, 300 South Grand Blvd., Saturday, January 6. If the records were checked, one would find that Mr. Calloway's contributions to the Teamsters Union played a major role in its success.

Mr. Calloway, who died on December 31, the day before his 81st birthday, had dedicated his life to labor unions, and civil rights causes, but in death, he wanted his body to be used in the study of medical science. The body was turned over to the St. Louis University medical school.

In his work as an organizer for Teamsters Local 688 and as a director of research for Teamsters Joint Council No. 13, Mr. Calloway helped that labor union to be one of the most respected and powerful in the nation. The union's facility moved from an inadequate building in the 1100 block of Olive Street to the former Magic Chef high-rise building on South Kingshighway. With memberships increasing, and plans for the expansion of medical services, and with proposals for housing for retired union members and others, the Teamsters built, from the ground up, the massive Teamsters Plaza on South Grand Blvd.

Mr. Calloway often warned blacks that they would never enjoy the prosperity of America and share economic parity unless they became involved in a labor union.

At the age of 25, Mr. Calloway learned that he had to personally get involved in movements that worked toward a solution to problems blacks were having as miners and other slave-labor type jobs. The blacks worked harder than whites but received far less compensation. He received a scholarship and attended Brookwood Labor College in Katonah, New York. The school was headed by a well-known pacifist, A.J. Muste. During the 20's and 30's, Brookwood served as a progressive focal point in training union organizers, administrators and workers' education specialists.

Calloway quickly made a name for himself as an advocate of organized labor. In 1935-36 he was very active in organizing the unemployed and the development of workers' education programs in Virginia on a volunteer basis. Saturday, January 6. If the records were checked, one would find that Mr. Calloway's contributions to the Teamsters Union played a major roll.

Calloway moved to Chicago and in 1937-38, was one of the founders and organizers of the United Transport Service Employees Union, which represented red caps and other railroad station employees.

Calloway became the first black person to refuse military service after passage of the first peace-time draft law in 1939 on the grounds of hard-core racial discriminatory practices in the Armed Forces.

During a CIO convention in Boston in 1942, Calloway co-authored the resolution that created the CIO Committee Against Discrimination with a full staff to police racial discriminatory practices in that union. He also served for several years on the CIO Convention's Education Committee.

In 1948, Calloway was granted a Transatlantic Foundation Scholarship to study at Ruskin College, Oxford, England. The scholarship was sponsored by British Trade Union Congress. While overseas, Calloway visited Paris, and learned about the French economy and the fragmented French trade union movement following World War II.

In late summer, 1949, Calloway returned to the United States. He received a position with the CIO in North Carolina. Prior to leaving England, Calloway had applied for a Fullbright scholarship. He was later informed by the U.S. State Department that the scholarship had been granted.

However, while packing for the overseas educational program, Calloway was asked by Harold J. Gibbons to come to St. Louis to help establish a research department for Teamsters Local 688. The rest is history. Calloway was delighted to have had that opportunity. He cancelled the Fullbright scholarship plans.

Calloway later said, "I was attracted to the groping effort of this unique St. Louis local union to view the union members within the frame of his total environment-economic, social, cultural and political. This was different from most U.S. unions who usually viewed the member in one-dimensional fragmented terms."

Calloway worked diligently as the Teamsters director of research, but because of his desire to fight for first class citizenship for blacks, he became an activist in civil rights organizations. It could be possible that his affiliation with early members of the Com-

mittee On Racial Equality (CORE) here in the 50's gave him the inspiration for leadership in labor and civil rights.

He and other officials of the Teamsters Union were among the first CORE members in St. Louis. Their first meetings were in a large rooming house at Garrison and Franklin Avenues. Union officials attending those meetings were: Calloway, Gibbons, Arthur Chapin, who later became a deputy director of the U.S. Department of Labor, Arthur Johnson, who later became director of the Hartford, Connecticut Human Rights Commission; Marvin Rich, now a New York Labor Leader, Charles Oldham, now an attorney for a local union; Joe Ames, Francis Hicks and Dick Kavner. Some of the other members of CORE in the early 50's were Marian Oldham, Vivian Moore, Rosalind Greenbaum, a Dr. Chambliss, Billy Ames and Wanda Penny.

The CORE group held sit-in demonstrations at department stores downtown where blacks could spend their money on clothes but could not eat at the lunch counters with whites. They also protested other discriminatory practices at business establishments here.

In 1955, Calloway was elected president of the local branch of the NAACP. Within a two-year period, the membership more than tripled. Through his leadership, blacks were hired as sales clerks in department stores. Prior to that time, blacks were only elevator operators. They also integrated the taxi-cab industry and were instrumental in getting the Coca-Cola Company to employ black driver-salesmen. Prior to that time, only one black, Walter Lay, worked in a high job bracket, and there were four other blacks who serviced machines in factories.

The NAACP also attacked the hiring practices of Southwestern Bell Telephone, which straightened up and has surpassed all other corporations in hiring and promoting blacks.

When Calloway was president of the NAACP, there was no such thing as a policeman arresting a hungry black woman on a Bi-State bus for eating four cashew nuts. Don't laugh. Such a disgrace did happen here several years ago.

In 1957, while Calloway was still president, the NAACP opposed a new city charter primarily because the framers of the proposed new city constitution refused to support civil rights measures, public accommodation provisions as well as some reform in civil service rules that denied equal opportunity in municipal employment. The NAACP was also opposed to the structure of the Board of Aldermen.

The black political leadership was strongly divided on the charter issue. The two blacks on the Board of Freeholders, Attorney David M. Grant and C.B. Broussard, joined Calloway in opposing the charter.

In his strategy to defeat the charter proposal, Calloway, through the NAACP, created NAACP Citizens Assemblies in each of the wards with substantial black population. Such assemblies were patterned after ward political organizations, with precinct captains.

The results—the charter lost with 107,000 votes against and 70,000 for it. The political experience of 1957 served as a great stimulus to the new political mood, and in several cases the Citizens Assemblies were held intact by the leaders involved in the charter fight.

The enthusiasm caused blacks to reject apathy, and go to the polls and vote. By 1958, there were four black alderman.

In 1959, Calloway served as campaign director for the election of the Rev. John J. Hicks to the Board of Education. Hicks won, becoming the first black elected to that board.

In 1960, Calloway was campaign director for Theodore D. McNeal who tossed his hat into the ring to unseat the veteran, white Missouri Senator Edward "Jelly Roll" Hogan. McNeal won overwhelmingly and became the first black Missouri senator.

In 1962, apparently through the political strength of Calloway, his wife, Deverne, became the first black female Missouri Legislator. Due to her dynamic performances, she was reelected over and over again.

ERNEST CALLOWAY'S PAST COMMUNITY INVOLVEMENT

President, Congress of Neighborhood Associations in North St. Louis

Co-moderator, Public Issues Forum

Commissioner, Community Development Commission: Chairman, Zoning Committee

Trustee, Mullanphy Travelers Aid Fund

Executive Board, Prepaid Legal Services, Inc. (St. Louis Bar Association)

Executive Board, IMPACT (Regional Airport Development)

Committee, Equal Employment, Human Development Corp.

Equal Employment Committee, St. Louis University

Member, Special Committee, Civil Liberties Union (Privacy Project Advisory Comm.)

Special Citizens Committee, Public Schools

Executive Board, Committee To Aid Victims of Crime

Executive Board, Richard Hudlin

HONORING DR. BENJAMIN HOOKS ON HIS 65TH BIRTHDAY

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. FORD of Tennessee. Mr. Speaker, I rise today to extend birthday greetings to one of my most distinguished constituents in the Ninth Congressional District of Tennessee, the executive director of the National Association for the Advancement of Colored People, Dr. Benjamin L. Hooks. Dr. Hooks is celebrating his 65th birthday today.

Dr. Hooks was unanimously elected executive director of the Nation's oldest civil rights organization in January 1977 and he succeeded Roy Wilkins in that leadership post in August of that same year. Perhaps best known for his effective and persuasive oratory, his highly successful and diverse career has embraced the fields of law, ministry, and public service.

An ordained minister, he is on leave as pastor of both the Middle Baptist Church in Memphis, TN, and the Greater New Mount Moriah Baptist Church in Detroit, MI.

A successful businessman, he was cofounder and vice president of Mutual Federal Savings and Loan Association of Memphis for 15 years.

A member of the Tennessee bar, he served as an Assistant Public Defender, and as a skilled and effective general counsel prior to being named the first black judge of the Shelby County, Tennessee Criminal Court, where he served with distinction. This appointment by Gov. Frank G. Clement made him the first black judge of a court of record in the South since the Reconstruction era.

In 1972, President Richard M. Nixon nominated Dr. Hooks to become the first black member of the Federal Communications Commission. Dr. Hooks served on the Commission until his resignation to assume his post with the NAACP.

Born in Memphis, TN, he attended LeMoyne College (now LeMoyne-Owen) in Memphis and Howard University in Washington, DC. He received his J.D. degree from DePaul University College of Law in Chicago, IL in 1948.

A veteran of World War II, Dr. Hooks served in the 92d Infantry Division and saw combat in Italy.

Dr. Hooks is a Golden Heritage Life Member of the NAACP and a former member of the board of directors of the Southern Christian Leadership Conference. He serves as the chairman of the Leadership Conference on Civil Rights, a coalition of more than 150 of the Nation's major organizations concerned with civil and human rights. Dr. Hooks has served on the board of a number of organizations, including the League of Women Voters, National Conference of Christians and Jews, Public Broadcasting Corporation, National Alliance of Business, Independent Sector, A. Philip Randolph Institute, International League from Human Rights, National Committee for Full Employment, Jobs for America's Graduates, Inc. and Council on Foreign Relations.

As a major figure in the civil rights movement, Dr. Hooks testified on many occasions before congressional committees. His was a leading voice in the successful effort to secure legislation to impose economic sanctions against the apartheid practices of the government of the Republic of South Africa. He was instrumental in securing passage of the voting rights extension, the Martin Luther King, Jr. Holiday bill, the defeat of the Bork nomination to the Supreme Court, and was the architect of the 1978 demonstration at the Davis Cup Match at Vanderbilt University in Nashville, TN, to protest the participation of players from the Republic of South Africa.

Among Dr. Hooks' major achievements as executive director of the NAACP was his leadership in the successful campaign to purchase and retire the debt for the association's permanent national headquarters in Baltimore, MD. For the first time in its history, the NAACP now owns its home.

Dr. Hooks has received more than 20 honorary degrees. In 1986, he became the 71st recipient of the NAACP's highest award, the Spingarn Medal.

I know my colleagues in the House join with me in extending the warmest birthday greetings to a great American, Dr. Benjamin Hooks.

THE JACKSON/VANIK AMENDMENT AND MFN FOR THE SOVIET UNION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. HAMILTON. Mr. Speaker, I would like to draw the attention of my colleagues to a letter I recently received from Mr. Edgar M. Bronfman, president of the World Jewish Congress.

The letter outlines his views on the Jackson/Vanik amendment and most-favored-nation [MFN] status for the Soviet Union. Mr. Bronfman believes that the Jackson/Vanik amendment should be repealed, that the amendment has served its purpose and that "its continuation is not appropriate to the present political context."

The text of the letter follows:

WORLD JEWISH CONGRESS,
New York, NY, January 18, 1990.

DEAR MR. CHAIRMAN: I would like to expand on our discussion this week concerning the Jackson/Vanik Amendment to the Trade Act of 1974 and the President's decision to move toward a trade agreement with the Soviet Union. The President's decision is a significant political act that goes well beyond trade and economics. In announcing this decision, the President said that he also wants to see *perestroika* succeed and that he wants to do everything possible to help the Soviet Union in its efforts to join the world economy.

In light of these circumstances, I believe the Jackson/Vanik Amendment should be repealed. Its continuation is not appropriate to the present political context.

First, the conditions that led to the passage of Jackson/Vanik no longer exist. The Soviet Union does not now restrict the emigration of Soviet Jews. Furthermore, the other Communist countries at which the Jackson/Vanik provisions were aimed have also moved away from restrictive emigration practices.

Secondly, the Jackson/Vanik Amendment would impose continuing uncertainty on our new economic relations with the Soviet Union. If the original reason for the Amendment is gone, I see no reason to continue to impose such uncertainty. American business cannot plan efficiently nor can the Soviets. Given our economic importance, the Soviets cannot have a normal economic relationship with the whole world unless they have a normal one with us.

There are two methods within the Jackson/Vanik provisions to set its restrictions aside, but both impose uncertainty. A waiver requires that the issue be revisited every year. A Presidential statement that Jackson/Vanik provisions no longer apply to a particular country must be revisited every six months. Thus, the only way to remove the now inappropriate uncertainty inherent in the Jackson/Vanik provision is to repeal it.

I recognize that the Soviets could revert to earlier practices. The President, however, has sufficent authority outside of Jackson/Vanik to respond appropriately, and we both know that the Congress would not remain comatose in such circumstances. We recognize that refuseniks remain and that codification of emigration and other human rights is on the agenda. We hope, of course, the remaining refuseniks are released and codification occurs soon. It is important, however, to proceed with the negotiation of a new trade agreement aggressively.

While not specified as part of Jackson/Vanik, it is important to note that official discrimination against Jews has ended, Jewish cultural centers have opened, Hebrew and religious subjects are taught freely, and Jews have begun to organize with the first meeting of the Soviet Jewish Congress held last December.

The President spoke movingly after Malta about a new threshold that the United States, the Soviet Union and indeed the whole world can now cross. I believe this nation should endeavor to cross that threshold as unencumbered as possible by the archaic remnants of the old era. We should begin our new economic relationship by recognizing that the Soviets have answered the complaints that led to the passage of the Jackson/Vanik Amendment. To do otherwise is contemptuous of the significant steps the Soviets have taken and thus not worthy of the United States. The Jackson/Vanik Amendment has clearly served its purpose. It is time to repeal it. It is time to move on.

Sincerely,

EDGAR M. BRONFMAN.

IN MEMORY OF JOE ROBBIE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. SMITH of Florida. Mr. Speaker, in a few short days we will be witness to Super Bowl XXIV. And while we all anticipate a tremendous game, we must not allow the festivities to obscure a truly sad event. As many of you know, on January 7, Joe Robbie, the owner of the Miami Dolphins, passed away.

The loss of Joe Robbie is felt not only by Miami Dolphins fans but also by anyone who ever loved football. He dedicated his life to building the Miami Dolphins into a talented and exceptional club.

Joe Robbie was born on July 7, 1916, in Sisseton, SD. Putting his education on the backburner in order to defend his country, Joe joined the Navy the day after the attack on Pearl Harbor, earning a Bronze Star for commanding landing craft in five Pacific invasions. Joe married his high school sweetheart, Elizabeth Lyle, on December 28, 1942, beginning a 47-year marriage filled with love, support, and children, 11 children to be exact. Returning to finish his education, in 1946 Joe earned a law degree from the University of South Dakota.

Joe Robbie was deeply committed to the political process and was elected South Dakota State Democratic chairman in 1948. In 1960, he was Hubert Humphrey's campaign manager in the Presidential primaries and then served as Humphrey's personal representative on the 1965 inaugural committee when Humphrey was elected Vice President of the United States.

But Joe's true passion was football. On August 16, 1965, with the help of entertainer Danny Thomas, Joe bought the Dolphin AFL franchise. Their 1972 undefeated season is still the only one of its kind, and much of the Dolphins' success can be attributed directly to the phenomenal man who owned them. Joe's dedication to his team further manifested itself in the beautiful stadium that he built, independent of tax moneys, in 1987.

Yet, there is a side to Joe Robbie few know. He was in fact one of Miami's most active community servants. Joe's philanthropy was practically anonymous—typically Joe. He was chairman of the Dade Public Health Trust. This organization oversees Jackson Memorial Hospital, which houses the only existing trauma unit in Dade County. He was involved in the improvement of race relations in south Florida, serving as chairman of the Dade Community Relations Board for 2 years. He committed his personal resources—emotional and financial—to various universities including Barry University, Notre Dame, and the University of South Dakota. Finally, he continued to promote education by sponsoring events such as high school debate tournaments and providing scholarships for American Indians and women law students.

I will miss Joe in many ways. I am going to miss Sunday afternoons with Joe watching his team play ball. I will miss his sharp wit. I will miss a friend committed to the welfare of south Florida. Mainly, I am sorry for the loss that the community now endures.

Joe is survived by his wonderful wife, Elizabeth, and nine children. Tim Robbie, who has been vice president of the Dolphins, will now take the helm and continue the Robbie family tradition. Even in their loss, they are blessed, as is all of Miami, to have been part of the life of so special a man.

H.R. 3772

HON. HOWARD C. NIELSON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. NIELSON of Utah. Mr. Speaker, I imagine we have all heard the stories by now, or perhaps read about it and the growing nationwide concern regarding this unhealthy practice.

I'm referring to the dumping of untreated human wastes into our streams and rivers; in our towns and cities; and even on the hardworking men and women whose job it is to maintain our Nation's railways.

Mr. Speaker, I'm referring to Amtrak, America's passenger railroad, the only rail carrier that indiscriminately dumps and sprays raw sewage as it crisscrosses the United States.

Many people around the country have expressed serious reservations about this practice, and about Amtrak's rather cavalier attitude toward it all. I share their concerns, and have introduced H.R. 3772.

This bill requires Amtrak to stop the dumping within 3 years, and to begin assessing a service charge on every ticket it sells, to pay for equipment modifications and other changes necessary to achieve compliance.

Amtrak officials have estimated it will cost $147 million to retrofit the rail cars, and add about $2 to the price of a ticket.

Mr. Speaker, H.R. 3772 provides a reasonable, fair means to end this archaic and unhealthy practice. I ask my colleagues to join me in this effort by cosponsoring this legislation.

MICHAEL PARRELL, DIRECTOR OF WILKES-BARRE, PA MEDICAL CENTER RETIRES AFTER YEARS OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mr. Michael A. Parrell, the director of the Veterans' Administration Medical Center in Wilkes-Barre, PA. Mr. Parrell is retiring after 16 years at the Wilkes-Barre VA Medical Center and has worked with the Veterans' Administration, now Department of Veterans Affairs, for the past 34 years.

Mr. Parrell began serving our area veterans on March 31, 1974. He has overseen the operations of a 405-bed medical facility, two satellite outpatient clinics, and a 120-bed nursing home. The Wilkes-Barre Veterans' Administration Medical Center provides care to veterans living in 19 counties in Pennsylvania, 3 in New York, and 2 in New Jersey. As director, Mr. Parrell was responsible for the management of all resources necessary to serve the veteran population serviced by these facilities.

A northeastern Pennsylvania native son, Michael Parrell was born in Hazleton, PA and graduated from Hazelton High School. He attended George Washington University in Washington, DC, and served in the military from December 1942 to December 1945 with the Army Corps of Engineers.

From 1946 until 1951, Mr. Parrell worked in the insurance division of the VA district office in Philadelphia, PA. He began as an underwriter training officer, became assistant chief of the underwriting section and supervisor of the underwriting unit, and finally held the position of administrative assistant of the underwriting section.

Mr. Parrell worked with the VA department of insurance in the Washington, DC central office from 1951 until 1963. In this department he served in a number of capacities including methods examiner, management analyst, senior evaluation survey officer, evaluation staff chief, and executive assistant to department head. In July of 1963, he became the executive assistant to the director of insurance service in the department of veterans benefits.

In 1964, Mr. Parrell began working with the department of data management in the VA central office. He served as associate director of systems operations service, executive assistant to the department head, and as director of planning and budget staff.

Prior to becoming director of the VA Medical Center in Wilkes-Barre, Mr. Parrell served in a hospital administrative trainee position at the VA Hospital in Washington, DC.

Mr. Michael Parrell has dedicated his life not only to the veterans of the 11th Congressional District but to veterans across the country. I know my colleagues in the House of Representatives will join me in congratulating Mr. Parrell on his retirement and for a career for which he can be proud.

HAVEL'S NEW YEAR'S ADDRESS TO THE NATION

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. LaFALCE. Mr. Speaker, 2 months ago Lech Walesa, in addressing a joint session of Congress, began his remarks with the words, "We, the people." Those words, lifted as they were from our Constitution, dramatically characterized Poland's triumph of democracy.

Just 6 weeks later, another Eastern European leader in another Eastern European country, echoed similar sentiments, telling his people about his dreams from "a republic of the people, [and] which serves the people." That man was Vaclav Havel, The country was Czechoslovakia. The occasion was his New Year's address.

Recently, I led a congressional delegation to central Europe, and had the great honor and privilege of meeting and talking with President Havel. I would like to take this opportunity to share his New Year's message to the people of Czechoslovakia, one which could aptly serve as a timeless message for the freedom-loving people of all nations.

HAVEL NEW YEAR'S ADDRESS TO NATION

Dear fellow citizens. For the past 40 years on this day you have heard my predecessors utter different variations on the same theme, about how our country is prospering, how many more billion tonnes of steel we have produced, how happy we all are, how much we trust our government, and what beautiful prospects lie ahead of us. I do not think you appointed me to this office for me, of all people, to lie to you.

Our country is not prospering. The great creative and spiritual potential of our nation is not being used to its full potential. Whole sectors of industry are producing things in which no one is interested, while the things we need are in short supply.

The state, which calls itself a state of the working people, is humiliating and exploiting the workers. Our outdated economy is squandering energy, of which we are in short supply. A country which could once be proud of the standard of education of its people spends so little on education that today it occupies 72d place in the world. We have laid waste and soiled the rivers and the forests that our forefathers bequethed to us, and we have the worst environment in the whole of Europe today. Adults in our country die earlier than in most other European countries.

Allow me to tell you about a little personal experience of mine. Flying to Bratislava recently, I found time during various meetings to look out of the window. What I saw was the Slovnaft [oil refinery] complex and the Petrzalka suburb immediately beyond it. That view was enough for me to understand that our statesmen and politicians had not even looked, or did not even want to look out of the windows of their planes. None of the statistics available to me would have enabled me to understand more quickly or more easily the situation we have gotten overselves into.

But not even all of that is the most important thing. The worst thing is that we are living in a decayed moral environment. We have become morally ill, because we have become accustomed to saying one thing and thinking another. We have learned not to believe in anything, not to have consideration for one another, and only to look after ourselves. Notions such as love, friendship, compassion, humility, and forgiveness have lost their depth and dimension, and for many of us they merely represent some kind of psychological idiosyncrasy, or appear to be some kind of stray relic from times past, something rather comical in the era of computers and space rockets. Few of us managed to cry out that the powerful should not be all-powerful, and that the special farms which produce ecologically sound and high-quality foodstuffs for them should send their produce to the schools, children's hostels, and hospitals, since our agriculture is not yet able to offer this to everyone.

The previous regime, armed with its arrogant and intolerant ideology, denigrated man into a production force and nature into a production tool. In this way it attacked their very essence and the relationship between them. It made talented people who were capable of managing their own affairs and making an enterprising living in their own country into cogs in some kind of monstrous, ramshackle, smelly machine whose purpose no one can understand. It can do nothing more than slowly but surely wear itself down, and all the cogs in it.

When I talk about a decayed moral environment, I do not mean merely those gentlemen who eat ecologically pure vegetables and do not look out of their airplane windows. I mean all of us, because all of us have become accustomed to the totalitarian system, accepted it as an unalterable fact, and thereby kept it running. In other words, all of us are responsible, each to a different degree, for keeping the totalitarian machine running. None of us is merely a victim of it, because all of us helped to create it together.

Why do I mention this? It would be very unwise to see the sad legacy of the past 40 years as something alien to us, handed down to us by some distant relatives. On the contrary, we must accept this legacy as something which we have brought upon ourselves. If we can accept this, then we will understand that it is up to all of us to do something about it. We cannot lay all the blame on those who ruled us before, not only because this would not be true, but also because it could detract from the responsibility each of us now faces—the responsibility to act on our own initiative, freely, sensibly and quickly.

Let us not delude ourselves: not even the best government, the best parliament, or the best president can do much on their own, and it would be profoundly unjust to expect them alone to put everything right. Freedom and democracy, after all, mean that we all have a part to play and bear joint responsibility. If we can realize this, then all the horrors which the new Czechoslovak democracy has inherited will suddenly cease to appear too terrible. If we can realize this, hope will return to our hearts.

In putting right the general state of affairs, we already have a sound footing on which to build. The recent times, and especially the last 6 weeks of our peaceful revolution, have shown what an enormous generally humane, moral, and spiritual charge and what high standards of civic maturity lay dormant in our society under the mask of apathy that had been forced upon it. Whenever anyone talking to me began to put categorical labels on our people, I always pointed out that society is a very mysterious creature, and that it is never

wise to trust only the particular fact that it is presenting to you, I am glad to have been proven right.

Throughout the world, people are surprised that the acquiescent, humiliated, skeptical Czechoslvak people who apparently no longer believed in anything suddenly managed to find the enormous strength in the space of a few weeks to shake off the totalitarian system in a completely decent and peaceful way. We ourselves are also surprised at this, and we ask where the young people, in particular, who have never known any other system, find the source of their aspirations for truth, freedom of thought, political imagination, civic courage, and civic foresight? How is it that their parents, the generation which was considered lost, also jointed in with them. How is it even possible that so many people immediately grasped what had to be done, without needing anyone else's advice or instructions?

I think that this hopeful aspect of our situation today has two main reasons. Above all, man is never merely a product of the world around him, he is always capable of striving for something higher, no matter how systematically this ability is ground down by the world around him. Secondly, the humanistic and democratic traditions—which are often spoken about in such a hollow way—nonetheless lay dormant somewhere in the subconscious of our nations and national minorities, and were passed on quietly from one generation to the next in order for each of us to discover them within us when the time was right, and to put them into practice.

Of course, for our freedom today we also had to pay a price. Many of our people died in prison in the fifties; many were executed, thousands of human lives were destroyed and hundreds of thousands of talented people were driven abroad. Those who defended the honor of our nations in the war were persecuted, as were those who resisted totalitarian government, and those who simply managed to remain true to their own principles and think freely. None of those who paid the price in one way or another for our freedom today should be forgotten. Independent courts should justly assess the appropriate guilt of those responsible, so that the whole truth about our recent past comes out into the open.

Neither should we forget that other nations paid an even higher price for their freedom today, and thus they also paid directly for us too. The rivers of blood which flowed in Hungary, Poland, Germany, and recently also in such a horrific way in Romania, as well as the sea of blood shed by the nations of the Soviet Union, should not be forgotten, primarily because all human suffering affects every human being. But more than that, they must not be forgotten because it was these great sacrifices which weaved the tragic backcloth for today's freedom or gradual liberalization of the nations of the Soviet bloc, and the backcloth of our newly charged freedom too.

Without the changes in the Soviet Union, Poland, Hungary, and the GDR, the developments in our country could hardly have happened, and if they had happened, they surely would not have had such a wonderful peaceful character. The fact that we had favorable international conditions, of course, does not mean that anyone was helping us directly in those weeks. For centuries, in fact, both our nations have risen by themselves, without relying on any help from more powerful states or big powers.

This, it seems to me, is the great moral stake of the present moment. It contains the hope that in the future we will no longer have to suffer the complex of those who are permanently indebted to someone else. Now it is up to us alone whether this hope comes to fruition, and whether our civic, national, and political self-confidence reawakens in a historically new way.

Self-confidence is not pride. Quite the contrary. Only a man or a nation self-confident in the best sense of the word is capable of listening to the voice of others, accepting them as equal to oneself, forgiving their enemies, and regretting one's own mistakes. As such people, let us try to introduce self-confidence into the life of our community and as nations into our conduct on the international arena. Only thus shall we regain self-respect and respect for each other, as well as the respect of our nations. Our state should never again be a burden or a poor relation to anyone else. Although we have to take a great many things and learn many things from others, we must do this, after a long period of time, as equal partners who also have something to offer.

Our first president wrote "Jesus and not Caesar." In this he followed up both on Chelcicky [medieval philosopher and priest] and Komensky [known as Comenius]. This idea has once again been reawakened in us, I dare say that perhaps we even have the possibility of spreading it further, thus introducing a new factor in both European and world politics. Love, desire for understanding, the strength of the spirit and of ideas can radiate forever from our country, if we want this to happen. This radiation can be precisely what we can offer as our very own contribution to world politics.

Masaryk founded his politics on morality. Let us try, in a new time and in a new way, to revive this concept of politics. Let us teach both ourselves and others that politics ought to be a reflection of the aspiration to contribute to the happiness of the community and not of the need to deceive or pillage the community. Let us teach both ourselves and others that politics does not have to be the art of the possible, especially if this means the art of speculating, calculating, intrigues, secret agreements, and pragmatic maneouvering, but that it also can be the art of the impossible, that is the art of making both ourselves and the world better.

We are a small country, but nonetheless we were once the spiritual crossroads of Europe. Is there any reason why we should not be so again? Would this not be another contribution through which we could pay others back for the help we will need from them?

The home mafia—those who do not look out of their airplane windows and eat specially-fed pigs—are still alive, true, and make trouble from time to time, but they are no longer our main enemy, and international mafias are even less of an enemy. Our worst enemy today is our own bad qualities—indifference to public affairs, conceit, ambition, selfishness, the pursuit of personal advancement, and rivalry—and that is the main struggle we are faced with.

We are going into free elections, and an election battle. Let us not allow that battle to sully the still clean face of our gentle revolution. Let us ensure that we do not lose the sympathy of the world, which we won so rapidly, equally rapidly by getting bogged down in a tangle of skirmishes for power. Let us not allow the aspiration to look after ourselves to flourish once again under the noble attire of the aspiration to serve the general cause.

Now the issue really is not which party, club, or group wins the elections. The issue now is that the elections are won by those who are best in the moral, civic, political, and specialist sense, regardless which party cards they hold. The future policy and the prestige of our state will depend on what kind of personalities we select and subsequently elect to our representative bodies.

My honorable task is to strengthen the authority of our country in the world. I would like other states to respect us for our show of understanding, tolerance, and love of peace. I would be happy if Pope John Paul II and the Dalai Lama of Tibet visited our country even for a single day before the elections take place. I would be happy if our friendly relations with all nations were strengthened. I would be happy if we succeeded even before the elections take place to establish diplomatic relations with the Vatican and Israel. I would like to contribute to peace also by my brief visit tomorrow to our two mutually related neighbors, the GDR and the FRG. I shall not forget our other neighbors either: fraternal Poland, Hungary, and Austria, which are becoming increasingly close to us.

I would like to conclude by saying that I want to be a president of action rather than words, a president who not only looks out of the windows of his airplane carefully, but one, above all, who is consistently present among his fellow citizens and listens to them carefully.

Perhaps you are asking what kind of republic I have in mind. My reply is this: a republic which is independent, free, and democratic, with a prospering economy and also socially just—in short a republic of the people which serves the people, and is therefore entitled to hope that the people will serve it too. I have in mind a republic of people with a sell-rounded education, because without such people none of our problems—whether human, economic, environmental, social, or political—can be tackled.

One of my most distinguished predecessors began his first speech by quoting Comenius. Allow me to end my first speech with my own paraphrase of that same statement: People, your government has returned to you!

VETO OVERRIDE OF H.R. 2712

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. UDALL. Mr. Speaker, today the House had an opportunity to finish the work we began last session. During the first session of the 101st Congress Representative NANCY PELOSI, concerned with the future of Chinese students living in the United States, introduced H.R. 2712. The bill, much debated, extended to Chinese students and scholars some sanctuary from the persecution that they would face from their native government. After the debate, this House spoke with a clear and decisive voice. Not one Member was opposed to the bill. Regrettably, the President choose to veto this important legislation. The President's decision ran contrary to the will of this body and I believe the sentiments of the American people.

The May demonstrations in Tiananmen Square were a tribute to the belief that power rests not with a party or state, but with the people. They appeared to be the natural consequence of the recent recognition by the party that China could not grow by isolation—that in order to grow as a country and as a people they must move ahead. Sadly, the carnage of June 4 demonstrated that China's leaders place more value on their continued rule than the lives of those they govern.

I supported President Bush's initial actions. I believe it was imperative that our country sever any ties to armed forces which would turn their guns on their own countrymen. However, after the clamor of the initial sanctions, the administration appeared to be trying to balance long-term economic and security interests with opposition to repressive regimes. That appearance was given substance by the Scowcroft-Eagleburger mission.

The President feels strongly that his personal form of diplomacy with the Chinese Government will reap the dividends that confrontation will not. While China will no doubt continue to play a pivotal role in world affairs, the administration overtures suggest that it is business as usual.

It is with that assessment that I take issue. The Chinese Government has not admitted the brutal repression of June 4. By all accounts, the persecution and prosecution of those suspected of antigovernment activities continues. The lifting of martial law in Beijing has done nothing to end the arrest, beatings, and executions of Chinese citizens suspected of having contributed their voice to the calls for reform of the Chinese Government.

It is ironic that while the eyes of the world are focused on the resurrection of democracy in Eastern Europe, repression continues in China. Until the Chinese Government prepares to account for its actions and the safety of Chinese scholars living in our country can be assured, I believe it is important that the protections of H.R. 2712 be put in place and be given the force of law.

EMPLOYEES COMPENSATION ACT

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. KENNEDY. Mr. Speaker, today I am introducing legislation which will provide disabled individuals who receive benefits under the Federal Employees Compensation Act [FECA] with the means to maintain their independence in the privacy of their homes. This legislation will simply increase the personal care attendant allowance under FECA to levels which reflect current costs.

Under FECA, the maximum allowance for a personal care attendant is $500 a month or $16.44 a day. This level was set in 1974 and no further adjustment has been made, causing extreme hardship on disabled individuals who need daily assistance. This problem was brought to my attention by one of my constituents from Somerville, MA. This individual is a permanently disabled quadriplegic who qualifies under FECA for a full time personal care attendant, yet he cannot find anyone to care for him for $16.44 a day. In Massachusetts, it is extremely difficult to find an attendant for less than $7 an hour which not only causes financial hardship for those on a fixed income but also places individuals in the dangerous situation of going without care when finances are low.

The legislation I have proposed will provide a personal care attendant allowance equal to the allowance received under each State's Medicaid Program. In addition, this allowance will be adjusted every 2 years by the percentage increase in the Consumer Price Index. This way, automatic adjustments will be provided to keep up with the cost of living.

According to 1988 Department of Labor statistics, only 225 individuals qualified for an attendant allowance under FECA. This coupled with the fact that home care can prevent premature and costly hospitalization, should convince you that the cost of this initiative will be low. I hope I can count on your support for this legislation which would give these 225 disabled individuals a needed helping hand.

LOOKING AT THE CANADIAN HEALTH SYSTEM

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. STUDDS. Mr. Speaker, the debacle of the Medicare Catastrophic Coverage Act has highlighted the vexing questions we face in expanding Medicare coverage for acute, protracted illness. It has also revealed the striking lack of protection for seniors faced with the need for long-term custodial care in nursing homes.

These problems have prompted increased attention and examination of the Canadian health system, widely perceived to offer universal, comprehensive health care to its citizens—and to do so arguably more effectively and affordably than our own system.

Two editorials, which appeared recently in the Boston Globe, explore whether Canada has achieved its stated goal of health care for all. While acknowledging certain shortcomings in Canada's approach, the editorials detail many features to recommend it, especially when compared to the patchwork system which has evolved in the United States. I found them highly informative and commend them to my colleagues.

A MEDICAL-CARE MODEL—1

With curious eyes, American business and labor and Congress are peering across the border at Canada's national health insurance system. Despite its proximity, few Americans know much about their northern neighbor's medical plan. It is time they did.

Huge problems afflict the funding of health care in the United States; problems expected to dominate political debate as well as labor-management negotiations in the 1990s; problems that threaten the solvency of private insurance carriers and the stability of health-care delivery.

Neither American workers nor employers can afford the constant rise in health insurance premiums; premiums jacked up because they include hidden payment of medical bills for workers and nonworkers who lack health insurance.

The cost of the gigantic government medical programs—Medicaid for the poor and Medicare for the elderly—rises yearly even though the coverage is meager for many expensive aspects of illness—such as medicine or prolonged sickness. Nursing home bills are especially burdensome. Before government will pay nursing home bills, Americans must impoverish themselves.

Worst of all is that 37 million Americans—24 million of them with jobs—have no coverage, private or governmental. Another 60 million have inadequate coverage.

Canada has eliminated these problems. Step by step since 1947 when the province of Saskatchewan enacted the first plan to cover hospital bills, Canada has fashioned a unique national health system: a private system of care, paid for with tax money.

Health care is guaranteed everyone in Canada—citizen or not—within three months of residing there. Coverage is comprehensive. It pays for all doctor's office and clinic visits, including psychiatry; all hospital services—inpatient, outpatient and diagnostic studies; and home care and nursing home care. All that is required is that the care be medically necessary.

Provinces may add services not covered by the national plan, such as prescription drugs, cosmetic surgery, dental care, prosthetics and physiotherapy. Most do, in varying degrees. Unlike European plans, Canadians choose their own doctor. Doctors must accept the fee that they and the government set for physician services. They cannot ask patients to pay more.

Medical-Care providers must be nonprofit to participate in the plan. Hospitals are privately operated but publicly funded.

When the plan was established in 1971, half of the cost of health care in Canada was paid by the federal government and half by the provinces and territories. The plan was expanded and consolidated in 1984.

Today, federal funds are allocated to the provinces in amounts based on growth in the GNP and on population changes. The formula adjusts for inflation and transfers more money to less wealthy provinces with smaller populations to provide comparable medical care everywhere.

The "most striking feature of the Canadian experience," says Dr. Robert Evans, a health-policy analyst at the University of British Columbia, is its universal coverage at substantially lower costs than in the US. Costs. are not lower because Canadian doctors earn less, as is often alleged, than American doctors. In 1986 their gross average was U.S. $110,000.

American doctors have a higher average gross income, but their net is similar because their costs, especially for malpractice insurance, are high. In Canada there is no basis for large malpractice awards because if someone is injured medically—paralyzed, perhaps—lifetime care is paid for.

One significant reason why Canada delivers more health care for less is that it has minimized bureaucratic red tape and administrative expenses. All plans are operated by a nonprofit public authority—the provincial government or its agency. Administrative costs amount to only 2.5 percent of Canadian health expenditures; in the US they consume 8.5 percent.

No forms are needed to see if a procedure is covered; they all are. Eligibility need not be proved or monitored; everyone is covered. No bills are sent to patients; no one pays. No

money is spent chasing uncollected bills; there are none. There is no commercial overhead for insurance, no multiple sets of executives, no money spent to promote competing plans.

Canadians pay directly for almost nothing related to health care. In only three provinces is a premium of $20 to $60 a month still collected from workers or a token fee charged upon entering a hospital. Virtually all of Canadian health care is prepaid with taxes; nearly every dollar goes to medical care.

To Americans, perhaps the most amazing face of the Canadian system is that hospitals do not waste time, money and manpower preparing detailed bills to receive government payment. A hospital's operating costs are paid out of an annual budget it negotiates with the provincial ministry of health.

"We negotiate a year's budget with the government, and we receive 24 checks a year to run the hospital. We don't fill out bills for anybody—not the patient, not the government," says Victor Stoughton, head of Toronto General Hosptial and a former official at Brigham and Women's Hospital in Boston. In patient-care costs—not research or construction—he calculates that two Toronto Generals could be run for the price of one Massachusetts General Hospital.

In the US, hospitals spend millions every year processing government and private insurance forms containing thousands of variations in coverage. Administrative costs for health care in the US are nearly $100 per person; in Canada they are about $20. There, only doctors submit simple claims to collect their fees.

"What's going on in the American health-care system is insanity, it's such a patchwork," says Dr. Sydney Lee, visiting professor of health policy at Havard Medical School and formerly of McGill Medical School in Montreal. "We've got enough money in the system to pay for basic health care for everyone now. We need to allocate it differently. We could redirect $50 billion to $100 billion a year into health care that is now spent determining and monitoring eligibility and processing claims for a multiplicity of coverage. We're in the business of producing bills; they're not. That's a major difference."

A MEDICAL-CARE MODEL—2

Canada's guarantee of health care to all its residents, however remarkable, is not flawless. The tradeoff for universal coverage is delay—up to three months—for elective surgery or superspecialized treatment. Much will be made of this shortcoming in the Canadian system as discussion intensifies in the United States about how health care should be funded here. A clear-eyed perspective will be needed to evaluate the reshaping and refunding of American health care.

In Canada, the purchase and distribution of expensive medical technology—and for providing complex surgery—are controlled by the government and available only in major hospitals. Emergency patients are taken first, urgent cases next, and the rest scheduled in an orderly way.

The savings are enormous. There is little duplication of costly services, and equipment and expertise are fully used. Though patients must wait their turn, this flaw in the Canadian system can readily be overcome—more high-tech equipment and super-specialists, broadly distributed.

Fixing the American health-care system's far more complex problems—millions with no coverage and thousands of variations in health plans—will be exceedingly difficult. Many analysts here feel that patchwork efforts will not suffice; a fundamental change is needed.

Most measures of health-care spending in the United States versus Canada are fuzzy. One that is clear is how much each nation spends per person. In American dollars, the U.S. spent $2,268 in 1988, while Canada spent $1,580. But for $688 less per person there, everyone is covered from birth to death, while no one here has that degree of coverage, and millions have none at all.

Among the many indefensible aspects of health care here is the savagely uneven coverage of the poor. In Alabama, for instance, families of four who earn more than $1,416 a year are denied Medicaid—the national-state program for the poor. Even in states with liberal Medicaid coverage, 40 to 60 percent of those who are entitled to these programs never get enrolled.

The elderly in America now pay more in Medicare premiums and out-of-pocket costs than they did for their entire care in 1965 when the program was enacted. Yet, Medicare is far from comprehensive: it limits hospitalization and carries little meaningful coverage for long-term care or prescriptions.

Coverage for workers is a quagmire ranging from companies that provide broad plans—though few cover out-of-hospital psychiatric care—to companies that offer only partial coverage or none at all. Worse, how much a worker pays for health insurance is dependent upon his employer. As premiums rise, a get-tough attitude by business is now attempting to hand back to workers the cost of health insurance premiums.

As if this were not bad enough, it is the reliance on a private insurance method that is wreaking havoc on the health-care delivery system. Each time a patient requires medical care, a plethora of claim forms is generated. Hospitals, clinics and private doctors must pore through myriad billing forms to find out which patient has what coverage with which company under what restrictions, payment modalities or penalties.

Across the country, tens of thousands of state workers track compliance with Medicaid or Medicare eligibility, and verify claims. And as many more workers at hospitals and insurance companies process claims for payment and notification.

For two decades, medical economists pursued the notion that hard-nosed business practices and competitive health plans would reduce health-care costs. But competition has magnified the costs by compounding the multiplicity of plans, choices, promotion gambits and paperwork. And business-style monitoring of health care has created industries of computerized billing, marketing, collecting and analysis—all at high prices.

America's health-care system is now overwhelmed by payment rules and cost regulations, deadlocked in a framework of concern solely over which bits and pieces are paid for by whom. It has lost sight of the objective already achieved in Canada—health care in accordance with each person's choice for everyone.

HOME AND COMMUNITY-BASED CARE FOR THE ELDERLY

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. TAUKE. Mr. Speaker, today I am introducing two measures to improve the elderly's access to home and community-based care under Medicare.

The first measure eliminates the current 210-day limit on the hospice care benefit. This limit discourages individuals from choosing this alternative to more costly acute care and discourages hospices from participating in the Medicare Program. The Congressional Budget Office estimates that this proposal will increase Medicare outlays by $1 million per year.

The second measure improves eligibility for Medicare home health care coverage by clarifying that "intermittent care" may mean care 7 days a week for up to 38 days. This improvement will help to address the growing need for home care as Medicare beneficiaries are discharged from hospitals more quickly than was often the case prior to the implementation of DRG's. The Congressional Budget Office estimates that this proposal if enacted will increase Medicare outlays by $182 million in 1991; $194 million in 1992; and $208 million in 1993.

I encourage my colleagues to join me in cosponsoring either one or both of these measures. Please don't hesitate to contact me or Jane Williams of my staff at 5-2911 for further information or to cosponsor.

Thank you for your attention to my comments.

CONGRATULATIONS TO THE PHILLIPS 66 COMPANY-SWEENY COMPLEX INDUSTRIAL RESCUE TEAM

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. LAUGHLIN. Mr. Speaker, I want to draw my colleagues attention to the achievement of the Phillips 66 Company-Sweeny complex industrial rescue team of Sweeny, TX. The team recently gained worldwide recognition in the first annual industrial rescue competition held in October of last year when the Sweeny team was selected as the grand champion in the competition. As the Congressman from the 14th District of Texas it gives me great pleasure to mention the names of the grand champions who went for the gold. They are Edmund Alvarez, Mark Atkinson, Terry Harvey, Chris Israel, Doyle Keith, Dale Marshall, Cleveland McGaughey, David Nobel, Dennis Parker, Chuck Richardson, Fred Van Wie, Richard Wilson, and Billy Jack Ward.

The industrial rescue team competition consisted of three categories; rescue techniques, emergency medical services, and safety. In addition to winning the grand championship

trophy the Sweeny team was awarded first place trophies in all three of the categories. The competition featured real world rescue scenarios taken from actual industrial settings. This included confined space problems, ladder manways, lowering from pipe racks, and scab air management problems.

Mr. Speaker, when these men are subjected to these potentially life threatening situations and have to think of safely using the appropriate rescue hardware combined with correct medical assessment and treatment for patients, their performance was outstanding.

The specialized, rescue skills of the Phillips 66 Company-Sweeny have already been put to use such as the 14 straight days they spent conducting rescue operations during the company's Pasadena tragedy. Furthermore, they have been on standby for service nationwide, such as the San Francisco earthquake. Clearly the Phillips 66 Company-Sweeny team will serve as a model for other companies and industries when developing a rescue team. Mr. Speaker, should industrial tragedy ever strike without doubt the Phillips 66 Company-Sweeny complex team will be ready to assist.

WE THE PEOPLE * * * BICENTENNIAL PROGRAMS

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. HUGHES. Mr. Speaker, it is with great pleasure that I rise today to recognize Dr. John Reinard who has served as coordinator for the past 3 years of the "We the People . . . Bicentennial Programs on the Constitution and Bill of Rights" for my congressional district.

"We the People . . ." includes the National Bicentennial Competition, its noncompetitive companion program, Congress and the Constitution, and the National Historical Pictorial Map Contest. This program introduces students to the philosophical ideas of the founders, the historical background of the Constitutional Convention, and the issues and debates that shaped the Constitution. Students participate in simulated congressional hearings involving constitutional issues. Classes, then, can go on to compete at the district, State, and National level.

This program gives students the opportunity to gain a greater understanding of the history and significance of our Constitution. Students can learn from firsthand experience about the process in which they will soon become full members and hopefully enthusiastic participants.

Through John Reinard's efforts, hundreds of high school students have become involved in the program and now with the expansion of the program to elementary and middle school students I am sure that he will be successful in involving hundreds more. I admire and appreciate Mr. Reinard's contributions to teaching young people of New Jersey's Second District about the responsibilities and rewards of being a citizen of the United States and salute his outstanding work.

PROCLAMATION HONORING DR. MARTIN LUTHER KING, JR.

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. RAY. Mr. Speaker, on Monday, January 15, 1990, I attended the Fourth Annual Martin Luther King, Jr. Unity Breakfast in Columbus, GA. During the program, Mayor James Jernigan of Columbus presented a proclamation to the Alpha Phi Alpha Fraternity designating "Dr. Martin Luther King Day." I believe this proclamation appropriately honors Dr. King, and I would like to share it with my colleagues.

PROCLAMATION

Whereas, January 14 has been designated annually as Martin Luther King Day; and

Whereas, the Reverend Dr. Martin Luther King, Jr. became a martyr by assassination April 4, 1968; his life ending at thrity-nine years with the bullet of bigotry. The world has always feared and crucified the spiritual giants among mankind who become effective through example, dedication to true spiritual growth, and personal sacrifice which enlists substantial followers. Their martyrdom is the seal of the effectiveness of their message.

Now, Therefore, I, James E. Jernigan, Mayor of Columbus, Georgia, and I, A.J. McClung, Mayor Pro Tem of Columbus, Georgia, do hereby proclaim January 15, 1990 as "Dr. Martin Luther King Day" in our community, as a memorial to this apostle of non-violence in the crusade for human rights; urging all residents to join us in rededicating ourselves to the principles of justice and equality for all.

REAR ADMIRAL KAUP'S TRIBUTE TO VETERANS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. SKELTON. Mr. Speaker, on Veterans Day, a fellow Missourian, Rear Adm. (LH) Karl Kaup, spoke at the Veterans Day ceremony in the Missouri Capital in Jefferson City. Admiral Kaup is the Director of Strategic Submarine Division of the U.S. Navy. His speech struck a responsive chord within those present and I attach it here so the Members of this body may read it.

Congressman Skelton, Fellow Veterans, distinguished guests, ladies and gentlemen.

As a native of Missouri, it is always a privilege for me to return to my home state. I am particularly honored to participate in today's ceremony as part of your annual observance of Veterans Day. There can be no more fitting occasion than what you have organized today to remember the service of the men and women of the armed forces.

In Washington, D.C. where I work in the Pentagon in the undersea warfare directorate we are constantly reminded of and work with things military. In particular, submarines. As you know there is a submarine under construction at Newport News Shipyard in Virginia which will be named for our state's capital city.

The mission of your namesake, SSN 759, the JEFFERSON CITY, will be a tough one. She is an improved Los Angeles class, fast attack submarine, designed to serve in our front line of defense, designed to go in harm's way. When she is commissioned in 1992, she will represent the finest of this nation's scientific and technological advancements. She will be a dynamic platform, able to peform fascinating, yet dangerous arctic missions below the North Pole, and capable of vertically launching Tomahawk, and Harpoon missiles at targets far over the horizon. She will strike fear in the hearts of the enemy. The JEFFERSON CITY will be a formidable submarine; those men from Missouri and across the nation selected to man her will be fortunate to serve in such a superb fighting ship.

President Kennedy once said, "Since this country was founded, each generation of Americans has been summoned to give testimony to its national loyalty. The graves of young Americans who answered the call to service surround the globe."

On this Veterans Day, that statement still holds true—for Americans of this generation continue to fall in conflict. The 37 sailors who died on board the USS Stark last year, and the brutal slaying of Lt. Col. Higgins remind us all that those serving today exhibit the same dedication, sacrifice, and love of country has been found in any generation in any period of conflict. The lives of service members are at risk every day as America's commitment to world peace is being met around the world. Duty in our military is an inherently dangerous proposition. While their peers pursue college degrees or civilian careers, these young dedicated soldiers, sailors, airmen, and marines have become the quiet heroes of their generation.

Today is a day to honor such men and women—those individuals who have and continue to serve their nation in defense of freedom.

On this Veterans Day, I would like to share with you two thoughts. First, that Veterans Day should be celebrated by all Americans to honor all veterans. And second, that we must retain the will to fight for the same freedoms and liberties that the veterans we honor today have protected in the past.

As many of you will remember, this day marked the end of the fighting in World War I. This armistice day had deep significance for the people of this country because it marked a victory in a major war abroad. That war was the first in which large numbers of American troops and vast amounts of American material helped our European allies to turn the tide of battle.

The United States entered that war reluctantly and only after continued and mounting provocation by the Imperial German government. But once we did join, it became our declared objective, as well as our hope, to help win a victory that would make "the world safe for democracy." We did achieve that victory. The announcement of the armistice was a cause for joyful celebration as well as sober reflection on the tragic costs in deaths and casualties. It was ironic that we gained only some twenty years of uneasy peace with no permanent safeguards for the ideals we had defended.

Thus, when it was decided to commemorate November 11 of each year as "Armistice Day," the occasion became less one of celebration for a victory and more an event for paying tribute to more than four million fellow citizens in uniform who helped to

bring about that victory. In the 1920's and 30's this day also became an occasion to stress an isolationist philosophy that some thought to be wise—maintaining our interests in our own hemisphere behind the protective barriers of two great oceans.

As you know so well, this dream of perpetual peace through isolationism was shattered by events beyond our control. The mounting aggressiveness of war lords in Asia and the rise of dictatorship in Europe exploded into the most destructive war the world has ever known. Once again, huge numbers of Americans were sent overseas to fight, and this time not in Europe alone, but in virtually every part of the world.

When World War II ended at last in August 1945, millions of veterans had been added to the list of those who had unselfishly served their country. Although November 11 would still retain an important share of its original significance, it was fitting indeed to make this Veterans Day one to honor all the veterans who had borne arms in the defense of our nation's security and welfare.

Again the Allied victory in World War II failed to bring reason, mutual respect and peace to the nations of the world. And more than ever before, the interests and survival of our own country were to be affected profoundly by conflict far beyond our borders.

The rapid rise to power of the Soviet Union, and the subsequent formation of a bipolar world would set the stage for decades of struggle witnessed in the Cold War. The diametrically opposing forces behind the ideologies of communism and democracy were to square off in two major conflicts which would cost dearly in American lives.

With the memories of Korea and Vietnam so near at hand, we must be cautiously hopeful for the "Winds of Change" of recent times, the Glasnost and Perestroika of today. We must not react to what we hope or think will be the changes in the Soviet Union but only react to the real events that take place. After all, as we honor our veterans on this day we must not forget, nor forsake the great sacrifices made by past Veterans that truly brought about the changes we are seeing today.

Now my second thought, retaining the will, to continually fight to protect the freedom and liberty which those who preceded us held so dear.

In this country, we have taken upon our shoulders a most serious task of guarding the precious concepts of liberty and freedom. The United States must remain loyal to its ideals and heritage; it must remain steadfast to its obligations of world leadership; it must remain strong, and improve spiritually and militarily. Otherwise, we will not be able to keep faith with our departed veterans.

The rattle of the sword is not music to American ears. The fighting posture is not the typical American posture. Most of our veterans were private citizens. To them home, family, church, business, and friends, and the freedom to have and enjoy them constituted normal living. The business of war making was not to their liking. But when the tidal waves of danger to the nation that had made such things a reality rolled toward them they took up arms and, with courage and singleness of purpose, went out to fight, and to die, to protect and preserve the American way of life. As we attempt to pierce the veil of the future, our best recourse is to judge and evaluate current events and those of the recent past. We see that the responsibility which goes hand in hand with power has increased tremendously. We must not fail this responsibility.

Inherent in our position of international leadership is the requirement that we stand tall and strong-willed. We must ensure our Army, Navy, Air Force, and Marine Corps, are maintained at the highest levels practical, yet even as we carry out this responsibility of leadership we must face the grim prospect that the number of Veterans whom we honor will continue to increase.

If history repeats itself, we will see new trouble spots and new challenges to our security, our patience and our determination. So we must maintain, a military establishment which permits us to deter aggression, but when necessary, to engage and defeat aggression. In his speech concerning George Washington's forgotten maxim, Theodore Roosevelt stated "In all our history there has never been a time when preparedness for war was any menace to peace. On the contrary again and again we have owed peace to the fact that we were prepared for war." This maxim is still true today. Our bitter experience in the defense of freedom has taught us that there is no easy path to peace. There is no way to maintain peace and freedom without cost and commitment to risk.

But military strength by itself is not enough to achieve and maintain an acceptable peace. Our successes have been founded on the wisdom and discrimination of our political leadership, and the full understanding and support of the people. Today, we have the military strength. We also have leadership with discriminating judgment. Most importantly, this gathering today is renewed proof that our citizens will continue to support their nation's leaders in promoting the cause of world peace.

Thus, we can look to the future with confidence as long as we keep alive the concepts and ideals which represent the true meaning of Veterans Day.

To quote from a veterans benediction:

See that you hold fast the heritage that we leave you
Yea, and teach your children its value
That never in the coming centuries their hearts may fail them
Nor their hands grow weak

In their years of crisis, our Veterans exhibited great faith and did not fail us. May we and our children have the courage and strength to hold up that heritage they have left us.

God bless you and thank you very much.

MINISTRY OF DR. LARRY LEA

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. HALL of Texas. Mr. Speaker, before we adjourn today I wish to recognize Dr. Larry Lea and the 10th anniversary of his ministry at Church on the Rock in Rockwall, TX.

Ten years ago, in January 1980, Dr. Larry Lea began his local church ministry with 13 people meeting in a living room for a prayer meeting in Rockwall. In the past decade, the local church has grown to a congregation of more than 10,000 people.

More than 70 local church congregations have been founded across the Nation by this ministry, including a church in north Dallas of more than 1,700 and a congregation in south Dallas of more than 1,200. The foreign missions program, directly supported by Church on the Rock, touches more than 22 nations each year.

Pastor Lea has written three books including his benchmark book: "Could You Not Tarry One Hour?" which is credited by Christian leaders throughout the world as a life-changing book on prayer—including Pat Robertson, Oral Roberts, and countless others.

Three years ago, Larry Lea was encouraged to take his prayer message to the Nation; first, by way of television and his TV ministry now reaches more than 11 million homes each day.

Our world is a better place and we have hope in the preaching of the Word; we have faith that the message is a true and lasting message—and we have charity in the form of the giving of a life to our Lord and Savior Jesus Christ—that dedicated life is Larry Lea.

Mr. Speaker, as we adjourn today, let us do so with love and respect for Larry Lea, his beautiful wife Melva Jo, his associates and coworkers.

SERVING THIS PRESENT AGE: ST. PAUL BAPTIST CHURCH

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. DYMALLY. Mr. Speaker, during the month of April 1990, St. Paul Baptist Church will be celebrating its 83d year of organization. A full month of activities and services are planned. The highlight of the celebrations will be the church's anniversary banquet on Friday, April 27, 1990. The anniversary theme is "Serving This Present Age."

The St. Paul Baptist Church of Los Angeles was organized in April 1907. Since its founding, nine pastors have ministered to the church, each leaving an indelible mark of achievement, contributing to the recognition across this Nation, that the St. Paul Baptist Church is one of the great churches of America, a spirit filled church with love for everybody.

From 1930 to 1946, Dr. Samuel Aaron Williams served as pastor. During his pastorate many programs were inaugurated, the membership grew, and the seed idea was sown giving vision to a new church edifice. Dr. Williams became so totally consumed with the work of the church that his health failed. He passed away in 1946.

Rev. Dr. John L. Branham was called as pastor in 1946. Pastor Branham took the helm and led St. Paul into its golden era as one of the Nation's leading congregations. During his tenure, the church added more than 4,000 new members; the church originated a radio ministry featuring the world famous Echoes of Eden Choir, the broadcast was heard in more than 17 States. In 1949 the dream of Pastor Williams became reality and a new church edifice was started. The structure was completed in 1951 and is currently valued at more than $5 million. Dr. Branham led the church in paying off the debt 6 years ahead of schedule. Once again, membership grew and under the leadership of Pastor Branham, St. Paul

Baptist Church led in the support of missions and educational institutions as well as scholarship awards to students. In 1977 the church endowed a chair at a historically black college, Bishop College, in Dallas, TX, in the amount of $500,000. This gift was nationally recognized as the largest single grant by a black church to any college or university.

In 1985, after fighting the good fight and accomplishing and surpassing many records of achievement, Pastor Branham passed away and his assistant, Rev. Dr. Reginald M. Leffall was elected pastor. Pastor Leffall's tenure has been highlighted by innovative programs, outreach programs and ministries, great growth, and expansion.

Dr. Reginald M. Leffall is a native of Dallas, TX. He completed his undergraduate education at Bishop College, Dallas, TX, with honors. His graduate work was completed at the University of California at Los Angeles, where he was a Crown Zellerbach Fellow.

He has been employed as executive vice president and director of the Advanced Institutional Development Program at Bishop College. In 1985, he was elected as pastor of St. Paul Baptist Church. Under his leadership the church has experienced development of outreach ministries, programs, and great growth and expansion.

Pastor Leffall has received numerous awards and recognitions from various religious, civic, educational, and cultural organizations. He is the recipient of three honorary degrees. In 1973 he was named as one of the outstanding young men in America. In 1977, he was named as one of the outstanding educators in America.

Dr. Leffall is a world traveler, and has represented the United States in various international conferences: 1977, the Republic of China; 1978, the Soviet Union. In 1978 he was honored by President Tolbert of the Republic of Liberia located in Africa.

Pastor Leffall is a member of Phi Delta Kappa Fraternity and Frontiers International.

He is married to Maye Helen Arnold-Leffall, a children's service worker for the county of Los Angeles. Mrs. Leffall is also an adjunct professor at the University of Southern California and California State University at Long Beach.

The St. Paul Baptist Church is to be congratulated on its 83d year of celebration.

DR. HAROLD TAYLOR—1989 EXCELLENCE IN MATH INSTRUCTION AWARD WINNER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. LANTOS. Mr. Speaker, we in the United States face our greatest threat not on the battlefields nor on our Nation's automobile showroom floors, but in our Nation's mathematics and science laboratories, and in our classrooms. Our Nation's junior high and senior high school students are slipping further and further behind their counterparts worldwide, in Japan, Europe, and the Soviet Union, and we must mobilize to reverse this disturbing trend.

In our national war against mathematical and scientific illiteracy, one of our finest officers is Dr. Harold Taylor. For his lifelong efforts, Dr. Taylor will receive the 1989 Presidential Award for Excellence in Mathematics Teaching at a Rose Garden ceremony.

The Presidential Award for Excellence in Mathematics Teaching is an annual program to recognize our Nation's outstanding math and science instructors. Administered by the National Science Foundation, the awards are made by the President to a teacher from each State in the Union.

Dr. Taylor has a long and distinguished commitment to mathematics and education. A 1958 graduate of Southeastern Oklahoma State University, he went on to earn a master's degree in Mathematics and a doctoral degree in Education at the University of Northern Colorado. Dr. Taylor taught, wrote and served as a school administrator with distinction for 30 years in New Mexico and, to the great benefit of many students in my congressional district, in San Mateo, CA.

Dr. Taylor's contribution to math instruction has had a national impact. He has served on many advisory councils, including the National Science Foundation's planning group on reforms in mathematical education. He is known nationally as a coauthor of such widely used textbooks "Algebra Book 1," "Algebra Book 2 with Trigonometry," "Basic Computation Series," "So You Think You've Got Math Problems," and "Developing Skills in Algebra One."

Mr. Speaker, as a former educator, I appreciate the positive impact of individuals such as Dr. Harold Taylor. A competitive educational system demands effective teaching, and we as a nation are in great debt to those who care enough to devote their lives to instructing our youth.

Mr. Speaker, our national security and our standard of living depend on a steady supply of highly trained young people. The key to education is dedicated individuals like Dr. Harold Taylor. I urge my colleagues to join me in paying tribute to him and to others who are being honored for their vital contribution to our American education system.

H.R. 1095—THE GOVERNMENT WORKPLACE SAFETY ACT

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. GRADISON. Mr. Speaker, in the previous session of the 101st Congress, I reintroduced legislation, H.R. 1095, to clarify the obligation and responsibility of the Federal Government to observe safety and health standards in the workplaces it owns, operates, or controls. I am pleased that over 110 of my colleagues, including several members of the Judiciary Committee, have joined me in this effort.

In the January 15, 1990 edition of Legal Times, Representative LARRY SMITH of Florida, a member of the Judiciary Committee, cogently argued the case for the adoption of this overdue change in the Nation's tort law. I commend Representative SMITH's article to my colleagues and urge them to support this important legislation.

[From the Legal Times, Jan. 15, 1990]

GOVERNMENT SHOULD DROP LIABILITY SHIELD

(By Lawrence J. Smith)

For more than 50 years, workers in Navy shipyards were exposed to asbestos without appropriate safeguards or warnings that—as the Navy well knew—asbestos can cause disability and even death. Asbestos in the Puget Sound Shipyard north of Seattle still poses a danger, according to an April 1989 report by syndicated columnist Jack Anderson.

The nuclear power plant in Fernald, Ohio, was in the news last year because of discoveries that the federal government had allowed the plant to continue operations despite significant radioactive leakage. Local residents and plant workers were exposed to extremely dangerous levels of radiation. Similar stories have been surfacing about nuclear plants in Savannah River, S.C., and Hannaford, Wash. Each of these plants produces munitions and is owned by the U.S. government.

Uranium miners in Arizona, Colorado, New Mexico, and Utah, who were extracting ore under U.S. government contracts, were exposed to high levels of radiation without their knowledge, although the federal government was aware of the risks. Raymond Joe, a miner with lung cancer, testified before the House Judiciary Subcommittee on Administrative Law and Government Relations last November that the working conditions of the miners were horrendous. The extraordinary physical risk of the job was underscored by Joe's statement that, of all the men with whom he had labored in his many years in the mines, only three were still alive.

All these workers and their families are victims. But, under current law, they are prohibited for suing the federal government for damages. Unlike U.S. citizens in any other situation, these people cannot get their day in court.

Citizens may sue the federal government only for certain injuries. The law bars suits when the government's action involved an element of choice and was based on public policy considerations. This legal technicality is called discretionary function.

Take the shipyard case, for example: The Navy had the choice between asbestos or another material when building ships for World War II. The Navy opted for asbestos. That decision falls under the definition of discretionary function. Consequently, injured citizens may sue the shipbuilder or the asbestos supplier, but they cannot sue the federal government that ordered the use of the hazardous product.

The original purpose of discretionary function was to prevent judicial interference in major governmental policymaking. But it has become a liability shield for serious negligence-negligence that has nothing at all to do with public policy.

I and many others in Congress believe that victims of governmental negligence have a right to governmental compensation for their injuries. That is why Congress is considering the Government Workplace Safety Act. This bill would prevent the federal government from avoiding all liability in situations where the plaintiff can show neglect. The bill specifically pertains to cases where the government has violated occupational safety or health standards or

where a harm was caused by negligence at workplaces owned by, operated by, or under contract with the federal government.

This is not a raid on the U.S. treasury. The number of cases in which gross negligence can be proved should not be large. Nor does the bill assume government liability. It would simply permit the injured party to bring the federal government into court where the two would be on equal footing. Asbestosis victims, for instance, would still have to demonstrate that the government knowingly required them to peform work harmful to their health.

Good government does not and should not arbitrarily risk the lives of its citizens. But if it has done so, the least it can now do is to give the victims the opportunity to receive just compensation.

A public opinion poll conducted last April by Houston's Terrance and Assocates suggested that two-thirds of Americans believe the federal government's discretionary-function immunity should be reduced. They are right. The uranium miners in New Mexico, the shipyard personel in Seattle, the families near faulty nuclear plants in Ohio—these people have worked for and believed in their government. Now all they ask is their rightful day in court. And they deserve it.

REAL FREEDOM FOR THE SIKHS!

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. BURTON of Indiana. Mr. Speaker, the Sikhs are free in the Punjab. There is no more persecution in India. If you believe what you read in the national press, everything is just fine in the world's largest "democracy."

This Member of Congress knows better. The election of Prime Minister V.P. Singh has made the job of bringing true freedom to the Sikhs in the Punjab much more difficult. V.P. Singh has made superficial gestures of peace toward the Sikhs, which have allowed India to escape the close scrutiny of their human rights community and the world press. Yet, the repression continues unabated.

Amnesty International—still banned from working inside of India—reports that thousands of political detainees are still being imprisoned without charge or trial under the Terrorist and Disruptive Activites Act. Political activists and those suspected of assisting them have been deliberately and unjustifiably killed by police, paramilitary forces and armed forces; and no attempt has been made to bring those responsible to justice. The Times of India has stated that rape is occurring so frequently, that "cop molests woman" has become almost a daily affair for newspaper readers.

While we hope V.P. Singh can bring peace to the Punjab, there can be little progress until Sikhs regain the basic freedoms that people all over the world are striving for.

As Eastern Europe chooses freedom and the Baltic States and other nationalities are striving for freedom with United States support, our State Department refuses to acknowledge the repression of basic freedoms in the Punjab. Simranjit Singh Mann, a recently elected Member of Parliament, has said that no progress can be made in the Punjab until the government dismantles the repressive machinery of police and army forces in the state. Simranjit Singh Mann should know, for 5 long years he was brutally tortured in an Indian prison where he was held without trial.

Mann has compared Rajiv Gandhi to Adolf Hitler and called the Indian Government's policy in the Punjab a form of state genocide banned by international treaties. I don't have to remind you that Rajiv Ghandi is still in a position where he could regain his post as Prime Minister. Mr. Speaker, we must not turn our backs on the Sikhs in the Punjab.

I would like to submit for the RECORD a couple of statements from Dr. Gurmit Singh Aulakh who also is concerned that things have not changed for the better in the Punjab.

BODY OF SIKH MP FOUND IN CANAL AFTER FIVE DAYS—SIKH LEADER SUSPECTS DEATH WAS "THIRD AGENCY" ASSOCIATION

Washington, D.C., January 4—The corpse of newly elected Member of the Indian Parliament, Jagdev Singh Khudian, was found three miles downstream from his village in a canal yesterday, five days after he was reportedly abducted from his home.

K.P.S. Gill, the Punjab Chief of Police, arrived in Khudian village, Faridkot District, for the cremation ceremony for Mr. Khudian. Upon stating that Mr. Khudian had committed suicide, he was so badly heckled by the crowd that he had to leave.

The crowd reaction was also due to the widespread belief in Punjab that Mr. Khudian's death was the work of the Indian secret police. K.P.S. Gill and other Punjab officials are held responsible by the Sikhs for the thousands of cases of murder and torture of Sikh youth, as well as many cases of police abuse, including rape, of Sikh women.

Agitated MP's caused an uproar in the Parliament over the Khudian when Khudian was still missing. Simranjit Singh Mann, leader of the Akali Dal (Mann) group in parliament, accused Indian intelligence of killing him.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, representing the Sikh freedom movement worldwide, said in Washington:

"We definitely suspect foul play and I strongly suspect that this was a political assassination executed by the Indian 'Third Agency' covert intelligence cadre."

The "Third Agency" was created by the Indian government in the early 1980's to create a Sikh radical bogeyman in the Punjab, according to the authors of Soft Target, Zuhair Kashmeri and Brian McAndrew. The book offers evidence that Indian intelligence operatives of the Third Agency were behind the terrorist bombing of an Air-India jetliner in 1985, blamed on the Sikhs.

Aulakh said that he had just talked with Mr. Khudian, a personal friend and college classmate, by phone a week before he died. Khudian told Aulakh that he was about to publicly take a stand in favor of a free and independent Sikh nation, called Khalistan. Khudian also told friends in Punjab about that time that he would make a pro-Khalistan statement in the Indian Parliament, where he had just been sworn in as a new member.

Khudian was one of nine newly elected Sikh nationalist candidates, who won recent landslide victories in the Punjab parliamentary elections. Aulakh noted that Khudian beat a Congress (I) candidate, a former Haryana governor, in his election contest.

Congress (I) is the party named after Indira Gandhi, who ordered the Indian military attack on the Sikhs' Golden Temple in 1984. Rajiv Gandhi carried on the Congress (I) tradition and presided over the most intense persecution of the Sikhs in modern India these past five years, said Aulakh.

Dr. Aulakh has written to President Bush, leading members of the Bush Cabinet, Congressional leaders, Indian Prime Minister V.P. Singh and all of his cabinet, and appealed to Amnesty International and the United Nations, urging an immediate, full-scale investigation into the murder of Mr. Khudian.

"Mr. Khudian becomes the first Sikh nationalist martyr of the Parliament with this atrocity," said Aulakh in a statement. "I have written to V.P. Singh that this murder proves to me and to most Sikhs that they have no guaranteed civil liberties in India, even under the leadership of Mr. Singh and his coalition.

"For just this reason, I see a free and independent Khalistan as the only real solution to the so-called Punjab crisis and the only real guarantee of freedom for the Sikhs.

"Just as you see the freedom movement catching fire across Eastern Europe after forty years of oppression, you are witnessing the same fight for freedom by the Sikhs in the Punjab. Mr. Khudian, my friend, is a casualty of that fight."

Aulakh added that "the shooting of elected Sikh officials will in no way staunch the tide nor the fervor or the Sikh nation for freedom, for independence, for Khalistan."

ANOTHER POLITICAL ASSASSINATION IN PUNJAB—SIKH STUDENT LEADER GUNNED DOWN IN OWN HOME, AMRITSAR

WASHINGTON, DC, January 24.—Harminder Singh Sandhu, Secretary of the pro-independence All India Sikh Student Federation (AISSF), was murdered today by three unknown assassins in a hail of automatic weapons fire in his own home in Amritsar, Punjab, according to sources inside the Punjab.

The gunmen came to Sandhu's home at 7 a.m. dressed like Sikhs with turbans and long shawls traditional for the cold season there. The assassins drove up to Sandhu's home, entered the front courtyard and said they had an urgent message for the student leader from Canada. Sandhu, a young man in his 30's, had spoken earlier to people in Canada via a long-distance telephone call.

Sandhu asked that the visitors be ushered into his room inside the house, where they pulled out their guns and killed him. People in the house dove for cover or ran away at the sound of gunfire, while the unknown assailants fled the scene in their car.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, representing the Sikh independence movement worldwide, said:

"The style of this tragic and heinous murder is the classic Indian secret police assassination. It is also obvious that the killing was a well-planned conspiracy, since the assassins were aware that Mr. Sandhu had recently received a phone call from Canada and used this information to gain entry to his home.

"This is an extremely stupid move on the part of the Indian secret police and can only lead to an escalation of violence and killing in the Punjab. The tactic of disguising assassins like Sikhs is not new. The use of

such vigilantes by Punjab police to assassinate supposed Sikh "terrorists" was admitted publicly by former Punjab police commissar, Julio Ribeiro.

"I might add that Ribeiro was rewarded for his assassinations and persecution of Sikhs in Punjab with a double ambassadorship to Rumania and Bulgaria.

"The new Prime Minister, V.P. Singh, must be called to account for his tolerance of the old secret police network in Punjab, still headed by K.P.S. Gill and still employing search-and-destroy tactics against Sikh independence advocates.

"Prime Minister Singh has not moved to release the 15,000 Sikh political prisoners in Indian jails. He has done very little about the recent political assassination of a Sikh nationlist MP, The Hon. Jagdev Singh Khudian. Nor has he repealed the repressive TADA "black laws" which literally give police a license to kill whatever Sikhs they say are terrorists, without warrant, trail or any kind of due process.

Meanwhile, in Chandigarh, Punjab, the Chairman of the Punjab Human Rights Organization, Justice Ajit Singh Bains, reported today that police brutality has increased, rather than decreased, so far during the era of the V.P. Singh government. This includes an increase of illegal incarceration of Sikhs; extortion of money from Sikh families with relatives who are imprisoned for long periods—often years at a time—without trial or legal counsel; the torture and harassment of Sikh detainees, including women detainees; and the "faked encounter" killings of Sikh youth.

Dr. Aulakh said in a statement here that:

"Increased assassination and police harassment of the Sikh community will never kill the desire of the Sikhs for freedom and independence from the repression of India rule. This same repression is now evidenced in the Indian police action in Kashmir. India must recognize the independence and human rights of both the Sikhs and the Kashmiri Muslims.

"New Delhi can effect a peaceful solution to both these crises by simply demarcating the boundaries of free Khalistan and free Kashmir in negotiations with Sikh and Kashmiri leaders."

A TRIBUTE TO FDA OFFICIALS JACK HARTY AND PAT POUZAR

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mrs. MORELLA. Mr. Speaker, the country was shocked and saddened over the deaths of two officials of the Food and Drug Administration while in the Republic of Chile earlier this month. Jack Harty and Pat Pouzar were dispatched to Santiago in response to an invitation by the Chilean government to observe certain security measures that have been instituted to prevent a recurrence of last year's "crisis" involving cyanide-laden grapes.

That scare dominated the headlines, sent shock waves through the Nation, and adversely affected the Chilean economy. In an effort to rebound from this tragic episode that shook consumer confidence, a full-scale effort was mounted to ensure the safety of future U.S. imports of Chilean-grown fresh fruit.

In early January, Mr. Harty and Mr. Pouzar departed for Chile to review the protective measures which are designed to add a measure of safety in the food processing chain. The plane caryring the FDA officials and representatives of the Chilean government and a Chilean-based fruit exporters association crashed in the Andes Mountains, killing all of the passengers and the pilot.

The loss of these men is one that all Americans mourn. I was particularly moved by this tragedy because Mr. Harty resides in Silver Spring, MD, which is located in my district. His 25 years of service with the FDA were marked by high achievement and a strong commitment to furthering the agency's public health goals throughout the world.

His personal involvement and leadership during last year's investigation into the Chilean fruit problem earned him the FDA's highest civilian honor award—the award of merit, "for outstanding dedication and personal sacrifice in conducting foreign inspections to assure the safety of fruit exported to the United States."

The deaths of Mr. Harty and Mr. Pouzar represent a terrible loss of two outstanding public servants. I ask my colleagues to join with me in extending our deepest sympathies to Mr. Harty's wife Cathie and three children—John, Colleen, and Erin. Our condolences also go out to the families of the other men who lost their lives in this accident.

TRIBUTE TO COMDR. JOHN F. WANAMAKER, USN, RETIRED

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. MONTGOMERY. Mr. Speaker, I wish to offer a tribute to a man who has served his country long and faithfully. I cannot let the occasion of the retirement of Comdr. John F. Wanamaker, USN, retired, deputy director of Legislative Affairs for the Retired Officers Association pass without acknowledging the outstanding contributions he has made to his country and to the well-being of millions of current and former service members.

John Wanamaker joined the Navy in January 1943 and served in the Pacific islands during World War II. Upon discharge in 1945, he entered Ohio State University and was subsequently commissioned in the U.S. Navy, and designated a naval aviator in 1952. His illustrious and highly decorated military career spanned three armed conflicts. His distinguished military accomplishments alone would justify this tribute, but Commander Wanamaker did not retire from the Navy, he merely left active duty in 1977 after more than 32 years of service.

Commander Wanamaker continued his extraordinary service to this Nation later in 1977 when he joined the staff of the Retired Officers Association as deputy director of legislative affairs. Commander Wanamaker has devoted the past 13 years to ensuring that the rights and benefits of active, reserve, and retired members of the uniformed services and their families remained secure. Indeed, his masterful representation has contributed greatly to increases in many of the benefits now enjoyed by the total military community.

I personally owe him a large debt of gratitude for the assistance he gave me in enacting and modifying the Montgomery GI bill. His counsel has been invaluable, timely, and straightforward. Many young Americans now will be able to attend college because of the availability of educational benefits under the GI bill.

Commander Wanamaker has testified many times before House committees in support of military personnel, compensation, and related veterans' issues. His extensive background and thorough preparatory research have made his a major voice in matters of concern to veterans and their families. His influence on those he has advised has been immense because Commander Wanamaker has credibility—and he got it the old fashioned way—he earned it.

Among his many achievements, Commander Wanamaker played a major role in increasing the SGLI/VGLI insurance coverage from a maximum of $35,000 to $50,000 for active duty and reserve personnel.

Commander Wanamaker should also be recognized for his untiring efforts in defeating legislative proposals which would have hurt active, reserve, and retired military personnel. Most recently, he helped prevent the imposition of a user fee which would have been required each time an outpatient visit was made to a military medical facility. And, he repeatedly led the charge to block annual attempts to eliminate, cap, or delay cost-of-living adjustments to military retired pay.

We who make the laws of this great land, and all service members—active, reserve, and retired—should be forever grateful to John for his tireless efforts.

Mr. Speaker, we wish Comdr. John F. Wanamaker the very best in the future. He has given unselfishly to his country for some 47 years and he will be sorely missed.

MEDICARE BENEFIT IMPROVEMENTS ACT OF 1990

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. WAXMAN. Mr. Speaker, I am pleased to join with my colleagues, Mr. MADIGAN, the ranking Republican of the Subcommittee on Health and the Environment, and Mr. STARK and Mr. GRADISON of the Ways and Means Health Subcommittee, in introducing today, the Medicare Benefit Improvements Act of 1990. The purpose of this legislation is to provide Medicare coverage for a number of services that were originally included within the Medicare Catastrophic Coverage Act of 1988, Public Law 100-360, that was repealed by the Congress last year, Public Law 101-234. We are joined in this effort by several other Members of the House, including Representatives SCHEUER, WALGREN, SIKORSKI, BATES, COLLINS, and SYNAR, all of whom are members of the Health and Environment Subcommittee.

More specifically, Mr. Speaker, this legislation would provide—for the first time—Medicare coverage for mammography screening services and inhome respite care. In addition,

the bill would expand the current Medicare home health and hospice care benefits. All of these improvements—as well as the small increase in the monthly part B premium required to pay for the benefits—have been drafted to reflect the comparable provisions that were enacted as part of 1988 catastrophic legislation. A more detailed summary of the legislation is provided below.

The sponsors of the bill have been quick to introduce this legislation, Mr. Speaker, because the need for these Medicare improvements is so compelling. Indeed, throughout last year's debate on the repeal of the catastrophic law, Members on both sides of the aisle and in both Houses of the Congress, continued to propose that these benefits be maintained. The overwhelming support for such a plan was well-founded: mammography has proven to be the most cost-effective means of preventing death and disease from breast cancer; respite care and home health services have been shown to help keep the elderly at home, with their families, and out of institutions; and hospice care has been found to give dignity and comfort—as well as less costly services—to the terminally ill.

Unfortunately, Congress did not succeed last year in carrying out this plan. The bill is designed to do so this year.

I should point out, however, Mr. Speaker, that although this legislation picks up where Congress left off last session, it is in no way intended to address comprehensively two of the big holes in the current Medicare Program: coverage for preventive health services and long-term care. The mammography and respite care benefits established under the bill are important, but only small steps in closing these respective gaps. Clearly, even with the enactment of the bill much work remains to be done to strengthen Medicare in both areas.

Mr. Speaker, these Medicare improvements are long overdue and very much needed. They are inexpensive to provide and their return—in terms of lives saved and enhanced—go far beyond the dollars spent. In my view, it would be unwise and unfair to let the scars of the catastrophic debate stand in the way of this kind of real progress.

I urge all Members to cosponsor the bill and look forward to working with them on its enactment.

SUMMARY

MAMMOGRAPHY SCREENING

Mammography screening would be covered for elderly and disabled Medicare beneficiaries. For women 65 years of age and over, exams would be available every other year.

For disabled women under 65 years of age, a baseline screening would be available between age 35 and 40; between age 40 and 49 exams would be available every other year, except high risk individuals could receive a screening each year. Between age 50 and 64, an annual screening would be available.

The reasonable charge would be limited to the lower of $50 in 1991 indexed to Medicare Economic Index (MEI), or the current-law fee schedule. Quality standards would be required beginning in 1991.

IN-HOME RESPITE CARE FOR CHRONICALLY DEPENDENT INDIVIDUALS

In-home care (including homemaker/home health aide services, personal care services, and licensed nursing care) for chronically dependent individuals would be provided for up to 80 hours a year. Individuals would be eligible to receive such services for 12 months after they first meet the Part B limit ($1,780.00 in 1991).

A "chronically dependent" individual would be defined as an individual who is dependent on a voluntary care-giver for daily assistance with at least two activities of daily living (eating, bathing, dressing, toileting, or tranferring in and out of bed or in and out of a chair).

HOME HEALTH SERVICES

The requirement that limits Medicare home health care to "intermittent" visits would be expanded to allow beneficiaries to receive up to 38 consecutive days of care, 7 days a week. The current interpretation of the "intermittent" requirement limits the frequency of home health visits to no more than 5 days a week, for up to 3 consecutive weeks. Current guidelines allowing for the continuation of services under unusual circumstances would be recognized.

HOSPICE SERVICES

The Medicare hospice benefit would be extended beyond the current 210-day benefit period if a beneficiary's physician or hospice director recertifies that the beneficiary is still terminally ill.

HONORING BICENTENNIAL PROGRAM NEW MEXICAN VOLUNTEER

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. RICHARDSON. Mr. Speaker, it gives me great pleasure to recognize and honor a great New Mexican who has gone the extra mile in service to her country.

Michelle L. Giger of Albuquerque serves as New Mexico's Third Congressional District coordinator for "We the People. . . Bicentennial Programs on the Constitution and Bill of Rights," which includes the national bicentennial competition, its noncompetitive companion program, Congress and the Constitution, and the national historical pictorial map contest in the Third District.

Through the dedicated and voluntary efforts of Ms. Giger, hundreds of upper elementary, middle, and high school students in New Mexico have studied the program's curriculum. This curriculum, incorporated in the "We the People . . ." text, introduces students to the philosophical ideas of our founders, the historical background of the Philadelphia convention, and the issues and debates that shaped the writing of our Constitution. Students learn how our Government is organized and how it protects the rights and liberties of all citizens. Finally, and most important, students learn of the responsibilities which accompany the rights of citizenship in a democracy.

It is ironic that while those who have experienced repressive regimes throughout the world are clamoring for the right to vote in free elections, in the United States, only one out of five eligible voters under the age of 30 takes advantage of that very right. With so few young people understanding the purpose and importance of our Constitution, it is clear that we must do all we can to turn the tide of political apathy into a wave of active and informed participation.

I am most pleased to express my admiration and appreciation to Ms. Giger for her impressive contributions to the development of competent and responsible citizenship.

THE CUYAHOGA COUNTY BAR ASSOCIATION 44TH ANNUAL PUBLIC SERVANTS MERIT AWARD RECIPIENTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. STOKES. Mr. Speaker, on February 15, 1990, the Cuyahoga County Bar Association will host its 44th Annual Public Servants Merit Awards Luncheon. The event recognizes the exceptional work and contributions of selected county court system employees. The association will present the merit awards in honor of Attorney Franklin A. Polk, who served as chairman of the organization for 40 years.

I would like to salute the Cuyahoga County Bar Association and this year's six public service award recipients. These individuals have averaged in excess of 27 years of public service to their community and have amassed a total of 162 years in public service.

The honorees are: James B. Carter, administrative assistant to the clerk of courts; Michael P. D'Alessandro, probate court auditor; Doris E. Owens, supervisor of the record room, probation department; Gayle H. Price, payroll officer, juvenile court; James T. Sheridan, cashier, Cleveland Municipal Court; and Daniel J. Thomas, assistant chief court reporter.

At this time, I am pleased to share the accomplishments of the honorees with my colleagues.

James B. Carter has spent 29 years in public service in Cuyahoga County. He started in the office of the Cuyahoga County Clerk of Courts, eventually being promoted to chief filing clerk. He is currently the administrative assistant to the clerk of courts, where he has been honored by a proclamation from the clerk of courts in recognition of his excellent work toward the betterment of the clerk of courts office. In 1974, as a member of the Lotus Drive Street Club, Mr. Carter also received a resolution from the Cleveland City Council honoring Lotus Drive residents for their outstanding civic development and community pride.

Mr. Carter grew up in Alabama, and entered the military after graduating from high school. He was an acting corporal in the U.S. Army, earning a certificate from the chemical corps school during his service. Mr. Carter later returned to school to obtain a bachelor of science degree in commercial industries from Tuskegee University. He and his wife Rebecca still reside in Cleveland and have two grown children. Outside of his job, Mr. Carter is a coordinator of Red Cross blood drive and United Way services, and works on his neighborhood food collection drive, including organizing the annual Christmas party for needy children. He serves as the precinct committeeman of ward

1 and is a member of the Cuyahoga County Executive Committee. Mr. Carter also enjoys gardening, fishing, and boating.

Michael P. D'Alessandro began working as a deputy clerk in the accounts department in 1964, and has served the public for 26 years. In 1972, he was appointed probate court auditor, a position which he still holds. Mr. D'Alessandro receives a great deal of pleasure from his job because of the many people whom he meets and is able to help. He serves on the supervisory committee of the credit union and the Ohio Association of Court Administrators.

Mr. D'Alessandro was born and raised in Cleveland, and he and his wife of 39 years have lived for 17 years in Lyndhurst, where he was formerly the Democratic precinct committeeman. Mr. D'Alessandro is trustee of the RIPA social club and a bingo worker at St. Clare Church. In addition, he enjoys traveling, sports, and spending time with his seven children and his grandchildren.

Doris E. Owens has spent 26 years in the probation department of the Cleveland Municipal Court. She began as a typist, later moving to the records room, where she served as both a clerk and a records manager. She became supervisor of the records room 6 years ago. In 1981, Judge C. Ellen Connally presented Ms. Owens with the Outstanding Judicial Service Award.

Ms. Owens resides with her husband and son in Cleveland. Outside of work, she devotes much of her time to St. Henry's Catholic Church, serving the parent teacher organization and various other committees. She also helps to care for her father and grandmother by checking on them both daily before she goes to work. Ms. Owens loves to bowl, and also enjoys shopping and sewing.

Gayle Price entered the juvenile court office in 1963, and she has remained in public service ever since. She began in the steno pool, 4 years later moving to the office of the psychiatric clinic for a brief period. Next, she spent 10 years in the placement department before switching jobs again to assist in the opening of the juvenile court Lakewood branch office. Ms. Price currently serves as a payroll officer for the juvenile court and detention center.

Ms. Price grew up in the Cleveland area, and she and her husband Walter reside in Avon, where they enjoy spoiling their eight nieces and two nephews. Outside of work, Ms. Price is active in the heart fund, cancer society, and leukemia society, as well as in her church. She enjoys bowling, cooking, and music, although her real passion is collecting Elvis memorabilia.

James T. Sheridan joined the staff of the Cleveland Municipal Court in 1967 after spending 5 years working in private industry. Mr. Sheridan has spent 23 years in the cashier's department, where he achieved the second highest score on the last municipal court civil service test. He enjoys his job because of the frequent and long-term contact he has had with many attorneys, and he thinks of the people he deals with as friends and neighbors. Mr. Sheridan was raised in the Cleveland area. A YMCA member for the past 10 years, he has 3 children, and his hobbies are furniture refinishing and attending the theater.

Daniel J. Thomas entered public service in 1959, when he joined the court reporters department of the court of common pleas in Cuyahoga County. Prior to that, he served for 4 years in the U.S. Navy, reaching the rank of radioman 2d class petty officer and receiving Good Conduct and Victory Medals. Mr. Thomas has also received the National Shorthand Reporters Association's highest award, the Certificate of Merit.

Mr. Thomas and his wife Doris have three grown children, and have resided in North Olmsted for 28 years. He is a member of the board of advisers of the Academy of Court Reporting and the former treasurer and a board member of Ridgewood Men's Golf Association. Outside of work, Mr. Thomas enjoys reading and especially golfing.

Mr. Speaker, it is a special honor for me to join in the salute to these exemplary public servant. Employees such as Mr. Carter, Mr. D'Alessandro, Ms. Owens, Ms. Price, Mr. Sheridan, and Mr. Thomas make the system work for all of the residents of the Cleveland metropolitan area.

I join with the bar association, its president, Mr. Lawrence M. Baker, and the Merit Award Committee chairperson, Mercedes H. Spotts, in paying tribute to the 1989 Public Servant Award recipients.

TRIBUTE TO THE LATE PATRICK KELLY

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. ESPY. Mr. Speaker, I rise today to give tribute to Patrick Kelly, who died on January 1, 1990.

Mr. Kelly, who was born 40 years ago on a farm in Vicksburg which is now in the Second Congressional District of Mississippi. He was the first American fashion designer to be elected to the 44-member French "Chambre Syndical" Club, a French designers' organization. Mr. Kelly was one of only a few foreigners to belong to this prestigious club, whose members included international designers Yves St. Laurent, Chanel, Christian Dior, and Lacroix.

Mr. Kelly died in Paris, his beloved home of 10 years, but he never forgot his Mississippi roots. He regularly visited his mother, Letha Kelly, who still lives in Vicksburg.

Brightly colored clothing dotted with buttons scattered at random was Mr. Kelly's trademark. The style was inspired by the unmatched buttons his grandmother used to mend clothes he wore while picking crops as a poor child in Mississippi.

Always one to take chances, Mr. Kelly went to Atlanta almost penniless, and opened a small boutique at age 18 by repairing and designing used clothes. He studied at Parson's School of Design in New York for a year before going to Paris in 1980. His small collection was bought by a Paris chain store in 1985, which connected him to the editor of Elle magazine. The magazine gave him a 6-page spread which subsequenty helped him receive contracts with New York retailers.

By 1988, only 3 years later, he had the backing of a major conglomerate and operated a showroom in Paris, generating a sales volume of about $7 million. That year, he became the first American admitted to the Chambers Syndical. He also was the first American to show his collection with international designers in the courtyard of the Louvre in October 1988.

Princess Dianna and performers Madonna, Jane Seymour, and the late Bette Davis were among Mr. Kelly's customers. His collections and the recent news of his death have been noted by the Washington Post, the New York Times, the International Herald Tribune, the Christian Science Monitor, French newspapers and numerous fashion magazines.

Mr. Speaker, I am proud to say that this internationally-reknown man was from Vicksburg, MS. Mr. Kelly's success proves that all Americans, including the poorer members of our Nation, can follow their dreams with passion and make a difference in our world. We are often unaware that we are affected by clothing designers, but in this case we can be sure that Mr. Kelly will inspire many young Mississippians. My fellow Mississippians and I deeply mourn the loss of Mr. Kelly, our native son.

WALTER D. HARRIS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. JACOBS. Mr. Speaker, America has lost one of its most distinguished sons who was especially close to the U.S. House of Representatives.

Walter Harris was one of the finest people I have ever known. His knowledge of the history and workings of the House of Representatives and the beloved Marine Corps was seemingly endless.

The following news story appeared in the News-Gazette of Lexington, VA, on December 20, 1989.

Mr. Harris' death stilled a wise and friendly voice.

[From the News-Gazette, Lexington, VA, Dec. 20, 1989]

WALTER D. HARRIS

Walter Dunklin Harris, Jr., 64, former deputy clerk of the U.S. House of Representatives, died Sunday, Dec. 17, in Stonewall Jackson Hospital. The cause of death was lung cancer.

He was born Aug. 14, 1925, in DeSoto, Mo., the son of the county clerk for Jefferson County. He was appointed a page in the House of Representatives in late 1940 and served in that capacity until enlisting in the Marine Corps at age 17. During the war he served with Headquarters Squadron, Marine Aircraft Group 31 on Kwajalein Atoll and RoiNamur in the Marshall Islands. He was awarded the Navy and Marine Corps Medal for bravery in September 1944. After the war Harris had service in Peking, China, Korea and Guam. He was honorably discharged in February 1949 with the rank of staff sergeant.

Following military service Harris returned to the U.S. Capitol and was appointed

deputy clerk of the House of Representatives, serving until early 1961 when he joined the new Kennedy administration in the office of the executive assistant to the postmaster general. He was subsequently instrumental in the effort that culminated in the Postal Reorganization Act of 1970 and the transfer of postal functions to the United States Postal Service.

He retired from federal service in May 1971 and served for a year as a lobbyist for the American Medical Association. He subsequently moved to a farm near Libertytown, Md., and continued as a consultant to TRW, Inc., and the Commonwealth of Puerto Rico. He fully retired in 1977 and moved to Lexington and later to his farm on Rt. 2, Lexington.

Surviving in addition to his wife, Cynthia, and his mother, Mrs. Nelle Harris of Alexandria, are four children from his second marriage, Francis, Emily, Celia and Michael Harris, all of Rt. 2, Lexington. By a previous marriage to Mary C. Donovan he is survived by nine children, Karen C. Harris of Chicago, Ill., Walter Dunklin Harris III and David Ford Harris, both of Edinburg, Mary Christina Lopez of Spotsylvania, Nancy Burley of Burke, Julia Dodson of San Marcos, Calif., Kathleen P. Harris of Arlington, Timothy Harris of Los Angeles, Calif., and Patrick Harris of Fairfax County. He is also survived by one brother, David F. Harris of Alexandria, and eight grandchildren.

The funeral will be conducted Thursday, Dec. 21, at Grace Presbyterian Church at 2 p.m. by the Rev. Paul Carter, the Rev. William A. Cole and Rev. J. Morton Biber. Burial will follow in Collierstown Presbyterian Cemetery. The family will receive friends today (Wednesday) from 5 to 6:30 p.m. at Harrison Funeral Home.

VETO OVERRIDE ON CHINESE STUDENTS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. ANDERSON. Mr. Speaker, we are here today voting to override a Presidential veto. While this Congress was out of session, President Bush vetoed H.R. 2712, the Emergency Chinese Adjustment of Status Facilitation Act. Due to this action, over 32,000 Chinese students in this country are vulnerable to deportation, their fate subject to an administrative decision.

The recent visit to China by Mr. Scowcroft and Mr. Eagleburger represents a policy of appeasement and reconciliation to a group of hard-line, repressionary politicians of the type we have seen recently toppled in Eastern Europe. It seems a bit too soon for two of our highest officials to knock at the door of Li Peng and Deng Xiaoping asking to rework our political and economic ties. At the same time, I have constituents who send me letters detailing their anger at the government shootout in Tiananmen Square. Along with those letters came one very poignant picture, the bodies of several students crushed by tanks.

Who pays the price of this appeasement? The Chinese students in this country pay, the Chinese people pay, and this country pays. The President says he did not want to offend the Chinese Communist Government and have China make good on its threat to revoke student and cultural exchanges. When have we started to heed such threats? Will we sacrifice the lives of those here for the promise of a few more students here tomorrow? And would these future students be graduates of 2 years on the work farms and a Marxist-Leninist-Maoist re-indoctrination?

But this decision involves more than just 32,000 students. It saddens me that this country, standing as the pillar of democracy in the world, a country that the people of the world turn to as symbolic for the condition they strive to attain, could then turn its back on those very people who actively fight for the same principles we hold so dear. I remind you of the image of a single man, standing alone in front of three oncoming tanks. With words and courage alone he stopped those tanks. He succeeded because he was willing to stand up to any power in order to achieve what he knew was right. Now, in the face of Mr. Bush's actions, all of Congress plaudits to that students deeds, to the bravery of his comrades, all our condemnations of the Chinese Government's actions go to naught. Will we stand idly by? I think we should not. I urge my colleagues to override a veto. This country must back up its ideals with actions. Support the Chinese students, let them experience the euphoria of democracy that has spread through Eastern Europe. Override the President's veto.

U.N. CODE OF CONDUCT ON TRANSNATIONAL CORPORATIONS

HON. GUS YATRON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. YATRON. Mr. Speaker, I rise to discuss the status of the U.N. Code of Conduct for Transnational Corporations. As chairman of the Subcommittee on Human Rights and International Organizations, I conducted hearings on this issue last November to look at the outstanding issues and impediments preventing completion of the code, the administration's policy toward the code, and what positions the U.S. delegation should take to resolve remaining problems and promote completion of the code.

Transnational corporations [TNC's] have come to play an increasingly important role in the world economy since World War II, and foreign direct investment is one of the most widespread forms of international economic activity. The total value of such investment undertaken by approximately 20,000 TNC's with 100,000 affiliates exceeds $700 billion. With annual flows being approximately $50 billion, about one-quarter is directed toward developing countries. Transnational corporations are active in all economic sectors.

While an international framework exists for trade, money, and finance under GATT and the IMF, there is no corresponding regime for direct foreign investment. This fact has led to efforts to adopt international instruments dealing with the conduct and treatment of transnational corporations, under the auspices of the U.N. Commission on Transnational Corporations and the U.N. Centre on TNC's.

The primary purpose of the codes is to set out the rights and obligations of both TNC's and states, creating a stable and predictable framework within which their relationship would evolve in a mutually satisfactory manner, while at the same time minimizing the potential for friction and conflict arising from these relationships.

Twenty years ago the prevailing assumption in most developing countries was that such large business corporations were inherently bad and should be state controlled. Today, many governments feel that TNC's can play a constructive role in development. The U.S. has an interest in securing a stable, predictable environment for direct foreign investment to reduce global debt, promote world growth, expand American markets, project a positive U.S. image, and ensure expansion of free-enterprise systems. Moreover, the U.S. has become a major home market for foreign investment, a relatively new phenomenon, which carries serious implications.

About 80 percent of the code has been agreed upon. However, some key issues remain to be resolved, including noninterference in internal political affairs by TNC's, the applicability of a body of customary law, nationalization and compensation, jurisdiction and dispute settlement, and national treatment of TNC's.

The subcommittee conducted hearings in the past, and the previous administration was not very enthusiastic about completing the code. Our last hearing, which included prominent witnesses from the business community, consumer organizations, academia, and the State Department, revealed that the current administration is also reluctant to pursue code negotiations.

In an effort to encourage more serious consideration within the administration of working actively toward completing the code, I along with subcommittee colleague, Congressman WAYNE OWENS, wrote directly to President Bush. I am submitting a copy of the letter to the RECORD for review by the Members of this Chamber.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 1989.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you are aware, the Subcommittee on Human Rights and International Organizations conducted a hearing on the U.N. Code of Conduct on Transnational Corporations. We were somewhat disappointed by the Administration's unenthusiastic approach toward achieving an acceptable Code in the near future. We were hoping that, as a former U.N. Ambassador, your support for this endeavor would be stronger than your predecessor's. We are appealing to you to direct the State Department and the U.S. Mission to the U.N. to reconsider your policy and assume greater international responsibility in the development of fair and reasonable standards of corporate and financial activities carried across national boundaries.

The international financial environment has changed considerably over the past few years. In general, developing nations no

longer view TNCs with deep hostility, and internationally-recognized standards of appropriate conduct by TNCs cannot be considered an attempt to restrict the freedom of American firms. In fact, many of our home markets and many of our domestic firms have been taken over by foreign enterprises. Our country is greatly affected by business decisions made outside of our national borders.

Clearly, we are better able than less-developed countries to cope with offensive or illegal trade practices perpetrated by foreign firms. However, policies which would not be permissible for American-owned companies, are being persued by TNCs based overseas. Thus, it is important to American business and the world's consumers that international trade now be subject to comprehensive fairness and scrutiny. The U.N. Code of Conduct, we believe, could accomplish this objective. It would not be a binding set of laws, but an internationally desirable set of standards which would carry the imprimatur of the U.N. as representing good practices and good conscience in the world's marketplaces.

Sincerely,

WAYNE OWENS,
Subcommittee on Human Rights and International Organizations.
GUS YATRON,
Chairman, Subcommittee on Human Rights and International Organizations.

A HAND IN MEMORY TO THE HOLOCAUST

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, late last year a large bronze hand rose high into the midday Sun and settled softly atop an outstretched arm. This bronze hand exemplifies a Holocaust Memorial located in the heart of Miami Beach. On a 2-acre lot at Meridian Avenue and Dade Boulevard, the 42-foot sculpture rises from a rotunda and is sure to evoke powerful emotion from both Holocaust survivors and those who know of the Nazi death camps only from history books.

The Holocaust Memorial was built with private contributions to honor the 6 million Jews who perished under the Nazis. To mark the arrival of this tremendous monument, Nobel Peace Prize winner Elie Weisel will commence a dedication on February 4, 1990.

The memorial itself depicts a massive hand above Holocaust victims crying out for help. The nearly life-size forms of women holding crying babies, men lifting their arms in forsaken terror and bodies twisting across each other are images drawn from original photographs of the Holocaust.

Everyone who observes the monument will conceive a different reflection. Some may see the loving hand of a mother. Others may see hope in the hand opening toward the sky. But for all it will be a jarring reminder that abstract death counts sometimes cloak the individualized horror of genocide.

The most extraordinary part of the memorial is the architecture. It allows people to experience for themselves something that simply can not be expressed.

I am honored to salute the leadership and generosity of the many individuals involved in this project.

ABRAHAM CHARLES SUSSMAN

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. BATES. Mr. Speaker, I rise to commend the enormous work that Abraham Charles Sussman of San Diego has done in promoting recognition for police officers.

Mr. Sussman was recently recognized by the Fraternal Order of Police and the Federal Bureau of Investigation for his work in establishing Peace Officers Memorial Day. On October 1, 1962, President John F. Kennedy signed into public law a commemorative designating May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which May 15 occurs as Police Week. This memorial day is in honor of police officers who have lost their lives or were disabled in their efforts to maintain law and order.

Police officers work tirelessly and selflessly on behalf of the people of our Nation regardless of the peril or hazard to themselves. They safeguard not only the lives and property of their fellow Americans, but our internal freedom as well. We owe much to police officers including protection against civil disorder and violence.

While recognition of the service that police officers perform was well documented in the Congress, the work Mr. Sussman has done has not been. Mr. Sussman personally lobbied for this commemorative. Beginning in 1958, Mr. Sussman wrote thousands of letters to many public officials in support of this cause, including the Governor of Kentucky, Albert Bennett "Happy" Chandler. Finally, in 1962, President Kennedy recognized Peace Officers Memorial Day on the national level. It is in large part due to Mr. Sussman's efforts that peace officers have received the high degree of respect that they so richly deserve. Abraham Charles Sussman was the moving force behind this recognition.

CITIZEN-VOLUNTEER GLYNN ATKINSON

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. TALLON. Mr. Speaker, for more than a year now my Florence, SC, district office has benefited immensely from the hard work and dedication of Mr. Glynn Atkinson. Glynn's efforts on behalf of my office and the Sixth District of South Carolina go way beyond the ordinary call of duty as a citizen volunteer.

Glynn has answered phones, accompanied me on district visits, assisted in case work and stood in for ill staff. Throughout his time in my office, he has performed these eleemosynary duties with graciousness and eagerness. I would wish for my colleagues a volunteer of Glynn's caliber.

Glynn has a special commitment to serving citizens of this country and he has done so for his entire life. Most notable is his military record. Lance Cpl. Glynn Atkinson served with distinction in Vietnam. As a Marine in the First Division, he received the Presidential Unit Citation Award for combat service for the period of September 16, 1967, to October 31, 1968. He also recieved a Meritorious Unit Commendation awarded to 11th Motor Transport Battalion for the period September 16, 1967, to December 31, 1968.

Among his many other military citations is a Good Conduct Medal, National Service Defense Service Medal, Vietnam Service Medal with four bronze stars, the Republic of Vietnam Meritorious Unit Citation, and the Republic of Vietnam Campaign Medal with device.

The Purple Heart is Glynn's most telling award. He received the Purple Heart for wounds he sustained in action on July 7, 1968. Despite Glynn's 100 percent disability from his wounds, Glynn continues the spirit of the Purple Heart by seeking out service to his community and neighbors. It is a great honor that he has chosen to volunteer in my office.

TRIBUTE TO MAJ. MARTIN LIFSCHULTZ

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. MRAZEK. Mr. Speaker, I rise to pay tribute to Maj. Martin Lifschultz of Dix Hills, NY. Major Lifschultz was recently named commander of the 2d battalion, 14th regiment, of the New York Guard.

The New York Guard is an organization dedicated to assisting our communities in preparing for and responding to manmade and natural disasters. The men and women of the Guard volunteer their time and efforts throughout the year to provide this essential service.

The 14th regiment, under the able leadership of Major Lifschultz, serves the Merrick-Freeport area as well as other communities on Long Island's South Shore.

Mr. Speaker, the dedicated men and women of the New York Guard prove that the values of voluntarism and community spirit are still alive and well in America today.

I am particularly proud of the efforts of Major Lifschultz. For the past 17 years, he has served the New York Guard with pride and distinction. In additon to his meritorious service to the Guard, Major Lifschultz holds a Bronze Star, Purple Heart with oak-leaf cluster, the French Croix de Guerre, and the New York State Conspicuous Service Cross for his wartime service.

On behalf of all Long Islanders, I want to thank Major Lifschultz for his selfless service to the community and wish him well in his future endeavors.

FRANCES HESSELBEIN: A LEADER AND A ROLE MODEL

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mrs. SCHROEDER. Mr. Speaker, I offer my best wishes to Frances Hesselbein as she leaves her post as the National Executive Director of Girl Scouts of the U.S.A. this month. As a former Girl Scout myself, I have a deep affection for the program.

Mrs. Hesselbein led the Girl Scouts for the past 13 years, and saw the organization through many changes. She has worked to increase membership throughout the eighties, including dramatic increases in racial/ethnic minorities. She is an excellent manager, leader and is unsurpassed in her dedication to community service.

Mrs. Hesselbein has been an excellent role model for the youth of America. She worked to change their lives for the better, and to provide equal access for all to her dream. She focused on each individual to help them attain their own potential and be the best they could be.

Mrs. Hesselbein's contribution to the education of our youth will always be remembered, and although she will be missed, she will forever be a part of the Girl Scouts, and I would like to thank her for all the effort and good will she has put into shaping the future of the Girl Scouts, and the youth of America.

IN CELEBRATION OF THE CHINESE NEW YEAR

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. GREEN. Mr. Speaker, as a Member of Congress privileged to represent Chinatown in New York City, I should like to announce that Saturday, January 27, marks the beginning of the Chinese New Year. The Chinese year 4688 is the Year of the Horse, a totem of stamina, speed, and reliability.

The Chinese New Year season is a time of kindness and goodwill to all, and a time of forgiveness and reconciliation. It is celebrated on the first day of the first month of the lunar calendar. The celebration lasts several days, beginning with family observances and ending with gala festivities. For the Chinese, it is a time of closing the business of the old year, clearing debts, and cleaning house.

The Chinese community is a source of immense pride to our city, and their culture brings enrichment to the lives of all New Yorkers. I am proud to celebrate with them at this special time and wish them a very happy new year.

"FIXING" THE NOTCH

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. BALLENGER. Mr. Speaker, the Social Security "notch" continues to be an issue that causes concern and misunderstanding among senior citizens. The most misunderstood point of all, however, is that legislation to fix the notch will actually be given serious consideration.

While many Members are eager to sponsor proposed fixes, few are willing to actually put this measure to an up-or-down vote. The leadership of the House, by refusing to bring this measure before Congress, protects those Members who seek to gain political mileage from their sponsorship of legislation. In public, sponsors can pretend to support "fixing the notch," while knowing full well the legislation will never come to a vote in the House.

In the 100th Congress, I signed a discharge petition calling for a vote on notch legislation. I have again signed a discharge petition this Congress. It is time to take this matter off the back burner and subject it to full and vigorous debate, resolving the so-called notch issue once and for all. I urge the cosponsors of notch legislation to join me and others to force a vote on this issue.

DORIS MORTON, A "WE THE PEOPLE . . ." LEADER

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. NATCHER. Mr. Speaker, we must not neglect to pass on to our youth the understanding of the fundamental principles and values of our democratic institutions that leads to a reasoned commitment to their preservation and improvement. The events that have occurred around the world during the past several weeks makes this more important than ever.

I am pleased to commend the efforts of one of our educational leaders in my congressional district whose dedication to the improvement of the civic education of our students has been exemplary. Through the dedicated and voluntary efforts of Doris Morton, thousands of our students have participated in a program designated as "We the People . . . Bicentennial Programs on the Constitution and Bill of Rights." This curriculum introduces students to the philosophical ideas of our founders, the historical background of the Philadelphia Convention, and the issues and debates that shaped the writing of our Constitution. In this program, students learn how our Government is organized and how it protects the rights and liberties of all citizens. Finally, and most important, students learn of the responsibilities which accompany the rights of citizenship in a democracy.

It is a pleasure for me to express my admiration and appreciation to Doris Morton for her impressive contributions to the development of competent and responsible citizenship.

INTRODUCTION OF A JOINT RESOLUTION DESIGNATING "NATIONAL WATER RECREATION SAFETY WEEK"

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1990

Mr. RHODES. Mr. Speaker, today I am introducing a joint resolution designating the week of May 20, 1990, through May 26, 1990, as "National Water Recreation Safety Week."

This resolution is inspired by the drowning death of one of my constituents, K.C. Johnson, of Mesa, AZ. He died in a boating accident on an Arizona lake. This senseless, needless accident caused his family to establish the K.C. Johnson Memorial Foundation to assist families whose loved ones have died in drowning accidents. The foundation also provides public education regarding the dangers of water-based recreation and safeguards that should be taken in our recreational waters.

Drowning is the second leading cause of accidental deaths of persons 5 through 44 years of age in America. Alcohol and drugs are involved in 2 out of 3 of those accidents. The highest drowning rates occur among children under 5 years of age. On average, 1,200 deaths occur each year in the United States as a result of boating accidents.

These are preventable accidents that needlessly claim the lives of our children and young adults. This resolution will help increase public attention to the dangers as we approach the peak water recreation season this coming summer. I invite all of you to join in cosponsoring this legislation to help carry out the education and public awareness work of the K.C. Johnson Memorial Foundation, the National Water Safety Congress and similar organizations across the country.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, January 25, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 26

9:00 a.m.
Armed Services
To hold hearings to receive testimony from the Subcommittee on Defense Cooperation of the North Atlantic Assembly.
SR-232A

JANUARY 29

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the activities of the Resolution Trust Corporation (RTC).
SD-538

JANUARY 30

9:15 a.m.
Labor and Human Resources
To hold hearings to examine teacher excellence, focusing on recruitment and training.
SD-430

10:00 a.m.
Foreign Relations
To hold hearings on the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Treaty Doc. No. 100-20).
SD-419

Joint Economic
To resume hearings to examine the economic outlook for 1990.
Room to be announced

2:00 p.m.
Armed Services
To hold hearings on the implications of changes in the Soviet Union and Eastern Europe for Western security.
SR-222

FEBRUARY 1

8:30 a.m.
Veterans' Affairs
To hold hearings on the nomination of D'Wayne Gray, of Virginia, to be Chief Benefits Director, Department of Veterans Affairs.
SR-418

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the soybean industry.
SR-332

10:00 a.m.
Armed Services
To hold hearings to review the amended authorization for fiscal year 1991 for the Department of Defense and the five year defense plan.
SH-216

Commerce, Science, and Transportation
To hold hearings on the nomination of William D. Hathaway, of Maine, to be a Federal Maritime Commissioner.
SR-253

Environment and Public Works
To hold hearings on S. 1076, to increase public understanding of the natural environment and to advance and develop environmental education and training.
SD-406

11:00 a.m.
Foreign Relations
To hold hearings on foreign policy priorities for 1990.
SD-419

FEBRUARY 2

9:00 a.m.
Armed Services
To resume hearings on the implications of changes in the Soviet Union and Eastern Europe for Western security.
SH-216

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Education, focusing on the Office of the Secretary of Education and Special Institutions.
SD-192

Foreign Relations
To hold hearings on the status of U.S.-Soviet arms control negotiations.
SD-419

10:30 a.m.
Joint Economic
To hold hearings to examine the economic outlook for 1990.
Room to be announced

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Education, focusing on the Offices of the Assistant Secretaries of Education and the Office of the Inspector General.
SD-192

FEBRUARY 5

2:00 p.m.
Finance
To hold hearings on proposed legislation to reduce Social Security taxes.
SD-215

FEBRUARY 6

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on crop insurance.
SR-332

Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on S. 1554, to implement water rights settlements involving the Pyramid Paiute Tribe, the States of California and Nevada, and other parties with respect to the waters of the Truckee and Carson Rivers and Lake Tahoe in Nevada and California.
SD-366

Governmental Affairs
To hold hearings on S. 2006, to establish the Department of the Environment, and to provide for a global environmental policy of the United States.
SD-342

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Labor, focusing on the Office of the Secretary of Labor and the Office of Inspector General.
SD-138

2:00 p.m.
Agriculture, Nutrition, and Forestry
Domestic and Foreign Marketing and Product Promotion Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on export and market development programs.
SR-332

FEBRUARY 7

9:00 a.m.
Armed Services
To hold hearings on the military strategy and operational requirements for NATO defense.
SR-222

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
To continue hearings on S. 2006, to establish the Department of the Environment, and to provide for a global environmental policy of the United States.
SD-342

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the Office of Civil Rights and Policy Research, the Family Support Administration, Human Development Services, and the Office of Inspector General.
SD-192

Foreign Relations
To hold hearings on U.S. policy toward China.
SD-419

10:30 a.m.
Finance
To resume hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-418).
SD-215

1:15 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the Social Security Administration and the Health Care Financing Administration.
SD-192

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on provisions relating to fisheries protection and buffer zones (sec. 104(e)), and the designation of additional wilderness areas on the Tongass National Forest (title III), of H.R. 987, the Tongass Timber Reform Act.
SD-366

FEBRUARY 8

9:00 a.m.
Armed Services
To hold hearings on the military strategy and operational requirements of the commands oriented to Pacific defense.
SR-222

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on grain quality enhancement.
SR-332

Governmental Affairs
To continue hearings on S. 2006, to establish the Department of the Environment, and to provide for a global environmental policy of the United States.
SD-342

Veterans' Affairs
To hold hearings on the nominations of Ronald M. Holdaway, of Wyoming, and Hart T. Mankin, of Delaware, both to be Associate Judges of the United States Court of Veterans Appeals.
SD-562

10:00 a.m.
Finance
To resume hearings on proposed legislation to reduce Social Security taxes.
SD-215

10:30 a.m.
Joint Economic
To resume hearings to examine the economic outlook for 1990.
Room to be announced

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on agricultural credit.
SR-332

Armed Services
To hold hearings on the military strategy and operational requirements of the unified commands oriented to Third World defense and unconventional warfare.
SR-222

FEBRUARY 9

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health, the Office of Health Care Policy and Research, the centers for Disease Control, the Alcohol Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration.
SD-192

FEBRUARY 20

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Office of Director, Buildings and Facilities, the National Cancer Institute, the Heart, Lung, and Blood Institute, the National Dental Institute, Diabetes, Digestive, and Kindney, Allergy and Infectious Diseases, Child Health and Human Development, and Environmental Health.
SD-138

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Neurology Institute, the Deafness Institute, General Medical Sciences, the National Eye Institute, the National Institute on Aging, Arthritis, Musculoskeletal and Skin Division of Research Resources, Nursing Research, Human Genome, and the National Library of Medicine.
SD-138

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on agricultural credit.
SR-332

FEBRUARY 21

9:00 a.m.
Armed Services
To hold hearings on the military strategy and operational requirements for rapid reinforcement and associated transportation requirements.
SR-222

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1742, to further the goals of the Paperwork Reduction Act (Public Law 96-511), and comprehensively strengthen agency responsibility and accountability of information resources management.
SD-342

FEBRUARY 22

9:00 a.m.
Armed Services
To resume hearings on the implications of changes in the Soviet Union and Eastern Europe for Western security.
SR-222

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on gain quality enhancement.
SR-332

Energy and Natural Resources
To hold oversight hearings on the implementation of the Department of Energy's Office of Civilian Nuclear Waste Management.
SD-366

Governmental Affairs
To continue hearings on S. 1742, to further the goals of the Paperwork Reduction Act (P.L. 96-511), and comprehensively strengthen agency responsibility and accountability of information resources management.
SD-342

Rules and Administration
To hold hearings on S. 1543, to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia.
SR-301

Small Business
To hold hearings on implications of technology transfer on small business.
SR-428A

10:00 a.m.
Rules and Administration
To hold hearings on the nomination of Robert William Houk, of Ohio, to be Public Printer for the Government Printing Office.
SR-301

FEBRUARY 23

8:30 a.m.
Veterans' Affairs
To hold hearings on budget recommendations for veterans programs and on proposed legislation to reorganize the Veterans Health Service and Research Administration.
SR-418

FEBRUARY 27

9:30 a.m.
Rules and Administration
Business meeting, to consider S. 1543, to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia, the nomination of Robert William Houk, of Ohio, to be Public Printer for the Government Printing Office, and other pending executive, legislative, and administrative business.
SR-301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Disabled American Veterans
SH-216

2:00 p.m.
Armed Services
To resume hearings on the amended authorization request for fiscal year 1991 for the Department of Defense and the five year defense plan.
SR-253

FEBRUARY 28

9:00 a.m.
Armed Services
To continue hearings on the amended authorization request for fiscal year 1991 for the Department of Defense and the five year defense plan.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture.
SD-138

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Physician Payment Review Commission, the Corporation for Public Broadcasting, the National Commission on Libraries, the U.S. Institute of Peace, the National Commission on AIDS, the Prospective Payment Assessment Commission, the National Commission to Prevent Infant Mortality, and the Soldiers' and Airmens' Home.
SD-192

10:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for ACTION, the National Council on Disability, the Federal Mediation and Conciliation Service, the National Mediation Board, the Railroad Retirement Board, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD-192

MARCH 1

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the cotton industry.
SR-332

2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on forestry issues.
SR-332

MARCH 2

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the wool and honey industries.
SR-332

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Research Service, Cooperative State Research Service, and Extension Service.
SD-138

MARCH 5

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the rice industry.
SR-332

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on agricultural credit.
SR-332

MARCH 6

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Veterans of Foreign Wars.
SH-216

9:30 a.m.
Governmental Affairs
To hold hearings on the General Accounting Office's report on material weaknesses in the Department of Defense's supply system.
SD-342

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the sugar industry.
SR-332

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Food and Nutrition Service and Human Nutrition Information Service.
SD-138

MARCH 7

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1978, to promote U.S. trade and technology interests by reorganizing the Department of Commerce into a Department of Industry and Technology.
SD-342

MARCH 8

9:30 a.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

Governmental Affairs
To hold hearings to examine fraud, waste and abuse, focusing on agencies on the high risk list.
SD-342

Veterans' Affairs
Business meeting, to consider budget recommendations for veterans programs and proposed legislation to reorganize the Veterans Health Service and Research Administration.
SR-418

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on the wheat industry.
SR-332

MARCH 9

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.
SR-332

MARCH 15

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the American Ex-Prisoners of War, the Blinded Veterans Association, and the Military Order of the Purple Heart.
SH-216

MARCH 21

9:30 a.m.
Governmental Affairs
To hold hearings on proposed legislation to establish a position of chief financial officer.
SD-342

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-138

MARCH 22

9:30 a.m.
Governmental Affairs
To continue hearings on proposed legislation to establish a position of chief financial officer.
SD-342

Veterans' Affairs
To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

MARCH 23

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-138

MARCH 30

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

APRIL 4

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

CANCELLATIONS

FEBRUARY 1

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the Department of Energy Decision Plan related to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

HOUSE OF REPRESENTATIVES—*Thursday, January 25, 1990*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, a unity of purpose that brings us together to do the good work that we have been called to do. We admit our differences, our prejudices, and we pray for the gifts of the spirit that free us to live lives that are worthy of our responsibility. Bless the men and women here and the people of our land, unite the nations of the world and every person of good will in an attitude of common respect. May we be faithful to do Your good will now and evermore. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Illinois [Mr. POSHARD] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. POSHARD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 228. Concurrent resolution to express the sense of the Congress regarding the 25th anniversary of Volunteers In Service To America.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 319. An act to effect an exchange of lands between the United States Forest Service and the Salt Lake City Corporation within the State of Utah, and for other purposes;

S. 1046. An act to amend the Wild and Scenic Rivers Act of 1968 by designating a segment of the Merrimack River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; and

S. 1594. An act to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes.

DENVER BRONCOS ARE GOING TO WIN THE SUPER BOWL

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the Denver Broncos are going to win the Super Bowl. Not because Denverites are vulgar and believe "winning is the only thing." We do not just look at our past Super Bowl record. No, Denver is a compassionate city. We are very worried about what will happen if we do not win. Poor San Francisco will become known as "Titletown USA." San Francisco is not Green Bay, and I think it would be very embarrassing for them to continue to have the best football team on the planet. The Denver Broncos are going to spare them that embarrassment.

MAJ. EILEEN M. COLLINS NOMINATED TO BE FIRST WOMAN PILOT FOR SPACE SHUTTLE

(Mr. HOUGHTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOUGHTON. Mr. Speaker, I do not come from Colorado, and I do wish the Denver Broncos good luck. However, as New Yorkers are always looking over the next hill to see what the future will be, maybe it will be next year the Buffalo Bills' year. That is not the reason I am here.

Mr. Speaker, the reason I am here is I have very exciting news. It is from the southern tier of New York State.

NASA has just nominated an Elmira, NY, native, Maj. Eileen M. Collins, of the United States Air Force, to be the first woman pilot of the Space Shuttle Program.

This is not only great news for Major Collins and our district, but it is an important nomination for the future progress and development of the Space Shuttle Program.

On behalf of everyone in the southern tier of New York, I wish Major Collins the best of luck in her already successful career with NASA, and particularly congratulate her husband and her parents, Jim and Rose Marie Collins of Elmira.

DO NOT FORGET COAL MINERS IN CLEAN AIR DEBATE

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. POSHARD. Mr. Speaker, this year starts on a very down note for me and my district in southern Illinois.

Here is the headline in the Southern Illinoisan newspaper: "Old Ben 21 Closes; 337 Left Jobless," 337 hard working men and women whose lives are being turned upside-down.

All of us in my area know someone who is personally affected. Two family members of my staff are among those being put out of work. And we fear this is the first dispatch of more bad news to come.

I know clean air legislation is a priority for this session. But I am here to ask my colleagues to join those of us from other coal States to modify any legislation that puts even more people out of work.

I support cleaner air, land, and water. But we cannot stand by and watch these cleanup efforts be financed on the backs of working men and women in the coal fields of this country.

They have worked too long for us to desert them now. Join me in standing by them, and standing up for them in this important debate.

The newspaper article follows:

OLD BEN 21 CLOSES; 337 LEFT JOBLESS

(By Norm Heikens)

Southern Illinois lost another 337 coal mine jobs over the weekend, a harbinger of $13 million in payroll draining from the economy.

Old Ben No. 21 employees received layoff notices Monday because the mine near Sesser is closing.

In announcing the end of the 30-year-old mine, Bill Hake, vice president of Old Ben's Illinois Division, said 288 union miners and 49 company employees will lose their jobs in late March or early April.

Hake explained that No. 21, the smallest of four mines Old Ben has in the state, had become too expensive to continue operating.

"There's still a little bit of coal left, but we can't mine it at a price utilities are willing to pay for it," he said, adding that the mine lost money last year. "The mine has to be able to stand on its own, and it couldn't do that."

United Mine Workers District 12 President Jerry Jones said the announcement came soon after miners' hope had begun to inch upward.

Old Ben had been put up for sale last summer by its parent company, British Petroleum, in an effort to consolidate its oper-

ations, but was taken off the market just before Christmas.

Employees hoped a purchasing company would have had coal contracts to keep the mine operating.

"We didn't know what was going to happen with the sale," Jones said. "When the sale didn't go through, there was a rumor there would be a pretty good-sized layoff in December."

Their jitters were just beginning to ease when the announcement was made.

Union employees will be put on call-back panels, but already 400 to 500 workers are on the list, he said. The problem is that no new mines are opening.

Salaried employees might be out of work permanently.

"Some of the ones with less seniority and less performance will be looking for work," he said.

Historically, No. 21 produced premium coal. Reserves on the west side of the mine were lower in sulfur, but about 30 miners were laid off in December when the reserves on that side ran out.

Reserves on the east side are higher in sulfur, and with utilities being reluctant to buy large blocks of coal, there was little assurance a market would develop if the mine continued to operate, Hake said.

Possibilities of opening new mines soon are practically nil, he said.

In order to justify a $100 million mine opening, it is considered expedient to have a utility contract for at least half the reserves, Hake said. That isn't about to happen in a day when utilities are buying on spot markets.

Utilities and mines alike are keeping a close eye on Congress as it begins work this year on clean-air legislation. Many observers feel tighter restrictions could ruin the market for Illinois basin coal, which generally is high in sulfur.

Jones thinks a few miners might be old enough to retire.

"We're hoping some people can improve their skills and move into other occupations," Jones said. But "We're very frustrated."

Jones said about 500 miners worked at No. 21 during peak employment.

The mine has produced 60 million tons from 650 feet below the surface, Hake said. It had been a longwall operation for a decade until October.

The other three Old Ben mines employ between 300 and 320 workers, Hake said.

ON THE FIRST ANNIVERSARY OF THE CEDC

(Mr. UPTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UPTON. Mr. Speaker, today I rise to pay tribute to the Twin Cities area Community Economic Development Corporation [CEDC] on the occasion of their first anniversary. As the Representative for the Fourth District of Michigan, which includes the Benton Harbor area, I take great pleasure in recognizing the commitment the CEDC and the people of Benton Harbor and its surrounding neighbors have demonstrated toward revitalizing their community. Thanks to a strong partnership between local officials, individual citizens and the private sector, a new day is dawning for Benton Harbor.

Over 2 years ago, I held an economic development conference in Benton Harbor that was attended by more than 350 people. As my good friend and colleague Congressman CURT WELDON of Pennsylvania noted at this conference, the key to economic development is a strong alliance among education, business, labor and government leaders. The message I hoped to deliver with CURT was how our community in Benton Harbor could pull itself up by the bootstraps and flourish.

I am proud that the conference held that day helped serve as a catalyst for the formation of the Community Economic Development Corporation [CEDC]. The CEDC is at the heart of efforts to revamp the economy of the Twin Cities area. Government officials, members of the business community, and concerned citizens have formed a solid working coalition dedicated to improving the quality of life in the Benton Harbor area. It has been a great privilege for me to work with this talent laden organization, which revolves around the concept of shared responsibility and a strong private/public partnership.

The CDEC has been an astounding success, raising more than $1.2 million in pledges from individuals and the business community last year. These contributions will be matched by a major employer in the area, Whirlpool Corp. In 5 years, local officials hope to raise $5 million that will be matched by Whirlpool. These local funds were collected in near record time. The theme, "If not now, when?" moved people to action. It is inspiring to see local individuals and businesses place their trust in the future of Benton Harbor. Due to this community-wide effort, outside investment is once again starting to flow into Benton Harbor.

With the CEDC's aggressive marketing efforts, interested business people have been lured to the city. Twenty-five businesses have been approved under the city's enterprise zone status and by the end of this year, $142 million will be invested in Benton Harbor, creating nearly 150 new jobs.

Any major problem facing a community cannot be solved without the commitment of individual citizens who care enough to become involved. This is certainly true with the challenge of rebuilding distressed American cities. Individuals of all races and economic standing have volunteered in CEDC sponsored drives to make a difference through their personal participation.

On the first anniversary of the CEDC incorporation, communities throughout the Nation should take note of the teamwork and commitment in Benton Harbor. I hope others will form similar coalitions to promote economic development and save ailing cities. I am confident that the success during this first year is only the tip of the iceberg. The future for Benton Harbor and its neighboring communities will be bright due to the continued hard work and dedication of these people who dare to make a difference.

SAY IT IS NOT SO, MR. PRESIDENT

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. NEAL of Massachusetts. Mr. Speaker, those of us representing constituencies in the Northeast were shocked to learn that President Bush may propose a 25-percent cut in the Emergency Fuel Assistance Program when he unveils his budget next week.

The cold wave that gripped much of the Nation in December brought with it incredible, and in my view indefensible, increases in the price of home heating oil. The skyrocketing cost of fuel oil has devastated family budgets from Kearney, NJ, to Kingston, MA, to Kennebunk, ME. For the poor, the impact has been particularly severe. Some low-income families expended a winter's worth of Federal fuel assistance by the end of December, and do not know how they will contend with another bout of very cold weather.

It is a regrettable fact that the existing level of Emergency Energy Assistance Program funds serves only about one-third of the individuals eligible for it. States supplement Federal funds where they can, but I believe it is unrealistic to expect the States to do more. More Federal funds, not less, are needed in this program, and I believe the President should be proposing increases, not cuts.

Mr. Speaker, I hope the rumors about the President's position on the Emergency Energy Assistance Program are wrong. If they are not, I urge Mr. Bush to talk with his friends and neighbors in New England, and reexamine his position. In this land of abundant resources, it is simply wrong that people should be forced to choose between heating and eating.

SMALL BUSINESS IS GOING OUT OF EXISTENCE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, as we begin a new session of Congress, I hope we will focus at least some attention on a largely ignored but growing problem in this Nation. Small business is going out of existence at an alarming rate in the United States today.

Many other small businesses, while not going all the way under, are barely hanging on, whether it is the inde-

pendent drugstore, hardware store, auto-parts store, the mom-and-pop grocery, the family farm. Small business is in a real struggle for survival.

We frequently say that small business is the heart or backbone of the American economy. This is certainly true. However, today most Federal contracts can be done only by big businesses because only they can handle the paperwork maze required by the bureaucracy. Federal tax breaks generally go almost entirely to the big giants that can hire the lobbyists.

Federal rules, regulations, and red tape fall disproportionately hardest on small businesses. Federal bureaucrats seem to have a bias toward big business either because it makes them feel more important or it is simply easier to deal with bigger and fewer companies.

The Federal Government, to put it in plain language, is driving small business out of existence. We need to take notice of this and not make this situation worse in the legislation we pass this year.

TRIBUTE TO KONISHIKI

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to pay a special tribute to an outstanding young American of Samoan ancestry, whom I have had the privilege to know for the past several years. Not because he is a native Samoan, but he's a great American, and what he has accomplished is certainly a rarity in our country.

Mr. Speaker, you cannot help but take notice of this young man since he weighs only 490 pounds, stands 6 feet 2 inches tall, and participates in what is generally known as Japan's oldest national cultural sport; that is, the sport of sumo wrestling.

Mr. Speaker, this young man is Saleva'a Fuauli Atisanoe, or commonly known throughout Japan by his traditional wrestling name as Konishiki Yasokichi.

On November 26, 1989, Konishiki became the second non-Japanese since 1972 to win the coveted Emperor's Cup during the Grand Sumo Tournament in Japan. Just last week Konishiki made a respectable showing by winning 10 of 15 matches, and hopefully, if he should win another tournament, he stands an excellent chance for promotion to "yokozuna" or grand champion. This is the highest degree or level of achievement for a sumo wrestler to obtain.

Mr. Speaker, I would also like to express special thanks to Mr. Hiro Sasaki for his initial contact with Saleva'a when he first introduced Saleva'a to Jesse Kahualua or "Takamiyama," who later became Sale's trainer at the Takasago Beya or training center in Tokyo. Through hard training and disciplinary rules that all sumo wrestlers must go through, Konishiki quickly rose through the complicated divisions of promotions and recognition since his initial entry into the world of sumo wrestling in 1982. This is particularly noted in the fact that while it usually takes a sumo wrestler 5 years to train and compete competitively in the highest division of sumo hierarchy, Konishiki achieved this feat in 2 years.

Mr. Speaker, I would also like to offer a special congratulations to Konishiki's proud but humble Samoan parents, Orator Va'a Fuauli Atisanoe and mother, Tala.

My personal thanks and mahalo also go to my good friend and colleague, Congressman DANIEL AKAKA, of Hawaii, for making a special effort in joining me at a special family church service that was held recently in honoring Konishiki for his achievements.

Mr. Speaker, I submit the following articles also to be made part of the RECORD.

[From the Washington Post, Nov. 27, 1989]

THE WIN WORTH WEIGHING FOR—A HAWAIIAN TAKES SUMO WRESTLING HONORS IN JAPAN

(By Fred Hiatt)

TOKYO, Nov. 26.—One doesn't often see a 496-pound man cry, but Yasokichi Konishiki wept for joy today.

Konishiki, a Samoan American born in Hawaii nearly 26 years ago, took up the ancient Japanese sport of sumo wrestling in 1982. And today, after enduring anti-foreign hazing, poison pen letters, telephone death threats and a bum knee, the quarter-ton wrestler won his first professional tournament.

Konishiki received a congratulatory message from President Bush—"We're all proud of you."—and a host of cash awards and gifts, including four tons of rice, a barrel of shitake mushrooms, 5,000 eels and an outsize silver statue of a Coca-Cola bottle. But the ultimate compliment came from the director-general of the sumo association.

"He's a great wrestler now," Katsuji Futagoyama, a former sumo star, told the Japan Broadcasting Co. "He's no longer a foreigner."

Indeed, it was a red-letter weekend for Americans in Japanese sports. A former Montreal Expo, Warren Cromartie, was named Most Valuable Player of the Japanese Central League, while a former Los Angeles Dodger, Ralph Bryant, was honored as Pacific League MVP, the first time U.S. players have swept the awards.

Still, it was Konishiki's triumph over adversity in the most Japanese of sports that captured Japan's attention. Although the giant wrestler's sudden rise in the sport five years ago provoked a wave of xenophobia, his more recent troubles and his determination to overcome them seem to have won him acceptance as an honorary Japanese.

After clinching his bout today, Konishiki gave the obligatory television interview in flawless Japanese, as an attendant combed his oiled hair into the traditional topknot in preparation for the victory ceremony.

"I didn't want to cry, but I couldn't help it," said the soft-spoken athlete, still breathing heavily from his 20-second fight. "It's like a dream. I'm really surprised myself."

Konishiki was a high school football player named Salevaa Atisanoe aiming for college and law school when another Hawaiian, Jesse Kuhaulua, recruited him for sumo. Kuhaulua, wrestling under the name Takamiyama, eventually became a Japanese citizen, but in 1972 he had become the first and, until today, only foreigner to win a sumo tournament.

To an outsider, sumo didn't look difficult: two nearly naked fat men colliding with a thud and then spending a few seconds trying to throw each other to the ground or push each other out of the packed-sand ring. Konishiki gained almost 200 pounds here on a diet of fish and rice stew and began climbing through the professional ranks with unprecedented speed to become the first foreign *ozeki*, or champion-ranked wrestler.

But Konishiki also soon discovered that sumo is a test not only of bulk but of strength, speed, agility and, above all, mental toughness. As he began to succeed, he had to endure the normal indignities of the hierarchial, almost feudal sumo world, and the panic of Japanese who believed a foreigner should never be champion.

"Anyone who can't take a hazing probably doesn't have what it takes to succeed in sumo," Konishiki wrote in a Japanese magazine last year. "It a lot more difficult than it looks."

Konishiki was considered sure to advance beyond ozeki to the top rank of *yokozuna*, or grand champion. But his climb stalled; one strong tournament would be followed by a poor performance.

"I keep hearing people say they don't want a foreigner to win, that I shouldn't be promoted to yokozuna since I only win by brute strength," wrote Konishiki, the biggest sumo wrestler ever.

This year, Konishiki finished the September tournament with a miserable five wins and 10 losses and was in danger of being stripped of his championship rank. So when he practiced hard through the fall and came roaring back this month, the sports press took notice.

"Resurrection of the Monster of Hawaii," blared one. "Grand Champion Konishiki—Even Mike Tyson Would Pale," said another. A new sweetheart, a 24-year-old Japanese model, had turned Konishiki around, it was reported.

On Friday, Konishiki won his most difficult bout, against the Wolf, Chiyonofuji. Although Konishiki outweighs the reigning champion by 200 pounds, Chiyonofuji had always turned Konishiki's bulk against him, sidestepping him and making the American look foolish as he crashed to the floor.

But this week, Konishiki simply bulled Chiyonofuji out of the ring. And when he dispatched the 400-pound Kotogaume today in the same style, Konishiki clinched his victory. If Konishiki can win the next tournament in January, the experts say, he will become the first foreign yokozuna in history.

The crowd in the sumo hall in Fukuoka cheered wildly for his win, and again when Bush's telegram was read in Japanese. The threats and insults and stop-Konishiki campaigns seemed, for now at least, forgotten.

"People like Takamiyama because he became Japanese," said one young fan. "But people like Konishiki because he hung in there and did things his way."

[From Sports Illustrated, Dec. 11, 1989]

AN AMERICAN WINS BIG

(By Shelley Smith)

In a feat of truly immense proportions, Hawaiian-born sumo wrestler Konishiki weighing in at 488 pounds, last week won the Emperor's Cup, Japan's most prestigious sumo championship. The victory had the entire nation abuzz. Only one other foreigner had ever won the tournament: Jesse Kuhaulua, another Hawaiian, in 1972.

Strange as it sounds, the 25-year-old Konishiki (born Salevaa Atisanoe to Samoan parents) saw his triumph as a victory for thinness. After becoming a *sumotori* in 1982, he had eaten his way from 350 pounds up to 553—whopping even by sumo standards. By last December his knees were constantly aching, and he was losing so often that he was in danger of being demoted from the ranks of *ozeki*, the second-highest classification in the sport.

Fearing this, Konishiki took action. He checked into a Tokyo training center and went on a diet. "We tried to test his body fat," recalls Bob Beveridge, the American who runs the training center, "but we couldn't get the clamp around his arm. We tested his strength, and it was one-sixth of a 60-year-old man."

Eating only fish and tomatoes, and swimming three times a week, Konishiki began to shed weight. His knees felt better, and his strength grew. By the start of the 15-day Emperor's Cup in Tokyo on Nov. 12, he had lost 65 pounds.

Sumo is a test of power and leverage. To win, a wrestler must push, slap or shove his opponent out of the 15-foot ring. Displaying surprising agility, Konishiki won 14 of 15 Cup matches, dispatching even Chiyonofuji, Japan's sumo darling, whose muscled 270-pound body sharply contrasted with Konishiki's folds of flab. After Konishiki beat 400-pound Kotogaume in the finals, a congratulatory telegram from President Bush arrived, and Konishiki was presented with prizes, among them 5,000 eels, which he presumably won't try to gulp down in a single sitting.

Konishiki wept. "My dream has come true," he said. He may become the first foreigner to attain the highest sumo designation, *yokozuna*.

Konishiki's victory capped a grand week for U.S. athletes in Japan. Earlier, former big leaguers Warren Cromartie and Ralph Bryant had been named MVPs of the two Japanese major leagues—the first time Americans have won both titles.

[From U.S. News & World Report, Dec. 11, 1989]

CHARGE OF THE UNLIGHT BRIGADE

Americans worried about economic rivals across the Pacific, take heart. Good old Yankee competitiveness is alive and well in the ancient Japanese dohyo, or sumo ring. Last week, a 490-pound Hawaiian of Samoan ancestry, known as Konishiki, bulldozed Japan's highest-ranked wrestler to win the coveted Emperor's Cup.

It may seem paradoxical that the Japanese, who grew rich making TV's and cars smaller, adulate behemoth wrestlers with washtub-size bellies. But in Japan, size and power are revered. Fans also admire a sumotori's impassive dignity born of years of bootcamp-like training in dormitory-gymnasiums called stables. As they move up the rigid sumo hierarchy, young trainees wash and braid their seniors' hair, fetch and carry, and eat prodigious portions of rice and chankonabe, a steamy meat or fish stew.

Despite its documented history of more than 1,500 years, sumo has changed little over the centuries. In recent decades, minimum height and weight requirements have been raised, as Japanese males have grown taller and heavier. To accommodate TV, some prefight rituals have been trimmed, such as the prolonged foot-stomping on the ring's bare earth as opponents glower at each other and the number of times salt is tossed as purification (the fight itself is over in seconds). Perhaps the biggest change since the days of shogun and samurai retainers has been the addition of gaijin, or foreigners. Besides the quarter-ton Konishiki, one other American, Hawaiian-born Takamiyama, has made his mark in the "sport of emperors," winning the cup in 1972.

[From Time Magazine, Dec. 11, 1989]

READ MY EELS

While some Americans fret that the Japanese are buying up the U.S., the Japanese may have another concern: Yankee athletes are winning all the prizes. Americans picked up the most valuable player awards in both Japanese baseball leagues, and a 488-lb. Samoan-American sumo wrestler known as Konishiki, 25, last week became only the second foreigner to triumph in a major sumo tournament. Big even by sumo's broad standards, Konishiki was once called "meat bomb" by his detractors. Among his prizes: a congratulatory message from President Bush, 1.8 tons of rice and 5,000 eels. The wrestler is already one slippery customer in the ring.

COMMENDATION OF U.S. EMBASSY PERSONNEL IN BUCHAREST

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I rise to commend the work of U.S. Embassy personnel in Bucharest during the turbulent revolution which overthrew the oppressive, tyrannical rule of Nicolae Ceausescu. I traveled to Romania in early January just as the violence in the streets of Bucharest was beginning to subside, and the people in our Bucharest Embassy were extremely courageous and a credit to the foreign service.

The Embassy personnel, their dependents and other Americans in Bucharest faced the quickly unfolding revolution with great strength. Ambassador Alan "Punch" Green and his staff are to be commended for protecting the lives of American personnel while continuing the job of reporting critical information to our Government as violence and firefighting filled the streets. Two Foreign Service officers even journeyed to Timisoara, where the revolution received its spark, before the outcome of the conflict was certain.

Mr. Speaker, I have a list of the U.S. Embassy personnel in Bucharest which I want to enter into the RECORD in recognition of their work.

Mr. Speaker, I would also like to mention that I will share my thoughts and recommendations on Romania during a special order beginning immediately after other congressional business is completed today.

The list referred to follows:

U.S. EMBASSY PERSONNEL IN BUCHAREST

NAME AND TITLE

Alan Green, Jr., Ambassador.
Larry C. Napper, Deputy Chief of Mission.
Brian M. Flora, Political Counselor.
W. Ross Newland, Political Officer.
Howard J. Steers, Political Officer.
Anita S. Booth, Administrative Counselor.
Virginia C. Young, Consul General.
Gordon K. Hellwig, Vice Consul.
Timothy A. Arnts, Economic Officer.
Agota Kuperman, Cultural Affairs Officer (Acting PAO).
Kay R. Kuhlman, Senior Commercial Officer.
Col. Branko Marinovich, Defense Attache.
Wol Joseph E. Krull, DAO Operations Officer.
Joanne Shelton, DAO Operations Technician.
Carl French, DAO Operations Technician.
Joanne Rizzo, Nurse Practitioner.
Daniel Aguayo, Communications Program Officer.
David Adams, Support Communications Officer.
Terry M. Cunningham, Telecommunications Officer.
Lauren Lyles, Telecommunications Officer.
Donald N. Haw, Telecommunications Officer.
William J. Maher, Regional Security Officer.
Karl W. Covington, Security Engineering Officer.
Jean H. Ishii, Regional Security Office Secretary.
SSgt. Jack Moore, Marine Security Guard Detachment Commander.
Sgt. Donald D. Brazeal, Marine Security Guard.
Sgt. Darryl M. Edwards, Marine Security Guard.
Sgt. Steve J. Elbert, Marine Security Guard.
Cpl. Hector Garcia, Marine Security Guard.
Cpl. Gordon A. Heap, Marine Security Guard.
Cpl. Steven A. Hill, Marine Security Guard.
Cpl. Phillip W. Lewis, Marine Security Guard.
Cpl. Reynaldo G. Morris, Marine Security Guard.
Cpl. Donald W. Salvaggio, Marine Security Guard.

I would like to show the American people the Romanian flag where the center has been cut out by the Romanian people in freedom. What they have said is that the United States Government ought not give the most favored nation status to the Romanian Government until they hold fair, free, open and verifiable elections.

COUNTDOWN TO EARTH DAY

(Mr. MAZZOLI asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, on January 23, this week, I joined House and Senate colleagues and representatives of many environmental groups to commence countdown to Earth Day, 1990. Nineteen-ninety will mark the 20th anniversary of the original Earth Day.

This anniversary comes at a timely moment in the Nation's environmental history. We will take up in this session of Congress the Clean Air Act. Though I am in a cold State, I do believe we need a tough Clean Air Act.

Back home in Louisville, our Mayor Jerry Abramson, Deputy Mayor Joan Riehm, and the director of solid waste management, Rudolph Davidson, are preparing special events to mark Earth Day in April.

My commemoration is to introduce legislation that will call a White House conference on solid waste reduction and disposal. I hope my colleagues will join me.

Though the proliferation of meetings on solid waste is there, we need something like a White House focus to give this movement additional momentum. In other words, the only way to give lowly and smelly garbage respectability and fragrance is to take it into the White House and put it on the President's desk, and make sure that this then gets the national attention it needs.

Mr. Speaker, I will be introducing legislation which I will send around to my colleagues, and I hope my colleagues will support me.

TRIBUTE TO PFC. ROY BROWN

(Mr. COX asked and was given permission to address the House for 1 minute.)

Mr. COX. Mr. Speaker, in the wake of recent events in Panama, I rise to pay tribute to the President of the United States, our Commander-in-Chief, and all the men and women of our armed services who have sacrificed so much for their country.

As the Representative from Orange County, CA, I would like to pay tribute to one of Orange County's young men who was among the first to be killed in the opening hours of the assault on Panama.

A few days after his funeral, Pfc. Roy Brown's mother got a letter from him in the mail. Here is what it said:

Dear Mom: I haven't officially been told where my unit is headed, but I have a good idea. I believe we will be going to Panama in the next 48 hours. If you are reading this letter, then you already know that something has happened to me. Tell everyone in the family and all my friends that I love them and that my death was for a good cause.

Thanks for being the world's greatest mom.

The words of a 19-year-old infantryman say it better than any Congressman ever could. Ours is a good cause. It is a cause of freedom; and it is because of the leadership of our great President and the patriotism and courage of men and women like Pfc. Roy Brown that our world today is safe and free.

FAILURE OF UNITED STATES TO SIGN CONVENTION ON RIGHTS OF THE CHILD

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, this week, the Bush administration had an opportunity to demonstrate that its commitment to the world's children was as much reality as rhetoric.

But once again he has offered us a rhetorical ruse.

The Bush administration has been actively involved in drafting the United Nations Convention on the Rights of the Child. The convention calls for, among other things, the end of child exploitation, respect for the religious rights of children, a new resolution by countries to end child labor, improved access to education, and decent health care for all the world's young people. It calls for an end to the torture and extensive imprisonment of children, and takes a stand against execution for crimes committed by people under 18 years of age.

Most of it is not too complicated.

But today, the State Department refuses to sign the final document. Signing the Convention on the Rights of the Child would in no way tie the United states to a specific legislative program. Nor would it bind the Senate's ratification process. It would instead indicate this Nation's willingness to review the convention and, eventually, send it to the Senate for ratification.

However, by not signing the convention, this administration sends a terrible signal—to the countries and advocates around the world who have worked hard over decades to bring the convention to this point, as well as those across the globe who continue to ignore the human rights of children.

The message will be no harsher than the one the U.S. has already sent in the course of negotiating the convention, by apparently sabotaging efforts to raise the minimum age of combat from 15 to 18. It is a tragedy that this country, which does not itself induct 15- or 16-year-olds into the military, could not endorse a policy of keeping children from fighting in wars. Bush administration policy on this issue suggests that he has greater reverence for the lives of American children than for those from other countries. And that this administration does not care very much at all for the lives of any children.

The current episode adds the insult of not signing the convention to the injury of leaving the age of combat at 15. It is particularly arrogant of the administration to resist signing the convention after having gotten its way so decisively on the issue of the minimum age of combat.

The rhetoric is that this administration can't manage the convention through the Federal bureaucracy. The fact is that if this convention, and the well-being of children, really mattered, then bureaucracy would not be allowed to get in the way.

Once again, this administration fails to follow its high-minded language with concrete action. President Bush's disregard for the International convention on the Rights of the Child indicates that the posturing that was so evident in his first year in office will continue in the second. And the world's children will be asked to pay the price.

MAKE EDUCATION SAVINGS ACCOUNTS TAX DEDUCTIBLE

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I rise today to introduce a bill to make education savings accounts tax deductible.

These accounts allow parents to save money each year to pay for a child's education at a particular university. They are a creative way to pay for an education; and by making them tax deductible, we can make them even better.

This bill will allow parents to deduct annual contributions of up to $1,500. It will be an important step toward making a college education available to every qualified student. I hope my colleagues will join me in working to reach that goal.

TURN PEACE DIVIDEND INTO REAL DEFENSE CUT

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the President will submit his fiscal year 1991 budget to Congress on Monday. Amidst the ongoing speculation about what it will contain, it is appropriate to ask a very direct question: Will President Bush's budget contain an increase in defense spending or a decrease?

Given all the talk of the peace dividend, this seems like an odd question to ask. Most are wondering about how much the defense budget will be reduced. But the President may try to

pass off no changes, or even an increase, as a defense cut.

Let us not let him do that. We should look at the budget and focus the question in one area: Does the President propose to spend more or less in actual dollars than was spent last year?

□ 1120

Last year $296.7 billion was spent on defense. That included money for energy, arms production. This year we will look at the President's budget and we will ask, "Is it more that $296.7 billion or is it less than $296.7 billion?" And if the President's proposals do not actually contain a defense cut we must tell that fact honestly and forthrightly to the American people.

While a peace dividend is very much in order, Mr. Speaker, what we may be getting from the President is a peace assessment.

REDUCING DEMAND IS KEY TO WINNING THE DRUG WAR

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, as a member of a congressional delegation, I had the opportunity to once again visit Colombia, Bolivia, and Peru to assess the progress in our joint war on drugs.

Again and again we heard that reducing the demand is the key to winning the war, and I agree. Until we win here in the United States we will win battles, not the war. In the meantime, in Peru, the Socialist government, the devastating economic policy and the influence of the vicious and totalitarian Maoist Communist group Sendero Luminoso (Shining Path) combine to seriously hamper the progress there. This is most unfortunate considering Peru's soil and climate are ideal for growing coca and they grow up to 60 percent of the world's supply.

In Colombia, the Government is winning the war on most fronts but is hampered, as are Peru and Bolivia, by a corrupt Judiciary. A majority of the judges are honest men and women of courage, but there are far too many who have been bought with drug money and they are releasing these drug "animals" almost as quickly as they are captured. In Bolivia, a country twice the size of Texas with only 6 million people, considerable progress is being made, but the Government simply has difficulty policing a country that size. Bolivia, however, is poised to carve out the most dramatic effort in interdiction, education eradication and substitution. These three countries require our utmost support in both the short-and-long range fight. Mr. Speaker, I return here convinced that the war is winnable and that considering the difficult situations these three nations face, they truly deserve our political and financial support for hanging tough in their fight against drugs.

CBS ANCHORMAN SALUTES UNITED STATES MILITARY FOR PANAMA OPERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, CBS news anchor Dan Rather aired this commentary on his daily radio program on December 28, 1989. I want to share it with my colleagues because it is a very fitting tribute to the bravery and skill of the United States military personnel who took part in the invasion of Panama.

The commentary is attached:

DAN RATHER REPORTING. NEWS ANALYSIS AND COMMENTARY—AIRED DECEMBER 28, 1989

The men and women of the United States Armed Forces have done a superb job. They have performed bravely, efficiently and professionally. They deserve the thanks and respect of a grateful nation, and our prayers as they continue their service and their sacrifice.

This is true. And it needs to be said, to be marked and thought about before the moment passes. As a nation and as individuals, we should note it and discuss it before the trail grows cold.

Discuss what? Excellence, for one thing. Excellence, unfortunately, is getting to be rare in any endeavor in this country. Along with greed, mediocrity has become trendy in American life and work. For another, the role of the warrior in a peace-loving, peace-intending country such as ours. No matter how much of the world sees us, no matter how some among us see us, ours is, at base and in its heart a peace loving, peace intending nation. But in the land of the American dream, someone must protect the dreamers. There must be an arsenal of democracy and there must be among us those who know how to use it.

Ours is a citizen Army . . . and Navy . . . and Air Force . . . and Marine Corps. With, thanks be to God and the Constitution, civilian control, and with a strong system of checks and balances. Ours is, in the best sense of the phrase, a people's Army.

But I digress.

Listen, patriotic and honest citizens can and should debate whether this President in this situation made the right decision at the right time for the right reasons to send our sons and daughters to war. There are important questions not to be ducked about the Panama invasion. Such as: Can, should, a president—any president—be able to carry out a war such as this without approval from the people's elected representatives in Congress? There is an important constitutional question to be thoughtfully considered in all of this.

But that is not the point of this piece. The point here today is this: the men and women of the Armed Forces of the United States were given a mission by their Commander in Chief. They had their orders. They were given a job to do, and they did it well.

In the words of Tennyson's poetry, ". . . theirs was not to reason why, theirs was but to do or die." They did and some of them died.

Ours is to reason why, while honoring and thanking those who served and sacrificed. More . . . under the heading lest we forget . . . after this.

Any person, in uniform or out, whoever actually sees another person die in combat is not likely to forget, ever, what the reality was and is. Wars are real mud, real blood . . . real dread, real death.

It is easy to blow bugles, have the band play marches and wave flags. It is hard to storm the beaches, hit the silk and blow the barracks. Very hard and very dangerous.

Before the smoke clears in Panama, before the politicians and the propagandists complete weaving their self serving spells, it would be well for the rest of us to note and ponder the brave, efficient, professional service our citizen warriors have given our country in the streets and jungles of Panama.

SOUTH KOREAN BARRIERS TO BEEF IMPORTS FROM AMERICA

The SPEAKER pro tempore (Mr. BRUCE). Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, today I will discuss an important issue concerning U.S. trade in beef with South Korea. In bilateral talks last week, South Korean representatives were unwilling to discuss any new ideas concerning their import restrictions on beef. This has been a contentious issue between the United States and South Korea for nearly 5 years. South Korea's continuing unyielding stubbornness, exemplified by the breakdown of last week's talks, is the reason for the lack of progress in resolving this dispute.

Why are the South Korean-United States talks a hot issue again? Because last week's talks were caused by at GATT panel ruling of last April which ruled in our favor. It ruled that South Korea's restriction of beef imports is inconsistent with the GATT; they are violating GATT. It found the South Koreans are illegally excluding beef. The American beef industry would be the major beneficiary of an opened market in South Korea.

On November 7 of last year, South Korea reluctantly said they accepted the ruling and an associated requirement to meet with the United States within 90 days to begin resolution of the issue. South Korea's refusal to discuss anything new, or to even agree to discuss an agenda necessary to allow eventual resolution of the complaint is very disappointing and unacceptable to America. They are stalling. They are not negotiating in good faith. This is no way for South Korea to treat an ally and very generous friend.

It is imperative that South Korea come to the table now with a willing-

ness to discuss a negotiating agenda which would quickly bring it into compliance with the GATT ruling and let more American beef into their markets. Time is of the essence. The deadline for a satisfactory outcome of these talks is February 7, 1990. More importantly, if South Korea has made no serious moves toward resolution of this GATT violation by April 27, the USTR is required under section 301 of the Omnibus Trade Act of 1988, to take retaliatory action. I would like to stress to the South Koreans that retaliation is not the preferred action of the United States, or arguably, even the intended action of section 301. But we will retaliate if we have no other choice. Section 301 was primarily designed as a mechanism to facilitate reductions of trade barriers, not create new ones. I would further urge South Korea to work cooperatively within the spirit of the GATT to move toward eventual resolution of this issue. Here is the message to the Government of South Korea. It is time for acting well past time. Bring down the barrier against American beef.

I would also like to take this opportunity to commend Ambassador Carla Hills for continued exemplary fulfillment of her role as USTR.

She has shown outstanding negotiating abilities and has already done much to open markets for U.S. products and reduce trade barriers world wide in her role as USTR. Removing barriers to trade around the world is one of the most important challenges facing the United States today, and if successful, represents one of the most exciting opportunities for the United States services and agricultural industries in the 1990's.

COLD FUSION: ITS UPS AND DOWNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of Utah. Mr. Speaker, last March, we caught a glimpse of a pollution-free, energy-rich future from two scientists at the University of Utah in Salt Lake City. "Cold Fusion" made the cover of Time and Newsweek and fueled the Nation's imagination. It seemed too good to be true—and if the subsequent criticism was to be believed, it was.

While the rehabilitation of cold fusion since that low point has been slow it has also been very steady, what some considered a laughing stock now seems very blue-chip indeed.

While America's scientific establishment was chuckling, the Japanese, among others, were quietly working to validate cold fusion's claims. We have lagged behind because of that attitude in this basic research, as we have in so many other areas.

Mr. Speaker, the gauntlet has been thrown down by Japan and we are still not responding to the challenge.

□ 1130

A recent article in the Japanese Journal of Applied Physics establishes the process as not only nuclear but a promising energy source as well. The premise of cold fusion, that a nuclear reaction which generates excess heat can be achieved at room temperature, this premise has now been confirmed over and over again in labs throughout the country. Even the DOE's own labs at Los Alamos and Oak Ridge have reported indisputable positive findings. Ironically, despite their own labs' success, the DOE has more often been a stern critic of cold fusion research for reasons that may have less to do with science and more to do with the politics of establishing a new research program.

On the other hand, the National Science Foundation is now eager to support further research.

Scientists as credible as Edward Teller, the dean of America's physicists, agree something is clearly happening. It is nuclear. It is not due to experimental error. It has enormous potential. I want to see this research develop in the United States, not elsewhere. We found it, we should enlarge upon it and prove it out. We may have a genie in the cold fusion bottle. However, we will never know for certain unless our Government makes a concerted effort to fund the research.

It is intellectually dishonest, Mr. Speaker, and scientifically irresponsible not to fund this further research in cold fusion. This funding would not go to Utah and the University of Utah directly, if at all, but to the Department of Energy, to be disbursed as they in a normal scientific peer review process would decide.

We must not abandon yet another promising American technology to developments overseas.

ROMANIAN AID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. WOLF. Mr. Speaker, 1 month ago today on Christmas Day, the ruthless rule of Romania's Nicolae Ceausescu was ended by his execution. In Romania, under Ceausescu, not working on Christmas Day had long been declared a punishable offense. In fact, one priest once gave a sermon saying that Christmas Day should be a holiday, and he was killed. The Romanian people made this Christmas their first day of freedom from the most oppressive Communist state in the Soviet bloc. Their gifts were in human lives, given by thousands who shed their blood to remove a system that enslaved Romania.

In early spring I traveled to Romania to assess the Romanian people's opportunities to advance toward democracy. They asked for help. On all of the Government buildings in Romania, the Romania flag flew, with the center bearing the Communist seal, cut out. These flags are now flying all over Bucharest and Romania, as a symbol of their freedom and how they wanted to throw off the tyranny of Ceausescu and Communist rule.

The United States and other countries with democratic traditions must provide the help the Romanian people have requested in order to chart the course for a free and pluralistic Romania. The present system, Mr. Speaker, and its apparatus of oppression, must be dismantled and replaced by a democratic institution established by freely chosen leaders.

The National Salvation Front is Romania's interim government. The Front's ruling council now says it will field candidates, though not as a political party, in elections now rescheduled for May 20. I met with two members of the ruling council leadership, members of opposition parties, youth and student groups, religious leaders, the writer's union president, and the newly formed citizen action groups while I was there. I must admit, Mr. Speaker, that I was a little surprised to be greeted in Romania by some of the same faces of those I saw serving directly under Ceausescu in 1985 and 1988 during my two previous trips to Romania.

However, Mr. Speaker, there is hope. There is hope, mixed with skepticism in Romania today. I am hopeful, but also somewhat skeptical. Romanians I met referred to Yalta, and told me, "Mr. Congressman, pleased do not sell us out again." The Romanian people are pro-American, looking West, saying, "Preserve our chance for democracy. Do not automatically signal the legitimacy of the rule of the former Communists accommodating the National Salvation Front. Help us to be able to compete in free and fair and open and verifiable elections."

As I said, I am not questioning any person's motives in the Front. All sides have to be given an opportunity. However, we should test and see that there are open, free, fair, and verifiable elections held. Here is how the United States can best encourage success in the Romanian people's hard-won opportunity for democracy: By making a public commitment to the Romania people to grant Romania most-favored-nation status, MFN trade status, upon or after the completion of free, fair, open and internationally monitored elections. We must expect a substantial track record of human rights protection and movement toward de-

mocracy before granting MFN. Who could argue, no matter whether they are part of the National Salvation Front or the opposition party, or democratically elected governments in the West, that it would be not appropriate to say first have fair, free, open and verifiable elections in May, and they once the country has the elections, then we will grant the country this most-favored-nation status.

The United States can also encourage success in Romania by channeling precisely the kind of aid needed to prepare for free and fair elections, namely, the political training, the tools of democracy. The National Endowment for Democracy knows this business, and is capable of providing substantial support for perhaps as little as $1 million in U.S. funding, because most of the people we met said, "We do not understand how democracy operates. Help us." We had people ask for copies of the American Constitution and for copies of a booklet from Congress called, "How Our Laws Are Made." They asked for the skills and the knowledge. They asked for computers and copiers and material to reproduce and paper. Not very much, but the tools of democracy.

Finally, we can encourage the Romanian people by continuing to support basic medical and food assistance, promoting exchanges, and encouraging visits and the initiation of new business ventures by United States officials and companies to promote progress toward a market economy. Let Members invite Romanian doctors to the United States to learn the latest technology. Let Members invite Romanian Government officials to the United States to learn about democracy. Let Members send American businesses, the U.S. Chamber of Commerce, the National Association of Manufacturers, and small business representatives to Romania to see what kind of joint ventures and business opportunities we can have to help the Romanian economy.

Mr. Speaker, the world is beginning to learn the story of the suffering of the Romanian people. Yet our present foreign policy decisionmaking cannot overlook what the United States and the West did to earn part of the blame for this tragedy.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, will the gentleman yield?

Mr. WOLF. Mr. Speaker, I yield to the gentleman from Ohio.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I thank the gentleman from Virginia [Mr. WOLF] for yielding.

I wish to bring a couple of facts to the attention of Members, facts that Members may not be aware of. I know that the gentleman from Virginia [Mr. WOLF] is a very modest individual.

I remember 2 years ago when the gentleman received an award from the Jamestown Foundation on his work in Romania with human rights. I am very interested, Mr. Speaker, as the gentleman knows, because I have been there several times myself, and involved myself with the same programs.

However, I wish to commend the gentleman singularly for the tremendous intensity with which the gentleman has followed the Ceausescu regime's many, many human rights violations, and particularly commend the gentleman on his activities with former director of the security service, Ion Pacepa, with whom I know the gentleman is familiar, who left Romania.

□ 1140

I would like, if the gentleman would, to have him tell me of his most recent venture in helping his daughter to come to America to join her father when Ceausescu specifically prohibited her from doing so after many, many requests that the gentleman had made.

Mr. WOLF. We had tried to get Dana and her husband, Radu Damaceanu, out, and we were not successful in 1988, but this January when we returned, we returned with his daughter to the United States, and she is now living here in freedom. She had been under house arrest for 11 years and had Securitate outside her door, and now she is living a free life in the United States.

Mr. DONALD E. "BUZ" LUKENS. Second, Mr. Speaker, I would like, if I may continue and if the gentleman would yield further, to say that I support the gentleman totally, as I know the Members of the House will, in any effort to attempt to help Romania in its tremendous task of rebuilding, a country that had been devastated economically, sociologically, and politically so much by this maniac.

I wish to commend the gentleman personally for his work in Romania, and I would say to the gentleman that I watched him on television just before I visited Romania. I know the gentleman was there, and I know he expresses for millions of Americans and many other people around the world the great joy and elation we felt upon their rescue as a nation and as a people from this tyrannical regime.

Mr. WOLF. Mr. Speaker, I thank the gentleman for his comments. I appreciate them very much.

I might say that one good, positive sign is that the National Salvation Front and the leaders of that front allowed Dana and her husband, Radu, to leave. That was a very positive sign. For that I am very appreciative of the members of the National Salvation Front. It was a very, very positive act.

Returning, if I may, Mr. Speaker, to my presentation, as I said, the world is beginning to learn the story of the suffering of the Romanian people. Yet our present foreign policy decisionmaking cannot overlook what the United States and the West did to earn part of the blame for this tragedy. It is a sad fact that some—not many, but a few—in the United States Government knew the extent of these abuses for years, and yet continued to extend Romania most-favored-nation trade status, a privilege accorded to only one or two other nonmarket economy countries at various times over the past 15 years. Both the Romanian people and the United States national interest suffered as a result of this policy, which while misguided, was perhaps well-intentioned.

We are not questioning anyone's motives. Reasonable men and women can differ on this issue. But I believe granting MFN was a mistake. Clearly, it was a mistake to give most-favored-nation status to Romania while Ceauseascu was there, but we have got to put that behind us and move on. I think we should ask ourselves today, what should our policy be in the future?

Mr. Speaker, MFN was renounced by Ceausescu in 1988 under pressure of its suspension by Congress, and I think it is appropriate to commend both the House and the Senate for overwhelmingly voting to suspend most-favored-nation status for Romania. Unfortunately, some in the Reagan administration wanted to continue to grant MFN, but the Congress, the House and the Senate, on several different occasions voted overwhelmingly to remove MFN. I might say that some of the people in Romania I talked with thanked me on their behalf, and said they wanted to thank the other Members of Congress for speaking out. They were thankful for the fact that the people's body, the United States House of Representatives, went on record in opposition to MFN and gave hope to the Romanian people that the people of the United States cared very deeply.

I might say that they found out what was going on in the House Chamber and in the Senate Chamber because Radio Free Europe and the Voice of America did such an excellent job in communicating the activities taken by the United States Congress.

MFN was renounced by Ceausescu, as I said, in 1988 under pressure of its suspension by this body and by the U.S. Senate. The Salvation Front's Ruling Council has declared this Ceausescu act null and void and has welcomed the return of MFN. Now Mr. Speaker, there are some of the same people in our Government who called for the continuation of MFN 2 years ago who call for its immediate restoration today. I repeat, we must not again, Mr. Speaker, sell out the Romanian people.

The negative effects of our past MFN policy are still clear. MFN sig-

naled the United States' recognition and approval of the supposed "independent course" taken by Ceausescu on foreign policy. It was hoped the United States relationship with Romania would drive a wedge into the Warsaw Pact. America, as well as its European allies, also recognized Romania for its perceived to be liberal—and in fact completely cynical—emigration policies. Formally, this was the trigger for granting MFN as the policy tried to fulfill its geopolitical intentions.

As former dissident Dorin Tudoran once put it, "Many Romanians call the MFN not the most-favored-nation status but the most-favored-dictatorship status."

Sadly, the legitimacy and the encouragement which MFN offered the Ceausescu regime also provided the resources to build his Victory of Socialism Boulevard and the infamous and disgraceful palace, which I had the dubious privilege to tour. MFN meanwhile discouraged the opposition from forging any meaningful protest and crippling any potential support. Romania was building the worst human rights record in the Eastern bloc while we were giving it most-favored-nation status. Meanwhile, Ceausescu would release a few dissidents from prison, and usually expel them, whenever time arrived for the United States to renew Romania's MFN status, which it did, from 1975 to 1987, when the Congress wisely acted.

The United States response to the litany of systematic and documented abuses against the Romanian people continued. We gave MFN right to the end, before the Ceausescu regime ended.

The system had bulldozed their churches and synagogues. Yet some still wanted to give them MFN. They bulldozed the Seventh Day Adventist Church, with its parishioners still in it. But still some wanted to give them MFN. It exported massive amounts of food and fuel and left the people to starve and freeze to death. We have all seen the pictures of the starvation and the destruction in Romania from that export policy, and yet some wanted to continue to grant MFN.

It forced the resettlement of thousands from rural villages to dark Stalinist colonies and destroyed villages on the Romanian-Hungarian border and rooted up their history and destroyed it. And yet there were still some who wanted to grant them MFN.

□ 1150

Mr. Speaker, this regime provided training grounds and facilities for terrorist groups, and yet there were some who still wanted to grant MFN. This government, the Ceausescu government, cynically sold tens of thousands of Jewish, and German and other emigrants desperate to leave Romania. They should have been allowed to leave on their own, but yet they were sold, and yet there were those who still wanted to grant MFN. This system established by Romania's Communists killed priests, jailed priests, bulldozed churches, jailed dissidents, crushed workers' movements, destroyed the labor movement in Romania, censored poets and intellectuals and thoroughly suppressed dissidents in every corridor of society, and yet, Mr. Speaker, there were some who still wanted to grant MFN.

As my colleagues know, I traveled to Romania in early January to find that the opposition to the Communist regime is alive, though not yet well, waiting, lying comatose under the rubble of Eastern Europe that spontaneously sprang to life when the Securitate forces ripped through a human chain surrounding and protecting the house of Pastor Laszlo Tokes in Timisoara. The people poured into the streets to protest, and the revolution was launched.

Mr. Speaker, we must help the Romanian people to stem their worst fears that this revolution may be hijacked. It is not encouraging, frankly, to hear the ruling council member Silviu Brucan tell the London-based Financial Times that the Front's committee will be so powerful, quote, "That there will be very little room outside of it." And for Brucan to go on to imply the denial of the right of opposition parties to receive Western aid. It is really not encouraging, Mr. Speaker, that no official public statements have mentioned abolishing the Romanian Department of Cults responsible for so much of the blood on the hands of those who have persecuted the church.

In fairness, Mr. Speaker, let me conclude by saying that the National Salvation Front's 10-point plan contains many positive directions, including the promise of established basic political and human rights, and we should applaud that, and we should commend those in the National Salvation Front who are committed to that.

But yet, Mr. Speaker, we must expect more than words. We must expect a track record of performance, which has not yet happened. Granting MFN now would constitute an incredible, ill-conceived, perhaps even immoral endorsement of the National Salvation Front and that would be wrong.

We must not endorse, or immediately condemn, the interim government, and my position is that, frankly, I want to wait and see. I wish the National Salvation Front and all the opposition parties well. I think there should be open, free, fair and verifiable elections, and they announced the other day that they would invite the United Nations in to verify the elections and I think that is a positive aspect.

Although I am skeptical, I am not passing judgment on the people in the National Salvation Front. Many may have honestly changed, and it is not for me to make that judgment on that sincerity. I think the Romanian people have to make that judgment, and so I am not questioning, I am not criticizing, the National Salvation Front, and I am not favoring any particular group.

However, Mr. Speaker, before the United States Government grants and gives that special privilege called most-favored-nation status, we should request and require that there be a proven track record, that Romania have open, free, fair and verifiable elections.

And then, Mr. Speaker, if they have those open, and free, and fair and verifiable elections, then I think it would be appropriate for the Bush administration to grant MFN to the Romanian people, to grant MFN and send businesses to Romania to build up trade, and joint ventures, and economic opportunity, and hope and the opportunity for exchanges, all these positive things. But we must see an open, free election first.

Mr. Speaker, the Congress showed overwhelming support to withdraw most-favored-nation status from Romania and I might say proudly that it was a bipartisan effort where Republicans and Democrats of all political viewpoints from all over this country came together to withdraw MFN at that time. I know the Congress would want to take the position that what these Romanian people have earned with their blood ought not be interfered with by the United States Government giving its approval to MFN before free elections to any political party, any groups, albeit how honest and how sincere that they are.

It would be my recommendation that we would not grant most-favored-nation status to the Romanian Government until they have open, free, and fair and verifiable elections.

Now, Mr. Speaker, it would be appropriate for the Bush administration, which I have great respect for, and I think they have done an outstanding job; it would be appropriate once these open, and free, and fair, and verifiable elections are held, and there is freedom of speech, and freedom of press, and freedom of assembly, and freedom of religion and an opportunity for religious leaders—such as rabbis to return to Romania, because now there is only one rabbi in Romania, and he is up in years—to return to Romania, and to allow more Bibles to be published in Romania, then at that time, after these things, then I think the United States people and the United States Government, should strongly support most-favored-nation status for Romania. We can then send our tools of de-

mocracy, medical assistance and other help—because all of the people of Romania, and I am not differentiating between any group, all, I believe, clearly want to have that freedom and that opportunity for democracy that they have not had for the last 45 years.

So, Mr. Speaker, I want to yield back the balance of my time, and I hope that as we ponder this issue, we will not listen to those few small voices that want to give MFN now, but we will listen to the overwhelming loud voice of a religious committee, and the students, and the various dissident groups, and the poets, and the intellectuals, and the people that have died for freedom and the family members of those that have died for freedom in Romania; we will listen to them and say, "We're going to help, and we're going to grant you MFN, but we will do it only after you have open, free, fair and verifiable elections in complete and total freedom."

Mr. HALL of Ohio. Mr. Speaker, I thank Mr. WOLF for taking out this special order so that my colleagues and I have the opportunity to address the situation in Romania. As you know, I have worked closely with my colleagues from Virginia and New Jersey to bring Romania to the forefront of our human rights concerns.

During our travels to Romania in 1985, we experienced firsthand the Government-sponsored persecution and repression of the Romanian people. We witnessed countless injustices, and lobbied hard to suspend most-favored-nation status to Romania as part of H.R. 3, the omnibus trade bill. This legislation was intended to send a strong message to President Ceaucescu that human rights violations and a healthy relationship with the United States could not go hand-in-hand. Now the very members of the Communist Party that attacked Ceaucescu's hard-line policies are running the provincial government, and are potential candidates for the expected popular elections.

Only free and fair elections can offer Romanians an alternative to communism and an opportunity to select new leaders. The potential for this is great. But precautions are necessary. The United States should not assume that basic civil liberties have been delivered to the people of Romania without evidence of legitimate elections. For this reason, I would support returning MFN status to Romania on the condition that these free and fair elections are first realized.

I have great hope for a permanent renewal of religious freedom and a return of the basic necessities of life to the Romanian people. Let us do our part to ensure that this becomes a reality by promising MFN after free and fair elections are in place.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. BRUCE). Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 1200

U.S. ACCUSED OF OVERSTATING MANAGUA ELECTION OFFENSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. DONALD E. "BUZ" LUKENS] is recognized for 5 minutes.

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I would like to bring to the attention of each and every Member in this body an article from today's Washington Post concerning the on-going electoral campaign in Nicaragua.

The article, which is entitled "U.S. Accused of Overstating Managua Election Offenses," accuses the administration of engaging in political manipulation of public opinion in this country by drumming up charges that the Sandinistas are trying to prevent free and fair elections.

I certainly do not believe that pointing out the flagrant election irregularities on the part of Sandinistas is political manipulation. In fact, it is impossible to ignore the repeated incidents of intimidation, harassment, and violence against UNO by the Sandinistas. Or the unlimited use by the Sandinistas of state resources to aid Daniel Ortega's campaign. Or the blatant manipulation and use of the media by the Sandinistas to broadcast their Marxist-Leninist rhetoric to the Nicaraguan people.

With 32 days to go before that election, the Sandinistas have repeatedly indicated by their actions that they will do anything it takes to win the election. That is the simple truth.

What is going on in Nicaragua is unbelievable and what is even more unbelievable is what is going on in Washington. At an institution where there will be a hearing at the drop of the hat, there is deathly silence on the election in Nicaragua.

And what is the Congress doing about it? Well, some Members of the more liberal persuasion are doing their very level best to ignore what is going on in Nicaragua. In fact, some Democrats on the House Foreign Affairs Committee are taking to it to such lengths to refuse to schedule a hearing before the elections.

Now, who wants to talk about political manipulation?

The article follows:

[From the Washington Post, Jan. 25, 1990]

U.S. ACCUSED OF OVERSTATING MANAGUA ELECTION OFFENSES

(By John M. Goshko and Al Kamen)

OAS officials acknowledge that there have been campaign abuses, attributable in many cases to the Sandinistas. However, senior OAS officials, while reluctant to disagree publicly with the administration, say that their report and the findings of OAS observers on the scene do not support the idea that free and fair elections are in jeopardy.

"The State Department statement greatly overstated the case," said the OAS official.

A senior U.N. official, closely involved with the world body's observer activities in Nicaragua, was more blunt. "You are seeing an exercise in political manipulation," he said. "The opposition in Nicaragua is doing everything possible to make it appear that its campaign is close to doomed by Sandinista persecution. UNO has made a great many charges against the Nicaraguan government, but when our observers ask for specifics, they seem very reluctant to back up their charges with specifics."

Although most observers expect a close race, almost all polls show Ortega in front. The latest, made public yesterday, showed him leading Chamorro 51 percent to 24 percent. It was conducted by the U.S. firm of Greenberg-Lake for Hemisphere Initiatives, a Boston-based American group whose polling and monitoring in Nicaragua is regarded as objective by many observers.

And, while many observers say that Sandinista bending of the rules has been a factor, they add that the greater blame for Chamorro's underdog status is due to UNO's lack of funds and the ineptitude of the UNO campaign. One Democratic Party official, recently returned from Nicaragua, described the UNO effort as "almost invisible once you get a short distance away from Managua."

Robert Pastor, an aide to former president Jimmy Carter who heads an observer group representing several former heads of state in the hemisphere, called Tutwiler's statements "rhetorical blasts aimed at one side. . . . Every issue that [Tutwiler] has raised has a response, but there has been little interest in the administration to look for that response. They communicate with only one side. They are a partisan actor."

What some critics see as selective use of anti-Sandinista information occurred Monday when Tutwiler cited an article published last Thursday in the Sandinista party newspaper, Barricada. Referring to charges that the Sandinistas are preventing part of $9 million in U.S. funds from reaching UNO, the article asserted that the delays were due to "the traditional Jew-style with which the U.S. Congress manages the taxes of the taxpayers." Denouncing the article's antisemitism, she called it "a contemptible and profound disservice to . . . all who want open, free and fair elections in February."

What she didn't say was that Barricada, the day after the article appeared and three days before her comments, published a statement disassociating the newspaper from the opinion of the author and asserting that Barricada's editorial policy "opposes any form of racial discrimination and respects all religions."

A senior State Department official, closely involved with Central America policy, denied that the department deliberately had ignored the clarification and said the department had not known about it when Tutwiler's statement was prepared.

The official, who declined to be identified, also acknowledged that "different institutions [such as the OAS and U.N.] will give differing interpretations of the situation inside Nicaragua." But he denied that the U.S. assessment is an attempt to discredit a potential Sandinista victory in advance or to mend the administration's fences with Re-

publican conservatives who believe Bush made a mistake in emphasizing elections over military efforts to oust the Sandinistas.

He recalled that the administration was sharply critical of deposed Panamanian dictator Manuel Antonio Noriega's rigging of that country's elections last May, and he added: "We don't but the argument that the Nicaraguan campaign is reasonably fair and that we should settle for a lesser standard just because it's Central America."

The administration also appears increasingly frustrated at the apparent failure of Chamorro to generate more vote support. In what many observers regard as a major mistake, she spent much of last month in the United States, undergoing orthopedic surgery and trying to raise money. A fund-raising event staged by a Nicaraguan exile group in Miami failed to raise anything close to the $4.2 million that her supporters say UNO needs.

David Carmen, president of a firm hired by the exiles to help with fund-raising, said his organization has been unable to come up with much more than a donation of 17,000 T-shirts imprinted with UNO slogans for distribution to Nicaraguan peasants.

HONESTY IN THE SOCIAL SECURITY FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 5 minutes.

Mr. DORGAN of North Dakota. Mr. Speaker, I wanted to make note here today that yesterday myself, along with the gentleman from Illinois [Mr. DURBIN] and others in the House of Representatives introduced legislation that would roll back the January 1 FICA tax increase. It is a plan that is similar to one being discussed by Senator MOYNIHAN over on the Senate side. I wanted to take just a couple minutes to explain to my colleagues why some of us think this is very important to do.

First, a little history. In 1983, the Social Security format was enacted by Congress. It was determined then that because of the needs after the turn of the century by the retirement of the baby boomer generation, we should begin now some forced savings in the Social Security Program. For that reason a number of things were put in place to build some revenues in the Social Security Program.

In this fiscal year, the revenues exceeding expenditures will equal $68 billion. Phrased another way, there will be a $68 billion surplus in the Social Security Program this year.

Now, is that being saved for future generations? That money clearly is taken from the paychecks of workers and from their employers and is represented, at least, to be put in a trust fund and saved.

Is it being saved? No, it is not. Under Gramm-Rudmann, there is a little clever device that brings the Social Security surplus back into the operating budget to help show a reduced Federal deficit. In fact, the Federal deficit this year will be around $210 billion, but because they have latched in the Gramm-Rudman Budget Act, a lever that brings the Social Security surplus back into that computation, the President and Members of Congress who want to show some progress on the deficit waddle around here saying that things are getting a lot better. They say, "You know, this is really remarkable. We are decreasing the Federal deficit."

We are not decreasing the Federal deficit. Things have not gotten better. What is happening is that the President and the Congress are misusing Social Security surpluses. It is not being saved. It is being used as an offset against Star Wars and welfare spending. That is what is happening, and I happen to be one who thinks we ought to stop it and stop it now.

There are two ways. The first I have worked on for a couple years. We ought to bring to the floor a bill that says that effective immediately the Social Security computations are outside the Gramm-Rudman budget proposal. What does that do? Well, immediately it takes the mask off the deficit. Nobody can play charades or pretend anymore.

The Federal deficit will be about $210 billion and the President and Members of Congress cannot crow about the progress that is being made on the deficit.

Yes, that would be troublesome. I understand why the President would not like to do it. He says, "Let's do it tomorrow. We will phase out the Social Security surpluses later."

Well, you know, that is the old Pa Kettle approach. I will do it tomorrow. They ought to tatoo that on their arms down there. They have been saying that since the early 1980's. Let us do it tomorrow.

I say, let us do it today and let us begin putting this country back on a fiscal policy track that makes sense for our future.

It does not make sense to use or misuse the Social Security revenues in order to show a lower operating budget deficit and then suggest that somehow we have fooled all America into believing that things are getting better. Things will get better when the President has the courage and when Members of Congress are willing to follow that lead to deal with the expenditure side and the revenue side of the budget in an honest way.

So I hope, Mr. Speaker, that the idea offered by Senator MOYNIHAN, the work that I and others, the gentleman from Illinois [Mr. DURBIN] and others have done here in the House of Representatives over the last year or so on this Social Security issue will be work that finally results in debate in the well of this House on the proper use of Social Security moneys, on how we ought to restructure our fiscal policy to really reduce the Federal deficit and to encourage savings, and encourage growth and economic opportunity in this country once again.

This country is off track and part of the reason is our fiscal policy, coming from the White House and adopted by Congress. We need to put it back on track and we need to do it soon.

Yes, that takes aggressive behavior, and yes, it takes some explosive activities here, such as the Moynihan proposal or the so-called take the medicine now amendment, which would remove Social Security from the computations immediately, and yes, that would be troublesome to the President and to the Congress, but that is a challenge we ought to accept on behalf of this country and its economic future.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COX) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

(The following Members (at the request of Mr. FALEOMAVAEGA) to revise and extend their remarks and include extraneous material:)

Mr. OWENS of Utah, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. DONALD E. "BUZ" LUKENS, for 5 minutes, today.

Mr. DORGAN of North Dakota, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COX) and to include extraneous matter:)

Mr. MICHEL.

Mr. BILIRAKIS.

Mr. COUGHLIN.

Mr. HUNTER.

Mr. GEKAS.

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)

Mr. SKELTON.

Mr. HOAGLAND.

Mr. KILDEE.

Mr. STARK in three instances.

Mr. MAZZOLI.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 319. An act to effect an exchange of lands between the United States Forest Service and the Salt Lake City Corporation within the State of Utah, and for other purposes; to the Committees on Agriculture and Interior and Insular Affairs.

S. 1046. An act to amend the Wild and Scenic Rivers Act of 1968 by designating a segment of the Merrimack River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1594. An act to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. DORGAN of North Dakota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, January 29, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2358. A letter from the Secretary, Department of Commerce, transmitting the annual report on export administration for fiscal year 1990, pursuant to 50 U.S.C. app. 2413; to the Committee on Foreign Affairs.

2359. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Board's annual report of its compliance with the Government in the Sunshine Act, calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2360. A letter from the Deputy Administrator, General Services Administration, transmitting a copy of a report of building project survey for Boston, MA, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

2361. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft of proposed legislation to waive the reporting and waiting period requirements of section 210(B)(2) of title 38, United States Code, for a planned administrative reorganization of the regional field offices of the Veterans Health Services and Research Administration; to the Committee on Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN:

H.R. 3895. A bill to amend the Export Administration Act of 1979 to allow for the export of certain nonmilitary items to Warsaw Pact countries; to the Committee on Foreign Affairs.

By Mr. PEASE (for himself, Mr. DOWNEY, and Mr. LEVIN of Michigan):

H.R. 3896. A bill to revise the trigger provisions in the extended unemployment compensation program, and for other purposes; to the Committee on Ways and Means.

By Mr. BROOKS:

H.R. 3897. A bill to authorize appropriations for the Administrative Conference of the United States for fiscal years 1991, 1992, 1993, and 1994, and for other purposes; to the Committee on the Judiciary.

By Mr. BROOKS (for himself, Mr. KASTENMEIER, Mr. FISH, and Mr. MOORHEAD):

H.R. 3898. A bill to require certain procedural changes in U.S. district courts in order to promote the just, speedy and inexpensive determination of civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. BRUCE (for himself, Mr. MOODY, Mr. MADIGAN, Mr. RICHARDSON, Mr. WYDEN, and Mr. HALL of Texas):

H.R. 3899. A bill to amend title XVIII of the Social Security Act with respect to payment for certified registered nurse anesthetists under the Medicare Program; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. CONTE:

H.R. 3900. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contribution to education savings accounts and to provide that amounts paid from such an account for educational expenses shall never be subject to income tax; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 3901. A bill to extend nondiscriminatory treatment to the products of the certain East European countries for 5 years; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 3902. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer provided educational assistance, and for other purposes; to the Committee on Ways and Means.

By Mr. PALLONE (for himself and Mr. SAXTON):

H.R. 3903. A bill to prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone; to the Committee on Merchant Marine and Fisheries.

By Mr. SAXTON:

H.R. 3904. A bill to establish a commission for the establishment of a National Environmental Institute, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. GEKAS (for himself, Mrs. BENTLEY, Mr. BEVILL, Mr. BILIRAKIS, Mr. BORSKI, Mr. CARPER, Mr. CLARKE, Mrs. COLLINS, Mr. CONDIT, Mr. COSTELLO, Mr. COURTER, Mr. DEFAZIO, Mr. DE LUGO, Mr. DEWINE, Mr. DONNELLY, Mr. DORNAN of California, Mr. DYMALLY, Mr. FAWELL, Mr. FISH, Mr. FOGLIETTA, Mr. FROST, Mr. GALLO, Mr. GINGRICH, Mr. GUARINI, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HENRY, Mr. HILER, Mr. HORTON, Mr. HUTTO, Mr. HYDE, Mr. IRELAND, Mr. JOHNSTON of Florida, Mr. JONES of North Carolina, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCGRATH, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mr. MILLER of Washington, Mr. MOORHEAD, Mrs. MORELLA, Mr. OWENS of New York, Mr. PANETTA, Mrs. PATTERSON, Mr. PURSELL, Mr. QUILLEN, Mr. RANGEL, Mr. RAVENEL, Mr. RHODES, Mr. ROE, Ms. ROS-LEHTINEN, Mr. ROWLAND of Connecticut, Mr. SANGMEISTER, Mr. SCHUMER, Mr. SHAW, Mr. SHAYS, Mr. SKELTON, Mr. DENNY SMITH, Mr. SMITH of New Hampshire, Mr. STALLINGS, Mr. TOWNS, Mr. VALENTINE, Mr. WALGREN, Mr. WELDON, Mr. WOLF, Mr. WOLPE, and Mr. WYDEN):

H.J. Res. 464. Joint resolution designating April 22 through April 28, 1990, as "National Crime Victims' Rights Week"; to the Committee on Post Office and Civil Service.

By Mr. COUGHLIN (for himself and Mr. RANGEL):

H. Con. Res. 247. Concurrent resolution to urge the President to certify that Panama is fully cooperating with the United States in combating illicit drug trafficking, and to commend the Government of Panama and President Endara for Panama's demonstrated commitment to combat the scourge of drugs; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. BORSKI.

H.R. 857: Ms. SLAUGHTER of New York.

H.R. 995: Mr. MCDERMOTT, Mr. JAMES, and Mr. CONDIT.

H.R. 1292: Mr. SMITH of New Jersey.

H.R. 1561: Mr. ESPY, Mr. SAWYER, Ms. PELOSI, Mr. LEWIS of Georgia, Mr. FAZIO, and Mr. MANTON.

H.R. 1774: Mr. UDALL.

H.R. 2285: Mr. FISH, Mr. ENGLISH, Mr. GOODLING, Mr. LEHMAN of California, and Mr. BROWN of California.

H.R. 2328: Mr. HASTERT.

H.R. 2743: Ms. SLAUGHTER of New York.

H.R. 2858: Mr. KENNEDY.

H.R. 3037: Mr. GILMAN, Mr. EMERSON, Mrs. KENNELLY, and Mr. STARK.

H.R. 3067: Mr. BRUCE.

H.R. 3143: Mr. KANJORSKI.

H.R. 3290: Mr. EDWARDS of Oklahoma.

H.R. 3423: Mr. BEILENSON, Mr. GILMAN, Mr. ESPY, and Mr. LEHMAN of Florida.

H.R. 3487: Mr. GORDON and Mrs. JOHNSON of Connecticut.

H.R. 3521: Mr. HAYES of Illinois and Mr. DYSON.

H.R. 3541: Mr. COSTELLO.

H.R. 3716: Mr. TOWNS and Mr. FRANK.

H.R. 3774: Mr. COSTELLO.

H.R. 3817: Mr. MORRISON of Connecticut.

H.R. 3818: Mr. MILLER of California.

H.J. Res. 82: Mr. DORNAN of California.

H.J. Res. 345: Mr. MILLER of Washington, Mr. HAMILTON, Mr. BLILEY, Mr. MURTHA, Mr. HATCHER, and Mr. MCDADE.

H.J. Res. 441: Mr. COBLE, Mr. FRENZEL, Mr. GUNDERSON, Mr. MAVROULES, Mr. CARDIN, Mr. CRAIG, Mr. BUECHNER, Mrs. MORELLA,

Mr. SLATTERY, Mr. STAGGERS, Mr. FASCELL, Mr. HALL of Texas, Mr. KASICH, Mrs. MEYERS of Kansas, Mr. MARKEY, Mr. LEVIN of Michigan, Mr. TOWNS, and Mr. WALSH.

H.J. Res. 462: Mr. FUSTER, Ms. OAKAR, Mr. TOWNS, Mr. CLEMENT, Mr. WALGREN, Mr. WOLF, Mr. BILIRAKIS, Mr. HENRY, Mr. HANSEN, and Mr. WALSH.

H. Con. Res. 85: Mr. MILLER of Washington and Mr. KLECZKA.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

135. By the Speaker: Petition of the City Council, Lakewood, OH, relative to ceasing aid to the Government of El Salvador; to the Committee on Foreign Affairs.

136. Also, petition of the City Council, Boston, MA, relative to the agreement between the National Archives with Philip Morris, Inc. regarding the Bill of Rights; to the Committee on Government Operations.

SENATE—*Thursday, January 25, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

He hath shewed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?—Micah 6:8.

Omniscient God who knoweth all things, from whom we have no secrets, to whom our thoughts are known and our words yet unspoken, immense issues confront the Senators, placing enormous demands upon them mentally, physically, emotionally, under the relentless pressure of scheduling. As Thou knowest our hearts, free us from every unworthy motive, attitude or action which would hinder righteous resolutions. Imbue the Senators with great purpose, pure motivation and high courage that this session will be totally productive, that they will adjourn in October with complete satisfaction of a job well done and the world a better place because of their labors.

In Jesus' name who is truth incarnate. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEADER TIME

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time for the two leaders be reduced to 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, after leader time this morning, there will be 5 minutes of morning business. At 10 o'clock this morning, under the provisions of the modified unanimous-consent agreement governing consideration of the President's veto message on H.R. 2712, there will be 4½ hours of debate equally controlled and divided between Senators KENNEDY and SIMPSON or their designees, with a vote occurring at 2:30 p.m. on whether or not to override the President's veto.

The 20 minutes prior to the 2:30 p.m. vote will be divided between the two leaders, with the Republican leader controlling the time between 2:10 and 2:20, and the time between 2:20 and 2:30 controlled by myself.

SENATOR ROBERT C. BYRD RECEIVES MINUTE MAN AWARD

Mr. MITCHELL. Mr. President, I would like to call to the attention of my colleagues, that last evening, the Reserve Officers Association of the United States, at its 1990 national council midwinter banquet, presented our distinguished senior colleague from West Virginia [Mr. BYRD], with the 1990 "Minute Man of the Year" Award. This award is presented annually by the ROA to "the citizen who has contributed most to national security in these times."

Mr. President, previous recipients of the ROA's Annual Minute Man of the Year Award include Presidents Ford and Reagan; Senators Stennis, Jackson, Russell, THURMOND, NUNN, WARNER, and STEVENS; and Representatives Vinson, Rivers, Sikes, Hébert, McCormack, Laird, Albert, Mahon, MONTGOMERY, and others.

Mr. President, the very able President pro tempore and chairman of the Appropriations Committee has a distinguished record of service to the Nation. In 1946, he first ran for political office, and was elected to the West Virginia House of Delegates. Subsequently, he was elected to the West Virginia Senate, the U.S. House of Representatives, and in 1958, the U.S. Senate, where he has served longer than anyone else in West Virginia's history. In addition to fulfilling his Senate responsibilities, in 1963, after 10 years of study at night classes in law school, he earned his law degree cum laude from American University, the first time in history that a sitting Member of either House of the Congress has accomplished that feat.

Senator BYRD became a Member of the Senate leadership in 1967, when he was selected by his party colleagues as secretary of the Democratic Conference. In 1971, he was chosen Senate Democratic whip. He was elected Democratic leader by his Democratic colleagues in 1977, a position he was reelected to five consecutive times. For the 12 years he held the position of Democratic leader—from January 1977 through 1988—Senator BYRD served as Senate majority leader for 6 years, 1977-80, 1987-88, and Senate minority leader for 6 years, 1981-86. In 1989, for the first time, Senator BYRD had the opportunity to serve as chairman of the Committee on Appropriations, and also in 1989, Senator BYRD was unanimously elected President pro tempore of the Senate, placing him third in line of succession to the Presidency. He now bears the distinction of having held more leadership positions in the U.S. Senate than has any other Senator of any party in Senate history.

Our distinguished colleague has supported a strong and practical national defense during his career, and as chairman of the Senate Appropriations Committee, he provided the leadership in which more than $1.3 billion for Guard and Reserve equipment was added to the administration's budget request.

Mr. President, I again offer my congratulations to the former majority leader former minority leader, and current President pro tempore and chairman of the Appropriations Committee.

I ask unanimous consent to have printed in the RECORD a list of previous recipients of ROA's annual "Minute Man of the Year Award" as well as a copy of Senator BYRD's remarks given to the Reserve Officer's Association Mid-Winter Banquet last evening.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PREVIOUS RECIPIENTS OF ROA'S ANNUAL MINUTE MAN OF THE YEAR AWARD

1958—Brig. Gen. David Sarnoff.
1959—The Honorable Richard B. Russell.
1960—Col. Bryce N. Harlow.
1961—The Honorable Hugh M. Milton II.
1962—The Honorable Carl Vinson.
1963—The Honorable Dennis Chavez (posthumously).
1964—The Honorable Margaret Chase Smith.
1965—The Honorable L. Mendel Rivers.
1966—The Honorable John C. Stennis.
1967—The Honorable Robert L.F. Sikes.
1968—The Honorable F. Edward Hebert.
1968—Francis Cardinal Spellman (posthumously).
1969—The Honorable John W. McCormack.
1970—The Honorable Melvin L. Laird.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

1971—The Honorable Strom Thurmond.
1972—The Honorable Carl Albert.
1973—The Honorable Henry M. (Scoop) Jackson.
1974—The Honorable George H. Mahon.
1975—The Honorable Gerald R. Ford.
1976—The Honorable John L. McClellan.
1977—The Honorable Bob Wilson.
1978—The Honorable Charles E. Bennett.
1979—The Honorable Milton R. Young.
1980—The Honorable Samuel S. Stratton.
1981—The Honorable John Goodwin Tower.
1982—The Honorable G.V. (Sonny) Montgomery.
1983—The Honorable Ronald W. Reagan.
1984—The Honorable Sam Nunn.
1985—The Honorable William L. Dickinson.
1986—The Honorable Ted Stevens.
1987—The Honorable Bill Chappell, Jr.
1988—The Honorable Caspar W. Weinberger.
1989—The Honorable John W. Warner.

REMARKS BY SENATOR ROBERT C. BYRD, RESERVE OFFICERS ASSOCIATION MID-WINTER BANQUET, WASHINGTON, DC, JANUARY 24, 1990

In 1946, in an address at Fulton, Missouri, Winston Churchill said, "From Stettin in the Baltic to Trieste in the Adriatic an iron curtain has descended across the Continent."

Those words heralded the opening of the Cold War between communist tyranny and Western democracy.

In the decades since 1946, most of the military and foreign policies of this country have been aimed at preventing that communist tyranny from spreading further and enslaving more nations and people.

Today, that curtain is being shredded by courageous, valiant peoples who have embraced Demoractic values and rejected those of communism.

The Chinese have a double-edged benediction that runs, "May you live in interesting times."

Indeed, the era into which we are entering seems to be a response to that epigram.

Who would have prophesied, guessed, or dreamt, even one year ago, of the "interesting times" that we are witnessing in Eastern Europe?

One by one, nations once seemingly mired hopelessly in tyranny, are rejecting the rule of Communist parties, embracing pluralistic democratic forms, and struggling to achieve liberties that you and I take for granted. This is a stunning endorsement of the key political and economic values which our great country was founded upon.

And if current trends continue, in our lifetimes, Poland, Czechoslovakia, Hungary, East Germany, Romania, Bulgaria, and others may emerge as free and promising republics among the world's democracies.

As the Reserve Officers Association, you have chosen to honor me as the Minute Man of the Year.

It is a great honor for me. I am sincerely touched by this recognition.

In a like fashion, however, I want to pay tribute to you and to all of your military comrades who, since the end of World War II, have helped to make possible the rebirth of liberty we are witnessing in Eastern Europe.

As the Iron Curtain descended across Europe, we here in the United States might have chosen to turn our backs on the Old World and to let her sink into the permanent grip of communist slavery.

We could have reverted to isolationism and rejected our responsibilities to our fellow men. But we did not so choose. Instead, through the Marshall Plan, NATO, and the sacrifices of millions of Americans willing to serve in our Armed Forces, we held aloft to the people of Western Europe the light of our democratic way of life, and to the people of Eastern Europe the hope that someday they, too, might be free.

Since the end of World War II, we have enjoyed in our country and in Western Europe continuing material abundance and prosperity.

We believe—and rightly so—that such material prosperity is the fruit of liberty and democracy.

But prior to that material prosperity are the spiritual values that have made and kept us a strong and free nation.

In the end, for those spiritual values—faith in God, faith in our democratic way of life, faith in the honest and hard work of our hands, and faith in self-discipline and respect for our neighbors—for those spiritual values American military men and women served in Western Europe, fought in Korea and Vietnam, and sacrificed their youth and shared their abilities to defend our freedoms.

Throughout my career, I have held the men and women of our active Armed Forces, our Reserves, and our National Guard in high esteem. I have sought to keep those forces strong and ready to defend our national security and our liberties. I have believed, and I continue to believe, that our country has a covenant with those who have served in our Armed Forces and our military, and who have kept us free.

In the future, I shall continue to do whatever I can to keep our military strong and ready. As we draw down our active forces from the European theatre, in the context of the treaty emerging from the NATO-Warsaw Pact negotiations on conventional forces now underway in Vienna, Austria—the so-called Conventional Forces in Europe talks—the size of our active forces will undoubtedly diminish. At the same time, the role and the size of our reserve forces will increase. Many activities and functions now carried out by the active forces will be transferred to the reserves. So your responsibilities will grow. The security of our nation in times of a reduced threat still must be cared for, and in your hands, the hands of experienced generations of men and women—who remember how jarring and intimidating the threats and attacks of militant systems, be they Nazi or Communist—will be placed the heavy responsibility of keeping the nation ready when all seems tranquil.

And as the changing international situation allows for this shifting of military duties and roles, I shall work for the fair and intelligent use of funds to ensure that the Reserves can fulfill the expanded responsibilities and missions that will fall to them.

That will also include continuing to encourage improvements in the command and control of the Army Reserve.

The Iron Curtain is lifting, and a breath of liberty blows across Eastern Europe.

Let us rejoice in those changes. Let us enjoy the growing peace that we have earned through recent decades of preparedness.

But as the era of democratic promise continues, let us remember that this promise is the reward for vigilance and strength. Let us keep faith with our heritage, and let us ever keep America free and strong.

Mr. MITCHELL. Mr. President, I conclude by offering my own personal thanks and gratitude for the help, support, and counsel which the distinguished Presiding Officer has provided to me in my first year as Senate majority leader. It has been invaluable to me personally, and I am very grateful.

The PRESIDENT pro tempore. The Chair thanks the majority leader.

SENATOR MOYNIHAN'S PROPOSAL REGARDING SOCIAL SECURITY

Mr. MITCHELL. Mr. President, there has been a great deal of discussion about the proposal made a short few weeks ago by our distinguished colleague from New York, Senator MOYNIHAN, regarding the Federal Insurance Contributions Act and the Social Security system. There will continue to be much discussion about the proposal.

I personally believe that Senator MOYNIHAN has performed a valuable service to the Nation by calling attention to a serious situation which requires careful study, thought, and analysis by all interested public officials. I regret very much that one of the results of this has been a series of personal attacks upon Senator MOYNIHAN challenging his motive, attributing to him qualities and characteristics that he obviously does not possess. He is the Senate's and, I believe, the Nation's foremost expert on Social Security, and he has devoted his career to supporting the integrity of the Social Security system.

He is the most honest of persons, and recent remarks have suggested certain dishonesties on his part. I think they at least have implied that. I think that is regrettable. Senator MOYNIHAN is one of the most able, dedicated Members of the Senate. He is intellectually honest, personally honest, a man of great integrity and character. Whether one agrees or disagrees with his policy, I think we can all agree that his motives are the very finest.

So I hope we will concentrate our discussion now on the merits or disadvantages of his proposal and seek to deal with the problem in a serious manner.

Mr. President, I note the distinguished Republican leader is on the floor. I am pleased now to yield to him. I ask, if I exceeded my time, that the distinguished Republican leader be given an amount of time equal to that.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized.

PRESIDENTIAL VETO

Mr. DOLE. Mr. President, in a few moments we are going to begin the debate on whether or not the President's veto of legislation dealing with Chinese students should be overridden. I assume we will vote at 2:30. It will be a good debate. It will be a close vote.

But I say at the outset I hope we will again stick to the facts and not the emotion, the facts being the President has done by administrative action as much or more in every case as the legislation provides. That is why I believe many Republicans will vote to sustain the President's veto. The President directs foreign policy. The President is knowledgeable more than anyone I know in this Chamber on the People's Republic of China. This is an important vote.

As far as the President is concerned, it has become more or less a partisan matter. I do not know of any Democrats who are going to support the President. That indicates not much bipartisanship. But I hope we will have enough Republicans to sustain the President, who has indicated time and again, as most recently in a letter I put in the RECORD last night, that as long as he is President of the United States the students have nothing to fear.

And any suggestion that the President is going to change his mind next week, in my view, is an unfair characterization of the President of the United States. He has been consistent in this policy. He has given us his word. He has indicated to me in a letter—and he will be saying again later today—and I would say to the Chinese students, "You can count on President Bush."

Again, we will demonstrate in the debate that the administrative action goes beyond the legislative proposal. Things have changed since that bill zipped through the Senate and zipped through the House. And, as it should have, the administration has taken a number of appropriate actions to protect Chinese students and other Chinese in this country.

So I hope that the debate will reflect on the Senate and that it will not characterize President Bush as someone who is going to cow-tow to the Chinese. I believe that, if we listen to the debate, we will sustain the President's veto, and he will, as he has promised, not yield one inch in any effort to disrupt the Chinese students who are here in the United States. In addition, he would like to extend the exchange programs.

Martial law has been lifted. Voice of America—there are the discussions about getting that back on track. There are a number of things that Senator SIMPSON and others will be pointing out specifically that have been done, and I do not believe we want to dismiss a billion people and say we will play a little politics here on the Senate floor today: Do not worry about China, they are not important in the world. In my view the President has a pretty good understanding of that. He feels they are. And I feel that the veto should be sustained, and I believe it will.

Mr. President, I reserve any time I have.

MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of morning business.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,776th day that Terry Anderson has been held in captivity in Beirut.

STEN ANDERSSON, INTERNATIONAL DIPLOMAT OF THE YEAR

Mr. PELL. Mr. President, on September 29, 1989, the Pax World Foundation, as part of its charge to promote peace, honored Swedish Foreign Minister Sten Andersson as "International Diplomat of the Year."

During an intense 24-hour period in December 1988, Mr. Andersson worked closely with both Yasser Arafat and the United States State Department to craft Arafat's address before the United Nations renouncing terrorism and acknowledging Israel's right to exist in peace within secure borders. For the first time, the United States officially conversed with the PLO in an effort to promote peace between Israel and the Palestinians. Pax President Jack Corbett observed that "Andersson is a new breed of diplomat who effectively builds relationships and credibility with both sides of a conflict situation," noting also that Andersson's "reconciling spirit thus contributes to the climate for peace."

I was pleased to be given the honor of introducing Mr. Andersson at the September 29 award ceremony. In accepting his award, Mr. Andersson delivered an address entitled "Peacemaking in the World: The Swedish Experience." Other speakers preceding Mr. Andersson were Ambassador Richard Murphy, the key State Department official in the negotiations with Andersson and the PLO; Drora Kass, a member of the American Jewish delegation that met with Arafat in Sweden; and Khalil Jahshan, representing the National Association of Arab Americans.

Mr. President, I ask unanimous consent that the texts of all of these remarks, including the address of Mr. Andersson, be printed in full at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF AMBASSADOR RICHARD MURPHY

I appreciate your invitation to be here today to honor Foreign Minister Andersson.

Your news release about this meeting recalled that intense 24-hour period of activity last December involving the Foreign Minister, Swedish diplomats and the Department of State. Intense is the right adjective. But that moment was only part of a long series of diplomatic activity which on December 14 produced the announcement that the U.S. government would start a substantive dialogue with the PLO.

The Foreign Minister is known for his integrity, creativity and patience, all qualities essential to anyone trying to advance Middle East peace. Probably the Minister would agree that his ability to exercise patience was the most strenuously tested of all the needed qualities.

By late '88, the political context in the Middle East had changed. The *intifada* been in progress a full year; King Huseein had announced Jordan's disengagement from its West Bank responsibilities six months earlier.

Chairman Arafat's press conference on December 14, the day after his formal address to the U.N. in Geneva, met long-standing U.S. terms for dialogue. The United States did not draft Arafat's statement, as has subsequently been alleged. Our consistent position was that our terms for a dialogue had been clearly set out in 1975 and needed only to be met unambiguously for us to respond (ambiguity is often a useful technique in diplomacy, but would not have done the job in this case).

When Arafat spoke to the press on December 14 he acknowledged Israel's right to exist, accepted U.N. Security Council Resolutions 242 and 338, and renounced terrorism, an obligation levied during the Reagan Administration.

For 13 long years we had reiterated that if the PLO moved to accept our terms we would enter into a dialogue. After studying Arafat's December 14 statement and consulting with the President, Secretary Shultz announced that we were honoring our word.

The media asked me the following day whether this new dialogue would make our Middle East diplomacy any easier. I replied "no," but as a result of opening discussion we would be better positioned to play our role in advancing the Middle East peace process. I confidently predicted that the process would be long and tortuous, given

the complexity of the issues which need to be resolved in order to reach a general statement.

Since then, there have been several formal meetings between our Ambassador in Tunis and designated PLO representatives. Each side has commented on the slowness of the other's movement and suggested in various ways that the other party lacks seriousness.

Such comments are not surprising. I suggest it is neither surprising nor a bad thing that we cannot point to dramatic achievement after only nine months. There is a need for better understanding of the prospects and constraints operating on both of us, indeed on all of us, who want to see peace established. Our dialogue of the past nine months has just begun to de-demonize the U.S. in PLO eyes and vice-versa.

We are now hearing calls that this dialogue be broken off. The logic behind such a demand is thin. Even if man does not live by logic alone, logic has its place in diplomacy. The need to continue the dialogue is compelling. In honoring Minister Andersson today, we are honoring him for his efforts in the Middle East and further afield. His efforts have been firmly based on the need for logic, for persistence, and for the acceptance of present day realities on the part of all concerned if we are to move ahead.

REMARKS OF DRORA KASS, INTERNATIONAL CENTER FOR PEACE IN THE MIDDLE EAST

There are many superlatives one could use in describing Sten Andersson—and they would all be true.

Sten Andersson is a highly committed, deeply motivated, imaginative politician and an able diplomat. He is a negotiator of great skill and tenacity who inspires (seemingly effortlessly) the confidence of leaders, as well as that of the common man. And rumors—confirmed by Sten himself—even have it, that he is an expert omelet maker, not only political, but also culinary!

But for me personally, what is truly outstanding about Sten Andersson is the congruence between his public persona and his private self. All too often, we find politicians, diplomats and other individuals engaged in the promotion of peace who relate far more positively to humanity than they do to people; who love the human race, but cannot be bothered with human beings. In this arena, Sten Andersson is a breed apart, and we have seen ample evidence of this in the speech he has just delivered.

We, the five who went to Stockholm, share Sten Andersson's dream of peaceful coexistence between Israel and the Palestinians. We do so out of a deep commitment to the State of Israel and to its future well-being. We believe that only through compromise can this dream be fulfilled. We do not believe that this is a zero-sum game, where what is good for one side is necessarily bad for the other. Eretz Israel/Palestine is a land of two peoples, both of whom have a right to national self-determination and sovereignty in part of that land. Only through exchanging land for peace can Israel hope to remain strong, Jewish and democratic; only thus, can it redirect its energies and resources from physical survival to building a vibrant productive society.

We share Sten Andersson's belief that it is not enough to love peace, or to support it. As is written in the Bible, peace must be pursued actively. And the pursuit of peace between Israel and the Palestinians necessarily means active reinforcement of the moderate voices both in Israel and among the Palestinians, in their quest to replace emotions and violence with rationality and accommodation. The reaction by some of our critics to our Stockholm meetings and other steps in which we have been engaged in bringing Palestinians and Israelis together, has been that "we have waited so long for peace, let it mature and come to life on its own." But peace cannot come to life on its own, without active promotion and reinforcement of the moderate positions. By our silence, we necessarily lend support to the rejectionists on both sides. 100 percentism is the enemy of a peaceful resolution to the Middle East conflict. Passivity is equivalent to assertive support of the potentially explosive status quo.

In Israel, there is a widespread feeling across the political spectrum and among the people at large, that the status quo is untenable. The intifadah and its aftermath have made that crystal clear. But there is a gap between that understanding, or notion and the realization that there is an opportunity to move forward toward peace. Among some Palestinians as well, there is a notion that their compromises will not get rewarded; that there will be no response to what they perceived to be far reaching steps they have made toward peace.

It is the task of all of us to help convince the honest skeptics on both sides that there *can* be peace, so that these can press on their respective leaders and urge them to make the necessary sacrifices in order to draw it nearer.

I was touched by something written by an Israeli journalist who took part in the famous press conference which Chairman Arafat gave in Geneva last December. "Most of it sounded like empty rhetoric," she said. "But then for a moment, in that place, it seemed that our children and the children of the Palestinians need not be forever locked in deadly embrace."

If we are to expand that moment of belief in the possibility that things *can* be different, then we must first believe in it ourselves. And what better day to begin than today, the eve of the Jewish New Year, *Erev Rosh Hashana*, 5750.

In one our liturgy, this is a day of memorial and a day of judgment, Yom Hazikaron and Yom Hadin. It is a day of judgment, not in only in a divine sense, but in the sense that on it, we are charged with judging our own actions; it is an occasion of self-examination and earnest reflection.

It is also a day of remembrance, not only of great events of the dim past, but also of incidents of the journey we have made since the year began, of false steps we may have taken, or mistakes we may have made.

Let us take stock. And in the true Jewish tradition, let us replace old notions and mistaken ways by embarking upon new beginnings.

REMARKS OF KHALIL JAHSHAN, NATIONAL ASSOCIATION OF ARAB AMERICANS

It is indeed my pleasure and that of NAAA to take part in this very important event honoring Mr. Sten Andersson, Sweden's Minister for Foreign Affairs. For his personal role and that of the Government of Sweden for facilitating the events of December 1988, which produced the U.S.-PLO dialogue and brought the chances for peace in the Middle East closer to realization than ever before.

First of all, let me state that what took place in December 1988 and preceding months is not a new endeavor for the Government and people of Sweden. For many years, and quite often at a high price, Sweden has been playing a progressive and constructive role in peacemaking efforts throughout the world and particularly in the Middle East. For that they most certainly deserve our appreciation and gratitude.

As an American citizen committed to the peaceful resolution of the Arab-Israeli conflict, I would like to join Pax World Foundation in commending Mr. Sten Andersson and his diplomatic colleagues for their active role in the ongoing search for peace in the Middle East.

Our country, the United States of America, is a superpower with extensive national interests in that part of the world, matched by serious and often unfulfilled responsibilities. Sweden's assistance and moral prodding has over the years been of great help in overcoming domestic and ideological constraints preventing the U.S. from genuinely mediating the conflict and often from pursuing our own national interests in that strategically vital region of the world.

As a person of Palestinian origin, I am particularly thankful to Mr. Andersson and the Swedish Government for the excellent job they have done in bringing together Israelis and Palestinians—Arabs and Jews. Mr. Minister what you have accomplished is a difficult job that has been well done. However, I do have a request: the job is not complete. Arab and Jewish blood continues to be shed in the Middle East. Today, the Palestinian compromises announced in December 1988 remain unreciprocated in substance and spirit. Your responsibilities have not been totally fulfilled and your skills remain sorely needed.

Therefore, congratulations on a job well done. It is our hope that your efforts on behalf of peace would continue in the future with the same intensity and dedication that we have witnessed and admired in the past.

Thank you.

STATEMENT BY SENATOR CLAIBORNE PELL INTRODUCING FOREIGN MINISTER STEN ANDERSSON OF SWEDEN

I am delighted to have the honor of introducing Foreign Minister Andersson, who is being recognized as the International Diplomat of the Year. This is a personal pleasure for me because I have come to know and respect Foreign Minister Andersson during his previous visit to Washington, when he was our guest at the Senate Foreign Relations Committee.

Mr. Andersson continues a great tradition of Swedish diplomacy. Sweden's honor roll includes Count Folke Bernadotte who lost his life in the service of peace more than 40 years ago. It includes Dag Hammarskjoeld, widely recognized as the most creative Secretary General of the United Nations, who also gave his life in the service of peace. More recently, and closer to home, we have benefited from the diplomatic skill of your long-time Ambassador, my friend Count Wilhelm Wachtmeister, who is continuing his personal dedication to Swedish-American relations by making his home now as a private citizen here in Washington.

We are also pleased to welcome the new Swedish Ambassador, Anders Thunborg, who brings us a distinguished record of diplomatic service from his previous assignments as Swedish Ambassador to the United Nations and to the Soviet Union.

Last December, in its report on the breakthrough that made possible United States talks with the Palestine Liberation Organi-

zation, the New York Times had the headline: "Sweden Chalks Up Points for Its Foreign Meddling."

Mr. Andersson's diplomatic skills played a key role in bringing about that breakthrough. In 1988 Sweden invited American Jewish leaders to meet with the PLO in Stockholm, among them my friend Rita Hauser, a former U.S. Representative to the United Nations and a prominent lawyer in New York.

It was Foreign Minister Andersson's job to keep the diplomatic balls in the air until they came down in the right formation, when Mr. Arafat finally said the key words: "We totally and absolutely renounce all forms of terrorism, including individual, group and State terrorism."

This breakthrough was a beginning, the start of a new phase. The peace process continues in search of a solution in the Middle East. Perhaps Sweden, under the leadership of Foreign Minister Andersson, will continue to play a role, in this and other areas of conflict.

Let me conclude by remembering that Sweden has been a mainstay of the United Nations peacekeeping forces, which last year were awarded the Nobel Peace Price. More than 55,000 Swedes have served in such forces, and a number have lost their lives. For Sweden this is a recognized use of their military forces, one that is appreciated throughout the world.

The designation of Foreign Minister Andersson as the International Diplomat of the Year is an honor that he has earned by his personal initiative. It is also an honor to Sweden for its tradition of peacemaking.

If this is "foreign meddling." Mr. Foreign Minister, we hope you continue.

ADDRESS BY THE HONORABLE STEN ANDERSSON PEACEMAKING IN THE WORLD: THE SWEDISH EXPERIENCE

Dear Friends, I am greatly honoured and deeply touched with the Pax World Foundation has named me "Diplomat of the Year".

This honour is being bestowed upon me in recognition of the part I and my collaborators played last year in establishing a dialogue between the United States and the PLO.

This is very kind and generous of you.

It is both agreeable and satisfying to have hard work rewarded by such recognition, and I can assure you that I will not allow the pleasure I take in this honour to turn into passive complacency. There is little risk of this.

The success was first and foremost the result of a professional interaction between diplomatic competence and political experience. And this success would not have been possible without co-operation between several actors. We were not alone in bringing about this achievement.

First of all there were the parties themselves, the U.S. Government and the PLO. It is obvious that without their active endeavour, nothing could have been achieved.

The daring and far-sighted actions of George Shultz and the United States were of decisive importance. What I admired most was the courage of the American Jewish personalities who took the step to come to Stockholm and meet Yassir Arafat. They were the catalyst in the process—a process whose foundation was the new policy of the PLO.

Moreover, there were a number of other actors on the international scene involved. Countries such as Egypt and Saudi-Arabia played a crucial role. Also other countries played important parts.

I am proud that Sweden had the privilege to be among the parties contributing to this process. What made this possible was above all the confidence that all parties concerned have shown Sweden.

One of the reasons for this confidence in Sweden is to be found in our history:

For centuries, Sweden was one of the most belligerent countries in Europe. In the seventeenth century, Sweden was a major power and conquered countries all around the Baltic Sea. The Swedes fought their way far into Russia and Germany. This violent period ended in 1814.

Sweden has now lived in peace for 175 years. We have been able to develop our society and our democracy freely, without foreign interference. We therefore have obligations to other less fortunate peoples. All those who lack freedom and suffer under oppression, in war and misery—or in a poverty that is beyond our comprehension—have the right to count on the solidarity of a people blessed by fortune.

This solidarity is based not only on humanitarian feelings, but also on our own self-interest.

Two threats of annihilation are hanging over mankind; nuclear war and environmental destruction. They cannot be eliminated unless the rich peoples of the world help the poor, in a spirit of solidarity.

In the gap between the rich and poor countries continues to grow, the risks of trouble, antagonism, conflicts and war will continue to increase.

But if the poor countries raise their standard of living, using similar means and methods of production that we have employed, environmental catastrophe will be inevitable.

Therefore, the rich countries must develop new production methods which economize on resources and are environmentally sound, and—in a spirit of solidarity—place them at the disposal of the poor countries. For the sake of the poorer nations but also for our own sake.

Sweden is a small neutral country outside military alliances. It is essential for us to safeguard international law, including our own and other peoples right to self-determination an human rights. We must condemn violations of international law wherever they take place, and whoever commits them.

BOB SNEED: A FRIEND AND COLLEAGUE DEPARTS THE SENATE

Mr. HOLLINGS. Mr. President, at the end of 1989, the Senate bade farewell to a much valued, much respected colleague, Bob Sneed. I use that word "colleague" advisedly, because "staffer" just does not do justice to the nature of the professional relationship many of us have had with Bob. The fact is, Bob possesses what is too often lacking in the people we rely on for advice and technical support around here: seniority, a rich institutional memory, a seasoned and shrewd judgment, plus a sense of history and perspective that comes only from years of laboring in the legislative vineyard.

After a decade in the comptroller's office at the Department of Defense, Bob Sneed came to the Senate in 1976 as the Budget Committee's senior defense analyst, in which job he was like a right hand to Ed Muskie. Four years later, when Senator Muskie became Secretary of State and I assumed the Budget Committee chairmanship, Bob began working directly with me on a day-to-day basis. More recently, while still deeply involved in Budget Committee issues, he has also served on my Commerce Committee staff and as my nuts-and-bolts man on the Defense Appropriations Subcommittee.

Bob was present at the creation of Gramm-Rudman-Hollings in 1985, and provided critical, expert advice to me during debates on ratification of the SALT II, ABM, and INF treaties. His knowledge of defense issues and the Defense Department can only be described as encyclopedic. Indeed, I dare say that few congressional staffers can match his breadth of policy expertise, or his skills in the budget and appropriations processes.

Mr. President, after 26 years of Federal service—14 of them in the Senate—Bob Sneed is moving on to new professional challenges. During countless late-night sessions and in the thick of the most difficult legislative fights, Bob has always been there when I needed him. On behalf of the many Senators who have worked closely with Bob down through the years, and on behalf of the institution of the Senate itself, which he has served so loyally, I express our appreciation and best wishes to a great friend and truly exceptional colleague.

STATEMENT ON PRINTING MASS-MAIL COSTS

Mr. FORD. Mr. President, Senate Resolution 212, which was agreed to on November 19, 1989, made three changes in the publication of the mass-mail costs of the Senate. It requires that quarterly reports be published in the CONGRESSIONAL RECORD 2 weeks after the close of each quarter or as soon thereafter as practicable. It also requires that the number of pieces per capita and mass-mail costs for committees and other Senate offices be included in the report.

The report for the quarter ending December 31, 1989, has been compiled, and I ask unanimous consent that it be printed in the RECORD immediately following these remarks. The report includes only charges to the fiscal year 1990 appropriation.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1989

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita
Adams	13,108	0.00282	$11,313.16	$0.00243
Armstrong	0	.00000	0	.00000

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1989—Continued

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita
Baucus	255,765	.31772	35,054.08	.04355
Bentsen	1,459,375	.08666	215,553.68	.01280
Biden	1,225	.00186	215.34	.00033
Bingaman	24,130	.01601	4,531.32	.00301
Bond	0	.00000	0	.00000
Boren	0	.00000	0	.00000
Boschwitz	304,076	.07060	65,419.89	.01519
Bradley	0	.00000	0	.00000
Breaux	8,650	.00196	1,507.63	.00034
Bryan	0	.00000	0	.00000
Bumpers	0	.00000	0	.00000
Burdick	95,000	.14243	15,678.22	.02351
Burns	9,625	.01196	8,212.74	.01020
Byrd	0	.00000	0	.00000
Chafee	98,000	.09869	12,915.31	.01301
Coats	48,300	.00869	8,361.29	.00150
Cochran	36,400	.01389	5,876.89	.00224
Cohen	247,400	.20531	35,225.11	.02923
Conrad	44,813	.06719	38,404.73	.05758
Cranston	1,032,850	.03648	136,183.94	.00481
D'Amato	0	.00000	0	.00000
Danforth	0	.00000	0	.00000
Daschle	139,831	.19612	19,293.56	.02706
DeConcini	4,036	.00116	3,438.67	.00099
Dixon	9,350	.00081	1,665.75	.00014
Dodd	0	.00000	0	.00000
Dole	0	.00000	0	.00000
Domenici	24,375	.01617	4,266.39	.00283
Durenberger	150,180	.03487	26,601.78	.00618
Exon	4,951	.00309	4,252.90	.00265
Ford	0	.00000	0	.00000
Fowler	1,287,371	.20299	193,617.88	.03053
Garn	0	.00000	0	.00000
Glenn	19,191	.00177	16,485.06	.00152
Gore	570,550	.11656	72,625.82	.01484
Gorton	0	.00000	0	.00000
Graham	1,561,750	.12661	261,588.78	.02121
Gramm	334,085	.01984	53,206.39	.00316
Grassley	161,020	.05682	29,057.24	.01025
Harkin	215,000	.07586	28,413.45	.01003
Hatch	194,700	.11521	28,094.11	.01662
Hatfield	536,738	.19398	88,182.06	.03187
Heflin	19,150	.00467	2,445.20	.00060
Heinz	1,168,250	.09735	171,163.94	.01426
Helms	0	.00000	0	.00000
Hollings	0	.00000	0	.00000
Humphrey	0	.00000	0	.00000
Inouye	0	.00000	0	.00000
Jeffords	3,100	.00557	556.47	.00100
Johnston	41,277	.00936	17,126.40	.00389
Kassebaum	0	.00000	0	.00000
Kasten	85,300	.01757	11,478.31	.00236
Kennedy	0	.00000	0	.00000
Kerrey	10,564	.00659	9,096.11	.00568
Kerry	15,000	.00255	4,077.73	.00069
Kohl	0	.00000	0	.00000
Lautenberg	162,386	.02103	33,304.68	.00431
Leahy	266,360	.47820	39,879.32	.07160
Levin	5,100	.00055	977.87	.00011
Lieberman	223,861	.06924	30,632.04	.00947
Lott	219,000	.08359	32,206.92	.01229
Lugar	17,500	.00315	2,305.17	.00041
Mack	21,538	.00175	18,501.14	.00150
Matsunaga	0	.00000	0	.00000
McCain	520,950	.14931	78,953.29	.02263
McClure	182,650	.18210	29,232.42	.02914
McConnell	142,300	.03818	19,527.14	.00524
Metzenbaum	0	.00000	0	.00000
Mikulski	23,207	.00502	19,934.80	.00431
Mitchell	0	.00000	0	.00000
Moynihan	0	.00000	0	.00000
Murkowski	62,300	.11889	11,361.72	.02168
Nickles	188,014	.05799	45,311.51	.01398
Nunn	593	.00009	513.53	.00008
Packwood	127,250	.04599	22,532.67	.00814
Pell	5,861	.00590	4,993.56	.00503
Pressler	0	.00000	0	.00000
Pryor	10,925	.00456	3,071.18	.00128
Reid	79,269	.07521	14,532.41	.01379
Riegle	40,125	.00434	7,836.41	.00085
Robb	0	.00000	0	.00000
Rockefeller	246,150	.13121	38,419.12	.02048
Roth	6,900	.01045	1,193.22	.00181
Rudman	0	.00000	0	.00000
Sanford	1,180,000	.18185	177,271.43	.02732
Sarbanes	374,450	.08101	51,690.19	.01118
Sasser	13,450	.00275	2,348.93	.00048
Shelby	0	.00000	0	.00000
Simon	2,207,300	.19006	307,176.86	.02645
Simpson	4,850	.01013	616.27	.00129
Specter	1,076,616	.08971	150,069.93	.01250
Stevens	0	.00000	0	.00000
Symms	416,525	.41528	61,325.37	.06114
Thurmond	0	.00000	0	.00000
Wallop	0	.00000	0	.00000
Warner	0	.00000	0	.00000
Wilson	0	.00000	0	.00000
Wirth	29,650	.00898	5,122.40	.00155

FORT BRAGG UNITS TO PANAMA

Mr. SANFORD. Mr. President, all of us here have made various remarks regarding the recent United States military action in Panama. Much has been said, and will continue to be said, about the merits of our actions in that Central American country. With the capture of Manuel Noriega and his return to the United States to face criminal charges, "Operation Just Cause" is a success.

The Nation awoke on the morning of December 20, 1989, to find that we were engaged in the largest American military operation since the Vietnam war. In my home State of North Carolina, just as in the rest of the Nation, the support for the United States efforts in Panama was overwhelming.

Though the country is always proud of those that serve her in uniform, there was exceptional pride displayed by the citizens of North Carolina. Fort Bragg, NC is home to the 82d Airborne Division, the 18th Airborne Corps, and the U.S. Army Special Operations Command (Airborne), all of which participated in Operation Just Cause.

We must remember Mr. President, that as with most armed conflicts, Operation Just Cause was not void of the loss of life. As we cheer the colors being returned home triumphantly, we cannot forget those same colors draped over the coffins of those who gave their all for the Nation. They did so so that others may have the very blessings of freedom and liberty that they bravely fought and died for.

I wish to offer my sympathies to the citizens of Panama who lost family members during the recent fighting. The grief brought on by the loss of life during war transcends all international and cultural boundaries.

This Senator stands proud of the 18th Airborne Corps and the U.S. Army Special Operations Command. As a combat veteran once attached to the 82d Airborne Division, I stand extremely proud of them on the execution of their duties with the highest degree of skill and professionalism during Operation Just Cause.

Mr. President, I ask that the names of all the units that deployed to Panama from Fort Bragg, NC, be entered into the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

THE 82D AIRBORNE DIVISION

Division headquarters.
1st Brigade headquarters.
1st, 2nd and 3rd battalions, 504th Parachute Infantry Regiment.
4th Battalion, 325th Airborne Infantry Regiment.
Company A, 3rd Battalion, 505th Parachute Infantry Regiment.
1st Battalion, 82nd Aviation Brigade.
3rd Battalion, 318th Airborne Field Artillery Regiment.
An element of 3rd Battalion, 73rd Armor Regiment.
18th Airborne Corps:
Command group.
18th Aviation Brigade.
18th Airborne Corps Artillery.
525 Military Intelligence Brigade.
20th Engineer Brigade.
35th Signal Brigade.
1st Corps Support Command.
44th Medical Brigade.
U.S. Army Special Operations Command (Airborne):
1st Special Operations Command (Airborne).
4th Psychological Operations Group (Airborne).
96th Civil Affairs Battalion.
528th Support Battalion (Airborne).

CONGRATULATIONS TO THE INDIANAPOLIS CHAMBER ON ITS CENTENNIAL

Mr. COATS. Mr. President, I take this opportunity to call to the attention of my Senate colleagues an historic event which is currently taking place in the capital city of my home State—the 100th anniversary of the Indianapolis Chamber of Commerce on February 6, 1990.

All year long the citizens of Indianapolis will celebrate the centennial anniversary of their city's chamber of commerce with a program of gala activities, starting with a banquet to be held on February 3.

One hundred years ago this month, Col. Eli Lilly, already a prominent Hoosier businessman and civil leader, was elected the first president of the then Commercial Club of Indianapolis. As Colonel Lilly's own enterprise and hard work led to the development and growth of the corporation that today still bears his name—Eli Lilly & Co., so, too, the vision he had for his community took hold and grew. In December of 1912, the Commercial Club took several organizations under its civic wing and became officially the Indianapolis Chamber of Commerce.

Colonel Lilly's ideas and aspirations for this organization have borne fruit. Through its century of service, the chamber has provided the kind of leadership, support, direction and continuity, in times of war and peace, through periods of prosperity and adversity, that the residents of Indianapolis have needed and come to expect. Working individually and together through the organization's diverse civic programs and philanthropic efforts, the business men and women of the chamber have given, and continue to provide, their time, their talents and their resources so that Indianapolis could become the prosperous, healthy and dynamic metropolis it is today.

As I salute the outstanding work of the chamber and celebrate its present and future contributions to the life of Indianapolis and the welfare of my

fellow Hoosiers, I wish to recall the words of Colonel Lilly as he closed his annual address to the members of the Commercial Club on February 8, 1882. While these sentiments are not quite 100 years old, they convey a timeless message:

And now, gentlemen, in closing let each one pledge himself anew to the earnest support of the administration of our public work that therein hearts and hands may be strengthened in every undertaking for the public good. And to our city government we would say, see to it that you diligently exercise your powers to the end that our beloved city shall be not only all it should be to ourselves but a gem well fitted to its setting, the proud and noble state of which the gifted Sarah Bolton has so truly sung:

The winds of Heaven never fanned,
The circling sunlight never spanned,
The borders of a better land
Than our own Indiana.

THE TRANS-ANTARCTICA EXPEDITION

Mr. DURENBERGER. Mr. President, I rise in this new year to bring my colleagues up to date on the 4,000-mile International Trans-Antarctica Expedition.

While we have been in recess, the team has continued its trek across the bottom of the Earth. They have traveled 2,825 miles, nearly three-quarters of the 4,000-mile trek. On Monday, they left the Soviet research station at Vostok. Their destination, Mirnyy on the continent's east coast, is about 1,100 miles away and should be reached in early March.

After reaching the South Pole on December 11, 1989, the team traveled through the "Area of Inaccessibility." The area is so named because of its logistical difficulty. The team is the first to traverse the area by foot. In addition, team member Qin Dahe of China took the first snow samples in history from this inhospitable land.

Vostok is infamous. It has the lowest temperature on Earth: 129 degrees below zero.

Although the team will not face temperatures that low, they will face temperatures as low as 70 degrees below as winter comes to Antarctica.

Mr. President, the team's international makeup and cooperation should be an example to us, especially as the world moves into the 1990's with all its opportunities and pitfalls.

Let me introduce the team members: coteam leader and close friend of mine, Will Steger of Ely, MN. Will has been an explorer all his life, and in 1986 led the first dogsled trek to the North Pole. On that North Pole trip, Will met coleader and Frenchman Jean-Louis Etienne, who was cross-country skiing to the North Pole. It was at their meeting that the Trans-Antarctica Expedition was hatched.

Geoff Somers is from Great Britain and handles the dogs. He also serves as the team's navigator. Qin Dahe is from the Peoples' Republic of China, specializing in geology and glaciology research. Victor Boyarsky is from the Soviet Union and has been instrumental in getting logistical support from the Soviets. And rounding out the six-man team, is Keizo Funatsu from Japan who handles the dogs and is the youngest member of the team at 34.

Through inhospitable weather, difficult terrain, and logistical setbacks, the multinational team of explorers has proven the power and spirit of international cooperation. Although the team members did not know each other very well nor the difficulties they would encounter when they embarked on this trek last August, they have pulled together and developed bonds that only adversity can create.

Despite their isolation, the team has been following the events in Eastern Europe with joy and hope. In many respects they view the international aspects of their trek as a role model for the world. I agree. Their cooperation and unity show that when faced with a common goal, people of different nations can pull together and accomplish great challenges. World peace and freedom is such a challenge, and the six men of the Trans-Antarctic Expedition prove that if leaders commit themselves to achieve it, world peace and freedom can be reality.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, morning business is closed.

CHINESE STUDENT STATUS IMMIGRATION ACT

The PRESIDENT pro tempore. The Senate will now proceed to the consideration of the veto message on H.R. 2712, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2712) to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign assistance requirement for J nonimmigrants.

The Senate proceeded to reconsider the bill.

Mr. MITCHELL. Mr. President, prior to the commencement of debate pertaining to the reconsideration of H.R. 2712, I ask unanimous consent that the memorandum of disapproval, dated November 30, 1989, be printed at this point in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Memorandum of Disapproval ordered to be printed in the RECORD is as follows:

MEMORANDUM OF DISAPPROVAL

In light of the actions I have taken in June and again today, I am withholding my approval of H.R. 2712, the "Emergency Chinese Immigration Relief Act of 1989." These actions make H.R. 2712 wholly unnecessary.

I share the objectives of the overwhelming majority in the Congress who passed this legislation. Within hours of the events of Tiananmen Square in June, I ordered the Attorney General to ensure that no nationals from the People's Republic of China be deported against their will, and no such nationals have been deported. Since June, my Administration has taken numerous additional and substantive actions to further guarantee this objective.

Today I am extending and broadening these measures to provide the same protections as H.R. 2712. I am directing the Attorney General and the Secretary of State to provide additional protections to persons covered by the Attorney General's June 6th order deferring the enforced departure for nationals of China. These protections will include: (1) irrevocable waiver of the 2-year home country residence requirement which may be exercised until January 1, 1994; (2) assurance of continued lawful immigration status for individuals who were lawfully in the United States on June 5, 1989; (3) authorization for employment of Chinese nationals present in the United States on June 5, 1989; and (4) notice of expiration of nonimmigrant status, rather than institution of deportation proceedings, for individuals eligible for deferral of enforced departure whose nonimmigrant status has expired.

In addition, I have directed that enhanced consideration be provided under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country's policy of forced abortion or coerced sterilization.

These further actions will provide effectively the same protection as would H.R. 2712 as presented to me on November 21, 1989. Indeed, last June I exercised my authority to provide opportunity for employment to a wider class of Chinese aliens than the statute would have required. My action today provides complete assurance that the United States will provide to Chinese nationals here the protection they deserve.

It has always been my view, and it is my policy as President, that the United States shall not return any person to a country where he or she faces persecution.

I have under current law sufficient authority to provide the necessary relief for Chinese students and others who fear returning to China in the near future. I will continue to exercise vigorously this authority. Waivers granted under this authority will not be revoked.

Maintaining flexibility in administering our productive student and scholar exchange program with China is important. As many as 80,000 Chinese have studied and conducted research in the United States since these exchanges began. I want to see these exchanges continue because it is in the national interest of the United States to promote the exchange of technical skills and ideas between Chinese and Americans. It is my hope that by acting administratively, we will help foster the continuation of these programs.

My actions today accomplish the laudable objectives of the Congress in passing H.R. 2712 while preserving my ability to manage foreign relations. I would note that, with respect to individuals expressing a fear of persecution related to their country's coercive family policies, my actions today provide greater protection than would H.R. 2712 by extending such protection worldwide rather than just to Chinese nationals. Despite my strong support for the basic principles of international family planning, the United States cannot condone any policy involving forced abortion or coercive sterilization.

I deplore the violence and repression employed in the Tiananmen events. I believe that China, as its leaders state, will return to the policy of reform pursued before June 3. I further believe that the Chinese visitors would wish to return to China in those circumstances, in which case I would hope that the knowledge and experience gained by the Chinese visitors temporarily in our country be applied to help promote China's reforms and modernization.

The adjournment of the Congress has prevented my return of H.R. 2712 within the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. *The Pocket Veto Case*, 279 U.S. 655 (1929). Because of the questions raised in opinions issued by the United States Court of Appeals for the District of Columbia Circuit, I am sending H.R. 2712 with my objections to the Clerk of the House of Representatives.

GEORGE BUSH.

THE WHITE HOUSE, *November 30, 1989.*

The PRESIDENT pro tempore. Time for debate on this message is limited to 4½ hours, with 4 hours and 10 minutes to be equally divided between Senators KENNEDY and SIMPSON, or their designees, with the time between 2:10 and 2:20 p.m. reserved to the Republican leader, and with the time between 2:20 and 2:30 p.m. to be reserved for the Democratic leader.

The Senator from Illinois [Mr. DIXON].

Mr. DIXON. Mr. President, acting as the designee of the distinguished senior Senator from Massachusetts [Mr. KENNEDY] I allocate to myself 5 minutes in support of the attempt to override the President's veto.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. DIXON] is recognized for 5 minutes.

Mr. DIXON. Mr. President, yesterday the House of Representatives voted 390 to 5 to override the President's veto of H.R. 2712, the Emergency Chinese Student Relief Act. It is now the Senate's duty, Mr. President, to do likewise. Ever since the brutal massacre of hundreds of students and other prodemocracy supporters in Tiananmen Square in June, the Chinese have attempted to reeducate not only those who speak such counterrevolutionary words as "freedom" and "democracy"; they have attempted to reeducate this administration, Mr. President.

We have been told by the Chinese Government that only a few hooligans lost their lives. We have been told that the lifting of martial law is significant. We have been told that the Chinese students in this country would be welcomed back with open arms. Well, Mr. President, I do not buy that at all.

My sole interest in this issue has been, from the start, to provide sufficient, reasonable protection for the Chinese students in the United States of America. These students are just as likely to face kangaroo courts and imprisonment today, this very day, in China, as they were in June. I have no reason at all to believe that the situation in China will change before the end of the President's original deferred enforcement departure program.

I do not understand, Mr. President, why the President of the United States believes the enactment of this legislation will have such far-flung, dire consequences upon the Sino-U.S. relationship. If the Chinese are likely to be so upset with this legislation, as the President of the United States contends, would they not be just as likely to be upset with the President's administrative directive? The President himself has claimed that his effort would provide essentially the same protection, the very same protection as this bill. But, of course, the protection depends upon one man, the President of the United States of America, and this legislation protects for all time 40,000 Chinese students in the United States.

The main difference, it seems to me, is the President's effort rides on shaky legal ground. Can he provide a blanket waiver authority, when current regulations clearly indicate that waiver can only be granted on a case-by-case basis? The jury is still out on that question.

Only by supporting H.R. 2712 will this body ensure reasonable protection for all the Chinese students. Many of us in the Senate, including this Senator, introduced legislation back in June seeking protection for the Chinese students in this country. At that time I felt it was necessary to correct the flaws in the Bush administration's 1-year extension plan, and H.R. 2712 does just that.

H.R. 2712 would grant, by law, Mr. President, a 4-year extension of student visas for Chinese nationals. It would allow, by law, a waiver of the 2-year home residency requirement for Chinese students on J visas, and it would allow, by law, all Chinese students to accept the administration's original deferred enforcement departure status, without prejudicing their entitlement to any future immigration benefit they might seek under existing law.

Unfortunately, Mr. President, the administration has been more concerned with champagne toasts than with Chinese students in Champaign, IL, or in Chicago, or in San Francisco, or in Cambridge. That is the crux of this problem and why we need to override the President's ill-advised veto of H.R. 2712.

Mr. President, I undertake the consideration of any override vote most seriously. This issue is one of those instances when I deeply believe that the President of the United States is acting at cross-purposes to the best interests of the Chinese students in this country, and against the best interests of the United States of America, as that great beacon of democracy for the entire world.

Mr. President, I urge my colleagues to vote to override the President's terribly ill-advised veto of H.R. 2712. I thank the Chair.

Mr. SIMPSON addresssed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON].

Mr. SIMPSON. Mr. President, that got us off and running I think. A rather spirited peroration there.

The PRESIDENT pro tempore. How much time does the Senator yield himself?

Mr. SIMPSON. I yield myself 10 minutes.

The PRESIDENT pro tempore. The Senator is recognized for not to exceed 10 minutes.

Mr. SIMPSON. Mr. President, I was a little tardy with the rain and traffic. Is the control of the time under the Senator from Illinois representing Mr. KENNEDY?

The PRESIDENT pro tempore. The control of the time is under the control of Mr. KENNEDY and Mr. SIMPSON or their designees.

Mr. DIXON. I allotted myself 10 minutes acting in the capacity as floor manager.

Mr. SIMPSON. Mr. President, that was a very spirited review. The only

thing is it does not have anything to do with the debate. Other than that it was magnificent, I thought.

Mr. DIXON. I thank my friend from Wyoming.

Mr. SIMPSON. Under the direction of the President of the United States, nothing is going to happen to the Chinese students. So if we can start with that basic premise maybe we can get something resolved.

George Bush was our Nation's Ambassador to the People's Republic of China for a year and a half. He knows the players. He knows who is in favor. Who is not in favor. He knows who the hardliners are, the conservatives, the imperialists. He knows the moderates. He knows those who want change in their country, and he knows them by name. He knows more about China than anyone in this body, bar none, on either side of the aisle. Let us keep that in context.

And you know if we are going to come into this cooking on all boilers I can do that, too. I did a little of that yesterday. I was severely reprimanded. However, it seemed appropriate at the time because we were talking about partisanship. I said, you know, there is a partisan tinge to this, and do not let anybody miss it.

First, I do not think it comes from the fine sponsor in the House, NANCY PELOSI. I think she is very sincere and, in essence, a progressive person trying to do her very best for a remarkable constituency. But, as we say, when they had their visit up in Harvard on January 3 and 5, she fell in with evil companions because up there at that little session was John Sasso, who is the fellow that personally cut JOE BIDEN'S bicycle tire, and he is an individual who is a raw partisan.

She was there in the best interests of her constituency. Senator KENNEDY'S person was there. Also there were Congressman GEPHARDT'S person, Congressman BARTON'S person, or maybe the Congressman himself. It was a bipartisan group. Also there was Rick Schwartz, who is an advocate of anything that has to do with opposing anything in our immigration or refugee policies that are at least sensible.

It was called a group to plan strategy to override the President's veto. That is what it was and what they met for. They did not meet in a social event on the banks of the Charles River at Cambridge. That is that. I believe Congresswoman PELOSI when she tells me that she did not sense a severe partisan tinge to this.

But after hearing Senator DIXON I am reminded of that old story of the woman of the WCTU, the Women's Christian Temperance Union gaining force in the thirties promoting prohibition. She was railing and exhorting, bringing down the fire, the brimstone, and the terror from the cliffs, heavy stuff, on the evils of booze and the degradation, depravation and ruination of the family with the grain and the grape and how they had led to the grave. She said "Our Lord would never have stood for it." The guy in the back loosely composing himself, his breath familiar to all around him, said, "How about that time when He turned water into wine down there at the wedding in Cana?"

Well, she drew herself to her full proportion and she said, "I'd thought more of Him if He hadn't done it."

I think I sense that here. "I would have thought a whole lot more of George Bush if he had not done it." But he did do it, because he knew what he was doing.

And why did he do it? I hope we can get away from hearing too much more about champagne toasts. That seemed to trigger a lot of glands in the United States. Somebody ought to talk to Brent Scowcroft and get, as Paul Harvey said, "the rest of the story."

Why did Scowcroft go on a secret mission to the People's Republic of China? Because if he had gone publicly they would have repudiated him totally.

I thought George Bush, our fine President, expressed it beautifully yesterday when he said, "What would you think would have happened if I called the fine majority leader," who accused the President of kowtowing. I think our fine majority leader has stepped up his gunfire. If he wishes to do that we have a lot of people to return the fusillade over here. We have some skilled people to do that well. I am surprised at the renewed partisanship and intensity of our majority leader.

He threw another gratuitous shot into the game this morning, something about George Bush seeing the light on the EPA Cabinet position. He didn't know how he came about to reverse his position. He did that yesterday.

If that is what we are in for we have some remarkable cannoneers on this side of the aisle. But he opened that door and if that is what he wants to do fine. He called it kowtowing.

What is the purpose of bringing this up on the first and second day when we come back if it is not partisanship? Somebody please tell me. I want to hear that, and I know I will hear it in the debate. We can wait 2 months and find out what happened, and in 2 months if nothing happens then we can do it to him in spades.

Let us review why Scowcroft went to the People's Republic of China. He went secretly. And what George Bush said yesterday I think is so important. He said, "What if I had gathered the majority leader, and the other Members of their party together and said weeks ago, what would you think if I send somebody secretly to China, and if I did that we might get them to lift martial law? We might get them to release and give amnesty to 561 people. We might be able to get the Peace Corps back underway in that country, those remarkable carriers of democracy? We also then would reopen the Fulbright programs and other exchange programs. What would you think, should I do that?"

I bet you from my 10 years of knowing the majority leader and the assistant majority leader and others in that party they would have said, "It is worth the risk, Mr. President; try it."

I think all of us in this Chamber will admit that that is the way that would have been handled. And I think anybody would honestly say the same thing.

So he did it and then this drumfire of patter because it looks good, it looks very good for a free swing at the President and his policy. This is a freebie; you cannot lose a nickel on this one.

So Brent Scowcroft went, and he went so he could give them the business, and he went to tell them the President of the United States was trying to be reasonable, diplomatic—that being his nature as a diplomat—and that when the Congress came back into session they were going to do a number on the Chinese Government. Brent Scowcroft told them, "And the Congress will do a tremendous number on you, and if you do not believe it, you are lost in the swamps."

That is what he told them. He said, "We are repulsed and revulsed by what you did in Tiananmen Square." That is what he told them.

And amidst all the clinking glasses somebody left out a very important part of the speech, where he said, and you can get a copy of that if anyone cares to do that, "It would not be honest of me to come here if I did not tell you that we have profound areas of disagreement. Your complaints against us in your official organs are repugnant to us. And it is not what the administration did to you that is causing you pain. It is what the Congress is doing to you that is causing you your pain and you are going to get it in spades."

That is what he told them.

So, we have the reason it is just a curious debate is that we have a mixture here, and we do not seek purity over here, but I can tell you this, we have people who feel very strongly on our side of the aisle that this is an opportunity for those who still believe deeply in the transgressions of Red China, that is deep in their bosom, our strategy with regard to Taiwan and its recognition, that is there in their bosom, very real.

There are some who look upon this as the greatest opportunity of outreach into the Asian community and the Asian fundraising community that we would ever know, a new part of Fort Knox. I understand that. There

are some repelled by the coerced sterilization of the Chinese people and this triggers them.

Mr. President, I ask unanimous consent I be allotted an additional 7 minutes.

The PRESIDENT pro tempore. The Senator does not require unanimous consent. He controls the time and he is recognized for 7 minutes.

Mr. SIMPSON. I thank the Chair.

Red China. Forced sterilization, abortion, Taiwan, all these things impelled many of our people to support Ms. PELOSI in her effort. I understand that. And it is very important to understand that none of those fine people will do anything but express themselves beautifully right here today in this Chamber. And you will hear the debate.

I can only say to you that yesterday at the White House I thought George Bush was more directed, more committed, more vigorous than I have seen him on any single issue, because he is offended to think that someone would think that his position is somehow equated with sending these fine young people back to their deaths. No one is going to go back to their deaths. And if that is what is going to take place in this debate, I will respectfully rebut that at every turn in the road.

That is where we are. It is going to be a very spirited debate. You remember that the administrative action he has taken insures that no Chinese student is returned to any unsafe conditions. And then remember this—and this is an element of selfishness which I do not think is becoming at all for the Chinese students. They are tough. They are not just kind of wandering through America with wide eyes about democracy. They have people who are really setting them up. They have FAX machines, they have used the computer systems of every major university. I received 1,000 Christmas cards, and that is more than I get from Wyoming. They are good and they know exactly what they are doing. They want to stay here. The bulk of them want to stay right here. Let us not miss in any of this debate what is really happening. They want the ability to work here and they want to stay here just like every other soul, almost, that ever came here on a student visa.

Senator KENNEDY and I have been in this—I have been in it for 11 years, he has been in it for 27 years. So we put in an old immigration bill the point that a student who comes here to utilize our fine educational systems must return to their own country for 2 years. They say they want to come, learn and take back. We said fine, we will put that in the law.

So it does mean they go back. Then they pass on our ideals of freedom and democracy to their own people. Then they can come back here. That is why we put that on the books. A lot of people do not like that. They get here. They savor the flavor of democracy, and they have not the slightest desire to return to their native country. Keep that in mind. I just throw it out. It is partly there.

But, in any event, none of these young people are in jeopardy. I can tell you that some have done a selfish act, because under the President's directive, he is taking care not only of the Chinese students but he is taking care of all Chinese nationals in the United States. Hear that. I hope you hear that. That is what George Bush did. His action takes care of students, businessmen, academicians, teachers. The other bill just takes care of students, period.

And, if we are going to hear more about the issue of harassment, let us get that one clear. These young people are being harassed. I say to you, join me in a bill to say that anyone from an embassy who we host in our country who does that will be subject to severe penalties. In fact, I have that bill and I will put it in today. I am sure I will have some cosponsors. Senator SIMON of Illinois has indicated already that he would cosponsor that.

But harassment is not even an issue here because the Pelosi bill does not say anything about harassment. It would be nice if the Pelosi bill said that if these young people are harassed and so on, yet it says nothing. So I hope that that part of the debate will not get too intense, because there is nothing that will be resolved by that—nothing. I ask you only to read the bill, which I know is a hazardous thing to ask, but I do.

Whoever says that this President is returning Chinese students to a situation of insecurity and fear for their safety is misleading you either intentionally, or unwittingly, or lying just a tad.

Then they say it is not a certain status because it is subject to legal challenge. And I say that is pure bunkum. Let me tell you where that claim of legal inadequacy comes from. It comes from long-time and tough opponents of the President of the United States who are looking for legal hooks too hang their battered hats on that does not smell of the high stench of the partisanship that motivates them. While reasonable people disagree on whether there is authority for the grants of status, the administrative action may not be challenged in a court of law because there is no way a group could obtain standing to sue. I hope you hear that.

The Immigration Service is faced with these things all the time. On the providing of benefits, to sue this Government one needs to prove that he or she is injured as a result of the Government action. This injury has to be clear and specific, not speculative or attenuated. Prior suits challenging these grants of status have routinely and always been dismissed in the courts for lack of standing. A witness at the hearing Tuesday said he thought he could receive standing. He cited five legal arguments and none of them would indicate that he would receive any standing at all. So let there be no doubt. The administrative grant is as good as the bill. It is that simple. And it is more generous.

Mr. President, I see my colleague from Illinois and my colleague from Massachusetts. I am controlling time. I have concluded my remarks and will begin to yield time on the issue to those on this side of the issue. But I think it appropriate that the Senator from Massachusetts be recognized at this time.

The PRESIDENT pro tempore. The Senator from Massachusetts, [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President I yield myself 3 minutes.

The PRESIDENT pro tempore. The Senator is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, I see a number of my colleagues who want to address this issue. I have some more extended remarks which I will make shortly, but I would at this time like to ask our membership to focus on one very basic and fundamental issue, and that is not the good will of the President of the United States or his commitment to these students. As one that will urge our body to override that veto, that is not in my mind. I believe that he is committed. I believe, as my friend from Wyoming has stated, that he is committed to see the results of his administrative action.

But, having stated that, Mr. President, there is absolutely no certainty that my good friend from Wyoming or any other Member of this Senate or any person in this country can give that that particular administrative action will not be challenged in a court of law. As much as we might believe that that action will be sustained in any court in the United States, there is no one here in this body that can state with assuredness of the outcome or that the President's regulations will prevail. And yet, on the other hand, should we override this veto, those students will have the protections which this body has insisted on, with 74 cosponsors, Republican and Democrat, 26 Republicans, virtually unanimous in this body.

Mr. President, we will have an opportunity to debate that. I know, as we heard in our Immigration Subcommittee hearing just a few days ago, we have a Congressional Research Service legal opinion that believes that there are opportunities for standing in American courts by various groups. That can be dismissed, or argued as a legal issue. We have other very distin-

guished legal authority that believes that there can be standing, that the regulations can be challenged.

Why go through it? Why bother with it? If we are concerned about these students, why risk it, Mr. President? That is the issue.

We have the opportunity to give the assurance to those students. Some question has been raised: why the students; why not every Chinese? The fact is, the students have been the heart and soul of the democracy movement. That is the reason. We do not have to be enormously knowledgeable about what happened in Tiananmen Square to know that the students have been the leaders of the democracy movement, as they have in Eastern Europe.

Mr. President, America is graced today by the presence of some of the best and brightest of China—over 40,000 young men and women of great achievement and great potential for the future of their nation are now in the United States as exchange students.

For many of them, their future is clouded. They have been forced to flee their homeland, and they continue to be harassed and intimidated by the cruel regime that perpetrated the massacre of their brothers and sisters in Tiananmen Square last June, whose only crime was that they dared to speak out and stand up for democratic reforms.

We have an opportunity today to stand on the side of freedom—to stand with the courageous Chinese students and to express our abhorrence of the cruel tactics of the Chinese leaders in Beijing.

We know that the oppression goes on. Two days ago, at a hearing by the Immigration Subcommittee, we heard first hand evidence of the continuing harassment of Chinese students by their government. We heard that the efforts of the Chinese Government to eradicate dissent have now extended to the United States itself. Chinese students in this country who have continued to speak for freedom have been threatened by Chinese Embassy officials and their families in China have been harassed and interrogated.

The harassment has escalated since the President's veto. The Chinese Government has apparently been emboldened by the veto to intensify its repression, with less concern for the international outcry.

The secret White House missions to China have dealt a serious blow to the confidence of Congress in the administration's China policy, and to the confidence of the Chinese students that the administration has their best interests at heart. This legislation will allay those fears.

The enactment of this bill will be a clear signal to the beleaguered democracy movement in China, at a time of ongoing repression, that their struggle is not in vain, and that the Congress of the United States is prepared to use the full extent of the law to protect the courageous young men and women who dared to speak out against their oppressors.

The administration claims that it has taken executive action to protect the students, so that a statute is unneeded. But as one of the students emphasized at the hearing:

> The fact that Beijing is lobbying the White House so hard to oppose the override convinces us that the critics are right—there is a big difference between an administrative directive and congressional action.

Winston Lord, the United States Ambassador to China during the Reagan administration, also testified that the veto makes a big difference, and he urged Congress to override it. Ambassador Lord stated:

> Fairly or unfairly, the veto, if sustained, would reinforce the mindset and the mandate of those who have proceeded from massacre to repression; those who predict America will be lulled by cosmetic gestures and return to business-as-usual; those who dismiss the Chinese as a people apart from the global winds of change.

The administration has cited recent steps by the Chinese Government as a sign that its policy has been productive.

We all welcome the promises of the Chinese Government to halt its sale of missiles, the lifting of martial law in Beijing, and the reopening of the Voice of America. Perhaps China's leaders are beginning the long march back from the massacre of defenseless students and citizens last June that shocked the conscience of the world.

Yet, none of these stops touches the heart of the issue before us today—the ongoing repression of the Chinese students and those who participated in the democracy movement.

Martial law continues outside of Beijing. Fang Li Zhi—the Andre Sakharov of China—remains a refuge in his own country behind the walls of the United States Embassy in Beijing. The government has not relented in its charge against him of "counter-revolutionary propaganda and instigation."

We welcome the release of hundreds of detainees last week. But human rights monitors suggest that thousands were imprisoned for their prodemocracy protests. And many of those freed continue to suffer persecution—their academic degrees are withheld and they are assigned lowly jobs.

Yesterday, the House of Representatives voted to override the President's veto by the overwhelming bipartisan margin of: 390 to 25. Today, the Senate will also have the opportunity to vote for democracy in China—to stand with the courageous Chinese students, and to express our abhorrence of the brutality of the Chinese leaders.

It was wrong to veto the bill, which would have provided the Chinese students in America with the full protection of immigration law.

The administration has announced that it will provide the same protections which the bill would establish.

But no amount of explanation can refute the fact that a congressional statute will provide greater protection than executive action. What is established administratively can be taken away administratively.

In addition, it is by no means clear that administrative action can legally accomplish what the President says it will.

The Congressional Research Service has analyzed the administration's position. It reports that the administration may not have the authority to protect the students as fully as a statute will protect them.

For example, the waiver authority, which is the heart of the bill, is narrowly defined in current law. By longstanding practice, many legal experts state that the administration's action providing a blanket waiver is subject to judicial challenge.

And the presumption of continuous lawful presence in the United States—a necessity for Chinese students whose visas may have lapsed since June—is something on which, again, the Attorney General has little authority. As CRS puts it, there is "a serious question about the Attorney General's authority to waive a statutory requirement for relief."

The world will never forget the tragic events of last June 4 in Beijing and the courage and determination of the Chinese students—and neither should the United States Senate. No tanks, no guns, no prison cells can long deny the day when democracy and human rights will finally come to China. The message we send today will be heard around the world, and we should send it loud and clear.

We are all familiar with the Chinese proverb that a journey of a thousand miles begins with a single step. It may seem, in the aftermath of the atrocity in Tiananmen Square, that the restoration of democracy in China is a journey of a thousand miles. But if the Senate fails to take this step, if the Senate sustains this veto, the journey will be even longer.

The best way to affirm our commitment to democracy in China is to override this veto.

The Chinese students deserve more than administrative action. They deserve a law. This bill is for them.

Mr. President, I yield 10 minutes to the Senator from Washington.

The PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON] is recognized for 10 minutes.

Mr. GORTON. Mr. President, the distinguished Senator from Wyoming

has already waved the bloody flag of partisanship over this debate and I simply want to state that he reminds me of the old story about the young man who murdered his parents and then asked the court for mercy on the grounds that he was an orphan.

This issue was not a partisan issue when the bill was passed by the House 401 to nothing. It was not a partisan issue when it passed this Senate by a voice vote. It was not a partisan issue when 76 Senators wrote to the President, asking him to sign the bill. It became a partisan issue only when the distinguished Senator from Wyoming felt that, on the merits, the veto would be overridden and in his desire to get one-third plus 1 vote to sustain the veto.

The issues here are profound and deep, having to do with our relationship with the present and the future of China and with our own commitment to democracy and human rights. The fundamental impact of our vote here today will be found on three distinguishable groups of Chinese people.

The first, of course, will be its impact on those who ordered the massacre on Tiananmen Square last June 4. The President believes that we can do business with those butchers. Those butchers now know that they can get much of what they want and at the same time hold onto the results of their brutality.

I ask my distinguished colleague from Wyoming what their next demand will be after this one has been granted without any real reciprocity?

I ask all of the Members of the Senate why the butchers should dictate the conditions the United States must meet to improve the relationship between the United States and the present Government of China?

It seems clear to me that this veto sends precisely the wrong signals to those who are presently in power in Beijing, the signal that they can get away with what they have done and retain their power, if not with the approval of the United States, at least with its acquiescence. In my view that is wrong.

The second group of Chinese who are impacted heavily by this debate are the Chinese students who are here in the United States today. I can begin my remarks on this part of the subject by stating that it may well be that the Executive order granting them protection may be as effective as any statute on the same subject. The point, however, Mr. President, is that the students who have demonstrated for democracy here in the United States do not believe it, and do not believe they can act upon it.

They are clearly told by representatives of the People's Republic of China that sooner or later they will be sent back to China; that sooner or later the President will make an agreement under which they must go back to China. And while I agree fully with and compliment the Senator from Massachusetts on his belief that that will never happen, as long as they believe that it will happen it will affect their willingness to commit to a democratic movement in China itself.

Reports on the radio this morning from Beijing indicated the great desire of that Government to have those students returned to China because of their importance, because of their education, because of their training, because of their skills. It is exactly because the People's Republic of China wishes them to return that we should protect them most strongly and give to the Government of the People's Republic of China an incentive for real reform rather than hollow words, in order to provide the safety and the incentive so that those students will voluntarily return.

The third group of Chinese impacted by this debate, of course, are those hundreds of millions of Chinese in China who are not a part of the current ruling regime and who hope for freedom and democracy and improvement in their lives. We are told a great deal about those moderates who are just waiting to take over China, and how sustaining the President's veto will help them.

My first thought is that those moderates may be as mythical as those in Iran a few years ago, who we were attempting to encourage. Maybe they have moved from Tehran to Beijing. But even if they do exist, I cannot imagine that those who are out of power will be encouraged or strengthened by our bowing to the will of those who are in power at the present time. Nor will that be the case with all those other hundreds of millions of Chinese who yearn for freedom. They want the United States to stand up for that freedom. They believe that in the past we have. That is, perhaps, the reason they had a statue of liberty in Beijing during the democracy movement. They do not want us supporting the present government.

Fundamentally, Mr. President, this veto should be overridden because the President has bet on the losing side. If the events of the last several months in Eastern Europe have shown us anything, they have shown us that a steady dedication to the principles of democracy and human rights on the part of the people of the United States will ultimately inspire any enslaved people to rise up against their oppressors. The only true question in this case is whether or not that power will be given up freely, as it was by the Communists in East Germany, or whether the present leadership will suffer the fate of Ceausescu.

In any event, we should be on the side of freedom, not on the side of repression; on the side of the future, and not on the side of the past. For that reason, Mr. President, we should override the veto.

Mr. SIMPSON. Mr. President, I yield 3 minutes to my friend from Missouri, Senator DANFORTH.

The PRESIDENT pro tempore. The Senator from Missouri is recognized for 3 minutes.

Mr. DANFORTH. Mr. President, I think there are basically two stated reasons for voting to override the President's veto and I do not think either of those reasons is persuasive. The first reason is that it is said that while the President has issued an Executive order providing for maintaining Chinese who do not want to return to their homeland in this country, an Executive order can be undone. It is said that a statute is more permanent. It is said that the Chinese Embassy is already in touch with Chinese students, warning them that they better come home now because they will be shipped home if they do not come home voluntarily.

I raised this issue yesterday with the administration. I immediately got a handwritten note from the President. The President says, in his note:

> Let me give you this assurance. As long as I am President, no student will be sent back to China against his/her will.

That is the commitment of the President of the United States. It could not be a stronger commitment. I say to Chinese students who are concerned about their future: Do not be sucked in by threats that are made by the Chinese Embassy or anybody else. You are not going to be sent back to China, regardless of how this vote turns out. It is not going to happen. The President of the United States is a person of his word.

The second reason, Mr. President, is frequently stated on the floor of the Senate. It is said that it is important to send a message from the United States to the Government of China. Mr. President, the content of the message is not in doubt. Everybody abhors the actions of the Chinese Government. Everybody in this country sympathizes with the people of China, those people who were victims of the repression last year within China. Everybody is in agreement on that.

I only suggest, Mr. President, that if we are in the business of sending messages, the best way to send a clear message is to do so with one voice. The best way to do so clearly is for Congress not to try to drown out the President of the United States.

It is not possible, in the opinion of this Senator, for the United States of America to send a clear signal in foreign policy if we do so through a weak President. It is basically the issue that is before us relating to the Presidential prerogative that compels me to

support the President in this veto override vote.

Mr. KENNEDY. I yield 10 minutes to the Senator from Maine.

The PRESIDENT pro tempore. The Senator from Maine [Mr. COHEN] is recognized for 10 minutes.

Mr. COHEN. Mr. President, time turns quickly in the world of future shock.

The morning news is obsolete by evening. Tomorrow, in the blink of an eye is yesterday's headline.

Because time has been accelerated by events, we have difficulty holding onto images and emotions that touched us little more than a moment ago.

But there are some events so momentous, some images so vivid, and some emotions so intense that they can never be burned from our memories.

A few weeks ago, we witnessed the fall of the Berlin Wall, an event that few of us believed would occur in our lifetimes.

Last spring we saw Manuel Noriega turn his dignity battalions loose upon those who opposed him in free and open elections. The sight of their bloodied bodies reminded the world of the sport of corrupt and ruthless dictators.

Then last summer we sat mesmerized before our television sets and watched students in China erect a replica of lady liberty in Tiananmen Square.

We saw a solitary, faceless young man display the courage of an army as he forced a column of tanks to change direction, and in those few moments he turned history itself. And sadly, we also witnessed the Chinese Army move through the throngs of students and demonstrators with tanks and bayonets. It was a brutal exhibition of military force. We cannot say how many died. There is no body count. But there were hundreds, perhaps even thousands.

What followed was equally brutal. Student demonstrators were hunted down and arrested. They were coerced into signing confessions. A number of them were summarily executed.

Justice came at the end of a gun barrel with a bullet in the brain.

The world was horrified at this display of barbarity.

But nearly as stunning was the attitude of Chinese officials immediately thereafter. They put on a mask, a smiling face and said: "There was no bloodshed. There were no students killed. The only people harmed were innocent soldiers trying to save the nation from counterrevolutionaries."

They did what George Orwell warned us of 45 years ago. They kept repeating a falsehood so often that it would eventually be taken for the truth.

Love is hate.

Ignorance is wisdom.

Peace is war.

Slavery is freedom.

And two plus two equals five.

Some countries accepted the Chinese Government's actions and declarations. After all, it really was a matter of China's internal affairs. They adopted a business as usual attitude.

The U.S. Congress did not. We passed legislation unanimously in the House of Representatives and by a voice vote in the Senate to grant a measure of security to Chinese students in this country, to give them safe haven.

President Bush is determined to provide Chinese students with the same protection by Executive Order and I truly believe that he will do so.

If it were only the issue of whether to protect Chinese students by Executive order or legislation, I would be supporting the President.

But there is more involved.

There is the issue of the importance of America's symbol to a world struggling to throw off the chains of dictators.

We cannot send aid to Eastern Europe and troops into Panama to liberate desperate people and at the same time accommodate the pride of those who want the Western World's trade and technology but not the values that it places on human rights.

I had hoped that the Chinese Government might concede that it had made a mistake, that it had had little experience in dealing with democracy or dissent. I had invited the Chinese Government to say that the United States, the champion of democracy, has not had an unblemished record in dealing with dissidents or human rights. I had hoped that they would call off the manhunts, the persecutions and the purges, and instead provide complete amnesty for those who were demonstrating for nothing more than the right to be free.

Instead, after suppressing every voice of dissent, the Chinese Government only recently declared an end to martial law. But according to reports that I have seen, it has not brought an end to the repression of its people.

The Senate Judiciary Committee received testimony earlier this week from Chinese students that since the President's veto the pending bill, consular officials of the Chinese Government have intensified their efforts to end the prodemocracy activities of Chinese students in the United States. This campaign of intimidation has included:

Government officials are identifying and targeting prodemocracy leaders and participants in prodemocracy activities. These students are being pressured to renounce their prior prodemocracy activities and to gather information against other students.

In meetings with students, Chinese officials have promised to provide no objection letters to those receiving the waiver of the 2-year home return requirement. In exchange for getting Beijing's blessing and the promise of no retaliation, the students must: First, stop participating in prodemocracy activities which including lobbying for an override; and second, cooperate with Chinese officials by providing information on their fellow students. Those who do not accept this offer are threatened with charges of treason and not receiving passport extensions.

Chinese officials have warned that prodemocracy activities will result in severe reprisals against the students and their relatives in China.

Family members in China are being used to intimidate the students:

One student leader in Massachusetts received a phone call from his father in China shortly after a consular officer has visited his campus. The father cried uncontrollably on the phone and asked his son, "Why are you doing this to us? Why don't you care about our safety?"

Another student received a letter from his father telling him that their relatives in China would be held responsible for his activities.

Students have also reported that Chinese officials continue to engage in active surveillance, collecting photographs and videotapes of students' activities.

Students who have returned to China to visit their families have been coerced into signing a confession of counterrevolutionary activities and a statement of self-criticism which are aimed at discrediting any stories they might tell.

China is a large and powerful country. Its very size and population make it a major player on global issues.

It may be that in the wake of this vote, China will choose to turn inward and even more repressive than it did during the cultural revolution. It may decide to revoke student exchanges, to terminate military cooperation with the United States and, indeed, foment even more problems in Cambodia. That is a risk that we run.

But if China decides to walk backward into the future, then it will do so at its peril as the rest of the world rushes toward the gates of freedom.

For that reason, Mr. President, I intend to vote to override the President's veto.

Mr. KENNEDY. If the Senator will yield, I yield myself 4 minutes.

The PRESIDING OFFICER (Mr. DIXON). The Senator from Massachusetts is recognized.

Mr. KENNEDY. I want to commend the Senator from Maine for an excellent summarization of where we find ourselves today. He mentioned in his statement the continued repression of the students here in the United States.

I, for one, find that enormously offensive. I served in the Senate when we had the Iranian secret police involved in the harassment and assassination of Iranian students here. We had some time ago the South Korean secret police, the Taiwan secret police, and Qadhafi killed more than 11 people here in the United States.

We have debated the issue about foreign action in terms of intimidation of their nationals here. I welcome the statement of my friend from Wyoming about trying to devise some kind of law to ensure that any diplomat caught in doing that would not be able to continue residency here. We are exploring the possibility of drafting a bill.

But I think I—gather from what the Senator has stated, and I just want to see if he agrees—that the conclusion that Ambassador Lord had at our subcommittee is the harassment and the repression, both here in the United States and also in China, is greater than it has ever been before. Now today, as of this past week, is that an impression that the Senator from Maine has as well?

Mr. COHEN. I am not able to quantify whether it is greater than ever before, but certainly it does continue, from the reports that I have heard.

Mr. KENNEDY. I yield time to the Senator from California.

The PRESIDING OFFICER. The senior Senator from California is recognized for 10 minutes.

Mr. CRANSTON. I thank Senator KENNEDY, and I thank him also for this leadership on this very important issue. I rise with my colleagues to join in following his leadership and join others, too, in voting to override President Bush's veto of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989.

This bill was intended to provide sorely needed legal protection to Chinese exchange students and visiting scholars, who would otherwise be forced to return to the People's Republic of China when their J-1 visas expired. Many of these students courageously voiced their support for the prodemocracy movement that was so brutally silenced in Tiananmen Square last year. They are now known to the Chinese Government, many are being harassed in this country by Chinese agents, and many are certain to be persecuted if they are forced to return home. The safety of these students should be of paramount importance to all who cherish democracy and freedom—in other words, each and every one of us in this distinguished Chamber.

Mr. President, when President Bush vetoed this bill and put in its place an administrative directive, he said he did so because he opposed congressional micromanagement of foreign policy, and that such legislation, and I quote, "puts America in a straitjacket and can render us incapable of responding to changing circumstances." Understandably that statement has sent a chill of fear through the Chinese student community in this country.

The students are justifiably concerned that the administrative directive does not carry the weight and protection of a statute. The students are also worried that the President does not have the legal authority to issue this type of an administrative directive. But what really frightens these students is that the President could rescind the order for reasons of political expediency—the "changing circumstances" referred to in the veto message. All of these are legitimate concerns.

Many of the students affected by the President's veto are studying and teaching in universities in my State of California. I have received from them letters that have touched me deeply. I think that their eloquent testimonials serve as the most compelling arguments I can present to my colleagues in support of the override. I would like to read excerpts from two such letters. In consideration of the students' personal safety, I will not disclose their names.

A student from a campus of the University of California writes:

> I am afraid that the Chinese Government will soon convince President Bush that it is "safe" enough for the Chinese students to return and that he should revoke his Presidential order. And President Bush did imply in his directive that he would do so at an appropriate time. * * * President Bush's veto will help the Chinese Government get rid of dissenters among the Chinese students studying abroad. The reason is simple. If you know you will return to serve the repressive regime, will you dare to say anything critical of it? * * * I feel very depressed. I can't even stand up for freedom and democracy without fear in this land that cherishes those values. * * *

Writes a student from a northern California university:

> The veto of this bill sent a wrong signal to China, to East Europe, to the whole world. * * * I was confused when the President vetoed the Pelosi bill because he wanted to maintain flexibility in foreign policy. The natural question will be, is he going to be flexible with our lives? * * * I am really worried that Chinese students in the United States will be used as a bargaining chip in relations with Beijing * * * 40,000 Chinese students in the United States are the surviving voices of Chinese democracy * * * in order to keep this voice alive, in order to be able to work openly and effectively for Chinese democracy, we need the statute protection much more than a questionable and changeable directive. For the cause of human rights and freedom in China, for the safety of Chinese students in the United States, I appeal to you to vote in favor of the override.

Mr. President, I share the students' apprehensions over the Bush administration's recent actions, which are inconsistent with the values for which America stands in the international arena.

Does the administration believe that the people of China are doomed to fail where others have succeeded in the drive to achieve greater freedom? Is the Bush administration asserting that East Europeans can naturally evolve toward democracy but that repression is the norm for the peoples of Asia?

I reject the view that there is no strong commitment to democracy in the Chinese mind—as if it were culturally incompatible. This is a mistake, a double standard which reveals a bias which has no place in American foreign policy.

Consider the contrast: While the administration applauds the sweeping changes underway in Eastern Europe, it fails to support similar change in China. Instead of championing the cause of democratic reform in Beijing, the administration is all too eager for reconciliation.

In recent days, we have heard from downtown how important is the lifting of martial law by the Beijing regime. This is a canard. Chinese authorities have simply shifted the burden of oppression from the army to the secret police. A totalitarian Communist regime like the PRC does not need martial law to crush dissent. Indeed, in recent weeks PRC authorities have moved to bar even the most rudimentary forms of protest.

I have been a consistent supporter of efforts to build a stronger relationship between the people of China and the American people. I supported recognition and the exchange of diplomatic missions. And I am fully cognizant of United States national interest in not encouraging isolation of the Chinese people.

But the ball is in China's court. It is China which remains at war with its own citizens—people whose yearning for democracy and human dignity has been brutally suppressed by a Communist dictatorship. It remains essential for China to take real, meaningful steps demonstrating greater respect for human rights and away from the repugnant policies represented by the Tiananmen Square massacre.

The cosmetic step of lifting martial law is insufficient justification to lift sanctions against China. The roundup and persecution of those advocating greater freedom in China continues, warranting continued American censure of the PRC.

Now is decidedly not the time for business as usual.

Mr. President, let us take this opportunity to do what we can to protect adequately the Chinese students within our own borders. Let us send a message to the students in China that we stand firmly behind them. Let us vote to override the President's veto.

The PRESIDING OFFICER. The Senator from California yields the floor. Who yields time?

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, if I might yield myself such time as is necessary to respond to my colleague, then I will yield to Senator COCHRAN. But I think Senator GORTON is entitled to a response. He asked about partisanship.

We did have a spirited exchange. There is no one I respect more than the three people who are on the other side of this debate. Senator ARMSTRONG and Senator COHEN, were classmates of mine; we came here in 1978. They are marvelous people with deep wellsprings of good for other human beings. And Senator GORTON, a splendid legislator, a former State legislator, is a parliamentarian and a superb craftsman in this art. So it is difficult to be on the other side.

When we finish the shot and shell of this one, no one will be on the score card. There will be no Republican list; that is not the way we do our business. There are too few of us—45 of us. If you did that, you would never be the majority. We lust for that. Excuse me, if I might say that to my colleague from Massachusetts.

Back to partisanship. I want to commend Senator KENNEDY for having that hearing, the other day the only one held in either body. It was a good hearing, I appreciated him allowing us to state our case with very great patience. I appreciate that. That characterizes his relationship with me for 11 years.

We discussed then this level of bipartisanship that exists, and there is an element of partisanship, and an element of racism, an element of China bashing, of abortion, of forced sterilization, of the Asian community, an element of fundraising ability of the Asian community. All of that is in here. That is why it is such an interesting, mixed bag of people.

But while there will be Republicans who will vote to override, that in itself does not make this issue bipartisan. Forget the House. Everybody gave up on that long, long ago; heavy groundwork was needed there.

The issue was bipartisan when it left here, bipartisan because Senator KENNEDY and I were in a conference, and we approved the Pelosi bill. I admire that lady, she did a fine job. And the conference bill, with all respect to our Senate colleagues, was a better bill than the one that left the Senate. I thought that one was going too far. So NANCY PELOSI put one together that was just about right, she felt. The President felt so, too. Please hear that.

So, administratively, he approved everything her bill did. He just did not want it in the legislation, figuring that he is the President of the United States; he should have this power to deal with the issue as the President of the United States. It is not something that should be done by the Congress.

So the issue was bipartisan, until the President gave the same benefits administratively, as contained in H.R. 2712. But then the Democratic leadership announced that that still was not enough. It was enough when it left conference. It was enough when it was approved here, when we approved the conference committee report, and when the House did so, it was enough. But then when the President did this little twist, it was somehow not enough, and they wanted more. It was an attempt by some to say "let us one-up George Bush." How are we ever going to nail this guy. This is old 80 percent Bush. This guy is driving us crazy. He is the symbol of frustration for a great many. He does the right thing, and he includes the Democratic leadership in his discussions before he does the right thing. He did not discuss the Scowcroft visit with me or anyone else. It was not an attempt to run a whizbang. He reaches out and tries his best to include the majority party in the Congress, because he has been here. So it is frustrating.

But is turned partisan right there, and then the little visit up in Harvard and the gathering there. Let us face it, to some this is very definitely a trash-the-President movement. Do not miss that. Not to everybody, obviously. Good heavens. When I called it a partisanship move the other day, somebody said, "What are you trying to do, drive us all out of the Republican Party?" I said that I did not say a thing about driving anybody out of the party. I said it was a partisan issue. That cannot be distorted in any way.

I am disappointed, indeed, that some of my colleagues have been co-opted by the movement, but they have their own rich, personal reasons for doing that. I can tell you, as we discussed at the hearing with the bill's sponsor, about this meeting in Boston to plan a strategy to override—partisanship was the purpose of the meeting and it disturbed me. One of the people present was John Sasso, who was Governor Dukakis's campaign manager, who did the magnificent number, and a crude number, on JOE BIDEN. I do not care if he was just sitting there as an observer, or whatever his role was, but he was not there to stimulate support for George Bush. I can tell you that. His presence in the override campaign illustrates a strong partisan element that has invaded the nonpartisan issue of immigration. I can say that with great honesty.

Senator KENNEDY and I have stood side-by-side in our work on immigration. We do not always agree. We grapple when we deal with refugees, immigration. It is the most unromantic thing I have ever been in, and the toughest thing, filled with emotion, fear, guilt and racism; and yet we continue, because that is the job assigned to us in this place.

We do not hit very many areas of partisanship in immigration. This is an immigration issue. This is about people who come to our country, and we give them the right to come to our country, and they go to our consulates and they come.

Remember, we are talking about the J-1 and F-1 visa, a student visa. Remember why people are looking at this, and remember that from the People's Republic of China, I would say there are not 1 percent of the people who come here on regular visas that ever go back. Those who come here on a regular F-1 visa from the People's Republic do not return. Many of these other students simply do not want to return, and they want to lock it in. They are using some remarkable arguments that strike our compassion, our care, our love for freedom and democracy; but let us remember that almost 100 percent of People's Republic people who come here on any other kind of visa do not return. They get jobs; they try desperately to change status; they marry, and they do not want to go back. After hearing this debate, who would? Raise your hand. Does anybody want to go back? Well, that is the point.

During the time that the President will assume his administrative duties under his directive, is somebody saying they do not trust the President? That is what I am hearing. I thought trust but verify was something that Reagan used on Gorbachev. I did not know that is what Republicans and Democrats used on the President of the United States.

The 2-month delay is so reasonable and logical that I am absolutely mystified as to why that would not be allowed to take place. If we delayed this override vote for a couple of months to see if the present foreign policy will work, what is the problem, the rush?

The rush is, in this situation, partisanship. Eighty percent Bush is still out there. He will probably be out there longer than I will be around. So the only interpretation I can reach for some is—I do not think for any on our side of the aisle, none—that some in this body are so eager to defeat George Bush on any ground, no matter the damage it might do to our foreign policy, to our Chinese foreign policy, that they will cast prudence and good judgment to the winds in order to make some dramatic, political statement.

I have visited in the last few days with former President Nixon. I do not know who could speak more clearly about China. China was a totally closed society when he went there, closed tight, snared, snapped shut.

They told him not to go, that these were butchers and people who did this and that. And he went.

They are butchers. They butchered young men and women in Tiananmen Square, and nobody has argued that that was a good thing to do, nobody. Everyone was offended, including Scowcroft, when he went there to tell our story. Let me share with you, and then I will yield to Senator COCHRAN, what President Nixon has shared with me. I hope you will hear this. It is very short.

Those who insist on overriding President Bush's veto and applying even more sanctions say it will make America feel good to punish a few hardline Chinese leaders. But what sanctions will do in the process is hurt hundreds of millions of Chinese people. Our foreign policy should not be a salve for our own offended sensibilities, a mechanism for making us feel noble and true. Our foreign policy should be a tool for protecting our interest, and where we can, improving the lives of people around the world.

And by acting to protect 40,000 Chinese students already covered by President Bush's pledge, override supporters will dash the hopes of 40 million Chinese students in China, none of whom will ever have the chance to come to the United States if the door slams shut.

Before President Nixon went to China in 1972, no Chinese students were studying in the United States. Is that what China's critics want once again? That is what they bring about by overriding this veto. And remember, 7,000 Chinese students have come to this country since June 4, since Tiananmen Square; 7,000 Chinese students have come on visas to the United States. Do you want to shut that off?

That is what you are going to do. You cannot miss.

Then, President Nixon concluded. He said, "Today a powerful struggle is underway between hardliners and reformers in the Chinese leadership."

I add, parenthetically, George Bush knows every one of them by name and who they are. The argument was made that they will never come up again, that the moderates will never rise. But it only takes one. In the Soviet Union was one man, Gorbachev. And that is what is waiting in China, some one man, one moderate, one 50-year-old person who can lead that country to the same reforms that Gorbachev has led the Soviet Union.

But he concluded. He said, "I know what has happened. The reformers hold out the hope in China." He went there. "The reformers hold out the hope for more progress for China through stronger ties to the West. Weakening those ties, as China's critics propose to do today, weakens the reformers and strengthens the hardliners. Is that what the opponents of the President's policy favor?"

That is what will occur with the override of the veto.

Finally the Senator from Washington says, "China's next demand—what will it be? What will China's next demand be, what will they ask for, what will they bludgeon us with? How will we respond?"

Let me tell, you we are not responding to Chinese demands in any event. The question to this debate is how do we respond to our President and his foreign policy decisions? Whether the Chinese leaders believe the bill is an interference in their internal affairs is not at issue here. It is second guessing, micromanaging the President's foreign policy. That is the issue. He decided to do two things to protect the students and to keep the door to China open. That is what he is doing. That is the purpose of this activity.

Mr. CRANSTON. Will the Senator yield briefly?

Mr. SIMPSON. I yield.

Mr. CRANSTON. I would like to say that my very good friend from Wyoming, and he is a very close and dear friend of mine, stated that there are those in this Chamber who simply want to inflict a defeat on the President. That is not my desire, that is not the desire as far as I know of other Senators on this side of the aisle and obviously on the other side of the aisle who differ with the President's view on this issue.

We are concerned about a foreign policy issue and an issue that relates directly to the concerns and possible fate of some Chinese students, lovers of democracy, and fearful of returning to the People's Republic of China. It is our desire to make sure that they are protected to the best of our ability. We believe we can do it better by law than by executive action.

I am fully prepared to support the President and I do when I think he is right. I have a responsibility to differ when I think he is wrong. And rather obviously the many, many Republicans and overwhelming majority in the House who voted to override were not seeking to inflict political wounds on the President or defeat him. They were voting their conscience on an issue of very great importance.

Mr. SIMPSON. Mr. President, I say to the Senator from California I hear that very clearly. I do have great regard for him. We share together the same capacity that Senator KENNEDY did. He and I served together as ranking member and chairman of committees. I am not indicating in any way that the entire issue is partisan any more than I am indicating in any way its entirely attributable to Asian politics and fundraising or to Chinese policy on abortion and forced sterilization. I am saying it is an element.

I do personally know of persons, who happen to be on that side of the aisle and not our side of the aisle, who look upon this gratuitous chop at George Bush in a partisan way. They are not legion. There are some. There are some who are involved in the other issues I have just suggested, but indeed it is not a wholly partisan issue. But there are indeed persons on that side of the aisle who indeed have put that touch on it very clearly.

The PRESIDING OFFICER. The Senator from California is yielded time by the Senator from Massachusetts.

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mr. CRANSTON. I say by the same token I am sure my friend ALAN SIMPSON will agree that people on the Republican side of the aisle who are really voting for no override out of partisan loyalty to the President, out of loyalty too. I know some on that side attempted to vote to override are not going to vote that because they want to be loyal to President. That is to some degree a partisan politics.

The PRESIDING OFFICER. The Senator from Wyoming. And I assume the time is allocated by the scorer. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, that is an element, again I described where the issue turned into partisanship and that was after we did our work, did it well, approved the conference report and then the President did his act. Through administrative action, he did everything we had done statutorily. When he did his act it was determined by some to turn it into a partisan issue.

The PRESIDING OFFICER. The Senator from Wyoming yields the floor.

Mr. SIMPSON. I yield to Senator COCHRAN for 10 minutes.

Excuse me, I withdraw that request.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to yield myself 4 minutes.

The PRESIDING OFFICER. The Senator is recognized for 4 minutes.

Mr. KENNEDY. Mr. President, I cannot let the remarks of my good friend go by without some response.

The meetings which were held up in Cambridge, MA, were held by the Chinese students who had very direct and I think reasonable fear for their future. It was not a partisan meeting. Congressman BARTON, a Republican was invited to that meeting. He sent his staff. Senator GORTON, Republican from Washington, was also invited to that meeting.

It was the intention, and I read through the materials for the meeting, to include Members of the Senate, to

invite all those to be involved, Republican and Democrat alike.

With respect to Mr. Sasso, I do not think he should be the issue when voting on the floor of the United States here today.

Second, I think as the Senator from California and the others have pointed out, the vote in the House yesterday was 390 to 25, including Republicans and Democrats alike, and I think that absence of partisanship has been true even during the debate in the course of the debate this morning. The reasons for supporting or opposing this issue have been expressed by Members from both the Republican as well as the Democratic Party.

A final point: I reject as unseemly the argument that the lists of so-called lobbies which has been stated here—on the abortion issue, on partisanship, on campaign financing—are the basis of action by the American people.

Are we supposed to say that those who supported with Lech Walesa were just reacting to the Polish lobby? Are we to say that those who spoke out here about the intimidation and the repression in Burma were responding to the East Asian lobby? Are we supposed to say that those who speak out in the support of glasnot and perestroika are motivated by the Soviet lobby?

I would like to believe there are people here who are speaking for the freedom lobby. We are speaking of an issue of fundamental importance that has swept the world, and all those who speak today can agree when it comes to Eastern Europe that our urgent statements were bipartisan. But somehow when it comes to China, on the same issue of freedom, we are accused of narrow, mean politics and grubbing to fundraisers. That is hogwash, Mr. President, and it does not deserve to be given consideration here on the floor of the Senate. This issue is one of fundamental human rights.

I will also be glad when we have the time to debate what I consider to be a very important question, and that is whether there could be a legal challenge to the administrative action of the President of the United States. Nothing, not one word, not one action, not one statement by the Senator from Wyoming or anyone else who supports the President's position can say definitely that a judge might not grant standing to the People's Republic of China, to challenge the administration's actions—a risk that does not exist with a statute.

The Chinese Government made an agreement with us with the understanding that those students were going to return to China. They paid out the money to support those students. Those students were supposed to return for a period of 2 years to China before they could come back to America. It cost the Chinese Government millions and millions of dollars. So the agreements were based upon that understanding.

Now the President waives the two-year return requirement. He says it does not apply. The Senator from Wyoming cannot state with any absolute assurance that some judge might not take into consideration those arguments. The Senator from Wyoming cannot say that maybe that judge will stay the effect of the President's order while they consider the Chinese Government's arguments.

Mr. President, we have strong legal authority that suggests that that is a very reasonable possibility. And why? Why put these young people at some kind or risk especially when we have the constant, continuing harassment of these students by their own embassy, students who have been the backbone of the democracy movement?

Mr. President, I do not question the President's commitment and desire and his willingness to help the students. I believe his handwritten note. I believe him when he says he does not want to see Chinese students returned. Many think maybe after 1992, he will still be in the White House, so he can continue the protection. Maybe yes; maybe not. But we may have a different person in that White House at that time. And I think if what we are talking about is establishing this kind of protection for those individuals, even beyond 1992, then the statute is necessary.

Finally, Mr. President, my good friend from Wyoming and I have some differences, as we have seen, on this issue. But on the issue of whether Chinese nonimmigrants overstay their visas, I will ask to include in the RECORD a report from the Immigration Service that they have one of the best records in the world for returning upon the expiration of their visas—one of the best. I am suggesting that Chinese nonimmigrants have one of the highest rates of return in the world. I do not question that some of these students might want to stay. No question about it. But I also believe that many of them are committed to trying to do something about their own country.

Why is it that we think we are the only people in the world committed to democratic institutions? We say all of our students always return to the United States. But maybe some of the Chinese students care about these values. Maybe some of them care about freedom, those that died in Tiananmen Square. Maybe some of them care about building democratic institutions. I, for one, am not prepared to say that they are all money grubbing young people in China; that all they want to do is find some quick job here in the United States. I think to say that does a disservice to these committed students. No one can remember what has happened to many of their colleagues on the streets of Beijing and doubt the real commitment and sincerity of those young people to democratic institutions.

Mr. President, I now ask unanimous consent that the previously mentioned report from the Immigration Service be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ANNUAL ESTIMATES OF NONIMMIGRANT OVERSTAYS IN THE UNITED STATES: 1985 TO 1988

(By Robert Warren, Statistics Division, Office of Plans and Analysis, Immigration and Naturalization Service)

ESTIMATED NONIMMIGRANT OVERSTAYS, BY AREA AND SELECTED COUNTRY OF CITIZENSHIP: 1985 TO 1988

[Year refers to fiscal year of entry. Base of rates in table A–2.]

Area or country	Estimated overstays				Percent overstay			
	1985	1986	1987	1988	1985	1986	1987	1988
Total	217,300	242,700	226,500	254,900	2.4	2.4	1.9	1.9
Europe	44,600	48,900	37,600	33,300	1.4	1.2	0.8	0.6
Denmark	800	700	1,700	300	1.3	1.0	1.8	0.3
Greece	2,000	1,700	1,500	700	4.2	3.2	2.6	1.2
Hungary	500	600	500	800	3.9	3.7	3.0	4.3
Ireland	4,400	6,500	6,400	5,400	5.4	6.0	5.5	4.0
Italy	6,100	4,900	2,500	4,300	2.4	1.7	0.7	1.1
Poland	19,700	21,900	16,000	13,900	42.2	40.3	31.6	28.3
Portugal	4,400	4,700	3,500	3,600	12.9	12.9	9.1	8.0
Romania	500	700	800	700	8.9	12.0	13.1	9.2
Spain	600	1,000	1,000	500	0.6	0.8	0.7	0.2
Sweden	300	100	200	(1)	0.2	0.1	0.1	0.0
U.K.	200	2,500	1,200	(1)	0.0	0.2	0.1	0.0
Yugoslavia	2,700	1,700	1,800	1,700	11.4	6.2	5.7	5.1

ESTIMATED NONIMMIGRANT OVERSTAYS, BY AREA AND SELECTED COUNTRY OF CITIZENSHIP: 1985 TO 1988—Continued

[Year refers to fiscal year of entry. Base of rates in table A–2.]

Area or country	Estimated overstays				Percent overstay			
	1985	1986	1987	1988	1985	1986	1987	1988
Other Europe	2,400	1,900	700	1,300	0.2	0.1	0.0	0.0
Asia	55,400	58,100	49,800	54,500	2.2	2.2	1.6	1.4
Afghanistan	300	300	400	200	27.0	25.4	27.9	17.7
Bangladesh	400	1,000	1,200	1,400	12.4	20.9	24.0	24.5
China	4,900	4,900	3,500	2,900	4.2	4.4	3.3	2.4
Hong Kong	300	200	500	1,300	0.5	0.3	0.7	1.6
India	5,200	6,800	6,700	8,400	5.4	6.4	5.9	6.9
Iran	8,100	6,200	5,200	3,400	17.7	16.2	19.5	16.5
Israel	4,800	5,100	3,100	3,600	4.3	3.8	2.2	2.3
Japan	700	1,200	100	800	0.0	0.1	0.0	0.0
Jordan	600	600	800	1,000	4.1	3.9	4.4	4.9
Korea	3,000	3,100	1,700	900	3.2	3.1	1.5	0.8
Lebanon	2,300	2,200	2,600	3,700	9.7	10.0	12.0	14.5
Malaysia	400	1,500	800	3,300	1.4	5.3	2.7	8.2
Pakistan	3,600	4,300	4,200	4,600	11.8	13.1	12.4	12.7
Philippines	15,800	15,800	14,300	14,000	14.5	13.8	12.0	10.7
Sri Lanka	500	600	700	600	8.3	9.0	11.1	9.7
Syria	500	600	500	1,400	6.1	7.6	8.3	14.1
Other Asia	3,800	3,800	3,500	2,900	1.9	1.8	1.4	1.1
Africa	10,200	12,600	14,000	14,100	6.8	7.5	9.3	9.0
Cape Verde	300	300	300	600	26.7	27.3	20.8	33.1
Egypt	2,500	2,300	1,800	1,900	9.5	9.7	7.6	7.6
Ethiopia	700	900	900	1,000	20.9	22.0	21.1	21.1
Ghana	700	600	1,400	1,200	17.1	14.8	26.2	23.1
Liberia	1,300	1,400	1,500	900	29.1	32.0	32.2	22.4
Nigeria	1,300	2,200	2,800	2,400	3.7	4.9	11.1	10.0
Sengegal	200	500	900	500	8.1	11.2	16.4	9.6
Sierra Leone	700	700	500	500	33.5	34.1	29.9	27.4
South Africa	500	1,200	1,000	800	1.6	3.2	3.0	2.4
Sudan	100	200	300	300	5.0	7.5	11.8	13.4
Uganda	100	100	100	200	7.0	11.5	11.5	12.4
Other Africa	2,000	2,200	2,500	3,800	5.6	5.5	6.0	8.4
Oceania	1,700	2,000	2,400	2,000	0.5	0.6	0.6	0.4
Australia	(1)	(1)	(1)	200	(1)	(1)	(1)	0.1
Fiji	400	300	500	600	8.5	5.5	9.9	11.7
New Zealand	(1)	(1)	100	100	(1)	(1)	0.1	0.0
Pac. Is., TT	100	400	400	100	4.2	5.4	13.0	23.0
Tonga	500	800	600	700	27.2	31.8	26.9	26.0
W. Samoa	600	500	700	300	30.2	21.1	22.7	13.3
Oth. Oceania	100	(1)	(1)	(1)	2.8	2.0	1.5	1.4
North America	79,300	94,900	98,600	117,700	4.1	5.1	4.7	5.1
Canada	9,400	6,800	6,400	6,300	18.8	15.4	15.2	17.7
Mexico	24,700	32,900	41,200	55,800	2.8	4.3	4.7	5.9
Bahamas, The	5,200	7,100	5,400	2,300	2.6	3.2	2.1	0.8
Barbados	700	600	1,200	1,000	3.3	2.8	4.1	3.0
Bermuda	300	400	500	500	17.7	23.4	21.7	29.4
Cuba	1,600	1,000	700	300	13.1	25.7	17.8	11.5
Dominica	600	1,600	2,200	3,000	6.3	4.8	3.4	3.9
Dom. Rep.	2,900	2,900	1,700	3,000	3.8	4.2	3.2	4.8
Grenada	300	400	600	500	11.7	11.6	13.9	11.4
Haiti	12,800	14,300	11,800	14,300	15.0	16.6	13.8	16.0
Jamaica	5,800	5,900	4,500	3,600	4.6	4.0	2.6	1.8
Trinida and Tobago	1,100	2,500	5,500	7,500	1.3	3.5	6.8	8.4
Total, Cent. America	10,600	15,200	12,500	16,100	3.6	4.9	3.7	4.4
Costa Rica	100	300	200	100	0.3	0.5	0.3	0.1
El Salvador	2,100	3,000	2,200	2,300	4.1	5.7	3.9	4.1
Guatemala	2,900	4,400	3,400	4,000	4.4	6.4	4.1	4.1
Honduras	1,800	2,800	2,000	2,100	3.6	5.1	3.3	3.2
Nicaragua	2,500	2,700	2,900	4,500	12.2	14.2	14.0	18.3
Panama	300	1,100	1,200	2,300	0.6	2.3	2.4	4.3
Belize	800	900	700	900	8.2	8.8	6.1	7.3
Other N.A.	3,200	3,300	4,600	3,500	4.8	4.3	4.9	3.5
South America	15,300	18,100	13,800	18,800	1.9	1.9	1.4	1.9
Argentina	100	–	–	100	0.1	0.0	0.0	0.1
Bolivia	500	1,000	1,100	1,500	2.7	5.8	6.0	7.5
Brazil	1,100	1,400	100	2,800	0.6	0.6	0.0	1.0
Chile	100	600	600	700	0.3	1.2	1.1	1.1
Colombia	4,200	5,500	3,800	5,100	2.6	3.5	2.5	3.3
Equador	4,600	4,100	3,200	4,500	9.3	7.1	5.1	8.3
Guyana	2,400	2,800	2,500	1,300	17.9	15.9	14.0	8.2
Paraguay	(1)	(1)	100	100	0.9	0.6	1.9	1.6
Peru	1,800	2,400	2,100	2,400	3.1	3.8	2.8	3.1
Uruguay	200	200	100	100	1.7	1.3	0.3	0.5
Venezuela	200	100	100	100	0.1	0.1	0.1	0.1
Other S.A.	(1)	(1)	(1)	(1)	0.3	0.1	0.0	0.0
Stateless	900	1,000	1,100	200	10.3	9.8	11.9	14.2
Unknown	10,000	7,000	9,300	13,400	7.9	6.0	9.0	10.7

Source: See text.
[1] Rounds to zero. Numbers rounded independently.

The PRESIDING OFFICER. The Senator from Massachusetts yields the floor.

The Senator from Wyoming is recognized.

How much time does the Senator from Wyoming wish?

Mr. SIMPSON. Four minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 4 minutes.

Mr. SIMPSON. Mr. President, every single time that Senator KENNEDY and I have debated there is always a rich tapestry of rhetoric. I know when to expect it, but is very impressive. He is speaking from his heart when he speaks on this issue, a lifetime commitment to human and civil rights and it builds up. He is very civil, but he just gets pretty rich in that and he is very, very real. That is the very authentic part of it. I admire that and always have.

I could not help but think of my father and another lawyer in Cody, WY. They were on one side or the other of every case in town for 25 years. One day in a terrible anguish of comment, Ernest J. Goppert rose in great indignation and said, "If that is the law, I will eat the statute book," to which my father responded, "And, Judge, if he does, he will have more law in his gut than he has got in his head." And they had a rich discussion of that, I can tell you, after they both went through contempt proceedings.

I guess we will have to decide what is real with regard to the legal aspects. That is an interesting point. And I would certainly share with Senator KENNEDY that it is.

But, this President has made a commitment to protect the Chinese students. The issue of harassment entered Senator KENNEDY's remarks. Please remember that this bill does nothing with harassment. Nothing. We ought to, if we are really concerned with harassment, we ought to add a dimension to the bill, add a section to the bill, do something with the bill.

I have a bill which has already been agreed to be cosponsored by my friend from Illinois with regard to what happens if embassy personnel harass their countrymen. The unfortunate part is, we have Chinese students who are harassing their fellow Chinese students because they will not toe the line on this issue. Do not miss that one. Purity is not a great long stream that just runs through all human conduct. There are Chinese students saying to their colleagues, "You better get in this." And they are saying, "I do not want to. Too risky for me. My old man is in the Communist Party over there. I am not going to play that game." And they say, "Yes, you are." I call that harassment. I do not know any other word for it.

Then the odd and final part of this exercise: Do you remember years ago when we were talking about Romania? You remember the same people sometimes who were saying give them a break, give them most-favored-nation status, they are going to be all right, they will be all right. What did they do? Butchered people up and down the roadways of Romania, and Ceausescu paid the price.

So it is a great interesting business, this. But you have to leave this heavy lifting to the President of the United States, you have any trust in the executive branch of government, especially a man who lived in the country for a year and a half of his lifetime.

I yield to Senator COCHRAN 10 minutes.

The PRESIDING OFFICER. The distinguished senior Senator from Mississippi is recognized for 10 minutes.

Mr. COCHRAN. Mr. President, I thank the distinguished leader on this side of the aisle for yielding to me. I want to commend the Senator from Wyoming for his very fine leadership in this discussion, and I hope the Senate will consider the real issue in this debate.

First of all, the issue is not whether the Chinese students will be sent back to China against their will. No students will be forced to return to China. Under orders from the President, the Attorney General has directed much greater relief than that provided in this bill. All Chinese nationals are included in these protective orders, not just students.

The issue is not whether we should express disapproval of the repressive and egregious acts of the Chinese regime. We did that before Christmas when the Senate expressed its contempt for the heinous acts of the Chinese regime. The House of Representatives expressed the same kind of disapproval in the strongest possible terms. The President of the United Stated has time and again very clearly expressed his condemnation of the repressive tactics used by the Chinese regime during the demonstrations for democratic change.

We can throw up our hands in holy horror all day long today, and it will not add to the indignation that has been expressed by our country and our leadership for what has gone on in China. Overriding the President's veto will not add weight to our expressions of indignation. That is not the issue.

Mr. President, the issue before the Senate today is whether the Congress will express confidence in the President to conduct the foreign affairs of the United States, specifically with respect to the sensitive relationship with the People's Republic of China. The issue is whether the Senate will vote today to repudiate the leadership of our President. That is the real issue.

Taking a look at the facts, we find differences, Mr. President, between what is happening in China today and what was happening in China several months ago, at the time this legislation passed the Senate and the House.

Certainly the Chinese situation remains unsatisfactory. That is not the issue either. We agree on that. I think everybody here agrees on that. But there are signs that President Bush's calm diplomacy and thoughtful leadership are working.

China has given assurances that it will refrain from selling missiles in the Middle East; martial law has been lifted in Beijing; nearly 600 Chinese political prisoners have been released; new Chinese flexibility has been shown on Cambodia; the Chinese have initiated discussions on a renewal of Fulbright fellowships and the operation of the Peace Corps in China; an important United States training program administered by the Office of International Cooperation and Development of our Department of Agriculture is operating now in China to the mutual advantage of our two countries. These are probably not all the changes that have occurred in recent months, but they are significant changes that are encouraging and that indicate success on the part of our President in developing a new era of understanding and influence with the Chinese regime.

Some are questioning the credibility of our President, like some of yesterday's speakers in the House of Representatives, but we should not be unduly influenced by their doubts. Nor, certainly, as the Senator from Massachusetts said, should we be influenced by the size of the vote in the House of Representatives. They have their obligations. This institution has its obligations.

We are considered to be the deliberative body. I do not think it is characteristic of the Senate to react to the emotions of the moment. We have talked about the purpose the Senate serves in helping develop and conduct foreign policy. We have many responsibilities in that regard which the House does not share.

One of those responsibilities is to ensure that our foreign policy is coherent, that it is predictable, and that our President is given the standing to articulate that policy in his dealings as our spokesman with the leaders in the rest of the world.

If we look at the situation that exists right now in Eastern Europe and in the Soviet Union, change is taking place so fast our negotiators can hardly keep pace. Before arms control reductions can be agreed upon, arms have already been reduced. Before we can negotiate a new configuration of the Warsaw Pact and NATO, the relationships have already changed.

What I am saying, Mr. President, is that the Congress cannot act quickly enough. It is not constitutionally or institutionally established to do that, to substitute its judgment in every instance for that of the President of the United States.

If we override the veto, Mr. President, mark my words, we undermine our own President and his standing to

conduct the foreign policy of the United States at a time in history when it is vital that we stand solidly behind him. I cannot believe the Senate will do that.

I urge the Senate to support the President and to sustain this veto.

The PRESIDING OFFICER. The Senator from Mississippi yields the floor. Who yields time?

The senior Senator from Colorado seeks recognition for how many minutes? I am sure that the Senator from Massachusetts would yield.

Mr. ARMSTRONG. Mr. President, I believe it was the intention of the Senator from Massachusetts to yield me 15 minutes.

The PRESIDING OFFICER. The senior Senator from Colorado is recognized for 15 minutes.

Mr. ARMSTRONG. Mr. President, I thank the Chair and my colleagues. Yesterday the other body, as we like to call the House of Representatives, voted by a margin of 390 to 25, to repass H.R. 2712, notwithstanding the veto of the President of the United States.

Mr. President, in doing so, the House reaffirmed the highest and best traditions of this country. It put itself again squarely on record in support of the ideals of human freedom which have been the essence, really the distinction of our country even from its birth and before the time of the birth of this country.

At the same time, Mr. President, Members of the House made it clear that they deplore the brutality of the regime illegitimately in power in Beijing, and have made it clear that they are not willing to be accomplices in the terrorizing of Chinese students who happen to be in the United States.

More than that, Mr. President, it is very clear that the action of the House has an overtone, it has an implication, and it says a lot about the spirit of this country. My colleagues will remember this bill became necessary not because of some theoretical concern but because of a gross abuse of human freedom; because Chinese students, fearing for their lives, fearing for their safety, were being threatened with repatriation against their will to China where they faced imprisonment, torture, persecution, forced sterilization, abortion, and other terrors.

A few moments ago my colleague from Wyoming mentioned Romania. I recall the Senator from Connecticut [Mr. DODD] and I asked the Senate to withdraw MFN status from Romania. And we cited at that time a lengthy rollcall of abuses of human rights in Romania, particularly the persecution of church people in Romania. At that time I recall vividly what the response was from the State Department.

They said: We do not condone what is going on in Romania, but we urge you do not do anything rash. Do not go off the deep end. Do not take matters into your own hands. No matter what you do, however strongly you feel about this matter, leave it to us because we know how to deal with the regime in Romania, with Ceausescu, and so on. As a matter of fact, they really pulled out all the stops to defeat that effort, but in the end they were not successful.

Members of the Congress and thoughtful people around the country prevailed and MFN status, after a lot of jockeying and filling, was withdrawn and the result is history.

China is not Romania, but the issue is really the same. The issue is, where does Congress want to position itself in the worldwide battle for human freedom?

Mr. President, we are not talking, as I mentioned a moment ago, about some kind of theoretical concern. We are talking about real people who are suffering real abuses, who are being subject every day to threats and intimidation and the tactics of terror.

Let me tell my colleagues about the case of Jin Han Chang, 33 years old, father of two, who escaped from China and applied for asylum in the United States. At his deportation hearing Chang testified one of the reasons he fled China was he feared government retribution because of his refusal to be sterilized after the birth of his second child.

The Board of Immigration Appeals, in a unanimous ruling issued on May 12 of last year, denied Chang's appeal and ordered him deported. In its ruling the BIA said that policy guidelines issued by the Attorney General in August 1988, which directed asylum adjudicators to give "careful consideration" to asylum claims from Chinese nationals fleeing their government's coercive population control policy, "were directed to the Immigration and Naturalization Service, rather than to immigration judges and to this Board." Thus the Board found it need not grant asylum.

The Board then went on to determine that China's "one couple, one child" policy was not "on its face persecutive" and that it could not grant Mr. Chang asylum. Fear of reprisals for violating China's population control policy, which can include forced abortions, coerced sterilizations, loss of job, housing, health care and income does not constitute a "well-founded fear of persecution" as defined in the Immigration and Naturalization Act, the BIA said.

The matter of Chang is a precedent. It is a precedent which we seek to overturn with the passage of H.R. 2712.

There may be some way that this can be done by executive action and, in fact, that is the representation of the Attorney General.

Let me just point out that the case of Chang has been on the desk of the Attorney General since last May. If it is his policy to overturn this precedent, he could do that this morning before noon. He could have done it yesterday. He could have done it before the passage of the Pelosi bill. He could have done it while the veto is pending.

I assume at some point in time he will do so because that is the policy of the President of the United States and I think it is going to happen.

I only mention this case—and I could mention many, many others, and some of them have already come to the attention of the Senate—because I think it must be crystal clear we are not dealing with a theoretical problem. We are dealing with a real abuse of human rights.

Since yesterday, when the House of Representatives voted by such a huge margin to repass the bill and reaffirm its support for this legislation, the administration has done a really skillful job of lobbying this issue. They are doing their job well.

The President, the Vice President, members of the President's Cabinet, former Presidents, a lot of people who are interested in this issue on the administration's side, have made a lot of house calls. They made telephone calls. They have had people down there for lunch. They have contacted people in the home States. They have done a thorough, first-rate job.

Frankly, I think it is likely that they are going to prevail; it probably will be quite close, but I learned a long time ago that when it comes to overriding Presidential vetoes, there is a lot of talk about it but, frankly, it does not happen very often. The reason is because all the political leverage is on the side of the administration, and uniquely so on this issue. There just is not any political leverage on this side.

There is a handful of Members of the Senate and a bunch of Chinese students, who, by definition, are not even citizens or voters on one side, and then there is the President and the political establishment and all that that implies on the other side.

So maybe as a consequence of that, notwithstanding what we think is the justice of this case, maybe the veto will be sustained. My hunch is that it will.

I hope not, however, Mr. President, and I would like to explain why. But before I do so, I want to deal with two or three issues that have been raised in one way or another which I really do not think constitute the crux of the matter.

First of all, I do not think the system is breaking down because we are having this kind of debate over overriding the veto of the President of the United States. Personally, I think

that proves the system is working. I think the debate itself has been useful; it has clarified the issue, and whatever happens, whether this bill is in fact passed over the veto of the President, I believe the very fact this has become the focus of national attention is good for China, good for Chinese students, good for the Congress, and afforded another degree of protection.

Some people, including some lawyers—may I say some lawyers who are not, as they have been characterized, adversaries of the President—have reason to believe that all of this debate may be about a statute that has already been enacted. There is a legal theory which says that in the manner in which he submitted his veto, he just did not cross all the t's and dot all the i's, and therefore the bill became law long before this session of Congress started.

I do submit for the RECORD—I ask my colleagues to take a look at it at the right time—this memorandum of law prepared by Lincoln Oliphant, who is legal counsel to the Republican Policy Committee, in which he explains that line of reasoning.

I do not contend this is true. Frankly, I do not know that it is, and I do not want to get into an argument among lawyers, but I just note in passing that that is a question and the way in which a President may exercise his authority of a pocket veto needs to be clarified and will be clarified at some time. Perhaps there will even be a lawsuit on this issue; I do not know, but in any case for legal scholars and others who are interested, I ask unanimous consent that Mr. Oliphant's brief be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
REPUBLICAN POLICY COMMITTEE,
Washington, DC, January 24, 1990.

To: Senator Armstrong.
From: Lincoln Oliphant, Legislative Counsel.
Re Notes on the Constitutional Posture of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989.

Under the terms of a unanimous consent agreement the Senate will proceed tomorrow to "the veto message" on H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989. This afternoon, by vote of 390-to-25, the House of Representatives "overrode" "the veto." However, the House may have taken an unnecessary and ultimately futile act—it may have acted on a bill that has already become law.

THE PRESIDENT'S DISAPPROVAL

The bill H.R. 2712 was passed by both the House of Representatives and the Senate last fall. It was presented to the President on November 21, 1989. On November 30 the President issued a "Memorandum of Disapproval" with respect to H.R. 2712 and delivered both the memorandum and the enrolled bill to the Clerk of the House. The great portion of the President's memorandum dealt with the merits of the bill, but the last paragraph, which is quoted here, explained the President's method of disapproval:

"The adjournment of the Congress has prevented my return of H.R. 2712 within the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. *Pocket Veto Case*, 279 U.S. 655 (1929). Because of the questions raised in opinions issued by the United States Court of Appeals for the District of Columbia Circuit, I am sending H.R. 2712 with my objections to the Clerk of the House of Representatives." 136 Cong. Rec. H 4 (daily ed. Jan. 23, 1990) ("Memorandum of Disapproval from the President of the United States").

The President was attempting a "pocket veto," but he may not have succeeded. Note that although he sent the papers to the Clerk of the House the President denies that he was "returning" the bill within the meaning of Article I of the Constitution. He was, he holds, merely corresponding with the Clerk of the House and not (in constitutionally efficacious terms) returning a bill, with his objections, to that House in which it originated.

THE CONSTITUTION

The relevant constitutional text is as follows:

"Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law." U.S. Const., Art. I, sec. 7, cl. 2.

Therefore, the Constitution provides four options for a bill that has passed both houses and been presented to the President: One, the President may sign it and it then becomes a law. Two, he may veto it and send it back to the originating house (together with his objections); Congress may then vote to override the veto. Three, he may do nothing in which case the bill becomes law automatically unless, four, "the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law" and no override is possible.

The President thought he had chosen option four. The House has decided that the President actually exercised option two. (See, the reply of the Speaker to the Parliamentary inquiry by Mr. Michel, 136 Cong. Rec. H 5 (daily ed. Jan. 23, 1990). Tomorrow, the Senate is expected to formally agree with the House. (Whether a Senator votes to override or sustain the "veto" he will be agreeing *sub silentio* that the Senate has before it a genuine presidential veto.) However, the President may have exercised neither option four nor option two but option three: H.R. 2712 may have become a law automatically because (1) the President neither signed it nor vetoed it, (2) ten days (excluding Sundays) have passed since the act was presented to the President, and (3) at no time since November 21, 1989 has the Congress adjourned so as to prevent the bill's return.

INTERSESSION ADJOURNMENT

Both the House and the Senate have provided a method for receiving messages during recesses and adjournment.

"Rule III.5 of the House provides that '[t]he Clerk is authorized to receive messages from the President and from the Senate at any time that the House is not in session.' At the beginning of this Congress, the Senate by unanimous consent provided 'that for the duration of the 101st Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive message from the President of the United States." 135 Cong. Rec. S 16677 (daily ed. Nov. 21, 1989) (remarks of Sen. Mitchell).

Section 4 of the adjournment resolution (H. Con. Res. 239, adopted November 22, 1989) reiterated that officers of the House and the Senate would continue to receive messages from the President during the adjournment period. The President received a certified copy of that adjournment resolution.

It is true, of course, that Congress adjourned last November and only recently returned but that is not the constitutional standard. The Constitution may be read to allow a pocket veto if and only if the adjournment is of a type that prevents a bill's return, and the recent intersession adjournment was not of that type because the Clerk of the House and the Secretary of the Senate were authorized to receive "returns" during the period of adjournment.

CASE PRECEDENT

The leading Supreme Court cases are ambiguous and confusing. *The Pocket Veto Case*, 279 U.S. 655 (1929) greatly strengthens the President's position. *Wright v. United States*, 302 U.S. 583 (1938) undermines it. More recent decisions of the United States Court of Appeals for the District of Columbia Circuit are extremely destructive of the President's position. *Kennedy v. Sampson*, 511 F.2d 430 (1974); *Barnes v. Kline*, 759 F.2d 51 (1985) ("The existence of an authorized receiver of veto messages, the rules providing for carryover of unfinished business, and the duration of modern intersession adjournments, taken together, satisfy us that when Congress adjourned its first session *sine die* on the day it presented H.R. 4042 to the President, return of that bill to the originating house was not prevented. We therefore hold that H.R. 4042 became law. . . ."), *vacated and remanded with instructions to dismiss the complaint as moot, Burke v. Barnes*, 479 U.S. 361 (1987).

The following note from *The Constitution Annotated* is most interesting:

"The Administration declined to appeal [*Kennedy v. Sampson*] to the Supreme Court. . . . Subsequently, the President attempted to pocket veto two other bills, one during a 32-day recess and one during the period which Congress had adjourned *sine die* from the first to the second session of the 93d Congress. After renewed litigation, the Administration entered its consent to a

judgment that both bills had become law . . . and it was announced that President Ford 'will use the return veto rather than the pocket veto during intra-session and intersession recesses and adjournments of the Congress', provided that the House to which the bill must be returned has authorized an officer to receive vetoes during the period it is not in session." Library of Congress, *The Constitution of the United States of America: Analysis and Interpretation* 136 n. 22 (1987) (citation omitted).

CONCLUSION

The Executive Branch and the Legislative Branch have clashed repeatedly on veto policy and law during the past two decades. The President's actions on H.R. 2712 and the Congress's response are but the latest in a string of thrusts and parries. The President believes he exercised a "pocket veto" and the bill is dead. The House has treated H.R. 2712 and its papers as though the President exercised a traditional "return veto." The Senate is preparing to concur in the House interpretation. There is another reading of the facts and the law, however. Under this alternative reading, H.R. 2712 became law on December 2, 1989 without the President's approval.

Mr. KENNEDY. Will the Senator yield at that point?

Mr. ARMSTRONG. I will be happy to yield.

Mr. KENNEDY. The Senator has brought up a very important point—the actions that we take may very well be questioned—and that is the power of the President in the application of the pocket veto. We have had the decisions by the courts that the President of the United States cannot pocket veto when the Senate is in brief recess. The question was whether we were in sufficient recess this time. That is a question where there are very substantial differences of legal opinion.

Many constitutional authorities believe that the pocket veto only applies when the Congress actually adjourns. So the point that is taken by the Senator from Colorado is whether the President is going to rely on the pocket veto, which he has said he may very well do this time. It is not clear now whether he is relying on the pocket veto. And in questioning the counsel for the administration, they have some differences on that; they take issue about whether we are dealing with a pocket veto or a real veto. But if it should be a pocket veto, then it would not have to be respected. You would have a difference in the legal situation as well.

I thank the Senator for bringing that up, because it is something that should be considered.

Mr. ARMSTRONG. Mr. President, I appreciate the comments of the Senator from Massachusetts. I do not know what a court would hold, and I do not know that this is going to result in a lawsuit, though it may, but I submit that information for the RECORD just for the benefit of persons who are interested.

I really do not want to bog down in the legal arguments. I am perfectly content to let the lawyers argue this out among themselves after 5 o'clock at a local pub or in court or wherever else they want to take it up. I just do not want to get in the middle of that.

I also want to note, however, one other legal issue which I think is significant, and that is the theory of the Attorney General that he may solve this problem by regulations, assuming that the statute has been validly vetoed and is not overridden. That is open to dispute by some lawyers.

The Senator from Wyoming made the point that the lawyers who argue this are partisan opponents of the President. I do not know whether that is true or not, but I would just like to tell you who the legal authorities are that have brought this to my attention. One is Robert Charles Hill. He came to the private practice of the law from the U.S. Department of Justice where he served during the Reagan administration as deputy director and counsel in the Office of Asylum Policy and Review, a highly specialized unit which was created by the Attorney General in light of the now infamous Medvid incident, which may be recalled by some Members of the Senate. So he is a person who has expertise in this field. He has some credibility about it, and I have no reason to believe that he is a political opponent of the President, although someone may have information about that which I do not have.

This is also a concern raised by senior members of the American Immigration Lawyers Association, specifically by Mr. Jimmy Wu, who is a member of the board of governors of the Immigration Lawyers Association, and by Mr. Edwin Rubin, who is the president-elect of the American Immigration Association, a separate issue, and I ask unanimous consent also, Mr. President, to print their statement in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 23, 1990.

Hon. WILLIAM L. ARMSTRONG,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR ARMSTRONG: We have reviewed the regulations promulgated today by the Attorney General regarding applications for asylum from foreign nationals who fear persecution because they have violated their country's coercive population control policies.

While the Administration believes that these regulations would afford greater protections than those contained in H.R. 2712, we remain concerned that they may not provide relief to some applicants. In particular, the regulations may not overturn earlier rulings by the Board of Immigration Appeals (BIA) which say resistance to forced abortion and sterilization does not constitute political dissent.

Neither China nor any other country is specified in the regulations as having coercive population control policies. Since the burden of factual proof is on the asylum applicant, he or she would have to prove in each case that China's policies were in fact coercive. This is precisely what the BIA has refused to find; indeed, the BIA has gone out of its way to find the Chinese program to be a legitimate exercise of governmental authority. As in previous cases, the BIA could simply determine that any individual horror story was a local enforcement problem, and that in any case the applicant was not being singled out for persecution.

Nothing in the regulations defines resistance to coercive population policies as meeting the legal definition of refugee under Section 101(a)(42)(A) of the Immigration and Nationality Act. Thus, even if the applicant proved that China's policies were coercive and that he or she would likely be punished for violating them, the BIA still could find that such applicant did not meet the legal definition of a refugee.

It is our view that the regulations leave doubt and ambiguity where H.R. 2712 is unambiguous and clear. In light of the brutal means which the Chinese government employs to enforce compliance with its population control policies, ambiguity can have disastrous consequences. Therefore, we believe H.R. 2712 is by far the most certain method to protect these men and women from China's unconscionable practices.

Sincerely,

EDWIN RUBIN,
JIMMY WU,
ROBERT HILL,
Former Deputy Director, Asylum Policy and Review Unit, Department of Justice.

Mr. ARMSTRONG. Mr. President, I do not want to go any further in the legal issues because in the end this is not going to be settled on some kind of basis of disputing the fine points of law, nor do I think it is going to be settled on the basis of partisanship.

I appreciated that my friend from Wyoming clarified his earlier observations and made it clear that he did not accuse everyone of being partisan. I still do not quite agree with him in his interpretation of that meeting up at Harvard. I do not know John Sasso. I have heard a lot about it. I was not there. I do not know whether I was invited or not. If I was, I did not go. I have only been to Harvard once in my life and enjoyed my experience, and if invited by Mr. Sasso, the Chinese students, or Harvard, I would probably go back. But the implication is what happened is a bunch of Democrats went up there and figured out some way to embarrass the President and sharpen the partisan nature of this issue.

The Senator from Massachusetts says that is not so. I guess that is right; he probably would know about that. But suppose that is exactly what happened. I do not think that is anything to criticize.

Ladies and gentlemen, that is what the Democrats are here for, in part, to draw a partisan line with the Republicans, and, by gosh, that is in part what we Republicans are here for, to tell why we are different from the Democrats. The system is not breaking

down when that happens. It is working.

When we just go off, as we do sometimes, into a closed room and make a deal behind closed doors instead of arguing out the issues in public, the losers are the voters back home who do not know what the differences are, who do not have a basis to choose between the two parties.

I am not going to get indignant because John Sasso or some Senators or somebody else went back to Harvard and dreamed something up, if that is what they did. And it does not reflect that this becomes, therefore, a suspect issue.

It does not say that no good Republican can back this issue. In fact, I just happened to be reading this morning——

The PRESIDING OFFICER. I am reluctant to advise the distinguished senior Senator from Colorado the time has expired. Does he ask unanimous consent for further time?

Mr. ARMSTRONG. Mr. President, I ask if the Senator from Massachusetts has sufficient time available to him that he could yield me perhaps 5 or 6 more minutes.

Mr. KENNEDY. Five more minutes.

Mr. ARMSTRONG. I am very grateful.

I happened to be reviewing the rollcall in the House yesterday. It turns out that the honor roll of the Republican Party voted to override the veto of the President. When it is all said and done, whatever the outcome is in the Senate, there are going to be more Republicans in Congress who vote for this bill than vote against it.

So if there is any Senator who thinks he cannot vote for this bill because it is tainted by some association with the meeting at Harvard with a bunch of Democrats or something else, forget it. You will be linking arms with the majority of Republicans in the Congress of the United States. So, it is clearly not a majority of Republicans in this Chamber.

Mr. President, I do not think partisanship is the issue. I do not think in the end the arcane details of the law constitutes the nexus of this or the crux of it. I think the real issue comes down to this: Why should we pass this bill? The reason is simple because in doing so we make an unequivocal statement. We make a statement of legislative policy on a matter that is properly a legislative determination.

This is not really a foreign policy issue. In the end it is an immigration issue, a different legislative jurisdiction, a matter about which Congress traditionally kept much power to itself. If there is no difference—that is the representation, that there is really no difference between the result of an executive branch action and the result of a legislative branch action—why should we argue with you over it if it is all the same?

I am certainly not one that doubts the President's intention or the ability to kill what he says he is going to do. What is the difference?

The difference is this: We may think it is the same, but the Chinese Government very clearly does not. Somehow the Chinese Government thinks the legislative action is more permanent, is more definitive, that somehow an executive branch action is more temporary, more provisional, more subject to subsequent negotiation, and more subject to bargaining.

And I tell you who else believes that. It is the Chinese students, the students who are getting telephone calls, who in Rochester University in the last few days were summoned to a meeting by Embassy officials and, in effect, this is what they were told. "We are going to get you. Pretty soon Congress will turn its attention to other issues, and sooner or later we will reach an accommodation with the administration. Sooner or later, we are going to get you back in China. If you know what is good for you, you had better sign this statement, you had better come now, you had better sign this confession," as one student told me this morning, "because if you do not do it now, it will go harder for you later."

That is the issue. Do we just talk about public perceptions, about Chinese student perceptions, about the perception of the Chinese Government? I am not one of those who say perception is reality, but, ladies and gentlemen, in this case, that is evidently true.

Mr. President, this is not the first time we have had this argument. We had it over Romania. We had it over the Medvid case. We had it over and over again about Jackson-Vanik. And at every instance when this has arisen, somebody has come forward and said to Congress, "Leave this issue alone. You are making a mistake. You do not know what you are doing. Do not get too tough. Do not paint them into a corner. Leave it to the State Department to work this issue out."

That is exactly what they are telling us now. Maybe they are right. They were not right on Medvid or Romania and they were not on Jackson-Vanik. I do not think they are now. This is a matter about which thoughtful, reasonable people can disagree. I am convinced the best thing we can do for the students, for China, for the reputation of our country, for the reputation of the Senate, and for the cause of human freedom is to support this bill and repass it, notwithstanding the President's veto.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield time?

Mr. KENNEDY. Mr. President, I would like to rotate.

Mr. SIMPSON. Mr. President, I yield 10 minutes to my friend from Alaska.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank my friend from Wyoming.

Mr. President, when I returned home last summer, to my home in Fairbanks, AK, I had just gotten off an airplane after an extended 13-hour trip, I was tired, I was unpacking, and I heard some turmoil out in my front yard. I looked out the window and found a number of students from the University of Alaska in Fairbanks driving into the driveway. I had no idea what this was in connection with until I looked out and noted that many of the students were Chinese.

I went out in the yard and greeted the students and found a terrified group. The incident in Tiananmen Square had just occurred. Their fear was that they would have to go back to China, that they would have to leave school, that those who were attending graduate school who had to work would lose the ability to work in the United States. I know this is an occasion that occurred all over the United States and was shared by many of my colleagues.

Mr. President, I made a commitment to those students that we would work out a situation so they could stay in the United States if they chose, they could work in the United States, and they could continue to have jobs in the United States.

Mr. President, this is a commitment that is being met. It is being met by our President, by our administration, and it is a commitment that all of us believe in.

We have heard a good deal of rhetoric today, much of it from my colleagues on this side who believe in a principle of supporting the President on the one hand, but enunciating that there is a different set of circumstances before us.

I appeal to my colleagues to recognize that the President has been and continues to be responsive to the concerns raised by the Congress about the safety of the students by commiting to never allow any action that would force the return of Chinese students if their lives or liberty are in any way at risk.

At the President's direction, we have seen our Attorney General not only provide to all Chinese students in the United States the same benefits that H.R. 2712 would grant, but extend those benefits to all Chinese aliens.

So he has gone beyond what H.R. 2712 would provide, in effect, providing even more humanitarian relief than what was required by the legislation.

I ask unanimous consent that the Attorney General's letter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, January 16, 1990.

The PRESIDENT,
The White House,
Washington, DC

MY DEAR MR. PRESIDENT: On November 30, 1989, you directed me to take certain actions to improve the immigration status of nationals of the People's Republic of China ("PRC") currently in the United States. You requested that I report to you on the status of these actions. This letter sets forth the actions I have taken. In each instance, the action I have taken affords relief equivalent to, our greater than, the relief that would have been provided by H.R. 2712 (the "bill"). (I have attached copies of my letter to the Immigration and Naturalization Service ("INS") of December 1, 1989, and INS' cable to its field offices of the same date, implementing your directives).

1. You directed that I provide PRC nationals with an irrevocable waiver, that they may exercise until January 1, 1994, of the foreign residence requirement of 8 U.S.C. § 1182(e).

I have waived this requirement for all PRC aliens present in the United States as of December 1, 1989. This waiver is irrevocable. Any such alien who makes a nonfrivolous application for adjustment or any change of status may avail himself of the waiver until January 1, 1994. This action provides adjustment relief equivalent to that provided by the bill.

2. You directed that I take steps to assure the continued lawful status of PRC aliens lawfully present in the United States on June 5, 1989.

I have directed that PRC aliens who were in lawful status as of June 5, 1989, be considered to have maintained lawful status for the purposes of adjustment or change of nonimmigrant status. Again, this action provides relief equivalent to that provided by the bill.

3. You directed that I provide authorization for employment of PRC nationals present in the United States on June 5, 1989.

I have directed that INS grant all PRC aliens who were present in the United States as of June 5, 1989, the necessary authorization to engage in employment. This action provides employment opportunities greater than those afforded by the bill, which would have granted employment authorization only to certain PRC aliens, *i.e.*, Chinese students in the F, J, or M visa categories.

4. You directed that I provide notice of expiration of nonimmigrant status, rather than institution of deportation proceedings, to PRC aliens who are eligible for deferral of enforced departure and whose nonimmigrant status has expired.

I have directed that any PRC aliens who are eligible for deferral of enforced departure and whose authorized period of stay has expired be given notice of expiration of nonimmigrant status. This notice will be nonadversarial in nature and will explain the options available. This action provides for notification equivalent to that required by the bill.

5. Finally, you directed that I provide for enhanced consideration under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country's policy of forced abortion or sterilization.

I have directed that, with respect to all applications for asylum, withholding of deportation, and refuge status, careful consideration be given to applicants expressing fear of persecution related to family planning policies of forced abortion or sterilization. If an applicant establishes that the applicant has refused to abort or to be sterilized, he or she will be considered to have established a well-founded fear of persecution. All other factors that may contribute to a determination of eligibility for asylum, withholding of deportation, and refugees status, will also be given additional weight. These actions provide broader relief to persons fearing coercive family planning policies than that provided by the bill, which extended only to PRC aliens. Draft regulations to implement this directive, effective upon publication, will be available within a week.

In addition to these measures, INS has established an Outreach Program to assist PRC aliens in the United States. INS has held briefings and consultations with respresentatives of PRC student leaders, the National Association of Foreign Student Affairs, and private groups interested in the PRC, to inform them of available options. Many INS district offices have also arranged meetings with local Chinese community and educational institutions. Each INS District Office has designated a point of contact specifically to assist PRC nationals under this program.

INS field offices are also making every effort to expedite the processing of applications for benefits provided under the emergency relief measures. As of January 12, 1990, INS has granted work authorization to 2,779 PRC nationals; granted adjustment to permanent resident status for 87, with 108 cases still pending; authorized a change in temporary status for 225; and granted waivers of the foreign residence requirement of section 1182(e) for 70.

Initial results of the program indicate that these outreach efforts have been successful and that PRC aliens are aware of the available options and are filing applications. Of course, I will continue to monitor developments to assure the success of your policy of providing necessary relief to PRC nationals present in the United States.

Sincerely,

DICK THORNBURGH,
Attorney General.

Mr. MURKOWSKI. I appreciate that, Mr. President.

The President's position on this matter is clear. He has given his word. He has given his word to the American people, and he has given his word to each one of us. If anyone doubts what that means I would suggest they read the Attorney General's letter that details the actions that have already been taken to protect the Chinese students. The safeguards are there. I have copies of the letter in my offices in Anchorage, Fairbanks, and Juneau, for those Alaskans and Chinese-American students in Alaska that are concerned with this matter. I submit to you not enough people have read that letter.

Those who want to override the veto portray this issue as demonstrating concern for the protection of the Chinese students now in the United States, but that is not what this vote is really about.

This override vote is really a political challenge to the President's constitutional authority to set the tone of our relations with China. It is rather extraordinary that a President with the popularity rating of 80 percent in this country is being challenged on an issue where the President has given his word. I believe the challenge is ill-advised. I think it works against our national interest, and is likely to cause a further deterioration in the relationship with China. Others differ, but I think it is a legitimate concern.

The President is recognizing the reality that China, a country with 20 percent of the world's population, simply cannot be ignored.

It is also a challenge to a President who served as a United States representative to China, as Ambassador. Obviously, George Bush knows China well. He knows the leadership. He knows that reform is under way there. I think our President also knows what his responsibilities are, and he is willing to be held accountable for those responsibilities. I think that is important, as we reflect on just where the buck stops, Mr. President.

I had the opportunity to make several visits to China. A few years ago I made a very special visit; it was the first time that in a visit with Chairman Deng, the profound statement was made that there could be one China and two systems. It was made to a small group of us traveling under the Georgetown Institute. It gave one a clear understanding of the mentality of the Chinese leadership and the fact that there is a process and a procedure. And when you confront that leadership directly, they feel that they must fundamentally respond in a little different manner than we do here.

The point is, there is change occurring in China now. That change can be fostered by a process that our President supports. So the fundamental question before the United States is what policies should we adopt to encourage a return to the reform movement in China? I think the President has the correct solution and an appropriate game plan.

In the President's judgment, H.R. 2712 could pressure the Chinese Government to retaliate, in strengthening the position of the hardliners now in power by not having a potential way out, in weakening the moderate reformers that are in the second and third tiers now. Our educational, sci-

entific, and cultural exchange programs could be in jeopardy. That would be a serious setback because the intellectual force behind the prodemocracy movement in China came from those very Chinese students who visited and studied in our country and came to appreciate the values of American democracy.

In the final analysis, Mr. President, it is our President who has the constitutional authority to conduct foreign policy. The United States should speak to the world in one voice. The 535 Members of Congress debate foreign policy issues, as we are doing now, but our public debate should end at our own shore. We should not let the satisfaction of a quick emotional response of partisan politics blind us to our long-term objective of a more open and democratic China.

In the first important vote of this session, Mr. President, we face one of the most difficult decisions under our democratic system—whether the Congress should exercise its authority to override a Presidential veto. Our common interest in seeking to support change in China, toward a more open and democratic society, is best served by sustaining the veto, in this Senator's opinion. I urge my colleagues to vote to support the President. I thank the chair and yield the remaining time that I have to the floor managers.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Who yields time.

Mr. KENNEDY. I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. SIMON. Mr. President and my colleagues, I rise in strong support of the move to override the veto. I ask unanimous consent that at the end of my remarks a list of organizations that have contacted me on behalf of this legislation be placed the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMON. Mr. President, this is not a partisan thing. It was not very many weeks ago, before we recessed, that I was here on the floor defending a Bush administration foreign policy effort against someone from the other side of the aisle. And to illustrate this in a powerful statement, the former Ambassador to China, Winston Lord, appeared before the subcommittee that Senator KENNEDY chairs. He is an Ambassador appointed by President Reagan. Among other things, he has these sentences that I think are very, very important:

> This I strongly believe: fairly or unfairly, the vote on this issue will be interpreted, abroad and at home, not just as a decision on how best to protect Chinese students in America, but more fundamentally as a referendum in our posture toward the current Chinese regime.
>
> This is the reality. Fairly or unfairly, the veto, if sustained, would reinforce the mindset and mandate of those who have proceeded from massacre to repression, those who predict America will be lulled by cosmetic gestures, and return to business as usual, those who dismiss the Chinese as a people apart from the global winds of change. This, too, is the reality. The legislation, if enacted, would send a powerful message of encouragement to those in China whose voices have been silenced and to Chinese citizens everywhere who seek a freer, more open country.

I do not think you can summarize where we stand more appropriately than he has done.

I confess I approached this whole issue not as objectively as maybe some of my colleagues. My parents were missionaries to China. They were in the United States 1 month when I was born. I grew up in a home with Chinese art around me and Chinese visitors frequent. I am probably the only Member of the United States Senate who grew up playing Mah-Jongg, a game that the Chinese play.

I feel a kinship with the Chinese. They are one-fifth of the world's population. And what is at stake is, are we going to send a strong signal for the cause of freedom to the people of China? My hope is that we will send that signal.

After Tiananmen Square there were those who advocated, "Let us sever diplomatic relations with China." I opposed that. I think we ought to stand up, frankly, more firmy than we now are. I do not suggest that the President is less dedicated to freedom than any Members of this body. But the blood at Tiananmen Square was hardly dry before we were sending diplomatic missions to the government there. I think that was a mistake. I think the veto of this legislation was a mistake, both in terms of guaranteeing freedom to the Chinese students who were here in terms of what it signals to the rest of the world. I think we are sending the wrong signal, and I think it is extremely important that we send the right signal.

Now, my friend from Wyoming has suggested that some of these students may want to stay here just for economic reasons some may. And let me just add, if we get a few more engineers and architects and brilliant specialists in a variety of fields here in this country as a result of this, that is no great disaster to this country.

But what has impressed me more than anything else is the yearning that the Chinese students have to return to China and bring democracy to that great country. Some of them are saying, "No matter what happens to me, I am going to return." There are not going to be massive numbers that are going to say we do not want to go back. It is very significant that at Tiananmen Square the Goddess of Liberty, who bore a striking resemblance to the Statue of Liberty, became a symbol of it all, which was repeated right out here by the Capitol just 2 days ago.

We have been an inspiration to the rest of the world for freedom, and we ought to continue to be an inspiration for freedom. But those students, also, are an inspiration for freedom.

The students who stood up at Tiananmen Square I think excited the world, just as what is happening in Eastern Europe is exciting the world. I want to send a signal.

Now another argument that is used by the opposition is this may cut off exchange students from China from coming to the United States. There is that possibility. Seven thousand students have come since the Tiananmen Square tragedy. It is possible the Chinese Government is going to cut off all student exchanges, but frankly the Chinese Government is not sending those students over here because they want to benefit the United States. They are sending them here because it will benefit the economy of China. And I doubt that you are going to see any long-term cutting back in the numbers of students.

We have a chance first overall to protect students with this legislation. There is no question the law is more permanent than an Executive order. An Executive order that is adopted 1 day can be changed or modified the next. But I think Ambassador Winston Lord was absolutely correct when he said we are talking about more than just protecting the students. This is a signal to the world, this is a signal to the people in China, and I want to send that signal that is a signal of freedom. I want that signal to be heard around the world.

There was another example on this floor, I think it was 3 years ago when we overrode a President's veto on sanctions on South Africa. Again what Congress did on behalf of freedom was heard in South Africa, around the world. I do not think Nambia would be almost at the verge of independence today but for the sanctions action here.

I want to send a signal to one-fifth of the world's population we yearn for freedom for you just as we yearn for freedom for the people of Eastern Europe. That is the signal that we can send. We ought to send that signal.

Mr. President, I yield back the remainder of my time.

EXHIBIT 1

TELEGRAMS RECEIVED FROM SUPPORTERS OF H.R. 2712

Chinese Student & Scholar Association, University of California at Berkeley.

Chinese Student & Scholar Association, Florida State University.

Chinese Student & Scholar Association, University of Arizona.

Chinese Student & Scholar Association, California Institute of Technology.

Human Rights for China in Michigan.
Chinese Student & Scholar Association, University of Southern California.
Independent Union of Chinese Students & Scholars, Houston, TX.
Chinese Student & Scholar Association, Clarkson University, NY.
Chinese Student & Scholar Association, Columbia University.
Society of Chinese Students & Scholars, University of Oklahoma.
Chinese Student & Scholar Association, University of California, Davis.
Chinese Student Union, Tulsa University.
Chinese Student & Scholar Association, Brandeis University.
Chinese Students Autonomous Association, Boston College.
Chinese Students Association, Princeton University.
Federation of Chinese Students, University of Nevada at Reno.
Chinese Student & Scholar Association, Yale Association, Yale Medical School.
Chinese Students Association, University of Wisconsin at Milwaukee.
Chinese Student & Scholar Association, Iowa State University.
Chinese Students Association, Oregon Graduate Institute.
Chinese Student & Scholar Association, Purdue University.
Chinese Student & Scholar Association, George Mason University.
Chinese Student & Scholar Association, University of New Mexico at Albuquerque, Los Alamos National Laboratory.
Notre Dame Chinese Students Solidarity Union.
Chinese Student/Scholar Friendship Union, Syracuse University.
Friendship Association of Chinese Students & Scholars, Michigan State University.
Chinese Student & Scholar Association, Stevens Institute of Technology, New Jersey.
Autonomous Association for Chinese Students, Rutgers University.
Chinese Students Association of Harvard University.
Independent Federation of Chinese Students & Scholars, Hawaii.
Association of Chinese Students and Scholars, Virginia.
Friendship Association of Chinese Student Scholars, University of Missouri.
Chinese Student & Scholar Association, University of Arkansas at Fayetteville.
Chinese Student & Scholar Association, University of Lowell, MA.
Chinese Students Union, University of Michigan.
Chinese Student Association, University of Nebraska at Lincoln.
Intervarsity Christian Fellowship, Chinese Student Association, Michigan Tech.
Independent Federation of Chinese Students & Scholars, University of Rochester, New York.
Chinese Students Association, University of Massachusetts at Amherst.
University of Georgia Student Union of China.
Chinese Student & Scholar Association, New Jersey Medical School.
Chinese Student & Scholar Association, Texas A & M University.
Chinese Student & Scholar Association, New Mexico State University.
Chinese Student & Scholar Association, U.C.L.A.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, on behalf of the junior Senator from Wyoming I yield 10 minutes of the time of the Senator from Wyoming to the senior Senator from Wyoming.

The PRESIDING OFFICER. The senior Senator from Wyoming is recognized for 10 minutes and the time charged to the junior Senator from Wyoming.

Mr. WALLOP. Mr. President, I thank the Chair and thank the Senator from Massachusetts.

Mr. President, I have struggled with this. Senators in this body will recall that it was I who put together the little piece to rename that tiny plot of ground across from the Chinese Embassy, "Tiananmen Square Park."

I had, as did others, echoes of Romania in the back of my mind as I watched the President veto this. So I examined this with more than a little bit of care. Those will recall that in the case of Romania the State Department was continually down here arguing with us that if we would only grant them one more year of most favored Nation trading status, we would see the reflection in benign new postures on the part of that most hateful regime. I was offended by that then and I am offended by it still, especially since we determined what happened during that time. But the credibility of the President's veto, which I support and intend to vote to sustain, stems from the fact that the President, unlike the State Department, has something in hand. He has changes in Chinese behavior, albeit small ones, but he has them. He has an end to martial law, although not an end to a police presence. He has seen an opening for the Peace Corps and for Fulbright exchanges. He has an agreement in which, I assume, he will insist on a ban on the sale of missiles in the Middle East.

There is one other point that I wish to make as I begin these remarks, Mr. President, and that is that Chinese students alone are not the only victims of Chinese repression, nor were they the only heroes of the democratic movement. They were great heroes and they were stern and they caught the imagination of Americans as they fully intended to do. And it tells again of the force and value of America's presence in the world. But other Chinese were there and other Chinese are here in America. Unlike what Congress seeks to do, the President has sought to protect the presence of all Chinese visiting in America, not Chinese students alone.

Now, the legal question has been raised as to whether or not the President has the full authority to exercised this by Presidential order, or Executive order. Mr. President, I would suggest to the Senate that were the legality of it to be challenged, which I do not think it would be, and somehow or another those students had to go back, how long does anyone think it would take this Congress to act on what both have stated to be our goal and purpose—protection of Chinese students and businessmen and academics and others who may be in this country fearful of reprisals in their homeland? So then Congress could act quickly and decisively if one can presume that we both have that same end.

Mr. President, by the same token, if we in Congress find regression from the state in which we now find ourselves on the part of either the Chinese Government or the President of the United States, which I find offensive to contemplate, but supposing we do, if we can do it in the first place to restate what we say is now our common goals, surely this Congress could, in the same period of a couple weeks, pass the protections necessary to assure the pursuit of democratic freedoms and human rights which all of us state to be our common goal.

So in the case of the Chinese Government, Mr. President, I would say that if the Congress, even without the President, finds that the Government of China not only is not regressing but is failing to progress down a road toward a more open society and more political freedom, then we can again as well reenact this legislation, and I would be the first sponsor of such a piece of legislation.

So, passage of this bill, on the other hand can result in Congress allowing the rollback and the dissolution of what the President has already achieved. I do not think that is a posture that the Congress ought to put itself into or a test that it ought to try at this moment.

I say again this Congress can act and has shown a will to act and will, in my judgment, act very swiftly were we to find no further progress on the part of the Chinese Government or failure on the part of President of the United States to live up to his commitment.

Mr. President, I conclude by saying I find it more than a little bit offensive for people to question George Bush's commitment to democracy and human rights. I find it more than a little offensive for people to question whether he intends to keep his word. That is not an appropriate role for the Congress of the United States.

We have not seen his word violated. We have no reason to believe he would not uphold his commitment. But should it ever be the case, we have the tools in hand to deal with that.

Mr. President, I yield back whatever remainder of time I have by saying I strongly urge the Senate of the United States to support the President in this initiative to continue the progress that has taken place toward peace and freedom in China.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, I had cut a deal with the distinguished floor manager on this side for 5 minutes and I ask unanimous consent that I now have 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 5 minutes.

Mr. BUMPERS. To be charged to the Senator from Massachusetts.

Mr. President, I had not intended to speak on this but as I listened to the debate this morning I felt compelled to—out of a sheer feeling of frustration about the tone of this debate. First, I want to say that even in politics as well as in foreign policy there ought to be some absolutes. A foreign policy that is always pragmatic on every single issue—and there is no issue on which we are not willing to be pragmatic—is no foreign policy at all.

What happened in Tiananmen Square would have gotten you executed in this country. We would have had gigantic trials and put people in prison for life for what they did to those students. That is one of our absolutes. You may not take the life of another.

When we invaded Panama, we did so at a considerable loss of life to ourselves and a much greater loss of life to the Panamanians. The end result is that the President is now asking this body to appropriate $1 billion to take care of the damage. But we went in at a considerable loss of life and removed a tyrant, a tyrant whose brutality against his people pales in comparison to what the leaders of China did to an innocent, unarmed, nonviolent group of students who simply wanted to have some say-so over their future.

We all have been rhapsodic about what has been going on in Eastern Europe, and what has gone on in Eastern Europe is something contagious, not only there but around the world. It simply says that governments that are enemies of the people may not stand. Yet here we are voting to condone the most incredible acts of brutality, certainly in the recent past.

When you vote to sustain the President's veto, make no mistake about it, you are voting to condone the Chinese Government's bloody response. We will always have a tendency to deal with dictators in this country because their word is good. They do not have to go to a Congress. But very seldom has it turned out right.

Now we are saying to those dictators who have pictures of literally hundreds, maybe thousands, of Chinese students who are in the United States in their files, "Come on home. All is forgiven." If you believe that, you will buy swampland in Florida. You will be sending a lot of these youngsters to a certain death and the fact that the President says, "No, I am going to take care of that by Executive order or administrative directive," is not sufficient. It is not our role to believe that George Bush is going to do that because the whole point is that he will not be around forever. This law will be. I do not doubt his sincerity and his motives.

I do not understand how this bill could pass here, something like 97 to 0, and all of a sudden people who thought it was a wonderful idea, a great bill, are now saying we have to be loyal to the President. I am loyal to the President when I agree with him. When I ran for office—and I daresay I speak for every single Senator in this body—not one said, "I will vote to be loyal to the President." You can train a chimpanzee to do that.

When you ran, you said: "I am going to represent you and the values of this country." And if the President is going to do it by Executive order, why can't we do it here? The argument is absolutely impotent. Loyalty for loyalty's sake is corruptive.

One of the most beautiful things I have ever read, Mr. President, was the inaugural speech of Vaclav Havel, the new President of Czechoslovakia. He is a playwright, and believe you me, he has a wonderful way with words. He said to the people of Czechoslovakia: "We are sick. We are the ones who are sick. We have become morally unfit because for 40 years we have said one thing and believed another. And he said above all"——

Could the Senator from Massachusetts yield 3 more minutes to me?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield an additional 3 minutes to the Senator from Arkansas?

Mr. KENNEDY. Two minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for an additional 2 minutes.

Mr. BUMPERS. He said they had forgotten the words "justice, mercy, compassion." And it was up to them to solve their problems. There are a lot of people in this body and in the Congress who for a very long time have said one thing and believed another—about our deficit, about the state of the economy, and about this issue today.

We are dealing, Mr. President, with a moral absolute. The sight of Brent Scowcroft and Lawrence Eagleburger clinking champagne glasses with Li Peng and the others who ordered this massacre against their own unarmed citizens made me sick. What made me even sicker was to find out that they had been there before—as the distinguished Senator from Illinois said, almost before the blood dried in Tiananmen Square.

Mr. President, if you vote to sustain today, we are saying it is OK to kill innocent citizens. You are saying we condone it; we applaud it; we are putting our stamp of approval on it. Who here did not get tears in his or her eyes watching one of the most poignant things in the history of the world—a young Chinese student standing in front of a tank? We can't even get our kids to go vote to defend democracy. Only 18 percent of the 18- to 25-year-olds in this country vote. Yet these Chinese students are bearing their breasts to bullets for that right. I got tears in my eyes watching that. And a vote to sustain this veto today is saying we favor the authority of that tank. But if you vote to override, you are saying, "I am with that Chinese student."

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Tennessee.

Excuse me, on behalf of Senator SIMPSON, how much time does the Senator desire?

Mr. LOTT. Five minutes.

The PRESIDING OFFICER. Without objection, the Senator from Mississippi is recognized for 5 minutes on the time chargeable to the Senator from Wyoming.

Mr. LOTT. I thank you, Mr. President, and I thank the distinguished Senator from Massachusetts for making sure I had this opportunity.

Mr. President, this is not a question of whether or not we were inspired about what happened in Tiananmen Square. We all were. It is not a question of whether or not we admire and respect and appreciate and support the students and what they did there. That is not what is at stake here.

When I came back to Washington last week I, frankly, was inclined to vote to override. I had not given a lot of thought to it except that I was impressed with what I had seen in Tiananmen Square, and I wanted to be certain that these students would not be sent back against their wishes, to be prosecuted, imprisoned, or killed. But then I started reading and talking and listening. I did not like a lot of what I was hearing in this city, the way this vote was scheduled, or what was being said by Members of the Congress on both sides of the aisle, frankly, about the motives that were involved and what the President had done or not done.

I talked to the President about it. I asked questions of the Attorney General about it. I spoke to the Secretary of State about it, trying to look not only at what this action would do now, but what we need to do for the longer haul in our relations and dealings with China.

What is the principal question here? What is our principal goal? It is to make sure that these students and others are not arbitrarily or unfairly

sent back against their wishes to China to an uncertain fate.

I have asked the President and I have asked the Attorney General, "Are you prepared to assure me that these students will not be sent back there, that they will be able to stay here?" And the answer is yes. the Chinese students will not be deported if the Senate sustains the President's veto.

Beyond that, then, what is the next question? Do we want to stick it to the leaders? Nobody here appreciates what the Chinese leaders have been doing or saying. But do we also want to nudge them toward changes, improvements, openness, hopefully a change in governments? That is what we want, yes.

We have a President who has served time in China, who understands the people and the nuances, and he is trying to effect the longer term, not only our relationship with the Chinese but what they do internally.

I believe that he knows what he is doing. I believe that he is trying to do the right thing, not only for the Chinese students here in this country and others who might be sent back, but to try to effect freedom and opportunity and, hopefully, democracy in that part of the world.

I am not going to say that the President has absolute control and authority in foreign policy or in immigration. Certainly we have a role. But I do believe very strongly that you have to have a leader, a President of whichever party, who can speak for this country and act for this country not only on the passions of the moment but for the long term.

The President has taken necessary actions. I feel what is involved here today is a lot of symbols. It is a question of saving face: the Congress insisting on its position; the President on his role. How will it be interpreted by the Chinese in this country? And by the leaders in China? Maybe that has gotten out of control.

But I do feel that on an issue like this, the President should be heard. We should support him. We should not tie his hands or take an action that, in the longer term, will not only hurt our relationship with the Chinese and their government but also have an adverse effect on freedoms within that country.

I am going to support the President because I think in this case he deserves the benefit of the doubt.

I yield.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 5 minutes to the Senator from Tennessee [Mr. GORE].

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. GORE. Mr. President, let us briefly review the facts. A group of young Chinese students created a replica of the statue of liberty in Tiananmen Square. They quoted Thomas Jefferson. They adopted the tactics of Martin Luther King, Jr. They sang, in English, "We Shall Overcome." They talked about the ideas of self-government and representative democracy. And they nonviolently requested a chance for freedom.

A brutal dictatorship murdered them because they spoke out for the ideals of the American dream.

Other Chinese students who supported them here in the United States became fearful of what would occur if they had to go back home. The American people en masse expressed support for these young Chinese men and women seeking freedom, and expressed concern for the safety of those who were visiting in our Nation while the tragedy occurred.

This Nation stands for freedom. But our President stood for geopolitics instead. He secretly sent emissaries to Beijing in the immediate aftermath of the massacre. He wanted them to be able to take a token, a gift. He gave them a veto message.

He gave them a veto of legislation, passed here in the Congress, designed to protect the Chinese students who were demonstrating for freedom here. Former President Reagan sent emissaries to the Nation of Iran to trade weapons for hostages, a dishonorable act. He sent with his emissaries a token, a gift: a cake baked in the shape of a key; a bible inscribed to the butchers of Tehran by the President of the United States. That cake baked in the shape of a key served the same function as the veto message sent with President Bush's emissaries to Beijing.

Now, that veto message has been brought back from Beijing and lies before us in this body. We are asked to affirm the President's action or overturn the President's action.

Symbolic? Yes. Meaningful? Yes. We must override this veto. What is the basis for American power and influence in the world? Is it really tanks and missiles and weapons? We need them and we need allies. But the real base of our true strength is ideas, principles, values.

The Berlin Wall was not pushed over by tanks. It was destroyed in the minds and hearts of East Europeans before the first chisel hit the first stone. What pushed over the Berlin Wall was hope, the dreams of freedom, the principles for which our Nation stands. This issue is really very simple, Mr. President.

Passing this override measure is necessary because it is the only way to document beyond doubt the one thing we want the people of China to know, that if it comes to a choice between maintaining links with the Government of China or links with the people of China, the people of the United States are saying to their Congress: "Speak to the Chinese people for us because the President of the United States in this instance is not speaking for the American people."

The fundamental issue is whether it is more important for our Nation to build its future relations with China on the basis of our faith in that country's rising generation, a generation which believes in freedom, a generation that was violently put down in Tiananmen Square; or on the basis of our fear of displeasing the old generation still clinging to power by virtue of violence and terror alone, the generation that massacred its young rather than yield to its pleas for freedom.

We may, if we follow the President's advice, curry favor with the old and discredited leadership of Beijing. But in a few years, for natural, if not political reasons, they will no longer be on the scene and the China with which we will have to live for another generation may well—indeed we hope it will be so—be the China of the students who dreamed and demonstrated and died for liberty.

The President argues that legislation is not needed because he already is using his executive authority to shield Chinese students in this country. But that is not the point. This legislation represents the authentic disposition of the American people. It is a message from the heartland to both the present government and the rising generation of China.

The message is, "If you think we will forget what has happened and if you think we will allow things to go back to normal for the sake of convenience or great power politics, forget it. We are a young country, but we have lived already to see the failure of many tyrannies, and we will be here to welcome freedom when it arrives in China."

The message is that if the present leadership of China doesn't like that fact about us, we'll live with the consequences. How much worse things will have to get in United States-Chinese relations is up to the authorities in Beijing. But the message is that if they think it is possible for them to alter the course of this legislation by threatening us, then think again.

It is extremely unfortunate that we have to override this veto, but we must, to make sure this message comes through loud and clear. Because the President's message to the people and government in China is obscure and contradictory. The American people do not support his missions to Beijing. They are embarrassed by them. The American people hear him when he tells us that United States-Chinese relations will suffer in the short term if we pass this bill: But they think he is

yielding to intimidation, when he asks Congress to support his veto.

Passing this bill is necessary because it is the only way to document beyond doubt the one thing we want the people of China to know. That is, if it comes to a choice between maintaining links to the Government of China or links to its people, the people of the United States are saying to their Congress: "Speak to the Chinese people for us, because the President of the United States in this instance is not."

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, who is controlling time on our side of the aisle?

The PRESIDING OFFICER. The Senator from Wyoming is controlling time on the Senator's side of the aisle. In his absence——

Mr. STEVENS. In his absence I yield myself 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Alaska is recognized for 5 minutes, with the time chargeable to the Senator from Wyoming.

Mr. STEVENS. Mr. President, I am not without prejudice on this vote. When I was a young man, I was sent by our Government to China in World War II. Throughout my life, since that time, I have tried to become what I have called a China watcher. I have spent a great deal of time with my late good friend, Senator Henry "Scoop" Jackson, in China. I have also spent a great deal of time trying to understand and become acquainted with the various people who have represented the People's Republic of China here in their Embassy in Washington.

I am one who supports what the President has done. In my judgment, it is wrong to pass a bill responding to the problems of Tiananmen Square. And I say that while at the same time having in my mind probably the most startling picture I ever saw. That was the picture of that one young man stopping that row of tanks. I think everyone in our generation ought to see it time and time again, to see the raw courage of one person stopping atrocity.

Yet, I ask the Senate: What does this bill do for that man? What does it do for the people who stayed in China, and tried to bring about a change in their country? It responds to the people who came to our country and sought the solace of democracy, and are exercising the rights of freedom in our Halls today, to petition us to overrule our President.

I believe much more in the people who are still there. There are generations of Chinese who want to be friends with the United States.

There are some of the oldtimers who were there when I was there, and they are still in control of their government, who find it very hard to understand our way of life and our system of government, and particularly the freedoms that their students were trying to express in that square.

In my judgment, what the President has done in issuing the executive order which covers not only students, but other Chinese who are lawfully in our country, has been sufficient to deal with the people who fear the consequences if they were to return to China at this time.

I believe that we should reach out more to China. They have 20 percent of the population of this globe.

Mr. President, I remember when I had the honor to represent the Senate at the time our then majority leader could not make the trip to China, and I went in behalf of Senator Baker, who was our leader at the time. I met with Deng Xiaoping. One time I said to him, "How many people really live in China now?" And he said, "Well, a billion, give or take 20 percent."

I said, "Do you realize that the margin of error is about equal to our population in the United States?" He poked his finger at me and he said, "Yes, but do you?" Do we realize what it is to try to deal with a population that is exploding like theirs is? Do we know what it means to bring change into an area like China and try to maintain some type of stability?

I do not accept that way of life or government at all, but I accept the fact that it is their government, and those people who are in control of it are in control of it. If we want to help bring about change, make it more conducive to change, make it more open to the freedoms in which we believe, then I believe we should support the President's veto and let this matter be handled under Executive order. We have to be flexible in order to have an opportunity to assist these people who have reason to fear going home, but at the same time we must leave the conduct of foreign policy in a situation like this, where I believe it should be, and that is in the hands of the President.

I will vote to support the President's veto, and I urge my colleagues to do the same.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 7 minutes to the Senator from Wisconsin.

Mr. KOHL. Mr. President, it is the Chinese New Year this week, and Chinese everywhere will be celebrating the year of the horse. But I suspect that two groups of people will have rather subdued celebrations—the victims of China's repression, and the Chinese students in our country who are keeping alive the Democratic dream.

Frankly, there is not a whole lot we can do to make this a better year for those suffering in China. We can impose sanctions, and denounce Beijing for violating basic human rights. But China is not Panama: America cannot restore democracy in China with military might. Instead, we must fulfill our obligations by pressuring the regime and by supporting the forces of democracy. Unfortunately, the administration has not been willing to do that—despite the directions given by Congress and despite the demands of the American people.

Instead of pressure, the President sent his advisers to praise China's rulers while they still had blood on their hands. Instead of supporting the opposition, the administration is subsidizing the Chinese Government by blinking at the trade restrictions that the President and the Congress had initially imposed. It would have been unthinkable to be so kind to Rumania's late dictator. It is just as disgraceful in the context of China.

So this debate is about more than immigration law. The President himself said so yesterday. He urged Congress to put this vote "in the totality of a policy." I agree. We are discussing more than visas. We are determining what kind of vision we have of our role in the world. Will the United States remain the beacon of hope for people yearning to be free? Or are we now just another player in the game of geo-politics? If it is the latter, then I suppose the President's China policy is acceptable. But if his Nation truly stands for something—if we really believe in freedom for all—then there's no excuse for the administration's position.

I am glad the President issued regulations to help the Chinese students. But we have to recognize that he did so only after months of pressure from Congress and the students themselves. Initially, you may recall, the President offered regulatory relief which the students said would do more harm than good. In response to their concerns, Representative PELOSI and I introduced legislation to expand the President's promise of protection. Then—in vetoing that bill—the President said his new regulations went just as far as our bill did.

President Bush is right in theory. But in practice, the regulations do not provide the kind of long-term assurance that our guests need and deserve. The rules can be revoked the moment they become "inconvenient" or inconsistent with whatever geo-political pattern the administration wants to follow at the moment.

I believe the President wants to keep the commitment these regulations represent. But in a sense, it doesn't really matter whether Congress trusts the President to keep his regulations in place. What matters is whether the Chinese students trust him. And they do not. They have looked at the administration's China policy in its total-

ity. They know that actions speak louder than words. And their lack of faith has two effects: First, some students will drop out of school prematurely to come under the regulations. Second, many students will just stop speaking out for democracy. That is not in their interest or our own.

Let me turn briefly to some of the arguments that are being offered in defense of the President's veto. Opponents of an override say that China will cut off future exchange programs if the bill is enacted. I must admit that I am confused by this argument. If the regulations are stronger than the bill—as the President maintains—then why would the weaker law threaten exchange programs? Why would China accept a policy from the President and be outraged if Congress adopts the same plan? It makes no sense—unless China thought the regulations would change but knew the law would not. And even if China has threatened to cut off exchanges, since when do we let foreign governments dictate our own policy? I do not want to choke off the flow of democratic ideas into China—but neither will I allow China to shape our immigration laws.

Mr. President, I also reject the argument that Democrats are exploiting this issue to bash the President. That argument ignores the broad bipartisan support for the bill. It ignores people like SLADE GORTON and NEWT GINGRICH, both proud Republicans who support an override. And it belittles what's at stake. We are dealing with the security of at least 40,000 people. We are dealing with their physical safety and their peace of mind.

I do not regard our override as a matter of partisan politics. It is a question of principle. The bill was passed without objection in the Senate. That was a function of principled opposition to what China had done. The principle has not changed—the politics have. In fact, the partisan politics have come from the administration. It is asking Republicans to "support the President" even if they do not support his policies. This is political—and it is a political fight the Democrats did not seek and sought to avoid.

Mr. President, 1989 was a momentous year. Millions of people around the world seized freedom. They marched in the streets to demand their rights and to assert their faith in popular democracy. The marches began in China, not Eastern Europe. The dream began in China. Let us keep it alive—keep it from being crushed by the tanks.

In China, this is the year of the horse. But here in America, if we fail to override the veto, this will be the year that our commitment to human rights becomes a Trojan horse. We need more than that. The democracy movement in China needs more than that. The millions of people struggling to keep their new-found freedom in Eastern Europe need more than that. They need—and we need—to override the veto of H.R. 2712.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, on behalf of the Senator from Wyoming, I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes with time chargeable to the Senator from Wyoming.

Mr. CHAFEE. I thank the Chair.

Mr. President, all of us were horrified at the brutal suppression of the prodemocracy demonstrators in Beijing last summer. Both the administration and the Congress share the paramount objective of protecting the thousands of Chinese nationalists now in the United States who face possible persecution upon return to their homeland.

Also, we would like to bring about change in that country, in the mainland of China. After closely examining the content of this bill, I believe the administration has already taken the actions necessary to meet and in some cases surpass the objectives contained in this legislation.

The administration has taken five substantive steps to address the problems that the Chinese students face. In three cases, the President has provided protection that is equal to provisions in the bill; and, in the remaining two, he has gone even further then the intent of this legislation.

First. With regard to notifying Chinese students about expiration of their visas, the President provides for nonadverserial notice with no forced departure, as does H.R. 2712.

Second. The President's Executive order, like the bill, extends lawful status to Chinese nonimmigrant visa holders whose visas have expired, providing they were here on June 5, 1989.

Third. The administration's waiver of the 2-year home residence requirement is effective for 4 years. The bill would do the same thing.

Fourth. The bill would provide employment authorization to only certain Chinese visa holders. The administration has extended the opportunity for employment to all Chinese nationals in the United States as of June 5, 1989. In other words, it goes beyond what the legislation does.

Fifth. The bill would give special consideration to refugee applications from Chinese nationals who express fear of China's forced family planning policy of "one couple, one child". The President's directive applies to all foreign nationals. It goes beyond that.

The President is well justified to veto this bill. Through his administrative actions he has given protection to the Chinese students that are not only equal to those in the bill, but exceed the all-important goals of the bill's supporters.

Some would question why the President wishes to press this matter to a vote, since he and the Congress clearly agree on treating the Chinese students with the utmost compassion. Sustaining the veto of this superfluous legislation is essential in order to provide the President with the necessary flexibility and authority to conduct foreign affairs. Already we have seen significant steps taken by China, as a result of the President's policy of maintaining open channels of communication with the Beijing Government:

China has virtually ended its propaganda attacks on the United States

Chinese security forces have stopped harassing our Embassy in Beijing.

Martial law has been lifted in Beijing. That is not the end of everything but certainly it signals that the regime will respond to carefully applied international pressure.

Step by step, the administration has moved forward on its China policy. And we have seen positive results. To override the President's veto, at this critical and early stage, would greatly impede the potential for improvement in United States-China relations.

The most likely target of Chinese countermeasures would be to limit, if not terminate, cultural, scientific, and educational exchanges. Shortly after President Nixon's 1972 China trip, United States-China exchanges began with the participation of a handful of Chinese scholars in short-term orientation programs. The number of Chinese scholars in the United States has grown to an astounding 80,000. China now ranks second in total number of foreign students studying in the United States. That is the second largest number from any nation in the world. All of that stemmed from the outreach that President Nixon made in 1972.

Both the United States and China benefit from such exchanges. In fact, the democratic ideals for which the prodemocracy movement is working have their roots in these exchange programs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAFEE. May I have 1 more minute?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. China, throughout its history, has accepted the willingness to accept isolation from the rest of the world. They did that in the 15th century when Jesuit missionaries were out there. They did it in the 18th century when the European powers wanted to go to China.

And of the years from the end of the war in 1947 until the time of the visit of President Nixon in 1972 they

showed they were willing to accept isolation. So I hope we will sustain the President's veto.

I would like to say a final word, Mr. President. This is a political vote here today. There is no question about it. I question whether there is going to be a single Democratic Member who will vote to sustain the President's veto. The objective here is to get to the President. There is no question about that. He is riding high with an 80 percent favorability rating. So what do the Democratic Members wish to do? They wish to cut him down. Forget the merits of the legislation, which are all on the President's side. This is clearly a political endeavor. I think it is unfortunate that this is occurring so early in the session. I hope the Senate will sustain the President's veto.

I thank the Chair.

Mr. KENNEDY. I yield myself 3 minutes.

Mr. President, the vote of 390 to 25 in the House, Republicans and Democrats alike, I think addresses the view of the bipartisanship in the House of Representatives. But let me specifically read into the RECORD to my friend from Rhode Island Ambassador Lord's testimony on the progress that has been made in China that he refers to. Here it is.

Senator KENNEDY asks:

So in your view have the Administration's actions, the lifting of sanctions, veto of the Pelosi bill, and the high level envoys been matched by comparable actions in Beijing?

Ambassador LORD. Absolutely no.

This is Ambassador Lord, an ambassador there for 3 years, and counsel to Mr. Kissinger and President Nixon and President Reagan. Ambassador Lord continues:

First of all, let's recall that General Scowcroft, we now know, first went there in July, so we are talking about six months, and in that six months the situation in China has gotten worse, not better.

With respect to some of these gestures, I'm not saying in their totality they have absolutely no meaning; I am saying on the whole, they are extremely cosmetic.

Let's take each one. For example, martial law. They lift martial law, and what they do is replace soldiers with policemen. In a way, at least with soldiers, you know who they are. And it has not been lifted elsewhere, for example, in Tibet.

Furthermore, the instructions against demonstrations underneath martial law are removed when martial law is lifted, and then the very next day reissued again in another form.

Another example, journalists were hampered under martial law. They lift martial law, and then a few days later, they issue new instructions once again hampering journalists again. So there is no practical difference.

Voice of America—this is another gesture that has been cited as progress. When I was in China for three and a half years, we had a situation of either two or three correspondents and no jamming of Voice of America. What happened? They start jamming it; they reduce our correspondents to one. Then they let one more correspondent in. So now we have two correspondents and jamming versus two or three correspondents and no jamming. I don't consider that progress.

Missiles are an important question. I was heavily involved in that. But on that issue and on Cambodia, the Chinese are basically going to act on the basis of self-interest and not tawdry gestures like sending high-level emissaries.

And let me make a point that Senator Simpson raised. Again, none of us are talking about isolation. And on these important international issues, we can discuss them through our ambassadors and through U.N. forums and forums in Paris, for example, on Cambodia. I could go through each of these, if you wish.

Prisoners—some have been released, but I have a feeling that is being doled out for public opinion purposes, even as they sentence and convict others.

The Fulbright Program—

We are talking about 24 exchange students—restoration of Fulbright is 24 students. We would like to see it. But it is 24.

I hope that can be resumed. But again, we are in a position where they cut everything off, and then restore a few things, perhaps with new conditions—is that considered major progress?

It is a long answer to your question, but my point is there has been no real progress, and in many ways the situation is worse.

I think it is important that we recognize that this is, I believe, a very accurate representation from the former Ambassador about what the current conditions are in China at this time.

Mr. President, I yield 1 minute from Senator SIMPSON's time.

Mr. CHAFEE. Mr. President, we have a problem around here. The problem is everybody wants to be Secretary of State, and everybody wants to be President without running for the post. The handling of our foreign policy should be in the hands of the President of the United States. If we do not like it, we can change Presidents. But instead of passing laws and interfering in his territory, let us give him the authority to do the job.

In rebuttal to the points made by the distinguished Senator from Massachusetts, he dismisses it. I do not know how you satisfy him. They cut off the Fulbright Program. Now there are more Fulbright scholars renewed, he says around 24. What does he want? How many does he want? Would he be happy with 100? He says on the Peace Corps volunteers—I do not think he touched on that. Those were terminated. Now they are started once again.

But the important point, it seems to me, is we have to have an ability to bring China back into the family of nations. We are not going to do that by the Congress of the United States passing these laws that removes the power from the person who can negotiate for the United States, and that is the President.

Mr. KENNEDY. Mr. President, I yield myself time. I heard those arguments at the time we were fighting the Vietnam war: let us not interfere with the President. But it was Republican Senators who joined in terminating the financing for the war.

Second, I heard the same argument when we debated South African sanctions: let us continue constructive engagement with the South Africans despite the policy of apartheid; let us not second-guess the President; he has been elected.

The Senate, Republicans and Democrats, rejected that. I reject the argument that every time we agree with the President, we are statesmen, and when we differ on an issue that is a basic and fundamental issue, such as supporting in an important way the real freedom movement in China, we are somehow partisan. It does not wash, Mr. President, one way or the other. I yield——

Mr. CHAFEE. May I have 15 seconds?

The PRESIDING OFFICER. Without objection.

Mr. CHAFEE. The debate has disintegrated when somebody has to rake up the Vietnam war to sustain their position. That clearly shows that the Senator from Massachusetts is on extremely weak ground.

Mr. KENNEDY. Does the Senator differ with my argument regarding sanctions, when we had President Reagan veto the sanctions bill, and we heard that debate as the floor managers time in and time out: Let us keep the Congress out. The President knows better. I will give the Senator the sanctions bill.

Mr. CHAFEE. The Senator is coming a little more recent, up to date.

Mr. KENNEDY. Which way did the Senator vote on the sanctions bill?

Mr. CHAFEE. With the Senator from Massachusetts, on that issue.

Mr. KENNEDY. Thank you. I am glad that the Senator voted with the Senator from Massachusetts and repudiated the President's policy on constructive engagement. At that time he saw the value and the wisdom of congressional action. And I hope he would demonstrate the same wisdom here.

Mr. CHAFEE. The Senator is wrong at the top of his lungs. Here we have the largest nation in the world, a billion people, and the Senator from Massachusetts says, put them over in a corner by themselves, lock them out. They are not going to be part of the community of nations. I think that is nonsense.

The President of the United States knows a good deal more about relationships with China than either of us put together. Mr. President, not only is the President right on this particular issue, he is right on the issue of sending emissaries to China to work with that nation to try to bring it back into the family of nations.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Senator Kennedy.

Mr. KENNEDY. That is a wonderful rationale. You have one policy for China with a billion, on human rights, and something else, evidently, with some other smaller country. We are talking about 1.5 billion, and that is too much, I guess, too big, too overpowering to stand up for basic and fundamental rights. Well, certainly those students in Tiananmen Square were prepared to do it. I hope we will, too. I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, if we do not know the difference between Albania and China, we have problems.

Mr. ADAMS. Mr. President, the Senator from Massachusetts yielded 5 minutes, and this is an appropriate time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I am glad to withhold, if my friend from Rhode Island has something.

Mr. SIMPSON. I yield 2 minutes of my time to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 minutes, chargeable to the Senator from Wyoming.

Mr. CHAFEE. Let us get into the China policy. Set aside this veto we are dealing with here, although that is part of the whole. The question is, there is a nation there with a billion people that has a history of being prepared to accept isolation. One approach is to stand on our high horse and say you are not conforming to the rules as we see them, so go off in the corner, you pariahs, and stay there and shut your borders down. The other approach is the President of the United States says this is a nation of a billion people, and to isolate them does not get anybody anywhere. So these outreaches have to be made.

Surely, every step is not going to be forward in this relationship. It requires patience. But what is the objective? The objective is to see that human rights are observed in that nation, to make them part of the world. One way is to send them off as pariahs, and that is going to go anywhere. That is the procedure the Senator from Massachusetts wishes to follow, apparently. Criticize, criticize, criticize. That is easy. Somebody is responsible. It is the President of the United States.

I think this outreach program that he is doing—certainly we have sanctions of the type imposed on them, but gradually he is going to succeed in bringing China back into the family of nations. I think that is a worthwhile objective. He is proceeding on the right path. I thank the Chair and the Senator from Wyoming.

Mr. ADAMS addressed the Chair.

Mr. KENNEDY. I yield 5 minutes to the Senator from Washington.

Mr. ADAMS. Mr. President, this is a good time for me to enter this debate. I have prepared remarks, but coming to this floor and listening to Senator KENNEDY and Senator CHAFEE, reminds me of the fact that those of us that are friends of China are going to be voting to override this veto.

In 1956, Warren Magnuson and I debated trade with Red China. We were the only ones for it, I think, in the whole United States. We understand that we must deal with China, it is part of this world. But we must vote to override this veto.

I spent a lot of time in China, as the Senator from Massachusetts has, and as many other Members of this Senate have, both in public life and in private life. I want you to know that this is not a partisan issue. This is an issue that deals with values and with quality of life and with message and, yes, with symbols. That is why I rise to express my support for the vote to override President Bush's veto of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989. This legislation initially passed the House by a vote of 403 to 0, and by a unanimous voice in the Senate. Yesterday's vote in the House to override the President's veto was 390 to 25. To say that this measure enjoys broad, bipartisan support is an understatement. To suggest, as President Bush did yesterday, that "crass politics" are behind this effort to protect Chinese students living in our country, is a sad commentary on this administration's inability to grasp the seriousness of the American public's shock caused by the actions of the Chinese leadership last spring, and the fear that is felt by those students living in our country. We are all aware of the intense political pressure being exerted by the administration on Members of the minority in this body. This issue cannot be reduced to a question of partisan loyalties. It is not a fight between Republicans and Democrats. Rather, it must be elevated to a bipartisan loyalty to the most basic and cherished tenets of our faith in democracy. No political party has cornered the market on those values. I want to express my admiration for the political courage shown by my colleague from Washington [Mr. GORTON] who has been a leader in this effort for many months, and has spoken so eloquently here today.

China is a country with a long history, and a long view of history. Unfortunately there is an attitude in Beijing that this worldwide criticism of the Tiananmen Square massacre will soon pass away, particularly if Chinese leadership continues to insist that the incident never occurred. But we must send a message so they know, the world knows that innocent Chinese citizens were killed last spring because they dared to stand for peaceful democratic change. Living as we do in a country that was founded by patriots who stood up and sometimes gave their lives in opposition to tyranny, we see in the deaths in Tiananmen Square a modern example of the choice faced by Patrick Henry, "Give me liberty, or give me death."

I recently met with Chinese students who are studying at the University of Washington in Seattle. They are among the best and the brightest of the new generation in China. They are shocked and saddened by the tragic deaths of their friends and loved ones, and they are fearful for their own safety and that of their families. President Bush assures us they have nothing to fear, that his administrative action provides a full measure of protection. Those students told me that without passing this veto override, we will send the wrong signal to the Chinese Government. Much as they would like to believe in and trust our President, it is their own Government they fear. How can we refuse to honor their request?

To argue the relative levels of protection between H.R. 2712 and the President's administrative actions misses the point of today's action. China is a country to which the subtlety of symbols and actions mean more than words. Ralph Waldo Emerson said, "Sir the noise of your actions is so loud I cannot hear the words you speak." One student in Seattle told me he has remained an avid reader of the Peoples Daily while at the University of Washington. He said the events in Eastern Europe, where peaceful democratic change has been sweeping away repressive governments in country after country, has been ignored in the Peoples Daily. Likewise, the Tiananmen Square massacre has been ignored in that newspaper. One event that did receive full, front-page coverage, with several pictures, was the secret visit by President Bush's personal emissary, National Security Adviser Brent Scowcroft. The administration would have us believe that the President's summit meeting at Malta necessitated the visit. The Peoples World told the citizens of China that the visit was intended to demonstrate our ongoing mutual interests. The Chinese students living in Seattle believe that our mutual interests are in the truth, and in peaceful democratic change in their society. We must deal with values.

Long after this vote, we will be left with mental images of events that began peacefully in Tiananmen Square and continue today here in this Chamber. We shall never forget

the sight of one brave man standing in front of a row of tanks, bringing them to a halt with a show of courage that inspires all freedom loving people. It is a tragedy that millions of Chinese citizens are denied the right to know that one of their fellow citizens showed such courage. And yet the Peoples World is only too eager to remind the Chinese people of General Scowcroft's toast, when he said:

In both our societies there are voices of those who seek to redirect or frustrate our cooperation. We both must take bold measures to overcome these negative forces.

I urge my colleagues on both sides of the aisle to take a bold measure to stand with the voices in both of our societies who seek to advance the cause of peaceful democratic change.

Mr. President, I urge the Senate of the United States to override the President's veto of the Emergency Chinese Immigration Relief Act.

I hope we will override this veto and do it by a big margin and a bipartisan margin today because that is the way it should be, as those values are what is carrying the world today.

I thank the President and I thank the Senator from Massachusetts for yieiding me this time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Would you review the time please, Mr. President?

The PRESIDING OFFICER. I will. Thirty-nine minutes and 43 seconds for the proponents side; and 19 minutes for the opponents.

Mr. SIMPSON. Mr. President, I have a few more requests. I yield 5 minutes to my friend from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, it seems to me that what is taking place here is a terrible misconception; one I do not want to be painted with. It is somehow if we support the President and say that we believe that in this matter and other matters the President should conduct foreign policy, that somehow we are not concerned with freedom and democracy in China. That we are opposed to democracy; that we are not concerned about human rights and the terror that comes with its abuses saw we all shared revulsion at the crushing of the students in their drive for democracy and the ruthless manner in which it was put down.

Mr. President, that is just simply at variance with the facts. Literally every Senator supported the resolution of May 31 calling for and encouraging the democracy movement in China and on July 14 the sense-of-the-Senate resolution condemning China for repression of the student movements in China. Every Member joined in the outcry.

Indeed to suggest that somehow because the President of the United States had indicated that not only does he support the principles of the legislation, but goes beyond that which we are considering, and indeed feels that he will have greater leverage in the ability to conduct foreign policy in a manner in which will give freedom an opportunity in China, that the second guessers come forth and charge that is tantamount to saying that we do not share concern for human rights, that we are not outraged is itself outrageous.

I am outraged at what took place. I am outraged at the statement that the foreign ministry of China issued today. And I ask unanimous consent that a copy of this press release which I submit be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMBASSY OF THE
PEOPLE'S REPUBLIC OF CHINA
Washington, DC, January 25, 1990.

FOREIGN MINISTRY SPOKESMAN ON U.S. HOUSE OF REPRESENTATIVES' ANOTHER BILL CONCERNING CHINESE STUDENTS

BEIJING, January 25 (Xinhua).—A Chinese Foreign Ministry spokesman today expressed "great indignation" at the adoption by the U.S. House of Representatives of another bill concerning Chinese studying abroad.

In disregard of the repeated opposition from the Chinese side, the spokesman said, the U.S. House of Representatives has gone so far as to adopt yet another bill on the question of Chinese studying in the United States, trying to obstruct their return to China for service in their home country on the excuse of their possible "persecution" after return to China and attempting, through this, to support the members of the reactionary organizations of the "Front For Democracy in China" and the "Democratic Federation of China" in their activities against the Government of the People's Republic of China.

Ignoring the facts, he said, the House of Representatives has based its law-making on rumors, fully revealing its anti-China position.

He said the move also runs counter to international practice and the agreements reached between China and the U.S., disrupts the Sino-U.S. exchanges in the cultural and educational fields and interferes grossly in China's internal affairs.

"We express great indignation at and strongly condemn this hegemonist act of the U.S. House of Representatives," he said.

Should the U.S. Senate also adopt such a bill, the spokesman said, it would certainly do serious harm to Sino-U.S. relations and further impair the cultural and educational exchanges between the two countries.

"We urge the U.S. side to take prompt and effective measures to prevent the deterioration of the situation," he said, "otherwise, the U.S. side must be held responsible for all the consequences arising therefrom."

Mr. D'AMATO. The Chinese Foreign Minister says that he expresses "great indignation" at the adoption of the U.S. House of Representatives of another bill concerning Chinese studying abroad.

How dare he condemn the Congress of the United States and threaten, by implication, the Senate and threaten, by way of this release, that somehow things will be different whatever the course of action that we undertake. I resent that.

I think it is wrong. I think that it further feeds the fears and anxieties that people might have. But I have to tell you something: I have trust in the President of the United States and when he said to me yesterday, "Senator, no student will be forced to leave against his will," I believe the President of the United States. I do not know what we would gain by embarrassing him, and that is exactly what is being attempted here today.

Are we really saying that George Bush does not care for human rights, that he does not care, that he is not concerned? We may differ as to how he conducts foreign policy, and that is legitimate, and I think it may have been a faux pas to send a delegation over there and have Scowcroft photographed toasting champagne, and have all the implications we heard attendant with it. But it is nothing but naked politics to suggest that the President in attempting to conduct foreign policy in the best manner he sees fit that he is somehow compromising freedom, or somehow does not care about human rights.

That is wrong. That is a brutal attack on the foundations and the institutions of this country and it is a personal attack. And while I may have had misgivings about our conduct of foreign policy and whether or not we may or may not have been sending the wrong signals, I want to tell you we will be sending the wrong signal as it relates to the kind of leadership we need today not only in dealing with the problems of China but elsewhere in the fast-moving, changing dynamic times in world events.

And that is why I am going to vote to sustain the veto notwithstanding my indignation at the Chinese leaders, notwithstanding the prepression, the brutal repression that we saw take place in Tiananmen Square, notwithstanding what their Foreign Minister said today, I am going to support our President.

I thank you, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I yield 4 minutes to the Senator from Iowa.

Mr. HARKIN. Mr. President, I rise in strong opposition to President Bush's veto of H.R. 2712, the Emergency Chinese Immigration Relief Act, and in support of the motion to override the President's veto.

In the months before June 3, Americans—indeed, the entire world—watched with admiration as the students and workers in Tiananmen Square demonstrated peacefully for freedom. The students' struggle for

freedom and democracy so closely resembled that of our own forefathers more than two centuries ago, and the similarity could not go unnoticed when the students constructed their own Goddess of Democracy in the center of the square.

But hope turned to horror, and the students' cries for freedom turned to screams of pain and grief for those brutally gunned-down by the so-called Peoples Army, ordered to the scene by Chinese leaders Deng Xiaoping, Li Peng, and other Communist hardliners.

Repression inside China continues, only it is not as public as or as televised as it was in June. Also today, according to our Immigration and Naturalization Service, the United States hosts 40,000 students from China.

Mr. President, we have a responsibility—to the cause of freedom and democracy in China as well as to ourselves—not to subject those Chinese students now in our country to the same fate their brothers and sisters suffered last June and continue to endure today.

We have a solemn responsibility to guarantee, not just to promise, those Chinese students that they will not be sent back to their homeland where all will loose their freedom and some their lives.

Repression persists in China, despite Deng's limited pledge to lift martial law in Beijing.

The Chinese Government continues to round up students accused of supporting the prodemocracy movement.

Reeducation camps have been established.

These actions are clear indications that the Chinese Government will suppress any freedom of expression and severely punish those who advocate democracy in China.

Mr. President, the choice we face today is clear.

The choice is not between Republicans and Democrats.

It is a question of whether we seek to guarantee the safety of Chinese students. It is a question of whether we will condemn those responsible for the June massacre and the continued repression of the prodemocracy movement in China.

It is a question of whether we tie our foreign policy to the future of China, a future of freedom and democracy, or whether we align with the forces of the past, of repression, political stagnation and corruption.

Unfortunately, the administration has made its choice.

And it's wrong—dead wrong.

During one of his secret visits to Beijing, the President's National Security Adviser, Brent Scowcroft, met with top Chinese leaders.

In both our societies, there are voices of those who seek to redirect or frustrate our cooperation. We must both take bold measures to overcome those negative forces.

Today, Mr. President, we must choose to align ourselves with positive forces—those forces represent the vast majority of the Chinese people as well as the people of the United States. Positive forces represent the overwhelming majority of the House of Representatives, the American people, and I believe the Senate as well. And those forces are represented by thousands of Chinese nationals who will be protected by the legislation we are considering today.

Mr. President, I ask my colleagues to join me in voting to override the President's veto of H.R. 2712, the Emergency Chinese Immigration Relief Act, and to stop this betrayal of the struggle for freedom in China.

Mr. President, I ask unanimous consent to have printed in the RECORD two articles on this subject.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, Jan. 24, 1990]

SEND MESSAGE TO BEIJING

Concerned about the fate of pro-democracy Chinese students in the United States with time running out on their visas, Congress last November passed a law allowing those students to extend their stays. The lawmakers' concerns, expressed by a unanimous vote in the House and a voice vote in the Senate, were on target.

The Chinese government still is prosecuting and jailing students who participated in last spring's demonstration. There's no telling what retaliatory action would be taken against those Chinese students in the United States who only supported the demonstrations and who now are faced with having to return home.

But President Bush, arguing that the congressional act could jeopardize future Chinese exchange programs, vetoed the measure.

Today, Congress is set to attempt an override. The effort, aimed at protecting the students but also at sending a strong human-rights message to Beijing, deserves enthusiastic support.

The United States cannot isolate the Chinese, the president argues, and can best improve human rights in the country by maintaining contacts and nurturing relationships with Chinese leaders. That, of course, is what the Reagan administration tried to do in South Africa. But the policy of "constructive engagement" didn't work with Pretoria. It has been rejected by the Bush administration. Why should anybody think things will be different with Beijing? The president notes that the Chinese have declared an end to martial law. But that cosmetic action in one way signaled an improvement in human rights.

There's been no indication that the Chinese government takes seriously American entreaties to allow freedom of expression and movement. To the contrary, the Bush administration has rewarded Chinese brutality by sending top-level missions to Beijing in violation of U.S. policy, and by lifting some sanctions against China.

Regarding the students, Bush claims to have done what Congress wanted by signing an executive order protecting the Chinese students' status under the existing law. That's a limp approach—executive orders easily can be changed. It undermines the Chinese students in the United States as well as the forces for freedom in China.

Congress needs to communicate its views not only to Beijing but also to the White House. It can do that by overriding the president's wrongheaded November veto.

[From the New York Times, Jan. 14, 1990]

CHRONOLOGY OF BETRAYAL

(By A.M. Rosenthal)

This is the chronology of the American betrayal of the struggle for freedom in China. It is worth studying. There is still a chance to recover some of America's honor.

June 4, 1989: The Communist rulers of China order military troops to shoot down students and workers peacefully demonstrating for a taste of freedom. Hundreds, possibly thousands, die. In the weeks that follow thousands are arrested; most are still in jail.

June 20: President Bush orders some mild sanctions against China. He says any high-level contacts with the murderers of Beijing are suspended until they acknowledge the validity of the demonstrators' aspirations.

Early July: Exact date still secret. Mr. Bush sends a high-level mission to China but keeps that fact hidden.

July-November: More executions. New waves of arrests, closing in tighter on student leaders who had escaped; purging of officials who had shown any sympathy with them.

Nov. 30: Mr. Bush vetoes an act of Congress, passed without opposition in the House and Senate, to guarantee that Chinese students now in this country would not be forced to return to China as long as they were in danger.

Dec. 9: A top-level mission is sent publicly to Beijing. Warm exchanges of toasts with the men who ordered the murders. Administration refuses to say whether other secret missions were sent to China.

Dec. 10-24: Mr. Bush says some sanctions well be lifted. Brushes aside protests from Republican and Democratic members of Congress.

Administration makes it plain that it expects gestures from Chinese Communists before Congress reconvenes to try to override the President's veto.

Jan. 2-3, 1990: American organizations like the International League for Human Rights provide information detailing arrests and executions, which have continued since the June murders.

Chinese students say at least 10,000 demonstrators are still in jail, beg Mr. Bush to demand their release.

Chinese Communists denounce Eastern European revolutions, show even stronger determination not to loosen their own control.

Jan. 10: Chinese Communists, as predicted, announce lifting of martial law in Beijing—not in any other place where it was imposed publicly or secretly.

Many soldiers transferred to police force, which now numbers more than 1.5 million in addition to army about twice that size. Laws allowing arrests without explanation, secret trials, executions, indefinite detention without trial, forced labor, press control, brutal student "re-education" camps—all still on the books and recently made even harsher.

Denunciation of "lifting" of martial law as meaningless cosmetic trick comes from all over the world. In Washington, the President orders steps to permit World Bank loans to Chinese Communists.

Jan. 11: Mr. Bush hails the Chinese Communists for taking a "very sound step." Washington reports possible repeals of other sanctions.

That is the chronology so far.

In the last days of the 1980's the Bush Administration deserted the struggle for freedom in China. Whatever the reasons—outdated, stale geopolitics and Mr. Bush's misplaced confidence that he really "knows" China best—the Administration picked the wrong China, the China of the oppressors over the China of the oppressed.

In the first days of the 1990's it did something almost as bad—it made a fool of itself. It said that a contemptuous piece of cynical playacting by the murderers of Beijing was a step toward freedom.

Now here is a date for the future:

On Jan. 24, the day after it reconvenes, Congress will try to override Mr. Bush's veto of the bill to protect Chinese students in the United States.

This was always important, to help the students. Now it has taken on profound political significance.

An override would signal to the entire world that at least the legislative branch of the United States Government remains on the side of the freedom fighters of China. It would be an act of hope and loyalty for the Chinese and the freedom movements still struggling in Eastern Europe and the Soviet Union.

Override of a veto requires a two-thirds majority. The White House is working hard to persuade Republicans who voted for the bill to vote against an override.

Between today and the date of that vote, every American can get in touch with his or her representative and senator and urge them to vote against the veto and for the people of China.

This will give us all a chance to take part in the chronology of Chinese-American history and wipe away part of the stain.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I yield 4 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I rise today to urge my colleagues to join in overriding the President's veto of H.R. 2712, the Chinese Adjustment of Status Facilitation Act.

Last summer, the world watched with respect and admiration as Chinese students staged a peaceful pro democracy rally in Tiananmen Square. The world watched in awe as a lone student—armed only with moral courage—stood in front a tank and brought the military might of a repressive regime to a halt.

Later, we watched with horror as the tyrants who rule China ruthlessly crushed the students' cry for freedom.

We now know that only weeks after that night in Tiannanmen Square, our National Security Adviser, Brent Scowcroft, secretly met with those same tyrannical rulers. And only 2 months ago, just as the walls of repression were coming down in Eastern Europe, we watched the National Security Advisor of the United States raise a glass to toast the Chinese leaders whose own repressive tactics stand in stark contrast to the wave of freedom and democracy sweeping the world. Those visits—and this veto—send the message that the United States values friendship over freedom.

The President's inadvised veto puts Chinese students here in the United States in grave danger and it puts their families in China in danger as well.

The President's proposal to handle this issue through administrative means is simply insufficient. In fact, it puts the students in more danger. The students believe that to be the case.

First of all, it rests on shaky legal ground. A recent Library of Congress legal analysis concludes that—in the absence of specific legislation—the President may not have the legal authority to impose his administrative remedy.

Second, it requires Chinese students here in the United States to apply for an extension of their visas. The Chinese Government regards such an act as a rejection of Chinese citizenship—in fact as an act of treason. The Chinese Government has already contacted students warning them not to apply for the President's program.

I believe we owe these brave young students better than that.

The legislation we are considering today will offer real protections to Chinese students. First, it waives the 2-year home country residence requirement for nationals of the People's Rebublic of China. Thus, students who have demonstrated for freedom can apply for residency in the United States without returning to China.

Second, it presumes continuous U.S. residence for the purpose of status adjustment or changes of status for students who were in lawful nonimmigration status as of June 5, 1989.

Third, it allows Chinese students lawfully in the United States on student and exchange visas to work, to make a living.

Mr. President, this is real protection for the students. This is real security for them. And by giving them automatic coverage they will not have to take any individual actions which will endanger their families in China.

Mr. President, the model the students chose for their rally was one of the most inspiring symbols of American freedom—the Statue of Liberty. The President's veto of H.R. 2712 flies in the very face of everything that statue stands for.

At the foot of the Statue of Liberty lies a broken chain which represents tyranny. What lies at the foot of the President's veto is the broken hopes of these Chinese students in the United States who so bravely demonstrated for an end to tyranny in their homeland.

Mr. President, we should override this veto. Not to do so is to send a message to the Chinese Government that repression is acceptable. That is the message President Bush wants to send.

It is the wrong message.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SIMPSON. Mr. President, I yield 3 minutes' time to the Senator from Texas [Mr. GRAMM].

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, what is at issue is not whether these students are going to be sent back into an oppressive country to face punishment from a totalitarian government. Both our actions and the President's actions have guaranteed that the students are not going to be sent back against their will.

Quite frankly, Mr. President, I am delighted the students are here. I want to see more come. If things should turn out so they should decide not to go back, we are talking about over 40,000 people, the smartest people in China. And if that intelligence is combined with the ingredient that America provides best—freedom—I have no doubt that there are Noble Prize winners in this group of students, I have no doubt that they can contribute greatly to America and to the world. I look forward to that contribution.

What is at issue here is not are the students going to be sent back. Whether we override the veto or whether we do not, they will not be sent back and we all know that. What is at issue here is whether we are going to make the decision or whether we are going to allow the President to make it.

I think it is interesting, Mr. President, that 30 years ago this debate probably would never have occurred. If President Eisenhower had picked up the telephone and called Sam Rayburn and Lyndon Johnson and said, "I know there is concern about the students; I want to assure you they are not going to be sent back; I am going to issue an Executive order; I believe, based on my experience with dealing with the Chinese, that that is the best way to do it," my belief is—and I think history, if we look back at it, would probably indicate that I am correct—that Speaker Rayburn and Majority Leader Johnson would have said, "That is fine with us, Mr. President, if that is what you think is best."

What we have seen, as we all know, is that partisanship has not died at the Nation's shores, and we have a continuing attempt in Congress for each of us to play as if we are President. I am swayed by the President's opinion. I personally do not agree. My guess is, if I were President, I would sign this bill. If I were President, I

would move not only to allow these students to stay, but to allow them to become permanent resident aliens. But George Bush has been the Ambassador to China. So far as I am aware, there is not a Member of the Senate that has anything remotely similar to his experience in dealing with China in terms of their qualifications.

The President says that he believes that this is the best way to deal with this problem. I submit, Mr. President, under those circumstances, that it is wise and prudent policy for us to protect the students, something that we all agree on, and that we allow the President, based on his experience, based on the fact that he is in fact President, to make this determination.

If, in the future, the President should decide to change his mind—which he has assured me that he will not—or if circumstances change, then we can come back and act. But I believe under the circumstances, where there is legitimate reason for doubt, that when in doubt we should let the President conduct the foreign policy of the country. That is why I will vote against overriding the veto.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, the debate we are having today is not a new debate. In fact, it is one of the oldest in American history. If we were here 200 years ago we would be debating what should America's position be in relation to the human rights issue raised by the French Revolution. Fifty years ago we would be here debating whether America should come to the defense of Great Britain, as the long shadows of World War II fell across Europe. Those are the kind of debates we have had in the United States Senate over our 200-year history. This is the appropriate forum to discuss those basic questions of America's position in the world.

There have been two basic trains of thought throughout that 200-year period. One is what I would describe as the Jeffersonian, and that is that we meant it when we wrote in the Declaration of Independence that all men are created equal and there are certain inalienable rights that are universal, and America stands for the upholding of those principles.

Another theory has been that America is like any other European state and that we should conduct our foreign policy in a manner that maximizes the nuances of our national interest; that we should apply principles which later would become associated with personages such as Metternich and Bismarck.

I want to clearly say that I stand as a Jeffersonian in this debate.

But the point I wish to make today is that even if you took a Metternich-Bismarck approach to foreign policy, you would not be very happy at the consequence of what has occurred as a result of the President's action.

I would like to point to one specific example of that relationship, Mr. President, and that is what has happened between Communist China and one of the other last vestiges of the old Stalinist regime, Communist Cuba. What has happened to this relationship in the time period that we have been trying to reach out to them by vetoing bills against students in this country; sending high emissaries twice to China?

What has happened is that Communist Cuba and Communist China have just signed, as of the 14th of December, a $500 million trade agreement, representing an 11-percent increase in the trade between those two countries.

Why is it happening? Clearly it is because Cuba is realizing that its old allies, the Soviet Union and central Europe, are no longer reliable. It is looking for new economic relationships and is has found them in Communist China.

What has that relationship led to? It has led to Castro making a statement that the relations between the two Communist countries are getting better and better. It is reflecting itself in purchases by Cuba from China of bulldozers for use in construction and building drainage systems and sugar cane fields. Castro recently stated that Cuba has purchased ships for its merchant fleet with Chinese credit.

Mr. President, this policy has failed both in terms of where America stands best, when it stands for human rights, and it has failed even in its attempt to manipulate the Chinese to a policy that is more consistent with American interests. By any standard, this policy has failed. By any standard, the Senate should vote today to override the President's veto.

We must remind the Chinese Government and President Bush what it is we stand for.

We in the United States, stand for democracy and respect for human dignity. We stand with that courageous young man who singlehandedly halted that tank.

We stand with that man and those students and their ideals.

And we stand with the Chinese students in the United States who are now afraid to return home.

We must not force them to go back. We must protect them with a law, not a Presidential directive that could be withdrawn at any time.

We must send a message to those students, to our President and to the world that we in the Congress will stand up for democracy and human rights.

That is why I will vote today to override this veto.

Mr. President, I ask unanimous consent that editorials from newspapers in Miami, Tallahassee, and Washington be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIRST: OVERRIDE BUSH'S CHINA VETO

The allegiance of the American people is with citizens of other countries struggling for freedom—dying even for the right to openly dissent.

Yet last November President Bush vetoed a unanimously-passed congressional bill to protect Chinese students enrolled at U.S. universities. The veto was in keeping with President Bush's shamefully weak support for the pro-democracy movement. When the protest started last April, he was cautious. After the killings had stopped, he was forgiving.

As much as what the bill promised to do was its importance in showing U.S. solidarity with the pro-democracy movement in China. President Bush apparently wants solidarity with Chinese leaders anxious to divert attention from their ruthless crackdown to the U.S. reaction.

The bill would allow thousands of Chinese students to stay in the United States, if they believed they would be endangered returning home. Without such a change in immigration policy, the students would have little recourse but to return to China and possibly face severe penalties.

ORDER OFFERED TOO LITTLE

President Bush's executive order, which he said accomplished the same goals as the legislation, falls short of the protections in the legislation.

Congress must now show the world whom the United States sides with in struggles for democracy by overriding Bush's veto when it reconvenes Jan. 24.

It is inconceivable that the United States would have supported an East German government that turned tanks and guns on demonstrators demanding reform and the dismantling of the Berlin Wall. In East Germany, the people are now storming hated secret police stations. In China, they are banned from congregating in Tiananmen Square.

A veto overide in defense of Chinese students would be a fitting post-script to the many birthday tributes to Martin Luther King Jr. It was King who believed no man is ever truly free until all are. Congress should prevent the United States from sending students back to a certain loss of freedom and perhaps even a loss of life.

DEMONSTRATORS KILLED

Last June, the Chinese Army killed hundreds, perhaps thousands, of pro-democracy demonstrators. Americans who had followed news of the long-running student protest in Tiananmen Square watched the crackdown in horror. The Chinese Army even turned its guns on the outer walls of the U.S. embassy compound—a grievous diplomatic affront.

The exact number of Chinese dead is in dispute. And the Beijing government even cynically tried to deny the killings. But eyewitnesses attest to the deaths. And since the crackdown, hundreds of others have been arrested; many secretly executed.

President Bush, who served as envoy to China in the early '70s and who believes he

knows how to deal with their aging leaders, continues to appease those who ordered the killings. It is a mistake. And one with a high price—undercutting the democratic ideals we want to see take root in China.

The president's manipulations are all the more dismaying considering his pleas on behalf of Panamanians yearning to be free. Such seeming foreign policy schizophrenia suggests it is control of cheap labor markets that interests the president. Not freedom.

Bush has sent special envoys to deal with China's leaders. He has repealed sanctions. He vetoed the student bill, which passed unanimously.

Congress should override the veto unanimously, too. The case is clear cut. Either we stand with freedom—or with those who would deny it.

HAVANA COURTS THE CHINESE

(By Mimi Whitefield)

As trade relations with Cuba's traditional Soviet bloc trading partners become more difficult, the Cubans have gone prospecting for trade in China and Latin America.

China and Cuba recently signed a trade agreement that will boost Cuban-Chinese trade to $500 million this year, an 11 percent increase over 1989. Cuba also has been courting Brazil, Venezuela, the Dominican Republic and other Latin American countries.

Even though Cuba is making progress in forging trade ties outside the Soviet trading bloc, analysts said it will be hard to fill the gap left as Cuba's Eastern European partners move toward a free market and trade with the West.

"There's not anyone in the position to supply them with the kind of economic assistance they've got from the Soviet Union and Eastern Europe. China is about the only place they can turn but China hasn't been willing to give them any subsidy or assistance—mostly because it can't afford to," said William Leo-Grande, a government professor at American University.

Cuba's most immediate concern is dwindling trade with Eastern Europe. The Soviet-led trading bloc Comecon decided Wednesday to phase in the use of convertible currencies and world market prices.

SPECIAL TREATMENT TO LAST

But even when Comecon adopts new trade rules, analysts speculated that the Soviet Union would continue to give Cuba special trade treatment. But Eastern Europe probably will not, they said.

"I have serious doubts whether China will be a substitute for the quality of exports Cuba receives from the Eastern European countries," said Carmelo Mesa Lago, an economist at the University of Pittsburgh.

Another problem is that Cuba's trade with China isn't conducted in hard currency so Cuba doesn't earn the foreign exchange it needs to go shopping in Western nations, or that it will need for future Comecon purchases.

Still, China appears to be the economic alternative that offers Cuba the most potential.

Last month during a visit by Zheng Tuobin, China's minister of foreign economic relations and trade, President Fidel Castro said relations were "getting better and better. They are very good."

Castro also has accepted an invitation to visit China but no date has been set.

Cuba and China weren't always on such cozy terms. In fact, China was the adversary as Cuba aided with the Soviet Union.

A "MARRIAGE OF CONVENIENCE"

Nelson Valdes, a Cuba specialist at the University of New Mexico, said the warmer relationship still strikes him as a "marriage of convenience. I don't think the Cubans have a love affair with China but they are trying to strengthen economic linkages."

In the early 1960s, Cuba tried to remain neutral in the Soviet-Sino dispute but its strengthening ties with the Kremlin deeply disturbed the Chinese.

In 1966 Castro raged against China, and China canceled an important rice-for-sugar deal. The two countries seemed to be on the verge of breaking diplomatic relations.

In the 1970s relations were still strained. Beijing's rapprochement with Washington didn't play well in Cuba.

Even in the early 1980s the Chinese still considered Cuba an outpost of the Soviet Union. But economic relations have improved markedly in recent years—despite Cuba's skepticism about China's experiments with free enterprise.

Last month Castro called trade between the two nations "certain" and based on mutual interest.

Cuba's main export is sugar, but it also sends China foodstuffs, raw materials and some light industrial goods. A joint venture in Cuba produces fans and bicycles.

CHINA PROVIDES VARIETY

The Cubans get a variety of goods from the Chinese. "It is difficult to find someone who has not used a Chinese thermometer. It is difficult to find a child in this country who has not drunk out of a Chinese bottle. It is difficult to find someone who has not used Chinese fabric, some Chinese medicine," Castro said during Zheng's visit.

Among recent Cuban purchases from the Chinese are bulldozers for use in construction and to build drainage systems in sugarcane fields. Castro said Cuba also recently purchased ships for its merchant fleet with Chinese credit.

Another sign of the times: During Zheng's trip the Cubans inaugurated a remodeled five-story Chinese restaurant, the Pacifico, in Havana's Chinatown.

OVERRIDING REASONS

Congress returns today from its long holiday recess, and its first order of business will be an effort to rectify a dreadful mistake that President Bush made last Nov. 30. That's the day that Mr. Bush vetoed a bill to permit Chinese students now in this country to remain here rather than be sent home to face persecution.

Tomorrow Congress will vote on overriding that veto, and on this vote there can be no quibbling. As a demonstration of America's conscience, Congress must override the President. Republicans should heed their GOP colleagues, such as House Minority Whip Newt Gingrich of Georgia, and join with Democrats to set aright this shameful episode.

The bill to protect the Chinese students, H.R. 2712, passed the House 403–0 and the Senate by a unanimous voice vote in November. The President vetoed it on Nov. 30, offering the lame reason that it was not helpful to U.S.-China relations or to improving human rights within China.

Just nine days later, National Security Adviser Brent Scowcroft and Deputy Secretary of State Lawrence Eagleburger were in Beijing, clinking glasses with the butchers of Tiananmen Square. It then was revealed that a U.S. delegation secretly had visited China last summer, after the June 3–4 massacre of pro-democracy demonstrators. And on Dec. 10, President Bush lifted some of the U.S. sanctions imposed on Beijing after the slaughter.

Granted, with his veto Mr. Bush did issue a Presidential directive that allows the Immigration and Naturalization Service to waive visa requirements for the Chinese students. But the directive has no force of law; it can be withdrawn at whim; and its key provisos conflict with existing law.

No, H.R. 2712 is needed as law, because only a law can protect the Chinese students from being sent home to face heaven-knows-what repression. Congress must tell China's rulers something quite different from the cooing that they're hearing from the White House. It must tell Beijing that the United States Congress, at least, stands for human rights and is not willing to overlook murder, wholesale arrests, and continuing repression.

The only way to send Beijing's butchers that message is to override—resoundingly—the President's veto of H.R. 2712.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 6 minutes and 36 seconds remaining.

Mr. KENNEDY. I yield 2 minutes to the Senator from Connecticut.

Mr. DODD. Mr. President, I join with my colleague from Massachusetts and others who are rising to support the override of the Presidential veto. I regret that we have arrived at this point.

Frankly, it is an unfortunate situation. It is the President who decided to make this issue as contentious as it is. The passage of this emergency legislation for Chinese students enjoyed broad bipartisan support a few months ago; it was a clearcut matter. Frankly, the division surrounding the question of this override has been created by the President himself. We should not be in this mess.

Mr. SARBANES. Will the Senator yield?

Mr. DODD. I will be glad to yield.

Mr. SARBANES. A letter was sent to the President signed by 74 Senators urging him to sign the bill after it passed by unanimous voice vote. It was overwhelmingly passed by the House. The bipartisan expression has been in favor of this legislation, including 74 Members of the Senate actually signing a letter urging the President to sign it.

Mr. DODD. Once again my colleague from Maryland is absolutely correct. The mess we are in has been created by the President. Let us be clear on that.

Mr. President, before I get to the rest of my statement let me point something out that has just come to mind. There is, in existing law, a measure that was passed in 1981 that absolutely prohibits any nation from intimidating individuals from that nation who are living in the United States. The law states that letters of credit shall not be issued to any nation

that the President has determined are engaged in the consistent pattern of acts of intimidation, or harassment directed against individuals from that nation who are living in the United States.

The record is replete with examples of Chinese students and their families being harassed by the Chinese Government.

As we sit here today debating the nuances of constitutional law and administrative law, the Chinese Government is in direct violation of this legislation authored by Congressman SOLARZ in 1981. My hope would be that our colleagues should unite in overriding this veto and then get about the business of trying to rebuild our important relationship with the People's Republic of China.

It would be regrettable to see us go back to the mindset of 1950's or 1960's when the United States and China were engaged in a relationship of misunderstanding and suspicion. That does not serve either of our nations well. But I hope that the People's Republic of China can appreciate that when decisions like this are made we must remain true to ourselves.

Let us join together and send a united message of resolve and move forward. Let us not send a confusing signal with the President appearing to be on one side of this issue and Congress on the other. That would be a tragedy, Mr. President.

Mr. President, a Senate override of the President's veto of H.R. 2712 sends two important signals.

First, it sends a signal of solidarity to Chinese students in the United States and to the Chinese fighting for democracy in China that the United States stands with them. We do not stand with the aging Communist leadership that perpetrated the massacre of Tiananmen Square and continues its repression through arrests, intimidation, reprisals, censorship and denial of basic human rights.

Second, it sends a signal to the White House that United States-China policy is not made exclusively on Chinese terms. If we do not send a signal of solidarity to our Chinese brethren, if we do not send a strong signal to the leadership in Beijing, our policy toward China will remain hostage to threats of those who sent tanks into Tiananmen Square.

The arguments in support of sustaining the President's veto are in my view, wrong.

The argument that the identical immigration relief legislatively sought has been provided by the President is insufficient. The truth of the matter is that, in legal terms, the President's administrative order could be withdrawn at any time and in fact, could be challenged in court as illegal and in conflict with existing immigration law. As has been well documented in the months since the Tiananmen Square massacre and most recently in hearings this week, Chinese students across the United States have made clear that the President's directive does not provide them with the protection they seek—and need. They need statutory protection that can be changed only by subsequent congressional action. As elected representatives of the greatest democracy in the world, we owe them that protection.

The argument that overriding the President's veto will impede or cause the future cancellation of educational, cultural, and other programs such as the Fulbright, just does not hold up. For that argument to be true and for the argument justifying the President's Executive order as equivalent to legislative action to be true, the Chinese would have already embarked on widespread cancellation of such programs. They have not. They clearly see nonlegislative action as a soft rebuke and they know that they cannot afford losing their educational, cultural, and scientific exchanges with the United States.

There is no question that the bilateral relationship between the United States and China is one of the most important bilateral relationships in the world. And like all bilateral relationships that we preserve through both conflict and agreement, we do so by holding true to principles fundamental to the sustaining greatness of our own democracy.

If we do not override the President's veto, we violate our own principles of commitment to human rights, to the fundamental dignity of individual men and women, to the supremacy of the people in matters of society and government, to the hope symbolized by the Statue of Liberty and by her sister Miss Liberty.

We cannot afford to make Chinese exceptions to our principles. We must believe that the principle of freedom is sure to prevail—even in China.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I yield 5 minutes to the Senator from Pennsylvania [Mr. HEINZ].

Mr. HEINZ. Mr. President, I think there are two issues that have to be addressed in this debate. The first is the substance of the President's Executive order, and how it compared to the legislation he vetoed. On that point I think the President has to get credit for providing full protection for Chinese students and, indeed, greater protection than provided by the bill. Not only that, but the Executive order is broader than the legislation under discussion in at least two ways.

First, it grants all Chinese, some 40,000 of them, not just the students, authorization for employment while in the United States.

Second, the order directs that all aliens seeking asylum from coercive family planning policies be given special consideration; not just Chinese aliens, by the way, as the legislation provides.

The other substantive legal consideration here is whether the President's order will withstand legal challenge. Some argue that an Executive order does not have the staying power of legislation. What I say is that when George Bush says he is going to do as well or better than legislation, Mr. President, I believe he means it and will do it.

While it is impossible to exclude the possibility of some kind of court challenge to any part of this Executive order, I have to tell my colleagues that this administration is well placed, owing to the discretionary authority granted to the Attorney General, to implement waivers and other changes that will protect Chinese students seeking to extend their stay in our country.

The other major issue here is the foreign policy context of our decision. This President, if I might say so, is different from the previous President, President Reagan, who was very interested in big ideas but, frankly, left implementation to others. George Bush is, if anything, the other way around. He cares about what gets done after he makes the decision.

We can all debate how much of a role in foreign policy by Congress is warranted at any time. We debated it before and we will again. But where George Bush is concerned, let me say to my colleagues this. We are talking about a President who has conducted the foreign policy of the United States during his first year in office in an exemplary and successful fashion that has brought remarkable results. He has made progress in arms control, at the Malta summit. He and Gorbachev have set a target date for this June to sign a nuclear reduction treaty that will cut nuclear arms by 50 percent. That is a success by anybody's measurement.

Even before the changes in Eastern Europe this fall, George Bush had an agreement to cut Soviet troop and United States troop levels to a common level in Europe, 10 percent below existing levels. By the way, that means a 10-percent cut. That was back, as I say, in June, before peace broke out on a large scale in Eastern Europe.

I submit he has steered a thoughtful and deft course in Eastern Europe in our relationships with those countries and the Soviet Union, that has allowed the changes wrought by freedom and democracy to reach their full extent—and fuller still, we hope.

This is a President who has thought through his options on Panama and

acted appropriately. He acted effectively, he acted successfully, and that is why General Noriega is in jail. It is not because we in Congress told him what to do.

Now, with respect to China, this is a President who has spent more time in China than anybody in this body, than anybody probably in his administration or any other, and he is well prepared because he knows to assume the risks associated, if any, with his policy because he has that knowledge. He is this Nation's President. His foreign policies are producing success on every continent. He knows China as well or better than anybody we know in a policymaking job, and he deserves the support of this body.

Let me say in conclusion that if Congress prevails on this override and should the results in China turn out to be bad, should the oppression continue, should the hard liners gain the upper hand, it is Congress that will take full responsibility for subsequent repression, for subsequent disaster in China. It will not be a George Bush, who is willing and able to shoulder that responsibility and has the knowledge to do something positive about it.

Mr. President, on the issue before us, this President will protect the Chinese students and the Chinese people better than any legislation, and I submit that it is foolish and partisan to second guess a President whose foreign policy judgments have proved so accurate and successful for this Nation's interests.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 2 minutes to the Senator from Arizona.

Mr. DECONCINI. Mr. President, the brutal killing of peaceful demonstrators in Tiananmen Square last June has been followed by increasing Government repression and persecution of students for their participation in the prodemocracy movement. Human rights abuses continue. As a result, Chinese students currently residing in the United States have a well-founded fear that they will be persecuted if forced to return to China at this time, and they deserve the full protection of the world's most powerful democracy.

On November 30, 1989, President George Bush vetoed the Emergency Chinese Immigration Relief Act of 1989. This bill would have allowed all Chinese nationals now in the United States on student visas to remain and work in this country for a 4-year period without fear of deportation. By vetoing this important piece of legislation, President Bush allowed the Chinese Government to coerce him with the threat that future educational exchanges would be severely curtailed if the United States adopted a policy of protection for Chinese students.

The Chinese students who currently reside in this country are learning democracy firsthand. At the same time, they are those most vulnerable to repression by the Chinese Government. The United States must not only take strong steps to protect these students, it must also demonstrate to the Chinese and the world that it will not stand idly by while totalitarian regimes attempt to suppress the voices of liberty.

As Chairman of the Helsinki Commission, I believe that the protection of human rights must never be sacrificed for the sake of political or economic expedience. For years we have loudly condemned the Soviet Union for its human rights abuses and restrictive emigration policies. In Iran and Iraq, in South Africa, in Central America, and Eastern Europe, the United States has stood firm in insisting on improved human rights as the basis for improved relationships with our country.

Our tough human rights policies finally appear to be paying off. After decades of abuses, the Soviet Union has dramatically changed its internal and external policies and is entering a new era of greater freedom for its people. Poland was the first Warsaw Pact country to reject Communist rule and institute a democratically elected government. Then the Berlin Wall came tumbling down and, like dominoes, the other Eastern European nations are beginning to replace the mantle of totalitarianism with the cloak of freedom and democracy. Why should China be held to a different standard on human rights?

By giving in to the Chinese Government, the United States is sending the wrong message at the wrong time. Enactment of the Emergency Relief Act would send the People's Republic of China a strong message that human rights will remain the underpinning of the United States foreign policy. By overriding the President's veto as our first order of business this session, Congress will send the right message to nations struggling for democracy and improved human rights around the globe.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. Four minutes and 20 seconds.

Mr. KENNEDY. I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I am most often in the President's corner and I expect that that will continue, but today I will not be. Vast strides, Mr. President, have been made in the field of human rights worldwide during this past decade, and during this past decade we have really carried the concern of human rights to the Soviets and some of the other nations in the world and gained their respect.

In the Reagan administration, we had two Secretaries of State in fast order, and I inquired of my friends in the State Department whether or not human rights was really being taken not at the end of the conversation with the Russians but up early and often and aggressively. Indeed, I was assured that that occurred, and we indeed made progress.

I am convinced that we have to deal in a similar way with the Chinese, that we have to stay engaged with them to be sure, but we have to stay engaged on our terms. So when I hear the Chinese Foreign Minister saying that this vote will injure our relations, as Senators you must vote to uphold the President's veto or there will be retributions, then that alone almost convinces me I must vote in this instance against the President; that we have to take the business of human relations to the Chinese and do so aggressively.

My friend, Senator GRAMM of Texas, said a few moments ago that this debate would not have taken place 30 years ago, that the leadership would have arranged everything.

Unfortunately, this debate did not take place 50 years ago, either, when I was a youngster in Europe, and I simply cannot be a part of that once again.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, may I have the time allotment?

The PRESIDING OFFICER. 24:29.

Mr. SIMPSON. I thank the Chair. Let me yield 10 minutes of that time to Senator LUGAR of Indiana.

Mr. SARBANES. Will the Senator enable me to make a statement before the Senator begins his statement?

Mr. SIMPSON. I yield time from my side.

Mr. SARBANES. Mr. President, I will vote to override the President's veto of H.R. 2712, and I want to urge my colleagues in both parties to do the same. Barely 2 months ago this legislation was approved by the House of Representatives without a single dissenting vote, and by voice vote in the Senate again without any dissent expressed. Yesterday, the House of Representatives voted overwhelmingly 390 to 25, in a dramatic bipartisan expression of opinion, to override the President's veto. It is now time to make very clear that where fundamental principles are at stake, as they are with the Chinese students, the Congress will not give its consent to a policy which fails to respond to egregious human rights violations. Regrettably, such a policy is precisely what the veto represents.

The objective of H.R. 2712 is straightforward: To protect by statute, beyond any possibility of legal challenge or policy reversal, Chinese nationals currently studying in the United States against the government retaliation and repression that would be visited upon them if they were required to return to their own country. It is also to reaffirm U.S. support for the prodemocracy movement so brutally shattered, but not extinguished, by the Tiananmen massacre last June 5.

This legislation will renew American support of the struggle for freedom in China. In a moving column in the New York Times, A.M. Rosenthal sets out what he describes as the chronology of the American betrayal of the struggle for freedom in China. He then details the failure of the United States to respond to the brutal repression of those seeking freedom in China.

Passage of this legislation over the veto would send a clear message around the world that the United States Government is on the side of the freedom fighters of China. As A.M. Rosenthal says in his column:

It would be an act of hope and loyalty for the Chinese and the freedom movements still struggling in Eastern Europe and the Soviet Union.

I ask unanimous consent that two Rosenthal columns entitled "Chronology of Betrayals" and "Betrayal in Beijing" and a number of newspaper editorials be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF BETRAYAL

(By A.M. Rosenthal)

This is the chronology of the American betrayal of the struggle for freedom in China. It is worth studying. There is still a chance to recover some of America's honor.

June 4, 1989: The Communist rulers of China order military troops to shoot down students and workers peacefully demonstrating for a taste of freedom. Hundreds, possibly thousands, die. In the weeks that follow thousands are arrested; most are still in jail.

June 20: President Bush orders some mild sanctions against China. He says any high-level contacts with the murderers of Beijing are suspended until they acknowledge the validity of the demonstrator's aspirations.

Early July: Exact date still secret. Mr. Bush sends a high-level mission to China but keeps that fact hidden.

July-November: More executions. New waves of arrests, closing in tighter on student leaders who had escaped; purging officials who had shown any sympathy with them.

Nov. 30: Mr. Bush vetoes an act of Congress, passed without opposition in the House and Senate, to guarantee that Chinese students now in this country would not be forced to return to China as long as they were in danger.

Dec. 9: A top-level mission is sent publicly to Beijing. Warm exchanges of toasts with the men who ordered the murders. Administration refuses to say whether other secret missions were sent to China.

Dec. 10-24: Mr. Bush says some sanctions will be lifted. Brushes aside protests from Republican and Democratic members of Congress.

Administration makes it plain that it expects gestures from Chinese Communists before Congress reconvenes to try to override the President's veto.

Jan. 2-8, 1990: American organizations like the International League for Human Rights provide information detailing arrests and executions, which have continued since the June murders.

Chinese students say at least 10,000 demonstrators are still in jail, beg Mr. Bush to demand their release.

Chinese Communists denounce Eastern European revolutions, show even stronger determination not to loosen their own control.

Jan. 10: Chinese Communists, as predicted, announce lifting of martial law in Beijing—not in any other place where it was imposed publicly or secretly.

Many soldiers transferred to the police force, which now numbers more than 1.5 million in addition to an army about twice that size. Laws allowing arrests without explanation, secret trials, executions, indefinite detention without trial, forced labor, press control, brutal student "re-education" camps—all still on the books and recently made even harsher.

Denunciation of "lifting" of martial law as meaningless cosmetic trick comes from all over the world. In Washington, the President orders steps to permit World Bank loans to Chinese Communists.

Jan. 11: Mr. Bush hails the Chinese Communists for taking a "very sound step." Washington reports possible repeals of other sanctions.

That is the chronology so far.

In the last days of the 1980's the Bush Administration deserted the struggle for freedom in China. Whatever the reasons—outdated, stale geopolitics and Mr. Bush's misplaced confidence that he really "knows" China best—the Administration picked the wrong China, the China of the oppressors over the China of the oppressed.

In the first days of the 1990's it did something almost as bad—it made a fool of itself. It said that a contempuous piece of cynical playacting by the murderers of Beijing was a step toward freedom.

Now here is a date for the future:

On Jan. 24, the day after it reconvenes, Congress will try to override Mr. Bush's veto of the bill to protect Chinese students in the United States.

This was always important, to help the students. Now it has taken on profound political significance.

An override would signal to the entire world that at least the legislative branch of the United States Government remains on the side of the freedom fighters of China. It would be an act of hope and loyalty for the Chinese and the freedom movements still struggling in Eastern Europe and the Soviet Union.

Override of a veto requires a two-thirds majority. The White House is working hard to persuade Republicans who voted for the bill to vote against an override.

Between today and the date of that vote, every American can get in touch with his or her representative and senator and urge them to vote against the veto and for the people of China.

This will give us all a chance to take part in the chronology of Chinese-American history and wipe away part of the stain.

[From the Baltimore Sun, Jan. 25, 1990]

AT CROSS-PURPOSES ON CHINA

What does the bloody fall of Nicolae Ceausescu have to do with the repudiation of President Bush's China policy on Capitol Hill? More than a glimpse at the map would indicate.

The overthrow of the authoritarian Romanian dictator in December must have struck Peking's hardliners as a fate they avoided by massacring students in Tiananmen Square on June 4. They had seen less iron-willed Communist regimes fall to a democratic tide in Eastern Europe. And they had embraced Mr. Ceausescu as a brother in arms and ideology just weeks before he was executed.

So while Chinese dissidents took heart from Eastern Europe and continued their passive resistance, the Chinese regime continued its crackdown. Oh yes, the authorities lifted martial law as a cosmetic gesture. They let a Voice of America reporter back into the country (even while threatening foreign correspondents with censorship and worse). They accepted Peace Corps volunteers. They released a few hundred political prisoners.

How depressing it was to hear President Bush rattle off these supposed gains from his China policy at yesterday's press conference. For he knows China well, has a feel for its nuances. But his overtures smacked of Nixonian geo-politics, not Wilsonian idealism at a time when moralism (cynical or otherwise) is good coinage on the Hill. So what made good sense when he twice dispatched his security adviser to Peking to promote liberalization has turned into a nightmare.

The administration's first miscalculation, wholly its own doing, was to try to keep its diplomatic initiatives secret, thus inflaming sentiment here that the policy move was premature and overly conciliatory. The second miscalculation, utterly out of Washington's hands, as the Romanian revolution and the reaction it set off in Peking.

Given these events, Mr. Bush's decisions to veto a bill guaranteeing Chinese students in this country four more years of residence and then to fight the override by Congress are myopic. The president says Congress will have "only itself to blame" if China retaliates. Yet in the next breath he says his own administrative actions will keep the students as safe from forced repatriation as anything Congress can enact. If this is literally true why would Peking "retaliate" against congressional but not presidential action?

According to the president, retaliation could take the form of denying students now in China an opportunity to study in the United States. This logic is also suspect. After the Cultural Revolution, China sought a jump-start on the technology and science its students had missed by sending legions to this country. This remains a national imperative for China as it strives to catch up economically. So if China retaliates, the regime would only be hurting itself and hastening the day when the pro-democracy movement revives.

[From the New York Times, Dec. 12, 1989]

BETRAYAL IN BEIJING

(By A.M. Rosenthal)

These have been days of joy and light for all who now march in the streets for freedom and all who live in its grace.

For those who fought tyranny in China but were ground down by the Communist regime, this has been a time of hope that the era of liberation would bring their own freedom closer.

But overnight and in stealth the Bush Administration betrayed that hope and those who hold it.

Without advance notice to Americans or their representatives in Congress, the Administration sent two top officials to placate, dicker with and thus strengthen the thin, wicked top layer of Communist officials who massacred their own people just six months ago.

This was a clandestinely made reversal of a publicly announced policy of world importance—that the Unitd States would end high-level relations with the Chinese Government to show its support for the people of China.

Examine the timing.

Deputy Secretary of State Lawrence Eagleburger and Brent Scowcroft, head of the National Security Council, were sent to Beijing when Congress, opposed to the appeasement of the Chinese Communists, was between sessions and will not meet again until Jan. 23.

The journey was not announced until the middle of the American night on a weekend. That prevented advance discussion and over the first critical days allowed the Administration to dominate media "reaction."

The explanation given by Mr. Bush after the act, that he did not want to "isolate" the Chinese people, was not respectful of American intelligence. It was not the people who were isolated but their despotic Government.

Beijing, naturally enough, was triumphant about the American turn-around. The Communist regime's goal was to show the people it was strong and secure enough to make the mighty United States kowtow, go back on its word and make a political pilgrimage to Beijing.

But why did the Bush Administration break its promise that there would be no high-level dealings unless Beijing changed?

Why did it, by this reversal, make clear to freedom fighters everywhere, in Eastern Europe and the Soviet Union as well as China, that the word of the United States was not to be relied upon—not for more than six months anyway?

Perhaps the Beijing regime will throw a bone or two to the U.S. Mr. Bush says Beijing will hold up delivery of missiles sold in the Middle East. That will allow eager American commercial satellite launchers to shovel more dollars into China, which can still use the money to make more missiles to sell elsewhere.

But will bones from Beijing erase the world's memory of American toasts to the killers of Tiananmen Square? American statements were made in Beijing implying that the massacre was just an incident to leap over and that the United States and Communist China had too much in common to allow unspecified "negative forces" in both countries to interfere. What forces? Chinese students? Members of Congress?

What strategic interests made this journey in the dark necessary now? The revolution sweeping Eastern Europe and heading into the Soviet Union has eliminated Communist China as a lever to be used against Moscow—if it ever existed outside the imaginations of American geopoliticians.

What made it necessary to kiss Deng Xiaoping's bloodied hand when the Dalai Lama was receiving one of the world's highest honors? What a hideous irony—the United States sidling up to the jailers of imprisoned, brutalized Tibet the day the Dalai Lama received the Nobel Peace Prize for his struggles against them.

No great mystery. President Bush is deeply affected by his personal and political ties with China, where he was envoy under President Nixon. Like others in that Administration, he was part of the "opening" of China; it was a high point in their lives.

These men, in or out of office, now are not flexible enough, or do not care enough, to see it is time for a clean, new policy supporting Chinese freedom, not the dying Chinese despots with whom they once did business.

It there were a massacre in Prague or Leipzig or Kiev, would our envoys be sent six months later on a journey in the dark to embrace the killers? If not, are the lives of Chinese fighters less dear?

The Administration has shown its answer to that question. Now there is only the hope that Congress will rebel against appeasement of Beijing and try to save American honor, at least part of it.

[From the Washington Post, Dec. 12, 1989]

EXPLAINING THE CHINA MISSION

Was there, we wondered yesterday, a better explanation for the extraordinary acquiescence to Chinese demands constituted by the Scowcroft-Eagleburger mission—an acquiescence made in the absence of any visible evidence of a post-Tiananmen let-up on the persecution of those who had demonstrated for democratic reforms? A day of official American briefings compels the conclusion that nothing like such evidence has been produced. On the contrary, the briefings by, among others, President Bush, compound the sense that something wrong was done. It is clearer now that the American delegation did not simply conduct talks in a businesslike way. By the large public gesture of going to China, by the delegation's high profile, by acceptance of China's terms for the secret planning and travel, by the banquet and the toasts and the publicity uses made of them; by all this fandango of manipulation, the Americans let themselves be used by a Chinese government that is still holding uncounted Chinese in detention, still rounding up others, still maintaining an unrepentant attitude to the atrocities it committed in Beijing.

Was there, we wondered, something else the United States got for giving this boon of respectability to Beijing? The suggestion emerged yesterday that there was a quid pro quo—an alleged new Chinese readiness not to provide any more long-distance missiles in the Middle East. Mr. Bush, pronouncing himself "pleased," made and underlined a link between the mission to Beijing and a Chinese foreign ministry statement promising missile restraint.

Well, missile restraint is a good thing. The United States has been after the Chinese to choke off this dangerous form of military proliferation. The subject needs to be kept on the agenda. But assuming the very most, which is that the Chinese actually have changed their missile export policy and that they did it, if not at Mr. Bush's bidding then to ease their relationship with Washington, there is still something wrong with proceeding in this way. Is not the implication that we somehow were compelled to stop protesting one damaging, reckless act on the part of the Chinese government in order to prevent it from perpetrating another? Couldn't this have been dealt with—*shouldn't* it have been dealt with?—within the normal context of diplomatic business that was, after all, still being conducted between the United States and China via our ambassador there and others?

Mr Bush insisted yesterday that the United States remains "positioned in the forefront of human rights concerns" as, simultaneously, it seeks to draw China out of isolation. How much better if he had said the United States condemns the Beijing repression and its consequences and regrets it cannot resume its good relations with China until the regime ends its self-imposed isolation by letting up on those it is persecuting whose offense was a demonstration for freedom.

[From the Washington Post, Dec. 11, 1989]

THE CHINA MISSION

Perhaps The Bush administration has a better explanation of its surprise bow to the Chinese government that just a few months back massacred hundreds of demonstrators in Beijing than that which it was offering yesterday. We truly hope it does. For what it was offering yesterday were mainly perfunctory and unconvincing statements that it of course takes human rights violations seriously—statements put in such a way as absolutely to signal their relatively low priority in the administration's hierarchy of concerns—and an utterly misleading suggetion that the only choice for the American government lay between yielding abjectly to an unrepentant Beijing and going back to a sort of pre-recognition breakdown of all relations. This of course is not the choice.

So the questions that cry out to be answered are these: Did the Chinese give something in return for what they got, which was a breach of the administration's pledge that no high-level visits would be undertaken (and presumably that no high-level professions of admiration and solidarity would be made) until the Chinese take steps to undo the damage they did in June? Or will it be a limited "show" reciprocation, such as, for example, China's relenting in its torment of a couple of famous victims, while proceeding with its remorseless search for and persecution of those who dared to demonstrate in the name of democratic freedoms?

On its face, the announcement made it look as if Mr. Bush had merely sent his emissaries to China to indicate to the people responsible for the crime that the United States is getting ready to let bygones be bygones. He appeared, in fact, to be all but apologizing to the Chinese government for the American sanctions still in place, and has surely undermined our ability to argue to friends and allies that they should keep the pressure on China. Last summer this country said that any improvement in relations would have to depend on a demonstration of greater respect for human rights in China. That is why it is so crucial to find out what if anything the Chinese did to demonstrate such respect. The alternative is to concede that after six months the administration is backing down and explaining to the Chinese that it was only kidding.

What a message this would be to send at this moment to the Soviets, and to those Communist hard-liners in Eastern Europe who still command armies and police forces and must be toying with the option of violently repressing the pro-democracy uprisings there. Until now the United States has given valuable support to the democratic movements in Eastern Europe by letting the world know that armed repression would

immediately be answered by broad and exceedingly costly economic sanctions. Does the mission to China add, "but on the other hand, after a few months, maybe not"?

Incredibly, Mr. Bush's emissary, National Security Adviser Brent Scowcroft, is reported to have said to his Chinese hosts in a formal toast at a state dinner in Beijing, "In both our societies there are voices of those who seek to redirect or frustrate our cooperation. We both must take bold measure to overcome these negative forces." Just what does that mean? That the Chinese who massacred the students and the U.S. government that imposed sanctions were merely victims of a misunderstanding and of malevolent prodding from troublemakers in each of their realms? That the Bush administration and the Beijing government that perpetrated the massacre are on the same side in this matter, both having been pushed into their apparent conflict by these "negative forces" at home? In fact the statement sounded exactly like the kind of specious reasoning Gen. Scowcroft and others have rightly rejected over the years when it came to giving in to the Soviets in pressure politics and negotiations on grounds that the differences at issue were merely the handiwork of "cold warriors" on both sides.

There haven't been many massacres here, by the way, raising Chinese protests. The negative forces in China are Communist officials, bitterly anti-American and prepared to shed any amount of blood to preserve the party's power and their own families' interests.

Mr. Bush appears to be bending his policy to meet Chinese demands because the Chinese refuse to bend. The government there remains adamant in its insistence that, first of all, nothing except a politically inspired outbreak of street hooliganism happened in Beijing last June and beyond that, the way it treats its people is nobody's business but its own. The Chinese official position is accurately conveyed in a communication from Chen Defu on the Chinese Embassy, printed on the opposite page.

The president should not be making placatory concessions to a repressive and bloodstained Chinese government. Is there a better explanation than the one the public has been given so far?

[From the New York Times, Dec. 12, 1989]

HAILING THE BUTCHERS OF BEIJING

Three bitter questions reverberate over the Bush Administration's startling overture to China:

Why now? No one thinks the U.S. will remain permanently estranged from China because of the June massacre in Tiananmen Square. But why rush to kiss the feet of a Beijing regime whose rejection of reform becomes clearer day by day?

Why so furtive? If the initiative is as sensible as President Bush insists, why wasn't it disclosed until the wee hours Saturday, after his high-level delegation arrived in China?

And finally, considering the widespread horror ignited by the massacre, how could the visitors raise such a fulsome toast, declaring they had come "as friends to resume our important dialogue"?

The best answers the president could summon up yesterday sounded more like diplomatic doubletalk—about not sending signals of total normalization and not diluting our indignation or principles. And he claims credit for a suspect Chinese promise to curb missile sales to the Middle East. He is right; Washington cannot ignore China. Yet Beijing can't ignore the U.S. either, and this symbolic reconciliation appears to have been carried out entirely on Chinese terms.

Absent better answers, the overture undercuts American outrage over Chinese repression. It betrays China's democrats. And it sends the worst possible signal to the Soviet Union and Eastern Europe about America's attitude toward attempts to halt reforms by force.

Only six months ago, Deng Xiaoping and his hard-line allies ordered troops to fire on student demonstrators, killing hundreds. Since then a realigned leadership has reversed a decade of reforms, reimposing police-state controls and purges. Power now seems left in the hands of a shaky coalition of octogenarians. Reform-minded Chinese hope for a not too distant succession.

Beijing has paired repression with a shrill diplomatic campaign of accusation. It blames Washington for encouraging Chinese demonstrators even though this spring's protests had deep Chinese roots. And it has insisted that America make the first move toward reconciliation. Now, incredibly, Mr. Bush appears to have complied.

Americans can be proud that Chinese students identify with U.S. values, to the point of constructing a statue they called the Goddess of Democracy. Yet Mr. Bush, who served as chief U.S. diplomatic in China 15 years ago, seems to identify more with China's aging autocrats than with its brave young democrats.

After the Tiananmen massacre, under public and Congressional pressure he announced sensible sanctions to protect present policies without prejudicing future ties. Ever since, however, his Administration has seemed determined to restore normal ties. Now, just as U.S.-Soviet relations have changed dramatically, reforms in China have been thrust into reverse.

Chinese influence is important on regional questions from Cambodia to Japan, as is its role as an arms supplier in the Middle East. Yet effective diplomacy turns on clear American as well as Chinese interests. To ignore China denies reality. To rush to toast its present leaders and policies dishonors democracy.

[From the Wall Street Journal, Dec. 12, 1989]

INDECENT INTERVAL

"Decent interval" has a new definition: six months.

Six months ago, the Chinese rolled the tanks into Tiananmen Square and across the bodies of pro-democracy protesters. A short time later, protesters "convicted" of treason were dispatched, with a bullet to the back of the head. Today Fang Lizhi remains a hostage in the U.S. Embassy. Other members of the intelligentsia who were rounded up are still under arrest. Reuters reported yesterday that the Chinese have begun secret political trials of the Tiananmen students who were arrested.

Yet only six months after the bloody repression, George Bush's emissaries, Brent Scowcroft and Lawrence Eagleburger, are in Beijing toasting the men who sent in the tanks. Dont' let anyone ever say these prudent Bush men aren't tough enough to buck opinion polls. Now if they ever figure out how to hang tough at the right time, American foreign policy will be on track. At the moment, one has to wonder.

Again, the unfortunate Panama example looms in the background. Given every reason in the world to take out Noriega, the Bush administration came up with every reason imaginable why it couldn't. The hang-back rationale was pretty thin. The careful but decisive Philippine intervention gave reason to hope that Panama was an isolated instance. But now, at the very moment when the world is witnessing this century's greatest flowering of democratic courage and hope, Mr. Bush boldly offers absolution to the year's anti-democratic miscreant.

It has to go down as one of the great tinear exercises of our time. Yes, we understand the importance of China, and yes, at some point the U.S. will need to seek a rapproachement. We agree that the Nixon-Kissinger opening to China was a triumph of Realpolitik. But though members of the current administration participated—Mr. Scowcroft and Mr. Eagleburger as Kissinger colleagues and President Bush as envoy to China—this is not the time to relive that success. Just now the whole Communist world is teetering, not because overwhelming military might is arrayed against it, but because of the power of ideas, values and symbols. This is scarcely the season to sell the democratic birthright.

President Bush was at some pains to defend the trip, saying he did it because "I do not want to isolate the Chinese people." You can argue, as the Japanese did after receiving Mr. Scowcroft Sunday, that continuing China's isolation creates problems of "stability" in the Pacific region (the Tiananmen crackdown upset a planned $5.7 billion Japanese loan to China). But the Chinese Communists have done nothing to earn the gift the U.S. has just bestowed on them, nor is there any evidence of likely benefit for the Chinese people, who by all evidence don't much care for the current stability and would like to be isolated from their government.

Reports out of China recently indicate that the government is aggressively re-regulating the economy under strict, central control, including the showcase agricultural sector. With students on trial, does the Scowcroft initiative mean that Mr. Bush is constrained from speaking out against kangaroo courts, as past Presidents did in denouncing similar Soviet abuses?

The simple fact is that no one "isolated" China; China has isolated itself. China's grim reversion is the saddest story of 1989. At a time when nations from East Germany to South Africa are opening up, China dropped an anvil on the very political ideas that would have sent the country toward full integration into the community of nations. Lech Walesa is extolling the people who espouse the ideas of an Adam Smith; in June, China shot them.

Norway, incidentally, went ahead Sunday and gave the Dalai Lama the Nobel Peace Prize. In March, the Chinese army smashed a "dissident" movement in Tibet, and the Chinese government threw a temper tantrum when the award was announced. It denounced the Norwegians for giving previous Nobels to "so-called dissidents," namely Lech Walesa and Andrei Sakharov. Exactly.

President Bush should not worry about isolating the Chinese people. He should worry about isolating the people of Poland, Hungary, East Germany, the Baltics and so on.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. I yield 10 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. KERRY. Mr. President, may I ask the Senator for the same courtesy.

Mr. SIMPSON. We are going to get a vote at 2:30. That is going to squeeze everything. If the Senator can do it quickly, I will yield.

Mr. KERRY. I thank the distinguished Senator.

Mr. President, for 40 years the United States has been encouraging respect for human rights, and the fight for freedom in Eastern Europe and the Soviet Union. We are now witnessing extraordinary changes in that part of the world—more so than any of us would have expected a year ago. Yet in China the only changes we are witnessing are for the worse. President Bush's China policy is sending the wrong kind of message to the world about how America stands on human rights.

The administration's policy is based on the rationale that we must not take any actions to isolate China. This rationale has led us to send high-level envoys to toast their Chinese Government hosts at state dinners and discuss areas of vital concern to both nations. Conspicuously absent, however, is the concern over the type of signal such contact is sending to the students of China, to the American people, and to the rest of the world.

Only 6 months ago, the world watched with horror as the grisly events of Tiananmen Square unfolded before our eyes.

Who can forget the gunning down of student demonstrators in cold blood? Who can forget the Chinese army tanks that rolled over their own countrymen? Who can forget the summary execution of student leaders? Or the indelible impression of courage that the sight of one lone man, brave enough to stand before a line of tanks, made upon the world? The fact that this man, and others like him, have been executed by the Chinese Government for their demands for a more open society, is truly chilling and shakes our senses.

After Tiananmen Square, China expelled journalists, killed its students, shipped others off to re-education centers, and then informed the world in statements reminiscent of George Orwell's novel "1984," that "no one was killed in Tiananmen Square." The witch-hunt for demonstrators continues, as does the ban on foreign journalists, and the jamming of Voice of America broadcasts. Concessions allowing one VOA broadcaster to reenter the country are minor at best.

In this country, Chinese students have taken to the streets to protest the killing of their brothers in China, and to show their solidarity with the democracy movement. A replica of the Goddess of Democracy statue was rebuilt and placed in the square in front of the Chinese Embassy here in Washington, DC. Many of the Chinese students in this country have been outspoken in their condemnation of the repressive force used by the Chinese Government. If they are forced to return to China they will face certain repression, or even death. Many fear to apply for the deferred departure program because even this act identifies them as subversives in the eyes of the Chinese Embassy here.

Since Congress adjourned, the President has taken administrative action to implement the principles of the Chinese visa bill which passed both the House and Senate. I believe, however, that we need to pass a statute. The President's executive decree is not permanent enough. It may not withstand the challenge of the courts, and therefore provide the security to the Chinese students that they deserve. And more importantly, it does not send the proper message of what the American people think of governments that flagrantly abuse their citizens, and deny their people the inalienable rights of life and liberty.

Passage of this bill will show Eastern Europe, the Soviet Union, and the Chinese students who look to the United States for support of their yearning for freedom of expression and liberty, that American foreign policy is more than simple cold-hearted realpolitik. As one constituent of mine from Massachusetts wrote,

> Please, protect the Chinese students in the United States. Human lives, freedom, and American honor are at stake. The American electorate and the entire world will be watching.

This administration has already sent the wrong message to China and to the world with National Security Adviser Brent Scowcroft's secret mission to China. In his toast to Chinese officials, Scowcroft stated that,

> In both our societies, there are voices of those who seek to redirect or frustrate our cooperation. We both must take bold measures to overcome these negative forces.

Mr. President, I do not believe that the United States needs to encourage China to take "bold measures" to overcome voices crying for democracy. I believe that the Chinese have demonstrated that they are quite able to take bold actions whenever dissent breaks out in their country. On the very day that Scowcroft and other U.S. officials were meeting with Chinese leaders behind the walls of the Forbidden City, seven Chinese demonstrators were arrested and beaten for holding a banner in front of the Chinese Ministry of Radio, Film, and Television, which read, "Why is China so Poor?"

The administration's professed commitment to respect of human rights when dealing with the Soviet Union rings hollow and exposes the hypocrisy of our public rhetoric with regard to the administration's China policy. In order to protect the lives of the Chinese students in America, and to send a clear message to the world that the United States does not condone persecution and the crushing of democratic expression, we need to pass the bill that is before us.

This bill will protect human lives. Its effect will be directly felt. It is needed. A Chinese scholar recently wrote to me, asking that I support this bill so that he will not be sent back to China.

"All that I am seeking," he said, "is just a space in the United States big enough to put my desk in, so that I can write freely about the life experiences I have had in China in the past decades."

We have the moral obligation to stand up to protect the lives of the Chinese students and scholars in the United States. If we do not override this veto, this man and thousands like him, will be sent back to China to certain persecution or even death.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, every Member of the Senate wants to make certain that the Chinese students remain in this country as long as necessary for their safety and security. We all believe in that. The President of the United States believes in that.

Furthermore, he has promulgated orders that will make that possible; likewise, employment for the Chinese students. As has been pointed out by other colleagues, the President in his directives has gone beyond just the students, to take in other aliens who have been distressed by tyranny in China. That is not the issue.

I appreciate that Members may try to characterize a law as somehow different from orders of the President of the United States. The effect, in fact, is identical except for the fact that the President's order goes beyond the law that we are discussing today.

I make that point, Mr. President, because this is not a vote on compassion. It is not a vote on idealism. It is not a vote which gets to the heart of whether we have sympathy for the Chinese students. We all do, every one of us, the President even more than all of us, because he knows much more about the Chinese situation, its histories, customs, than most of us do.

Mr. President, I want to get to the heart of the matter in terms of the U.S. foreign policy, and that is that the President is in a very lonely position.

He is unique, speaking for our country. The symbolism has been given of the Chinese students standing in front of a tank defying that tank to roll. It is powerful symbolism. It moved the world.

Mr. President, I would like to suggest that the appropriate symbol for

this debate is President George Bush facing the world, a very tough job, a unique job for a man of great gifts and great talents. On this occasion he needs our support.

I make that point graphically because this is a situation in which the President of the United States has told me, has told Senators, has told the world, that, "I know China." And the President does know China. He has devoted an inordinate amount of his public service to the Chinese issue, to the relationship between our country and China.

If we were dealing with a President who had minimal experience, who it could be said is simply being briefed by advisers, who had not really taken a hands-on position on China, that would be one issue. Perhaps Members of the Senate would be bold enough to substitute their judgment for that of the President. Maybe Members of this body are prepared to do that anyway. Maybe each one of us is prepared to play the role of President, to say to President George Bush:

Although you purport to know a great deal about China and you are our President and you are the major leader in our foreign policy, we assert that we know more than you do about it. We think we can speak either individually or collectively to the Chinese or to the world in a more appropriate and moving way than you can.

Mr. President, I am not prepared to do that. I suggest most of us are not prepared to do that if we think about the question logically. The President has adopted a very bold and controversial policy with regard to China. The totality of it is not apparent to all of us. The controversies, at least, that have arisen are apparent at this point to many of us, to the point that some are persuaded to say to the President that "your policy is wrong, and we are going to make certain that you are curbed." But I would just suggest that to adopt such an attitude would not only truncate the effect of this President vis-a-vis China, but I think with regard to a whole gamut of other foreign policy issues.

The President of the United States knows a great deal about China. He is asserting that. He is furthermore asserting that he has an intermediate and long-term set of tactics and strategies that have evolved that he believes are in the beneficial interests of this country. He is not coy about it. He has said throughout 1989.

I know about China. I have a hands-on relationship with China. Give me latitude. Give me an opportunity. Do not continually pass pieces of legislation that may give vent to enthusiasm or frustration or emotion but clearly do not advance United States interests.

I think we have to take that seriously, Mr. President. Let me just say the President of the United States is the symbol of this debate. He is the lonely figure standing in front of emotions. At the time when we were in the last stages of 1989, all of us were concerned with the Chinese students. We all had met with the students. We all had affirmed our desire to keep them safe, to give them opportunities for employment so they could have staying power. We all believe that still. Legislation zipped through both Houses. It was not apparent to us precisely what the President would do by Executive order. The veto came while we were out of session, and we were not able to confer. We meet barely 2 days after return to have a debate of momentous significance for our foreign policy.

I just suggest, Mr. President, there has been time for the President to make this case, and some of us must make it as rapidly and as responsibly as possible. I wish as Members may, that the side by side accounting of what the Attorney General and the President have done in behalf of the Chinese students had been apparent a while back. That might have made the debate easier for many Members who did not go out on the huskings and make speeches that led them to some sort of an embarrassed position today. It would have been helpful I suspect if the intensity of the President's emotions on China had been known to every Member, as they were to some. But there is not ambiguity about that now.

The President has made clear that this is a very important issue for him, George Bush, and for our country and for our continuing relationships.

Mr. President, we can all play the game of what the Chinese will do if we do something, and what they will not do, and what the flow will be. And I do not know how that can ever be resolved, and only history will find a record on whether the President was on the right track. The President clearly ought to have latitude to formulate a policy for China.

The vote we are going to have today, having seen the debate thus far, is clearly going to be a general report card on the President and China. If we were debating the narrow issue of the bill itself, that is a pretty clear issue. The Chinese students are going to stay. They have protection. The Chinese students are going to have employment. They have that protection. The President has provided that. We do not have to override a veto to provide that.

Clearly, Mr. President, if Members are impelled to override the President's veto, it is for one purpose; that is, really to sock it to the President and say, "Mr. President, we do not have confidence in what you are doing in China. You can listen to 4½ hours of this and understand how little confidence we have. We are determined really to truncate your possibilities and to substitute our will, our emotions, to vent what is on our minds as a substitute for a foreign policy for this country." But that would be very shortsighted.

I just suggest, even at this late hour, we had best consider what we are about. Obviously, I will vote to support the President in his execution of our foreign policy with regard to China. I think it has great potential. It has great potential for difficulty down the trail. But let me just simply mention one recent case in Presidential history which was recounted not long ago as a part of this dialog.

At the time that Henry Kissinger went to China preceding president Nixon's famous entry into that relationship, the Chinese had just proceeded through the cultural revolution. Tens of thousands of people, and that may be understated, has been killed. The entire Chinese landscape in terms of human rights was strewn with blood, and persons and careers which had been ruined. The entire course of China was in disarray.

You could have made a point that sending the President of the United States or Kissinger or anybody else into that was a bad idea, that it rewarded the cultural revolution, that it somehow continued the butchery. How shortsighted we are. Most people believe historically that opening was important. We can debate whether it should have occurred that year or the month before, what have you. We think it is important; the relationship is important. Therefore, Mr. President, let us keep the opening. Let us remember history.

Let us recall that these policies do not happen within a time frame of 30 or 60 days for our approval. We are in the process almost of taking the War Powers Act psychology into American diplomacy and saying:

Mr. President, if it doesn't work in 30 days or 60 days or by January 23d, whatever the cutoff line is, if the number of actions—and the President cited seven distinct things the Chinese have done—are not such, then we will sock it to you. We will really cut it off and show who is in charge.

That would be very shortsighted. The American people really do not support that. As a matter of fact, the Chinese people will not support it historically either if our policy fails.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator's time has expired. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I hope, indeed, that we heed the words of one of our most respected members on foreign policy in this Chamber, respected by those on both sides of the aisle, the senior Senator from Indiana, Senator LUGAR. He expresses issues of complexity with such clarity and such reason. I think all of us realize that he is absolutely unique in this body.

I have the deepest respect for him.

There are two or three items to express in my very short time remaining. I thought we had another Member, and that Member has not come to the floor. What is the time, Mr. President?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. SIMPSON. I yield myself 7 minutes.

Mr. President, a couple of things. There has been a good debate, an excellent debate.

Mr. President, let me at this time yield 3 minutes of my time to the Senator from New Mexico [Mr. DOMENICI].

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I will vote to sustain the President's veto of the Chinese student bill.

President Bush's overall conduct of foreign policy, and his general approach to China, deserve our support, and he has mine on this vote. In fact only a few months ago Congress passed a foreign relations authorization bill that commended the President for his response to repression in China. No one in this body wants to break relations with China, and the President convinced me that a Senate vote to override this veto might just do that.

I take seriously the concerns about the degree of protection we are providing for prodemocracy Chinese in this country.

I have spoken directly with the Attorney General, and he assures me that the President's actions, in his December 1 directive to the Attorney General, not only protects Chinese students studying in the United States, but it also applies to a broader group of Chinese citizens who are in the United States.

The goals of those who wrote this bill have already been met by the President.

It is no secret that this vote is a proxy vote for many on one element of our China policy—the two high-level missions to Beijing.

Those missions were part of President Bush's overall policy to make possible the renewal of the prodemocracy movement as soon as possible. His support of the eminent scientist Fang Li Zhe, and his support of Chinese students are only the visible part of what I believe is a complex policy toward the Chinese leadership, elements of which must remain private.

The President has a great personal knowledge and interest in China, and I agree with him that it is in our interest to avoid steps that could result in a homogeneous, hard-line government in China. No such government now exists.

Voices of moderation and hope exist quietly in Beijing. Enactment of this bill, I believe, would do nothing more than unleash the antiforeign sentiment that is always close to the surface in China. Enactment of this bill could give the hard-liners in Beijing the total control that has so far evaded them. The President does not want to take that chance. I do not want to take that chance.

Time will tell whether the President was well advised to dispatch General Scowcroft to China on two occasions. General Scowcroft made a serious mistake in the wording and timing of his public toast to the Chinese leadership. But in this Senator's view, one mistake should not be used as the excuse to abort the President's China policy. I do not know if any of us has a better one, and, in any event, none of us have yet been elected President.

The President knows that he does not have unlimited time to produce positive results from his China policy. But it is premature to make a final judgment at this time, and I am willing to give President Bush the benefit of the doubt.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I yield 4 minutes to myself of my remaining time.

Two things in the debate need attention, I think. That is what a debate should be—response to points made by other Members. Senators COHEN and ARMSTRONG spoke about harassment and intimidation. I think we want to remember clearly that we all deplore the cruel threats to families in China and the harassment of students in this country. But let me state again that the Pelosi bill does not in any way address that problem. No way. It will do nothing to prevent harassment and repression, and I urge you to take a close look at the legislation that I will be presenting on that.

Then the other issues have been well debated, issues of changes in the People's Republic, the issues of the Chinese and their visa records in the United States. Those are of importance. It is important to note that Chinese visitors do not overstay and become illegal, rather they find a job or marry a United States citizen or whatever, and they find a way to adjust their status. I do not mean to say they remain illegally—but they remain.

The other point, I think, is so clear. No Chinese student will be returned if the conditions are not safe. That is so important. Do not let that escape us in the debate.

We talk about Tiananmen Square and the Statue of Liberty and democracy and freedom. Every one of us on this floor embrace those with the same intensity. Anyone who tends to distort that, they are certainly demagoging the issue, because no Chinese students will be returned to China, and these students will all have a safe status administratively.

Then finally—and I will lob one in, but it is important—to those who say there is no partisanship in this attempt to override the President, let me ask my friends on the other side of the aisle, how many Democrats will vote to sustain the veto? Are all the Democrats voting to override the veto just by a strange coincidence? And how many Democrats in the House voted to sustain the veto? None. Zero. Let us try to——

Mr. SARBANES. Will the Senator yield on that point?

Mr. SIMPSON. In a moment. Let us drop the facade of bipartisanship, or else let me hear how many Democrats will vote to sustain the veto. I yield 30 seconds.

Mr. SARBANES. The relevant concern is, of course, that we are staying consistent with the position that we previously took on this important issue. The change in position is happening on the Republican side of the aisle as a consequence of the pressure from the President and a political rallying cry.

The last time this issue was considered, it went through on a voice vote without any dissent. In the House of Representatives, where the administration did not apply the pressure it is applying on the vote in this body, the vote to override was 390 to 25. So it is not this side that is shifting its position. We are staying consistent with our position. The shift is coming on that side.

Mr. SIMPSON. Mr. President, that is an argument without foundation. We had this position before President Bush through administrative action gave all the benefits provided under H.R. 2712. We were not in session when he did that, but once he did it administratively, everything then switched to partisanship. It left here in a marvelous bipartisan way, and once the President did that act, it turned to partisanship.

I agree with former President Nixon's views on this so in summary, let me say with greatest respect to my colleagues in this body who are planning to vote to override the President's veto. Your vote will be interpreted around the world as a vote of no confidence in the dedicated and enormously popular leader of the free world, George Bush, at a time when continued confidence in his leadership is absolutely indispensable for the survival and extension of freedom around this world. In your efforts to punish a few despicable and brutal hardline leaders in China, you will be punishing over a billion people in China, who are counting on the United States of America to use its influence on behalf of a resumption of economic and political reform in that country. In making yourselves feel good, you will be making millions of Chinese feel worse.

I yield myself an additional 1 minute.

You will be able to boast to your constituents that you have cast a vote for human rights and freedom and democracy. In fact, you will be casting an unnecessary vote for students whose interests are already protected and against the human rights of millions of Chinese, who saw the door to the outside world and freedom nudged open and will now see it slammed shut by a very selfish and irresponsible action.

I reserve the remainder of my time and yield.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, I have 2 minutes, 15 seconds left.

The PRESIDING OFFICER. The Senator has 2 minutes 15 seconds.

The Senator from Wyoming has 1 minute 18 seconds.

Mr. KENNEDY. Mr. President, as I understand, the Republican leader and the majority leader will wind up the debate. I will use my last 2 minutes now.

Mr. President, we are all very well aware what is happening in the Senate. This is turning out to be a very close vote, and it may go either way.

But I hope that as Senators come to the floor for the vote in a few moments, we can vote on the merits of this issue, and try to set aside the allegations of partisanship and politics that are being used as a smokescreen to obscure the issue in an effort to sustain the veto.

A statute is stronger than a regulation. We all know that. Democracy is better than dictatorship. We all know that too. The issue before us is no more complicated than that.

The House of Representatives understood those two simple fundamental principles. It voted 390 to 25 yesterday to override President Bush's veto and give the courageous Chinese students in this country the protection they deserve—the full protection of American law.

House Republicans understood that point, and they voted in overwhelming numbers to support it. One hundred forty-five House Republicans voted to override the veto, and only 25 voted to sustain it. If the same proportion holds in the Senate, only seven Republican Senators will vote to sustain this veto.

Mr. President, in a few moments I think the Senate will cast one of the most important votes this year. All of us in this body understand the difference between statutory laws and administrative regulations.

We understand the difference and the distinction. Most importantly, Mr. President, the Chinese leadership does. And the Chinese students do.

Whether we like it or not, this is basically a referendum—on the one hand, the Chinese Government, which embraces the the administrative ruling, or the freedom movement, the students, who understand the importance of the protection of the statute.

The fact is that the democracy movement in China today is in jail and many of its leaders have been killed. We cannot reach out and free them, but the democracy movement that is alive today is in the students who are here in the United States of America. They are the rightful heirs of that tradition. They care about their country and about their future. We have an opportunity this afternoon to send a message to those who are in jail who were a part of that whole movement and to those all over Eastern Europe and Central America and South America who are struggling and want to be a part of this whole movement—a movement that started in China. This is a referendum on fundamental questions of human rights.

I hope on this issue that the Senate of the United States will reflect the deep-seated commitment of the American people and override the veto.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, in my remaining 1 minute let me just say this one more time for the galleries, for the media, for those who are the soothsayers and doomsdayers, heartbeats and hangers on, political consultants and political types, demagogs and bleeding hearts, and others, who are trying to desperately distort and demagog this issue. It is this: No Chinese students will be returned to China if conditions there continue to be unsafe, period.

What else is there to debate?

Mr. CONRAD. Mr. President, over half a year ago, we witnessed in Tiananmen Square a bloody silencing of the voices urging movement toward a democratic system in China. Various reports put the total killed or wounded from indiscriminate gunfire or crushed by tanks in the thousands. Since then, the Chinese people have suffered a protracted period of harsh political repression, with continuing purges and arrests. At least 40 executions have been carried out since June.

China's leadership, despite the recent lifting of martial law in Beijing, remains intractable. To maintain their power, they continue their tactics of fear and repression. Concerned over the impact on China of the downfall of Communist regimes in Eastern Europe, the leadership has ordered officials to deal promptly with any unrest at workplaces and universities. Many Chinese, Mr. President, are not even aware of the democracy movements that have flowered throughout Eastern Europe because the Government controls the media. To further tighten their grip on the flow of information, the Chinese rulers have placed controls on the foreign press in an attempt to censure reporting out of China.

Mr. President, the Senate voted last session 97 to 0 in favor of H.R. 2712, which provides a safe haven to Chinese nationals residing in the United States. When word of a possible Presidential veto reached this body, 74 Senators wrote to the President to request that he sign the bill into law. I joined that bipartisan group in asking the President:

> Just as you have celebrated the courage of the peoples of Eastern Europe in their recent democratic successes, we ask only that you support the students of China in their continuing struggle.

Despite this broad showing of bipartisan support for the legislation, President Bush vetoed that bill, arguing that the same immigration relief would be provided administratively and that enactment of such a law would damage future educational and scientific exchange opportunities with China.

I met with a group of Chinese students in early December in California. These students, Mr. President, were taking a risk in meeting with a U.S. Senator. But it was important for them to express their concern that by vetoing the legislation, the President not only was putting them in some jeopardy but was also sending exactly the wrong signal to the Chinese Government. They also thought it was very demoralizing for the internal opposition in China, and only strengthened the hands of the hardliners. From their perspective, it appeared that the world's leading democracy was bowing to pressures from a repressive regime.

I do not believe, Mr. President, that any Member of this Chamber would want to seriously damage the relationship that has been carefully developed over the years with China. Beyond the exchange programs, there are serious political and security concerns that are of interest to the United States. Nevertheless, there comes a time when a government must take a principled stand based on the human rights of individuals, despite the risks it may carry. I believe that by overriding the President's veto on H.R. 2712, we in the Congress are taking that stand.

Mr. PELL. Mr. President, I support the overriding of the President's veto of H.R. 2712, the Emergency Chinese Immigration Relief Act, that passed unanimously last year.

H.R. 2712 assures Chinese students on J-1 exchange visitor programs that they can adjust their immigration status without the usual requirement that they return home for 2 years. The waiver contained in this bill gives them the option of either remaining

or returning without having their cases adjudicated on an individual basis. H.R. 2712 also provides a 4-year relief period in which they can apply for other types of visas or to seek status as permanent residents.

Despite the President's assurances provided in his veto message that his administrative actions obviate the need for H.R. 2712, it is clear that these measures are insufficient for three principal reasons.

First, as a recent memorandum on this issue from the American Law Division of the Library of Congress makes clear, and I quote:

> The Administration's measures to grant immigration relief to PRC nationals may raise serious legal issues to the degree that they are beyond authority in current statute and concomitant regulation.

Changing the law would resolve any doubt remaining in law concerning their status.

Second, the President's initiative has not provided the assurances needed by Chinese students resident in the United States. They are avoiding the President's program. As one Chinese student leader observed, "it requires us to make a declaration against our country, branding us as traitors and counterrevolutionaries." Students are also concerned that the President's administrative actions—because they are not codified in law—may be modified or retracted at any time, leaving them once again vulnerable.

Third, by voting to override this veto, the Congress will be sending an important political signal to China that we will not be intimidated by Beijing into compromising American values and interests.

Just because China has condemned this bill, claiming that it would "seriously jeopardize United States-Sino educational exchanges" and cause a further deterioration in our relations, is no reason for the President to veto it. Just because China threatens to terminate the Fulbright Scholarship Program, is no reason for Washington to kowtow to Beijing.

Current American immigration law is construed for ordinary circumstances. The law attempts to encourage individuals to return to their countries where they can contribute to their Nation's development. Clearly, however laudable this objective, it is not possible in China today where thousands remain under arrest, students are forced to attend reeducation classes, and liberal development policies have been abandoned.

As our former Ambassador to China, Winston Lord, observed in Senate testimony on January 23, "the passage of this legislation would make clear that Americans are not fooled by smoke and mirrors, that we are a serious people" and, I would add, serious about sending a message to China's leaders that after the massacre in Tiananmen Square that it cannot be business as usual between a dictatorship and a democracy.

Mr. LAUTENBERG. Mr. President, I rise in support of the override of the President's veto of the Emergency Chinese Immigration Relief Act of 1989.

The President should not have vetoed this important legislation, which was approved unanimously by both the House and Senate with virtually no opposition. We should override the President's veto and provide greatly needed legal protection to Chinese students in the United States who fear the very real threat of persecution if they return to China.

The brutal Tiananmen Square massacre was among the worst human tragedies the world has ever witnessed. Brave Chinese students were ruthlessly murdered under orders from the Chinese Government simply because they had the courage to speak out for democracy and freedom.

Since the massacre, Chinese students in China have continued to suffer for their participation in the democracy movement. Fang Li Zhi is still seeking refuge in the U.S. Embassy in Beijing. Human rights groups indicate that thousands have been imprisoned for speaking out on the side of democracy. Many who have been released from prison have been targets of persecution.

Chinese students in America justifiably fear returning to China. Many do not even feel safe in America. Some have been threatened by Chinese Embassy officials for participating in protests against the Tiananmen Square tragedy. In the current environment in China these and thousands of other Chinese students fear that they will be targets of persecution if they return to China.

We must not let that happen. We must provide concrete assurances to these students that they will not be forced to return to China. The President's directive does not provide those assurances. It can be withdrawn at any time and for any reason. That would leave the fate of Chinese students uncertain.

Overriding the President's veto will send a loud, clear signal to the Chinese Government and supporters of the prodemocracy movement in China that America is willing to protect—through the law—those brave individuals who dare to speak out on the side of democracy and against the brutal actions of the Chinese Government.

I urge my colleagues to support this override.

Mr. HEFLIN. Mr. President, it is clear that the intention not only of Congress but also of the President is to allow Chinese students who fear persecution for the prodemocracy movement in China to have a safe haven here in the United States. Both sides of Congress passed a bill which was deliberated, amended and deliberated again. At the end of the first session of the 101st Congress a sound compromise was made and H.R. 2712 was passed and ready for the President's approval. As we all know the President allowed a pocket veto. The President then proposed an administrative directive which does what the bill, passed by Congress, proposes. The question, I believe, is which measure insures greater protection to Chinese students in the United States.

We know that there is a possibility that the administrative directive could be subject to court challenges. The directive may also be subject to political pressures from China. These pressures could lead the administration to rescind its administrative directive.

The massacre at Tiananmen Square was a tragedy that saddened this country. It was an act which suppressed what we in the United States frequently enjoy—freedom of expression. Reports indicate that the repression of dissidents in China continues and there are accounts that Chinese students here in the United States are being monitored by China. The fate of these students, should they return to their country, could mean severe punishment. Unfortunately, that punishment or fear thereof, will prevent the democratic change strived for by these students.

If it is our ultimate goal to protect these prodemocracy Chinese students, then it is clear that a law should be created.

Mr. President, I will support this override.

Mr. EXON. Mr. President, this vote is about freedom. It is about democracy and it is about brave young students who dared to oppose a blood thirsty Communist dictatorship. It is a vote about the image of a brave young man standing in front of an advancing tank.

The actions of the Chinese dictatorship are to be condemned and America's support and protection should be extended to those young advocates of freedom and democracy.

Today's vote has taken on symbolic significance beyond the strict confines of American immigration law. It is a vote intended to send a loud and clear message to the Chinese Government and the American Government that the people of the United States are shocked by the brutality of Tiananmen Square.

To the Chinese Government it sends a signal that there are basic standards of human rights which must be respected to be a full member of the international community.

To the American Government, it reminds the administration that freedom, liberty, and democracy are the

principles which this Nation must embrace and should inspire.

Mr. President, the fact that the administration needs to be reminded is the saddest fact of all. So careful is the administration not to offend the power structure in Communist China that it has produced one of the most ironic immigration policies which I have come across in my years in the Senate.

It is easier today for a Chinese student fully sponsored by, and supportive of, the repressive regime to obtain from the State Department a student J-1 visa than it is for an independent Chinese student with his or her own earned tuition funds to obtain an F-1 student visa. This summer I took up the cause of a group of Chinese students stranded in Japan after the repressive actions of the Chinese Government. These students simply wanted to come to the United States to study, not emigrate. They gave the State Department every assurance legal and financial that they would comply with U.S. law and that they would leave the United States upon the completion of their studies. Fortunately, 22 of these students were granted visas and most are now studying at Dana College in Blair, NE. I had the honor of greeting these students when they arrived in Omaha where the students presented me with stalks of wheat to symbolize sowing the seeds of freedom and democracy.

Mr. President, the faces of these students, so full of hope and idealism, would have touched the heart of even the toughest of tough guys. Sadly, 180 of their friends and colleagues were left behind in Japan because the administration turned a deaf ear to their visa requests. Unfortunately, the bill before the Senate today will not help those 180 Chinese students stranded in Japan; unable to move forward to study in the United States and unable to move backward to China where they would face certain repression. Last year, the U.S. Senate passed legislation to assist these students, but unfortunately the administration said "no" to these students and "no" to the U.S. Senate. Although today's vote will not help those 180 Chinese students in Japan, it may set the stage for a more sane and more traditional American policy regarding China and regarding those Chinese who have embraced the principles of freedom and free enterprise.

Mr. President, yesterday, a young Chinese student paid a visit to my office and said his brother was in jail in Communist China and that his brother supports congressional efforts to grant legal status to Chinese students in America. I will vote to override the President's veto, in part, to give hope and send a message to that young man jailed by a repressive Communist regime that his plea for democracy is heard in the U.S. Senate.

I urge my colleagues to vote to override the President's veto and send a clear message that America stands with those who stand with freedom, liberty, and democracy.

Mr. BRADLEY. Mr. President, I am voting to override the President's veto of H.R. 2712, a bill to allow Chinese students to remain in the United States rather than be sent back to China to suffer intimidation and persecution by a repressive regime.

For me, this is not simply a vote on the Pelosi bill. This is a vote on a policy that is ineffective, and against the broader interests of the United States.

The President has based his China policy on the mistaken and dangerous assumption that the present leadership, President Yang Shangkun and Premier Li Peng, are proreform. They are not. They are antireform. And they are weak and unstable to boot. It is not in our interest to legitimize this regime any more than it is in the interests of the long-suffering Chinese people. The President apparently does not understand this. Instead, he sends virtually the highest ranking officials in the Government on a secret mission to Beijing. He vetoes the Pelosi bill. He creates an atmosphere where those with real claim to asylum are shunned. Where NED money for some modest, legitimate prodemocracy activities is blocked. And he signals to our allies that a resumption of military sales or "business as usual" is fine.

What has he received in return? A so-called lifting of martial law in Tiananmen. A visa for a new VOA correspondent. A promise to begin discussions on the resumption of the Fulbright Program. And, most recently, the announced release of 573 people who had been arrested since the events in June—of more than 10,000 thrown in jail. That is an average of 80 released each month—at which rate it would take more than 10 years to release all those now held. This, it seems to me, is a meager return for the blow the President has dealt to the legitimate aspirations of the Chinese people.

The President is backing the Beijing government, not the Chinese people. In doing so, he is backing the wrong horse. The demonstrations in Beijing last spring showed the regime's lack of legitimacy. And the unforgiveable use of force against those peaceful demonstrators showed that the regime knows this. When events in Eastern Europe resonate among the Chinese people, the Chinese Government cracks down harder, vowing that the fate of Ceausescu will not be the fate of China's military dictator and so-called president, Yang Shangkun. Party organizations have been revived in factories. Surveillance of students has intensified. Political indoctrination, forgotten for years, is back. The discontent of the people is palpable.

This ferment has affected even the leadership, which was never united about the proper response to the demonstrations, and which remains divided now.

But the internal instability and domestic woes of the Beijing government do not necessarily mean that its dictatorial rule will evaporate in days or months or years.

This awareness seem to be what motivates the President to ignore the events of the last year. "After all, the present leader may be in power for a long time. They are strategically important. We cannot afford to upset or isolate them."

This calculation is shortsighted. No government can last forever against the will of its people. Neither Noriega, nor Marcos, nor the Shah could remain in power, no matter how much money they poured into their security apparatus. And if, in the short term, we won friends in our fight against communism, we did so at a far deeper cost to our good will among the people—who always eventually got the reins of government back. The fall of Ceausescu should send a strong message to the White House; it surely did to the forbidden city.

For some—including perhaps the President, his National Security Adviser and the Deputy Secretary of State—this eventuality presents a problem. They do not know how to resolve the long-term issue, but know they need the short-term gain. So, they embrace the Marcoses, the Shahs, the Li Pengs, and the Den Xiaopings. And they scorn the naivete of the congressional leaders who question their realistic approach.

But, as the Chinese sage Lao Tse said, we need not leave our home to see the world. Our foreign policy can and should be guided by the principles we believe in most deeply—that a government should represent, not repress, its people. And our policy toward a country must reflect what is best for its people: representative political institutions, an environment that can nourish individual economic artist and basic social justice.

The repression of the prodemocracy demonstrators in Tiananmen Square was brutal and unforgiveable. If the President is right in saying that China is too important to isolate, he is wrong to legitimize the government by trying to please it. On the contrary, he should recognize that the present Chinese Government is acting out of weakness, not strength. That understanding should guide our response.

Clearly, our first and most appropriate response has been to freeze all military sales and cooperation, to suspend significant export licenses, and

perhaps to simply stop action on those licenses that fell between the strict controls on exports to the Soviets and the more liberal regime we have progressively created for the Chinese.

Then, the Chinese leadership must be shown that the reversal of their economic reforms would have a direct and immediate impact on their application to join the international trade regime in the GATT. If the economic impact of suspending consideration of the People's Republic of China's GATT application is minimal, its political and symbolic implications are significant.

But these commonsense economic actions are neither the only, nor the best, response to the political repression in the People's Republic of China's.

The decision of the authorities to use lethal force against their people also will clearly affect Hong Kong. The United States, which intentionally stayed on the sidelines both during the Sino-British negotiations on Hong Kong and afterward, can no longer do so.

The decision of this administration to try to mollify the Chinese leadership by vetoing this bill was wrong. The damage that veto did to the aspirations of the Chinese people for freedom was significant. In voting to override the veto, I hope Congress has been able to reignite the faith of the Chinese in the power of democratic institutions. And I hope we have been able to do the same for our President.

Mr. DURENBERGER. Mr. President, today I will vote to support the President's veto of H.R. 2712, dealing with the Chinese student visa issue. I believe that the Executive order will accomplish the same objectives as the legislation. At the same time, it will permit the President to lead United States foreign policy toward China, a country with which he has outstanding experience. Furthermore, I am convinced that the President will keep his word that he will not do anything to jeopardize the well-being of the Chinese students.

I recognize the intensity of emotion that envelopes this question as well as the concerns that many of the Chinese students living and studying in the United States have. Nowhere is this more true than in Minnesota, which is currently home to over 700 Chinese students on a number of our State's campuses. I have had the pleasure of meeting with several of those students in recent months and have heard by telephone and mail from hundreds more.

These Chinese students have many concerns, which our President has an obligation to address. Those concerns include the Chinese Government harassing them here in the United States as well as their families at home in China. They fear also that the President's veto may be interpreted as signaling China that it's okay to crack down on prodemocracy movements without any concern for sustained United States reprisals.

My vote today does not endorse any human rights policy—or lack of human rights policy—of the Chinese Government. Tiananmen Square is the most visible current abuse. But much more exists. For 30 years, China has suppressed an entire nation by its efforts to eradicate the people and the ancient culture of Tibet. In August, I visited with the Dalai Lama in Darmsala and learned first hand the pain of the Chinese oppression of Tibet.

But I vote today to endorse a new United States policy with a new United States President toward a China of the future, not of the past. I support the President's veto because that is the only course that achieves two important objectives: Protection of the Chinese students in the United States and allowing the President to lead United States foreign policy toward China, to affect the positive changes we all want to see in that country.

In addition, I believe that the President's course, not the Congress' best guarantees that Chinese students can come to the United States and that United States teachers and students can go to China. The President is in the best position, through the Fulbright and other exchange programs, to bring more Chinese students to the United States and send more United States students and teachers to China. As noted prevously, there are over 700 Chinese students at Minnesota's university campuses. Reportedly, the single largest concentration of Chinese students in the country is at the University of Minnesota. Congress should wholeheartedly support these efforts to continue and expand these exchange programs.

I am angered, like all Americans, by the repression in China. I share the outrage of all our people over the brutality of Tiananmen Square, and the repression that continues today; 1989 has taught us that the era of totalitarianism is waning. The tide of history is now running strongly against the current leadership of the PRC. What the United States most needs now is a consistent, deliberate policy that leads the way toward a new China.

It is essential to remember, however, that the President's Executive order accomplishes exactly the same objectives as the legislation the President vetoed. In fact, in a number of cases, the President's order actually exceeds H.R. 2712 in the protection it provides the Chinese students as well as certain other foreigners in the United States.

Mr. President, I have a great deal of respect and confidence in President Bush's experience and judgment in conducting United States policy vis-a-vis China. China is an extremely important country, regionally and globally. Understanding the cultural and historical complexities of China is a daunting intellectual and diplomatic challenge. It is imperative that we place the highest premium on experience and expertise in understanding China, even when that expertise may appear to contradict our common sense.

President Bush is indeed an expert on China affairs. Not one of the 535 Members of Congress has comparable expertise. We've only had only a handful of previous Ambassador-Presidents to guide and conduct U.S. foreign policy vis-a-vis the country to which he was posted. We would be unwise not to take advantage of this indispensable experience.

Let us not forget, however, that the first issue is protecting the Chinese students here in the United States. Let there be no doubt about it: I would not even consider voting to sustain the President's veto if I believed that there was any way in which the Chinese students would be forced against their will to return to China. The President's Executive order protects the students in exactly the same way as the legislation would. The President has promised that he will take no action that would jeopardize the security of the students. I see no reason to doubt his word.

Additionally, I believe that if there were to arise any ambiguities or legal problems in the implementation of his order, the President will be true to his word and act swiftly to ensure they are resolved, and that no students would at all be endangered. I am committed to following the status of the Chinese students closely to ensure that there is not even a remote threat that the Chinese students will be forced to return to China at risk against their will. This vote today is clearly not the end of the issue, and I have every intention to remain vigilant in continually monitoring and checking the effectiveness of United States policy toward China as well as that country's respect for human rights.

Mr. President, I don't believe that the Congress should always bow to the President on foreign policy questions. I strongly opposed President Reagan's Contra policy in Nicaragua. And I know the sad lessons of Congress' Tonkin Gulf resolution during the Vietnam war period.

But when the country we're dealing with is China, and the President is George Bush, I believe he deserves our support. United States-China relations are extraordinarily complex and important. We cannot bring about a new China from the floor of the House and Senate. If the United States is going to succeed in effecting positive change in

China, it is George Bush who can best make that policy succeed.

Mr. McCAIN. Mr. President, I believe the Senate should sustain the President's veto because the Chinese students are now guaranteed the same protection by Justice Department requirements as the bill, and because the raw, cynical political distortion being used in this attack on the President needs to be stopped.

First, and most foremost, I would not vote to sustain the veto if any Chinese student in the United States was being put at risk or if the administration had not changed its position since the bill passed the Senate before Christmas. At that time, the administration provided protection to the Chinese only until 1991. The legislation provided protection through 1994. Since then, the administration has provided administratively the same protection as the bill, and President Bush has personally assured me that no Chinese student will ever be compelled to return to China to face persecution for his or her beliefs. No Chinese student will be deported by sustaining the President's veto.

Second, honest argument about the President's veto of H.R. 2712 and the legitimate concerns of the Chinese students have been sacrificed in the naked pursuit of political advantage. When I returned to Washington I was gravely disappointed by the extreme partisanship that had come to characterize this debate. I would like to believe that the Chinese students freedom would not be corrupted for cynical political reasons. But the Democratic leadership is so anxious to create a chink in George Bush's 80 percent approval rating armor that they have distorted the issue.

As I have said, under no circumstances would I vote against legislation if that vote helped deprive Chinese students of the sanctuary this great country has offered them. The President has acted to provide legal protections for the students identical to those in the legislation. The override of the President's veto would result in a superfluous law that would have no impact on the safety of the students. Its only apparent purpose would be the embarrassment of the President. If the President's Executive order should be successfully challenged in court, I will immediately introduce new legislation guaranteeing that no one shall be returned to China against their will.

Moreover, I have the personal assurance of President Bush that no Chinese student will ever be compelled to return to China and face persecution. The President is a man of his word. Neither he nor I will ever abandon our commitment to the Chinese students. They shall be safe in this country.

I do not take lightly the apprehension of the thousands of Chinese students in this country who fear for their lives should they be returned to China. I have stated that I would never be a party to any effort that would threaten the security of these young men and women. I stand by that commitment today.

Mr. SPECTER. Mr. President, I am voting to oppose overriding President Bush's veto because I believe the President's executive action, rather than the proposed legislation, will better promote human rights in China and also the international interests of the United States.

Few chapters in world history can match the flagrant and violent abuses of human rights demonstrated by the Chinese Government in Tiananmen Square in June 1989. We in the United States should do everything within our power to change the oppressive tactics of the Chinese Government on such abuses. The issue is: what is the best approach to influence the Chinese Government? It is not an easy question to answer because of many complexities, including the reaction of the Chinese Government to outside criticism. No one likes to be criticized but the responses vary and there are strong indications that public flailing would be counterproductive and lead the Chinese Government to harsher tactics.

No one in Government today is more experienced or better equipped to deal with the complexities and subtleties of this issue than President Bush. For more than a year, from 1974 to 1975, he served as the United States Liaison Officer in China. This came shortly after President Nixon opened relations with China in 1972. President Bush has maintained his close connection with United States-China relations since that service including his work during the past decade as Vice President and now as President, I believe substantial deferrence is due to his judgment on this subject.

Since the bill was enacted, passing the Senate on July 11 and the House on July 31, 1989, followed by subsequent passage of the conference report by both Houses before the recess on November 22, 1989, the President has responded with a series of executive actions to carry out the substantive provisions of the legislation. The executive actions since November 30, 1989, present a very different picture than when the Congress acted before the Thanksgiving break.

On November 30, the President reemphasized his personal commitment to the humanitarian principles underlying H.R. 2712 at issue today. He indicated he would take administrative action that would offer all the protections embodies in the legislation, and the President directed the Attorney General "to take the steps necessary to extend administratively to all Chinese students in the United States the same benefits that H.R. 2712 would have extended."

By letter of December 1, 1989, to Immigration and Naturalization Service Commissioner McNary, Attorney General Thornburgh directed the INS to undertake a series of actions, and by letter of January 16, 1990, reported to the President the actions taken to afford "relief equivalent to, or greater than, the relief that would have been provided by H.R. 2712." These steps include:

First. Providing Chinese aliens, present in the United States as of December 1, 1989, an irrevocable waiver of the 2-year foreign residency requirement that may be exercised until January 1, 1994;

Second. Considering the status of Chinese aliens who were in lawful status as of June 5, 1989, as having maintained lawful status for the purposes of adjustment or change of nonimmigrant status;

Third. Granting all Chinese aliens who are present in the United States as of June 5, 1989, the necessary authorization for employment;

Fourth. Providing a nonadversarial notice of expiration of nonimmigrant status to any Chinese alien who is eligible for deferral of enforced departure and whose authorized period of stay has expired; and

Fifth. According "careful consideration" to all applicants for asylum, withholding of deportation, and refugee status expressing fear of persecution related to family planning policy of forced abortion or sterilization.

In sum, I believe it is preferable to support the President's actions at this time. Adverse reaction from the Government of China to the legislation would probably make the situation even worse for protecting human rights in that country.

On the aspect of United States international interests, it is vitally important to maintain as good a relationship with China as possible even though we must make our position clear on their human rights violations and do our utmost to change those policies. The warming of United States-Chinese relations initiated with President Nixon's visits has been of substantial assistance in strengthening the United States position vis-a-vis the Soviet Union. As China has emerged as a nuclear power, it has been vital to keep open lines of communication in an effort to discourage the sales of missiles and other armaments by China.

Most recently, for example, United States action discouraged the Chinese from selling M-9 medium-range missiles to Syria and possibly to Libya. On December 11, 1989, a news broadcast on Chinese television quoted the foreign ministry as stating: "except for Saudi Arabia, where a small number of midrange missiles were sold, China has

never sold, or is planning to sell, missiles to any Middle East country." That same day, President Bush noted, "that subject was raised by General Scowcroft, and in my view, it's a very sound development."

The administration is working hard to preserve vital United States influence with China. Regional issues which clearly illustrate this relationship include countering Soviet influence in Afghanistan and working towards a resolution, albeit through different approaches, of the conflict in Cambodia.

Since President Nixon's historic visit to China, there have been many other significant developments in United Sates-China relations. These include a continuing reduction in tensions in addressing issues related to Taiwan, military cooperation between China and the United States since normalization of relations in 1978, a liberalization of export policies toward China, the conclusion of a nuclear cooperation agreement during President Reagan's April 1984 visit to China, a strong increase in trade between the United States and China, and the negotiation of a new agreement to reduce the overall growth for Chinese textile imports.

Thus, in light of the many complexities of United States-China relations and the administration's executive actions in accomplishing the humanitarian goals of the legislation at issue today, I believe our national interests are best served by sustaining the President's veto.

Mr. LEVIN. Mr. President, this vote to override the President's veto is not a partisan issue. The overwhelming, virtually unanimous vote in both Houses of Congress when this legislation passed this past autumn is an indication and measure of the American people's support. Yesterday's overwhelming 390-to-25 vote in the House of Representatives is further measure of the widespread support for this among the American people.

Mr. President, I support this legislation to provide statutory protection to Chinese students residing in the United States for a number of reasons. There are serious questions whether the administrative actions are fully legal. The administrative directives will be challenged in court, adding further uncertainty to the lives of those Chinese students in the United States.

The people of Michigan and all of America support the Chinese people's struggle for freedom and democracy. They condemn the butchery of Tiananmen Square, and the brutality of the suppression of political thought and freedom. The American people support this legislation to adhere to our tradition of being a beacon for the world in the struggle to throw off tyranny, and to honor our history.

Mr. President, by overriding this veto, the Congress sends the clear and unmistakable signal that the American people are in solidarity with the democratic aspirations of the Chinese people, and join with them in the full knowledge that freedom and democracy in China will eventually rise, as the Phoenix, from the ashes of Tiananmen Square.

This legislation is intended to support the Chinese students in America that have opposed their Government, and are afraid of the consequences. This legislation is an attempt to end the intimidation Chinese students have been subjected to by their Government right here in this country, to end the harassment by representatives of the Chinese Government.

The President has an honest disagreement with the vast majority of the American people on this. And, in this case, the American people are right, and the President is wrong.

Ms. MIKULSKI. Mr. President, I strongly support this effort to override President Bush's wrongheaded veto of statutory protection for the Chinese students in this country.

I am very proud of the reputation our country has earned as a consistent promoter of human rights and self-determination for all, and I want to be sure that we live up to that reputation.

Many of my constituents have complained to me over the years that our foreign policy tends to drift from event to event. That they are not sure what we stand for.

Mr. President, we should stand for the right to think and speak freely, to choose one's own government, to provide for one's family, and to live in safety.

And we should not miss one opportunity to advance these principles.

The Chinese students who are in the United States today have not come simply to study computer science. They have come for a rare opportunity to experience our unique brand of participatory democracy.

And they have learned their lessons well, as we saw during the briefly glorious democratic movement last summer.

Unfortunately, the Chinese Government is well aware of the activities of the United States-based students, and it is clear that they would simply not be safe if they returned home now. In fact, I have received reports that even Chinese students now living in Maryland have been subject to threats and harrassment by the long arm of their Government.

These students represent China's best hope and our best hope for China. They deserve clear, unequivocal protection under our laws.

Mr. LIEBERMAN. Mr. President, over 40,000 Chinese students are living in the United States. These students came here to learn about a modern democracy in the belief that this knowledge would help them to transform China, but those hopes were crushed by the tanks last June in Tiananmen Square. We should not crush them a second time by refusing to pass legislation guaranteeing their safety in this country.

If they return to China, these students could face the same fate as the hundreds of Chinese activists who have been sentenced to prison, and those unfortunate leaders who have been executed. Chinese authorities in the United States have extensive intelligence files on Chinese students in this country. This evidence would be used against them if they were forced to return to China.

President Bush was wrong to veto H.R. 2712, which extends to the Chinese students the full protection of immigration law. The White House claims that the legislation is not necessary to ensure their safety. But Presidential administrative directives can be changed as easily as they are established. The President's directives could also be subject to court challenge because it is not clear that the President has the power to grant blanket waivers to all visa holders. We need a law which clearly expresses our support of these Chinese students.

A congressional bill will be a signal to Chinese reformers that their struggle is not forgotten. They will hear about the bill's passage over the Voice of America. They will know that America is standing by them. They will be encouraged, once more, to hope.

It is better to be safe than sorry. The best way to ensure the students' safety is to override the President's veto. The students don't just deserve our sympathy. They deserve a law protecting them from the threat that they would face if they were forced to return to China.

One day, repression will be eased in China, and the Chinese students now in America will not only be free to return, they will be anxious to go and work for the establishment of a true democracy. Meanwhile, we can show our solidarity with them by passing this bill. It will represent one step on the long road back to the return of the Goddess of Freedom to Tiananmen Square.

Mr. BAUCUS. Mr. President, today we are considering whether to override the President's veto of a bill granting immigration relief to about 40,000 Chinese students, here in our country, who face the danger of being forced to return to their homeland. This bill passed both sides of Congress last year by overwhelming margins.

The President tells us that we cannot afford to anger our ally in Beijing. China has told the United States that if the United States Congress publicly extends immigration relief to

the Chinese students, that there will be a price to pay.

In my State of Montana, Mr. President, we have over 100 Chinese students and scholars, and their families. These students and scholars make a great contribution to our lives in Montana, and we are more than happy to make room for them.

I couldn't agree more strongly with a letter from the president of the Chinese Students Association at Montana State University in Bozeman. The letter says:

> We are deeply concerned that the President's veto last year was taken by the Chinese Government as a signal of approval for their brutal suppression of young students. By overriding the veto, a strong signal will be sent to the hardline Beijing regime that the American Government and people support democracy and human rights in China.

I say to Chinese students in my State, no price, and no diplomatic mandate, makes it worth sending you back to the butchers of Beijing. No threat from your government could persuade me to send you back to the reeducation camps, and the prisons, and the guns of your government.

Today in the Senate we can vote our fears—by meekly toeing the line drawn in the sand by Beijing. Or we can vote our hopes—by helping those Chinese students among us who have a well-founded fear of prosecution. I ask my colleagues to vote their hopes, and not their fears.

Mr. BRYAN. Mr. President, the students of China have suffered grievously to win for themselves and their countrymen the very rights which we consider to be inalienable. Having long since denied them liberty, the Communist Chinese Government ruthlessly deprived the students in Tiananmen Square of their lives.

Today, we have the opportunity to reach out to our one true constituency—those who seek freedom. To see this, we need only look at the punishments given students still in China for the crime of building a tribute to our Statue of Liberty. Chinese students now in our country will only be greeted at home with like retribution.

To embrace the demands of the Chinese Communist leadership is not only inhumane, it is shortsighted. The future of China, like the future of Eastern Europe, is not with the aging despots of the past 40 years. It is with these very students who we seek to protect today; protect so that they can plant again the seed of democracy in Chinese soil. Our Nation's authority in the world is not based on the support of despotic regimes. It is based on the democratic principles that have made us the leader of the free world. When these young people come to govern China in their turn, and they will, it must not be said that the United States did nothing while the people of China fought to throw off the evils of tyranny.

The President states that he can better protect these students through an administrative directive. The students themselves, however, fear that administrative orders are subject to change. They seek firmer assurances that their interests will not be sacrificed for short-term strategic gain.

As the birthplace of modern democracy, it remains among our most important tasks to support those who seek freedom. With today's vote, we have the chance to do just that.

Mr. WILSON. Mr. President, it is never pleasant to vote to override the veto of any President who conscientiously asks and argues that you sustain his veto especially not one of your own party. And especially not one for whom you feel great personal respect and affection as I do for this President.

But we are sent here to exercise independent judgment—our own conscientious judgment.

And mine is that we ought not to sustain this veto.

We are told by the administration that we should for two reasons:

First, that we can be assured that legally the Chinese students will be afforded the same protection by the executive actions of the administration as by the bill the President vetoed.

We are assured we should be satisfied.

Second, that we can be assured that the Chinese Government will be offended by the bill and will retaliate, but that the Chinese Government will not be offended and therefore not retaliate—if executive action is taken even thought it will, the administration assures us, the very same protections so offensive to Beijing.

On the first point, there is a serious legal question, which has already been addressed in this debate.

As long as the legal question is in doubt, the United States cannot in conscience subject the Chinese students now here to a fate that is not in doubt. The vice chairman of the Judiciary Committee of the National People's Congress of China, recently announced that Chinese citizens who committed counterrevolutionary crime in foreign countries will be punished when they are returned to China upon expiration of their visas.

We should no more risk return of these students to the present Beijing regime than a child protective services agency should return an endangered child to a known child abuser.

On the second point, what will be the retaliation by Beijing? Will the Chinese Government make good upon its threatened cutoff of student exchanges between our nations?

China cannot long afford to do so. She needs the United States-educated scientists too much to do so.

I strongly support such student exchange programs because I am convinced that those who travel to our shores to study will take home ideas even more important than the high technology they acquire.

They will be exposed to freedom.

And having been exposed, they will become a force to bring freedom and democracy to their homeland—just as were the courageous students of Tiananmen Square.

Democracies rarely start wars because, in contrast to dictatorships, popular political approval is required for a democracy to resort to arms and sustain a military campaign after the failure of diplomacy.

Student exchanges do, I believe, give promise of transplanting democracy, and therefore of enhancing and accelerating a climate of international peace and freedom.

But the United States, as both the symbolic and real guardian ad litem of the freedom and human rights of these students and other refugees from political repression, cannot fail in this fiduciary duty or we will deservedly suffer the disillusionment and distrust of those whose hopes we must keep alive and nurture.

The reward for our constancy of purpose can be seen in Eastern Europe.

We will not hasten the coming of that some kind of change to China by sacrificing the human rights of Chinese students who fear to return home.

Freedom and democracy are not won or even advanced by the appeasement of governments hostile to them. The present regime in Beijing has made clear last summer that it is a government hostile to freedom and democracy.

Mr. MOYNIHAN. Mr. President, I rise today to support the override of the President's veto of H.R. 2712, the Emergency Chinese Students Immigration Relief Act. Totalitarianism is crumbling. It is crumbling in China. The events of the last few months, if nothing else, demonstrate that the type of power used to crush the democracy movement in Tiananmen Square can tumble practically overnight. China will not be able to resist forever the rising tide of human freedom now evident in Eastern Europe. All around the periphery of China totalitarianism is under attack: in Outer Mongolia where the Soviet Union has recently allowed rallies, in Tibet with the award of the Nobel Peace Prize to the Dalai Lama, and in Burma where another group of brave students is struggling for democracy.

At this dramatic moment in world history we must strengthen the hand of those who favor reform and freedom in China. We must give them the ability to say to their opponents, "You

were wrong to think that the world would not care if you crushed the democracy movement. You were wrong to believe that the United States would conduct 'business as usual' with China despite the murder of our students." Mr. President, to sustain the President's veto would send precisely the wrong message to Beijing. It would say that the United States values a totalitarian ally above its historic principles. Let us instead help to hasten the day when the Chinese stand with us as part of a worldwide alliance of democratic peoples.

Mr. JEFFORDS. Mr. President, the world has watched events in China over the last year with rapt attention. None of us can forget the poignant images of one brave student holding back a line of tanks with his own fearlessness, or of the Statue of Democracy that rose out of the energy and hope of Tiananmen Square in June. The courageous students struggling under Communist domination and their brave colleagues here in the United States earned all of our respect. I strongly believe that we now have an obligation to continue to press the Beijing government for reform and to provide safe haven for the 40,000 students in the United States. And I doubt that any of my colleagues would disagree with me on this.

Yet, we have heard a lot of talk about the many issues that are supposedly in question here. I believe there is a considerable degree of confusion as to the nature of today's vote. This is a vote on whether or not to supersede the Presidential directive, which allows the Chinese students to stay in the United States, with legislation to accomplish the same thing. That is the question.

With the exception of some charges that a few minor aspects of the Attorney General's findings might be subject to challenge, no one is claiming that there are any major substantive differences between H.R. 2712 and the provisions the President has already put in place. No student will be forced to go back to China if this veto is sustained. Nor will any Chinese student who chooses to remain here lose any personal or political protections. In fact, in a few areas, the administration's directive provides broader protections, such as allowing all Chinese aliens to work legally in the United States.

Because there are no substantive differences between the result of these two methods, I think the President should have signed H.R. 2712 into law. However, he chose not to, and therefore the heart of this debate should be which branch of government has the prerogative of leadership in such matters. This debate is not and should not be a referendum on the President's policy toward China. If Congress disagrees with how the President is conducting that policy, then it should bring that issue up separately.

This issue here is not whether to protect Chinese students—we all agree that they deserve our support. But rather, the issue is which branch of government should take the lead in implementing these protections.

Mr. GRASSLEY. Mr. President, through all of the debate, through all the politics, my utmost and only concern is the protection of the Chinese students. Because I believe that the President's Executive order not only extends protections equal to but also greater than H.R. 2712, I am in support of sustaining the President's veto: President Bush's Executive order extends protection not only to Chinese students currently in the United States, but to all Chinese nationals.

The President gave personal assurances to me that no student or national will be returned to China if they would face retribution. I trust that this President will protect these freedom fighters.

The very fact that this President took the initiative to issue the Executive order thereby extending the same protections as H.R. 2712, indicates that this President cares about these students, and all Chinese nationals currently in this country, and will take whatever actions are necessary to provide for their protection.

I am proud that this President has affirmatively acted to protect the students and all other Chinese nationals and I trust that he will continue to do so for as long as he is President. Furthermore, this President's unique perspective on China and United States-China relations is a significant factor for my consideration.

I do not take lightly votes to override a Presidential veto. I must look to the substance of the issue and then vote accordingly. The substance I am concerned with is protection. Unfortunately; attempts were made to taint this issue with partisan politics. I resent the fact that an issue of great importance such as human rights is parlayed as a partisan issue.

Human rights are too important to me to be swayed by partisanship. Protection is my sole concern and because the Executive order extends this protection and more, I support the President's order.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I understand the two leaders now each have 10 minutes and then the vote will follow.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Mr. President, first I want to thank my colleageus on both sides. I have listened to the debate and most of the debate. It is an important debate. We do have an important responsibility to Chinese students. We do remember what happened in Tiananmen Square last June. We were all riveted at the TV sets and we saw these brave young men and women.

But I would suggest the debate is not about our China policy. It may be not even about the Chinese students.

Yesterday I put in the RECORD a report from the Justice Department affirming once again that the President's Executive order on Chinese students will do everything the Pelosi bill does—and more.

Others have also made a part of the RECORD an analysis done by the White House; another done earlier by the Justice Department; correspondence involving the President, the Attorney General, and Members of the Senate; and an INS study in effect rebutting the CRS study that was passed around by some, all asserting, and proving, the same basic point: that the Executive order does everything the Pelosi bill does—and more.

The evidence, the facts—apparently they are not enough. At least, not enough for some people.

So, yesterday, the President added something important to the proof. He added his word.

The President wrote me a letter, which I would ask to include in the RECORD. I want to read the letter in its entirety. It is brief. It is to the point.

He says:

Dear Bob: you have asked how Chinese students in this country will be affected if Congressman Pelosi's bill never becomes law. I am writing to give you my personal assurance that no Chinese student will be disadvantaged in any way.

At my direction, the Attorney General has implemented a program that extends—and extends irrevocably—

Let me underscore "irrevocably," as the Senator from Wyoming has done all day—

The same rights and benefits that Chinese students would receive under the proposed legislation. Indeed, we have gone beyond the legislation by providing work authorization for all Chiense aliens in this country, not just Chinese students, and asylum protection for all aliens under the threat of coercive family planning programs, not just Chinese aliens.

Beyond that, you can rest assured that I will never—

And again let me underscore "never"—

Never allow any action that would force the return of Chinese students whose lives or liberty are at risk.

I hope this commitment provides the assurances some of your Senate colleagues were seeking.

Sincerely,

GEORGE BUSH.

Mr. President, President Bush has given his word. I believe him. If there are any who do not, perhaps they should just stand up and say so.

So, Mr. President, the issue here is not providing protection for Chinese students: That's a strawman. The Chi-

nese students in this country already enjoy every protection—with every "I" dotted, and every "T" crossed—that the Pelosi bill would provide, should we override the President's veto.

They ought to stand up and say so. If you do not believe the President of the United States stand up and say so. So, Mr. President, the issue here is not promising greater protection for Chinese students. That is a strawman. The Chinese students in this country already enjoy every protection, with every "I" dotted and every "T" crossed that the Pelosi bill provides should we override the President's veto.

The issue is not Chinese students.

And, in fact, the issue is not our China policy, in its broader terms. Many Senators have doubts about some aspects of that policy. Many Americans do, too. That is a fact.

Many persons do not know the fact that last year I cosponsored some legislation, and voted for other legislation, that—frankly—was intended to send a message not only to China, but to the administration as well, that it was time to toughen up our policy.

Some of the question marks that existed then may still exist now. Some may believe the Scowcroft-Eagleburger trips to China were not the greatest idea in the world. Some may think we need more economic sanctions. Some may think we ought to try to isolate China.

I happen not to agree with that last point—and many Senators were with me at recent meetings with former President Nixon, and earlier with Henry Kissinger, Cyrus Vance, Leonard Woodcock, and others; and those Senators heard, along with me, that every one of those distinguished Americans strongly oppose a policy of trying to isolate China.

But—whether you agree or disagree with that policy, or with the policy that President Bush is following—there are plenty of ways, and there will be plenty of opportunities, to express your view.

That is what this body, this system, is all about. To put the issues on the table, and then vote on them.

That is not what we're about today. This is not a referendum on George Bush's China policy. Or at least it should not be. It is a vote on a bill to provide some relief to certain categories of aliens in this country. And, again, it is a vote on whether we really need to put that relief into effect through legislation, when it is already operative through an Executive order.

So, truly, this ought to be a rather narrowly focused vote, on a rather specific issue—not a public trial of President Bush's China policy. If we want to vote on that, we at least ought to spend a bit more than a few hours time debating it.

So, really, this is not a vote on Chinese students, or China policy.

Several times in the past week, I have suggested maybe we ought to postpone this vote. What is the rush; why do we have to vote the first week we are back? Maybe there will be other policies taken by the Government of the People's Republic of China, more moderate steps taken through sensible even engagement rather than isolation. And maybe there might be more evidence to come. If we want to make this into a policy vote let us see if the policy is working before we cast final judgment.

The majority leader decided we had to have this vote today. He has that right, fair and square. So we are having this vote today.

But I do recall that, when I first raised this point with him on a television talk show, he responded with his usual good humor—but in a telling way. I said: "why don't we just postpone the vote?" And he responded: "that means Dole doesn't have the votes."

In a few minutes we will see. But the point I would make here is: the vote is being scheduled not because it is the right time, in terms of a "rational evaluation" of our policy, because it is a time when the majority leader thinks he has the best chance of having a vote, because it is the first week of the new session, because it is before the President addresses a joint session of Congress in the State of the Union address, because this vote may help set the tone for the rest of the session.

As on most issues, different considerations will be compelling for different Senators. This is a tough, tough vote for Republicans. Some already made commitments. As I said, we all were sickened by what the Chinese did in Tiananmen, and we all want to be certain that no Chinese student is sent back to China against his will, putting his, or her, life at risk. But most of us want to support the President, especially on national security issues.

What is wrong with that?

But let us face it: Many will not vote on the basis of the issues of Chinese students, or China policy. For many Democrats, it's a good chance to bash George Bush. It's as simple as that.

Take a look at the calendar—1990 is one of those numbers that you can divide by 2. That makes it an election year.

Today we are kind of throwing out the first ball on the opening day of the 1990 election season: Some Democrats want it to be a bean ball for George Bush. That is what this vote is really all about.

Bash George Bush. Embarrass him. Set up some Republicans for a tough political vote. Scrape up some raw material for some 30-second ads.

I have a feeling that, around the country, there are a lot more political consultants watching this vote than China specialists. And I predict that, whatever way the vote turns out, most of the media commentary is going to be focused on whether George Bush won, or lost, a political battle—and not on how the tea leaves are going to be read in Beijing.

Mr. President, let us at least be above board, and admit what we're doing here today.

It is not China policy—it is American politics.

It is not freedom, or morality, or human rights—it is bash Bush.

Fifty-five Democrats are going to make the try. I hope that at least 34 Republicans will just say no.

The VICE PRESIDENT. The majority leader.

Mr. MITCHELL. Mr. President, let me first welcome the distinguished Vice President and Presiding Officer to the Senate. It is a pleasure to see him here.

Mr. President, President Bush has urged the Congress not to override his veto of H.R. 2712 on the grounds that it sends the wrong signal to the Chinese Government and will cause it to retaliate by cancelling the remaining Student Exchange Program. I strongly disagree, I believe the President's veto is a grave mistake and sends precisely the wrong message. It is inconsistent with our longstanding profession of support for the human rights of people throughout the world. I believe we should stand up for the historic American ideal of the right of all men and women to seek democratic self-determination without fear of persecution.

The bill provided a definitive resolution of the question of residence status for nearly 40,000 Chinese students who courageously supported the prodemocracy movement in China. The veto of the bill has made it more likely that the Chinese Government will succeed in its campaign of intimidation and harassment to silence the students' cry for democracy in China. President Bush has voiced his support for the efforts of the people of Eastern Europe to throw off the yoke of communism and achieve democratic reform in their countries. But his veto of this bill sends a contrary message to the millions of students and workers in China who are struggling for democracy in their country.

This legislation would have protected the students from further intimidation by giving them 4 more years to apply for new visas or permanent residency and waiving the requirement that they first return to China for 2 years. The bill passed the House by a vote of 403 to 0 and the Senate by voice vote after similar language offered by Senator DOLE and myself in July had passed by a vote of 97 to 0. But more importantly, it was an affirmation of the dedication of our Nation to the principle of human rights and

the right of people everywhere to seek freedom and democracy. The Chinese Government threatened to stop the Student Exchange Program if the bill became law. So the President vetoed the bill, denying Chinese students in our country statutory legal protection against deportation and possible persecution.

H.R. 2712 provides the Chinese students with assurance of continued lawful immigration status and waives the 2-year home country residence requirement for Chinese nationals in the United States provided that within 4 years they file for change of status. After vetoing the legislation the President contended that it was not needed because on November 30 he issued a memorandum of disapproval which he contends does the same thing as the legislation. But the President's memorandum of disapproval is only an administrative action. It provides no statutory legal protection for the Chinese students and can be revoked by the President or the Attorney General at any time at their discretion. Such an administrative action may also be open to a court challenge. Several of the President's administrative actions may be inconsistent with current immigration statutes. Only legislative changes in current law would unquestionably exempt Chinese students from existing statutes.

The administration has dispatched two high level secret missions to China and contends that the same Chinese leaders who ordered the Tiananmen Square massacre are responding in a positive manner as a result of those covert visits. It cites the recent Chinese decision to end 7 months of martial law as a dividend from the administration's policy. However, it appears that martial law in practice still exists since students are still being arrested and workers are still being executed in China.

Barely a month after the brutal killings in Tiananmen Square, President Bush sent Mr. Scowcroft on the first secret midnight mission to meet with the Chinese leaders, the very leaders who ordered the murders. Ostensibly, Mr. Scrowcroft was there to convince those leaders to stop executing, torturing, and imprisoning the students and workers who demonstrated for a modest opening toward democracy. What was the result of that first covert visit? Since then, the Chinese Government has detained or arrested more than 10,000 people and harshly imprisoned more than 800 persons for counterrevolutionary crimes; some have been thrown in jail for 10 years or more simply for putting up posters calling for political reform.

According to some reports, more than 1,400 students and workers have been killed since Mr. Scowcroft's visit and countless hundreds of others have fled into hiding or exile.

The administration's policy has produced no substantive results in lessening the repression and violation of the human rights of the Chinese people. On the contrary, it has made a mockery of our profession of concern for human rights and is inconsistent with our stated ideals. I urge the administration to distinguish between the Chinese Government and the Chinese people. The United States must stand strongly in support of the right of all men and women to seek democratic self-determination.

Yesterday the House voted overwhelmingly to override the veto; 145 Republicans voted to override the veto. Were they primed to embarrass the President? Were their motives political? It is an insult to those Republicans. That vote in the House is clear indication of the lack of support across the country for the administration's China policy.

By overriding the veto today, the Senate can join the House in sending a strong and clear signal to the Chinese Government that the people of the United States believe in human rights and the right of men and women everywhere to freely seek democratic self-determination without fear of persecution, imprisonment, or execution. I urge my colleagues to vote to override the veto and thereby send a message to the Chinese leaders that if they want a cooperative relationship with the United States, they must end their repression of the Chinese people.

Mr. President, I ask unanimous consent that an editorial which appeared in the Portland Press Herald and one which appeared in the Bangor Daily News in Maine urging support for the override be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Portland Press Herald, Jan. 23, 1990]

CHINA/LOOK TO THE FUTURE, NOT THE PAST

Members of Congress, eager to praise emerging democracies in Eastern Europe, will look farther east on Wednesday at the continued repression of students and others who demonstrated seven months ago for reform in China.

What they see should convince them to override President Bush's veto of a bill designed to assure the safety of thousands of young Chinese sympathizers now studying here.

China's aging communist leaders acted unequivocally and with brutal force when they set tanks and soldiers on unarmed students in Beijing's Tiananmen Square last June. Human rights were massacred as well as young people.

Chinese leaders have acted just as unequivocally and brutally in the months since then. They have executed many student leaders and imprisoned others; as many as 10,000 are now reported to be in jail. Government officials who supported reform have been purged and oppressive laws reinstated.

That litany cries out for congressional action. And the best action Congress can take is to vote overwhelmingly in both the House and Senate to give Chinese students studying in the United States four years of guaranteed sanctuary here.

Congress has already done so once, unanimously approving such legislation last year. Bush, however, chose a different route. Concerned at isolating China politically, he vetoed the measure, signing instead a presidential directive authorizing limited sanctuary. That directive, unfortunately, can be readily revoked.

Chinese students—among whom may well be that nation's future leaders—deserve better. So does our nation's historic commitment to human rights.

House and Senate votes to override should open the 1990 session this week.

[From the Bangor Daily News, Jan. 24, 1990]

A DEBT TO DEMOCRACY

The U.S. House of Representatives can begin the new decade on a bright note Thursday when it considers the fate of Chinese students in the United States. Last year, Congress passed a bill that would extend the students' visas, allowing them to remain in the country until they felt they could return to China without fear of reprisal. Shortly after Congress adjourned in December, President Bush vetoed that bill.

Congress, it appears, has not forgotten that veto. Despite events in Eastern Europe, despite the trouble in Azerbaijan, despite domestic politics and a long winter's recess, Congress has not forgotten Tiananmen Square. The United States has watched as Chinese hard-liners systematically purge a whole generation of democratic activists; now, to appease those hard-liners, Bush wants to pretend that it is business as usual—in the process, he would deliver to the hardliners students who have enjoyed American protection through the crackdown.

By all reports, Congress will not let that happen. Representatives and senators from both sides of the aisle have promised they will override that veto, and allow the students to stay—virtually nobody has lined up behind the president. Congress deserves gratitude for working to correct this excess in the administration's foreign policy; Sen. George Mitchell, among others, is leading the fight.

In the euphoria over the world's sudden interest in democracy, we should not forget that the Chinese movement helped set the tone for all that has followed. Nor should we forget that the Chinese students, more than any of the East European activists, embraced the United States as their model. While other movements seek economic benefits, the Chinese students focused on the very heart of democracy—freedom of speech and thought.

It is in the United States' best interests to support democracy around the world. Beyond that, however, Americans owe a special allegiance to the Chinese movement, to the people who rallied around a miniature Statue of Liberty. The administration has lost its chance to fight for Chinese students crushed under tanks, for those who were executed, and for those who have been condemned to prison. Congress must now fight for up to 40,000 who supported the movement while studying in the United States.

Ironically, a congressional override will allow President Bush to have it both ways. His personal relationship with Chinese leaders—a bond he has put above the interests

of the students—will benefit from the veto, which bolstered his see-no-evil policy. The override, however, will prevent him from having to send 40,000 students to a future that is uncertain at best, and deadly at worst.

Mr. MITCHELL. Mr. President, several Senators have inquired regarding the schedule for the remainder of the day and early next week. If the distinguished Republican leader is on the floor, I would like the opportunity to merely make that announcement.

Mr. President, do I have any time left?

The VICE PRESIDENT. The Senator has 2 minutes and 20 seconds remaining.

SCHEDULE

Mr. MITCHELL. Mr. President, there will be no rollcall votes today after this vote. We will return to consideration of the Clean Air Act. The Senate will not be in session tomorrow. There will be no votes on Monday. We do expect votes on Tuesday on clean air or possibly other legislation. So Senators should be on notice that votes are expected to occur on Tuesday; that there will be no votes between this one and then.

Mr. President, I want to close by commending the President, the Secretary of State, and the Republican leaders in the Senate for a very vigorous effort in this matter and, whatever the outcome, we hope that we can continue to work together to advance American interests with respect to China and the rest of the world.

I look forward to what I hope will be an override but, in any event, I look forward to a continuing positive and constructive relationship with our colleagues.

The VICE PRESIDENT. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, on behalf of the minority leader let me extend that same spirit of cooperation. This has been a tough one, a tough one for us. I think it was conducted with great vigor.

We do need to do things for the American public, and there is a way to do that if we purge away partisanship for partisanship's sake. It is a feckless exercise when it is just done for that purpose.

There is much to do. I do know the Senator from Maine. I respect him greatly. But we have a lot to do, and I pledge to him that from the assistant minority leader post I will try to do everything I can.

We have a heavy, heavy obligation under the clean air legislation and he and I have worked together long and hard on that.

So, after this one is over I am ready to get to work with him on that.

Mr. MITCHELL. Mr. President, I yield back the remainder of my time.

The VICE PRESIDENT. The Senator yields back the remainder of his time. Does the Senator from Wyoming yield back the remainder of his time?

Mr. DOLE. I yield back any time we have.

The VICE PRESIDENT. All time is yielded back.

Under the previous order, the hour of 2:30 p.m. having arrived, the question is: Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are required.

The clerk shall call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Louisiana [Mr. BREAUX] is absent because of death in the family.

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 62, nays 37, as follows:

[Rollcall Vote No. 1]

YEAS—62

Adams	Ford	Matsunaga
Armstrong	Fowler	Metzenbaum
Baucus	Glenn	Mikulski
Bentsen	Gore	Mitchell
Biden	Gorton	Moynihan
Bingaman	Graham	Nunn
Boren	Harkin	Pell
Boschwitz	Heflin	Pressler
Bradley	Helms	Pryor
Bryan	Hollings	Reid
Bumpers	Inouye	Riegle
Burdick	Johnston	Robb
Byrd	Kasten	Rockefeller
Cohen	Kennedy	Sanford
Conrad	Kerrey	Sarbanes
Cranston	Kerry	Sasser
Daschle	Kohl	Shelby
DeConcini	Lautenberg	Simon
Dixon	Leahy	Wilson
Dodd	Levin	Wirth
Exon	Lieberman	

NAYS—37

Bond	Hatch	Nickles
Burns	Hatfield	Packwood
Chafee	Heinz	Roth
Coats	Humphrey	Rudman
Cochran	Jeffords	Simpson
D'Amato	Kassebaum	Specter
Danforth	Lott	Stevens
Dole	Lugar	Symms
Domenici	Mack	Thurmond
Durenberger	McCain	Wallop
Garn	McClure	Warner
Gramm	McConnell	
Grassley	Murkowski	

NOT VOTING—1

Breaux

The VICE PRESIDENT. On this vote, the yeas are 62, the nays are 37. Two-thirds of the Senators present and voting not having voted in the affirmative, the bill, on reconsideration, fails of passage.

Mr. MITCHELL addressed the Chair.

The VICE PRESIDENT. The majority leader is recognized.

Mr. MITCHELL addressed the Chair.

The VICE PRESIDENT. Those engaging in conversation will please retire to the Cloakroom. The majority leader.

Mr. MITCHELL. Mr. President, I commend the President, the Vice President, the Secretary of State, the distinguished Republican leader, and the assistant Republican leader for their very vigorous and successful effort to sustain the President's veto.

I also commend the Senators for their presence here today. Senators will note that 99 of the 100 Senators were present. The only absence was Senator BREAUX. Unfortunately, Senator BREAUX's mother passed away late last night. The wake is today. He could not, therefore, be present. I know that all Senators wish to convey their sympathy to him. I also note, in any event, of course, that his presence would not have changed the outcome of the vote.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, as I announced earlier, there will be no further rollcall votes until Tuesday. I am shortly going to ask consent that we have a period for morning business and then return to the Clean Air Act later this afternoon for further discussion and debate as well as on Monday.

I anticipate that there will be votes on Tuesday. Senators should be prepared for that.

Mr. President, I now ask unanimous consent that following the remarks by the distinguished Republican leader, there be a period for morning business until 3:30 p.m., and that at 3:30 p.m.——

The VICE PRESIDENT. If the Senator will suspend, let me obtain order. Will the Senate please come to order?

Mr. MITCHELL. Mr. President, I withdraw my request and will yield now to the distinguished Republican leader. I will renew the request after his remarks.

The VICE PRESIDENT. The Republican leader.

Mr. DOLE. Mr. President, let me extend my sympathy to Senator BREAUX and his family.

I also want to commend my colleagues on both sides of the aisle for a very, very good debate.

Let me extend my congratulations to the President. Let me assure people that after the vote as well as before the vote the President meant what he said. His word is good. The Chinese students will be protected.

Let me particularly thank the distinguished minority whip, Senator SIMPSON, members of his staff and my staff, and others who have been on the floor debating—Senator COCHRAN, Senator LUGAR, Senator HEINZ, everyone on this side. I thank them for their support—their support for what I think was the right position, and also thank the majority leader for his many courtesies during the debate.

Mr. JOHNSTON addressed the Chair.

The VICE PRESIDENT. The Senator from Louisiana.

KATHERINE BURLINGER BREAUX

Mr. JOHNSTON. Mr. President, I was deeply saddened to learn of the death last night of Mrs. Katherine Burlinger Breaux, the mother of our friend and colleague, JOHN BREAUX.

Katherine Breaux was a lifelong resident of Crowley, LA, whose father had been active in politics and whose grandfather has served as mayor of Crowley.

She no doubt gained from them a very deep appreciation for public service, and I am sure each of us can imagine how proud she must have been to see that tradition carried on by her son.

I know too, how proud John is of the lifetime of love and support she gave him and of the many blessings she brought to his life and to the lives of all those who knew her.

John had been at his mother's side in Lafayette for several weeks during her grave illness and will, of course, remain in Louisiana for funeral services which will be held tomorrow.

I am certain that I speak for all my colleagues in saying that our thoughts and prayers will be with JOHN and Lois and their children and with JOHN's father, Ezra, as they mourn the loss of their loved one.

Several Senators addressed the Chair.

The VICE PRESIDENT. The majority leader.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business until 3:30 p.m. with Senators permitted to speak therein for up to 5 minutes each and that at 3:30 p.m. the Senate resume consideration of S. 1630, the Clean Air Act.

The VICE PRESIDENT. Without objection, it is so ordered.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho.

THE TOP PRIORITY FOR THIS CONGRESS SHOULD BE TO INCREASE THE NATIONAL PRIVATE SAVINGS RATE

Mr. SYMMS. Mr. President, throughout the world, nations with the highest national private savings rates such as Japan and Germany are increasingly dominant in the world economy. Many economists have told me that the United States is losing its stature as a world financial power because our national private savings rate is so low.

The low national savings rate in the United States has been the focus of concern in our budget deficit debates. There are proposals in Congress to restore Individual Retirement Account incentives for all Americans. The distinguished chairman of the Senate Finance Committee [Mr. BENTSEN] is strongly supporting such a proposal to increase our national savings rate. I am an eager supporter of these proposals to increase our national private savings rate.

There was a spirited debate last session about whether it would be more wise to increase the incentives for savings and investment with a capital gains tax rate, or whether Congress should put the emphasis on individual retirement accounts. The Senator from Delaware [Mr. ROTH] proposed an innovative plan for creating a savings vehicle that would focus any tax benefits on the future years, when savings had grown through compound interest and capital appreciation, rather than offering tax credits in the current year. One advantage of that proposal is that it would solve a problem in the Federal budget. If tax incentives for savings are provided up front, the benefits from increased private savings would, unfortunately, be partially offset by an adverse impact on the Federal budget deficit.

The President has made increasing the national savings rate a top priority, as well as it should be, by offering a proposal to create family savings accounts in his 1991 budget. The time is now to focus on this national priority of increasing our national private savings rate.

Mr. President, I would like to cite some interesting statistics concerning national savings. The net household savings as a percentage of disposable household income for Japan is 15.2 percent. In Germany it is 12.6 percent, and other countries of Europe such as Italy and Portugal have savings rates of 22.8 and 24 percent respectively. The United States household savings rate is 4.4 percent, which starkly illustrates why the major nations of the world economic system are so worried about the future of the United States. This is why I say that ideas to increase the national private savings rate are so essential for this Congress to focus on.

Our economy is increasingly dependent upon foreign capital investment. I do not believe this is something that should worry any American. Foreign investment has always been a vital source of our economic growth, and it is an indicator of the strength and stability of our free market system. But many Americans do worry about foreign investment. They would be most happy if American families were the only source of new savings and investment—but for this wish to come true, Americans would have to increase dramatically the savings rate.

In the eyes of foreign investors, moreover, our savings rate is a direct indicator of our long-run financial stability. In banking, Foreign banks account for a growing share of the U.S. market. Nine of the 10 largest world banks are Japanese and Citicorp is the only U.S. bank in the top 20.

This ranking of financial institutions is partially a consequence of foreign exchange valuations, as the Japanese yen has appreciated in the 1980's, but I believe it is still an indicator that we need to increase our national private savings rate. Japanese financial institutions would never have been able to achieve the status they have today without the strong commitment on the part of Japanese families to save for the future.

Some economists and even Members of Congress are concerned about the Federal budget deficit and have suggested that a tax increase would be the most appropriate way to reduce the deficit and thereby increase the public sector savings in our economy. This is a fallacy, Mr. President. It has been shown again and again by economic researchers that tax increases do not reduce consumption by the taxpayers anywhere to the degree that they reduce savings by households. People attempt to maintain their standards of living, and tax increases reduce the standard of living. Households tend to pay increased taxes out of the funds they would otherwise save. Thus there is much less than a dollar-for-dollar increase in national aggregate savings from taxes than from other incentives to increase private savings.

Indeed, I want to make one point very clear, Mr. President: Nothing we do here to increase so-called public savings will make any lasting impact on the national savings rate. The reason why, Mr. President, is because Congress has an insatiable appetite for spending. Anything the Congress can possibly do to avoid spending cuts will end up decreasing the national savings rate. The savings rate will decrease because public sector consumption tends to become permanent. It tends to grow. It feeds upon itself, as bureaucracies and interest groups form around government programs and lobby for expansions and increases in spending.

In the next few weeks we will be debating the budget resolution for fiscal year 1991 in Congress, and we will also be debating a proposal that has been offered by the Senator from New York to cut the Social Security tax and return to a pay as we go system for Social Security benefits. I want to support the idea of the Senator from New York [Mr. MOYNIHAN], and I will be introducing my own proposal in the next few days to link the concept of a pay as we go Social Security tax to an increase in the national private savings rate.

Last night I appeared on the Cable News Network's debate program, "Crossfire," with the distinguished

Senator from South Carolina [Mr. HOLLINGS], who also supports the proposal of the Senator from New York, but Senator HOLLINGS says we must pay for the proposal to cut Social Security taxes by imposing that most harsh engine of extraction, the value added tax, on the shoulders of the American economy.

I think the proposal of the Senator from South Carolina would be the most unwise action we could possibly do to accompany the idea of cutting the Social Security tax. In this age of international competitiveness, a value added tax to increase the ability of Congress to spend and spend on public sector consumption would weaken our ability to grow and save for the future.

Mr. President, I would like to insert in the RECORD following my remarks today an article by economics columnist Warren Brookes, entitled "In Defense of Deficits," which appeared in newspapers around the country on January 15. Warren Brookes reports about a new study by two professors at the University of Mississippi, Richard McKenzie and Bill Shugart II, entitled "In Defense of Deficit Spending."

The central argument of McKenzie and Shugart is that public sector deficits, financed by private savings, are much more healthful for the economy than raising taxes: When government spending is financed by borrowing, revenue is raised from willing lenders both at home and abroad rather than from unwilling taxpayers. The cost of raising $1 in the capital market is lower than the cost of raising $1 in taxes.

Based on this analysis, Mr. President, it would clearly be to our advantage to cut taxes by one dollar, if we could assure ourselves that private savings would increase by one dollar. In other words, the common practice of economists to view the public savings and private savings as a dollar-for-dollar substitute in the aggregate national savings pool is not a correct model.

I want my colleagues to see this argument, Mr. President, not because I am in favor of increasing the Federal deficit, but because I think it points to the overriding importance of keeping taxes down—even if we take longer than we originally intended to reach a balanced budget.

Indeed, the proposal by the Senator from New York to cut the Social Security tax would be a great improvement in the position of the American worker in today's competitive international economy. Indeed, the only criticism I have heard against the proposal by the Senator from New York is that it would increase our Federal budget deficit.

Mr. President, the criticism that it would increase the budget deficit is not a criticism that I feel detracts from the very strong merits of the proposal to cut the Social Security tax rate. Indeed, it would increase the Federal budget deficit on paper, but at the same time the money would be released by the tax reduction to purchase the financial assets to finance that deficit. If all of the money released by the tax reduction were saved—were added to our national private savings—the proposal by the Senator from New York would be entirely meritorious.

Mr. President, I ask unanimous consent that the article by columnist Warren Brookes, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IN DEFENSE OF DEFICITS

(By Warren Brookes)

Liberal spenders are rubbing their hands at the prospect that detente in Eastern Europe will bring a "peace dividend" on the Potomac. Fiscal conservatives on the other hand are pushing to convert that "dividend" into deficit reduction and meeting Gramm-Rudman-Hollings (GRH) deficit targets.

Bear Sterns economist Larry Kudlow renamed it "Gramm-Rudman-Gorbachev" (GRG) and predicts "GRG" will now produce a budget surplus by 1994, and "there really will be a 'peace dividend,' at least for the next four or five years." This "will also increase national savings, while at the same time it will reduce the government claim on the national resources."

That will be the administration budget theme: Cutting the deficit to $60 billion or so without new taxes. But Mr. Kudlow and the administration are up against history and congressional psychology: The lower the deficits, the faster spending rises.

The Vietnam War wind-down offers a preview: In 1970, the United States ran a budget deficit of 2.8 percent of gross national product, slightly lower than 3.2 percent of fiscal 1989, but total spending was only 19.8 percent of GNP in spite of a massive 8.3 percent going to defense. (Table)

By 1977, defense fell to 5 percent of GNP. That was, indeed, a huge 3.3 percent "peace dividend." But it was more than gobbled up in higher total domestic spending and taxes, as entitlements and other mandatory outlays soared from 6.7 percent to 10.2 percent.

Total non-defense spending rose from 11.6 percent of GNP in 1970 to 16.2 percent in 1977 and 17.4 percent by 1981, a massive 50 percent rise in economic share, while deficits stayed the same.

Total spending was not really slowed until 1985 when under the growing fear of budget deficits (then over 5 percent of GNP), all aspects of government got trimmed. Result? Total spending has come down in fiscal 1989 and fiscal 1990 to its lowest level since fiscal 1977.

Indeed, the superb, deficit-defying performance of the U.S. economy since 1981 proves Nobelist Milton Friedman's thesis that what really matters is not deficits but total government spending.

Instead of inflation soaring (as predicted from 1981 to 1983), it fell by 70 percent. Instead of the recovery aborting, it is now in an unprecedented eighth year. Instead of investment "crowded out," our present investment level is one of the highest in U.S. history, and our share of world GNP, after falling badly in the 1970s to 33 percent, has stabilized and recovered somewhat.

All this has caused two otherwise conservative economists, Richard McKenzie and Bill Shugart II at the University of Mississippi, to suggest our deficit fears have been misguided.

In a paper titled "In Defense of Deficit Spending," they argue that "given the political circumstances of the early 1980s, an increase in taxes might have had greater detrimental effects than the deficits did because the greater tax revenue might have gone up in the fiscal smoke of higher government spending."

They conclude that by running up the debt, "President Reagan might well have been orchestrating a policy of 'least destruction' . . . because the annual deficits tied the hands of Congress, impaired their ability to expand expenditures, and thereby increased the pool of national resources for the private sector."

They say the important question is "not that both taxes and deficits are tough on the economy, but which has the greatest detrimental effect." They ask, "Cannot taxes be lowered and deficits increased within bounds with a net improvement in economic efficiency and growth of the economy?"

One possible reason is what economists call "the deadweight loss" of taxation: "When government spending is financed by borrowing, revenue is raised from willing lenders both at home and abroad rather than from unwilling taxpayers. The cost of raising $1 in the capital market is lower than the cost of raising $1 in taxes."

But what about the doubling of interest payments as a share of the federal budget? Messrs. McKenzie and Shugart argue that because interest payments displace and limit the growth of more economically distorting federal expenditures, "they can reduce the net drag of the federal budget on the economy, thus spurring greater economic growth than would otherwise exist."

Japan, for example, made its greatest economic progress in international trade, competitiveness, growth and disinflation in the 1970s when it ran average annual deficits of 5.6 percent of GNP and pushed its federal debt from 8 percent of GNP to 44 percent. It never had a recession and distributed all its revenue growth not to deficit reduction but in the form of regular tax cuts.

This suggests the administration's apparent tactic of floating a number of possible tax-cut incentives for saving and capital formation (such as ending double taxation of dividends and 10-year tax-exempt savers' accounts) is the right strategy to "save the peace dividend" for the economy and from the spenders.

The VICE PRESIDENT. The Senator from Pennsylvania is recognized.

Mr. HEINZ. I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the introduction of S. 2025 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LIEBERMAN addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut.

FUNDING FOR LIHEAP

Mr LIEBERMAN. Thank you, Mr. President. Today's Washington Post reported that in the administration's fiscal year 1991 budget, President Bush may well seek to decrease funding for the Low-Income Home Energy Assistance Program by almost 25 percent. I rise now to say that I hope that that story is not true, for news of a $350 million cut in fuel assistance will send a literal shiver of fear through many people who have just come through one of the coldest Decembers in our history.

The Federal Government's Heating Assistance Program is a lifeline for hundreds of thousands of families in Connecticut, and throughout the Northeast and Midwest, for whom home heating bills take up a huge percentage of there monthly income. What is particularly disturbing about this enormous cut is that this LIHEAP Program works. The oil companies know it, market analysts know it, State agencies who administer it know it, and most important of all, the folks who receive this benefit and heat their homes with it know it.

Certainly, we need fiscal responsibility in the Federal budget and we need cuts, but we do not need to cripple a program that is efficiently run and so effective in preventing human suffering. More than 60 percent of the families receiving fuel assistance have an annual income of only $6,000. In my State of Connecticut, close to half of the recipients are either disabled or elderly. According to a Federal study, these families spend four times as much as average families do for heat, as a percentage of their income.

This program has already suffered massive cuts in recent years. In fact, in 1984–85 fiscal year, Connecticut received more than $43 million in LIHEAP funds; it is only receiving $29.2 million this year. To cut an additional 25 percent would be a cruel disservice to all who need fuel aid to survive.

Not only do we need to preserve LIHEAP funding in the next fiscal year, I believe we need a supplemental appropriation of funds for this year. December was one of the coldest months on record in much of the country, and heating oil prices went up as much as 50 percent. That combination of lower temperatures and higher prices has put many State fuel aid programs in a real bind.

In hearings I had the privilege of chairing last week on the home heating oil crisis, we heard testimony that some State programs will have to close down in a few weeks if more aid is not forthcoming. Mr. President, it may be in the 50's outside today, but there are 55 days left in this winter. I have little doubt that the temperature is going to dip again. Even if we have a normal, cold February, we need more money to help the elderly, disabled, and the poor survive.

I have written to the distinguished chairman of the Appropriations Committee and chairman of the Labor-HHS Appropriations Subcommittee asking them to consider putting forward supplemental appropriations for this LIHEAP Program. When the cold weather comes, I do not want any of our constituents running out of heating fuel. I do not want them turning on gas stoves or space heaters to heat cold apartments. I do not want elderly residents having to make a choice between heating and eating. We clearly do not want anyone to freeze to death.

Mr. President, unless we act, that indeed may be the fate that awaits some of our fellow Americans. Thank you, Mr. President. I yield the floor.

Mr. BINGAMAN addressed the Chair.

The VICE PRESIDENT. The Senator from New Mexcio.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of Senate Joint Resolution 240 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The VICE PRESIDENT. The Senator from Nevada.

WAR ON DRUGS

Mr. REID. Mr. President, today, President Bush is unveiling the next segment of his war on drugs. By the invasion of Panama, and the subsequent capture of drug thug Manuel Noriega, he has backed his words with action.

But the victory in Panama and today's speech by the President do not tell the full story.

Today especially, President Bush needs to know what his drug czar, William Bennett, is not doing.

On December 7, and again on January 5, I wrote to Mr. Bennett. He has responded to neither letter.

The subject of these letters was the fact that Exxon sells methyl ethyl ketone [MEK] to Colombian companies associated with the drug cartel.

MEK is used by cocaine labs in Colombia to produce cocaine from raw coca leaves. This cocaine is smuggled into the United States and sold on the street at more than $100 a gram.

According to published reports, 13 million tons of MEK was reported to Colombia last year. U.S. investigators in Bogota estimate that over 90 percent of this MEK is used to manufacture cocaine. American intelligence reports indicate that the MEK exported to Colombia cannot possibly be used for legitimate purposes.

If these reports are true, Exxon is making a buck off of the drug epidemic.

After 7 weeks, two letters and several phone calls, the drug czar is uncharacteristically silent.

Just yesterday, Mr. Bennett was in my home State of Nevada to address the annual Executive Forum on Narcotics Control and Drug Abuse. Mr. Bennett takes the time to give forceful sounding speeches, but will not take the time to answer a serious inquiry. He takes the time to travel to the State of Nevada, but he doesn't have the time to respond to the State's representative in the U.S. Senate.

That is an affront to the State of Nevada and to this institution.

Mr. President, we need a policeman, not a politician in the drug czar's office.

In not investigating this matter, Mr. Bennett is taking his title of "czar" a little too seriously—a little too arrogantly.

The American people demand an answer. And I hope President Bush demands an answer from his drug czar, especially today, when the next segment of the war on drugs is being revealed.

Mr. President, I ask unanimous consent to print as part of the RECORD the following news articles and letters to drug czar Bennett.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 5, 1989.

Hon. WILLIAM J. BENNETT,
Director of National Drug Control Policy, Executive Office of the President, Washington, DC.

DEAR MR. BENNETT: A month ago, I sent you a letter regarding the exportation of methyl ethyl keton (MEK) to Columbia by American companies. This chemical is one of the substitutes for acetone in the production of cocaine.

In light of the indictment against Manuel Noriega for arranging the shipment of cocaine-processing chemicals, an immediate response to my letter is essential. I have enclosed a copy of my original letter for your convenience.

I hope to hear from you within the week.

Sincerely,

HARRY REID,
U.S. Senator.

U.S. SENATE,
Washington, DC, December 7, 1989.

Hon. WILLIAM J. BENNETT,
Director of National Drug Control Policy, Executive Office of the President, Washington, DC.

DEAR MR. BENNETT: Your office has the responsibility for coordinating the war against drugs, which a majority of Americans consider to be the most serious threat to our country. The drug epidemic affects crime and health in the United States, our economy and the stability of our foreign relations.

That is why I am calling on your office to investigate the disturbing reports that American companies are linked to Colombian businesses that work hand-in-hand with the Colombian drug cartel to produce cocaine from raw coca leaves.

On Tuesday, December 5, 1989, the Los Angeles Times reported that American companies make most of the solvents used in Colombian cocaine labs. Specifically, Exxon sells millions of pounds of methyl ethyl keton (MEK) to Colombian companies closely linked to the drug cartel. MEK is used legally to make rubber cement. It is also used illegally with kerosene, sulfuric acid and other ingredients to produce the cocaine sold in this country.

Colombia doesn't make any rubber cement. According to the LA Times, "The Central Intelligence Agency warned in a classified report several years ago that normal economic activity in Latin America could not possibly absorb the solvents off loaded at its ports each year."

If these reports are true, major American companies are making a buck off of the drug epidemic. As Drug Czar, you must investigate this abhorrent possibility. You must also take immediate action to stop this murderous and unlawful activity if these reports are found to be true.

Thank you for your cooperation.

Yours very truly,

HARRY REID,
U.S. Senator.

P.S.—I'm available to assist you in anyway you think I can be of assistance.

EXXON DRUG TIES MUST BE PROBED

(By Harry Reid)

Is Exxon, the company that brought us the Alaska oil spill, also partially responsible for the American drug epidemic?

It sounds incredible, but the evidence is disturbing.

Exxon produces methyl ethyl ketone (MEK). Exxon sells millions of pounds of MEK to Columbia. There, MEK is used with other ingredients to produce cocaine from raw coca leaves. This cocaine is smuggled in to the United States and sold on the street at $100 a gram.

According to published reports, 13 million tons of MEK was exported to Colombia last year. U.S. investigators in Bogota, Colombia estimate that 90 percent of this MEK is used to manufacture cocaine. American intelligence reports have also warned that the MEK exported to Colombia cannot possibly be used for legitimate purposes.

Other countries that might be using American-made MEK for cocaine production are Equador and Venezuela.

If these reports are true, Exxon and other MEK exporters are making a buck off of the drug epidemic.

Every time a cop gets killed in a drug bust or rival gangs shoot an innocent bystander, it's because there are people in the United States who use drugs or look the other way when their friends use drugs.

We'll never put the drug dealers or the drug cartel out of business as long as people in this country pass the buck and dodge responsibility for their own involvement in the drug problem.

Companies like Exxon have a responsibility for how their products are used once they sell them. Pretending otherwise is a little like Pilate washing his hands.

When President Bush declared the most recent war on drugs, he called for tight controls on the export of chemicals used in the manufacture of illegal narcotics overseas. That is why I have asked National Drug Czar William Bennett to investigate the link between MEK exports and the cocaine labs in Colombia.

Exxon's response so far has been an extreme disappointment. Instead of responding seriously, they have issued letters and news releases filled with a lot of legal sounding mumbo jumbo.

This is exactly the same response Exxon made during the Alaska oil spill.

They should have learned from the Valdez disaster that stonewalling is bad public relations and bad policy.

MEK is not listed as a controlled essential chemical under the Chemical Diversion and Trafficking Act of 1988—but it should be.

Exxon has said it "worked closely" with the Drug Enforcement Administration (DEA) on the draft legislation that led to this act.

Exxon's defense raises more questions than it answers.

Did Exxon seek to prevent MEK from being listed as a controlled essential chemical?

Since MEK is currently used in the production of cocaine in Colombia, do they favor or oppose changing the 1988 law in order to include MEK?

Do they intend to continue exporting MEK to Colombia?

Will Exxon stop selling MEK to foreign companies that serve as the essential link with the cocaine labs?

So far, Exxon has failed to answer a single one of these questions.

It is not enough to follow the letter of the law, as Exxon claims to have done.

To win the war against drugs, we must follow the spirit of anti-drug laws.

I have introduced legislation to use closed military bases as prisons for convicted drug dealers. Drug Czar Bennett and President Bush recognize that war against drugs must be waged everywhere.

Our efforts are not helped by American companies that export MEK and other ingredients to businesses linked to foreign drug dealers.

Cocaine use in the United States doubled between 1985 and 1988. Much of this increase was due to crack cocaine. Drug abuse is no longer a stranger to Nevada. We are also victims of gangs and drug-related crime. And like the rest of the country, we are tired of excuses.

It's time for companies like Exxon to tell the truth about MEK and the cocaine labs that use this product.

It's also time for the Bush Administration to investigate this abhorrent possibility.

If these reports are found to be true, Drug Czar Bennett must take immediate action to stop this murderous and unlawful activity.

[From the Los Angeles Times, Dec. 5, 1989]

COCAINE HAS A MADE IN U.S.A. LABEL

CARTAGENA, COLOMBIA—For the tanker Catalina, this weeklong journey is to be routine: south from Houston across the Gulf of Mexico, a squeeze through the Yucatan Channel then a dash for home across the Caribbean to this steamy Colombian port.

Nothing unusual about the cargo, either. Among the shipments sloshing in her holds will be close to a million pounds of methyl ethyl ketone, direct from Exxon Chemical.

It is an ordinary solvent, best-suited for producing rubber cement. Colombian customers bought up thousands of tons of the chemical last year—about 12% of U.S. exports.

The trouble is that Colombia doesn't make any rubber cement. Nor does it make nearly enough smokeless powder, varnish or other products to account for the mounting deliveries of MEK and other solvents to its shore.

Instead, authorities believe, its voracious appetite for shipments like the Catalina's is fueled primarily by the needs of a better-known Colombian industry, cocaine.

Solvents like MEK are vital ingredients in the alchemy that transforms cheap coca leaves into cocaine hydrochloride worth $100 a gram. And while the United States is not the only supplier, it is clear that the vast majority of cocaine chemicals are American-made.

Nine gallons in 10 of MEK dispatched by the United States to Colombia are diverted for use in cocaine production, according to U.S. investigators in Bogota. While other solvents are more often used legitimately, they pose similar problems. Perhaps 20% of what the United States exports to Latin America as a whole winds up in the cocaine laboratories, officials fear.

There is no evidence that U.S. manufacturers knowingly abet this process. Not until the chemicals arrive legally in Latin America do they find their way "out the back door" into the hands of cocaine enterprises, investigators believe.

Thus the U.S. Drug Enforcement Administration has found no reason to halt the Catalina, which is due to embark on Wednesday, even though a new law empowers the DEA to block suspicious chemical shipments.

Some U.S. officials hope they can use that law to disrupt the chemical trail, which they regard as more vulnerable than the return flow of user-ready drugs along secretive smuggling routes.

"It's a heck of a lot easier to intercept a tanker-truck of acetone than a few dozen kilos of cocaine," a senior U.S. diplomat said.

The U.S. assault, known as Operation Tourniquet, aims to staunch the flow of "cocaine chemicals" along arteries that stretch from the behemoth petrochemical plants of Texas and Louisiana to tiny jungle processing laboratories along Colombia's Magdalena River.

Those arteries span thousands of miles of pipeline and highway, tanker route and river channel. And the suspects in the stream seem infinite millions of tons of chemicals, countless vehicles and lists of chemical companies that fill five daunting pages in the Bogota telephone book alone.

Critics argue that the knot is simply too big to tighten. In particular, chemical industry officials have warned of the difficulties of squeezing worldwide sources of supply and voiced doubts that such a tourniquet could significantly inhibit the cocaine trade.

But an effort by The Times to chart the chemical trail—based on Commerce Department data, industry documents and interviews with U.S. and Colombian officials in Washington, Houston, Cartagena and Bogota—provided a map of surprising clarity.

Its principal route runs through the single U.S. port of Houston and links only a few dozen U.S. exporters and 270 principal Latin American customers. Compared with the quantity of buyers and sellers that investigators had once feared, "all the big numbers disappeared," said Gene Haislip, deputy assistant administrator of the DEA.

Among the lengthy investigation's most important findings:

The cocaine industry's need for chemicals is enormous. To produce a package of cocaine the size of a two-pound bag of sugar, chemists need 15 liters of a solvent like MEK and a host of other chemicals. The

annual demand for the solvent alone fills hundreds of full-size tanker trucks.

Most of these chemicals come from the United States. In Colombia, where the vast majority of processing laboratories are located, officials believe as much as 80% of the solvents used in cocaine production enter via direct shipments from the United States.

The main trail begins in Houston, where 70% of shipments carrying cocaine chemicals depart. In Colombia, most shipments arrive at the Caribbean ports of Barranquilla and Cartagena.

Many Latin American companies that regularly import American-made chemicals are suspected of aiding their transfer to cocaine enterprises. In letters dispatched last week, the DEA denied "regular customer" status to 41 of those 270 firms—a major step toward cutting them off permanently from the U.S. supply.

The most worrisome U.S. export used in the cocaine trade is methyl ethyl ketone. About 90% of the 13 million tons of American-made MEK imported by Colombia last year was believed diverted to cocaine laboratories.

A small number of companies account for the vast majority of MEK exports and go to considerable lengths to disguise their role. Of five MEK shipments in August and September, three accounted for 99% of the total of 2.06 million gallons. In all three cases, the exporters demanded of the Commerce Department that their identities not be made public.

The Central Intelligence Agency warned in a classified report several years ago that normal economic activity in Latin America could not possibly absorb the solvents offloaded at its ports each year.

In cocaine processing, American-made ether was then the "chemical of choice," a cheap and caustic liquid capable of extracting the valuable alkaloid from a leafy coca paste. Its notoriety—and a resulting crackdown by South American authorities—has helped reduce ether's role.

But that change has done nothing to reduce the American role. The lesser-known new favorites, MEK and acetone, also come almost entirely from the United States.

So far the agency has blocked two shipments: a load of acetone to Mexico, a sometime transshipment point for chemicals bound further south; and a cargo bound for Taiwan of a chemical sometimes used in heroin processing.

The new law required exporters that had formerly dispatched their solvents without warning to obtain the DEA's approval. While it applies worldwide, officials say they are most concerned about shipments to Colombia, where vast quantities of chemicals have been seized in jungle laboratories.

Among other ports of concern are those in Ecuador and Venezuela, where chemical imports have increased sharply. Between 20% and 40% of cocaine chemicals are believed smuggled into Colombia along roads and rivers from those two neighbors.

But more nearly typical of the chemical trail is the Catalina, a 375-foot Colombian-flag tanker that regularly shuttles between her home country and the Gulf of Mexico ports of Texas and Louisiana.

Her scheduled 137,000-gallon shipment of MEK now waiting pickup in Houston was manufactured more than 100 miles away in Baton Rouge, at an Exxon Chemicals plant that is one of the nation's two principal sources of the chemical.

According to documents submitted to the government by Exxon and obtained by The Times, it is headed via Cartagena for Colombia's biggest petroleum company—Empresa Colombiana de Petroleos, or ECOPETROL. The DEA granted approval for the shipment on Nov. 20.

Karel Coors, the Catalina's U.S. agent, said MEK was merely one of many kinds of chemicals the 12-year-old ship frequently carried between the United States and Colombia.

Exxon Chemicals Americas, in response to submitted questions, expressed disappointment that the confidentiality of its scheduled shipment aboard the Catalina had been "breached." Asked whether it was "confident" that the shipment of MEK would be used in legitimate industry, the company did not answer directly.

"Certainly shipments, including all Exxon Chemical shipments, receiving DEA approval have undergone the required reviews to establish they are for legitimate purposes," it said.

U.S. officials involved in the anti-drug effort acknowledged that there was no guarantee that such a shipment—particularly of MEK—would not end up in a jungle laboratory. Once such vast quantities of chemicals reach port in Colombia, they said, they are ever vulnerable to schemes designed to put them in the hands of cocaine enterprises.

Some truckloads disappear soon after they arrive, "pumped at midnight" from storage tanks near the ports to 10,000-gallon capacity vehicles while corrupt Colombia customs inspectors look the other way, according to U.S. officials in Bogota.

For others, the exchange comes a few miles inland, where trucks dispatched to a legitimate delivery point stop off instead at a roadside rendezvous. There they exchange their chemical cargo for a load of a watery substitute and a fistful of cash.

And for still further shipments, the leakage comes somewhere down the chain, as large importers sell solvents to smaller firms, and they to others. In Colombia, authorities say, such transfers are almost bound to end up in drug producers' hands.

Among the enterprises discovered to be stockpiling such goods were a paint company "wholly owned" by the Medellin cartel, U.S. officials said. It simply slowed paint production and shipped the extra acrylic to jungle laboratories. A similar scheme uncovered this summer involved Quimica Esteres, a Bogota firm.

Already this year, in raids on those laboratories and on suspicious front companies, Colombian authorities have seized more than 2 million gallons of chemicals believed likely to be used in cocaine production—enough to process more than 500 tons of cocaine.

That enormous volume is testimony to a problem that, the companies' protests notwithstanding, investigators in Colombia say stems from "laxity on the part of importers." A related weakness came from Colombian police, who "have not been knocking on the door and saying: 'I want to check the records for the 300,000 kilo shipment.' "

Some are optimistic that the new U.S. law might halt some of the leakage. "What we've done now," a senior anti-drug official said, "is to send notice that the eyes of Texas were upon them."

U.S. authorities are careful publicly not to affix blame on the American manufacturers, which cooperated extensively in drafting the new regulations. But privately, some officials evince exasperation at each company's insistence that it is not at fault.

"It's always the other guy," complained one federal agent in Houston who has interviewed chemical industry executives. Added another official: "Colombia is flooded with this stuff, and these guys know it. They've got to know that a good chunk of it is going to the bad guys."

The chemical manufacturers cite competitive reasons for their refusal to publicly reveal the magnitude of their solvent exports, particularly of MEK. On a private database that otherwise provides detailed breakdown of the sources of chemical shipments, major exporters all demanded anonymity.

However, knowledgeable sources said Exxon was the exporter last August of an enormous 150,000-gallon shipment of MEK—more than 10 times the quantity the company plans to ship this week—that also went to Cartagena aboard the Catalina. (The company confirmed only that it was the source of one of two large MEK shipments sent to Colombia that month.) And law enforcement sources reported that the major exporters of the chemical were also its principal manufacturers.

According to industry profiles, the two largest are Exxon and Shell, whose Louisiana plants each have annual capacities of 230 million gallons. Each of the other two producers—a Celanese Corp. plant and an Arco Corp. facility, both near Houston—produces less than 100 million gallons a year.

Insinuations that the U.S. chemical industry might not be doing enough to solve the problem that have produced angry reaction in the past. When President Bush last spring told an audience in Miami that "industry has to do more," Chemical Manufacturers Assn. President Robert Roland shot back that Bush was "misinformed."

Near the port of Barranquilla, flatbed trucks share muddy streets with horse-drawn carts. One truck carries dozens of 55-gallon drums of MEK, painted a vivid blue. Its driver, who says he bought the load from a nearby paint factory, reports that it is headed "to a customer in the interior."

Outside Barranquilla's customs zone, 10,000-gallon tankers line up in hopes of winning bulk loads. Asked whether he knows his expected load of acetone can be used to make cocaine, one driver winks broadly.

"It makes no difference to me," he says.

And in Cartagena, whose majestic harbor has been guarded for centuries by the Castillo de San Felipe and ranks of cannon, Western authorities say there is little effort to guard against the chemical invasion.

The Navy has steadfastly insisted that smuggling poses no problem, a diplomat noted. Customs authorities are generally regarded as Colombia's most corrupt. And once shipments arrive in Cartagena, they are rarely scrutinized by the national police.

[From the Las Vegas Review-Journal, Dec. 6, 1989]

DEA, EXXON FORGET THERE'S A WAR ON

The Los Angeles Times published a helpful chart this week, delineating the chemical process for manufacturing cocaine from raw coca leaves.

Key ingredients, according to the recipe in the Times, are kerosene, sulfuric acid, methyl ethyl ketone (MEK) or acetone, plus a few other items.

Some of these chemical compounds, such as kerosene and sulfuric acid, are commonly available the world over. But few nations manufacture MEK.

Colombian firms do not make MEK, yet Colombia is the cocaine manufacturing capital of the world.

As you know if you have been following the news, the Colombian cocaine kingfish reap fabulous wealth and power by sending thousands of tons of coke each year to feed bad habits in the United States, where a "war on drugs" is rumored to be in progress.

War or no war, the fact is that the United States, in a very real sense, is in league with the cocaine lords.

American companies—apparently with the blessing of the U.S. Drug Enforcement Administration—supply MEK and other chemicals to Colombia, where they are used to convert leaves into lines of cocaine hydrochloride.

The L.A. Times story Tuesday pointed out that Colombian customers continue to purchase thousands of tons yearly of U.S.-made MEK and other chemicals essential to the processing of cocaine.

MEK is a solvent used in the manufacture of rubber cement. But Colombia makes no rubber cement. Nor does it manufacture nearly enough varnish or other products to account for the massive deliveries of MEK.

Colombia is, however, the world's leading producer of cocaine, and, according to the Times, the illicit manufacture of the drug consumes 90 percent of the MEK exported to Colombia by U.S. companies, notably Exxon.

Making 2 pounds of cocaine from coca leaves requires about 15 liters of solvent such as MEK, the Times reported, and this process accounts for most of the 12.9 million pounds of American-made MEK exported to Colombia this year.

U.S. firms do not knowingly sell these chemicals to drug lords, but rather to Colombian companies that U.S. authorities believe are set up with elaborate care to disguise their connections to the drug cartels.

Nonetheless, on the face of it, U.S. authorities must know that Colombia has no legitimate use for nearly 13 million pounds of MEK a year.

When queried on this point by a Times reporter, an Exxon spokesman declared, rather cryptically: "Certainly shipments, including all Exxon chemical shipments, receiving DEA approval have undergone the required reviews to establish they are for legitimate purposes."

The DEA does, by the way, have the power under a new law to block suspicious chemical shipments. If the DEA doesn't find Colombia's odd appetite for millions of pounds of MEK questionable, just what does it take to arouse the agency's suspicion?

As for Exxon, does this company have no shame? Is it devoid of a sense of civic responsibility? Hey, Exxon: There's supposed to be a war on.

[From the Los Angeles Times, Dec. 8, 1989]

INQUIRY URGED ON CHEMICALS USED BY TRAFFICKERS

WASHINGTON.—A senator Thursday called on the Bush Administration to investigate whether chemicals exported by U.S. manufacturers are being used by drug traffickers in Latin America as an ingredient to produce cocaine.

Sen. Harry Reid (D-Nev.) said in a letter to Drug Control Policy Director William J. Bennett that his concern was prompted by a Dec. 5 report in The Times that the vast majority of the chemicals used in cocaine production originate in the United States.

"If these reports are true, major American companies are making a buck off of the drug epidemic," Reid wrote to Bennett.

"As drug czar, you must investigate this abhorrent possibility," he said. "You must also take immediate action to stop this murderous and unlawful activity if these reports are . . . true."

The senator raised particular questions about the role played by the Exxon Corp., a principal exporter to Colombia of a solvent known as methyl ethyl ketone. The Times reported that 90% of the MEK imported by Colombia is believed to be diverted for cocaine production.

Bennett was traveling with President Bush on Thursday and had not yet seen the letter, his spokesman said.

The anti-drug strategy that Bennett drafted this year calls for stringent controls on the export of MEK, acetone and other "essential chemicals."

[From the Associated Press, Dec. 7, 1989]

COCAINE

WASHINGTON.—Sen. Harry Reid has asked federal drug czar William Bennett to investigate whether American companies are selling the chemical solvent methyl ethyl ketone (MEK) to Colombian companies associated with the cocaine trade.

"I am calling on your office to investigate the disturbing reports that American companies are linked to Colombian businesses that work hand-in-hand with the Colombian drug cartel," Reid wrote Bennett on Thursday.

Colombian drug laboratories use MEK, sulfuric acid and other chemicals to produce cocaine from coca leaves.

Reid, D-Nev., specifically said Exxon Chemicals U.S.A. sells millions of pounds of MEK to Colombian companies.

Exxon has replied that all of its shipments have undergone the required reviews to assure they are for legitimate purposes.

[From the Reno (NV) Gazette Journal, Dec. 8, 1989]

REID ASKS EXXON CHEMICAL PROBE

WASHINGTON.—Sen. Harry Reid, D-Nev., called on federal drug czar William Bennett Thursday to investigate charges that Exxon Corp. and other domestic oil companies are selling chemicals to Colombian companies for the manufacture of cocaine.

"If these reports are true, major American companies are making a buck off of the drug epidemic," said Reid, citing published newspaper reports. "As drug czar you must investigate this abhorrent possibility. You must also take immediate action to stop this murderous and unlawful activity if these reports are found to be true."

An article published in the Dec. 5 edition of the Los Angeles Times charged that American companies are shipping the chemical methyl ethyl ketone—commonly known as acetone—to Colombia. The chemical is a vital ingredient used in making powdered cocaine from coca leaves.

In his letter to Bennett demanding the probe, Reid singled out Exxon as a company that sells millions of pounds of acetone to Colombian companies he said are "closely linked to the drug cartel."

The Times article also mentioned Exxon Chemical, a division of Exxon Corp., as a source of the chemicals.

Exxon officials could not be reached to comment on Reid's letter, but in a press release reacting to the news story, the Houston-based oil firm said: "Certainly shipments, including all Exxon Chemical shipments, receiving (Drug Enforcement Administration) approval have undergone the required reviews to establish they are for legitimate reasons."

Bennett, traveling with President Bush, was not available for comment.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURDICK). The clerk will call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I ask unanimouis consent to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, the Senator may proceed for 10 minutes.

Mr. KOHL. Mr. President, I am very pleased to join a number of my colleagues in support of S. 1630, legislation to amend the 1970 Clean Air Act. I believe that this legislation is one of the most critical measures which will be debated in the 101st Congress. After 13 years of inaction, this Congress is ready to make a real and meaningful contribution to cleaner air for all Americans.

There is little debate in this country about whether or not the Clean Air Act needs to be updated. There is almost unanimous agreement among the general public, environmental groups, and industry that the current law is inadequate. It does not protect our health, our natural resources, or our wildlife.

Nevertheless, there is considerable debate about the degree to which we need to protect the public health and the environment, the degree to which we need to reduce hazardous air emissions, and the degree to which we need to impose new costs on consumers, industry, and the overall economy. These are all important matters and they deserve a thorough and fair discussion.

They also deserve an honest discussion. I believe that we heard some honest talk on Tuesday when my colleague from Rhode Island, the ranking minority member of the Environment Committee, said, "This bill is going to cost some money. We might as well recognize that. We do not get clean air for nothing."

I might also point out, as many others have already noted, that the costs of inaction will be staggering. Measured in both dollars and human values, the Nation stands to suffer tremendously if we do not act responsibly.

The economic costs of inaction will affect all sectors of our society. We have heard a lot about the health care costs associated with respiratory and other illnesses—and those costs are certainly significant. But I think there

will be other costs, as well. Our farmers will face increasing losses due to pollution-related crop damage. Our commercial and recreational fishing industries will suffer if we allow acid rain to kill fish in our lakes and streams, and if we allow airborne toxic deposition to poison the fish. Our forest products and paper products industries will suffer if we continue to let acid rain damage and destroy our forest resources.

But even more important than these economic costs are the costs which cannot be quantified, the costs that all Americans will pay in terms of quality of life. Are we willing to sit back and do nothing while millions of children suffer irreversible respiratory and lung damage each year because of increasing levels of air pollution? Even if the health care costs for treating these illnesses were zero, we ought not be willing to ask our children to pay the price of pain and suffering.

Are we willing to sacrifice the enjoyment of fishing in the Great Lakes, and eating our catch at the Friday night fish-fry, because the fish are so contaminated that they have been declared unsafe for human consumption? Are we willing to sit back and do nothing while bald eagle populations decline, due to their diets of PCB-laden fish? Are we willing to give up the enjoyment we experience in a beautiful forest in Wisconsin or in New England? Will we sacrifice our sacred national parks, which are losing much of their beauty and their natural resources because of pollution? I think not. These are things which have great value to all Americans, even though we cannot put a price tag on them. These are some of the few things that are still free in life, that are available to all Americans.

Still some people say that this bill costs too much. So will a weaker bill. If we are telling Americans that we want to do the job, then lets go about the business of doing it, and doing it right. We have a chance with this legislation to make a significant improvement in the quality of life for all Americans.

But doing it right does not mean we have to sacrifice economic growth and jobs. I believe that careful deliberation will result in a bill that protects the public health, the environment, and our Nation's economy. I have enough confidence in American ingenuity, in American industry, and in our Nation's work force to believe that the challenge of cleaner air can be met without undermining our economy.

I am proud that my State of Wisconsin has acted on its own, ahead of the Federal Government, to enact its own laws on acid rain and air toxics. Wisconsin has a great reputation for its progressive environmentalism. But no State can do it alone. Wisconsin cannot put up fences around its border to keep out toxics and other pollutants coming from other States. Pollution recognizes no boundaries, so we must enact strong Federal laws to protect the Nation's air quality.

But while I support the enactment of a strong Federal clean air law, I hope that the steps already taken in Wisconsin to reduce air pollution will be given due recognition. Wisconsin's industry and utilities will have to make significant investments in order to comply with Wisconsin's State pollution laws. Our businesses should not be put at a competitive disadvantage relative to competitors in other States by being required to make reductions twice, in effect. Wisconsin residents should not have to watch their jobs go elsewhere because of Federal laws which do not recognize our State's advance efforts to improve the environment.

For example, Wisconsin's acid rain law, enacted in 1985, requires a 50-percent reduction in sulfur dioxide emissions from 1980 levels by 1993, bringing our utilities down to an emissions rate of 1.2 pounds per million Btu—7 years ahead of the Federal requirement imposed by S. 1630. Our utilities and ratepayers should get credit for these early reductions, and should not be required to help other States pay for their cleanup.

Similarly, Wisconsin has enacted a progressive air toxics law which will result in significant air toxics reductions in advance of the deadlines mandated under this bill. If reductions made pursuant to Wisconsin's State law are not recognized by S. 1630, our industries will be put at a competitive disadvantage. Again, they will have to comply first with the State law, and potentially a second time with the Federal law.

This is quite simply unfair. I do not believe that our Federal environmental laws should penalize States that take the initiative to control pollution, but instead should reward those States which have moved ahead on their own.

I am also concerned that southeastern Wisconsin—the metropolitan area which includes Milwaukee, Racine, and Kenosha—will be unfairly penalized by the ozone nonattainment section. The Milwaukee area would be locked into a new attainment schedule and may face overly severe control measures and sanctions on the—prior to the completion of a study which may show that our biggest source of pollution is Chicago, not Wisconsin industries. Even worse, Chicago may have 5 additional years to meet the attainment deadlines, continuing to send dirty air to Wisconsin long after our deadline has come and gone.

At this very time, the Federal and State governments in the lower Lake Michigan region are investing in a $10 million computer modeling system which will accurately pinpoint the sources and movement of pollutants in the region. This urban airshed modeling system is being developed pursuant to a settlement approved by a Federal district court to resolve a lawsuit involving the U.S. EPA and the States of Wisconsin and Illinois.

Until we have the results of this court-ordered study, due out in 3 years, it would be entirely unfair to impose severe restrictions on business and industry in southeastern Wisconsin, who have already done a great deal to reduce emissions, and will continue to do everything reasonably possible to reduce emissions.

I have just outlined several of the concerns which I have with S. 1630, which I intend to address with amendments that I will offer, along with my distinguished colleague and senior Senator from my State, Senator KASTEN. Senator KASTEN will insert the specific language of these amendments in the RECORD with his statement, so I will not bother to repeat that here.

I have several other minor concerns with this bill as it relates to Wisconsin, including provisions related to the volatility of ethanol-blend fuels in ozone nonattainment areas, and several technical provision in the acid rain provision which pose problems for one of Wisconsin's utility's, dairyland power. Senator KASTEN and I have also prepared amendments to address these matters. Furthermore, I will continue to review the acid rain section generally to insure that all of Wisconsin's utilities are receiving due credit for advance reductions made in SO_2 emissions, and Senator KASTEN and I may propose other amendments in this regard.

I would just like to close by noting that all in all, I believe that S. 1630 represents a sound course of action for this Nation, and that enactment of this bill will result in a cleaner, safer, healthier, and more pristine America. The time has come to take action, and I congratulate the Environment Committee for the hard work and diligence that has gone into this bill.

In particular, I am very appreciative of the committee's willingness to include a special Great Lakes section in the air toxics title of the bill, to insure that this great resource will get the protection it needs. Finally, I appreciate the committee's willingness to consider modifications to address Wisconsin's concerns, and I look forward to working with my colleagues in the weeks ahead.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORE). Without objection, it is so ordered.

TRIBUTE TO JOSE MARTI, CELEBRATED CUBAN PATRIOT

Mr. GRAHAM. Mr. President, this Sunday, January 28, Cuban Americans and friends of freedom in Florida and throughout the world will celebrate the birth of Jose Marti, the martyred Cuban poet and patriot who was born in Havana in 1853.

Like many Cubans today, Jose Marti spent most of his life in exile. He lived many years in New York where he organized Cuba's struggle for independence. At the turn of the 19th century, as today, the Cuban communities in Florida lent their voices to the people in Cuba who were suffering under a tyrannical regime.

In recent months, we have witnessed an incredible display of people power as citizens have swept from power the tyrants of Eastern Europe. The democratic tide has broken over our own hemisphere as well. Throughout the region, freedom-loving people are working hard to consolidate their gains.

If Jose Marti was alive today, he would share our deep disappointment that Cuba remains a glaring exception. But undaunted, he no doubt would be joining Cubans who are continuing to fight for their freedom, to fight for the simple right to choose their government.

Of freedom, Marti said:

> Like bones to the human body, the axle to the wheel, the wing to the bird, and the air to the wing, so is liberty the essence of life. Whatever is done without it is imperfect.

So is life imperfect in Cuba under the authoritarian rule of Fidel Castro—the very antithesis of Jose Marti and all he stands for.

Castro continues to turn a deaf ear. But, Mr. President, if we have learned anything from our experiences in Eastern Europe, it is that freedom-loving people will not be denied.

Jose Marti's cry for freedom is a message for all ages. His ideals and love of freedom inspire all Cubans, and it is that inspiration that keeps alive the hope that Cuba will soon be free.

Marti's words stand as the ultimate challenge to Castro's dictatorship. The following excerpts from Jose Marti's writings are taken from "Jose Marti: Thoughts," an anthology by Prof. Carlos Ripoll, Queens College, NY. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> He who lives under an autocratic creed is like an oyster in its shell that sees only the prison that confines it and believes, in the darkness, that it is the world. Freedom gives the oyster wings, and the portentous battle heard inside the shell turns out, in the light of day, to be the natural motion of life-blood in the world's vigorous pulse.
>
> * * * * *
>
> A nation is made of men who resist and men who push, of affluence that monopolizes, and of justice that rebels, of arrogance that subjugates and belittles, and of decorum that neither deprives the arrogant of their place nor gives up its place to them. A nation is made of the rights and opinions of all its children, and not the rights and opinions of a single class.
>
> * * * * *
>
> He who under the pretext of guiding the young teaches them absolute doctrine and preaches to them the barbarous gospel of hate instead of the sweet gospel of love, is a treacherous assassin, ingrate to God, and enemy of man.
>
> * * * * *
>
> One revolution is still necessary: the one that will not end with the rule of its leader. It will be the revolution against revolutions, the uprising of all peaceable men who will become soldiers for once so that neither they nor anyone else will ever have to be a soldier again.
>
> * * * * *
>
> The continuous, frank, and almost brutal debate of open political life strengthens in man the habit of expressing his opinion and listening to that of others. There is great benefit in living in a country where the active coexistence of diverse beliefs prevents that timorous and indecisive state to which reason descends where a single and unquestionable dogma prevails.

LONG BEACH NAVAL SHIPYARD

Mr. CRANSTON. Mr. President, last night, there were reliable reports on the news that Secretary of Defense Cheney has put together a new base closure list. Rumored to be on that list are bases in my State of California, including Long Beach Naval Shipyard.

I am surprised that the Defense Department would consider closing the naval shipyard—the primary facility for repair and overhaul of nonnuclear surface vessels and the facility closest to the homeport of the Pacific Surface Fleet. The facilities at our public shipyards are crucial for our mobilization base—once you close a base like this you lose these facilities and the skills base.

Now, I have supported cuts in our defense spending, and I have supported cuts that will affect my State—only 2 days ago, I was on the floor calling for the end of the B-2 bomber which is produced in California. And, I suported the base closure process we just went through to close 86 bases in which California lost more bases than any other State.

I must question, however, the way in which Secretary Cheney is going about issuing this base closure list. I didn't see the news report myself, but I understand that even Secretary Cheney said that he doesn't believe that these base closings will happen. What's the point then of issuing such a list? After a difficult year in which the shipyard significantly reduced its overhead, Long Beach has emerged even more efficient and competitive than before. What sort of message is Secretary Cheney sending the fine men and women at these facilities? If he really wants to close bases, I recommend that Secretary Cheney work with Congress to establish a process like we did before.

TRIBUTE TO COMDR. JOHN F. WANAMAKER OF THE RETIRED OFFICERS ASSOCIATION

Mr. MATSUNAGA. Mr. President, I wish to offer a tribute to Comdr. John F. Wanamaker, USN-retired, upon his retirement as the deputy director of legislative affairs for the Retired Officers Association [TROA]. This is not the first time Commander Wanamaker has retired. In 1977 his active duty with the Navy ended after an illustrious and highly decorated career of 32 years and service in three wars.

Later the same year, Commander Wanamaker undertook a new assignment for his country as the deputy director of legislative affairs for TROA, a position he has held for some 13 years. During these years, Commander Wanamaker has testified many times before the various committees of jurisdiction in support of military personnel, compensation, and related issues. He has had a great influence on those he has advised because of his professional credibility and depth of knowledge.

Commander Wanamaker should be recognized for his singular effort to prevent the imposition of a user fee which would have been required each time an outpatient visit was made to a military medical facility. In addition, he repeatedly led the charge to block annual attempts to eliminate, cap, or delay cost-of-living adjustments to military pay.

Commander Wanamaker also played a major role in increasing the SGLI-VGLI insurance coverage from a maximum of $35,000 to $50,000 for active duty and reserve military personnel. He was the catalyst who prompted Congress to cap the premiums for our elderly members who still carry the 5-year level term NSLI insurance. Moreover, he contributed greatly to the enactment and modification of the Montgomery G.I. bill which ensures that many young Americans will be able to attend college because of the availability of educational benefits it provides.

Among his friends, admirers, and contemporaries, Commander Wanamaker is affectionately known as "Mr.

Veterans Affairs" for his lasting contributions to the Nation's veterans and their families.

Mr. President, after 47 years of leadership and service to his country, Comdr. John F. Wanamaker will again retire. We shall be forever grateful for his dedicated contributions; he wil be missed. We wish him well.

TRIBUTE TO JUDGE CLEMENT HAYNSWORTH, JR.

Mr. THURMOND. Mr. President, I was deeply saddened last November to learn of the death of one of South Carolina's, and indeed one of the Nation's most distinguished jurists, Judge Clement Haynsworth, Jr., of Greenville, SC.

Born in Greenville, Judge Haynsworth graduated Summa Cum Laude from Furman University in 1933 and from Harvard Law School in 1936. In 1957, President Eisenhower named him to the Fourth U.S. District Court of Appeals. Judge Haynsworth was the first South Carolinian to be named to that court since 1923. He served as chief judge on the court for more than 17 years and wrote more than 500 majority opinions during that time.

President Nixon nominated Judge Haynsworth to be on the Supreme Court in 1969. Unfortunately, the nomination did not pass the Senate, but Judge Haynsworth continued his work on the appellate bench with honor and dedication for years to come.

His contributions to our State and to the fourth circuit are innumerable, and we will be forever indebted to him for the judicial legacy that he leaves behind for future generations to study and to emulate.

Judge Haynsworth was an outstanding judge, a true patriot, and a fine American. We are truly fortunate to have had the opportunity to benefit from his outstanding legal mind, and to have known him as a friend. We will miss him sorely, but the memory of his strength of character and his moral fortitude will never leave us.

My wife Nancy joins me in extending our deepest sympathy to Judge Haynsworth's wife, Dorothy Merry Haynsworth; his stepson, Rufus C. Barkley, Jr.; his sister, Mrs. Walter B. Taylor; his brother, Harry J. Haynsworth III; and his three grandchildren.

Mr. President, I ask unanimous consent that the following articles regarding Judge Haynsworth be included in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the State, Nov. 28, 1989]

CLEMENT HAYNSWORTH

When Clement F. Haynsworth Jr. died the other day in his hometown of Greenville at the age of 77, the federal bench lost a distinguished jurist whose defeat for a seat on the U.S. Supreme Court 20 years ago was a cruelly politicized miscarriage of justice.

He became a federal judge in 1957 when President Dwight Eisenhower named him to the 4th U.S. Circuit Court of Appeals headquarted in Richmond, VA. In 1969, President Richard Nixon nominated Judge Haynsworth to fill the seat left vacant by the resignation of Abe Fortas, whom President Lyndon Johnson had chosen to be chief justice a year earlier.

Judge Fortas' nomination was attacked by Senate Republicans, and his name was eventually withdrawn. By consensus, the ensuing attacks of Judge Haynsworth's nomination were viewed as acts of reprisal by liberal Democrats in the Senate.

Conflict-of-interest charges focused on Judge Haynsworth's ownership of about one-seventh of the stock in a vending machine company at a time when he ruled in favor of a textile firm that did business with the company. The ruling was anathema to the AFL-CIO, which maintained a steady drumbeat of criticism of the nominee during Senate confirmation hearings and debate.

Modest and unassuming, Judge Haynsworth characteristically displayed no discernible bitterness when his ordeal ended and his nomination was rejected, 55-45. Instead, he returned to the appellate bench, where he continued to serve as chief judge with fairness, dignity and keen legal intelligence. Clement Haynsworth's legacy of public service is a lasting and honorable one.

[From the Post & Courier, Nov. 23, 1989]

CLEMENT F. HAYNSWORTH, JR., DIES

GREENVILLE.—Clement F. Haynsworth Jr., whose nomination by President Nixon to the Supreme Court was rejected by the Senate because of judicial ethics and his views on minorities, died Wednesday. He has 77.

Haynsworth died at home after suffering a heart attack, said his wife, Dorthy.

President Eisenhower named Haynsworth in 1957 to the 4th U.S. Circuit Court of Appeals in Richmond, Va., the first South Carolinian to be named to that court since 1923. He spent 17 years as chief justice on the court, writing more than 500 majority opinions, before be retired as a full-time jurist in 1981.

He continued hearing cases on a part-time basis for the court out of Greenville, most recently taking a case last month, his secretary said.

In 1969, Nixon nominated Haynsworth to the Supreme Court to fill seat left vacant by Justice Abe Fortas' resignation. The Senate Judiciary Committee voted 10-7 in favor of the nomination, but reports questioning his judicial ethics arose.

The most damaging reports centered on Haynsworth's participation in a case involving a company that did extensive business with a company in which he owned a one-seventh interest.

In addition, civil rights groups and organized labor opposed Haynsworth's nomination, portraying the longtime judge as insensitive to racial minorities and working people.

In the end, on Nov. 21, 1969, the Senate defeated his nomination by a 55-45 vote.

Haynsworth later said the criticisms of his stance on racial issues were "unfair."

"What happened was we had a terrible practical problem," the judge explained in 1977. "You couldn't jump from complete segregation to complete integration in a moment. The critics felt I didn't press forward as rapidly as they might have hoped."

Friends and colleagues said they were shocked to hear of Haynsworth's death. The judge had had heart problems for the last year, his wife said, but he had continued to work.

Former Chief Justice Warren Burger said, "Clement Haynsworth was one of the outstanding judges in this country. It was a great loss when he was not confirmed to the Supreme Court. Remaining on the court of appeals, he continued to contribute his talents to the public."

Fourth Circuit Chief Judge Sam J. Ervine, who served with Haynsworth in Richmond, said, "I don't have any doubt but that he was one of the really great judges who has served on the 4th Circuit, and I think he was one of the great judges of his era in the country."

Said U.S. Sen. Ernest Hollings, D-S.C., "I'll miss him; he was a special friend and one of the nation's finest jurists. I only regret that the American people were denied his exceptional talents on the nation's highest court."

"Judge Haynsworth was an able lawyer, distinguished judge, true patriot and exemplary citizen," said U.S. Sen. Strom Thurmond, R.S.C. "His decisions on the Circuit Court of Appeals were sound and adhered to the principles for which America stands. He was a tower of strength on that court and his death is a great loss to our state and nation."

"This is a great loss to South Carolina and the nation, for we have lost, not only a selfless public servant, but also one of our most talented jurists," Gov. Carroll A. Campbell Jr., said in a statement.

After becoming senior judge in 1981, Haynsworth continued to maintain his office in the building that now bears his name. He said then he wanted to step down in order to give up "the business of housekeeping" to have time to do "the business of a judge."

When the Clement F. Haynsworth Jr. Federal Building in Greenville was renamed in the judge's honor in May 1983, speakers at a renaming ceremony suggested the gesture was in some small way an apology for the Senate's refusal to confirm the jurist's high court appointment.

At that ceremony, Supreme Court Justice Lewis F. Powell Jr. said the Senate's rejection of Haynsworth was "purely political," and that "injustice was done" by the Senate vote.

Haynsworth spoke briefly at the unveiling of his name on the front of the 47-year-old building and called the renaming "a touching footnote to the history of 1969."

Haynsworth was the wealthiest of 13 federal judges in South Carolina, with investments valued from $2.8 million to $4.6 million, according to a study complied by The Associated Press based on financial disclosure forms for 1987, the latest year such records were available. The figure did not include his annual salary of $95,000.

The funeral will be at 4 p.m. Friday in Christ Church, Episcopal. Burial, directed by Mackey Mortuary, will be in the church cemetery.

He was born Oct. 30, 1911, in Greenville, a son of Clement F. Haynsworth and Elsie Hall Haynsworth. He attended Greenville schools and was a cum laude graduate of the Darlington School, Rome, GA. Haynsworth graduated from Furman University summa cum laude in 1933 and from Harvard Law

School in 1936. He was admitted to the bar in 1936 and joined his family's law firm.

Between 1942 and 1946, Haynsworth was on active duty with the Naval Reserve, attached to the District Intelligence Office of the 6th Naval District in Charleston and then to the Pacific Fleet Amphibious Forces.

He was a member of the St. Andrew Society, Royal Order of the Magna Carter, First Families of Virginia, the Centurian Society, Phi Beta Kappa and the Order of the Coif.

He was on the board of directors of the Greenville Historical Society and was a member of the S.C. Historical Society. He was president elect of the S.C. Chamber of Commerce in 1957 and was a former member of the board of directors of Multimedia, Liberty Life, Southern Weaving, S.C. National Bank and the Greenville Hotel Corp.

In 1970, he was voted Man of the Year by the Greenville Chapter of the Society for the Advancement of Management. He was a member and past president of the Cotillion Club. He was a communicant of Christ Church, Episcopal.

Surviving are his wife, Dorothy Merry Haynsworth; a stepson, Rufus C. Barkley Jr. of Charleston; a sister, Mrs. B. Walter Taylor of Columbia; a brother, Harry J. Haynsworth III of Greenville; and three grandchildren.

TRIBUTE TO MRS. JUNE RAINSFORD HENDERSON

Mr. THURMOND. Mr. President, I rise today to mark the achievements of a noted South Carolinian, Mrs. June Rainsford Henderson who was recently honored with the endowment of a chair in southern and local history at the University of South Carolina at Aiken. I would like to take this opportunity to share with my distinguished colleagues the highlights of her outstanding biography.

June Nicholas Henderson was born on November 30, 1895, at Evergreen, the plantation of her parents, Thomas Hobbs Rainsford and Martha Nicholson Rainsford. Evergreen is located 5 miles south of my hometown, Edgefield, SC.

After moving from the plantation into Edgefield, June and her siblings attended the grade school at that town. She later attended the South Carolina Co-Educational Institute and the College for Women in Columbia, SC. In 1915, June completed her studies at the college and was awarded an A.B. degree.

In 1917, pursuing her interest in books, June enrolled at Columbia University in New York City to study library science. The illness of her mother necessitated her early return to Holmewood, her parents' home in Edgefield, where she taught college preparatory classes for high school students.

June returned to Columbia University in 1920 to work in the catalog department of the library where she remained through 1923. From 1924 to 1926, she served as librarian at Hollins College. She remembers this as one of the happiest times of her life. Then, in 1926, she was called to organize the first library for the new junior college on the campus of Richmond Academy in Augusta, GA. When a new library/media center was built more than half a century later, the history section was dedicated to June, with a portrait and plaque hung in her honor.

While at Richmond Academy, June also began her career as an author. Her first published article of note appeared in 1929 in the Mentor, a prestigious magazine of the day. During this time, June attracted the attention of her future husband, Maj. George Phineas Butler, principal of the academy and founder of the junior college. They married in 1929, and after a honeymoon trip abroad, returned to settle in Chapel Hill, NC.

June earned her second A.B. degree in history and sociology at the University of North Carolina in 1933. Sadly, her beloved husband died of a heart attack later that year. She returned to Chapel Hill and submerged herself in her studies, and in 1934 she was awarded a M.A. degree in history and sociology.

A special ambition of June's had been to work in the Library of Congress. In the spring of 1935, she moved to Washington, DC to work as a special independent assignment researcher. From 1935 to 1938 June studied and organized her material using the vast resources at her command at the Library of Congress. Her work culminated in 1938 in the publication of "Floralia: Garden Paths and By-Paths of the Eighteenth Century". The book met instant acclaim and June became a popular lecturer and literary guest across the Nation.

June returned to Edgefield once again during World War II. She became active in local garden clubs to promote the growing of vegetable gardens to help in the war effort, and also managed to retain her contacts in Washington with frequent trips to the Nation's Capital. On one such trip, she met an Aiken lawyer named Finley Henderson who she married in 1945 and then moved to his hometown.

June's joy in Aiken was the beautiful garden which she created around her new house. She continued to be in demand as a speaker for civic and garden club groups and she also actively worked at propagating shrubbery typical of southern gardens. She was especially interested in developing new varieties. A major success in this area was a holly seedling, which she named "Floralia," for her book. This seedling won her special recognition from the Holly Society of America which both recognized and registered "Ilex Floralia."

It was also during this period in Aiken in the 1950's and 1960's that June became a regular contributor to the garden pages of the New York Times. In recognition of this as well as her collective work, June was presented the Woman of the Year Award by the business and professional women of Aiken in 1960. During this period she also received awards from the National Council of State Garden Clubs and from the Holly Society of America. Tragically, Finley Henderson died in 1968. Following his death, June returned to Edgefield.

Back in her hometown, June resumed her career as a writer and wrote a history of the Edgefield Presbyterian Church. A special project of hers during this period was the restoration of the rectory of Trinity Episcopal Church. Originally built in the 1830's, the structure was in disrepair and in danger of being torn down. June negotiated a lifetime lease with the church and spent several years on its restoration. She made it available for community use and it is still widely enjoyed today due to her dedication.

South Carolina Circuit Court Judge Marvin M. Mann, one of June's most eloquent admirers, once said, "where she is personally known, her literary attainment, her personal charm and her stately beauty all seem deliberately designed to have been blended into one, just to show what her creator really could do."

Mr. President, June Rainsford Henderson is a talented women whose contributions to her friends, family, and community are invaluable. The establishment of the June Rainsford Henderson chair of southern and local history at the University of South Carolina at Aiken is an appropriate and well-deserved tribute, and I am proud to have had the opportunity to speak at the dedication ceremonies and take part in this important event.

TRIBUTE TO SENATOR MARGARET CHASE SMITH ON HER 92D BIRTHDAY

Mr. THURMOND. Mr. President, during the recess between the 1st and 2d session of this 101st Congress, one of the most lively, interesting, and historically significant Members of Congress in recent memory celebrated a birthday. I would like to take this opportunity to briefly pay tribute to this remarkable lady, Senator Margaret Chase Smith of Maine, who marked her 92d birthday on December 14, 1989.

Senator Smith was the first woman in the history of the United States to be elected to both Houses of Congress. She served in the U.S. House of Representatives for over 8 years before moving to the U.S. Senate, where she served for 24 years. I worked with her as a member of the Armed Services Committee, where she championed the cause of the National Guard and Reserves and exhibited a tremendous

sense of dedication and commitment to defense in general.

I recently read that Senator Smith was last seen snowmobiling in Maine. Evidently, she is enjoying life to the fullest, and I send her my best wishes for continued health and happiness.

TRIBUTE TO THE CLEMSON UNIVERSITY FOOTBALL TEAM GATOR BOWL PERFORMANCE

Mr. THURMOND. Mr. President, I rise today to pay tribute to Clemson University for their fine performance at the Gator Bowl in Jacksonville, FL, on January 1, 1990. With hard work and determination, Clemson has brought home a bowl trophy for 4 consecutive years. The entire team and coaching staff deserve to be heartily commended for yet another outstanding performance. In addition, the able president of Clemson, Dr. Max Lennon, should be congratulated; and on the date this game was played the skillful coach was Danny Ford.

I would also like to congratulate both Clemson and their Gator Bowl opponent, West Virginia, on the high level of sportsmanship and athletic prowess that was exhibited during the game. The spirit of football, one of our greatest native American sports, was upheld honorably by all participants.

Again, I extend my congratulations to the players and coaching staff at Clemson for a game well played. We are very proud of you in South Carolina, and we wish you all the best for the upcoming season.

HURD WINDOW OF HOPE

Mr. KASTEN. Mr. President, a hero is someone who points the way for the rest of society, providing an example to help the rest of us decide how to deal with important problems. I'd like to call the Senate's attention today to some heroes we have in my home State—the men and women of the Hurd Millwork Co. in Medford, WI.

The Hurd Millwork Co. has taken action to help address one of the most serious social problems confronting the American community—the problem of homelessness. In a land of plenty, we see these homeless individuals roaming the streets, many of them sick, addicted, and unable to find shelter.

The Hurd Co.—a manufacturer of high performance wood windows and patio doors, has tackled this issue. The company has pledged to contribute 50 cents to a homeless shelter program for every window specified by its architect clients in their building plans.

The Hurd "Window of Hope" pledge program will support the Search for Shelter Fund in Washington—and be used for direct assistance to shelters all over America.

Mr. President, this is not just a window of hope for some homeless people. It is a window of opportunity for all Americans, because it demonstrates the depth of caring and community spirit of which our citizens are capable. The Hurd Millwork Co. deserves a hearty salute for this important initiative.

REPUBLICAN LEADER APPOINTMENTS TO THE CONGRESSIONAL AWARD BOARD

Mr. DOLE. Mr. President, pursuant to Public Law 96-114, as amended by Public Laws 98-33, 99-161, and 100-674, I hereby appoint the following individuals as members of the Congressional Award Board:

William Russell King, of Virginia; and

Michael L. Lunceford, of Texas.

TRIBUTE TO MAJ. GEN. REGINALD C. HARMON, USAF (RETIRED)

Mr. DIXON. Mr. President, I rise today to honor Maj. Gen. Reginald C. Harmon, USAF (ret.), the first judge advocate general of the Air Force. February 5, 1990, will be his 90th birthday.

I am especially proud of General Harmon's strong roots in my State of Illinois. General Harmon was born February 5, 1900, on a farm near Olney, IL. He received his J.D. from the University of Illinois, and practiced law in Illinois from 1927 to 1940. From 1929 to 1933, he served two terms as mayor of Urbana. IL.

In 1940, General Harmon entered active duty, and during World War II represented the Army Air Corps in its industrial expansion program. In 1948, he became the first judge advocate general of the Air Force, and served in that position until he retired in 1960. He is one of those responsible for making the Office of the Judge Advocate General of the Air Force the outstanding legal organization that it is today. He also received numerous military decorations during his military career, including the Legion of Merit and the Distinguished Service Medal.

After his military retirement, General harmon continued his public service. He served 12 years as executive director of the Air Force Aid Society, and helped build it into a multimillion dollar charitable organization for emergency relief and educational assistance for Air Force personnel. In addition, he was president of the board of trustees of the National Presbyterian Church.

We wish General Harmon "Happy Birthday," and salute him for his service to his country.

PERSONAL HEALTH CARE

Mr. BURDICK. Mr. President, in these times of high-technology, highly specialized health care, it has become increasingly difficult for health care providers to establish close, personal relationships with their patients. However, taking the time to cultivate such a relationship can mean a lot to the patient and can also be a valuable experience for the provider. In the December 8, 1989, issue of the Journal of the American Medical Association, Dr. Edwin C. James, dean of the University of North Dakota Medical School, describes such a relationship he had with one of his patients. On behalf of Senator CONRAD and myself, I ask unanimous consent that a copy of Dr. James' article be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of the American Medical Association, Dec. 8, 1989]

SACKS OF POTATOES

Chris was a 71-year-old farmer from Hoople, North Dakota, in the heart of the Red River Valley farm country. A sign at the edge of town proclaimed it "The Potato Capital of the World." We first met at 4 o'clock on a frigid February morning after his transfer from a small rural hospital.

He underwent emergency surgery to repair a stomach rupture leaking into his chest. His incision extended from his back around the left side of his chest to an area below the nipple. Chris recovered, but later required resection of his left costal margin because of infection. This second incision extended from his xiphoid process, paralleling the costal margin to connect with his initial incision below the nipple. A final scar in the outline of a hockey stick was thus created. Indeed, in a state where the sport of hockey reigns supreme, Chris and I often referred to his two wounds as reflecting the hockey-stick approach to chest surgery.

Eventually Chris returned to his family and the small farming community where he lived and worked. Frequently he would call on the pretext of needing a checkup: "Doctor Ed, I think I'd better see you. I'm having just a little touch of soreness right there in the incision and a bit of discomfort when I lie on my side." He would then painstakingly point out how things were going with his eating and swallowing, his incisions, and his weight. Sometimes he'd add, "I don't think I have a fever, but I'd better come and get an examination anyway, just to be on the safe side."

Chris would be examined while we talked with students and residents about his unique problems. He enjoyed having them probe and study his incisions, listen to his heart, and ask him questions: he reveled in the importance of his role as patient and his small contribution to their education. He volunteered to attend physical diagnosis classes, so sophomores could easily palpate his beating heart because of the absence of his rib margin.

Mostly, though, I think Chris came to see me. A close bond had formed between us during his illness and long recovery process, a bond his wife Evie also shared. "Doctor Ed, when are you coming up to the farm?

Planting [or harvesting, depending on the time of year] will begin, let's see, in about 2 or 3 weeks." Then, we'd work out a time, usually in the morning, for me to drive to Hoople as a guest of his family. One occasion was Chris and Evie's golden wedding anniversary, celebrated country style, with cut garden flowers in mason jar vases on the tables.

Always, we'd have marvelous lunches of homemade breads and pickles, hot turkey salad or ham, and pots of hot coffee. I can never forget one scrumptious dessert: white cake with crushed fresh pineapple and Cool Whip. Afterward, Chris and I would tour the farm, check the warehouses (usually filled to the brim with potatoes), even test the farm equipment, if he thought I needed more insight. He was most patient with my ignorance of farming. I met his brothers and most of his nephews, and was even taken to the nearby home of one of his friends, a former patient, who didn't recognize me in my farmer's jacket.

In loaned overalls I rode a harvester and drove a large tractor, with one brother helping me to cruise a decidedly zigzag course across an open field. My surgical incisions are much straighter than the line I plowed that day, much to Chris' amusement. We explored the original homestead site, reminiscing about earlier harsh North Dakota winters, when merely surviving was so difficult. Then, when I was ready to leave, Chris would produce a large sack of potatoes that he insisted I take. Often he brought sacks of potatoes along on clinic visits, requiring that I accompany him to my car for the transfer from his truck.

Chris died suddenly years later. I often think of him and, invariably, my thoughts wander to those green potato fields, recalling those sacks of potatoes that somehow act to reinforce the memories of our visits. I was out of town when he died and couldn't return for the funeral. His 10 pallbearers were his nephews, all but 2 bearing his name. He is buried in the small cemetery adjacent to his church, across from his white farmhouse with the horse chestnut tree out front.

Sometimes, surgeons are thought of as not being "real doctors" because they don't develop close ties with patients and their families. Of course we're real doctors, but there's some basis for the misperception. In a modern medical age loaded with high tech, there's decreased focus on primary care and increased emphasis on development of regional medical centers and ultraspecialization. It may be that we don't take the time to become more involved in closer patient relationships. All too often, when these do occur, they are later remembered as unique memories, triggered by the recollection of a name, a close personal bond, a special experience, or, as in the case of Chris, a sack of potatoes.

ETHICS REFORM AND CAMPAIGN CONTRIBUTION LIMITS

Mr. PRESSLER. Mr. President, I rise today in support of the concept of the campaign finance reform bill Senator MCCONNELL is circulating, and expect to cosponsor it. The time for tougher campaign spending and ethics legislation is long overdue.

The U.S. Congress is in the midst of a campaign finance crisis. Republicans have Republican bills and Democrats have Democratic bills. I hope we can find a middle ground this year so we can enact meaningful bipartisan reform legislation. I urge all my colleagues to take action to eliminate abusive campaign contribution practices.

The McConnell bill address major abuses that are still occurring with campaign finance contributions. It denies tax-exempt status to any organization that receives donations solicited by a candidate or public official. Also, it imposes limits and disclosure on contributions to any State or Federal political action committee [PAC] and other political organizations. I hope this can be developed into a truly bipartisan effort. If not, then let's find out what can be, but let's get going.

In recent years a number of campaign finance and ethics reform packages have been proposed, but each has failed to secure bipartisan support. I supported the ethics reforms in the ethics/pay raise package last year, but was forced to vote against the overall package because of my strong opposition to a pay raise for Members of Congress. The legislative appropriations bill last year included provisions to ban mass mailings. That legislation could have corrected the abuse of the Government subsidizing incumbent candidates' for campaign mailings, but it did not survive in conference committee. The Senate did enact meaningful reform later, but unfortunately the House failed to follow suit. In addition, I support a ban on honoraria. That issue should be decided soon, as well.

The time has come to break the pattern and go forward with effective, meaningful, bipartisan campaign finance reform. Let's take positive steps this year toward cleaning up Congress.

LIMITATION ON THE USE OF B-2 BOMBER FUNDS

Mr. CRANSTON. Mr. President, today marks the beginning of the end for the B-2 bomber, a billion dollar bomber we cannot afford and do not need.

Today, with my distinguished colleague from Vermont, Senator PATRICK LEAHY, I am introducing the B-2 termination bill.

I would like to send to the desk a copy of that bill, and Senator LEAHY's statement, and ask that it appear in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. This legislation is designed to stop funding for any new production starts for the B-2. This legislation is designed to terminate what will prove—if it is built—to be the most expensive weapons system ever bought by mankind.

The Senate is on notice. The B-2 termination bill marks the launching of a sustained campaign to end this irresponsible B-2 weapon buying spree. We will be back again and again debating the merits of the B-2, obtaining rollcall votes, and rallying grassroot support until we prevail. I will continue to expend every reasonable effort to achieve a majority in Congress to terminate the B-2. It is clear to me that the time to terminate the B-2 is now.

For too long the details of the B-2 have been shrouded in secrecy, precluding public debate and effective congressional scrutiny. Last fall we began to develop the public record on the merits of the B-2 bomber. Even then, the debate during consideration of the Defense appropriation bill did not occur until the early hours of the morning, when many did not hear in the Senate and outside of the Senate. Let us consider this program in broad daylight and in the glare of the public eye. Let us debate the merits of this program until the many speeches made in its defense are finally revealed.

I have no illusions. This will be a long, uphill journey. We begin today with 32 votes in hand from last fall's rollcall votes. And in the short time since I came to this Chamber last fall to declare my opposition to this program, a number of key members of the defense community have joined us in questioning the merits of proceeding with new production on the B-2. It seems that the tide is beginning to turn.

The Air Force is determined to win this battle. Anticipating our efforts to end this unnecessary program, the Air Force has gone on the offensive—holding a strategy retreat and even stooping to promotional gimmickry during the recent invasion of Panama. The Air Force decision to send the F-117A, the Stealth fighter, to bomb an airfield in Panama, despite the lack of significant Panamanian air defenses, was a charade. It was a publicity stunt in the middle of a military operation. The only rationale for sending the F-117 was to shape the debate on the future of Stealth technology. The point was certainly made—sending strategic aircraft on conventional missions highlights the fact that we do not need these high-priced toys. We could have accomplished the same mission at less risk with other aircraft.

I am keenly aware that the debate will not be about the B-2 bomber alone. During consideration of the budget resolution in the coming months, we can expect a guns versus butter debate of historic proportion. Our goal is to save the more than $100 billion that the B-2 would cost, thereby, beginning to realize a substantial peace dividend, spending some of these savings on crucial environmental, education, housing, health, antidrug, anticrime, and industrial com-

petitiveness programs, not to mention deficit reduction. Although there are sound defense rationales for ending production of the B-2, the obscene costs of the B-2 bomber will surely be at the center of our budget debate.

Nobody—not even the Pentagon—would claim that the B-2 Stealth bomber is "worth its weight in gold." The sad and horrifying fact is that the B-2, the world's first $1 billion bomber, costs its weight in gold.

Figure it out for yourself. Based on our experience with the B-1, which ended up costing twice as much as original estimates, the life cycle cost of the B-2 is $1 billion apiece, and a bit more. Today's price of gold is $406.10 an ounce, or $6,544 a pound. The B-2 weighs 174,000 pounds.

That comes to something over $1.1 billion in simple math, simple math but crazy logic. Imagine building an airplane that literally costs its weight in gold.

Here I have a gold version of the B-2; a ridiculous concept to build a plane worth more than its weight in gold.

Even Midas, who could turn everything into gold just by touching it, would never have been that wasteful.

I believe we can help avoid a tax increase, or at least cut back on the tax increase that may become necessary at some point, by saving money on costly, unnecessary programs like the B-2.

Last fall I proposed that if we keep throwing dollars at this aircraft we might as well adopt a new B-2 budget accounting system.

Let me demonstrate just one moment on the chart I have available here for my colleagues, and others watching, precisely what it is here that we are talking about.

At a total 30-year lifecycle cost per plane of at least $1 billion a pop, we could more than double annual federal spending on AIDS research and prevention programs—$1.6 billion—if we cancelled just 1½ of these B-2 bombers.

Or here we have the total 3-year budget for the Simon-Cranston bill providing aid to Poland and Hungary—some one billion dollars. Now, there are those who have called for a reallocation of foreign aid to meet this growing need. Well, we could double the aid we send—double it, without cutting out the aid we send to Egypt and Israel, and really put the heat on communism in Eastern Europe for the life cycle cost of just one B-2 bomber, a great investment in democracy. We spend billions and trillions to prepare to defend against communism. Now we have communism receding, collapsing in Eastern Europe. We should be able to invest some money in democracy there. That has been our goal all along.

Or let us bring this spending priorities question closer to home. We have all but eliminated Federal aid to cities. But if we were of a mind to, the Federal Government could pay the city of San Jose's budget—and have change left over—with the 30-year costs of just one B-2 bomber.

Obviously this holds true for other cities. They no longer have revenue sharing. They have difficulties. This is one way to help.

Here we have annual spending on Headstart, one of the best programs ever devised to help kids to get a start in life, disadvantaged children, annual spending, which provides only for 20 percent of students eligible for this valuable program. Under present budgeting for the cost of only four B-2's we could have all eligible children enrolled in the Head Start Program, a great advance for our society.

What about the war on drugs? Do you really imagine that we will be sending B-2's to Colombia for the war on drugs? Of course not. We can match the amount of money the Federal Government provides each year for treatment of Americans trying to overcome their drug dependencies with the funds saved from canceling just 1.2 planes. For an additional cost of just one-half of one B-2 per year, we could pay for all Americans seeking help to break their drug dependency, and thus strike a real blow to win the war on drugs.

You want to house the homeless? For the cost of one-tenth of one plane, barely visible on the chart here, we could finance the entire McKinney Act, our landmark Federal program to aid homeless Americans.

As the chart demonstrates, finally we could match all EPA spending on the environment by canceling just 5½ planes and do more than we are now doing to protect the environment.

The budget numbers for fiscal year 1991 have not been released yet, but it is very clear that the United States will never build the 132 B-2 bombers the Air Force wants. I suspect even the most ardent backers of the B-2 here in Congress realize this fact. I am strongly opposed to accepting any stretchout compromises to build a few less B-2's over a few more years. Such efforts to evade a final decision would simply drive up the unit costs we will waste on what is already a demonstrably unnecessary program. Indeed, in the past, Secretary Cheney has pleaded with Congress either to fully fund the B-2 or to kill it outright, arguing that we should not "nickel and dime" it. And when the House slowed down production modestly in September, the Air Force claimed this action would add another $3.3 billion to program costs.

We should not squander our resources pursuing a defense plan for the 1990's which has been written using a road map from the 1950's. The B-2 adds nothing to our ability to deter attacks from the Soviet Union or retaliate in the event of all-our war. We need to abandon the cold war mentality which suggests we have to have this plane just because the technology is available. If the Pentagon were to come up with a proposal to reduce the number of B-2's we require, the reduction, I suspect, would be driven by budgetary realities alone and not based on an assessment of our real defense needs.

When we consider the fiscal 1991 defense authorization bill, we can expect a heated debate on strategic priorities for the 1990's and beyond in light of the dramatic changes taking place in Eastern Europe and the Soviet Union. Although the Iron Curtain is melting, the Bush administration is proceeding blindly on automatic pilot. The swift erosion of Warsaw Pact cohesion and rapid improvement in United States-Soviet relations reduce the need for yet another modern strategic bomber. We are safe militarily. We can afford to be safe fiscally.

There are several key points to consider during the coming debate:

First, the B-2 bomber is not required to enhance our nuclear triad.

Deterrence central to our national security has long relied on the notice of having a triad of land-, sea- and air-based means of delivering strategic weapons to targets. The United States has spent more than $27 billion to modernize its bomber leg, buying 100 fully capable B-1 bombers. It is downright irresponsible to argue that we must now immediately set forth to build an entirely new bomber force at a total lifecycle cost of some $1 billion per plane. The B-2 proponents insist that these whopping new expenditures are required to ensure an ability to penetrate Soviet air defenses. But air-lauched cruise missiles [ALCM's]—themselves a stealthy radar and anti-aircraft evading system—can readily penetrate and reach thousands of targets in the Soviet Union in the unlikely event of an all-out nuclear war. Thus, we clearly do not need the B-2 in order to maintain a modern triad deterrent.

Second, the B-2 bomber is not required to enhance the U.S. bargaining position in START talks.

The B-2 never has been and never should be a bargaining chip at issue in Geneva. The key outstanding issues at the START talks are curbs on mobile land-based systems, cuts in land-based ICBM inventories, limits on sea-based missiles, and verification requirements. True, the emerging START pact might place a high value on air delivery systems. If it proves essential to increase our nuclear delivery capabilities as a result of a START accord, then we could move at considerably less cost to deploy ALCMs on our existing B-1's. But Congress should utterly reject any Pentagon strategem to

pressure us into funding the B-2 as a condition for Air Force backing of START. Let's end this practice of giving the military new weapons systems in exchange for accepting new arms control agreements. The fact is that the B-2 is not needed to pursue and complete START.

Third, the B-2 bomber is a plane without a mission.

We have spent more than $22 billion in research, development and initial procurement to find out what Stealth technology might offer us. Although certain U.S military officials sought to hide costs and limit public debate, their express justification for funding the B-2 was clearly on the record. The B-2 program's mission was to produce an air-based system capable of delivering strategic weapons onto Soviet targets and to assault mobile Soviet strategic systems in the event of a protracted nuclear war.

But it is now clear that the B-2 offers no cost-effective improvements in performing these missions. On the first point: It is clear that our brand new B-1 fleet—together with upgraded B-52's—can already provide an air-based capability to penetrate Soviet air space using cruise missiles. On the latter point: Despite years of on-the-record Pentagon promises that B-2 aircraft would provide an ability to hit Soviet mobile targets, the Air Force has admitted that B-2 can't do the job. In September, Air Force officials conceded to Congress that "attacking highly mobile targets is neither the reason for the B-2 nor is it likely to be accomplished with great efficiency" by the plane.

Some B-2 advocates maintain that the B-2 will force the Soviets to dedicate substantial resources to develop countermeasures. In fact, Soviet spending on air defense has remained relatively constant for more than two decades—despite United States development of cruise missiles and B-1's which can compromise Soviet defenses. In light of the current economic crisis in the Soviet Union, it is unrealistic and misleading to argue that the Soviets would squander billions to deter the B-2.

The $22 billion we have already spent on the B-2 has also established that while some of the Stealth radar-evading technology is impressive, it is not guaranteed to work. Significant advances have been publicly reported in developing technology which could detect air turbulence caused by B-2 type aircraft. The B-2 bomber might well be detected and compromised—at considerably less cost than it will take to deploy it—by long wave radar, by radar projected from above, and by multistatic radar. Thus, the B-2 is not likely to fulfill any of its original goals.

Before I close, I want to make a final observation regarding the impact of this program on my home State.

If we are to change our way of operating in Washington, and stop treating the cold war and the defense budget as a jobs program to be funded by borrowing money from future generations, we are all going to have to propose sacrifices, beginning at home.

The vast majority of funds for the B-2 would be spent in my home State and could provide thousands of jobs. I deeply respect the individuals involved and the wondrous technology they have labored to produce. When the B-2 is finally halted, as I am confident it will be ultimately, I pledge to work very hard to provide alternative opportunities for the talented men and women of my home State who have applied their skills to this effort. I will work to provide jobs that can lead to substantial improvements in our quality of life while expanding our GNP. The space station, mass transit, and highway improvements are among the many areas where aerospace and engineering and high-technology skills can be reapplied to programs promising greater benefits to Californians and other citizens of this country than the B-2 offers.

But leadership on cutting the budget deficit and reordering our priorities has to begin at home.

I invite my colleagues to join me in this effort. I urge my colleagues to cosponsor the B-2 termination bill, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON USE OF APPROPRIATED FUNDS FOR PRODUCTION OF THE B-2 AIRCRAFT

Notwithstanding any other provision of law—

(1) amounts appropriated for the Department of Defense may not be obligated or expended to commence production of any B-2 aircraft; and

(2) amounts appropriated for the Department of Defense for the B-2 aircraft program may be expended only for—

(A) the completion of B-2 aircraft the production of which was commenced with funds appropriated before the date of the enactment of this Act;

(B) research and development in connection with the B-2 aircraft program; and

(C) flight testing of B-2 aircraft.

THE PRESIDENT'S SECOND NATIONAL DRUG CONTROL STRATEGY

Mr. MOYNIHAN. Mr. President, in June 1989 I introduced legislation, S. 1193, to provide drug treatment in Federal prisons. This bill recognized that over 43 percent of persons entering Federal prisons are self-described substance abusers. I am pleased to see that the President has in large part incorporated S. 1193 in his second Drug Strategy Report to Congress. In addition, I commend the President for including in his plan a proposal to provide extra funds for five high intensity drug trafficking areas, including the New York metropolitan area. Nowhere are drug treatment, education, and law enforcement needs greater than in New York City.

I regret, however, that the proposal released today fails to follow our intent in the Anti-Drug Abuse Act of 1988. The act created Secretary Bennett's office and called for a balance between efforts to reduce the demand for drugs and efforts to reduce supply.

On December 12, 1989, I stated at a Senate Judiciary Committee hearing that we have an epidemic—the term being used in the strict medical sense. Drug abuse in this country is as surely an epidemic as were the influenza and polio scourges earlier this century. Drug addiction is a disease of the brain—a disease, Mr. President. And as such we must respond to it as we would respond do any health crisis. On that day last December, I called on Secretary Bennett to support the Drug Abuse Treatment Act which I introduced in September to provide treatment on request to cocaine addicted pregnant women and children through the Medicaid Health Insurance Program.

I also reminded him of his duty to abide by the law. Namely, the Anti-Drug Abuse Act of 1988 in which Congress explicitly called for treatment on request.

Last September 5, President Bush sent us his first strategy report. In it, less than 30 percent of funding was earmarked for demand reduction—to wit, treatment, education and prevention efforts; and over 70 percent for supply reduction—interdiction and law enforcement. The Congress recognized that the spending priorities of the President were flawed and a bipartisan majority in the Congress dramatically increased the funds available for treatment—an $800 million increase over the President's request. The President's second strategy repudiates this bipartisan consensus and again ignores the mandate of the Anti-Drug Abuse Act of 1988. Once again the President proposes a budget that devotes 71 percent of funding to supply reduction and a meager 29 percent to demand reduction.

The President's strategy argues that "many demand reduction activities rely less on capital outlays and more on community involvement and individual commitment." I submit, Mr. President, that all the individual commitment in the world will help little if there are no drug treatment programs

available. Those who wish to free themselves of addiction must wait months to enter treatment programs for help.

Simply put, the paper issued today does not even mention, much less attempt to fulfill the mandate we wrote into the law—treatment on request. Mr. President, I call upon the administration to obey the law and begin to fund treatment at the same level as law enforcement. It is regrettable that so far the President has declined to do so.

AIDS UPDATE

Mr. CRANSTON. Mr. President, according to the Centers for Disease Control, as of December 31, 1989, 117,771 Americans have been diagnosed with AIDS; 70,313 Americans have died from AIDS; and 47,458 Americans are currently living with AIDS.

Mr. President, 5,530 more Americans have developed AIDS and 3,820 more Americans have died from this horrible disease since I noted these statistics prior to adjournment last November.

Mr. President, today and tomorrow, the National Commission on AIDS will be conducting hearings and site visits in Los Angeles. These will be very important hearings. With the second highest number of cases in the entire country, Los Angeles in many ways represents a microcosm of the epidemic. The gay community in Los Angeles has been devastated by AIDS. At the same time, AIDS is increasingly impacting various ethnic communities in Los Angeles and is spreading among different population groups—substance abusers, women and children, and young people. How we meet the health care needs, as well as the education and prevention needs, of culturally, geographically, and economically diverse populations is the challenge of AIDS in the 1990's.

This year, the Congress will be considering an omnibus AIDS care initiative. It will include the major provisions of legislation I introduced earlier—S. 14—as well as other components to help communities respond compassionately and cost-effectively to the AIDS epidemic. The public health systems in New York, San Francisco, and elsewhere are under tremendous strain as the epidemic worsens. We must act decisively and soon for the benefit of the individuals who are suffering with this disease and for the benefit of the communities which must provide their care.

Mr. President, I would like to share with my colleagues an article from the Washington Post health section, December 12, 1989. Entitled "Life and Death on Ward 5-A," it describes the challenges of working in the Nation's oldest dedicated AIDS unit at San Francisco General Hospital. It's a moving tribute to the dedication of San Francisco's health care professionals and demonstrates what can be done to ease the pain of people with AIDS when a communtiy cares.

I ask unanimous consent that the article be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIFE AND DEATH ON WARD 5-A

(By Jane Meredith Adams)

SAN FRANCISCO.—At age 30, Susanna Kiely has seen enough despair and death for a lifetime, but that is not what concerns her now. This morning she strides into Anthony Ragusa's hospital room with fresh sheets and towels. She has promised him a bath.

"Do you want some bath oil?" she asks.

"Oh yeah," he says.

Ragusa, 43, leans on a cane. Kiely is by his side, wheeling a portable oxygen tank that connects to his nose. Together they move down the hall to the bathtub room.

The AIDS ward at San Francisco General Hospital, where Kiely works, is the oldest inpatient AIDS ward in the nation. Since 1983, the grief of this city has passed through its doors; of the 4,609 San Franciscans who have died so far because of AIDS, more than a quarter were cared for by the nurses here.

For these nurses, as for the thousands of AIDS caregivers across the country, the vastness of the epidemic translates into the particular: helping a bed-ridden patient into his first bath in three weeks, listening to a woman who is afraid to tell her children she is going to die, changing the sheets six times a day for a man with chronic diarrhea—and joking with him about it.

"There's nothing I can do about the AIDS virus, but there is something I can do in the work I do," says Kiely. "When I'm with a patient, I think 'What are we doing now?' Not, 'Are you going to die? Are you never going to go home again?'

"I have my moments," she says simply. "I wonder, 'Where did AIDS come from? Why him? Why now? Why, why, why?' All those why questions. I deal with it. It's part of my job. I have a profession that is applicable, that takes away the helpless feeling. I'm doing something."

On the ward, Kiely and Ragusa walk back down the hall to his room. "I feel brand-new when I get a bath," says Ragusa, climbing into bed, his dark hair and mustache neatly combed.

He is the most well of her three patients today, recovering from pneumocystis carinii pneumonia, a once-rare form of pneumonia that is a leading cause of death for people with AIDS. After losing 30 pounds in three weeks, he is maintaining his weight.

"When I first came in," he says, leaning back on a pillow, "I was depressed, and a nurse came in and hugged me and consoled me and let me cry. When I get better and out of here, I want to come back and be a volunteer."

Kiely moves next door to see Vern, whose family asked that his last name not be disclosed. He is fighting pneumocystis carinii, diarrhea, wasting syndrome and cytomegalovirus retinitus, which can cause blindness. He is 43. Three weeks from this day in the hospital he will be dead.

As Kiely comes in, he waves his arms in front of him, trying to grasp something in the air. "It's claustrophobic," Kiely says of the oxygen mask that keeps him alive. The machines in the room make a noise like the filter on a swimming pool. Vern coughs painfully, as if he is literally coughing his guts out.

"Want me to clean some of that out of your mouth?" Kiely asks. He says something; from behind the oxygen mask, his voice sounds like it is under water. She pauses a moment and strokes his forehead with her hand. "Okay, sweetheart," she says.

She moves efficiently around the bed. As she walks, she smooths his sheet. She pulls a tube from the wall and suctions mucus from the back of his mouth that he is too weak to cough up. The day before, because his swallowing reflex was weak, she put a tube into his nose to connect with his stomach.

"I talked with his lover about it," says Kiely. "He said it was okay for supplements and medication but not for it to be life-sustaining."

When she turns away, Vern swings his legs up to the bedside railing. They hang there, stick-thin, bare except for his black socks; he is too weak to pull them over.

"Vern, you can't get out of bed," Kiely says. "I know you feel like you need to but you can't." When he was on another ward waiting to be transferred to Ward 5A, he got out of bed, fell and cut his head.

She steps into the hall and picks up a telephone to call for medicine for Vern. While she is on hold, she files her nails and leans over to look into the room, to see that he's all right. She puts the medical order in, hangs up and goes in to change all his tubing. When she is through, she ties restraints from his wrists to the metal railings on the bed. "I hate doing this," she says.

She moves next door to sponge the back and shoulders of Robert Jones while he sits on a chair commode. She scrubs his hairy chest and fluffs it dry with a towel. AIDS dementia has made him disoriented. Kiely writes information on a board across from his bed to help him. She writes, "Hi Bob! You are in Room 5A3 at San Francisco General Hospital. Your nurse is Sue." She writes the date in big letters. Underneath a friend of Jones has written, "I Love You!" and signed his name, Richard.

Jones is too weak to stand up. When he wants to go back to bed, David Denmark, another nurse, comes to help lift him. He tells Jones to lean forward and grab hold of him.

"Give me a hug," says Denmark. Jones reaches up.

"I usually charge for these," says Denmark.

"Oh, really?" says Jones.

Kiely lifts Jones' legs, and they swing him into bed "Aren't we butch," says Denmark.

"Ever so," says Jones. Within six weeks, he is dead.

It is 11 a.m. and Kiely is four hours into what will be nearly a 13-hour shift. When she gets home at 7:45 p.m. or so, she will follow her usual routine. Her four cats—Sarah Mae, Anastasia, Sputnik and Titty—will meet her in the yard and walk her to the front door. Going down the hallway, she'll kick off her sneakers and hit the play button on her answering machine. She'll sit down in the living room and read the mail. She will think about taking a long, hot bath.

This is the last day of her three-day work week. On her four days off, she likes to make hand-built ceramic plates and objects

and visit friends. "It's really important to focus on life," she says.

SETTING A WORLD STANDARD

"From the very beginning, it was the best place I had ever worked," says Stephen Keith. He was part of the original staff of 12 nurses when the AIDS ward opened on July 25, 1983, on the fifth floor of San Francisco General, a county hospital mandated to provide care for the poor. "We were setting the standard for the world."

Keith, like all of the nurses, dresses casually: maroon jersey, white pants, sneakers. "I like it here," he says, "except for days like today." He leans forward and puts his head in his hands. "Bob's in the L.C.U." Robert Adrian, who has been a nurse on the ward since it opened, is in the intensive care unit at another hospital with disseminated tuberculosis, a condition caused by AIDS.

"Two of the original 12 nurses are dead," says Keith. One, a woman in her fifties, died of breast cancer; another, a man of 40, died of AIDS. Two weeks later, Robert Adrian, 33, also will be dead.

When Keith began to work on the ward, he recalls, "We thought that in five years we were going to know what this is and have drugs to cure it and be out of a job." Now, he says, "it's been so long since I've gotten my hopes up."

When the ward opened, the nurses wanted to keep a record of what was happening. On the pages of a red scrapbook, they wrote the names of patients who died and beside the names, a memory:

Elizabeth, found (dead) in front of her apartment building, Mom of 3.

Bill, sober and clean 6 years.

Alfonso, saw the Pope, wanted to see family once more.

Lee, met Liz Taylor, high point of life.

Wayne, drank Drano, threw himself thru window, survived to comment, "I just had a bad day."

Now there are 1,062 names and counting. Keith still writes in the book, but there are so many patients and deaths, it's hard to keep track.

Keith began working with AIDS patients before the AIDS ward was established, at a time when the acronym AIDS, for acquired immune deficiency syndrome, was just coming into use; the disease had been known as Gay-Related Immune Deficiency, or GRID. The human immunodeficiency virus (HIV), believed to cause AIDS, had not yet been identified.

Some food servers were afraid to enter the rooms of AIDS patients and left food trays for them in the hall, he remembers. Some doctors and nurses suited up in masks and gowns before going near a person with AIDS. Patients (in San Francisco, the majority were gay men) fell ill with horrendous combinations of infections, for which the medical profession had few treatments to offer.

"People really didn't want to come onto our ward," Keith recalls. Like all of the staff on the ward, he volunteered to work there.

The inpatient AIDS ward at San Francisco General was the first to group AIDS patients together, to consolidate the medical expertise they required. "I was against it," recalls Donald Abrams, assistant director of AIDS activities at the hospital. "My initial concern was that it would be like a sanitarium or leper colony.

"Most people will agree now it's one of the more pleasant places to visit as a visitor, patient or health care provider," he says. "It's a center for patients to be comfortable in and call their own."

The nurses are the constant figures on the ward; doctors affiliated with the medical school at the University of California at San Francisco rotate through every month. As a result, says Abrams, "the nurses provide a lot of teaching about AIDS and AIDS patient management to student doctors and doctors at higher levels."

Cliff Morrison, a nurse and clinical AIDS coordinator at the hospital at the time, rejected the hierarchical "medical model" of patient care and structured the ward so that nurses could be more autonomous. In selecting the staff, he looked for nurses "who weren't satisfied with the way patient care was being delivered, who wanted professionally to make more decisions." He also wanted nurses who were comfortable around gay men and who were willing to examine and express their feelings about their own mortality.

As part of an intense, one-week training, the nurses imagined their own deaths and talked about why they wanted to work on the ward. Of the 15 staff members—12 nurses, one head nurse and two ward clerks—about half were gay. In the first two years, none of the nurses left the ward, a phenomenon "unheard of at San Francisco General," says Morrison.

The unit no longer boasts the lowest attrition rate in the hospital, acknowledges Alison Moed, head nurse on the unit. "There is only a certain period of time you can do this work." Four beds out of 20 on the ward are empty because there aren't enough nurses to care for patients, she says. Nurses earn $35,000 to $40,000 a year at the hospital. The shortage on the ward reflects the nationwide nursing shortage, she says, as well as turnover of long-term staff.

For some nurses, there also is fear of accidental blood-to-blood contact with the AIDS virus. One nurse at San Francisco General accidentally stuck herself with a needle she had used with an AIDS patient; her blood "converted" and tested positive for antibodies to HIV, meaning that she has a good chance of coming down with the disease herself. When that happened, says Keith, "people left the ward." That nurse has left her job.

The patient population also has changed on Ward 5A; where it was once dominated by gay men, now 20 to 25 percent of patients are intravenous drug users. All of the patients, whether middle-class gay men or poor intravenous drug users, are "very acutely ill" when admitted. Moed says, because patients who are not as ill have access to outpatient and other forms of care that didn't exist in 1983. The result is an increasingly stressful environment for nurses.

"A real focus for us in setting up the ward was, how do you plan to take care of yourself to be able to do the work," recalls Morrison. A support group for staff formed, and exercise, art work, therapy and vacations were encouraged, he says.

The nurses voted on the schedule they would work: an unconventional 12-hour shift, three days a week, with four days off. Most important, in 1983, when information on how the virus is transmitted was still incomplete, the nurses made a decision to walk through their fears. They believed what early medical studies showed—that the disease was transmitted through blood and not through casual contact. Later the medical theory would be confirmed that the virus was also transmitted sexually. The nurses were instructed to wear gloves when handling bodily fluids.

From the beginning, they decided they would touch their patients, hold them and cry with them. "I don't think by showing emotion we're unprofessional," says Morrison. "The question is how to be human without going too far. If you cut off the flow of emotion, you won't last long."

"We were really feeling the appreciation of the patients and their families," says Keith. "In the early days, they were getting so much rejection outside the hospital. We were supporting them. We were like family to them."

Gay relationships were honored, and patients were given the power to name a "significant other" who would be involved in medical decisions. Visiting hours were abolished; friends and family were welcome 24 hours a day.

Visitors from around the world came to see the ward, including then surgeon general C. Everett Koop; Elizabeth Kubler-Ross, author of "On Death and Dying;" and Elizabeth Taylor, actress and AIDS fundraiser. Many of the roughly 50 specialized AIDS units now in place at hospitals around the country, including the B. Frank Polk AIDS inpatient unit at Johns Hopkins Hospital in Baltimore, are modeled on Ward 5A.

"The way I know I'm not burned out is that people still get to me," says Keith. A few months ago, the lover of a patient was telephoned and told to come in quickly, the patient was close to death. When the lover arrived, he walked into the hospital room and found the man dead.

"He came out into the hall and grabbed me and said, 'Something is very wrong,' " recalls Keith. "I wasn't even the patient's nurse. As soon as I walked into the room, I knew he was gone." The lover stayed by the bedside and sobbed. The next day, he came back to attend a family support group and brought the nurse a box of chocolates. He sought Keith again.

"He told me he had things he still wanted to say to his lover that he was never going to be able to say because he was dead when he got there," says Keith. "I broke down crying in the hall."

Before Keith started to work in the AIDS ward, he had never had a patient die on his shift. "I haven't known a lot of people who have died of AIDS in my personal life," Keith says. He is a gay man and his own health is good, he says; he has tested negative for antibodies to HIV.

"I don't have any control over whether people live or die," he says. "I do have control over how comfortable people are. I can bring a glass of juice to someone whose lips are cracking and dry. That patient will come back and say, 'I remember that day you came and got me something to drink.'

"When we die and go to wherever we go," says Keith, "we're sure going to have a lot of wonderful people there."

A CERTAIN DETACHMENT

"In the beginning, it's very overwhelming," says nurse Diane Jones, who spends her offduty hours doing political work involving women's issues. She was one of the original staff on the ward and worked there for six years before transferring to pediatrics.

"You die with every patient who touches you as a person. Then, at the six-month point, you kind of bottom out around it," she says. "You get angry and depressed and you leave or stay. If you stay, then you stop dying with every patient because you can't be an effective provider. You get a certain

kind of detachment that allows you to go on."

This detachment, she says, "is not equal to being uncaring, uninvolved or withdrawn." It is accepting the reality of the epidemic. "As soon as a body is taken away there is another patient in that bed."

The emotional charge of the work challenged her. Jones remembers one young man on the ward who had been an actor and a model. His face had become severely disfigured by Kaposi's sarcoma. A purple lesion covered his nose, and his cheeks were so swollen with lesions that he could hardly open his eyes. His family had come to be with him.

"He was taking a very, very long time to die," remembers Jones. "After a while, it starts wearing on people's nerves." As she helped him bathe one morning, he turned to her and said, "I feel like I'm letting everybody down." They shared a laugh about it.

Then he grabbed her arm. "But you know, Diane, I have a commitment to life," he said.

"I thought, my God, even in the state that he's in, death is not an escape to him." She remembered her own periods of depression and moments of suicidal thinking. "It was very stunning to me," she says. "It got me in touch with how shallow my commitment to life was, and how precarious."

"Ward 5A is a very intense work experience," says Jones. "People who end up there are drawn to that quality. My own mortality—it made me deal with it. I may not have the answers, but the questions are right in my face."

Jones volunteered to work on the ward after working with AIDS patients on other floors at San Francisco General, before the AIDS ward was established. "As a lesbian, I was appalled by the homophobia," she recalls. "I heard a surgeon say, 'I have to go stick a tube down the throat of a faggot in room 15,'"

She reported people who made homophobic remarks to their supervisors. "I don't think it was maliciousness on their part," she recalls. "For most people it was ignorance. You had to give people information to overcome their fears."

Jones' 9-year-old daughter Annie has grown up with her mother working on the ward. She has visited and become friendly with AIDS patients. "She talks about death a lot more freely," says Jones. "She has shocked adults by talking about her death and my death."

"I remember a lot of different patients," says Marcy Fraser, a nurse who worked on the ward from the fall of 1984 to March 1987. "I remember one guy stopping at the outpatient clinic on his way to work. He had his briefcase and his suit on. He thought he might have the flu. The outpatient clinic diagnosed him with AIDS-related pneumonia and admitted him. He was just crying and crying and crying.

"I cried a lot on that job," she says. "I thought, gee, I'm not the one who's supposed to be crying here, but patients liked [knowing] that people could share what they're feeling. They were so dependent on us," she says. "They felt we belonged to them."

The ward was—and remains—no ordinary place to work. At one end is "The Elizabeth Taylor Room." a lounge that got its name after the actress visited the ward and talked to staff and patients. One patient donated a poster of "Cat on a Hot Tin Roof," featuring Taylor in a black slip; an autographed photo of the actress, wearing a striking necklace of pearls and diamonds, is also on the wall.

The gay community and their friends have adopted the ward. Volunteers spend time visiting patients. A donation keeps the freezer stocked with pints of ice cream. Rita Rockett, a community activist who had a friend die on the ward, caters a brunch for patients, staff and families every other Sunday. Sharon McNight, a popular singer in gay cabaret clubs in San Francisco, comes in on occasion waving her boa and singing Patsy Cline songs. On one visit, two of McNight's friends served as cocktail waiters, distributing glasses of champagne and freshly squeezed orange juice.

"I loved that job," recalls Fraser. "I used to jump out of bed. I couldn't wait to go to work in the morning. I feel like we took really good care of people."

For a time, she says, she ran into patients and their families everywhere she went on her days off. "I remember eating dinner out with a friend, and a guy came up to our table and just started sobbing and sobbing. He was the brother of one of our patients who had died."

When her first female patients appeared on the ward, she says it became more difficult to distance herself from the disease. "I really got used to men getting sick," she says. "When I started having more women patients, I realized it was spreading.

"The undoing for me was George," says Fraser. George Jalbert was a close friend of hers from nursing school. He worked on the ward from the day it opened, and he suggested that she come to work there, but Jalbert had AIDS-related complex, and he began to feel worse.

"He started getting really tired and taking a nap on his lunch break," says Fraser. "He began losing weight and started looking terrible." On the Sunday of Labor Day weekend in 1986, Jalbert called Fraser and asked her to take him to the hospital.

He wanted to go to San Francisco General, she recalls, but she balked. "I 'Come on, George.' " It would have been too much, she says. She took him to the hospital where he was diagnosed with ptococcal meningitis and AIDS. He came back to work. "It was the first time he was one of us," she remembers.

On her days off, Fraser spent time Jalbert, but the stress of dealing with A on her job and in her personal life became too difficult. "I was so choked up with low love and with grieving and dying," she says she needed to step back from the bedside. Pain was getting to be too much."

She left the ward and now works as attendant care supervisor at Visiting Nurse and Hospice of San Francisco. But after a half years away from the bedside, has started to miss it. She says she will be back soon to direct patient care.

"It's what I am, an AIDS nurse."

ENGINEERING EXTENSION SERVICE ACT OF 1989

Mr. DOMENICI. Mr. President, I am pleased to report that a bill that I have been particularly interested in and active on, was essentially incorporated into S. 247, the State Energy Efficiency Programs Improvement Act of 1989, has passed the Senate. This is a program that I believe offers an important contribution to assist small and struggling businesses to make it in the world marketplace.

I introduced S. 1031, the National Engineering Extension Service Amendments Act of 1989 on May 17, 1989, which would create a national engineering outreach service, one that would work rather like the exceedingly successful Agricultural Extension Service. By comparison, S. 247 establishes an Energy Technology and Engineering Services Program.

This legislation would authorize at engineering schools in each State—or a similar organization—an engineering extension service to help small, incubator companies with the advice they need to convert good ideas into successful product lines. Establishment of the centers would be at the discretion of each State.

I believe every Member of this body knows how very difficult it is for many small, struggling companies to take their high technology ideas and inventions and move those from development onto the production line.

Yet America's survival in this great and competitive industrial world we have created will depend to a great extent on the ability of small, innovative companies to make that transition, to take the gleam in the eye of a savvy inventor and turn that gleam into a usable product.

Dr. L.H. Lattman, president of New Mexico Institute of Mining and Technology, is a strong believer in the concept I have included the Energy Technology and Engineering Services Program. And I believe that he stated the case for this legislation very accurately in a recent paper:

> While the Engineering Extension Service concept certainly will not solve all problems, I believe it will contribute very significantly to economic development * * * in the area of manufacturing and most especially in manufacturing based on frontier technology.

This program can serve as the Federal Government's link with engineering extension service offices that would be established in each State.

Those State offices, which could be created by each Governor within an entity in the State, probably a university with an engineering school, could maintain a list of available experts within the State to assist fledgling businesses. Some of these experts might be on the university faculty. Others might be retired engineers. Still others might be existing engineering firms that wish to participate, or work at our system of national laboratories.

These experts would be available, at a fee—an affordable fee—to small businesses in the State.

Mr. President, early in 1989, I participated in an economic development tour of three States with the Governor of New Mexico and a number of members of the New Mexico Legislature.

One of the most exciting things that we saw was the work of the Engineering Extension Service operated by North Carolina State University, a service that in its most recent year aided 14,000 firms and individuals in North Carolina. North Carolina is way ahead of most of us. It initiated such a system as long ago as 1955, and now offers to "help industry and engineers to move aggressively and beneficially utilize new technologies."

I am convinced that the program North Carolina has developed needs to be encouraged in all States; that is what this bill, S. 247, enables each State to accomplish.

Mr. President, this is a sound concept, one that will help our small businesses become more competitive in America and in the world. I am pleased that my colleagues decided to support it. This is a bill that is good for America.

I thank you for the time to address this Chamber, and I thank my colleagues for their support.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The clerk will report the pending business.

CLEAN AIR ACT AMENDMENTS OF 1989

The legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Mr. RUDMAN. Mr. President, for a number of years many of us have worked tirelessly to bring clean air and acid rain legislation to the floor of the Senate. And, for years our efforts were foiled for many different reasons, not the least of which being the opposition of strong utility and industry interests and competing regional interests. But now, after a 12-year hiatus, we begin deliberations on one of the most important environmental issues facing our Nation: Chronic air pollution.

Mr. President, I rise today to speak in support of S. 1630, the Clean Air Act Amendments of 1989, which is now pending before the Senate. I want to take this opportunity to praise the members of the Senate Environment Committee for drafting and reporting out legislation that I am hopeful will bring about an end to the 12-year stalemate on this issue. I also want to commend President Bush, whose leadership on this issue has broken the political logjam.

There are a number of areas that will be addressed during Senate debate on S. 1630, including ozone nonattainment, air toxics, ozone depletion and the greenhouse effect. However, one issue that I and many of my constituents have taken a particular interest in is the problem of acid rain.

As my colleagues know, acid rain is a major problem in many areas of the country, but especially in the Northeast. This problem has led to the degradation of our forests, lakes, and historical buildings as well as the deterioration of visibility in such natural areas as the White Mountain National Forest in my home State of New Hampshire. More importantly, a number of studies point to the precursors of acid rain as causing adverse health effects. The population most at risk are infants and children, the elderly, pregnant women and those with heart diseases, asthma, emphysema, and bronchitis. Clearly, immediate action to curb this problem is needed.

I strongly support the aggressive provisions contained in title IV of S. 1630 which are designed to drastically reduce sulphur dioxide and nitrogen oxide emissions from utility power plants and other sources. Under the bill annual emissions of sulphur dioxide (SO_2) and nitrogen oxide (NO_x) would be reduced by 10 million and 2.7 million tons respectively. A cap is placed on utility emissions after the 2000, assuring Northeastern States like New Hampshire that utility emissions will not grow beyond the levels prescribed in this bill.

Finally, the measure initiates a new program of marketable allowances. Under this program, utilities are assigned annual allowances equal to the amount of SO_2 and NO_x they may emit. These allowances may be traded with other utilities so that a national emissions standard can be met while giving utilities the greatest amount of flexibility at the lowest cost.

Mr. President, I support the sense of the Congress resolution contained in S. 1630 which labels cost sharing as undesirable. I firmly believe that the polluter should pay in this case. Under S. 1630, utilities in nine States, which are responsible for more than 50 percent of all U.S. emissions of acid rain precursors, would bear about 50 percent of the costs to the comply with the acid rain provisions. Moreover, in many instances the electric rates in these States are below the national average, partly because of the unwillingness of utilities in these States to control their emissions. For these reasons, I believe the utilities should bear the full cost of compliance with this measure. Frankly, it is unconscionable to think that ratepayers in my State, who have been the recipients of acid rain pollution, would have to pay an electricity or other fee in order to assist utilities in these nine States to pay to clean up their plants. I am hopeful that the Senate will not amend title IV of this bill to include a cost sharing provision.

Once again, let me praise the work of the Environment Committee as well as President Bush. I am heartened that the Senate will debate and take action on this very important piece of legislation and I look forward to the debate on this and other issues during floor consideration of S. 1630.

Mr. BINGAMAN. Mr. President, yesterday, we began consideration of legislation to reauthorize the Clean Air Act. There are few issues Congress has considered this decade more important to all Americans than legislation to improve our air quality.

Today, we are more aware and better informed of the important environmental challenges that face our Nation and planet. We are more familiar with terms such as global warming, ozone depletion, acid rain, and carbon monoxide. With this familiarity comes responsibility. Responsibility to take the necessary action to reduce threats to our air resources and to begin to clean up the mess we have made. Today, we take that action.

I congratulate the majority leader, the chairman of the Environment and Public Works Committee and the floor managers of this bill for their efforts to bring clean air legislation to the Senate's attention. This action is long overdue.

NEW MEXICO

Clean air is a particularly important issue to the citizens of New Mexico. I am proud of the efforts we have made in my State. We are blessed with clear skies and scenic vistas. We hope to keep it that way. Our utilities and copper smelters have made the expensive capital improvements necessary to reduce harmful SO_2 emissions. Our largest city has embarked on an ambitious course of action to attack both the CO and ozone problems. New Mexicans are willing to make the sacrifice necessary to preserve air quality.

IMPROVING THE BILL

Mr. President, I support clean air legislation. S. 1630 gives us a comprehensive approach to address clean air issues. However, there are provisions of this bill that must be improved. Let me review a few of these areas.

ACID DEPOSITION

I strongly support the provision in title IV of the bill which requires 107 utility plants to reduce their SO_2 emissions by January 1, 1995. In earlier versions of S. 1630, only 20 plants—involving 70 boilers—were covered. If the 20-plant option had been adopted, the resulting emissions requirements would have meant that the 20 plants could only use scrubbers. No other technology would have been able to meet the emissions targets. With 107 plants and a more equitable emissions

requirement, the plants—252 boilers—will have the time to investigate alternative technologies, including cofiring, to meet the necessary reductions.

The 107 plant approach is more cost effective for controlling 107 plants at 2.5 lbs./106 BTU, significantly lowers capital cost expenditures, and gives greater flexibility for utilities. For these reasons, I strongly encourage the managers of the bill to resist any effort to lower the number of affected plants. Such action would erode confidence in our sincerity to seek a comprehensive solution to the acid rain problem and be seen as a thinly cost sharing mechanism.

EMISSIONS CAP

I want to work with the managers to find an effective mechanism to deal with the concerns regarding the emissions cap provision of title IV. This provision will prevent clean burning utilities in the West from expanding their electric generating capacity in order to meet future needs. Plants emitting less than 1.2 lbs./MMBTU of emissions will be limited to their 1985 emissions rate and 120 percent of their baseline. The proposed tonnage cap results in the imposition of unreasonably harsh and unnecessarily expensive burdens being imposed on the owners of plants which already have taken major steps, whether through the installation of expensive pollution control technologies or the purchase of low-sulfur coal, to reduce their emissions. Additionally, new power plants must hold allowances equal to the unit's annual SO_2 emissions. New utility units are not eligible for allocation of allowances. This prohibition could prohibit the construction of new power plants in many growth areas, especially in the West. Because of low emissions in the Western areas of the United States, generation of allowances for new source offsets may not be possible. The only alternative may be to purchase the allowances from the high-sulfur areas of the Midwest. This will, in effect, serve as a subsidy to the Midwestern utilities that have not shown the same commitment to clean air as have Western utilities that have invested enormous capitol toward clearing up their operations.

I remain firmly opposed to any cost sharing in this legislation and I hope the managers of the bill will take action to correct this problem consistent with the committee report. I do not think it was the intent of the sponsors to prevent future electric generation capacity. I am hopeful we are able to allay the fears of those in the West who strongly support clean air and have demonstrated that commitment over the past decade.

COFIRING

Cofiring refers to burning natural gas and coal together in the primary combustion zone of the same boiler. In the context of the acid rain legislation, basic cofiring can be an important bridge technology, because it offers a cost-effective means for electric utilities with older coal-fired boilers to achieve emissions reductions prior to the commerical availability of emerging emissions control technologies.

Cofiring technologies also could minimize any potential economic dislocation. These technologies might actually help preserve coal mining jobs by making it possible for electric utilities to continue burning high-sulfur coal. In many instances, the installation of scrubbers on older powerplants may be impractical due to economics or due to site-specific physical constraints. Cofiring will make it possible for electric utilities to continue to use their existing coal supplies when a powerplant would otherwise be forced to switch to lower-sulfur coal, reduce output, or even close.

S. 1630 contains a 3-year extension of the phase 2 deadlines for electric utilities to install clean coal technologies. Only repowering technologies are expressly mentioned in the legislation. It is ambiguous as to whether other technologies, such as cofiring, would be eligible for the extension.

Advanced natural gas cofiring technologies, known as reburn technologies, promise to achieve significant emissions reductions at low capital cost. Tests indicate that reburn technologies can reduce nitrogen oxide emissions by 60 percent and sulfur dioxide emissions by 20 percent. When paired with sorbent injection technology, gas reburn can achieve a 50-percent reduction in SO_2 emissions. Other emerging technologies hold the promise of receiving even greater reductions.

In view of the demonstrated promise of natural gas cofiring technologies, it would be unfortunate to discourage their further development by excluding them from the clean coal technology extension.

I intend to offer an amendment to include cofiring as a retrofit technologies and to identify natural gas cofiring expressly among the technologies eligible for the extension.

ALTERNATIVE FUELS

I support a strong alternative fuels initiative as part of this legislation.

Urban air quality, whether acid rain, smog, or ozone, is a major and very troubling issue on our national agenda. Vehicle pollution is the major culprit, contributing to and accounting for 40 percent of the Nation's smog.

I think we can all agree, whether government policymakers, the business community, environmentalists or civic leaders, that it's time for America's cars, trucks, and buses to begin using cleaner fuels.

Vehicles emit three major pollutants-carbon monoxide, reactive hydrocarbons and nitrogen oxides.

Carbon monoxide reduces the blood's oxygen level, including sluggishness and endangering people with heart and circulatory disorders.

Reactive hydrocarbons and nitrogen oxides react with sunlight to form ground-level ozone, which has been identified as a cause of respiratory disorders, particularly in asthmatics, children and older people.

In addition to emitting these three pollutants, diesel vehicles also emit large quantities of particulate matter-black soot that causes eye, throat and respiratory problems.

In the United States, there are about 13 million fleet vehicles—school buses, taxis, trucks, delivery vans. They run throughout the day, have low fuel economy and mostly operate in the cities, where air pollution is worst. Using alternative fuels such as natural gas and oxygenates such as ethanol in these fleets will have the best immediate benefit for the country.

In the coming years, there will be an increasing number of vehicles running on alternative fuels. In order to stimulate the use of alternative fuels, I introduced legislation last session to require the conversion of the Federal fleet of vehicles to these fuels. The U.S. Government has a responsibility to take a leadership role in the effort to reduce carbon monoxide emissions through the use of cleaner burning fuels. I encourage the managers of the bill to include my Federal fleet requirements in whatever committee amendment may be offered.

Additionally, I strongly support the committee's effort to include a strong oxygenated fuels requirement in title II of the bill related to motor vehicles. Albuquerque, NM faced EPA sanctions in 1987 and 1988 as a result of noncompliance with CO emissions levels. Albuquerque has imposed a mandatory oxygenated fuels program and a vehicle inspection program which have helped reduce those CO levels to acceptable levels.

ADDITIONAL CONCERNS

I also plan to offer an amendment during consideration of this bill to effectively address worries I have regarding air pollution in the southwestern part of New Mexico. Particulate matter has formed a visible haze over much of the Rio Grande Valley and surrounding areas. I am concerned that part of this visibility problem is due to SO_2 emissions from the Nacozari and Cananea copper smelters in Sonora, Mexico. Both facilities are monitored by the Mexican Government which, under an agreement with the United States, has voluntarily agreed to operate the smelters in such a manner as to meet the same emissions requirements that all United States smelters are required to meet.

I understand the Mexican Government has certified that the facilities are currently meeting the emission requirements. However, I do realize that periodically the smelters are allowed by-pass emissions—when emissions can exceed normal levels for a limited period time. These by-pass emissions may be adding to an already serious CO and ozone problem that exists in the El Paso-Juarez area.

My amendment would instruct our negotiators to review these concerns with the Mexican authorities at the next official negotiating session and see if there is some way to lessen the severity of these by-pass emissions. I also will ask EPA to monitor the particulate matter on the U.S. side of the border and see if there are any additional steps that can be taken to address the problem. I am concerned not only from the perspective of visibility, which is very important to our quality of life in New Mexico but also because of the potential health effects of such pollution.

CONCLUSION

In summary, the sponsors of S. 1630 deserve our thanks for their efforts in crafting the bill that is before us to protect and improve our air quality. I look forward to working with them during consideration of the legislation and in helping them make the necessary adjustments to win broad support for the bill. I urge my colleagues to assist in this effort.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I rise to make a few comments with regard to the Clean Air Act provisions. Particularly these comments will be directed in the area of pollutants that are regulated or proposed to be regulated in the future under what is called the air toxics section of the bill. I intend to spend somewhat more time on Monday of next week dealing with the same subject, since some of the commercial criticism of this bill, as I have noticed in one of our local newspaper publications, and even to a degree some of the critique by the administration of the Senate version of the bill, has zeroed in on some portions of the air toxics section—principally the sections entitled "residual risk."

So that those of our colleagues who have not labored, as the current Presiding Officer has, with the committee over the years of hearings, discussion, debate, compromise between various versions of this bill and who are sort of befuddled, both by the chemistry and by the so-called safety and health aspects, who do not fully appreciate why in this particular section of the bill we have chosen to use technology as a device for measuring health and safety, as opposed to the risk-based standards that we were using earlier, I intend on Monday of next week to spend a great deal more time commenting in specific detail about provisions that relate to the estimate of residual risk.

I hope at that point not only will those of our colleagues who have to come to judgment on this bill be made aware of what is intended by this bill, but that those in the community that believe it to be regulated by the air toxic section of the bill might also concentrate some of their attention on the specifics of the legislation and the specifics of the way in which it will be implemented.

But for now, let me begin by saying that I am pleased to have the opportunity to be here at this particular stage in the process. All of us have worked at clean air for a long time. I have been at it since coming to the Senate.

We have not had a reauthorization since I came to the Senate. We really had not had an opportunity to do a reauthorization and some new clear thinking about a national policy on clean air until July 21 of the past year when the new President of the United States endorsed the reauthorization of the clean air bill. That was the opportunity that those of us who were working on reauthorization from a variety of different philosophical approaches finally had to come to the same table and deal with our differences, resolve them in the form of what I believe now, not only with regard to the air toxic section, the municipal incineration sections which I had a lot of the part of reauthoring, but in the nonattainment section, in the acid rain section, in addition, is the opportunity for a lot of people to come together in something as close to the middle ground on environmental legislation as I have seen since I have come to the Senate.

I think it would help the whole process if the administration, which has been a key player not only on the environmental side but on the economics of this and on the fiscal side of it, were to strongly endorse the large parts of this bill which are theirs and which they have helped to work out.

It might help to identify the areas that are relatively small in our differences and it would get a little more enthusiasm, if you will, for a process which has been here on the floor for the last 3 days without a lot of visible activity.

Let me begin to get to the point of air toxics by saying that there are two kinds of pollutants that are regulated under the Clean Air Act.

One group is called criteria pollutants and these are emitted in millions of tons in our air pollution problems across broad regions of the country. There are six criteria pollutants including sulfur dioxide, carbon monoxide, lead, ozone, nitrogen dioxide, and particulates. These are the six biggies.

The Environmental Protection Agency sets ambient air quality standards for each of these pollutants and the 50 States then take action to assure that the Standard is not exceeded. Issues related to criteria pollutants are generally referred to as the nonattainment problem reflecting the fact that many of our major urban areas in this country have failed to attain Federal standards for healthy air quality.

The other kinds of pollutants are called hazardous air pollutants or air toxics. They may be cancer-causing substances, call them carcinogens, but other health and environmental problems may also be caused by air toxics, and my comments this afternoon will focus on routine emissions of these toxic air pollutants.

Examples include benzine, which is a potent cancer-causing substance. The cancer it causes is leukemia. Gasoline fuels sold in the United States are on average 1.6 percent benzine and the percentage has been climbing over the last few years. Eighty-five percent of human exposure to benzine comes from automobile pollution.

Mercury is a metal found in trace amounts in coal and released to the air when the coal is burned in million-pound quantities. It is also released by incinerators burning garbage. It is used in latex paints to prevent mildew and as the paint weathers, substantial amounts of mercury may be released into the air.

Ammonia. Ammonia is a chemical used in industry. In fact, it is emitted by major manufacturing plants in 30 different industrial groups. It is also a fertilizer, as those of us from rural America understand, and is distributed broadly in America for that purpose. Although low exposures to ammonia are safe, high exposures can burn the eyes, skin, and lung tissue. Ammonia emissions in 1987 were larger than the emissions of any other air toxic.

The fluid that dry cleaners use to clean our clothes is a suspected carcinogen released in large amounts; so is the solvent that hospitals use to sterilize equipment. The list is long, and it touches every major industry from mining base metals to making high-technology electronics.

Major manufacturers are now required to report their air emissions of 350 of these substances. The data is summarized in what is called a Toxics Release Inventory by the EPA. The

current one showed 12.7 billion pounds of emissions in 1987. It is thought that the 2.7 billion pounds of air emissions are only one-fifth of the actual total since not all air toxics are covered and only major industries in the manufacturing sector of the economy are required to collect data. The 10 billion pounds would be a better estimate counting other industry, cars, trucks, and all the small sources.

The largest amounts of emissions were in the State of Texas—240 million pounds; in Ohio, 173 million pounds; Louisiana, 138 million pounds; Tennessee, 135 million pounds; and in the State of Virginia, 132 million pounds.

Although these air toxics can cause many adverse health effects, cancer is our principal concern; 25 percent of all Americans die of cancer. There are 1 million new cancer cases reported each year and 470,000 fatalities from this disease.

Most of those deaths are related to illnesses caused, as we know, by smoking and poor diet. A small but significant percentage of the cancers are caused by exposure to environmental pollutants.

In a 1989 study examining the potential cancer-causing effects of exposure to air toxics, EPA estimated a national annual cancer incidence of approximately 2,700 cases as a result of exposure to some 15 to 40 toxic air pollutants. That would mean that 190,000 Americans alive today might be expected to contract cancer from exposure to air toxics. That is taking the 2,700 annually times our average 70-year life span—190,000 Americans alive today are likely to die from exposure to air toxics.

Again, I say this estimate is conservative. It may be low, as there are a much larger number of air pollutants that have been identified than the 15 to 40 on this list and they have been identified as potentially toxic.

In 1987, the South Coast Air Quality Management District in California released a study on ambient concentrations of approximately 20 air toxics in the Los Angeles area. Based on that data and extrapolating that data to the Nation as a whole, cancer incidence attributable to toxic air pollution may be projected as high as 500,000 fatal cases for those Americans alive today—not 190,000 but 500,000.

And these estimates are based on studies of only a small number of pollutants. The EPA estimate is based on a series of studies for 15 to 40 pollutants. The South Coast Air Quality Management District looked at 20 pollutants—not including products of combustion like dioxins and furans which may be among the most potent threats. By way of comparison, the air toxics legislation before the Senate lists 200 substances for control. OSHA has regulated about 500 substances in the workplace. And a handful of States with active air toxics programs have set standards for 708 different pollutants a point I recall the current Presiding Officer bringing home to me about 6 months ago as we were working on finding an appropriate number which now ends up being about 200 in this bill.

An estimate of cancer risks based on exposure to only 20 or 40 substances certainly understates the risk that this pollution presents to public health.

The overall number of cancer cases is only one dimension of the problem. Another dimension of the problem is that the risk is not spread evenly. Those living near large chemical plants or in concentrated urban corridors face much higher risks than most Americans. So, it is also an equity issue.

EPA has examined cancer risks at more than 2,600 industrial facilities across the United States as part of its effort to promulgate air toxics regulations. At more than one-quarter of these facilities, toxic emissions produced cancer risks greater than 1 in 10,000 for people living nearest these plants. That is 1 additional cancer for each 10,000 persons exposed to emissions from these plants at the higher levels.

The 1987 South Coast study which I cited a moment ago cancer risks in the Los Angeles area for the mix of air pollutants from industrial sources, highway fuels and small business to exceed 1-in-1,000 not 1-in-10,000, but 1-in-1,000. For 1,000 people living near this exposure, at least one will die out of every thousand. It seems to me these are extraordinarily high risks. Based on the actual ambient concentrations recorded as part of the study, cancer deaths from air toxics in the Los Angeles metropolitan area were projected at 22 people per year.

OMB Director Richard Darman was quoted in the press last summer as saying that the chance of dying from exposure to air toxics is about the same as the chance of being hit by lightening. And therefore, we should take the money that would be spent implementing this program and spend it buying every American a pair of rubber sole shoes. I do not know if that is an accurate quote or not. But it is certainly not an accurate representation of the air toxics problem. Here is why.

Lightening is a random event spreading a small risk of death approximately evenly across the whole population. Toxic air pollution from industrial sources is, on the other hand, not random. The risks are unevenly distributed. Those living near large chemical and manufacturing plants or in highly developed urban areas face much larger risks than the general population as a whole.

It is not just a question of incidence—small risks widely distributed. It is also a question of equity. We must not allow a few Americans to face very high cancer risks that are the darkside of the chemical revolution? An esoteric discussion of national cancer statistics doesn't tell the whole story, here.

Those Americans living near these big plants and facing these high risks of toxic air pollution are like lightening rods in our chemical society. They need the measure of protection afforded by this bill.

And it is not just cancer. Only a third to a half of these chemicals are suspected of causing cancer. The rest are on the list because of other adverse effects: birth defects, genetic mutation, reproductive disfunction, nuerotoxicity, damage to internal organs—the kidneys and the liver, principally—accumulation in the tissue of fish and birds.

In fact, many of these pollutants have a health effect which has already been discussed at some length in this debate. They are ozone precursors. They are volatile organic compounds which combine with nitrogen oxides in the atmosphere to form smog. The air toxics provisions of title III in this bill would likely be justified from the standpoint of ozone controls alone, not counting its impact on air toxics.

Air pollution has also become a principal source of water pollution. Eighty percent of the most serious toxic pollution including PCB's in Lake Superior and 50 percent in Lake Michigan is fallout from the air and not from sewage or industrial discharges to the lakes or the watershed.

Mercury has also become a significant water pollutant in the Great Lakes region. Mercury bioaccumulates in the tissue of fish and may affect organisms all up the food chain including waterfowl and man. All of the lakes in Michigan are posted with warnings. Pregnant women and children shouldn't eat the fish at all. Healthy adults should not have more than one meal of fish per week in the State of Michigan.

Senator CHAFEE mentioned mercury in his comments yesterday. And on Monday I am going to have a map here showing the 20 States in the Union which have posted lakes or rivers for mercury contamination, including my own State of Minnesota.

Last fall our committee held a hearing on the toxic air pollution problem. One of the most moving statements I have ever heard before the Environment Committee occurred when one of the witnesses addressed the mercury contamination problem. The witness was Robert Miller who is Director of Air Quality for the State of Michigan. This is what he had to say:

I am here today to talk to you about one of the most important environmental issues

confronting the Great Lakes Region, and, I hope I'll be able to convince you, the [most] important environmental issues facing the nation.

As I was trying to clear my mind last night of what faced me this morning, I was forcing my mind to think about my trip up north that I have planned in 2 weeks. As I was doing that, an image came to mind that sort of put in focus the message I want to give you this morning. And that was the image of a father and son going north on a fishing trip sitting around the camp fire preparing the fish that they caught during the day, but having to be worried whether eating those fish was going to affect their health.

The Great Lakes, like a pack of cigarettes, contain, in all of the States, a warning, just like the Surgeon General's warning, that says "Caution: this product can be hazardous to your health."

And it's not just the Great Lakes. We now have a fish advisory for every lake in the State of Michigan against eating the fish or moderating your consumption of fish because of the toxics that are in them. Research indicates that air toxics deposition contributes from 46 to 99 percent of the lead, up to 90 percent of the PCB's and up to 97 percent of the DDT entering the Great Lakes.

That was the heart of Mr. Miller's testimony.

Over the past couple of years I have been asked many times why I am so interested in this air toxics issue. I fish with all four of my sons in the same part of the country. Mr. Miller said it a lot better than I could.

HISTORY OF SECTION 112

Section 112 of the Clean Air Act adopted in 1970 requires EPA to list each hazardous air pollutant which is likely to cause an increase in death or serious illness. Within 1 year after listing EPA is to establish emissions standards which would apply to sources of the listed pollutant "providing an ample margin of safety to protect public health."

In the 18 years of administering section 112, EPA has listed only eight pollutants: mercury, beryllium, asbestos, vinyl chloride, benzene, radionuclides, inorganic arsenic and coke oven emissions.

No standard has been promulgated for coke oven emissions, and for many other pollutants only a few of the source categories emitting the substance are actually regulated. For instance, mercury is a listed substance, but mercury emissions from powerplant boilers, which are exempt from the standards, are contributing to high mercury levels which cause lakes to be posted in these 20 States. Coal combustion contributes about one-quarter of all mercury emissions.

Mr. President, I am going to conclude my presentation today at that point, as the hour is getting late, and I just suggest to my colleagues that there is much more to the issue of toxic air pollutants and the effect that they have in this country than what I have seen in any of the commercial advertising opposing this bill.

I intend to spend as much time as is necessary on the floor of the Senate to convince the people who propose those ads, the people in the administration who have bought into the notion that cost is all that counts in an economic sense, that this section of the bill has been crafted not only with the public health of the people of this country in mind, but the economics of this great Nation as well.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Wisconsin.

Mr. KASTEN. Madam President, today we begin consideration of the most important environmental legislation the 101st Congress will face. The Clean Air Act is one of the key Federal programs designed to protect our natural environment.

This legislation breaks a longstanding impasse in Congress on updating the Clean Air Act. It has been a full 13 years since this legislation was last updated, and it is desperately needed. The Clean Air Act is truly critical to protecting the health of Americans and the health of their environment.

I hope we can move quickly to adopt new legislation to update the Clean Air Act.

I want to commend the President for providing the leadership to help move acid rain legislation. Without his support, I believe that parochial interests would continue to stall legislation to control acid rain.

I also want to commend the committee and Senate leadership for supporting rapid action on this legislation.

This legislation updates the Nation's principal air-quality law in the key areas of controlling the release of toxics, reducing urban air pollution and fighting acid rain. Each of these actions is necessary to protect the health of Americans and the health of their environment.

It is clear that there will be costs of implementing this legislation. But the cost of not updating the Clean Air Act is much higher than the cost of implementing the law that I expect the Senate will pass. If we continue to allow our Nation's waterways to be made sterile by acid rain, there will be real costs. If high concentrations of urban smog and other pollutants are left unabated, there will be real costs. Toxics released to the atmosphere have real costs by poisoning American's and our fertile environment. It is correct, there are costs to this legislation, but the costs of not acting are even greater.

There are several areas where I believe this particular legislation can be improved. I believe we should move further toward the concept of polluter pays, while maintaining this legislation's already high standards for reducing air pollution.

My greatest concern is that the Senate stick to its position that those responsible for pollution should pay for cleaning it up. I will strongly oppose any cost-sharing amendments that place the burden for cleaning up dirty plants on those that have already taken the environmentally responsible action and cut emissions.

In Wisconsin we have already enacted the Nation's toughest acid rain control law. We have already cut our emission of SO_2 by 40 percent. Wisconsin is more than willing to do its part to reduce acid rain. We also recognize that this is an international problem that needs international cooperation as well as a strong U.S. law.

But Wisconsin utility consumers who have already paid for cleaning up our generating plants should not be asked to pay for the cleanup of plants that have continued to foul our air.

I note particularly that some of the lowest utility rates in the Nation are in areas served by the dirtiest generating facilities. The States and utilities that have already acted and cut their emission rates should not be asked to pay twice for the fight against acid rain. Instead, the burden for cleaning up plants should be placed on those that use them.

It is my hope that we can stick to the principle of allowing the maximum flexibility on how to reduce the emission of pollution while sticking to tough environmental standards. Protecting our environment has to take the first priority, but we should invest our financial resources where we know they can accomplish the most.

In addition, there are several amendments which I believe can be worked out to address some unique situations in Wisconsin. I believe these amendments will stay within the bounds of not increasing the emission of air pollutants while allowing compliance with this legislation.

First, the issue of downwind ozone nonattainment. The six southeastern counties of Wisconsin are adjacent to another ozone nonattainment area—Chicago. Because air pollution moves with the prevailing winds, air quality in these counties is seriously impaired by activities in Chicago. In short, much of the air pollution in these six counties originates outside of our State.

The difficulty this poses is that the Nation's most polluted urban areas are given a much more generous timetable for meeting air-quality standards. Chicago will have 5 more years to meet air-quality standards than these Wisconsin counties will have. That means that while Wisconsin is expected to comply with much higher air-quality standards, Chicago will still be allowed to produce pollution at a higher rate, and there is nothing we can do about it. In fact, it is likely that these coun-

ties will be found in violation of the Clean Air Act because of actions taking place outside of their jurisdiction in an upwind State.

I do not mean to suggest that Chicago has no sympathy for our plight. In fact, our two States have entered into an agreement to cooperate in addressing the regional air pollution problem. They are pledging an unprecedented $11 million to identify how to solve this problem.

Unfortunately, the legislation we are considering today fails to recognize this interstate problem, and to provide a rational method of resolving it. I am very optimistic that we can resolve this dilemma, because all of the parties involved want to press for the earliest possible reduction in pollutants.

To help accomplish this, I intend to submit an amendment which I hope will be acceptable to the committee. So that all interested parties have the opportunity to review this situation and this possible amendment, I ask unanimous consent that a copy of the amendment be printed in the RECORD at this point.

There being no objection, the proposed amendment was ordered to be printed in the RECORD, as follows:

DOWNWIND OZONE NONATTAINMENT AMENDMENT

The following amendment to sections 181, 183 and 186 provides for special treatment of certain downwind ozone nonattainment areas when those areas are subject to interstate transport of pollutants to an extent sufficient to impact an area's capability to attain the ambient air quality standard. The scope of the amendment includes initial classification flexibility, delay of failure to attain and reclassification provisions and designation of the Lake Michigan Airshed as an ozone transport region.

The amendment to section 181 provides the Administrator some limited flexibility for initial classification of ozone nonattainment areas subject to criteria including the number of ozone exceedances, transport into or out of the area, and the mix of sources and air pollutants in the area.

The amendment section 183 recognizes the need in certain downwind nonattainment areas to delay the reclassification to a higher category, the schedule of additional control requirements, the increased source fees, and the expanded inventory and RACT requirements. The provision applies to areas in established transport regions impacted by significant upwind source areas and remains effective until the upwind area has met all VOC reductions required by the Act for its classification. At that time, the failure to attain provisions would impact both areas, triggering reclassification and, if interstate transport remains an issue, a new set of regional control strategies would have to be established through the ozone transport commission and SIP processes.

The amendment to section 186 establishes an ozone transport region for the Lake Michigan four state region.

Amend section 181.(a):

SEC. 181.(a) In line 20 insert after "exceeded" ", using the design value for the area".

Create a new subsection 181.(e):

SEC. 181. (e) CLASSIFICATION OF BORDERLINE AREAS.—In classifying an area under paragraph (a), if an area would be classified in another category if the design value in the area were 5 percent greater or 5 percent less than the level on which such classification would be based, the Administrator may, in his discretion, by the procedure required under paragraph (b), adjust the classification to place the area in such other category. In making such adjustment, the Administrator may consider the number of exceedances of the national primary ambient air quality standard for ozone in the area, the level of pollution transport between the area and other affected areas, and the mix of sources and air pollutants in the area.

Create a new subsection 183.(f):

SEC. 183. (f) CERTAIN DOWNWIND NONATTAINMENT AREAS.—If a state containing an ozone nonattainment area in an ozone transport region is located downwind of another ozone nonattainment area in the ozone transport region which is classified at an equivalent or higher category under section 181(a) and the state has submitted an approvable plan, has implemented the approved plan and has achieved the emission reductions required under paragraph (b)(2) and (3)(B) through the applicable attainment date, the state, notwithstanding any provision of section 181(c) or 184(d) or paragraph (b)(3)(B) and (7) of this section, shall

not be required to be reclassified;

not be required to reduce volatile organic compound emissions after the applicable attainment date except in accord with an approved plan

not be required to implement paragraph (b)(7); and

have an extension of the attainment date until the upwind nonattainment area has achieved the emission reductions required under par.(b)(3)(B).

Amend section 186. (a):

SEC. 186. (a) OZONE TRANSPORT REGIONS.—(1) The area comprising the State of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, and the consolidated metropolitan statistical area including the District of Columbia is established as an ozone transport region. (2) The area comprising the State of Illinois, Indiana, Michigan, and Wisconsin is established as an ozone transport region. (3) The Administrator may add any State or portion of a State to any region established under this subsection or establish other ozone transport regions, consisting of two or more States, when the Administrator determines that the interstate transport of air pollutants from such State or States significantly contributes to concentrations of ozone or ozone precursors in any nonattainment area in another State classified under section 181(a) as a moderate, serious, severe, or extreme area for ozone. (4) The ozone transport commission established under subsection (b) for any ozone transport region may remove any State or portion of a State from the region if the commission determines that the control of emissions in that State or portion of a State pursuant to this section will not significantly contribute to the attainment of the primary ambient air quality standard for ozone in the ozone transport region.

Mr. KASTEN. Madam President, the second amendment that I am concerned about today deals with the credits created under this legislation for the reduction in airborne toxics. Let me say at the outset that I am a proponent of reducing airborne toxics. In fact, airborne toxics are the leading source of pollution in the upper Great Lakes. This phenomenon is a real threat to my constituents, so much so that the State of Wisconsin has adopted a tough state toxic control program.

This program, which Wisconsin adopted 18 months ago, regulates 400 airborne toxics. The proposed Federal program will control less than half of the materials regulated under the State law. Unlike this proposed legislation, the State program is in place now and is actually controlling toxic emissions.

This proposed legislation, however, penalizes States which have acted responsibly on their own to reduce the emission of airborne toxics. I recognize that the committee is seeking to press for the control of pollutants that would not be controlled otherwise. But it is also true that failing to make credits available for emissions reduced under State programs creates numerous environmental problems.

Not to put too fine a point on it, the committee proposal rewards the bad guys. The States that have dragged their feet to reduce emissions come out the best under this program. The voluntary credits are fully available to those States, while States that have acted responsibly are penalized by the lack of available credits.

This discourages States from acting on their own, and from improving on Federal law. Wisconsin's law, like that of other States, is broader than the proposed Federal law. If this proposal is adopted, I expect that many States will repeal their laws and allow the Federal law to be the only operative regulation.

The result—if you can believe it—will be an increase in the emission of toxics. I think we ought to turn this around—and to accomplish this objective I will be offering an amendment, which I hope will also have the support of the committee.

I ask unanimous consent that a copy of my amendment be printed at this point in the RECORD.

There being no objection, the proposed amendment was ordered to be printed in the RECORD, as follows:

VOLUNTARY TOXICS REDUCTION DEFINITION

The following amendment removes the potential penalty to hazardous air pollutant sources complying with State and local hazardous emission regulations by providing them equivalent access as that given unregulated sources to either an alternate emission limit or a five-year compliance extension depending on when the reductions are made.

112(i)(6)(D). For purposes of this paragraph, the term "voluntary" means not otherwise required by a Federal air pollution control law or regulation.

Mr. KASTEN. Madam President, another concern I have deals with incentives to use ethanol in ozone nonat-

tainment areas. Ethanol can be an important contributor to reducing one form of pollution—carbon monoxide. However, because of the low vapor pressure necessary to evaporate ethanol, it can add to another pollution problem—ozone. In warm weather, more ozone is formed with the use of ethanol fuels than would be formed with the use of gasoline.

It makes no sense to encourage the use of ethanol in ozone nonattainment areas in hot weather. To solve this problem, States should have the ability to override Federal law and discourage the use of ethanol. Again, I have prepared an amendment which I hope can be agreed upon. This amendment actually reduces air pollution, and will not impose an undue regulatory burden on anyone.

I ask unanimous consent that a copy of this amendment be printed at this point in the RECORD.

There being no objection, the proposed amendment was ordered to be printed in the RECORD, as follows:

ETHANOL BLENDS IN OZONE NONATTAINMENT AREAS AMENDMENT

SUMMARY

The following amendment removes the Federal preemption of States containing ozone nonattainment areas which prevents a State from adopting a more restrictive ethanol gasoline blend Reid vapor pressure waiver as an ozone control strategy.

TECHNICAL AMENDMENT LANGUAGE

Insert after paragraph (4) [Sec. 211(h)(4)]:

(5) A State which contains an ozone nonattainment area shall not be prohibited from adopting a lower Reid vapor pressure than that established under par. (4) for fuel blends containing gasoline and 10 per centum denatured anhydrous ethanol if the State demonstrates that the higher Reid vapor pressure established under par. (4) is contrary to the ozone control strategy in the State's implementation plan.

Mr. KASTEN. Madam President, I also think it is important to correct a technical mistake in the drafting of the committee bill. I believe this is a mistake made by the EPA, not by the committee or its staff. My amendment simply adds two existing generating facilities to the list of affected sources and units in phase I and II (table A). These are existing facilities that meet the criteria for inclusion on the list. Again, this amendment will not add to the creation of SO_2. I believe it is purely technical in nature.

I ask unanimous consent that a copy of this amendment be printed at this point in the RECORD.

There being no objection, the proposed amendment was ordered to be printed in the RECORD, as follows:

SUPPORT PARAGRAPH FOR ALMA 4 AND ALMA 5 IN TABLE A—SECTION 404

Dairyland Power Cooperative's (DPC) Alma units 4 and 5, totaling 136MWe, are part of a 200MWe coal-fired steam electric facility with a common stack. Under the phase I provisions of S1630, only table A units are affected. Since DPC will reduce emissions of SO_2 from Alma 4-5 in order to meet the State's acid rain requirements of 1993, we desired to include Alma 4 and 5 on table A. This would allow DPC to gain allowances for these units in both phase I and II, and bank the excess emission reductions.

Mr. KASTEN. Madam President, finally, a nuclear generating facility was recently retired in Wisconsin. The committee bill makes no provision for offsetting this loss in generating capacity by adding to the emission baseline. This amendment will have a minimal impact on SO_2 generation. Clearly, it should be added to the base.

I ask that this amendment be printed at this point in the RECORD.

There being no objection, the proposed amendment was ordered to be printed in the RECORD, as follows:

SUPPORT PARAGRAPH FOR LA CROSSE BOILING WATER REACTOR (LACBWR) CAPACITY FACTOR INCLUSION TO GENOA #3 IN TABLE A

Dairyland Power Cooperative (DPC) operated Genoa #2, a 50MWe nuclear power plant, over the baseline development years of 1985, 1986, and 1987. This nuclear unit was retired prematurely in 1987 due to licensing difficulties and other regulatory disincentives. Since DPC must now make up for the lack of nuclear generation with coal-fired generation, DPC wishes to increase the phase I and phase II allowances for Genoa #3 by the amount Genoa #2 (LACBWR) generated in 1985, 1986, and 1987.

The following changed table A implements these two changes:

TABLE A

State, Wisconsin, plant name	Unit	Phase I allowances	Phase II allowances
Alma	4	2,370	1,140
	5	4,320	2,070
Edgewater	4	24,700	11,900
La Crosse/Genoa	3	21,550	10,330
Nelson Dewey	1	6,010	2,880
	2	6,680	3,210
North Oak Creek	1	5,220	2,510
	2	5,140	2,470
Pulliam	8	7,510	3,600
South Oak Creek	5	9,670	4,640
	6	12,000	5,780
	7	16,200	7,770
	8	15,800	7,580

Alternative Language to Address the Retirement of LACBWR

Section 402

An Alternative for LACBWR (New Language is Underlined)

(d) The term "baseline" means the annual quantity of fossil fuel consumed, measured in millions of British Thermal Units ("mmBTUs"), by an affected unit, calculated as follows:

(4) In the event the owner or operator of a steam-electric existing unit or units removes or has removed from service a nuclear electric generating facility which was in operation during calendar years 1985, 1986, or 1987, the baseline for the steam-electric existing unit or units that will provide electrical generation to compensate for the removal from service of the nuclear electric generating facility shall be adjusted to account for the mmBTU in fuel which would have been consumed by the steam-electric existing unit or units had the nuclear electric generating facility been removed from service prior to January 1, 1985.

Mr. KASTEN. Madam President, there are two additional areas of concern to Wisconsin. These are provisions to: First, increase the flexibility of utilities in meeting SO_2 standards; and second, a provision by which a geographic anomaly has made the construction of a tall stack necessary under existing law to meet ambient standards.

At this point, I have not completed the preparation of amendments that do not add to the total emission of SO_2. Those calculations are being made, and I hope to offer them later.

I hope that we can work out these difficulties, and create an effective clean air bill.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

REPORT ON DEVELOPMENTS WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT—PM 77

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. I hereby report to the Congress on developments since my last report of July 19, 1989, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic

Powers Act, 50 U.S.C. 1703(c) ("IEEPA"); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c).

2. Since my last report on July 19, 1989, there have been no amendments to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control ("FAC") of the Department of the Treasury. Additionally, since July 19, 1989, there have been no amendments or changes to orders of the Department of Commerce or the Department of Transportation implementing aspects of Executive Order No. 12543 relating to exports from the United States and air transportation, respectively.

3. During the current 6-month period, FAC has issued a limited number of specific licenses to individuals and corporations to permit them to engage in activities that would otherwise be prohibited by the Regulations. Under FAC licensing procedures, 23 individuals registered to travel to or remain in Libya with Libyan immediate family members. Fewer than 15 licensing actions were taken with respect to Libya.

4. Various enforcement actions mentioned in prior reports continue to be pursued. As reported previously, seven former officers of a Libyan student group operating under FAC license were convicted in November 1988 for the unauthorized use of student funds in violation of the Regulations. In May 1989, in the U.S. District Court for the Eastern District of Virginia, seven individuals associated with the student group were convicted of related charges of conspiracy, wire fraud, aiding and abetting, and credit card fraud. Their sentences ranged from 60 days' to 7 years' imprisonment with fines of up to $8,000.

In July 1989 the U.S. Customs Services seized a shipment of U.S.-origin electrical distribution and control equipment in Buffalo, New York, valued at $7,679 for an attempted illegal transshipment from Canada to Libya through the United States. In October 1989 the U.S. Customs Service seized a shipment of computer equipment valued at $7,500 for an attempted illegal transshipment to Libya through the Netherlands. Redelivery of the goods from the Netherlands to New York was effected prior to the seizure of the goods in New York.

In August 1989, in the U.S. District Court for the District of Minnesota, a Federal grand jury returned a four-count criminal indictment charging a U.S. firm and two of its corporate officers with unlicensed shipment of 43,400 pounds of chemicals to Libya in April 1986. Guilty pleas were entered by two corporate officers and on behalf of the corporation at a December 4, 1989, hearing. Sentencing is expected in January 1990.

During the current reporting period, FAC determined that the Government of Libya had illegally transferred certain of its physical assets in the United States to a Libyan student organization at the time the sanctions were imposed. In October 1989 FAC ordered the assets sold at auction with the proceeds deposited into a blocked account in the name of the Government of Libya.

5. The expenses incurred by the Federal Government in the 6-month period from July 19, 1989, through the present time that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at $425,776. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Assistant Secretary for Enforcement, the Office of the Assistant Secretary for International Affairs, and the Office of the General Counsel), the Department of State, the Department of Commerce, the Department of Justice, the Federal Reserve Board, and the National Security Council.

6. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

GEORGE BUSH.
THE WHITE HOUSE, *January 25, 1990.*

1990 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT—PM 78

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

Consistent with section 1005 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), I am today pleased to transmit my administration's 1990 National Drug Control Strategy for congressional consideration and action.

This report should be viewed as a companion volume to the National Drug Control Strategy that I sent to the Congress last September. In it you will find a comprehensive blueprint for Federal drug control activities for the next fiscal year. The principal goal of our strategy, however, remains the same: to reduce the level of illegal drug use in America. To help determine the most effective means of pursuing that objective, my administration has once again been aided by broad consultation with Members of Congress, Federal, State, and local officials, experts in the fields of drug prevention, treatment, and enforcement, and hundreds of interested and public-spirited citizens. The result, I believe, is a truly national plan to combat the illegal use of drugs, one that will bring us success in this new decade.

I am grateful for the enthusiastic and bipartisan support that the Congress gave to the National Drug Control Strategy last year, and I turn to you for that support again. I know that every Member of Congress shares my desire to overcome the terrible scourge of drugs. And so I ask you to join me in moving quickly to fund and implement the proposals and initiatives contained in this report. Full congressional support of this national strategy is essential if we are to give Americans the thorough and effective drug control policy they expect and deserve.

GEORGE BUSH.
THE WHITE HOUSE, *January 25, 1990.*

MESSAGES FROM THE HOUSE

At 11:42 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2364) to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Energy and Commerce: Mr. DINGELL, Mr. THOMAS A. LUKEN, Mr. ECKART, Mr. SLATTERY, Mr. BOUCHER, Mr. LENT, Mr. WHITTAKER, Mr. TAUKE (except for section 4 of the House bill and section 4 of the Senate amendment), and Mr. BLILEY (solely for section 4 of the House bill and section 4 of the Senate amendment).

Additional conferees from the Committee on the Judiciary (solely for section 4 of the House bill and section 4 of the Senate amendment): Mr. BROOKS, Mr. MAZZOLI, Mr. EDWARDS of California, Mr. FISH, and Mr. MOORHEAD.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Abraham N.M. Shashy, Jr., of Texas, to be an Assistant General Counsel in the Depart-

ment of the Treasury (Chief Counsel for the Internal Revenue Service);

Martin H. Gerry, of California, to be an Assistant Secretary of Health and Human Services; and

Gail Roggin Wilensky, of the District of Columbia, to be Administrator of the Health Care Financing Administration.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COATS:

S. 2023. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of family savings accounts, to provide that the earnings on such accounts will not be taxable, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. GRASSLEY):

S. 2024. A bill to provide for the coordination of ground water policy within the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HEINZ (for himself, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. DANFORTH, Mr. SYMMS, and Mr. BOREN):

S. 2025. A bill to amend the Internal Revenue Code of 1986 to make permanent certain expiring tax provisions; to the Committee on Finance.

By Mr. SYMMS:

S. 2026. A bill to amend the Internal Revenue Code of 1986 to allow employees to elect to have a percentage of employer and employee social security contributions made to a qualified pension plan, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. THURMOND, Mr. HEFLIN, Mr. KOHL, Mr. SPECTER, Mr. SIMON, and Mr. METZENBAUM):

S. 2027. A bill to require certain procedural changes in the United States district courts in order to promote the just, speedy and inexpensive determination of civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. SYMMS (for himself, Mr. BINGAMAN, Mr. JOHNSTON, Mr. MCCLURE, Mr. BUMPERS, Mr. WALLOP, Mr. BAUCUS, Mr. BURNS, Mr. DIXON, Mr. DOMENICI, Mr. GARN, Mr. GORTON, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. KASTEN, Mr. LOTT, Mr. LUGAR, Mr. STEVENS, Mr. WILSON, Mr. SIMON, and Mr. HATFIELD):

S.J. Res. 240. Joint resolution designating the week of June 10, 1990, through June 16, 1990, as "Multiple-Use Sustained-Yield Week"; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. BOSCHWITZ, Mr. LIEBERMAN, Mr. LEVIN, and Mr. METZENBAUM):

S.J. Res. 241. Joint resolution to designate the week of April 29, 1990, through May 5, 1990, as "Jewish Heritage Week"; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 242. Joint resolution designating the week of April 22, through April 28, 1990, as "National Crime Victims' Rights Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO:

S. Res. 232. Resolution to commend Cantor Joseph Wieselman on the occasion of his retirement; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 233. Resolution to authorize testimony and document production by Senate employee and representation by Senate Legal Counsel in *Springfield Terminal Railway Co.* v. *United Transportation Union*, No. 88-0117 P; considered and agreed to.

By Mr. MITCHELL:

S. Res. 234. Resolution to direct the Senate Legal Counsel to appear as amicus curiae in *United States* v. *Mark J. Haggerty*, et al.; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COATS:

S. 2023. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of family savings accounts, to provide that the earnings on such accounts will not be taxable, and for other purposes; to the Committee on Finance.

FAMILY SAVINGS ACCOUNTS

● Mr. COATS. Mr. President, today I am introducing legislation intended to help America's families. This bill will encourage families to save by avoiding double taxation of their nest eggs. The family savings account will provide a tax incentive for first home purchases, education, and retirement.

Every session of Congress since I first came to Washington as a freshman Congressman in 1980 I have introduced bills for first time homebuyer's savings accounts and education savings accounts. This family account combines those two ideas with a retirement IRA.

Families in Indiana and throughout America are struggling just to make ends meet. The goal of savings funds for education or a home seems impossible at times. This has hurt both families and the Nation, which needs savings to remain competitive.

It seems that the least we in Government can do to help families is to let them keep more of their own money. This bill will permit overtaxed families to keep some of that money through family savings accounts. I hope it is given careful consideration as we discuss tax reform policy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FAMILY SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end thereof the following new part:

"PART VIII—FAMILY SAVINGS ACCOUNTS

"Sec. 529. Taxation of family savings accounts.

"SEC. 529. TAXATION OF FAMILY SAVINGS ACCOUNTS.

"(a) EXEMPTION FROM TAXATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a family savings account is exempt from taxation under this subtitle.

"(2) UNRELATED BUSINESS INCOME.—A family savings account shall be subject to the tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

"(b) DEFINITION OF FAMILY SAVINGS ACCOUNT.—

"(1) IN GENERAL.—For purposes of this section, the term 'family savings account' means a trust created or organized in the United States for the exclusive benefit of the individual and his beneficiaries, but only if the written governing instrument creating the trust meets the following requirements:

"(A) The trust is designated at the time of its establishment as a family savings account.

"(B) No contribution will be accepted unless it is in cash, stocks, bonds, or other securities which are readily tradeable on an established securities market, and, except in the case of contributions from another family savings account, contributions will not be accepted for the taxable year in excess of $2,000.

"(C) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section.

"(D) No part of the trust assets will be invested in life insurance contracts.

"(E) The assets of the account may be invested in accordance with the direction of the individual contributing to the account, but, if more than one individual has made contributions to the account, the consent of all such individuals shall be required for any such direction.

"(F) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(G) Contributions may be made to the account only by the individual for whose benefit the account is established, the individual's spouse, and the individual's parents or children.

"(H) The account may not be established for the benefit of more than 1 individual.

"(I) The beneficiary of the account may not be the beneficiary of any other family savings account.

"(2) STOCK, ETC., TO BE VALUED AS OF TRANSFER DATE.—The fair market value of stocks, bonds, and other securities shall be determined as of the date on which transferred to the account. If the date of transfer falls

on a Saturday, Sunday, or public legal holiday, then the fair market value shall be determined by reference to the last preceding trading day on which such stocks, bonds, or securities could have been traded on an established securities market.

"(c) CONTRIBUTION LIMITS.—For purposes of this section—

"(1) IN GENERAL.—The aggregate amount which may be contributed to a family savings account for any taxable year shall not exceed $2,000.

"(2) ROLLOVER CONTRIBUTIONS.—No rollover contribution may be made to a family savings account established on behalf of an individual unless such rollover contribution is a contribution of a distribution or payment out of another family savings account established on behalf of such individual.

"(d) DISTRIBUTION RULES.—For purposes of this title—

"(1) IN GENERAL.—Except in the case of a qualified distribution, the rules of paragraphs (1) and (2) of section 408(d) shall apply to any distribution from a family savings account.

"(2) TREATMENT OF QUALIFIED DISTRIBUTION.—In the case of a qualified distribution from a family savings account—

"(A) the amount of such distribution shall not be includible in gross income; and

"(B) section 72(t) shall not apply.

"(3) QUALIFIED DISTRIBUTION.—For purposes of this subsection, the term 'qualified distribution' means any distribution—

"(A) made on or after the date on which the individual attains age 59½,

"(B) made to a beneficiary (or to the estate of an individual) on or after the death of the individual,

"(C) attributable to the individual becoming disabled (within the meaning of section 72(m)(7)), or

"(D) which is a qualified special purpose distribution (within the meaning of subsection (f)).

"(4) ROLLOVERS.—Paragraph (1) shall not apply to any portion of any payment or distribution which, within 60 days of receipt of such payment or distribution, is paid into a family savings account for the benefit of the individual for whom the account from which such portion is transferred was maintained.

"(5) EXCESS CONTRIBUTIONS RETURNED BEFORE DUE DATE OF RETURN.—Paragraph (1) shall not apply to the distribution of any contribution paid during a taxable year to a family savings account to the extent that such contribution exceeds the amount allowable under subsection (c)(1) if—

"(A) such distribution is received on or before the day prescribed by law (including extensions of time) for filing such individual's return for such taxable year, and

"(B) such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in subparagraph (B) shall be included in the gross income of the individual for the taxable year in which it is received.

"(e) TAX TREATMENT OF ACCOUNTS.—

"(1) CESSATION OF TREATMENT AS ACCOUNT.—

"(A) IN GENERAL.—If during any taxable year of an individual who contributes to a family savings account—

"(i) the requirements of subsection (b)(1) are not met, or

"(ii) such individual engages in any transaction prohibited by section 4975 with respect to the account,

the account shall cease to be a family savings account as of the first day of that taxable year.

"(B) ACCOUNT TREATED AS DISTRIBUTING ALL ITS ASSETS.—In any case in which any account ceases to be a family savings account by reason of subparagraph (A) on the first day of any taxable year, paragraph (1) of subsection (d) shall apply as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

"(2) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year, the individual for whose benefit a family savings account is established uses the account or any portion thereof as security for a loan, the portion so used shall be treated as distributed to that individual.

"(f) QUALIFIED SPECIAL PURPOSE DISTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified special purpose distribution' means—

"(A) a qualified first-time homebuyer distribution, or

"(B) an applicable educational distribution.

"(2) DISTRIBUTIONS USED TO PURCHASE A HOME BY FIRST-TIME HOMEBUYER.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by a first-time homebuyer from a family savings account to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence for such individual.

"(B) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If—

"(i) any amount is paid or distributed from a family savings account to an individual for purposes of being used as provided in subparagraph (A), and

"(ii) by reason of a delay in the acquisition of the residence, such amount cannot be so used,

the amount so paid or distributed may be paid into a family savings account as provided in subsection (d)(4) without regard to the 60-day limit, and, if so paid into such other account, subsection (d)(1) shall not apply to such amount.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) QUALIFIED ACQUISITION COSTS.—The term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(ii) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual had no present ownership interest in a principal residence before the acquisition of the principal residence to which this paragraph applies.

"(iii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iv) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(4) DISTRIBUTIONS FROM FAMILY SAVINGS ACCOUNTS FOR EDUCATIONAL EXPENSES.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'applicable educational distributions' means distributions to an individual to the extent that the amount of such distributions (not otherwise treated as qualified special purpose distributions, determined after application of paragraph (3)) does not exceed the qualified education expenses of the individual for the taxable year.

"(B) QUALIFIED EDUCATION EXPENSES.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'qualified education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(I) the taxpayer,

"(II) the taxpayer's spouse, or

"(III) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

at an educational institution described in section 170(b)(1)(A)(ii).

"(ii) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.

"(g) COMMUNITY PROPERTY LAWS.—This section shall be applied without regard to any community property laws.

"(h) CUSTODIAL ACCOUNTS.—For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in section 408(n)) or another person who demonstrates, to the satisfaction of the Secretary, that—

"(1) the manner in which he will administer the account will be consistent with the requirements of this section, and

"(2) the custodial account would, except for the fact that it is not a trust, constitute a family savings account described in subsection (b).

For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

"(i) REPORTS.—The trustee of a family savings account shall make such reports regarding such account to the Secretary and to the individual for whose benefit the account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations."

(b) TAX ON EXCESS CONTRIBUTIONS.—Section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, and certain individual retirement annuities) is amended—

(1) by inserting "family savings accounts," after "accounts," in the heading of such section,

(2) by redesignating paragraph (2) of subsection (a) as paragraph (3) and by inserting after paragraph (1) the following:

"(2) a family savings account (within the meaning of section 529(b)), or",

(3) by striking out "or" at the end of paragraph (1) of subsection (a), and

(4) by adding at the end thereof the following new subsection:

"(d) EXCESS CONTRIBUTIONS TO FAMILY SAVINGS ACCOUNTS.—For purposes of this section, in the case of a family savings account, the term 'excess contributions' means the amount by which the amount contribut-

ed for the taxable year to the account exceeds the amount allowable under section 529(c)(1) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the family savings account in a distribution to which section 529(d)(5) applies shall be treated as an amount not contributed."

(d) CONTRIBUTION NOT TO BE TREATED AS A GIFT FOR GIFT TAX PURPOSES.—Section 2503 of such Code (relating to taxable gifts) is amended by adding at the end thereof the following new subsection:

"(h) FAMILY SAVINGS ACCOUNTS.—For purposes of subsection (b), any payment made by an individual to a family savings account described in section 529(b) shall not be considered a gift of a future interest in property to the extent that such payment is allowed under section 529."

(e) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(4) SPECIAL RULE FOR FAMILY SAVINGS ACCOUNTS.—An individual for whose benefit a family savings account is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a family savings account by reason of the application of section 529(e) to such account.", and

(2) by inserting ", or a family savings account described in section 529(b)" in subsection (e)(1) after "described in section 408(a)".

(f) FAILURE TO PROVIDE REPORTS ON FAMILY SAVINGS ACCOUNTS.—Section 6693 of such Code (relating to failure to provide reports on individual retirement account or annuities) is amended—

(1) by inserting "or a family savings account" after "annuities" in the heading of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 529(i) to file a report regarding a family savings account at the time and in the manner required by such section shall pay a penalty of $50 for each failure unless it is shown that such failure is due to reasonable cause."

(g) CONFORMING AMENDMENTS.—

(1) The table of parts for subchapter F of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Part VIII. Family savings accounts."

(2) The table of sections for chapter 43 of such Code is amended by striking out the item relating to section 4973 and inserting in lieu thereof the following:

"Sec. 4973. Tax on excess contributions to individual retirement accounts, family savings accounts, certain 403(b) contracts, and certain individual retirement annuities."

(3) The table of sections for subchapter B of chapter 68 of such Code is amended by inserting "or on family savings accounts" after "annuities" in the item relating to section 6693.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.●

By Mr. DASCHLE (for himself and Mr. GRASSLEY):

S. 2024. A bill to provide for the coordination of ground water policy within the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

GROUND WATER POLICY RESEARCH AND EDUCATION COORDINATION ACT

Mr. DASCHLE. Mr. President, today I am introducing legislation to improve the coordination of ground water policy, research and education efforts within USDA. This legislation will create a mechanism that will allow the farm community to become better educated on ground water protection. All facets of our society stand to gain from protection of ground water. Nearly 50 percent of the Nation's population and nearly the entire rural population is dependent on ground water for a source of drinking water.

In my role as chairman for the Subcommittee on Agricultural Research and General Legislation, I am responsible for the composition of the research title of the new farm bill. The legislation that I am introducing today, which is comparable to that previously introduced by the Congressman from Iowa, Mr. GRANDY, addresses many ground water research and extension concerns and can be used in developing a portion of the research title of the 1990 farm bill.

The primary purpose of the bill is to improve the coordination and management of USDA activities dealing with ground water policy, research and education. The bill focuses on ground water issues from an agricultural perspective.

The bill promotes cooperation and management of ground water policy within USDA, and with the States. It recognizes that ground water problems are site specific and that research and education policy must address the needs of individual ground water situations. The bill creates a mechanism for working with existing State programs and provides for improved Federal-State cooperation. The research and extension community, as well as the Soil Conservation Service, are given responsibility for finding solutions to the ground water problems, developing farming methods to reduce ground water pollution, raising awareness among farmers of ground water problems, and educating farmers on measures and practices to prevent ground water contamination.

There are six titles in the bill:

Title 1 Ground water policy in the Department of Agriculture.—This title lists the responsibilities of USDA, creates the Office of Ground Water Policy Coordination and specifies its duties with a Director of Ground Water Policy who will coordinate policy, research and education by the Department.

Improved management of ground water activities in the Department will also be accomplished by the formation of a coordinating committee of interagency heads who are involved in ground water activities. Technical support for ground water policy will be provided by a committee of Department technical experts.

The two committees will assist in developing a USDA "Agency-Specific Ground Water Policy Statement," covering USDA capabilities, jurisdictional problems and areas for research. The Director of Ground Water Policy will coordinate policy recommendations from agency directors into a "National Agricultural Ground Water Plan". This is a comprehensive 5-year plan for managing Department ground water policy, research and education. An annual "Ground Water Activities Report" by the Director, will allow the public to follow the progress of USDA on ground water activities.

Title 2 Coordination with State programs.—This title sets up a mechanism for coordinating activities with the States. A State ground water quality coordinator (within each State extension service) and ground water committees are established to accomplish this goal. The ground water coordinator must coordinate Federal policy with State policy, and with the ground water committee, review the State's nonpoint-source pollution plan (Sec. 319). The coordinator will be the lead official for ground water education.

Title 3 Extension and education.—The emphasis of this title is on education. The Extension Service is directed to improve programs to educate and assist farmers regarding nutrient management and pesticide application, so that programs focus more on ground water management. Programs to educate homeowners on household chemicals, pesticides and fertilizers management are also covered. A national advisory council is established to investigate and report on how to better manage these home products. Home chemicals, fertilizers and pesticides have largely been ignored in other ground water legislation.

Title 4 Soil Conservation Service.—The Soil Conservation Service [SCS] is instructed to work with the Extension Service and the Agricultural Research Service to study how best to implement ground water management practices in conjunction with their soil conservation activities. The bill instructs SCS to devise programs that protect ground water, but do not make production practices unprofitable. Improving management practices for agricultural inputs can reduce farming costs and ground water contamination.

Title 5 Research.—This title lists several technical research projects.

The research community is instructed to design a systems solution to production and ground water protection. The priorities for research are specific and focus on agricultural problems that are associated with ground water contamination. Use of biotechnology techniques and other environmentally benign agricultural chemicals would be high on the list.

Title 6 National Agriculture and Ground Water Clearinghouse.—Establishes a National repository at the National Agriculture Library in Beltsville, MD, for data and information on ground water.

By Mr. HEINZ (for himself, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. DANFORTH, Mr. SYMMS, and Mr. BOREN):

S. 2025. A bill to amend the Internal Revenue Code of 1986 to make permanent certain expiring tax provisions; to the Committee on Finance.

CODIFICATION OF CERTAIN EXPIRING TAX PROVISIONS

Mr. HEINZ. Mr. President, I am introducing a bill for myself and Senators MOYNIHAN, DURENBERGER, DANFORTH, SYMMS and BOREN. This bill addresses one of the major problems we have with the various tax extensions. The bill we are introducing today combines all the extenders into one bill, and makes them all permanent.

The following is a list of the tax provisions, and when they originated:

1. Group legal services, 1976;
2. Employer-provided education assistance, 1978;
3. Targeted jobs tax credit, 1978;
4. Business energy credits, 1978;
5. Mortgage revenue bonds, 1980;
6. Non-conventional fuels production credit, 1980
7. Research and experimentation credit, 1981
8. Research cost allocation rules, 1981
9. Small issue manufacturing bonds, 1982
10. Orphan drug credit, 1983
11. Low income housing credit, 1986; and
12. Health insurance for the self employed, 1986.

All of these tax provisions expire sometime this year. Some expire on September 30, 1990, and the rest expire on December 31, 1990.

Just the expiration dates show how confusing the process for extending these provisions has become. When most of these provisions were enacted, they were set up to expire within a few years—usually between 2 to 5 years. This allowed Congress to reexamine each provision, determine whether each was working, and whether there were abuses. We then made changes as needed, and extended the provision. I would like to point out that each of the above tax provisions has previously expired, some several times, and Congress has reexamined all of them and extended them. We can no longer use the excuse that we need to study the provision to see if it is working properly. We have studied these provisions, we know they work. Yet we have not extended them permanently.

The bill I am introducing today does not change any of the provisions; it simply follows current law. But it makes all 12 of the provisions permanent. It restores certainty and predictability to the law.

Neither employers nor employees can reply on the provisions when they have no idea if we are going to extend them, or modify them one more time.

A telling example is the research and development credit. This credit was designed to encourage research, and to improve our companies productivity and competitiveness in the international marketplace. No one doubts that vigorous research and experimentation is critical to the innovation, technology, and productivity that will assure the United States its position in the world marketplace. The United States was and still is falling behind the rest of the world in research.

Most companies do long-term planning on a 5-year basis. Without a permanent R&D credit, a company cannot realistically make plans. I have talked to numerous corporate executives who advised me that it is impossible for them to do rational long-term planning with regards to research. They cannot take the gamble that Congress might not extend the credit. Its effectiveness has been hampered, since it has always been a temporary measure. While the credit has resulted in increased R&D, its full incentive effect has never been realized because corporate managers have not been able to count on the credits' continued existence as they plan their budgets and research investments. Since 1981, the credit has been changed, reduced and allowed to expire several times. It is clearly time to make the credit permanent.

The same argument can be made for each of the tax provisions. We want States, companies, and individuals to use these credits, but many are reluctant to invest their time and resources on a program that might not be there next year. Even Congress has trouble working with the programs when they are not extended properly.

A case in point is the targeted jobs tax credit [TJTC]. TJTC requires an appropriation for the Labor Department so that they can certify the targeted individuals who qualify for the program. The Appropriations Committee cannot make appropriations for a program that is not currently authorized in the law. Since the program is constantly expiring at the time the Appropriations Committee is marking up the Labor-HHS appropriations bill, the committee can never include a full year of funding for TJTC. As a result, money must be added later, causing a series of headaches for everyone—the Department of Labor, the State employment offices, the companies who have learned to utilize TJTC, and especially the targeted individuals who the program was intended to benefit.

For almost a decade we have extended many of these programs over and over again. We have paid for them with a permanent revenue increase, yet the programs have only been extended temporarily.

One of the major misconceptions about the extenders is that it really does not matter if they expire. We could always extend them next year. It is assumed that the affected taxpayers only need to file an amended return, and for some of the extenders and some of the taxpayers that might be the case. However, the burden to the IRS and the taxpayers is unwarranted, and it violates the first principle of public policy; namely, that decisionmaking should be timely and rational. Our present practice is not only hit or miss on timing, it is irrational in the on-again-off-again signal that it sends.

Employer provided education assistance is a useful remainder of the current and irrational public policymaking system. We have allowed this program to expire in the past on several occasions. Corporations who paid the tuition for their employees did not know whether to withhold on the amounts paid, or hope that Congress would extend the provision before tax filing season.

Most employers with whom I have talked decided to withhold. If Congress had not extended the legislation, the employee would have owed more taxes at the end of the year, taxes that employees had not had withheld, and that they had not counted on paying.

Well, in this instance we finally did extend the provision. Corporations had to adjust everyone's withholding to reflect the change. It was an added burden and expense to all involved and indeed—and this is the worst part—there were employees who had not gone to school because they could not afford the added cost.

Who benefited from Congress' delay and inaction and inconsistency? The answer is, no one benefited, and many people were hurt because employees failed to gain the skills they needed for themselves and for this country. If we are to improve our economic efficiency and ability, we certainly need thos skills.

Mr. President, one of the first questions I suppose anybody asked before sponsoring legislation is, how much is this going to cost? Because of the budget deficit, that is a legitimate question. But when we extend each of these provisions for a 1- or 2-year period over and over, we still have to permanently pay each time. Have we

saved anything? No. We are just being honest about the cost.

So when we talk about honesty in budgeting, let us be really honest and not play this game of on-again/off-again extenders. It is time we were honest about them and time to stop playing the game.

I am attaching at the end of this statement a short explanation of the 12 extenders. After all this time, I doubt if there is anyone in this body who is not familiar with the various tax provisions.

I urge my colleagues to sponsor this legislation, and bring a halt to battle of the extenders.

Mr. President, I ask unanimous consent that a copy of the bill, and a description of the extenders be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 127 of the Internal Revenue Code of 1986 (relating to educational assistance programs) is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(b) CONFORMING AMENDMENT.—Section 7101(a) of the Revenue Reconciliation Act of 1989 is amended by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 2. EMPLOYER-PROVIDED GROUP LEGAL SERVICES.

(a) IN GENERAL.—Section 120 of the Internal Revenue Code of 1986 (relating to group legal services plans) is amended by striking subsection (e) and by redesignating subsection (f) as subsection (e).

(b) CONFORMING AMENDMENT.—Section 7102(a) of the Revenue Reconciliation Act of 1989 is amended by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 3. TARGETED JOBS CREDIT.

(a) IN GENERAL.—Section 51(c) of the Internal Revenue Code of 1986 (defining wages eligible for targeted jobs credit) is amended by striking paragraph (4).

(b) AUTHORIZATION.—Paragraph (2) of section 261(f) of the Economic Recovery Act of 1981 is amended by striking "fiscal year 1982" and all that follows through "necessary" and inserting "each fiscal year such sums as may be necessary".

(c) EFFECTIVE DATES.—

(1) CREDIT.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after September 30, 1990.

(2) AUTHORIZATION.—The amendment made by subsection (b) shall apply to fiscal years beginning after 1990.

SEC. 4. QUALIFIED MORTGAGE BONDS.

(a) IN GENERAL.—Paragraph (1) of section 143(a) of the Internal Revenue Code of 1986 (defining qualified mortgage bond) is amended to read as follows:

"(1) QUALIFIED MORTGAGE BOND DEFINED.—For purposes of this title, the term 'qualified mortgage bond' means a bond which is as issued as part of a qualified mortgage issue."

(b) MORTGAGE CREDIT CERTIFICATES.—Section 25 of the Internal Revenue Code of 1986 (relating to interest on certain home mortgages) is amended by striking subsection (h) and by redesignating subsection (i) as subsection (h).

(c) EFFECTIVE DATE.—

(1) BONDS.—The amendments made by subsection (a) shall apply to bonds issued after September 30, 1990.

(2) CERTIFICATE.—The amendment made by subsection (b) shall apply to elections for periods after September 30, 1990.

SEC. 5. QUALIFIED SMALL ISSUE BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 144(a)(12) of the Internal Revenue Code of 1986 (relating to termination dates) is amended to read as follows:

"(B) EXCEPTION FOR BONDS ISSUED TO FINANCE MANUFACTURING FACILITIES AND FARM PROPERTY.—Subparagraph (A) shall not apply to any bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide—

"(i) any manufacturing facility, or

"(ii) any land or property in accordance with section 147(c)(2)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after September 30, 1990.

SEC. 6. ENERGY INVESTMENT CREDIT FOR SOLAR, GEOTHERMAL, AND OCEAN THERMAL PROPERTY.

The table contained in section 46(b)(2)(A) of the Internal Revenue Code of 1986 (relating to energy percentage) is amended by striking "Sept. 30, 1990" in clauses (viii), (ix), and (x).

SEC. 7. HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Section 162(a) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) CONFORMING AMENDMENT.—Section 7107(a) of the Revenue Reconciliation Act of 1989 is amended by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 8. LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Section 42 of the Internal Revenue Code of 1986 (relating to low-income housing credit) is amended by striking subsection (n).

(b) CONFORMING AMENDMENT.—Section 7108(a) of the Revenue Reconciliation Act of 1989 is amended by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 1989.

SEC. 9. RESEARCH CREDIT.

(a) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking subsection (h).

(b) CONFORMING AMENDMENTS.—

(1) Section 7110(a) of the Revenue Reconciliation Act of 1989 is amended by striking paragraph (2).

(2) Section 28(b)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 10. ALLOCATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

Paragraph (5) of section 864(f) of the Internal Revenue Code of 1986 (relating to allocation of research and experimental expenditures) is amended to read as follows:

"(5) YEARS TO WHICH RULE APPLIES.—This subsection shall apply to taxable years beginning after August 1, 1989."

SEC. 11. EXPENSES FOR DRUGS FOR RARE CONDITIONS.

Section 28 of the Internal Revenue Code of 1986 (relating to clinical testing expenses for certain drugs for rare diseases or conditions) is amended by striking subsection (e).

SEC. 12. CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

Subsection (f) of section 29 of the Internal Revenue Code of 1986 (relating to application of section) is amended—

(1) by striking "and before January 1, 1991" each place it appears in paragraph (a)(A), and

(2) by striking ", and before January 1, 2001" in paragraph (1)(B).

DESCRIPTION OF THE EXTENDERS

1. Group Legal Services.—Amounts contributed by an employer to a qualified group legal services plan for an employee (or the employee's spouse or dependents) are excluded from the employee's gross income for income and employment tax purposes. The exclusion also applies to any services received by an employee or any amounts paid to an employee under such a plan as reimbursement for the cost of legal services for the employee. The exclusion is limited to an annual premium value of $70. Section 120 of the Internal Revenue Code of 1986.

2. Employer-provided Education Assistance.—An employee's gross income and wages for income and employment tax purposes does not include amounts paid or incurred by the employer (up to $5,250 per calendar year) for educational assistance provided to the employee if such amounts were paid or incurred pursuant to an educational assistance program that must meet certain requirement. The provision does not apply to graduate level courses. Section 127 of the Internal Revenue Code of 1986.

3. Targeted Jobs Tax Credits.—A credit of 40% of the first $6,000 of qualified first year wages paid to a member of a targeted group. The maximum credit is generally $2,400. The targeted groups are: (1) vocational rehabilitation referrals; (2) economically disadvantaged youths aged 18 through 22; (3) economically disadvantaged Vietnam-era veterans; (4) Supplemental Security Income (SSI) recipients; (5) general assistance recipients; (6) economically disadvantaged cooperative education students aged 16 through 19; (7) economically disadvantaged former convicts; (8) Aid to Families with Dependent Children (AFDC) recipients and Work Incentive (WIN) registrants; and (9) economically disadvantaged summer youth employees aged 16 or 17.

4. Business Energy Credits.—A nonrefundable energy tax credit is allowed for certain investments in solar property, geothermal property and ocean thermal property. For solar and geothermal properties, the rate of the credit is 10 percent, and the rate of the credit for ocean thermal property is 15%.

5. Mortgage Revenue Bonds.—In general, mortgage revenue bonds qualify for tax-exemption under section 103 of the Code ("qualified mortgage bonds") are bonds the proceeds of which are used (net of costs of issuance and a reasonably required reserved

fund) to finance the purchase, or qualifying rehabilitation or improvement, of single-family, owner-occupied homes located within the jurisdiction of the issuer of the bonds.

6. Nonconventional Fuels Production Credit.—A tax credit is provided for the domestic production and sale of qualified fuels to unrelated persons. The credit is available for production and sale of the following fuels: (1) Oil produced from shale and tar sands; (2) Gas produced from geopressured brine, Devonian shale, coal seams, or a tight formation; (3) Gas produced from biomass, (4) Liquid, Gaseous or solid synthetic fuel (including alcohol) produced from coal (including ignite), including such fuels when used as feedstocks; (5) qualifying processed wood fuels; and (6) Steam from solid agricultural byproducts (not including timber byproducts). The credit equals $3 for each 5.8 million Btu's of energy.

7. Research and Experimentation Credit.—A 20% tax credit is allowed for qualified research expenditures incurred by a taxpayer in carrying on a trade or business. Except for certain university basic research payments, the credit applies only to the extent that the taxpayer's qualified research expenditures for the taxable year exceed the average amount of the taxpayer's yearly qualified research expenditures in the specified base period, which generally is the proceeding three taxable years.

8. Research Cost Allocation Rules.—Detailed rules for allocating and apportioning research and experimental expenses for purposes of computing the foreign tax credit limitation of a U.S. person, as well as for other purposes.

9. Small Issue Manufacturing Bonds.—Interest on certain small issues of private activity bonds are exempt from tax if at least 95% of the bond proceeds are used to finance manufacturing facilities or certain land or property for first-time farmers. Qualified small-issue bonds are issues having an aggregate authorized face amount of $1 million or less. Alternatively, the aggregate face amount of the issue, together with the aggregate amount of certain related capital expenditures during the 6-year period beginning three years before the date of the issue and ending three years after that date, may not exceed $10 million.

10. Orphan Drug Credit.—A tax credit of 50 cents on every dollar spent on rare disease research. Rare disease or condition means any disease or condition which affects less than 200,000 persons in the United States or affects more than 200,000 persons in the U.S. but for which there is no reasonable expectation that the cost of developing and making available in the U.S. a drug for such disease condition will be recovered from sales in the U.S. of such drugs.

11. Low-Income Housing Credit.—A credit is allowed in annual installments over 10 years for qualifying low-income rental housing, which may be newly constructed, substantially rehabilitated, or newly acquired existing residential rental property. Credit allocation is granted by State and local government credit authorities subject to an annual limitation for each State.

12. Health Insurance for the Self-Employed.—Provides a deduction for 25% of the amounts paid for health insurance for a taxable year on behalf of a self-employed individual and the individual's spouse and dependents.

By Mr. SYMMS:

S. 2026. A bill to amend the Internal Revenue Code of 1986 to allow employees to elect to have a percentage of employer and employee Social Security contributions made to a qualified pension plan; to the Committee on Finance.

SOCIAL SECURITY BENEFITS ENHANCEMENT ACT

Mr. SYMMS. Mr. President, constituents are writing us in anger that their Social Security taxes are being used for other purposes than for savings toward their own retirement. They don't really mind pay as we go financing for Social Security, because all of us agree we want to take care of promises made to current beneficiaries and those soon to retire.

But it makes people mad that Social Security taxes are used to conceal the true size of the deficit in other Federal funds accounts. They want real savings.

President Roosevelt and the 74th Congress established Social Security with the "public relations promise" that every American would be paying taxes to save for his or her retirement, and that is what every American today wants: Save the money, don't spend it.

I am introducing legislation today to fulfill the promise of the 74th Congress. The Social Security Benefits Enhancement Act would create a new family savings plan benefit as part of the Social Security system.

The Social Security Benefits Enhancement Act is a marriage of the best ideas from those who say we should cut the Social Security tax and restore pay- as-we-go financing—wedded to the proposal by President Bush to increase our national private savings rate and create family savings plan accounts for every American.

I support both of these great, creative ideas. Let's have honest accounting in Government by cutting the Social Security tax and let's increase the national private savings rate, to enhance retirement benefits.

The Social Security Benefits Enhancement Act would repeal the unnecessary 1988 and 1990 tax increases. Revenues from those tax hikes are only serving to conceal the deficit in the Federal funds accounts by collecting too much currently in the Social Security trust funds.

The Social Security Benefits Enhancement Act would use those surplus funds to increase the private savings rate of every American family, rather than spending it for other Government programs. This is what our constituents want.

Social Security current and future benefits would not be affected—the financing problem facing Social Security 25 years from now will still confront a future Congress, as it does today.

Even today we know some future Congress will have to find a way to redeem the Treasury securities in the OASDI trust funds. Even now, we know that future retirement benefits depend on taxes collected in the very same year benefits are paid out. There is no saving in the public sector; it's a contradiction in terms.

Under the Social Security Benefits Enhancement Act, there will be real savings. The future financing problem for common benefits will be unchanged—but every American family will also have a Social Security family savings plan in addition to currently authorized Social Security benefits.

These SSFSP accounts will make every American family better prepared for retirement, for home ownership, and for financing higher education for their children. Overall benefits are enhanced.

The Social Security Benefits Enhancement Act provides for every employer to establish, as part of his pension plan, a special account to collect the surplus that is today going to the Government for general spending.

Self-employed individuals would be authorized to set up their own savings plan, under proper supervision, and workers whose employers do not participate would have special accounts in the U.S. Treasury.

Every year, the Social Security trustees would calculate how much of the Social Security tax is needed to pay the coming year's benefits, and the surplus—if any—would be authorized to be paid by the employer, instead of to the Treasury, into the Social Security family savings plan accounts that every private pension fund in America would have, and which this proposal would establish.

Federal Government employees already enjoy a thrift savings plan with most of the features I would put in the Social Security Benefits Enhancement Act. I think the average American worker should have the same family savings opportunities as part of his or her retirement pension system as the Federal Government employees enjoy.

I ask unanimous consent for the text of my bill to be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Benefits Enhancement Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. ESTABLISHMENT OF SOCIAL SECURITY FAMILY SAVINGS PLAN.

(a) IN GENERAL.—Part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by adding at the end thereof the following new subpart:

"Subpart E—Social Security Family Savings Plan Accounts

"Sec. 420. Social security family savings plan accounts.

"SEC. 420. SOCIAL SECURITY FAMILY SAVINGS PLAN ACCOUNTS.

"(a) GENERAL RULE.—Any individual subject to the tax imposed by section 1401(a) or 3101(a) may elect to have contributions made on the employee's behalf to—

"(1) a Social Security Family Savings Plan Account (hereinafter in this section referred to as the 'Account') established by the individual's employer under subsection (b)(1), or

"(2) if there is no Account established by the employer, an Account established as provided in subsection (b)(2).

"(b) ESTABLISHMENT OF ACCOUNTS.—For purposes of this section—

"(1) EMPLOYERS.—Each employer maintaining a qualified plan may establish an Account, which shall be maintained as a separate account within such plan.

"(2) GOVERNMENT ACCOUNT.—

"(A) IN GENERAL.—The Commissioner of the Social Security Administration shall establish an Account within the Treasury of the United States.

"(B) ADMINISTRATION.—It shall be the duty of the Commissioner—

"(i) to invest such portion of the Account as is not, in the Commissioner's judgment, required to meet withdrawals,

"(ii) to report each year to the Congress on the financial condition and operation of the Account, and

"(iii) to provide methods for the transfer of the balance in the separate account of an individual to an Account established under paragraph (1) if the individual becomes eligible to participate in such Account.

"(3) SEPARATE ACCOUNTING.—Any Account established under paragraph (1) or (2) shall establish and maintain a separate account for each individual participating in the Account.

"(c) CONTRIBUTIONS TO ACCOUNTS.—

"(1) IN GENERAL.—If an employee elects to have contributions made on the employee's behalf to an Account for any plan year, the employer and employee shall each contribute on behalf of the employee for such plan year an amount equal to the excess FICA contribution.

"(2) CONTRIBUTIONS NONFORFEITABLE.—An employee's right to any contributions on behalf of such employee shall be nonforfeitable.

"(3) EXCESS FICA CONTRIBUTION.—For purposes of this subsection, the term 'excess FICA contribution' means the portion of the tax imposed by section 3101 or 3111, whichever is applicable, on wages received by an employee with respect to employment by the employer during any calendar year ending with or within the plan year as is attributable to the rate of tax under such section in excess of the applicable percentage.

"(4) SPECIAL RULES FOR SELF-EMPLOYED INDIVIDUALS.—In the case of an individual with respect to whom a tax is imposed under section 1401(a)—

"(A) for purposes of subsection (b)(1), an Account may be established in connection with a qualified plan in which such individual is a participant, and

"(B) the excess FICA contribution shall be the portion of the tax imposed by section 1401(a) on the net earnings from self-employment derived from the trade or business with respect to which the qualified plan is established which is attributable to the rate of tax in excess of the applicable percentage.

"(5) APPLICABLE PERCENTAGE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable percentage' means 5.7 percent (11.4 percent in the case of the tax imposed by section 1401(a)).

"(B) ADJUSTMENTS TO REFLECT BALANCE IN TRUST FUNDS.—

"(i) IN GENERAL.—Not later than September 1 of each calendar year beginning after 1990, the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall estimate—

"(I) the expenditures from such trust funds for the next 2 fiscal years, and

"(II) the balance of the trust funds as of the close of the fiscal year in which the estimate is being made.

"(ii) DEFICITS.—If the Board of Trustees under clause (i) estimates that expenditures for the succeeding fiscal year will exceed revenues in the trust funds as of the close of the fiscal year in which the estimate is being made, the Board of Trustees may increase the percentage under subparagraph (A) (but not in excess of the rate of tax under section 3101(a), 3111(a), or 1401(a), whichever is applicable) to the percentage which would increase revenues into the trust funds to an amount not greater than such excess.

"(iii) SURPLUSES.—If the Board of Trustees under clause (i) estimates that revenues in the trust funds as of the close of the fiscal year in which the estimate is being made will exceed expenditures for the 18-month period beginning with the first day of the next fiscal year, the Board of Trustees may decrease the percentage under subparagraph (A) (but not below zero) to the percentage which would decrease revenues to an amount not greater than such excess.

"(C) PERIOD NEW PERCENTAGES IN EFFECT.—Any percentage change under subparagraph (B) shall be in effect for remuneration paid during the calendar year following the calendar year in which the estimate on which it was based was made.

"(d) TIME AND METHOD OF CONTRIBUTIONS.—

"(1) CONTRIBUTIONS BY EMPLOYEE TO AN EMPLOYER ACCOUNT.—An employee may not elect under subsection (a) to have contributions made to an Account established under subsection (b)(1) unless the employee consents to have the employee's contribution collected by the employer from the wages of the employee in the same manner as the tax imposed by section 3101.

"(2) DEPOSITS TO ACCOUNT.—

"(A) EMPLOYER ACCOUNTS.—Employer and employee contributions to an Account established under subsection (b)(1) shall be deposited into the Account at the same time as the taxes imposed by sections 3101, 3111, and 1401 are deposited into the Treasury of the United States.

"(B) GOVERNMENT ACCOUNT.—Employer and employee contributions to an Account established under subsection (b)(2)—

"(i) shall be paid and deposited by the employer at the same time and manner as the taxes deposited by sections 3101, 3111, and 1401, and

"(ii) shall be transferred at least monthly from the general fund of the Treasury to the Account and credited to the employee's separate account.

"(e) TAX TREATMENT OF ACCOUNTS.—

"(1) IN GENERAL.—For purposes of this title, and except as provided in subsection (f), an Account established under subsection (b)(1) shall be treated as a separate profit-sharing plan maintained by the employer.

"(2) PLAN NOT TAKEN IN ACCOUNT IN TESTING OTHER PLANS.—In determining whether any other qualified plan meets any requirement of this title, such plan shall not be aggregated with an Account established under subsection (b)(1).

"(f) DISTRIBUTION RULES.—For purposes of this title—

"(1) IN GENERAL.—Except in the case of a qualified distribution, any distribution from an Account shall be treated in the same manner as a distribution from a qualified plan.

"(2) TREATMENT OF QUALIFIED DISTRIBUTION.—In the case of a qualified distribution from an Account—

"(A) the amount of such distribution shall not be includible in gross income; and

"(B) section 72(t) shall not apply.

"(3) QUALIFIED DISTRIBUTION.—For purposes of this subsection, the term 'qualified distribution' means any distribution—

"(A) made on or after the date on which the individual attains the age used as the retirement age under section 216(l) of the Social Security Act,

"(B) made to a beneficiary (or to the estate of an individual) on or after the death of the individual,

"(C) attributable to the individual becoming disabled (within the meaning of section 72(m)(7)),

"(D) distributions described in section 72(t)(2)(B) (relating to distributions in connection with medical expenses), or

"(E) which is a qualified special purpose distribution (within the meaning of subsection (g)).

"(4) ROLLOVERS.—Paragraph (1) shall not apply to any portion of any payment or distribution which, within 60 days of receipt of such payment or distribution, is paid into another Account for the benefit of the individual for whom the Account from which such portion is transferred was maintained.

"(g) QUALIFIED SPECIAL PURPOSE DISTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified special purpose distribution' means—

"(A) a qualified first-time homebuyer distribution, or

"(B) an applicable higher education distribution.

"(2) DISTRIBUTIONS USED TO PURCHASE A HOME BY FIRST-TIME HOMEBUYER.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by a first-time homebuyer from an Account to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence for such individual.

"(B) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If—

"(i) any amount is paid or distributed from an Account to an individual for purposes of being used as provided in subparagraph (A), and

"(ii) by reason of a delay in the acquisition of the residence, such amount cannot be so used,

the amount so paid or distributed may be paid into an Account as provided in subsection (f)(4) without regard to the 60-day limit, and, if so paid into such other Account, subsection (f)(1) shall not apply to such amount.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) QUALIFIED ACQUISITION COSTS.—The term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(ii) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual had no present ownership interest in a principal residence before the acquisition of the principal residence to which this paragraph applies.

"(iii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iv) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(4) DISTRIBUTIONS FROM ACCOUNTS FOR HIGHER EDUCATION EXPENSES.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'applicable higher education distributions' means distributions to an individual to the extent that the amount of such distributions (not otherwise treated as qualified special purpose distributions, determined after application of paragraph (3)) does not exceed the qualified higher education expenses of the individual for the taxable year.

"(B) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment (other than expenses described in section 135(c)(2)) required for the enrollment or attendance of—

"(I) the taxpayer,

"(II) the taxpayer's spouse, or

"(III) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

at an eligible educational institution (as defined in section 135(c)(3)).

"(ii) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.

"(h) DEFINITION AND SPECIAL RULE.—For purposes of this section—

"(1) QUALIFIED PLAN.—The term 'qualified plan' means—

"(A) a plan described in section 401(a) which includes a trust exempt from tax under section 501(a),

"(B) an annuity plan described in section 403(a), and

"(C) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(2) PLAN YEAR.—In the case of an Account established under subsection (b)(2), the plan year shall be the calendar year.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including, but not limited to—

"(1) regulations providing for rollovers of amounts in an Account in the case of separation from service, and

"(2) regulations coordinating this section with chapters 2 and 21 of this title."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 3. REDUCTION IN SOCIAL SECURITY EMPLOYMENT TAXES.

(a) IN GENERAL.—Subchapter C of chapter 21 is amended by redesignating section 3128 as section 3129 and by inserting after section 3127 the following new section:

"SEC. 3128. COORDINATION WITH SOCIAL SECURITY FAMILY SAVINGS PLAN ACCOUNTS.

"(a) GENERAL RULE.—The amount of the tax imposed by section 3101 or 3111 on any wages shall be reduced by the amount of the employee and employer contributions with respect to such wages to a Social Security Family Savings Plan Account established under section 420.

"(b) CROSS REFERENCE.—For regulations coordinating this chapter with section 420, see section 420(f)(2)."

(b) SELF-EMPLOYMENT TAXES.—

(1) IN GENERAL.—Section 1401 is amended by adding at the end thereof the following new subsection:

"(e) COORDINATION WITH SOCIAL SECURITY FAMILY SAVINGS PLAN ACCOUNT.—The amount of the tax imposed by section 1401(a) on the self-employment income of any individual shall be reduced by the amount of the contributions with respect to such income to a Social Security Family Savings Plan Account established under section 420."

(2) CROSS REFERENCE.—Section 1403(b) is amended by adding at the end thereof the following new paragraph:

"(4) For regulations coordinating this chapter with section 420, see section 420(f)(2)."

(c) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 21 is amended by striking out the item relating to section 3128 and inserting in lieu thereof the following new items:

"Sec. 3128. Coordination with social security supplemental personal savings plan accounts.

"Sec. 3129. Short title."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration paid after the date of the enactment of this Act.

By Mr. BIDEN (for himself, Mr. THURMOND, Mr. HEFLIN, Mr. KOHL, Mr. SPECTER, Mr. SIMON, and Mr. METZENBAUM):

S. 2027. A bill to require certain procedural changes in U.S. district courts in order to promote the just, speedy and inexpensive determination of civil actions, and for other purposes; to the Committee on the Judiciary.

CIVIL JUSTICE REFORM ACT

● Mr. BIDEN. Mr. President, I rise today to introduce the Civil Justice Reform Act of 1990. I believe that this comprehensive legislation will go a long way toward reducing the escalating costs and excessive delays that characterize so much of the civil litigation conducted today in our Nation's Federal courts. And if costs and delays are reduced, we will have succeeded in securing for all of our citizens the right to have their civil disputes resolved in a just, speedy, and inexpensive manner.

I am pleased to be joined in introducing this legislation by my very good friend and distinguished colleague and the ranking minority member of the Judiciary Committee, Senator THURMOND. I am also pleased that Senator HEFLIN, the distinguished chairman of the Judiciary Committee's Courts Subcommittee, as well as several other members of the Judiciary Committee, are joining me in its cosponsorship. I appreciate their support and the time they have already devoted to this important subject.

I am also pleased that Congressmen BROOKS and FISH, the chairman and ranking minority member of the House Judiciary Committee, and Congressmen KASTENMEIER, and MOORHEAD, the chairman and ranking minority member of the Courts Subcommittee, are introducing a companion to this bill in the House today. I very much appreciate their interest in and sponsorship of this legislation, and I look forward to working closely with them.

It is a rare occasion, as may colleagues know, for the chairmen and ranking minority members of the Senate and House Judiciary Committees to join in introducing legislation of this kind. Our joining together attests, in my view, to the severity of the problem of litigation costs and delays, and to the critical need for the reform measures proposed in the Civil Justice Reform Act of 1990.

Litigation costs and delays may, to some, be a curious subject of legislation. After all, litigation costs and delays are not problems we read about on the front pages of our newspapers; they don't dominate our news shows or television documentaries; they aren't the problems discussed day-in and day-out in the halls and meeting rooms of Congress and our State legislatures. But that doesn't mean that litigation costs and delays aren't real problems in need of real solutions:

Talk to the elderly woman seeking to recover her life savings in a simple Federal diversity case;

Speak with the young professional seeking damages because she was the victim of sex discrimination by her boss;

Spend some time with our Nation's CEO's and general counsels—whether they run a Fortune 100 corporation in Manhattan or Chicago, or a small family-owned business in Dover, DE; and

Talk to a member of the insurance industry, or, for that matter, talk to a claimant suing an insurance company.

What will all these conversations have in common, Mr. President? If they're like the ones I've had during the past several years, you'll hear one common theme over and over: My case costs too much money and takes too much time to resolve. Or, even worse, you'll hear from some people that they never even got into court in the first place, because they just couldn't afford to bring their case or run the risk if they did bring it that it would drag on for years as costs skyrocketed.

Mr. President, a survey of more than 2,000 Americans in 1987 showed that 71 percent believe that the overall cost of lawsuits is too high, and that 57 percent believe that the system fails to provide resolution of disputes without delay.

Quite simply, the civil justice system as we know it today is not fulfilling its basic objections of providing the "just, speedy and inexpensive" resolution of disputes. As Judge Jon Newman has written:

> Whether we have too many cases or too few, or even, miraculously, precisely the right number, there can be little doubt that the system is not working very well. Too many cases take too much time to be resolved and impose too much cost upon litigants and taxpayers alike. [Newman, "Rethinking Fairness:" Yale L. J. 1643 (1984).]

And as an American Bar Association task force put it:

> In a word, the public's perception is that excessive costs and delay render the law and lawyers incapable of performing the basic services for which they exist." [American Bar Association, Defeating Delay, Developing and Implementing a Court Delay Reduction Program (1986), at xiii.]

High litigation costs and excessive court delays, as one litigator has put it, "burden everyone and serve no one"—rich or poor, individual or corporation, plaintiff or defendant.

When it comes to the poor and middle class of this country, the courthouse door is rapidly being slammed shut. Many simply cannot afford to enter our current system or, if they can enter it, to afford to stay in. Quite simply, the system is operating in such a way that many people have found they are unable to make effective use of the courts to vindicate their legal rights. Meanwhile, many others who are in the system are often compelled by high costs and delays to settle early for less than adequate amounts. Former judge Marvin Frankel put it well when he said:

> The colossal problem of paying for lawyers and lawsuits * * * is, in the last analysis, at the heart of the evil of unequal justice. [Frankel, "Partisan Justice" (1980), at 102.]

A recent survey conducted by Louis Harris and Associates asked more than one thousand everyday participants in the civil justice system—private litigators representing plaintiffs and defendants, "public interest" litigators, corporate counsel and Federal trial judges—whether the high cost of civil litigation unreasonably impedes access to the courts by the ordinary citizen. Of the total respondents surveyed, strong majorities of each group said "yes"—use of the system by the ordinary citizen *is* impeded. Of the corporate general counsels, 67 percent said that access by the ordinary citizen is impeded.

These same respondents were asked whether, considering the legal resources of small and large interests, the civil justice system fairly balances those interests. Again, majorities of every group said that the system gives an unfair advantage to large interests.

The cold, hard fact is that the high price of litigating even simple cases is squeezing middle America out of the civil justice system. Although I'm sure we'll debate certain aspects of this legislation, there can be little disagreement at all about the effect of litigation costs on the average American's ability to afford a legal remedy. There are simply too many cases in which litigation costs are staggering.

The implications to America's future of these questions of access to the courts are obvious. Judge Learned Hand warned us decades ago that "If we are to keep our democracy, there must be one commandment: Thou shall not ration justice."

American businesses also suffer under heavy weight of high litigation costs. Our businesses spend too much on legal expenses at a time when they are confronted with increasingly intense international competition. Litigation results in lost business opportunities; it leads to the destruction of business relationships; and it requires a substantial investment of executive time—time and resources that could otherwise be devoted to productive business endeavors. More and more resources are diverted from the essential functions of making better products and delivering quality services at the lowest possible cost. In short, the burden of litigation costs—not liability or settlement outcomes, but the *costs of litigation*—cuts dramatically into the corporate bottom line.

The high cost of litigation is not the only problem that plagues the civil justice system. Delay, too, haunts the system. Indeed, delays throughout the course of litigation not only often inure to the benefit of one side over another, but also increase court backlog, inhabit the full and accurate determination of the facts, interfere with the deliberate and prompt disposition and adjudication of cases, and thereby contribute to high litigation transaction costs.

As one court put it more than a decade ago, delay—

> postpones the rectification of wrong and the vindication of the unjustly accused. It crowds the dockets of courts, increasing the costs for all litigants, pressuring judges to take shortcuts, interfering with the prompt disposition of those cases in which all parties are diligent and prepared for trial, and overhanging the entire process with the pall of disorganization and insolubility. But even these are not the worst of what delay does. The most erratic gear in the justice machinery is at the place of fact finding, and possibilities for error multiply rapidly as time elapses between the original fact and judicial determination. [*Southern Pacific Transportation Co.* v. *Stoot*, 530 S.W. 2d 930 (1975).]

Ten years ago, Justice Lewis F. Powell, Jr. foresaw the problems we are witnessing today. Dissenting from the 1980 amendments to the Federal discovery rules promulgated by the Supreme Court, Justice Powell criticized them as "inadequate" and expressed concern that real reform would be delayed for years by what he described as "tinkering" changes. He warned that without substantial change, the rules will "continue to deny justice to those least able to bear the burdens of delay, escalating legal fees and rising court costs." [446 U.S. 997, 998, 1000-1001 (1980) (Powell J., dissenting).]

Justice Powell's words were prophetic. High costs and excessive delay do combine to deny justice. They do combine to forestall the deliberate and prompt adjudication of disputes. And they do combine to ration commodities that a democracy should never ration—fairness, justice and access to the courts. Justice Powell's conclusion—that "litigation costs have become intolerable, and they cast a lengthening shadow over the basic fairness of our legal system" [446 U.S. at 1000]—is one I share.

That is why, Mr. President, I began approximately 18 months ago to look seriously at these problems and to try to develop some comprehensive, long-range and consensual solutions. As part of that analysis, I asked the Brookings Institution to convene a task force of authorities from throughout the United States to develop a set of recommendations to alleviate the problems of excessive cost and delay. The task force that eventually gathered at Brookings comprised leading litigators from the plaintiffs' and defense bar, civil and women's rights lawyers, attorneys representing consumer and environmental organizations, representatives of the insurance industry, general counsels of major corporations, former judges and law professors.

After several all-day meetings and thorough discussion and debate, the task force developed a comprehensive set of consensus recommendations. Those consensus recommendations are reflected in the task force's report, "Justice For All. Reducing Costs and Delay in Civil Litigation." I commend this report to anyone who is interested in improving our civil justice system. The legislation that I, Senator THUR-

MOND and others are introducing today is based, in large part, on the task force's recommendations.

In introducing this legislation, Mr. President, I don't claim that it offers a "quick fix" or that it is the "Holy Grail" of civil litigation reform. In fact, many of the key elements of the legislation have been advanced before by other groups and experts who have studied our civil justice system. In the past decade, numerous individuals and groups have carefully examined the discovery process, the management of cases by judges, the courts' adjudicatory role and a host of other important civil justice issues. The American Bar Association, the Association of Trial Lawyers of America, the American Law Institute, Senators HEFLIN and GRASSLEY and Congressmen KASTENMEIER and MOOREHEAD, to name just a few, have all made important contributions to improving the efficiency of the civil justice system while maintaining the essential requirements of justice, fairness and due process and preserving our commitment to the adversarial ideal.

My legislation builds upon these efforts, and combines what I and the many experts who gathered at Brookings believe to be the essential ingredients for a comprehensive program for change. In my view, we have the two critical elements of any successful reform program: good ideas, and widespread support for those ideas.

Mr. President, the recommendations on which this legislation is largely based have the strong and active support of many key participants in the civil justice system—people with intimate knowledge of the problems and keen insights into the solution.

Commenting on the recommendations advanced in the Brookings Task Force report, the Consumer Federation, for example, said:

> This is the only reform proposal presented to the Congress that would clean up our judicial system without denying the public essential legal rights. If Congress and the legal community implement the task force's civil justice reforms, legal costs will fall significantly and justice will be expedited in federal courts.

In addition, the Association of Trial Lawyers of America said that the procedural recommendations would "fairly and in a balanced manner expedite the resolution of civil claims and, in a balanced manner reduce the costs of reaching fair and just solutions for all parties to civil litigation."

Similarly, Marcia Greenberger, managing attorney for the National Women's Law Center, said:

> The Task Force's report is an effort to avert * * * a growing danger that unless we control the length of time and expense involved when turning to the courts, our justice system will burden everyone and serve no one * * *. [The report] suggests a series of steps which could facilitate the more efficient operation of the federal civil courts.

The business community also strongly supported the Brookings task force recommendations and the need for legislation to implement those recommendations. For example, The Business Roundtable said:

> The civil litigation report * * * takes a major step toward reform of civil litigation in the United States. * * * Once implemented, this proposal will profoundly affect civil litigation within the * * * Federal court system. * * *

Added Frank McFadden, chairman of the American Corporate Counsel Association and former chief judge of the U.S. District Court for the District of Alabama:

> I heartily endorse these proposals and hope that the Congress and the courts will make every effort to implement those recommendations to create a better system of justice for the citizens of this country.

Similarly, the American Insurance Association said that the Brookings task force recommendations make "significant progress in achieving our shared goals. It attacks some of the major sources of run-away legal costs, including excessive or abusive discovery, [and] the need for active judicial case management. * * * We hope that the * * * recommendations will speedily be enacted into law. * * *"

It should come as no surprise to any member of this body that these and other individuals and groups who were part of the Brookings task force usually disagree on legal and policy matters. Importantly, however, when it comes to the condition of our civil justice system and on the means of improving it, they find common ground.

We have, then, a window of opportunity to implement truly meaningful change in the civil justice system—change that will reduce costs and delays and that will improve access to the courts and the overall fairness of the system.

Before highlighting some of the legislation's specific provisions, I want to identify and discuss four cornerstone principles upon which the legislation is built:

First, the principle that reform must come from the "bottom up" through the development and implementation in each U.S. district court of "Civil Justice Expense and Delay Reduction Plans";

Second, the principle that every district court should develop and implement a system of "Differentiated Case Management," or case tracking;

Third, the principle that judicial case management should be applied in all Federal district courts; and

Fourth, the principle that courts need adequate funding to do the job our citizens rightly expect of them.

I. REFORM FROM THE BOTTON UP

The legislation I introduce today is based on the principle that reform must come from the "bottom up"—that is, from those who must live with the civil justice system on a regular basis. This principle is implemented in two significant ways.

First, the Civil Justice Reform Act of 1990 directs that within 12 months of enactment, each Federal district court must develop a "Civil Justice Expense and Delay Reduction Plan." The plans are to be developed by a planning group or similar advisory committee that will be convened in each district with membership from the bench, the public, and the bar. Each planning group will be chaired by the chief judge of the district court. Since court personnel will play an important role in the development of the plans, the district court clerk must also be a member of the planning group.

This broad membership will ensure that the public, the court, and the litigating community share in the development of the plans. I agree with the view of the Brookings task force that—

> the wide participation of those who use and are involved in the court system in each district will not only maximize the prospects that workable plans will be developed, but will also stimulate a much-needed dialogue between the bench, the bar, and client communities about methods for streamlining litigation practice.

Second, while section 471(b) of the bill identifies the core elements that must be included in each district court plan, each district is authorized to determine, through its planning group, how to apply those core elements in light of its particular needs and demands. Thus, Congress shapes each plan according to certain well-defined and uniformly applied parameters, and the districts then exercise their best judgment in carefully molding the plans to reflect their own image.

II. DIFFERENTIATED CASE MANAGEMENT

The centerpiece of the district court plans is a system of "Differentiated Case Management," or "DCM." Section 471(b)(1) directs the inclusion of such a system in every district court plan.

Differentiated Case Management is a program for court supervision of case progress that is designed to:

Make an early assessment of each case filed in terms of the nature and extent of judicial and other system resources required for preparation and disposition of the case;

Assign cases on this basis to appropriate processing paths that operate under distinct and explicit rules and procedures;

Apply the necessary level of court supervision and resources to each case consistent with its management requirements;

Establish appropriate monitoring mechanisms to track case progress and assure observance of deadlines for completion of case events; and

Assure the expeditious processing of each case by counsel and judicial system officials in accordance with the tasks required. [Program Announcement, "National Differentiated Case Management Program," at 1.]

A DCM system, therefore, combines three core concepts. First, it is "event-oriented," so that certain events in each litigation are viewed as important benchmarks in ascertaining case progress. Second, it controls the periods of time between case events and incorporates methods to supervise and control those intervals in order to make them more predictable. Third, it recognizes that while cases may be classified by broad definitions, each case is unique; thus, procedures are accommodated to fit the characteristics of each case. As Robert Lipscher, administrative director of the New Jersey courts and a leading expert in this area, has said, DCM is "a case management system where judges and case management teams employ multiple tracks to accommodate the special procedural and managerial requirements of different case types." [Speech of Robert D. Lipscher, May 3, 1988, at 2-3.]

On an informal basis, differentiated case management is already being utilized in some Federal district courts. Judges use their existing authority to manage their docket on a case-by-case basis, with procedures tailored to particular cases. I commend the district court judges who have exercised their authority in this fashion. In my view, in the view of the task force of authorities who prepared the Brookings report and in the view of other system experts, the time has come to formalize and regularize DCM concepts by channeling cases according to their needs and probable litigation "careers" to differentiated procedural treatments.

DCM, then, is a nonmechanistic approach to case processing. There is less reliance, in the words of Maurice Rosenberg, professor of law at Columbia University and a leading advocate of case tracking, "on a single set of monolithic rules of universal applicability." [Rosenberg, "Federal Rules of Civil Procedure in Action: Assessing Their Impact," 137 U. Pa. L. Rev. 2197, 2210 (1989).] Instead, as sections 471 (b)(1) and (b)(2) make clear, cases will be considered individually according to their relative complexity, anticipated trial length, anticipated need for judicial supervision and time required for discovery and preparation. Cases will then be assigned to appropriate processing tracks that correspond to their management and adjudicatory needs, with each track having specially tailored procedures and time standards.

Courts that have implemented case tracking systems generally use three tracks. Track One is for "expedited" cases and is designed to accommodate the special needs of cases that can be processed quickly because, in part, they will involve minimal pretrial discovery and other pretrial proceedings and will require little or no judicial intervention. Track Two is for "complex" cases and is designed to accomodate cases whose timely disposition is likely to require more intensive judicial intervention and control. Track Three is for "standard" cases—cases that do not fall into the other two categories. Under DCM, "[c]adillac-style procedures," in Professor Rosenberg's words, will no longer be used to process "bicycle-size lawsuits." [Rosenberg, "The Federal Civil Rules After Half a Century," 36 Maine L. Rev. 242, 247 (1984).]

As the legislation introduced today makes clear, implementation of a case tracking system involves time standards. As set forth in sections 471 (b)(1)(B) and (b)(6) each DCM system adopted by the district courts must assign cases to appropriate tracks that operate under distinct time frames for the completion of discovery, for the preparation and adjudication of motions and for trial. Judges would apply these time frames in the "typical" case falling within each track. The legislation allows each district, through the planning group mechanism, to develop the time standards that best suit its caseload and docket demands.

The DCM system that has been implemented in Bergen County, NJ, establishes general timeframes as follows: For expedited cases, discovery should be completed within 100 days and the case disposed of within 6 months; for standard cases, discovery should be completed within 200 days and the case disposed of within 12 months; for complex cases, the time frames for discovery and for case disposition are subject to the discretion of the individual judge.

Time standards, implemented as part of an overall case management system, have been identified in extensive research as an important means for reducing litigation costs and delays. For example, a recent study by the National Center for State Courts found that while time standards are—

not a panacea. * * * They can be an important part of a comprehensive program to reduce or prevent delays. First, they express an important concept: that timely disposition of the courts' business is a responsibility of the judiciary. Second, they provide goals for the court and the participants in the litigation process to seek to achieve, both in managing their total caseloads and in handling their individual cases. Third, they can lead directly to the development of systems for monitoring caseload status and the progress of individual cases, as participants in the process seek to manage their dockets more effectively in order to achieve their goals." [Mahoney, et al., Changing Times in Trial Courts (National Center for State Courts, 1988), at 63.]

A 1981 Government Accounting Office report is consistent with these findings. After reviewing 782 files on cases that took a year or more to terminate in nine Federal district courts, the GAO found the establishment of time standards for different stages of the cases to be the critical factor in effective case management. [Government Accounting Office, Better Management Can Ease Federal Civil Case Backlog (1981), at i.]

The adoption of time standards does not mean that speed will have somehow displaced justice as the primary judicial goal in the adjudication of cases. Quite the contrary—justice remains the primary judicial goal, with courts encouraged to take a more proactive role in guarding against unnecessary or excessive costs and delays. The case processing time standards to be established by each district will serve as guides for the disposition of cases, with the understanding that the plan will have sufficient flexibility [see Sections 471 (b)(5) and (b)(6)] to accommodate different problems that may arise from time to time in litigation.

Case tracking, both in theory and in practice, has received strong and widespread support.

The Harris survey of more than 1,000 participants in the civil justice system showed remarkably strong support for case tracking: 90 percent of plaintiff's and defense litigators, 89 percent of public interest litigators, 87 percent of corporate general counsel and 78 percent of the federal trial judges surveyed support it.

Furthermore, in its December 22, 1989 Tentative Recommendations, the Federal Courts Study Committee encouraged tracking cases by level of complexity.

Finally, a survey of lawyers who had participated in the DCM system in Bergen County indicated their strong support. The survey showed that 93.5 percent believed that the track assignments had been appropriate; more than 70 percent felt that the discovery periods developed for the three tracks were appropriate; more than half noted that monitoring of discovery deadlines enhanced the probability of timely case dispositions, a response that was consistent across all three tracks; and 54 percent felt that DCM substantially raised their expectations of reaching trial and having their cases disposed of within the week of the trial date.

Some may be critical of DCM because, in their view, it sacrifices quality for quantity—justice for efficiency. Nothing could be further from the truth. DCM has several qualitative aspects, including customized procedures for case categories; consensus development to the extent possible on the elements of the case plan—among the court and the attorneys; facilitating access to the court in a timely manner to resolve problems that develop; and increased judicial time for the adjudication of pending issues. DCM ensures that the unique characteristics of each case are recognized and respected. In sum, DCM has great potential to en-

hance the quality of justice through greater individual attention to cases from the time they are filed until their final adjudication or other disposition.

DCM also improves over-all system fairness. In some courts, cases are heard according to the bakery shop concept, as one court administrator puts it, of first in, first out. Each case is given a docket number when it is filed, and called to trial based on that number sequence without regard to the nature of the case and its demand for court time. As a result, cases that need only a short hearing are held up behind more complicated matters, solely because they were filed after the complex case. In contrast, under DCM system, cases that have little discovery and require little judicial intervention will get expedited treatment—not short treatment, but expedited treatment—and the parties will not have to wait simply because their docket number is lower than a more complex case. This means that the current logjam in many courts can be unplugged, with more cases being freed up for earlier disposition.

III. JUDICIAL CASE MANAGEMENT

During the last two decades, we have seem major developments in the field known as judicial case management. As the number of cases has increased and the cases themselves have become increasingly complex, judges, court administrators and civil justice system experts have recognized the importance of courts exercising early, active and continuous control over case progress. Indeed, as the Supreme Court recently said in an opinion by Justice Kennedy:

One of the most significant insights that skilled trial judges have gained in recent years is the wisdom and necessity for early judicial intervention in the management of litigation. [*Hoffman-La Roche Inc.* v. *Sperling*, 58 U.S.L.W. 4063, 4074 (Dec. 11, 1989).]

As early as the late 1970s, studies demonstrated the importance of exercising early and active judicial control over cases. The Federal Judicial Center, for example, studied the median disposition times of six urban trial courts. The primary finding was that greater and earlier judicial control over civil cases yields faster rates of disposition. The courts with the least amount of delay characteristically kept stricter control of the case by precise scheduling of the discovery cut-off date and other deadlines. The study concluded:

We found that a court can handle its caseload rapidly only if it takes the initiative to require lawyers to complete their work in a timely fashion. [Federal Judicial Center, *Case Management and Court Management in United States District Courts* (1977), at 17.]

A recent study of 26 urban trial courts by the National Center for State Courts also indicated that early and continuous control over case events was the best predictor of faster case processing times. Indeed, there is now a substantial body of data to support the notion that judicially imposed controls on the progression of even modest-sized cases can measurably improve efficiency without sacrificing the quality of justice rendered.

Some argue that judicial case management is inconsistent with our nations of due process and the proper functioning of the adversarial system. They urge the courts to maintain a "laissez faire" attitude, and argue that lawyers—not the court—should control the pace and conduct of litigation.

I reject this laissez-faire approach. I would argue that the movement toward greater judicial oversight is an attempt to preserve notions of fairness and maintain the adversary ideal. As Judge Robert F. Peckham, Chief Judge of the U.S. District Court for the Northern District of California, has said:

Case supervision is not a fundamental departure from the adversarial model but rather a modification that facilitates its meaningful operation. It does not detract from lawyers' traditional function, but instead assists attorneys in planning the efficient progress of lawsuits. [Peckham, "A Judicial Response to the Cost of Litigation: Case Management, Two-Stage Discovery Planning and Alternative Dispute Resolution," 37 *Rutgers L. Rev.* 253, 265 (1985).]

Judge Alvin B. Rubin, a circuit court judge on the U.S. Court of Appeals for the Fifth Circuit, has offered a compelling statement of why judicial case management is both appropriate and necessary:

The judicial role is not a passive one. A purely adversarial system, uncontrolled by the judiciary, is not an automatic guarantee that justice will be done. It is impossible to consider seriously the vital elements of a fair trial without considering that it is the duty of the judge, and the judge alone, as the sole representative of the public interest, to step in at any stage of the litigation where his intervention is necessary in the interests of justice. Judge Learned Hand wrote, '[a] judge is more than a moderator; he is charged to see that the law is properly administered, and it is a duty which he cannot discharge by remaining inert.' [Rubin, "The Managed Calendar: Some Pragmatic Suggestions About Achieving the Just, Speedy and Inexpensive Determination of Civil Cases in Federal Courts," 4 *Just. Sys. J.* 135, 136 (1979).]

And as Judge Peckham has concluded:

Judges cannot remain safely on their remote pedestal but must work with attorneys to place reason and civility before contentiousness and resistance. . . . [T]he cause of justice can no longer be served by a laissez faire judicial model. Our controlled inaction is an affirmative choice, an abdication of our responsibility to use our power to assist in restoring the health of our system. . . . [W]e cannot remain blind to the fact that the court's traditional remoteness contributes to the devasting abuses which threaten to subvert our system of due process.—[Peckham, 37 *Rutgers L. Rev.* at 266.]

While the principle of judicial case management runs throughout the legislation I'm introducing today, it is perhaps most apparent in Section 471(b)(3). That section directs each district to include as an element of its plan a discovery-case management conference in all cases except those assigned to the track designated for expedited litigation. Most important, this conference will ensure that all of our Federal district courts conduct an early examination of the case, focus the key issues and fix key dates that will enable him or her to monitor the pace of the case's development. The judge should explain to counsel the devices he or she intends to use to monitor the action and the long-range plan for monitoring case development. Section 471(b)(3) identifies in detail the range of issues that should be addressed at the discovery-case management conference.

For cases assigned to the track designated for complex litigation, the plan should require the court to build into its management plan at the outset a structured, regular procedure for monitoring intermediate case events and for narrowing and refining outstanding issues.

A central objective of the mandatory discovery-case management conference is to minimize discovery costs. Delineating the issues at an early stage of the litigation will minimize such costs, since the parties can then be steered away from aimless or redundant discovery. More than a decade ago, Judge William W. Schwarzer, of the U.S. District Court for the Northern District of California, has commented on the importance of a compulsory status conference, which, by setting discovery guidelines tailored to the case, can reduce subsequent discovery disputes and piecemeal motions to compel or for protective orders, and tend to nip in the bud any notion by a party to wage an attrition campaign using discovery as a weapon." [Schwarzer, "Managing Civil Litigation: The Trial Judge's Role," 61 *Judicature* 400, 407 (1978).]

The mandatory discovery-case management conference can also help the parties focus on possible grounds for dismissal or summary judgment. If it seems that motions are probable, the court should set dates and briefing schedules.

Judged Peckham has highlighted certain intangible benefits of the early conference. He has found that the conference itself warns the lawyers that they have a vigilant judge. It also gives a judge a feel for the case and for the lawyers. In the end, since this conference will often be the first contact between the court and the attorneys, the judge can use his consider-

able influence to set the tone of the relationship in which he and the attorneys are likely to be engaged for the duration of the litigation. [Peckham, "The Federal Judge as a Case Manager: The New Role in Guiding a Case from Filing to Disposition," 69 *Calif. L. Rev.* 770, 782 (1981).]

Some might argue that these conferences will themselves be costly, particularly in terms of judicial time they will require. This concern, in my view, is unfounded. Indeed, the best answer to it is provided by Judge Peckham, chief judge to one of our nation's busiest courts. Judge Peckham estimated that a judge could "easily conduct all status conferences for a full caseload in 1 day per month and certainly in no more than 2." As he put it, "[t]his is very little time to expend in facilitating the prompt and fair disposition of cases. [Peckham, 37 *Rutgers L. Rev.* at 267.]

Finally, the legislation provides that the judge, and not a magistrate, preside over the discovery-case management conference. Given the importance assigned to and the range of decisions to be made at the conference under this legislation, it should be conducted by an Article III judge. Furthermore, the conference may lose some of its significance in the minds of the attorneys if presided over by a magistrate, since the unfortunate fact is that many attorneys seem to be far more willing to take frivolous positions before a magistrate than they would be to take the same positions before the judge who will try the case. Furthermore, magistrates may themselves be more reluctant than judges to frame the contours of the litigation, limit discovery, establish a date certain briefing schedule and address the full panoply of discovery-case management conference issues.

IV. ADEQUATE FUNDING

There's no doubt that for the courts to do the job our citizens rightly expect of them and for this legislation to be successful, additional funding is necessary. Some funds must be appropriated to the Federal district courts to carry out the initial phases of planning and implementation of the civil justice expense and delay reduction plans. Furthermore, a differentiated case management system is very information-intensive. To be effective, therefore, it needs some form of automated support. Automation is necessary to provide information on: First, case categorization; second, case tracking through all events and processing stages in each track; third, reporting to provide *operational* support to court personnel; fourth, communications, particularly between the court and attorneys and litigants; fifth, scheduling with some degree of sophistication to monitor court resources and maximize their utilization; and sixth, statistical and exception reports for monitoring and evaluation.

The Federal Judicial Center is also assigned new tasks under the bill, and it will require some modest amount of additional funds to carry them out.

Section 479 of the bill mandates the expansion of training of district court judges, magistrates and key court personnel in the techniques of case management. While some funding is already provided for training, some modest increase will be necessary to pay for this all-important additional training.

To fund these and other aspects of the legislation, a total of $16,000,000 is authorized.

In the rest of my statement, I intend to highlight some other key parameters within which the district plans must be adopted. As I noted earlier, I believe that the legislation provides a degree of national uniformity while leaving sufficient flexibility to the district courts to respond to their particular needs.

Setting Early, Firm Trial Dates. The legislation directs that each district's plan include a requirement for setting early, firm trial dates at the mandatory discovery-case management conference or, if no such conference is held, in the discovery-case management order. For cases assigned to the track designated for complex litigation, it is suggested that the court, to the maximum extent possible, give the parties an idea at the outset of the litigation how soon after discovery is completed that the trial will occur, and courts are directed to set the trial date no later than 120 days before the discovery cut-off date.

Several experts and substantial data indicate that setting early, firm trial dates is one of the most effective tools in case management. In Professor E. Donald Elliott's words:

> Perhaps the most important single element of effective managerial judging is to set a firm trial date. . . . This creates incentives for attorneys to establish priorities and 'narrow the areas of inquiry and advocacy to those they believe are truly relevant and material' and to 'reduce the amount of resources invested in litigation.' [Elliott, "Managerial Judging and the Evolution of Procedure," 53 *U. Chi. L. Rev.* 306, 313, 314 (1986).]

Similarly, Wayne Brazil, currently a magistrate in the U.S. District Court for the Northern District of California and one of the leading court reform experts, reported in 1981 that—

> data produced by our interviews and by other studies indicate that fixing early and firm dates *for the completion of trial preparation and for the trial itself* is probably the single most effective device thus far developed for encouraging prompt and well-focused case development." [Brazil, "Improving Judicial Controls over the Pretrial Development of Civil Actions: Model Rules for Case Management and Sanctions, "American Bar Foundation Journal" (1981) 873, 917 (emphasis added).]

A recent study of 26 urban trial courts by the National Center for State Courts found that a firm trial date policy is related to faster case processing times. [National Center for State Courts, *Examining Court Delay. The Pace of Litigation in 26 Urban Trial Courts* (1989), at 32-34.]

An American Bar Association task force on litigation costs and delay concluded that a firm trial date is an absolutely vital feature of any case management system. The task force identified five reasons "why judges, lawyers and academics agree on this concept:

> Settlement probabilities are increased dramatically when enforced early evaluation devices are backed by a certain trial date;
>
> Where the court requires counsel to adhere to schedules for the completion of events, credibility is enhanced when the court also complies with time deadlines;
>
> No attorney wants or will assemble a cast of witnesses and parties only to be frustrated when the trial does not begin when scheduled; and
>
> A firm trial date is cost-effective for the trial attorney because it allows efficient and predictable scheduling of the only commodity the attorney has to sell—time. [American Bar Association, *Defeating Delay, Developing and Implementing a Court Delay Reduction Program* (1986) at 39.]—

The Harris survey of more than 1,000 participants in the civil justice system also found strong support for scheduling early and firm trial dates: 79 percent of the plaintiffs' litigators, 76 percent of defendants' and public interest litigators, 85 percent of the corporate counsel and 89 percent of the Federal judges agreed with this view.

Discovery Controls. Discovery abuse is a principal cause of high litigation transaction costs. Indeed, in far too many cases, economics—and not the merits—govern discovery decisions. Litigants of moderate means are often deterred through discovery from vindicating just claims or defenses, and the litigation process all to often becomes a war of attrition for all parties—rich or poor, plaintiff or defendant. As Professor Maurice Rosenberg has written:

> Costs of discovery can be so high that they force settlements that would not occur, or, more likely, force settlements on different terms than would otherwise have been reached. . . . Discovery practice in Federal litigation has taken on a life of its own. The first principle is 'when in doubt, discover.' [Rosenberg, 137 *U. Pa. L. Rev.* at 2203, 2204.]

Excessive and abusive discovery has been recognized as a serious problem for some time. More than 10 years ago, a study of Federal trial judges in two district courts found that they perceived "unnecessary, expensive, overburdening discovery as a substantial threat to the efficient and just functioning of the Federal trial system for civil litigation." [C. Ellington, *A Study of Sanctions for Discovery Abuse* (1979), at 37.] In 1980, a study of law-

yers in Chicago found that 49 percent of those practicing in Federal courts believe that "overdiscovery" is a major abuse of the discovery process." [Brazil, "Civil Discovery: Lawyers' Views of its Effectiveness, its Principal Problems and Abuses," *American Bar Foundation Research Journal* (1980), at 787.]

More recently, the Harris survey of more than 1,000 participants in the civil justice system found that the most important cause of high transaction costs or delays that increase those costs is perceived to be lawyers who abuse the discovery process. Lawyers who "over-discovery" cases rather than focus on controlling issues and lawyers and litigants who use discovery as an adversarial tool or tactic to raise the stakes for their opponents were the most frequently cited causes of high transaction costs.

The legislation attacks the discovery problem from several directions.

First, as I've mentioned, the tracking systems to be implemented in each district will include periods for the completion of discovery. Specifically, section 471(b)(6) requires "that each processing track in the district's tracking system establish presumptive time limits for the completion of discovery so that parties are apprised upon track assignment of the time within which discovery must be completed."

It's important to recognize that the discovery time limits are *presumptive.* This ensures that sufficient flexibility is retained for those cases warranting extentions of time. One example of a showing of good cause warranting an extention would be if additional discovery would not delay the trial. Absent such special circumstances, however, discovery should be limited according to the time frame set forth in the guidelines for the particular track to which the case has been assigned.

Second, section 471(b)(7) requires that each district court include in its plan procedures for making the discovery process track specific. Specifically, each district is to consider identifying and limiting the volume of discovery available, and phasing the use of discovery into two or more stages.

With respect to phasing discovery, I have been taken with the approach first suggested by Judge Peckham. The first stage is limited to developing information needed for a realistic assessment of the case. If the case does not terminate then, a second stage of discovery would commence, this one for the purpose of preparing for trial. Limiting discovery initially to those crucial issues that highlight the essential strengths and weaknesses of a case will often lead to considerable savings of time and money for clients and the court system. The information derived from the first stage should suffice for the disposal of many cases, without having to incur the expense of discovery that merely amplifies and cumulates already available evidence or that is directed to peripheral issues.

Another means of phasing discovery is to divide the use of interrogatories according to the stage of the case. The U.S. District Court for the Southern District of New York currently utilizes such a rule, which limits the type of interrogatories that may be served at particular stages of the litigation.

I should note that imposing discovery limitations is entirely consistent with the 1983 amendments to the Federal Rules of Civil Procedure. Rule 26(b)(1)(iii) was amended to permit the court to limit discovery where it would be unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources and the importance of the issues at stake in the litigation. This was an extremely valuable addition to the rules, but for whatever reason, it has not been utilized to any great extent.

Third, section 471(b)(8) requires that each district adopt as an element of its plan a rule that the parties attempt to resolve all discovery disputes informally before filing motion papers with the court.

I believe that these and other measures that the district courts may adopt will assist in reducing the costs of discovery.

Expanded use of alternative dispute resolution. As many of my colleagues know, the term "alternative dispute resolution," or "ADR," covers a broad range of approaches to dispute processing apart from the traditional adversary system. Those approaches include arbitration, mediation, the summary jury trial and the mini-trial. Section 471(b)(10) of the legislation directs each district court to include in its plan a comprehensive alternative dispute resolution program covering the full panoply of ADR mechanisms. Section 473(a)(6) requires that the Federal Judicial Center advise and report on the use of ADR through the district court plans.

The authorization for expanded use of ADR, together with a reporting requirement, is predicated on the view, as expressed most recently by the Federal Courts Study Committee in its Tentative Recommendations, that ADR "is at a mid-point in its development, beyond the stage at which it should be limited to local experiments but not so advanced as to permit the formulation of uniform national rules. . . ." [Federal Courts Study Committee, *Tentative Recommendations,* (Dec. 22, 1989), at 40.]—

Early Neutral Evaluation Programs. Section 471(b)(11) directs each district court to develop an Early Neutral Evaluation Program as part of the implementation of its civil justice expense and delay reduction plan. "ENE," as it commonly referred to, is a specific form of alternative dispute resolution that has achieved great success, particularly in the U.S. District Court for the Northern District of California. Its success, I might add, is due in large part to the great effort of commitment of one of the district's magistrates, Wayne Brazil.

The centerpiece of the ENE program is a confidential, non-binding case evaluation conference, attended by all counsel and their clients, and hosted by a neutral member of the private bar who has substantial litigation experience and who is an expert in the principal subject matter of the lawsuit. This conference takes place early in the pretrial period so that the parties will be in a position to use what they learn and accomplish during the proceeding to make the case development and settlement processes more rational, less expensive and less time-consuming.

In a survey of lawyers who participated in the ENE program in the Northern District of California, strong majorities found that it contributed to communication across party lines, to issue clarification, to prospects for settlement and to setting the groundwork for cost-effective discovery. Indeed, almost 90 percent of the lawyers whose cases had been compelled to participate in ENE expressed the view that the program should be expanded to more cases in the Federal courts.

Section 471(b)(11) directs each district to develop an Early Neutral Evaluation Program.

Firm policies on continuances. A firm policy on granting continuances is critical to date certain scheduling. Indeed, where judicial enforcement of scheduled dates is the norm, the entire set of expectations and attitudes of the trial bar will adjust to that norm.

Section 471(b)(6) of the bill directs the districts to develop firm rules on continuances in their plans. One element of those rules must be that the party, as well as the lawyer, sign requests for continuances. By requiring the party to sign and thus requiring the lawyer to explain the reasons for his request to his client, it is hoped that the number of unfounded requests will be reduced.

Procedures for the Disposition of Motions. In my discussions about this subject, I have been startled by the extent to which lawyers and their clients are concerned about the time that it often takes the court to decide fully briefed motions. Some of those motions relate to discovery issues, while others relate to issues that would be dispositive for some or all of the claims in the case. If their experiences are broadly representative of others—and I believe that they are—something must be done at the federal

district court level to reduce delays in deciding motions, without, of course, sacrificing the quality of the decisionmaking. And I believe there is room to reduce delays without sacrificing justice.

Section 471(b)(9) directs the district courts to adopt procedures for resolving motions necessary to meet the applicable trial dates and discovery deadlines. Furthermore, to enhance judicial accountability, Section 474 provides for expanded publication of statistics on motion decisions. This information will be published and made available to everyone—citizens, legislators and the media—as well as to the judiciary. By increasing the visibility of the linkage between the standards, statistics and judicial performance, the importance of all three should be increased as well.

Transition programs. In those districts with large case backlogs, it will be necessary to develop and implement a transition program. As set forth in section 474, that program should include assessment of current caseload; analysis of productivity; utilization of special expertise, where appropriate; and a scheduled termination of the transition program, with interim goals resulting in full implementation of the district court's plan.

Model plans. To give the district courts some guidance in the development of their plans, section 472 provides for the development of a model plan by the Federal Judicial Center within 6 months of enactment of the legislation. I anticipate that while the districts will use this model plan for guidance, none will adopt it in its entirety, since the districts will want to provide for the own unique demands and needs.

If, for some reason, a district does not develop a plan under this legislation, the model plan would automatically go into effect.

Case management training. Section 479 provides for the expansion of current judicial training programs to include a new curriculum and emphasis on case management. Training will also be made available to magistrates and district court clerks.

This expanded training is necessary for several reasons. First, with the development and implementation of the district court plans, new information—descriptive and statistical—will be generated and will need to be transmitted to the courts. Second, there are many judges who have experimented successfully with various procedural approaches outlined in this legislation. In addition, there are law professors and other independent experts on judicial management who have examined these issues. Expanded training will enable the accumulated learning on the subject to be better transmitted throughout the federal judiciary.

Review in five years. Section 478 provides that after five years, the Federal Judicial Center shall report on the effectiveness of the civil justice expense and delay reduction plans in reducing litigation costs and delays and in securing the just, speedy and inexpensive resolution of civil actions. If the report determines that the plans have not been effective, we are committing to review the statute and assess whether some modifications are warranted.

Mr. President, I will announce shortly dates for hearings on this legislation. Once those hearings are completed and we determine whether, based on the testimony we receive, any we determine whether, based on the testimony we receive, any changes in the bill are warranted, I intend to move this bill quickly. I look forward to working with the Nation's judiciary on this important subject. Their support will undoubtedly be an important ingredient in the success of this effort to reduce litigation costs and delays, and I look forward to the presentation of their views in a timely fashion.

In the final analysis, when cases cost so much and take so long that some people can't use the courts at all and that those who can use them find their pocketbooks depleted at record pace, we have a problem of major dimensions that demands our attention. It's a problem that's not subject to quick fixes or easy solutions. Only hard work, careful study, sound ideas and long-term commitment will make our system of civil justice a system of which all of us can be proud. I believe the Civil Justice Reform Act of 1990 combines the elements necessary for comprehensive and meaningful change, and that if enacted, the legislation will help ensure that disputes are resolved fairly, promptly and inexpensively. That is what our citizens rightly expect, and that is what they rightly deserve.

Mr. President, I ask unanimous consent that the test of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD; as follows:

S. 2027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Justice Reform Act of 1990".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the fundamental objectives of the civil justice system, as expressed in Rule 1 of the Federal Rules of Civil Procedure, are the "just, speedy and inexpensive determination of every action";

(2) some minimal level of efficiency and economy is a precondition for the delivery of justice to all;

(3) the delivery of justice is also dependent upon the availability of sufficient time for the thoughtful and deliberate adjudication of cases on the merits, since such adjudication is a principal function of the trial court judge;

(4) litigation transaction costs, in complex as well as in relatively routine cases, are high and are increasing;

(5) delays throughout the course of litigation not only often inure to the benefit of one side over another but also increase court backlog, often inhibit the full and accurate determination of the facts, interfere with the deliberate and prompt disposition and adjudication of cases and thereby contribute to high litigation transaction costs;

(6) high and increasing litigation costs cast doubt upon the system's fairness and its ability to render justice, because those costs unreasonably impede access to the courts and make it more difficult for aggrieved parties to obtain proper and timely judicial relief, or, in some cases, to obtain any relief at all;

(7) high and increasing litigation costs also burden American businesses, which are compelled to spend increasingly more money on legal expenses at a time when they are confronted with intense international competition and to divert valuable resources from the essential functions of making better products and delivering quality services at the lowest possible cost;

(8) given current litigation practices, litigation costs and delays and the problems attendant thereto will increase substantially during the next decade;

(9) the dual problems of excessive litigation costs and delays indicate that the civil justice system is not fulfilling its fundamental objectives of adjudicating and resolving cases fairly, promptly, and inexpensively;

(10) each Federal district court should develop a comprehensive plan to reduce excessive costs and delays and thereby to improve the system's over-all fairness and its ability to render justice;

(11) in developing its plan, each district court should draw upon the expertise in the bench, the bar and the public, thereby maximizing the prospects that workable plans will be developed and stimulating a much-needed dialogue about methods for improving the fairness of the system and for streamlining litigation practice;

(12) in light of the diversity of caseloads, types of litigation, local characteristics of the caseflow process, and the number of judges and support staff available across different Federal jurisdictions, each district court should have sufficient flexibility to formulate the specific details of its plan within certain well-defined and uniformly applied parameters;

(13) by improving the quality of the process of civil litigation, the plans will contribute to improvement of the quality of justice that the civil litigation system delivers;

(14) the substantially changed civil litigation system, evidenced by the burgeoning cost, complexity and volume of civil litigation, suggests that in the development of district court plans, the same set of generic procedures need not, and should not, apply to all types of cases;

(15) the plans should also recognize that there has not been adequate utilization of available and existing tools to respond to this substantially changed civil litigation system, to control costs and delays and thereby to secure the "just, speedy and inexpensive" determination of civil disputes;

(16) as part of their effort to manage civil cases more effectively and otherwise respond to the changing litigation system,

some district courts on a formal basis, and some district court judges on an informal basis, already apply different types of procedures to different types of cases;

(17) evidence from these courts suggests that an effective case management program should incorporate several interrelated components, including—

(A) mechanisms to take early, active control of each case filed;

(B) time goals for case adjudication and other disposition;

(C) court participation in decisions relating to case progress;

(D) control over the discovery process;

(E) deadlines, in appropriate cases, for completion of required case events;

(F) court monitoring of compliance with the deadlines; and

(G) credible trial dates;

(18) differentiated case management, of the type implemented in several State courts through case tracking systems that assign each case to a distinct processing path, is the logical extension of these components and now is warranted on a regularized and formalized basis;

(19) differentiated case management enhances the quality of the civil litigation process by—

(A) customizing procedures for each case category;

(B) encouraging consensus management of each case to the maximum extent possible;

(C) monitoring and facilitating the movement of the case;

(D) facilitating access to the court in a timely manner to resolve problems that develop; and

(E) ensuring that judges have adequate time to adjudicate issues pending before them;

(20) each case tracking system should implement the two interrelated procedures of establishing early, firm trial dates and imposing time limits on the completion of discovery, with related controls over the filing and resolution of motions;

(21) this linkage is necessary, in part, because the early completion of discovery can be counterproductive if the trial is then long delayed;

(22) because statistical studies demonstrate that approximately 95 percent of all civil cases are resolved or otherwise terminated without a trial, and because pretrial processing expenses, particularly for discovery, are often disproportionate to the case, greater attention should be devoted to the pretrial process;

(23) a critical element of the pretrial process is early and active judicial intervention, which can aid greatly in—

(A) defining the issues to be litigated and limiting pretrial activity to relevant matters;

(B) controlling pretrial discovery and other activity to avoid unnecessary expense and burden;

(C) arriving at a settlement in appropriate cases as early as possible or attempting to identify methods for resolving it as expeditiously and economically as possible;

(D) facilitating an adjudication on the merits in appropriate cases; and

(E) ensuring that any trial will be well focused and well prepared;

(24) a 1981 General Accounting Office study found the establishment and enforcement of time standards for different stages of civil cases to be a critical factor in reducing delay;

(25) a recent study by the National Center for State Courts presenting the most broadly based empirical evidence ever collected regarding the extent and nature of court delay indicates that—

(A) early court control over the scheduling of case events, including early resolution of motions, and firm trial dates are characteristic of the courts with the least amount of delay; and

(B) time goals for case processing are also an important predictor of shorter case processing times;

(26) the importance of case processing time standards has been recognized by the organized bench and bar, with standards developed by the National Conference of State Trial Judges adopted by the American Bar Association in 1984, and with similar standards developed by the Conference of State Court Administrators adopted in 1983 and endorsed by the Conference of Chief Justices in 1984;

(27) while some courts already set early and firm trial dates, discovery deadlines and other case event deadlines pursuant to their authority under Rule 16 of the Federal Rules of Civil Procedure, others are reluctant to do so, as recent data suggest that—

(A) the extent to which judges comply with the requirement to prepare scheduling orders varies, as does the extent to which they issue such orders within required time limits;

(B) in those cases with scheduling orders, approximately one-half have at least one extension to that order;

(C) in some districts, most cases are by local rule exempted from the scheduling requirement; and

(D) the use of status conferences varies substantially from district to district and from judge to judge;

(28) a broader requirement is necessary in light of the view of many experts that fixing early, firm dates and other case event deadlines is the single most effective device for encouraging prompt and well-focused case development;

(29) discovery deadlines, in the form of presumptive time limits for the completion of discovery for different categories of cases, are particularly important because if implemented as part of an overall case management system, they can provide much needed controls on a discovery process often characterized by obstructionist, dilatory, and redundant discovery tactics that lead to the "overdiscovery" of cases rather than to attempts to focus on controlling issues;

(30) time limits on discovery can encourage litigants and their attorneys to—

(A) narrow their areas of inquiry to those that are truly relevant and material;

(B) establish priorities for completion of the most important tasks as quickly as possible; and

(C) devote more attention to weighing the value of uncovering every single item of "relevant" material against the value of resolving the dispute more fairly, quickly and inexpensively;

(31) presumptive time limits are consistent with the now recognized need to structure and narrow discovery as reflected in part in Rule 26(b)(1)(iii) of the Federal Rules of Civil Procedure, which permits the court to limit discovery where it will be "unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation";

(32) delays in deciding fully briefed motions contribute to the costs of litigation by preventing the narrowing of issues, encouraging the parties to conduct unnecessary discovery and requiring rediscovery;

(33) the reduction of such delays can be encouraged by substantially expanding the availability of public information about backlogs in undecided motions;

(34) another important element of the pretrial process that can reduce litigation costs is the exploration of the wide range of alternative means of dispute resolution, including arbitration, mediation, the minitrial and the summary jury trial;

(35) another element of the pretrial process that can reduce litigation costs is the intervention of a neutral party in the early stages of the litigation process—

(A) to force the parties to confront the merits of their case and their opponents' case;

(B) to identify those questions of fact and law that actually are in dispute as early as possible;

(C) to develop an efficient approach to discovery; and

(D) to provide a frank assessment of the case and its overall value.

SEC. 3. AMENDMENT TO TITLE 28, UNITED STATES CODE.

Title 28, United States Code, is amended by adding at the end of part I the following new chapter:

"CHAPTER 23—CIVIL JUSTICE EXPENSE AND DELAY REDUCTION

"Subchapter I—Civil Justice Expense and Delay Reduction Plans

"Sec.
"471. Civil justice expense and delay reduction plan.
"472. Model plan.
"473. Report by Federal Judicial Center.
"474. Backlogs in district courts.
"475. Automation.
"476. Manual for litigation management.
"477. Authorization.
"478. Congressional review.

"Subchapter II—Case Management Training

"Sec.
"479. Judicial case management training programs.
"480. Authorization.

"Subchapter I—Civil Justice Expense and Delay Reduction Plans

"§ 471. Civil justice expense and delay reduction plan

"(a)(1) On or before the expiration of the 12-month period following the date of the enactment of this chapter, each United States district court shall develop a civil justice expense and delay reduction plan in accordance with this chapter. Such plans shall apply to all civil proceedings. Each United States district court shall develop its plan with a view toward facilitating deliberate adjudication on the merits in appropriate cases, streamlining discovery, improving judicial case management, and renewing its commitment to the just, speedy, and inexpensive resolution of civil disputes.

"(2) The civil justice expense and delay reduction plans shall be developed in each district by a planning group or similar advisory committee with membership from the bench, the public, and the bar. Such groups shall be appointed by the chief district court judge of the district and shall include the chief district court judge of the district, a magistrate in the district, the district court clerk, public representatives, lawyers who represent the Federal, State and local governments in the district, and lawyers practicing in law firms of diverse sizes, in

corporations and for public interest groups so that each of the major categories of litigants in the district shall be represented. Such groups shall also include a person designated by the chief district court judge as the reporter.

"(3) Each United States district court shall implement its civil justice expense and delay reduction plan by local rule in accordance with the provisions of section 2071 of this title.

"(b) Each civil justice expense and delay reduction plan shall include the following:

"(1) A system of differentiated case management designed to—

"(A) make an early assessment of each case filed according to criteria including—

"(i) case complexity, including the number of parties involved, the number of claims and defenses raised, the legal difficulty of the issues presented, and the factual difficulty of the subject matter;

"(ii) amount of time needed to prepare the case;

"(iii) anticipated trial length; and

"(iv) judicial and other system resources required for the preparation and disposition of the case;

"(B) assign cases on this basis to appropriate processing tracks that operate under distinct and explicit rules, procedures and timeframes for the completion of discovery and for trial;

"(C) apply the necessary level of court supervision and resources to each case consistent with its management requirements;

"(D) establish appropriate mechanisms to monitor case progress and assure observance of deadlines for completion of case events; and

"(E) assure the expeditious processing of each case by counsel and judicial system officials in accordance with the tasks required.

"(2) To effectuate the early assessment of each case as set forth in paragraph (1)(A), in each district's differentiated case management system—

"(A) cases shall be classified on intake through an expanded civil cover sheet, which the clerk of each district court, designated track coordinator or other person to whom track assignment responsibilities have been delegated would use in making the initial track assignment;

"(B) counsel shall have the opportunity to indicate within a short time period that a different track applies;

"(C) disputes over the track assignment shall be raised first with the district court clerk, designated track coordinator or other person to whom track assignment responsibilities have been delegated, and, if not resolved, addressed by the judge at the mandatory discovery-case management conference described in paragraph (3), or, if no such conference is held, decided by the judge, who shall include a statement of reasons, within 30 days of the original track assignment; and

"(D) cases shall be reassigned to a different track if warranted and with reasons stated based on a changed assessment of the factors set forth in clauses (i) through (iv) of paragraph (1)(A).

"(3) A requirement that, subject to paragraph (4), a mandatory discovery-case management conference, presided over by a judge and not a magistrate, be held in all cases within 45 days following the first responsive pleading to the complaint, motion, or other paper, whichever occurs first, and that at such discovery-case management conference, the judge to whom the case is assigned shall—

"(A) explore the parties' receptivity to and propriety of settlement or proceeding with the litigation;

"(B) identify or formulate the principal issues in contention and, in appropriate cases, provide for the staged resolution or bifurcation of issues consistent with Rule 20(b) of the Federal Rules of Civil Procedure;

"(C) prepare a discovery schedule and plan consistent with the presumptive time limits for the completion of discovery as set forth in paragraph (6) and the discovery controls as set forth in paragraph (7);

"(D) require, in all cases assigned to the complex track, the attendance of an attorney for each party with authority to bind the party to the same extent as trial counsel regarding all matters that the court has previously identified will be discussed and that the participants should on that basis reasonably anticipate may be discussed, and permit, in cases not assigned to the complex track, some or all of the required participants to participate by telephone;

"(E) fix the time to file, hear, and decide motions in accordance with the procedures as set forth in paragraph (9);

"(F) fix the date or dates for additional conferences before trial, and a date for the final pretrial conference;

"(G) fix a time certain for trial consistent with the procedures as set forth in paragraph (5) and in cases assigned to the track designated for complex litigation, the court shall, to the fullest extent possible, apprise the parties of the period of time after discovery is completed within which the trial will occur;

"(H) decide whether to enlist the services of a magistrate and, if so—

"(i) to make every effort before the conference to select the person who will serve in that capacity and to arrange for him or her to be present at the conference; and

"(ii) specify the tasks to be referred and the scope of the magistrate's authority;

"(I) for cases assigned to the track designated for complex litigation, calendar a series of monitoring conferences, presided over by a judge and not a magistrate, for the purpose of extending stipulations, refining the formulation of issues and focusing and pacing discovery; and

"(J) address any other matters appropriate in the circumstances of the case.

"(4) Procedures for exempting cases assigned to the track designated for expedited or simple litigation from the discovery-case management conference requirement on the basis that the issues raised by such cases are sufficiently limited that the court can issue, within 45 days of the first responsive pleading to the complaint, motion, or other paper, whichever occurs first, a standard order scheduling—

"(A) a trial date;

"(B) discovery, including discovery cutoff dates; and

"(C) dates for filing and deciding substantive and discovery motions.

A judge may, in his or her discretion, hold a discovery-case management conference in a case assigned to the track designated for expedited or simple litigation.

"(5)(A) Subject to the provisions of subparagraph (B), a requirement that the court set a time certain for trial whether by specific day, week, 2-week period or month, at the mandatory discovery-case management conference or, as to those cases in which such conference is not held, in the order referred to in paragraph (4).

"(B) In cases assigned to the track designated for complex litigation, the court shall, not later than 120 days before the date that discovery will be completed, set a date for trial. Each district's plan may include a provision for extending the trial date by order of court for good cause shown.

"(6)(A) Subject to the provisions of subparagraph (B), a requirement that each processing track in the district's tracking system establish presumptive time limits for the completion of discovery so that parties are apprised upon track assignment of the time within which discovery must be completed.

"(B)(i) Deadlines for the completion of discovery may be extended only by order of the court for good cause shown such as subsequent discovery will not delay trial.

"(ii) All requests for extensions of the deadline for completion of discovery shall be signed by the attorney and the party making the request.

"(iii) In cases assigned to the track designated for complex litigation, the court may establish at the initial conference time limits for the completion of intermediate steps in the discovery process and identify a date certain by which it will set a final discovery cutoff date.

"(7) Procedures for making the discovery process track-specific, so that, with respect to each processing track in the district's tracking system, consideration is given to—

"(A) identifying and limiting the volume of discovery available to avoid unnecessary or unduly burdensome or expensive discovery;

"(B) phasing discovery, including the phased use of depositions upon oral examination under Rule 30 of the Federal Rules of Civil Procedure, depositions upon written questions under Rule 31 of the Federal Rules of Civil Procedure, interrogatories to parties under Rule 33 of the Federal Rules of Civil Procedure, production of documents and things and entry upon land for inspection and other purposes under Rule 34 of the Federal Rules of Civil Procedure, and requests for admissions under Rule 36 of the Federal Rules of Civil Procedure, into two or more stages;

"(C) developing means for the voluntary exchange of information; and

"(D) encouraging new and more cooperative discovery devices.

"(8) Procedures specifying that the court will not entertain any discovery motion, except those motions brought by a person appearing pro se and those brought pursuant to Rule 26(c) of the Federal Rules of Civil Procedure by a person who is not a party, unless counsel for the moving party has filed with the court, at the time of filing the motion, a statement showing that a reasonable good faith effort has been made to reach agreement with opposing counsel on the matters set forth in the motion.

"(9) Procedures for resolving motions necessary to meet the trial dates and the discovery deadlines established pursuant to the plan, including the adoption of time guidelines for the filing and disposition of substantive and discovery motions.

"(10) A comprehensive program providing for adjudication and, in appropriate cases, alternative dispute resolution, which would make available to the parties and their counsel the full range of alternative dispute resolution mechanisms, including mediation, arbitration, minitrial, and summary jury trial. If such program includes the mandatory reference of certain cases to an alternative dispute resolution mechanism,

provision shall be made for motions to exempt a case from the mandated procedure.

"(11) An early neutral evaluation program, to which certain categories of cases identified in each plan will be assigned and through which the parties and their counsel present the legal and factual bases of their case to a neutral court representative at a nonbinding conference that takes place at the earliest possible stage in the litigation.

"(12) A requirement that, upon notice by the court, representatives of the parties with authority to bind them in settlement decisions be present or available by telephone during any settlement conference.

"(13) Procedures for the regular publication of pending undecided motions and caseload progress for each individual judge to enhance judicial accountability.

"(14) Procedures for identifying, and reviewing from time to time, functions performed in the district by magistrates with a view to determining which functions within constitutional and statutory limits can best be performed by judges or by magistrates.

"(15) Procedures for judges to exchange information about their role in adjudicating contested motions and other matters.

"(c) Once developed, each United States district court, when it provides copies of its plan to the judicial council of the relevant circuit and to the Administrative Office of the United States courts in accordance with section 2071 of this title, shall also submit a report explaining how such plan complied with the provisions of subsection (b) of this section.

"(d) The judicial council of the relevant circuit shall exercise its authority in accordance with subsection (c)(1) of section 2071 of this title to review and evaluate a district court's plan and, if necessary, modify or abrogate elements of the plan to ensure that the plan complies with the provisions of subsection (b) of this section.

"(e) The Judicial Conference may review and evaluate any determinations of the circuit judicial councils in accordance with subsection (d) of this section.

"§ 472. Model plan

"(a)(1) The Judicial Conference of the United States and the Federal Judicial Center shall develop, in consultation with the individuals and groups from whom membership of the district court planning groups or similar advisory committees as set forth in section 471(a)(2) is drawn, a model civil justice expense and delay reduction plan in accordance with the criteria set forth in section 471(b) on or before the expiration of the 180-day period following the date of enactment of this chapter.

"(2) Such model plan shall be accompanied by a report explaining how the plan addresses the criteria set forth in section 471(b).

"(3) The model plan and the accompanying report shall be made available to each district court to use in developing its specific plan.

"(4) The model plan and the accompanying report shall also be submitted to the Senate and House Judiciary Committees.

"(b) If, at the expiration of the 12-month period following the date of the enactment of this chapter, a district court has failed to develop a civil justice expense and delay reduction plan, the model plan shall, after appropriate public notice and comment, immediately take effect in that district.

"§ 473. Report by Federal Judicial Center

"(a) On or before the expiration of the 24-month period following the date of the enactment of this chapter, the Federal Judicial Center shall report to the Congress with respect to the establishment and implementation of civil justice expense and delay reduction plans transmitted to the Administrative Office of the United States Courts by United States district courts. Such report shall include, among other things, information showing the number of United States district courts establishing and implementing plans in accordance with section 471, the contents of such plans, and the number of such courts implementing the model plan in accordance with section 472.

"(b) In reporting on the contents of the district court plans implemented in accordance with section 471, the Federal Judicial Center shall specify how each plan addressed, among other things—

"(1) the acquisition of initial case information and the creation of a case tracking record;

"(2) the number of case processing tracks;

"(3) the criteria for differentiating among cases and assigning them to one of the tracks;

"(4) the development of a disposition plan and timetable;

"(5) trial scheduling;

"(6) the use of alternative dispute resolution techniques;

"(7) the notification and communication among the court and attorneys, including mechanisms by which judges and administrators both within and outside the court consult concerning management and administrative issues affecting the court;

"(8) the management and monitoring of case progress;

"(9) the means for data input and case recordkeeping; and

"(10) the procedures for evaluating system performance.

The Federal Judicial Center's report shall also analyze the impact of the plans on the time available to judges to address complex, novel, or difficult issues of law or fact.

"(c) It shall be the function of the Federal Judicial Center to study on a continuing basis the effects of the various procedural reforms adopted pursuant to this chapter. It shall be the function of the Judicial Conference of the United States to develop, based on the findings arising out of such studies, new procedural recommendations from time to time, for United States district courts. Each United States district court shall make available to the Administrative Office of the United States Courts and the Federal Judicial Center such data and other information that the Administrative Office and the Federal Judicial Center determine to be necessary to enable them to carrying out their functions under this chapter.

"§ 474. Backlogs in district courts

"(a) In conjunction with developing and implementing its plan in accordance with section 471, each United States district court shall develop and implement a transition program for handling any backlog of cases within such district. Such program shall include an assessment of the current backlog problem experienced by such district court, a requirement that any case pending for more than 12 months be scheduled for a discovery-case management conference, an analysis of current judicial productivity, possible revision of current local rules to address the backlog, and a schedule for terminating the transition program, with interim goals leading to the full implementation of the district's civil justice expense and delay reduction plan.

"(b) In developing a transition program, each district shall establish an accurate inventory of pending cases if such inventory does not exist. Such inventory will enable the district to undertake steps that can be taken to reduce the number and age of its actual pending civil caseload, including setting older cases for a monitoring or other status conference or directly for the trial.

"(c)(1) In assessing its current backlog, each district shall prepare a backlog index, which is the ratio of the number of civil cases pending on January 1 of the preceding full calendar year divided by the number of civil cases disposed of during that year.

"(2) When transmitting its transition program to the Administrative Office of the United States Courts according to subsection (d), each district shall record its backlog ratio. When the Federal Judicial Center submits its report according to section 473, it shall prepare a civil case backlog index showing the ratios for all of the Federal district courts.

"(d) A copy of each transition program developed pursuant to subsection (a) shall be transmitted to the Administrative Office of the United States Courts with the plan and report submitted in accordance with section 471(c).

"§ 475. Automation

"(a) For purposes of enabling United States district courts to implement the provisions of section 471, the Administrative Office of the United States Courts shall automate the court's docket, in each district where such automation has not yet been established.

"(b)(1) The Administrative Office of the United States Courts shall ensure that such automation enables each court, in implementing the provisions of section 471(b)(13), to make available to the public a quarterly report listing all pending submitted motions before each judge that are unresolved for more than 30, 60, and 90 days, and all succeeding 30-day increments. Such report shall include data for each judge of the district indicating the aging of his or her caseload in each of the tracking categories developed by the district under its civil justice expense and delay reduction plan, as well as data indicating the number of written opinions, the number of bench trials and the number of jury trials.

"(2) To facilitate the reporting required under subsection (1), the Administrative Office of the United States Courts shall standardize court procedures for categorizing or characterizing judicial actions, including defining what constitutes a 'dismissal' and how long a case has been 'pending'.

"§ 476. Manual for litigation management

"The Judicial Conference shall take such action as may be necessary to prepare a Manual for Litigation Management. Among other things, the manual shall provide commentary on the civil justice expense and delay reduction plans, explain the rationale behind various decisions underlying such plans, and identify how provisions in the plans have increased the time available for trials and for the deliberate adjudication of cases on the merits. It shall be the purpose of such manual to set forth the basic management tools as well as provide commentary on what experience has taught about the effective use of such tools.

"§ 477. Authorization

"(a) For the purpose of enabling the Administrative Office of the United States Courts to provide automated systems to im-

plement the civil justice expense and delay reduction plans in accordance with section 471, there is authorized to be appropriated such sums, not to exceed $10,000,000, as may be necessary.

"(b) For the purpose of assisting financially the United States district courts to develop plans required by this chapter, carrying out the study required by section 473(b), carrying out the provisions of section 474, carrying out the provisions of section 476, and other provisions of this subchapter, there is authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary.

"§ 478. Congressional review

"Upon the completion of the 5-year period following the date of enactment of this chapter, the Federal Judicial Center, based on its continuing study in accordance with section 473(b), shall prepare a report on the effectiveness of the civil justice expense and delay reduction plans in reducing litigation transaction costs and delays, in increasing the time of judges that is available for trial of cases and for the adjudications of cases on the merits and in otherwise securing the just, speedy and inexpensive resolution of civil actions. Such report shall be submitted to the Senate and House Judiciary Committees. If the report determines that the plans have not been effective, Congress shall review this subchapter and assess whether modification or termination of the program of civil justice expense and delay reduction plans is warranted.

"Subchapter II—Case Management Training

"§ 479. Judicial case management training programs

"The Federal Judicial Center shall take such action as may be necessary to expand current judicial training programs to include a new curriculum and emphasis on case management so that the accumulated learning on management and adjudicatory techniques is communicated on a regular and formal basis to all district court judges, magistrates, clerks of the district courts, and other court personnel whom the Center may designate.

"§ 480. Authorization

"For the purpose of enabling the Federal Judicial Center to carry out the provisions of section 479, there is authorized to be appropriated such sum, not to exceed $1,000,000, as may be necessary.".

SEC. 4. TABLE OF CONTENTS.

Part I of the table of contents of title 28, United States Code, is amended by adding at the end thereof the following:

"Civil Justice Reform ..... 471.".●

Mr. THURMOND. Mr. President, today I rise along with Senator BIDEN to introduce the Civil Justice Reform Act of 1990. This legislation is designed to reduce litigation costs and to increase the administrative efficiency of the civil litigation process in the Federal courts.

Over recent years, the workload of the Federal court system has increased dramatically. At the same time, we must assure that the manpower and equipment necessary to meet this increased workload is provided. Unless we do so, the result will be a feeling among members of the bench and bar that civil litigation in the Federal court system is much too costly and takes far too much time to resolve disputes.

Based upon these concerns, the Brookings Institute organized a task force which produced the "Justice For All Report," which makes several recommendations to reform the civil justice process. The task force was composed of a vast array of individuals that represent competing interests within our civil judicial system. The legislation we are introducing today embodies their recommendations and should provide a necessary starting point for consideration and discussion.

Among other things, the bill directs each of the Federal district courts to develop and implement civil justice delay and expense reduction plans within guidelines set forth by Congress. The district courts have been given flexibility to create procedures and policies commensurate with the characteristics of their own particular dockets.

Specifically, the bill creates a case management and tracking system in which cases are assigned to varied processing paths, each of which have separate time frames for the completion of discovery and for trial. A premium is placed on setting early and firm trial dates. Time guidelines are set for completion of discovery and necessary motions. An emphasis is placed on early, active, and continuous docket control by the court. Additionally, this bill creates a voluntary alternative dispute resolution program. Finally, this legislation provides for improved and expanded case management training for district court judges.

Mr. President, it is appropriate to consider procedural changes which would reduce the costs and delays confronted by those who seek to resolve their disputes through the civil litigation system.

We must ensure that the public has confidence in our Federal court system to resolve their legal disputes. For these reasons, I am pleased to introduce the Civil Justice Reform Act of 1990.

By Mr. SYMMS (for himself, Mr. BINGAMAN, Mr. JOHNSTON, Mr. MCCLURE, Mr. BUMPERS, Mr. WALLOP, Mr. BAUCUS, Mr. BURNS, Mr. DIXON, Mr. DOMENICI, Mr. GARN, Mr. GORTON, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. KASTEN, Mr. LOTT, Mr. LUGAR, Mr. STEVENS, Mr. WILSON, Mr. SIMON, and Mr. HATFIELD):

S.J. Res. 240. Joint resolution designate the week of June 10, 1990, through June 16, 1990, as "Multiple-Use Sustained-Yield Week"; to the Committee on the Judiciary.

MULTIPLE-USE SUSTAINED-YIELD WEEK

Mr. SYMMS. Mr. President, today I take pride in joining with my colleague from New Mexico, and 18 of our fellow Senators, in introducing a joint resolution commemorating the beginning of the fourth decade of the Multiple-Use Sustained-Yield Act of 1960.

That act, signed by the President on June 12, 1960, embodies the fundamental concepts that govern the Federal Government's vast landholdings—both Forest Service and Bureau of Land Management—comprising over 720 million acres of land and covering almost one-third—31 percent—of the surface area of the United States.

In that light, one could call the Multiple-Use Sustained-Yield Act the corporate policy statement for the world's third largest real estate holding company—with only the U.S.S.R. and China controlling more land.

The legislative history behind the Multiple-Use Sustained-Yield Act is an important one. The bill signed by the President, H.R. 10572, was an original bill reported by Congressmen Cooley and Poage, then chairman and vice chairman of the House Agriculture Committee. I think it is significant to note that it was one of approximately 50 similar bills introduced that year to legislate a multiple-use/sustained-yield policy for management of Government lands.

In the debate just prior to passage of the bill by the House, Representative George M. Grant of Alabama, explained the intent of the Multiple-Use Sustained-Yield Act as follows:

This bill will direct the Secretary of Agriculture to administer the national forests for all of their renewable resources, and none of these resources is given a statutory priority over the others. All of these resources provide great benefits to the Nation, and all of these resources in general should be given equal consideration in managing the national forests under the principle of multiple use.

In Senate debate on the Multiple-Use Sustained-Yield Act, Senator Humphrey of Minnesota rose to say that the bill, "represents a sound public policy and constitutes 'good legislation.'" He was particularly pleased that "no weakening amendments were adopted in the Senate," and he concluded his remarks inserting the following letter:

Hon. HUBERT H. HUMPHREY,
Senate Office Building, Washington, DC.

The undersigned national membership conservation organizations endorse and reaffirm their full support of the objectives of national forest multiple-use bills H.R. 10572 and S. 3044. We believe H.R. 10572, as passed by the House, protects total public interest in the natural resources values of national forests and urge its adoption without amendment.

The letter was signed by: The American Forestry Association, the Citizens Committee on Natural Resources, the National Audubon Society, the North American Wildlife Foundation, the Wilderness Society, and the Izaak Walton League of America.

39-059 O-91-20 (Pt. 1)

Mr. President, over the past three decades, Senator Humphrey's comments have certainly been borne out—the Multiple-Use Sustained-Yield Act stands today as perhaps the most well-respected of all of this Nation's national environmental protection statutes. It is hailed by naturalists and loggers, hikers and bikers, bird watchers and cattle grazers as a landmark in the protection and preservation of the valuable resources to be found on Government lands.

The question of sustainable development is one of growing importance today. Can nations grow and develop without destroying the natural resources? We have seen tremendous devastation in the Third World caused by reckless government abuse of resources—deforestation, destruction of rare ecosystems, and the pollution of critical water supplies. The challenge of the 1990's will be to address development in a more sustainable way—making it possible to do both: Expand and develop a thriving economy and a higher standard of living, while leaving a natural resource base for future generations to enjoy.

This concept, of making multiple use of our natural resources, preventing one single use from overcoming the other values, in a way that never depletes the resources faster than nature can replenish it—is the key to wise stewardship of land. The resolution Senator BINGAMAN and I are introducing today officially proclaims the 30th anniversary of the historic statute that incorporated this vital principle into our national land management policy—and designates the week of June 10 through 16 as "National Multiple-Use Sustained-Yield Week." I urge the land management agencies of the Government to devote due attention to this anniversary—and to refresh in their memories the wise policy set forth in this law whose anniversary we are celebrating.

Mr. President, I ask unanimous consent that an article appearing in the Denver Post of March 16, 1960, advocating the importance of the Multiple-Use Sustained-Yield Act, be inserted in the RECORD, along with a copy of the joint resolution and a list of organizations and letters endorsing it, at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 240

Whereas 1990 marks the 30th anniversary of enactment of the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 through 531);

Whereas national forests were established to improve and protect the forests within their boundaries;

Whereas national forests are managed to meet outdoor recreation, range, timber, watershed, wildlife, fish, wilderness, and other needs including those set forth in the Act of June 4, 1987;

Whereas the Multiple-Use Sustained-Yield Act of 1960 was enacted by Congress to enhance and supplement the purposes for which the national forests were established;

Whereas under the Multiple-Use Sustained-Yield Act of 1960, the term "multiple use" includes the management of all the various renewable surface resources of the national forests so that such resources are utilized in the combination that will best meet the needs of the American people;

Whereas multiple use management of Government lands accommodates the needs of various land uses by reducing conflict between such uses, and by providing for harmonious and coordinated management of resources;

Whereas under the Multiple-Use Sustained-Yield Act of 1960, the term "sustained yield of several products and services" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land;

Whereas it is the duty of the Secretary of Agriculture to protect and manage the lands of the national forests, under a multiple-use, sustained-yield basis, and such duty is essential to the continued welfare and security of this Nation; and

Whereas the Multiple-Use Sustained-Yield Act of 1960 was signed into law on June 12, 1960 by President Dwight D. Eisenhower: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 10, 1990, through June 16, 1990, is designated as "Multiple-Use Sustained-Yield Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate activities and programs.

LIST OF ORGANIZATIONS

The following organizations endorse and support commemoration of the 30th Anniversary of the Multiple Use Sustained Yield Act:

American Farm Bureau Federation,
American Motorcyclist Association,
American Pulpwood Association Inc.,
Arizona Farm Bureau Federation,
Blue Ribbon Coalition Inc.,
Idaho Association of Counties,
Idaho District Three Elected Officials,
Idaho Farm Bureau Federation,
Idaho Mining Association,
Idaho Women in Timber,
Illinois Farm Bureau,
Iowa Department of Natural Resources, Parks Division,
Intermountain Forest Industry Association,
International Association of Snowmobile Administrators,
National Hardwood Lumber Association,
North Idaho Chamber of Commerce,
Northern Resources Alliance of Minnesota,
Northwest Mining Association,
Northwest Timber Workers Resource Council,
Pacific Northwest 4-Wheel-Drive Association,
Southern Oregon Timber Industries Association,
Timber Association of California,
Timber Producers Association of Michigan and Wisconsin,
U.S. Chamber of Commerce,
Utah Farm Bureau Federation,
Western Mining Council,
Western States Public Lands Coalition,
Wilderness Impact Research Foundation, and
Wind River Multiple Use Advocates.

BEAR ISLAND TIMBERLANDS CO., L.P.,
Ashland, VA, December 27, 1989.

Hon. STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: As a professional forester and as the Woodlands Manager of the second largest private timberland owner in the Commonwealth of Virginia, I congratulate you on your "Multiple-Use Sustained Yield Week" Resolution.

All to often it seems that the true meaning of conservation is changed from "the wise use of" to preservation i.e. "non use". The concept of sustained yield embodies the best of both. One, it means a steady use by man. Two, it means the resource will be there producing for future generations. Furthermore, the multiple-use aspect recognizes that the complex ecosystem of the forest can fulfull many need/uses simultaneously.

Sincerely,

DONALD F. AUGUST,
Woodlands Manager.

TIMBER PRODUCERS ASSOCIATION OF MICHIGAN AND WISCONSIN RESOLUTION

Whereas over 80 percent of U.S. Forest Service Lands are managed under the Multiple Use-Sustained Yield Act: and

Whereas the year 1990 marks the 30th Anniversary of that Act: and

Whereas the Forest Service has a responsibility to promote and practice Multiple Use of its lands: and

Whereas the Multiple Use-Sustained Yield Act is of tremendous importance to members of the Timber Producers Association of Michigan and Wisconsin, be it therefore.

Resolved that the Timber Producers Association of Michigan and Wisconsin requests the Forest Service to use a substantial amount of their public relations and educational funds to promote Multiple Use of their lands, recognizing the 30th Anniversary of the MUSY Act, be it further.

Resolved that the Timber Association of Michigan and Wisconsin supports, and request the Michigan and Wisconsin Congressional Delegation to support, U.S. Senator Steve Symms (R-ID) and U.S. Senator Jeff Bingaman (D-NM) in Multiple Use-Sustained Yield Act.

Passed by the Board of Directors and dated this 29th day of December, 1989.

STATE OF IOWA,
DEPARTMENT OF NATURAL RESOURCES,
November 30, 1989.

Hon. CHARLES GRASSLEY,
Congress of the United States, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRASSLEY: The honorable senators Steve Symms and Jeff Bingaman are sponsoring a Senate Joint Resolution which would establish a Multiple-Use Sustained-Yield Week. I am requesting your support of this resolution. The national forests are a valuable national resource and, through sound management, can provide a wealth of experiences to a variety of outdoor recreation user groups and conservation enthusiasts. The national forests also serve as an important economic base in sev-

eral regions of our nation through the provision of harvestable timber and mineral resources.

The key to the future of our national forests is wise management! Multiple use not only can be, but should be a part of any future plans for our national forests. We should not eliminate the opportunity for wise use of these natural resources. We should have faith in our resource managers and the public input process to establish sound management practices. A Multiple-Use Sustained-Yield Week could accomplish a great deal by informing the public of the values of our national forests, the importance of multiple-use for all outdoor recreation/conservation user groups and the values to local and national economies from carefully planned and executed economic activities. It would also provide an excellent opportunity for public input for the future management of our vast national forests.

Although we do not have any national forests in Iowa, many Iowan's travel to these areas and enjoy using them by hiking, backpacking, horseback riding, canoeing, snowmobiling, ATV and trailbike riding and skiing. Multiple-use of the national forests is important to Iowan's. Thank you for any support you can provide for this joint resolution.

Sincerely,

BOB WALKER,
Trails Coordinator, Trails and Waterways Unit.

INTERNATIONAL ASSOCIATION OF SNOWMOBILE ADMINISTRATORS,
November 30, 1989.

Mr. STEVE SYMMS,
U.S. Senate, Committee On Environment and Public Works, Washington, DC.

DEAR HON. SENATOR SYMMS: We appreciate your sincere efforts in supporting multiple use of public lands and your sponsorship of the Senate Joint Resolution establishing a Multiple-Use Sustained-Yield Week. The national forests are a valuable national resource and, through sound management, can provide a wealth of experiences to a variety of outdoor recreation user groups and conservation enthusiasts. The national forests also serve as an important economic base in several regions of our nation through the provision of harvestable timber and mineral resources.

The key to the future of our national forests is wise management! Multiple use not only can be but should be a part of any future plans for our national forests. We should not eliminate the opportunity for wise use of these natural resources through wilderness designation. We should have more faith in our resource managers and the public input process to establish sound management practices. Wilderness designation indicates a lack of trust with the public input process and the professionalism of area managers.

The International Association of Snowmobile Administrators supports your proposal to establish a Multiple-Use Sustained Yield Week and will actively encourage Congress to approve this measure. Thanks again for all of your efforts to provide for the wise use of our national forests.

Sincerely,

BOB WALKER,
Chair.

IDAHO WOMEN IN TIMBER,
Cascade, ID, November 1, 1989.

Senator STEVEN SYMMS,
Hart Building,
Washington, DC.

To Whom It May Concern:

The following resolution was approved by the Payette River Chapter of Idaho Women in Timber, with the urgent request that all Members of the Senate support this resolution:

The Payette River Chapter of Idaho Women in Timber hereby issues this statement of approval for the resolution being co-sponsored by Senators SYMMS, of Idaho, and BINGAMAN, D-New Mexico, defining the advantages of multiple use of our Government lands, in honor of the 30th anniversary of the Multiple Use Sustained Yield Act.

We further urge that implementation of this original act be more strictly enforced by the Forest Service, in spite of appeals and court orders attained by groups to impede its enforcement.

We have enjoined this cause to promote the multiple use of every sector of Idahos resources, dedicated to the full and proper utilization of our public lands, as the original bill intended.

Approved this 15th day of November, 1989, in Cascade, Idaho.

Respectfully,

CARMA CRABB,
President.
JONI L. FIELDS,
Secretary.
MONA PETERSON,
Treasurer.

IDAHO MINING ASSOCIATION,
Boise, ID, November 21, 1989.

Hon. JAMES A. MCCLURE,
U.S. Senate,
Hart Building, Washington, DC.

DEAR SENATOR MCCLURE: The Board of Directors of the Idaho Mining Association has unanimously endorsed the resolution sponsored by Senator Symms on the 30th Anniversary of the Multiple-Use Sustained-Yield Act.

The IMA strongly supports the concept of multiple use of government lands and commends Senator Symms for his leadership in providing an opportunity to showcase and define the advantages of this important Act. We urge you to cosponsor this joint resolution to designate a Multiple-Use Sustained-Yield Week.

Sincerely,

JACK LYMAN,
Executive Director.

IDAHO FARM BUREAU FEDERATION,
Boise, ID, November 14, 1989.

Senator STEVE SYMMS,
U.S. Senate,
Hart Building, Washington, DC.

DEAR STEVE: On behalf of Idaho Farm Bureau I want you to know that we are very proud and pleased that you have taken the lead in the 30th Anniversary celebration of the "Multiple-Use Sustained Yield Week" June 6-16, 1990.

Idaho Farm Bureau is a strong supporter of multiple use of our public lands and will help in our state to make this a memorable occasion in Idaho. We believe this observance is very appropriate as many times in the discussion of uses of public lands we fail to recognize the benefits of multiple use.

We are ready and willing to work with all the other users of our public lands in Idaho and will through our Farm Bureau communications network try to coordinate our observance with other states in the West.

Sincerely,

DAVE BIVENS,
Director Public Affairs.

IDAHO DISTRICT 3 RESOLUTION NO. 1

Whereas over 80 percent of the forest service lands are managed under the Multiple Use and Sustained Yield Act; and

Whereas the year 1990 marks the 30th anniversary of that act; and

Whereas, recognizing the Forest Service has a responsibility to promote multiple use of its lands and recognizing the Multiple Use-Sustained Yield Act is of considerable importance to members of the State of Idaho District Three County Elected Officials: Now, therefore, be it

Resolved, That the State of Idaho District Three County Elected Officials requests the Forest Service to use a proportionate amount (80%) of its public relations and educational funds to promote multiple use, recognizing the 30th anniversary of the act in 1990; and be it further

Resolved, That the State of Idaho District Three County Elected Officials supports U.S. Senator Steve Symms (R-ID) and U.S. Senator Jeff Bingaman (D-NM) in their resolution before Congress commemorating the 30th anniversary of the Multiple Use-Sustained Yield Act.

Dated this 19th day of January, 1990 at the quarterly meeting of the general membership in Canyon County, Idaho.

STATE OF IDAHO DISTRICT 3 COUNTY ELECTED OFFICIALS

Adams County: Larry E. Peterson, Commissioner; Edwin D. Kesler, Commissioner; Walter W. Francis, Commissioner; Michael Fisk, Clerk-Aud-Recorder; Karen Hatfield, Assessor; Nancy Armitage, Treasurer; Rich Green, Sheriff; Michael Pierce, Prosecuting Attorney; Paul T. Wehman, Coroner.

Boise County: Andrew F. Russo, Jr., Commissioner; David Alley, Commissioner; Mary Hanson, Commissioner; Arlene C. Kolar, Clerk-Aud-Recorder; C. Joan Canody, Assessor; Carlyne E. Reed, Treasurer; Craig Landers, Sheriff; Edwin W. Stockly, Prosecuting Attorney; and Lynda Kuwahara, Coroner.

Canyon County: Glenn Koch, Commissioner; Joyce Chase, Commissioner; Carlos Bledsoe, Commissioner; Ned Kerr, Clerk-Aud-Recorder; Sam McConnell, Assessor; Zelda Nickel, Treasurer; Gary Putman, Sheriff; Richard Harris, Prosecuting Attorney; and Dale Haile, Coroner.

Gem County: Dorothy Hartgrove, Commissioner; James A. Jonely, Commissioner; William F. Russell, Commissioner; Thelma Kolodziej, Clerk-Aud-Recorder; Frances McCall, Assessor; Edith Sawyer, Treasurer; Jim Wood, Sheriff; Richard Linville, Prosecuting Attorney; and Walter F. Potter, Coroner.

Elmore County: M.A. Bud Riddle, Commissioner; John Shrum, Commissioner; John Hiler, Commissioner; Ramona E. Yrazabel, Clerk-Aud-Recorder; James Haydon, Assessor; Carol Olds, Treasurer; Rick Layher, Sheriff; Barbara J. Neilson, Prosecuting Attorney; and H. Verl Humphreys, Coroner.

Owyhee County: Richard Bass, Commissioner; Harold Tolmie, Commissioner; Chester W. Sellman, Commissioner; Barbara Jayo, Clerk-Aud-Recorder; Larry Bachman, Assessor; Joan Bachman, Treasurer; Timothy J. Nettleton, Sheriff; Paul R. Byers,

Prosecuting Attorney; and Harvey Grimme, Coroner.

Payette County: Kenneth Gissel, Commissioner; John Purdum, Commissioner; Arnold R. Howard, Commissioner; Laura Stigile, Clerk-Aud-Recorder; Harold Curt, Assessor; Betty Adler, Treasurer; Bob Barowsky, Sheriff; Bruce Birch, Prosecuting Attorney; and Robert Bigelow, Coroner.

Valley County: Tom N. Olson, Commissioner; Adolf Heinrich, Commissioner; Howard Koskella, Commissioner; Leslie Irwin, Clerk-Aud-Recorder; Robert Downend, Assessor; Carmen M. Irwin, Treasurer; Lewis Pratt, Sheriff; Clayton Andersen, Prosecuting Attorney; and Marvin Heikkila, Coroner.

Washington County: Don Stephens, Commissioner; Arthur Correla, Commissioner; Mildred Horton, Commissioner; Mary Kautz, Clerk-Aud-Recorder; Lynn Wiggins, Assessor; Irene Goins, Treasurer; James Johnston, Sheriff; Ira Burton, Prosecuting Attorney; and Robert E. Thomsason, Coroner.

AMERICAN MOTORCYCLIST ASSOCIATION,
Westerville, OH, December 7, 1989.

Hon. STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: The American Motorcyclist Association (AMA) is a national organization with 170,000 enthusiast members. We are very concerned with any measure that could affect our members enjoyment of the sport. It is in this regard we write, to urge you to cosponsor a Joint Resolution by Senators SYMMS and BINGAMAN, designating the week of June 10, 1990 as "Multiple-Use Sustained-Yield Week."

We and our members are strong believers in the multiple-use and sustained-yield concepts for our public lands. These management ideals harken to the can-do American spirit of Teddy Roosevelt and Gifford Pinchot. They have served our nation well and have helped provide the flexibility we need to solve problems, develop new programs and continue access for the public good.

As we move toward the twenty-first century, many challenges face our public lands. Increased urbanization, use conflicts, the development of new product industries, and the need for species preservation make it clear we have not, and will never, outgrow the need for these concepts.

The AMA therefore respectfully requests you cosponsor the designation of the week of June 10, 1990 as "Multiple-Use Sustained-Yield Week."

Sincerely,

ERIC LUNDQUIST,
Legislative Affairs Specialist,
Government Relations.

BLUE RIBBON COALITION, INC.,
Pocatello, ID.

RESOLUTION NO. 1

Whereas over 80 percent of the forest service lands are managed under the Multiple Use and Sustained Yield Act; and

Whereas the year 1990 marks the 30th anniversary of that act; and

Whereas, recognizing the Forest Service has a responsibility to promote multiple use of its lands and recognizing the Multiple Use-Sustained Yield Act is of considerable importance to members of the Blue Ribbon Coalition;

Now, therefore, be it Resolved That the Blue Ribbon Coalition requests the Forest Service to use a proportionate amount (80 percent) of its public relations and educational funds to promote multiple use, recognizing the 30th anniversary of the act in 1990;

And be it further Resolved That the Blue Ribbon Coalition supports U.S. Senator STEVE SYMMS (R-ID) and U.S. Senator JEFF BINGAMAN (D-NM) in their resolution before Congress commemorating the 30th anniversary of the Multiple Use-Sustained Yield Act.

Dated this 19th day of November, 1989 at the annual meeting of the general membership in Reno, Nevada.

BLUE RIBBON COALITION, INC.,
CLARK L. COLLINS,
Executive Director.

[From the Denver Post, Mar. 15, 1960]

WE NEED A MODERN FOREST LAW

A bill of vital interest to Western States, where most of the national forests are located, is to be given hearing, starting Wednesday, before the Forestry Subcommittee of the House Agriculture Committee in Washington.

The purpose of the bill, H.R. 10572, is to spell out clearly, our national policy for the administration of the 181 million acres of forest lands which comprise one of our greatest public assets.

The need for this legislation stems from the fact that the law of 1897, establishing the national forests, contemplated that the principal value of these lands would be to furnish the country with timber.

Therefore, the original act emphasized timber production and mentioned only casually that the Secretary of Agriculture was to have authority to regulate the occupancy and use of the forests.

By a process of evolution, the national forests have come to have many uses. They are the source of water for 1,800 municipalities (including Denver) and more than 600 hydroelectric plants. They furnish one-third of the Nation's big game and provide grazing for one-fifth of the U.S.-grown sheep, and one-eighth of our cattle.

One of the important uses, not anticipated in 1897, is for recreation. Millions of Americans hunt, fish, camp, ski, hike, and picnic in national forests each year.

Use of the forests for multiple purposes has worked well and has been in the public interest but the basic act has never been updated to recognize, specifically, these additional uses.

As a result, some of the uses approved by the Secretary of Agriculture have been challenged from time to time. Stockmen at times have complained that the Secretary had no business allowing the forests to be used for hunting and fishing. Recreation groups have argued that the Secretary should bar livestock from forests.

These bills before the House committee merely ratify the policy for multiple use of the forests which has been in effect for many years. It recognizes that forests may be used for outdoor recreation, range, timber, watershed, and wildlife and fishing purposes as well as for mining.

It permits the Secretary to decide in particular areas the relative value of each use—such as the use for wildlife as compared with the use for domestic animals or the use for timber as compared with use for recreation. This ratification by Congress of long-standing forest policies is vital to the development of the West and is necessary to assure the maximum beneficial use of resources while, at the same time, protecting those resources from overuse and depreciation.

Mr. BINGAMAN. Mr. President, I rise to add my support and sponsorship to a provision that the Senator from Idaho is introducing, and I am joining him in introducing today, a joint resolution to commemorate the week of June 10 as Multiple-Use Sustained-Yield Week. This honors the 30-year-old Multiple-Use Sustained-Yield Act, which was enacted by Congress to guide the management of our national forests. This act provides a solid foundation for administration of the national forest natural resources and stresses both the commodity and the noncommodity uses of those resources.

The statute requires USDA Forest Service managers to consider outdoor recreation, range, timber, watershed, wildlife, fish, wilderness, and other values in managing the National Forest System.

Mr. President, the 156 national forests, the 19 national grasslands, and the 16 land utilization projects that make up our National Forest System are located in 44 of our States, in Puerto Rico, and the Virgin Islands. Of the natural resources on these 191 million acres, 9.2 million of those are in my home State of New Mexico, and they represent some of the Nation's greatest assets and have major economic, environmental, and social significance for all Americans.

Mr. President, I urge my colleagues to join with Senator SYMMS and myself in passing this joint resolution.

The Multiple-Use Sustained-Yield Act provides a solid foundation for administration of the national forests' natural resources and stresses both commodity and noncommodity uses. The statute requires that USDA Forest Service managers consider outdoor recreation, range, timber, watershed, wildlife, fish, wilderness, and other values in managing the National Forest System. In addition, the Multiple-Use Sustained Yield Act prescribes the founding principle of sustained yield directing that no renewable resource may be consumed faster than nature can replenish it.

The 156 national forests, 19 national grasslands, and 16 land utilization projects that make up the National Forest System are located in 44 States, Puerto Rico, and the Virgin Islands. The natural resources on these 191 million acres, of which 9.2 million are in New Mexico, represent some of the Nation's greatest assets and have major economic, environmental, and social significance for all Americans.

The Forest Service provides leadership in the management protection, and use of almost one-third of all Federal land in the United States. The agency is dedicated to multiple-use management of these lands for sustained yields of renewable resources

such as outdoor recreation, forage, wood, water, fish, and wildlife.

National Forest System lands are truly "America's Great Outdoors." Each year the Forest Service supplies more outdoor recreation than any other Federal agency. Much of this recreation use takes place in the natural forest environment where driving for pleasure, whitewater rafting, backpacking, hunting, and fishing are very popular. However, the national forests also contain a wide range of developed facilities, for the convenience and enjoyment of those who camp, picnic, boat, swim, or engage in winter sports. The Forest Service administers a variety of congressionally designated areas such as national recreation areas and wild and scienic rivers. In addition, the agency manages prehistoric and historic properties on National Forest System lands.

The Forest Service pioneered the establishment of wilderness on national forests in 1924 with the Nation's first such area—the Gila Wilderness in my home State of New Mexico. Wilderness is administered to provide for scientific, scenic, educational, conservation, historical, recreation, and other uses consistent with wilderness resource protection.

The Forest Service manages more than 14 percent of the Nation's 1.2 billion acres of rangeland to conserve the land and its vegetation while providing food for both domestic livestock and wildlife. Emphasis is placed on the management of range vegetation to maintain or enhance water quality and quantity, soil productivity and stability, wildlife habitat, and recreation opportunities.

Of the 191 million acres of national forests, 86.5 million acres are classified as commercial forests. Commercial forest land is land that is available for, and capable of, producing crops of industrial wood. The National Forest System contains the largest supply of standing softwood sawtimber in the United States and it plays a vital role in meeting the Nation's wood product needs. Our national forests help furnish America with lumber and plywood for housing and industrial demands, and with paper products.

Much of the Nation's water supply flows from National Forest System lands. Assuring adequate yields of high quality water and continuing soil productivity are the aims of the Forest Service's watershed management programs.

In cooperation with the States, the Forest Service manages fish and wildlife habitat to benefit both commercial and recreational users. The National Forest System is becoming increasingly important for wildlife and fish-related recreation as private lands are converted to other uses and the costs of hunting, fishing, and nonconsumptive uses increase on private lands. As about 30 percent of the threatened and endangered species in the United States find their remaining habitat on National Forest System lands, top priority is given to maintaining and improving habitat for these species.

While energy and mineral resources are not renewable, they are one of the multiple uses of our national forests and national grasslands. National Forest System lands contribute significantly toward meeting the Nation's needs for hard rock minerals, coal, oil, gas, and geothermal resources.

Under the Multiple-Use Sustained-Yield concept, the Forest Service relies on long-range program planning to assure that the resource demands placed on National Forest System lands are met, and that the productivity and environmental quality of these lands are maintained. The Forest Service's land management planning process results in integrated planning for all resources that identifies a balance between the multiple use of National Forest System lands on a sustainable long-term basis.

Demands for a variety of competing uses of our natural resources are causing serious problems in much of the world today. All to often, developing countries utilize their natural resources for short-term economic gain, ignoring the scientific, aesthetic and other long-term values inherent in public stewardship. Fortunately, for three decades, U.S. policy has recognized the need to manage our own national forests' resources on a multiple-use, sustained-yield basis.

As we move toward the 21st century demands on our natural resources will become increasingly more complex. We need to continue to emphasize the concepts of the Multiple-Use Sustained-Yield Act and ensure that our public land resources are managed in a wise and responsible manner. Continued balanced and biologically sound resource management of National Forest System lands is critical.

Gifford Pinchot, America's first forester and the first Chief of the Forest Service, laid the foundation for the development of the Multiple-Use Sustained Yield Act when he said that "Caring for the land and serving the people is the goal of the U.S. Forest Service."

I urge my colleagues to join Senator SYMMS and me in supporting this joint resolution to designate the week of June 10, 1990, as "Multiple-Use Sustained-Yield Week."

By Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. BOSCHWITZ, Mr. LIEBERMAN, Mr. LEVIN, and Mr. METZENBAUM):

S.J. Res. 241. Joint resolution to designate the week of April 29 through May 5, 1990, as "Jewish Heritage Week"; to the Committee on the Judiciary.

JEWISH HERITAGE WEEK

● Mr. D'AMATO. Mr. President, I rise today to introduce a joint resolution which would declare April 29 through May 6, 1990, "Jewish Heritage Week."

In our diverse and varied Nation, the contributions of all cultural and ethnic groups are indispensible. More specifically, the significant contributions of the American-Jewish population to our society have proven to be outstanding. Advances in a variety of fields such as industry, medicine, and education are to be credited to the efforts of Jews, and their contribution to the sciences alone has been noteworthy.

The upcoming spring months are ones of special historic and religious interest to the Jewish community, and Jewish Heritage Week seeks to highlight these important occasions. One such occasion is the 42d anniversary of Israel's independence day, which is celebrated on April 30, 1990. Needless to say, the alliance between the United States and Israel is an important and cherished one, and one that certainly deserves our recognition.

Another approaching event to be commemorated by Jewish Heritage Week is Holocaust Memorial Day, which will be observed this year on April 22, 1990. In remembrance of the Holocaust, not only Jews but all people mourn the senseless and brutal tragedy inflicted on several races and countless innocent individuals during the Second World War. April 22 also commemorates the Warsaw Ghetto Uprising, which demonstrated the courage and strength of Jews imprisoned in Warsaw.

Passover, too, will be commemorated by Jewish Heritage Week. This religious occasion, which occurs from April 10 to 17, 1990, celebrates the historic journey made by the Hebrew people as Moses led them from slavery in Egypt to freedom in the Promised Land.

Finally, Jerusalem Day, which will be observed on May 23, 1990, signals the anniversary of the unification of Jerusalem after the Six-Day War.

Jewish Heritage Week will designate the week of April 29 through May 6, 1990, as a significant celebration to commemorate the Jewish experience. This year's celebration will focus on "Women of Valor: Celebrating the American-Jewish Woman," wherein the contributions and achievements of American-Jewish women will be examined and praised. The week will be characterized by appropriate activities and celebrations, and I urge all of my colleagues to join me in cosponsoring this joint resolution.

I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 241

Whereas May 10, 1990, marks the forty-second anniversary of the founding of the State of Israel;

Whereas the months of April, May, and June contain events of major significance in the Jewish calendar, including Passover, the anniversary of the Warsaw Ghetto Uprising, Holocaust Memorial Day, and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all ethnic groups in this Nation contributes to the unity of this Nation;

Whereas understanding among ethnic groups in this Nation may be fostered further through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jewish people to this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 29, 1990, through May 5, 1990, is designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, departments and agencies of State and local governments, and interested organizations to observe such week with appropriate ceremonies, activities, and programs.●

By Mr. THURMOND:

S.J. Res. 242. Joint resolution designating the week of April 22 through April 28, 1990, as "National Crime Victims' Rights Week"; to the Committee on the Judiciary.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. THURMOND. Mr. President, I am pleased to introduce today a Senate joint resolution which designates the week of April 22 to 28, 1990, as "National Crime Victims' Rights Week."

It is a sad legacy that over the past few years, nearly 35 million Americans were victimized annually by criminal acts; 6 million individuals per year are raped, robbed, beaten, or murdered. The impact of crime is devastating to innocent victims and their families. In addition to the physical injuries and the financial losses, the victim is further scarred with the emotional loss of one's sense of dignity, security, and trust in other human beings. It is disturbing that the likelihood of becoming a victim of violent crime is now greater than that of being injured in an automobile accident.

Further compounding the pain and anguish victims must endure has been an historical insensitivity to their plight. The criminal justice system has oftentimes ignored the rights of victims before making crucial decisions regarding their cases or failed to notify them that a defendant had been released on bail. While the system offered legal representation and other forms of aid to the accused, it offered minimal assistance to the victim in recovering from the tremendous burden resulting from victimization.

Seven years ago, the President's Task Force on Victims of Crime presented an agenda to correct these injustices and restore balance to the criminal justice system. At the Department of Justice, an Office for Victims of Crime was established within the Office of Justice Programs for the purpose of helping States implement the task force's recommendations. The Federal Government began awarding fines collected from convicted Federal offenders to the States to aid victims of crime. In addition, the National Victims Resource Center within the Office for Victims of Crime was established to provide information on victim assistance programs and laws. Largely as a result of these efforts, community programs for victims have grown in number and now every State has a designated agency responsible for victim services.

Much progress is being made to help the victims adjust, but much more needs to be done. Through the continued efforts of State and local governments and private organizations and concerned citizens, the trauma suffered by the innocent victims of crime will be eased.

I urge my colleagues to join with me and support this resolution.

ADDITIONAL COSPONSORS

S. 134

At the request of Mr. GLENN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 134, a bill to establish the congressional scholarships for science, mathematics, and engineering, and for other purposes.

S. 216

At the request of Mr. MOYNIHAN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 216, a bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the Old-Age, Survivors, and Disability Insurance Program under title II of the Social Security Act and the Supplemental Security Income Program under title XVI of such act.

S. 478

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. 478, a bill to provide Federal assistance to the National Board for Professional Teaching Standards.

S. 619

At the request of Mr. SARBANES, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 619, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 670

At the request of Mr. ARMSTRONG, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Idaho [Mr. SYMMS], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 670, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 695

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. 695, a bill to promote excellence in American education by recognizing and rewarding schools, teachers, and students for their outstanding achievements; enhancing parental choice; encouraging the study of science, mathematics, and engineering, and for other purposes.

S. 814

At the request of Mr. DOMENICI, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 814, a bill to provide for the minting and circulation of $1 coins, and for other purposes.

S. 972

At the request of Mr. WIRTH, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 972, a bill to transfer to the Secretary of Health and Human Services the authority of the Secretary of Energy to conduct epidemiological studies of the effects of radiation, and for other purposes.

S. 1076

At the request of Mr. BURDICK, the name of the Senator from Oklahoma [Mr. BOREN], the Senator from Michigan [Mr. LEVIN], the Senator from Florida [Mr. GRAHAM], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1076, a bill to increase public understanding of the natural environment and to advance and develop environmental education and training.

S. 1169

At the request of Mr. ROTH, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1169 a bill to provide administrative procedures for noncontroversial tariff suspensions.

S. 1207

At the request of Mr. PACKWOOD, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1207, a bill to amend the Communications Act of 1934 to reform the radio broadcast license renewal process and for other purposes.

S. 1224

At the request of Mr. BRYAN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1224, a bill to amend

the Motor Vehicle Information and Cost Savings Act to require new standards for corporate average fuel economy, and for other purposes.

S. 1226

At the request of Mr. MCCONNELL, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1226, a bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of pornographic material.

S. 1540

At the request of Mr. JEFFORDS, the name of the Senator from Vermont [Mr. LEAHY], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1540, a bill to establish a critical languages and area studies program.

S. 1600

At the request of Mr. FORD, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1600, a bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes.

S. 1669

At the request of Mr. BENTSEN, the name of the Senator from Colorado [Mr. WIRTH] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1669, a bill to provide Hispanic-serving institutions of higher education with financial assistance to improve their capacity to expand Hispanic educational attainment.

S. 1696

At the request of Mr. KENNEDY, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1696, a bill to amend title 28 of the United States Code to prohibit racially discriminatory capital sentencing.

S. 1785

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1785, a bill to exclude the Social Security Trust Funds from the deficit calculation and to extend the target date for Gramm-Rudman-Hollings until fiscal year 1997, and to establish a point of order for the protection of the trust funds.

S. 1787

At the request of Mr. DECONCINI, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1787, a bill to restore the recordkeeping requirement of the Child Protection and Obscenity Enforcement Act of 1988.

S. 1858

At the request of Mr. KASSEBAUM, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1858, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 1943

At the request of Mr. PRESSLER, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1943, a bill to authorize a program of scientific drilling into the continental crust of the United States.

S. 1950

At the request of Mr. GLENN, the name of the Senator from Ohio [Mr. METZENBAUM] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1950, a bill to establish regional Science, Mathematics, and Technology Education Consortiums, and for other purposes.

S. 2006

At the request of Mr. GLENN, the names of the Senator from Tennessee [Mr. GORE] and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 2006, a bill to establish the Department of the Environment, provide for a global environmental policy of the United States, and for other purposes.

S. 2019

At the request of Mr. SYMMS, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 2019, a bill to amend title XVIII of the Social Security Act to eliminate the reimbursement differential between hospitals in different areas.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HATFIELD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of Senate Concurrent resolution 52, a concurrent resolution to express the sense of the Congress of science, mathematics, and technology education should be a national priority.

SENATE CONCURRENT RESOLUTION 87

At the request of Mr. KENNEDY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Concurrent Resolution 87, a concurrent resolution in support of the United Nations Secretary General's current efforts regarding Cyprus.

SENATE RESOLUTION 159

At the request of Mr. THURMOND, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of Senate Resolution 159, a resolution designating August 14, 1989, as "Social Security Administration Employee Recognition Day."

AMENDMENT NO. 199

At the request of ARMSTRONG, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of amendment No. 199 proposed to S. 5, a bill to provide for a Federal program for the improvement of child care, and for other purposes.

SENATE RESOLUTION 232—RETIREMENT OF CANTOR JOSEPH WIESELMAN

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 232

Whereas Cantor Wieselman is retiring after having served the congregation of Temple Beth-El in Poughkeepsie, New York, for over 20 years;

Whereas Cantor Wieselman was born of immigrant parents in the Lower East Side of New York City, New York;

Whereas Cantor Wieselman attended evening courses at the City College of New York and worked in the daytime to assist with family finances;

Whereas Cantor Wieselman completed studies at the City College of New York after having served this Nation during World War II as an Aircraft Specialist in the United States Armed Forces;

Whereas Cantor Wieselman subsequently underwent extensive musical, voice, and religious training with the American Theatre Wing, the Jewish Theological Seminary, and the Graduate School of Education at New York University;

Whereas before going to Poughkeepsie, New York, Cantor Wieselman served congregations in Duluth, Minnesota, New Britain, Connecticut, and Massapequa, New York, where, as in Poughkeepsie, in addition to carrying out cantorial and teaching duties Cantor Wieselman served as a Mohel for ritual circumcisions and also helped many children to prepare for Bar Mitzvahs;

Whereas Cantor Wieselman served the public for many years with a high degree of competence, loyalty, and dedication: Now, therefore be it

Resolved, That the Senate of the United States recognizes the outstanding public service of Cantor Wieselman, and that, on the occasion of the retirement of Cantor Wieselman, the Senate expressed best wishes to Cantor Wieselman, his wife, Kathy, and his daughters, Suri, Illana, Naomi, and Amy.

SEC. 2. The Secretary of the Senate shall transmit a copy of the resolution to Cantor Joseph Wieselman.

● Mr. D'AMATO. Mr. President, I rise today to honor Cantor Joseph Wieselman, who has retired after more than 20 years of service to Temple Beth-El in Poughkeepsie, NY.●

SENATE RESOLUTION 233—AUTHORIZING CERTAIN TESTIMONY

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 233

Whereas, in the case of *Springfield Terminal Railway Co.* v. *United Transportation Union*, No. 88-0117 P, pending in the United States District Court for the District of Maine, counsel for the plaintiff has served deposition subpoenas for testimony and the production of documents on the Office of Senator George J. Mitchell and Robert J. Carolla, an employee on the staff of Senator Mitchell;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act,

2 U.S.C. §§ 288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to defend employees of the Senate with respect to subpoenas directed to them in their official capacity;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Robert J. Carolla and the Office of Senator George J. Mitchell in connection with discovery in this case.

SEC. 2. That Robert J. Carolla is authorized to testify and to produce records, including telephone records of the Senate Telecommunications Office pertaining to the office of Senator George J. Mitchell, relevant to the case of *Springfield Terminal Railway Co.* v. *United Transportation Union,* except concerning matters for which a privilege should be asserted.

SENATE RESOLUTION 234—AUTHORIZING AN APPEARANCE BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas, in *United States* v. *Mark J. Haggerty, et al.,* No. CR-89-315R, pending in the United States District Court for the Western District of Washington, the constitutionality of the Flag Protection Act of 1989, Public Law No. 101-131, amending 18 U.S.C. § 700, has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288l(a)(1988), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *United States* v. *Mark J. Haggerty, et al.* in support of the constitutionality of the Flag Protection Act of 1989.

NOTICES OF HEARINGS

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am privileged to chair, is scheduled to hold a hearing Thursday, February 1, 1990, in SR-418 at 8:30 a.m., to consider the nomination of D'Wayne Gray to be Chief Benefits Director of the Department of Veterans Affairs.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, February 22, 1990, at 9:30 a.m., in SR-301, to receive testimony on S. 1543, to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia. Anyone wishing to testify or to submit a statement for the hearing record is requested to contact Mr. Jack Sousa, chief counsel of the Rules Committee, on 224-5648.

The committee will proceed at 10 a.m. to a hearing on the nomination of Robert William Houk, of Ohio, to be Public Printer. Senators, Representatives, and other interested individuals and organizations who wish to testify or submit a statement on this nomination are requested to contact Mr. Sousa.

Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Tuesday, February 27, 1990, at 9:30 a.m., in SR-301, to mark up pending executive, legislative, and administrative business, including the nomination of Robert William Houk, of Ohio, to be Public Printer, and S. 1543, to establish a memorial to George Mason in the District of Columbia. The committee will also mark up other items ready for consideration at the time of the meeting.

For further information regarding this markup, please contact Carole Blessington of the Rules Committee staff on 224-0278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 25, at 3 p.m. to hold a hearing on the situation in Panama.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the full Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on January 25, 1990, at 9:30 a.m., for a continuation of the January 24 hearing to receive testimony on the energy policy implications of S. 1630, the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, January 25, 1990, at 9:30 a.m. to hold a hearing on the "Impact of Agriculture on Ground Water: Opportunity for Action."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Thursday, January 25, 1990, at 9:30 a.m. to receive testimony on allied perceptions on the Soviet threat.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in closed session on Thursday, January 25, 1990, at 2 p.m. to discuss the nomination of Victor Stello, Jr., to be the Assistant Secretary of Energy for Defense Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE HOTEL JEROME: A PIECE OF COLORADO HISTORY

● Mr. WIRTH. Mr. President, Coloradans are rightfully proud of their State's many treasures. Not least among these is the grand dame of inns, the Hotel Jerome in Aspen, CO. In its early days, this majestic hotel provided weary travelers sanctuary from harsh weather, inhospitable terrain and long, dusty roads. This year the Hotel Jerome celebrates 100 years of service. In that century the hotel has undergone several transformations, starting first as an inn of solitary rooms with baths down the hall, to its present incarnation that provides visitors with a choice of luxury suites and a gourmet dining room.

Even more intriguing is the history the hotel witnessed in the Aspen community over the years—as the city grew from a small mining camp, to the State's first town to be electrified, to the booming ski resort it is today.

Mr. President, as the Hotel Jerome celebrates its 100th birthday, I would like to share with our colleagues an article that appeared in the Denver Post about the hotel. I commend the Hotel Jerome on its first 100 years and wish it well as it carries 100 years of fine tradition into a second century of service.

[From the Denver Post, Nov. 22, 1989]

ASPEN'S HOTEL JEROME MARKS CENTURY OF GRANDEUR

(By Joanne Ditmer)

ASPEN.—It's an extraordinary town belle who enters her second century looking better than ever. But the Hotel Jerome, the beloved 100-year-old landmark of this Victorian silver mining community, is one of those rare timeless beauties.

The Jerome, the Belle of the Roaring Fork, has been heart and hub of Aspen social life since it opened on Thanksgiving Eve, Nov. 27, 1889. That spectacular coming-out party attracted "the swells" from the region, as well as business tycoons from New York and Chicago.

In honor of its 100th anniversary, a free open house will be held at the hotel from 10 a.m. to 5 p.m. today. Visitors are invited to wear period costumes to the gathering, and prizes will be awarded for the most authentic attire. Roving entertainment reminiscent of the Victorian era, a slide show of Aspen and the hotel's history, tours and displays of local artifacts will help celebrate the hotel's founding.

The event culminates in a gala $350-per-person Grand Ball tonight, complete with the "appearance" of Teddy Roosevelt and Jerome B. Wheeler, who built the hotel and the Wheeler Opera House two blocks away.

Aspen was barely resting easy from pushing out the Utes when Wheeler, former president of Macy's Department Store in New York City, first turned his savvy entrepreneurial eye on the fledgling mining community in 1882. He and his wife had moved to Manitou Springs in hopes it would cure her tuberculosis, and almost immediately he discovered Aspen and its silver mines.

He invested in mines, built the essential smelting plant and sampling mill, financed a company to transport ore, founded the town's first bank, bought a ranch, a marble quarry and a coal company. He financed the first hydroelectric plant in 1885, which led to Aspen becoming the first Colorado mining camp to have electric power for its mines, as well as being the state's first wholly electrified town.

Even as he made his fortune, he was sensitive to the need to make Aspen a special place to live. He gave money to plant trees and flowers throughout the town, and even in 1895, author Frank Hall characterized Aspen (then known as Ute City) as the "handsomest, most substantial and attractive mining town in the Rocky Mountains."

From 1889 to 1893, an estimated $44 million in silver, lead and other metals was taken from Pitkin County.

Against this booming economy, a trio of innkeepers borrowed money from Wheeler to build the most impressive hotel west of the Mississippi.

But before construction was completed, they slipped out of town in the middle of the night, leaving Wheeler with a not-quite-finished hotel.

With his characteristic meticulous attention to detail, Wheeler finished the hotel, a marvel with its indoor plumbing, electric lights in every room, one of the first elevators in the West, and unparalleled luxury in every appointment. Alas, the Silver Crash of 1893 wiped out Wheeler and other mining millionaires, and he lost the hotel for back taxes in 1909.

Mansour Elisha, a Syrian salesman who had stopped at the Jerome on his travels, first leased it, then bought it for back taxes in 1911. He and his family owned and operated it through the down years, when the town's population dropped to 300, and during World War II, when the 10th Mountain Division training at Camp Hale near Leadville conquered Independence Pass and discovered Aspen—and the Jerome bar.

The town's renassisance dawned when Elizabeth Paepcke brought her husband Walter to Aspen in 1945. The Chicago industrialist, head of Container Corporation of America, was searching for a place that could be a summer cultural center for the pursuit of spiritual, intellectual and aesthetic values.

Paepcke took a 25-year lease on the Hotel Jerome, imported new management, and turned the hotel over to his friend Herbert Bayer, an artist who taught at Germany's famed Bauhaus School of Design, to redesign the inn. Bayer painted the red brick hotel pale gray trimmed in "Bayer blue," including over the arched windows, which resulted in "blue eyebrows" that townspeople loved dearly for nearly 40 years.

Throughout the years, the Jerome bar has remained a favorite watering hole for everyone from stars of stage and screen and high-finance moguls to local carpenters and ski instructors. But over time, the genteel hotel grew shabby and earned a reputation for erratic quality.

Dick Butera, owner of the Aspen Club and former president of the Hilton Head Co. in South Carolina, and his partner Jim McManus of Westport, Conn., came to the rescue in 1985. Thanks to a $6-million renovation, they restored the elegance of the Jerome's beginnings.

The 90 little rooms—some with baths down the hall—were remodeled into 21 luxurious rooms and six suites, and a new wing compatible with the original was added. The remodeled hotel now boasts 94 luxurious guest rooms, including 15 suites, a ballroom and other modern amenities missing in the original. Designer Zoe Compton furnished the hotel with authenic antiques, and searched out and renovated forgotten furnishings to re-create an opulence rarely seen.

The Hotel Jerome is one of nine properities that comprise the growing luxury division of Coastal Hotel Group of Chicago. In July, Wolfgang A. Triebnig arrived to become general manager of the Jerome, after six years as managers of the Park Hyatt in Chicago and 12 years with Stouffer Hotels in Washington.

A native of Vienna—who for the past five years has skied at Vail, but never at Aspen—Triebnig is in love with the Jerome and exuberant as it enters its second century.

"The Jerome has a history of 100 years . . . to uphold that tradition and what it represents today, is most exciting," said Triebnig. "I like to think that the upper crust of society stayed here, and that's what we're going to have again. We're going to make it the best of the best, give a home-away-from-home comfort while we maintain the luxury."

Evidence of that striving for excellence is the new menu in the hotel restaurant, the Silver Queen. Dinner there now is a superlative gourmet experience, with a price to match.

"The Jerome belongs to the community of Aspen," he added. "There's nothing else in Aspen to compare; it's always been The Place."

The black tie/period costume Grand Ball tonight is a benefit for the Aspen Historical Society. It will include a banquet, musical revue, skits, a candlelight toast and dancing in the Eastlake-Gothic style ballroom, which was added with the new wing five years ago.

Among the celebrants at the ball will be tennis champion Martina Navratilova; Olympic skier Kiki Cutter; Janet Guthrie, the only woman ever to compete in the Indianapolis 500; and such ski legends as Art Pfister and Peter Seibert, Vail founder. (For information, call the hotel at 1-920-1000.)●

THE CONGRESS BELLS RING

● Mr. DANFORTH. Mr. President, the Congress Bells in the Old Post Office Tower rang out over the noon hour on January 23 to commemorate the opening day of the 101st Congress, 2d session. Thanks to the good efforts of Sir H.D.H. Wills, C.B.E., T.D., D.L., the bells were a gift to the Congress from the British Ditchley Foundation on the occasion of the U.S. Bicentennial in 1976. Since 1983, when they were installed and dedicated, the Congress Bells have been rung to mark holidays and the opening and adjournment of Congress. The bells are cast in weight and tone similar to the bells of Westminster Abbey, and are rung in the ancient style of change ringing by members of the Washington Ringing Society. Tony Buttle, John King, Hat Morgan, Alex Netchvolodoff, Carolyn Orems, and Quilla Roth rang the bells from 12 noon until 1 p.m., on the 23d.●

THE JEWEL OF EASTERN COLORADO: TARADO MANSION

● Mr. WIRTH. Mr. President, recently I had an opportunity to visit the Tarado Mansion in the high plains of eastern Colorado with its owner Jim Petersen. This Greek revival mansion, which is a reconstruction of an abandoned local landmark named the Adam's Hotel, was moved from downtown Arriba to just south of that small farming community in 1972 and stands as a jewel in the middle of Lincoln County.

Mr. Petersen and the Eastern Colorado Preservation Society have made Tarado Mansion a showcase for priceless antiques from all over the world. Every room is full of fascinating items that date back hundreds of years and make a visitor feel as if he or she has taken a trip back to a time when life was less hectic and more genteel. Each of the mansion's four bedrooms has its own style of decor from Victorian to French, American oak to oriental. Paintings by eastern Colorado artists and a large pipe organ fill the lower level ballroom.

A separate house to the side of Tarado is dedicated year-round to Santa Claus with a large collection of toys. This December marked the fifth "Christmas Walk" at Tarado, when every room in the mansion is decorated for the season in exquisite detail—so much that you expect to hear a jolly "Ho! Ho! Ho!" eminating from the next room at any time.

I congratulate Mr. Petersen and the Eastern Colorado Preservation Society for helping to bring tourists to Lincoln County by truly making Tarado Mansion a beautiful and fascinating place to visit at any time of the year. I encourage all Coloradans and the Members of the Senate to visit Tarado

Mansion if they are ever in eastern Colorado.●

SENATOR LUGAR'S SPEECH ON THE DEMOCRATIC REVOLUTION

● Mrs. KASSEBAUM. Mr. President, on January 12, 1990, Senator LUGAR delivered a keynote address on "The United States and the Democratic Revolution" to the International Leadership Forum of the Center for Strategic and International Studies in San José, Costa Rica.

Senator LUGAR's speech eloquently analysed the role of the United States in the struggle for democracy and specifically assessed the current situation in Nicaragua. I believe we all can benefit from reading Senator LUGAR's views, particularly on the elections in Nicaragua which will take place at the end of February. Consequently, I am submitting the full text of the speech for inclusion in the RECORD.

THE UNITED STATES AND THE DEMOCRATIC REVOLUTION

(Address by Senator Richard G. Lugar)

As the world enters the 1990's, the United States is on the threshold of a major debate on the role of our country in the leadership of world affairs. At a time when the Warsaw Pact nations of Eastern Europe are seeking to establish democratic political institutions and various forms of market economic systems—while pleading for massive United States assistance—a major U.S. news magazine recognized Soviet President Mikhail Gorbachev as "Man of the Decade." The basic rationale for this award came from an analysis that Soviet permissiveness made possible the liberation of states enslaved for more than four decades by a combination of Soviet military occupation and local Communist police states.

Many American voices, and I am one of them, argue that the solidarity and successful political and military policies of NATO were much more responsible for European freedom in 1989.

Even though the year of 1989 ended with Germans dancing on the Berlin Wall, the year had begun for many American intellectuals with Professor Paul Kennedy's suggestion from his book, *The rise and Fall of the Great Powers,* that the United States and the Soviet Union were like two scorpions in a bottle, battling to the death while the economic authority of Japan and the Federal Republic of Germany rushed past the distracted and severely depleted "cold warriors." Many Americans began the year convinced that our national influence was dwindling, our resources much more limited than we had assumed, and that our allies were failing to pay their fair share of common defense while taking unfair advantage in international economic competition. Now, many of these same Americans claim not only a temporary victory in the Cold War, but the end of the Cold War and the necessity of identifying and spending a "peace dividend" from the estimated savings of future defense budgets.

I am sensitive to the views I have summarized but I believe they are all wrong. Let me share a glimpse of my own vision. At the end of 1989, I was exhilarated to hear Lech Walesa addressing a joint session of the United States Congress. I applauded Leonard Bernstein's Christmas performance of Beethoven's Ninth Symphony on both sides of the Berlin Wall, and I was elated when United States troops conducted an efficient military operation in Panama that protected Americans in that country, safeguarded operation of the Canal under the Treaty, and made possible the installation of leaders elected by the people of Panama last May.

In the coming debate in the United States Senate, and more importantly in other public fora in our country, I will argue that the United States is a world superpower that must stay fully engaged with friendly nations in our hemisphere, in Europe, in Asia, in the Middle East, and in Africa. We are advocates of democracy, of human rights, of religious, academic and economic freedom. We are honest brokers of disputes in every geographical region and trusted guarantors of peaceful relations among nations and of safe passage on the high seas. We have been the major factor in the development of universal communications which has made possible the universal transmission of our ideas and our idealism. We have been and remain the major factor in the growth of the world trading system. Our prosperity and that of every other nation depend on the strength and continuity of that leadership.

For all of those reasons, we will continue to require military forces sufficient to play all of our roles in every theater. If there is to be a peace dividend in the years to come, it will come from our continued economic growth in a world economic system which our active leadership must continue to help structure and secure.

All of this is certainly arguable and will be argued at length. In in this paper, I will confine my vision to the specific interest that the United States has in spreading knowledge about democratic institutions and in assisting people in every land to enjoy personal and national growth most likely to occur in a democratic atmosphere.

At minimum, I believe that democratic practices must include the right of each adult citizen to cast a secret ballot with results accurately recorded in a choice with more than one candidate from more than one party. Leadership must be identified for a term of office and under conditions where temporary powers end, and succession occurs through secret ballot, again and again. Selection of leadership and exposure of ideas and performance can come only through free speech and a free press. This implies a whole set of human rights and personal liberties universally respected by citizens and upheld by the state, with an independent court system providing dispute resolution and justice vis-a-vis the state and among various individual citizens and groups.

Adopting democratic procedures and even maintaining human rights and free and open discussion does not ensure prosperity. Each nation must encourage and reward enterprise, hard work, respect for wisdom and a strong sense of public spirit. But process is crucially important. Many new democracies recognize the need for expertise in fashioning political and economic procedures. The goal is to incorporate the experience of others and "leap frog" over many stages of purely indigenous development.

The United States has always been interested in fostering the democratic process. Our history pulsates with the enthusiasm to help others; but the last decade was a time of especial vigor for U.S. advocates of democracy. The National Endowment for Democracy, the Republican and Democratic Party Institutes which work with the Endowment, and the privately supported Center for Democracy became advocates for free and fair elections in a host of countries. Their guidance was sought in actually setting up democratic housekeeping as new administrators and legislators assumed democratic responsibilities for the first time. Other countries in Europe and in the Western Hemisphere encouraged similar foundations for democratic institution-building. Many started long before the United States entered the field.

A dramatic manifestation of this democratic advocacy was the appointment of official election observer groups that arrived in countries on the threshold of watershed elections, and who informed the world whether those election were free and fair. Well-observed and publicized elections in Zimbabwe and El Salvador occurred in the first half of the 1980s.

The Philippine election of February, 1986 marked an important turning point in elevating the role of elections in a transition to democracy. It was especially important because it occurred in a very large and complex nation, the election results were widely disputed, and the entire process was covered by a multitude of the international electronic and print media. They beamed the drama around the world, day after day, throughout the election, and during the subsequent "people power" revolution.

President Ferdinand Marcos called a "snap" election and demanded that the United States send an official observer delegation to validate what he had anticipated would be an overwhelming mandate to govern. After a stream of American Congressional and Reagan Administration visitors advised Marcos that he must be more effective against Communist guerrillas and in cleansing Philippine institutions, Marcos decided to demonstrate his authority by engaging in a public relations campaign.

The opposition to Marcos united behind a single candidate: Corazon Aquino. Her campaign was perceived as enough of a threat that Marcos attempted and failed to gain Philippine Supreme Court nullification of the election. Comprehensive fraud, predominately by incumbents, was perpetrated, leading ultimately to an overall international judgment that the reported results were invalid.

The internal debate within the Reagan Administration following the election was important not only becuase it led to the recognition and support of the new Aquino presidency, but because it produced a dramatic and comprehensive new statement of U.S. foreign policy.

On March 14, 1986, President Reagan stated:

"For more than two generations the United States has pursued a global foreign policy. Both the causes and consequences of World War II made it clear to all Americans that our participation in world affairs, for the rest of this century and beyond, would have to go beyond just the protection of our national territory against direct invasion. We had learned the painful lessons of the 1930s that there could be no safety in isolation from the rest of the world. . .

". . . In the past several weeks, we have met these responsibilities—in difficult circumstances—in Haiti and the Philippines. We have made important proposals for peace in Central America and southern Africa. There and elsewhere, we have acted in the belief that our peaceful and prosperous future can be best assured in a world in

which other peoples too can determine their own destiny, free of coercion or tyranny either at home or abroad.

"The prospects for such a future—to which America has contributed in innumerable ways—seem brighter than they have been in many years. Yet we cannot ignore the obstacles that stand in its path. We cannot meet our responsibilities and protect our interests without an active diplomacy backed by American economic and military power. We should not expect to solve problems that are insoluble, but we must not be halfhearted when there is a prospect of success. Wishful thinking and stop-and-go commitments will not protect America's interests . . .

". . . In this global revolution, there can be no doubt where America stands. The American people believe in human rights and oppose tyranny in whatever form, whether of the left or right. We use our influence to encourage democratic change, in careful ways that respect other countries' traditions and political realities as well as the security threats that many of them face from external or internal forces of totalitarianism."

Let me underline that President Reagan stressed a global foreign policy, an active diplomacy backed by American economic and military power, and opposition to tyranny of the left and the right.

The televised images of the Philippine election had a profound impact in Asia, but also in Latin America. Political ferment in South Korea and Taiwan was obvious, but President Oscar Arias told then Vice President George Bush and me, as we arrived for his inaugural ceremonies in 1986, that he and many other Costa Ricans had been watching the Philippine election on television with keen interest. They liked what they perceived to be a new American enthusiasm for democracy as distinguished from preoccupation with the realpolitik of single-minded interest in the retention of military bases.

The Philippine election experience also illuminated problems. Americans were pleased that Corazon Aquino was a fresh symbol of goodness in politics, but they became impatient with the stubborn facts of civil strife, domestic corruption and interminable discussion about the future of the Clark and Subic bases. Even four years later—after Filipinos have ratified a Constitution by nearly 75 percent, elected a new Congress with new responsibilities and necessary checks and balances with the President, elected local officials, increased foreign exchange reserves, reduced the national debt with regular payments, engendered real growth of approximately 6 percent annually for three years following negative growth during the final Marcos years, and reduced the percentage of Filipinos living in abject poverty—still many Americans seem eager to seize upon new allegations that President Aquino is weak and relatively ineffective.

Admittedly, the tedium of building a democracy dissipates the excitement of a dramatic election victory filled with promises and hopes for a better future. The world is fickle in deciding what is newsworthy, with an attention span too short for the development and growth of a democracy.

We must be constant in our strong support and appreciation of democracies whose elections we observe. Democracy is difficult and often precarious as fulfillment of hopes is demanded by the people. And, unfortunately, democracy is a reversible process.

Both elements, the election process and the development process, are essential. The blessings of 1989 have presented champions of democracy with an abundance of new opportunities.

Elections in Asia, the Soviet Union, Eastern Europe and Latin America were extraordinarily important political events in the 1980s. For sake of vivid and timely illustrations, I will concentrate my attention on the May, 1988 election in Panama and the forthcoming February election in Nicaragua.

The Philippine election became the archetype of formal election observation and follow-through in foreign policy formulation by the United States and other interested governments. Free and fair elections came to be perceived in my country as a primary method for validating public opinion, legitimizing government actions and resolving seemingly intractable foreign policy dilemmas.

The Bush Administration inherited from the Reagan years the problems of United States relations with Panama and Nicaragua. Looking ahead toward horizons well beyond such a troubled legacy, President Bush and Secretary of State Baker saw remarkable opportunities to improve bilateral relations with the Soviet Union and to bring about substantial advantages for democracy in Eastern Europe. Understandably, they devoted primary time and travel to Europe.

I suggested to them that we must also pay attention to the one event in Panama's calendar that offered hope for a breakthrough, namely the early May election. Semi-miraculously, just as in the Philippines, the opposition to General Noriega came together behind Guillermo Endara as a single presidential standard-bearer with two able vice presidential candidates from other parties. Just as in the Philippines, the Catholic Church offered substantial support to the opposition. Just as in the Philippines, it was assumed by all outside and inside observers that Noriega would do what he needed to do to win the election, that it was absolutely essential to encourage opposition candidates to stay the course, even at great personal peril to themselves and to their followers.

I encouraged Allen Weinstein and the Center for Democracy to establish a visible information clearinghouse headquarters in Panama City. Dr. Weinstein had visited the Philippines at the request of the Senate Foreign Relations Committee in late 1985 and prepared the observer group that I was to co-chair. We had comprehensive knowledge of the election code, of the election players, and of levers which we employed to open up the channels of observation and dialogue with the government.

As the activities of the Center for Democracy became evident in Panama, General Noriega decided to shut them down. Unlike Marcos, Noriega did not invite official observers nor engage in dialogue on arrangements. But by 1989 the election observation process had become mature and sophisticated. The free and fair election cry had become persistent. The candidates were encouraged to contest the election, and former U.S. President Jimmy Carter and his group of former Western hemisphere heads of state kept visiting with Noriega throughout the election. The Catholic Church retained quick count tally sheets from a large percentage of voting tables reminiscent of the fledgling NAMFREL movement in the Philippines in 1984 and of the full-blown operations of NAMFREL citizen watchers and volunteers in 1986.

Although General Noriega nullified the election in 1989 just as Marcos had threatened to do in 1986, Noriega was less successful in scrubbing all the votes off the international scoreboard. It was apparent that Endara had won. The legitimacy of his presidency was established then, even if not realized until December.

To the strong credit of the Central American Presidents, they have pursued the resolution of the Nicaraguan problem through a scheduled free and fair election which was accelerated through negotiations to February 25, 1990. In this region, free and fair elections have taken root. Costa Ricans have perfected the democratic election process and I have observed well-administered elections in Guatemala and El Salvador. The recent Honduran election also was exemplary.

Yet the future of the Central American democracies is jeopardized by violence in Nicaragua and El Salvador and by the pervasive economic poverty of the region. The political turmoil and the economic crisis will not be alleviated until peace is obtained and the basic elements of the democratic experience are visible and habitual in all of Central America.

I shall not review the history of United States-Nicaraguan relations. They have been disastrous. They may remain that way after February 25, but the preoccupation of the United States with democracy and with free and fair elections as a first step guarantees that February 25 will be a vital date for the beginning of a new debate on United States policy toward Nicaragua.

I am not alone in perceiving that the Sandinistas have established the current election procedures with reluctance. They are not persuaded that their mandate for a limited term to govern comes from the secret ballots of their countrymen, and they are deeply concerned, as are most incumbents, that they might lose a free and fair election.

The principal reason for subjecting themselves to an election test is pressure from within Central America, with the concerted leadership of the democratically elected Central American presidents. Perhaps they also believe that some degree of harmony with the United States must precede economic recovery and that the *sine qua non* for United States commercial ties or lifting stringent economic sanctions is legitimacy for their government through free and fair elections.

Early last summer I suggested to President Bush, Vice President Quayle and Secretary Baker, that given the importance of this election to the potential alleviation of one of the worst dilemmas of American foreign policy, a Presidential observation group for Nicaragua should be appointed months in advance so that all members could visit the country frequently and come to a careful understanding of both history and current circumstances. Ideally, the observer group should be composed of roughly equal membership from House and Senate, Republicans and Democrats, and from those who have voted for and against aid to the Nicaraguan Contras.

A consensus judgment about the February 25 election coming from such a group could produce a constructive Congressional debate after February 25. It was and is my hope that a consensus policy might replace a decade of bitter, divisive debate which has injured U.S. relations with many nations in the hemisphere.

In unprecedented fashion, President Bush did appoint a 20 member Nicaraguan elec-

tion observer group on November 14 to be co-chaired by Congressman Tony Beilenson, a California Democrat, and me. We were charged with a mission of visiting Nicaragua in all possible locations and were given the widest possible latitude for our deliberations and report. After the November congressional recess, members planned to travel to Nicaragua but were stopped in their tracks by an official directive from Nicaragua denying visas to all members of the Presidential observer group.

I do not intend to go to Nicaragua to observe the election unless I am invited by the government and given access to all parts of the country and all aspects of the election. I have written to President Ortega to point out that I must now seriously consider asking President Bush to disband our group. We have not been allowed to witness the campaign nor to investigate charges of harrassment of election personnel and disruption of political rallies, or charges that fear engendered by military action intimidates political activity. A careful judgment about a free and fair election based only on ballots cast and counted on February 25 will lack credibility without continuous examination of the procedures of voter registration, candidate access to the mass media and the general climate for democracy. The election must be both free on election day and fair on the days of the campaign leading up to the election.

The Nicaraguan government has compounded observation difficulties by using the pretext of a mistaken U.S. search of the Nicaraguan Ambassador's residence in Panama as an opportunity to expel most of an already small staff from the American embassy in Managua. The official American presence whose reporting is essential in reaching informed foreign policy judgments is at an historically low level just before the U.S. debate on Nicaraguan policy is about to begin. In my Philippine experience, our observer group had the benefit of full cooperation of the host government, a superb Ambassador and staff that gave brilliant reporting and full support to our mission for months in advance. As observers who were also elected public officials, we worked diligently to furnish our President and our congressional colleagues with our best judgment and information on which the future relationship between the Philippines and the United States might be based.

The Nicaraguan government responds, in part, that the United Nations and the Organization of American States will have many teams of observers in the country. In addition, President Carter's group, the Center for Democracy, and many foreign delegations will be present. Perhaps election events in Nicaragua will be so obvious as to be easily understood without sophisticated analysis or careful inspection of preparation and procedure. But early indications point to a close election, campaign violence, and a fractious congressional and public debate on Nicaragua.

I am puzzled by current Sandinista tactics. They have submitted to an apparently unwanted election to satisfy neighboring democracies, European benefactors and, ultimately the United States, with the hope of ending crippling economic sanctions and the civil war. Why should access be denied to United States Congressmen and to professional U.S. embassy personnel who could give a continuous flow of eye-witness information during an election campaign deemed crucial to the future of the country?

Whether I or any of the official U.S. observers ever see Nicaragua or not, a congressional debate will commence soon. It will play a critical role in shaping future U.S.-Nicaraguan relations. I intend to play a vigorous role in it. I will cite the following factors as relevant to the election process thus far:

(1) The ground rules for the election have been set entirely by the Sandinistas except at the time of the National Dialogue when an accord with the opposition was dictated by a Sandinista need for an agreement to take to the Tela conference of Central American Presidents. The National Dialogue was supposed to resume immediaetely thereafter, but the Sandinistas have refused all opposition requests for a resumption of discussion on key remaining issues.

(2) The Mainstream Opposition has only one representative out of five members on the Electoral Council. The Chairman, an able man, and staff are largely holdovers from the Sandinista-appointed Council for the 1984 election.

(3) A large registration of voters indicated enthusiasm of most Nicaraguans for the elections, although the presence of armed soldiers and para-military Ministry of the Interior troops at some polling stations has troubled citizens trying to assess the wisdom and prudence of electoral participation.

(4) Although registration was completed in late October, the opposition received registration lists only in late December—affording relatively little time to check for accuracy given a January 15 deadline for completion. (An important aspect of Philippine election fraud was the appearance of voter lists only on election day in many precincts with a high percentage of mistakes or deliberate omissions.)

(5) An increase in violence at rallies usually directed by Sandinistas against UNO personnel and increasing intimidation of UNO poll watchers and local candidates has been noted by the Center for Democracy. Specific violent activity has been cited by the OAS, and the UN has generally condemned the increase in violence.

(6) *Barricada* and *Nuevo Diario*, Sandinista newspapers, have consistently identified UNO with the Contras and the Somoza National Guard during the present time of especial national tension. President Ortega has embellished this by fantasizing a United States-backed invasion of Nicaragua and by threatening to kill any opposition person who supports such an invasion.

(7) The Sandinista advantages of incumbency include liberal use of public funds, grossly disproportionate television programing and an apparent calculation that a mood of fear is more appropriate than a mood of hope and national celebration. (An atmosphere of hope and celebration was evident and inspiring in the Guatemalan election of 1985, for example.).

Regardless of who wins the February election, United States policy should have some benchmarks for judging democratic progress in Nicaragua with which to gauge the extent of post-election U.S. assistance. It is useful to list these benchmarks now.

(1) Sandinistas and Contras will need to engage in the oft-postponed dialogue which could have followed Tela on demobilization of the huge Sandinista army in coordination with Contra demobilization. Such mutual demobilization must include safe return for the contras and integration into the mainstream of life in the country. The army should be a national Nicaraguan Army flying the Nicaraguan national flag and not a Sandinista Party army flying the Sandinista flag. Imagine for a moment the problem of sorting out a United States policy of assistance if Mrs. Chamorro should win the election and the Sandinista retain a huge army under their party flag.

(2) A tolerance for diversity and pluralism must be established in which neighborhood watch committees, Ministry of the Interior para-military forces, secret "MINT" prisons for political opponents, and all elements of Sandinista neighborhood control should be terminated.

(3) A system of justice including judges and courts independent from and superior to the executive branch of government should be instituted.

(4) A consititution recognizing all political forces—not just the Sandinistas—will need to be drafted and adopted. That constitution or a separate bill of rights should recognize freedom of the press, property rights and the normal freedoms which similar documents in our hemisphere have enumerated. Many of these same benchmarks are relevant to current changes in Eastern Europe and Asia.

I have highlighted the present democratic challenge in Nicaragua in order to take American foreign policy from a statement of broad definitional ideals to specific actions which can be noted, applauded and supported with generous hands of reconciliation and fraternal democratic relationships. As in the Philippine development, the going will be hard and tedious but the United States and its democratic friends must be prepared for long-term supportive roles. Institutional memories must be improved substantially before superficial snap evaluations are rendered.

During 1989, I witnessed election campaigns in Uruguay, Brazil, Chile and Peru. I was deeply moved by the quality of the candidates and campaigns in each of those countries, as well as the extraordinary sense of hope and faith in democracy even under arduous circumstances.

In December, I shared the same excitement in a European visit with activists from the Warsaw Pact counties. They are preparing for their campaigns, earnestly trying to organize the contending parties and frame the electoral circumstances in just a few months of time.

The Sandinistas in the Nicaraguan election are different. Unlike European Communists who have lost confidence in their ability to govern or guide their countries to prosperity—and unlike a host of countries all over the world discovering market economic principles and preparing to enter into a competitive world economy—the Communists in Nicaragua are confident and enjoy a sizable percentage of popular support. They manifest, also, and eagerness for confrontation with the Unites States and, on occasion, neighboring countries.

The sheer act of holding an election and the constitutional and governmental reorganization in the aftermath will make a difference in the life of Nicaragua and our hemisphere. That is true for any nation but especially true for Nicaragua and its neighbors.

Many years ago, the distinguished host of this forum on democracy, President Oscar Arias of Costa Rica pointed out that democracy would not be safe in Central America until all of the governments were the product of free and fair elections. Such democracies do not inflict war or threats of war upon each other, nor do they support insurgent groups to undermine democracy in the neighborhood. And until there is peace through democracy, the volume of economic development capital which the Kissinger-

Jackson Plan suggested in the early '80s or a multi-lateral assistance initiative such as the plan now being instituted in the Philippines is simply not going to happen in Central America.

What will happen over the next few months, is that the United States will make an insistent point that almost every country in the world now manifests a strong desire for democratic institutions. This started in frequent U.S.-Soviet meetings from the Presidential summit on down. The Soviets claim that they recognize and support this democratic trend. We shall ask them pointedly for appropriate deeds.

Governments such as Cuba and Nicaragua claim they are revolutionaries who overthrew dictators and founded new societies dedicated to services and equity for all of the people. They have organized large armed forces to resist either external or internal tampering with their idealism. They are fearful that their hard-won victories will be lost through electoral disaffection. Fidel Castro has simply ignored calls for any vote confirming his legitimacy or tenure.

The Sandinistas in Nicaragua, faced with economic devastation, a long struggle involving Nicaraguan Contras and strong democratic pressure from neighbors, have conceded the idea of a free and fair election with some international observers of their choice.

My prayer is that a free and fair election will take place in Nicaragua and that subsequent developments will initiate a democratic transition. I believe that the United States will be successful in gaining Soviet cooperation in winding down hostile military assistance and economic subsidies to countries in our hemisphere. Likewise, U.S. assistance to Eastern European countries seeking democracy will surely be predicted on an end to their assistance to undemocratic nations in our hemisphere.

An active United States role in promoting and protecting democracy and freedom of the seas all over the globe certainly implies that we will maintain security for the United States and its friends in the Western Hemisphere.

Although I am exhilarated, as are most Americans, about the strength of the democratic revolution around the world and the exciting new potential for human freedom which is at hand, I am not persuaded that the triumph of democracy and liberal economic institutions is either a done deed or is necessarily inevitable.

Ruling groups who have a vision of how the world works and are prepared to enforce that vision with authoritarian governments of the left or right are still present and active in disquieting numbers. Some have affirmed that they will do what they have to do in order to maintain power indefinitely.

Thus, even at a time of well deserved celebration by advocates of democracy, it is appropriate to get down to hard cases. It is appropriate to survey each promising opportunity for change through the strenuous, well organized, and increasingly sophisticated means which democratic advocates have employed in championing the free and fair election route.

One such opportunity lies immediately ahead in Nicaragua. I am confident that we will encourage many more opportunities before the year is over.●

THE PASSING OF A REMARKABLE WOMAN: ELIZABETH GASQUE VAN EXEM

● Mr. HOLLINGS. Mr. President, I rise today to pay tribute to a remarkable South Carolinian and a good friend, Elizabeth Gasque Van Exem, of Cedar Tree Plantation. Mrs. Van Exem, who died late last year at the age of 103, was the first woman elected to the U.S. Congress from South Carolina. A vigorous Democrat throughout her long life, she was sent to Congress in a special election following the death of her first husband, Allard Henry Gasque of Florence, in 1938. In addition to her political activism, she was an author, lecturer, dramatist, and renowned hostess. She remarried in 1942 to the late Arsene J. Van Exem.

She was born Elizabeth Mills Hawley, and grew up on a rice plantation near Blythewood, SC. She was educated at the South Carolina Co-Educational Institute in Edgefield, and at Greenville Female College, now Furman University, from which she graduated in 1906. That year she received the college's coveted Endel Medal in dramatics.

Elizabeth knew every President from Woodrow Wilson to Franklin Delano Roosevelt, and was close friends with a Who's Who of prominent Washington politicians during the 1920's and 1930's. Returning to South Carolina in the early 1940's, she played leadership roles in a wide range of civic clubs, and was an active member of St. Stephen's Episcopal Church in Ridgeway, SC. Her final resting place is in Mount Hope Cemetery in Florence, SC.

Mr. President, Elizabeth Gasque Van Exem was a proud daughter of South Carolina. She made political history as the first woman to represent my State in Congress. However, she will be better remembered by me, by thousands of other South Carolinians, and by her many descendants as a exceptionally warm, vivacious, and intelligent woman—a woman who brightened our lives, and will be greatly missed.●

REPORT ON VISIT TO PANAMA, JANUARY 19 TO JANUARY 22, 1990

● Mr. D'AMATO. Mr. President, between January 19 and 22, I visited Panama as cochairman of the Senate Caucus on International Narcotics Control, at the invitation of Panama's President Guillermo Endara.

In the course of the visit, I met with as wide a range of people as I could. I met with our own diplomats, including Ambassador Deane Hinton and Deputy Chief of Mission John Bushnell; military officers, including Gen. Maxwell Thurman, Commander in Chief, USSOUTHCOM, and Gen. Marc Cisneros; and drug enforcement agents.

I also met with the Papal Nuncio, Monsignor Laboa, as well as Panamanians from all walks of life, including President Endara, Vice Presidents Ricardo Arias Calderon and Guillermo Ford, the poor and refugees of the Chorillo district, people at Sunday Mass, and a wide range of Panamanian officials, bankers, businessmen, and community leaders.

Every one I met expressed the very deeply felt hope that after so many years of oppression, real freedom and democracy can take root in Panama.

At Mass on Sunday, at Cristo Rey Church in Panama City, Father Javier Villanueva gave an eloquent homily, in which he gave the best analysis of the situation in Panama that I have heard. If you want to understand Panama, study this sermon.

I ask that a translation of Father Villanueva's sermon be printed immediately following my remarks.

Father Villanueva said that in recent years, the Panamanian people had become exiles in their own country. They were, he said, "Exiled from justice. Exiled from liberty." There was nothing more, he added, "than corruption, putrefaction, assassinations, and crimes."

Looking to the future, he told the people not to go to the Government for political jobs, which have accounted for as much as 25 percent of Panama's total employment in recent years.

He told the people not to ask the Government for a piece of the pie because there is no pie—Noriega took all the pie.

For too long, the people of Panama were beaten, tortured, and forced to live in fear.

They know that it is Operation Just Cause that has given them the chance to be free of that brutality.

According to a Gallup poll taken in January 1990, 86 percent of the Panamanian people would describe United States military action under Operation Just Cause as a liberation rather than an invasion.

The people of Panama desperately want to be free of the old way of doing things, in which almost every Government service and agency in Panama had been turned into part of a criminal enterprise.

Under Noriega, there was criminality in everything, from the sale of passports, to money laundering, to the smuggling of high-technology equipment and arms in the Colon Free Zone and elsewhere.

Establishing effective systems to combat this criminality is one of the new Government's most important and most difficult challenges.

One way to meet this challenge is to set up internal affairs offices to encourage honest procurement, law enforcement, immigration, customs, reve-

nue collection, and Government services.

If these offices are set up and permitted to function, and if the many other plans now being talked about are actually implemented, Panama will have a real chance to achieve the goal Father Villanueva spoke of: "a free country with justice and liberty."

Fortunately, there is growing recognition that the old ways of doing things must change, and that the potential benefits of real reform are substantial.

For example, a U.S. Customs agent told me that at one location, collections increased from $10,000 one day, to $20,000 the second day, to $40,000 the third day. The Government had received no revenue from this site at the same time a year ago, presumably because of corruption.

Both Panama and the United States have made great sacrifices, including the 26 Americans and hundreds of Panamanians who died during Operation Just Cause, to end the tyranny of the past. The United States has a deep moral obligation to make sure that those deaths were not in vain.

We must help Panama become a bridgehead for democracy and freedom and to show that freedom pays a special dividend.

We must remember that the aid we provide is not a gift. As Father Villanueva said, aid is nothing more than a restitution of what was taken away from the Panamanian people by those who we once supported, the Panamanian Defense Forces.

And let there be no mistakes. Father Villanueva is absolutely right when he says, "the United States aided, created, and increased the power of Noriega's absurd army."

If democracy and freedom are to flourish, it is essential that Panama's economy be rebuilt and reintegrated into the international economy.

As one person in Panama said, "it's hard to eat democracy." Panamanians very much want to go back to work—back to raising families and building communities—and we have a deep moral obligation to help them do exactly that.

We also have a deep moral obligation to help Panama free itself from involvement with the drug cartels, particularly in the area of money laundering.

In this regard, we have already made a start. We have received—and continue to receive—a wealth of intelligence about money laundering, and the operations of the cartels.

On January 10, 1990, Panama and the United States signed a mutual antidrug cooperation agreement.

Panama has also begun to freeze large numbers of drug trafficker accounts.

Assuming Presidential assurances that progress in fighting drug smuggling and money laundering will continue, our next step must be to recertify Panama as cooperating with the United States in the war on drugs.

At every meeting, I stressed that there will be no aid to Panama without substantially increased cooperation in this area.

Recertification will enable the United States to provide much needed drug enforcement assistance and other forms of aid to reinvigorate Panama's antidrug effort and its legal economy.

After recertification, we need to develop memorandums of understanding between United States and Panamanian law enforcement agencies to add real substance to the framework mutual cooperation agreement signed on January 10.

Panama and the United States also need to conclude as soon as possible an agreement to combat money laundering and to share evidence in criminal investigations, along the lines of the Mutual Legal Assistance Treaty we have with the Cayman Islands.

This can be done first by Executive agreement, and eventually by mutual legal assistance treaty.

I stressed the need for such an agreement at meetings with United States and Panamanian officials, and with the Panamanian Bankers Association. Most, but not all, of those familiar with the United States-Cayman Islands Mutual Legal Assistance Treaty were agreeable on this point.

Significantly, I was told at the meeting with the bankers association that most deposits in Panama of funds belonging to Colombian nationals are in Colombian banks in Panama.

I was later told to expect opposition from certain Colombian banks doing business in Panama. This opposition must be overcome, because, as far as the United States is concerned, the money laundering party is over.

Panama has replaced the corrupt and brutal Panamanian Defense Forces [PDF] with a new 12,000-person Panamanian Public Forces [PPF] under Col. Herrera Hassan, as well as a new 700-member investigative police force under the attorney general. The process of rooting out corrupt members of the PPF and investigative police is another top priority of the Government.

The United States administration's aid package for Panama needs to be put on a fast track, and safeguards need to be instituted to ensure that aid reaches the people in real need as quickly as possible.

The people of Panama need immediate help with the basic necessities of life. Many, like those in the Chorillo and Tocumen neighborhoods, have an urgent need for housing relocation assistance and clean water.

The Government and private sector need an infusion of aid through grants, loans, release of funds in escrow, restoration and expansion of trade benefits, and other assistance, in order to help them get an immediate start on reducing unemployment—in some areas as high as 30 to 40 percent—restoring order, and reducing crime levels that in some areas are alarmingly high.

Another challenge Panama must face is the pernicious role of Cuban, Nicaraguan, and Libyan agents.

According to information provided by the Defense Department, as the Noriega regime became increasingly isolated over the past year, Panama came to rely increasingly on radical anti-American countries for military and financial assistance. The three major contributors have been Cuba, Nicaragua, and Libya.

Cuba supplied hundreds of tons of material and supplies, much of it military related, as well as training and technical assistance to Panama.

Nicaragua became the primary routing channel for Cuban material and probably also directly provided weapons and supplies.

In return for use of Panamanian territory as an operating base, including terrorist-related support activities, Libya provided financial assistance to Noriega.

Both Cuba and Nicaragua used Panamanian territory for coordination of support activities with regional leftist radical groups, intelligence collection against the United States, and circumvention of United States trade embargoes.

In February 1988, Cuba began deliveries, sometimes using Panamanian Air Force flights of military material and supplies to Panama. In the last 12 months, there were at least five Panamanian flights to Cuba to pick up weapons.

The weapons provided are almost exclusively Communist bloc manufactured and cover a wide range, from small arms to antiaircraft artillery.

According to the Defense Department, some 15,000 to 20,000 AKM/AK-47 rifles, over 1,000 rocket-propelled grenade launchers, and approximately 11 antiaircraft guns were delivered from Cuba and Nicaragua.

Cuba and Nicaragua provided training assistance to the Panama Defense Forces, both in these countries and Panama.

Along with material provided, Cuba sent technical advisers to assist the PDF and also aided the Noriega regime in devising public relations and propaganda campaigns.

Both Havana and Managua are believed to have shared with the PDF the benefits of their experience in organizing civilian defense committees for intelligence collection and population control in developing the Dignity Battalions.

Under the Noriega regime, Libya was allowed significant freedom to use Panamanian territory for coordination of its support to terrorist and insurgent groups throughout Latin America. In return, Libya provided Noriega with significant financial assistance totaling millions of dollars. This investment was one of Libya's largest outside the Middle East. Libya also maintained contact with a number of radical leftist parties and individuals in Panama.

With so many difficulties facing Panama, it is now time not just for the United States, but for all countries, and especially those in Latin America, to help. They can begin by recognizing Panama's Government, which, according to a January 1990 Gallup poll, 95 percent of the Panamanian people believe has the right to govern.

Panama has great strengths: A strategic location, the canal, oil pipeline, an entrepreneurial spirit, high literacy rate, and above all, a resilient people with a deep faith, who live liberty.

For too long, the people of Panama felt the heel of tyranny on their necks. Now that Panama is free, we in the United States owe the Panamanians more than speeches and promises about helping them rebuild a free and prosperous society. We owe them meaningful action, and we owe it to them now.

The sermon follows:

[Sermon Given by Father Javier Villanueva, Sunday, January 21, 1990, in Cristo Rey Church, Panama City, Panama]

SERMON OF FATHER JAVIER VILLANUEVA

My Dear Brothers and Sisters:

"Syndrome" is a Greek word that means characteristic symptoms of an illness. Two acts stand out from the early history of the people of Israel, prodigious acts which transformed them. First, when the hand of God liberated the Israelites from captivity in Egypt, putting them on their way through the desert toward the promised land. The second act was also transcendental in the life of the people. The Lord once again liberated them from another captivity.

The people of Israel, who began to enjoy freedom and to live under the trees which they had planted and to bathe in the waters of their own rivers, were shaken once again by an act of aggression towards another captivity—that of Babylonia. I say this because, with the people of Israel, these two captivities became neither a syndrome, nor a burden that weighed continually on their shoulders but, rather, a push from God spurring them on their way to get to the promised land that he had designated for them.

It is true that the people of Israel kept these two acts in mind, but they weren't debated or engulfed in juridical disquisitions or in useless dialogues. These acts were foremost in their minds as two historic facts. Not as syndromes, but points of reference, so as not to lose courage on their journey. First, by continuous exodus and second by returning to their homeland to rebuild all that had been demolished, starting with the temple, and then settling down in the promised land.

The Noriega Era cannot become a syndrome for those of us who live here in Panama. Certainly, it can be a point of reference, but not a reason to hurl ourselves into putrid waters. It shouldn't become a scapegoat. The Noriega Era cannot serve the failings of the person who forfeits his sense of justice.

I have already reviewed Noriega's realm. All that fantasy, a fantasy that harbored absolutely nothing but corruption. That "Year 2000," that "For Panama, my life," that "Not one step backward." All that which wasn't. That which resulted not in sovereignty but in "sovereign-itis" and that which wasn't independence or patriotism, but a syndrome, a syndrome of sickness which drove Panama to the edge, if we haven't already fallen into the abyss. Call it a point of reference, call it the hand of God who became tired of seeing so much corruption, hearing the crying of the mothers and feeling the pain of an entire nation that shouted to the Lord. The Lord says: "Help those who cry for Him, and those who look for Him."

The Lord remembered us and directed a change of course toward the road of liberation, justice, and freedom. At that point the jurists become embroiled in arguments over whether it was an invasion, an intervention, or an act of aggression. Those people faithful to God, in their own way, with their logic very often outside of the lawyer's terminology, believe that it was an invastion, but not an invasion of Panama. Because Panama was two nations, or one nation and one country and an anti-country because there were exiles who had to leave the country. But here, within our own country, we felt exiled. Exiled from justice. Exiled from liberty. It was an exile. The country was divided between a corrupt country, that country with bellicose strength, that country with the power of destruction, and the other country. The country which felt annihilated before so much, so many weapons, so much expulsion, so much disarray, torture, and imprisonment.

Therefore, the invasion was against the anti-country, against the corruption. And Noriega and his men didn't even believe in what they said. All that fanfare of shouting and slogans—at first shot, all of them fled like rabbits. All that which was not fictitious, all of that collapsed and the true country now starts to take its first difficult and costly steps toward its reconquest: a free country with justice and liberty.

This is what the first lesson has indicated and what Jesus symbolizes in the Bible. The joy and happiness of beginning to build a new country because we have to admit to ourselves that those spiritual ruins which cannot be seen are great. But they have certain manifestations, such as the physical ruins that our astonished glances capture as we walk the streets.

Not only was the economy in shambles, but there was an almost epidemic and contagious plague upon all of us. Without realizing it, we were entering on a wave of corruption, anti-ethics, and anti-values. We called justice injustice, and true justice could not be spoken. It was a subversive concept.

The same goes for liberty and democracy. They were subversive words, and they were not only subversive, but for us they are concepts that we don't know or recognize. Twenty-one years. Who can define liberty? Yes, we know that it is marvelous to be free, live in justice, live in democracy. But aren't we afraid of liberty? Aren't we afraid of justice? Of course we are! Because it is something surprising, like someone who has before him an apparition, a vision. There is fear before the surprise. Not crushing fear, but an uncertainly.

We don't know what democracy is because they have been trying to teach us falsely for so long. Most recently, they have tried to teach within the schools a concept totally distinct from reality. The spokesman from the corrupt regime came to tell us that here we were living in true liberty, that we lived democratically. They practically swore to it, inviting us to look around, to see that this was a free and sovereign country. That is why we can't ignore the ruins—because one has to work on the physical reconstruction of the country—unless we want to see ourselves approaching another ill-fated crisis.

One can not ignore the spiritual, moral, and ethical formation of our people. How many lawyers have no idea what it is to enter into litigation with the confidence that the legal processes will operate smoothly? What a surprise for those lawyers who complete a case, and those who already have spent 30 or 40 years trying to enter courtrooms and approach higher courts, when they knew all the time that the judge's verdict, however well-educated he might be, would not be accepted because it was against the regime.

We have to learn. And it is a very great task for the church, the family and the educators, going about inculcating these values, which were bombarded with greater ferocity than the Cuartel Central (army headquarters). Our values have been twisted to the point of absurdity. Noriega and his followers were almost Satanic in denying entrance to civic-minded clubs because the people in those clubs were teaching decency, because they were quoting the words of their country's forefathers and the patriots of the republic. This is because Noriega and his men claimed that sovereignty wasn't discussed, that nationalism wasn't even talked about.

What we have often understood and seen with our own eyes, drawing aside that false curtain of "sovereign-itis," was that there was nothing more than corruption, putrefaction, assasinations and crimes. We also have to listen to the Apostle St. Paul, the non-conformist, the disciple who teaches us a very important lesson at this moment. From the beginning of Christianity factions developed in the church. On the one hand, there was someone who preached well, and on the other hand, there was another who, due to his age, had diseased gums and bad teeth and was unable to pronounce his words clearly. And I think this latter was the case with St. Paul.

St. Paul had been eloquent. He was an erudite scholar. He was a Pharisee who was familiar with all of the Scriptures and drew on them frequently and brilliantly. But little by little, he lost that charisma which fades with age.

And there were other, younger, handsomer disciples. And people went to listen to their eloquent voices. St. Paul, who never had any problem speaking the truth, says that one should do away with factions, that one can not say "I am a disciple of Peter, I am a disciple of Paul, I am a disciple of so-and-so." Or is it that perhaps Peter, Paul, and the so-and-so have given their lives for you?

There is only one God who is Jesus Christ. I want to bring this to bear in order to illuminate the present situation. Many times I said that after the fall, or more accurately, the flight of the Noriega regime, we needed to unite all political fronts in support of a

new president. That the people needed to set aside their political differences and undertake the task of overthrowing Noriega and his followers. That during these years one would have to work hard—even though we are counting on assistance—an assistance which is obligatory and part of the American conscience.

Because the Senator is well aware of the fact that the United States aided, created, and increased the power of Noriega's absurd army, such that, this isn't a present given to us but, ethically and morally, it justly is a restitution. I know that this sermon is being accurately translated for you, Senator, and perhaps what you can emphasize to your colleagues in Washington is that it is a moral obligation and it is just compensation, and not a gift from the United States—all your restitution of what was taken away from us by those who were your unconditional allies: the Panamanian Defense Forces.

Dear Brothers and Sisters, let us not annoy the Panamanian Government by asking for political positions. Or by dividing up what Noriega—whose balloon deflated in front of El Carmen Church—called the pie. There is no pie left, because Noriega ate the whole pie.●

DR. JAMES WILSFORD AND THE MIRACLE IN ORANGEBURG

● Mr. HOLLINGS. Mr. President, we politicians are good at giving speeches on the importance of education. We love to sing hosannas to teachers and the public schools. But, when you get down to it, here at the Federal level, education is a lot like the weather: everybody talks about it but nobody does anything about it. Well, let me take this opportunity to introduce my Senate colleagues to one man—Dr. James Wilsford of Orangeburg, SC—who has taken the bull by the horns and, by his example, is making a tremendous difference for public education in America.

As superintendent of schools in Orangeburg, SC, Dr. Wilsford has been the leader of a remarkable transformation. Five years ago, his school district ranked near rock bottom in performance in the State, with a dropout rate of 40 percent. Today, the annual dropout rate is less than 2 percent, and Orangeburg schools are objectively rated among the elite public schools in South Carolina. More than half of the graduates at Orangeburg's Wilkinson High School go on to college.

Certainly, some of the credit must go to the South Carolina's 1984 Education Improvement Act, a gutsy piece of legislation that added a penny to the State's sales tax to finance reform initiatives in the public schools. By overwhelmingly backing that bill, South Carolinians showed a willingness to put their money where their mouth is on the subject of quality education. And, again, what a stark contrast this is to Washington, where the lame excuse at the highest levels is that we have more will than wallet. Nonsense. We are a wealthy Nation. The only question is whether we are unselfish and wise enough to invest in the next generation as opposed to squandering our resources on present consumption.

Yes, South Carolinians have matched their will with their wallet. But even more importantly, South Carolinians have been blessed with educational innovators and leaders of Dr. Wilsford's caliber. Dr. Wilsford has mobilized parent involvement in the schools. He has initiated a broad range of extracurricular activities to encourage academic achievement—to keep kids off the streets and away from drugs and alcohol. He has backed his teachers to the hilt, and insisted on high expectations from his students. The results have been extremely impressive. All of us in South Carolina take great pride in Dr. Wilsford's accomplishments, and in the superb effort by teachers and parents who have rallied to his trumpet.

Mr. President, several weeks ago we heard an unfortunate speech by the U.S. Secretary of Education in which he accused the States and localities of merely going through the motions on education reform. My answer to Secretary Cavazos is very simple: Come on down to South Carolina. Specifically, pay a visit to Orangeburg's public schools. If what Dr. Wilsford's is doing constitutes going through the motions, then we urgently need to distill it, bottle it, and ship it to every State in the Nation.

Mr. President, Parade Magazine profiled Dr. Wilsford and the Orangeburg reforms in its January 14, 1990, edition, and I ask that the article be reprinted in the RECORD at the end of my remarks.

In closing, let me simply say that my hat is off to Dr. Wilsford for the superb job he is doing—not just for the schools in Orangeburg, but for public education across the Nation. We are still learning from his leadership and example.

The article follows:

FIRST LESSON: BELIEVE IN YOURSELF

(By Al Santoli)

Something special is happening in the public schools of Orangeburg, S.C. Five years ago, before sweeping state education reforms, the school district ranked near the bottom in performance, with a 40 percent dropout rate. Today the annual dropout rate is less than 2 percent, and nine of Orangeburg's 10 schools rank among the state's top performers. Although most of the semi-rural area's 6500 students are descendants of slaves and still live in poverty, more than half of Orangeburg-Wilkinson High School's graduates are entering college. Parents who once appeared apathetic in regard to their children's future have become directly involved.

"Kids need a push from the parents," says Mattie King, whose daughter Tiffany is in the second grade at Rivelon Elementary. "In the community, there are a lot of single-parent families. But I would like to see every child finish high school, go to college and get a good job. Parent volunteers help children from broken homes or those whose families are having problems."

Mrs. King is among a large number of parents at Rivelon who together volunteer an average 1000 hours a year as office and library assistants and teacher's aides. After-school programs such as the Boys Club, Girl Scouts and anti-drug activities keep kids off the streets and away from harmful influences.

"Some think that poor people don't care about their children," says Dr. James Wilsford, 55, the district's school superintendent. "But as an inner-city high school principal, I learned that, although parents may never initiate a phone call to say they're worried about their kids, they usually respond when we call them. In Orangeburg, we run an 'early childhood' parenting program in all the elementary schools. Our teachers and counselors try to keep in close contact with parents at the middle and high schools as well. The PTA has high turnouts."

Wilsford and his wife, Helen, who teaches computer programming at the high school's vocational center, are the parents of three. Tall and studious-looking, James Wilsford came from the working class in Akron, Ohio, but went on to earn a Ph.D. at the University of South Carolina. In 30 years of teaching, he has been recognized as a pioneer in remedial education for deprived children. In 1989, he was named National Superintendent of the Year.

"You shouldn't sell a child short because of the house he or she lives in," says Wilsford. "I don't believe in blaming failing performances on young people because they are black or poor or from single parents. If the superintendent and teachers feel that way, the students and their parents will also. We don't only focus on A or failing students. There's a lot to be said for a C student who works hard. He's going to be a good worker and a good parent."

Typical of the newly ambitious young people in Orangeburg is Walter Jefferson, a high school graduate with a goal. Since his mother's death in New York when Walter was 13, he has lived with his aunt and uncle. Ernestine and Herb Fairey. "When I first came down here, I was still in shock," Walter recalls. "I felt really on my own. I got into some fights because I felt expected to prove myself." But with the encourgement of teachers and his aunt and uncle, Walter turned himself around. He is now planning to pass up academic and football scholarship offers so he can attend a military-preparatory school with the hope of achieving his ultimate dream—to be accepted to the Air Force Academy and become a pilot.

Dr. Wilsford credits South Carolina's 1984 Education Improvement Act as the catalyst for the dramatic turn-around in his schools. The EIA provided funding for innovative remedial programs to improve literacy and math skills, as well as enrichment programs for gifted students. Adding a penny to the sales tax and earmarking it for education increased the state's 1989-90 school budget by $283 million. Pay raises and incentives have boosted teacher morale, and computer technology has been introduced into classrooms.

Orangeburg now has a ratio of about one computer for every six students. Doing math, reading or science exercises at computer terminals individually or in teams, students are becoming familiar not only with the technology but also with the teamwork required in today's hi-tech workplaces.

The Write To Read lab at Rivelon Elementary is a carpeted playroom with craft tables. Here kindergartners learn the alphabet and phonetic spelling and begin typing little stories at the blue computer screens. Teacher Nancy Bozard says: "To learn to read, we teach letters and sounds by telling stories, playing games and writing on the blackboard. Getting younger kids comfortable with computers will be a great incentive for learning throughout their schooling."

At the high school, a former vocational shop has been transformed into a 120-table computer lab where students with learning problems spend at least one compensatory period each day practicing reading or math. Remedial classes are mandatory for those who score below average in basic skills.

"When our students are absent," says Harold McClain, principal of the 2000-student high school, "we have a computerized device that calls parents. Teachers and counselors also will call. If there are repeated unexcused absences, we refer the problem to family court."

In smaller schools, technology plays a smaller role in monitoring students' progress. At Nix Elementary, until she retired as principal, Irene McCollom made weekly visits to classrooms to evaluate teacher performance and learn students' names and abilities. "To get our kids to achieve," Mrs. McCollom recalls, "we came together as a faculty."

"The faculty developed a unified 'assertive discipline' plan, and we sent copies to parents," she adds. "Classes were rewarded with popcorn or ice cream parties for good behavior. But if a child continually disobeyed and parents would not cooperate, I put the kids in my car and took them home. The first year, I took at least five kids to parents at their jobs. Most parents cooperated after that."

The inspirational efforts of Mrs. McCollom and her colleagues are reflected in the students' grades. In 1974, a few years after South Carolina schools were integrated, only 14 percent of fourth-graders in Orangeburg's six elementary schools scored above the national average in language, reading and math skills. By 1989, the number of students above the national average had leaped to 59 percent. For three consecutive years, Nix Elementary has received state academic-achievement awards. And while the basic literacy rate steadily improves at every grade level in Orangeburg, student self-confidence grows and the dropout rate is dramatically reduced.

"We can no longer pass kids to a higher grade level whether or not they know anything," says Dr. Wilsford. "Our success in dropout-prevention is partly due to remedial labs and multimedia classroom technology we've introduced. But the main reason is that we've developed comprehensive programs geared to building kids' self-image, beginning in preschool and kindergarten. Through teachers caring and expanding their relationship with parents, we've developed a positive attitude toward learning."●

STATE ENERGY CONSERVATION PROGRAMS IMPROVEMENT ACT

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 433, S. 247, a bill to increase the efficiency and effectiveness of State energy conservation programs.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 247) to amend the Energy Policy and Conservation Act to increase the efficiency and effectiveness of State energy conservation programs carried out pursuant to such act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

That this Act may be cited as the "State Energy Efficiency Programs Improvement Act of 1989".

SEC. 2. TABLE OF CONTENTS.—

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. State energy conservation goals.
Sec. 4. Required State energy conservation plan elements and consolidation of energy extension service.
Sec. 5. Optional State energy conservation plan elements and consolidation of supplemental State energy conservation plan.
Sec. 6. Additional conditions for Federal assistance.
Sec. 7. State energy advisory board.
Sec. 8. Update of energy conservation program for schools and hospitals.
Sec. 9. Weatherization assistance for low-income persons.
Sec. 10. Support for technology applications.
Sec. 11. Authorizations of appropriations.
Sec. 12. Territorial energy assistance program.

SEC. 3. STATE ENERGY CONSERVATION GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

"STATE ENERGY EFFICIENCY GOALS

"SEC. 364. Effective October 1, 1990, each State energy conservation plan with respect to which financial assistance is made available by the Secretary under this part shall contain an energy efficiency goal, and may contain interim goals, for such State, which, as a result of the implementation of such plan, shall achieve at least a 10 percent improvement in the efficiency of use of energy supplies consumed in such State in the year 2000 compared to the projected energy consumption, as of October 1, 1990, for such State in the year 2000. The plan shall specify the assumptions used by the State in the determination of its projected energy supplies and demands taking into account population trends, economic growth, and the effects of Federal, State, and local energy efficiency programs.".

SEC. 4. REQUIRED STATE ENERGY CONSERVATION PLAN ELEMENTS AND CONSOLIDATION OF ENERGY EXTENSION SERVICE.—(a) IN GENERAL.—Section 362(c) of the Energy Policy and Conservation Act (42 U.S.C. 6322(c)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(6) procedures for ensuring effective coordination among various local, State, and Federal energy conservation programs within the State, including any program administered within the Office of State and Local Assistance Programs of the Department of Energy as of December 31, 1987, and the Low Income Home Energy Assistance Program administered by the Department of Health and Human Services;

"(7) in accordance with subsection (f), programs to implement all the functions of the Energy Extension Service, as provided by law on the day before the date of enactment of the State Energy Efficiency Programs Improvement Act of 1989; and

"(8) in a supplementary contingency plan, energy emergency policies and procedures to deal with energy supply disruptions including petroleum products, electricity, natural gas, coal, and other energy supply and delivery disruptions.".

(b) ENERGY EXTENSION SERVICE.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by adding at the end thereof the following new subsection:

"(f) The programs to implement all the functions of the Energy Extension Service, as provided for by subsection (c)(7), shall—

"(1) include programs for identification, development, and demonstration of energy efficiency opportunities, techniques, methods, materials, and equipment (including those that are responsive to local needs or resources) and alternative energy technologies such as solar heating and cooling for agricultural, commercial, and small business operations, individual energy consumers, and new and existing residential, commercial, and agricultural buildings or structures;

"(2) provide for technical assistance, instructions, information dissemination, and practical demonstrations with respect to energy efficiency opportunities;

"(3) provide, to the maximum extent practicable within personnel and funding limitations, active outreach energy extension assistance (including information on end-user technology requirements) at the local level through appropriate offices (including metropolitan offices) and through county agents and technical staff assistance;

"(4) make maximum use of existing outreach or delivery mechanisms or programs and include, to the maximum extent practicable, any State, local, university, college, or other organization's programs for energy information, education, or technology transfer which have activities or purposes similar to those of this part; and

"(5) establish and implement policies and procedures designed to assure that assistance provided under this part does not replace or supplant the expenditure of other Federal or State or local funds for the same purposes, but instead supplements such funds and increases the expenditure of such State or local funds to the maximum extent practicable.".

(c) ELIMINATION OF ENERGY EXTENSION SERVICE.—The National Energy Extension Service Act (title V of Public Law 95-39) is repealed.

SEC. 5. OPTIONAL STATE ENERGY CONSERVATION PLAN ELEMENTS AND CONSOLIDATION OF SUPPLEMENTAL STATE ENERGY CONSERVATION PLAN.—(a) IN GENERAL.—Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended—

(1) by striking paragraphs (3), (4) and (5);

(2) by adding at the end thereof the following new paragraphs:

"(3) programs for financing energy efficiency and renewable energy capital investments, projects, and programs—

"(A) which may include loan programs and performance contracting programs for leveraging of additional public and private sector funds, and programs which allow rebates, grants, or other incentives for the purchase and installation of energy efficiency and renewable energy measures;

"(B) in addition to or in lieu of programs described in subparagraph (A), which may be used in connection with public or nonprofit buildings owned and operated by a State, a political subdivision of a State or an agency or instrumentality of a State, or an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

"(4) programs to increase transportation energy efficiency, including programs to accelerate the use of alternative transportation fuels for State government vehicles, fleet vehicles, taxis, mass transit and privately owned vehicles;

"(5) programs for encouraging and for carrying out energy audits with respect to buildings and industrial facilities (including industrial processes) within the State;

"(6) programs to promote the adoption of integrated energy plans which provide for—

"(A) periodic evaluation of a State's energy needs, available energy resources (including greater energy efficiency), and energy costs; and

"(B) utilization of reliable energy supplies, including greater energy efficiency, that meet applicable safety, environmental, and policy requirements at the lowest cost;

"(7) programs to promote energy efficiency in residential housing, such as—

"(A) programs for development and promotion of energy efficiency rating systems for newly constructed housing and existing housing so that consumers can compare the energy efficiency of different housing; and

"(B) programs for the adoption of incentives for builders, utilities, and mortgage lenders to build, service, or finance energy efficient housing;

"(8) programs to protect consumers from any unfair or deceptive acts or practices which relate to the implementation of energy efficiency measures and renewable resource energy measures;

"(9) programs to promote energy efficiency as an integral component of economic development programs conducted by State, local or other governmental entities, and energy utilities;

"(10) programs to modify patterns of energy consumption so as to reduce peak demands for energy and improve the efficiency of energy supply systems, including electricity supply systems;

"(11) programs to encourage integrated energy and environmental planning by other State, county, and local governmental agencies and authorities, including regulatory authorities with jurisdiction over energy utilities;

"(12) in accordance with subsection (g), programs to implement the function of the Energy Technology and Engineering Services Program; and

"(13) any other appropriate method or programs to conserve and to promote efficiency in the use of energy.".

(b) ENERGY TECHNOLOGY AND ENGINEERING SERVICES PROGRAM.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by adding at the end thereof the following new subsection:

"(g)(1) The purposes of this subsection are to—

"(A) strengthen State outreach programs to aid small and start-up businesses;

"(B) foster a broader application of engineering principles and techniques to energy technology product development, manufacturing, and commercial production by small and start-up businesses; and

"(C) foster greater assistance to small and start-up businesses in dealing with the Federal Government on energy technology related matters.

"(2) The programs to implement the functions of the Energy Technology and Engineering Services Program, as provided for by subsection (d)(12), shall—

"(A) aid small and start-up businesses in discovering useful and practical information relating to manufacturing and commercial production techniques and costs associated with new energy technologies;

"(B) encourage the application of such information in order to solve energy technology product development and manufacturing problems;

"(C) establish an Energy Technology and Engineering Services Program affiliated with an existing entity in each State;

"(D) coordinate engineers and manufacturers to aid small and start-up businesses in solving specific technical problems and improving the cost effectiveness of methods for manufacturing new energy technologies;

"(E) assist small and start-up businesses in preparing the technical portions of proposals seeking financial assistance for new energy technology development and commercialization; and

"(F) facilitate contract research between university faculty and students and small start-up businesses, in order to improve energy technology product development and independent quality control testing.

"(3) Each State energy technology and engineering services program shall develop and maintain a data base of engineering and scientific experts in energy technology development and commercialization interested in participating in the service. Such data base shall, at a minimum, include faculty of institutions of higher education, retired manufacturing experts, and national laboratory personnel.

"(4) The services provided by the energy technology and engineering services program established under this section shall be available to any small or start-up business. Such service programs shall charge fees which are affordable to a party eligible for assistance, which shall be determined by examining factors including (A) the costs of the services received; (B) the need of the recipient for the services; and (C) the ability of the recipient to pay for the services.

"(5) For the purposes of this subsection, the term—

"(A) 'institution of higher education' has the same meaning as such term is defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

"(B) 'small business' means a private firm that does not exceed the numerical size standard promulgated by the Small Business Administration under section 3(a) of the Small Business Act (15 U.S.C. 632) for the Standard Industrial Classification (SIC) codes designated by the Secretary of Energy;

"(C) 'start-up business' means a small business which has been in existence for 5 years or less.".

(c) AMENDMENTS TO DEFINITIONS.—Section 366(4) of the Energy Policy and Conservation Act is amended—

(1) by striking "building or industrial" and inserting in lieu thereof "building, building system, energy consuming device associated with the building, or industrial"; and

(2) by striking "the date of enactment of the Energy Conservation and Production Act" and inserting in lieu thereof "May 1, 1989".

(d) ELIMINATION OF SUPPLEMENTAL STATE ENERGY CONSERVATION PLANS.—Section 367 of the Energy Policy and Conservation Act (42 U.S.C. 6327) is repealed.

SEC. 6. ADDITIONAL CONDITIONS FOR FEDERAL ASSISTANCE.—(a) Section 363(b) of the Energy Policy and Conservation Act (42 U.S.C. 6323(b)) is amended by adding new paragraphs (4) and (5) as follows:

"(4) In fiscal years 1991 and 1992, the percentage of available Federal financial assistance provided a State under this part shall be equal to the percentage the State received in fiscal year 1990 of the aggregate financial assistance by all States under this part and under section 506 of the National Energy Extension Service Act (42 U.S.C. 7005(i)).

"(5) The Secretary shall by rule establish the formula for the allocations of financial assistance after fiscal year 1992 on the basis of population and other factors the Secretary deems appropriate.".

(b) Section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by adding at the end thereof the following new subsections:

"(d) In order for any State energy conservation plan to be eligible for Federal assistance under this section, the State must submit to the Secretary a supplementary contingency plan pursuant to section 362(c)(8) governing emergencies within such State. The contingency plan shall include an implementation strategy or strategies (including regional coordination) for dealing with such energy emergencies. The submission of such plan to the Secretary shall be for informational purposes only.

"(e) The Secretary shall establish policies and procedures designed to assure that Federal financial assistance under this part, the Weatherization Assistance for Low-Income Persons Program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861, et seq.), and the Energy Conservation Program for Schools and Hospitals under part G of this Act (42 U.S.C. 6371, et seq.), will be used only to supplement, and not be used to supplant, State and local, to the extent practicable, to increase the amount of such funds that otherwise would be available, in the absence of such Federal financial assistance, for those programs set forth in the State energy conservation plan approved pursuant to subsection (b).".

SEC. 7. STATE ENERGY ADVISORY BOARD.—Section 365 of the Energy Policy and Conservation Act (42 U.S.C. 6325) is amended by adding at the end the following:

"(g)(1) There is hereby established within the Department of Energy a State Energy Advisory Board (hereafter in this subsection referred to as the 'Board') which shall consist of not less than 18 nor more than 21 members appointed by the Secretary. Not less than eight of the members of the Board shall be persons who serve as directors of the State agency, or a division of such agency, responsible for developing State energy conservation plans pursuant to section 362. Not less than four members shall be directors of State or local Low Income Weatherization Assistance Programs. Other members shall

be appointed from persons who have experience in energy efficiency or renewable energy programs for the private sector, consumer interest groups, utilities, public utility commissions, educational institutions, financial institutions, or research institutions. A majority of the members of the State Energy Advisory Board shall be State employees.

"(2) The Board shall—

"(A) make recommendations with respect to the energy efficiency objectives of the programs carried out under part G of this title, and under part A of title IV of the Energy Conservation and Production Act to the Assistant Secretary for Conservation and Renewable Energy, the Director of the Office of State and Local Assistance Programs, and the Director of the Building and Community Systems Office within the Department of Energy;

"(B) serve as a liaison between the States and such Department on energy efficiency and renewable energy resource programs;

"(C) recommend changes to State and Federal energy policies;

"(D) review State energy conservation plans and the implementation of State energy conservation programs for the purpose of making recommendations to the Secretary regarding programmatic and administrative policies designed to strengthen the programs and improve their effectiveness;

"(E) review implementation by the States, of the Low-Income Weatherization Program and evaluate the performance of such States for the purpose of making recommendations to the Secretary regarding programmatic and administrative policies designed to strengthen the programs and improve their effectiveness, including actions that should be considered to provide non-Federal resources, including private resources, to supplement Federal financial assistance; and

"(F) encourage technology transfer of the results of research and development activities carried out by the Federal Government with respect to energy efficiency and renewable energy resources.

"(3) The Secretary shall designate 1 member to serve as its chairman, 1 member to serve as its vice-chairman, and 1 member to serve as its secretary, who shall serve in those offices no longer than 2 years.

"(4) The Secretary shall provide the Board with such services and facilities as may be necessary for the performance of its functions.

"(5) The Board shall be nonpartisan.

"(6) The Board may adopt administrative rules and procedures.

"(7) Consistent with Federal regulations, the Secretary shall reimburse members of the Board for expenses (including travel expenses) necessarily incurred by them in the performance of their duties.

"(8) The Board shall meet at least three times per year and shall submit an annual report to the Secretary and the Congress on the activities carried out by the Board in the previous fiscal year, including any recommendations it may have for administrative or legislative changes.".

SEC. 8. UPDATE OF ENERGY CONSERVATION PROGRAM FOR SCHOOLS AND HOSPITALS.—(a) NON-FEDERAL SHARE OF A PROJECT.—Section 396(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6371e(b)(1)) is amended by adding at the end thereof the following: "The non-Federal share of the costs of any such energy conservation project may be provided by using programs of innovative financing for energy conservation projects, including loan programs and performance contracting even if clear title to the equipment does not pass to the school or hospital until after the grant is completed.".

(b) AMENDMENTS TO DEFINITIONS.—

(1) Section 391(1) of such Act (42 U.S.C. 6371(8)) is amended by striking "April 20, 1977" and inserting in lieu thereof "May 1, 1989".

(2) Section 391(8) of such Act (42 U.S.C. 6371(8)) is amended by inserting the words "administrative facilities," after the word "dormitories,".

(c) ADDITIONAL LIMITATION.—Redesignate section 396(d) of such Act as subsection (d)(1) and add the following new paragraphs (2) and (3):

"(2) A State may utilize up to 100 percent of the funds provided under this part for technical assistance, except that—

"(A) not more than 15 percent of the aggregate funds used by the State to provide technical assistance and for implementation of energy conservation measures pursuant to schools and hospitals programs may be expended for such technical assistance; and

"(B) administration of schools and hospitals activities by such State shall be in accordance with applicable regulations.

"(3)(A) If (i) a State has adopted a State plan in accordance with section 394, the administration of which is in accordance with applicable regulations, and (ii) the State annually certifies to the Secretary that the Federal funds expended for schools' and hospitals' activities by such State are less than 15 percent of the aggregate funds used by the State for the implementation of energy conservation measures pursuant to the schools' and hospitals' programs, then—

"(B)(i) The limitations of paragraph (2) shall not apply to the State schools and hospitals programs under this part, (ii) the State may utilize up to 100 percent of the funds provided under this part for program and technical assistance and up to 50 percent of the funds provided under this part for marketing and other costs associated with leveraging of other non-Federal funds for technical assistance and energy conservation measures under this program, and (iii) the State may administer a continuous and consecutive application and award procedure for providing technical assistance under this part, in accordance with regulations established by the Secretary for this purpose.".

(d) REPEAL OF EDUCATIONAL AGENCY EXCLUSION.—Section 396(e) of the Energy Policy and Conservation Act (42 U.S.C. 6371e(e)) is repealed.

SEC. 9. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS.—(a) COOLING WEATHERIZATION MATERIALS.—Section 412(9) of the Energy Conservation and Production Act (42 U.S.C. 6862(9)) is amended by deleting "and" at the end of subparagraph (F), redesignating subparagraph (G) as subparagraph (H), and adding the following new subparagraph:

"(G)(i) subject to clause (ii), cooling efficiency modifications including, but not limited to, replacement air-conditioners, ventilation equipment, screening, window films, and shading devices; and

"(ii) the Secretary shall establish criteria for use by States to determine cooling efficiency modifications that qualify for financial assistance as consistent with the purposes of this part; and".

(b) Section 413(b)(2) of such act is amended by—

(1) deleting "and" at the end of paragraph (A);

(2) amending paragraph (B) to read as follows:

"(B) provide guidance to the States in the implementation of this part, including guidance designed to insure that a State establishes (i) procedures to assure that tenants paying for energy as a portion of their rent shall enjoy the protection that paragraph (5) provides, and (ii) a process for monitoring compliance with its obligations pursuant to this part, and"

(3) adding a new paragraph (C) as follows:

"(C) designed to (i) secure the purposes of the Federal investment pursuant to this part, and (ii) address the issues of eviction and sale.".

(c) Section 413(b) of such Act is amended by adding new paragraphs as follows:

"(5) Where the dwelling consists of a rental unit or rental units, the State, in the implementation of this part, shall insure that—

"(A) the benefits of weatherization assistance in connection with such leased units, including units where the tenants pay for their energy through their rent, will accrue primarily to the low-income tenants residing in such units;

"(B) for a reasonable period of time after weatherization work has been completed on a dwelling containing a unit occupied by an eligible household, the tenants in that unit (including households paying for their energy through their rent) will not be subjected to rent increases unless those increases are demonstrably related to matters other than the weatherization work performed; and

"(C) no undue or excessive enhancement will occur to the value of such dwelling units.

"(6) The regulation promulgated pursuant to paragraph (2) shall authorize States to require financial participation from owners of multifamily buildings where weatherization services are being provided.".

(d) REVISION OF ALLOCATION FORMULA.—Section 414 of the Energy Conservation and Production Act is amended—

(1) by adding at the end of subparagraph (C) of subsection (a) before the period; "and their potential for energy savings";

(2) by redesignating existing subparagraph (D) as subparagraph (E) and inserting a new subparagraph (D) as follows:

"(D) The cost of heating and cooling.".

(3) by adding a new subsection (c) as follows:

"(c) Effective fiscal year 1991, and annually thereafter, the Secretary shall update the population, climatic, residential energy use, and all other data used in allocating the funds of the Low-Income Weatherization Assistance Program among the States pursuant to section 414(a). Thereafter, the Secretary shall update these data with the most current data available no less than once every year.".

(e)(1) WAIVER OF LIMITATIONS.—Redesignate subsection (a) of section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865(a)) as paragraph (2) and insert after "SEC. 415." and before the redesignated paragraph a paragraph (a)(1), as follows:

"(a)(1) The limitations of paragraph (2) shall not apply to a State weatherization program under this part if the State or area weatherization plan adopted by a State in accordance with subsection (b), in the judgment of the Secretary, after consultation with the State Energy Advisory Committee, includes—

"(A) evaluation procedures which establish priorities for selection of weatheriza-

tion measures based on their cost and contribution to energy efficiency;

"(B) standards to be used by the State to determine whether to invest in individual energy efficiency measures based on a rate of return that will ensure that investment in each measure is an appropriate use of low-income weatherization assistance; and

"(C) energy audit procedures and techniques which measure (i) the energy requirements of individual dwellings; (ii) the rate of return of each conservation investment; and (iii) the interaction between energy efficiency measures".

(2) Amend the redesignated paragraph 415(a)(2), by adding a comma at the end of the last sentence before the period and the following: "except that a State may provide in the plan adopted pursuant to subsection (b) for subgrantees receiving grants in amounts less than $350,000, whom the State has determined require additional financial assistance to effectively implement the administrative requirements established by the Secretary pursuant to this part, to use up to an additional 5 percent of the subgrant made under this part for implementation of such administrative requirements".

(f) DWELLING UNIT LIMITATION.—Section 415(c) of such Act (42 U.S.C. 6865(c)) is amended—

(1) in paragraph (1), by striking "The expenditure" and inserting in lieu thereof "Except as provided in paragraphs (3) and (4), the expenditure"; and

(2) by adding at the end thereof the following new paragraphs:

"(3) Beginning with fiscal year 1990, the $1,600 per dwelling unit limitation provided in paragraph (1) shall be adjusted annually by increasing the limitation amount by an amount equal to the percentage increase in the Consumer Price Index for the previous fiscal year multiplied by the limitation amount for such previous fiscal year. The increase under the preceding sentence for any fiscal year shall not exceed 3 percent.

"(4)(A) In addition to the average per dwelling unit limitation applicable in a State under paragraphs (1) and (3), the Secretary may, upon application by a State, establish an average per dwelling unit limitation for dwelling units in such State—

"(i) which conform to program requirements;

"(ii) which, in addition to any other weatherization modifications, have furnace efficiency modifications made under this part; and

"(iii) for which determination is made pursuant to regulations prescribed by the Secretary that such furnace efficiency modifications are a cost-effective use of funds.

"(B) The average per dwelling unit limitation applicable in a State to units described in subparagraph (A) shall not exceed an amount equal to—

"(i) the amount permitted for the expenditure of financial assistance for labor, weatherization materials, and related matters for dwelling units in such State under paragraphs (1) and (3), plus

"(ii) an amount determined by the Secretary to be the average amount that is appropriate for furnace efficiency modifications of dwelling units of the type assisted under this part in such State.".

(g) NON-FEDERAL FUNDING REQUIREMENT.—Section 414(b)(3) of such Act is amended by deleting "and (B)" and inserting the following:

"(B) for employing Federal financial assistance under this part to increase the portion of low-income weatherization assistance that the State obtains from non-Federal sources, including private sources, and (C)".

(h) ADDITIONAL REPORTING REQUIREMENT.—Section 421 of such Act is amended by adding at the end thereof the following: "Such report shall include information and data furnished by each State on the average costs incurred in weatherization of individual dwelling units.".

(i) REPEAL OF PERFORMANCE FUND.—Section 415(d) of such Act (42 U.S.C. 6865(d)) is repealed.

(j) ESTABLISHMENT OF WEATHERIZATION INCENTIVE FUND.—Section 415 of such Act (42 U.S.C. 6865) is further amended by adding new subsections (d) and (e), as follows:

"(d) Beginning in fiscal year 1992, the Secretary, to the extend provided for in the Appropriations Act, may allocate such funds as are provided in the Low-Income Weatherization Incentive Fund to provide supplementary financial assistance to those States which the Secretary determines have achieved the best performance during the previous fiscal year in achieving the purposes of this part. In making this determination the Secretary shall:

"(1) consult with the State Energy Advisory Board pursuant to section 365(g)(2)(E); and

"(2) give priority to those States which have employed Federal financial assistance under this part to increase the portion of low-income weatherization assistance that the State obtains from non-Federal sources, including private sources.

"(e)(1) Beginning in fiscal year 1991, the Secretary may allocate among the States an equal amount, not to exceed $100,000 per State, of the funds appropriated for the purposes of this part. Such funds shall be available to the States to provide supplementary financial assistance to those subgrantees which the States determine have achieved the best performance during the previous fiscal year in advancing the purposes of this part, except that none of such funds may be used for State administration of this program. In making such determination, States shall give priority to those subgrantees who by rule, law, or administrative and executive action have provided non-Federal resources, including private resources, to supplement Federal financial assistance under this part.

"(2) The regulations promulgated by the Secretary pursuant to section 413(b) shall include guidelines to be used by each State in making the determination under paragraph (1). When promulgating such guidelines the Secretary shall consult with the State Energy Advisory Board pursuant to section 365(g)(2)(E).".

(k) ASSISTANCE FOR UNEMPLOYED PERSONS TRAINING PROGRAM.—The Secretary shall make available to States from available funds up to $300,000 in the aggregate to establish training programs for unemployed persons in low-income weatherization auditing and installation skills.

SEC. 10. SUPPORT FOR TECHNOLOGY APPLICATION.—(a) The Secretary shall establish a low-income home weatherization technology applications project and a State energy conservation technology applications project in the Office of Conservation and Renewable Energy. These projects shall identify and evaluate the technologies, measures, and practices, including energy evaluation instruments, which are most effective in increasing energy efficiency. The projects also shall provide mechanisms for assisting State and local providers in applying improvements to their markets and service areas; including but not limited to, technical papers and manuals, training sessions and direct access to technical specialists.

(b) The low-income home weatherization technology applications project and State energy conservation technology applications project shall conduct specialized research and technical assistance to address the needs of warm weather States in implementing cooling measures and developing audits suitable for warm climates.

(c) In the report pursuant to section 421 of the Energy Policy and Conservation Act, the Secretary shall report on progress in the application of energy efficiency technology measures and management practices, including those for cooling measures, for low-income weatherization and other purposes.

SEC. 11. AUTHORIZATIONS OF APPROPRIATIONS.—(a) STATE PLAN PROGRAM.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6324(f)) is amended to read as follows:

"(f) For the purpose of carrying out this part, there are authorized to be appropriated in accordance with section 660 of the Department of Energy Organization Act $25,000,000 for fiscal year 1991, $35,000,000 for fiscal year 1992, and $45,000,000 for fiscal year 1993.".

(b) ENERGY CONSERVATION PROGRAM FOR SCHOOLS AND HOSPITALS.—Section 397 of the Energy Policy and Conservation Act (42 U.S.C. 6371f(a)) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 397. For the purpose of carrying out this part, there are authorized to be appropriated in accordance with section 660 of the Department of Energy Organization Act $40,000,000 for fiscal year 1991, $50,000,000 for fiscal year 1992, and $60,000,000 for fiscal year 1993.".

(c) WEATHERIZATION ASSISTANCE PROGRAM.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 422. (a) There are authorized to be appropriated in accordance with section 660 of the Department of Energy Organization Act for purposes of carrying out the weatherization program under this part other than sections 415 (d) and (e), $200,000,000 for fiscal year 1991 and such sums as may be necessary for 1992 and 1993.

"(b) There are authorized to be appropriated in accordance with section 660 of the Department of Energy Organization Act for purposes of carrying out the weatherization program under sections 415 (d) and (e), $20,000,000 for 1991 and such sums as may be necessary for 1992 and 1993.".

SEC. 12. TERRITORIAL ENERGY ASSISTANCE PROGRAM.—(a)(1) The Secretary of Energy, pursuant to the Federal Nonnuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901, et. seq.), may grant financial assistance to insular area governments to carry out projects to evaluate the feasibility of, develop options for, and encourage the adoption of energy efficiency and renewable energy measures which reduce the dependency of the insular area on imported fuels and improve the quality of life in the insular area.

(2) Any applicant for financial assistance under this section must evidence coordination and cooperation with, and support from, the affected local energy entities in the area with necessary expertise to successfully effectuate the project, including, but not limited to, the local energy agencies and

power authorities, public works departments, the Army Corps of Engineers, the Pacific International Center for High Technology Research, and the Center for Energy and Environmental Research of the University of Puerto Rico.

(3) In determining the amount of financial assistance to be provided for a proposed energy-efficiency or renewable energy measure, the Secretary shall consider—

(A) whether the measure will reduce the relative dependence of the insular area on imported fuels;

(B) the ease and costs of operation and maintenance of any facilities contemplated as a part of the project;

(C) whether the project will rely on the use of conservation measures or indigenous, renewable energy resources that were identified in the 1982 territorial energy assessment or are identified by the Secretary as consistent with the purpose of this section;

(D) whether the measure will contribute significantly to the quality of the environment in the insular area; and

(E) any other factors which the Secretary may determine to be relevant to a particular project or measure.

(4) The Secretary shall require at least 20 percent of the costs of any project under this section to be provided from non-Federal sources. Such cost sharing may be in the form of in-kind services, donated equipment, or any combination thereof.

(b) For the purpose of this section, the term—

(1) "insular area government" means American Samoa Government, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, Federated States of Micronesia, Government of Guam, Republic of the Marshall Islands, Republic of Palau, and United States Virgin Islands; and

(2) "1982 territorial energy assessment" means the assessment prepared by the Department of Energy pursuant to the Omnibus Territorial Act. (Public Law 96-597, 94 Stat. 3480; as amended by Public Law 99-213, 97 Stat. 1460).

(c) For each fiscal year, there is hereby authorized to be appropriated for the purposes of this section, $500,000.

The PRESIDING OFFICER. Are there further amendments to the bill? If not, the question is on agreeing to the committee substitute amendment.

The committee substitute amendment was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STATE DEPARTMENT AUTHORIZATION BILL—UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may proceed to the consideration of Calendar Order No. 421, H.R. 3792, the State Department authorization bill at any time on Monday, January 29; that the bill be considered under a 1-hour time limitation with the time equally divided and controlled between Senators PELL and HELMS or their designees; that no amendments or motions to commit be in order; and that a vote on final passage of the bill occur at 5 p.m. on Tuesday, January 30, with rule XII, paragraph 4 having been waived.

Mr. DURENBERGER. Madam President, we have no objection on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 101-8 AND 101-9

Mr. MITCHELL. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty on the International Registration of Audiovisual Works (Treaty Document No. 101-8) and the Supplementary Protocol to the Tax Convention with the Tunisian Republic (Treaty Document No. 101-9), transmitted to the Senate January 24 by the President.

I also ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DURENBERGER. There is no objection on the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty on the International Registration of Audiovisual Works done at Geneva on April 20, 1989. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty establishes a multilateral system to facilitate enforcement of rights and to increase legal security concerning audiovisual works in foreign countries and to contribute to the fight against piracy. Essentially, the Treaty is administrative and procedural in nature; it is not a copyright treaty and therefore would not affect substantive national copyright laws. The registration system is voluntary and may be used at the option of the producer of audiovisual works.

As noted in the report of the Department of State, United States ratification of the Treaty would not require any amendments to the copyright laws of the United States or any other implementing legislation.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *January 24, 1990.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Supplementary Protocol to the Convention between the Government of the United States of America and the Government of the Tunisian Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, signed at Tunis on October 4, 1989. I also transmit, for the information of the Senate, the report of the Secretary of State.

The supplementary protocol amends the income tax convention with Tunisia that was signed on June 17, 1985, and transmitted to the Senate on March 13, 1986. The subsequent enactment of the Tax Reform Act of 1986 occurred before the Senate could consider the convention. The supplementary protocol amends the convention by incorporating changes in U.S. law enacted in the Tax Reform Act of 1986. Of particular importance are the provisions authorizing imposition of the new U.S. branch tax and limiting the benefits of the convention to residents of the two Contracting States by preventing their diversion to residents of third countries.

I recommend the Senate give early and favorable consideration to the convention and supplementary protocol and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *January 24, 1990.*

AUTHORIZATION FOR TESTIMONY AND PRODUCTION OF DOCUMENTS AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MITCHELL. Madam President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on authorization of testimony and document production by a Senate employee and representation by the Senate

legal counsel and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 233) to authorize testimony and document production by Senate employee and representation by Senate Legal Counsel in Springfield Terminal Railway Co. v. United Transportation Union, No. 88-0117 P.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the plaintiff in this civil action, a railroad seeking to overturn an arbitration award in a railway labor safety dispute, has served deposition subpoenas for testimony and documents on my office and member of my staff named Robert Carolla. Mr. Carolla is a legislative assistant who assists me with transportation and labor issues, among other matters.

During the last Congress, the Senate agreed to Senate Resolution 494, which authorized the Senate legal counsel to represent Senator KERRY and his staff in connection with this same matter, and last session the Senate agreed to Senate Resolution 208, authorizing an employee on Senator KERRY's staff to testify and produce documents at a deposition. Discovery has also been sought in this matter from staff of Members of the House of Representatives, including Representatives SILVIO CONTE of Massachusetts and OLYMPIA SNOWE and JOSEPH BRENNAN of Maine.

This resolution would authorize Mr. Carolla to testify and to produce documents consistently with the court's previous orders in this case and the privileges of the Senate. The resolution provides for representation by the Senate legal counsel to protect the Senate's privileges.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 233) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 233

Whereas, in the case of Springfield Terminal Railway Co. v. United Transportation Union, No. 88-0117 P, pending in the United States District Court for the District of Maine, counsel for the plaintiff has served deposition subpoenas for testimony and the production of documents on the office of Senator George J. Mitchell and Robert J. Carolla, an employee on the staff of Senator Mitchell;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act, 2 U.S.C. §§ 288(b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to defend employees of the Senate with respect to subpoenas directed to them in their official capacity;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Robert J. Carolla and the Office of Senator George J. Mitchell in connection with discovery in this case.

SEC. 2. That Robert J. Carolla is authorized to testify and to produce records, including telephone records of the Senate Telecommunications Office pertaining to the office of the Senator George J. Mitchell, relevant to the case of Springfield Terminal Railway Co. v. United Transportation Union, except concerning matters for which a privilege should be asserted.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DIRECTING THE SENATE LEGAL COUNSEL TO APPEAR AS AMICUS CURIAE

Mr. MITCHELL. Madam President, I send to the desk a resolution to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in defense of the constitutionality of the Flag Protection Act of 1989, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 234) to direct the Senate legal counsel to appear as amicus curiae in United States v. Mark J. Haggerty, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, on November 19, 1989, the Senate agreed to Senate Resolution 213, directing the Senate legal counsel to appear as amicus curiae in United States versus Eichman and two related cases in the U.S. District Court for the District of Columbia. The defendants in those cases, who were charged with violating the Flag Protection Act of 1989, have moved to dismiss the charges against them on the ground that the act is unconstitutional. In light of the fact that the Department of Justice, in the course of advocating a constitutional amendment on the flag, had questioned the legislation's constitutionality under the Supreme Court's recent decision in Texas versus Johnson, the Senate took the precautionary measure of authorizing an appearance as amicus curiae to assure that the act receive a full and unequivocal defense.

The Senate's action appears to have been well taken. Although the Justice Department opposed the defendants' motions to dismiss in these cases, its brief substantially reiterates the position the Department took before Congress in opposing the Flag Protection Act. The Department's brief reserves the right to defend the act before the Supreme Court on the theory that Texas versus Johnson was wrongly decided, but the Congress sought in drafting the statute to assure that the Federal flag law complied with that decision.

The constitutionality of the act has also been challenged in United States versus Haggerty, et al., a case pending in the United States District Court for the Western District of Washington. That case involves seven individuals who are charged with having violated the act in connection with the burning of a U.S. flag that flew over a U.S. post office in Seattle. The defendants in the Seattle case have also moved to dismiss the charges on the ground that the act is unconstitutional. Their brief in support of the motion is virtually identical to the brief filed on behalf of the defendants in the cases pending in the District of Columbia.

It is impossible to predict which challenge to the Flag Protection Act will reach the Supreme Court first through the expedited review procedures provided for in the act. For this reason, and based on the assumption that the Department of Justice will file a brief in the Western District of Washington that is similar to its brief in the District of Columbia, this resolution will authorize the Senate to appear in United States versus Haggerty, et al., as amicus curiae in support of the act's constitutionality.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 234) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 234

Whereas, in the United States v. Mark J. Haggerty, et al., No. CR-89-315R, pending in the United States District Court for the Western District of Washington, the constitutionality of the Flag Protection Act of 1989, Public Law No. 101-131, amending 18 U.S.C. § 700, has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l* (a) (1988), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in United States v. Mark J. Haggerty, et al., in support of the constitutionality of the Flag Protection Act of 1989.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR MONDAY

RECESS UNTIL 2 P.M.

MORNING BUSINESS

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 2 p.m. on Monday, January 29, 1990, and that following the time for the two leaders there be a period for morning business until 2:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Madam President, at 2:30 the Senate will resume debate on S. 1630, the clean air bill.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE REPUBLICAN PAGES

Mr. DURENBERGER. Madam President, we are always saying hello and goodbye to people around here, so it seems to me. I want to take the occasion this evening to say not only goodbye, bon voyage, but thank you very much to a group of Republican pages who struggled with all of us for the last 5 months, but particularly through the last 3½ very difficult months of 1989, and to say in my experience here in the Senate we have never been as pleased with our association with any young people as we have with Laine Levine, Amy Knorr, Jim McNary, Amy Auckerman, Cara Kristopherson, Katherine Zorn, Peter Maughan, Jane Clayton, and my favorite Minnesotan, Andrea Mack.

RECESS UNTIL 2 P.M., MONDAY, JANUARY 29, 1990

Mr. MITCHELL. Madam President, if the distinguished acting Republican leader has no further business and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, under the previous order, until 2 p.m. on Monday, January 29, 1990.

There being no objection, the Senate, at 5:30 p.m., recessed until Monday, January 29, 1990, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate January 25, 1990:

DEPARTMENT OF DEFENSE

CHARLES M. HERZFELD, OF NEW JERSEY, TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING, VICE ROBERT CLIFTON DUNCAN, RESIGNED.

DONALD JAY YOCKEY, OF CALIFORNIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, VICE MILTON L. LOHR, RESIGNED.

DEPARTMENT OF ENERGY

ROBERT H. GENTILE, OF OHIO, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE JAMES ALLAN WAMPLER, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

D'WAYNE GRAY, OF VIRGINIA, TO BE CHIEF BENEFITS DIRECTOR, DEPARTMENT OF VETERANS AFFAIRS, FOR A TERM OF 4 YEARS (NEW POSITION).

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

RONALD WILLIAM ROSKENS, OF NEBRASKA, TO BE ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE M. ALAN WOODS, DECEASED.

INTER-AMERICAN FOUNDATION

RONALD WILLIAM ROSKENS, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 20, 1992, VICE M. ALAN WOODS, DECEASED.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

C. ANSON FRANKLIN, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE THOMAS R. BLANK, RESIGNED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR THE TERMS INDICATED:

FOR A TERM EXPIRING JULY 19, 1993:

WANDA L. FORBES, OF SOUTH CAROLINA (REAPPOINTMENT).

CHARLES E. REID, OF NEW JERSEY (REAPPOINTMENT).

FOR A TERM EXPIRING JULY 19, 1994:

DANIEL W. CASEY, OF NEW YORK (REAPPOINTMENT).

ELINOR H. SWAIM, OF NORTH CAROLINA (REAPPOINTMENT).

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ROBERT J. DONAHUE, [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. FRED HISSONG, JR. [redacted], U.S. ARMY.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. ARMY NATIONAL GUARD TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

To be major general, Adjutant General's Corps

BRIG. GEN. GREGORY P. BARLOW, [redacted]
BRIG. GEN. STANLEY M. HENG, [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF SECTION 624, TITLE 10 OF THE UNITED STATES CODE:

COL. JERROLD P. ALLEN, [redacted] REGULAR AIR FORCE.
COL. GEORGE T. BABBITT, JR., [redacted] REGULAR AIR FORCE.
COL. RICHARD C. BETHUREM, [redacted] REGULAR AIR FORCE.
COL. BRUCE J. BOHN, [redacted] REGULAR AIR FORCE.
COL. ROY D. BRIDGES, JR., [redacted] REGULAR AIR FORCE.
COL. JEFFREY G. CLIVER, [redacted] REGULAR AIR FORCE.
COL. SEBASTIAN F. COGLITORE, [redacted] REGULAR AIR FORCE.
COL. GEORGE P. COLE, JR., [redacted] REGULAR AIR FORCE.
COL. STEWART E. CRANSTON, [redacted] REGULAR AIR FORCE.
COL. LEE A. DOWNER, [redacted] REGULAR AIR FORCE.
COL. RALPH E. EBERHART, [redacted] REGULAR AIR FORCE.
COL. KENNETH E. EICKMANN, [redacted] REGULAR AIR FORCE.
COL. JERRY D. GARDNER, [redacted] REGULAR AIR FORCE.
COL. RICHARD N. GODDARD, [redacted] REGULAR AIR FORCE.
COL. MARCELITE J. HARRIS, [redacted] REGULAR AIR FORCE.
COL. HENRY M. HOBGOOD, [redacted] REGULAR AIR FORCE.
COL. THOMAS C. HRUSKOCY, [redacted] REGULAR AIR FORCE.
COL. JOSEPH E. HURD, [redacted] REGULAR AIR FORCE.
COL. KENNETH R. ISRAEL, [redacted] REGULAR AIR FORCE.
COL. ALBERT D. JENSEN, [redacted] REGULAR AIR FORCE.
COL. ELDON W. JOERSZ, [redacted] REGULAR AIR FORCE.
COL. WILLIAM E. JONES, [redacted] REGULAR AIR FORCE.
COL. NICHOLAS B. KEHOE, III, [redacted] REGULAR AIR FORCE.
COL. JEROME A. LANDRY, [redacted] REGULAR AIR FORCE.
COL. MARK H. LILLARD, III, [redacted] REGULAR AIR FORCE.
COL. LESTER L. LYLES, [redacted] REGULAR AIR FORCE.
COL. MICHAEL A. MCAULIFFE, [redacted] REGULAR AIR FORCE.
COL. JOHN O. MCFALLS, III, [redacted] REGULAR AIR FORCE.
COL. MICHAEL D. MCGINTY, [redacted] REGULAR AIR FORCE.
COL. DAVID W. MCILVOY, [redacted] REGULAR AIR FORCE.
COL. KENNETH G. MILLER, [redacted] REGULAR AIR FORCE.
COL. KENNETH A. MINIHAN, [redacted] REGULAR AIR FORCE.
COL. BOBBIE L. MITCHELL, [redacted] REGULAR AIR FORCE.
COL. JIMMEY R. MORRELL, [redacted] REGULAR AIR FORCE.
COL. DAVID OAKES, [redacted] REGULAR AIR FORCE.
COL. CHARLES H. ROADMAN, II, [redacted] REGULAR AIR FORCE.
COL. JAMES C. ROAN, JR., [redacted] REGULAR AIR FORCE.
COL. CHARLES T. ROBERTSON, JR., [redacted] REGULAR AIR FORCE.
COL. HALLIE E. ROBERTSON, [redacted] REGULAR AIR FORCE.
COL. EUGENE D. SANTARELLI, [redacted] REGULAR AIR FORCE.
COL. JAMES S. SAVARDA, [redacted] REGULAR AIR FORCE.
COL. DALE E. STOVALL, [redacted] REGULAR AIR FORCE.
COL. RICHARD T. SWOPE, [redacted] REGULAR AIR FORCE.
COL. FLOYD K. TEDROW, [redacted] REGULAR AIR FORCE.
COL. ARNOLD R. THOMAS, JR., [redacted] REGULAR AIR FORCE.
COL. W. THOMAS WEST, [redacted] REGULAR AIR FORCE.
COL. JOSEPH C. WILSON, JR. [redacted], REGULAR AIR FORCE.
COL. WILLIAM L. WORTHINGTON, JR., [redacted] REGULAR AIR FORCE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be major

HOWARD P. ABEL, [redacted]
GARY L. ABERNATHY, [redacted]
GEORGE M. ABERNATHY, [redacted]
PAUL E. ABT, [redacted]

BRUCE S. ACKERMAN, xxx-xx-xxxx
WILLIAM D. ACKERMAN, IV, xxx-xx-xxxx
FERNANDO L. ACOSTA, xxx-xx-xxxx
DAVID A. ADAIR, xxx-xx-xxxx
ANGEL D. ADAME, xxx-xx-xxxx
CARLA G. ADAMS, xxx-xx-xxxx
JOSEPH W. ADAMS, JR., xxx-xx-xxxx
MICHAEL E. ADAMS, xxx-xx-xxxx
SCOTT A. ADAMS, xxx-xx-xxxx
VINCENT P. ADAMSKI, xxx-xx-xxxx
GARY E. AHEARN, xxx-xx-xxxx
KENNETH S. AHMIE, xxx-xx-xxxx
WILLIAM M. AHRENDT, xxx-xx-xxxx
JOHNNIE D. AINSLEY, xxx-xx-xxxx
JOHN M. AIRIS, xxx-xx-xxxx
STANLEY E. ALBAUGH, xxx-xx-xxxx
JAMES R. ALBERT, xxx-xx-xxxx
NORMAN R. ALBERT, xxx-xx-xxxx
GEORGE L. ALBERTI, JR., xxx-xx-xxxx
TREVOR S. ALBRO, xxx-xx-xxxx
CHALMOS N. ALDAY, xxx-xx-xxxx
CHARLES L. ALDAY, xxx-xx-xxxx
MITCHELL S. ALDAY, xxx-xx-xxxx
JEFFREY S. ALDERFER, xxx-xx-xxxx
MILLARD M. ALDRIDGE, xxx-xx-xxxx
RONNIE W. ALDRIDGE, xxx-xx-xxxx
JOHN E. ALEXANDER, xxx-xx-xxxx
WILLIAM C. ALFORD, xxx-xx-xxxx
EDDY N. ALLARD, xxx-xx-xxxx
ROBERT R. ALLARDICE, xxx-xx-xxxx
DOUGLAS E. ALLDS, JR., xxx-xx-xxxx
DAVID J. ALLEMAN, xxx-xx-xxxx
CHARLES A. ALLEN, IV, xxx-xx-xxxx
CHRISTOPHER C. ALLEN, xxx-xx-xxxx
DAVID S. ALLEN, JR., xxx-xx-xxxx
DAVID W. ALLEN, xxx-xx-xxxx
GORDON R. ALLEN, xxx-xx-xxxx
JAMES L. ALLEN, xxx-xx-xxxx
KENNETH W. ALLEN, xxx-xx-xxxx
LINDA M. ALLEN, xxx-xx-xxxx
MARK J. ALLEN, xxx-xx-xxxx
MICHAEL M. ALLEN, xxx-xx-xxxx
ROBERT S. ALLEN, xxx-xx-xxxx
RONALD L. ALLEN, xxx-xx-xxxx
SHEILA F. ALLEN, xxx-xx-xxxx
TRACY L. ALLEN, xxx-xx-xxxx
ARVIE M. ALLISON, xxx-xx-xxxx
JACK E. ALLISON, JR., xxx-xx-xxxx
RONALD M. ALLMAN, xxx-xx-xxxx
VERNON K. ALLS, xxx-xx-xxxx
FELIPE T. ALONSO, xxx-xx-xxxx
JOSEPH B. ALSTON, xxx-xx-xxxx
STEPHEN M. ALSTON, xxx-xx-xxxx
THOMAS L. ALSTON, xxx-xx-xxxx
JAMES D. ALSTOTT, xxx-xx-xxxx
PAUL A. ALTIER, xxx-xx-xxxx
ROBERT H. ALTMAN, xxx-xx-xxxx
FRANCISCO L. ALTON, xxx-xx-xxxx
RICHARD L. ALVARADO, xxx-xx-xxxx
GARY M. ALVAREZ, xxx-xx-xxxx
ROBERT P. ALVAREZ, xxx-xx-xxxx
THOMAS J. AMOND, xxx-xx-xxxx
JAMES ANDEL, xxx-xx-xxxx
KEVIN C. ANDERSEN, xxx-xx-xxxx
THOMAS K. ANDERSEN, xxx-xx-xxxx
BENJAMIN ANDERSON, xxx-xx-xxxx
DANIEL J. ANDERSON, xxx-xx-xxxx
DARRELL L. ANDERSON, xxx-xx-xxxx
DARWIN G. ANDERSON, xxx-xx-xxxx
DAVID W. ANDERSON, xxx-xx-xxxx
DOUGLAS W. ANDERSON, xxx-xx-xxxx
JONATHAN B. ANDERSON, xxx-xx-xxxx
KURT C. ANDERSON, xxx-xx-xxxx
MARK ANDERSON, xxx-xx-xxxx
MARK E. ANDERSON, xxx-xx-xxxx
PAUL J. ANDERSON, xxx-xx-xxxx
RICHARD L. ANDERSON, xxx-xx-xxxx
ROBERT G. ANDERSON, JR., xxx-xx-xxxx
ROSS B. ANDERSON, xxx-xx-xxxx
SILVIA S. ANDERSON, xxx-xx-xxxx
THOMAS A. ANDERSON, xxx-xx-xxxx
WARREN R. ANDERSON, JR., xxx-xx-xxxx
GEORGE ANDINO, JR., xxx-xx-xxxx
ANTHONY ANDOLINA, xxx-xx-xxxx
ANTHONY R. ANDREWS, xxx-xx-xxxx
CHERYL R. ANDREWS, xxx-xx-xxxx
DEBORAH L. ANDREWS, xxx-xx-xxxx
HENRY L. ANDREWS, JR., xxx-xx-xxxx
MARK J. ANDREWS, xxx-xx-xxxx
JOSEPH D. ANGELE, JR., xxx-xx-xxxx
JOHN R. ANSTEAD, xxx-xx-xxxx
SUSAN A. ANSWAY, xxx-xx-xxxx
ALEXANDER J. S. ANTE, xxx-xx-xxxx
RODNEY L. APGAR, xxx-xx-xxxx
JOHN H. APPLEGATE, xxx-xx-xxxx
RICHARD ARELLANO, xxx-xx-xxxx
FRANK P. ARENA, JR., xxx-xx-xxxx
JOHN A. ARIN, xxx-xx-xxxx
ALBERTO A. ARMESTO, xxx-xx-xxxx
JAMES F. ARMINGTON, xxx-xx-xxxx
ALISA J. ARMSTRONG, xxx-xx-xxxx
JAKE T. ARMSTRONG, JR., xxx-xx-xxxx
JEFFREY C. ARMSTRONG, xxx-xx-xxxx
RONALD R. ARMSTRONG, xxx-xx-xxxx
GARY L. ARNOLD, xxx-xx-xxxx
RHONDA L. ARNOLD, xxx-xx-xxxx
OMAR R. AROCHO, xxx-xx-xxxx
NELSON E. ARROYO, xxx-xx-xxxx
RICHARD G. ARVIN, xxx-xx-xxxx
CARLETA L. ASBURY, xxx-xx-xxxx
JONATHAN P. ASERCION, xxx-xx-xxxx
EDWARD V. ASH, xxx-xx-xxxx
ERIC A. ASH, xxx-xx-xxxx
TERRY E. ASHER, xxx-xx-xxxx
BERNHARD W. ASIU, xxx-xx-xxxx
EDWARD F. ASSAID, xxx-xx-xxxx
MICHELLE S. ATCHISON, xxx-xx-xxxx
ROBERT F. ATEN, xxx-xx-xxxx
RHUETT K. ATHERTON, xxx-xx-xxxx
DANA H. ATKINS, xxx-xx-xxxx
JOHN R. ATKINS, xxx-xx-xxxx
STEPHEN G. ATKINS, xxx-xx-xxxx
DAVID L. ATTAWAY, xxx-xx-xxxx
DUDLEY P. ATTAWAY, xxx-xx-xxxx
MICHAEL L. ATWELL, xxx-xx-xxxx
STEPHEN AUBUCHON, xxx-xx-xxxx
AUDREY J. AUFDEMORTE, xxx-xx-xxxx
GREGORY D. AUGST, xxx-xx-xxxx
KATHLEEN M. AUSTIN, xxx-xx-xxxx
RAY AUSTIN, xxx-xx-xxxx
ROY E. AVERY, JR., xxx-xx-xxxx
CHARLES H. AYALA, xxx-xx-xxxx
DENISE L. AYDELOTTEWODESKY, xxx-xx-xxxx
KENNETH L. AYERS, JR., xxx-xx-xxxx
TIMOTHY D. AYRES, xxx-xx-xxxx
JOSEPH M. AZZATO, JR., xxx-xx-xxxx
BRUCE L. BABCOCK, xxx-xx-xxxx
MARK G. BACIAK, xxx-xx-xxxx
KEITH H. BACKES, xxx-xx-xxxx
DANIEL R. BACKHUS, xxx-xx-xxxx
MARK A. BACKLIN, xxx-xx-xxxx
DEBORAH A. BACON, xxx-xx-xxxx
JOHN W. BADER, xxx-xx-xxxx
FLOYD A. BADSKY, xxx-xx-xxxx
BENNY M. BAILEY, JR., xxx-xx-xxxx
GEORGE L. BAILEY, III, xxx-xx-xxxx
JEFFREY BAILEY, xxx-xx-xxxx
JOHN C. BAILEY, xxx-xx-xxxx
ROGER W. BAILEY, xxx-xx-xxxx
PATRICIA A. BAILLIE, xxx-xx-xxxx
PAUL D. BAILOR, xxx-xx-xxxx
WESLEY H. BAIN, xxx-xx-xxxx
JAMES B. BAIZE, xxx-xx-xxxx
ALAN K. BAKER, xxx-xx-xxxx
BRUCE W. BAKER, xxx-xx-xxxx
CARL W. BAKER, xxx-xx-xxxx
RICHARD E. BAKER, xxx-xx-xxxx
SANDRA L. BAKER, xxx-xx-xxxx
WILLIAM R. BAKER, xxx-xx-xxxx
MICHAEL J. BALCHUS, xxx-xx-xxxx
BRIAN D. BALDWIN, xxx-xx-xxxx
MARK W. BALDWIN, xxx-xx-xxxx
RICHARD D. BALDWIN, xxx-xx-xxxx
ROBERT S. BALDWIN, xxx-xx-xxxx
HAROLD R. BALL, III, xxx-xx-xxxx
JAMES E. BALL, xxx-xx-xxxx
LESLIE B. BALL, xxx-xx-xxxx
BOYD L. BALLARD, xxx-xx-xxxx
THOMAS P. BALLARD, xxx-xx-xxxx
RONALD M. BALLENTINE, xxx-xx-xxxx
LUIS R. BALLESTER, xxx-xx-xxxx
DANIEL A. BARADON, xxx-xx-xxxx
GLENWOOD M. BARBEE, xxx-xx-xxxx
STEVEN D. BARBOUR, xxx-xx-xxxx
GARY G. BARD, xxx-xx-xxxx
GREGORY B. BARENTINE, xxx-xx-xxxx
BENJAMIN B. BARKER, xxx-xx-xxxx
KENNETH W. BARKER, xxx-xx-xxxx
PATRICK R. BARKER, xxx-xx-xxxx
STEVEN J. BARLOW, xxx-xx-xxxx
EUGENE W. BARNASH, xxx-xx-xxxx
CHARLENE K. BARNES, xxx-xx-xxxx
DAVID E. BARNES, xxx-xx-xxxx
DANIEL P. BARNETT, xxx-xx-xxxx
MARK E. BARNETT, xxx-xx-xxxx
JEFFREY KYLE BARNHILL, xxx-xx-xxxx
LEWIS E. BARR, xxx-xx-xxxx
LEAH J. BARRERA, xxx-xx-xxxx
BRUCE S. BARRETT, xxx-xx-xxxx
CARTER P. BARRETT, xxx-xx-xxxx
LARRY D. BARRETT, xxx-xx-xxxx
PHILIP L. BARRETT, xxx-xx-xxxx
ROBERT D. BARRETT, xxx-xx-xxxx
STEVEN F. BARRETT, xxx-xx-xxxx
BRUCE W. BARRIE, xxx-xx-xxxx
ELAINE K. BARRON, xxx-xx-xxxx
GLENN W. BARRON, xxx-xx-xxxx
JAMES W. BARRON, xxx-xx-xxxx
JOSEPH F. BARRON, xxx-xx-xxxx
STEPHEN M. BARRON, xxx-xx-xxxx
WILLIAM P. BARRY, xxx-xx-xxxx
RICHARD J. BARTELL, xxx-xx-xxxx
JAMES M. BARTLETT, xxx-xx-xxxx
EMERSON A. BASCOMB, xxx-xx-xxxx
BROOKS L. BASH, xxx-xx-xxxx
JEFFREY M. BASILE, xxx-xx-xxxx
RONALD A. BASQUE, xxx-xx-xxxx
HOWARD E. BATCHELOR, xxx-xx-xxxx
MARION I. BATES, xxx-xx-xxxx
DAVID BATOR, xxx-xx-xxxx
JOHN R. BAUERLE, JR., xxx-xx-xxxx
ROBERT A. BAUGH, xxx-xx-xxxx
CHRISTINE M. BAUMAN, xxx-xx-xxxx
HARRY E. BAUMGARTEN, III, xxx-xx-xxxx
DANIEL J. BAUMGARTNER, JR., xxx-xx-xxxx
MICHAEL L. BAUMGARTNER, xxx-xx-xxxx
PAUL A. BAUML, xxx-xx-xxxx
CHARLES A. BAXLEY, JR., xxx-xx-xxxx
ALLEN L. BAXTER, xxx-xx-xxxx
STEPHEN M. BAYSINGER, xxx-xx-xxxx
R. SCOTT BAYTON, xxx-xx-xxxx
GLENN E. BEACH, xxx-xx-xxxx
RUTH S. BEACH, xxx-xx-xxxx
DANIEL J. BEAL, xxx-xx-xxxx
WESLEY A. BEAM, JR., xxx-xx-xxxx
JUDD R. BEAN, xxx-xx-xxxx
BRUCE H. BEANE, xxx-xx-xxxx
MICHAEL N. BEARD, xxx-xx-xxxx
PHILLIP H. BEARD, xxx-xx-xxxx
KAREN L. BEAUDOIN, xxx-xx-xxxx
JAMES L. BEAULIEU, xxx-xx-xxxx
CHARLES R. BEAVER, JR., xxx-xx-xxxx
RANDY R. BEAVERS, xxx-xx-xxxx
JOHN E. BEAZLEY, xxx-xx-xxxx
RICHARD A. BECHTEL, xxx-xx-xxxx
DIANE D. BECK, xxx-xx-xxxx
LORENZA M. BEDGOOD, xxx-xx-xxxx
JAMES B. BEHNKEN, xxx-xx-xxxx
JOHN W. BEHYMER, xxx-xx-xxxx
RICHARD C. BEIDLEMAN, xxx-xx-xxxx
STEPHEN P. BELCH, xxx-xx-xxxx
ANTHONY W. BELFORD, xxx-xx-xxxx
FRANCES P. BELFORD, xxx-xx-xxxx
KEVIN A. BELL, xxx-xx-xxxx
STEVEN E. BELL, xxx-xx-xxxx
SUSAN M. BELLACICCO, xxx-xx-xxxx
ROSALYN BELLIS, xxx-xx-xxxx
JAMES M. BELT, xxx-xx-xxxx
HARRY J. BENDER, xxx-xx-xxxx
MICHAEL P. BENELLI, xxx-xx-xxxx
BRUCE W. BENNETT, xxx-xx-xxxx
JEFFERSON M. BENNETT, xxx-xx-xxxx
RICHARD L. BENNETT, xxx-xx-xxxx
RODNEY G. BENNETT, xxx-xx-xxxx
WILLIAM C. BENNETT, JR., xxx-xx-xxxx
LINDA S. BENNIE, xxx-xx-xxxx
JAMES R. BENSON, xxx-xx-xxxx
BARBARA A. BENTLEY, xxx-xx-xxxx
GENE R. BENTON, xxx-xx-xxxx
THOMAS F. BERARDINELLI, xxx-xx-xxxx
EDWARD J. BERGHORN, xxx-xx-xxxx
BRIAN P. BERGQUIST, xxx-xx-xxxx
JAMES F. BERKE, xxx-xx-xxxx
RICHARD E. BERKEBILE, xxx-xx-xxxx
WILLIAM JOHN BERMAN, xxx-xx-xxxx
DAVID M. BERNACKI, xxx-xx-xxxx
CRAIG E. BERNARD, xxx-xx-xxxx
DWAYNE L. BERNITT, xxx-xx-xxxx
YVELIS BERRIE, xxx-xx-xxxx
ERIC C. BERRY, xxx-xx-xxxx
GEORGE W. BEST, xxx-xx-xxxx
SANDRA A. BEST, xxx-xx-xxxx
GEORGE F. BETTIS, II, xxx-xx-xxxx
ROBERT J. BEUERLEIN, xxx-xx-xxxx
ROBERT W. BEW, xxx-xx-xxxx
ELFIE M. BIANKINI, xxx-xx-xxxx
CATHERINE M. BIDDULPH, xxx-xx-xxxx
DEBORAH A. BIELLING, xxx-xx-xxxx
DAVID L. BIESHEUVEL, xxx-xx-xxxx
STEVEN D. C. BIGELOW, xxx-xx-xxxx
JIM BILLUPS, JR., xxx-xx-xxxx
JOHN F. BINGAMAN, xxx-xx-xxxx
WILLIAM B. BINGER, xxx-xx-xxxx
ROBERT J. BINKLEY, xxx-xx-xxxx
JAMES A. BINNIKER, xxx-xx-xxxx
JAMES R. BINTZLER, xxx-xx-xxxx
RICHARD M. BIPPUS, xxx-xx-xxxx
BILLY E. BIRDWELL, xxx-xx-xxxx
ELLIS V. BISHOP, JR., xxx-xx-xxxx
PAUL E. BISHOP, xxx-xx-xxxx
ROBERT C. BISHOP, xxx-xx-xxxx
ROBERT J. BISHOP, xxx-xx-xxxx
STEVEN N. BISHOP, xxx-xx-xxxx
LYNNE D. BITLER, xxx-xx-xxxx
DAVID P. BITTING, xxx-xx-xxxx
CHARLES J. BIVIANO, xxx-xx-xxxx
JAMES P. BIXLER, xxx-xx-xxxx
DAVID L. BJORNSON, xxx-xx-xxxx
KENNETH R. BLACK, xxx-xx-xxxx
RICKY E. BLACK, xxx-xx-xxxx
RONALD E. BLACK, xxx-xx-xxxx
STEVEN K. BLACK, xxx-xx-xxxx
WILLIAM R. BLACK, xxx-xx-xxxx
EDWARD D. BLACKBURN, xxx-xx-xxxx
GLENN W. BLACKWELDER, xxx-xx-xxxx
GARLAND W. BLACKWELL, xxx-xx-xxxx
JOHN T. BLAIR, JR., xxx-xx-xxxx
KENNETH A. BLAIR, xxx-xx-xxxx
AURELIA A. BLAKE, xxx-xx-xxxx
DOUGLASS G. BLAKE, xxx-xx-xxxx
GREGORY N. BLAKE, xxx-xx-xxxx
WILLIAM H. BLAKE, xxx-xx-xxxx
WILLIAM R. BLANCHARD, JR., xxx-xx-xxxx
DOUGLAS L. BLANDFORD, xxx-xx-xxxx
RICHARD L. BLANTON, JR., xxx-xx-xxxx
CHARLES L. BLEVINS, xxx-xx-xxxx
RANDY L. BLISS, xxx-xx-xxxx
DAVID O. BLOCK, xxx-xx-xxxx
RONALD O. BLOCKER, xxx-xx-xxxx
LEGRANDE O. BLOUNT, xxx-xx-xxxx
THOMAS M. BLUME, xxx-xx-xxxx
DENNIS F. BLUMENTHAL, xxx-xx-xxxx
JAMES H. BOARDMAN, JR., xxx-xx-xxxx
MARVIN D. BOBBITT, xxx-xx-xxxx
WESTANNA H. BOBBITT, xxx-xx-xxxx
JAMES V. BOCQUIN, xxx-xx-xxxx
HERBERT BODISON, JR., xxx-xx-xxxx
MICHAEL J. BODNER, xxx-xx-xxxx
BRYON K. BOEHMKE, xxx-xx-xxxx
PAUL H. BOGARDUS, III, xxx-xx-xxxx
FRANK R. BOGART, xxx-xx-xxxx
ROGER D. BOHNKE, xxx-xx-xxxx
JOHN T. BOLAND, xxx-xx-xxxx
MICHAEL J. BOLDOSSER, xxx-xx-xxxx
TIMOTHY M. BOLES, xxx-xx-xxxx
LEE D. BOLLERT, xxx-xx-xxxx

JOSE M. BOLUDA, xxx-xx-xxxx
DENNIS B. BONAR, xxx-xx-xxxx
JOSEPH E. BOND, xxx-xx-xxxx
KENT C. BOND, xxx-xx-xxxx
RICHARD J. BONELLI, xxx-xx-xxxx
THOMAS BONEPARTE, xxx-xx-xxxx
LAURA L. BONUCCHI, xxx-xx-xxxx
CARL T. BOOKER, xxx-xx-xxxx
RICHARD W. BOOTH, JR., xxx-xx-xxxx
DAVID O. BOOZ, xxx-xx-xxxx
BRIAN J. BORDEN, xxx-xx-xxxx
PAUL B. BORDENAVE, JR., xxx-xx-xxxx
STEVEN J. BORECKY, xxx-xx-xxxx
GERALD R. BORGER, xxx-xx-xxxx
JACK E. BORING, JR., xxx-xx-xxxx
JOHN E. BORING, xxx-xx-xxxx
MICHAEL J. B. BORJA, xxx-xx-xxxx
MARK S. BORKOWSKI, xxx-xx-xxxx
GLENN M. BORRELLI, xxx-xx-xxxx
HOWARD L. BORST, xxx-xx-xxxx
DEBORAH D. BOSICK, xxx-xx-xxxx
LAWRENCE R. BOTHERN, xxx-xx-xxxx
ROBERT D. BOTSFORD, xxx-xx-xxxx
CURTIS BOTTESCH, xxx-xx-xxxx
JOLENE K. BOUNDS, xxx-xx-xxxx
ANDREW M. BOURLAND, II, xxx-xx-xxxx
ROY V. BOUSQUET, xxx-xx-xxxx
KEVIN W. BOWEN, xxx-xx-xxxx
STEPHEN R. BOWERS, xxx-xx-xxxx
PHILIP A. BOWES, xxx-xx-xxxx
GEORGE T. BOWLER, xxx-xx-xxxx
DAVID C. BOWLING, xxx-xx-xxxx
EDWARD D. BOWLING, xxx-xx-xxxx
PAUL S. BOWMAN, xxx-xx-xxxx
CAMERON S. BOWSER, xxx-xx-xxxx
JON L. STEM BOX, xxx-xx-xxxx
DAVID A. BOXWELL, xxx-xx-xxxx
ROBERT E. BOYD, xxx-xx-xxxx
JAMES P. BOYDSTON, xxx-xx-xxxx
WILLIAM E. BOYINGTON, xxx-xx-xxxx
STEPHEN M. BOYKIN, xxx-xx-xxxx
COLLEEN A. BOYLAN, xxx-xx-xxxx
JOSEPH F. BOYLE, xxx-xx-xxxx
JAMES B. BOYNTON, xxx-xx-xxxx
DENNIS R. BOYUM, xxx-xx-xxxx
EDWARD T. BOYWID, xxx-xx-xxxx
ANDREA A. BRABOY, xxx-xx-xxxx
WILLIAM H. BRADBERRY, xxx-xx-xxxx
RAYMOND C. BRADBURY, xxx-xx-xxxx
CURTIS BRADHAM, xxx-xx-xxxx
ARTHUR J. BRADLEY, xxx-xx-xxxx
DALE M. BRADLEY, xxx-xx-xxxx
DIANA L. BRADLEY, xxx-xx-xxxx
JONATHAN B. BRADLEY, xxx-xx-xxxx
MICHAEL D. BRADLEY, xxx-xx-xxxx
ALAN P. BRADSHAW, xxx-xx-xxxx
FRANK H. BRADY, xxx-xx-xxxx
MARK G. BRADY, xxx-xx-xxxx
REITA L. W. BRADY, xxx-xx-xxxx
MARK S. BRALEY, xxx-xx-xxxx
STEVEN C. BRAMAN, xxx-xx-xxxx
ERNEST L. BRANCH, xxx-xx-xxxx
STEVEN D. BRANCH, xxx-xx-xxxx
DANNY D. BRANDT, xxx-xx-xxxx
STEVEN J. BRANDT, xxx-xx-xxxx
MATTHEW P. BRANIGAN, xxx-xx-xxxx
TALMADGE L. BRANNAN, xxx-xx-xxxx
STEPHEN N. BRANTLEY, xxx-xx-xxxx
DELBERT C. BRASHARES, xxx-xx-xxxx
RICHARD K. BRAUD, xxx-xx-xxxx
CARL A. BRAY, xxx-xx-xxxx
CRAIG E. BRAZEAU, xxx-xx-xxxx
JOE J. BRAZIL, xxx-xx-xxxx
JOHN T. BREED, JR., xxx-xx-xxxx
EDWARD M. BREEN, xxx-xx-xxxx
ADLAI O. BREGER, xxx-xx-xxxx
MATTHEW L. BRENNAN, xxx-xx-xxxx
JOHN E. BRETTELL, xxx-xx-xxxx
JEFFREY N. BREWER, xxx-xx-xxxx
WILLIAM T. BREWER, xxx-xx-xxxx
SARAH M. BRIDDELL, xxx-xx-xxxx
TIMOTHY K. BRIDGES, xxx-xx-xxxx
KEITH A. BRIEM, xxx-xx-xxxx
LOUIS N. BRIENZA, xxx-xx-xxxx
CECIL D. BRIGGS, JR., xxx-xx-xxxx
JAMES E. BRIGGS, xxx-xx-xxxx
KEVIN G. BRIGGS, xxx-xx-xxxx
JOHN R. BRILL, xxx-xx-xxxx
CHARLES M. BRINDELL, xxx-xx-xxxx
G. STEVEN BRINGLE, xxx-xx-xxxx
JUDITH E. BRISBOIS, xxx-xx-xxxx
MEREDITH D. BRISCOLINO, xxx-xx-xxxx
LARRY W. BRITTENHAM, xxx-xx-xxxx
DAVID B. BRITTON, xxx-xx-xxxx
WILLIAM J. BRITTON, xxx-xx-xxxx
JAMES H. BROADWELL, xxx-xx-xxxx
DON E. BROCK, xxx-xx-xxxx
TIMOTHY R. BROCK, xxx-xx-xxxx
DAVID N. BROCKETT, xxx-xx-xxxx
RANDY L. BROCKMAN, xxx-xx-xxxx
JACOB K. BRODERSEN, III, xxx-xx-xxxx
ALLEN H. BRODY, xxx-xx-xxxx
WILLIAM R. BROMLEY, xxx-xx-xxxx
DAVID E. BROOKS, xxx-xx-xxxx
ERIC J. BROOKS, xxx-xx-xxxx
JEANNENE V. BROOKS, xxx-xx-xxxx
JOSEPH D. BROOKS, xxx-xx-xxxx
PAUL R. BROSHEAR, xxx-xx-xxxx
ALAN M. BROWN, xxx-xx-xxxx
DAVID D. BROWN, xxx-xx-xxxx
DEAN W. BROWN, xxx-xx-xxxx
GARLAND B. BROWN, xxx-xx-xxxx
GERALD L. BROWN, xxx-xx-xxxx
JAMES A. BROWN, xxx-xx-xxxx
JAMES D. BROWN, xxx-xx-xxxx
JEREON M. BROWN, xxx-xx-xxxx
JERRY D. BROWN, SR., xxx-xx-xxxx
JOHN H. BROWN, xxx-xx-xxxx
JOSEPH D. BROWN, IV, xxx-xx-xxxx
KENNETH A. BROWN, xxx-xx-xxxx
LAWRENCE R. BROWN, xxx-xx-xxxx
MARITA D. BROWN, xxx-xx-xxxx
MARK A. BROWN, xxx-xx-xxxx
ROBERT L. BROWN, xxx-xx-xxxx
ROBERT N. BROWN, xxx-xx-xxxx
ROBERT W. BROWN, JR., xxx-xx-xxxx
RONALD E. BROWN, xxx-xx-xxxx
STANLEY E. BROWN, xxx-xx-xxxx
SUSAN E. BROWN, xxx-xx-xxxx
THOMAS H. BROWN, xxx-xx-xxxx
TIMOTHY W. BROWN, xxx-xx-xxxx
TOMMY C. BROWN, xxx-xx-xxxx
WALLACE T. BROWN, xxx-xx-xxxx
WILLIAM R. BROWN, II, xxx-xx-xxxx
EDWARD H. BROWNE, JR., xxx-xx-xxxx
JAMES M. BROWNE, xxx-xx-xxxx
EDWARD J. BROWNSTEIN, JR., xxx-xx-xxxx
DAVID BROXTERMAN, xxx-xx-xxxx
BRADLEY H. BROYLES, xxx-xx-xxxx
JOSEPH J. BROZENA, JR., xxx-xx-xxxx
RUDY K. BRUBACK, xxx-xx-xxxx
GRANT H. BRUCKMEIER, xxx-xx-xxxx
MARK S. BRUGH, xxx-xx-xxxx
BARRINGTON L. BRUMLEY, xxx-xx-xxxx
JACK D. BRUMMETT, xxx-xx-xxxx
GREGORY L. BRUNDIDGE, xxx-xx-xxxx
TIMOTHY D. BRUNER, xxx-xx-xxxx
STEVEN P. BRUNIN, xxx-xx-xxxx
SHERYL K. BRYAN, xxx-xx-xxxx
HARRISON S. BRYANT, xxx-xx-xxxx
GARY C. BRYSON, xxx-xx-xxxx
TANIA BUBLICK, xxx-xx-xxxx
BRADLEY W. BUCHANAN, xxx-xx-xxxx
GARY L. BUCHBERGER, xxx-xx-xxxx
RANDY L. BUCKLAND, xxx-xx-xxxx
CHARLES E. BUCKMAN, xxx-xx-xxxx
RENEE S. BUCKMAN, xxx-xx-xxxx
JOHN H. BUCKNER, xxx-xx-xxxx
MARIO C. BUDA, xxx-xx-xxxx
LOUIS H. BUDD, III, xxx-xx-xxxx
MARK J. BUECHTER, xxx-xx-xxxx
MICHAEL J. BUELL, xxx-xx-xxxx
JOHN D. BUENNEMEYER, xxx-xx-xxxx
DAVID P. BULLOCK, xxx-xx-xxxx
WALTER M. BULLOCK, JR., xxx-xx-xxxx
CHARLES T. BUNTIN, xxx-xx-xxxx
LARRY E. BUNTING, xxx-xx-xxxx
WILLIAM R. BURCHER, xxx-xx-xxxx
CHARLES L. BURDSAL, xxx-xx-xxxx
CHARLES B. BURGESS, xxx-xx-xxxx
HOLLY K. BURGESS, xxx-xx-xxxx
JOHN C. BURGESS, JR., xxx-xx-xxxx
THEODORE W. BURGNER, xxx-xx-xxxx
DAVID P. BURKE, xxx-xx-xxxx
DAVID R. BURKHALTER, xxx-xx-xxxx
HARRY H. BURKS, xxx-xx-xxxx
JEAN M. BURLESON, xxx-xx-xxxx
STEPHEN C. BURLESON, xxx-xx-xxxx
CHRISTOPHER N. BURNS, xxx-xx-xxxx
JAMES C. BURNS, xxx-xx-xxxx
MICHAEL L. BURNS, xxx-xx-xxxx
BRETT L. BURRELL, xxx-xx-xxxx
MARY E. BURRELL, xxx-xx-xxxx
GORDON F. BURRILL, xxx-xx-xxxx
STEVEN G. BURRIS, xxx-xx-xxxx
DALE A. BURTON, xxx-xx-xxxx
JAY K. BURTON, xxx-xx-xxxx
ANDREW E. BUSCH, xxx-xx-xxxx
RICHARD A. BUSCHELMAN, xxx-xx-xxxx
ROBERT B. BUSH, xxx-xx-xxxx
TONYA L. BUSH, xxx-xx-xxxx
BRUCE A. BUSLER, xxx-xx-xxxx
JOHN E. BUTCHER, xxx-xx-xxxx
STEVEN G. BUTEAU, xxx-xx-xxxx
DOUGLAS M. BUTLER, xxx-xx-xxxx
ROBERT J. BUTLER, JR., xxx-xx-xxxx
STEPHEN L. BUTLER, xxx-xx-xxxx
GREGORY W. BUTTS, xxx-xx-xxxx
WAYNE R. BYRON, xxx-xx-xxxx
PAUL T. CAFARELLA, xxx-xx-xxxx
PRESTON W. CAGE, xxx-xx-xxxx
ROBERT F. CAHILL, xxx-xx-xxxx
LUIS M. CALDERON, xxx-xx-xxxx
DAVID S. CALDWELL, xxx-xx-xxxx
PAMELA J. CALHOUN, xxx-xx-xxxx
JAMES P. CALLAHAN, xxx-xx-xxxx
ROBERT P. CALLAHAN, xxx-xx-xxxx
RANDALL V. CALLAM, xxx-xx-xxxx
MARY A. CALLAWAY, xxx-xx-xxxx
DOUGLAS R. CALLIHAN, xxx-xx-xxxx
JAMES F. CALLOW, III, xxx-xx-xxxx
STEVE CALLOWAY, xxx-xx-xxxx
JOHN T. CALVIN, xxx-xx-xxxx
KENNETH E. CAMEL, xxx-xx-xxxx
ARTHUR B. CAMERON, III, xxx-xx-xxxx
BERNARD R. CAMERON, xxx-xx-xxxx
GAIL A. CAMP, xxx-xx-xxxx
GARY A. CAMP, xxx-xx-xxxx
JAMES E. CAMP, xxx-xx-xxxx
WILLIAM G. CAMP, xxx-xx-xxxx
CLINTON L. CAMPBELL, xxx-xx-xxxx
HERBERT M. CAMPBELL, JR, xxx-xx-xxxx
JOHN E. CAMPBELL, xxx-xx-xxxx
KEVIN S. CAMPBELL, xxx-xx-xxxx
LAURA J. CAMPBELL, xxx-xx-xxxx
MICHAEL A. CAMPBELL, xxx-xx-xxxx
RICHARD E. CAMPBELL, xxx-xx-xxxx
GREGORY J. CANNAVA, xxx-xx-xxxx
CHARLES A. CANNON, JR., xxx-xx-xxxx
DARRON CANNON, xxx-xx-xxxx
MICHAEL JOHN CANTU, xxx-xx-xxxx
MILAGROS CARABALLO, xxx-xx-xxxx
RAFAEL A. CARABALLO, xxx-xx-xxxx
GARY A. CARLSON, xxx-xx-xxxx
MICHAEL L. CARLSON, xxx-xx-xxxx
RICHARD W. CARLSON, xxx-xx-xxxx
LARRY G. CARMACK, xxx-xx-xxxx
JAMES D. CARNAHAN, xxx-xx-xxxx
MARGARET D. CARNAHAN, xxx-xx-xxxx
JOHN L. CARPENTER, xxx-xx-xxxx
ROBERT W. CARPENTIER, xxx-xx-xxxx
BARBARA A. CARR, xxx-xx-xxxx
MARY J. CARR, xxx-xx-xxxx
PAUL W. CARR, xxx-xx-xxxx
STEWART G. CARR, xxx-xx-xxxx
ROBERT R. CARRIAGA, SR., xxx-xx-xxxx
ERNESTO R. CARRILLO, xxx-xx-xxxx
DENNIS M. CARROLL, xxx-xx-xxxx
DONALD L. CARROLL, xxx-xx-xxxx
MICHAEL F. CARROLL, xxx-xx-xxxx
CHRISTOPHER CARSON, xxx-xx-xxxx
JOSEPH E. CARTER, JR., xxx-xx-xxxx
KELLY A. CARTER, xxx-xx-xxxx
RICHARD A. CARTER, xxx-xx-xxxx
ROBERT E. CARTER, xxx-xx-xxxx
SU P. CARTER, xxx-xx-xxxx
WAYNE W. CARTER, xxx-xx-xxxx
WILLIAM B. CARTER, xxx-xx-xxxx
CYNTHIA E. CARTERJORDAN, xxx-xx-xxxx
CHARLES CARVALHO, JR, xxx-xx-xxxx
JOHN L. CARY, xxx-xx-xxxx
MARK G. CASEY, xxx-xx-xxxx
MAUREEN C. CASEY, xxx-xx-xxxx
MAUREEN P. CASHMON, xxx-xx-xxxx
DAVID A. CASKEY, xxx-xx-xxxx
ANTHONY G. CASSIDY, xxx-xx-xxxx
GARY W. CASTEEL, xxx-xx-xxxx
VINCENT CATERINA, xxx-xx-xxxx
JOHN T. CATHCART, xxx-xx-xxxx
CHARLES E. CATHER, JR, xxx-xx-xxxx
DAVID A. CATHER, xxx-xx-xxxx
ROGER L. CATRON, xxx-xx-xxxx
MICHAEL L. CAULDWELL, xxx-xx-xxxx
ANIBAL E. CAUSSADE, xxx-xx-xxxx
ROBERT H. CAVINESS, xxx-xx-xxxx
MARK C. CERISE, xxx-xx-xxxx
VERA A. CERVANTEZ, xxx-xx-xxxx
STEVEN A. CHABOLLA, xxx-xx-xxxx
JEANNE A. CHADBAND, xxx-xx-xxxx
ROBERT G. CHADWICK, JR, xxx-xx-xxxx
JOHN D. CHAFFIN, xxx-xx-xxxx
BRIAN J. CHAISSON, xxx-xx-xxxx
EVERETT A. CHAMBERLAIN, xxx-xx-xxxx
JOSEPH R. CHAMBERLAIN, xxx-xx-xxxx
DONALD S. CHAMPION, xxx-xx-xxxx
DAVID W. CHANDLER, JR, xxx-xx-xxxx
MICHAEL K. CHANEY, xxx-xx-xxxx
JOSEPH S. CHAPA, JR, xxx-xx-xxxx
CLIFFORD N. CHAPLIN, xxx-xx-xxxx
DELBERT C. CHAPMAN, xxx-xx-xxxx
YVONNE D. J. CHARLES, xxx-xx-xxxx
GREGORY S. CHARLESWORTH, xxx-xx-xxxx
RAYMOND E. CHARLESWORTH, xxx-xx-xxxx
DWIGHT S. CHASE, xxx-xx-xxxx
CHARLES J. CHATFIELD, xxx-xx-xxxx
HUBERT L. CHATMAN, xxx-xx-xxxx
ROBERT J. CHAVEZ, xxx-xx-xxxx
HERBERT E. CHEATHAM, JR, xxx-xx-xxxx
PAUL J. CHERNEK, xxx-xx-xxxx
LEE J. CHERRY, xxx-xx-xxxx
TRAVIS W. CHEVALLIER, xxx-xx-xxxx
DONALD B. CHEW, xxx-xx-xxxx
MAGGIE M. CHILDRESS, xxx-xx-xxxx
WILLIAM K. CHILDRESS, xxx-xx-xxxx
PHILIP B. CHILSON, xxx-xx-xxxx
SCOTT E. CHIMELSKI, xxx-xx-xxxx
STEPHEN J. CHIMELSKI, xxx-xx-xxxx
BARBARA E. CHINE, xxx-xx-xxxx
JOSEPH L. CHINE, xxx-xx-xxxx
JEFFREY G. CHING, xxx-xx-xxxx
ALONZO CHISHOLM, xxx-xx-xxxx
TOMMY L. CHMITLIN, xxx-xx-xxxx
GEORGE CHO, xxx-xx-xxxx
BRADLEY P. CHRISMAN, xxx-xx-xxxx
DAVID S. CHRISTENSEN, xxx-xx-xxxx
RONNIE P. CHRISTIANSEN, xxx-xx-xxxx
VICTOR O. CHRISTIANSON, xxx-xx-xxxx
THOMAS B. CHRISTIE, xxx-xx-xxxx
JOHN F. CHRISTINA, JR, xxx-xx-xxxx
JAMES G. CHRISTY, xxx-xx-xxxx
RICKIE D. CHRONABERY, xxx-xx-xxxx
ARTHUR C. CHUCK, xxx-xx-xxxx
GORDON L. CHURCHILL, SR, xxx-xx-xxxx
EDWARD J. CIARDI, xxx-xx-xxxx
STEVEN M. CICCANTI, xxx-xx-xxxx
WILLIAM H. CILEK, xxx-xx-xxxx
MICHAEL T. CIMA, xxx-xx-xxxx
JESSE J. CITIZEN, JR, xxx-xx-xxxx
LEWIS J. CLABORN, xxx-xx-xxxx
JAMES E. CLANTON, xxx-xx-xxxx
PORTER B. CLAPP, JR, xxx-xx-xxxx
TERENCE M. CLAPP, xxx-xx-xxxx
WILLIAM L. CLARDY, xxx-xx-xxxx
DELANE E. CLARK, xxx-xx-xxxx
GEORGE R. CLARK, xxx-xx-xxxx
JOHN N. CLARK, xxx-xx-xxxx

LAURENCE CLARK, xxx-xx-xxxx
PAUL M. CLARK, xxx-xx-xxxx
REBECCA M. CLARK, xxx-xx-xxxx
STEPHEN C. CLARK, xxx-xx-xxxx
JANE E. CLARKE, xxx-xx-xxxx
WILLIAM H. CLARKE, xxx-xx-xxxx
BARRETT J. CLAY, xxx-xx-xxxx
THOMAS R. CLAY, xxx-xx-xxxx
ROBERT E. CLAYTON, xxx-xx-xxxx
MICHAEL A. CLEVELAND, xxx-xx-xxxx
LARRY J. CLIFTON, xxx-xx-xxxx
ROBERT W. CLINE, xxx-xx-xxxx
MICHAEL W. CLOYD, xxx-xx-xxxx
TIMOTHY N. COAKLEY, xxx-xx-xxxx
JAMES E. COATES, JR., xxx-xx-xxxx
JAMES N. COATES, xxx-xx-xxxx
MARSHELL G. COBB, xxx-xx-xxxx
CLAUDE M. COCCHIARELLA, xxx-xx-xxxx
WESLEY E. COCKMAN, xxx-xx-xxxx
GLORIA J. COCKRELL, xxx-xx-xxxx
KEVIN A. COCOZZOLI, xxx-xx-xxxx
HUGH C. COFFMAN, xxx-xx-xxxx
ROBERT A. COGGINS, III, xxx-xx-xxxx
JULIE B. COHEN, xxx-xx-xxxx
RANDAL L. COHEN, xxx-xx-xxxx
DONALD M. COHICK, xxx-xx-xxxx
CALVIN R. COKER, xxx-xx-xxxx
GREGORY W. COKER, xxx-xx-xxxx
JAMES A. COLASACCO, xxx-xx-xxxx
FREDRICK J. COLCHIN, xxx-xx-xxxx
ROBERT S. COLCLASURE, xxx-xx-xxxx
MATTEO COLELLO, III, xxx-xx-xxxx
CHERYL C. COLEMAN, xxx-xx-xxxx
JERALD A. COLEMAN, xxx-xx-xxxx
JOHN L. COLEMAN, xxx-xx-xxxx
JOHN P. COLEMAN, xxx-xx-xxxx
LARRY C. COLEMAN, xxx-xx-xxxx
THOMAS A. COLEMAN, xxx-xx-xxxx
PATRICK M. COLEY, xxx-xx-xxxx
JAMES S. COLLIE, xxx-xx-xxxx
JOHN R. COLLIER, JR., xxx-xx-xxxx
ZEBEDEE COLLIER, JR., xxx-xx-xxxx
EUGENE COLLINS, xxx-xx-xxxx
HARRY S. COLLINS, xxx-xx-xxxx
JACQUELINE M. COLLINS, xxx-xx-xxxx
MICHAEL L. COLLINS, xxx-xx-xxxx
SALVATORE J. COLLURA, JR., xxx-xx-xxxx
JAMES T. COLVIN, JR., xxx-xx-xxxx
BILLY R. COLWELL, xxx-xx-xxxx
CHARLES E. CONDER, JR., xxx-xx-xxxx
KAREN F. CONDER, xxx-xx-xxxx
JOHN R. CONDON, II, xxx-xx-xxxx
KATHLEEN M. CONLEY, xxx-xx-xxxx
CHARLES L. CONNELL, xxx-xx-xxxx
JOE T. CONNELL, xxx-xx-xxxx
THOMAS M. CONNOR, xxx-xx-xxxx
JOHN F. CONROY, xxx-xx-xxxx
THOMAS M. CONROY, JR., xxx-xx-xxxx
WILLIAM F. CONROY, III, xxx-xx-xxxx
MARIA C. CONSTANTINE, xxx-xx-xxxx
RENE H. CONTRERAS, xxx-xx-xxxx
BILLY R. COOK, xxx-xx-xxxx
CLARENCE B. COOK, JR., xxx-xx-xxxx
GARY L. COOK, xxx-xx-xxxx
LENNY S. COOK, xxx-xx-xxxx
LESTER L. COOKS, xxx-xx-xxxx
DANNY T. COOLEY, xxx-xx-xxxx
SUSAN E. COOLEY, xxx-xx-xxxx
CHARLES H. COOPER, xxx-xx-xxxx
MELVIN J. COOPER, JR., xxx-xx-xxxx
STANLEY W. COOPER, xxx-xx-xxxx
VICKI A. COOPER, xxx-xx-xxxx
GLORIA A. L. COPELAND, xxx-xx-xxxx
JOSEPH E. COPENHAVER, JR., xxx-xx-xxxx
MICHAEL F. CORDLE, xxx-xx-xxxx
TOMMY G. CORLEY, xxx-xx-xxxx
SHERRY L. CORNAY, xxx-xx-xxxx
DIAN M. CORNELIUSSEN, xxx-xx-xxxx
EDWARD H. B. CORNELL, xxx-xx-xxxx
JOSE R. CORREA, xxx-xx-xxxx
RICHARD CORREA, xxx-xx-xxxx
JAMES P. CORRIGAN, xxx-xx-xxxx
RAMON CORTES, xxx-xx-xxxx
DONN P. CORTS, xxx-xx-xxxx
JEFFREY L. COSBY, xxx-xx-xxxx
JOSE A. COSTAS, xxx-xx-xxxx
LEIGHTON D. COSTILOW, II, xxx-xx-xxxx
DAVID LEE COULLIETTE, xxx-xx-xxxx
STEPHEN D. COURSEY, xxx-xx-xxxx
JOHN F. COURTNEY, xxx-xx-xxxx
OTIS J. COURVILLE, xxx-xx-xxxx
ANTONIO A. COVAS, xxx-xx-xxxx
LOURDES A. COVAS, xxx-xx-xxxx
FOSTER S. COVINGTON, xxx-xx-xxxx
PRISCILLA J. COWAN, xxx-xx-xxxx
CLARK A. COX, xxx-xx-xxxx
CYNTHIA L. COX, xxx-xx-xxxx
ERNEST L. COX, JR., xxx-xx-xxxx
LESLIE J. COX, xxx-xx-xxxx
MICKEY C. COX, xxx-xx-xxxx
WILLIAM T. COX, xxx-xx-xxxx
WILLIAM V. COX, xxx-xx-xxxx
ALFRED C. COXE, III, xxx-xx-xxxx
MARTIN J. COYNE, JR., xxx-xx-xxxx
DUANE R. COZADD, xxx-xx-xxxx
ADOLFO COZZONE, xxx-xx-xxxx
WILLIAM L. CRAINE, xxx-xx-xxxx
DANIEL M. CRAMER, xxx-xx-xxxx
ALISON R. CRANE, xxx-xx-xxxx
CHARLES F. CRANE, xxx-xx-xxxx
ROBERT M. CRAVEN, xxx-xx-xxxx
AUBREY W. CRAWFORD, xxx-xx-xxxx
WILLIAM A. CRAWFORD, xxx-xx-xxxx
PAUL R. CREDIT, xxx-xx-xxxx
KEVIN P. CREGIER, xxx-xx-xxxx
KERRY S. CRENSHAW, SR., xxx-xx-xxxx
IVAN A. CRESPO, xxx-xx-xxxx
GREGORY N. CRITTENDEN, xxx-xx-xxxx
PERSEPHONE CRIVELLARI, xxx-xx-xxxx
BRUCE ALAN CROCKETT, xxx-xx-xxxx
JORI N. CROMWELL, xxx-xx-xxxx
KELLEY W. CROOKS, xxx-xx-xxxx
JOHN J. CROTTY, xxx-xx-xxxx
FRASER B. CROW, JR., xxx-xx-xxxx
VINCENT K. CROW, xxx-xx-xxxx
FRANCIS P. CROWLEY, xxx-xx-xxxx
RICHARD J. CROWLEY, xxx-xx-xxxx
MARK C. CROWN, xxx-xx-xxxx
DENNIS R. CROWTHER, xxx-xx-xxxx
DANA E. CRULL, xxx-xx-xxxx
THURLOW E. CRUMMETT, JR., xxx-xx-xxxx
CARMELO CRUZ, xxx-xx-xxxx
ROBERT A. CRUZ, xxx-xx-xxxx
EUGENE D. CSASZAR, xxx-xx-xxxx
KENNETH R. CUDDEBACK, SR., xxx-xx-xxxx
JACK L. CUDDY, xxx-xx-xxxx
ANITA J. R. CUKR, xxx-xx-xxxx
DAVID L. CULBERTSON, xxx-xx-xxxx
CECIL C. CULBRETH, JR., xxx-xx-xxxx
LINDA E. CULBRETH, xxx-xx-xxxx
BARRY W. CULLINS, xxx-xx-xxxx
BRIAN J. CULLIS, xxx-xx-xxxx
JOSEPH C. CULLISON, xxx-xx-xxxx
JAMES R. CULPEPPER, xxx-xx-xxxx
RICHARD D. CUMMINGS, xxx-xx-xxxx
SCOTT O. CUMMINGS, xxx-xx-xxxx
KEVIN J. CUNNINGHAM, xxx-xx-xxxx
LINDA M. CUNNINGHAM, xxx-xx-xxxx
MAUREEN D. CUNNINGHAM, xxx-xx-xxxx
EDWARD A. CURLEY, JR., xxx-xx-xxxx
KAREN W. CURRIE, xxx-xx-xxxx
MICHAEL P. CURTIS, xxx-xx-xxxx
ROBERT A. CUSANELLI, xxx-xx-xxxx
LLOYD G. CUSHNIE, xxx-xx-xxxx
WILLIAM W. CUTRER, III, xxx-xx-xxxx
STEVEN L. CUTSHALL, xxx-xx-xxxx
THOMAS C. CZAJAK, xxx-xx-xxxx
KATHLEEN R. DALTON, xxx-xx-xxxx
RICHARD D. DAMA, xxx-xx-xxxx
MICHAEL S. DAMERON, xxx-xx-xxxx
LARRY P. DANIELS, xxx-xx-xxxx
ROSA L. DANIELS, xxx-xx-xxxx
PAUL L. DARBY, xxx-xx-xxxx
ROYCE H. DASINGER, xxx-xx-xxxx
VANCE A. DAUNHEIMER, xxx-xx-xxxx
CHARLES M. DAVENPORT, xxx-xx-xxxx
JAMES J. DAVIDSON, xxx-xx-xxxx
JEFFREY W. DAVIDSON, xxx-xx-xxxx
JOHN D. DAVIDSON, JR., xxx-xx-xxxx
WALTER F. DAVIDSON, xxx-xx-xxxx
ALBERT L. DAVIS, xxx-xx-xxxx
CHARLES R. DAVIS, xxx-xx-xxxx
DEBORAH L. DAVIS, xxx-xx-xxxx
DEBORAH O. DAVIS, xxx-xx-xxxx
DON D. DAVIS, xxx-xx-xxxx
ELIZABETH DAVIS, xxx-xx-xxxx
JEFFREY J. DAVIS, xxx-xx-xxxx
JOHN M. DAVIS, JR., xxx-xx-xxxx
JOHN R. DAVIS, xxx-xx-xxxx
LOIS J. DAVIS, xxx-xx-xxxx
LOUIS A. DAVIS, xxx-xx-xxxx
PATRICK A. DAVIS, xxx-xx-xxxx
PHILIP N. DAVIS, xxx-xx-xxxx
ROGER L. DAVIS, xxx-xx-xxxx
RONALD H. DAVIS, xxx-xx-xxxx
TIMOTHY A. DAVIS, xxx-xx-xxxx
WALTER R. DAVIS, JR., xxx-xx-xxxx
WILLIAM J. DAVIS, JR., xxx-xx-xxxx
CAROLE L. DAVISSISMANTURK, xxx-xx-xxxx
WILLIAM D. DAWKINS, xxx-xx-xxxx
JOHN V. DAWSON, xxx-xx-xxxx
STEPHEN ELLIS DAWSON, xxx-xx-xxxx
ERIC R. DAY, xxx-xx-xxxx
BARRY W. DAYHOFF, xxx-xx-xxxx
SCOTT K. DEACON, xxx-xx-xxxx
JERRY G. DEAN, xxx-xx-xxxx
MICHAEL E. DEAN, xxx-xx-xxxx
WILLIAM G. DEAN, xxx-xx-xxxx
BILLY W. DEAR, xxx-xx-xxxx
ROGER A. DEARMAN, xxx-xx-xxxx
GREGORY J. DEAS, xxx-xx-xxxx
WARREN F. DEATON, II, xxx-xx-xxxx
CHARLES S. DEAUX, xxx-xx-xxxx
GARY C. DECKER, xxx-xx-xxxx
LAUREN R. DECKER, JR., xxx-xx-xxxx
ALBERT J. DEESE, JR., xxx-xx-xxxx
MARK A. DEFALCO, xxx-xx-xxxx
JAMES DEFRANK, III, xxx-xx-xxxx
LUCIUS A. DEGRATE, xxx-xx-xxxx
ENRIQUE G. DEJESUS, xxx-xx-xxxx
DALE L. DEKINDER, xxx-xx-xxxx
BRANTLEY D. DELASHMUTT, xxx-xx-xxxx
PERCIVAL DELCASTILLO, xxx-xx-xxxx
ROBERT D. DELLARINGA, xxx-xx-xxxx
MICHAEL P. DELMAN, xxx-xx-xxxx
ALLYN W. DELWICHE, xxx-xx-xxxx
FREDERICK P. DEMARCO, xxx-xx-xxxx
THOMAS E. DEMBOWSKI, xxx-xx-xxxx
ROBERT E. DEMCHAK, xxx-xx-xxxx
GEORGE V. DENEAULT, xxx-xx-xxxx
LESLIE S. DENEAULT, xxx-xx-xxxx
RICHARD P. DENIS, xxx-xx-xxxx
BRUCE C. DENMAN, xxx-xx-xxxx
JOE C. DENMON, xxx-xx-xxxx
JAMES T. DENNEY, JR., xxx-xx-xxxx
SCOTT T. DENNIS, xxx-xx-xxxx
MICHAEL L. DENT, xxx-xx-xxxx
DAVID C. DENTON, xxx-xx-xxxx
JOHN F. DENTON, xxx-xx-xxxx
WILLIAM S. DENYER, xxx-xx-xxxx
WILLIAM G. DENZLER, xxx-xx-xxxx
PETER DERING, xxx-xx-xxxx
DON C. DESROSIERS, xxx-xx-xxxx
PAUL M. DEVER, xxx-xx-xxxx
VICTORIA A. DEVER, xxx-xx-xxxx
MICHAEL J. DEVEREAUX, xxx-xx-xxxx
MICHAEL F. DEVINE, xxx-xx-xxxx
HANK L. DEVOLL, xxx-xx-xxxx
RAKESH N. DEWAN, xxx-xx-xxxx
DANIEL C. DEWOLF, xxx-xx-xxxx
MARCELLA K. DIANA, xxx-xx-xxxx
GERALD DIAZ, xxx-xx-xxxx
JAMES P. DICHARRY, xxx-xx-xxxx
RALPH J. DICICCO, JR., xxx-xx-xxxx
DONNA M. DICKERSON, xxx-xx-xxxx
MICHAEL E. DICKEY, xxx-xx-xxxx
STEPHEN W. DICKEY, xxx-xx-xxxx
PAULA J. DICKINSON, xxx-xx-xxxx
RICHARD J. DICKISON, xxx-xx-xxxx
STEVEN P. DICKMAN, xxx-xx-xxxx
ROBERT A. DICKMEYER, xxx-xx-xxxx
JOSEPH N. DICKSON, xxx-xx-xxxx
STEPHEN M. DICKSON, xxx-xx-xxxx
SCOTT N. DIDRIKSEN, xxx-xx-xxxx
SHARON S. DIEFFENDERFER, xxx-xx-xxxx
GARY W. DIERINGER, xxx-xx-xxxx
MARK E. DIETRICH, xxx-xx-xxxx
STEVEN M. DIKCIS, xxx-xx-xxxx
JOHN J. DILIBERTO, xxx-xx-xxxx
JOSEPH A. DILIBERTO, xxx-xx-xxxx
MICHAEL L. DILLARD, xxx-xx-xxxx
STANLEY E. DILLEY, xxx-xx-xxxx
JERRY LEE DILLON, xxx-xx-xxxx
WILLIAM E. DILLOW, xxx-xx-xxxx
RICHARD S. DIMMEL, xxx-xx-xxxx
DAN J. DINGLER, xxx-xx-xxxx
JEFFREY A. DINGMAN, xxx-xx-xxxx
FREDERICK E. DINSMORE, xxx-xx-xxxx
RAYMOND E. DINSMORE, xxx-xx-xxxx
SHEILA K. DISBROW, xxx-xx-xxxx
MICHAEL J. DISIENO, xxx-xx-xxxx
MAYOBANEX DISLA, xxx-xx-xxxx
BRUCE A. DITTMYRE, xxx-xx-xxxx
DAVID W. DIXON, xxx-xx-xxxx
WILLIAM R. DIXON, xxx-xx-xxxx
STEPHEN W. DOAK, xxx-xx-xxxx
ROBERT M. DOANE, xxx-xx-xxxx
BRIAN D. DOBBERT, xxx-xx-xxxx
MANOLA J. DOBBS, xxx-xx-xxxx
RICHARD G. DOCKEN, JR., xxx-xx-xxxx
RICHARD K. DOCKERY, xxx-xx-xxxx
DEBORAH L. DODGE, xxx-xx-xxxx
JOHN D. DODGE, xxx-xx-xxxx
JEFFREY C. DODSON, xxx-xx-xxxx
JOHN P. DOHERTY, xxx-xx-xxxx
KATHERINE A. DOIG, xxx-xx-xxxx
DWAYNE A. DOLESE, xxx-xx-xxxx
THOMAS C. DOMBROWSKY, xxx-xx-xxxx
MICHAEL R. DOMINICK, xxx-xx-xxxx
MARK J. DONAHUE, xxx-xx-xxxx
WILLIAM P. DONALDSON, xxx-xx-xxxx
MARY K. DONNELLY, xxx-xx-xxxx
JAMES L. DONOVAN, xxx-xx-xxxx
SCOTT J. DORFF, xxx-xx-xxxx
MARTIN M. DORRIS, JR., xxx-xx-xxxx
EVELYN DORSEY, xxx-xx-xxxx
LAWRENCE A. DOSPIL, xxx-xx-xxxx
BRUCE E. DOSS, xxx-xx-xxxx
STEVE R. DOSS, xxx-xx-xxxx
DOUGLAS K. DOTSON, xxx-xx-xxxx
JANET L. DOUGHERTY, xxx-xx-xxxx
MARY L. DOUGHERTY, xxx-xx-xxxx
BRENTON F. DOUGLAS, xxx-xx-xxxx
CYNTHIA DOUGLAS, xxx-xx-xxxx
WILLIAM G. DOURTE, III, xxx-xx-xxxx
STEVEN F. DOWD, xxx-xx-xxxx
MARK E. DOWHAN, xxx-xx-xxxx
LORENZA DOWNING, xxx-xx-xxxx
WILLIAM P. DOYLE, JR., xxx-xx-xxxx
CATHERINE T. DRADER, xxx-xx-xxxx
HENRY A. DRAIN, xxx-xx-xxxx
DAVID L. DRAKE, xxx-xx-xxxx
DANIEL H. DREJZA, xxx-xx-xxxx
DONALD V. DREW, xxx-xx-xxxx
PAUL R. DRIES, xxx-xx-xxxx
CURTIS S. DRIGGERS, xxx-xx-xxxx
JEAN M. DRISCOLL, xxx-xx-xxxx
THOMAS A. DROHAN, xxx-xx-xxxx
MICHAEL L. DROLL, xxx-xx-xxxx
DAVID M. DRUMMOND, xxx-xx-xxxx
HARRY L. DRUTOK, xxx-xx-xxxx
FRANK H. DRYDEN, xxx-xx-xxxx
JEFFERSON K. DUBEL, xxx-xx-xxxx
TED DUBOSE, xxx-xx-xxxx
FREDERICK G. DUDEK, xxx-xx-xxxx
JON B. DUDLEY, xxx-xx-xxxx
THOMAS E. DUDLEY, JR., xxx-xx-xxxx
PATRICK H. DUFF, xxx-xx-xxxx
COLLEEN M. DUFFY, xxx-xx-xxxx
GREGORY A. DUFOUR, xxx-xx-xxxx
JOHN N. DUFRESNE, xxx-xx-xxxx
PAULA A. DUGAN, xxx-xx-xxxx
GERALD DUGAS, xxx-xx-xxxx
MICHAEL P. DUGGAN, xxx-xx-xxxx
JOHN L. DUHAMEL, JR., xxx-xx-xxxx
THOMAS P. DUHON, xxx-xx-xxxx

MARTIN F. DUKE, xxx-xx-xxxx
JAMES A. DULA, xxx-xx-xxxx
ANTHONY R. DULANEY, xxx-xx-xxxx
KARL W. DUMAS, xxx-xx-xxxx
DEBORAH A. DUMONT, xxx-xx-xxxx
JEFFREY W. DUNAWAY, xxx-xx-xxxx
CHESTER B. DUNCAN, JR, xxx-xx-xxxx
CHRISTOPHER J. DUNCAN, xxx-xx-xxxx
ROBERT E. DUNCAN, xxx-xx-xxxx
CHRISTOPHER L. DUNDON, xxx-xx-xxxx
DOUGLAS A. DUNFORD, xxx-xx-xxxx
LEROY B. DUNKELBERGER, II, xxx-xx-xxxx
THEODORE S. DUNKLE, xxx-xx-xxxx
RALPH P. DUNLEVY, II, xxx-xx-xxxx
THOMAS B. DUNMIRE, JR, xxx-xx-xxxx
DONALD H. DUNN, xxx-xx-xxxx
TERRY A. DUNNING, xxx-xx-xxxx
SUZANNE E. DUNNPOORMAN, xxx-xx-xxxx
JEFFERY P. DURAY, xxx-xx-xxxx
JOHN R. DURRER, xxx-xx-xxxx
THOMAS R. DURST, xxx-xx-xxxx
DAVID J. DUTCHER, xxx-xx-xxxx
LEO G. DUVAL, xxx-xx-xxxx
STEVEN L. DVORAK, xxx-xx-xxxx
MICHAEL G. DWYER, xxx-xx-xxxx
BRIAN M. DYER, xxx-xx-xxxx
WARREN M. DYER, xxx-xx-xxxx
JOHNNIE W. EAMES, xxx-xx-xxxx
ORVILLE A. EARL, JR, xxx-xx-xxxx
SHEILA MILLER EARLE, xxx-xx-xxxx
MELVIN V. EARLY, xxx-xx-xxxx
MICHAEL L. EASTMAN, xxx-xx-xxxx
DAVID A. EASTON, xxx-xx-xxxx
MARK R. EATON, xxx-xx-xxxx
THEODORE W. EATON, xxx-xx-xxxx
SUSAN E. EAVES, xxx-xx-xxxx
MICHAEL E. EBERT, xxx-xx-xxxx
PETE A. ECHEVARRIA, JR, xxx-xx-xxxx
LEWIS G. ECHOLS, xxx-xx-xxxx
JOHN M. ECKERLY, xxx-xx-xxxx
RANDY R. ECKLEY, xxx-xx-xxxx
BRUNO R. EDDY, xxx-xx-xxxx
STORM S. EDDY, xxx-xx-xxxx
GARY R. EDELBLUTE, xxx-xx-xxxx
NOBLE K. EDEN, xxx-xx-xxxx
ROBERT P. EDINGTON, xxx-xx-xxxx
ROBERT L. EDLUND, xxx-xx-xxxx
ROLAND E. EDWARDS, xxx-xx-xxxx
TIMOTHY J. EGAN, xxx-xx-xxxx
STEPHEN H. EHLERS, xxx-xx-xxxx
WILLIAM S. EICHELBERGER, II, xxx-xx-xxxx
GENE P. EIRING, xxx-xx-xxxx
GEORGE N. EISCHENS, xxx-xx-xxxx
LARRY D. EKBERG, xxx-xx-xxxx
CECELIA T. ELDER, xxx-xx-xxxx
GREGORY D. ELDER, xxx-xx-xxxx
JOHN H. ELDER, III, xxx-xx-xxxx
SCOTT W. ELDER, xxx-xx-xxxx
KARL L. ELDERS, xxx-xx-xxxx
GERALD ELEFANTE, xxx-xx-xxxx
GARY L. ELLIOTT, xxx-xx-xxxx
MAX R. ELLIOTT, xxx-xx-xxxx
MAYO J. ELLIOTT, JR, xxx-xx-xxxx
RUSSELL P. ELLIOTT, JR, xxx-xx-xxxx
JERRY L. ELLIS, xxx-xx-xxxx
RUTH E. ELLIS, xxx-xx-xxxx
THEDA B. ELLIS, xxx-xx-xxxx
DONALD G. ELLSWORTH, xxx-xx-xxxx
THOMAS E. ELMORE, xxx-xx-xxxx
WILLIAM T. ELMORE, JR, xxx-xx-xxxx
DOUGLAS W. ELZA, xxx-xx-xxxx
LARRY A. ELZA, xxx-xx-xxxx
SUSAN A. EMALA, xxx-xx-xxxx
HENRY N. EMERSON, xxx-xx-xxxx
FRANK ENG, xxx-xx-xxxx
KENNETH N. ENGLESON, JR, xxx-xx-xxxx
BRIAN A. ENGLISH, xxx-xx-xxxx
DEREK HISAO ENOKI, xxx-xx-xxxx
NEAL Y. ENOMOTO, xxx-xx-xxxx
SHERI M. EPLER, xxx-xx-xxxx
WALTER W. ERCK, JR, xxx-xx-xxxx
KEVIN R. ERICKSON, xxx-xx-xxxx
STEVEN G. ERICKSON, xxx-xx-xxxx
TENLEY K. ERICKSON, xxx-xx-xxxx
ERICH G. ESCHENBURG, xxx-xx-xxxx
WILLIAM J. ESHBAUGH, xxx-xx-xxxx
BROCK W. ESHLEMAN, xxx-xx-xxxx
JOHN J. ESPOSITO, JR, xxx-xx-xxxx
GARY M. ESTEE, xxx-xx-xxxx
MICHAEL C. ESTERS, xxx-xx-xxxx
BILL H. ETHERIDGE, xxx-xx-xxxx
JAMES M. EUBANKS, xxx-xx-xxxx
ELIZABETH D. EVANS, xxx-xx-xxxx
GARRY L. EVANS, xxx-xx-xxxx
JAMES I. EVANS, xxx-xx-xxxx
SIDNEY L. EVANS, JR, xxx-xx-xxxx
VAL J. EVANS, xxx-xx-xxxx
RUSSELL E. EWAN, xxx-xx-xxxx
CHARLES W. EYLER, xxx-xx-xxxx
ANTONINO FABIANO, xxx-xx-xxxx
RICHARD W. FAEHSE, xxx-xx-xxxx
JOE E. FAGAN, xxx-xx-xxxx
LYNN B. FAHNESTOCK, xxx-xx-xxxx
DONALD R. FALLS, xxx-xx-xxxx
JOSEPH J. FALZONE, xxx-xx-xxxx
DANIEL B. FANT, xxx-xx-xxxx
TIMOTHY J. FARFEL, xxx-xx-xxxx
LARRY G. FARMER, xxx-xx-xxxx
WENDELL D. FARRIS, xxx-xx-xxxx
STEVE D. FARROW, xxx-xx-xxxx
SHERRY C. FASCIA, xxx-xx-xxxx
ROBERT J. FAULK, xxx-xx-xxxx
JOHN M. FAULKNER, xxx-xx-xxxx
PATRICE I. FAVREAU, xxx-xx-xxxx
GREGORY L. FAYE, xxx-xx-xxxx
JOHN B. FEDA, xxx-xx-xxxx
JUDITH A. FEDDER, xxx-xx-xxxx
MICHAEL J. FEKULA, xxx-xx-xxxx
LARRY LEE FELDER, xxx-xx-xxxx
CONRAD W. FELICE, xxx-xx-xxxx
ROBERT J. FELIZ, xxx-xx-xxxx
MARK A. FELKEY, xxx-xx-xxxx
THOMAS K. FELLION, xxx-xx-xxxx
RICKY L. FENNELL, xxx-xx-xxxx
CHARLES L. FENOGLIO, xxx-xx-xxxx
ERIC C. FENSTERMAKER, xxx-xx-xxxx
JOHN H. FEOLE, xxx-xx-xxxx
THOMAS R. FERKINHOFF, xxx-xx-xxxx
JOHN V. FERRANTE, xxx-xx-xxxx
PATRICK S. FERRELL, xxx-xx-xxxx
DAVID H. FERRIER, xxx-xx-xxxx
RICARDO A. FERRIS, xxx-xx-xxxx
STEVEN J. FEUERBACH, xxx-xx-xxxx
EARL I. FICKEN, JR, xxx-xx-xxxx
WILLIAM L. FIEDLER, xxx-xx-xxxx
JOSEPHINE K. FIEDOR, xxx-xx-xxxx
ERIC E. FIEL, xxx-xx-xxxx
BURTON M. FIELD, xxx-xx-xxxx
CHARLIE B. FIELDS, xxx-xx-xxxx
WILLIAM H. FIELDS, xxx-xx-xxxx
DAVID B. FILIPPI, xxx-xx-xxxx
KENNETH G. FINCHUM, JR, xxx-xx-xxxx
DANIEL FINERAN, xxx-xx-xxxx
JEFFREY D. FINK, xxx-xx-xxxx
GUNTER FINKENAUER, xxx-xx-xxxx
GLYNN R. FIRMIN, xxx-xx-xxxx
RODNEY W. FISCHER, xxx-xx-xxxx
FRANKLIN R. FISH, xxx-xx-xxxx
MARK B. FISH, xxx-xx-xxxx
FREDERICK J. FISHER, xxx-xx-xxxx
KENNETH G. FISHER, xxx-xx-xxxx
MARVIN N. FISHER, xxx-xx-xxxx
GEORGE S. FISSEL, JR, xxx-xx-xxxx
BRUCE G. FITCH, xxx-xx-xxxx
GEORGE F. FITZGERALD, xxx-xx-xxxx
JERRY A. FITZGERALD, xxx-xx-xxxx
PHILIP B. FITZJARRELL, xxx-xx-xxxx
DOUGLAS G. FITZPATRICK, xxx-xx-xxxx
JAMES L. FITZPATRICK, xxx-xx-xxxx
PHYLLIS M. FITZPATRICK, xxx-xx-xxxx
MICHAEL R. FITZSIMMONS, xxx-xx-xxxx
ROBERT L. FITZSIMMONS, JR, xxx-xx-xxxx
EDWARD L. FIX, xxx-xx-xxxx
BRUCE D. FLAIG, xxx-xx-xxxx
BERNARD M. FLANAGAN, xxx-xx-xxxx
PATRICK W. FLANAGAN, xxx-xx-xxxx
ALFRED J. FLATEAU, JR, xxx-xx-xxxx
THOMAS F. FLEMING, xxx-xx-xxxx
JOSEPH JAY FLETCHER, xxx-xx-xxxx
TIMOTHY P. FLETCHER, xxx-xx-xxxx
JAMES A. FLICKINGER, xxx-xx-xxxx
LAWRENCE B. FLOYD, xxx-xx-xxxx
LAURA J. FLY, xxx-xx-xxxx
THOMAS R. FOERTSCH, xxx-xx-xxxx
MILO V. FOGLE, xxx-xx-xxxx
THOMAS L. FOLMAR, xxx-xx-xxxx
KEENAN K. N. FONG, xxx-xx-xxxx
MICHAEL R. FORCHE, xxx-xx-xxxx
JUDY A. FORD, xxx-xx-xxxx
LISA A. FORESTER, xxx-xx-xxxx
HECTOR A. FORESTIER, xxx-xx-xxxx
EFREN V. FORNOLES, xxx-xx-xxxx
JAMES W. FORSYTH, JR, xxx-xx-xxxx
ROGER A. FORSYTH, xxx-xx-xxxx
MARK P. FOSTER, xxx-xx-xxxx
THOMAS R. FOSTER, xxx-xx-xxxx
WILLIAM J. FOSTER, xxx-xx-xxxx
TIMOTHY P. FOTINOS, xxx-xx-xxxx
GARY W. FOUNTAINE, xxx-xx-xxxx
KITTY L. FOWLER, xxx-xx-xxxx
STEVEN D. FOWLER, xxx-xx-xxxx
STEPHEN M. FOWLKES, xxx-xx-xxxx
MICHAEL E. FOX, xxx-xx-xxxx
TERRENCE E. FOX, xxx-xx-xxxx
WILLIAM J. FOX, xxx-xx-xxxx
JEFFERY D. FRALEY, xxx-xx-xxxx
LYNNETTE M. FRANCHI, xxx-xx-xxxx
DAVID B. FRANCIS, xxx-xx-xxxx
DIANA E. FRANCOIS, xxx-xx-xxxx
FRANK FRANCOIS, IV, xxx-xx-xxxx
GEORGE K. FRANCOIS, JR, xxx-xx-xxxx
RICHARD C. FRANCONA, xxx-xx-xxxx
THOMAS FRANKENFIELD, xxx-xx-xxxx
JEFFREY G. FRANKLIN, xxx-xx-xxxx
MARVIN R. FRANKLIN, xxx-xx-xxxx
TODD R. FRANTZ, xxx-xx-xxxx
TERRY A. FRANZ, xxx-xx-xxxx
CHRISTOPHER J. FRASER, xxx-xx-xxxx
LESLIE C. FRAZE, xxx-xx-xxxx
JEANNE L. FRAZIER, xxx-xx-xxxx
ROB L. FRAZIER, xxx-xx-xxxx
WILLIAM L. FRAZIER, xxx-xx-xxxx
MICHAEL G. FREDERICKS, xxx-xx-xxxx
DAVID W. FREEMAN, xxx-xx-xxxx
JAMES P. FREEMON, xxx-xx-xxxx
DAVID L. FREES, xxx-xx-xxxx
DEBRA A. FREISLEBEN, xxx-xx-xxxx
DOUGLAS L. FRENCH, xxx-xx-xxxx
HERBERT L. FRENCH, xxx-xx-xxxx
WILLIAM R. FRENIERE, xxx-xx-xxxx
MICHAEL T. FRIEDLEIN, xxx-xx-xxxx
ROY J. FRIEDMAN, xxx-xx-xxxx
WILLIAM J. FRIMPTER, xxx-xx-xxxx
CYNTHIA L. FRISVOLD, xxx-xx-xxxx
RONNY D. FRITZ, xxx-xx-xxxx
ROGER L. FROMM, xxx-xx-xxxx
RAFAEL FRONTAURA, xxx-xx-xxxx
ROBERT S. FROST, xxx-xx-xxxx
DALE W. FRY, xxx-xx-xxxx
MICHAEL E. FRY, xxx-xx-xxxx
CARLOS L. FRYE, JR, xxx-xx-xxxx
HAROLD W. FRYE, JR, xxx-xx-xxxx
JOHN C. FRYE, SR, xxx-xx-xxxx
RICHARD A. FRYER, JR, xxx-xx-xxxx
ROBERT C. FUERBRINGER, xxx-xx-xxxx
THOMAS K. FUKAWA, xxx-xx-xxxx
JAMES H. FULD, xxx-xx-xxxx
KENT L. FULLER, xxx-xx-xxxx
WILLIE D. C. FULLER, JR, xxx-xx-xxxx
MICHAEL A. FUNK, xxx-xx-xxxx
STEVEN CARL FUNK, xxx-xx-xxxx
RONALD W. FURR, xxx-xx-xxxx
ROBERT P. GADDY, xxx-xx-xxxx
TIMOTHY P. GAFFNEY, xxx-xx-xxxx
PATRICIA M. GAGLIO, xxx-xx-xxxx
GEORGE R. GAGNON, xxx-xx-xxxx
LAWRENCE J. GAGNON, II, xxx-xx-xxxx
GREGORY D. GAINES, xxx-xx-xxxx
BRYAN G. GALBREATH, xxx-xx-xxxx
ALAN C. GALE, xxx-xx-xxxx
JAMES D. GALLAGHER, xxx-xx-xxxx
THOMAS J. GALLAGHER, xxx-xx-xxxx
PHILIP H. GALLAHAN, xxx-xx-xxxx
JAMES M. GALLAHER, xxx-xx-xxxx
DANIEL P. GALLANT, xxx-xx-xxxx
RICHARD J. GALLANT, xxx-xx-xxxx
DEBORAH C. GALLO, xxx-xx-xxxx
JOHN P. GAMBLE, xxx-xx-xxxx
MICHAEL K. GAMBLE, xxx-xx-xxxx
TIMOTHY J. GANNON, xxx-xx-xxxx
MICHAEL J. GARBER, III, xxx-xx-xxxx
FRED N. GARCIA, xxx-xx-xxxx
JAMES F. GARCIA, xxx-xx-xxxx
MANOLO D. GARCIA, xxx-xx-xxxx
MARY C. GARCIA, xxx-xx-xxxx
REBECCA J. GARCIA, xxx-xx-xxxx
PETER H. GARCIANUNEZ, xxx-xx-xxxx
MICHAEL C. GARDINER, xxx-xx-xxxx
EDGAR K. GARDNER, xxx-xx-xxxx
RODNEY V. GARDNER, xxx-xx-xxxx
WAYNE C. GARDNER, xxx-xx-xxxx
FRANK G. GARFIELD, xxx-xx-xxxx
JERRY L. GARLING, xxx-xx-xxxx
RALPH W. GARMAN, xxx-xx-xxxx
DAVID A. GARNER, xxx-xx-xxxx
JEFFERY R. GARNER, xxx-xx-xxxx
DALE L. GARRETT, xxx-xx-xxxx
RANDALL F. GARRETT, xxx-xx-xxxx
MILTON R. GARRIS, xxx-xx-xxxx
JOHNNY D. GARRISON, xxx-xx-xxxx
MARTHA A. GARRISON, xxx-xx-xxxx
DEBORAH GARY, xxx-xx-xxxx
ROBERTO GARZA, xxx-xx-xxxx
GREGORY S. GASKILL, xxx-xx-xxxx
MICHAEL E. GATHRIGHT, xxx-xx-xxxx
DAVID L. GATTINGER, xxx-xx-xxxx
STEPHEN A. GAUDIN, xxx-xx-xxxx
HOWARD C. GAY, xxx-xx-xxxx
RICHARD J. GAYDOS, JR, xxx-xx-xxxx
JAMES E. GAZUR, xxx-xx-xxxx
DARREL D. GEBERT, xxx-xx-xxxx
BRUCE J. GEBHARD, xxx-xx-xxxx
DAVID B. GEBHARDT, xxx-xx-xxxx
JOHN R. GEE, xxx-xx-xxxx
STEVEN L. GEER, xxx-xx-xxxx
SANDRA J. GELLNER, xxx-xx-xxxx
JAMES L. GENTEMANN, III, xxx-xx-xxxx
GARY L. GENTRY, xxx-xx-xxxx
BRUCE L. GEORGE, xxx-xx-xxxx
JONATHAN D. GEORGE, xxx-xx-xxxx
GARRETT D. GEORGES, xxx-xx-xxxx
WILLIAM P. GERDEMANN, xxx-xx-xxxx
ROBERT L. GERHART, xxx-xx-xxxx
WILLIAM H. GERVAIS, xxx-xx-xxxx
WILLIAM M. GETTER, xxx-xx-xxxx
STEVEN R. GHAZALAH, xxx-xx-xxxx
DAVID A. GHOST, xxx-xx-xxxx
LOUIS J. GIAMELLE, xxx-xx-xxxx
DAVID G. GIBBS, xxx-xx-xxxx
GARY W. GIBBS, xxx-xx-xxxx
HERBERT L. GIBBS, xxx-xx-xxxx
ROBERT G. GIBSON, xxx-xx-xxxx
WILLIAM J. GIBSON, xxx-xx-xxxx
ROBERT A. GIERARD, xxx-xx-xxxx
MARK W. GIERINGER, xxx-xx-xxxx
JOHN W. GIESE, xxx-xx-xxxx
MARK S. GIGLIO, xxx-xx-xxxx
GAIL M. GILBERT, xxx-xx-xxxx
ROBERT M. GILBERT, xxx-xx-xxxx
WILLIAM E. GILBERT, xxx-xx-xxxx
JAMES J. GILBOY, xxx-xx-xxxx
REGINA S. GILES, xxx-xx-xxxx
JOHN J. GILL, xxx-xx-xxxx
TIMOTHY C. GILL, xxx-xx-xxxx
MARK A. GILLESPIE, xxx-xx-xxxx
DAVID S. GILLETTE, xxx-xx-xxxx
BRUCE L. GILLMAN, xxx-xx-xxxx
HENRY J. GILMAN, xxx-xx-xxxx
ROBERT J. GILMORE, xxx-xx-xxxx
BARBARA A. GILROY, xxx-xx-xxxx
RUSSELL M. GIMMI, xxx-xx-xxxx
MICHAEL R. GIPSON, xxx-xx-xxxx
DAVID N. GIRMAN, xxx-xx-xxxx
SHEILA A. GISCOMBE, xxx-xx-xxxx
JEFFREY A. GITTENS, xxx-xx-xxxx
STEPHEN A. GIULIANO, xxx-xx-xxxx

BARBARA L. GLASGOW, xxx-xx-xxxx
MARGARET A. GLASGOW, xxx-xx-xxxx
JEFFERY R. GLASS, xxx-xx-xxxx
CHRISTOPHER L. GLAZE, xxx-xx-xxxx
NORMA E. GLAZE, xxx-xx-xxxx
ANTHONY O. GLENN, xxx-xx-xxxx
ROBERT S. GLENN, xxx-xx-xxxx
JOHN W. GLESSNER, xxx-xx-xxxx
DAVID G. GLISSON, xxx-xx-xxxx
CHRISTIAN M. GLOMBIK, xxx-xx-xxxx
AARON D. GLOVER, xxx-xx-xxxx
GREGORY D. GLOVER, xxx-xx-xxxx
RUSSEL D. GLOVER, xxx-xx-xxxx
WILLIAM E. GLOVER, JR, xxx-xx-xxxx
LEO A. GLUNK, JR, xxx-xx-xxxx
DIANE M. GNUSCHKE, xxx-xx-xxxx
RICHARD C. GOAD, xxx-xx-xxxx
DAVID J. GOBLE, xxx-xx-xxxx
ZENON C. GOC, xxx-xx-xxxx
JAMES A. GODFREY, xxx-xx-xxxx
WILLIAM H. GODFREY, xxx-xx-xxxx
ERNESTO GOENAGA, xxx-xx-xxxx
DOUGLAS G. GOERING, xxx-xx-xxxx
MARK A. GOFF, xxx-xx-xxxx
ROBERT E. GOFF, xxx-xx-xxxx
CRAIG S. GOHEEN, xxx-xx-xxxx
JEFFREY F. GOLDMAN, xxx-xx-xxxx
JAMES T. GOLDSMITH, xxx-xx-xxxx
GREGORY A. GOMEZ, xxx-xx-xxxx
JUAN M. GONZALES, xxx-xx-xxxx
JOHN E. GOOCH, xxx-xx-xxxx
DOUGLAS L. GOOD, xxx-xx-xxxx
DONALD F. GOODALE, xxx-xx-xxxx
CRAIG C. GOODBRAKE, xxx-xx-xxxx
ROGER W. GOODMAN, xxx-xx-xxxx
JAMES L. GOODSON, xxx-xx-xxxx
WILLIAM L. GOODWIN, xxx-xx-xxxx
JEROME M. GORDON, xxx-xx-xxxx
ROBERT L. GORDON, xxx-xx-xxxx
FRANK GORENC, xxx-xx-xxxx
DENNIS J. GORMAN, xxx-xx-xxxx
RUSSELL L. GORRELL, xxx-xx-xxxx
ARYEA GOTTLIEB, xxx-xx-xxxx
JOHN W. GOTTLIEB, xxx-xx-xxxx
JEFFRY A. GOUGE, xxx-xx-xxxx
KURT S. GRABEY, xxx-xx-xxxx
JAMES GRACE, JR, xxx-xx-xxxx
ROBERT E. GRAETER, xxx-xx-xxxx
DONALD K. GRAF, xxx-xx-xxxx
STEPHEN D. GRAF, xxx-xx-xxxx
DEAN A. GRAHAM, xxx-xx-xxxx
JAMES E. GRAHAM, xxx-xx-xxxx
KATHY S. GRAHAM, xxx-xx-xxxx
THOMAS S. GRAHAM, xxx-xx-xxxx
WILLIAM M. GRAHAM, xxx-xx-xxxx
MATTHEW F. GRANDALSKI, xxx-xx-xxxx
MELINDA W. GRANT, xxx-xx-xxxx
WILLIAM E. GRANT, xxx-xx-xxxx
MARK W. GRAPER, xxx-xx-xxxx
RICHARD L. GRASSE, xxx-xx-xxxx
TIMOTHY C. GRASSO, xxx-xx-xxxx
DAVID C. GRAVES, xxx-xx-xxxx
RONALD L. GRAVES, xxx-xx-xxxx
RICHARD W. GRAVETTE, xxx-xx-xxxx
DAVID L. GRAY, xxx-xx-xxxx
JACQUELINE L. GRAY, xxx-xx-xxxx
STEPHEN A. GRAY, xxx-xx-xxxx
MICHAEL D. GRAYSON, xxx-xx-xxxx
BRUCE C. GREATA, xxx-xx-xxxx
GORDON S. GREEN, xxx-xx-xxxx
GUY R. GREEN, xxx-xx-xxxx
JEFFRY D. GREEN, xxx-xx-xxxx
JIM J. GREEN, xxx-xx-xxxx
JOHN C. GREEN, xxx-xx-xxxx
KARRY A. GREEN, xxx-xx-xxxx
PHILLIP G. GREEN, xxx-xx-xxxx
STEVE G. GREEN, xxx-xx-xxxx
THOMAS G. GREEN, xxx-xx-xxxx
JOSEPH E. GREENAWALT, xxx-xx-xxxx
CHERYL K. GREER, xxx-xx-xxxx
JAMES M. GREER, xxx-xx-xxxx
JOHN M. GREESON, xxx-xx-xxxx
BIL I. GREG, xxx-xx-xxxx
WILLIAM G. GREGORY, xxx-xx-xxxx
DONALD R. GREIMAN, xxx-xx-xxxx
ANNE M. GRENIER, xxx-xx-xxxx
JOE L. GRIBBLE, xxx-xx-xxxx
GREGORY L. GRICE, xxx-xx-xxxx
RANDALL E. GRICIUS, xxx-xx-xxxx
RAYMOND J. GRIENKE, xxx-xx-xxxx
MICHAEL J. GRIFFIN, xxx-xx-xxxx
HARRIET A. GRIFFITH, xxx-xx-xxxx
JOHN T. GRIFFITH, III, xxx-xx-xxxx
LAURA L. GRIFFITH, xxx-xx-xxxx
PAUL E. GRIFFITH, xxx-xx-xxxx
THOMAS E. GRIFFITH, xxx-xx-xxxx
THOMAS J. GRIFFITH, xxx-xx-xxxx
RENE J. GRIFOL, xxx-xx-xxxx
JAMES H. GRIGSBY, JR, xxx-xx-xxxx
DEAN R. GRIMES, xxx-xx-xxxx
MALCOLM D. GRIMES, xxx-xx-xxxx
JOHN D. GRINGER, JR, xxx-xx-xxxx
RODNEY J. GRISHAM, xxx-xx-xxxx
ROBERT W. GROMAN, xxx-xx-xxxx
CHARLES M. GROOVER, xxx-xx-xxxx
DANIEL E. GROSE, xxx-xx-xxxx
MICHAEL J. GROSS, xxx-xx-xxxx
ALDO P. GROSSI, xxx-xx-xxxx
TIMOTHY G. GROSZ, xxx-xx-xxxx
JOHN W. GRUBB, xxx-xx-xxxx
KARL R. GRUNER, xxx-xx-xxxx
SCOTT L. GRUNWALD, xxx-xx-xxxx
THOMAS G. GUERIN, xxx-xx-xxxx
FRANCISCO R. GUERRERO, xxx-xx-xxxx
LOUISE M. GUIDA, xxx-xx-xxxx
JOHN A. GUILLORY, xxx-xx-xxxx
WILLIAM F. GUIN, xxx-xx-xxxx
JEFFREY D. GUINN, xxx-xx-xxxx
RODNEY J. GUINN, xxx-xx-xxxx
DANNY L. GULLETT, xxx-xx-xxxx
JERRY D. GULLION, xxx-xx-xxxx
JACK C. GUNDRUM, xxx-xx-xxxx
GREGG H. GUNSCH, xxx-xx-xxxx
ROGER D. GUSTAFSON, xxx-xx-xxxx
STANLEY S. GUSUKUMA, xxx-xx-xxxx
PETER A. GUTER, xxx-xx-xxxx
DAVID W. GUTHRIE, xxx-xx-xxxx
LINDSAY D. GUY, xxx-xx-xxxx
PRENTISS I. GUYTON, xxx-xx-xxxx
JOHN W. GUZAK, xxx-xx-xxxx
MICHAEL W. GUZMAN, xxx-xx-xxxx
JAMES L. GWINN, xxx-xx-xxxx
JAMES T. HAAS, xxx-xx-xxxx
WADE J. HABSHEY, JR, xxx-xx-xxxx
STEPHEN B. HACKETT, xxx-xx-xxxx
LUCINDA M. HACKMAN, xxx-xx-xxxx
KURT D. HACKMEIER, xxx-xx-xxxx
LEE G. HAEFNER, xxx-xx-xxxx
ERNIE H. HAENDSCHKE, xxx-xx-xxxx
GREGORY L. HAGERMAN, xxx-xx-xxxx
GARY A. HAGLER, xxx-xx-xxxx
ROBERT J. HAILEY, xxx-xx-xxxx
DAVID L. HAINES, xxx-xx-xxxx
HENRY A. HAISCH, JR, xxx-xx-xxxx
TIMOTHY D. HALDERMAN, xxx-xx-xxxx
JAMES M. HALDERSON, xxx-xx-xxxx
WILLIAM C. HALE, JR, xxx-xx-xxxx
DANIEL E. HALEY, xxx-xx-xxxx
CHRISTOPHER W. HALL, xxx-xx-xxxx
JEFFREY M. HALL, xxx-xx-xxxx
MICHAEL C. HALL, xxx-xx-xxxx
RICHARD P. HALL, xxx-xx-xxxx
RICKY L. HALL, xxx-xx-xxxx
SUZANNE E. HALL, xxx-xx-xxxx
WILLIAM D. HALL, xxx-xx-xxxx
CHRISTINE HALLIGAN, xxx-xx-xxxx
ROBERT W. HALVERSON, xxx-xx-xxxx
JACQUES H. HAMANN, xxx-xx-xxxx
MICHAEL J. HAMERLY, xxx-xx-xxxx
LARRY G. HAMILTON, xxx-xx-xxxx
PAUL J. HAMILTON, xxx-xx-xxxx
ROGER D. HAMILTON, JR, xxx-xx-xxxx
THOMAS M. HAMILTON, xxx-xx-xxxx
BONITA HAMORSKY, xxx-xx-xxxx
KURT A. HAMPTON, xxx-xx-xxxx
GLENN T. HANBEY, xxx-xx-xxxx
JOHN G. HANCOCK, xxx-xx-xxxx
REGIS T. HANCOCK, xxx-xx-xxxx
STANLEY R. HANFT, xxx-xx-xxxx
JOEL D. HANIFORD, xxx-xx-xxxx
JOHN L. HANIGAN, xxx-xx-xxxx
WAYNE A. HANKAMMER, xxx-xx-xxxx
SUSAN L. HANKEY, xxx-xx-xxxx
JAMES P. HANLEY, xxx-xx-xxxx
CLYDE D. HANLIN, xxx-xx-xxxx
JAMES D. HANNAH, xxx-xx-xxxx
MICHAEL J. HANRATTY, xxx-xx-xxxx
JOAN C. HANSEN, xxx-xx-xxxx
TODD M. HANSEN, xxx-xx-xxxx
ROBERT W. HANSON, xxx-xx-xxxx
TIMOTHY J. HANSON, xxx-xx-xxxx
BARBARA A. HARDEN, xxx-xx-xxxx
DARRYL K. HARDERN, xxx-xx-xxxx
ARTHUR C. HARDIN, xxx-xx-xxxx
EUGENE W. HARDY, III, xxx-xx-xxxx
WARREN E. HARDY, xxx-xx-xxxx
GEORGE HARGROVE, xxx-xx-xxxx
KAREN D. HARGROVE, xxx-xx-xxxx
THOMAS R. HARKNESS, xxx-xx-xxxx
VAN E. HARL, xxx-xx-xxxx
JOSEPH N. HARLAN, JR, xxx-xx-xxxx
MARK D. HARLAND, xxx-xx-xxxx
RONALD J. HARLOW, xxx-xx-xxxx
THOMAS E. HARMAN, JR, xxx-xx-xxxx
LANCE A. HARMEYER, xxx-xx-xxxx
DEWEY E. HARMS, xxx-xx-xxxx
WILLIAM W. HARNESS, xxx-xx-xxxx
CHARLES B. HARPER, xxx-xx-xxxx
JAMES T. HARPER, xxx-xx-xxxx
TERRY A. HARPOOL, xxx-xx-xxxx
WILLIAM E. HARRELL, xxx-xx-xxxx
MAUREEN R. HARRINGTON, xxx-xx-xxxx
MICHAEL J. HARRINGTON, xxx-xx-xxxx
SCOTT D. HARRINGTON, xxx-xx-xxxx
THOMAS F. HARRINGTON, xxx-xx-xxxx
WILLIAM E. HARRINGTON, xxx-xx-xxxx
HAROLD HARRIS, xxx-xx-xxxx
LINDA S. HARRIS, xxx-xx-xxxx
MARK S. HARRIS, xxx-xx-xxxx
ROBERT E. HARRIS, xxx-xx-xxxx
TOMMY D. HARRIS, xxx-xx-xxxx
WILLIAM S. HARRIS, xxx-xx-xxxx
YOLANDA R. HARRIS, xxx-xx-xxxx
JAMES A. HARRISON, II, xxx-xx-xxxx
JOSEPH N. HARRISON, JR, xxx-xx-xxxx
KIM B. HARRISON, xxx-xx-xxxx
WILLIAM A. HARRISON, xxx-xx-xxxx
KAREN L. HARROWER, xxx-xx-xxxx
DAVID C. HART, xxx-xx-xxxx
GRAGG I. HART, xxx-xx-xxxx
RANDALL S. HART, xxx-xx-xxxx
TIMOTHY B. HART, xxx-xx-xxxx
MICHAEL A. HARTLEY, xxx-xx-xxxx
PAUL G. HARTLEY, xxx-xx-xxxx
ALAN F. HARTMAN, xxx-xx-xxxx
DAVID F. HARTMAN, xxx-xx-xxxx
MICHAEL P. HARTMANN, xxx-xx-xxxx
CARY B. HARVEY, xxx-xx-xxxx
CHARLES B. HARVEY, xxx-xx-xxxx
DIANNA B. HARVEY, xxx-xx-xxxx
H. L. HARVEY, xxx-xx-xxxx
RANDALL L. HARVEY, xxx-xx-xxxx
RANDOLPH J. HARVEY, xxx-xx-xxxx
RONALD E. HARVEY, xxx-xx-xxxx
EDWARD R. HARWELL, xxx-xx-xxxx
DALE E. HASH, xxx-xx-xxxx
JAMES D. HASH, xxx-xx-xxxx
LAWRENCE H. HASKELL, xxx-xx-xxxx
MARK B. HASKELL, xxx-xx-xxxx
WAYNE L. HASKINS, xxx-xx-xxxx
JEFFREY A. HASLER, xxx-xx-xxxx
BERNARD W. HASSON, xxx-xx-xxxx
ROBERT L. HASTIE, xxx-xx-xxxx
STEPHEN C. HATHEWAY, xxx-xx-xxxx
JAMES H. HAUGEN, xxx-xx-xxxx
MICHELE V. HAUSER, xxx-xx-xxxx
LESLIE M. HAUSSE, xxx-xx-xxxx
BRENT A. HAWKINS, xxx-xx-xxxx
CARL A. HAWKINS, xxx-xx-xxxx
RONALD D. HAWN, xxx-xx-xxxx
DALE E. HAWTHORNE, xxx-xx-xxxx
SCOTT D. HAY, xxx-xx-xxxx
CLARENCE R. HAYES, xxx-xx-xxxx
GRANT L. HAYES, xxx-xx-xxxx
SARAH G. HAYES, xxx-xx-xxxx
THOMAS M. HAYES, xxx-xx-xxxx
GREGORY L. HAYMAN, xxx-xx-xxxx
DENNIS H. HAYNES, xxx-xx-xxxx
PETER L. HAYS, xxx-xx-xxxx
DAVID A. HAZELIP, xxx-xx-xxxx
BRENDA L. HAZELRIG, xxx-xx-xxxx
JOE B. HAZELWOOD, JR, xxx-xx-xxxx
MICHAEL A. HEABERLIN, xxx-xx-xxxx
MARK A. HEADBERG, xxx-xx-xxxx
CHRISTOPHER R. HEADLEE, xxx-xx-xxxx
DANIEL S. HEALY, JR, xxx-xx-xxxx
JOHN T. HEANEY, JR, xxx-xx-xxxx
JAMES E. HEATH, xxx-xx-xxxx
MARK S. HEBEIN, xxx-xx-xxxx
JAMES E. HEBERT, xxx-xx-xxxx
LEE G. HECKMAN, JR, xxx-xx-xxxx
BONNY F. HEET, xxx-xx-xxxx
MARK HEGARTY, xxx-xx-xxxx
RAYMOND J. HEGARTY, II, xxx-xx-xxxx
JEANETTE G. HEIDMANN, xxx-xx-xxxx
GARY L. HEIN, xxx-xx-xxxx
ROLAND T. HEINING, xxx-xx-xxxx
DAVID A. HEINRICHS, xxx-xx-xxxx
KURT R. HEINZ, xxx-xx-xxxx
VICTOR M. HELBLING, xxx-xx-xxxx
MICHAEL R. HELMS, xxx-xx-xxxx
SUSAN J. HELMS, xxx-xx-xxxx
STEVEN W. HELVESTON, xxx-xx-xxxx
THOMAS L. HENDERSHOT, xxx-xx-xxxx
HEIDI F. HENDERSON, xxx-xx-xxxx
HERBERT H. HENDERSON, JR, xxx-xx-xxxx
FRANCIS L. HENDRICKS, xxx-xx-xxxx
ALICE E. HENK, xxx-xx-xxxx
DANIEL W. HENKEL, xxx-xx-xxxx
CLAUDE M. HENNESSEY, xxx-xx-xxxx
ALAN W. HENRY, xxx-xx-xxxx
JESSIE J. HENSLEY, JR, xxx-xx-xxxx
EDWARD H. HENSON, xxx-xx-xxxx
PAUL L. HEPLER, xxx-xx-xxxx
GREGORY D. HERBERT, xxx-xx-xxxx
CASHER M. HERD, JR, xxx-xx-xxxx
RANDY S. HERD, xxx-xx-xxxx
DAVID S. HERMANN, xxx-xx-xxxx
EDGAR R. HERNANDEZ, xxx-xx-xxxx
ENRIQUE G. HERNANDEZ, xxx-xx-xxxx
JOSE M. M. HERNANDEZ, xxx-xx-xxxx
RICARDO HERNANDEZ, xxx-xx-xxxx
SALVADOR HERNANDEZ, xxx-xx-xxxx
LYNN A. HERNDON, xxx-xx-xxxx
ROJELIO HERRERA, JR, xxx-xx-xxxx
WALTER H. HERRERA, xxx-xx-xxxx
JAMES W. HESS, JR, xxx-xx-xxxx
FRANCIS G. HESSE, xxx-xx-xxxx
DUWAYNE P. HEUPEL, xxx-xx-xxxx
RICHARD J. HEWER, xxx-xx-xxxx
CATHY F. HEWITT, xxx-xx-xxxx
JIMMIE C. HIBBS, xxx-xx-xxxx
ELAINE M. HICKEY, xxx-xx-xxxx
RONNIE C. HICKS, xxx-xx-xxxx
SAMUEL R. HICKS, xxx-xx-xxxx
ROBERT L. HIGGINBOTHAM, xxx-xx-xxxx
DAN O. HIGGINS, xxx-xx-xxxx
JOHN A. HIGGINS, xxx-xx-xxxx
ROBERT E. HIGHLAND, xxx-xx-xxxx
JEFFREY P. HIGHTAIAN, xxx-xx-xxxx
MARK J. HILBURN, xxx-xx-xxxx
ANITALOUISE S. HILL, xxx-xx-xxxx
CLIFTON HILL, xxx-xx-xxxx
DONALD A. HILL, xxx-xx-xxxx
HUBERT H. HILL, JR, xxx-xx-xxxx
JUDSON K. HILL, xxx-xx-xxxx
SHARON R. HILL, xxx-xx-xxxx
WILEY L. HILL, xxx-xx-xxxx
DENNIS F. HILLEY, xxx-xx-xxxx
FRED W. HILLS, xxx-xx-xxxx
JEFFERY C. HILTON, xxx-xx-xxxx
MARK L. HINCHMAN, xxx-xx-xxxx
DAVID M. HINDT, xxx-xx-xxxx
ANTHONY L. HINEN, xxx-xx-xxxx
GAIL ANN HINESLEY, xxx-xx-xxxx
DEBRA A. HINSON, xxx-xx-xxxx

STEVE L. HITCHCOCK, xxx-xx-xxxx
TOMMY D. HIXON, xxx-xx-xxxx
VICTOR L. HNATIUK, xxx-xx-xxxx
EVAN J. HOAPILI, xxx-xx-xxxx
STEVEN E. HOAR, xxx-xx-xxxx
MARK E. HOBBA, xxx-xx-xxxx
DEBORAH A. HOBGOOD, xxx-xx-xxxx
CAROLYN C. HODGE, xxx-xx-xxxx
OLLIE HODGE, JR, xxx-xx-xxxx
THOMAS C. HODGE, xxx-xx-xxxx
GARY W. HODGES, xxx-xx-xxxx
MICHAEL E. HODGKIN, xxx-xx-xxxx
GERALD E. HOEFLEIN, xxx-xx-xxxx
PETER F. HOENE, xxx-xx-xxxx
STEVEN E. HOFMANN, xxx-xx-xxxx
GREGORY L. HOGAN, xxx-xx-xxxx
JAMES P. HOGAN, xxx-xx-xxxx
TERRY L. HOGAN, xxx-xx-xxxx
TOMMIE G. HOGAN, xxx-xx-xxxx
MICHAEL R. HOGGE, xxx-xx-xxxx
DANIEL J. HOIDA, xxx-xx-xxxx
DARRELL H. HOLCOMB, xxx-xx-xxxx
MARK A. HOLDERMAN, xxx-xx-xxxx
THOMAS J. HOLDSWORTH, xxx-xx-xxxx
JAMES P. HOLLAND, xxx-xx-xxxx
KENNETH L. HOLLAND, xxx-xx-xxxx
KENNETH F. HOLLENBECK, xxx-xx-xxxx
GERALD A. HOLLERAN, xxx-xx-xxxx
RONALD D. HOLLIBAUGH, xxx-xx-xxxx
MINER E. HOLLOWAY, II, xxx-xx-xxxx
RONALD MCKINLEY HOLLOWAY, xxx-xx-xxxx
DAVID L. HOLMAN, xxx-xx-xxxx
MICHAEL A. HOLMES, xxx-xx-xxxx
REGINALD C. HOLMES, xxx-xx-xxxx
WILLIAM H. HOLMES, xxx-xx-xxxx
DOUGLAS L. HOLROYD, xxx-xx-xxxx
JOHN O. HOLT, JR, xxx-xx-xxxx
KENNETH E. HOLTZMAN, xxx-xx-xxxx
DANIEL M. HOLWEGNER, xxx-xx-xxxx
ANGELA M. HOLZAPFEL, xxx-xx-xxxx
JUDY K. L. HONEA, xxx-xx-xxxx
DAVID A. HONEY, xxx-xx-xxxx
WALTER M. HOOKER, xxx-xx-xxxx
JOEL W. HOOKS, xxx-xx-xxxx
ROSEMARY HOON, xxx-xx-xxxx
JEFFREY D. HOOPER, xxx-xx-xxxx
JAMES M. HOOTEN, xxx-xx-xxxx
PAULA J. HOOVER, xxx-xx-xxxx
GARY S. HOPKINSON, xxx-xx-xxxx
LELAND C. HORN, xxx-xx-xxxx
RAYMOND L. HORN, xxx-xx-xxxx
RICHARD E. HORNBEAK, xxx-xx-xxxx
FRANCIS A. HORNE, xxx-xx-xxxx
LAWRENCE D. HORNER, xxx-xx-xxxx
NANCY A. HORNUNG, xxx-xx-xxxx
RONALD G. HORTON, xxx-xx-xxxx
ROY E. HORTON, III, xxx-xx-xxxx
STEVE W. HORTON, xxx-xx-xxxx
LARRY W. HOSE, xxx-xx-xxxx
JOHN R. HOSKINS, xxx-xx-xxxx
THOMAS O. H. HOTCHKISS, xxx-xx-xxxx
PAUL G. HOUGH, xxx-xx-xxxx
DOUGLAS P. HOUSTON, xxx-xx-xxxx
SUSAN N. HOUSTON, xxx-xx-xxxx
HARROLD F. HOVEY, xxx-xx-xxxx
ROBERT L. HOWALD, xxx-xx-xxxx
ANA M. HOWARD, xxx-xx-xxxx
CHARLES A. HOWARD, xxx-xx-xxxx
MICHAEL J. HOWARD, xxx-xx-xxxx
WILLIAM M. HOWARD, xxx-xx-xxxx
JOHN HOWE, xxx-xx-xxxx
CHARLES R. HOWELL, xxx-xx-xxxx
DAVID B. HOWELL, xxx-xx-xxxx
ROBERT A. HOWELL, xxx-xx-xxxx
RONALD H. HOWERTER, xxx-xx-xxxx
HEATH J. HOWLAND, xxx-xx-xxxx
BLAINE M. HOY, xxx-xx-xxxx
TIMOTHY J. HOY, xxx-xx-xxxx
MARK HRYHORCHUK, xxx-xx-xxxx
DEBORA B. HUBBARD, xxx-xx-xxxx
GARY L. HUBBARD, xxx-xx-xxxx
MONTORIA HUBBARD, xxx-xx-xxxx
SYLVESTER HUBBARD, xxx-xx-xxxx
EDWARD T. HUBER, xxx-xx-xxxx
TERRY A. HUBER, xxx-xx-xxxx
PAUL G. HUBERTY, xxx-xx-xxxx
DONALD R. HUCKLE, JR, xxx-xx-xxxx
JARRETT J. HUDNALL, xxx-xx-xxxx
DAVID L. HUDSON, xxx-xx-xxxx
DONALD J. HUDSON, xxx-xx-xxxx
GERALD R. HUDSON, xxx-xx-xxxx
WAYNE E. P. HUDSON, xxx-xx-xxxx
KENNETH B. HUFF, xxx-xx-xxxx
LAURA A. HUFF, xxx-xx-xxxx
PETER C. HUGHES, xxx-xx-xxxx
WILLIAM G. HUGHES, II, xxx-xx-xxxx
DENNIS R. HUGO, xxx-xx-xxxx
RICHARD S. HUHN, xxx-xx-xxxx
JEFFREY B. HUKILL, xxx-xx-xxxx
BARNEY G. HULSEY, xxx-xx-xxxx
KAREN A. HUMBER, xxx-xx-xxxx
DAVID M. HUMPERT, xxx-xx-xxxx
MARK C. HUMPHREY, xxx-xx-xxxx
KIRBY P. HUNOLT, xxx-xx-xxxx
DANIEL R. HUNSINGER, xxx-xx-xxxx
BENJAMIN R. HUNSUCK, xxx-xx-xxxx
DONALD E. HUNSUCK, xxx-xx-xxxx
MICHEAL S. HUNSUCKER, xxx-xx-xxxx
CHARLES A. HUNT, xxx-xx-xxxx
PATRICIA K. HUNT, xxx-xx-xxxx
RONALD S. HUNT, xxx-xx-xxxx
THOMAS P. HUNT, xxx-xx-xxxx
DENNIS N. HUPRICH, xxx-xx-xxxx
PAUL B. HURDLE, JR, xxx-xx-xxxx
MAUREEN J. HURLEY, xxx-xx-xxxx
MARK D. HUROWITZ, xxx-xx-xxxx
JAMES C. HURST, xxx-xx-xxxx
DEBRA K. HURT, xxx-xx-xxxx
JONATHAN H. HUSSEY, xxx-xx-xxxx
MARK R. HUSSEY, xxx-xx-xxxx
JERRY T. HUTCHERSON, xxx-xx-xxxx
KEITH A. HUTCHESON, xxx-xx-xxxx
ROBERT N. HUTCHINGS, JR, xxx-xx-xxxx
THOMAS C. HUTCHINGS, xxx-xx-xxxx
KENNETH J. HUXLEY, xxx-xx-xxxx
PHILLIP S. HYDE, xxx-xx-xxxx
MICHAEL J. IACAMPO, xxx-xx-xxxx
MICHAEL K. INMAN, xxx-xx-xxxx
GEORGE R. IRELAND, xxx-xx-xxxx
RALPH O. IRWIN, xxx-xx-xxxx
BOB E. ISAACSON, xxx-xx-xxxx
CHARLES D. ISNER, xxx-xx-xxxx
ALEXANDER F. J. IVANCHISHIN, xxx-xx-xxxx
LEE A. IVERSON, xxx-xx-xxxx
SUZETTE M. IZAC, xxx-xx-xxxx
CALVIN D. JACKSON, xxx-xx-xxxx
CLIFFORD E. JACKSON, JR, xxx-xx-xxxx
CLIFTON M. JACKSON, xxx-xx-xxxx
MARK B. JACKSON, xxx-xx-xxxx
RODNEY A. JACKSON, xxx-xx-xxxx
STEVEN M. JACKSON, xxx-xx-xxxx
DANIEL W. JACOBS, xxx-xx-xxxx
WILLIE JACOBS, JR, xxx-xx-xxxx
CHRISTOPHER P. JACOBSON, xxx-xx-xxxx
JOHN J. JACOBSON, xxx-xx-xxxx
RANDAL K. JACOBSON, xxx-xx-xxxx
JOSEPH L. JAEGER, xxx-xx-xxxx
STEPHEN M. JAMES, xxx-xx-xxxx
TOM A. JAMES, xxx-xx-xxxx
JOHN D. JANNAZO, xxx-xx-xxxx
JOHN L. JANSMA, xxx-xx-xxxx
VICTOR JANUSHKOWSKY, xxx-xx-xxxx
NORMAN R. JARVIS, xxx-xx-xxxx
STANLEY J. JARZOMBEK, JR, xxx-xx-xxxx
DENNIS M. JAUCH, xxx-xx-xxxx
MICHAEL A. JEFFERSON, xxx-xx-xxxx
JULIAN T. JEFFERY, JR, xxx-xx-xxxx
PAULA H. JEFFERY, xxx-xx-xxxx
MELVIN JENKINS, xxx-xx-xxxx
WILLIAM D. JENNE, xxx-xx-xxxx
REGINALD W. JENNINGS, xxx-xx-xxxx
BARRY P. JENNISON, xxx-xx-xxxx
MELISSA W. JENSEN, xxx-xx-xxxx
HARRY JERNIGAN, xxx-xx-xxxx
JUAN T. JESUS, xxx-xx-xxxx
JAMES H. JETER, xxx-xx-xxxx
KAREN L. JEVSEVAR, xxx-xx-xxxx
VICTOR G. JEVSEVAR, JR, xxx-xx-xxxx
KENNETH D. JILKA, xxx-xx-xxxx
JAMES A. JIMENEZ, xxx-xx-xxxx
SALVADOR P. JIMENEZ, xxx-xx-xxxx
DONALD L. JOHANSON, xxx-xx-xxxx
ALAN E. JOHNSON, xxx-xx-xxxx
ALAN L. JOHNSON, xxx-xx-xxxx
BRENDA S. JOHNSON, xxx-xx-xxxx
CURTIS B. JOHNSON, xxx-xx-xxxx
DAVID F. JOHNSON, xxx-xx-xxxx
DAVID O. JOHNSON, xxx-xx-xxxx
GARY W. JOHNSON, xxx-xx-xxxx
JAMES F. JOHNSON, xxx-xx-xxxx
JEFFREY S. JOHNSON, xxx-xx-xxxx
KATHRYN M. JOHNSON, xxx-xx-xxxx
KENNETH RAY JOHNSON, xxx-xx-xxxx
KYLE S. JOHNSON, xxx-xx-xxxx
MARK A. JOHNSON, xxx-xx-xxxx
MICHELLE D. JOHNSON, xxx-xx-xxxx
NORWOOD E. JOHNSON, xxx-xx-xxxx
PATRICK J. JOHNSON, xxx-xx-xxxx
RICHARD W. JOHNSON, JR, xxx-xx-xxxx
RUBEN H. JOHNSON, JR, xxx-xx-xxxx
SAMUEL L. JOHNSON, xxx-xx-xxxx
STANLEY M. JOHNSON, JR, xxx-xx-xxxx
STEPHEN E. JOHNSON, xxx-xx-xxxx
WALFRED R. JOHNSON, xxx-xx-xxxx
WILLIAM J. JOHNSON, xxx-xx-xxxx
WILLIAM L. JOHNSON, xxx-xx-xxxx
KAREN E. JOHNSTON, xxx-xx-xxxx
KENNETH E. JOHNSTON, xxx-xx-xxxx
KEVIN JOHNSTON, xxx-xx-xxxx
NORAJILL N. JOHNSTON, xxx-xx-xxxx
BERNARD E. JONES, xxx-xx-xxxx
BRIAN L. JONES, xxx-xx-xxxx
BRUCE C. JONES, xxx-xx-xxxx
BRYAN L. JONES, xxx-xx-xxxx
DONALD E. JONES, xxx-xx-xxxx
ELIHU JONES, xxx-xx-xxxx
FREDERICK C. JONES, xxx-xx-xxxx
GEORGE W. JONES, xxx-xx-xxxx
GLENN C. JONES, xxx-xx-xxxx
GREGORY P. JONES, xxx-xx-xxxx
HELEN K. JONES, xxx-xx-xxxx
JERRY WYNN JONES, xxx-xx-xxxx
KEVIN C. JONES, xxx-xx-xxxx
KEVIN E. JONES, xxx-xx-xxxx
KIMBERLEY A. JONES, xxx-xx-xxxx
LAURA R. JONES, xxx-xx-xxxx
LINDA F. JONES, xxx-xx-xxxx
MARK WARREN JONES, xxx-xx-xxxx
MICHAEL N. JONES, xxx-xx-xxxx
MILTON JONES, xxx-xx-xxxx
NOEL T. JONES, xxx-xx-xxxx
REGINALD E. JONES, xxx-xx-xxxx
ROBERT LESLIE JONES, xxx-xx-xxxx
STEVE C. JONES, xxx-xx-xxxx
VERNON D. JONES, xxx-xx-xxxx
MARVIN L. JOPLIN, xxx-xx-xxxx
JACK L. JORDAN, JR, xxx-xx-xxxx
PATRICK A. JORDAN, xxx-xx-xxxx
ROBERT J. JORDAN, xxx-xx-xxxx
ROBERT P. JORDAN, xxx-xx-xxxx
ROBERT V. JORDAN, II, xxx-xx-xxxx
CHARLES D. JOSEPH, xxx-xx-xxxx
ROBERT W. JOURNEY, xxx-xx-xxxx
PETER S. JOYCE, xxx-xx-xxxx
RICHARD K. JUDD, JR, xxx-xx-xxxx
DONALD JUREWICZ, xxx-xx-xxxx
THOMAS A. JUSTICE, xxx-xx-xxxx
MICHAEL J. KAISER, xxx-xx-xxxx
PATRICK S. KALLAUS, xxx-xx-xxxx
MICHAEL S. KALNA, xxx-xx-xxxx
WALT H. KAMIEN, xxx-xx-xxxx
MICHAEL S. KAMROWSKI, xxx-xx-xxxx
TYLE T. KANAZAWA, xxx-xx-xxxx
ROBERT C. KANE, xxx-xx-xxxx
DAVID M. KAPLAN, xxx-xx-xxxx
JEFFREY D. KAPLAN, xxx-xx-xxxx
STEVEN C. KASEMEIER, xxx-xx-xxxx
KENNETH L. KASH, xxx-xx-xxxx
BETH M. KASPAR, xxx-xx-xxxx
ROBERT A. KASPRZAK, xxx-xx-xxxx
SHERYL L. KATES, xxx-xx-xxxx
PETER J. KATSUFRAKIS, xxx-xx-xxxx
STEPHEN A. KAUMANS, xxx-xx-xxxx
RAKESH R. KAUSHAL, xxx-xx-xxxx
PEACHES KAVANAUGH, xxx-xx-xxxx
ROBERT P. KAY, xxx-xx-xxxx
KAREN L. KAYLOR, xxx-xx-xxxx
ANNE D. KEARNEY, xxx-xx-xxxx
TIMOTHY G. KEARNS, xxx-xx-xxxx
DANIEL R. KEAYS, xxx-xx-xxxx
BRAD S. KECK, xxx-xx-xxxx
STEPHEN B. KEEFER, xxx-xx-xxxx
WARREN R. KEENE, xxx-xx-xxxx
MICHAEL F. KEESLING, xxx-xx-xxxx
PETER D. KEISH, xxx-xx-xxxx
JAMES S. KEISTER, xxx-xx-xxxx
KEVIN M. KEITH, xxx-xx-xxxx
LLOYD L. KEITH, xxx-xx-xxxx
ROBERT S. KELCHNER, xxx-xx-xxxx
RICHARD KELLER, xxx-xx-xxxx
PHILIP J. KELLERHALS, xxx-xx-xxxx
ALLISON J. KELLEY, xxx-xx-xxxx
AUBREY R. KELLEY, xxx-xx-xxxx
BRIAN T. KELLEY, xxx-xx-xxxx
JAMES P. KELLEY, xxx-xx-xxxx
MICHAEL RICHARD KELLEY, xxx-xx-xxxx
ALICE R. KELLY, xxx-xx-xxxx
BRIAN J. KELLY, xxx-xx-xxxx
BRIAN T. KELLY, xxx-xx-xxxx
DANNY D. KELLY, xxx-xx-xxxx
FRANCIS P. KELLY, xxx-xx-xxxx
KATHLEEN A. KELLY, xxx-xx-xxxx
KENNETH M. KELLY, xxx-xx-xxxx
MARTIN C. KELLY, JR, xxx-xx-xxxx
MICHAEL L. KELLY, xxx-xx-xxxx
PAMELA A. KELLY, xxx-xx-xxxx
CALVIN W. KEMP, xxx-xx-xxxx
DAVID R. KENERLEY, xxx-xx-xxxx
BRIAN E. KENNEDY, xxx-xx-xxxx
CHARLES J. KENNEDY, xxx-xx-xxxx
DALE J. KENNEDY, xxx-xx-xxxx
GEORGE W. KENNEDY, xxx-xx-xxxx
WILLIAM F. KENNEDY, xxx-xx-xxxx
CRAIG A. KENNEY, xxx-xx-xxxx
PAUL W. KENNEY, xxx-xx-xxxx
SHELEY A. KENT, xxx-xx-xxxx
RAYMOND W. KENYON, xxx-xx-xxxx
PAUL F. KERESZTES, xxx-xx-xxxx
RICHARD R. KERN, xxx-xx-xxxx
ALLEN B. KERR, xxx-xx-xxxx
FREDERICK C. KERR, xxx-xx-xxxx
KAY L. KERR, xxx-xx-xxxx
DENNIS M. KERRIGAN, xxx-xx-xxxx
FRANK S. KERSTEN, xxx-xx-xxxx
KEVIN D. KERTZ, xxx-xx-xxxx
RICHARD M. KESSEL, xxx-xx-xxxx
MARSHANN KESSENICH, xxx-xx-xxxx
JOHN A. KEUTMANN, xxx-xx-xxxx
THEODORE R. KEY, JR, xxx-xx-xxxx
ROBERT C. KEYSER, JR, xxx-xx-xxxx
MICHAEL R. KIGGINS, xxx-xx-xxxx
JOHN A. KILGALLON, xxx-xx-xxxx
WON Y. KIM, xxx-xx-xxxx
PETER J. KIMBALL, II, xxx-xx-xxxx
CHARLES D. KIMBRELL, xxx-xx-xxxx
JOSEPH W. KIMBRELL, xxx-xx-xxxx
STANLEY E. KIMBRELL, xxx-xx-xxxx
SIDNEY C. KIMHAN, III, xxx-xx-xxxx
CHARLES D. KIMMEL, xxx-xx-xxxx
LOUIS J. KIMPAN, xxx-xx-xxxx
JAMES E. KIMPEL, xxx-xx-xxxx
ROCKY K. KIMPEL, xxx-xx-xxxx
JANICE A. KINARD, xxx-xx-xxxx
TOY D. KINCER, xxx-xx-xxxx
CHRISTOPHER R. KING, xxx-xx-xxxx
CONSTANCE A. KING, xxx-xx-xxxx
DAVID M. KING, xxx-xx-xxxx
GEORGE H. KING, JR, xxx-xx-xxxx
KEITH V. KING, JR, xxx-xx-xxxx
ROBERT J. KING, xxx-xx-xxxx
STEPHEN M. KING, xxx-xx-xxxx
STEVEN B. KING, xxx-xx-xxxx
WILLIAM H. KING, xxx-xx-xxxx
JAN T. KINNER, xxx-xx-xxxx
RORY S. KINNEY, xxx-xx-xxxx
ROBERT A. KINZEL, xxx-xx-xxxx

MARK E. KIPPHUT, xxx-xx-xxxx
RAY A. KIRACOFE, xxx-xx-xxxx
RAYMOND E. KIRBY, xxx-xx-xxxx
KEVIN D. KIRK, xxx-xx-xxxx
PETER D. KIRK, xxx-xx-xxxx
TIMOTHY D. KIRKBRIDE, xxx-xx-xxxx
RICHARD A. KIRKLAND, xxx-xx-xxxx
ALLEN KIRKMAN, JR., xxx-xx-xxxx
KEVIN J. KIRSCH, xxx-xx-xxxx
JASON KIRSHENBAUM, xxx-xx-xxxx
IVO A. KISIC, xxx-xx-xxxx
FRANK J. KISNER, xxx-xx-xxxx
VINCENT T. KISS, xxx-xx-xxxx
BARRY D. KISTLER, xxx-xx-xxxx
BRIAN E. KISTNER, xxx-xx-xxxx
RICHARD A. KITCHEN, xxx-xx-xxxx
DAVID C. KLAEHN, xxx-xx-xxxx
JEFFREY M. KLEM, xxx-xx-xxxx
MARYLINE E. KLEMAN, xxx-xx-xxxx
KEVIN B. KLINE, xxx-xx-xxxx
GREGORY L. KLINGLER, xxx-xx-xxxx
DAVID A. KLINKICHT, xxx-xx-xxxx
JOHN W. KLISE, xxx-xx-xxxx
DANIEL R. KLOBUCHER, xxx-xx-xxxx
TODD W. KLOPP, xxx-xx-xxxx
MICHAEL F. KLOSKIN, xxx-xx-xxxx
GEORGE M. KLUCHER, xxx-xx-xxxx
LARRY E. KLUCK, xxx-xx-xxxx
DAVID L. KNABEL, xxx-xx-xxxx
DOUGLAS H. KNAPP, xxx-xx-xxxx
CHARLES M. KNIGHT, xxx-xx-xxxx
PAUL R. KNOLL, xxx-xx-xxxx
DONNA L. KNOTT, xxx-xx-xxxx
EDWARD G. KNOWLES, xxx-xx-xxxx
THEODORE C. KNOWLES, xxx-xx-xxxx
RONALD E. KNOX, xxx-xx-xxxx
TIMOTHY J. KNUTSON, xxx-xx-xxxx
LESLIE R. KOCH, xxx-xx-xxxx
CANDACE J. KOCOUREK, xxx-xx-xxxx
ELDEN J. KOCOUREK, xxx-xx-xxxx
KENNETH R. KOEHLER, xxx-xx-xxxx
LINDA H. KOFF, xxx-xx-xxxx
MICHAEL R. KOHLER, xxx-xx-xxxx
JEFFERY L. KOHLHOFER, xxx-xx-xxxx
ANDREW A. KOLAKOWSKI, xxx-xx-xxxx
RICHARD KOLENDA, xxx-xx-xxxx
JAMES G. KOLLING, xxx-xx-xxxx
BARBARA J. KOLMODIN, xxx-xx-xxxx
WILLIAM L. KOPSCH, xxx-xx-xxxx
JOHN A. KOREN, xxx-xx-xxxx
GARY T. KOSTICK, xxx-xx-xxxx
PAULA E. KOUGEAS, xxx-xx-xxxx
MICHAEL T. KOWALCZYK, xxx-xx-xxxx
WILLIAM J. KOWALCZYK, xxx-xx-xxxx
KEVIN E. KOZACEK, xxx-xx-xxxx
KENNETH L. KRAAK, xxx-xx-xxxx
ROBERT J. KRAEMER, xxx-xx-xxxx
RICHARD A. KRAKOFF, xxx-xx-xxxx
GEORGE B. KRAKOWSKI, xxx-xx-xxxx
PETER S. KRASIKOV, xxx-xx-xxxx
ANDREW W. KRASKA, xxx-xx-xxxx
LAINE F. KRAT, xxx-xx-xxxx
JOHN N. KRAUS, JR., xxx-xx-xxxx
HOWARD B. KRAVITZ, xxx-xx-xxxx
KEVIN K. KREJCAREK, xxx-xx-xxxx
CLARK E. KRESTON, xxx-xx-xxxx
JAMES P. KRETZMANN, xxx-xx-xxxx
KELLY L. KRIEG, xxx-xx-xxxx
DANIEL W. KRIER, xxx-xx-xxxx
ROBERT J. KRIST, xxx-xx-xxxx
GLENN D. KRIZAY, xxx-xx-xxxx
GLEN L. KROGH, xxx-xx-xxxx
RICHARD KROLIKOWSKI, xxx-xx-xxxx
PATRICK KEVIN KROSS, xxx-xx-xxxx
WILLIAM A. KROUSE, JR., xxx-xx-xxxx
RAYMOND A. KRUELSKIE, xxx-xx-xxxx
THOMAS W. KRUSEMARK, xxx-xx-xxxx
MARTIN R. KUBIK, JR., xxx-xx-xxxx
KENTON B. KUBIN, xxx-xx-xxxx
GERARD W. KUCHINSKY, xxx-xx-xxxx
DAVID R. KUCKO, xxx-xx-xxxx
RANDALL L. KUEHLER, xxx-xx-xxxx
KENDELL E. KUEHN, xxx-xx-xxxx
JOHN M. KUHFAHL, xxx-xx-xxxx
BRYAN L. KUHLMANN, xxx-xx-xxxx
MARK S. KUHLMANN, xxx-xx-xxxx
WOLFGANG R. KUHN, xxx-xx-xxxx
JOHN A. KUKLINSKI, xxx-xx-xxxx
ROBERT C. KULL, JR., xxx-xx-xxxx
TOD M. KUNSCHKE, xxx-xx-xxxx
EDWARD P. KUPER, xxx-xx-xxxx
CORDELL H. KYLLO, xxx-xx-xxxx
MAUREEN C. LACOMB, xxx-xx-xxxx
MICHAEL J. LACROIX, xxx-xx-xxxx
RICHARD K. LACROSSE, xxx-xx-xxxx
BRAD D. LAFFERTY, xxx-xx-xxxx
DAVID M. LAFOND, xxx-xx-xxxx
WILLIAM J. LAFRANCE, JR., xxx-xx-xxxx
JOSEPH F. LAHUE, xxx-xx-xxxx
TOMASITA A. LAHUE, xxx-xx-xxxx
BRANDT D. LAIRD, xxx-xx-xxxx
ROBERT J. LAMARRE, xxx-xx-xxxx
STEVEN P. LAMB, xxx-xx-xxxx
WALLEY D. LAMB, xxx-xx-xxxx
BERNARD F. LAMBE, JR., xxx-xx-xxxx
ELIZABETH A. LAMBERT, xxx-xx-xxxx
GARY V. LAMBERT, xxx-xx-xxxx
GEORGE M. LAMBIRTH, xxx-xx-xxxx
JAMES R. LAMMERT, xxx-xx-xxxx
DAVID H. LAMP, xxx-xx-xxxx
GARY W. LAND, xxx-xx-xxxx
ROBERT E. LANDER, xxx-xx-xxxx
EDMOND N. LANDRY, xxx-xx-xxxx
MARVIN E. LANDS, xxx-xx-xxxx
MARK R. LANE, xxx-xx-xxxx
ROY N. LANE, III, xxx-xx-xxxx
SUSAN E. LANG, xxx-xx-xxxx
MATTHEW P. LANGER, xxx-xx-xxxx
STEVEN D. LANGER, xxx-xx-xxxx
MITCHEL A. LANGFORD, xxx-xx-xxxx
JOHN M. LANICCI, xxx-xx-xxxx
MARK E. LANIER, xxx-xx-xxxx
CORRINE E. LARA, xxx-xx-xxxx
RUSS H. LARNED, xxx-xx-xxxx
JOHN M. LARRABEE, xxx-xx-xxxx
EDWARD F. LARRIVEE, JR., xxx-xx-xxxx
BRIAN J. LARSON, xxx-xx-xxxx
JAMES B. LARSON, xxx-xx-xxxx
NAIDA D. LARSON, xxx-xx-xxxx
BUFORD D. LARY, JR., xxx-xx-xxxx
TERESA L. LASH, xxx-xx-xxxx
MICHAEL J. LASKI, xxx-xx-xxxx
BRYAN A. LASYONE, xxx-xx-xxxx
ROLAND R. LATAILLE, xxx-xx-xxxx
DIANN LATHAM, xxx-xx-xxxx
THOMAS D. LATIER, xxx-xx-xxxx
THOMAS P. LATTANZIO, xxx-xx-xxxx
JANET M. LAUER, xxx-xx-xxxx
EDMUND L. LAUGEL, xxx-xx-xxxx
RICHARD LAUGHMAN, JR., xxx-xx-xxxx
CONSTANCE M. LAW, xxx-xx-xxxx
PAUL A. LAW, xxx-xx-xxxx
ROBERT S. LAW, xxx-xx-xxxx
TRACY D. LAW, xxx-xx-xxxx
SHEILA D. LAWHON, xxx-xx-xxxx
GARY M. LAWLESS, xxx-xx-xxxx
MARION V. LAWRENCE, xxx-xx-xxxx
ROXANA E. LAWRENCE, xxx-xx-xxxx
BRUCE E. LAWRENSEN, xxx-xx-xxxx
RICHARD D. LAWS, xxx-xx-xxxx
KEVIN L. LAWSON, xxx-xx-xxxx
TERRY S. LAWSON, xxx-xx-xxxx
ALVA R. LAWTON, xxx-xx-xxxx
GEORGE R. LAY, xxx-xx-xxxx
BRUCE W. LAZAR, xxx-xx-xxxx
DAN G. LEACH, xxx-xx-xxxx
EVELYN D. LEAHEY, xxx-xx-xxxx
LON M. LEASE, xxx-xx-xxxx
DALE W. LEATHAM, xxx-xx-xxxx
PAMELA A. LEBLANC, xxx-xx-xxxx
RANDALL S. LECHEMINANT, xxx-xx-xxxx
MICHAEL P. LECUYER, xxx-xx-xxxx
CARL J. LEDDY, xxx-xx-xxxx
DAVID A. LEDFORD, xxx-xx-xxxx
CAREY W. LEE, III, xxx-xx-xxxx
CATHERINE E. LEE, xxx-xx-xxxx
DWIGHT C. LEE, xxx-xx-xxxx
LARRY A. LEE, xxx-xx-xxxx
LYMAN A. LEE, JR., xxx-xx-xxxx
NANCY A. K. LEE, xxx-xx-xxxx
WALTER L. LEE, xxx-xx-xxxx
WILLIAM J. LEEPER, xxx-xx-xxxx
CATHLEEN A. LEES, xxx-xx-xxxx
MARK W. LEESE, xxx-xx-xxxx
ANTHONY P. LEFEBVRE, xxx-xx-xxxx
MICHAEL J. LEGGETT, xxx-xx-xxxx
GAIL A. LEICHLITER, xxx-xx-xxxx
JOHN S. LEJA, xxx-xx-xxxx
ROBERT H. LEMMON, JR., xxx-xx-xxxx
CANDICE R. LEMON, xxx-xx-xxxx
MERLE K. LENDON, xxx-xx-xxxx
DOUGLAS R. LENGENFELDER, xxx-xx-xxxx
HARRY G. LENSCH, xxx-xx-xxxx
MICHAEL LEONE, xxx-xx-xxxx
ROBERT G. LEONIK, xxx-xx-xxxx
EDWARD C. LEPPER, xxx-xx-xxxx
MICHAEL J. LEPPER, xxx-xx-xxxx
ROBERT C. LERNER, xxx-xx-xxxx
REID S. LERUM, xxx-xx-xxxx
ROLAND N. LESIEUR, xxx-xx-xxxx
GARLAND M. LESSLEY, xxx-xx-xxxx
JAMES R. LESTER, xxx-xx-xxxx
DIANNE M. LETHABY, xxx-xx-xxxx
MARK A. LEUTHOLD, xxx-xx-xxxx
MICHAEL S. LEUTZE, xxx-xx-xxxx
JAMES K. LEVAN, xxx-xx-xxxx
JEFFERY L. LEVAULT, xxx-xx-xxxx
RAY LEVIAS, xxx-xx-xxxx
FRANCIS LEWANDOWSKI, xxx-xx-xxxx
DWIGHT F. LEWIS, JR., xxx-xx-xxxx
EDWARD C. LEWIS, xxx-xx-xxxx
HENRY J. LEWIS, xxx-xx-xxxx
JAMES C. LEWIS, xxx-xx-xxxx
LELAND D. LEWIS, JR., xxx-xx-xxxx
NANCY J. P. LEWIS, xxx-xx-xxxx
RICHARD S. LEWIS, JR., xxx-xx-xxxx
RONALD C. LEWIS, xxx-xx-xxxx
WAYNE F. LEWIS, xxx-xx-xxxx
SCOTT R. LIARD, xxx-xx-xxxx
GARY L. LIBELL, xxx-xx-xxxx
ROBERT J. LIEBL, xxx-xx-xxxx
MELTON A. LIGGETT, xxx-xx-xxxx
KENNETH B. LIGHTSEY, xxx-xx-xxxx
STEVEN K. LILLEMON, xxx-xx-xxxx
DONALD J. LIMONCELLI, xxx-xx-xxxx
JOHN K. LIMPUS, xxx-xx-xxxx
MARCUS R. LIND, xxx-xx-xxxx
BRUCE A. LINDBLOM, xxx-xx-xxxx
GWEN M. LINDE, xxx-xx-xxxx
ROBERT K. LINDNER, xxx-xx-xxxx
GARY A. LINDSAY, xxx-xx-xxxx
KEITH E. LINDSAY, xxx-xx-xxxx
RODGER A. LINDSEY, xxx-xx-xxxx
GEORGE W. LINDSTEDT, III, xxx-xx-xxxx
ROBERT B. LINGERFELT, xxx-xx-xxxx
DENNIS L. LINN, xxx-xx-xxxx
TODD E. LINS, xxx-xx-xxxx
LAWRENCE L. LINZMEIER, xxx-xx-xxxx
PAUL A. LIS, xxx-xx-xxxx
MICHAEL C. LISKA, xxx-xx-xxxx
ALBERT E. LITTLE, xxx-xx-xxxx
EDWARD E. LITTLES, xxx-xx-xxxx
WILLIAM D. LIVINGSTON, xxx-xx-xxxx
HARVEY W. LLOYD, xxx-xx-xxxx
DAVID M. LOAR, xxx-xx-xxxx
GREGORY J. LOCHBAUM, xxx-xx-xxxx
MARK A. LOCHER, xxx-xx-xxxx
BARON L. LOCKARD, xxx-xx-xxxx
MARK A. LOCKARD, xxx-xx-xxxx
STEPHAN B. LOCKWOOD, xxx-xx-xxxx
VALERIE J. LOFLAND, xxx-xx-xxxx
FRANK J. LOKEY, xxx-xx-xxxx
WILLIAM W. LOLL, xxx-xx-xxxx
AUDREY J. LOMAX, xxx-xx-xxxx
RICHARD W. LOMBARDI, xxx-xx-xxxx
CYRIL S. LONG, xxx-xx-xxxx
DANNY S. LONG, xxx-xx-xxxx
JANICE G. LONG, xxx-xx-xxxx
LINWOOD M. LONGUS, xxx-xx-xxxx
RODGER L. LOONEY, xxx-xx-xxxx
STEVEN J. LOONEY, xxx-xx-xxxx
JOSE F. LOPEZ, xxx-xx-xxxx
RUBEN R. LOPEZ, xxx-xx-xxxx
REYNALD R. LOPS, xxx-xx-xxxx
DANIEL G. LORD, xxx-xx-xxxx
KEITH W. LOREE, xxx-xx-xxxx
ARTHUR D. LOTT, xxx-xx-xxxx
KIM L. LOTT, xxx-xx-xxxx
THOMAS D. LOTT, xxx-xx-xxxx
WILLIAM C. LOUISELL, xxx-xx-xxxx
TONY A. LOWE, xxx-xx-xxxx
RONALD R. H. LOWERY, xxx-xx-xxxx
STEPHEN M. LOWERY, xxx-xx-xxxx
CLAUDIA J. LOWES, xxx-xx-xxxx
ROBERT A. LUCAS, xxx-xx-xxxx
ROBIN J. LUCAS, xxx-xx-xxxx
RANDALL G. LUCKE, xxx-xx-xxxx
BRUCE E. LUJAN, xxx-xx-xxxx
MARK H. LUNDBERG, xxx-xx-xxxx
TERRY J. LUNDBLAD, xxx-xx-xxxx
LUTHER J. LUNDEBY, xxx-xx-xxxx
STEPHEN A. LUNDELL, xxx-xx-xxxx
LEO C. LUNDY, xxx-xx-xxxx
PATRICK A. LUNNEY, xxx-xx-xxxx
THOMAS L. LUSK, xxx-xx-xxxx
DONALD LUSTIG, xxx-xx-xxxx
RHONDA K. LUSTIG, xxx-xx-xxxx
CRAIG O. LUTHI, xxx-xx-xxxx
WILLIAM J. LUUKKONEN, xxx-xx-xxxx
ROBERT LUZZI, xxx-xx-xxxx
DANNY A. LYKINS, xxx-xx-xxxx
JOHN M. LYLE, xxx-xx-xxxx
MARK D. LYLE, xxx-xx-xxxx
JOHNNY D. LYLES, xxx-xx-xxxx
DENNIS R. LYON, xxx-xx-xxxx
MICHAEL J. LYSAGHT, xxx-xx-xxxx
LEON A. MABLE, xxx-xx-xxxx
FRANCIS G. MACALOON, xxx-xx-xxxx
WILLIAM R. MACBETH, xxx-xx-xxxx
JAMES E. MACDONALD, xxx-xx-xxxx
SCOTT MACDONALD, xxx-xx-xxxx
DOUGLAS F. MACEACHEN, xxx-xx-xxxx
JOSEPH A. MACEDO, xxx-xx-xxxx
MICHAEL E. MACEYKO, xxx-xx-xxxx
CARL R. MACGILLIVRAY, xxx-xx-xxxx
KENNETH R. MACHADO, JR., xxx-xx-xxxx
IAN B. MACINNIS, xxx-xx-xxxx
JOE C. MACK, JR., xxx-xx-xxxx
LON C. MACKAY, xxx-xx-xxxx
MICHAEL L. MACKENTHUN, xxx-xx-xxxx
ALBERT T. MACKEY, JR., xxx-xx-xxxx
CYNTHIA M. MACKEY, xxx-xx-xxxx
ELBERT MACKEY, JR., xxx-xx-xxxx
PHILIP MACKEY, JR., xxx-xx-xxxx
JOSEPH D. MACKLIN, JR., xxx-xx-xxxx
ROBERT D. MACMILLAN, III, xxx-xx-xxxx
WILLIAM P. MACON, xxx-xx-xxxx
LESLIE G. MACRAE, xxx-xx-xxxx
ROBERT C. MACY, xxx-xx-xxxx
ROBERT L. MAGGARD, JR., xxx-xx-xxxx
SAMUEL A. MAGGIO, JR., xxx-xx-xxxx
JESSE M. MAGNESS, xxx-xx-xxxx
JAMES A. MAILHOT, xxx-xx-xxxx
JOHN A. MALE, JR., xxx-xx-xxxx
BETTINA H. MALES, xxx-xx-xxxx
CARL J. MALLERY, xxx-xx-xxxx
GARY A. MALLETT, xxx-xx-xxxx
JAMES W. MALLOY, JR., xxx-xx-xxxx
MICHAEL J. MALONEY, xxx-xx-xxxx
JAMES J. MANDZIARA, xxx-xx-xxxx
JOHN W. MANGAN, III, xxx-xx-xxxx
JOSEPH B. MANION, xxx-xx-xxxx
MIGUEL A. MANJARRES, xxx-xx-xxxx
GREGORY J. MANN, xxx-xx-xxxx
ROBERT K. MANN, xxx-xx-xxxx
VICKI L. MANN, xxx-xx-xxxx
MAJOR D. MANNERS, xxx-xx-xxxx
DAVID M. MANNING, xxx-xx-xxxx
WILLIAM E. MANNING, JR., xxx-xx-xxxx
DAVID J. MANSHIP, xxx-xx-xxxx
PAUL J. MANSOUR, xxx-xx-xxxx
MICHAEL R. MARCELIS, xxx-xx-xxxx
REGINALD F. MARCH, xxx-xx-xxxx
JAMES L. MARCHAND, xxx-xx-xxxx
GEORGIA M. MARCHBANKS, xxx-xx-xxxx
JAMES D. MARCHIO, xxx-xx-xxxx

JAN MITCHELL MARESCA, xxx-xx-xxxx
KEITH P. MARESCA, xxx-xx-xxxx
MARTIN B. MARK, xxx-xx-xxxx
M. KEITH MARKEY, xxx-xx-xxxx
DAVID C. MARKL, xxx-xx-xxxx
SCOTT E. MARKLE, xxx-xx-xxxx
BARRY T. MARQUART, xxx-xx-xxxx
STEPHEN B. MARR, xxx-xx-xxxx
HOWARD W. MARSH, JR., xxx-xx-xxxx
BRIAN MARSHALL, xxx-xx-xxxx
JOHN V. MARSHALL, xxx-xx-xxxx
ROBERT R. R. MARSTON, xxx-xx-xxxx
JOSEPH W. MARTEL, xxx-xx-xxxx
CHAL A. MARTIN, xxx-xx-xxxx
HERMAN N. MARTIN, xxx-xx-xxxx
HOMER L. MARTIN, xxx-xx-xxxx
JOSEPH L. MARTIN, xxx-xx-xxxx
NEIL D. MARTIN, xxx-xx-xxxx
ERNEST B. MARTINEZ, xxx-xx-xxxx
SUSAN K. MASHIKO, xxx-xx-xxxx
RICHARD H. MASLIN, xxx-xx-xxxx
ALLEN D. MASON, II, xxx-xx-xxxx
EDMUND B. MASON, xxx-xx-xxxx
GREGORY D. MASON, xxx-xx-xxxx
ROBERT L. MASON, xxx-xx-xxxx
JEROME F. MASONIS, II, xxx-xx-xxxx
CLIFFORD B. MASS, xxx-xx-xxxx
CHARLES W. MASSEY, xxx-xx-xxxx
HAROLD L. MASSIE, JR., xxx-xx-xxxx
STEPHEN A. MASSIE, xxx-xx-xxxx
EUGENE R. MATERA, xxx-xx-xxxx
MICHAEL S. MATERN, xxx-xx-xxxx
WILLIAM F. MATHESON, xxx-xx-xxxx
JAMES M. MATHEWS, xxx-xx-xxxx
DAVID L. MATHIS, xxx-xx-xxxx
CHRISTOPHER A. MATSON, xxx-xx-xxxx
DEBRA J. MATSON, xxx-xx-xxxx
DANIEL R. MATTER, xxx-xx-xxxx
JAMES R. MATTHES, JR., xxx-xx-xxxx
VALERIE A. MATTINGLEY, xxx-xx-xxxx
DOUGLAS A. MATTOON, xxx-xx-xxxx
RONALD T. MATUSZKO, xxx-xx-xxxx
JON A. MATZ, xxx-xx-xxxx
DENNIS R. MAUST, xxx-xx-xxxx
STUART B. MAXON, xxx-xx-xxxx
PETER E. MAY, xxx-xx-xxxx
THOMAS G. MAY, xxx-xx-xxxx
JUDITH M. MAYER, xxx-xx-xxxx
RICHARD A. MAYER, xxx-xx-xxxx
JOHN H. MAYERSKY, xxx-xx-xxxx
WILLIAM S. MAYES, xxx-xx-xxxx
RALPH Q. MAYHORN, II, xxx-xx-xxxx
JOEL R. MAYNARD, xxx-xx-xxxx
BRIAN K. MAZERSKI, xxx-xx-xxxx
GREGORY J. MAZUR, xxx-xx-xxxx
JAMES C. MAZZARELLA, xxx-xx-xxxx
JOSEPH W. MAZZOLA, xxx-xx-xxxx
RODNEY A. MCALEAR, xxx-xx-xxxx
DANIEL W. MCALISTER, xxx-xx-xxxx
ELIZABETH A. MCANDREW, xxx-xx-xxxx
GEORGE E. MCBRIDE, III, xxx-xx-xxxx
VERNA J. MCBRIDE, xxx-xx-xxxx
THOMAS M. MCCABE, xxx-xx-xxxx
STEVEN A. MCCAIN, xxx-xx-xxxx
THOMAS A. MCCARTHY, xxx-xx-xxxx
CHARLES W. MCCAUSLAND, xxx-xx-xxxx
MARION L. MCCLAIN, xxx-xx-xxxx
JEFFREY C. MCCLEAN, xxx-xx-xxxx
RICHARD G. MCCLELLAN, xxx-xx-xxxx
TODD R. MCCLIMANS, xxx-xx-xxxx
PAUL A. MCCLURE, xxx-xx-xxxx
THERESA A. MCCLURE, xxx-xx-xxxx
PATRICIA A. MCCOLLOM, xxx-xx-xxxx
WILLIAM D. MCCONNELL, xxx-xx-xxxx
LAURA K. MCCOOL, xxx-xx-xxxx
RONALD L. MCCOOL, xxx-xx-xxxx
JOHN B. MCCORMACK, xxx-xx-xxxx
NANCY E. MCCORMACK, xxx-xx-xxxx
ROBERT J. MCCOY, xxx-xx-xxxx
CHERYL DEE MCCRAW, xxx-xx-xxxx
RICHARD J. MCCRAW, JR., xxx-xx-xxxx
MICHAEL K. MCCULLOUGH, xxx-xx-xxxx
JAY K. MCDANIEL, xxx-xx-xxxx
PATRICIA S. MCDANIEL, xxx-xx-xxxx
DANN C. MCDONALD, xxx-xx-xxxx
EDWARD E. MCDONALD, xxx-xx-xxxx
KEITH J. MCDONALD, xxx-xx-xxxx
KEVIN M. MCDONALD, xxx-xx-xxxx
MICHAEL D. MCDONALD, xxx-xx-xxxx
R. PAUL MCDOULETT, JR., xxx-xx-xxxx
CARL G. MCDOWELL, xxx-xx-xxxx
MICHAEL D. MCDOWELL, xxx-xx-xxxx
PHILIP W. MCDOWELL, xxx-xx-xxxx
MARK R. MCDUFF, xxx-xx-xxxx
DENNIS MCELENEY, xxx-xx-xxxx
DON R. MCELREATH, xxx-xx-xxxx
MICHAEL J. MCELWEE, xxx-xx-xxxx
BONNIE M. MCEWAN, xxx-xx-xxxx
TERRY A. MCFARLANE, xxx-xx-xxxx
DOUGLAS I. MCFEETERS, xxx-xx-xxxx
DANIEL L. MCGARY, xxx-xx-xxxx
LUCINDA K. MCGEE, xxx-xx-xxxx
RONALD L. MCGONIGLE, xxx-xx-xxxx
KATHLEEN B. MCGOVERN, xxx-xx-xxxx
ALTHEA R. MCGOWAN, xxx-xx-xxxx
DANIEL T. MCGRATH, xxx-xx-xxxx
LESLIE J. MCGRATH, xxx-xx-xxxx
MICHAEL J. MCGREVEY, xxx-xx-xxxx
MARJORIE A. MCGREW, xxx-xx-xxxx
MICHAEL J. MCGUIRE, xxx-xx-xxxx
RICHARD A. MCHARGUE, xxx-xx-xxxx
RONALD E. MCINTYRE, xxx-xx-xxxx
DAVID B. MCKAY, xxx-xx-xxxx
DAVID W. MCKAY, xxx-xx-xxxx
MICHAEL D. MCKEE, xxx-xx-xx...
THOMAS J. MCKERNAN, JR, xxx-xx-xxxx
KENNETH E. MCKINNEY, xxx-xx-xxxx
BOBBY G. MCKINNON, xxx-xx-xxxx
MILLS CAROL J. MCKNIGHT, xxx-xx-xxxx
WILLIAM D. MCKNIGHT, xxx-xx-xxxx
CRAIG S. MCLANE, xxx-xx-xxxx
JOHN S. MCLAUGHLIN, xxx-xx-xxxx
TIMOTHY R. MCLEAN, xxx-xx-xxxx
STANLEY G. MCLEOD, xxx-xx-xxxx
LAWRENCE P. MCMANUS, xxx-xx-xxxx
BENJAMIN H. MCMATH, III, xxx-xx-xxxx
WILLIAM J. MCMENAMIN, xxx-xx-xxxx
DAVID C. MCMILLEN, xxx-xx-xxxx
JAMES J. MCNALLY, xxx-xx-xxxx
JILEY E. MCNEASE, xxx-xx-xxxx
RITA V. MCNEELY, xxx-xx-xxxx
RODNEY J. MCNEILL, xxx-xx-xxxx
JAMES B. MCNICHOLAS, xxx-xx-xxxx
STEPHEN M. MCQUEEN, xxx-xx-xxxx
RANDALL D. MCRAE, xxx-xx-xxxx
LARRY A. MCVAY, xxx-xx-xxxx
PHILIP R. MEAD, xxx-xx-xxxx
MARK H. MEADERS, xxx-xx-xxxx
RICHARD T. MEANS, xxx-xx-xxxx
JAMES J. MEASSICK, xxx-xx-xxxx
JAMES P. MEDEIROS, xxx-xx-xxxx
JOHN S. MEDEIROS, xxx-xx-xxxx
JOHN A. MEDLIN, xxx-xx-xxxx
ROBERT J. MEDVETZ, xxx-xx-xxxx
MICHAEL J. MEEHAN, xxx-xx-xxxx
MARIANN MEEKS, xxx-xx-xxxx
DAVID K. MEINHART, xxx-xx-xxxx
MICHAEL E. MEIS, xxx-xx-xxxx
THOMAS B. MELANCON, xxx-xx-xxxx
BERNARD D. MELANSON, xxx-xx-xxxx
CARLOS A. MELENDEZ, xxx-xx-xxxx
PETER B. MELIM, xxx-xx-xxxx
JOSE M. MENDEZ, xxx-xx-xxxx
MICHAEL MENDEZ, xxx-xx-xxxx
RAFAEL E. MENDEZ, xxx-xx-xxxx
CHERYL L. MENTION, xxx-xx-xxxx
LARRY D. MERCHANT, xxx-xx-xxxx
THOMAS R. MEREDITH, xxx-xx-xxxx
WILLIAM E. MERRILL, xxx-xx-xxxx
WILLIAM E. MERRILL, JR, xxx-xx-xxxx
OLIVER J. MERWIN, xxx-xx-xxxx
ROBERT J. MESSINA, xxx-xx-xxxx
LESTER J. METCALF, xxx-xx-xxxx
LUANNE J. METCALF, xxx-xx-xxxx
LYNWOOD METTS, xxx-xx-xxxx
DENNIS H. METZER, xxx-xx-xxxx
DAVID B. METZGER, xxx-xx-xxxx
MICHAEL R. METZLER, xxx-xx-xxxx
DELMAR R. MEYER, JR, xxx-xx-xxxx
DEREK C. MEYER, xxx-xx-xxxx
GREGORY G. MEYER, xxx-xx-xxxx
JOHN H. MEYER, xxx-xx-xxxx
RANDELL S. MEYER, xxx-xx-xxxx
JOHN MICALIZZI, xxx-xx-xxxx
KEITH E. MICHAEL, xxx-xx-xxxx
ERIC V. MICHAILOFF, xxx-xx-xxxx
JOSEPH R. MICKLEY, xxx-xx-xxxx
KURT T. MICKUS, xxx-xx-xxxx
MARILYN A. MIDAY, xxx-xx-xxxx
DARRYL S. MIDDLETON, xxx-xx-xxxx
PAUL D. MIDDLETON, xxx-xx-xxxx
ULYSESS MIDDLETON, JR, xxx-xx-xxxx
ANNE D. MILES, xxx-xx-xxxx
DOROTHY M. MILES, xxx-xx-xxxx
JOHN L. MILES, xxx-xx-xxxx
DAVID A. MILEWSKI, xxx-xx-xxxx
MICHAEL G. MILEWSKI, xxx-xx-xxxx
ROBERT J. MILLAR, xxx-xx-xxxx
ALLEN R. MILLER, xxx-xx-xxxx
BEN F. MILLER, xxx-xx-xxxx
ELIZABETH L. MILLER, xxx-xx-xxxx
FLOYD C. MILLER, xxx-xx-xxxx
GEORGE W. MILLER, xxx-xx-xxxx
JACKIE W. MILLER, xxx-xx-xxxx
JAMES M. MILLER, JR, xxx-xx-xxxx
JAMES R. MILLER, xxx-xx-xxxx
JERRY F. MILLER, xxx-xx-xxxx
JOHN T. MILLER, xxx-xx-xxxx
KURT A. MILLER, xxx-xx-xxxx
MARSHALL C. MILLER, JR, xxx-xx-xxxx
MERTON W. MILLER, xxx-xx-xxxx
MICHAEL M. MILLER, xxx-xx-xxxx
MILES W. MILLER, JR, xxx-xx-xxxx
PAUL F. MILLER, xxx-xx-xxxx
PENNY D. MILLER, xxx-xx-xxxx
RUSSELL D. MILLER, xxx-xx-xxxx
WALTER F. MILLER, xxx-xx-xxxx
WAYNE A. MILLER, xxx-xx-xxxx
WESLEY A. MILLER, xxx-xx-xxxx
WYATT C. MILLER, xxx-xx-xxxx
RODLY J. MILLET, xxx-xx-xxxx
JAMES R. MILLS, xxx-xx-xxxx
JON R. MILLS, xxx-xx-xxxx
MATTHEW G. MILLS, xxx-xx-xxxx
STEPHEN J. MILONE, xxx-xx-xxxx
WILLIAM P. MILOT, xxx-xx-xxxx
DAVID P. MINCK, JR, xxx-xx-xxxx
NORMAN L. MINSKE, xxx-xx-xxxx
MIKE S. MIRELES, xxx-xx-xxxx
EDWARD C. MITCHELL, xxx-xx-xxxx
JOHN J. MITCHELL, xxx-xx-xxxx
MARK A. MITCHELL, xxx-xx-xxxx
ROBERT E. MITCHELL, xxx-xx-xxxx
RONNIE MITCHELL, xxx-xx-xxxx
VERNER D. MITCHELL, xxx-xx-xxxx
JIMMY MIYAMOTO, xxx-xx-xxxx
DIANNA L. MJOLHUS, xxx-xx-xxxx
ROBERT J. MODROVSKY, xxx-xx-xxxx
MICHAEL R. MOELLER, xxx-xx-xxxx
DUANE L. MOHR, xxx-xx-xxxx
ANNE M. MOISAN, xxx-xx-xxxx
JOSEPH R. MOLINA, xxx-xx-xxxx
ROBERT A. MOLINA, xxx-xx-xxxx
RANDY L. MOLLER, xxx-xx-xxxx
KEVIN C. MOLLI, xxx-xx-xxxx
GREGORY R. MONDLOH, xxx-xx-xxxx
JAMES A. MONKMAN, xxx-xx-xxxx
DALE E. MONNIN, xxx-xx-xxxx
JAMES A. MONT, xxx-xx-xxxx
JEFFREY D. MONTGOMERY, xxx-xx-xxxx
REGINA G. MONTGOMERY, xxx-xx-xxxx
GEORGE E. MONTROY, xxx-xx-xxxx
BARBARA MOOCK, xxx-xx-xxxx
MARC A. MOODY, xxx-xx-xxxx
LOWELL A. MOONEY, JR, xxx-xx-xxxx
ALAN J. MOORE, xxx-xx-xxxx
ALBERT F. MOORE, xxx-xx-xxxx
BRICE C. MOORE, JR, xxx-xx-xxxx
CAROLYN S. MOORE, xxx-xx-xxxx
CLYDE D. MOORE, II, xxx-xx-xxxx
DWAYNE LEE MOORE, xxx-xx-xxxx
GRACE A. MOORE, xxx-xx-xxxx
JAMES G. MOORE, xxx-xx-xxxx
JAMES O. MOORE, xxx-xx-xxxx
JOHN P. MOORE, xxx-xx-xxxx
PAUL A. MOORE, xxx-xx-xxxx
ROBERT M. MOORE, xxx-xx-xxxx
ROGER W. MOORE, xxx-xx-xxxx
SCOTT C. MOORE, xxx-xx-xxxx
STEVEN E. MOORE, xxx-xx-xxxx
TERESA A. MOREHOUSEYATA, xxx-xx-xxxx
WILLIAM E. MOREL, III, xxx-xx-xxxx
SARAH S. MORELOS, xxx-xx-xxxx
JOHN J. MORGAN, xxx-xx-xxxx
MARIE B. MORGAN, xxx-xx-xxxx
MATHEW E. MORGAN, xxx-xx-xxxx
MICHAEL D. MORGAN, xxx-xx-xxxx
ROLLAN P. MORIAK, xxx-xx-xxxx
ERIC L. MORIN, xxx-xx-xxxx
KEVIN J. MORINEC, xxx-xx-xxxx
DAVID R. MORRIS, xxx-xx-xxxx
STEVE Z. MORRIS, xxx-xx-xxxx
THERESA C. MORRIS, xxx-xx-xxxx
TIMOTHY R. MORRIS, xxx-xx-xxxx
JOHN F. MORRISON, JR, xxx-xx-xxxx
DAVID B. MORROW, xxx-xx-xxxx
JOHN C. MORT, xxx-xx-xxxx
KEVIN L. MORTARA, xxx-xx-xxxx
SAVAS MOSAIDIS, xxx-xx-xxxx
MICHAEL J. MOSCHELLA, xxx-xx-xxxx
ALPHRONZO MOSELEY, xxx-xx-xxxx
JOHN W. MOSELEY, xxx-xx-xxxx
MARK T. MOSENTHINE, xxx-xx-xxxx
GREG MOSER, xxx-xx-xxxx
RAYMOND E. MOSHER, xxx-xx-xxxx
BERNARD L. MOSS, JR, xxx-xx-xxxx
MARCUS T. MOSS, xxx-xx-xxxx
THOMAS H. MOSS, III, xxx-xx-xxxx
OLIVER W. MOTEN, III, xxx-xx-xxxx
JOSEPH MOTZ, xxx-xx-xxxx
CYNTHIA L. MOURA, xxx-xx-xxxx
CURTIS P. MRACEK, xxx-xx-xxxx
THOMAS O. MUEHLENWEG, xxx-xx-xxxx
GARY H. MUELLER, xxx-xx-xxxx
STEPHEN P. MUELLER, xxx-xx-xxxx
JOEL W. MUENCHAU, xxx-xx-xxxx
RENE M. MUHL, xxx-xx-xxxx
MARK C. K. MUHLENBERG, xxx-xx-xxxx
LORI L. MUIR, xxx-xx-xxxx
OLIVER J. MULDOON, xxx-xx-xxxx
MICHAEL MULLADY, xxx-xx-xxxx
WILLARD G. MULLENS, xxx-xx-xxxx
LARRY A. MULLINS, xxx-xx-xxxx
DAVID M. MULLIS, xxx-xx-xxxx
GARY K. MUMAW, xxx-xx-xxxx
TEDDY O. MUNDELEIN, JR, xxx-xx-xxxx
WILLIAM G. MUNLEY, JR, xxx-xx-xxxx
ALFONSO L. MUNOZ, xxx-xx-xxxx
ALFRED M. MUNOZ, JR, xxx-xx-xxxx
MICHAEL G. MURAKAMI, xxx-xx-xxxx
DOUGLAS B. MURCH, xxx-xx-xxxx
GREGORY L. MURPHY, xxx-xx-xxxx
JOHN D. MURPHY, xxx-xx-xxxx
JOSEPH H. MURPHY, xxx-xx-xxxx
PAUL J. MURPHY, xxx-xx-xxxx
WILLIAM E. MURPHY, xxx-xx-xxxx
WILLIAM K. MURPHY, xxx-xx-xxxx
CHARLES H. MURRAY, xxx-xx-xxxx
JOHN P. MURRAY, JR, xxx-xx-xxxx
LEE H. MURRAY, xxx-xx-xxxx
THOMAS E. MUSCHALEK, xxx-xx-xxxx
GAYLE L. MUSSER, xxx-xx-xxxx
MICHAEL MUSTAFAGA, xxx-xx-xxxx
ASHLEY R. MYERS, xxx-xx-xxxx
HENRY F. MYERS, IV, xxx-xx-xxxx
RONALD J. MYERS, xxx-xx-xxxx
MICHAEL J. NADEKER, xxx-xx-xxxx
HENRY K. NAKAGAWA, xxx-xx-xxxx
DANIEL A. NARIGON, xxx-xx-xxxx
DOUGLAS A. NASH, xxx-xx-xxxx
KELVIN R. NATHANIEL, xxx-xx-xxxx
ALBERT A. NAVARRA, xxx-xx-xxxx
TERESA E. NAVE, xxx-xx-xxxx
EMMETT G. NEAL, JR, xxx-xx-xxxx
JEFFREY A. NEAL, xxx-xx-xxxx
JOHN P. NEBLETT, xxx-xx-xxxx

ROBIN P. NEEDHAM, xxx-xx-xxxx
THOMAS D. NEEDHAM, xxx-xx-xxxx
PHILLIP J. NEELY, xxx-xx-xxxx
ANDREW M. NEFF, xxx-xx-xxxx
GARY R. NEGRI, xxx-xx-xxxx
TOIVO H. NEI, xxx-xx-xxxx
MARK W. NEICE, xxx-xx-xxxx
GARY S. NEILSEN, xxx-xx-xxxx
JOHN B. NELSON, xxx-xx-xxxx
KATHLEEN M. NELSON, xxx-xx-xxxx
RICHARD L. NELSON, xxx-xx-xxxx
STEVEN D. NELSON, xxx-xx-xxxx
STUART A. NELSON, xxx-xx-xxxx
WILLIAM E. NELSON, xxx-xx-xxxx
JACK J. NETTIS, JR, xxx-xx-xxxx
RICHARD E. NETTO, JR, xxx-xx-xxxx
LEWIS D. NEUFFER, xxx-xx-xxxx
JULIE K. NEUMANN, xxx-xx-xxxx
MARY C. NEWBERN, xxx-xx-xxxx
DAVID W. NEWBERRY, xxx-xx-xxxx
STEPHEN E. NEWBOLD, xxx-xx-xxxx
EDWIN R. NEWCOME, xxx-xx-xxxx
CHIQUITA Y. NEWKIRK, xxx-xx-xxxx
DOUGLAS M. NEWLIN, xxx-xx-xxxx
RICHARD L. NEWMAN, xxx-xx-xxxx
ROBERT MICHAEL NEWTON, xxx-xx-xxxx
ROBERT L. NICCUM, JR, xxx-xx-xxxx
JOHN F. NICHOLS, xxx-xx-xxxx
KAREN S. NIGG, xxx-xx-xxxx
STEVEN J. NIGG, xxx-xx-xxxx
FREDERICK W. NIGHTENGALE, xxx-xx-xxxx
TERRY W. NILSON, xxx-xx-xxxx
TIMOTHY C. NIXON, xxx-xx-xxxx
DAVID B. NOBLE, xxx-xx-xxxx
DENNIS E. NOKES, xxx-xx-xxxx
DOUGLAS J. NOLAN, xxx-xx-xxxx
DAVID J. NORD, xxx-xx-xxxx
ROBERT A. NORD, xxx-xx-xxxx
DAVID V. NORDSTROM, xxx-xx-xxxx
FREDERICK J. NORMAN, xxx-xx-xxxx
KENNETH W. NORRIS, xxx-xx-xxxx
BRADLEY G. NORTON, xxx-xx-xxxx
BOBBY L. NORWOOD, xxx-xx-xxxx
JONATHAN S. NORWOOD, xxx-xx-xxxx
SABRINA E. NORWOOD, xxx-xx-xxxx
EDWARD A. NOTSON, xxx-xx-xxxx
THOMAS R. NOVAK, xxx-xx-xxxx
MICHAEL J. NOWAK, xxx-xx-xxxx
JAMES O. NUHA, xxx-xx-xxxx
JOHN R. NUNNALLY, JR, xxx-xx-xxxx
MICHAEL J. NUSSEAR, xxx-xx-xxxx
MARVIN E. OAKCRUM, xxx-xx-xxxx
SIDNEY L. OAKES, JR, xxx-xx-xxxx
PETER C. OBER, xxx-xx-xxxx
MARK E. OBRIEN, xxx-xx-xxxx
RICHARD A. OBRIEN, xxx-xx-xxxx
PETER F. OCONNELL, IV, xxx-xx-xxxx
ROBERT J. OCONNELL, xxx-xx-xxxx
KEVIN E. OCONNOR, xxx-xx-xxxx
LAURALEEN OCONNOR, xxx-xx-xxxx
MICHAEL R. ODASH, xxx-xx-xxxx
JOHN C. ODONNELL, xxx-xx-xxxx
JENNIFER L. OEHME, xxx-xx-xxxx
JOHN M. OGORZALEK, JR, xxx-xx-xxxx
PATRICK S. OHERON, xxx-xx-xxxx
EMMANUEL C. OLAES, xxx-xx-xxxx
RONALD J. OLIVA, xxx-xx-xxxx
L. D. OLIVER, JR, xxx-xx-xxxx
PAUL D. OLIVER, xxx-xx-xxxx
WILLIAM J. OLIVER, xxx-xx-xxxx
ALAN B. OLLILA, xxx-xx-xxxx
JOHN B. OLSON, xxx-xx-xxxx
KIMBERLY D. OLSON, xxx-xx-xxxx
LEONARD S. OLSON, xxx-xx-xxxx
MARK G. OLSON, xxx-xx-xxxx
RONALD C. OLSON, xxx-xx-xxxx
TIMOTHY P. OLWELL, xxx-xx-xxxx
MARY L. OMARA, xxx-xx-xxxx
JOHN E. OMERA, JR, xxx-xx-xxxx
DANIEL L. ONEAL, xxx-xx-xxxx
JAMES W. ONEIL, JR, xxx-xx-xxxx
PATRICIA C. ONEIL, xxx-xx-xxxx
MICHAEL N. ONEILL, xxx-xx-xxxx
DANIEL R. ORCHOWSKI, JR, xxx-xx-xxxx
KENNETH W. OREILLY, xxx-xx-xxxx
ERIC L. ORLINSKY, xxx-xx-xxxx
JOHN C. ORNDORFF, xxx-xx-xxxx
DUANE B. ORR, xxx-xx-xxxx
NANCY ORTEGA, xxx-xx-xxxx
RICHARD B. ORTEGA, xxx-xx-xxxx
DAVID ORTIZ, xxx-xx-xxxx
DAVID A. ORTIZ, SR, xxx-xx-xxxx
MARTIN ORTOGERO, JR, xxx-xx-xxxx
TRAVIS W. OSBORNE, xxx-xx-xxxx
ROGER D. OSHEIM, xxx-xx-xxxx
BENJAMIN F. OSLER, xxx-xx-xxxx
THEODORE E. OSOWSKI, xxx-xx-xxxx
PAUL H. OSTDIEK, xxx-xx-xxxx
CAROL A. OSTFELD, xxx-xx-xxxx
LORAS R. OSWEILER, xxx-xx-xxxx
DAVID J. OUELLETTE, xxx-xx-xxxx
ROGER L. OVERTURF, xxx-xx-xxxx
RUTH J. OVITT, xxx-xx-xxxx
MARK H. OWEN, xxx-xx-xxxx
WALTER M. OWEN, xxx-xx-xxxx
JESSE F. OWENS, JR, xxx-xx-xxxx
WILLIAM J. OWENS, xxx-xx-xxxx
GREGORY E. PACHA, xxx-xx-xxxx
JOSE R. PACHECO, xxx-xx-xxxx
THOMAS PACHECO, xxx-xx-xxxx
THOMAS J. PACKARD, xxx-xx-xxxx
FRANK J. PADILLA, xxx-xx-xxxx
PEDRO M. PADILLA, xxx-xx-xxxx
BRIAN C. PAGE, xxx-xx-xxxx
THOMAS L. PAGE, xxx-xx-xxxx
WAYNE A. PAGE, xxx-xx-xxxx
ANTONIO L. PALA, xxx-xx-xxxx
JOSE M. PALACIOS, xxx-xx-xxxx
GARY D. PALKO, xxx-xx-xxxx
DONALD E. PALMER, xxx-xx-xxxx
RICHARD A. PALMER, JR, xxx-xx-xxxx
RITA H. PALMER, xxx-xx-xxxx
THOMAS P. PALMER, JR, xxx-xx-xxxx
ALLAN J. PALOMBO, xxx-xx-xxxx
FRANK A. PALUMBO, JR, xxx-xx-xxxx
ANDREW J. PANELA, xxx-xx-xxxx
KIM C. PANTLEY, xxx-xx-xxxx
MICHAEL F. PAPIRTIS, xxx-xx-xxxx
LANE C. PARADIS, xxx-xx-xxxx
CATHY J. PARAMORE, xxx-xx-xxxx
JOHN R. PARDO, JR, xxx-xx-xxxx
LINDSEY S. PARDUN, xxx-xx-xxxx
RAYMOND D. PARENT, xxx-xx-xxxx
RALPH E. PARK, xxx-xx-xxxx
DELBERT L. PARKER, JR, xxx-xx-xxxx
JAMES K. PARKER, xxx-xx-xxxx
JEFFREY L. PARKER, xxx-xx-xxxx
MICHAEL W. PARKER, xxx-xx-xxxx
ROBERT M. PARKER, xxx-xx-xxxx
TERESA A. PARKER, xxx-xx-xxxx
WILLETTE PARKER, xxx-xx-xxxx
MARGARET L. PARKHILL, xxx-xx-xxxx
RICHARD S. PARKINSON, xxx-xx-xxxx
EVONNE T. PARKKILA, xxx-xx-xxxx
MICHAEL R. PARR, xxx-xx-xxxx
ROGER D. PARSONS, xxx-xx-xxxx
THOMAS M. PARSONS, xxx-xx-xxxx
BARBARA L. PASIERB, xxx-xx-xxxx
JAMES G. PASIERB, xxx-xx-xxxx
PETER D. PASKO, xxx-xx-xxxx
EDWARD G. PATRICK, xxx-xx-xxxx
LAESAUDRA PATTERSON, xxx-xx-xxxx
MARK W. PATTON, xxx-xx-xxxx
ROLAND G. I. PATTON, xxx-xx-xxxx
GAUDENCIO T. L. PAUNON, xxx-xx-xxxx
GREGORY S. PAVLAKIS, xxx-xx-xxxx
KIRK I. PAYNE, xxx-xx-xxxx
MICHAEL R. PAYNE, xxx-xx-xxxx
STEVEN L. PAYNE, xxx-xx-xxxx
MARCELO L. PAZ, xxx-xx-xxxx
REBECCA L. PEACOCK, xxx-xx-xxxx
TERRENCE P. PEACOCK, xxx-xx-xxxx
WILLIAM J. PEACOCK, xxx-xx-xxxx
ARTHUR W. PEADEN, xxx-xx-xxxx
RICARDO J. PEARSON, xxx-xx-xxxx
ALAN K. PEISSIG, xxx-xx-xxxx
SAMUEL T. PELEN, JR, xxx-xx-xxxx
MARTIN W. PELLUM, xxx-xx-xxxx
ANTE P. PENASO, JR, xxx-xx-xxxx
MARK M. PENDLEY, xxx-xx-xxxx
KENNETH E. PENN, xxx-xx-xxxx
JAMES D. PENNER, xxx-xx-xxxx
STEVEN C. PENNER, xxx-xx-xxxx
WAYNE C. PEPIN, xxx-xx-xxxx
MICHAEL L. PEPLINSKI, xxx-xx-xxxx
GARY L. PEPPERS, xxx-xx-xxxx
CARLOS PEREZ, xxx-xx-xxxx
JIMMIE E. PERKINS, xxx-xx-xxxx
JOSEPH F. PEROTTI, xxx-xx-xxxx
STANLEY E. PERRIN, xxx-xx-xxxx
SUSAN K. PERRIN, xxx-xx-xxxx
CLAYTON H. PERRY, xxx-xx-xxxx
MICHAEL A. PERRY, xxx-xx-xxxx
NANCY K. PERRY, xxx-xx-xxxx
MITCHELL S. PERSONS, xxx-xx-xxxx
PATRICK P. PERTUIT, xxx-xx-xxxx
GARIAN A. A. PERUGINI, II, xxx-xx-xxxx
DAVID R. PERZEL, xxx-xx-xxxx
LARRY G. PETERS, xxx-xx-xxxx
RICHARD D. PETERS, xxx-xx-xxxx
WAYNE L. PETERS, xxx-xx-xxxx
WILLIAM C. PETERS, JR, xxx-xx-xxxx
ERIC H. PETERSEN, xxx-xx-xxxx
MICHAEL J. PETERSEN, xxx-xx-xxxx
OTTO A. PETERSEN, JR, xxx-xx-xxxx
LEONARD A. PETRUCCELLI, xxx-xx-xxxx
DANIEL L. PETTY, xxx-xx-xxxx
MARIANNE W. PETTY, xxx-xx-xxxx
JEFFREY B. PFEIFFER, xxx-xx-xxxx
CLEVA A. PHILIPKOSKY, xxx-xx-xxxx
THOMAS C. PHILIPPS, xxx-xx-xxxx
ANTHONY R. PHILLIPS, xxx-xx-xxxx
DAVID H. PHILLIPS, xxx-xx-xxxx
GLEN C. PHILLIPS, xxx-xx-xxxx
PATRICK W. PHILLIPS, xxx-xx-xxxx
JOHNNY D. PIATT, xxx-xx-xxxx
ROBERT L. PICCONI, xxx-xx-xxxx
GARY D. PICKETT, xxx-xx-xxxx
MICHAEL J. PIERCE, xxx-xx-xxxx
JAMES R. PIGG, JR, xxx-xx-xxxx
BETSY J. PIMENTEL, xxx-xx-xxxx
MATTHEW C. PINCKET, xxx-xx-xxxx
EVERETT R. PINCOLINI, xxx-xx-xxxx
DONALD L. PINGREY, xxx-xx-xxxx
MICHAEL G. PINKSTON, xxx-xx-xxxx
CHARLOTTE K. PION, xxx-xx-xxxx
GARY F. PIPER, xxx-xx-xxxx
THOMAS PISARSKI, xxx-xx-xxxx
ELISE K. PITTERLE, xxx-xx-xxxx
CHARLES R. PITTMAN, JR, xxx-xx-xxxx
STEVEN M. PITTMAN, xxx-xx-xxxx
DONALD R. PLANALP, xxx-xx-xxxx
JAMES I. PLAYER, xxx-xx-xxxx
GREGORY T. PLAYLE, xxx-xx-xxxx
JOY A. PLAYLE, xxx-xx-xxxx
DAVID P. PLETCHER, xxx-xx-xxxx
LARRY P. PLUMB, II, xxx-xx-xxxx
DOUGLAS R. PLUMLEY, xxx-xx-xxxx
LARRY B. PLUMMER, xxx-xx-xxxx
THOMAS J. PLUTT, xxx-xx-xxxx
BARRY L. PLYLER, xxx-xx-xxxx
JAMES W. POE, JR, xxx-xx-xxxx
ALLEN W. POERNER, xxx-xx-xxxx
JUDITH K. POFFENBERGER, xxx-xx-xxxx
TERRANCE L. POHLEN, xxx-xx-xxxx
JIMMY L. POLLARD, xxx-xx-xxxx
GEORGE M. POLOSKEY, xxx-xx-xxxx
FRANCIS DANIEL POMBAR, xxx-xx-xxxx
THOMAS E. POMEROY, xxx-xx-xxxx
EDMUND J. PONIATOWSKI, xxx-xx-xxxx
DALE M. PONTIFF, xxx-xx-xxxx
JOHN L. POOLE, xxx-xx-xxxx
JAMES K. POORMAN, xxx-xx-xxxx
RICHARD E. POPE, xxx-xx-xxxx
MARGARET S. PORTERFIELD, xxx-xx-xxxx
JOHN D. POSNER, xxx-xx-xxxx
WILLIAM H. POSSEL, xxx-xx-xxxx
ROBERT A. POTTER, xxx-xx-xxxx
JOSEPH M. POTTS, xxx-xx-xxxx
KEVIN M. POWDERLY, xxx-xx-xxxx
JAMES L. POWELL, xxx-xx-xxxx
WENDELL J. POWELL, xxx-xx-xxxx
TAMI L. POWER, xxx-xx-xxxx
JOHN M. PRACHER, xxx-xx-xxxx
JOHN I. PRAY, JR, xxx-xx-xxxx
JOSEPH E. PRENDERGAST, xxx-xx-xxxx
MARK E. PRESAR, xxx-xx-xxxx
JACK W. PRESSON, xxx-xx-xxxx
EDDIE J. PRESTON, xxx-xx-xxxx
ALPHONSO S. PRICE, xxx-xx-xxxx
FREDDIE L. PRICE, xxx-xx-xxxx
JAMES B. PRICE, xxx-xx-xxxx
MICHAEL R. PRICE, xxx-xx-xxxx
TERRY L. PRICE, xxx-xx-xxxx
KAREN A. PRICHARD, xxx-xx-xxxx
CHARLES M. PRIGNANO, xxx-xx-xxxx
BARBARA K. PRINERINCON, xxx-xx-xxxx
JOHN W. PRIOR, II, xxx-xx-xxxx
ROBERT J. PRITCHARD, xxx-xx-xxxx
DENNIS M. PRODY, xxx-xx-xxxx
JOHN P. PRONK, xxx-xx-xxxx
JANET A. PSIKOGIOS, xxx-xx-xxxx
LINDA J. PUHEK, xxx-xx-xxxx
RICHARD L. PURDY, xxx-xx-xxxx
MICHAEL O. PUTAANSUU, xxx-xx-xxxx
DAVID M. PYLE, xxx-xx-xxxx
CHRISTINE J. QUEEN, xxx-xx-xxxx
LESLIE B. QUEEN, xxx-xx-xxxx
RICHARD W. QUICK, xxx-xx-xxxx
JIMMY M. QUIN, xxx-xx-xxxx
ROGER QUINLAN, JR, xxx-xx-xxxx
MARY T. QUINN, xxx-xx-xxxx
MARTIN D. QUINTANA, xxx-xx-xxxx
ALLANE A. QUIRK, xxx-xx-xxxx
WILVIN W. RACCA, JR, xxx-xx-xxxx
KEITH W. RACHEL, xxx-xx-xxxx
DANNY P. RADCLIFF, xxx-xx-xxxx
DAVID J. RADEFELD, xxx-xx-xxxx
STEPHEN J. RADLOFF, xxx-xx-xxxx
GEORGE E. RAEDER, xxx-xx-xxxx
PETER G. RAETH, xxx-xx-xxxx
AHMED M. RAGHEB, xxx-xx-xxxx
FRANKLIN T. RAGLAND, xxx-xx-xxxx
JAMES H. RAINEY, xxx-xx-xxxx
STEVEN L. RAKEL, xxx-xx-xxxx
JUANITO E. RAMIREZ, xxx-xx-xxxx
RENE RAMIREZ, xxx-xx-xxxx
SAMUEL W. RAMPEY, xxx-xx-xxxx
VIRGINIA K. RAMPLEY, xxx-xx-xxxx
BROOKE S. RAMSEY, xxx-xx-xxxx
ROBIN RAND, xxx-xx-xxxx
JEFFREY C. RANDALL, xxx-xx-xxxx
JOSEPH T. RARER, JR, xxx-xx-xxxx
JAMES L. RASMUSSEN, xxx-xx-xxxx
MARGIT RASMUSSEN, xxx-xx-xxxx
STEVEN K. RASMUSSEN, xxx-xx-xxxx
DAVID B. RATLIFF, xxx-xx-xxxx
ROBERT A. RATNER, xxx-xx-xxxx
DWIGHT D. RAUHALA, xxx-xx-xxxx
JANICE K. RAUKER, xxx-xx-xxxx
MICHAEL T. RAYMOND, xxx-xx-xxxx
JAMES S. RAYNOR, xxx-xx-xxxx
ALEJANDRO REAL, xxx-xx-xxxx
STEVEN J. REANDEAU, xxx-xx-xxxx
ANTONIO H. REBELO, xxx-xx-xxxx
ROBERT K. REBO, xxx-xx-xxxx
TIMOTHY R. REDDICK, xxx-xx-xxxx
ELMER K. REED, xxx-xx-xxxx
GARY E. REED, xxx-xx-xxxx
RUSSELL S. REED, xxx-xx-xxxx
RUTH H. REED, xxx-xx-xxxx
JANET L. REESE, xxx-xx-xxxx
SHELTA D. REESE, xxx-xx-xxxx
JAMES A. REGO, JR, xxx-xx-xxxx
TODD S. REICHELT, xxx-xx-xxxx
KARL O. REICHL, JR, xxx-xx-xxxx
DAVID R. REID, xxx-xx-xxxx
MARK D. REID, xxx-xx-xxxx
HAROLD L. REIDLER, JR, xxx-xx-xxxx
WILLIAM D. REILLY, III, xxx-xx-xxxx
SAUNDRA J. REINKE, xxx-xx-xxxx
LAURIE A. REISDORF, xxx-xx-xxxx
ROBERT J. REIST, JR, xxx-xx-xxxx
GEORGE P. REIZ, JR, xxx-xx-xxxx
JAMES P. REMACLE, xxx-xx-xxxx
WILLIAM B. REMBER, xxx-xx-xxxx

ROBERT L. RENEAU, xxx-xx-xxxx
GLEN E. RENFRO, JR., xxx-xx-xxxx
JOSEPH A. RENIS, xxx-xx-xxxx
DAVID P. RENKE, xxx-xx-xxxx
STEPHEN J. REPANICH, xxx-xx-xxxx
CHESTER R. REPLOGLE, xxx-xx-xxxx
KAREN M. REPLOGLE, xxx-xx-xxxx
NORMAN L. REYES, xxx-xx-xxxx
VICTOR J. REYES, xxx-xx-xxxx
GREGORY R. REYNOLDS, xxx-xx-xxxx
JOHN D. REYNOLDS, xxx-xx-xxxx
RONALD H. REYNOLDS, xxx-xx-xxxx
DAVID M. RHODES, xxx-xx-xxxx
MICHAEL D. RHODES, xxx-xx-xxxx
RONALD R. RIBELLIA, xxx-xx-xxxx
KERRY S. RICE, xxx-xx-xxxx
PETER B. RICE, xxx-xx-xxxx
STEPHEN A. RICE, xxx-xx-xxxx
DANA A. RICHARDS, xxx-xx-xxxx
BELINDA RICHARDSON, xxx-xx-xxxx
CYNTHIA L. RICHARDSON, xxx-xx-xxxx
EVELYN J. RICHARDSON, xxx-xx-xxxx
HARRY G. RICHARDSON, xxx-xx-xxxx
MARK S. RICHARDSON, xxx-xx-xxxx
RICHARD J. RICHARDSON, xxx-xx-xxxx
JEFFREY K. RICHENBERGER, xxx-xx-xxxx
JERRY A. RICKER, xxx-xx-xxxx
NEAL E. RIDDLE, xxx-xx-xxxx
PHILIP M. RIEDE, xxx-xx-xxxx
DOUGLAS D. RIEMANN, xxx-xx-xxxx
ROBERT G. RIESER, xxx-xx-xxxx
CONSTANCE L. RIGGS, xxx-xx-xxxx
JOSE C. RIGOR, xxx-xx-xxxx
NELLIE M. RILEY, xxx-xx-xxxx
WILLIAM E. RIMPO, xxx-xx-xxxx
EDWARD O. RIOS, xxx-xx-xxxx
ROBERTO RIOS, xxx-xx-xxxx
JOHN M. RIPPY, xxx-xx-xxxx
CAROL D. RISHER, xxx-xx-xxxx
ROBERT S. RISLEY, xxx-xx-xxxx
WILLIAM R. RISSMAN, xxx-xx-xxxx
JOHN C. RITCHIE, xxx-xx-xxxx
CRAIG D. RITH, xxx-xx-xxxx
DAVID K. RITTERLING, xxx-xx-xxxx
RUSSELL M. RIVA, xxx-xx-xxxx
ANTHONY P. RIZZUTO, xxx-xx-xxxx
EDWARD L. ROBBELOTH, xxx-xx-xxxx
GLENDA R. ROBBINS, xxx-xx-xxxx
JAMES P. ROBBINS, xxx-xx-xxxx
JOHN H. ROBBINS, III, xxx-xx-xxxx
CHARLES E. ROBERTS, xxx-xx-xxxx
PAUL R. ROBERTS, III, xxx-xx-xxxx
PHILIP D. ROBERTS, xxx-xx-xxxx
PHILIP E. ROBERTS, xxx-xx-xxxx
RICHARD F. ROBERTS, xxx-xx-xxxx
RONALD G. ROBERTS, xxx-xx-xxxx
WILLIAM H. ROBERTSON, JR., xxx-xx-xxxx
ROBIN D. ROBIDEAUX, xxx-xx-xxxx
LUCIE M. J. ROBILLARD, xxx-xx-xxxx
EDDIE ROBINSON, xxx-xx-xxxx
FRANCIS J. ROBINSON, xxx-xx-xxxx
GARY V. ROBINSON, xxx-xx-xxxx
LESLEY T. ROBINSON, xxx-xx-xxxx
LEWIS S. ROBINSON, xxx-xx-xxxx
NATHANIEL ROBINSON, xxx-xx-xxxx
PAUL A. ROBINSON, xxx-xx-xxxx
PAUL E. ROBINSON, xxx-xx-xxxx
RODNEY K. ROBISON, xxx-xx-xxxx
ROLAND R. ROBITAILLE, xxx-xx-xxxx
ANTHONY J. ROCCO, JR., xxx-xx-xxxx
JOHN E. ROCHESTER, xxx-xx-xxxx
THOMAS M. RODDY, xxx-xx-xxxx
DALE E. RODEHEAVER, JR., xxx-xx-xxxx
JAMES L. RODGERS, xxx-xx-xxxx
CARLOS RODRIGUEZ, xxx-xx-xxxx
DANIEL RODRIGUEZ, JR., xxx-xx-xxxx
JOSE E. RODRIGUEZ, xxx-xx-xxxx
JEFFREY A. RODSETH, xxx-xx-xxxx
JOHN M. ROE, xxx-xx-xxxx
JOHN C. ROEDER, xxx-xx-xxxx
FRITZ J. ROESSLER, xxx-xx-xxxx
KEVIN R. ROGERS, xxx-xx-xxxx
ROBERT A. ROGERS, xxx-xx-xxxx
STEVEN W. ROGERS, xxx-xx-xxxx
JOAN C. ROHM, xxx-xx-xxxx
MICHELE ROISSIER, xxx-xx-xxxx
MICHAEL D. ROKES, xxx-xx-xxxx
JACOB W. ROLAND, xxx-xx-xxxx
JUDITH F. ROLLINS, xxx-xx-xxxx
JERRY E. ROMANOWSKI, xxx-xx-xxxx
JOSE D. ROMERO, xxx-xx-xxxx
MARK A. RONCO, xxx-xx-xxxx
MARY C. ROOCK, xxx-xx-xxxx
JUDY K. ROOMSBURG, xxx-xx-xxxx
DANIEL P. ROONEY, xxx-xx-xxxx
SAMUEL A. ROSADO, xxx-xx-xxxx
DEIDRE D. ROSE, xxx-xx-xxxx
LARRY B. ROSE, xxx-xx-xxxx
STEVEN J. ROSE, xxx-xx-xxxx
STEVEN D. ROSENBAUM, xxx-xx-xxxx
HENRY ROSOFF, xxx-xx-xxxx
CECILE N. ROSS, xxx-xx-xxxx
JOHN A. ROSS, xxx-xx-xxxx
MARK L. ROSS, xxx-xx-xxxx
GEORGE P. ROSSER, JR., xxx-xx-xxxx
TERRY R. ROSSON, xxx-xx-xxxx
MARTIN ALBERT ROTE, xxx-xx-xxxx
JEFFREY W. ROTH, xxx-xx-xxxx
JANIE M. ROUSE, xxx-xx-xxxx
DIANE M. ROWE, xxx-xx-xxxx
ROBERT A. ROWE, xxx-xx-xxxx
OWEN R. ROWLANDS, xxx-xx-xxxx
JAMES E. ROWLEY, xxx-xx-xxxx
DENNIS D. ROYER, xxx-xx-xxxx
JAMES L. ROYSTER, xxx-xx-xxxx
RONALD A. RUBENBAUER, xxx-xx-xxxx
DAVID N. RUBENSTEIN, xxx-xx-xxxx
CHARLES L. RUBY, xxx-xx-xxxx
DOUGLAS A. RUDD, xxx-xx-xxxx
JAY W. RUDY, xxx-xx-xxxx
JUSTIN D. RUEB, xxx-xx-xxxx
SANDRA K. RUFKAHR, xxx-xx-xxxx
ANTHONY J. RULLI, JR., xxx-xx-xxxx
JAMES C. RUNK, xxx-xx-xxxx
THOMAS M. RUOFF, xxx-xx-xxxx
FRANCIS A. RUPP, JR, xxx-xx-xxxx
ROBERT G. RUSH, xxx-xx-xxxx
WILLIAM P. RUSHING, III, xxx-xx-xxxx
EARL R. RUSS, JR, xxx-xx-xxxx
BEVERLY J. RUSSELL, xxx-xx-xxxx
JOHN R. RUSSELL, JR, xxx-xx-xxxx
KEITH E. RUSSELL, xxx-xx-xxxx
MICHAEL E. RUSSELL, xxx-xx-xxxx
DAVID A. RUSSI, xxx-xx-xxxx
JAMES M. RUSSO, xxx-xx-xxxx
EDMUND P. RYAN, xxx-xx-xxxx
JEFFREY R. RYAN, xxx-xx-xxxx
KEVIN G. RYAN, xxx-xx-xxxx
TIMOTHY P. RYAN, xxx-xx-xxxx
MICHAEL L. RYDELL, xxx-xx-xxxx
DAVID A. RYE, xxx-xx-xxxx
JAMES L. RYKARD, xxx-xx-xxxx
JOHN J. RYNDA, xxx-xx-xxxx
BRIAN W. SACKETT, xxx-xx-xxxx
DAVID A. SADLOWSKI, xxx-xx-xxxx
DAVID L. SAFFOLD, xxx-xx-xxxx
KEITH L. SAGE, xxx-xx-xxxx
STEVEN E. SAGUE, xxx-xx-xxxx
JOSEPH A. SALATA, JR, xxx-xx-xxxx
HENRY W. SALLIS, xxx-xx-xxxx
DIANA J. SALVATORE, xxx-xx-xxxx
KURTIS B. SAMPSON, xxx-xx-xxxx
LARRY SAMPSON, xxx-xx-xxxx
ROBERT M. SAMPSON, xxx-xx-xxxx
CYNTHIA E. SAMUELS, xxx-xx-xxxx
LAWRENCE D. SAMUELSON, xxx-xx-xxxx
CLIFFORD M. SANCHEZ, xxx-xx-xxxx
DONALD W. SANDAAL, xxx-xx-xxxx
CHARLES G. SANDERS, JR, xxx-xx-xxxx
DEBORAH R. SANDERS, xxx-xx-xxxx
JERRY D. SANDERS, xxx-xx-xxxx
LARRY W. SANDERS, xxx-xx-xxxx
MARCUS D. SANDERS, xxx-xx-xxxx
LAWRENCE J. SANDOVAL, xxx-xx-xxxx
MARITA A. SANTIN, xxx-xx-xxxx
FELIX J. SANTOS, xxx-xx-xxxx
BETTY J. SAPP, xxx-xx-xxxx
ROBERT W. SAPP, xxx-xx-xxxx
DAVID A. SAPPER, xxx-xx-xxxx
CHRIS SARANDOS, xxx-xx-xxxx
JEFFREY R. SARGENT, xxx-xx-xxxx
WALTER I. SASSER, xxx-xx-xxxx
STEVEN W. SATCHWELL, xxx-xx-xxxx
BRIAN G. SAUCIER, xxx-xx-xxxx
KEITH D. SAULS, xxx-xx-xxxx
WILLIAM R. SAUNDERS, xxx-xx-xxxx
MICHAEL J. SAVILLE, xxx-xx-xxxx
LOUIS R. SCACCA, xxx-xx-xxxx
BERNARD J. SCALISE, III, xxx-xx-xxxx
DAVID W. SCEARSE, xxx-xx-xxxx
CANDACE M. SCHAEFER, xxx-xx-xxxx
JAMES R. SCHAEFER, xxx-xx-xxxx
JEFFREY R. SCHAFFER, xxx-xx-xxxx
MARGO ANN SCHAFFER, xxx-xx-xxxx
EDWARD F. SCHAUBERGER, xxx-xx-xxxx
HARRY A. SCHEIBE, xxx-xx-xxxx
LEE P. SCHELONKA, xxx-xx-xxxx
DAVID R. SCHEMEL, xxx-xx-xxxx
KATHRYN M. SCHERBERGER, xxx-xx-xxxx
DONALD A. SCHERBINSKE, xxx-xx-xxxx
FRANK A. SCHERSING, xxx-xx-xxxx
STEVEN P. SCHEUERMANN, xxx-xx-xxxx
WAYNE A. SCHIEFER, xxx-xx-xxxx
STANLEY R. SCHIERMAN, xxx-xx-xxxx
GREGORY G. SCHILLER, xxx-xx-xxxx
WARREN M. SCHILLING, xxx-xx-xxxx
CHRISTOPHER J. SCHILTZ, xxx-xx-xxxx
ROBERT A. SCHINDLER, xxx-xx-xxxx
ERIC J. SCHLENSKER, xxx-xx-xxxx
CHARLES E. SCHMIDT, xxx-xx-xxxx
EDWARD B. SCHMIDT, xxx-xx-xxxx
FREDERICK G. SCHMIDT, xxx-xx-xxxx
WAYNE M. SCHMIDT, xxx-xx-xxxx
DAVID J. SCHMITT, xxx-xx-xxxx
RUSSELL P. SCHMITT, xxx-xx-xxxx
PAUL H. SCHMONSEES, xxx-xx-xxxx
THOMAS M. SCHNEE, xxx-xx-xxxx
ROBERT S. SCHNEIDER, II, xxx-xx-xxxx
JAMES L. SCHNELLER, xxx-xx-xxxx
DENNIS L. SCHOCH, xxx-xx-xxxx
MARK W. SCHOLZ, xxx-xx-xxxx
DENNIS E. SCHOOK, xxx-xx-xxxx
M. K. SCHOOLEY, xxx-xx-xxxx
NEIL F. SCHOON, xxx-xx-xxxx
CHARLES F. SCHOONOVER, JR., xxx-xx-xxxx
WILLIAM A. S. SCHOUTEN, xxx-xx-xxxx
THOMAS J. C. SCHRADER, xxx-xx-xxxx
HENRY E. SCHRAEDER, xxx-xx-xxxx
W. PAUL SCHROEDER, xxx-xx-xxxx
STEPHEN SCHUCK, xxx-xx-xxxx
RODGER G. SCHULD, xxx-xx-xxxx
JANE W. SCHULL, xxx-xx-xxxx
KEITH D. SCHULTZ, xxx-xx-xxxx
MARK W. SCHULTZ, xxx-xx-xxxx
ARNOLD F. SCHUMACHER, xxx-xx-xxxx
EDWARD J. SCHUMACHER, xxx-xx-xxxx
PHILIP H. SCHWARTZ, xxx-xx-xxxx
NANCY R. SCHWARZTRAUBER, xxx-xx-xxxx
THOMAS A. SCHWENDTNER, xxx-xx-xxxx
RONALD H. SCHWING, xxx-xx-xxxx
JAMES E. SCHWOB, xxx-xx-xxxx
JAMES A. SCOGIN, xxx-xx-xxxx
DANIEL L. SCOTT, xxx-xx-xxxx
GLENN M. SCOTT, xxx-xx-xxxx
JAMES A. SCOTT, xxx-xx-xxxx
JOHN R. SCOTT, xxx-xx-xxxx
LESLIE A. SCOTT, xxx-xx-xxxx
LISA A. SCOTT, xxx-xx-xxxx
MICHAEL L. SCOTT, xxx-xx-xxxx
STEPHEN A. SCOTT, xxx-xx-xxxx
VINCENT E. SCOTT, xxx-xx-xxxx
ANDREW R. SCRAFFORD, xxx-xx-xxxx
JAMES F. SCRIVENER, xxx-xx-xxxx
ROBERT C. SEABAUGH, xxx-xx-xxxx
SAMUEL C. SEAGER, JR, xxx-xx-xxxx
OSCAR P. SEARA, xxx-xx-xxxx
MICHAEL K. SEATON, xxx-xx-xxxx
JOSEPH K. SEAWELL, xxx-xx-xxxx
TIMOTHY J. SEBRING, xxx-xx-xxxx
JOEL R. SEDGWICK, xxx-xx-xxxx
NANCY K. SEEGER, xxx-xx-xxxx
RICHARD J. SEELEN, xxx-xx-xxxx
BRUCE W. SEIBER, xxx-xx-xxxx
DONALD G. SEILER, xxx-xx-xxxx
WAYNE J. SEILER, xxx-xx-xxxx
JEFFREY P. SEITZ, xxx-xx-xxxx
ROGER W. SELCH, xxx-xx-xxxx
KAREN L. SELVA, xxx-xx-xxxx
CHRISTOPHER L. SEMBER, xxx-xx-xxxx
SHIRLEY A. SENEY, xxx-xx-xxxx
GARY L. SENTELLE, xxx-xx-xxxx
PATRICIA A. SEPTER, xxx-xx-xxxx
SANDRA SERAFIN, xxx-xx-xxxx
JONATHAN A. SERCEL, xxx-xx-xxxx
DON S. SETA, xxx-xx-xxxx
HERBERT L. SETZLER, xxx-xx-xxxx
ALFONSO SEVILLA, xxx-xx-xxxx
JOHNNIE SEWARD, JR, xxx-xx-xxxx
CAMERON E. SHACKELFORD, xxx-xx-xxxx
LLOYD S. SHACKELFORD, xxx-xx-xxxx
SIDNEY R. SHAFER, xxx-xx-xxxx
VIRGINIA I. SHAFER, xxx-xx-xxxx
HOWARD A. SHAFFER, JR, xxx-xx-xxxx
MAX L. SHAFFER, xxx-xx-xxxx
FOY D. SHAHAN, xxx-xx-xxxx
SAMUEL B. SHAMBURGER, xxx-xx-xxxx
THOMAS D. SHAMBURGER, JR, xxx-xx-xxxx
PAUL B. SHANNON, xxx-xx-xxxx
JOY S. S. SHASTEEN, xxx-xx-xxxx
ROBERT A. SHAW, xxx-xx-xxxx
RICHARD E. SHEARER, xxx-xx-xxxx
LEE W. SHEEDY, xxx-xx-xxxx
PATRICK J. SHEETS, xxx-xx-xxxx
FRANCIS E. SHELLEY, JR, xxx-xx-xxxx
KENNETH P. SHELTON, xxx-xx-xxxx
PAUL F. SHEMWELL, xxx-xx-xxxx
MICHAEL T. SHEPARD, xxx-xx-xxxx
DAVID A. SHEPHERD, xxx-xx-xxxx
KENT I. SHEPHERD, xxx-xx-xxxx
MICHAEL R. SHERIDAN, xxx-xx-xxxx
MARY L. SHERMAN, xxx-xx-xxxx
ALEXIS SHERWOOD, xxx-xx-xxxx
RANDALL A. SHERWOOD, xxx-xx-xxxx
JOHN J. SHIELDS, xxx-xx-xxxx
STEVEN R. SHIELDS, xxx-xx-xxxx
KIRBY A. SHINEMAN, xxx-xx-xxxx
JOHN D. SHIPPY, xxx-xx-xxxx
MICHAEL J. SHIPSEY, xxx-xx-xxxx
EDWARD A. SHIREY, xxx-xx-xxxx
MARK A. SHOLLY, xxx-xx-xxxx
GREGORY L. SHORT, xxx-xx-xxxx
HOWARD SHORT, xxx-xx-xxxx
DALE S. SHOUPE, xxx-xx-xxxx
JEFFREY L. SHRIVER, xxx-xx-xxxx
DAVID A. SHULTZ, xxx-xx-xxxx
ROGER A. SHUMAN, xxx-xx-xxxx
JAMES R. SHUMATE, xxx-xx-xxxx
THOMAS K. SHUMINSKY, xxx-xx-xxxx
FRANCIS W. SICK, JR, xxx-xx-xxxx
BRUCE W. SICKLES, SR, xxx-xx-xxxx
ROBERT Y. SIDD, xxx-xx-xxxx
ROBERT G. SIDELKO, xxx-xx-xxxx
PHILIP J. SIEBERT, JR, xxx-xx-xxxx
JERRY I. SIEGEL, xxx-xx-xxxx
JOHN J. SIEGNER, xxx-xx-xxxx
ROBERT C. SIEGRIST, xxx-xx-xxxx
MARIAN R. SIGG, xxx-xx-xxxx
NORMAN S. SILBER, xxx-xx-xxxx
DAVID A. SILER, xxx-xx-xxxx
JAIME R. SILVA, xxx-xx-xxxx
BRUCE I. SILVERSTEIN, xxx-xx-xxxx
STEPHEN SILVIA, xxx-xx-xxxx
ROYCE S. SIMMONDS, xxx-xx-xxxx
MARK R. SIMMONS, xxx-xx-xxxx
RODNEY L. SIMMONS, xxx-xx-xxxx
SCOTT P. SIMMONS, xxx-xx-xxxx
ESTELLE H. SIMMS, xxx-xx-xxxx
DENNIS C. SIMONSON, xxx-xx-xxxx
MICHAEL O. SIMPKINS, xxx-xx-xxxx
STEPHEN C. SIMPLICIANO, xxx-xx-xxxx
THOMAS J. SIMPSON, xxx-xx-xxxx
JAMES R. SIMS, JR, xxx-xx-xxxx
LOAIL M. SIMS, JR, xxx-xx-xxxx
RAYMOND H. SIMS, JR, xxx-xx-xxxx
CHRISTOPHER A. SINGALEWITCH, xxx-xx-xxxx
LARRY A. SINGER, xxx-xx-xxxx

NOLAN L. SINGER, xxx-xx-xxxx
VERNON D. SINGLETON, xxx-xx-xxxx
CYNTHIA J. SISCO, xxx-xx-xxxx
KERRY SISLER, xxx-xx-xxxx
MICHAEL R. SIZEMORE, xxx-xx-xxxx
VANCE R. SKARSTEDT, xxx-xx-xxxx
ROBERT J. SKEBO, xxx-xx-xxxx
GREGORY D. SKECKOWSKI, xxx-xx-xxxx
EDWARD SKIBINSKI, xxx-xx-xxxx
KEVIN L. SKINNER, xxx-xx-xxxx
LISA S. SKOPAL, xxx-xx-xxxx
THOMAS M. SKOWRONEK, xxx-xx-xxxx
EASTERLY LAURIE S. SLAVEC, xxx-xx-xxxx
JOHN C. SLEIGHT, xxx-xx-xxxx
GEORGE M. SLENTZ, xxx-xx-xxxx
DANIEL J. SLIGAR, xxx-xx-xxxx
CHARLES D. SLOCUMB, III, xxx-xx-xxxx
GREGORY F. SMALL, xxx-xx-xxxx
SANDRA M. SMALL, xxx-xx-xxxx
DAVID A. SMARSH, xxx-xx-xxxx
RICHARD D. SMEDLEY, JR., xxx-xx-xxxx
BRENT S. SMELTZER, xxx-xx-xxxx
CHARLES P. SMILEY, xxx-xx-xxxx
MICHAEL D. SMILEY, xxx-xx-xxxx
ANN M. SMITH, xxx-xx-xxxx
ANNETTE H. SMITH, xxx-xx-xxxx
AUSTON E. SMITH, JR., xxx-xx-xxxx
BARRY K. SMITH, xxx-xx-xxxx
CHARLES L. SMITH, xxx-xx-xxxx
CLARENCE E. SMITH, JR., xxx-xx-xxxx
DANIEL J. SMITH, xxx-xx-xxxx
DARRELL G. SMITH, xxx-xx-xxxx
DAVID B. SMITH, xxx-xx-xxxx
DAVID W. SMITH, xxx-xx-xxxx
DAVID W. SMITH, xxx-xx-xxxx
EDWARD J. SMITH, xxx-xx-xxxx
GARY G. SMITH, xxx-xx-xxxx
GERALD T. SMITH, xxx-xx-xxxx
GREGORY L. SMITH, xxx-xx-xxxx
JAMES C. SMITH, xxx-xx-xxxx
JAMES D. SMITH, xxx-xx-xxxx
JAMES P. K. SMITH, xxx-xx-xxxx
JAMES W. SMITH, xxx-xx-xxxx
JEFFREY E. SMITH, xxx-xx-xxxx
JOHNNY B. SMITH, xxx-xx-xxxx
JUDY L. SMITH, xxx-xx-xxxx
LEONARD C. SMITH, xxx-xx-xxxx
LEONARD L. SMITH, xxx-xx-xxxx
LYNDA J. SMITH, xxx-xx-xxxx
MANZELL SMITH, xxx-xx-xxxx
MICHAEL A. SMITH, xxx-xx-xxxx
MICHAEL G. SMITH, xxx-xx-xxxx
MICHAEL J. SMITH, xxx-xx-xxxx
RALPH C. SMITH, xxx-xx-xxxx
ROBERT D. SMITH, xxx-xx-xxxx
ROBERT G. SMITH, xxx-xx-xxxx
ROBERT G. SMITH, JR., xxx-xx-xxxx
ROBERT L. SMITH, xxx-xx-xxxx
SHELLMAN L. SMITH, JR., xxx-xx-xxxx
STEPHEN R. SMITH, xxx-xx-xxxx
STEVEN E. SMITH, xxx-xx-xxxx
STEVEN H. SMITH, xxx-xx-xxxx
SYLVIA SMITH, xxx-xx-xxxx
THOMAS M. SMITH, xxx-xx-xxxx
WANDA L. P. SMITH, xxx-xx-xxxx
WILLIAM D. SMITH, JR., xxx-xx-xxxx
MARVIN T. SMOOT, JR., xxx-xx-xxxx
JOSEPH B. SNAUFER, xxx-xx-xxxx
PATRICK L. SNIDER, xxx-xx-xxxx
STEVEN V. SNIDER, xxx-xx-xxxx
JASPER SNIPES, xxx-xx-xxxx
WARREN W. SNOW, xxx-xx-xxxx
BENJAMIN H. SNYDER, xxx-xx-xxxx
BRUCE A. SNYDER, xxx-xx-xxxx
CYNTHIA G. SNYDER, xxx-xx-xxxx
FRANCIS E. SNYDER, xxx-xx-xxxx
GREGORY D. SNYDER, xxx-xx-xxxx
JAY R. SNYDER, xxx-xx-xxxx
ANNE E. SOBOTA, xxx-xx-xxxx
JAMES R. SOHL, xxx-xx-xxxx
JOSEPH SOKOL, JR., xxx-xx-xxxx
SANDRA E. SOKOL, xxx-xx-xxxx
RONALD E. SOLDANI, xxx-xx-xxxx
THOMAS J. SOLITARIO, xxx-xx-xxxx
JOHN D. SOLLARS, xxx-xx-xxxx
STEVEN J. SOLLER, xxx-xx-xxxx
CHARLES M. SOLOMON, xxx-xx-xxxx
DAVID B. SOLOMON, xxx-xx-xxxx
PAUL D. SONNER, JR., xxx-xx-xxxx
RONALD F. SOPATA, xxx-xx-xxxx
PHILIP A. SOPER, xxx-xx-xxxx
JAMES L. SORRELL, xxx-xx-xxxx
GLENN E. SORTE, xxx-xx-xxxx
JOHN SOTO, xxx-xx-xxxx
JOHN O. SOURS, xxx-xx-xxxx
JOHN J. SOWDON, xxx-xx-xxxx
KENNETH E. SPAAR, xxx-xx-xxxx
DAVID K. SPAHR, JR., xxx-xx-xxxx
CHARLES E. SPARKS, xxx-xx-xxxx
GREGG A. SPARKS, xxx-xx-xxxx
NELSON A. SPARKS, xxx-xx-xxxx
NANCY L. SPEAKE, xxx-xx-xxxx
CATHERINE L. SPEAKMON, xxx-xx-xxxx
ELLIS D. SPENCER, xxx-xx-xxxx
RODDY S. SPENCER, xxx-xx-xxxx
MARK P. SPERRE, xxx-xx-xxxx
STEVEN L. SPERRY, xxx-xx-xxxx
STANLEY E. SPILLERS, xxx-xx-xxxx
JOHN A. SPOMER, xxx-xx-xxxx
KIM G. SPOONER, xxx-xx-xxxx
MARK G. SPRAGG, xxx-xx-xxxx
ROBERT L. SPRAGUE, xxx-xx-xxxx
RICHARD K. SPRENGER, xxx-xx-xxxx
MICHAEL Y. SPRINGER, xxx-xx-xxxx
NAZZARENO H. SPURIO, JR., xxx-xx-xxxx
JOSEPH P. SQUATRITO, JR., xxx-xx-xxxx
JACK W. STACKHOUSE, JR., xxx-xx-xxxx
RICHARD P. STAFFORD, xxx-xx-xxxx
DANA W. STALEY, xxx-xx-xxxx
JAMES D. STAMM, xxx-xx-xxxx
MICHAEL J. STANBERRY, xxx-xx-xxxx
LEMUEL R. STANFORD, xxx-xx-xxxx
JOHN F. STANKOWSKI, III, xxx-xx-xxxx
DANIEL H. STANTON, xxx-xx-xxxx
THOMAS J. STARK, xxx-xx-xxxx
JOHN A. STARKEY, xxx-xx-xxxx
MICHAEL L. STARKS, xxx-xx-xxxx
BECKY J. STARNES, xxx-xx-xxxx
WILLIAM K. STARR, xxx-xx-xxxx
KATHRYN G. STATEN, xxx-xx-xxxx
CYNTHIA A. STAUB, xxx-xx-xxxx
PHILIP G. STAUBS, xxx-xx-xxxx
WAYNE A. STEARNS, xxx-xx-xxxx
MARK E. STEBLIN, xxx-xx-xxxx
WYATT K. STEDMAN, xxx-xx-xxxx
DANNY STEELE, xxx-xx-xxxx
JAMES W. STEELE, xxx-xx-xxxx
WILLIAM G. STEELE, xxx-xx-xxxx
DAVID M. STEENBARGER, xxx-xx-xxxx
MICHAEL W. STEFFEN, xxx-xx-xxxx
JEAN L. STEIN, xxx-xx-xxxx
WALTER C. STEM, JR., xxx-xx-xxxx
JULIE A. STENBAKKEN, xxx-xx-xxxx
FRANCIS X. STENGER, II, xxx-xx-xxxx
ROBERT B. STEPHAN, xxx-xx-xxxx
CHARLES E. STEPHENS, JR., xxx-xx-xxxx
ROBERT W. STEPHENS, xxx-xx-xxxx
RICHARD A. STEPHENSON, xxx-xx-xxxx
SHERRI K. STEPHENSON, xxx-xx-xxxx
SHEILA S. STEPKO, xxx-xx-xxxx
MARIANNE STERLING, xxx-xx-xxxx
ROBERT M. STEVEN, xxx-xx-xxxx
KURT B. STEVENS, xxx-xx-xxxx
WILLIAM L. STEVENS, JR., xxx-xx-xxxx
DOUGLAS M. STEWART, xxx-xx-xxxx
JACK D. STEWART, xxx-xx-xxxx
JESSE STEWART, III, xxx-xx-xxxx
NORMAN M. STEWART, xxx-xx-xxxx
RUSTON J. STEWART, xxx-xx-xxxx
WILLIAM J. STICHNOT, JR., xxx-xx-xxxx
DOUGLAS A. STIEGLEITER, xxx-xx-xxxx
MICHAEL L. STIERS, xxx-xx-xxxx
JOHN S. STIEVEN, xxx-xx-xxxx
DAVID A. STILES, xxx-xx-xxxx
JEROME R. STILLWAGON, xxx-xx-xxxx
JAMES J. STINGER, xxx-xx-xxxx
JOHN E. STOCKER, III, xxx-xx-xxxx
JOHN R. STOCKER, xxx-xx-xxxx
TERRY L. STOCKHOLM, xxx-xx-xxxx
ROBERT H. STOCKING, xxx-xx-xxxx
WALTER E. STOEHR, xxx-xx-xxxx
MARK T. STOLARCZYK, xxx-xx-xxxx
WILLIAM E. STONE, JR., xxx-xx-xxxx
JAMES R. STORY, xxx-xx-xxxx
WILLIAM C. STORY, JR., xxx-xx-xxxx
THOMAS R. STRANGE, xxx-xx-xxxx
CARROLL W. STREET, xxx-xx-xxxx
KELVIN D. STREETY, xxx-xx-xxxx
SHARON F. STREETY, xxx-xx-xxxx
GREGORY T. STRICKLAND, xxx-xx-xxxx
MARC K. STRICKLAND, xxx-xx-xxxx
BRADLEY A. STRIED, xxx-xx-xxxx
JOSEPH E. STROHFUS, xxx-xx-xxxx
DAVID J. STROUD, xxx-xx-xxxx
JAMES P. STURCH, xxx-xx-xxxx
ROGER A. STURDY, xxx-xx-xxxx
BRUCE R. STURK, xxx-xx-xxxx
DONALD E. STUTSMAN, xxx-xx-xxxx
ROBERT C. SUDDUTH, xxx-xx-xxxx
PATRICIA G. SUGARMAN, xxx-xx-xxxx
JACKIE L. SULLIVAN, JR., xxx-xx-xxxx
MALCOLM L. SULLIVAN, III, xxx-xx-xxxx
PRISCILLA W. SULLIVAN, xxx-xx-xxxx
BEVERLY J. SUMPTER, xxx-xx-xxxx
MICHAEL L. SUMPTER, xxx-xx-xxxx
JANET R. SUNDQUIST, xxx-xx-xxxx
KEITH W. SURBER, xxx-xx-xxxx
DEBORAH J. SUSKI, xxx-xx-xxxx
JEFFREY P. SUTTON, xxx-xx-xxxx
MARK J. SVESTKA, xxx-xx-xxxx
JONATHAN L. SVOBODA, xxx-xx-xxxx
DAVID K. SWAFFORD, xxx-xx-xxxx
CURTIS E. SWAN, II, xxx-xx-xxxx
JOHN D. SWAN, xxx-xx-xxxx
DALE A. SWANSON, xxx-xx-xxxx
CHARLES J. SWARTS, xxx-xx-xxxx
CALVIN L. SWARTZ, xxx-xx-xxxx
RAY S. SWARTZ, II, xxx-xx-xxxx
MICHAEL J. SWEENEY, JR., xxx-xx-xxxx
NORMAN C. SWEET, xxx-xx-xxxx
FRANCIS C. SWIFT, xxx-xx-xxxx
JANICE A. SWIGARTSMITH, xxx-xx-xxxx
MICHAEL D. SWIGERT, xxx-xx-xxxx
GARY N. SWINDEN, xxx-xx-xxxx
GEORGE SYKES, JR., xxx-xx-xxxx
MICHAEL L. SYLKE, xxx-xx-xxxx
MICHAEL R. SYLWESTER, xxx-xx-xxxx
LOUIS S. SZABO, xxx-xx-xxxx
PETER F. N. SZABO, xxx-xx-xxxx
JOHN A. SZULTA, III, xxx-xx-xxxx
PAUL E. TABLER, xxx-xx-xxxx
WILLIAM H. TAGGART, xxx-xx-xxxx
JOHN R. TAGLIERI, xxx-xx-xxxx
RICHARD S. TALIAFERRO, xxx-xx-xxxx
STEVE M. TALTON, xxx-xx-xxxx
PATRICK J. TANK, xxx-xx-xxxx
GRANT M. TARPINIAN, xxx-xx-xxxx
GARY L. TARPLEY, xxx-xx-xxxx
EDDIE D. TARRANT, xxx-xx-xxxx
DONNA M. TARTELL, xxx-xx-xxxx
RICHARD A. TARTER, xxx-xx-xxxx
MICHAEL G. TARULLI, xxx-xx-xxxx
TIMOTHY A. TATE, xxx-xx-xxxx
ANNA L. TAYLOR, xxx-xx-xxxx
BRENDA K. TAYLOR, xxx-xx-xxxx
BRIDGETTE L. TAYLOR, xxx-xx-xxxx
DAVID L. TAYLOR, xxx-xx-xxxx
JAMES D. TAYLOR, xxx-xx-xxxx
JOHNNIE L. TAYLOR, xxx-xx-xxxx
JUNE F. TAYLOR, xxx-xx-xxxx
MARK J. TAYLOR, xxx-xx-xxxx
MARY A. TAYLOR, xxx-xx-xxxx
RHETT P. TAYLOR, xxx-xx-xxxx
ROBERT B. TAYLOR, xxx-xx-xxxx
WALTER W. TAYLOR, JR., xxx-xx-xxxx
DOUGLAS TAZOI, xxx-xx-xxxx
JAMES A. TEAFORD, xxx-xx-xxxx
RICHARD C. TEAL, xxx-xx-xxxx
JAMES E. TEBERG, xxx-xx-xxxx
KENNETH L. TEBRINK, xxx-xx-xxxx
THOMAS W. TEIGELER, xxx-xx-xxxx
JOHN J. TERESZKIEWICZ, xxx-xx-xxxx
GREGORY M. TERLECKI, xxx-xx-xxxx
RAYMOND L. TERRELL, III, xxx-xx-xxxx
CHARLES F. TERRY, xxx-xx-xxxx
HILLIARD M. TERRY, xxx-xx-xxxx
KENNETH P. TERRY, xxx-xx-xxxx
MICHAEL W. TERRY, xxx-xx-xxxx
LEE C. TESDAL, xxx-xx-xxxx
MARK A. TESTONI, xxx-xx-xxxx
RONALD L. TETER, xxx-xx-xxxx
ROBERT J. TETTELBACH, xxx-xx-xxxx
JAMES R. THALACKER, xxx-xx-xxxx
THOMAS C. THALHEIM, xxx-xx-xxxx
THOMAS E. THARP, xxx-xx-xxxx
THOMAS A. THEADO, xxx-xx-xxxx
JANET ANTHEA THERIANOS, xxx-xx-xxxx
JOSEPH A. THIBAULT, xxx-xx-xxxx
LYNETTE M. THIBODEAUX, xxx-xx-xxxx
EVERETT H. THOMAS, xxx-xx-xxxx
GERALD THOMAS, xxx-xx-xxxx
JOHN D. THOMAS, xxx-xx-xxxx
MERRILL L. THOMAS, xxx-xx-xxxx
MICHAEL A. THOMAS, xxx-xx-xxxx
STEVEN L. THOMAS, xxx-xx-xxxx
TERRY K. THOMAS, xxx-xx-xxxx
JOHN C. THOMPSON, xxx-xx-xxxx
LOUIS M. THOMPSON, xxx-xx-xxxx
RONALD E. THOMPSON, xxx-xx-xxxx
WAYNE L. THOMPSON, xxx-xx-xxxx
WILLIAM C. THORNBERRY, xxx-xx-xxxx
JEREMY A. THORNE, xxx-xx-xxxx
ROBERT C. THORP, xxx-xx-xxxx
YORK D. THORPE, xxx-xx-xxxx
ROGER L. THORSON, xxx-xx-xxxx
JAMES B. THORSTAD, xxx-xx-xxxx
DOUGLAS R. THORSVIK, xxx-xx-xxxx
BENNIE L. THURMAN, xxx-xx-xxxx
DONNA J. THURNHERR, xxx-xx-xxxx
REX A. TIDWELL, xxx-xx-xxxx
THOMAS A. TIERNEY, JR., xxx-xx-xxxx
TERRENCE C. TILLER, xxx-xx-xxxx
JACKIE R. TILLERY, xxx-xx-xxxx
MARK W. TILLMAN, xxx-xx-xxxx
WILLIAM D. TILSON, xxx-xx-xxxx
GUINN R. TIMMERMAN, JR., xxx-xx-xxxx
DOUGLAS R. TINDELL, xxx-xx-xxxx
HAL M. TINSLEY, xxx-xx-xxxx
RODNEY D. TOBIAS, xxx-xx-xxxx
STANLEY W. TOENJES, xxx-xx-xxxx
ANTOINETTE M. TOMAINO, xxx-xx-xxxx
LANCE J. TOMEI, xxx-xx-xxxx
HARRY L. TOMPKINS, xxx-xx-xxxx
TERRENCE G. L. TONG, xxx-xx-xxxx
KENNETH C. TONN, xxx-xx-xxxx
VIRGINIA L. TONNESON, xxx-xx-xxxx
STEVEN L. TOPPER, xxx-xx-xxxx
GREGORY H. TOPPING, xxx-xx-xxxx
JERRY TORRES, xxx-xx-xxxx
RAQUEL TORRES, xxx-xx-xxxx
TERRY D. TOSH, xxx-xx-xxxx
NATHAN G. TOTH, xxx-xx-xxxx
BRUCE W. TOTTEN, xxx-xx-xxxx
SUELLEN K. TOTTEN, xxx-xx-xxxx
RUSSELL L. TOWE, xxx-xx-xxxx
CHARLES H. TOWNSEND, xxx-xx-xxxx
JOHN D. TOWNSEND, xxx-xx-xxxx
LAURIE K. TOWNSEND, xxx-xx-xxxx
WALTER F. TOWNSEND, JR., xxx-xx-xxxx
DOUGLAS L. TRACY, xxx-xx-xxxx
WALTER J. TRACY, JR., xxx-xx-xxxx
GROVER M. TRASK, xxx-xx-xxxx
BRIAN S. TRAUB, xxx-xx-xxxx
JOHN R. TRAUERNICHT, xxx-xx-xxxx
DENISE M. TRAVERS, xxx-xx-xxxx
JEFFREY T. TRAVIS, xxx-xx-xxxx
MARK A. TRAVIS, xxx-xx-xxxx
WILLIAM R. TRAVNICK, xxx-xx-xxxx
KATHLEEN M. TRAXLER, xxx-xx-xxxx
CHARLES G. C. TREADWAY, xxx-xx-xxxx
ROBERT L. TREMAINE, xxx-xx-xxxx
RICHARD E. TREMBLAY, xxx-xx-xxxx
DAVID A. TRENT, xxx-xx-xxxx
ALFRED P. TRETTER, JR., xxx-xx-xxxx
HOWARD O. TRIEBOLD, III, xxx-xx-xxxx
AARON D. TRIMBLE, xxx-xx-xxxx

GEORGE L. TRIMBLE, III, xxx-xx-xxxx
CHARLES V. TRIPOLI, xxx-xx-xxxx
JAMES A. TRIPP, xxx-xx-xxxx
CARLOS TROCHE, xxx-xx-xxxx
WILLIAM P. TROSS, xxx-xx-xxxx
JILL R. TROUT, xxx-xx-xxxx
MARTIN J. TROUT, xxx-xx-xxxx
KEITH J. TROUWBORST, xxx-xx-xxxx
KENNETH G. TRUESDALE, xxx-xx-xxxx
QUENTIN M. TRUMBLE, xxx-xx-xxxx
JAMES E. TRUSLOW, xxx-xx-xxxx
RANDY N. TRUSSELL, xxx-xx-xxxx
JAMES J. TSCHUDY, II, xxx-xx-xxxx
ARTHUR A. TUCKER, JR., xxx-xx-xxxx
EDWARD M. TUCKER, xxx-xx-xxxx
GARY B. TUCKER, xxx-xx-xxxx
JOE E. TUCKER, xxx-xx-xxxx
JOSEPH M. TUELL, xxx-xx-xxxx
WINFIELD F. TUFTS, xxx-xx-xxxx
MAX G. TUGGLE, xxx-xx-xxxx
TERRANCE T. TULLIA, xxx-xx-xxxx
GARY A. TULLIS, xxx-xx-xxxx
ROBERT L. TULLMAN, xxx-xx-xxxx
MARION D. TUNSTALL, xxx-xx-xxxx
MARK S. TURBERVILLE, xxx-xx-xxxx
DAVID G. TURNER, xxx-xx-xxxx
EUGENE P. TURNER, xxx-xx-xxxx
MARK D. TURNER, xxx-xx-xxxx
MICHAEL J. TURNER, xxx-xx-xxxx
RICHARD B. TURNER, xxx-xx-xxxx
VELMA M. TURNER, xxx-xx-xxxx
HAROLD O. TUTOR, JR., xxx-xx-xxxx
SUSAN M. TUTOR, xxx-xx-xxxx
JOHN S. TUTTLE, xxx-xx-xxxx
DAVID J. TWEDDELL, xxx-xx-xxxx
STEPHEN C. TYE, xxx-xx-xxxx
JAMES M. TYNAN, xxx-xx-xxxx
RANDY V. TYNDALL, xxx-xx-xxxx
MICHAEL H. UFNAL, xxx-xx-xxxx
GARY M. ULLRICH, xxx-xx-xxxx
WILLIAM W. UNDERLY, xxx-xx-xxxx
GARY J. URBAN, xxx-xx-xxxx
MICHAEL A. URBAN, xxx-xx-xxxx
CAROLINE D. URBEN, xxx-xx-xxxx
ROBERT A. URQUHART, xxx-xx-xxxx
SARA L. UTSLER, xxx-xx-xxxx
GERALD E. VALENTINI, xxx-xx-xxxx
MICHAEL E. VANACKEREN, xxx-xx-xxxx
JAMES L. VANANTWERP, xxx-xx-xxxx
JAMES D. VANCE, xxx-xx-xxxx
DANNY E. VANDALSEN, xxx-xx-xxxx
BLAINE A. VANDAM, xxx-xx-xxxx
DAVID A. VANDERCOOK, xxx-xx-xxxx
EUGENE B. VANDEVENTER, xxx-xx-xxxx
RICHARD A. VANDYK, xxx-xx-xxxx
ROGER J. VANEPPS, xxx-xx-xxxx
THOMAS R. VANETTEN, xxx-xx-xxxx
DONNA J. VANHOOSE, xxx-xx-xxxx
MARC L. VANHOOSE, xxx-xx-xxxx
JOHN G. VANJURA, xxx-xx-xxxx
HAROLD M. VANLEEUWEN, JR., xxx-xx-xxxx
STEVEN F. VANOUS, xxx-xx-xxxx
JAMES R. VANSCOTTER, xxx-xx-xxxx
JAMES S. VANSCOYOC, xxx-xx-xxxx
RICHARD J. VANTINE, xxx-xx-xxxx
KENNETH S. VANWICKLER, xxx-xx-xxxx
FREDERICK D. VANWICKLIN, xxx-xx-xxxx
JOHN D. VANWYKE, xxx-xx-xxxx
GEORGE A. VARGAS, xxx-xx-xxxx
GARY T. VARGO, xxx-xx-xxxx
MICHAEL W. VARNEY, xxx-xx-xxxx
DIANE L. VARNI, xxx-xx-xxxx
EARL F. VAUGHN, JR., xxx-xx-xxxx
ROGER D. VAUGHN, xxx-xx-xxxx
GARY L. VAWTER, xxx-xx-xxxx
JULIAN E. VAZQUEZ, xxx-xx-xxxx
MICHAEL R. VELA, xxx-xx-xxxx
MARY A. VELARDE, xxx-xx-xxxx
MICHAEL C. VENDZULES, xxx-xx-xxxx
AMADO VERA, III, xxx-xx-xxxx
DONALD S. VESS, xxx-xx-xxxx
DAN H. VIAL, JR., xxx-xx-xxxx
ESTEBAN VICENTE, xxx-xx-xxxx
BRIAN L. VICKERS, xxx-xx-xxxx
RICHARD A. VIDONI, xxx-xx-xxxx
ESPIRIDION VILLA, xxx-xx-xxxx
DARYL K. VILLAREAL, xxx-xx-xxxx
GREGORY O. VILLARET, xxx-xx-xxxx
DANIEL J. VILLARREAL, xxx-xx-xxxx
VICTOR J. VILLHARD, xxx-xx-xxxx
GARY W. VILOTT, xxx-xx-xxxx
DALE W. VINCENT, xxx-xx-xxxx
JAMES R. VINCENT, xxx-xx-xxxx
TIMOTHY W. VINING, xxx-xx-xxxx
PAUL C. VITUCCI, xxx-xx-xxxx
JOHN B. VITULLO, JR., xxx-xx-xxxx
WILLIAM M. VOGEL, xxx-xx-xxxx
MORRIS F. VOLENTINE, xxx-xx-xxxx
MARK A. VOLK, xxx-xx-xxxx
RANDALL S. VOORHEES, xxx-xx-xxxx
ROBERT J. VOSIKA, xxx-xx-xxxx
BRIAN M. WAECHTER, xxx-xx-xxxx
RONALD WAGERS, xxx-xx-xxxx
CHARLES W. WAGGONER, xxx-xx-xxxx
BRADFORD W. WAGNER, xxx-xx-xxxx
SCOTT L. WAGNER, xxx-xx-xxxx
WILLIAM N. WAGNER, xxx-xx-xxxx
DONALD F. WAGSTAFF, xxx-xx-xxxx
BURT C. WAIBEL, xxx-xx-xxxx
MITCHELL WAITE, xxx-xx-xxxx
JAMES E. WAKELEY, xxx-xx-xxxx
ROBERT D. WALCUTT, xxx-xx-xxxx
ANTHONY J. WALDBILLIG, xxx-xx-xxxx
KENNETH W. WALDEN, xxx-xx-xxxx
GARY E. WALDERMAN, xxx-xx-xxxx
MICHAEL C. WALDRIP, xxx-xx-xxxx
ALAN D. WALKER, JR, xxx-xx-xxxx
BRETTE M. WALKER, xxx-xx-xxxx
GREGORY L. WALKER, xxx-xx-xxxx
IVA A. WALKER, xxx-xx-xxxx
JOHNNY R. WALKER, xxx-xx-xxxx
RICHARD P. WALKER, xxx-xx-xxxx
ROBERT A. WALKER, xxx-xx-xxxx
RUTHIE M. WALKER, xxx-xx-xxxx
WILLIAM C. WALKER, xxx-xx-xxxx
WILLIAM D. WALL, xxx-xx-xxxx
CHARLES E. WALLACE, xxx-xx-xxxx
MARGARETTE C. WALLACE, xxx-xx-xxxx
RONALD L. WALLACE, xxx-xx-xxxx
GAIL WALLER, xxx-xx-xxxx
RICHARD A. WALLEY, xxx-xx-xxxx
DONALD L. WALLQUIST, xxx-xx-xxxx
GUY M. WALSH, xxx-xx-xxxx
MELINDA J. WALSH, xxx-xx-xxxx
ROBERT L. WALSH, xxx-xx-xxxx
CURTIS K. WALT, xxx-xx-xxxx
MICHAEL K. WALTERS, xxx-xx-xxxx
MICHAEL L. WALTERS, xxx-xx-xxxx
RAY D. WALTERS, xxx-xx-xxxx
SUSAN WALTERS, xxx-xx-xxxx
ANDREA E. WARD, xxx-xx-xxxx
DAVID C. WARD, xxx-xx-xxxx
MICHAEL R. WARDELL, xxx-xx-xxxx
PHILIP F. WARING, xxx-xx-xxxx
DONALD E. WARLICK, xxx-xx-xxxx
DAVID B. WARNER, xxx-xx-xxxx
JOHN V. WARNER, xxx-xx-xxxx
RICHARD C. WARNER, xxx-xx-xxxx
JOHN D. WARREN, xxx-xx-xxxx
RICHARD A. WARREN, xxx-xx-xxxx
WAYNE D. WARREN, xxx-xx-xxxx
RAYMOND F. WARRINER, xxx-xx-xxxx
DOUGLAS D. WASHINGTON, xxx-xx-xxxx
ALEXANDER B. WASILOW, xxx-xx-xxxx
JERRY LEE WASSER, xxx-xx-xxxx
STEVEN J. WASZAK, xxx-xx-xxxx
BENJAMIN G. WATERS, xxx-xx-xxxx
KENNETH R. WATERS, xxx-xx-xxxx
MELVIN WATERS, xxx-xx-xxxx
MEREL H. WATERS, xxx-xx-xxxx
ALEX E. WATKINS, xxx-xx-xxxx
STEVEN D. WATKINS, xxx-xx-xxxx
PEGI J. WATKINSON, xxx-xx-xxxx
CLARA WATRAL, xxx-xx-xxxx
MICHAEL D. WATSON, xxx-xx-xxxx
ROBERT L. WATSON, xxx-xx-xxxx
DAVID A. WATT, xxx-xx-xxxx
ROBERT F. WATTS, xxx-xx-xxxx
KENNETH R. WAVERING, xxx-xx-xxxx
STEVEN K. WEART, xxx-xx-xxxx
ANDREW K. WEAVER, xxx-xx-xxxx
CHARLES M. WEAVER, SR., xxx-xx-xxxx
GLENN W. WEAVER, xxx-xx-xxxx
LLEWELYN D. WEAVER, xxx-xx-xxxx
MARSHA K. WEAVER, xxx-xx-xxxx
NANCY E. WEAVER, xxx-xx-xxxx
PAUL J. WEAVER, xxx-xx-xxxx
ROSENDO WEAVER, JR, xxx-xx-xxxx
STEVEN G. WEBB, xxx-xx-xxxx
HARRY B. WEBER, xxx-xx-xxxx
ROBERT I. WEBER, JR., xxx-xx-xxxx
MICHAEL E. WEBSTER, xxx-xx-xxxx
KARL A. WEGENER, xxx-xx-xxxx
NANCY J. WEGMULLER, xxx-xx-xxxx
RANDALL S. WEIDENHEIMER, xxx-xx-xxxx
CURTIS J. WEIDNER, xxx-xx-xxxx
WILLIAM K. WEIGER, xxx-xx-xxxx
THOMAS L. WEIKEL, JR., xxx-xx-xxxx
KATHLEEN M. WEILAND, xxx-xx-xxxx
JOHN J. WEIMANN, III, xxx-xx-xxxx
ALAN L. WEIMER, xxx-xx-xxxx
MICHAEL E. WEINER, xxx-xx-xxxx
ROBERT L. WEINHOLD, xxx-xx-xxxx
CHARLES A. WEISS, xxx-xx-xxxx
CHARLES E. WELCH, xxx-xx-xxxx
DONALD A. WELCH, xxx-xx-xxxx
TRACY L. WELCH, xxx-xx-xxxx
ROGER L. WELDON, xxx-xx-xxxx
SUSAN L. WELLAND, xxx-xx-xxxx
JOHN S. WELLMAN, xxx-xx-xxxx
SUSAN G. WELLNER, xxx-xx-xxxx
GARY D. WELLS, xxx-xx-xxxx
LESTER L. WELLS, xxx-xx-xxxx
CATHERINE A. WELSH, xxx-xx-xxxx
DAVID F. WELSH, xxx-xx-xxxx
MARK J. WELSHINGER, xxx-xx-xxxx
RICHARD E. WERLING, xxx-xx-xxxx
DALE R. WERNER, xxx-xx-xxxx
BRUCE C. WEST, xxx-xx-xxxx
CHARLES H. A. WEST, xxx-xx-xxxx
JOHN M. WEST, xxx-xx-xxxx
MARK EDWARD WEST, xxx-xx-xxxx
CHARLES W. WESTMORELAND, JR., xxx-xx-xxxx
WRIGHT G. WHEELER, JR., xxx-xx-xxxx
ROBERT WHITAKER, JR., xxx-xx-xxxx
CAROLYN M. WHITE, xxx-xx-xxxx
JACK R. WHITE, xxx-xx-xxxx
MARK A. WHITE, xxx-xx-xxxx
MONTGOMERY S. WHITE, xxx-xx-xxxx
PAUL WHITE, xxx-xx-xxxx
PAUL R. WHITE, xxx-xx-xxxx
RICHARD D. WHITE, xxx-xx-xxxx
RICHARD W. WHITE, JR., xxx-xx-xxxx
RONALD A. WHITE, xxx-xx-xxxx
ROY A. WHITE, JR., xxx-xx-xxxx
WALTER H. WHITE, xxx-xx-xxxx
JAMES A. WHITEHEAD, xxx-xx-xxxx
STEPHEN W. WHITEHEAD, xxx-xx-xxxx
SALLY J. WHITENER, xxx-xx-xxxx
HARRISON H. WHITING, III, xxx-xx-xxxx
REGINA J. WHITLEYHORNE, xxx-xx-xxxx
JAMES F. WHITNEY, JR., xxx-xx-xxxx
ROBERT P. WHOLEY, xxx-xx-xxxx
JEFFRY K. WICKSTROM, xxx-xx-xxxx
FRANK D. WIDEMAN, xxx-xx-xxxx
LARRY W. WIDNER, xxx-xx-xxxx
ROCHELLE D. WIEGMAN, xxx-xx-xxxx
FRANCIS P. WIESMANN, xxx-xx-xxxx
BURTON D. WIGGINS, xxx-xx-xxxx
MICHAEL E. WILCOX, xxx-xx-xxxx
RANDY L. WILDE, xxx-xx-xxxx
DALE R. WILDEY, xxx-xx-xxxx
ROBERT J. WILEY, xxx-xx-xxxx
CRAIG H. F. WILKERSON, xxx-xx-xxxx
RICHARD B. WILKERSON, xxx-xx-xxxx
DAVID E. WILKES, xxx-xx-xxxx
PHILLIP G. WILKINS, xxx-xx-xxxx
JANICE L. WILKINSON, xxx-xx-xxxx
WILLIAM S. WILKINSON, xxx-xx-xxxx
MARTHA F. WILL, xxx-xx-xxxx
PAUL A. WILLARD, II, xxx-xx-xxxx
CHARLES E. WILLIAMS, xxx-xx-xxxx
DALE E. WILLIAMS, xxx-xx-xxxx
ELAINE N. WILLIAMS, xxx-xx-xxxx
GARY D. WILLIAMS, xxx-xx-xxxx
GEORGE S. WILLIAMS, III, xxx-xx-xxxx
GREGORY J. WILLIAMS, xxx-xx-xxxx
JANICE M. WILLIAMS, xxx-xx-xxxx
JEFFREY J. WILLIAMS, xxx-xx-xxxx
JONATHAN M. WILLIAMS, xxx-xx-xxxx
LARRY W. WILLIAMS, xxx-xx-xxxx
MICHAEL D. WILLIAMS, xxx-xx-xxxx
NANCY A. WILLIAMS, xxx-xx-xxxx
PRINCE A. WILLIAMS, JR., xxx-xx-xxxx
RICHARD C. WILLIAMS, xxx-xx-xxxx
RICHARD G. WILLIAMS, JR., xxx-xx-xxxx
RICHARD N. WILLIAMS, xxx-xx-xxxx
RONALD L. WILLIAMS, xxx-xx-xxxx
SHERMAN R. WILLIAMS, xxx-xx-xxxx
TOM S. WILLIAMS, xxx-xx-xxxx
WILLIAM R. WILLIAMS, xxx-xx-xxxx
VIRGINIA G. WILLIAMSON, xxx-xx-xxxx
CYDNEY J. WILLIS, xxx-xx-xxxx
RICKY S. WILLIS, xxx-xx-xxxx
LYNDON G. WILLMS, xxx-xx-xxxx
GUY J. WILLS, III, xxx-xx-xxxx
TIMOTHY B. WILLS, xxx-xx-xxxx
MARK F. WILMES, xxx-xx-xxxx
DEAN H. WILSON, xxx-xx-xxxx
DONALD L. WILSON, xxx-xx-xxxx
EDWARD L. WILSON, xxx-xx-xxxx
EDWARD M. WILSON, xxx-xx-xxxx
GLORIA J. WILSON, xxx-xx-xxxx
JAMES R. WILSON, xxx-xx-xxxx
JAMES T. WILSON, xxx-xx-xxxx
JIMMY D. WILSON, xxx-xx-xxxx
KIM L. WILSON, xxx-xx-xxxx
LAWRENCE E. WILSON, xxx-xx-xxxx
LESTER P. WILSON, xxx-xx-xxxx
MARY L. WILSON, xxx-xx-xxxx
MICHAEL D. WILSON, xxx-xx-xxxx
MICHAEL S. WILSON, xxx-xx-xxxx
PAUL R. WILSON, JR., xxx-xx-xxxx
PHYLLIS A. WILSON, xxx-xx-xxxx
ROY E. WILSON, xxx-xx-xxxx
STEPHEN T. WILSON, xxx-xx-xxxx
STEVEN M. WILSON, xxx-xx-xxxx
VERNON L. WILSON, xxx-xx-xxxx
WOODROW J. WILSON, xxx-xx-xxxx
DENNIS D. WINDSOR, xxx-xx-xxxx
ROBERT I. WINEBRENNER, xxx-xx-xxxx
JERRY D. WINEGARDEN, xxx-xx-xxxx
AUNDREY N. WINGATE, xxx-xx-xxxx
RON L. WINKEL, xxx-xx-xxxx
RICHARD F. WINN, xxx-xx-xxxx
THOMAS J. WINSLOW, xxx-xx-xxxx
MICHAEL L. WINSTON, xxx-xx-xxxx
ROBERT D. WINSTON, xxx-xx-xxxx
BRUCE N. WINTER, xxx-xx-xxxx
FREDERICK C. WIRSING, xxx-xx-xxxx
DENNIS G. WISE, xxx-xx-xxxx
RICHARD M. WISE, xxx-xx-xxxx
MICHAEL H. WITT, xxx-xx-xxxx
RICHARD B. WITT, xxx-xx-xxxx
MICHAEL F. WITTERIED, xxx-xx-xxxx
DAVID E. WITWER, xxx-xx-xxxx
LAWRENCE E. WOHLER, xxx-xx-xxxx
JONATHAN M. WOHLMAN, xxx-xx-xxxx
MARK S. WOISH, xxx-xx-xxxx
KAROL R. WOJCIKOWSKI, xxx-xx-xxxx
GAIL E. WOJTOWICZ, xxx-xx-xxxx
STEPHEN L. WOLBORSKY, xxx-xx-xxxx
FRANKLIN R. WOLF, xxx-xx-xxxx
ROBERT J. WOLF, xxx-xx-xxxx
SUSAN S. WOLF, xxx-xx-xxxx
GARY E. WOLFE, xxx-xx-xxxx
JOHN L. WOLFE, xxx-xx-xxxx
STEPHEN A. WOLFE, xxx-xx-xxxx
LINDA L. WOLFERT, xxx-xx-xxxx
AUDREY L. WOLFF, xxx-xx-xxxx
BETHANY R. WOLFORD, xxx-xx-xxxx
ARDEN R. WOLLAN, xxx-xx-xxxx
JANET P. WOLTER, xxx-xx-xxxx
GARY R. WOLTERING, xxx-xx-xxxx
CLAYTON Y. O. WONG, xxx-xx-xxxx
RONALD K. WONSON, xxx-xx-xxxx

CAROL T. WOOD, xxx-xx-xxxx
JOHN L. WOOD, xxx-xx-xxxx
JOSEPH R. WOOD, xxx-xx-xxxx
MARY H. WOOD, xxx-xx-xxxx
MARY J. WOOD, xxx-xx-xxxx
PAMELA N. WOOD, xxx-xx-xxxx
PHILLIP S. WOOD, xxx-xx-xxxx
SHERRY S. WOOD, xxx-xx-xxxx
THOMAS D. WOOD, xxx-xx-xxxx
WILTSE D. WOOD, xxx-xx-xxxx
DONALD B. WOODARD, xxx-xx-xxxx
VICKIE L. WOODARD, xxx-xx-xxxx
BRUCE W. WOODCOCK, xxx-xx-xxxx
MICHAEL G. WOODIE, xxx-xx-xxxx
WILLIAM H. WOODIER, xxx-xx-xxxx
SUSAN L. WOODLEE, xxx-xx-xxxx
DAVID R. WOODS, xxx-xx-xxxx
SEBURN R. WOODS, xxx-xx-xxxx
GEORGE B. WOODSON, xxx-xx-xxxx
DANIEL P. WOODWARD, xxx-xx-xxxx
MURRAY Y. WOODY, xxx-xx-xxxx
ROSALIND D. WOODY, xxx-xx-xxxx
RUDOLPH T. WOOLRIDGE, xxx-xx-xxxx
RITA J. WOOLWINE, xxx-xx-xxxx
SHEILA J. WOOLWINESMITH, xxx-xx-xxxx
BENNY L. WOOSLEY, xxx-xx-xxxx
LARRY E. WOOTEN, xxx-xx-xxxx
JEFFREY R. WORKMAN, xxx-xx-xxxx
KIT K. WORKMAN, xxx-xx-xxxx
JOSUELITO WORRELL, xxx-xx-xxxx
CHRISTOPHER J. WORSOWICZ, xxx-xx-xxxx
SCOTT A. WORTHINGTON, xxx-xx-xxxx
AARON C. WRIGHT, xxx-xx-xxxx
BRYAN R. WRIGHT, xxx-xx-xxxx
JOHN D. WRIGHT, xxx-xx-xxxx
JOHN M. WRIGHT, xxx-xx-xxxx
JOHN R. WRIGHT, JR, xxx-xx-xxxx
NEENA R. WRIGHT, xxx-xx-xxxx
RICHARD L. WRIGHT, JR, xxx-xx-xxxx
WALTER E. WRIGHT, III, xxx-xx-xxxx
WILLIAM A. WRIGHT, xxx-xx-xxxx
SCOTT E. WUESTHOFF, xxx-xx-xxxx
DALE A. WYANT, xxx-xx-xxxx
PETER C. WYATT, xxx-xx-xxxx
JOHN M. WYLAM, xxx-xx-xxxx
STEPHEN P. WYNN, xxx-xx-xxxx
ALAN K. YAMAMOTO, xxx-xx-xxxx
DWIGHT L. YARBROUGH, xxx-xx-xxxx
LUCY K. YARBROUGH, xxx-xx-xxxx
DOUGLAS D. YATES, xxx-xx-xxxx
JOSEPH S. YBARRONDO, III, xxx-xx-xxxx
JUAN M. YEEFONG, xxx-xx-xxxx
RAYMOND A. YELLE, xxx-xx-xxxx
WILLIAM R. YETMAN, JR, xxx-xx-xxxx
JAMES K. YORGEN, xxx-xx-xxxx
MICHAEL O. YORKE, xxx-xx-xxxx
CLARENCE Y. YOSHIMOTO, xxx-xx-xxxx
JOHN F. YOUMANS, xxx-xx-xxxx
ALLEN A. YOUNG, xxx-xx-xxxx
BRUCE W. YOUNG, xxx-xx-xxxx
DANA E. YOUNG, JR, xxx-xx-xxxx
GREGORY R. YOUNG, xxx-xx-xxxx
JEANETTE C. YOUNG, xxx-xx-xxxx
JOHN A. YOUNG, JR, xxx-xx-xxxx
LAMAR YOUNG, xxx-xx-xxxx
TERRY B. YOUNG, xxx-xx-xxxx
TOMMI L. YOUNG, xxx-xx-xxxx
TRELLIS V. YOUNG, xxx-xx-xxxx
DIANA M. YOUNGS, xxx-xx-xxxx
MICHAEL C. YUSI, xxx-xx-xxxx
CHARLES F. ZACCHERO, xxx-xx-xxxx
RICHARD T. ZALESKIE, xxx-xx-xxxx
ROSS C. ZAMORA, JR, xxx-xx-xxxx
STEVEN W. ZANDER, xxx-xx-xxxx
EDWARD T. ZANOWICZ, xxx-xx-xxxx
LAWRENCE J. ZAPPONE, xxx-xx-xxxx
FEDERICO C. P. ZARAGOZA, xxx-xx-xxxx
NEJDEH ZAROOKIAN, xxx-xx-xxxx
JOSEPH M. ZAUBI, xxx-xx-xxxx
JEFFREY H. ZAUTNER, xxx-xx-xxxx
SUSAN J. ZEHENDER, xxx-xx-xxxx
GARY B. ZELINSKI, xxx-xx-xxxx
JAMES M. ZEPKA, xxx-xx-xxxx
DONNA M. ZERBATO, xxx-xx-xxxx
CATHERINE J. ZERINGUE, xxx-xx-xxxx
JOHN A. ZEULI, xxx-xx-xxxx
FREDRICK T. ZIEGLER, II, xxx-xx-xxxx
MICHAEL A. ZIELINSKI, xxx-xx-xxxx
RICHARD M. ZINK, xxx-xx-xxxx
LYNNE H. ZINNECKER, xxx-xx-xxxx

CHAPLAIN CORPS

To be Major

BRUCE A. ARNOLD, xxx-xx-xxxx
STEVEN E. BARRETT, xxx-xx-xxxx
GARY R. BEMENT, xxx-xx-xxxx
DAVID W. BENNETT, xxx-xx-xxxx
GARY D. BOMBERGER, xxx-xx-xxxx
REGINALD T. CLEVELAND, xxx-xx-xxxx
HARRELL L. COBB, xxx-xx-xxxx
JAMES N. CUTTER, xxx-xx-xxxx
JAN J. DICKENS, xxx-xx-xxxx
GARY R. GARVEY, xxx-xx-xxxx
MICHAEL PAUL HARTZHEIM, xxx-xx-xxxx
LEON E. HILL, xxx-xx-xxxx
ROBERT S. HOCHREITER, xxx-xx-xxxx
ALEXANDER KOSTENKO, xxx-xx-xxxx
JOSEPH S. KUAN, xxx-xx-xxxx
RITA A. LEMONS, xxx-xx-xxxx
BYRON E. LUCKETT, JR., xxx-xx-xxxx
WILLIAM J. MARSHALL, xxx-xx-xxxx
JAMES A. MARTINEZ, xxx-xx-xxxx
JEROME D. MUELLER, xxx-xx-xxxx
MAURICE L. NEESE, xxx-xx-xxxx
RICHARD D. OBERHEIDE, xxx-xx-xxxx
GORDON W. PIPPIN, xxx-xx-xxxx
WARREN R. ROBNETT, xxx-xx-xxxx
GARY R. SALMON, xxx-xx-xxxx
LEON E. SAVAGE, JR., xxx-xx-xxxx
JAY R. SHERWOOD, xxx-xx-xxxx
CHARLES M. SIMMONS, xxx-xx-xxxx
KLAUS W. J. SIRIANNI, xxx-xx-xxxx
KEN JAMES STAVREVSKY, xxx-xx-xxxx
PAUL C. STEWART, xxx-xx-xxxx
JOHN L. TARRANT, JR., xxx-xx-xxxx
MILLARD G. TIMMONS, xxx-xx-xxxx
WALLY G. VAUGHN, xxx-xx-xxxx
CURTIS D. WALLACE, xxx-xx-xxxx
JOSEPH R. WALLROTH, xxx-xx-xxxx
REUBEN K. WASHINGTON, xxx-xx-xxxx

JUDGE ADVOCATE

To be Major

JACK L. ANDERSON, xxx-xx-xxxx
HARRY J. BATEY, xxx-xx-xxxx
RALPH A. BAUER, xxx-xx-xxxx
STEPHEN H. BLEWETT, xxx-xx-xxxx
WILLIAM E. BOYLE, xxx-xx-xxxx
ARTHUR C. BREDEMEYER, xxx-xx-xxxx
PAUL C. CLARK, xxx-xx-xxxx
GREGORY D. COX, xxx-xx-xxxx
LAURA H. CROCKER, xxx-xx-xxxx
PAUL M. DANKOVICH, xxx-xx-xxxx
MORRIS D. DAVIS, xxx-xx-xxxx
WAYNE H. DAVIS, xxx-xx-xxxx
BERNARD E. DOYLE, JR., xxx-xx-xxxx
PEGGY C. DURFEY, xxx-xx-xxxx
JOHN A. DYER, xxx-xx-xxxx
HENRY LEE EINSEL, JR., xxx-xx-xxxx
TERRENCE H. FARRELL, xxx-xx-xxxx
GREGORY L. FRONIMOS, xxx-xx-xxxx
MARK E. GARRARD, xxx-xx-xxxx
RONALD A. GREGORY, xxx-xx-xxxx
WILLIAM A. GROVES, xxx-xx-xxxx
JOHN R. HART, xxx-xx-xxxx
BART HILLYER, xxx-xx-xxxx
MARY J. HONODEL, xxx-xx-xxxx
JUDSON B. HOWELL, xxx-xx-xxxx
JOHN E. KELLOGG, xxx-xx-xxxx
PATRICIA A. KERNS, xxx-xx-xxxx
JOHN C. KUNICH, xxx-xx-xxxx
VICTOR F. LAPUMA, xxx-xx-xxxx
JOHN T. LAURO, xxx-xx-xxxx
JEFFREY C. LINDQUIST, xxx-xx-xxxx
MICHAEL R. LUND, xxx-xx-xxxx
JOEL C. MARSH, xxx-xx-xxxx
MARGARET R. MCCORD, xxx-xx-xxxx
CLIFFORD J. MCKINSTRY, xxx-xx-xxxx
ANN M. MITTERMEYER, xxx-xx-xxxx
KATHY A. MONTGOMERY, xxx-xx-xxxx
JAMES E. MOODY, xxx-xx-xxxx
MICHAEL D. MURPHY, xxx-xx-xxxx
KEVIN J. NEURER, xxx-xx-xxxx
GREGORY B. PORTER, xxx-xx-xxxx
LEONARD R. RIPPEY, xxx-xx-xxxx
MARK R. RUPPERT, xxx-xx-xxxx
CHARLES S. SIVLEY, xxx-xx-xxxx
WALTER J. SKIERSKI, JR., xxx-xx-xxxx
LOWELL J. TENPAS, xxx-xx-xxxx
JERALD C. THOMPSON, xxx-xx-xxxx
STEVEN N. TOMANELLI, xxx-xx-xxxx
DONALD G. TYSON, xxx-xx-xxxx
MARC VANNUYS, xxx-xx-xxxx
BILL C. WELLS, xxx-xx-xxxx
WILLIAM F. WHITE, xxx-xx-xxxx
EVERETT G. WILLARD, JR., xxx-xx-xxxx
LAWRENCE H. WOODWARD, xxx-xx-xxxx

NURSE CORPS

To be Major

RICHARD L. ABNEY, JR., xxx-xx-xxxx
DOMINICK J. AMADEO, xxx-xx-xxxx
BEVERLY J. ARBUTHNOT, xxx-xx-xxxx
NANCY J. ARTHUR, xxx-xx-xxxx
BRENDA K. ATKINS, xxx-xx-xxxx
PAUL N. AUSTIN, xxx-xx-xxxx
LEONOR P. BEAM, xxx-xx-xxxx
CATHERINE M. BEATTIE, xxx-xx-xxxx
SUSAN M. BELLAMY, xxx-xx-xxxx
ROBERT F. BENNETT, xxx-xx-xxxx
SANDRA A. BLACK, xxx-xx-xxxx
KELTON F. BLURTON, xxx-xx-xxxx
KAREN M. BOLLINGER, xxx-xx-xxxx
CHRISTOPHER L. BOYD, xxx-xx-xxxx
LORI A. BOYLE, xxx-xx-xxxx
LYNDA K. BRANDT, xxx-xx-xxxx
SUSAN BROWN, xxx-xx-xxxx
JEANNETTE PALES BURSON, xxx-xx-xxxx
JULIA M. BURTON, xxx-xx-xxxx
ANNE S. BUTCHER, xxx-xx-xxxx
MIRIAM L. CAHILLIYEATON, xxx-xx-xxxx
LESLIE W. CANNISTRACI, xxx-xx-xxxx
LARRY R. CARTER, xxx-xx-xxxx
SYLVIA H. CATIN, xxx-xx-xxxx
MARY M. CHANDLER, xxx-xx-xxxx
KIT R. CLARK, xxx-xx-xxxx
CAROLYN S. COLLUM, xxx-xx-xxxx
MARY M. CONNORS, xxx-xx-xxxx
PATRICIA D. CORBIN, xxx-xx-xxxx
JEANETTE M. CRAMER, xxx-xx-xxxx
SUSAN J. CRAW, xxx-xx-xxxx
JEAN S. DANIELS, xxx-xx-xxxx
LYNNETTE D. DAVIS, xxx-xx-xxxx
WILLIAM M. DEAN, xxx-xx-xxxx
PATRICA D. DOTSON, xxx-xx-xxxx
ROCHELLE M. DUCHARME, xxx-xx-xxxx
MELYDIA J. EDGE, xxx-xx-xxxx
SANDRA J. EVANS, xxx-xx-xxxx
DEBRA K. EVERS, xxx-xx-xxxx
LORENA W. FLOYD, xxx-xx-xxxx
DELORES G. FORREST, xxx-xx-xxxx
KEITH E. GARDNER, xxx-xx-xxxx
GLORY L. GILL, xxx-xx-xxxx
CAROLYN K. GOOCH, xxx-xx-xxxx
ROBERTA L. GOTT, xxx-xx-xxxx
MARJORIE A. GRAZIANO, xxx-xx-xxxx
MELINDA D. GRIJALVA, xxx-xx-xxxx
MICHAEL J. HALEY, xxx-xx-xxxx
BRUCE D. HANNAN, xxx-xx-xxxx
WILLIAM E. HARBOUR, xxx-xx-xxxx
REBECCA M. HARGIS, xxx-xx-xxxx
DAWN M. HARL, xxx-xx-xxxx
ALICE J. HARVEY, xxx-xx-xxxx
PAMELA A. HATCH, xxx-xx-xxxx
JANE R. HAUSIA, xxx-xx-xxxx
DEBORAH H. HEAD, xxx-xx-xxxx
ROGER G. HEBERT, xxx-xx-xxxx
BARBARA J. HEILLER, xxx-xx-xxxx
PATTI V. HOFFMAN, xxx-xx-xxxx
LELA M. HOLDEN, xxx-xx-xxxx
RAYMOND Y. HOWELL, xxx-xx-xxxx
GEORGE HUBBS, III, xxx-xx-xxxx
MICHAEL J. HUGHES, xxx-xx-xxxx
MICHAEL W. HUTTON, xxx-xx-xxxx
JAIME S. IVERSEN, xxx-xx-xxxx
PATRICIA E. JANTZEN, xxx-xx-xxxx
JAMES R. JINKS, xxx-xx-xxxx
BARBARA J. JOHNSTON, xxx-xx-xxxx
BRENDA K. JOHNSTON, xxx-xx-xxxx
BRENDA G. JONES, xxx-xx-xxxx
JASON A. JONES, xxx-xx-xxxx
REBECCA G. JONES, xxx-xx-xxxx
DENNIS W. JORDAN, xxx-xx-xxxx
ANNE E. P. KILBOURN, xxx-xx-xxxx
JAMES M. KIRK, xxx-xx-xxxx
JULIE A. KLOPPEL, xxx-xx-xxxx
RANDALL W. KLOTZ, xxx-xx-xxxx
RANI A. KOKATNUR, xxx-xx-xxxx
DONNA M. LAKE, xxx-xx-xxxx
BARBARA A. LAROSEE, xxx-xx-xxxx
ARLENE G. LEPPER, xxx-xx-xxxx
SHARON R. LEYLAND, xxx-xx-xxxx
CYNTHIA R. LIGHTNER, xxx-xx-xxxx
BRENDA J. LINDSAY, xxx-xx-xxxx
DIANNE R. LIST, xxx-xx-xxxx
ELIZABETH A. LOIKA, xxx-xx-xxxx
ELLEN K. LOSCH, xxx-xx-xxxx
KATHRYN N. MAHMOOD, xxx-xx-xxxx
WAYNE MARTIN, xxx-xx-xxxx
MARGARET J. MCARTHUR, xxx-xx-xxxx
CHARLES S. MCDONALD, xxx-xx-xxxx
BRENDA J. MCELENEY, xxx-xx-xxxx
PAUL D. MCGOUGH, xxx-xx-xxxx
DEAN R. MIELKE, xxx-xx-xxxx
JOHN F. MITCHELL, xxx-xx-xxxx
BRIAN D. MORR, xxx-xx-xxxx
KAY M. MURPHY, xxx-xx-xxxx
KATHLEEN J. MURRAY, xxx-xx-xxxx
MARLON K. NAILLING, xxx-xx-xxxx
DEBORAH A. NAMDAR, xxx-xx-xxxx
JAMES K. NICKERSON, xxx-xx-xxxx
THOMAS M. OLIVE, xxx-xx-xxxx
KATHERINE M. OROURKE, xxx-xx-xxxx
MICHAEL C. ORR, xxx-xx-xxxx
DAVID A. PAAD, xxx-xx-xxxx
BRUCE E. PARKES, xxx-xx-xxxx
SUSAN E. PETERS, xxx-xx-xxxx
GWENEVERE J. PHILLIPS, xxx-xx-xxxx
CAROL A. POPEBEHRENS, xxx-xx-xxxx
TRACY A. PRICE, xxx-xx-xxxx
STEPHEN E. PRIZER, xxx-xx-xxxx
KENNETH A. PULLEY, xxx-xx-xxxx
JUAN R. QUINTERO, xxx-xx-xxxx
TODD M. RANDALL, xxx-xx-xxxx
CAROL L. RANDELL, xxx-xx-xxxx
ANGELA F. RASMUSSEN, xxx-xx-xxxx
STEPHEN H. REANDO, xxx-xx-xxxx
SUSAN M. REYNOLDS, xxx-xx-xxxx
ELIZABETH S. ROBISON, xxx-xx-xxxx
DENNIS P. ROGERS, xxx-xx-xxxx
MARSHA S. ROSSELL, xxx-xx-xxxx
STACY A. RUPERT, xxx-xx-xxxx
JANICE B. RYCKELEY, xxx-xx-xxxx
JOSE M. SALAZAR, xxx-xx-xxxx
VENITA I. SAMPSON, xxx-xx-xxxx
MARY J. SCHUDROWITZ, xxx-xx-xxxx
KATHY E. SEARS, xxx-xx-xxxx
MARTHA C. SIMON, xxx-xx-xxxx
ANNE T. SMITH, xxx-xx-xxxx
MICHELE D. SMITH, xxx-xx-xxxx
PAMELA L. SMITH, xxx-xx-xxxx
JINADA L. SNELL, xxx-xx-xxxx
ELAINE M. SOPKO, xxx-xx-xxxx
LARRY F. SOPPECK, xxx-xx-xxxx
LENORA STANLEY, xxx-xx-xxxx
FRANK C. STOKES, JR., xxx-xx-xxxx
TERESA P. TAYLOR, xxx-xx-xxxx
JEANNE M. THOMAS, xxx-xx-xxxx
CAROLINE R. TIRABASSI, xxx-xx-xxxx
JODI A. TULLMAN, xxx-xx-xxxx
JOHN R. TURNER, xxx-xx-xxxx
WANDA VELEZBUSTOS, xxx-xx-xxxx
KATHERINE A. WALLACE, xxx-xx-xxxx

PAULA L. WILLIAMS, xxx-xx-xxxx
VIRGINIA M. WILMORE, xxx-xx-xxxx
BRUCE M. WILSON, xxx-xx-xxxx
SANDRA J. WITTHAUER, xxx-xx-xxxx
DONNA M. F. WOIKE, xxx-xx-xxxx
BARBARA L. WOLFE, xxx-xx-xxxx
JENNIFER S. WOODRUFF, xxx-xx-xxxx
SHARON B. WRIGHT, xxx-xx-xxxx
NANCY M. YOUNG, xxx-xx-xxxx
KATHLEEN M. YOUNT, xxx-xx-xxxx
LAURETTE M. YUND, xxx-xx-xxxx
KEVIN E. ZIMMER, xxx-xx-xxxx
KATHLEEN L. ZYGOWICZ, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be Major

CARL M. ALLEY, xxx-xx-xxxx
GERALD G. ANDERSON, xxx-xx-xxxx
NICHOLAS H. BANZIRUK, xxx-xx-xxxx
STEVEN D. BENTLEY, xxx-xx-xxxx
ROBERT W. BLUM, xxx-xx-xxxx
DAVID H. BRAMIGK, xxx-xx-xxxx
BRUCE R. BROWN, xxx-xx-xxxx
DONALD L. BULLARD, xxx-xx-xxxx
JAMES L. BYERS, xxx-xx-xxxx
JOHN P. CAMPBELL, xxx-xx-xxxx
STEVEN L. CARDENAS, xxx-xx-xxxx
STEPHEN A. CARGILL, xxx-xx-xxxx
CHI CHIANG, xxx-xx-xxxx
LARRY L. COBLER, xxx-xx-xxxx
RICKY C. COOK, xxx-xx-xxxx
ADANTO R. DAMORE, xxx-xx-xxxx
ROBERT L. DITCH, xxx-xx-xxxx
FREDA L. FACEY, xxx-xx-xxxx
CHESTER A. GOODING, JR., xxx-xx-xxxx
SCOTT R. GRAHAM, xxx-xx-xxxx
FRED M. HANNAN, JR., xxx-xx-xxxx
LINDA E. HANSON, xxx-xx-xxxx
BRUCE A. HARMA, xxx-xx-xxxx
WILLIAM H. HILL, JR., xxx-xx-xxxx
GLENN W. HOLLAND, xxx-xx-xxxx
SUSAN L. HUFSMITH, xxx-xx-xxxx
KAREN E. JONES, xxx-xx-xxxx
MICHAEL S. JONES, xxx-xx-xxxx
PATRICK G. KANE, xxx-xx-xxxx
KENNETH W. KELLEY, xxx-xx-xxxx
COREY A. KIRSCHNER, xxx-xx-xxxx
EUGENE D. KURTZ, xxx-xx-xxxx
JOHN R. LAKE, xxx-xx-xxxx
SCOTT E. LAWRENCE, xxx-xx-xxxx
JODY B. LEJA, xxx-xx-xxxx
DORON N. MANIECE, xxx-xx-xxxx
CARL J. MCCANN, xxx-xx-xxxx
RAYMOND Q. MCCOY, xxx-xx-xxxx
GARY D. MCMANN, xxx-xx-xxxx
BENNY C. MERKEL, xxx-xx-xxxx
KENNETH M. MILLER, xxx-xx-xxxx
WILLIAM J. MITCHELL, xxx-xx-xxxx
RICHARD F. MONK, xxx-xx-xxxx
MARYANN MORREALE, xxx-xx-xxxx
ALTON D. NEYLAND, xxx-xx-xxxx
KEVIN P. N. OSHEA, xxx-xx-xxxx
LEONARD A. OSTERMANN, xxx-xx-xxxx
GARY N. OVERALL, xxx-xx-xxxx
THEODORE T. PANTALEO, III, xxx-xx-xxxx
JOHN A. PENROD, JR., xxx-xx-xxxx
KEVIN A. POLLARD, xxx-xx-xxxx
LORRI B. POWELL, xxx-xx-xxxx
KIMBERLEY K. POWER, xxx-xx-xxxx
MARK A. PRESSON, xxx-xx-xxxx
RONALD O. PURCELL, xxx-xx-xxxx
ROBERT G. GUINN, xxx-xx-xxxx
REYES P. RAMIREZ, xxx-xx-xxxx
FLOYD A. RAPP, JR., xxx-xx-xxxx
ROBERT J. RENNIE, xxx-xx-xxxx
RONALD C. RETZER, xxx-xx-xxxx
RICHARD D. ROGNEHAUGH, xxx-xx-xxxx
ELLIOT SARANTAKOS, xxx-xx-xxxx
ROBERT T. SCHAWELSON, xxx-xx-xxxx
ROBERT C. SEYBOLD, II, xxx-xx-xxxx
SUZANNE M. SILVER, xxx-xx-xxxx
JIMMIE D. SMITH, xxx-xx-xxxx
WILLIAM C. SMITH, xxx-xx-xxxx
MICHAEL D. THORNTON, xxx-xx-xxxx
DONALD B. TREMBLY, xxx-xx-xxxx
LONNIE W. UNDERWOOD, xxx-xx-xxxx
BOBBY E. VASCOVICH, xxx-xx-xxxx
NANCY A. WAITE, xxx-xx-xxxx
CHARLES D. WALLER, xxx-xx-xxxx
KENNETH R. WELTZ, xxx-xx-xxxx
JERRY P. WESTWATER, xxx-xx-xxxx
DAVID M. WILMOT, xxx-xx-xxxx
DAVID E. WOMACK, xxx-xx-xxxx
FREDERICK L. WOODS, xxx-xx-xxxx
JAMES P. YARBOROUGH, xxx-xx-xxxx
ROBERTA L. YOUNG, xxx-xx-xxxx

BIO-MED CORPS

To be Major

PAUL H. ADAMSON, xxx-xx-xxxx
BRIAN W. AMES, xxx-xx-xxxx
LORAINE H. ANDERSON, xxx-xx-xxxx
LUCY L. ANDERSON, xxx-xx-xxxx
WILLIAM S. ASTLEY, xxx-xx-xxxx
RANDALL L. BALLARD, xxx-xx-xxxx
MARY K. BALLENGEE, xxx-xx-xxxx
STEVEN E. BARRETT, xxx-xx-xxxx
JEFFREY L. BASTOKY, xxx-xx-xxxx
MARION C. BECKER, xxx-xx-xxxx
CAROLYN S. BENNETT, xxx-xx-xxxx
GARY M. BLAMIRE, xxx-xx-xxxx
CINDY L. BOWSER, xxx-xx-xxxx
ALBERTA E. BURLEIGH, xxx-xx-xxxx
BRIAN R. CAMPBELL, xxx-xx-xxxx
CHARLES D. CAULKINS, xxx-xx-xxxx
STEPHEN J. CHIRIGOTIS, xxx-xx-xxxx
JAMES P. CURRAN, xxx-xx-xxxx
BRUCE H. DAHLQUIST, xxx-xx-xxxx
OLIVER K. DELONG, xxx-xx-xxxx
DAVID J. DEMAY, xxx-xx-xxxx
BRIAN W. DESANTIS, xxx-xx-xxxx
PAUL D. DESSART, xxx-xx-xxxx
JACKSON R. DOBBINS, xxx-xx-xxxx
ROBERT W. EDRIS, xxx-xx-xxxx
MICHAEL P. FITCH, xxx-xx-xxxx
ROY T. FRANKLIN, xxx-xx-xxxx
MARK F. GENTILMAN, xxx-xx-xxxx
LELAND E. GEORGE, xxx-xx-xxxx
WILLIAM A. GLASSEY, xxx-xx-xxxx
CHARLES GOLEMBESKE, JR., xxx-xx-xxxx
ALFRED S. GRAZIANO, JR., xxx-xx-xxxx
RODNEY K. GROGAN, xxx-xx-xxxx
JO A. HAGA, xxx-xx-xxxx
STEPHEN M. HASWELL, xxx-xx-xxxx
JEFFREY P. HILOVSKY, xxx-xx-xxxx
HELEN M. HORNKINGERY, xxx-xx-xxxx
HARRY L. HOYT, xxx-xx-xxxx
WILLIAM B. HUFF, xxx-xx-xxxx
CASEY J. HUMPHREY, xxx-xx-xxxx
EDWARD S. HUMPHREY, xxx-xx-xxxx
BONNIE C. JOHNSON, xxx-xx-xxxx
MICHAEL E. JOHNSON, xxx-xx-xxxx
GEORGE B. KEMPER, xxx-xx-xxxx
JOSEPH H. KUBICEK, xxx-xx-xxxx
THOMAS E. LEIDENHEIMER, xxx-xx-xxxx
BRIAN L. LESTRANGE, xxx-xx-xxxx
FRANK B. LIEBHABER, JR., xxx-xx-xxxx
TONI M. LINDBERG, xxx-xx-xxxx
JAMES F. MAGINOT, JR., xxx-xx-xxxx
KIRK C. MAYNARD, xxx-xx-xxxx
GERALD M. MCGRAW, JR., xxx-xx-xxxx
PAULA A. MCPHAIL, xxx-xx-xxxx
RUSSELL J. MEILING, xxx-xx-xxxx
HARMON MELDRIM, xxx-xx-xxxx
GARY W. MOUSSEAU, xxx-xx-xxxx
DANILO G. NARCISO, xxx-xx-xxxx
MICHAEL L. NORED, xxx-xx-xxxx
OTTO W. OHM, II, xxx-xx-xxxx
MEADE PIMSLER, xxx-xx-xxxx
ANN M. PROHASKA, xxx-xx-xxxx
STEPHEN G. REINHART, xxx-xx-xxxx
DAVID A. RITTER, xxx-xx-xxxx
RICHARD F. ROBERTS, xxx-xx-xxxx
LESTER J. SCHMIDT, xxx-xx-xxxx
BRUCE R. SHOREY, xxx-xx-xxxx
PAULA S. SIMON, xxx-xx-xxxx
SCOTT A. SIMPSON, xxx-xx-xxxx
STEPHEN M. SMICKER, xxx-xx-xxxx
ROBERT F. SOTO, xxx-xx-xxxx
JOHN D. STEIN, xxx-xx-xxxx
DONALD E. TAYLOR, xxx-xx-xxxx
LARRY D. THOMPSON, xxx-xx-xxxx
VALERIE A. TRICHE, xxx-xx-xxxx
MARK J. WELTER, xxx-xx-xxxx
RONALD T. WILBER, xxx-xx-xxxx
STEVEN E. WILLIAMS, xxx-xx-xxxx
MICHAEL W. WOLTER, xxx-xx-xxxx
MARK R. YAGER, xxx-xx-xxxx
GREGORY Y. G. YOUNG, xxx-xx-xxxx
MICHAEL E. YOUNG, xxx-xx-xxxx
THOMAS M. ZAZECKIS, xxx-xx-xxxx

WITHDRAWAL

Executive message received January 25, 1990, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF VETERANS AFFAIRS

D'WAYNE GRAY, OF VIRGINIA, TO BE CHIEF BENEFITS DIRECTOR, DEPARTMENT OF VETERANS AFFAIRS, (NEW POSITION), WHICH WAS SENT TO THE SENATE ON JANUARY 23, 1990.

EXTENSIONS OF REMARKS

MEDICAL WASTE: WHY HOSPITAL AND HEALTH INSURANCE COSTS KEEP SOARING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. STARK. Mr. Speaker, our constituents wonder why health costs keep soaring—why their health insurance premiums, their hospital bills, and their Medicare taxes keep rising. A big part of the answer is the medical waste caused by hospital overbuilding and competition that actually raises costs and prices.

The following front-page Wall Street Journal article of January 10, 1990, is one of the best descriptions of the problem I have seen.

We all are about to be lobbied by hundreds of hospital administrators from around the Nation who are coming to Washington for their annual convention. I hope each Member could ask those who lobby them for more Medicare money why the taxpayer should pay for such poor business practices.

The article follows:

[From The Wall Street Journal, Jan. 10, 1990]

MEDICAL WASTE: HOSPITAL CONSTRUCTION BOOMS, DRIVING COST OF HEALTH CARE UP

(By Kenneth H. Bacon)

FORT WAYNE, IND.—Frederick Kerr peers into what he calls "the biggest hole in Fort Wayne" and describes the five-story hospital being built there.

Due to open in 1992, the $91.2 million building on the outskirts of town will supplant an aging downtown hospital and offer the newest of equipment and amenities, says Mr. Kerr, the president of Lutheran Hospital. A new hospital would seem to be a welcome addition: It might attract doctors and patients, provide jobs and, many people believe, help bring in industry.

But in fact, many businesses in this industrial city fear that the new hospital will accelerate the health-cost spiral and hamper their ability to compete at home and abroad. They warn that Lutheran's expense of servicing its debt for the hospital will add at least $75 a day to the $750 it currently costs for an average day of care there. And they fear that the city's two other hospitals, seeking to keep up, will undertake costly remodelings and raise their rates, too.

A RIVAL RESPONDS

Sure enough, rooms at Parkview Memorial, the city's biggest hospital, "are going to have to have some of the amenities that the new hospital has. That's just part of the cost of doing business," says Lavon Miller, Parkview's vice president for facilities. "Our doctors are going to have to have a parking lot as close to the building as we can make it. The carpet in the lobby is going to have to be replaced. The patients and physicians demand it."

The fuss in Fort Wayne is anything but unusual. It is a microcosm of a growing debate nationwide. Hospital construction is booming despite anguish over rising health-care costs and despite the fact that far more hospitals have empty beds than waiting lists. Although some hospitals in urban areas, especially New York City, have extremely high occupancy rates, more than one-third of the nation's 947,000 community-hospital beds are empty.

"There is, without a doubt, excess capacity in the system that we can't afford," says Louis Sullivan, the secretary of Health and Human Services.

The cost of completed hospital-construction projects totaled $14.9 billion in 1988, up 17.9% from 1987, according to a survey by Modern Healthcare magazine. And taxpayers are footing much of the bill, primarily through tax-exempt bonds—$11.4 billion of such hospital securities were issued in 1988—and through $5.8 billion of largely unmonitored federal subsidies.

As a group, hospitals are good credit risks. But the combination of low occupancy, attempts to control health-care costs and debt burdens approaching $93,000 a bed has produced a wave of credit-rating reductions on hospital bonds, according to Health Care Investment Analysts Inc., a Baltimore research firm. The ratio between downgrades in ratings and upgrades rose to 12-to-1 last year from 2-to-1 last year from 2-to-1 in 1983, the government calculates.

ADDING SERVICES

Instead of building new facilities, many hospitals are adding services and modernizing as a marketing strategy to attract patients from competing institutions. But in the health business, unlike most others, competition drives prices up, not down. Research by HCIA finds prices generally higher in competitive, multihospital markets than in single-hospital areas.

"Hospitals don't compete on price; they compete on services," explains Carl Schramm, the president of the Health Insurance Association of America. With occupancy low, "the pure economic response is that you develop things to fill your hospital." Aside from offering new, expensive technology, hospitals have set up centers for diet control, sports medicine, drug and alcohol treatment and psychiatry to attract patients to empty beds.

But the cost of excess capacity goes beyond higher prices. "More capacity to provide more services . . . simply raises volume and expenditures," contends Rep. Fortney Stark, a California Democratic who heads a House Ways and Means health subcommittee. "Therefore, the high rate of excess capacity in beds and services leads directly to unnecessary admissions and procedures."

He adds: "there's nobody in the American Hospital Association whose mother has ever told him that enough is enough."

The cost of this kind of competition is at the heart of the debate in Fort Wayne. The Northern Indiana Business Group on Health, a coalition of 16 companies employing 32,000 workers in the Fort Wayne metropolitan area of 300,000 people, unsuccessfully challenged Lutheran's project, in a public statement, as "inadvisable at this time." The coalition, which includes Lincoln National Corp., the large insurance company based here, and units of General Electric, General Motors and Motorola, argues that, to hold down costs, the area's three hospitals—Lutheran, Parkview and St. Joseph Medical Center—should instead be reducing duplicative services.

In this case, Lutheran Hospital isn't expanding. It currently operates 447 beds and bassinets; the new hospital will have 390. At its old facility, Lutheran will continue to operate 57 psychiatric and drug an alcohol treatment beds and run a senior service center. And at 77.3%, Lutheran's occupancy rate is well above the national average. But Mr. Kerr says he hopes that the new facility will help Lutheran expand its market share by drawing patients from competing in local hospitals.

Costly competition already plagues Fort Wayne. Parkview, with 632 beds and an occupancy rate of 68.8%, recently opened a $9 million maternity wing with a neonatal center and 40 birthing units, where a woman stays in one room for labor, delivery and recovery.

Everybody agrees that this is the newest, largest maternity center in Fort Wayne, but Lutheran's Mr. Kerr boasts that "we did renovating on our existing space to beat them to the punch with single-room birthing." Actually, St. Joseph's was first with single-room birthing, says John Farrell, the chief operating officer at the city's smallest hospital, with 328 beds and an occupancy rate of 47.4%. "We had it before they did; we just didn't market it," he says, And with the new competition expected from Parkview, "I'm redoing mine a little right now—$300,000 to $400,000 facelift," he adds.

COMPETITION IN MACHINERY

Fort Wayne's hospitals compete in other apparently redundant ways. All three perform open-heart surgery and operate magnetic-resonance imaging machines, which cost more than $1 million apiece. Two have lithotripter machines (Lutheran's cost $850,000), which destroy gall and kidney stones without surgery.

Competition also involves expanding to new locations. St. Joseph's started by opening a medical office building in a high-growth area several miles north of its downtown location. Lutheran has also opened, on the site of its new hospital, a new office building with an active outpatient surgery center. So far, Parkview hasn't branched out from its extensive campus, but Mr. Miller is thinking about it. A big map in his office shows possible satellite locations near suburban highway intersections. Such facilities may be necessary to promote "bonding" with Parkview's doctors, he says.

"It's an extremely competitive town in terms of health care." St. Joseph's Mr. Farrell explains, with the competition centering on services and location. "We have found that there's not a lot of price sensitivity here," he says.

That may be changing, both here and around the nation. Fort Wayne businesses

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

are beginning to negotiate with hospitals and doctors for price breaks. The Northeast Indiana Business Group is working to set up a purchase plan that should increase companies' bargaining power. One company in the group complains that the cost of an average hospital stay for its employees rose 35% between 1986 and 1988.

Nationally, the number of hospital beds is shrinking, but not fast enough. "I don't think anybody anticipated the tremendous diversification of services" that have attracted new patients and helped hospitals postpone the pressures to close that they would otherwise feel from falling hospital admissions and shorter lengths of stay, says Daniel Dragalin, Prudential Insurance Co.'s vice president for medical services. "But I think we're going to go through a period of pain."

FEDERAL FINANCING PROGRAMS

The current building boom is very much a product of the enactment of Medicare for the elderly and Medicaid for the poor nearly 25 years ago. The new coverage provided a steady flow of federal funds to hospitals. In addition, Medicare agreed to reimburse hospitals for reasonable capital costs incurred to provide care to the elderly. With guaranteed federal funding, hospitals could easily borrow money.

Before Medicare, hospitals raised most of their money through charitable contributions. "An ethic of penurious management of resources pervaded most hospitals," according to a study by Mr. Schramm and George Pillari, HCIA's president. "Because the sources of capital in the past were individual contributors, the hospital was careful in developing building plans, erecting only physical plant that appeared necessary at the time." But the switch to public financing made it easier to finance expansion and led to overcapitalization in the industry, they argue.

Medicare reimburses hospitals for part of their capital costs on a pass-through basis. The money can support expenditures ranging from the purchase of magnetic-resonance imaging machines to construction of parking garages; Medicare doesn't try to determine whether the projects are necessary to provide medical services in a particular area.

The program bases capital payments on the percentage of a hospital's patients on Medicare rather than on its occupancy rate. So, a hospital with an occupancy rate of only 40% but with 80% of its patients on Medicare can get a larger reimbursement on a given investment than a hospital with an 80% occupancy rate but only 40% of its patients on Medicare.

In 1991, however, the government is scheduled to link reimbursements more closely to the services that hospitals actually provide Medicare patients—a move expected to reduce the capital subsidies and perhaps slow the building binge.

Parkview's Mr. Miller believes that with both government and business fighting to hold down health-care costs, the demand for Fort Wayne's nearly 1,400 hospital beds is likely to fall further. "We'll probably need half the beds we currently have by the year 2000," he says. "We could probably get by with two hospitals."

CONGRESS NEEDS TO ENACT CAMPAIGN-FINANCE LEGISLATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. MAZZOLI. Mr. Speaker, I disagree with Mr. Van Dyk and Fortune's editors and headline writers on the headline on this article.

I do not feel current campaign practices have corrupted Washington, but these practices desperately need to be reformed.

Because of Mr. Van Dyk's lengthy experience in Washington and in political campaigns—and despite the rather sensational headline—I feel his recommendations on how to correct election and campaign abuses deserve to be placed in the RECORD for our colleagues and readers to ponder.

[From Fortune, Dec. 18, 1989]

HOW TO END WASHINGTON CORRUPTION

(By Ted Van Dyk)

In almost 30 years of working in Washington politics, I've not seen a time when the process has been shallower or when fewer people involved have been truly interested in the substance of national policy. When I first came to Washington, cash-in-the-envelope was the normal form of corruption, but somehow the system still worked: Strong leadership and big ideas dominated. Today, and despite ongoing scandals like those surrounding the Department of Housing and Urban Development and certain S&Ls, there is probably less corruption of the old kind. Even so, the political system does not work anymore. The political parties and senior congressional leaders have lost their traditional mediating, consensus-forming roles. Special interests and their money have taken their place.

Politicians seeking election or reelection ignore these powerful groups at their peril. In 1990, campaigns in big states like New Jersey or Illinois could cost at least $10 million each. Candidates can raise that sort of money only by allocating a stunning percentage of their time and energy to the care and feeding of political action committees and of individual fund raisers who can shake the maximum allowable $1,000 contributions from hundreds of individuals.

A candidate's other daily preoccupation is to improve his or her current status with muscular constituencies that live and die with "vertical" issues such as abortion, flag desecration, school prayer, steel and textile import quotas, or the continuance of federal contracts or installations. The candidate is unconcerned with more important "horizontal" issues such as national economic growth or East-West relations. This also explains the unwillingness of both the White House and Congress to attack federal budget deficits with either tax increases or spending cuts—measures that might offend powerful groups or donors.

Then there is the matter of how political money, once raised, is spent. In most campaigns well over half goes to television commercials. Other large chunks go to pollsters and professional consultants. In earlier years these things were a part of any national or other campaign, but they were a small part. Campaigns were mostly driven by the views of the candidates. Those views sometimes came from reasoned consideration, at other times from least-common-denominator pandering to opinion. But they did not come from sources that forge the campaign "positions" of most candidates today, namely tracking polls, focus groups, or the notions of professional consultants who, outside their narrow technical spheres, are essentially know-nothings.

The first national campaign in which I played any serious role was the 1964 Johnson-Humphrey triumph over Senator Barry Goldwater. I worked as a campaign aide to Humphrey, for whom I later wrote speeches. Lyndon Johnson won overwhelmingly, in part because of a manipulative national media campaign that falsely characterized Goldwater as someone who would risk nuclear war, destroy Social Security, and expand the war in Vietnam (the last mentioned being something that Johnson did immediately after he was reelected President). The media campaign was effective. But also, in an election that would have been won under any circumstance, it degraded the process and set a precedent for the low-level demagoguery we've seen in many campaigns since, including last year's Bush-Dukakis contest and the campaigns this fall in New Jersey, Virginia, and New York City. I'm ashamed now of what in 1964 I thought was clever.

Many people of integrity still battle to serve the larger public interest. But we can't depend on them to save us—we need to fix the system in which they work. Here are some proposed changes:

(1) Put limits on campaign spending: Total spending in federal races should be capped at least 50% below 1988 levels, when congressional elections cost a total of nearly $500 million. Spending limits also would allow nonincumbent challengers a chance to unseat incumbents armed with enormous campaign kitties.

(2) Eliminate PACs: There's much pious talk about political action committees being vehicles for democratic expression. They are not. For the most part, PACs are blunt-force objects intended to pry policy objectives out of the candidates who take their money. Candidates bully PACs too.

(3) Raise limits on individual spending: To fill the gap now occupied by PAC money, let individuals give up to $20,000 each instead of the present $1,000. Require them to report it publicly and to give through their party rather than directly to individual candidates.

(4) Give power back to the parties: If all political campaign money indeed were channeled through the two major parties, they would regain some of their lost power and thus their ability to create consensus on difficult but vital issues such as deficit reduction. This also would enable party leaders to apply discipline to legislators who now are able to thumb their noses because they owe nothing to their parties.

(5) Make broadcast time free: The nation's television stations, which use the airways courtesy of public license, should provide free time to Democratic and Republican nominees in all federal and gubernatorial races. This alone would cut present campaign budgets in half. In primary races, free time should be allocated to joint appearances by all candidates.

(6) Stop TV spots: In return for free air time, the candidates would have to pledge not to use professionally produced commercials. They'd have to appear in person and tell us who they were and where they wanted to take us. Candidates would think twice about throwing wild charges or misstating the facts. Commercials featuring

third parties or voice-overs lie easily; candidates appearing live lie more dangerously because the media are apt to nail them.

(7) Squeeze out the consultants: If slick, professionally produced TV commercials were outlawed, most of the consultants would find their income base so jeopardized they'd have to resort to less lucrative work. I've known most of them over the years. A few are honorable people; the majority are shallow hustlers.

(8) Make the presidential nominating process more rational: All the abuses that are crippling House and Senate politics are also damaging presidential politics. Two things would go furthest toward making the nominating process rational and fair. First, remove the tyranny of early states such as Iowa, where a few hundred activists dominate the process. Instead, we need a series of four or five regional primaries. This would expose candidates' views on issues of national concern rather than focusing on single-state issues, which often happens now. Second, set aside 33% of the two parties' total convention delegate votes to be used by unpledged elected and party officials able to bring independent judgment to the nominating process.

SUPPORT H.R. 2712—TO PROVIDE STATUTORY AUTHORITY TO PROTECT THE CHINESE STUDENTS IN THE UNITED STATES

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. MACHTLEY. Mr. Speaker, yesterday, we voted on the question of overriding the President's veto of H.R. 2712, legislation to provide statutory authority to protect Chinese nationals studying here in the United States. There are many reasons I felt it was important to support the override.

Some will argue that the President's directive offers equally as much protection as that offered under H.R. 2712, legislation Congresswoman PELOSI has sponsored—and of which I am a cosponsor. This may be true from the administration's mine, or my neighbor's point of view. But, then again, we are not the people who would be most affected by this decision.

I am not threatened with return to a country whose leadership conducted a bloody massacre against my friends and countrymen; nor am I troubled with the threat of an unfair trial, and the potential of my summary execution at the hands of the government; nor am I threatened with reprisals against family members abroad who have been forced to write letters condemning me as an incendiary or a revolutionary.

The answer to the question of who is most affected by a decision on whether or not to override the President's veto is obvious—it is the Chinese students themselves. And it is them who I think we should most closely listen to as we make decisions for their futures, and formulate policy responses to their concerns.

That message made clear, I ask you to listen to the following excerpt from a letter drafted by a group of Chinese nationals studying in the United States. They write:

We are extremely afraid of our security if we were forced to return to China. Because most of us have either participated or been actively involved in a wide range of peaceful activities to support the pro-democracy movement in China. The Chinese fascist regime has vowed to persecute those who dare to call for democracy, freedom and human rights. We have certainly met the standard of "well founded fear of persecution" if we were forced to return to China . . .

Therefore, we beg you to pass legislation to eliminate our fears . . . We believe that if the visa status of the 40,000 well-educated Chinese students and scholars can not be resolved legislatively, then the majority of them will either apply for political asylum with the INS whose administrative functions will be heavily burdened by the increased case load, or others who fear for reprisals against their families in China due to their filing of asylum applications in the U.S. will simply stay here and become "illegals" who cannot perform their qualified functions and would be a waste to society as a whole.

And I am pleased that the vast majority of the House of Representatives joined me in making this message heard by voting to override the veto of H.R. 2712, and to provide the Chinese students with the legislative remedy they have called for.

NEWSLETTER AND SURVEY ON THE FEDERAL BUDGET DEFICIT

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. BEILENSON. Mr. Speaker, I would like to share with our colleagues a newsletter on the Federal budget deficit that I wrote for my constituents last fall, and the results of the questionnaire I sent to them as a followup.

I was personally encouraged by the response to both the newsletter and the questionnaire. After the newsletter was sent, we received a great many letters, phone calls, and comments at community meetings from constituents expressing their grave concerns about the deficit as well as their willingness to accept unpopular spending cuts and tax increases to bring this problem under control.

The response to the questionnaire, sent to over 200,000 households of voters, was even more gratifying. We received over 8,000 responses—most of which were filled out by two persons—to this rather time-consuming survey. In both part I, "General Spending Priorities," and part II, "Specific Choices for Reducing the Deficit," the respondents showed strong support for cutting defense spending and raising taxes—the two principal ways available to reduce the deficit.

Seventy-seven percent of the respondents believe that the Federal Government should spend less on defense, and a majority believe we should spend more on assistance to the poor, on public investment and infrastructure, and on environmental protection. Near majorities also want more spending on benefits for the elderly and on law enforcement. But, importantly, by nearly 2 to 1, these voters are willing to pay more taxes to fund increases in these programs.

Asked to choose among specific options for reducing the deficit over the next 5 years, a majority of the respondents selected enough program cuts—mostly from defense—to cut the 1994 deficit by $52 billion, and enough tax increases to cut that year's deficit by another $47 billion, assuming those measures were enacted now. This response demonstrates the willingness of the voters of the 23d Congressional District of California to accept much greater spending cuts and tax increases than President Bush or Congress have thus far been willing to support.

The newsletter and questionnaire follow:

SPECIAL REPORT: THE FEDERAL BUDGET DEFICIT—SEPTEMBER 1989

(BY CONGRESSMAN ANTHONY C. BEILENSON)

OUR NATION'S MASSIVE BORROWING IS DRAINING OUR RESOURCES AND MORTGAGING OUR CHILDREN'S FUTURE

The federal government's rapidly growing mountain of debt, caused by our enormous annual budget deficits, continues to be the most serious and threatening problem facing our nation.

This report is the first of two newsletters I am devoting entirely to the subject of the budget. It discusses why the U.S. government's debt grew so dramatically, how our annual deficits are hurting the U.S. economy and our international position, and what the obstacles are to dealing seriously and realistically with our budget problem. My next newsletter will be a questionnaire giving you the opportunity to choose what steps you personally would support to reduce to deficit.

Why so much attention to this one issue? Because the threat that these deficits pose to our nation's economic health profoundly influences every decision the President and Congress make about every other issue. Until we bring these deficits under control, our options for dealing with every other national problem are severely limited—we can't even begin to adequately address the drug crisis, homelessness, gaps in our health care system or any of the other major social problems that virtually everyone agrees we should be confronting. Defense policies, too, will continue to be shaped more by budget pressures than by an objective evaluation of our national security needs.

PILING UP THE NATIONAL DEBT

Budget deficits are not something new; the federal government has spent more money than it has taken in almost every year since World War II. But the deficits after 1981 have averaged $180 billion a year—nearly three times the size of the largest single deficit prior to 1981. And, these deficits have occurred at a time when the government has had no legitimate reason to borrow so heavily: our nation has been at peace and, for the last seven years, enjoying what has become the longest economic expansion of the post-World War II period.

As a result of these huge recent deficits, our national debt has soared from $930 billion in 1981 to $2.8 trillion today. In the eight years of Ronald Reagan's presidency, we tripled the total amount of debt that had been accumulated during the previous two hundred years of U.S. history, from the beginning of George Washington's presidency to the end of Jimmy Carter's.

This year, American taxpayers will pay $169 billion—about 15% of the federal budget—just to finance the debt. That means that 15% of the money the federal government spends this year won't be used to defend our country or pay Social Security checks or fight drug abuse, crime, or illiteracy; it will be used simply to make interest payments to people—a growing number of whom are not Americans—who have loaned the U.S. government money to finance this deficit spending.

HOW DID THE DEFICITS GET OUT OF HAND?

In the late 1970's, the federal government was incurring what then seemed like very large deficits—$40 to $73 billion a year. But the deficits soared far above those levels in the early 1980's, after we slashed individual and corporate income taxes and at the same time dramatically increased defense spending.

Those tax cuts, which were the cornerstone of President Reagan's "supply-side" economic policy, have been by far the largest contributor to our deficit problem. Although some of the revenues we lost initially were made up later. Treasury figures show that tax reductions made during the 1980's have resulted in a net loss of $202 billion in revenues this year alone—far more than enough to cover this year's deficit.

Congress cut domestic programs substantially in the early 1980's and has maintained lower levels of spending in that area ever since, but those cuts have been far outweighed by the immense loss of revenues, the simultaneous increases in defense spending—and the soaring cost of interest payments on the national debt which resulted from these policies.

THE FAILURE OF THE GRAMM-RUDMAN-HOLLINGS ACT

In 1985, when the deficit had passed the $200 billion mark and was projected to go even higher in future years, Congress decided drastic action was needed. Unable to raise revenues because of President Reagan's absolute objection to tax increases, and unwilling to cut domestic programs even more deeply, Congress instead enacted a procedure, known as the Gramm-Rudman-Hollings Act, designed to force the President and Congress to balance the budget over the following five years.

As many of us predicted, that law has not worked. It was supposed to reduce each year's deficit by $36 billion: if Congress didn't cut the deficit through the normal legislative process, then "automatic" spending cuts would do the job for us. But Congress and the Administration have found ways to avoid reducing each year's deficit to the required level without triggering the automatic cuts.

This year's deficit, which the Act had originally promised to reduce to $72 billion, will instead be about $160 billion—higher than it was in 1987 and 1988. The deficit would actually be much higher—about $216 billion—if we didn't count this year's $56 billion in surplus Social Security funds that are supposed to be set aside and saved for retirees in the next century.

Now, four years after we passed a law that was supposed to guarantee a balanced budget in five years, a balanced budget is nowhere in sight.

THE CONSEQUENCES OF LARGE DEFICITS

Because the U.S. has enjoyed modest economic growth with moderate inflation in recent years, the damage these deficits are causing is not yet all that evident to everyone. But they are, in fact, seriously undermining our economy and our well-being.

The government's immense amount of borrowing has pushed up interest rates and is absorbing three-quarters of private savings, depriving our economy of funds that would otherwise be available for investment in plants and equipment that would create new jobs and increase productivity. This low level of investment is reducing our standard of living now, and will continue to do so in the years ahead.

In fact, this current period of economic growth is the first in fifty years in which the average working American's wages, adjusted for inflation, have gone down rather than up. Lower wages, along with higher interest rates, are preventing many young families from buying homes of their own. In contrast to every previous generation of Americans, today's young adults have less promising economic prospects than their parents had.

Our budget deficits are also responsible for our large trade deficits and our huge foreign debt. In the early 1980's, the budget deficits drove up the cost of the dollar and made U.S. exports uncompetitive. U.S. businesses lost overseas markets which may never be regained, along with two million high-paying manufacturing jobs that have probably been lost forever. At the same time, our high interest rates have been a magnet for foreign investors, who are now providing over half of all the funds for investment in the U.S.

The result? Just eight years ago, the U.S. was the world's largest creditor nation. Now we're the largest debtor nation and our foreign debt is growing each year. We used to be a nation that produced more than it consumed; now we consume more than we produce. The U.S. used to drive the world economy by lending money for investment and by exporting our products worldwide; now the situation is reversed—foreign investment and imports are driving our economy.

The most troubling aspect of our deficit problem is the legacy of debt we are leaving to future generations. Our children and grandchildren will be burdened with higher taxes throughout their lives just to pay the interest on the $2 trillion that has been added to our national debt during this decade alone. Leaving so much debt to future generations wouldn't be nearly so inexcusable—and immoral—if we were borrowing in order to make investments in programs and infrastructure that would help increase productivity and improve the quality of life in the future. But that's not the case—we've been borrowing largely for current consumption, to cover the cost of programs and services that benefit us now but which we have not paid for.

To make matters worse, we are leaving future generations of Americans heavily indebted to and dependent upon other nations. Historically, world power and influence have been wielded by creditor nations. Now that we are a debtor nation, the diplomatic and commercial advantages we have been accustomed to having are shifting to West Germany, Japan and other countries that are able to capture markets and buy up businesses and real estate in the U.S. and throughout the world.

Leading economists have warned bluntly: unless we reduce the federal deficit, it will only get worse—there will be an even greater decline in our standard of living and our world power as we become even more indebted to and dependent upon foreign investors.

WHY WE ARE FAILING TO REDUCE THE DEFICIT

The only ways to reduce the deficit are to cut programs or raise taxes, but polls consistently show that a majority of Americans do not want to do either.

Beyond this public resistance, there are other obstacles to cutting the deficit which are evident from a close look at how our federal dollars are spent:

15% of the budget is used to pay interest on the debt. This is a fixed obligation of the U.S. Government that cannot be reduced unless borrowing is reduced.

25% of the budget goes to defense. President Bush wants modest growth in defense, while Congress is more inclined to reduce Pentagon spending. Defense has already been cut in each of the last four years (when measured in inflation-adjusted dollars), so additional cuts are becoming increasingly difficult.

23% of the budget is used for other entitlement programs—such as Medicare, Medicaid, federal military and civilian retirement, and veterans benefits. Because the number of people who become eligible for these programs increases every year, it is extremely difficult to reduce their costs. Also, it's unfair to reduce federal retirement benefits (a large portion of this category) if Social Security benefits are protected from similar reductions.

The remaining 16% of the budget covers everything else—highways and mass transit, science and health research, law enforcement and federal courts and prisons, education and job training, national parks, toxic waste clean-up, air and water pollution control, the space program, immigration and customs services, and more. President Bush proposed cutting some of these programs, too, but most of them were cut drastically during the Reagan years. Also, the individual programs that comprise this category are such tiny fractions of our total budget that further cuts in them can never make a substantial contribution to reducing the deficit.

In addition to the programs the government has already been paying for, there are new demands on the federal purse that we must contend with. The most notable one is the cost of protecting the savings that Americans would otherwise lose through failed savings and loan institutions. President Bush's plan to do this, which Congress recently approved, will probably cost $300 billion or more over the next 30 years.

We are also going to have to pay for cleaning up and modernizing our aging nuclear weapons plants, which is expected to cost between $150 and $200 billion. And, we need to modernize our air traffic control system, which will cost about $25 billion; repair or replace our nation's 240,000 deficient bridges, at a cost of about $50 billion; and clean up hazardous waste sites at military facilities, which will cost $11 to $14 billion.

In addition, there is a virtual consensus among Republicans and Democrats alike on the need to spend more money to fight drug abuse, provide health care for those who lack insurance or need long-term care, help parents with child-care costs, improve education, provide more job training, shelter the homeless, build new prisons and new roads, better address the AIDS crisis, and clean up our environment.

On top of meeting those needs, President Bush and others strongly support building a $30 billion space station and sending a mission to Mars, which would require spending $400 billion over the next 30 years.

SOLVING THE PROBLEM: THE NEED FOR LEADERSHIP

For all of these reasons, it's not going to be possible to reduce the deficit through spending cuts alone. What we need is a sensible combination of spending cuts and tax increases, phased in gradually over the next several years.

For those of us in Congress who believe strongly that we should be paying in full the costs of the programs the government is providing, the last several years have been enormously frustrating. Despite widespread agreement about the need to balance the federal budget, we have repeatedly failed to prevail over the strong political pressure to protect government spending and to avoid raising taxes.

I hate to end on a gloomy note, but the unfortunate truth is that unless the President and Congress decide to give the deficit the serious attention it deserves—and ask the American people to accept the measures needed to solve it—there is little hope for progress on this problem any time soon.

THE 1990 BUDGET: A SQUANDERED OPPORTUNITY

Earlier this year, President Bush and Congress agreed on a budget that is supposed to bring the federal deficit down to $100 billion in 1990, as required by the Gramm-Rudman-Hollings deficit-reduction law. However, that plan contains so many accounting gimmicks that it won't actually reduce the deficit very much at all. Next year's deficit is more likely to be in the $140-$150 billion range.

The use of accounting gimmicks—such as removing programs from the budget or counting on better economic performance than most economists believe possible—is not new. But Congressional Administration negotiators relied on them to a greater extent for the 1990 budget than ever before. Because I believe Congress owes our country a much more serious and realistic response to our deficit problem, I voted against that budget.

Even the negotiators themselves admitted that the plan was full of "blue smoke and mirrors," but they justified it as the best we could do under the circumstances. These circumstances, however, were merely the political considerations that dominated the moment. President Bush and Congressional leaders were eager to show that they could work together in a bi-partisan manner on the budget. At the same time, the President didn't want to renege on his campaign pledges to provide full funding for Social Security, to spend more for certain domestic programs, and—most of all—not to raise taxes. Congress, for its part, wanted to avoid initiating cuts in popular programs or proposing tax increases that the President opposed.

The new spirit of White House-Congressional goodwill is a welcome change from the bickering that characterized the later years of Mr. Reagan's presidency. But, unfortunately, this new mood caused us to squander an important opportunity to make real headway on the deficit. In working together, the President and Congress ended up, helping protect each other's campaign pledges instead of trying to solve our very serious budget problem. Once again, the hard decisions about where to cut spending and how to raise taxes were put off until a future time.

BORROWING FROM SOCIAL SECURITY: THE REAL DEFICIT IS EVEN WORSE

The federal budget deficit will be about $160 billion this year, but if the $56 billion in surplus Social Security funds were not counted, the deficit would be $216 billion. This $216 billion figure is a more accurate gauge of the amount of debt the federal government is actually incurring this year.

When the Social Security system was on the brink of bankruptcy in 1983, President Reagan and Congress worked out a rescue plan that included a long-term, gradual buildup of reserve funds to help pay for retirement benefits for the large "baby boom" generation in the next century.

In theory, it was a good idea. After the year 2010, the number of workers paying into the Social Security system will decline substantially in relation to the number of retirees collecting benefits, so having reserve funds will help avoid raising payroll taxes or cutting retirement benefits at that time.

But in reality, we don't save these surplus Social Security funds; the Treasury borrows them to help pay for other government programs, and gives the Social Security program an IOU. These surpluses are providing an increasing share of the money the Treasury borrows each year, which means that we are gradually relying on them more and more to fund other government programs—and, in the process, creating an enormous long-term liability in the Social Security program. Unless this changes, the generation that follows the baby boomers will have to pay extraordinarily high income taxes to pay back the massive amount of money that was borrowed from the Social Security system—or the government will have to go much more deeply into debt.

Congress is very much aware of the dangers of spending the surplus Social Security trust funds now, and most of us want to set these funds aside for the future, which would not only restore the integrity of the Social Security program, but would also result in honest budgeting.

But, unfortunately, we are going to have a very difficult time wearing ourselves from using Social Security surpluses to disguise the size of the deficits we are running for other government programs. If we can't find the political will to stop borrowing $160 billion a year, how will we ever find the will to stop borrowing $160 billion plus the Social Security surplus?

1989 QUESTIONNAIRE RESULTS

WHAT SHOULD THE GOVERNMENT DO TO REDUCE DEFICITS?

If we don't change our spending and tax policies, the federal government will continue to run huge budget deficits every year, and our current $3 trillion federal debt will soar to even greater heights. In addition to costing hundreds of billions of dollars in interest payments, our nation's massive borrowing will undermine our economic strength and the well-being of future generations of Americans.

But we can't reduce these deficits unless we break the budget stalemate in Washington which is rooted in strong public resistance to both program cuts and tax increases. That is why it is extremely important to me to know your views on how the government spends your tax dollars and how you think we should close the enormous gap between what the government collects in revenues and what it spends.

Part I: General Spending Priorities

First, please indicate your feelings, in general, about whether the federal government currently spends too much, about the right amount, or not enough in each of the following broad categories of the budget:

Budget category	Percent
National defense:	
Too much	77.2
About right amount	19.3
Not enough	3.5
Benefits for the elderly (Social Security, Medicare, federal retirement):	
Too much	9.3
About right amount	42.5
Not enough	48.2
Assistance to the poor (Aid to Families with Dependent Children, Supplemental Security Income, Medicaid, food stamps, public housing):	
Too much	20.5
About right amount	28.6
Not enough	50.9
Public investment and infrastructure (Highways, mass transit, ports and harbors, airports, science and health research, space program, education, etc.):	
Too much	8.3
About right amount	34.9
Not enough	56.8
Environmental protection (National parks and wildlife refuges, air and water pollution control, toxic waste clean-up, etc.):	
Too much	6.3
About right amount	29.3
Not enough	64.4
Law enforcement (Federal courts and prisons, FBI, anti-drug programs and other crime-fighting assistance):	
Too much	14.3
About right amount	38.2
Not enough	47.5
If you checked "not enough" on one or more of the above categories, are you willing to pay more taxes to fund additional spending in those areas?	
Yes	63.0
No	37.0

Part II: Specific Choices for Reducing the Deficit

In this section, please indicate your specific choices for reducing the deficit.

Most of these proposals were compiled by the non-partisan Congressional Budget Office (CBO) in a report to Congress on options for reducing the deficit. CBO did not endorse any of these proposals and was, in fact, careful to point out the pros and cons of each one—as I would have done here if we had more space.

Because most of these proposals save more money or produce more revenue in future years than they do at first, I have listed the amount of deficit-reduction they would produce in 1994—if enacted this year. By necessity, the list does not include every possible option, but it does present most of the choices the President and Congress actually have.

Please check off the boxes to the right of the proposals you would support. If you wish, you may also add up the savings and revenues that your choices would produce, subtract them from the projected 1994 deficit of $128 billion, and see how close you would come to balancing the federal budget five years from now. (The figure of $128 billion is the official CBO projection, but it is quite optimistic—it assumes that there will be neither an economic downturn nor any new federal spending during the next five years. The actual 1994 deficit is therefore likely to be much higher.)

POSSIBLE SPENDING CUTS

[Dollars in billions]

	Savings in 1994	Percent
A. NATIONAL DEFENSE		
1. Eliminate B–2 "Stealth" bomber	$5.0	69.5
2. Limit Strategic Defense Initiative ("Star Wars") to research and development	2.5	76.2
3. Eliminate pay raise for military personnel in one year out of the next five	2.1	34.5
4. Cut weapons procurement:		
a. By 10% over five years	5.4	28.2
b. By 25% over five years	13.1	57.3
5. Cut armed forces operation and maintenance:		
a. By 10% over five years	9.5	37.2
b. By 25% over five years	22.3	41.5

POSSIBLE SPENDING CUTS—Continued

[Dollars in billions]

	Savings in 1994	Percent
6. Reduce the 2.1 million active duty military personnel:		
a. By 10% (210,000 people)	6.2	35.3
b. By 20% (420,000 people)	12.5	46.2
B. SOCIAL SECURITY AND OTHER ENTITLEMENT PROGRAMS		
1. Eliminate cost-of-living increases for one year out of the next five for Social Security, federal retirement, and veterans' compensation recipients	14.7	31.2
2. Raise Medicare beneficiaries' premiums to cover 30% (instead of 25%) of physicians' services	7.6	29.8
3. Freeze Medicare reimbursement rates for hospitals and physicians for one year out of the next five	5.9	51.5
4. End compensation for veterans with low disability ratings (conditions that do not hamper ability to work)	1.7	54.3
5. Cut Aid to Families with Dependent Children and food stamps by 10%	3.0	23.7
C. ALL OTHER DOMESTIC PROGRAMS AND FOREIGN AID		
1. Cancel the NASA Space Station (projected to cost a total of $26 billion)	3.7	33.3
2. End federal subsidies for wastewater treatment plants mandated by Clean Water Act to ensure unpolluted water supplies	1.8	8.0
3. Cut environmental protection programs by 10%	0.6	11.0
4. End postal subsidies for non-profit organizations	0.4	57.8
5. End Small Business Administration loan programs	0.5	27.7
6. Reduce mass transit subsidies by providing only 50%, not 80%, of construction funds, and ending all operating assistance	1.6	29.0
7. End federal subsidies for airport construction	1.6	36.7
8. End funding for arts and humanities	1.1	31.8
9. Reduce National Institutes of Health research (cancer, heart disease, diabetes, AIDS, etc.) by 10%	0.4	8.2
10. End home heating assistance for the poor	1.7	10.8
11. End legal assistance for the poor	0.4	15.3
12. Cut public housing by 10%	0.9	17.5
13. Cut aid to education by 10%	2.0	13.0
14. Cut war-on-drugs funding by 10%	0.7	21.0
15. Eliminate cost-of-living increases for federal employees for one year out of the next five	4.4	50.3
16. Cut foreign aid (economic and military) by 20%	2.8	75.2
17. Cut Congress' expenses (staff, office accounts, mail costs) by 20%	0.2	72.3

POSSIBLE REVENUE INCREASES

[Dollars in billions]

	Revenue gain in 1994	Percent
1. Raise tax rates for individuals taxpayers on income over $200,000 from current 28% to 33%	$15.1	76.3
2. Raise top corporate income tax rate from 34% to 36%	5.6	69.7
3. Tax Social Security payments the same way private pensions are taxed (85%, rather than 50%, of benefits would be counted as taxable income)	25.7	13.8
4. Reduce tax deduction for business meals and entertainment from 80% to 50%	3.7	69.0
5. Tax employer-paid health insurance benefits over $100 (single) or $250 (family) per month	20.5	17.3
6. Impose a 5% national sales tax on all items except food, housing, and health care	84.3	36.0
7. Raise the federal gas tax:		
a. By 10¢ a gallon	10.0	28.0
b. By 20¢ a gallon	20.0	20.3
8. Raise the cigarette tax by 16¢ a pack	2.7	78.5
9. Raise taxes on beer by 47¢ a six-pack, and on wine by 51¢ a bottle	5.0	77.8
10. Impose a 0.5 percent tax on the value of stocks and other securities when they are bought or sold	15.0	53.0

JANUARY IS BIRTH DEFECTS PREVENTION MONTH

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. MICHEL. Mr. Speaker, please join the President, the March of Dimes Birth Defects Foundation, and me in recognizing January as "Birth Defects Prevention Month."

Each year in the United States, about 250,000 infants—1 out of every 14 are born with a birth defect. Because there are more than 3,000 conditions collectively termed birth defects, prevention can not be measured in the total eradication of a single disease. Instead, we must focus on increasing the number of infants born healthy.

The March of Dimes is doing just that through its "Campaign for Healthier Babies." Chapters throughout the Nation are mobilizing community resources and raising public awareness, with the goal of insuring that each new baby will have the best chance for a healthy start in life, beginning with prenatal care for expectant mothers.

I would like to insert into the RECORD the following statement issued by President Bush when he met with the March of Dimes national ambassador earlier this month.

THE WHITE HOUSE,
Washington, DC.

MARCH OF DIMES BIRTH DEFECTS PREVENTION MONTH, JANUARY 1990

As a new decade dawns, the March of Dimes continues to wage an old yet noble battle—the battle to prevent birth defects and the devastating toll they exact in human suffering.

Founded over a half-century ago, the March of Dimes and its hardworking staff members and volunteers have helped make great strides in improving maternal and child health. Prioneering research into the treatment of heart disorders of babies still in the womb and developing effective treatment for infant respiratory distress syndrome are two of the major ways this outstanding organization is saving lives.

Tragically, however, we now face new and more deadly challenges to the health of our children. Drug addiction and the AIDS virus threaten the lives of many. Added to this challenge is the high rate of teenage pregnancy in the United States and the great number of women who receive little or no prenatal care. Much work remains to be done in giving babies a healthier start in life.

I am confident that, with greater public awareness and with the good efforts of organizations like the March of Dimes, we can meet these challenges and give greater care to mothers and their children. As an expression of our commitment to this cause, I urge all Americans to join with Barbara and me in observing January 1990 as March of Dimes Birth Defects Prevention Month.

GEORGE BUSH.

DON RAY'S DEDICATION TO IMPROVEMENT OF CIVIC EDUCATION IN INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. VISCLOSKY. Mr. Speaker, upheaval in Eastern Europe has captivated world attention over the past several months as Eastern bloc countries rally for change and democratic reform. The dismantling of the Berlin Wall, which divided East and West Germany for over 40 years, has provided the most dramatic symbol of the democratic movement. It is my sincere hope that the voices of the Eastern European people will be answered with additional democratic reforms leading to free elections.

In the wake of the remarkable changes in Eastern Europe, I believe it is important to reflect upon the democratic foundations that have nurtured the development of our Nation. The Constitution of the United States has provided the basis for democratic government in this country for over 200 years. We should make a concerted effort to transmit the fundamental principles and values of American democratic institutions to young people in this country.

In this regard, I am pleased to commend the efforts of Don Ray, an educational leader who has volunteered his time to bring the "We the People * * * Bicentennial Programs on the Constitution and the Bill of Rights" to thousands of upper elementary, middle, and high school students in the First Congressional District of Indiana. The curriculum incorporated in the "We the People * * *." program introduces students to the philosophical ideals of our Founding Fathers, the historical background of the Philadelphia Convention, and the issues and debates that influenced the writing of our Constitution. Included in this program are the National Bicentennial Competition, its noncompetitive companion program, Congress and the Constitution, and the National Historical Pictorial Map Contest, all of which are administered in the First Congressional District by Mr. Ray and at the State level by Robert S. Leming.

"We the People * * *" also teaches students about how the American Government is organzied and how it protects the rights and liberties of all U.S. citizens. In addition, students learn the responsibilities which accompany the rights of citizenship in a democracy. It is ironic and troubling that while people in Czechoslovakia and Romania and willing to risk their lives for the right to vote in free elections, only 20 percent of the eligible voters in this country under the age of 30 take advantage of this same right. In addition, many young people in this country do not have a clear understanding of the purpose or appreciate the importance of the American Constitution.

Mr. Ray's efforts to educate students in Indiana are an important step in reversing the disturbing trend of political apathy among our future leaders to one of active and informed participation in America's political process. His dedication to the improvement of civic education in Indiana has been exemplary. I am pleased to express my admiration and appreciation for Don Ray's impressive contributions to the development of competent and responsible citizenship.

CALIFORNIA NURSES CONDEMN HUMAN RIGHTS ABUSES IN CENTRAL AMERICA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. EDWARDS of California. Mr. Speaker, earlier this month I had the opportunity to meet with members of the California Nurses

Association in San Jose. Like most Americans, they are troubled by the ongoing violence in Central America. Yet, as health care professionals they feel a special obligation to speak out in an effort to bring attention to the suffering in those countries.

Accordingly, the California Nurses Association has passed a resolution condemning the human rights abuses in Central America and declaring its support for organizations engaged in supplying humanitarian aid to this region. The Central American people need to know there are Americans who want to help make a difference in their region, and I commend the members of the association for lending their voices to this effort.

I would like to insert the resolution in the RECORD and I commend it to the attention of my colleagues.

HEALTH RIGHTS IN CENTRAL AMERICA

Whereas, the California Nurses Association has a commitment to human rights and the promotion of health, and

Whereas, the peoples of El Salvador, Honduras, Guatemala, and Nicaragua have experienced and are continuing to experience violations of their human rights and rights to access to adequate health care, and

Whereas, acts of violence against nurses and other health care personnel, the supression of health professionals' organizations, destruction of health care facilities, and kidnapping and murder of patients in violation of internationally recognized principles of the neutrality of health care personnel and institutions by military forces—including those funded, armed, supplied and trained by the U.S. Government—are common in El Salvador, Guatemala, Honduras, and Nicaragua, and

Whereas, nurses have a responsibility as health professionals, and as citizens, to speak out against human rights violations; Therefore be it

Resolved, That the California Nurses Association shall condemn violations of human rights and the neutrality of health care institutions and personnel in Central America, and the role of the U.S. Government in arming, training, and funding many of the violators, and be it further

Resolved, That it shall be the policy of the California Nurses Association to endorse and publicize campaigns, coalitions, groups, and organizations providing material humanitarian aid to the victims of human rights violations in Central America and be it further

Resolved, That the California Nurses Association shall sponsor or co-sponsor a report to the 1990 ANA House of Delegates on U.S. policies in Central America, and be it further

Resolved, That this resolution shall be distributed to all members of the California Congressional delegation, the American Nurses Association, and the other ANA constituent members.

(Passed by the House of Delegates of the California Nurses Association, September 26, 1989)

WHY HEALTH COSTS ARE SO HIGH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. STARK. Mr. Speaker, our constituents are worried about the soaring cost of health insurance, hospital bills, and Medicare taxes.

Much of the reason for the incredible rate of health inflation is due to waste in the medical sector.

Following is a revealing article from the January 1990 issue of San Francisco Medicine by Dr. Laurens White, former president of the California Medical Association.

Next time a health care provider lobbies us for more money, we should ask them how they explain this kind of insane, cost-inflating business behavior.

WE DON'T NEED ANY MORE RADIATION THERAPY CENTERS

(By Laurens P. White, M.D.)

A large increase in the cost of health care is about to be dropped on the citizens of San Francisco. The long-suffering folks who will pay for this splendor have been offered no opportunity to participate in its development, no chance to say no to its implementation. It is time for San Franciscans to demand some larger role in deciding what forms of health care they wish, and how much they are willing to spend for it.

There is general agreement that the costs of health care are already too high, with health insurance almost unaffordable for many of us. These high costs of insurance/care are resulting in more and more people losing or never getting health insurance, through their work, or on their own. The rapid increase in people with health care needs but with no means to pay for their care is breaking hospitals, especially public and non-profit facilities and emergency services. The desire for health care is insatiable, whether we are insured or not, and all of us want our share, or more than our share.

Most of us are in awe of the new technology in medicine. We take, as a matter of course, heart-lung transplants, renal dialysis, curative therapy of acute leukemia and Hodgkin's Disease, and the beginning of genetic manipulation. We have great respect for Harold Varmus and Mike Bishop at UCSF, even if we don't understand why they so richly and belatedly deserved the Nobel Prize in Medicine. We have not seriously questioned the priorities which have favored research and experimental treatment, such as liver transplants, over adequate pre-natal care for women, especially poor pregnant women. We have allowed the University of California to favor research over patient care, even when we know that failing to fund pre-natal care has wound up costing more in the long run. Caring well for pregnant women lacks the excitement of bone marrow transplants, although it is more effective than transplants. Our priorities are askew.

At this moment Pacific Presbyterian Medical Center is building a radiotherapy center at Clay and Buchannan Streets as the first phase of a planned cancer center. The total cost may be more than $20 million. There are already eight radiation therapy centers in San Francisco, all seriously underutilized. Three of them (Children's, Mount Zion and Saint Francis) are within 15 blocks of PPMC; two others, (St Mary's and Letterman) are just a few blocks further; and the other three (Davies, UCSF and Seaton) still further in this small city. A ninth radiation therapy treatment center is just what we don't need, as it will fill no needs of the people of San Francisco, but if PPMC's marketing plans are correct, it will attract new patients.

Not to be outdone, UCSF, which controls Mount Zion Hospital, is said to be planning to rebuild the Zellerbach/Saroni Tumor Institute there, to enlarge it and, for some $15-20 million create another cancer center at Mount Zion, 11 blocks from PPMC. Children's Hospital, a few more blocks away, is also in the planning stages for the expansion of their radiation therapy center for unknown millions of dollars, and Saint Francis Hospital is spending nearly $6 million to modernize their radiation therapy department.

San Francisco does not need a new radiation therapy center. I do not argue against modernization of older facilities, but rather in favor of combining these separate little facilities, and combining with PPMC, in creating a single inter-hospital center for cancer treatment. The very considerable dollars going into four independent and uncoordinated centers would be better spent in creating one joint center of real excellence, with better facilities, for less money. What a joint center wouldn't do is guarantee PPMC its own little money machine, or the administration of Mount Zion, Children's and Saint Francis "full service" hospitals.

And who suffers from these plans? YOU DO!!! You pay for all this, whether you are aware of it or not. Rich donors give the capital for the facilities and thereby avoid paying tax on their capital gains. You pay, instead. But the cost of operating these centers is recovered from fees they charge patients, and the more unused capacity they have the higher the fees must be from each patient. There are no economies of scale—rather the opposite. You pay more than you should have to pay. (You pay, even if your insurance company writes the checks; the insurance company simply raises its premiums to cover its costs.)

San Francisco has, for years, been suffering from an excess of hospital beds, and of small hospitals. A merger of Seton and St. Mary's, now under discussion, could close another 300 beds, and merge their two radiotherapy departments, both desirable goals. St. Joseph's Hospital and Marshal Hale have closed and merged, respectively, and French is now part of Kaiser. Time and reality have done slowly what human intelligence should have done sooner and less expensively.

I believe the people of San Francisco should rise up to prevent the building/rebuilding of four radiation therapy centers by four SF hospitals. We should demand that we have some input into how our system will be improved, not for profit for the few but for the benefit of the many. One of the major jokes in health care is the fantasy that non-profit hospitals don't make profits. There is, in most of our minds, nothing evil about a profit, but it cannot be life's highest goal. It cannot dominate our planning for our future in health care.

Better care for all is obtainable if we insist on it. It will include access to basic care for everyone, and, as a change from the past, will need to include some prioritization so that we can afford to provide really important basic care to all, and not delude our-

selves that we can afford everything for everyone. We don't now, we never have done so and we don't have the will to do it.

We must not allow the professors at PPMC, or UCSF, or others to do all the planning without us. Don't allow them to spend what they like of our money, in the guise of high-technology health care, and then extort the money back in outrageous fees for their high-tech services. We should get "mad as Hell" and decide not to "take it" anymore. The people of San Francisco need to speak up.

THE DOLE PROPOSAL FOR FOREIGN AID REDISTRIBUTION IS A MISTAKE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. MACHTLEY. Mr. Speaker, very recently, the distinguished gentleman from the other body, Mr. DOLE, offered a proposal to take 5 percent in across-the-board cuts from the five top recipients of U.S. foreign aid—Egypt, Israel, Pakistan, the Philippines, and Turkey, in order to provide these funds to Eastern Europe, Panama, and other emerging democracies.

I can't support this proposal.

We give foreign aid to the five mentioned countries for a reason: because they desperately need it, and because it is an investment in our own strategic and diplomatic interests.

Despite their own economic and strategic concerns, these countries have been openly responsive to U.S. concerns.

We want to see peace and stability for Eastern European countries and for other incipient democracies. But we should not blindly focus our attentions on our new friends at the expense of other urgent areas of our world.

The recent relaxation of United States-Soviet tensions is a miraculous gift, and has provided us for the opportunity for new relationships in Europe.

However, these great changes do not imply that the challenges faced by the Middle East or the Philippines Islands have also faded. In fact, these regions of the world are facing new and tougher difficulties which threaten the stability and security of their nations.

In Israel, strategic concerns are further complicated by the economic problem of resettling the many Soviet Jewish refugees now coming to their country.

Any cuts in our foreign assistance program should be made thoughtfully and specifically and not through broad slashes which can shift the balance of power in strategically important areas such as the Middle East. Instead, cuts in foreign assistance—or in any Federal funding—should be made on a case-by-case basis which reflects the complexities involved.

DAN McKINNON

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. HUNTER. Mr. Speaker, the article below is a profile of Dan McKinnon, a good friend and a great American. I believe it will be of interest to my colleagues.

The article follows:

DAN MCKINNON

(By James Bernstein)

As chairman of the Civil Aeronautics Board a decade ago, Dan McKinnon's chief job was to carry out Congress' mandate to close the regulatory agency and allow the free market to govern the nation's airline industry.

Now, he is hoping the market is free enough so there will be room for an airline company he is starting.

Next Monday, North American Airlines, the air charter and feeder company McKinnon has been organizing for more than a year, plans to begin flying to the Caribbean, as well as cross-country for El Al Israel Airlines, bringing El Al passengers to New York to meet flight bound for Tel Aviv.

It will be the newest airline to open in the country, and if history is any guide, it faces an uphill battle. Industry experts say that most of the five or so new airlines that open each year do not survive because of stiff industry competition.

"It's a huge risk," said McKinnon, a lean, gray-haired, 55-year-old Californian who chaired the CAB from 1981 until it closed in 1984, as mandated by the Airline Deregulation Act of 1978, which called for government to stop regulating fares and routes and leave that to the airlines themselves. But McKinnon, the scion of wealthy family with interests in Texas and California newspapers and broadcast stations, said his gamble is "based on some pretty good knowledge."

"My period of time at the CAB was some of the most turbulent in the industry," he said in an interview last week in a crowded office overlooking a runway at John F. Kennedy International Airport, where North American is headquartered. The early 1980s saw two unprecedented events in the airline industry: the strike by the nation's air-traffic controllers and the bankruptcy of Braniff Airlines.

"Dan McKinnon was the guy who had to go out and tell everybody the government wasn't going to bail out an airline," McKinnon said, "You got to see what made airlines successful."

McKinnon is banking that his charter and feeder formula will fit into a profitable niche. He estimates the start-up costs alone are $1.6 million. McKinnon said he will lay out the money and ultimately will receive about $400,000 from El Al, which will own a 24.9 percent stake in North American.

On Mondays and Wednesdays, North American plans scheduled flights to Los Angeles, where it is to pick up passengers holding El Al tickets to Tel Aviv. They are to be flown to New York to meet an El Al flight on a coordinated schedule that would eliminate waiting at the airport. On the same days, North American would return El Al passengers to Los Angeles.

On Thursdays, Fridays and Saturdays, the airline is to make charter flights to Club Med resorts in the Caribbean—to Pointe-a-Pitre in Guadeloupe and Fort-de-France in Martinique—and to a new resort, Las Bahias de Huatulco, on Mexico's southern Pacific coast. Other charter service may be arranged later.

North American's beginnings will be humble.

It is leasing one Boeing 757 passenger plane, a fuel-efficient aircraft that can seat 213, for both the El Al and charter service. McKinnon said he is negotiating for another leased aircraft.

The company has 56 employees, including 12 pilots and 27 flight attendants. North American also is negotiating to feed other airlines, but McKinnon declined to discuss other deals.

At first, a lot of North American's success will depend on the relationship with El Al. McKinnon, a former Navy pilot and flying buff who has piloted everything from military spy planes to motorless gliders, said he got the idea to start his own airline more than a year ago in a casual conversation with Sam Kunda, a friend and former El Al executive whom he met while chairing the CAB.

David Shein, El Al's vice president and general manager in New York for North and South American operations, said last week that Kunda had mentioned McKinnon to him. Shein said El Al was seeking a domestic feeder to expand its existing Los Angeles-to-New York service.

"We're the matchmaker," Shein said. "We approached Dan McKinnon." He described McKinnon as "an old friend of Israel and the Israeli air force." McKinnon, who had worked for the Central Intelligence Agency for a year, beginning in 1985, wrote a book in 1986, "Bullseye-One Reactor," about the Israeli air attack in 1981 on an Iraqi nuclear reactor.

Shein estimated the coordinated flights will save passengers 2½ hours of travel time. They'll be able to fly to New York and then board El Al without having to wait for refueling, Shein said. No refueling stop will be necessary in Europe either. North American will have Hebrew-speaking "hostess" and serve Kosher food.

McKinnon said he knows the going will be tough. A conservative Republican who wears his hair cropped military style and sports an American flag pin in his lapel, McKinnon became a decorated helicopter rescue pilot in the Navy during the 1950s. He was credited with 62 rescues while on active duty.

"Guys ejected, airplanes ditched, people fell overboard, ships sank," he says as he recalls a three-year stint as a naval aviator that ended in 1960.

He returned to his hometown of San Diego, bought a radio station and soon discovered the broad appeal of country-western music. He was described as a skillful promoter of country-western singers, luring such stars as Willie Nelson and Glen Campbell to town. He became such an enthusiast that in 1977 he was named president of the Country Music Association.

Later, McKinnon thought he would follow in the footsteps of his father, Clinton Dan McKinnon, a congressman from California and a newspaper and broadcast magnate whose publications included the San Fernando Valley Times. But the younger McKinnon was unsuccessful in his 1980 run for a seat in the U.S. House of Representatives, even though he had solid conservative credentials and close ties to Ronald Reagan.

But McKinnon was not done with politics or Washington. At 7 a.m. one day in 1980,

he said, he got a call from the Reagan transition team, asking if he'd like to become chairman of the Civil Aeronautics Board. "I didn't even know what the CAB did," McKinnon said. "The idea was to come and shut it down."

Under McKinnon, the 44-year-old agency was reduced from about 800 people to 300, and then closed. He said he persuaded many of them to believe in the necessity of CAB's demise. "I put 300 people out of work and made them happy about it."

In Washington, McKinnon was known as earnest and hard-working, but with little knowledge of the complex airline industry.

"My recollection is that Mr. McKinnon was a Reagan political appointee who obtained his training on the job," said Barry Roberts, a Washington attorney who practiced before the CAB when McKinnon was chairman.

McKinnon admits he lacked industry background, but said he was successful in transferring the CAB's responsibilities to the Department of Transportation and the airlines.

"I had a mountaintop experience," he said of those years. "There was nothing better than CAB. I love aviation. I love flying. I traveled the world and negotiated treaties, dealt with Congress, did all the 'Good Morning America' and 'Today' shows."

During his years in Washington, McKinnon took an occasional test flight in an Air Force F-15 jet fighter and once bounced through the Colorado hills on a 500-mile motorcycle race with racing stars Parnelli Jones and Al Unser. He also did some glider piloting and flew the super-secret U-2 spy plane.

But can this man run an airline? Philip Davidoff, chairman of the American Society of Travel Agents' aviation commission, said McKinnon's chances will be better if he does not try to expand too quickly.

McKinnon agrees. "The idea is not to get so big you get into trouble," he said. "You've got to stick to your niche. What are crumbs to the big boys will be a meal for us."

SENSE OF CONGRESS RESOLUTION

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. COUGHLIN. Mr. Speaker, today I am introducing a sense-of-the-Congress resolution with our Select Narcotics Committee chairman, Mr. RANGEL, which urges the President of the United States to, at the earliest date possible, certify Panama as cooperative in combatting drugs, declares congressional intent to expeditiously enact a joint resolution—as required by law—approving such certification, and commends the Endara government of Panama for its demonstrated commitment to combat the scourge of drugs.

As you know, the Noriega government of Panama, which was decertified by the President on March 1, 1989, for its role in money laundering and drug trafficking activities, has been replaced by a democratic government. However, Panama's current status as "decertified" still requires the United States to withhold desperately needed bilateral aid and to oppose multilateral loans to Panama.

Panama has clearly demonstrated its intent to work with us in fighting drugs. The new government and the United States have reached a comprehensive "Mutual Cooperation Agreement for Reducing Demand, Preventing Illicit Use and Combatting Illicit Production and Traffic of Drugs." The agreement was signed on January 10, 1990, in Panama City by Mel Levitsky, our Assistant Secretary of State for the Bureau of International Narcotics Matters and Ramon Lima C., Panama's Vice Minister of Government Justice. It entered into force upon signature.

Panama, because of its geographic position and role as a banking center, is critically important in the region's antidrug effort and deserves to be certified as fully cooperative in the drug fight. Once the President submits his certification of Panama the Congress must enact a separate joint resolution approving the determination of the President for the certification to take effect.

I urge my colleagues, on both sides of the aisle, to support this resolution and take the first step toward allowing Panama to be a full-fledged ally in the war against drugs. The full text of the resolution is inserted at this point in the RECORD.

KILDEE HONORS PAGES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the pages who have served in the House of Representatives so diligently last year.

These dedicated and hard-working young people will soon be leaving to complete their high school education. They are: Eric Adler, Eryn E. Ament, Lin Ang, Emily B. Barey, Kristen Baty, Noah Bierman, Amanda Blandford, Emiy Buchholz, Timothy Burns, Christian T. Cannon, Lisa DeGolier, Daniel Denning, Jacquelyn Dinusson, Alberto Flores, Rebecca Freeman, Joshua Fuller, Joel L. Gilbert, Kimberly Gooley, Genevieve Haines, Christopher Hayes, Sabrina Hinojosa, Catherine M. Houston, Shannon Johnson, Kevin Keenan, Ian Kruger, Matthew Lee, Randolph Lisle, Leslie Lowry, Diane Magen, Geoffrey McGuire, Maureen McNally, Matthew McNinch, Alexandra Meir, Rajesh Menon, Kathleen Metinko, Carrie Miller, Brian Moneke, Markita Montgomery, Phil Navallo, Robert E. Parker III, Geoffrey Patnoe, Eliezer Perez, Nathaniel Potter, Marsey Retsema, Adam Rieger, Dawn Elizabeth Rigby, Victoria R. Robinson, Michelle Rodgers, Laura Rothkopf, Heather Rubinstein, Elizabeth Russell, Margaret Anne Sallah, Laurie Schmitz, Kelly Scott, Lori Shemka, Michael Shepard, Nonkululeko Singer, Anthony L. Smith, Sarah Speakman, Marcus Spells, Shelley Stinnett, Michael W. Sweeney, Elizabeth Weinstein and Jennifer J. Wharton.

We all recognize the importance that congressional pages play in helping the House of Representatives operate. This group of young people, who come from all across our Nation, represent what is good about our country. To become a page these people have proven themselves to be academically qualified. They have ventured away from the security of their home and families to spend time in an unfamiliar city. Through this experience they have witnessed a new culture, made new friends, and learned the details of how our Government operates.

As we all know, the job of a congressional page is not an easy time. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and energy. In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. I am sure they will consider this to be one of the most valuable and exciting experiences of their lives, and that with this experience they will all move ahead to lead successful and productive lives.

Mr. Speaker, as chairman of the Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans. They certainly will be missed.

CIVIL JUSTICE REFORM ACT OF 1990

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. BROOKS. Mr. Speaker, today I am introducing the Civil Justice Reform Act of 1990. The purpose of this proposal is to implement procedural changes in order to minimize the excessive costs and delay associated with litigating civil cases in the Federal court system. Joining me in sponsoring this bill are Congressman BOB KASTENMEIER, chairman of the Judiciary Subcommittee on Courts, Intellectual Property, and the Administration of Justice; and Congressmen HAMILTON FISH and CARLOS MOORHEAD, the ranking minority members of the full committee and courts subcommittee, respectively.

Last year, at the suggestion of Senator JOSEPH BIDEN, chairman of the Judiciary Committee in the other body, a task force was convened to consider the problems of cost and delay in civil litigation. This task force, which was organized by the Brookings Institution and the Foundation for Change, drew together individuals with a wide range of perspectives on the problem: Representatives of the plaintiffs' and defense bar, public interest and corporate attorneys, former judges and law professors, and other authorities on the administration of justice in Federal civil proceedings.

This group came forward with a series of recommendations for procedural reform, for expanding judicial administrative resources, and for encouraging attorneys and clients to respond to those changes. The proposal that we are introducing today as the Civil Justice Reform Act of 1990 embodies the task force's procedural recommendations. It would provide for each Federal district court to develop a civil justice expense and delay reduction plan. This plan would allow for the scheduling and management of cases on a track system, differentiated on the basis of the complexity, and

amount of time needed to handle the individual case. The adoption of these plans is intended to allow more careful monitoring of the progress of cases and the application of adequate resources to see those cases through to resolution in an efficient manner. The bill also calls for development of a model expense and delay reduction plan by the Judicial Conference of the United States, as well as evaluation of the district courts' plans by the Federal Judicial Center.

Mr. Speaker, the Civil Justice Reform Act of 1990 is a thoughtful and comprehensive proposal to deal with the Federal courts' increasingly crowded civil dockets. I am introducing it today because I believe that it merits fuller examination, evaluation, and discussion as we look at ways the Federal Government can use its judicial resources as efficiently as possible.

FOUR TIMES A CHARM

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. HEFLEY. Mr. Speaker, I rise today to pay homage to the Denver Bronco football team as they prepare to play in the Super Bowl for the third time in 4 years. Out of 28 teams in the National Football League, the field has been narrowed down to 2. The men in orange have once again demonstrated their desire to be the best.

Residing in my home State of Colorado, lifted by the support of the multitude there, the Broncos hold a record of 11 and 5 in addition to two playoff victories. As the team leaves Denver, a perch that is a mile high, and prepares to meet their formidable opponents, the team from the San Francisco Bay, they travel to New Orleans with the support of Coloradans everywhere.

There are no accolades strong enough for the leadership provided by owner Pat Bowlen and head coach Dan Reeves. After the frustrating 8 and 8 record the previous year, the wisdom of these two men has shown through. I commend them for their ability to build success out of disappointment.

There are many Bronco fans here in this distinguished body and across the Nation. As a representative of beautiful Colorado, I urge all of them to join me in cheering for the Broncos this coming Sunday as they attempt to become the No. 1 professional football team in the Nation.

In closing, I would like the players and coaches to know that win or lose, we are proud of the team for being one of the two best teams in professional football. Their athletic abilities have brought great enjoyment into all of our lives, and for that we are eternally grateful.

TRIBUTE TO FLOYD TURLEY

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. HUBBARD. Mr. Speaker, I appreciate this privilege of paying tribute to a friend whom I have appreciated and admired for many years.

Floyd Turley, 61, of Route 1, Marion, KY, died January 1 at Welborn Baptist Hospital in Evansville, IN.

Mr. Turley worked for Henderson-Union Rural Electric Cooperative Corp. for 37 years before retiring. He also was active in farming for 37 years in Crittenden County, KY.

A wonderful man, highly respected by those who knew him, Floyd Turley was also a dedicated Christian, active at General Baptist Church in Marion.

He is survived by his lovely wife, Frances Turley; five sons—Curtis Turley, head basketball coach at Henderson County High School, the largest public school in Kentucky west of Louisville; Randall Turley, David Turley, Billy Turley, and Todd Turley, all of Marion; a brother, James Arvil Turley of Paducah; five sisters—Elizabeth Travis, Hazel Owen, Jo Binkley, and Shirley Minner, all of Marion, and Mildred Walter of Cassopolis, MI, and 10 grandchildren.

My wife Carol and I extend to the family of Floyd Turley our sympathy.

ROBERT T. McINTYRE, VICE PRESIDENT OF PENNSYLVANIA AFL-CIO HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mr. Robert T. McIntyre, vice president of the Pennsylvania State AFL-CIO and president of Local 81, International Brotherhood of Electrical Workers in Scranton, PA.

Mr. McIntyre is a graduate of Scranton Central High School and is a Navy veteran of the Korean Conflict. He joined the IBEW in 1955 and worked as AFL-CIO community services director for Lackawanna County in 1963 and became a field representative for the national AFL-CIO in 1964.

He has been appointed by Governor Casey to the Pennsylvania Economic Development Partnership Board, the Governor's Education/Job Training Task Force, the State Unemployment Advisoy Council, the Governor's Energy and Power task force, and the Governor's Infrastructure task force.

In addition, Mr. McIntyre has been named to the Pennsylvania MILRITE Council, the Governor's Committee on Employment of the Handicapped and the Consumer's Advisory Council to the Insurance Department. Endorsed by the Pennsylvania Building and Construction Trades Council, Mr. McIntyre is hoping to become State AFL-CIO president when the labor organization convenes in Pittsburgh in May.

An advocate for workers rights, Mr. McIntyre has devoted his life to the working men and women of this Nation. With the help of tenacious labor union leaders like Mr. McIntyre, employees are ensured that their rights are represented, of fair treatment, and of adequate and safer working conditions.

Mr. McIntyre will be honored at a celebration, a "Community Salute to Bob McIntyre," to be held on Friday, January 26, 1990. I would like to take this opportunity to salute Mr. Robert McIntyre for his tremendous dedication in representing the workers of Pennsylvania, particularly those of the greater Wilkes-Barre/Scranton area.

IN RECOGNITION OF CAPTAIN JOHN E. KANE, U.S. NAVY

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. GRAY. Mr. Speaker, I would like to take this opportunity to recognize and honor Capt. John E. Kane, U.S. Navy. On February 1, 1990, Captain Kane will retire from active duty after 21 years of outstanding service to the Navy and the Nation.

Hailing from Philadelphia, PA, Captain Kane graduated from the U.S. Naval Academy at Annapolis, MD, in 1968 and was designated a naval aviator the following year. While on active duty, he has served honorably and with distinction in four patrol aviation squadrons accumulating and embarked in six Pacific fleet aircraft carriers. As commanding officer of Patrol Squadron Ten, this unit was awarded the prestigious Isbell Trophy as the fleet's top operational squadron for an unprecedented 2 consecutive years. Ashore, Captain Kane's exemplary service included attendance at the Naval War College, Newport, RI, service as an analyst in manpower and total force requirements at the Navy Manpower and Material Analysis Center, and on the immediate staff of the Secretary of the Navy in the Office of Program Appraisal.

Since November 1987, Captain Kane has served as the director for Navy liaison, U.S. House of Representatives. It is in this capacity that I and many other Members of this body have come to respect and rely on his commanding knowledge of vital Navy issues and programs. Moreover, his assistance in promoting effective communications and harmonious working relationships between the Navy and the House of Representatives is recognized and appreciated by all who have been privileged to know him.

A man of Captain Kane's talent and integrity is rare indeed and while his honorable service will be genuinely missed, it gives me great pleasure today to recognize him before my colleagues and to wish him and his family every success as he brings to a close a long and distinguished career in the U.S. naval service.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. GEKAS. Mr. Speaker, 35 million individuals in the United States are victimized each year by crime, with 6 million falling prey to violence. This means that 5 out of 6 individuals will be the victim or intended victim of crime during their lifetime, according to estimates by the U.S. Department of Justice.

All of us, regardless of our party affiliation, are concerned and startled by these grim statistics. Many victims of crime suffer severe psychological, physical, and emotional hardships. America must commit itself to improving the criminal justice and social services that respond to crime victims.

Mr. Speaker, that is why I am pleased to rise today to introduce, along with 78 of my colleagues, legislation designating April 22 through April 28 as "National Crime Victims' Rights Week." For the last 9 years 1 week in April has been designated to remember and support victims of crime, to acknowledge the advocates who serve them, and to support the rights of victims to participate in the criminal justice system.

Our Nation is committed to justice and liberty for all. This commitment must be extended to the victims of crime. Efforts must be continued to remove the inequities victims face and to protect and restore individuals rights. One way to redress the injustice to crime victims is to implement the recommendation proposed by the President's Task Force on Victims of Crime.

"National Crime Victims' Rights Week" is supported by the U.S. Department of Justice, National Victim Center, MADD [Mothers Against Drunk Drivers], NOVA [National Organization for Victim Assistance], Parents of Murdered Children, National Sheriffs Association and many other criminal justice and victims groups committed to the rights of crime victims. Today, I call upon all of my colleagues to support this very worthwhile resolution.

DR. FRANK E. YOUNG APPOINTED TO NEW POSITION

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. BILIRAKIS. Mr. Speaker, I would like to take a moment today to reflect upon the many achievements of Dr. Frank E. Young during his tenure as Commissioner of the Food and Drug Administration. After 5 years as Commissioner of the FDA, Dr. Young has been appointed to the new position of Health and Human Services Deputy Assistant Secretary for Health, Science and the Environment.

During his years as Commissioner, Dr. Young made the expeditious development and availability of drugs for those who are desperately ill his top priority. In 1988, he implemented the "Bush" Initiative to reduce the time required for human testing of drugs for life-threatening and severely debilitating diseases. Overall, the Agency reduced approval time for new top-priority drugs from 7.5 years to 4.2 years, which is one of the fastest rates in the world.

Frank Young also established a special classification for absolute top priority for all AIDS drugs. New treatments for those with life-threatening conditions and no alternative therapy were sometimes approved for investigational new drug regulations within 5 days. In addition, he provided a vigilant inspection program of the Nation's blood banks to ensure the safety of the blood supply.

The FDA, during Commissioner Young's tenure, approved more than a dozen therapeutics and vaccines in less than half the usual processing time. The FDA approved more than 350 products of biotechnology and an additional 650 products were authorized for clinical trials.

We, as a nation, are indebted to the services and dedication of Dr. Frank Young. The toils of a man like this should not go unnoticed. I wish him great luck, which I know he will not need, as he proceeds to this new challenge.

INTRODUCTION OF LEGISLATION TO PROVIDE FOR THE EXTENSION OF MFN STATUS TO ROMANIA, CZECHOSLOVAKIA, BULGARIA, AND EAST GERMANY

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation that would provide for the extension of most-favored-nation status to Romania, Bulgaria, East Germany, and Czechoslovakia.

Over the past few months we have witnessed unprecedented change in these Eastern European nations as a virtual tidal wave of reform and democratization swept nation after nation. As the tide begins to recede in Eastern Europe each of these reinvigorated nations begins the long process of sorting through the debris, the challenges, and the possibilities.

One shining remnant of the tidal wave in Eastern Europe is that each of these nations has opened its borders and is allowing free emigration.

I think we all are in agreement that the United States ought to do everything possible to encourage continued free emigration, the growth of democracy, and help the economies of these nations recover and adopt more market-like orientations.

Affording these nations MFN status will assist them in their efforts to rebuild their economies and will create new opportunities for American business. The new Government of Romania, for instance, recently denounced former dictator Nicolae Ceausescu's renunciation of MFN status.

I hope the introduction of this bill will sharpen the focus of Congress and the administration on these issues, especially in light of upcoming hearings in the Ways and Means Committee on Trade, the Soviet Union, and Eastern Europe.

POTENTIAL CLOSING OF THE LONG BEACH NAVAL SHIPYARD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. ANDERSON. Mr. Speaker, I would like to express my great dismay over reports that the Long Beach Naval Shipyard has been included on a list of possible base closings. Though I cannot confirm this unsubstantiated rumor, I think that a move of this sort represents a serious mistake. No one should need to be told of the efficiency, productivity, and overall excellence of the Long Beach Naval Shipyard. It is to me the finest naval shipyard in the country, staffed with the finest workers in their field. Base closures are indeed a potential in the face of possible defense cutbacks, but not for a facility that is operating at peak performance. I am amazed that the most economically viable naval shipyard, and just look at the Long Beach Naval Shipyard's balance sheet for proof of that, would even be considered. I will insist that this rumored action not be carried through.

We simply cannot afford to lose the expertise and skilled labor that the Long Beach Naval Shipyard represents. It is a shipyard that is extremely important to this country, both in peacetime and wartime. And while the likelihood of conflict seems to be receding, we must remember that the United States is first and foremost a maritime power. We shouldn't take any steps to diminish our capabilities in that respect. The Long Beach Naval Shipyard represents a vital asset in our naval strength. And if needed, the shipyard will be a key factor in our ability to mobilize. But if we close down the base, the equipment, the location, the skilled manpower, the jobs, the capability are all gone forever. We need to keep open the Long Beach Naval Shipyard at a core level of work so we don't lose this asset of national importance. Let us not make a mistake and shut down the Long Beach Naval Shipyard.

I assure you, Mr. Speaker, that I will work diligently to keep this strategic shipyard open and viable.

RESPONSIBLE CITIZENSHIP

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. HOAGLAND. Mr. Speaker, we have just witnessed the closing of a decade in which millions of people who had long suffered from repressive regimes have toppled those regimes in their quest for freedom and democracy. We, who have benefited from the longest lasting constitutional democracy in history, should rejoice in the overthrow of those tyran-

nical governments and in the recognition by their citizens of the importance of the principles and values of free government we have cherished for so long.

We must wish the people of these nations well in the difficult tasks that lie ahead. And, we must do everything we can to ensure the success of their endeavors to establish governments based upon the principles of constitutional democracy.

At the same time, we must not neglect to pass on to our own youth an understanding of the fundamental principles and values of our democratic institutions. Such an understanding leads to a reasoned commitment to the preservation and improvement of these principles and values. In this regard, I am most pleased to commend the effort of Rich Brown, of Omaha, NE, whose dedication to the improvement of the civic education of our students is exemplary.

Through the dedicated and voluntary efforts of Rich Brown, thousands of upper elementary, middle, and high school students have studied the curriculum of the National Bicentennial Competition; its noncompetitive companion program, Congress and the Constitution; and the National Historical Pictorial Map Contest in Nebraska's Second Congressional District. This curriculum introduced students to the philosophical ideas of our Nation's founders, the historical background of the Philadelphia Convention, and the issues and debates that shaped the writing of our Constitution. Students learn how our Government is organized and how it protects the rights and liberties of all citizens. Finally, and most important, students learn of the responsibilities which accompany the rights of citizenship in a democracy.

It is ironic that while those who have experienced repressive regimes throughout the world are clamoring for the right to vote in free elections, in the United States, only one out of five eligible voters under the age of 30 takes advantage of that very right. With so few young people understanding the purpose and importance of our Constitution, it is clear that we must do all we can to turn the tide of political apathy into a wave of active and informed participation. I am pleased to express my admiration and appreciation of Richard Brown for his impressive contributions to the development of competent and responsible citzenship.

TRIBUTE TO PAUL "PETE" PAGE, A MISSOURI STATE REPRESENTATIVE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 25, 1990

Mr. SKELTON. Mr. Speaker, I would like to rise today to say a special word in tribute to the late Paul "Pete" Page, a Missouri State representative.

Rep. Paul "Pete" Page, a Republican member of the Missouri House since 1976, died in his sleep last November. He was 71.

A native of Springfield, MO, Page graduated from Lebanon High School. He served in the U.S. Army Coast Artillery in 1942 and later entered the U.S. Army Air Force. Page was an active community leader in Lebanon. Activities ranged from president of the area chamber of commerce to the vice president of the Jaycees.

While in the Missouri House, Page served on the Federal-State relations committee; mines and mining committee; State parks, recreation and natural resources committee; and tourism, recreational and cultural affairs committee.

Rep. Pages' closeness within the community at home and at the State Capital will make him greatly missed. Missouri lawmakers describe Page as a friendly and popular member of the legislature with many friends and acquaintances.

Page is survived by his wife Edna; two sons, Paul Page III and Edward Page; and three grandchildren.

Mr. Speaker, Rep. Paul Page has served the people of his district with pride and honesty. His contribution to the State of Missouri and its people will long be remembered.

HOUSE OF REPRESENTATIVES—*Monday, January 29, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

You have promised, O gracious God, that Your words are new every morning and Your presence is with us all the day through. We humbly pray that You increase in us the gift of hope that any dark cloud of illness or pain will be eased by the power of Your good spirit. Teach us, O God, never to lose that gift of hope so that our lives will not be governed by despair, but will be nurtured and brightened by Your work in our hearts and souls. Bless us this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceeding and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Arizona [Mr. KYL] if he would come forward and lead the membership in the Pledge of Allegiance.

Mr. KYL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 2712) entitled "An act to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was resolved that the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 247. An act to amend the Energy Policy and Conservation Act to increase the efficiency and effectiveness of State energy conservation programs carried out pursuant to such act, and for other purposes;

S. 286. An act to establish the Petroglyph National Monument in the State of New Mexico, and for other purposes; and

S. 555. An act to establish in the Department of the Interior the De Soto Expedition Trail Commission, and for other purposes.

The message also announced that pursuant to Public Law 96-114, as amended by Public Laws 98-33, 99-161, and 100-674, the Republican leader appointed William Russell King, Virginia, and Michael L. Lunceford, Texas, as members of the Congressional Awards Board.

THE CROSS FLORIDA PARK TO SUCCEED THE CROSS FLORIDA BARGE CANAL

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, in this world of change, nothing is so changeless as change itself. What was wise and doable yesterday may not be wise and doable today. There was nothing wrong with the concept of this canal, which was based on documented positive commercial and defense values. But today, since the government of Florida has changed its mind about this project, the project now lacks the required non-Federal sponsorship. Even the local chambers of commerce and the Pentagon have abandoned their support. The most acceptable solution is to create a State park or State conservation area, and that is what my legislation will accomplish.

The State park or State conservation area would be like a phoenix bird arising from the ashes of yesterday's idea.

In 1986 Congress passed a law that deauthorized the canal, but only on condition that the Federal Government would continue to protect its $73 million investment in the project, all made at the request of the State of Florida. The State contributed less than $10 million and counties along the route contributed $32 million.

The State in 1989 passed a memorial disagreeing with the 1986 Federal law and asking that the State be allowed to sell all the assets, reserving no equities for the Federal contributions. My proposal also would not protect the Federal investments—except for a reverter clause—would require the State to pay the counties at least the $32 million out of the sale of outparcels—noncontiguous parcels—and would provide for a reverter of the contiguous lands to the Federal Government if the State ever seeks to use the lands for other than ecological conservation purposes. This proposal requests the State to use the surplus funds from noncontiguous land sales to acquire additional lands needed in the land route from the St. Johns River in the Gulf of Mexico. The Federal Government would be freed from its responsibilities to maintain the lands and other assets, which now cost the Federal Government about $2 million each year.

Beginning in June 1989 I suggested to State officials a State park or State conservation use of these lands; and I believe the State now approves.

Now if the State legislature repeals its 1989 memorial and expresses agreement with this bill I have introduced, or some amendment of it, I believe this matter can be quickly resolved. With such official assurance from the State, I anticipate I can pass the law I have introduced, even though it represents a very generous attitude on the part of the Federal Government, losing, as it will, $73 million it invested at the request of the State.

Mr. Speaker, I am including in the RECORD a copy of the bill, as follows:

H.R. 3905

A bill to deauthorize the Cross Florida Barge Canal and to assist the State of Florida in establishing a Cross Florida State Park or conservation area, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1114 of the Water Resources Development Act of 1986 is amended to read as follows:

"SEC. 1114. CROSS FLORIDA BARGE CANAL.

"(a) The Cross Florida Barge Canal is deauthorized immediately upon the transfer, by quitclaim or otherwise, to the United States of all lands and interests therein held by the State of Florida and its Canal Authority for the Cross Florida Barge Canal project, except for parcels of land that are not contiguous, adjoining or otherwise physically connected to the canal corridor (hereinafter referred to as 'noncontiguous parcels').

"(b) The State of Florida shall reimburse the counties of Duval, Clay, Putnam, Marion, Levy, and Citrus at least $32,000,000, in the aggregate, for their investment in the canal project. The State of Florida may use proceeds from any sale of the noncontiguous parcels referred to in subsection (a) as a source of funding for this reimbursement.

"(c) If the State of Florida requests the return of the lands transferred to the United States as prescribed in subsection (a) for the purpose of establishing a State park or State conservation area, the United States shall immediately transfer to the State of Florida said lands, along with any other lands, including physical structures, held by the United States for the canal project: *Provided, however,* That if the State of Florida ever attempts to sell any of such lands or any interest therein, or to use any parcel or portion of such lands for other than park or conservation purposes, the title to all the lands transferred under this subsection to the State of Florida, shall revert to the United States.

"(d) Congress urges the State of Florida to use any surplus funds derived from the sale of noncontiguous parcels referred to in subsection (a) to fund the acquisition of ecologically important lands to improve the integrity of the park or conservation area referred to in subsection (c).".

LET US APPLAUD PRESIDENT'S DECISION TO SEND TROOPS TO PANAMA

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, President Bush's decision to send American combat troops to Panama has been applauded by a majority of both Panamanians and Americans.

I am appalled that the House Democratic leadership is unwilling to let this body applaud the President. A watered-down resolution on Panama was pulled last week when the leadership apparently realized it could not get away with simply commending the performance of American troops in Panama.

President Bush acted boldly and decisively to protect American lives in Panama, to protect our interests in the canal treaties, to restore democracy to Panama and to gain custody of Manuel Noriega to bring him to trial for drug trafficking.

All of those objectives were accomplished by the President's choice of action after he had exhausted all other diplomatic, economic, and political alternatives.

And to think, the leadership of this body is unwilling to give credit for protecting American national security interests.

DEFENSE BUDGET NOT FAIR

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, the President and his budget chief say the defense cuts announced today and affecting places like Naval Ordnance on Southside Drive in Louisville are fair. I say they are not fair.

What is fair about spending defense dollars for star wars, a system defending against missiles which are even today being dismantled by both the superpowers, while cutting the flesh, muscle, and bone of America's conventional defense capability? What is fair, Mr. Speaker, about adding defense dollars for the Stealth bomber, which can hardly fly, much less fly stealthily, while cutting the maintenance, repair, and modernization of conventional weapons which is being done at Naval Ordnance? Simply stated, there is nothing fair about it.

The same can be said about spending defense dollars for both the Midgetman and the MX.

In short, Mr. Speaker, the defense budget is not fair to facilities such as Naval Ordnance, to the 2,400 men and women who work there, nor to localities such as Louisville and Jefferson County.

I intend to point out this unfairness in the weeks ahead and work to correct it.

PRESIDENT'S BUDGET DESERVES OUR FULL SUPPORT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, the President's budget deserves thoughtful consideration. While we may differ with the President in some details about that budget, the fact is it sets the right kind of priorities. It moves us away from the welfare-state kind of philosophy toward more growth and opportunity.

Let me give the Members just a couple of examples: In the area of our Space Program, the President proposes that we do more and go further. Back last July when the President said that this Nation should commit itself to going back to the Moon on a permanent basis and then on to Mars, many of his critics here in the Congress said: "No way; the President is not really serious about this because he did not put any dollars behind it." The President rightfully responded that he was in the middle of budget negotiations and did not want to change the budget at that point.

The President has now come forward with a budget to do the kinds of things that he said he was going to do, a 24-percent increase in the space budget. That is probably not quite enough to do the job, but it sets us in the right direction and is a major increase and ought to be supported in the Congress.

In the science budget, the President moves ahead in the areas of research and development, making certain that we continue to double the moneys for the National Science Foundation or move toward doubling those funds. That is exactly the right direction.

Even in defense, where he is cutting the budget overall, he has maintained the research and development budget and, in fact, has increased it. That makes certain that in the future we will have the technological base in this country for defending the Nation.

Those are the right kinds of priorities, and the President's budget in those categories deserves our full support.

VOTE ON CHINA WAS ABOUT WHO WE ARE

(Mr. DORGAN of North Dakota asked and was given permission to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, I wanted to observe after the vote last week on China that some of the reaction from the White House and the supporters of the President's policy just do not get it. They still do not get it.

The vote was just not about students, Chinese students, and their visas. The vote was a larger expression, it seems to me, particularly here in the House of Representatives, about who we are and what we stand for.

It was unforgivable, in my judgment, for the President to send Messrs. Scowcroft and Eagleburger to go to Beijing and lift a glass and toast the Chinese leaders. These are folks who butchered the students, butchered the young folks in Tiananmen Square, who erected out of papier-mache a statue of liberty demonstrating for freedom, risking their lives for a simple idea that free men and women want to govern themselves.

If we in America do not stand for that, what on Earth do we stand for? Why are our goals in China so modest? Why do we talk about freedom in Eastern Europe but when we talk about China the President talks about reform? Why so modest, Mr. President?

I am not suggesting sending troops to China, but I am saying we should not be drinking cocktails toasting the Chinese leaders when they have butchered those young folks in Tiananmen Square demonstrating for freedom.

That is what that vote was about. The vote was about who we are and what we stand for. Why on Earth would this country not, without a second thought, say, "Mark us down on the side of those folks who are risking their lives for freedom in China," not, "Mark us down to raise a glass to toast the Chinese leaders in Beijing?"

That was unforgivable, in my judgment.

COMMEND THE PRESIDENT FOR HIS TOUGH DECISIONS

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, I joined colleagues on the other side of the aisle to vote to override the President's veto on the China policy for many of the reasons that were just expressed by the previous speaker.

I would also urge my colleagues, when it is time to praise the President, that we be willing to do that as well. Our colleague from California urged that with respect to the President's action in Panama, as Commander-in-Chief, he deserves credit and should be praised for that. I urge my colleagues to join us in a resolution which would do precisely that.

By that same token, I join my colleague from Pennsylvania in asking that people on both sides of the aisle respect the President for the tough decisions that he had to make in sending his budget to us and commend him for what I believe is a job well done and specifically the work in the area of defense.

If we look at the defense budget this year as a jobs bill, we are looking at it all wrong. We have to be very careful how we continue to constrict our defense budget, which has now been cut for the last 5 years in a row.

□ 1210

It has not even kept pace with inflation. That means we have got to be very careful how we cut it back.

As the gentleman from Pennsylvania [Mr. WALKER] noted, we cannot afford to cut back on those leading technologies, the R&D kind of things, including the strategic defense initiative, which are going to be so important to our future. So as we begin to debate this budget, particularly the defense budget, let us not look at it in terms of what is fair. That is not important. This is not a job bill. What is important is the security of the United States of America. That should be our only criteria in evaluating the defense budget.

INAUGURATION OF HONDURAN PRESIDENT

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I had the privilege this last weekend of going with Vice President DAN QUAYLE to Honduras and then to Panama. The purpose of that trip was the inauguration of a new President in Honduras who had been educated in the United States and attended the same university I did in Mississippi. I was very impressed with the new President of Honduras.

While in that country we met with four different Presidents of Central American and South American countries. I thought the Vice President of the United States handled himself very well in dealing with these Presidents.

We then went over to Panama and met with the new leadership there. I am impressed with the new leadership that was duly elected in Panama to lead that country.

Mr. Speaker, what is rather interesting is that in the last 30 days I have been to Panama two times before this last trip, and the Panamanian people now want the American military forces to stay there. The people say they have no army, they have no police force and they need some type of protection.

I believe President Bush, within the next couple of weeks, will withdraw all those troops that were in Operation Just Cause. I think what we could do to help the Panamanians, Mr. Speaker, is replace active duty forces from America with National Guardsmen and Reserves.

Our reserve components could include military police battalions and engineer battalions. It would be excellent training for them. They could do the job. We would then not have active duty regular troops from the military down in Panama. It makes a lot of sense to use National Guardsmen and Reservists to help get Panama back on its feet again.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. VISCLOSKY) laid before the House the following communication from the Clerk of the House of Representatives:

Washington, DC, January 25, 1990.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit two sealed envelopes received from the White House at 1:30 p.m. on Thursday, January 25, 1990 and said to contain a message from the President wherein he transmits a 6-month period report regarding the national emergency with Libya and said to contain a message from the President whereby he transmits his second National Drug Control Strategy.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-140)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

1. I hereby report to the Congress on developments since my last report of July 19, 1989, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) ("IEEPA"); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c).

2. Since my last report on July 19, 1989, there have been no amendments to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control ("FAC") of the Department of the Treasury. Additionally, since July 19, 1989, there have been no amendments or changes to orders of the Department of Commerce or the Department of Transportation implementing aspects of Executive Order No. 12543 relating to exports from the United States and air transportation, respectively.

3. During the current 6-month period, FAC has issued a limited number of specific licenses to individuals and corporations to permit them to engage in activities that would otherwise be prohibited by the Regulations. Under FAC licensing procedures, 23 individuals registered to travel to or remain in Libya with Libyan immediate family members. Fewer than 15 licensing actions were taken with respect to Libya.

4. Various enforcement actions mentioned in prior reports continue to be pursued. As reported previously, seven former officers of a Libyan student group operating under FAC license were convicted in November 1988 for the unauthorized use of student funds in violation of the Regulations. In May 1989, in the U.S. District Court for the Eastern District of Virginia, seven individuals associated with the student group were convicted of related charges of conspiracy, wire fraud, aiding and abetting, and credit card fraud. Their sentences ranged from 60 days' to 7 years' imprisonment with fines of up to $8,000.

In July 1989 the U.S. Customs Service seized a shipment of U.S.-origin electrical distribution and control equipment in Buffalo, New York, valued at $7,679 for an attempted illegal transshipment from Canada to Libya through the United States. In October 1989 the U.S. Customs Service seized a shipment of computer equipment valued at $7,500 for an attempted illegal transshipment to Libya through the Netherlands. Redelivery of the goods from the Netherlands to New York was effected prior to the seizure of the goods in New York.

In August 1989, in the U.S. District Court for the District of Minnesota, a Federal grand jury returned a four-count criminal indictment charging a U.S. firm and two of its corporate officers with unlicensed shipment of 43,400 pounds of chemicals to Libya in April 1986. Guilty pleas were entered by two corporate officers and on behalf of the corporation at a December 4, 1989, hearing. Sentencing is expected in January 1990.

During the current reporting period, FAC determined that the Government of Libya had illegally transferred certain of its physical assets in the United States to a Libyan student organization at the time the sanctions were imposed. In October 1989 FAC ordered the assets sold at auction with the proceeds deposited into a blocked account in the name of the Government of Libya.

5. The expenses incurred by the Federal Government in the 6-month period from July 19, 1989, through the present time that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at $425,776. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Assistant Secretary for Enforcement, the Office of the Assistant Secretary for International Affairs, and the Office of the General Counsel), the Department of State, the Department of Commerce, the Department of Justice, the Federal Reserve Board, and the National Security Council.

6. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

GEORGE BUSH.

THE WHITE HOUSE, *January 25, 1990.*

THE 1990 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services; the Committee on Banking, Finance and Urban Affairs; the Committee on Education and Labor; the Committee on Foreign Affairs; the Committee on Government Operations; the Committee on Energy and Commerce; the Permanent Select Committee on Intelligence; the Committee on the Judiciary; the Committee on Merchant Marine and Fisheries; the Committee on Public Works and Transportation; the Committee on Science, Space, and Technology; and the Committee on Ways and Means:

To the Congress of the United States:

Consistent with section 1005 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), I am today pleased to transmit my administration's 1990 National Drug Control Strategy for congressional consideration and action.

This report should be viewed as a companion volume to the National Drug Control Strategy that I sent to the Congress last September. In it you will find a comprehensive blueprint for Federal drug control activities for the next fiscal year. The principal goal of our strategy, however, remains the same: to reduce the level of illegal drug use in America. To help determine the most effective means of pursuing that objective, my administration has once again been aided by broad consultation with Members of Congress, Federal, State, and local officials, experts in the fields of drug prevention, treatment, and enforcement, and hundreds of interested and public-spirited citizens. The result, I believe, is a truly national plan to combat the illegal use of drugs, one that will bring us success in this new decade.

I am grateful for the enthusiastic and bipartisan support that the Congress gave to the National Drug Control Strategy last year, and I turn to you for that support again. I know that every Member of Congress shares my desire to overcome the terrible scourge of drugs. And so I ask you to join me in moving quickly to fund and implement the proposals and initiatives contained in this report. Full congressional support of this national strategy is essential if we are to give Americans the thorough and effective drug control policy they expect and deserve.

GEORGE BUSH.

THE WHITE HOUSE, *January 25, 1990.*

BUDGET OF THE U.S. GOVERNMENT FOR FISCAL YEAR 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-122)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

I have the honor to present the *Budget of the United States Government for Fiscal Year 1991.*

The American economy is now in its eighth consecutive year of expansion and growth. It is essential that the growth of the economy continue and increase in the future. The budget is designed to achieve that goal.

The budget has five broad themes:

—*Investing in Our Future*—With an eye toward future growth, and expansion of the human frontier, the budget's chief emphasis is on investment in the future. It proposes: a capital gains incentive for long-term private investment and new incentives for family savings; record-high amounts for research and development, space, education, and Head Start; a major investment in civil aviation; and a large increase in spending to attack the scourge of drugs. At the same time, the budget maintains a strong national defense while reflecting the dramatic changes in the world political situation that are taking place; and it fulfills responsibilities to protect the environment, and preserve America's cultural heritage.

—*Advancing States as Laboratories*—The budget recognizes the emergence of new ideas and initiatives originating at the State and local level. The Federal Government will foster such innovation and experimentation in numerous fields, from transportation to health, through waivers of certain rules and regulations, and through demonstration grants.

—*Reforming Mandatory Programs*—Entitlement and other mandatory spending now constitutes nearly half the budget, not counting an additional 14 percent for interest. The budget provides for full payment of social security benefits and funds growth in health, low income and other mandatory programs. However, it proposes reforms where warranted to slow the growth in some of these programs and thus leave more room in the budget for priority initiatives.

—*Acknowledging Inherited Claims*—The budget faces up to such inher-

ited claims as the cleanup of decades old environmental damage at nuclear weapons facilities. It analyzes potential claims from unfunded annuities and Federal insurance programs. It assesses the growing volume of defaults in Federal credit programs and proposes essential credit reforms.

—*Managing for Integrity and Efficiency*—The budget contains suggestions for reforms in the way Congress deals with the budget. It provides more resources and suggests improved methods for managing the vast Federal enterprise better. It identifies low-return domestic discretionary programs where a smaller investment of budgetary resources is warranted.

The budget meets the deficit target of $64 billion for 1991 established by the Gramm-Rudman-Hollings law, without raising taxes. It would balance the budget by 1993 as required by that law, begin reducing debt, and protect the integrity of Social Security.

Each of the themes outlined above is discussed in more detail in Section One of the budget, the Overview. The customary tabular and appendix material is contained in Section Two.

I look forward to working with the Congress in the weeks and months ahead to produce a budget that meets the Gramm-Rudman-Hollings target, advances the Nation's essential interests, and keeps the economy on the path of continued growth.

GEORGE BUSH.

THE WHITE HOUSE, *January* 29, 1990.

VOTER REGISTRATION LEGISLATION

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the schedule calls for us to take up the so-called motor-voter registration bill this week. I hope you will consider delaying action on this legislation.

I have a number of reservations concerning consideration of this bill.

First, this legislation will have a tremendous impact on all 50 States and will fundamentally alter the role of Federal Government in mandating procedures. It should have more hearings. It has been rewritten and redrafted since it was reported from committee and will require some procedural sleight of hand to get the rewrite to the floor. It is wrong.

Second, this legislation should be considered within the context of campaign reform. It was produced outside the framework of the bipartisan campaign reform task force. While it may have Democrat and Republican cosponsorship, I do not see it as bipartisan especially within this context. Its consideration separate from the work of that task force may do great damage to that process.

Third, this legislation has some critical flaws, Mr. Speaker, and they deserve a little more attention than they have been given.

Finally, hasty consideration may set up another early confrontation with the President. Some may have this kind of strategy in mind for this session, particularly if we are forced to take up Eastern Air Lines legislation next week. However, I do not believe that is your strategy, Mr. Speaker.

As you know, Mr. Speaker, I believe that comprehensive, bipartisan campaign reform is possible this year, but it will take extraordinary commitment and effort. This is not the right way to begin. I suggest we take a couple of steps back and start again.

□ 1220

PRESIDENTIAL BUDGET PRIORITIES

The SPEAKER pro tempore (Mr. VISCLOSKY). Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, when budgets are presented to the Congress or drafted in the Congress, they are documents that have to be taken seriously. They should be taken seriously because they do outline the priorities that we as a country will be facing as we implement the details of those budgets.

That is the reason why the budget that was sent to Capitol Hill today by the President is an extremely important document and one which we need to focus on rather than simply stand on the side and criticize. We need to look at some of the directions that the President sought to take us in and compare those with the directions in which we have been heading.

As we draft these budgets, we choose one of two directions to go: You can either see the budget as something which causes you to invest in the future and thereby assure growth and opportunity for the country out in the future; or you can see the budget as simply building on what we have done before and basically choose to do everything the same way we have been doing it before.

The problem is that if we as a Nation choose that direction at the present time, we will choose a direction that has been taking us steadily down the road toward bankruptcy. What we need to have is a reform agenda. We need to look at the future differently than we have looked at the past. The world is changing.

The economies of the world are changing. The economy of this country relative to the world is changing. We need to begin to focus on some of those things here in the Congress and begin to budget in ways that reflect realities rather than the way we simply wish things could be.

I have been interested, as the President's budget has been discussed initially over the weekend, to hear a number of Members of Congress at least say publicly or say in press presentations that they think that this budget is a terrible document and it is going to have to be thrown out almost immediately on Capitol Hill.

I think that would be a tragic mistake if that is the direction that Congress goes.

Some of the criticism I have heard centers around the fact that the President did not take enough out of the defense budget, that we are arriving at a day when we can begin to spend away the peace dividend.

First of all, I think it may be a little too soon to make a calculation as to whether or not there is going to be a peace dividend or at least the extent to which that peace dividend is going to be available. But what is interesting is that some of those same people also seem to criticize the cuts that the President did make in defense. As an example, one of the things that the President did as he cutback the defense budget relative to inflation was he decided we are going to have to have some base closures. Already, people in the Congress who have screamed the loudest for defense cuts are also screaming the loudest about the fact that that entails some closure of bases.

How to do you get there from here if we are not willing to at least look and say there are some things that the Defense Department has been doing that it ought not be doing anymore?

For example, I am told we still have some forts up in Michigan that were put in there as Indian-fighting forts. Maybe there has been an Indian attack up there in recent months, but it certainly has not received the press attention if it was. Maybe those kinds of things could be looked at.

We ought not, though, be doing things that take away from our ability to build a technological base for this country, because even if there is a need to redefine the budget in terms of a peace dividend, we have to maintain our technological edge. That has always been what we as a Nation have as our ace in the hole, that our technology was always better than the other guy's technology. So while we could put together men and materials very quickly, we cannot do the 7- and 10-year developments of the new technology that allow us to stay competitive.

We also look at some of the other things that are in the President's budget and also focus on those technological issues and the world economy.

I yield to the gentleman from Kentucky briefly.

Mr. MAZZOLI. If my friend will yield briefly.

Mr. WALKER. Yes, I only have a limited amount of time.

Mr. MAZZOLI. I want to tell my friend how much I appreciate his discussion of this issue. He obviously is opening up the debate which will go on for weeks on the Hill.

As a Member in whose district one of these bases which is at least going to be studied for closure, I represent that district, it is important to me to look at this defense budget not just on the total numbers, the total dollars, but also on whether or not we are moving away from conventional defense into this area of high tech and space-age work, which I think could be at least a little bit dangerous because a lot of times this material does not work as it is designed.

Mr. WALKER. I understand the gentleman's point. I would say to the gentleman the fact is we do have to have long amounts of lead time for technological developments. And if in fact what you do is cut away from your ability to do the high-tech kinds of things, you never regain that. The point is you can always do something that puts together your conventional forces; but it is very difficult to put together the technological base.

That is what we have been doing as a Congress, I say to the gentleman, and that is exactly what my plea would be, to move away from.

We always seem to focus on those things that are in place and try to hold on to them as a Congress.

As we hold on to a lot of those things, what we do is take away from our ability to invest in the future. The President's budget is aimed at some investment. There is a space investment in here.

Mr. MAZZOLI. Would not my friend——

Mr. WALKER. I assume we are going to hear some people talk about the fact in the next few weeks, about the fact that we ought to take away from the space budget in order to do housing budgets or some other kinds of things.

I would suggest that a technological investment in the future is exactly the right course of action to take and that the President, in moving us in that direction in the budget, makes a great deal of sense and that ought to be our focus. In general, we always ought to be looking out toward the future.

TRIBUTE TO FIRE CHIEF M.H. (JIM) ESTEPP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today to honor the career of one of Prince Georges County's favorite sons, Chief M.H. [Jim] Estepp. Since 1962, Jim Estepp has served with the Prince Georges County government, including the past 12 years as chief of the county's fire department.

As chief, Jim oversaw an annual budget of nearly $50 million and a staff of over 800 people and an additional 800 volunteers. These people and funds operate 47 fire stations in our county and 13 major bureaus, including criminal arson and bomb investigations and responsibility.

Mr. Speaker, anything I say here today understates the career and accomplishments of this great public servant. Twelve years ago, Chief Estepp shouldered the responsibility at a time when fire service in the county was in turmoil. Almost singlehandedly, Chief Estepp molded the department into a model of efficiency for the entire government, and as awards prove, for the country as well. In fact, the county fire department has consistently been rated as the country's best run agency by citizen polls during Chief Estepp's tenure.

Organizing, managing, motivating are three verbs that come to mind when one thinks of Jim's career. And his actions translated into a very favorable fire insurance rating for the county, with a fire loss rate well below the national and regional averages for fire losses. County residents know that this means money in their pockets through lower insurance rates, and so more than their pride is reflected in the heartfelt gratitude with which they join me today in extending to Chief Estepp.

I would be remiss, Mr. Speaker, not to mention the many leadership awards that Chief Estepp has received during his tenure. In 1986, the American Society for Public Administration awarded the top management award given in Maryland to a local government official, the Janet L. Hoffman Award for Public Service. Since 1978, the fire department has received over 50 National Association of Counties awards for program excellence. Many in this Chamber know of Chief Estepp as the elected president of the International Association of Fire Chiefs, after serving terms as first and second vice president. This position is a reflection of the high esteem in which Jim's colleagues hold his capabilities and career. Finally, the County Executive, recognizing Jim's talent for administration, has appointed him the new director of public safety. In this role, Jim will oversee both police and fire departments in the county.

Mr. Speaker, I know that you and my colleagues join with me in commending Chief M.H. [Jim] Estepp on a job well done and wishing him continued success in his new position as Director of Public Safety for Prince Georges County.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 5 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. POSHARD, for 5 minutes, each day on January 30, February 6, February 20, and February 27.

Mr. GLICKMAN, for 60 minutes, on January 30.

Mrs. BOGGS, for 60 minutes, on January 31.

Mr. SKELTON, for 30 minutes, on January 31.

Mr. HOYER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. GINGRICH.

Mr. GEKAS.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. TORRICELLI.

Mr. FRANK.

Mr. BORSKI.

Mr. MAZZOLI.

Mr. EDWARDS of California.

Mrs. KENNELLY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 247. An act to amend the Energy Policy and Conservation Act to increase the efficiency and effectiveness of State energy conservation programs carried out pursuant to such Act, and for other purposes; to the Committee on Energy and Commerce.

S. 286. An act to establish the Petroglyph National Monument in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 555. An act to establish in the Department of the Interior the De Soto Expedition Trail Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 29 minutes

p.m.), the House adjourned until tomorrow, Tuesday, January 30, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2362. A letter from the Secretary of Health and Human Services, transmitting a report on prevention activities by the Alcohol, Drug Abuse, and Mental Health Administration for fiscal years 1987 and 1988, pursuant to 42 U.S.C. 290aa(e)(2); to the Committee on Energy and Commerce.

2363. A letter from the Administrator, Energy Information Administration, transmitting a copy of the Energy Information Administration's annual energy outlook for 1990, pursuant to 15 U.S.C. 790d(a); to the Committee on Energy and Commerce.

2364. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting a report of those foreign military sales customers with approved cash-flow financing in excess of $100 million as of October 1, 1989, pursuant to 22 U.S.C. 2765; to the Committee on Foreign Affairs.

2365. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Nelson C. Ledsky, of Maryland, for the rank of Ambassador during his tenure of service as Special Cyprus Coordinator, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2366. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original reports of political contributions by Paul C. Lambert, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Ecuador; by Everett Ellis Briggs, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Portugal; and by Edward Morgan Rowell, Ambassador Extraordinary and Plenipotentiary-designate to Luxembourg, and members of their families, pursuant to 22 U.S.C 3944(b)(2); to the Committee on Foreign Affairs.

2367. A letter from the Archivist of the United States, transmitting a report of actions taken to increase competition for cotracts during fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2368. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting the annual report on the Foreign Service retirement and disability system for fiscal year 1987, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2369. A letter from the Chairman, U.S. International Trade Commission, transmitting a report of actions taken to increase competition for contracts during fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2370. A letter from the Chief Justice of the United States, transmitting an amendment to the Federal Rules of Evidence as adopted by the Court, pursuant to Public Law 100-702, section 401(a) (102 Stat. 4649) (H. Doc. No. 101-142); to the Committee on the Judiciary and ordered to be printed.

2371. A letter from the Chairman, Panama Canal Commission, transmitting the Commission's report, including unaudited financial statements, covering the operations of the Panama Canal during fiscal year 1989, pursuant to 22 U.S.C. 3722; to the Committee on Merchant Marine and Fisheries.

2372. A letter from the Chairman, the Panama Canal Commission, transmitting a copy of the 10-year report of the Panama Canal Commission during the decade since October 1, 1979; to the Committee on Merchant Marine and Fisheries.

2373. A communication from the President of the United States, transmitting Presidential Certification No. 90-9, his certification that Panama is fully cooperating with the United States on the war on drugs, pursuant to 22 U.S.C. 2991(h)(3) (H. Doc. No. 101-1:41); jointly, to the Committees on Foreign Affairs; Banking, Finance and Urban Affairs; and Ways and Means and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 3905. A bill to deauthorize the Cross Florida Barge Canal and to assist the State of Florida in establishing a Cross Florida State Park or conservation area, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DURBIN (for himself, Mr. MADIGAN, Mr. DORGAN of North Dakota, Mr. LEACH of Iowa, Mr. SKELTON, Mr. MICHEL, Mr. NAGLE, Mr. JONTZ, Mr. GRANDY, Mr. JOHNSON of South Dakota, Mr. PENNY, Mrs. SMITH of Nebraska, Mr. EVANS, Mr. BRUCE, Mr. JONES of North Carolina, and Mr. LIGHTFOOT):

H.R. 3906. A bill to extend and modify tax incentives for ethanol, to establish minimum oxygen content of motor fuels in carbon monoxide nonattainment areas, to require a study of the environmental impacts of aromatic compounds in gasoline and the benefits of using ethanol in motor fuels, and for other purposes; jointly, to the Committee on Ways and Means and Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII,

310. The SPEAKER presented a memorial of the Senate of the State of Washington, relative to the application for federal assistance for storm damaged counties in the State of Washington; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. GRANT and Mr. GLICKMAN.

H.R. 586: Mr. GOODLING, Mr. MILLER of California, Mr. PEASE, Mr. FLAKE, Mr. NOWAK, and Mr. SIKORSKI.

H.R. 1505: Mr. DE LUGO, Mr. ROE, Mr. TOWNS, and Mr. DEFAZIO.

H.R. 1684: Mr. CRAIG.

H.R. 1725: Mr. MCNULTY.

H.R. 1733: Mr. PAYNE of New Jersey and Mr. SIKORSKI.

H.R. 1767: Mr. SAWYER.

H.R. 1845: Mr. SCHEUER.

H.R. 2096: Mr. POSHARD.

H.R. 2098: Mr. FISH and Mr. BILIRAKIS.

H.R. 2319: Mrs. LOWEY of New York and Mrs. VUCANOVICH.

H.R. 2323: Mr. KANJORSKI and Mr. MCNULTY.

H.R. 2345: Mr. DWYER of New Jersey.

H.R. 2460: Mr. GILMAN, Ms. SCHNEIDER, Mr. GRANT, Mr. ROWLAND of Connecticut, Mr. JAMES, Mr. ROTH, Mr. MCDADE, Mr. MILLER of Ohio, and Mrs. SMITH of Nebraska.

H.R. 3223: Mr. THOMAS A. LUKEN.

H.R. 3321: Ms. KAPTUR, Mr. ENGLISH, Mr. PETRI, and Mr. QUILLEN.

H.R. 3349: Mr. SHAYS.

H.R. 3386: Mr. SMITH of Vermont and Mr. GILLMOR.

H.R. 3432: Mr. WEISS.

H.R. 3512: Mr. SMITH of Florida, Mr. ATKINS, and Mr. FASCELL.

H.R. 3552: Mr. MOODY.

H.R. 3562: Mrs. UNSOELD and Mr. GEJDENSON.

H.R. 3603: Mr. MORRISON of Washington, Mr. ROBERT F. SMITH, Mr. PRICE, Mr. CHAPMAN, Ms. SCHNEIDER, Mr. WEBER, Mr. BATES, Mr. DE LUGO, Mr. ERDREICH, Mr. WYDEN, Mr. DUNCAN, Mr. MCMILLEN of Maryland, Mr. WILSON, Mr. INHOFE, Mr. GALLEGLY, Mr. STENHOLM, Mrs. LOWEY of New York, Mr. BENNETT, Mr. BILIRAKIS, Mr. THOMAS of Wyoming, Mr. DANNEMEYER, Mr. NEAL of North Carolina, and Mr. SCHAEFER.

H.R. 3643: Mr. BALLENGER, Mr. MILLER of Washington, and Mr. BROOMFIELD.

H.R. 3857: Mr. MOODY, Mr. BROWN of Colorado, and Mr. WILLIAMS.

H.R. 3859: Mr. HOYER, Mr. COURTER, Mr. HUGHES, Mrs. ROUKEMA, Mr. TORRICELLI, Mr. BRUCE, and Mr. BOEHLERT.

H.R. 3869: Mr. DANNEMEYER, Mr. KYL, Mr. CHAPMAN, and Mr. SABO.

H.J. Res. 431: Mr. PORTER, Mr. MACHTLEY, Mr. WALSH, Mr. BOEHLERT, Mr. WOLPE, Mr. THOMAS of Georgia, Mr. HUGHES, Mr. DORNAN of California, Mr. HORTON, Mr. LAGOMARSINO, Mr. CHANDLER, Mr. KOLBE, Mr. HILER, Mr. DONALD E. LUKENS, Mrs. MARTIN of Illinois, Mr. SMITH of New Hampshire, Mr. FAUNTROY, Mr. LIPINSKI, Mr. BROWN of California, Mrs. COLLINS, Mr. NIELSON of Utah, Mr. FUSTER, Mr. GLICKMAN, Mr. OWENS of Utah, Mr. KANJORSKI, Mr. ECKART, and Mr. SANGMEISTER.

H.J. Res. 439: Mr. LEVIN of Michigan, Mr. BROWN of California, Mr. HUGHES, Mr. MCDADE, Mr. KASICH, Mr. JONTZ, Mr. LANCASTER, and Mr. TOWNS.

H.J. Res. 464: Mr. CONYERS, Mr. CROCKETT, Mr. DOUGLAS, Mr. GILMAN, Mr. HOCHBRUECKNER, Mr. JONTZ, Mr. MCDERMOTT, Mr. PARKER, Mr. PICKETT, Ms. SLAUGHTER of New York, and Mr. SMITH of Florida.

H. Con. Res. 66: Mr. TRAFICANT.

PETITIONS, ETC.

Under clause 1 of rule XXII,

137. The SPEAKER presented a petition of American Friends Service Committee, Cambridge, MA, relative to political freedom and human rights in Haiti; which was referred to the Committee on Foreign Affairs.

SENATE—*Monday, January 29, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

For my people have committed two evils; they have forsaken me the fountain of living waters, and hewed them out cisterns, broken cisterns, that can hold no water.—Jeremiah 2:13.

Creator God, "from whom, through whom, to whom are all things," the Prophet Jeremiah reminds us of the human propensity to reject God and seek substitutes. In the words of St. Augustine, "Thou hast made us for Thyself, O Lord, and restless are our hearts until they repose in Thee." The great scientist, Pascal, reminds us, "There is a God-shaped vacuum in every heart."

Forsaking Thee, Lord, we find emptiness which nothing but God can fill. As nature abhors a vacuum, human nature seeking false gods ends up with only hollow souls. In the business of life, God of grace and mercy, help us to seek Thee, knowing we shall surely find Thee and be consummately satisfied.

In Jesus' name whose gift to us is forgiveness, cleansing, and renewal. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President following the time of the two leaders today there will be a period for morning business until 2:30 p.m., with Senators permitted to speak therein for up to 5 minutes each. At 2:30 the Senate will resume consideration of S. 1630 the clean air bill. There will be no rollcall votes today relative to the clean air bill nor the State Department authorization.

Last Thursday a unanimous-consent agreement was entered into which provides that today there will be 1 hour of debate on H.R. 3792, the State Department authorization bill, with the time equally divided and controlled between Senators PELL and HELMS, or their designees.

The agreement further provides that vote on final passage of H.R. 3782 will occur at 5 p.m. tomorrow, Tuesday, January 30.

Again, Mr. President, I encourage Senators who wish to speak on the clean air bill to do so today. Senators who have amendments to the bill should be prepared to proceed with respect to those amendments beginning today. I expect, Mr. President, there is going to be substantial debate with many votes soon on the clean air bill this week.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the time of the two leaders that is unused will be reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. The Senate will now proceed to the consideration of morning business. Senators are permitted to speak for not to exceed 5 minutes each, and the time for morning business will extend until the hour of 2:30 p.m. today.

The Senator from Utah [Mr. HATCH] is recognized.

CIVIL RIGHTS LEGISLATION

Mr. HATCH. Mr. President, we have been told to expect within the next few days new omnibus civil rights legislation, designed to overturn several recent Supreme Court decisions. I described these decisions in some detail last year and have grown concerned that during the upcoming congressional debate passion may again overwhelm accuracy.

After listening to a few of the pronouncements made by the proponents of the impending legislation, I am concerned that we may realize Justice White's fear that racial quotas may be the only way to comply with a new simple, statistical standard of discrimination under title VII. *Wards Cove Packing Co.* v. *Atonio*, 109 Sup. Ct. Rpt. 2122. Similar fears were raised by Justice O'Connor: "If quotas and preferential treatment become the only cost-effective means of avoiding expensive litigation and potentially catastrophic liability, such measures will be widely adopted. The prudent employer will be careful to ensure that its programs are discussed in euphemistic terms, but will be equally careful to ensure that the quotas are met." *Watson* v. *Ft. Worth Bank & Trust*, 108 S. Ct. 2777, 2788 (1988) (opinion of O'Connor, J.) That is the very real possibility presented by the impending legislation.

I am also concerned that this new legislation may unintentionally eliminate what heretofore has been a core right of every American—black, Hispanic, Asian, Indian, or white, male or female—the constitutional, due process right to a day in court. Specifically, Americans will lose the right to be protected from a decision which adversely affects their personal interests in an employment discrimination case in which they were neither a party nor represented.

Mr. President, the Supreme Court's decision in Wards Cove Packing Co. versus Atonio, simply reaffirms the principle that title VII of the 1964 Civil Rights Act protects the rights of individuals, not group rights. As Justice William Brennan had earlier written, "The principal focus of title VII itself is the protection of the individual employee, rather than the protection of the minority group as a whole. Indeed the entire statute and its legislative history are replete with references to protection for the individual employee." *Connecticut* v. *Teal*, 457 U.S. 440, 454 (1982).

But this new legislation, in seeking to overturn Atonio, will trade-in the principle of equality of opportunity, which we all support, for the discredited principle of equality of result. It will be based on the presumption that a free people will gravitate to specific jobs at every place of employment in strict proportion to their numbers in the available work force. If an employer's jobs are not filled in a racial, ethnic, and gender proportion, the employer will be automatically guilty of discrimination and a title VII violation unless that employer can prove his or her innocence under a virtually impossible standard of proof.

The Wards Cove decision was written not by a Reagan appointee but by

a Kennedy appointee, Justice Byron White. It reflects earlier Supreme Court and several lower court decisions interpreting the disparate impact standard. Indeed, this decision makes clear that a disparate impact case is to be proven along the same procedural lines as a disparate treatment case—a methodology established by the Court years ago. *Texas Department of Community Affairs* v. *Burdine,* 450 U.S. 248 (1981). it makes sure title VII is not used as an engine of reverse discrimination.

I will only mention one other decision the impending bill will seek to overturn, Martin versus Wilks. This case stands for the proposition that every American is entitled to his or her day in court. There, minority plaintiffs and city and county defendants entered into a consent decree. When employment decisions pursuant to the consent decrees were undertaken, several innocent white firefighters, who were not parties to the original case, brought a lawsuit challenging those actions. These firefighters claimed that less-qualified minorities were promoted ahead of them. The defendants admitted that, yes, the decisions were race conscious, but that they were required by the consent decree, and therefore, not subject to challenge in a new lawsuit. This is the position preferred by many of those who have called for new legislation.

The Supreme Court held that the lawsuit of these white firefighters could go forward; that the consent decree could be challenged according to applicable legal and constitutional standards. If valid under these standards, it would be upheld; if it impermissibly trammels the rights of innocent third parties, it would fall, and properly so.

As the Supreme Court stated, a holding which precludes these plaintiffs from challenging employment decisions based on consent decrees agreed to in a case to which they had not been parties "contravenes the general rule that a person cannot be deprived of his legal rights in a proceeding to which he is not a party." Slip op. at 1, 2.

The Court went on to note: "All agree that '[i]t is a principle of general application in Anglo-American jurisprudence that one is not bound by a judgment * * * in a litigation in which he is not designated as a party or to which he has not been made a party by service of process.' " Slip op. at 4, 5. The Court noted that: "This rule is part of our 'deep-rooted historic tradition that everyone should have his own day in court.' " Slip op. at 5. That is a very strong affirmation of elementary civil rights.

This is a matter of constitutional due process, not merely a matter of statute or changing the rules of civil procedure. The Court said so 50 years ago, in an opinion by Justice Stone, joined by Justices Black, Frankfurter, Douglas, and Chief Justice Hughes. *Hansberry* v. *Lee,* 311 U.S. 32, 40 (1940). In 1979, the Court said again, in an opinion joined by, among others, Justices Bennan, Marshall, Blackmun, Powell, and Stevens: "It is a violation of due process for a judgment to be binding on a litigant who was not a party or a privy and therefore has never had an opportunity to be heard." *Parklane Hosiery Co.* v. *Shore,* 439 U.S. 322, 327 n.7 (1979).

If a party wants to bind others who are affected by consent decree in a case, then that party must seek to join in the lawsuit those others whose rights are at stake. Otherwise, persons not a party to a case are entitled to their day in court.

But what if the facts of the Martin case were reversed? What if the white firefighters had been the first to the courthouse and had obtained a consent decree? Would any of us support a rule of law that would prohibit aggrieved minority plaintiffs from having their day in court simply because others had previously filed a suit to which they were not made a party? I would hope not, but that's the result you will obtain if you overrule Martin versus Wilks. It stands for equal justice: It does not matter who gets to the courthouse first; everyone is entitled to their day in court.

Mr. President, I urge my colleagues to read these decisions. I further urge my colleagues to look carefully beyond the labels in considering this impending effort to overhaul dramatically the principles of equal opportunity and due process.

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business, which I understand is about to expire, for 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL ELECTION COMMISSION

Mr. REID. Mr. President, I feel compelled to make a statement regarding a Federal case that was decided Friday by Judge Gesell in which he indicated that the Federal Election Commission had an obligation to act. But how could they have? Congress set up the Federal Election Commission so that there are three Democrats and three Republicans which, in effect, has made them powerless to do anything that is controversial.

One of the things that Judge Gesell said was that it was important that the FEC understand that they have to initiate policy. He indicated that one of the illegal activities that has taken place in Federal elections, Senate elections, over the last many years is bundling; that is, money is solicited for one apparent reason, but it is used for another. In other words, money is gathered by a political committee in the committee's name then funneled to individual Senate candidates.

When I was elected to the Senate in 1986, this was done on several occasions on behalf of my opponent. I filed complaints with the Federal Election Commission. It is interesting to note that in some 4 years, the Federal Election Commission has not responded. They have not responded, as Judge Gesell indicated, because of the 3-3 makeup in the Commission. He has told them that it is mandatory that they do something.

So, Mr. President, after these many years, finally, it would appear that what went on in Nevada and other States will be remedied, and made good. I think that is important.

I congratulate and applaud U.S. district Judge Gerhard A. Gesell for his ruling and ask that the Federal Election Commission now be given the authority that Congress did not give them.

The PRESIDENT pro tempore. Does the Senator yield the floor?

Mr. REID. I do, Mr. President.

IN HONOR OF DR. EDWARD J. BLOUSTEIN

Mr. LAUTENBERG. Mr. President, on Saturday, December 9, 1989, New Jersey and the Nation lost a distinguished leader in the field of higher education. Dr. Edward J. Bloustein, who became president of Rutgers University in 1971, guided it until his death last month. He was the 17th president of the university and was one of the longest serving heads of an American public college or university.

Ed Bloustein, who was committed to excellence in education and dedicated to the cause of academic freedom, helped make Rutgers one of the Nation's top level public universities. His vision and extraordinary dedication won Rutgers national recognition as a member of the Association of American Universities, an elite organization of the Nation's top 54 research universities.

In the last decade, Rutgers has added several high technology research centers with advanced work in fiber optics, plant biology, and ceramic engineering. These facilities have at-

tracted the Nation's top researchers and students. Their work will lay a foundation for future growth of New Jersey's economy.

Not only did he make giant strides academically but he took an enthusiastic interest in developing nationally recognized athletic teams. They brought a new sense of pride to the university and to the State.

Bloustein's 18 year tenure was also punctuated by some difficult times. During the 1970's, the university was a focus for protests against the war in Vietnam. More recently, he faced protests over tuition increases. But his loyalty and commitment to Rutgers guided the university toward its ultimate goal—excellence in research and education.

Ed Bloustein met the needs and challenges of our State university with determination and in a manner of which we are all be proud.

Admired and loved by family, friends, and colleagues, Dr. Edward Bloustein leaves a strong record of accomplishments and contributions to the State of New Jersey.

I extend my deepest sympathies to his children, Elise and Lori, his sisters, Rachel, Gertrude, and Sally, and his brother, Oscar. All of us will miss him.

LEO AND MILDRED ROBINSON CELEBRATE 60TH ANNIVERSARY

Mr. DOLE. Mr. President, I only recently became aware that two outstanding Kansans—Leo and Mildred Robinson, of Hill City, KS—this year celebrated a milestone occasion; their 60th wedding anniversary.

I have known Leo and Mildred for many years. They are an extraordinary couple, whose years of partnership and devotion are a model for us all.

My colleague, Senator KASSEBAUM, has earlier offered them congratulations. I am glad to join her, and all the people of Hill City and Kansas, in extending our best wishes.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,780th day that Terry Anderson has been held in captivity in Beirut.

BRONKO NAGURSKI

Mr. BURDICK. Mr. President, the Nation today is talking about San Francisco's big win in the Super Bowl. I played with a super player in my day—Bronko Nagurski. He was not only a strong and able player on the football field, he was a great person off the field. I was saddened to learn he passed away earlier this month in International Falls, MN.

I first met Bronko when we were both matriculating at the University of Minnesota in 1926. This big guy standing ahead of me in line spoke in a soft voice that wasn't consistent with his strong physical shape and rough appearance. We started talking and discovered we both planned to play football. We both made the team and under Dr. Clarence Spears' coaching, the University of Minnesota football squad was darn good in 1927 and 1928.

While at Minnesota, Bronko was honored to be named an all-American as both a tackle and a fullback. He went on to be an all-pro player with the Chicago Bears, again alternating as fullback and tackle, often in the same game.

Bronislaw Nagurski was born in Canada, but moved to Minnesota where a teacher gave him his nickname at an early age. Bronko was a gentle, soft-spoken giant who could charge through any line and run like the wind.

There are many stories about Bronko. As the Washington Post said in his obituary, Mr. Nagurski once scored against the Redskins on a play that began when he charged over the center. He then sent a pair of linebackers flying, ran through a safety and stopped only when he smashed into a brick wall. He was quoted as saying, "That last guy hit me awfully hard."

While Joe Montana is amply rewarded for his skills, players back in the early days didn't earn much playing football. Bronko became a professional wrestler, and later farmed, ran a service station, coached, fished, and hunted. I regret that I didn't have the opportunity to see him in recent years. We missed each other several years ago when he stopped by my Washington office, but didn't want to interrupt my schedule.

I am proud to have had the privilege to play football with Bronko Nagurski. I know he will be remembered as one of the best players in the game's history. As Shirley Povich said in a January 10 column in the Washington Post, "Probably no football player ever commanded so many superlatives."

I ask unanimous consent that a column on Bronko by Patrick Reusse from the Minneapolis Star-Tribune be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minnesota Star Tribune, Jan. 9, 1990]

BRONKO'S LEGACY—UNASSUMING NAGURSKI LEAVES HIS MARK

(By Patrick Reusse)

Ron Nagurski was on the phone from the family homestead on Rainy Lake. "I'm looking around the house," Ron said. "There are a few pictures, a few interesting things, but it isn't a monument to Dad or anything like that. The house never had a trophy room. I think Dad knew his place in history, but it didn't seem to matter that much to him."

You can't find a loftier place in the history of American sports than was occupied by Ron Nagurski's father.

Baseball. Babe Ruth.

Football. Bronko Nagurski.

There you have it: The two great American sports, and the two names that have been attached to them for the ages. Babe and Bronko.

Nagurski suffered with arthritis for more than 20 years. Respiratory problems followed, and then his heart went bad. Late Sunday night, at 81, Bronko died at Falls Memorial Hospital.

Monday, four of the Nagurskis' six children—Jane, Eugenia, Kevin and Ron—were gathered at the lake home where they were reared. Two other brothers, Bronko Jr. and Tony, will arrive Wednesday.

"That's why we put the funeral back to Saturday," Ron said. "We wanted everyone to have a chance to get here. There are so many grandchildren . . . it would take one of my sisters to figure out the number."

It takes some time to get to International Falls. You don't just walk to the counter at the airport in Mobile, Ala., where Bronko Jr. lives these days, and say, "Put me on the next non-stop to the Falls."

A few years back, the president of the Chamber of Commerce in International Falls said: "Wherever I travel, people ask me two things—is it really that cold, and does Bronko still live there?"

The answers to both questions were always yes. A dry climate might have reduced the pain in his arthritic joints, but Bronko wasn't willing to leave the north country.

"It would've been awfully tough to get Dad out of here," Ron said. "He loved the Falls, living on the lake, the fishing and the hunting. He taught all of us to fish. He loved it."

The Nagurskis could walk down to the dock in the front of the house and, odds were, they could reel in a Rainy Lake walleye.

"The house is three or four miles from town," Ron said. "It was a lake cottage that originally belonged to one of my grandmothers. Mom and Dad moved into the cottage, and then they kept adding on rooms as the kids came along. We were all raised here on the lake."

Ellen Nagurski was six years younger than her husband and, according to Ron, she was in charge on the home front. "Mom was outgoing . . . she was more active in the church and the community, and she ran the show around the house," Ron said. "That's the way Dad like it. When Mom died in 1987, it seemed to me that his health started to deteriorate more rapidly."

For years, newspaper and magazine writers made pilgrimages to International Falls, seeking interviews with Bronko. The Babe died in 1948, but this legend was still pumping gas at the Pure Oil station he owned, or making the morning trip to town, to drop off Ellen at work and make a stop at the post office.

Mostly, Bronko would turn down the interviews. His legs were swollen from the poor ciruculation. The glasses he wore were as thick as the cliched Coke bottles. Nagurski once explained his reluctance to grant the interviews: "I wanted people to remember me as I was, not as I am."

The disappointed reporters often returned from the Falls to report that Nagurski had become a recluse, but Bronko was never to sports what J.D. Salinger is to literature. Bronko wasn't in hiding. He was quiet.

Reporters weren't the only ones who had a tough time getting Nagurski to talk about his football prowess. It wasn't often that he told stories about George Halas or Red Grange or Doc Spears, even when he was sitting in the fishing boat with one of his sons or around the dinner table with his family.

"I remember one time he got rolling on the stories: It was at my sister's wedding and one of his old football-playing buddies was there," Ron said. "They were talking about the old days, and it was a lot of fun. Then, Dad noticed the audience he had attracted, and that was the end of that."

In 1984, Bronko surprised most everyone—including his family—by accepting the NFL's invitation to be the honorary coin tosser at the Super Bowl. The game was played in Tampa, Fla. Bronko sat through a lengthy interview session a couple of days before the game.

"One reason he went was that the whole family had a chance to go along." Ron said, "We all had a great time. It was tough for Dad to get around, but he enjoyed himself."

That day, Bronko told the reporters: "I have so much arthritis that, as soon as I move, my joints start barking."

In 1979, the Gophers retired Nagurski's number—the famed 72. He played for Minnesota from 1927 through 1929. As a senior, he was named to the 11-man All-America team as both fullback and tackle, the only player ever to hold that distinction.

Bronko then played eight years for the Chicago Bears, gaining his most fame as the unstoppable fullback, until Halas wouldn't give him the $6,000 he wanted to play the 1938 season. Bronko went back to International Falls and started a career as a good guy on the professional wrestling tour.

"Some of the matches were fixed, some weren't," Bronko once said.

Nagurski wrestled until 1953, returning to play for the Bears one time—1943—when they were short of players because of the war. In the late '50s, Bronko bought the Pure Oil station on the corner of Third Av. and Third St. and pumped gas there for about 10 years.

"I worked there with him for most of those years." Ron said. "In the summer, people from out-of-town would make sure to stop at the station for a couple of bucks worth a gas and they would get an autograph, too. Every day, the mail would have letters from people who wanted Dad to send them autographs. He had stenograph pads made up, with one of the pictures of him as a football player stenciled on it. He would write back on that paper. The people liked that."

Nagurski was charter member of the Pro Football Hall of Fame in Canton, Ohio. They placed Bronko's bust in the Hall of Fame, and they gave him a duplicate to take home to the Falls.

"The high school wanted the bust to be put on display there, so Dad let them have it." Ron said. "As far as I know, it's still up there. It's not here at the house."

The cottage on Rainy Lake was never a museum to the legend of Bronko Nagurski. It was a home, Yesterday, a reporter called Kevin Nagurski's residence in the Falls. He was told Kevin was not there.

"Kevin is at the lake with his brothers and sisters," the lady said. "Bronk's place."

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If, not, morning business is closed.

CLEAN AIR ACT AMENDMENTS OF 1989

The PRESIDENT pro tempore. Under the order, the Senate will proceed with the consideration of the pending business S. 1630 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BAUCUS. Mr. President, we are now back on the major business which will transpire this week and probably into the second week. Members last week had an opportunity to present their views on the Clean Air Act. I suspect more Senators will present their views this week and the following week as well.

I am not going to make a lengthy statement at this point except to say that this will be the week where we will have votes and we will make substantial progress on the bill. I urge Senators to come to the Senator from Montana and the Senator from Rhode Island with any perspective amendments or any ideas they might have so that we can work those out if we can in advance of any prolonged or protracted debate.

The Senator from Nevada [Mr. REID] is now on the floor. He has been a very able member of our committee and has made many contributions to this bill before us.

At this time I yield the floor because I believe the Senator from Nevada would like to make a statement on the bill. I look forward to working with the Senator from Nevada not only on this bill but on other legislation yet to come. He is a very, very good member of the committee. The people of Nevada should be very, very proud of him.

Mr. REID. Mr. President, I ask unanimous consent that Barry Zalcman be entitled to privileges of the floor during my statement.

The PRESIDENT pro tempore. Is there objection?

The Chair hears no objection. The Senator's request is granted.

Mr. REID. Mr. President, it is with pride that I make a statement regarding the clean air bill which we, in the Environment and Public Works Committee, have spent many, many hours preparing so that it would be at this point in the legislative agenda.

I would like to take this opportunity to express my public appreciation to Senator BAUCUS of Montana for the long, hard work that he has put into this piece of legislation. Those of us on the committee had the ability to come and go as witnesses testified when the press of other matters came up. We had the ability to participate heavily in those hearings that we felt were important to our State. Senator BAUCUS, though, did not have that luxury. It was necessary for him to be there every minute the testimony was taken regarding that legislation. All of us on the committee admire and respect the time that he spent on that bill to craft a piece of legislation that we believe has the ability to pass.

There is no question that clean air is an important part of the progress of this country. I think it goes without saying that we need a strong bill. I think it goes without saying that we need, after these many years, a new clean air bill. I think it is also important to note that there has been, over the years, a change in attitude regarding what the American public would do and be willing to accept regarding clean air.

In 1981, people were asked whether they would be willing to pay for clean air. At that time, they indicated that they would, but they were not a large majority. In fact, Mr. President, in January 1981, the question was asked, Do you agree or disagree with the following statement: "Protecting the environment is so important that requirements and standards cannot be too high, and continuing environmental improvements must be made regardless of cost"? In January 1981, 45 percent of the people polled said they agreed with that, 42 percent disagreed, and 13 percent had no opinion.

In April 1989, that figure had changed dramatically. This poll conducted by the New York Times and CBS indicates that 74 percent of the people responded in April 1989 saying they would be willing to pay to have clean air. Only 18 percent disagreed. In January 1981, some 42 percent of the people disagreed. Now only 18 percent disagreed, and only 8 percent had no opinion.

So it is quite clear that the American public wants clean air. The question, of course, is, How are we going to get clean air?

Most of those that look at this legislation acknowledge that this bill is imperfect. Those of us on the committee acknowledge that it is an imperfect piece of legislation. As much time as those of us on the committee have spent on this legislation, we recognize that there are elements that are not in the best interest for our respective States.

In Nevada, the environmental quality is not as it used to be. The cities of

Las Vegas and Reno, the two largest cities in Nevada, are among the top 10 most polluted cities in the United States with carbon monoxide and it is obvious that something has to be done to change that. Nevada is known for its prestine environment and we want to make sure that we are able to maintain that.

One of the things that I am concerned about in this legislation that I have spoken to Senator BAUCUS about. There needs to be something in this legislation, not only to maintain the air quality standards that we talk about with clearn air, but to address the visibility issue.

I ask unanimous consent that these photographs, together with the résumé of what the descriptions of these photographs are, be made a part of the RECORD.

The PRESIDENT pro tempore. Does the Senator ask that the photographs be made a part of the RECORD?

Mr. REID. I do.

The PRESIDENT pro tempore. The Chair would have to impose an objection at this point.

Mr. REID. These photographs can copy under regular procedure. They will not have to be reproduced as photographs.

The PRESIDENT pro tempore. Will the Senator withhold his request?

Mr. REID. I am happy to. I leave that subject to the review of the Chair to make that determination.

In introducing these photocopies, I have four pictures that show the Grand Canyon. They are very, very descriptive.

The first represents relatively clear conditions observed only about 10 percent of the time. The second photograph represents the median visibility observed during the summer in Grand Canyon; half the days are more polluted than the scene, half are cleaner. The third picture that we have depicts a severely polluted condition that is observed about 10 percent of the time. About 9 days each summer the air is more polluted than this. And the fourth picture is the worst case scenario, Mr. President. This complete whiteout of the canyon is caused by pollution.

These pictures, again, go from the best time in the Grand Canyon to the very worst. And the sad part about it, in the worst case we cannot see Grand Canyon. We might just as well be in a high smog alert time in the middle of Los Angeles or New York.

It would seem to me that we need to protect the vistas in our national parks. I had the opportunity of preparing an article for a national magazine that dealt with this visibility problem. This is something the Clean Air Act must also address.

As I have indicated, Mr. President, I have spoken with Senator BAUCUS and he is also aware of the problem. I think we can work something out in this legislation so that visibility is one of those things we are concerned about with clean air legislation.

There are other problems that I have with this legislation which I discussed in the committee and discussed with the chairman and Senator BAUCUS. One is, in the Western part of the United States we have done a good job of cleaning up our coal-fired generating facilities. Under this legislation there is about $20 billion of marketable value in allowances; that is credits. But only about $1 billion of the $20 billion would be available to the Western United States; this seems to us in the West to be unfair because we have already paid once. Therefore why should we pay again so we can address some of our growth problems? This is something that will come up and we will have to discuss on the floor in the future. Another important problem with the legislation is the 14 traffic control measures in the bill. There is some question, in the legislation now, as to whether each of the 14 measures are mandatory or whether the legislation leaves the State some discretion in crafting an effective implementation plan. The chairman, Senator BAUCUS, feels there is discretion allowed. At the very least, I think what we need to do, as we proceed with this legislation, is, through a colloquy or some other action on the floor, give the States some leeway so the States do not feel it mandatory that each one of these 14 has to be addressed, especially if it may not be in the best interests of the respective States or communities.

I think another thing that this clean air bill addresses, and I think rightfully so, is transportation in general.

We hear a lot about coal-fired electrical generating facilities and we know what a concern that is to States that are high volume producers of coal. But I hope this legislation will send a message that the main polluter we have in the country today is the automobile. Until we recognize that fact, we are not going to be able to satisfy clean air problems effectively. Transportation is the area we must look to.

In Nevada, especially the southern part of the State, we did not have traffic problems. That is one of the reasons we have had the quality of life that is causing thousands of people to move to Clark County each month. Estimates are that from 5,000 to 6,500 new residents are moving into that county each month. The attraction is the quality of life. But we are beginning to see traffic problems.

As a result of this, on the 15th of February, we are going to have a transportation summit in southern Nevada. This summit will provide the forum to talk about some of the traffic problems we have in the area.

We have to look at all areas that deal with traffic. We know our airports are becoming increasingly congested. There is not much capacity left in our airports around this country.

We also recognize the more traditional method of long distance travel, on trains, is not working well. Amtrak is doing the best it can, but it is also limited in capacity. And, of course, as I have already indicated, our highways are jam-packed.

During the hearing we had in the Environment and Public Works Committee, it was estimated that, if Florida continues its present rate of growth, by the year 2000, 22 lanes of freeway-type highways will be needed from the top to the bottom of that State. We simply cannot continue to build and maintain super highways; we must look at new solutions.

I think Congress should address itself to the fact we do need new solutions. One of the areas we need to look at, and this bill should remind us, is other ways to transport people.

It used to be, Mr. President, that Congress was involved in research and development. If there was a program that looked favorable, looked promising, Congress would appropriate money for research and development in an effort to stimulate the private sector to investigate the new program from a technological and feasibility standpoints. Then, if it was practical, the private sector would take over.

There are numerous such examples in the history of this country. My favorite occurred in 1844. In 1844 a man suggested to Congress there was an invention that, if it would work, would revolutionize the communications industry. So, Congress in 1844 appropriated $40,000 to build a telegraph line from Washington, DC, to Baltimore. That money was appropriated, and in fact the man was right, it did revolutionize the communication industry, not only in the United States but throughout the world. After that small investment, the private sector took over. We have to do the same type of thing in this country regarding transportation.

Mr. President, in the early 1960's two scientists were stuck in traffic in Manhattan, repeatedly. They looked at one another and said, "We should do something about this. We should not be stuck in traffic. What can we do about it?" These two men went back to their laboratories at MIT and invented magnetic levitation.

In 1971 Congress decided they would no longer fund research and development on that program. As a result of that action, the research and development for this very promising program was curtailed in the United States.

The magnetic levitation transportation system is now something that is not controlled by the United States; it

has been developed in Japan and Germany.

There are areas in the United States, Mr. President, where magnetic levitation has tremendous potential for the future. It will happen, and we, in Congress, could speed this up. There is a program being considered in Florida. The States of California and Nevada have entered into a bi-State contract, the two legislatures have approved moneys, and are now in their third year of working out a program to carry people from southern California to southern Nevada and back. Remember, this magnetic levitation is the wave of the future.

These transportation systems can travel over 300 miles an hour, carrying thousands and thousands of people, with no attendant air pollution or sound pollution in the immediate vicinity. It is something that we as a Congress should be reminded about when we talk about clean air.

Until we do something about the automobile, that is try to move people more rapidly, we are going to continue to have problems. That is why some of the things that have been done in the Environment and Public Works Committee, led by Senator MOYNIHAN, on magnetic levitation, are things the whole Congress should be interested in.

We have money that has been appropriated but not authorized to have the Corps of Engineers begin a thorough review and study of magnetic levitation. That is something that we need to do. There is legislation that has been introduced to allow up to $10 billion to be borrowed from public pension and profit-sharing programs for the purposes of research and development into magnetic levitation. These moneys could be borrowed, and they would be guaranteed by the Federal Government.

It is important that we do this. We cannot cede yet another industry that we have invented to either Germany or Japan to develop. We should develop this ourselves. There will be magnetic levitation transportation systems in this country. Why should we not be the ones who do the research, the development and the manufacture of these systems?

As we look at the clean air bill, and a great deal of work has gone into this bill, it is important that we be careful and understand that legislation is only "the art of the possible." We have to come up with legislation that can pass this body and pass the other body. It is important we get the job done.

I look forward, as the bill works its way through the Senate, in assisting the able work of the Senator from Montana. I certainly recognize that many people have problems with the legislation, but we also have to recognize how the American people feel, as indicated from this poll that I talked about earlier. Do you agree or disagree with the following statement:

Protecting the environment is so important that requirements and standards cannot be too high and continuing environmental improvements must be made regardless of cost.

Seventy-four percent of the American public said "yes." It is important that we do our job as legislators, set proper public policy and meet what the American public wants; that is, clean air.

The PRESIDENT pro tempore. The request that was earlier made by the distinguished Senator from Nevada [Mr. REID], in which he asked that certain photographs appear in the RECORD, the Chair respectfully calls to the attention of the Senator title 44, section 904, CONGRESSIONAL RECORD, Code of Laws of the United States.

Maps, diagrams, or illustrations may not be inserted in the RECORD without the approval of the Joint Committee on Printing.

Did the Senator have another part of his request that dealt with printed matter? If so, perhaps he would like to renew that request.

Mr. REID. Yes, Mr. President, I appreciate that, and recognizing the Presiding Officer's knowledge of the laws and the rules of this body, I amend my request and ask that there be allowed to accompany my statement a summary of the pictures as I have outlined them in my statement.

The PRESIDENT pro tempore. A summary explanation of the pictures.

Mr. REID. That is right.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

NATIONAL PARK SERVICE VISIBILITY PHOTOGRAPHS DEMONSTRATE VISIBILITY DETERIORATION IN THE WEST FOR CURRENT AND FUTURE POLLUTION LEVELS

Four photos taken of the Grand Canyon by the National Park Service as part of the visibility monitoring program, were presented. Since 1979, the NPS has been monitoring visibility in national parks throughout the country as part of the visibility protection program required by the 1977 Amendments to the Clean Air Act.

All four photos are taken at 3:00 PM during the summer on days when clouds were not present and when man-made pollution accounted for most of the visibility impairment observable in the photos. The pollution conditions depicted in the four scenes reflect the distribution of summertime visibility observed in the Grand Canyon since this monitoring program was commenced.

Photo #1. The first photo represents the relatively clear conditions observed about 10% of the time. Approximately nine days out of the summer, the air is this clean or cleaner.

Photo #2. The second scene represents the median visibility day observed during the summer in the Grand Canyon. Half of the days are more polluted than this scene, and half cleaner.

Photo #3. The third scene depicts the severely polluted conditions that are observed 10% of the time. About nine days each summer the air is more polluted than this.

Photo #4. A worst-case day. This complete "white-out" of the Canyon is caused by pollution.

Half of the visibility impairment on the median day (photo #2) is caused by sulfate ($-SO_4$), which is formed in the atmosphere from the chemical conversion of sulfur dioxide (SO_2). In the West, most SO_2 is emitted by coal-fired power plants and copper smelters. When the clean day (photo #1) is compared with the high pollution day (photo #3), most (about 70%) of the difference in visibility between the two days is caused by sulfate. Sulfur dioxide is the major culprit in the obliteration of the West's scenic beauty.

IMPACT OF EMISSION GROWTH ON VISIBILITY

The NPS has analyzed EPA's projected increases for SO_2 in the West. If SO_2 emissions double by 2010 as EPA expects, then the impact on visibility throughout the West will be largely predictable. An analysis was prepared to assess the deterioration of visibility in seven western parks. The pollution will not be limited only to the national parks. It will include all the West.

According to the NPS analysis, the increased pollution will affect all parks. Averaged regionwide, the clean days will nearly disappear (decrease to about 5 per summer), the visibility degradation seen on the median day will occur 65% to 70% of the days instead of only half of the days, and the high pollution days will increase from 9 per summer to 27-36 each summer. By 2010, it will be six times more likely that a visitor to a national park in the West will experience a high pollution day than a clean day.

The PRESIDENT pro tempore. The Senator from Montana [Mr. BAUCUS] is recognized.

Mr. BAUCUS. I thank the Chair.

Mr. PRESIDENT, the Senator from Nevada has made a very valuable contribution to the bill. He mentioned two or three areas where he has some concerns. We have spoken, the Senator and I, about each of them.

The latter concern, the one considering transportation control measures particularly, is one we discussed very briefly about half an hour ago. I would like to point out to the Senator page 219 and page 220 of the bill and page 44 of the committee report language of the bill, plus language of the report that is intended to show that transportation control measures need not be enacted by they are not necessary.

I do not wish to engage in debate with the Senator from Nevada, but I point out those provisions now to the Senator so he can look at them and determine whether or not in his judgment those provisions meet his concerns. If they do, fine. If they do not, well, we have to then find some accommodation if we possibly can.

I would like now to point that out to the Senator so in due course we can work out any potential problem that may or may not occur. I think it is basically worked out with the language of the bill that I referred to with the accompanying language of the committee report, which I also referred to.

Mr. REID. If the Senator will yield, I appreciate very much the statement he just made. As the Senator knows, there is a lot of misinformation floating around about this legislation.

The information that I received from the State of Nevada regarding concerns that we have along the Las Vegas strip is that some of these measures simply would not work.

It appeared clear to my staff that the information in the bill and the report is as indicated by the Senator from Montana. Certainly this colloquy he and I entered on this floor substantiates that.

I thank the Senator.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. CHAFEE] is recognized.

Mr. CHAFEE. I want to thank the Chair. First I want to commend the Senator from Nevada for his statement. He, as has been mentioned, is a valuable member of the Environment Committee and has given a good deal of thought to the matter that is currently before us.

I would also like to say to the Senator from Nevada, in view of the rules regarding the printing of pictures in the RECORD, if he should have copies of those pictures showing the air pollution in his particular area—I think he is referring to the Grand Canyon—I, for one, would be glad to seek to either receive copies or take a look at the copies he may have, if that would be helpful. It would be helpful to me.

Mr. REID. Again, if the Senator will yield, I will take the Senator up on his offer. I will show these to the Senator from Rhode Island at his earliest convenience, because even though I am going to do the best I can to summarize what these pictures show, the human eye could not be more in tune with what really is happening in the Grand Canyon. It simply goes from being able to see for much more than 100 miles to being unable to see beyond the nearest rim in front of you as a result of air pollution.

AMENDMENT NO. 1219

(Purpose: To amend title VII to control methyl chloroform pollution)

Mr. CHAFEE. Mr. President, I send an amendment to the desk on behalf of myself, Mr. BAUCUS, Mr. MITCHELL, Mr. DURENBERGER, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. WARNER, and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. BAUCUS, Mr. MITCHELL, Mr. DURENBERGER, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. WARNER, proposes an amendment numbered 1219.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Amend S. 1630 by striking line 4 on page 557 and inserting in lieu thereof the following:

"'SEC. 508. (a) NATIONAL POLICY.—The Congress hereby declares it to be the policy of the United States that the production and use of ozone depleting substances listed under subsection (b) of section 504 are to be monitored closely and controlled in such a manner as to assure that the production and use of such substances will not—

"'(1) increase the peak chlorine loading that is projected to occur with interim chlorofluorocarbin emission controls followed by a year 2000 global phase-out of all halocarbon emissions (the base case);

"'(2) reduce significantly the rate at which the atmospheric abundance of chlorine is projected to decrease under the base case; or

"'(3) delay the date by which the average atmospheric concentration of chlorine is projected under the base case to return to a level of 2 parts per billion, the highest concentration at which repair of the Antarctic ozone hole may be possible.

"'(b) MONITORING GROWTH IN PRODUCTION AND USE.—The Administrator shall monitor and not less often than every three years following enactment of this title submit a report to Congress o the production and use of substances listed under subsection (b) of section 504. Such report shall include data on domestic production compiled under section 505 and an estimate of worldwide production and use of such substances.

"'(c) MONITORING ATMOSPHERIC CONCENTRATIONS OF CHLORINE.—The Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration shall monitor and not less often than every 3 years following enactment of this title submit a report to Congress on the current average tropospheric concentration of chlorine. Such reports shall include, under the base case as well as on the basis of current international and domestic controls on substances covered by this title, updated projections of—

"'(1) peak chlorine loading;

"'(2) the rate at which the atmospheric abundance of chlorine is projected to decrease after the year 2000; and

"'(3) the date by which the atmospheric abundance of chlorine is projected to return to a level of 2 parts per billion.

"'(d)(d) PHRASE-OUT SCHEDULE FOR METHYL CHLOROFORM.—In the absence of regulations promulgated in accordance with subsection (b) of section 506 establishing earlier dates—

"'(A) effective on the date of enactment of this title, it shall be unlawful for any person to produce methyl chloroform in annual quantities greater than that produced by such person during calendar year 1989;

"'(B) effective January 1, 1996, it shall be unlawful for any person to produce methyl chloroform in annual quantities greater than 50 per centum of that produced by such person during calendar year 1989; and

"'(C) effective January 1, 2000, it shall be unlawful for any person to produce any quantity of methyl chloroform.'".

Mr. CHAFEE. Mr. President, the amendment I have submitted on behalf of myself and the Senators I just listed is to phaseout the production of a chemical that is destroying more of the fragile ozone shield than most of the chlorofluorocarbons, the CFC's, we hear so much about.

The chemical that we are talking about in this amendment is methyl chloroform, which is a solvent used for cleaning or degreasing metals. It is also used as a component of certain adhesives or coatings, such as paints. I briefly will give a summary of the amendment.

As I discussed in my opening statement last week in connection with the entire clean air bill, title VII of that bill, which is S. 1630, adds a new title V to the Clean Air Act, and the purpose of this new title V is to control CFC's and other chemicals that are destroying the Earth's ozone shield.

This amendment adds the first part of section 508 to create a control program for methyl chloroform. The bill already includes a control program for CFC's, halons, and carbon tetrachloride.

Another amendment adding a control program for all other substances covered by this new title, section V, primarily is a class of hydrochlorofluorocarbons, in other words, HCFC's. That will be offered later. That has nothing to do with the amendment that is before us now. This amendment is solely concerned with methyl chloroform. It has nothing to do with HCFC's.

The amendment we are offering today provides that effective upon the date of enactment of the amendment, the production of methyl chloroform will be frozen at 1989 levels. Allowable production will then be reduced. First we have the freeze based on the 1989 levels. Then the next step is that production will be reduced by 50 percent from that base by the year 1995, and production will be completely eliminated by the year 2000, 10 years from now.

What are the primary uses of methyl chloroform? That is a great big title. What does it mean, and what are these used for?

The largest single use of methyl chloroform—about 60 percent—is for vapor degreasing and cold cleaning in the metal cleaning industry. It is a solvent used to remove organic compounds such as grease and oil. That is 60 percent.

About 12 percent is used in aerosols as either an active ingredient or as a solvent of other active ingredients.

OK. So we start with 60 percent for the degreasing. Twelve percent is used in these aerosols. Adhesives make up around 9 percent of the methyl chloroform market.

The electronics industry uses about 6 percent, primarily to remove solder flux from printed circuit assemblies.

Around 3 percent is used by manufacturers, printers, and users of decorative coatings and inks.

So that is what methyl chloroform is used for.

The next logical questions is: As a result of a piece of legislation that has a 50-percent phaseout by the year 1995 and a 100-percent phaseout by the year 2000, are there substitutes available? The answer is yes.

Last June, a report of the Montreal Protocol's technical review panel—which is an international panel of experts, not just Americans but an international group—concluded that "substances currently exist for 90 to 95 percent of the methyl chloroform uses." A draft report by EPA agrees with that conclusion and says that for all end-users of methyl chloroform, technically feasible technologies are already available to reduce the use of methyl chloroform more than 50 percent by the year 1991 and to eliminate its use completely by the year 2000.

What are these substitutes that EPA and the international panel have identified?

They include water-based cleaning systems; alcohol-based solvents; water-based systems for aerosols, adhesives, and coatings; nonchlorinated solvents such as petroleum distillates; and other technologies such as powder coatings and hot melt adhesives.

Data prepared for an industry-sponsored study in November 1989 showed that for all uses of methyl chloroform, alternative substances or processes are available and are being employed by significant portions of the market.

For example, metal cleaning in this country uses almost 500,000 metric tons of solvent every year—500,000 tons a year—but only 31 percent of that is methyl chloroform. That means that nearly 70 percent of the market is already using substitutes that are currently available.

This pattern is repeated in every use category.

It is important, Mr. President, to understand the approach being offered by this amendment. The limitations and ultimate prohibition on production do not prohibit recycling or production for use as feedstocks. The amendment does not place limits on the allowable uses of methyl chloroform. It only looks at production. In other words, it is not saying you cannot use it. It says you cannot produce it. But you can recapture that that has been used and use it over again. So recycled and existing stocks could continue to be used after the year 2000 when production is prohibited.

What is the rationale for this amendment? In August of last year an international science assessment panel, established under the Montreal protocols issued a United Nations Environment Programme, also known as UNEP, report and presented several scenarios highlighting the need to control the growth and use of all ozone-depleting substances, including methyl chloroform.

The panel established the following points: First, the current atmospheric concentration of chlorine is approximately three parts per billion, which is a record high level.

Two, peak chlorine loading is increasing and will continue to increase for several years.

Three, increases in chlorine loading will increase the risk of significant ozone depletion over the Northern Hemisphere, similar to that that we have seen and heard so much about over Antarctica and the Southern Hemisphere.

Four, an atmospheric chlorine concentration of 2 parts per billion is the maximum allowable level if the Antarctic ozone hole is to be repaired.

Five, the production and use of methyl chloroform and other ozone-depleting substances may affect peak loadings of chloroform; will affect the rate at which the atmospheric abundance of chlorine is projected to decrease, in other words, to bring it down; and, finally, may affect the date by which the average concentration of atmospheric chlorine is expected to return to 2 parts per billion.

The conclusion suggested by the recent UNEP presentation is that in addition to eliminating the CFC's currently regulated under the Montreal protocol as rapidly as possible, additional controls on methyl chloroform are necessary. The Montreal protocol dealt with the CFC's but it also said we should get on with controlling methyl chloroform.

Because of its high production volume of approximately 1.5 billion pounds worldwide in 1988 and more than 700 million pounds of that in the United States—nearly half of all the methyl chloroform is produced in the United States—methyl chloroform currently represents a significant source of chlorine in the stratosphere. Methyl chloroform has contributed more to current ozone depletion than have six of the eight CFC's that we are worried about—more than six of the eight plus halons currently regulated by EPA. Only CFC's 11 and 12 have contributed more than methyl chloroform to the destruction of the ozone layer. Methyl chloroform is posing more of a threat to the ozone layer than CFC's 113, 114, and 115, the halons, and HCFC 22.

Methyl chloroform is responsible for 13 percent of the chlorine in the atmosphere, which is approximately four times more than the contributions from CFC 113 or HCFC 22.

Now, the good news, Mr. President, is that methyl chloroform has a relatively short atmospheric lifetime, around 7 years, as compared to CFC 12, which has a lifetime of more than 100 years. So the good news out of all of this, Mr. President, is that it is possible to reduce methyl chloroform's contribution to the stratospheric chlorine concentrations, we are able to reduce those far faster than the contributions from the other CFC's because, as I say, methyl chloroform has a short lifespan.

Recent analyses by EPA suggest that the year 2000 phaseout of methyl chloroform would be the single most important source for near-term reductions in stratospheric chlorine levels. If we want to do something about reducing the chlorine levels and we want to do them fast, the route to pursue is to have these limitations on the production of methyl chloroform.

Chlorine from methyl chloroform is almost entirely cleansed from the atmosphere in approximately 20 years, whereas significant quantities of chlorine from the CFC's remain, as I said earlier, for 100 years. Thus, controls on methyl chloroform emissions will reduce stratospheric chlorine levels more rapidly than controls on any of the CFC's. That is the positive thing, if we ban the production, as we do in this amendment, by the year 2000.

However, allowing methyl chloroform to remain unregulated would lead to higher concentrations of chlorine and would increase the risk of ozone loss over heavily populated areas in the Northern Hemisphere.

This chemical can and must be eliminated by the year 2000.

Now, we have all dealt with this a good deal, Mr. President, but I just want to briefly touch on the point of why worry about all of this.

What do CFC's have to do with us? Many may know it, but it bears repeating. CFC's, methyl chloroform, the halons and some HCFC's destroy the ozone layer which is 20 to 35 miles up above the globe. So what? What do we care about the ozone layer? The ozone layer is that filter which takes out the ultraviolet rays from the sun and prevents those ultraviolet rays from descending not only on the human population of our globe, but on the plant life of this world which we are all riding upon.

Clearly, permitting the continued destruction of the ozone layer permits these increased number of ultraviolet rays and the intensity of them to come down upon our earth, increases skin cancers dramatically, increases the incidence of cataracts, destroys the immune system of human beings, and radically affects plant life in our world.

Unless something can be done about this destruction of the ozone layer, which we are doing pursuant to this legislation, our world is going to be in very, very difficult straits. Incidentally, the CFC's also contribute to between 15 and 20 percent of the global warming which we are also concerned about. The two great international

global concerns are the destruction of the ozone layer, and the warming of our globe.

No reputable scientist now questions the fact that the chlorine loadings in the stratosphere are destroying the ozone layer. That has been debated, and now there is no doubt left.

So by controlling these CFC's and the methyl chloroform and the halons we are getting a tooth in them. We are preventing the destruction of the ozone layer, and we are preventing or reducing the warming of the globe.

So this is a good amendment, Mr. President. I urge our colleagues to support it.

The PRESIDING OFFICER (Mr. BREAUX). Is there further debate?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I support this amendment offered by the Senator from Rhode Island.

This amendment freezes and phases out the production of methyl chloroform which along with CFC's and halons is responsible for the destruction of the protective ozone layer.

This amendment freezes production of methyl chloroform at 1989 levels upon enactment of the bill.

And it phases out production first by 50 percent by 1996 and then completely by 2000.

It is modeled after a proposal that the United States has made to other nations. A proposal to strengthen the Montreal protocol—to reduce the threat of damage to the protective ozone layer as quickly as possible.

The ozone layer, Mr. President, is needed to block harmful ultraviolet ray which cause skin cancer, cataracts, and even death. We have learned that this protective layer now has a hole 10 million square miles large, and about 70,000 feet above us. We have also learned that CFC's, halons and other ozone depleting substances are responsible for the depletion of the stratospheric ozone layer.

As a consequence, many countries of the world signed what is known as the Montreal protocol. The protocol calls for a 50-percent phaseout of CFC's by the year 2000. Many countries are now beginning to implement the protocol.

By every account, the Montreal protocol was a bold and ground-breaking step. For the first time, nations of the world agreed to a coordinated assault on a global environmental threat—CFC's and the destruction of the straospheric ozone.

But we now know that the Montreal protocol did not go far enough. We now know that unless we reduce and eventually eliminate all ozone depleting substances—CFC's, halons, carbon tetrachloride, methyl chloroform, and others—we will not be able to save the stratospheric ozone from destruction.

Mr. President, in August of last year, the United Nations Environment Programme [UNEP] issued a report that confirmed our worst fears. The report strongly stated the need to control growth and use of all ozone depleting substances—including methyl chloroform—if we are to save our protective ozone layer.

The report made several noteworthy conclusions that are relevant to this debate.

First, chlorine loading in the atmosphere will increase the risk of significant ozone depletion over the northern hemisphere, similar to that occurring over Antarctica and the southern hemisphere.

Second, chlorine loading is at a record high—3 parts per billion. This may not seem like much, but 2 parts per billion is the maximum level we can allow if we are to repair the Antarctic ozone hole. And getting to this level requires that we control additional substances like methyl chlorine.

Finally, chlorine loading is increasing and will continue to increase for several years. Even if we phase out methyl chloroform by the year 2000, as this amendment does, chlorine levels will increase to 3.5 parts per billion. If we wait until 2030, chlorine levels will increase to 3.9 parts per billion—a 45-percent increase in risks from today's levels.

Mr. President, the use and production of methyl chloroform is significantly increasing chlorine levels in the atmosphere. And by doing so it is destroying the stratospheric ozone.

This is occurring for several reasons.

Methyl chloroform which is used in solvents, degreasers, aerosals, electronics and other products is currently produced and used in large volumes. Worldwide, over 1½ billion pounds was produced in 1988. The United States produced about half of this amount.

To put this in perspective, this is roughly equivalent to the total production of all CFC's combined.

Moreover, methyl chloroform—which has three chlorine atoms—is extremely destructive to the ozone layer because of its chlorine. Methyl chloroform contributes 13 percent of the chlorine content in the atmosphere. Four times more than CFC-113 or HCFC-22.

However, unlike CFC's, methyl chloroform has a short atmospheric life. The lifetime of methyl chloroform is only 6 to 7 years compared to CFC's which stay around for 60 to 120 years.

The short atmospheric lifetime of methyl chloroform provides us with a golden opportunity.

It allows us to reduce the amount of chlorine in the atmosphere significantly faster than from any of the CFC's.

And it provides us with an opportunity to reduce—more quickly—the amount of stratospheric ozone loss.

In fact, EPA has concluded that:

A phaseout of methyl chloroform would be the single most important source for near-term reductions in stratospheric chlorine levels.

EPA went so far as to say that a phaseout of methyl choloride is:

The most effective means of limiting increases in peak chlorine concentrations and in achieving significant near-term reductions in stratospheric chlorine concentrations.

In addition to these near-term benefits, there are some significant long-term health benefits from reducing and eliminating methyl chloroform.

By reducing chlorine levels and restoring the stratospheric protective ozone, some 3.6 million cases of nonmelanoma skin cancer in the United States will be avoided from now through the year 2075.

Again, 3.6 million cases of skin cancer—this is the nonmelanoma skin cancer—in the United States alone will be avoided from now until the year 2075.

Sixty-five thousand cancer deaths will be avoided, and more than 300,000 cases of cataracts will be avoided from now through the year 2075.

According to EPA, the benefits of phasing out methyl chloroform range from $89 to $348 billion, to the year 2075. These benefits far exceed the costs of phasing it out, estimated by EPA range from $42 to $58 billion for that same period of years.

Finally, this amendment is not asking us to do the impossible. Both EPA and the experts on the Montreal protocol's technical review panel believe that reducing or eliminating methyl chloroform is technically feasible. According to the experts, low ozone depleting alternatives are available for all end-users of methyl chloroform.

Adding methyl chloroform to the list of ozone depleting substances to be phased out by the year 2000 therefore makes good sense. Eliminating methol chloroform reduces chlorine levels in the atmosphere more quickly, as I said, than any other substance.

I strongly support the amendment and urge my colleagues to accept it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I support this amendment. Removing methyl chloroform as a contributing factor to chlorine levels in

the atmosphere is a necesary step, if we are to prevent further destruction of the ozone shield which protects Earth from ultraviolet radiation. It is a step that can be taken within the timeframe required by this amendment.

The amount of methyl chloroform used in the United States is 700 million pounds per year. That exceeds the use of all of the chlorofluorocarbons which are clearly linked to ozone depletion.

Methyl chloroform has a shorter atmospheric life than the CFC's. Molecule-for-molecule, methyl chloroform is, therefore, less of a threat than the CFR's. Nevertheless, 13 percent of the chlorine in the atmosphere is contributed by methyl chloroform emissions at current levels.

If we do not take action to control methyl chloroform, production and emissions may increase substantially. This chemical is a substitute for the CFC's in some uses. It is also a substitute for some of the organic solvents which are likely to be regulated as hazardous air pollutants under title III of this legislation. A dramatic increase in emissions of methyl chloroform may occur, as emissions of these other substances are controlled.

Mr. President, it is clear that the world will need to take steps beyond the Montreal protocol, if the thin layer of ozone which protects the Earth from ultraviolet radiation is to be preserved.

As we all now understand, various long-lived, manmade compounds containing chlorine and bromine atoms are rising high into the stratosphere where they are broken down by the Sun's radiation. The chlorine and bromine atoms are released and begin a chemical reaction which results in the destruction of ozone molecules.

The principal culprits in this threat to our atmosphere are the chlofluorocarbons and the halons, but other chemicals inlcuding carbon tetrachloride and methyl chloroform also play a role. CFC's include freon used in air conditioning and refrigeration. CFC's are also used to clean computer chips and as foam blowing agents in everything from home insulation to the packages which keep fast food hot. The halons are used principally in fire extinguishers. Methyl chloroform is a solvent used in a variety of commercial and industrial uses, primarily to clean metals in manufacturing.

The ozone in the stratosphere is critical to life on Earth. It reduces ultraviolet-B radiation which would otherwise reach the Earth's surface. This radiation causes human skin cancer and cataracts. It will also damage crops and may destroy the minute life forms at the surface of the ocean which are the foundation for the marine food chain.

There is some chlorine in the atmosphere from natural sources. It is estimated that background chlorine levels are about 0.6 parts per billion. By the 1970's, man's activities had increased that concentration to 2.0 parts per billion. It was early in the 1970's that scientists first determined that the CFC's could do significant damage to the ozone shield. Acting on this scientific concern, the United States banned CFC's as a propellant in aerosol cans. But emissions from other sources continued to grow and quickly eroded the progress that had been made.

The most dramatic evidence of the impact of these chemicals on the stratospheric ozone shield was discovered in the mid-1980's as a hole in the ozone layer over the Antarctic during the winter and spring months in that region. The hole is measured as a 50-percent reduction in the total amount of ozone between the Earth's surface and the edge of the atmosphere over a 10 million square mile area. Ozone depletion of 95 percent occurs in the upper reaches of the stratosphere in these annual episodes.

By the time the ozone hole was recognized by scientists as a serious phenomenon began to form when chlorine levels had reached about 2.7 parts per billion in the atmosphere. As chlorine levels have increased over the past decade, the hole has generally become more severe.

Discovery of the ozone hole spurred action on the Montreal Protocol to Protect the Ozone Layer. The protocol freezes worldwide production of the CFC's at 1986 levels. It reduces production by 50 percent by 1998. The protocol also freezes production of the halons which are made in smaller quantities, but which contain bromine and are generally thought to be even more threatening to the ozone shield; 50 nations have signed the protocol and it went into force on January 1, 1989.

The protocol was a significiant accomplishment for the governments of this fragile planet. But it will not be enough. Depletion in the ozone shield over midlatitudes including depletion over the Northern Hemisphere has been discovered since the protocol was signed. And chlorine levels continue to increase.

The ozone hole was discovered when chlorine levels reached approximately 2.7 parts per billion. We are now approaching 3 parts per billion. If no further steps beyond the protocol are taken, chlorine levels will continue to increase dramatically reaching more than 12 parts per billion by the end of the next century.

Mr. President, it will be along time before this problem is corrected, no matter what we do. The CFC's have atmospheric lifetimes of 60 to 120 years. CFC's which we have already released will remain in the atmosphere for that period of time.

The best atmospheric scientists from around the globe have developed a model which projects the atmospheric chlorine levels that will result from various strategies. As I said a moment ago, if we do no more than the Montreal protocol, chlorine levels will continue to increase through the next century rising to levels in excess of 12 parts per billion.

It appears however, that we can keep the peak chlorine loadings under 4 parts per billion and return to levels near 2 parts per billion—levels which existed before the ozone hole was discovered—by the year 2075, if we phase out the use of the most serious ozone depleting chemicals over the next decade.

The chemicals which must be eliminated from commerce by the end of the next decade are the chlorofluorocarbons, the halons, carbon tetrachloride and methyl chloroform. In addition, the so-called HCFC's, which may serve as substitutes for the CFC's in a transitional period, must be eliminated by the year 2030.

Again, if we take these steps, we can limit the peak chlorine loading to just 3.6 parts per billion and we can, by the year 2075, return to chlorine levels which existed before the ozone hole was discovered; that is, 2 parts per billion. Taking methyl chloroform out of the picture by the end of the 1990's is most important in keeping the peak loadings down. If we simply freeze methyl chloroform production levels, the peak loading will climb to 3.9 parts per billion. And if we do nothing at all, it is likely to climb much higher.

Mr. President, I have a table showing the impact of the various elements of this strategy which I ask unanimous consent be printed in the RECORD.

There being no objection, the table was orderd to be printed in the RECORD, as follows:

Strategies to control atmospheric chlorine levels (cholorine in parts per billion in 2075)

Montreal protocol reductions in CFC's (50 percent by 1998)	10.95
Year 2000 phaseout of CFC's and halons	8.30
Year 2000 phaseout of carbon tetrachloride	5.38
Year 2000 phaseout of methyl chloroform	3.02
Year 2030 phasehout of HCFC's	2.29

Mr. DURENBERGER. The phaseout required by this amendment can be achieved. Methyl chloroform has a variety of uses, but in no case is it the dominant chemical in the market for any particular use. There are substitutes. A study published last summer indicated that a 90- to 95-percent phaseout over the next decade is a realistic goal.

We may hear during the debate on this amendment about the plight of

the many businesses which depend on methyl chloroform in the formulation of specific products or in manufacturing applications. I am more than sympathetic with the concerns that will be expressed. I have met with constituents from my own State on this subject and have learned that methyl chloroform is an essential element of some products manufactured by Minnesota-based companies.

I do have the jobs which depend on those products in mind as we debate the Clean Air Act here on the floor of the Senate. Nevertheless, I believe that substitutes for all the uses of this chemical can be developed and that the pressure of a definite phaseout date will speed the research on these substitutes.

We have been too often surprised by the impact of these chemicals on the ozone shield and on the Earth's climate system. The ozone hole was not expected. The ozone depletion over the midlatitudes came sooner and is deeper than was predicted. We must not be slow to respond to this threat.

Ultraviolet radiation has several effects at the surface of the Earth. It causes skin cancer and cataracts in humans. It may also suppress the human immune system. It damages crops: cotton, peas, beans, melons, cabbage, and loblolly pines, and may interfere with the production of micro-organisms at the surface of the ocean which are the beginning of the food chain.

Each 1-percent decrease in the ozone leads to a 3- to 6-percent increase in skin cancer. Ozone reductions in latitudes above North America have already been measured in the 3- to 6-percent range.

If we do nothing beyond the protocol, between now and the year 2075, increased ultraviolet radiation will cause an additional 5.1 million nonmelanoma skin cancers—causing 81,000 deaths—46,000 melanoma skin cancers—causing 11,000 deaths—and 876,000 additional cataract cases in the U.S. population alone. And the impacts are global.

Mr. President, I commend the Senator from Rhode Island and the Senator from Montana for offering this most important amendment. I urge the Senate to adopt this measure and the limitation on the production of HCFC's which is to be offered later in this debate as necessary steps to complete our ozone protection policy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

(The remarks of Mr. KENNEDY pertaining to the introduction of S. 2031 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF STATE AUTHORIZATION FOR FISCAL YEARS 1990-91

Mr. PELL. Mr. President, at the request of the majority leader and with the concurrence of the Republican leader, I ask the Chair to lay before the Senate H.R. 3792, the State Department authorization bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3792) to authorize appropriations for fiscal years 1990 and 1991 for the Department of State and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3792.

The PRESIDING OFFICER. The Chair will observe that under the previous order, the debate on this bill is limited to 1 hour with the time being controlled by the Senator from North Carolina [Mr. HELMS] and the chairman of the committee, the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I am pleased that the Senate stands ready to approve the fiscal year 1990-91 Foreign Relations authorization bill. This bill contains necessary authorization of activities of the State Department, USIA, and the Board for International Broadcasting. This bill also contains sanctions against the People's Republic of China.

As my colleagues know, getting to this point has been a rather labored process. In view of the somewhat arduous path that leads to this moment, I thought that some brief background would be appropriate.

The bill currently before the Senate is not the House-Senate conference report, House Report 101-343, that the Senate approved on November 16, 1989. That conference report was vetoed by the President because he objected to the Moynihan provision, which prohibited the diversion of funds for purposes for which U.S. assistance is prohibited. I deeply regret this veto of a provision which simply would require the executive branch to obey the law. I sincerely hope that the President's veto does not constitute his approval of Iran-contra type activities or an intention to undertake such activities.

Recognizing that the votes were not there to override the veto, the House introduced, following the veto, a new bill, H.R. 3792, which did not contain the Moynihan provision. The President pinpointed this provision as the sole reason he felt compelled to veto the conference report. The bill currently before the Senate, H.R. 3792 does not contain the Moynihan provision. Otherwise, it is identical to the conference report approved by both Houses of the Congress last November.

Insofar as this bill is identical to the H.R. 1487, except for the Moynihan provision, the conference report language for H.R. 1487, along with the statement of managers and the legislative history of that bill shall constitute the legislative history of this bill. In implementing this legislation I expect the administration to be governed by the legislative history of H.R. 1487, as if that bill had been enacted. In this connection, I call particular attention to the conference report language on Prime Minister Bhutto's Association of Democratic Nations and the call of the report for support for the related work of the Committee for a Community of Democracies-USA [CCD-USA]. Indeed, recent developments in Eastern Europe make this proposal ever more timely.

As I pointed out earlier, this bill contains sanctions against the People's Republic of China—a long overdue response to the brutal repression of the prodemocracy movement. The President assured the conferees last year that he would accept the language in this bill.

These sanctions make it clear that the United States will not resume relations at the level that existed before the June crackdown, much less develop ties further, unless there is a significant improvement in the political and human rights situation in China and Tibet.

The President's need to retain flexibility in the conduct of foreign policy is acknowledged in this bill. It provides two separate conditions under which the President may terminate one or more of the suspensions: First, that he report to the Congress that the PRC Government has made progress on a program of political reform; or, second, that he deems that it is in the national interest to take such action.

However, I would like to make clear my own views that the Chinese have not responded positively to the administration's efforts to improve relations. The Chinese continue to arrest and detain thousands of democracy pro-

testers. They continue to impose martial law in Tibet. They continue to place constraints on Hong Kong's political system as the territory moves toward reversion to China. And they continue to arm the Khmer Rouge in Cambodia. The President has held out his hand to China's leaders and they have slapped it down.

In passing this bill today we send a strong message of Congress' and the American public's continuing concern about events in China. It may not be the last message that Congress has to send.

Finally, I would note that the East European revolutions of the fall of 1989 may make some provisions of this legislation obsolete and will require us to address other State Department issues in an expedited manner. For example, our new relationship with the Soviet Union requires a significant expansion of office space for our Embassy in Moscow and the opening of new consulates in the Soviet Union. Most of this new activity is of an unclassified nature, that is visa and economic work, and could be done in our unfinished new chancery. Therefore, I question the wisdom of spending over $500 million to tear down the existing building and starting over. It would be far cheaper to build a new, smaller, classified facility and to use the existing building for our burgeoning unclassified work.

The PRESIDING OFFICER. Who yields time? The Senator from North Carolina.

Mr. HELMS. I thank the Chair. I yield such time as I may require.

Mr. President, it is always a pleasure to join with the distinguished chairman of the Foreign Relations Committee in any matter, and I am pleased to join him today in presenting for the Senate's consideration H.R. 3792, which is, as has been said, the Foreign Relations Authorization Act for Fiscal Years 1990 and 1991.

As Senator PELL has indicated, this legislation is identical to the conference report on H.R. 1487 with one important exception. Senators may recall that the conference report accompanying H.R. 1487 was passed by the Senate on November 16 of last year. That legislation was vetoed by the President and this is one of those occasions when Senator PELL and I must agree to disagree agreeably.

The President was right in vetoing it because of the so-called Moynihan amendment, which in effect would make it a crime for executive branch officials to carry out certain foreign policies. It was, in my judgment, an intrusion upon the constitutional prerogatives of the President of the United States.

Shortly after the President issued that veto, a bill identical to the conference report excluding the controversial Moynihan provision was introduced and passed by the House, and that is the bill, H.R. 3792, that is before us now.

Senators will recall that the Senate version of the authorization bill, Senate bill 1160, was originally passed by the Senate last July 21. We considered that bill for 5 or 6 days, as I recall. It was sort of like a root canal, working through all the amendments offered by Senators. But after 5 or 6 days of consideration by the Senate and substitution of the Senate-passed bill for the House-passed version, H.R. 1487, it went back to the House.

Now, I regret the fact that the legislation before us is not as good as the State authorization bill passed by the Senate last July. That was a good piece of legislation. Many excellent provisions of the Senate-passed bill were dropped in conference without so much as even one word of discussion, which was a unique experience for me in terms of dealing with conferences between the House and Senate.

My colleagues on the Foreign Relations Committee know well that the House of Representatives refused to even go to conference until October 5. House Democratic Members apparently delayed action hoping to pressure the Senate into dropping a number of provisions that they had asserted were nongermane under the House rules.

Of course, the Senate does not operate under the rules of the House of Representatives, and I am thankful for that. The purpose of a conference always is to harmonize House and Senate versions of legislation, not to arbitrarily eliminate the Senate. But that is exactly what happened.

I, like every member of the House Foreign Affairs Committee, but I am bound to observe that they were arbitrary and I think the record will show that they were.

In any case, we finally did get to a conference in October, and the conferees on the House side took the interesting position that they would not even consider more than 50 provisions of the Senate-passed bill. They said, "No way; we are not even going to consider them."

Some of these sections fell within the jurisdiction of committees other than the House Foreign Affairs Committee, but approximately 30 of them were solely within the purview and jurisdiction of the Foreign Affairs Committee.

The Republican Senate conferees took the position that all Senate provisions should be conferenced, but we were forced to submit to the wishes of the majority. And our Senate Democratic colleagues decided that the best strategy was to yield on all of these 50 items. I regret that they came to that conclusion, but I can understand it.

I was sorry to see this massive retreat and I hope all Senators will understand that some of us tried to preserve the Senate provisions.

All that aside, H.R. 3792, which is at the desk now pending, does represent fulfillment by the Senate Foreign Relations Committee of its responsibility to authorize State Department operations for the current year and the next fiscal year. Even more important, it includes many excellent substantative provisions addressing foreign policy as well as State Department management issues.

SANCTIONS AGAINST COMMUNIST CHINA

The bill before us today includes wide-ranging sanctions against the Communist Chinese regime responsible for slaughtering thousands of its own citizens last June for the simple crime of advocating and pleading for freedom. That is all they did. And many, many, many young people were slaughtered.

These sanctions are among the most important, if they are not the most important, provisions of this bill. They are found under title 9 which provides for a suspension of United States programs for the People's Republic of China, which means Red China, Communist China, brutal China, as we all recall that week last June in Tiananmen Square.

Americans watched in horror last June as so many young people and other citizens were massacred by the Communist regime just because they were pleading for freedom. I think the American people will long remember that one Chinese young man standing down an entire column of tanks dispatched to massacre those demonstrating for freedom. Certainly it is indelible in my memory, and I think it is with countless millions of other Americans.

Unfortunately, since the massive crackdown in Communist China last June, the situation there, as Senator PELL has eloquently said, has continued to deteriorate. The Chinese Government, after having killed thousands of pro-democracy demonstrators, has engaged in a systematic campaign to imprison and intimidate thousands of others. In response to the massacre in Tiananmen Square, President Bush did mandate some initial sanctions, but the subsequent actions of the Communist Chinese regime requires that these initial actions be reinforced with congressionally endorsed sanctions against the Government of the People's Republic of China.

The Senate passed such sanctions during consideration of the State Department authorization bill last July as a part of the Mitchell-Dole amendment.

This amendment provided for wide-ranging and comprehensive sanctions aimed at limiting U.S. support for the Communist Chinese regime, and title 9 of the legislation before us today, I

emphasize, closely follows the wording and the intent of that amendment.

THE MOYNIHAN PROVISION

Perhaps the most controversial item of the State Department authorization bill considered last year was the so-called Moynihan provision. I was pleased that the President vetoed the authorization bill last year over that provision and I was doubly pleased to see the House of Representatives drop that provision from the legislation before us today.

The Moynihan provision represents just another attempt in many to bash President Reagan and Ollie North for the so-called Iran-Contra affair. But the effect of the provision would be beyond mere politics—it would severely hamper the ability of the President to conduct foreign policy by effectively making it a crime for any executive branch official to lend assistance in any fashion to promote foreign policy goals for which U.S. funding is prohibited.

Great effort was undertaken during the course of consideration of the State authorization bill last year to produce some kind of compromise on this provision. Numerous discussions were held between the very able Senator from New York and representatives of the administration. Unfortunately, these talks proved unable to produce a compromise which would address the concerns of the Senator from New York without infringing upon the President's constitutional authority.

PLO TERRORISM

Mr. President, the Palestine Liberation Organization, and its offshoot terrorist groups, for whose actions the PLO is directly responsible, has victimized American citizens. It has given the nod of its head for the kidnaping, injuring, and hijacking of our constituents—of innocent Americans.

Despite the grisly, anti-American record of the PLO, the State Department is now conducting face to face negotiations with these terrorists. I said at the time these negotiations started, and I say again—it is a mistake to negotiate with terrorists.

Terrorism is nurtured on the belief that violence against innocent men and women and children can, over time, produce tangible political results. By initiating negotiations with the PLO, the State Department gave this terrorist organization such a tangible political result.

Unfortunately, I fear that over the long run, terrorism will be encouraged by the State Department's recognition of the PLO, and acceptance of this terrorist group as a legitimate player in the Middle East.

The PLO claims it is "the sole legitimate representative of the Palestinian people." It has conducted a campaign for decades now to force acceptance of this claim, using the barrel of a gun, the complicity of the United Nations and now, the words of the U.S. Department of State.

But in fact, Arafat and his band of terrorists represent no one but themselves. He and his cronies have not lived in Israel or Israel's administered territories since 1948. Their initial goal is to supplant the traditional Arab social, economic and political structure in Israel's territories, and then, destroy Israel itself.

It has been reported that during the uprising in Israel's territories, more Arabs have been killed by fellow Arabs than Jews have been killed by Arabs. That is because the PLO can only compel adherence to its dictates through force and intimidation. If the events in the territories are any guide, legitimization and the accession to power of the PLO will only snuff out and not enhance Palestinian economic, political, and social rights.

This legislation includes three provisions which address the PLO campaign to legitimize itself through the U.S. State Department and the United Nations.

As my colleagues recall, State Department negotiations with the PLO commenced on the basis of a commitment made by Yasser Arafat in December 1988, that the PLO renounces terrorism, recognizes Israel, and accepts United Nations Resolutions 242 and 338.

Of course, the PLO has not abided by Arafat's commitments. PLO terrorism continues under the guise of PLO member groups for which the State Department has decided not to hold Arafat responsible.

Title VIII of this legislation will measure PLO compliance with Arafat's commitment. It combines two pieces of legislation introduced in the Senate early last year.

One is Senate Resolution 97, which I introduced with 25 cosponsors. As part of this title, it requires the State Department to inquire in its talks with the PLO about 14 specific reported PLO terrorist activities conducted after the Arafat's commitment to renounce terrorism. It also requires the State Department to report back to Congress on any response given by the PLO in regards to these terrorist activities.

The other bill folded into title VIII is S. 473, which was introduced by Senators MACK and LIEBERMAN. I am proud to be 1 of 30 cosponsors of this legislation. As included in the legislation, it provides a framework for monitoring PLO compliance with Arafat's commitment, and a mechanism for making public the PLO record in regard to Arafat's commitment.

If the State Department erred in recognizing the PLO, the way it has conducted its negotiations with this terrorist organization indicates a callous disregard for past terrorism against Americans. Last spring, all for the purpose of sustaining the diplomatic process in the Middle East, the State Department commenced negotiations with Salah Khalaf—otherwise known as Abu Iyad.

I was shocked when I found out that we were treating this man as a legitimate diplomat, when in fact he is widely believed to have personally ordered the brutal killing of two U.S. diplomats, Ambassador Cleo Noel and George Moore in Khartoum, Sudan, on March 2, 1973.

When the Senate considered the State Department authorization bill on July 14, I offered an amendment which would have cut off funds for negotiations with any representative of the PLO "unless and until the President certifies to Congress that he has determined that the representative did not directly participate in, or conspire in, or was an accessory to the planning or execution of a terrorist activity which resulted in the death, injury or kidnapping of an American citizen."

After days of heavy lobbying by high-level administration officials, this amendment was rejected by the Senate. In its place, the Senate approved an amendment which is now section 108 of H.R. 3792. This amendment would cut off funds for "the conduct of the current dialog on the Middle East peace process with any representative of the PLO if the President knows of and advises the Congress that that representative directly participated in" a terrorist activity against an American.

I voted against this amendment because it does not require the President ever to report what he knows to Congress. Indeed, I doubt any President would ever unilaterally and voluntarily choose to cut off his own funds by reporting to Congress.

I hope that President Bush will report to the Senate on what the Government knows about the role of Abu Iyad and other PLO terrorists in attacks on Americans. But in light of the extraordinary enthusiasm of the State Department bureaucracy for the diplomatic process in the Middle East, I am not optimistic.

Section 414 addresses efforts by the PLO to legitimize itself using the United Nations. Last spring, the PLO, claiming to represent a "State of Palestine" undertook an effort to gain admittance to the World Health Organization as a member state. Last November, the PLO undertook an effort in the United Nations to change its designation from an "observer organization" to that of an "observer state."

Under the leadership of our Assistant Secretary of State for International Organizations, John Bolton, the United States successfully prevented the PLO from gaining membership as a state in the World Health Organiza-

tion and from having its designation in the United Nations changed.

To support Secretary Bolton's efforts and to assure that the United States is not put in the position of lending financial support to any move by the United Nations or any affiliated agencies to accord the PLO state status, section 414 prohibits future U.S. funding of the United Nations or any specialized agency thereof which accords the Palestine Liberation Organization the same standing as member states.

Mr. President, one more observation concerning the PLO. Today, the PLO is trying to convince America that it is the sole representative of the Palestinian Arab people at the same time it is forcing itself upon the Arab residents of Israel's administered territories.

It has killed Palestinian Arabs who have dared to opt for peace rather than the radical, ultimately destructive agenda of the PLO. The PLO insists over and over again that peace between all people in Israel is impossible until Israel hands to the PLO all of its demands.

The PLO hopes that by holding out the promise of peace, people will ignore the true nature of the PLO, its crimes and its goals, and rather accept its rationalizations.

For the sake of keeping the process of diplomacy moving along, the State Department has decided to forgive the PLO for its past crimes against Americans and ignore its continuing transgressions. The major media has done its best to spread and promote PLO rationalizations for these crimes and transgressions.

Unfortunately, history has shown that this is the path to disaster. The cause of peace in the Middle East can only be served by recognizing the PLO for what it is—a terrorist organization bent on the ultimate elimination of Israel and destruction of United States influence in the Middle East.

To the extent the facts regarding the true nature of the PLO and its activities continue to be ignored by our policymakers, hope for long-term peace and stability in the Middle East is diminished, not enhanced.

TV MARTI AND OTHER USIA AND VOA PROVISIONS

Mr. President, titles II and III of this legislation contain authorizations for the U.S. Information Agency [USIA], the Bureau of Educational and Cultural Affairs, Voice of America [VOA], Television Broadcasting to Cuba [TV Marti], and the Board for International Broadcasting [BIB].

Perhaps the most important of the provisions of these titles are found under part D of title II—providing the authority for USIA television broadcasting to Cuba.

Many Senators are aware of the success which has met Radio Marti in its efforts to provide the enslaved people of Cuba with an alternate source of information from the propaganda shoveled out by Fidel Castro. Television programming or TV Marti is a logical extention of the highly successful Radio Marti.

Although TV Marti enjoys broad support in Congress, there were significant differences between the House and Senate versions of this provision. The conferees agreed upon a compromise provision that enjoys the support of the administration and provides the USIA with the authority necessary to move forward with this important initiative.

The conferees likewise agreed upon an authorization of $16 million for both fiscal years 1990 and 1991 in order to get this program underway. The provisions provided for in the conference report are also found in the legislation before us this afternoon.

All told, title II of this legislation authorizes $960 million for USIA for fiscal year 1990. Of the $960 million, $69 million is authorized for an important VOA radio construction program. Our current VOA facilities are rapidly becoming obsolete, as a number of our transmitters are decades old. This authorization will permit VOA to move forward with the construction of important transmitter sites in Thailand and Morocco.

These sites will permit VOA to extend the quantity and quality of broadcasts throughout the world. They will also enhance our capacity to overcome the effects of jamming. In view of budgetary constraints, this legislation retains a provision offered by Senator PRESSLER that provides VOA with the authority to enter into contracts for radio construction over a period of 5 years. This authority will permit VOA to move forward with this program immediately, and will avoid costly delays in the awarding of contracts.

In recognition of the broad bipartisan concern for the people of the Tibet, who live under occupation by the brutal Communist Chinese regime, the conference report requires VOA to establish a Tibetan language service that provides daily broadcasts into Tibet. The provision requires that VOA establish a Tibetan service within 90 days of the enactment of this act, and that they provide a full report to Congress by the end of 1990. I understand that VOA has already begun to lay the groundwork for the Tibetan language service.

Mr. President, this report also lifts a number of the restrictions on USIA's Television and Film Services. Senators may recall that there was broad concern in the Senate with USIA's previous claims about the effectiveness of the Film and Television Service. I shared a number of those concerns.

This legislation provides the necessary authorities to the Director of USIA to acquire, produce, and broadcast television programs. However, the agreement also specifies the types of programs that may be broadcast over the service.

Overall, the legislation authorizes $31 million for USIA's Film and Television Service. Out of the $31 million authorization, the legislation includes a House provision placing a $12 million cap on those programs formerly comprising the WorldNet daily service. Let me emphasize that the cap applies solely to the daily service as described in section 207 of the House Foreign Affairs Committee Report 101-17.

Mr. President, this title contains a number of line-item authorizations for the Bureau of Educational and Cultural Affairs. In my view, a number of these line-item authorizations are unnecessary. The report additionally renames the Office of Private Sector Programs as the Office of Citizens Exchanges. The Office of Citizens Exchanges will appropriately be located within the Bureau of Educational and Cultural Affairs and will receive its funding for program activities from the salaries and expenses account of that Bureau.

Title III of this bill provides authorization for activities of the Board of International Broadcasting. Perhaps the most important provision of this title is included in section 301, where authorization for the construction of a radio transmitter site in Israel is provided for. This transmitter will facilitate broadcasting into the Central Asian republics of the Soviet Union—the fastest growing part of the Soviet Union in terms of population.

In its original legislation, the House provided full authorization for the transmitter. However, the draft bill provided to the Senate Committee on Foreign Relations by the distinguished chairman did not provide 1 cent for this important public diplomacy effort.

During markup in the Foreign Relations Committee, I offered a committee amendment to restore the full $194 million request for the BIB transmitter. That amendment was approved overwhelmingly by the committee.

Since both the House and the Senate bills authorized $194 million for the BIB transmitter, I expected this would not be an issue for discussion in the conference. All the documents that I received prior to the day of the conference indicated that this was not an issue of contention.

Yet on the last day of the conference, a funding table was circulated that reduced the authorization level for fiscal year 1990 to $183.5 million. Despite the fact that this authorization level is outside the scope of the conference, it remained in the conference report, and is included in this legislation.

This was not the only surprise with regard to funding levels. Although both the House and Senate approved $16,932,000 for the Asia Foundation in fiscal year 1990, the chairman of the conference proposed $25 million for fiscal year 1991. Mr. President, this massive increase in funding was never discussed with me or any of my staff prior to the day of the conference. In my opinion, it was beyond the scope of the conference. It is totally unjustified and in my view irresponsible.

The authorization for the migration and refugee assistance account was likewise beyond the scope of the conference. The authorization approved by the conference was more than $11 million higher than the level approved by either the House or the Senate. Again, the figure before the conferees seemed to appear out of nowhere on the day of the conference with no prior consulations.

Mr. President, another important issue addressed in this bill concerns the U.S. Advisory Commission on Public Diplomacy. Despite efforts to alter the status of this Commission, the Senate Foreign Relations Committee during markup on this bill adopted an amendment to restore the bipartisan nature of the Commission. Unfortunately, the report language accompanying the Senate bill did not accurately reflect the committee's action on restoring the Commission.

The legislative history on this matter should be made clear. The conference report restores the U.S. Advisory Commission on Public Diplomacy and ensures that those currently serving on the Commission may remain to serve out the full remainder of the terms to which they were originally appointed. The legislative language in this bill is clear on that point.

STATE DEPARTMENT PERSONNEL ISSUES

As a general rule, Mr. President, I am deeply concerned that U.S. foreign policy, particularly at the senior levels, is conducted for the most part by males who attended Ivy League institutions. This is certainly the case in the Foreign Service.

It is essential that the Foreign Service be opened so as to reflect better the diversity of the American citizenry, and I applaud new efforts in this regard in the conference report.

At the same time, Mr. President, Foreign Service elitism has a second, but highly significant, impact on employes of foreign affairs agencies who are GS employees. Denied the chance to compete and win the highest jobs, GS employees at the State Department are most definitely treated as second class. After resisting the law, the State Department has, at last, appointed an ombudsman for GS employees. Congress expects this to be an influential position, and encourages the State Department to staff that office fully.

Some employees are even less than second class. They lack the career rights that GS and Foreign Service officers have. One such group is classified GG and works at the U.S. Mission to the United Nations in New York City. I have come to believe that these people should immediately be given the opportunity to become GS employees. This seems only fair, and would assist in remedying the hiring difficulties chronically facing the U.S. Mission. I urge the State Department to study this option thoroughly and soon.

Mr. President, among the many provisions of this bill regarding personnel issues, section 142 is a reform essential to America's national security. It prevents agents of foreign countries from serving as so-called public members of Foreign Service Selection Boards. After offering this suggestion in the Foreign Relations Committee, I am delighted to report that the prohibition has survived the torturous conference process and is in the legislation before us this afternoon.

Section 144, I believe, could be subject to abuse. It provides for a new program of visiting scholars at the Foreign Service Institute. Abuse, to this Senator, would be the consistent selection of participants representing either the U.S. foreign policy establishment or scholars and experts associated solely with one political philosophy. If this program is in fact needed, the best people ought to be selected from throughout the country. Until the Foreign Service becomes more representative, it is absolutely essential that they have an opportunity to hear from a wide range of people.

In an amendment to section 1202 of the Foreign Service Act of 1980, paragraph (c)(1), provided for in section 149 of this bill, it is the clear intent of Congress that this provision not be considered to have exclusive applicability. The language, more properly, would have read:

> Students enrolled full-time in institutions of higher education, including those from groups which are underrepresented * * * shall be eligible to be interns in programs under this chapter.

Later in the same paragraph, the legislation states that the first and second internships can be with the U.S. Congress. I have mixed feelings on this, Mr. President. I believe it is almost always useful for State Department employees to learn about Congress firsthand, and I suspect the reverse is also the case.

However, since the purpose of a Foreign Service internship is to lead to greater familiarity with career service in international affairs, I would hope that such congressional details be used sparingly.

Section 153 of the legislation is long overdue and it gives me a real sense of satisfaction that it has survived. It is intended to increase the regional, educational, and ethnic diversity of the Foreign Service and the Department of State.

For the first time, Congress and the American people will be able to see a comprehensive data base on the makeup of the Foreign Service. This Senator hopes that the State Department, armed with the figures, will finally commit itself to better reflecting the diversity of our Nation. As an insurance policy, Mr. President, the existence of such statistics will guarantee that Congress can act if the State Department and other foreign affairs agencies do not.

In compiling the report and using its results, I hope the State Department will keep this Senator and the minority staff of the Foreign Relations Committee fully apprised of progress and results.

One provision of section 153 was forced on conferees by a House committee which asserted its jurisdiction. The result was the insertion of the term "handicapping conditions" in section 153(c) of the legislation. As the statement of managers to the conference report of H.R. 1487 makes abundantly clear, it is not the intent of the committee of conference to impose definitions in the Rehabilitation Act upon the State Department. For ideological reasons, alcoholism and drug abuse or additional odd uses of terminology are considered handicapping conditions in the current version of that law. Regulations to be promulgated by the Secretary of State should be as broadly drawn as reasonable, but it is clearly unreasonable to expect an application which is as broad as in the Rehabilitation Act.

Further, although it was clearly a technical and conforming provision, it was not possible to change section 153(g)(1) from "sexual" to "gender." The intent of the conferees was that men and women not be treated differently in the employment context because of their gender.

Section 153(h) takes the unwise step of setting up a new program called Foreign Service Fellowships. This is of questionable value for precisely the same reasons as the Visiting Fellows Program at the Foreign Service Institute. I will not repeat the discussion of this matter, except to say that the intent of Congress is clearly that participation in this program not be festooned with former Foreign Service Officers and figures of the foreign policy establishment of this or other countries.

Section 153(h) also contains the same technical problem which was uncorrected elsewhere. Ideally, the language should read:

> Such program shall give priority to the extent practicable in the award of fellowships.

In other words, conferees clearly intend that fellowships be awarded in accordance with the constitutional rights of all Americans.

Mr. President, the Senator from North Carolina plans to continue to monitor personnel issues at the State Department. The State Department has light years to travel before favoritism and elitism are overcome. This Senator intends to assist affected employees and organizations representing them to end the blight of a good old boy's private club of Ivy League educated elites, especially in the areas of promotion and positive selection.

INTERNATIONAL ORGANZIATIONS

In spite of intensive lobbying on its behalf, the United Nations Educational, Scientific, and Cultural Organization [Unesco] is still hopelessly lost in an ideological forest, and continues to have serious management problems.

An outstanding editorial, "No Tears for Unesco," appeared in the Wall Street Journal of November 1, 1989. The substantive complaints which led to United States and British withdrawal from Unesco remain. Fortunately, the United States has an outstanding Assistant Secretary for International Organization Affairs, Mr. John Bolton, whose competence and outstanding acuity have served us well on Unesco and other issues regarding international organizations.

According to a report printed in the Foreign Broadcast Information Service [FBIS] of October 27, 1989, Unesco continues to rush toward thought control on a global scale. At a meeting in Harare, Zimbabwe, that country's Information Minister opened a conference of media specialists on the new world information order by stating:

The establishment of the new international information and communications order should witness the birth of a new and vigorous people-oriented media, highlighting their real concerns as opposed to vulgar distortions of reality which are mistakenly regarded as free flow of information.

He continued:

But this will not come on a silver platter. Third country journalists will have to struggle for the new order along with their progressive counterparts in other parts of the world.

This, he said, means that—

Freedom of the press (is) only within the framework of the struggle and not as an abstract concept unrelated to the day-to-day lives of our people.

Unesco still moves along the path of thought control and other programs. The United States should be in no hurry to rejoin. The Moynihan-Helms language embodied in section 408 makes this very clear. In addition, Mr. President, let me especially compliment Mr. Terry Miller, a public servant who keeps an eye on Unesco activities in Paris for the U.S. Government. Unfortunately, Mr. Miller's tour of duty ends in 1990. I hope that his successor shares President Bush's view on Unesco, and is familiar with its programs.

Mr. President, it is the intent of Congress that no funds authorized by this legislation be utilized to reclassify employees at the U.S. Mission to the United Nations, or to change the status of their employment, or to increase any member of that staff's salary without specific legislative authorization by the Foreign Relations and Foreign Affairs Committee.

Section 411 is a limited endorsement by conferees for a careful assessment of the International Court of Justice. The addition of the phrase "where appropriate" in paragraph 10(b) represents the significant recognition of the fact that this body has, in recent years, not merited our trust in the settlement of international disputes.

Section 417 places in permanent law provisions of the DeConcini-Helms amendment to the Dire Emergency Supplemental Appropriations Act. It requires the President to certify that certain conditions have been fulfilled prior to releasing United States contributions to United Nations peacekeeping forces in southern Africa.

The United States must take an active, public role to promote peace, national reconciliation and free, fair elections between the warring parties: UNITA and the MPLA.

Without consultation with Congress, such certifications have been produced and signed by the President under provisions of the earlier appropriations act. In addition to plowing familiar ground, conferees intend that minority and majority sides of the relevant authorizing committees be consulted and be informed of developments so that a fair assessment can be made of conditions necessary to release these funds.

SECTION 15

Mr. President, part of the controversy complicating passage of the State authorization bill concerned a continuing attempt by some of our colleagues to repeal section 15 of the State Department Basic Authorities Act.

Section 15 requires the enactment of an authorization bill before funds can be expended for the State Department. Its repeal would eliminate the serious responsibility of the Foreign Relations Committee to submit an authorization bill for the State Department and also diminish the ability of Congress to influence operations of the Department of State.

The Senator from Rhode Island and I have given high priority to the State Department authorization bill. We spent a week deliberating the bill on the floor before its passage in July, and staff level conference meetings began soon after that.

Despite this fact, shortly after the Senate appointed conferees for the State authorization bill, we learned that the Commerce, Justice, State, and Judiciary appropriations conference had inserted in their conference report a waiver of the section 15 requirement that an authorization bill be passed before funds can be expended for the State Department.

I know my distinguished colleagues on the Appropriations Committee had good intentions when they inserted this waiver, but the truth is that the Foreign Relations Committee must be allowed to fulfill its responsibility of authorizing funds for the State Department before they are expended by another committee.

Mr. President, I want to emphasize that this issue is extremely important—important not only to the Foreign Relations Committee, but to every Senator, to each authorizing committee.

In fact, the Senate spoke out on this matter just 2 months ago. On October 31, by a vote of 53 to 45, the Senate supported an amendment offered by the distinguished chairman of this committee and this Senator and supported by all members of the committee to strike the waiver of the authorizing requirement. Obviously, my distinguished colleagues recognized the dangerous precedent that could be set if one committee succeeded in usurping the jurisdictional responsibilities of another.

Mr. President, some of my colleagues have implied that section 15 is a unique restriction, an unnecessary nuisance that inhibits the appropriations process. However, I have found that the State Department is not the only department with some kind of authorizing restriction.

According to the Library of Congress, certain agencies of the Department of Energy, Department of Commerce, U.S. Information Agency, and U.S. Customs Service have similar restrictions which require an authorization before funds can be expended.

Mr. President, I hope passage of this legislation ends debate over this question of section 15. The requirements of section 15 assure that the Foreign Relations Committee fulfills its legislative responsibilities with regard to the operation of the State Department, and provides Congress with greater opportunity to affect foreign policy.

Several Senators addressed the Chair.

Mr. PELL. Mr. President, I yield such time to the Senator from South Carolina as he may need.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank our distinguished chairman of our Foreign Relations Committee. And I have had the pleasure of working with him for 24 years.

The reason this is being enacted, Mr. President, right at the point, at this

moment rather than in the closing moments of the last session was that we on our Appropriations Committee thought we had done a credible job working on top of the table with the Foreign Relations Committee.

The fact of the matter is we waited until the very, very end. This was the last one. There was some feeling amongst the members of our subcommittee of State, Justice, Commerce, that the State Department authorization was being held up as a tool to try to force-feed the foreign ops bill on the U.S. Senate. In fact, the distinguished ranking member of the Committee on Foreign Relations stated exactly that on the floor.

We in our duties had passed an appropriations bill with the clause to the effect that it would be in conformance with the 1990 authorization bill if and when enacted. However, our colleagues on Foreign Relations took exception to that, and they insisted that it be knocked out. They brought in all their members, in almost like an ambush, like we were trying to pass this authorization on our appropriations. We were just trying to give them the time and we knew in the closing days there ought to be an authorization bill for 1990, and that we would like to conform to it our particular bill.

They prevailed, and sure enough then it was used as pressure, and we are used to that in this game. So we just stood our ground and said if they would conform this authorization bill and their committee practices to the committee practices of all committees in the U.S. Senate we would be glad to lift our objections.

We also wanted to give notice to our Department of State which were telling us they were for us for what we were doing. When the showdown came they were opposing us. So I think we have gotten their attention now.

I know Senator PELL and I have both the same interests in trying to provide in an orderly fashion the needs of the Department of State. Right to the point, this is not going to take care of the needs. In the budget the President transmitted this morning, the Department of State is asking for some additional $800 million for fiscal 1991 over the amounts authorized in this bill. We might have to pass a second authorization bill.

We also need an additional amendment now to repeal section 614 of the Commerce-Justice-State Appropriations Act for fiscal 1990 to conform it to this particular authorization. I will have a bill in to do that or we can tack it on to an emergency measure for Panama, as we are being told that it will be coming up momentarily. One way or the other, we need to facilitate that because the State and USIA functions have been held to the 1989 levels. They have real problems without having problems with us here in the Congress, and the political maneuvers to pass foreign ops.

I oppose sections 15 and 701 of the State and USIA basic laws. Senator PELL understands that. In fact, they added a similar section 302 in this bill on the Board for International Broadcasting, saying they could not have an enacted appropriation until the authorization bill is passed. I have not pressed for deletion of section 304 due to the time requirement, but it will be deleted for the Board of International Broadcasting. We have agreed that he will go along with that. I will probably include a provision again in our appropriations bill because, as they say, a man convinced against his will is of the same opinion still.

I like my appropriations. The last time I counted I had 128 different appropriations in the State, Justice, Commerce bill. We have the Arms Control and Disarmament Agency, the DEA, the border patrol and the Immigration Service, the Federal Trade, the Federal Communications, and the Federal Maritime Commissions—I go right on down the line. We do not have any difficulty. All committees operate on the same plane save this one.

I think if we can have better trust amongst the colleagues—and better understanding is a better word—a better understanding amongst the colleagues, because certainly I have absolute trust and admiration for our colleague from Rhode Island who is serving in the distinguished fashion as the chairman of our committee. But a better understanding so we will not get into these misunderstandings. We on the subcommittee hate to be chastised when we do the job. We actually change some things beyond authorization at the request of Foreign Relations Committee. They come up and say here it is in conformance with 1989 under the law but if and when you pass the 1990 authorization it will be in conformance with whatever. You pass it in the 1990 authorization.

If that is not open trust of a chairman and a committee, I do not know how best to word it. That is what we had worded but they came up and opposed it, and said, oh, it was political shenanigans. We were trying to pass both at the same time. What we were doing was forestalling the maneuvers on foreign ops, not on the authorization for the Department of State.

Having said that, I am glad to join in on the unanimous consent or any other request to facilitate this so the State Department can get about its business. I want to thank Senator PELL for his understanding and cooperation, and Senator HELMS also, our ranking Member and the members of the committee.

I yield the floor.

Mr. RUDMAN. Mr. President, the Foreign Relations Authorization Act, fiscal year 1990 and 1991, is virtually identical to legislation vetoed by the President late last year with several important changes. It does not include the so-called Moynihan amendment dealing with the third party solicitation of foreign aid for purposes not in accord with law. However, it does include a provision offered by Senator BYRD to the conference report on the Defense Appropriations Act removing spending floors and earmarks which impinge on the jurisdiction of the Appropriations Committee.

When the conference report on the fiscal year 1990 Commerce-Justice-State Appropriations Act first came to the floor of the Senate last October, it included a section which provided continuing appropriations rates for the State Department and USIA until an authorization was enacted or November 30, 1989, whichever was earlier. We took this action in order to provide the authorizing committees the time to complete action on their conference. However, we were also determined the normal operations of government should continue, and that if the authorizing committees could not complete their work the appropriations process should move forward.

To my astonishment, the Foreign Relations Committee objected to this provision—even though they had only met once in conference with their colleagues from the House side. As a consequence the provision was deleted and we find ourselves in the current situation. Ironically, had the original provision been retained in the appropriations act, the authorization would probably have been enacted on the last day of the session and the State Department and USIA would be operating at 1990 appropriated levels.

Mr. President, I am willing to support enactment of the authorization legislation before us because I firmly believe we have a responsibility to complete our work—even if it is not completed in a timely fashion. However, I do so with the understanding that the chairman of the Foreign Relations Committee and the ranking minority member intend to repeal the provision requiring an authorization for the Board for International Broadcasting before the obligation of appropriated funds. I am told they will seek to do so at the earliest possible date.

I believe that section 15 of the State Department Basic Authorities Act and section 701 of the Educational and Cultural Exchange Act should also be repealed. These provisions impose similar requirements on appropriations for the State Department and the U.S. Information Agency and have been used for purposes other than those for which they were originally enacted. Should the Foreign Relations Committee fail to enact an authorization on a timely basis for fiscal years

1992 and beyond, it is my expectation that the Appropriations Committee will have the right to seek to repeal or waive these provisions.

Finally, I would like to discuss the role of the State Department in this matter. In 1987 the Department threatened to veto the continuing resolution for fiscal year 1988 if the Congress did not waive section 15 of the State Department Basic Authorities Act. Again we had a situation where the end of the session was approaching and the authorization bill had not been enacted into law. Indeed, there was a veto threat over the authorization and the authorizing committees were using section 15 as leverage in an attempt to force acceptance of their bill. After negotiations with the Department, we agreed to waive certain portions of the authorization bill on the continuing resolution in order to resolve the problem. Once again, we were being used by the authorizing committees to complete work they could not do on their own.

When the current situation developed last fall, I assumed the Department would seek to ensure that its 1990 budget was approved prior to the adjournment of Congress. I was wrong; no assistance was offered by the State Department or any of its officials to resolve this situation. Indeed, they did not even take a position on the issues involved in the dispute. This inexplicable stance was even more puzzling given the veto threat when we did not waive section 15 in 1987.

I do not understand the reluctance of the Department to fight for its budget. However, they seem to be sending a clear signal to the Appropriations Committee that we should not take their budget request seriously. I am afraid this attitude may have unintended consequences in the coming year, especially since several requests they will be making exceed the authorization levels in this bill. I can only assume they do not want us to appropriate those funds until and unless an authorization is enacted into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank the Senator from South Carolina for his thoughts and willingness to work out a compromise. And I am glad that this bill can proceed in an orderly way.

I yield the floor.

The PRESIDING OFFICER. If no one yields time, time will be deducted equally.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I would like to engage in a colloquy with the ranking Republican member of the Foreign Relations Committee, Senator HELMS, concerning section 128 of H.R. 3792, the State Department authorization bill. It is my understanding that subsection (b) of section 128 repeals the sunset provision on section 901 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989. That section prohibits the denial of temporary entry to an alien because of any past, present, or anticipated statements, associations or beliefs. Is that the understanding of the Senator from North Carolina?

Mr. HELMS. Yes. That is my understanding.

Mr. SIMPSON. The text of the provision requires the executive branch to grant entry to an alien in such cases unless there is a reason other than those described in the section to deny entry. For that reason, the executive branch has not treated section 901 as repealing the exclusion of Communists, but rather as requiring that waivers be granted to permit their temporary entry unless a legitimate reason existed for denying entry. It is my understanding that the removal of the sunset provision required by section 128(b) would have no effect on the substance of the provision nor on the way in which the executive branch has applied it up to now. Is that a correct understanding?

Mr. HELMS. Yes. That is a correct interpretation.

Mr. President, I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to request the yeas and nays.

The PRESIDING OFFICER. Unanimous consent is not required at this point to request the yeas and nays.

Mr. HELMS. There is a time agreement. I ask for the yeas and nays.

The PRESIDING OFFICER. There is a time agreement in effect of the time remaining on both sides of the aisle. This would be a time under which the rules would allow for the request of the yeas and nays.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The yeas and nays are ordered.

The yeas and nays were ordered.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, one of the provisions of the pending legislation of immediate concern to me and many Senators is that which addresses the question of sanctions against the Government of the People's Republic of China. Senator DOLE and I originally offered the amendment which included these sanctions. The amendment was adopted by a vote of 81 to 10.

Title 9 of the bill expresses the sense of the Congress that the President should urge the Export-Import Bank to continue to postpone approval of any application for financing United States exports to China, and that the directors of the appropriate international financial insitutions should continue to oppose the extension of loans or any other finanical assistance to China. If systematic repression in China deepens, the President would review United States most-favored-nation trade treatment to Chinese products and other bilateral trade agreements between the United States and China, including those concerning satellite launches and nuclear energy. In addition, he would consult with the members of Cocom and GATT to review the treatment of China in those organizations.

The bill also suspends the following programs or activities between the United States and People's Republic of China: Overseas Private Investment Corporation finanical support, the Trade and Development Program, the issuance of licenses for the export of defense articles on the U.S. munitions list, the issuance of licenses for the export of any crime control or detection equipment, the export of any United States made satellites intended for launch by China, nuclear cooperation activities, and multilateral liberalization of export controls. The President may at his discretion terminate one or more of the suspensions if he submits a report either that the Chinese Government has made progress on a program of policital reform, or that it is in the national interest to do so.

These sanctions set down guidelines and restraints designed to cause the

Government of China to give serious consideration to the desire of the Chinese people for modest reforms and an opening toward a more democratic society.

In the days immediately after the massacre in Tiananmen Square the President restricted the export sale of military weapons, equipment, and training for the Chinese Armed Forces. Now, however, those restrictions have for the most part been removed and Chinese military officers are again receiving training on U.S. military equipment. On June 5, 1989, the President suspended licensing of satellite exports to China. On December 12, however, the suspension was lifted. Also, on June 5, 1989, the President suspended the export of Boeing 757 jetliners to China because their navigational systems were considered to have technology which could have military uses.

In August, however, the administration permitted the export of the jetliners, even though the guidance systems remained on the restricted munitions list. Additionally, the President announced in June 1989 that he was instructing the United States directors in international lending institutions to oppose loans to China. Yet this past Saturday the American-appointed World Bank President recommended resuming loans to China.

Last week the President promised the Senate that he would not send any of the resident Chinese students back to China unless he was certain that the human rights situation in that country would not cause them to be in danger. It is very important that no student be thus placed in danger.

Tomorrow the Senate will again vote on the State Department authorization bill containing modest sanctions designed to encourage the Chinese leaders to end their represession of the students and workers whose only offense is their desire for an open democratic society. The Senate will again have an opportunity to express to the Chinese Government the concern which the American people feel about the continued persecution of the prodemocracy movement and our dedication to historic democratic principles of justice, human rights, and self-determination.

I hope my colleagues will stand up for these principles and vote for passage of this bill.

Mr. President, I understand that there are no further Senators who wish to speak on the pending legislation and, therefore, I am authorized in behalf of both managers to yield back the remainder of the time.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on January 25, 1990, during the recess of the Senate, received a message from the President of the United States transmitting a nomination and the withdrawal of a nomination; which were referred to the appropriate committee.

(The nomination and the withdrawal received on January 25, 1990, are printed in today's RECORD at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 79

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report two new deferrals and four revised deferrals of budget authority now totalling $8,251,604,695.

The deferrals affect International Security Assistance programs, as well as programs of the Departments of Agriculture, State, and Transportation.

The details of these deferrals are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *January 29, 1990.*

BUDGET OF THE U.S. GOVERNMENT—MESSAGE FROM THE PRESIDENT—PM 80

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified on April 11, 1986, was referred jointly to the Committee on Appropriations and the Committee on the Budget:

To the Congress of the United States:

I have the honor to present the *Budget of the United States Government for Fiscal Year 1991.*

The American economy is now in its eighth consecutive year of expansion and growth. It is essential that the growth of the economy continue and increase in the future. The budget is designed to achieve that goal.

The budget has five broad themes:

—*Investing in Our Future.*—With an eye toward future growth, and expansion of the human frontier, the budget's chief emphasis is on investment in the future. It proposes: a capital gains incentive for long-term private investment and new incentives for family savings; record-high amounts for research and development, space, education, and Head Start; a major investment in civil aviation; and a large increase in spending to attack the scourge of drugs. At the same time, the budget maintains a strong national defense while reflecting the dramatic changes in the world political situation that are taking place; and it fulfills responsibilities to protect the environment, and preserve America's cultural heritage.

—*Advancing States as Laboratories.*—The budget recognizes the emergence of new ideas and initiatives originating at the State and local level. The Federal Government will foster such innovation and experimentation in numerous fields, from transportation to health, through waivers of certain rules and regulations, and through demonstration grants.

—*Reforming Mandatory Programs.*—Entitlement and other mandatory spending now constitutes nearly half the budget, not counting an additional 14 percent for interest. The budget provides for full payment of social security benefits and funds growth in health, low income and other mandatory programs. However, it proposes reforms where warranted to slow the growth in some of these programs and thus leave more room in the budget for priority initiatives.

—*Acknowledging Inherited Claims.*—The budget faces up to such inherited claims as the cleanup of dec-

ades old environmental damage at nuclear weapons facilities. It analyzes potential claims from unfunded annuities and Federal insurance programs. It assesses the growing volume of defaults in Federal credit programs and proposes essential credit reforms.

—*Managing for Integrity and Efficiency.*—The budget contains suggestions for reforms in the way Congress deals with the budget. It provides more resources and suggests improved methods for managing the vast Federal enterprise better. It identifies low-return domestic discretionary programs where a smaller investment of budgetary resources is warranted.

The budget meets the deficit target of $64 billion for 1991 established by the Gramm-Rudman-Hollings law, without raising taxes. It would balance the budget by 1993 as required by the law, begin reducing debt, and protect the integrity of Social Security.

Each of the themes outlined above is discussed in more detail in Section One of the budget, the Overview. The customary tabular and appendix material is contained in Section Two.

I look forward to working with the Congress in the weeks and months ahead to produce a budget that meets the Gramm-Rudman-Hollings target, advances the Nation's essential interests, and keeps the economy on the path of continued growth.

GEORGE BUSH.

THE WHITE HOUSE, *January 29, 1990.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2210. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to give the Secretary of Agriculture authority, independently or in cooperation with the Government of any country of the world or any international organization or association, to produce and sell sterile screwworms to the Government of any country of the world or to any international organization or association; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2211. A communication from the director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to Egypt for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2212. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-114 adopted by the Council on November 7, 1989; to the Committee on Governmental Affairs.

EC-2213. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-119 adopted by the Council on November 21, 1989; to the Committee on Governmental Affairs.

EC-2214. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-120 adopted by the Council on November 21, 1989; to the Committee on Governmental Affairs.

EC-2215. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-121 adopted by the Council on November 11, 1989; to the Committee on Governmental Affairs.

EC-2216. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-122 adopted by the Council on November 21, 1989; to the Committee on Governmental Affairs.

EC-2217. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-123 adopted by the Council on November 11, 1989; to the Committee on Governmental Affairs.

EC-2218. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-124 adopted by the Council on November 21, 1989; to the Committee on Governmental Affairs.

EC-2219. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-128 adopted by the Council on December 19, 1989; to the Committee on Governmental Affairs.

EC-2220. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-132 adopted by the Council on December 5, 1989; to the Committee on Governmental Affairs.

EC-2221. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-129 adopted by the Council on December 19, 1989; to the Committee on Governmental Affairs.

EC-2222. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-130 adopted by the Council on December 5, 1989; to the Committee on Governmental Affairs.

EC-2223. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-131 adopted by the Council on December 5, 1989; to the Committee on Governmental Affairs.

EC-2224. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-133 adopted by the Council on December 5, 1989; to the Committee on Governmental Affairs.

EC-2225. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-134 adopted by the Council on December 5, 1989; to the Committee on Governmental Affairs.

EC-2226. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-135 adopted by the Council on December 5, 1989; to the Committee on Governmental Affairs.

EC-2227. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-136 adopted by the Council on December 5, 1989; to the Committee on Governmental Affairs.

EC-2228. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-137 adopted by the Council on December 5, 1989; to the Committee on Governmental Affairs.

EC-2229. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-139 adopted by the Council on December 5, 1989; to the Committee on Governmental Affairs.

EC-2230. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-140 adopted by the Council on December 19, 1989; to the Committee on Governmental Affairs.

EC-2231. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-141 adopted by the Council on January 20, 1990; to the Committee on Governmental Affairs.

EC-2232. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-142 adopted by the Council on January 2, 1990; to the Committee on Governmental Affairs.

EC-2233. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-143 adopted by the Council on January 2, 1990; to the Committee on Governmental Affairs.

EC-2234. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-144 adopted by the Council on December 19, 1989; to the Committee on Governmental Affairs.

EC-2235. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-145 adopted by the Council on December 19, 1989; to the Committee on Governmental Affairs.

EC-2236. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-146 adopted by the Council on December 19, 1989; to the Committee on Governmental Affairs.

EC-2237. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-148 adopted by the Council on December 19, 1989; to the Committee on Governmental Affairs.

EC-2238. A communication from the Executive Director of the Committee For Purchase From The Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report of the Committee under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2239. A communication from the Clerk of the United States Claims Court, transmitting, pursuant to law, the annual report on judgements of the United States Claims Court for fiscal year 1989; to the Committee on the Judiciary.

EC-2240. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Seventh Special Report on Alcohol and Health; to the Committee on Labor and Human Resources.

EC-2241. A communication from the Secretary of Health and Human Services, trans-

mitting, pursuant to law, a report on the prevention activities of the Alcohol, Drug Abuse, and Mental Health Administration for fiscal years 1987 and 1988; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-395. A resolution adopted by the National Order of Women Legislators relative to protection of the environment and energy production waste; to the Committee on Energy and Natural Resources.

POM-396. A resolution adopted by the Senate of the State of Michigan; to the Committee on the Judiciary:

"SENATE RESOLUTION No. 233

"Whereas Mr. George Mantello, personally credited with saving the lives of 30,000 Jews during the Holocaust, is one of the most outstanding individuals responsible for helping mobilize the world against the atrocities of Nazi Germany and its death camps. His deeds and valor, performed in a totally humanitarian manner, played a vital role in altering the course of World War II for the lives of countless people. He is a gentleman highly worthy of praise and recognition; and

"Whereas a Romanian Jew, serving as El Salvador's Secretary General in Switzerland from 1942 to 1945, George Mantello utilized his position to place more than 30,000 Jews under El Salvador's protection. Mr. Mantello performed his extraordinary feats of rescue primarily by two means. While the Nazis and their Hungarian collaborators were deporting up to 10,000 Jews a day to Auschwitz, George Mantello, almost singlehandedly, initiated a press campaign in Switzerland that alerted the western world to the horrors of the Nazi concentration camps. Describing the ongoing atrocities of the concentration camps, through an official Auschwitz document, and based on the testimony of two young escapees from Auschwitz, Joseph Lanik and Rudolph Vrba, was Mantello's main thrust for exposing this horror to the world. The document was reported in over 400 articles, published in 120 Swiss newspapers, condemning the mass murders at Auschwitz. This report evoked an international outcry from such leaders as President Roosevelt, the Pope, Britain's Anthony Eden, the King of Sweden, the International Red Cross, and the Swiss government. Acting upon this information, these exemplary world leaders demanded that Admiral Horthy, the Regent of Hungary, put an end to the deportation of the remaining Jews in Budapest. Nearly 200,000 Jews still living in Budapest were saved from the gas chambers through this effort; and

"Whereas Mr. George Mantello's second rescue coup was responsible for saving another impressive number of people during the war. He produced and distributed 15,000 Salvadoran citizenship papers to Jews and non-Jews throughout Nazi-occupied Europe. Ninety-five percent of these families survived the Holocaust through these protective papers. Mr. Mantello provided these papers for free, rather than through the selling of passports, a practice prevalent in those dark days. Undoubtedly, Mr. George Mantello deserves the utmost praise and commendation for his brave and humanitarian endeavors during World War II: Now, therefore, be it

"*Resolved by the Senate*, That we hereby memorialize the United States Congress to award Mr. George Mantello the Congressional Medal of Freedom; and be it further

"*Resolved*, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan Congressional delegation."

POM-397. A resolution adopted by the National Order of Women Legislators favoring the adoption of comprehensive child care legislation; to the Committee on Labor and Human Resources.

POM-398. A resolution adopted by the National Order of Women Legislators favoring programs of education and treatment for the children of substance abuse; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEE

The following reports of committees were submitted:

By Mr. BOREN, from the Select Committee on Intelligence:

Special Report entitled "Report of the Select Committee on Intelligence, United States Senate, January 1, 1985 to December 31, 1986" (Rept. No. 101-236).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. RIEGLE (for himself, Mr. GARN, Mr. DIXON, Mr. SHELBY, Mr. GRAHAM, Mr. KERRY, Mr. BRYAN, Mr. HEINZ, Mr. D'AMATO, Mr. PRESSLER, and Mr. WIRTH):

S. 2028. A bill to amend the International Banking Act of 1978 and the Securities Exchange Act of 1934 to provide for fair trade in financial services; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAMM (for himself and Mr. DOLE) (by request):

S. 2029. A bill to amend the Higher Education Act of 1965, to reduce student loan defaults, to achieve greater accountability in Federal student assistance programs to minimize the potential for waste, fraud, and abuse, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KOHL:

S. 2030. A bill to protect the privacy of telephone users by amending title 18, United States Code; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 2031. A bill to further the foreign policy of the United States by establishing a Partnership for Democracy to assist the peoples of foreign countries in developing democratic forms of government and free market economies; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIEGLE (for himself, Mr. GARN, Mr. DIXON, Mr. SHELBY, Mr. GRAHAM, Mr. KERRY, Mr. BRYAN, Mr. HEINZ, Mr. D'AMATO, Mr. PRESSLER, and Mr. WIRTH):

S. 2028. A bill to amend the International Banking Act of 1978 and the Securities Exchange Act of 1934 to provide for fair trade in financial services; to the Committee on Banking, Housing, and Urban Affairs:

FAIR TRADE IN FINANCIAL SERVICES ACT

Mr. RIEGLE. Mr. President, together with my distinguished colleague Senator GARN, the ranking minority member of the Banking Committee, and along with Senators DIXON, SHELBY, GRAHAM, KERRY, BRYAN, HEINZ, D'AMATO, PRESSLER, and WIRTH, all members of the Banking Committee, I am today introducing the Fair Trade in Financial Services Act of 1990.

The bill we are introducing is designed to give Treasury negotiators new leverage in their negotiations to obtain competitive access to foreign banking and securities markets such as those in Japan. Section 3602 of the Omnibus Trade and Competitiveness Act of 1988 already requires the Treasury to identify and report to Congress every 4 years on countries that do not grant full national treatment to U.S. banking and securities firms. The first report under that provision is due on December 1, 1990. The Fair Trade in Financial Services Act amends section 3602 to specify that national treatment includes "effective market access." This is designed to address situations where U.S. firms abroad may receive de jure national treatment—equality according to the letter of the law—but not de facto national treatment—equality of opportunity to compete in actual practice. If foreign countries do not provide such national treatment, the bill asks the Treasury Department to negotiate to obtain it. To strengthen Treasury's hand in any negotiations, the bill permits our banking and securities regulators to deny applications for regulatory approval filed by banking and securities firms from countries that discriminate against U.S. firms. Any denials would not force foreign financial firms to shrink their existing operations, but it would limit their opportunities for future expansion. Before regulators could exercise their authority, however, the Secretary of the Treasury would have to publish in the Federal Register a determination that discrimination against U.S. financial institutions is taking place in a given foreign country. Let me stress that no action is mandated by this legislation. The Treasury Secretary has discretion under it whether to use the grant of authority being given to him.

No issue is more important to this Senator than the competitiveness of all sectors of our economy in today's global environment. We Americans must pay much greater attention to this issue in the context of the type of domestic policies we adopt and the

impact they have on the competitive ability of our industries. We must, however, also ensure that our firms get the same fair treatment—and I stress fair treatment—abroad that we grant foreign firms here. These matters are not just economic or trade issues. They are of the utmost importance to the long-run national security of our country. Let me explain why.

Our country emerged from World War II as the world's preeminent economic power. America's economic strength provided the foundation for building for building the military and political power needed to stem the tide of totalitarianism that then threatened to engulf Western Europe and Asia. Recent and continuously developing events in the Soviet Union and Eastern Europe, along with the growing economic strength of free nations, suggest that America's containment policy worked, and both America and its European and Asian allies can be pleased with that achievement. On the whole Americans are proud of our country's role over the last 45 years. For the most part we have used our economic, political, and military strength to promote a freer and more prosperous global community of nations.

It seems clear, however, that the postwar era is over and a new age is dawning in which the world's economy is becoming integrated at an ever accelerating pace. Despite the optimistic rhetoric of recent Presidential administrations, there are growing concerns among many Americans about our country's readiness to be an effective competitor in this increasingly global market place. Americans are fast beginning to understand that if we can not compete effectively in this new global marketplace, our relative economic strength will decline and so will our capacity for world leadership.

One area in which the United States is experiencing a competitive slide is in international banking and finance. During the 1950's and 1960's, U.S. banks dominated the global banking scene as they helped American companies finance their expanding export markets and funded the growth of overseas subsidiaries. In the 1970's, as the economies of Europe and Japan fully recovered from the war, many foreign banks also began to do business in this country as companies from their countries expanded their export markets here. This was a direct result of the efforts our country made in the 1950's and 1960's to encourage the economic growth of Europe and Japan. America, however, had no national policy dealing with the regulation of foreign banks in this country. As a result American banks rightfully began complaining that foreign banks actually enjoyed competitive advantages in their operations here. For example, foreign banks could branch and take deposits nationwide while the McFadden Act generally prohibited their American competitors from doing likewise.

The Congress responded by passing the International Banking Act of 1978, which established the rules under which foreign banks operate in America. That law was designed to establish a level playing field between American and foreign banks in this country. It did not discriminate against foreign banks and even grandfathered some of the competitive advantages they enjoyed. The Senate Banking Committee's 1978 report on that statute stated:

> Foreign chartered banks are accorded operating privileges in the United States which enable them to compete in the United States on terms which equal or exceed the domestic operating privileges of our own domestically chartered banks.

The report went on to state that with enactment of the International Banking Act of 1978:

> The United States has more than abided by the principle of national treatment for foreign banks operating here . . . In contrast our domestic banks operating abroad have not always received equal treatment in foreign countries with their host country competitors.

The report noted that treatment of American banks abroad varied from country to country. It noted:

> European Common Market countries have been most receptive to the benefits of competition brought by American banks to their economies. Japan is a contrast. By the restrictive practices of its officials, American banks are competitively disadvantaged in Japanese banking markets. Not only are American banks limited in their branching abilities, but they are also deterred from soliciting local deposits.

While Congress was concerned in 1978 about the inconsistency between our national treatment policy and the differing policies of some of our competitors, it hoped these matters could be resolved by U.S. negotiators without further congressional action. It did require the Treasury Department to report to Congress by 1980 on the extent to which American banks were denied national treatment in their banking operations abroad.

In 1978, when the International Banking Act was passed, American banks were still among the largest in the world and controlled the largest share of the international banking market. Two of the three largest banks in the world were American and U.S. banks made over 30 percent of all international loans. America's macroeconomic policies in recent years have contributed to massive deficits in America's current account balances. This in turn has fueled the growth of foreign banks in this country and has contributed to the new problems U.S. banks now face in international competition. For example, in 1983 United States banks did 27 percent of cross-border lending compared to 20.5 percent for Japan and 31 percent for European banks. In 1988, United States banks did only 14.7 percent of cross-border lending compared to 38.2 percent for Japan and 30.6 percent for Europe. Now the largest U.S. bank ranks only 24th in the world in size.

Foreign banking institutions currently control over 25 percent of all banking assets booked in the United States. Japanese banks alone have 14 percent of all such assets. In some markets, such as California, Japanese banks have 25 percent of total assets. Furthermore, foreign bank loans in the United States are growing three times as fast as domestic bank loans. In contrast the share of banking assets held by American and all other foreign banks in Japan, while never large, has continued to decline. In recent years the United States share of the Japanese market has declined from 3 to 1 percent. Foreign banks on the whole have less than a 3-percent share of the Japanese market and that too is in decline. The continued erosion of our banks' position in international markets has important implications for our export industries. We have been told that non-U.S. banks are apt to favor exporters from their own countries because of proximity, long-standing relationships, closer legal access, common customs and language, and perhaps social or political pressures. Robert Heller, a former Federal Reserve Governor stated in May 1988:

> If American banks disengage from the international arena, American businessmen will have to conquer new export markets without an important ally in the form of their own banks. The loss of that extra competitive edge may be costly in terms of foreign sales.

These considerations make it more urgent than ever that we address economic weakness such as our lack of savings, our trade and budget deficits, and the short-term planning horizons of our corporations. But they also make it very important for us to be concerned with whether our banks are getting a fair chance to compete in foreign markets.

It seems clear that the Japanese have organized themselves to be able to compete effectively in world markets both in manufacturng and finance. Mr. R. Taggart Murphy, in an article entitled "Power Without Purpose: The Crisis of Japan's Global Finance Dominance" which appeared in the March-April 1989 edition of the Harvard Business Review, states the following:

> Japanese financial institutions are much like their industrial counterparts: regulations exist for the benefit of the institutions not for the domestic consumers. The institutions enjoy high earnings in a domestic market that is effectively protected not only from foreigners but from "excessive" competition. Japanese banks compete bitterly

with each other for retail deposits, for example, with small gifts to individual depositors and repeated visits to their homes, but there is no difference in the interest rates banks pay those individuals or the fees they charge them. Japanese commercial and investment banks have succeeded overseas partly because of their diligence and attention to detail, but also because they can offer lower spreads and lower fees to borrowers, thanks to the profits they enjoy from a cartel-like, protected market at home. Such a market is inconsistent with global financial leadership.

The Department of the Treasury in 1986 did its second update on the original national treatment study required by the International Banking Act of 1978. In that report the Treasury stated that: "Japan has continued to provide national treatment for foreign banks," but then went on to state that:

Despite major changes taking place in Japanese financial markets, foreign commercial banks continue to find Japanese markets difficult to penetrate and offering few competitive opportunities . . . the long standing problems foreign banks have had in funding themselves in domestic yen remain. The resulting funding and pricing practices make Japan a relatively uncongenial lending market for foreign banks. Foreign banks' small share of the loan market has declined modestly in the last three years.

In other words, the Treasury Report suggests that while Japan gives foreign banks de jure national treatment, it does not give them a real opportunity to compete in the Japanese market and thus does not provide de facto national treatment.

The European Community, in seeking to perfect its internal market by removing nontariff trade barriers, has wrestled with the difference between de jure and de facto national treatment and how to deal with it. Early in 1988 the Commission published its proposed second banking directive under which a banking institution licensed by any member state would be free to conduct the full range of banking services throughout the Community. This so-called passport to bank throughout the Community would also be available to foreign institutions established in any member state of the Community. The directive, however, proposed that the passport should not be granted to financial institutions owned or controlled by countries which failed to grant reciprocity to the financial institutions of all EC member states.

American banking institutions voiced concern to us about whether the Community had in mind "mirror-image reciprocity" or "reciprocal national treatment." In the former case our banks worried whether our geographic and Glass-Steagall restrictions would be used to justify denying them access to the new banking passport in the EC. Such mirror-image reciprocity could have led to difficulties for EC member banks operating in this country. Fortunately, I understand, most concerns have now been alleviated by the action of the EC Ministers in clarifying that the directive intended not mirror-image reciprocity, but rather reciprocal national treatment. The final form of article 9(4) of the Directive adopted on December 15 authorizes the EC to respond if "its credit institutions do not receive national treatment offering the same competitive opportunities as are available to domestic credit institutions and the conditions of effective market access are not fulfilled." An EC press release states that the new article intends that the current internationally accepted standard of national treatment should really work in practice ensuring effective market access in a third country. American officials have been told that the directive means the EC wants de facto not just de jure national treatment. That is exactly what they receive in the United States.

Thus concerns earlier expressed about the EC banking directive have been calmed. The Community is stating that it will adhere to the national treatment standard favored by the United States, but it wants that standard to mean national treatment in fact as well as in law. The Community has made clear that it will periodically review whether banks from EC member nations are receiving fair opportunities to compete abroad and, if they are not, will restrict the operations within the Community of banks from the offending country. That sort of provision makes sense to me. Competition in financial services cannot be fair if one major competitor gives its banks a protected home market in which they can make exorbitant profits that are then used to fund their operations abroad. Furthermore, as I noted earlier, a protected home financial market harms Americans trying to export into that market. The EC has made clear in its second banking directive that it will not accept such treatment.

In 1987, even prior to the example set by the European Community in its second banking directive, the Senate passed a bill adopting a reciprocal national treatment policy. Title XV of the Senate bill S. 1409, entitled "National Treatment of Financial Institutions," contained a section adding the following new provision to the International Banking Act of 1978:

Notwithstanding any other provision of law, a Federal banking agency may . . . deny any application by a foreign bank or foreign bank holding company . . . if the country in which the foreign bank is incorporated or has its principal place of business does not accord United States banks . . . the same competitive opportunities as it accords to domestic banks * * *.

The bill also amended section 15(b) of the Securities Exchange Act of 1934 to permit the SEC the authority to deny applications for broker-dealer registration by nationals of countries that did not provide equal competitive opportunities to American firms in their foreign operations.

These provisions were designed to strengthen the hand of the United States in negotiations to end discrimination against U.S. banking and securities firms abroad. Although the U.S. House of Representatives did not accept the provisions in the trade bill conference, the Senate passed them both again in 1988 as sections 909 and 910 of the Proxmire Financial Modernization Act. That bill did not become law.

The Senate has thus twice adopted a reciprocal national treatment policy for banks and securities firms, but the House failed to concur. However, the situation in the House may now be changing. On October 13, 1989, Chairman GONZALEZ of the House Banking Committee expressed his own strong concern that while the United States gives foreign banks national treatment, U.S. financial institutions "have not been in practice accorded equality of competitive opportunity abroad."

Under Secretary of the Treasury David Mulford related his frustration in attempting to persuade the Japanese to truly open their financial markets in 6 years of talks between the United States Treasury and the Japanese Ministry of Finance in a November 29, 1989 article in the Financial Times. In that article he stated:

It is particularly disheartening to see foreign banks and securities firms blocked from offering internationally proven services and products in Japan. . . . Formal legal frameworks apart, foreign firms are also frustrated by opaque informal practices.

Mr. Mulford noted:

* * * statutory restrictions and regulatory practices continue to be a firm barrier to full access by foreign firms to the Japanese financial services industry. The situation invites Congressional action and risks exhausting the U.S. Treasury's patience with the slow evolution of the past six years.

Specific practices that have been cited as some of the means by which the Japanese deny foreign financial institutions a fair opportunity to compete are:

First, regulation of deposit interest rates.—Although in the last 6 years Japan has increased the percentage of deregulated deposits from 15 to 50 percent, they still regulate half of all bank deposits. Mr. Mulford of the Treasury has stated:

Remaining interest rate restrictions should be removed. This would greatly reduce the cost-of-capital advantage Japanese banks enjoy over foreign financial institutions.

Second, impediments to developing money market instruments deny foreign banks an opportunity to fund themselves in domestic yen.

Third, laws, regulations and practices which prohibit Japanese investors from gaining access to foreign markets and impede the entry of innovative foreign products to the Japanese market.

Fourth, laws, regulations, and practices which limit the opportunities of foreign firms to manage pension funds and mutual funds.

Fifth, lack of transparency—Foreign firms are not given fair opportunities to engage in the process through which official policies, regulations and administrative guidance are developed by the Ministry of Finance. Some claim that is hard for them to even obtain clear written statements of the rules or policies once they are decided. Furthermore, the bureaucracy is empowered to interpret the law as it deems fit creating fears of arbitrary treatment in foreign firms if they question authoritative interpretations by Government officials.

This list of practices is only meant to be illustrative and is certainly not an exhaustive description of the Japanese practices that need to be remedied.

As I noted earlier the bill that we are introducing today is designed to give Treasury negotiators new leverage in their ongoing negotiations to obtain competitive access to foreign banking and securities markets such as those in Japan. It is designed to be a market opening mechanism.

We are clearly at a new moment in history for our country. The post World War II order in which America sometimes ignored its own economic interests in favor of achieving military and political objectives is at an end. The American people are beginning to appreciate how critical it is for our country to get ready to compete in the increasingly integrated world economy. The mood is not to retreat from tough economic challenges from our foreign competitors. But the American people and the Congress also understand that we can not afford and will no longer be willing to overlook a lack of fair treatment in trade and financial matters. Our present competitive problems can be overcome and they will be once the American people understand their full significance. It will require the Congress and the President to work closely to ensure that our domestic economic policies are crafted with a full appreciation of their impact on the competitive positions of our industries and financial firms. It will also require that we demand fair treatment for our firms abroad.

I agree with Deputy Secretary of State Lawrence Eagleburger who stated in a recent speech:

We as a government and as a society are going to have to acknowledge that our ability to trade competitively in the world market may be the single most important component of our national security as we move into the next century.

The Fair Treatment in Financial Services Act is designed to give our negotiators new tools to help our financial institutions have the opportunity to trade competitively. This is important, as I noted earlier, not only for our financial institutions but for U.S. industry generally. The Banking Committee knew this in 1978 and stated in its report on the International Banking Act of 1978:

American banks abroad can and should play a significant role in supporting American exports. The Committee is concerned with the uneven treatment accorded to American banks abroad, particularly in contrast with the open reception foreign banks have been given in our domestic market and its consequent effect on our balance of trade.

My only regret is that the Congress and executive branch did not focus more quickly on the need to give our negotiators the tools needed to ensure U.S. firms received fair treatment in international financial services. The Fair Trade in Financial Services Act of 1990 provides such tools and is an important piece of legislation which we will attempt to move expeditiously through the Banking Committee and through the Senate.

I ask unanimous consent that a section-by-section analysis of the bill I am introducing and a copy of the bill itself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Trade in Financial Services Act of 1990".

SEC. 2. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR BANKS.

The International Banking Act of 1978 (12 U.S.C. 3101 et seq.) is amended by adding at the end the following:

"NATIONAL TREATMENT

"SEC. 15. (a) GENERAL RULE.—A Federal banking agency may deny any application, or disapprove any notice, filed by a person of a foreign country if the Secretary of the Treasury has published in the Federal Register (and has not revoked) a written determination that the foreign country does not offer United States banks and bank holding companies the same competitive opportunities (including effective market access) as are available to its domestic banks and bank holding companies.

"(b) PERSON OF A FOREIGN COUNTRY DEFINED.—A person of a foreign country is a person that—

"(1) is organized under the laws of that country;

"(2) has its principal place of business in that country;

"(3) in the case of an individual—

"(A) is a citizen of that country, or

"(B) is domiciled in that country; or

"(4) is directly or indirectly controlled by a person described in paragraph (1), (2), or (3).

"(c) NEGOTIATIONS REQUIRED.—

"(1) The Secretary of the Treasury shall initiate negotiations with any foreign country described in subparagraphs (A) and (B) of subsection (d)(1) to ensure that that country offers United States banks and bank holding companies the same competitive opportunities (including effective market access) as are available to its domestic banks and bank holding companies.

"(2) Paragraph (1) does not require the Secretary of the Treasury to initiate negotiations with a foreign country if the Secretary—

"(A) determines that such negotiations would be fruitless or would impair national economic interests; and

"(B) gives written notice of that determination to the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

"(d) ANNUAL REPORTS REQUIRED.—For each calendar year beginning on or after January 1, 1991, the Secretary of the Treasury shall, not later than May 1 of the following calendar year, submit to the Congress a report—

"(1) identifying each foreign country—

"(A) that, according to the most recent report submitted under section 3602 of the Omnibus Trade and Competitiveness Act of 1988, does not offer United States banks and bank holding companies the same competitive opportunities (including effective market access) as are available to its domestic banks and bank holding companies; and

"(B) with respect to which no written determination under subsection (a) is in effect;

"(2) explaining why the Secretary has not made, or has revoked, such a determination with respect to that country; and

"(3) describing the results of negotiations conducted pursuant to subsection (c)(1).".

SEC. 3. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR SECURITIES BROKERS AND DEALERS.

Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by adding at the end the following new paragraph:

"(11)(A) This paragraph shall apply with respect to a foreign country if the Secretary of the Treasury has published in the Federal Register (and has not revoked) a written determination that the foreign country does not offer United States brokers and dealers the same competitive opportunities (including effective market access) as are available to its domestic brokers and dealers.

"(B)(i) The Commission may—

"(I) deny any application for registration under this subsection filed by a person of a foreign country to which this paragraph applies; and

"(II) prohibit any person of that foreign country from acquiring control of a registered broker or dealer, irrespective of when the acquisition was initiated.

"(ii) No person of that foreign country, acting directly or indirectly, shall acquire control of any registered broker or dealer unless—

"(I) the Commission has been given notice 45 days in advance of the acquistion, in such form as the Commission shall prescribe by rule; and

"(II) the Commission has not prohibited the acquisition.

"(iii) The Commission may, by order, extend the notice period with respect to any

particular acquisition for not more than 60 days.

"(C) A person of a foreign country is a person that—

"(i) is organized under the laws of that country;

"(ii) has its principal place of business in that country;

'(iii) in the case of an individual—

"(I) is a citizen of that country, or

"(II) is domiciled in that country; or

"(iv) is directly or indirectly controlled by a person described in clause (i), (ii), or (iii).

"(D)(i) The Secretary of the Treasury shall initiate negotiations with any foreign country described in subclauses (I) and (II) of subparagraph (E)(i) to ensure that that country offers United States brokers and dealers the same competitive opportunities (including effective market access) as are available to its domestic brokers and dealers.

"(ii) Clause (i) does not require the Secretary of the Treasury to initiate negotiations with a foreign country if the Secretary—

"(I) determines that such negotiations would be fruitless or would impair national economic interests; and

"(II) gives written notice of that determination to the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Energy and Commerce of the House of Representatives.

"(E) For each calendar year beginning on or after January 1, 1991, the Secretary of the Treasury shall, not later than May 1 of the following calendar year, submit to the Congress a report—

"(i) identifying each foreign country—

"(I) that, according to the most recent report submitted under section 3602 of the Omnibus Trade and Competitiveness Act of 1988, does not offer United States brokers and dealers the same competitive opportunities (including effective market access) as are available to its domestic brokers and dealers; and

"(II) with respect to which no written determination under subparagraph (A) is in effect;

"(ii) explaining why the Secretary has not made, or has revoked, such a determination with respect to that country; and

"(iii) describing the results of negotiations conducted pursuant to subparagraph (D)(i)."

SEC. 4. CONFORMING AMENDMENTS SPECIFYING THAT NATIONAL TREATMENT INCLUDES EFFECTIVE MARKET ACCESS.

(a) QUADRENNIAL REPORTS ON FOREIGN TREATMENT OF UNITED STATES FINANCIAL INSTITUTIONS.—Section 3602 of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5352) is amended by adding at the end the following: "For purposes of this section, a foreign country denies national treatment to United States entities if it does not offer them the same competitive opportunities (including effective market access) as are available to its domestic entities.".

(b) NEGOTIATIONS TO PROMOTE FAIR TRADE IN FINANCIAL SERVICES.—Section 3603(a)(1) of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5353(a)(1) is amended by inserting "effective" after "banking organizations and securities companies have".

(c) PRIMARY DEALERS IN GOVERNMENT DEBT INSTRUMENTS.—Section 3502(b)(1) of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5342) is amended—

(1) by striking "does not accord to" and inserting "does not offer";

(2) by inserting "(including effective market access)" after "the same competitive opportunities in the underwriting and distribution of government debt instruments issued by such country"; and

(3) by striking "as such country accords to" and inserting "as are available to".

THE FAIR TRADE IN FINANCIAL SERVICES ACT OF 1990—SECTION-BY-SECTION ANALYSIS

SECTION 1: SHORT TITLE

This section designates this Act as the "Fair Trade in Financial Services Act of 1990."

SECTION 2: EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR BANKS AND BANK HOLDING COMPANIES

This section adds a new section 15 to the International Banking Act of 1978, establishing a framework of negotiations, reports, and discretionary sanctions designed to help end discrimination against U.S. banks and bank holding companies that operate or seek to operate abroad.

A. Discretionary Sanctions

1. Procedure

Subsection (a) of new section 15 authorizes certain sanctions against persons from countries that discriminate against U.S. banks and bank holding companies. The Secretary of the Treasury may open the way for such sanctions by publishing in the Federal Register a determination that a foreign country does not offer U.S. banks and bank holding companies the same competitive opportunities (including effective market access) as are available in that country to its domestic banks and bank holding companies. The Federal banking agencies may then deny applications and disapprove notices filed by persons of that country.

Subsection (a) applies to any application requiring the approval of a Federal banking agency, including an application to acquire shares of a bank or bank holding company; to effect a bank merger; to establish a branch, agency, or commercial lending company; to engage in a nonbanking activity; to establish an Edge Act or Agreement corporation; or to obtain Federal deposit insurance. Subsection (a) likewise applies to any notice that is subject to disapproval by a Federal banking agency, such as a notice under the Change in Bank Control Act.

2. National Treatment

The operative standard of subsection (a)—i.e., whether a foreign country "offers[s] United States banks and bank holding companies the same competitive opportunities (including effective market access) as are available to its domestic banks and bank holding companies"—is largely drawn from section 3502(b)(1) of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. § 5342(b)(1)), as well as section 601 of S. 1409 (reported by the Senate Banking Committee on June 23, 1987), sections 1501 and 1503 of the Senate amendment to H.R. 3 (adopted on July 21, 1987), and sections 909 and 910 of S. 1886 (passed by the Senate on March 30, 1988), all of the 100th Congress. The European Community's Second Banking Directive (adopted December 15, 1988) incorporated strikingly similar language. This section, in turn, draws on the Second Banking Directive for two improvements in phrasing: "accords to" in section 3502(b)(1) becomes "offers" in this section; and "as such country accords" becomes "as are available."

The reference to "effective market access" is intended to emphasize that national treatment must be de facto as well as de jure; mere equality in the letter of the law will not suffice. That is what section 3502(b) and the Senate antecedents cited above meant by "the same competitive opportunities."

The Senate Banking Committee originated that phrase to encapsulate the guiding principle of the International Banking Act of 1978: national treatment to ensure equality of competitive opportunity. The Committee used "national treatment" to encompass that concept, in keeping with the opening paragraph of the Treasury Department's original national treatment study, which stated that the International Banking Act's guiding principle was "to provide 'national treatment' for foreign banks, i.e., to accord foreign banks equality of competitive opportunity with their domestic counterparts in the U.S." Report to Congress on Foreign Government Treatment of U.S. Commercial Banking Organizations vii (1979). Indeed, "the same competitive opportunities" is itself a paraphrase of "equality of competitive opportunity." Thus the Committee, quoting from the Treasury's original study, described "national treatment" as follows:

"[N]ational treatment 'afford(s) foreign banks equality of competitive opportunity vis-a-vis domestic institutions in similar circumstances.' It 'entails a pragmatic impact- or effects-oriented test for assessing the overall legal and regulatory climate affecting foreign banks in a given country. The test is met if foreign banks are allowed to compete on essentially equal terms with domestic institutions in the host country, even if some specific regulations or requirements applied to foreign banks differ from those affecting domestic banks.' "

S. Rep. No. 85, 100th Cong., 1st Sess. 42 (1987).

The conference committee on the Omnibus Trade and Competitiveness Act of 1988 took the same approach in discussing section 3502(b): "In the Conferees' view, a country accords national treatment to U.S. companies only if it accords them the same competitive opportunities as it accords to its domestic companies. National treatment requires a pragmatic, effect-oriented test for assuring that the same competitive opportunities exist." H. Rep. No. 576, 100th Cong., 2d Sess. 855 (1988).

B. Person of a Foreign Country Defined

Subsection (b) broadly defines a person of a foreign country as any person that (1) is organized under the laws of that country; (2) has its principal place of business in that country; (3) if an individual, is a citizen of or is domiciled in that country; or (4) is directly or indirectly controlled by any of the foregoing.

C. Negotiations Required

Subsection (c) generally requires the Secretary of the Treasury to initiate negotiations with any foreign country if: (1) according to the Treasury Department's most recent national treatment study, that country does not offer U.S. banks and bank holding companies the same competitive opportunities (including effective market access) as are available to that country's domestic banks and bank holding companies; and (2) the Secretary has not made a determination under subsection (a) with respect to that country. The objective of the negotiations is to ensure that the foreign country offers such opportunities to U.S. banks and bank holding companies. However, the Secretary need not initiate such negotiations if he determines that they would be fruitless or would impair national economic interests,

and gives written notice of that determination to the chairman and ranking minority member of the Senate and House Banking Committees.

D. Annual Reports Required

Subsection (d) requires the Secretary of the Treasury to report to Congress each year (1) identifying each foreign country that, according to the most recent national treatment study, does not offer U.S. banks and bank holding companies the same competitive opportunities (including effective market access) as are available to that country's domestic banks and bank holding companies, and yet with respect to which no determination under subsection (a) is in effect; (2) explaining why the Secretary has not made (or has revoked) such a determination; and (3) describing the results of any negotiations conducted pursuant to subsection (c). Such a report is due by the May 1 following the year with which the report deals.

SECTION 3: EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR SECURITIES BROKERS AND DEALERS

This section adds a new paragraph (11) to section 15(b) of the Securities Exchange Act of 1934, creating a framework for securities brokers and dealers parallel to that for banks and bank holding companies under section 2. The objective is to help end discrimination against U.S. brokers and dealers that operate or seek to operate abroad.

A. Discretionary Sanctions

Under subparagraph (A) of new paragraph (11), the Secretary of the Treasury may open the way for sanctions against persons from such a country by publishing in the Federal Register a determination that that country does not offer U.S. brokers and dealers the same competitive opportunities (including effective market access) as are available in that country to its domestic brokers and dealers. (This standard—"the same competitive opportunities (including effective market access)"—is discussed above in connection with section 2.) The Securities and Exchange Commission may then deny applications for registration as a broker or dealer filed by a person of that country, and to prohibit any person of that country from acquiring control of a registered broker or dealer.

If the Secretary has published a determination under subparagraph (A) with respect to a given country, no person of that country may acquire control of any registered broker or dealer without giving the SEC at least 45 days notice of the proposed acquisition.

B. Person of a Foreign Country Defined

Subparagraph (B) broadly defines a person of a foreign country as any person that (1) is organized under the laws of that country; (2) has its principal place of business in that country; (3) if any individual, is domiciled in or a citizen of that country; or (4) is directly or indirectly controlled by any of the foregoing.

C. Negotiations Required

Subparagraph (C) generally requires the Secretary of the Treasury to initiate negotiations with any foreign country if: (1) according to the Treasury Department's most recent national treatment study, that country does not offer U.S. brokers and dealers the same competitive opportunities (including effective market access) as are available to that country's domestic brokers and dealers; and (2) the Secretary has not made a determination under subparagraph (A) with respect to that country. The objective of the negotiations is to ensure that the foreign country offers such opportunities to U.S. brokers and dealers. However, the Secretary need not initiate such negotiations if he determines that they would be fruitless or would impair national economic interests, and gives written notice of that determination to the chairman and ranking minority member of the Senate Banking Committee and the House Energy and Commerce Committee.

D. Annual Reports Required

Subparagraph (D) requires the Secretary of the Treasury to report to Congress each year (1) identifying each foreign country that, according to the most recent national treatment study, does not offer U.S. brokers and dealers the same competitive opportunities (including effective market access) as are available to that country's domestic brokers and dealers, and yet with respect to which no determination under subparagraph (A) is in effect; (2) explaining why the Secretary has not made (or has revoked) such a determination; and (3) describing the results of any negotiations conducted pursuant to subparagraph (C). Such a report is due by the May 1 following the year with which the report deals.

SECTION 4: CONFORMING AMENDMENTS SPECIFYING THAT NATIONAL TREATMENT INCLUDES EFFECTIVE MARKET ACCESS

This section makes conforming amendments to three sections of current law.

A. Quadrennial Reports on Foreign Treatment of United States Financial Institutions

Section 3602 of the Omnibus Trade and Competitiveness Act of 1988 requires the Secretary of the Treasury to report at least every four years on, *inter alia*, the extent to which foreign countries deny national treatment to U.S. banking and securities organizations. 22 U.S.C. § 5352. Subsection (a) adds a definition of national treatment consistent with that adopted in sections 2 and 3 of the bill: "a foreign country denies national treatment to United States entities if it does not offer them the same competitive opportunities (including effective market access) as are available to its domestic entities."

B. Negotiations to Provide Fair Trade in Financial Services

Section 3603(a)(1) of the Omnibus Trade and Competitiveness Act of 1988 directs the President or his designee to conduct discussions with foreign governments aimed at "ensuring that United States banking organizations and securities companies have access to foreign markets and receive national treatment in those markets." Id. § 5353(a)(1). For consistency with sections 2 and 3 of the bill, subsection (b) specifies that access must be "effective."

C. Primary Dealers in Government Debt Instruments

Section 3502(b)(1) of the Omnibus Trade and Competitiveness Act of 1988 generally prohibits the Federal Reserve System from designating as a primary dealer in U.S. Government securities (or continuing any existing designation of) any person of a foreign country that "does not accord to United States companies the same competitive opportunities in the underwriting and distribution of government debt securities issued by such country as such country accords to domestic companies of such country." *Id.* § 5342(b)(1). For consistency with sections 2 and 3 of the bill, subsection (c) specifies that "the same competitive opportunities" include "effective market access." As noted above in connection with section 2, this makes explicit in legislative language the original intent of section 3502(b)(1).

In addition, subsection (c) makes two improvements in phrasing drawn from the European Community's Second Banking Directive: "accords to" becomes "offers"; and "as such country accords" becomes "as are available."

Subsection (c) affects only the definition of national treatment; it does not alter existing law—including the exemptions from and exceptions to section 3502(b)(1)—in any other respect.

Mr. GARN. Mr. President, today I join Senator RIEGLE in introducing the Fair Trade in Financial Services Act. This legislation is intended to give the Treasury negotiating leverage to open up markets for U.S. financial services companies where they are now being denied national treatment, or equal market access.

Beginning with my participation in passage of the International Banking Act of 1978, I have been a strong proponent of the national treatment standard both as U.S. financial policy and as the international standard to be pursued in negotiations for foreign market access. This notion of equal treatment under domestic law promises fair treatment for all sides, without challenging the right of governments to establish the regulatory framework they judge appropriate within their own borders. It is also important to note that national treatment is not only a U.S. standard but is an internationally recognized standard for cross-border transactions in the GATT. Moreover, it is adopted in the Second Banking Directive of the European Community.

While national treatment is a widely recognized standard, this bill provides a useful elaboration of its meaning by including within its definition "effective market access." This addition emphasizes that equal treatment must occur in practice as well as in statute. There are many examples in the world today of foreign governments that impose no legal bar to market access but still limit foreign participation in their markets by less formal means.

I believe this is a vitally important issue for U.S. competitiveness in world markets. As I indicated when the Banking Committee considered national treatment legislation during the trade bill debate in 1987, financial services is an area in which the United States has competitive institutions and the best products. There is no reason that we cannot compete successfully in foreign markets unless limited by unfair restrictions.

I have delivered this message repeatedly to governments around the world—to the Japanese, the Taiwanese, the South Koreans, and others—with little to show for it. I have warned time and again that unless markets are liberalized, Congress will

pass tougher legislation to deal with market access. I believe the time has come to take action.

We are not closing our markets with this bill. But we are putting others on notice that we will not wait forever to receive fair play.

Mr. D'AMATO. Mr. President, I am pleased to be an original cosponsor of legislation introduced today by our distinguished chairman of the Banking Committee, Senator RIEGLE and the distinguished ranking Republican on the committee, Senator GARN. The Fair Trade in Financial Services Act of 1990 strikes a responsive chord with this Senator because it concerns two areas with which I have long been concerned: Free and fair trade and the competitiveness of America's financial services industry.

Free trade is a time-honored tradition in America and a cornerstone of the free enterprise, capitalist economic system. For the past 6 years the Bush administration and the Reagan administration have negotiated myriad difficult issues with our trading partners, the Japanese, over the simple concept of free trade. United States markets are open to Japanese competition and for many years we have sought to make open market access a reality in Japan. Mr. President, we remain far from that reality.

I support this legislation and commend my colleagues for introducing this bill. Its necessity is clear based on the situation described by Treasury Under Secretary Mulford. He describes a familiar situation in trade talks with Japan. As in other areas of trade in both goods and services, Secretary Mulford has found that Japanese barriers to free trade in financial services consist of not just laws and regulations, but also traditional practices and opaque informal barriers to full access. Mr. President, I ask unanimous consent to include the full text of Mr. Mulford's article in the Financial Times at the conclusion of my remarks.

This legislation will not, by itself, solve any of the knotty and seemingly intractable problems of structural and cultural impediments that plague United States efforts to penetrate Japanese markets; but it is a step in the right direction. And it is aimed at facilitating free competition for United States firms in an industry which is crucial to the economic success of both the United States and Japan: financial services.

It requires no prescience to know that Japanese firms have penetrated American markets in financial services products. Names like Nomoura, Fuji, and Daiwa are familiar to any student of our domestic financial services industry. By their large and growing presence in key financial centers like New York, Los Angeles, and Chicago these foreign giants are clear proof of the globalization of financial markets. By their entry into this market, Japanese institutions have heightened the competition and lowered the profit margins of the banking and securities industries.

To this I say: more power to them; for more competition means better service at lower prices to the American consumer. That is why we encourage free access to American markets from foreign competitions. Financial services is a major industry in my State of New York. Firms in that industry and the American consumers, not to mention the American economy, thrive on the basis of strong and fair competition.

The Japanese consumer deserves the same benefit. American firms seeking entry into Japanese markets deserve the same opportunity to compete for Japanese business whether they seek to make deposits, make loans, or underwrite securities offerings. America seeks only a free-flowing two-way street.

This legislation gives the administration additional and needed leverage to help the Japanese Ministry of Finance see the full benefits of real competition. It recognizes the practical difficulties which foreigners seeking to do business in Japan face in every industry. It grants additional authority to Treasury and to banking regulators to condition continued access to American financial services markets upon the actual, tangible realization of full access to Japanese markets for United States firms. It will help us to realize the elusive goal of free trade and the consumer benefit that inevitably results from hard fair competition. With this legislation, we offer further encouragement to the Treasury Department to continue its difficult and frustrating task of bringing about real globalization of the financial services industry and competitive consumer benefit to the people of Japan.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEEDED: BOLDER STEPS TOWARD FREER ACCESS

(By David Mulford)

Six years of yen-dollar talks between the US Treasury and the Japanese Ministry of Finance have produced a long and impressive record of accomplishments. Nonetheless, a realistic assessment after the latest round of talks must conclude that the fundamental problems of over-regulation in Japan and access to the Japanese market by foreign financial institutions are a long way from resolution.

The two sides originally aimed to internationalise the yen and to open up and "democratise" Japan's financial markets. It was believed that this would contribute to a stronger international financial system. With the focus now on correcting current account imbalances, these objectives have become even more important.

When negotiations began, the Japanese capital markets were heavily regulated. Interest rates were largely fixed; short-term money markets were in their infancy; there was little access for foreigners to the domestic government bond market. Nor were there any foreign members of the Tokyo stock exchange or foreign trust banks. The Euroyen market was embryonic.

Today, about half of all bank deposits have been deregulated and largely reflect market interest rates. The Bank of Japan has taken an important step toward liberalising the money market. New short-term money market instruments have been introduced. A partial auction system in the government bond market has reduced the role of the traditional Japanese syndicate. Foreign firms have been admitted to the Tokyo stock exchange and entered the trust banking business. In the Euro-markets, the volume of yen offerings has grown 17-fold.

The Ministry of Finance is to be commended on this progress, but Japanese officials who suggest that the financial liberalisation process in Japan is largely complete are wrong. The standard of judgment must be not the relative one of how many changes have been made in the old system, but the absolute one of how close Japan is to a truly market-based financial system—one that operates on the same principles of efficiency, transparency, objectivity and competition which distinguish other great financial centres.

The reforms so far are a start, but they have not changed substantially the way financial market business is conducted in Japan. Basic deregulation, sweeping change, or bold challenges to the way the existing system benefits traditional Japanese financial institutions are hard to find.

The reforms adopted in Japan can be viewed more clearly when seen against the pace of liberalisation in the rest of the world. New York and London have become increasingly efficient and sophisticated financial markets. Japan lags behind.

Full deregulation is what is needed. For example, the remaining interest rate restrictions should be removed. This would greatly reduce the cost-of-capital advantage Japanese banks enjoy over foreign financial institutions. Moreover, competitive rates would add about 1 per cent of Japanese GNP to the personal income of depositors, thereby increasing consumption and imports.

Slow progress in the Japanese money markets has also been disappointing. Reforms have not produced a full range of short-term money market instruments unencumbered by artificial barriers, nuisance taxes and other regulatory intervention. Furthermore, the absence of an efficient, liquid money market in Japan has discouraged greater use of the yen internationally. Despite the progress made in the Euroyen bond market, the yen still commands little interest as an international currency. Ninety per cent of Japan's imports and 65 per cent of its exports are still denominated in non-yen currencies.

The chief brakes on further progress are the laws, regulations, and practices which prohibit Japanese investors from gaining access to foreign markets and impede the entry of innovative foreign products, and services to the Japanese market. This is regrettable, because it is innovation that makes capital markets dynamic and efficient. For example, the Chicago Mercantile Exchange has been delayed in obtaining Japanese approval for its Globex electronic trading system.

It is particularly disheartening to see foreign banks and securities firms blocked

from offering internationally proven services and products in Japan. In the growing market for pension funds and mutual fund management, foreign firms are severely limited in their ability to provide services in which they have established and respected positions.

Formal legal frameworks apart, foreign firms are also frustrated by opaque informal practices. It is to the benefit of all Japanese financial market players that decisions be made in a transparent way.

Taken together, these statutory restrictions and regulatory practices continue to be a firm barrier to full access for foreign firms to the Japanese financial services industry. The situation invites Congressional action and risks exhausting the US Treasury's patience with the slow evolution of the past six years.

Open and efficient financial markets are central to an effective international monetary system, to world economic growth and to the adjustment of the world's large external imbalances. The failure by Japan to provide full access to its markets is particularly serious given Japan's current financial and economic position in the world. The US calls on its Japanese friends to accelerate their deregulation efforts in 1990 and to resolve the remaining issues fundamental to real reform.

By Mr. GRAMM (by request for himself and Mr. DOLE):

S. 2029. A bill to amend the Higher Education Act of 1965, to reduce student loan defaults, to achieve greater accountability in Federal student assistance programs, to minimize the potential for waste, fraud, and abuse, and for other purposes; to the Committee on Labor and Human Resources.

STUDENT LOAN DEFAULT REDUCTION AMENDMENTS OF 1990

Mr. GRAMM. Mr. President, today I am introducing the Student Loan Default Reduction Amendments of 1990. The legislation has been developed with Secretary of Education Lauro Cavazos and seeks to curb the rising defaults on Government-insured student loans. The high and increasing costs of student loan defaults is a major problem facing higher education today.

Default costs under the Guaranteed Student Loan [GSL] program are at an all-time high. They increased almost eight-fold since fiscal year 1981 from $235 million to $1.84 billion in fiscal year 1989. These costs constitute 37 percent of the program obligations, and rank fourth in the expenditures of the Department of Education for fiscal year 1989.

Although the Department of Education has increased collections on defaulted loans from $65 million fiscal year 1981 to $630 million in fiscal year 1989, we currently have $6.37 billion of defaulted loans outstanding. Clearly, the failure of past students to repay their loans is straining our ability to make loans to current and future students.

Enactment of the proposals contained in this legislation would be a major step toward ensuring the integrity of the student loan program. It is my intent to ensure that all eligible students receive the help they need to gain a high quality education and that they fulfill the financial obligations they incurred to pay for that education so that help also will be available to the next generation of students when they, too, need it most.

I encourage my colleagues to review this proposal and work to ensure its swift enactment. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Loan Default Reduction Amendments of 1990".

SEC. 2. GRADUATED REPAYMENT.

(a) TERMS OF FEDERALLY INSURED STUDENT LOANS.—Section 427(a)(2) of the Higher Education Act 1965 (hereinafter referred to as "the Act") is amended—

(1) in subparagraph (G), by striking out the "and" at the end thereof;

(2) by redesignating subparagraph (H) as subparagraph (I); and

(3) by inserting immediately following subparagraph (G) the following new subparagraph:

"(H) provides that, not more than 6 months prior to the date on which the student borrower's first payment on a loan is due, the lender shall offer the student borrower the option of repaying the loan in accordance with a graduated repayment schedule, provided that such schedule does not result in negative amortization of the loan, provides for the repayment of only accrued interest during the first 12 months of repayment, and that, after the fourth year of repayment, requires the borrower to resume repayment on an equal installment basis in an amount sufficient to satisfy the requirements of subparagraph (B); and".

(b) REQUIREMENTS OF INSURANCE PROGRAM.—Section 428(b)(1)(E) of the Act is amended to read as follows:

"(E) subject to subparagraphs (D) and (L), and except as provided by subparagraph (M), provides that—

"(i) not more than 6 months prior to the date on which the student borrower's first payment on a loan is due, the lender shall offer the student borrower of a loan made, insured, or guaranteed under this section or section 428A the option of repaying the loan in accordance with a graduated repayment schedule, provided that such schedule does not result in negative amortization of the loan, provides for the repayment of only accrued interest during the first 12 months of repayment, and that, after the fourth year repayment, requires the borrower to resume repayment on an equal installment basis in an amount sufficient to satisfy the requirements of clause (ii), and

"(ii) repayment of loans shall in installments over a period of not less than 5 years (unless the student, during the 6 months immediately preceding the start of the repayment period, specifically requests that repayment be made over a shorter period) nor more than 10 years, beginning 6 months after the month in which the student ceases to carry at least one-half the normal full-time academic workload as determined by the institution;".

SEC. 3. RESTRICTIONS ON INSTITUTIONAL PROMOTIONAL ACTIVITIES.

Section 487(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(11) The institution does not—

"(A) use any contractor or any person, other than a salaried employee of the institution or a volunteer, to conduct any student recruiting or admission activities or to make decisions regarding the award of student financial assistance; or

"(B) pay any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments to any persons engaged in any such activity.".

SEC. 4. WAGE GARNISHMENT.

(a) Section 428E of the Act is amended to read as follows:

"WAGE GARNISHMENT REQUIREMENTS

"SEC. 428E. (a) GARNISHMENT REQUIREMENTS.—Notwithstanding any provision of State law, a guaranty agency may garnish the disposable pay of an individual to collect the amount owed by the individual, if he or she is not currently making required repayments under a repayment agreement with the guaranty agency, on a loan made, insured or guaranteed under this part on which the agency received reimbursement from the Secretary under section 428(c), provided that—

"(1) the amount deducted for any pay period may not exceed 10 percent of disposable pay, except that a greater percentage may be deducted upon the written consent of the individual involved;

"(2) the individual shall receive a minimum of 30 days written notice from the agency, informing such individual of the nature and amount of the loan obligation to be collected, the intention of the agency to initiate proceedings to collect the debt through deductions from pay, and an explanation of the rights of the individual under this section;

"(3) the individual shall be provided an opportunity to inspect and copy records relating to the debt;

"(4) the individual shall be provided an opportunity to enter into a written agreement with the agency, under terms agreeable to the head of the agency or his designee, to establish a schedule for the repayment of the debt;

"(5) the individual shall be provided an opportunity for a hearing in accordance with subsection (b) on the determination of the agency concerning the existence or the amount of the debt, and in the case of an individual whose repayment schedule is established other than by a written agreement pursuant to paragraph (4), concerning the terms of the repayment schedule;

"(6) the employer shall be liable for, and the agency may sue the employer in a State or Federal court of competent jurisdiction to recover, any amount which such employer fails to withhold from wages due an employee following receipt by such employer of notice of the withholding order, plus attorneys' fees, costs and, in the court's discretion, punitive damages, but such employer shall not be required to vary the normal pay and disbursement cycles in order to comply with this paragraph; and

"(7) an employer may not discharge from employment, refuse to employ, or take disciplinary action against an individual subject

to wage withholding in accordance with this section by reason of the fact that the individual's wages have been subject to garnishment under this section, and such individual may sue in a State or Federal court of competent jurisdiction any employer who takes such action. The court shall award attorneys' fees to the employee and, in its discretion, may order reinstatement of the individual, award punitive damages and back pay to the employee, or order such other remedy as may be reasonably necessary.

"(b) HEARING REQUIREMENTS.—A hearing described in subsection (a)(5) shall be provided prior to issuance of a garnishment order if the individual, on or before the 15th day following receipt of the notice described in subsection (a)(2), and in accordance with such procedures as the head of the agency may prescribe, files a petition requesting such a hearing. If the individual does not file a petition requesting a hearing prior to such date, the agency shall provide the individual a hearing under subsection (a)(5), but such hearing need not be provided prior to issuance of a garnishment order. A hearing under subsection (a)(5) may not be conducted by an individual under the supervision or control of the head of the agency, except that nothing in this sentence shall be construed to prohibit the appointment of an administrative law judge. The hearing official shall issue a final decision at the earliest practicable date, but not later than 60 days after the filing of the petition requesting the hearing.

"(c) NOTICE REQUIREMENTS.—The notice to the employer of the withholding order shall contain only such information as may be necessary for the employer to comply with the withholding order.

"(d) DEFINITION.—For the purpose of this section, the term 'disposable pay' means that part of pay of any individual remaining after the deduction of any amounts required by law to be withheld.".

(b) SECRETARY'S EQUITABLE SHARE.—Section 428(c)(6) of the Act is amended—

(1) in subparagraph (A)(ii), by striking out "(subject to subparagraph (D) of this paragraph)"; and

(2) by striking out subparagraph (D).

SEC. 5. EMERGENCY ACTIONS.

(a) LEGAL POWERS AND RESPONSIBILITIES.—Section 432 of the Act is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting immediately following subsection (h) the following new subsection:

"(i) AUTHORITY OF THE SECRETARY TO TAKE EMERGENCY ACTIONS AGAINST LENDERS.—(1) If the Secretary—

"(A) receives information, determined by the Secretary to be reliable, that the lender is violating any provision of this title, any regulation prescribed under this title, or any applicable special arrangement, agreement, or limitation;

"(B) determines that immediate action is necessary to prevent misuse of Federal funds; and

"(C) determines that the likelihood of loss outweighs the importance of following the limitation, suspension, or termination procedures authorized in subsection (h),

the Secretary shall, effective on the date on which notice of the action is mailed to the lender, take emergency action to stop the issuance of guarantee commitments and the payment of interest benefits and special allowance to a lender.

"(2) An emergency action under this subsection may not exceed 30 days unless a limitation, suspension, or termination proceeding is begun against the lender under subsection (h) before the expiration of that period.

"(3) The Secretary shall provide the lender, if such lender so requests, an opportunity to show cause that the emergency action is unwarranted.".

(b) PROGRAM PARTICIPATION AGREEMENTS.—Section 487(c)(1) of the Act is amended—

(1) in subparagraph (C), by striking out "and" at the end thereof;

(2) in subparagraph (D), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(E) an emergency action against an institution, under which the Secretary shall, effective on the date on which notice of the action is mailed to the institution, withhold funds from the institution or its students and withdraw the institution's authority to obligate funds under any program under this title, if the Secretary—

"(i) receives information, determined by the Secretary to be reliable, that the institution is violating any provision of this title, any regulation prescribed under this title, or any applicable special arrangement, agreement, or limitation,

"(ii) determines that immediate action is necessary to prevent misuse of Federal funds, and

"(iii) determines that the likelihood of loss outweighs the importance of the procedures prescribed under subparagraph (D) for limitation, suspension, or termination, except that an emergency action shall not exceed 30 days unless limitation, suspension, or termination proceedings are initiated by the Secretary against the institution within that period of time, and except that the Secretary shall provide the institution an opportunity to show cause, if such institution so requests, that the emergency action is unwarranted.".

SEC. 6. ABILITY TO BENEFIT.

(a) IN GENERAL.—Section 484(d) of the Act is amended to read as follows:

"(d) ABILITY TO BENEFIT.—(1) In order for a student who is admitted on the basis of the ability to benefit from the education or training offered to be eligible for any grant, loan, or work assistance under this title, the student shall, prior to enrollment, pass a test developed, administered, and graded by one or more independent organizations in accordance with paragraph (3).

"(2) For purposes of paragraph (1), independent organizations may include, but are not limited to, State agencies and private national or regional organizations, except that an organization that includes one or more institutions of higher education or vocational schools, or their officers or owners, as members shall not be eligible. An organization is eligible to develop, administer, and grade tests for purposes of this section only upon a determination by the Secretary that the organization is independent of the institutions that would be using such tests to determine the ability of their prospective students to benefit from the education or training offered by the institution.

"(3)(A) Any test developed for purposes of this subsection shall measure the student's ability to complete successfully the course of study for which the student has applied for admission. More than one test may be developed for purposes of this subsection in order to measure appropriately a student's ability to complete a particular type of educational program.

"(B)(i) The appropriate accrediting agency shall establish the passing score on any test developed in accordance with subparagraph (A) for any educational program for which the test is used.

"(ii) Notwithstanding clause (i), if the Secretary determines that students who achieved passing scores on any test developed for purposes of this subsection are not achieving substantially the same graduation, job placement, or State licensing examination pass rates as students attending the same institutions who received their high school diplomas (or its recognized equivalent) prior to admission to such institutions, the Secretary is authorized to—

"(I) establish a different passing score, or require a different accrediting agency to establish the passing score on such tests;

"(II) consider this information in reevaluating the recognition by the Secretary of the agency that established the passing score as reliable authority as to the quality of training offered by the institutions it accredits; and

"(III) require that a different test, developed by another independent organization, be administered to students seeking admission at that institution.

"(4) Notwithstanding paragraph (1), a student who is enrolled in an elementary or a secondary school shall not be eligible for assistance under this title.".

(b) DEFINITION.—Section 481(b) of the Act is amended in the fourth sentence by striking out "shall not promulgate regulations defining the admissions procedures or remediation programs that must be used by an institution in admitting students on the basis of their ability to benefit from the training offered and".

(c) PROGRAM PARTICIPATION AGREEMENTS.—Section 487(a) of the Act (as amended by section 3) is further amended by adding at the end thereof the following new paragraph:

"(12) In the case of an institution that admits students on the basis of ability to benefit from the training offered, the institution shall provide the Secretary with the information necessary for the Secretary to make the determination described in section 484(d)(3)(B)(ii).".

SEC. 7. EFFECT OF LOSS OF ACCREDITATION.

(a) DEFINITIONS FOR STUDENT LOAN INSURANCE PROGRAM.—Section 435 of the Act is amended—

(1) in subsection (a)(1), by striking out "The term" and inserting in lieu thereof "Subject to subsection (m), the term"; and

(2) by adding at the end thereof the following new subsection:

"(m) IMPACT OF LOSS OF ACCREDITATION.—(1) Except as provided in paragraph (2), an institution shall not be considered to be an eligible institution under subsection (a) if such institution has—

"(A) had its accreditation withdrawn, revoked, or otherwise terminated for cause during the preceding 24 months by a nationally recognized accrediting agency listed by the Secretary in accordance with section 1201(a); or

"(B) withdrawn from accreditation voluntarily under a show cause or suspension order during the preceding 24 months.

"(2) Paragraph (1) shall not apply to an institution if its accreditation has been restored by the same accrediting agency that had accredited it prior to the withdrawal, renovation or termination.".

(b) GENERAL DEFINITIONS.—Section 481 of the Act is further amended—

(1) in subsection (a)(1), by striking "For the purpose" and inserting in lieu thereof "Subject to subsection (e), for the purpose"; and

(2) by adding at the end thereof the following new subsection:

"(e) IMPACT OF LOSS OF ACCREDITATION.—(1) Except as provided in paragraph (2), an institution shall not be considered to be an eligible institution under subsection (a) if such institution has—

"(A) had its accreditation withdrawn, revoked, or otherwise terminated for cause during the preceding 24 months by a nationally recognized accrediting agency listed by the Secretary in accordance with section 1201(a); or

"(B) withdrawn from accreditation voluntarily under a show cause or suspension order during the preceding 24 months.

"(2) Paragraph (1) shall not apply to an institution if its accreditation has been restored by the same accrediting agency that had accredited the institution prior to the withdrawal, revocation or termination.".

SEC. 8. TUITION REFUNDS.

(a) PROGRAM PARTICIPATION AGREEMENTS.—Section 487(a) of the Act (as amended by section 6) is further amended by adding at the end thereof the following new paragraph:

"(13)(A)(i) The institution will have a fair and equitable refund policy under which the institution will make a refund of unearned tuition, fees, room and board and other charges to a student who received a grant, a loan, or work assistance under this title, or whose parent received a loan made under section 428B on behalf of the student, if the student—

"(I) does not register for the period of attendance for which the assistance was intended; or

"(II) withdraws or otherwise fails to complete the period of enrollment for which the assistance was provided.

"(ii) The institution will provide a written statement containing its refund policy, together with examples of the application of this policy, to a prospective student prior to the student's enrollment, and will make its refund policy known to currently enrolled students. The institution will include in its statement the procedures that a student must follow to obtain a refund, but the institution will, in accordance with regulations, pay to the lender the portion of a refund allocable to the student's loans made, insured, or guaranteed under section 427, 428, 428A, or 428B, and return the portion of refund allocable to another program under title IV of the Act to that program, whether or not the student follows those procedures. If the institution changes its refund policy, it will ensure that all students are made aware of the new policy.

"(B) The institution's refund policy will be considered to be fair and equitable for purposes of this paragraph if—

"(i) that policy provides for a refund in an amount of at least the larger of the amount provided under—

"(I) the requirements of applicable State law;

"(II) the specific refund standards established by the institution's nationally recognized accrediting agency and approved by the Secretary; or

"(III) if no such standards exist, the specific refund policy standards established by the Secretary in regulations, or the refund policy standards set by another association of institutions of postsecondary education and approved by the Secretary; and

"(ii) within 60 days after the institution's receipt of notice from the Secretary that its fiscal year default rate, as defined by the Secretary in regulations, exceeded 30 percent for any fiscal year after 1986, and continuing until the Secretary notifies the institution that its rate was equal to or less than 30 percent for a subsequent fiscal year, the institution's policy conforms with the pro rata refund calculation described in subparagraph (C), or the requirements of subparagraph (B)(i), whichever results in the larger refund amount, except that this clause will not apply to the institution's refund policy for any student whose withdrawal date is after the earlier of—

"(I) the halfway point (in time) for the student's program of study.

"(II) six months after commencement of the student's program of study.

"(C)(i) As used in this paragraph, the term 'pro rata refund' means a refund by the institution of not less than that portion of the tuition, fees, room and board, and other charges assessed the student by the institution equal to the portion of the period of enrollment for which the student has been charged that remains on the last recorded day of attendance by the student, rounded downward to the nearest 10 percent of that period, less any unpaid charges owed by the student for the period of enrollment for which the student has been charged, plus—

"(I) a reasonable administrative fee not to exceed the lesser of 5 percent of the tuition, fees, room and board, and other charges assessed the student, or $100; and

"(II) charges authorized by clause (iii).

"(ii) For purposes of clause (i), 'the portion of the period of enrollment for which the student has been charged that remains, is determined—

"(I) in the case of a program that is measured in credit hours, by dividing the total number of weeks comprising the period of enrollment for which the student has been charged into the number of weeks remaining in that period as of the last recorded day of attendance by the student;

"(II) in the case of a program that is measured in clock hours, by dividing the total clock hours comprising the period of enrollment for which the student has been charged into the number of clock hours remaining to be completed by the student in that period as of the last recorded day of attendance by the student; and

"(III) in the case of a correspondence program, by dividing the total number of lessons comprising the period of enrollment for which the student has been charged into the total number of such lessons not submitted by the student.

"(iii) An institution may require that the equipment issued to the student by the institution that the institution would reissue to another student be returned by a student once the institution determines that the borrower has withdrawn, if the institution makes a written request for that return that is received by the student within 10 days of that determination. If the institution notified the student in writing prior to enrollment that return of the specific equipment involved would be required if the student withdrew, the institution may deduct from the refund owed under this paragraph the documented cost to the institution of that equipment if the student fails to return it within 10 days of the date of the student's receipt of the request from the institution. However, the institution may not delay its payment, in accordance with regulations, of a refund to a lender by reason of this process.".

(b) INFORMATION DISSEMINATION ACTIVITIES.—Section 485(a)(1)(F) of the Act is amended by inserting a comma and "in accordance with section 487(a)(13)," immediately following "institution".

SEC. 9. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by section 2 shall be effective for a loan made, insured, or guaranteed under part B of title IV of the Act, whenever made, for which the student borrower's first payment on such loan is due on or after six months after the date of enactment of this Act.

(b) SECTIONS 3 AND 8.—The amendments made by sections 3 and 8 shall be effective 90 days after the date of enactment of this Act.

(c) SECTIONS 4, 5, AND 7.—The amendments made by sections 4, 5, and 7 shall be effective upon enactment of this Act.

(d) SECTION 6.—The amendments made by section 6 shall be effective for grant, loan, or work assistance awarded for periods of enrollment beginning on or after July 1, 1990.

Mr. DOLE. Mr. President, I am pleased to join in introducing the administration's student loan default reduction initiative. This measure builds on the strong antidefault provisions included in last year's budget reconciliation bill and on the effective, responsible default regulations issued by the Department of Education last summer.

The by-now familiar statistics on student loan defaults still shock. In recent years, student loan default costs borne by the Department of Education have amounted to well over $1 billion annually, making repayment of these defaulted loans in effect the third largest program within the Department. Default costs in fiscal year 1989 alone approached $2 billion.

The alarming cost of student loan defaults threatens to undermine public support for our vital student loan programs. We owe it to the taxpayers to restore the fiscal integrity of Federal student loan programs, and we owe it to all the deserving students who depend on these programs to help meet the high cost of postsecondary education.

The bill proposed by the administration attacks the default problem by authorizing guarantee agencies to garnish defaulters' wages, prohibiting schools from employing commissioned sales representatives for recruiting and admitting activities, and requiring lenders to provide graduated repayment options to student borrowers. In addition, the measure requires schools with default rates over 30 percent to issue pro rata tuition refunds to Federal student aid recipients who drop out early and requires students admitted under the "ability-to-benefit" criterion to pass a test, prior to enrollment, designed and administered by an independent organization.

In closing, Mr. President, I want to commend the Department of Educa-

tion for developing this legislation and my colleague from Texas for introducing it. I hope other Members will lend their support to this measure and work for its passage.

By Mr. KOHL:

S. 2030. A bill to protect the privacy of telephone users by amending title 18, United States Code; to the Committee on the Judiciary.

TELEPHONE PRIVACY ACT

● Mr. KOHL. Mr. President, a new technology is sweeping the country and changing the way we use the telephone. It is known as Caller ID, and it lets a person see the number of who's calling before picking up the receiver. Caller ID is already in place in New Jersey and parts of Florida, Vermont, Ohio, New York, Virginia, and Maryland. In these areas, customers can buy the service by purchasing a $50 device and paying their phone company about $7 a month. The device records the numbers of callers and displays any incoming number while the phone is ringing.

Caller ID is a welcome development. By supplementing the answering machine, this innovation will help us screen our calls and enhance our privacy. Indeed, when Caller ID arrives in my cities—Milwaukee and Washington—I am going to be one of the first to sign up. It will be great to know who's calling, or at least to know that the caller might be someone I do not know.

But I am afraid there is a downside to Caller ID. While it will increase our privacy as call recipients, it will diminish our privacy as callers. The Caller ID device displays listed and unlisted numbers alike. This means that people with unlisted phones are forced to divulge their numbers every time they contact someone who has Caller ID. Furthermore, a person with Caller ID can take the caller's phone number and find out where the caller lives by using a name and number service or reverse telephone directory.

Is this so terrible? At first blush, Caller ID does not appear to invade privacy because it is the caller, after all, who decides to place the call in the first place. If we look a little closer, however, we can see that a privacy balance must be struck.

THE PROBLEM: FORCED DISCLOSURE

There are a variety of situations where callers need and deserve to keep their phone numbers to themselves. Put another way, there are instances in which unrestricted Caller ID can end up being a nuisance and perhaps even a danger. Let me suggest a few examples:

A consumer calls a business establishment to inquire about a product. Although the consumer does not volunteer his name, the business uses Caller ID to find out his identity. The enterprise then makes unsolicited sales pitches to that consumer.

A woman in a battered women's shelter calls home to check on her family. With Caller ID, the abusing husband learns the phone number and address of the shelter, jeopardizing the safety of the woman and her counselors.

A teacher calls an unruly student's parents at night. The student acquires the teacher's home phone number and retaliates with harassing calls.

A professional, such as a physician or lawyer, calls a patient or client from an unlisted home phone. Using Caller ID, the patient or client obtains this home number, whether or not the professional wished to disclose it.

Fearing that her identity will be revealed by the Caller ID mechanism, a tipster decides not to call the authorities, and a crime is not reported.

A troubled person avoids calling a crisis hotline because he thinks he will lose his anonymity.

An undercover narcotics officer phones a drug dealer from the precinct station to arrange a buy. The target recognizes where the call came from. As a result, the drug dealer scuttles the sale—or, worse, kills the undercover agent.

These examples show that callers sometimes have an important privacy interest. At bottom, we are talking about choice. Who decides whether the caller will reveal his or her number? I think the decision must rest with the caller.

For this reason, I am today introducing the Telephone Privacy Act of 1990. My bill would require phone companies that sell Caller ID to give callers the option of blocking the display of their phone numbers. Emergency calls to 911 would not be blocked, so police could continue to pinpoint the location of those in need. The measure balances the privacy interests of callers and call recipients.

THE SOLUTION: VOLUNTARY BLOCKING

Blocking allows a caller to prevent the recipient from seeing the originating number. Technologically, blocking can be made available on a per-call basis—in which the caller dials two or three digits before placing the call—or on a subscription basis—in which all calls from a particular phone are blocked for a certain period of time. If a caller decides to block, the recipient sees "Private" flash on the Caller ID device. When that happens, the recipient can ignore the call, screen it with an answering machine, or pick up the phone knowing that the caller—for whatever reason—wished to withhold her number.

The blocking option gives the caller more privacy, but the recipient nevertheless obtains more information than is available at present. And the recipient always retains the right not to answer. By way of analogy, a homeowner can refuse to open the front door when a visitor covers the peephole with a finger.

Because blocking protects personal privacy, it has won the endorsement of law enforcement groups, civil liberties organizations, consumer advocates, and counseling associations. In addition, some of the leading phone companies back blocking. The Pacific Telesis Group, for example, long ago recognized the privacy concern and decided that it would offer blocking when Caller ID comes to California in 1991. The California Legislature has also required blocking by law. Similarly, Dr. Bonnie Guiton, President Bush's Special Adviser for Consumer Affairs, has endorsed the idea of blocking. In a statement released just today, she stated,

> If residential consumers can be offered a blocking mechanism in conjunction with Caller ID, they will be able to take back some of the privacy they have already lost.

Blocking will not undermine Caller ID. Callers will not block calls to their friends and colleagues. They will permit their numbers to be displayed as a way of saying, "It's me, so pick up the phone." Only when they desire privacy will callers exercise their right to block.

But will blocking allow individuals to place obscene phone calls? No. First, even with Caller ID, a person can make a harassing phone call anonymously from a pay phone. Second, and more importantly, the phone companies are offering Caller ID along with three other services that just as effectively combat harassment—and provide protection even though the recipient does not see the caller's number. Call trace permits the phone company to trace a harassing call automatically; call block lets the customer prevent any future calls from a harasser; and return call enables the customer to confront a harassing individual who just called.

THE TELEPHONE PRIVACY ACT

The Telephone Privacy Act of 1990 would amend the Electronic Communications Privacy Act [ECPA] to clarify the legal status of Caller ID and to require blocking of phone companies that offer Caller ID.

Caller ID may be illegal under present law. Technically, it is a trap and trace device, and ECPA prohibits the use of such devices without a warrant. While ECPA does allow phone companies to install trap and trace devices where the consent of the user has been obtained, the statute does not specify whether the user is the caller or the call recipient. My bill would end this ambiguity and permit phone companies to install Caller ID when blocking is offered. The measure would not affect internal PBX or Centrex phone systems that show who's calling.

I want to stress that my bill is meant to be a starting point for debate. Choice is the ultimate goal, but a number of subsidiary issues will have to be hammered out in hearings. Among the questions that need to be addressed are these: Should blocking be made available on a per-call basis, subscription basis, or both? Shoud blocking be free? The bill does not say, though I believe that everyone must have access to blocking. Should consumers be able to block calls to 800 numbers? Will unscrupulous individuals use Caller ID to discriminate by refusing calls from particular exchanges—a form of telephone redlining? Is it fair to ask phone companies that do not offer Caller ID to protect the privacy of their customers who call into areas where the service is already available?

Mr. President, I look forward to resolving these issues with the assistance of my colleague PATRICK LEAHY, chairman of the Judiciary Committee's Subcommittee on Technology and the Law. I am also pleased that my colleague and friend from Wisconsin, Representative ROBERT KASTENMEIER, has indicated that he will explore this subject in the House. I believe that Congress can encourage this new technology and simultaneously protect personal privacy.

Thank you. I ask unanimous consent that the text of the Telephone Privacy Act of 1990 by printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Privacy Act of 1990".

SEC. 2. PURPOSE.

To protect their right to privacy, telephone users must be able to limit the dissemination of their telephone numbers to persons of their choosing.

SEC. 3. TITLE 18 AMENDMENTS.

(a) Section 3121 of title 18, United States Code, is amended by striking subsection (b)(3) and adding immediately after paragraph (2) the following:

"(3) where a non-governmental recipient of wire or electronic communication consents and its provider enables any originator to block receipt of the originating number; except that the provider is not required to enable an originator to block receipt of the originating number on the emergency assistance telephone line of a State or municipal police or fire department, or on a 911 emergency line; or

"(4) on the emergency assistance telephone line of a State or municipal police or fire department, or on a 911 emergency line.".

(b) Section 3121 of title 18, United States Code, is further amended by redesignating subsection (c) as subsection (d) and by inserting immediately after subsection (b) the following new subsection:

"(c) CIVIL ACTION.—Any user of wire or electronic communication service aggrieved by a provider's failure to enable an originator to block receipt of the originating number under subsection (b)(3) may recover from the provider in accordance with section 2707 of this title.".●

By Mr. KENNEDY:

S. 2031. A bill to further the foreign policy of the United States by establishing a partnership for democracy to assist the peoples of foreign countries in developing democratic forms of government and free market economies; to the Committee on Foreign Relations.

PARTNERSHIP FOR DEMOCRACY ACT

Mr. KENNEDY. Mr. President, I rise to introduce the Partnership for Democracy Act of 1990 to encourage Americans to join in the process of rebuilding Eastern Europe.

The year 1989 may well be remembered as the year of democracy.

Rarely has there been such a dramatic series of events as the transformations that have swept through the nations of Eastern Europe.

An old order has ended and a new order is being born. The challenge we face now is clear—how can the United States best respond to the end of the cold war.

Since World War II, we have devoted massive resources to the defense of Europe. Our tanks and missiles contained the spread of communism. But it was our ideals that finally toppled the oppressive regimes in country after country, from Poland and Hungary, to East Germany and Czechoslovakia, to Romania and Bulgaria.

Under the Marshall plan, we provided the equivalent of $13 billion in current sums to rebuild Western Europe after the devastation of World War II.

Through NATO, we spent $140 billion last year to defend our allies from the Soviet and Warsaw Pact threat.

The NATO countries devoted another $160 billion for their own defense.

These costs are large, but they have been a bargain. They have kept the peace in Europe for the past four decades, and brought us to this threshold of a new era.

Now, we must decide what levels of aid to provide to Eastern Europe, what types of investment credits and guarantees, what kinds of trade assistance and food assistance, and how best to coordinate our efforts with those of other nations.

All of these issues must be addressed in this Congress and in the context of our overall budget debate.

We do not yet know the size of the peace dividend that will be available for such assistance.

We will need to balance our response to Eastern Europe with our own pressing needs at home and with other important obligations in Latin America, Africa, Asia, and the Middle East.

But we do not need to wait for all of these decisions to be made in order to begin.

One way to help Eastern Europe quickly, efficiently, and inexpensively is to create a Partnership for Democracy for Eastern Europe.

The budget deficit may limit our financial aid, but we have an abundance of skills to make available to the new democracies—

Business executives, entrepreneurs, labor representatives, economists, engineers, consultants, accountants, managers, election experts, journalists, and professionals in countless other areas with a wide range of skills to assist nations struggling to rebuild their societies and economies.

The people of Eastern Europe have won their revolution. Now is the time to lend our expertise to help them consolidate that victory. A Partnership for Democracy is an excellent way to provide one of America's most valued commodities—our know-how and ingenuity.

In a sense, a Partnership for Democracy to help these nations in the 1990's would be analogous to the Peace Corps created in the 1960's to encourage young Americans to use their talents to serve in other lands.

In the years since then, the Peace Corps has sent over 120,000 Americans of all ages to every continent and 99 countries. The Peace Corps has stood for what is strongest in our values. America's best tradition has already been its generosity—its response to human needs everywhere.

Now, the Peace Corps is reaching out to Eastern Europe. Hungary will soon become the Peace Corp's 100th recipient and Poland may be the 101st.

The Partnership for Democracy would be devised to address the needs of those nations as well.

It would be a U.S. Government-sponsored, nonprofit organization that would match experts in a variety of fields with the specific requirements of those nations. Individuals from all walks of life—young or old, midcareer or retired, would be eligible to participate.

Eventually, if the program is successful, it could be expanded to other areas of the world. Certainly, the Soviet Union would benefit from such a program as the Government continues to implement its new policy of economic reform.

The benefits would be significant for Eastern Europe, but it would not be a one-way street. The people-to-people contacts that take place will enhance the understanding between our two societies divided by the Iron Curtain for so long. And private entrepreneurs in this country will be able to explore new business and investment opportunities in the East.

All types of public and private enterprises, in these nations—government agencies, businesses, financial institutions, universities, media, political organizations, environmental projects, and many others—would be eligible to apply for assistance under the program.

Projects would need to meet certain threshold requirements relating to economic viabilty, contributing to the development of democratic institutions and free enterprise operations, or meeting important social needs. But in general, the Partnership for Democracy would have wide flexibility to match European needs with American expertise.

The Partnership for Democracy would be run by a 12-member board of directors selected by the administration and Congress.

The board would be charged with overseeing the projects, setting general policy and reporting annually to Congress. Its operations would be funded by a Federal appropriation of $150 million a year for the next 5 years.

U.S. businesses and labor organizations would be encouraged to participate in the program by contributing their skilled employees and other resources. Experts could be assigned to countries on a project by project basis, or for specific periods of time.

I would hope, for example, that larger firms would permit their most skilled managers to spend a sabbatical year in Eastern Europe facilitating the shift of a state-run enterprise to private activity, or that senior executives and small business entrepreneurs would postpone their retirement in this country, in order to offer their skills to assist in the development of these new democracies.

In some cases, the partnership would be authorized to pay reasonable compensation and other expenses for those who participate in the program, and matching grants could be used to encourage U.S. firms to share the cost for executives willing to serve overseas.

On an ad hoc basis, nations of Eastern Europe are already drawing on the skills of Americans. U.S. corporations are exploring opportunities for investment. Media and campaign consultants are advising political parties. Experts on constitutional law are helping to draft new constitutions. The National Democratic Institute has been to Czechoslovakia and Hungary to help plan the upcoming elections. The American Federation of Teachers is sending teachers and scholars to promote ways to teach and practice democracy. But the need for help and skills is overwhelming, and a more coordinated form of assistance should be available.

As the President of Czechoslovakia, Vaclav Havel, recently stated:

We need advice, here, now, immediately. Not from governments, but from professionals.

The United States should lose no time in offering the assistance of our talented men and women to these nations. They have done their part in opening their societies to freedom. Now we must do our part to help them keep it.

One way to start is the immediate formation of the Partnership for Democracy. I hope my colleagues will join me in supporting this unique assistance to the struggling democracies of Eastern Europe.

Mr. President, I ask unanimous consent that the text of the bill may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2031

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Partnership for Democracy Act of 1990".

SEC. 2. STATEMENT OF FINDINGS.

The Congress finds that—

(1) the United States has a proud and successful tradition of providing support to democratic nations;

(2) under the Marshall Plan, the United States spent $13 billion in current sums to rebuild Western Europe after the devastation of World War II;

(3) through NATO, the United States spends $140 billion a year to defend our democratic allies in Western Europe;

(4) in 1989, Poland, Hungary, Czechoslovakia, East Gemany, Romania, and Bulgaria each took dramatic steps to shed forty years of communist rule, and to initiate sweeping political, economic, and democratic reforms;

(5) it is in the national interest and the national security interest of the United States that the countries of Eastern Europe and elsewhere should succeed in their efforts to carry out such reforms;

(6) after four decades of repressive regimes, corrupt leadership and state-run, inefficient economies, the nations of Eastern Europe deserve assistance in developing free market economies and democratic forms of government;

(7) the United States has an abundance of talented men and women whose skills are urgently needed by the nations of Eastern Europe, such as business executives, engineers, consultants, accountants, teachers, lawyers, physicians, financiers, managers, small businessmen and women, journalists, farmers, and election experts; and

(8) the availability of these skills to the nations of Eastern Europe will advance their transition to democracy and a free market economy.

SEC. 3. DECLARATION OF POLICY.

The Congress declares that it is the policy of the United States to promote democracy and free market economics through the Partnership for Democracy, a federally chartered and sponsored corporation, operated by individuals drawn primarily from the private sector, which shall make available to interested countries and areas men and women qualified for service abroad and willing to serve, advise, and assist the people of such countries and areas in developing the technical skills essential to developing democratic systems of government and market economies. The Partnership for Democracy shall also promote a better understanding of the American people abroad and a better understanding of other peoples within the United States.

SEC. 4. CONSULTATION.

The President shall carry out this Act in consultation with Congress.

SEC. 5. ESTABLISHMENT OF THE CORPORATION.

(a) ESTABLISHMENT.—There is established the Partnership for Democracy Corporation (hereafter in this Act referred to as the "Corporation").

(b) BOARD OF DIRECTORS.—(1) The Corporation shall have a Board of Directors. All powers of the Corporation shall vest in and be exercised by or under the authority of the Board of Directors.

(2) The Board of Directors shall elect, by majority vote, a president of the Corporation.

(c) APPOINTMENT OF DIRECTORS.—(1) The Board of Directors shall consist of 12 directors, appointed by the President, by and with the advice and consent of the Senate, from among individuals having business experience in a free market economy. No individual appointed to the Board of Directors may hold other office under the United States.

(2) Seven members of the Board of Directors shall constitute a quorum for the transaction of business.

(d) TERMS OF SERVICE.—Each Member of the Board shall be appointed for a term of no more than three years. The terms of no more than three Members of the Board shall expire in any one year. Members of the Board shall serve until their successors are appointed. Members of the Board may be reappointed.

(e) COMPENSATION.—The President shall fix the annual compensation for the president of the Corporation at $100,000. Members of the Board shall receive no annual compensation but shall be reimbursed for all reasonable travel and living expenses necessary to carry out their functions under this Act.

(f) DUTIES.—The Board of Directors shall meet quarterly to review and approve proposed and ongoing projects. The Board of Directors may promulgate such rules and regulations as it may deem necessary or appropriate to carry out the purposes of this Act.

(g) INTERPRETATION.—Nothing in this Act may be construed to infringe upon the powers or functions of the Secretary of State.

SEC. 6. PURPOSES OF THE CORPORATION.

(a) IN GENERAL.—The purpose of the Corporation is—

(1) to contribute to the development of democratic institutions and political pluralism characterized by—

(A) the establishment of fully democratic and representative political systems based on free and fair elections,

(B) effective recognition of fundamental liberties and individual freedoms, including freedom of speech, religion, and association,

(C) termination of all laws and regulations which impede the operation of a free press and the formation of political parties,

(D) creation of an independent judiciary, and

(E) establishment of non-partisan military, security, and police forces; and

(2) to promote, through the provision of technical skills in such areas as health care,

business, education, the media, financial services, and other business services such as accounting and marketing, the development of a free market economic system characterized by—

(A) privatization of economic entities,

(B) establishment of full rights to acquire and hold private property, including land and the benefits of contractual relations,

(C) simplification of regulatory controls regarding the establishment and operation of businesses,

(D) dismantlement of all wage and price controls,

(E) removal of trade restrictions, including on both imports and exports,

(F) liberalization of investment and capital, including the repatriation of profits by foreign investors,

(G) tax policies which provide incentives for economic activity and investment,

(H) establishment of rights to own and operate private banks and other financial service firms, as well as unrestricted access to private sources of credit, and

(I) access to a market for stocks, bonds, and other instruments through which individuals may invest in the private sector.

(b) PROHIBITION.—The Board of Directors shall not approve any project which does not further a purpose described in subsection (a).

SEC. 7. AUTHORITY.

The President is authorized to enter into bilateral agreements with the governments of eligible foreign countries whereby the Corporation would be authorized to provide volunteer assistance, in accordance with the purposes of this Act, to such governments, the local governments of such countries, or trade unions, election and campaign organizations, other political organizations, cooperatives, educational institutions, farm organizations, environmental organizations, religious groups, or other public or private businesses or voluntary agencies, entities, or organizations.

SEC. 8. VOLUNTEER PROGRAMS.

(a) SELECTION OF PROJECTS.—The Board of Directors shall authorize the implementation of specific projects requiring volunteer assistance in accordance with the bilateral agreements described in section 7.

(b) AUTHORITY TO DETAIL OR ASSIGN VOLUNTEERS.—The Board of Directors shall authorize the detail or assignment of volunteers to foreign or international public or private entities in accordance with the bilateral agreements described in section 7.

(c) USE OF VOLUNTEER PERSONNEL.—The Corporation shall enroll in service abroad qualified men and women to serve, advise, and assist in carrying out the projects authorized under subsection (a).

(d) TERMS AND CONDITIONS.—The terms and conditions of the enrollment, training, compensation, hours of work, benefits, leave, termination, and all other terms and conditions of the service of volunteers shall be exclusively those set forth in this Act.

(e) STATUS OF VOLUNTEERS.—Except as provided in this Act, volunteers shall not be considered to be officers or employees of, or otherwise in the service or employment of, or holding office under, the United States for any purpose.

(f) NONPOLITICAL AND NONDISCRIMINATORY.—(1) In applying terms and conditions to the enrollment and assignment of volunteers under this Act, no political test shall be required or taken into consideration.

(2) In carrying out this Act, there shall be no discrimination against any person on account of race, creed, color, or national citizenship.

SEC. 9. TERMS AND CONDITIONS FOR VOLUNTEERS.

(a) ALLOWANCES AND OTHER SUPPORT.—Volunteers shall be provided with such living, travel, and leave allowances, and such housing, transportation, supplies, equipment, and subsistence as the Corporation may determine to be necessary for their maintenance and to insure their health and their capacity to serve effectively. Transportation and travel allowances may also be provided, in such circumstances as the President may determine, for applicants for enrollment to or from places of training and places of enrollment, and for former volunteers from places of termination, to their homes in the United States.

(b) COMPENSATION.—Volunteers shall be entitled to compensation from the Corporation at a rate set by the Board of Directors or their designee, but not to exceed the maximum salary offered within the Senior Executive Service per annum.

(c) OATH.—Each volunteer shall sign an oath stating that while serving as a volunteer he will not seek to recruit employees, develop business, or take any other actions to directly or indirectly benefit any company, corporation, or other profitmaking institution or organization with which the volunteer has been associated.

(d) TERMINATION.—A volunteer or project may be terminated at any time at the discretion of the Board of Directors.

(e) HEALTH CARE.—Volunteers shall receive such health care during their service, and such health examinations and immunization preparatory to their service, as the Corporation determines to be necessary or appropriate. Subject to such conditions as the Corporation may prescribe, such health care, examinations, and immunization, may be provided for volunteers in any facility of any agency of the United States Government, and in such cases the appropriation for maintaining and operating such facility shall be reimbursed from appropriations available under this Act.

(f) ALLOWANCES AND SUPPORT OF FAMILY MEMBERS.—(1) Spouses and minor children of volunteers may receive such living, travel, and leave allowances, and such housing, transportation, subsistence, and essential special items of clothing, as the Corporation may determine, but the authority contained in this paragraph shall be exercised only under exceptional circumstances.

(2) Spouses and minor children of volunteer leaders accompanying them may receive such health care as the Corporation may determine and upon such terms as he may determine, including health care in any facility referred to in subsection (e) of this Act, subject to reimbursement of appropriations as provided in subsection (e).

(3) Spouses and minor children of volunteer leaders accompanying them may receive such orientation as necessary to accomplish the purposes of this Act as the Corporation may determine.

(g) DURATION OF EMPLOYMENT.—The duration of a volunteer's employment in the Corporation shall be tied to the time period required for completion of that project or the completion of that detail to which that volunteer is assigned. Most projects shall be designed to be completed between six months and two years.

SEC. 10. PARTNERSHIP FOR DEMOCRACY EMPLOYEES.

(a) AUTHORITY.—The Corporation may employ such persons (other than volunteers) as the Board of Directors determines to be necessary to carry out the provisions and purposes of this Act. Except as otherwise provided in this Act, such persons (hereafter in this Act referred to as "employees") shall be employed in accordance with and shall be subject to the laws applicable to personnel employed by the United States Government.

(b) STANDARDS.—The Board of Directors shall set standards or other criteria for maintaining adequate performance levels for employees and may, notwithstanding any other law, separate persons who fail to meet such standards or other criteria, and also may grant such persons severance benefits of one month's salary for each year of service, but not to exceed one year's salary at the then current salary rate of such persons.

(c) ADMINISTRATION OF OVERSEAS ACTIVITIES.—In each country or area in which volunteers serve abroad, the Corporation may set up a corporate headquarters and appoint an employee or a volunteer as a Partnership for Democracy representative to direct other employees and volunteers of the Corporation abroad and to oversee the activities carried on under this Act in such country or area.

SEC. 11. VOLUNTEER ORIENTATION.

(a) IN GENERAL.—The Corporation shall make provision for such orientation as the Corporation deems appropriate for each applicant for enrollment as a volunteer and each enrolled volunteer. Such orientation may be provided for volunteers in any facility of any agency of the United States Government and, in such cases, the appropriation for maintaining and operating such facility shall be reimbursed from appropriations made available under this Act. All of the provisions of this Act applicable respectively to volunteers shall be applicable to applicants for enrollment as such during any period of orientation occurring before enrollment, and the term "volunteers" shall include such applicants during any such period of orientation.

(b) OTHER VOLUNTEER PROGRAMS.—The Corporation may also make provision, on the basis of advances of funds or reimbursement to the United States, for the orientation of persons other than those referred to in subsection (a), who have been selected for service abroad in programs not carried out under authority of this Act which are similar to those authorized by this Act.

SEC. 12. PARTICIPATION OF FOREIGN NATIONALS.

In order to provide for assistance by foreign nationals (other than volunteers who are foreign nationals) in the orientation of volunteers, and to permit effective implementation of Partnership for Democracy projects with due regard to the desirability of cost-sharing arrangements, where appropriate, the Corporation may make provision for transportation, housing, subsistence, or per diem in lieu thereof, and health care or health and accident insurance for foreign nationals engaged in activities authorized by this Act while they are away from their homes, without regard to the provisions of any other law.

SEC. 13. GENERAL POWERS AND AUTHORITIES.

In furtherance of the purposes of this Act, the Corporation may—

(1) raise private funds for the Corporation's activities;

(2) enter into, perform, and modify contracts and agreements (to the extent and in the amounts provided in an appropriation Act) and otherwise cooperate with any agency of the United States Government or

of any State or any subdivision thereof, other governments and departments and agencies thereof, election and campaign organizations, educational institutions, religious groups, voluntary agencies, farm organizations, labor unions, environmental organizations, and other organizations, individuals, firms, and public and private companies and corporations;

(3) advertise for and accept in the name of the Corporation and employ in furtherance of the purposes of this Act (A) voluntary services from individuals and through private or public entities and (B) any money or property (real, personal or mixed, tangible or intangible) received by gift, devise, bequest, or otherwise;

(4) contract with individuals for personal services abroad, and with aliens (abroad or within the United States) for personal services with the United States;

(5) discuss with prospective and current recipients of assistance from the Corporation their needs and projects; and

(6) recommend and administer alternative ways to finance the travel, living, and orientation expenses associated with volunteers.

SEC. 14. REPORTS.

Not later than November 1 of each year in which the Corporation has carried out activities during the preceding fiscal year, the Board of Directors shall prepare and transmit to the Congress a report describing such activities.

SEC. 15. DETAIL OF PERSONNEL TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—In furtherance of the purposes of this Act, the Corporation is authorized to detail, assign, or otherwise make available any volunteer—

(1) to serve with, or as a member of, the international staff of any international organization, with or without compensation from that organization, or

(2) to any office or position with any foreign government or agency thereof, with or without compensation from that foreign government.

(b) REGARDING REIMBURSEMENT.—Details or assignments may be made under this section—

(1) without reimbursement to the Corporation by the international organization or foreign government;

(2) upon agreement by the international organization or foreign government to reimburse the Corporation for compensation, travel expenses, and allowances, or any part thereof, payable to such officer or employee during the period of assignment or detail; and such reimbursement shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, or allowances, or to the appropriation, fund, or account available for such purpose; or

(3) upon an advance of funds, property, or services to the Corporation accepted with the approval of the Board of Directors for specified uses in furtherance of the purposes of this Act; and funds so advanced may be established as a separate fund in the Treasury of the United States, to be available for the appropriations or direct expenditure, subject to the provisions of this Act.

SEC. 16. UTILIZATION OF FUNDS.

(a) WAIVER OF LAWS.—Funds made available for the purposes of this Act may be used for compensation, allowances, and travel of volunteers and Corporation personnel, for printing and binding without regard to the provisions of any other law, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of employees) without regard to such laws and regulations governing the obligation and expenditure of Government funds as may be necessary to accomplish the purposes of this Act.

(b) TRAVEL OR TRANSPORTATION EXPENSES.—Funds made available for the purposes of this Act may be used to pay expenses in connection with travel abroad of volunteers and corporate personnel, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel), and transportation of personnel effects, household goods, and automobiles when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting to and from a place of storage, and the cost of storing automobiles of employees when it is in the public interest or more economical to authorize storage.

(c) ORIENTATION AND TRAINING.—Funds available under this Act may be used to pay costs of orienting volunteers and training employees. Any payments or contributions in connection therewith may, as deemed appropriate by the head of the agency authorizing such orientation or training, be made by private or public sources and be accepted by any volunteer or may be accepted by and credited to the current applicable appropriation of such agency, except that any such payments to a volunteer in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

(d) ADDITIONAL EXPENSES.—Funds available for the purposes of this Act shall be available for—

(1) rent of buildings and space in buildings in the United States, and for repair, alteration, and improvement of such leased properties;

(2) expenses of attendance at meetings concerned with the purposes of this Act;

(3) rental and hire of aircraft;

(4) entertainment (not to exceed $10,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act);

(5) exchange of funds, without regard to the provisions of any other law, and loss by exchange;

(6) expenditures (not to exceed $20,000 in any fiscal year except as may be otherwise provided in an appropriation or other Act) not otherwise authorized by law to meet unforeseen emergencies or contingencies arising in the Partnership for Democracy, except that a certificate of the amount only of each such expenditure and that such expenditure was necessary to meet an unforeseen emergency or contingency, made by the Board of Directors, shall be deemed a sufficient voucher for the amount therein specified;

(7) insurance of official motor vehicles acquired for use abroad;

(8) rent or lease abroad for not to exceed five years of offices, health facilities, buildings, grounds, and living quarters, and payments therefor in advance; maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for its use abroad; and costs of fuel, water, and utilities for such properties; and

(9) expenses of preparing and transporting to their former homes, or, with respect to foreign participants engaged in activities under this Act, to their former homes or places of burial, and of care and disposition of, the remains of persons or members of the families of persons who may die while such persons are away from their homes participating in activities under this Act.

SEC. 17. USE OF FOREIGN CURRENCIES.

Whenever practicable, expenditures incurred in carrying out functions under this Act shall be paid for in such currency of the country or area where the expense is incurred as may be available to the United States.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Corporation $150,000,000 for each of the fiscal years 1990 through 1995 to carry out the provisions of this Act.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) are authorized to remain available until expended.

SEC. 19. DEFINITIONS.

(a) DEFINITIONS.—For purposes of this Act—

(1) the term "United States" means the several States and territories and the District of Columbia;

(2) the term "health care" includes all appropriate examinations, preventive, curative and restorative health and medicare care, and supplementary services when necessary;

(3) the term "United States Government agency" includes any department, board, wholly or partly owned corporation, or instrumentality, commission, or establishment of the United States Government; and

(4) the term "transportation" in sections 9(a) and 9(f) includes transportation of not to exceed 300 pounds per person of unaccompanied necessary personal and household effects.

(b) CALCULATION OF SERVICE.—For purposes of this or any other Act, the period of any individual's service as a volunteer under this Act shall include—

(1) any period of orientation prior to enrollment as a volunteer under this Act; and

(2) the period between enrollment as a volunteer and the termination of service as such volunteer by the Corporation or by death or resignation.

ADDITIONAL COSPONSORS

S. 260

At the request of Mr. MOYNIHAN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 260, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance programs.

S. 306

At the request of Mr. BENTSEN, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 306, a bill to amend the Social Security Act to make certain modifications in the Medicare Program with respect to payments made under such program to hospitals located in rural areas to improve the delivery of health services to individuals residing in such areas, and for other purposes.

S. 561

At the request of Mr. HOLLINGS, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 561, a bill to provide for testing for the use, without lawful authorization, of alcohol or controlled substances by the operators of aircraft, railroads, and commercial motor vehicles, and for other purposes.

S. 1384

At the request of Mr. DASCHLE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1384, a bill to amend title XVIII of the Social Security Act to provide direct reimbursement under part B of Medicare for nurse practitioner or clinical nurse specialist services that are provided in rural areas.

S. 1430

At the request of Mr. KENNEDY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1430, a bill to enhance national and community service, and for other purposes.

S. 1578

At the request of Mr. FOWLER, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1578, a bill to provide for the creation of an independent Historic Preservation Agency and a National Center for Preservation Technology, and for other purposes.

S. 1579

At the request of Mr. FOWLER, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1579, a bill to amend the National Historic Preservation Act, the Historic Sites Act, the Archaeological Resources Protection Act, and the Abandoned Shipwreck Act and certain related acts to strengthen the preservation of our historic heritage and resources, and for other purposes.

S. 1622

At the request of Mr. HEINZ, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1622, a bill to promote environmental sector lending by the World Bank.

S. 1630

At the request of Mr. BAUCUS, the names of the Senator from Washington [Mr. ADAMS] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

S. 1646

At the request of Mr. LEVIN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1646, a bill to implement key provisions of the Great Lakes Water Quality Agreement to protect and restore the Great Lakes.

S. 1664

At the request of Mr. HEINZ, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Alabama [Mr. SHELBY], the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. GARN], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 1664, a bill to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941.

S. 1779

At the request of Mr. BENTSEN, the names of the Senator from Georgia [Mr. NUNN], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. HELMS], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 1779, a bill to change the tariff treatment of certain brooms wholly or in part of broom corn.

S. 1835

At the request of Mr. WILSON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1835, a bill to amend the Drug-Free Schools and Communities Act of 1986 to provide for the awarding of grants for drug abuse resistance education instruction for students, and for other purposes.

S. 2006

At the request of Mr. GLENN, the names of the Senator from Maryland [Mr. SARBANES], the Senator from California [Mr. WILSON], the Senator from Vermont [Mr. LEAHY], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of S. 2006, a bill to establish the Department of the Environment, provide for a global environmental policy of the United States, and for other purposes.

SENATE JOINT RESOLUTION 224

At the request of Mr. BYRD, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the month of May 1990 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 227

At the request of Mr. KASTEN, the names of the Senator from California [Mr. WILSON], the Senator from Idaho [Mr. SYMMS], the Senator from Indiana [Mr. LUGAR], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 227, a joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week."

SENATE JOINT RESOLUTION 236

At the request of Mr. WILSON, the names of the Senator from Nevada [Mr. REID], the Senator from Virginia [Mr. WARNER], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Washington [Mr. GORTON], the Senator from Vermont [Mr. JEFFORDS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Montana [Mr. BURNS], the Senator from Indiana [Mr. LUGAR], the Senator from Kentucky [Mr. FORD], the Senator from Georgia [Mr. NUNN], the Senator from Illinois [Mr. DIXON], the Senator from Hawaii [Mr. INOUYE], the Senator from California [Mr. CRANSTON], the Senator from Wyoming [Mr. WALLOP], the Senator from Florida [Mr. GRAHAM], the Senator from Florida [Mr. MACK], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 236, a joint resolution designating May 6 through 12, 1990, as "Be Kind to Animals and National Pet Week."

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

CHAFEE (AND OTHERS) AMENDMENT NO. 1219

Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. MITCHELL, Mr. DURENBERGER, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. WARNER, and Mr. GORE) proposed an amendment to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

Amend S. 1630 by striking line 4 on page 557 and inserting in lieu thereof the following:

"'SEC. 508. (a) NATIONAL POLICY.—The Congress hereby declares it to be the policy of the United States that the production and use of ozone depleting substances listed under subsection (b) of section 504 are to be monitored closely and controlled in such a manner as to assure that the production and use of such substances will not—

"'(1) increase the peak chlorine loading that is projected to occur with interim chlorofluorocarbon emission controls followed by a year 2000 global phase-out of all halocarbon emissions (the base case);

"'(2) reduce significantly the rate at which the atmospheric abundance of chlorine is projected to decrease under the base case; or

"'(3) delay the date by which the average atmospheric concentration of chlorine is projected under the base case to return to a level of 2 parts per billion, the highest concentration at which repair of the Antarctic ozone hole may be possible.

"'(b) MONITORING GROWTH IN PRODUCTION AND USE.—The Administrator shall monitor and not less often than every three years following enactment of this title submit a report to Congress on the production and use of substances listed under subsection (b)

of section 504. Such report shall include data on domestic production compiled under section 505 and an estimate of worldwide production and use of such substances.

"'(c) MONITORING ATMOSPHERIC CONCENTRATIONS OF CHLORINE.—The Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration shall monitor and not less often than every 3 years following enactment of this title submit a report to Congress on the current average tropospheric concentration of chlorine. Such reports shall include, under the base case as well as on the basis of current international and domestic controls on substances covered by this title, updated projections of—

"'(1) peak chlorine loading;

"'(2) the rate at which the atmospheric abundance of chlorine is projected to decrease after the year 2000; and

"'(3) the date by which the atmospheric abundance of chlorine is projected to return to a level of 2 parts per billion.

"'(d)(1) PHASE-OUT SCHEDULE FOR METHYL CHLOROFORM.—In the absence of regulations promulgated in accordance with subsection (b) of section 506 establishing earlier dates—

"'(A) effective on the date of enactment of this title, it shall be unlawful for any person to produce methyl chloroform in annual quantities greater than that produced by such person during calendar year 1989;

"'(B) effective January 1, 1996, it shall be unlawful for any person to produce methyl chloroform in annual quantities greater than 50 per centum of that produced by such person during calendar year 1989; and

"'(C) effective January 1, 2000, it shall be unlawful for any person to produce any quantity of methyl chloroform.' ".

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development.

The purpose of the hearing is to receive testimony on Senate bill S. 1976, the Department of Energy High-Performance Computing Act of 1989.

The hearing will take place on Tuesday, March 6, 1990, at 2 p.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to provide written testimony for the printed hearing record should send it to the Subcommittee on Energy Research and Development, U.S. Senate, Washington, DC, 20510, attention: Paul Barnett.

For further information, please contact Paul Barnett at (202) 224-7569.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a nomination hearing has been scheduled before the Full Committee on Energy and Natural Resources.

The hearing will take place Monday, February 5, 1990, at 10 a.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to consider the nominations of John W. Bartlett to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy, and Robert H. Gentile to be Assistant Secretary of Energy (Fossil Energy), Department of Energy.

For further information, please contact Rebecca Murphy at (202) 224-7562.

ADDITIONAL STATEMENTS

TRIBUTE TO THOMAS J. STANTON, JR.

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to Thomas J. Stanton, Jr. who is being honored on February 8, 1990, by the Hudson County Chamber of Commerce and Industry.

After 36 years in the banking industry, Tom is retiring on February 1, 1990. Now chairman emeritus, the former chief executive officer of the National Westminster Bank NJ of Jersey City can look back with pride at his illustrious career.

It is a career that has been distinguished as much by Tom's contributions to civic affairs, as by his contributions to banking and business. Tom has given of his time and applied his considerable skills and energy, in making New Jersey a better place to live and work. He's helped build pride in the State, as he's helped to chart a brighter future for its residents.

He has dedicated his time and energy to civic affairs, forging public-private partnerships, helping to chart a better future for our State. As New Jersey chairman of the Regional Plan Association and now vice chairman, he has worked to promote balanced economic growth in our region.

He has given of his time to improve the education and training of New Jersey youth. He is on the board of regents of St. Peter's College, and is a trustee of St. Peter's Prep and the Stevens Institute of Technology. He is also a trustee and treasurer of the foundation of the University of Medicine and Dentistry of New Jersey. Past chairman of the Annual Business Conference at Rutgers University, he served as a member of the Commission on the Future of Independent Higher Education in New Jersey. He has been a moving force in establishment of a State science museum in Liberty State Park. Active in the National Alliance of Business, which is involved in developing programs to train and retrain workers, Tom served as its regional chairman.

Tom has contributed his time and efforts to State and local government reform. He is chairman of the Hudson County Tax Research Council Executive Committee and served as chairman of the State of New Jersey Commission on Budget Priorities. He is a member of the State of New Jersey Commission on Government Costs and Tax Policy.

Tom's love for the State has lasted a lifetime. He grew up in New Jersey. He went to school and graduated from St. Peter's Prep in Jersey City and received his bachelor's degree from Georgetown University. He attended New York University Graduate School of Business Administration. He has received honorary doctorates from St. Peter's College, Jersey City State College, and Stevens Institute of Technology.

Tom began his career in banking in 1954 at First Jersey National Bank. He rose steadily through the ranks and was elected president in June 1967, and named chief executive officer in December 1967. In October 1975 he was elected chairman and continued as chief executive officer.

In February 1988 National Westminster Bank acquired First Jersey National Bank and it became National Westminster Bank NJ. In September 1988 Tom announced his February 1990 retirement and was elected chairman emeritus.

Under Tom's guidance, the bank grew to be the fourth largest in New Jersey with assets of approximately $6 billion. Starting with the acquisition of the Bank of Commerce of Newark, a total of 14 mergers through the years made First Jersey a statewide institution. It operates 160 branches in New Jersey.

Not just a banker, but a visionary, Tom worked hard over the years to help change the image of Jersey City and Hudson County, NJ. He helped pioneer the development of the Jersey City waterfront. He was instrumental in the construction of a 30-story building on the Hudson County waterfront which now houses the executive offices of the bank.

Active in business and the community, Tom will continue to play a role through his directorships which include the Hudson County Chamber of Commerce and Industry, New Jersey Bell Telephone Co., the Reliance Insurance Group, and the National Conference of Christians and Jews. He is also completing a term as a director of the American Bankers Association and is director and treasurer of the New Jersey State Chamber of Commerce.

Mr. President, I am proud to have known Tom as a friend, a neighbor and a fellow businessman, and as a partner in our common effort to make New Jersey a better place to work and live.

I join the Hudson County Chamber of Commerce and Industry in saluting Tom, and extend to him my warmest wishes for his continued good health, happiness, and success in the future.●

TRIBUTE TO COL. GEORGE HENNRIKUS, JR., USAF-RETIRED

● Mr. McCAIN. Mr. President, I rise today to offer tribute to Col. George Hennrikus, Jr., who at the end of the month retires from his posts as director of legislative affairs for the Retired Officers Association, chairman of the Military Coalition and cochairman of the Coalition for Affordable Health Care. This is not the first time Colonel Hennrikus has retired, as 16 years ago he concluded an Air Force career that spanned three decades and saw him serve his country in three different conflicts. But not unlike the last time he retired, I do not think this signals an end to his service to his fellow man—rather, just another transition.

It is often said that the measure of leadership is not limited to an individual's singular accomplishments, but extends more broadly to the impact the individual has on the environment in which he works and to those around him. For the past 16 years, as director of legislative affairs for the Retired Officers Association, Colonel Hennrikus has been, in every sense of the word, a leader. As spokesman for the association, he has been a powerful voice on issues involving the health and well-being of all members of the uniformed services—Active, Reserve and retired—plus their families and survivors.

As reported by the military community, some of Colonel Hennrikus' more notable accomplishments were in his role as chairman of the military coalition. Through his leadership, some 22 military affiliated organizations, with over 1½ million Active, Reserve, and retired members, have been melded into a powerful voice for issues regarding military issues on Capitol Hill. The following are among the legislative issues in which Colonel Hennrikus played a key role: Modification of the Gramm-Rudman-Hollings Budget Deficit Reduction Act to ensure that equitable treatment of cost-of-living adjustments be provided for all retirees; preservation of the military retirement system as the services' most important retention tool; thwarting countless attempts to diminish commissary benefits; and advocacy of enhancing medical readiness which concurrently honoring previous commitments to provide quality health care to military beneficiaries. I am sure that there are countless individuals within the Active, Reserve, and retired military community who owe a debt of gratitude to Colonel Hennrikus for his many years of service on their behalf.

In my opinion, however, his greatest test of leadership came in the role that he played in the effort to reform the Medicare Catastrophic Coverage Act. I for one, am greatly indebted to Colonel Hennrikus for the support and counsel he provided me throughout this debate, in his capacity as cochairman of the Coalition for Affordable Health Care. Colonel Hennrikus helped form this coalition, including 49 organizations representing some 19 million members, which was truly a dominant force in the debate to overturn the surtax imposed by this act. I am hopeful that the coalition will continue its active role in health care issues, in spite of Colonel Hennrikus' retirement.

In closing, I would just like to again congratulate Colonel Hennrikus on this, the eve of his retirement from the posts of director of legislative affairs for the Retired Officers Association, chairman of the Military Coalition and cochairman of the Coalition for Affordable Health Care. I would like to thank him for the wise counsel he has provided all of us on issues that are of concern to Active, Reserve, and retired military personnel alike. I am sure I speak for many of my colleagues in wishing him well in his retirement, and in saying that while George may be officially retiring we know this does not signal the end of his service on behalf of his country and his fellow man.

George, we wish you well. And, I thank you for the pleasure of being able to work with you these past couple of years on issues of importance to Active, Reserve, and retired military personnel and their dependents and survivors.●

TRANSPORTATION EMPLOYEE TESTING ACT

● Mr. HOLLINGS. Mr. President, in August of last year, Senator LEVIN of Michigan notified my office that he wished to be a cosponsor of S. 561, the Transportation Employee Testing Act. However, his name was inadvertently left off the cosponsorship list. That legislation has since passed the Senate, but I wanted to take this opportunity to make clear in the RECORD that Senator LEVIN wished to be listed as a cosponsor of it prior to its passage by the Senate.●

HONORING MR. ROBERT W. GRAHAM

● Mr. GORTON. Mr. President, on January 5 of this otherwise promising new decade, I lost an honored friend, as did our country and my home State of Washington. On that day Robert W. Graham died, leaving a legacy of accomplishments that will serve his memory well. Let me mention just a few of those accomplishments.

In 1985, Bob received the National Jewish Fund Distinguished Service Award, and was named "First Citizen" of 1986 by the Seattle-King County Board of Realtors. In 1986, Secretary of Defense Caspar Weinberger selected him to serve as a negotiator in the mutual and balanced force reduction talks in Vienna, Austria. Bob also served as a national officer for the U.S. Jaycees, and a national board member of the American Cancer Society. On the local level, he either directed or served on the boards of United Good Neighbors, the Seattle Symphony, Swedish Hospital and the Downtown Seattle Development Association. He was cofounder of the World Affairs Council of Seattle.

Bob Graham was truly a man for all seasons: accomplished attorney, respected civil leader, international negotiator, world-class athlete, devoted husband and father. And he was my friend. He was the first to welcome me to Seattle when I moved there as a young lawyer. His advice as I sought my first legal position was invaluable, as was the counsel I continued to seek over the years.

As a friend, I will miss Bob. As an American, I know that he is irreplaceable. I extend my sympathies to his wife, Margaret; to his children, Robert, Douglas, Priscilla, Scott, and Laura; and to us all. Mr. President, I honor today a man whose life enriched the lives not only of those who knew him, but also of those who never knew him. He was a good and honorable man, and he will be missed.

As a final tribute to Robert W. Graham, I ask that the Seattle Times front page announcement of his death be printed in the RECORD, to stand as a permanent testimony to the life of an outstanding American.

The announcement follows:

[From the Seattle Times, Jan. 6. 1990]

CIVIC, NATIONAL LEADER ROBERT W. GRAHAM DIES

(By Stephen Clutter)

Robert W. Graham, a Seattle attorney and civic leader and a U.S. representative in arms talks, died yesterday after a long illness. He was 74.

In the twilight of his career, Graham had become a globetrotter, representing the U.S. in negotiations with the Warsaw Pact to reduce conventional arms.

But his first love was Seattle, where he staked his claim in 1939 and rose through civic and social ranks to become one of the city's most influential citizens.

After he went to work for the law firm of Bogle & Gates, local newspaper articles about Graham began detailing his accomplishments with civic and charitable groups.

At age 29, he was chosen Seattle's Junior First Citizen in 1944, and a Newsmaker of Tomorrow by Time magazine in 1953. He was president of the Seattle Chamber of Commerce, Downtown Seattle Rotary, head of the Whitman College board of trustees, a Seattle school levy campaign chairman and an inspector for the State Department.

In 1968, he was appointed by President Lyndon Johnson to the National Administrative Conference, a group that analyzes federal bureaucracies. In 1970, he was named to the State Department task force looking into embassy operations in the Far East.

In 1985, Graham received the National Jewish Fund Distinguished Service Award,

and was named "First Citizen" of 1986 by the Seattle-King County Board of Realtors.

Graham was a national vice president for the U.S. Jaycees and a national board member of the American Cancer Society. He also directed or served on the board of United Good Neighbors, the Seattle Symphony, Swedish Hospital and the Downtown Seattle Development Association, and was co-founder of the World Affairs Council of Seattle.

In 1986, a year after retiring as a senior partner with 46 years at Bogle & Gates, Graham was selected by then-Secretary of Defense Caspar Weinberger to travel to Vienna, Austria to serve as a negotiator in the Mutual and Balanced Force Reduction talks.

He left Vienna in November 1986 after being diagnosed with thyroid cancer, said his son, Scott Graham.

"He was proud of his work in Vienna, but he was very committed to Seattle," Scott Graham said. "This city was his real love."

As an attorney, his principal clients included the Port of Seattle, the Bechtel Corp. and Alyeska Pipeline.

In politics, he served for a time as co-chairman of the Washington state Republican Finance Committee and as steering committee member for the Washington State International Trade Center. Graham was co-chairman of former Sen. Dan Evans' bid for the Senate in 1983.

Born in Payette, Idaho, Graham graduated in 1936 from Whitman College, where he earned honors on and off the field.

Graham, a student body president and valedictorian, lettered in four sports and still holds records at Whitman in the 220-yard and 100-yard dash. He went to the U.S. Olympic trials in 1936, but suffered a leg injury and was not able to travel to Berlin.

Graham moved to Seattle after receiving his law degree in 1939 from Columbia University.

He is survived by his wife, Margaret Jane Graham, and five children: Robert Graham Jr., Seattle; Douglas Graham, Issaquah; Priscilla Wycoff, Prosser, Benton County; Scott Graham, Seattle, and Laura R. Graham, of Austin, Texas.

The family suggests remembrances to Whitman College or Rotary Service Foundation. Funeral arrangements are pending.●

ORDERS FOR TUESDAY

RECESS UNTIL 9:30 A.M. TOMORROW; ORDER FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday, January 30, and that following the time for the two leaders there be a period for morning business until 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS BETWEEN 12:30 P.M. AND 2:15 P.M.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that on tomorrow the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, and I know of none who now seeks recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 9:30 a.m. Tuesday, January 30.

There being no objection, the Senate, at 4:48 p.m., recessed until Tuesday, January 30, 1990, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate after the recess of the Senate on January 25, 1990, under authority of the order of the Senate of January 3, 1989:

DEPARTMENT OF JUSTICE

JOHN R. DUNNE, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WILLIAM BRADFORD REYNOLDS, RESIGNED.

Executive nominations received by the Senate January 29, 1990:

DEPARTMENT OF JUSTICE

RICHARD J. HANKINSON, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE (NEW POSITION)—PUBLIC LAW 100-504).

WITHDRAWAL

Executive message received January 25, 1990, after the recess of the Senate withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF JUSTICE

WILLIAM LUCAS, OF MICHIGAN, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WILLIAM BRADFORD REYNOLDS, RESIGNED, WHICH WAS SENT TO THE SENATE ON MAY 1, 1989.

EXTENSIONS OF REMARKS

A TRIBUTE TO MAXINE BRITT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1990

Mr. JONES of North Carolina. Mr. Speaker, the citizens of the United States have just witnessed the closing of a decade which will long be remembered in history. Millions of people who had long suffered from repressive regimes have toppled those regimes in their quest for freedom and democracy. Take, for example, the Berlin Wall which is now crumbling to the ground. The people of East Germany have removed the wall which signified a barrier to freedoms and choices that we as Americans enjoy everyday. We, who have benefited from the longest lasting constitutional democracy in history, should rejoice in the overthrow of those tyrannical governments and in the recognition by their citizens of the importance of the principles and values of free government we have cherished so long.

We must wish the people of these nations well in the difficult tasks that lie ahead. And, we must do everything we can to insure the success of their endeavors to establish governments based upon the principles of constitutional democracy.

At the same time, we must not neglect to pass on to our own youth the understanding of the fundamental principles and values of our democratic institutions that leads to a reasoned commitment to their preservation and improvement. In this regard, I am most pleased to commend the efforts of district coordinator, Maxine Britt, educational leader in my congressional district, whose dedication to the improvement of the civic education of our students has been exemplary. Maxine Britt coordinates the We the People—Bicentennial Programs on the Constitution and the Bill of Rights, which includes the National Bicentennial Competition, its noncompetitive companion program, Congress and the Constitution, and the National Historical Pictorial Map Contest in my congressional district.

Through the dedicated and voluntary efforts of Maxine Britt, thousands of upper elementary, middle, and high school students have studied the program's curriculum. This curriculum, incorporated in the We the People text, introduces students to the philosophical ideas of our Founders, the historical background of the Philadelphia Convention, and the issues and debates that shaped the writing of our Constitution. Students learn how our Government is organized and how it protects the rights and liberties of all citizens. Finally, and most importantly, students learn of the responsibilities which accompany the rights of citizenship in a democracy.

It is ironic that while those who have experienced repressive regimes throughout the world are clamoring for the right to vote in free elections, in the United States, only one out of five eligible voters under the age of 30 takes advantage of that very right. With so few young people understanding the purpose and importance of our Constitution, it is clear that we must do all we can to turn the tide of political apathy into a wave of active and informed participatioin. I am pleased to express my admiration and appreciation to Maxine Britt for her impressive contributions to the development of competent and responsible citizenship.

PRISON CROWDING

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1990

Mr. GINGRICH. Mr. Speaker, Dick Williams wrote this editorial for the Atlanta Journal last December 19. I urge all my colleagues to read it and realize that Congress must begin to take the necessary steps to address the problem of prison crowding.

[From the Atlanta Journal and Constitution, Dec. 19, 1989]

CONGRESS HAS THE POWER TO EASE PRISON CROWDING

(By Dick Williams)

When Atlanta police find the killer of JoAnne Hanmaker, the odds are good the accused will be a repeat offender.

Sadly, it's almost an even bet these days that the person who beat the Candler Park resident will be a former Georgia prison inmate who served something much less than his sentence.

He (not likely to be she) will have been freed on the old earned-time system or been turned loose through one of the various programs to relieve prison overcrowding.

The career criminal owns our cities, making paint-up, fix-up neighborhoods like Candler Park and Little Five Points inhospitable to families with children and the provinces of large dogs, shrieking security systems and loaded guns.

We often shake our heads in frustration. Georgia is building prison beds by the thousands, yet the projections show the system will be overwhelmed again by the middle of the next decade.

Even bedrock conservatives like Gov. Frank Harris start to mumble about alternative sentences, electronic parole schemes that only Isaac Asimov could love and how dollars for education can mean less spending for prisons.

Liberals, of course, concentrate on the latter, with an emphasis on gun control and dollars for social services (Ms. Hanmaker wasn't shot; she was bludgeoned and strangled).

The supply-side economist and former Reagan treasury official, Paul Craig Roberts, focused earlier this year on the absurdity of Georgia's dilemma.

He wrote of the high-sounding programs of furlough and rehabilitation that allow politicians to buy votes with special-interest spending. As legislators look for ways to duck the high cost of prison-building and inmate support, they ignore fact.

The average criminal loose on the streets costs society $430,000 a year, according to the U.S. Justice Department.

Georgia is turning loose felons under constant threat of federal court intervention in the state prison system. The chief advocate for inmates' comfort is Georgia Legal Services Inc., which receives virtually all of its funds from Washington and the state government.

The felons turned loose, says the Department of Corrections, are not Good Neighbor Sam. A state study predicts with authority that 41 percent will be back in the slam within two years. Many Anne Hanmakers and Julie Loves meet them in the middle.

The best solution to problems of government resides in those closest to the problem. County jails should be expanded and state prisons built. The state should be looking for work-camp settings that meet federal court guidelines and are less costly than today's comfort-laden prisons.

But it is apparent state and local resources are inadequate. In the case of crime and punishment, Washington can play a role. And not just by grandstanding.

A Heritage Foundation study last month described a nation in the midst of a national crime emergency, with reported crime rising 24 percent in the last 10 years.

"Instead of passively allowing the courts to shift the burden from prisons back to the streets," said the study, "lawmakers need to take decisive action to provide more prison space as quickly and economically as possible."

The foundation recommends that Congress step in to curb the federal courts. A law requiring strict standards would limit the discretion of judges in ordering releases simply because of prison overcrowding.

The notion of Rep. Newt Gingrich, the Georgia Republican, that federal surplus lands can provide prison sites comes in for special mention. With the coming reduction in the defense budget, barracks, brigs and other facilities will be available for use as minimum security prisons.

Few today would advocate a return to the chain-gangs of old, but tents, Quonset huts and barbed wire can help a national prison system whose inmate population has almost doubled in 10 years.

Federal courts move to ease prison overcrowding on the grounds that too often it represents cruel and unusual punishment. But the combination of plea-bargaining and early releases make a mockery of justice.

Congress has legitimate reason to rein in the courts.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ATTLEBORO, MA, COMMEMORATES MARTIN LUTHER KING BIRTHDAY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1990

Mr. FRANK. Mr. Speaker, on Martin Luther King Day there were, fittingly, commemorative ceremonies in many parts of this country. I was privileged to attend a very impressive ceremony in Attleboro, MA, where a committee headed by Robert Brown took the lead in giving the citizens of the Greater Attleboro Area a chance to demonstrate their recognition of the important work of Martin Luther King, Jr. With the racial tensions that continue to rack the world, it is particularly fitting that we pay tribute to Martin Luther King, Jr., and even more important that we spread his message that all of us have an obligation to combat racial bigotry and hatred. Mr. Speaker, Attleboro is not a city with a large black population, but it is a city in which the residents, black and white, understand the importance of combating racism and as an example of that, I ask that the following excerpts from the Attleboro Martin Luther King, Jr., Holiday Program be printed here.

MARTIN LUTHER KING, JR., HOLIDAY PROGRAM, ATTLEBORO CITY HALL

Assembly—Town Crier, Lawrence Fitton.
Opening Prayer, Rev. Dr. John Knight.
Proclamation, Mayor Kai Shang.
Reading, "Making The Dream Come True," by Mr. Robert Brown, Robert Brown.
Martin Luther King Jr. Holiday, Planning Committee, Glady's Durant, chair of committee.
Speaker, Rep. Stehen Karol, Massachusetts Representative.
Speaker, Rep. Barney Frank, U.S. Representative.
Invitation to all: Join the March from City Hall to the Second Congregational Church.
Benediction, Rev. Dr. John Knight.

DR. MARTIN LUTHER KING, JR., HOLIDAY PLANNING COMMITTEE

Robert Brown Jr., Providence, R.I.
Edna Cason, Attleboro, Ma.
Gladys Durant, Norton, Ma.
Lawrence Fitton, Attleboro, Ma.
Rachel Garvin, Norton, Ma.
Rev. Arlene Hambrick, Attleboro, Ma.
Hazel Knight, North Attleboro, Ma.
Rev. Dr. John Knight, North Attleboro, Ma.
Rev. Theodore Lockhart, Attleboro, Ma.
Judith Robbins, Attleboro, Ma.
Gloria Wyatt, Norton, Ma.

PROCLAMATION

(By Mayor Shang)

Whereas, Martin Luther King Jr. born in Atlanta Georgia in 1929, later following in his family footsteps entered into the Southern Negro Ministry; and

Whereas, Martin Luther King Jr. became a crusader for the Civil Rights movement in the late 50's and 60's. In his crusade, he used his fresh voice and image to turn local conflict into moral issue of National concern; and

Whereas, King lectured in all parts of the Country, discussed problems of blacks with civil rights and religious leaders at home and abroad, visited Ghana and India and conferred with heads of State. King was convinced that nonviolent resistance was the most potent weapon available to oppressed people in their struggle for freedom; and

Whereas, King realized World-Wide acclaim when he won the Nobel Prize for Peace in 1964 for his application of the Principles of Nonviolent resistance, patterned after Mahatma Gandhi, in the struggle for racial equality in America; and

Whereas, An assassin's bullet ended King's life on April 4, 1968. But, this did not end the struggle for equality of man. His famous speech "I Have A Dream" will live on in the hearts and souls of all oppressed people.

Now, therefore, I Kai Shang, Mayor of the City of Attleboro do hereby proclaim Monday, January 15, 1990 as a holiday celebrating the birth of Martin Luther King Jr. and urge all citizens of this City to pause a moment in honor of Martin Luther King Jr.

KAI SHANG,
Mayor.

MAKING THE DREAM COME TRUE

(By Robert Brown, Jr.)

Making the dream come true.
It is easy to take a part
All it takes to cross the bridge
Is to open up your heart.

The road to understanding
Is just the extension of your hand.
A symbol of respect and courtesy
Known throughout the land.

"We shall overcome",
Together let's make it true
The world can be a lovely place
It's up to me and you.

Many doors have been opened
Yet many are still closed.
We could let it stay this way
Or change it, I suppose.

Together we can live in peace.
It is up to me and you.
Let's walk together hand in hand
And make the dream come true.

STATEMENT

(By Gladys Durant)

I am Gladys Durant the chairperson of Dr. Martin Luther King Holiday Planning Committee.

We are happy to be here at City Hall once again. This is our fourth year at city hall and we would like to thank Mayor Shang, who will go down in history as the mayor who started the proceedings at Attleboro City Hall back in 1987. We can look back and see how it has grown. I would like to introduce members of the committee who are here. Some are probably at the church. I'll ask them to stand as I call their names. Rachel Garvin, Gloria Wyatt, Edna Cason, Bob Brown, Larry Fitton, Rev. John Knight, Judith Robbins. Thank you very much.

REMARKS BY REPRESENTATIVE STEPHEN KAROL

It's really a privilege to join with all of you today in celebrating the memory of Dr. Martin Luther King and celebrating his life and everything that wonderful life stood for, for all of us in this city, commonwealth and throughout the nation. I mentioned to someone at the state house on Friday when they were talking about a long weekend said are you going away? I said, "no, I have to attend a function in Attleboro on Monday". They said, "what is it"? I said, "it's a Martin Luther King Day Memorial Celebration at City Hall and the Second Congregation Church." They said, "God, there are virtually no blacks in Attleboro." You know it's true but doesn't that really miss the message of Martin Luther King and everything that Martin Luther King stood for?

Martin Luther King will go down in the annals of this nation's history as one of the giants of the Twentieth Century who led the struggle for freedom and for civil rights for black Americans. But, in a very real sense, his was a struggle for all Americans and for all people throughout the world. You know, it's fitting that we gather at this, our new city hall, on the edge of Attleboro's East side because the East side throughout history is in many ways the epitome of the struggle of Martin Luther King and that for which he stood. This is the neighborhood in our community to which generation after generation of immigrants came to Attleboro . . . from Irish Americans who went to look for work in the stores and shops of Attleboro and saw signs that said, "No Irish Need Apply," to French Canadians who came from Quebec or Montreal to work in factories for slave wages under conditions that today we cannot comprehend . . . in terms of their severity to the human beings who were there.

In more recent years it has become home to Hispanic and to the largest South East Asian Community in Southeastern Massachusetts . . . a people who today continue to engage themselves in the struggle for which Martin Luther King gave his life. Not just a struggle for racial equality, for certainly that's a major part, but also a struggle for justice and economic equality and for reaffirmation of the American Dream and the basic foundation upon which this nation was founded in the Declaration of Independence and the Constitution. And while the struggle continues it must be reaffirmed every day by every person in this room and every one of our fellow citizens. You can see the tremendous contribution that Dr. King made to us all.

So here today while we commemorate and celebrate the life of Martin Luther King, his struggle, his battle, the giving of his life for black Americans, he really gave his life for everyone who has ever suffered, everyone who has felt the pain of injustice, everyone who has tried to make a better life for themselves and for their families.

I would like to present a proclamation to Bob Brown in recognition of all the work he and the committee have done to put this ceremony together and to insure that all of us never forget Martin Luther King's dream and all he stood for. Thank you very much.

HONORING COMMISSIONER AND MRS. STANLEY DITMER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1990

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to a couple who have distinguished themselves in their service to others. Commissioner Stanley and Mrs. Catherine Ditmer will announce their retirement from the Salvation Army in a ceremony on February 2 at the Centennial Memorial Temple in Mid-

town Manhattan where they will be presented with a certificate of retirement by the national commander of the Salvation Army.

Stanley and Catherine have devoted the better part of their lives to the Salvation Army and in that time they have served in some of the highest positions the Salvation Army has to offer. Stanley has diligently climbed the ladder of responsibility from secretary responsible for administration of groups in the eastern territory to his present position as territorial commander for all Salvation Army operations in the eastern territory.

Catherine has also served in leadership positions through the years and at present is president of women's organizations in the eastern territory. In this capacity she is responsible for organizing all women's activities in the Home League, the army's main program for women; the League of Mercy, the army's visitation program to institutions; and the women's auxiliaries.

Over the last two decades the Salvation Army has been fortunate to be the recipient of Stanley's many talents. Stanley has earned wide respect for his work as a musician, composer, well-known author, poet, and speaker. It is in the area of composition that Stanley has received the greatest recognition. His music and songs have been published in Salvation Army songbooks that have been distributed worldwide. One of his songs "I'm in His Hands" has been published in the new Salvation Army International Song Book. As commissioner, Stanley also had the enormous responsibility 4 years ago of joining with 45 other commissioners in London to elect the general of the Salvation Army.

Although Stanley and Catherine have both served in responsible times consuming positions, they have still found time to raise four wonderful and successful children: Philip, a business administrator for an architectural firm in Glendale, CA; Stephen, a Salvation Army lieutenant working in Fall River, MA; Timothy, a director of trust bureau at territorial headquarters in New York; and Julie, a physical therapist with Gwinett Medical Center in Lawrenceville, GA.

Mr. Speaker, in an era when the old-fashioned ideals of helping others and building a family have appeared to have been rejected by so many, it is a pleasure to observe a couple that has accomplished these two tasks so ably. I ask my colleagues to join me today in thanking Stanley and Catherine for all their service to the Salvation Army and to communities throughout the Eastern United States, and to wish them the best of luck on their retirement.

COUNTDOWN TO EARTH DAY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1990

Mr. MAZZOLI. Mr. Speaker, on January 23, I joined House and Senate colleagues and representatives of many environmental groups to commence countdown to Earth Day. 1990 will mark the 20th anniversary of Earth Day.

This anniversary comes at a timely moment in the Nation's environmental history. The 101st Congress will grapple in the present session with many environmental issues—notably, with clean air legislation. Though I am from a coal State, we need tough clean air legislation.

Back home, officials of the city of Louisville led by Mayor Jerry Abramson, Deputy Mayor, Joan Riehm, and Rudolph Davidson, director of solid waste management, are preparing a series of events to commemorate Earth Day, 1990.

My commemoration of Earth Day, 20 years later, will be to introduce legislation to deal with one of the most pressing environmental problems facing the United States today.

My legislation, which I am asking my colleagues to support, calls for a White House conference on solid waste reduction and disposal.

Despite the proliferation of seminars and meetings to discuss solid waste management, the only mechanism to develop the national focus and momentum to deal successfully with the problems of solid waste disposal is a White House conference.

In other words, the only way to give lowly and smelly garbage cachet respectability and fragrance is to carry it into the White House and place it on the President's desk.

I will keep my colleagues advised of developments, and I hope you will join me in this effort.

THE NAMING OF RICHARD R. GREEN JUNIOR HIGH SCHOOL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1990

Mr. ENGEL. Mr. Speaker, this week in my district, Olinville Junior High School 113 on Barnes Avenue is being renamed in honor of Richard R. Green, the late chancellor of the New York City school system. This is a most appropriate way to honor a man who dedicated his life to strengthening our educational institutions and improving the lives of the students who walk through our halls of learning each day.

Although he served only a short time as chancellor of the New York City school system, Dr. Green taught us all some valuable lessons—the most important of which is that the children always come first. Dr. Green was most comfortable around our young people and in our school buildings. He inspired students to do better and served as a positive role model. He was an educational leader who dared to take chances and cared enough to make a difference.

Dedication, honesty, and integrity—these are the types of values we want to instill in young men and women throughout the United States, and I know these are the types of values Richard R. Green Junior High School will promote.

I congratulate all of the Bronx residents who had the insight to honor Dr. Green in this way, including district 11 Superintendent Frank Arricale, Principal Joseph Powlis, and Voncile Oliver, the coordinator of the committee to rename the school. May your good work be a lasting tribute to the legacy of Dr. Richard Green.

COMBAT NOTHING NEW TO WOMEN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1990

Mr. EDWARDS of California. Mr. Speaker, I submit for the RECORD an article entitled "Combat Nothing New to Women," which appeared in today's issue of Stars and Stripes. This article was written by Sarah McClendon, who is not only a distinguished reporter, but is also a World War II veteran herself. She states the case succinctly, and I highly commend her article to our colleagues.

[From the Stars and Stripes, Jan. 29, 1990]

COMBAT NOTHING NEW TO WOMEN

(By Sarah McClendon)

Panama was certainly not the first time U.S. women have been in combat although it would be difficult to prove who was the first and in which war. So why all the stew and fuss? This proves how ignorant the American people are about the roles women have played in the history of their country.

Women have participated in all our wars and shouldered guns and knives in battles with Indians and bandits. They were not considered too frail to share the trails westward. It is a matter of record that women picked up the ramrods and shot cannon in the Revolutionary War against the British and in at least one instance a woman distinguised herself and fought as a man.

They received pensions for this. The spouse of one woman received benefits from her service. There were numerous women on both sides in the Civil War as combatants. At times their gender was not known until they were killed or wounded. They sometimes went to war alongside their husbands. Women died from combatant fire on Anzio beachhead in Italy in WW II and in Vietnam. Many died in airplane crashes connected with war and a large number of nurses died from disease contracted from service overseas while 83 women were taken prisoner by the Japanese in World War II and one women was a prisoner of the Germans.

It is true that women had to fight their way into authorized service even though the men opposing such realized their need of them as nurses and doctors and as assistants replacing them in jobs so that more men could go to the front lines. Oveta Culp Hobby, newspaper executive and ace parliamentarian, brought in for duty in the women's section at the Pentagon, and the late Rep. Edith Nourse Rogers (R-MA), had a long struggle to get approved in 1942 their legislation authorizing the Women's Army Auxiliary Corps for women to serve in WW II.

Women at the beginning of WW II taught men how to fly planes and ferried planes from factory to sites where men could take the planes into combat. Perhaps the hardest lot of women who served in WW II were the Women's Army contingent sent to New Guinea. They slept in Navy hammocks at sea, climbed down the ladders from the ship to small boats for landing, went to bed in grass-floored huts with huge rats running

around and endured sniper fire from Japanese still at large in jungles nearby. Their job: To dispatch volumes of mail from soldiers to home folks.

It was not until the early 1900s that first the Army and then the Navy admitted women nurses to be an official part of service, then paid them little. They did not give them full rights until many years later.

All during these wars, civilian women were volunteering as pilots for the British, driving ambulances for the U.S. in France and occasionally getting killed without official recognition.

Gen. Pershing begged for women to come to Europe in WWI as telephone operators but they did not get their veterans' rights until 1977, when many of them were dead. Other women who had served in the Army, Navy or Marine Corps did not get full veterans' benefits until 1977. Many of the over 3 million women veterans today are unaware that they are entitled to hospitalization and treatment at veterans' hospitals so they pass it up. It is now too late for many who were entitled to such service.

Women were at times so desperately needed to augment the forces in WW II that the Army authorized multimillion dollar advertising programs on Madison Avenue to recruit more women. In the Vietnam War, commanders at headquarters asked for women to work behind the lines to release men for fighting but opponents at the Pentagon waited a long time before sending the women there.

It was in Europe between the wars many years ago that the Army decided it should teach women to fire guns so that they could defend themselves and possibly the men if sent up front with a truckload of food for troops who might be under attack.

It is true that the repeated studies conducted by the Military of where to place military women and how to train them have brought about as much confusion as sense. Women are now in what is called combat support units. That could mean they would have to go very close at times to the front lines. They could be under attack and could be killed. Most probably they will be. Who knows today where the front will be? There was no front or back line in Panama.

Women have duty assignments that are important and in dangerous places. Often they are in Army intelligence units which must go ahead of the front battalions. They must know how to repair their equipment on the ground. They are in military police companies assigned to evacuate German residents in case of bomb threats. They carry pistols.

Women have for years maintained the aircraft that flew in the Middle East and that monitored peace-keeping in the Sinai desert. Women died on the troop plane that crashed in Gander, Newfoundland. Women were put in charge of security and of protecting troops from sniper fire in Grenada. They interrogated the Cuban prisoners. They were required to carry rifles daily as they went about their duties.

Opponents of women serving in the military say they cannot lift as much as a man. Many men cannot lift heavy loads either. But women have learned to pull heavier loads, to run faster and to pull themselves up on bars much more now that they have been given a chance for physical development. Remember the U.S. government formerly provided money for gymnasiums for men only in schools and colleges.

Women do have children and are now allowed to stay in the service with them if they can arrange to have someone look after them while working. The same goes for male soldiers. It ought to be noted that there are more men single parents than women single parents in the services. Women report to duty more regularly, records show, with less signs of alcoholism, drugs and absences without leaves.

As a footnote, let me say that the author served in WW II as a public information officer, publicizing the military to get more women to serve. She served three years on the defense Advisory Committee on Women in the Military and for six years on the VA advisory committee on women. In 1985-86 she compiled a book on military women and their jobs and the policy that affected them.

(A publisher for this book is now being sought. But many publishers say they are not interested in the subject of military women. When a woman veteran of WW II asked her editor in Youngstown, Ohio, to print a story about a women's reunion of those who served in WW II, he declined, saying "No one is interested in that subject but you.")

TRIBUTE TO THE FRANKFORD GROUP MINISTRY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1990

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the outstanding contribution of the Frankford Group Ministry to its community.

Frankford is one of Philadelphia's oldest and most unique neighborhoods and has a rich history of cultural diversity and accomplishment. The Frankford Group Ministry, a coalition of area churches, donates its resources and leadership to a number of activities that preserve this diversity and strive for the improvement of the community.

Over the years, the ministry has been the guiding force behind important projects like the Frankford United Neighbors Community Development Corp., a program that stimulates job creation and economic development in the area. In appreciation and support of the cultural diversity of the community, the ministry has also initiated and donated valuable resources to the Frankford Human Relations Commission and the Frankford Style Community Workshops.

The Frankford Group Ministry has also focused and directed the efforts of area businesses, churches, and individuals to charitable causes. Because of this spirit of cooperation, more needy people in Philadelphia have received a wider range of services. The ministry has literally fed the hungry and provided assistance to the men, women, and children who desperately need it.

Mr. Speaker, more than a dozen outstanding individuals of the Frankford Group Ministry make tremendous contributions every day. But I would like to single out its executive director, the Reverend John Schol, for particular recognition. Reverend Schol's primary ministry has been to every segment of his community and has been a blessing to everyone who lives in, works in, or cares about Frankford and Philadelphia.

Because of the willingness of the pastoral leaders of the area to devote so much time and so many resources to the community, the Frankford Group Ministry has become a tremendous positive force for the betterment of Frankford. And for that, Mr. Speaker, I would like to thank them.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1990

Mr. GEKAS. Mr. Speaker, due to an unfortunate clerical error the names of six distinguished Members of this body were omitted from the list of original cosponsors to House Joint Resolution 464, "National Crime Victims' Rights Week." These Members requested and were intended to be named as original cosponsors of House Joint Resolution 464, "National Crime Victims' Rights Week," when the resolution was introduced on January 25, 1990. I apologize to my colleagues for this error. Herewith is the list of omitted names: Mr. CHUCK DOUGLAS of New Hampshire, Mr. JIM JONTZ of Indiana, Mr. JIM MCDERMOTT of Washington, Mr. MIKE PARKER of Mississippi, Mr. OWEN B. PICKETT of Virginia, and Ms. LOUISE MCINTOSH SLAUGHTER of New York.

TRIBUTE BY CHARLES B. RANGEL ON THE OCCASION OF CITY UNIVERSITY'S BARUCH COLLEGE COMMEMORATION OF BLACK HISTORY MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1990

Mr. RANGEL. Mr. Speaker, black Americans in politics, particularly those in Congress, have positively influenced public policy across decades of our history. Senator Hiram R. Revel of Mississippi was the first black American elected to Congress in 1870. Since then 65 African-American men and women have been elected to Congress to represent the interests of a broad and diverse constituency.

As we celebrate Black History Month, it is important that reflections on our past include recognition of those, like Revel, that have personified the best in the American political tradition and on those whose most recent mayoral and gubernatorial elections hold a promising vision for the future. The victories of Mayor David Dinkins in New York and Gov. Douglas Wilder in Virginia represent a new direction in American politics; a direction that transcends race; a direction that builds on the noteworthy traditions of the past and on our rich cultural heritage; one that inspires hope for all people as we confront the immense challenges before us.

Our response to these challenges will determine in large part the quality and content of this new and exciting chapter in American history.

Indeed, some of the most remarkable achievements in the history of this great Nation have been written in the blood, shaped by the sacrifice and molded by the effort and ability of black Americans.

It is therefore, appropriate and extremely important that all Americans support, as I do, Black History Month and all that it signifies.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, January 30, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 31

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the activities of the Resolution Trust Corporation (RTC).
SD-538

Budget
To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1991 budget.
SD-608

10:30 a.m.
Governmental Affairs
To hold hearings on the nomination of George W. Haley, of Maryland, to be a Commissioner of the Postal Rate Commission.
SD-342

2:00 p.m.
Armed Services
Closed meeting to discuss the nomination of Victor Stello, Jr., of Maryland, to be Assistant Secretary of Energy for Defense Programs.
SR-222

FEBRUARY 1

8:30 a.m.
Veterans' Affairs
To hold hearings on the nomination of D'Wayne Gray, of Virginia, to be Chief Benefits Director, Department of Veterans Affairs.
SR-418

9:00 a.m.
Judiciary
Business meeting, to consider S. 438, to amend the Racketeer Influenced Corrupt Organizations Act (RICO—18 U.S. Code 96), and other legislative business.
SD-226

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the soybean industry.
SR-332

Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 647, to amend the Federal securities laws to revise the enforcement remedies for civil violations of those laws.
SD-538

10:00 a.m.
Armed Services
To hold hearings to review the amended authorization for fiscal year 1991 for the Department of Defense and the five year defense plan.
SH-216

Commerce, Science, and Transportation
To hold hearings on the nomination of William D. Hathaway, of Maine, to be a Federal Maritime Commissioner.
SR-253

Environment and Public Works
To hold hearings on S. 1076, to increase public understanding of the natural environment and to advance and develop environmental education and training.
SD-406

10:30 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1991 budget.
SD-608

11:00 a.m.
Foreign Relations
To hold hearings on foreign policy priorities for the 1990's.
SD-419

2:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

FEBRUARY 2

9:00 a.m.
Armed Services
To resume hearings on the implications of changes in the Soviet Union and Eastern Europe for Western security.
SH-216

9:30 a.m.
Joint Economic
To hold hearings on the employment-unemployment situation for January.
SD-106

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Education, focusing on the Office of the Secretary of Education and Special Institutions.
SD-192

Finance
Medicare and Long-Term Care Subcommittee
To hold hearings to examine issues relating to Medigap insurance policies.
SD-215

Judiciary
To resume hearings on the national drug control strategy program.
SD-226

10:30 a.m.
Joint Economic
To resume hearings to examine the economic outlook for 1990.
SD-106

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Education, focusing on the Offices of the Assistant Secretaries of Education and the Office of the Inspector General.
SD-192

FEBRUARY 5

10:00 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1991 budget.
SD-608

Energy and Natural Resources
To hold hearings on the nominations of John Wesley Bartlett, of Massachusetts, to be Director of the Office of Civilian Radioactive Waste Management, and Robert H. Gentile, of Ohio, to be an Assistant Secretary of Energy for Fossil Energy, both of the Department of Energy.
SD-366

2:00 p.m.
Finance
To hold hearings on proposed legislation to reduce Social Security taxes.
SD-215

FEBRUARY 6

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on crop insurance.
SR-332

Commerce, Science, and Transportation
To hold hearings on the nomination of Edward J. Philbin, of California, to be a Member of the Interstate Commerce Commission.
SR-253

Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on S. 1554, to implement water rights settlements involving the Pyramid Paiute Tribe, the States of California and Nevada, and other parties with respect to the waters of the Truckee and Carson Rivers and Lake Tahoe in Nevada and California.
SD-366

Governmental Affairs
To hold hearings on S. 2006, to establish the Department of the Environment, and to provide for a global environmental policy of the United States.
SD-342

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Labor, focusing on the Office of the Secretary of Labor and the Office of Inspector General.
SD-138
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold oversight hearings on chemical exports to Central and South America.
SR-253
2:00 p.m.
Agriculture, Nutrition, and Forestry
Domestic and Foreign Marketing and Product Promotion Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural program, focusing on export and market development programs.
SR-332

FEBRUARY 7

9:00 a.m.
Armed Services
To hold hearings on the military strategy and operational requirements for NATO defense.
SR-222
9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1643 and S. 1660, to provide protection to consumers in connection with telephone services.
SR-253
Governmental Affairs
To continue hearings on S. 2006, to establish the Department of the Environment, and to provide for a global environmental policy of the United States.
SD-342
10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the Office of Civil Rights and Policy Research, the Family Support Administration, Human Development Services, and the Office of Inspector General.
SD-192
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of National Drug Control Policy.
SD-116
Foreign Relations
To hold hearings on United States policy toward China.
SD-419
10:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold oversight hearings on the safety of child passengers.
SD-628
Finance
To resume hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-418).
SD-215
1:15 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the Social Security Administration and the Health Care Financing Administration.
SD-192
2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on provisions relating to fisheries protection and buffer zones (sec. 104(e)), and the designation of additional wilderness areas on the Tongass National Forest (title III), of H.R. 987, the Tongass Timber Reform Act.
SD-366
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

FEBRUARY 8

9:00 a.m.
Armed Services
To hold hearings on the military strategy and operational requirements of the commands oriented to Pacific defense.
SR-222
9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on grain quality enhancement.
SR-332
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366
Governmental Affairs
To continue hearings on S. 2006, to establish the Department of the Environment, and to provide for a global environmental policy of the United States.
SD-342
Veterans' Affairs
To hold hearings on the nominations of Ronald M. Holdaway, of Wyoming, and Hart T. Mankin, of Delaware, both to be Associate Judges of the United States Court of Veterans Appeals.
SD-562
10:00 a.m.
Finance
To resume hearings on proposed legislation to reduce Social Security taxes.
SD-215
10:30 a.m.
Joint Economic
To resume hearings to examine the economic outlook for 1990.
Room to be announced
2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on agricultural credit.
SR-332
Armed Services
To hold hearings on the military strategy and operational requirements of the unified commands oriented to Third World defense and unconventional warfare.
SR-222

FEBRUARY 9

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health, the Office of Health Care Policy and Research, the Centers for Disease Control, the Alcohol Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration.
SD-192
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1991 budget.
SD-608
Finance
International Trade Subcommittee
To hold hearings on proposed legislation to make permanent the Caribbean Basin Initiative.
SD-215

FEBRUARY 20

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Office of Director, Buildings and Facilities, the National Cancer Institute, the Heart, Lung, and Blood Institute, the National Dental Institute, Diabetes, Digestive, and Kidney, Allergy and Infectious Diseases, Child Health and Human Development, and Environmental Health.
SD-138
1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Neurology Institute, the Deafness Institute, General Medical Sciences, the National Eye Institute, the National Institute on Aging, Arthritis, Musculoskeletal and Skin Division of Research Resources, Nursing Research, Human Genome, and the National Library of Medicine.
SD-138
2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on agricultural credit.
SR-332

FEBRUARY 21

9:00 a.m.
Armed Services
To hold hearings on the military strategy and operational requirements for rapid reinforcement and associated transportation requirements.
SR-222

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1742, to further the goals of the Paperwork Reduction Act (P.L. 96-511), and comprehensively strengthen agency responsibility and accountability of information resources management.
SD-342

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Customs Service, and the Federal Election Commission.
SD-116

Foreign Relations
To hold hearings on the report on arms control prospects following Moscow and Ottawa Ministerial meetings.
SD-419

FEBRUARY 22

9:00 a.m.
Armed Services
To resume hearings on the implications of changes in the Soviet Union and Eastern Europe for Western security.
SR-222

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on grain quality enhancement.
SR-332

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.
SR-253

Energy and Natural Resources
To hold oversight hearings on the implementation of the Department of Energy's Office of Civilian Nuclear Waste Management.
SD-366

Governmental Affairs
To continue hearings on S. 1742, to further the goals of the Paperwork Reduction Act (P.L. 96-511), and comprehensively strengthen agency responsibility and accountability of information resources management.
SD-342

Rules and Administration
To hold hearings on S. 1543, to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia.
SR-301

Small Business
To hold hearings on implications of technology transfer on small business.
SR-428A

10:00 a.m.
Rules and Administration
To hold hearings on the nomination of Robert William Houk, of Ohio, to be Public Printer for the Government Printing Office.
SR-301

FEBRUARY 23

8:30 a.m.
Veterans' Affairs
To hold hearings on budget recommendations for veterans programs and on proposed legislation to reorganize the Veterans Health Service and Research Administration.
SR-418

FEBRUARY 27

9:30 a.m.
Rules and Administration
Business meeting, to consider S. 1543, to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia, the nomination of Robert William Houk, of Ohio, to be Public Printer for the Government Printing Office, and other pending executive, legislative, and administrative business.
SR-301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Disabled American Veterans.
SH-216

2:00 p.m.
Armed Services
To resume hearings on the amended authorization request for fiscal year 1991 for the Department of Defense and the five-year defense plan.
SR-253

FEBRUARY 28

9:00 a.m.
Armed Services
To continue hearings on the amended authorization request for fiscal year 1991 for the Department of Defense and the five-year defense plan.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.
SS-116

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Physician Payment Review Commission, the Corporation for Public Broadcasting, the National Commission on Libraries, the U.S. Institute of Peace, the National Commission on AIDS, the Prospective Payment Assessment Commission, the National Commission to Prevent Infant Mortality, and the Soldiers' and Airmen's Home.
SD-192

10:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for ACTION, the National Council on Disability, the Federal Mediation and Conciliation Service, the National Mediation Board, the Railroad Retirement Board, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD-192

MARCH 1

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the cotton industry.
SR-332

2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on forestry issues.
SR-332

MARCH 2

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the wool and honey industries.
SR-332

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Research Service, Cooperative State Research Service, and Extension Service.
SD-138

MARCH 5

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the rice industry.
SR-332

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on agricultural credit.
SR-332

MARCH 6

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Veterans of Foreign Wars.
SH-216

9:30 a.m.
Governmental Affairs
To hold hearings on the General Accounting Office's report on material weaknesses in the Department of Defense's supply system.
SD-342

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the sugar industry.
SR-332

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Food and Nutrition Service and Human Nutrition Information Service.
SD-138

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1976, to provide for continued U.S. leadership in high-performance computing focusing on the Department of Energy.
SD-366

MARCH 7

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1978, to promote U.S. trade and technology interests by reorganizing the Department of Commerce into a Department of Industry and Technology.
SD-342

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Treasury, and departmental offices.
SD-116

MARCH 8

9:30 a.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant [WIPP] in Carlsbad, NM, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

Government Affairs
To hold hearings to examine fraud, waste, and abuse, focusing on agencies on the high-risk list.
SD-342

Veterans' Affairs
Business meeting, to consider budget recommendations for veterans programs and proposed legislation to reorganize the Veterans Health Service and Research Administration.
SR-418

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the wheat industry.
SR-332

MARCH 9

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.
SR-332

MARCH 15

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the American Ex-Prisoners of War, the Blinded Veterans Association, and the Military Order of the Purple Heart.
SH-216

MARCH 21

9:30 a.m.
Governmental Affairs
To hold hearings on proposed legislation to establish a position of chief financial officer.
SD-342

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the United States Secret Service, and the Internal Revenue Service.
SD-116

MARCH 22

9:30 a.m.
Governmental Affairs
To continue hearings on proposed legislation to establish a position of chief financial officer.
SD-342

Veterans' Affairs
To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

MARCH 23

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-138

MARCH 28

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.
SD-116

MARCH 30

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

APRIL 4

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

APRIL 5

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Associations.
SH-216

APRIL 19

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

APRIL 25

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

CANCELLATIONS

FEBRUARY 1

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the Department of Energy decision plan related to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, NM, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

HOUSE OF REPRESENTATIVES—*Tuesday, January 30, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are appreciative of our own backgrounds—our families, our experience, our cultures. Yet, we pray, O gracious God, that we will be more aware that You have created the whole world and all the peoples—of every experience, many families and cultures. May each of us so see the majesty of Your creation that we will grow to understand Your purposes for us and for all people. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Hawaii [Mr. AKAKA] will please come forward and lead the House in the Pledge of Allegiance.

Mr. AKAKA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 29, 1990.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 2:05 p.m. on Monday, January 29, 1990 and said to contain a message from the President whereby he transmits, in accordance with the Impoundment Control Act of 1974, two new deferrals and four revised deferrals of budget authority now totalling $8,251,604,695.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

SUNDRY DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of Monday, January 29, 1990, at page S474.)

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. COAST GUARD ACADEMY

The SPEAKER laid before the House the following appointments of Members of the Committee on Merchant Marine and Fisheries to serve the members of the Board of Visitors to the U.S. Coast Guard Academy:

COMMITTEE ON MERCHANT MARINE
AND FISHERIES,
Washington, DC, January 24, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Public Law 301 of the 78th Congress, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Coast Guard Academy for the year 1990: The Honorable W.J. (Billy) Tauzin of Louisiana, The Honorable William J. Hughes of New Jersey, The Honorable Robert W. Davis of Michigan.

As chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

With warmest personal regards, I am
Sincerely,
WALTER B. JONES,
Chairman.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY

The SPEAKER laid before the House the following appointments of members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Merchant Marine Academy:

COMMITTEE ON MERCHANT MARINE
AND FISHERIES,
Washington, DC, January 24, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Public Law 453 of the 96th Congress, as amended, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Merchant Marine Academy for the year 1990: The Honorable George J. Hochbrueckner of New York, The Honorable Nita M. Lowey of New York, The Honorable Norman F. Lent of New York.

As chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

With warmest personal regards, I am
Sincerely,
WALTER B. JONES,
Chairman.

PRESIDENT'S BUDGET WILL KILL TINY TIM

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, yesterday President Bush wrote that his budget's chief emphasis was on the future. In the last century Charles Dickens also wrote about the future. In the Christmas Carol, Scrooge asked if Tiny Tim would live. He was told if the shadows of the future remained unaltered, Tiny Tim would die.

In the Bush future, budget authority for housing the elderly and handicapped children like Tiny Tim would decline by $201 million from the fiscal year 1991 baseline, but there is more relative growth in the defense spending than in fiscal year 1986.

In the Bush future, budget authority for child nutrition programs for children like Tiny Tim would decline by $460 million from the fiscal year 1991 baseline, but there is more relative growth in defense spending than in fiscal year 1987.

In the Bush future, budget authority for Medicaid for children like Tiny Tim would decline by $88 million for fiscal year 1991 baseline, but there is more relative growth in defense spending than in fiscal year 1990.

This budget is not dead on arrival. President Bush may be able to live with it, but it's going to kill Tiny Tim.

URGING CONSIDERATION OF CONVENTION OF RIGHTS OF THE CHILD

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to join my colleagues, Congressmen GUS YATRON and DOUG BEREUTER, in introducing a

resolution today calling for the timely consideration of the Convention on the Rights of the Child. The Convention was adopted by the 44th General Assembly of the United Nations on November 20, 1989, and must now be ratified by the member States—at least 20 in order to make it binding. The U.S. Government is currently involved in an interagency review of the Convention.

As Congressional Representative of the U.S. Delegation to the United Nations, Mr. Speaker, I had the opportunity to present the United States position on approving the Convention on November 10, 1989 in New York. For the sake of summary, I will highlight some of the United States concerns expounded upon in that statement. And put the entire statement in the Extension of Remarks.

First, the Preamble of the Convention recognizes that a child, "by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth." Mr. Speaker, children—both the born and the unborn—are precious and extremely vulnerable. The U.S. Government believes that the protection of all children, to the maximum extent possible irrespective of age or condition of dependency, is the duty and sacred obligation of government.

The right of each child to the "freedom of thought, conscience and religion" underscores the human right of religious tolerance fundamental of all people in every country. Children are no exception. The United States sought to have the Convention include language outlining a child's "right to freedom to change his religion or belief, and freedom, * * * to manifest his religion or belief in teaching, practice, worship and observance," as stated in the Universal Declaration of Human Rights. Unfortunately, consensus was not possible for the Convention to include these supplementary rights.

The United States is also strongly supportive of the articles pertaining to family reunification, the prevention of physical and mental abuse against children, the special needs of the handicapped and disabled and the importance of legal encouragement and safeguards for the adoption of children. Through adoption, many millions of children have found loving, caring families who love and care for them, as they would their own natural children. Clearly, adoption needs to be encouraged on a global scale.

Mr. Speaker, I look forward to the day when the Senate considers ratification of the Convention. I am hopeful that the ensuing debate will foster a better understanding of, and a renewed commitment to, the legal protections which all children need. Ratification of the Convention would be most appropriate to usher in the 1990's—a decade which, I believe will become known as "the Decade for the Child—born and unborn."

IT IS TIME TO CHANGE THE WAY WE BUDGET

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, I say to America, good morning: how do you feel today? After a decade of being given a heavy dose of budget deficits from the President of the United States, we enter a new decade and we are being asked to have more hair of the dog, the dog that bit us. More budget deficits.

Another budget from the President with a huge budget deficit, this time openly to borrow from the Social Security fund, to steal from the trust fund to cover it.

And what do we have with that? A peace dividend? That is the biggest joke of all time. If Members read the budget and do not read the newspaper, they would think there is nothing happening in Eastern Europe, nothing happening in the Soviet Union.

We are spending more, and according to the President we need to spend more. We are going to cut Medicaid $8 billion and we are going to cut guaranteed students' loans and we are going to cut the Environmental Protection Agency and we are going to cut energy conservation and on and on and on. More of the same.

This country ought to be ashamed of this administration. I hope it is. I am. It is time to change the way we budget.

□ 1220

IDAHO CENTENNIAL COMMEMORATIVE

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, entry into the State of the Union is truly an event of national significance, one which deserves special attention. Therefore, I proudly join my Idaho colleague, RICHARD STALLINGS, in introducing legislation to designate July 3, 1990, as Idaho Centennial Day, and I ask our colleagues here in the House to join us by cosponsoring.

Since its statehood in 1890, the people of Idaho have made substantial contributions to the economic and social well-being of the United States by harvesting the abundance of natural resources our great State has offered. In turn, a great wealth has been produced, enabling the building of cities, educational institutions, a rich culture, and an envied quality of life.

For centuries, the State of Idaho, with its rugged mountains, densely enriched forests and high deserts, has offered Idahoans and visitors alike an array of beautiful scenery, unlimited recreational opportunities, and a diverse economy.

This centennial celebration marks the recognition of the State whose people are proud of their heritage and of their contributions to this great Nation. Therefore, I ask my colleagues to help Idaho celebrate its 100 years of statehood this July 3d.

THE PRESIDENT'S BUDGET: WHAT IT DOES AND DOES NOT PROVIDE

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, this is the budget of the U.S. Government. It weighs over 5 pounds. It is more than 3 inches thick, and it includes just about everything America needs, $1.25 trillion worth of expenditures, everything America needs except leadership. It has none of the hard decisions, none of the tough choices, none of the challenges to be frank and honest with the American people about our future. It says none of the things that we must do and sacrifices we must make for quality of education, to clean our environment, to invest again in America, and to secure a future for our people.

The budget of the United States, $1.25 trillion, here is what it does not do, Mr. Speaker: It does not buy us more time, it only postpones the real choices America must make.

Be he a Democrat or a Republican, a liberal or a conservative, Mr. Speaker, the President owed us more. He was neither frank nor fair with the American people.

CAPT. DALE KOONS LAID TO REST

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, Americans will never forget the Vietnam war. Through the medium of books, movies, songs, demonstrations, and heartfelt vigils, this painful decade of our history lingers in the hearts and minds of most Americans. However, for some 2,300 families, the aftermath of this war is still a reality which no song can capture. Today, there are still some 2,300 Americans who are not yet accounted for in Indochina.

For the family of Capt. Dale F. Koons of Preble County, OH, at least

part of this war can be put to rest. Captain Koons was shot down over North Vietnam 18 years ago, December 26, 1971. On January 28, 1990, his remains were finally buried on American soil in Ohio. Hundreds of friends and family members attended the funeral in Gratis, OH, as four Phantom F-4 jets flew over the ceremony in the famous "missing man" formation. Capt. Dale Koons, the last Vietnam war casualty of Preble County, OH, is home at last.

PREBLE COUNTY "HERO" FINALLY LAID TO REST

(By Ed Richter)

GRATIS.—The Vietnam War ended Saturday morning for Preble County as the remains of Air Force Capt. Dale F. Koons was laid to rest with full military honors.

For Koons' wife, daughter, and parents Saturday's wind-swept services ended 18 years of pain and uncertainty about the F-4 Phantom jet navigator who was shot down over North Vietnam on Dec. 26, 1971, as well as the last two years of identifying the remains and persevering through other bureaucratic snafus which only continued the family's pain and suffering.

The funeral also allowed some 250 friends, relatives, area veterans and neighbors to pay their respects to the county's last war casualty of the Vietnam era. Flags throughout the county were lowered to half-staff to pay homage to Koons.

Honor Guards from the 2750th Air Base Wing, Wright-Patterson Air Force Base, the Miami University Air Force ROTC, and the Dayton Vietnam Veterans Association as well as representatives of area law enforcement agencies were present at Fairview Cemetery for the services.

As the six airmen serving as pallbearers lifted the American flag and stretched it over the solid hard-wood coffin, a flight of four F-4 Phantom fighters from the Indiana Air National Guard in Fort Wayne flew toward the services from the east at 1,500 feet. Just before the jets came over the cemetery, one of the fighters broke away from the group and flew skyward, honoring Koons with a missing man formation.

After the flyover, the Rev. Dennis Jones, of the Trinity Presbyterian Church in Herndon, Va., and formerly of Preble County, gave a short eulogy. After comments from other officials, two airmen played Taps, followed by a 21-gun salute by a seven-man firing squad.

As the six pallbearers began to fold the flag draping Koons' coffin, the brisk wind began to pick up. When his part of the flag was folded each airman gave a salute to Koons.

Capt. Stephen O'Neill presented the flag to Koons' 18-year-old daughter, Kristin, a freshman at Eastern Michigan University. Frances Koons, his mother, was also presented a flag by Capt. Alvin Haggen.

Area veterans then passed by the coffin, each saluting Koons' remains and the family.

Kristin and Koons' widow, Phyllis, went back toward the coffin. With her flag clutched in one hand, Kristin brushed her other hand several times along her father's coffin as her mother held her in her arms.

Family members, who declined to speak with the media during Saturday's services, held a press conference Friday in Eaton. Koons' wife, who has since remarried and is living in Ann Arbor, Mich., did not attend.

However, Kristin read a prepared statement from her mother, expressing her thoughts on finally being able to grieve over the loss of her husband, being thankful that the family knows what happened to Capt. Koons and finally being able to honor him with a proper burial at home.

Koons' father, Dale A., said he was all for the military funeral for his son "because he's a hero."

He still was not happy with delays and some of the other problems he and his family endured with the Air Force and the government.

Mr. Koons said if the government grave marker has his son's legal death date in 1973, instead of his MIA date of 1971, he'll have it removed and will pay for a new marker so people will know his son died during the Vietnam War and not after.

Shortly after Capt. Koons and pilot Maj. Laurence Stoltz of Indiana were shot down, the Koons family said they remembered seeing a television news report in which the North Vietnamese authorities were releasing pictures of their ID cards and other personal belongings saying that both aviators had been killed.

The Air Force listed him as missing in action after he and Stoltz failed to return to their base. On Oct. 11, 1979, Koons' status was changed from missing in action to killed in action.

In April 1988, the remains of Koons and 26 other servicemen were released by the North Vietnamese to the U.S. government, and were sent to the Army's Central Identification Laboratory in Hawaii for indentification.

A positive identification was made in October 1989. However, there were some remains which were intermingled and could not be identified. The Air Force suggested that the unidentified remains be buried in a third grave in a national cemetery with both names on the marker.

The Koons family asked if the third set of remains could be divided and not have a third grave. The military agreed as long as both families agreed.

The Stoltz family was not satisfied and asked for another opinion in Colorado. Those findings were forwarded to the Armed Service Review Board, which disagreed with the findings and sent the remains back to Hawaii for further study. The board also reinstated the three graves proposal.

Both families contacted the Secretary of the Air Force asking that their wishes be granted as well as contacting U.S. Rep. Donald "Buz" Lukens for assistance to relay the wishes of the families.

The Secretary of the Air Force granted the request and had the remains flown to California to be divided and released to the families, Koons' remains arrived in Dayton on Tuesday night.

Earlier Saturday morning, some 200 people attended memorial services in an Eaton funeral home, including Lukens. There were 65 cars in the funeral procession from Eaton to Gratis.

Koons was a 1964 graduate of the former Lanier High School near Gratis and a 1968 graduate of Ohio State University. He was the first runner-up nominee to the Air Force Academy in 1964 and 1965 and had always wanted to be a pilot.

He entered the Air Force in 1969 and was trained as a navigator on the F-4 Phantom fighter. After training at two bases in California and Florida, Koons went to Vietnam in September 1971, the month after his daughter was born.

PRESIDENT BUSH'S USER FEES ARE REALLY TAXES ON MIDDLE-INCOME AMERICANS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the President's budget proves that Mr. Bush is a master ventriloquist—his lips may not move, but his voice is coming through loud and clear—President Bush is raising taxes again this year on middle-income Americans by over $6 billion.

Mr. Speaker, the American people are not dummies. They know that a user fee is a tax. His 25-percent increase in new taxes on airline travel for people who fly comes out of the pockets of average Americans. He claims it will be used to improve safety, but there is currently $8 billion in the aviation trust fund for that very purpose which has not been spent in order to make the deficit appear smaller.

His desire to raise new taxes on airline tickets is like his silence on the Social Security payroll tax increases on working Americans—in both cases you are increasing taxes to hide the deficit.

His push for new user fees in veterans programs and Medicare will continue to squeeze middle-income Americans. All in all, President Bush is proposing over $6 billion in new taxes on average wage-earning Americans—the people he claims to be fighting for when he says he will not raise taxes.

A user fee by any other name is a tax, Mr. Bush, and it is time to stop the trickery and deal honestly with the American taxpayers.

BUDGET CRITICS URGE REDUCED DEFENSE SPENDING WHILE INCREASING SPENDING FOR THEIR OWN PRIORITIES

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, what a surprise; the Members from the other side of the aisle one by one are tearing apart, criticizing adversely the budget of the President of the United States. What a great surprise.

Yet it is these same Members who year after year add to the spending of Congress, add to the deficit, propose measures to exacerbate the deficit problem that we have, and they participate in polemics and in rhetoric that serve no purpose other than to bring back the same story year after year.

Their answer is, most of the time: Reduce defense spending, "We have a peace dividend now that we can share among the other spending priorities"

that these very same Members propose. But they will forget very easily, as they have already done so, that the defense buildup, the strengthening of America brought about, helped bring about the situation in Eastern Europe, where the cry for freedom is now being heard.

IN SUPPORT OF A HONOLULU STOCK EXCHANGE

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, the Aloha State of Hawaii has a chance to become a financial leader of the Pacific Rim. We can accomplish this with the creation of the Honolulu Stock Exchange.

Business and government in my State are working together to establish a financial center that would trade stocks, commodities, currencies, options, and other products.

In today's global economy, this is an idea whose time has come. A Hawaii stock exchange would fill in a 4-hour time gap between the closing of the New York Stock Exchange and the opening of the Tokyo Stock Exchange.

A Hawaii stock exchange would make it easier for American exchanges to trade with Asia, and for Asian exchanges to trade with America. Americans and Asians would no longer have to conduct trade at odd hours of the night.

In many ways, the Pacific Rim has become the financial center of the world, and our country needs to trade and grow together with the nations of the Pacific.

The State of Hawaii stands ready to serve as a new financial link between East and West.

INTRODUCTION OF THE AUGUSTUS F. HAWKINS EARLY CHILDHOOD AND ELEMENTARY TEACHER PREPARATION AND RETRAINING ACT

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, last Friday, Chairman AUGUSTUS F. HAWKINS announced that he will not seek reelection to Congress. This marks the end to a long, dedicated, and successful career in public service of an extraordinary man. I am saddened to learn of his decision. During my years of service in Congress, I have come to know this gentleman as a strong advocate, a visionary leader, and statesman of educational policy in this country. And, I have come to know him as a friend. I deeply regret that the Congress will lose the wisdom this august man has brought to this Chamber.

Today, I hope to honor Chairman HAWKINS by introducing a bill regarding educational issues of great concern to him. This bill, the Augustus F. Hawkins Early Childhood and Elementary Teacher Preparation and Retraining Act, is designed to strengthen the teaching force in this country.

As you may know, we are experiencing a great shortage of teachers in certain critical areas. Unfortunately, the data indicates the shortage will get worse before it gets better. As a result, our Nation's young people and ultimately our country will suffer from the loss.

Recent estimates project that about 185,000 new teachers will be needed per year between 1990 and 1993. The same projections indicate only 140,000 teachers per year will enter the profession. The demand for the hiring of new teachers is expected to rise because of student enrollment increases, pupil/teacher ratio improvements, and retirement of the current pool.

This bill is designed to attract and retain the best and brightest into the teaching profession. The bill has three major provisions.

The first provision creates a Stafford loan forgiveness program for teachers in early childhood and elementary schools. Due to the critical shortage of minority teachers, the bill adds incentives for minority teacher recruitment.

The second provision creates a teacher training program within States to help improve the quality of teaching in early childhood and elementary schools. I hope that this program will help to strengthen the skills of these teachers.

The third provision honors Chairman HAWKINS by naming the Federal program for historically black colleges and universities the Augustus F. Hawkins Program for Strengthening Historically Black Colleges and Universities.

Chairman HAWKINS has helped to shape the direction of educational policy in this country. I hope you will join me in honoring his work by cosponsoring this bill.

□ 1220

WHO DOES RICHARD SECORD KNOW?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last week Richard Secord had his day in court. It was the moment of truth for the retired Air Force major general. Federal Judge Robinson looked at Mr. Secord and he said, "Mr. Secord, you are guilty, guilty as charged. You are guilty for having lied to the Congress of the United States of America." He said, "That is no small thing. That threatens the basic rights and freedoms of all Americans."

News reports said that Secord actually shuddered. The judge raised his gavel, and he says, "You are guilty, but there will be no jail time. You are guilty, but there will be no community service. You are guilty, and there will be no fines," even though he could have gotten 5 years and one-quarter of a million dollars in fines. The judge said, "You have suffered enough, Mr. Secord."

Mr. Speaker, I say there is liberty and justice for all, if a person knows the right people. I think Richard Secord does. I think it is time we start telling it like it is and just think about all he did, and that was lie to Congress.

GOVERNMENT SUBSIDIZES PRIVATE RANCHERS

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, young Americans cannot afford homes; older Americans cannot afford health care; middle Americans cannot educate their children; but wealthy cattle ranchers got another break from the Federal Government this year. The grazing fees charged to private ranchers for using Federal grazing lands have been reduced.

It costs the Federal Government about $63 million to administer 307 million acres of Federal grazing lands. However, the grazing fee income for this land totals about $22 million. Incredibly, the Government charged far less than market value for these lands, requiring only $1.86 per animal unit a month in 1989 for grazing rights worth at least three times that amount. And, in March 1990, this charge will be further reduced to $1.81.

My bill, H.R. 775, would mandate that ranchers pay fair market value for these grazing rights. With our budget deficit requiring cuts in many worthy programs, subsidizing private ranchers is a luxury we cannot afford. Please join me in eliminating this costly inequity.

REPORT POINTS TO CONTRAS AS NUNS' MURDERERS

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, on Sunday, January 28, the Respected Human Rights Group Americas Watch released a report detailing the results of its thorough investigation into the murder of two nuns in Nicaragua on New Year's Day.

The inquiry, which seven other Members and I requested, concluded that Contras were responsible for the killing of Sister Maureen Courtney and Sister Teresa Rosales and the wounding of another nun and a bishop.

Congressman JIM MOODY and I will be circulating a "Dear Colleague" letter later this week summarizing the investigation's findings. Also, I will be placing the entire report into today's CONGRESSIONAL RECORD.

Now that those responsible for this senseless crime have been identified, I hope they will be brought to trail.

The murder of Sister Maureen and Sister Teresa was especially tragic because they were waging peace and prayer, and had played no part in the country's war.

These deaths have struck me particularly because, on my recent visit to Nicaragua, I was privileged to witness the good and charitable work being done by religious orders for the children and the other victims of war.

Knowing of the caring and generous acts Sister Maureen performed in Nicaragua, I am surprised at the persistent use of the term freedom fighter to describe those who so indiscriminately ended her life.

Continued use of this term for those who committed such a ruthless act makes a mockery of the many true freedom fighters around the world.

A TRIBUTE TO CONGRESSMAN GUS HAWKINS

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, though premature in one sense, it is not too early to comment on the announcement by my very dear friend, GUS HAWKINS, of Los Angeles, CA, of his intention to retire from this body at the end of the session. In the coming months, all of us will find ways to show our gratitude to our colleague, but right now I want to express my feeling of deep loss as this great legislator moves on in his crusade for better education and a better America. GUS HAWKINS has been a devout public servant in this House for almost 28 years, and before that, he served for 28 years in California State Assembly, where I count myself lucky to have had the privilege of serving with him. Men of such untiring energy and devotion to cause are a rare breed in this day. A commitment of 56 years to his State and his Nation. Few have given so much. His work for civil rights and education will carry on even after he has moved to the private sector. One only has to look around to see evidence of all the good that he has brought to his countrymen. I would like to take this moment to say "thank you," an insufficient token of all that I owe him as a friend and that we owe him as a nation.

OUTDATED BUDGET-BUSTING REQUESTS BY PENTAGON

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. SCHEUER. Mr. Speaker, for months the American people have watched, fascinated, at the apparent unraveling and disintegration of the Soviet empire. And as that empire has crumbled, the threat of a major nuclear war, seemingly, has disappeared like the morning mist.

Now, without question, we do have threats out there that require any army, navy, air force, and marines. Regional instability, terrorism, yes, but not the threat of a superpower nuclear attacking against the United States in the middle of the night. Yet, yesterday, we saw this absolutely absurd and unbelievable sight of a budget being presented to the Congress that seems to include every budget-busting big-ticket item that the Pentagon generals could possibly dream up.

Imagine in this day and age, in January 1990: $5.5 billion for the B–2—a bomber whose mission has vanished even as its price-tag has soared; $4.7 billion for star wars—to shoot down Soviet missiles that no one in their right mind believes the Soviets ever would fire; $2.2 billion for putting MX missiles on trains—even though these sorts of mobile ICBM's may well be banned by upcoming arms-control treaties; $1.4 billion for yet another unneeded Trident nuclear submarine; and an additional $1.75 billion for the Trident II missile—a multiwarheaded, dangerously destabilizing nuclear weapon.

Mr. Speaker, the cold war is over. It is high time we develop a military strategy that reflects the realities of today's world and our real military needs in mid-January 1990.

And Mr. Speaker, now that the Berlin Wall has come down and the Iron Curtain has gone up, we in America need to rethink what our concept of "national security" really means.

Let us all make a commitment today to ensuring that every child in America can read, that every drug addict that wants to can enter a rehabilitation program, and that every American who needs it has access to adequate health care.

That is where we must concentrate our scarce resources if we want to ensure true "national security" for the United States in the 21st century.

INTERN RECEPTION INVITATION

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, it is very apparent that the debate on the budget has clearly begun.

However, I would like to focus our attention for just a moment on a short-term item, and that is that we are looking forward to the first State of the Union Address from President Bush, right here tomorrow evening. I will say that one of the things President Bush is clearly doing is looking at innovative approaches to deal with the challenges that these countries, moving from Soviet repression toward freedom, are facing. Those challenges have to be addressed not simply with an influx of cash from the United States of America, but we have to look at innovative ways in which we can help these countries.

One of those is going to be a project that I have been working on with the National Forum Foundation. This evening we have 11 interns who are students from Poland, Hungary, and Czechoslovakia, coming into the United States. We are going to be having these people spread throughout Washington, DC, working here on Capitol Hill, in the media, and in business. We hope that they will be able to carry the message from the West back to their part of the world. Tomorrow evening we will have a reception for these people here on Capitol Hill. For any of my colleagues who would be interested in meeting these fine young people, I hope Members will get in touch with our office.

□ 1230

HEROIC RESCUE EFFORTS HIGHLIGHT LONG ISLAND AIR CRASH

(Mr. MRAZEK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. MRAZEK. Mr. Speaker, on January 25 the Cove Neck area on the North Shore of Long Island was shaken from its customary evening tranquillity by the sound of the crash of an Avianca Airlines 707 en route to JFK Airport. It crashed into a wooded hillside, killing 73 of its passengers and crew members.

Within minutes the tragedy brought a swift and sure response. Despite dark and gloomy conditions and one-lane roads leading to the crash area, the area's fire and emergency community volunteers were mobilized and responded with an effort which saved scores of lives among injured survivors.

In all, 37 different volunteer fire and rescue units from Long Island were mobilized to aid in sifting through the

carnage, and they picked out 97 percent of the dead, as well as the survivors, and transported the injured to area hospitals. While the loss of life from the crash was horrendous, the quick reaction of the men and women forming these volunteer units contributed to the significant number of survivors.

On other nights, victims of house fires and car wrecks and countless other emergencies which befall Long Island residents are the beneficiaries of these heroic men and women. These volunteers are living practitioners of the finest instincts which reside within each of us, and they deserve our gratitude and our support for their efforts.

Mr. Speaker, under leave to include extraneous matter, I enter into the RECORD the names of the 37 fire and rescue corps from Long Island that were involved in the heroic efforts to save lives at the crash site of Avianca flight 52, and I also include the list of the hospitals that bore the brunt of the burden, as well as a letter from our illustrious Governor Cuomo praising their efforts. Those items are included as follows:

VOLUNTEER FIRE AND RESCUE UNITS MOBILIZED FOR THE AVIANCA AIR CRASH OF JANUARY 25, 1990 AT COVE NECK, NY

Oyster Bay Fire Company No. 1.
Oyster Bay Atlantic Steamer Fire Company.
Syosset Fire Department.
Wantagh-Levittown Vol. Amb. Company.
Locust Valley Fire Department.
Bayville Fire Department.
East Norwich Fire Department.
Jericho Fire Department.
Glenwood Fire Company.
Glen Cove Fire Department.
Hicksville Fire Department.
Roslyn Rescue Fire Company.
Roslyn Highlands Fire Company.
Sea Cliff Fire Department.
Cold Spring Harbor Fire Department.
Melville Fire Department.
Westbury Fire Department.
Plainview Fire Department.
Bethpage Fire Department.
Williston Park Fire Department.
Massapequa Fire Department.
Levittown Fire Department.
East Meadow Fire Department.
Garden City Fire Department.
North Bellmore Fire Department.
Bellmore Fire Department.
Great Neck Vigilant Fire Company.
Port Washington Fire Department.
New Hyde Park Fire Department.
Elmont Fire Department.
Franklin Square Fire Department.
Valley Stream Fire Department.
Merrick Fire Department.
North Massapequa Fire Department.
Huntington Community First Aid Squad.
Bellmore-Merrick Volunteer Ambulance Corps.
Mineola Volunteer Ambulance Corps.

LIST OF HOSPITALS RECEIVING INJURED FROM AVIANCA FLIGHT 52

Central General Hospital.
Glen Cove Hospital.
Huntington Hospital.
Long Island Jewish.
Mid-Island Hospital.
Nassau County Medical Center.
North Shore Hospital.
St. Francis.
Syosset Community Hospital.
University Hospital, Stony Brook
Winthrop-University Hospital.
City Hospital Center.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, NY, January 30, 1990.

Hon. ROBERT J. MRAZEK, HOUSE OF REPRESENTATIVES
Washington, DC.

DEAR BOB: Millions of Americans felt a profound sense of loss following the Avianca jet crash on Long Island. Yet, at the same time, we were inspired by the compassion and courage displayed by so many of your neighbors as they responded to the tragedy with remarkable speed and dedication.

While last Thursday's accident was indeed tragic, it would have been far worse if not for the immediate outpouring of local assitance. Hundreds of rescue and medical workers, firefighters and police officers, religious leaders, translators, and just concerned citizens volunteered in truly heroic fashion. I also commend the Long Island hospitals for their superb work.

I share your pride in knowing that citizens from all walks of life can work so well together in the face of severe hardship.

Sincerely,

MARIO M. CUOMO,
Governor.

CHENEY TARGETS 90 PERCENT OF BASE CLOSINGS IN DEMOCRATIC DISTRICTS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I do not think Republican National Committee Chairman Lee Atwater could have devised a more partisan, less logical military base closure list than the one Defense Secretary Dick Cheney released yesterday.

Cheney called for closing 21 military bases in the United States, 19 of which—fully 90 percent of the total, are in Democratic congressional districts.

In terms of civilian and military personnel affected by the closures, 99 percent of the civilian personnel and 91 percent of the military personnel are assigned to bases in Democratic districts.

The mix of domestic versus overseas bases is equally skewed. While two-thirds of the bases proposed for closure are domestic, 97 percent of the civilian personnel and 90 percent of the military personnel affected by the colsures are domestic.

INTRODUCTION OF THE UNIVERSAL HEALTH COVERAGE ACT OF 1990

(Mr. OBEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, for more than 40 years the United States has been stalled in a rigid debate about whether we ought to have national health insurance. Millions of working people are still left without coverage, and they are getting tired of it.

In an attempt to break the stalemate, I am today introducing legislation called the Universal Health Coverage Act of 1990, which will require every State in the Union to have in place by 1995 an operating program that provides basic health coverage to every human being living in that State. States would be allowed wide latitude in designing the kind of plan which best fits their situation, but they would have to meet minimum Federal standards of coverage.

Once State programs are operating, in 1995 the Federal Government would take the next 3 years to evaluate the effectiveness of each State's approach. By January 1, 1998, the Secretary of Health and Human Services would be required to determine which State plans did the best job in providing universal health coverage at a reasonable cost and decide whether the administration of health coverage should be moved to the Federal Government or should remain at the State level.

Mr. Speaker, a new trust fund would be established to help States pay the cost of that program. This bill is designed to use States as laboratories of democracy so that we can learn as we go in constructing a health system which will be the most effective and most efficient which we can produce.

A NEW WIND OF FREEDOM

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FAUNTROY. Mr. Speaker, as we prepare for the President's State of the Union Address tomorrow, I want to remind America that there is a fierce wind blowing in our world today. It is blowing with hurricane intensity, tearing down old systems and sweeping away a crumbling order and ushering in a new order. If you will listen with your spiritual ears, you can hear the wind blowing its rumbling chords in Namibia and throughout southern Africa. The sound of the wind is heard from Tiananmen Square and throughout Asia. The sound of the wind is heard as it blows fiercely in Romania and Hungary and Poland and throughout Eastern Europe. The wind rises from the huddled masses yearning to breathe free in Haiti and Central and South America.

It is a wind of freedom. It is a wind that blows to America and to the

world a golden opportunity to resolve a backlog of problems built up over the past decade of neglect of human need across our Nation and through the world.

Mr. Speaker, I want to take this opportunity to invite the Members to view the special order I have taken for today, for I will deal with this subject of East-West tensions and North-South needs. Now that the winding down of the East-West conflict is happening, we have a golden opportunity to use resources freed up to deal with the human needs here and across the world. I invite the Members to remain for my special order.

INTRODUCTION OF THE REVERSE MORTGAGE INSURANCE FOR OLDER AMERICANS ACT OF 1990 AND COSPONSORSHIP OF THE HOME REPAIRS FOR OLDER AND DISABLED HOMEOWNERS ACT OF 1990

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I am pleased to introduce the Reverse Mortgage Insurance for Older Americans Act of 1990 today with Representatives PALLONE, PRICE, and SCHUMER. The legislation, which was initially introduced in the House by Representative JAMES J. FLORIO (H.R. 3006), has also been introduced by Senator GRAHAM of Florida and incorporated into the Senate's housing reauthorization package.

A reverse mortgage operates in the opposite way from a forward mortgage. Rather than borrowing a lump sum to buy a house and repaying it monthly—forward mortgage—the homeowners instead receive monthly advances based on their home equity. The repayment plus interest will be paid in the form of a lump sum at a future date—when the borrower dies, sells the house, or upon reaching a previously agreed-to date. This arrangement allows homeowners to receive a stream of income based on the accumulated equity in their homes.

Homes are the most commonly held and most valuable assets that older Americans possess; three out of four elderly persons own their own homes, and it is estimated that 80 percent of these homeowners do not have mortgages. However, despite $750 billion of home equity held by the elderly, 6 out of every 10 older homeowners are low income or very low income. When older Americans are fortunate enough to own their own homes but are cash-poor, the demands of household and health care expenses can become overwhelming and lead to the sale of their homes.

The current Home Equity Conversion Mortgage Insurance Demonstration Program, which is administered by the Department of Housing and Urban Development, insures 2,500 reverse mortgages. The mortgages are available to homeowners who are 62 years of age and older, and who have little or no mortgage debt remaining on their property. The demonstration, which is authorized through September 1991, enables elderly homeowners to convert the equity in their homes into cash. The Federal Housing Administration [FHA] insures the reverse mortgages and protects both the lenders and the homeowners against risks such as default and eviction.

The bill I am introducing today expands the number of reverse mortgages from 2,500 to 25,000 and adds important consumer protections. In addition to expanding the number of mortgages, the bill clarifies that each financial institution offering the mortgages must offer the homeowner a range of options and allow the homeowner to switch from one type of reverse mortgage to another. The bill also allows a homeowner to conserve part of the accumulated equity in the home to be used for future needs or to leave to heirs.

Further consumer protections require the lender to explain the definite limitations on the liability that the homeowner is assuming. The legislation also states that the lender must provide to the homeowner, prior to closing, a statement of the projected total cost of the mortgage to the homeowner. This information must be provided as a single annual average interest rate under at least two different appreciation rates for not less than two projected loan terms.

The reason for this legislation is simple: the demand for reverse mortgages far exceeds the 2,500 that are currently available. Over 20,000 older adults have contacted HUD for information, and many financial institutions are unable to meet the overwhelming demand by older homeowners for these mortgages. Given the tremendous amount of equity tied up in the houses of people 65 years of age and older, the majority of whom are considered to be low-income, there is considerable justification to expand the program and allow these homeowners to utilize their resources. An expansion of the demonstration would also more clearly demonstrate the demand for the reverse mortgages, the types of financing arrangements selected by homeowners, and the long-term benefits of the mortgages.

This legislation has broad based support. Secretary Kemp, the Federal National Mortgage Association—Fannie Mae—and the Federal Home Loan Mortgage Corporation—Freddie Mac—have endorsed expansion of the reverse mortgage program to between 25,000 and 30,000 mortgages. In addition, the National Center for Home Equity Conversion and the American Association of Retired Persons have endorsed this legislation.

I am also pleased to be an original cosponsor of the "Home Repairs for Older and Disabled Homeowners Act of 1990," which is being introduced by my distinguished colleague and good friend MARY ROSE OAKAR. The act will allow homeowners who are faced with fixed incomes and unmanageable repair costs to remain in their homes, and will also preserve valuable housing stock for future generations.

The legislation provides grants through HUD to nonprofit organizations, local governments, and Indian tribes to provide home repairs and accessibility modifications for low-income, older and disabled homeowners. The bill also requires grantees to provide, upon request of the homeowner, information on assistance in the community such as nutrition, health care, employment, and other services. Last, the legislation requires that standardized collection of data by grantees, including information on housing quality and conditions. This data will help paint a clearer picture of the needs of older and disabled homeowners and the condition of our Nation's housing stock.

Mr. Speaker, these bills fill a void in the present comprehensive housing proposals in the House and Senate. We must not allow older homeowners to be forced to move unnecessarily from their homes when we can help creat alternatives and preserve housing options for them. As the newly appointed chair of the Subcommittee on Housing and Consumer Interests of the Select Committee on Aging, I look forward to working with the members of the Committee on Banking, Finance, and Urban Affairs, particularly the distinguished chairman, Mr. GONZALEZ, in incorporating these proposals into the Housing and Community Development Act. I will also continue working with other Members to improve housing options for older adults and to protect their rights as consumers of health care, social services, and other products.

CONGRATULATIONS TO THE 49'ERS ON THEIR SUPER BOWL VICTORY

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, as a Representative of San Francisco in Congress, I come to praise and congratulate the World-Champion San Francisco 49'ers. Mr. Speaker, they did it again. The 49'ers, under the skillful guidance of rookie head coach, George Seifert, treated a worldwide audience to a 55-to-10 rout in the Super Bowl. A

tremendous performance by the 49'er offensive line gave our remarkable quarterback, Joe Montana, the time he needed. And there were plenty of touchdowns to go around—Jerry Rice sailed in with three; Tom Rathman two; John Taylor got one as did Brent Jones and Roger Craig.

Montana shattered almost every Super Bowl quarterback record. He broke records for most passes attempted, most passes completed, most touchdown passes, most pass attempts without an interception—Montana was invincible.

Mr. Speaker, after last year's Super Bowl victory and the Bay Area world series, you may have wondered what could possibly come next. Well, with back to back Super Bowl victories, the champion San Francisco 49'ers have emerged not only as the best team of the decade but perhaps the best team in the history of the game. The bay area is indeed the sports capitol of the world. Under the leadership of team owner Eddie Debartolo, the 49'ers, with brilliant coaching, flawless execution and championship spirit, showed that they are still No. 1—winning the second Super Bowl in a row. Congresswoman BOXER joins me in extending congratulations to the 49'ers and to the people of San Francisco. Let us make it three straight.

□ 1240

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 147

Mr. VENTO. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the concurrent resolution (H. Con. Res. 147).

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

WHEN CORPORATE RAIDERS FLAUNT OUR LAWS

(Mr. SHARP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHARP. Mr. Speaker, I want to inform Members of this Chamber of a very serious matter involving an outstanding company headquartered in my district, and the alleged actions of an international corporate raider which go to the very heart of our Nation's securities, antitrust, and racketeering laws.

Few, if any, of us have not been confronted with some type of hostile takeover activity in our districts and our States. The last decade, after all, were very good years for international corporate raiders, motivated by quick, huge profits.

In their wake, these corporate raiders have often left behind discarded workers, traumatized communities, vanishing pensions, and dismembered or heavily leveraged businesses.

I recognize not all hostile takeovers are necessarily bad. But when the behavior of today's corporate raiders bears a striking resemblance to plunder and piracy—when their actions flaunt norms of law and decency—then I think we must take notice. And we must say "enough is enough."

Cummins Engine Co., which is headquartered in Columbus, IN, is now facing a fight not only for its life, but for the very kind of corporate citizenship that has made it a model in American manufacturing. That fight is worth our attention because the offshore raider appears to have repeatedly ignored our laws; that fight is worth making because of the kind of company Cummins is.

When faced with foreign competition some years ago, Cummins adopted a long-term strategy for its future. It invested in research and development, in its employees and in new technology. Sacrificing quick quarterly profits, it cut costs for its product and boosted productivity. It maintained market share in the United States, and even expanded market shares abroad. All the while, even when profits were flat, it did not neglect what it sees as an obligation to continue philanthropic investments in communities, people, and charities in the United States.

This long-term view has, unfortunately, exposed Cummins to foreign takeover artists. Perhaps soon this body will take action against hostile takeovers motivated by mindless greed and little else. But in the meantime, we simply cannot allow our securities, antitrust, and RICO statutes to be treated as though they did not exist by the hostile pirates of our day, foreign or domestic.

THE PRESIDENT'S BUDGET NEEDS TO BE REPLACED WITH A REALISTIC PROPOSAL

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, after a day's research into the facts behind the fiction in the President's budget we find that it is a bit like "Alice in Wonderland Through the Looking Glass." It gets curiouser and curiouser. Four-fifths, 80 percent, of the cuts fall on domestic programs. Real cuts in needed programs. Five and one-half billion dollars out of Medicare. Home heating assistance programs will be slashed. Student loans will be cut. Dislocated worker training programs would be terminated.

Mr. Speaker, the list is long on the domestic side. How about the Pentagon?

Well, Mr. Speaker, they have been handed a decrease in their projected increase, known in this budget wonderland as a cut. A 30-percent increase in the Stealth bomber, $5.5 billion; 50-percent increase on the MX missile on rail cars, $2.8 billion. There is a 20 percent increase in the star wars fantasy: $4.5 billion.

Cuts? Well, the cuts in the Pentagon: $2.7 billion through a spare parts transfer, $2.3 billion in unspecified management reforms.

Finally, what we have been waiting for, the big ticket: $9.8 billion through a budget scrub, a budget scrub.

Mr. Speaker, the principal thing that needs to be scrubbed here is the President's budget, and it needs to be replaced with a realistic proposal that contains the real deficit reductions we need and the priorities that reflect the needs of the United States in the 1990's.

THERE MUST BE A COST SHARING PROVISION IN ACID RAIN LEGISLATION

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, no, no, a thousand times no. If there is no cost sharing provision in the acid rain legislation between the House and the Senate, then we should reject it outright.

Why? Well, if everybody is to share the benefits of good clean air in this country, then everybody should share in the cost of it. It makes more sense than all of the States having to share the cost of defunct savings and loans in just a few of the States throughout the country, but each of us do. We all share the cost of projects in each other's States, projects that correct water pollution, toxic waste dumps, sewer and treatment plants, and a host of other things.

Yes, Mr. Speaker, we all pay for that, and so we are all sharing the cost.

I say to my colleagues, "My friends, there is no free lunch. We helped you. Now those in the States that are being affected adversely need your help."

The road goes both ways, Mr. Speaker.

INTRODUCTION OF VIOLENT CRIME CONTROL AND CRIMINAL PROCEDURES REFORM ACT OF 1989

(Mr. DENNY SMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENNY SMITH. Mr. Speaker, America's law-abiding citizens deserve tough, effective anti-crime measures to ensure that those who commit violent crimes are kept behind bars. I rise today to introduce the Violent Crime Control and Criminal Procedures Reform Act of 1989, a companion of the Senate version introduced by Hon. STROM THURMOND.

America needs this bill. Murder statistics are up. Rape, bank robbery, and theft are up. The number of drug dealers in our neighborhoods is higher as well as the the number of criminals using drugs. In New York City alone, 90 percent of all males arrested in 1988 tested positive for drug use.

Judges, prosecutors, police officers, and millions of Americans are appealing to Congress for reforms that will lead to a safer America.

The Federal death penalty, which has been bogged down by Congress for the past decade, is addressed in this bill as are the rights of criminal victims. No longer can criminals abuse the habeas corpus procedure to indefinitely delay a previous conviction. No longer will substantial amounts of validly seized evidence be excluded from our courts on legal loopholes. No longer will the rights of criminal defendants be exalted over the safety and security of society and its victims.

This legislation also reflects the stated goals and priorities of President Bush and Drug Policy Director William Bennett. Implicit throughout the strategy is the realization that in order to eliminate drug related crime, we must reform the very laws and procedures by which we punish violent offenders.

Enacting a comprehensive death penalty, enhancing the penalties for those who use firearms to commit crimes, and reforming the criminal procedures, will respond to the delay and injustice which threatens the effectiveness of our criminal justice system. This bill encompasses the real reform America wants and so greatly deserves.

BORROWING AND SPENDING ON ALL THE WRONG THINGS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, it is a curious thing to see the President's budget defy the laws of physics. The budget is a thick document weighing slightly over 5 pounds, but it contains enough hot air to lift the Hindenburg. My colleagues might have thought that perhaps the President and OMB Director Dick Darman would have learned from the confessions of David Stockman, but unfortunately they did not learn a thing. Instead, they have used tricks, games, and slight of hand to stitch together a fundamentally dishonest budget.

First, Mr. Speaker, this budget does not have a $63 billion deficit, and everybody in this room knows it. The read deficit is actually closer to $160 or $180 billion. First, they used over $70 billion of Social Security trust funds to show a lower deficit, and then they stitched together phoney economic assumptions to lower it an additional $30 or $40 billion. So, the real deficit for this budget is close to $180 billion.

Second, Mr. Speaker, this administration's priorities, to use a carpenter's term, are about a half a bubble off plumb. The President says, "I want to build star wars, I want to take a trip to Mars, and I want to give the richest of the rich Americans another tax cut."

But the President also says, "We don't have enough money here at home to do the things we need for a strong America: Provide health care for all Americans, educate our kids, and provide some help to family farmers."

Mr. Speaker, I say to the President, "It's not old fashioned, Mr. President, to invest here at home in America. That ought to be our first priority, not our last priority."

Sadly, Mr. Speaker, this is one more chapter of the book started by the last administration entitled, "Borrowing and Spending on All the Wrong Things."

My colleagues, America deserves better.

"SLIDE THROUGH TO '92"

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, Mr. Darman stirred great expectations only to dash them. In his introduction to the budget he spells out, indeed in forceful terms, the fiscal challenges that lie ahead of us, but his plan for action falls far short. "Slide through to '92": That is the reality.

My colleagues, take a look at the centerpiece of the administration's revenue plan, a cut in the capital gains tax. Last year, the administration conceded that after 5 years this tax break, going mostly to the wealthy, would increase the deficit. Now we hear it will never lose revenue.

Mr. Speaker, this is "déjà voodoo." Cut taxes and raise revenues. Last time, we heard this it was from Ronald Reagan and David Stockman.

Here we go again. When it comes to decisive action on the budget, Mr. Darman philosophizes, yes; but acts, no.

□ 1250

NO JUSTIFICATION FOR HIGHER OIL PRICES

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, gasoline prices in San Diego, which are usually 2 or 3 cents per gallon higher than in Los Angeles, have recently widened to 10 to 13 cents per gallon higher than Los Angeles prices. Some industry sources have blamed oil company profiteering for the price discrepancy. San Diego has no operating refineries in the county, so motor fuel is moved from the Los Angeles basin refineries by truck or pipeline.

Transportation costs might justify and have in the past a 2- to 3-cent price increase, but for the gap to reach 10 to 13 cents per gallon is outrageous.

San Diego has the worst gasoline price situation for consumers on the west coast. The situation is hurting consumers, while taxable sales are lost to other counties.

In short, it appears again the oil companies are exploiting a marketplace where there is little competition and a controlled distribution system. This abuse is inexcusable.

I call on the oil companies to reduce their prices immediately. I think it raises the specter of an antitrust issue and I think Congress must immediately address this problem.

A CRISIS IN MEDICARE FUNDING

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, I rise to express my great distress over President Bush's proposal to reduce Medicare funding by $5.4 billion.

We stand on the brink of a health care crisis in our country today. Thirty-seven million Americans lack health insurance. For those that can afford insurance, premiums are on the rise. Hospitals, including one in my own district, are closing their doors.

The good news is that technological advances in medicine continue at a rapid pace. Special treatments and operations are keeping people alive longer than ever and are allowing them to enjoy their longer lives free of painful conditions like arthritic knees.

Unfortunately, these technological advances have caused medical costs to skyrocket, forcing Medicare and private insurance companies to keep up.

This has occurred at a time when our mounting budget deficits make fiscal austerity necessary. Throughout the last decade, Medicare has made a significant contribution to our Na-

tion's budget cutting efforts. These Medicare cuts have often had a detrimental effect on our hospitals.

Many hospitals are finding it difficult to provide health care services to the elderly and disabled. According to the American Hospital Association, 65 percent of hospitals will suffer losses in covering the cost of treating Medicare beneficiaries in fiscal year 1990. Clearly, this situation is not sustainable. This is not the time to again hit American hospitals with severe budget cuts.

A nation as wealthy as ours can afford to keep its Medicare program healthy. Hospitals should be reimbursed a fair amount for services rendered to the elderly and disabled even as we continue to look for ways to keep medical costs under control.

In many ways, hospitals are the backbone of our communities. They provide essential services at critical times of our lives. We need to make sure that they are alive and well, not just barely surviving.

ONCE AGAIN PRESIDENT DUCKS TOUGH CHOICES ON BUDGET

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, here we go again, a new budget for the President. Once again a popular President ducks the tough choices and says everything is rosy and we do not have to worry about the deficit. Just close your eyes and everything will be all right.

Last year the President said to wait until next year. Well, here we are and what do we see? Smoke and mirrors, gimmicks, "read my lips," cut Medicare for the elderly, cut education, science, research and development, speak loudly on drugs and crime but do not do anything if it means money.

Forget the peace dividend. What is happening in Eastern Europe is only an illusion.

Mr. Speaker, we have been hearing this same debate for 8 years, and it is wearing thin.

I say to the President that he has made one tough choice, the boat owners of this country will be slapped; but after they lobby, they probably will get off the hook, just like everybody else.

THE CENTENNIAL YEAR IN THE GEM STATE

(Mr. STALLINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STALLINGS. Mr. Speaker, it is the centennial year in the Gem State. One hundred years ago this July, President Benjamin Harrison welcomed the great State of Idaho as the 43d member of the Union. Today, along with my esteemed colleague Mr. CRAIG, I am introducing a joint resolution to commemorate and acknowledge Idaho's admission, and to call the Nation's attention to the significant and continuous contributions our citizens make to the United States.

Mr. Speaker, when Sacajawea led the Lewis and Clark expedition over the Bitteroot Mountains into her Idaho homeland, the explorers discovered a world of untouched beauty. In the years that followed this land captivated the imagination of explorers and settlers alike and many chose to stay and call it home. Pioneer farmers made the desert bloom, turning sagebrush into fertile ground. Miners followed the promise of silver and gold into the mountains and delivered untold riches. Loggers harvested the forests and provided the materials to build towns and industries. Ranchers raised cattle and sheep to feed and clothe the Nation. By 1890 so much growth occurred that the Idaho territory had earned the right to join the United States of America.

One hundred years later it is our turn to celebrate. The spirit of local communities has made Idaho great for a century and in 1990 that spirit is stronger than ever before.

Mr. Speaker, there has never been a better year to visit and discover the treasures of Idaho, and I hope that all Americans will join in this celebration of a century.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TORRES). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken on Wednesday, Janaury 31, 1989.

RELATING TO THE POLICE FORCE OF NATIONAL ZOOLOGICAL PARK OF THE SMITHSONIAN INSTITUTION

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the senate bill (S. 1521) to amend Public Law 91-34 relating to the police force of the National Zoological Park of the Smithsonian Institution, and for other purposes, as amended.

The Clerk read as follows

S. 1521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN THE MAXIMUM RATES OF BASIC PAY FOR THE POLICE FORCE OF THE NATIONAL ZOOLOGICAL PARK.

(a) IN GENERAL.—Section 5375 of title 5, United States Code, is amended to read as follows:

"§ 5375. Police force of the National Zoological Park

"The Secretary of the Smithsonian Institution shall fix the annual rates of basic pay for positions on the police force of the National Zoological Park as follows:

"(1) Private, not more than the maximum annual rate of basic pay payable for grade GS-7 of the General schedule.

"(2) Sergeant, not more than the maximum annual rate of basic pay payable for grade GS-8, of the General schedule.

"(3) Lieutenant, not more than the maximum annual rate of basic pay payable for grade GS-9 of the General schedule.

"(4) Captain, not more than the maximum annual rate of basic pay payable for grade GS-10 of the General Schedule.

(b) CLERICAL AMENDMENT.—The item relating to section 5374 in the table of sections for chapter 53 of title 5, United States Code, is amended to read as follows:

"5375. Police force of the National Zoological Park.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply with respect to pay periods beginning after he date of the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. GILLMOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. GILLMOR] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the general schedule pay system for Federal employees provides for 10 step increases within a GS pay grade. Under current law, the pay scales for police at the National Zoo have been capped at step 5. S. 1521 amends section 5375 of title 5 of the United States Code to permit the salary scales of the officers of the National Zoo Police Force to extend through the full 10 steps within grade. The amendments to the bill as passed by the Senate are solely technical in nature.

This bill does not change the grade level for any rank of officer on the zoo police force. It merely provides that those officers may progress within grade from step 5 through step 10. Salaries on the zoo police force are currently capped at grade 7, step 5 for the rank of private; grade 8, step 5 for sergeant; grade 9, step 5 for lieutenant; and grade 10, step 5 for captain. Based on the January 1990 General Sched-

ule, S. 1521 would increase the maximum salary for the rank of private from $22,887 (GS 7-5) to $26,252 (GS 7-10) or $3,365. The maximum salary for a sergeant would increase from $25,351 (GS 8-5) to $29,081 (GS 8-10) or $3,730. For lieutenant, the maximum salary would increase from $28,001 (GS 9-5) to $32,121 (GS 9-10) or $4,120 and, for captain, the maximum salary would increase from $30,834 (GS 10-5) to $35,369 (GS 10-10) or $4,535. In the wholly unlikely event that every officer on the zoo police force immediately receives the maximum increase possible under this legislation, the total cost of this bill is still less than the salary of a single House employee employed at the current House salary pay cap. The Office of Management and Budget has advised that it has no objection to the enactment of this legislation.

Zoo police officers have not received a pay increase, other than cost of living increases, since 1969. As a result, the salary levels for the zoo police have not kept pace with those of other area Federal, State, and local police forces. This in turn has greatly complicated the efforts of the Smithsonian to either retain existing officers or attract new, qualified applicants.

The problems this poses for the National Zoo are immediate and pressing. When the Smithsonian first requested this legislation, there were 21 members on the force. At that time, 50 percent had been at the top of their salary levels for periods ranging from a minimum of 12 months to a maximum of 11 years. Since that time, 4 officers have left and the force is presently down to 17 members. While the zoo continues to expand its facilities, the police force continues to lose qualified, intelligent, experienced officers because their base pay has been seriously outdistanced by that of other area police forces.

The animals of the National Zoo are a priceless national treasure. The lives of the people who work with and come to visit them are even more valuable. It is incumbent upon us to ensure that the animals and the tens of thousands of citizens who visit them every year are adequately protected. At a very minimal cost to the Government, this bill will go a long way toward facilitating that end. I urge my colleagues to support passage of this bill.

Mr. GILLMOR. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 1521, a bill which amends title V of the United States Code to allow the ±salary scales of the National Zoological Police Force to progress through step 10 within each grade. As my distinguished chairman has stated, since 1969, the zoo police officers pay has been capped within grade at step 5. This cap has limited the ability of the zoo management to attract and retain qualified, experienced officers. Passage of this bill would allow the police force to continue to provide adequate protection for the zoo's valuable resources and many visitors.

I thank the gentleman from Missouri for his fine leadership in bringing this bill to the floor and I urge my colleagues to support S. 1521, as amended.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE].

□ 1300

Mr. CONTE. Mr. Speaker, I rise in support of S. 1521, a bill designed to equalize an outdated pay system now governing the salaries of the National Zoo Police. This bill is the companion for H.R. 2866, an identical bill introduced by myself, Mr. MINETA, and Mr. WHITTEN.

I want to thank Congressman BILL CLAY, the chairman of the Subcommittee on Libraries and Memorials and his ranking member, the distinguished gentleman from Ohio [Mr. GILLMOR] for their expeditious consideration of this legislation. As a member of the Board of Regents, I can say without hesitation that both gentlemen and the leadership of the House Administration Committee are great friends of the Smithsonian Institution. Their assistance over the years has enabled the Smithsonian to remain the premier museum complex in the world, and on behalf of the Institution, I thank them for their interest and their service. All Americans who visit the Capitol or who are touched by some of the diverse Smithsonian programs owe this committee a great debt.

The bill under consideration today is designed to remedy a problem left unexamined for some time. Salaries of the National Zoological Park Police are determined by Public Law 91-34 because the National Zoo Police are not covered by the Classification Act of 1949. Zoo police officers have not received a pay increase since June 1969, although the Secretary has accorded them cost-of-living increases elsewhere in the Federal service.

The zoo police have become seriously outdistanced by units such as the U.S. Park Police and the Uniformed Branch of the Secret Service, whose starting salaries range from $24,450 to $34,136, as opposed to the zoo police pay, which starts at $19,943 and tops at $22,093, for police privates. Increased wages for private security and other protective jobs also put the zoo at a salary disadvantage.

As may be expected, the Office of Police and Safety at the zoo has experienced difficulty in recruitment for zoo police officers. Over the past decade, the principal pool of applicants has been retired military and law enforcement personnel rather than applicants from viable competitions with other police recruitment sources. The force is currently composed of retired or second-career officers—55 percent—and first career or nonretired individuals—45 percent. The average age of zoo police officers is 47.9 years.

Eliminating the current restrictions on pay to the fifth step of each grade, thereby permitting salary scales to flow through the full 10 steps, will ease problems of recruitment as well as retention, and will provide a more equitable pay system.

Mr. Speaker, again, I want to thank Chairman CLAY, my dear and beloved friend, who together we put through the plant closing legislation, and Congressman FORD also, and PAUL GILLMOR for this leadership on this issue, and urge all members to support this bill.

Mr. GILLMOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Ohio [Mr. GILLMOR] for his support and assistance on this bill. I also wish to thank the gentleman from Massachusetts [Mr. CONTE], the sponsor of the House companion bill, who did push through the plant closing bill along with myself and that fellow, Mr. FORD, that he referred to. That is our private joke, Mr. Speaker.

I also wish to thank my colleagues on the Subcommittee on Libraries and Memorials and the Committee on House Administration for their willingness to facilitate and expedite enactment of this legislation.

Mr. MINETA. Mr. Speaker, I rise in support of S. 1521, which concerns the pay of the National Zoological Park Police. Because the National Zoo's police force is not covered by the Classification Act of 1949, the zoo's police officers have not received a pay increase since June of 1969, other than across-the-board cost-of-living increases. This bill will correct that problem by allowing the pay for National Zoo Police to flow through the full 10 General Schedule steps rather than being limited to the first five steps of GS-7 through GS-10.

This measure will bring the National Zoo police salaries more in line with those afforded the National Park Police and the Uniformed Branch of the Secret Service. Given the important function of the zoo police in protecting the millions of annual visitors to the National Zoo as well as the priceless collection of animals, this is the least that can be done.

For these reasons, I am proud to have cosponsored this bill in the House and urge your support of its enactment.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRES). The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the Senate bill, S. 1521, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read. "An act to provide for an increase in the maximum rates of basic pay for the police force of the National Zoological Park."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on S. 1521, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EAST-WEST TENSION AND NORTH-SOUTH NEED

Mr. FAUNTROY. Mr. Speaker, as the Nation prepares to receive the State of the Union Address from our beloved President, I want to share with the American people some thoughts on the golden opportunity that we have in the decade of the nineties to resolve the backlog of problems built up over the past decade of neglect in our Nation and our world in education, housing, and homelessness, drug control, AIDS research, infrastructural repair and environmental rehabilitation. This opportunity flows from the fact that the winding down of the East-West conflict in our world may release billions of dollars in money, manpower, and research which for decades have been devoted to military uses to concentrate now on pressing human and environmental needs that are getting out of hand in our world today.

It is for that reason that I want to speak to the American people on the subject: East-West Tension and North-South Need.

Mr. Speaker, there is a fierce wind blowing in our world today. It is blowing with hurricane force: tearing down old systems, sweeping away a crumbling order and ushering in a new day. If you listen with your spiritual ears, you can hear the wind blowing the rumbling chords of freedom in Angola, and Namibia and throughout South Africa. The echo of the wind is heard from Tiananmen Square in China and throughout Asia. The sound of the wind is heard from Poland, Czechoslovakia, Romania, and throughout Eastern Europe. It rises from the huddled masses who yearn to breathe free in Haiti and through Central and South America. It is the wind of freedom; it's a wind of change.

These winds of change that are sweeping the globe today have profound significance for improving the quality of life for those who suffered most during the decade of the eighties because of decisions made by both our President and Congress and by the developed, industrialized nations of the Northern Hemisphere. It is, therefore, my hope and prayer that in the decade of the nineties, East-West tension will yield to North-South need.

MILITARY EXPENDITURES AND SOCIAL NEED

It was President Dwight David Eisenhower who said in 1953 that:

> Every gun that is made, every warship that is launched, every rocket that is fired, signifies a theft from those who are hungry and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children!

We are only now beginning to understand how the political obsession with military force which has dominated national priorities on our planet since World War II has drained the world's vitality and wealth and robbed us of the ability to meet pressing human need.

In the 13th edition of "World Military and Social Expenditures" released last fall, Ruth Leger Sivard against documents the fact that in the decade of the eighties global spending on the military has been $1 trillion a year. Half of that spending has been by the United States and the Soviet Union. In contrast, global spending on human need and development assistance has been only 2.8 percent of that amount: $28 billion. One thousand billion for defense, only 28 billion for development. The costs of that social neglect have been tremendous.

In a table documenting the victims of war over the past 45 years and the victims of social neglect, Ms. Sivard points out that the chances of dying from social neglect—from malnutrition and preventable disease—are 33 times greater than the chances of dying in war. Look at the annual toll of victims of the 127 wars we have had in the world since 1945 compared it to the annual toll of victims of social neglect over the past 45 years: A total 525,000 people have been killed annually in war but 3.5 million children have died a year of dehydration, preventable by oral therapy at a cost of $1 dollar per child; 525,000 died annually in wars, but 4 million children died a year of six diseases, preventable by immunization at a cost of $10 per child; 525,000 died annually in wars but 10 million children a year did not survive their first birthday; 14 million a year died before their fifth birthday; and 500,000 mothers still die in the child birth annually in our world today.

The study shows that 1.2 million people were wounded a year in the 127 wars fought since 1945, but compare that to the walking wounded victims of social neglect in our world today; 1.2 million people are wounded in wars a year but 600 million women in childbearing years suffer from nutritional anemia; 1.2 million people are wounded in wars a year but 250,000 children are paralyzed by polio and another 700,000 go blind a year due to vitamin A deficiency; 1.2 million people are wounded in wars a year but each year 10 million mothers who are themselves malnourished bear malnourished children.

Our world's neglect of human needs causes an appalling number of lives to be lost to hunger and killer-diseases that are preventable at the cost of a few dollars a piece. A trillion dollars a year spent on military uses and only 2.8 percent of that amount on human need. The greater tragedy is that only half of the development assistance offered by the industrialized nations of the North goes to the underdeveloped, low-income nations of the South; 14 billion annually or only 1.4 percent of what the world spends on military uses.

If only a fraction of the money, manpower, and research devoted to military uses were diverted to development, we could not only end the health and education woes of the Third World nations of the South but also so invigorate their market economies as to provide the millions of people of the Caribbean and South and Central American economies alternatives to the wretched illicit drug industry that threatens to destroy civilization from within. For example: A mere 5 percent reduction in current military outlays of $1 trillion a year, if allocated instead to health care, could double public expenditures for the health care of 4 billion people in the Third World, providing enough resources to immunize every baby and to bring fresh water and basic sanitation within 10 years to every village; the World Health Organization declares that with a modest contribution from the nations of the world of $450 million, less than one-thousandth of the world's annual military spending, they would wipe malaria from the face of the globe at a time when millions die needlessly from this disease every year in the Southern Hemisphere; the cost of a 10-year program to provide essential food and health needs in developing countries is less than half of 1 year's military spending; for the price of one jet fighter, $20 million, 40,000 village based pharmacies could be established; one-half of 1 percent of 1

year's world military expenditures, $5 billion, would pay for all the farm equipment needed to increase food production and approach food self-sufficiency in all of the food deficit low-income countries of the world over the next 5 years.

President Dwight David Eisenhower was right:

Every gun that is made, every warship this is launched, every rocket that is fired, signifies a theft from those who are hungry and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children!

To bring it home to America, let me remind Members of what Senator MARK HATFIELD and Congressman HOWARD BERMAN of our Arms Control and Foreign Policy Caucus told us in sending us the Sivard report. They said:

At a time when the United States is facing unprecedented competitive pressure from Japan and the European community, the U.S. Government allocates only 25 percent of our research and development budget to civilian technology and 75 percent to the military, compared to European community nations which spend 70 percent on civilian and only 30 percent on military technology.

Those kinds of misplaced priorities are reflected in our neglect of human need during the decade of the eighties in almost every category, whether it be housing or health care or education or infrastructural and environmental rehabilitation. In the decade of the eighties we cut housing programs by 77 percent, throwing 3 million people homeless on the streets of America. Cuts in Medicaid funding in the eighties reduced the number of poor people covered by the program from 64 percent to 46 percent at a time when medical costs have doubled from $248 billion to $496.6 billion. We cut training of health care professions by 39 percent exascerbating the national shortfall of qualified nurses and doctors. We caused 37 million people in our country to have no health care insurance of any kind now.

In the area of education in the decade of the eighties, poor children receiving federally supported basic, skills training fell from 7 million in 1981 to 5.7 million in 1988; this, during a decade when the number of poor children increase to 8.5 million. American children's report card of September 1989—computed by the National Association of Secondary School Principals—gave our children C+ when compared to South Korean children who got A- and West German children who got B+.

While we are losing jobs in the labor intensive, smokestack, auto, rubber and steel industries which used to be the means of upward mobility for millions of the American people, we are cutting the very programs that would prepare our children for the capital intensive, information based, service oriented jobs of the present and future.

Please forgive me if I have assaulted you with so many facts documenting the social costs of our world's preoccupation with military expenditures but as the Reverend Jesse Jackson has so eloquently put it, "we must have information to gain the inspiration to reach our destination." And if our destination is a world free of the barbarism of war, the decadence of racism and the scourge of poverty, then the decade of the nineties must be one in which we change direction. East-West conflict must yield to North-South need. We must change a situation in which the poorest fifth of the world's population has had to attempt to survive on 2 percent of the global national product whereas the wealthiest fifth absorbs 78 percent of the global pie. On a per capita basis this works out to an annual income of $238 for those in the poorest fifth and $12,286 for those in the upper fifth. It means a life expectancy of 57 years in the South versus 75 years in the North and an infant mortality rate of 110 per 1,000 in the South versus 14 per 1,000 in the North.

Dwight David Eisenhower was right:

Every gun that is made, every warship that is launched, every rocket that is fired signifies a theft from those who are hungry and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children!

Ah, but as we stand today in this the first month of the first year of this the last decade of the last century of this millenium, there is good news tonight! The good news is that the military giants of the North seem now poised to release billion of dollars a year from their 45 year wasteful spending binge on military uses. The good news is that Secretary of Defense Richard Cheney and Budget Director Richard Darman are seeking ways to cut our Nation's enormous spending on military uses. The good news is that the Soviet Union has already begun a unilateral reduction of its large forces in Europe. The good news is that both superpowers are lending more support to nonviolent resolutions of regional hostilities. The most striking evidence of that is that, for the first time in 31 years, no new wars have started.

The winds of change that are sweeping the globe are blowing the world a golden opportunity to make long overdue investments in human need and infrastructural and environmental rehabilitation.

The question of the decade of the nineties is "will this peace dividend that will flow from the winding down of East-West conflict be invested in human resources and economic development to close the gap between the haves and have nots of our Nation and world, or will it serve to widen the gap between the North and the South, between the one-third of the world's population that lives primarily in the developed, industrialized nation's of Northern Hemisphere and the two-thirds of the world's population that is lives primarily in the Southern Hemisphere: Central and South America, Africa, the Caribbean, India and parts of Asia?" That is the question of the nineties.

NORTH-SOUTH NEED

As chairman of the Subcommittee on International Development, Finance, Trade and Monetary Policy, I am as concerned as leaders of the economically embattled developing countries of the South about several things: First, that financial support for Eastern Europe will mean less for a developing world already beset by reduced official and private flows.

That fear is not without foundation. Acting AID Director, Mark Edleman, told the Financial Times that "ensuring the triumph of democracy and peace in Europe may become our top priority. American resources are limited and money for Eastern Europe will come out of what would otherwise go to Africa, Central America and the Middle East."

My fear is that it will also come out of desperately needed initiatives to restore the 77-percent cuts that were made in domestic housing programs in the decade of the eighties throwing 3 million people homeless on the streets of America. My fear is that it will also come out of critical education and training programs that were severely cut in the eighties and that have crippled our efforts to prepare our young people for the capital intensive, information based, service oriented jobs of America's present and future.

My fear is that it will come out of programs that must be developed and expanded to deal with the most serious internal security problem confronting our Nation today: Illicit drug traffic. Should we not invest substantial amounts of the peace dividend in drug education, drug treatment and drug enforcement programs if we are to avoid entering the 21st century as a nation crippled by drug addicted zombies unable to compete in the world economy, thereby forcing those who live in the ghettoes and barrios of America, like those farmers in the Andean countries of South America wince come the drugs, to sink deeper into the underground drug economy because there are no alternative means of economic survival available to them? That's my concern!

The Third World nations of the South, afflicted with heavy debt burdens and net capital outflows, urgently need increasing quantities of aid, grants and soft money. The inner city

and rural poverty-stricken populations of our nation need much of the peace dividend to flow to them in terms of government programs to assist them in becoming productive citizens. My fear is that those official resources will not flow to them but rather to Eastern Europe or to pay off our Nation's $3 trillion Reagan debt to those who benefited most from the enormous tax breaks of the eighties and who then loaned the money back to the country at 10 percent interest to pay for its military spending binge.

Acting U.S. AID Director, Mark Edleman, also points out that "savings from the defense budget will not mean more aid for any one but it will mean less reductions for current aid recipients". The Gramm-Rudman budget cuts, he points out now demand this. Savings from the Defense budget are likely to be used to reduce the budget deficit. That's my concern!

My concern is that the benefits of the peace dividend will not flow from North to South, from the haves to the have nots. But I also have a second concern as well.

My second concern is that financial support for Eastern Europe will not only mean less flows of economic assistance from official government institutions, but that it may also mean less flows of private capital investment to the lesser developed communities of our Nation. Such private investment is essential if the "have nots" of our Nation and world are to become active participants in the world economy to the mutual benefit of both North and South, East and West.

That Financial Times article that I quoted earlier also pointed out that: Developing countries hoping to attract foreign private investment are also likely to lose out to an Eastern Europe with market economies. The competitive edge in production costs which many developing countries have used to attract foreign business may not now be considered the best bargain by investors.

In other words, the changes in Eastern Europe may well have an effect on flows of private investment capital to the low income countries of the South. If the nova rich companies of the Far east—Japan, Taiwan and Korea, for example, which are contemplating investments, feel they can get a better deal by going into Eastern Europe, then they will. My fear is that Eastern Europe will be more attractive for direct investment and capital flows than poor nations with high potential and great need like Mozambique and Zambia, Haiti, Jamaica and Namibia.

Yes, my fear is the "peace dividend" will not flow North to South, from "the Haves to the Have nots," but West to East with reduced flows of both official aid and private investment capital to the debt burdened lesser developed nations of the Third World.

A BALANCED PUBLIC AND PRIVATE AGENDA FOR THE NINETIES

The final question, then, is "what public and private initiatives must we pursue in the decade of the 1990's to assure that both official government aid and private capital investment function to close the gap between the 'haves and the have nots.' What must we do to insure that flows of public and private trade do not all go West to East further dividing our planet whites from nonwhites, highly developed nations from lesser developed countries, the North from the South?"

In my view, the watch word of our public policy agenda for the decade of the nineties must be balance: balance in addressing the needs of the haves and the have nots; balance in addressing the need of Eastern Europe and those of the poorer nations of the Southern Hemisphere; balance between our need to reduce the $3 trillion Reagan national debt and our need to fund adequately the housing, education, and human services programs that were so severely cut in the decade of the eighties, which cuts threw 3 million people homeless in the streets of America, reduced the quality of public education in our country to levels far below that of our economic competitors in the Far East and Western Europe and crippled our efforts to meet the health care needs of our Nation's poor.

BALANCE DOMESTICALLY

Such a balanced approach will mean that, domestically, all of our savings from defense reductions should not go to Deficit reduction but that adequate amounts will go to restoring the 77-percent cuts to our housing programs that were made in the decade of the eighties. It means that all of our peace dividend should not invested in further "tax relief" for the wealthy few but in education, urban and rural development and the war on drugs for the benefit of the unmonied money. As the second ranking member of the House Banking, Finance and Urban Affairs Committee and as a member of the Select Committee on Narcotics Abuse and Control, that will be my agenda for the second session of the 101st Congress and the decade of the nineties.

You may expect me to pursue, therefore, full funding of our Nation's housing and community development programs including the passage of H.R. 1180, the Omnibus Housing Act of 1990. You may expect me to oppose further tax breaks for the rich, indeed, to pursue the restoration of at least a portion of the taxation levels that we shamefully reduced in the decade of the 1980's for the exclusive benefit of the top 5 percent income earners of our Nation. You may expect me as a member of the Select Committee on Narcotics Abuse and Control to pursue full funding of a comprehensive war on drugs that provides adequate resources for not only the criminal justice system but also for drug education, drug treatment, and skill training to provide the have nots of our Nation an alternative to the illicit drug industry that too many feel is their only means of economic survival.

Balance should be the watchword in our initiatives to distribute the peace dividend in the decade of the nineties.

BALANCE INTERNATIONALLY

Internationally, a balanced approach means that not all of our foreign aid and trade initiatives will flow to Eastern Europe and the Middle East but that we will achieve a far better balance in our foreign relations budget between the developed nations of the Mediterranean Sea and above, and the lesser developed nations of Africa, the Caribbean, Central and South America.

Accordingly, you may expect me as chairman of the Banking Subcommittee on International Development, Finance, Trade and Monetary Policy to pursue the following public policy initiatives in the second session of the 101st Congress and beyond: First, An adequate replenishment for the International Development Association [IDA], with a proviso that at least 45 percent of the replishment be lent to Africa; $14 billion, of which $3 billion is the expected U.S. contribution, second, a quota increase in the IMF, about $50 billion, of which about $7 billion is the expected U.S. share, third, ongoing efforts to fashion means for reducing the burdensome overhang of commercial and official debt owned by the poor countries, fourth, trade initiatives to reduce the barriers which developing countries face in selling their goods in America.

How we achieve the desired balance will be the most hotly debated peace dividend issue in the 1990's.

BLACK AMERICA'S ROLE

Let me say this to my African-American brothers and sisters: We dare not find ourselves on the side-lines in this debate. Our very survival and future advancement toward freedom depend on our being active participants in shaping this debate.

As president of the National Black Leadership Roundtable, and a member of the Congressional Black Caucus, I will recommend that the CBC Foundation sponsor over the next 2 years, a National Commission on Post-Cold War Priorities as a vehicle for gathering together our best minds to sort out the balancing of the peace dividend.

The findings and recommendations of such a commission would establish a truly African-American imprint on the peace dividend debate. They would form the basis for interaction with both the Democratic and Republican

Parties, our congressional leadership and the administration.

OUR YOUTH ARE OUR FUTURE

In the meantime, as African-Americans, we have a responsibility, as never before, to get our own house in order; to devise effective self-help means of strengthening the social fiber of our threatened communities. Here, the bottom line is our youth. They are our future. We owe it to them, as our leaders of tomorrow—and to ourselves—to inspire them toward a new sense of commitment and sacrifice for the future betterment of our communities. Toward this end, we must actively enlist their participation in a movement of voluntary community service. Otherwise, more and more inner city communities risk becoming bloody battlegrounds in drug trafficking, violent crime and social chaos.

I am of the firm belief that the recruitment of African-American youth into a national network on voluntary community service—service specifically tailored to the urgent needs of black America, may offer us the best hope for transforming the peer group environment in our communities and around the country, away from the path of youth self-destruction.

Again, in my capacity as a member of the Black Caucus and president of the National Black Leadership Roundtable, I will seek to stimulate a dialog among my colleagues on the need for creative self-help approaches that rescue the future for our youth, especially our young black men, thereby ensuring the future vitality and stability of our communities.

Balance should be the watchword of our initiatives to distribute the peace dividend internationally in the decade of the nineties.

A NATION WITH A HEART

Dr. Tony Campolo, chairman of the department of sociology at Eastern College in St. Davids, PA, tells this story about a school teacher friend of his that I think sets the right tone for our Nation and our world as we move boldly into the decade of the nineties. He says:

I have a friend, he said. Her name's Jean Thompson. It was the first day of school, she said what school teachers always say the first day of school. "Boys and girls, she said, I love you all the same."

Teachers lie. I was one of the those boys that teachers didn't like. How about you? Little Teddy Stollard was a boy that Jean Thompson did not like. He sat slouched in his chair. He didn't pay attention. His mouth hung open in a stupor. His eyes were always unfocused. His clothes were musty, his hair unkept. He never bathed often enough to get rid of an upleasant odor. He was an unattractive boy and Jean Thompson did not like him.

When she spoke to him, he answered in monosyllables; "yeah. . .nahh. .yeah. When she marked his paper, she got a perverse delight out of putting x's next to the wrong answers. And when she put the "F" at the top of the paper, she always did it with a flair; and she should have known better.

Teachers have reocrds. And she had records. She had records on Teddy Stollard. First grade; Teddy's a good boy. He shows promise in work and attitude. But poor home situation. Second grade: Teddy is a good boy. He does what he is told. But he is too serious. His mother is terminally ill. Third grade: Teddy is falling behind in his work, he needs help. His mother died this year. His father shows no interest. Fourth grade: Teddy is in deep waters, he is in need of psychiatric help. He is totally withdrawn. She had records, she should have known better.

Christmas came and the boys and girls brought their presents and piled them on the desk. They were all in brightly colored paper except for Teddy's present. His was wrapped in brown paper and held together with scotch tape. And on it, and scribled in crayon, were the words, "For Miss Thompson from Teddy." She tore open the brown paper an out fell a rhinestone bracelet with most of the stones missing, and a bottle of cheap perfume that was almost empty. The other boys and girls began to giggle, but she had enough sense to put some of the perfume on her wrist, put on the bracelet and then holding the wrist up to the other children said, "Doesn't it smell lovely? Isn't the bracelet lovely?"

And taking their cue from the teacher, they all agreed.

At the end of the day, when all the children had left, Teddy lingered behind. And he came over to the desk and he said, "Miss Thompson, all day long, you smelled just like my mother. And her bracelet, that's her bracelet, it looks real nice on you too. I'm really glad you like my presents." And when he left, she got down on her knees and buried her head in the chair and she begged God to forgive her.

And the next day, when the children came, she was a different teacher. She was a teacher with a heart. She was a teacher whose heart had been broken by the things that break the heart of God. That's what it means to be a decent human being. To let your heart be broken by the things that break the heart of God. And she cared for all the children, but especially those who needed help. Especially Teddy. She tutored, she put herself out, for she had a heart for God. A heart for God. By the end of that year, Teddy had caught up with a lot of the children. He was even ahead of some.

Several years later Jean Thompson got this note:

DEAR MISS THOMPSON, I'm graduating an I'm second in my high school class. I wanted you to be the first to know.

Love,

TEDDY.

Four year later she got another note:

DEAR MISS THOMPSON, I wanted you to be the first to know, I'm the first in my class. The University has not been easy, but I liked it.

Love,

TEDDY STOLLARD.

Four years later there was another note:

DEAR MISS THOMPSON, As of today, I am Theodore J. Stollard, M.D. How about that? I wanted you to be the first to know. I'm going to be married in July, the 27th to be exact. I want you to come and sit where my mother would have sat, because you're the only family I have. Dad died last year.

And she went and she sat where that mother should have sat because she deserved to be there. She had become a decent human being. Do you have such a heart of gold? Do you care so much for those who hurt? Then, join me and freedom loving people across this Nation and around the world in the noble quest in the decade of the nineties to have East-West resources flow to meet North-South need.

Don't tell me it cannot be done. That's what they told Joshua and Caleb. "You can't enter the land of Canaan. There are giants over there and we are like grasshoppers in their sight." But Joshua and Caleb said, "Oh no, with God's help we shall overcome." And they merely walked about the walled city of Jericho and the walls came tumbling down.

That's what they told Martin Luther King, Jr. in Birmingham, AL in 1963. They said, "You can't change America; they'll never take down the 'for white only' signs; it will never happen! But Martin said, "Oh no, with God's help, we shall overcome." I shall never forget how he led our people out of the 16th Street Baptist Church on a Sunday afternoon. We stood before Bull Connor with his bull whips and fire hoses and biting dogs like David before Goliath saying "you come before us with a sword and a shield but we come in the name of God: We're going to be free. You can beat us with your billy clubs, but we'll keep on marching. You can knock us down with your fire hoses, but we'll get up and keep on marching. You can bomb our churches and kill our children, Bull Conner, and we'll keep on marching. Because there is something within us that fire can't burn out and water can't drown out and billy clubs can't beat out and bombs can't bomb out. It is our belief in ourselves." And we marched! We marched until the patter of our feet became the thunder of the marching men of Joshua and the world rocked beneath our tread; rocked until I could sit in the East Room of the White House with Martin Luther King, Jr. and watch President Lyndon Johnson sign a piece of paper that declared "make of the man's dream a living reality! Don't tell me it can't be done.

If you believe it, join people of goodwill all over the world in the noble quest to meet human development needs in the decade of the nineties. Join us with the determination of Dr. Charles Adams of the Hartford Memorial Baptist Church of Detroit, Michigan:

Don't let anything paralyze your mind, tie your hands or break your spirit. If you have a hard way to go, walk it by faith. If you face a mean problem, work with it until you work through it. If you have a misunderstanding, settle it. If they have a grudge, drop it. If you have hatred or resentment, shake if off. If you have a high mountain, move it by faith or climb it by work. If you have a battle, fight it. If you have a handi-

cap, rise above it. If you have race prejudice, overcome it. If you have a temptation, conquer it. If you have an evil, destroy it. If you have a challenge, face it. If you have trouble, take it. If you have a cross, bear it. If they knock you down, get up. If they push you against the ropes, come out swinging. If they laugh at you, keep smiling at them. If they talk about you, keep praying for them. If they hate you, keep loving them; and if they kill you, just rise again.

Ain't no power on earth that can stop a people with heart of gold who are determined to do God's Will.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2190, NATIONAL VOTER REGISTRATION ACT OF 1989

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-396) on the resolution (H. Res. 309) providing for the consideration of the bill (H.R. 2190) to establish national voter registration procedures for elections for Federal office, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1400

AMERICAN OPPORTUNITIES AND THE BUDGET OF THE UNITED STATES

The SPEAKER pro tempore (Mr. MCNULTY). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I am going to talk today about American opportunities and the budget of the United States.

As my colleagues know, I have mentioned several times recently the concept of an American Opportunities Workshop on May 19, the idea that the real key for us is to find new solutions for the 1990's, to recognize that we have to change America in the 1990's for Americans to succeed in the 21st century, and I have emphasized the idea that by having an American Opportunities Workshop open to all that we could develop some new approaches, some new ways of solving problems, some new solutions.

I was looking through the budget of the U.S. Government which was released yesterday and which includes the budget message of the President and the Director's introduction to the budget. I was very struck with the fact that this budget contains, I think, the best possible framework for thinking about new solutions and new approaches and for explaining why we have to get in the habit of applying common sense focusing on opportunities.

Let me start with sheer scale. The fact is that the new budget proposal which some of our liberal friends have already said is too small and does not have enough money, the budget proposes to spend $1,233,300,000,000. Let me emphasize that again, because I think when the average American hears somebody explain that it is not enough or not big enough or somehow we never quite have enough money in government, we should recognize the size of the Federal budget: President Bush is proposing for next fiscal year that we spend $1,233,300,000,000.

When I was young, Everett Dirksen used to say that a billion dollars here, a billions dollars there, pretty soon it adds up to real money, but imagine that we are talking about a $1,233,300,000,000 budget. That means, to give a sense of scale, that $1 trillion is a million million dollars. In other words, if we had a million-dollar bill sitting here, we would have a million million-dollar bills to represent a trillion, or to put it differently, we are going to spend 1,233,000 million-dollar bills in the proposed budget. It is an enormous amount of money.

One way to put it, as Budget Director Darman says, and I quote from page 7 of the Director's introduction to the budget.

> The sheer size of the budget makes it seem like a monster. It contains almost 190,000 accounts. At the rate of one per minute, eight hours per day, it would take over a year to reflect upon these! The budget's annual outlays are larger than all countries' economies except those of the United States, Japan, and the Soviet Union. (The Federal budget is roughly the size of the entire West German economy.) Clearly, at some point, green eyeshades must be put aside. Detail must be considered; but the capacity to abstract should not be lost.

The thing that is important for the average American to recognize is when we are talking about a Federal Government that has 190,000 accounts, a Federal Government whose spending is equal to the entire economy of West Germany, that maybe we have enough money, maybe the problem is not the scale of money. Maybe in fact the problem is what we do with the money, how we establish priorities, and the bureaucracy and the redtape with which we spend the money.

It is interesting also for those who are perennially after us to raise taxes that avoiding tax increases and encouraging growth in the economy has in fact worked. But if we look back over the last few years, the fact is that year by year we have increased our ability to get money into the Government just because the economy has been getting larger, that as more people go to work, they pay more taxes, as they pay more taxes and as their income goes up, we get more money in Washington.

Let me give the Members some numbers from recent years. Without a major tax increase, and these are in fiscal years, here is what has happened starting in fiscal year 1989: In 1989 we received $990 billion in receipts. In 1990 it is estimated that we will receive $1,073,000,000,000. In 1991, it is projected that the Federal Government will receive $1,170,000,000,000. In other words, the Government is projecting, without a major tax increase while President Bush keeps his pledge to oppose tax increases, that our total income, compared to 1989, that our revenues in fact will have gone up $180 billion over 2 years. In other words, there will be $180 billion more to spend in the Federal Government than there was in 1989 just because of economic growth. A bigger economy, more people at work, and higher incomes leads to more revenue for the Federal Government.

The reason we still have not balanced the budget is that even though we are seeing a steady increase in revenue by the Government, spending has also gone up. It went up from $1,142,000,000,000 in 1989 to a projected $1,233,000,000,000 in 1991. However, the good news is that by keeping the lid on spending, by trying to control the amount which the Federal Government spends, the deficit continues to come down. The projected deficit for 1989 was $152 billion. The projected deficit for 1990 was $124 billion. The projected deficit for 1991 is $63 billion. In the President's budget proposal which was submitted yesterday, he proposes that in 1993, by continuing the process of keeping a lid on spending and keeping the economy growing, that in fact we will get to a narrowly balanced budget at a $5 billion surplus, which would be the first time, I believe, since 1969 that we would have a budget surplus.

How do we get to that? We get to that, first of all, by steadily controlling spending so that it goes up at a rate slower than the increase in revenues. Second, once we get to that surplus in 1993, the President proposes that we begin to take Social Security off budget so that during the rest of the 1990's we would continue to apply the Gramm-Rudman process, and we would get to a balanced operating budget late in the 1990's.

There are a couple of principles here to look at. The first principle, as I suggested, is that we should expect that at $1,233,300,000,000, maybe the major policy debates should not be how to raise taxes, that maybe the major policy debates should be how to set priorities and how to rethink and reform government so that we can get the kind of return on that kind of investment that we would like.

The President and Budget Director Darman began that process in this new budget by focusing on five large categories. They focus on investing in the future, on advancing the States as laboratories, on reforming mandatory programs, on acknowledging inherited

claims, and on managing more integrity and efficiency.

A couple of these, I think, are particularly important. It is important, I think, as the babyboom generation comes of age and has its own children, to recognize the importance of investing in our future.

Let me quote what the President said in his submission on page 3:

With an eye toward future growth and expansion of the human frontier, the budget's chief emphasis is on investment in the future. It proposes a capital-gains incentive for long-term private investment and new incentives for family savings, record high amounts for research and development, space, education and Head Start, a major investment in civil aviation, and a large increase in spending to attack the scourge of drugs. At the same time, the budget maintains a strong national defense more reflecting the dramatic changes in the world's political situation that are taking place, and it fulfills responsibilities to protect the environment and preserve America's cultural heritage.

In other words, the first step in shaping this new budget and in looking at how to spend $1,233,000,000,000 is to look at the future, to ask ourselves how do we have to invest in the 1990's so that America's 21st century can truly be successful and can truly have opportunities for everyone.

The second step listed here is equally important. It is called by the President advancing States as laboratories.

Let me quote again:

The budget recognizes the emergency of new ideas and initiatives originating at the State and local level. The Federal Government will foster such innovation and experimentation in numerous fields from transportation to health, through waivers of certain rules and regulations, and through demonstration grants.

□ 1410

I think it is very very important to recognize that we are at a major turning point in American history. For a very long period, in some ways going all the way back to the progressive movement at the turn of the century, certainly accelerated by the New Deal, and climaxed by the Great Majority and Lyndon Johnson, the United States has gone through a period where ideas were seen as originating in Washington.

More and more the ideas was you went to Harvard or Stanford or somewhere, you got the right kind of advanced degree, and ended up in Washington, whether as Felix Frankfurter's associate or some other forum, and here in Washington you became part of a brain trust, and then you developed the big ideas that would change America.

What we have learned since 1965 is that that system simply did not work. That is, the bureaucratic welfare state became more and more centralized in Washington, it had more and more red tape, it became harder and harder to develop answers and to get those answers passed, and in a very real sense, bureaucracy and red tape drove out common sense and innovation.

What the President is recognizing in his section on advancing States as laboratories is that State and local government may be more innovative, may be more flexible, may be more capable of applying common sense in the 1990's than is the Federal Government. Maybe the way to invent America's 21st century is to give waivers from Federal regulation, to give opportunities for State, county and city governments to engage in the kind of experiments, for local school boards to engage in the kind of experiments, that allow us to invent the future. And in fact it is everyday practical common-sense Americans who are more likely to create a positive future than intellectuals working inside the city of Washington.

I think in that sense advancing State and local governments as laboratories is a very important new innovation, and it is one which will come to dominate much of the debate of 1990 in the U.S. Congress. You are going to be hearing us talking over and over again about how can we invest in our future and how can we develop the opportunities for State and local governments to be laboratories that apply common sense focused on opportunities to develop new approaches that will work for America in the 1990's.

The third area I want to mention briefly is managing for integrity and efficiency. I want to quote the President again:

The budget contains suggestions for reforms in the way Congress deals with the budget. It provides more resources and suggests improved methods for managing the vast Federal enterprise better. It identifies low-return domestic discretionary programs where a smaller investment of budgetary resources is warranted.

In other words, when you have a $1,233,000,000,000 government, maybe you ought to be able to manage it for both integrity and efficiency, and maybe focusing on how we manage the Federal Government will in fact return a great deal to the American people.

Now, there are a number of steps in this budget, but I want to start by making a general point to my colleagues and to the American people. There are 300 pages just in the introduction of the budget. If we then go back and look at the appendices, all of the details which are included in this volume on the budget, we will discover that the budget in its fullest scale is a very very big document indeed. It runs to an additional 1,269 pages of appendices, or a 1,569-page book.

I was fascinated to read in the morning paper about some of our liberal Democratic friends who have already dismissed the budget. I would challenge them, I think this is a budget worth looking at in detail. I think this is a budget that President Bush has sent up which really does give us a range of things to think about and to work on.

Just to take a couple of specific examples, it has a hope and enterprise zone section which is very very important. Let me cite from page 186 of the Budget Director's introduction on hope and enterprise zones.

The problems of economically distressed areas will be alleviated, some by the job creating effects of continued economic growth. The problems will be mitigated also by the President's anti-drug abuse stategy. But more needs to be done to bring hope and opportunity to severely distressed areas. Thus, the President is reproposing his initiative to stimulate growth through the creation of special incentives for investment and job creation in enterprise zones, a proposal on which the Congress has failed to act. He is introducing legislation to advance Project Hope, home ownership and opportunity for people everywhere.

Let me note, by the way, that again and again as you go through the budget you find the phrase, "a proposal on which the Congress has failed to act."

I think one of the obligations our liberal Democrats who are talking about the budget have to face up to is that on many many occasions the President has sent up very fine proposals, but nothing has been done about them at this stage. As we talk about opportunities for the nineties and new solutions for the nineties, one of the things we must confront is that in fact the Congress has not always done its job.

Let me suggest as an example looking at something which is of grave concern to every American, which is drugs, the problem of how do we deal with drugs.

That section of the budget begins by quoting from President Bush's September 5 speech, when President Bush said:

The war on drugs will be hard won, neighborhood by neighborhood, block by block, child by child. If we fight this war as a divided Nation, then the war is lost. But if we face this evil as a Nation undivided, our children will have a brighter future.

The President is sending up a proposal to increase spending on Federal drug programs in terms of outlays from $6.9 billion in fighting the war on drugs last year, to $9.7 billion in fiscal year 1991, an increase in the war on drugs of 41 percent.

President Bush proposes to spend it 3 ways. First, by attacking the drug market at the source and on the street; second, by treating the drug users, supporting those in help of need; and third, by preventing drug use, through school, the workplace, and community drug prevention.

Yet we in the Congress, before we begin complaining about it, need to

confront the fact that Congress has not passed the President's proposals from last year. That in June 1989 President Bush sent up a proposed drug and violent crime bill which has still not been passed; that the President has sent up some quite specific and strong proposals to help make it tougher on criminals and tougher on drug dealers, which still have not passed; and that we in the Congress have an obligation to help deal with the problem of drugs by passing the legislation on the war on drugs which the President asked for some 7 months ago.

While we may complain about Mr. Bennett, the drug czar, we may complain about President Bush, the fact is that it is the Congress which 7 months later has still not passed the necessary legislation.

Let me turn to another topic of extraordinary importance to America, education, a topic which I believe is as important as the war on drugs.

The fact is the President is calling for some very substantial additional help in the area of education. The President recognizes that we face a real problem. Let me quote from the section on strengthening science and technology education:

At a time when the number of American students pursuing advanced science and engineering education is declining, the science and engineering work force is becoming more critical to the strength of the overall economy. This is a disturbing trend. Many jobs created in the future will require people who are well versed in mathematics and science and who have greater facility with higher order reasoning than most high school and college graduates now have.

The President goes on to point out in his budget proposal that we should be particularly concerned for black and Hispanic students who do not get enough math and science degrees.

They point out:

It is these groups that are now the most under-represented in the science and engineering work force. In 1988 only 231 black and Hispanic Americans earned doctorates in science or engineering fields, excluding psychology or the social sciences. Together black and Hispanic American Hispanics constitute 20 percent of the Nation's population, but only 4 percent of employed scientists and engineers.

The administration goes on to propose dramatic increases in funding for science, mathematics and engineering, to help all Americans improve, but in particular to help Americans who come from poor families.

They propose a 30-percent increase in the National Science Foundation budget for science, math and engineering; a 69-percent increase in the Education Department's budget; a 21-percent increase in the National Aeronautics and Space Administration Program; a 47-percent increase in the Department of Energy's education budget; and a 22-percent increase in the National Institutes of Health budget.

The goal of all this is to increase our ability to reach out to younger Americans, to convince them that it is necessary for some Americans to work hard, to study hard, to learn math and science and engineering, if America is going to be competitive in the world market.

I would just point out for those of my liberal friends who care about compassion, who care about education, who care about helping people, when you have an increase of $222 million in science, math and engineering, and education, that is a 26-percent increase, that is something that one has to focus on.

But let me turn to another area of considerable concern.

□ 1420

On page 104, where we talk about literacy: "$239 million is proposed for adult education programs of the Department of Education, an increase of more than 25 percent over what Congress provided in 1990." To summarize at a different point, the education budget overall is "the largest education budget ever proposed." Yet the fact is that we could do more.

The President proposed a merit school, a magnet-school-of-excellence program, when he submitted in April 1989, almost a year ago, 10 months ago, when the President transmitted a bill, the Educational Excellence Act, April 5, 1989:

This bill would give incentives to schools to improve educational achievement, expand the use of magnet schools, reward excellent teachers and students, promote the hiring of persons with proven subject matter knowledge and management abilities to be teachers and principals, increase the endowment of funds of the Nation's Historically Black Colleges and Universities, and provide special funding for the school districts with the worst drug abuse problems. Congress did not complete action on the bill. Appropriations were provided for 1990 for the two largest programs, Merit Schools and Magnet Schools of Excellence, contingent upon passage of the authorizing legislation.

Once again we have an area where President Bush is trying to be systematic and helpful, is trying to reach out and be supportive, providing a caring and humanitarian answer to a true need, a real need, the need to strengthen education, and the Congress failed to pass his proposal 10 months ago.

In addition, Head Start, widely considered the most successful of the preschool programs, of the efforts to help poor children in particular, a program that I am proud to say my older daughter participated in when I was a graduate school student in New Orleans in the 1950's, the President proposes a substantial increase in the Head Start Program. He proposes a 36-percent increase for Head Start to enable it to enroll up to 180,000 more 4-year-olds who come from backgrounds of lower incomes. That is a budget increase of $500 million in budget authority, to a total of $1,886,000,000.

Now in developing a caring and humanitarian program, virtually all of us agree that having a Head Start Program that is strong and viable is an important step in the right direction. Yet there is more to Government than simply spending money.

There is also a requirement to make sure that your money is spent intelligently and that in fact if we loan your money out we get it back.

Yet consider the requirement for real change in the area of collecting debt from those who borrowed from the Government.

On page 284 they point out the following:

Delinquent debt owed the Department of Agriculture, Education, Housing and Urban Development, and Veterans' Affairs and the Small Business Administration and other agencies, is projected to increase from $32 billion in 1988 to an estimated $40 billion in 1989.

Now let me suggest that when you have $40 billion in outstanding delinquent debt, that is $40 billion that ought to go to help other people. That is $40 billion that ought to be loaned to small business; that is $40 billion that ought to be available for housing; that is $40 billion that ought to be available for farmers; that is $40 billion that ought to be available for our veterans; and it is $40 billion that ought to be available for students. We have an obligation to strengthen substantially our commitment to debt collection, to say, in effect, that "If you borrow from the Federal Government, that is from every American, you have an obligation to pay back to every American."

But let me make a deeper point and the real reason I wanted to take a few minutes today to talk about American opportunities and the American opportunities workshop on May 19 and why I believe the budget is worth looking at.

First of all, this is a serious budget that has many ideas worth looking at.

The Bush administration and Budget Director Darman have worked very hard on item after item. I would suggest to all of my colleagues that before they shrug it off, particularly my liberal Democratic friends who looked eagerly for a tax increase and could not find one, before they assume automatically that this budget is not worth looking at, that they at least look through the first 300 pages, that they look through the substantial increases in the environment, an area where in fact we have seen the Government under President Bush take a much more active role. The budget

provides over $2 billion in new spending to protect the environment.

I would suggest my friends look at page 119—that is, they look at the substantial increase, again and again, in areas including programs such as reforestation, protecting America's wetlands with an $88 million increase, an effort to increase the Environmental Protection Agency's operating budget; item after item where President Bush is proposing substantial increases in order to help the environment.

If they will look, my friends in the Congress will look again and again, they will find a variety of areas where the Bush administration is proposing serious, intelligent, well-thought-out increases.

There are some areas that we are going to argue over. There are some areas where I frankly would not necessarily agree. But I think on balance this is an intelligent and a serious effort.

But it also puts into highlight the two points I started with: First, if we have a $1.233 trillion budget, an enormous amount of money, an amount, as pointed out here by Director Darman, equal to the entire economy of West Germany, then maybe the challenge to this generation of political leaders in the 1990's is not to find a way to raise taxes and to have even more money, but to find a way to rethink bureaucracy, to rethink red tape, to rethink programs that have failed.

When we see, as we did in the morning paper, a counselor in the District of Columbia drug program who has a drug overdose, which is certainly not what any of us thought we were paying our money to counselors for, when we see the scale of decay in the New York City schools, when we see the way and watch the problems of bureaucracy in virtually every big city in America, when we see the way in which health care is increasingly dominated by red tape and bureaucrats rather than by doctors and innovation; I think it is clear to almost all of us that we need new solutions rather than new money. I think that $1.233 trillion spent intelligently and spent with a sound sense of priorities is probably enough money for the American Government to enter the 1990's with.

But second, again and again, if you look at the themes of the President and the themes of Budget Director Darman and you look at this concept of focusing on what I think are the three most important, I think, from the standpoint of developing new solutions in the 1990's: investing in our future; advancing State and local Government as laboratories; and managing for integrity and efficiency, I think there is a lot of meat in that 300-page introduction and the 1,200-page appendix.

I think there is a beginning of a real dialogue. I think maybe the dividing line in the 1990's is going to be between those on the left who are going to argue that the bureaucratic welfare state will work, that the unionized work rules will work, that the red tape will work, that the values of the left will work, that the Great Society was the right direction, we just could never spend enough and that $1.233 trillion is not enough "but if only we could raise taxes $100 billion or $200 billion or whatever the magic number is, then we could make the bureaucratic welfare state work."

We are going to argue, however, that that is not correct, that in fact it is the core design, it is the basic structure of the bureaucratic welfare state that is not working; that we need new approaches, new innovations, we need to apply common sense, we need to cut through the red tape, we should be willing to free up State and local Government, cities, counties, school boards, and allow the kind of experimentation, the kind of innovation which has made America what it is.

When we have the American opportunities workshop on May 19, we are going to be developing a series of proposals which we believe are going to allow people to see how they could go to their local Government, they could go to their local community, and they could develop a better America, a more prosperous America, a more successful America within the scale of budget we now have; that the problem is not the budget, the problem is not the amount of money, that the problem is the way we have been trying to solve our problems and the objective reality that the bureaucratic welfare state in its current form will not work and that instead we have to apply common sense focused on new opportunities in order to make the system work.

UPDATE ON 1985 FARM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 60 minutes.

Mr. DE LA GARZA. Mr. Speaker, we take this time today to visit with our colleagues as to what the state of agriculture is today. Where we are. Where we have come from. And to provide Congress with an update, particularly about the 1985 farm bill, telling the public why farm programs are needed and how agriculture is the foundation of our national economy. Seventeen percent of the total GNP is from agriculture. It is our largest employer. Twenty-one million people work in all segments of agriculture. Farming itself employs over 2 million workers, more than the combined workforce of transportation, steel, and the automobile industries. Without a healthy agriculture sector, our economy suffers.

What we hope to do today is to ask the chairmen and ranking members of the different subcommittees to give Members a report from their perspective as subcommittee chairmen, and also the issues under the jurisdiction of that subcommittee.

Mr. Speaker, I yield to the chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, the gentleman from Georgia [Mr. HATCHER].

Mr. HATCHER. Mr. Speaker, the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition has jurisdiction over several of the Federal Nutrition programs, to include the Food Stamp Program, the Temporary Emergency Food Assistance Program, the Commodity Supplemental Food Program, and the provision of emergency commodities after natural disasters such as Hurricane Hugo and the California earthquake. The subcommittee also has jurisdiction over marketing orders, research and promotion orders, and domestic marketing generally for the fruit and vegetable industry.

During the first session of this Congress, the Agriculture Committee heard testimony that 8 million more Americans were poor in 1987 than in 1978. Not only are there more poor families now, but the poor have grown more poor in recent years. The amount by which the income of the average poor family falls below the poverty line was greater in 1987 than in any year since 1962. The subcommittee has reviewed the Federal nutrition programs, to learn how they might be made more effective in combatting hunger.

The Food Stamp Program is the premier nutrition program in the Nation, and our most effective weapon in the fight against hunger. In 1977, 13 years after enactment of the 1965 Food Stamp Act, the act was totally rewritten. It is now 13 years since enactment of the Food Stamp Program Act of 1977, and it is time to reauthorize the program. Someone recently suggested that it must be time, therefore, to rewrite the 1977 act. I don't think so. Not because the task would be formidable, but because there is no need to restructure the Food Stamp Program. It is a program that, over time, has developed into a nationwide benefits delivery system that works well to help feed those in need. The Food Stamp Program is in the finest American tradition of reaching out to help those who are down and out. We must assure that the program reaches the 34 percent of the eligible population that does not currently receive food stamps. We must assure that participating families are well served by the Food Stamp Program. And we must assure that administrative burdens don't so bog down the system that

caseworkers cannot adequately do their job of helping their clients. Yet, reports indicate that only 66 percent of those eligible for food stamps are receiving them. At the same time, program administrators tell us that they struggle with the administrative complexity of the program. As we move to reauthorize this vital program in the 1990 farm bill, we hope to increase its effectiveness and ease its administration.

We have heard in the last year that food stamps are being used illegally to purchase such items as crack cocaine. These are very disturbing reports. Such abuse expands access to illegal drugs, wastes taxpayers' money, discredits the Food Stamp Program, and ultimately hurts food stamp beneficiaries. During the last several years significant strides have been made in the program generally to reduce the level of fraud and abuse. We must firmly meet this newest threat to the program.

About 8 percent of the Federal expenditure for domestic food programs is in the form of commodity donations. In 1989, that expenditure amounted to approximately $1.5 billion. Most of the commodities donated to domestic food programs are acquired by the Federal Government under the agricultural surplus removal and price support programs. Some commodities are purchased. These commodity donation programs fulfill two purposes. They help to feed the hungry, and they help maintain stable farm prices. In the early 1980's, with expenditures for Federal assistance programs down and inventories of Government-held commodities up, donations of agricultural commodities increased. During the last several years, we have been faced with dwindling supplies of excess commodities. Our challenge is to maintain these donation programs, upon which many poor people depend, while recognizing that the availability of high levels of commodities cannot be guaranteed. The subcommittee is reviewing these programs to determine the appropriate role of the agricultural commodities distribution programs in the total effort to meet the food needs of the poor and disadvantaged of this country.

The subcommittee had studied hunger in rural America, and learned that in some rural areas, 30 to 40 percent of the people live in poverty. People seem to view poverty and hunger as an urban problem, a problem of the inner cities. But one out of every four children in rural America is poor. And indications are that poverty in rural America is increasing. There are almost 10 million people now living in poverty in rural America. It is especially difficult for the rural poor to obtain enough food, and nutritious food. Great distances hamper access to sources of nutritious foods and make it difficult for people to take advantage of programs designed to help them eat better. We are hopeful that we can modify the Federal nutrition programs to ensure that they are responsive to the unique needs of poor people in rural communities.

The subcommittee is also considering legislation to establish commodity research and promotion programs for mushrooms, limes, pecans, and potatoes. These programs are designed to allow farmers to fund and operate coordinated market and product development efforts for their individual commodities. This is a self-help approach that has become increasingly necessary as the need for these commodities to stay competitive intensifies. Successful programs have been put in place under Federal legislation for cotton, milk, beef, pork, eggs, and other commodities. These programs have been quite successful and I look forward to implementing a plan for these other producer groups.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman from Georgia [Mr. HATCHER] for his remarks.

Let me say that the Food Stamp, Nutrition and School Lunch programs, and Meals for the Elderly, are important and all are under the jurisdiction of the Department of Agriculture.

Let me address one issue. Somehow, I daresay for no other reason than lack of information, people speak about the cost of agricultural programs and how much we spend on agriculture. I must say, this is sensationalized in the major media by people with inadequate information. If a person were just to do away with the entire Department of Agriculture, he would reduce the Federal budget by under 4 percent. This, my friends, is important to note.

We erase the word "agriculture," and we would reduce the budget by less than 4 percent. The farm support programs that they say we pay the farmers not to farm is less than 1 percent of the $1.23 trillion budget. Less than 1 percent of the trillion dollarplus budget goes to support farm price support programs.

Let me show Members what I mean. The red markings on this chart are the $1.23 trillion budget. If we look at the black on this chart, that is what we spend on support for American agriculture. That small black line we see on the chart is what we spend on support. Yet, we are the best-fed people in the world.

The average farm family produces food for around 100 people, and the cost of food is less of the disposable income per family than that of any other major industrialized country in the world. This is what we do for that tiny, small black portion that we could not even see on the chart.

Mr. Speaker, I yield to the distinguished ranking member of the Committee on Agriculture, the gentleman from Illinois [Mr. MADIGAN].

Mr. MADIGAN. Mr. Speaker, I want to thank my chairman, the gentleman from Texas, for providing this opportunity to join my colleagues from the Agriculture Committee in reporting to the House on the state of the American farmer and Federal farm policy. This is the year that the House will be asked to reauthorize the basic farm programs, so it is appropriate to bring our colleagues up to date.

Had we made this report in 1985, the year of the last farm bill reauthorization, we would have had a grim story to tell. In 1985 most of the economy had recovered from the recession of the early eighties, but agriculture was still in the grip of the worst farm recession since the Great Depression. The value of farmland had dropped as much as 50 percent; huge production surpluses were depressing prices; hundreds of thousands of farmers were unable to service their debt; and international markets were rapidly being lost to foreign competition. In sum, farmers were facing catastrophe 5 years ago.

It was in that environment that the Agriculture Committee sat down to create the Food Security Act of 1985. It was a contentious debate, encompassing many months of intense negotiation among the members of the committee, between the House and Senate and ultimately with the administration. Finally, on December 22, the President signed a 5-year farm bill reauthorization into law.

The product of all those months of effort was a market-oriented program that aimed at recovering our lost international markets. At the same time the act protected farmers' income while they struggled to stabilize a badly damaged agricultural economy. Accomplishing those multiple tasks was not without cost. The first full year of the program Federal expenditures rose to $26 billion.

The good news is that the Food Security Act of 1985 worked. Farmland values have begun a steady recovery; surpluses are down; farmers have enjoyed 3 years of record farm income; farm indebtedness has been sharply reduced; and agricultural exports have risen steadily over the last 5 years.

As planned in the act, the cost of farm programs has steadily fallen to the point that 1991 expenditures are projected to be half the level of 1986.

As we begin work on the 1990 farm bill, the agricultural economy is overall one of the healthiest sectors of the national economy. Farmers are also making a significant contribution to the Nation in world trade, selling over $10 billion more to foreign countries than we import.

Our task this year is to craft legislation that will continue to strengthen

one of our greatest national assets, a highly productive farm sector. We will need to continue our market-oriented approach to farm policy; it has worked well and will continue to do so. We have controlled costs, and in this era budget restraint that will also be one of our aims.

In the international trade arena, we have aggressively used targeted export enhancement programs to offset the trade subsidies used by competitors and recaptured many of our lost markets. This aggressive program has been so successful that we have been able to make agricultural trade a centerpiece of the Uruguay Round of the GATT negotiations. Those trade talks are still underway, and until we reach an equitable international agricultural trade agreement, we must continue to insure that our farmers are not forced to compete against foreign governments for international markets.

There are areas of the 1985 act that will need to be adjusted to meet the challenges of the nineties, and the Agriculture Committee will be addressing those changes. Overall, however, a carefully balanced program of price supports and market orientation has proven itself effective and economical over the past 5 years. It will serve as a reliable guide for the future.

□ 1440

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for his contribution.

Mr. Speaker, yesterday we were in Fayetteville, NC, to hold a committee hearing and to gather input from the agribusiness sector and from everyone in any way concerned about or related with or involved in agriculture. We were there as guests of the distinguished gentleman from North Carolina [Mr. ROSE], chairman of the Subcommittee on Tobacco and Peanuts.

Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Speaker, I thank the distinguished committee chairman for yielding.

It was a great pleasure to have the gentleman in my district yesterday. I am happy to report that so far as my Subcommittee on Tobacco and Peanuts is concerned, we look forward with great expectation to the 1990 farm bill and plan to ask for a peanut program in the 1990 farm bill that is very similar to what was in the 1985 farm bill.

Tobacco legislation will not be necessary because tobacco is a permanently approved price support program. We operate the tobacco program at no net cost to the taxpayer. We operate the peanut program at practically no cost to the taxpayer by sharing an arrangement between the various peanut growing sectors of the country.

So we are very upbeat about the 1990 farm bill so far as tobacco and peanuts are concerned.

Yesterday in Fayetteville, Mr. Speaker, along with the chairman of our committee, we heard many, many witnesses imploring us not to cut farm income. People told us yesterday that they were concerned that farm income was too low already, that we could not afford to take any more serious cuts, and that the Committee on Agriculture should stand behind the producing American farmers and give him and her all the support we can and to keep farm income as close to current levels as possible or to increase them if we possibly could.

Mr. Speaker, I want to join with the ranking member of the full committee in thanking the chairman of the committee for calling this special order to talk about the state of agriculture in 1990. We will hear about the State of the Nation later this week from our President, but we are concerned about the state of agriculture. I wish the gentleman had brought his graph here today, the one that shows just how little the American taxpayer has to pay for what taxpayers get from agriculture. We have been picked on enough in the budget.

But this committee is upbeat. It is bipartisan in its support of a strong agriculture policy, and under the gentleman's leadership we know that the 1990 farm bill will be a strong piece of legislation. We look forward to working out the details with the chairman of the committee as we go forward this year.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman from North Carolina.

Mr. Speaker, let me say to the Members that this is the graph that the gentleman is talking about, That part in red is the trillion-dollar budget, and the little black line is what we get for agriculture. We can look at this and see everything that we get back.

Mr. Speaker, my colleague, the chairman of the Subcommittee on Cotton, Rice, and Sugar, and his ranking member are here, and I yield first to the chairman of that subcommittee, and then I will be happy to yield to his ranking member so that we may get a report from that subcommittee.

Mr. HUCKABY. Mr. Speaker, I thank the chairman of the committee for yielding.

Mr. Speaker, I do want to commend the chairman of the committee for taking this time to give us an opportunity to express not only where we have been but where we are going as far as the future of agriculture is concerned. If I might, I will address my remarks specifically to the areas of cotton, rice, and sugar, the subject matter of the subcommittee which I have had the honor of chairing now for some 7 years as a member of the Committee on Agriculture.

First, let us talk about sugar. Sugar is probably one of the most politically volatile of any commodity that we discuss here on the floor of the U.S. Congress. Let us look at the sugar program. We have had virtually the same sugar program since 1981. As a result of that, we have had stable supplies of sugar. Sugar to the consumer is cheaper in America than in virtually any capital. It has truly been a good program. Our neighbors to the south, our Caribbean nation neighbors, have supported our sugar program in the past, and I am confident that they will continue to support our sugar program as we import significant amounts of sugar from them.

On the subject of cotton and rice, back in 1985 we proposed and passed innovative solutions to the significant problem that we were having then of very large surpluses, large surpluses of both cotton and rice. Basically, the problem was that we were going to sell these surpluses. We were going to the marketplace, and if need be, we said that the Government would underwrite the deficit so that farmers would get a fair return.

Mr. Speaker, as the chairman of our committee knows very well, these programs for both of these commodities, cotton and rice, under the marketing loans, worked amazingly well, and within 2 years we saw a turnaround in both of these commodities. Hence, for the last 3 years of this 1985 farm bill, both of these segments of agriculture have been prosperous, and they have been sound.

So, Mr. Speaker, let me state our intention as we move to the markup of the 1990 farm bill. First, let me point out that the gentleman from Minnesota [Mr. STANGELAND], and I and others have conducted hearings throughout the United States. We have held hearings in the Boothill of Missouri, in the high plains of west Texas, in the Lousiana Delta, and in Colorado.

□ 1450

This next week, Mr. Speaker, we will be going to Florida and hearing our final hearing on sugar-cane, and the consensus over where we have gone is that we have a good farm program. It is not broke, so we do not have to fix it. Let us just rather make some fine-tuning in some areas that are obvious, where we can learn what has happened in the last few years in the farm bill, where we can make some changes. So, it would be our intention to take this approach.

Let me also point out that we have heard many farmers' requests. We need some flexibility. We have heard the administration say, "We need the ability to respond to market signals," and hence it is our intention, the gen-

tleman from Minnesota, myself, and others, to introduce legislation that will give our farmers ability to respond somewhat to market force signals.

In addition, Mr. Speaker, we think we also should be able to go back and update our yields. Areas such as costs and offsetting compliance need to shortly be reexamined, and also the ability to shift some of our base from one crop to another when there is clearly a significant demand in it.

So, this will be legislation that we also hope to incorporate into the farm bill to be the benefit of all of our farmers, to give them ability to respond and switch their crops somewhat and yet preserve and protect the integrity of our existing basis and yield system which I think has served us very well.

In conclusion, Mr. Speaker, let me say that under the leadership of the gentleman from Texas [Mr. DE LA GARZA] agriculture turned around as a result of the 1985 farm legislation, and I am confident that the legislation that we pass this year will see that agriculture continues to grow and prosper, not only to provide food and fiber to Americans, but throughout the world.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman from Louisiana [Mr. HUCKABY], and now I yield to my distinguished colleague from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Speaker, I would like to take this opportunity to thank the gentleman from Texas [Mr. DE LA GARZA] for holding this special order on the state of agriculture today, what is coming up in the farm bill. I also thank him for his leadership in crafting that 1985 farm bill.

Mr. Speaker, as the gentleman from Illinois [Mr. MADIGAN], the senior Republican on the Committee on Agriculture, stated, in 1985 agriculture was at one of its lowest points in our history. Farmers were having very, very difficult problems financially, and that 1985 farm bill worked.

We are, Mr. Speaker, as the gentleman from Louisiana [Mr. HUCKABY] stated, on a road to recovery, but let me say that we have not recovered completely, and much is going to hinge on the crafting of this 1990 farm bill under the leadership of the gentleman from Texas [Mr. DE LA GARZA]. I am sure our chairman and, I think, all the members of the Committee on Agriculture in the House recognize that.

Last year was a very high year in farm income, but not all farmers participated and shared in that income. The conditions in my area are still very difficult. Farmers are having difficulty meeting their financial obligations partly because of a third year of drought in a row, and the drought assistance package which the gentleman from Texas [Mr. DE LA GARZA] gave such great leadership to in the last year of the Congress was of great assistance.

However, Mr. Speaker, we have had another drought this year, and the drought bill this year may not pick up all those who are falling through the cracks.

We also recognize, and I think our farmers recognize, that we have to be budget responsive. We, I believe as an Agriculture Committee, realize that declining target prices are going to mean declining farm income, and yet with the budget constraints that we have it is going to be difficult for us to craft a bill that does not bring down the cost of the farm program.

As my colleagues know, I think it is unfortunate that while we have cut the cost of the farm program in half since 1986, we get little, in fact we get no, credit from the budget side for those substantial reductions in cost that have already taken place, and we have to cut further.

Mr. Speaker, as the gentleman from Louisiana [Mr. HUCKABY] has said, we have held extensive hearings on cotton, rice, and sugar. We will continue to hold hearings. The cotton and rice portions are probably fairly easy to work out, not extremely egregious, not extremely difficult. But the sugar question hinges a great deal on what the GATT says, and in all of our deliberations the gentleman from Texas [Mr. DE LA GARZA] has stated so succinctly time and time again that we are not going to write an American farm bill at the GATT. But we are going to have to write an American farm bill that adheres to the trading policies in world trade that are established at the GATT. And that again makes it difficult.

As my colleagues know, we all kind of hope that something positive will come out of this Uruguayan round, which is the agricultural round of the GATT, but none of us have great hopes or expectations that we will see other competing nations reduce their level of subsidization, both production and export, and allow our farmers to compete on a level, fair playing field. If that is to be the case, then in this 1990 farm bill I think we have to craft a bill that enables our farmers and our agriculture to prosper and survive.

There is a great deal of emphasis right now on rural development. The greatest rural development we can pass in this Congress will be a good solid farm bill that enhances the farm economy and encourages farmers to grow and expand because, when farmers have a dollar, they spend that dollar, and that is beneficial to rural development.

So I just want to say, Mr. Speaker, that I appreciate the leadership of the gentleman from Texas [Mr. DE LA GARZA]. It has been sound solid leadership on behalf of American agriculture, and I look forward to working with him, with the various chairmen of the subcommittees and full committee in crafting this 1990 farm bill.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman from Minnesota [Mr. STANGELAND], my distinguished colleague, for his interest and cooperation throughout the years.

We have the chairman of the Subcommittee on Conservation, Credit, and Rural Development, the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Speaker, in many ways the decade of the 1980's is very unusual, and I, too, want to commend the gentleman from Texas [Mr. DE LA GARZA] for calling this special order today so that we can not only look back and reflect, but also look ahead to the 1990 farm bill and what might be done to improve the overall lot of agriculture.

The 1980's though were really marked, I think, without question by an agriculture depression as far as many of our commodities are concerned. It made it extremely difficult, not only from the standpoint of the farm bill and our farmers, but also it was marked, in addition to that, by a drought. Several disasters hit agriculture throughout the late 1980's, and that certainly exacerbated the credit problems that many farmers had.

As we moved through the 1980's and the difficulties of that period, farmers did accumulate a great deal of debt, and in 1987 with the Agriculture Credit Act it was the aim of the Committee on Agriculture to not only protect the taxpayer, but also the American family farmer. In a provision known as borrowers' rights was included one which basically said that restructuring should be done if it was cheaper for the taxpayer as well as being in the best interests of the farmers. There is no question that this particular provision has saved the American taxpayer millions and millions of dollars, and it also has resulted in many of our family farmers remaining on the farm that would not otherwise be there.

We also, however, have found, much to our dismay, that some of the provisions, as they were carried out, were not carried out with the intent that I think most Members of the Committee on Agriculture had, and those will certainly be corrected in the coming days.

We also hear, Mr. Speaker, a good deal about the environment, and agriculture has a big stake in the environment. The American family farmer who lives on the farm, certainly his family lives there. He lives and works there, and we want to make certain that the environment in which he lives and works and raises his family is safe, as well as those people in rural communities and urban communities. It will be a focal point this year, in

1990, with those of us in agriculture in making certain that that environment does remain safe, and we will focus on that a great deal. We will take that factual information that is available to us, and we will make certain that any adjustments and changes that might be necessary in agriculture practices are, in fact, carried out.

However, Mr. Speaker, I also want to issue a word of caution because I think that we have also got to keep in mind that the farm program is a voluntary program. It depends heavily upon the participation of our farmers, so we have got to make certain that whatever program we come forth with in fact makes it possible and in fact encourages our family farmers to participate in the program. That is what will in fact give us great improvements in the environment, and that is what will make it possible for us to have a better environment overall.

□ 1500

To do otherwise could drive farmers out of the farm program, in which case there would be I think without question great damage as far as our overall environment is concerned.

The 1985 farm bill carried with it some great environmental provisions. We had the Conservation Reserve Program that took a great deal of land that was marginal, highly erodable land, and took it out of production. Some 40 million acres will have been bid out, I say to the chairman, by the end of this year. Certainly that is 40 million of the most fragile lands that we have in this country, lands that can be tied down, lands that can be built up, lands that will not be eroded by the wind and by water, so that land is protected.

Also, each of our farmers must file with the Department of Agriculture, the ASCS, their plans for improving the conservation practices on their land.

So this is what has led the 1985 farm bill, the conservation provisions, to be touted by many as the finest piece of environmental legislation affecting our lands that we have had in this country. I think we can lay that claim.

Other provisions, such as sod buster and swamp buster, again build and improve on our overall environment.

There are some adjustments that will likely be made in the 1990 farm bill.

Some have charged that there have been some arbitrary and unfair rulings made. We will look into that. Some have said that the enforcement actions have not been as strong as they should be, and we will look very carefully at that.

Let me also say very quickly to the committee chairman, on crop insurance, the President's budget came forth, or yesterday it did, which zeroed out the crop insurance program. Ten years ago we came forth with crop insurance program that replaced the disaster program. In practice, it has not. We will do our best in the 1990 farm bill to completely overhaul the crop insurance program and give assurances, not only to the administration and our urban colleagues, but also to our rural colleagues and farmers that we will revamp the crop insurance program. We will make sure it works. In fact, we will come forth with a program that I think will finally give the assurance that it is what we will rely on, and not the disaster program.

The bottom line is that over the past decade we have seen 5 million people who have left our rural communities and moved to urban areas. For the most part, that was not by choice. They were forced into urban areas. We will be coming forth in 1990 with a rural development bill, and together with our colleagues in the other body will fashion a piece of legislation that will give greater opportunities, greater hope, and a much brighter future to people living in our rural communities, so that the people of this country will have a choice as to where they live, whether they live in rural areas or urban areas.

The bottom line, I say to the committee chairman, is that I think rural America can look forward to a brighter future. American agriculture for the first time in a number of years I think can certainly feel optimistic. I think building on what we started in the 1985 farm bill, I think that we can put together a 1990 farm bill that is going to be a great one and one that gives great promise to American family farmers, as well as to our urban colleagues, to fulfill that promise of providing an abundance of food and fiber to the American people at reasonable prices.

Again, I want to join with others in attributing much of the success we have had to our chairman, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank my colleague for his generous words and commend him for his contribution to the overall work of our committee.

Mr. Speaker, at this time I yield to the distinguished chairman of the Subcommittee on Livestock, Dairy, and Poultry, the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I thank my chairman for yielding and I thank him for taking this time today. I appreciate the opportunity to participate and talk a little bit about the livestock, dairy, poultry, and honeybee parts of the farm bill.

I can say that the state of the livestock industry and the dairy industry in the country is indeed good today. As typical farmers, we are cautiously optimistic and that the things that are working today, the movement toward market orientation in the dairy policy that we started in the 1985 farm bill is in fact working. The gentleman from Wisconsin [Mr. GUNDERSON] and I have just finished six field hearings around the country in which that was the basis of the testimony that we heard, cautious optimism, a little fine tuning, a little concern about how we can continue to move in a market-oriented direction in a world that is not as market oriented as we are here in the United States. That is a challenge that a lot of people out there in the real world outside the beltway sometimes have difficulty understanding. In fact, some of our colleagues right here in this body apparently have difficulty understanding the importance of farm legislation and why we have it.

I say to our distinguished chairman that he was recently derided in a story in the Washington Post in which the gentleman said, "Let's forget all the facts and listen to the truth."

In this same article that I have read with great interest, I have noted at least eight errors in facts, if not in the truth. For example, this particular writer said that the farm program in the 5 years of the 1985 farm bill has cost $135 billion. That is not according to the CBO and the OMB. The cost is $85 billion.

Now, that may not be a lot of money to various writers and some of our colleagues, but $40 billion is a lot of money.

Now, is $85 billion too much to spend on farm programs? Yes. Certainly from the standpoint of the Agriculture Committee and the direction that all American agriculture would like to see us go, you bet. We would rather get that money from the marketplace, no question about that. That is what the 1985 farm bill was designed to do.

It was also designed to reduce expenditures, and in the case of the dairy program, one that will occupy a lot of time when we get to the floor. I am happy to report that the cost has been reduced from $2.2 billion down to $600 million this year, and it is our intent to keep it in that vicinity.

Another area, I would just briefly refer to the area of pork, and why we have to have farm programs, for those who do not understand why. This is in the area of pork, not a subsidized product. The American pork industry pretty well lives by the market, but here is the market they have to compete with, because we are interested in selling pork to Japan. On January 24 of this month, Denmark just announced increases in their restitutions, which is another word for subsidies, on loins, butts, tenderloins, and hams, from 6.2 United States cents to 18 cents.

Now, it is pretty difficult for an American pork producer to be here

working in a competitive market trying to sell into a market in which our competitors are able to take government funds and subsidize 18 cents a pound on something that costs us 43 cents a pound to produce here in the United States.

Let me conclude by saying just this. As we look at the state of agriculture, let us not forget for a moment that America is blessed with a food production system that is providing the American people and a lot of the rest of the world the most abundant quantity, the best quality, the safest food supply, despite what you hear a few dissident voices talking about, no one else comes close to providing the safe food supply that we do at the lowest possible cost, as evidenced by anybody who is doing it any better. No one comes within 1½ percent of the GNP to what America is able to do with our agricultural policy and with our American farmers and ranchers in the production of this food.

So let us not forget that as we begin the debate and let us not slip into little titles that get you a lot of ink, comparing Moscow on the Mississippi. How anyone could compare American agriculture with the Soviet system, as we watch the miracle that is happening in Eastern Europe right now and the collapse of communism, I happen to believe that the major, if not the only reason for its collapse, is the inability of the communistic system to feed its people. In America, we have just the opposite. We have the ability to feed all the American people and we have the tools to do it. If there is anyone hungry in America, it is because the distribution system is not working, and we on the House Agriculture Committee are going to be just as interested in seeing that distribution fixed as we are in seeing that we can look back 5 years from now and say the 1990 farm bill has not been perfect. I do not claim the 1985 farm bill is perfect, but it has moved us in the direction that we need to go. It has moved us in a market-oriented direction and it is now reducing the cost to the taxpayer, and that is something we need to keep in mind as we enter into our very difficult budget dilemma.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DE LA GARZA. Mr. Speaker, the gentleman mentioned a figure of the cost of the dairy program to the taxpayer. What was that figure?

Mr. STENHOLM. For this fiscal year, the current estimate is $600 million. For the 5 years of the program, it is a total of $6 billion for the 5 years, not $5 billion a year as someone who derided the chairman as kind of saying that we do not always have our facts together, or the chairman does not, but the truth of the matter is that it is $600 million this year.

Mr. DE LA GARZA. I have some figures here. For example, aid to El Salvador, in the past 4 years we have given them $1.8 billion. That would run the cost of the dairy program now for what—4 years?

Mr. STENHOLM. Three years.

Mr. DE LA GARZA. Three years.

Mr. STENHOLM. Mr. Speaker, if the gentleman will yield further, I would say that from a financially fiscal standpoint, I have no one, I say to the chairman, no one coming to my office today talking about lowering the price of dairy products, making it more competitive, or making it do anything.

□ 1510

What the people are telling me now is the consumers are a little concerned as to whether we are going to have adequate supplies, and the manufacturers are concerned about the price that is having to be paid in the market system. That is a welcome difference from what it was 4 years ago when we were debating the 1985 farm bill.

It has been said that, "It ain't people's ignorance that bothers me so much as it is them knowing so much that ain't so, that's the problem."

Regrettably, the average person today knows very little about agriculture * * * how food is grown, processed, and marketed. Many have probably never met a farmer in person. Unfortunately, so many well-fed and clothed consumers take the American farmer and the food and fiber he produces for granted, without realizing that we in America have the safest, least expensive, best quality, and largest food supply the world has ever known.

Well, in real life—outside the beltway—I am a farmer. My home is in Ericksdahl, TX; the center of our community is a church; and some of the finest, most honest, hard-working people in the world live and work there.

They, like me, are slowly developing a cranky kind of feeling toward those well-meaning, but misguided people, who insist on sharing their ignorance with the American public surrounding production agriculture.

First, let me make it clear that the Food Security Act of 1985 has not solved all the problems confronting food and agricultural policy. However, I think most could agree that it has pointed us in the right direction and noticeable improvements have been achieved. I am hopeful that the 1990 legislation will continue moving agriculture in a market-oriented direction which the 1985 farm bill set in motion. I like to compare the 1990 farm bill to a Rubik's Cube. The front side says, "1990 farm bill"; on the back side is a dollar sign, representing current U.S. budget restraints; on one diagonal side, we have the environment; on the other, we have the General Agreement on Tariffs and Trade [GATT] negotiations; the top of the cube represents the consumer, who has the final say; and on the bottom, we have the producer, who represents the foundation of our food supply. Once this thing is mixed up, it's very difficult to get it all lined up again—each distinct side in its proper place—fitting together in order to complete the puzzle.

The challenge to the Congress is to fashion a bill which addresses our traditional farm policy concerns, in addition to the relatively new emphasis on food safety, animal welfare, water quality, and other environmental issues. This legislation should also function as a viable, workable policy within the current trade negotiations, while fitting within current budget constraints. These are complex issues, the resolution of which will be neither swift nor simple.

One of the most significant and necessary changes that should be addressed in the 1990 legislation is the quest of restoring flexibility in our agricultural enterprises. The current rigidity of the 1985 Food Security Act does not allow producers enough opportunity to respond to market signals.

During the deliberations surrounding the upcoming 1990 bill, environmental concerns such as food safety, water quality, and animal welfare, will be addressed in some fashion. We must ensure that decisions will be based on scientific facts and not Hollywood hype based on emotional scare tactics.

Regarding animal welfare, it is apparent that current laws are not discouraging acts of violence against meat processors, livestock auctions, biomedical researchers, farmers, and ranchers. Criminal terrorist activities will continue unless the full power of the legal system is used to stop them.

Certainly, improvements in current programs such as our Federal Crop Insurance Program and Farmers Home Administration programs need to be addressed.

There is no question that these issues can be addressed with fewer Federal dollars to utilize as Congress attempts to reduce the Federal budget deficit as mandated by Gramm-Rudman. The challenge in 1990 will be to strike a reasoned balance between competing interests and legitimate goals.

As we approach this 1990 farm bill, instant experts will surface, mostly self-acclaimed, who are very articulate when it comes to exaggerating, or in some cases oversimplifying agricultural policy. They will lead us to believe, for example, that the Government and consumers have spent $260 billion on farm subsidies since 1980. The fact is, only a fraction of that amount is used for commodity support prices. The larger figure that is so often quoted includes funding for our school lunch program, food stamp program, our Temporary Food Assistance program, Special Supplemental Food Assistance Program for Women, Infants and Children; it includes funding for conservation, the Forest Service, foreign assistance, rural development, and agricultural research, to name a few. The fact is that Federal price supports for the American farmer make up a relatively small percentage of the total agriculture budget.

The fact is that our farmers and ranchers compete in an international marketplace where foreign governments are in partnership with their exporting companies and exporting traders. Under our Constitution, U.S. farmers cannot operate under such arrangements to compete overseas.

When given a chance to compete with other producing nations on an equal basis, U.S. farmers can hold their own and then some. But as long as Federal farm, fiscal, and monetary policies in foreign countries tend to push up the prices of American commodities, and producers elsewhere are allowed to get away with subsidizing their exports, U.S. agriculture will invariably suffer. It is therefore imperative that our Government provide some form of price support if we are to continue to enjoy the luxury of having the safest, least expensive, best quality, and largest food supply found anywhere in the world or in history. It is not that way by accident.

We realize that even though American farmers make up less than 3 percent of the total population, our food production system remains a major force in the U.S. economy. Its scope and importance extends far beyond the 2 million in production agriculture. Broadly speaking, about one job out of five in the United States is somehow farm/food-related. One farmer today supplies agricultural products to meet the needs of about 93 people here and abroad.

If we take advantage of our present opportunities, we can ensure that American agriculture enters the 21st century as a growth industry, capable of standing on its own, maximizing the output of our gifted Nation's resources.

The challenge facing agriculture today is the need to educate Congress and the consuming public about the needs and realities of modern production agriculture, so that the opportunities and the challenges can be met. The time is now—the challenge is ours.

Our success will mean another 214 years of unparalleled accomplishments; our failure will mean having to explain our lackluster efforts to our grandkids.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for his contribution.

Mr. Speaker, I yield to our distinguished colleague, the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I thank the gentleman, the chairman, for yielding and thank him for giving me the opportunity to participate with him in this discussion about the success, frankly, of the 1985 farm bill and what it has presented to American agriculture, what it has meant to the American consumer, what it has meant to the American taxpayer, as a result, what it has meant to the worldwide consumer who has been able to benefit from the surplus of bountiful food we produce today.

Let me follow up on the discussion the two gentlemen had. The truth is that if someone would take the foreign aid bill we spend in this country that we spend on an annual basis and split it in half that would still be more money than we spend on support for all American food and agriculture. I do not think it is too much to ask that we spend half of what we do on foreign aid to guarantee the American consumer adequate food, safe food at a reasonable price, and adequate supply.

If we talk about the success of the 1985 farm bill, the gentleman, our chairman, deserves a great, great credit for enduring the difficulties we faced back in 1985, the difficulties on the farm, the difficulties here in Congress, with the budget, with the cost of the programs, with the controversy over where we were going to take all of that.

Let us just take a look at some of the statistics, and if the statistics tell the story, then let us focus on the statistics for a couple of minutes. The fact is that from 1985 until 1990, we have increased consumption of milk in this country by 7.4 billion pounds or 7.4 percent. From 1980 until 1989, the entire span of the gentleman's chairmanship, we have increased consumption of milk by 19 billion pounds or 19 percent. At the same time we have increased that consumption by the American consumer, not the Government, but the American consumer in the private, free market.

The fact is the farmer has benefited because the price based on the MW series, the base price for milk, not the support price, the market price for milk in this country in 1985 was $11.50. The most current MW is $14.93. That is a $3.43 increase, and that is without the overorder premiums that many farmers have, that is without the differentials, the class 1 premiums and all of those things which are part of the whole marketing-order system. What this is is no farmer in the country is, in essence, getting less than that price that is the base price, and it goes up, so we have increased the amount of income for the farmer. At the same time, we have increased consumption for the consumer. At the same time, we have decreased Government purchases and the cost of the dairy program.

In 1985 the Federal Government purchased 15.2 billion pounds of milk equivalent for a cost of $2.4 billion. We have reduced that four times. Today we purchase only 8 billion pounds. The cost is only $670 million. The cost of the dairy program has been decreased 400 percent during the life of the 1985 farm bill.

As the chairman knows, with those charts that are now becoming famous and that the gentleman began this presentation with, the fact is that in 1985 the cost of the Commodity Credit Corporation was 2.6 percent of the Federal budget. Today it is 1 percent or, I think it is even down below 1 percent, so clearly the House Agriculture Committee, clearly America's farmers have more than made their contribution to the whole program of deficit reduction.

The fact is, however, while all of this is happening we in dairy can proudly tell everyone that we have kept the increase for the consumer price of milk way behind the general consumer index in this country. The general consumer index was 19 percent since 1985. For the dairy price of milk on the market or the store shelf, it has only been 13 percent. Why now has this happened? It has happened for a lot of reasons. No. 1, we have had an aggressive dairy promotion program started in our 1981 farm bill, reaffirmed and strengthened in the 1985 farm bill, and in addition to that, we have had a market-oriented dairy bill where we have sent the word to the farmer, we have sent the word to the processor, "do not produce for the Government. Produce for the market at home and abroad." As a result of that, what has happened, we have not only increased consumption here by that 7 billion pounds since 1985, equally significant, in 1985 when we wrote that farm bill, no one even talked about dairying in the United States participating in the world market. Today we control the world market for nonfat dry milk. Today we are selling not only wheat in a long-term agreement to the Soviet Union, we have sold 50,000 metric tons of butter to the Soviet Union. We have sold butter to France, and we have a number of discussions with other countries and potentials in that regard in Mexico and others to be classic examples.

In addition to that, we have seen increased management, increased efficiency on the farm, increased production per cow.

The fact is that in the decade of the 1980's, we have had a 15-percent increase in output per cow as the farmer did better management, better feeding, better breeding. As a result, he was able to control his costs, increase his output, make dairy much more of a market-oriented competitive program, and as a part of that, the dairy industry, to their credit, has responded by developing a whole wide array of new dairy products for the American consumer.

Just last night returning to Washington, I found another one of those new dairy products on the plane that I never had seen before. This one is an almost cholesterol-free butter spread that I had not seen before, and so more and more we see this industry responding to the changing diet, responding to the consumers' needs. Yes, there are going to be some challenges in the 1990 farm bill, price stability, preparing America's farmers for a world market for dairy, dealing with high technology, et cetera.

At no time in the history of this country have we written, at no time have we begun writing, a farm bill with the dairy industry in a stronger economic position than it is today. The reason for that is, frankly, the leadership of the gentleman, the chairman, and the committee's commitment to a strong market-oriented

futuristic dairy title that has allowed us over this 5-year period to solve our problems and be where we are today.

Mr. Chairman, hats off, and I look forward to working with the chairman on this important document.

Mr. Speaker, I am pleased to have this opportunity to talk about the status of American agriculture since the 1985 Food Security Act, but more importantly to enlighten those viewing this afternoon about the bright future for U.S. agriculture, in particular the U.S. dairy farmer.

U.S. dairy farmers are receiving record high prices for their milk, while consumers are still receiving a bargain for their dollar. The Minnesota-Wisconsin price series, which is the guide for determining prices for dairy products, is at an all-time high $14.93. In 1985, the M–W averaged less than $11.50. I know for Wisconsin 34,000 dairy farmers, they are sharing in record high income.

One of the most positive aspects of our dairy industry and dairy program is the continued increase in consumption of dairy products. Since 1985, commercial disappearances of dairy products has increased 7.4 billion pounds, up 7.4 percent. Since 1980, consumption has increased 19 billion pounds, up 19 percent.

Critics like to bemoan the dairy program because of the record high surpluses and Government outlays experienced in the mid-1980's. To those critics, let me say those days are gone and will hopefully stay behind us.

Dairy farmers have reduced surpluses from 13.2 billion pounds in 1985, costing $2.41 billion, to 8 billion pounds, costing $670 million. Of the current Government purchases, all of this is butter—no surplus cheese of nonfat dry milk has been purchased for well over a year-and-a-half. Increased demand has been particularly strong in cheese and lowfat dairy products.

This tells me, and tells our dairy farmers, that we are finally riding in a market-driven market and they need to adjust production and marketing to better meet consumers demands. We have lived up to one of the goals of the 1985 farm bill—to reduce Government costs and amount of purchases. I intend on keeping that goal in the 1990 farm bill.

In addition to the drastic reduction in total costs, the dairy program's share of Commodity Credit Corporation outlays has fallen by one-third. For this we should thank our dairy farmers for their contributions to reducing agricultural spending. These reductions have helped cut the cost of agricultural stabilization programs from 2.68 percent of the total Federal budget in fiscal year 1986 to over 1 percent of total Federal spending today.

I believe our dairy farmers continue to give consumers a solid buy for their dollar. Improved farm efficiency has allowed dairy farmers to remain in business, despite higher input costs. While it cost farmers on average $11 to produce 100 pounds of milk in 1985, they are now producing 100 pounds of milk for just over $12.

Despite current price hikes in dairy prices, the price consumers pay for dairy products have risen at a slower rate than the rest of the food industry. Since 1985, the Consumer Price Index for all food has increased 19 percent, while the index for dairy products has increased 13 percent.

And retail prices for milk have remained steady through the last 5 years, with a modest increase in the last year from tight supplies caused by 2 years of drought.

It's very easy for critics to complain about how our dairy farmers have been living high off the consumer—that is just not true. In 1985, farmers received 45 percent of the consumer's dollar. In 1989, farmers only received 35 percent, despite their continued production efficiency.

The domestic market growth the dairy industry has experienced in recent years can be attributed to three main factors:

First, an effective dairy promotion program, a promotional campaign our dairy farmers support and pay for to strengthen their position in the marketplace;

Second, relative declines in retail prices, which have led dairy products to become one of the best buys for American consumers among all competing products;

Third, strong growth in consumer's disposable incomes since the ending of the severe recession in this decade.

When I talk about the gains our dairy farmers and the dairy industry have made in the last 5 years, I begin to beam when I look at the new position we have on the world market. No one back in 1985 dreamed the U.S. dairy industry would be a player in the world dairy market. But over the last 2 years, our year have been opened to a whole new market—the world market—for our dairy products.

At one point, within the last year, the United States actually controlled the world market for nonfat dry milk. And since 1985, the United States has gained considerable ground on the world cheese market. I remind my dairy farmers and the industry of the view the New Zealand Dairy Board has on the future of the U.S. industry:

In the next decade, they predict the United States will control the world dairy market, not just participate in certain areas, but actually be major exporters. Of course, this takes into account the elimination of those export subsidies some countries like to throw on their commodities to make their farmers and production practices competitive. Eliminate those barriers and subsidies, and the American dairy industry will be able to compete with anyone for the production, manufacturing, and marketing of our dairy products.

I'm excited about the future because the dairy industry has made great gains in the last 5 years. I'm excited because I see young, new dairy farmers entering the field with the management knowledge and energy to be successful in this competitive business.

I'm excited because I see the established dairy farmer continue to adopt new forms of production technology to make them more efficient. I'm excited because I see our manufacturing and marketing arena tailoring milk products to individual consumer demands and health requirements. I'm excited because I see 1.5 billion more people our farmers will have to produce for in the next 10 years.

We in the dairy industry have learned some great lessons over the last 5 years. Those lessons we have learned have placed us in a better position to produce for the market and not for the Government. To provide a safe and reliable supply of products to consumers. To learn to compete in a world market.

It is with this great enthusiasm from the growth the dairy field has made in the last 5 years, that we can develop policies that can ensure our dairy farmers of the highest standard of living, our consumers with a wide selection of products in the dairy case, and the world with the best supply of dairy products.

Mr. DE LA GARZA. I thank the gentleman, my distinguished colleague, and I thank him for his contribution in the effort that we all shared. We always look forward to working with him.

Mr. Speaker, I yield to the gentleman from Missouri [Mr. VOLKMER], our distinguished chairman of the Forests, Family Farms, and Energy Subcommittee.

Mr. VOLKMER. I thank the chairman.

Mr. Speaker, I, too, wish to join with the other Members who have spoken earlier in congratulating the chairman for bringing us to the floor at this time for this special order. I also want to congratulate him for showing the leadership not only that he showed in 1981 and 1985 but, most important, the leadership now as the administration and our Secretary of Agriculture are delaying in providing us with input as to what should be in the 1990 farm bill, and the gentleman's efforts to make sure that we are writing in the future a 1990 farm bill for the future 4 to 5 years, and that agriculture, as a result, will benefit and will benefit from his leadership and his efforts as agriculture has benefited in the last several years from those same efforts.

As the chairman of the Forestry Subcommittee, in the past we have not had a title within the farm bill. However, there is a good chance that this year we will develop legislation that we would like to include in the 1990 farm bill for our forests.

As the Members know, there are more efforts every day on such things as global warming and, in fact, what have our national forests, what have our private forests and our State forests as an impact on that global warming, and how can we help turn it around in our efforts.

One of the ways in which the gentleman has shown in legislation that he has discussed in this regard is providing more trees, and for each tree that is out there, that tree absorbs carbon monoxide, and it emits oxygen.

□ 1520

I am sure that we will be able in the future to see that farmers and forestry are able to provide additional revenues for themselves, that we can come up with programs that will help our farmers who are in the forestry and wood

products business to provide for better incomes, and also to provide for an impact on the question of global warming.

Again I too wish to join with those in congratulating the gentleman from Texas [Mr. DE LA GARZA], and I look forward to working with him and other members of the committee to assure that we have a stronger agriculture in this country, and that our farmers who now, as the gentleman from Texas said earlier, and I would just like to reiterate because I think it is important, that those who are consumers in this country realize where they are getting, as said earlier, the milk. They must realize that chocolate milk does not come from a carton in the grocery store, and neither does the white milk nor the cottage cheese nor the butter. Nor does that steak that we get in a restaurant just come from that restaurant. It comes from those farmers out there.

We have to realize that only about 2½ percent of the population of this country are producing all of this great food, these fresh fruits and vegetables and meats and milk and other products, the bread that we eat, the cakes and cookies and everything else that we have in abundance in this country, and, as the gentleman from Texas said earlier, at less cost than any place else in the world.

Less amount per capita income is spent on food in this country than any other place in the world. One can go to any other country and the percentage of per capita income is going to be in some places up to 35 percent of yearly income going for food.

In this country we have gotten it down to about 13 or 14 percent. It used to be 19 and 20 percent. That is what your farmers and those in agriculture have done for the American people.

I think we need to commend those farmers for the great work they have done. Yet this is the most wholesome food, the greatest variety of food.

I feel that the small amount that taxpayers have to pay, maybe 1 or less than 1 percent of the total budget, is a small amount to pay to make sure that we continue to have an adequate food supply.

The $600 million that we spend on dairy assures that our children in the schools every day can have some milk. It assures that every time they have breakfast they can have some milk. Whether one is rich or poor, at lunch or any other time, it ensures that we can have these food items, that we do not have to worry about whether we are going to run out.

If we did not have a dairy program, Mr. Speaker, as you know, there would be days when one would not be able to get milk on that shelf. There would be days that maybe the price of milk would go up to $5 a gallon. Next week one might not find it there. But there is not a day today that one cannot go into the grocery store anywhere in this United States and get the cut of meat that one wants or the type of milk that one wants or the vegetables or bread or whatever that you have. There are not many places in this world that can say that.

Mr. Speaker, I want to congratulate the gentleman from Texas [Mr. DE LA GARZA] on a job well done and look forward to working with him on the 1990 farm bill.

Mr. DE LA GARZA. Mr. Speaker, I thank the distinguished gentleman from Missouri [Mr. VOLKMER]. All of us look forward to working with him as he leads his subcommittee and we deliberate on the 1990 farm bill.

Mr. Speaker, at this time I yield to the distinguished gentleman from Kansas [Mr. GLICKMAN], the chairman of the Subcommittee on Wheat, Soybeans, and Feed Grains.

Mr. GLICKMAN. Mr. Speaker, I thank the gentleman for yielding. I thank the chairman of the whole Committee on Agriculture for calling this special order. I want to pay him special tribute for his advocacy of agriculture and rural issues in this country. No Member of Congress has done more to alert the American people, both urban and rural Americans, about the needs and hopes and aspirations of folks in rural America than the gentleman from Texas [Mr. DE LA GARZA]. His charts showing the amount of money spent on agriculture as compared with the entire budget, in showing what a small percentage of our dollars are actually spent on agricultural programs, are renowned in a variety of circles in this country as he has shown how little we invest in agriculture compared with the dividend we receive from the producers of food and fiber.

The items that my subcommittee has jurisdiction on, wheat, corn, other feed grains, and soybeans, are among the biggest crops in this country in terms of value.

When we entered the beginning of this 5-year farm bill we had tremendous problems in agriculture. Some of those still exist, particularly in the high plains in western Kansas, Oklahoma, and Texas. Problems in agriculture, of course, remain in many parts of this country.

We lost tens of thousands of farmers to low prices. There was an epidemic of low prices, agricultural foreclosures and farm dislocations during the first 4 or 5 years of this decade.

The 1985 farm bill was not perfect and some of us had problems with it. In fact, I even voted against the bill because I was worried what it might do to the budgetary problems of this country.

Still that 1985 farm bill did provide a safety net for wheat farmers and for corn farmers. Had it not been for that bill, lots of additional folks would have gone under. The purpose of the bill was a safety net. It provided that function.

It is my hope that if we go forward into the 1990 farm bill, we will recognize that we need to continue that safety net. We need to resist efforts to dramatically reduce the impact of that safety net, so that farmers, particularly younger farmers getting into agriculture for the first time, can stay in business and can be productive contributors to this nation's economic strength.

Mr. Speaker, I think that will happen because I sense that there is a bipartisan feeling, Republicans and Democrats in this body, who want to see American agriculture sustain itself, who are not willing to unilaterally disarm to our competitors overseas until such time as we see that they in fact want to lay down some of their more difficult positions in trade.

So it is my hope that we will produce a 1985 farm bill that does not reduce target prices and that in fact continues this safety net that we have produced for so long.

In addition it is my hope that we will continue the export enhancement program which has done so much to enable our producers to be competitive in the world, particularly in the areas of the grains and soybeans.

This export enhancement program has allowed us to compete with the Europeans in providing sales of these products to the Soviet Union, to third world nations, and in fact to countries all over the world. Without that program there is no doubt that we would have not made a lot of sales that we in fact did make.

I would point out, however, that we have found that there have been some problems in the administration of that program, particularly during the last couple years of the previous administration. It is my hope that Secretary Yeutter and those other folks who are running the department now have reconciled themselves to some changes which are necessary to restore confidence that that program is working, that there are no preferential deals to perhaps some of the large international grain companies, and that honesty prevails in the operation of the export enhancement program.

I think that is happening. I have confidence now that under Secretary Yeutter and some of the folks within the administration are doing their best to make sure that that program is an effective program.

The final thing I would talk about is not specifically inside the jurisdiction of my subcommittee. It relates, however, to the Food Stamp Program.

The Food Stamp Program has probably done more than any other Federal program to ensure that we do not

have stavation and hunger in America. That Food Stamp Program has been within the jurisdiction of the Committee on Agriculture for years and years. Reauthorization of that program will occur within the existing farm bill.

It is not ironic, it is actually very natural that we should combine programs for the producers of food along with programs for the hungriest in America in the same piece of legislation.

Through the leadership of the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA], and our former chairman of the subcommittee, the gentleman from California [Mr. PANETTA], now chairman of the Committee on the Budget, the gentleman from Georgia [Mr. HATCHER], and others, we will make sure that that Food Stamp Program serves the neediest of Americans in this period when a lot of folks go to bed every night without having a full stomach.

Mr. Chairman, I think that we have done a good job during the last 5 years with agriculture. I think that Members have great challenges in front of us to make sure that the producers of food and fiber remain strong, and that our nutrition and hunger programs also remain adequately authorized and funded.

I feel the folks of this country can be assured that we will in fact continue to do our best to serve American agriculture as well as we have done in the past.

□ 1330

FURTHER UPDATE ON 1985 FARM BILL

The SPEAKER pro tempore (Mr. MCNULTY). Under a previous order of the House the gentleman from Kansas [Mr. GLICKMAN] is recognized for 60 minutes.

Mr. GLICKMAN. Mr. Speaker, I would just take a couple of minutes to finish. My colleagues from Texas want some time as well.

Mr. Speaker, we have a lot of challenges in this farm bill, we have the environmental challenge, we have the export challenge, we have the trade challenge and we also have the challenge of making sure that we keep young folks in rural America. We have the rural development challenge.

All of those challenges will not be met if people cannot make a living farming and ranching. That is our goal in this bill, to make sure that we provide a program to insure that people can economically survive in the production of food and fiber.

My hope and my feeling and my confidence is that that in fact will happen.

Mr. Speaker, I yield to the gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. I thank the gentleman for yielding.

Mr. Speaker, I wanted to rise and commend the gentleman from Kansas for bringing up the subject of food stamps. As he pointed out, it has been under jurisdiction of the Committee on Agriculture and will be incorporated again in the 1990 farm bill as existing authority expires.

For many years this has been a bipartisan effort, an effort that virtually everyone agrees on, that it is the right thing to do. I am sure that will be the case again this year.

I want to commend the gentleman for that also.

I also want to say that the gentleman from Kansas and I have sat side by side now going into our 14th year on the Committee on Agriculture. We have seen good times and bad times. So while today things are much better than they have been in the past in large part as a result of the 1985 farm bill, it behooves us to do what we can to provide the Government umbrella here to see that American agriculture continues to grow and prosper.

The real wealth of America is what we produce on our farms and in our factories. It certainly behooves us on the Committee on Agriculture to give it the last effort, the last mile to see if we can maximize this legislation to maximize the benefit to the American farmer. I thank the gentleman once again.

Mr. GLICKMAN. Mr. Speaker, I yield to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. I thank the gentleman from Kansas for yielding to me. I just want to amplify a couple of points that the gentleman has made in a previous special order, mainly concerning the profitability side of the question.

You know, when you look at what happened to American agriculture in the 1980's, when you look at the facts to see that assets and liabilities have changed as dramatically, that we have actually wrung $200 billion of assets out of the American production factory on the farm and you have seen this—people have seen this played out on their nightly television screens, in which they have seen the real tears associated with the individual farm families who have borrowed more than they could pay back and that the market price and even the farm program that some decried as costing too much, has not been able to totally satisfy, nor should it, quite frankly. So when you look today and at 1989, the return on equity of the American farm, which is why I say the 1985 act has worked but it has got to work better in the 1990's because most businesses do not survive indefinitely with the return on equity of less than 8 percent year in and year out. Most businesses that I see, as I look at the Fortune 500 and others, have much greater return on equity if they want to continue to have investors making investments in their businesses.

In the case of American agriculture, the facts, now, which some folks decried the facts, and they have got their own—for example, one recent writer said that the Congress and the farm bill add $10 billion to the cost of food, an additional $20 billion a year to the cost of the farm program. That is $30 billion, which I have to assume that if we did not do that, if we took this writer's opinion and eliminated it, then net farm income would go down by $30 billion because that money went directly into the farmer's pocket first.

So if you take $30 billion off of the net income last year, you find the return on equity, which would be something like 2 percent.

Now, any business man or woman out there listening in or looking at or reading this debate after we begin the debate on the farm bill, will understand that is nowhere near the kind of return on equity that you are going to have to have in order to sustain this modern economic miracle called American agriculture. That is something that we have to work on and that we will be working on in the 1990 farm bill.

The second point that I want to make briefly, which was touched on, is in the area of food safety. The environmental title of this year's farm bill is going to be very, very strong. We would like to see it done separately early on. The chairman has a very good game plan of moving ahead and moving quickly. It is something that I certainly agree with him on, that we move quickly and that we deal with environmental concerns, deal with them very forcefully and very positively, because the first casualty in an environmental problem on the farm is the farmer and his family. Why people do not realize that, why they do not realize that this new term called LISA, which stands for "low-input sustainable agriculture," something farmers have been practicing for the last 10 years; and the only survivors have been practicing that because you do not put any more input into your production than you are going to get return from it. It is just a matter of economic sense.

But the basic point I want to make here, and we want to say it over and over now because there are a few dissident voices out there who manage to make the evening news or manage to get quoted in the Washington Post or the Wall Street Journal, in which they say unequivocally that we have the most dangerous food supply that the world has ever known.

The facts do not bear this out. Somehow, some way, our challenge on

the House committee this year is very forcefully and very strongly to write an environmental title that will help the American people understand that scientifically based we do have the safest food supply the world has ever known and that we are dedicated to making it even safer.

Modern technology is just mind-boggling to me. The machines that we have today that can test the food that we eat before we eat it are telling us that there are things in it that we did not know were there yesterday, most of which occur naturally, that are God-made, a few of which are man-made.

There is going to be a terrific trade-off that we have to look at. Certainly we want nothing in our food supply that is unsafe. But we are going to have to utilize a little common sense in this debate also.

I guess our urging is going to be that we use the best scientific minds to improve on this food safety system that we have, which is the best. Those who challenge it very seldom have any facts on their side. It is always incumbent on the agricultural scientific community to in fact prove beyond a shadow of a doubt.

We are going to do that, but somehow, some way we have got to get a little better understanding. That is going to be another one of our tasks in writing this farm bill.

The last point that I want to make is in the area of animal welfare. Show me a farmer or a rancher that abuses animals, and I will show you a broke farmer. Unfortunately, every once in a while I can show you a broke farmer. I can show you one which has abused their animals.

Every once in a while we get an individual, we had one recently in Olney, TX, not too long ago who locked up horses in the barn, did not feed them for a month. Their neighbors almost took care of that problem with a rope and a tree.

The bottom line, though, is that modern animal agriculture does treat its animals in a humane way, or you lose money.

Now we will have differences of opinion, and there are well-meaning folks out there in the real world outside the beltway who believe that animal agriculture should be exterminated, that there is no room whatsoever for beef production, for poultry production, for fish production, for anything alive to be eaten for any purpose, and they believe that sincerely. There are a few that do that. I respect their beliefs on that.

But I also believe the overwhelming majority of the American people do believe that a good steak every now and then and some good chicken and some good lamb and some good pork and a good piece of fish every now and then is good for a balanced diet. We have to caution a lot of folks, though, in the area of animal welfare, we now have a group of folks who believe that that is not what America needs to be having.

□ 1540

They are also attacking in the research area.

They are taking a good, hard look at the utilization of animals in research. We will have a real political battle. I hope it will be fought right here in this body. I hope it will not be fought by innuendo and fear and by some of the terroristic attacks that are occurring, of some of our best scientists in this country today, in which individual careers are being ruined because of individuals who have a different agenda, and are afraid to come here to this body and to debate, and are using some other tactics that really and truly are about as un-American as they can be.

I bring this up at this time because in writing the farm bill, since animal welfare comes under my subcommittee, we are going to be taking a good, hard look, listening to every individual viewpoint, and putting together the part of the environmental title that will continue to help the animal agriculture be able to provide for American citizens what we are able to do today: A good, safe, wholesome food supply.

Mr. GLICKMAN. Mr. Speaker, I got very hungry listening to the gentleman speaking. We may have to end the special order so I can get something to eat. I want to thank the gentleman for his comments about using good sense in the whole food safety issue, and doing so, at the same time protecting the quality of people's food. It can be done, and still use good common sense as well, if the underlying issue is good common sense. I think if we follow that line of reasoning we will be OK.

Mr. Speaker, I yield to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank my friend, the gentleman from Kansas [Mr. GLICKMAN] for yielding to me. I associate myself with the remarks made by our chairman. I want to thank the chairman for holding this special order to really go over the positive effects of the 1985 Farm Act.

I am sure that no farm bill that has passed is going to be popular to the extent that everyone thinks it is the best bill possible. I think this is a needed exercise, more especially with some of the articles that have been written in the local press here in the Washington area.

I would just say that the consumer in the United States today pays perhaps 13 or 14 cents out of their disposable income dollar to the food and fiber they need, the market basket of food. That really frees up 85 cents out of that disposable income dollar to pay for other things. If the consumer ever really had to pay the full cost of production, I can assure Members we would hear screams of anguish from some of our urban colleagues.

I wanted to touch on the food safety issue. As the gentleman knows, we have spoken of this before the State Board of Agriculture in Kansas, and in the subcommittees upon which we serve. We have a whole generation of folks out there who are more concerned, or a least equally concerned over the problem of food safety as opposed to price and convenience. I want to point up what a real step forward the bill on food safety that we have introduced in the Committee on Agriculture, and what that bill really means. We have a food safety bill. It will speed up the process by which the EPA gets the "bad actors" out of the marketplace. I am talking about the pesticides, insecticides, fungicides, rodenticides.

I want to commend the chairman, and I want to commend the gentleman from Illinois [Mr. MADIGAN], as well as other members on the committee; 43 of the 44 members of the House Committee on Agriculture have sponsored what I think is a very comprehensive food safety reform package. It indicates to Members that production agriculture, more specifically the House Committee on Agriculture, under the leadership of the chairman, is stepping up to the various environmental issues that we will face. It is our responsibility. After all, it is our water, our land, our families, our wherewithal, and I think we will do a good job.

The 1985 act is not perfect by any means. We need some shop mechanics work in regard to that. I have just been receiving calls from the press asking what I think of the President's proposed budget, the additional cut of $1.7 billion. Let me just say that all through this I have served with the gentleman from Kansas, and our chairman, the gentleman from Texas on the Budget Task Force, and in each and every case we have done our job. We will continue to do our job in regards to budget exposure.

Therefore, let Members do the shop mechanics work we need to do on the 1985 farm bill. We will achieve some flexibility in regards to the acreage-based situation so that the individual farmer stockman will make the planning decisions as opposed to the USDA, or the House and Senate Committee on Agriculture. There are other provisions as well, but this current bill is working well.

We avoided a national tragedy, and yes, it was costly to some extent. I understand that. However, we avoided a national tragedy, and a return to the Depression years when we went through these very tough times in this

past decade. Part of that, obviously, is due to the 1985 act. Therefore, I commend the chairman for his leadership in this regard. I would urge my colleagues in the full House to give Members their undivided attention as we go through the various sections of the 1990 Farm Act.

I thank the gentleman from Kansas and my friends for obtaining this hour for this discussion.

Mr. GLICKMAN. Mr. Speaker, I thank my colleague, the gentleman from Kansas [Mr. ROBERTS].

I would make a couple of comments before I yield to the chairman of the full committee for his final remarks.

Most Members who have been down here talking about this bill, come from rural or smalltown areas. Most Members do not come from the urban areas of America. That is because most people on the Committee on Agriculture come from areas where there is a great deal of production of food and fiber and livestock, and it is no secret that the urban areas of America are not the heartland of that kind of production.

However, this is really more than just a farm bill that we have been operating under and that we will be writing for the next 5 years. This is the bill that provides the food security for America. If there is anything that maintains this country as a world economic leader, it is the ability to sustain that security of production of food. This Nation has never had to go to war to secure a food supply. We are not like the folks in the Pacific Rim or in Central Europe or Eastern Europe or in Africa and South America where much of their unrest is because they do not have an adequate food supply. We have that in this country. To a large extent it is because God has blessed this land in a perfect geographical and demographic location so we can produce about anything we want to, and also because we have done a pretty good commonsense job of administering the soil, both the farmer as well as the Government, over the last 50 years. Therefore, really we will be writing a food bill, a bill to sustain food security of America.

All 240 million Americans, whether we live in New York City or Chicago or Los Angeles or Wichita or Laredo or Miami or the middle of a farm community in Montana or Nebraska or Colorado, the point is that a farm bill is more than just a bill to do with farms. It is a bill to help production of food so that America remains strong. All Americans want abundant food. They want safe food. They want high quality food. They want a food at reasonable cost. We provide that in this country. All Americans want an environmentally sensitive agriculture, all Americans, both in the city and rural area. We will try to do this in this particular farm bill.

We want a farm bill that has an administration of programs as simple as possible, and at the same time, free from poor or sloppy administration. Sometimes we have not been perfect in those areas. Sometimes the administration of these farm bills has not been as good and careful as it should have been. Sometimes there is an overly bureaucratic way of doing things. We will try to deal with that in this particular farm bill as well, because we know that that is fair, not only to the farmers that have to deal day-to-day with the implementation, but also to all taxpayers of this country who want to make sure that their tax dollars are being spent fairly, honestly, and demanding that farm bill payments are treated the same way as housing payments, or defense payments, and that is fairly and honestly.

I think that we will provide these assurances in this year's farm bill, and in doing that, not only continue to provide America with what we need in terms of the future of safe and abundant food supply, but also provide the assurance of our colleagues from urban and rural areas, south, east, west, liberal, conservative, that we do, in fact, have a sensible farm policy, one that they can support as well.

Finally, I mention two quick things. One has to do with the budget issues. There is no question we are under the gun on the budget. The administration has come in with a budget proposal that cuts farm programs anywhere between a billion and a half and 2 billion dollars. We will do our best to cope with that. However, as one Member from the wheat-producing area of Kansas, I want my folks to know that my first priority in writing this farm bill is not with what the budget says, but what is best for the producers of food and fiber. Then we will take that and try to make that consistent with what is feasible within our budget, rather than what I think sometimes too many administrations want to do, which is just to absolutely put farm policy within the straitjacket of the budget, without first determining what is best for agriculture.

A final subpoint I would make has to do with the issue of soybeans.

□ 1550

Soybeans are the second largest cash crop in this country next to corn. Soybeans have not operated within the confines of the farm program as corn has and as the other feed grains, cotton, rice, and some of the other parts of the program have. It may be that now is the time to put soybeans into the program in some capacity so farmers can make intelligent decisions about whether to produce soybeans or corn or wheat or cotton or rice and giving those crops similar treatment rather than doing what we do now, as we kind of shunt soybeans outside the program. That makes intelligent planning decisions very difficult indeed.

So I hope that folks who are interested in an abundant production of soybeans will help us as we write this part of the farm bill in this session of Congress.

Mr. Speaker, during what time I have left, let me yield now to the chairman of our committee, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank my colleague for yielding.

Just briefly, to conclude this presentation by our colleagues today, let me remind the Members of where we came from since the mid-1980's. At that time we were losing our export markets, grain and dairy surpluses were mounting, taxpayers' costs were growing, prices for farmland had collapsed and farm debt was forcing thousands out of farming.

The 1985 farm bill laid the groundwork for improvement. There are a lot of other things that impact on how agriculture survives, but farm legislation is a major factor. We are now more competitive in pricing for export markets, we are more aggressive in export programs, we have better management and supply controls, and we provide income protection to farmers.

Legislation is the art of the possible, and the 1985 act was what was possible at that date, at that hour and that minute.

I might just compare this to what happened Sunday when everyone watched the Super Bowl. Each coach came with a game plan. Well, one coach's game plan worked and the other one's did not. The fact is, though, that they update their game plans up to the very minute. They use computers, and they scout the other teams and watch films. They do a lot of preparation.

A farm bill is a game plan for 5 years, and it is done without a crystal ball. We gaze into the future and feel the sensitivity of what we need. So now we find that taxpayers' costs are down. We had a record high of $26 billion in 1986, and CBO projects for fiscal 1990 $7.6 billion.

On the subject of direct payments to farmers, I have this very interesting statistic. Some who have inadequate information have criticized the payments in 1987 to farmers under the farm support programs. But they averaged then $18,000 per farmer, and now they are down to $14,000 per farmer, even though we have a total limitation payment of $50,000. This is the average.

The export value has rebounded. It was only $26 billion in 1985. We bounced back to $40 billion in 1989.

Our share of the world market is up. In 1985–86, on wheat we had 26 per-

cent, and coarse grains 39 percent, rice 15 percent, and on cotton 10 percent of the total markets.

In 1988-89, rice has 21 percent, coarse grains is up to 52 percent, and wheat is up to 37 percent.

Our commodity stocks are at manageable levels. Income protection and strong prices have helped reduce farm debt. The net cash income of farmers is up. It was $46.7 billion in 1985 and $53 billion in 1989.

Net farm income set records in 1989. That is production production value plus Government payments, and then including all crops. It was $32.4 billion in 1985 and $48 billion in 1989, which is a record.

Farm foreclosures are down. Only three agricultural banks failed in the first 3 months of 1989. This is the lowest quarterly figure we had in 5 years.

The best estimate is that between 200,000 and 300,000 farmers left farming for financial reasons between 1980 and 1988. The farm exit rate was 5 to 6 percent per year in the mid-1980's, and now it is between 3 and 4 percent. This we have done with assistance from the Federal Government. So we expect a stronger farming economy in 1990.

Now, the budget has been mentioned before. I think it is unfair that when we are less than 4 percent of the budget, the President's proposed budget imposes 18 percent of the cuts on us. I think that is unfair.

We have spoken about international trade and the environment. Agriculture faces major challenges, soil erosion, loss of wetlands, pesticides, livestock waste runoff, and ground water contamination. We have addressed those issues, but no one gives us credit for it. We have the Conservation Reserve Program, Swampbuster, Sodbuster, and the Conservation Compliance. At the hearing in Fayetteville, NC, yesterday I mentioned this as a major accomplishment. Everyone says that the farmers are polluting the ground water. But every time they build a complex in the suburb of a city, a shopping center, and they build acres and acres of parking lots, that helps to pollute the ground water.

I am not pointing the finger at industrial complexes, but it is true that every industrial complex and every nonfarming building development takes space from the land, forces water to run off somewhere, and likewise causes the pollution that we must address.

The farmers' livelihood depends on the environment. This is something that few people understand. The farmer is out of business if he does not have good soil, good water, and clean air. So he is the one who has a number one interest in the environment, because he is out of business otherwise.

The public wants a cleaner environment and safer foods. Well, that is the farmer's business. The farmer is at the mercy of the consumer. He does not press his product on the consumer. If the consumer does not buy his product, he is out of business. So the consumer basically sets the ground rules for what the farmer produces.

The price of transportation tells us how much we are going to pay for an airplane ticket, for a bus ticket, or for a train ride. Those who sell automobiles tell us how much the automobile is going to cost. Those who sell refrigerators tell us the cost of that item. We go to the dry goods store, and they tell us the price. Everywhere we go, they tell us what the price is of that item. But the farmer has to sit at home and see what the market is going to pay, what the farmers' market in his local area is going to pay. He does not know, unless he has contracted, what he is going to get for that commodity.

Yet we have the best farmers in the world, and we are the best fed people in the world. That is not to say there is not hunger in America, but it has never been the fault of the farmer. It means that something went wrong—they did not have a job, there has been a disaster, or they are the homeless. There are those who are unfortunate enough not to have daily sustenance. But it has never been the fault of the farmer. Something else went wrong. We are going to continue to work on that.

I must mention that we did not address the issue of agricultural research, which is so important. Actually it begins with research, and then it goes to development, then to extension, and then it goes to the farmer and finally to the consumer.

I might point out that over the past 20 years I have known a friend of mine who had yields one of 30 bushels of corn to the acre, and now he has almost 140 bushels to the acre. This is the same farmer and the same farmland. With the tools we have given him, the research, the hybrids, the pesticides, and the fungicides, the farmer has been able to do this. This has accrued to the benefit of our country and to the benefit of the world. We will continue doing this. We have the safest food in the world bar none, and we will continue seeing that we have the safest food.

□ 1600

Finally let me talk about the challenge for the rest of the 1990's and into the 21st century. The United Nations Population Fund predicts world population will likely double over the next 35 years; 5.2 billion in 1989, 10 billion by 2025. The world is going to look to us because we have the fertile soils and climate, we have the capability, we have the technology, and we have the desire to produce. This is what is so very important.

Finally let me say just one more thing. Who is the farmer? What is he all about? Why do we want to give him a helping hand? For everything that he does, Mr Speaker and my colleagues, the main thing is: Who is a farmer?

There is an old Spanish saying in my area of Texas: "If you go on the land, and you don't feel the vibrations, forget it. It's not going to grow for you. You're not a farmer."

Mr. Speaker, that is what it is all about, and this is what I would like my colleagues to know. The farmer is not someone out there wanting money from the Government. He is not someone out there wanting to be a sensation or a hero. He is just someone out there that God gave that inherent feeling, that vibration, so when he steps upon the land to make things grow, they feed all of God's children.

Mr. Speaker, that is what a farmer is all about, and that is what this discussion today is all about.

Mr. GLICKMAN. Mr. Speaker, I thank the gentleman from Texas [Mr. DE LA GARZA] for having this discussion today. I think it will be useful as we think about the reasons why we are here and what we intend to do to make the producers of food and fiber strong in the next decade and make the consumers of food and fiber strong in the next decade and realize that the two have to work together in order to continue to have a strong agriculture in America.

So, Mr. Speaker, I thank my colleague, the gentleman from Texas [Mr. DE LA GARZA], the chairman, for raising this special order.

INVESTIGATION FINDS CONTRAS KILLED NUNS IN NICARAGUA

The SPEAKER pro tempore (Mr. MCNULTY). Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 60 minutes.

Mr. KLECZKA. Mr. Speaker, I would like to share with my congressional colleagues a just-released report of the independent investigation of the New Year's Day killing of two nuns in Nicaragua.

The Human Rights Group Americas Watch Committee conducted this intensive inquiry at my request and that of the House Democratic leadership and four other Wisconsin Members of Congress.

In brief, the investigation found that "Contras engaged in this indiscriminate attack on a civilian vehicle that resulted in the death of two nuns and the serious wounding of a nun and a bishop."

I hope Members will read this thorough accounting of the New Year's Day murders and then work toward preventing a similar tragedy from recurring in the future.

THE NEW YEAR'S DAY KILLINGS OF THE NUNS IN NICARAGUA: A REPORT ON AN INVESTIGATION

(By the Americas Watch Committee)

THE AMERICAS WATCH COMMITTEE

The Americas Watch Committee was established in 1981 to monitor and promote observance of free expression and other internationally recognized human rights in Central America, South America and the Caribbean. The Chairman of Americas Watch is Adrian W. DeWind; Vice Chairmen, Peter Bell and Stephen Kass; Executive Director, Juan E. Mendez; Research Director, Anne Manuel; Counsel, Jemera Rone; Santiago Representative, Cynthia Brown; Research Associate, Mary Jane Camejo; International Human Rights Intern, J. Eugenio Ahumada; Associates, Beryl Jacobs and Clifford C. Rohde.

Americas Watch is one of the five Watch Committees comprising Human Rights Watch.

ACKNOWLEDGMENTS

This report was written by Jemera Rone, Counsel to Americas Watch, and is based on Ms. Rone's research in Nicaragua, including at the site of the ambush.

Americas Watch conducted this investigation as part of our continuing effort to monitor human rights in Nicaragua, including violations of the laws of war by both sides. During the past eight years, Americas Watch has conducted close to forty investigative missions to Nicaragua and has published more than fifteen reports on that country. Ms. Rone has participated in a large number of those missions and is the author or co-author of many of our reports on Nicaragua.

I. SUMMARY

On January 1, 1990 at 6:30 p.m. a white Toyota pickup carrying three Catholic nuns and a bishop was ambushed at Ojo de Agua on the highway between Siuna and Rosita in central Nicaragua, killing two of the nuns and seriously injuring the other two passengers.

Between January 10 and 14, 1990, Americas Watch investigated the killings at the scene of the ambush and spoke to residents, local authorities, and witnesses to the crime. The two young men, Jaime Aráuz López, 20, and Ronal Dolores Mairena Sobalbarro, 16, residents of Ojo de Agua who saw the contras at the ambush site at the time of the ambush were interviewed extensively.

It is our conclusion, based on this investigation, that those responsible were a unit of the rebel Resistencia Nicaragüense, or contras,[1] firing indiscriminately at the vehicle without warning to stop but also without knowledge that the vehicle belonged to the church.

II. BACKGROUND

A. Our investigation

We interviewed the two direct witnesses for several hours, first when they knew we were preparing to visit the site of the ambush, and then upon returning from the site. We find them credible witnesses. Their story is internally consistent. They do not appear to be rehearsed or pressured.

Members of the community interviewed by Americas Watch all knew the young men and uniformly stated that they are hard-working, have not been in any trouble, are not involved with either side (the government or the contras), and have the reputation of being honest. Neither has more than a grade-school education but they were both logical and straight-forward in their answers to questions. The Mairena family has lived in Ojo de Agua for nine years and the Aráuz family in Coperna Abajo for 10 years. Neither family has taken sides in the conflict, according to residents and officials, which was our impression as well.

We arrived in the Siuna-Ojo de Agua area on January 10 and stayed there until January 14. We interviewed people in Ojo de Agua on three separate days, some of them more than once, and others connected with the case, including military [2] and state security [3] authorities. All the interviews were private.

B. Prior contra abuses, ambushes, kidnappings, and killings in the area

Over the years, Americas Watch has documented many cases of indiscriminate attacks by the contras on cooperatives as well as on vehicles traveling country roads. The ambush of military and government vehicles has been a frequent tactic of the contras, with civilian casualties occurring when, as has often happened, no care is taken to assure that the target is indeed military.

1. Ambushes on the highway, deaths

Ojo de Agua is about 31 kilometers east of Siuna and midway between Siuna and Rosita; it takes about an hour to reach Ojo de Agua from Siuna due to the condition of the bridges. This road is the only one east from Siuna to Rosita (two hours) and from there to Puerto Cabezas on the Atlantic Coast (another four hours).

The last contra ambush on the Siuna-Rosita highway prior to the attack on the nuns was an attack on a military vehicle on August 29, 1989. It occurred midway between Ojo de Agua and Siuna. The victims were an EPS First Lieutenant, Rodolfo Vallecillo Martinez, and a prosecutor from the office of the military prosecutor (Auditoria Militar), Héctor Chow Rodriquez, who at the time of the ambush was taking Lieutenant Vallecillo into Puerto Cabezas in connection with the investigation of a case of human rights abuse by the officer (See below.).[4] Two others in the military vehicle were wounded and the car was burned.

The following accounts of other contra ambushes on the Siuna-Rosita two-hour stretch of road came from the military and have not all been independently verified by Americas Watch:

In April 1989, a civilian Robur microbus was shot up, and one wounded, near Lukú (between Ojo de Agua and Siuna);

On July 19, 1989, around El Empalme, between Ojo de Agua and Rosita, a contra ambush of a military vehicle killed four MINT agents and wounded six;

On May 1, 1987, a Ministry of Construction (MICON) truck was ambushed, killing one civilian and wounding another, five kilometers east of Baká, a hill near Ojo de Agua;

In 1986, in El Tesoro, east of Ojo de Agua, a MICON truck was ambushed, killing two civilian employees;

On May 7, 1985, in Lukú, an ambush of a military vehicle claimed the lives of 11 MINT and EPS soldiers, including Subcomandante Evaristo Vásquez, and wounded seven others;

In 1985, in San Antonio between Ojo de Agua and Rosita, three civilians were killed in an ambush;

In 1985, Juana Aguinaga, riding in a military vehicle, was killed and two police wounded in an ambush at Baká occurring during the day. Several residents of Ojo de Agua interviewed by Americas Watch mentioned the ambush that killed Juana, a civilian hitching a ride, although they could not agree on the year;

In 1984, an ambush on a military vehicle at Baká wounded two soldiers.

Residents of Ojo de Agua and Siuna told Americas Watch that in earlier years the highway from Siuna to Rosita was dangerous day and night because of contra ambushes. They could not recall each of the ambushes but they assured us that there were very many and that Baká was the site of several.

2. Executions

Three men associated with the Commission for Peace (created after the government-contra agreements at Sapoá in March 1988) were kidnapped on August 25, 1988, by the contras and disappeared, according to several reliable sources. Eduardo Hernández Ramos had been kidnapped before the contras and escaped. After the escape, he publicly denounced the contras. His family was at home in Mongallo (west of Ojo de Agua) when contras, led by a man recognized as "Jalisco," came to capture him the second time. Marcelino González and Faustino Reyes were captured by the same contra contingent on the road. All were accused of collaborating with the government. Unconfirmed reports are that Hernández and González were executed in the mountains.

3. Kidnappings

According to a partial list of kidnap victims assembled by independent observers in Siuna, there have been some 148 contra kidnappings in the area since 1982. In some of these cases, the victims may have decided to join the contra forces voluntarily. Of the 148, 21 were kidnapped in the 1988–89 period, and another two were taken and are believed dead (See above.).

C. Prior Sandinista abuses

The worst Sandinista abuse in this area in the past two year, and one of the worst abuses we learned of by either side during recent years, was a killing of six captured *correos* (*contra* collaborators) in the area of Umbla, two days south of Siuna in the mountains, on August 20, 1988.[5] Several were killed by machete blows and one was beheaded.

These six men and one who survived were captured by a patrol of eight "compas," as people call the military or MINT troops; it is believed that these were from the MINT. One of the eight soldiers, Merenciano López Hernández, a former contra who had turned himself in (a desalzado, literally one who has laid down his arms) was recognized by the survivor.

The survivor, Ascensión Díaz Méndez, brother of two of the slain men, made a statement to the MINT in December 1988, which we read. After capture, all the men were accused of being armed correos; Mariano finally admitted the charge and said he

[1] Contra is short for contrarrevolucionarios, or counterrevolutionaries, so called because they oppose the Sandinista revolution.

[2] Ejército Popular Sandinista, EPS.

[3] The Sandinista police and the state security police (Dirección General de Seguridad de Estado, DGSE) are under the jurisdiction of the Ministry of the Interior (Ministerio del Interior, MINT).

[4] See Americas Watch, "The Killings in Northern Nicaragua," November 1989 at 48.

[5] The men were Pánfilo and Eliodoro Díaz Méndez (brothers), Juan José Granados López, Mariano Granados López, Justo López Campos, and Santiago Grandaos Real.

would take the compas to recover arms. Jose tried to run for it and was shot. Mariano then also tried to escape, but was grabbed and struck many times with a machete. Santiago was then shot, and had his head cut off with a machete. Justo, pleading for his life, on his knees, was killed with a machete, as was Eliodoro. Ascensión, the lone survivor, was given five blows to the back of the head and shoulders with a machete. The compas then shot the body of Mariano. Ascensión, who had not lost consciousness, saw them shoot his other brother Pánfilo.

After the compas left, Ascensión, whose hands were still tied, managed to make part of his way home; his mother encountered him on the path.

We spoke to an independent source who interviewed Ascensión, saw his wounds, and talked to others in the community. They were too afraid, however, to retrieve and bury the bodies, having seen Ascensión's condition when he staggered in, and having heard his tale of horror.

Although the case was reported to the government, including the MINT, the Auditoriá Militar and the government human rights commission,[6] none of the attackers was ever located nor could the unit be identified and no one was tried or punished for this gross violation of human rights.

In 1989 there were two reported cases of human rights violations by the EPS in this area. One occurred in Kurrin, southwest of Siuna. We learned of the case shortly after it occurred in July 1989, before it had been established who was responsible. An elderly couple, Angel Gonzalez and Elsa Polanco, were killed in their remote farmhouse, their bodies and house riddled with bullets.

The person under investigation for this crime was First Lieutenant Vallecillo, killed in a contra ambush on the Siuna-Rosita highway on August 29, 1989 (See above.). Allegedy while drunk, he had ordered a patrol headed by a former contra (desalzado) who was an enemy of this couple (or of their sons in the contras) to investigate the couple for possible collaboration.[7]

The man allegedly responsible for pulling the trigger in the case was said to have escaped from jail in Siuna after one month's incarceration. Others involved in the case are reportedly still in jail.

On April 4, 1989, Pedro Amador Rodriguez, 20, and his brother Justino, 18, were captured separately at their home in Caño Seco, some two hours south of the highway, by soldiers from the Yaoya outpost between Siuna and Ojo de Agua. The two were taken further into the mountains, to Bocana del Caño de Tres and Coperna, where they admitted that they had been collaborating with the contras. They were shot and buried there.

Lieutenant Lucas Suárez was arrested (apparently some of his men talked) and admitted killing these "enemies of the people." The bodies were located. Lieutenant Suárez was jailed in Siuna, but since he suffers from tuberculosis he may not be in confinement at this time.

[6] Comisión Nacional por la Promoción y Proteccion de Derechos Hu manos, CNPPDH. The commission office in Managua, however, told us that they had no record of the case but would look into it.

[7] When we asked the DGSE and army in Siuna about it, they said they were under the impression that Vallecillo was being investigated for reckless endangerment for shooting off his gun in a cooperative. They noted that he had family problems and had started drinking.

These abuses are consistent with the pattern of summary executions by military and MINT officials of alleged contra collaborators in remote areas that occurred in 1988-89, as we described in our November 1989 report, "The Killings in Northern Nicaragua." These very serious violations of human rights by government forces do not include ambushes of vehicles, however. Americas Watch has not encountered any case of such an ambush by government forces in Nicaragua during the eight years we have been investigating abuses of human rights.

D. The setting

The site of the ambush in Ojo de Agua is 31.6 kilometers from Siuna, driving east toward Rosita on a winding, two-lane dirt road, criss-crossed by several rivers with bridges in various states of disrepair. It is an area of low hills and modest to extremely poor farmhouses scattered along the highway. Forest and heavy underbrush are interspersed with cleared rolling pasture lands. Other farms are located in areas remote from the road and inaccessible by vehicle.

1. Coperna

The largest community prior to reaching Ojo de Agua is Coperna, which is a collection of wooden houses and buildings comprising a cooperative and a military outpost. The cooperative and military base have been there for about four years, and there was no major friction between Ojo de Agua and the Coperna complex, according to residents of Ojo de Agua.

Coperna has not been attacked by the contras. Military patrols operate from Coperna, which is about five kilometers to the west of the ambush site, or about 10 minutes by car and 30 minutes to one hour on foot. Residents of Ojo de Agua said that soldiers pass occasionally on patrol on the road. On January 1, 1990, no one interviewed by Americas Watch noticed any EPS patrols in the area of Ojo de Agua.

2. Military outpost at Baka Hill, Ojo de Agua

On January 1, 1990, the military posts in and near Ojo de Agua, according to its residents, were the military base at Coperna and a small post of seven soldiers almost two kilometers east of the ambush site, which had been there since December 24, 1989. This position was on a small hill facing east toward Baka Hill and its function was to guard that hill, a site of prior contra ambushes and activity. The Baka position did not face west toward the ambush site and the ambush site was not visible from the position, even when climbing to the top of the small hill, because the forest obscured the view.

The position was set up literally in the backyard of Alejandro Mairena Cruz, 45, the father of Ronal Mairena, one of the witnesses to the contra attack on January 1.

The plastic tents of the soldiers, on the side of a small rise about 20 meters from the inhabited house, were clearly visible from that house as well as from the road, since no foliage blocked the view.

Residents interviewed said that the soldiers, who were in plain view of the road, did not have radios, grenades, grenade or rocket launchers, and were armed only with AKAs, Soviet-style automatic rifles. Their job was to watch the mountain, and they did not move from the spot, except to bathe in the river, according to residents of the area. They were not seen patrolling.

Celebrations of the Word (Catholic services without a priest) were held at the Mairena house and many families from the community, attending the celebrations on the Sundays of December 24 and 31, saw the soldiers sitting at their post near the house.

3. Contra presence

Americas Watch was told by Captain Miguel Miranda, head of the EPS in Siuna, by Captain Otilio Duarte, head of State Security in Siuna, and by the commander of the EPS base in Coperna, First Lieutenant Alfredo Zamora, that in late December they received information that the contras were moving toward the highway from a base to the south.

Contra presence in this area has substantially decreased from a high level of activity in the mid-1980s, civilian and military alike agreed. First Lieutenant Zamora said that during 1989 the contras had not attacked any cooperative in this sector. According to him, they had kidnapped 17 peasants in June 1989 from nearby Oro Fino; of these, some eight, including women, stayed willingly with the contras.

The March 1988 Sopoa agreements and the cease-fire put in place at that time produced a sharp decrease in contra activity, although it had been declining since a high in 1985. In later 1989, however, the contras were infiltrating back into Nicaragua from their bases in Honduras.[8] Currently contra and U.S. sources claim that, including the recently reinfiltrated contras, there are around 5,500[9] contras inside Nicaragua, an increase over late 1988. The army believes that the contras have a large social base in Mongallo, between Siuna and Ojo de Agua, so they have stationed soldiers there frequently. (The father of the contra accused of leading the ambush lives in Mongallo; he complained of the military surveillance of his farm. See below.) First Lieutenant Zamora said that the contras do not have much of a social base in Ojo de Agua.

The army believes that the contras tend to step up attacks during the Christmas period, so it takes precautions at this time. According to officers interviewed by Americas Watch, the military has not engaged in any operations against the contras since the 1988 Sapoá accords and cease-fire which was lifted on November 1, 1989; they took pains to say this was a unilateral cease-fire by the government, never respected by the contras. Even now, the military is under orders not to undertake operations, with the exception of the patrol they sent out to track down the contras who ambushed the nuns. They regard patrolling the road as maintaining vigilance, not a military operation.

The authorities received information that a contra by the name of Evaristo Aguinaga (nom de guerre "Rubén") and his brother Juan had left their base near Susún, about two days south of Siuna in the mountains, with their group of contras on or about December 25. According to the officials interviewed by Americas Watch, Rubén and Juan went to visit their father in Mongallo for Christmas.

[8] State Department spokesman Richard Boucher stated on November 2, 1989, that about 2,000 contras had re-entered Nicaragua since early October 1989. John M. Goshko, "Contra Infiltration Confirmed," The Washington Post, November 3, 1989.

[9] Christopher Marquis, "Contras report casualties in renewed battles," The Miami Herald, November 2, 1989; John M. Goshko, "Contra Infiltration . . ."; "Honduras OK's letting contras cross border," The Miami Herald, November 5, 1989.

The authorities are vitally interested in Rubén's whereabouts, in part because they have been trying to convince his family to persuade Rubén to lay down his arms.

Having received this information about contra movements, the army sent out extra units to be stationed at spots of known contra activity on the road. One was at the Baká Hill (See above.).

When the Baká unit came to camp on property owned by Ronal's father, the commander, a soldier from Coperna known by the name of Denis, told Mr. Mairena that they were there to await contra activity.

The residents of Ojo de Agua did not notice any contra presence during this period.

The army later received information that the contras returned to their base, arriving on January 5.

Americas Watch received hearsay information that various peasants who live in the mountains further south of Ojo de Agua said that the contras had passed through going north before the ambush and going south after the ambush. These peasants were not accessible to us and we were not able to verify this information. As always, such facts take time to establish in Nicaragua but we expect that within a month or so the information will be clear.

III. THE AMBUSH

A. The kidnapping of two boys

1. Going fishing

The afternoon of January 1, Jaime Aráuz and Ronal Mairena decided to go fishing at the Coperna River. The fishing spot was located on the path from Ronal's house on the highway at Ojo de Agua to Jaime's farm, an hour and a half walk south in Coperna Abajo.

The boys asked a friend to go with them. The friend told Americas Watch that he did not have a horse, and the two were going on one horse. Also, the friend had served two years in the army as a conscript, so he declined the invitation; he had a feeling that the contras might be around. Though no one had seen contras, a military post was placed at the Mairene house to watch the Baká Hill for contras. The contras are harder on young men who have served in the EPS than on those who have not, and neither Jaime nor Ronal had served in the army. Jaime's family told Americas Watch that their son had a medical exemption for a nervous condition related to his slight stammer, and Ronal has just turned 16.)

2. The contras eat a cow on the Aráuz farm

That same morning, a group of contras passed through Jaime's family's farm and killed and ate a 200-pound cow, leaving behind several camp fires and the skin and some bones of the cow. Jaime's brother Felipe Aráuz found the remains a few days later, and a few days after that his father also saw the remains, which were about a 45 minute walk from the Aráuz farmhouse. They both believed that it was the contras who ate the cow because of the boot prints left behind which Felipe, who had been drafted and served two years in the army (1985–87), recognized.

No one seems to have seen either the EPS or the contras pass through the farm that day, or at any time during this period. A worker on the farm saw them pass through eight months before, however, and in earlier years they had traversed the farm on a number of occasions. It was much rarer to see EPS patrols on the farm.

3. The kidnapping

On the highway, the two boys left the horse they were riding in a pasture and proceeded on foot. They did not go to Jaime's family's farmhouse, but went directly to fish, and intended to return that evening, they told Ronal's father and their friend. The area south of Ojo de Agua to the Aráuz farm is not populated, several farmers told Americas Watch. (Some of the land is not suitable for farming, one added.) Two farms there were abandoned several years ago. The Aráuz farm is the first inhabited farm, walking an hour and a half south from Ojo de Agua.

The boys left Ojo de Agua about noon on January 1 and by 2 p.m. were at the fishing spot. They had barely started to fish, beginning to pull very small fish out of the stream, when the contras appeared. Ronal, catching sight of them, removed his wrist watch and slipped it in his pocket for safekeeping.

Both had seen the contras before on various occasions, as is typical in the case of boys living in the countryside in Nicaragua. The contras previously had a strong presence in the area, passing through Ronal's farm in Ojo de Agua (near Baká Hill) and other places on the highway many times before 1985. Jaime's farm was in an area where the contras also passed frequently in prior years. More recently, Jaime's family had been required to evacuate the farm in December 1988 by the EPS for "reasons of security," presumably because the contras were in the area. The family was permitted to move their cattle to a relative's farm near Siuma, and finally allowed to move home in June 1989.

Jaime had been kidnapped on at least one prior occasion by the contras. In December 1987, the contras conducted a major offensive in the "Mines" area of Nicaragua, attacking the three gold mining towns of Siuna, Rosita, and Bonanza. They occupied Siuna for almost a day and took over a nearby military base. Jaime and a brother who were then at a family farm near the base were pressed into service by the contras to carry captured munitions. The brother was slightly injured and could not proceed but Jaime was kept by the contras until he got away late that evening.

Both boys were also familiar with the EPS and the uniforms its soldiers wear. They also knew by sight many of the soldiers at Coperna because Coperna is a local center of various activities, including baseball games, and they had played baseball on teams opposing the cooperative team which included soldiers. In addition, the soldiers patrolled the highway and stood guard at various posts, including the one recently set up at Ronal's house.

The boys recognized that the armed men approaching them were contras, based on their uniforms; these are better quality uniforms than the EPS wear. Some had "jungle" boots, of rubber at the bottom and waterproof cloth on the top; others wore rubber boots. They wore camouflage uniforms and olive green uniforms similar to those they had seen the contras wear in the past and backpacks like those worn by the contras; they had large pockets on the side of their pants, which the EPS uniforms do not have. One had a patch on his uniform, which both boys noted, with a yellow eagle and black letters.

A few contras approached the boys. They asked if they were in the EPS or had done any military service, to which the boys replied in the negative. They did not ask for documents or search them. They told the boys they had to come with them, and did not give any explanations.

The boys estimated that there were about 60 to 70 contras in this group, though they did not see them all in one place. They saw no other civilians with them.

The boys saw that the contras were armed with AKAs, one RPG 7 (rocket-propelled grenade launcher), and one M–79 grenade launcher (popularly called a mono, or monkey). One contra carried a FAL, a heavier and smaller automatic rifle. The boys said that they recognized the weapons because they had often seen EPS soldiers and contras with weapons; indeed, the countryside is heavily militarized. Jaime, on request, was able to draw convincing sketches of the various weapons.

Later in the day, at the time of the ambush, they overheard one contra ask another about the whereabouts of the mine, and saw the second contra, who said "here it is," come forward with a green metal box which they assumed was a mine, which they had not previously seen.

4. Evaristo Aguinaga, or Rubén

The contra who carried a FAL was recognized by Jaime. He was Evaristo Aguinaga, age 35–40, whose nom de querre is Rubén Jaime (according to him and his family, interviewed separately by Americas Watch) had seen this man years earlier at community gatherings before he joined the contras in 1982. The Aguinaga family was from Esquipulas, Matagalpa, and moved 14 years ago to Mongallo, a community on the highway between Ojo de Agua and Siuna. At the time, Jaime now 20, was much younger, so apparently Rubéns did not recognize the boy.

Jaime described Rubén as being blond (a term used in Nicaragua to refer to blond to brown hair), with a blond beard and light eyes; others separately gave that description to us, one adding that Rubén's eyes are what is called gato (cat), or green.

Americas Watch also interviewed Rubén's father, Secundino Aguinaga Blandón, over 66, in his farmhouse in Mongallo, visible from the road. This family of five brothers and five sisters was well known in the farming community, where some of them still live; Rubén and another brother, Juan, joined the contras in 1982 because the family was being persecuted by the Sandinistas and those who envied them, the father told us. It was widely known that these two men, and their brother in law Gregorio Trujillo, had joined the contras, and their family did not deny this. Trujillo's wife (or widow) was present during Americas Watch's interview with her father-in-law, Mr. Aguinaga.

The father said that Rubén came to visit him in March 1989 and discussed the possibility of surrendering but concluded that his brother, still in Honduras, and his troops would suffer if he left the contras.

His son last visited him three months ago, he said. Mr. Aguinaga complained that the MINT had taken him to Puerto Cabezas after the ambush on the church vehicle and asked him for a declaration. He was not physically abused but the ride on the rough road was hard on a man of his age. He complained of prior surveillance of his farm and roundly denounced the Sandinistas for a series of acts of persecution of his family, some dating back several years. He said that such persecution was the reason hundreds and thousands of men had joined the contras.

5. Identification of contra troops

When we asked the boys who were kidnapped how they knew their abductors were contras and not compas, or EPS soldiers, the boys cited several factors, randomly, aside from the uniforms, backpacks and boots (See above.). They said that the men did not talk much on the trail, and they asked different questions from the military (or DGSE) authorities who stop civilians; the government "investigates" or questions more. The boys said that the attitude of the contra troops was more "machista," or aggressive. The leader of the group was referred to as "comandante," and they knew that the only comandantes of the EPS were in Managua, not in the muddy paths of central Nicaragua. The armed men referred to each other as "comandos," a term used by the contras but not the army.

We wondered why the boys were taken by the contras. The boys said that they were not used as guides, but were taken along in the middle of the contra column that was moving toward the highway. They overheard some contras, who referred to each other as "commandos," say that they were going to conduct an ambush, although they did not hear who was to be ambushed.

After several interviews, the boys conceded that they were asked by the contras where they lived, and then were asked about the location of Sandinista troops in the area. They did not recall the answers they gave. We surmise that the boys were taken by the contra troops to ensure that the presence of the contras was not detected before the ambush as well as to provide information to the contras about the terrain and the current presence of Sandinista army units along the highway.

It is reasonable to assume that the boys would have informed them of the soldiers near the Baka Hill, if only to steer them in another direction and avoid cross-fire casualties to Ronal's family if the contras were to stumble upon the seven-soldier post. This would also avoid subsequent reprisals if the contras discovered the boys were lying. (If the contras decided to attack the seven-man post, however, the family would be in danger as well.)

The contras moved slowly northward toward the highway, at first on the path and then, abandoning the path that leads to Ronal's house, through the forest and underbrush. The boys recognized the area because they had passed through and worked there. The contras stopped along the way to rest.

It was raining as they advanced toward the highway.

While the rest of the troops stayed back, the two boys were sent ahead to the highway with a contingent of about 10–15 contras, including one assigned to guard them. The boys and the guard stopped in thick underbrush which blocked their view of the highway, though they calculated that they were about 50 meters south of it, near a fence of three strands of barbed wire that separates the pasture of the Torres family from the underbrush. They knew exactly where they were. Having stood in the same underbrush, we can affirm that the highway is not visible from that spot.

The boys say they do not know why they were taken to within 50 meters of the ambush with the ambush contingent while other contra troops remained behind. We surmise that the boys were taken almost to the site of the ambush to make sure that they were not directing the contras to a spot where the EPS was stationed. (The MINT said flatly that the boys were used as guides.)

When they arrived at the highway it was about 6 p.m., and dark. The boys calculate that they were at the spot for about an hour, sitting and standing, before the sole vehicle passed by and was attacked.

By the time of the ambush it was night. When we were in that area several days in a row, we noted that the sun set rapidly starting at 5:30; by 6:00 it was dark, although patches of the sky were still a little light; and by 6:30, it was as dark as it was going to get for the rest of the night.

B. The church vehicle and the permission given

Two carloads of Catholic priests and nuns set out from Managua on the morning of January 1 by land to attend a meeting in Puerto Cabezas of those working with the church on the Atlantic Coast. In one vehicle was United States born Bishop Salvador Schlafer, of the Capuchin order, the Catholic Bishop of the Atlantic Coast region, where he has served the Miskito community for many years, and others.

In the second vehicle, later ambushed, were Msgr. Paul Schmitz, also a Capuchin, a U.S. citizen and Auxiliary Bishop of Bluefields, and three nuns from the order of St. Agnes. Two of the nuns, Teresa de Jesus Rosales Dickson, 24, who died in the ambush, and Francisca Colomer Kramer, 24, were Nicaraguan Miskitos; and the third, Maureen Courtney, 45, who also died in the attack, was a U.S. citizen who had served the Miskito community on the Atlantic Coast for many years.

Sister Maureen lived and worked in Waspan, on the Coco River, at least a four hour drive north from Puerto Cabezas; Bishop Schmidt lived in Bluefields, only accessible from Puerto Cabezas by plane or sea; Sister Teresa and Sister Francisca lived in Puerto Cabezas.

Sister Maureen was driving and Bishop Schmitz was in the front seat. Sister Francisca was in the back seat behind Sister Maureen and Sister Teresa sat behind Bishop Schmitz.

This car parted company with that of Bishop Schlaefer while fording the Wani or Prinzapolka river a short distance before entering Siuna. The Sisters had a residence in Rosita, two hours drive from Siuna, and hoped to spend the night there and continue on to Puerto Cabezas, at least another four hour drive, the next day. Bishop Schlaefer, interviewed by Americas Watch in Siuna, said that, perhaps because he was older, he was content to stay in Siuna and not chance the drive at night, but arrive a little later the next day in Puerto Cabezas. The drive from Managua, where they had started that morning, to Siuna takes eight hours under the best conditions and without stopping to eat.

Sister Maureen wanted to continue on to Rosita, however, that same night. The Washington Post reported an interview with Bishop Schmitz:

"We were supposed to stay overnight in Siuna, but Sister Maureen insisted in going to Rosita, where she had some sisters of the congregation with whom she wanted to share gifts and letters," Schmitz said. "It was imprudent of us to continue; it has generally been a dangerous area."

"Schmitz said that although the area is known to be dangerous, "lately there has not been much combat." [10] The survivors [11] told others in their congregations that Sister Maureen pressed the authorities to give the car the necessary permission to leave Siuna. The army still maintains control of vehicles leaving Siuna, day and night. Whether traveling west to Matagalpa and Managua or east to Rosita and Puerto Cabezas, a vehicle must obtain written permission from the military, who note down the car registration and the driver's license. The process does not take long.

The procedure has been not to grant permits to leave before 8 a.m. (in years of heavy contra activity, most ambushes on these roads took place in the early morning) nor after 5 p.m. The time on the permission slip, according to Bishop Schlaefer, was 5:15 p.m.

We asked the head of State Security in Siuna, Capt. Otilio Duarte, why the car had been permitted to leave Siuna after 5 p.m., contrary to the rules and with knowledge that the contras were in the area. He said that the church and its workers enjoy a certain autonomy and that police and army do not put the same restrictions on them as they do on other civilians because of the humanitarian nature of the church's work. Soldiers and the police are under orders to cooperate with the church and not place obstacles in its way.

Relations between the Miskitos and the Sandinista government, police and army have ranged from very bad to less bad since 1980. The nadir came in early 1982 when the Miskito communities on the Coco River, following insurgent Indian attacks, were forcibly evacuated by the Sandinista army and had their communities and homes burned to the ground by the army to assure that the evacuees did not return. Sandinista soldiers committed a number of "disappearances" and summary executions during this period (See previous Americas Watch reports on Nicaragua.).

Thousands of Miskitos fled across the river to Honduras in 1982 while thousands more were relocated in centers built a long distance from their homes. (The Miskitos claim that all of that area, including Tasba Pri, is their traditional land.) The religious orders that served the Miskito community identified with its suffering and their relations with the government worsened as well, although there were exceptions to this. Even now, although the Miskitos and the religious workers ministering to them were permitted to return to their places of origin on the Coco River beginning in 1985, relations with the Sandinistas range from guarded to suspicious to hostile.

Nevertheless, the churches are a force to be reckoned with in Nicaragua, and have successfully asserted their right to less government interference than other institutions.

The ambushed vehicle was not known in the area because it was newly purchased and this was its maiden voyage in this area. It was a white Toyota pickup, with front and back seats (doble cabina). Some of the residents of Ojo de Agua who saw the

[10] Ricardo Castillo, "Injured Bishop Fails to Identify Attackers," *The Washington Post*, January 4, 1990.

[11] Americas Watch was not able to interview either of the survivors. Bishop Paul Schmitz and sister Francisca Colomer, who were hospitalized in Managua, were evacuated to the U.S. for medical treatment. As of January 23, we were told that they did not wish to give further interviews for reasons of health and security.

pickup the morning after the attack commented to Americas Watch that it was just like some of those used by the DGSE; the DGSE also said that they and some FSLN [12] officials have similar Toyotas.

Hearsay evidence received after the attack includes a report that the contras were targeting Abelardo Rivas, an FSLN leader from Rosita who frequently traveled on that road.

The Toyota was not conspicuously marked as a church or neutral vehicle. It apparently had red crucifixes taped to the front doors, about eight inches high, but these would not have been visible at a distance at night. Secundino Aguinaga Blandón, the father of the contra who allegedly perpetrated the attack, commented to us that church cars used to have big flags in front that clearly indicated that they were not government vehicles.

Bishop Schlaefer remarked to The New York Times that: "the attack could have been avoided if the church workers had not tried to travel at night in an area of known contra activity, and if their recently purchased pickup truck had been familiar to contra units operating in the area." [13]

Bishop Schlaefer told Americas Watch several days later that the peasants living along the road of the attack had reported seeing no contras in the area for some time.

The pickup, with Sister Maureen driving, left Siuna and, according to the officer in charge of the base at Coperna, First Lieutenant Luis Alfredo Zamora, passed through the Coperna checkpoint at about 6:20 p.m., dropping off their written permission slip with the soldier in charge of the checkpoint. They were not stopped and did not talk with any officer.

C. The scene in Ojo de Agua

In Ojo de Agua during the afternoon of January 1 the Torres family and neighbors had been conducting a celebration in honor of the Virgin (purisima) in the Torres house on the south side of the highway facing the Gutiérrez house on the north side, both near to and quite visible from the highway.

There is a stretch of straight road starting a few hundred meters west of the Gutiérrez house and continuing a few hundred meters east. At night, a car with headlights on can be seen approaching from a distance.

The Gutiérrez and Torres houses are, by rough measurement, about 450 meters west of the place on the north side of the highway where the car came to rest after the attack, and where two crosses have since been placed to commemorate the deaths. Local residents say that the houses are about 300 meters from the site of the attack itself.

When Americas Watch visited Ojo de Agua, the place from which the ambush was conducted was clean pasture land and the shoulder of the highway (between the pasture fence and the highway) was clean as well. Ronal told us, however, that when he passed by the site (before being kidnapped) on December 31 he noticed that the pasture land was "dirty," which he described as having weeds in some places up to the knees, and that the underbrush on the shoulder of the highway was uneven and, in some spots, as high as a man. The pasture land was still "dirty" when they arrived on the night of the ambush.

About 100 meters east of the crosses, on the south side of the highway, is the north east corner of the pasture land belonging to the Torres farm and the beginning of thick underbrush. A fence running south to north divides the Torres pasture land from this underbrush and joins at right angles the fence running west to east that separates the pasture land from the road at this 100 meter mark east of the crosses.

On the north side of the highway some 100 meters east of the crosses is a house whose thatched roof is just visible from the highway; the front of the house is otherwise obscured by undergrowth. We were told by a number of residents that no one lived in that house at the time of the ambush nor at the time of our visit.

Another 200 meters away, or 300 meters east of the crosses, on the north side of the road is a clearing and an inhabited house. About 50 meters further east is yet another house, that of the López family. The road starts to curve again. There are three other inhabited houses and other uninhabited houses on the north side of the road before coming to the house of Ronal Mairena, which is 1.7 kilometers from the site of the ambush, near kilometer 371 on the highway.

This was New Year's Day, a day of celebration, rest and not much work. The men in the Torres family had moved some cows from one pasture to the other earlier in the afternoon and other farmers had run errands, but there was more festivity and relaxation than farming activity.

No one in the community reported seeing any contras that day. They had not seen any contras for a long time, they said. Nor did they see contras in the days that followed. They could not remember if any Sandinista patrols passed along the highway that day; several said they did not, although they patrolled the road on various days from the base in Coperna.

There had been no armed robberies by common criminals along the road, either.

According to Ronal's father, the seven soldiers at the post by his house were there all day, as usual; nor did anyone else along the road report seeing them move. They were not drunk that day, we were told. They had not caused any problems in the short time they had been posted there. These soldiers were all draftees, with one low-level commanding officer.

It was raining heavily enough for two cousins on a single horse (we will call them the Eugenios [14]) to stop at the Gutiérrez house to get out of the rain. They were riding from Coperna back home, near Ronal's house, returning from an errand. They stayed at the Gutiérrez house about one half hour. When the rain let up, a few minutes before 6:30 p.m., they got back on the horse and continued eastward, passing by the ambush site but seeing nothing. The 18 year old cousin, sitting in front, had already served two years in the military, having been drafted at age 16; the younger cousin was only 13.

Less than 200 meters to the east of the ambush site they crossed paths with Carlos (not his real name), who was heading from east to west on the highway, on foot. He was drunk, and was heading toward his home near Coperna. Several persons commented that he was frequently a little drunk, as he was on the afternoon that we interviewed him. He continued on eastward, to the ambush site, and noted that a vehicle heading toward him stopped at the Gutiérrez house without turning off its motor or lights, illuminating his path. It then passed him. He noticed no one in hiding. The ambush occurred after he had passed the site and while he had his back to it. He estimated he was 150 meters from the Gutiérrez house when the attack occurred. When interviewed by Americas Watch, he kept commenting on his great fortune in not having stopped to talk longer to the Eugenio cousins.

At about the same time, and since the rain had let up, Angela Torres, carrying a six month old baby and holding a three year old child by the hand, came out of the Torres house (where she had been celebrating the purisima with her family and the Gutiérrez neighbors) and walked to the highway. Standing opposite the Gutiérrez house, she saw a vehicle approach from the west, Siuna.

The vehicle stopped. Inside, Angela thought, was a nun she knew, Sister Sandra Price. Sister Sandra, a U.S. citizen, and Sister Juanita, a Nicaraguan, work together and are well known in the Siuna area. Sisters Maureen, Teresa and Francisca, who were actually in the vehicle that Angela saw, did not work in the Siuna area.

A man sitting in the front seat asked her if she wanted a ride. Since she was going home, in the opposite direction, she declined. The car then pulled away. No one got out and the motor was not turned off, although the car had come to a full stop. The residents heard no other vehicle on the road that night, before or after the ambush.

In the underbrush more than 500 meters away, the kidnapped boys could hear a car but could only see the reflection of lights in the night; they could not see the road. They did not realize that the vehicle stopped.

D. The ambush

Down the road, about 100 meters from where they saw Mario and 300 meters from the ambush site, in front of the first inhabited house to the east of the site, the older Eugenio cousin asked the younger to see what time it was; there was a half moon and enough light by which to read a watch. The cousins also noted the lights of a vehicle that stopped at the Gutiérrez house behind them.

The fact that the vehicle was approaching on a straight road with its lights on at night and was not going fast (since it had just stopped for a minute) gave the attackers time to take good aim. The vehicle was hit by an explosive directly in the front windshield, and bullets hit their target as well.

Before the younger Eugenio cousin could read the watch, they heard two loud explosions. They turned toward the noise and saw the flame of an RPG-7, according to the former draftee. He thought that it landed on the road. The older boy immediately put the horse into a gallop, to get away from the action, and they heard nothing but the horse's hooves. Several neighbors heard them gallop past just after the explosions.

Angela, with the two children on the highway, heard the explosions and dashed back inside the Torres house, in her haste dropping her umbrella in the front yard. She says she saw nothing and "suffers from nerves."

Carlos, who had his back to the ambush, saw nothing but heard two explosions and some bursts of gunfire. He dashed into the Torres house, arriving shortly after Angela.

[12] Frente Sandinista de Liberación Nacional, the governing party.

[13] Mark A. Uhlig, "Top Contras Deny Killing Nuns, but Clergy Differs," The New York Times, January 4, 1990.

[14] In the case of witnesses whose names were not already public when we discovered them and who had not been interviewed by others, Americas Watch decided not to publish their real names.

The people in the community said that they heard two detonations and about three bursts of fire. Many said that the detonations were of RPG-7s, and some said they had heard these explosions before and recognized them. The New York Times reported:

"Bishop Schmitz, interviewed on a stretcher in the evacuation plane, said he and the three church women were about halfway from Siuna to La Rosita when their white Toyota pickup truck was hit on its hood by a rocket-propelled grenade. Bishop Schmitz, who was in the front passenger seat, said the attackers then fired on the four church people for three to five minutes with automatic assault rifles.

"'We couldn't see anything before we were hit,' said Bishop Schmitz . . . who had a badly broken arm and suffered a serious loss of blood, and was trapped in the truck after the attack. 'Everything just exploded.'

"Bishop Schmitz said he and the surviving nun yelled that they were religious workers and the firing stopped. The survivors were then found about an hour later by a Sandinista army patrol and they were taken to a farmhouse for the night before being evacuated by helicopter and then plane today." [15]

The passengers in the car could not identify the assailants and no one approached the car, according to the survivors, until a Sandinista army patrol arrived an hour later.

1. The injuries

Dr. Kester Barquero, one of the two attending doctors at the hospital in Siuna where the wounded and dead were brought the following day, told us that Sister Maureen was dead on arrival; they estimated that she died instantaneously. She received what appeared to be a direct hit that took off the left side of her face and head. She also had a bullet in the tricep of the upper right arm and shrapnel in the upper left thigh.

The doctor stated that, in their considerable experience with wounds and deaths caused by high velocity weapons, she was not hit by an RPG-7 because this antitank weapon would have removed her entire head, and caused considerable damage to the inside of the car and the rest of the occupants. Instead, he thinks she was hit with a weapon of the strength of an M-79, a grenade launcher (because of the shrapnel wounds) less powerful than an RPG-7.

Sister Teresa died as the result of a bullet that struck her lower left back near the waist and damaged her intestines and destroyed her liver. The doctors guessed that she may have lingered for an hour or two.

Bishop Schmitz was wounded in the left arm by shrapnel, causing multiple fractures. The Capuchins in Nicaragua noted that the U.S. doctors who subsequently examined him said the Siuna hospital did a good job of setting his arm. After he was taken to the U.S., however, it was discovered that he had also sustained nerve damage, requiring further surgery.

Sister Francisca received a lot of shrapnel in the face, neck, chest and arms. She had second degree burns. After being examined further in the U.S., it was discovered that she had shrapnel in the eye as well, requiring an operation to remove the shrapnel.

2. Damage to the car; ballistics

The car, which was in Siuna at the church when we saw it and had been inspected and washed by the police before being returned to the church, had indeed been hit in the center of the hood just in front of the windshield, causing damage to the outside of the hood, slight damage to the motor, and damage to the dashboard (pieces of the dashboard were found at the scene) where the radio and other instruments were. The damage to the hood could have been shrapnel.

It appears that no laboratory tests have been conducted on the physical evidence. We cannot say what high velocity explosive device hit the windshield and scattered shrapnel. Although the medical evidence suggests an M-79, no shell from that weapon was found at the scene. (The M-79 shell must be manually removed to load another grenade.)

An RPG was undoubtedly fired, according to those who heard the familiar explosion and saw its trail of flame (unlike the M-79), but it may not have hit the Toyota. (A burned area at the shoulder of the road suggested to one former draftee resident of the area interviewed by Americas Watch that it was caused by an RPG.) An RPG-2 or RPG-7 is fired while resting on the shoulder, but can only be fired standing or kneeling and never from a prone position, according to former draftees and the military, because it emits injurious gases from the back of the grenade launcher.

There was damage to the interior of the car on the divider between the driver's door and the door to the passenger who sits behind the driver, which would indicate that whatever hit that part of the car also hit the left side of the driver's head. The windshield was missing (and pieces of windshield glass were found at the scene) but the other windows were intact. Aside from these areas, the interior of the vehicle was not greatly damaged.

There were various bullet holes in the car but it was not peppered with shrapnel or bullet holes. One bullet entered the right side of the pickup bed and entered the back of the passenger back seat; this may have been the bullet that killed Sister Teresa.

The Toyota traveled a distance and came to a stop on the north side of the road. The two boys on horseback, before they galloped away, thought they saw that the lights of the vehicle were off.

There was a hole on the south shoulder of the road, several meters behind the resting place of the Toyota, which when measured on January 3 was five inches deep and 15 inches across. Several persons interviewed by Americas Watch speculated that it was made by a mine, although there was no damage from a mine to the vehicle. The chauffeur for Bishop Schlaefer recovered a detonator at the site on January 2 when he came to repair and move the Toyota back to Siuna, and the device was turned over to the army.

DGSE and Army officials speculated that the person operating the mine nervously squeezed the detonator right after the RPG was fired, without waiting for the vehicle to come within range. Another person interviewed by Americas Watch speculated that the mine was not correctly placed and threw shrapnel at a tree on the side of the highway not far from where the attackers were crouching.

Two explosions, one right after the other, were heard: an RPG emits a "boom" when fired and another when it explodes on impact with the target; and M-79 only emits a "boom" when it explodes on the target.

E. Immediately after the ambush

1. Immediate contact with the Baká post

Ronal's father, Alejandro Mairena, said that when he heard the explosions and bursts of fire he was at home with his wife and children. Ronal had not come back from fishing.

He was frightened by the explosions and went out to ask the soldiers camped nearby on his property what was happening. They said it was nothing, that the base in Coperna had said that they were going to have a drill (alarma). When Americas Watch interviewed Alejandro Mairena, he had still not talked to his son Ronal since before the kidnapping and ambush. By the time we talked to him, however, he was aware, as was everyone in the community, that his son had given statements to the press saying that he had been kidnapped.

Alejandro told us he did not see the soldiers leave their post during the day of January 1 or that night; the dogs bark when the soldiers pass by, but they did not bark that night before the attack. After the explosions, they barked a little, then were silent. Others along the road said that they did not hear or notice the soldiers move from that post that night and the dogs did not bark at anyone passing on the road.

The next day, several people told us, the soldiers expressed surprise to them that there had been an ambush. Alejandro said that Denis (the commander of the unit on the farm) told him at 8 a.m. that what they thought was an alarm was actually an ambush that wounded a nun and killed two. They did not learn of the ambush until that morning.

2. The two kidnapped boys escape

When the explosions and shooting started, the contra who was guarding the two boys in the underbrush told them not to move or he would kill them. Then, to get a better view of the action on the road, he moved away from them, on the pasture side of the fence, and toward the ambush.

Jaime, who was standing in the underbrush, where they had been sitting and standing for a half hour until the ambush occurred, came up to his friend Ronal and quietly touched him on the hand, motioning him to escape. They ducked through the underbrush and crossed the highway perhaps 200 meters east of the attack site, avoiding the farm houses. They noticed the vehicle's lights were still on, and thought they heard cries for help but could not tell if it was from a man or woman. They did not stop but headed north past the vacant house with the high thatched roof, to the Baká River, where they found a hiding place for the night. The two said they did not sleep a wink being frightened, wet, and bothered by mosquitos.

We asked why they did not go to Ronal's home, which was less than two kilometers away. Separately, each said that it was too dangerous. Since there had just been explosions, the soldiers posted right next to the house might fire at them if they approached.

We asked why they did not go to other houses where there were no military posts. They said that they were afraid that the contras might come to the houses and find them there. So they hid near the river until it was light, thinking that each armadillo that rustled was a contra.

[15] Mark A. Uhlig, "2 Nuns, One From U.S., Are Slain in Raid Tied to Nicaraguan Rebels," The New York Times, January 3, 1990.

3. The Coperna base sends out an exploratory party

First Lieutenant Zamora of the base in Coperna said that the soldiers there also heard two explosions at 6:30 p.m. They believed that the explosions were from an RPG-2 or RPG-7, different models of the same rocket-propelled grenade launcher. He ordered that an exploratory patrol be sent out, seven men on foot. He told Americas Watch that the post at Coperna did not have any vehicles. The EPS captain in charge of the military base at Siuna, Capt. Miguel Miranda, also mentioned that the post at Coperna did not have any vehicles.[16]

Although First Lieutenant Zamora declined to say how many soldiers were under his command at this post, some residents of Ojo de Agua estimated that there were 200, including militia and reservists from the cooperative as well as draftees and regular soldiers. The lieutenant said that they sent out three patrols daily on the road, in the morning. There had been ten ambushes on this road by the contras, he said, the most recent in August 1989 in Mongallo killing First Lieutenant Vallecillo (See above.). The army also had a post on Baká Hill, whose job was to guard the hill and assist exploratory parties, he said.

Lieutenant Zamora said that it was about six to seven kilometers to Ojo de Agua, which took about an hour to walk. The exploratory party arrived at about 7:35–40 p.m., and found the Toyota on the side of the road. They asked if there were any wounded and Sister Francisca answered, "Help." The doors to the Toyota were closed but not locked and the front window was broken; the lights were still on.

Two of the nuns inside the pickup were dead when the exploratory party arrived. One died from a direct hit from an RPG-2, he said.

The party then sent two men back to notify the lieutenant of their findings.

The lieutenant said that the base did not have radios, and could not send any with the exploratory party. Residents said that they had seen an antenna and some radios in Coperna, however. The army captain in Siuna told Americas Watch that they used to have a radio in Coperna but that it had not been working, so the Coperna base was not in radio contact with Siuna, less than an hour away by vehicle.

4. The army party led by the lieutenant arrives at the scene later that night and enlists civilians to move the wounded and dead to a nearby farmhouse

The lieutenant set off on foot with a party of 15, including a medic from the cooperative to give first aid.

The lieutenant and his party arrived before 11 p.m. The lieutenant saw that the Bishop's arm was bleeding and that the surviving nun was bleeding in the face. They tried to stop the bleeding and put the two survivors on a mat. The lieutenant, who saw that only the rear tire of the vehicle was flat and that the lights were still on, tried to move the car but it would not move out of neutral.

The soldiers then went to the nearest farm houses, belonging to the Gutiérrez and Torres families, some 300 meters west on the road, heralded by barking dogs. They asked for help in moving the wounded and dead. The residents of these houses recognized them as soldiers from Coperna, not from the little Baká post.

The residents said they did not move out of the houses until the soldiers knocked on their doors. Some of those in both houses had caught sight of the stopped Toyota; Angela had even talked to persons she thought were clergy in the Toyota, and both houses were aware that those in the vehicle included Nicaraguans and foreigners. In both houses they speculated that the explosions they heard could have hit the vehicle. Nevertheless, they did not move from their houses until the army asked them to.

There is no electricity in this community. People in these two houses were nevertheless awake, no doubt apprehensive, when the army arrived at about 11 p.m. They did not have a watch but at the Gutiérrez house asked the soldiers the time.

The lieutenant and those at the Torres house said that there was a prayer meeting (rezo) in progress when the soldiers arrived. The soldiers asked if the residents in the houses nearby had seen the contras, but the residents said they had not.

People came out of their houses and with the soldiers moved the two wounded and two dead, together with the luggage they had in the back of the Toyota, into the Gutiérrez house, where the several sisters and mother, plus others, cared for the wounded. Sister Francisca walked, with assistance, from the car. Bishop Schmitz was brought on a cot, although he could talk and gave the name of Bishop Schlaefer and a phone number where he could be contacted, as well as the names of the nuns and where they were from and other information. He told the peasants that they had not seen their attackers.

The soldiers finished moving the occupants of the vehicle and their belongings about midnight or 1 a.m. and left a contingent to guard the house, to make sure nothing else happened, the lieutenant told Americans Watch. The rest of the unit returned to the base at Coperna.

The farmers' families then cared for the wounded and commenced a wake (vela) for the dead.

F. The day after the ambush

1. The boys arrive at the Gutiérrez house

The boys who had been kidnapped decided to go to the Gutiérrez house, south of their hiding place and between them and the highway. They were friends with Hipólito Gutiérrez Gonzálas (Polo), 48, the head of the household.

They arrived about 6 or 7 a.m., after it was light. When they got to the house, the wounded and dead were still there. They were informed of the ambush and the dead and wounded.

Both boys told Americas Watch that they had a conversation at that time with Gutiérrez and Luis Felipe Aráuz López, 23, the brother of Jaime. Felipe had helped move the wounded the night before (he was in the Torres house when the soldiers arrived), and then spent the night in the Gutiérrez house helping to care for the wounded.

The boys say that they told Gutiérrez and Felipe that they had been kidnapped by the contras. They had already realized that they had to go to report the kidnapping to the base at Coperna (especially since Jaime had been questioned by State security after the contras had kidnapped him during the attack on Siuna in 1987) and seeing the dead and wounded only made the need to clear themselves with the authorities plainer. They said that both men also told them they should report the kidnapping.

When asked directly about this conversation by the government human rights investigating commission in the following week, Gutiérrez said that he did not have a conversation with the boys about the kidnapping at that time but only later in the day, after they had returned from reporting to the base in Coperna. When we talked to Gutiérrez and other members of his family, they said that the boys did not say they had been kidnapped until after returning from Coperna.

When Felipe was interviewed by the first of many investigatory groups to arrive in the area, Witness for Peace, on January 3, the day after the conversation with his brother, he told them that he had indeed talked to the boys before they went to the base at Coperna and had advised them to do so to avoid getting into trouble with the authorities. If they did not report and it was later found out, they would be accused of being collaborators with the contras.

When we talked to Felipe, however, a week or more later, he denied that he had this conversation with the boys. He said that he had talked to them after they came back from the base at Coperna, and reported that they had been kidnapped.

People in the Gutiérrez house noticed that the boys were all dirty when they came in about 6 or 7 a.m., and they were surprised at the boys' appearance. The boys left for Coperna after staying only a short time at the Gutiérrez house, and did not go to the house of Ronal's father, which is in the opposite direction. (Jaime's father was in Siuna, where he had been for many days; he did not return to his farm or Ojo de Agua until a week or more after the events.)

When asked why they had not reported to the soldiers posted at Ronal's house near Baká Hill, both boys replied that the soldiers were not the authorities, just draftees, and that those in charge were in Coperna.

2. Reporting to Coperna

The boys, frightened by the sight of the dead in the Gutiérrez house, set off right away for Coperna, which took them about an hour walking. They reported to First Lieutenant Alfredo Zamora that they had been kidnapped by the contras. When we asked Lieutenant Zamora if he believed them, he said he did because they came voluntarily; they were not brought in by anyone. Why should they come in with a story like this if it were not true? Also, they looked like they had been in the forest because their clothes were dirty and their arms were scratched, and it appeared that they had little or no sleep. He took the necessary military information from them about the contras and sent the boys home.

At about 6 a.m., when it was light, he had already sent out another exploratory group to try to track the contras and find out how many there were. The exploratory group followed signs that indicated the contras returned south on the same path that they had taken in to Ojo de Agua. The army patrol did not track directly on the path, however, for fear of antipersonnel land mines. They had not attempted to pursue the contras the night before for fear of an ambush.

The patrol found signs at the site of the ambush that in addition to the 10 or 15 men at the highway, there had been perhaps 55 some 500 meters south of the highway. The army theorized that this was a defensive position; if the contras on the highway re-

[16] Residents told Americas Watch that they have seen two Guas (military jeeps) at Coperna. Even if the Coperna base had jeeps, the soldiers would not have approached the ambush site in them, for obvious security reasons.

ceived return fire from the vehicle they could drop back to the defensive line and any Sandinista pursuers could be stopped there.

An army patrol sent to track the contras found a plastic tube used to protect the charging device of an RPG-7 about 15 kilometers south of the ambush site, where the contras had passed. They believe it belonged to the contras because the EPS does not use a plastic tube for their RPG-7s.

3. The dead and wounded are brought in to Siuna

At about 7:30 or 8 a.m., a Toyota Land Cruiser driving from Siuna to Rosita was stopped in front of the Gutiérrez house and enlisted by the soldiers outside to carry the wounded nun and the two bodies back to Siuna. A Kama 3, a large flat-bed truck, coming from Rosita was stopped and took the Bishop to the hospital at Siuna. Some soldiers were with them. Bishop Schlaefer, leaving Siuna for Puerto Cabezas, encountered them on the road and turned back with them to Siuna.

The wounded and dead arrived at the Siuna hospital at 9 a.m. and were there until two military helicopters arrived to carry them to Puerto Cabezas, about four hours later, according to those at the hospital.

4. State Security locates the kidnapped boys

The boys returned from Coperna at about 10 a.m., hitching a ride in a miltitary vehicle (patineta) going from Coperna to Ojo de Agua, and stopped to rest at the Gutiérrez house, where the residents remember them saying then that they had been kidnapped by the contras.

The military and State Security at Siuna did not learn of the ambush until the trucks with the wounded and dead arrived in Siuna on the morning of January 2. They sent out military and state security officials and passed through Coperna in four "Guases" (military jeeps), according to the lieutenant.

Americas Watch talked to one state security official who arrived on the scene from Siuna at about 11 a.m. He was known in the area because he had been based in Coperna before being transferred to Siuna. He was inspecting the site when an exdraftee from the community approached him and told him that there were two boys who had been kidnapped by the contras, he told us. That young man later confirmed the conversation, saying that one gets in trouble if one does not notify the authorities of such things.

The state security official sent for the two boys and took them directly back to Siuna in a military vehicle for the purpose of further investigation and so they could give written declarations. The boys did not have the chance to talk to Ronal's family or anyone else, but many saw them leaving with the military. They did not return, and their families were not notified what was happening with them until much later.

This created the impression in the community, which was still the case when Americas Watch arrived more than a week later, that they had been detained.

The two boys did not stay in Siuna. They were interrogated there by the MINT and gave a written statement; then they were taken to Puerto Cabezas the same afternoon, January 2, in the same helicopter that carried the dead bodies, they told Americas Watch. In Puerto Cabezas the survivors were interviewed by the press and the boys were interrogated by more army and MINT officials.

Ronal's mother went to State Security in Siuna the next day, January 3, and was told that they were not detained and that they would be back soon. But as each day that they were told the boys were going to return passed without the boys' presence, the residents of the area began to get more and more worried.

We understand that the authorities also conducted an investigation in the area, going from house to house asking people if they had seen the contras; one person told Americas Watch the authorities blamed the nuns' deaths on the residents of the community because they had not reported anything. People began to be more and more afraid of the implications and, with each investigatory delegation that arrived, knew less and less, for self-protective reasons. We guessed that they feared that if they said they had seen the contras or appeared to know too much about anything, they would be detained, as they thought had happened to Ronal and Jaime.

VI. CONCLUSION

A. Could the Sandinistas have committed the crime?

The proposition that the Sandinistas committed the crime rests on several hypotheses: that the Sandinistas were in the area and the contras were not; that the witnesses are false; and that the Sandinistas are extremely devious, and they either created an incident to blame on the contras or are covering up for their own troop's error.

There appears to be no likelihood that this was a robbery; the vehicle and its passengers were not robbed and no attempt was made to force them to stop before attacking with a grenade launcher. It also appears that the attack was not the result of a negligent shooting off of weapons, because the direct hit on the windshield of the car was followed by bursts of gunfire as the pickup passed the attack point.

For the Sandinistas to have conducted this ambush, they would have had to have a patrol out in the south of the highway area that was in position prior to the time of the attack. We do not believe that the Baká patrol conducted the attack because they were seen immediately after the ambush, in their usual position. They did not patrol as a custom, did not have radio communications equipment and were not armed with anything more than AKAs, according to local residents.

No one saw or heard Sandinistas pass from their other position in the area, Coperna, on the road before the attack. Even if the army in Siuna planned an attack on the nuns, there was not enough time between the departure of the car from Siuna (which only passed through Siuna from Managua) and the time of the attack to plan and execute such an operation, even assuming there was radio communication from Siuna and Coperna, which the army says there was not. The slowness of their response the next day indeed suggests that there was no communication between Siuna and Coperna.

There is no evidence at this time to suggest that there was another Sandinista unit on patrol in the area. Just as the farmers—other than the two boys who reported they were kidnapped—said they saw no contras, they also saw no Sandinistas that day, with the exception of the soldiers of the Baká post, who stayed put.

It is, of course, impossible to rule out totally the possibility that there was a Sandinista unit on patrol in that area, if only because the evidence from the farmers who live several hours south of the highway and on the path the attacking force took, was not available and will not be available for a few weeks, at least. As far as the evidence now available indicates, however, there was no Sandinista patrol.

The Sandinistas do not "control" the area. If they did, and if they could, the war would have been over long ago. There is virtually no way for anyone to control fully these vast uninhabited mountainous and heavily forested stretches of the interior. Nor do we think it is significant that they gave permission to the religious vehicle to leave shortly after 5 pm. They may have been negligent in allowing anyone to be on that road after dark, but that does not mean that they conducted the attack.

If one believes that there was a Sandinista patrol in place, there is no explanation for why they would attack a vehicle similar to those used by the MINT and FSLN officials. The attack occurred at night and the ambushers did not try to establish the identity of the passengers before shooting.

The case for a Sandinista attack, such as it is must rest on the assumption that they knew the vehicle was not one of their own and that they intended to attack a church vehicle. This means that this patrol that no one saw or heard would have had radio communications with a unit that knew that the vehicle was not a government vehicle. In Nicaragua the army and the MINT do not have a track record of killing priests or nuns, however testy relations with the church have been.

Such an ambush is not the usual modus operandi of Sandinista human rights abuses; in cases where killings have taken place, they have usually been targeted executions of those they believe to be contra collaborators in remote areas of the country. The attitude of governmental officials was unlike what Americas Watch has encountered in the past in cases of violations by the MINT or army. The government was extremely forthcoming and receptive to investigations in this case.

That the government is making propaganda use of this contra human rights violation is to be expected. One could scarcely expect them to refrain from using all evidence of contra misdeeds to discredit an insurgent force that wants to overthrow their government.

B. Did the contras commit the crime?

That the contras conducted the ambush rests primarily on the testimony of the kidnapped boys and secondarily on circumstantial evidence and inferences drawn from the contras' past actions.

Whether one believes that the contras were in the area rests principally on the testimony of the two witnesses. Because of the way they were handled, some have inferred that they were put up to their testimony by the MINT and army. They were removed from the community and taken to Puerto Cabezas and then to Managua to give statements to the press, visiting Senators, and human rights investigators. On previous occasions, the press has been presented with witnesses by the MINT who appear to have been coerced.

Corroboration for the statements by the witnesses that they told two people that they had been kidnapped by the contras before they reported to the base at Coperna was not forthcoming from those two people during most, but not all, of the interviews that various delegations conducted with these two people. This may cause specula-

tion that the witnesses, having presented themselves to the base, were coached on what to say.

Americas Watch interviewed the kidnapped boys extensively and we believe their testimony. They have a reputation in the community for being honest and hardworking. Neither they nor their families have been aligned with either side in the conflict. Their stories are internally consistent. They told us they had not been coerced or pressured by the MINT or army, and they did not appear to be rehearsed.

We think that the lack of corroboration may be due to the fear that people in the community have of appearing to know too much about the incident, due to investigations by the MINT and army in the community and to the many fact-finding delegations that subsequently arrived. We had the impression that if they had seen the contras they were not going to say so for fear that the MINT would blame them for not reporting the presence and thus preventing the attack. It is possible that when the focus is off the community, additional information might become available from the residents.

We think it is credible that the boys, having been kidnapped and been with the contra group that conducted an attack that they later learned resulted in two deaths, were afraid they would be blamed for the crime if they did not immediately report to the army that they were involuntarily with the contras. If they had been in the company of a Sandinista unit that conducted the attack, they would have no reason to go to the base at Coperna to report anything. If they were never kidnapped, they had no reason to go to the base at all, which they did after they saw the bodies.

Ambushes on vehicles that appear to belong to the government, and even on civilian vehicles, have been a contra method of conducting the war since the beginning of the conflict. Americas Watch has documented many incidents of contra indiscriminate attacks on civilian vehicles. There have been many vehicles ambushed on this very road in earlier years and months, the last in August 1989, some four months before this attack.

This ambushed vehicle was traveling at night, which is something that military and other government vehicles do more frequently than other vehicles. The pickup was similar to some used by MINT and FSLN officials.[17] Accordingly, the contras probably guessed they were attacking a government vehicle.

Kidnapping youths is also a contra hallmark. We have interviewed many who have escaped, either before they were taken to Honduras for military training, or after. There are countless incidents of kidnapping, many in this area.

The purpose of the kidnapping, it appears to us, was to prevent the boys from tipping anyone off about their presence and also to elicit useful military information about the location of Sandinista troops. In addition to the boys, there is evidence of contra presence from the remains of a 200 pound cow eaten by many men with contra boots in the area from which the contras advanced to the highway.

We conclude, based on the available evidence, that the contras engaged in this indiscriminate attack on a civilian vehicle that resulted in the death of two nuns and the serious wounding of a nun and a bishop. We consider it an indiscriminate attack because the evidence indicates that they made no effort to determine whether the occupants of the vehicle were civilian or military. Such indiscriminate attacks are violations of the laws of war.

[17] It should be noted that FSLN vehicles that are not engaged in military operations and are not being used to transport combatants are not legitimate military targets.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GILLMOR) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes each, today and on January 31.

(The following Members (at the request of Mr. FAUNTROY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. KLECZKA, for 60 minutes, today.

Mr. JONTZ, for 30 minutes, on February 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KLECZKA, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,944.

(The following Members (at the request of Mr. GILLMOR) and to include extraneous matter:)

Mr. CLINGER.

Mr. LENT.

Mr. SMITH of New Jersey.

Mr. ROHRABACHER.

Ms. ROS-LEHTINEN.

Mr. SAXTON.

Mr. MCEWEN.

(The following Members (at the request of Mr. FAUNTROY) to revise and extend their remarks and include extraneous material:)

Mr. WALGREN.

Mr. LANTOS.

Mr. HOYER in two instances.

Mr. ROE.

Mr. BONIOR.

Mr. TORRES.

Mr. TOWNS in two instances.

Mr. RICHARDSON.

Mr. MILLER of California.

Mr. KANJORSKI.

Mr. DARDEN.

Mr. DURBIN.

Mr. CARDIN.

ADJOURNMENT

Mr. GLICKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 2 minutes p.m.), under its previous order the House adjourned until tomorrow, Wednesday, January 31, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2374. A letter from the Deputy Assistant Secretary (Logistics), Department of the Air Force, transmitting notification of the decision to convert to contractor performance the base operating support function at Niagara Falls Air Force Reserve Base, NY, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Appropriations.

2375. A letter from the Deputy Under Secretary for Policy, Planning and Analysis, Department of Energy, transmitting notification of a delay in the submission of a report concerning climate change and energy policy; to the Committee on Appropriations.

2376. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles (Transmittal No. 90-19), pursuant to 10 U.S.C. 118; the Committee on Armed Services.

2377. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Israel for defense articles (Transmittal No. 90-20), pursuant to 10 U.S.C. 118; the Committee on Armed Services

2378. A letter from the Acting Deputy Inspector General, Department of Transportation, transmitting a report concerning compliance with section 846(c) of the National Defense Authorization Act for fiscal year 1989 as it applies to the U.S. Coast Guard, pursuant to Public Law 100-456, section 846(a)(c))(i) (102 Stat. 2030); to the Committee on Armed Services.

2379. A letter from the Secretary, Interstate Commerce Commission, transmitting notice that the Commission in Finance Docket No. 31494, "Intermountain Western Railroad Company—Purchase—Union Pacific Railroad Company, Boise Group Branch Lines," has extended the time period for issuing a final decision by 30 days, pursuant to 49 U.S.C. 11345(e); to the Committee on Energy and Commerce.

2380. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Pakistan for defense articles (Transmittal No. 90-18), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2381. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 90-19), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2382. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army s proposed letter(s) of offer and acceptance [LOA] to Israel for defense articles and services (Transmittal No. 90-20), pursuant

to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2383. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed lease of defense articles to Jamaica (Transmittal No. 3-90), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

2384. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting the fiscal year 1991 arms control impact statement, pursuant to 22 U.S.C. 2576(b)(2); to the Committee on Foreign Affairs.

2385. A letter from the Secretary of Education, transmitting a report of actions taken to increase competition for contracts during fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2386. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to waive the waiting period requirement of section 210(b)(2) of title 38, United States Code, for a planned administrative reorganization involving the Loan Guaranty Division at the Togus Veterans Affairs Medical and Regional Office Center; to the Committee on Veterans' Affairs.

2387. A letter from the Comptroller General of the United States, transmitting a report on the revised fiscal year 1990 sequester (GAO/AFMO-90-49), pursuant to Public Law 101-239, section 11002; jointly, to the Committees on Government Operations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 309. Resolution providing for the consideration of H.R. 2190, a bill to establish national voter registration procedures for elections for Federal office, and for other purposes (Rept. 101-396). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HYDE:

H.R. 3907. A bill to supplement the impeachment remedy for removing Federal judges for misbehavior; to the Committee on the Judiciary.

By Mr. ASPIN:

H.R. 3908. A bill to provide for necessary closures and realignments of domestic and foreign military installations of the United States; jointly, to the Committees on Armed Services and Rules.

By Mr. GOODLING:

H.R. 3909. A bill to recognize the leadership of Hon. August F. Hawkins by strengthening the early childhood and elementary teaching profession, and for other purposes; to the Committee on Education and Labor.

By Mr. HAWKINS (for himself and Mr. GOODLING):

H.R. 3910. A bill to require the Secretary of Education to conduct a comprehensive national assessment of programs carried out with assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. KENNEDY:

H.R. 3911. A bill to amend title 5 of the United States Code to increase the allowance for services of attendants: to the Committee on Education and Labor.

By Mrs. LLOYD (for herself, Mr. PALLONE, Mr. PRICE, and Mr. SCHUMER):

H.R. 3912. A bill to amend the National Housing Act to expand the demonstration program of insurance of home equity conversion mortgages for elderly homeowners; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MURPHY:

H.R. 3913. A bill to amend title 46, United States Code, relating to the civil penalty for operating a vessel in a negligent manner; to the Committee on Merchant Marine and Fisheries.

By Ms. OAKAR:

H.R. 3914. A bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs; jointly, to the Committees on Post Office and Civil Service, Armed Services, Foreign Affairs, Intelligence (Permanent Select), and Energy and Commerce.

By Mr. OBEY (for himself and Mr. MCDERMOTT):

H.R. 3915. A bill to require each State to adopt by 1995 a plan for ensuring the provision of health insurance to all residents of the State, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. RANGEL:

H.R. 3916. A bill to provide for an extension of the targeted jobs credit and for other purposes; to the Committee on Ways and Means.

H.R. 3917. A bill to amend the Internal Revenue Code of 1986 to make the low-income housing credit permanent; to the Committee on Ways and Means.

By Mr. DENNY SMITH (for himself, Mr. GINGRICH, Mr. HYDE, Mr. MCCOLLUM, Mr. DANNEMEYER, and Mr. SMITH of Texas):

H.R. 3918. A bill to amend title 18, United States Code, with respect to criminal law and procedure; to the Committee on the Judiciary.

By Mr. TRAFICANT (for himself and Mr. APPLEGATE):

H.R. 3919. A bill to establish the Federal Fuels Stabilization Board; to the Committee on Energy and Commerce.

By Mr. INHOFE:

H.J. Res. 465. Joint resolution to provide for the designation of chili as the official food of the United States of America; to the Committee on Post Office and Civil Service.

By Mr. STALLINGS (for himself and Mr. CRAIG):

H.J. Res. 466. Joint resolution designating July 3, 1990, as "Idaho Centennial Day"; to the Committee on Post Office and Civil Service.

By Mr. GILMAN:

H. Con. Res. 248. Concurrent resolution expressing the sense of the Congress with respect to the linkage between environment and national security; to the Committee on Foreign Affairs.

By Mr. DONNELLY (for himself, Mr. MCGRATH, Mr. MOAKLEY, Mr. ACKERMAN, Mr. MRAZEK, Mr. COYNE, Mr. DELLUMS, Mr. MOLLOHAN, and Mrs. KENNELLY):

H. Con. Res. 249. Concurrent resolution expressing the grave concern of the Congress regarding human rights violations resulting from a gross miscarriage of justice in Great Britain; to the Committee on Foreign Affairs.

By Mr. DYMALLY (for himself, Mr. FAUNTROY, Mr. DELLUMS, Mr. DONALD E. LUKEN, Mr. KOSTMAYER, Mr. OBERSTAR, and Mr. SOLARZ):

H. Con. Res. 250. Concurrent resolution condemning the deliberate and systematic human rights violations of the Government of Haiti; to the Committee on Foreign Affairs.

By Mr. LANTOS (for himself and Mr. BROOMFIELD):

H. Con. Res. 251. Concurrent resolution authorizing use of the rotunda of the Capitol for a dedication ceremony incident to the placement of a bust of Lajos Kossuth in the Capitol and authorizing the printing of a transcript of the proceedings of the ceremony; to the Committee on House Administration.

By Ms. OAKAR:

H. Con. Res. 252. Concurrent resolution expressing the policy of the Congress regarding proposals to reduce the cost-of-living adjustment for civil service retirees; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H. Res. 310. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Banking, Finance and Urban Affairs in the 2d session of the 101st Congress; to the Committee on House Administration.

By Mr. MOAKLEY (for himself and Mr. QUILLEN):

H. Res. 311. Resolution providing amounts for the contingent fund of the House for expenses of investigations and studies by the Committee on Rules in the 2d session of the 101st Congress; to the Committee on House Administration.

By Mr. YATRON (for himself, Mr. BEREUTER, Mr. OWENS of Utah, and Mr. SMITH of New Jersey):

H. Res. 312. Resolution urging the President to submit the Convention on the Rights of the Child to the Senate for its advice and consent to ratification; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BOUCHER introduced a bill (H.R. 3920) for the relief of Fiona Lamont DuVal; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 283: Mr. ERDREICH, Mr. BROWN of Colorado, and Mr. JENKINS.

H.R. 311: Mr. JAMES.

H.R. 500: Mr. HILER.

H.R. 844: Mr. ROGERS, Mr. SMITH of Vermont, Mr. CLEMENT, Mr. EDWARDS of Oklahoma, and Mr. ENGLISH.

H.R. 929: Mr. FORD of Michigan.

H.R. 931: Mr. PALLONE.

H.R. 933: Mr. NEAL of North Carolina and Mr. HOCHBRUECKNER.

H.R. 1083: Mr. MILLER of California, Mr. HAMILTON, Mr. CARDIN, Mr. GRANT, Mr. GALLEGLY, Mr. BRUCE, Mr. ROYBAL, Mr. WHITTEN, Mr. MOLLOHAN, Mr. DONALD E. LUKENS, Mr. BEVILL, Mr. MOAKLEY, Mr. KLECZKA, Mr. SMITH of Texas, and Mr. CONTE.

H.R. 1122: Mr. CONYERS, Mr. FOGLIETTA, and Mr. MFUME.

H.R. 1227: Mr. STALLINGS, Mr. RICHARDSON, Mr. MORRISON of Washington, Mr. WOLF, Mr. THOMAS of Wyoming, Mr. MCDADE, Mr. STENHOLM, Mrs. UNSOELD, Mr. TOWNS, Mr. HANCOCK, Mrs. MORELLA, Ms. ROS-LEHTINEN, Mr. WILSON, and Mr. NELSON of Florida.

H.R. 1356: Ms. OAKAR, Mr. PRICE, Mr. COSTELLO, Mr. SCHUMER, Mr. COYNE, and Mr. THOMAS A. LUKEN.

H.R. 1438: Mr. JAMES.

H.R. 1497: Mr. RIDGE.

H.R. 1530: Mr. PAYNE of New Jersey, Mr. KANJORSKI, and Mr. MACHTLEY.

H.R. 2025: Mr. DERRICK, Ms. OAKAR, Mr. LEVIN of Michigan, Mr. COSTELLO, and Mr. ENGEL.

H.R. 2076: Ms. PELOSI.

H.R. 2168: Mr. HERTEL, Mr. TRAFICANT, Mrs. LOWEY of New York, Mr. CARR, Mr. CAMPBELL of California, Mr. PARKER, Mr. WOLPE, Mr. DOWNEY, Mr. DERRICK, and Mr. SOLOMON.

H.R. 2172: Mrs. LOWEY of New York, Mr. THOMAS A. LUKEN, Ms. OAKAR, and Mr. SKAGGS.

H.R. 2174: Mr. LEACH of Iowa and Mr. SANGMEISTER.

H.R. 2187: Mrs. UNSOELD.

H.R. 2373: Mr. DE LUGO, Mr. SHAYS, Mr. TALLON, Mr. MILLER of Washington, and Mr. DEFAZIO.

H.R. 2437: Mr. JONES of Georgia, Mr. HAMMERSCHMIDT, Mr. COMBEST, and Mr. NEAL of Massachusetts.

H.R. 2500: Mr. WEISS.

H.R. 2545: Mr. MARTINEZ, Mrs. COLLINS, Mrs. BENTLEY, Mr. TOWNS, and Mr. HYDE.

H.R. 2546: Mr. MILLER of Washington.

H.R. 2551: Mr. DYMALLY.

H.R. 2664: Mr. OBEY.

H.R. 2674: Mr. SCHIFF and Mr. RIDGE.

H.R. 2700: Mr. RAVENEL and Mr. BROOMFIELD.

H.R. 2734: Mr. COURTER.

H.R. 2836: Mr. SHUMWAY and Mr. ROWLAND of Connecticut.

H.R. 2853: Mr. FORD of Michigan.

H.R. 2926: Mr. KLECZKA, Mr. SOLOMON, Ms. OAKAR, Mr. COSTELLO, Mr. KOSTMAYER, Mr. MACHTLEY, Mr. CHAPMAN, and Ms. KAPTUR.

H.R. 3050: Mr. ECKART.

H.R. 3142: Mr. VISCLOSKY and Mr. KLECZKA.

H.R. 3475: Ms. SLAUGHTER of New York.

H.R. 3581: Mr. SKELTON, Mr. HAMILTON, Mr. SWIFT, Mr. SARPALIUS, Mr. KASTENMEIER, Mr. STAGGERS, Mr. TOWNS, Mr. PAYNE of Virginia, and Mr. HATCHER.

H.R. 3603: Mr. DANNEMEYER.

H.R. 3634: Ms. KAPTUR.

H.R. 3636: Mr. PETRI.

H.R. 3684: Mr. WAXMAN.

H.R. 3686: Mr. LEWIS of California and Mr. HUNTER.

H.R. 3733: Mr. APPLEGATE, Mr. BUSTAMANTE, Mrs. COLLINS, Mr. CONYERS, Mr. DIXON, Mr. EDWARDS of California, Mr. FLAKE, Mr. FOGLIETTA, Mr. GONZALEZ, Mr. HAYES of Illinois, Mr. KILDEE, Mr. LEWIS of Georgia, Mrs. LOWEY of New York, Mr. MCDERMOTT, Mr. OWENS of New York, Mr. PANETTA, Mr. RUSSO, Mr. STOKES, Mrs. UNSOELD, Mr. WOLPE, and Mr. YATES.

H.R. 3735: Mr. OWENS of Utah and Mr. BRYANT.

H.R. 3736: Mr. JONTZ and Mr. YATES.

H.R. 3737: Mr. JONTZ and Mr. YATES.

H.R. 3740: Mrs. JOHNSON of Connecticut, Mrs. COLLINS, Mr. SHAYS, Mr. NIELSON of Utah, Mr. EVANS, and Mr. ATKINS.

H.R. 3751: Mr. CAMPBELL of Colorado, Ms. KAPTUR, Mr. MURPHY, Ms. PELOSI, and Mr. NELSON of Florida.

H.R. 3815: Mr. PETRI, Mr. JAMES, Mr. BLILEY, and Mr. INHOFE.

H.R. 3865: Mr. BATES.

H.J. Res. 82: Mr. VANDER JAGT and Mr. LEVINE of California.

H.J. Res. 160: Mr. YATES, Mr. OWENS of Utah, Mr. MCNULTY, Mr. JONTZ, and Mrs. UNSOELD.

H.J. Res. 364: Mr. BARTLETT, Mr. BROOMFIELD, Mr. CHAPMAN, Mr. COBLE, Mr. ENGLISH, Mr. GORDON, Mr. KANJORSKI, Mr. THOMAS A. LUKEN, Mr. RITTER, and Mr. SYNAR.

H.J. Res. 367: Mr. SWIFT, Mr. PARKER, Mr. HATCHER, Mr. LAUGHLIN, Mr. AKAKA, Mr. DE LA GARZA, Mrs. LOWEY of New York, Mr. BOUCHER, Mr. YATRON, Ms. ROS-LEHTINEN, Mr. CONDIT, Mrs. MARTIN of Illinois, Mr. COSTELLO, Mr. GEREN, Mr. CHAPMAN, Mr. HYDE, Mr. VISCLOSKY, Mr. SANGMEISTER, Mr. CALLAHAN, Mr. SMITH of New Hampshire, Mr. RINALDO, Mr. COURTER, Mr. SAXTON, Mr. EDWARDS of Oklahoma, Mr. SMITH of New Jersey, Mrs. BOGGS, Mr. KASICH, and Mr. RUSSO.

H.J. Res. 426: Mr. Spence, Mr. CARPER, Mr. HOCHBRUECKNER, Mr. HYDE, Mr. KOLTER, Mr. ENGEL, Mr. LAGOMARSINO, Mr. LEVIN of Michigan, Mr. KOSTMAYER, Mr. YATRON, Mr. OWENS of Utah, Mr. TALLON, Mr. JOHNSON of South Dakota, Mr. GREEN, Mr. TRAXLER, Ms. OAKAR, Mr. SMITH of Texas, Mr. SPRATT, Mr. GALLEGLY, Mr. ROWLAND of Georgia, Mr. RHODES, Mr. ANDERSON, Mr. HAMMERSCHMIDT, Mr. BOUCHER, Mr. EVANS, Mr. HATCHER, Mr. BARTLETT, Mr. CLINGER, Mr. CARR, Mr. GRANDY, Mr. BOSCO, Mr. TRAFICANT, Mr. MCMILLEN of Maryland, Mr. AKAKA, Mr. COYNE, Mr. COX, Mr. GRAY, Mr. STOKES, Mr. JONTZ, Mr. MAVROULES, Mr. PICKETT, Mr. MCDADE, Ms. SLAUGHTER of New York, Mr. LEHMAN of Florida, Mr. WALSH, Mr. PALLONE, Mr. WOLF, Mr. BROWN of California, Mrs. BENTLEY, Mr. BORSKI, Mr. COUGHLIN, Mr. DAVIS, Mr. FAWELL, Mr. FLIPPO, Ms. KAPTUR, Mr. FOGLIETTA, Mr. SAWYER, Mr. DE LUGO, Mr. MCDERMOTT, Mr. CROCKETT, Mrs. KENNELLY, Mr. LANTOS, Mr. MADIGAN, Mr. MARTIN of New York, Mr. OWENS of New York, Mr. PURSELL, Mr. RAVENEL, Mr. COURTER, Mr. RITTER, Mr. ROBINSON, Mrs. ROUKEMA, Mrs. SAIKI, Mr. SCHUETTE, Mr. DENNY SMITH, Mr. RINALDO, Mrs. VUCANOVICH, Mr. SOLOMON, Mr. TAUKE, Mr. TAUZIN, Mr. HUTTO, Mr. LEWIS of Florida, Mr. GILMAN, Mr. SHARP, Mr. JACOBS, Mr. BENNETT, Mr. HAMILTON, Mr. IRELAND, Mrs. MARTIN of Illinois, Mrs. MORELLA, Mr. WALGREN, Mr. WILSON, Mr. NATCHER, Mr. MCHUGH, Mr. MCCRERY, Mr. FRANK, and Mr. HOYER.

H. Con. Res. 162: Mr. THOMAS of Wyoming and Mr. ESPY.

H. Con. Res. 202: Mr. DONALD E. LUKENS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 147: Mr. VENTO.

SENATE—*Tuesday, January 30, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Commit thy way unto the Lord; trust also in him; and he shall bring it to pass. * * * The steps of a good man are ordered by the Lord: and he delighteth in his way.*—Psalms 37:5, 23.

Eternal God, Lord of the macrocosm and the microcosm, who knoweth both the infinite and the infinitesimal, the future as well as the past and all in between, for whom a sparrow does not fall to the ground but Thou knowest it, thank Thee for the Psalmist's guarantee that when we entrust ourselves to Thee, Thou dost guide us, step by step, inerrantly. Grant to each who labors in this large Senate family the awareness of Your unconditional love, Your assurance of perfect guidance, that though we know not what the future holds, we know Him who holds the future. Lead us in our family lives, our personal lives and our professional way.

In Jesus' name, the way, the truth, and the life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time for the two leaders there will be a period for morning business until 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The Senate will resume debate on the clean air bill at 10 a.m. with a Chafee amendment relating to the phaseout of methyl chloroform as the pending amendment.

From 12:30 to 2:15 p.m., the Senate will recess for the party conferences. At 2:15, the Senate will resume consideration of the clean air bill.

As a reminder to Senators, there is a rollcall vote scheduled for 5 p.m. today on the State Department authorization bill and Senators should be aware of the possibility of a vote on the clean air bill occurring prior to 5 p.m. and of votes beginning to occur now this week on a regular basis on the clean air bill.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the unused portions of the two leaders' time are reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, the Senate will now proceed to the transaction of morning business until the hour of 10 o'clock a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Maine [Mr. COHEN], is recognized for not to exceed 5 minutes.

(The remarks of Mr. COHEN pertaining to the introduction of S. 2032 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The Senator from Maryland [Ms. MIKULSKI] is recognized for not to exceed 5 minutes.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 2033 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been noted. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

IN REMEMBRANCE OF PATRICK POUZAR

Mr. GORE. Mr. President, 3 weeks ago, Tennessee lost one of its favorite sons. Mr. Patrick Pouzar, a resident of Nashville and a senior investigator with the Food and Drug Administration, died while traveling in the Republic of Chile. Several days earlier, Mr. Pouzar and another FDA official were dispatched to Chile at the request of the Chilean Government to verify preventative measures taken in the wake of last year's fruit tampering incident.

The Chilean Ambassador last November invited representatives from the FDA to visit his country on a followup mission. On January 5, Mr. Pouzar and Mr. Jack Harty, the Director of the FDA's international affairs staff, departed this country for Chile. Five days later, the single-engine plane carrying them and two Chilean officials was reported missing. Following an intensive search effort, the wreckage was located. Tragically, all four men and the pilot were killed.

Mr. President, throughout my congressional career, I have taken a special interest in the workings of the FDA. For more than a century, the FDA has stood for solid protection of our food supply and medicines. From the Pure Food and Drugs Act of 1906 to the Infant Formula Act of 1980, Congress has always turned to the FDA to ensure and enhance the public health. Its jurisdiction includes vital areas of public health, ranging from approval of drugs and food additives to inspection of medical devices and consumer complaints. Through the years, the agency has developed a worldwide reputation for professionalism and expertise.

The loss of these two distinguished men is deeply felt, not only by their families and colleagues at FDA, but also by all Americans whom they served with pride and honor. Our hearts and our prayers go out to their loved ones.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,781st day that Terry Anderson has been held in captivity in Beirut.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

THE UNITED STATES-ISRAELI STRATEGIC RELATIONSHIP: WHY IT ENDURES

Mr. EXON. Mr. President, underlying American foreign policy since the end of World War II has been a desire for peace and stability throughout the world. Achieving this has been difficult but the recent welcome events in Europe demonstrate that our postwar policy of containing Soviet military power and political influence has bought time for communism to collapse of its own weight.

Sadly, not all parts of the globe are experiencing the rise of democracy and a decline in military tensions. One of the most historic hot spots, the Middle East, remains potentially explosive. Tensions between Israel and her Arab neighbors remain great. Terrorism continues unabated. The senseless Lebanese civil war drags on. American and other hostages remain helplessly imprisoned by various Arab lawless bands. Radical governments continue to acquire sophisticated weapons and the potential for war in that area remains great.

Clearly, the picture in the Middle East is one of continued instability with a high risk for violence.

The most serious new military threat with long-range implications for nuclear instability is the recent successful launch of an Iraqi satellite. The rocket employed as a launch vehicle clearly establishes their capability to now become another nation with long-range missile capability.

Considering that Iraq used chemical warfare in their recent war with Iran makes this a potentially foreboding event.

In the center of this Middle East cauldron stands Israel, the only true democracy in the region. We have had a long and deep friendship, dating back to President Harry Truman being the first head of state to recognize the new State of Israel in 1948. While we have not agreed on each and every issue, and will not in the future, we both seek stability and the avoidance of war.

And when war has been instigated by her Arab neighbors, the United States has stood firm every time in our support of Israel.

Accordingly, our Nation and Israel share a healthy military relationship which is fundamental to the interests of both countries. For example, the Nebraska Air National Guard's Civil Engineering Squadron will travel to Israel in 1990 to learn first hand Israel techniques for the rapid repair of damaged runways.

We have benefited from Israel combat experience with American weapons against Soviet weapons. Israel ports provide an opportunity for the ships of our 6th fleet in the Mediterranean to make port calls for ship repairs and crew rest after long times at sea in dangerous areas off Libya and Lebanon.

Furthermore, Israel and the United States share intelligence information regarding the ever-present threat of terrorism.

Since it is only through international cooperative efforts that terrorism can be defeated, this relationship is of great importance to the free world. We are also cooperating in research for the strategic defense initiative, over which I have jurisdiction as chairman of the Senate Strategic Forces and Nuclear Deterrence Subcommittee. This research could help defeat an attempt to launch a single nuclear or chemical weapon mounted on a ballistic missile against us or Israel by a madman such as Qadhafi in Libya.

While the Israeli Government has been divided of late, and our differences over how to handle the Palestinian question have been front-page news, it would be instructive to ponder for a moment what the Middle East would be like today if Israel did not exist or had been defeated in an earlier conflict.

There would be no true multiparty democracy in the area and there certainly would be no peace.

The Middle East, one of the world's strategic crossroads as well as its oil capital, would be left in the hands of warring factions. Iran is still in the grip of religious fanatics. Syria executes its internal political opponents and has never given up its decades-old dream of incorporating Lebanon. Libya's Qadhafi would have little counterbalance except for Egypt, which paid a high price of Arab disdain for over 10 years due to signing the Camp David accords.

Iraq would again be tempted to rejuvenate its territorial ambitions and the Jordanian state could very well become an endangered species. Finally, envision a Palestinian state which would undoubtedly be led by a "president" Yassir Arafat.

This is why legislation requiring the President to submit periodic reports to Congress on the U.S.-PLO dialogue to ensure compliance with promises regarding an end to terrorism and recognition of Israel's right to exist is so important. Another bill to prohibit the United States from making further contributions to the United Nations if it grants full membership to a unilaterally-declared Palestinian state also is pending and having the desired effect.

President Bush concurs with this approach and a move to seat the "State of Palestine" has been stopped at least for now.

The Palestinian issue does need to be resolved. Unfortunately, since the high hopes of Camp David in 1979, very little concrete progress has been made. Both sides need to show more flexibility and serious negotiations must begin.

Hopefully the current Irsaeli and Egyptian political initiatives, with the United States as a helpful partner, can bear fruit.

However, just as it takes a strong United States to negotiate successfully with the Soviet Union, it takes a strong Israel to negotiate successfully with her Arab neighbors who outnumber her many times over in people and weapons and surround her geographically.

There have been recent suggestions that this is the time for the United States to actually reduce foreign aid to some of our traditional friends. Foreign aid in general is not a popular political expenditure for most Americans, especially during these times of an extreme budget crunch. Foreign aid should be recognized for what it is, an obligation for a superpower—not only for legitimate humanitarian-type help but as an investment in countries that are of particular importance to our key national security interests and stabilization for our peacekeeping interests around the world.

While the actual dollar amounts of help is important, any cut may well be interpreted as a lessening of our interest. Any cut at this juncture, however limited, could send the wrong signal.

While we celebrate the dramatic and welcome changes in Europe the past few months and an obvious lessening of tensions there, we still have important obligations to such Southern European areas as Greece and Turkey, to name only two. Even with their differences these two countries are absolutely essential to stability in that area. I caution against any changes.

Likewise, with the troubles of the Aquino government in the Philippines, and in the middle of negotiations for our two key military bases there for stability in the Pacific, we would be foolhardy to risk the possible consequences of a cut in current aid.

Given the improving conditions in Europe, I suggest that the most likely new major trouble spot for the 1990's will be the Middle East.

Here we have two solid friends, Israel and Egypt. It is not in our self interest, given their current troubles and threats, to venture into any action that could be misinterpreted as a lessening of our concern. The extension of the Camp David accords remains the only viable chance of a long-term peaceful solution. Therefore, it is my view that even a relatively small cut would unfortunately carry with it a wrong signal at precisely the wrong time.

We must stay on course with all of the parties involved and not introduce unnecessary sticking points at a time when staying power and patience are at a premium.

With strength and flexibility, and with the involvement of the United States, Israel and her neighbors can negotiate successfully for peace in a troubled region. We all hope and pray that day comes soon.

DEATH OF ARDYS HEISE

Mr. WILSON. Mr. President, I rise today to honor a fellow Californian who so recently has passed away. Ardys Heise died in a traffic accident August 29, 1989, leaving behind her a repertoire of civic endeavors, awards, honors, and fond memories of a woman who dedicated herself to serving the people of California.

Ardys will be treasured by the thousands of people she has touched through her tremendous efforts and outstanding achievements. She held an active interest in both educational and health related issues, serving as a member of the Council for the Advancement and Support of Education, the American Association of Community and Junior Colleges, the Children's Hospital and Health Center Public Relations Advisory Committee, and as campaign area chairman for the American Cancer Society.

Ardys will be remembered best as a woman who felt an enormous passion to enhance the lives of everyone around her. Every challenge she undertook was approached with a relentless fervor to succeed, and she dedicated herself to programs representing the improvement of her community and the need of its members. I applaud Ardys and her accomplishments, and know she has left a lasting impression on everyone who had been fortunate enough to know this outstanding woman, citizen, and friend.

TESTIMONY OF FORMER SECRETARY OF DEFENSE JAMES R. SCHLESINGER BEFORE THE ARMED SERVICES COMMITTEE

Mr. NUNN. Mr. President, the Armed Services Committee is conducting a series of hearings on the implications of the recent dramatic changes in the Soviet Union and Eastern Europe for our national security policy, our military strategy, and, ultimately, our defense budget.

Last week, the committee focused on changes in the Soviet threat. We received testimony in public and closed session from Judge Webster, the Director of Central Intelligence; General Soyster, the Director of the Defense Intelligence; and General O'Lear, Director of Intelligence for the U.S. European Command. We heard from three U.S. experts on the changing nature of the Soviet threat, and then heard from four highly respected European and Japanese experts on allied perceptions of the Soviet threat.

On Friday, we had a very productive dialog and discussion with the Subcommittee on Defense Cooperation of the North Atlantic Assembly.

Today, Dr. James R. Schlesinger testified before the Armed Services Committee. There is probably no one better qualified than Dr. Schlesinger to address the critical issues before us today. He has been a tireless and effective advocate of a strong NATO alliance for many years. One of his priorities as Secretary of Defense in the mid-1970's was to rebuild our NATO forces after the Vietnam war. He is one of the Nation's most respected and creative thinkers in the area of national security policy, military strategy, and doctrine.

Dr. Schlesinger testified very forcefully that the threat of a conventional attack on NATO by the Soviet Union and Warsaw Pact has decreased dramatically. As a result, Dr. Schlesinger believes that the United States should, in his own words, "plan now radically to scale back our forces in Europe."

Mr. President, I know my colleagues will find Dr. Schlesinger's testimony timely and thought-provoking. I ask unanimous consent that his prepared statement before the Armed Services Committee today be inserted in the RECORD at this point.

The full transcript of the hearing amplifying his statement will be available in the committee in the near future.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY JAMES R. SCHLESINGER BEFORE THE COMMITTEE ON ARMED SERVICES, JANUARY 30, 1990

Mr. Chairman, Members of the Committee: I want to thank you for your invitation to appear today before the Committee to assess the dramatic changes in Eastern Europe and the Soviet Union and their impact on national security policy. As members of the Committee will recall, the issues of European security, of the balance between conventional and nuclear capabilities and their role in the deterrence of possible attack have been close to my heart for many years. Consequently, the events that have been unfolding in this past year have had a special poignance for me. Since the late 40s and the collapse of the wartime partnership with the Soviet Union, the preservation of a free Western Europe has been the centerpiece of American foreign policy. Now that policy has been crowned with success—and, in that, we are entitled to take some satisfaction.

Mr. Chairman, let me start with two essential points.

First, international politics has already passed through an historic watershed. Change continues; indeed, it may well become more dramatic in the period ahead. By the changes he has initiated, Mikhail Gorbachev—for it is primarily he—has altered the world order as we have known it since 1945. He has unleashed forces that he cannot control and did not anticipate. From the standpoint of the Soviet Union, he has opened up a Pandora's Box, and the elements released cannot again be contained. The lines of force that have governed international relations in the post war period have now been permanently altered. To proceed as if transformation had not occurred would ultimately be self-defeating.

Second, let us be clear about what we have accomplished. America has fulfilled its historic responsibility. We have been steadfast. We have helped preserve the democracies of Western Europe during difficult times—and have helped create the new, flourishing Western Europe of today. For forty years we have stood the watch. We have won. I say this not in a spirit of gloating but as an historic fact. Indeed, one cannot fail to respect a Soviet Union, which from a far weaker economic and political base, was prepared, in the name of its own ideology, to sustain this challenge to the United States and much of the free world for so long a time. Yet, while we should be magnanimous in victory, we should not fail to celebrate this American accomplishment. Were Winston Churchill alive today, I believe that he would refer to the steadfast American role of these past forty years as—our finest hour.

However, Mr. Chairman, as a country we must move on. We must recognize that the international environment has now been transformed. We must not go on doing what we have done in the past—on the premise, why change a successful strategy? Were we to do so, it would prove self-defeating. We would damage our international standing and lose the respect of our rivals, the support of our allies, and the confidence of the American public. Thus, quite properly, the rationale for our European deployments is up for review and debate.

The military balance has been radically altered. How long the Warsaw Pact may survive as a political association is an open question, but its role as a military alliance and a military threat has been largely broken. The modest reduction in Soviet military deployments has been dwarfed by the essential departure of her Warsaw Pact partners as military allies. Under these circumstances one cannot conceive of a Warsaw Pact offensive save as an act of supreme folly.

American deployments in Europe over the years have been justified as a symbol of the American commitment and, since the 70s, as a part of a stalwart conventional capability intended to help deter Soviet or Warsaw Pact attack. Mr. Chairman, that role for the American forces has now been superseded. The new (and substantially reduced) role for those forces is to provide negotiating leverage—to help assure the substantial drawdown of Soviet forces in Eastern Europe. In the present context, however, arms control negotiations raise as many questions as they answer. Events have now begun to outrun the relatively slow pace of negotiations. In some circumstances that can be helpful, and in other circumstances harmful. In the present circumstances, I believe, that requires careful judgment rather than an automatic response.

I pointed out earlier that Mr. Gorbachev has unleashed forces that can no longer be controlled—and which portend further dramatic change. Among those forces are the changes in government and the process of democratization in Eastern Europe. Already both Hungary and Czechoslovakia have requested the Soviet Union to remove its troops from their countries. In East Germany popular ferment has forced what is now an interim government to move the prospective date for elections forward from May to

March. Once a democratically elected government is in place, a request to the Soviets to reduce and ultimately withdraw Soviet forces is more or less foreordained. In brief, the process of political change has already imposed severe pressure on the Soviet Union to reduce, and perhaps ultimately eliminate, her forces in Eastern Europe. Given its altered international stance and its domestic goals the Soviets will find these pressures hard to resist. Indeed, Soviet leaders have themselves spoken of withdrawing all their forces from Eastern Europe by the year 2000.

Thus, a process is already underway, more or less spontaneously, massively to reduce Soviet forces. It would be ironical and perhaps detrimental, if that process were to be slowed by lengthy negotiations. It would be worse than ironical if the CFE negotiations were to result in legitimatizing the long-term presence of Soviet forces in Eastern Europe—that might otherwise be withdrawn in the absence of such negotiations and such legitimatizing. It would be far worse, if the nations of Eastern Europe were to hold the United States or NATO responsible for the continued presence in their countries of Soviet forces. In brief, standing firm while negotiations continue may bring a less than optimal outcome.

I am a long time Atlanticist. You will recall, Mr. Chairman, that during my tenure as Secretary of Defense my principal concern was the rebuilding of our NATO forces, the development of a more persuasive deterrent posture, the creation of a stalwart conventional capability, and the resistance to pressures, such as the Mansfield Amendment, for the reduction of the American presence and commitment. Over the years, former colleagues have called for a downsizing of U.S. forces. Rightly or wrongly, I have always resisted. Given this background, Mr. Chairman, I believe a certain weight can be attached to the following recommendation: we should plan now radically to scale back our forces in Europe. The time is now. Implementation may extend over months or years, as circumstances warrant. But the reduction should not be precluded by the ongoing negotiations in Vienna.

Mr. Chairman, over the years this Committee has heard much about burdensharing. As long as the Warsaw Pact threat remained substantial, I thought much of the comment overblown. Now, however, Belgium has announced the withdrawal of its forces from Germany. The Germans themselves have indicated a reduction of the Bundeswehr by roughly twenty percent. Other European countries are preparing to reduce both forces and spending.

Mr. Chairman, as long as a sizable Warsaw Pact threat existed, a major American deployment was vital to European security. But, as that threat is reduced, the United States should not be in the position of increasing its share in European security. The time has come, more or less, for Europe to move towards the condition stated by former Chancellor Helmut Schmidt—Europe should be defended (primarily) by French and German forces.

We must also look ahead. As we move toward German reunification, as almost inevitably we must; as the Soviet forces in Eastern Europe are drawndown, and the threat to Western Europe recedes, we shall find that the eagerness and the welcome for American forces in Europe dwindles. The stationing of so large a set of foreign forces on German soil has become a growing irritant to the German public. We have been obliged to curtail low-level flying, night training, and so on. Imagine what will occur when the perception of the Soviet threat, already much reduced, recedes further. Whatever its present inclination, a German government will be obliged to pay heed to public opinion. We should begin to prepare now for that development, now foreseeable.

We should begin now to discuss the character of a residual force that is desired by our European partners. That force can be a symbol of the abiding American commitment, insurance against the international environment (despite all present prospects) turning darker again, and a logistical base for the return of U.S. forces, if that should prove necessary. Such a residual force, after the scaling down of the Soviet presence, would be but a fraction of our present deployment.

At the fortieth anniversary summit of NATO in June President Bush put forth a proposal for the reduction of conventional forces, then specifing a ten percent U.S. reduction. It was a prudent and productive proposal, but in my judgment time has now overtaken it. Since June a lot of water has flowed over the dam. Changes in Eastern Europe have made untenable the continued stationing of Soviet forces at anything like their present level. In formulating policy now we need to take these changes into account. We have other needs for our defense dollar. Given the budgetary pressures that we all understand, it would be unwise to short-change other, longer term requirements for defense spending just to preserve for somewhat longer a NATO force, the role of which has both been sharply altered and diminished, and the size of which is transitory.

In 1815, after the defeat of Napoleon; in 1848, after the revolutionary changes in Europe, imperial Russia advanced its forces far to the west—just as did the Soviet Union in the wake of the defeat of Nazi Germany. But imperial Russia ultimately withdrew her forces, and now, some forty-five years after World War II, the somewhat similar advance of the Soviet Union into the heart of Europe is coming to a close. Events are now forcing the pace of change in Eastern Europe. The Soviet empire and the Soviet threat are receding. Some of our defense people like to speak of the "uncertainties". To be sure, there are uncertainties. But the outcome of these uncertainties will not lead to the reimposition of Soviet domination in Eastern Europe—nor the restoration of the classic threat that has concerned us since the Berlin blockade. All the king's horses and all the king's men cannot put that particular humpty dumpty together again.

Unless we in the defense community acknowledge that fundamental and irreversible changes have taken place, we will come to seem irrelevant. Our role in Europe and to some extent in the world generally has been altered. Therefore, our forces should now be pointed towards their future role. We will, I feel sure, feel obliged to remain a global superpower. But we should cling neither to past glories nor to past problems. The great American mission in Europe is now drawing to a close. It has been, in my judgment, America's finest hour. For forty years we have provided a shield protecting the new and reborn democracies of Western Europe. But now we must move on to new tasks—among them helping to develop the new architecture of European security.

Mr. Chairman, I thank you for your attention. I shall be pleased to respond to any questions.

GEORGE KENNAN'S WISE COUNSEL ON EAST-WEST RELATIONS

Mr. PELL. Mr. President, on January 17, 1990, former Ambassador George F. Kennan testified before a Foreign Relations Committee hearing chaired by my esteemed colleague the senior Senator from Delaware [Mr. BIDEN] concerning the situation in the Soviet Union, the prospects for Eastern Europe and the need for new thinking about political and economic relations with that region. Professor Kennan has testified before the committee previously, and we have welcomed his comments as providing some of the most thoughtful and perceptive guidance for American policy concerning the Soviet Union and East-West relations.

In his prepared testimony Professor Kennan warned that President Gorbachev's position "is in some respects a precarious one and could change unexpectedly at any time," but that "it would be wrong to expect that the policies he has pursued would be likely to be totally and drastically altered by his successors." He noted that Gorbachev "has taken a view of Russia's place in the world more enlightened by far than that of any other Russian statesman of this century, and has made an outstanding contribution to the overcoming of the cold war and to the laying of the foundations of a more stable and peaceful Europe."

Professor Kennan sees the current situation as one of great opportunity. He urges that should we "take a much more forthcoming attitude in the negotiations for mutual reductions of conventional armaments in Europe." At the same time, he warns that "the extreme instability of the situation in East Germany, and the ensuing discussion of the possibility of German unification" present "the greatest potential dangers." Ambassador Kennan states:

> To attempt to move towards (German) unification on the political level before all these questions have been replaced by comprehensive alternative arrangements acceptable to all of Germany's neighbors and to the Soviet Union and ourselves would be to invite complications of the most serious nature.

Mr. President, because of the great importance of Professor Kennan's testimony and because it was presented at a time when many of us were not in Washington or even in the country, I ask unanimous consent that the text of his prepared statement be printed in the CONGRESSIONAL RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY GEORGE F. KENNAN BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, JANUARY 17, 1990

My appearance before the Committee this morning is in response to the Committee's invitation. The following statement has been prepared on the assumption that the matters on which the members of the Committee would like me to comment are primarily the prevailing situations in the Soviet Union and in Eastern Europe, and the problems these situations present for American foreign policy. The following is a summary of the impressions and views on these subjects with which, as a private citizen who does not give systematic study to these matters, I come before the Committee.

The situation in the Soviet Union is, at this moment, unstable in high degree. The extensive failure, to date, of perestroika to meet even the normal demands of consumers in the large cities; the disorders in the Transcaucasus (Georgia, Armenia, and Abzerbaizhan) and in Moldavia; and the demands of people and Communist parties in the Baltic countries for virtual secession from the Soviet Union; these, coming at a time when the political institutions of the Soviet state are in process of basic change, has created a situation of great difficulty and danger for Gorbachev, who is viewed as personally responsible for all these crises and difficulties. So great are the political burdens he has now come to bear that it is doubtful in my opinion that he could have remained in office as long as he has were it not for his high international prestige, constituting as it does an important asset for the Soviet state, and for the fact that none of his senior colleagues has any program to offer as an alternative to the one he has created and carried forward. Such, indeed, is the burden of troubles he is now carrying on his shoulders that it is questionable whether there is any among his potential rivals who would like, at the present time, to assume this burden in his place.

While it is clear, in the light of the above, that Gorbachev's position is in some respects a precarious one and could change unexpectedly at any point, it would be wrong to expect that the policies he has pursued would be likely to be totally and drastically altered by his successors. Actually, his foreign policies have been the least controversial of any of the efforts he has put forward; and there is no evidence of the existence of any competing faction calling for their abandonment. Beyond which, much of what he has initiated has already been locked into position by circumstances to such an extent that any complete reversal would scarcely be possible.

Regardless of the possibilities for Gorbachev's political survival, the fact remains that he has taken a view of Russia's place in the world more enlightened by far than that of any other Russian statesman of this century, and has made an outstanding contribution to the overcoming of the Cold War and to the laying of the foundations for a more stable and peaceful Europe. This being so; it remains in our interests and in those of world stability that he should carry on with his ideas and initiatives as long as his energies and the patience of his colleagues permit him to do so. It is not, of course, our business to help him in the solution of his internal-political problems; nor could we do so if we wanted to. Even in the economic field our possibilities are limited. He has not asked for our economic or financial help; and there is no reason why we should press anything of that sort upon him. What we could conceivably offer would be in any case, in the light of our own situation and many other demands on our resources, of negligible importance compared with the dimensions of the problem.

What we *could* do, on the other hand, that would be in Gorbachev's interests as well as our own, would be the following.

First, we could remove, or at the very least suspend, those wholly unnecessary and undesirable impediments to the development of Soviet-American trade that exist in the form of the Jackson-Vanik and Stevenson amendments.

Secondly, and of even greater importance, we could take a much more forthcoming attitude in the negotiations for mutual reductions of conventional armaments in Europe. The relief that a drastic reduction of the Soviet forces in this region would bring to the Soviet government (and, incidentally, to ourselves as well) would be of greater significance, financially and otherwise, than any direct help we could conceivably extend.

Finally, we should keep in close touch with the Soviet government in connection with the questions now arising from the momentous changes in Eastern Europe, bearing in mind that a number of these questions have serious implications from the standpoint of both Soviet and American security interest, and cannot be favorably addressed without the concurrent understanding and agreement of both parties.

In East Central Europe (by which term I mean to include all the non-Soviet members of the Soviet bloc as well as Yugoslavia) we also have a situation which, while decidedly to be welcomed in its general outlines, is unstable, and not without dangerous aspects.

The new regimes that have emerged from the recent dramatic events in a number of these countries are only interim arrangements, headed in large part by reform communists, and intended to be overtaken later in coming months by elections of one sort or another. The bureaucracies set up by previous hardline Communist regimes remain, for lack of anything else, largely in place. Their complete replacement may not even be necessary; and such changes as are called for can, and probably must, come gradually. The forthcoming elections, on the other hand, are generally expected to result in the success of non-Communist elements and the establishment of regimes in which the real Communist participation, if there is any, will be minimal.

In almost all these countries, except in Poland, the democratic elements are still poorly prepared to face the task of reordering political life that lies before them. While the prospects for successful adjustment to the new situation vary from country to country, we must expect that it will be, for the most part, at least a year or two before the emerging democratic establishments can be smoothly functioning.

Meanwhile, all the new regimes will confront severe problems of economic adjustment—problems that will require for their solution heavy sacrifices by their own people in addition to considerable foreign assistance. This will unquestionably add to the political strains with which the new regimes will have to cope.

A dangerous feature of the coming period in that part of the world will almost certainly be the release of strong, previously repressed ethnic and nationalist impulses in several countries. These can heighten internal tensions as well as straining international relations within the region, particularly between Hungary and Romania. But it is the extreme instability of the situation in East Germany, and the ensuing discussion of the possibilities of German unification, that present the greatest potential dangers. No movement in the direction of German unification, or even public discussion of such a possibility, could fail to come up at an early stage against the security problems which such development would be bound to present. The security arrangements existing today in much of Europe—the two alliances (NATO and Warsaw Pact), the presence of foreign military forces on the territories of both parts of Germany, the existence of powerful indigenous German forces in both the Germanies; and the situation of Berlin. Germany's greatest city, under theoretical four-power control—are totally incompatible with an immediate unification of Germany. They would have to be fundamentally altered before any such unification could be seriously considered. To attempt to move towards unification on the political level before all these questions have been replaced by comprehensive alternative arrangements acceptable to all of Germany's neighbors and to the Soviet Union and ourselves would be to invite complications of the most serious nature.

So much, in brief, for the situation in the region under discussion. What does this spell for American policy?

The problems of the designing of a new political and economic relationship of the Eastern European countries to the remainder of Europe is primarily one for the Europeans themselves to confront; and I see no reason why we should take any prominent part in it. Let the other Europeans draw up their own plan, and implement it with such of their own resources as they can spare for it. If we can help in minor subsidiary ways, so much the better; but the initiative, the responsibility, and the main burden of implementation must be theirs.

In the designating of a new European security framework, on the other hand we—for many and obvious reasons—must be actively and intimately involved.

By what principles should we be guided in this involvement?

First, and for the short term, I suggest that we should press for an internationally accepted and binding moratorium of at least three years' duration on basic changes in the two alliance structures and on any alternations in the composition of the European community of European sovereign states; this—to give all of us time to prepare, in a careful and deliberate manner and by wide international discussion and agreement, a new European security structure to replace the present one, which has been deprived, by recent events in Russia and Eastern Europe, of its basic rationale. This would not bar extensive reductions in the force structure now being maintained in Europe within the framework of the two alliances: it would serve only to preserve, for at least this limited frame of time, the continued validity of the two alliances and the basic obligations of their respective member-nations.

As for the participation of this country in the creation of a new security structure for Europe. I see this as proceeding in three stages:

First, a careful study of the problem itself on the part of our government, drawing on both governmental and non-governmental expertise;

Secondly, preliminary discussions with our allies as well as with the Soviet Union and other members of the Warsaw Pact; and

Thirdly, a general and final conference of all immediately interested parties, possibly within the framework of the Helsinki agreements, looking to an arrangement that would cover all military forces of any sort, indigenous or foreign, based on European soil.

SENATOR PELL'S ADDRESS ON ANNIVERSARY OF WINSTON CHURCHILL'S "IRON CURTAIN" SPEECH

Mr. BIDEN. Mr. President, on January 10, the distinguished chairman of the Foreign Relations Committee delivered a fittingly eloquent speech to commemorate the 44th anniversary of Winston Churchill's famous address at Westminster College, in Fulton, MO, in which Churchill warned of an "iron curtain" descending across the continent of Europe.

In commemorating Churchill's historic address, Senator PELL described a conceptual framework that can guide American policy as we seek to advance, in the words of Senator PELL's title from "Iron Curtain to Common European House"—an integrated civilization extending "from Vladivostok to Moscow and Berlin, on to Paris and London, and across the Atlantic to Washington and San Francisco."

Senator PELL stated that we have reached "a watershed moment," in which "the United States faces a new role. No longer the unchallenged leader of an alliance confronting the 'Iron Curtain,' we are called upon to become an active and exemplary partner in a 'common house' joining the Old World and the New."

The Foreign Relations Committee's chairman warned, however, that "unless history's movement is channeled by adroit statesmanship, the foundations of this 'common house' will be shaken and cracked during construction—by chaos, retrogression, and an unstable international order vulnerable to the miscalculations and imbalances that led to two world wars."

Mr. President, I ask unanimous consent that the text of Senator PELL's excellent address at Fulton, which reflects a keen understanding of such "adroit statesmanship," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IRON CURTAIN TO COMMON EUROPEAN HOUSE: AMERICA'S ROLE IN THE OLD ORDER AND THE NEW

(By Senator Pell)

Forty-four years ago, a redoubtable world statesman chose this place, in the very heart of America, to proclaim an ominous truth and to issue a momentous challenge.

Winston Churchill had been America's staunch partner through the agony of a global war that had yielded human slaughter on a scale previously unimagined. Across hellish battlefields, in hideous gas chambers, and finally in the inferno of nuclear incineration, the world had undergone a vast orgy of annihilation. As the dust settled, Americans, and people everywhere, yearned for respite and a new beginning.

But through the mist of these rising hopes, Churchill perceived a stark and unhappy reality: that the allied victory over fascism had given way to a new form of international conflict that would again summon the full energy and commitment of the United States.

America, Britain, and France remained united. But their expedient alliance with the Soviet Union had, at war's end, transmuted into political-military confrontation over the future of Europe. In this rift with Stalin, Churchill saw the emergence of a huge strategic fault line that would endanger all the world. He sensed the opening of the perilous chapter in human affairs that history would entitle the Cold War.

With these ringing, now famous words, Churchill described the specter facing the Western democracies:

"From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the Continent. Behind that line lie all the capitals of the ancient states of Central and Eastern Europe. Warsaw, Berlin, Prague, Vienna, Budapest, Belgrade, Bucharest and Sofia, all these famous cities and the populations around them lie in what I must call the Soviet sphere, and all are subject in one form or another, not only to Soviet influence but to a very high and, in many cases, increasing measure of control from Moscow."

This cheerless tableau, as Churchill painted it in the winter of 1946, was rendered all the more dismal against the bright backdrop of idealism that has been shown the previous spring in San Francisco, where delegates from 50 nations met to establish the United Nations.

Most of us on the Secretariat were young men fresh from wartime service, in civilian clothes that we had not worn for several years. How vividly I can recall the aspirations so many of us attached to that enterprise after the gruesome waste of this century's second great conflagration. We shared a vibrant hope that the world's nations, despite their diversity, might eventually be brought into a cooperative governing order that would embody, and seek to uphold, agreed principles of international behavior and enduring values of human justice and decency.

Less than a year later, Winston Churchill stood here in Fulton, Missouri to warn that such a world was not soon to be within our grasp. The cancer of tyranny was again spreading, and Churchill's purpose was to beseech America to put aside postwar self-absorption and rise again to global responsibility.

The challenge, as Churchill rightly saw it, was not to wage war anew, but to wage a new form of war—President Kennedy would later call it "a long twilight struggle"—that would emphasize diplomacy and economic assistance while deploying military weapons primarily for deterrence.

History has, I believe, recorded that in responding to the challenge Churchill so eloquently voiced, the United States summoned a statesmanship comparable to Churchill's. In his famous "long telegram" from the American embassy in Moscow, George Kennan brilliantly conceptualized the policy of communist "containment" that was to guide American foreign policy in the decades ahead. This policy took tangible form when Secretary of State Marshall proclaimed a visionary strategy to rescue Europe from the economic squalor and political vulnerability that persisted from the war's devastation.

American acceptance of this historic task was undertaken without knowledge of where such a policy might lead, or the degree of success or failure that awaited it. No one then could have known that, four decades later, the countries recipient of Marshall aid would comprise the core of a thriving European Community fully committed to the principles and institutions of democratic pluralism. Certainly no one then could have predicted that leadership in this community would come from a German Federal Republic that would build, on the moral and physical ruins of the Third Reich, a civilized and prosperous parliamentary democracy.

Lacking any such certainty about the future, the United States assumed its central role in postwar history guided by one, uniquely American instinct: an unprecedented determination to infuse realpolitik with a powerful faith in the surpassing strength of man's aspiration for freedom and self-determination.

At the outset, American policy-makers could not know just how tragically accurate Churchill's "iron curtain" metaphor would prove to be. Initially, President Truman offered Marshall aid to all of Europe's destitute nations, only to discover that Stalin would prevent his Eastern European captives from partaking. Indeed, not until the following year, 1948, did Czechoslovakia fall to a communist takeover, slamming the "iron curtain" fully shut across the entire span of Europe.

Coincidentally, by then having joined the Foreign Service, I found myself in Czechoslovakia at that moment, charged with the task of establishing a new American consulate general in Bratislava. That dignified little building, which was to be closed and kept shut thereafter, has for me remained a small but enduring symbol of the East-West interaction snuffed out by Stalin and his miserable minions. In my own personal journey from San Francisco in 1945 to Czechoslovakia in 1948, I had paralleled America's postwar passage from high hope to sobering reality.

Soon thereafter came the Berlin blockade, the Berlin airlift, and Senate passage of the Vandenberg Resolution. With this authorization of American participation in an international alliance of collective security, the United States stepped from the shadows of traditional isolationism to assume a commanding and, I trust, permanent role on the world stage. In 1949, leaders of the Western democracies assembled in Washington to sign a North Atlantic Treaty that would provide the basis for four decades of transatlantic partnership.

As the years passed, NATO was to become the most formidable alliance of nations ever assembled. Sparked by Marshall aid, West European economies revived and were gradually integrated. Britain and France joined the United States as nuclear powers. And with its democracy firmly established, a peacefully thriving West Germany entered the alliance, rearmed as a partner in defense. Eventually, led by the United States, 16 NATO democracies—representing the preponderance of the world's industrial and military strength—stood voluntarily, as they are today, prosperous and united in common cause.

For America, this saga was not without cost—cost that would prove severe. Sadly, an anti-communist world role went hand-in-

glove with a search for enemies within; the McCarthy witch-hunt of the early 1950's became a tragic episode that severely tested our political institutions. Meanwhile, the outbreak of hostilities in Korea exposed America to the pain and frustration of so-called "limited war." Seeming to portend worldwide communist aggression, Korea led us also to a major redeployment of troops in Europe that our allies have welcomed to this day. More ominously, Korea precipitated America's assumption of France's colonial role in Indochina—a role that would lead, in the 1960's, to a deepening, bitterly controversial military involvement. Domestic strife over Vietnam became our greatest domestic crisis since the Civil War.

But in Europe our policy proved steady. Although the cost in monetary terms remained high, we bore that burden with little rancor, punctuating our transatlantic relationship only occasionally with minor disputes over trade, missile deployments, burden-sharing, and, most recently, by unexpected presidential ideas for total disarmament and continent-spanning anti-nuclear astrodomes.

This continuity derived from a consensus we shared with the citizens of Western Europe. We found common interest in a NATO alliance that sought no territorial gain but rather only the defense of democratic freedom. NATO's strategy remained constant: the original policy of containment.

Underlying that policy, and the source of its strength, has been a simple wisdom about the nature of the East-West confrontation, something I remember first enunciating forty odd years ago. According to the ideological legacy of Marx and Lenin, capitalist democracy contains the seeds of its own demise. But in fact it is rigid, centrally-planned communism that contained such seeds and was indeed destined to destroy itself. In the name of attaining a higher form of human society, communist leaders committed their most fundamental mistake. They rejected, and then used brutal force to suppress, the deepest drives of the human spirit: to think freely; to write and travel freely; to worship freely; and, materialist though it may be, to pile up a stake—a nest egg—for one's family and children.

Thus, time was on NATO's side. It was indeed always my own view that if we followed Churchill's old dictum long enough—to "jaw-jaw, not war-war"—the other side was bound to succumb to an internally-generated force for change.

How the West might best encourage that change became a central issue in American politics. Some, myself among them, argued for active engagement through arms control and trade; we hoped in effect to infiltrate communist societies by opening, through exchanges, small doors that would let in light: points of light! Others favored presenting a stone wall of relentless criticism and defiance. Sadly, the debate between proponents of these two tactics often became so vitriolic as to eclipse the ground we shared: our common bedrock belief in the superiority of free institutions.

What neither liberals nor conservatives could have predicted, even six months ago, was how quickly change, once begun, would sweep the Soviet empire. A critical factor was the instantaneous communication of our electronic global village. But the catalyst, of course, was the remarkable Soviet leader who took office in March 1985. At first, accustomed to his stodgy predecessors, foreign observers were skeptical. They wondered whether Mikhail Gorbachev was no more than a slick packager of old ideas. Then came the dawning realization that when Gorbachev uttered the phrase "new thinking," he was not speaking in a deceptive code.

By evidence thus far, Chairman Gorbachev's purposes are not those of an altruist but of a broad-gauged politician. Gorbachev has recognized that the Soviet Union must build on a foundation of realism. Whatever its size and achievement in technical science and military production, the Soviet Union is a nation in relative and perhaps absolute decline. Proceeding from this reality, and determined to spark a national renaissance, he has embarked on a plan of stunning scope.

Viewed through a long lens, Gorbachev's plan represents a resumption of the historic task begun by Peter the Great three centuries ago but abandoned two centuries ago by Catherine the Great. His purpose is to end Soviet isolation and integrate his vast nation into the life, economy, and culture of Europe. This means, most fundamentally, liberalizing his nation: opening its doors to the oustide world and lifting the yoke of repression from the minds and spirits of the Soviet citizenry so that individuals, not central planners, can become that society's motive force.

To modernize the Soviet Union, Gorbachev has recognized the need for resources to focus on its vast problems and domestic needs. And to achieve partnership with Europe—to bring the Soviet Union into what he calls the "common European house"—he knows he must end the division of Europe imposed and maintained by his predecessors. Taken together, these purposes have produced Gorbachev's policies of Soviet military retrenchment and of permitting Moscow's erstwhile satellites to find their own way according to the long-denied principle of self-determination.

Once this point was fully grasped in Eastern Europe, the Soviet empire collapsed like the proverbial house of cards. Last year's magnificent rush of events revealed what we had every reason to expect: that only a rare East European, save those with a vested interest, was actually a communist. Even to those who once had embraced it as the path to a more noble. Less materialist society, communism had become a tested and proven failure. Indeed, as the cards fell it was ironic that communism's only real defenders were those few who had managed to milk the system for materialist gain.

With Gorbachev's implicit encouragement, the peaceful uprising of Eastern European's as they reached to take control of their own destinies, has disintegrated the "iron curtain." But if its disappearance is fast becoming an established reality, Europe's "common house" is as yet only a promising dream.

In principle, the superpowers have agreed that the "common house" should include them both, extending from Vladivostok to Moscow and Berlin, on to Paris and London, and across the Atlantic to Washington and San Francisco. But underlying today's widespread jubilation is also a well-founded fear: that unless history's movement is channeled by adroit statesmanship, the foundations of this "common house" will be shaken and cracked during construction—by chaos, retrogression, and an unstable international order vulnerable to the miscalculations and imbalances that led to two world wars.

This concern has motivated the spontaneous search for a new European "architecture" strong enough to avoid these dangers. Our Secretary of State recently responded by stressing the value and "synergy" of existing institutions: NATO, the European Community, and the Conference on Security and Cooperation in Europe. I judge this to be sound.

But I would submit today that the European Security Conference—the so-called "Helsinki process"—warrants more emphasis than American policy has accorded thus far.

In 1975, the Helsinki Final Act, although non-binding, committed 33 European nations, the United States, and Canada to agreed principles and continuing talks on three tracks: military, economic, and political. Initially, Helsinki drew criticism as a "second Yalta" that allegedly ceded legitimacy to the Soviet empire in exchange for empty promises. But in practice Helsinki diplomacy has worked. For 14 years, Western delegations have sounded a steady and resonant drumbeat on human rights. And the Helsinki-sponsored conventional force talks in Vienna are nearing fruition in a first-phase agreement.

This is achievement in itself, but I would contend that the reverberations of perestroika have so shattered the ice of Cold War assumptions as to set the stage for elevating the Helsinki process and moving to test, and capitalize on, a moment of historic opportunity.

Chairman Gorbachev has in fact called for a CSCE summit, a proposal embraced by President Mitterrand and other Europeans. But whereas the Bush Administration appears reticent, I believe our response should be one of energetic engagement. A well-conceived Helsinki II treaty, comprehensive and binding, could be blueprint for Europe's common house.

Would an emphasis on Helsinki require that we abandon or downgrade NATO and the European Community? But no means; those bodies can and should coordinate Western participation during creation of a broader framework of stable European partnership.

The *Military* track of the Helsinki process is central, for two reasons. First, it can expedite the draw-down of forces in the most intensively armed region in the history of the world. Even as the Berlin Wall is cut apart, the fact remains that the two Germanys, smaller even together then the state of Montana, are host to some 10,000 nuclear weapons and more than a half-million foreign troops.

Second, steady disarmament and comprehensive verification will, if properly structured, alleviate some of the anxieties about German unification and about the resurgence of deep-seated rivalries held in check by forty years of bloc-to-bloc confrontation.

The initial Vienna accord, anticipated next year, will primarily reduce Warsaw Pact forces, bringing the two sides down to levels just below where NATO now stands. A Helsinki II treaty should codify the goal of establishing equal ceilings at levels far lower—at least 50% lower—at the earliest possible date. Our aim should be to "lock in" the express Soviet intent to withdraw from Eastern Europe entirely over the next decade, and to provide a framework within which Gorbachev or any successor can proceed to do so without resistance from his military.

The alternative, of course, is to allow disarmament to occur spontaneously as nations, East and West, shed burdens as they see fit. Such as laissez-faire approach is, in my view, too dangerous in the cauldron of Europe. Clearly we do not wish to allow a

negotiating process to impede the pace of any unilateral Soviet withdrawals from Eastern Europe. But negotiated reductions offer multiple gains: overall predictablility, insurance against the specter of a German military monolith, a fairer sharing of defense burdens among the Western allies, and ultimately lower numbers all around as ceilings are established and then ratcheted down.

Verification arrangements must of course guard against cheating. As President Reagan said so often, trust but verify. But they can also yield a more positive benefit: a constructive fabric of cooperation and confidence that engages national militaries in a joint multilateral enterprise. The essence of this enterprise, already under discussion, would be thousands of annual inspections of troops and equipment.

Imagine a world where every movement of more than 100 tanks and 5000 troops is known to all and subject to inspection. Add to this a system of aerial overflights—the "open skies" proposal, which I support—and Europe's military "transparency," as negotiators call it, would be complete. Once operational, measures of such unprecedented scope would in themselves constitute a new European security system.

Does Helsinki require enshrining the two blocs or else dissolving them simultaneously? My answer is neither. Indeed, the West must be clear on the difference between NATO, as a voluntary collaboration among nations, and a Warsaw Pact that has been no more than an instrument for Soviet coercion.

To be sure, creating the new regime will necessarily involve the two blocs. But the regime should maximize the responsibility of each nation to comply and its right to satisfy itself of compliance by others. Thus, while NATO can serve as a coordinator for Western participation, the aim should be ever-growing confidence in the regime itself. Each nation—whether Hungary vis-a-vis Romania or Greece vis-a-vis Turkey—must be assured that it is fully apprised of the military activities of its neighbors and that any violation will be condemned and resisted by all other parties.

Meanwhile, on the *economic* track, the West should be guided by two premises. First, Eastern Europe's transition to democracy depends crucially on economic revival. Economic distress helped to create the Revolution of 1989; economic collapse could ruin today's revolutionary promise. Thus, in the calculus of our own security, timely and adroitly coordinated Western aid represents "defense" spending far more cost-effective than additional arms procurement. Only now is this truth being fully absorbed by our Executive branch.

Second, it is essential that the single-market European Community not become a fortress of exclusion, posing barriers against Eastern Europe or the United States. Rather, the Common Market must serve as a base for eventual extension of that market throughout the common house. A Helsinki II treaty should codify this objective, along with constructive standards and conditions for Western trade, investment, and aid in the East.

On the *political* track, our main objective should be to accord the vexing issue of German unification what it most needs: orderly sequence. The Helsinki participants, including the two Germanies, should agree on a stipulated period, on the order of ten years, during which East Germany could develop democratic institutions and the two Germanies could expand economic and social interaction. Then, formal unification could proceed, if both Germanies desire it, according to the principle of self-determination.

Currently, the Kremlin and many others see German division and both superpowers' presence as the safest guarantee against German revanchism. But this timetable, in conjunction with agreed military reductions affecting Germany, should ease concerns about rapid German unification.

In speaking of German reunification, though, I am speaking of the eventual unification of the two existing German states. I am concerned about Chancellor Kohl's statement that "the German people can regain its unity in free self-determination." Carried to its logical conclusion, this call for the German people "to regain its unity" could include not only the current two Germanies, but also western Poland, the former East Prussia, Austria and even the Tyrol.

Just as Winston Churchill waved a warning flag from this very spot some forth-four years ago, so I believe that we should wave a warning flag at this point and time. It must be made very clear that neither West nor East will permit a Germany larger than the present two parts. Chancellor Kohl's Ten Point Program must be enlarged to include an eleventh point reaffirming the present German borders. This is now conspicuously absent. A Helsinki II treaty should pledge all signatories to the permanence of Germany's exterior borders.

Finally, I believe the Helsinki participants should establish, perhaps in Berlin, an interparliamentary organization where legislators from all 35 countries can regularly discuss both the procedures of democratic government and the policies that result from those procedures. From election rules to housing, environment, health care, and social justice, the 35 have much to learn from each other. Winston Churchill's speech here in 1946, entitled "The Sinews of Peace," urged a special bilateral relationship between Britain and the United States. Today a multinational network of personal ties among legislators can be sinews of the peace we hope to build.

By its nature, the political "architecture" of even a perfectly-conceived Helsinki II treaty can produce no fixed result but only durable institutions of consensus-building, cooperation, and decision. Within the West, NATO and the European Community represent such architectural achievement. The historic challenge before us is to expand those models into a new structure that spans, then heals, Europe's division.

To be sure, after our decades of primacy within NATO, Helsinki multilaterialism may severely test American humility and diplomacy. But at this watershed moment, the United States faces a new role. No longer the unchallenged leader of an alliance confronting the "iron curtain," we are called upon to become an active and exemplary partner in a "common house" joining the Old World and the New.

We enter this era looking back upon a century of perpetual struggle between oppression and freedom, between barbarism and civility—a struggle between darkness and light.

I have always found special poignancy in that moment 75 years ago, in the month of August 1914, when the European monarchies stood, barely realizing it, on the brink of a great abyss into which they would soon plunge suicidally. One who sensed the enormity of the impending catastrophe was Britain's Foreign Minister, Lord Grey, who wrote prophetically that "The lamplights are going out all over Europe. We shall not see them lit again in our lifetime."

For millions of Europeans, Lord Grey's premonition proved too terribly true. From the Great War's ashes rose fascism; a Second World War even more horrifying; and then, for much of Europe, prolonged subjugation to a stultifying communist ideology of false promise and practical brutality.

In this long postwar darkness, many brave souls struggled, dissidents introducing through their courage a flicker of candlelight. Occasionally, fires burst forth, as in East Germany in 1953, Hungary in 1956, and Czechoslovakia in 1968, when Alexander Dubcek sought to create "socialism with a human face." Each time these flames were extinguished.

Ten years ago, a process of illumination was begun once again—this time, appropriately, by an unemployed electrician in Gdansk, who sought "solidarity" with his fellow citizens to generate the necessary power. Gloriously, Lech Walesa's cause prevailed and his light spread, perhaps because no one, even in the shrouded halls of the distant Kremlin, could any longer see a future in a world so bleak.

A few weeks ago, after 21 years of exile in Bratislava, not far from that closed American consulate, Alexander Dubcek returned to Prague. On a balcony above Wenceslas Square, he stood with the gallant reform leader Vaclav Havel overlooking a multitude of his countrymen huddled against the cold. Extending his arms in a symbol of human embrace, Dubcek stated the issue as simply as it could be put: "Why," he asked, "*should* there be darkness when there can be light?"

Days later, an incandescent source of light, Andrei Sakharov, died. That noble man, who will take a place among the great figures of our century, had become a glowing tribune for his people in the struggle for democracy in the Soviet Union. A genius in science, he had seen at an early age that man's ultimate achievement is not the accumulation of knowledge but the summoning forth of decency in a civilized society. Consumed with this purpose, with many sacrifices behind him, with his work undone, and intending to rise still another day to challenge his countrymen, Andrei Sakharov spoke these final words: "Tomorrow there will be a battle."

There will indeed be battles, as others, in the Soviet Union and elsewhere in Eastern Europe, resume Andrei Sakharov's quest. To them, and the aspirations they represent, America must now respond with a bold creativity, working with our allies to extend a firm hand of cooperative partnership.

As we pass from the era of the "iron curtain" to the building of a common and brightly lit house, our inspiration derives from those champions of justice, known and unknown, who fought against the darkness. We share the purpose of those men and women who met in San Francisco nearly a half century ago in hope that anarchy in and among nations could be tamed. And, not least, we draw confidence from the vision of those who responded to Winston Churchill's challenge here in Fulton. They shaped and sustained a contribution to a civilized world order of which Americans can be deeply and permanently proud.

LIBRARIAN OF CONGRESS JAMES BILLINGTON ON RUSSIA'S QUEST FOR IDENTITY

Mr. PELL. Mr. President, Prof. James H. Billington, the distinguished scholar of Russian history who serves as our very able Librarian of Congress, has published two articles describing the drama of historical change now underway in the Soviet Union and Eastern Europe, and linking this to its roots in earlier cultural, literacy, and religious traditions now surging back to the surface in that region.

It may prove to be one of the most salient historical facts of this era that for all of communism's impact through the better part of this century, it left untouched the deeper currents of national and cultural identity in Russia and the other countries of Eastern Europe.

Professor Billington's articles are dense with wisdom and fascinating conjectures and information. We see that culture, literature, voluntary associations, a resurgence of religion, a restoration of love for the land and the symbols of an earlier nationhood are all starting to shine through the overlay of communism that has been the ruling principle in these nations for the past several generations.

Mr. President, I ask unanimous consent that the text of James Billington's two articles in the Washington Post January 21 and 22 be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 21, 1990]

THE SOVIET DRAMA—RUSSIA'S QUEST FOR IDENTITY

(By James H. Billington)

In the midst of any great historical change, witnesses and participants alike are often unable not only to predict and control events, but even to understand the essential nature of what is happening.

Consider how astonishingly the momentous events in the Communist world have contradicted the recent conventional wisdom of the American foreign policy establishment: (1) The Soviet system is immutable and rooted in Russian tradition. (2) It will never permit change in Eastern Europe, least of all in East Germany. (3) Movements from below like Solidarity in Poland are hopelessly romantic and foredoomed. And (4) the only hope for weakening the Russian threat is *Realpolitik* played with leaders who show foreign policy independence like Deng Xiaoping in China and Nicolae Ceausescu in Romania.

Now that Solidarity has created a non-Communist government in Poland, the Russians themselves have pushed East Germany and the others toward change, and only the Chinese and Romanian leaders have resisted violently, one might have expected some serious reexamination of basic assumptions. Instead, the same self-confident experts have reappeared with a new conventional wisdom: (1) Economic failure has led to political reform in the U.S.S.R., which has, in turn, (2) uncorked popular pressure for more consumer goods and a universal desire to be more like us. (3) Individual Communist powers are moving in this direction largely in accordance with how "Western" their political and economic traditions have been—Eastern Europe rejoining Europe, China regressing back into Oriental despotism and the Soviet Union torn between its more progressive minority nationalities and a regressive Great Russian nationalism.

This new wisdom may superficially describe what has happened recently, but it offers no deeper understanding of what to look for next and perpetuates the underlying intellectual weaknesses of the old wisdom: a naive belief that economic acquisitiveness and manipulative political leadership are all that move history and a skepticism that beliefs and ideas really matter.

The West has entered the '90s largely as a spectator "waiting for Gorbachev." The latest conventional wisdom seems to be that the intentions, policies and survivability of "the man of the decade" will determine the fate of the world's last remaining empire—although there is disagreement as to whether or not he has plunged the U.S.S.R. into a "terminal crisis" ("Z" in Daedalus) or has "transformed the world" (Time).

All this shifting wisdom continues largely to overlook two central facts about the great transformation that will probably determine its outcome and Gorbachev's place in history:

The current crisis in the Communist world is basically one of *legitimacy*, not of political leadership or economic productivity.

The decisive element in resolving this crisis will be the *identity* that the dominant Russian nationality defines for itself within the Soviet Union.

Legitimacy is a central problem in Communist states, where power is justified not by counting votes or by investing a monarch with traditional authority. Communist power is legitimate only if its leaders are carrying out their self-proclaimed historical mandate to bring into being a just and abundant egalitarian society.

This secular ideology never had much legitimacy in Eastern Europe, where it was imposed by the Red Army in the wake of World War II. The overthrow of Communist regimes there in 1989 has not yet created alternative political or economic institutions, but it has created an altogether new formula for legitimacy. It combines reasserted religious and national values with newly asserted democratic and constitutional beliefs.

The challenge to Communist legitimacy has not yet gone so far in the U.S.S.R., because Communism is a native rather than an imported movement. It has been in place since World War I, and it partially relegitimized itself by the Soviet victory over Hitler. But Gorbachev, without initially intending to do so, has opened up a crisis of legitimacy in the Soviet Union. This raises the question of whether the U.S.S.R. might also produce a new legitimacy that, however different in timing and form, would essentially replicate the East European pattern of replacing Communism with a benign mixture of national tradition and democratic innovation.

Gorbachev would seem an unlikely leader to raise the question of legitimacy. He was, after all, a pure child of the privileged inner-party apparatus who had never run any major economic enterprise or political region before becoming head of the party. His initial impulses were in the classical Leninist mode of getting the system moving again through temperance, work discipline and economic reform.

When I asked Gorbachev late in 1987 what he would like to be remembered by posterity as having done for Soviet society, he began with the word "dynamism" and made it the main theme of fascinating impromptu soliloquy. This was what the U.S.S.R. needed after Brezhnev's long period of "stagnation." His economic reforms were bundled in a typically value Leninist slogan (*perestroika*) that only the party leader could define, along with deviations on the "left" (Boris Yeltsin) and "right" (Yegor Ligachev).

But opening public discussion (*glasnost*) proved more successful than opening the economy (*perestroika*). When Gorbachev turned from economic to political reform, he opened up a crisis of legitimacy that he has not been able to resolve.

His basic purpose in creating a new, elected parliament was to create the dynamism he had not engendered with his half-hearted economic reforms—by mobilizing the young and energetic professional class against the encrusted party bureaucracy. Gorbachev was careful to keep a balance of reserved seats for the party faithful and to ensure his own position as chairman-arbiter.

But Gorbachev also used the parliament to legitimize and protect himself—televising its sessions and publicizing its authority so that his own power could no longer be abrogated (as Khrushchev's had been) by Communist bodies alone. Since the new parliament was inserted from above into a society rediscovering its vocal chords, it initially became a more tribune for prophetic statements about fundamental problems than a body capable of doing anything about them.

The deep and protracted public outcry about the woes of the U.S.S.R. has been taken by some as a sign of the system's "terminal crisis" or of the people's masochistic immaturity. But it may rather be a rising crescendo in the basic debate over Communist legitimacy that is *deeper*, more *difficult* and more *decisive* in the U.S.S.R. than in Eastern Europe.

The Soviet crisis of legitimacy is *deeper* than in Eastern Europe because it deals with evil inflicted on themselves rather than imposed by others. What Vaclav Havel has profoundly noted about Czechoslovakia—that all who live in totalitarianism share some measure of guilt for its degradations—is far more true of the U.S.S.R., which originated the evil, lived longer under it and is still governed by a political party that killed more of its own people in peacetime than any other government in recorded history.

Resolution of the crisis in the U.S.S.R. will be especially *difficult* not only because the criminal party is still in charge but because the U.S.S.R. is a multi-national state, Soviet leaders cannot simply fall back for legitimacy from Communism to nationalism, asserting unity against a foreign oppressor as in Catholic Lithuania. The national minorities often quarrel with each other; and the largest non-Russian nationalities, in Central Asia and the Ukraine, are themselves divided. The dominant Russian nationality is for the first time led by a post-war generation that is not viscerally inclined to legitimize everything simply by continued indignation against the German invaders of nearly a half-century ago.

The Soviet resolution of the legitimacy crisis will be *decisive*. The Soviet leadership, which opened the Pandora's box of change

in the Communist world, retains unparalleled military and police power, which could still be used for a domestic crackdown or for stirring up external trouble. Gorbachev has assembled a leadership that has never been more overwhelmingly Russian in ethnic composition and regional experienced. The agitation of national minorities has heightened the self-consciousness of the ruling Russians, who have themselves awakened to seek new answers to the question of who they are and where they are going.

Resoluton of the general crisis of legitimacy, therefore, depends to a considerable degree on what kind of a modern identify the ruling Russians define for themselves within the U.S.S.R.

Moscow is the center not just of Soviet power, but of the search for Russian identity. Returning there recently, I found a situation that borders on the surreal. The parts are recognizable, but they do not fit together, and there is no overall coherence. Educated people who have at last gained some of the freedom and reform they have long sought seem more unhappy and pessimistic than ever. The Gorbachev leadership stands center-stage, but as in the theater of the absurd, in eerie detachment both from its base of power in the police and army and from the perspectives of ordinary people.

The growing shortage of goods, the rise of narcotics and the disaster of Chernobyl are all given apocalyptic significance. Some seriously speak of the imminent end of the world (as early as 1991, when the feasts of the Annunciation and Easter will occur on the same day). Everyone is reading the sensational new novel "The Man Who Did Not Return," which depicts the violent and devastated Russia that allegedly emerges by 1993 as a result of perestroika.

Gorbachev continues to legitimize himself largely by his international stature, while his tiny band of genuine supporters—many of them fellow alumni of Moscow University from the early post-Stalin years—plunges on into the uncharted terrain of writing new laws for a real legislature. Whereas the cause of reform had troops without leaders in China, Russia has leaders without troops.

Gorbachev has disoriented many by destroying the old without clearly defining—let alone building—the new. Russians, more than the minority nationalities, find little new authority to believe in. "I believe only Kashpirovsky," proclaimed my Muscovite cab driver, explaining that his enormously popular quack who purports to heal through television is "the only person in this city of talk who is doing something really useful for real people."

The Russian people, having at last become aware that they themselves have gained so little from Communist rule, would like to be recognized as something more than the people responsible for all that has gone wrong. Gorbachev, the Russian son of a rural father and Orthodox mother, is conscious of this desire. He has gone much further to accommodate it than Khrushchev, his only real role model as a Soviet reformer, who launched a program against the Russian Orthodox Church almost as vicious as Stalin's while exhorting Russians to pour scarce resources into an alleged rising tide of revolution in the distant Third World.

By contrast, Gorbachev emphasizes improvement at home—in the ecology as well as the economy of Russia. His wife, the first spouse of a Soviet leader to stake out a public role, serves on the board of a new Cultural Fund, which is largely devoted to recovering lost cultural artifacts from the Russian past. She attended the lavish state ceremony in the Bolshoi Theatre celebrating the Millennium of Christianity among the Eastern Slavs in 1988.

But Gorbachev has taken away the old history books without yet providing new ones. This is a particularly hard blow for the Russians, who had previously appeared as the vanguard of human progress in the Russocentric version of Communist history that the U.S.S.R. had propagated ever since Stalin's nationalistic turn in the 1930s.

Gorbachev and any successor in ruling this deeply disillusioned people can probably find only four possible answers to the question of Russian identity. There are extreme alternatives on the right and left that provide clearer answers than Gorbachev has given, but they are not ones he has been willing to accept. And there are two very different answers that could evolve from his present course, but which could also increase his political vulnerability. These four possible resolutions will be considered in a subsequent article—along with my speculation that the scenario that currently seems least expected may ultimately be the most likely.

[From the Washington Post, Jan. 22, 1990]

THE SOVIET DRAMA—LOOKING TO THE PAST

(By James H. Billington)

Mikhail Gorbachev's determination to seek both legitimation and models for reform primarily in the West has produced a bitter nationalist reaction among many ordinary Russians—as it did in the past under innovative tsars like Peter the Great and Alexander II.

Those were the two names Gorbachev mentioned to me in June 1988, when I asked him what prerevolutionary figures from Russian history interested him as possible models for his own programs and problems. Like both of these aggressively innovative tsars, Gorbachev faces a popular opposition among Russian traditionalists. He no doubt hopes that his conservative opponents will eventually simply fade away into the forest as the Old Believers did under Peter the Great. But he must have more realistic fears based on the more modern and more relevant example of Alexander II, the Anglophile reformer who freed the serfs and opened up Russia, only to be assassinated by younger radicals who did not believe he had gone far enough.

Alexander II was the victim of rising expectations that he could not satisfy in the first age of mass journalism. Many fear that Gorbachev may suffer some such fate in this first age of mass television. But the more relevant lesson to be learned from Alexander's reign may be that evolutionary, progressive reform from above may not be possible when the society below is throwing up new extremes of right and left that feed on each other and destroy the moderate, progressive center.

The Gorbachev leadership is being whipsawed by the simultaneous opposition of swelling popular movements from both right and left. Fear that extremes may once again squeeze out the center accounts for the increasingly frequent suggestion in the U.S.S.R. that violence is inevitable and some form of civil war probable. Yet both of these extreme alternatives are almost certainly more popular at the moment than Gorbachev's own cautious reformism—and largely because they provide clearer answers than the Gorbachev leadership to the basic question of Russian identity.

(1) On the right there is a traditional reactionary answer to the question of Russian identity. Not only among delegitimized bureaucrats but also among worried writers and ordinary people, there has been a resurgence of Great Russian chauvinism, which sees a strong, Russian-dominated political machine as the only glue that can hold together an otherwise fragmented and potentially anarchic imperial domain.

This reactionary answer to the question of Russian identity derives authority from the practical experience of managing the largest and most long-lived empire of the modern world. The Russian army and police and the Russian language have been the controlling elements in an empire where subject nationalities have been essentially kept in territorial compounds and often played off against one another. In striking contrast with most of Eastern Europe, nationalism in Russia has always been a reactionary, imperial banner. But it is a popular flag that will surely find more appealing bearers than Yegor Ligachev if the opportunity for replacing Gorbachev should arise.

(2) Directly opposite the nationalists on the right are the radical reformers to Gorbachev's left. They are led by educated Russians, principally Muscovites, who argue that Russia's proper identity can be found only be proceeding directly to build a pluralistic, multiparty democracy based on the rule of law following essentially Western models. They see a new Russian identity being forged by the moral tasks of building a just society rather than by the physical exercise of sustaining an empire.

The radicals on the left have lost a great moral leader in Andrei Sakharov, but they have won the moral high ground and much of the best talent in the new post-Stalinist generation. They, too, will probably find a more effective leader than Boris Yeltsin, if power should come within reach.

(3) Maneuvering between two positions that both have broader support than his own, Gorbachev may nonetheless succeed in gradually moving the Russian people toward the kind of de-ideologized productive dynamism in which he seems to believe. If he were able to open up the economy more boldly or de-collectivize agriculture and thus raise living standards, he might develop a sustaining constituency for what seems to be a third alternative of his own. This would be a pragmatic authoritarian identity that discards traditional questions of national identity altogether and avoids the need to relegitimize the system by either returning to Russian tradition or plunging on to real democracy.

But his increasingly conservative and unproductive economic policy has produced all the resentments of an open competitive system while retaining all the inefficiencies of the old centralized command system. I found a consensus in Moscow that unless there is a turnaround in the declining standard of living, the odds will favor more internal violence that will produce a reactionary turn and probably sweep away Gorbachev's already retrenched reform program. Hence the pessimism, the apocalypticism, and the growing desire either to get out before there is a search for scapegoats or to keep one's head down.

It all boils down to the question of whether the Russians can find a non-Leninist and nonchauvinist identity for themselves: a way of feeling good about themselves without feeling hostile to others.

The conventional wisdom is that this is asking too much of human nature in gener-

al and of an aggrieved people like the Russians in particular. But this last conventional wisdom might prove as wrong as the preceding ones. For we have entered a world of unpredictable contingencies in which the thirst for freedom has spread like an uncontainable epidemic.

The Russians may be developing a fourth alternative answer to the problem of identity that is more positive than mere chauvinism and may, indeed, be the prerequisite for any long-term evolution toward democracy.

(4) The new Russian identity is based on a large-scale if often unconcious determination of the Russian people to rediscover everything meaningful in their shared experience that Stalin attempted to destroy and that Stalin's successors continued to defile: traditional village culture, the soil and rivers of a once pristine ecology, the liturgical beauty and long-suffering compassion of grass-roots Russian Orthodoxy, and the artistic majesty of a once-honored monastic culture that carried that faith across the forbidding Siberian frontier on to Alaska. The voluntary association for historical preservation has the largest membership of any organization in the U.S.S.R. An even more passionate environmental movement has been growing in strength ever since it forced the Politburo to drop its plans for diverting the flow of rivers in the Russian north three years ago.

Many high officials who still call themselves Communists now purport personally to find a new and deeper basis for morality in the philosophically rich Russian literary tradition of Dostoevsky and Tolstoy. Now the corpus of works published in the U.S.S.R. has expanded to include figures who came into direct, heroic conflict with the Soviet regime like Bulgakov, Pasternak and the still-living Solzhenitsyn. Educated people are increasingly turning to the older Russian religious tradition, which infuses these writers' works.

Many who were present contend that the remarkable church service held last autumn—the first since 1918—in the Kremlin's Cathedral of the Assumption, where the tsars were once crowned, was the most moving single gathering they have ever attended. Part of that feeling may be attributed to the most surprising fact of all: the growing sympathy for restoring at least some version of a monarchy.

Of course, collective historical restitution, inner moral conversion, and the proliferation of independent cultural organizations among Russians may not ultimately effect the dynamics of power in the U.S.S.R. Many Russians speak wearily about their own continued fatalism and passivity. The Leninist political tradition is skilled at coopting Russian national symbols. Token gestures may be enough to keep the lid on.

But the thirst for new cultural institutions is now being satisfied throughout the U.S.S.R. almost entirely by a rising tide of new voluntary organizations that reject Communism in all its forms. There is almost no popular support for the current fall-back effort of reformers within the political system to relegitimize Communism by juxtaposing a good Lenin to a bad Stalin.

Much activity centers on a massive new Russian Encyclopedia designed to run for at least 50 volumes in a systematic effort to recover the lost regional history of Russia during the Soviet period. I talked with retired military officers who are among the organizers of a new multi-volume village encyclopedia, which will essentially attempt to reconstruct the culture and ecology of rural Russia prior to the atrocity of collectivization.

I watched a remarkable privately made documentary film, "Land in Desolation," which is rumored to have reduced some of the Politburo to tears but which has still not been publicly aired even in this time of glasnost. The movie presents a devastating yet elegiacally beautiful picture of the desecration of natural beauty and historical monuments by man's wanton economic development along the upper Volga.

Common to all the mistaken conventional Western wisdom has been a patronizing attitude toward the older, unfamiliar Eastern cultures in which Communism came to power. There could, of course, be a mistake in the opposite direction if we became too romantically optimistic about the power of any traditional culture to overthrow a totalitarianism that may itself have become part of that culture.

But the essence of the Stalinism that almost all Russians are now committed to rejecting was immoral state-supported violence against its own people. It is hard to see how a return to Stalinist repression could be effective in view of the desperate practical need to find a new moral authority that can remotivate the population.

Neglected aspects of the Russian cultural experience may also make a return to tradition more compatible with democracy than we have been inclined to think. There was more independent civil society and local organizational innovation in the late tsarist period than the largely state-centered historians of the Russian empire have acknowledged; a rich set of institutions of local self-government and community-based welfare institutions was set up in the 70 years before the Revolution. The most traditionalist ethnic Russians, the Old Believers, were also the most entrepreneurial. It seems appropriate that the newly reformed ministry of culture is now supporting the Cultural Fund in a restoration of the main Old Believer center at Bela Krinitsa, which was destroyed by Stalin in 1947. The writer Daniel Granin has attracted 6,000 members in a short space of time to his new Society of Charity in Leningrad, which promotes voluntary humanitarian services independent of the state.

We cannot know if the Russians will eventually find their post-Stalinist identity by combining a religious-tinged return to tradition (alternative 4) with a secular move forward to democracy (alternative 2). It would at best be a tortuous process—and one fraught with peril in the near term. For the Russians must simultaneously deal with a potentially dissolving empire as well as a demonstrably dead ideology. The current conventional wisdom could yet prove correct that the present course (alternative 3) will continue unless or until supplanted by a reactionary nationalism (alternative 1).

If we in America must therefore keep up our guard, we should at the same time raise our sights. For Russians in the information age are looking outward as well as inward for answers to unprecedented problems. We are the only nation by which they can measure themselves as they struggle to build democracy in a multi-ethnic continental context. Our paths will not converge, but we may find unexpected common horizons.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

CLEAN AIR ACT AMENDMENTS OF 1989

The PRESIDENT pro tempore. Under the order, the Senate will resume consideration of Calendar Order No. 427, S. 1630, the Clean Air Act Amendments of 1989, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending: Chafee amendment No. 1219, to control methyl chloroform pollution.

Mr. BAUCUS. Mr. President, we are now back on S. 1630, amendments to the Clean Air Act. The pending amendment is the amendment offered by the Senator from Rhode Island, Senator CHAFEE, an amendment to add methyl chloroform to the list of ozone depleting substances to be phased out along with specifically named chlorofluorocarbons.

Mr. President, the Senator from Rhode Island offered the amendment because, as he stated in his presentation before the Senate, methyl chloroform is a substance which depletes the stratospheric ozone layer. We have all read and know about the ozone hole that has developed over Antarctica. It has spread not only over Antarctica, but there is very sound scientific evidence that the stratospheric ozone layer is also being diminished over North America as well.

Why is it important that this amendment be before us today, an amendment which I have cosponsored, an amendment which the majority leader, Senator MITCHELL, has also cosponsored? It is important because the scientific evidence is clear that with depletion of the stratospheric ozone layer surrounding the Earth, a layer that is about 70,000 feet above us, there is more ultraviolet light that comes down from the Sun and strikes the Earth.

Now, why is that significant? That is significant because with increased ultraviolet light bombarding the Earth, there is increased incidence of various forms of skin cancer, many of which are melanomic, that is, the kind of cancer that can lead to death, and there is an equal incidence of nonmelanoma cancer, the kind of skin cancer that does not lead to death but the form of cancer that requires medical attention.

Increased ultraviolet light also causes increased cataracts, injury to the eye. There is also evidence that it begins to affect people's immunological system. The evidence is overwhelming. It is not disputed. The increased incidence of ultraviolet light that comes to Earth has this adverse health effect on humans and other species on this Earth.

In fact, the evidence is so overwhelming that many countries of the world agreed in a joint environmental agreement just a couple years ago called the Montreal Protocol to reduce the production of substances which cause the depletion of the stratospheric ozone layer. This is an agreement which phases out chlorofluorocarbons and halons. The amendment of the Senator from Rhode Island, would also phase out methyl chloroform and goes beyond the current provisions of protocol.

These substances, Mr. President, are very insidious. Why do I say that? I say that because they contain chlorine. Chlorine is the substance which, when it finally gets up to the stratospheric ozone layer 70,000 feet above us, begins to knock out these ozone molecules. CFC's have a 100-year life, so when one chlorine molecule knocks out an ozone molecule, it does not disintegrate; it does not dissolve; it just keeps on for another 100 years knocking out more ozone molecules. It is the chlorine that knocks out ozone molecules. Ozone depleting substances last a long, long time. If today there were a total ban on the emission of chlorofluorocarbons, on the emission of halons, and on the emission of methyl chloroform, the stratospheric ozone layer would continue to deplete. So it is all the more imperative to begin today to add methyl chloroform to these other substances so that we can begin to get the job done.

Now, why methyl chloroform? Why should that be added? Methyl choloroform should be added because its potential to deplete the ozone layer is as great as that of chlorofluorocarbons and halons. Once in the atmosphere, mythel choloform, has a life of 3 or 4 years. Its pernicious use makes it a significant ozone depletor. Therefore, if we can limit a substance which has tremendous effect, but which lasts only a few years, then there will be a significant effect in beginning to reduce the adverse effect of these ozone depleting substances.

Chlorofluorocarbons and halons and methyl chloroform, what are they? For what are they used? Chlorofluorocarbons are basically used in air-conditioning and refrigeration. We enjoy the benefits, certainly, of air-conditioning; we enjoy the benefits of refrigeration. Chlorofluorocarbons are also used in foam for insulation and packaging.

Many substitutes have been already developed. In fact, the largest producer of chlorofluorocarbons in our country, Du Pont, agreed on its own a year or two ago to phase out production of CFC's and also to begin to develop their own CFC substitutes. Other companies are also developing substitutes. Here, again, the scientific evidence is very clear. Substitutes can be developed and are being developed in place of CFC's which are used now for refrigeration, air-conditioning, and foam.

These substances are used for degreasing; they are a solvent; they are used to clean parts. They are also used in the electronics industry, in a cleansing process for manufacturers of semiconductors and other electronic equipment. Again, for these processes substitutes are being developed.

Mr. President, the bill also includes provisions to encourage the production of substitutes and a time-frame within which substitutes can be developed. Mr. President, the amendment of the Senator from Rhode Island to add methyl chloroform is a very important contribution to this bill. It is an amendment which should definitely be adopted.

Mr. President, I urge Senators to come to the floor to debate this amendment. We have to vote on this amendment. We have to move this bill. This is the first amendment on which there will be a vote. We have been on the Clean Air Act amendments now for some time, now into the second week, and there has not yet been a vote. I can understand that, because we have reconvened this year after a 2-month recess. There is a problem of inertia. It takes time for the Senate to get geared up. In addition, this is a very complex bill. The Clean Air Act is not an easy, simple act to immediately understand, and Senators and their staffs and various people interested in the bill around the country are beginning to learn what is in this bill. So it takes time. But I urge us to get on with it. Let us get moving. The amendment is now pending. It is before us. I am going to make every effort to try to get a vote on this amendment today. I urge Senators, therefore, to look at the amendment so they can be very well informed about the amendment so they can vote accordingly. When they do look at the amendment, I am quite confident they will realize that this is necessary. The amendment offered by the Senator from Rhode Island should be adopted.

Mr. President, I see the Senator from Minnesota [Mr. DURENBERGER] is on the floor. He has worked very, very diligently on this bill, particularly on a very important part of this bill, the air toxics provisions.

I want to say, Mr. President, to Sentors and the people of Minnesota how much I value the contributions of the Senator from Minnesota. I look forward to working with him as we get this bill agreed to by the Senate.

Mr. President, I thank the Chair. I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. DURENBERGER] is recognized.

Mr. DURENBERGER. Mr. President, I thank the Chair and I thank my colleague from Montana for his very generous comments. I am reminded of our many times in our first terms in the Senate together. We came in together in 1978. We went to his home State of Montana, which happens to be my mother's home State, I having been born in Great Falls—and we talked about health care.

I understand—and I think he would appreciate this a great deal—that just within the last day or so the senior Senator from Montana was honored by the American Hospital Association with an honorary membership, which is something they do because it is less expensive than others, I think. But the significance of the award goes way beyond the honorary membership in the organization because Senator BAUCUS was honored this year with the hospital association's recognition as the outstanding Senator with contributions to rural health care in America.

And those of us from West Virginia, Minnesota, and Montana can certainly appreciate the value of raising the consciousness level across this country of the inadequacy of reimbursement to rural hospitals and rural physicians.

The Senator from Montana and I spent a lot of time in the late seventies and early eighties in his beautiful State dealing with that issue. He has been appropriately recognized by those who should know best across this country for his contributions.

I wanted to mention that today, not apropos the subject we are on here, but I am reminded of the fact that while we gazed off in long distances in the so-called Big Sky country—and I guess you can see farther in Montana than you can see anywhere else in the world because you can get up higher to look at it, more than any place other than Nepal, I suppose—the realities of the clean air were much on the minds of the Senator from Montana at that time.

The problems being created—many of them outside his home State, some of them in his home State, but a variety of them outside of his home State—of atmospheric pollutants were much on his mind at that time.

So I think it is very fitting that he is playing a leadership role on this particular bill, and it is a pleasure for me, given that historic background, to make a small contribution here to our

colleagues' understanding of the most difficult subject.

I came to the floor late last week to talk about the kinds of pollutants that are being regulated under the Clean Air Act. Too many of us tend to think about the Clean Air Act in terms that we can relate to and our constituents can relate to, and are either relating to it as the senior Senator from West Virginia, the Presiding Officer of the Senate currently, would think about it in terms of not only the air in his State but the fact that there are many people in West Virginia to breathe that air because so many West Virginians are rooted in that State because the good Lord millions of years ago blessed that State, of all of the States of this country, with those rich fossils that became the fuel that generated so much of the energy in this world.

So I have heard the senior Senator from West Virginia speak on the environment not only from the quality of air that West Virginians breathe and the rest of Americans breathe, but also in the context of the way in which we use all of Mother Nature's blessings, not just the air but the fossils that became the fuel and the energy which, incidentally, happens to produce jobs in West Virginia.

So each of us comes to this subject from one or the other of thousands of ways to look at it. The most difficult part of this, and the one that I do not do a very good job at certainly, is dealing with the chemistry, dealing with the public health aspects, and dealing with how many people die because this is like the defense budget where you can see people die, or the potential for people dying. Many of the things we talk about here take a lifetime to become a reality.

When the atomic bomb was dropped on Nagasaki or Hiroshima, of course you can see an instant effect. When the Bhopal disaster occurred in India or a similar disaster occurred a few years ago in the State of West Virginia, people did not just drop like flies. When the Three Mile Island problem occurred on this little island in Pennsylvania, people did not drop like flies. The concerns are not easily visually expressed because in so many cases we are talking about long-range health effects for those who are exposed and who in an uninformed way are having their health destroyed.

That is what makes this a very difficult task. That is why it is hard to get 100 Senators to come to the floor to argue this bill to fruition.

So I am going to allot myself a portion of time this morning to try to explain some parts of this bill and some of the regulations of pollutants with which I may be more familiar than others.

There are two kinds of pollutants regulated under the Clean Air Act. One group, called criteria pollutants, are emitted in millions of tons and are air pollution problems across broad regions of the country. There are six criteria pollutants including sulfur dioxide, carbon monoxide, lead, ozone, nitrogen dioxide, and particulates.

EPA sets ambient air quality standards for each of these pollutants and states must take actions to assure that the standard is not exceeded. Issues related to criteria pollutants are generally referred to as the nonattainment problem reflecting the fact that many of our major urban areas have failed to attain Federal standards for healthy air quality.

The other kind of pollutants are called hazardous air pollutants or air toxics. They may be cancer-causing substances, but other health and environmental problems may also be caused by air toxics. My comments this afternoon will focus on routine emissions of these toxic air pollutants.

The list of hazardous substances emitted into the air is a long one. A few examples will serve to illustrate the nature of these pollutants.

The list includes benzene which is a potent cancer-causing substance. The cancer is leukemia. Gasoline fuels sold in the United States are on average 1.6 percent benzene and the percentage has been climbing over the last few years; 85 percent of human exposure to benzene comes from auto pollution.

A second example is mercury. Mercury is a metal found in trace amounts in coal and released to the air when the coal is burned. it is also released by incinerators burning garbage. It is used in latex paints to prevent mildew and as the paint weathers substantial amounts of mercury may be released into the air.

Ammonia is a chemical used in industry. In fact, it is emitted by major manufacturing plants in 30 different industrial groups. It is also a fertilizer and is distributed broadly in commerce for that purpose. Although low exposures to ammonia are safe, high exposures can burn the eyes, skin, and lung tissue. Ammonia emissions in 1987 were larger than the emissions of any other air toxic.

The fluid that dry cleaners use to clean our clothes is a suspected carcinogen released in large amounts. So is the solvent that hospitals use to sterilize equipment. The solvents used in many paints and consumer products are also carcinogenic.

A large portion of the air toxics problem is caused by pollutants which are formed by the combustion of fuels. Diesel soot from buses in cities is an example. Up to 860 cancer cases per year are caused by diesel emissions. Dioxin and furans are also examples of highly toxic combustion byproducts.

The list is long and touches every major industry from mining base metals to making high-technology electronics.

Major manufacturers are now required to report their air emissions of 350 of these substances. The data is summarized in a toxics release inventory by EPA which reported 2.7 billion pounds of air emissions in 1987. I have a chart here, Mr. President, which shows the air emissions as a portion of the total 22.5 billion pounds of toxic substances released into the environment in 1987.

It is thought that the 2.7 billion pounds reported on this inventory are only one-fifth of the actual total air emissions, since not all air toxics are covered and only major industries in the manufacturing sector of the economy must collect data; 10 billion pounds would be a better estimate counting other industry, cars and trucks and all the small sources.

The largest amounts of emissions were in Texas, 239 million pounds; Ohio, 173 million pounds; Louisiana, 138 million pounds; Tennessee, 135 million pounds; and Virginia, 132 million pounds.

Mr. President, I ask unanimous consent that a list of the 25 air toxics which are emitted in the largest quantities and a State-by-State listing of these emissions be printed in the RECORD at this point.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

THE 25 TRI CHEMICALS WITH THE LARGEST TOTAL AIR EMISSIONS, 1967

Total TRI release/transfer rank	Chemical name	Forms reporting TRI air emissions (number)	Total TRI air emissions		TRI air point source emissions		TRI air fugitive emissions	
			Pounds	Percent	Pounds	Percent	Pounds	Percent
7	Ammonia	2,015	318,028,225	11.98	263,255,197	14.53	54,773,028	6.49
9	Toluene	3,052	258,279,298	9.73	158,224,319	8.73	100,054,979	11.85
8	Methanol	1,870	196,038,365	7.38	150,553,896	8.31	45,484,469	5.39
11	Acetone	1,981	178,348,341	6.72	93,382,045	5.16	84,966,287	10.07
14	1,1,1-trichloroethane	2,915	151,233,854	5.70	67,675,070	3.74	83,558,784	9.90
13	Methyl ethyl ketone	2,019	145,810,523	5.49	107,662,482	5.94	38,148,041	4.52
12	Xylene (mixed isomers)	2,625	137,243,778	5.17	104,968,124	5.80	32,255,654	3.82

THE 25 TRI CHEMICALS WITH THE LARGEST TOTAL AIR EMISSIONS, 1967—Continued

Total TRI release/transfer rank	Chemical name	Forms reporting TRI air emissions (number)	Total TRI air emissions		TRI air point source emissions		TRI air fugitive emissions	
			Pounds	Percent	Pounds	Percent	Pounds	Percent
18	Carbon disulfide	76	136,167,830	5.13	132,832,896	7.33	3,334,932	.40
17	Dichloromethane	1,329	118,439,343	4.46	76,552,582	4.23	41,886,781	4.96
19	Chlorine	1,179	110,349,352	4.16	104,616,580	5.78	5,732,772	.68
2	Aluminum oxide	860	83,845,554	3.16	50,721,534	2.80	33,124,020	3.92
24	Ethylene	236	60,792,720	2.29	22,949,800	1.27	37,842,920	4.48
25	Freon 113	991	53,105,656	2.00	17,576,565	.97	35,529,000	4.21
4	Hydrochloric acid	1,860	52,512,848	1.96	45,506,062	2.62	5,006,876	.59
26	Trichloroethylene	821	50,254,196	1.89	26,613,963	1.47	23,640,233	2.80
39	Propylene	275	38,156,393	1.44	12,371,697	.68	25,784,696	3.05
28	Glycol ethers	907	38,067,081	1.43	30,987,766	1.71	7,079,315	.84
31	N-butyl alcohol	864	32,640,700	1.23	24,462,853	1.35	8,177,847	.97
35	Tetrachloroethylene	601	32,163,556	1.21	15,922,299	.88	16,241,257	1.92
27	Styrene	795	30,197,425	1.14	17,864,050	.99	12,213,375	1.45
43	Benzene	455	26,233,524	1.06	9,077,750	.50	19,155,774	2.27
33	Methyl isobutyl ketone	698	27,522,278	1.04	16,806,167	.93	10,716,111	1.27
45	Chloroform	160	25,368,064	.96	17,581,276	.97	7,786,806	.92
52	Carbonyl sulfide	19	29,882,955	.79	20,877,594	1.15	5,361	.00
5	Sulfuric acid	2,279	19,406,368	.73	17,076,332	.94	2,330,036	.28
Subtotal	31,002	2,343,088,247		88.23 1,606,258,961		88.79 734,829,266	87.05	
Total for all others	20,279	312,454,463		11.77 203,125,677		11.21 109,328,786	12.95	
Grand total	51,281	2,655,542,710		100.00 1,811,384,658		100.00 844,158,052	100.00	

TRI FACILITIES, FORMS AND AMOUNT OF AIR EMISSIONS BY STATE, 1987

Total TRI air emissions	State	TRI facilities reporting air emissions (number)	TRI forms reporting air emissions (number)	TRI air emissions			
				Total air		Point source (pounds)	Fugitive (pounds)
				Pounds	Percent		
9	Alabama	288	1,111	98,339,784	3.70	80,087,235	18,252,549
29	Alaska	7	40	31,707,083	1.19	31,416,571	290,512
53	American Samoa	2	2	56,250	0	0	56,250
35	Arizona	118	342	16,565,691	.62	9,131,772	7,433,919
18	Arkansas	234	689	54,559,906	2.05	44,131,320	10,428,586
14	California	1,288	3,863	82,708,429	3.11	46,952,884	35,755,545
40	Colorado	144	386	11,010,395	.41	5,705,790	5,304,605
31	Connecticut	318	972	26,078,031	.98	11,214,461	14,863,570
41	Delaware	48	177	6,036,385	.23	4,709,325	1,327,060
21	Florida	326	825	50,196,070	1.89	30,579,110	19,616,960
11	Georgia	470	1,412	93,586,285	3.52	73,855,512	19,730,773
50	Hawaii	13	49	1,064,495	.04	550,490	514,005
44	Idaho	35	94	4,176,707	.16	3,084,457	1,092,232
8	Illinois	963	3,032	99,226,761	3.74	57,457,414	41,769,347
7	Indiana	566	1,925	112,870,299	4.25	66,005,829	46,864,470
26	Iowa	219	647	39,238,921	1.48	30,879,630	8,359,291
32	Kansas	150	501	24,738,143	.93	17,032,858	7,705,285
19	Kentucky	251	1,050	51,666,181	1.95	34,135,965	17,530,216
3	Louisiana	209	1,287	138,254,193	5.21	113,446,302	24,807,891
36	Maine	66	230	14,607,382	.55	10,784,892	3,822,490
34	Maryland	143	496	20,234,753	.76	14,510,171	5,724,582
30	Massachusetts	467	1,297	30,061,360	1.13	20,024,864	10,036,496
6	Michigan	588	2,250	116,359,932	4.38	89,776,648	26,583,284
23	Minnesota	224	732	42,095,160	1.59	34,506,627	7,588,533
17	Mississippi	203	615	57,285,976	2.16	41,836,600	15,449,376
20	Missiouri	403	1,366	50,623,710	1.91	38,334,504	12,289,206
43	Montana	24	113	5,255,856	.20	1,222,747	4,033,109
37	Nebraska	111	284	14,403,622	.54	10,543,619	3,750,003
52	Nevada	26	55	742,389	.03	403,867	338,522
38	New Hampshire	96	275	12,983,935	.49	10,068,734	2,915,201
24	New Jersey	683	2,301	41,983,116	1.58	25,387,983	16,595,133
45	New Mexico	28	92	3,831,726	.14	2,704,713	1,127,013
12	New York	623	1,992	89,399,757	3.37	55,808,280	33,591,477
10	North Carolina	650	2,028	94,588,576	3.56	62,619,342	31,949,234
51	North Dakota	24	54	935,275	.04	702,032	233,243
2	Ohio	1,011	3,625	172,685,650	6.50	127,288,907	45,396,743
27	Oklahoma	165	480	36,445,117	1.37	27,235,956	9,209,161
33	Oregon	157	469	20,941,392	.79	12,228,299	8,713,093
13	Pennsylvania	810	2,773	87,547,598	3.30	55,643,150	31,904,448
39	Puerto Rico	128	387	12,867,913	.48	5,453,741	7,414,172
42	Rhode Island	126	296	5,927,841	.22	2,891,864	3,035,977
16	South Carolina	315	1,119	64,215,277	2.42	45,683,396	18,531,881
47	South Dakota	27	50	2,441,359	.09	1,806,035	635,324
4	Tennessee	413	1,256	135,010,665	5.08	81,516,954	53,493,711
1	Texas	823	3,890	238,817,765	8.99	107,605,315	131,212,450
15	Utah	81	284	77,327,038	2.91	72,302,799	5,024,237
49	Vermont	39	112	1,379,661	.05	939,015	440,646
48	Virgin Islands	1	18	2,033,873	.08	907,773	1,126,100
5	Virginia	327	1,055	132,436,076	4.99	107,044,894	25,391,182
25	Washington	243	727	40,637,496	1.53	23,992,020	16,645,476
28	West Virginia	91	527	35,564,455	1.34	20,326,581	15,237,874
22	Wisconsin	507	1,553	43,656,361	1.83	3,736,499	10,919,862
46	Wyoming	17	78	3,154,461	.12	1,058,894	2,095,747
Total		15,289	51,281	2,655,542,710	100.00	1,811,384,658	844,158,052
Percent of all reports		79.31	69.16	11.79		8.04	3.75

Mr. DURENBERGER. Mr. President, although these air toxics can cause many adverse health effects, cancer is the principal concern; 25 percent of all Americans die of cancer. There are 1 million new cancer cases reported each year, and 470,000 fatalities from this disease. Most of those deaths are caused by smoking and poor diet. A small, but significant percentage, of the cancers are caused by exposure to environmental pollutants.

Human exposure to toxic substances is principally the result of air pollution. We also find contaminants in drinking water and food, but an EPA study of 18 widely dispersed pollutants

found that most of the human exposure for 13 resulted from air pollution.

In a 1989 study examining the potential cancer-causing effects of exposure to air toxics, EPA estimated a national annual cancer incidence of approximately 2,700 cases as the result of exposure to about 30 toxic air pollutants. This would mean that 190,000 of the Americans now alive might be expected to contract cancer from exposure to these 30 air toxics.

In 1987 the South Coast Air Quality Management District—that is the local air pollution agency for Southern California—released an independent study on ambient concentrations of approximately 20 air toxics in the Los Angeles area. This study found that EPA's estimate of the cancer effects of air toxics may be low, both because it underestimates exposure and because it underestimates risk for specific pollutants.

Based on the California data and extrapolating to the whole Nation, cancer incidence attributable to toxic air pollution may be projected to be as high as 500,000 fatal cases for those Americans now alive.

Both the EPA and California estimates are based on studies of only a small number of the pollutants. The EPA estimate reflects a series of studies for 15 to 30 pollutants. The South Coast Air Quality Management District looked at 20 pollutants—not including products of combustion like dioxins and furans which may be among the most potent threats.

By way of comparison, the air toxics legislation before the Senate lists 200 substances for control. OSHA has regulated about 500 substances in the workplace. And a handful of States with active air toxics programs have set standards for 708 different pollutants. An estimate of cancer risk based on exposure to only 20 or 30 substances certainly understates the threat that this form of air pollution presents to public health.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table from an EPA publication entitled "Cancer Risk from Outdoor Exposure to Air Toxics" which lists the pollutants and estimated cancer cases for the 30 pollutants which EPA reviewed. I also ask unanimous consent that a table summarizing the South Coast study be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

SUMMARY OF ESTIMATED NATIONWIDE ANNUAL CANCER CASES BY POLLUTANT

Pollutant	EPA classification	Estimated annual cancer cases	
		Range estimate	Best estimate
1. Acrylonitrile	B1	13–14	13
2. Arsenic	A	8–68	68
3. Asbestos	A	82–126	88
4. Benzene	A	143–181	181
5. 1,3–Butadiene	B2	244–266	266
6. Cadmium	B1	6–16	10
7. Carbon tetrachloride	B2	31–47	41
8. Chloroform	B2	29–115	115
9. Chromium (hexavalent)	A	113–283	147–257
10. Coke Oven Emissions	A	7–11	7
11. Dioxin	B2	2–125	2–111
12. Ethylene dibromide	B2	25–68	68
13. Ethylene dichloride	B2	16–45	45
14. Ethylene oxide	B1–B2	5–6	6
15. Formaldehyde	B1	124–240	124
16. Gasoline vapors	B2	17–76	17–76
17. Hexachlorobutadiene	C	9	9
18. Hydrazine	B2	6	6
19. Methylene chloride	B2	3–5	5
20. Perchloroethylene	B2	6–13	6
21. PIC		439–1121	439–1121
22. Radionuclides	A	3–7	7
23. Radon [1]	A	10	10
24. Trichloroethylene	B2	5–13	7
25. Vinyl chloride	A	13–25	22–25
26. Vinylidene chloride	C	5–10	10
27. Miscellaneous [1]		15	15
Upper-bound total		1,375–2,922	1,734–2,697

ESTIMATION OF LIFETIME (70 YR) UPPER-BOUND CANCER CASES ASSOCIATED WITH AMBIENT CARCINOGENS IN THE SOUTH COAST AIR BASIN

Air toxics	Data bases		
	Ambient measured	Model predicted	Literature
Organic gases:			
Benzene	6,930	3,860	([1])
Carbon tetrachloride	99	.1	([1])
Chloroform	91	0	([1])
Dioxins and furans	([2])	([2])	20–400
Ethylene dibromide	26	.5	([1])
Ethylene dichloride	([2])	.5	([1])
Formaldehyde	([2])	([2])	2,000
Methylene chloride	562	236	([1])
Perchloroethylene	41	30	([1])
Trichloroethylene	23	([2])	([1])
Trace metals:			
Arsenic	105	.01	([1])
Beryllium	6	.02	([1])
Cadmium	34	67	([1])
Chromium	7,560	7,120	([1])
Nickel	26	6	([1])
Total	15,500	11,320	

[1] Basin-specific data not available
[2] No data available.

Mr. DURENBERGER. Mr. President, the overall number of cancer cases is only one dimension of the problem. Another dimension of the problem is that the risk is not spread evenly. Those living near large chemical plants or in concentrated urban corridors face much higher risks than most Americans. So, it is also an equity issue.

EPA has examined cancer risks at more than 2,600 industrial facilities across the United States as part of its effort to promulgate air toxics regulations. At more than one-quarter of these facilities, toxic emissions produced cancer risks greater than 1 in 10,000 for people living nearest these plants. That is 1 additional cancer for each 10,000 persons exposed to emissions from these plants at the highest levels.

Mr. President, I ask unanimous consent that a table reporting cancer risk for emissions from various industrial plants which EPA has surveyed be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Pollutant	Number of point sources in risk range [1]					
	10^{-1}	10^{-2}	10^{-3}	10^{-4}	10^{-5}	$<10^{-5}$
Acrylonitrile	0	0	3	10	8	5
Arsenic	0	0	6	17	28	33
Asbestos	0	0	5	26	28	270
Benzene	0	0	31	109	24	64
Butadiene	1	34	13	8	2	1
Cadmium	0	0	2	19	77	268
Carbon tetrachloride	0	0	6	15	17	15
Chloroform	0	1	45	49	9	32
Chromium	0	0	2	9	14	394
Coke ovens	0	13	25	5	0	0
Epichlorohydrin	0	0	0	0	0	19
Ethylene dichloride	0	1	7	9	2	1
Ethylene oxide	0	0	1	94	195	4
Methylene chloride	0	0	7	40	114	17
Perchloroethylene	0	0	0	0	340	18
Trichloroethylene	0	0	0	0	4	38
Total	1	49	159	410	853	1,179
Cumulative percentage	0	2	8	23	56	100

[1] Less than 1 percent of the total number of point sources emiting these pollutants are shown. The majority of the point sources not shown would rank in the $<10^{-5}$ range.

Total number of sources assessed: 2,651.

Mr. DURENBERGER. Mr. President, the 1987 south coast study which I cited a moment ago estimates that cancer risks in parts of the Los Angeles area for the mix of air pollutants from industrial sources, highway fuels, and small business may exceed 1 in 1,000. These are extraordinarily high risks. Based on the actual ambient concentrations recorded as part of the study, cancer deaths from air toxics in the Los Angeles metropolitian area alone were projected at 222 per year.

There are two aspects of the high-risk problem. Some people are exposed to concentrated emissions from large industrial or commercial facilities. Others living in concentrated urban areas breathe a complex soup of air pollutants emitted by a large number of sources with additive risks much higher than the risk faced by the average American.

OMB Director Richard Darman was quoted in the press last summer as saying that the chance of dying from exposure to air toxics is about the same as the chance of being hit by lightning. And therefore, we should take the money that would be spent implementing this program and spend it buying every American a pair of rubber soled shoes. I don't know if that is an accurate quote or not. But it is certainly not an accurate representation of the air toxics problem.

Lightning is a random event spreading a small risk of death approximately evenly across the whole population. Toxic air pollution from industrial sources is, on the other hand, not random. The risks are unevenly distributed. Those living near large chemical and manufacturing plants or

in highly developed urban areas face much larger risks than the general population.

It is not just a question of incidence—small risks widely distributed. It is also a question of equity. Those Americans living near these big plants and facing these high risks of toxic air pollution are like lightning rods in our chemical society.

Should some Americans face high exposure to cancer-causing substances as the price of an industrialized society? The technology to substantially reduce these exposures is available. As a nation we can afford to put that pollution control technology in place.

Many Americans need the measure of protection provided by this bill. They can't afford to move to a better neighborhood to avoid the plant or the dump or that oxymoron of urban life, the expressway. It is our responsibility to assure all Americans some measure of protection from the high cancer risk of toxic air pollution.

Mr. President, cancer risk is not the only air toxics problem. Only a third to a half of these chemicals are suspected of causing cancer. The rest are on the list because of other adverse effects: birth defects, genetic mutation, reproductive disfunction, neurotoxicity, damage to internal organs—the kidneys and the liver, principally—accumulation in the tissue of fish and birds.

In fact, many of these pollutants have a health effect which has already been discussed at some length in this debate—they are ozone precursors. They are volatile organic compounds which combine with nitrogen oxides in the atmosphere to form smog. The air toxics provisions of title III in this bill would likely be justified from the standpoint of ozone controls alone, not counting their role in reducing toxic air pollution.

Air pollution has also become a principal source of water pollution. Eighty percent of the most serious toxic pollution including PCB's, mercury and pesticides in Lake Superior and 50 percent in Lake Michigan is fallout from the air and not from sewage or industrial discharges to the lakes or the watershed.

Mercury has recently become a significant water pollutant in the Great Lakes region. Mercury bioaccumulates in the tissue of fish and may affect organisms all up the food chain including waterfowl and man. All of the lakes in the State of Michigan are posted with warnings. Pregnant women and children should not eat the fish at all. Healthy adults should not have more than one meal of fish per week.

Senator CHAFEE mentioned the widespread problem of mercury pollution in his comments last week. I have here a map showing the 20 States in the Union which have posted a lake or river for mercury contamination.

Mr. President, I ask unanimous consent that a list of these 20 States be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

STATES ISSUING HEALTH ADVISORIES FOR MERCURY CONTAMINATION

Alaska, California, Colorado, Connecticut, Oregon, Delaware, Florida, Georgia, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Mexico, New York, North Carolina, South Carolina, Tennessee, Texas, Virginia, Wisconsin.

Mr. DURENBERGER. Mr. President, last fall the Environment Committee held a hearing on the toxic air pollution problem. One of the most moving statements I have ever heard before the Environment Committee occurred when one of the witnesses addressed the mercury contamination problem. The witness was Robert Miller who is director of air quality for the State of Michigan. This is what he had to say:

I am here today to talk to you about one of the most important environmental issues confronting the Great Lakes Region, and, I hope I'll be able to convince you, [one of] the [most] important environmental issues facing the nation.

As I was trying to clear my mind last night of what faced me this morning, I was forcing my mind to think about my trip up north that I have planned in two weeks. As I was doing that, an image came to mind that sort of put in focus the message I want to give you this morning. And that was the image of a father and son going north on a fishing trip sitting around the camp fire preparing the fish that they caught during the day, but having to be worried whether eating those fish was going to affect their health.

The Great Lakes, like a pack of cigarettes, contain, in all of the States, a warning, just like the Surgeon General's warning, that says "Caution: this product can be hazardous to your health."

And it is not just the Great Lakes. We now have a fish advisory for every lake in the State of Michigan against eating the fish or moderating your consumption of fish because of the toxics that are in them. Research indicates that air toxics deposition contributes from 46 to 99 percent of the lead, up to 90 percent of the PCB's and up to 97 percent of the DDT entering the Great Lakes.

Over the past couple of years, I have been asked many times why I am so interested in this air toxics issue. Mr. Miller said it better than I ever could.

Mr. President, I ask unanimous consent that a June 29, 1989, article from the New York Times reporting on toxic pollution in the Great Lakes be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 29, 1989]

TOXIC RISK OF FISH IN LAKE MICHIGAN IS ASSESSED

(By William E. Schmidt)

CHICAGO, June 28.—The contamination of some Lake Michigan sport fish by toxic chemicals poses an increased risk of cancer among people who eat them, according to a report that will be released Thursday by the nation's largest conservation organization.

The release of the report by the National Wildlife Federation, at the peak of the summer fishing season, has stirred controversy—both because of the health questions and the possible economic impact—in the Great Lakes region, where sport fishing is now a $4 billion industry.

State public health and natural resource officials who have seen drafts of the wildlife federation's advisory say they believe it will only lead to further public confusion over the question of toxic contamination in fish. Dr. John P. Giesy, a researcher at Michigan State University's Center for Environmental Toxicology, said the federation's project exaggerates the risk of cancer in humans as a result of eating Great Lakes fish, a risk he describes as low.

Researchers who prepared the report studied only Lake Michigan because it is the most heavily industrialized of the Great Lakes, and because more data is available on it than on the other lakes.

WARNINGS TERMED OUTDATED

In the report, the National Wildlife Federation argues that the problem of toxic pollution in Lake Michigan fish is "more serious than has previously been reported," and that public health advisories on fish consumption issued since the 1970's by states in the Great Lakes Basin do not go far enough to protect the health of consumers.

"We recommend that people should restrict their consumption of Lake Michigan sport fish even more than is currently recommended by public health agencies," the federation advises in its booklet, which is the result of a two-year study. The National Wildlife Federation claims 5.8 million members nationally, of whom about 600,000 are in the Great Lakes states.

The report was prepared by Jeffery A. Foran, a biologist, and Barbara S. Glenn, a toxicologist, both with the federation's Great Lakes Natural Resource Center in Ann Arbor, Mich.

The federation's report calculates the relative risk of cancer that accrues as the result of eating, over a lifetime, varying quantities of certain popular sport fish, including lake and brown trout, chinook and coho salmon, walleye and yellow perch, that have been found to be contaminated by four toxic chemicals persistent in Lake Michigan and the rest of the Great Lakes Basin.

HOW RISKS ARE ASSESSED

Among other things, the report suggests that the risk of cancer is significantly higher from consuming contaminated Great Lakes fish than it is of eating lobster or flounder from contaminated waters in Quincy Bay, Mass., or salmon or Pacific cod from Puget Sound, Wash.

The chemicals, polychlorinated biphenyls, or PCBs, and the pesticides DDT, dieldrin and chlordane, have been associated in laboratory experiments on animals with a range of adverse health effects, including cancer. But recent surveys have failed to find a link between DDT and human cancers.

In drawing its conclusions, the wildlife federation said it used a statistical model of

risk assessment adapted from the Environmental Protection Agency. In developing such risk assessments, researchers expose thousands of mice and rats to doses of chemicals and monitor them to determine rates of cancer. They then employ standard mathematical models to extrapolate risks to humans.

For example, the federation calculates that a person who eats just seven meals over a lifetime of lake trout measuring between 10 and 20 inches in length is running a 1 in 100,000 risk of getting cancer, a level of risk commonly used by government agencies in setting pollution controls.

HOW TO CUT RISKS

By these calculations, the risk level increases along with the amount of fish consumed. A person who eats as many as 70 meals of lake trout over his lifetime runs a much higher risk, of 1 in 10,000, the federation concludes.

Depending on which example is used, that means that of 100,000 people, or 10,000 people, who eat that much fish over their lifetime, one person may develop cancer in addition to those who would have developed cancer even if they had not eaten the fish.

Mark Van Putten, the director of the federation's Great Lakes Natural Resource Center, said the report is not intended to stop people from fishing.

COMMERCIAL FISH STANDARDS

"But people need to know how to reduce their risk of cancer from eating the fish they catch," said Mr. Van Putten. "And they also need to get mad, so government agencies and industry finally do something to clean up the toxic chemicals that are still being loaded into the lakes."

The federation says it is a goal of the advisory to force tougher action against toxic contaminants.

The wildlife federation advisory does not address the Great Lakes $300 million commercial fishing industry, which is regulated by the Food and Drug Administration. But it does describe as "outdated" the standards the agency uses for determining whether commercial fish is contaminated.

However, an official with the Federal agency said most of the fish harvested commercially in Lake Michigan are whitefish, which do not have significant levels of chemical contamination.

Asa Wright of the Michigan Department of Natural Resources said he believes that existing advisories about fish consumption are working. "People want to know, basically, is the fish safe to eat or not?" he said. "And that is what we are trying to tell them."

In general, state advisories for Lake Michigan recommend that people not eat bottom-feeders like carp and catfish, and larger fish of certain species, such as lake trout, chinook and brown trout. Beyond that, people are advised to reduce their consumption to no more than one meal of such fish per week.

The state warnings, like the wildlife federation's, urge that nursing mothers, pregnant women, women who expect to bear children and children under the age of 15 not eat any of the fish listed in the advisories.

Although the levels of toxic chemicals have dropped from their peak in earlier years, there has been a "general leveling off of the rate of decline," says Valdas V. Adamkus, the regional administrator in Chicago for the E.P.A.

Recent studies have detected an increase in certain birth defects, including crossed bills and club feet, among some fish-eating birds, including terns and cormorants. However, there is little evidence of the effect that such chemicals may have on the health of humans who eat contaminated fish.

Mr. DURENBERGER. Mr. President, these toxic air pollutants are emitted by many different sources of human activity. I have here a chart which shows various of the source categories and the number of cancer cases attributable to each based on the EPA study of 30 pollutants which I previously discussed. This chart indicates that the largest portion, that is about 55 percent, of the cancers are caused by emissions from motor vehicles—cars and trucks.

So-called area sources, generally small commercial facilities like service stations, dry cleaners, and pesticide applications cause another 25 percent.

And the final 20 percent of the 2,700 cancer cases are attributed to industrial point sources including chemical plants, oil refineries, utility boilers, coke ovens, and other manufacturing facilities.

I believe this chart may seriously underestimate the contribution of the large industries. Remember that only 30 pollutants were considered in the studies which this data summarizes. Emissions from motor vehicles have been carefully analyzed, but the coverage of industrial emissions is much less complete. EPA's studies cover less than 1 percent of the industrial plants emitting these substances and don't take into account literally hundreds of other toxic pollutants. The industrial contribution to the total cancer toll is likely much greater than this chart would indicate.

Mr. President, I ask unanimous consent that a table containing the data from which this chart was prepared be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF ESTIMATED CANCER CASES BASED ON MODELED AMBIENT CONCENTRATIONS, BY SOURCE CATEGORY

Source category	Annual cancer cases	Percent of total	Principal pollutants
1. Motor vehicles	769–1,461	(53–57)	PIC, 1,3-butadiene.
2. Secondary formaldehyde	106–154	(7.4–6.1)	Formaldehyde.
3. Electroplating	120	(8.3–4.7)	Hexavalent chromium.
4. TSDFs	48–140	(3.3–5.5)	Dioxin.
5. Woodsmoke	89	(6.2–3.5)	PIC.
6. Asbestos, Demolition	81	(5.6–3.2)	Asbestos.
7. Unspecified (point)	25–90	(1.7–3.5)	Arsenic, formaldehyde.
8. Cooling towers	0.01–111	(0.0–4.4)	Hexavalent chromium.
9. Gasoline marketing	22–75	(1.5–2.9)	Gasoline vapors, benzene.
10. Solvent use degreasing	22–36	(1.5–1.4)	Perchloroethylene, methylene chloride.
11. PVC/EDC/vinyl chloride	19	(1.3–0.7)	Vinyl chloride.
12. Iron and steel	17	(1.2–0.7)	Coke oven emissions, benzene, PIC.
13. Unspecified (area)	14	(1.0–0.6)	Carbon tetrachloride.
14. POTWs	13	(0.9–0.5)	Ethylene dibromide, vinyl chloride.
15. Sewage sludge incinerators	13	(0.9–0.5)	Cadmium, vinyl chloride.
16. Coal and oil combustion	11–15	(0.8–0.6)	Arsenic.
17. Municipal waste combustors	2–20	(0.1–0.8)	Dioxin.
18. Petroleum Refineries	8–14	(0.6–0.5)	Gasoline vapors, formaldehyde.
19. 1,3-butadiene production	10	(0.7–0.4)	1,3-butadiene.
20. Styrene-butadiene rubber produciton	10	(0.7–0.4)	1,3-butadiene.
21. Smelters	3–4	(0.2–0.2)	Formaldehyde.
22. Commercial sterilization/hospitals	3–4	(0.2–0.2)	Ethylene oxide.
23. Pesticide production/usage	3.4	(0.2–0.1)	Benzene.
24. Drycleaning	3	(0.2–0.1)	Perchloroethylene.
25. Chemicalm manufacturing (unspecified)	2.3	(0.2–0.09)	Acylonitrile, formaldehyde.
26. Pulp and paper manufacturing	2	(0.1–0.08)	Chloroform.
27. Drinking water	2	(0.1–0.08)	Chloroform.
28. Ethylene dibromide production	1.6	(0.1–0.06)	Ethylene dibromide.
29. Polybutadiene production	1.2	(0.08–0.05)	1,3-butadiene.
30. Ethylene oxide production	1.2	(0.08–0.05)	Ethylene oxide.
31. Ethylene dichloride production	1.2	(0.08–0.05)	Ethylene dichloride, trichloroethylene.
32. Waste oil burning	0.6	(0.04–0.02)	Arsenic.
33. Chlorohydrocarbon prod.	0.6	(0.04–0.02)	Trichloroethylene.
34. Asbestos manufacturing	0.5	(0.04–0.02)	Asbestos.
35. Asbestos renovation	0.4	(0.03–0.02)	Asbestos.
36. Glass manufacturing	0.4	(0.03–0.02)	Arsenic.
37. Hazardous waste combustors	0.3	(0.02–0.01)	Hexavalent chromium.
38. Paint stripping	0.3	(0.02–0.01)	Trichloroethylene.
39. Pharmaceutical manufacturing	0.2–0.4	(0.01–0.02)	Chloroform.
40. Benzene fugitives	0.2	(0.01–0.01)	Benzene.

SUMMARY OF ESTIMATED CANCER CASES BASED ON MODELED AMBIENT CONCENTRATIONS, BY SOURCE CATEGORY—Continued

Source category	Annual cancer cases	Percent of total	Principal pollutants
41. Nitrile elastomer production	0.16	(<0.01)	Acrylonitrile.
42. ABS/SAN production	0.13	(<0.01)	Acrylonitrile.
43. Asbestos fabricating	0.13	(<0.01)	Asbestos.
44. Other	13	(0.9–0.5)	Radon.
Total	1,440–2,545		

Mr. DURENBERGER. Mr. President, section 112 of the Clean Air Act adopted in 1970 requires EPA to list each hazardous air pollutant which is likely to cause an increase in death or serious illness. Within a year after listing EPA is to establish emissions standards which would apply to sources of the listed pollutant providing an ample margin of safety to protect public health.

In the 18 years of administering section 112, EPA has listed only eight pollutants: mercury, beryllium, asbestos, vinyl chloride, benzene, radionuclides, inorganic arsenic and coke oven emissions. No standard has been promulgated for coke oven emissions and for many of the other pollutants only a few of the source categories emitting the substance are actually regulated.

For instance, mercury is a listed substance, but mercury emissions from powerplant boilers exempt from standards are contributing to high mercury levels which cause lakes to be posted with health warnings in 20 States. Coal combustion contributes about one-quarter of all mercury emissions.

The problem under current law is a disagreement about the regulation of the cancer-causing pollutants. The law says that EPA is to provide an ample margin of safety to protect public health. Safety is the bottom line. But Government policy since the 1950's has been based on the principle that there is no safe level of exposure to a carcinogen. Taken together the two principles imply zero emissions of cancer-causing agents. That would be the only way to assure safety. But in an industrial society zero-emissions is a practical impossibility. This is the dilemma—in the very language of the law—which has paralyzed EPA for 20 years.

Over that period EPA has tried in a variety of ways to solve this dilemma by factoring feasibility and cost considerations into the very stringent health standard for hazardous air pollutants in the current Clean Air Act. They have been sued and lost on each occasion.

There is now a general consensus that section 112 needs revision. Industry has for many years opposed changes to the air toxics provisions of the Clean Air Act. However, in 1989 witnesses for the Chemical Manufacturers Association testifying before the Congress on behalf of a large coalition of industrial concerns finally acknowledged that the law does not protect public health and needs amendment.

The Environment and Public Works Committee has been working on amendments to section 112 since 1984. That work was started by the distinguished manager of the bill, Senator BAUCUS, whose amendment to the bill reported by the committee in the 98th Congress laid the foundation for the proposals we are considering today.

In 1987, the committee reported more extensive amendments to section 112 based on legislation which I introduced along with Senator LAUTENBERG and other members of the committee. As we prepared for possible floor debate in late 1988, committee members engaged in a series of discussions with the then-administrator of the Environmental Protection Agency, Mr. Lee Thomas, to reach a compromise. Although complete agreement was not reached, Mr. Thomas did release a proposed air toxics bill from EPA. We also made significant modifications in the bill that we had reported to close the gap between the committee and the executive branch.

At the opening of the 101st Congress, Senator BAUCUS asked Senator LAUTENBERG, Senator BREAUX, and I to jointly develop a bill for introduction. We did, to the surprise of many. The compromise bill, S. 816, which the three of us produced was sponsored on a bipartisan basis by 13 members of the committee and has been reported without significant change for consideration by the full Senate.

Subsequently, President Bush prepared and submitted legislation which in its structure and most of its details is very similar to the program which the committee has developed. The President's bill has contributed greatly to forming a consensus on this difficult subject. I very much appreciate the commitment which the President and the people in his administration have made to resolve this difficult problem.

I want to emphasize the long effort to accommodate views and concerns in the preparation of this bill. Dozens of changes have been made over the 3 years that this specific proposal has been under consideration here in the Senate.

This bill has not sprung from the well of environmental extremism as some would assert. That charge is very surprising to me. The original Clean Air Act authored by Senator Muskie and reported to the Senate in 1970 prohibited any emissions of the hazardous air pollutants listed under section 112. Zero emissions. The Congress ultimately adopted a standard requiring an ample margin of safety to protect public health implying zero emissions of cancer-causing substances.

That's current law, the policy adopted by the 91st Congress 20 years ago. It is a very stringent standard for the protection of public health. Some might even call it environmental extremism. But I suspect that most Americans would still endorse the language of section 112 as the appropriate goal for clean air—an ample margin of safety to protect public health.

It is not a program, however. Section 112, whatever its appeal as a plain statement of the public's expectations, has not worked as a program because it asks more than any administrator of EPA has ever been willing to require.

So, we're in the business of moderating current law. It is a moderate program that we propose. As I hope to show today, the program this bill would establish builds on 20 years of experience in regulating toxic substances in various media. It makes no great departure from accepted practices and principles.

It is comprehensive. Measured by the meager record of current law, it will have a large impact.

But it is also reasonable. Measured by the impossible expectations and schedules of the current statute, it provides a program which is deliberate, which reflects the limited capacity of the Government and the regulated community to reduce the threat to public health presented by hazardous air pollutants.

MACT PROGRAM

The new air toxics program required by S. 1630 will have two phases. In the first phase EPA is to require major sources of these air toxics to install best available pollution control technology. There is also a program to control the smaller area sources. In a second phase, the bill imposes more stringent standards, if they are necessary to protect public health.

The bill establishes a list of 191 air pollutants and a mandatory schedule for issuing emissions standards for the major sources of these pollutants. The standards are to be based on the maximum reduction in emissions which can be achieved by application of best

available control technology taking cost into account.

These technology standards should achieve emissions reductions that average between 90 and 95 percent from current levels. Major sources of air toxics, like chemical plants, oil refineries, steel plants, and wastewater treatment plants, will be grouped into industrial categories. Over a 10-year period EPA will set standards for 200–250 categories of sources. After the standard is published for an industrial group, sources in the category will have 3 years to comply.

Mr. President, this approach to regulation of toxic pollutants is not without precedent. A program very similar to the one I have just described has already been implemented under the Clean Water Act for toxic discharges to surface waters.

Toxic pollutants under the 1972 Clean Water Act were to be regulated using the same authorities that had been made available to regulate hazardous air pollutants under the Clean Air Act in 1970. EPA was to publish a list of toxic pollutants within 90 days and within a year promulgate effluent standards that would provide an ample margin of safety to protect the most affected aquatic organisms. Thus, the original authority to regulate toxic discharges to surface waters was very similar to the current structure of section 112 of the Clean Air Act.

And like the Clean Air Act toxics provisions, it didn't work. During the 3-year period following passage of the 1972 Clean Water Act, EPA promulgated standards for only six toxic pollutants. In the mid-1970's the Environmental Defense Fund and the Natural Resources Defense Council brought suit against the Agency for failure to list more toxics and to promulgate standards as mandated by the act. In June 1976, EPA and the plaintiffs entered into a consent decree that established a new formula for the development of effluent standards for toxic water pollutants.

This agreement created a list of 129 priority pollutants and required EPA to promulgate effluent guidelines based on best available control technology for each pollutant and each industrial category. There were 14,000 dischargers divided into 21 industrial categories and 399 subcategories subject to these toxics standards.

When it amended the Clean Water Act in 1977, Congress incorporated the basic provisions of the consent decree into the statute. The 129 priority pollutants were listed by law. EPA was required to issue BAT standards for each industrial category. The program to control toxic effluent through categorical standards based on the best available control technology for major industrial categories is now in place.

The provisions of S. 1630, the bill now before the Senate, requiring the development of standards for many industrial categories of toxic air emissions are very similar to those which have already been implemented under the Clean Water Program. The definitions are parallel. The regulated entities are likely to be the same industrial plants. The list of pollutants is of approximately the same length. And the period of time to implement the program is based on the clean water experience.

Considering that we have been through it all once before, the Senate should be very comfortable with the standard-setting program which this bill mandates for air toxics in the first phase.

AREA SOURCE PROGRAM

The bill contains a separate program to control the smaller area sources of these pollutants. Area sources include dry cleaners, wood stoves, gas stations and cars, buses, and trucks. EPA is to develop a national area source strategy which will reduce cancer risks from these pollutants by 75 percent, the goal the President announced last summer.

RISK ASSESSMENT

Mr. President, the next area that I want to talk about, before I get into what has become the somewhat controversial second phase of the air toxic program, I am going to describe the risk assessment process which the EPA uses to determine the health effects of these pollutants. This discussion, if you thought the rest of this was technical, and we have not quite emptied the galleries, but if you thought the rest of this was technical, this is the part that really gets technical, and if you have something else to read it might be a good time to do it. I know the current occupant of the Chair will not do that. He is going to obviously pay attention to all of this. But it is kind of important because the experts up in the galleries that are concentrating on what we are doing here know that this risk assessment is sort of a foundation stone to a very thorough debate on the health protection aspects of this program.

We have a chart that shows how technical this looks.

Here, for all of you that love to look at charts—this is not quite Rube Goldberg—those of you who have the ability to concentrate on this process can follow the general outline of the risk assessment methodology. As we begin with the basic chemical, we follow it through its sources which are the pathway to exposures in air, surface water, and ground water. We follow our lab experiments. This is where little animals and so forth get involved in the process. We do not want to show little animals—it is not popular—so we show test tubes here. But this is the lab experiment, the epidemiological studies which result in dose and response data on this side.

Out of the examination of sources of chemical pollution, we follow the exposure assessments where we model the fate in the transport of the chemical, we monitor it, we come up with the ambient pollution concentrations, and we determine the estimated health risk to that population. Over on the lab side, we do potency assessment, we identify the hazards with some specificity, we get the input from our epidemiological studies, and we do quantitative potency estimates. Again these combine here with people in estimating the health risk.

That is up there to give a general picture of what risk assessment is all about.

For most of the adverse health effects caused by these pollutants—effects like liver and kidney damage, bronchial irritation, nerve damage, and skin or eye irritation—there are levels of exposure below which no adverse effect will occur. There is a safety threshold that can be identified. These levels are generally determined by exposing laboratory animals, sometimes humans, for the milder effects, to various doses of a substance to determine the safe level of exposure, the no effects level.

Public health standards for exposure are then set at that level or below, with a margin of safety often included to protect especially sensitive populations, like children and those with preexisting illness.

For cancer-causing substances, which are also called carcinogens, Government policy has long been based on the principle that there is no safe level of exposure. There is no threshold for adverse effects. This policy principle was established by HEW Secretary Arthur Fleming in the mid-1950's in testimony before the Congress. It is based on the presumed cancer mechanism where one aberrant cell, triggered by exposure to one molecule of a cancer-causing substance, can develop into a tumor.

Even though there is no safe level of exposure, the chances of contracting a cancer from exposure to a particular substance are not the same for all levels of exposure. The chances of contracting a cancer increase as the level of exposure and the length of time that a person is exposed increase. And some carcinogens are more potent than others—that is, smaller exposures are more likely to produce tumors.

The relationship between the level of exposure and the likelihood of contracting a cancer for any particular substance is expressed as a probability, like 1 in 10 or 1 in 100, or 1 in 1,000,000, and is determined by exposing laboratory animals to the substance at various levels. The experi-

mental animal exposures are high compared to those which would be experienced by the human population.

These high dose animal exposures are then extrapolated to low dose human exposures using a statistical model taking into account the type of exposure and the appropriate physical characteristics of the populations. In some cases, human data can be used to determine cancer risk probabilities where workers have been exposed to a high level of a substance and the effect is pronounced.

The probability of contracting a cancer is usually stated as the excess number of cancers which would occur over a lifetime as the result of exposure to a substance at a particular level. Each person has about a 25 in 100 chance of contracting cancer currently. If, in addition to the background causes, a person is exposed for a lifetime to an air pollutant with a 1 in 100 risk, then the chances of getting cancer increase to 26 in 100. Emissions from coke ovens located at steel plants are associated with cancer risks in the 1 in 100 range.

Public health agencies like EPA are engaged in a process of determining which substances are carcinogens and the level of risk associated with various levels of exposure. Substances which have demonstrated cancer-causing potential are generally classified as "known," "probable" or "possible" human carcinogens. Mr. President, I ask that a list of the substances which have been classified as carcinogens by EPA be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

UNIT RISK FACTORS USED TO COMPARE CANCER RISK

Pollutant	EPA Classification *	Unit risk factors $(\mu g/m3)^{-1}$	Reference
1. Acetaldehyde	B2	$2.2X10^{-6}$	1
2. Acrylamide	B2	$1.1X10^{-3}$	2
3. Acrylonitrile	B1	$6.8X10^{-5}$	1
4. Aldrin	B2	$4.9X10^{-3}$	3
5. Allyl chloride	B2	$5.5X10^{-6}$	2
6. Aniline	B2	$7.4X10^{-6}$	3
7. Arsenic	A	$4.3X10^{-3}$	1
8. Asbestos	A	$7.6X10^{-3}$	1
9. Benz(a)anthracene	B2	$8.9X10^{-4}$	3
10. Benzene	A	$8.3X10^{-6}$	1
11. Benzidine	A	$6.7X10^{-2}$	3
12. Beryllium	B2	$2.4X10^{-3}$	2
13. Bis(chloroethyl)ether	B2	$3.3X10^{-4}$	3
14. Bis(chloromethyl)ether	A	$2.7X10^{-3}$	3
15. Bis(2-ethylhexyl)phthalate	B2	$2.4X10^{-7}$	4
16. 1,3-Butadiene	B2	$2.8X10^{-4}$	1
17. Cadmium	B1	$1.8X10^{-3}$	1
18. Carbon tetrachloride	B2	$1.5X10^{-5}$	1
19. Chlordane	B2	$3.7X10^{-4}$	3
20. Chloroform	B2	$2.3X10^{-5}$	1
21. Chloromethane		$3.6X10^{-6}$	4
22. Chromium (VI)	A	$1.2X10^{-2}$	1
23. Coke oven emissions	A	$6.2X10^{-4}$	1
24. DDT	B2	$3.0X10^{-4}$	3
25. Dibenz(a,b)anthracene	B2	$1.4X10^{-2}$	3
26. 1,2-Dibromo-3-chloropropane	B2	$6.3X10^{-3}$	3
27. 1,2-Dibromoethane		$2.2X10^{-4}$	4
28. 1,2-Dichloroethane	B2	$2.6X10^{-5}$	3
29. 1,1-Dichloroethylene	C	$5.0X10^{-5}$	3
30. 1,2 Dichloropropane	C	$1.8X10^{-5}$	5
31. Dieldrin	B2	$4.6X10^{-3}$	3
32. Diethylstilbestrol		$1.4X10^{-1}$	4
33. Dimethylnitrosamine		$5.4X10^{-3}$	2
34. 2,4-Dinitrotoluene	B2	$8.8X10^{-5}$	3

UNIT RISK FACTORS USED TO COMPARE CANCER RISK—Continued

Pollutant	EPA Classification *	Unit risk factors $(\mu g/m3)^{-1}$	Reference
35. 1,4-Dioxane	B2	$1.4X10^{-6}$	3
36. Dioxin	B2	[b] 3.3X10	2
37. 1,2-Diphenylhydrazine	B2	$2.2X10^{-4}$	3
38. Epichlorohydrin	B2	$1.2X10^{-6}$	1
39. Ethylene dibromide	B2	$2.2X10^{-4}$	1
40. Ethylene dichloride	B2	$2.6X10^{-5}$	1
41. Ethylene oxide	B1–B2	$1.0X10^{-4}$	2
42. Formaldehyde	B1	$1.3X10^{-5}$	1
43. Gasoline vapors	B2	$6.6X10^{-7}$	6
44. Heptachlor	B2	$1.3X10^{-3}$	3
45. Heptachlor epoxide	B2	$2.6X10^{-3}$	3
46. Hexachlorobenzene	B2	$4.9X10^{-4}$	2
47. Hexachlorobutadiene	C	$2.2X10^{-5}$	3
48. Hexachlorocyclohexane	B2	$5.4X10^{-4}$	3
49. Alpha-Hexachlorocyclohexane	B2	$1.8X10^{-3}$	3
50. beta-Hexachlorocyclohexane	C	$5.3X10^{-4}$	3
51. gamma-Hexachlorocyclohexane (lindane).	C	$3.8X10^{-4}$	3
52. Hexachlorodibenzo-p-dioxin, 1:2 mixture.	B2	$1.3X10^{-6}$	3
53. Hexachloroethane	C	$4.0X10^{-6}$	3
54. Hydrazine/Hydrazine sulfate	B2	$2.9X10^{-3}$	4
55. Melamine	Not rated	$4.2X10^{-4}$	6
56. Methyl chloride	C	$3.6X10^{-6}$	2
57. 3-Methylchloanthrene	B2	$2.7X10^{-3}$	3
58. 4,4-Methylene-bis(2-chloroaniline)	B2	$4.7X10^{-5}$	3
59. Methylene chloride	B2	$4.7X10^{-7}$	2
60. Methyl hydrazine	B2	$3.1X10^{-4}$	3
61. Nickel refinery dust	A	$2.4X10^{-4}$	3
62. Nickel (subsulfide)	A	$4.8X10^{-4}$	1
63. 2-Nitropropane	B2	$2.7X10^{-3}$	3
64. n-Nitrosodi-n-butylamine	B2	$1.6X10^{-3}$	3
65. n-Nitrosodiethylamine	B2	$4.3X10^{-3}$	3
66. n-Nitrosodimethylamine	B2	$1.4X10^{-3}$	3
67. n-Nitroso-n-methylurea	B2	$8.6X10^{-3}$	3
68. n-Nitrosopyrrolidine	B2	$6.1X10^{-4}$	3
69. Pentachloronitrobenzene	C	$7.3X10^{-5}$	3
70. Perchloroethylene	B2	$5.8X10^{-7}$	2
71. PCB's	B2	$1.2X10^{-3}$	3
72. Pronamide	C	$4.6X10^{-6}$	3
73. Propylene oxide	B2	$3.7X10^{-6}$	2
74. Reserpine	B2	$3.0X10^{-3}$	3
75. Styrene	B2	$5.7X10^{-7}$	1
76. 1,1,2,2-tetrachloroethane	C	$5.8X10^{-5}$	3
77. Thiourea	B2	$5.5X10^{-4}$	3
78. Toxaphene	B2	$3.2X10^{-3}$	3
79. 1,1,2-Trichloroethane	C	$1.6X10^{-5}$	3
80. Trichloroethylene	B2	$1.7X10^{-6}$	2
81. 2,4,6-Trichlorophenol	B2	$5.7X10^{-6}$	3
82. Vinyl chloride	A	$4.1X10^{-6}$	[c] 2
83. Vinylidene chloride	C	$5.0X10^{-5}$	1

* For a discussion of how EPA evaluates suspect carcinogens and more information on these classifications, refer to "Guidelines for Carcinogen Risk Assessment" (51 Federal Register 33992). The EPA classifications used in this report are: A=proven human carcinogen. B=probable human carcinogen (B1 indicates limited evidence from human studies; B2 indicates sufficient evidence from animal studies but inadequate evidence from human studies). C=possible human carcinogen.

[b] Based on inhalation study. Oral study suggests a unit risk factor of $3.3X10^{-3}$.

[c] Oral studies suggest a unit risk factor of $4.2X10^{-5}$. U.S. Environmental Protection Agency, Office of Research and Development, Office of Health and Environmental Assessment. Health effects assessment summary tables, first quarter fiscal year 1989. January 1989.

Mr. DURENBERGER. Mr. President, the risk is stated in terms of probabilities, generally, as the number of additional individuals per 100, 1,000, 10,000, 100,000 or 1,000,000 which would contract a cancer as the result of exposure to a substance at a particular concentration in the air over a whole lifetime of exposure—that is, 24 hours per day for 70 years.

A 1-in-100 chance may also be stated as 1×10^{-2} (1 times 10 to the minus 2) or just 10^{2} (10 to the minus 2). A 1-in-1,000,000 chance would also be stated as 1×10^{-6} (1 times 10 to the minus 6) or just 10−6 (10 to the minus 6). Risks don't always fall at the whole number level. One might see a number like "7.2×10^{-5}" (7.2 times 10 to the minus 5) which means that for each 100,000 persons exposed to the substance at precisely that concentration over a 70-year lifetime, 7.2 persons would be expected to contract a cancer.

In the case of point sources like industrial plants, the persons living closest to the plant will have the highest risks because the concentration of the substance will be greatest near the fenceline of the plant. At least a portion of the air toxics debate is stated in terms of the risk to the maximum exposed individual or MEI, an hypothetical person living at the fenceline of the plant breathing the emissions 24 hours per day for 70 years.

Risk numbers are individualistic; they refer to the likelihood of an adverse effect experienced by one person at a particular place and level of exposure, even though they are stated as if large groups were exposed.

Cancer effects may also be stated as an incidence number—that is, the number of people in any group who may be expected to contract cancer in any 1 year as a result of exposure to the substance. This translates the risk to individuals into a mortality toll for the whole community stated as cancer cases per year.

For air pollutants like benzene which are emitted by a large number of sources—in the case of benzene, its automobiles—exposure is likely to be approximately the same for almost all persons in the group. Therefore, very high cancer incidence levels may occur. The study by the South Coast Air Quality Management District which I cited a moment ago indicates that there may be 99 leukemia cases in the Los Angeles area alone each year as the result of exposure to benzene emissions.

On the other hand, air pollution from point sources like industrial plants disperses rapidly as the distance from a source increases. Exposure for any sizeable group of people is likely to be low for most and the estimation of the incidence is likely to be low in these cases. Coke ovens used in steelmaking present very high risks to those living nearest the fenceline of the plant. But incidence may be low. EPA's estimate indicates that the 43 coke oven batteries in operation cause an additional 7 to 11 cancer cases per year across the whole country.

These two means of describing risk, the risk of contracting a cancer experienced by the person most exposed, and the overall incidence of cancer in a community where exposure levels are likely to vary a great deal—reflect two different aspects of the air toxics problem. Incidence is the public health concern stating the actual mortality and morbidity that may be caused by air pollution. The risk to the maximum exposed individual—to the so-called MEI—is the equity concern reflecting the uneven distribution of cancer risk.

HEALTH STANDARDS AND RESIDUAL RISK

The bill addresses the air toxics problem with a two-phase program. In

the first phase, which I described a moment ago and which works like the Clean Water Act, all major sources of 191 listed substances will be required to meet an emissions standard based on application of the maximum achievable control technology [MACT]. There is a broad consensus in support of the first phase of the program. The bill reported by the committee and the President's bill are very similar for the first phase of the program.

The second phase of the program is designed to eliminate adverse health and environmental effects which may continue to be present even after best available control technology has been installed. There is no guarantee that best available control technology will reduce emissions by an amount sufficient to provide safe levels of exposure. In the case of carcinogens there is no safe level of exposure. There will always be a risk remaining after technology-based controls, unless emissions are entirely eliminated. The second phase of the program is designed to reduce these residual or leftover risks.

The residual risk phase of the program divides the air toxics into two groups. For the first group, those substances which are not known to be carcinogens and for which a safe level of exposure can be determined, EPA is to assure that the standard reduces emissions to levels below the safety threshold, with an ample margin of safety for sensitive populations.

The second type of pollutants are the carcinogens, the substances which EPA has determined may cause cancer based on animal studies or human mortality data. Almost all of the controversy which is being generated by this air toxics legislation centers on the part of the program which addresses the residual risk of those substances on the list which are classified as carcinogens.

For each carcinogen, EPA is to set two residual risk standards that are simultaneously applicable. One is to be set at the emissions level reflecting a 1-in-1,000,000 lifetime risk of cancer to the individual who would be most exposed to emissions from plants in the industrial category. And a second standard is to be set at a level reflecting a 1-in-10,000 lifetime risk to the maximum exposed individual.

Each source—that is each industrial plant—must meet the 1-in-1,000,000 emissions standard in 3 years, if it can—if technology is feasible to reduce emissions to that level. However, if a plant can demonstrate, on a case-by-case basis, that the technology is not available to meet the 1-in-1,000,000 standard, then it can get a waiver from the requirement. The waiver would be granted by the State agency issuing the permit for the plant. The waiver could be renewed each 5 years when the permit is renewed.

Any plant which gets a waiver from the 1-in-1,000,000 standard will be subject to the 1-in-10,000 standard. Again, the compliance period is 3 years. And again some flexibility is provided. Any plant which can demonstrate to EPA that it would have to shut down as the result of the emissions limitation at the 1-in-10,000 level can be granted a one-time, 5-year extension. If it still cannot meet the standard at the end of the 5-year period, it must shut down.

No plant will be subject to a shutdown requirement until at least 15 years after the bill is enacted and some will have up to 23 years before compliance is required. The 15-year compliance date results from a long series of regulatory steps.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Minnesota yield to the Senator from Connecticut?

Mr. DURENBERGER. I will be pleased to yield.

VISIT TO THE SENATE BY THE SPEAKER OF THE HUNGARIAN PARLIAMENT

Mr. LIEBERMAN. I thank the Senator from Minnesota. I interrupt briefly for a special introduction to the Members of the Senate.

Today we are honored by the presence of the Speaker of Hungary's Parliament, Mr. Istvan Fodor. Mr. Fodor has been in the vanguard of the democratic movement in Hungary since being elected to parliament in 1980. Throughout the 1980's, he helped lead the fight for pluralism and open elections in his country. At the end of 1988, he was instrumental in establishing an independent group of members inside the Parilament. Since October 1989, he has been the Speaker of the Parliament.

As we know, Hungary has been at the forefront of peaceful, democratic change in Eastern Europe. Democratic leaders, like Mr. Fodor, did not give up hope after the brutal repression of the Hungarian Revolution in 1956. They worked patiently for years pushing for economic and political reforms. Their efforts were crowned last year when the remains of Imre Nagy, the leader of that revolt, were disinterred from an anonymous mass grave and given a state burial. A righteous and courageous man was finally given his due.

Mr. President, today Hungary is looking to the future. It has already adopted major economic reforms that have attracted economic investments from the United States, Western Europe, and Japan. Equally important, Hungary is proving to be a model for other Eastern European countries on the way to political reform. Multiparty elections will take place within 8 weeks, on March 25. Hungary deserves our support for leading the democratic changes in Eastern Europe. Members of this body, I know were proud to come forward in a very tangible way to offer the first examples and evidence of that aid last fall before our recess. Gallant leaders like Speaker Fodor have our gratitude for leading the way toward the end of totalitarianism in Eastern Europe and for leading the way to a better tomorrow for the people of Hungary and a more peaceful tomorrow for all the people of the world.

I hope that those of my colleagues who are on the floor will have the opportunity in the next few moments to say hello and welcome and good luck to Speaker Fodor.

Again, I thank my friend and colleague from Minnesota for yielding these few moments of his time.

The PRESIDING OFFICER. In behalf of all of us here in the Senate, Mr. Fodor, we welcome you here. It would be nice if you were to see all of us on the floor this morning. That is not the way democracy works. Senators are busy in their committees. It is a pleasure and privilege to have you with us today. Thank you very much.

The Chair recognizes the Senator from Minnesota.

Mr. DURENBERGER. I am certainly honored to be here at the time Mr. Fodor, the Speaker, is here. It may be some democracies do not work like this. If you can manage to get all members of your assembly on the floor at any one time, I congratulate you. Every speaker on the floor would love to have the audience of all of his colleagues. But I can tell from the statement I am making now, which is going on much too long, even though it is designed to educate, while so many of my colleagues are in committee meetings during the course of this day, we have the wonderful invention of television and variety of other medium by which our colleagues are provided with an opportunity to expand the representative part of this very special democracy. I consider it an honor for the Senator from Connecticut to have interrupted me at this particular point.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. DURENBERGER. Mr. President, the first technology-based standards [MACT] are to be issued 2 years after enactment. Sources will have 3 years to comply, 5 years from enactment. The residual risk review does not begin until after the MACT compliance date and will continue for 2 years. It is completed 7 years after en-

actment. If a residual risk standard is necessary, sources will have 3 years to comply; that is 10 years from enactment. And if sources would be required to shut down, they would be given 5 more years for total of 15 years from the time the President signs this bill until the date that risks would have to be reduced to the 1-in-10,000 risk level.

That is certainly a generous regulatory schedule. Under current law, zero emissions are to be accomplished within 15 months—months not years—from the day on which EPA first lists a carcinogen as a hazardous air pollutant.

For some sources the whole process will begin much later, because the last of the technology-based standards, the MACT standards, may not be issued until 10 years after enactment. Sources in the last group would not be subject to an absolute requirement to meet the 1-in-10,000 risk level until 23 years after enactment.

To summarize the program for health-based standards: It is a second phase of the standard-setting process which comes after the technology-based standards. It applies at the same plants which have installed technology and is intended to assure that public health and the environment are fully protected. For cancer-causing substances, the goal of the program is to reduce risks to a level no greater than one excess cancer for each million persons who might be exposed to the highest emissions levels from plants in the source category.

If plants cannot meet the 1-in-1,000,000 risk level they can get a waiver. But they must meet a 1-in-10,000 level not later than 10 years after they have complied with the technology-standards, which for the first sources regulated is 15 years after enactment of the bill.

For pollutants other than carcinogens, emissions are to be reduced to levels below the safety threshold with an ample margin of safety to protect public health.

SUPPORTING PRECEDENTS AND OTHER EVIDENCE

Senators may well ask whether there is any precedent for the health-based standards, the residual risk program, that the committee is proposing. As has already been said here on the floor, this is an extremely complex area of public policy. And the committee bill sets clear goals for public health protection. If the approach we are recommending was entirely untried, we would bear a heavy burden in this debate.

But that is not the case. There are several precedents and other evidence which can be cited in support of this particular approach.

First, many States already use these tools in their own programs to regulate air toxics.

Second, the Federal Superfund law which deals with very similar public health issues is built along these same lines.

Third, this program is consistent with the two-step process for setting standards which Judge Bork established in a case decided by the D.C. Court of Appeals addressing the regulation of vinyl chloride, an airborne carcinogen, as a hazardous air pollutant under current law.

And fourth, I will share with the Senate the recommendations of a group of experts in the field of risk assessment who were gathered to consider these very same questions and who recommended much the same approach at the conclusion of their deliberations.

Mr. President, 28 States already use or are planning to use risk assessment procedures like those which the committee is recommending to control air toxics.

The 28 States are Arizona, California, Colorado, Connecticut, Florida, Idaho, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

There is variation in these State programs, to be sure. Not all States use the same benchmarks. Some States focus on 1-in-1,000,000. Some are at 1-in-100,000. Only Louisiana uses a 1-in-10,000 risk level like the upper limit on risk in the Senate bill.

And risk assessment is used for a variety of purposes in these State programs. Most States use it to define acceptable levels of exposure to carcinogens. Some only use it for screening purposes, to identify pollutants which are of concern. Others only use it for some pollutants or for some types of facilities. But the point is that it is a methodology already widely used at the State level to control airborne carcinogens.

Mr. President, I ask unanimous consent that a chart listing the 28 State programs which use risk management for the regulation of cancer-causing air toxics be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RISK ASSESSMENT: STATE AGENCIES [1]

Agency:	Source of risk factors			Use of risk assessment results			Acceptable risk levels	
	EPA	Agency	Other	Screening	Additional CTRL	Other	New sources	Existing sources
Arizona	X					To determine level of control required to meet ambient stds.	1X10	
California			X			To set priorities and determine benefits of control		
Colorado			[2]P				Planned $1X10^{-6}$	
Connecticut	X	X	X			To establish ambient air quality standards	Varies	Varies
Florida							$1X10^{-6}$	[3]
Idaho	X			X	X		$1X10^{-5}$	
Iowa	X				X		$1X10^{-6}$	
Kansas	X			X			$1X10^{-6}$	
Louisiana	X			X			$1X10^{-4}$	$1X10^{-4}$
Maryland	X	X	X			For screening analysis and case-by-case risk management	Planned $1X10^{-5}$	$1X10^{-5}$
Massachusetts	X	X				To set AALS and in some overall environmental assessments	$1X10^{-6}$	
Michigan	X	X		X	X		$1X10^{-6}$	
Minnesota	X				X		$1X10^{-5}$	$1X10^{-5}$
Mississippi	X				X		$1X10^{-6}$	$1X10^{-6}$
Missouri	[2]P					To determine risks at superfund sites		
New Jersey	X		X		X	Residual risk analysis	$1X10^{-6}$	
New York	X	X				To set AALS for some carcinogens	$1X10^{-6}$	$1X10^{-6}$
North Carolina	[2]P				[2]P		Planned $1X10^{-6}$	Planned $1X10^{-6}$
North Dakota	X				X		$1X10^{-6}$	
Ohio	[2]P	[2]P			[2]P		Planned $1X10^{-5}$	
Oklahoma	X				X	X	$1X10^{-6}$	$1X10^{-6}$
Oregon	X					To help assess health impact and provide info. on control needs	$1X10^{-5}$	
Rhode Island	X	X				To determine BACT for PSD sources and to set AALS	$1X10^{-5}$	$1X10^{-5}$
Vermont	X					To set ambient levels and evaluate impacts	$1X10^{-6}$	$1X10^{-6}$
Washington	[2]P					To limit health impact	Planned $1X10^{-6}$	
West Virginia	[2]P			[2]P	[2]P		Not yet estabi'd	Not yet estabi'd.
Wisconsin	X					To set de minimis emission levels	$1X10^{-6}$	$1X10^{-6}$
Wyoming	X				X		$1X10^{-6}$	

[1] This table lists only those agencies that use a risk assessment approach.
[2] A "P" indicates the agency plans to implement the particular feature.
[3] Considered infrequently by Florida for case-by-case risk assessment of existing sources.

Mr. DURENBERGER. Mr. President, we also have a document which describes some State programs in further detail. These are the States which use risk assessment to define absolute standards that may not be exceeded and that may require shut down. The paper lists the States of Arizona, California, New Jersey, Rhode Island, Vermont, and Wyoming. In the case of California, it is several local pollution control agencies rather than the State itself which have adopted these absolute limits. Mr. President, I ask unanimous consent that this document, which was prepared by the association representing State and local air pollution control officials, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXAMPLES OF STATES WITH RISK ASSESSMENT LIMITS THAT MAY PRECLUDE OPERATION

The following states have indicated that the risks from carcinogenic emissions must be below a certain acceptable level in order for the facility to be allowed to operate:

Arizona—A new source may not commence operation if it poses a risk greater than 1×10^{-6}.

California—Although the state program does not have a level of acceptable risk, several of the local agencies do, including:

Great Basin (Bishop, CA)—A new source will be denied a permit if it exceeds 10 times the acceptable carcinogenic risk level (e.g., 1×10^{-4}.

SCAQMD (Los Angeles, CA)—New sources (and a limited number of existing sources) must reduce their risk to 1×10^{-5} in order to obtain a permit.

Ventura County (Ventura, CA)—For both new and existing sources, a risk level over 1×10^{-5} is considered to be unacceptable.

New Jersey—The state has a policy, although there is no formal regulation, that risks greater than 1×10^{-4} are unacceptable (from new sources and certain existing sources). In individual cases where the risk exceeds 1×10^{-4}, however, the source may argue that there are extenuating circumstances or perform additional modeling to obtain a permit.

Rhode Island—New sources will not receive permits unless they pose a risk of less than 1×10^{-5}. Existing sources are given approximately 18 months to reduce their risks below this level, although the compliance schedule is flexible. Since the program is not very old, there has yet to be an instance of a facility that was unable to meet the limit and was forced to cease operations. Although the state has the authority to shut a plant down, it is unlikely to exercise this right.

Vermont—The state has established acceptable ambient concentration limits that represent a risk of 1×10^{-6} for both new and existing sources. A source that exceeds this limit will not be granted a permit. Furthermore, the regulation provides the state with the authority to shut down existing sources that do not reduce emissions below the acceptable limit. However, the state will work with sources to help them comply (e.g., establish a compliance schedule).

Wyoming—The state's policy is to refuse to issue permits for new sources that exceed a risk level of 1×10^{-6}. The agency will work with sources to assist them in reaching compliance; no source has yet been unable to reduce its risk level below 1×10^{-6}. It is uncertain whether the agency would have the authority to refuse absolutely to issue a permit.

Mr. DURENBERGER. I note for Senator SIMPSON, who expressed deep concern about this approach last week, that his State has a very stringent program. In his opening statement on this legislation, Senator SIMPSON asked who has done 1 in 1,000,000? Well, the answer turns out to be his own State. This paper says the following about the Wyoming program:

The state's policy is to refuse to issue permits for new sources that exceed a risk level of 1×10^{-6} (1 in 1,000,000). The agency will work with sources to assist them in reaching compliance; no source has yet been unable to reduce its risk level below 1×10^{-6} (1 in 1,000,000).

As he so often does, the assistant Republican leader used rather colorful terms to describe his skepticism about this proposal. In reply, I would only say that they apparently "eat this stuff for breakfast" out in Wyoming, too. In fact, Wyoming already has a program to control cancer risks from air toxics which is similar to the one we are proposing here today.

I also read the description of the Vermont program:

The state has established acceptable ambient concentration limits that represent a risk of 1×10^{-6} (1 in 1,000,000) for both new and existing sources. A source that exceeds this limit will not be granted a permit. Furthermore, the regulation provides the state with authority to shut down existing sources that do not reduce emissions below acceptable limits. However, the state will work with sources to help them comply.

That is a more stringent program than the committee is proposing to the Senate. It is already operating at the State level. I would note for the distinguished Republican manager of the bill, Senator CHAFEE, that the Rhode Island program is very similar to the program that was just described for Vermont, except Rhode Island uses a 1-in-100,000 rather than a 1-in-1 million upper limit on cancer risks.

Finally, with respect to State programs, Mr. President, I read into the RECORD today a portion of the testimony which Mr. Bruce Maillet provided to the committee in its hearings on this subject. Mr. Maillet is the director of the Massachusetts Division of Air Quality Control and was testifying on behalf of the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials. These are the government officials at the State and local level who will actually have to carry out these programs.

This is Mr. Maillet's testimony on the subject of residual risk comparing the committee's bill to the administration bill and given to the committee on September 21 of last year:

Once control technologies have been applied to new and existing sources of toxic air pollutants, both bills call for the evaluation of residual risk. However, there are important distinctions between the two approaches, including the level of discretion afforded EPA in determining whether there are unacceptable residual risks.

STAPPA and ALAPCO are especially pleased that [the Committee's bill] specifies a "benchmark" or "bright line" by which to evaluate individual risks from carcinogens. We believe that the one-in-one million goal in the bill is justified, and agree with the approach allowing industry some additional time to develop the controls necessary to achieve this risk level. We suggest that the bill's risk reduction program be strengthened, and wish to work with the Subcommittee in this regard.

I continue to quote:

STAPPA and ALAPCO are concerned with the residual risk component of S. 1490 [the Administration bill]. The bill does not contain a benchmark against which to measure residual risk and, instead, provides the EPA Administrator with full discretion—considering costs and technological feasibility—to decide if a second phase of controls is even necessary.

So, that is a perspective from the States on the residual risk program recommended by the committee. They are in complete support of the approach that we have taken.

Second, I indicated that I would cite the risk reduction provisions of the Federal Superfund Program as a precedent for the legislation we are considering today.

Superfund is the program administered by the Environmental Protection Agency which is dedicated to cleaning up abandoned hazardous waste sites. Exposure to hazardous substances at these old dumps is very similar to exposure that results from industrial plants that are point sources of air toxics. Individuals living near the fenceline of these facilities—both the dumps and the chemical plants—may be exposed to very high risks while the overall number of persons exposed may be low.

Superfund uses the very same structure for controlling risks to carcinogens that we have incorporated in the health standard for air toxics which is now before the Senate. Superfund is implemented through a regulation called the National Contingency Plan. Let me read from the preamble to that plan which was published in the Federal Register when revisions were proposed last winter. This is a quote from the preamble describing the workings of Superfund:

For carcinogens, EPA generally considers pollutant levels corresponding to individual lifetime risks of cancer of one in 10,000 to one in 10,000,000 as generally protective of

human health and the environment. This is expressed as the 10^{-4} to 10^{-7} unit cancer risk range. * * * Traditionally, EPA starts such analyses at the 10^{-6} risk level (that's 1 in 1,000,000), modifying this goal as the examination of the pertinent factors * * * and the selection of remedy criteria [indicate] are appropriate.

The Superfund regulation itself says:

For known or suspected carcinogens, acceptable exposure levels are generally concentration levels which represent an excess upper bound lifetime risk to an individual of between 10^{-4} and 10^{-7}.

The words which appear in the Federal Register describing the Superfund program also describe the residual risk elements of S. 1630, for airborne carcinogens. The goal of Superfund, like the goal of the bill before the Senate, is to eliminate risks to the most exposed individuals which exceed 10^{-6} or 1 in 1,000,000.

In Superfund 1 in 1,000,000 is called the point of departure. Where a reduction of risk to not more than 1 in 1,000,000 can be accomplished with a Superfund cleanup, it is the remedy chosen. Where it can't be accomplished for reasons of technical infeasibility, a less protective remedy may be selected, but the upper bound of acceptable risk for the alternative is not to exceed a 1-in-10,000 lifetime risk of cancer to the most exposed individual.

Superfund cleanups are to be implemented, in the first instance, by the parties which caused the pollution. But where a responsible party with sufficient financial resources cannot be found, Superfund pays for the cleanup out of a Federal trust fund.

The Federal Government will spend $1.7 billion on Superfund cleanups this year. And that money will be spent to carry out a public health policy which has the same structure as the residual risk program for air toxics which the committee has put before the Senate.

Our air toxics program is not some novel scheme which pursues never-before-imagined standards for public health protection. Its risk reduction goals are a replica of the Superfund Cleanup Program which this body has supported overwhelmingly and for which this body provides an annual appropriation of nearly $2 billion.

I expect that all of those who support Superfund will support title III of S. 1630. It is the same proposition. I don't see how a Senator could come to the floor one day and vote to spend nearly $2 billion in public funds on a program to reduce cancer risk for individuals living near abandoned dumps and then on the next day vote against a program with the very same goal and risk reduction rules applied to chemical plants spewing the same cancer risks into the air.

The third precedent that I would cite in support of this approach to setting health standards for hazardous air pollutants is the decision of the D.C. Court of Appeals in the vinyl chloride case (*NRDC* v. *EPA*, 824 F.2d. 1146). The decision for the court was written by Judge Robert Bork.

Most of those who thoroughly understand this subject believe that Judge Bork's opinion departs dramatically from the plain language of the statute. Nevertheless, it is seen as a thoughtful attempt by the court to reconcile the high expectations of the law with the practical realities of industrial society.

The vinyl chloride decision requires EPA to set standards for hazardous air pollutants in a two-step process. In the first step EPA is to define an acceptable level of cancer risk from sources of the pollutants without considering cost in any way. The only factor to be considered in the first step is health. The emissions standard for sources in the category must at least assure this level of health protection and sources which can't meet this acceptable level of risk must shut down.

In a second step, EPA is to consider the need for an "ample margin of safety" in controlling these emissions. In the second step EPA may consider costs. If technology is available to go beyond the acceptable level of risk to provide more health protection, EPA is to require additional control to meet the goal of an ample margin of safety.

This two-step process is parallel to the structure of the health-based standards which are required in the second phase of the program which the committee is recommending. S. 1630 sets an upper limit on risk 1 in 10,000 which all sources must eventually achieve or shut down. The Congress is saying that a lifetime risk of cancer to the most exposed individual no greater than 1 in 10,000 is the definition of acceptable risk which the Court directed to be applied in the first step.

In parallel to the second step prescribed by the court, S. 1630 requires risk to be reduced to a level not exceeding a lifetime risk of 1 in 1,000,000 for the most exposed individual at each source where that reduction can be achieved with feasible technology. That is the ample margin of safety. As the court provided, the requirement that lifetime risks be limited to 1 in 1,000,000 takes other factors into account. If there is no feasible technology to meet this level, the source may receive a waiver through the permit process to emit at higher levels. There is no absolute compliance date for the 1-in-1,000,000 standard.

I would not support that bill reported by the committee that begins with a technology-based program, before it gets to the two-step process for health standards which Judge Bork suggested. As a result the bill allows 15 years before any source must comply with the purely health-based standard for acceptable risk, which is the first step in the two-step process. Under current law sources are required to meet the acceptable risk level prescribed by the court within 2 years.

It appears to me that S. 1630 is entirely consistent with the model for regulating carcinogens which the court outlined. To make that point more directly, I have a fourth piece of evidence in support of the structure of the residual risk program that we are proposing.

In the course of this debate I suspect that some Senators will say that the residual risk program in the committee bill is unscientific, that it does not reflect sound scientific thinking and that professionals trained in fields relevant to risk assessment would not use it in a regulatory program as it is used here. And there are some entitled to put Ph.D. after their name who have written papers to that effect.

But it is not the unanimous consent opinion on the subject. The Center for Risk Management, sponsored by the public policy organization Resources for the Future, convened a group of individuals knowledgeable in these fields—as knowledgeable as any you will find—in February 1988 to ask how risk assessment should be used in programs to regulate air toxics.

The group met on several occasions and issued a report with specific recommendations. This was a unique undertaking. I don't know of any other effort like this.

I have their report here. I will read a portion of it and ask that the remainder be placed in the RECORD. But first let me read you the names of the individuals who participated in this project:

Walter C. Barber, Vice President, Environmental Management, Chemical Waste Management, Inc.

Paul F. Deisler, Visting Executive Professor, University of Houston.

John A. Haigh, Principal, Temple, Barker and Sloane, Inc.

Thomas D. Hopkins, Gosnell Professor of Economics, Rochester Institute of Technology.

Bruce W. Karth, Vice President, Safety, Health and Environment, E.I. duPont de Nemours, Inc.

Paul R. Portney, Director, Center for Risk Management, Resources for the Future.

Christopher H. Schroeder, Professor of Law, Duke University Law School.

Roger Strelow, Vice President, Corporate Environmental Programs, General Electric Company.

This group called itself the Hazardous Air Pollutant Strategy Group. Their charge was to recommend a standard-setting process for air toxics at EPA which would implement the decision of the Court in the vinyl chloride case. Now, let me get directly to their recommendations, and this is a quote from their report:

In our view, the Administrator should define acceptable risk as a numerical ceiling

on the excess risk of disease to which any person will be exposed. This "benchmark" should be defined in terms of the incremental (excess) lifetime risk to the maximum exposed individual (MEI), so that no person incurs a risk above the benchmark. Any level of emissions that generates excess risks above the benchmark should be regarded as unacceptable or unsafe.

I continue to quote:

Reasonable people can disagree about the proper numerical benchmark and different Administrators may have different opinions. [The Hazardous Air Pollutant Strategy Group] believes, however, that the benchmark—that is, the level of "acceptable" risk—should be made explicit and that some reasoning and/or evidence about public values should be offered to justify the benchmark employed. Note that the acceptable level of risk is not necessarily the same as the "de minimis" level, which typically be a smaller quantity.

And I continue to quote:

The [Hazardous Air Pollutant Strategy Group] does not believe that the benchmark of acceptable individual risk should be compromised just because it may apply to a small population. In other words, [the Group] does not favor public policy promised on a finding that high individual risks are "acceptable" if few people will actually be exposed to such high risks. Rather, society should act to reduce large risks to even one person. In summary, the benchmark itself should be defined as a ceiling on personal risk to the MEI.

Mr. President, I find that discussion quite consistent with the legislation which the committee is putting before the Senate. These gentlemen were asked to consider the very proposition which is now the subject of debate. And they came to the same conclusion which the committee did.

It is a difficult proposition to be sure. But they recommended—not without reservation, even the committee has reservations in the use of risk assessment—but they recommended an approach for controlling risks of non-threshold pollutants like carcinogens which is very similar to the bill the committee has reported. These are men of academia and business and law with long experience and training in fields where risk assessment is used and understood.

Let me just repeat the last paragraph of their recommendation which I read a moment ago:

The [Hazardous Air Pollutant Strategy Group] does not believe that the benchmark of acceptable individual risk should be compromised just because it may apply to a small population. In other words, [the Group] does not favor public policy promised on a finding that high individual risks are "acceptable" if few people will actually be exposed to such high risks. Rather, society should act to reduce large risks to even one person. In summary, the benchmark itself should be defined as a ceiling on personal risk to the MEI.

The Hazardous Air Pollutant Strategy Group did not recommend a particular risk level for this upper limit, because their views differed on that point. The committee is recommending a lifetime risk of 1 in 10,000.

CRITICISMS

Mr. President, the critics have offered a series of arguments against the health standards for hazardous air pollutants which are proposed in this bill. The attack comes in four principal areas.

The critics say that the risk assessments produced by EPA are too conservative, that EPA studies substantially overstate the risks.

The critics say that the health standards should not consider the equity problem at all, that it should focus only on the number of cancers in the whole population and not on the risks faced by those living at the fenceline of these big chemical plants.

The critics say that the health standards should not contain bright lines, but rather, should allow the Administrator broad discretion to balance a series of factors.

And the critics say that implementing the health standards of this bill will cost the country too much for the benefit that is gained.

The first set of arguments against the bill is directed at the "risk assessment process" which EPA uses to determine the health threat posed by particular carcinogens. Industry argues that EPA's risk assessment model does not present a real picture of risk because it has multiple safety factors that compound the risk estimate exponentially.

The conservative assumptions most often mentioned include the linear extrapolation from high animal doses to low human doses and the assumption that an individual spends 70 years at the fenceline breathing 24 hours per day. Indeed, EPA describes the risks developed in its air toxics program as the likely upper bound risk rather than a best estimate. But EPA also staunchly defends this approach.

Although the assumptions are conservative, there is good reason for a conservative approach. I would cite three specific issues in risk assessment to demonstrate the role that conservative assumptions play.

The first issue is linear extrapolation. The complaint is that estimating risks to humans for low-dose exposures using animal data from high-dose experiments does not produce an accurate picture of true risks.

But linear extrapolation does not always overstate the risk. It may also underestimate risks. Benzene is an example. Benzene is one of the principal air toxics. It is a known human carcinogen emitted in large quantities from gasoline supplies and auto tailpipes in every community across the Nation.

I have here a figure prepared by the National Institute of Environmental Health Sciences. It is a very complicated figure and I am not going to attempt to explain it to the Senate in any detail. But what it shows is that the body metabolizes benzene along two different paths, only one of which leads to cancer. It is a metabolite of benzene and not the benzene itself which triggers leukemia.

All of the benzene is metabolized along the first cancer route until the capacity of that path is overwhelmed. The remaining benzene is sloughed off on the second route and does not have a toxic outcome.

In a briefing provided last year scientists from NIEHS reviewed these mechanisms with us and their surprising conclusion for benzene, one of the principal cancer-causing air pollutants, is that low doses produce more toxic metabolites than high doses and that a linear extrapolation underestimates—underestimates the risk of cancer from this pollutant.

Let me quote from the NIEHS briefing material directly:

Production of "toxic" metabolites decreases at high doses. There are shifts in metabolic pathways. Relatively more toxic metaboles result from continuous low dose exposure than from acute high dose exposure. Linear high to low dose extrapolation may underestimate the risk!

Another factor which causes risks to be underestimated, even with EPA's conservative assumptions, is secondary exposure. EPA's estimates are generally based on air dispersion models using emissions rates as the raw data, rather than on actual measurements of exposure. These models do not take into account the possibility that the population will be exposed to the pollutant by another pathway.

Particulates may be deposited on soils and other surfaces and then becomes airborne again as the result of wind or human activities. Metal emissions may be taken up by plants or animals and become part of the human food chain. Volatile organics may be transformed in the atmosphere to pollutants which are even more potent as carcinogens—for instance, formaldehyde—than the substance originally emitted.

I have here another chart which I would share with the Senate. It demonstrates the combined effect of underestimated risk and secondary exposure. This chart compares EPA's model for estimating the cancer risk of air toxics with work done by the air pollution control agencies of California. This chart estimates cancer incidence for eight pollutants in the Los Angeles area. EPA's model would lead one to believe that these eight pollutants would cause just 19 cancer cases annually. Whereas the California air pollution control agencies would estimate 221 cancer cases, very nearly a dozen-fold more.

Note that most of the variation in the risk estimate is for benzene and chromium. Those are the only two pollutants for which the California agen-

cies have completed their own independent estimates of cancer-causing potency. And they found the potency much higher than the EPA model. Some additional increase in the estimated risk results from the difference between exposure estimated by EPA's air dispersion model using emissions data and actual ambient exposures which were measured by the California agencies. EPA's risk assessment methods do not uniformly overstate cancer risks.

Mr. President, I ask unanimous consent that this table comparing EPA and California risk estimates be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EFFECT OF UNIT RISK FACTORS ON ESTIMATED ANNUAL CANCER CASES: THE SOUTH COAST STUDY

Pollutant	Estimates of annual cancer cases using—			
	South coast study unit risk factors		EPA unit risk factors	
	Ambient measured	Model predicted	Ambient measured	Model predicted
Benzene	99	55	16	8.6
Carbon tetrachloride	1.4	.001	1.4	.001
Chloroform	1.3		1.3	
Ethylene dibromide	.37	.007	1.1	.02
Ethylene dichloride		.007		.007
Methylene chloride	8.0	3.4	.92	.39
Perchloroethylene	.59	.43	.59	.43
Trichloroethylene	.33		.43	
Arsenic	1.5	.0001	1.5	.0001
Beryllium	.09	.0003	.09	.0003
Cadmium	.49	.96	.49	.96
Chromium	108	102	8.6	8.2
Nickel	.37	.09	.56	.14
Total annual cancer cases	221	162	33	19

Mr. DURENBERGER. Mr. President, a final point to keep in mind, is that the risk estimates are done for individual pollutants while a particular facility may be emitting a multitude of substances. The risks stated to not take into account exposure to other carcinogens which may compound the effects of the particular pollutant under consideration.

Mr. President, I have another chart here which shows the air toxics emissions from just one facility located in Kingsport, TN. This information is taken from the 1987 toxics release inventory which was required by the Emergency Planning and Community Right-To-Know Act of 1986.

This one plant emits 75 of the 350 substances for which emissions reports are required. Total emissions of these toxics substances to all media are more than 42 million pounds. It is easy to see from this very long list of pollutants, that standards which focus only on a few substances are not likely to protect public health.

And even if tight standards are set for all of the substances individually, substantial risks could still occur when persons living near a plant are exposed to large number of different substances. A 1-in-10,000 risk for each of 10 substances is a 1-in-1000 risk, if the effects of the substances are simply additive. The risk may be substantially higher if the effects are synergistic.

Here we have a plant emitting 75 different substances. And this plant is only ranked 33d on the list of major emitters reporting under the community right-to-know law.

Mr. President, I ask unanimous consent that a copy of this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

THE 500 LARGEST RELEASES OF TOXICS, DETAILED SUMMARY, 1987

[Reported in pounds]

National rank, facility, and chemical name	Fugitive air	Stack air	Water	Injection	Land	POTW's	Other off-site	Total released
33 Tennessee Eastman Co. (City: Kingsport. County: Sullivan. ZIP Code: 37662. Congressional District(s) 01. Parent company: Eastman Kodak Co.):								
Acetone	28,000,000	3,900,000	11,000	0	0	0	52,100	31,963,100
Methanol	570,000	1,700,000	22,000	0	0	0	218,000	2,510,000
Ammonium sulfate (solution)	0	0	1,600,000	0	0	0	0	1,600,000
Methyl isobutyl ketone	1,400,000	28,000	21,000	0	0	0	0	1,449,000
Ethylene glycol	11,000	1,100,000	160,000	0	0	0	0	1,271,000
Toluene	540,000	320,000	4,400	0	0	0	195,000	1,059,400
Acetaldehyde	120,000	570,000	950	0	0	0	0	690,950
P-xylene	15,000	330,000	110	0	0	0	0	345,110
Propionaldehyde	650	310,000	1	0	0	0	0	310,651
2-ethoxyethanol	6,710	4,100	130,000	0	0	0	0	140,810
Ammonia	60,000	60,000	4,000	0	0	6,500	0	130,500
2,4-dinitrophenol	380	1	86,000	0	0	0	0	86,381
O-xylene	37,000	40,000	9,300	0	0	0	0	86,300
Butyraldehyde	160	60,000	2	0	0	0	0	60,162
Zinc compounds	0	250	4,000	0	50,000	4,900	0	59,150
Chromium compounds	0	1	1,100	0	55,000	730	120	56,951
Ethylene	0	48,000	0	0	0	0	0	48,000
Glycol ethers	15,000	24,000	2,900	0	0	0	0	41,900
Manganese compounds	98	0	22,000	0	18,000	310	0	40,408
Copper compounds	0	6	1,700	0	34,000	1,100	0	36,806
Antimony compounds	0	0	0	0	33,000	3,200	0	36,200
Aluminum oxide	0	0	0	0	31,000	0	0	31,000
N-butyl alcohol	23,000	3,800	2,000	0	0	0	0	28,800
Xylene (mixed isomers)	26,000	1,100	180	0	0	0	0	27,280
Di(2-ethylhexyl) phthalate (DEHP)	16,000	3,000	1,100	0	0	9	4	20,113
Barium compounds	0	0	0	0	18,000	0	1,000	19,000
Cyclohexane	18,000	760	64	0	0	0	0	18,824
2-methoxyethanol	7,300	520	10,000	0	0	0	0	17,820
Diethyl phthalate	43	13,000	720	0	0	0	10	13,773
Ethylene oxide	12,000	410	95	0	0	0	0	12,505
N,N-dimethylaniline	8	11	12,000	0	0	0	0	12,019
Hydrochloric acid	4,700	7,100	42	0	0	0	0	11,842
Benzyl chloride	10,000	29	120	0	0	0	0	10,149
1,3-butadiene	0	9,900	0	0	0	0	0	9,900
Cobalt compounds	4	62	0	0	6,700	3,100	0	9,886
Nickel compounds	4	0	3	0	9,300	160	360	9,827
Bis(2-ethylhexyl) adipate	40	8,000	1,400	0	0	0	0	9,440
Sulfuric acid	380	205	6,600	0	0	0	0	7,185
Lead compounds	0	0	0	0	5,900	1,100	93	7,093
Isobutyraldehyde	2,100	4,800	0	0	0	0	0	6,900
Aniline	3,900	210	2,600	0	0	0	0	6,710
Formaldehyde	2,200	3,200	28	0	0	0	0	5,428
Biphenyl	4,000	290	72	0	0	0	0	4,362
Propylene oxide	4,200	0	29	0	0	0	0	4,229
Styrene	2,400	1,700	22	0	0	0	0	4,122
Dimethyl phthalate	290	140	3,500	0	0	0	0	3,930
Dichloromethane	2,400	670	14	0	0	3	0	3,087
Pyridine	2,400	34	390	0	0	0	0	2,824
1,1,2,2-tetrachloroethane	2,300	120	10	0	0	0	0	2,430

THE 500 LARGEST RELEASES OF TOXICS, DETAILED SUMMARY, 1987—Continued

[Reported in pounds]

National rank, facility, and chemical name	Fugitive air	Stack air	Water	Injection	Land	POTW's	Other off-site	Total released
Sodium hydroxide (solution)	50	2	2,000	0	0	0	0	2,052
Hydroquinone	240	360	1,400	0	0	0	0	2,000
Dibutyl phthalate	7	500	1,400	0	0	0	0	1,907
Terephthalic acid	410	95	1,300	0	0	0	0	1,805
Phthalic anhydride	2	1,500	300	0	0	0	0	1,802
Phenol	330	130	1,100	0	0	0	0	1,560
Cadmium compounds	0	20	0	0	700	800	10	1,530
Butyl Acrylate	890	560	13	0	0	0	0	1,463
Methyl ethyl ketone	500	770	0	0	0	0	0	1,270
Propylene	0	1,200	0	0	0	0	0	1,200
Nitric acid	470	710	0	0	0	0	0	1,180
Quinone	490	560	110	0	0	0	0	1,160
Epichlorohydrin	390	580	0	0	0	0	0	970
Selenium compounds	0	2	0	0	180	590	1	773
Chloroacetic acid	170	2	490	0	0	0	0	662
Hydrazine	86	25	120	0	0	0	0	231
O-anisidine	0	72	140	0	0	0	0	212
O-toluidine	34	53	71	0	0	0	0	158
Chlorine	48	72	0	0	0	0	0	120
2-nitropropane	26	40	0	0	0	0	0	66
P-anisidine	0	0	40	0	0	0	0	40
Cyanide compounds	0	0	0	0	0	23	0	23
Dimethyl sulfate	7	10	0	0	0	0	0	17
Benzoyl chloride	2	2	0	0	0	0	0	4
Diethyl sulfate	1	2	0	0	0	0	0	3
4-nitrophenol	1	1	0	0	0	0	0	2
Total for facility								42,365,447

Mr. DURENBERGER. Mr. President, part of the criticism of the bill is directed at the use of the maximum exposed individual as the focus of concern. This argument attempts to minimize the public health risk associated with air toxics and may also include an attack on the technology-based standards of the first phase, as well.

The argument takes the following form. According to EPA's most recent study, 2,700 cancer cases annually can be attributed to air toxics; 80 percent of those can be attributed either to mobile sources or area sources. Only 20 percent can be attributed to industrial plants. Considering that 470,000 Americans die annually from cancer, that's not much of a public health problem. The Nation ought to focus its public health dollars elsewhere. It is overall cancer incidence that is important and not the risk to some individuals most exposed.

In reply and first, I would say the two concerns should not be seen as mutually exclusive. Removing benzene from gasoline—where the risk of the American population averages about 1 in 100,000, but cancer incidence is high as the result of widespread exposure—should not be seen as a strategy which excludes control of a point source of benzene like coke ovens where about 50,000 Americans face risks in the 1-in-100 range. Both risks should be addressed.

Second, the public health perspective as characterized by these critics does not reflect the view of the American people with respect to avoidable risks. The public will generally accept low levels of risk that are spread over the whole population. However, they find high risks, even when only a few are exposed, abhorrent. This aversion to high risk is consistently reflected in Federal and State regulation.

Let me use a hypothetical example to illustrate the public's perception of these risks.

During the Ford administration, the Government conducted a program to inoculate the public for swine flu. The vaccine was administered to prevent what might otherwise have been 1 million flu deaths. It was known that a small number, 100 or so, of those receiving the vaccine would die from an adverse reaction to the vaccine. But the small risk spread evenly over the millions taking the vaccine was considered acceptable.

Imagine, however, that the plant producing the vaccine would emit tons of a very toxic pollutant as a necessary part of the production process. Suppose that the 100 persons experiencing the adverse effect were not among those taking the vaccine, but residents of a small town in which the vaccine production plant was to be located and that the adverse effect was cancer caused by the toxic emissions from the plant.

If those were the facts, it is unlikely that the American public would have supported the program. They would have opposed a public health program which saved a million lives because it would impose very high risks of adverse effects on a few individuals from an identifiable group. The vaccine would never have been produced.

In our society, imposing involuntary, high risks on a few is not perceived as a sufficent justification for an activity which benefits even a very large number. The American public wouldn't accept high individual risks even as the cost of a lifesaving vaccine. I do not know how industry apologists can argue that the public should tolerate high individual risk for tire plants or coke ovens or oil refineries.

Time and again the public has demonstrated its willingness to spend more to eliminate these high risks imposed on a few than it would spend to eliminate the same number of cancers spread in small risks over the whole population. It is not only lawyers who insist that equity be a consideration in this program. The American people want these high risks eliminated.

A third criticism of the bill is a complaint about the lifetime risks of 1 in 10,000 and 1 in 1,000,000 which are used as bright lines in setting the health standards.

It is argued that risk assessment cannot be used to establish these very precise regulatory thresholds. At this stage in its development, risk assessment may be used to compare two activities to determine which presents the greatest risk. It may also be used to identify threats that are serious and those that are negligible. But some maintain that using it to identify a precise emissions standard is to push it beyond its capacity to produce useful information. These critics recommend that EPA be given the authority to balance the product of risk assessment with other considerations including cost.

This is not a persuasive argument to me, Mr. President. It seems to me just another way of saying that health standards should be diluted to reflect the costs of providing clean air.

Let us review the basics once again. Government policy says that there is no safe level of exposure to a carcinogen. Therefore, we cannot set safety thresholds for cancer-causing substances in our regulatory programs. We can describe cancer risk using probability estimates based on animal experiments. But in 20 years, EPA has been unable to define an acceptable level of risk and shape an air toxics program using these probability estimates. Therefore, the committee is

proposing a 1-in-1,000,000 lifetime risk to the most exposed individual as the goal for regulation, to be met by facilities which can, with an overall cap on the cancer threat presented by emissions from any plant at a lifetime risk of 1 in 10,000 to the MEI.

With that as a background, let us suppose that the facts were other than they are. Let us suppose that a threshold for cancer risks could be determined. Does anyone doubt that the threshold would be adopted for the purpose of regulation? The very program we have under discussion uses thresholds for other health effects where they exist to set emissions levels in the second phase. That's not a controversial proposal.

If thresholds for cancer could be demonstrated, if there were a level below which tumors would not occur, I am sure that the threshold would have been translated into emissions standards long ago. And how would that threshold be identified for each pollutant? It would be identified using the very same techniques to assess health effects which are used in the risk assessment models to establish cancer probabilities today.

Would the methods be conservative? You bet, they would be. Would they be open to dispute and revision as we learn more? Of course. But the very same procedures which are used in risk assessment to classify a substance as a carcinogen and to determine its potency would be used to identify bright line thresholds for regulatory purposes, if thresholds could be demonstrated. And no one would suggest that those thresholds be diluted with cost considerations in setting health based standards.

Mr. President, I don't intend to simply defend the bright line health standards of this bill against it's critics. I want also to go on the attack, to say as clearly as I can why the balancing which is suggested by some would be wrong and a substantial threat to public health.

The attack comes in two parts. First, the authority to balance several factors removes EPA's obligation to regulate. The legislation we are considering today is necessary because EPA has refused to regulate airborne carcinogens to acceptable levels over a 20-year period. It is difficult under any circumstances to hold a recalcitrant agency to a congressionally mandated policy. Without objective measures against which to compare decisions, it is nearly impossible.

The 1-in-10,000 and 1-in-1,000,000 lifetime risk levels are objective measures which can be determined by any independent scientist using publicly acknowledged risk assessment methods. It is possible, with a bright line, for those outside the Agency to demonstrate that those inside the Agency are not doing their job. A program which allows EPA to balance many factors including cost removes effective oversight by the Congress and citizens to force action by reference to an objective measure of the Agency's duty to regulate.

The second part of my attack on this balancing notion is more important. It is the lowest common denominator issue. When the Agency is given discretion to consider a variety of factors, including or excluding explicit mention of cost, it immediately turns its attention to the least viable entity in the source category and sets a standard based on the capacity of that facility to cleanup. This is the no shut down mentality which has always been at the heart of the EPA air toxics program.

EPA has time and again set emission standards for hazardous air pollutants based on the amount of control which is possible for the plant with the least economic viability or the least technical capability to install control. Even if the rest of the plants in the industry could achieve substantially greater emissions reductions, it is the worst facility that sets the industry standard. Taking cost into account has meant—whatever Congress may have intended—that no source is to be shut down.

That approach to standard-setting sacrifices all of the health protection which could reasonably be achieved by facilities in a better position than the least viable entity. The purpose of the bright line 1-in-10,000 and 1-in-1,000,000 standards is to overcome the lowest common denominator problem.

Mr. President, I have a chart here to illustrate this problem. It shows emissions from six plants after the MACT technology-standards have been put in place. All the plants have the same emissions level.

The area shaded in a darker color represents the amount of additional reduction which each plant could achieve using feasible technology. It is not the case that MACT forces every plant to make maximum reductions.

We have shaded these columns so that the additional reductions which can be achieved are variable. The oldest plant has the least capacity to make further reductions. The newer plants can make more substantial cuts.

Now, how do we regulate to protect public health in this situation. I have drawn three lines across the chart. One represents the emissions level which can be achieved by the least viable plant. It is the emissions level that EPA has proposed in the past when it has balanced risk with other factors. I have also drawn lines which would represent the 1 in 10,000 and 1-in-1,000,000 lifetime risk levels.

The point to be made is that considerable health protection which could be achieved at other plants is sacrificed when the emissions standard is based on the control which the least viable plant can afford. The purpose of the bright line regulation is to assure that this additional health protection which is fully justified is achieved for the people living near these plants. That's the issue at stake here. Will the troubles of the plant in Tennessee be used to relax the health standard for the plant in Texas? Will the process used in the plant in Washington be the balancing factor which puts folks near the plant in Wisconsin at greater risk?

It may be appropriate to give individual facilities any number of case-by-case waivers, as the bill does already, to reflect individual problems and to compensate for the imprecise character of the risk assessment product. Plant No. 2 on this chart is not forced to meet the 1-in-1,000,000 risk level under the bill until feasible technology is available. Plant No. 1 is given 15 years to make the investments necessary to meet the 1-in-10,000 standard.

Case-by-case flexibility is appropriate and is already included in the legislation. But allowing other factors to be considered in the process of setting the actual standard is to assure that the amount of health protection which can actually be achieved is sacrificed to the predicament of the lowest common denominator.

A fourth criticism of the bill is cost.

We have seen several cost estimates already and we will likely see more. I don't believe that it is possible to accurately estimate the potential cost of the health standards required by this legislation.

The bill provides 15 years before any facility is required to meet the 1-in-10,000 standard or shut down. That is such a long time, that we can't even know what kind of pollution control technology will be available to meet these requirements.

Fifteen years ago, the first automobiles were being equipped with catalytic converters only 5 years after a 90-percent reduction in hydrocarbons from tailpipes was required and described as infeasible by the auto companies. Today, automobiles are equipped with a wide range of pollution control systems that make even the car of 1975 seem a relic by comparison.

Fifteen years ago only one acid gas scrubber was installed on a powerplant. Today, the utility companies argue that with a bit more time, that technology will be superseded by clean coal technologies which can get even greater emissions reductions at much less cost. Fifteen years ago no one had heard of selective catalytic reduction, atmospheric fluidizied bed combustion, spray dry scrubbers, baghouses, or thermal DeNox. Today, all of those systems are in operation on plants across the country.

Given 15 years, it is likely that most sources emitting air toxics will invest in technologies which allow them to reduce emissions to meet the health standards without significant economic disruption. Considering the history of the Clean Air Act over the past 20 years, there is every reason to believe those technologies will be discovered.

Therefore, it is not possible to project with any accuracy the likely costs of the health standards in this bill.

Over this past weekend, the administration sent up its cost estimates for S. 1630. The administration says that it will cost $6 billion in the year 2005 to meet the health standards required by title III of S. 1630. The unreasonable risk approach which the administration is proposing as an alternative would presumably cost $1.5 billion.

There is, of course, no reason to believe these numbers. Any other numbers could have been picked with equal justification. The administration recognized this point in the paper which it sent up with its cost estimate. Let me quote directly from that paper:

It should be noted that any additional post-MACT residual risk controls will take place well into the future (approximately 15 years). While it is impossible to predict how production processes and control technologies may change, it is safe to assure that changes will occur.

That is the point which I just made, Mr. President. Technology will change. But then this paper goes on to say:

The potential costs associated with source closure that are provided here are based on the assumption that current control technology and residual risk levels will not change * * * these lists were developed assuming that there is no change in current control technology, demand for the product, or manufacturing process. * * * As mentioned above, given the length of time that is involved before residual risk determinations must be made it would be unreasonable to assume that all of these items would remain static.

That is an astounding statement. One might call it "clean air glasnost." The administration sends up a paper attacking the Senate bill as too costly because it includes health standards which are not diluted by cost considerations. The paper estimates these costs at $6 billion. And then in the footnotes the paper acknowledges that the estimate is unreasonable. I have seen a lot of estimates like this in my years in the Senate. But I have never seen one that admitted its own assumptions were unreasonable.

The reasonable assumption, given the history of the Clean Air Act, is to expect that there will be dramatic changes in pollution control technology which will significantly reduce the cost to meet these health standards. Each time the Congress has passed a clean air bill industry has said it will shut down America. That has never come to pass. We have consistently underestimated the ability of technology to reduce air pollution. We have asked too little. Air pollution continues to be a threat to public health.

On the subject of jobs, I am puzzled by the administration's position. The rhetoric has been to the effect that the health standards in this bill threaten economic havoc with whole industries shutting down. On the other hand, the paper sent up by the administration indicates that the projected job loss from this provision is in the range of 11,000 to 14,000.

I do not think those jobs will be lost. Jobs are important, every job is important, and I don't treat the job issue cavalierly.

Nevertheless, the estimate, 11,000 to 14,000 jobs, is not very large. Layoffs of that size are announced virtually every week as this business or that business adjusts to changes in the market. 11,000 jobs spread over the entire economy in a program that begins 15 years from now and is implemented over an 8-year period does not seem like a big loss. That's 1,350 jobs a year beginning in the year 2005 and only on the assumption that no new pollution control technology or manufacturing processes are developed.

Mr. President, I ask unanimous consent to print in the RECORD a list of firms which have laid off employees in the last 3 months.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Publicly announced employment cutbacks by large corporations

Company	Number of employees
Honeywell	400
National Semiconductor	2,000
First Interstate	2,000
Unocal	462
Wang	9,500
Ford	300 to 500
United Technologies	354
Xerox	680
Quotron	400
Prime Computer	2,500
GE	1,100
Amdahl	400
Weyerhauser	350
Bank South	300
Digital	700
Mack Truck	1,800
Shearson	700 to 800
Drexel	400 to 500
Chrysler	2,000
Lockheed	5,935
Comex	16
Dana Corporation	2,000
Kelsy-Hayes	1,000
Bell Atlantic	1,200 to 1,500
Data General	2,200
Eastman Kodak	4,500
Xyvision	80
IBM (estimated cuts—10,000 to 15,000)	600 to 800
Unisys	8,000
Recognition Equipment	250
Miniscribe	110
Abitibi	250
Burr-Brown	104
General Motors	Up to 5,000
Rockwell International	300
CMI Corporation	100
Computer Associates	900
Hughes Aircraft	1,000
Merabank	160
Westmoreland Coal	800
RJR Nabisco	1,640
Ashton Tate	346
Cummins Engine	100
Cognos	30
Philipp Brothers	70
Campbell Soup	2,800
Carolina Power & Light	720
Terex	500
GTE	800
Braniff	200
New York Post	140
Colt Industries	950
B. Altman	1,600
Texas Instruments	1,500
Datapoint	50
Salomon Brothers	100
Merrill Lynch	1,000
Motorola	2,500
Occidental Oil & Gas	900
Cray Research	400
Applied Learning Int'l	140
Polysar Inc.	30
U.S. West	2,000
Sikorsky Aircraft	150
McGraw-Hill	1,000
GF Corporation	300
AT&T	8,000
Pitney Bowes	1,500
Conrail	450
CSX	200
Motor Wheel	275
Hawaiian Airlines	200
Brown Transport	1,100
Gulstream Aerospace	75
Arrow Electronics	75 to 100
CS First Boston	100
Nynex	2,500 to 3,000
Boeing	1,200
Pacific Telesis (5 years)	5,000

Mr. DURENBERGER. Mr. President, it is a long list. Many of the layoffs have involved several thousand workers. But even with all of these layoffs, the U.S. economy has generated a net of 364,000 new jobs. In 3 months 364,000 more jobs existed than 3 months before even in an economy where dozens of large layoffs have been announced; 11,000 jobs spread over 8 years to achieve health standards for toxic air pollutants does not seem a high price to pay by comparison.

ALTERNATIVES

A final aspect of this debate that I would touch upon this afternoon are the alternatives which have been proposed to the health standards that are in the committee's bill.

The committee has taken a middle ground position. On one side of this debate, the environmental community is asking that cancer risk from industrial point sources be limited absolutely to no more than a 1-in-1,000,000 chance of contracting cancer. That is a traditional definition of negligible risk and is included in the air toxics legislation which Congressman WAXMAN has introduced on the House side.

On the other side, the administration is proposing that no specific standard be placed in the law. Rather EPA would be given authority to regulate any unreasonable risk should it be discovered. That same unreasonable risk standard has been used in the other laws for chemicals and pesticides, but has not worked well. Finding an unreasonable risk means balancing the costs of control against the adverse health effects of the pollutant on a case-by-case basis with no firm standard.

The bill reported by the Senate committee has a residual risk goal of 1 in 1,000,000. Sources which can reach that level will be required to do so as they would be under the Waxman bill. However, sources which can't get to 1 in 1,000,000 because it is not feasible may get a waiver. They may continue to operate at higher risk levels. But the bill puts an overall cap on the risk that will be allowed at 1 in 10,000.

I do not believe that the unreasonable risk program which the administration is suggesting can work. It is the authority for standard-setting in two statutes on the books today, the Toxic Substances Control Act and the Federal Insecticide, Fungicide and Rodenticide Act.

Only one pollutant has been regulated under TSCA and that one only recently. FIFRA has more than its share of problems and the President is now proposing legislation to move away from the unreasonable risk standard which is used in FIFRA. In fact, the President has proposed legislation which would adopt a more explicit risk range of 1 in 100,000 to 1 in 1,000,000 as a trigger for actions banning pesticide uses under FIFRA.

It does not make sense to propose an unreasonable risk standard as a fix for a statute that has been broken for 20 years while at the same time you are declaring that very fix to be broken in another statute which is designed to solve similar public health problems.

Mr. President, that concludes my comments on the health standards required by this bill. I want to say again how much I have appreciated working with Senator LAUTENBERG and Senator BREAUX to develop this legislation.

I look forward to a thorough debate on these issues in the days ahead. As I hope I have made clear, I strongly believe that the health standards established by this bill are needed to protect the American public from the risks of illness and death associated with airborne carcinogens. After 20 years of false starts under the Clean Air Act, we finally have the chance to create a comprehensive and reasonable program to control toxic air pollutants. I am sure that the Senate will make the best of this opportunity.

I only conclude by giving the appropriate credit not only for implementing the design of this section, but for simplifying the presentation of this statement this morning to a member of the staff of the Environment and Public Works Committee who has been a long-time colleague of mine on these issues, Jimmie Powell.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair thanks the Senator and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for no longer than 10 minutes for purposes of introducing two pieces of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 2034 and S. 2035 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. KERRY). The Senator from New York.

Mr. MOYNIHAN. Mr. President, the Clean Air Act Amendments of 1990 are a source of considerable satisfaction to New Yorkers, and to this New York Senator. We are now to see, as I believe, the first national legislation that undertakes to lessen the problem of acid rain, a matter of immediate concern to our State, and about which our own State has already taken considerable steps on its own.

Acid rain is a relatively new issue within the spectrum of environmental concerns. The term is graphic, even gripping. But, of course, rain is naturally acidic. The interaction of water with carbon dioxide in the atmosphere creates a mild acid—carbonic acid—such that normal rain has a pH measure of 5.6, well below the neutral level of pH 7.0. Obviously then we are dealing with an issue of degree, and in consequence need to be especially cautious about measurement. Which is no more than to say that environmental science, like any applied science, is a matter of infinite pains.

This, then, is the opposite of the romance of science, as it is sometimes termed. The 20th century has been enthralled by this romance, and understandably so. It is the romance, of course, of genius; notably—singularly—of youthful genius. The New York Times Book Review recently noted that of four giants of quantum mechanics in the early part of the century, two, Paul Dirac and Werner Heisenberg, were accompanied by their mothers to Stockholm to accept their Nobel Prizes! That is not something likely to happen to an environmental scientist, a subject I would like briefly to address.

In 1970 it fell to me to lead the first United States delegations to meetings of the newly established NATO Committee on the Challenges of a Modern Society. CCMS, as it came to be known; an enterprise conceived by Steven Hess, now of the Brookings Institution. I believe it fair to say that this initiative, proposed by President Nixon on the occasion of the 20th anniversary of NATO, marked the first official effort by the United States to share environmental concerns with European allies and, of course, with Canada. That same year President Nixon established the Environmental Protection Agency, here at home. In Brussels we developed what could only be termed as eclectic agenda—trying to interest Europeans who still somehow saw themselves in a postwar recovery period, with little time or resources for something as "optional" as environmental concerns. For this reason we searched for the dramatic; I certainly admit that. But a curious consequence is that we continuously came up with the inconclusive.

I think especially of the issue of global warming, which intrigued me at the time, and which I thought would attract others as well. As indeed it did. Save that for every scientist I could find that was convinced the world would end in fire, there was another who was equally persuaded of ice, and I was left with no better fix on the subject than Robert Frost in his celebrated poem on that subject.

I am as near to innumerate as anyone who has ever served on the President's Science Advisory Council or the Board of Directors of the American Association of for the Advancement of Science. Even so, as I worked up my somewhat erratic briefs for these meetings in Brussels, Venice, and other European locations, I acquired at least some sensitivity to the difficulties of environmental science. They remind me of the difficulties of the social sciences. Things happen over great spans of time, and never happen a second time in the same way. It is even possible to argue that nothing even happens at all! Time series can be formidable. For example, Dr. Andrew R. Solow of the Woods Hole Oceanographic Institution has come up with a time series of the date on which Lake Constance, the third largest lake in Europe, has frozen every year since 875 AD. Specifically, the Upper Lake. Eleven centuries! Dr. Solow finds evidence in this time series for the Little Ice Age, the proposition that Europe got colder, and food accordingly scarcer, for a long period extending through the 15th century, and has been getting warmer since. May I note that my wife, an architectural historian whose special interest

is Central Asia, believes that something such as that can be detected in the social history of that region. Clearly this is not a subject for persons with a short attention span.

Accordingly, when I came to the Senate in 1977 and joined the Committee on Environment and Public Works, I was immediately attracted to the question of the knowledge base on which we are legislating. My first concrete opportunity came with the issue of acid rain. This first presented itself as a wildlife issue, rather as an issue concerning that near-to-sacred subject of trout-fishing. I must admit that I am, or once was, a trout fisherman. The Bible speaks of the four rivers of life. I reckon these to be the Beaverkill, the Willowimec, the Neversink, and the Battenkill. I grant there are other views, but there you are. Fish were dying off in lakes in the high Adirondacks. The cause was something called acid rain. At Cornell, Dr. Carl Schofield found the process by which acidity could kill fish. Acidic water was found to leach inorganic aluminum from the bedrock that underlies the high mountain lakes that Dr. Schofield and his graduate students studied in the Adirondacks. The aluminum, not the acidity, was killing the fish by interfering with the proper functioning of the gills.

All that is important to know, but clearly not enough. To legislate we needed to know more. On September 14, 1979, I introduced legislation to establish a 10-year National Acid Precipitation Assessment Program. In my statement I described our situation:

> This legislation freely acknowledges our ignorance and seeks to extend our knowledge by greatly increasing the scope and intensity of research.

In short, it was proposed to discover if there was a problem, and if so, the extent of its severity, and what must be done about it. The bill was enacted on June 30, 1980, as the Acid Precipitation Act of 1980.

There followed the most extensive research program in the history of environmental legislation.

I would hope the history will be written one day. In drafting the legislation I knew we would need at least a 10-year data series, but I figured this could be achieved with relatively small costs. Then the issue took off, thanks in large measure to our neighbors in Canada who were growing quite troubled by the prospect of our air pollution killing their lakes. By the early 1980's acid rain had become a ranking environmental issue. Legislation such as that we now have before us was introduced in Congress, and garnered considerable support.

Save in the Office of Management and Budget. Here I would ask the Senators such as are present this morning, and others who might hear or read these words to pay close heed. It is a standard proposition in American government that in the face of a difficult policy choice, often the easiest escape is to appoint a study commission. I do not question that this happens on occasion. On the other hand, there are few policy choices about which we know as much as we would like to know, or even need to know. The notion that more research is a way of avoiding action is mischievous at best, and at its worst it is profoundly inimical to serious social policy including environmental policy. All that is required is that those who do not want to respond to a problem know just enough about a subject to know, typically, how little is known. Whereupon they say: Prove it.

This is what happened to acid rain in the 1980's. Those who wanted "action" were confronted with the proposition that they could not prove their case. And in truth they could not.

What is left of Newtonian mechanics tells us that there is no action without a reaction, and in this instance it was rather a remarkable one. Conscious that it was blocking action on acid rain on grounds that the research was inadequate, the Reagan administration raided research budgets all over the Federal establishment to ensure that NAPAP was fully, indeed lavishly funded. In a decade it will have expended $500 million—10 times what I had originally provided for. Not only is it the longest research project associated with environmental legislation, it is now by far the largest and most expensive.

I will not attempt to recount the research findings in any detail, not least because the final report will not be available until next September. Next month an international conference will convene in Hilton Head, SC, to consider research papers summarizing and interpreting data. However, the main findings seem clear enough from the reports presented to our committee. The Wall Street Journal recently noted my view, that the findings come under the heading of good news. The sky indeed is not falling. Basically the research seems to indicate that the aquatic systems in the Northeast are sufficiently robust that they are not very sensitive to continued acid deposition at current rates—have I noted that there can be dry precipitation as well as wet?—nor are they likely to be particularly responsive to reduction in deposition. The number of acidic lakes is not rising. As regards the forest, there is no general decline. Surely, this is good news.

In a word, this legislation is not going to change many lakes, and of course it is going to impose considerable costs. This is what economists call opportunity costs. There are other things we could do with the money. I must constrain myself lest I get carried away listing specifics. On the other hand there will be quite specific benefits, not least in the area of visibility. I, for one, have been amazed to learn how much visibility—how far you can see on a clear day—has been reduced in the United States during my lifetime. Something like half. Getting the view back is no small benefit.

In any event, we must pay the price for the attitude of the executive branch in the 1980's. They were determined not to do anything. In response the American people grew determined that something should be done. Let me quote from a letter from a distinguished American scientist who is familiar with the NAPAP findings.

> Reducing acid precipitation precursors clearly would provide benefits of many sorts. This is not a case where the program has zero benefits. The question is whether the benefits are enough to justify the social costs involved. If we were starting de novo with what we know now, this issue would not occupy the prominence on the national environmental priority list that it has achieved.

He continues:

> Acid Rain has become a symbol of a government that is either uncaring or ineffective. The entire environmental enterprise in this country has been sullied in the public mind by the apparent inability to "do something."

And so here we are. If we were to rank acid rain as an environmental and public health priority, it would not be near the top of the list. Even so, the public is convinced that acid rain is a problem that needs solving. If we do not respond, we will have great difficulty moving on to other, perhaps more pressing, matters.

I have prepared an amendment, which I will offer at the appropriate time. It directs the EPA Administrator, in consultation with the Secretary of Commerce and the Secretary of Labor, to report annually to the Congress on the costs and benefits to the economy of the Clean Air Act. A simple idea, really. What are we spending, and what is it getting us.

In addition, the bill before us already contains two amendments I offered during committee consideration of the bill. The first will require EPA to keep a registry of all acidic lakes, and to tell us when they become nonacidic.

The second will continue NAPAP beyond its original 10-year mandate. NAPAP will monitor acid rain controls as they go into effect to tell us how much they cost, and what effect they are having in all cases—on lakes, on forests, on visibility.

I hope my proposal for an economic impact statement will be received in the spirit in which it is offered. It is years now since Aldo Leopold's "A Sand County Almanac" appeared, and Americans began to think to some purpose about an "ethic dealing with

man's relation to land and to the plants and animals that grow on it." This environmental ethic is above all an ethic of responsibility to the future. It is the most demanding of all the responsibilities that we accept. And of course it is easily, all too easily put off. I hold, and here declare, that the ethic extends to a consideration of costs, and of alternate uses of resources. I do not fear such information. I long for it; just as I long for an environmental movement eager to make its case and able to do so.

In this regard I would most especially wish to compliment EPA Administrator Bill Reilly for having invited 10 most respected members of the American scientific community to convene a NAPAP Oversight Review Board:

Dr. Kenneth Arrow, professor of economics at Stanford and Nobel Laureate;

Dr. John Bailar, professor of epidemiology and biostatistics at McGill University and Science Adviser to the U.S. Office of Disease Prevention Health Promotion;

Dr. John Gordon, dean of the School of Forestry and Environmental Studies at Yale;

Dr. Glen Hilst, consultant in atmospheric sciences;

Dr. Simon Levin, director of the Center for Environmental Research at Cornell University;

Dr. Thomas Malone, president emeritus of St. Joseph's College;

Dr. William Nierenberg, director emeritus of the Scripps Institute of Oceanography;

Dr. Milton Russell, professor of economics at the University of Tennessee and Collaborating Scientist at Oak Ridge National Laboratory;

Dr. Chauncey Starr, president emeritus of the Electric Power Research Institute; and

Dr. John Tukey, professor emeritus of statistics at Princeton.

It would be difficult to assemble a more prestigious panel. The Senate, and the American people, are much in debt for the work this panel has already performed. I could wish we had a more concrete way to express our gratitude.

We are also in debt to a group of younger scientists who are pioneering what Howard Raiffa at Harvard has called the messy real world of risk assessment. I think here especially of John D. Graham and his associates at the Harvard School of Public Health. Dr. Graham testified before our committee on techniques for assessing the danger of airborne toxic pollutants. Clearly there are difficulties with the techniques envisioned in title III of the bill. It is great to be desired that these difficulties be resolved before this bill becomes statute. It is well within the ability of the Congress and executive to do this in the months ahead. And if we can we ought. An ethic of responsibility requires no less.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

(Thereupon, at 12:34 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are on the Chafee amendment to the clean air legislation now pending before the Senate. The Chafee amendment, which the Senator from Montana cosponsors and which the Senator from Maine, the majority leader, also cosponsors is an amendment which adds methyl chloroform to the list of substances, methyl chloroform with chloroflurocarbons and halons, that would be phased out during this decade as production would be phased out and totally phased out by the year 2000. That is the pending amendment.

As manager of the bill I am prepared to vote on this amendment and if Senators do not come to the floor to debate this amendment in a fairly short period of time, then I will ask the Chair to put the question to the full Senate.

So I am putting Senators on notice at this moment that there will be a vote on the methyl chloroform amendment, that is the amendment offered by the Senator from Rhode Island, quite shortly. So Senators, if they so choose, have the opportunity to come to the floor to debate the amendment.

I think it is an excellent amendment. It is one that should be added, but we have to move this bill along. Here we are in the second week since the Senate has come back in session and there have been no votes yet on the Clean Air Act. It is this Senator's hope that we will complete debate on the Clean Air Act before the February recess. That gives us the rest of this week plus next week.

If we are going to complete action, if we are going to get on with the Nation's business, we have to get on with the Clean Air Act. That means we have to get on with the amendments that are pending before us. The pending amendment is the Chafee amendment.

Again I urge Senators to come to the floor because otherwise in the near future, very shortly this afternoon, the manager of the bill will put the question to the Chair so that we can vote on the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I have spoken on this bill at some length and found that I did not have time to get as far through the bill in my first opening remarks as I wished to do.

I still think that it is very important for all of our colleagues in the Senate to recognize that no matter whose figures you use in estimating these costs, the difference between the administration's bill and the bill that is before the Senate depends on whose figures you use. But those figures range anywhere from $20 billion to $50 billion or more per year cost. The administration's bill is estimated at $18.9 billion and that is per-year cost imposed on the American economy. The EPA estimates on the Senate bill are $41.9 billion per year. There are other estimates on the Senate bill that go up to as high as $104 billion per year.

I think it is interesting to point out in that those costs are imposed, not over a 5-year period, but over a 1-year period.

I think that Senators need to be advised to study what is in this bill, and how it impacts their own States. Go take a look at the fact that in the bill that is before the Senate, the definition of major source in the committee bill drops from the EPA separate levels of today of 100 tons per year to 25 or even 10 tons per year in some areas. At 100 tons, you are already regulating dry cleaners, large ones, large print and paint shops, and so forth.

The lower thresholds could even make the smaller businesses "major sources," which means that they would be subject to all permit fees and monitoring, et cetera. That may sound easy to Senators. But what I am inviting you to look at is that the fee that can be imposed, if the area goes into nonattainment for whatever reason, could end up costing a business as much as $500,000 a year if they produce 200 tons of this product a year. It could impose up to $500,000 a year in fees on some small businesses.

I think that it is interesting to note that we spend $2 billion a year, Mr. President, in our research budget for cancer research from the Federal budget. Yet this bill will impose a cost of somewhere between—how much?—$40 billion to $104 billion a year on the American people. I do not know whether that is a good tradeoff or not. I think clean air is a noble goal. But how much do we want to pay to get the last pollutant out of the air? I think that is a question Senators have to ask.

I mentioned stage II the other day but I think it is worthy of mentioning again. Senators need to be advised that this bill may require gas stations in your State to have stage II gas pump refueling nozzles put on. And since the State of New York has found that stage II is impossible to enforce, you would need to hire an EPA policeman to stand at every fuel station, not

necessarily to arrest all the people, but at least to show them how to use this nozzle, to be sure that it is pushed up tight against the automobile when they are filling it up with fuel.

Mr. President, if they have not tried one of these, I would invite my colleagues to go fill their cars up with fuel in the District of Columbia and see what one of these accordian things looks like. They do not have them over in northern Virginia but they have them in the District of Columbia.

So, Mr. President, I think that it is important that we start looking at what the realistic costs of these devices are. The costs can be $10,000 to $12,000 to put them in a service station and a maintenance cost of another $2,500 a year or so to keep them up. I think that it is important.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Warren Brooks from the Washington Times dated January 30, 1990.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Jan. 30, 1990]

HOW GREEN IS OUR BUDGET?

(By Warren Brookes)

When Senate Environment Subcommittee Chairman Max Baucus, Democrat, went home to Montana for the Christmas holidays, he was confronted by representatives of two of his state's largest industries—cadmium and lead mining—demanding to know why he voted to shut them down.

They had to show him an obscure provision on pages 427-429 of his proposed Clean Air Act Amendments (S. 1630) covering municipal-waste disposal. It forces the Environmental Protection Agency administrator to prevent the productioin of "any product or article distributed in commerce" that "may present a threat to human health or the environment as the result of incineration," even if it is harmless when manufactured or used. This puts thousands of companies and industries at immediate direct risk of survival.

Mr. Baucus was reportedly stunned by this revelation, but then too many senators are equally ignorant of how wildly irresponsible this 587-page monstrosity is. President Bush's public promise to veto a bad bill has only fueled the eagerness of some to prove their "greenhood," knowing the president will bail them out and take the heat.

Small wonder the stock market, sensing this gridlock and devastation to a weak economy, is falling out of bed.

Tomorrow night, Mr. Bush will try to put the greenies back in the bottle with a Cabinet Department of Environmental Affairs and a $2 billion rise in environmental spending, including a shocking 57 percent—$375 million—increase in global-warming research. (See Table)

The president is hoping these largely symbolic moves will make it possible for him to curb the $104 billion economic mayhem in the bill now being debated in the Senate. While that is the worst-case estimate of the real cost of this bill by the Business Roundtable, it is not far from a likely official estimate about to come from the Congressional Research Service which reportedly has already put a $62 billion price tag on just one section of the bill, "air toxics."

The reason for this massive cost are the Senate provisions requiring a residual risk of no greater than 1 in a million that even EPA Deputy Administrator William Rosenberg admitted "would force us to shut down most major steel plants, such as the Great Lakes Steel plant I visited the other day." No wonder a dozen or so leading Democrats reportedly prevailed on Senate Energy Chairman Bennett Johnston, Louisiana Democrat, to rewrite Mr. Baucus' lunatic bill.

Yet Mr. Bush has only his own "greenie" cohorts to blame. For example, in the Bush environment budget is the statement that raising the corporate average fuel economy (CAFE) standard for autos "will have the added benefit of reducing CO_2 emissions." this ratifies global warming as policy, and makes it tougher to get out of the Senate bill a mindless provision that forces CAFE up to 40 miles per gallon—at a cost of tens of billions of dollars.

This is why putting EPA Administrator William Reilly into the Cabinet may be the only way to make him politically accountable. In Cabinet meetings, Mr. Reilly might just have to explain to Health and Human Services Secretary Louis Sullivan why the Senate proposes to spend $50 billion to $100 billion a year to deal with a total cancer risk of less than 3,000 (realistically, less than 30), when Mr. Sullivan's entire cancer research budget is $2 billion.

This is expecially striking when cigarette smoking now kills over 500,000 people a year, at least 100 times as many Americans as all clean-air risks put together. (That's why the 1977 Nobel Prize winner in nuclear medicine Rosalyn Yalow told us "we should rename the EPA the Tobacco Protection Agency!")

Mr. Reilly also might explain to Commerce Secretary Robert Mosbacher why he now is risking "green gridlock" by proposing to sign international protocols on volatile organic compounds (VOCs), after signing them on chlorofluorocarbons (CFCs) and methyl chloroform (MC).

The U.S. paint and varnish industry for example, having first been forced by EPA to use CFCs and MC in order to get rid of VOC-producing solvents, were then forced by the international ban to use them again, only to have Mr. Reilly cut off that avenue of escape.

He should be compelled to explain to Agriculture Secretary Clayton Yeutter why he just banned an entire class of fungicides (EDBCs) whose total realistic cancer risk to the entire U.S. population is fewer than five per year, and which are now used to save the population from far more toxic natural fungi.

He could explain why it makes any sense to subsidize higher-cost, lower-output "organic" agriculture to raise products whose actual consumer' toxic risk could be higher, when the FDA says pesticides do not pose any significant consumer health risk.

He might also tell Office of Management and Budget Director Richard Darman why he decided to impose mandatory recycling on all municipalities without any reference to its impact on the nation's commodity scrap markets, or any evaluation of costs and benefits.

He could tell the whole Cabinet whether he proposes to go on spending $1 billion in global-warming research mainly with the believers, or allot an equal amount to the growing army of skeptics and other who think the problem is vastly overstated.

Most of all he should be forced to explain why his department has such a huge vested interest in the rash pursuit of zero-risk on Capitol Hill that now threatens both our economy and freedom.

If putting Mr. Reilly in the Cabinet would force him to confront such issues, it might be a good move, but it's a very small finger in the great green hole George Bush has opened in our economic dike which is now leaking so badly on Wall Street and Main Street.

THE BUSH ENVIRONMENT BUDGET PROPOSAL, FISCAL 1991

[In millions of dollars]

	Fiscal 1990	Fiscal 1991	Increase—	
				Percent
Forestation	361	455	94	26.0
Wetlands	372	460	88	23.7
Superfund	1,530	1,740	210	13.7
EPA operating costs	1,936	2,166	230	11.9
Maintaining environment infra.	488	579	91	18.6
Federal facility cleanup:				
Energy Department	2,190	2,791	601	27.4
Defense Department	1,402	1,520	118	8.4
Other agencies	116	175	59	50.9
Global warming research	659	1,034	375	56.9
Natural resources research	710	814	104	14.7
Total environment	9,764	11,796	2,032	20.8

Source: Office of Management and Budget.

Mr. SYMMS. Mr. President, I see my distinguished colleague is on the floor. It is obvious that his chest is bursting and rather than have him sit there and have any more pride than certainly he and his friends in California deserve from the outstanding performance of the San Francisco 49'ers, I will yield the floor, and I will continue this debate in a few moments.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I ask unanimous consent to proceed as if in morning business.

A TEAM FOR THE AGES

Mr. WILSON. Mr. President, I thank my dear friend from Idaho for his graciousness in yielding the floor. He is accurate in his perception. I am, I confess, a little swollen with pride because for the second consecutive year I rise to honor and to ask my colleagues to join with me in honoring the San Francisco 49'ers, the Super Bowl XXIV champions. On January 28, 1990, the 49'ers defeated the Denver Broncos 55 to 10, to claim not only a record-tying fourth Vince Lombardi Trophy, but also a place in history as one of the greatest teams in professional sports.

The NFL playoffs have always given the league's best the opportunity to set new standards of excellence. The 49'ers may have raised this standard to an insurmountable level. If the word "dominance" can be defined in film, one need only play back the 49'ers road through the playoffs. During the past three games we have witnessed a 49er defense that allowed

its opponents only 26 points, while the 49er offense scored an incredible 126 points. The 49'ers set a Super Bowl record of 55 points, and their 45-point margin of victory was also a new Super Bowl record.

Leading this 49er charge to glory was quarterback Joe Montana, the most valuable player of Super Bowl XXIV, and the game's first three-time Super Bowl MVP. Two years ago, after suffering what was deemed to be virtually a certain career ending back injury, Joe Montana not only recovered and came back, but in what was supposedly the twilight of his career, he defied such expectations this year by becoming the highest rated quarterback in NFL history.

The Super Bowl was the brightest example of Montana's stellar season. The 49'ers golden-armed quarterback threw a Super Bowl Record five touchdown passes, three to last year's Super Bowl most valuable player, wide receiver Jerry Rice, another Super Bowl first.

And by the way, I will honor the request of the senior Senator from Mississippi by pointing out that Jerry Rice is from Mississippi. We are proud that he has chosen to play for San Francisco.

Montana also completed 13 consecutive passes and, after four Super Bowls, he has yet to throw an interception. If football has a man equivalent to baseball's Mr. October, his name is Joe Montana, the January man.

Tribute must also be given to San Francisco head Coach George Seifert. In his rookie year as the 49'ers field general, Seifert faced the dual pressure of leading his team to repeat as champions and filling the shoes of legendary coach Bill Walsh, the principal architect of this football dynasty. Not only did Seifert succeed, but he has led the team to an even higher standard of excellence.

Once again, I congratulate the back-to-back Super Bowl champion, San Francisco 49'ers. With four Super Bowl rings, they are more than just the team of the eighties. I submit, with I think pardonable and justifiable pride, that they are a team for the ages.

Thank you, Mr. President.

I yield the floor back to my distinguished friend from Idaho and thank him again for his courtesy.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I want to continue on with where I was a few moments ago and to address title II of the Senate Environment and Public Works clean air bill. Perhaps this title best exemplifies my concern for what this bill is all about.

Mr. President, this title of the bill I think has some serious problems. I want to get to those as fast as I can. But according to the cost estimates for the EPA, the Senate Mobile Sources section will eventually impose an added cost of $11.4 billion on the Nation, each and every year. The administration's mobile source recommendation, on the other hand, is estimated to cost only $1.7 billion. Yet, Mr. President, nearly all the health benefits that can be claimed by the proponents of the committee bill can be claimed by the President for his proposal as well.

Even more ironically, the principal cause of pollution in my home State of Idaho are unrelated to further tailpipe controls. The added cost of both proposals, the committee's and the President's, will do little to nothing to improve the public health in my State and, I might say, in many, many other States.

Why, then, should Idahoans have to pay more for their cars so as to solve a problem in Baltimore or to solve a problem in Los Angeles? If we are going to impose these needless costs on them, why do it at a price tag of $11.4 billion when the same thing can be accomplished by $1.7 billion?

I do not deny that cleaner air saves lives, reduces hospital cost, increases worker productivity, and yields a number of other economic benefits, but it is possible to claim those benefits at a lower price tag. After all, there has to be some common sense applied to this.

I made the comment to my colleagues, Mr. President, somewhat tongue-in-cheek, but partly serious, that if the 20-year-old automobiles pollute 20 times more than the new ones, in many ways it would be cheaper to purchase a new automobile for everyone in America who has a 20-year-old car, take those old cars, the old ones that are still polluters, crush them up and send them back to be recycled, and give them a new car and pass no bill. We would clean up more air, and at the same time, let the economy struggle and continue to go forward.

I believe there is a serious problem here that my colleagues often do not talk about on the Senate floor. If this legislation that is before us today were to pass the Senate in its current form and the people in the country would find out they are going to have this enormous cost imposed on them at a time when they are struggling to compete with the Japanese and with the Western Europeans and with other countries, the Koreans and other of our trading partners, if they were to find out what costs would be imposed and how much it would reduce the profits of major American companies, and profits in general, for that matter, we would probably find the stock market would start selling off from the psychological fears on the part of the American people.

People will stop planned expansion and have a spilloff. It would become a self-fulfilling prophecy of a built-in recession, guaranteed, thanks to the Congress of the United States, if we impose legislation like this.

That is why I have always said, Mr. President, when I see this bill: This bill is a classic example of bad legislation. The old saying is if you love sausage and you love law, you should never watch either being made. If people saw what is in this bill and knew the tremendous burden the costs of the regulations would impose on American men and women, they would truly believe the safest time of their lives is when Congress is not in session. That is the only time when we cannot get up to this kind of mischief to pass this kind of legislation.

That is not to say any of us here in Congress are not in favor of cleaner air or as clean air as we can afford. But it is simply to say at some point in time when we talk about gold plating air pollution, we remove common sense from the equation. This kind of extravagant regulation results in so little benefit at so great a cost. It is important to note that these mobile source emissions will continue to decrease as newer, cleaner vehicles replace the older, less controlled cars and trucks.

Less than 35 percent of the motor vehicles on the road today were built to the latest standards which already control tailpipe emissions up to 96 percent. In fact, approximately 85 percent of automobile emissions are from pre-1983 vehicles.

As is, the committee bill will have a tremendous impact on motor vehicles and the consumers who buy them. Vehicle manufacturers have made it clear that the proposed tailpipe standards of the committee bill, taken together with carbon dioxide emission controls, refueling controls, requiring light trucks and vans to meet passenger car standards, the 100,000-mile extended useful life definition, more stringent testing, certification, and recall requirements, would have the effect of eventually eliminating some vehicle classifications because there is no known technology with which to meet all of these provisions.

In addition, the potential cutbacks in model offerings would result in job losses. The National Association for the Advancement of Colored People was among the first to recognize that these job losses would impact blue-collar minorities first. In a letter to members of the Committee, NAACP

Executive Director Benjamin Hooks said:

> We understand that it is proposed to adopt mobile emission standards that are more stringent than those contained in the Administration's clean air proposal. The tough clean-air bills that are before the Congress need not be made any tougher * * *. The NAACP is concerned that the adoption of more stringent mobile emission standards would have serious implication for the auto industry, auto dealers and consumers. Customer acceptance and satisfaction could be jeopardized by unreasonable standards which, in turn, could have a severe impact on the market and cause job losses. In recent years, the industry has lost thousands of jobs; many of these job losses were borne by minorities.

And since more stringent requirements could also have an adverse impact on fuel economy and driveability of models that might remain, automotive fleet-dependent industries would suffer as well. Outcomes, such as these are not acceptable.

POTENTIAL COUNTERPRODUCTIVITY

It is bad enough that the mobile source provisions in the Committee bill are both burdensome and unnecessary. What is even more troubling is that several of the bill's measures will actually impede local efforts to attain the ozone and CO_2 standards and worsen air quality.

For example, among the bill's requirements are substantial further reductions in the oxides of nitrogen, NO_x, standards for vehicles nationwide, irrespective of unique or localized air quality problems. It is now broadly accepted in the scientific community that reducing NO_x emissions in some settings may work at cross purposes with the goal of reducing ambient ozone levels.

Specifically, increased regulation of NO_x emissions may actually increase ozone concentrations in some areas, a phenomenon scientists call the "NO_x inhibition effect." In the complex chemical process leading to the formation of ozone, NO_x can both promote and inhibit ozone formation, depending on the atmospheric hydrocarbon to NO_x ratio. Based on research conducted by EPA and others on this subject, it can be shown that more stringent NO_x control could negate the ozone improvements otherwise resulting from HC control in most major U.S cities.

In other words, the committee bill could actually erect substantial obstacles to ozone attainment precisely in those few remaining areas of the Nation where significant further measures are needed. Speaking of similar NO_x standards in the Clean Air amendments reported by the committee in 1987, EPA Administrator Thomas expressed "concern [that] some of the NO_x provisions of this bill could actually exacerbate the ozone problem." Since only a few counties in the Nation (in the Los Angeles area) currently do not attain the nitrogen dioxide, NO_2, air quality standard, trading further NO_x reductions for increased ozone levels would be both wasteful and counterproductive.

Likewise, the sharp mobile source emission reductions sought in the committee bill may well take us backward rather than forward, especially in the short run. It stands to reason that impractical new controls that delay or interrupt the availability of new vehicles, or impair their driveability or fuel economy, will lead some consumers to defer new vehicle purchases and keep their existing vehicles longer. If enough potential new car buyers follow this course, the result will be deteriorating air quality because older vehicles are less well controlled than the new ones that otherwise would have replaced them.

As I said, Mr. President, it might make more sense to appropriate a certain sum of money to buy up some of the old cars, and we might end up getting more improvement in air quality for less money and provide a better opportunity for more people to continue working and have the opportunity to achieve the American dream.

This prospect is more than just theoretical. A Brookings Institution study of the last round of vehicle emission standards has confirmed that "even a small change in the scraping rate [i.e., vehicle turnover] can exert a significant effect on short-run emissions outcomes," so that "any regulation that results in higher new car prices will raise aggregate emissions."

In fact, the Brookings study concluded that costly new car hydrocarbon controls may lead to increased emissions for as long as 5 years after the standards take effect. Thus the bill's mobile source provisions may actually make attainment more difficult in the near-term—think of that; it may make it more difficult in the near-term, with the passage of this legislation, the noble cause of which is to have cleaner air for Americans, because it will slow down the turnover rate of the current fleet and ignore the modern technology that is taking place in the new fleet—the simplicity, the better design, and so forth, that is taking place in our new modern automobiles which have cleaner emissions than the older cars that they replace.

And this, during the period when a substantial number of areas now only marginally "nonattainment" would otherwise be coming into attainment solely because fleet turnover would ensure a broader penetration of the state-of-the-art controls already required under the act.

The Brookings analysis also concludes that even over the longer run, "it is obvious that costs must greatly exceed benefits since the incremental costs of [vehicle emissions] control rise rapidly in the vicinity of current standards." One important reason for this is that "the relationships between [motor vehicle] emissions and air quality measures is tenuous at best." As the Brookings study observed:

> Surprisingly and even shockingly, Congress has legislated emissions controls on mobile, industrial, and utility sources without insisting upon careful measurement of the effects of these programs. Expenditures on air pollution controls have exceeded $20 [now $31] billion a year in recent years, but there appears to be little interest in spending even as much as 1 percent of that amount to measure the effect of these expenditures upon air quality.
>
> * * * * *
>
> Finally, it is unlikely that even the full implementation of the monitoring network planned by the EPA will be sufficient to capture the effects of mobile-source controls across the many air sheds with air pollution problems. Congress must show some interest in gauging the effects of automobile emissions controls before the EPA will develop a monitoring system and an analytical framework that is capable of measuring the impact of exhaust controls upon local air quality.

The Brookings study estimates that "the annual costs of the current automobile emissions program are certainly greater than $10 billion a year." Given the ineffective and, in many respects, counterproductive character of tighter controls and what Brookings calls the "rapidly" rising marginal costs of obtaining incremental emission reductions, it is evident that the mobile source controls in the committee bill are seriously flawed, and could actually take us backward in our attempts to clean up the air.

Mr. President, it is very obvious to this Senator that the bill needs a great deal of work. It is very obvious to this Senator that it would be a grave mistake for the Senate to pass this bill as it stands by February 10, as our friend from my neighboring State of Montana is suggesting. I could not disagree more with the distinguished subcommittee chairman that we should push forward with this bill.

It seems to me it is time to let the rest of the Senate dissect this monstrosity and recognize that this bill is a bill that would be destined to put this country in a tailspin, to make us less competitive, costs thousands of jobs, and possibly do little to clean up the environment.

Oh, we might have an enormous clean air program, but no one may have a job, and in some areas, interestingly enough, just because of the natural meteorological situation, you will not have any cleaner air anyway, whether you pass this bill or you do not, because there are other factors that enter into it.

CARBON DIOXIDE STANDARD

Mr. President, another provision of the Committee bill, the carbon dioxide tailpipe standard, is a clear abuse of the Federal Motor Vehicles Emissions

Standards Program, and an unprecedented and not-too-covert attempt to usurp an issue within the jurisdiction of the Senate Commerce Committee.

Carbon dioxide is not an air pollutant—it possesses no physical, chemical, biological, or radioactive property that presents, in and of itself, a threat to public health or welfare. To regulate such a substance through an emission standard under title II of the Clean Air Act flies in the face of the clear and express purpose of the Act, "to prevent and control air pollution."

The proponents of the committee's CO_2 standard may argue that CO_2 is an air pollutant because it acts in the stratosphere as a "greenhouse gas." Such an argument is transparent, however. First, to make it, one must begin by assuming some connection between manmade sources of greenhouse gas and global mean temperature increases, and that such hypothetical increases are of a degree that can adversely affect public health and welfare. But then, even making such assumptions, the committee bill addresses such a small fraction of the total worldwide CO_2 emitted—U.S. vehicle emissions—that it is very unlikely the standard would have any measurable effect on global temperatures.

The only functional purpose of the committee's CO_2 standard is to make mute all laws and regulations dealing with corporate average fuel economy [CAFE]. CO_2 is the natural product of combustion. The only way to generate less of it per-mile-traveled is to increase fuel economy. To meet the committee bill's CO_2 standard, in fact, cars will eventually have to attain a 40-mile-per-gallon fuel economy. Consequently, the CAFE standard becomes mute—a "deadwood" artifact of law with no consequence. The committee provision would have the effect of completely supplanting the current CAFE standard.

So I think what you can be looking forward to if this bill passes is to have small, as Senator MOYNIHAN calls them, disposable automobiles that are very light, no air conditioners, no frills, nothing that would hang onto the car that might cause it to use any extra fuel but be very, very lightweight. In the name of cleaning air to breathe, you will have a much higher chance of crossing the River Jordan early because you will be killed in an auto accident driving an automobile that would not give you the protection that maybe a slightly heavier automobile would in the case of an accident.

As a matter of public policy, the degree to which the Federal Government should force the manufacturers of automobiles to attain greater fuel efficiency is much more than merely an environmental question. It involves matters of engineering design, safety, national energy policy, international competitiveness, and trade. The Commerce Committee of the Senate is far better equipped to address these concerns than is the Environment and Public Works Committee, and is appropriately given jurisdiction over legislation amending the CAFE. The CO_2 standard in the committee bill is an inappropriate usurpation of the Commerce Committee jurisdiction over this matter.

Ironically, as a matter of environmental policy, the committee bill's CO_2 standard is clearly detrimental to clean air goals. According to the testimony of auto manufacturers, the fuel economy required by the standard would necessarily require them to scale down the size of their vehicle lines. With certain larger vehicle classes no longer available, but with public demand for such vehicles still high, there would be a significant incentive to keep the older, larger, and more polluting vehicles on the road longer. As the Brookings Institution study I mentioned earlier pointed out, this decline in the scrapping rate for older vehicles would perpetuate many air quality problems.

An additional concern, Mr. President, is the tailpipe standards. The first phase of the standards would go into effect in model year 1993, which would not allow sufficient time to meet the necessary design standards, but Congress does not worry about that. We will just pass the law and if they cannot do it, I guess we will just not worry about it; let somebody else worry about it.

The standards proposed for the year 2003 have no basis in technical feasibility and are derived by merely calculating a doubling of the stringency of the proposed 1993 California standards. They simply took the California standards, doubled them, and then arbitrarily wrote it into the law and we are going to pass it here in the name of clean air whether they can meet the standard or not.

I can tell you one thing. This better be taken out of the bill, Mr. President, before it is passed. I would appeal to my colleagues that I hope there will be a leadership substitute offered. I hope it will be a bipartisan substitute that will be offered so that we can have a reasonable approach to this and not this extreme draconian bill that is before the Senate today.

The bill does not provide for a phase-in of the proposed standards. yet phase-ins are widely recognized as a meaningful cost-effective way to introduce new technology into a manufacturer's varied product line. They allow for proper planning and give manufacturers in-use experience on several models which they can then apply to all models in subsequent model years.

No provision is made for separate certification and in-use standards. Emission reductions achieved in certification may not realistically be met in-use because of factors, many of which are beyond the manufacturer's control, such as improper maintenance, poor fuel quality, and improper vehicle use.

The bill requires smaller light-duty trucks to meet the same standards as cars, ignoring the important functional differences in cars and trucks.

The standards proposed for larger light trucks, together with the current Federal useful life requirement of 120,000 miles, actually makes those standards more stringent than those in California.

PROHIBITING EMISSIONS AVERAGING

Requiring each and every vehicle or engine sold to meet each emission standard is unreasonable, not recognizing the normal production and testing variability which cannot be eliminated. Taken literally, it would appear to require testing of every vehicle produced, which would be enormously expensive and time-consuming. The prohibition is also unnecessary, since individual vehicle emission levels are inconsequential when compared to the impact of fleet emissions on air quality. No significant air quality benefit would result from adoption of such a prohibition.

Lighter trucks together with current Federal useful life requirements of 120,000 miles actually make those standards more stringent than those in California.

Mr. President, one other point I wanted to make. I think is very important. I mentioned earlier in my remarks about these stage II feelers that are like an accordion that you have to put on a gas pump. The controls on the vehicles to capture emissions during refueling could increase vehicle safety risks, even though it is duplicative of stage II, and they think they will have these on cars prior to the time that all the stage II fuel nozzles would be required, so you get to pay twice. You pay more money for the equipment to pump the fuel into your car; you pay more money for the automobile that you buy because it has an on-board fuel canister to catch the vapors.

But now get this:

These controls on vehicles to capture emissions during refueling—onboard systems—could increase vehicle safety risks, as has been noted by the National Highway Traffic Safety Administration [NHTSA], the National Transportation Safety Board [NTSB] and other organizations, both public and private, concerned with vehicle safety.

If there is any good to having the EPA Administrator be a Cabinet officer, I might say there might be one valuable lesson that can be learned. When EPA and the Congress start passing legislation that impacts safety

of travel, maybe the Secretary of Transportation would speak up at the Cabinet table and say, "What in the world are you folks up to over there?" Maybe the Secretary of Health and Human Services would speak up and say, "You are imposing hundreds of billions of regulatory costs on the American people. You want to spend that on preventing cancer, but we only have a $2 billion budget to do cancer research in my Department. What is going on here? What is happening? How did this get out of hand?"

Another point that I want to touch on very briefly is the Senate bill's requirement for onboard diagnostic systems. Such systems would monitor emissions control equipment and may one day eliminate the need for more costly and less efficient State emissions inspection and maintenance programs and recall programs. However, the provision in the bill too finely specifies the content and operation of the system. This may lead to many false failure indications causing consumer inconvenience in taking vehicles in for unnecessary repairs, and eroding confidence in the system, thus defeating its purpose.

USEFUL LIFE DEFINITION FOR CARS

The proposed doubling of today's 5-year/50,000-mile useful life nearly doubles the stringency of the emission standards. In order to be certain of compliance with the emission standards at 100,000 miles, a manufacturer would have to certify at significantly lower levels of emission to take into account normal deterioration of emission control equipment and production variability. Taken in combination with the other standards in the bill, this provision could be very difficult if not impossible to comply with.

MOTOR VEHICLE TESTING AND CERTIFICATION

Vehicles coming off the assembly line are randomly tested by EPA in a process called Selective Enforcement Audit [SEA]. This audit is to assure that the vehicles meet the standards. The committee bill requires a 90-percent pass rate in SEA. This provision, too, fails to take account of production variables that cannot be eliminated. This provision effectively tightens standards in the bill another 30 percent more.

USE OF STATE INSPECTION INFORMATION

Because of differences in testing equipment, procedures, and conditions in the various States' inspection and maintenance programs, the data collected in some of these programs does not necessarily correlate with the elaborate Federal test procedure used to certify vehicles. Use of this inappropriate data would only compound the many uncertainties that exist in EPA's current in-use data collection.

Allowing such State inspection and maintenance program data to trigger recall testing that would be paid for by manufacturers, as the bill would do, would effectively punish manufacturers for weaknesses in State programs over which they have no control.

FUELS PROVISIONS

FUEL VOLATILITY

The committee bill amends the Clean Air Act to require that the Reid vapor pressure [RVP] of gasoline sold during the high ozone season—May 16 to September 15—not exceed 9.0 pounds per square inch [psi] in class C areas—which are located along the west coast and in New England. This would effectively require RVP limits of 7.5 to 8.0 psi in ASTM class A and B areas, respectively. Gasoline with such a low RVP has not been sold in some class A and B areas in the past 20 years.

So you have another problem being imposed on the transportation of the American people. There is no free lunch, Mr. President. Somebody will have to pay for this. There is no free lunch, but this bill will be very, very costly to the American people.

Reid vapor pressure is a measurement of how volatile—or how "evaporative"—a fuel is at sea level at 100 degrees Fahrenheit. It marks one point on what is known as a fuel's "distillation curve." Gasoline must be refined so that the fuel performs properly at different points along the distillation curve. In order to easily start an engine in cold temperatures, at least 10 percent of the fuel should evaporate between temperatures of 122 degrees Fahrenheit and 158 degrees Fahrenheit. The effect of lowering RVP is to raise the distillation curve so that less than 10 percent of the fuel evaporates within that temperature range.

Certain class A and B areas of the Northwest and Rocky Mountain regions already experience very low temperatures in the May 16 to September 15 time period. EPA currently regulates fuels sold during that time period to achieve RVP's between 9.5 and 10.5 psi. Even at those levels, cold weather episodes have produced startup problems for certain vehicles. It is very likely that a lowering of RVP below 9.0 psi for such areas would create significant and widespread cold weather startup difficulties.

Part of the problem is that the actual RVP of fuel is always lower than the level at which EPA regulates it. This is because of EPA's "no tolerance" enforcement guidelines. Since gasoline RVP testing has a confidence level of 95 percent, and since EPA allows no tolerance above the established standard, refiners must produce fuel with volatility lower than EPA's standards to protect against test inaccuracies.

Ironically, the very areas where problematic RVP reductions might occur are located in States already in compliance with ozone standards. Consequently, the RVP reduction would be of little or no benefit to attainment of ambient air quality standards in those States.

This decreased responsiveness of the fuel stream with no accompanying air quality improvement would be costly as well. Decreasing RVP increases gasoline production costs since refiners must back out lower cost components. It also requires refiners to operate reformers at higher severity rates to compensate for octane loss. When reformers are run at high rates, volume is lost. The net result is a significant increase in the cost of gasoline to the customer. In those areas of the country where RVP reductions are unneeded and possibly pose startup problems, it does not make sense for Congress to require consumers to pay more for a less desirable product.

What I am saying is if I were out there in the field working at a service station trying to help people get their automobiles started, and they called up, and said, "What is wrong with my car? You just tuned it up," I would say, "Call your Congressman or Senator that passed and imposed the requirement to sell this fuel that won't start your car." Or, I'd blame it on some EPA regulation that happened to fit the standards of some of the dreamers along the banks of the Potomac where they know what is best for us, where they have no faith in free markets. They cannot see that in Eastern Europe people are clamoring to get what we have here. They want a market economy that allows free people working through free institutions to voluntarily allocate their scarce resources, goods, and services. They are clamoring for that, yet we are trying to impose a command-and-control economy by the Federal Government.

Mr. President, I see I have several colleagues on the floor who wish to seek time. I have not quite completed my dissatisfaction with title II of the bill, but I will just say that there are so many other things I want to mention.

Senator GRASSLEY came to me at lunch today and pointed out that many of his constituents in Iowa have engines on their farms that use leaded fuels, such as combine engines, tractor engines, stationary engines, corn feed mixers, and feed mills.

LEAD PHASEDOWN

The bill makes effective January 1, 1991, a complete elimination of lead in gasoline for highway use. This provision is unnecessary for health purposes, and costly to farmers and other owners of off-highway and antique vehicles that still require leaded fuel.

Today, leaded gasoline contains no more than one-tenth of a gram of lead per gallon. That, coupled with the continuing turnover of unleaded vehicles

in the national fleet, has resulted in attainment of ambient lead standards throughout the Nation. The few remaining lead concerns are site specific and do not require a Federal response that is nationwide in scope.

The bill also places a prohibition on the continued manufacture of motor vehicles requiring leaded fuels. This provision alone will ensure that the marketplace eventually phases out leaded fuel itself. In the meantime, however, there are a handful of individuals who, usually because of depressed economic conditions, continue to depend on leaded fuel vehicles. Many of these individuals live in rural areas where their demand for leaded gas, coupled with that of farmers, is sufficient to make refining, transporting and marketing of leaded gas economically feasible.

In April 1987, the EPA and USDA reported results of a joint study to determine the need for lead in gasoline-powered machinery. The study concluded: All engines performed satisfactorily on low-lead gasline.

Most engines experience excessive exhaust valve-seat wear when unleaded gasoline was used.

Nonlead additives demonstrated varying ability to reduce valve-seat wear.

It is estimated approximately 700,000 gasoline powered tractors nationwide are vulnerable to excessive valve-seat recession if operated on unleaded gasoline.

All combine engines are likely to experience excessive valve-seat recession if they have cast iron valve seats and are operated in medium or heavy-duty applications, using unleaded gasoline.

It appears a large number of farm trucks could be vulnerable to excessive valve seat recession if operated on unleaded gasoline.

So I am just saying, Mr. President, as I said the other day, I believe that we as Senators and Members of Congress should try to do things that will expand the happiness of our people—not harass them, not put them out of work, not for some cause that may or may not be scientifically prudent.

There is no question that if we do things to interfere with leaded fuel most old engines which need leaded fuel will start having exhaust fuel-seat wear. They will wear out when they use unleaded gasoline. They will have all kinds of problems. It is a cost that is being imposed on people with absolutely no evidence that anyone is suffering from a lead problem associated with the use of leaded gasoline in some farm and rural areas on small engines, on tractors and on stationary engines that run certain equipment.

While the committee bill does not expressly ban unleaded fuel for use in farm equipment, many refineries have already left the leaded fuel market, and the committee bill's ban on highway use of leaded gas will likely eliminate the remaining refineries. Without leaded gas suppliers, and in the absence of acceptable additives, farm equipment losses could be significant.

FUEL QUALITY

The bill also directs the Administrator of EPA to promulgate regulations establishing specifications for fuel quality. This, in essence, would give the Administrator the authority to mandate specific fuel formulations. Because each refinery configuration is different, a mandate such as this could require significant refinery modification or possibly force some refineries to close.

The Administrator should be given only the authority to set performance standards which can be satisfied by any fuel achieving comparable emissions reductions. The Administrator must also compare the cost-effectiveness of the performance standards program to that of other ozone reduction strategies before promulgating regulations. This will ensure that the projected air-quality benefit justifies the cost of compliance and will allow each fuel supplier to produce fuel which meets these standards in the most cost-effective manner possible.

OXYGENATE MANDATE

The committee bill currently incorporates a provision requiring that fuels with at least a 3.1-percent oxygen content be sold in all areas classified as nonattainment for CO_2 from October 1 to March 31 each year. In the absence of other avenues through which to encourage domestically produced ethanol to enter the fuel stream, this provision is necessary.

But its costs is significant, and its value to air quality limited. Since its effect would be to require the splash blending of ethanol, and because splash-blended ethanol is currently given a 60-cent-per-gallon exemption from fuel-use taxes, the provision would result in significant loss of revenue to the highway trust fund, the fund out of which we pay for the maintenance and upkeep of this Nation's infrastructure.

Furthermore, the value of splash-blended ethanol to attaining clean air goals is limited, especially since such fuels must necessarily be granted a variance allowing them to meet RVP standards one pound higher than other fuels. Many of the areas where splash-blended ethanol would be mandated will likely reach attainment merely through vehicle fleet turnover, thus eliminating the value of the ethanol blend.

A much better method of utilizing ethanol in the Nation's fuel supply is in the production of Ethyl tertiary butyl ether [ETBE]. ETBE is a clean burning ethanol- and isobutylene-derived compound, currently unavailable since it cannot compete with cheaper imported, methanol-derived MTBE and splash blends. However, should the U.S. Treasury follow through with their proposed rule to extend the "blenders tax credit" to ETBE, the need for a 3.1-percent oxygenate mandate would be greatly lessened. The committe bill's oxygenate requirement could then be lowered to 2.7 percent or some other level that assures continued clean air improvement and yet leaves highway funds intact.

OUTER CONTINENTAL SHELF

The Department of the Interior is currently charged with regulating offshore air quality, including the air quality concerns associated with offshore oil and gas production. It carries out this charge through the offices of the Mineral Management Service [MMS].

The MMS is charged with safety considerations as well as environmental review, which is an important duality of responsibility on offshore drilling rigs. Not every kind of control equipment used "onshore" can be safely used offshore. Because of its ongoing offshore inspections, the MMS maintains a regular presence that is of great value to enforcing and monitoring compliance with offshore air emission standards.

Nevertheless, there are some who have criticized the Department of the Interior for not having done an adequate job. The logical response to such an accusation would be to redouble efforts to ensure that Interior does a better job. Unfortunately, the committee bill does not take the logical course.

Rather, it merely places the regulation of offshore sources in the hands of the EPA. Forcing EPA's air quality office to assume authority over an area of the Outer Continental Shelf poses some awkward problems, not least of all being the fact that States, who implement most EPA air quality measures, cannot be expected to regulate sources outside their own boarders.

Offshore air emissions should be regulated by the agency that has the best authorities, funding, personnel and resources. Whether that agency is Interior or EPA depends on where the President chooses to place such resources. Because of this very fact, questions of executive reorganization have traditionally been a Presidential prerogative. There is no reason why the committee should seek to usurp that prerogative now.

Mr. President, I could go on and on on this bill on the fuel things. But there are better ways to do things than we are trying to do in this bill. ETBE is one way that would be better.

But the fact is that, in summary, I guess I would say, this bill basically denies the logic of the basic fundamental principles of using sound sci-

ence, of using technology, and of allowing people to work freely in the marketplace to solve these problems, and use the best available technology that they can be developed at a time, to have the best and simplest design which will provide for the cleanest emissions and for the best long-term health of our economy.

This legislation will throw a roadblock in the crossroads of common sense. It will intervene in the progress that is being made through advanced technologies, through simple designs, through improved technologies, whether it is car design, fuel mixing, fuel blending, or different varieties of alternate fuels.

There is no question that the proposal that the President has sent to us, and that I think will be offered in probably a modified form here in a few days, will offer Senators a chance, if they are concerned about doing something about clean air, about doing something about it in a much more sensible, moderate fashion, and it will be much better for the American people than to go whole hog and throw the baby out with the bathwater—pass this very draconian, expensive, excessively regulating bill on the American people to achieve, though noble goals, only minimally cleaner air than is proposed by the alternate bill which the President has offered, or a bill that I am sure sooner or later will be brought to the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Indiana.

Mr. COATS. Mr. President, I would like to take this opportunity to explain some of my views on the legislation pending before the Senate.

I am one who truly hopes we can fashion a rational, reasonable, achievable piece of legislation that will bring about needed improvements in the air quality of our country and of our country's cities, yet, also balances it with a very important need to maintain a competitive, effective, growing, dynamic economy.

Achieving the balance between those two goals is not going to be an easy task. We have a proposal before us on the Senate floor, S. 1630, which proposes one way of doing that. The President and the administration have offered another proposal which shares some of the goals of S. 1630, yet departs in a number of areas in an effort to achieve the same ultimate end.

There is legislation under consideration in the House of Representatives, and there are a number of compromises that have been discussed. I have been engaged in discussions with others of my colleagues, and we will be debating amendments to the basic legislation that is before us. My primary concern is that, while we want to make efforts at improving the existing Clean Air Act and bring about needed changes designed to improve America's air quality and move us toward a safer, cleaner, healthier environment, that we not do so in a way which would result in either not achieving that goal in a reasonable fashion, or in doing it in such a way that we inflict severe damage on our economy.

We all want to leave future generations a legacy of a cleaner, healthier American environment. Yet, we also want to leave the legacy of a dynamic, expanding, growing economy, one that provides opportunity and jobs and the kind of quality of life that many of us have enjoyed in the past several decades in this country.

Therefore, finding that very balance that allows us to achieve both of those goals is one of the most daunting and challenging tasks that this body has faced in a long, long time. We have struggled mightily over the past decade to work on proposed changes in the clean air laws. As a member of the House Energy and Commerce Committee for 8 years, I directly served on a committee with jurisdiction over these questions, and participated in many of the epic struggles which took place on that committee to attempt to achieve that balance. We failed, for a number of reasons, to enact legislation.

In my opinion, clearly the time has arrived whereby we will move forward and enact into law this year, 1990, amendments to the Clean Air Act. We can argue that this might not be the time; yet, it is clear to me that after a decade of discussion, we are at the point where the President strongly endorses changes in the clean air law, with the majority of the Senate, led by the majority leader. And with, I think, a majority in the House of Representatives supporting it, we are going to see legislation this year. The only questions are, what will that legislation contain, and what impact will it have on our national economy and the local economies for each of our States?

I begin this discussion with a reference back to a time period of severe economic distress for the area that I represent in my State, and the Midwest in general. This country, in 1982, 1983, extending into 1984, experienced a severe economic recession.

As someone who represented over 550,000 people in the northeast corner of Indiana, the Fourth Congressional District, I experienced first-hand the effects of that recession. It did not simply involve looking at unemployment statistics, at lines on a chart, at numbers on a page; it involved looking into the faces and eyes of individuals who are and were deeply effected by that recession; of being laid off without a prospect of a new job, or at the prospect of a job at far lower wages; families sacrificing and scrimping and trying to hold the line, hold their home, maintain some semblance of income, as the depression that hit our particular area deepened.

Indiana had two choices at that particular time. One was to fold up and say that is it for the industrial Midwest, that is it for major manufacturing; the other was to roll up our sleeves and go to work and do something about it. I am proud that the people I represented in the State of Indiana took the latter course.

We have made what some would call a remarkable recovery. Our economy has been booming. We have created hundreds of thousands of new jobs, millions across the country. We have restored a competitiveness to our manufacturing sector that is remarkable. We are poised and ready to complete on a worldwide basis.

The steel industry, for instance, has made a remarkable turnaround. The auto-truck industry has come up with several years of back-to-back growth in increased sales and profits. The machine-tool industry and other industries so vital to not only the industrial Midwest, but the entire manufacturing base across this country, have made substantial progress. We do not want to see that impeded, stopped, eroded, or minimized by legislation that we pass here, whether it is this act or another act or pieces of legislation that affect our national economic policy.

During this time period, it is important to note that these industries made substantial improvements in terms of how they deal with environmental questions. It was not simply a matter of turning on the boilers, opening up the machines and letting it roll, as we had in the past. There were mandates under the original Clean Air Act. There were other environmental mandates and voluntary compliance with a standard that we all were trying to reach in achieving cleaner production processes and making improvements in the air.

We worked together throughout the decade of the eighties to improve that competitiveness, rebuild our factories and regain our market share, and at the same time, invest billions of dollars in environmental concerns. For instance, I think one of the most impressive success stories, one that has not been told all that often in terms of achieving better air quality, is regarding changes in the American automobile. Since 1970 hydrocarbon emissions from automobiles—hydrocarbons being a precursor for urban ozone—and carbon monoxide, those two emissions have been reduced by 96 percent. A 96-percent gain in reduction of emissions coming out of the tailpipe of the American automobile. That is a remarkable achievement. That is a costly achievement. Billions have been invested to in that achievement. It is a needed achievement.

I salute the auto industry for its efforts as responsible citizens of this country and for investing the billions of dollars necessary to make these improvements.

In addition, nitrogen oxide, which is much harder to control, has been reduced by 76 percent.

While we continue to face the need to bring about additional reductions, the substantial reductions that have already occurred should not go unnoticed or unmentioned.

Let me turn to steel. The steel industry has long been the backbone of the Midwest manufacturing base. In the past several years, the primary polluter of the steel industry, the coke oven, has been made 90 percent pollution free, a 90-percent gain.

I think we should also not allow this fact to go unmentioned or unrecorded because the steel industry has done a remarkable job in attempting to make a contribution, not only to international competitiveness, but also to America's clean air efforts.

So the task we are faced with today is not to start the process. The task we are faced with today is to continue to complete the process. In many instances, what we are trying to achieve through these Clean Air Act revisions is finding ways to reduce or eliminate that remaining 10 percent.

The first 75 or 90 or 80 percent of the achievement, although very costly, is less costly than achieving the last part. Because when you get to that last 2, 3, 5, 6 percent, you have to employ extremely expensive technology to achieve those last gains. That is why it is important that we look at this legislation on a rational, objective, reasonable basis and find a way in which we can make those improvements, and yet not bankrupt our industries or lose our competitiveness worldwide, which we have struggled so hard to gain.

That is why we need to work together—not divided by region, not divided by party, but work together as a Senate body—to achieve a piece of legislation which will allow us to truly reach goals that we all want to reach.

Mr. President, the bill before us has, in my opinion, a number of problems. Perhaps those problems can be summed up in the fact that it is immensely expensive and while Hoosiers and other Americans are willing to pay substantial amounts to improve our air quality, it is important that we note what those amounts will be, what impact they will have on our economy, and ask questions as to whether or not the gains that we achieve are worth the cost that we pay. It is not to say that we do not need to achieve additional gains in cleaning up the air or that we are not willing to pay additional money to do so. It simply says that we must weigh the cost versus the benefit; we must provide a careful objective analysis on each section of this bill to determine whether or not the amount paid is worth what we achieve and to examine alternative ways of achieving that same improvement in air quality.

It has been widely discussed and estimated that the bill before us will cost American industry, and therefore the American economy, somewhere in the range of $40 billion to $45 billion per year for the decade of the nineties in order to achieve the requirements set out in this legislation, S. 1630.

Other groups have looked at this piece of legislation and estimated the cost as high as 100-plus billion dollars. The Business Roundtable, a coalition of business and industry interests, last week released a study which estimated that the bill would cost a minimum of $54 billion per year, not total, but per year, and perhaps as much as $104 billion.

That study indicates that the cost of just the residual risk requirements in title III, the air toxic section, alone might cost $45 billion a year, nearly twice what the President's proposal cost. The EPA estimates that residual risk requirements could potentially shut down 39 of 40 coke ovens in this country, effectively shutting down the steel industry.

The steel industry employs 70,000 people in Indiana, and used to employ a lot more than that. Changes that were necessary in the decade of the eighties to reshape American steel production cost literally hundreds of thousands of jobs. The economic impact that is being felt in many parts of my State and other States around this country.

So when we look at legislation which potentially is going to cost in the range of $40 billion to $100 billion a year, we need to ask some very tough questions. We need to be very careful about how we proceed on this, because the impact will not be on the steel industry, the impact will not just be on auto industry or the electric utility industry. The impact will be on our Nation as a whole. You cannot impose a $40 billion minimum cost a year on American industry without it having some negative impact, and probably a substantial negative impact on our ability to maintain competitive, quality products at competitive prices.

We face a world today where our competition is no longer the factory down the street or the State next door, but the nations overseas, or the conglomerate of nations that are taking place in Europe in 1992, or the Asian rim nations. It is important that we look at the American economy as a whole and determine what we need to do to make sure it remains competitive, because that is what is going to provide jobs for Americans in the future and that is what is going to keep America No. 1.

Let us say that you do not agree with all of these estimates—and I do not know if they are accurate or not—different people come up with different numbers. No one disputes the fact that this is going to be an immensely costly piece of legislation, whether we adopt the President's bill or whether we adopt the Senate bill, or the House bill. Whatever we end up with, it is going to cost a lot of money. As I said, Americans, I believe, are willing to pay for cleaner air but they want to do so in a way that results in real gains and does not cripple our economy.

Let me now turn, if I could, to some specific provisions and just in a broad, general way talk about how they impact Indiana and how they might impact our Nation as a whole.

Title IV of the bill deals with acid deposition control. Acid rain has been talked and discussed for a number of years. Effects on Eastern lakes and streams and forests in the East have been debated hotly in this body, in the House of Representatives and across this country. It is clear that while we know a lot more in 1990 than we knew 10 years ago, there are still a number of questions that remain in terms of cause and effect, exact damage to the environment, the health implications, and so forth.

As someone who represents the industrial Midwest, an area which produces most of its power to run that heavy industry by burning fossil fuels, namely coal, Indiana is directly impacted by the provisions of title IV. There is a preception, first, that acid rain is decimating our eastern seaboard and some of our forests, streams, and lakes—and I am not one to say just exactly what the extent of that is. But Congress several years ago authorized a massive study to find specific answers to the cause and effect as of the damage, and what we ought to do to alleviate it. The national acid precipitation assessment report, NAPAP, has reported some preliminary findings. Those preliminary findings indicate some damage, and yet as former EPA Administrator Lee Thomas told the Energy and Commerce Committee in the House not all that long ago, in the latest interim assessment there is no reason for panic, no reason for alarm, no reason to rush to judgment, no reason to enact measures which may turn out 10 years from now not to have solved the problem. We ought to let the science finish its course; we ought to let this massive investment of over $350 million, using eminent scientists from around the country, following models and doing studies and coming up with specific scientific evidence; we ought to let that base our decision on what we do with acid rain rather than just simply make assumptions and go forward.

Having said that, we are making assumptions and going forward. There is a general consensus now that we will move forward on acid rain. We can question whether we should do it this year or wait for the return of that report. But it is obvious that for political reasons or whatever other reasons, we are going to go forward now in 1990, we are going to reduce substantially the amount of sulfur dioxide emissions from powerplants across this country and principally in the Midwest. We will probably end up with a 10 million ton of SO_2 reduction by approximately the year 2000, and that we will do so in a way that will impact on about 100 utility plants in this country before 1995.

As I said, you can debate whether or not we ought to be doing that. The reality is that is what we are going to do. Since that is what we are going to do, we ought to do it in the most rational way possible.

I want to state for the record because I think there is a perception among Members of this body, and there is a perception around the country, that the Midwest utilities have done nothing to clean the air, that there has been no investment, that there has been no attempt to do that.

First of all, there needs to be an understanding as to why we generate the amount of power that we do. It is to manufacture steel and aluminum and machine tools and a whole number of products that are essential components of goods made in this country, durable goods. It requires an enormous amount of power to do that.

Following World War II, we invested heavily in the Midwest in building manufacturing plants, both before the war and after the war, that turned out an amazing cornucopia of goods for this country to consume and to sell worldwide and which played a direct role in terms of our economic success in this past half century.

Such powerplants were built and used coal, a relatively cheap source of energy, to produce the power which drove the heavy machines and drove the equipment necessary to produce these goods and services.

So this manufacturing base is critical to our economy and so important to America's competitiveness. The automobiles and the trucks and the machine tools and the plastics and the agriculture equipment and the pharmaceuticals; these are the lifeblood of the midwestern economy and the national economy. Many are produced in the industrial Midwest.

Those powerplants that were built to supply that power have a record for producing power in substantial amounts but also have a record of being responsible environmentally. We have spent a great deal of money to try to control the emissions from those plants. Indiana is proud of our environmental record in powerplant emissions. We are fourth in the Nation in terms of total dollars spent for emissions control.

We know we need to do more. We know we need to contribute more to the clean air debate that is going on here and we are willing to do more. We are willing to pay our fair share. We are willing to participate in this effort to make our air clean. Since 1980 alone Indiana utilities have spent $1.2 billion in emissions control, and we know that we will have to do much more in the future.

Let me cite some specific examples. Public Service of Indiana, one of the companies most impacted by S. 1630 and by this whole debate, serves 500,000 residential and 39,000 business customers in 69 of Indiana's 92 counties. They recently announced that they will install an additional scrubber at the Gibson plant in south central Indiana. The Gibson plant consists of five units and supplies a total of 52 percent of their power, representing 16 percent of Indiana's total electric capacity. Public Service Indiana is moving forward to make sure that it is putting in place the necessary emissions controls for the future, and is willing to do more to work with this body and to work with the Congress and work with the President to achieve gains in the control of emissions for that plant.

Northern Indiana Public Service Co., which has a remarkable record of investment in the decades of the 1970's and 1980's in terms of controlling pollution, recently began construction of an innovative clean coal technology project. That was awarded in round II of the Department of Energy's Clean Coal Technology Program, and the NIPSCO pure air project will employ new technology by allowing more than one unit to be hooked up to the same scrubber.

The Department of Energy thinks this holds a great deal of promise in terms of controlling emissions, and if it works it can save a great deal of money. We hope that the legislation before us today will allow us to accommodate these kinds of efforts that are under way and these kinds of projects that can make substantial improvements in the Nation's air quality.

These are only two examples of a whole series of examples of efforts undertaken by Indiana utilities in the past couple of decades to address the question of emissions into the air. I could list many, many more, but for time's sake I will move on.

The bill before us today, by most conservative estimates, indicates that while Indiana contributes 7 percent of the country's sulfur dioxide emissions, we are going to pay at least 1½ times that, maybe more, in terms of cost to clean that up.

The Midwest's nine States, which, as indicated, contribute about 50 percent of the Nation's emissions, will by most estimates have to pay over 70 percent to meet the requirements of the legislation before us.

This comes at substantial cost to us in Indiana. We do not look at this lightly. The Indiana Department of Environmental Management estimates that, on a statewide average, Indiana rate payers are going to experience an average rate increase of 9.6 percent, or almost 10 percent. Our largest utility, Public Service Indiana, which I mentioned before and which serves a majority of the consumers of Indiana, is projecting a rate increase of up to 21 percent for its customers. Indianapolis Power and Light Co., which serves the largest city in Indiana, indicates an increase of 11 percent.

These are not inconsequential rate increases. They impact all rate payers from the richest to the poorest. The low-income and the fixed-income residents of the State of Indiana are going to severely impacted by a 10-percent electricity rate increase. It is no small thing to say to a senior citizen on fixed income, or to a low-income person living in one of Indiana's cities or rural areas, that they are going to have to have a 10-, 15-, 20-percent increase in their electric rates. So this needs to be borne in mind as we examine the impact of these bills in terms of real costs on real people.

Mr. President, what we are asking for is not a stall tactic. We are not asking to kill this legislation. We are asking for a reasonable, rational compromise which allows those of us from States that are heavily impacted by the provisions of title IV, the acid rain section, to meet the goals that all of us as Americans want to meet, to achieve gains in clean air, but do so by maintaining mining jobs for those who are mining coal in southern Indiana, by maintaining the ability of all ratepayers across Indiana to pay their electric bills at the end of the month, and by the ability of midwestern manufacturing—steel, autos, machine tools, plastics, agriculture equipment, and other endeavors—to maintain and enhance their ability to produce quality products at competitive prices, to compete worldwide, and provide not only jobs for those in my State and others, but also to provide a continued expansion of the economic growth that we have experienced in the last several years.

I think in Indiana we legitimately ask the question as a State which has contributed to providing support for expenses that are incurred by other regions of this country because of natural disasters or financial disasters or other things that happen. We are asking other States in the country to not look at this as a regional Midwest-only problem, but to have some sym-

pathy and some support for a sector of the country which is so important, not only to the economy of Indiana but the economy of the United States and the economy of New Mexico and the State of Washington and Idaho and Rhode Island and Connecticut and Montana and other States.

We have just passed, in this body, a substantial piece of legislation designed to bail out the savings and loan industries. Hoosiers, who have contributed virtually nothing to this crisis, are going to have to pay over $325 million to meet the tax burdens for this new law; 6½ times our share of the problem is going to have to be paid by Hoosiers because of a financial crisis that basically impacts two States, but which potentially could have ripple consequences on all 50 of our States.

If that is the case with savings and loans, it is also the case with clean air. Yes, it impacts on 9 Midwestern States, but it has a ripple effect to all 50 of our States. Is it fair to simply say, well, we will put the burden on those States that have most contributed to the problem, and we will not worry about the impact on the rest of the country or contribute to its solution?

We willingly put up funds to help pay for Hurricane Hugo and the damage it caused to Charleston, SC and other parts of the Southeast. We willingly paid our share to help repair the damage for the earthquake that occurred in San Francisco this last fall. We did not say, "Well, that is in San Francisco; tough break. We do not have earthquakes in Indiana, so we will not worry about that." Or, "The hurricanes hit the coast and they do not hit Indiana, so we will not worry about the hurricane in South Carolina."

We paid our fair share because we are one country, and what is good for Indiana ought to be good for South Carolina, and that is true for all States of our Nation.

Cleanup costs imposed on Indiana to meet the requirements of S. 1630 are going to cost 1,350 of Indiana's 4,500 coal miners their jobs, and that is going to ripple into an effect of 13,000 job losses in southern Indiana. These higher costs translate into higher manufacturing costs, and result in a loss projected by the Indiana Department of Environmental Management of nearly 20,000 jobs.

Mr. President, I do not want to belabor the acid rain section here. I have a number of other things I want to say about it. As we get into the specifics of the bill, I will be debating and talking about specific provisions here and ways in which I would suggest we can make improvements in this legislation.

For instance, the deadlines imposed under S. 1630, by moving the administration's deadline back a whole year from December 31, 1995 and December 31, 2000 to January 1 of these years, makes a difference of 2 whole years in terms of our timeframe in which we can achieve the reductions required under the bill. That is substantial in terms of its cost and will substantially increase the amount of sulfur dioxide reductions required under the provisions of S. 1630.

Clean coal technology, which I referenced before, needs to be discussed and debated on this floor because it can make a substantial contribution to cleaning up air in this country. The imposition of an allowance for clean coal technology will allow midwestern utilities and other utilities to achieve needed gains in control of emissions in a more cost-effective way. We need the flexibility to employ that technology rather than mandating a specific technology that currently exists. We have spent a great deal of money in this country providing for model programs and test programs for clean coal technology.

Mr. President, I have been informed that I have been a little more long winded than I had planned. I did tell our colleague from Connecticut that I would make sure I reserved time for him to speak on this bill.

I have a lot of things left I want to say because I have only addressed, to this point, one title of this bill. The Midwest is under a triple whammy. We get hit in the acid rain title. We get hit in the air toxics title. We get hit in the ozone title. We get hit 1, 2, 3. Some of us are worried it is going to be 1, 2, 3, and you are out.

I have a good hour's worth of material here that I want to discuss in terms of how it is going to impact my State of Indiana, in terms of how it is going to impact this Nation, and some suggested changes that I think would improve this legislation. It is a discussion which I think every Senator ought to be concerned about.

For the time being, in deference to my pledge to my colleague, I will wrap up my comments on title IV, the acid rain section. I will reserve my remarks on the ozone and air toxics sections for another time.

In wrapping up my comments on the acid rain section, let me just suggest two or three more specific things that I think ought to be discussed, debated, and worked out on this floor so we can move forward with a bill that is more realistic in terms of our meeting those two goals I talked about before.

I suggest the EPA Administrator be given the authority to waive the phase II deadlines for utilities which enter into clean coal technology contracts in good faith, but are then prevented from installing and implementing those projects for reasons beyond their control.

It is incumbent on this body, I think, in drafting legislation, to encourage utilities to make long-term decisions which are in the best interests of our Nation's clean air policy. Yet the legislation before us is going to drive them in the opposite direction.

Another provision of the bill which concerns me is the baseline that is used for figuring current emissions allowances. The baseline is supposed to be the annual average quantity of MMBtu's consumed in fuel during the calendar years 1985, 1986, and 1987, and yet drastic fluctuations in the economy make some of these baseline estimates very unrealistic.

Indiana, as I said, was pulling out of a difficult economic period during that time. Powerplants were not up to full speed as they are now. And using those years as baseline penalizes them and penalizes our country in terms of our ability to remain competitive.

So there needs to be flexible in terms of what baseline we use. I had two utilities that were putting new units in place during the years of the baseline, so they were in test phase and they were not up to speed. Yet just for a small—sometimes a matter of weeks—test period, that emission level is counted as part of their baseline.

Indianapolis Power & Light, and Southern Indiana Gas & Electric Co., which had units being retrofit for parts of 1985, are penalized by this bill because of the arbitrary setting of a fixed baseline, and that ought to be looked at.

I have talked about the disproportionate share of costs that are going to have to be assumed by the Midwest. Let me mention one other specific provision.

The President's proposal included a provision which would respond to a problem titled "the WEPCO fix." It results from a court case and efforts by the Environmental Protection Agency to require that DOE-sponsored clean coal technology projects comply with new source performance standards.

There is confusion here on where we are going with this. I have some indications that the committee is willing to take a look at this. I think we need to, in a sense, have a WEPCO fix which addresses a very real problem. Utilities may be making a very real effort to comply with performance standards, but yet will be penalized if we do not bring about a change in the legislation, at least as it is currently being considered.

There are a number of things here, Mr. President. In the interests of time, I will defer that to a further discussion.

In conclusion, I just want to say that I have traveled to every part of Indiana in the last year, talking with utility presidents, talking with consumers, talking with manufacturers, talking with State government officials, and

local officials about the impact of this clean air legislation on their businesses and on the State of Indiana and on manufacturing in general.

I am concerned that we are moving forward with a piece of legislation which does not adequately address the very real concerns expressed to me. Whether it is in Gary, the home of the American steel industry, an area where people have worked so hard to pull that industry out of the pit that it was in in the early and mid-eighties and make it competitive worldwide again; or whether it is in Fort Wayne, in surrounding areas, a city and area that has worked so hard to help rebuild the American automobile and truck industry and now has a state-of-the-art plant operating, which is potentially jeopardized by some of the provisions in this bill, or whether it is in small machine tool businesses across the State of Indiana; southern Indiana coal miners; Indiana utilities; manufacturing facilities all across our State; we are directly impacted by the provisions of this bill. I submit to the Members that the industrial Midwest, which is the heart of manufacturing of heavy duty equipment and materials in this country, has a ripple effect all across this Nation. If we are going to impose a cost of $40 to $100 billion on American industry, we better know what the results are gonig to be and the effects are going to be.

I want to finish by saying there is room for compromise. There is room to reach both of those goals. There is room to achieve needed improvements in clean air and yet maintain a competitive economy. I am hoping that I can work with my colleagues in presenting not only Indiana's case but America's case in finding that very necessary compromise. I appreciate the patience of my colleagues. I will take up at another time discussion of other parts of this bill. I look forward to being able to alert Senators to potential problems which I believe can be fixed. Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend and colleague, the Senator from Indiana, for his courtesy in curtailing his remarks for now. We look forward to his continued contribution to this important debate.

Mr. President, I rise to support the amendment currently before the Senate introduced by the Senator from Rhode Island, the Senator from Montana, the majority leader, and others. This amendment would phaseout the use of methyl chloroform by the year 2000. I commend my colleagues for their leadership not only in offering this amendment but in dealing generally with the problem of damage to the stratospheric ozone layer in the Clean Air Act.

For many people, the problem of the stratospheric ozone layer is difficult to comprehend. We cannot see it. We cannot smell it, but its effects are very, very real on all of our communities and on all of our people. In fact, in the long term, the growing hole of the ozone layer could have dramatic effects, perhaps as serious as any other form of air pollution, on the health of people in America and, indeed, throughout the world.

We have, as we learn in this bill, good ozone and bad ozone. If I may express my biases here, bad ozone is what becomes smog and exists close to the Earth. The good ozone exists up in the stratosphere and is one of the subtle gifts of nature, one of the wonders of God's creation of the Earth, this magnificent balance that the natural environment provides us. In fact, the stratospheric ozone layer, it could be said, protects our existence on this Earth as we know it because it shields us and all living things from the ultraviolet radiation of the Sun that would otherwise reach the Earth and cause us great harm. Without the protection of the stratospheric ozone layer, it is not too far-fetched to say that life as we know it on this Earth would cease to exist. It is a strong statement, but from all that I have read, it is true.

For many years, as we now come to understand, we have inadvertently been destroying the stratospheric ozone layer, this blanket of protection that nature and God gave us. Early evidence of decades of pollution came in the form of the now famous hole in the ozone layer detected by scientists over Antarctica. Research has now tied the depletion in stratospheric ozone to the release of a group of chemicals that we use in our daily lives. Included in this group are chlorofluorocarbons, CFC's, halons, carbon tetrachloride, methyl chloroform, and others. Over time, we have come to understand that these chemicals escape into the air and collect in the upper atmosphere. The chlorine molecules in those chemicals break up the ozone molecules up in the stratosphere. The unfortunate mathematics are that it takes one of the former to destroy the latter, that is, one of the chlorine molecules destroys many of the ozone molecules. The thinner the ozone shield is, the more ultraviolet rays will hit the Earth, and as a direct consequence there will be a tremendous increase in the amount of skin cancer. We may come to a point where a day at the beach becomes a thing of the past.

In 1987, when awareness was growing of the consequences of these stratospheric ozone depleting chemicals, the great nations of the Earth gathered in an unprecedented conference in Montreal and adopted what have become known as the Montreal Protocols. This agreement call for a gradual phaseout of the use of some of the stratospheric ozone depleters.

Since 1987, really just about 3 years ago, science has shown us that the pace of those protocols is insufficient. We need to act faster. That is why the Clean Air Act now on the floor would ban CFC production by the year 2000. That is why it is essential that we amend this bill to include a phaseout and a ban, of the use of methyl chloroform, another stratospheric ozone depleter by the year 2000.

I understand that this amendment, if adopted, does not come without a cost to the industries that make and use methyl chloroform, several of which, I must say, are located in my State. In reality we are at a stage in our development and our relationship with the natural environment where there is a need to make choices to protect our environment and our health. Most of those choices involve change and cost. As all of us have stated repeatedly in the Clean Air Act debate, when we talk about cost of improving the environment and protecting it, we also must speak of the cost of not protecting the environment. We must pay particular attention to the health costs involved. In fact, skin cancer is already on the rise because of stratospheric ozone pollution. Unless we act, the incidence of that cancer will increase dramatically. The Environmental Protection Agency provided us numbers that, frankly, when I looked at them the first time and second time, I found hard to believe.

This is what they tell us: Failure to act in this legislation to ban the use of stratospheric ozone depleters will have the following impact between now and 2075. In the United States—these are not world figures—we will have 3.6 million nonmelanoma cancers; 3.6 million people will have nonmelanoma cancers; 64,900 people will actually die as a result of cancer caused by the hole in the ozone layer; and there will be 363,000 additional cases of cataracts.

It is difficult to assess the health care costs associated with so incredible an outbreak of disease, let alone try to determine its emotional impact on the people and families involved. The cost of weaning our economy from the use of methyl chloroform is undoubtedly far less than the cost of doing nothing.

Mr. President, I believe strongly that we need this amendment to the Clean Air Act if we are to promise the public truly cleaner and healthier air. I congratulate the sponsors of this amendment for offering it.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, the President pro tempore.

Mr. BYRD. Mr. President, let me state at the outset that I fully support the goals of this legislation that is before the Senate. Protecting the environment and ensuring clean air are important to the citizens of this Nation and integral to our responsibilities to preserve and protect the quality of life for future generations. There is no question that we shall have failed in our obligation to our children and to their children if we do not take effective steps to combat urban smog, to reduce the precursors of acid rain, to control emissions of toxic and hazardous air pollutants, and to minimize the release of chlorofluorocarbons [CFC's], and other trace gases which may contribute to the problem of global warming.

We must keep in mind, however, that this legislation involves far more than revisions to an air quality regulatory program. As a result, there is no proper place in this debate for oversimplification. The topic of how best to protect the quality of the air we all must breath is surely among the most complicated, contentious, and important that this body will ever address. We are, in fact, carving out a policy agenda—in environmental, economic, and energy terms—that will guide this Nation through a new decade and into a new century. Yet, I have heard much oversimplication on this Senate floor already. I have heard repeated attempts to frame this issue in "all or nothing" terms.

There are no black hats and no white hats in this particular debate. There is not one Member of this body who is an advocate of dirty air. To characterize this debate as being between those who favor clean air and those who favor dirty air is an absurdity. That kind of emotional and rhetorical demagoguery does nobody any good; it polarizes the Senate; and it contributes nothing to a real understanding of all the issues at stake. It is the last thing that is needed when dealing with a national problem that is as difficult and important as this one.

We are not here to discuss only the environment and the quality of our air. We must also discuss the economic and energy future of our Nation. The legislation we are considering will have a significant impact on our economic competitiveness. For example, the future of our domestic steel industry, which lies not only at the core of our great industrial strength but is likewise critical to our national defense, is also at issue in this debate. What we finally do here and the way in which we do it will have repercussions in the economic and energy arenas as well as for the management of the environment for many years to come.

As a result, Mr. President, there can be little room for shibboleths or specious oratory in this debate. The implications are too far-reaching and the stakes are simply to high. Stridency will only prolong the deadlock. We must try to forge a consensus as to the merits and strike a balance on the substance of this legislation. There are no rights and wrongs here; there are only different views of how to reach a common goal.

Our task would, of course, be a great deal easier if the choice were simply between clean air and dirty air. If we could simply conclude that issues involving the impact on jobs and local economies or the competitiveness of key industries or the future of this Nation's energy policy were peripheral or simply nonexistent, we could probably dispose of this legislation in an afternoon. But these are not peripheral issues and they are real, and the tradeoffs involved are complicated.

Arguments have been made that costs and dislocations caused by the compliance requirements of this legislation pale in comparison to the public health benefits. But what will we really have accomplished if we succeed in removing certain pollutants from the air and at the same time level the economies of whole communities and regions? is that progress?

Is that kind of devastation not even to be considered here? Is it our intention to mindlessly punish communities that mine coal or produce steel or chemicals or automobiles? These activities are essential to the economic health and national security of this Nation, and a means of support for millions of Americans. These are also real people with real families—men and women who do hard, dirty, and often dangerous work. Are we to punish certain regions because of some sort of legislated value judgment about who is responsible for the quality of our air?

Mr. President, the purpose of this legislation should not be to decide who are the winners and who are the losers. We are not here out of some arrogant sense of self-righteousness to reward one region of the country while we punish another. The problems that this bill seeks to address are national problems that require national solutions. It is my hope that we will approach these problems with the same sense of national responsibility with which we approached the savings and loan crisis. Let us respond to our environmental needs as we responded to the San Francisco earthquake and Hurricane Hugo disasters—as one Nation pulling together to solve problems. We will not prosper as a Nation if we view ourselves and act as if we are nothing more than a loose collection of disparate regions, with one seeking to profit from the losses of another. So let us try to ensure that the responsibilities associated with a clean environment are fairly and equitably distributed.

Some of the rhetoric heard so far in this debate has been singularly unhelpful.

To come to this floor now and attempt to make the case that this is not simply a debate about clean versus dirty air is to be in an unenviable position. To try to argue that we must consider economics and jobs and our energy future as we try to improve the quality of our air is tantamount to inviting the label of "dirty air" Senators.

Indeed, we have heard that amendments to this bill which might reflect regional concerns are "dirty air" amendments. That is the same attitude, I regret to say, that is reflected in this legislation. But oversimplified, moralistic pronouncements have no place here.

What is required is a balanced approach to solving our environmental problems. Pitting one region of the country against another, or one fuel source against another, or one industry against another, will not work well for the future of the Nation. Equally important, we must not needlessly force our environmental policy to conflict with our economic and energy policies. We should instead strive for balance.

The legislation before us, however, lacks the required balance and, without some changes, it will remain inadequate, unworkable, and unfair. The shortcomings of this legislation are evident throughout the bill. The air toxics provisions, for example, threaten to shut down, without adequate justification, certainly most of the coke ovens in the United States. Some would say not all of them.

Such a shutdown would, in turn, adversely affect our domestic steel industry, which is vital to both our economic well-being and our national defense. The acid rain title is, in my view, filled with tremendous inequities and problems. I suggest, in fact, that the acid rain title provides an excellent example of how this bill, while pursuing laudable goals, fails to incorporate sound economic, energy, and environmental policies.

Acid rain control is an issue that is of great concern to the people who live in the Midwestern and Appalachian States.

Initially, I have some concerns about the wisdom of enacting new acid rain control legislation prior to completion of the study currently underway by the National Acid Precipitation Assessment Program [NAPAP]. There is, in my mind, some question as to why, after spending 10 years and $400 million of taxpayers' money on a scientific study of this issue, we are now moving ahead with new legislation on the issue before that study has been completed.

Publication of NAPAP's integrated assessment is scheduled for September

of this year, only a few months away. I believe we would be wise to wait for the results of the NAPAP study before enacting costly new acid rain controls. I am, however, a realist. I recognize that perceptions of risk have out distanced any prerequisites for greater scientific certainty. For that reason, we are here, in this greatest of deliberative bodies, seeking to find a consensus on the issue of acid rain control without the full benefits of that important scientific information.

It is my hope that, as we proceed, we will be able to enact a bill that does not disproportionately burden any region of our Nation, impose intolerably high costs on any industry, weaken our national energy security, or counterproductively undermine long-term environmental goals in pursuit of immediate, short-term benefits. It is my concern that the legislation that is before us now fails on at least some of these counts.

In what ways does this bill fall short? First, it unfairly requires that a handful of States achieve a disproportionate share of the overall emission reductions mandated by the bill. According to the Environmental Protection Agency [EPA], the regulatory approach contained in this bill would require nine States to make nearly 90 percent of the total phase I sulfur dioxide emission reductions. Yet these same nine States are responsible for only a little over one-half, 51 percent, of the Nation's total sulfur dioxide emissions. Admittedly, within these States, there exists some potential for achieving relatively low cost emission reductions. The fact remains, however, that the EPA estimates that these nine States will bear 73 to 80 percent of the costs of complying with the bill's phase I requirements.

The bill also seriously threatens the high-sulfur coal industry. The EPA estimates that this bill, as a result of the widespread fuel-switching it would encourage, would cause the loss of between 6,000 and 9,000 high-sulfur coal mining jobs by 1995. By the year 2000, the number of jobs lost, according to the EPA, would escalate to 17,000. These job losses would be the direct result of estimated reductions in high-sulfur coal production of more than 100 million tons annually.

Job and coal production losses of this magnitude would be severe to a region still reeling from Reaganomics and its ill-considered economic and trade policies.

Furthermore, the direct effect of this legislation on high-sulfur coal employment and production represents only the tip of the iceberg. In my home State of West Virginia, mining employment accounts for more than one out of every four jobs in some of our northern counties. As a result, mining employment sometimes provides in excess of 40 percent of the personal income in these local economies. When mines are shut down, not only do miners and their families suffer but whole communities also suffer.

The EPA estimates that total job losses in northern Appalachia, both those directly attributable to mining and those indirectly dependent on the mining industry, would exceed 50,000 by the year 2000. In a region of our Nation already suffering from high unemployment, such losses would be devastating, creating a series of ghost towns through northern Appalachia and bringing economic ruin to thousands of American families.

Calculate the cost of thousands of families on unemployment. Calculate the lost productivity. Calculate the human misery. I believe we can have both clean air and economic stability, and it is toward that end that I hope we shall endeavor to work as we move forward on this legislation.

I also believe that we can have clean air without weakening our Nation's energy security. The acid rain control provisions of the bill before us, however, fail to meet this goal. The bill we are now debating would strongly discourage the use of high-sulfur coal. Yet, such coal is one of our greatest domestic sources of energy, and to preclude its use would significantly undermine our long-term energy security. Why do something so foolish when the possibilities for coal are so apparent?

Coal is our most abundant domestic energy resource, and high-sulfur coal constitutes approximately 40 percent of available domestic coal reserves. Since the beginning of coal mining operations about 200 years ago, more than 40 billion tons of coal have been mined in the United States. Yet, according to the National Coal Association, that represents less than 2 percent of our estimated coal reserves. Our coal reserves represent as much as 90 percent of our demonstrated fossil fuel reserves, and have the same energy content of 5,600 trillion cubic feet of natural gas or 1 trillion barrels of oil. Best of all, no military task force will ever be required to guarantee the movement of domestic coal on our rivers, railroads, and highways.

Since shortly after the 1973 oil crisis, U.S. electric power generation has relied increasingly on coal as its basic fuel. Over that time, according to the National Coal Association, the coal share of power generation rose from 46 to 57 percent. Coal has replaced imported oil as a generating fuel, with electric utility coal use increasing by 85 percent, equivalent to 3.1 million barrels of imported oil daily over the last decade and a half. Yet, because coal is a competitive industry, its constant dollar cost has actually declined in recent years. In essence, coal has helped power American industry while stabilizing the cost of electric power all over this country, in the Northeast as well as in other areas of the country.

I believe that for us to abandon or greatly threaten the use of high-sulfur coal, even though such coal can be burned cleanly and with minimal impact on the environment, would be unwise. We, as a nation, cannot afford to increase our dependence on foreign oil and gas. According to the Department of Energy, by the year 2010, oil and gas prices will increase more than eight times faster than coal prices. Beyond concerns related simply to price, I am sure we all can recall the dangers of becoming too dependent on imported oil, and recent statistics indicate the ominous beginnings of a return to dangerously high levels of dependency. Coal is the key to our energy future, and we should not be needlessly erecting barriers to its use.

Finally, let me say that the bill before us actually sacrifices long-term environmental goals in pursuit of immediate environmental benefits. The most effective way of addressing, simultaneously, the goals of environmental improvement and energy security is through the continued development of clean coal technologies. These technologies offer the promise of both greater emissions reductions and enhanced energy efficiency. As a result, clean coal technology can provide an answer to the acid rain environmental concerns raised in this bill, as well as many of those raised in the debate over global warming.

It is for these reasons that I have been such a strong supporter and proponent of clean coal technology over the past several years. Through the appropriations process, I have supported, to date, nearly $2.8 billion in matching funds for the purpose of developing and demonstrating, innovative clean coal technologies. These technologies require very long lead times. They have had a lead time now of 3 or 4 years. But much longer lead time is necessary before they can come to full fruition.

I believe the Clean Coal Technology Program is one of our most forward-looking energy programs. It offers tremendous promise for the future, both in terms of meeting future energy needs and providing for a cleaner environment. Let us not act now in a way that would effectively impede this program at a time when it is allowing us to make such enormous strides toward the development of clean and efficient energy technologies.

I am deeply concerned that the legislation before us now would do precisely that by removing much of the real incentive for the further development and eventual deployment of new clean coal technologies. If we are ever to realize the full benefits of such technol-

ogy, we must provide adequate time and incentives to assure the commercialization and use of the technologies currently in the early stages of development. This bill fails to provide either adequate time or adequate incentives. It is my hope that this bill can be amended so as to provide both the time and the incentives necessary to allow clean coal technologies to reach their full potential.

Clean coal technologies provide us with an opportunity to see that our environmental goals and our energy and economic goals are not necessarily divergent, but, rather, that they can be achieved together. I hope we will apply this lesson to many of the issues before us in this bill. This is not a tug-of-war in which one side must win and the other lose. There can and should be reasonable trade-offs so that we all win. It is possible to have an adequate and secure energy supply without serious or detrimental effect on the environment. It is possible to preserve our industrial strength and lay the groundwork for future economic growth and stability without permanently soiling or scarring the world or poisoning the air in which we live and breathe. Let us try to find the common ground here. Let us work together to pass legislation that will establish wise environmental, economic, and energy policies.

We owe our children a clean, healthy environment in which they can raise their families. We also owe them a vibrant, healthy economy in which they can realize their greatest dreams. As Henry Wadsworth Longfellow once wrote: "We judge ourselves by what we feel capable of doing; others judge us by what we have done." Let us act now so that future generations of Americans will look back some day on what we have done and note that we acted for the common good by laying the foundation for a healthy environment and a health economy.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized.

Mr. GORTON. Mr. President, it is appropriate that we begin the new year with a debate on the provisions of an actual clean air bill. We can no longer afford to gamble with the quality of our air. It is our responsibility to ensure that our citizens—now and in the future—enjoy clean air. I commend the President for his leadership in presenting a comprehensive proposal to Congress. I further commend the Senate and the Environment Committee leadership for bringing this critical issue to the floor for debate.

Clean air. As an avid runner I appreciate breathing clean air. But, this country's big cities are threatened by smog and by ozone depletion. Hundreds of toxic air pollutants are emitted by major industries, motor vehicles, small businesses and "area sources" every day. The Environmental Protection Agency estimates that toxic air pollutants contribute to 1,500 to 3,000 deaths per year.

The current standards, mandated by the Clean Air Act of 1970, certainly built a sound foundation for a new effort, but they are not adequate for today's challenge. That challenge is: as a nation we still breathe dirty air in a majority of our cities. It is time for compliance standards sufficient to meet the challenge.

The seven titles of S. 1630, the Senate's clean air bill, address major threats to our Nation's environment and the health of millions of Americans. Acid rain, urban air pollutants, and toxic air emissions all menace our daily lives and activities.

Too often, Mr. President, we take our environment for granted. I recognize the national need for cleaning our air, and I know that my home State of Washington will benefit from strong clean air legislation. My home State is blessed with thousands of acres of pristine parks, wilderness and forests enjoyed by generations. Those attractions have contributed to the Northwest's rapid growth. Guidelines must be provided to diminish the potential loss of the natural resources and beauty with which we have been so abundantly provided.

For these reasons, I support the need for a Clean Air Act, as do all Members. S. 1630, as it appears on our desks, however, contains provisions that I believe need revision.

First, I support a fair distribution of the costs associated with acid rain controls. In my State, utilities have made major investments to reduce sulfur dioxide emissions and have done so without financial assistance from others. I believe that the polluter pays philosophy should be adopted, and will work with my western colleagues to ensure that adoption.

Emissions allowances are also vitally important to the utilities in my State. As we continue to experience rapid growth in the West our need for increased electricity will require increased generating power—perhaps the construction of new plants. Our utilities should be insured that emission allowances will be available for future construction. They should not have to subsidize the cleanup of the Midwest plants through the purchase of their allowances.

I strongly support tougher motor vehicle standards. Our goal should be that day every car should truly be a clean car. Motor vehicles are responsible for approximately 40 percent of the ozone problems facing us today. We must tackle this problem head on; every car owner can, and should, shoulder his or her share of this responsibility.

Mr. President, I applaud President Bush, the Senate leadership, Senators BAUCUS and CHAFEE for their efforts in bringing the debate on Clean Air to the Senate floor. When I say debate, that is what I mean. We must ensure that we understand all the technical provisions contained in S. 1630 before voting its final passage. I believe that changes will be needed to improve the Environment and Public Works bill and I intend to play an active role in some of those revisions. I have mentioned three specific areas of interest and am currently considering others. We are taking a big step in the right direction and I look forward to working with sponsors in seeing that a workable and effective package becomes law.

The PRESIDING OFFICER. The Senator from Vermont [Mr. JEFFORDS] is recognized.

Mr. JEFFORDS. Mr. President, I rise in support of the Chafee amendment, which establishes a phaseout schedule for methyl chloroform, a proven ozone-depleter.

Mr. President, I want to make it clear that the scientific evidence clearly indicates that methyl chloroform destroys the stratospheric ozone layer. The stratospheric ozone layer serves to shield us from excessive doses of ultraviolet radiation from the sun. Ultraviolet radiation has been clearly linked to incidences of skin cancer.

As we debate the issue of ozone-depleting chemicals, many will eagerly offer testimony from scientists debunking the theory of global warming. However, while I believe that we must strive to reduce emissions of gases linked to global warming, I am immediately concerned about the ozone hole that now exists over Antarctica.

A recently released scientific report, prepared by international experts under the auspices of the United Nations and chaired by U.S. scientists from NASA and NOAA, has found that there has indeed been a "large rapid, and unexpected decrease in the abundance of springtime Antarctic ozone over the last decade."

Further, the group found that "the weight of scientific evidence strongly indicates that manmade chlorine and bromine compounds are primarily responsible for the ozone loss." In addition, the experts found that "there is a downward trend in ozone during the winter and mid-to-high latitudes in the northern hemisphere over the past two decades."

Further review of the document leads me to conclude that manmade chlorine and bromine compounds have destroyed a sizeable portion of the stratospheric ozone layer over the Antarctic, and this phenomenal destruction is now beginning to occur over the United States. The evidence justifies a sharp curtailment in our

production and use of ozone-depleting compounds.

Why are we targeting methyl chloroform?

Methyl chloroform clearly is not as destructive, unit for unit, as are the CRF's and halons—already proposed to be regulated by this bill. However, methyl chloroform is manufactured in such high quantities that it is responsible for about 13 to 16 percent of the total loading of chlorine in the upper atmosphere. This percentage alone indicates that it is a candidate for phaseout.

The Environmental Protection Agency has concluded that substitutes exist for about 90 to 95 percent of the methyl chloroform users.

Methyl chloroform has a relatively short atmospheric lifetime—on the order of 6-10 years, compared to 60-120 years for CFC-11 and CFC-12, respectively. EPA's position is that phaseout of methyl chloroform is the "single most important source for near-term reductions in stratospheric chlorine levels."

Mr. President, I recognize that this amendment has broad implications for a variety of commercial and industrial users. Many of the CFC's halons and methyl chloroform compounds have been extremely important in our country's technological progress. As a group, these compounds are typically nontoxic to humans, are not flammable, and do not contribute to smog formation. They have been cheap and adaptable to a variety of users.

Unfortunately, they are destroying the ozone layer.

Mr. President, we can live without methyl chloroform. We cannot live without the stratospheric ozone layer. The evidence supports both of these conclusions.

I urge my colleagues to support the Chafee amendment.

I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

Mr. DOLE. I think my leader time was reserved earlier this morning.

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. DOLE. I will use just a little over a minute of that.

MIKHAIL GORBACHEV

Mr. DOLE. Mr. President, the question this afternoon is:

Is Mr. Gorbachev stepping down as head of the Communist Party? We do not know yet. But even initial report ought to remind us how foolish it would be to gut our defenses on the assumption that Gorbachev would succeed. That is why we need to put the peace dividend on hold. There has been a stampede around here to dismantle our defenses and start spending the so-called savings on all kinds of new Government programs. We heard it all day yesterday in the democratic "rain dance" of budget criticism.

Well, the wake-up alarm just sounded in Moscow. If anyone is foolish enough to gamble with our national defense based on the political life and death of one man—Mikhail Gorbachev—then we are in deep trouble.

Already, the stock market, according to one report, is experiencing wild gyrations based on the CNN report.

We want Gorbachev to succeed, but there are no guarantees. There never will be. The world is changing—minute to minute. Is Gorbachev stepping down as party boss? Who knows? Is he in or is he out? We do not know. But one thing is certain—let us slow down. Let us look at reality. And let us call off this mad rush to spend a dividend we do not even have yet.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, with leave of the manager of the bill, I ask unanimous consent that I may be permitted to proceed out of order to discuss a bill I am introducing for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank the manager of the bill.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. I thank the Chair.

(The remarks of Mr. COCHRAN pertaining to the introduction of S. 2039 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS UNTIL 5 P.M.

Mr. BAUCUS. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate stand in recess until 5 p.m. today.

Their being no objection, the Senate, at 4:31 p.m., recessed until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. MIKULSKI].

DEPARTMENT OF STATE AUTHORIZATION FOR FISCAL YEARS 1990-91

The PRESIDING OFFICER. Under the previous order, the hour of 5 o'clock having arrived, the clerk will now report Calendar Order No. 421, H.R. 3792, the State Department authorization bill.

The legislative clerk read as follows:

A bill (H.R. 3792) to authorize appropriations for fiscal years 1990 and 1991 for the Department of State, and for other purposes.

The Senate resumed consideration of the bill.

Mr. MOYNIHAN. Madam President, today we will vote on H.R. 3792, the fiscal year 1990-91 Foreign Relations authorization bill. One section of that bill, section 128, deals with the ideological exclusion provisions of the 1952 McCarran-Walter Immigration, Naturalization and Nationality Act. In the Foreign Relations Authorization Act for 1988-89, I authored an amendment, which was adopted as section 901 of the Act, which stated:

Notwithstanding any other provision of law, no alien may be denied a visa or excluded from admission into the United States * * * or subject to deportation because of any past, current, or expected beliefs, statements, or associations which, if engaged in by a United States citizen in the United States, would be protected under the Constitution of the United States.

That provision contained a so-called sunset provision such that it would have expired by its own terms in 1989. It was subsequently extended. Now the Congress takes the final, decisive step and, in the measure today before the Senate, repeals the sunset provision altogether. Section 901 will now become a permanent part of our law.

Yesterday afternoon a colloquy was entered into the RECORD between the distinguished Senator from Wyoming, Mr. SIMPSON, and the vigilant ranking minority member of the Foreign Relations Committee, Senator HELMS. Senator SIMPSON stated that the bill before us, the Foreign Relations Authorization Act, does not put an end to the McCarran-Walter Act provisions concerning the temporary entry of an alien into the United States because of any past, present, or anticipated statements, associations or beliefs. Rather, as Senator SIMPSON interprets the bill, it merely requires that waivers be granted; the whole apparatus of lookout lists and endless forms and affidavits would continue in place. The distinguished Senator from North Carolina stated "Yes. That is a correct interpretation."

As the author of the provision I rise to state the contrary. By this act, Congress repeals these most pitiful provisions of the McCarran-Walter Act. It has taken 38 years to sustain Harry S. Truman's veto of the Immigration,

Naturalization and Nationality Act of 1952, but we have finally done so.

If anyone disagrees with me in this regard, they are free to attempt to defeat the bill. If the bill passes, however, the ideological exclusion provisions of the McCarran-Walter Act are dead, done, finished. In his veto message President Truman put the matter with great emphasis:

Seldom has a bill exhibited the distrust evidenced here for citizens and aliens alike—at a time when we need unity at home, and the confidence of our friends abroad.

For a generation and more, these miserable provisions made the United States present itself to other nations as a Nation of fearful, muddled, intimidated citizens. We were not that; we are not that; and now at last our statutes accord with the facts.

Section 901, as amended, is not a waiver provision, but a permanent substantive limitation on the Executive's authority to exclude aliens. Therefore, there is no justification for asking intrusive questions of prospective foreign visitors regarding statements and beliefs which would be protected under the Constitution. It is plainly the intent of Congress that persons no longer be required to go through a burdensome waiver process. Section 901—now permanent—renders a waiver process superfluous. Additionally, to so-called look-out list of excludable aliens maintained by the State Department should be purged of the names of persons previously considered ineligible because of political beliefs or associations which would be protected by the U.S. Constitution.

I ask the distinguished Senator from Rhode Island, the chairman of the Foreign Relations Committee, if he shares my interpretation of this provision.

Mr. PELL. I do indeed share the views of the Senator from New York, the author of this provision. Section 901 is now permanent. An administrative framework created to administer look-out lists and waivers no longer has any purpose. On the contrary, it is totally inconsistent with the action of the Congress in making section 901 permanent. The legislative history of the Foreign Relations Authorization Act for 1988-89 makes it very clear that section 901 was intended to end these intrusive practices. I will ask unanimous consent to have printed in the RECORD at the close of my remarks the relevant portions of the Senate Foreign Relations committee report on the Foreign Relations Authorization Act of 1988-89 and the conference report on that legislation.

Mr. MOYNIHAN. I thank the distinguished Senator.

Mr. PELL. I ask unanimous consent that the material to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM SENATE FOREIGN RELATIONS COMMITTEE REPORT ON S. 1394, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988 (SENATE REPORT 100-75)

V. PROHIBITION ON EXCLUSION OF ALIENS BECAUSE OF POLITICAL BELIEFS

For many years, the United States has embarrassed itself by excluding prominent foreigners from visiting the United States solely because of their political beliefs. Among those excluded, or harrassed, in recent years have been Nobel Laureates Gabriel Garcia Marquez and Pablo Neruda, and authors Graham Greene, Doris Lessing, and Carlos Fuentes. In these cases and others, the excluded individuals had done no more than exercise rights to freedom of expression and association enshrined in the Universal Declaration of Human Rights—rights promoted in congressionally-initiated human rights legislation and constitutionally protected for all U.S. citizens.

The committee has adopted legislation, offered by Senators Simon, Moynihan and Kassebaum, to take away the executive branch's authority to deny visas to foreigners solely because of the foreigner's political beliefs or because of his anticipated speech in the United States. The committee considers this affirmation of the principles of the First Amendment to be especially appropriate in this bicentennial year of the U.S. Constitution.

The committee recognizes that more sweeping changes in the provisions of the law relating to exclusions and deportations are now pending in the Senate Judiciary Committee and in the House of Representatives. The committee believes that further changes in the law may well be needed and does not intend that the changes made in this legislation should be interpreted as lessening the need for a thorough review of those provisions.

This legislation in no way affects any existing authority to deny admission to aliens on national security or foreign policy grounds, except insofar as the denials are based on political beliefs, political associations, or the expected content of speeches aliens intend to give in the United States. Nor does the committee provision affect any existing authority of the executive branch to deny admission to an alien who engages in terrorist activity, or who is a member of a terrorist organization as defined in the Foreign Intelligence Surveillance Act. (50 U.S.C. 1801).

* * * * *

Section 504—Prohibition on exclusion of aliens because of political beliefs

This section, offered by Senators Simon, Moynihan, and Kassebaum, is intended to ensure that no alien is denied admission to the United States solely because of his or her political beliefs or political associations or because of the expected content of speeches he or she intend to give.

The committee notes that current law provides authority to deny admission to aliens on a variety of different grounds including those related to national security and more generally to the interests of the United States. (See e.g. 8 U.S.C. 1182(a) 27 and (29) and (f). These provisions have been used by the executive branch to exclude aliens on the grounds that their entry, presence, or activities in the United States would harm the national security interests, including the foreign policy interests, of the United States. Except insofar as aliens are denied admission solely on the basis of their political beliefs or associations or the expected content of speeches they intend to give in the United States, this section would in no way affect existing authority to deny admission to aliens on national security or foreign policy grounds, or the existing authority of the President to deny admissions by proclamation or to deny entry to aliens when the United States is at war or during the existence of a national emergency proclaimed by the President.

The committee believes that in appropriate circumstances, and as long as the denial is not based solely on the political beliefs or associations of the alien or the content of speeches intended to be given in the United States, the executive branch needs to have authority to deny admission to aliens on foreign policy or national security grounds. The committe notes that there is disagreement about the scope and desirability of existing authority to deny visas on these grounds. The committee, at this time, takes no position on these questions. In particular, the committee notes that the scope of Section 212(a)(27) of the Immigration and Nationality Act is currently under litigation in *Reagan* v. *Abourezk*, 785 F.2d 1043 (D.C. Cir. 1986), cert. granted, Dec. 15, 1986, U.S. (1986). The amendment should not be construed as taking any position on the issues in litigation in that case.

The committee underscores that the Executive branch needs the authority to deny admission to an alien who engages in terrorist activity, or is a member of a terrorist organization, as defined by the Foreign Intelligence Surveillance Act (50 U.S.C. 1801).

Paragraph three of the amendment is simply intended to make clear that no standing beyond that which already exists is conferred by the section. The committee notes that courts have granted standing to Americans seeking the admission of aliens for the purpose of hearing them speak. See e.g., *Kleindienst* v. *Mandel*, 408 U.S. 753 (1972), *Abourezk supra*, (cert. granted on other grounds).

EXCERPT FROM CONFERENCE REPORT TO ACCOMPANY H.R. 1777, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989 (HOUSE REPORT 100-475)

TITLE IX—IMMIGRATION AND REFUGEE PROVISIONS

PROHIBITION IN EXCLUSION OR DEPORTATION OF ALIENS OF CERTAIN GROUNDS

The Senate amendment (sec. 504) prohibits the exclusion of any alien on the basis of any past or current political beliefs or political associations, or on the basis of the expected contents of the alien's statement while in the United States.

The House bill contains no comparable provision.

The conference substitute (sec. 901) is intended to ensure that no alien is denied a visa or excluded from admission into the United States, subject to conditions or restrictions on entry into the United States, or subject to deportation because of any past, current, or expected beliefs, statements or associations which would be protected under the Constitution if engaged in by a U.S. citizen in the United States.

The committee of conference notes that current law provides authority to the executive branch to deny admission to aliens or to deport them on a variety of grounds including those related to national security, ideo-

logical or political beliefs, and, more generally, the interests of the United States (8 U.S.C. 1182(a)). These provisions, since their codification in 1952 as part of the Immigration and Nationality Act, have been used by the executive branch to deny aliens entry into the United States on the basis not only of their potential threat to the national security interests of the United States or their past involvement in criminal activity, but not apply to aliens who have assisted in Nazi persecutions, aliens seeking refugee status, asylum, withholding of deportation or legalization who have engaged in persecution, or an alien who is a member, officer official, representative, or spokesman of the PLO.

Finally, the conferees do not intend that this section be viewed as in any way affecting the existing authority of the President to deny admissions by proclamation or to deny entry to aliens when the United States is at war or during the existence of a national emergency proclaimed by the President.

Paragraph (c) of the conference substitute simply makes clear that no standing beyond that which currently exists would be conferred by the section. The committee of conference notes that there are several pending legislative proposals which would expand such standing, and the conferees take no position on the advisability of adopting such changes.

The committee of conference notes that the Committee on Judiciary of both the House of Representatives and the Senate have under consideration legislation aimed at revising the grounds of exclusion and deportation by directly amending the Immigration and Nationality Act. The conferees expect that comprehensive legislation revising these grounds will be acted upon by these committees early in the second session of the 100th Congress.

Because of the expected expeditious consideration of comprehensive legislation revising these grounds by the Committees on Judiciary, the committee of conference has included a 1-year sunset provision in the conference substitute. Under this provision, visas which were applied for during calendar year 1988 and admissions into the United States which are sought during the period beginning on January 1, 1988, through February 28, 1989, would be covered by this section. The additional 60 days for admission into the United States was added in order to permit entry into the United States on the basis of visas issued late in 1988 which may not be used until early 1989.

It is the intent of the committee of conference that this section apply to all visas applied for in 1988, including immigrant and nonimmigrant visas, and to all determinations in admissibility made after December 31, 1987, and before March 1, 1988. Aliens denied visas or found inadmissible in the past for reasons that would have been prohibited by this provision shall be eligible to reapply in 1988. The conference substitute would apply whether the alien was denied a visa or found inadmissible from abroad, at the border, or in the context of an application for permanent resident status. It is also the intent of the committee of conference that visas issued during 1988, and permanent resident status granted during 1988, shall not be subject to recision after 1988 for reasons prohibited by paragraph (a) of the conference substitute.

BURMESE REFUGEE ASSISTANCE

Mr. MOYNIHAN. Madam President, as the sponsor of the provision providing for humanitarian assistance for Burmese in both the Foreign Operations appropriations bill and the Foreign Relations authorization bill, I would like to clarify my intent in offering these amendments in order that these provisions will be interpreted by the administration consistent with the intent of the Congress.

The appropriation bill in amendment 91 of the conference report provides for "humanitarian assistance for displaced Burmese students at camps on the border with Thailand." The authorization bill that we are about to vote upon in section 702(b), provides for "humanitarian assistance for displaced Burmese on both sides of the border between Thailand and Burma."

In a prior colloquy with Senators LEAHY and KASTEN, the managers clarified the term "students" stating that the term is being used to describe a wide variety of Burmese who have had to flee their homes since early 1988 as a result of political repression. The colloquy made it clear that it was not the intent of the conferees to require the administration to impose a restrictive definition of the term in making its determinations regarding humanitarian assistance.

It is now important, Madam President, to clarify the intent of the managers in passing the authorization language today that uses the term "displaced Burmese," This language is intended to reinforce the principle that the administration should not impose a restrictive definition of those Burmese eligible for the humanitarian assistance. There should be absolutely no racial test imposed by the administration as to who may be served by these funds—ethnic Burman or those of mninority groups in Burma.

While the primary beneficiaries of this assistance are intended to be Burmese students and others who have fled the repression of the Burmese regime since the events of 1988, there is at the same time a clear recognition on the part of the Congress that the "students" have taken refuge with ethnic minorities in the border areas of Burma, including, Karen, Karenni, Mon, and others. And that these minorities have also suffered from the repression of the Burmese regime. Some of these populations have fled into Thailand. And given the military offensive against the students and minorities by the regime, more displaced persons are likely to be found on both sides of the border between Burma and Thailand.

I trust that it is the intent of the managers that the language of the authorization statute providing for assistance to displaced Burmese should be interpreted to mean assistance for both the student populations, both Burman and ethnic minority students who have fled since the events of 1998, and the civilian ethnic minority populations on both sides of the border with Thailand that have been displaced because of the repression of the Burmese regime. Are my views consistent with those of the distinguished managers?

Mr. PELL. I agree with the views of the Senator.

Mr. LEAHY. That is also my understanding of the intent of the provisions.

Mr. KASTEN. I also agree with the statements of the Senator from New York.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

The yeas and nays have been ordered. The clerk will now call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—98

Adams	Fowler	McClure
Armstrong	Garn	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Helms	Reid
Burns	Hollings	Riegle
Byrd	Humphrey	Robb
Chafee	Jeffords	Rockefeller
Coats	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Sanford
Conrad	Kennedy	Sarbanes
Cranston	Kerrey	Sasser
D'Amato	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Lautenberg	Simpson
DeConcini	Leahy	Specter
Dixon	Levin	Stevens
Dodd	Lieberman	Symms
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Durenberger	Mack	Wilson
Exon	Matsunaga	Wirth
Ford	McCain	

NOT VOTING—2

Inouye	Wallop

So the bill [H.R. 3792] was passed.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Madam President, the majority leader is on the floor.

I rise for two purposes. The first is a celebratory one. I note that today, 38 years after the fact, the Senate has unanimously sustained the veto message of Harry S. Truman on the infamous McCarran-Walter Immigration and Naturalization Act of 1952. During the last 38 years, in virtually every country on the globe some person, respectable or otherwise, but legitimate in any event, was told he could not come to this country for fear that he might say something that would infect the minds of Americans who are presumably incapable of thinking for themselves in matters of foreign affairs and public policy.

The Committee on Foreign Relations has been pressing this matter for 3 years. We have suspended the act, but with a sunset provision. Today the McCarran-Walter measure is permanently repealed.

A colloquy entered in the RECORD between myself and the very distinguished chairman of the Committee on Foreign Relations notes that this matter is now done with, and the "lookout lists" and the endless forms and affidavits which the Immigration and Naturalization Service has developed over 38 years are to come to an end here and now as well, assuming that the President will sign the bill, which I am sure he will do.

On a second issue, Madam President, may I note that this measure comes before us this evening in altered form. The bill as it originally passed the Senate, then the House of Representatives, and after a conference committee of both bodies, contained an amendment which I offered, section 109, having to do with actions by members of the executive branch which involved the soliciting of funds from foreign governments and institutions and persons in order to avoid prohibitions on the use of public moneys for such purposes.

The President vetoed that bill which had been very carefully debated here in the Senate. Out of concern for other provisions, not the least the McCarran-Walter provisions, the House of Representatives dropped section 109, sent the bill otherwise intact to us and, out of concern for the McCarran-Walter provisions and other matters, I chose not to offer the amendment once again at this time.

But I do rise, Madam President, to say that this is not an end of the issue. We are involved here with a grave constitutional question which, as was noted on the floor yesterday, recently and conspicuously arose in the Iran-Contra episode. But the matter goes to the very basis of the relationship between the Presidency and the legislative branch in foreign policy. It goes to the fundamental question of whether ours is to be a nation and a government of laws.

Madam President, the President's veto message stated that this section would result in: "A dangerous timidity and disarray in the conduct of U.S. foreign policy."

That, Madam President, was not the view of the Senate and not the view of the House. We were not seeking to bring about timidity, much less disarray. If there was ever an example of disarray, we saw it in those years when the executive branch sought to avoid the prohibitions of the Boland amendment with respect to aid to insurgencies in Central America and shipped arms to Iran unbeknownst to the Congress much less to the American people. That strikes me as disarray.

What we were seeking was to restore to government the processes of lawfulness. I will take a moment of the Senate's time, if I may, simply to read the prohibition. It says:

> Whenever any provision of United States law expressly refers to this section and expressly prohibits all United States assistance, or all assistance under a specific United States assistance account, from being provided to any specified foreign region, country, government, group or individual, for all or specified activities, then no officer or employee of the executive branch may (A) receive, accept, hold, control, use, spend, disburse, distribute, or transfer any funds or property from any foreign government (including any instrumentality or agency thereof), foreign person or United States person, (B) use any United States funds or facilities to assist any transaction whereby a foreign government (including any instrumentality, or agency thereof), foreign person or United States person, provides any funds or property to any third party, or (C) provide any United States assistance to any third party, if the purpose of any such act is furthering or carrying out the same activities with respect to that region, country, government, group or individual for which United States assistance is expressly prohibited.

Madam President, an effort has been made to say that this was somehow an ex post facto act with respect to the Iran-Contra affair. It was not. We made clear that this referred to future acts. We made clear that it only applied to prohibitions in which this statute was specifically cited. The greatest care was taken that we should do no more but also no less than see to the obedience to law.

The distinguished majority leader on July 18 of last year, when this amendment was being debated said: "Mr. President, this amendment can be summed up in three words: Obey the law." In fact, that is what it says. It states that neither the President nor the Secretary of State nor any member of the U.S. Government has the right to break the law.

Yet this simple provision, in the aftermath of that wrenching experience still unresolved—Admiral Poindexter's case is even now in the headlines—was vetoed. It was vetoed, Madam President, in full conformity with earlier positions the executive branch has taken that encouraged the original events of Iran-Contra or were used to justify it.

Theodore Draper, in an article which will appear in the March 1 issue of the New York Review of Books entitled "The Constitution in Danger," has this to say about the persons recently or even now on trial here in Washington. He said:

> Yet to justify their actions they held forth on just this constitutional issue—

The issue of the preeminence of the President, his prerogatives as against his powers—

> A highly dubious theory of a Presidential monopoly of foreign policy had filtered down to them. Their reasons reflected a school of thought that calls into question the constitutional foundation of this country.

Theodore Draper does not make such statements lightly and I would not repeat them on the Senate floor lightly.

We approached a constitutional crisis of the utmost gravity. It was only the chance, or perhaps it was not a chance, revelation in a Beirut journal that the arms sales to Iran were going on that alerted the country and Congress. Had that not happened, where might we have ended?

Where we were heading is no place this Senate would wish to see us go. And we did not legislate in the immediate aftermath. We did not legislate hurriedly. We waited until last year. Senator RUDMAN of New Hampshire could not have been more cooperative and helpful in seeing to it that this language was carefully crafted, because it was a criminal statute and vagueness is fatal to any such statute.

But this was a bipartisan effort. We engaged in good-faith negotiations with the White House attorneys. They never seemed to reciprocate the spirit in which we were trying to negotiate. And the bill was vetoed. Very well. The issue then remains.

I stand here, Madam President, to say that I will return to this matter. I am authorized to speak for the distinguished majority leader that he wishes to do the same. We do not have this matter behind us and we owe it to this generation and above all we owe it to generations to come to see that a severe challenge to the constitutional balance in the United States does not go unregarded and unrestituted.

The simple fact of the matter is that, with respect to foreign policy, the Constitution provides for shared powers, shared responsibilities. And the growing doctrine of Presidential prerogative, by denying those constitu-

tional provisions, puts the basic law of this Nation in jeopardy.

We will find an appropriate occasion on which to offer the amendment again and as often as it is vetoed, Madam President, it will be again offered.

I hope the day will be at hand when reason and an understanding of the seriousness of this matter reaches the President. We spoke with everyone in the executive branch practically, save the President. One would think he would want to know what we think about this and why we were acting as we did and not simply accept his staff's version of what we were doing, something which we found difficult to understand and which, in the circumstances, was unhelpful.

Madam President, I have made the points I rose to address. I thank you for restoring order to the Chamber. And just for the good cheer of it, I note once again that Harry S. Truman has finally been vindicated on this floor.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with consideration of the bill.

Mr. BOSCHWITZ. Madam President, I am glad that the Senate is finally seriously considering clean air legislation. While we have made progress since Congress last amended the Clean Air Act in 1977, millions of Americans still live with polluted air. The American Lung Association now estimates that the health costs alone of air pollution are around $40 billion—and that does not take into account other costs like polluted lakes, dying fish, reduced agricultural yields and the corrosion of buildings, all of which negatively affect our quality of life.

During his election campaign, President Bush promised that he would be the Environmental President, and quite clearly there is a much greater emphasis on environmental matters in this administration than in the last administration. For the first time in over a decade, a President has submitted a clean air bill to Congress, and I think that President Bush deserves our praise for getting the whole debate on clean air moving again.

The clean air issue is very complex, and lot of numbers are being thrown around to describe the costs and benefits of this bill. Many details will have to be worked out here in Congress, and we must be sure to analyze the costs and benefits of the different provisions of the legislation before a final bill is passed. It is important that we pass strong clean air legislation, but it is also important that we do not hamstring American industry in its ability to provide jobs and compete in world markets.

Acid rain has long been a concern of mine, especially due to its impact on the many thousands of lakes in Minnesota. I cosponsored Senator Proxmire's Acid Deposition and Sulfur Reduction Act in 1987, and I am happy to see that we are finally going to do something substantive about this threat.

However, I believe that we must look at past efforts when considering acid rain reduction measures. Minnesota's utilities and consumers have already paid heavily for emissions reductions, and they should not be punished for having been good citizens for many years. They should not have to pay again, either directly or indirectly, for cleanup costs in other states.

One of the most innovative portions of the President's proposal was that dealing with alternative fuels. While I was disappointed that these provisions were not included in the Senate bill passed by the committee, I hope that we will include an alternative fuels program as part of the final version of this legislation.

Expanding our use of alternative fuels includes doing what we can to ensure that the fuels we use now burn more cleanly. By increasing the oxygen content of gasoline, we can accomplish this goal. Ethanol provides us with the highest oxygen content feasible today, and I am happy to see that the Senate clean air bill recognizes this.

If we want to fashion a real long-term solution to the clean air problem, we will have to reduce our use of the fuels that contribute so much to this air pollution. Expanding our use of alternative fuels will have other benefits as well. It will help reduce our dependence on foreign oil, provide new markets for our farmers, and, of even greater importance, it will help to reduce the current trend of global warming.

Global warming has long been a major environmental concern of mine, and I believe that while we address the emissions of various pollutants under the Clean Air Act, we should also address the emissions of those gases contributing to global warming. This makes sense on a practical level. If we require industry to make certain clean air reductions now and then add to that burden in several years by requiring new global warming reductions, we hinder industry's ability to plan. If we begin to address the global warming problem here, however, it would allow American businesses to plan better for the future.

In addition, it is essential that we get ahead of the curve in addressing global warming. We must take action before the anticipated climatic changes become too difficult to slow or stop. The earlier we act to stop global warming, the less we will have to sacrifice in the long run. The reductions in motor vehicle carbon dioxide emissions called for by this bill would, among other things, be a good start in our efforts to stop global warming.

Of even greater immediate importance is the problem of stratospheric ozone depletion. The ozone hole over Antarctica is growing, the Earth's ozone layer is being destroyed, and people's lives and health will soon be endangered if we do not take immediate action. CFC emissions are the main reason for the ozone depletion, and they also contribute 15 to 20 percent to global warming. The Montreal Protocol would reduce CFC emissions 50 percent by 1998. We must eliminate all CFC emissions, however, in order to save our ozone layer and help reduce global warming. Title 7 of this legislation would do that, setting an example for the rest of the world to follow.

I am pleased to be part of the current effort to overhaul the Clean Air Act and address some of the serious environmental problems facing our Nation as well as the entire world. I plan to be very involved in this process, and will eventually offer amendments to the bill. Our efforts to reduce pollution in the United States should serve as a model for the other nations that share our Earth's air and climate to follow.

Mr. SYMMS. Madam President, parliamentary inquiry. Has the Senate gone into morning business?

The PRESIDING OFFICER. No. The pending business is the consideration of the Clean Air Act amendments.

Mr. SYMMS. Madam President, I ask unanimous consent that I might proceed for 5 minutes as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

(The remarks of Mr. SYMMS pertaining to the introduction of S. 2041 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. SYMMS pertaining to the submission of Senate Resolution 235 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SYMMS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I further ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

JOE MONTANA, GREATEST QUARTERBACK OF ALL TIME

Mr. SPECTER. Madam President, now that we are near the close of the day on Senate business and there are no other Senators on the floor to talk about the pending legislation, the Clean Air Act, I have sought recognition to talk for a moment about a famous son of Pennsylvania, Joe Montana, who achieved stardom in the Super Bowl on Sunday. Since neither the Philadelphia Eagles nor the Pittburgh Steelers were successful in reaching the Super Bowl, although both made the playoffs this year, it is my anticipation as a Pennsylvania Senator that the Super Bowl next year will be a battle between the Eagles and the Steelers. I think it appropriate to make a comment or two about a famous son of Pennsylvania, Joe Montana, who achieved such excellence and stardom on this Sunday past in the Super Bowl and for the many years of his professional career.

I would also like to note at this time the unusual cadre of extraordinary football players who have come from southwestern Pennsylvania within a few miles of each other. For example, Tony Dorsett is from Hopewell in the southwestern Pennsylvania region. John Unitas is from Brookline; Dan Marino, from Pittsburgh; Mike Ditka, from Aliquippa. In enumerating these great stars, I have omitted others.

I could go on at length, Madam President, with others from Pennsylvania, such as Matt Millen, a star coming from Lehigh Valley; Chuck Bednarik, a great star of the Philadelphia Eagles of years gone by who attended the University of Pennsylvania the same time I did, although he is much older than I, of course; and outstanding players who participated from Penn State under Coach Joe Paterno.

But the great success of Joe Montana, I think, does merit a word or two.

In leading the San Francisco Fortyniners to victory in Super Bowl XXIV and to three other NFL championships in the decade of the eighties, Joe Montana has become for many experts the greatest quarterback of all time. Only history, as Montana himself has modestly noted, will make this determination, but there can be no doubt that he is the best extant today.

San Franciscans and Californians can take justifiable pride in Montana's considerable accomplishments. But so, too, can Pennsylvanians, for Joe Montana grew up and played his high school football in Monongahela, a town in southwestern Pennsylvania on the Monongahela River, just south of Pittsburgh.

It was here in this blue-collar, steel-producing area that Joe first developed those skills that have carried him to the pinnacle of his profession, before going on to national fame in leading the Fighting Irish of Notre Dame to the national collegiate championship in 1977 and later to the professional ranks with San Francisco.

Montana's achievements in the National Football League are nothing short of phenomenal. He holds the NFL's highest ranking ever for a quarterback in a season and for a career, thus far. In his four Super Bowls, he had completed the most passes, 83, for the highest completion percentage, 68 percent, for the most yards, 1,142, and for the most touchdown passes, 11. All of these are, of course, records. Incredibly, in attempting 122 passes in these pressure-packed games, he has never been intercepted. He also holds the record for the most consecutive completions in a Super Bowl game, 13.

Whatever the experts may conclude, all of this leads me to the inescapable conclusion that Joe Montana, of Monongahela, PA, is the greatest quarterback of all time.

Joe Montana adds immeasurably to the rich tradition that is Pennsylvania football. Its heroes are too many to try to number here, but it includes three Heisman Trophy winners, Johnny Lujack and Leon Hart, of Notre Dame, who hail from Connellsville and Turtle Creek, respectively, in southwestern Pennsylvania, and John Cappaletti, of Penn State, from Upper Darby, just outside Philadelphia. Another stalwart on this list is Joe Namath, of Beaver, again in southwestern Pennsylvania, who led the New York Jets to a great upset victory over Baltimore in the Super Bowl after an outstanding collegiate career at Alabama under the late, legendary Bear Bryant.

One of the greatest collegiate coaches of all time, Joe Paterno, of Penn State, also graces this Pennsylvania Pantheon of football immortals. Joe's teams are always among the Nation's leaders and twice won national championships in the eighties. The University of Pittsburgh has also won several national collegiate football titles.

In the professional ranks, the Pittsburgh Steelers have won four Super Bowls and the Philadelphia Eagles won two NFL titles in the late forties and again in 1960.

As so I urge my fellow Pennsylvanians to rejoice with their California counterparts in the great success of one of their own, Joe Montana, from Monongahela, PA, another Pennsylvania football legend.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SIMON). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar items No. 571 and 572. I further ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table en bloc, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Abraham N. M. Shashy, Jr., of Texas, to be an assistant general counsel in the Department of the Treasury (chief counsel for the Internal Revenue Service).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Martin H. Gerry, of California, to be an Assistant Secretary of Health and Human Services.

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF VETERANS AFFAIRS FISCAL YEAR 1991 BUDGET REQUEST

Mr. CRANSTON. Mr. President, I rise today as chairman of the Committee on Veterans' Affairs to update my colleagues and to comment on the President's fiscal year 1991 budget request for the Department of Veterans Affairs [VA] and, most particularly, on the state of the VA health care system. I congratulate Secretary of Veterans Affairs Edward J. Derwinski and President Bush for their fiscal year 1991 budget request of $12.28 billion for the VA medical care account. The overall budget of $30.9 billion, however, is a mixed bag.

VA HEALTH CARE PROGRAMS

Mr. President, the $12.28 billion request for the medical care account is an 8.4-percent increase of nearly $956 million over the funding level available for the current fiscal year. It is the best VA medical care request submitted by a President in over a dozen years.

This good news for America's 27 million veterans is the result of the very effective advocacy of the first Secretary of Veterans Affairs, Ed Derwinski, who took his case directly to President Bush and did a tremendous job in convincing him that the downward spiral in VA health care must be halted. My hat is off to the Secretary for bringing about this major breakthrough in the battle to overcome the large budget shortfall VA has been saddled with since the summer of 1988.

In addition, many of my colleagues themselves made effective efforts in support of increased funding for VA health care. Twenty Senators joined me in an October 1988 letter to President Reagan, 40 Senators joined me in a January 1989 letter to President Bush, and 40 Senators joined me in a December 1989 letter to President Bush. Each of these letters represents a strong statement of congressional support for the VA health care system.

Mr. President, in addition, veterans' service organizations have been pressing hard for an improved VA health care system, through contacts with Secretary Derwinski, the President, and the White House Chief of Staff. On November 7, 1989, four major congressionally chartered veterans' service organizations—American Veterans of WWII, Korea, and Vietnam; the Disabled American Veterans; the Paralyzed Veterans of America; and the Veterans of Foreign Wars—issued a preliminary press release on their combined independent budget for VA, which will be formally presented to the Congress next month. I ask unanimous consent that that press release and letters from seriously disabled veterans in California, Illinois, Nebraska, and Washington, which are representative of hundreds of moving letters to the President, be printed in the RECORD at the conclusion of my remarks following the three letters to the President that I just described.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, the fiscal year 1991 VA medical care request contains a number of very positive features. The $12.28 billion, while not including everything that is needed, would allow for the restoration of at least 2,337 full-time employee positions, including nearly 800 more nursing positions. This request also includes very welcome proposals for funding of an anticipated 3.5-percent January 1991 pay raise; for $70 million more for pay boosts for VA doctors and nurses; and for $8.3 million for improved health care quality assurance programs. I am encouraged by the proposal for $4.3 million to resume a process I have advocated for over 10 years to control ward drug stocks and by the President's goal of completing conversion to this unit-dose system by 1995.

Mr. President, the VA proposal also includes an increase of $31.4 million to fund VA nurse pay reform legislation. On May 9, 1989, I introduced legislation in S. 947 to require each local VA hospital director to establish and maintain a VA nurse pay scale that is competitive with nurses' wages elsewhere in the community. Provisions of S. 947 were then incorporated into S. 13 and passed by the Senate on October 3, 1989, in H.R. 901. They have not yet been enacted, but we have been working with the House Veterans' Affairs Committee over the last few months to reconcile the different Senate- and House-passed nurse pay provisions. I feel we are making progress.

The President's budget also includes an increase of $38.6 million to fund increases in special pay for physicians and dentists. I will shortly be introducing legislation to increase pay for VA doctors. The administration's request for funding is a recognition of the urgency of the problems VA faces in recruiting and retaining high-quality doctors and nurses and will definitely facilitate the enactment of legislation to enable VA to be more competitive in the health care personnel marketplace.

However, Mr. President, even with the significant infusion in funding proposed by the President in the medical care account, some important needs are not dealt with adequately. I would like to see more emphasis on the enormous unmet needs of veterans for posttraumatic stress disorder [PTSD] treatment, for extended care and geriatric programs, and for innovative ambulatory care approaches to avoid institutionalization.

CONSTRUCTION, RESEARCH, AND THIRD-PARTY COLLECTIONS

Mr. President, the $695 million requested for VA construction projects represents a substantial turnaround in administration requests. For fiscal year 1989, for example, the administration requested only $488 million for VA construction. I hope that this increased level will provide the opportunity for a long-term commitment to a more realistic approach to meeting the great need for modernization, improved safety, and patient privacy in facilities across the system, as well as for new facilities in some parts of the country.

By contrast, the proposed 7-percent, $14.1 million cut in medical and prosthetic research is shortsighted and a big disappointment. Not only does VA research make a major contribution to our national effort to combat disease and disability, but it is vital to maintaining a high quality of health care for the individual veteran patient and attracting highly qualified health and mental health professionals to VA by improving the professional milieu in which they work.

Mr. President, I also disagree with the large-scale effort to beef up collections from health insurers by assigning 800 employees—including apparently 300 new ones—to these duties and by charging insurers for the nonservice-connected care of seriously disabled service-connected veterans.

There is no need for a new corps of Federal bill collectors. VA would be better off contracting out these collections and keeping its own work force focused on patient care.

Moreover, Mr. President, requiring health insurers to pay for part of the care furnished certain veterans with serious service-connected disabilities could raise innumerable disputes as to whether the care involved is in any way related to a service-connected condition. Such a requirement would also involve sloughing off onto the private sector substantial costs for the care of severely disabled service-connected veterans—specifically those with disabilities rated at 50 percent or more—for whom the Federal Government has a statutory obligation to provide comprehensive care.

VA BENEFITS PROGRAMS

Mr. President, outside health programs, the budget offers some improvement over the Reagan record. The proposed staffing increase to reduce the Board of Veterans' Appeals response time and to prepare VA to defend cases before the new U.S. Court of Veterans' Appeals is welcome, as is a modest, $23.3 million increase in efforts to modernize VA's antiquated computer system for claims processing.

Equally meritorious, Mr. President, is the proposal for a $6.5 million increase in funding for VA's National Cemetery System [NCS], which has been forced to scrape by on very lean budgets for several years and was hard hit by sequestration this fiscal year. As a result of austere budgets throughout the eighties, the NCS has an equipment replacement and maintenance backlog of about $7 million and is having difficulties in carrying out adequate maintenance activities. I am pleased that that program, recently invigorated by the appointment of a highly energetic and committed new Director, Joann K. Webb, will receive some added resources.

These are all useful starts, Mr. President, but I would be surprised if committee budget hearings don't show a

need for more action in each of these areas, as well as for an increase in overall staffing in the Veterans' Benefits Administration in order to produce—rather than just to claim—real improvement in the quality and timeliness of claims processing and to avoid defaults under VA home loan programs.

The most objectionable feature included in the President's VA fiscal year 1991 budget is a series of proposals for major home loan legislative retrenchments. The President's budget proposes requiring veterans for the first time to make a downpayment—4 percent is proposed for loan amounts over $25,000—in order to get a VA-guaranteed conventional home loan. Congress created the VA home loan program in 1944 precisely to allow hundreds of thousands of veterans to purchase homes even though they could not come up with a downpayment.

The budget also proposes raising the VA loan fee by 40 percent—from 1.25 to 1.75 percent of the loan amount—and eliminating the fee exemption for veterans rated less than 30 percent disabled. On January 1, 1990, the loan fee rose by 25 percent—from 1 to 1.25 percent—under the recently enacted Veterans Home Loan Indemnity and Restructuring Act of 1989, title III of Public Law 101-237. As the Senate author of that legislation, I want to stress that the fee increase there enacted was imposed only in exchange for granting indemnification for veterans against liability to VA in case of default.

There VA home loan proposals appear to be a broad attack by the President and the Office of Management and Budget on a 46-year-old program to which Congress overwhelmingly reconfirmed its commitment just 3 months ago. I will oppose all such changes in the fundamental nature of this important veterans' benefit and very much doubt that there will be time for committee hearings on these kinds of proposals.

MAJOR LEGISLATIVE COST-SAVING PROPOSALS

Regarding other major legislative proposals by the President in the VA budget, Mr. President, I have for years suggested the use of nontaxpayer IRS and Social Security data, if properly verified, to protect against illegal payments of need-based VA pension. However, I have reservations about the proposal to cut off VA service-connected disability compensation payments for certain incompetent veterans, who generally are supervised under VA's fiduciary program. Under this proposal, a veteran's estate could be reduced to as little as $10,000 while the veteran is alive. The inheritance rights of brothers, sisters, aunts, and uncles of such veterans could be likewise substantially reduced. Those relatives may have been of much help and comfort to the veteran during his or her lifetime.

VA MEDICAL CARE SUPPLEMENTAL FUNDING FOR FISCAL YEAR 1990

Mr. President, returning to the subject of VA medical care, I repeat that I am delighted that the administration is taking such a positive step in its fiscal year 1991 budget toward providing an appropriate level of healthcare services to the men and women who served this country. However, I feel strongly that the budget request for fiscal year 1991 makes the need for supplemental funding for the current fiscal year even more obvious.

We must raise the current year's medical care funding level by about a quarter-billion dollars to match the program level the President proposes for fiscal year 1991.

I find it hard to believe the President really wants to wind the VA medical system down even further this fiscal year.

I find it hard to believe that the President really wants to tell thousands of veterans to hold on for another 8 months to get the care they deserve and are entitled to receive.

Without supplemental fiscal year 1990 funding, the VA healthcare system cannot carry out a balanced program without reducing staffing and service levels throughout the year, only to begin restoring those cuts on October 1 with approval of the administration's fiscal year 1991 request. Such wide swings in resources run directly counter to the goal of building a high-quality, stable staff of health professionals who can work together smoothly.

As I need earlier, on December 22, 1989, I was joined by 40 Senators in a letter to President Bush explaining that the VA health care system has been suffering from serious instability and ineffectiveness as a result of start-and-stop funding. I am convinced that the VA healthcare system cannot furnish a high quality of care unless it is provided consistent as well as adequate funding levels.

Thus, I will again be writing to President Bush with many of my colleagues to urge him to extend his commitment to VA health care by submitting a fiscal year 1990 supplemental request of $252.4 million to restore the fiscal year 1990 shortfall resulting from sequestration and a VA miscalculation in personnel costs. Neither of these contingencies, described in the December 22 letter, were anticipated when the fiscal year 1990 VA, HUD, and Independent Agencies Appropriations Act was signed into law on November 9, 1989.

Over the last few years, many VA medical centers have been forced to cut back on staff, close beds or even entire wards—including many nursing home beds—shut down innovative and effective programs like those for drug and alcohol treatment and hospital-based home care, postpone activations of completed facilities, and delay—often for dangerously long time periods—vital equipment repairs and purchases. Not all VA facilities have been affected in the same way; some were in a crisis situation in fiscal year 1989 while others began being seriously stretched this past fall. However, Mr. President, all VA health care facilities are experiencing major backlogs in replacement and repair of critical life-saving or life-sustaining equipment.

There is no questiion that if fiscal relief is not provided for fiscal year 1990, tens of thousands of veterans will be denied the quality of care—or denied the care entirely—that we owe them if relief is not provided for fiscal year 1990. It would be a cruel hoax on our sick and disabled veterans to dangle an improved health care system before them if they can just make it until October. Many will not survive to gain the benefit of the President's fiscal year 1991 request, and others will grow sicker while effective and timely treatment is postponed.

This is bad medical care and bad public policy.

Mr. President, I am encouraged by the commitment to the VA health care system manifested in the administration's fiscal year 1991 medical care budget request, and I ask my colleagues to join with me in urging President Bush to fulfill that commitment by sending forth a fiscal year 1990 supplemental request of $252.4 million to provide now—not 8 months down the road—for the funding level that is contemplated in the administration's fiscal year 1991 request.

EXHIBIT 1

INDEPENDENT BUDGET PROJECT FINDS VETERANS' PROGRAMS WILL CONTINUE TO DETERIORATE UNLESS ADEQUATE FUNDING IS PROVIDED

WASHINGTON, D.C. (November 7).—Four Congressionally chartered veterans' service organizations today charged a long series of inadequate appropriations for the Department of Veterans Affairs (VA) have had a devastating impact on services to veterans and their families, even as the quality and quantity of VA health care for veterans continues to deteriorate.

"The Independent Budget Project," is a collaborative effort by American Veterans of World War II, Korea and Vietnam (AMVETS); the Disabled American Veterans (DAV); Paralyzed Veterans of America (PVA) and Veterans of Foreign Wars (VFW). This is the fourth year the organizations have formulated a needs-based budget for the VA, that more accurately reflects funding levels necessary to meet minimum VA programs and services.

In a joint statement the project authors said, "This Veterans Day finds the nation's sickest, neediest and oldest veterans in jeopardy of losing access to quality health care and necessary VA programs and services. Unless a meaningful fiscal year 1991 budget

is forthcoming, this erosion will become a national disgrace."

For fiscal year 1991, the project's authors are calling for an estimated $13.4 billion VA health care budget. While these are preliminary figures announced far in advance of the fiscal year, the authors said they are realistic amounts that would, if approved:

Restore service to the level of that provided in 1988; assure entitled veterans that they will receive prompt and adequate health care; assure the needs of older veterans are fulfilled; assure AIDS funding is made available and not siphoned from other medical programs; and improve the efficiency of the VA system.

The Independent Budget's fiscal year 1991 health care proposal is an increase of $1.9 billion over the expected 1990 appropriation, which is already short by $600 million.

In the area of General Operating Expenses (GEO)—which is responsible for the administration of all veterans' programs and services—the project's authors again found a continuing deterioration in services, brought about by inadequate staffing, that includes:

A backlog in compensation and pension cases that has skyrocketed from more than 167,000 in October 1987, to over 650,000 at present; a deterioration in the timeliness and quality of case adjudication, with almost a third of the original compensation claims taking more than six months to complte; program delays such as those for disabled veterans who apply for vocational rehabilitation being required to wait on average more than 100 days before being interviewed by a vocational rehabilitation counselor; an inability to even contact the VA by more than one million veterans as a result of busy telephone lines or being placed on hold for interminable periods; unnecessary defaults on home loan by veterans at great cost to them and the government.

To address these problems in the Va's Veterans Benefits Administration, the Independent Budget projects a fiscal year 1991 appropriation of $910 million, which includes an additional 650 employees.

For the VA's construction program, the Independent Budget recommends $965 million be provided to prevent the continuing deterioration of the VA's physical plants, provide for the conversion of underutilized hospital beds to accommodate the long-term care needs of the aging veteran population, increase nursing home care units and update and expand outpatient facilities.

Representatives of the veterans service organizations that comprise the Independent Budget Project said they were releasing their proposals well in advance of the White House's recommendations because, "The need is now, the crisis is apparent. America's obligation to its veterans has never been in greater jeopardy. This Veterans Day, when members of Congress and the Administration are publicly recalling veterans' service and sacrifice, we hope they recall, too, the continuing need for adequate VA funding that must be met."

U.S. SENATE,
WASHINGTON, DC,
October 11, 1988.

Hon. RONALD REAGAN,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to call your attention to the urgent funding problems now being experienced within the Veterans' Administration health-care program and to urge that you direct the Office of Management and Budget to send forth the supplemental request which was forwarded there. According to the Administrator of Veterans' Affairs, he has met personally with the OMB Director "to bring him up to date on the needs of the Medical Care account in FY 1989".

On September 9 and 20, the Senate Veterans' Affairs Committee held oversight hearings to explore various concerns which had been raised by VA doctors, nurses, and other health-care professionals, as well as affiliated medical schools, that the agency was not fulfilling its responsibility to provide prompt and effective health care to those veterans eligible for it. These concerns were validated at the hearing by 9 VA field witnesses who, testifying under oath, all described the current fiscal state of affairs as a "crisis" and "the worst financial crunch" they had ever seen in VA health care.

In connection with those hearings, the VA's Chief Medical Director has advised that the VA is facing at least a $635 million deficit for fiscal year 1989. Additionally, over the years, the agency has been reallocating large amounts of money from both recurring items—such as inventories, drugs, and prostheses—and non-recurring items—such as equipment and maintenance and repairs—in order to maintain daily operations. The cumulative effect of these reallocations is to reduce the current funding base by another $440 million, thus making the total VA health-care deficit approximately $1.1 billion in all.

On September 9, the Administrator testified that a supplemental request had been forwarded to OMB to assist in offsetting the anticipated deficit. The Administrator said he would do everything within his power, including appealing to you if necessary, to obtain timely Administration action on the request. On September 13, 1988, Senator Cranston wrote the Administrator to emphasize "two vitally important matters. . . . First, that the amount . . . in such a request be sufficient to enable the VA in FY 1989 to maintain its current levels of services and comply with all applicable laws; and, second, that your actions be most expeditious in order to produce an Administration request that can be considered by the House Appropriations Committee when it marks up an FY 1989 continuing resolution. . . . I would underscore the testimony of the Chief Medical Director . . . that an additional appropriation of $608 million [later revised upward to $635 million] is necessary for this purpose. Otherwise, depending on the amount of the shortfall, the VA would be forced to take a number of actions . . . to cut back on health-care services to veterans."

On October 1, because no supplemental appropriation was received by Congress, the VA, as predicted, began cutting back on health-care services and veterans are now being turned away from VA medical facilities. Yet a supplemental request has not been forthcoming from OMB. We believe that this is tragic. Many of these veterans have nowhere else to turn for health care. The result of these cutbacks will be that the health and quality of life of a number of these veterans will deteriorate—with fatal consequences in some cases.

We are especially concerned that OMB will be unsympathetic to the VA's supplemental request. In a May 24, 1988, letter to the Chairman of the House Appropriations Subcommittee on HUD-Independent Agencies, in connection with its consideration of the FY 1989 VA appropriation, OMB Director Miller stated that veterans' programs, among other items, are "a low-priority service".

Mr. President, we have been unable to determine whether or not the Administrator has sought your assistance. We wanted to be sure that you were personally aware of this very grave situation. We believe that the VA has an urgent need for additional funds in order to maintain the level of health-care services it offered in FY 1988. We respectfully ask that you personally intervene and instruct OMB to transmit the supplemental request to Congress immediately—in adequate time for us to act prior to adjournment.

Your immediate attention to this matter would be greatly appreciated.

With warm regards,

Cordially,

Alan Cranston, Max Baucus, John Melcher, Brock Adams, Dennis DeConcini, John D. Rockefeller IV, Howard M. Metzenbaum, Spark M. Matsunaga, Patrick Leahy, Kent Conrad, Claiborne Pell, Wendell Ford, Carl Levin.

Thomas Daschle, George J. Mitchell, Bob Graham, Donald W. Riegle, Daniel P. Moynihan, Jeff Bingaman, Quentin N. Burdick, Alan J. Dixon, Daniel K. Inouye, Frank R. Lautenberg, Terry Sanford, Tom Harkin.

U.S. SENATE,
Washington, DC, January 27, 1989.

Hon. GEORGE BUSH,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing about the urgent funding problems in the Veterans' Administration health-care program and to urge you to send forth a FY 1989 supplemental request for funds adequate to maintain workload, services, and programs at FY 1988 levels, and to revise the FY 1990 budget request in such a manner as to maintain those same FY 1988 levels.

On September 9 and 20, 1988, the Senate Committee on Veterans's Affairs held hearings to investigate reports of inadequate funding levels within the VA health-care system. At that hearing, VA medical center directors, doctors, and nurses virtually unanimously described, under oath, the fiscal state of affairs as a "crisis" and "the worst financial crunch" they had ever seen in VA health care. In connection with the hearing, the VA's Chief Medical Director testified that funding for VA health-care facilities for FY 1989 was $635 million less than was needed to operate them at the FY 1988 level.

On September 9, 1988, the VA Administrator testified that a supplemental request had been forwarded to OMB to assist in offsetting the anticipated deficit. On September 13, Senator Cranston wrote the Administrator to emphasize that the amount in such a request be sufficient to enable the VA in FY 1989 to maintain its current levels of services and comply with all applicable laws, and that action be taken expeditiously.

On October 11, 1988, no supplemental request having been received, 25 Senators wrote President Reagan calling his attention to the dire situation and urging him to direct OMB to send forth the supplemental request it had received. Those Senators received a November 4, 1988, response from the Acting OMB Director to the effect that the need for supplemental funding was being reviewed in the context of the President's FY 1990 budget request.

To date, no FY 1989 supplemental appropriations request for VA medical care has been received by Congress. Furthermore, the FY 1990 budget submission would require denying care to thousands of veterans who previously had access to such care, imposing copayments, sharply reducing funding levels for research, significantly decreasing the number of available residents necessary to provide patient care, and postponing activation of certain needed construction projects. Mr. President, these actions are totally unacceptable. Indeed, OMB cut a total of $1.427 billion out of the VA's request for its medical care, construction, and research programs—with a loss of 8,000 full-time equivalent employees (FTEE) from FY 1988 levels under the medical care and research accounts.

We have already received from VA facilities reports of thousands of veterans who, after years of receiving VA care, are being told to go elsewhere or who have been told they must wait long periods of time—in many cases a denial of care in and of itself—prior to receiving certain types of care or prostheses. Numerous programs and services are being cut back or eliminated altogether—home-based health-care services, alcohol and drug treatment centers, community nursing home care, and hospice care programs, just to name a few.

Not only do these cutbacks create serious hardships for veteran-patients and their families who have relied upon the VA to meet their health-care needs, but we believe that these reductions will produce a ripple effect, creating an increased demand on other overburdened Federal programs providing health and social services.

Mr. President, we respectfully ask that you instruct OMB to transmit an FY 1989 supplemental request to Congress immediately, and to restore to the FY 1990 budget the funds requested by the VA, in order to maintain VA programs and services at FY 1988 levels.

Your immediate attention to this matter would be greatly appreciated.

With warm regards.

Cordially,

Alan Cranston, James M. Jeffords, Spark M. Matsunaga, Dennis DeConcini, Timothy E. Wirth, Claiborne Pell, Patrick J. Leahy, David L. Boren, Max Baucus, Brock Adams, Tom Harkin, Paul S. Sarbanes, Bill Bradley, Bob Graham, Albert Gore, Jr., Wendell H. Ford, Howell Heflin, Frank R. Lautenberg.

Quentin N. Burdick, Terry Sanford, Kent Conrad, Jeff Bingaman, Howard M. Metzenbaum, Daniel Patrick Moynihan, Thomas A. Daschle, John D. Rockefeller IV, George J. Mitchell, Richard C. Shelby, Alan J. Dixon, Paul Simon, Dale Bumpers, Joseph R. Biden, Jr., Christopher J. Dodd, Herbert Kohl, Daniel K. Inouye, David Pryor, William S. Cohen, John F. Kerry, Donald W. Riegle, Jr.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, December 22, 1989.

Hon. GEORGE BUSH,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing about the dire funding problems in the Department of Veterans Affairs health-care system and to urge you to send forth an FY 1990 supplemental request and to maintain a VA medical care program level in your FY 1991 budget that would carry on the level that Congress intended to be achieved with the FY 1990 funds appropriated for VA medical care before sequestration.

The current, very serious crisis in VA medical care has been brewing for the last several years. As we approached the end of the 100th Congress, tremendous VA health-care funding difficulties became painfully obvious, and Congress enacted a $31.7-million FY 1988 supplemental appropriation for VA medical care.

In September 1988, both the House and Senate Committees on Veterans' Affairs received very compelling testimony about the severity of VA health-care funding problems and how the budget squeeze was adversely affecting the quality and quantity of VA care. On October 11, 1988, 25 Senators wrote to President Reagan urging the prompt submission of an Administration request for supplemental FY 1989 funding before the 100th Congress adjourned. Subsequently, 41 Senators wrote you in January 1989 urging submission of FY 1989 and FY 1990 requests for urgently-needed additional VA medical-care funding.

On March 8, the Senate Committee on Veterans' Affairs transmitted to the Senate Budget Committee bipartisan recommendations for $618.4 million in supplemental FY 1989 VA medical-care funding and for an additional $1.24 billion for FY 1990 over the Administration's request for VA medical care. These funds were needed to restore patient workloads and health-care staffing to approximately FY 1988 levels and to begin making the efforts necessary to deal with the enormous unmet needs of Vietnam veterans for PTSD treatment, the growing needs of older veterans for long-term care, the escalating demands for and costs of AIDS treatment, the great numbers of homeless veterans requiring care and shelter, and the need to fight the epidemic of drug and alcohol abuse.

On March 24, you submitted a request for supplemental VA medical-care funding for FY 1989. Delays in both houses due to unrelated matters caused enactment of the FY 1989 Dire Emergency Supplemental Appropriations Act to be postponed until June 30. The amount appropriated—$345 million—was $42 million above your supplemental request but just over half of the $618.4 million the Senate Veterans' Affairs Committee had recommended. These funds were to be used to begin re-building VA's staffing level and restoring programs and services, including many drug and alcohol programs, which had been closed down or curtailed. Unfortunately, the delays prevented VA from restoring the bulk of the workload reductions imposed because of the serious FY 1989 fiscal problems.

Regarding the FY 1990 VA health-care budget, the final FY 1990 medical care appropriation—along with a special add-on for expanded VA drug and alcohol treatment in an emergency drug measure—provided almost $11.5 billion for VA medical care, approximately $743 million above the Administration request.

Although this final appropriation level did not contain all the funding the Senate had recommended and believed necessary, the Appropriations Committees this year, as in prior years, did the best they could to provide adequate funding levels for the VA health-care system in the face of seriously inadequate Administration requests. For the last four fiscal years (FYs 1987–1990) alone, Congress has added over $1.7 billion to the Administration's appropriations requests for VA medical care.

When you signed the FY 1990 VA, HUD, and Independent Agencies Appropriations Act into law on November 9, it seemed that the funding level for FY 1990 would be austere but minimally adequate. Unfortunately, two matters have arisen that have thrown into disarray VA's plans to restore programs and services eliminated or curtailed last fiscal year, as the FY 1990 appropriated level would have permitted. First, sequestration under Gramm-Rudman, as modified by the FY 1990 reconciliation legislation, will reduce the VA medical care appropriation by $158.4 million. Second, we have learned that, as a result of a VA error in computing its FY 1990 personnel costs, VA is experiencing a $94-million shortfall in salary costs. (VA had used an average figure that was $483 too low because it was not adjusted to cover FY 1990 inflation.)

Once again the effort to stabilize VA health-care funding has been thwarted and VA is faced with extremely difficult choices as to what aspects of its medical programs must bear the brunt of the sequestration reduction. Since, as noted above, the appropriated amount provided for a truly bare-bones program in FY 1990, there are no soft areas in which shortages totalling $252.4 million—34 percent of the Congressional add-on—can be absorbed without impinging on the quality or quantity of care. There should be no personnel cutbacks because Congress has specifically directed VA to achieve a staffing level of 194,720 and has precluded personnel funds from being diverted to any other purpose. However, this means that the cuts will almost certainly lead to a badly unbalanced program with inadequate drugs, supplies, equipment, and maintenance. We understand from VA instructions to field facilities that medical centers will have to absorb 40 percent of the January 1990 pay raise and reduce substantially community nursing home care placements. In addition, savings will be achieved through postponing the activations of vital programs and services for which extensive construction funds have already been expended. The sequestration will thus deny to tens of thousands of veterans the benefit of the restored programs and services Congress had intended for them and cause delays in the care that would be provided by the hospital and nursing-home beds and outpatient clinics that have long been planned to be opened this fiscal year.

VA cannot continue to function on this start-and-stop basis, with inconsistent funding levels and inadequate commitment from the Administration from year to year. We urge you to demonstrate your commitment to the VA health-care system by sending forth an FY 1990 $252.4-million supplemental request to restore the shortfall resulting from sequestration and the miscalculation in personnel costs. For FY 1991, we urge you to propose sufficient funds to continue in FY 1991 the level of VA medical care that would be supported by the $11,578,092,000 FY 1990 funding level we are proposing for VA medical care. Our Nation owes no less to those who have served in the cause of maintaining our freedoms and national security.

We would greatly appreciate your prompt attention to this important matter.

With warm regards,

Cordially,

Alan Cranston, George J. Mitchell, Spark M. Matsunaga, John D. Rockefeller IV, Dennis DeConcini, Bob Graham, Wendell H. Ford, Dale Bumpers, Alan J. Dixon, Herbert Kohl, Quentin N. Burdick, James M. Jeffords, John Heinz, John F. Kerry,

Edward M. Kennedy, Timothy E. Wirth, Richard C. Shelby, Brock Adams, David L. Boren, Joseph I. Lieberman, Paul Simon.

Claiborne Pell, Bill Bradley, Daniel K. Inouye, Joseph R. Biden, Jr., Thomas A. Daschle, Max Baucus, Jeff Bingaman, Tom Harkin, Paul S. Sarbanes, Patrick J. Leahy, William S. Cohen, Harry Reid, Richard H. Bryan, Terry Sanford, Donald W. Riegle, Jr., Daniel Patrick Moynihan, Larry Pressler, David Pryor, Howell Heflin, Frank R. Lautenberg.

NOVEMBER 18, 1989.

President GEORGE BUSH,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I would like to add my voice to the many others who wish to express our concerns about the impact of VA budget cuts on my health care. Please Mr. President remember us and our families that have given so much for this nation.

Often I go to visit the grave of my older brother Mike Wyman who was killed in Vietnam. I used to walk there now I use a wheel chair. I too did service to the nation of six years in the Marines at a time when being in the service was not the in thing. But I thought that I could help in some way to prevent other brothers from the same death.

I am very proud of what my family did for this nation, but at the same time I am very concerned with the current status of the VA budget cuts. I am in need of very special care due to my spinal cord injury.

I understand that many people ask you for many things, I ask that you don't forget those of us who paid a high price for this nation. Please consider the VA budget very carefully, our health care depends on it. Thank you for your attention to this matter.

Sincerely,

RAYMOND D. WYMAN.

HERRIN, IL.

NOVEMBER 13, 1989.

President GEORGE BUSH,
The White House, Washington, DC.

DEAR PRESIDENT BUSH, I'm a service connected paralyzed veteran of 45 years. I've been denied use of my legs since 1944, please don't deny much needed medical care in my future along with thousands of other disabled veterans. The V.A. Budget needs increases not decreases to provide proper medical care.

I thank you for being aware of our needs and hoping for positive increases in the V.A. Budget.

Sincerely,

WILDER A. JOHNSON.

Yacolt, WA, November 2, 1989.

DEAR MR. PRESIDENT: My name is William L. Walker. I am a permanently disabled service-connected veteran of the Korean conflict. I am writing this letter concerning and asking for your help in upgrading the quality of medical care we, the veterans, receive from the Veterans' hospitals and from the Veteran's Administration.

In the past few years the budget has been woefully inadequate. Many veterans who should be treated are being denied treatment because of the fact that even today there are hospitals that are understaffed and floors on hospitals that are not being used because the V.A. cannot afford to hire the nurses and other personnel that are needed to operate them. In the case of the Portland, Oregon, V.A. Hospital, two floors on a brand new hospital are not being used and many, many veterans in the Portland and Southwest Washington area are being denied treatment.

The last two times that I tried to be treated at the Portland hospital, I was denied entrance or treatment at that facility. The reason, they said, was they were all filled up and did not have room for another veteran even though I am service-connected. Once I was in route to the hospital in an ambulance because of a serious breathing difficulty. The V.A. advised the ambulance driver to take me to the closest local hospital and have me treated there.

Mr. President, I am tired of being punished for surviving in the Korean conflict. As a veteran it is almost impossible to think of the fact that you are denied treatment for a service-connected disability simply because there is no bed for you to be put in while they treat you.

Mr. President, I urge you to please think twice and give it an awful lot of thought when you come to the V.A. budget. The shrinking federal budgets and competing needs of others are also on your agenda but we, the veterans, were promised that if we became disabled in combat that we would be taken care of by the Federal government. Now it's your time to keep your promise. So I ask you, President Bush, on behalf of the veterans, please help us. The impact of the V.A. budget cuts on our health care has to be taken into consideration.

I hope that I hear from you concerning this or at least take my letter into consideration whenever it comes time for the V.A. budget. Thank you very much.

Sincerely,

WILLIAM L. WALKER.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2242. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, a report, including unaudited financial statements, covering the operation of the Commission during fiscal year 1989; to the Committee on Armed Services.

EC-2243. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Annual Energy Outlook, 1990"; to the Committee on Energy and Natural Resources.

EC-2244. A communication from the Deputy Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report of those foreign military sales customers with approved cash-flow financing in excess of $100 million as of October 1, 1989; to the Committee on Foreign Relations.

EC-2245. A communication from the Comptroller of the Currency, transmitting, pursuant to law, notice of adjustments to compensation for the Office of the Comptroller of the Currency for calendar year 1990; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-399. A resolution adopted by the Senate of the State of West Virginia; ordered to lie on the table.

"SENATE RESOLUTION No. 7

"Whereas legislated requirements for improved air quality should be realistic and take into account both technological feasibility and costs of compliance; and

"Whereas the application of Maximum Achievable Control Technology (MACT) plus a residual "unreasonable risk" standard (taking into account available technology and economic costs as well as risks to the nation's health) would, in fact, constitute a balanced approach to controlling air toxics; and

"Whereas compliance with MACT could cost the domestic steel industry alone up to five billion dollars, according to EPA estimates; and

"Whereas the Clean Air Act has had positive effects on industrial emissions to date. The proposed amendments now pending, dealing with air toxics, would have devastating consequences which would require controls beyond today's available technology to meet arbitrary risk levels that are both inflexible and scientifically unsound and, if adopted, would require the closing or shutting-down of many domestic coke plants, steel mills, coal mines and other related businesses; and

"Whereas use of an arbitrary and scientifically unsound numerical standard such as 10(−4) or 10(−6) maximum individual risk from air toxics would have a disastrous impact on U.S. international competitiveness; and

"Whereas these plant closings and business shut-downs would cause thousands of workers to lose jobs and loss of revenues to an already depressed economy in West Virginia as well as the rest of the nation; and

"Whereas many of America's major foreign competitors rely on government subsidies to cover the cost of their environmental expenditures, and compliance with pending Clean Air Act amendments would impose a higher cost burden on domestic industries than any other nation imposes on its industrial manufacturers; Therefore, be it

"*Resolved by the Senate*, That the United States Congress is requested to continue to support the Clean Air Act as originally introduced, rejecting the amendments that have been added or may be added in com-

mittee thereby enacting clean air legislation that is reasonable and reponsible. It should enact MACT and a balanced unreasonable risk standard for control of air toxics. It should reject the scientifically unsound use of a 10(−4)/10(−6) maximum individual risk standard or air toxics thereby protecting both the environment and the economy of West Virginia and this nation; and, be it

"Further resolved, That the Clerk of the West Virginia State Senate is directed to forward copies of this resolution to the President of the United States, the Clerks of the respective houses of the United States Congress and each member thereof, including the members of the West Virginia delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 1229. A bill for the relief of Maria Luisa Anderson (Rept. No. 101-237).

S. 1467. A bill for the relief of Geetha Kannan (Rept. No. 101-238).

S. 1493. A bill for the relief of Roswitha Starins (Rept. No. 101-239).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COHEN:

S. 2032. A bill to amend the Internal Revenue Code of 1986 to provide for a credit for health insurance expenses; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Mr. BUMPERS, Mr. PELL, and Mr. ADAMS):

S. 2033. A bill to amend title XVIII of the Social Security Act to provide for coverage of annual screening mammography under part B of the Medicare Program; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. MITCHELL, Mr. KENNEDY, and Mr. HARKIN):

S. 2034. A bill to authorize the creation of a National Education Report Card to be published annually to measure educational achievement of both students and schools and to establish a National Council on Educational Goals; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN (for himself, Mr. MITCHELL, Mr. KENNEDY, Mr. PELL, Ms. MIKULSKI, Mr. HARKIN, Mr. KOHL, and Mr. HATFIELD):

S. 2035. A bill to establish a Commission to examine the advisability of lengthening the school day and school year in United States public elementary and secondary schools; to the Committee on Labor and Human Resources.

By Mr. HEINZ:

S. 2036. A bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEVIN:

S. 2037. A bill to prohibit for the purposes of meeting the Gramm-Rudman deficit targets the recognition of shifts in dates of making outlays enacted within the year preceding adoption of a budget; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977.

By Mr. McCONNELL:

S. 2038. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require a 20-percent reduction in certain assistance under such act to a law enforcement agency unless such agency has in effect a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself, Mr. PELL, Mrs. KASSEBAUM, Mr. HEINZ, Mr. LOTT, Mr. DOLE, Mr. WILSON, Mr. MCCAIN, Mr. CRANSTON, and Mr. HATFIELD):

S. 2039. A bill to improve the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms; to the Committee on Labor and Human Resources.

By Mr. PELL (for himself, Mr. BIDEN, Mr. CRANSTON, Mr. DODD, Mr. KERRY, Mr. SIMON, and Mr. MOYNIHAN):

S. 2040. A bill to expand the size and scope of the Support for East European Democracy [SEED] Program; to the Committee on Foreign Relations.

By Mr. SYMMS (for himself, Mr. CHAFEE, Mr. DASCHLE, Mr. MATSUNAGA, and Mr. MCCLURE):

S. 2041. A bill to amend title XVIII of the Social Security Act to provide uniform national conversion factors for services of certified registered nurse anesthetists; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2042. A bill to establish the Thomas Cole National Historic Site in the State of New York; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS:

S. 2043. A bill to establish a reforestation program for timber lands suffering damages from natural disasters; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BIDEN (for himself, Mr. LIEBERMAN, Mr. JEFFORDS Mr. WIRTH, Mr. MOYNIHAN, Mr. PELL, and Mr. SIMON):

S. 2044. A bill to require tuna products to be labeled respecting the method used to catch the tuna, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Mr. SPECTER):

S.J. Res. 243. Joint resolution to designate March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself and Mr. RUDMAN):

S.J Res. 244. Joint resolution to repeal section 614 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990, and section 302 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; to the Committee on Appropriations.

By Mr. McCLURE (for himself and Mr. SYMMS):

S.J. Res. 245. Joint resolution designating July 3, 1990, as "Idaho Centennial Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SYMMS:

S. Res. 235. A resolution to express the sense of the Senate that the President of the United States be commended for his actions toward Panama and that the American servicemen and women who participated in "Operation Just Cause" merit the gratitude and appreciation of the Nation for their service to the cause of peace and freedom; to the Committee on Armed Services.

By Mr. MITCHELL (for Mr. FORD):

S. Res. 236. A resolution to make amendments to the Senate rules with respect to gifts and travel, financial disclosure, and conflict of interest; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 237. A resolution to direct the Senate Legal Counsel to appear as amicus curiae in *Walter L. Nixon, Jr.* v. *United States, et al.;* considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COHEN:

S. 2032. A bill to amend the Internal Revenue Code of 1986 to provide for a credit for health insurance expenses; to the Committee on Finance.

HEALTH CARE INSURANCE CREDIT

Mr. COHEN. Mr. President, our Nation's health care system is in crisis. Most people have to struggle with the high cost of living. But the high cost of staying well or, indeed, alive is beginning to elude not only the poor but the vast majority of the American people.

Doctor and hospital bills continue to soar into the stratosphere while people of modest means sink deeper and deeper into debt and despair.

Yesterday, the President submitted his budget for the next fiscal year which included another proposed reduction in Medicare which, if accepted or endorsed by the Congress, can only result in pushing many hospitals, particularly those in rural areas, over the edge and into the abyss.

There is likely to be confusion on the part of many people who will wonder why we are so eager to explore space, for example—where indeed we may find the future—when we are so clearly failing to address the moral and physical imperatives of the the present.

We cannot flaunt the opportunity of the future any more than we can ignore the lessons of the past.

But heaven can afford to wait a little longer until we find a way to avoid what is rapidly becoming hell on Earth for the millions of Americans faced with health care they need and medical bills they cannot pay.

It is in that light, Mr. President, that I rise today to introduce legislation to help low- and middle-income Americans afford the vital protection of health insurance coverage. My legislation would provide a refundable tax credit to help offset the high cost of insurance premiums for individuals

and families not covered by employer-provided plans.

It is my hope that this legislation will be at least a modest contribution to the ongoing debate regarding the best means of extending health care coverage to the millions of Americans who are now uninsured.

There are approximately 37 million Americans—about one-seventh of our population—who have no health insurance. They are not old enough for Medicare, not poor enough for Medicaid and have no health insurance through an employer. In my home State of Maine, there are about 130,000 who have no health insurance at all.

According to data compiled by the United States Bipartisan Commission on Comprehensive Health Care, better known as the Pepper Commission, more than a quarter of the uninsured are children. Eighty percent of the uninsured are workers or members of families in which there is a worker. Over 60 percent of the working uninsured earn less than $10,000 per year. In addition, the Pepper Commission has found that another 20 million Americans are underinsured. Although covered by health insurance, the coverage of these underinsured Americans leaves them vulnerable to considerable out-of-pocket expenses for necessary medical care.

The consequences of being without health insurance can pose a tragic choice between financial hardship and medical neglect. In addition to facing the risk of high medical bills should they become ill or injured, the uninsured often postpone or forgo care until it is too late for less costly preventive treatment. Because they cannot afford the out-of-pocket costs of a visit to the doctor or even a short stay in the hospital for relatively routine care, these individuals and families often have no doctor they see regularly or other usual source of care. Instead, they depend on emergency rooms and hospital outpatient departments as their usual source of care much more than the insured do. Heavy reliance on emergency rooms and hospital outpatient departments strains the resources of these facilities, drives up the overall costs of health care, and suggests that services are not provided as appropriately and as timely as they should be for millions of Americans.

In fact, the Pepper Commission found strong evidence that a lack of appropriate and timely care leaves the uninsured in poorer health, generally, than the insured and ultimately leads to greater costs to society as a consequence of conditions made more serious by neglect.

A comparison of surveys over time indicates that the proportion of the population without health insurance has risen over the past decade, from an estimated 14.6 percent in 1979 to an estimated 17.5 percent in recent years. A number of factors have contributed to this increase, including a decline in the proportion of employers offering health benefits; the shift of employment to service industries less likely to offer health benefits; and the tremendous increase in the cost of health insurance premiums.

It is not only the uninsured who need be concerned about this problem, because the lack of insurance for millions of Americans affects us all. The current health care system still leaves our society with a significant bill for health care services to the uninsured. In 1988, the American Hospital Association reported that hospitals had spent $10.7 billion, or 6.3 percent of total expenditures, on uncompensated care. This was a significant increase over the $3.5 billion that hospitals spent for uncompensated care in 1980. This increasing level of medical care for which hospitals receive no payment is a growing strain on the financial resources of many facilities. It has also resulted in higher medical and health insurance bills for all health care consumers, because the costs of the care of those who cannot pay for it are ultimately shifted onto the backs of those who can.

The legislation I am introducing today would help American families to cope with the rising costs of health care and health insurance. It would establish a refundable tax credit to help families of modest means to purchase health insurance protection.

The proposed legislation would entitle individuals and families not already covered by an employer-provided health benefit plan to a tax credit to offset a portion of their health insurance premium costs. A credit of 60 percent would apply to premiums of up to $1,200 for individuals and $2,400 for families. Therefore, the maximum credit would be $720 for individuals and $1,440 for families.

The credit would be targeted to individuals and households most in need. Individuals with adjusted gross income less than $18,000 and families with adjusted gross income less than $28,000 would be eligible for the 60 percent credit. The credit would then be phased-out for individuals with incomes between $18,000 and $23,000 and for families with incomes between $28,000 and $33,000. The proposed credit would be completely refundable and available to workers through the adjustment of Federal income tax withholding. Households with income too low to incur Federal income tax liability would still be able to file for the refundable credit.

In submitting this proposal, I have attempted to be mindful both of cost considerations and the tremendous magnitude of the problem of the uninsured. If we are serious about extending health insurance coverage to those now uninsured we will have to face up to the costs of doing so.

Although addressing this immense unmet need will place some costs on the Federal Government, the costs of not addressing this problem are even more staggering. Those without health insurance are less likely to seek medical care when they need it and are more likely to go without it if they cannot pay for it. The result is that our society as a whole is paying dearly—for babies who will never overcome the disadvantage of inadequate prenatal care; for adults who lose productivity because of major medical problems that might have been prevented by more timely treatment; and through higher medical and insurance bills because there is no escaping the costs of essential care for those who cannot pay for it.

Mr. President, health care cost and access issues are going to demand a great deal of our time, consideration, patience, and effort during the coming year. In the coming months, three separate high-profile commissions will submit their recommendations for comprehensive health care plans—the Pepper Commission, the Social Security Advisory Commission also known as the "Steelman" Commission, and a task force appointed by the Secretary of Health and Human Services, Dr. Louis Sullivan. These panels are likely to offer differing opinions on the best solutions to our health care cost and access problems and I look forward to the conclusions and proposals of each of these panels.

The legislation I am submitting today represents what I believe to be a pragmatic and promising approach to addressing the most urgent health care problem facing our Nation. I urge my colleagues to join me in working to ensure access to quality health care for all Americans and hope that they will consider the legislation I am introducing today.

Mr. President, I recognize that this is a stopgap measure. It is a finger in the dike of a dam that is about to burst. But it seems to me that, if we can consider capital gains incentives in order to shore up the capital structure of this country by encouraging people to make long-term investments, if we can consider incentives to encourage people to contribute to their retirement plans, certainly within that context and within that debate we can also consider tax incentives to help and encourage families to purchase health insurance coverage.

We look forward to the recommendations of the Pepper Commission which is due to report in early March. I do not believe that the Pepper Commission report will be a panacea or indeed a perfect blueprint for our health care needs, but it is my hope

that it will provide the basis for building a consensus in this country for what has to be done.

Mr. President, I read an interesting article which appeared in the Journal of American Medicine in the January 5 edition. It was written by Nicholas E. Davies and Louis H. Felder, two, I believe, internists. I would just like to quote briefly the synopsis of this article. Drs. Davies and Felder believe that we need a radical overhaul of our entire health care system. They recommend:

That President Bush appoint a blue ribbon commission to study our present system in depth, then offer alternative solutions for its many problems. He should look closely at least at nine specific issues: controlling medical technology, instituting a resource-based relative value system for physician reimbursement, establishing an ongoing national medical ethics commission, instituting national malpractice reform, implementing universal medical coverage with Medicare-Medicaid reform, establishing a national health services research and planning institute, reducing the Nation's health care facilities, reducing physician supply and improving health promotion/disease prevention education.

Mr. President, a number of these may be, indeed, controversial. Perhaps nine specific areas may not be enough. There may be fewer than nine that need to be addressed. But certainly this article calls to our attention the need for a comprehensive overhaul of our entire health care system.

Drs. Davies and Felder suggest that:

The plan chosen should be the least disrupting to our present system, the least expensive commensurate with good care and the easiest to administer. It should have the best chance to survive the scrutiny of a disparate group of Americans with all sorts of vested interests.

Mr. President, I commend this article to the attention of my colleagues. I hope the legislation I introduce today will serve at least to provide temporary relief to the hard-pressed people who cannot afford health insurance, and I hope we can, indeed, develop the consensus that is going to be necessary to overhaul our system.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APPLYING BRAKES TO THE RUNAWAY AMERICAN HEALTH CARE SYSTEM—A PROPOSED AGENDA

(By Nicholas E. Davies, MD and Louis H. Felder, MD)

The American health care system, and especially its cost, is out of control, inhibiting access to care for many, lessening quality of care for some, and creating an almost palpable angst among physicians and others concerned with this enormous national problem. Increased health care rationing in the next decade is inevitable, yet it must not be done with quick fixes, short-term solutions, and patchwork reform of our present system. That would create worse problems for health care in the 21st century and is clearly unacceptable. We recommend that President Bush appoint a blue-ribbon commission to study our present system in depth, then offer alternative solutions for its many problems. He should look closely at, at least, the following nine issues: controlling medical technology, instituting a resource-based relative value system for physician reimbursement, establishing an ongoing national medical ethics commission, instituting national malpractice reform, implementing universal medical coverage with Medicare/Medicaid reform, establishing a national health services research and planning institute, reducing the nation's health care facilities, reducing physician supply, and improving health promotion/disease prevention education.—JAMA. 1990; 263:73–76.

"For he spoke hard and bitter words to me, and shut the door of his soul on me, and I withdrew. But I should have hammered on it, I should have broken it down with my naked hands, I should have cried out there not ceasing, for behind it was a man in danger, the bravest and gentlest of them all. So I who came to save was made a supplicant; and because of the power he had over me, I held, in the strange words of the English, I held my peace."—Alan Paton, "Too Late the Phalarope."

We can no longer hold our peace. We see medicine, our profession, the bravest and gentlest of them all, in grave danger. And in that danger medicine is shutting the door of its soul on the American people and on itself. It is not insensitive; it does not want to do this. But that is the way the system is evolving. Bold action is demanded if the profession is to be saved from itself. It is this action that we will discuss.

We believe that the American health care system, especially its costs, is out of control. One has only to read a newspaper to learn that 87% of Americans see a need for fundamental change or to find out that at our projected rate of growth, by the year 2000 health care will consume 17% of the gross national product (New York Times. February 15, 1989:8; Atlanta Constitution Forum. November 24, 1988:2D).

Unfortunately, the enormous growth in health care technology during the past two or three decades has not been accompanied by a concomitant growth in the wisdom to control it. We believe that, if our system is to survive, costs must be lowered so that they do not consume more than the current approximately 11% of the gross national product.

What, then, must our nation do? The answer seems simple enough. We must reduce the cost of our health care system while maintaining the highest quality of care that is possible. We must set national priorities. In short, we must ration health care, starting with the simplest, most easily accomplished methods, at the same time seeking more information from the growing field of health services research (Time. May 15, 1989:84-86). In time, reasonable national standards or guidelines for quality care will be agreed on. We believe that what we lose in clinical freedom, long the almost sacred right of the practitioner, will be made up in savings to the American people and perhaps in improved quality of care to all our citizens. Certainly, setting national standards and priorities should lead to a more rational allocation of our nation's resources.

We have concluded that President Bush should appoint a national commission to study how best our nation can ration health care in the least onerous fashion in both the public and private sectors. We believe that medical organizations or others with vested interests in our present system cannot do this adequately and command the attention of Congress.

The commission, like the President's Commission on Federal Ethics Law Reform, must be bipartisan, have congressional support, and be adequately funded. It would be charged with looking globally at the American health care system, both in the short and the long terms, and, eschewing quick fixes, righting the wrongs and equalizing the inequities that have crept incrementally into the system during the past 40 years.[1] It would be charged with examining closely the infrastructure of our health care system, especially that concerned with planning. Finally, it would look at the interrelationships of the costs of our health care system with the costs of housing, education, meaningful work, and other fundamentals for leading a satisfactory life. It should have reasonable time to seek the best information available but it should set time-limited goals. It should be a valid effort to find commonly accepted answers to national health care needs that cannot be easily or quickly found in the deliberations of our partisan, often contentious political system.

An alternative forum might be the already constituted US Bipartisan Commission on Comprehensive Health Care, established by the Medicare Catastrophic Coverage Act of 1988 and signed into law July 1, 1989. Called the Pepper Commission after its late chairman, it is composed of six senators, six representatives, and three presidential appointees. Its primary concern is with the shortcomings in the health care delivery system that limit access to comprehensive care, specifically to the elderly and disabled, but generally to all Americans. Our concern is that it may not look at all the many factors in our complex system that need addressing.

A PROPOSED AGENDA—CONTROLLING TECHNOLOGY

Technology now dominates health care in America. Largely because of medicine's search for a technological utopia, health care costs are out of control, patients are unhappy, and corporate America is about to revolt. Schwartz[2] believes, as do we, that costs will remain out of control unless beneficial services are cut (a sad prospect) or limitations are placed on technological implementation.

Since the invention of the x-ray machine, the search for technological solutions to medical problems has diverted attention and resources from equally important political and socioeconomic approaches to health care reform.[3] Renal dialysis was the technological development that alerted the American public to the disturbing truth that resources for modern medical care were not limitless.[4] We must now somehow set limits on the use of technology without suppressing those forces that have made American medicine the best, and the most expensive, in the world.

A successful solution to the technology problem will depend on changing the ways physicians practice medicine. We believe the following approaches should be looked on most favorably: (1) Readjust the way physicians are reimbursed so that the excessive use of expensive technology and procedures is controlled. (See "Resource-Based Relative Value System for Reimbursing America's Physicians" section below.) (2) Reevaluate

the use of tests in clinical practice, using the method presently used by the American College of Physicians with its Clinical Efficacy Assessment Project or the proposed American Medical Association/RAND Corporation study that should soon be in place.[5] (3) Improve technology assessment, especially in new fields, and limit the use of technology that offers only marginal improvement in diagnostic or therapeutic results. (4) Discourage physicians from profiting from their own self-referrals, as is now happening with joint-ventured imaging centers and laboratories. (5) As suggested by Maloney and Rogers,[6] alter the training of physicians so that they are able to look more objectively at the technology imperative.

RESOURCE-BASED RELATIVE VALUE SYSTEM FOR REIMBURSING AMERICA'S PHYSICIANS

We believe that a rational and equitable physician reimbursement system must be developed in the United States if we are to control the cost of health care. No longer can we accept the "customary, prevailing, and reasonable" charges developed haphazardly during the past 40 years. This system has reimbursed handsomely—thus fostering—technical procedural skills, while reimbursing parsimoniously—thus casting disfavor on—time-consuming careful patient evaluation and management skills. Revision of the way physicians are reimbursed may have the most far-reaching effects, and perhaps the most unpredictable effects, of all the proposals that we make.

Hsiao and colleagues [7] at Harvard University have developed a resource-based relative value system for physician reimbursement. Most physicians seem to accept the rationality of this system, even those who do not agree with some of the details. It is supported by the Physician Payment Review Commission. After refinement, it should be signed into law by the President. (This bill was passed on the last day of the 101st Congress, an excellent beginning for health care reform in America.)

NATIONAL MEDICAL ETHICS COMMISSION

Ethical problems have arisen in both medical practice and research, largely brought on by new technology. They must be addressed, not by health care workers alone, but by an enlightened public. If there is to be national rationing of health care, as we think there must, to be done fairly there must be national guidelines that are agreed on by a significant majority of our citizens. Is fetal research acceptable? How about gene transfer research? Can we eliminate kidney transplants paid for by one state government and not by all state governments? Is it acceptable to place age limitations on heart transplants? Indeed, is any age-based rationing acceptable? A major advantage to a national ethics policy is that it is defensible on the grounds of consistency.

The discussion would then be what "principles or criteria . . . will be used to choose which patients will get what care when." [8] A national medical ethics commission could go a long way toward resolving these issues.

MALPRACTICE REFORM

Beginning in the late 1960s and continuing to 1988, the number of malpractice claims filed against physicians increased dramatically. Many feel that America's civil litigation system for adjudicating these malpractice claims and suits badly needs overhauling. "Wealth redistribution" and "social engineering" by our courts continue to come down hard on physicians, especially those in a few specialties.

The cost of health care in America would be dramatically reduced if physicians did not feel forced to practice defensive medicine. Reynolds et al [9] estimated the cost of defensive medicine to be 3.5 times the cost of malpractice premiums and to account for almost 15% of the total US expenditure for physician services. An informal survey by the authors found estimates of from 5% to 20% of all health care dollars being generated by physicians for defensive reasons.

Many states have already begun to enact reforms in their tort laws. There is evidence that there is a national leveling off, with less growth in claim frequency in those states where reforms have been enacted. The Task Force on Medical Liability and Malpractice, in its August 1987 report, lists eight policy objectives that should be followed as changes are made in the malpractice compensation systems.[10] They are an excellent basis for national reform of a compensation system that is crying out for leadership from our national medical and legal organizations.

UNIVERSAL COVERAGE AND MEDICARE/MEDICAID REFORM

Almost daily we read in newspapers and journals, or hear discussed on television or in medical meetings, the plight of the 37 million Americans who are uninsured and the other millions who are underinsured. It is clear that a consensus is being built for some sort of action to be taken in the very near future to see that access to adequate health care (a term yet to be defined) is available to all Americans.[11] The question now is: Which plan shall we choose? The plan chosen should be the least disrupting to our present system, the least expensive commensurate with good care, and the easiest to administer. It should have the best chance to survive the scrutiny of a disparate group of Americans with all sorts of vested interests.

We have reviewed many of these plans.[12-16] Space does not allow us to discuss them. Rather, we wish to stress to our national leaders the importance of looking at the big picture, of taking a long-range view, of avoiding quick fixes and patchwork reforms. With Dickman et al.,[17] we agree that "a cost-effective health care system cannot be pasted together like a collage." Therefore, while looking for solutions to universal coverage, we must at the same time either make significant adjustments in our two major entitlement programs, Medicare and Medicaid, or start over.

If one thinks of Medicare as a national burden, as do we, one must feel that Medicaid is a national disgrace. Medicaid is generally underfunded, politically manipulated, unevenly administered, and thought of as a welfare system (which, in fact, it is, but should not be). It most resembles a giant national medical Rube Goldberg machine.[11, 18, 19]

The Medicare system is far from good. Its convoluted bureaucratic ways confound the elderly, the very people it serves and the very people who need simplicity in their lives. It confounds physicians and other health care workers, who feel they are pawns to draconian rules that are devised as a response to failed expectations for the system. There is concern about future inequities in the system and about future insolvency of the Medicare trust fund, as expenditures are projected to exceed tax revenues in 1995.

Both the Medicare and Medicaid systems need a massive overhaul, again a subject too complex to discuss here. We believe that the plans developed by our nation in the next few years will determine what happens to health care in America for at least the next quarter of a century.

NATIONAL HEALTH SERVICES RESEARCH AND PLANNING INSTITUTE

We agree with Wennberg [20] that there is an intellectual crisis in the scientific basis of some elements of clinical practice. We believe there must be a national effort to support research in assessing the outcomes of patient care.[21, 22] This should apply especially to the wide variation in practice patterns that is found in the United States and to the use of high-cost or high-volume practices.[8]

Effective national planning is essential to reduce the cost of health care in America. We propose that a national health services research and planning institute be established, designed along the lines of the National Institutes of Health, but freestanding, to replace the underfunded National Center for Health Services Research. It would be charged with the overall federal research and planning effort to control health care costs while maintaining quality care. Like the National Institutes of Health, it would make extramural grants to study the issues in the practice of medicine that have so long eluded us. At an annual cost of, say, $100 million, it would consume only 0.02% of our national health dollars. It would undoubtedly save far more than this in both money and quality of care.

Our nation is moving toward national practice guidelines. Practitioners must be involved in establishing these guidelines. Some will feel they are producing their own shackles, but to us the alternatives seem worse.

HEALTH CARE FACILITIES

In autumn 1988, the Honorable Richard D. Lamm, former governor of Colorado, wrote: "We have too many hospital beds, possibly too many doctors, and too often they are not where they are most needed. On a typical day in the United States, there are at least 200,000 empty hospital beds." [23]

Therein lies a major factor in America's enormous health care expenditures. How did the Reagan Administration and Congress respond to the problem? On January 1, 1987, the Health Planning and Resource Development Act was repealed, ending its 40-year existence. Throughout those years, Congress had been "changing the program's mission to fit changing times." [24] But the administration was not pleased with its regulatory functions, nor were some powerful forces in the health care facilities industry. It was repealed without a replacement.

Because of the increase in total beds and the increase in those unoccupied, the hospitals of America have changed dramatically the way they operate, to the consternation of some patients and many physicians. Advertising now seems mandatory. All sorts of new services are being offered. Women's clinics, senior citizens' services, wellness clinics and fitness centers, and joint ventures with physicians are examples. These, too, increase costs, but they also attract patients who help fill empty beds. Closing an unneeded hospital, like closing a school or a military base, is difficult at best.

PHYSICIAN SUPPLY

Throughout the 1950s and 1960s, the number of physicians in America remained relatively stable, at 141 for each 100,000 citizens. The demand for physicians then increased, until there were 200 per 100,000 in

1980. It is anticipated that by 1990 there will be 260 physicians in America per 100,000 people.[25] It is well accepted that each new physician added to the health care system adds millions of dollars to the cost of the system during his or her lifetime by increasing the volume of services given to the American public. The question at hand, then, is how much health care is too much? When should we begin to decrease the supply of new physicians?

Granting that we have a serious distribution problem, we believe that America is becoming "overdoctored," as it is already "overbedded" in many communities. A 1987 position paper of the American College of Physicians said, "In an era of rising costs and limitations on the resources available to meet the demands for health care, the United States must face the reality . . . that it cannot continue indefinitely to expand its supply of physicians."[26] We agree with Petersdorf[27] that America "should go on a manpower diet—reduce the size of medical school classes, close some medical schools altogether and cut graduate training programs accordingly." Perhaps closing medical schools is too drastic a step for the American public to accept. But surely each entering medical school class could be reduced by a few students each year for a defined period without harming our entire medical education system.

EDUCATING THE PUBLIC

Since 1964, there has been a remarkable decline in atherosclerotic events and stroke in the American public. Among certain segments of the population, tobacco use has greatly declined. There has been significant change in sexual practices in male homosexuals, so that the marked rise in acquired immunodeficiency syndrome in that particular population is beginning to level off.[28] Each of these phenomena is attributable in large part to education of the public about health and disease. The most difficult task is to reach the uneducated, the unemployed, and society's dropouts.

The Bush Administration appears to be addressing the drug issue on high levels. There are many other issues that fall somewhere between health care, economics, and morality, such as teenage pregnancy and sex education.[29,30] This country spent $19.47 billion in federal funds on teen pregnancy in 1987 alone.[31] The costs of lost opportunities for the mothers and children and of future unemployment, welfare, substandard housing, poor education systems, and crime were not considered. Like the homeless, teenage pregnancy borders on being a national disgrace. It needs to be addressed squarely.

We favor raising taxes on alcohol and tobacco and using these funds to educate the public about staying healthy and avoiding disease. We believe this is a better way at this time than charging smokers and drinkers extra insurance premiums, or worse, as some have hinted, limiting their access to health care resources.

EPILOGUE

At a joint session of Congress on the 200th anniversary of the convening of our nation's first Congress, the Poet Laureate of the United States, Howard Nemerov, read a poem whose last lines were as follows (New York Times. March 3, 1989:10):

Praise without end the go-ahead zeal of whoever it was invented the wheel;
But never a word for the poor soul's sake
that thought ahead and invented the brake.

Mr. Nemerov has noted with elegance the two elements that we believe are essential for the future of our nation's health care system: we must think ahead and we must invent (and apply) a brake.

We believe that the President should appoint a commission to oversee the planning for a broad-based effort to apply the brakes to and reduce the costs of health care to the American people. This commission should first consider methods and then be the catalyst for controlling technology and for developing a more rational system for physician reimbursement. It should suggest ways to establish a national medical ethics commission, consider strategies in the reform of our malpractice laws, and debate the various schemes for universal access to health care, ultimately recommending one of them to Congress. At the same time, it should study Medicare and Medicaid and make recommendations for reforms in these programs, as well as making recommendations for establishing a national health services research and planning institute. The commission should devise a way to determine the need and recommend methods for controlling benignly the proliferation of health care facilities. First we should study the need for and settle upon the number of physicians trained as well as the number and distribution of subspecialists, and it should seek more effective ways of educating the public to promote good health and prevent disease. We recognize that this is not a complete list of the problems within our system, but they are nine of the major issues that need addressing now and for the future.

We believe that a majority of the nation's physicians, certainly the nation's internists, feel, as do we, that bold action is needed to right the wrongs and equalize the inequities that have been built into our health care system during the last 40 years. We believe that significant health care rationing is inevitable in the future and that it must not be based simply on the ability to pay. We believe that rationing must be instituted following open discussion with all concerned, instituted gracefully, if that is possible, after careful planning. Quick fixes, patchwork reforms, and short-term solutions must not be tolerated by the American people. Finally, we believe that health care costs must be reduced if the medical profession, a profession to which we have devoted over half of our lives, is to keep its door open to all Americans and, at the same time, attract bright, compassionate people to its ranks in the decades ahead. In these beliefs we wish to stand up and be counted.

We wish to thank Garland H. Davies, MA, Deborah M. Prout, MAS, and Mark E. Silverman, MD, for their help in preparing this article.

REFERENCES

[1] Bulgar RJ. Technology, Bureaucracy, and Healing in America. Iowa City: University of Iowa Press; 1988;46.

[2] Schwartz WB. The inevitable failure of current cost-containment strategies. JAMA. 1987;257:220-224.

[3] Knight N. 'The new light': x-rays and medical futurism. In:Corn JJ, ed. Imaging Tomorrow: History, Technology, and the American Future. Cambridge, Mass: MIT Press; 1986;10-34.

[4] Jennett B. High Technology Medicine: Benefits and Burdens. Oxford (England) University Press; 1986;177.

[5] Schwartz JS, Ball JR, Moser RH. Safety, efficacy and effectiveness of clinical practices: a new initiative. Ann Intern Med. 1982;96:246-247.

[6] Maloney TW, Rogers DE. Medical technology: a different view of the contentious debate over costs, N Engl J Med. 1979;301:1413-1419.

[7] Hsiao WC, Braun, P, Dunn D, Becker ER, DeNicola M, Ketcham TR. Results and policy implications of the resource-based relative-value study. N Engl J Med. 1988;319:881-888.

[8] Maynard A. Logic in medicine: an economic perspective. Br Med J. 1987;295:1537-1541.

[9] Reynolds RA, Rizzo JA, Gonzalez ML. The cost of medical professional liability. JAMA. 1987;257:2776-2781.

[10] Bowen OR, Newman DM, Plager SJ, Sundwall DN. Report of the Task Force on Medical Liability and Malpractice, Washington, DC: Dept of Health and Human Services; 1987.

[11] Beauchamp DE. The Health of the Republic: Epidemics, Medicine and Moralism as Challenges to Democracy. Philadelphia, Pa: Temple University Press; 1988;67.

[12] Enthoven A, Kronick R. A consumer-choice health plan for the 1990s: universal health insurance in a system designed to promote quality and economy. N Engl J Med. 1989;320:29-37, 94-101.

[13] Himmelstein DU, Woolhandler S, the Writing Committee of the Working Group on Program Design. A national health program for the United States: a physician's proposal. N Engl J Med. 1989;320:102-108.

[14] Waitzkin H. Why it's time for a national health program in the United States. West J Med. 1989;150:101-107.

[15] Evans RG, Lomas J, Barer ML, et al. Controlling health expenditures: the Canadian reality. N Engl J Med. 1989;320:571-577.

[16] For the Health of a Nation: A Shared Responsibility. Washington, DC: National Leadership Conference on Health Care; 1989.

[17] Dickman RL, Ford AB, Liebman J, Milligan S, Schorr AL. An end to patchwork reform of health care. N Engl J Med. 1987;317:1086-1088.

[18] Thorpe KE, Siegel JE, Dailey T. Including the poor: the fiscal impacts of Medicaid expansion. JAMA. 1989;261:1008-1007.

[19] Tallon JR Jr. A health policy agenda proposal for including the poor. JAMA. 1989;261:1044.

[20] Wennberg JE. Improving the medical decision-making process. Health Aff. 1988;7:99-106.

[21] Brook RH. Health sciences research: is it good for you and me? Academic Med. 1989;64:124-130.

[22] Greenfield S. The state of outcome research: are we on target? N Engl J Med. 1989;320:1142-1143.

[23] Lamm RD. Health care as economic cancer. J Med Pract Management. 1988;4:91-96.

[24] O'Donnell JW. The rise and fall of federal support. Provider. 1987;13:6-8.

[25] Feldstein PJ. The politics of health legislation. Ann Arbor, Mich: Health Administration Press; 1988:133.

[26] Position Paper: The Future Supply of Physicians: Reassessing Medical School Class Size. Philadelphia, Pa: American College of Physicians; 1987:1.

[27] Petersdorf RG. A report on the establishment. J Med Educ. 1987;62:126-135.

[28] Evans BA, McLean KA, Dawson SG, et al. Trends in sexual behavior and risk factors in HIV infection among homosexual men, 1984-7. Br Med J. 1989;298:215-218.

[29] Trussel J. Teenage pregnancy in the United States. Fam Plann Perspect. 1988;20:262-272.

[30] Ford Foundation Project on Social Welfare and the American Future: The Common Good: Social Welfare and the American Future. New York, NY: Ford Foundation; 1989:43.

[31] Estimates of Public Cost for Teenage Childbearing in 1987. Washington, DC; Center for Population Options; 1988.

By Ms. MIKULSKI (for herself, Mr. BUMPERS, Mr. PELL, and Mr. ADAMS):

S. 2033. A bill to amend title XVIII of the Social Security Act to provide for coverage of annual screening mammography under part B of the medicare program; to the Committee on Finance.

MEDICARE SCREENING MAMMOGRAPHY AMENDMENTS OF 1990

Ms. MIKULSKI. Mr. President, I rise today to pay tribute to a remarkable woman and to reintroduce legislation to address a crucial health care need.

Mr. President, on January 7 of this year, this country lost a truly special advocate for women's health with the

death of Rose Kushner. Rose was a tireless fighter for the rights of cancer patients to participate in decisions involving the treatment of their cancers. Rose lost her own battle with breast cancer after 16 years. But her legacy will live on and on. She saved the lives and preserved the dignity of thousands of women by increasing their awareness of breast cancer and the methods available to treat it.

Rose Kushner's reputation as an expert and activist in the area of breast cancer prevention and treatment was internationally known. She was a tireless advocate of the need for education about breast cancer since 1974, when she underwent her own mastectomy. She authored several books and numerous articles on breast cancer. Her active participation in the field changed the medical profession's approach to breast cancer. There is now a much stronger emphasis on giving patients a greater say in their own treatment.

Rose's accomplishments were recognized by a very wide range of groups, both in the area of cancer activism and medical writing. Most recently, she received in the American Legion Auxiliary's 1989 Public Spirit Award; in 1988, she was chosen by the Ladies' Home Journal as one of the 100 most important women in America, and in 1987 she received the Medal of Honor and Medal of Courage from the American Cancer Society.

Shortly before she died, Rose suffered a great disappointment when Medicare coverage for screening mammograms was repealed last November. It was Rose who first convinced me several years ago to introduce a bill to cover this critical benefit, and Rose who fought side by side with me and many others to see the bill passed.

So I rise today, Mr. President, not only to pay tribute to Rose Kushner. I also want to send a message to the families of America who have been touched, either knowingly or unknowingly, by Rose's efforts. The message is this: Rose Kushner's efforts will be carried forward. That is why I am introducing legislation today, along with my colleagues Senator BUMPERS, Senator PELL, and Senator ADAMS, to restore Medicare coverage of screening mammograms.

This bill provides for Medicare coverage of up to one screening mammogram per year after age 40, based on the advice of a woman's physician. The physician payment for this screening would be capped at $60.

Mr. President, mammography screening can detect breast cancer when it is in it's very early stages. At this early stage, the chances for cure are over 90 percent. Yet it is estimated that fewer than 10 percent of women over 65 have mammograms regularly. One primary reason for this is that the cost of a mammogram can be a tremendous burden for an elderly woman on a fixed income. Mr. President, no woman should have to experience the devastating effects of breast cancer simply because she could not afford to have this simple screening procedure.

Mr. President, this morning we held a memorial service at the National Institutes of Health to commemorate the life and work of a remarkable woman. I can think of no more lasting memorial to Rose Kushner than to once again make law this benefit she fought so long, so hard, and so well for.

Margaret Mason, writing in the Washington Post, said this about Rose, "She gave us our voice. And now we cannot be quiet, not when someone dies of breast cancer every 13 minutes in the United States. And, not when we know that while 57,000 men died in combat in the Vietnam war, during that same 10-year period 330,000 women died of breast cancer."

Mr. President, we have a moving memorial to those men. Let this legislation be a memorial to Rose Kushner and all the woman who have died from a cancer that might well have been prevented.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Screening Mammography Amendments of 1990".

SEC. 2. MEDICARE COVERAGE OF ANNUAL SCREENING MAMMOGRAPHY.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as restored by the Medicare Catastrophic Coverage Repeal Act of 1989 and as amended by the Omnibus Budget Reconciliation Act of 1989, is amended—

(1) in subsection (s)—

(A) in paragraph (11), by striking all that follows "(bb))" and inserting a semicolon,

(B) in paragraph (12)(C), by striking all that follows "area)" and inserting "; and", and

(C) by inserting after paragraph (12) the following new paragraph:

"(13) screening mammography (as defined in subsection (jj));"; and

(2) by inserting after subsection (ii) the following new subsection:

"Screening Mammography

"(jj) The term 'screening mammography' means a radiologic procedure provided to a woman for the purpose of early detection of breast cancer and includes a physician's interpretation of the results of the procedure.".

(b) PAYMENT AND COVERAGE.—Section 1834 of such Act (42 U.S.C. 1395m), as restored by the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) in subsection (b)(1)(B), by inserting "and subject to subsection (c)(1)(A)" after "conversion factors", and

(2) by inserting after subsection (b) the following new subsection:

"(c) PAYMENTS AND STANDARDS FOR SCREENING MAMMOGRAPHY.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, with respect to expenses incurred for screening mammography (as defined in section 1861(jj))—

"(A) payment may be made only for screening mammography conducted consistent with the frequency permitted under paragraph (2);

"(B) payment may be made only if the screening mammography meets the quality standards established under paragraph (3); and

"(C) the amount of the payment under this part shall, subject to the deductible established under section 1833(b), be equal to 80 percent of the least of—

"(i) the actual charge for the screening,

"(ii) the fee schedule established under subsection (b) with respect to both the professional and technical components of the screening mammography, in the case of screening mammography subject to such schedule but for this paragraph, or

"(iii) the limit established under paragraph (4) for the screening mammography.

"(2) FREQUENCY COVERED.—

"(A) IN GENERAL.—Subject to revision by the Secretary under subparagraph (B)—

"(i) No payment may be made under this part for screening mammography performed on a woman under 35 years of age.

"(ii) Payment may be made under this part for only 1 screening mammography performed on a woman over 34 years of age, but under 40 years of age.

"(iii) In the case of a woman over 39 years of age, but under 50 years of age, who—

"(I) is at a high risk of developing breast cancer (as determined pursuant to factors identified by the Secretary), payment may not be made under this part for a screening mammography performed within the 11 months of a previous screening mammography, or

"(II) is not at a high risk of developing breast cancer, payment may not be made under this part for a screening mammography performed within the 23 months after a previous screening mammography.

"(iv) In the case of a woman over 49 years of age, payment may not be made under this part for screening mammography performed within 11 months after a previous screening mammography.

"(B) REVISION OF FREQUENCY.—

"(i) REVIEW.—The Secretary, in consultation with the Director of the National Cancer Institute, shall review periodically the appropriate frequency for performing screening mammography, based on age and such other factors as the Secretary believes to be pertinent.

"(ii) REVISION OF FREQUENCY.—The Secretary, taking into consideration the review made under clause (i), may revise from time to time the frequency with which screening mammography may be paid for under this subsection, but no such revision shall apply to screening mammography performed before January 1, 1993.

"(3) QUALITY STANDARDS.—The Secretary shall establish standards to assure the safety and accuracy of screening mammography performed under this part. Such standards shall include the requirements that—

"(A) the equipment used to perform the mammography must be specifically designed for mammography and must meet radiologic standards established by the Secretary for mammography;

"(B) the mammography must be performed by an individual who—

"(i) is licensed by a State to perform radiological procedures, or

"(ii) is certified as qualified to perform radiological procedures by such an appropriate organization as the Secretary specifies in regulations;

"(C) the results of the mammography must be interpreted by a physician—

"(i) who is certified as qualified to interpret radiological procedures by such an appropriate board as the Secretary specifies in regulations, or

"(ii) who is certified as qualified to interpret screening mammography procedures by such a program as the Secretary recognizes in regulation as assuring the qualifications of the individual with respect to such interpretation; and

"(D) with respect to the first screening mammography performed on a woman for which payment is made under this part, there are satisfactory assurances that the results of the mammography will be placed in permanent medical records maintained with respect to the woman.

"(4) LIMIT.—

"(A) $60, INDEXED.—Except as provided by the Secretary under subparagraph (B), the limit established under this paragraph—

"(i) for screening mammography performed in 1991, is $60, and

"(ii) for screening mammography performed in a subsequent year is the limit established under this paragraph for the preceding year increased by the percentage increase in the MEI for that subsequent year.

"(B) REDUCTION OF LIMIT.—The Secretary shall review from time to time the appropriateness of the amount of the limit established under this paragraph. The Secretary may, with respect to screening mammography performed in a year after 1992, reduce the amount of such limit as it applies nationally or in any area to the amount that the Secretary estimates is required to assure that screening mammography of an appropriate quality is readily and conveniently available during the year.

"(C) APPLICATION OF LIMIT IN HOSPITAL OUTPATIENT SETTING.—The Secretary shall provide for an appropriate allocation of the limit established under this paragraph between professional and technical components in the case of hospital outpatient screening mammography (and comparable situations) where there is a claim for professional services separate from the claim for the radiologic procedure.

"(5) LIMITING CHARGES OF NONPARTICIPATING PHYSICIANS.—

"(A) IN GENERAL.—In the case of mammography screening performed on or after January 1, 1991, for which payment is made under this subsection, if a nonparticipating physician or supplier provides the screening to an individual entitled to benefits under this part, the physician or supplier may not charge the individual more than the limiting charge (as defined in subparagraph (B), or, if applicable and if less, as defined in subsection (b)(5)(B) or as established under section 1848(g)(2)).

"(B) LIMITING CHARGE DEFINED.—In subparagraph (A), the term 'limiting charge' means, with respect to screening mammography performed—

"(i) in 1991, 125 percent of the limit established under paragraph (4),

"(ii) in 1992, 120 percent of the limit established under paragraph (4), and

"(iii) in 1993, 115 percent of the limit established under paragraph (4).

"(C) ENFORCEMENT.—If a physician or supplier knowing and willfully imposes a charge in violation of subparagraph (A), the Secretary may apply sanctions against such physician or supplier in accordance with section 1842(j)(2).".

(c) CERTIFICATION OF SCREENING MAMMOGRAPHY QUALITY STANDARDS.—

(1) Section 1863 of such Act (42 U.S.C. 1395z), as restored by the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by inserting "or whether screening mammography meets the standards established under section 1834(c)(3)," after "1832(a)(2)(F)(i),".

(2) The first sentence of section 1864(a) of such Act (42 U.S.C. 1395aa(a)), as restored by the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by inserting before the period the following: ", or whether screening mammography meets the standards established under section 1834(c)(3)".

(3) Section 1865(a) of such Act (42 U.S.C. 1395bb(a)), as restored by the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by inserting "1834(c)(3)," after "1832(a)(2)(F)(i),".

(d) CONFORMING AMENDMENTS.—

(1) Section 1833(a)(2)(E) of such Act (42 U.S.C. 1395l(a)(2)(E)), as restored by the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by inserting ", but excluding screening mammography" after "imaging services".

(2) Section 1862(a) of such Act (42 U.S.C. 1395y(a)), as restored by the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "subparagraph (B), (C), (D), or (E)" and inserting "a succeeding subparagraph",

(ii) in subparagraph (D), by striking "and" at the end,

(iii) in subparagraph (E), by striking the semicolon at the end and inserting ", and", and

(iv) by adding at the end the following new subparagraph:

"(F) in the case of screening mammography, which is performed more frequently than is covered under section 1834(c)(2) or which does not meet the standards established under section 1834(c)(3);"; and

(B) in paragraph (7), by inserting "or under paragraph (1)(F)" after "(1)(B)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to screening mammography performed on or after January 1, 1991.

Mr. PELL. Mr. President, I am delighted to join my colleague, Senator BARBARA MIKULSKI, in introducing legislation to save the lives of women in Rhode Island and all across this Nation.

The Medicare Screening Mammography Amendments of 1990 provide all women Medicare beneficiaries with coverage for up to one screening mammography per year after the age of 40, with baseline screening at age 35.

The importance of early and regular mammography screening cannot be understated. The cure rate for those who are screened early is over 90 percent. But, as Senator MIKULSKI has so eloquently pointed out, it is estimated that fewer than 10 percent of women over the age of 65 have regular mammograms. The bill we are introducing today will help ensure that no woman will die of breast cancer because, in her most vulnerable years, she could not afford to pay for mammography screening.

As the senior Senator from Rhode Island, I have particularly sad and compelling reasons to join in introducing this important legislation. The Centers for Disease Control has recently reported that Rhode Island has the second highest rate of death from breast cancer of any State in this Nation. It is a statistic we are not proud of; it is a tragedy for the women of Rhode Island and for their husbands, children, parents, and loved ones.

At this time I would like to insert in the RECORD an excellent article by Felice J. Freyer, which appeared in the Providence Journal-Bulletin on September 7, 1989, entitled "Breast Cancer Toll Stirs Alarm in R.I."

Mr. President, journalist Freyer is exactly right. I am alarmed; I am concerned. And I intend to work with Senator MIKULSKI and others who believe that early detection can make a difference in the lives and health of women to pass this important and needed legislation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BREAST CANCER TOLL STIRS ALARM IN R.I.

(By Felice J. Freyer)

Rhode Island has the country's second-highest rate of death from breast cancer, and nationwide the percentage of women who die from the disease is increasing, a recent study has found.

The findings, by the Centers for Disease Control in Atlanta, came as no surprise to Rhode Island health officials, who have long worried about the state's high incidence of several forms of cancer. Instead, it prompted renewed appeals to women and their doctors for physical examinations and X-rays that can detect breast cancer when it is still curable.

"Yes, it can be cured," said Dr. Arvin Glicksman, president of the American Cancer Society in Rhode Island and director of radiation oncology at Roger Williams General Hospital's Cancer Center. "If you find an early lesion, you have a 90 percent or better chance of being cured."

Also, he stressed, breast cancer found early often can be treated without disfigurement.

A report last month from the Centers for Disease Control found that nationwide the death rate from breast cancer increased 5 percent between 1979 and 1986. The 12 states with the highest death rates in 1986 are in the northern half of the country, five of them in the Northeast. Massachusetts ranks seventh, Connecticut eight.

Cancer specialists cannot explain the increase or the regional distribution.

"We really believe that were all women to get screened appropriately, we could bring the death rate down 30 percent," said John

P. Fulton, administrator of Rhode Island's Cancer Registry. Fulton noted, however, that there is no evidence that cancer is being diagnosed at a later stage in Rhode Island than elsewhere. In fact, in terms of the percentage of women screened for breast cancer, Rhode Island ranks in the top third among states.

Dr. Judith Feldman, chief of chronic disease in the Health Department's Division of Disease Control, said one of the chief obstacles in educating women about mammography has been ignorance or confusion among physicians about proper screening procedures. Women often ask their doctors for mammograms, only to be told they don't need them, she said. Only recently, Feldman said, did 11 national organizations reach a consensus on breast cancer screening that urges women 40 and older to have mammograms every other year, and women 50 and older to have them yearly.

POOR LACK MEDICAL ACCESS

Glicksman said the state's high death rate may indicate that many women are not getting adequate treatment. "There are many blue-collar and poor pockets in Rhode Island, where access to the best care isn't available," he said.

According to the Centers for Disease Control, in 1988 breast cancer killed 40,634 women in the United States, or 32.8 per 100,000 women, up 5 percent from 1979. Rhode Island had 30.2 deaths per 100,000—229 in 1980. In Massachusetts the rate was 30.8 per 100,000. The statistics were age-adjusted so the number of elderly people was not a factor.

Robert A. Hahn, a medical epidemiologist with the Atlanta-based centers, said it is probably impossible to explain the regional differences in cancer rates. "Breast cancer develops very slowly. Even if you look at the current rate factors, they would have happened years ago, and people move around," he said.

Fulton, of the Rhode Island Cancer Registry, said the overall cancer rate in Rhode Island tends to be high, and he links it to the state's urban character. "It is well known that cancer rates are high in urban areas," Fulton said. "We don't know what it is about urban places that causes higher breast cancer rates. But Rhode Island is like the quintessential urban place. Rhode Island is basically a city with a state line drawn around it."

ROLE OF URBAN LIFESTYLES

Pollution is probably not the culprit, Fulton added. The cause is more likely to stem from urban lifestyles, including eating habits and late childbearing.

"We don't know what causes breast cancer," Fulton said. "There are cancers—and breast cancer may be one—where you're not going to find an individual cause. There (could be) many causes."

Breast cancer appears to be affected by hormones: Women who start their menstrual periods early and reach menopause late are at greater risk, possibly because of longer exposure to certain female hormones. Also, childless women and women who have their first child after age 30 also are more likely to get breast cancer, possibly because pregnancy changes the hormonal balance.

Genetics may also play a role: Women whose mother or sister had breast cancer face a higher risk. Consumption of alcohol and a diet high in animal fat are also thought to have some effect, although the connection remains unknown.

Except for diet, most of these risk factors cannot be easily controlled, and make only a small difference. Many women with breast cancer had none of these risk factors. Thus doctors see limited possibilities for prevention, focusing instead on early detection and care.

In November 1987, the State Department of Health began a program to encourage breast cancer screening, the only such effort by a state. The department arranges mammograms for women who are 40 or older, have not had a mammogram within the last year, do not have a breast lump or problem and are not pregnant or breast-feeding.

The state schedules an appointment with one of about three dozen radiology labs, which charge $60 per mammogram. (Normally, fees run from $60 to $105.) The results are sent to the woman's doctor, or if she doesn't have one, the department refers her to a doctor. To participate, call 277-3442 or 1-800-762 8088, Ext. 3442.

A state law passed last year requires health insurers to pay for mammograms, and another law passed this year empowers the Health Department to regulate mammography to ensure quality. The regulations are being written.

RESULTS OF PROGRAM

A survey of about 850 Rhode Island women 40 and older found that the program has had some success. In 1989 40 percent reported having a mammogram within the past year, compared with 37 percent in 1987. For women below the poverty level, the increase was from 21 percent in 1987 to 41 percent in 1989.

Still, less than half of women over 40 have had the recommended tests, which can locate otherwise undetectable tumors.

Although little is understood about what causes breast cancer, treatment has made tremendous strides.

WHAT YOU CAN DO

Breast cancer can often be cured if caught in its early stages. Early detection also gives you more treatment choices and if the tumor is small, often the breast is not removed. These early-detection methods are recommended:

Starting at age 20, check your breasts for lumps once a month and have your doctor examine them at each visit. The R.I. Department of Health provides a brochure on breast self-examination which you can obtain by calling 277-3442 or 1-800-762-8088, ext. 3442.

Between ages 36 and 40, have a mammogram to provide a baseline for future comparisons.

Between ages 40 and 49, have your doctor examine your breasts every year, and have a mammogram every other year.

From age 50 on, have a mammogram once a year.

Highest cancer rate deaths per 100,000 women

Delaware	40.6
Rhode Island	39.2
New Jersey	38.1
Vermont	37.9
New York	37.7

By Mr. BINGAMAN (for himself, Mr. MITCHELL, Mr. KENNEDY, and Mr. HARKIN):

S. 2034. A bill to authorize the creation of a National Education Report Card to be published annually to measure educational achievement of both students and schools and to establish a National Council on Educational Goals; to the Committee on Labor and Human Resources.

NATIONAL EDUCATION REPORT CARD ACT

Mr. BINGAMAN. Mr. President, we all recall the education summit this past fall between the President and the Nation's Governors in Charlottesville, VA. Part of what came out of that summit was an agreement to move toward establishing national educational goals for the country. A charter, or a compact, was agreed to between the President and the Governors as to how they would proceed to establish and move forward those goals.

In November, I conducted two hearings in the Subcommittee on Governmental Information and Regulation of the Senate Government Affairs Committee on the Federal Government's ability to carry out its responsibility of moving the country toward these goals. The bill I am introducing today, the National Education Report Card Act, is the result of those hearings and a series of meetings I convened since then.

I want to particularly acknowledge the contribution that Dr. Ernest Boyer of the Carnegie Foundation has made to the development of this bill. Really, much of this legislation is the embodiment of his suggestion, for proceeding and defining the proper role for the Federal Government.

The bill establishes a 12-member National Council on Educational Goals. Nine of those would be voting members, three would be ex officio. The voting members would be appointed by the President, with the approval of the National Governors Association. They would be confirmed by the Senate. The three ex officio members would be the Secretary of the Department of Education, the chairperson of the National Governors Association, and the chairman of the National Assessment Governing Board, which oversees the National Assessment of Educational Progress.

The Council would have two responsibilities. In its first year, it would be responsible for establishing national educational goals, possibly based on the goals that the Governors and the President have agreed upon, analyzing existing information on educational achievement in the country, both of students and schools, and developing a way to monitor progress toward a comprehensive set of national goals that would help ensure excellence in education at all levels by the end of this decade.

Following the first year, the Council would prepare to issue its first annual report card. The legislation's primary purpose is to direct the Council to issue a national report card on educational achievement in the country annually. The report card would assess

the Nation's progress toward achieving the goals during the previous year. The report card would identify gaps in existing data, make recommendations to improve the methods and procedures for assessing educational attainment, and, based on input from knowledgeable people throughout the country, the report card would make revisions in the national educational goals as necessary throughout this decade.

Over the past decade, we have witnessed a growing concern about educational achievement in the United States. We see our elementary and secondary school students falling behind in comparison to their counterparts in other industrial countries, particularly in basic reading and mathematical skills. We hear that our work force is increasingly ill prepared to meet the requirements of the information society we live in today. To ensure our future economic security, we know we must address the crisis in education.

Mr. President, improving the quality of education of U.S. students is appropriately at the top of the public agenda. A growing consensus indicates that education can no longer be treated solely as a local issue. Recent surveys show that, for the first time in our Nation's history, we are less concerned about local control of schools than we are about national results. We must consider the establishment of national goals for education which can provide guideposts to our citizens on what actions are needed at all levels to ensure our security and prosperity in the 21st century.

The importance of establishing national educational goals has been addressed by various high level commissions and study groups. Most recently, as I mentioned earlier. The Nation's Governors and the President met in Charlottesville and agreed to work on developing a set of national educational goals.

While there is widespread agreement on the need for national educational goals, less attention has focused on the mechanisms for adopting national goals and for assessing progress toward their achievement. Realistic assessment of educational quality is heavily dependent on the quality, focus, and availability of U.S. educational statistics and information gathering efforts. The distinguished witnesses at my subcommittee's hearings generally agreed that establishing national goals will have little meaning unless we are able to assess where we currently stand and to measure our progress in attaining such goals.

The subcommittee found that the mechanisms to assess and monitor educational progress and the national information infrastructure to support those mechanisms do not exist. We found major problems with the scope, quality, comparability, and timeliness of data on educational performance currently available from the Department of Education.

Dating back to its first establishment in 1867, a major responsibility of the Federal Department of Education has been "collecting such statistics and facts as shall show the condition and progress of education in the several States and territories, and of diffusing such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country."

The Department of Education has not effectively performed this responsibility in recent years. The National Center for Education Statistics, the primary source of Federal data on American education, is underfunded in comparison to other general purpose statistical agencies. Major reviews conducted by the National Academy of Science and by the General Accounting Office both identified significant problems with the quality of educational information produced by the National Center for Educational Statistics.

While there are encouraging signs of progress at the National Center for Educational Statistics, much remains to be done. There are still a number of critical areas, including some of the goal areas identified at the Charlottesville summit, where we have virtually no information that can be used to measure progress. For example, we have minimal data about education that takes place outside of the K-through-12 public school system. We do not have information about education in preschools, postsecondary schools, private schools, or in the workplace.

Relatedly, the subcommittee heard that the National Assessment of Educational Progress, the major vehicle for assessing the achievement of our Nation's students, "still tells us woefully little about the things that matter most * * * how much and how well our children are learning. * * *" This assessment program is limited in the subjects covered, omitting for example, foreign languages. It is limited in the assessment format, relying too heavily on multiple choice tests. It is limited in the performance comparisons it permits, with comparisons below the State level prohibited. Again, improvements are underway, but more needs to be done.

The subcommittee hearings produced significant support for establishing an independent council of highly respected, bipartisan experts to consider and adopt national goals, capitalizing on the momentum generated by the education summit and other goal setting committees and task forces.

The National Education Report Card Act of 1990, cosponsored by my distinguished colleagues Senator MITCHELL, Senator KENNEDY, and Senator HARKIN reflects the recommendations and concerns raised at my hearings. As I have stated, it establishes a National Council on Educational Goals composed of highly respected, bipartisan experts to study, evaluate, and report on the status of the Nation's educational achievement, from preschool through postsecondary education. During its first year, the council would be charted with two major tasks. It would:

First, analyze existing information on the educational achievement of U.S. students and schools; and

Second, develop and begin monitoring a comprehensive set of national goals that will help ensure excellence in education at all levels by the end of this decade.

Following the initial report, the Council would be required to issue annual report cards on U.S. educational attainment. Each report card would:

First, assess progress toward the national goals;

Second, identify gaps in existing data and make recommendations for improving the methods of assessing educational attainment; and

Third, based on input from interested and knowledgeable parties, make revisions in the national educational goals or identify new educational goals.

I believe that no issue is of greater consequence to our Nation's future than the performance of our educational system. This bill addresses the critical area of how we establish national performance goals for our students and schools and how we assess our progress toward those goals. I urge your consideration and support of the bill, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This bill may be cited as the "National Education Report Card Act of 1990".

SEC. 2. TABLE OF CONTENTS.

The contents of this Act are as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Establishment.
Sec. 5. Membership and appointments.
Sec. 6. Functions.
Sec. 7. Interim Council report.
Sec. 8. Annual report card.
Sec. 9. Powers of the Council.
Sec. 10. Administrative provisions.

Sec. 11. Authorization of appropriations.

SEC. 3. FINDINGS.

The Congress finds that—

(1) the social well-being, economic stability, and national security of the United States depend upon a strong educational system that provides all citizens with the skills necessary to become active members of a productive workforce;

(2) despite the many reforms to our educational system that have been implemented since the National Commission on Excellence in Education declared our Nation "at risk" in 1983, the United States remains at risk of educational failure;

(3) United States children and youth are leaving school unprepared to participate productively in the workforce, such children suffer high rates of functional illiteracy, and such children often display a lack of understanding about this Nation and the world, in both an historical and futuristic context;

(4) United States students currently rank far below students of many other countries in educational achievement, particularly in mathematics and the sciences;

(5) although States and localities bear the primary responsibility for elementary and secondary education, rapidly increasing international competitiveness demands that educational achievement become a national priority;

(6) the Federal Government has played a vital, leading role in funding important educational programs and research activities and should continue to do so;

(7) to ensure that maximum returns are realized on local, State, and Federal investments in education, accurate and reliable mechanisms must be available to assess and monitor educational progress;

(8) the mechanisms to assess and monitor educational progress, and the national information infrastructure needed to support those mechanisms, do not exist;

(9) there should be established an independent council of highly respected, bipartisan, diverse experts to study, make recommendations regarding, and periodically report on, the status of the Nation's educational assessment system; and

(10) the council described in paragraph (10) should have the authority to—

(A) make such recommendations as such council deems necessary to the President, the Congress, and the States, and

(B) issue annual reports in the form of a "national report card".

SEC. 4. ESTABLISHMENT.

There is established a National Council on Educational Goals (hereinafter referred to as the "Council").

SEC. 5. MEMBERSHIP AND APPOINTMENTS.

(a) COUNCIL MEMBERSHIP.—(1) The Council shall be composed of 3 ex officio, nonvoting members, and 9 voting members, as provided in this subsection.

(2) The individuals serving in the following positions shall be ex officio members of the Council while so serving:

(A) The Secretary of Education.

(B) The Chairperson of the National Governor's Association.

(C) The Chairman of the National Assessment Governing Board.

(3) The voting members shall be appointed by the President of the United States, in consultation and upon agreement with the National Governor's Association, from among distinguished individuals of diverse political views, who are widely recognized for their experience in, knowledge of, and commitment to, education and educational excellence.

(4) All appointments of voting members shall be subject to the advice and consent of the Senate.

(5) The Council shall have no more than 5 voting members of the same political party.

(6)(A) The members of the Council shall be appointed under subsection (a)(3) no later than 60 days after the date of enactment of this Act.

(B) The Council shall have its first meeting no later than 60 days after the date of enactment of this Act.

(b) TERMS OF APPOINTMENT.—(1) Except as provided in paragraph (2), members of the Council shall be appointed for terms of 6 years each.

(2) The members of the Council first appointed under subsection (a)(3) shall be divided into 3 classes consisting of 3 Council members per class. Members in the first class shall be appointed for a term of 2 years. Members in the second class shall be appointed for a term of 4 years. Members in the third class shall be appointed for a term of 6 years.

(3) Upon the expiration of each of the terms of members first appointed under subsection (a)(3), or upon any vacancy occurring before the expiration of a member's term, a new member shall be appointed by the majority vote of the remaining members of the Council, from among distinguished individuals of diverse political views, who are widely recognized for their experience in, knowledge of, and commitment to, education and educational excellence.

(c) COMPENSATION AND TRAVEL.—Each member of the Council shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Council duties.

SEC. 6. FUNCTIONS.

(a) FUNCTIONS.—The Council shall—

(1) compile, inventory, and analyze existing information regarding the educational achievement of United States students and schools, including public and private elementary, secondary, and postsecondary schools.

(2) develop, monitor, and report progress on a comprehensive set of attainable, national goals that will help ensure excellence in education at all levels and, thereby guarantee the continued social well-being, economic stability and national security of the Nation in the 21st century; and

(3) through the interim Council report described in section 7 and the annual report card described in section 8, identify gaps in existing educational data and make recommendations for improvements in the methods and procedures of assessing attainment or realization of goals by the Department of Education and any other Federal governmental entity, including suggestions for such changes in laws and regulations as may be required to improve the assessment process, procedures, and organization of the Federal Government.

(b) PERFORMANCE OF FUNCTIONS.—In carrying out the provisions of subsection (a)(2) the Council shall—

(1) consider the goals already set forth or recommended by the President, the National Governor's Association, and other governmental and nongovernmental organizations;

(2) encourage the States to—

(A) establish similar educational goals aimed at achieving or surpassing the national goals, and

(B) outline their assessment performance;

(3) report on the goals at the national level and for all States and compare the educational achievement of the United States with other nations; and

(4) consider all relevant data in at least the following areas:

(A) school readiness,

(B) student achievement in elementary, secondary, and postsecondary education,

(C) school performance, including—

(i) attendance and completion rates;

(ii) climate (vandalism, crime, and drugs);

(iii) teacher rewards (salary, conditions, and training);

(iv) parent participation; and

(v) school financing; and

(D) workforce literacy and skills.

SEC. 7. INTERIM COUNCIL REPORT.

Not later than 1 year after the Council concludes its first meeting of members, the Council shall submit a report to the President, the Congress, and the Governor of each State, that—

(1) recommends a comprehensive set of national educational goals to be achieved before the year 2000; and

(2) includes a series of reasonable steps for measuring the implementation and success of each recommendation of the Council.

SEC. 8. ANNUAL REPORT CARD.

(a) IN GENERAL.—Not later than 2 years after the Council concludes its first meeting of members, the Council shall submit to the President, the Congress and the Governor of each State a National Report Card, which—

(1) shall set forth an analysis of the Nation's progress toward achieving the Council's recommended goals; and

(2) may, as deemed necessary by the Council based on its findings and an analysis of the views and comments of all interested parties, including all relevant Federal entities, the National Governor's Association, the Congress, and private organizations and citizens—

(A) identify new educational goals,

(B) describe modifications to existing goals,

(C) identify continuing gaps in existing educational data, and

(D) make recommendations for further improvement in the methods and procedures of assessing attainment or realization of goals by the Department of Education and any other Federal governmental entity, including suggestions for such changes in laws and regulations as may be required to improve the assessment process, procedures, and organization of the Federal Government.

(b) CONTINUATION.—The Council shall continue to issue a National Report Card on an annual basis for the duration of the existence of the Council.

SEC. 9. POWERS OF THE COUNCIL.

(a) HEARINGS.—(1) The Council may, for the purpose of carrying out this Act, conduct such hearings, sit and act at such times and places, take such testimony and receive such evidence, as the Council considers appropriate.

(2) In carrying out this subsection the Council shall—

(A) conduct public hearings in different geographic areas of the country, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public on the status and goals of the Nation's current educational system, the need to redefine and redirect educational goals, and methods that could be implemented to

foster higher levels of educational attainment in our Nation's schools; and

(B) receive testimony from—

(i) individuals such as educators, business persons, elected and appointed public officials; and

(ii) representatives of public and private organizations and institutions with an expertise or interest in improving the quality of the Nation's educational system.

(b) INFORMATION.—The Council may secure directly from any Federal agency such information as may be necessary to enable the Council to carry out this Act. Upon request of the Chairman of the Council, the head of the agency shall furnish such information to the Council.

(c) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(d) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) ADMINISTRATIVE AND SUPPORT SERVICES.—The Administrator of General Services Administration shall provide to the Council on a reimbursable basis such administrative and support service as the Council may request.

SEC. 10. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Council shall meet on a regular basis, as necessary, at the call of the Chairman or a majority of its members.

(b) QUORUM.—A majority of the voting members to the Council shall constitute a quorum for the transaction of business.

(c) COMMISSION STAFF.—(1) The Chairman and Vice Chairman of the Council shall be elected by and from the voting members of the Council and shall serve in their elected capacity until the expiration of their appointed terms as members, or until their resignation or removal by a majority of the voting members of the Council.

(2) The Chairman of the Council, in consultation with the Vice Chairman, shall appoint and fix the compensation of a staff administrator and such support personnel as may be reasonable and necessary to enable the Council to carry out its functions without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates.

(d) PERSONNEL DETAIL AUTHORIZED.—Upon request of the Chairman of the Council, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under the Act. Such detail shall be without interruption or loss of civil service status or privilege.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

By Mr. BINGAMAN (for himself, Mr. MITCHELL, Mr. KENNEDY, Mr. PELL, Ms. MIKULSKI, Mr. HARKIN, Mr. KOHL, and Mr. HATFIELD):

S. 2035. A bill to establish a Commission to examine the advisability of lengthening the schoolday and school year in U.S. public elementary and secondary schools; to the Committee on Labor and Human Resources.

THE 200-DAY SCHOOL YEAR STUDY ACT

Mr. BINGAMAN. Mr. President, I think all of us have seen the disturbing comparisons between the performance of American students and students in other major industrialized countries, particularly in fields such as math and science, but in other areas of study as well. These comparisons between achievement levels of our students, I believe, fall in line with the comparisons that we all have seen between the length of time our students spend in school and the length of time students spend in school in these other industrialized nations, including European countries, Japan, and other countries in the Far East.

Clearly, the length of time spent in the classroom learning is not the only issue that we must address to improve the U.S. educational system. I do not mean to suggest that in any way. But at the same time, I believe it is a vitally important issue. The need is real, and we must give it attention. We must begin to seriously debate the issue nationally. This legislation attempts to stimulate that debate.

The 200-Day School Year Study Act of 1990, is a straight-forward attempt to help States determine the advisability and feasibility of lengthening school days and years, increasing teacher salaries correspondingly, and thus increasing our children's chances for gaining a quality education. The study mandated under the act could be a first step toward returning to traditional and practical basics of education.

Joining me in sponsoring the 200-Day School Year Study Act of 1990 is my good friend and distinguished colleague, Senator PELL, whose expertise and thoughtful attention have helped craft a practical bill that is long overdue. Also joining us as cosponsors are our distinguished colleagues, Senator MITCHELL, Senator KENNEDY, Senator MIKULSKI, Senator HARKIN and Senator KOHL.

For some time, I and others in the Congress have contemplated introducing legislation that would encourage the adoption of longer academic years in our Nation's elementary and secondary schools. We believe that the length of instruction is a key component of an improved educational system; and as we know all too well, we must make a serious commitment now if we are to achieve educational excellence in the future.

We must make this commitment because, in the words of the 1983 report of the National Commission on Excellence in Education, we are still "A Nation At Risk." The problems plaguing America's educational system were outlined succinctly in that report, which found that American students spent less time on school work than their international counterparts and, as a result, lagged behind them in testing and achievement rates.

Seven years later, as we begin a new decade and prepare for a new millennium, our Nation's schools and students remain at risk. More than one quarter—25 percent—of our high school students are dropping out, and many of those who do graduate never grasp the basic skills and knowledge necessary to succeed in college or the workplace. Yet without their active participation in the U.S. work force, our future social and economic security is at grave risk. The simple fact is that if we are to be a competitive force in the global marketplace of the 21st century, we must work now to improve our children's chances of succeeding and achieving excellence in all that they do.

Two recommendations for improvement made by the National Commission on Excellence in Education were for school districts and State legislatures to adopt 7-hour school days and academic years of 200 to 220 days. In my home State of New Mexico, the average school year lasts about 180 days. In comparison, European students spend up to 230 days a year in class. German and British schools start in early September and extend through mid-July. In South Korea, the school year lasts 220 days. Japanese students attend school 243 days a year.

I believe we must work to close the gaps between these numbers. If we do not, the educational—and competitive—gaps will continue to grow and our children will continue to fall further and further behind their international peers. Under our legislative proposal, a 12-member commission of experts would make specific recommendations to the President, the Congress, and the Nation's Governors regarding:

First, the advisability of establishing a model "length of school day and school year" for U.S. public schools;

Second, the feasibility of determining an appropriate minimum number of hours per day and days per year of instruction for U.S. public schools, and a model plan for reaching those numbers, and compensating teachers accordingly, before the end of the decade; and

Third, an estimate of the average additional costs, including the additional cost in terms of teacher salary enhancement, that states and local districts would incur if longer school days and years are adopted, and a model plan for meeting the additional costs.

The Commission's final report, due 1 year after the date of the Commission's first meeting, would include its recommendations for administrative and legislative action.

I hope all of my colleagues will join Senators PELL, KENNEDY, MITCHELL, MIKULSKI, HARKIN, KOHL, and myself

in working toward the enactment of this legislation. Together, we can make a difference.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This bill may be cited as the "200-Day School Year Study Act of 1990".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the social and economic well-being and national security of the United States depend upon a strong educational system that provides all citizens with the skills necessary to become active members of a productive workforce;

(2) despite the many reforms to our Nation's educational system that resulted from the 1983 findings of the National Commission on Excellence in Education, our Nation remains at risk of educational failure;

(3) United States children and youth currently drop out of school in large numbers, suffer high rates of functional illiteracy, and often display a lack of understanding about the United States and the world, in both an historical context and a futuristic context;

(4) United States students rank far below students of many other countries in educational achievement, particularly in mathematics and the sciences;

(5) United States students spend less time in school, per day and per year, than do students of many other countries, particularly internationally competitive nations such as Japan, England, Canada, West Germany, and Taiwan;

(6) traditional United States academic years, which average 175 to 180 days, were based on an agrarian society that no longer exists in most United States school districts;

(7) although States and localities bear the primary responsibility for elementary and secondary education, rapidly increasing international competitiveness demands that educational achievement become a national priority;

(8) the Federal Government has played a vital, leading role in funding important educational programs and research activities and should continue to do so; and

(9) there should be established a Commission of experts to study and make recommendations regarding the advisability of establishing a model school day length and school year, possibly 200 days, for United States public elementary and secondary schools.

SEC. 3. ESTABLISHMENT.

There is established a 200-Day School Year Study Commission (hereafter referred to as the "Commission").

SEC. 4. MEMBERSHIP OF THE COMMISSION.

(a) COMMISSION MEMBERSHIP.—The Commission shall consist of 12 members, of whom—

(1) four members shall be appointed by the President;

(2) two members shall be appointed by the Speaker of the House of Representatives;

(3) two members shall be appointed by the Minority Leader of the House of Representatives;

(4) two members shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate; and

(5) two members shall be appointed by the President pro tempore upon the recommendation of the Minority Leader of the Senate.

(b) APPOINTMENTS.—(1) Members of the Commission shall be appointed on the basis of exceptional education, training, or experience from—

(A) individuals who are representatives of non-profit organizations or foundations committed to the improvement of American education;

(B) individuals who are engaged in the professions of teaching;

(C) individuals engaged in school administration, members of school boards, parents or representatives of parents or parent organizations; and

(D) individuals who are State officials directly responsible for education.

(2) The first 12 members of the Commission shall be appointed no later than 60 days after the date of enactment of this Act.

(c) VACANCIES.—A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) MEMBERSHIP DURATION.—Members of the Commission shall be appointed to serve for the life of the Commission.

(e) COMPENSATION AND TRAVEL.—Each member of the Commission shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

SEC. 5. FUNCTIONS OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall study and make recommendations regarding the advisability of lengthening the school day to a predetermined minimum number of hours and lengthening the academic year to at least 200 days in all United States public elementary and secondary schools. Such recommendations shall include—

(1) a comparative analysis of the length of academic days and academic years in schools throughout the United States and in schools of other nations;

(2) a recommendation of the appropriate number of hours per day and days per year of instruction for United States public elementary and secondary schools;

(3) an examination as to whether an increase in the length of school days and school years should be accompanied by an appropriate increase in teacher compensation;

(4) a model plan for adopting a longer academic day and academic year in all United States public elementary and secondary schools by the end of this decade, including recommendations regarding mechanisms to assist States, school districts, schools, and parents in transitioning from current academic day and year to an academic day and year of a longer duration;

(5) suggestions for such changes in laws and regulations as may be required to facilitate States, school districts, and schools in adopting longer academic days and years;

(6) an analysis and estimate of the additional costs, including the cost of increased teacher compensation, to States and local school districts if longer academic days and years are adopted; and

(7) a plan to assist States and local districts in meeting all such additional costs.

(b) REPORT.—The Commission shall submit a final report and plan pursuant to section 6.

SEC. 6. COMMISSION REPORT.

(a) IN GENERAL.—Not later than March 1, 1991, or one year after the Commission concludes its first meeting of members, whichever is longer, the Commission shall submit a report to the President, the Congress, and the Governors of all the States, that sets forth specific recommendations regarding—

(1) the advisability of establishing a model minimum number of hours per day and days per year of instruction for public elementary and secondary schools in the United States, which shall include an analysis of the advisability of increasing teacher salaries to appropriate levels;

(2) the appropriate number of hours per day and days per year of instruction for United States public elementary and secondary schools, and a plan for reaching such numbers before the end of the decade, including—

(A) a reasonable date for implementation of the lengthened academic day and year; and

(B) mechanisms for States, school districts, and schools to transition from the present number of hours per day and days per year of instruction to at least the newly established minimums; and

(3) the estimated average additional costs, including the cost of increased teacher compensation, that would be imposed on States and school districts if longer academic days and years are adopted and a plan for meeting any such additional costs.

(b) CONSIDERATION.—The report described in subsection (a) shall consider current educational policies and practices throughout the United States and the world.

SEC. 7. POWERS OF THE COMMISSION.

(a) HEARINGS.—(1) The Commission may, for the purpose of carrying out this Act, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) In carrying out this subsection, the Commission shall—

(A) conduct public hearings in different geographic areas of the country, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public regarding the advisability of lengthened academic day and year; and

(B) receive testimony from—

(i) individuals such as educators, business persons, elected and appointed public officials; and

(ii) representatives of public and private organizations and institutions with an expertise or interest in improving the quality of the Nation's educational system.

(b) INFORMATION.—The Commission may secure directly from any Federal agency such information as may be necessary to enable the Commission to carry out this Act. Upon request of the Chairman of the Commission, the head of the agency shall furnish such information to the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) POSTAL SERVICE.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

(e) ADMINISTRATIVE AND SUPPORT SERVICES.—The Administrator of the General

Services Administration shall provide to the Commission on a reimbursable basis such administrative and support services as the Commission may request.

SEC. 8. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Commission shall meet on a regular basis, as necessary, at the call of the Chairman or a majority of its members.

(b) QUORUM.—A majority of the appointed members of the Commission shall constitute a quorum for the transaction of business.

(c) COMMISSION STAFF.—(1) The Chairman and Vice Chairman of the Commission shall be elected by and from the members of the Commission for the life of the Commission.

(2) The Chairman of the Commission, in consultation with the Vice Chairman, shall appoint and fix the compensation of a staff administrator and such support personnel as may be reasonable and necessary to enable the Commission to carry out its functions without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates.

(d) PERSONNEL DETAIL AUTHORIZED.—Upon request of the Chairman of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any personnel of such agency to the Commission to assist the Commission in carrying out its duties under the Act. Such detail shall be without interruption or loss of civil service status or privilege.

SEC. 9. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after submitting the final report required by section 6.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,000,000 to carry out the provisions of this Act.

THE 200-DAY SCHOOL YEAR ACT OF 1990

Mr. PELL. Mr. President, I am pleased to join Senator BINGAMAN in cosponsoring the 200-Day School Year Act of 1990.

For several years I have carried with me a chart showing how the United States ranks with other nations when comparing the length of the school year. We do not fare well in such a comparison. The average length of the school year in the United States is 180 days. In Japan, it is 243. In South Korea, it is 220. In Italy, 216. In the Soviet Union, 210, in Thailand, 200. In the United Kingdom, 196. In Canada, 196. And in France, 190.

I believe deeply that American studenst should be in school for a longer period of the year. In fact, it may well be that the findings of the commission established in the legislation we are introducing would dictate an increase in school days beyond the 200 days mentioned in the title of our bill.

At the same time, I also believe that no study of this kind can proceed without a clear recognition that it is predicated upon an increase in teacher pay. Very simply, we cannot entertain increasing the length of the school year without recognizing up front that this will and must involve a pay increase for teachers. Any commission that went forth without such a recognition would not be "worth its salt."

There are also other costs that are associated with a study of this nature, costs such as administration and service salaries, physical plant costs, and increased costs of books and materials. These too, must be examined.

Mr. President, the need to enhance the education and preparation of our young people is without question. We must seek to achieve an education of excellence for all. How we achieve it is of concern to not only to every Member of the Senate but to every American throughout our land. Most certainly, one of the avenues to which we give careful thought is that of increasing teacher pay in order to accommodate an increased school year.

As we enter this last decade of the 20th century and as we seek to secure a position of leadership in the world economy, we must be willing to examine many different alternatives or ways of strengthening America education. This is surely one of those ways, and one that merits the attention it is given in this important legislation.

By Mr. HEINZ:

S. 2036. A bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

CONVEYANCE OF CERTAIN LAND

● Mr. HEINZ. Mr. President, as ranking member on the Governmental Affairs Subcommittee on General Services, Federalism and the District of Columbia, I rise today to introduce legislation to permit the Columbia Hospital for Women located in Washington, DC to purchase adjoining property from the General Services Administration [GSA] for the purpose of developing a National Women's Health Resource Center. The establishment of this center will help improve women's health care in the greater Washington area and across the Nation.

Since established by a Congressional Charter in 1866, Columbia Hospital has worked to meet the health care needs of women. Today, Columbia Hospital is the only health care facility in the Washington area specializing in obstetrics, gynecology, and neonatology and last year over 5,000 births occurred at the hospital. That represents approximately one-quarter of the District's total number of births of somewhat over 21,000 in 1989.

The Columbia Hospital for Women is located in the block between L and M Streets and 24th and 25th Streets in northwest Washington, DC. This land was conveyed to the hospital by an act of Congress in 1952—Public Law 82-423. A small portion of this block was not included in the act and is currently the site of a 42,600 square foot building owned by the GSA which is in disrepair and has little usable space.

Over the past 25 years, Columbia Hospital has made several unsuccessful attempts to acquire this adjoining property. Under this legislation, the Columbia Hospital would purchase the land from GSA for $10 million. The lion's share of the purchase price $7 million, would be payable at settlement. The additional $3 million would be due within 15 years of enactment.

The Government of the District of Columbia has also recognized the importance of the Women's Health Resource Center and its Department of Human Services awarded Columbia Hospital a certificate of need for the establishment of the center.

Although this property has been given a higher value by the GSA, my colleagues will no doubt agree that the short- and long-term benefits of the proposed Women's Health Resource Center will far outweigh such a difference and is an equitable amount.

The property will be used for the National Women's Health Resource Center which will make it easier for women in the Washington area to receive health care and will advance women's health nationwide by providing clinical services, preventive medicine and nutritional care, research activities, sociological and psychological support services, educational services, informational services and access to services for uninsured and underinsured women. The center also intends to respond to an area of critical need in the District—infant mortality—by creating a prenatal care clinic. It is my hope that this clinic can assist in lowering the infant mortality rate in the District of Columbia, which is the highest in the Nation, in addition to addressing the District's "crack baby" crisis.

This legislation provides us with a unique opportunity to fully utilize Federal resources and have a direct impact upon the health concerns of the Nation's women and the diverse health care needs of over half our population.

I urge all of my colleagues to support this legislation to help ensure our Federal resources are used in the most responsible way possible.

Thank you, Mr. President, and I ask that the text of the bill be included in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND.

(a) ADMINISTRATOR OF GENERAL SERVICES.—Subject to sections 2, 3, and 4, the Adminis-

trator of General Services is directed to convey, for $7,000,000 paid on date of conveyance, to the Columbia Hospital for Women (formerly Columbia Hospital for Women and Lying-in Asylum), Washington, District of Columbia, all right, title, and interest of the United States in and to those pieces or parcels of land in the District of Columbia, described in subsection (b), together with all improvements thereon and appurtenances thereto.

(b) PROPERTY DESCRIPTION.—The land referred to in subsection (a) was conveyed to the United States of America by deed dated May 2, 1988, from David Fergusson, widower, recorded in liber 1314, folio 102, of the land records of the District of Columbia, and is that portion of square numbered 25 in the city of Washington in the District of Columbia which was not previously conveyed to such hospital by the Act of June 28, 1952. Such property is more particularly described as follows: All that piece or parcel of land situated and lying in the city of Washington in the District of Columbia and known as part of square numbered 25, as laid down and distinguished on the plat or plan of said city as follows: Beginning for the same at the northeast corner of square being the corner formed by the intersection of the west line of Twenty-fourth Street West, with the south line of north M Street and running thence south with the line of said Twenty-fourth Street for the distance of two hundred and thirty-one feet ten inches, thence running west and parallel with said M Street for the distance of two hundred and thirty feet six inches and running thence north and parallel with the line of said Twenty-fourth Street for the distance of two hundred and thirty-one feet ten inches to the line of said M Street and running thence east with the line of said M Street to the place of beginning two hundred and thirty feet and six inches together with all the improvements, ways, easements, rights, privileges, and appurtenances to the same belonging or in anywise appertaining.

SEC. 2. AGREEMENT FOR FURTHER PAYMENT.

(a) AGREEMENT FOR FURTHER PAYMENT.—The Administrator of General Services shall enter into an agreement with the Columbia Hospital for Women which shall provide for the payment to the General Services Administration of $3,000,000 on the date which is fifteen years after the date of the conveyance under section 1.

(b) GENERAL SERVICES ADMINISTRATION.—All payments made under this Act shall be paid into, administered, and expended as part of the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

SEC. 3. LIMITATION OF CONVEYANCE.

No part of any land described in section 1 may be used for any purpose other than hospital, clinic, rehabilitation center, medical research institution, medical education institution, and domiciliary care institution purposes unless use for such other purpose is approved by the Administrator of General Services or by Act of Congress.

SEC. 4. USE BY UNITED STATES.

(a) USE BY UNITED STATES.—Subject to subsection (b), the United States shall retain the right to use the office building and parking lot located on lands conveyed pursuant to this Act. The Columbia Hospital for Women shall not be entitled to rent or other compensation from the United States for such use by the United States.

(b) NOTIFICATION AND TERMINATION.—The right to limited use by the United States under subsection (a) shall terminate on a date which is one year after the date of receipt by the Administrator of General Services of written notification that the Columbia Hospital for Women needs such property for hospital, clinic, rehabilitation center, medical research institution, medical education institution, or domiciliary care institution purposes.

SEC. 5. MODIFICATION OF RESTRICTION ON PRIOR CONVEYANCE OF LAND.

The Administrator of General Services is directed to take such actions as are necessary to modify the restriction which requires that lands conveyed by the Act of June 28, 1952 (Public Law 82-423) be used for hospital purposes and to allow such lands to be used only for hospital, clinic, rehabilitation center, medical research institution, medical education institution, and domiciliary care institution purposes, unless use of such lands for a different purpose is approved by the Administrator of General Services or by Act of Congress.●

By Mr. LEVIN:

S. 2037. A bill to prohibit for the purpose of meeting the Gramm-Rudman deficit targets the recognition of shifts in dates of making outlays enacted within the year preceding adoption of a budget; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

BUDGET REFORM LEGISLATION

● Mr. LEVIN. Mr. President, the deliberations on the fiscal year 1991 budget, which are about to begin, will include a number of proposals to reform the budget process itself. Removing the social security trust fund surplus from the calculation of the budget deficit, and switching to a 2-year budget cycle would give the President and the Congress a more accurate picture of the budgetary realities with which we are confronted and would enable us to address those realities in a more efficient manner. Other budgetary reforms also merit consideration.

Some of these proposals will undoubtedly undergo long hours of debate. However, one step which can and should be enacted early enough in the budgetary process to actually effect the fiscal year 1991 budget, is to exclude from being counted as savings for a specific fiscal year, shifts in spending to a prior or subsequent fiscal year. Such shifts may have the effect of reducing the deficit on paper for a specific fiscal year, but, in reality, have no effect on the amount of Federal spending and no effect on reducing the deficit that jeopardizes the Nation's long-term prosperity.

Although not having any lasting effect on the deficit, this budgetary shell game does threaten to make a lasting contribution to erosion of confidence that the American people have in the ability of the President and the Congress to forthrightly confront the Nation's budgetary challenges. And, it will require an abiding public confidence if we as a Nation are going to take and accept the steps necessary for substantial deficit reduction.

The legislation which I am introducing today will prohibit shifts in spending from a specific fiscal year into another fiscal year from being counted as savings for the purposes of meeting the Gramm-Rudman deficit reduction targets. We have seen too many proposals during the consideration of past budgets to legislate savings through spending shifts and not spending reductions. A step toward honest deficit reduction is to stop that practice. The legislation which I am introducing will accomplish that goal.

Mr. President, I ask unanimous consent that a copy of this legislation be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF TITLE 31, UNITED STATES CODE.

Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following:

"If, during the fiscal year preceding the fiscal year for which a concurrent resolution under this section or a revised concurrent resolution under section 304 is adopted, legislation has been enacted to advance or postpone the date of the making of outlays from a date in that fiscal year to a date in the preceding fiscal year or in the subsequent fiscal year, the total budget outlays described in paragraph (1) shall be computed as though the outlays were to be made in the fiscal year in which they were to have been made prior to the enactment of such legislation.".

SEC. 2. AMENDMENT OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

Section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901) is amended by adding at the end thereof the following new sentence:

"If, during the fiscal year preceding the fiscal year for which the Directors make the estimate of budget levels of outlays pursuant to subparagraph (A), legislation has been enacted to advance or postpone the date of the making of outlays from a date in that fiscal year to a date in the preceding fiscal year or in the subsequent fiscal year, the estimated budget levels of outlays described in paragraph (1) shall be computed as though the outlays were to be made in the fiscal year in which they were to have been made prior to the enactment of such legislation.".●

By Mr. McCONNELL:

S. 2038. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require a 20-percent reduction in certain assistance under such act to a law enforcement agency unless such agency has in effect a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

● Mr. McCONNELL. Mr. President, the cold war between our Nation and the Soviet Union appears to be abating, and there is talk of bringing our servicemen and women home. Ironically, those men and women will be coming back to a nation engaged in an escalating domestic war: the war against crime.

This war is being fought by our Nation's law enforcement officers. These brave men and women risk their lives every day to protect citizens. They literally are caught in the crossfire amidst an epidemic of violence fueled by drugs. The casualties are mounting. Officers and bystanders are being killed, and neighborhoods are ravaged. There is no peace summit in sight. There is no negotiating with an enemy motivated by greed, and drugs.

While we should be fighting an all-out war against these criminals and accommodating our law enforcement forces, police officers are required to work extremely long hours and risk their lives, for modest compensation. Other unique circumstances detract from their primary duties and threaten morale as well.

My bill, the law enforcement officers' bill of rights, addresses some of the concerns of our Nation's police officers. Basically, it protects rights that most of us take for granted. It allows police officers to engage in, or refrain from, political activity. It protects officers from abusive investigations and interrogations. And it provides officers certain essential rights in connection with disciplinary actions. At a minimum, law enforcement officers ought to be entitled to the same rights we all cherish, particularly the right of due process.

My remarks on the law enforcement officers' bill of rights would not be complete without an explanation of the role played by the Jefferson County and Louisville lodges of the Fraternal Order of Police in securing my Senate introduction of this measure.

The Kentucky FOP Lodge, and in particular lodges 6 and 14, have been tremendously active in advancing the legislative agenda of the National Fraternal Order of Police. Each year, during the occasion of the annual Peace Officers' Memorial Day, the national trustee of the Kentucky FOP visits my Washington, DC, office, together with a delegation of officers from throughout my State.

The Kentucky national trustees always are among the best informed, best prepared advocates I have encountered on Capitol Hill. They know the concerns of the man and woman on the beat, because they are police officers themselves. Further, they are familiar with each item on their legislative agenda, and their presentations always are to the point. Finally, they understand the limitations and delays of the legislative process, and try to work with their elected representatives in Washington.

When the leaders of the Jefferson County and Louisville FOP lodges approached me about the Law Enforcement Officers' Bill of Rights, they presented it in such a way that I was compelled to introduce a companion Senate bill. It meant a lot to me that these police officers were speaking from experience when they explained the need for such legislation. They worked with me in refining the language, and have offered to help me get this bill passed into law, where it belongs.

All the police officers in this country who care about this legislation owe a debt of thanks to these FOP lodges, for their tireless and skillful promotion of the national FOP agenda.●

By Mr. COCHRAN (for himself, Mr. PELL, Mrs. KASSEBAUM, Mr. HEINZ, Mr. LOTT, Mr. DOLE, Mr. WILSON, Mr. MCCAIN, Mr. CRANSTON, and Mr. HATFIELD):

S. 2039. A bill to improve the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms; to the Committee on Labor and Human Resources.

IMPROVING THE TEACHING OF WRITING SKILLS

Mr. COCHRAN. Mr. President, the United States faces a writing crisis in our schools and in the workplace. The Writing Report Card, an assessment of student writing ability conducted by the U.S. Department of Education, recently reported that fewer than 25 percent of our high school juniors can write an adequate letter. Universities and colleges across the country report increasing numbers of entering freshmen unable to meet the writing demands of college work. Lack of writing skill contributes to unfavorable comparisons of American students with those in other countries in many academic subjects. In testimony before the Labor and Human Resources Committee, business leaders express serious concern about the basic skills of entry level workers. These are indications that the lack of writing ability is a key element in our national illiteracy problem.

I am today introducing a bill to improve the quality of student writing and learning, and the teaching of writing in the classroom. This legislation authorizes $10 million for the national writing project, which currently provides training to teachers to enhance the teaching of writing at 141 sites in 43 States, mostly associated with universities. Last year, 87,000 teachers sought training in one of the national writing project intensive summer and school-year workshops.

The national writing project is a "teacher-teaching-teachers" program that identifies and promotes techniques that are working in the classrooms of the best teachers. It is a positive program that celebrates good teaching and increases the Nation's corps of successful classroom teachers. When the project was funded for an unprecedented 10th year by the National Endowment for the Humanities, a spokesman said:

> I have no hesitation in saying that the National Writing Project has been by far the most effective and "cost effective" project in the history of the Endowment's support for elementary and secondary education programs.

In Mississippi, national writing project sites have made remarkable progress in improving the quality of teaching. Program participants include not only English instructors but also teachers in history, geography, math, reading, science, and elementary schools. The result has been a measurable improvement in student performance and a rekindling of teacher enthusiasm and confidence.

Over the past 17 years the national writing project has received numerous awards and has been generously funded by private foundations such as the Carnegie and Mellon foundations, as well as State and local agencies. However, program needs have far exceeded the funding potential of these organizations. Each year more and more teachers seek training from one of the existing sites. Teachers are eager to be selected for the project's workshops because they hear from previous participants that the program significantly enhances their teaching. In light of this success and the need for approximately 250 regional sites to establish a network that could serve all the Nation's teachers, it is discouraging to note that 13 sites in eight States have been forced to become inactive within the past year because of inadequate funding.

This legislation would authorize the funding of 50 percent of the cost of existing sites and 50 percent of the cost of establishing new sites, with a maximum of $40,000 per site on a dollar-for-dollar matching basis. It would fund matching grants to teachers to conduct research on effective classroom practices and to the national writing project to disseminate information on the effective teaching of writing. The Office of Educational Research and Information in the U.S. Department of Education would receive $500,000 to conduct research on the teaching of writing and on methods to use writing as a learning tool to improve the quality of education.

In light of the widespread problems described in the Writing Report Card, this legislation is timely. As Union Carbide warned in its report, Undereducated, Undercompetitive USA, "Without improvement, we have, at best, an

undereducated population which keeps this Nation from reaching its highest economic potential." Since the ability to put thoughts into words is fundamental to learning, it is unfortunate that many teachers are no longer taught that writing is part of a basic education and consequently fail to concentrate on their students' writing abilities. By improving writing as a part of basic education, I believe this legislation will provide a very high return on a modest investment and will take us further toward our goal of improving the quality of education in the Nation's classrooms.

Senator PELL, chairman of the Education Subcommittee and Senator KASSEBAUM, ranking minority member of the subcommittee, are cosponsors of this legislation. Other distinguished Senators have also joined us in the bill today, and I thank them all for this important support. The other cosponsors are: Mr. CRANSTON, Mr. DOLE, Mr. HATFIELD, Mr. HEINZ, Mr. LOTT, Mr. MCCAIN, and Mr. WILSON.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NATIONAL WRITING PROGRAM

SEC. 101. FINDINGS.

The Congress finds that—

(1) the United States faces a crisis in writing in schools and in the workplace;

(2) only 25 percent of 11th grade students have adequate analytical writing skills;

(3) over the past two decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work;

(4) American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to them due to inadequate writing abilities;

(5) the writing problem has been magnified by the rapidly changing student populations in the nation's schools and the growing number of students who are at risk because of limited English proficiency;

(6) most teachers in the United States elementary schools, secondary schools, and colleges, have not been trained to teach writing;

(7) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collabrative university-school programs whose goal is to improve the quality of student writing and the teaching of writing at all grade levels and to extend the uses of writing as a learning process through all disciplines;

(8) the National Writing Project offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing;

(9) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes that there are teachers in every region of the country who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

(10) the National Writing Project has become a model for programs in other academic fields;

(11) the National Writing Project teacher-teaching-teachers program identifies and promotes what is working in the classrooms of the Nation's best teachers;

(12) the National Writing Project teacher-teaching-teachers project is a positive program that celebrates good teaching practices and good teachers and through its work with schools increases the Nation's corps of successful classroom teachers;

(13) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability;

(14) the National Writing Project programs offer career-long education to teachers, and teachers participating in the National Writing Project receive graduate academic credit;

(15) each year approximately 85,000 teachers voluntarily seek training through word of mouth endorsements from other teachers in National Writing Project intensive summer workshops and school-year inservice programs through one of the 141 regional sites located in 43 States, and in 4 sites that serve United States teachers teaching overseas;

(16) 250 National Writing Project sites are needed to establish regional sites to serve all teachers;

(17) 13 National Writing Project sites in 8 different States have been discontinued in 1988 due to lack of funding; and

(18) private foundation resources, although generous in the past, are inadequate to fund all of the National Writing Project sites needed and the future of the program is in jeopardy without secure financial support.

SEC. 102. NATIONAL WRITING PROGRAM.

(a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with the National Writing Project (hereafter in this section referred to as the "contractor"), a nonprofit educational organization which has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms—

(1) to support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;

(2) to support classroom research on effective teaching practice and to document student performance; and

(3) to pay the Federal share of the cost of such programs.

(b) REQUIREMENTS OF CONTRACT.—The contract shall provide that—

(1) the contractor will enter into subcontracts with institutions of higher education or other non-profit educational providers (hereinafter referred to as "subcontractors") under which the subcontractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

(2) funds made available by the Secretary to the contractor pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

(3) the contractor will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this title and will provide such technical assistance as may be necessary to carry out the provisions of this title.

SEC. 103. TEACHER TRAINING PROGRAMS.

The teacher training programs authorized in section 102(a) shall—

(1) be conducted during the school year and during the summer months;

(2) train teachers who teach grades kindergarten through college;

(3) select teachers to become members of a National Writing Project teacher corps whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

(4) encourage teachers from all disciplines to participate in such teacher training programs.

SEC. 104. FEDERAL SHARE.

(a) IN GENERAL.—(1) Except as provided in paragraph (2) and for purposes of section 102 the term "Federal share" means with respect to the costs of teacher training programs authorized in section 102, 50 percent of such costs to the subcontractor.

(2) The Federal share of the costs of teacher training programs conducted pursuant to section 102 may not exceed $40,000 for any one subcontractor.

(b) SPECIAL RULE.—For the purposes of subsection (a) the costs of teacher programs do not include the administrative costs, publication cost or the cost of providing technical assistance, to the contractor.

SEC. 105. CLASSROOM TEACHER GRANTS.

(a) GRANT AUTHORITY.—(1) The National Writing Project may reserve an amount not to exceed 5 percent of the amount authorized to be appropriated in section 301(a) to make grants, on a competitive basis, to elementary and secondary school teachers to enable such teachers to—

(A) conduct classroom research;

(B) publish models of student writing;

(C) conduct research regarding effective practices to improve the teaching of writing; and

(D) conduct other activities to improve the teaching and uses of writing.

(b) SUPPLEMENTATION OF FUNDING.—(1) Grants awarded pursuant to subsection (a) shall be used to supplement and not supplant State and local funds available for the purposes set forth in subsection (a).

(2) Each grant awarded pursuant to this section shall not exceed $2,000.

SEC. 106. NATIONAL ADVISORY BOARD.

(a) BOARD AUTHORIZED.—The National Writing Project shall establish and operate a National Advisory Board.

(b) COMPOSITION.—The National Advisory Board established pursuant to subsection (a) shall consist of—

(1) national educational leaders;

(2) leaders in the field of writing;

(3) such other individuals as the National Writing Project deems necessary.

(c) DUTIES OF THE BOARD.—The National Advisory Board established pursuant to subsection (a) shall—

(1) advise the National Writing Project on national issues related to student writing and the teaching of writing;

(2) review the activities and programs of the National Writing Project; and

(3) support the continued development of the National Writing Project.

SEC. 107. EVALUATION.

The National Writing Project may reserve up to $100,000 from the amount authorized to be appropriated pursuant to section 301(a) to evaluate the teacher training programs conducted pursuant to this Act. The results of such evaluation shall be made available to the appropriate committees of the Congress.

SEC. 108. DEFINITIONS.

As used in this Act—

(1) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(2) the term "junior researcher" means a researcher at the assistant professor rank or the equivalent who has not previously received a Federal research grant; and

(3) the term "Secretary" means the Secretary of Education.

TITLE II—RESEARCH AND DEVELOPMENT

SEC. 201. RESEARCH ACTIVITIES.

(a) GRANT AUTHORITY.—From amounts available to carry out the provisions of this title, the Secretary, through the Office of Educational Research and Improvement, shall make grants to individuals and institutions of higher education to conduct research activities involving the teaching of writing.

(b) PRIORITY AND RESERVATION.—(1) In awarding grants pursuant to subsection (a), the Secretary shall give priority to junior researchers.

(2) The Secretary shall award not less than 25 percent of the funds received pursuant to section 301(b) to junior researchers.

(c) The Secretary shall make available to the National Writing Project and other national information dissemination networks the findings of the research conducted pursuant to the authority of subsection (a).

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) TITLE I.—There are authorized to be appropriated to the National Writing project $10,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out the provisions of title I of this Act.

(b) TITLE II.—There are authorized to be appropriated $500,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out the provisions of title II of this Act.

Mr. PELL. Mr. President, over and over again we hear of today's students' lack of basic skills. Numerous studies report that large numbers of our high school graduates cannot write a decent sentence. This is a most disturbing message, particularly when one considers the countless numbers of illiterate adults and high school dropouts we already have in this Nation.

It is easy to be critical of this condition. It is easy to condemn schools and teachers for their apparent inability to prepare our children in the most basic skill—to communicate in our native language. Yet if we reflect more carefully on the situation, the causes of such a condition become understandable. First, writing is not an easy thing. Each of us in this Chamber can remember some experience from his or her own past to illustrate this point—struggling some evening in school over a paper in which what we wanted to say was evident, but putting that thought into the written word was a frustrating and difficult experience.

If composing the written word is so difficult, how much more so must be the process of teaching someone else to write. Particularly if someone's training as a teacher is in such diverse fields as math, science, or business. Yet we all know that mathematicians, scientists, and business people will all be expected to communicate effectively in their jobs.

The national writing project has taken on the difficult task of helping teachers to improve the quality of their students' writing skills with great success for many years. Currently there are 141 regional sites in 43 States serving 85,000 teachers a year. I am particularly proud to note that one of these sites is in my home State of Rhode Island.

The purpose of the legislation we have before us is to expand this effort to reach more teachers and their students. With a maximum grant of $40,000 per site, such a plan is a cost-effective approach to improving the language skills of millions of American students. I am extremely pleased to join Senator COCHRAN in introducing this legislation, and in giving it careful consideration in Education Subcommittee deliberations. As chairman of the Education Subcommittee, I also look forward to pushing this legislation along toward passage.

Mr. HEINZ. Mr. President, writing is visual thinking. And the importance of writing in our schools, places of work, and in our personal day-to-day experiences is a driving force behind legislation calling for Federal support of the national writing project introduced today by Senator THAD COCHRAN.

I am pleased to join with my distinguished colleague from Mississippi as an original cosponsor of this legislation, which responds to the increasing need to enhance and improve the teaching and learning of writing in classrooms across the country.

The national writing project seeks to improve student literacy and learning by concentrating on preparing their teachers to do a better job of developing their writing skills. The success this approach has had thus far can be easily seen in its results.

A writing evaluation of more than 400 elementary and secondary Pennsylvania students in classes taught by writing project teachers demonstrates an overall improvement of writing skills of more than 10 percent. Rarely does a single initiative have such a measurable effect.

In my home State, Pennsylvanians started benefiting from the national writing project when it was implemented at West Chester University of Pennsylvania in 1979. Since that time, the national writing project has reached out to five additional sites involving Gannon University, Penn State/Harrisburg, the University of Pennsylvania, the University of Pittsburgh, and Wilkes College.

Dr. Robert H. Weiss, professor of English at West Chester University of Pennsylvania and director of the Pennsylvania Writing Project [PAWP] shared with me experiences of teachers participating in PAWP, and their students.

Two students of a high school teacher who participated in a summer institute reflected enthusiastically on their new attitude: "We are more and more starting to enjoy writing * * *. With this process, you are guaranteed completeness of ideas and expression, plus good grammar." They and their classmates, observed their principal, "write more frequently," and "the quality of their writing is improving."

As mentioned earlier, a 1983 study of the writing performance of students, taught by teachers in PAWP summer institutes, evaluated pre- and post-test writing samples of several hundred students from grades three through the university level. The results were positive for both younger and older students, showing statistically significant growth in overall writing quality over a 3-month period.

During this 3-month period, elementary students, taught by PAWP teachers, increased their writing performance by 16.5 percent. Secondary students, during the same period of time increased their writing performance by 4.5 percent. This PAWP evaluation demonstrates that the writing project works, and that it is best to capture the energies of young students from the start to shape good learning/literacy habits.

One writing project peaked my interest because of its cooperative interstate structure. The northwest inland writing project [NIWP] sponsored by the two Palouse universities.

The NIWP captures the resources and talents of the University of Idaho and Washington State University serving to improve the educational climate in both States.

Jaclyn Seward, a high school teacher from Bonners Ferry, ID participated in the NIWP in 1987. "Real writing to real people for real reasons" is a quip she picked up through her NIWP experience and has integrated into class studies. During a study of human rights, Ms. Seward challenged her students to write to the late Dr. Andrei Sakharov, Soviet physicist and human rights crusader. Nearly 100 letters were written and the students selected the best ones to be sent to Dr Sakharov. After months of patient wait-

ing, the students received a response from Dr. Sakharov—bringing to life their classroom studies on human rights. Through this experience, the students in this class learned how to shape and express their opinion.

The national writing project is a collaborative university-school staff development program operating in 43 States at 141 regional writing project sites. To put it quite simply, the national writing project is a teachers teaching teachers experience during summer institutes as well as school-year in-service activities. Last year approximately 87,000 teachers took part in regional writing projects.

A report card grading the writing skills of our Nation's students released on January 9, 1990, by the Department of Education provides us with an educational challenge—one the national writing project take an active role in meeting.

"The Writing Report Card, 1984–88," found little change in the writing skills of students. Imaginative, informative, and persuasive writing proficiency of students in grades 4, 8, and 11 is regularly measured by the national assessment of educational progress. The average scores of participating students in grades 8 and 11 declined between 1984 and 1988. During the same period of time the average scores for fourth grade students rose slightly.

These findings are extremely alarming. Without basic literacy skills—reading and writing—future gains in disciplines, like history, literature, math, and science will be negligible. I submit it is time for the Federal Government to lend its support to improve the writing skills of learners of all ages by becoming an active partner in the national writing project.

Upon enactment of this initiative, Federal funds would provide: First, assistance to each of the regional writing project sites on a dollar-for-dollar match, up to $40,000 per site; second, assistance to establish new regional project sites; third, the national writing project with funds for additional writing research efforts, and information dissemination; and fourth, funds for research on the teaching of writing by the Departmnent of Education's Office of Educational Research and Improvement.

In closing, Mr. President, I want to commend the fine efforts of the innovators of the national writing project on college and university campuses and the dedicated teachers in our local schools who actively participate in regional writing project activities. I am pleased to work with Senator COCHRAN toward the enactment of this responsive education initiative and urge my colleagues to join with us.

By Mr. PELL (for himself, Mr. BIDEN, Mr. CRANSTON, Mr. DODD, Mr. KERRY, Mr. SIMON, and Mr. MOYNIHAN):

S. 2040. A bill to expand the size and scope of the Support for East European Democracy [SEED] Program; to the Committee on Foreign Relations.

SUPPORT FOR EAST EUROPEAN DEMOCRACY ACT

● Mr. PELL. Mr. President, today, with the cosponsorship of six of my colleagues on the Foreign Relations Committee—Senators BIDEN, CRANSTON, DODD, KERRY, SIMON, and MOYNIHAN—I am introducing legislation that will expand the size and scope of the SEED Program—Support for East European Democracy—enacted in November 1989. I regard this SEED II legislation as timely and necessary if the United States is to respond effectively to revolutionary developments in Eastern Europe.

Most significantly, the bill expands the scope of the SEED Program from Hungary and Poland to include Czechoslovakia, East Germany, Romania, Bulgaria, and Yugoslavia.

The bill also creates a process for including the Soviet Union in aspects of the program that would promote the development of free political and economic institutions in that country. It does so by requiring the President to examine which elements of the program would serve that purpose, to report on that analysis by May 1, and—if he finds that the Soviet Union should be included—to exercise authority to that effect provided in this bill.

In this regard, I should stress that no one anticipates or advocates extensive economic aid to the Soviet Union, but several elements of the SEED Program involve either no money or relatively small amounts. Here I refer to trade provisions and exchange and training activities that can serve to promote free institutions and the overall process of exposing Communist societies to Western political and economic practices.

As to the level of funds involved, the SEED II legislation builds on the SEED I Program by adding an additional $511 million to the $738 million program originally approved. While this is theoretically a 3-year program, I anticipate that the program will be adjusted several times along the way. The funding breakdown is detailed in a table that I ask unanimous consent be printed following my remarks.

This $511 million figure, I should point out, exceeds the $300 million figure for assistance to Eastern Europe presented yesterday in the President's budget. Frankly, in view of the profound interest of the United States in supporting positive developments in Eastern Europe, I will not be surprised if the $511 million figure is raised to some extent before this legislation is enacted. This kind of action is clearly our most cost-effective form of defense spending, and should take priority over the further acquisition of marginal military weapons.

Briefly, I will highlight specific elements of the bill:

First, in the area of multilateral action:

The bill provides for U.S. participation in the new European Bank for Reconstruction and Development and an initial U.S. contribution of $250 million. This contribution is contingent upon agreement among donor countries on a fair sharing of burdens and responsibilities in the new bank, rules for lending, and so on. That is now under negotiation.

Also under this heading, the bill mandates a United States contribution of at least $80 million in emergency multilateral food assistance to Romania, a truly urgent need arising from the civil war there.

Next, under private sector development:

The bill provides for a dramatic extension of Peace Corps activities into Eastern Europe—an additional $44 million, bringing the new Peace Corps Program in that region to $50 million—primarily in order to provide English teaching. If these nations are to enter the world economy, they will require people who can speak a world language. Of course, an increase in English language capabilities in those countries will assist the competitiveness of U.S. firms in doing business there.

The bill also provides for an increased role for the International Executive Service Corps—$5 million is earmarked—in order to promote the involvement of these 10,000 retired-executive volunteers, who have already demonstrated their effectiveness elsewhere, in advising East Europeans on the subject of enterprise management.

Further, the bill provides for expanded labor training by the Department of Labor—an additional $5 million—and expanded technical training by AID—an additional $10 million.

Third, in the area of trade and investment:

The bill mandates the President to confer full MFN status on all SEED countries at the earliest possible date in accord with Jackson-Vanik criteria and procedures concerning free emigration. A number of the East European countries have adopted a practice of full and free emigration, and the bill declares it to be U.S. policy not to delay but to confer nondiscriminatory trade treatment just as soon as that is done.

In addition, the bill confers eligibility for all SEED Program countries in the generalized system of preferences, OPIC programs, and Export-Import Bank programs.

All of these are procedures for opening the avenues of trade with the newly liberated SEED countries.

For the same reason, the bill mandates the President to pursue a maximum reduction in COCOM controls for SEED countries, to undertake the negotiation of bilateral investment treaties, and to expand AID's trade and development program—with an additional $6 million.

Under the title of educational, cultural, and scientific activities:

The bill sharply increases USIA funds for educational exchanges—the original SEED Program is expanded from $12 million to $40 million—and AID funds for scholarship assistance—for which the SEED Program is expanded from $10 million to $30 million. Again, as with the Peace Corps, such action represents not just altruism, but also the effective pursuit of U.S. economic interests.

Next, under the heading of environmental assistance:

The bill takes cognizance of the interrelation between economic development in Eastern Europe and the near-catastrophic environmental conditions in some locations there. It does so by broadening the environmental study required by the SEED Act so as to include all SEED countries. The bill authorizes an increase in the EPA Environmental Assistance Program for Eastern Europe from $40 million to $60 million.

Finally, in the crucial area of democractic institution-building: In title 5, which is an area of particular interest to Senator BIDEN, the bill provides a sharp increase in funds—from $12 million to $55 million—with $10 million to be available through reprogramming immediately upon enactment, so as to permit urgent assistance to SEED Program countries in support of forthcoming elections.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUPPORT FOR EAST EUROPEAN DEMOCRACY [SEED] ACT AND PROPOSED SEED II LEVELS

[3-yr in millions of dollars]

	SEED I	SEED II	Total
Food Aid:			
Poland	125		125
Romania		80	80
Currency stabilization (Poland)	200		200
Enterprise funds (240 Poland, 60 Hungary)	300		300
European Bank for Reconstruction and Development		250	250
Labor (Poland 4, Hungary 1, others 5)	5	5	10
Technical training	10	10	20
Peace Corps	6	44	50
Trade/Development Program	6	6	12
International Executive Service Corps		5	5
Education exchanges	12	28	40
Science/Tech exchange (5.5 Poland, 2.5 Hungary)	8		8
Scholarships	10	20	30
Democratic institutions ($10 million immediately)	12	43	55
Environment (Poland 30, Hungary 10, others 2G)	40	20	60
Medical aid (Poland)	4		4
Spending	738	511	1,249
Trade credit insurance [1] (Poland)	200		200
Total package	[2] 938	511	1,449

[1] Insurance is unlikely to require spending.

[2] Approximate allocation: Poland $838,000,000, Hungary $100,000,000.●

Mr. CRANSTON. Mr. President, as we begin to face a new decade and to tackle the problems that so urgently need to be addressed, we are facing the birth of a new world. It is a very different world from the one that confronted us in 1950, far different even, from that which existed in 1989. It is a more hopeful world. The toppling of Communist dictatorships throughout Eastern Europe holds the prospect of a safer, more prosperous future.

The United States has an urgent need—a compelling national interest—to promote the process of peaceful change underway today in Eastern Europe.

U.S. spending priorities must reflect this need. I am disappointed that the President's budget message and his State of the Union Address, fail to reflect this urgency.

For decades now we have poured literally trillions of dollars into stemming the tide of communism with tanks and bombs and fighter planes. While we must maintain a stable conventional and nuclear deterrent, new global realities oblige us to shift our priorities. We need, too, to use our dollars to nurture the seeds of democracy, help to provide the support that it so desperately needs to survive. For just a fraction of the cost of confronting communism militarily, we could complement our military efforts with other more productive initiatives.

We need a comprehensive plan to promote and secure democracy in Eastern Europe. I believe the timidity of the Bush administration's approach is unacceptable.

I am therefore today calling for new initiatives patterned after the Marshall plan to aid Eastern Europe. These countries were originally included in that 1947 plan that fueled the recovery of Western Europe, making the Common Market nations a bastion of democracy and economic success. Because of the intervention of the Soviet Union, Eastern European countries were excluded from the Marshall plan at that time. It is now long past time for them to join their Western neighbors in a comprehensive effort to build a more peaceful, more democratic, less confrontational Europe.

Congress has already taken a solid first step in setting forth the blueprint for such a program. Last November, we passed the landmark Support for Eastern European Democracy Act of 1989 [SEED]. This legislation provided some assistance—currency stabilization, food aid, investment funds—for Poland and Hungary as they embarked on the initial stages of reform. Now we need to look beyond. We must prepare ourselves for changes throughout Eastern Europe, and in other areas of the world, as communist regimes continue to fail.

I am therefore pleased to join today with Senator PELL to introduce a SEED II bill designed to expand last year's measure to cover all of Eastern Europe. I would propose to finance this increased foreign aid through commensurate reductions in function 050—Defense in the budget resolution.

When Senator SIMON, Senator PELL, and I worked together in drafting the SEED legislation last fall, only Poland and Hungary had yet thrown off the yoke of communism. Now, Rumania, Czechoslavakia, Bulgaria, Yugoslavia, and East Germany have all made significant strides in ending Communist domination and in taking steps toward greater democracy in their countries. We must have the foresight and determination to match the people of Eastern Europe and join with them in turning a hopeful vision into a prosperous, democratic reality.

The pace of reform in Eastern Europe over the past few months has been overwhelming. While these countries struggle to reshape their economic and political institutions, their Western neighbors struggle with them to formulate a vision of the future and to determine what their own role should be. One thing is clear: Communism is a bankrupt philosophy. There can be no turning back to the repressive policies of totalitarian communism in Eastern Europe. Yet there remain a host of questions to be answered, difficulties to be overcome, and decisions to be made.

The issues facing Eastern Europe are extraordinarily divisive. The question is no longer how to reform, it is how much to reform, how soon to reform, and in what manner and order to proceed. These questions will not be answered quickly or painlessly, for reshaping a society and an economic system requires consensus as well as determination and skills—and consensus is still extremely elusive.

The erosion of Communist control has revealed another set of unresolved conflicts. Ethnic tensions in Bulgaria, Hungary, and Romania—indeed throughout the Eastern bloc—threaten to weaken the nascent democracy movements. Nationalist sentiments revive old territorial claims and fears of renewed militarism. The change in governments is necessarily accomplished by the uncertainties surrounding the fate of the Warsaw Pact and the security of the Soviet Union. These issues not only make change more difficult, but they can potentially destabilize all of Europe.

Such questions obviously concern NATO and the West as much as they concern Moscow and the Eastern bloc. What role should the Western countries be playing—both vis-a-vis Eastern Europe and the Soviet Union? At what point should our support extend beyond warm rhetoric? Should our

support be aimed at providing only political assistance or should we also be investing our resources in newly liberalized economies?

Let me take this opportunity to propose some parameters for the coming debate.

Our goal must be the development of democratic societies with market-oriented economies in a stable environment. Our policy, therefore must be both broad and flexible. It must be broad enough to provide for all countries shrugging off the Communist yoke—we must reject a piecemeal approach that would stumble forward on a case-by-case basis. Yet our approach must be flexible enough to respond quickly to needs and events as they arise.

To these ends I suggest the following:

First, we should give active support to those East European nations aspiring to establish free and pluralistic governments—and who have declared their intentions to hold fair elections. Merely conveying our congratulations is insufficient: we need to provide electoral and educational assistance in an efficient and timely fashion. This means now. We do not have the luxury of time. Elections in Poland are scheduled for the spring; Hungary will soon follow. We should be channeling funds through experienced operations such as the National Endowment for Democracy "NED" that are already on the ground and running. We cannot afford to nickel-and-dime these newly liberated countries. Successful elections are the first and necessary step to any future progress in democratization. We gave $9 million to tiny Nicaragua for electoral support. Surely we can find more than the $3 million already authorized for Eastern European countries.

Second, we need to participate with our allies in a comprehensive and concerted effort to assist countries in making crucial economic reform. There have been many suggestions on how to best aid in economic revitalization—including the Marshall plan approach which I favor—and an Eastern Europe development bank proposed by President Mitterand of France. U.S. initiatives require multilateral cooperation and comprehensive application. The United States alone clearly cannot provide for the economic recovery of Eastern Europe as it did for Western Europe after World War II. Western Europe and Japan themselves now have considerable resources and must take leading roles. But it is incumbent on the United States to help lead. A united democractic Europe has been one of our primary foreign policy goals for the past 40 years; we should not let recent initial successes founder on the shoals of economic chaos and abject poverty. Additionally, working closely with our allies will help ensure that our efforts and resources are not wasted in needless duplication and inefficiency.

Third, I believe we should work promptly through a Helsinki II format to address the sensitive security and trade issues arising as a result of the collapse of the Warsaw Pact. Such a forum could help manage the transformations already underway, reducing the tensions brought by instability and uncertainty. A Helsinki II conference should include both Western and Eastern European nations, as well as the United States and the Soviet Union. Such a conference would not be a threat to NATO, the Warsaw Pact or the European Community. Rather, it could provide a more broad structure for negotiation and consultation.

Tremendous challenges and opportunities confront us in Eastern Europe. The peoples of that region must take a great deal of the credit for making these opportunities possible. Their courage and determination to shape for themselves a better life has created the prospect for all of us to enjoy a more secure, more prosperous world. But they cannot do it alone. They need political and economic assistance, and they need it quickly.

By Mr. SYMMS (for himself, Mr. CHAFEE, Mr. DASCHLE, Mr. MATSUNAGA, and Mr. MCCLURE):

S. 2041. A bill to amend title XVIII of the Social Security Act to provide uniform national conversion factors for services of certified registered nurse anesthetists; to the Committee on Finance.

CRNA PAYMENT AMENDMENTS

Mr. SYMMS. Mr. President, today I am introducing legislation to create a national reimbursement rate for nurse anesthetists under Medicare.

In the Omnibus Budget Reconciliation Act of 1986, Congress directed the Health Care Financing Administration [HCFA] to establish a fee schedule for CRNA's, effective January 1, 1989. The fee schedule contains two separate rates—one for CRNA services which are medically directed by a doctor, and another for services which the CRNA is personally responsible.

While the fee schedule system is desirable for CRNA's, the schedule drafted by HCFA is far below the actual cost of these services. The variation from State to State is extreme; there is a 70-percent difference from the lowest rate to the highest.

This is because the data which HCFA used to calculate the schedule was from 1986 salaries, using a 6-percent annual update when actually the update was 12 percent. The overhead costs were also underestimated, resulting in a clearly inequitable fee schedule.

Obviously, our CRNA's cannot operate at such a reimbursement level, especially in my State of Idaho which has the lowest reimbursement rate on the schedule. Idaho must still compete with bordering States for CRNA services and with the current schedule, it will be unlikely if any CRNA's remain in the State. Since Idaho has relatively few anesthesiologists, this will create serious problems in Idaho's health care.

The bill I am introducing will establish a national rate for all CRNA's. For medically directed CRNA services the rate will be set at $14 per unit; for nonmedically directed services the rate will be $21 per unit. These rates will be adjusted annually.

This provision was included in the Finance Committee's budget reconciliation bill for fiscal year 1990 and had wide support among Members before it was stripped out as extraneous.

While Idaho's current reimbursement rate is completely unacceptable, I know that CRNA's in most other States are experiencing problems as well. I encourage my colleagues to support this legislation and to bring some equity back into the system.

Mr. President, I ask unanimous consent that the text of the bill be printed in RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "CRNA Payment Amendments of 1990".

SEC. 2. UNIFORM NATIONAL CONVERSION FACTORS PROVIDED.

Section 1833(I) of the Social Security Act (42 U.S.C. 1395(I)) is amended—

(1) in paragraph (3)—

(A) by striking "and 1990" in subparagraph (B): and

(B) by adding at the end thereof, the following new subparagraph:

"(C)(i) In establishing fee schedules under this subsection for services furnished in 1990 and thereafter, subject to clause (ii), the Secretary shall establish uniform national conversion factors which shall be $14 for services furnished under the medical direction of a physician and $21 for services that are not medically directed. The conversion factors shall be adjusted annually in 1991 and thereafter by the percentage increase in the MEI referred to in paragraph (2).

"(ii) The conversion factors described in clause (i) as applied to services furnished in any locality shall not exceed the conversion factor applied to anesthesiologists' services furnished in the same locality, except that this clause shall not apply in the case of services furnished in a facility in which there is no anesthesiologist furnishing anesthesia services."; and

(2) in paragraph (4)—

(A) by striking "or any appropriate methodology" in the first sentence; and

(B) by striking all of the second sentence.

By Mr. MOYNIHAN:

S. 2042. A bill to establish the Thomas Cole National Historic Site in the State of New York; to the Committee on Energy and Natural Resources.

THOMAS COLE NATIONAL HISTORIC SITE

● Mr. MOYNIHAN. Mr. President, I rise to introduce a bill that would place the home and studio of Thomas Cole under the care of the National Park Service as a national historic site. Thomas Cole founded the American artistic tradition known as the Hudson River School. He painted landscapes of the American wilderness as it never had been depicted, untamed and majestic, the way Americans saw it in the 1830's and 1840's. His followers included Frederick Church, Alfred Bierstadt, Thomas Moran, and John Frederick Kensett.

Any description of Cole's works would not do them justice, but their moody, dramatic style and subject matter were in sharp contrast to the pastoral European landscapes that Americans had previously admired. The new country was just settled enough that some people had the time and resources to devote to collecting art. Cole's new style coincided with this growing interest, to the benefit of both.

Cole had begun his painting career in Manhattan, but one day took a steamboat ride up the Hudson River for inspiration. It worked. The landscapes he saw set him on the artistic course that became his life's work. He eventually moved to a house up the river in Catskill, where he boarded, lived, married, and raised his family. That house, called Cedar Grove, remained in the Cole family until 1979, when it was put up for sale. Three art collectors saved it from developers, and now the Thomas Cole Foundation is offering to donate the house to the Park Service.

Mr. President, the home of one of the most influential 19th century American painters is being offered as a donation. I believe we owe it to him, and to the many people who admire the Hudson River School and explore its origins, to accept this offer and designate it a national historic landmark.

I regret that none of Thomas Cole's work hangs in the Capitol, although two works by Bierstadt can be found in the stairwell outside the Speaker's Lobby. Perhaps Cole's greatest work in the four-part Voyage of Life, an allegorical series that depicts man in the four stages of life. It can be found in the National Gallery of Art, Washington, along with two other Cole paintings. The National Gallery currently has a major exhibition of works by Church, who was Cole's first student.

I urge my colleagues to seek out these and other works from the Hudson River School. They are proof enough of Cole's importance and the need to add his home to the list of national historic landmarks.

Mr. President, I ask unanimous consent that the text of the measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to preserve and interpret, for the benefit, inspiration, and education of the American people, the unique American artistic tradition known as the Hudson River School, which was founded by Thomas Cole and characterized by a group of nineteenth century landscape artists who attempted to record and celebrate the landscape and wilderness of America, particularly in the Hudson River Valley in the State of New York.

SEC. 2. ESTABLISHMENT.

In order to carry out the purpose of this Act, as described in section 1, there is established the Thomas Cole National Historic Site in Catskill, New York.

SEC. 3. DESCRIPTION OF THE HISTORICAL SITE

The Site referred to in section 2 is the home and studio of Thomas Cole and shall consist of the 3.4 acre site and improvements thereon located at 218 Spring Street, City of Catskill, State of New York, as generally depicted on the map entitled "Thomas Cole National Historic Site Boundary Map", numbered ————, and dated ————. The map shall be on file and available for public inspection at appropriate offices of the National Park Service.

SEC. 4. ACQUISITION OF REAL AND PERSONAL PROPERTY.

(a) REAL PROPERTY.—The Secretary may acquire, by donation only, the land and improvements described in section 2. The Secretary may also acquire lands and improvements necessary for the management and operation of the site in Catskill, New York.

(b) PERSONAL PROPERTY.—The Secretary may acquire, for purposes of the Site, paintings, historic objects and artifacts, and other personal property associated with Thomas Cole and the Hudson River School by donation or purchase with donated or appropriated funds.

SEC. 5. ADMINISTRATION OF SITE.

(a) IN GENERAL.—The Secretary shall administer the Site in accordance with—

(1) the provisions of this Act; and

(2) the provisions of law generally applicable to national historic sites, including the Acts entitled—

(A) "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 and following); and

(B) "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national historic significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 and following, popularly known as the "Historic Sites, Buildings, and Antiquities Act").

(b) PRESERVATION AND INTERPRETATION OF SITE.—In administering the Site, the Secretary shall—

(1) preserve and interpret the home and studio of Thomas Cole, as described in section 3, as a national historic site;

(2) preserve and perpetuate knowledge and understanding, and provide for public understanding and enjoyment, of life and work of Thomas Cole and the Hudson River School;

(3) provide assistance to public and private entities in the interpretation of the Hudson River artists, their houses and studios, and the vistas depicted by Hudson River artists throughout the Hudson River Valley region; and

(4) encourage an appreciation of the scenic and artistic tradition inspired by the Hudson River artists.

The Secretary shall, at his discretion, provide technical assistance to further the purposes of this Act.

(c) COOPERATION WITH STATE OF NEW YORK AND OTHER ENTITIES.—The Secretary may enter into cooperative agreements with the State of New York and other public and private entities to further the purposes of this Act.

(d) REPORT.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a report in consultation with the Thomas Cole Foundation and nationally recognized historians, scholars, and other experts concerning the interpretation, preservation, and tourism of, and other issues related to, the Site and other sites in the Hudson River Valley region of related historical significance. This report shall be submitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate not later than one year after the date of enactment of this Act.

(e) DONATIONS.—The Secretary may accept and use donated funds, property, and services to carry out the purposes of this Act.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop and submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a general management plan for the preservation, interpretation, use, and development of the Site.

(b) PLAN REQUIREMENTS.—The management plan required by subsection (a) shall—

(1) be based on the report prepared pursuant to section 5(d);

(2) be prepared in accordance with section 12(b) of the Act entitled "An Act to improve the administration of the national park system, and to clarify the authorities applicable to the system, and for other purposes", approved August 18, 1970 (16 U.S.C. 1a-7(b)); and

(3) include recommendations and cost estimates for the identification, marking, interpretation, and preservation of properties and landscapes associated with the Hudson River School and located throughout the Hudson River Valley region, identified through cooperative agreements and other means deemed appropriate, feasible, and practicable.

SEC. 7. DEFINITIONS.

As used in this Act, the term—

(1) "Hudson River Valley region" means the counties of Albany, Columbia, Dutchess, Greene, Orange, Putnam, Rockland, Ulster, Rensselaer, Washington, and Westchester in the State of New York;

(2) "Secretary" means the Secretary of the Interior; and

(3) "Site" means the Thomas Cole National Historic Site created by section 2.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.●

By Mr. HOLLINGS:

S. 2043. A bill to establish a reforestation program for timber lands suffering damages from natural disasters; to the Committee on Agriculture, Nutrition, and Forestry.

EMERGENCY REFORESTATION PROGRAM

● Mr. HOLLINGS. Mr. President, I rise today to introduce legislation to address a previously unrecognized form of disaster assistance. This bill would establish an Emergency Reforestation Program to provide for the reforestation of timber lands that are damaged by natural disasters. Enactment of this legislation will provide necessary assistance for the timber owners who suffered damages from Hurricane Hugo and will create a program to help landowners who suffer similar natural disasters in the future.

In his fiscal year 1991 budget, President Bush has proposed a $175 million tree planting program to mitigate the effects of global warming. This proposal makes sense only if we have a program which will give priority to the timber lands which are the most in need. My bill would establish such a program.

At the end of the last session, the administration objected to using the Federal Emergency Management Agency to reforest private lands and has reiterated this objection in a recent letter to me. If we cannot use FEMA for this purpose, I believe we must have an Emergency Reforestation Program.

This bill would establish a cost sharing program to pay 75 percent of reforestation costs for owners of timber stands which suffer damages resulting from conditions which qualify as a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

The bill would provide for a careful implementation of the program by requiring the Secretary of Agriculture to consult with an Emergency Reforestation Committee in drawing up the regulations. This committee would be comprised of at least five State foresters or equivalent State officials from around the country. Participation of the committee would ensure that State level officials would have a voice in the Emergency Reforestation Program.

On September 21 and 22, 1989, Hurricane Hugo levelled 6.7 billion board feet of timber in South Carolina—enough timber to rebuild the city of Charleston 10 times over. This loss, at an estimated $1.04 billion, represents a severe financial blow to the private timber owners, who own almost 70 percent of South Carolina's forests. These individuals and families saw Hugo wipe away their nest eggs in the course of a few hours. The acres of splintered and shattered trees are the most persuasive testimony to Hugo's brute force, and to the fact that it will be a full generation before the land fully recovers.

The enormous amount of wood on the ground also represents the grim possibility of another huge natural disaster in South Carolina: Specifically, an uncontrollable forest fire that could feed on the downed timber unless the land is cleaned up. We simply don't have the manpower, rail access, or mill capacity to salvage all the timber, which is subject to rapid deterioration.

Reforestation of the land will also solve several environmental problems. The decomposing wood has been under swift attack of blue stain fungi as well as Southern pine beetles and other insects which create health threats. The soil is in danger of extensive erosion, and the wildlife habitats of several endangered species, including the red-cockaded woodpecker, have been virtually demolished.

I hope that the Senate will act quickly on this bill. The timber owners of South Carolina need Federal assistance immediately, and we must establish a program which will ease similar problems for victims of future natural disasters.●

By Mr. BIDEN (for himself, Mr. LIEBERMAN, Mr. JEFFORDS, Mr. WIRTH, Mr. MOYNIHAN, Mr. PELL, and Mr. SIMON):

S. 2044. A bill to require tuna products to be labeled respecting the method used to catch the tuna, and for other purposes; to the Committee on Commerce, Science, and Transportation.

DOLPHIN PROTECTION CONSUMER INFORMATION ACT OF 1990

Mr. BIDEN. Mr. President, 18 years ago, the Marine Mammal Protection Act was signed into law. One of the major purposes of that law was to reduce the number of dolphins killed as a result of tuna fishing operations. A goal of zero mortality was established.

We have failed to achieve that goal. The tuna industry has changed some of its practices in attempts to reduce the number of dolphin deaths, but they remain unacceptably high. The reductions managed by our domestic fleet have been offset by the growth of the foreign fleet. One hundred thousand dolphins continue to be killed each year as a result of tuna fishing operations.

Changes in the world's tuna fleet have led many of us to question whether the approach developed in the early 1970's has any chance of success under today's conditions. The goals expressed by the tuna industry and the Federal Government may simply be beyond reach using the tools at hand. It is time to look at additional efforts that will put us back on the path to zero mortality.

That is why I am joined today by a number of my colleagues in introducing a bill to provide consumers with the information on how the tuna they are purchasing was caught. The bill I am introducing with Senators LIEBERMAN, JEFFORDS, WIRTH, MOYNIHAN, PELL, and SIMON requires the labeling of tuna products that are caught using methods known to kill dolphins. Tuna products not caught in association with dolphin, the vast majority of the world's catch, can be labeled "dolphin safe." The bill will add consumer information to the effort to cut these unnecessary deaths.

Passage of the Marine Mammal Protection Act nearly two decades ago represented a milestone in wildlife legislation. At the time, the United States' fleet accounted for an estimated 90 percent of the dolphins killed in tuna fishing operations. The law made clear that our Nation was willing to bear the burden of reducing those mortalities.

But as that law was implemented, two changes occurred. First, the goal of zero mortality was pushed further and further into the future. Exemptions and delays were granted to an industry that promised solutions were just around the corner. The industry modified its practices, but the new methods have not proven to be adequate to the task.

Progress toward the goal of zero mortality has halted. In 1972, the U.S. fleet was responsible for 200,000 dolphin deaths. That figure dropped by 90 percent in the 6 years after enactment of the MMPA, but failed to continue its downward trend. For the past several years, the U.S. tuna fleet's permit for allowed dolphin kills has remained at 20,500. There is little expectation that the level of dolphin kills permitted under Federal regulations will drop dramatically in the foreseeable future. With the limit on dolphin kills fixed, industry has no reason to make the changes required to bring down the number of actual dolphin kills.

Second, the foreign fleet's role grew, accounting for an ever greater proportion of the dolphin deaths. Foreign boats now account for roughly 80 percent of annual dolphin deaths from tuna fishing operations. In 1972, the United States fleet could make a huge difference in the number of dolphins killed through unilateral reductions. Today, the United States fleet is a declining portion of the total. Ratcheting down on the domestic fleet will help, but not solve the problem.

Attempts have been made to adjust the MMPA to this situation by requiring countries exporting fishery products to the United States to have dol-

phin protection programs comparable to ours. The Secretary of Commerce is to certify that each country meets comparable standards. Import bans on fishery products could be imposed on countries that are found to have inadequate programs.

As straightforward and encompassing as this approach sounds, it has not worked. Certification of countries for failing to establish comparable programs is the exception, rather than the rule. Threats of imports restrictions have failed to be effectively used.

A supplement to the certification process, the observer program, is supposed to increase assurances that foreign fleets implemented those programs at sea, not just on paper. Observers are sent on foreign tuna fishing boat trips to verify the crew's operations are consistent with the programs. But observers cover only about one-third of the foreign fleet's trips.

So we have in place a system that, if fully and forcefully implemented, might return us to a downward trend in dolphin mortality. But the program has too many flaws, too many loopholes to be completely effective. The U.S. fleet has little reason to fear it; the foreign fleet, even less.

And the program, is based on a premise that is quickly becoming outdated—that a Federal program was the only means to bring down dolphin deaths. Events have overtaken that assumption.

Consumers have indicated that they are willing to put their pocketbook decisions to work for the environment. This week's Fortune magazine cover story documents that rise in environmental considerations in purchasing decisions. Fortune's headline calls it "the biggest business issue of the 1990s." A public policy expert quoted in the article calls environmental purchasing factors "the most important issue for businesses." Clearly, we have a tool available today which was unavailable and unthought of in 1972. It is time to modernize the existing program.

Labeling tuna cans will not be an unduly complex operation. Industry already numbers each can of tuna, to facilitate tracking when problem shipments occur. Arguments that labeling the cans is impossible or too burdensome do not wash. In fact, one analysis of the impact of the labeling proposal estimated that it would require the tracking of the equivalent of only 220 tuna fishing boat trips. That is well within our capability.

Industry supports an increase in research on the problem. But surely after 18 years of experience with this issue we have to recognize that a more fundamental change is needed. That is what this bill represents.

The labeling of tuna will enable consumers to express their support for the national goal of reducing dolphin mortalities. There is no inherent reason to keep our Nation's dolphin conservation program locked in the shadows of a federal bureaucracy when an alternative exists. Our Nation's and the world's tuna fishing industry has changed dramatically since the MMPA was originally developed. This bill reflects some of those changes. I urge my colleagues to join me and Senators LIEBERMAN, JEFFORDS, WIRTH, MOYNIHAN, PELL, and SIMON in supporting their initiative.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dolphin Protection Consumer Information Act of 1990".

SEC. 2. FINDINGS.

The Congress finds that—

(1) there is an existing threat to dolphins, porpoises, and whales in the form of purse seine netting of these species and through driftnets and other methods and technologies;

(2) consumers have the right to know whether the tuna that they purchase were procured through methods or technologies which kill, harass, or endanger these species; and

(3) a requirement of labeling of tuna products would provide that information to consumers.

SEC. 3. LABEL REQUIREMENT.

(a) IN GENERAL.—

(1) The label of all tuna products containing tuna which are, in whole or in part, caught with—

(A) drift gill nets of more than one and one-half miles in total length;

(B) purse seine nets in the Eastern Tropical Pacific Ocean, unless certified as "Dolphin Safe" under subsection (b) of this section;

(C) any purse seine nets set on dolphin in other marine areas; or

(D) other methods or technologies as the Secretary may find that kill, harass, or endanger these species (except that tuna caught with staked gill nets less than 1.5 miles, and technologies and methods in use as of the date of enactment of this Act, other than those enumerated in clauses (A) through (C), are not subject to this labeling requirement);

and which are processed, sold, imported, exported, or otherwise placed into commerce in the United States shall, regardless of the country of origin, bear the following statement: "The Tuna in This Product Was Caught with Methods That Kill Dolphins".

(2) Other tuna products processed, sold, imported, exported, or otherwise placed into commerce in the United States may bear the following statement: "Dolphin Safe".

(3) The statement required by paragraph (1) shall be located in a conspicuous place on the label of every can, box, or other package containing any tuna product sold for consumption or other use; shall be as proximate as possible to the name of such product; and shall appear in conspicuous and legible type no smaller than 4 millimeters in height, contrasting in typography, layout, and color with other printed matter on such label.

(4) The importer of consumer-ready imported tuna products shall be liable for the label and recordkeeping requirements of paragraph (1). The processor of all other tuna products shall be liable for such requirements.

(b) CERTIFICATION.—The Secretaries of Commerce and of Health and Human Services shall prescribe recordkeeping requirements that will facilitate verification of information needed to enforce this section, including the form of "Dolphin Safe" certification which shall—

(1) include a statement that the trip to or through the Eastern Tropical Pacific Ocean did or did not include use of purse seine nets deployed on or around dolphin;

(2) be executed by the vessel captain and by an independent on-board compliance observer approved by the Secretary of Commerce or by the Inter-American Tropical Tuna Commission; and

(3) be endorsed by each exporter, importer, and processor of tuna or products containing tuna caught as described in subsection (a)(1) of this section.

(c) MISLEADING LABEL.—A can, box, or package containing any tuna product will be deemed to be mislabeled—

(1) if it is not labeled in accordance with subsection (a); or

(2) if its label contains any false or misleading information pertaining to dolphins, porpoises, or whales.

(d) It is unlawful for any person to sell, or to advertise, market, offer for sale, or place into commerce in, or export from, the United States any tuna product that is not in compliance with the recordkeeping and labeling requirements of this section.

SEC. 4. ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Food and Drug Administration, and the Secretary of Commerce shall implement this Act through a program that shall include but not be limited to frequent inspections to determine whether records required by this Act are being accurately maintained and whether tuna products are being labeled in accordance with section 3, and that any other requirements of this Act or regulations adopted pursuant to it are being met.

(b) CITIZEN SUIT.—Any person may commence a civil action seeking injunctive or other relief against any other person, including the Secretary, who is alleged to be in violation of this Act or regulations promulgated thereunder, or to compel the Secretary to perform any duty required by the Act.

SEC. 5. JURISDICTION OF THE COURTS.

(a) IN GENERAL.—The district courts of the United States and United States courts of the territories shall have jurisdiction over any action arising under this Act.

(b) COSTS.—In issuing any final order in an action brought pursuant to this Act, the court shall award all reasonable costs of litigation (including, but not limited to, reasonable attorney, investigative, and expert witness fees) to any party unless the court determines the award is not appropriate.

SEC. 6. PENALTIES.

(a) CRIMINAL.—Any person who violates section 3 or regulations promulgated pursuant to section 3, or an injunction or restraining order issued pursuant to this Act shall be imprisoned for not more than one year or

fined a minimum of two times the fair market value of the tuna product that is the subject of the violation and an additional fine of no more than $100,000, or both fined and imprisoned, except that if any person commits such a violation after a conviction of that person becomes final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than 3 years, or fined four times the fair market value of the tuna product that is the subject of the violation and an additional $300,000, or both fined and imprisoned. The Secretary of Commerce shall also cancel, or suspend for a period of up to one year, any certificates of inclusion under the Marine Mammal Protection Act of 1972 or other Federal fishing certificates or permits issued to any person who is convicted of a criminal violation of any provision of this Act.

(b) CIVIL PENALTIES.—Any person who violates any provision of this Act or any regulation promulgated pursuant to it, may be assessed a civil penalty by the Secretary or the courts, of up to $100,000 or twice the fair market value of the tuna product that is the subject of the violation, or both.

(c) DISPOSITION OF FINES.—Fines and proceeds from the sale of confiscated goods received as a result of violations of this Act shall be retained by the Secretary of Health and Human Services and by the Secretary of Commerce in equal amounts, subject to appropriations, and be allocated within 2 fiscal years, in consultation with the Marine Mammal Commission, to the implementation of dolphin conservation programs and protection regulations.

SEC. 8. DEFINITIONS.

For the purposes of this Act—

(1) the term "Eastern Tropical Pacific Ocean" or "ETP" means that area of the Pacific Ocean bounded by 40 degrees N. Latitude, 40 degrees S. latitude, 160 degrees W. longitude, and the coastline of North, Central, and South America, or as otherwise expanded in area by the Secretary of Commerce under 50 Code of Federal Regulations 216.24(e)(9)(ii)(C).

(2) the term "label" means a display of written, printed, or graphic matter upon or affixed to the immediate container of any article.

(3) the term "tuna product" means any food or non-food goods which contain tuna, except perishable sandwiches, salads, or other products with a shelf life of less than 3 days.

SEC. 9. PROMULGATION OF REGULATIONS.

Within 180 days of the date of the enactment of this Act, the Secretaries of Commerce and of Health and Human Services, after consultation with the Marine Mammal Commission established by section 201 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1401), shall conclude a memorandum of understanding and publish proposed regulations for the implementation of this Act. Such regulations shall be promulgated in accordance with section 553 of title 5, United States Code, except that each such Secretary shall provide no more than 90 days for the submission of data, views, or arguments on the proposed regulations.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) not to exceed $4,000,000 for fiscal years 1991, 1992, 1993, 1994, and 1995 to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this Act; and

(2) not to exceed $2,000,000 for fiscal years 1991, 1992, 1993, 1994, and 1995 to enable the Department of Health and Human Services to carry out such functions and responsibilities as it may have been given under this Act.

Mr. LIEBERMAN. Mr. President, I rise today to support Senator BIDEN as a cosponsor of his legislation to give consumers of tuna a choice: Do we want to buy tuna which has been caught using methods known to cruelly maim or kill dolphin? Or would we rather buy tuna labeled "Dolphin-safe"?

The answer is easy: The majority of Americans in general support greater environmental protection, and the majority is in favor of labeling which would let us know which products we buy are harmful to the environment and which are benign.

The United States is the world's largest consumer of tuna—over 75 percent of its households buy tuna regularly, and a 1979 survey showed that even at that time over 70 percent of those consumers were aware of and concerned about the killing of dolphin by some tuna fishing practices. Perhaps more importantly, these same consumers said they would be willing to pay more to prevent it.

The fishing practices in question are those which rely on the purse-seine net. Although less than 10 percent of all tuna harvested worldwide are caught using this method, it kills more than 100,000 dolphins each year.

The purse seine is a mile-long stretch of net held up by floats and hanging several hundred feet deep. It is used primarily in the eastern tropical Pacific where, for reasons unknown, yellowfin tuna often swim below schools of dolphin. In order to catch the tuna, the net is dropped to intentionally encircle the dolphin. When the net is pulled tight, the dolphin either suffocate of drown, that is if they are not maimed or killed as a result of being caught up in the power blocks which rein in the net cables.

Where this method is used in the eastern tropical Pacific, dolphin have been disappearing at the rate of one every 2½ minutes for the last 30 years. It is the leading cause of dolphin death.

I urge my colleagues to carefully review and support The Dolphin Protection Consumer Information Act which would give the public the information necessary to make the choice to protect dolphin and to let the marketplace render their verdict.

By Mr. LAUTENBERG (for himself and Mr. SPECTER):

S.J. Res. 243. Joint resolution to designate March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

GREEK INDEPENDENCE DAY

Mr. LAUTENBERG. Mr. President, I rise to introduce a joint resolution to designate March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The joint resolution also asks the President to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

This joint resolution is identical to one that Senator SPECTER and I introduced in the last Congress, Senate Joint Resolution 64. That joint resolution, which had 58 cosponsors, was approved unanimously by the Senate and became law on March 21, 1989.

March 25, 1990 marks the 169th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. It is fitting that we celebrate this day together with Greece in order to reaffirm the common democratic heritage of Americans and Greeks.

The ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the people. As Aristotle said,

> If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in the government to the utmost.

The notion of democracy was born 2,500 years ago in the public squares of Athens. America's Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our Government.

The common heritage which we share has forged a close bond between Greece and the United States and between our peoples. But the bond between our two countries does not end with the contributions of democracy, freedom, and liberty. It is also reflected in the contributions Greek immigrants and their American-born children have made in New Jersey and across the country. They have enriched our culture and made strides in many areas of our society—the arts and humanities, science, business, and government.

I urge my colleagues to support this joint resolution as a tribute to these contributions, past and present, which have greatly enriched American life.

Mr. President, I ask unanimous consent that the text of this joint resolution appear in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 243

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas 1990 marks the 2,500th anniversary of the birth of democracy;

Whereas the Founding Fathers of the United States drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy;

Whereas March 25, 1990, marks the 169th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire;

Whereas democratic ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate our ideals with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1990, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

Mr. SPECTER. Mr. President, today I join my colleague Senator LAUTENBERG in introducing a joint resolution to designate March 25, 1990, as "Greek Independence Day: A Celebration of Greek and American Democracy."

One hundred and sixty-nine years ago the Greeks began the revolution that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. How fitting, then, that we should recognize the anniversary of the beginning of their effort to return to that democratic tradition.

This democratic form of government is one of the most obvious of the many benefits we gained from the Greek people. The ancient Greeks contributed a great deal to the modern world and particularly to the United States of America, including art and philosophy, science, and law. Today, Greek Americans continue to enrich our culture and to make valuable contributions to American society, business, and government.

It is my hope that the strong support for this joint resolution in Congress will serve as a clear good will gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Accordingly, I urge my colleagues to join us in supporting this important resolution.

By Mr. HOLLINGS (for himself and Mr. RUDMAN):

S.J. Res. 244. Joint resolution to repeal section 614 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990, and section 302 of the Foreign Relations Authorization Act, fiscal years 1990 and 1991; to the Committee on Appropriations.

REPEAL OF CERTAIN APPROPRIATIONS AND AUTHORIZATION PROVISIONS

● Mr. HOLLINGS. Mr. President, as I indicated yesterday, we need to repeal section 302 of the Foreign Relations Authorization Act for fiscal years 1990 and 1991 as well as section 614 of the Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Act for fiscal year 1990. On behalf of myself and the distinguished junior Senator from New Hampshire [Mr. RUDMAN], I am introducing a joint resolution to make those repeals.

Section 302 of the pending Foreign Relations Authorization Act, that President Bush is expected to approve, would require the appropriations to the Board for International Broadcasting to be authorized in law before they would be available for obligation and expenditure. This is similar to the requirements of section 15 of the State Department Basic Authorities Act and section 701 of the United States Information and Educational Exchange Act. The distinguished chairman and the ranking minority member of the Committee on Foreign Relations, as well as the chairman of the Committee on Foreign Affairs of the other body have all agreed that section 302 is unnecessary. We all want to repeal it at the earliest possible date.

As part of the joint resolution I also provide for repeal of section 614. This section limits the Department of State and the U.S. Information Agency to the 1989 levels instead of the 1990 levels already approved in the 1990 Appropriations Act, which President Bush signed into law on November 21, 1989 as Public Law 101-162. Repeal of section 614 was included as a 1990 supplemental request on the President's budget transmitted to the Congress yesterday. This will make available an additional $173,750,000 to the Department and $44,496,000 to USIA.

Mr. President, repeal of these two sections should be accomplished as soon as possible. The Secretary of State and Director of the USIA need to get on with the full programs we approved. This joint resolution will get everything shipshape. I urge that consideration of this joint resolution be expedited as it now appears that the emergency supplemental appropriations bill for Panama, which is the other vehicle that we talked of using to make these repeals, will not be coming up from the administration as quickly as had been anticipated.●

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 466

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 466, a bill to amend title 18 of the United States Code to prohibit the use of the mails to sell or solicit the sale of anabolic steroids.

S. 1000

At the request of Mr. MCCLURE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1000, a bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to exclude the malting barley price from the national weighted market price for barley in determining the payment rate used to calculate deficiency payments for the 1989 and 1990 crops of barley, and for other purposes.

S. 1142

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1142, a bill to establish and evaluate four military-style boot camp prisons within the Federal prison system as a 4-year demonstration program.

S. 1254

At the request of Ms. MIKULSKI, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 1254, a bill to authorize the Secretary of Labor to make grants to public housing agencies for the provision of literacy training, training in basic and employment skills and support services and to establish the Gateway Task Force.

S. 1310

At the request of Mr. SIMON, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1310, a bill to eliminate illiteracy by the year 2000, to strengthen and coordinate literacy programs, and for other purposes.

S. 1560

At the request of Mr. BURNS, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1560, a bill to suspend the enforcement of certain regulations relating to underground storage tanks, and for other purposes.

S. 1698

At the request of Mr. GORE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1698, a bill to amend the Communications Act of 1934 to provide for fair marketing practices for certain encrypted satellite communications.

S. 1791

At the request of Mr. ROCKEFELLER, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 1791, a bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 1874

At the request of Mrs. KASSEBAUM, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1874, a bill to amend the Public Health Service Act to provide for the establishment of a national program for tropical medicine and infectious disease, and for other purposes.

S. 1942

At the request of Mr. ROCKEFELLER, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S. 1942, a bill to provide for home and community care as optional statewide service, and for other purposes.

S. 1971

At the request of Mr. THURMOND, the names of the Senator from Utah [Mr. HATCH], the Senator from Iowa [Mr. GRASSLEY], the Senator from California [Mr. WILSON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Mississippi [Mr. LOTT], the Senator from Missouri [Mr. BOND], the Senator from Indiana [Mr. COATS], the Senator from Montana [Mr. BURNS], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1971, a bill to establish a constitutional death penalty and strengthen and improve Federal criminal penalties and procedures.

S. 1977

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1977, a bill to amend the U.S. Grain Standards Act to improve the competitive position of U.S. grain in international and domestic markets, to facilitate the communication of quality characteristics that final buyers of grain desire, to provide certain incentives to producers of high-quality grain, and to improve the quality of farm-owned and federally owned reserve grain stocks, and for other purposes.

S. 2015

At the request of Mr. DODD, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 2015, a bill to amend the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989 to apply the same honoraria provisions to Senators and officers and employees of the Senate as apply to Members of the House of Representatives and other officers and employees of the Government, and for other purposes.

S. 2024

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERRY] was added as a cosponsor of S. 2024, a bill to provide for the coordination of ground water policy within the Department of Agriculture, and for other purposes.

SENATE JOINT RESOLUTION 227

At the request of Mr. KASTEN, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 227, a joint resolution to designate March 11, through March 17, 1990, as "Deaf Awareness Week."

SENATE JOINT RESOLUTION 229

At the request of Mr. CRANSTON, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Nebraska [Mr. EXON], the Senator from North Dakota [Mr. BURDICK], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Dakota [Mr. CONRAD], the Senator from Connecticut [Mr. DODD], the Senator from California [Mr. WILSON], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 229, a joint resolution to designate April 1990 as "National Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 235

At the request of Mr. HUMPHREY, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution proposing a constitutional amendment to limit congressional terms.

SENATE JOINT RESOLUTION 241

At the request of Mr. D'AMATO, the names of the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Nevada [Mr. REID], the Senator from Virginia [Mr. WARNER], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Georgia [Mr. FOWLER], the Senator from Illinois [Mr. SIMON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Connecticut [Mr. DODD], the Senator from Texas [Mr. GRAMM], the Senator from Utah [Mr. GARN], the Senator from Illinois [Mr. DIXON], the Senator from Rhode Island [Mr. PELL], the Senator from North Dakota [Mr. BURDICK], the Senator from Montana [Mr. BURNS], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of Senate Joint Resolution 241, a joint resolution to designate the week of April 29, 1990, through May 5, 1990, as "Jewish Heritage Week."

SENATE CONCURRENT RESOLUTION 87

At the request of Mr. KENNEDY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Concurrent Resolution 87, a concurrent resolution in support of the United Nations Secretary General's current efforts regarding Cyprus.

SENATE RESOLUTION 231

At the request of Mr. BRADLEY, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Wisconsin, [Mr. KOHL] were added as cosponsors of Senate Resolution 231, a resolution urging the submission of the Convention on the Rights of the Child to the Senate for its advice and consent to ratification.

SENATE RESOLUTION 235—COMMENDING THE PRESIDENT AND THE SERVICEMEN AND WOMEN WHO PARTICIPATED IN "OPERATION JUST CAUSE" IN PANAMA

Mr. SYMMS submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 235

Whereas Manuel Antonio Noriega was indicted in United States Federal Court on multiple counts of drug trafficking;

Whereas the international community has decried the loss of basic human freedom in Panama and the subversion of Panama's constitutional government;

Whereas the May 1989 Presidential election in Panama was marred by fraud, abuse, and a failure to follow the expressed voice of the Panamanian people;

Whereas Manuel Noriega declared himself "maximum leader" of Panama and declared Panama to be in a "state of war" with the United States;

Whereas the armed forces and criminal elements in Panama under Noriega's control were encouraged to harass, intimidate, assault, and kill Panamanian and American citizens and threatened the peaceful operation of the Panama Canal;

Whereas long and exhaustive diplomatic efforts on the part of the United States were unable to resolve the Panamanian situation directly with Manuel Noriega;

Whereas the Organization of American States found itself unable to resolve the increasingly dangerous and disruptive activities of Manuel Noriega;

Whereas the United States has a special bond of friendship with the Panamanian people;

Whereas the United States has national interests in protecting its citizens abroad and ensuring hemispheric stability;

Whereas under the Panama Canal Treaty of 1977 and associated documents, the United States has a major responsibility in the protection and continued operation of the Panama Canal;

Whereas the Panamanian people overwhelmingly supported the decisive U.S. action against Noriega;

Whereas President Guillermo Endara and his Ministers of Government, speaking for the Panamanian people, have expressed the desire to issue a Panamanian "Liberation Medal" to recognize the courage and sacrifice of the American servicemen and women who participated in the freeing of Panama from a military dictatorship: Now, therefore, be it

Resolved by the Senate, That the President is to be commended for his action in protecting American interests and lives in

Panama and assisting the Panamanian people in restoring representative government to their country; and that the American servicemen and women who participated in the planning and execution of "Operation Just Cause" merit the gratitude and appreciation of the United States for their selfless service to the cause of peace and freedom.

Mr. SYMMS. Mr. President, on another subject I would ask to print in the RECORD, and refer to the appropriate committee, a resolution that I have drafted which would express the sense of the Senate that the President of the United States be commended for his actions toward Panama and that the American servicemen and women who participated in "Operation Just Cause" merit the gratitude and appreciation of the Nation for their services to the cause of peace and freedom.

Madam President, this resolution has several whereas clauses in it. It covers the things that I think most Senators would expect. But I submit it to be printed in the RECORD tonight.

The resolving clause is that the President is to be commended for protecting American interests and that the servicemen that participated did an outstanding job and so forth.

Madam President, I hope that the Republican leader, the majority leader and the appropriate committee would be able to act on this soon so that the Senate could say our thank you to those brave men and women of the U.S. Armed Forces for their bold and very professional action that took place.

I have had the opportunity to talk to some people who participated in it. My former administrative assistant was recalled to active duty and participated in it. He reports to me that we in the House and Senate can be very proud of the professionalism that the young soldiers, sailors, marines, and airmen demonstrated, proud of their professionalism, proud of their concern that they took to the Panamanian people.

SENATE RESOLUTION 236—AMENDING THE STANDING RULES OF THE SENATE

Mr. MITCHELL (for Mr. FORD) submitted the following resolution; which was considered and agreed to:

S. RES. 236

Resolved,

SECTION 1. GIFTS AND TRAVEL.

(a) GIFTS.—Paragraph 1(a) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting "(1)" before "No Member" in the first sentence;

(2) adding the following new paragraph after the first sentence:

"(2) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $300 during a calendar year from any person, organization, or corporation unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.";

(3) inserting "(3)" before "In determining";

(4) striking "whether an individual has accepted any gift or gifts having an aggregate value exceeding $100" and inserting "the aggregate value of any gift or gifts accepted by an individual"; and

(b) CHANGE OF DOLLAR AMOUNTS.—Paragraph 1(c)(2) of rule XXXV is amended by striking "$35" and inserting "$75".

(c) INCLUSION OF ENTERTAINMENT WITHIN THE DEFINITION OF A GIFT.—Paragraph 2(a)(6) of rule XXXV of the Standing Rules of the Senate is amended by striking "meals, beverages, or entertainment" both places it appears and inserting "meals or beverages".

(d) LIMITS ON DOMESTIC AND FOREIGN TRAVEL BY MEMBERS AND STAFF OF THE SENATE.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by—

(1) striking "and" at the end of subparagraph (a);

(2) striking the period at the end of subparagraph (b); and

(3) adding at the end thereof the following:

"(c) the term 'necessary expenses' means reasonable expenses for food, lodging, or transportation which are incurred by a Member, officer, or employee of the Senate in connection with services provided to (or participation in an event sponsored by) the organization which provides reimbursement for such expenses or which provides the food, lodging, or transportation directly, however necessary expenses do not include—

"(1) the provision of food, lodging, or transportation, or the payment of such expenses, for a continuous period in excess of 3 days (and 2 nights) exclusive of travel time within the United States or 7 days (and 6 nights) exclusive of travel time outside of the United States unless such travel is approved by the Committee on Ethics as necessary for participation in a conference, seminar, meeting or similar matter, and

"(2) the provision of food, lodging, or transportation, or the payment for such expenses, for anyone accompanying a Member, officer, or employee of the Senate, other than the spouse of a Member, officer, or employee of the Senate or one Senate employee acting as an aide to a Member.".

SEC. 2. TRANSMITTAL OF FINANCIAL DISCLOSURE REPORTS.

Rule XXXIV of the Standing Rules of the Senate is amended—

(1) by inserting "1." before "For purposes of this rule"; and

(2) by adding at the end thereof the following:

"2. (a) The Select Committee on Ethics shall transmit a copy of each report filed with it under title I of the Ethics in Government Act of 1978 (other than a report filed by a Member of Congress) to the head of the employing office of the individual filing the report.

"(b) For purposes of this rule, the head of the employing office shall be—

"(1) in the case of an employee of a Member, the Member by whom that person is employed;

"(2) in the case of an employee of a Committee, the chairman and ranking minority member of such Committee;

"(3) in the case of an employee on the leadership staff, the Member of the leadership on whose staff such person serves; and

"(4) in the case of any other employee of the legislative branch, the head of the office in which such individual serves.".

SEC. 3. AMENDMENT TO SENATE CONFLICT OF INTEREST RULE.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs (10) and (11) as paragraphs (11) and (12) respectively; and

(2) inserting after paragraph (9) the following:

"10. (a) Except as provided by subparagraph (b), any employee of the Senate who is required to file a report pursuant to rule XXXIV shall refrain from participating personally and substantially as an employee of the Senate in any contact with any agency of the executive or judicial branch of Government with respect to non-legislative matters affecting any non-governmental person in which the employee has a significant financial interest.

"(b) Subparagraph (a) shall not apply if an employee first advises his supervisor authority of his significant financial interest and obtains from his employing authority a written waiver stating that the participation of the employee is necessary. A copy of each such waiver shall be filed with the Select Committee.".

SEC. 4. LEADERSHIP STAFF.

Paragraph 1 of rule XLI of the Standing Rules of the Senate is amended by adding after the second sentence the following: "The Majority Leader and the Minority Leader may each designate an employee of their respective leadership office staff as one of the 3 designees referred to in the second sentence.".

SENATE RESOLUTION 237—DIRECTING AN APPEARANCE BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 237

Whereas, in *Walter L. Nixon, Jr.* v. *United States et al.*, C.A. No. 89-3154, pending in the United States District Court for the District of Columbia, the constitutional powers and responsibilities of the Senate in impeachment proceedings have been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288l(a) (1988), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, that the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *Walter L. Nixon, Jr.* v. *United States et al.*

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

GLENN AMENDMENTS NOS. 1220 THROUGH 1222

(Ordered to lie on the table.)

Mr. GLENN submitted three amendments intended to be proposed by him to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

AMENDMENT No. 1220

On page 378, beginning with line 13, strike out all through line 21.

AMENDMENT No. 1221

On page 381, beginning with line 10, strike out all through line 2 on page 382.

AMENDMENT No. 1222

On page 381, line 14, immediately after "excluding" insert "emissions into the ambient air of".

On page 381, line 22, immediately after "excluding" insert "emissions into the ambient air of".

On page 382, between lines 2 and 3, insert the following:

(d) Notwithstanding any other provision of the Clean Air Act, or any other law, the regulation by the Nuclear Regulatory Commission of radioactive pollutant emissions into the ambient air shall not affect, modify, or preclude the authority of any State or political subdivision thereof to adopt or enforce any requirement respecting the control of such emissions.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY, Mr. President, I would like to announce a partial list of hearings that the Committee on Agriculture, Nutrition, and Forestry plans to hold for the 1990 farm bill:

February 1: Subcommittee on Agriculture and Stabilization of Prices. Hearing in preparation for 1990 farm bill: soybeans. SR332. 9:30 a.m.

February 6: Subcommittee on Agricultural Production and Stabilization of Prices. Hearing in preparation for 1990 farm bill: crop insurance. SR332. 9:30 a.m.

February 6: Subcommittee on Domestic and Foreign Marketing and Product Promotion. Hearing in preparation for 1990 farm bill: Export and Market Development Programs. SR332. 2:00 p.m.

February 7: Full Committee. Hearing in preparation for 1990 farm bill: the Administration's views. SR332. 9:30 a.m.

February 8: Subcommittee on Agricultural Research and General Legislation. Hearing in preparation for 1990 farm bill: grain quality enhancement. SR332. 9:30 a.m.

February 8: Subcommittee on Agricultural Credit. Hearing in preparation for 1990 farm bill: agricultural credit. SR332. 2:00 p.m.

February 20: Subcommittee on Agricultural Credit. Hearing in preparation for 1990 farm bill: agricultural credit. SR332. 2:30 p.m.

February 21: Full Committee. Hearing in preparation for 1990 farm bill: trade. SR332. 9:30 a.m.

February 22: Subcommittee on Agricultural Research and General Legislation. Hearing in preparation for 1990 farm bill: grain quality enhancement. SR332. 9:30 a.m.

February 27: Full Committee. Hearing in preparation for 1990 farm bill: "Hunger in America." SD G-50. 9:30 a.m.

March 1: Subcommittee on Agricultural Production and Stabilization of Prices. Hearing in preparation for 1990 farm bill: cotton. SR332. 9:30 a.m.

March 1: Subcommittee on Conservation and Forestry. Oversight hearing on the forestry title of the 1990 farm bill. SR332. 2:00 p.m.

March 2: Subcommittee on Agricultural Production and Stabilization of Prices. Hearing in preparation for 1990 farm bill: wool and honey. SR332. 10:00 a.m.

March 5: Subcommittee on Agricultural Production and Stabilization of Prices. Hearing in preparation for 1990 farm bill: rice. SR332. 9:30 a.m.

March 5: Subcommittee on Agricultural Credit. Hearing in preparation for 1990 farm bill: agricultural credit. SR332. 2:00 p.m.

March 6: Subcommittee on Agricultural Production and Stabilization of Prices. Hearing in preparation for 1990 farm bill: sugar. SR332. 10:00 a.m.

March 7: Full Committee. Hearing in preparation for 1990 farm bill: dairy. SR332. 9:30 a.m.

March 8: Subcommittee on Conservation and Forestry. Hearing in preparation for 1990 farm bill: conservation issues. SR332. 9:30 a.m.

March 8: Subcommittee on Agricultural Production and Stabilization of Prices. Hearing in preparation for 1990 farm bill: wheat. SR332. 2:00 p.m.

March 9: Subcommittee on Agricultural Research and General Legislation. Hearing in preparation for 1990 farm bill: noxious weeds. SR332. 9:30 a.m.

For further information, please call the committee at 224-2035.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee has rescheduled its hearing on technology transfer and small business from February 22, 1990, to March 8, 1990. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 9:30 a.m. For further information, please call Joan Bready at 224-2016 or Scott Varady at 224-3052.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on January 30, 1990, at 9:30 a.m., to hold a hearing on the nominations of James Kolstad, of Colorado, to be Chairman, and Susan Coughlin, of Pennsylvania, to be a member of the National Transportation Safety Board; and Barry L. Harris, of Maine, to be Deputy Administrator of the Federal Aviation Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Tuesday, January 30, 1990, at 2 p.m. to receive testimony on the implications of changes in the Soviet Union and Eastern Europe for Western Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, January 30, 1990, at 9:15 a.m. for a hearing on "Teacher Excellence: Recruitment and Training."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MOD REHAB/HUD INVESTIGATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the MOD Rehab/HUD Investigations Subcommittee of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Tuesday, January 30, 1990, at 9:30 a.m. to conduct hearings on the mission of HUD.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 30, at 10 a.m. to hold a hearing on the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Treaty Doc. 100-20.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DRUG-EXPOSED INFANTS

● Mr. INOUYE. Mr. President, yesterday at a luncheon sponsored by the Consortium on Children, Families and the Law, Dr. Theo Sonderegger and Prof. Josephine Gittler delivered a briefing on the issue of drug-exposed infants.

The consortium, comprised of the University of Hawaii, the University of Nebraska-Lincoln, State University of New York at Buffalo, University of Michigan, University of Virginia, and University of Pittsburgh, coordinates the network of participating institu-

tions to facilitate independent and collaborative research on social, psychological, educational, economic, and legal issues affecting families. It disseminates the information in forms that will allow policymakers, governmental decisionmakers, and practitioners to take appropriate action.

Mr. President, I ask that the text of this briefing be printed in the RECORD.

The briefing follows:

DRUG EXPOSED INFANTS: SUMMARY OF REMARKS OF THEO SONDEREGGER, PH.D. AND JOSEPHINE GITTLER, J.D.

The real victims in the war against drugs, tragic though they may be, are not the well-publicized drug-users and drug-dealers; the real victims are the children born to today's drug-users and who, tomorrow, will constitute a large percentage of the members of our society. The infants being born today that endure the perinatal trauma induced by their parents' drug addictions, may experience throughout their lives the effects of their early drug exposure; the potential costs are incalculable to society. We, particularly members of the scientific, medical, social service, and legal professions, are beginning to work together with you, the policymakers, to recognize, treat, and prevent insofar as possible, the complex array of problems that arise when babies are born addicted or exposed in utero to drugs. Preventing maternal drug abuse is even more imperative when one recognizes that a large number of the perinatal AIDS cases in this country are the offspring of women who were intravenous drug users or had sexual partners who injected drugs.

MAGNITUDE OF THE PROBLEM

Over 5 million (9 percent) of the nearly 60 million women of childbearing age (15–44 years of age) in the United States have used an illicit drug in the past month. Almost 1 million (2 percent) have used cocaine and 3.8 million (6 percent) have used marijuana in the past month. The extent of the use of drugs during pregnancy is not fully known, but one estimate based upon a pilot study of 36 urban hospitals in 1988, is that 375,000 infants each year may be affected by in utero drug exposure. Another alarming statistic was provided by an eight-week survey of eight hospitals in Philadelphia. More than 16 percent of the women who delivered at the hospitals used cocaine. In the latter study, 15% of the users had sexually-transmitted diseases vs. 7 percent in the non-user population; 71 percent of the users had no or poor prenatal care vs. 7 percent in the non-user population. In Kansas City in the city hospitals that care for the indigent cases, currently 50 percent of the infants in the intensive care units have either a positive urine screen or else have a mother with a positive urine screen test for cocaine.

EFFECTS OF PRE/PERINATAL DRUG EXPOSURE

At one time we believed that the placenta was a barrier that protected the fetus from drugs the mother took; this is not so. Heroin, cocaine, methadone, PCP, marijuana and other drugs readily pass through the placenta into the fetus. Cocaine, for example, has been found in the mother's breast milk as long as 48 hours after she took it.

What happens to the developing organism exposed to drugs in utero? It depends upon a variety of factors: the chemical nature of the drug, the mode of administration, the dose of the drug, the duration of drug administration, the developmental stage of the organism at the time of exposure, as well as the susceptibility of the species and individual to the particular drug. Drugs taken very early in the pregnancy are more likely to produce physical malformations; those later in pregnancy, neurobehavioral dysfunctions.

So far perinatal research has focused on the effects produced on the developing organism by maternal ingestion of such illicit drugs as marijuana, cocaine, heroin, and phencyclidine (PCP) and the licit drugs alcohol and tobacco. Not only may the drug affect the fetus, it may also affect the birth process, e.g., may produce spontaneous abortions or, particularly in the case of cocaine, abruptio placentae (tearing away of the placenta).

One consequence produced by almost all of the illicit (and some licit) drugs is intrauterine growth retardation which results in infants of low birth weight. These babies, particularly if born premature, have a poorer chance for survival. The one factor most closely associated with infant mortality is low birthweight: such a baby will be 40 times more likely to die during its first four weeks of life than a normal infant. Many of those who live require costly custodial care, estimated at $100,000 or more in 1989. The infant mortality rate in this country is already one of the highest among wealthy industrialized nations and drug addiction is driving it up.

Some drug-affected babies are born with physical malformations such as a smaller head circumference or malformations of the genitoruinary tract. Infants born to addicted mothers may themselves be born addicted and if not treated, may go into withdrawal at birth and die. If recognized, the newborn addict can be treated, but health care professionals must be trained to recognize such infants and their drug-using mothers. Underreporting occurs frequently in the perinatal drug abuse area with the result that sufficient resources are not being allocated in this problem area and clinical treatment of the drug-addicted pregnant woman often is inadequate.

It is much less widely known that the father, too, if a drug-user, contributes, to the drug-related problems of his offspring. We have good evidence from work with animals and we suspect that further studies with human males will corroborate the deleterious effects of sperm from drug-using fathers. In two animal studies, male rats given morphine or methadone prior to mating produced affected offspring. In another study, male mice that were perinatally exposed to one of the metabolites of marijuana were mated as adults with non-drug-exposed females and the litters that were produced were smaller in size than normal.

LONG-TERM EFFECTS

Effects of early exposure to drugs may not be apparent at birth but may be subtle and delayed, particularly if the drug impairs learning or coping skills or impairs the responses to stress. The few longitudinal studies available show that effects such as hyperactivity in infants exposed prenatally to heroin or to methadone persist as long as early school age (the present age of the children). In some instances, early effects seem to disappear as the child matures, but we have few studies with drugs other than alcohol that report on children older than 5–6 years of age. Some data from animal work suggest that certain long-term consequences of drug exposure early in life may not manifest themselves until adulthood. Treatment of pregnant female mice with marijuana, for example, may affect the adult sexual behavior of their male offspring. In the urgency of our problem, we can't afford to wait twenty years for results from long-term studies with drug-affected human infants. We need information now to plan intervention strategies and ways to ameliorate drug effects; we need data that can be obtained only from controlled studies using animal models. There is no substitute for this information. Tissue culture or computer simulation methodology, useful for other things, does not provide the knowledge of how the developing neural system may be damaged.

RESPONSE OF STATE CRIMINAL JUSTICE SYSTEMS TO PROBLEM

In response to the problem of drug abuse, particularly crack/cocaine abuse, by women during pregnancy, a few state criminal prosecutions of such women have been attempted. However, criminal prosecution of such women has proved difficult under existing state criminal laws. As a result, there is a growing debate as to whether new state laws specifically criminalizing drug abuse during pregnancy that is harmful to the fetus should be enacted.

Supporters of criminalization take the position that since parents may be criminally liable for abusing their children, pregnant women should be subject to criminal liability for conduct during pregnancy that harms the fetus. They argue that whatever interests or rights the mother has is outweighed by the child's interests or rights. Opponents of criminalization assert that it would be counterproductive because pregnant women would be deterred from seeking prenatal care because of fear of being prosecuted and that it would be particularly unfair to low-income and minority women who often do not have access to needed drug abuse treatment services and prenatal care. They oppose criminalization on the ground that it would subordinate a woman's civil rights and personal autonomy to the state's interest in her fetus and that it raises specter of "pregnancy police" controlling a woman's activities during pregnancy.

It should be noted that criminalization raises complex federal constitutional issues that have yet to be resolved by the U.S. Supreme Court, and criminal statutes would be subject to challenge on the ground that they violate a pregnant woman's constitutionally-protected right to privacy.

RESPONSE OF STATE JUVENILE JUSTICE SYSTEM TO PROBLEM

Drug-exposed newborns and children whose families are involved with drug abuse are increasingly being brought to the attention of juvenile and family courts. All states have laws giving juvenile or family courts jurisdiction over abused and neglected children. Although abuse, neglect and dependency are defined in various ways, these terms generally refer to children who are not receiving proper parental care and protection. In addition, all states have child abuse reporting laws requiring the reporting of suspected cases of abuse or neglect to child welfare authorities or other designated public agencies. Once a case is reported to the child welfare authorities, they conduct an investigation and determine whether to file a petition with the juvenile or family court which may ultimately result in removal of the child from parental custody and termination of parental rights.

The number of child abuse and neglect cases involving parental drug abuse, reported to child welfare agencies is growing dramatically. Likewise, the number of child abuse and neglect cases, involving parental drug abuse handled by juvenile and family

courts is growing dramatically. For example, in New York City, Human Resources Administration, the number of reported child abuse and neglect cases involving parental drug abuse more than tripled from 2,627 cases to 8,521 cases from 1986 to 1988, and this rise is attributable to the prevalence of cocaine/crack abuse. And in Los Angeles County between 1981 and 1987 the number of petitions filed with the Juvenile Dependency Court, alleging parental drug abuse, quintupled. At the present time 50 percent of child abuse cases in Los Angeles Juvenile Dependency Courts involve some type of substance abuse, most frequently cocaine abuse.

There are several important issues relating to the application of child abuse, neglect and dependency laws of drug-exposed newborns. They include: whether juvenile and family courts should be authorized to intervene prior to birth to restrict use of drugs by a pregnant woman that harms or poses a risk of harm to the fetus; whether the fact that an infant is born drug dependent, standing alone, is or should be sufficient for a finding of abuse, neglect or dependency under state juvenile or family court acts, and whether reporting of drug dependency at birth is or should be made mandatory under state child abuse reporting statutes.

DELIVERY OF NEEDED SERVICES

Women with drug abuse problems need a variety of services both during pregnancy and after delivery. Drug treatment services are of particular importance in order to prevent babies from being born drug dependent and to prevent the removal of infants and children from the custody of their mothers for placement in foster care. However, there are long waiting lists for admission to publicly funded drug treatment programs and even when places are available in such programs, they often refuse to take pregnant women. For example, in New York City about 54% of drug treatment programs refuse to give treatment to pregnant women and about 67 percent deny treatment to pregnant women on Medicaid. Health services including good pre-natal and postpartum care, nutritional services, social services, mental health services and educational services including parenting education are also of importance.

As it has been pointed out, drug-exposed newborns run an increased risk of mortality and morbidity. Since babies who are drug-exposed are often premature or low birth weight and suffer from what appear to be drug-withdrawal symptoms, they typically require care in an intensive care nursery and tend to stay longer in the hospital than healthy babies. The case of large numbers of drug-exposed newborns is straining the resources of hospitals serving poor inner city neighborhoods and is very costly. For example, in Los Angeles County during 1986, it is estimated that 915 drug-exposed infants incurred hospital care costs of $32 million because of extended hospital stays.

A drug-exposed newborn may also need an out-of-home placement and a variety of social services. When drug-exposed newborns are medically ready to be discharged from the hospital they may nevertheless remain in the hospital because of parental abandonment, delays in abuse and neglect investigations by the child welfare authorities and lack of available and appropriate foster care. The already over-burdened foster care system is having difficulty coping with the expanding population of drug-exposed babies pouring into the system. For example, in California up to 60 percent of drug-exposed babies are placed in foster care. While foster home placements are expanding, this expansion has not kept pace with the rise of drug-exposed babies needing such placements. Thus in the last two years, the foster care population rose 28 percent while the number of foster family homes rose only 11 percent. Moreover, these babies may need specialized foster care because of problems stemming from parental drug abuse and such specialized foster care is in short supply.

Finally the population of infants, toddlers and young children who were exposed to drugs during their mother's pregnancy may need early intervention services to deal with active or potential developmental and behavioral problems. As they reach school age, they may need special education services.

In short, pregnant women and mothers with a drug abuse problem and infants and children exposed to drugs during the pregnancy of their mothers need multiple services from multiple providers of different disciplines associated with multiple agencies, organizations, and institutions in both the public and private sectors. At the present time the services needed by this population are often unavailable, inaccessible and highly fragmented. What is required to truly serve this population is the development of community-based systems of services that are comprehensive and coordinated.

At the federal level Congress can and should play an important role in assuring that the many federal and federal-state health, human services and educational programs effectively and efficiently meet the service needs of the population of pregnant women and mothers with a drug abuse problem and the infants and children exposed to drugs during the pregnancy of their mothers. Among the programs particularly deserving of a Congressional attention in this regard are the Title XIX Medical Assistance (Medicaid) Program, the Title V Maternal and Child Health Services Block Grant Programs, the Foster Care and Adoption Assistance Program and the Special Education and Early Intervention Programs instituted under the Education for All Handicapped Children Act.●

WEEKEND IN WASHINGTON

● Mr. McCONNELL. Mr. President, I was not in Washington DC three weekends ago, but I happen to have copies of the Washington Post. As I flipped through the pages of the "Metro Section," I was stunned to read of Washington's latest casualties. In one weekend—from a Friday to a Monday—12 citizens were murdered in the District. Most were drug-related shootings.

While those 12 victims lay dying in our Nation's Capital, a narcotics investigation in Kentucky was coming to an end. On January 17, Mr. President, 11 people were arrested for the first organized distribution of crack cocaine in Louisville. Like a slap in the face, crack houses have come to Kentucky. How long will it be, Mr. President, before crack violence will hit Louisville streets?

To my colleagues who say "it will never happen in my State," I ask them to be prepared for the worst. Cocaine and crack use is found in all levels of society: from the back streets of city ghettos to prominent business and political offices. It may interest my colleagues to know that in Kentucky, the former sheriff of Christian County was arrested 2 weeks ago for conspiring to distribute cocaine. A few days later, Mayor Marion Barry—Washington, DC's leader—was arrested for possessing and smoking crack.

Mr. President, we cannot deny that America has a serious narcotics problem. It eats at the core of our communities, and lures our young into a web of violence and death. As the events of the past few weeks indicate, the danger from illegal drugs lurks silently in American streets, homes, and bodies. I ask my colleagues to continue to work together to find solutions to this dilemma—it is not a regional problem, it is a national crisis.●

HELSINKI COMMISSION NOMINATES VACLAV HAVEL FOR 1990 NOBEL PEACE PRIZE

● Mr. DECONCINI. Mr. President, this January, Representative STENY H. HOYER and I, as Cochairman and Chairman of the U.S. Helsinki Commission, had the privilege of submitting our nomination for the 1990 Nobel Peace Prize. This year, like last, we nominated Vaclav Havel, of Czechoslovakia.

When we first nominated Vaclav Havel for this unique honor, he was a prisoner in his own land; his plays and essays, which have won worldwide acclaim, were banned in Czechoslovakia; and his government was engaged in a widespread crackdown on human rights and fundamental freedoms.

Since then, Vaclav Havel has been swept into the Presidency of his country in a remarkable manifestation of the will of the Czechoslovak people. Without question, the alacrity and certainty of Havel's political rise was due to the singular role he has played over the last 20 years as a voice of great moral authority. Throughout that time, Havel has been a persistent and eloquent—at tremendous personal sacrifice—for the very rights which the Helsinki process embodies. The ideals he espoused were those that have given courage to freedom loving men and women for generations; the peaceful methods he sought to achieve his goals are those which will inspire generations to come.

Vaclav Havel's selfless dedication exemplifies the contribution to humanity that one person can make. Recent events in Eastern Europe have proven the wisdom and value of this pursuit. Yet the challenges which remain are as great as those which have already been met, and Havel's visionary leadership will continue to play a critical

role as he guides his country to free elections and on to genuine democracy.

Mr. President, in honor of all that President Havel has achieved, and all that I believe he will yet achieve, the Helsinki Commission nominates him for the 1990 Nobel Peace Prize.●

TRIBUTE TO WALTER D. CHARLES

● Mr. WILSON. Mr. President, it is with great pleasure and admiration for a fellow Californian, Walter D. Charles, that I rise today to publicly commend his devoted service to the U.S. Navy aboard U.S.S. *New Mexico* in World War I.

Mr. Charles is the oldest surviving member of the U.S. battleship's commissioning crew. He is a member of the "Plank Owner's" which is composed of the oldest three surviving members of the ship.

In addition to serving his country, Mr. Charles is a respected businessman in San Diego. A true family man, he has just celebrated his 70th wedding anniversary this last September. He will be 95 on April 14, 1990.

It is my privilege to publicly honor this exceptionally devoted Navy officer, Walter Charles, for his inspirational leadership and uncommon loyalty to his shipmates and his Nation.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Ms. Ann Harkins, a member of the staff of Senator LEAHY, to participate in a program in the People's Republic of China, sponsored by the Chinese People's Institute of Foreign Affairs and the Far East Studies Institute, from February 11 to 17, 1990.

The committee has determined that participation by Ms. Harkins in the program in China, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Laura Hudson, a member of the staff of Senator JOHNSTON, to participate in a program in Austria, sponsored by the Austrian Federal Economic Chamber, from February 11 to 17, 1990.

The committee has determined that participation by Ms. Hudson in the program in Austria, at the expense of the Austrian Federal Economic Chamber, is in the interest of the Senate and the United States.●

CELEBRATING BLACK HISTORY MONTH

● Mr. RIEGLE. Mr. President, each February, during the celebration of Black History Month, our Nation commemorates the contributions of African-Americans to our country and the world.

As we enter the 1990's, 25 years after the passage of the Civil Rights Act, we can indeed look back on advancements that have been attained. This past year in particular, we have witnessed achievements by African-Americans that were unimaginable only a few decades ago.

New York City, one of our Nation's largest urban centers, recently elected David Dinkins as its first African-American mayor. The State of Virginia, once the capital of the Confederacy, elected Douglas Wilder to its highest office, making him the first elected State Governor of African-American ancestry in our Nation's history. African-American mayors were also elected for the first time in cities as diverse as Cleveland, OH; Durham, NC; New Haven, CT; and Seattle, WA. These are powerful indicators of progress and change.

In another series of "firsts", Ronald Brown was the first African-American named as Chairman of the Democratic National Committee; General Colin Powell was named Chairman of the Joint Chiefs of Staff, the President's chief military adviser; and Dr. Mae Jemison, the first Black female astronaut, was named mission specialist for the June 1991 flight of the space shuttle *Discovery*. The achievements of these and other Americans are true milestones and will open new paths of opportunity others may follow. These are only some of the historic achievements we can celebrate this month.

Despite these and other monumental accomplishments, this year has also seen evidence which reminds us that too many African-Americans are relegated to lives far removed from the successes of Ron Brown or Doug Wilder. Recent incidents of racial bigotry, harassment and denied access are cause for grave concern. We have witnessed an alarming increase in race based killings and terrorism such as in the Bensonhurst and Howard Beach murders and the anonymous bombings of civil rights judges and activists. These events, coupled with other increasing incidents of racism, particularly on college campuses, are signs that attitudes of intolerance may be growing throughout the nation.

There are a host of other disturbing trends confronting our Nation. The life expectancy of African-Americans males is decreasing and the primary cause of death among young African-American males is homicide. African-Americans earn 10 percent to 26 percent less than whites with similar educational backgrounds; and the Supreme Court has passed a major decision which makes it more difficult for minorities to prove charges of job discrimination.

As chairman of the Senate Committee on Banking, Housing, and Urban Affairs, I am concerned about another form of bias. Although it has been 20 years since the enactment of the Fair Housing Act and 15 years since the enactment of the Equal Credit Opportunity Act, there are still many accounts of discrimination in credit lending and housing. Home ownership is the cornerstone of the American dream and must be accessible to all Americans. I am pleased that the savings and loan legislation that we passed this year amends the Home Mortgage Disclosure Act to require lenders to disclose the race, sex, and income levels of loan applicants and recipients in order to combat discrimination in mortgage lending. It also amends the Community Reinvestment Act to require Federal regulators to disclose their evaluations and ratings of institutions covered under the act. These reforms will enable regulators to better detect and end biased lending patterns.

While great strides toward racial equity have been made over the last few decades, we must continue to press for equal rights for all people. In addition, we must be concerned about racist attitudes that emerge from a lack of knowledge, misunderstanding, or unfair stereotypes and generalizations. We must be on guard against backsliding or undermining the progress we have made.

One of the important purposes of Black History Month is to educate all Americans through public forums, seminars, and other special events, on the contributions that African-Americans have made to our Nation. Increased education and dialog will help foster awareness of and sensitivity to the efforts and concerns of African-Americans. Through these efforts, I hope that we will engender a more informed society which permits men and women of color to enjoy professional success, housing opportunity, and other basic rights on a nondiscriminatory basis.

Mr. President, it must be the goal of a free and civilized society to protect these basic rights for all its citizens. I strongly support the goals of Black History Month and will continue to do

all that I can to promote the ideas of equal opportunity for all Americans.●

TRIBUTE TO MARTIN LUTHER KING, JR.

● Mr. SIMON. Mr. President, in all the tributes to Martin Luther King, Jr., there is one unusual one written by Larry A. Still for the Chicago Metro News, talking about Martin Luther King, Jr., as a college student.

I had the privilege of working a little with Dr. King. As a young State legislator, Dr. King asked me to come and speak at the second anniversary of the bus boycott in Montgomery, AL, at the Bodextra Avenue Baptist Church. I had the opportunity of spending 2 days with him at that point, and to join in the early efforts for civil rights in this Nation.

But, too often, perhaps, we focus on Martin Luther King, Jr., as an already emerged national leader. He did not emerge overnight, and the column by Larry Still should be encouragement to students around the Nation.

I ask to insert this article into the RECORD at this point.

The material is as follows:

[From the Chicago Metro News, Jan. 20, 1990]

MARTIN LUTHER KING, JR., THE COLLEGE STUDENT

(By Larry A. Still)

1989–90 could possibly be the second genesis of when the spirit of Dr. Martin Luther King, Jr. connects with college students.

For me however, the greatness of Dr. King grows stronger each year. Maybe this is because I have continued to be drawn to his life as doer, as well as dreamer.

Some veteran civil rights activists have said that King was not a saint, but a human being. Yes, he was human, but what a human being he was for all times.

Not every student will receive a Ph.D. in Systematic Theology from Boston University as he did. Or graduate from Morehouse College at the age of 19. But there are enough parallels in Dr. King's collegiate experience and that of many college students today.

In an earlier column, I spoke of the importance of new student orientations.

I mention this for two reasons; 1) at his orientation/convocation, Martin King met Dr. Benjamin Mays, one of this nation's greatest educators and 2) like most freshmen, young Martin wasn't sure what he would do career wise.

He participated in extracurricular activities; the glee club, the Young Men's Christian Association, the NAACP, the student-faculty discipline committee.

Today, many multi-cultural students like Martin, do become standouts with their schools' newspapers, radio stations, student governments and other social and academic organizations.

Martin was a commuter student. He lived at home. Today, the number of commuter students, part time students and other non-traditional students in higher education have completely changed the face of American colleges and universities.

After Morehouse, he won a scholarship to Crozer Theological Seminary in Chester, Pennsylvania. While there, he enjoyed the social life in nearby Philadelphia, attending parties and making friends. Always the scholar he read Henry David Thoreau, Karl Marx, Mahatma Gandhi, to name a few.

He next attended Boston University. Like many students, he met a special friend, a talented and pretty young woman in Boston, who later became his wife and confidant.

On August 28, 1955, Emmett Till, a 14 year old Chicago boy visiting relatives in Mississippi, was kidnapped and lynched. Two months earlier, Martin Luther King, Jr. was awarded his Ph.D. from Boston University.

Today, racism continues to impact on college students. It is partly up to students and officials to turn these negatives into motivators and positive reinforcers.

The bonding between Dr. King and today's students is coming about via the demystification of this great world teacher-preacher (cut in the mold of Dr. Mays).

Dr. King, the dreamer, may be a pretty tough act for young people to follow, but Dr. King, the college student doer, may touch more student scholars during this crucial developmental stage.●

INDEPENDENCE ANNIVERSARY OF THE FREE UKRAINIAN REPUBLIC

● Mr. SIMON. Mr. President, on January 22 we celebrated the 72d anniversary of the proclamation of independence of the free Ukrainian Republic. As I have done in the past, I would like to pay tribute to the short-lived Ukrainian state, and to those brave Ukrainians who still struggle every day against Soviet occupation of their homeland.

That first attempt at freedom lasted just 3 years before Red army troops snuffed out independent Ukraine. The ideals of social justice and human rights were set forth during those 3 years. Freedom of speech, movement, religion, and press were guaranteed. But Ukraine was quickly incorporated into the Soviet Union, and political independence and basic human rights were denied.

Today we are encouraged by the dramatic changes in the Soviet Union and by the policies of glasnost and perestroika. But there is a troubling discrepancy between the rhetoric and reality of Mr. Gorbachev's policies regarding Ukraine. As nationalism in Ukraine has grown, Soviet authorities have continued to harass Ukrainian activists who nonviolently campaign for human, religious, cultural, and national rights.

Equally difficult to bear has been the continued oppression of the Ukrainian Catholic Church. This kind of intolerance and hostility is terribly painful for the deeply religious people of Ukraine. Yet despite being forcibly incorporated into the Russian Orthodox Church in 1946, the Ukrainian Catholics have not forgotten their spiritual ties. They have recently been able to meet more freely than ever before, and their representatives have even met with members of the Council of Religious Affairs. Mr. Gorbachev's historic 1989 meeting with the Pope represented the kind of openness that must spread throughout the Soviet Union so that religious tolerance might flourish.

I commend Mr. Gorbachev for his efforts and for the reforms that he has already implemented. But I hope that he will demonstrate his respect for human, religious, cultural, and national rights by legalizing the Ukrainian Catholic Church, ending human rights abuses, and fully extending the fruits of democracy to the Ukraine.●

THE NATIONAL STUDENT/PARENT MOCK ELECTION

● Mr. HATCH. Mr. President, as 1990 began, oppressed peoples all over the world were exulting in their newfound opportunity to establish democracy. But here in America, in the world's longest lasting democracy, one of every two eligible voters did not bother to go to the polls in the last election. One of every two 17-year-olds does not know there are two Senators from every State. One of every two believes the President can appoint Members of Congress. In the last congressional elections 4 out of 5 eligible voters under 30 did not bother to vote. Our American democracy cannot long survive if those to whom we must pass the torch carry it in careless hands.

I ask my colleagues to actively support what is perhaps the Nation's most successful voter education effort.

Over 3½ million students and parents in all 50 States and around the world participated in the national student/parent mock election on November 3, 1988. They met all across the country and, through the Department of Defense dependents' schools, from Okinawa to Iceland, to cast their votes on who would win the national elections and vote their recommendations on key national issues. Mary Alice Williams, now with NBC, hosted a 90-minute National Election Headquarters Program on C-SPAN with satellite pickups from Florida to Alaska as the votes came in.

Time magazine's publisher's letter called it, "the largest voter education project ever."

The project won for Time, its principal 1988 sponsor, the Silver Anvil Award of the Public Relations Society of America for the "Best Program by a Business in Public Service" nationwide, and the Big Apple Award of the Public Relations Society of New York for the best community relations in the New York area. It has also won awards for COMSAT and CONUS Communications.

In 1989 the Time/National Association of State Boards of Education [NASBE] and the Time/American As-

sociation of School Administrators [AASA] awards for creative leadership in voter education in conjunction with the national student/parent mock election were formally presented at State school board meetings all across the country and at the American Association of School Administrators convention in Orlando. In 1990, these NASBE and AASA awards will be given for creative leadership in using the national student/parent mock election to teach the fourth R—responsibility.

President George Bush has written to participants in the 1990 mock election:

> Your participation holds benefits for our entire country, because an educated and informed public is the lifeblood of self-government. If we are to keep the hard-won blessing of peace and freedom, we must not only understand but also uphold the principles upon which our Nation was founded.

Mr. Frank J. Fahrenkopf, Jr., and Mr. Paul G. Kirk, Jr., former chairmen of America's two major political parties, now co-chair the national student/parent mock election. At a time when all Americans are concerned about our competitive position in a global economy, and the Business Roundtable has said, "business means business about education," I hope business and government leaders alike will play a strong role in the 1990 national student/parent mock election.

Time magazine has already made a commitment to provide teachers guides to the key national issues to every high school principal and superintendent in the country for the 1990 mock election, as they did in 1988. In addition, Time will provide ads in all Time, Inc., publications—92 million readers—to invite all of America's students, teachers, parents, and grandparents to participate. Time magazine has expressed its hope of helping the mock election build to 7-to-10 million participants in 1992.

Mock election projects are run by volunteers.

In Utah and Connecticut, the League of Women Voters led the way; in New York and California, the school boards associations; in the State of Washington, it was KING Broadcasting; in New Jersey, the department of education; in Louisiana, Your Metropolitian Business Civic Club of New Orleans.

Senator BOB PACKWOOD joined young students here in Washington, DC, on mock election night. Senators TED STEVENS and FRANK MURKOWSKI participated at Alaska's mock election headquarters and cosponsored the most successful essay contest Alaska ever had, a contest to write a speech for a Senator on the Constitution and the right to vote. Senator JAKE GARN and I, Senator FRANK LAUTENBERG, and many other Members of Congress wrote to school superintendents in their State encouraging them to involve their school districts in this massive voter education effort. Many Governors contacted their local superintendents as well.

Youngsters who participated in past national student/parent mock elections have gone on to play leadership roles in government:

In Oregon, Hance Haney, who introduced Senator PACKWOOD as keynote speaker on mock election night in 1980, represented the Senator as a member of his staff on the 1988 Oregon Mock Election Committee.

In Texas, George Rodriguez and Donny Alexander, who chaired the group of students who wrote an election handbook for the Dallas public schools, went on to become campaign managers for a State legislator's and judge's election campaign.

In Alabama, Donnie McPherson, a mock election graduate, now handles youth affairs for Gov. Guy Hunt.

I urge all Americans—students, teachers, parents grandparents, business leaders, government leaders to participate in the national student/parent mock election. I urge the business community to play a leadership role. And I urge my colleagues, once again, to write to their local school superintendents and encourage them to encourage all the teachers and students in their district to participate.

The education of tomorrow's voters cannot be the responsibility of the Nation's social studies teachers alone. We are all responsible when the generation that must lead the Nation tomorrow is ignorant of the democratic process today.

There is no greater legacy any of us can leave than the legacy of democracy.●

EXTENSION OF TARGETED JOBS TAX CREDIT

● Mr. BOREN. Mr. President, last April 6, along with my colleagues Senators HEINZ, MOYNIHAN, SYMMS, DANFORTH, PRYOR, and DURENBURGER, and I introduced S. 720, a bill to extend for 3 years the targeted jobs tax credit [TJTC], and to restore TJTC eligibility to 23- and 24-year-old economically disadvantaged youths. In my statement of introduction, I pointed out that "TJTC is not only the most cost-effective program we have enacted, but it has also been responsible for inducing employers to hire over 4¼ million structurally unemployed Americans once its inception in the fall of 1978." I am grateful that 40 of my distinguished colleagues agreed to cosponsor the legislation.

As you are aware, when we agreed to budget reconciliation under considerable time pressure at the end of the last session instead of adopting the provisions of S. 720, in the interest of expedience, we adopted instead only a 9-month extension of TJTC and did not extend the program to 23- and 24-year-olds. As a result, unless we act soon, we will be faced once again with a potentially tragic result, the expiration of the TJTC program, in this case on September 30, 1990.

I rise today not to introduce new legislation to extend TJTC, but instead, to urge the enactment of S. 720, now pending before the Finance Committee, to extend the TJTC for 3-full years. Our decision of last year, to extend TJTC only for 9 months, while keeping the program alive, has created inefficiencies which threaten the effective administration of this important national economic development program.

For example, the U.S. Department of Labor, the agency charged with the primary responsibility to administer TJTC, apparently has concluded not to issue formal regulations implementing the extension and the various technical modifications which we enacted last year. Their decision, although unfortunate, is understandable, given the fact that under formal administrative law procedures, it could take longer than 9 months for regulations to be proposed and adopted.

In addition to creating instability at the Federal level, short-term TJTC extensions create confusion within the State agencies which administer TJTC jointly with the Department of Labor. It has come to my attention that many of the State agencies have either stopped or drastically curtailed their TJTC administration functions beginning in late November pending offical notification by the Federal Government that the President has signed the extension, and did not fully gear up to process TJTC documents until after the first of the year, even though the President signed the measure on December 19.

Mr. President, it is a shame that when we enact short-term extensions of TJTC, we place obstacles in the way of the most successful job program that exists today, a program which on the average, facilitates the hiring of over half a million individuals every year, who lack basic work skills off of the welfare rolls and placing them in stable jobs where they have the opportunity to acquire skills and to advance. The enactment of a 3-year extension would go a long way to alleviate these inefficiencies by giving the agencies which administer TJTC sufficient time to craft comprehensive rules and to implement them without the constant threat that the program will go out of existence.

Mr. President, there is yet another compelling reason for Congress this year to adopt a 3-year extension besides the need for efficient administration of TJTC. Since I introduced S. 720 in the spring of 1989, the world

drastically has changed. The triumph of democratic ideals in Eastern Europe and elsewhere compels us to shift our national focus, at least in part, away form a reliance on military power to a renewed focus on education, training, and economic self-reliance both at home and with respect to our participation in the international economy. Now more than ever before, we must do everything we can in Congress to strengthen the foundations upon which the American economy can better compete overseas.

The TJTC program, by introducing to the job market individuals who might otherwise have been considered unemployable, and by giving them training opportunities, is just the kind of program which we need to meet the new economic challenges of the 1990's and beyond. This is not the time for Congress to enact another short-term extension, but instead, this is the time for us to make a major commitment to this important program, by enacting a 3-year extension.

On behalf of myself and my 40 colleagues who cosponsored S. 720, I ask those Senators who have not already joined us for your cosponsorship and your support.●

AMERICA'S HOUSING NEEDS

● Mr. BOSCHWITZ. Mr. President, I would like to take a few minutes today to applaud President Bush and Housing Secretary Jack Kemp on the administration's forthcoming housing initiative. The proposal, appropriately named HOPE [homeownership and opportunity for people everywhere], addresses America's housing needs in a sound and responsible manner, by emphasizing home ownership opportunities for low- and moderate-income families, and creating jobs and entrepreneurial activity in the Nation's distressed urban and rural communities.

The President's plan contains several features that will help alleviate the shortage of affordable housing in many parts of our Nation, including resident ownership of low-income housing, a program to combine housing resources with supportive services for the long-term homeless, and a proposal to allow the use of tax-deferred individual retirement accounts [IRA's] as downpayments by first-time homebuyers.

One part of the HOPE initiative that I am particularly impressed by is the effort to create housing opportunity zones. This is a major new proposal that gets at the roots of the housing affordability problem.

Recent studies suggest that in some parts of the Nation as much as one-third of the price of a new home is attributable to regulatory restraints imposed by four or five layers of government. These regulations include exclusive zoning restrictions, overly complex building codes, regressive property taxes, rent controls, and several others. These restrictions add tens of thousands of dollars to the cost of housing and create incentives that allow existing buildings to deteriorate.

Unfortunately, the bulk of the restraints on new home construction originate at the State and local levels and cannot be reached by Federal agencies directly. That's where housing opportunity zones come in. These zones are designed to pump money into urban and rural areas where the housing stock is deteriorating, yet local regulatory and tax barriers are stopping rehabilitation and new constructions.

Cities and towns competing to be designated a housing opportunity zone will be required to offer a plan to eliminate barriers to home construction and improvement. In addition to bringing down the barriers I mentioned, the applicants could also offer low priced land, vacant city-owned property, low-interest loans, and real estate tax abatements.

Once designated a housing opportunity zone, the local incentives will be boosted by a series of Federal incentives. These would include targeted FHA insurance, the elimination of capital gains taxes, and targeted rental rehabilitation funds. I am convinced that improvements in housing quality and affordability will result from the freer markets in the housing opportunity zones.

The housing opportunity zones concept springs from the idea behind enterprise zones. That is the notion that bringing down Government barriers to entrepreneurship, and offering tax and regulatory incentives, can revitalize distressed areas.

Ten years ago I introduced the Urban Jobs and Enterprise Zone Act of 1980. This bill, along with the House companion bill introduced by my good friend, then-Congressman, Jack Kemp, was the seed from which the enterprise zone idea grew. While the Congress has been very slow to approve enterprise zone incentives at the Federal level, many State and local governments have shown remarkable enthusiasm for this concept, and have implemented enterprise zone programs that have created thousands of new jobs in the Nation's most economically hard-hit regions.

Now, 10 years after I introduced the first enterprise zone legislation in Congress, the time has come to expand the scope of this idea to encompass the needs of low- and moderate-income Americans in the vitally important area of housing.

I will be introducing legislation shortly that will create 50 housing opportunity zones, along the lines of the President's proposal.

I am confident that the principles behind the enterprise zone concept can be applied to spur the construction of housing in many inner city and rural areas which have large amounts of poor housing, limited homeownership, vacant land, and vacant, substandard housing.

Housing opportunity zones provide a means for removing regulatory and other barriers in order to create affordable housing, while better targeting assistance to people in need.

Again, I would like to commend the President on his HOPE initiative. And I look forward to working with the administration and my Senate colleagues on passing housing opportunity zone legislation as a part of the larger effort to form a new and constructive approach to solving the housing and economic needs of our Nation.●

AMENDMENTS TO THE SENATE RULES

Mr. MITCHELL. Mr. President, on behalf of Senator FORD, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 236) to make amendments to the Senate rules with respect to gifts and travel, financial disclosure, and conflict of interest.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the Senate resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 236) was agreed to.

The resolution is as follows:

S. RES. 236

Resolved,

SECTION 1. GIFTS AND TRAVEL.

(a) GIFTS.—Paragraph 1(a) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting "(1)" before "No Member" in the first sentence;

(2) adding the following new paragraph after the first sentence:

"(2) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $300 during a calendar year from any person, organization, or corporation unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.";

(3) inserting "(3)" before "In determining";

(4) striking "whether an individual has accepted any gift or gifts having an aggregate value exceeding $100" and inserting "the aggregate value of any gift or gifts accepted by an individual"; and

(b) CHANGE OF DOLLAR AMOUNTS.—Paragraph 1(c)(2) of rule XXXV is amended by striking "$35" and inserting "$75".

(c) INCLUSION OF ENTERTAINMENT WITHIN THE DEFINITION OF A GIFT.—Paragraph

2(a)(6) of rule XXXV of the Standing Rules of the Senate is amended by striking "meals, beverages, or entertainment" both places it appears and inserting "meals or beverages".

(d) LIMITS ON DOMESTIC AND FOREIGN TRAVEL BY MEMBERS AND STAFF OF THE SENATE.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by—

(1) striking "and" at the end of subparagraph (a);

(2) striking the period at the end of subparagraph (b); and

(3) adding at the end thereof the following:

"(c) the term 'necessary expenses' means reasonable expenses for food, lodging, or transportation which are incurred by a Member, officer, or employee of the Senate in connection with services provided to (or participation in an event sponsored by) the organization which provides reimbursement for such expenses or which provides the food, lodging, or transportation directly, however necessary expenses do not include—

"(1) the provision of food, lodging, or transportation, or the payment for such expenses, for a continuous period in excess of 3 days (and 2 nights) exclusive of travel time within the United States or 7 days (and 6 nights) exclusive of travel time outside of the United States unless such travel is approved by the Committee on Ethics as necessary for participation in a conference, seminar, meeting or similar matter, and

"(2) the provision of food, lodging, or transportation, or the payment for such expenses, for anyone accompanying a Member, officer, or employee of the Senate, other than the spouse of a Member, officer, or employee of the Senate or one Senate employee acting as an aide to a Member.".

SEC. 2. TRANSMITTAL OF FINANCIAL DISCLOSURE REPORTS.

Rule XXXIV of the Standing Rules of the Senate is amended—

(1) by inserting "1." before "For purposes of this rule"; and

(2) by adding at the end thereof the following:

"2. (a) The Select Committee on Ethics shall transmit a copy of each report filed with it under title I of the Ethics in Government Act of 1978 (other than a report filed by a Member of Congress) to the head of the employing office of the individual filing the report.

"(b) For purposes of this rule, the head of the employing office shall be—

"(1) in the case of an employee of a Member, the Member by whom that person is employed;

"(2) in the case of an employee of a Committee, the chairman and ranking minority member of such Committee;

"(3) in the case of an employee on the leadership staff, the Member of the leadership on whose staff such person serves; and

"(4) in the case of any other employee of the legislative branch, the head of the office in which such individual serves.".

SEC. 3. AMENDMENT TO SENATE CONFLICT OF INTEREST RULE.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs (10) and (11) as paragraphs (11) and (12) respectively; and

(2) inserting after paragraph (9) the following:

"10. (a) Except as provided by subparagraph (b), any employee of the Senate who is required to file a report pursuant to rule XXXIV shall refrain from participating personally and substantially as an employee of the Senate in any contact with any agency of the executive or judicial branch of Government with respect to non-legislative matters affecting any non-governmental person in which the employee has a significant financial interest.

"(b) Subparagraph (a) shall not apply if an employee first advises his supervisor authority of his significant financial interest and obtains from his employing authority a written waiver stating that the participation of the employee is necessary. A copy of each such waiver shall be filed with the Select Committee.".

SEC. 4. LEADERSHIP STAFF.

Paragraph 1 of rule XLI of the Standing Rules of the Senate is amended by adding after the second sentence the following: "The Marjority Leader and the Minority Leader may each designate an employee of their respective leadership office staff as one of the 3 designees referred to in the second sentence.".

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

"NATIONAL VISITING NURSE ASSOCIATIONS WEEK" AND "LITHUANIAN INDEPENDENCE DAY"

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of the following joint resolutions: Senate Joint Resolution 103, "National Visiting Nurse Associations Week," and House Joint Resolution 149, "Lithuanian Independence Day"; that the Senate proceed to their immediate consideration en bloc, that they be read a third time and passed, and that the motion to reconsider the votes by which they were passed be laid on the table, and that their preambles be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the joint resolutions.

The joint resolution (S.J. Res. 103) was ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 103

Whereas Visiting Nurse Associations have served homebound Americans since 1885;

Whereas such Associations annually provide home care and support services to nearly 1,000,000 men, women, children, and infants;

Whereas such Associations serve 504 urban and rural communities in 47 States;

Whereas such Associations adhere to high standards of quality and provide personalized and cost-effective home health care and support regardless of an individual's ability to pay;

Whereas such Associations are voluntary in nature; independently owned and community-based;

Whereas such Associations ensure the quality of care through oversight provided by professional advisory committees composed of local physicians and nurses;

Whereas such Associations enable hundreds of thousands of Americans to recover from illness and injury in the comfort and security of their homes;

Whereas such Associations ensure that individuals who are chronically ill or who have physical and mental handicaps receive the therapeutic benefits of care and support services provided in the home;

Whereas, in the absence of such Associations, thousands of patients with mental or physical handicaps or chronically disabling illnesses would have to be institutionalized;

Whereas such Associations provide a wide range of services, including (where appropriate) health care, hospice care, personal care, homemaking, occupational, physical, and speech therapy, "friendly visiting services", social services, nutritional counseling, specialized nursing services, and meals on wheels;

Whereas such Associations offer nursing care provided by registered nurses, homemaking, therapy, and social services by qualified specialists, and "friendly visiting services" by volunteers;

Whereas in each community served by such an Association, local volunteers support the Association by serving on the board of directors, raising funds, visiting patients in their homes, assisting patients and nurses at wellness clinics, delivering meals on wheels to patients, running errands for patients, working in the Association's office, and providing tender loving care; and

Whereas the need for home health care for young and old alike continues to grow annually: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing February 18, 1990, and ending February 24, 1990, is designated as "National Visiting Nurse Associations Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

LITHUANIAN INDEPENDENCE DAY

The Senate proceeded to consider the joint resolution (H.J. Res. 149) designating February 16, 1990, as "Lithuanian Independence Day."

Mr. PELL. I would like to state my strong support for House Joint Resolution 149 commemorating February 16, 1990, as Lithuanian Independence Day. This year the date has very special meaning as Lithuania moves to reestablish its national independence after nearly 50 years of brutal foreign rule. For 50 years Lithuanians have kept alive the hope of freedom as have their Lithuanian-American compatriots in the United States. Today, the yellow-green-red flag of independent Lithuania flies in Vilnius and the other cities of the country. What seemed just a short while ago an impossible dream, now seems quite possi-

ble. As a cosponsor of the Senate companion, Senate Joint Resolution 208, I commend the Lithuanian people for having kept the flame of freedom burning and hope our next resolution will be one of congratulation on the restoration of their national independence.

The joint resolution (H.J. Res. 149) was ordered to a third reading, read the third time and passed.

The preamble was agreed to.

MEASURE INDEFINITELY POSTPONED

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 208, designating "Lithuanian Independence Day," and that the measure then be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE LEGAL COUNSEL TO APPEAR AS AMICUS CURIAE

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Senator DOLE, I send to the desk a resolution directing Senate legal counsel to appear as amicus curiae in the name of the Senate and in the pending action of the U.S. District Court for the District of Columbia, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 237) to direct the Senate Legal Counsel to appear as amicus curiae in *Walter L. Nixon, Jr.* v. *United States et al.*

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, Walter L. Nixon, Jr., who was removed from Federal judicial office last November as the result of his conviction by the Senate on two articles of impeachment, has filed a lawsuit in the U.S. District Court for the District of Columbia challenging the constitutionality of the Senate's use of an impeachment trial committee to compile an evidentiary record for the trial of the charges against him. Earlier last year, while the Senate's impeachment proceedings were underway, Judge Nixon intervened in a lawsuit filed by Judge Alcee L. Hastings, and both judges challenged the Senate's impeachment procedures. The district court rejected both judges' claims and held that it was not the judiciary's role to second guess or monitor the Senate's decision to use a committee to receive evidence in an impeachment trial. The court of appeals affirmed the district court's dismissal of Hastings' and Nixon's lawsuits, but it did so on the narrower ground that the actions were premature until the Senate had completed action on the impeachment matters.

Following the Senate's conviction of Judge Nixon, Nixon initiated this challenge to the validity of his conviction in light of the Senate's use of a committee. Nixon is seeking a declaration that the conviction was unconstitutional and that he is entitled to continue to receive his salary as a Federal judge. Nixon has sued the United States, the Secretary of State, and the Director of the Administrative Office of the Courts for their roles in paying judicial compensation and, in the case of the Secretary of State, for his receipt of certified copies of the Senate's impeachment judgments. These defendants are being represented by the Department of Justice, which will be moving to dismiss the suit on their behalf.

This resolution would authorize the Senate legal counsel to appear as amicus curiae on behalf of the Senate to join the Department in defending the Senate's constitutional responsibility to structure its impeachment proceedings and the constitutionality of the procedures that the Senate used to try this impeachment.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 237), with its preamble, is as follows:

S. RES. 237

Whereas in Walter L. Nixon, Jr. v. United States, et al., C.A. No. 89-3154, pending in the United States District Court for the District of Columbia, the constitutional powers and responsibilities of the Senate in impeachment proceedings have been placed in issue;

Whereas pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288l(a) (1988), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in Walter L. Nixon, Jr. v. United States, et al.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE PRESIDENT OF THE SENATE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m. on Wednesday, January 31, 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY

RECESS UNTIL 10 A.M. TOMORROW; MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. Wednesday, January 31, and that following the time for the two leaders there be a period for morning business until 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, at 10:30 tomorrow morning, the Senate will resume debate on S. 1630, the clean air bill. I alert the Senators to the likelihood of votes occurring during tomorrow's session. As Senators are aware, tomorrow evening we will join our House colleagues in the House Chamber to hear the President's State of the Union Address.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 10 a.m., Wednesday, January 31.

There being no objection, the Senate, at 6:25 p.m., recessed until Wednesday, January 31, 1990, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, January 30, 1990:

DEPARTMENT OF DEFENSE

GERALD A. CANN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE THOMAS F. FAUGHT, JR., RESIGNED.

JACQUELINE E. SCHAFER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE EVERETT PYATT, RESIGNED.

DEPARTMENT ON HEALTH AND HUMAN SERVICES

JOYCE T. BERRY, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER ON AGING, VICE CAROL FRASER FISK, RESIGNED.

NATIONAL SCIENCE FOUNDATION

FREDERICK M. BERNTHAL, OF TENNESSEE, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION, VICE JOHN H. MOORE, RESIGNED.

SECURITIES AND EXCHANGE COMMISSION

PHILIP R. LOCHNER, JR., OF CONNECTICUT, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 1991, VICE DAVID S. RUDER, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JOHN L. PIOTROWSKI, xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. DONALD J. KUTYNA, xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. EDWARD J. HEINZ, xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS S. MOORMAN, xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. C. NORMAN WOOD, xxx-xx-xxxx U.S. AIR FORCE.

IN THE NAVY

THE FOLLOWING-NAMED READ ADMIRALS (LOWER HALF) IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) RICHARD CHARLES ALLEN, xxx-x... xx... U.S. NAVY.
REAR ADM. (LH) DONALD VAUX BOECKER, xxx-x... xx... U.S. NAVY.
REAR ADM. (LH) ARLINGTON FICHTNER CAMPBELL, xxx-xx-xxxx, U.S. NAVY.
REAR ADM. (LH) GEOFFREY LYNN CHESBROUGH, xxx-xx-xxxx, U.S. NAVY.
REAR ADM. (LH) GEORGE NICHOLAS GEE, xxx-x... xx... U.S. NAVY.
REAR ADM. (LH) RAYMOND GEORGE JONES, xxx-x... xx... U.S. NAVY.
REAR ADM. (LH) IRVE CHARLES LEMOYNE, xxx-x... xx... U.S. NAVY.
REAR ADM. (LH) FREDERICK LANCE LEWIS, xxx-x... xx... U.S. NAVY.
REAR ADM. (LH) THOMAS CHARLES LYNCH, xxx-x... xx... U.S. NAVY.
REAR ADM. (LH) DANIEL PETER MARCH, xxx-xx-xxxx, U.S. NAVY.
REAR ADM. (LH) WILLIAM CHARLES MILLER, xxx-x... xx... U.S. NAVY.
REAR ADM. (LH) RILEY DEWITT MIXSON xxx-xx-xxxx, U.S. NAVY.
REAR ADM. (LH) DAVID ROLAND MORRIS, xxx-x... xx... U.S. NAVY.
REAR ADM. (LH) PAUL DAVIS MOSES, xxx-xx-xxxx, U.S. NAVY.
REAR ADM. (LH) DAVID ROGERS OLIVER, xxx-xx-xxxx, U.S. NAVY.
REAR ADM. (LH) WILLIAM ARTHUR OWENS, xxx-x... xx... U.S. NAVY.
REAR ADM. (LH) THOMAS DEAN PAULSEN, xxx-x... xx... U.S. NAVY.
REAR ADM. (LH) JOSEPH CHARLES STRASSER, xx... xxx-x... U.S. NAVY.
REAR ADM. (LH) BYRON EUGENE TOBIN, JR., xxx-x... xx... U.S. NAVY.
REAR ADM. (LH) JERRY LEE UNRUH, xxx-xx- xx... U.S. NAVY.

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral

REAR ADM. (LH) EDWARD DAVID SCHEAFER, JR., xxx-xx-xxxx, U.S. NAVY.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 30, 1990:

DEPARTMENT OF THE TREASURY

ABRAHAM N.M. SHASHY, JR., OF TEXAS, TO BE AN ASSISTANT GENERAL COUNSEL IN THE DEPARTMENT OF THE TREASURY (CHIEF COUNSEL FOR THE INTERNAL REVENUE SERVICE).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARTIN H. GERRY, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

CAMPAIGN FINANCE REFORM

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. KANJORSKI. Mr. Speaker, the leadership of both parties in the House of Representatives has made enactment of a meaningful campaign finance reform law a top priority for 1990, the second session of the 101st Congress. I share your belief that we owe it to the American people to clean up our campaign finance morass, in a bipartisan fashion, before we adjourn for the year in October.

The American people are understandably fed up with the cost of elections, the perceived advantages of incumbents under the current financing process, and the perceived influence of large contributors. There is an overwhelming desire to democratize our campaign finance system by increasing the impact of small contributors, and reducing the impact of the so-called fat cats.

Norman J. Ornstein, resident scholar at the American Enterprise Institute for Public Policy Research, and a well-known and respected observer of U.S. elections, has prepared a very thoughtful analysis of our campaign finance system.

His analysis, which first appeared in Roll Call, carefully dissects both past efforts to revise our campaign finance system and current proposals for improvement. He concludes by offering a major five-point plan for reform.

I would like to share his insight with my colleagues and announce that I will use his proposal as the basis for a new, comprehensive, campaign finance reform bill. In addition to addressing the issues raised in Mr. Ornstein's article, my bill will also deal with the problem of candidates pouring millions of dollars from their own pockets into elections, and the problem of so-called independent groups spending large sums of money to defeat or elect a specific candidate.

What makes these proposals unique, is that they are positive and focus on providing incentives to encourage actions we desire, small contributions by many people, rather than focusing on actions we are trying to discourage.

The article follows:

[From Roll Call, Jan. 8, 1990]

THE ORNSTEIN PLAN FOR CAMPAIGN FINANCE REFORM: TAX CREDITS, SEED MONEY, PAC CUTS

(By Norman J. Ornstein)

The Keating Five story and the stubborn refusal of the Senate to eliminate honoraria in return for a pay raise mean that political ethics will continue to be a big issue in 1990.

That's bad news for Senators, but it could be good news for campaign finance reformers. Campaign finance is the one remaining piece of major reform in the political process that remains unaddressed. Now, however—especially given the active involvement by Charles Keating in the campaign funding process—it is clearly going to be a priority.

The odds for success have increased in the past several months, for other reasons as well. The longstanding impasse between the political parties shows signs of being broken, especially because of the encouraging movement towards sensible change being made by House Republicans.

The recommendations of the GOP members of the Task Force on Campaign Finance Reform were largely reasonable and constructive, and the recent comments by House Republican Leader Bob Michel (R-Ill) provide a genuine opening for compromise.

But success in the campaign finance arena will be judged not just by whether a political compromise can be cobbled together in a political atmosphere demanding ethics reform; we have had several campaign finance "reforms" enacted in the past two decades under similar circumstances—creating the mess we have today.

This time, a higher standard must be applied. And now is the time to step back and put some cool and objective common sense into the process.

REASONS FOR CHANGE

The best place to start is by reviewing our conceptions—and misconceptions—about what is wrong with the campaign finance system, and why we want to clean it up. There are clearly three major reasons for change:

1. We are uneasy about special interest influence in the political process. From the Keating Five to the listings in the Washington Post of all Congressional speech honoraria, it's evident that the ever-acute societal sensitivity to special interests in politics and policy has been ratcheted higher.

Washington is awash in lobbyists, and the most observable, reportable, and quantifiable evidence of their influence is campaign contributions. These donations may be legal, but their growing size and role in campaigns has led to an overwhelming desire to change the laws, to reduce this special interest presence.

2. Politicians have become obsessed with money. The pay raise issue, the chasing of honoraria, the petty business deals of ethics code violations are examples of this phenomenon, but so too is the obsession with campaign money.

Challengers can't run effectively without money—lots of it. Incumbents can't be assured of keeping effective challenges away, or of surviving reappointments, redistricting, or gerrymandering, without having large nest eggs.

From regular phone calls to faithful contributors to constant appearances at Washington fundraisers, politicians spend enormous amounts of time raising money for campaigns, plotting ways to raise money, and thinking about how much money they need to raise.

This is time that would be better spent worrying about public policy, or relating to representatives or constituents on a more open and less venal basis.

3. In a world of big-money campaigns, challengers are left out, and incumbents have unfair advantages. To run a competitive campaign for the House these days takes roughly $400,000. Few challengers have the wherewithal or the access to resources to raise anywhere near that sum.

Incumbents increasingly have monopolized political action committee (PAC) contributions, worsening the financing problems of challengers.

Add to this the other advantages of incumbents—mailing privileges, staff, sheer name recognition—and the obstacles to challengers become insurmountable. Hence, the 98 percent reelection rates for incumbents in 1986 and 1988.

Real campaign finance reform would "level the playing field" by making it easier for challengers to get into the game. And, ideally, it would transform a system that now discourages experienced and able candidates because of the daunting task of raising money, while encouraging the ideologues and multi-millionaires who can hack it under the current rules.

THE FATAL MISCONCEPTION

Nearly everyone connected with the political process from journalists to politicians to academics, understands these problems. But most move from them to a fatal misconception about their roots—and to faulty assumptions about what would cure them.

The fatal misconception? That the problem is too much money. The most common complaint about the campaign finance system is that it is awash in money—especially, of course, special interest money.

The most common solution offered by reformers is to remove as much money as possible from the system. Common Cause and many Republicans want to accomplish this end by eliminating PACs. Many Democrats want to do it by putting spending caps on campaigns. Each solution solves the wrong problem and creates a bigger one.

In a vast and heterogeneous society like the United States, elections cost a lot of money—and should. There is no way to communicate effectively and fully with the 550,000 people who make up a Congressional constituency, or the tens of millions of Americans affected in many Senate elections, without spending a lot of money.

McDonald's spends more money advertising its hamburgers than we do on our federal campaigns. As scholar Howard Penniman points out, contrary to conventional wisdom, the per-voter costs for campaigning in the US are about the same as the average for Western democracies.

We happen to have a lot of voters, spread out over huge geographical expanses. This means that American elections are expensive—and have to be. Candidates need to raise lots of money to run effective campaigns—campaigns, in other words, that adequately reach voters.

But the current system, designed in considerable part by the same reformers who decry it, makes raising money in any form especially difficult. Under current law, Congressional candidates, whether incumbents

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

or challengers, have to become obsessed with raising money.

The single largest reason for the sharp growth in PACs has been previous "reforms" that cut the amount of money in campaigns (restricting the size of individual contributions), for example, and made it more difficult for candidates to raise money from small individual donors (eliminating the tax break for small campaign donations.)

For candidates needing to raise the $400,000 or so required for an average competitive House campaign, or the several million necessary for a Senate race, PACs—easily accessible in Washington, in business specifically to give money, and with much higher limits than individuals—have become increasingly attractive.

ELIMINATE PAC'S?

Eliminating or sharply reducing the role of PACS may well be desirable, given our concern with special interest influence. But to eliminate PACs without freeing up other sources of money would create a bigger problem, without solving the old one.

All candidates, not just incumbents, would have a much larger burden raising the large sums of money needed to communicate effectively with voters. Either they would become even more preoccupied with raising money, spending more time and energy on it than they do now (a frightening prospect) or they would raise, and spend, less money, narrowing the ability of candidates to reach voters.

Neither would eliminating PACs erase special interest influence. Long before the creation of PACs, interests had access and influence in Washington—indeed, much greater influence than they have now. But that was in a pre-reform era, before disclosure of contributions enabled us to detail systematically and quantitatively their cash contributions to Washington.

Long after the elimination of PACs, special interests will continue to have access and influence. As James Madison noted in Federalist 10 (a document that seems to have escaped the scrutiny of many erstwhle reformers), special interests are a part of American democracy's genetic code.

That is not to argue that we should simply throw up our hands and accept any system of overt influence peddling. It is to say that since we cannot erase the influence or role of special interests in our democracy, reforms must be designed with a different goal in mind.

We need to channel that influence in a more balanced way, creating more avenues for rank-and-file voters and broader interests to tilt the playing field away from an overreliance on narrow special interests and their money.

But simply eliminating PACs without creating compensating changes to loosen restrictions on other kinds of money will be counterproductive. The compelling need candidates have for campaign resources would increase, not abate.

Without other and better outlets, they would still turn to special interests—but in other ways. Interests would find plenty of backdoor means to play a role in elections, from indirect or in-kind contributions to independent expenditures.

Many of those methods would not be disclosed as direct campaign contributions now are. The influence would still be there, and perhaps even greater—we would just know less about.

SPENDING CAPS?

What about capping campaign spending? Reformers who favor this approach believe it would reduce the obsession with money, give challengers more opportunity by reducing the huge leads that well-off incumbents have, and trim special interest influence by cutting the overall money in the process.

A cap on spending might reduce a candidate's ability to communicate with voters, but it would not reduce special interest influence—just rechannel, it. And it would have the opposite effect of its intentions on incumbents and challengers.

Think of a Congressional election as the political equivalent of a 100-yard dash. Currently, most incumbents start out on the 50-yard line, with their challengers back in the starting blocks.

Capping campaign expenditures is like shortening the race to 80 yards—but leaving the candidates where they were to start with.

This obviously would not make for a more competitive race; it would simply make it even more difficult for a challenger to find the wherewithal to overcome a huge incumbent lead.

Put another way, the problem for most challengers has not been how much an incumbent has, but rather how little the challenger can raise to overcome the overwhelming threshold of name recognition and issue communication required to reach a huge constituency.

Consider two alternatives: 1) Incumbent and challenger are each limited to $100,000, or 2) incumbent gets $1,000,000 and challenger gets $400,000. Every savvy challenger would choose the second.

A FEW SIMPLE STEPS

How then can we achieve genuine campaign finance reform, that is, reform that would reduce special interest influence, reduce the intense preoccupation with raising money, and open to doors to quality challengers to make elections more competitive?

What we need to do is provide easier paths to the "right" kind of money (the kind that no reasonable person would call tainted) for all candidates, easier access to "seed money" for new candidates to get a Congressional campaign under way, and methods to reduce the cost burdens of campaigns without restricting the communications vital to democratic elections. All of those goals are achievable, with a few simple steps:

1. Enact a full tax credit for small, in-state Congressional contributions. The best kind of money to have in campaigns is small contributions from individual citizens from a candidate's state—contributions that one would be hard-pressed to call special-interest payoffs.

A 100 percent tax credit for in-state contributions of $200 or less (indexed to inflation) woud make it easy for candidates to solicit money from average citizens, and would add considerably to the incentive for citizens to contribute to campaigns—a nice way to get them involved with democracy. At the same time we should. . . .

2. Enact a matching fund process for these small in-state contributions. The goal, remember, is to tilt the system heavily in the direction of major incentives for candidates to raise "good" money.

Create a threshold—say, $25,000 in in-state contributions of $200 or less—to weed out non-serious candidates. Once over that limit, candidates would get federal matching funds for every contribution of this sort.

With these two reforms, Congressional candidates would suddenly have a major incentive to raise money in small individual contributions from their own state's voters—tilting the playing field sharply away from PACs and toward "average" people. For a further tilt. . . .

3. Cut allowable PAC contributions. PACs can currently contribute up to $5,000 per election (primary or general) to a candidate. Cut the limit to $2,000 and you have greatly altered incentives for candidates—while at the same time opening up a major new (and better) flow of funds into campaigns.

Reducing PAC contributions to individual campaigns would not eliminate PAC influence; no doubt, many interests would try to find other ways to enhance their clout in politics, perhaps by manipulating or "bundling" individual contributions from employees or directors.

But enhanced disclosure (a provision mentioned below) would help to counter that tendency. So, too, would a beefed-up enforcement arm for the now-toothless Federal Election Commission.

More importantly, keeping PACs alive but reducing their clout would keep most interest involvement in campaigns channeled into observable and legitimate routes—but routes with a much lower volume of traffic.

4. Enact a "seed money" mechanism. Raise individual contribution limits to $10,000, with some restrictions and allow candidates to raise up to $100,000 in early contributions of $1,000 or more.

One of the goals of campaign finance reform has to be to enable challengers to "get over the hump"—to raise start-up funds to create an organization, do some polling and advertising, and build some momentum.

That is very hard to do without a "seed money" mechanism.

Under current law individuals are limited to $1,000 contributions. Candidates have been unable to finance more than a small portion of their campaigns with $1000 individual contributions; realistically, few individuals have the means to write $1,000 campaign checks (most who do could easily add a zero).

Sharply raising the limit would enable challengers especially, to turn to a small number of well-heeled individuals to get campaigns under way.

This change should only be effected with several safeguards. The overall sum that a candidate can raise in this fashion should be limited, to keep the "seed money" principle in place. Every contribution of more than $1,000 should be accompanied by extensive disclosure from the donor—besides name and address, job positions, corporate and other board memberships, and any direct legislative interests—released within 48 hours of the contribution to both the Federal Election Commission and to major journalistic organizations in the state.

And to prevent a candidate from sandbagging an opponent, contributions over $1,000 should be restricted to the early stages of a campaign.

There is a danger here, of course, in letting a cadre of wealthy people have overweening influence on campaigns. But with the limits I suggest, and with the extensive publicity the disclosure provisions would ensure, the public would have a full opportunity to weigh the appropriateness and impact of the contributions during the campaign.

In fact, these contributions would have the ironic benefit of providing non-wealthy

candidates with a counter to the unlimited spending allowed by independently wealthy candidates.

5. Require television and radio stations to provide the lowest-cost commercial ad rates for political ads of at least one minute in length for qualified Congressional candidates.

The largest and fastest growing expense in House and Senate campaigns is TV advertising. This is one area where we can find a reform to reduce the costs of campaigning for candidates and parties.

Doing so simply by requiring free time would be a mistake.

Imagine the nightmare of allocating time for the literally hundreds of candidates from major and minor parties with districts or states affected by New York City radio and television stations.

But there is no reason why stations, granted valuable licenses by the government to dominate public airwaves, should be able to take advantage of democracy by charging higher prices to candidates then they do to commercial advertisers.

At the same time, by targeting the lowest rates to commercials of one minute or more, we would discourage candidates from relying ever more heavily on the 15- or 30-second "hit-and-run" spots that have become so popular—and so negative.

SMALL PRICE TO PAY

Enacting this series of reforms would address every one of the concerns we now have about the campaign finance system.

We would tilt the system away from an increasingly heavy reliance on special interest money, restoring more balance to the policy process and more of a role for rank-and-file voters.

We would make it easier for politicians—challengers and incumbents—to raise the money necessary to run effective campaigns in our large and diverse democracy, without having to demean or prostitute themselves in the process, or to turn their attention unduly away from policymaking concerns.

We would break the logjam of noncompetitiveness in campaigns, by giving solid and promising challengers more opportunities to raise the money necessary to get their messages across but still avoiding the creation of the kinds of restrictions on incumbents that are unrealistic or counter-productive.

True, to do all of this requires public money, perhaps as much as $150 million a year. In other words, to create a better and healthier political system, with better candidates and adequate communications with voters, might cost one-three hundredth of one percent of the Gross National Product, or one-seventy fifth of one percent of the federal budget.

But there is no effective way to create a more robust and legitimate election process without this modest investment. It is a small price to pay for cleaning up the campaign mess.

IN MEMORY OF ANDREI SAKHAROV

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. HOYER. Mr. Speaker, while the Congress was out of session recently, the Soviet Union and indeed the entire world lost one of its finest citizens. Dr. Andrei Sakharov, world famous scientist, Nobel Peace Prize winner, and tireless struggler for peace and human rights, died on December 14, 1989, at the age of 68.

Dr. Andrei Sakharov gave up a life of privilege and status to struggle for peace and human rights. A highly decorated and respected member of the Soviet scientific establishment, Dr. Sakharov first incurred the displeasure of the Soviet Government when he protested against his government's nuclear testing policy in the 1950's. By the 1960's, Sakharov "[had] became interested in an ever-expanding circle of questions," as he himself modestly put it, speaking out on such diverse issues as the industrial pollution of Lake Baikal, drafting students to work in fields and factories, and the conviction of writers Yuri Daniel and Andrei Sinyavsky in 1966 for "anti-Soviet agitation and propaganda."

In 1968, Dr. Sakharov gained the world's attention and increased respect with a series of bold essays collected and published in the West under the title, "Reflections on Progress, Coexistence, and Intellectual Freedom." In these essays, Dr. Sakharov addressed numerous problems facing the world and called for international cooperation in resolving them, through "scientific methodology and democratic spirit." Precisely this lack of democratic spirit in the Soviet Union prompted him to denounce the abuse of civil rights and intellectual freedom in the Soviet Union.

Henceforth, Dr. Sakharov was a marked man in the eyes of the authorities. His top-secret clearance was revoked and he was denied access to further weapons research. The Soviet press, after an initial silence during which it was probably waiting for instructions, criticized "Progress, Coexistence, and Intellectual Freedom." Many of his erstwhile friends and colleagues turned on him, rather than risk their material and professional well-being.

But Sakharov did not retreat. By 1970, he and a handful of other brave dissidents had formed Moscow Human Rights Committee to defend victims of Soviet repression. In 1975, he was awarded the Nobel Peace Prize, but was prevented by Soviet authorities from going traveling to Stockholm to accept the award. Dr. Elena Bonner, wife of Dr. Sakharov, and herself a prominent human rights activist, accepted the Nobel Peace Prize on her husband's behalf and delivered his acceptance speech.

In late December 1979, Soviet paratroopers landed in Kabul, Afghanistan. Dr. Sakharov, naturally, immediately condemned Moscow's flagrant violation of international law. Less than a month later, he was forcibly and illegally banished to the city of Gorky, about 150 kilometers east of Moscow. For 6½ long years he was held under house arrest, isolated from friends and loved ones. His only regular contact with the outside world was Elena Bonner, until she too, was arrested in 1984 and sentenced to join her husband in exile. Dr. Sakharov's sojourn in Gorky was a bitter experience, marked by KGB harassment thugs and long, debilitating hunger strikes undertaken by Dr. Sakharov to protest the mistreatment of his family and himself.

Finally, in December 1986, the world cheered as Dr. Sakharov made his triumphant return to Moscow, having been freed from his latter-day Babylonian captivity by General Secretary Gorbachev.

Andrei Sakharov might have retired, or devoted himself entirely to scientific work, and let a younger generation take up the human rights struggle that a handful of his generation had begun. But, instead, he threw himself back into the fray, campaigning for, and winning a seat in the newly established Congress of Peoples Deputies, from which tribune he continued to press for genuine parliamentary democracy and lasting reforms. And he was still tirelessly working for those goals when he was felled by a sudden heart attack.

Mr. Speaker, when I learned of Andrei Sakharov's death, I could not help but think of another crusader for human rights in another era. Former President John Quincy Adams, returned to the Congress by his fellow citizens of Massachusetts, tirelessly campaigned against the evil of human slavery. He was stricken on the floor of Congress in 1848 after delivering one of his many fervent speeches against that shameful institution, and a few days thereafter expired. Andrei Sakharov's last speech was a condemnation of the monopoly of the Communist Party over the political process in the Soviet Union. He died a few days later.

President Adams died protesting slavery of the body in our country, Dr. Sakharov died protesting Communism's slavery of the mind in his country.

Such voices may be stilled, but their memory and their noble labors continue.

EVELYN AUDREY REEVES, BUSINESSWOMAN AND PIONEER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. TOWNS. Mr. Speaker, it is my distinct honor to congratulate Evelyn Audrey Reeves of Los Angeles, CA for her outstanding and groundbreaking achievements in business, her personal pursuit of excellence and her dedication to assuring that all Americans obtain quality housing.

Ms. Reeves is the 16th president and chief executive officer of the National Association of Real Estate Brokers, Inc., one of the Nation's largest minority trade organizations. As a national organization of real estate professionals with headquarters in Washington, DC, the NAREB is dedicated to achieving democracy in housing by working to provide equal housing opportunities for all people without limitation or restriction.

Prior to her historic election as the first woman to hold the office of president of the National Association of Real Estate Brokers, Inc., in August 1989, Ms. Reeves had served as the group's first, second, and third vice presidents. During the span of her 17 years membership, Ms. Reeves has distinguished herself by holding various positions within the organization, including, chairwoman of annual convention, national chair of the membership committee, officer on the board of directors, adviser to the national convention and

member of the national constitution and bylaws committee.

Reeves is broker/officer and property manager for the First Security Investment Co. She is the president of ReHom Corp., which is currently completing the development of the Los Angeles Century Freeway Condominium Housing Project. In addition to the responsibility of overseeing her own enterprises, she is the exclusive consultant broker for the Founders Savings and Loan Association.

Among her many activities and achievements, Reeves was honored by the National Business League with the Frederick Douglas Award, 1989; the Los Angeles Sentinel's Most Out-Standing Woman of the Year, 1985; and numerous other awards from local, State, and national realtists organizations in recognition of her service to the community in her quest to provide not only quality housing for all but a more democratic social and economic environment with equal opportunities for all.

She serves on the Los Angeles Mayor Tom Bradley's Special Housing Task Force for South Central Los Angeles, the State of California's Housing Advisory Committee, a consultant to the real estate testing division of the Educational Testing Services, and an adviser to the Los Angeles Southwest College Real Estate Advisory.

She is a member of numerous civic organizations including the National Business League; the Urban League and the Los Angeles branch of National Association for the Advancement of Colored People [NAACP].

Reeves received her associate of arts degree in business administration from Los Angeles City College, and a bachelor of arts degree in business administration from California State University and her California real estate certificate from Los Angeles City College.

It is a great pleasure that I rise to pay tribute to this woman who personifies the virtues of commitment, diligence and service to others.

CELEBRATING THE ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. DONNELLY. Mr. Speaker, I rise today to mark the establishment of the Independent Republic of Lithuania and to salute the Lithuanian people, who continue their brave struggle for freedom.

This year commemorates the 72d anniversary of Lithuanian independence. The Council of Lithuania declared the country to be an independent republic in the days following the Russian Civil War. The fledgling nation later joined the League of Nations and proceeded to initiate land reform, educational progress, and industrialization in a rich cultural climate highlighted by participation in the Catholic Church.

However, the independence of the Lithuanian people was to be short-lived. Secretly annexed by the Soviet Union in the Nazi-Soviet Pact and subsequently invaded and occupied by Red Army troops, the sovereign nation of Lithuania was turned over to the Soviet Government, in whose hands it remains today.

The United States has never recognized the incorporation of Lithuania into the Soviet Union, and continues to maintain diplomatic relations with representatives of the independent Lithuanian Government. It is especially vital in these times of rapid democratic change throughout Eastern Europe that we continue to keep the plight of the Lithuanians in the forefront of the world's issues.

At present, Lithuania is leading the charge toward independence for the Baltic Republics. In December, the local Communist leaders proclaimed their independence from the Soviet Communist Party and legalized rival political parties. Even Mikhail Gorbachev's recent visit to Lithuania failed to stem the rising tide of freedom.

Today I am pleased to recognize the contributions of many Americans of Lithuanian descent, including a very active Lithuanian community in my district. The Lithuanian Club of Montello in Brockton, MA will be celebrating Lithuanian Independence Week from Saturday, February 10 to Sunday, February 18. Activities throughout the week will reflect the spirit and culture of a people who continue to yearn for the day when the Republic of Lithuania will again know the freedom which we Americans cherish.

I wish to take this opportunity to pay tribute to all Lithuanian people who share in the common goals of liberty and self-determination for their nation. In this era of democratic progress, we must reaffirm our support for Lithuanians everywhere in their ongoing quest for independence.

H.R. 3906

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. DURBIN. Mr. Speaker, yesterday I introduced legislation along with 15 of my colleagues, including Mr. MADIGAN, Mr. DORGAN, and Mr. LEACH, to expand the use of our Nation's foremost renewable motor fuel—ethanol.

H.R. 3906, the Energy and Environmental Security Act of 1990, will expand the use of clean-burning, ethanol-based fuels by extending and clarifying existing tax incentives for ethanol use, and by establishing fuel standards that will lead to increased use of ethanol for environmental purposes.

In the past decade, ethanol blends have grown in importance as a component of our Nation's motor fuel. Last year, more than 7 percent of the U.S. motor fuel supply contained ethanol in a 10 percent blend with gasoline, as ethanol production reached a total of nearly 900 million gallons.

If Federal policies send the right signals, ethanol use will continue to expand. In addition, a new ethanol derivative, ethyl tertiary butyl ether [ETBE], can increase the options available to those who want to sell clean-burning fuels.

Further growth in the use of ethanol fuels would help us to address a variety of national problems, because ethanol:

Improves air quality by reducing carbon monoxide emissions by as much as 25 percent, providing CO nonattainment areas with a simple way to move toward compliance with Federal clean air standards.

Reduces the need for gasoline components such as the aromatics, which can produce emissions of benzene as a by-product of combustion as well as increasing ozone formation.

Reduces our dependence on foreign crude oil, which has reached dangerously high levels, and lowers the trade deficit by replacing imported petroleum products in the Nation's motor fuel supply.

Boosts farm income and reduces farmers' reliance on Federal farm programs by increasing the demand for agricultural products, while creating jobs as new production facilities are brought on line.

Reduces the budget deficit as new demand for agricultural products translates into lower Federal farm program costs.

Ethanol's contribution to our Nation's energy and environmental security can grow significantly if our legislation is enacted. The bill will:

Extend the current federal tax incentives for domestic ethanol use to the year 2002, so that businesses will have an adequate timeframe in which to plan investments in new facilities.

Clarify the tax status of ETBE so that this product will begin to take its place as one of the renewable alternative fuels eligible for the existing tax incentives.

Require a 3.1 percent oxygen content in carbon monoxide nonattainment areas so that the most environmentally beneficial fuels will be used.

Direct EPA to report to Congress on the environmental impacts of aromatic compounds and the benefits of replacing them with ethanol or ETBE, and limit aromatic levels accordingly.

Mr. Speaker, the Energy and Environmental Security Act of 1990 will expand the use of domestically produced, renewable, clean-burning ethanol fuels. I urge my colleagues to join me in cosponsoring this legislation, a more complete summary of which will appear in the RECORD following my statement.

H.R. 3906—THE ENERGY AND ENVIRONMENTAL SECURITY ACT OF 1990

Tax Provisions:

1. Extend the excise tax exemption and blender's tax credit for alcohol fuels to the year 2002.

2. Clarify the blender's tax credit to include ethyl tertiary butyl ether (ETBE).

3. Extend the ethanol import tariff to the year 2002.

4. Clarify customs law to treat ETBE imports the same as ethanol imports.

5. Direct GAO to prepare a report discussing options for reimbursing the Highway Trust Fund for tax revenues foregone because of the excise tax exemption.

Environmental Provisions:

6. Require 3.1 percent oxygen content in all motor fuel sold in carbon monoxide nonattainment areas, with an oxygen credits trading program to promote a mix of fuels and maximum flexibility.

7. Direct EPA to report to Congress on the environmental impacts of aromatic compounds in gasoline and the benefits of replacing them with ethanol or ETBE, and to limit aromatic levels accordingly.

Energy Provisions:

8. Direct DOE to give priority to funding ethanol development projects that have high potential for immediate benefits, such as reducing the cost of converting grain to ethanol, and to establish a program to encourage ethanol production and use.

HONORING LARRY REICH

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. CARDIN. Mr. Speaker, on February 8, 1990, Mr. Larry Reich will be honored for his distinguished career as Baltimore City's Director of Planning on the occasion of his retirement.

Mr. Reich has been instrumental in the renaissance of Baltimore City. Among the many far-reaching projects which flourished under Mr. Reich's leadership are the Capital Improvement Program process, full-service community planning initiatives Metro Center plans in downtown Baltimore, and the 1986 Harbor Book—the landmark policy document of the city's waterfront.

Larry Reich has been director of the department of planning since 1966. He brought his talent to Baltimore after receiving his bachelor's degree from Harvard University and his master's degree in city and regional planning from the Harvard Graduate School of Design. Mr. Reich has been serving Baltimore as director of the department of planning and as the Mayor's representative to the Baltimore Regional Planning Council, but his efforts have reached beyond the Baltimore City border to have an influence on both national and international planning. Mr. Reich has long been active in the American Planning Association and the American Institute of Certified Planners. His work has reached Philadelphia, Chicago, New York, Milwaukee County, Tennessee Valley, Honduras, and El Salvador. Mr. Reich has shared his experience and wisdom with students at the Johns Hopkins University, Morgan State University, the University of Virginia, and Virginia Polytechnic.

I urge my colleagues to join the many voices who are anxious to thank Mr. Larry Reich for his many years of commitment to the Baltimore metropolitan area.

ENVIRONMENTAL LINKAGE TO NATIONAL SECURITY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. GILMAN. Mr. Speaker, today I am introducing House Concurrent Resolution 248, which states that the Secretary of State and the Administrator of the Agency for International Development should give increasing attention to the linkage between problems which stem from political unrest and deteriorating environmental conditions. This emerging issue which concerns problems of the environment and problems with national security should become a focus of a significant portion of U.S. foreign assistance efforts in struggling countries.

The deepening and widening global hunger and environmental crises presents a threat to national security—and even survival—that may be greater than well-armed, ill-disposed neighbors and unfriendly alliances. Already in parts of Latin America, Asia, the Middle East, Eastern Europe, and Africa, hunger and environmental decline is becoming a source of political unrest and international tension. The recent destruction of much of Africa's dry land agricultural production was more severe than if an invading army had pursued a scorched-earth policy.

Presently our Government tends to base its approach to security on traditional definitions. And arms production—in all parts of the world—preempts resources that might be used more productively to diminish the security threats created by hunger and environmental degradation and resentments that are refueled by widespread proverty.

In a number of Third World countries that suffer from deforestation, desertification, soil erosion, and other environmental stresses, People are faced with chronic food shortages, resulting in political instability. On many occasions, this leads to armed conflicts that involve other nations in terms of emergency relief and military assistance. Such destabilizing actions leave local government prey to hostile takeovers and the geopolitical landscape can drastically shift overnight. In addition to the Third World, the eastern bloc nations struggling with their newfound freedoms have suffered from seriously critical environmental problems.

For these reasons, I am introducing House Concurrent Resolution 248 and I urge my colleagues to support the bill.

THOMAS J. STANTON, JR. HONORED

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. GUARINI. Mr. Speaker, on February 8, 1990 a truly outstanding individual will be honored by the people of New Jersey for his countless contributions to the business and civic world. Thomas J. Stanton, Jr., chairman emeritus of the National Westminster Bank, will be honored by the Hudson County Chamber of Commerce and Industry at a dinner to be held at the Newark Airport Marriott.

Thomas Stanton is a man of tremendous energy, talent and compassion. Throughout his lifetime he has been at the forefront of the development of New Jersey and especially the Hudson County area.

Despite a very active and successful banking career, Tom Stanton has found the time to actively participate in community improvement programs, bringing educational, social, and cultural enrichment events to our area.

Dominick D'Agosta, executive director of the Hudson County Chamber of Commerce and Industry, is a member of the dinner committee, along with Gloria Esposito, Terry Frick, and William Scheyer. They describe Tom Stanton as:

A man of thoughts. A man of words. A man of deeds. In a banking career that has spanned 36 years, Tom Stanton made a mark on New Jersey and particularly on Hudson County, that will continue to expand and deepen as time goes on. His style was not to offer surface solutions to deep-seated problems, nor was it to shy away from uncomfortable situations. Rather, Tom embraced challenges. He thought about them, talked about them, and met them with actions that were practical, humane and visionary. His influence touched every important facet of community life—economic development, education, the arts and sciences, religion and civil rights. Now, at the end of his first career, we wish him well as he embarks on his second, that of a private citizen still carrying the banner of commitment to improve life in his home town and his home state.

Born in Jersey City, Tom Stanton is a graduate of prestigious St. Peter's Prep in Jersey City. He received his bachelor's degree from Georgetown University in 1952, and attended New York University Graduate School of Business Administration for 4 years. He has received honorary doctorates from St. Peter's College, Jersey City State College, and Stevens Institute of Technology.

Tom Stanton began his career at the First Jersey National Bank in 1954. Within 2 years he was named assistant cashier. He was designated assistant vice president in 1957.

In 1960, he was appointed vice president. He was promoted to executive vice president 6 years later when he became a member of the board of directors in 1966. In 1967, he was elected president and chief executive officer and, in 1975, was elected chairman. Mr. Stanton continued as chief executive officer, after First Jersey National Bank was acquired by National Westminster Bank and became National Westminster Bank, NJ. In September 1988 Mr. Stanton announced his retirement, effective February 1, 1990, and was elected chairman emeritus until that time.

Stanton's philanthropic benevolence is well known for aiding community and religious groups of all denominations and ethnic groups. While businesses large and small have been assisted by Tom Stanton's leadership, so have many individuals been aided by his kindness and generosity.

His activities read as a litany of accomplishments:

Outside memberships and directorates:

Director: Loral Corporation; New Jersey Bell Telephone Company; Reliance Group Holdings, Inc., Reliance Insurance Company, Philadelphia; American Bankers Association; Hudson County Chamber of Commerce & Industry; National Conference of Christians and Jews.

Director and Treasurer: New Jersey State Chamber of Commerce.

Member: The American Bankers Association Council; New Jersey Bankers Association—Executive Committee; Board of Regents—Saint Peter's College; Partnership for New Jersey.

Vice Chairman: Regional Plan Association—New York.

Chairman: Regional Plan Association—New Jersey Committee.

Chairman: Hudson County Tax Research Council Executive Committee.

Trustee: Greater Newark Hospital Development Fund; Montclair Museum; Liberty Science Center; St. Peter's Prep; Stevens Institute of Technology, Hoboken.

Trustee and Treasurer: Foundation of the University of Medicine and Dentistry of New Jersey.

Past memberships:

Regional chairman: National Alliance of Business.

Chairman: Annual Business Conference at Rutgers University; New Jersey Bankers Association; New Jersey State Chamber of Commerce; Commission on Budget Priorities—State of New Jersey; Urban Development Committee—American Bankers Association.

Director: Minbanc Capital Corporation; American Bankers Association.

Member: Commission on Government Costs and Tax Policy for the State of New Jersey; Commission on the Future of Independent; Higher Education in New Jersey.

President: Jersey City Chamber of Commerce.

Club Memberships: Baltusrol Golf Club, Springfield, New Jersey; Bergen Carteret Club, Jersey City, N.J.; Essex Club, Newark, N.J.; Essex Fells Country Club, Essex Fells, N.J.; Seaview Country Club, Absecon, N.J.; The Club at the World Trade Center, N.Y.C.; 200 Club of Newark; 200 Club of Hudson County.

During World War II, Mr. Stanton served in the Far East as a first lieutenant, Field Artillery, in the 24th Infantry Division. In the Korean conflict, he held the rank of captain in the 43d Infantry Division.

Tom Stanton is married to the former Jane E. Maloney of Philadelphia, PA, together they have eight children.

Tom Stanton is a giant of a man who has accepted many challenges. New Jersey indeed is fortunate to have had his input for the last 35 years.

I am sure that my colleagues here in the House of Representatives wish to join me in this well-deserved salute to a truly outstanding friend and deeply concerned citizen.

REPEAL OF THE GRAMM-RUDMAN-HOLLINGS ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. TRAFICANT. Mr. Speaker, the Gramm-Rudman-Hollings Act [GRH] is a sham and is only masking the deficit with gimmicks and shields. It is time for Congress to repeal this act and start all over with an approach that does not hide the deficit's size. When the act was initially created, it was a good idea that actually reduced the deficit. Now GRH has lost its effectiveness while the deficit has actually gone up and not down for the second consecutive year. The Gramm-Rudman-Hollings Act has become a lameduck that needs to be put out of its misery. The budget process has become analogous to a house of mirrors at a carnival. Like the mirrors that deceive, GRH and its gimmicks fool the American public into believing the deficit is less than it really is. In ordrer to resolve the budget crisis, we must be able to see the real deficit instead of the one projected by the tricks of GRH.

It seems as if Congress and the administration have spent more time trying to get around the targets GRH set with accounting gimmicks than actually reducing the debt. The administration craftily moved the 1990 Pentagon expenses by pushing a payday from October 1 to September 29. This move saved over $2.9 billion to OMB's calculation of the deficit. Likewise, farm payments of almost $1 billion were expediated. Over $1.7 billion was simply erased from the deficit calculations by moving the U.S. Postal Service off budget. Almost all of the $20 billion that was used to finance the savings and loan bailout was credited to 1989.

The most outrageous gimmick is the use of trust funds to finance the deficit. The Social Security trust fund is responsible for masking over $65 billion from the deficit target. Without the use of the Social Security surplus, the actual Federal budget deficit would topple $206 billion. I agree with Senator MOYNIHAN that we can no longer tolerate the funding of Government programs by the use of Social Security surpluses. This money is only being used to mask deficit spending so we can buy more B–2 bombers.

It is time to start over. The Gramm-Rudman-Hollings Act is ineffective. If we are going to effectively attack the rising levels of the Federal deficit, then Congress will have to look for alternative methods to correctly solve the debt crisis. While the United States is facing a Federal deficit of more than $3 trillion, it is time that Congress took steps to correct our past mistakes before it is too late. The time will come when the deficit will be so out of hand that no trick in the book will hide the high levels. To start solving the problem practically, Congress needs to start dealing with more accurate numbers. Once Congress starts to do that, it can accurately deal with the situation.

PUBLIC WORKS OPTIMISM

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. CLINGER. Mr. Speaker, I would like to take the opportunity to bring to the attention of my colleagues an article by Mr. Cy Malloy, of the American Concrete Pipe Association. Mr. Malloy's article is timely, and, after examining it, I believe it accurately assesses the infrastructure needs of our Nation and the use of our Federal programs.

PUBLIC WORKS OPTIMISM

(By Cy Malloy)

The first session of the 101st Congress is history. World communism is shrinking in linkage. Secretary Cheney sent President Bush a requested proposal to cut $180 billion from the Pentagon's budget. Democracy and free enterprise are respected words voiced by hardened rivals. Change is fomenting. The concept of a global economy is being accelerated by global communications. Satellites once used to study space and spy are now transmitting the needs of a world economy. Technology blossoms for the betterment of human-kind. Lasers for destruction now align pipelines, improve CD sound systems, and correct medical maladies. Although the seeds of change circulate within our global jet-stream, our President has wisely kept our guard up to perceive what is reality before promising concessions. It is one thing for east-block countries to concede free elections, but quite another for example for Gorbachev to announce a future withdrawal of the existing 350,000 Soviet troops and military hardware from East Germany. Perestroika does not necessarily mean glasnost. Times of change demand pondering and positioning. Principles should remain carved in the granite of our minds, but global tactics and strategies require think-tank discussions and if needed the connection of future action versus reactive plans. What does this all mean to the public works construction market? At least four markets will be impacted now and in the near future; namely:

(1) U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

With the help of our involvement in the Clean Water Coalition and the Water Infrastructure Forum, for the first time since creation of the Clean Water program in 1970, Congress has increased federal funding to help construct wastewater treatment plants that include collector, interceptor and outfall pipelines. For fiscal year 1990 (Sept. 30, 1989 thru Oct. 1, 1990) over $2 billion has been appropriated and divided equally for federal grant projects and seed monies for the new state revolving loan clean water funds known as SRF's. The fiscal 1989 level was $941 million for each. More funding is important, but during fiscal 1990 we must exert our influence and amend the 1986 Tax Code Act to reduce current restrictions and better leverage the new SRF seed funds including a special program for small communities who can't afford even zero interest SRF loans. In addition the coalition needs a new public relations effort to educate tax payers about the success stories created by this program, and emphasize future needs as illustrated in this U.S. EPA chart:

WASTEWATER TREATMENT PROJECT NEEDS

[In millions]

State	ASCIWPCA municipal needs survey				EPA needs survey	
	Clean Water Act compliance		Compliance in 5 years		Current needs costs	Population growth needs cost
	Projects	Costs	Projects	Costs		
Alabama	28	$23.5	69	130.0	$547	$781
Alaska	0	0.0	39	83.6	107	221
Arizona	1	1.0	104	225.0	542	979
Arkansas	0	0.0	170	35.0	257	370
California	8	716.0	24	658.4	5,257	6,539
Colorado	1	0.3	61	100.4	163	196
Connecticut	5	120.0	55	720.0	1,267	1,392
Delaware	n/a	n/a	n/a	n/a	82	127
Florida	0	0.0	115	781.0	3,984	6,186
Georgia	0	0.0	151	781.0	615	1,007
Hawaii	2	134.4	212	1,091.6	236	413
Idaho	4	1.7	21	61.2	65	124
Illinois	0	0.0	760	1,700.0	2,764	2,958
Indiana	0	0.0	84	264.5	1,582	1,721
Iowa	20	20.0	50	50.0	511	646
Kansas	0	0.0	17	250.0	485	720
Kentucky	34	61.0	97	287.3	1,108	1,457
Louisiana	2	9.0	70	589.0	854	1,189
Maine	22	100.0	61	900.0	288	341
Maryland	0	0.0	79	806.4	866	919
Massachusetts	4	500.0	116	6,400.0	5,445	5,836
Michigan	1	9.0	81	1,200.00	3,125	3,312
Minnesota	24	105.0	60	135.0	902	1,106
Mississippi	20	15.4	25	43.5	410	
Missouri	2	300.0	19	105.0	955	1,222

WASTEWATER TREATMENT PROJECT NEEDS—Continued

[In millions]

State	ASCIWPCA municipal needs survey				EPA needs survey	
	Clean Water Act compliance		Compliance in 5 years		Current needs costs	Population growth needs cost
	Projects	Costs	Projects	Costs		
Montana	n/a	n/a	n/a	n/a	57	69
Nebraska	0	0.0	350	1,000.0	99	114
Nevada	0	0.0	31	150.0	101	165
New Hamphsire	0	0.0	40	175.0	709	854
New Jersey	0	0.0	310	2,900.0	.....	3,754
New Mexico	0	0.0	31	65.0	92	130
New York	78	1,754.0	547	5,582.0	11,683	12,721
North Carolina	0	0.0	235	377.0	1,212	1,799
Noth Dakota	0	0.0	12	45.0	31	34
Ohio	40	71.0	185	440.0	3,141	3,579
Oklahoma	0	0.0	7	28.1	285	476
Oregon	0	0.0	115	1,000.0	982	1,273
Pennsylvania	45	144.2	850	3,004.0	1,439	1,644
Rhode Island	0	0.0	25	63.4	364	408
South Carolina	1	1.0	114	290.4	441	684
South Dakota	0	0.0	35	63.4	81	87
Tennessee	11	9.1	79	146.7	898	1,467
Texas	0	0.0	1,289	3,307.0	3,306	4,975
Utah	0	0.0	39	77.9	292	583
Vermont	5	10.0	20	46.1	202	209
Virginia	0	0.0	173	1,040.0	755	957
Washington	11	886.0	3	2,690.0	2,143	2,685
West Virginia	28	75.0	48	123.9	852	976
Wisconsin	0	0.0	152	625.0	1,204	1,399
Wyoming	0	0.0	0	0.0	17	18
U.S. total	397	5,066.6	7,230	40.483.8	56,093	80,831

Sources: Association of State and Interstate Water Pollution Control Administrators; U.S. Environmental Protection Agency.

(2) FEDERAL HIGHWAY ADMINISTRATION (FHWA), U.S. DOT

The highway market annually in the U.S. is about $60 billion of which $13 to 14 billion is federal-aid funding. On September 30, 1991 the current federal authorizations will expire. Between now and then highway interest groups must unite behind the HUF's Transportation 2020 program to agree on a future Federal-aid highway program and a new funding level. Current proposals range from the existing level of $13 to $14 billion to an AASHTO proposed high of $26 billion per fiscal year to ARTBA's goal of around $40 billion. We have been told that FHWA has had a series of fiscal meetings with the Office of Management and Budget (OMB) of the White House and the future federal funding level being debated is about $20 to $21 billion per fiscal year. Based on proposal levels and the FHWA/OMB negotiations, the federal-aid highway program's future funding level could be minimum 50 percent increase over the current level plus a possible needed draw-down on the Highway Trust Fund balance. Current highway and bridge needs are demonstrated in the following charts:

THE NATION'S DETERIORATING HIGHWAYS

State	Principal [1] highway miles	Deficient miles	Percent deficient	Rank
Alabama	29,507	5,850	20	9
Alaska	5,156	1,274	25	5
Arizona	15,141	1,418	9	25
Arkansas	27,333	3,970	15	12
California	57,631	5,337	9	25
Colorado	27,521	1,499	5	40
Connecticut	6,898	460	7	32
Delaware	1,566	168	11	21
D.C.	435	46	11	21
Florida	26,612	2,621	10	23
Georgia	36,619	4,247	12	19
Hawaii	1,484	191	13	16
Idaho	12,987	2,216	17	10
Illinois	36,376	1,608	4	42
Indiana	30,897	4,786	15	12
Iowa	42,006	1,196	3	46
Kansas	43,126	3,431	8	29
Kentucky	23,106	3,232	14	14
Louisiana	18,300	2,340	13	16
Maine	8,647	549	6	37

THE NATION'S DETERIORATING HIGHWAYS—Continued

State	Principal [1] highway miles	Deficient miles	Percent deficient	Rank
Maryland	9,026	380	4	42
Massachusetts	12,799	1,005	8	29
Michigan	41,236	2,558	6	37
Minnesota	42,152	422	1	51
Mississippi	23,053	7,964	35	2
Missouri	35,415	6,071	17	10
Montana	23,175	2,054	9	25
Nebraska	29,417	1,189	4	42
Nevada	8,096	590	7	32
New Hampshire	4,592	1,071	23	6
New Jersey	10,692	1,318	12	19
New Mexico	11,841	966	8	29
New York	36,229	1,010	3	46
North Carolina	29,921	2,226	7	32
North Dakota	25,202	726	3	46
Ohio	34,868	3,245	9	25
Oklahoma	34,547	8,479	25	4
Oregon	25,049	3,441	14	14
Pennsylvania	34,878	7,324	21	8
Rhode Island	1,754	451	26	3
South Carolina	21,044	1,158	6	37
South Dakota	25,253	1,823	7	32
Tennessee	26,516	9,672	36	1
Texas	90,760	6,670	7	32
Utah	11,916	320	3	46
Vermont	4,685	254	5	40
Virginia	22,833	2,397	10	23
Washington	23,827	1,031	4	42
West Virginia	12,248	2,659	22	7
Wisconsin	33,278	4,196	13	16
Wyoming	14,680	437	3	46
U.S. total	1,212,230	129,546	11	.....

[1] These figures represent approximately 30 percent of the Nation's total highway mileage which carries 87 percent of all travel.

Source: Federal Highway Administration, U.S. Department of Transportation.

THE NATION'S DEFICIENT BRIDGES

State	Total bridges	Structurally deficient	Functionally obsolete	Total deficient	Percent deficient	Rank
Alabama	15,534	3,949	3,602	7,551	49	13
Alaska	800	86	27	111	14	49
Arizona	5,623	160	252	412	7	51
Arkansas	13,017	1,596	4,225	5,821	45	17
California	22,261	1,666	4,055	5,721	26	37
Colorado	7,428	2,208	460	2,668	36	27
Connecticut	3,749	2,394	1,368	2,401	64	2
D.C.	237	48	1	49	21	39
Delaware	738	79	96	175	24	43
Florida	10,188	610	1,605	2,215	22	41
Georgia	14,226	3,520	2,518	6,038	42	21
Hawaii	1,043	115	161	276	26	37
Idaho	3,745	560	514	1,074	29	33
Illinois	25,428	5,313	2,042	7,355	29	33
Indiana	17,517	3,807	3,939	7,656	44	19
Iowa	25,865	6,040	6,336	12,376	48	15
Kansas	25,648	5,386	7,347	12,733	50	12
Kentucky	12,591	2,207	5,252	7,459	59	5
Louisiana	14,139	3,959	2,443	6,402	45	17
Maine	2,583	436	331	767	30	32
Maryland	4,574	703	1,169	1,872	41	23
Massachusetts	4,964	1,714	209	1,923	39	26
Michigan	10,581	2,628	683	3,311	31	31
Minnesota	12,994	1,911	1,787	3,698	28	35
Mississippi	16,994	6,421	2,563	8,984	53	10
Missouri	23,682	12,347	2,718	15,065	64	2
Montana	4,632	495	2,240	2,735	59	5
Nebraska	15,843	7,636	1,158	8,794	56	8
Nevada	1,073	50	109	159	154	8
New Hampshire	2,572	522	603	1,125	44	19
New Jersey	5,997	1,352	752	2,104	35	28
New Mexico	3,439	410	334	744	22	41
New York	17,326	10,409	1,403	11,812	68	1
North Carolina	16,115	1,107	7,382	8,489	53	10
North Dakota	5,283	1,959	582	3,041	58	7
Ohio	29,180	4,494	1,504	5,998	21	43
Oklahoma	22,981	8,229	4,677	12,906	56	8
Oregon	6,608	577	558	1,135	17	47
Pennsylvania	22,457	5,990	2,917	8,907	40	24
Rhode Island	702	98	38	136	19	46
South Carolina	8,886	939	836	1,775	20	45
South Dakota	6,822	1,660	1,530	3,190	47	16
Tennessee	18,547	4,366	3,023	7,389	40	24
Texas	44,314	6,572	8,581	15,153	34	29
Utah	2,543	262	96	358	14	49
Vermont	2,665	503	808	1,311	49	13
Virginia	12,652	3,933	1,610	4,284	34	29
Washington	6,898	920	941	1,861	27	36
West Virginia	6,513	2,795	1,196	3,991	61	4
Wisconsin	12,963	3,978	1,455	5,433	42	21
Wyoming	2,826	320	356	676	24	39
U.S. total	577,710	135,826	102,531	238,357	41	.....

Source: Federal Highway Administration, U.S. Department of Transportation.

(3) FEDERAL AVIATION ADMINISTRATION (FAA), U.S. DOT

Future airport construction that includes federal funds can be substantially increased if we presuade Congress to draw-down the balance existing in the Aviation Trust Fund and preserve its original user fee source which is a percentage of each flight ticket purchased. The following charts illustrate documented airport construction needs:

Airports: Congestion Causes Delays

[Increase in time spent on runway over last 10 years]	*Percent*
Dallas/Ft. Worth	+104.4
Washington Dulles	+97.9
San Francisco	+95.6
Minneapolis/St. Paul	+87.1
Raleigh/Durham	+86.8
Phoenix	+82.1
Cincinnati	+60.0
Los Angeles	+58.1
Seattle	+52.9
Baltimore	+52.5

EXPANSION NEEDS

[In millions]

State	1986–90	1991–95
Alaska	$455.9	$126.6
Alabama	114.6	74.0
Arizona	168.3	131.5
Arkansas	65.2	34.8
California	1,086.8	534.8
Colorado	451.6	3,376.9
Connecticut	27.5	30.7
D.C.	156.2	370.3
Delaware	10.0	3.0
Florida	959.9	395.2
Georgia	450.6	315.8
Hawaii	106.2	71.2
Idaho	28.1	46.7
Illinois	855.1	300.6
Indiana	269.9	161.5
Iowa	166.9	39.3
Kansas	202.9	72.9
Kentucky	76.3	92.7
Louisiana	176.2	232.0
Maine	34.4	23.8
Maryland	49.3	20.8
Massachusetts	90.5	59.1
Michigan	629.5	371.8
Minnesota	319.9	96.7
Mississippi	63.9	38.5
Missouri	306.9	231.2
Montana	57.0	34.1
Nebraska	130.7	46.0
Nevada	138.3	142.3
New Hampshire	13.8	14.2
New Jersey	192.3	138.8
New Mexico	121.1	48.8
New York	2,078.2	522.1
North Carolina	211.5	83.7
North Dakota	51.2	60.6
Ohio	405.9	202.3
Oklahoma	115.2	73.0
Oregon	91.5	71.1
Pennsylvania	411.9	433.4
Rhode Island	23.8	12.9
South Carolina	83.2	66.4
South Dakota	71.1	18.6
Tennessee	195.7	107.0
Texas	1,151.8	814.6
Utah	119.8	93.4
Vermont	13.5	16.0
Virginia	89.6	33.7
Washington	150.1	141.8
West Virginia	42.4	5.8
Wisconsin	216.3	56.0
Wyoming	77.2	26.8
U.S. total	13,605.7	10,515.8

Source: Federal Aviation Administration National Plan of Integrated Airport System.

(4) INFRASTRUCTURE NEEDS

Various industry organizations, congressional committees, and federal agencies have well documented the infrastructure needs of our nation with the high estimate of $3.3 trillion. Over the last few years federal legislation has been introduced in Congress and hearings have addressed these public work needs. The basic barrier has

been the lack of funding because of the existing federal deficit.

If communism is truly converting to democratic-capitalism, the President and Congress might agree on proper cuts in our Pentagon defense budget. These cut funds could be transferred to the domestic sector, to reduce the federal budget deficit, and include a percentage of these funds to begin the reconstruction our infrastructure needs. This approach helds everyone since all citizens need and use public works systems as opposed to congressional suggestions that pit interest-groups against each other. In other words, divide defense budget cuts into percentages for the deficit, infrastructure needs, and left over funds for responsible domestic programs. A tax reduction might be a dream unless a presidential election promotes it as an issue. This effect would kick-in after bailing-out the S&L's. Everyone needs public works plus their construction helps the economy and increases employment. Hopefully, in our lifetime, we will begin to benefit from peace dividends—maybe this is our legacy.

VIOLENT CRIME CONTROL AND CRIMINAL REFORM ACT

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. DENNY SMITH. Mr. Speaker, today I am pleased to introduce the "Violent Crime Control and Criminal Procedures Reform Act" which establishes a constitutionally sound death penalty and strengthens and improves Federal criminal penalties and procedures.

Title I of this legislation establishes a constitutional framework for the implementation of the Federal death penalty. It authorizes the death penalty for, among other things, murder, espionage, treason, murder for hire, and certain attempts to assassinate the President. It is a balanced approach that provides constitutional, streamlined procedures for imposition of the death penalty.

Included as title 2 is language to reform current habeas corpus procedures which will minimize Federal judicial interference with State criminal convictions. Finality of litigation, and the elimination of the habeas abuse, which currently surrounds State death penalty convictions is critical.

This package also includes as title 3, a codification of the good faith exception to the exclusionary rule that has been recognized by the Supreme Court. In violent crime and drug cases, vital evidence is often excluded at trial simply because the law enforcement officer unknowingly violated search and seizure rules. However, the Supreme Court has recognized that the exclusionary rule should not be used when the police officer has acted in good faith. This provision addresses a legal loophole which has allowed drug offenders and violent criminals to go free. This proposed reform furthers the truth-seeking goals of our criminal justice system.

Title 4 addresses the need to punish those who commit drug-related and other violent crimes with firearms. Title 4 permits consideration of pretrial detention for certain firearms and explosive offenses, requires mandatory revocation of supervised release for possession of a firearm, and increases penalties for giving false information in connection with the acquisition of a firearm. Enhanced and mandatory penalties for those who commit and provide the means for others to commit violent crime must be key components of any anti-crime legislation.

Title 5 provides for mandatory drug testing of drug-related and firearms-related defendants on post-conviction release. This includes probation, parole, and post-imprisonment supervised release.

Title 6 restores Federal jurisdiction over public corruption cases and extends Federal jurisdiction over all drug-related bribery of public officials.

Title 7 provides for authorization of officially sanctioned undercover sting operations to combat crimes of trafficking in, or receiving, stolen or counterfeited property.

CONGRATULATIONS ARMY PVT. ABEL VELASCO

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. HUNTER. Mr. Speaker, I would like to take this time to congratulate a constituent of mine, Army Pvt. Abel Velasco. Private Velasco participated in the successful "Operation Just Cause" in Panama.

Abel, stationed at Fort Ord, had planned to spend Christmas with his family in Brawley. On December 20 he was deployed to Panama. Private Velasco's mission while in Panama was to confiscate weapons and capture anyone linked to General Noriega.

For his service in Panama, Abel was awarded the Army Commendation Medal, which recognizes "superior judgment and tactical expertise far superior to his contemporaries."

I am including for the RECORD an article that appeared in the Imperial Valley Press regarding Private Abel's experience. I know my colleagues join me in saying "Thank you for a job well done."

[From the Imperial Valley Press, Jan. 24, 1990]

LATE CHRISTMAS FOR VELASCO

(By Lori Johnson)

Christmas came a month late but with extra joy when Army Private Abel Velasco came home to Brawley Saturday after participating in the United States invasion of Panama.

On Dec. 20 the Velasco family's traditional Christmas plans were dashed when 19-year-old Abel Velasco was shipped out as part of the force sent to Panama to capture Manuel Noriega and free Panama of his control.

He was deployed the day before he was to come home for Christmas on such short notice he did not have time to tell his family.

"I had no warning at all," said Velasco. "It was like 'pack your bags and go.'"

"It was scary. I didn't know what to expect," he said.

Instead of tamales and a joyous family reunion, Velasco found himself on Christmas day in the midst of combat in Panama City, working as an Army translator.

Velasco said there were so few bilingual soldiers that he was taken from his platoon to work directly with his captain.

"My job was to find out information on key personnel in the Noriega forces," said Velasco.

Armed with a M16 rifle, Velasco said he accompanied officers as they stormed buildings and homes of apparent Noriega associates. He said their mission was to confiscate weapons and, if possible, capture anyone linked to Noriega.

He said he also helped to restore order in the streets that was plagued with looting.

"It's hard to explain," said Velasco. "You have to be there to know what happen. Picture L.A. with no law and throw a little jungle in there. Everyone was doing what they wanted to do."

But Velasco was reminded often of the danger. "There was sniper fire," he recalled.

When asked if anyone close to him was wounded or killed in combat he declined to comment. He said he was told by his superiors not to talk about it.

Of the experience, Velasco said, "You don't really appreciate what life is about until you are put into this type of situation. You learn to value life. You learn to appreciate everything; a shower, a bed."

Velasco had also been sent to Panama last spring to restore order after riots started when Noriega overturned the elections.

Valasco was awarded "The Army Commendation Medal" for his participation in "Operation Just Cause." He was chosen from his company of 125 to receive the medal. The certificate accompanying the medal stated, "During this combat action, (Velasco) demonstrated super judgement, initiative and tactical expertise far superior to his contemporaries."

Velasco, a native of Brawley, entered the Army after he graduated from Brawley Union High School in 1988. He now is stationed in Fort Ord in Monterey.

The mission in Panama wasn't easy for his mother and father Richard and Rachel Velasco of Brawley.

His mother recalled what she told her son on the phone, "As long as I hear your voice, everything is OK.'

Although his mother spoke to him about four times when he was in Panama, she still worried.

"Sometimes I would look at the news and start crying," she said.

She said Christmas was especially hard. "We always make a wish on Christmas night," said Mrs. Velasco. "We always have a toast. But someone was missing."

Mrs. Velasco recalled a telephone conversation with her son. He asked her if they were going to have a Christmas dinner when he returned. She answered, "Yes mijo. We are."

RAOUL WALLENBERG: 45 YEARS SINCE HIS TRAGIC ABDUCTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. LANTOS. Mr. Speaker, January 17 of this year marks the 45th anniversary of the abduction of Raoul Wallenberg by Soviet troops in Hungary in 1945. The dramatic changes that have taken place in Eastern Europe in the last few months underline the

tragedy of his disappearance. The collapse after four decades of Soviet dominance in Eastern Europe emphasizes the power of the ideals of freedom and democracy for the millions of men and women in Hungary, Poland, Czechoslovakia, East Germany, Bulgaria, and Romania. As we mark the 45th anniversary of Wallenberg's disappearance into the Soviet gulag, our commemoration of that misfortune also emphasizes the magnitude of what one single individual did against the forces of evil, repression, and tyranny.

Those of us who have worked for many years to free Raoul Wallenberg from the Soviet gulag again mark this day with sorrow and frustration. Another year has gone by and still he is not free. Another year has passed and still Soviet authorities have not given the true story of his imprisonment.

Raoul Wallenberg, a Swedish diplomat, went to Budapest in the dark years of 1944 to save the lives of Hungarians who were threatened with annihilation by the Nazi extermination machine. He saved 100,000 men, women, and children, my wife, Annette, and I are two of those who owe our lives to this great hero of the Holocaust.

After the Soviet Army expelled the Nazi forces from Budapest in January 1945, Wallenberg went to meet the commander of the Soviet Army in northeastern Hungary. On January 17, he drove off in the custody of the Soviet military, and he has not been seen outside Soviet prisons since that time. At first, Soviet officials denied that he was in their custody. In 1957, they admitted that he had been there, but claimed he died of a heart attack 10 years earlier at age 35. We know from the many credible reports of former prisoners that Wallenberg was alive long after 1947, but the Soviets continue to claim that he died at that time.

With the exciting changes in the Soviet Union and Eastern Europe that we have witnessed in recent months, I hoped that the new spirit of glastnost would finally lead to freedom of Wallenberg. I was particularly encouraged earlier this year when officials of the Soviet Government invited Nina Lagergren and Guy von Dardel, Wallenberg's half-sister and half-brother, to visit the Soviet Union along with Per Anger, a former Swedish ambassador who as a young man worked in Budapest with Wallenberg, and Sonja Sonnenfeld, secretary of the Swedish Raoul Wallenberg Association.

Although Soviet officials gave a number of Wallenberg's personal belongings to the family delegation, they again repeated the story that Wallenberg died in 1947—a claim that no one accepts. While the delegation appreciated the invitation and openness, they were disappointed that Soviet officials did not give the full truth about Wallenberg. But there remains a glimmer of hope for resolving this case since the Soviet Government has extended an open invitation for the family to make return visits.

Mr. Speaker, many people throughout our country and thousands more around the world join us in our pleas to Soviet officials to let the story finally be told and to permit Wallenberg to go free. I thank my colleagues who have joined me in writing to Soviet officials and to our own Government urging action to resolve this tragic disappearance.

Numerous editorials and newspaper articles have been written to call the attention of American people to the unresolved tragedy of Raoul Wallenberg. Mr. Speaker, an excellent editorial appeared in the San Francisco Examiner during the congressional recess. I insert it in the CONGRESSIONAL RECORD since many of my colleagues may not have had the opportunity to read it. This fine editorial eloquently joins us in calling for a resolution of this matter.

[San Francisco Examiner, Nov. 14, 1989]

WHAT HAPPENED TO WALLENBERG?

The Soviet Union's explanation of its role in the death of Raoul Wallenberg, the Swede who helped rescue thousands of Jews in Nazi-occupied Hungary during World War II, is far from acceptable. By comparison with its recent admissions that it violated an arms pact with the United States and illegally invaded Afghanistan, Moscow's recent disclosures concerning Wallenberg were equivocal. If glasnost is to prove itself, it cannot be open on one occasion and closed on another.

Since 1945, when friends of Wallenberg saw him in the custody of Soviet authorities, the latter have had little to say about Wallenberg. At first Soviet officials maintained that he died shortly after World War II in Hungary. Then they said he had died in the Soviet Union.

But assertions that Wallenberg was still alive began to surface. Friends and relatives of the Swedish diplomat said former Soviet prisoners had encountered Wallenberg. Soviet authorities stood by their story that Wallenberg was long dead.

Then Soviet officials agreed to meet with Wallenberg's relatives. Again, however, Soviet officals asserted that Wallenberg had died—of heart failure in Moscow's Lubyanka prison in 1947, at the age of 35. They produced his passport, money and notebooks—but no death certificate. The meeting left many questions unanswered.

Why was Wallenberg arrested? Why did Soviet officials wait until 1957 to announce his arrest? Why has it taken nearly 45 years to return Wallenberg's personal effects? What is the Soviet explanation for the reports that Wallenberg has been seen alive many times—once as recently as 1980?

The Wallenberg case will not go away. It is obvious that the Soviets bungled it from start to end, but that is no reason why—even this late—his family and the world cannot be told the truth. Moscow must pursue the Wallenberg inquiry with the same zeal it now pursues Western aid and technology, if glasnost is not just a mask.

UKRAINIAN INDEPENDENCE DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. HOYER. Mr. Speaker, this year's 72d anniversary of the January 22, 1918 Declaration of Ukrainian Independence comes at a time of interesting and meaningful developments in Ukraine. We are now seeing serious, albeit prudent, moves to advance self-determination in Ukraine.

The growth and development of numerous independent groups, and especially that of the popular movement in Ukraine for perebudova—"rukh", and the numerous demonstrations where Ukrainian national symbols are displayed are important examples of the growing assertiveness on the part of the Ukrainian people. Just last week, on January 22, hundreds of thousands in Ukraine formed a human chain between Kiev and Lviv in commemoration of the anniversary of Ukrainian independence.

We are witnessing the beginnings of the reversal of the stifling effects of russification, and a rapidly growing pride in Ukrainian culture. And we are seeing the gradual removal of some of the "blank spots" of Ukrainian history such as the 1932–33 Stalin-engineered famine.

Significantly, the Ukrainian Catholic and Ukrainian Autocephalous Orthodox churches are reasserting themselves, and Soviet Ukrainian authorities have stated that they will permit the registration of Ukrainian Catholic congregations. This is an important step for the Ukrainian Catholic Church and we await the full recognition of both the Ukrainian Catholic and Ukrainian Orthodox Churches.

All of these developments testify to the Ukrainian people's deep and abiding concern for their religious and cultural heritage, and their enduring commitment to democracy and freedom. They testify to the fact that despite tremendous suppression and incredible sacrifices, the Ukrainian people have an indomitable will to survive and to maintain their identity.

Mr. Speaker, just as the Ukrainian National Republic 72 years ago, in 1918, was established on a democratic, constitutional basis, there is the recognition in Ukraine today that genuine self-determination can best be achieved through democratic, peaceful means. Clearly, this will not be an easy process, and considerable efforts will be required for the Ukrainian people to reach their goals.

The Helsinki Commission, of which I serve as cochairman, has been in the forefront of calling for greater respect for human rights and self-determination. Last June, during the Paris meeting of the 35-nation CSCE Conference on the human dimension, I introduced a proposal which would commit the participating states to respect the right of all people, in full freedom, to determine when and as they wish, their internal and external political, economic, social and cultural development. The proposal addresses how self-determination could be achieved in practice, including by genuine and contested elections. To this end, the Commission will be watching closely the elections March 4 for the Ukrainian SSR Supreme Soviet. These elections can represent an important stepping-stone for the Ukrainian people in their efforts to determine their own destiny.

Only the peoples of the Soviet Union themselves, including the Ukrainian people, have the right to freely and democratically choose their own system of government. It is our obligation, consistent with our commitments under the Helsinki Final Act, to support their right to do so.

EDNA LEWIS, PREEMINENT AMERICAN CHEF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. TOWNS. Mr. Speaker, today it is an honor for me to pay tribute to a woman who has raised the chore of cooking to a culinary calling and the necessity of eating to an exercise in appreciation.

In her devotion to pursue her gastronomic gift, she has brought pleasure to the palates of people the world over. Edna Lewis is a preeminent American chef who has devoted her career to the enrichment of the American cultural milieu by blending the unique flavors of the South to appeal to a wider and more diverse audience. This uncanny ability led Gormet magazine to call her "the dean of Southern Cooks."

Edna Lewis began her career as a chef at Cafe Nicholson with John Nicholson on Manhattan's east side. In her never-ending effort to bring the joy of Southern cooking to the North, she has taught cooking classes and worked as a caterer.

Ms. Lewis' culinary masterpieces have been featured in numerous magazines including, Gourmet, Food and Wine, House & Garden, House Beautiful, Essence, Redbook, New York Magazine, Ladies' Home Journal, New York Woman and Connoisseur.

In addition to sharing her talent and time-honored recipes with a wide reading audience, she has been recognized by her peers as an extraordinary chef. She has received numerous honors acknowledging her substantial contributions. Cook's magazine listed her in their Who's Who in American Cooking—1986; the Chicago Roundtable honored her as outstanding woman chef; Berenger's Vineyard honored her as a one of twelve in the great womens' chefs series, and in 1988, the New York Cooking Teacher's Association named her cook of the year. She has made several appearances as a guest/lecturer at Robert Mondavi Vineyards great chefs of France series and the Macy's DeGustibus lecture series. In addition, Ms. Lewis has appeared on several television programs, including NBC Television's "Sunday Today."

For over 5 years, Ms. Lewis has contributed to the community by sharing her considerable talents with those who would not otherwise experience her work by serving as one of the host chefs of the James Beard tribute to City Meals on Wheels.

This year, Ms. Lewis is expected to appear as a guest chef at Bloomingdales' Great New York Restaurant series and a guest lecturer at a cultural seminar at Duke University. In February, Ms. Lewis will be one of nine distinguished American chefs featured in a Smithsonian Institution program on new directions in American cuisine. As a guest lecturer in the Smithsonian's resident associate program, she will discuss the origin of her cuisine, reveal sources of inspiration and explore the creative process.

Ms. Lewis is the author of three cookbooks—The Edna Lewis Cookbook, The Taste of Country Cooking and In Pursuit of Flavor. She is now chef at Gage & Tollner's, a landmark restaurant in Brooklyn, NY.

I am happy to pay homage to this great woman and master chef.

HOSPITAL CAPITAL PAYMENTS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. DONNELLY. Mr. Speaker, I am submitting for the RECORD an excellent article from the Wednesday, January 10, Wall Street Journal concerning hospital expansion in this country. The article points out the huge increase in hospital construction projects over the past several years, as hospital occupancy rates have consistently declined.

Mr. Speaker, this issue should be of interest to all Members of the House as we debate the constant increases in Medicare spending to hospitals. President Bush has recently proposed a reduction in the rate of increase in Medicare spending as part of the fiscal year 1991 budget proposal which the Committee on Ways and Means will begin considering shortly.

It is not clear to me why Congress should continue to allow a direct passthrough of hospital capital costs under the Medicare program as hospital occupancy rates continue to decline. The President's budget suggests that Congress may wish to consider linking capital reimbursement to occupancy, and I fully support this recommendation. The following article shows the merit of this position.

MEDICAL WASTE—HOSPITAL CONSTRUCTION BOOMS, DRIVING COST OF HEALTH CARE UP

(By Kenneth H. Bacon)

FORT WAYNE, IND.—Frederick Kerr peers into what he calls "the biggest hole in Fort Wayne" and describes the five-story hospital being built there.

Due to open in 1992, the $91.2 million building on the outskirts of town will supplant an aging downtown hospital and offer the newest of equipment and amenities, says Mr. Kerr, the president of Lutheran Hospital. A new hospital would seem to be a welcome addition: It might attract doctors and patients, provide jobs and, many people believe, help bring in industry.

But in fact, many businesses in this industrial city fear that the new hospital will accelerate the health-cost spiral and hamper their ability to compete at home and abroad. They warn that Lutheran's expense of servicing its debt for the hospital will add at least $75 a day to the $750 it currently costs for an average day of care there. And they fear that the city's two other hospitals, seeking to keep up, will undertake costly remodelings and raise their rates, too.

A RIVAL RESPONDS

Sure enough, rooms at Parkview Memorial, the city's biggest hospital, "are going to have to have some of the amenities that the new hospital has. That's just part of the cost of doing business," says Lavon Miller, Parkview's vice president for facilities. "Our doctors are going to have to have a parking lot as close to the building as we can make it. The carpet in the lobby is going to have to be replaced. The patients and physicians demand it."

The fuss in Fort Wayne is anything but unusual. It is a microcosm of a growing debate nationwide. Hospital construction is booming despite anguish other rising health-care costs and despite the fact that far more hospitals have empty beds than waiting lists. Although some hospitals in urban areas, especially New York City, have extremely high occupancy rates, more than one-third of the nation's 947,000 community-hospital beds are empty.

"There is, without a doubt, excess capacity in the system that we can't afford," says Louis Sullivan, the secretary of Health and Human Services.

The cost of completed hospital-construction projects totaled $14.9 billion in 1988, up 17.9% from 1987, according to a survey by Modern Healthcare magazine. And taxpayers are footing much of the bill, primarily through tax-exempt bonds—$11.4 billion of such hospital securities were issued in 1988 and through $5.8 billion of largely unmonitored federal subsidies.

As a group, hospitals are good credit risks. But the combination of low occupancy, attempts to control health-care costs and debt burdens approaching $93,000 a bed has produced a wave of credit-rating reductions in hospital bonds, according to Health Care Investment Analysts Inc., a Baltimore research firm. The ratio between downgrades in ratings and upgrades rose to 12-to-1 last year from 2-to-1 in 1983, the government calculates.

ADDING SERVICES

Instead of building new facilities, many hospitals are adding services and modernizing as a marketing strategy to attract patients from competing institutions. But in the health business, unlike most others, competition drives prices up, not down. Research by HCIA finds prices generally higher in competitive, multihospital markets than in single-hospital areas.

"Hospitals don't compete on price; they compete on services," explains Carl Schramm, the president of the Health Insurance Association of America. With occupancy low, "the pure economic response is that you develop things to fill your hospital." Aside from offering new, expensive technology, hospitals have set up centers for diet control, sports medicine, drug and alcohol treatment and psychiatry to attract patients to empty beds.

But the cost of excess capacity goes beyond higher prices. "More capacity to provide more services . . . simply raises volume and expenditures," contends Rep. Fortney Stark, a California Democrat who heads a House Ways and Means health subcommittee. "Therefore, the high rate of excess capacity in beds and services leads directly to unnecessary admissions and procedures."

He adds: "There's nobody in the American Hospital Association whose mother has ever told him that enough is enough."

The cost of this kind of competition is at the heart of the debate in Fort Wayne. The Northern Indiana Business Group on Health, a coalition of 16 companies employing 32,000 workers in the Fort Wayne metropolitan area of 300,000 people, unsuccessfully challenged Lutheran's project, in a public statement, as "inadvisable at this time." The coalition, which includes Lincoln National Corp., the large insurance company based here, and units of General Electric, General Motors and Motorola, argues that, to hold down costs, the area's three hospitals—Lutheran, Parkview and St.

Joseph Medical Center—should instead be reducing duplicative services.

In this case, Lutheran Hospital isn't expanding. It currently operates 447 beds and bassinets; the new hospital will have 390. At its old facility, Lutheran will continue to operate 57 psychiatric and drug and alcohol treatment beds and run a senior service center. And at 77.3%, Lutheran's occupancy rate is well above the national average. But Mr. Kerr says he hopes that the new facility will help Lutheran expand its market share by drawing patients from competing local hospitals.

Costly competition already plagues Fort Wayne. Parkview, with 632 beds and an occupancy rate of 68.8%, recently opened a $9 million maternity wing with a neonatal center and 40 birthing units, where a woman stays in one room for labor, delivery and recovery.

Everybody agrees that this is the newest, largest maternity center in Fort Wayne, but Lutheran's Mr. Kerr boasts that "we did renovation on our existing space to beat them to the punch with single room birthing." Actually, St. Joseph's was first with single-room birthing, says John Farrell, the chief operating officer at the city's smallest hospital, with 328 beds and an occupancy rate of 47.4%. "We had it before they did; we just didn't market it," he says. And with the new competition expected from Parkview, "I'm redoing mine a little right now—a $300,000 to $400,000 facelift," he adds.

COMPETITION IN MACHINERY

Fort Wayne's hospitals compete in other apparently redundant ways. All three perform open-heart surgery and operate magnetic-resonance imaging machines, which cost more than $1 million apiece. Two have lithotripter machines (Lutheran's cost $850,000), which destroy gall and kidney stones without surgery.

Competition also involves expanding to new locations. St. Joseph's started by opening a medical office building in a high-growth area several miles north of its downtown location. Lutheran has also opened, on the site of its new hospital, a new office building with an active outpatient surgery center. So far, Parkview hasn't branched out from its extensive campus, but Mr. Miller is thinking about it. A big map in his office shows possible satellite locations near suburban highway intersections. Such facilities may be necessary to promote "bonding" with Parkview's doctors, he says.

"It's an extremely competitive town in terms of health care," St. Joseph's, Mr. Farrell explains, with the competition centering on services and location. "We have found that there's not a lot of price sensitivity here," he says.

That may be changing, both here and around the nation. Fort Wayne businesses are beginning to negotiate with hospitals and doctors for price breaks. The Northeast Indiana Business Group is working to set up a purchase plan that should increase companies' bargaining power. One company in the group complains that the cost of an average hospital stay for its employees rose 35% between 1986 and 1988.

Nationally, the number of hospital beds is shrinking, but not fast enough. "I don't think anybody anticipated the tremendous diversification of services" that have attracted new patients and helped hospitals postpone the pressures to close that they would otherwise feel from falling hospital admissions and shorter lengths of stay, says Daniel Dragalin, Prudential Insurance Co.'s vice president for medical services. "But I think we're going to go through a period of pain."

FEDERAL FINANCING PROGRAMS

The current building boom is very much a product of the enactment of Medicare for the elderly and Medicaid for the poor nearly 25 years ago. The new coverage provided a steady flow of federal funds to hospitals. In addition, Medicare agreed to reimburse hospitals for reasonable capital costs incurred to provide care to the elderly. With guaranteed federal funding, hospital could easily borrow money.

Before Medicare, hospitals raised most of their money through charitable contributions. "An ethic of penurious management of resources pervaded most hospitals," according to a study by Mr. Schramm and George Pillari, HCIA's president. "Because the sources of capital in the past were individual contributors, the hospital was careful in developing building plans, erecting only physical plant that appeared necessary at the time." But the switch to public financing made it easier to finance expansion and led to overcapitalization in the industry, they argue.

Medicare reimburses hospitals for part of their capital costs on a pass-through basis. The money can support expenditures ranging from the purchase of magnetic/resonance imaging machines to construction of parking garages; Medicare doesn't try to determine whether the projects are necessary to provide medical services in a particular area.

The program bases capital payments on the percentage of a hospital's patients on Medicare rather than on its occupancy rate. So, a hospital with an occupancy rate of only 40% but with 80% of its patients on Medicare can get a larger reimbursement on a given investment than a hospital with an 80% occupancy rate but only 40% of its patients on Medicare.

In 1991, however, the government is scheduled to link reimbursements more closely to the services that hospitals actually provide Medicare patients—a move expected to reduce the capital subsidies and perhaps slow the building binge.

Parkview's Mr. Miller believes that with both government and business fighting to hold down health-care costs, the demand for Fort Wayne's nearly 1,400 hospital beds is likely to fall further. "We'll probably need half the beds we currently have by the year 2000," he says. "We could probably get by with two hospitals."

THE VISION CLINIC OF SPRINGFIELD

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. DURBIN. Mr. Speaker, I rise to call my colleagues' attention to a new program serving the working poor that has been established by a hospital in my congressional district.

The Vision Clinic in St. John's Hospital Convenient Care Center in Springfield, IL, now provides free eye care to working low-income parents and their children. Seven optometrists in the Springfield area have offered to provide free examinations and eyeglasses at cost to families who cannot obtain care without forgoing necessities such as food or rent. Workers affiliated with the local Catholic Charities will screen participants for income eligibility and make appointments at the clinic.

Mr. Speaker, some of the people who work the hardest in this country do not have access to adequate medical care because they fall through the gaps in our Nation's health care system. Although they may work full time year-round, their employers do not provide health insurance for them and their families and they are unable to afford the high cost of private health insurance. At the same time, their incomes make them ineligible for Medicaid or other Government-funded health assistance.

I applaud the optometrists and other people who have made the vision clinic in Springfield a reality. Their efforts do not eliminate the need for a more comprehensive approach to health care in America, but they are providing a valuable service in the meantime. Now, hard-working, low-income families in Springfield will be able to get the eye care they need and see the world around them in a new light, because of the willingness of these health care professionals to provide this service free to those who otherwise could not obtain it.

IN HONOR OF UKRAINIAN INDEPENDENCE DAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. CARDIN. Mr. Speaker, January 22 of this year marked the 72d annivesary of Ukrainian Independence Day. The 101st Congress joins over 1½ million Ukrainian Americans in celebrating the spirit of freedom within the Ukraine.

The declaration of Ukrainian independence in 1918 brought about a short-lived but significant turn of events in the region's history. Perpetually undermined by surrounding territories, this distinctive group of Slavs has struggled to maintain its unique cultural identity.

Amidst the dynamic changes occurring in Eastern Europe, Ukrainian Independence Day is a particularly important occasion. A variety of forces are gaining increased attention in their attempts to express their political and cultural identities. Perestroika and glasnost have promoted freedom and openness toward diverse ethnic, cultural, and political viewpoints. Changes in Poland, Czechoslovakia, and Hungary have demonstrated a new flexibility in the once immovable Iron Curtain. The tumbling of the Berlin Wall has sent reverberations throughout the world. President Mikhail Gorbachev's historic audience with Pope John Paul II sends a positive signal to all of the citizens of the Soviet Union, saying that freedom of expression and cultural identity may be consistent with the future of the Soviet Union.

The unique cultural identity of the Ukraine is a source of pride to the more than 50 million Ukrainians all over the world. On January 22 we extended best wishes and thanks to the Ukraine for its important contributions to the world in the visual arts, folk music, religion, world view, literature, physical sciences, archi-

tecture—but above all the Ukraine's greatest contribution: her people.

THE EFFORTS OF ANNETTE AND TOM LANTOS TO FREE RAOUL WALLENBERG

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. GILMAN. Mr. Speaker, January 17 of this year was the 45th anniversary of the abduction by Soviet military authorities of Raoul Wallenberg. Through the efforts of this Swedish diplomat, who voluntarily went to Budapest at the height of the Nazi effort to destroy the Jews, 100,000 Hungarians were saved from extermination camps and death marches. Among those saved by this noble Swede are our distinguished colleague from California, TOM LANTOS, and his wife, Annette.

Mr. Speaker, a recent Jack Anderson column reminds us of the tireless efforts of Annette and TOM LANTOS to repay that debt by seeking the release of Raoul Wallenberg from Soviet prison. I request that this article be placed in the CONGRESSIONAL RECORD at this point so that my colleagues may have the opportunity to read it. The efforts of Annette and TOM LANTOS to secure the release of Wallenberg deserve our serious attention and support.

(By Jack Anderson and Dale Van Atta)

THE SEARCH FOR RAOUL WALLENBERG GOES ON

Annette and Tom Lantos were childhood sweethearts, but their childhood was not the stuff of fairy tales. They were Hungarian Jews who both managed to escape the gas chamber because an obscure Swedish diplomat based in Budapest plucked as many Jews as he could from the grasp of the Nazis.

Today, Rep. Tom Lantos (D-Calif.) is earning marks as the chairman of the House committee exposing the Housing and Urban Development scandal. But Annette Lantos has a scandal of her own to expose: Has that Swedish diplomat, Raoul Wallenberg, spent the last 45 years in a Soviet prison because of what he did to help the Jews?

For nearly 15 years, Annette Lantos has made it her work to find Wallenberg. The Soviet secret police snatched him from a street in Budapest on Jan. 17, 1945. The Soviets were liberating Budapest from the Nazis, and Wallenberg was on his way to talk to the Soviet overseers and explain his plan for the Jews. Wallenberg had managed to outwit the Nazis, but the Russians had no patience with him. It's not clear whether they thought he was a spy or whether Wallenberg was just a victim of someone's stupidity.

Last October, for the first time, the Soviets apologized for kidnapping Wallenberg and letting him die in prison. The apology was nice, but Annette Lantos refuses to believe Wallenberg is dead, and she wants Mikhail Gorbachev to produce proof, or produce the living Wallenberg.

As children in Budapest, Annette and Tom Lantos heard talk about a very powerful Swede who was saving Jews. Tom survived in a house of refuge set up by Wallenberg. Annette and her mother managed to escape using Portuguese passports because Wallenberg had set a precedent of getting the Nazis to honor the foreign diplomatic passports he issued to Jews.

They found each other after the war, married and moved to San Francisco. In 1956, the Soviets admitted that they had taken Wallenberg, but said he died of a heart attack in 1947.

Annette Lantos went about the business of raising her children, but whenever she had the chance to talk to others about the Holocaust, she would tell the story of Raoul Wallenberg—how one person stood up to the Nazis and saved 100,000 lives and then paid with his own life.

Then in 1979, Nazi hunter Simon Wiesenthal claimed that Wallenberg was alive in a Soviet mental ward in Siberia. "After a sleepless night, I decided I would have to devote my life to saving Wallenberg, and all I had was a Xerox machine," Annette Lantos told our associate Daryl Gibson.

She contacted the Swedish Embassy in Washington, and they told her to find another outlet for her do-gooder tendencies.

Luck brought her to President Jimmy Carter. In October of 1979, she and 24,000 other Americans put their names in a hopper, and 10 were selected at random to ask Carter any question they wanted in a nationally broadcast radio call-in program. One of the 10 was Annette Lantos, and she asked Carter what he could do to help Wallenberg. The president said Wallenberg had not been forgotten.

It wasn't much of an answer, but it was enough to bring the press to the Lantos doorstep. The attention led to five books about Wallenberg and eventually a TV miniseries, starring Richard Chamberlain.

In her spare time, Annette Lantos helped get her husband elected to Congress, and in 1981 she was in the Rose Garden when his first piece of legislation was signed by Ronald Reagan—an act making Raoul Wallenberg an honorary American citizen. It was prestigious—Winston Churchill is the only other honorary U.S. citizen—but that was not what motivated Annette Lantos. If Wallenberg was alive, then the Soviets had an American citizen in prison, and the U.S. government was obligated to get him out.

Eight years later, Annette Lantos and Raoul Wallenberg are still waiting. In October, when the Soviets issued their glasnost-inspired apology, it was accompanied with the same old story that Wallenberg died of a heart attack in 1947. But there have been many Wallenberg "sightings" since then—prisoners who said they shared a cell with him, a doctor who examined him in 1961, a refusenik who met him in a prison hospital in 1975, a secret informant who told a Swedish businessman that Wallenberg was alive in a Soviet prison camp near the Chinese border in 1986. Many who have told of seeing Wallenberg have disappeared soon after speaking up or have died of "heart attacks"—the ailment that plagues many enemies of the Soviet state.

Does Annette Lantos think Wallenberg is alive? "I don't want to deal with the issue until I know the truth," she says, with an edge that implies that the quesiton is irrelevant. "It's going to be dirty, the truth, very dirty."

The story that Wallenberg died of a heart attack was perpetuated by Andrei Gromyko, who took the truth to his grave. Glasnost recently allowed Soviet television to broadcast pictures of Wallenberg and a phone number to call with information on his whereabouts. That's a remarkable gesture for the Soviet Union, but Annette Lantos says Gorbachev has to put more into the search than good intentions.

Whether Wallenberg is dead or alive, Annette Lantos think he is entitled to have the world know what happened to him at the hands of the Soviets. She calls that "the only tribunal for victims of governments."

A TRIBUTE TO JOSEPH CORY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. GUARINI. Mr. Speaker, a dedicated civic leader in the 14th District in New Jersey is being honored for his contributions in the philanthropic area. The individual I speak of is Joseph Cory, who on February 2, 1990 will receive the Distinguished Service Award from the Hudson County Council on Alcoholism and Drug Abuse at a dinner to be held at the Casino in the Park, Jersey City.

Joseph Cory is a leader in the transportation industry and has employed up to 1,000 individuals as chairman of the board and chief executive officer of the Joseph Cory Warehouses, Inc., and of Joseph Cory Delivery Services, Inc.

Cory's work in the substance abuse area as chairman of Intervention Strategies, Inc., is a unique approach, bringing education, information and counseling services into the work place. The Hudson County Council on Alcoholism and Drug Abuse is honoring him for his work in the substance abuse area, and I am pleased to join in their salute.

Educated at James Madison High School in Brooklyn, NY, the University of Miami, Fairleigh Dickinson University in New Jersey, and New York University, Cory is chairman of the board of Meadowlands Hospital in Secaucus, and a trustee of the Franciscan Health Systems of New Jersey, which operates St. Francis Hospital, Jersey City, and St. Mary Hospital, Hoboken.

In 1989 he was honored by the Dante Alighieri Society of Jersey City as their "Man of the Year." In 1987 he received the Distinguished Citizen Award from the Hudson-Hamilton Council of the Boy Scouts of America.

The Italian-American League of Hudson County saluted him in 1983, and the Greater New York Home Furnishings Industry made him their "Man of the Year" the same year.

An avid sportsman, he was honored as "Rookie Driver of the Year" in 1985 by the NEPA Sports Car Club of America.

Born in Brooklyn, his parents were the late Grace (nee BenFante) and Joseph Cory, Sr. His maternal grandparents were from Palermo, Italy, and his paternal grandparents were from the Corigliano region of Ruggerio de Calabria, Italy. In 1938, Joe's father shortened the family name, Corigiano, to Cory for business reasons.

Joe played football while attending James Madison High School in Brooklyn. After completing his education he joined the businesses founded by his father. The Cory companies specialize in the warehousing and delivery of residential furniture. They serve leading retail-

ers in New Jersey, New York, Connecticut, Pennsylvania, and Florida. In his association with his brother, James and uncle John, the Cory companies have steadily grown. Today, they are the Nation's largest furniture distribution network. From modest beginning 54 years ago, Cory now operates 2 million square feet of warehouse space and a fleet of 170 vehicles.

A member of the New Jersey Motor Truck Association, he also has served many business, civic, and charitable organizations such as the Hudson County Chamber of Commerce and Industry; the Hudson-Hamilton Council of the Boy Scouts of America; the Anti-Defamation League of B'nai B'rith; the National Conference of Christians and Jews, and the Hudson County Council on Alcoholism and Drug Abuse. Joe is also a member of the American Trucking Association, New Jersey Home Furnishing Association, Greater New York Home Furnishing Association, Florida Home Furnishing Association, Sports Car Club of America, Falcon Racing Service, Inc., Elizabeth Corporate Leadership Group, Elizabeth Mayor's Advisory Cabinet, New Jersey Chamber of Commerce, 200 Club of Hudson County, Dante Alighieri Association, National Furniture Traffic Conference, and Specialized Furniture Carriers Association.

Joe resides in Bergen County, NJ and is the father of five children and six grandchildren. He is an avid yacthsman and trophy-winning off-shore fisherman. On land, he enjoys membership in the Porsche Club of America and participates in several road racing events annually.

The Hudson County Council on Alcoholism and Drug Abuse has been working in my district to alleviate the plague of addiction. I must commend them on their wise choice, spotlighting the efforts of Joseph Cory, and granting him their annual award.

I am sure that my colleagues in the House of Representatives wish to join me in this tribute to Joseph Cory for a job well done.

TRIBUTE TO EDWARD J. DeBARTOLO AND THE SAN FRANCISCO 49'ERS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Edward J. DeBartolo, Jr., and the San Francisco 49'ers for their overwhelming defeat of the Denver Broncos in Super Bowl XXIV.

The city of Youngstown, as well as San Francisco, is proud of the NFL champions. Youngstown is home to both team owner Edward J. DeBartolo, Jr. and 49'ers executive vice president and general counsel, Carmen Policy. Edward Jr. is the son of the well-known land developer Edward DeBartolo, Sr.

Edward DeBartolo, Jr., is the man responsible for the 49'ers rise to fame. Since purchasing the 49'ers in 1977, his keen eye for talent, outstanding organizational skills, and careful attention to detail have led his team to four stellar Super Bowl victories in less than a decade.

Successful organizations start with inspiring leadership at the top; and the San Francisco 49'ers are no exception to this rule. The 49'ers are being hailed the team of the decade. Edward's caring professionalism reaches beyond the realm of athletics. His work in charitable organizations in Youngstown and San Francisco is well documented.

Above all, it is Edward's love and respect for his players individually that has built a team of champions. His unwaivering confidence in fellow Notre Dame alumnus Joe Montana, who after undergoing back surgery was a testament to Edward's faith and loyalty. Joe Montana rewarded Edward for his patience and confidence with back-to-back Super Bowl victories and a most valuable player performance. It is this type of close-knit, family atmosphere that has made the 49'ers organization a winner!

Mr. Speaker, I would like to take this opportunity to congratulate Edward J. DeBartolo, Jr., Carmen Policy, and the San Francisco 49'ers on being recognized as the team of the 1980's and for kicking off the 1990's in a super fashion. I am honored to represent these outstanding individuals.

UNIVERSITY OF MIAMI HURRICANES

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. McEWEN. Mr. Speaker, today I want to recognize the University of Miami and its Hurricanes football team for winning the 1989 national championship. The Hurricanes are truly the "Team of the Decade" having won the national championship three times during the 1980's, in 1983, 1987 and now this year. No other college football team comes close to the record they have amassed.

Now there are those who will argue that the Hurricanes were declared national champions at the end of the season by mere consensus since there is no national championship game. But what a consensus. Every major sports poll was unanimous in ranking the Hurricanes No. 1: AP, UPI, CNN-USA Today, Sporting News and the New York Times Computer. There can be no doubts of who is No. 1.

The Hurricanes won the championship on the strength of their 11-1 season. In one of their toughest games, they defeated Notre Dame by a score of 27-10 on November 25. They capped their season with a 33-25 defeat of Alabama in the Sugar Bowl on January 1. In addition, the 1989 Hurricanes' defense led by first-team All-American defensive end captain Greg Mark were also ranked No. 1. The defense gave up only 9.3 points per game.

There was that one defeat. As an alumna, it hurts to know that the Hurricanes' only loss came at the hands of State rival Florida State 24-10 on October 28. To their credit, the team led by head coach Dennis Erickson regrouped and redoubled their efforts to win their remaining games. The championship is of special significance for coach Erickson because he is only the second coach in college football history to win the national championship in his first year as head coach.

I join with the university's other 95,000 alumni in congratulating the entire team for their success this year. They set the highest goal, applied themselves and achieved it. The effort and teamwork they exhibited will serve them well in their future endeavors.

While the Hurricanes' football team has captured national attention during the 1980's, the University as a whole has also experienced phenomenal growth. Only 64 years old, the changes of the last decade have brought the University of Miami into the ranks of the most selective private research universities in the southeast United States.

A snapshot of statistics from the decade are illustrative. Annual research funding has doubled. Fundraising has more than tripled. The endowment fund has nearly quadrupled. The university budget has increased 2½ times. At the same time, the faculty has gotten larger with a sevenfold increase in endowed chairs while the student body has become smaller and better. In just the past 2 years, the applicant pool has grown 69 percent.

Under the leadership of Edward T. Foote II, the university initiated an innovative strategic planning process 6 years ago which has contributed greatly to this explosive growth. During the 1980's the university and its Hurricanes dedicated themselves to achieving excellence and they did. Both are prepared and poised to continue his effort and reap more success during the decade of the 1990's.

COLA FAIRNESS FOR OUR RETIREES—AGAIN

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Ms. OAKAR. Mr. Speaker, once again, the President wants to balance the Federal budget on the backs of Federal retirees. In the President's fiscal year 1991 budget, Federal retirees are not scheduled to receive a well-deserved cost-of-living adjustment [COLA]. This is an all too familiar pattern of executive disdain for civil service. As you will remember, the Balanced Budget and Emergency Deficit Control Act of 1986 eliminated fiscal year 1986 COLA's for civil service, military, and railroad and disability annuitants while guaranteeing a COLA for social security and veterans' benefit recipients. This decision to differentiate between annuitants with respect to COLA's was contrary to policy decisions made by the U.S. Congress and any measure of fairness.

Last year it was the same story. President Reagan, in submitting his final budget, called for the elimination of COLA's for Federal retirees in 1990, and the new Bush administration followed his lead. Last year I was joined by over 280 of our colleagues in sponsoring legislation guaranteeing a COLA for all nonsocial security recipients. Subsequently, this language was included in the budget reconciliation enacted last fall to insure that all military, tier II railroad retirement, CIA, foreign service and certain FECA beneficiaries also receive

their COLA's on time. I am now introducing this same legislation for fiscal year 1991.

It is important that we treat all of our Nation's retirees fairly. However, the administration seems intent on breaking that promise. Federal budget cuts during the last years have already fallen heavily on Federal workers and annuitants. Reductions fall especially hard on Federal retirees, whose average pensions are $1,146 per month and their survivors, whose average benefit is $552 per month.

We cannot undo events of the past. However, we can prevent the perpetuation of inequitable treatment of our senior citizens, who performed the tasks so essential to making our Government function. My legislation simply provides that these retirees be treated the same as social security beneficiaries. I am also introducing a sense of Congress resolution that expresses the unfairness of the administration's arbitrary treatment of certain Federal annuitants' COLA's. Increases in the cost-of-living affect all retirees equally and all COLA's should reflect this reality. Indeed, civil servants are not immune from the effects of inflation felt by all Americans.

Mr. Speaker, I am very confused by President Bush's rhetoric regarding civil service. The President has repeatedly stated that serving one's country or community through loyal Government service is, in spite of numerous hardships and sacrifices, one of the most important jobs in the world. I completely agree with this sentiment, but I question how the President can offer these ennobling thoughts one minute and pull the retirement income rug out from under civil service retirees the next minute. At best, it seems President Bush is not speaking sincerely when he idolizes public service. At worst, he may harbor the same extreme anticivil service tendencies as President Reagan. I sincerely hope this is not the case.

As a measure of support for some of the hardest working, most loyal employees in the world, I strongly urge all of my colleagues to cosponsor my legislation.

APPLAUDING THE VALIANT SERVICE OF COL. GEORGE F. HENNRIKUS, JR.

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mrs. BYRON. Mr. Speaker, I rise to offer a tribute to a man who has served his country long and faithfully during not one, but two distinguished careers. On January 31, Col. George F. Hennrikus, Jr., USAF (Ret.) will retire from his posts as director of legislative affairs for the Retired Officers Association and as chairman of military coalition.

Colonel Hennrikus started his military career as a 17-year-old bombardier-navigator in 1942, completing 35 combat missions over Germany in a B–17. After the war, he earned his bachelor's degree at Boston University and started in business. However, as happened to so many young men of that era, along came the Korean conflict and Colonel Hennrikus found himself back in uniform. It was not until 1974, after some 32 years of active service, spanning three decades and three wars, that he finally left the Air Force. At the time of his retirement he was most admirably representing the Air Force as the Assistant Director of Information.

Upon his retirement from the Air Force, Colonel Hennrikus began his second career as director of legislative affairs for the Retired Officers Association. For almost 17 years he has toiled long and hard to preserve and defend the rights of uniformed service retirees and their families. His retirement at the end of the month will create a vacuum, but the legacy he leaves will live long into the future.

Colonel Hennrikus is, in every sense of the word, an institution in this town. His reputation as a forthright and honest champion of those who have faithfully served their country, as well as their widows and widowers, is legend. His influence on those of us he has advised, be they individual Members or committees, has been immense because Colonel Hennrikus has credibility.

He is a font of knowledge on each and every issue affecting uniformed services retirees. He has been willing to explore all sides on an issue and, where appropriate, propose compromise positions. This characteristic, perhaps more than any other, has resulted in his ability to shape policy in a direction that is most beneficial to retirees and their families.

The leadership of Colonel Hennrikus is, perhaps, best demonstrated, by his impact on those affiliated associations comprising the Military Coalition. Made up of some 22 military oriented associations with a combined membership of 1.3 million active, Reserves and retired members of the seven uniformed services, under his chairmanship the coalition has become a force to be reckoned with. A strong advocate of the philosophy that in unity there is strength, he has been able to meld the coalition's sometimes diverse opinions into cohesive positions which then are skillfully presented to Congress. His record of success speaks for itself. One need only look at his effort to improve such areas as cost-of-living adjustments, military commissaries, military pay, and catastrophic health care to realize how effective he has been.

However, the ultimate reward for George Hennrikus for his years of dedicated and distinguished service is the mark he has left on those very same retirees. That is the bottom line. That is final mark of success. Uniformed services retirees are better off today financially than they have ever been. Their well-being has been the singular, overriding concern of Colonel Hennrikus: and their well-being could not have been in better hands.

Few retirees know Colonel Hennrikus; not many recognize the debt of gratitude they owe him. He is an unsung hero, and an untiring and faithful servant to their causes. His retirement highlights an era of enlightened leadership that will be extremely difficult to maintain. George Hennrikus is a hard act to follow; he has, however, set in place the necessary framework to carry on his work, and we expect that his influence will continue to be felt for many years.

Mr. Speaker, we wish Col. George F. Hennrikus, Jr., the best in the future; he has unquestionably and unselfishly given all retirees his best in the past.

CONVENTION ON THE RIGHTS OF CHILDREN

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. BEREUTER. Mr. Speaker, today I am extraordinarily pleased to introduce, together with the distinguished chairman of the Subcommittee on Human Rights and International Organizations, Mr. YATRON, and my distinguished colleagues on the subcommittee, Mr. CHRIS SMITH and Mr. OWENS, a resolution urging the President to submit the Convention on the Rights of the Children to the Senate for its advice and consent to ratification. This convention was endorsed by the United States and other members of the United Nations at the General Assembly on November 20, 1989. Attached are excerpts from the address given by my distinguished colleague, Mr. CHRIS SMITH, serving as representative of the U.S. delegation to the United Nations before the Third Committee of the U.N. General Assembly, in support of adoption of the convention. Now the stage is set for ratification by the United States, which will ensure that the convention can become a major force for improving the lot of children worldwide.

DEFINING THE RIGHTS OF CHILDREN

(By Christopher H. Smith)

After 10 years of constructive dialogue, seemingly endless consultations, and finally an agreement, the Commission on Human Rights has presented the Convention on the Rights of the Children to the UN General Assembly for adoption. The United States participate actively in the drafting of the convention. We believe that it represents a notable step forward in the needed promotion and protection of the rights of children. Although the convention is far from perfect—no agreement ever is—the United States strongly believes in the enumerated commitments and goals of the convention, and it is our hope that the General Assembly will adopt the text without change.

The Government of Poland deserves much of the credit for the conclusion of this convention. The version we have before us today represents many years of debate and revisions to the Government of Poland's first draft.

The United States also recognizes the valuable contribution made by many nongovernmental organizations during the drafting process. The promotion of human rights standards inevitably creates a certain tension between what might be best in an ideal world and what governments are prepared to accept today. Although in the end it is governments that are bound to uphold human rights standards, the participation of nongovernmental organizations in the drafting of these conventions—and in the United Nations generally—serves to push us to higher standards over and above our parochial interests. In addition, it prevents us from being content to settle for the lowest common denominator.

The Convention on the Rights of the Children grapples with many difficult issues and rests on several hard-fought compromises. A number of these compromises were necessitated by the differing cultural, legal, and religious views of the unique relationship between the rights of the children, the

rights and responsibilities of parents, and the state's obligations of legal and moral protection. Other concessions were necessary on other matters. My government, like many others, is not completely satisfied with some of these compromises. But because we recognize the importance and desirability of adopting the convention without further delay, we do not wish to reopen negotiation on any part of the text.

For the record, I would like to make a brief statement of my government's views on several aspects of the convention.

The United States fully supports the inclusion within the preamble of the convention language from the 1959 Declaration of the Rights of the Children confirming that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."

Comprehensive research and experience, domestically and internationally—through organizations such as the World Health Organization—have proven that proper prenatal and neonatal care spell the difference between a healthy or health-threatened mother, and between a strong or vulnerable child. Healthy babies, right from the start, will help provide brighter futures for all of our children, who represent our own future and our legacy for the next generation.

My government concurs fully and is pleased that the convention reaffirms "the right of the child to freedom of thought, conscience and religion." Although parents or guardians must, of course, offer guidance and assist young children in the exercise of their right to freedom of conscience, we must recognize that this inherent and inalienable right of religious freedom is a precious right of each individual, including children.

The United States firmly believes that the costs of the Committee on the Rights of the Children that will be established by the convention should be borne exclusively by the states that ratify the convention. In our view, the committee established by the convention is not a UN body, but an instrument of the states parties to the convention.

The current draft of the Convention on the Rights of the Children addresses many of the social concerns facing the children of the world. I would like to highlight a number of the key elements that the U.S. Government supports.

Family Reunification. We are particularly concerned about the reunification of families so that children and parents can live together.

Abuse and Neglect. The prevention of physical and mental abuse against children demands constant vigilance, a moral and ethical consciousness throughout our society. Governments must be committed to providing legal and administrative protection to children.

Adoption. With a strong and active encouragement of President Bush, the U.S. Government has promoted the adoption of children by loving and caring families. Through legal safeguards and constructive adopting agencies, governments can help ensure that eligible children or orphaned children enjoy the love and nurture of a family.

Disabled Children. The United States is keenly aware of the special needs of mentally or physically disabled children, and we fully support the convention's call for a "full and decent life" for these children.

As I made clear at the outset, the United States is satisfied that the working group which drafted the Convention on the Rights of the Children made such progress and achieved consensus on all substantive issues. We sincerely hope that the General Assembly will adopt the convention without a vote and without changing a vote and without changing any of the test.

The United States does believe, however, that we must view the convention in a sober, realistic light. It is not a perfect document, and its entry into force will not solve all problems and all threats for all children. Only by recognizing this can the international community work together to make the best possible use of the convention. Necessary protection for our societies' vulnerable and helpless will, ultimately, have to be demanded by the moral commitment of men and women throughout the world and will have to be guaranteed by member states.

INTRODUCTION OF CONCURRENT RESOLUTION ON "BIRMINGHAM SIX" CASE

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. DONNELLY. Mr. Speaker, I am introducing a sense-of-the-Congress resolution today on behalf of myself and several members of the Congressional Friends of Ireland concerning the case of the "Birmingham Six" prisoners. This case arose from a series of bombings in Birmingham, England in 1974, for which six individuals were convicted and have been imprisoned, under life sentences, since 1975.

Since then, numerous allegations of police beatings of the prisoners, unreliable forensic evidence, and allegations of perjury on the part of police officers at the trial have given rise to grave concerns about the credibility of those convictions. My own examination of the facts—including a recent visit to one of the prisoners—has convinced me of their innocence. This case must be reopened immediately, and the convictions of the Birmingham six quashed. Quite simply, they were in the wrong place, at the wrong time, and of the wrong religion.

This resolution calls for the reopening of the case, the quashing of the convictions, and calls on the President to raise with the British Prime Minister the serious human rights questions arising from the continued incarceration of the Birmingham six. The six prisoners are: Patrick Hill, Robert Hunter, John Walker, Richard McIlkenny, William Power, and Hugh Callahan.

Mr. Speaker, there is growing international support for a complete, top to bottom, thorough review of this case. The City Council of Birmingham and its Lord Mayor, the bishops of Birmingham, many members of the British Parliament, the European Parliament, and Amnesty International have all gone on record in support of a total review. This broad spectrum of concern reflects the increasing conviction that an injustice has been done.

The bombings in 1974 resulted in the deaths of 21 people and scores of injuries. All right-minded people condemn and deplore such violence, and it is imperative that those guilty of this crime are punished. But the central issue remains that the facts did not support the convictions of the Birmingham six. The continued imprisonment of these men is a fundamental, gross abuse of human rights.

Last year, the British Government released four other prisoners—the Guilford four—who were convicted on similar unreliable evidence for a crime they did not commit. That the British Government was prepared to admit there was a serious miscarrage of justice in the case of the Guilford four clearly casts fresh doubts on the validity of the convictions of the Birmingham six and reinforces the need to carry out an immediate review.

Mr. Speaker, I urge all of my colleagues to review the issues in this case carefully and closely, and to support our resolution. Furthermore, I urge prompt action on it by the Committee on Foreign Affairs.

TRIBUTE TO THE LATE DR. MARK "MAX" LOTKIN

HON. JULIAN C. DIXON

OF CALIFORNIA

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. DIXON. Mr. Speaker, Mr. MYERS and I would like to pay special tribute to Dr. Max Lotkin—mathematician, rocket scientist, husband, father, and friend. Dr. Max Lotkin passed away on Monday, November 20, 1989 in Coconut Creek, FL. Dr. Lotkin, who died of cancer, was 78 and succumbed just one day shy of his 45th wedding anniversary.

Born in Copenhagen, Denmark, Dr. Lotkin attended Berlin's University of Kiel during Nazi rule, and in 1937, earned a doctorate in mathematics. In 1939, he immigrated to the United States where he would later make great contributions to the scientific community. Working on both Government and private industry projects, Dr. Lotkin labored to develop rockets and computers—helping to design the first multistage rocket-firing table.

Dr. Lotkin was a member of the American Math Society, National Academy of Sciences, and the Society of Industrial and Applied Mathematics.

In addition to Edith, his lovely wife of nearly 45 years, Dr. Lotkin is survived by two sons Ralph and Stephen; a sister, Rae Ross; and four grandchildren. His son Ralph Lotkin is Chief Counsel to the Committee on Standards of Official Conduct.

We offer our sincerest condolences to Ralph and his family, and a host of Dr. Lotkin's friends.

SOVIET/AMERICAN PEACE WALK EXPERIENCES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. RICHARDSON. Mr. Speaker, two of my constituents, Miel Castagna and Johanna

Payton of Llano and Taos, are back in the United States after a 2-month journey through the Soviet Union. They took part this past fall in the Soviet/American Peace Walk which allowed them the unique opportunity of living and traveling with the Soviet people.

This past December, I had the good fortune of meeting with Miss Castagna and Miss Payton at which time they shared with me their views about the Soviet Union and their thoughts about what must be done to ensure continued peace between our two great nations.

It is with great pleasure that I share with my colleagues the views of these two New Mexican teenagers. Their observations are included in the following summary submitted to me by Miss Castagna and Miss Payton:

LLANO NM,
January 15, 1990.

In October and November of '89, we attended the Soviet/American Peace Walk through the Soviet Union. The month long venture brought together 85 Americans and 70 Soviets to live, walk, and travel across 146 kilometers of the Ukraine.

The Walk was a large and complex citizen diplomacy project, Americans and Soviets, together, in a powerful effort to lessen the arms race. This was a grave responsibility for us, two 18 years olds from Llano, and Taos, small towns in rural New Mexico. We were citizen diplomats representing our towns on the Walk.

The purpose of the Walk was an exercise in co-existence with the Soviet people, as an example for ourselves and others. We found that the Soviets are working for peace. People from villages, cities, farms and forests, in the U.S. and U.S.S.R. alike want to end the arms race.

The Walk was successful and we have come up with some suggestions to slow down on arms production. These suggestions are from both the citizens of the Ukraine, and of New Mexico and the U.S.

1. We must stop producing plutonium and tritium for nuclear weapons.
2. We must press immediately and tirelessly for agreements with the Soviet Union that would eliminate the need to generate new plutonium and tritium, and any new arms.
3. We must begin to disassemble all short range and long range nuclear missiles.
4. We must educate the public to the horrors of a nuclear war.
5. We must continue to share with the citizens of the USSR in exchange programs and friendship of our two peoples.
6. We must support and lend a hand to the Soviet Union NOW, in such a time of change, and truly END the cold war.
7. We must spend our valuable tax dollars on feeding the hungry and poor in our own country, and spend less on weapons of destruction.

MIEL CASTAGNA.
JOHANNA PAYTON.

VETERANS' DAY SPEECH BY MR. SAM BRENNER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to share with all my colleagues a speech given by my constituent, Mr. Sam Brenner, during a special Veterans' Day ceremony, in Surfside, FL, which I had the honor to attend.

Yesterday, as I lay upon the rocks that jut out into the sea, the beauty of our world captivated me. In awe, I listened to the waves. Whether they come in a roar and a thud upon the shore, or in sea whispers when the tide is low, I hear within their tones, particularly on Veterans' Day, the many muffled moans and cries of millions who prematurely died in war and genocide.

It is for them that we are here today, we are lucky to be alive. They wanted to live and enjoy a full life. They won the "War to End All Wars", and we lost the peace. We are conscience-stricken, and to vindicate ourselves, we must create a world where "nation cannot lift sword against nation".

For many years on nations couldn't stop World War II. The inadequate United Nations will never be able to stop World War III. While nations have access to nuclear and capital arms, our planet is in jeopardy. To what can I liken our plight? To a tragedy like a plane crash where investigators comb the site to find out what went wrong? "The evil that men do lives after them", Shakespeare said, and much evil will live after us. It will be traced back to us that we were the guilty ones because we did not safeguard the sacred ship of Mother Earth. If a child cuts its finger it can run to its mother for help. An individual who is violated can go to the government for redress of grievance, but to whom can a nation go if it is attacked by another? It is outrageous that here in our time there is no impartial adequate father protector for the nations:

Oh, today there are small United Nations peacekeeping forces and the United Nations is helpful in many ways. But what would happen in a major confrontation of more powerful nations? That is our grave concern.

Nations must share their sovereignty to wage war by pooling their military, internationally, into a reformed and restructured world order and world peacekeeping force.

We hail the freedoms being gained by many suppressed nations, and the coming down of the Berlin Wall. But like "Humpty Dumpty sat on the wall, had a great fall, and all the king's horses and all the king's men couldn't put Humpty Dumpty together again", there will be chaos there. In the chaos of the present lies the order of the future and we must not relax our vigilance.

We will best serve all veterans by bettering our world. As the Berlin Wall comes down, I hope it foretells the coming down of many walls and barriers. Like "Joshua who fought the Battle of Jericho and the walls came tumbling down", all our walls and barriers must come tumbling down—the barrier of poverty, the barrier of homelessness, the barrier of war, drugs, and crime and every other barrier that stymies us.

Mr. Speaker, I think that we can all learn much from veterans like Mr. Brenner and we should all feel proud that we have such fine individuals like him in our south Florida community.

HONORING CHIEF CRAIG MEACHAM, WEST COVINA CITIZEN OF THE YEAR

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. TORRES. Mr. Speaker, I rise today to recognize a very special individual, Craig L. Meacham, public safety division manager and chief of police, city of West Covina. Chief Meacham will be honored by the West Covina Chamber of Commerce as the 1989 West Covina Citizen of the Year at a special dinner on Friday, February 2, 1990.

Chief Meacham was born in Pasadena, CA where he attended local schools. He is married to the former Carolyn Stentz and together they have five children, Craig, Alan, Cynthia, Pamela, and Janelle. They have 13 grandchildren.

Chief Meacham has served the city of West Covina over 19 years. He was appointed chief of police and public safety division manager on January 1, 1979. Prior to his appointment as chief, he served as the city's deputy chief of police since 1970. He has been a dedicated member of law enforcement service for over 35 years serving as a criminal justice consultant to the Governor's office (1968–69). In addition, he served as a police officer, sergeant, and Lieutenant in the Whittier, CA Police Department. He was recently nominated by President George Bush to serve as U.S. Marshal of California's Central District.

Chief Meacham is active in many civic and professional organizations, past president, California Police Chief's Association; member, California Council of Criminal Justice—appointed by Governor George Deukmejian—member, U.S. Attorneys Law Enforcement Coordinating Committee; Member, board of directors, National Criminal Justice Association; member, Police Science Advisory Committee, Rio Hondo College, chairman, 1984; member Attorney General's Advisory Committee—CAL–ID fingerprint system; member, Los Angeles County CAL—ID fingerprint system board of directors; member, advisory board, Community Health Projects, Inc.; member, Los Angeles County Peace Officers Association, president, 1986; member, Los Angeles County Police Chiefs Association, president, 1981; member, San Gabriel Valley Police Chief's Association, president, 1982; Member, San Gabriel Valley Peace Officers Association, president, 1983; member, West Covina Lions Club, president, 1974; member, Goals Committee, West Covina Unified School District; cochairman, West Covina Bicentennial Commission; chairman, ad hoc committee to revise juvenile traffic court procedures, Los Angeles County Juvenile Court; member, West Covina Unified School District School Attendance Review Board, [SARB]; member, Faculty of Cerritos College-Norwalk and Rio Hondo College, Whittier; nominee, West Covina Citizen of the Year, 1977; member, board of trustees, Santa Anita Church; member, Los Angeles County Criminal Justice Coordinating Committee; and member, California Youth Authority Advisory Board.

Mr. Speaker, on February 2, 1990, the West Covina Chamber of Commerce will honor Craig L. Meacham fo his tremendous contributions to the residents of this community. I ask my colleagues to join me in saluting my friend, Craig L. Meacham for his outstanding record of service to the people of southern California and to the community of West Covina.

CEO OF GIRL SCOUTS OF USA TO RESIGN AFTER 12 YEARS OF DEDICATED SERVICE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Ms. SNOWE. Mr. Speaker, I would like to take this opportunity to recognize the contributions of Frances Hesselbein, national executive director for Girl Scouts of the USA. After 12 years of service, Frances is retiring at the end of this month.

In her many years of service to the Girl Scouts, Mrs. Hesselbein contributed greatly to the growth of the organization, including recruitment of adult volunteers and increasing membership of racial and ethnic minorities. She also revised program materials for all Girl Scout age levels, to include such contemporary issues as teen pregnancy, youth suicide, and substance abuse.

Frances Hesselbein was recently appointed to President Bush's advisory Committee on the Points of Light Initiative Foundation. Of the five distinguished Americans to serve on the committee, Mrs. Hesselbein is the only woman and the only representative of the human service sector.

It is my hope that my colleagues will join me in recognizing Frances Hesselbein's significant contributions to the Girl Scouts and to wish her well in her future endeavors.

KENNESAW COLLEGE'S FIRST PRESIDENT DIES AT AGE 77

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. DARDEN. Mr. Speaker, Cobb County and all Georgians lost a great leader in the field of higher education when Dr. Horace Sturgis, founding president of what is now Kennesaw State College, died earlier this year. Dr. Sturgis was a man of vision and commitment in his role as president of Kennesaw Junior College. His direction has helped make Kennesaw State College into the great institution it is today. He will be missed, but his efforts live on as young people continue to benefit from the institution into which he poured so much of his devotion. Following is an article from the Marietta Daily Journal regarding Dr. Sturgis that I request to be included in the RECORD.

[From the Marietta Daily Journal]

KENNESAW COLLEGE'S FIRST PRESIDENT DIES AT AGE 77

(By Peggie R. Elgin)

Dr. Horace Sturgis, 77, founding president of Kennesaw Junior College, now Kennesaw State College, and who was named President Emeritus upon his retirement, died Tuesday.

Funeral arrangements will be announced later by the Mayes Ward-Dobbins Funeral Home of Marietta. The family has requested donations be made to the Kennesaw State College library in lieu of flowers. He is survived by his wife, Sue Cowan Sturgis.

A campus memorial service also is planned, with details to be announced later.

Reacting to the announcement of Dr. Sturgis' death was Dr. H. Dean Propst, chancellor of the University System of Georgia Board of Regents.

"I am deeply distressed at the news of Dr. Sturgis' death," said Dr. Propst. "During his time in the university system, he served as an example of the attempt to achieve the best. The history of Kennesaw State College will be rich with the remembrance of him."

Dr. Betty Siegel, president of KSC, also commented on the death of the former president.

"I am deeply saddened to hear of Dr. Sturgis' death and my heart goes out to Mrs. Sturgis and his family and to his many, many friends," she said. "Dr. Sturgis' vision, wisdom, strength of charactor and limitless energy made this college what it is today. We are all diminished by his loss but will always remember him with admiration and deep affection."

A native of Pennsylvania, Dr. Sturgis graduated from Piedmont College with a bachelor's degree in chemistry in 1935 and earned a master's degree in education from the University of Georgia in 1939, and a doctorate in higher education from New York University in 1958.

He served as principal, teacher and coach at Fayetteville and Eatonton high schools, and as a teacher at North Fulton High School in Atlanta.

Just prior to World War II, he served as instructor at the War Training Program at Georgia Tech and later took a temporary assignment as director of the Ground School of Aviation at the University of Georgia. He also was an instructor of physics at Georgia Tech. In 1945, he served in the U.S. Navy.

Prior to his appointment at Kennesaw, Dr. Sturgis was an assistant professor of physics at Georgia Tech, and later was an associate professor and served as assistant registrar and associate registrar.

He was named president of Kennesaw Junior College in 1965, at the founding of the institution, and served the local college as its president until 1981 when he retired. In 1980, he conferred the first baccalaureate degrees from Kennesaw College at June commencement ceremonies.

He had dedicated 46 years of his life to education at the time of his retirement.

Honors awarded to the founding president included being named Cobb County Citizen of the Year in 1975 by the Marietta Daily Journal and recipient of the Cobb County Bar Association Liberty Bell Award.

MR. PRESIDENT: EXERCISE YOUR POWER—USE THE LINE-ITEM VETO

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. ROHRABACHER. Mr. Speaker, President Bush recently announced that he was searching for the proper legislative vehicle to test whether the Constitution grants the President line-item veto authority. It is my hope that President Bush finds the vehicle he's looking for and takes this brave and principled stand.

Opponents of the line-item veto claim that the President's veto authority extends only to entire bills and thus he cannot veto only part of a bill. They argue that the words "line-item veto" do not appear in the Constitution. It is clear, however, that article I, section 7, clause 3 of the Constitution says that whether it's called an "Order, Resolution, or Vote" or anything else, Presidents must have the chance to veto. The framers deliberately chose language granting the President broad veto powers as to allow the President flexibility in setting budget priorities. Labeling an omnibus budget a "bill" cannot deprive the President of his power to veto items.

James Madison noted that the veto language in article I, section 7, clause 2 might not be sufficently clear. Article I, section 7, clause 2 states:

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approves he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law.

In a journal published on August 15, 1797, which described the debate at the Constitutional Convention on the President's veto power, Madison wrote that "if the negative of the President was confined to bills, it would be evaded by acts under the form or names of Resolutions, votes, et cetera—proposed that 'or resolve' should be after bill." After hearing Madison's concerns, clause 3 was then added. Clause 3 states:

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on the question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

The framers clearly worried that the Congress would begin to usurp Presidential authority by changing the names, titles, and definitions of a bill. As James Madison observed, Congress is "everywhere extending the

39-059 O-91-28 (Pt. 1)

sphere of its activity and drawing all power into its impetuous vortex." Therefore, Madison argued, legislative excesses must be decisively checked. So although the words "line-item veto" is not mentioned in the Constitution, the framers of the Constitution appeared to have intended the President to review all legislation and to hold the balance of power in determining whether a bill, resolution, order, vote, or whatever a congressional measure was labeled, ultimately became law. It appears the framers understood the language of the Constitution as implicitly granting the President that authority.

The constitutional authority idea, though always assumed to exist, has not been tried, because until 1974, the impoundment process basically served as a line item veto. Historian Forrest McDonald has pointed out that beginning in 1789, Congress made their appropriations, based on expected revenues, under general headings and left it to the executive branch to allocate the funds. If the President believed Congress was spending too much on a specific program, he simply refused to allocate funds. This impoundment process, used by many Presidents, was more than successful in controlling spending. During that year however, Congress passed the Impoundment Control Act, removing the functional substitute. It is important to note that our huge budget deficits began soon after.

Mr. Speaker, the congressional budget process continues to stumble. For the seventh time in the last 8 years, Congress has failed to complete its work on the following year's budget before October 1, the start of the new fiscal year. This past year for instance, as my colleague from California, Mr. COX has pointed out, Congress was late with the Senate Budget Committee report on the concurrent resolution. Congress by law must clear the concurrent resolution on budget by April 15. Last year the concurrent resolution was cleared on May 18. On May 15, appropriations bills are allowed in the House. As of June 23, only one committee markup was complete. Congress should complete action on 13 annual appropriations bills by June 30, but as of October 20, only one had been signed, two had been cleared for signature, three conference reports had passed the House, four were still in conference or pending floor action and three had no scheduled conference.

When Congress misses its deadlines, the threat of a massive omnibus spending measure becomes greater. The President is then given a choice—sign the bill with its dozens of pork barrel projects or veto it—shutting down most of the Government in the process.

In his 1988 state of the Union address, President Reagan dramatized why the President needs the line item veto. He lifted a 43 pound omnibus spending measure that had been sent to him by the Congress. He described the fact that Congress had given him less than 1 day to review the 3,296 pages before deciding to sign or veto the measure. Weeks after the measure became law, the White House discovered various wasteful spending projects such as millions of dollars for blueberry and cranberry research, as well as the commercialization of wildflowers and $6.4 million for a ski resort.

The President should quickly find his legislative vehicle, an upcoming appropriations bill for instance, and search through it, vetoing pork barrel projects and other sort of wasteful spending. The President, by exercising his proper authority and vetoing certain portions of bills, will focus public attention on wasteful Government spending and bring accountability back to the budget process. In an age where we have piled up billions of dollars worth of debt, the line item veto is needed more than ever.

A YOUNG PENNSYLVANIAN ATTAINS EAGLE SCOUT RANK

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. GEKAS. Mr. Speaker, I would like my colleagues to join me in recognizing a young man from my congressional district in Pennsylvania who has embodied many of the best qualities of America's youth.

On Sunday, February 18, Bart Jeffrey Slough II will be awarded the rank of Eagle Scout, the highest rank in the Boy Scouts of America. Less than 2 percent of boys in Scouting reach this rank.

Bart, a resident in Sunbury, is a band member at Shikellamy High School, where he is a freshman. He is also a member of the golf team and has received numerous skill awards. He has held the offices of assistant patrol leader, patrol leader, assistant senior patrol leader, and is currently the senior patrol leader.

The Award of Eagle Scout represents years of effort and dedication on Bart's part. Only those who demonstrate leadership, perseverance, integrity, enthusiasm, concern for the community, and solid values can be eligible for this honor. Bart has demonstrated these qualities—and he has done so exceptionally well.

TRIBUTE TO JAMES B. SIMMONS, JR.

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Ms. KAPTUR. Mr. Speaker, it is an honor to pay tribute to an outstanding young man of 91 years of age that has made history in Ohio's Ninth Congressional District. He is a man for all seasons. James B. Simmons, Jr., is a man whose intelligence, composure and dignity positively influenced all those, whose lives he has touched. His lifelong devotion to his wife Isabelle marks him as a man of love and valor. J.B. grew up in Georgia in the early part of this century. His entire life demonstrates a commitment to people, to human development, and service to his community. J.B. Simmons began his career beating the odds in pre-civil rights days when he achieved two positions in Toledo that had never been held before by blacks. The values of commitment and service were instilled in him at a young age and guided his life thereafter.

J.B., as his friends call him, began his learning process with his father who taught him carpentry. His educational attainment in the post-World War I years set a pace for others to follow. He attended Tuskegee Institute, graduating in 1921 with a degree in printing. He furthered his education by attending Lincoln University, where he obtained a pre-law degree in 1925. Later, he received Lincoln's alumni award as a distinguished graduate. In 1935 he moved to Toledo. His desire was to do advanced study in law school but he was hindered by lack of financial resources. However, he persevered and was able to attend night school at the University of Toledo's law program. He graduated with a law degree in 1945. In 1950, his zeal for education was recognized by former Ohio Governor Frank J. Lausche, who appointed him to the board of trustees for the College of Education and Industrial Arts at Wilberforce University.

In 1944, after 9 years as a resident of Toledo, he began serving the Toledo community. J.B. decided to pursue a seat on the Toledo City Council. His ninth place finish earned him a place in the history books of the 20th century. He holds the distinction of being the first black in the history of our community to be elected to that body. The next election in 1947 brought much more favorable results; he finished fourth. Still better, in 1949, Mr. Simmons finished third. You can't help but know J.B. and come to respect him more and more.

Mr. Simmons also worked for the community by being an active member in many service-oriented organizations such as Ohio Welfare Council, Federal Housing and Rent Control Board, Selective Service Advisory Board, the Planning Committee for the YMCA's town meetings and grand master of the Free and Accepted Masons. Mr. Simmons is held in the highest regard throughout our community.

In 1959, he achieved the distinguished position of vice mayor, again a first time achievement for a black in our community. At his victory rally he stated, "Sometimes they will understand me, sometimes they won't agree with me, and sometimes they will wish they had not elected me, but I promise not to forget that I represent the people." And Mr. Simmons kept his word. He spent 7 terms, 14 years serving the people of Toledo. It was during this period, that I remember my own father paying him the highest compliment my father could pay any person, "J.B. Simmons is an honest man."

J.B. was also a key figure in civil rights activities throughout his life. He was instrumental in integrating plants in Toledo and opening new avenues for blacks in many facets of life. He was a forefather of the Mass Movement League, which brought blacks together for the purpose of pursuing civil rights. He was also a member of the NAACP and a patron of Eastern Star, a women's group similar to the Masons. As Mamie Williams, the first black deputy registrar for this area stated, "Everyone looked up to him as a father; he has been a leader of blacks for the last half century."

Mr. Speaker, I am honored to be able to recognize James B. Simmons today. He has

moved this country forward by his vision, strength, and determination to move history, beginning here in our own city. He has done this always with such aplomb and goodwill. I do not believe there is a single person who does not hold him in the highest esteem. His life honestly made a difference in Toledo, in Ohio, and in our Nation. It gives me great pleasure to share with my colleagues in the U.S. House of Representatives a glimpse at the life of my dear friend J.B. Simmons, Jr., for whom I hold the deepest respect and admiration. May he and his wife be blessed always for what they have done for others. J.B. has lived the words that were stated by Robert Kennedy in 1969, "Some men see things as they are and say why? I dream of things that never were and say why not?"

TRIBUTE TO CYNTHIA ANN BROAD

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to an outstanding teacher and a truly inspiring individual, Ms. Cynthia Ann Broad. Ms. Broad, a teacher in the L'Anse Creuse Public Schools of Macomb County, MI, is the Michigan Teacher of the Year.

As Ms. Broad herself tells it, she decided to enter the teaching profession while in the seventh grade. Since that decision in 1959, Ms. Broad went on to receive her bachelor of science in education from Bowling Green State University in 1969. In 1970, she received her master of education from the same institution.

Ms. Broad began her tenure with L'Anse Creuse Public Schools in 1970. Since then accolades and honors seemed to have draped her commitment to educational excellence. She was named Outstanding Teacher of America in 1972, profiled as an outstanding educator in 1978, recognized for her volunteer service to special education staff and students in 1985, named L'Anse Creuse, MEA-NEA Outstanding Educator also in 1985 and given the Computer Based Instruction Committee Honor Award in 1987. Now Ms. Broad is Michigan State Teacher of the Year. She is being recognized by her peers today, January 25, 1990, "Cynthia Ann Broad Day," for this outstanding achievement.

Ms. Broad's professional achievements are matched in stature by her community contributions. She worked hard to help the Autistic Community of Northwest Ohio, Inc., purchase land and successfully build a home for autistic adolescents and adults. From 1978 to 1981 she served on the board of directors for CLEAVE, Inc., a community organization promoting housing, education, and social acceptance of the handicapped. She has served on the auction committee for the Center for Creative Studies Institute of Music and Dance in Detroit. Last summer, Ms. Broad was organizing and sponsoring activities as part of the cultural exchange program for Chinese educators visiting in Michigan.

Ms. Broad has worked hard to meet the high standards set not only by her profession, but by herself. She has set a solid foundation for the building of tomorrow's world in each student she has touched. The youth of this Nation are our future. As Ms. Broad would tell you, educators and elected officials alike must work together to pursue excellence in education. She has set a fine example for the rest of us to follow.

I commend Ms. Broad on her commitment to educational excellence and her exceptional community involvement. She will long be remembered as a true friend of Macomb County.

H.R. 3913

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. MURPHY. Mr. Speaker, today I am introducing H.R. 3913, which would amend title 46, of the United States Code, relating to the civil penalty for operating a vessel in a negligent manner.

If enacted by Congress, the fine associated with simple negligence in regard to unsafe operating of a vessel would be raised from $1,000 to $5,000.

I submit this in response to a recent accident that occurred on the Monongahela River in southwestern Pennsylvania—62 barges broke loose from their moorings, and blocked the waterway. In addition, the barges which were jarred loose by the thawing ice in the river, jammed locks and dams along the way.

Just before the accident, the Coast Guard issued warnings about the possibility for high water and heavy ice flows. Despite the warning, many barges were able to slip away.

Though precautions were taken in the wake of the warning, whether they were adhered to as strictly as they should have been remains to be seen. Because some of these barges contained gasoline, and some of this toxic substance spilled into the river, it seems to me that a small $1,000 fine is not enough to ensure that a vessel operator is following safety procedures thoroughly.

Hopefully, increasing the fine to $5,000 for simple negligence will aid in the prevention of similar accidents in the future.

TRIBUTE TO MARIO MARTINO

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. WALGREN. Mr. Speaker, I want to pay tribute to a special friend, Mario Martino of West Deer Township, Allegheny County, who is concluding a distinguished term of service as a member of the board of the Deer Creek Drainage Basin Authority, a municipal body serving the public within West Deer and Indiana Townships in Allegheny County.

I have known Mario Martino for a number of years and admire his extensive record of public service to the community both as a former member and past president of the board of the Deer Lake School District on which he served for a number of years; as chairman of the Democratic Committee for over 10 years in West Deer Township and as a long-term member of the Allegheny County Democratic Committee.

Mr. Martino is concluding a term of service on the board of the Deer Creek Drainage Basin Authority which began in January, 1985. He served on the board with distinction and dedication for the entire term of office.

As a veteran of the U.S. Army during the Korean conflict, a dedicated public servant, active member of his community and the husband of Angeline and father of Chris, he has unselfishly given of his time to his community and his family. He sets a fine example for all of us to follow.

I want to join his family, neighbors and fellow authority board members in recognizing with gratitude his service and I wish him health and success.

NATIONAL ASSESSMENT OF CHAPTER 1

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. HAWKINS. Mr. Speaker, today, Congressman GOODLING and I are introducing legislation to require the Secretary of Education to conduct a comprehensive national assessment of programs under chapter 1 which will continue and expand this Nation's successful effort, begun 25 years ago, to meet the special educational needs of disadvantaged children.

This legislation is designed to provide for an objective and fair analysis and evaluation of the effects of the Chapter 1 Program.

The Hawkins-Stafford School Improvement Amendments, Public Law 100-297, which included the reauthorization of the Chapter 1 Program through 1993, were enacted into law April 28, 1988.

We found the last national assessment to be very helpful as we reauthorized chapter 1, and therefore, believe that the provisions as set forth in the legislation introduced today will be of invaluable assistance as we prepare for the 1993 reauthorization.

Specifically, we need to assess State and local accountability for the use of chapter 1 funds.

Some of the new provisions in the Hawkins-Stafford School Improvement Amendments require that local school districts, and then, if necessary, State educational agencies, provide technical assistance to schools which show a continued decline in the achievement of their chapter 1 children.

In addition, we need an evaluation of the new schoolwide projects provisions of the law which are designed to improve the educational climate in schools with large numbers of disadvantaged children.

We are optimistic that our bipartisan sponsorship of this national assessment will ensure broad support and swift consideration of this much needed and vital piece of legislation.

We urge our colleagues to support this national assessment of the Chapter 1 Program,

and to move forward with its enactment as soon as possible.

FIREFIGHTERS: HEROES ON AVIANCA FLIGHT 52 TRAGEDY

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. HOCHBRUECKNER. Mr. Speaker, last Thursday evening, January 25, Avianca Flight 52 crashed near Cove Neck in Nassau County, Long Island, NY. While the cause of this crash is still under investigation, it is already clear that the quick response of hundreds of volunteer firefighters, ambulance crews, and other volunteers played a vital role in helping to minimize the number of fatalities from this flight.

Within 25 minutes of the crash, rescue crews from Nassau and Suffolk counties were helping to pull 89 survivors from the plane and provide them with the necessary medical care. As the Washington Post has stated, "this massive volunteer effort clearly minimized the dimensions of the tragedy."

Mr. Speaker, I am proud of the work performed by Long Island's emergency rescue volunteers. Once again, they have come to the aid of their community in a time of crisis. I appreciate this opportunity to publicly thank them and congratulate them on another job well done.

TRIBUTE TO PATSY CORNS

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. HOPKINS. Mr. Speaker, we have just witnessed a decade in which millions of people who had long suffered under repressive governments toppled those regimes in their quest for freedom and democracy.

We who have benefited from the longest lasting constitutional democracy wish the people of these nations well in the difficult tasks that lie ahead and pledge our support for their endeavors to establish governments based upon the principles of freedom, justice, and autonomy.

At the same time, we must not neglect to pass on to our own youth the understanding of the fundamental principles and values of our representative form of Government, an understanding which will lead to a reasoned commitment to its preservation and improvement.

In this regard, I am pleased to commend the efforts of Patsy Corns, an education academic program manager with the Kentucky Department of Education in Frankfort, whose dedication to the improvement of the civic education of our students has been exemplary. Ms. Corns coordinates the "We the People . . . Bicentennial Programs on the Constitution and Bill of Rights," which includes the National Bicentennial Competition, its noncompetitive companion program, and the National Historical Pictorial Map Contest, in the Sixth District of Kentucky.

Through the dedicated and voluntary efforts of Ms. Corns, thousands of upper elementary, middle, and high school students have studied the program's curriculum, which introduces students to the philosophical ideas of the founders, the historical background of the Philadelphia Convention, and the issues and debates that shaped our Constitution. Students learn how our Government is organized and how it protects the rights and liberties of all citizens, and study the responsibilities which accompany the rights of citizenship in a democracy.

I am pleased to offer my personal congratulations and express my admiration and appreciation to Ms. Corns for her impressive contributions to the development of competent and responsible citizenship.

TRIBUTE TO STEVEN M. NAPOLIELLO

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Steven M. Napoliello who is being honored this week for his dedication of more than 35 years of service in the grassroots of the political process.

Steve Napoliello has had a most distinguished career. Born and raised in New Jersey, he graduated from Rutgers University with a Bachelor of Science degree and he served two tours in the U.S. Army Air Corps.

He was, and remains, very involved in the political campaign process: in 1967, 1968 and 1969 Steve was the Cinnaminson campaign manager, in 1970 a coordinator for the Walt Smith campaigns for Congress, and for 2 years he worked on the New Jersey Senate campaigns.

In addition to being a member of the county committee in 1970 through 1984, he was the county committee municipal chairman, guiding the township government during the Watergate years of the 1970's. In recognition of his leadership, he received the outstanding GOP Municipal Leadership Award. He returned as county committee chairman in 1985 and retired from active leadership in June 1988.

Steven also had dedicated his life to helping the community directly by serving as the deputy mayor for 2 years. He was offered the job of mayor twice, but decided that he could be more effective in other positions and declined each time. He acted as the director of parks, recreation and franchised services for 2 years. Steven involved himself directly with the residents as well as visiting foreigners.

Some of his many accomplishments include coordinating a hot meals on wheels program for Cinnamnson Township and creating various clean-up programs while getting the citizens to participate. For visiting foreign students and dignitaries, he developed the outstanding local citizenship awards program and the honorary citizenship award. He currently is a member of the mayor's advisory environmental committee.

Steven also found time to spend with the Boy Scouts of America. For 6 years he served as adult scout leader and assistant scout master in Troop 70, the Covenent Presbyterian Church. He received the Christ the King Award from the Catholic Diocese of Trenton for his great role in the spiritual development of the scouts, and the Norman Rockwell Award for exemplary scout leadership from the troop 70. He was and still is a merit badge counselor.

Mr. Speaker, Steve Napoliello truly exemplifies the meaning of the phrase "public servant." I ask my colleagues to join me in giving Steve the recognition he deserves for his outstanding devotion to the political process and his service to the community.

TRIBUTE TO JUNE V. BULMAN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. MILLER of California. Mr. Speaker, I want to take a few moments to share with you the outstanding public service career of an individual who has provided almost 20 years of service to the residents of Contra Costa County, CA.

June V. Bulman has proven herself to be a most distinguished citizen in my district through her commitment to the betterment of her community. June's public service career dates back to 1971, when she chaired the Concord Community Forum. From there she has served the city of Concord in a wide range of leadership roles including planning commissioner, councilmember, vice mayor, and mayor.

In addition to her responsibilities to Concord, June has been active with a number of county and State organizations. She has balanced her time between positions with the Redevelopment Agency, the Association of Bay Area Governments, the League of California Cities, the National League of Cities, the Central Contra Costa Transit Authority, the Alameda-Contra Costa Health Systems Agency, the Contra Costa County Solid Waste Management Commission, and the Contra Costa County Hazardous Waste Commission.

Mr. Speaker, I ask that my colleagues in the House of Representatives join with me in acknowledging the long hours and many years of public service that June Bulman has worked on behalf of the people in my district. I would like to thank her for her devoted service to Contra Costa County and to California, and to congratulate her on many jobs well done.

BPW CLUB CELEBRATES ITS 50TH ANNIVERSARY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. LENT. Mr. Speaker, on February 17, the Business and Professional Women's [BPW]

Club of Nassau County will be celebrating its 50th anniversary. In honor of this historic occasion, I'd like to congratulate the organization and its members for their outstanding record of public service benefiting working women on Long Island and throughout the Nation.

Since its founding in 1919, the BPW has been an outspoken advocate of legislation and programs to achieve social and economic equity in the workplace. The organization has set an ambitious agenda to promote its goals through a number of worthwhile projects.

For example, the BPW Foundation is a nonprofit education organization which offers financial support to women seeking to improve themselves through higher education. Its council on the Future of Women in the Workplace studies the implications of new technologies in the business environment and how they impact women. The BPW provides a network of encouragement and support among professional women, which is vital to the exchange of ideas and helping women advance in their fields. Finally, the BPW has been an effective voice at the local, State and National levels of government by working to elect men and women to public office who share a commitment to the organization's goals.

Throughout my years in government, I've had the pleasure of working with the BPW's Nassau County Club. Its members are highly respected, successful business and professional leaders who've had a tremendous influence in creating an environment where women can effectively contribute and achieve their fullest potential. That's an objective that benefits everyone.

In closing, I'd like to take this opportunity to congratulate the Business and Professional Women's Club of Nassau County for 50 years of service to our local communities, and offer my best wishes for 50 more.

UNCERTAIN FUNDING JEOPARDIZES FUTURE INTERNATIONAL COOPERATIVE AGREEMENTS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. ROE. Mr. Speaker, today the Committee on Science, Space, and Technology is pleased to hear testimony from several distinguished representatives of America's partner nations in the international Space Station Freedom Program. The committee's objective in this hearing is to review the impact of the National Aeronautics and Space Administration's proposal to rephase the Space Station Freedom on the international partners' political support, programs, and funding commitments. The Committee on Science, Space, and Technology fully understands the import of the international space agreement which sets the precedents and foundation for negotiating and implementing other international cooperative agreements on future important science issues such as the Moon-Mars exploration initiative and the superconducting supercollider.

The Committee on Science, Space, and Technology has held numerous hearings on the Space Station Freedom Program over the past 5 years. Today's hearing, however, is the first time in which we have invited our international partners to express their views on this most important international collaborative space mission. We look forward to gaining the benefits of their insight on this important issue.

After 3 years of vigorous international negotiations, 18 months ago, the United States and the international partners—Canada, Japan, and the European Space Agency, comprised of the following: the Federal Republic of Germany, France, Italy, United Kingdom, the Netherlands, Belgium, Denmark, Norway, Spain, Ireland—reached an unprecedented international agreement to pursue a joint venture in science and exploration aboard the Space Station Freedom. The final agreement is a most complex network of commitments and understandings in which each nation relinquished a portion of its autonomy and control in exchange for reaching a mutually desirable goal. The accord represents a delicate balance of provisions and powers which we hope can serve as a model for future international cooperative undertakings in science and technology.

Article 23 of the international agreement, in title "Consultation" under sections 1 and 2 states the following:

1. The partners, acting through their cooperating agencies, may consult with each other on any matter arising out of space station cooperation. The partners shall exert their best efforts to settle such matters through consultation between or among their cooperating agencies in accordance with procedures provided in the MOU.

2. Any partner may request that government-level consultations be held with another partner on any matter arising out of space station cooperation. The requested partner shall accede to such request promptly. If the requesting partner notifies the United States that the subject of such consultations is appropriate for consideration by all the partners, the United States shall convene multilateral consultations at the earliest practicable time, to which it shall invite all the partners.

In a previous hearing of the Committee on Science, Space, and Technology, NASA reported that a prospect of uncertain funding led NASA to rephase the space station last fall. The process began in what is now known as the Langley Exercise, an internal NASA study. Regrettably, this committee learned of this exercise from media reports and was not directly consulted. The Committee on Science, Space, and Technology has already stated its deep concern and strong views regarding the approach that has been taken toward this rephasing exercise.

Many capabilities and features of the station which we regard as essential to the future U.S. space program have been placed in jeopardy. In addition, the rephasing imposes several significant changes on our partners. First, the launches of both the Japanese experiment module and the European Space Agency's attached pressurized module have been delayed as much as a year. Second, important capabilities such as satellite servicing, and advanced space suits have been either deferred or eliminated.

The Committee on Science, Space, and Technology has made it perfectly clear time and time again that the success of this program is contingent on funding stability. The Committee on Science, Space, and Technology took an important first step toward providing this stability when it authorized multiyear funding for Space Station Freedom. What is also needed, however, is a clear unambiguous long-term financial commitment by the administration and by Congress. Otherwise, we will be subject to continual rephasing, rebaselining, and finally, a loss of future opportunities to cooperate with other nations on other science and technology projects.

U.N. CONVENTION ON CHILDREN'S RIGHTS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. SMITH of New Jersey. Mr. Speaker, I am honored to join my colleagues, Congressmen GUS YATRON and DOUG BEREUTER, as an original sponsor of a resolution calling for the timely consideration of the Convention on the Rights of the Child. The convention was adopted by the 44th General Assembly of the United Nations on November 20, 1989, and must now be ratified by the Member States—at least 20 in order to make it binding. The U.S. Government is currently involved in an interagency review of the convention.

The convention, hammered out after a decade of debate by the international community, enumerates many of the legal and moral protections which should be guaranteed by the State. A number of the protections do not go far enough and the document certainly is not absolutely perfect but, for the first time, nations would commit themselves to protecting a broad range of rights for children.

As Congressional Representative of the United States Delegation to the United Nations, Mr. Speaker, I had the opportunity to present the U.S. statement on adoption of the convention on November 10, 1989, in New York.

For consideration by my colleagues, I include my speech at this point in the RECORD.

DEFINING THE RIGHTS OF CHILDREN

After 10 years of constructive dialogue, seemingly endless consultations, and finally an agreement, the Commission on Human Rights has presented the Convention on the Rights of the Child to the UN General Assembly for adoption. The United States participated actively in the drafting of the convention. We believe that it represents a notable step forward in the needed promotion and protection of the rights of children. Although the convention is far from perfect—no agreement ever is—the United States strongly believes in the enumerated commitments and goals of the convention, and it is our hope that the General Assembly will adopt the text without change.

The Government of Poland deserves much of the credit for the conclusion of this convention. The version we have before us today represents many years of debate and revisions to the Government of Poland's first draft; but if it were not for the initial

effort over 10 years ago, we might not be considering adoption of a Convention on the Rights of the Child during the 44th session of the General Assembly. We must also make special mention of Professor Adam Lopatka of Poland, who served with distinction as chairman of the working group established to draft the convention.

The United States also recognizes the valuable contribution made by many nongovernmental organizations during the drafting process. The promotion of human rights standards inevitably creates a certain tension between what might be best in an ideal world and what governments are prepared to accept today. Although in the end it is governments that are bound to uphold human rights standards, the participation of nongovernmental organizations in the drafting of these conventions—and in the United Nations generally—serves to push us to higher standards over and above our parochial interests. In addition, it prevents us from being content to settle for the lowest common denominator.

The Convention on the Rights of the Child grapples with many difficult issues and rests on several hard-fought compromises. A number of these compromises were necessitated by the differing cultural, legal, and religious views of the unique relationship between the rights of the child, the rights and responsibilities of parents, and the state's obligations of legal and moral protection. Other concessions were necessary on other matters. My government, like many others, is not completely satisfied with some of these compromises. But because we recognize the importance and desirability of adopting the convention without further delay, we do not wish to reopen negotiation on any part of the text.

For the record, I would like to make a brief statement of my government's views on several aspects of the convention.

PROTECTION OF THE UNBORN

The United States fully supports the inclusion within the preamble of the convention language from the 1959 Declaration of the Rights of the Child confirming that "the child by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."

Children—born and unborn—are precious and extremely vulnerable. Governments have a duty and sacred obligation to protect these children to the maximum extent possible.

Birth is an event which happens to each of us. The most tender, formative 9 months prior to this great event will forecast the healthiness of the child after birth. One of the most positive protections for a healthy childhood—after life itself—is proper prenatal care.

We in the United States are just now fully recognizing the positive effects of basic maternal and prenatal care. This does not demand elaborate, expensive medical facilities; the basics cost little but are extremely effective. For instance, sound nutritional education and tetanus toxoid inoculation for mothers produce resounding positive effects. Neonatal tetanus is the single most important identifiable cause of infant mortality in the developing world. This threat can be wiped out if the child inherits the benefits of his or her mother's tetanus inoculation.

The U.S. Agency for International Development has launched a new project for maternal and neonatal health and nutrition in developing countries. Comprehensive research and experience, domestically and internationally—through organizations such as the World Health Organization—have proven that proper prenatal and neonatal care spell the difference between a healthy or health-threatened mother, and between a strong or vulnerable child. Healthy babies, right from the start, will help provide brighter futures for all of our children, who represent our own future and our legacy for the next generation.

RELIGIOUS RIGHTS AND FREEDOM OF CONSCIENCE

My government concurs fully and is pleased that the convention reaffirms "the right of the child to freedom of thought, conscience and religion." The international community has long agreed that all people, including children, must be guaranteed religious rights. As early as 1948, when the General Assembly adopted the Universal Declaration of Human Rights (the one document which was deposited with the UN Charter in the cornerstone of this building), the General Assembly declared that "Everyone"—and I wish to emphasize the word everyone—"has the right to freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance" (Article 18).

Although parents or guardians must, of course, offer guidance and assist young children in the exercise of their right to freedom of conscience, we must recognize that this inherent and inalienable right of religious freedom is a precious right of each individual, including children. If possible, the United States would have wished for a stronger reaffirmation of this in the convention.

In particular, we would have liked to specify that children continue to have such supplementary rights as the freedom to have or to change a religion, the right to worship according to their beliefs alone or with others, and the right to teach, learn, and practice their religion in public and in private. The Universal Declaration of Human Rights and other international instruments including references to such supplementary rights, and the United States continues to believe that they apply to everyone, including children.

FUNDING

The United States firmly believes that the costs of the Committee on the Rights of the Child that will be established by the convention should be borne exclusively by the states that ratify the convention. In our view, the committee established by the convention is not a UN body, but an instrument of the states parties to the convention. Only those states may nominate and elect members of the committee; only those states submit reports to it. Moreover, the convention will enter into force when only 20 states have ratified it. We believe that it would be inappropriate for the entire membership of the United Nations to bear the expenses of a body created to serve so small a number of states, at least initially.

In any event, UN financing is no guarantee of full financing for committees such as this one. In times of budgetary constraint, the members of the United Nations can and very well may decide which functions the committee will have to forgo. The United States believes that state-party financing is more likely to preserve the independence of the Committee on the Rights of the Child, for that financing method would give the committee complete power to decide how to use its funds.

KEY ELEMENTS OF U.S. POLICY

The current draft of the Convention on the Rights of the Child addresses many of the social concerns facing the children of the world. I would like to highlight a number of the key elements that the U.S. Government supports.

Family Reunification. We are particularly concerned about the reunification of families so that children and parents can live together. Families have been torn apart by wars, restrictive borders, and indiscriminate limits on emigration rights. This disruption in cohesive family ties is especially detrimental to the lives of children, who are generally the ones who suffer the most from forced separations. The convention obligates the states parties to address reunification applications by children or their parents "in a positive, humane, and expeditious manner." This is an easily obtainable goal, and governments should not have difficulty in doing this.

Abuse and Neglect. The prevention of physical and mental abuse against children demands constant vigilance, a moral and ethical consciousness throughout our society—from government agencies to churches, synagogues, and mosques, to local community awareness efforts, to neighbors and families. The scourge of child abuse—whether physical or sexual abuse, whether negligence, neglect, or other forms of exploitation—is all too prevalent throughout the world. Governments must be committed to providing legal and administrative protection to children, as well as supporting social and educational programs that help prevent this gross scourge which has infected many of our communities.

Adoption. With the strong and active encouragement of President Bush, the U.S. Governnment has promoted the adoption of children by loving and caring families. Through legal safeguards and constructive adopting agencies, governments can help ensure that eligible children or orphaned children enjoy the love and nurture of a family. As an example of how a government can promote adoption, President Bush is scheduled to sign into law a bill which will designate the last week of this month as "National Adoption Week" in the United States.

This initiative of the Congress and the President of the United States will help bring attention to the rewards of adoption, both for children and for parents. A specific commemorative week will help promote legal adoption, and it will call special attention to the needs of children with mental and physical handicaps who do not have a family to care for their special requirements. This brings to mind Article 23 of the convention, which deals with disabled children.

Disabled Children. The United States is keenly aware of the special needs of mentally or physically disabled children, and we fully support the convention's call for a "full and decent life" for these children.

The world has come a long way from the days when the handicapped were locked away far from the support base of their family and the loving care of those who are able to help rehabilitate, train, and educate these children with special needs. Recognition of the rights of the handicapped has been slow. We hope that there will be a strong commitment to this particular goal in helping ensure that children with special

needs receive proper guidance, so that they may "achieve the fullest possible social integration and individual development."

CONCLUSION

As I made clear at the outset, the United States is satisfied that the working group which drafted the Convention on the Rights of the Child made such progress and achieved consensus on all substantive issues. We sincerely hope that the General Assembly will adopt the convention without a vote and without changing any of the text.

The United States does believe, however, that we must view the convention in a sober, realistic light. It is not a perfect document, and its entry into force will not solve all problems and all threats for all children. Only by recognizing this can the international community work together to make the best possible use of the convention. Necessary protection for our societies' vulnerable and helpless will, ultimately, have to be demanded by the moral commitment of men and women throughout the world and will have to be guaranteed by member states.

To borrow from the teachings recorded in the Book of Luke, "he who is the least among you all—he is the greatest." Our children are the greatest hope among our generation. They deserve our protection, our loving care, and the opportunity to achieve their best with their talents. The adoption of the Convention on the Rights of the Child will serve as a starting point—a launching pad—for improving the status and situation of all children of all nationalities, creeds, and social status.

A TRIBUTE TO JUDGE GREG DONAT ON HIS CONTRIBUTION TO THE NATIONAL BICENTENNIAL COMPETITION ON THE CONSTITUTION AND BILL OF RIGHTS

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. MYERS of Indiana. Mr. Speaker, as you know, for the last 3 years this country has been celebrating the bicentennial of the U.S. Constitution. As a country which has benefited from the longest lasting constitutional democracy in history, we should rejoice in our blessings of freedom from tyranny and oppression. As we see other countries just now struggling for these opportunities, we have much to celebrate.

Today I would like to honor Judge Greg Donat, my district coordinator for the National Bicentennial Competition on the Constitution and Bill of Rights. He has been responsible for bringing this great celebration to the schools in the Seventh Congressional District, Indiana. It is through his efforts that hundreds of students have been able to study the program's curriculum.

The bicentennial curriculum introduces students to the philosophical ideas of our Founders, the historical background of the Philadelphia convention, and the issues and debates that shaped the writing of our Constitution. It is not just a curriculum of dates and events but one which considers the profound forces that shaped this great land, the same forces that are needed to keep it strong in a changing world. Some principles and values should not change and it is only through efforts such as Judge Donat's and the teachers of this land that we can preserve our heritage of freedom and democracy.

I commend Judge Donat and all teachers who have caught the spirit of America and are sharing it with the growing minds of our youth.

WORKING PEOPLE HAVE A RIGHT TO UNIVERSAL HEALTH INSURANCE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1990

Mr. OBEY. Mr. Speaker, one of the key jobs of government is to help build the kind of economic conditions that enable American families to enjoy a decent and rising standard of living. But over the past decade or more, American families have not encountered that kind of economic environment. Millions of working families have had to struggle to simply stay even. For many families, two workers are required to produce the same standard of living produced by one worker per family just a generation ago.

One of the strains on American families has been the exploding cost of health care. I have been told on a number of occasions by workers in my district that the main reason a second person in the family has gone to work is simply to make enough money after taxes to pay for decent health insurance.

Mr. Speaker, for more than 40 years, the United States has been stalled in a rigid debate about whether we should have national health insurance. But even though the costs of health care in this country have doubled as a proportion of our total output during the last quarter century, we are no closer to a solution.

We spend 12 percent of our gross national product on health care, far more than any other civilized society, yet 30 million Americans still are not covered by health insurance and millions more have inadequate coverage. Along with South Africa, the United States stands as the only industrial democracy which does not provide universal health insurance for its citizens.

The problem is not just confined to families who have no health insurance. Millions of working Americans who do have such insurance are afraid they will lose it when they lose their jobs or have it taken away or weakened by take-aways at the bargaining table.

Mr. Speaker, medical care is not merely a fringe benefit, it's not something that should be provided through charity—it is a basic human right. Every American—especially those who work for a living—have the right to the security that comes from the knowledge that if they or members of their families are hit by an expensive medical setback their basic needs will be met. That is why I am today introducing the Universal Health Coverage Act of 1990.

This bill will require that every State in the Union have in place by 1995 an operating program that provides basic health coverage for every human being living in that State. States which do not comply would face the potential loss of Federal Medicaid payments starting the first quarter of 1995.

States would be allowed wide latitude in designing the kind of plan which best fits their situation, but they would have to meet minimum Federal standards for coverage. States would rely primarily on the private sector. They would have the authority to require large employers to provide health insurance coverage for both full- and part-time employees and their dependents Medical assistance—title 19—would provide coverage for the poor and disabled who are eligible for that program.

State programs such as "risk sharing pools" would become available for those who are unemployed, for small business which are unable to find adequate and affordable health plans, and for those "high risk" individuals who are unable to purchase health insurance from a regular insurance carrier.

The details of each State's program would be designed by each State. They certainly would not all look the same. But the goal for every State would be the same: The availability of quality health care for its citizens at a reasonable cost.

Once State programs are operating in 1995 the Federal Government would take the next 3 years to evaluate the effectiveness of each State's approach. By January 1, 1998, the Secretary of Health and Human Services would be required to do one of two things:

First, determine which State plans did the best job in providing universal health coverage at reasonable cost and should be adopted by other States, or

Second, deciding at that time whether the experience gained had demonstrated that the administration of universal health coverage should be moved to the National Government or remain at the State level.

For much of the last century, America has often relied on State governments to serve as laboratories of democracy. By beginning this program at the State level, we would in effect be learning as we go by allowing each of the States to try to demonstrate approaches which would be the most effective in attacking a complicated national problem.

Mr. Speaker this plan does not offer anybody something for nothing. Most of the uninsured in this country are people who work, many of them for small companies or in a self-employed capacity. One-third of the uninsured are children. Three-quarters of those without health insurance in this society are workers or members of workers families. No working American should be denied essential health care simply because he or she cannot afford it. And no person who is too sick or feeble to work should be denied essential health care because they are too weak to demand it. A society that spends $16 billion on cosmetics and $38 billion on tobacco products can afford to attack this problem with decency and with hardheaded financial sense.

Mr. Speaker, Government has an obligation to see to it that the public- and private-sector working cooperatively guarantees access to every human being in need of health care. It also has a right to expect that each corporation and every individual in society will demon-

strate a sense of personal and financial responsibility in addressing these national problems. The Universal Health Coverage Act of 1990 recognizes that fact by establishing a trust fund which would receive money from an increase in excise taxes on tobacco products and a new tax on cosmetics. That trust fund will also receive money from the elimination of the special tax break in the U.S. tax code which allows taxpayers with incomes above $155,000 a year to pay a marginal tax rate 5 percent lower than those with far smaller incomes. There is absolutely no reason why persons making more than $150,000 a year should carry a smaller share of this Nation's tax load than families making much less. The most well-off of this Nation's citizenry has a moral obligation to carry its fair share of the tax load so that society can meet its basic obligations to every citizen in this society.

Mr. Speaker, it is estimated that the use of tobacco products costs this society more than $25 billion a year in health costs. Tobacco is a legal product in this country so tobacco manufacturers have a legal right to produce the product. But they also have an obligation to help meet the health and social cost associated with the sale and use of their product.

Mr. Speaker, under this program the Federal Government will share in the cost associated of the programs established by each State. It will also provide additional funds to selected States for the purpose of establishing pilot programs to demonstrate methods of providing health care to populations with special problems, such as those in rural or sparsely populated areas or the homeless. It would also provide funds for pilot projects to help demonstrate effective ways of controlling costs.

It is inconceivable that the richest country in the world cannot take advantage of the opportunities for huge military budget savings and combine them with modest revenue increases in order to bring health care with dignity to every American who needs it.

What better way could there be for America to enter the next century?

H.R. 3915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Universal Health Coverage Act of 1990".

SEC. 2. ADOPTION OF HEALTH INSURANCE PLANS BY STATES; DEVELOPMENT OF NATIONAL HEALTH INSURANCE PLAN.

(a) ADOPTION OF PLAN.—Not later than July 1, 1994, each State shall submit to the Secretary of Health and Human Services a description of a State health insurance plan designed to be administered by the State and containing the provisions described in section 3, together with such other provisions as the Secretary may consider appropriate, and shall have such plan in place and operating not later than January 1, 1995.

(b) PAYMENTS TO STATES.—

(1) PLANNING GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for planning and developing the State health insurance plans described in subsection (a).

(B) ALLOTMENT OF FUNDS.—Each State submitting an application to the Secretary for a grant under subparagraph (A) shall be entitled to receive a grant in an amount which bears the same ratio to the total amount appropriated as authorized by this Act as the State's population bears to the total population of the United States.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this paragraph not more than $25,000,000.

(2) GRANTS FOR OPERATION OF HEALTH INSURANCE PLANS.—

(A) IN GENERAL.—Funds appropriated to the Universal Health Coverage Trust Fund under section 4(b) shall be made available for payments to eligible States by the Secretary of Health and Human Services, in amounts determined in accordance with the representative revenue system established by the Advisory Committee on Intergovernmental Relations, to assist those States in the operation of the plans developed under subsection (a).

(B) ELIGIBILITY.—A State is eligible to receive payments under subparagraphs (A) if its State health insurance plan is approved by the Secreatary pursuant to subsection (c)(1).

(c) REVIEW OF PLANS BY SECRETARY.—

(1) EVALUATION AND APPROVAL.—The Secretary shall evaluate the State plans developed and implement under subsection (a) and, not later than January 1, 1995, shall approve those plans that efficiently and effectively provide quality health care to State residents in a cost-effective manner, and shall periodically review such plans during 1996 and 1997 to ensure that such plans continue to meet the requirements of this Act.

(2) REPORT TO CONGRESS.—Not later than January 1, 1998, the Secretary shall submit a report to Congress listing those States with approved plans and those States whose plans have not been approved pursuant to paragraph (1). Such report shall consist of—

(A) the Secretary's determination as to which State plans most efficiently and effectively provide quality health care to State residents in a cost-effective manner and should be adopted in whole or in part by other States; and

(B) the Secretary's determination as to whether the experience gained has demonstrated that the administration of universal health coverage should be moved to the Federal Government or remain at the State level.

SEC. 3. REQUIRED PROVISIONS OF HEALTH INSURANCE PLAN.

(a) IN GENERAL.—The health insurance plan developed and implemented by a State under section 2 shall include at least the following provisions:

(1) A requirement that each employer in the State that employs 25 or more persons shall enroll its employees and members of their immediate families in a health benefit plan that meets, at a minimum, the requirements of subsection (b).

(2) The creation of mechanisms (including insurance pools) designed to reduce the costs of providing health insurance coverage for self-employed individuals, unemployed individuals, and individuals employed by businesses with fewer than 25 employees.

(3) The establishment of a health benefit plan—

(A) under which—

(i) low-income individuals in the State,

(ii) individuals in the State who, regardless of income, are unable to obtain health insurance because of preexisting health conditions, and

(iii) other individuals in the State who are otherwise unable to obtain health insurance, including those unable to obtain such insurance through employment, or those who are not eligible to be provided health benefits under title XVIII of the Social Security Act or the State plan for medical assistance under title XIX of the Social Security Act,

are provided health insurance coverage for a premium that is proportional to the individuals' incomes; and

(B) that meets the requirements of subsection (b).

(4) The creation of mechanisms designed to limit an individual's costs of coverage under health insurance plans offered under the State plan, including limitations on the amount of premiums, deductibles, copayment, and coinsurance which may be assessed against an individual participating in such plans.

(5) A requirement that the State plan for medical assistance under title XIX of the Social Security Act meet the national minimum standards established by the Secretary pursuant to section 9 of this Act.

(6) The creation of mechanisms designed to assure, monitor, and maintain the provision of high quality health care to individuals in the State.

(7) The creation of mechanisms designed to control the costs of providing high quality health care to individuals in the State under the State plan.

(b) PLAN REQUIREMENTS.—

(1) IN GENERAL.—Each health benefit plan described in paragraphs (1) and (3) of subsection (a) shall include, at a minimum, coverage for the following care and services:

(A) Inpatient and outpatient hospital care, except that treatment for a mental disorder is subject to the special limitations described in subparagraph (E)(i).

(B) Inpatient and outpatient physician services, except that psychotherapy or counseling for a mental disorder is subject to the special limitations described in subparagraph (E)(ii).

(C) Diagnostic and screening tests.

(D) Prenatal care and well-baby care provided to children who are 1 year of age or younger.

(E)(i) Inpatient hospital care for a mental disorder for not less than 45 days per year.

(ii) Outpatient psychotherapy and counseling for a mental disorder for not less than 20 visits per year.

(F) Long-term care services, including nursing home and home health care.

(2) EXCEPTIONS.—Paragraph (1) shall not be construed as requiring a health benefit plan described in paragraphs (1) and (3) of subsection (a) to provide coverage for—

(A) care and services that are medically necessary,

(B) routine physical examinations or preventive care (other than prenatal care and well-baby care covered under paragraph (1)(D)), or

(C) experimental services and procedures.

(3) AMOUNT, SCOPE, AND DURATION OF CERTAIN BENEFITS.—Except as provided in paragraph (2), a health benefit plan described in paragraphs (1) and (3) of subsection (a) shall place no limits on the amount, scope, or duration of benefits described in subparagraphs (A) through (C) of paragraph (1).

(4) PANELS AND MANAGED CARE SYSTEMS.—Nothing in this subsection shall prohibit a health benefit plan described in paragraphs (1) and (3) of subsection (a) from providing the care and benefits described in this subsection through a panel or other form of managed care system, and from selecting

particular health care providers or types, classes, or categories of health care providers to participate in such panel or managed care system. Such panel or managed care system shall provide, in accordance with regulations issued by the Secretary, reasonable access to care by plan enrollees.

(5) MENTAL HEALTH CARE.—(A) With respect to inpatient hospital care described in paragraph (1)(E)(i), such care shall include reimbursement for professional care provided to the individual while receiving such inpatient care. Nothing in this paragraph shall be construed to modify hospital practices with regard to scope of practice, admitting privileges, or billing arrangements.

(B) The Secretary shall establish standards that providers of services described in paragraph (1)(E)(ii) must meet to be eligible for payment under a health benefit plan described in paragraphs (1) and (3) of subsection (a).

(6) PROHIBITION OF PREEXISTING CONDITION PROVISIONS.—A health benefit plan described in paragraphs (1) and (3) of subsection (a) may not exclude or otherwise limit any individual from coverage under the plan on the basis that the individual has (or at any time has had) any disease, disorder, or condition.

(7) PERMITTING PROPORTIONAL CONTRIBUTION BY PART-TIME EMPLOYEES.—(A) A health benefit plan described in paragraph (1) of subsection (a) may require a part-time employee to pay a proportional premium based on the number of hours worked by the employee, in accordance with regulations promulgated by the Secretary.

(B) In this paragraph, the term "part-time employee" means, with respect to an employer, an employee who normally performs on a monthly basis less than 25 hours of service per week for that employer.

(8) MULTI-STATE INSURANCE MECHANISMS.—Nothing in this subsection shall prohibit a State from establishing or participating in a joint or multi-State mechanism with one or more other States to establish health insurance plans that cover residents of more than one State.

SEC. 4. UNIVERSAL HEALTH COVERAGE TRUST FUND.

(a) CREATION.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the "Universal Health Coverage Trust Fund". The Trust Fund shall consist of such amounts appropriated to it under subsection (b).

(b) Funding.—(1) There are hereby appropriated to the Trust Fund amounts equivalent to 100 percent of the revenue paid to or deposited into the Treasury as a result of the enactment of sections 5 and 6 of the Universal Health Coverage Act of 1990.

(2) The amounts appropriated under paragraph (1) shall be transferred from time to time (not less frequently than monthly) from the general fund in the Treasury to the Trust Fund. Such amounts shall be determined on the basis of estimates by the Secretary of the Treasury of the revenue described in paragraph (1), and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the revenue specified in such paragraph, so that at the close of each year, the transfers made under this subsection shall reflect all the revenue specified in such paragraph paid or deposited into the Treasury during such year.

(c) Administration of Trust Fund.—The provisions of subsections (b) through (i) of section 1841 of the Social Security Act shall apply to the Trust Fund in the same manner in which they apply to the Federal Supplementary Medical Insurance Trust Fund.

(d) Reports on Outlays and Balances.—(1) Not later than July 1 of each year, the Secretary of the Treasury, in consultation with the Board of Trustees of the Trust Fund, shall publish in the Federal Register information on the outlays made from the Trust Fund in the preceding year and the balance in the Trust Fund at the close of the preceding year, and shall submit a report to Congress describing the distribution of outlays from the Trust Fund in the preceding year.

(2) Not later than September 1 of each year, the Comptroller General shall submit a report to Congress evaluating the completeness and accuracy of the report submitted to Congress by the Secretary of the Treasury under paragrah (1).

(3) For purposes of this subsection, the terms "outlays" and "receipts" mean, with respect to a quarter or other period, gross outlays and receipts, as such terms are employed in the "Monthly Treasury Statement of Receipts and Outlays of the United States Government (MTS)", as published by the Department of the Treasury, for months in such quarter of other period.

(e) Uses of Trust Fund.—Amounts in the Trust Fund shall be used for the following purposes:

(1) Payments made to States for the operation of a State health insurance plan under section 2(b)(2).

(2) Payments under the demonstration program established under section 7.

(3) Payments to reimburse the general fund in the Treasury for amounts appropriated for grants to States pursuant to section 2(b)(1) for the planning and development of health insurance plans.

SEC. 5. INCREASE IN EXCISE TAXES ON CERTAIN TOBACCO PRODUCTS AND COSMETICS.

(a) TOBACCO PRODUCTS.—

(1) CIGARS.—Subsection (a) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on cigars) is amended—

(A) in paragraph (1), by striking "75 cents" and inserting "$1.50", and

(B) in paragraph (2)—

(i) by striking "8½ percent" and inserting "17 percent", and

(ii) by striking "$20" and inserting "$40".

(2) CIGARETTES.—Subsection (b) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on cigarettes) is amended—

(A) in paragraph (1), by striking "$8" and inserting "$16", and

(B) in paragraph (2), by striking "$16.80" and inserting "$33.60".

(3) SMOKELESS TOBACCO.—Subsection (e) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on smokeless tobacco) is amended—

(A) in paragraph (1), by striking "24 cents" and inserting "48 cents", and

(B) in paragraph (2), by striking "8 cents" and inserting "16 cents".

(4) FLOOR STOCKS.—

(A) IMPOSITION OF TAX.—On any item subject to tax under section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on tobacco products) that is removed before the expiration of the 90-day period which begins on the date of the enactment of this Act and held after the expiration of such 90-day period for sale by any person, there shall be imposed a tax equal to the difference between—

(i) the tax that would have been imposed on such item under such section if such item had been removed after the expiration of such 90-day period, and

(ii) the tax that was imposed on such item under such section.

(B) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(i) LIABILITY FOR TAX.—A person holding an item to which any tax imposed by subparagraph (A) applies shall be liable for such tax.

(ii) METHOD OF PAYMENT.—The tax imposed on any item by subparagraph (A) shall be treated as a tax imposed under section 5701 of the Internal Revenue Code of 1986 and shall be due and payable 180 days after the date of the enactment of this Act in the same manner as the tax imposed under such section is payable with respect to such items removed after the expiration of the 90-day period which begins on the date of the enactment of this Act.

(C) EXCEPTION FOR RETAILERS.—The taxes imposed by subparagraph (A) shall not apply to items in retail stocks held after the expiration of the 90-day period which begins on the date of the enactment of this Act at the place where intended to be sold at retail.

(b) COSMETICS.—

(1) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by inserting after subchapter D the following new subchapter:

"Subchapter E—Cosmetics

"Sec. 4191. Imposition of tax.
"Sec. 4192. Definition.

"SEC. 4191. IMPOSITION OF TAX.

"There is hereby imposed on the sale of any cosmetic by the manufacturer, producer, or importer a tax equal to 50 percent of the price for which so sold.

"SEC. 4192. DEFINITION.

"For purposes of this subchapter, the term 'cosmetic' means articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, or articles intended for use as a component of any such articles, except that such term shall not include soap.".

(2) CLERICAL AMENDMENT. —The table of subchapters for chapter 32 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subchapter D the following:

"Subchapter E. Cosmetics.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to items removed after the expiration of the 90-day period which begins on the date of the enactment of this Act.

SEC. 6. 29 PERCENT INCOME TAX RATE ON INCOME IN EXCESS OF AMOUNT AT WHICH 15-PERCENT RATE AND PERSONAL EXEMPTIONS PHASEOUT.

(a) IN GENERAL.—Paragraph (1) of section 1(g) of the Internal Revenue Code of 1986 (relating to phaseout of 15-percent rate and personal exemptions) is amended to read as follows:

"(1) IN GENERAL.—The amount of tax imposed by this section (determined without regard to this section) shall be increased by the sum of—

"(A) 5 percent of the excess (if any) of—

"(i) taxable income, over

"(ii) the applicable dollar amount, plus

"(B) 1 percent of the excess (if any) of—

"(i) taxable income, over

"(ii) the maximum amount of taxable income

which results in an increase in tax under subparagraph (A) with respect to the taxpayer.".

(b) CONFORMING AMENDMENTS.—

(1) The subsection heading of subsection (g) of section 1 of such Code is amended to read as follows:

"(g) PHASEOUT OF 15 PERCENT RATE AND PERSONAL EXEMPTIONS; 29 PERCENT RATE ON INCOMES ABOVE PHASEOUT RANGE.—".

(2) Paragraph (2) of section 1(g) of such Code is amended—

(A) by striking "paragraph (1)" and inserting "paragraph (1)(A)", and

(B) by inserting "on phaseout of 15 percent rate and personal exemptions" in the heading after "Limitation".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 7. DEMONSTRATION PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not earlier than December 31, 1992, the Secretary shall establish a demonstration program under which the Secretary shall make grants to 10 eligible States to cover the Federal share of the costs to such a State of implementing not more than 1 feature of the State's health insurance plan under section 2 during a period determined by the Secretary.

(2) LIMIT ON PAYMENTS UNDER PROGRAM.—There is authorized to be appropriated from the Universal Health Coverage Trust Fund for grants described in paragraph (1), an amount not to exceed 5 percent of the amount appropriated to the Trust Fund under section 4(b)(1) during 1992.

(b) ELIGIBILITY.—A State shall be eligible to receive a grant under subsection (a) if it submits to the Secretary, at such time and in such form as the Secretary may require by rule, an application containing—

(1) assurances that the State has adopted, and assumed responsibility for enforcing, the State health insurance plan under section 2; and

(2) such other information and assurances as the Secretary may require by rule.

(c) CRITERIA.—In determining those States that are to receive grants under this section, the Secretary shall give preference to States that will use the grant to finance a feature of the State health insurance plan that is designed to provide health care to a category of individuals experiencing difficulty in obtaining reasonably priced quality care, including individuals living in rural areas, non-institutionalized elderly and disabled individuals, and the homeless, or to States that will use the grant to finance the establishment and operation of a mechanism designed to control the costs of providing high quality health care to individuals in the State under the State health insurance plan.

(d) FEDERAL SHARE.—The Federal share referred to in subsection (a) may not exceed 50 percent.

SEC. 8. STATE ADOPTION OF PLAN REQUIRED TO RECEIVE MEDICAID PAYMENTS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

"(w)(1) In order to receive payments under this title for any quarter beginning on or after January 1, 1995, a State must certify to the Secretary that it has adopted, and assumed responsibility for enforcing, an approved State health insurance plan under section 2 of the Universal Health Coverage Act of 1990, or has otherwise adopted, and assumed responsibility for enforcing laws, rules, or regulations which ensure the provision of health insurance coverage to all residents of the State as effectively as such plan.

"(2)(A) The provisions of this subsection shall not apply to a State for any quarter—

"(i) that follows the quarter during which the State meets the requirements of this subsection; or

"(ii) with respect to which the Secretary determines that the State is unable to comply with the relevant requirements of this subsection—

"(I) for good cause (but such a waiver may not be for a period in excess of 4 quarters), or

"(II) due to circumstances beyond the control of such State.

"(B) For purposes of determining deadlines imposed under this subsection, any time period during which a State was found under subparagraph (A)(ii)(II) to be unable to comply with the requirements of this subsection shall not be taken into account, and the Secretary shall modify all such deadlines with respect to such State accordingly.".

SEC. 9. ESTABLISHMENT OF NATIONAL MINIMUM STANDARDS FOR STATE MEDICAID PLANS.

Not later than December 31, 1994, the Secretary shall develop and submit to Congress such recommendations for uniform eligibility and coverage requirements with respect to title XIX of the Social Security Act as the Secretary considers appropriate, except that such requirements shall, at a minimum, include the requirements for health benefit plans developed under section 3(b) of this Act.

SEC. 10. REQUIRING SELF-INSURANCE PLANS TO COMPLY WITH PLAN REQUIREMENTS.

Section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)) is amended by adding at the end the following new paragraph:

"(9) Subsection (a) shall not apply to any State law to the extent such law conforms to or reflects the provisions of the State health insurance plan developed and implemented by the State under section 2 of the Universal Health Coverage Act of 1990.".

SEC. 11. DEFINITIONS.

For purposes of this Act—

(1) the term "employee" means, with respect to an employer, an individual who normally performs on a monthly basis 17½ hours of service per week for that employer;

(2) the term "employer" means, with respect to a calendar year, an employer that normally employs 25 or more employees on a typical business day during the calendar year, including a State or political subdivision thereof;

(3) the term "health benefit plan" means an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)) that provides medical care to participants or beneficiaries directly or through insurance, reimbursement, or otherwise;

(4) the term "Secretary" means the Secretary of Health and Human Services;

(5) the term "Trust Fund" means the Universal Health Coverage Trust Fund established under section 4(a).

HOUSE OF REPRESENTATIVES—*Wednesday, January 31, 1990*

The House met at 12 noon and was called to order by the Speaker pro tempore (Mr. GEPHARDT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 31, 1990.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore today.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Barbara St. Andrews, the Episcopal Diocese of California, San Francisco, CA, offered the following prayer:

O God of light, whose presence fills our hearts with peace when we await in stillness, arouse in us a deep compassion for human need and a resolution to fulfill responsibilities carried as a charge from Thee. Pour out abundant faith that we may witness to Thy power in tasks both great and small, and grant a faithfulness to those we serve at home, abroad, and in those circles where personal care and loyalty give strength to family ties. Enable us to transcend petty divisions and limited thinking and to open channels for Thy grace in mind and action. Keep always this Nation and her servants under the protection of Thy eternal care. May divine love in Thee meet divine love in us to create a perfect union of understanding. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DOUGLAS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOUGLAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 301, nays 100, answered "present" 1, not voting 29, as follows:

[Roll No. 5]

YEAS—301

Ackerman	Emerson	Leath (TX)
Akaka	English	Lehman (CA)
Alexander	Erdreich	Lehman (FL)
Anderson	Espy	Lent
Andrews	Evans	Levin (MI)
Annunzio	Fawell	Levine (CA)
Anthony	Fazio	Lewis (GA)
Applegate	Feighan	Lipinski
Archer	Fish	Livingston
Aspin	Flake	Lloyd
Atkins	Flippo	Long
AuCoin	Foglietta	Lowey (NY)
Ballenger	Ford (MI)	Luken, Thomas
Bartlett	Frank	Manton
Bates	Frenzel	Markey
Beilenson	Frost	Martin (NY)
Bennett	Gallo	Matsui
Bereuter	Gaydos	Mazzoli
Berman	Gejdenson	McCloskey
Bevill	Gephardt	McCollum
Bilbray	Geren	McCrery
Boggs	Gibbons	McCurdy
Bonior	Gillmor	McDade
Borski	Gilman	McDermott
Boucher	Glickman	McEwen
Boxer	Gonzalez	McHugh
Brennan	Gordon	McMillan (NC)
Broomfield	Gradison	McMillen (MD)
Browder	Grant	Meyers
Brown (CA)	Gray	Mfume
Bruce	Green	Michel
Bryant	Guarini	Miller (CA)
Bustamante	Gunderson	Mineta
Byron	Hall (TX)	Moakley
Callahan	Hamilton	Mollohan
Campbell (CA)	Hammerschmidt	Montgomery
Campbell (CO)	Harris	Moody
Cardin	Hatcher	Morella
Carper	Hayes (IL)	Morrison (CT)
Chapman	Hayes (LA)	Morrison (WA)
Clarke	Hertel	Mrazek
Clement	Hoagland	Murtha
Clinger	Hochbrueckner	Myers
Coleman (TX)	Horton	Nagle
Collins	Houghton	Natcher
Combest	Hoyer	Neal (MA)
Condit	Hubbard	Nelson
Conte	Huckaby	Nielson
Conyers	Hughes	Nowak
Cooper	Hyde	Oakar
Costello	Jenkins	Oberstar
Cox	Johnson (CT)	Obey
Crockett	Johnson (SD)	Olin
Darden	Johnston	Ortiz
Davis	Jones (GA)	Owens (NY)
DeFazio	Jones (NC)	Owens (UT)
Dellums	Jontz	Oxley
Derrick	Kanjorski	Packard
Dicks	Kaptur	Pallone
Dixon	Kasich	Panetta
Donnelly	Kastenmeier	Parker
Dorgan (ND)	Kennedy	Patterson
Downey	Kennelly	Payne (NJ)
Durbin	Kildee	Payne (VA)
Dwyer	Kleczka	Pease
Dymally	Kolter	Pelosi
Early	LaFalce	Penny
Eckart	Lancaster	Perkins
Edwards (CA)	Laughlin	Petri
Pickett	Schulze	Thomas (GA)
Pickle	Schumer	Thomas (WY)
Porter	Sharp	Torres
Poshard	Shaw	Torricelli
Price	Shumway	Towns
Pursell	Shuster	Traficant
Quillen	Sisisky	Traxler
Rahall	Skaggs	Udall
Rangel	Skeen	Unsoeld
Ravenel	Skelton	Valentine
Ray	Slattery	Vander Jagt
Rinaldo	Slaughter (NY)	Vento
Ritter	Smith (FL)	Visclosky
Robinson	Smith (NE)	Volkmer
Roe	Smith (NJ)	Walgren
Rohrabacher	Smith (VT)	Walsh
Rose	Snowe	Washington
Rostenkowski	Solarz	Waxman
Roth	Spence	Weiss
Rowland (CT)	Spratt	Weldon
Rowland (GA)	Staggers	Wheat
Russo	Stallings	Whitten
Sabo	Stark	Williams
Saiki	Stenholm	Wilson
Sangmeister	Stokes	Wise
Sarpalius	Studds	Wolpe
Savage	Swift	Wyden
Sawyer	Synar	Wylie
Saxton	Tallon	Yates
Scheuer	Tanner	Yatron
Schiff	Tauzin	
Schneider	Taylor	

NAYS—100

Armey	Hansen	Rhodes
Baker	Hastert	Ridge
Barton	Hawkins	Rogers
Bentley	Hefley	Ros-Lehtinen
Bilirakis	Henry	Roukema
Bliley	Herger	Schaefer
Boehlert	Hiler	Schroeder
Brown (CO)	Holloway	Schuette
Buechner	Hopkins	Sensenbrenner
Bunning	Hunter	Shays
Burton	Inhofe	Sikorski
Clay	Ireland	Slaughter (VA)
Coble	Jacobs	Smith (TX)
Coleman (MO)	Kolbe	Smith, Denny (OR)
Coughlin	Kyl	Smith, Robert (NH)
Courter	Lagomarsino	Smith, Robert (OR)
Craig	Leach (IA)	Solomon
Crane	Lewis (CA)	Stangeland
Dannemeyer	Lewis (FL)	Stearns
DeLay	Lightfoot	Stump
DeWine	Lukens, Donald	Sundquist
Dickinson	Machtley	Tauke
Dornan (CA)	Madigan	Thomas (CA)
Douglas	Marlenee	Upton
Dreier	Martin (IL)	Vucanovich
Duncan	McCandless	Weber
Edwards (OK)	McGrath	Whittaker
Fields	Miller (OH)	Wolf
Gallegly	Miller (WA)	Young (AK)
Gekas	Moorhead	Young (FL)
Gingrich	Murphy	
Goodling	Parris	
Goss	Pashayan	
Grandy	Paxon	
Hancock	Regula	

ANSWERED "PRESENT"—1

Carr

NOT VOTING—29

Barnard	Fascell	Mavroules
Bateman	Ford (TN)	McNulty
Bosco	Hall (OH)	Neal (NC)
Brooks	Hefner	Richardson
Chandler	Hutto	Roberts
Coyne	James	Roybal
de la Garza	Kostmayer	Smith (IA)
Dingell	Lantos	Walker
Dyson	Lowery (CA)	Watkins
Engel	Martinez	

□ 1221

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Hampshire [Mr. DOUGLAS] please come forward and lead the Members in the Pledge of Allegiance?

Mr. DOUGLAS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

H.R. 3792. An act to authorize appropriations for fiscal years 1990 and 1991 for the Department of State, and for other purposes; and

H.J. Res. 149. Joint resolution designating February 16, 1990, as "Lithuanian Independence Day."

The message also announced that the Senate had passed a joint resolution and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 103. Joint resolution to designate the period commencing February 18, 1990, and ending February 24, 1990, as "National Visiting Nurse Associations Week"; and

S. Con. Res. 89. Concurrent resolution correcting the enrollment of S. 1838.

AUTHORIZING THE SPEAKER TO DECLARE RECESS ON THIS LEGISLATIVE DAY

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that it may be in order at any time today for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint session the President of the United States.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

BUDGET FAILS TO RESPOND TO 1990'S CHALLENGE

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, on Monday the President presented his first budget of the 1990's. I think all Members recognized that the 1990's are a crossroad for this Nation as we face the changing world, as we face an economy that is beginning to slow down in this country, as we face the legacy of debt and unmet needs that have to be addressed. This is a true challenge for leadership in this country and the leadership for the future.

Unfortunately, the budget fails to respond to that challenge and presents a set of very mixed messages to the country. It tries to define the crisis we face without taking action on that crisis. It denounces timing shifts, while implementing some $8 billion in timing shifts as part of the budget. It talks about defense cuts, without addressing any cuts in the very expensive strategic weapons that are eating our budget alive. It proposes benefits for the very wealthy, while proposing freezing cost of living increases for retirees, as well as a $5.5 billion reduction in Medicare.

The challenge is for both the President and the Congress. I think all Members are very tired of the games that have been played with the budget in the past. The people are tired; the Congress is tired. However, obviously the budget presented in the case of the President still is not.

HOPE FOR CONTINUED BIPARTISAN COOPERATION

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I want to first express my thanks for honoring my request that we defer consideration of the driver-voter registration legislation until next week in order to give Members more opportunity to digest what it is about, even though we will be considering the rule today. That will be a controversial rule, to some degree.

The reason I rise is, although I do not see the gentleman from Washington [Mr. SWIFT] on the floor, but he has done such a yeoman job on the Democratic side of the aisle on the Task Force on Campaign Reform, working with the gentleman from Mississippi [Mr. VANDER JAGT] on our side on the same issue, and I do not want my opposition to the voter registration matter, which was not a part of those over on negotiations on campaign reform, to in any way prejudice what I see down the road as an opportunity for both parties to continue to work together in some kind of overall package on campaign reform.

APPEAL FOR BUDGET SOLUTIONS

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, George Bush's lips say the future but his budget speaks of the past.

His first solo budget is replete with accounting gimmicks, unrealistic economic assumptions, and deficit reduction measures which have been repeatedly rejected on a bipartisan basis by Congress and the American people.

It cites numerous problems, but doesn't provide the resources to deal with them. And it continues the tremendous human and physical disinvestment which characterize the Reagan budgets of the 1980's.

If George Bush is looking to recycle the failed proposals of the Reagan years, and if he thinks this Congress and the American people will stand by and accept them, he is as wrong as the phony premises on which this budget is based.

We have real problems which need real solutions, not another grab bag of fantasies and illusions.

Mr. President, it is time to put aside the political slogans of the past and make the 1990's a decade to reverse the failures of neglect in the 1980's. Let us not continue to pass the buck to the next generation of Americans.

□ 1230

TIME FOR CONGRESS TO GET DOWN TO SOLVING CRITICAL PROBLEMS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I would like to comment with regard to my concern about us in this body getting on with solving the problems of this country. Most of us have been home. One of the messages I received when I was there was that we were not particularly noted for being

effective in the last session. We did not address many of the problems before us.

A great many of those issues continue. We are talking about competitiveness, the environment, air quality, foreign aid, and a great many other domestic problems, and most important of all, dealing responsibly with the national budget. I know that we have different views, and that is healthy. We ought to have a forum for discussion. But I think it is time that we get past partisan political bashing of the President, and that we move on and get beyond the posturing on defense for our own interests and move forward to solving the problems of this country.

Mr. Speaker, I urge my colleagues to get on with it.

INVEST IN AMERICA'S FUTURE, NOT STAR WARS

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, everyone in America seems to know the world is changing—everyone but George Bush.

This week he sent up the same tired old budget we have seen for the last decade, the same strategic weapons that don't work, the same domestic cuts, the same old budget gimmicks.

America is no longer competitive in language, engineering, or math—yet student loans are cut.

Our Nation cries out for health care—yet $6 billion is cut from Medicare.

Europe is in revolt for democracy—yet Bush's answer is billions for the B-2.

The administration still seems lost in a vision of star wars—while working families fight the battle for America's future alone.

AMERICA'S FINEST WELCOMED HOME FROM PANAMA

(Mr. McCRERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCRERY. Mr. Speaker, today we welcome home from Panama some of America's finest—the final contingent of Task Force Regulars from the 5th Infantry Division (Mechanized) stationed at Fort Polk, LA.

They are all to be commended on their outstanding performance in meeting their Operation Just Cause mission, perhaps one of the most difficult. The Task Force Regulars successfully overtook the Panamanian Defense Forces' headquarters, displaying their skill and courage in the face of incessant PDF rocket-propelled grenades, mortars, and automatic weapon fire.

The direct and vital assistance of these soldiers contributed to the overall success of the U.S. operation to protect American lives, ensure the intregrity of the Canal Treaty, install the freely elected leader, President Endara, and, bring Manuel Noriega to justice.

Soldiers, please know that your fellow Americans celebrate your success and commemorate your service to our country. We owe you a debt of gratitude for your selfless dedication to duty.

But, as we celebrate the return to Fort Polk of the last contingent of Task Force Regulars, our jubilation is made bittersweet by the cold reality that not all of our boys will know the warm embrace of this grateful Nation.

We mourn the loss of 23 military personnel who lost their lives in Panama. I particularly want to remember the two from Fort Polk's 4th Battalion, 6th Infantry, Cpl. Ivan Perez and Pvt. Kenneth D. Scott.

To their family, friends, and those who fought along side them, I offer our most sincere condolences.

We will never forget their sacrifice. We remember who they are, what they did, and why they had to be brave for us.

Our freedom, and that of freedom-loving peoples around the world, is not free. And to those who paid for it with their blood, and to those who put themselves in harm's way in duty to their country. I extend my heartfelt gratitude.

I would add a sincere thank you to the families of all the personnel sent to Panama. You have your own jobs in support of the country and our military efforts—that is loving, supporting, missing and worrying about your spouses, family, friends, and neighbors who comprise our military personnel.

As the final contingent of the Task Force Regulars from Operation Just Cause returns to Fort Polk, let us rededicate ourselves and our Nation to the noble ideals of peace and freedom and justice, which they so valiantly served.

MIDDLE CLASS AMERICANS HARMED BY THE PRESIDENT'S BUDGET

(Mr. FROST asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I spent the last 2 days studying the President's budget and have come to one inescapable conclusion: President Bush must not know very many middle class Americans. If he did, he would certainly realize that his budget does virtually nothing for the middle class and does quite a bit of harm to it.

Middle class Americans are disturbed about the high cost of sending their children to college, and yet President Bush cuts the Guaranteed Student Loan Program by $758 million.

Middle class Americans are incensed that the Tax Reform Act of 1986 took away their IRA's. What does President Bush propose? An anemic little family savings plan that is not even close to the original IRA concept. Under the original IRA concept they were allowed to deduct both the amount they put into a savings account and the interest earned. Under President Bush's plan, only the interest would be deductible.

Middle class Americans want the Government to make investments in America that will yield future jobs, and yet the President lets the surplus in the highway trust fund continue to build up rather than building the new roads and bridges needed to bring goods to market.

Mr. Speaker, I guess there are not very many middle class people up there in Kennebunkport. If there are, President Bush must not know them.

THE BUSH MILITARY BUDGET

(Mrs. BOXER asked and was given permission to address the House for 1 minute and extend her remarks.)

Mrs. BOXER. Mr. Speaker, the Bush military budget actually reverses a downward trend that was started last year.

In 1989, we went from a $303 billion budget to $299 billion in 1990—a reduction.

This year Bush wants to go from $299 billion up to $304 billion—reversing the trend. And this in spite of Richard Perle, the major Republican cold warrior, who said:

> East European political reforms have eliminated any possibility of a Soviet attack against Western Europe, potentially allowing the U.S. military to cancel virtually the entire "next generation" of major tactical and strategic weapons systems.

This in spite of 60 of the top 100 defense contractors who are under investigation.

This in spite of a tremendous deficit and needs in this country for health care, homeless, education, the drug fight, environmental cleanup.

It is clear that the Congress must lead on this budget.

It is clear that with intelligent planning we can wean this country from a bloated military budget gradually and carefully and in doing so bring down the deficit and bring our economy into the 1990's with America as the leader once again.

A TRIBUTE TO SISTER MARIE IMMACULEE SARDEGNA

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I rise today to praise a good person, a woman who has dedicated her life to her faith in God and to Catholic education, and on the occasion of being awarded the St. John Neumann Award for outstanding service by the Syracuse chapter of the New York State Federation of Catholic School Parents.

I know firsthand the benefits of that dedication. Sister Marie Immaculee Sardegna has been a teacher at Most Holy Rosary School in Syracuse for 14 years. Sister Immaculee has taught two of our children, Ben and Jed, and my wife and I look forward to our youngest, Maureen, being in Sister's class next year.

As my colleagues know, and as most American parents trust, we in Congress hold top-notch educators in high esteem. President Bush has said he wants to be remembered as "the Education President." As a Member in the House supports the President's encouragement of quality educational systems, I want to praise Sister Immaculee today as an outstanding example of the classic educator.

As a reading specialist certified to teach in my home State of New York, and also in Pennsylvania and Maryland, Sister Immaculee has brought the blessings of knowledge to an impressive number of young students over three decades.

Sister Marie, a member of the Sisters, Servants of the Immaculate Heart of Mary since the early 1950's, is a graduate of St. Mary's Assumption High School in Scranton, PA. She received her B.S. and M.S. degrees in elementary education at Marywood College.

In addition to her teaching duties, Sister Marie has also prepared children for the sacraments of "Reconciliation and First Eucharist" for 20 years.

It has been said that a teacher affects eternity, that she can never tell where her influence stops. In the case of Sister Marie Immaculee, I know well the positive influence she has had on my community and my family. We all wish her well in her continuing career.

THE PRESIDENT'S BUDGET—A ROADMAP TO NOWHERE

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, today I rise with a deep sense of sadness and disappointment: sadness for my country; disappointment in our President.

The President's budget, plainly put, is a budget of lost opportunities.

He had the chance to be a historic President, in historic times. He shunned it. He had the chance to be a great President; but he didn't even try.

The times cry out for a President who will lead this Nation in making the hard choices we must make if we are to meet the enormous challenges we face as we move into the 1990's and the 21st century.

Instead, George Bush has chosen to be only a President who guards his standing in the popularity polls.

America has many needs, but the biggest is a President who sees historic opportunity and takes it.

I think I speak for many in this Chamber when I say the rhetoric of the President's inaugural address, the rhetoric of his speech a year ago to a joint session of the Congress, and the rhetoric which has surrounded much of his talk about this budget, inspired confidence, optimism and an honest desire to join together in bipartisan cooperation.

The reality, however, is that this budget is a blueprint for staying the same. It has no vision. It repeats the mistakes of the past and does precious little to meet the real needs of the future. It is—in a phrase—a roadmap to nowhere.

Once, he inspired optimism; today, just disappointment.

A President writes his legacy day by day and year by year. So it is still too early to say the final book has been written on George Bush. But it is not too early to observe that the first few chapters are clearly cause for deep concern.

TRIBUTE TO LT. COMDR. WILLIAM P. CULLEN

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, I rise on this occasion to pay tribute to the outstanding service of my constituent, Lt. Comdr. William P. Cullen, in his position as the Navy's congressional liaison officer to the U.S. House of Representatives.

Commander Cullen was selected for this demanding and important assignment based upon his proven performance as a fully qualified naval surface warfare officer, and more recently as a naval flight officer serving on the U.S.S. *Midway* [CV-41] forward deployed to the Western Pacific and Indian Ocean. During his tour on Capitol Hill, which spanned both the 100th and 101st Congresses, I and many of my colleagues relied on Lieutenant Commander Cullen's unfaltering dedication and unique expertise.

Due to his superior accomplishments, and upon completion of his current assignment, Lieutenant Commander Cullen has been selected to attend the Armed Forces Staff College prior to returning to the fleet in his primary warfare specialty. I have the greatest confidence that Lieutenant Commander Cullen will bear his new responsibilities both successfully and admirably, and I am pleased and proud to offer my congratulations and best wishes to him for a bright and promising future. It gives me great pleasure to join my colleagues in recognizing Bill's achievements and service, as well as in wishing him fair winds and following seas.

THE VISION OF THE BUDGET

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, a budget is to be a vision stating in hard numbers what has been promised in lofty rhetoric. The American people want to see this vision. We are restless, stirring, knowing we have to grow and build a stronger America.

However, Mr. Speaker, that is not what the President's budget is about. This budget's vision is an optimistic delight, not a budget of growing or building, but of simply sustaining.

This country wants to invest in its future. The President calls this an investment blueprint, but the budget only promises the junk bonds of government investment, promised high return with great risk and likely problems.

Mr. Speaker, I want to invest in America, not run away from it. Crucial infrastructure needs still go unmet: Roads, bridges, airports, shipping ports that make America first. If my colleagues are frustrated by choking traffic, I say, "Don't look to this budget to ease your rush hour. We needed freeway size investment; we got sidewalk rhetoric."

Mr. Speaker, this country is 55th in the world in physical capital investment. It is time for a budget that starts making America No. 1.

EQUAL TREATMENT FOR ALL RETIREES

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, in light of the proposed budget's freeze on military and Federal retirees' COLA's, I have today introduced legislation requiring the equal treatment of all retirees.

Why are military and Federal retirees again singled out? Why can we not understand that these individuals are also entitled to cost-of-living adjustments? I do not believe one group of retirees should receive preferential treatment over another group.

Although I strongly support the goal of deficit reduction, I cannot in good conscience support any plan that singles out certain retirees for a disproportionate share of budget cuts while fully protecting many other programs.

I say enough is enough! Congress should not stand by idly and permit the inequitable treatment of our senior citizens who have served in the Government and those who sacrificed to serve us in the military.

Mr. Speaker, there are over 144,000 military retirees and 147,000 Federal retirees and their families who reside in the State of Florida. The two bills I have introduced today, one to provide for a COLA for both military and Federal retirees and the other to provide for a military COLA, will assure equal treatment for those retirees.

I urge my colleagues to join this effort in providing equal COLA's for all retirees.

THE BRONCO BUDGET

(Mr. ESPY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESPY. Mr. Speaker, when John Elway was asked about his team's chances in the Super Bowl, the quarterback said simply, "We'll show up."

Mr. Speaker, events of last Sunday suggest that was just about all that they did, and that reminds us of this administration's budget. It is here. It showed up. And that is about the best that we can say.

Mr. Speaker, like that team this budget is listless on offense, it is unimaginative, and, like the team, it does not rise to meet the challenges of international competitiveness and emerging changes in world order. Like that football team it is sort of flat in what is the biggest game in town. Like the football team, this administration's budget just showed up.

Mr. Speaker, we are all fans, but we are disappointed. We are disappointed that four-fifths of the spending cuts come from the domestic account side. We are disappointed that in a time of lessening tensions in the world that this budget shows an increase above last year's level for defense spending. We are disappointed that gimmicks, timing shifts and trick plays are still in the game plan. We are disappointed that farmers, and Medicare recipients, and rural Americans, and homeowners and those who depend on mass transit are among many Americans who still suffer from what is an attacking game plan.

Mr. Speaker, the President, like the quarterback, is the leader. He sets the tone for the Nation. He calls the plays. He executes the offense.

I am afraid, Mr. Speaker, that the best thing that can be said about the budget is the same thing John Elway said about his team. It just showed up.

INTRODUCTION OF AMERICAN FAMILY REINVESTMENT ACT OF 1990

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, Thomas Jefferson once stated:

> We must make our choice between economy and liberty, or profusion and servitude * * * if we can prevent the government from wasting the labors of the people under the pretense of caring for them, they will be happy.

Mr. Speaker, these words are especially prophetic, considering the events which are occurring in Eastern Europe. For once again, we are reminded that economic statism and collectivism are no substitute for the genius of ordinary people.

These words should also serve as our guide when the much heralded peace dividend occurs. For if we follow the vision and wisdom of our Founding Fathers, we will simply allow the American people to keep more of their hard earned income, to spend or invest however appropriate.

With this in mind, I am today introducing the American Family Reinvestment Act of 1990. This legislation provides almost $2,200 of direct tax relief to a typical, middle income family of four. That's $2,200 which they can use for child care, better housing, or even additional savings toward retirement.

Mr. Speaker, if the cold war is really over, let us distribute the peace dividend directly to the American people. For as Thomas Jefferson observed over 200 years ago, they know far better than Congress how to spend it.

THE HOUSE IS NOW THE BASTION FOR FREEDOM AND LIBERTY THROUGHOUT THE WORLD

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, I rise today to commend and thank my colleagues in the House of Representatives for their courageous vote last week in support of the Chinese students. When the House voted overwhelmingly in a bipartisan fashion 390 to 25, it established itself as the bastion for freedom and liberty throughout the world to support the Chinese students and to support human rights in China.

Mr. Speaker, following the vote, the Chinese Government bitterly stated, "We express great indignation and strongly condemn this hegemonistic act of the United States House of Representatives." Coming from them it is a compliment.

Although we lost the override in the Senate by four votes, I believe we made great progress for human rights in China and for protection for the students. Because of the bill, we got an executive directive. Because of the override vote, we got assurance that the students will never be sent back against their will.

Mr. Speaker, we will hold the administration's feet to the fire on this promise.

I am very pleased, Mr. Speaker, that this House chose to identify itself with the eloquent statement of the one man before the tank rather than associating itself with the strange toast of General Scowcroft to the butchers of Beijing.

□ 1250

FOREIGN AID CREDITS SHOULD BE SPENT IN THE UNITED STATES

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, during a recent conversation with Loret Ruppe, our Ambassador to Norway, I learned that a good part of United States foreign aid is in the form of cash transfers. Cash that those countries use to purchase products from Japan, West Germany, Taiwan.

Other nations do not run their foreign aid programs that way—and they also do not have trade deficits. Instead of cash, their foreign aid consists of lines of credit so that their own economies benefit.

My colleagues may be interested in knowing that some of the money we gave to the Nicaraguan opposition for their election campaign went to purchase jeeps from India. They have bought 22 so far and have plans to buy 71 more vehicles while here in the States our auto industry is in a slump.

Are we running an export promotion program for other countries? Does American business not deserve our full support in providing jobs for our citizens?

Mr. Speaker, I believe we need to reexamine how our foreign aid really works and move toward credits to be spent in the United States rather than cash to be expended in other countries.

GOOD CITIZENSHIP CAN BE A LEARNING EXPERIENCE

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, tonight, President Bush will

give Congress and the American people his assessment of the State of our Union. These occasions are frequently little more than a stage on which a President unveils new initiatives by which the resources of Government will be brought to bear on pressing national problems. I hope, however, that Mr. Bush will use the forum he will have tonight to issue a call, for a renewal of the spirit of community service by which our people can bring their best resources—themselves—to bear on some of those same problems.

It is easy to lose sight of the fact that the maintenance of any society, particularly a democratic society, is a shared enterprise that must involve the collective attention and effort of all its people. While we have done a great job of educating our young people about that to which they are entitled as American citizens, we have done a poor job of teaching them what is expected of them as citizens. I believe that it is wrong, and dangerous, to allow a belief to take root in this country that acts like feeding the hungry, sheltering the homeless, keeping our public areas clean, and supporting the efforts of our public safety officers are always someone else's responsibility or the responsibility of Government.

Sadly, that kind of attitude is all too prevalent today. To that end, I have joined Congressman BILL FORD of Michigan in introducing H.R. 2591, the Service to America Act, which will help local school systems and institutions of higher learning tap the huge potential for community service represented by America's 60 million kindergarten through college age students, by making such service a part of their curricula.

Mr. Speaker, through example, encouragement, and the provision of opportunities to participate in it, serving others can become a lifetime habit for our young people. I can think of few habits that would better enhance the State of our Union.

A WARM WELCOME TO THE MOST POPULAR PRESIDENT IN HISTORY

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, throughout the decade of the 1990's we would listen to colleagues the day after the State of the Union Message take the well and bash President Reagan. I will tell Members that we this morning have been listening to some very well-scripted attacks on the budget which has been submitted here by President Bush, and I suspect that tomorrow morning we will hear a few people bashing the President's State of the Union Message.

Mr. Speaker, I just want to say that in about 8 hours the President will be standing right here providing his first State of the Union Address to the American people, and I want to say, Mr. Speaker, that I will warmly welcome the most popular President in history.

BROKEN PROMISES IN THE BUDGET

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute.)

Mr. DORGAN of North Dakota. Mr. Speaker, I want the President and Congress to know that we in North Dakota have had our fill of broken promises in the Federal budget. Here is a story. Forty-five years ago the Federal Government came to us in North Dakota and said they wanted permission to build a permanent flood in our State. They wanted to harness the Missouri River for downstream interests.

The Federal Government said if we allow this permanent Rhode Island-size flood in our State, then they would provide us a water diversion program as compensation for it.

Well, we got the flood all right, but now the President's budget breaks that promise. He says we want what the Federal Government got, but we are not going to give you what we promised you. The President calls for scrapping this project.

Mr. Speaker, I am sending the President today a bill, a voucher for $680 million. That is what the President and what Congress owes my State.

I say to the President and Congress this: If you do not want to keep your word and build this project, then pay us money you owe us. If you do not want to pay us the money you owe us, then give us the dam you built that created the flood and we will sell the electricity every year and make $18 million a year and build our own project and create our own economic development.

There are three ways: Build the project, pay us the money, or give us the dam. We intend to keep the commitment that we made to the Federal Government, and we darn well expect the Federal Government to keep the commitment they made to North Dakota.

PROSECUTE THOSE WHO DESECRATE AMERICAN SYMBOLS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, the patriotic symbols that we hold dear in this country are very important, or should be very important, to each and every one of us. Over the past year we have seen people desecrate the American flag, and we have not been able to get a constitutional amendment passed to make that an illegal act. We passed a law, but many Members do not think that is enough. Something needs to be done to protect those sacred symbols.

Today, just a few minutes ago, some people threw what appears to be blood on the front columns of the Capitol of the United States of America. I think this body and the other body should let the people of this country know, and let those people who perpetrate those crimes upon our symbols know, they are going to have to pay a severe price for that.

I submit that all Members ought to be indignant and let the people of this country know we are going to support our symbols and get those people prosecuted to the full extent of the law.

In addition, if that is blood, those men cleaning it up may be at risk. We do not know whether this is contaminated blood or not. I think that should be investigated and that should be added to the charges against those individuals that perpetrated that crime on this Capitol.

A BLUEPRINT FOR THE FUTURE, OR AN AUTOPSY OF THE PAST?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, the President's budget is supposed to be a blueprint for America's economic future. The fact is, President Bush's 1991 budget seems like an autopsy report from America's past. This budget continues to kill and dash the hopes of many Americans.

What I really want to talk about today is how I keep hearing the screams for a balanced budget amendment. Why have neither President Reagan nor President Bush submitted a balanced budget to this Congress?

When I hear that the President wants to comply with Gramm-Rudman, that takes the cake. That is like fighting fire with gasoline.

What really ticks me off today, and I have to say it, is that camera in the center aisle which will beam the President's speech all over the world is an Ikegami 322, made in Japan. That is about the status of the American Congress and our budget, folks.

EDUCATION FUNDING—PRESIDENT'S BUDGET

(Mr. PERKINS asked and was given permission to address the House for 1 minute.)

Mr. PERKINS. Mr. Speaker, we received a budget this week that was supposed to be the President's proof

that he was serious when he claimed he wanted to be the education President. Well I am tired of hearing such hypocrisy. Simply put, a budget that is unable to even keep up with inflation does not make an education President. It takes guts and some conviction to earn that title and I see neither of those characteristics in President Bush.

When we are crying out for more college graduates as scientists and mathematicians the President abolishes the State student incentive grants. This means that 200,000 less grants will be awarded next year; 200,000 less students get our help. When we talk about opening the doors of education to every qualified student, no matter their economic level, the President cuts out all contributions to the Perkins loans that are designed to help the most financially needy students. This translates to losing 120,000 loans to struggling students. No one else steps in to take up this burden, 120,000 students must simply do without.

Where is the sense in all of this. I see none and I hope that your eyes are open wide enough to realize that this is not an acceptable budget.

Mr. President, it is time to get serious about education and it is time to put up or shut up. The Congress is ready, with or without you.

FOREIGN AID SHOULD BE USED TO BUY AMERICAN PRODUCTS

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, 22,000 Chrysler workers are now on layoff, over 500 in the Jeep plant in Toledo and 1,500 in my own district, and where does the National Endowment for Democracy go to buy 50 Jeeps to send to the opposition party in Nicaragua for their campaign?

To India. India, one of three countries cited by our Government as guilty of pervasive unfair trade practices, India, which has an import tariff of 190 percent on trucks, and a 98-percent domestic content requirement. India got started making Jeeps with machine tools that came from Toledo, OH, 30 years ago.

Mr. Speaker, I want to know, what is wrong with using American tax dollars to buy American Jeeps? Surely President Bush would waive the trade embargo against Nicaragua so that American workers could benefit from their own tax dollars.

I confess, I was against the $7 million going to Nicaragua in the first place. I did not think we ought to be spending our money to influence their election. But surely, do not the workers of this country whose taxes finance this aid deserve more while they are standing in line for unemployment than a kick in the pants from our own Government?

□ 1300

CONGRESS NEEDS TO OVERHAUL THE FISCAL YEAR 1991 BUDGET LIKE NAVAL ORDNANCE IN LOUISVILLE OVERHAULS GUNS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Overhaul, Mr. Speaker, the operative term is overhaul. If we in Congress overhauled the President's fiscal year 1991 budget with the same precision and with the same care that Naval Ordnance Station at Louisville overhauls the guns and fire control systems which the Navy needs to do its mission at sea, then we will have produced a better budget. But the irony here, Mr. Speaker, is that the Pentagon has targeted the Naval Ordnance Station at Louisville for possible closure. I intend to fight this closure. My allies in this fight are the Governor of Kentucky, Wallace Wilkinson, Mayor Jerry Abramson, County Judge Executive Dave Armstrong. We will fight together to save Naval Ordnance Station.

We all appreciated yesterday when we met here in Washington the kind attentions of Speaker FOLEY and Chairman ASPIN.

Overhaul, Mr. Speaker, that is the word. We need to overhaul the budget just like Naval Ordnance Station, Louisville, overhauls the Navy's 5-inch guns.

CONGRATULATIONS TO LONGWOOD HIGH SCHOOL CHEERLEADERS

(Mr. HOCHBRUECKNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOCHBRUECKNER. Mr. Speaker, I am honored to have this opportunity to extend my heartiest congratulations to the Longwood High School junior varsity and varsity cheerleading squads, who recently captured first and fifth places in their respective divisions at the "U.S. National Championship" held in Nashville, TN and sponsored by the International Cheerleading Foundation.

To be selected to take part in what was billed as the largest cheerleading competition ever held, with over 4,000 teams from the United States and Canada competing, is quite an accomplishment. But to travel to Nashville, TN, and successfully challenge the national powerhouses of the South on their home turf, places these Long Island cheerleading squads in an elite class. Their collective talents combined with strict discipline and the dedication to be the best, have helped revolutionize the sport of cheerleading. Their efforts are to be commended.

I join Longwood High School and the entire Long Island community in saluting the Longwood High School cheerleading teams on their achievements, and wish them continued success in future competition and in roaring the Lions onward to victory.

BUSH'S BUDGET CUTS DEFICIT IN HALF? HOGWASH!

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, I looked at the budget and I saw what I saw, but I am not sure of what I saw. I saw a $1.25 trillion in expenditures, the biggest budget buildup we have ever had in this country. Phony economic projections. I saw what they call lower interest rates, and we know that will not happen because the Japanese control those. Yet they say they are going to cut the deficit in half. I think that is a bunch of hogwash.

I think they had better Windex their mirrors and get the smoke out of their eyes. This budget is just like it has always been: It is the rich getting richer, and the poor getting poorer.

Nothing new in the last 9 years. It is tax breaks for corporate America, and it is communities, their workers and the unemployed who are going broke.

I think we had better start looking out for middle America; those are the people that made America the country it is today.

CONGRESS IS RESPONSIBLE FOR ENACTING BUDGETS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I was not going to join this "funny hour" this afternoon, but after listening to some of these statements, I feel compelled to do so.

Does anybody realize that this Congress in the last 9 years has not enacted one Presidential budget, not eight of them for Ronald Reagan and not one for George Bush?

So, therefore, if we hear all these complaints about the budget, it is your fault and maybe my fault or at least whoever voted for those budgets, because the final product was not Ronald Reagan's and not George Bush's.

I listened to all these complaints; then I hear last night a spokesman for the Democratic Party say—and he is the chairman of the Budget Commit-

tee, Mr. PANETTA—that his answer is to ashcan the Bush budget the same as he did with every previous Republican budget for the last 9 years and do away with Gramm-Rudman, do away with sequestration, do away with the only discipline that this Congress has at all.

If we had not had Gramm-Rudman and sequestration on the books, think what the deficit would be, gentlemen, all you big spenders. We are going to keep you from doing that. We are going to block Gramm-Rudman repeal because you have to do it legislatively; we have got the votes, along with some good, conservative Democrats, to block your trying to repeal Gramm-Rudman.

I dare you to try it; come on, let's put on the gloves and have a fight.

PROVIDING FOR CONSIDERATION OF H.R. 2190, NATIONAL VOTER REGISTRATION ACT OF 1989

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 309 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 309

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2190) to establish national voter registration procedures for elections for Federal office, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text of the amendment printed in the report of the Committee on Rules accompanying this resolution as an original bill for the purpose of amendment under the five-minute rule, and said substitute shall be considered as having been read. No amendment to said substitute shall be in order except the amendments printed in the Congressional Record on or before February 5, 1990, by and if offered by, Representative Michel of Illinois, or his designee, said amendments shall be considered en bloc and shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments en bloc shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. DURBIN). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 309 is a modified closed rule providing for the consideration of the bill H.R. 2190, the National Voter Registration Act of 1989.

The rule provides 1 hour of general debate, equally divided and controlled between the chairman and ranking minority member of the Committee on House Administration.

Mr. Speaker, the rule makes in order the amendment in the nature of a substitute consisting of the text printed in the report accompanying this resolution. The amendment shall be considered as original text for the purpose of amendment, and shall be considered as having been read.

The rule further provides that no amendments to the substitute are to be in order except the amendments printed in the CONGRESSIONAL RECORD on or before February 5, 1990, to be offered by the distinguished Minority Leader, Representative MICHEL or his designee.

The amendments shall be considered en bloc and shall be debatable for 1 hour, with the time equally divided between the proponent and a Member opposed thereto.

Mr. Speaker, the amendments en bloc shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole.

Finally, Mr. Speaker, House Resolution 309 provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2190, the National Voter Registration Act would create a national voter registration procedure for election of Federal offices. The responsibility for the implementation of the system would fall within the States, with the Federal Government responsible for enforcement, as well as financial and technical assistance.

Under this bill, States that require registration would provide uniform methods to enable voters to register to vote. The first method is the so-called motor-voter procedure, this procedure would allow for voters to register to vote when they apply for a driver's license.

The second method would require each State to make available a form that applicants could mail to an election official and be eligible to vote in Federal elections.

The final method would require States to designate some Government locations, as well as private sector locations that would distribute and collect applications for registration.

Mr. Speaker, in order to assure that voter registration lists are accurate and current, H.R. 2190 would require States to update and verify registration lists by providing non-forwardable mailings every 2 years to registered voters or by obtaining information on address changes from the U.S. Postal Service.

Mr. Speaker, in the 1988 Presidential election, barely 50 percent of the electorate voted, this was the lowest voter turnout in 64 years. One of the primary reasons given by non-voters was that they were not registered. This bill that the House will soon consider will not only increase the opportunity for eligible citizens to register to vote, but also open the electoral process to all citizens.

Mr. Speaker, I urge my colleagues to adopt this rule and support the final passage of H.R. 2190.

□ 1310

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the main purpose of the voter registration bill is supposed to be to make it easier for people to vote.

In that spirit, yesterday in the Rules Committee, I offered an open rule in order to make it easier for Members to vote on amendments to the voter registration bill. But instead of welcoming my proposal to allow Members to vote, the Rules Committee by a party-line vote turned down my open rule proposal and instead reported the rule before us today, which closes off all amemdnents except for one package to be considered en bloc. There is no shortage of amendments to be considered. In the Rules Committee yesterday, the gentlewoman from Nevada, [Mrs. VUCANOVICH] asked to have an amendment made in order to insure that this legislation would not burden the States with a lot of extra costs. The gentleman from Colorado [Mr. HEFLEY] presented three separate amendments. One was designed to enhance voter participation. A second was designed to ensure that voter registration rolls are accurate. A third would protect the integrity of the electoral process.

Mr. Speaker, these are all reasonable proposals which deserve to be considered separately on their merits, not jammed into an en bloc package where only one vote will be allowed on a large group of amendments.

And certainly opponents of a closed rule cannot argue with a straight face that we need to limit amendments be-

cause it would take too long to consider individual amendments. Today is January 31, the last day of the month, and there have been no long hours spent voting on legislation this last month. It appears unlikely that the schedule in the near future is going to be overcrowded.

The bill made in order by this rule is major legislation which will have an impact on all 50 States. It mandates procedures which may have severe unintended consequences in certain parts of the Nation. If there was ever a bill where Members should have an opportunity to offer amendments to prevent unnecessary conflicts with existing State law and practice, this is it.

I should note that the administration opposes this bill even while endorsing the goal of increasing participation in the electoral process. The administration opposes the bill because the bill would increase substantially the risk of voter fraud, and because a sufficient justification has not been demonstrated for imposing extensive procedural requirements and related costs on the States.

The bill made in order by this rule is not even the same one reported by the House Administration Committee. This rule provides for House consideration of a new bill printed in the report accompanying this rule. The new bill is not just technically different. It is substantively different. Among other things, the new bill will cost more than twice as much as the one reported by the House Administration Committee. If you think you know what you're voting on because you have read the House Administration Committee report, think again.

This is the wrong rule for this bill. The bill has a number of major defects which would have to be corrected before this bill would be acceptable. The rule before us today denies the House the opportunity to consider separately the amendments necessary to make those improvements. Forcing the House to deal with a number of different approaches in 1 hour and with one vote on an en bloc amendment is not a satisfactory solution.

In good conscience, I have no choice but to oppose this rule. It is a gross distortion of what the legislative process should be. I urge my colleagues to vote against the rule.

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I rise in opposition to this rule. I think we should all be mindful of the hypocrisy involved in considering a restrictive rule for a bill that is supposedly aimed at of all things promoting voters' rights. And then when you take a look at this bill, how H.R. 2190 arrived at the Rules Committee in the first place, you can only conclude that this rule adds insult to injury. This rule, itself, is an antivoters' rights bill. I am shocked that this rule would be on the floor.

Here we have a bill—H.R. 2190—which, in its present rewritten form, has never been voted on by a single subcommittee or rule committee in this House. Neither a voice vote, a show of hands, nor a recorded vote has ever been taken on H.R. 2190 at any stage in the legislative process. And here we are being asked to take it up under a modified closed rule to boot!

At no time during the Rules Committee's deliberations was a single reason given why H.R. 2190 cannot be taken up under an open rule. But here it is—modified closed, by the committee's own definition, not mine. On top of that, not a single proponent of this bill has yet produced a concrete estimate of what it will cost.

And Members heard all these people on this side of the aisle who came here to speak to Members today, talking about how bad the State deficits are. In my State alone, the anticipated cost amounts to twice as much money as this bill would authorize for the entire program nationally. Twice as much. One hundred million dollars foisted on the State of New York to pay for this bill. That is wrong.

If our experience with section 89, which all Members know about, and the Catastrophic Illness Program, which all Members know about, should teach Members anything at all, it is simply: Let Members look before we leap. We are leaping here today. With all due respect to the Members who have worked hard on this bill, H.R. 2190 should go back to the committee. It needs more work. We need to know what it is that we are voting on. Not even the Democratic and Republican proponents of this bill know what is in it. They argued with each other what is in the bill when they came before the Committee on Rules.

Mr. Speaker, I will not belabor the point. At the appropriate time, members of the Committee on House Administration, I am sure, will outline some of the real problems with the bill. On behalf of the members, I offered motions in the Committee on Rules yesterday to make a couple of very important amendments in order. One of the amendments would have provided for Federal funding of the cost the States will be forced to bear in order to implement the mandatory provisions. What is wrong with that? It was not allowed by the committee. Another amendment would have made those mandatory provisions voluntary. What is wrong with that? The committee would not allow them. Both of these amendments were shot down on a party line basis. So much for bipartisanship, my friends.

Mr. Speaker, let me conclude by saying, Congress would rather do with what it does best: pass the buck and heap mandates on local government and on State government. That is wrong, wrong, wrong. Mr. Speaker, in the beginning, I mentioned the word hypocrisy. Every Member wants to encourage greater voter participation in the election process. But when we cannot do it, we cannot do it by denying their elected representatives, you and me, the right to participate and the right to vote in the legislative process here in Washington. Otherwise, why even have elections?

This rule should be defeated, and we ought to go back to committee so we can pass a legitimate voter rights bill.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is much talk about the closed rule. As Members know, the Committee on Rules allowed the minority leader, as designee, up until February 5 to put any and all amendments into the RECORD to be voted en bloc.

□ 1320

Besides that, Mr. Speaker, we give them a motion to recommit with or without instructions. So I am sure that all the amendments that were spoken about by my colleagues on the Rules Committee can be incorporated by this en bloc amendment. So we are not really shutting anybody off.

Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois [Mr. ANNUNZIO], chairman of the Committee on House Administration.

Mr. ANNUNIZIO. Mr. Speaker, I want to thank the gentleman from Massachusetts [Mr. MOAKLEY] the distinguished chairman of the Rules Committee, for this excellent rule. And I want to thank the gentleman from Tennessee [Mr. QUILLEN], the distinguished ranking member of the Rules Committee, for his contribution.

Voting is democracy. It is how the people choose their representatives. It's how they speak to the Congress. And it's their constitutional right.

But getting the right to speak, through casting your vote, can be an obstacle course. And one of the biggest obstacles is getting registered. Each State has a law. And every law is different. That is what makes this country so diverse, and so great. But that is also what makes registering so difficult.

The constitutional right to vote in Federal elections belongs to the people. It is the same right, no matter what State you live in. So we need to recognize the diversity of the States, while guaranteeing the citizens the right to vote, no matter where they live.

How can we accomplish that as a nation? We can set a national standard. We can require States to adopt one or more of the safe, proven methods of registration. And we can help

the States with the resources to administer their elections, and to maintain their records. At the same time, we can encourage voter registration.

While we must be sensitive to the diverse needs of the States, we must also pay more than just lip service to our citizens' constitutional right to vote.

This rule recognizes the need for all these things. It gives us a bill which has worked out between the committee's majority and minority. It takes into consideration States' needs, the demands of civil rights groups, and the good government efforts of groups like the League of Women Voters.

Members who believe they can improve on the committee's effort can offer a substitute through the Office of the Minority Leader. Each Member will have an opportunity to choose how to support the right of the citizens to vote in his or her State.

I support the constitutional right of the citizens of Illinois to vote in Federal elections. I want the States to have the money they need to administer the elections. And I support and encourage voter registration. That is why I will be voting for this rule, and that is why you should, too.

Mr. QUILLEN. Mr. Speaker, I yield for 4 minutes to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, welcome to the great voting rights debate of 1990. The only problem is, it will not be all that great a debate. It seems the majority leadership has seen fit to deny the voting rights of the House in considering a voting rights bill for the country. Now there's a liberal conundrum that will leave most people dumb—not ignorant dumb, but dumb in the sense of being unable to speak. But more importantly, this modified closed rule says something about the lack of confidence the majority leadership apparently has in both the bill and the judgment of all Members, Republican and Democrat alike.

You or I might support a restrictive rule if everyone agreed the bill was perfect; but it clearly is not perfect: this is the fourth version the House Administration Committee has come up with. And you or I might support a restrictive rule if the bipartisan leadership asked for it. But our Republican leader officially requested an open rule. And either you or I might support an open rule if no one wanted to offer amendments; but there are a whole passel out there, and we should have a right to offer them.

You or I might agree to a restrictive rule if this were an urgent, emergency situation. But this bill, by its very terms, does not take effect until the 1992 election cycle. And finally, even I might agree to a restrictive rule if we were really pressed for time. But let us get serious. This is only the second bill this second session has considered in 2 weeks. We are not exactly burning up the legislative calendar with our fast and furious legislative output. At this rate, we will be lucky to consider 40 bills this entire session.

In short, Mr. Speaker, there is absolutely no justification for denying the 400-plus House Members who are not on the House Administration Committee their right to offer and vote on amendments to improve this voter registration bill.

And just what is in this bill? Well, I guess it depends on which version you look at. For the information of my colleagues, the bill you got from documents is not what will be under House consideration next week. For that you will have to get a copy of the report on this rule which contains the text of an entirely new substitute written just yesterday.

You will be interested to learn that the latest version increases Federal grant assistance from $20 to $50 million. But that is still a drop in the bucket in terms of the additional costs that will be imposed on the States. In Illinois alone it is estimated that the initial cost will be $37 million, and probably another $5 million annually in operating costs. That is money that could be spent for the needs of Illinois.

Mr. Speaker, concerning those costs, as a member of the Illinois delegation, I would like to add for the benefit of the Members, Democrat and Republican alike, that these costs affect my State and theirs. When Illinois hoped to get the SSC, many of us still supported it because we said it was good for the country and we would have our taxpayers pay for it even though it went somewhere else.

When the savings and loans of California and Florida and Texas needed help, we in Illinois, almost to a person, said, "We are not happy, but it is a national problem, and we will pay for it."

Now it turns out that if it is voter costs or clean air, we have a different standard, and the standard is that the Midwest will pay and pay and pay. If this is that important, if we believe everything we say, then the Federal Government should be paying for it and those costs should not accrue to States that have other needs and other demands for the education of their children and that have not asked for this legislation.

Mr. Speaker, I have a good record on civil rights legislation, but I cannot blindly endorse everything that is presented to us under that label. We all want to increase voter registration and participation. That is not what is at issue here.

I fear that using drivers' license applications to register voters, without up-front notarization, is fraught with all kinds of potential for fraud and abuse. I am sure there are some places where, if you tell them they can have motor/voter registration, they will be registering people in hearses—before they even get to the cemetery.

Mr. Speaker, this might be an attempt at a national solution, but it is not a rational solution.

Mr. Speaker, I ask the Members to vote down this rule and make sure that we have an open debate on a bill that we can all eventually support.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I wish we had a full House of our colleagues because this is a very important issue. I see the number of Members on the floor is very small, and I think that is unfortunate.

Despite the good-faith efforts of the gentleman from Washington [Mr. SWIFT], who is my friend and my colleague and who has been fair and who has been bipartisan in his efforts, I rise in strong opposition to this rule on this so-called motor-voter bill. The rule limits debate on this important issue, and I think that is debate that could lead to positive legislation in this whole area.

□ 1330

We are rushing. My colleagues, we are rushing to make major revisions to the American election process with little or no knowledge where these changes will take us.

I would ask my colleagues, "Do you know the cost of this legislation in your own State?" The Secretary of State in Kansas has estimated $1.2 million, that he does not know.

"Are you aware of the fundamental conflicts between the election laws of many States and the mandates of this bill? My colleagues, do you realize there are few antifraud provisions in this bill and that the bill, in fact, would destroy antifraud provisions of many States? Do you understand the constitutional question involved with the usurping State authority to regulate elections? Are we sure this legislation, as written, would not severely damage the entire process?"

My colleagues, ask those questions of the supporters of this bill. Yes, my colleagues will get answers, but those answers vary.

Mr. Speaker, any legislation that has such far-reaching impact on one of the cornerstones of the Republic should receive full and exhaustive debate. Every Member, every Member, should have ample opportunity to gauge the impact on his or her State or district. Local election officials, the ones who work at the grassroots level, should be consulted.

All of us here today, every Member of this body, agrees with the general goal of this legislation. That is to involve more citizens in the election process.

However, Mr. Speaker, does this bill really do that? Or does it open wide the door for fraud and abuse and throw out the honored tradition of tying the privilege of voting with the responsibility of being informed about the issues in registering? Is there really a registration problem, or does the dropoff in voting, does the dropoff in voting, go further to a fundamental cynicism in the way voters view their Government?

What this is, what we have here today, is a proposal by well-intentioned colleagues to increase voter turnout by imposing a new, costly, uncertain system of voter registration upon existing State laws and procedures.

With all due respect to my colleagues, what makes the bill's sponsors and supporters believe their new, costly computerized Federal system can do the job better than any of my 58 county election officers and the secretary of state of Kansas?

My colleagues, let us open the rule. Let us look under the hood of motor-voter before we end up in the ditch.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, I rise today, not to argue against this bill. The time will come to deal with the merits of the bill down the line.

However, Mr. Speaker, I do rise to question why in the world on a bill like this, of all bills, why in the world we would have a closed rule.

Yes; I offered three amendments. I think they are reasonable amendments. I think they are amendments that possibly in the en bloc amendment I may be able to get them in. I may be able to get them passed as a part of this bill, but that is not the point.

Why in a bill that purports to open up participation in the electoral process, why in the world would we close participation here on the floor of the House of Representatives? It is the most inconsistent thing I can possibly imagine.

Mr. Speaker, I think we ought to be ashamed of ourselves for even suggesting such a thing. The reason is that the questions are too numerous, and they have simply not been answered, even in committee or in the Committee on Rules.

Let me just throw out a few of the questions. One is the cost. The proponents of the bill were asked in the Committee on Rules yesterday, "What's this going to cost?" All kinds of figures were thrown out about what it was going to cost. The answer is that no one knew what it would cost the individual States.

The gentlewoman from Illinois [Mrs. MARTIN] asked, "Well, if it's such a good idea, why don't we have the Federal Government pay this cost?"

The proponents of the bill said, "No, no, we don't want to do that. Let the States pay for it." They did not know the cost, but the States could pay for it.

The question was asked, "Will this help in voter participation? Will more people vote? Will a bigger percentage of the population in the different States vote if this goes through?"

The answer was, "We don't know whether it will help or not. We're not sure. We think it is. It makes sense that more people will register, and maybe more people will vote, but we honestly don't know whether it will or not."

The question was asked whether it will violate the Constitution. The answer is, "We don't know whether it will violate the Constitution or not."

Our Constitution limits the Federal role in elections. The Constitution says that elections, the governing of the electoral process, is a State right and only if there is evidence of fraud or corruption is the Federal Government involved in the electoral process. That is a State issue, but not even the most ardent supporters of this bill would indicate there was any evidence of fraud or corruption. There may be, but that was not the reason for the bill.

Mr. Speaker, the bill is to increase participation. We in the Federal Government do not have any role in increasing participation. We have a role in dealing with elections, and fraud and corruption. It is a State issue.

For instance, the bill specifies where we can have, where we cannot have, but where we must have voter registration sites, and it suggests everything from libraries to hunting and fishing license outlets as a place where we can have, we must have, registration. So that means convenience stores in our State, the 7-Eleven's who sell hunting and fishing licenses will also now be voter registration places.

Why does the majority in the House continue to do this, to feel they must ram something through? This is something that we could have sat down, and we could have worked out and let the logical process work instead of putting a closed rule on which limits participation.

Mr. Speaker, at a time when respect for the Congress is at an all-time low we add to it with this kind of behavior.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes, for the purpose of debate only, to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Speaker, I would like to speak to the issue of changing forms to the "greatest extent practicable." I hold here in my hand a copy of two forms from Minnesota. One is its State social services application, and the other is the unemployment application. Both of these applications have been amended to include the question, "If you are not registered to vote where you live now, would you like to register here today? Yes — No —." And there is a disclaimer in order to let applicants know that they are not required to answer that question in order to be considered for program benefits. Mr. Speaker, Minnesota had no additional costs for amending the State social services application, and amending the unemployment application cost only $600.

Mr. Speaker, this is clear evidence that amending State applications to inquire for voter registration can be easily done, at virtually no additional cost.

In 1988 Minnesota also included voter registration forms in its income tax booklet. Over 90,000 people registered in response to this effort alone. Clearly, voter registration is an ongoing process that involves people throughout their lives as they move around the country. I believe we should make it as easy as possible for people to register, therefore, I urge and encourage each State to follow Minnesota's models.

□ 1340

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to express my reservations to the proposed modified closed rule on H.R. 2190, the National Voter Registration Act.

Both the gentleman from Washington [Mr. SWIFT] and the gentleman from California [Mr. THOMAS] have good intentions in this issue, I am positive. I do not disagree with their goal to increase voter participation, but it seems to me that it is rather ironic that we are considering a bill with the premise to increase voter participation, yet should the rule pass, Members themselves will be denied their right to vote. We should be allowed an open rule.

Mr. Speaker, there are Members from both sides of the aisle who have serious concerns about this matter, and like myself, would like the opportunity to introduce amendments which may ensure its betterment. I am sure that most of the Members will agree that our legislative schedule is such that would allow the membership time to take a long, hard look at H.R. 2190, whereas, in the long term, hasty consideration could prove to be nothing short of devastating.

I urge my colleagues to vote against the rule and give those of us who have objections to this legislation the opportunity to express ourselves.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, I oppose the rule and the bill for three reasons that are very simple: it costs too much, it is vague, and it is not needed.

First of all, as far as cost, the Congressional Budget Office estimates the direct cost to the States and to the localities at between $80 million and $90 million. That is before some of the figures we have heard here today. For a State like New Hampshire that does not have computerized voting lists, we are looking at the possibility of 221 towns and cities having to get some kind of a uniform computer system and at their expense. The cost to the Federal Government, CBO estimates, will be $200 million anually, and we only have a $50 million appropriation. All of this when the other side of the aisle is talking about the homeless and the poor and the folks we need to help. We are going to be wasting money on computers and having towns and cities and States pick up the check for a good idea that is not well drafted.

That brings me to the point of vagueness. Section 106 of this bill is an absolute mess. It requires that each State will have to tell the local registrar of the death, criminal conviction, or mental incapacity of a voter. Let me ask, on a criminal conviction, does that mean after appeal has been exhausted? Does it mean shoplifting? Petty theft? Does it include DWI? That is a criminal conviction that has nothing to do with voting. If they meant a felony, they should have said a felony.

Finally they say mental incapacity. Does that mean one is committed to a mental hospital? Does it mean they are insane as found by a court? Does it mean they are in an alcohol treatment center on election day? We do not know, and if we look at the committee report, page 18, the total explanation for these undefined vague references to mental incapacity and crime are a one-sentence repetition of the language of the bill, no facts, no figures, no definition.

This is an open invitation to civil rights suits, and it is obviously vague and unnecessary, because the States have not asked for this, nor does anybody need this kind of vague language put on the books to hopefully confuse and confound courts across the Nation.

The SPEAKER pro tempore (Mr. DURBIN). The gentleman from Tennessee [Mr. QUILLEN] has 5 minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 20 minutes remaining.

Mr. QUILLEN. Mr. Speaker, the minority leader has asked for time, but he is not here yet. I would ask the gentleman from Massachusetts if he has more than one speaker remaining.

Mr. MOAKLEY. Mr. Speaker, I have one speaker remaining, and that is all.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. SWIFT], who has worked on this bill for the better part of a year and who is probably the most expert Member on this bill, and the Member whom we in the Committee on Rules listened very attentively to and who has done a great job.

Mr. SWIFT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the reason for this rule is that this is exactly the kind of rule one would write when they have a bipartisan agreement on a bill. When one has bipartisan agreement on a bill, each side makes compromises. Each side gives up something that they would like to have had. Each side has to deal with people on its side and its natural constituency that would have preferred the bill to look differently. This is exactly the kind of rule one writes for that situation.

My colleagues, that is the situation we had for well over a year until Monday.

The minority leader, I understand, has indicated that we should not let this fight today interfere with a bipartisan approach. He said on Monday that this issue should be, and was, clearly a part of campaign finance reform, and today, I understand, he has said that this is clearly separate from campaign finance reform, and we should not let any misunderstandings here wash over onto campaign finance reform and the bipartisan approach to that difficult issue that he has been pleading for for months.

Let us examine the bipartisan nature of this bill. Let us examine the history. The end of the last Congress our committee held hearings, and it happened to be in a hearing in California on same-day voter registration; we were hearing a lot of criticism from election officials about the administrative difficulties of same-day, and the ranking Republican member of the subcommittee, the gentleman from California [Mr. THOMAS], and I were trying to figure out what we could do when my secretary of state from the State of Washington, who happens to be a Republican, said, "Why not motor voter?" With that idea, we began to work very carefully together to see if we could not develop an approach that would make it infinitely easier for American citizens to be registered so they could exercise their right, not their privilege, to vote, that did not involve some of the administrative problems of same-day registration. We worked back and forth. We worked together.

There was not a decision made on this legislation at any time from beginning to end in which the ranking Republican on the subcommittee, who is also, incidentally, the ranking Republican on the full committee, did not have full input and agreement, and in that context, we gave up some things, and in that context, he gave up some things. But his bottom line was this: if we are going to write legislation that will add Americans to the rolls, should there not be a section in this bill that would take deadwood off the rolls? It is a little hard to argue with that, except that in many jurisdictions over the years that elimination of deadwood has been abused very badly. I said, "Draft it. See what you come up with." And he did.

We in the majority found that to be a very straightforward address-verification procedure. It had no hidden opportunities for abuse. It was not designed really to discriminate. It did what it said it would do. We examined it carefully, negotiated a bit, and we said, "All right, we will embrace that."

We now have the concept of the legislation worked out in a purely bipartisan way, and then on January 3 of last year, the bill was introduced.

Let me tell the Members the first four sponsors of that bill: a gentleman by the name of THOMAS FOLEY, who at that time was the majority leader of the House; a gentleman named NEWT GINGRICH, who is still the minority whip; a gentleman named TONY COELHO, who at that time was the majority whip; and a gentleman from California named JERRY LEWIS, who is still the chairman of the Republican Conference.

□ 1350

So we have developed a bipartisan concept, and we introduced it with half of the Republican leadership among the first four initial sponsors of the bill. If that does not convey to the majority that we are on the right track and working with the right people, I do not know what possibly it could be that we did wrong.

So we continued to work with this and we got it into legislative language and we did the markups and so on and so forth.

Then a terrible problem occurred for us. Not for the Republicans, but on our side of this issue, among our natural constituency. The civil rights groups began to express a wholly unanswerable anxiety that the section that the gentleman from California [Mr. THOMAS] had insisted be included in the bill might in fact be abused.

I personally spent months working with leaders of the civil rights commu-

nity to persuade them that this was not the case. Very frankly, I had some success, but ultimately failed.

Staff members in the Speaker's office took over the job and worked with these people for weeks and weeks and made more progress, but not success.

Beginning last October the gentleman from Pennsylvania [Mr. GRAY], the majority whip, spent 3 months, and finally was able to persuade our people that the provision that the Republicans had insisted be part of the bill was a sound provision, a good provision, a provision that did not have any little hooks or nooks or crannies through which discrimination was going to take place, and they signed on.

We took on our own natural constituency and worked with them until we had persuaded them that this was a bill they should support.

Having accomplished all of that, we discussed with the ranking member what the rule should be. As I said at the outset, we came up with the kind of rule that one has when you work out a truly bipartisan bill. Each side has made their compromises and each side wants some protection that their compromises will not come unraveled.

On Monday the minority leader of the House of Representatives swooped into town and trashed the entire agreement.

What more should we have done to deal with this issue on a bipartisan basis? We have half the leadership of the Republican Party as the prime sponsors. We worked with the ranking Republican member of both the subcommittee and the full committee. That is the traditional way you have bipartisanship in this institution.

Would the minority leader like to send to the floor a list of all the ranking Republican Members in this body with whom we should not work? I know as a chairman I would love to have a list from the minority leader of all of the Members he does not want me to work out any bipartisan agreements with because he will pull the rug out from under them.

The minority leader said he hopes this will not interfere with bipartisan efforts in other regards. Mr. Speaker, others have to make the determination, I believe, about this. I believe others will have to make the judgment.

I do not believe I have a reputation in this institution as a partisan person. I feel I have worked with Republicans on this committee, on the Committee on Energy and Commerce, and on a wide variety of enormously complex and controversial issues and have never taken partisan advantage.

This bill as it comes to the floor is the product of a careful, long, arduous, difficult bipartisan effort. This, my friends, is the test. We did not intend it that way. We certainly did not intend it that way. But here it is. Here is a bill on which it is put up or shut up time about bipartisanship.

The rule gives the Republicans two opportunities to change, modify, or kill the bill. It gives our side none. The President has eight points he would like to change. I have a memo in my office, 15 single-spaced pages, changes that people in the civil rights community wanted.

We are going to stick by our word. We did not ask for a substitute in the rule for our side for the simple reason that we are going to stick with the bipartisan agreement.

So far as I know, those people with whom this agreement was made are sticking with it as well. But the minority leader has hung out to dry his whip, his conference chairman, his ranking member, the Speaker of the House, the majority whip, and me. He says that he hopes now that this will not hurt bipartisanship and the spirit of bipartisanship in this body.

There is an old rule that says, "Fool me once, shame on you." I do not intend to provide the opportunity that I shall be fooled again.

Mrs. MARTIN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SWIFT. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. Mr. Speaker, I have had the pleasure of working with the gentleman from Washington in the Committee on House Administration and I recognize that obviously he speaks from deep emotion.

The person to which the gentleman from Washington is addressing his complaints is not here. In general, some of us at different times, certainly I, certainly the gentleman from Washington, have had times we may have had disagreements with individual Members. I think most often one hopes we can work some of them out in private, certainly with the people here.

I would hope the gentleman would concur with me we are talking about the rule now. Arguments upon the bill which I may have and disagree, and which the gentleman may have and disagree, are held for a time. Talking about the leader of the other party when he is not here, when we have worked so hard, I just do not want to see the bill deteriorate into that.

Mr. SWIFT. Mr. Speaker, reclaiming my time, I would point out that the ranking Republican on the Rules Committee holds the time and said the minority leader was supposed to be here. The gentleman had time reserved for him. He could have been here.

The point is that the minority leader has made a point over and over and over again in the previous Congress and in this Congress that he wants a spirit of bipartisanship. I do not believe that any fairminded person could take a look at how this legislation was developed over a period of well over a year and find any fault with the way in which the Democrats have dealt with the minority on this issue to develop a bipartisan bill.

For the minority leader to unilaterally and singlehandedly trash that agreement on Monday without warning is the issue.

As I said, I will not be fooled again.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time.

Mr. QUILLEN. Mr. Speaker, in fairness to all and for a full debate on this, since the gentleman from Washington [Mr. SWIFT] has made some remarks about the minority leader and I have yielded back the balance of my time, I think we should give the minority leader time to respond. I think it was most unfair of the gentleman from Washington [Mr. SWIFT], although I have a high respect for him.

The SPEAKER pro tempore (Mr. DURBIN). If the Chair could intervene, when the gentleman from Tennessee [Mr. QUILLEN] yielded back the balance of his time, he had 5 minutes remaining. At this point the gentleman from Massachusetts [Mr. MOAKLEY] has 7 minutes remaining.

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent to reclaim my time to yield 5 minutes to the gentleman from Illinois [Mr. MICHEL].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. MOAKLEY. Mr. Speaker, reserving the right to object, I want to explain. I will yield to my dear friend, the gentleman from Tennessee [Mr. QUILLEN] if we have an undertstanding that in the 5 minutes that I yield to him the gentleman from Illinois [Mr. MICHEL] will yield to the gentleman from Washington [Mr. SWIFT] in that period of time if he has any questions.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, as I understand it, the gentleman from Tennessee [Mr. QUILLEN] had yielded back the remaining part of his time. I believe what the gentleman is asking is to reclaim his 5 minutes, and certainly I do not think the gentleman from Massachusetts [Mr. MOAKLEY] would object if he understood that.

Mr. MOAKLEY. I am sorry, I thought the gentleman wanted 5 minutes of my time.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. MICHEL].

□ 1400

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, and Members, I apologize because I have been holding other meetings and have not been listening to the debate. I was told that the gentleman from Washington was saying some things about this gentleman from Illinois that there may be some question about.

I would remind the distinguished gentleman that I rose yesterday in a 1-minute speech because I had understood the gentleman was quite concerned about the position that I had taken. I certainly did not intend to give reason for concern, knowing of what he had done with respect to campaign reform and that task force along with the gentleman from Michigan [Mr. VANDER JAGT], and our task force on campaign reform. But this issue as such was not a topic of discussion in overall campaign reform. And that is the big issue over which I was very willing and anxious to work in a bipartisan sort of way.

Then this issue on its own came up. I had not been informed as to how far we were. I maybe have to share some of the blame for missed communication on my side. But I have not been kept as well informed on this one issue as on the overall issue of campaign reform, and I did not want to have the feelings I have about being opposed to this to jeopardize or to taint or to prejudice the other big picture. I am sorry if the distinguished gentleman from Washington should feel so grievous about the position that I have to take on this part of what could conceivably have been incorporated at one time in campaign reform but which we never did frankly consider. It is one, on its own. It is a controversial thing; I am sure it is as controversial on the gentleman's side on some of the issues just as it is on our side. The natural thing to say would be that we ought to have an open rule and have it all aired. I understand that there are some things that the distinguished gentleman from Washington probably would not like to have even offered as amendments on his side, as the gentleman who is carrying it on our side, as the gentleman from California [Mr. THOMAS] thought that maybe there was an accommodation there. But I was not privy to it.

So, you know, I am sorry that the gentleman should have that feeling, because there was certainly nothing intended on my part to gut the gentleman or to turn things on their head here simply because I have a differing view on the specifics of voter registration.

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. SWIFT. I thank the gentleman for yielding.

Mr. Speaker, I hope the gentleman will read my full remarks in the RECORD, and I think he will have a better understanding. He was unable to listen to them as I gave them. I think he will have a better understanding of the reason that I feel that he has made a major attack on the spirit of bipartisanship in this Congress.

I think that is unfortunate. I agree with the gentleman that the road to campaign finance reform is difficult and we will need all the trust between us that we can possibly get on an issue which brings out the paranoia on both sides.

Mr. MICHEL. I made that point all along.

Mr. SWIFT. What the gentleman has done on this bill, perhaps inadvertently, something that raises serious questions to me whether bipartisanship is something that we on our side can safely pursue. And when we have what we believe is an agreement worked out with all of the responsible people speaking for the Republican Party, if the gentleman will not swoop in, as he did on Monday, and trash the whole thing.

If he will read my detailed remarks, he will see the amount of time and effort and the length to which this side has gone in order to reach bipartisan agreement, which we believed we had until it was trashed on Monday.

In terms of whether or not he knew about it, I do not know what is going on in his office. I know his staff has been in touch with my staff on both the substance and the timing on this bill regularly during the last 3 weeks.

I thank the gentleman for yielding.

Mr. MICHEL. I thank the gentleman.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. DURBIN). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 254, nays 166, not voting 11, as follows

[Roll No. 6]

YEAS—254

Ackerman	Gordon	Owens (UT)
Akaka	Gray	Pallone
Alexander	Guarini	Panetta
Anderson	Hall (OH)	Parker
Andrews	Hall (TX)	Patterson
Annunzio	Hamilton	Payne (NJ)
Anthony	Harris	Payne (VA)
Applegate	Hatcher	Pease
Aspin	Hawkins	Pelosi
Atkins	Hayes (IL)	Penny
Barnard	Hayes (LA)	Perkins
Bates	Hertel	Pickett
Beilenson	Hiler	Pickle
Bennett	Hoagland	Poshard
Berman	Hochbrueckner	Price
Bevill	Hoyer	Rahall
Bilbray	Hubbard	Rangel
Boggs	Huckaby	Ray
Bonior	Hughes	Richardson
Borski	Jacobs	Roe
Boucher	Jenkins	Rose
Boxer	Johnson (SD)	Rostenkowski
Brennan	Johnston	Rowland (GA)
Brooks	Jones (GA)	Roybal
Browder	Jones (NC)	Russo
Brown (CA)	Jontz	Sabo
Bruce	Kanjorski	Sangmeister
Bryant	Kaptur	Sarpalius
Bustamante	Kastenmeier	Savage
Byron	Kennedy	Sawyer
Campbell (CO)	Kennelly	Scheuer
Cardin	Kildee	Schroeder
Carper	Kleczka	Schuette
Carr	Kolter	Schumer
Chapman	LaFalce	Sharp
Clarke	Lancaster	Sikorski
Clay	Laughlin	Sisisky
Clement	Leath (TX)	Skaggs
Coleman (TX)	Lehman (CA)	Skelton
Collins	Lehman (FL)	Slattery
Condit	Levin (MI)	Slaughter (NY)
Conyers	Levine (CA)	Smith (FL)
Cooper	Lewis (GA)	Solarz
Costello	Lipinski	Spratt
Coyne	Lloyd	Staggers
Crockett	Long	Stallings
Darden	Lowey (NY)	Stark
de la Garza	Luken, Thomas	Stenholm
DeFazio	Manton	Stokes
Dellums	Markey	Studds
Derrick	Martinez	Swift
Dicks	Matsui	Synar
Dixon	Mavroules	Tallon
Donnelly	Mazzoli	Tanner
Dorgan (ND)	McCloskey	Tauzin
Downey	McCrery	Taylor
Durbin	McCurdy	Thomas (CA)
Dwyer	McDermott	Thomas (GA)
Dymally	McHugh	Torres
Dyson	McMillen (MD)	Torricelli
Early	McNulty	Towns
Eckart	Mfume	Traficant
Edwards (CA)	Miller (CA)	Traxler
Engel	Mineta	Udall
English	Moakley	Unsoeld
Erdreich	Mollohan	Upton
Espy	Montgomery	Valentine
Evans	Moody	Vento
Fascell	Morrison (CT)	Visclosky
Fazio	Morrison (WA)	Volkmer
Feighan	Mrazek	Walgren
Flake	Murphy	Washington
Flippo	Murtha	Watkins
Foglietta	Nagle	Waxman
Ford (MI)	Natcher	Weiss
Ford (TN)	Neal (MA)	Wheat
Frank	Neal (NC)	Whitten
Frost	Nelson	Williams
Gaydos	Nowak	Wilson
Gejdenson	Oakar	Wise
Gephardt	Oberstar	Wolpe
Geren	Obey	Wyden
Gibbons	Olin	Yates
Glickman	Ortiz	Yatron
Gonzalez	Owens (NY)	

NAYS—166

Archer	Barton	Bliley
Armey	Bateman	Boehlert
Baker	Bentley	Broomfield
Ballenger	Bereuter	Brown (CO)
Bartlett	Bilirakis	Buechner

Bunning	Hunter	Robinson
Burton	Hyde	Rogers
Callahan	Inhofe	Rohrabacher
Campbell (CA)	Ireland	Ros-Lehtinen
Clinger	James	Roth
Coble	Johnson (CT)	Roukema
Coleman (MO)	Kasich	Rowland (CT)
Combest	Kolbe	Saiki
Conte	Kyl	Saxton
Coughlin	Lagomarsino	Schaefer
Courter	Leach (IA)	Schiff
Cox	Lent	Schneider
Craig	Lewis (CA)	Schulze
Crane	Lewis (FL)	Sensenbrenner
Dannemeyer	Lightfoot	Shaw
Davis	Livingston	Shays
DeLay	Lowery (CA)	Shumway
DeWine	Lukens, Donald	Shuster
Dornan (CA)	Machtley	Skeen
Douglas	Marlenee	Slaughter (VA)
Dreier	Martin (IL)	Smith (NE)
Duncan	Martin (NY)	Smith (NJ)
Edwards (OK)	McCandless	Smith (TX)
Emerson	McCollum	Smith (VT)
Fawell	McDade	Smith, Denny (OR)
Fields	McEwen	Smith, Robert (NH)
Fish	McGrath	Smith, Robert (OR)
Frenzel	McMillan (NC)	Snowe
Gallegly	Meyers	Solomon
Gallo	Michel	Spence
Gekas	Miller (OH)	Stangeland
Gillmor	Miller (WA)	Stearns
Gilman	Moorhead	Stump
Gingrich	Morella	Sundquist
Goodling	Myers	Tauke
Goss	Nielson	Thomas (WY)
Gradison	Oxley	Vander Jagt
Grandy	Packard	Vucanovich
Grant	Parris	Walker
Green	Pashayan	Walsh
Gunderson	Paxon	Weber
Hammerschmidt	Petri	Weldon
Hancock	Porter	Whittaker
Hansen	Pursell	Wolf
Hastert	Quillen	Wylie
Hefley	Ravenel	Young (AK)
Henry	Regula	Young (FL)
Herger	Rhodes	
Holloway	Ridge	
Hopkins	Rinaldo	
Horton	Ritter	
Houghton	Roberts	

NOT VOTING—11

AuCoin	Dingell	Lantos
Bosco	Hefner	Madigan
Chandler	Hutto	Smith (IA)
Dickinson	Kostmayer	

□ 1424

Mr. HORTON and Mr. CONTE changed their vote from "yea" to "nay."

Mr. BARNARD changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I have taken this time to proceed for 1 minute for the purpose of ascertaining the schedule for the upcoming week, and I am glad to yield to the distinguished majority leader to explain the schedule for the Members.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Chairman, the program will be as follows: On Monday, February 5, the House will meet at noon, but we will not have legislative business.

On Tuesday, February 6, the House will meet at noon. We will consider the Private Calendar, and on suspensions we have four bills. Recorded votes on suspensions will be postponed until after debate on all suspensions. The bills to be considered under suspensions are as follows:

H.R. 2061, Magnuson Fisheries Conservation and Management Act;

H. Con. Res. 198, authorizing a performance by the American-Soviet youth orchestra;

S. 1096, to provide for the use and distribution of funds awarded the Seminole Indian; and

H. Con. Res. , regarding U.N. participation in Cambodia.

Following those bills and those votes, we will consider H.R. 2190, the National Voter Registration Act of 1989. We just considered and passed the modified closed rule on that bill. There will be 1 hour of general debate.

Members should understand that votes, if there are votes on the suspensions, could come fairly early in the afternoon, and then we will move to the consideration of the voter registration bill.

On Wednesday, February 7, and Thursday, February 8, the House will meet at noon on February 7 and at 11 a.m. on February 8. One of the matters that may come up on those days will be a motion to go to conference on H.R. 1465, the Oil Pollution Prevention Response, Liability, and Compensation Act of 1989, with 1 hour of debate.

On Friday, February 9, the House will not be in session. We will then begin the Lincoln-Washington district work period. At the close of the week's business, the House will adjourn until Tuesday, February 20.

Conference reports, of course, may come up at any time, and any further program will be announced at a later date.

□ 1430

Mr. WALKER. Mr. Speaker, I have just a couple of questions.

Mr. Speaker, if I understand the gentleman from Missouri [Mr. GEPHARDT] correctly, the votes on the suspensions will take place on Tuesday, and Members cannot be assured that those votes would be after 4 o'clock, that the votes could be as early as 1 or 2 in the afternoon. Is that correct?

Mr. GEPHARDT. The gentleman from Pennsylvania [Mr. WALKER] is correct.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Missouri [Mr. GEPHARDT].

Mr. Speaker, is the leadership going to be prepared by next week to give us a tentative calendar for the rest of the month in terms of when we are likely to be in session in the month after the Lincoln Day recess?

Mr. GEPHARDT. Mr. Speaker, we will.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Missouri [Mr. GEPHARDT].

Mr. Speaker, I do not see anything on the schedule with regard to the Panama legislation, which I understand is now being worked on in committee and will make it to the floor next week. If that comes to the floor, could the gentleman from Missouri [Mr. GEPHARDT] indicate to me what day we are likely to consider that?

Mr. GEPHARDT. Mr. Speaker, we are not sure yet that it will. Negotiations are still going on between the State Department, other officials in the executive branch, and different committees here in the House. If that negotiation results in legislation, it would come on Wednesday or Thursday.

Mr. WALKER. Come on Wednesday or Thursday, and is the likelihood of that on Wednesday?

In other words, Mr. Speaker, it appears to me as though the schedule would be fairly well complete by Wednesday if we do not hold over legislation until Thursday.

Mr. GEPHARDT. Mr. Speaker, I think there is a greater likelihood of Wednesday.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Missouri [Mr. GEPHARDT].

Further, there has been some talk that the Eastern Airlines vote might be coming to the floor next week. Does the gentleman from Missouri [Mr. GEPHARDT] have any information on that?

Mr. GEPHARDT. Mr. Speaker, my information is that it will not, but it is still under consideration at a later date.

Mr. WALKER. In addition, Mr. Speaker, would that come on Wednesday as well if that happens?

Mr. GEPHARDT. Mr. Speaker, I do not think that is the case.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Missouri [Mr. GEPHARDT].

ADJOURNMENT FROM THURSDAY, FEBRUARY 1, 1990, TO MONDAY, FEBRUARY 5, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, February 1, 1990, it adjourn to meet at noon Monday, February 5, 1990.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON FEBRUARY 7, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, February 6, 1990, it adjourn to meet at noon on Wednesday, February 7, 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

VOCATIONAL-TECHNICAL EDUCATION WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 130) designating February 11 through 17, 1990, as "Vocational-Technical Education Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to my colleague, the distinguished gentleman from Maryland [Mr. MFUME], who is the prime sponsor of this resolution designating February 11 through 17 as Vocational-Technical Education Week.

Mr. MFUME. Mr. Speaker, I am very grateful to the subcommittee leadership for discharging this important joint resolution, and I am appreciative to the majority of my colleagues here in the House and in the Senate for cosponsoring this resolution.

I rise in optimistic support of House Joint Resolution 367, which will designate the week of February 11-17, 1990, as national "Vocational-Technical Education Week." It is quite fitting that educators across the Nation have praised this Congress for recognizing the significance of vocational and technical education, and I am proud to have sponsored this resolution.

Mr. Speaker, this resolution will help focus national attention on the significance of technical education programs to many of our communities and young adults. This is an educational discipline that by design serves multiple goals—it not only prepares students for employment, but also encourages these same students to broaden their horizons by providing alternative learning experiences that can reduce the dropout rate in our schools.

The Carl D. Perkins Vocational Education Act of 1984, named in memory of a distinguished and outstanding Member of this body who advocated expanding our educational programs, renewed the Federal commitment to augment and improve the quality of vocational education programs as we know it. With increasingly stronger international competition requiring more of our workforce to be well trained, the keen foresight of our sagacious colleague is clearly evident today as foreign businesses continually challenge America's global competitiveness.

In the United States, more than 25,000 vocational and technical education institutions provide nearly 16 million Americans with marketable skills in over 150 occupations. And now we are seeing more and more partnerships occurring in many communities between technical schools and businesses who provide on-the-job-training skills essential for the workplace. Businesses seek workers who have the ability to actively learn, solve problems, and initiate new approaches in industry. Vocational programs offer all of these qualities and more, as evidenced by the growing demand of such graduates by businesses nationwide.

According to the Department of Labor, 80 percent of the jobs in our country require the kind of skills usually taught in vocational-technology educational institutions. Already these students make up a large portion of the high school population in many of our districts. They will be tomorrow's computer operators, programmers, nurses, and lab technicians, to name a few, forging a new and viable workforce for a new and challenging century. Thus, greater attention needs to be brought to the potential that vocational and technical education programs have to offer.

I am especially proud of the significant strides the State of Maryland has taken over the last several years to improve and develop educational disciplines to meet the needs of individual students. Many programs across the country as in Maryland are integrating academics with technical instruction. In fact, 140,000 high school students participated in secondary vocational classes last year in Maryland and 63,000 were community college students. Technical courses are offered in 161 high schools, 30 vocational schools, and 17 community colleges also located in the State of Maryland.

In my own district of Baltimore, where more than 20,000 students benefit from a technical curriculum, Carver Vocational-Technical High School and Mergenthaler Vocational-Technical High School serve as outstanding models of excellence in technical education today. In particular, Mergenthaler High School has greatly expanded its services to computer labs. With increased emphasis on technical education, they have initiated a valuable program that moves handicapped students into the mainstream of regular programs, and maintains a placement rate of an astounding 100 percent.

With equal prominence, Carver High School has continued to serve the community of Baltimore over the past 65 years and was previously honored by the Maryland State Council on Vocational Education as the most outstanding vocational program in the State of Maryland.

Mr. Speaker, vocational programs are taking at-risk students and turning them into productive and contributing citizens around the country.

I urge my colleagues to join me in recognizing the value of vocational and technical education by supporting House Joint Resolution 367.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I am pleased to join in cosponsorship of this resolution. I want to thank the gentleman from Maryland [Mr. MFUME] for introducing it and for giving an elaboration of its importance to us in our competitive stance.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER], who brought this resolution out on the floor.

Mr. SAWYER. Mr. Speaker, I am pleased to rise in support of Senate Joint Resolution 130, to designate the week of February 11, 1990, as "Vocational-Technical Education Week."

Most of my colleagues have some familiarity with the vocational education system. Approximately 75 percent of secondary school students take at least one vocational education course.

Our colleagues may not be fully aware of the significant role this program plays. Nearly one-half of American youth do not go on to college. However, today, some education and training beyond high school is required for entry into about 50 percent of all job classifications. By the mid-1990's 75 percent of all jobs will fall into that category.

For example, according to the Bureau of Labor Statistics, jobs for technicians will grow by 38 percent by the year 2000—faster than any other occupational group. As new technology spreads, companies need smarter, more flexible employees who can perform a variety of tasks, from installing and monitoring welding robots to reprogramming them if production rates fall.

Vocational-technical education programs in many areas of this country are forging a dynamic link between the classroom and the workplace and are helping meet the Nation's need for qualified workers who have adaptable skills.

In one of the high schools in my district, vocational-technical courses are often taught by "teams" of teachers. Using this technique, one teacher discusses the academic or conceptual framework and the other teacher relates that instruction to the practical applications of existing and developing technology.

The Committee on Education and Labor recently completed consideration of the Applied Technology Education Amendments Act of 1989. These amendments, we believe, will help invigorate vocational education instruction by ensuring that students are offered a combined program of academic skills and that those courses are offered and taken in a rational sequence that can lead to the development of a job skill and academic competence. The legislation also contains a provision that will provide Federal incentives to secondary and postsecondary schools who join together and offer programs linking the last 2 years of secondary training and the first 2 years of college education.

I commend my colleague, Representative MFUME, for bringing this worthwhile resolution to the attention of our colleagues in the House. Vocational-technical programs are on the cutting edge of our Nation's efforts to sharpen our economic tools.

□ 1440

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 130

Whereas vocational-technical education prepares the Nation's workforce by providing students with basic academic and occupational skills;

Whereas vocational-technical education stresses the importance of positive work attitudes and values;

Whereas vocational-technical education builds the leadership skills of students by encouraging them to participate in student organizations;

Whereas vocational-technical education stimulates the growth and vitality of the Nation's businesses and industries by preparing workers for the majority of occupations forecasted to experience the largest and fastest growth in the next decade;

Whereas vocational-technical education encourages entrepreneurship among students through units of study and courses designed to prepare them to start and manage their own businesses;

Whereas a strong vocational-technical education program planned and carried out by trained vocational-technical educators is vital to the future economic development of the Nation and to the well-being of its citizens;

Whereas the Future Business Leaders of America, the Future Homemakers of America and Home Economics Related Occupations, the Future Farmers of America, the Distributive Education Clubs of America, the Vocational Industrial Clubs of America, the American Industrial Arts Student Association, the National Association of Trade and Technical Schools, the Health Occupation Students of America, the National Association of State Councils on Vocational Education, and the American Vocational Association have joined efforts to give added definition to vocational-technical education;

Whereas the planned theme for Vocational-Technical Education Week is "Vocational-Technical Education: It Works": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 11 through February 17, 1990, is designated as "Vocational-Technical Education Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL WOMEN AND GIRLS IN SPORTS DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 82) to designate February 2, 1990, as "National Women and Girls in Sports Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this resolution. I would like to commend the gentlewoman from Maine [Ms. SNOWE], who is the chief sponsor of House Joint Resolution 82 to designate February 2 of 1990 as National Women and Girls in Sports Day.

Mr. Speaker, I certainly add my words of support and hope that this body will, in unison, support this very important resolution.

Ms. SNOWE. Mr. Speaker, I rise in support of House Joint Resolution 82, the bill I have introduced which designates February 8, 1990, as "National Women and Girls in Sports Day."

Setting aside a day to commemorate the participation, achievement, and excellence of women and girls in sports has been a tradition for 3 years.

Participation in athletics at any level has proven to be significant for emotional and physical development of our youth. Through sports, girls learn to take initiatives, to work well with other, and develop a positive self-image, qualities crucial in life.

National Women and Girls in Sports Day, while recognizing the outstanding accomplishments of women in sports, will also point to the fact that women students still have fewer opportunities for athletic achievements than men at the same institutions.

In 1988, just 16 percent of the total college athletic budget was allocated to women. One-third of total athletic scholarships were available to women. In high-school athletic competitions, there were two boys to every one girl participating.

While I applaud the progress that has been made over the last 17 years, I believe we must also acknowledge the large inequities that still exist for women in the area of athletics.

It is important that the past, present, and future accomplishments of our Nation's women sports figures be acknowledged. I encourage each of you to recognize the women and girls involved in sports in your district.

For example, I am proud to recognize the accomplishments of athlete Karen Hunter of Bangor, ME. Karen is a member of the U.S. Freestyle Ski Team. As a specialist in the ballet event, she placed seventh in the 1989 World Championships held in Oberjoch, Germany, and is currently ranked third in the United States. Karen hopes to retain her position on the 1991 national team and to qualify for the 1992 Olympics.

I commend Karen's commitment to her sport. I thank Karen for representing the Second District of Maine as an outstanding woman athlete and role model for future athletes.

National Women and Girls in Sports Day will be a step toward giving women in sports the recognition and attention they deserve. Hopefully, this day will encourage more women to experience the pleasure of sports activity that develops lifelong habits of physical fitness.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 82

Whereas women's athletics is one of the most effective avenues available through which women of America may develop self-discipline, initiative, confidence, and leadership skills;

Whereas sport and fitness activity contributes to emotional and physical well-being and women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of women's athletic achievements;

Whereas the number of women in leadership positions of coaches, officials, and administrators has declined drastically over the last decade and there is a need to restore women to these positions to ensure a fair representation of women's abilities and

to provide role models for young female athletes;

Whereas the bonds build between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the athlete's contributions at home, at work, and to society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and exhibited for all of us the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of such female athletes as Jackie Joyner-Kersee, Florence Griffith Joyner, Bonnie Blair, Janet Evans, the U.S. Women's Basketball Team and many others in the 1988 Olympic Games were a source of inspiration and pride to all of us;

Whereas the athletic opportunities for male students at the collegiate and high school level remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 2, 1990, is hereby designated as "National Women and Girls in Sports Day", and the President is authorized and requested to issue a proclamation calling upon local and State jurisdictions, appropriate Federal agencies, and the people of the United States to observe the day with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER: Page 3, line 3, strike out "February 2, 1989" and insert in lieu thereof "February 8, 1990".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read: "Joint resolution to designate February 8, 1990 as 'National Women and Girls in Sports Day'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 130 and House Joint Resolution 82, the joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

OLDER AMERICANS WOULD BENEFIT BY PROPOSED LEGISLATION TO ELIMINATE THE EARNINGS LIMIT

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, why is the U.S. Government wasting one of our most valuable assets? I am referring to the spending power and experience of our Nation's senior citizens. If a senior wants to work, the current Social Security earnings limit or "snowcap" penalizes this desire by imposing a 50-percent tax on their earnings.

America was founded on hard work, however, this country is sending the opposite message to seniors—that they are no longer needed, or wanted, to actively participate in society.

It is time for the U.S. Congress to restore this freedom of choice to citizens who want to work and contribute.

Recent studies have indicated that almost any increase in the earnings limit would reduce—not increase—the Federal deficit. A bill introduced by Congressman DENNIS HASTERT, of which I am an original cosponsor, is designed to eliminate the earnings limit. H.R. 2460, the Older Americans Freedom to Work Act of 1989, was introduced by Representative HASTERT. To solve this problem I call on the Ways and Means Committee to bring H.R. 2460, which has 164 cosponsors, to the floor for debate and passage. The needs of this country's senior citizens must be addressed.

Retirement should be a time when the creative energy and experience of seniors, developed throughout a lifetime of employment should be used, not wasted.

MELT THE SNOW CAP: TURN SENIORS LOOSE TO EARN

(By Donald E. Lukens)

The U.S. government is *wasting* one of our most valuable assets—the spending power and experience of our nation's senior citizens. This "snow cap" or earnings limit penalizes each senior who earns more than $8,800 a year over the Social Security benefits. Imagine a citizen who has worked and paid Social Security all of his life not getting the benefits he has already paid for because he or she wants to work!!

Currently, a senior will lose $1 in benefits for every $2 he earns over the limit!! This is an effective *50 percent marginal tax rate,* which is both poor economic judgment and counterproductive to society. This government invasion of a citizen's life is just another example of unnecessary intervention in the lives of 31 million senior Americans. Current legislation would raise the limit minimally over the next few years, but that's not enough. It's time for the U.S. government to get smart and completely restore this freedom of choice to citizens who want to work!

EMPOWER SENIORS TO LEAD MORE PRODUCTIVE LIVES, INDEPENDENT OF GOVERNMENT!!

The government, in its effort to control our tax money, has been greedy with power. It is afraid to give taxpayers a break, not realizing that *allowing people to spend their own money* generates more tax money and more economic activity. More importantly it gives the *individual,* not the government, the *freedom of choice.* It lets you and me decide how to best spend our money. It empowers the individual at the expense of big government. That is what conservatives in Congress are all about—*we trust the individual to make choices,* and we trust the free market to flourish because individuals are free to make these choices. We want to remove this cap and empower, not penalize, citizens who want to work. Let them spend their money how and when they like.

Seniors have more potential spending power than any other group. They aren't saving for the future. They are spending their retirement money—money they have saved for years. They aren't buying new homes or clothes for themselves, but they *are spending* on their children and grandchildren. They are buying goods and services. Their money is going right back into the economy creating jobs and revenue.

INCREASE GOVERNMENT REVENUE BY $4.9 BILLION

A recent study finds that *almost any increase in the earnings limit would reduce the federal deficit* by generating more in new taxes than the government would lose in increased Social Security benefit payments! This study was released by the National Center for Public Policy Analysis and the Institute for Policy Innovation (titled "Paying People Not to Work: The Economic Cost of the Social Security Retirement Earnings Test)."

INCREASE THE GNP BY OVER $132 BILLION, STIMULATING ECONOMIC GROWTH

The *Wall Street Journal* reports 83 percent of all men and 92 percent of all women over 65 are completely out of the work force. Three out of five of these do not have any disability that would preclude them from working. *These skilled older Americans, who want to work, are ideal for meeting the labor demands of the future, and without them, we may be facing a crisis.*

STOP PENALIZING CITIZENS WHO WANT TO WORK

When you're 65 and ready to retire or want to work part-time or start your own business, do you want the government telling you to stop working or stop earning? No!!! I don't ever want to stop. And if I do, I want it to be my own choice!!!

Recently, a Naples, Fla., realtor wrote the *Wall Street Journal* that he was approaching 65 and would like to keep working to supplement his retirement income. But he figured that with income tax, plus Social Security tax, plus lost Social Security bene-

fits—*he would in effect end up paying the government 82 percent of his earnings and keep only 18 percent!!* He says, "That sounds like some country on the other side of the Iron Curtain." That sounds like economic slavery to me—working 50 to 80 percent of your time for the federal government without pay! Currently, *seniors under 65 working full-time earning as little as $3.35 an hour will lose $244 a year in Social Security benefits.*

HELP THE YOUNGER GENERATION BY SHIFTING SOME OF THE BURDEN OF SOCIAL SECURITY AND MEDICARE

Currently 12.5% of the population is 65 and older, and it's growing every year. By the year 2030, it is estimated that there will be only two workers for every elderly citizen. The Bureau of Labor Statistics indicates that the 16 to 24 year-old labor force of 24.6 million this past summer was down 706,000 from the year before. This represents a steady decline from a 1980 peak of 28.4 million. At the same time, in 30 years the average age of our population is expected to increase by 24 percent.

America was founded on hard work. (When you penalize, you get less—reward to get more!) *It's hard to imagine that productivity is now being penalized!!!* Before the Depression, seniors remained active and productive members of society until they were no longer physically or mentally able. Then they were taken care of by their family. The earnings test has been in place since the payment of the first Social Security benefits, which was created during the Depression when jobs were scarce. Its goal was to move older Americans out of the work force to make way for the younger workers. Either intentionally or unintentionally, Congress continues to act as if this were a primary goal of Social Security! Although the test had undergone a variety of changes over the years, it is still nothing more than a penalty and *costs the Social Security Administration $200 million a year to administer.* Rich or poor, every older American would benefit from removing it. Simply put, the test is antiquated, inefficient, and ripe for elimination.

AGING AMERICA

Removing the Snow Cap earnings test, would benefit all Americans. It gives each citizen the choice to work, regardless of age. It helps the current generation of younger Americans who financially support government programs for seniors, and it stimulates the U.S. economy as a whole. The only ones who benefit from keeping the earnings limit are the socialistic taxaholic liberals who want to keep all the elderly on the same economic plane—poor—and dependent on the government for the rest of their lives.

Currently, pending before Congress is a bill that would completely eliminate the earnings limit for those aged 65 and older. This bill, H.R. 2460, the older Americans Freedom to Work Act of 1989, was introduced by Rep. Dennis Hastert, (R-IL). I am a proud cosponsor of this bill and a member of the Republican Task Force on Social Security Earnings Limit.

SAVING FOR SOCIAL SECURITY'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, recently I have said that cutting the payroll tax would destroy Social Security for today's workers. I want to explain what I mean by that.

In 1983, a panel of six congressional leaders crafted a Social Security bailout that was based on partially prefunding the benefits of today's workers.

They knew that prefunding is crucial to the long-range health of the Social Security system because in the coming years we will have more and more retirees and fewer and fewer workers to pay their benefits. The panel rejected a pay-as-you-go system because it simply would not work given the demographics of the 21st century.

Now some members of that 1983 panel—most notably the senior Senator from New York—have turned 180 degrees and irresponsibly rejected saving for the future. At the same time, they deride suggestions that we put Social Security on an even keel by truly saving and investing the Social Security reserves.

Social Security has paid benefits for a half-century precisely because it has been administered with care and foresight. I reject the notion that saving nothing for future benefits shows foresight.

END GOVERNMENT MISUSE OF SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. BORSKI] is recognized for 5 minutes.

Mr. BORSKI. Mr. Speaker, would the President or any Member of Congress dare to tax only lower to middle income workers to balance the budget? No one would admit that they were doing that. But practices which have that effect are the ongoing policy of our Social Security trust fund system. That is why Senator DANIEL MOYNIHAN's proposal is a good idea. His proposal would end the Government's misuse of the Social Security trust fund by reducing the tax so that it is sufficient for outlays and no more. Anyone who studies this trust fund's history and current practices as I have, will learn why the Moynihan proposal is an idea whose time has come.

According to its chief author, President Franklin D. Roosevelt, Social Security was supposed to be sacrosanct. Its funds were not to be spent on anything but benefits for those participants who earned them. Social Security was created as a national trust fund, so that each generation of working Americans would provide a retirement pension to sustain the generation that built America before them, and then be sustained in their retirement by the generation which came after them. That purpose has been achieved in a program which ranks as one of the greatest successes of American Government: The Social Security trust fund.

Over the last several years, however, that original purpose has been lost.

Social Security is now generating large surpluses, surpluses which are not needed for benefits but for deficits.

In fact, many policymakers and editorial writers routinely support delaying Social Security's cost-of-living adjustments [COLA's] so that those moneys can instead be borrowed by the Federal Government for deficit reduction purposes. I have strongly opposed these policies over the years, and will continue to do so. Retaining the yearly COLA is a vital priority for Philadelphia and for America.

Mr. Speaker, in my congressional district, the annual COLA keeps over 1,000 elderly men and women from slipping below the poverty line. In the city of Philadelphia, over 5,000 retirees will stay above that line of economic despair because of COLA's. Across America, half a million senior citizens rely on their COLA for that purpose. And hundreds of thousands will use their monthly checks, with the small increases COLA's provide, to enrich their lives just a little in their retirement.

These small raises in benefits are plowed back into our local economy, across our Nation enriching America. COLA's are also the best insurance that inflation will not rob the worker of today of buying power tomorrow, when they will rely upon their Social Security check.

In addition to imperiling COLA's, using Social Security's funds for anything other than benefits is unfair to the millions of men and women who participate in this program.

Mr. Speaker, Social Security's participants fall into three categories: First, the working men and women who contribute 7.65 percent of their paychecks to Social Security each month; second, their employers who match that contribution; third, and the retired men and women currently collecting the benefits they earned by contributing part of their salaries during their working lives to pay for the pensions of the working generation which precede them.

To serve these three kinds of participants fairly, Social Security must remain sacrosanct, and immune from the pressures of fancy budgetary bookkeeping. It should only generate revenues for benefits for its participants. To exact Social Security tax from employers and workers for any other purpose is devious, regressive, and unfair.

But that's exactly what is happening right now. Government is using Social Security to finance our battle against the Federal budget deficit, by borrowing the enormous surpluses generated

by recent increases in the Social Security tax rate.

As you know, in 1983 a bipartisan commission faced the reality that over the next 50 years, the percentage of Americans collecting Social Security will rise dramatically, and the percentage of workers paying the payroll tax will shrink.

The commission persuaded Congress and the administration to pass a law which mandated that the Social Security tax would be raised several times over the years, to amass a surplus large enough to pay the fund's future obligations as they came due. That was a proper goal.

I fully support collecting enough money to pay Social Security's participants their benefits and COLA's each year. In practice, however, the increased Social Security tax has become a back-door subsidy for the deficit.

A look at 1989's figures explains how. The U.S. Government's stated deficit last year was $152 billion. The real number was $204 billion, however, because Social Security tax revenues brought in $52 billion more than was needed to pay last year's benefits.

When Social Security collects funds not needed to meet yearly outlays, it has to invest them so it can afford to pay its obligations in the future. Since no risks can be taken with these moneys, they are invested in U.S. bonds. This means that the Government sells Social Security fifty two billion dollars' worth of bonds, and gets to count those moneys against its $204 billion deficit, so it can claim a deficit of $152 billion.

In fact, according to the Congressional Budget Office, this practice will become even more pervasive as the surpluses in the Social Security fund grow. If this practice is not changed, then by the end of the 1990's, the Government will report a $290 billion deficit as a $30 billion deficit, because it will borrow the Social Security surplus of $260 billion. Continuing on the trail of the borrowed Social Security surplus, when the bonds it sells come due, the Government's general fund will have to pay back the hundreds of billions it will borrow. Since the general fund will then have to raise hundreds of billions of dollars plus interest, where do you think they will get the money? That's right—it will come from taxing the working men and women who paid the money into the Social Security fund in the first place.

Making them pay the Social Security fund back with interest for a contribution they have already made is an additional burden of taxation for workers.

It's not right or fair, but it is current practice. Paying that additional tax is not the only unfair burden that current Government practices place on working families. Borrowing the Social Security tax for deficit reduction constitutes a regressive tax on middle income earners. Income tax is levied progressively on all income above a minimum. Social Security only taxes a person's first $51,300 earned each year. So if you earn $51,000 per year, and a friend earns $153,000 per year, you're paying 7.65 percent of your salary each year for Social Security, and he is paying 2.55 percent of his salary.

Equally unfair is this situation: If a husband and wife both worked—as is common today—and each earned $50,000 per year that family would pay $7,650 in Social Security tax each year, while a one-income family whose wage earner grossed the same amount—$100,000—would pay under $4,000 in Social Security tax. That could be questioned as a system for paying for Social Security benefits. But there is no question that it is a totally unacceptable way to finance the deficit.

Misusing the Social Security tax also treats another group unfairly; small and startup businesses. Every time the Social Security tax is raised, these small enterprises are hit with an additional payment for each worker.

No one disputes that businesses should have to pay for benefits for Social Security's participants: That is a responsibility they accepted when they opened their doors. But to ask them to bear a special burden to finance the deficit, a greater burden than nonbusiness owners are bearing, is unfair. Either the deficit is important enough so that we should all pay for it, according to our means, or it isn't.

At any rate we should not hide this massive deficit behind trust funds and phony bookkeeping tactics. The cure for what ails Social Security is simple: Since we cannot allow Government to levy a special tax on working people and small businesses to pay for the deficits, we must reduce the tax. We should tax workers and businesses whatever it takes to ensure that we can provide the benefits and COLA's which retirees deserve, and that is all.

Then, Mr. Speaker, as Senator MOYNIHAN says, we will have to find a genuine and fair way to pay for our deficits, not paper them over by taxing working people unfairly. That way we will face our deficits squarely, and solve them, without misusing trust funds, or abusing the trust of America's working people.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. COOPER] is recognized for 5 minutes.

[Mr. COOPER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

[Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

□ 1450

GENERAL LEAVE

Mr. MANTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of my special order today.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from New York?

There was no objection.

CONFLICT IN CYPRUS

The SPEAKER pro tempore (Mr. MCNULTY). Under a previous order of the House, the gentleman from New York [Mr. MANTON] is recognized for 60 minutes.

Mr. MANTON. Mr. Speaker, I requested this special order to focus attention on the tragedy of the ongoing division of Cyprus. Since Turkish forces invaded Cyprus in July 1974, this Mediterranean island has been the setting for one of the most intractable international conflicts. Almost since the bloodshed began, people on both sides of this issue have said the Cyprus problem cannot be solved. They have said this fight is too emotional and contentious, and that the Greek Cypriots and Turkish forces will remain forever deadlocked. I have called this special order today to say that the green line which divides Cyprus and separates families can come tumbling down just like the Berlin wall. Not only can the green line be wiped out—it must be.

The year 1989 was momentous. We witnessed the withdrawal of occupying forces from Afghanistan and freedom breaking through the iron grip of oppression in eastern Europe. As we

begin the second session of the 101st Congress, we are faced with a changing world. The cold war has begun to thaw. Yet the island of Cyprus remains the center of a bitter dispute; 35,000 Turkish troops still occupy northern Cyprus and 200,000 Greek Cypriots are refugees in thier own land.

Mr. Speaker, the question of how the longstanding conflict in Cyprus should be resolved is a difficult one for Americans because both Greece and Turkey are NATO Allies. We in the United States must not turn away from this issue because it is a sensitive one. We must not ignore Turkey's violations of international law and the NATO charter, simply because they are perpetrated by an ally. We also cannot overlook the fact the Cyprus conflict weakens our alliance: NATO's southern flank will never be stable as long as the Cyprus question remains. In fact, as a friend, we the United States should use our strong relationships with Greece and Turkey to promote the peace process.

The first step in this process is to recognize the facts. The 1974 Turkish invasion of Cyprus violated section 505(d) of the Foreign Assistance Act of 1961 and, as amended, section 3(c) of the Foreign Military Sales Act and United States-Turkey bilateral agreements. These laws stipulate that U.S. equipment can only be used for defensive purposes. Turkey's occupation of Cyprus also violates the Treaty of Lausanne of 1923 where she renounced all claims to Cyprus and which is still in force. Turkey also violated the terms of the London-Zurich Agreement which established an independent Cyprus in 1960.

The United States currently sends Turkey half a billion dollars annually in foreign assistance. Given Turkey's violation of United States and international law, we must reexamine this commitment. I am not suggesting cutting off assistance to Turkey will solve the question of Cyprus. However, I believe the continuing high level of United States assistance to Turkey gives the United States valuable leverage with the Turkish leadership in working to end this dispute.

For several years, U.N. Secretary General Javier Perez de Cuellar has worked hard to bring about a resolution in Cyprus. I want to commend the Secretary General for undertaking this important dialog to bring about peace in Cyprus. Unfortunately the latest round of talks between Cyprian President Vassiliou, and the Turkish Cypriot leader, Rauf Denktash, stalled without any resolution last June. Since then, Secretary General de Cuellar has been trying to resume the talks without cooperation from the Turkish leadership. In fact, the Secretary General had hoped to begin a new round of talks next month, but his invitation was rejected by Mr. Denktash.

I would like to take this opportunity to urge Mr. Denktash to rethink his decision and join the Secretary General and President Vassiliou in New York in February. If the complicated problems of Cyprus are ever to be resolved, the Turkish leadership must be willing to compromise. President Vassiliou has consistently supported the U.N.-sponsored talks and has indicated his commitment to a negotiated settlement. The time has come for the Turkish leadership to do the same.

Mr. Speaker, I called this special order today to bring attention to the problem of Cyprus, not to condemn any of the participants in this conflict. In the past year, we have seen that insurmountable odds can be overcome. I hope the events in Eastern Europe inspire us to work for justice and peace in Cyprus.

□ 1500

Mr. Speaker, I yield to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, at the outset I would like to thank the gentleman from New York for having this subject discussed today. I think it is a very timely issue.

Mr. Speaker, the winds of change are blowing around the world. From the Soviet Union to Eastern Europe, democracy is on the move along with a growing respect for justice and human rights. The Berlin Wall, once thought to be a permanent fixture dividing the free world and the Soviet empire, has crumbled into souvenirs. Impressive progress is also being made in resolving the problems of South Africa, Angola, Cambodia, and Central America. One problem, however, seems to resist resolution. One dilemma resists the application of fairness, justice, and sensitivity to human rights. Cyprus is that problem.

Since 1974, the tragedy of Cyprus has been with us. The cruel Turkish invasion of that island caused the death of thousands. Over 1,600 Greek Cypriots are still missing along with a number of American citizens. One of them is Andrew Kassapis, a young Michigan resident who was taken from his family's home on Cyprus and never seen again.

That military action resulted in the displacement of 200,000 Greek Cypriots who became refugees in their own land. When they were forced out of the northern part of the island, they left behind land, homes, and personal property worth millions of dollars. Some of that property has been carted off to Turkey. None of those families have been compensated for their huge losses.

In addition to illegally occupying the northern tier of Cyprus with 30,000 troops, who are still armed with United States supplied equipment, Turkey dispatched 60,000 Anatolian settlers to the island. Even the Turkish Cypriots resent the presence of those "non Cypriots" on that once-united island. What is being done to solve the Cyprus problem?

The United Nations-sponsored intercommunal talks broke down in July when Mr. Denktash objected to how the United Nations presented a draft outline to him. The outline provided food for thought about how the talks should proceed and how the two parties to the dispute could work together to settle the dispute. In recent weeks, Secretary General Perez de Cuellar invited both Mr. Denktash and President Vassiliou of the Republic of Cyprus to the United Nations for talks. Again, Mr. Denktash was offended by the way in which the Secretary General issued the invitation. President Vassiliou, who has shown amazing flexibility and determination to pursue peace talks, willingly accepted the invitation. Mr. Denktash should worry more about solving the Cyprus problem and less about diplomatic niceties. This is the time for forward movement in the peace process if there is ever going to be peace on that divided island.

The key to peace on Cyprus is in Ankara. It is time for Turkish authorities to talk with Mr. Denktash about the reality of Cyprus and the need to settle that longstanding problem.

As the gentleman pointed out, we ought to be looking at the amount of money we are giving Turkey. In fact, I would like to see it sharply reduced to be used as leverage, as the gentleman talked about, to force the two parties to get together to resolve these issues. As changes occur at breakneck speed around the world, Turkish and Turkish Cypriot authorities are increasingly seen by the world community as dragging their feet on a fair and timely resolution of the Cyprus conflict. Turkey is the only democratic nation in Europe that has its troops occupying a foreign country. Turkey wants to join the European Community, but surely must realize that Europe's doors will be closed until Ankara makes progress on the Cyprus problem. It is time to resolve the Cyprus dilemma and make the green line part of history along with the Berlin Wall. It is time to aim for the goals set by President Bush a few years ago when he said, "We seek for Cyprus a constitutional democracy based on majority rule, the rule of law, and the protection of minority rights."

I urge my colleagues to work together with me in Congress to bring about a peaceful resolution of the Cyprus problem. Until there is honest progress made on a resolution of that problem, Congress should ensure that

there is no business as usual with Turkey and with Mr. Denktash.

Mr. MANTON. Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentleman from New York for yielding and for his leadership on this vital issue. Mr. Speaker, I rise today to focus attention on the one wall that is not coming down.

That wall has divided the small island of Cyprus for 15 long years. Since the 1974 Turkish invasion, a green line stretches across the island separating both Turkish and Greek-speaking Cypriots from their traditional homes. Mr. Speaker, there is nothing "green" about this line. It is a collection of barbed wire, walls, and minefields that divides Cyprus and even its capital city of Nicosia. In his new year's message, Cypriot President George Vassiliou asked "can Cyprus be kept away from the earthshaking developments of 1989, thus constituting the only exception in Europe?"

Cyprus is more harshly divided than any European country. Long before this year's reforms, West Berliners had the ability to at least briefly visit East Berlin. Cypriots on the South Side of Nicosia cannot visit the North. As the Berlin Wall comes down, Cypriots see little progress in dismantling their wall.

Despite the lack of progress, we cannot forget the Cyprus problem. This subject will simply not go away. Just 2 weeks ago, the subject came up again during the President of Turkey's visit to the White House. All sides, including Greece and Turkey, recognize that as tensions in Europe disappear, more and more attention will focus on Cyprus.

New forces are also calling for a solution. Many women on Cyprus banded together to form the Women's Walk Home Movement. In their marches across the green line, they focused the international media on the Cyprus problem with the force of peaceful nonviolent protest. My wife, Kathryn, participated in one of these marches and later started the Cypriot Women's Foundation. The foundation's goal is to channel the energies of women on both sides of the green line into bicommunal, interactive projects involving mothers and children. Such projects offer a new vision for the society Cyprus must become. Their efforts show that the pressure on both sides to find a solution is increasing. Let us hope that this year will bring a breakthrough.

That breakthrough may come sooner than we think. It is my understanding that both sides of this conflict have agreed to meet with the U.N. Secretary General next month in New York for a marathon negotiating session. This is very good news. Following the brave initiative of President Vassiliou, he and Mr. Denktas have already spent hundreds of hours mapping out the outlines of draft solutions. This type of negotiation proposed by the Secretary General picks up on the spirit of those private, face-to-face meetings. We here in Congress will be watching these meetings closely.

Mr. Speaker, we share with the gentleman from Michigan, the gentleman from New York, and the gentleman from Florida who will speak after me, the very strong conviction that we will see this through, that there will be a reunification of Cyprus, that the foreign troops that are occupying that country will go home, and that the people of Cyprus will be able to live in peace without a wall dividing them.

Perhaps this year we will truly remove Europe's last wall.

Mr. MANTON. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, first I want to thank the gentleman from New York [Mr. MANTON] for taking out this special order and for his concern for fairness and justice all over the world, and in particular in this case the population of the island of Cyprus.

Mr. Speaker, I rise today to join my colleagues in reminding the world of the continued division of the island nation of Cyprus.

As you may know, Mr. Speaker, we usually bring up this division—and the illegal occupation of Cyprus by the Turkish Army—on July 20, the anniversary of the invasion by Turkish troops. We're a little early this year, but it's never too early to speak out in the cause of peace and what is right.

It has been more than 15 years since that invasion, 15 years of occupation and colonization by the Turks of 40 percent of the Republic of Cyprus. For more than 15 years now 200,000 Greek-Cypriots have been forced to live as refugees in their own land—4,000 lost their lives outright during the invasion.

If we see yet another July 20 pass without a resolution to this tragedy, it will be a sad, sad day indeed. However, Cyprus President George Vassiliou, in his 1990 New Year message, expressed renewed hope in this time of unprecedented peace.

Indeed, the "rays of hope generated in 1989," rays of hope to which President Vassiliou referred in his message, brighten the promise of a freer Eastern Europe. We cannot help but be inspired by the retreat of communism in East Europe, from the Baltic Sea to the Adriatic Ocean.

Indeed, every day another piece of the Berlin Wall is chipped away—and with each chip the way is made more clear for freedom. Yet, on Cyprus the green line continues to divide the nation, the Nicosia wall still stands. The rays of hope reaching out from Eastern Europe still fall short of Cyprus.

In view of the wave of freedom sweeping European lands held captive too long, in this time of returning peace, I strongly urge President Bush and all of my colleagues here in the Congress to use all influence, to work with all possible energy, to re-create a unified Cyprus—this year.

The United Nations Secretary General has invited President Vassiliou and Turkish Cypriot leader Denktash to a new joint meeting. The European Economic Community weighed in last month declaring to Turkey that its application for membership would not even be considered until 1993, in hopes that the Cyprus problem will be resolved.

It is time to push for peace and freedom on Cyprus. Conditions are right; the world awaits the demolition of another dividing wall. Turkey simply must reconsider its outrageous Cyprus policy and the Turkish Cypriots must return to the negotiating table.

Mr. Speaker, let us extend those rays of hope into the Mediterranean this year. Let 1990 be the year that peace and freedom and unity comes to Cyprus.

□ 1510

Mr. Speaker, I thank the gentleman from New York.

Mr. MANTON. Mr. Speaker, I yield to the gentleman from Maryland [Mr. MCMILLEN].

Mr. MCMILLEN of Maryland. Mr. Speaker, I thank the gentleman for yielding and commend him for having this special order on Cyprus.

Mr. Speaker, I rise today to express my continuing anguish over the tragic situation on the island of Cyprus. For 16 long years, the people of Cyprus have endured tremendous suffering, suffering caused by the unwillingness of its Greek and Turkish inhabitants to put behind them their bitterness and anger toward one another. So much has been lost because of this division. Cyprus struggles economically and politically. The island lacks leadership, torn by the strife between two waring factions.

I call upon the Governments of Greece and Turkey to encourage their supporters in Cyprus to end this strife. I recognize that nationalism is a strong emotion. But as long as the Greeks and Turkish inhabitants of the island fight for domination, the nation of Cyprus will not thrive.

I am pleased that the United Nations continue to press for peace in Cyprus. It is my hope that the President of our Government will be more assertive in pushing our Greek and Turkish allies toward a resolution of

this dispute. Not only is it unhealthy for the people of Cyprus that this strife continues, but it is also damaging to the NATO alliance that two members remain at such odds with one another.

At a time when freedom and hope are spreading throughout Europe, Cyprus remains a place where peace continues to be elusive. It is my hope that in the year of 1990 that situation will change.

Mr. MANTON. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I want to commend the gentleman from New York [TOM MANTON], for reserving this time so that we might address the tragedy of the wall that has not come down, the wall that divides Cyprus.

As the free world rejoices over the emergence of Eastern Europe into the daylight of civility and democracy, we must not forget the enclave of separation that is Cyprus. All of the historic animosity between the Greeks and the Turks is focused on this beautiful but saddened nation. In this prevailing spirit of renewal, we must turn our attention, and our best statesmanship, toward this persistent problem.

The division of Cyprus must end. The walls of shame must be dismantled.

President Bush, to his credit, and members of his Administration, have met with President Vassiliou and with Mr. Denktash. The President has made clear the United States "unqualified support for continuation of the inter-communal negotiating process under the aegis of the Secretary General of the United Nations, Perez de Cuellar." The President told both leaders that "the United States did not see continuation of the status quo as a solution to the Cyprus problem."

The Secretary General has proposed an extended meeting between Vassiliou and Denktash within the next few weeks. I take this opportunity to urge President Bush to make an extraordinary effort through all means available to him and the Administration to make this promising meeting a success.

I was pleased to see that President Vassiliou's New Year's message to his people was very upbeat regarding the prospect of reconciliation. He asked, "can Cyprus be kept away from the earthshaking developments of 1989, thus constituting the only exception in Europe? Is it possible for the Berlin Wall to be demolished, and for the Nicosia dividing wall to remain?"

Mr. Speaker, again I thank our colleague from New York for taking this time for Members of the U.S. House of Representatives to answer those questions with a resounding "no."

The wave of reunion and reconciliation in Europe must not pass over our friends in Cyprus. Now is the time for a historic breakthrough.

Mr. MANTON. I thank the gentleman and yield to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Speaker, I thank the gentleman for taking this time and I want to commend the gentleman from New York along with the other Members participating in this special order on Cyprus. It is especially important at this time that we focus attention on the conflict that continues to divide that island nation.

As we witness the fall of the Berlin Wall, the symbolic embodiment of the East-West conflict, if we glanced to the south and the east, we would still find a divided Cyprus. In 1974, the Armed Forces of Turkey invaded the island, calling it a peace movement on behalf of the Turkish Cypriots. A month later they returned for a second invasion, seizing one-third of the island and leaving behind a garrison of Turkish occupation forces. Those forces continue to occupy the northern part of Cyprus to this day.

For those of us who follow this issue closely, we have witnessed a slow progression of attempts at solving the problem—through bicommunal talks, parallel meetings with the Secretary General and seemingly endless dialog—all without success. In the meantime, the Turkish occupation has acquired a feeling of permanence. In 1983, the north unilaterally declared itself independent. The breakaway state, the so-called Turkish Republic of Northern Cyprus, is recognized only by Turkey. Turkey has slowly built up its forces on the island—with overall numbers nearly doubling in the last few years.

With the election of Greek Cypriot President George Vassiliou, we saw the emergence of a determined, pragmatic, and energetic leader who has committed himself to finding a solution to the Cyprus problem. Upon taking office, he immediately set a 1-year deadline for reaching a settlement framework. He has proposed the complete demilitarization of the island and a unified Federal republic that would respect the rights of all Cypriots. While his personal deadline has passed, he continues to stay at the table.

The same cannot be said for his counterpart, Rauf Denktash, the Turkish-Cypriot leader. As the U.N. Secretary General has worked with both sides to narrow their differences, Denktash has grown more reluctant to pursue a solution. Next month, the leaders will meet again with the Secretary General. But, because of Mr. Denktash's objections, that meeting will be an abbreviated version of the original 2-week meeting called for by the Secretary General and agreed to by the Greek-Cypriots.

This meeting comes in a period of sweeping change. With the lessening of superpower tensions and the move toward freedom in Eastern Europe, there is an overflowing optimism about new possibilities, about managing conflict through diplomatic means, and about replacing historic animosities with reconciliation and reconstruction. In this era of possibilities, it is crucial that the conflict on Cyprus not be left behind.

As the two leaders meet next month, it is important that they know that our President, the Congress, and the people of the United States care about the fate of Cyprus; that we are concerned about the continued Turkish occupation of that island; and that we will continue to keep vigilant in our support for a free, democratic, and unified Cyprus.

□ 1520

Mr. MANTON. Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, first, let me commend the very distinguished gentleman from New York [Mr. MANTON] for setting aside time today to discuss an issue that is very important to many of us in the Congress, the continued occupation of the Republic of Cyprus by the Turkish Army.

Over the course of the past year we have seen the deterioration of totalitarian regimes throughout Central and East Europe. The Soviet Union has begun the process of withdrawing its armies from numerous nations including Poland, Czechoslovakia, Hungary, and East Germany.

But one nation in the region albeit a tiny one, is still under the power of an occupying army. For 16 years, since 1974, Turkish troops have occupied 40 percent of Cyprus, and kept the more than 80 percent ethnic Greek residents of the island from returning to their ancestral homes of many centuries.

The disgrace of this situation, Mr. Speaker, is that the United States provides half a billion dollars each and every year to Turkey in foreign aid, much of it military aid. Our U.S. tax dollars are supporting an occupation that both the United States and the United Nations have called illegal and morally unjustifiable.

As we enter the decade of the 1990's and prepare to assist the nations of Eastern Europe in their struggle to become pluralistic societies, I call on the Congress to lend the same assistance to Cyprus. The time is ripe to put pressure on the Turkish Government to end the military occupation of Cyprus immediately.

Presently several dozen members of this body are cosponsors of a bill that I introduced, H.R. 1045, which would

cut off aid to Turkey until significant steps have been taken by the Turkish Government toward ending the occupation of Cyprus. I would note that this bill has cosponsors on both sides of the aisle and has also been introduced in the Senate by Senator LARRY PRESSLER, the distinguished ranking Republican member on the Senate Foreign Relations Subcommittee on European Affairs.

I would urge all Members in this body who wish to send a serious message to the Turkish Government that it is time for occupation of Cyprus to end and to consider joining H.R. 1045 as cosponsors. Until the Turkish Government realizes that we are serious about resolving the Cyprus question, there will be no action on this issue.

I would like to call the attention of the Congress to a very important news story that was in the New York Times only a few months ago. A Federal judge in Indiana ruled that a collection of priceless sixth-century Byzantine mosaics from a church in Cyprus were, in fact, stolen from the Greek Orthodox Church of Cyprus and ordered returned to authorities of the church.

I find this particular story significant because it paints a very familiar tale of just one aspect of the Turkish occupation of Cyprus.

In this particular instance, a very beautiful church, revered by the people of Cyprus, has stood intact in the northern part of the island and has been in active use as a church for 14 centuries. It has survived the ravages of countless invasions, wars, fires, and pillagings.

It was not until the Turkish occupation in 1974 that this church was closed to the people of the island. Within the past few years the beautiful mosaics of this church, representing our Lord and ancient saints of the church, were ripped from the walls of this holy place that they have graced over the ages.

Under false Turkish export papers they were shipped from the occupied portion of the island for resale to a museum or art dealer in Western Europe.

Fortunately, these mosaics, valued at over 20 million dollars, have been recovered and are under Federal protection pending their return to the Church of Cyprus.

As I relate this story, Mr. Speaker, I want to emphasize that this is not an isolated incident, but what has become a way of life for Cypriot citizens.

The past 15 years have witnessed an attempt by the Turkish invaders to erase everything that is Greek or Cypriot from the occupied 40 percent of the island nation.

Churches and schools have been closed, and in many cases razed. Whole villages have been displaced, and even today, after a decade and a half, their inhabitants live as refugees in camps. Fifteen hundred Greek Cypriots are still listed as missing from the invasion, and many are presumed to be sitting in Turkish jails as political prisoners even to this day. Of those missing, I might add, five are American citizens who were unfortunate enough to be in Cyprus at the time of the invasion.

The time is here and now to speak up for human rights around the globe. As the people of Europe find liberation, freedom, and democracy, we must demand no less for Cyprus. We as Members of the U.S. Congress have a special duty to Cyprus, because it is largely our military aid to Turkey that makes the continued occupation of Cyprus feasible.

I would close, Mr. Speaker, by again commending the distinguished gentleman from New York for taking this special order today. He along with my fellow Greek Orthodox members in this body, have always been leaders in the forefront of the battle to end the occupation of Cyprus. It is only that by standing together with one voice that we will bring the message home to the Turkish Army—get out of Cyprus.

Mr. MANTON. Mr. Speaker, I yield, to the gentleman from Maryland [Mr. DYSON].

Mr. DYSON. Mr. Speaker, I want to thank my colleague from New York for arranging this special order today. There is no doubt that the problems facing Cyprus as a result of the Turkish invasion in 1974 deserve the attention and condemnation of this great nation.

Cyprus received its independence from Great Britain in 1960. Only 14 years later, this tiny nation was invaded by tens of thousands of Turkish troops. To this day, Turkey maintains an occupational force of some 25,000 to 30,000 troops. These soldiers have only one mission: to continue the forceful occupation of almost 40 percent of the northern part of Cyprus. The Turkish Government has attempted to hide its continuing invasion by calling its conquest the "Turkish Republic of Northern Cyprus." However, the nations of the world have not been fooled, and only the Turkish Government recognizes this sham government.

Our Government wisely imposed an arms embargo on Turkey after the invasion. This embargo remained in place until 1978. Unfortunately, little has changed since that time.

Greek Cypriots compose about 80 percent of Cyprus' population. The population of Turkish origin is about 20 percent. Nevertheless, the Turkish forces occupy 37 percent of this island nation and they have built a barrier, called the "Green Line," which separates the occupied zone from the rest of the Nation as surely as the Berlin Wall isolated Communist controlled Berlin. We have seen the Berlin Wall tumble, and now it is time to remove the Turkish forces and eliminate the green line.

It is time for the nation of Cyprus to once again become whole and begin the painful process of healing. It is time for Greek Cypriots to return to their homelands in the northern part of the island and to begin to reconstruct their lives and their communities from the ashes and destruction that the Turks have imposed upon them.

It is time to reopen the churches and replace the statues and icons which have been systematically destroyed by the Turkish forces. Mr. Speaker, it is time for the Turkish empire to study the former occupying forces of Eastern Europe and learn the lesson that these repressive governments learned: the burning desire to live free is a part of the human soul and it cannot be repressed through force.

As the sponsor of the annual Greek congressional independence day celebration, I can tell my colleagues that this turkish invasion force and its brutal suppression of freedom continues to be the most serious issue affecting a lasting peace in this region.

I believe that it is important for America to clearly voice its strongest condemnation of the continued occupation of Cyprus and the brutal repression of tens of thousands of Cypriots. It is through this leadership role that America will contribute to the restoration of Cyprus' freedom and the independence which was stolen from it in that brutal invasion 16 years ago.

Again, I thank Mr. MANTON for providing this opportunity to address this important issue. I urge all of my colleagues to review this issue and voice their strongest disapproval of the occupation and lend their support to all efforts to negotiate a lasting peace and restore freedom to the citizens of Cyprus.

□ 1530

Mr. MANTON. Mr. Speaker, I thank the gentleman from Maryland [Mr. DYSON] for his contribution.

Mr. CARPER. Mr. Speaker, will the gentleman yield?

Mr. MANTON. I yield to the gentleman from Delaware.

Mr. CARPER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman from New York [Mr. MANTON], as my colleagues have, for providing us this opportunity to speak our minds on the issue of Cyprus. I am pleased to have the opportunity to take a moment today to join my colleagues in focusing the attention of the House and the

Nation on the plight of the people of Cyprus.

Tragically, Cyprus has been a divided island for longer than I have been in this body. The ongoing occupation of Cyprus by Turkish troops has shattered the lives of over 150,000 Greek Cypriots who are literally refugees in their own country—denied access to their ancestral lands for over 15 years.

And not only has this been a personal tragedy, the Turkish occupation has been ruinous to relations between Turkey and Greece, destabilized the peace and security of the Aegean region, and virtually paralyzed United States foreign policy regarding Cyprus.

Through the years, there have been those in Congress and the administration who have argued that our relations with Turkey are too important to risk putting pressure on that government to find a resolution to the tragedy in Cyprus. Events in the Soviet Union and Eastern Europe may forever change the political landscape of Europe and the Mediterranean, and with it, the strategic importance of Turkey to our country's security needs. But regardless of where those events—largely beyond our control—leave us, we must today, and in the months to come, begin to reconsider our priorities as they relate to Cyprus, and ask ourselves——

"Can we continue to largely ignore the right of Greek Cypriots to return to their homes, or should we rededicate ourselves to using every means at our disposal to restore that basic human right?"

As it turns out, a mechanism is already in place that should allow a negotiated settlement. The United States has been trying to act as an intermediary by sponsoring talks between President Vassiliou of Cyprus and Rauf Denktash, the Turkish Cypriot leader. But those talks have been stalled since June 1989.

U.N. Secretary General de Cuellar has been trying to get those talks going again. Last fall he proposed a 2-week session of talks to begin on February 12, just a few days from now. But that date was rejected by the Turkish Cypriot leader, and it is unclear when, if ever, Mr. Denktash will meet de Cuellar and Vassiliou.

Turkish Cypriots are now scheduled to hold leadership elections in April and June. There is some question as to whether those elections will be conducted fairly. The United States has an interest in seeing that they are. Many observers believe that if Turkish Cypriots were allowed to speak their will, they would eventually choose a course that would lead to peaceful reunification of Cyprus.

That may or may not be true, but clearly the current Turkish Cypriot leadership is unwilling to enter into a dialog that could lead to reunification.

The United States should pay close attention to the elections in occupied Cyprus. We should press the government of Turkey to ensure that they are free and fair. And when the elections are over, we should push—and push hard—to get U.N. talks back on track. That seems to me to be the least we can do to end the years of tragedy on that divided island.

Mr. Speaker, I thank the gentleman again for allowing me to participate in this special order.

Mr. MANTON. Mr. Speaker, I thank the gentleman from Delaware [Mr. CARPER] for his contribution.

Mr. Speaker, I do not see any other Members in the chamber who wish to speak on this special order, so I yield back the balance of my time.

Mr. AUCOIN. Mr. Speaker, I am pleased to join my colleagues who are speaking out today for an end to the travail of a divided Cyprus. I commend my colleague from New York, Mr. MANTON, for taking the lead and arranging a special time to speak about this pressing issue.

Given the monumental changes taking place in many places across the globe, it is unavoidable that we should compare what is happening in Europe with what is not happening on Cyprus.

Some will say there are differences between the cases. That is true; there are differences rooted in history, culture, and regional politics. But those differences do not obscure the similarities.

The urges for self-determination and freedom of movement are fundamental to the human spirit. The demand for human dignity transcends borders, walls, fences, checkpoints, and barriers of every description. In Europe the barriers are crumbling. On Cyprus they are not. That must change.

Fifteen years ago Turkish troops invaded Cyprus, divided the island in two, and drove nearly 200,000 Greek-Cypriots from their homes. Over 1,500 people who disappeared in the invasion are still missing. Today, the Green Line which divides Cyprus is patrolled and maintained by 35,000 Turkish troops. Before long an entire generation of Cypriots will have been forced to live in this untenable situation.

For too long the partition of Cyprus has received too little attention from the United States, even though we provide substantial military aid to Turkey. As openings occur elsewhere in Europe, however, I believe that we can no longer keep Cyprus on the back burner. The intrasigence of the Turkish regime is beginning to stand out like a sore thumb.

Reconciliation talks under the auspices of the United Nations have stalled. They must be reopened in earnest, without delay. Aside from the humanitarian and human rights concerns, which should be sufficient motivation in themselves, Turkish leaders must realize that neither their security nor the international standing of Turkey is enhanced by continuing the status quo.

I believe that this awareness has begun to penetrate the minds of thoughtful Turks who want their country to join the tide of progressive change. As we begin a new decade, using whatever leverage we have to press these points with Turkish leaders should be one of our highest foreign policy objectives.

Until the people of Cyprus are reunited under a form of government they are free to choose themselves, with adequate safeguards for minorities, our rejoicing over the changes in Europe will be tempered by the continued pain of a military occupation which should never have happened.

Again, Mr. Speaker, I commend my colleagues for shining the spotlight on Cyprus today. We must continue to speak out until the light of hope is no longer blocked by the barbed wire and guns of the occupation.

Mr. ANNUNZIO. Mr. Speaker, I rise to join Congressman THOMAS MANTON and my other colleagues in the House of Representatives in calling for an end to the illegal occupation of Cyprus by Turkish forces.

During the last 16 years since this unprovoked act of Turkish aggression on July 20, 1974, we have witnessed an unprecedented buildup of the Turkish military in northern Cyprus. We in Congress have seen well-documented evidence verifying the horrendous acts against humanity committed by the Turks during and after the brutal invasion. The Turkish occupiers have been brazen in their attempts to destroy completely the Greek-Cypriot cultural and religious heritage, and they have been ruthless in their desecration of ancient Greek Orthodox churches.

Over 200,000 Greek-Cypriots were displaced from their homes, and over 1,600 individuals are still missing from this invasion—an action which was in direct violation of the United Nations Charter, the Charter of the North Atlantic Treaty Organization, and the European Convention on Human Rights.

Today, we are witnessing dramatic democratic changes taking place in Eastern Europe and the Soviet Union, but the atrocities of the Turkish Government remain. They must be held accountable for the numerous and barbaric crimes committed against Greek-Cypriots.

Mr. Speaker, I join with my many constituents of Greek descent in the 11th Congressional District of Illinois which I am honored to represent, and Greek-Americans throughout the United States, as we symbolically stand at the "Green Line," that infamous barbed wire barricade that has been cut through the heart of Cyprus, and demand that the Turks end this illegal occupation. As a Member of Congress, I am committed to continue to pressure the Turkish Government until they withdraw all of their forces from northern Cyprus, and they begin to show some respect for human rights and human decency.

Mr. BONIOR. Mr. Speaker, ever since the August 1974 Turkish invasion, Cyprus has been a divided nation. Today, 25,000 to 30,000 Turkish troops remain in Cyprus. Thousands of Cypriots dislocated by the invasion have been unable to return to their homes or recover their property.

The Green Line, a barbed wire fence cutting across Cyprus, is a stark reminder of the Turkish invasion. As a result, Cypriots are no longer free to travel, buy a house, or settle in parts of their own country. People have had to

leave the towns and communities that their families lived in for generations.

Since 1974, the United Nations has sponsored negotiations to resolve the differences between the Greek and Turkish-Cypriot communities. Unfortunately, these negotiations have not produced an agreement. In fact, the Turkish community has taken steps to make the division permanent. In 1983, Turkish-Cypriot leader Rauf Denktash declared the Turkish Republic of Northern Cyprus and adopted a new constitution. Turkey is the only country to recognize the Turkish Republic of Northern Cyprus.

Denktash's recent invitation for Bulgarian Turks to settle in Cyprus will only make an already deplorable situation worse. Such an influx of settlers would be a blatant attempt to alter the demographic balance on the island and send a clear signal that the Turkish-Cypriots are only interested in the further partition of Cyprus.

The division of Cyprus has continued for too long. So far, diplomacy and negotiation have failed to bring a resolution of the problem. The withdrawal of foreign forces and demilitarization is essential to the peaceful reunification of Cyprus. In addition, human rights must be respected by all sides, including the rights of movement, property and settlement.

Turkey receives over $563 million in United States aid annually and benefits from the protection of the NATO alliance. The time is long overdue for the United States to actively pursue the unification of Cyprus and to apply pressure on Turkey to remove its troops. The time has come for the Green Line to meet the same fate as the Berlin Wall.

Mr. FAZIO. Mr. Speaker, I would like to preface my remarks by commending the distinguished gentleman from New York, the Honorable TOM MANTON, for calling this special order to recognize the anniversary of Cyprus' independence.

Thirty years ago, the island of Cyprus became an independent state; however, for 16 years, the northern part of the island has been under the grip of foreign occupation. When Turkish troops invaded, 200,000 Cypriots were driven from their homes, deprived of their possessions, and reduced to refugees in their own land. The decades that have followed have been marked with violence and bloodshed.

Over the years, there has been an influx of approximately 65,000 settlers from mainland Turkey and 35,000 Turkish troops now occupy Cyprus. The demographic and cultural character of the island has been drastically affected by this occupation. As a result, Cyprus is losing its cultural, social, and historical identity.

Today, I am again voicing my support for a negotiated peace and for the reunification of Cyprus. With the dramatic events that have taken place recently in Eastern Europe as an example, now is the time to dissolve the Green Line that divides Cyprus, as the Berlin Wall formerly divided East and West. It is important that we reaffirm our commitment to establishing a genuine and lasting peace through meaningful negotiations, and that the United Nations and Secretary General Javier Perez de Cuellar join in this effort.

I continue to hope that the people of Cyprus—both the Greek and Turkish-Cypriots—will find a way to live in peace and justice together. On this anniversary of Cyprus' independence, we must pledge our continued efforts to help stabilize this troubled nation.

Mr. ACKERMAN. Mr. Speaker, I welcome Congressman MANTON's leadership in organizing this special order to draw attention to the problem of continued Turkish occupation of Cyprus.

On July 20, 1974, Turkish forces invaded Cyprus; today there are approximately 35,000 Turkish troops on Cyprus, and 60,000 Turkish colonists living on the island.

It is time that we work together to peacefully end the Turkish occupation of Cyprus. Turkey's withdrawal of its troops from Cyprus would certainly demonstrate that Ankara desires to contribute to international détente, and would aid the peace process in that region.

United Nations Secretary General Javier Perez de Cuellar has called numerous times for the removal of Turkish troops and for the protection and recognition of civil and human rights for all people of Cyprus. As recently as this past July, 100 Greek Cypriot demonstrators, who were within the borders of the United Nations buffer zone, were forcibly arrested by Turkish troops. This kind of act is unconscionable, and must not be allowed to occur again.

President George Vassiliou of Cyprus and Rauf Denktash, the Turkish-Cypriot leader, have met to attempt to bring about a reconciliation to these 15 years of occupation. But their meetings ceased this past June. U.N. Secretary General de Cuellar proposed a 2-week session with both President Vassiliou and Denktash, but the meeting, scheduled to begin on February 12, was canceled by Denktash.

I can only hope that both sides will work together to resolve this situation. Fifteen years of forced occupation, bitterness, death, disappearances, and the separation of families is enough. The time has come to end this war. If it is a war of bullets or a war of propaganda and hatred is irrelevant. Peace must return to this island and we in the U.S. Congress must use every available means to see that it is done.

Mr. YATRON. Mr. Speaker, I rise to speak in support of today's special order on Cyprus and to commend the gentleman from New York [Mr. MANTON] for initiating this important debate.

Mr. Speaker, with the winds of change sweeping through Eastern Europe and regional conflicts approaching peaceful settlements in Southeast Asia, Afghanistan, and southern Africa, it is extremely important that we not lose interest in facilitating a peaceful settlement on Cyprus.

For American policymakers, the conflict on Cyprus is unique in that it has escalated tensions between two NATO allies, Greece and Turkey. Out of fear that an aggressive American effort to resolve that dispute might antagonize one of our allies, policymakers in successive administrations have chosen to downplay or totally ignore Cyprus.

However, we cannot ignore the fact that Turkish forces have illegally occupied over one-third of this island nation with American defense equipment and we cannot ignore the fact that this occupation has eroded American influence in the eastern Mediterranean.

Mr. Speaker, recent developments suggest that international pressure, effective U.N. diplomacy and assertive American leadership are the essential ingredients to resolving regional disputes. Unfortunately, American leadership is the missing ingredient with respect to Cyprus.

With the strong support of U.N. Secretary General Perez de Cuellar, the President of Cyprus, George Vassiliou, has fully committed himself to negotiating a peaceful settlement to this dispute with the Turkish-Cypriot leader, Rauf Denktash. Unfortunately, due to the obstreperousness of Mr. Denktash, the talks are stalled. To the State Department's credit, Special Cyprus Coordinator, Nelson Ledski has been working prodigiously with all parties to the dispute to get these talks back underway. But more must be done.

Mr. Speaker, the United States must pursue a two-track policy in which it supports the U.N. talks while at the same time making it clear to Ankara, that its unjust occupation of Cyprus is entirely unacceptable by democratic standards. Only then, will the people of Cyprus live free of foreign occupation.

Mrs. BOXER. Mr. Speaker, these are times that lend a new breath of encouragement to world affairs. Across the world, longtime adversaries are laying down their arms. Eastern Europe is no longer the battlefield of the cold war. Its citizens are working toward a new era of freedom and democracy.

But on the beautiful island of Cyprus, conflict wages on, now unbelievably, in its 16th year. The Berlin Wall that divides East and West Germany may be coming down, but in Cyprus the awful green line persists. This artificial line of angry barbed wire stretches 110 miles across Cyprus. It divides Greek Cypriots in the south from Turkish Cypriots in the north—and it tears Cyprus apart.

It is time for this wall, too, to come down.

For too long, the city of Nicosia has been another Berlin, with one side enjoying Western prosperity and another left behind. For too long, the fate of those missing during the 1974 Turkish invasion has been hidden. For too long, citizens have been unable to travel freely throughout Cyprus.

Less than 2 years ago, reconciliation seemed a possibility. The Greek Cypriots elected President George Vassiliou, who began meeting with the Turkish leader Mr. Denktash.

Unfortunately, I am sorry to say, talks at this point seem to have broken down. At a time when the world is moving forward in a new spirit of cooperation, Mr. Denktash has left the bargaining table. Even his own people are increasingly expressing interest in joining the Greek Cypriots in negotiations. It is my hope that these talks will resume soon, perhaps in February, as suggested by U.N. Secretary General Perez de Cuellar.

I urge both sides to put the past behind them and look forward to a mutual peace and prosperity. Otherwise, an entire generation will have grown up knowing nothing but hate and division and bitterness.

Negotiations will not be easy. The challenges, in many ways, are far greater than any of those facing Berlin. Leaders will have to work at overcoming cultural and other differences between their peoples.

But the world is moving quickly ahead. It is my fervent hope that Cyprus will not be left behind.

Mr. CARDIN. Mr. Speaker, I wanted to join with my colleague, Representative MANTON, in bringing to the world's attention the current situation in Cyprus. It has been 16 long years since Turkish forces occupied Cyprus. Winds of change are blowing throughout all of Europe, and it is inevitable that the breezes reach Cyprus. The people of Poland, East Germany, Czechoslovakia, and other Eastern European nations have demonstrated the true force of people power. The peaceful transition from autocracy to democracy should serve as a reminder to others that change is possible through negotiation.

The Cypriot people, Turkish and Greek, have both suffered. I believe the status quo is unacceptable. The United Nations have called for a new round of negotiations between Greek and Turkish Cypriots in February in which President Vassiliou has agreed to participate. Turkish Cypriot leader Denktash has not yet responded. It is only through discussion at the negotiating table that a peaceful solution to the situation on Cyprus is possible.

Who would have thought that we would witness the Berlin Wall tumble? The people of Cyprus, both Turkish and Greek, are frustrated by the status quo—a divided nation. It is time for the walls that divide the capital city of Nicosia to come down. It is time that Cypriot refugees, whether they are Greek or Turkish, be permitted to return to their homes. And it is time that occupying forces withdraw to enable the Cypriot people to determine for themselves the direction in which Cyprus should proceed.

Mr. EVANS. Mr. Speaker, the island nation of Cyprus has been divided for almost three decades. For 16 long years, the United Nations have had to station peacekeeping forces to maintain peace between the Greek and Turkish peoples of Cyprus. This is much too long to keep a country divided and much too long for two of our NATO allies to be in a virtual state of war. The time has come for a more focused effort to solve the unfortunate division of this island nation that has continued the past tensions between two important American allies in the region.

The situation on the island of Cyprus has been a constant thorn in the unity and effectiveness of NATO's southern flank. At a time when the divisions between East and West have fallen so spectacularly, it is embarrassing that this dispute continues in NATO's backyard.

Since 1974, the United Nations have attempted to mediate a settlement to the situation. Unfortunately, the negotiation process has remained stalemated. A first step to get the negotiating momentum rolling again would be to put our support behind the United Nations efforts. I hope that as an institution, we can strongly support the United Nation's efforts to seek a negotiated settlement to the situation and continue to urge the administration to do likewise. It would hopefully push the negotiations down the long road of healing the wounds felt by the Greek and Turkish Cypriots alike.

I urge my colleagues to put their full support behind the United Nations efforts to end this stalemate and finally establish a reunified Cyprus.

Mr. RUSSO. Mr. Speaker, the destruction of the Berlin Wall was one of the greatest moments in this century. After decades of repression, the people of Eastern Europe are embracing new forms of democratic government. In our excitement over their good fortune, however, we cannot forget the repression felt in other countries around the world.

The green line is still dividing Cyprus. Unfortunately after centuries of foreign domination, Cyprus was given only a fleeting glimpse of peace and self-rule as an independent republic. After gaining its independence from Britain in 1960, the small island of Cyprus was invaded by Turkish troops in 1974. With no respect for the sovereignty of this new republic, Turkey brutally invaded and illegally annexed part of this beautiful island. Today 30,000 Turkish troops continue to control the illegally annexed Turkish section of the island and a U.N. peacekeeping force monitors the green line. It is unconscionable to think that it has been 15 years since the Turkish invasion wreaked havoc on the lives of the Cypriots, and there has not yet been a settlement.

The inhabitants of Cyprus deserve the right to be a free and independent State. The basic human right of self-determination should be theirs. The Cypriots are a strong and persevering people and deserve our unwaverable support. This conflict has sadly waged on far too long and Cyprus remains a deeply troubled country with no negotiated settlement.

We must send a message of hope and support to the people of Cyprus. They must know that as the walls fall around Berlin, we have not forgotten their struggle for a resolution to this 15-year-old conflict. As a nation founded on the right of self-determination, their struggle has become ours. There should be no doubts as to the United States' interest and efforts in favor of an equitable and peaceful solution for the island of Cyprus. I implore both the Turkish and Greek Cypriots to find an end to the strife on this deeply divided island.

Ms. PELOSI. Mr. Speaker, I rise today to join my colleagues in bringing attention to the continuing tragic division of Cyprus.

Around the world, significant changes are occurring at an amazing rate, but the problem in Cyprus remains. As trade barriers, political barriers, and physicial barriers elsewhere are brought down, the continued existence of the green line underscores the stalemate in negotiations to end the occupation of Cyprus.

U.N.-sponsored talks between President Vassiliou and Rauf Denktash, the Turkish Cypriot leader, have been stalled since June 1989. Secretary General de Cuellar has been trying to restart the talks, proposing last fall a 2-week session with President Vassiliou and Mr. Denktash. Unfortunately, the February 12, 1990, date was rejected by Mr. Denktash, who has been evasive about whether and when he will meet. Mr. Denktask seems to be undermining the possibility of U.N.-sponsored talks by attempting to impose unrealistic preconditions for the talks, including recognition of his illegal regime and the derecognition of the officially recognized Republic of Cyprus.

Several steps can be taken immediately to resolve the crisis in Cyprus. First, serious efforts must be made to start the stalled peace talks. I urge my colleagues to look seriously at the proposals offered by President Vassiliou of Cyprus. These proposals should meet the economic, security, cultural, and political concerns of the Turkish Cypriot people. Second, Turkey could make a major contribution to the process of world peace by starting to withdraw its troops from Cyprus.

The momentum for change around the world continues to grow. I sincerely hope that Cyprus is not left out of this positive movement. The Greek Cypriot people have suffered tremendously. They have lost their land and with that, a part of their heritage and their history. As my colleagues watch world events closely, I urge them to add their voices to the call for a resolution of the tragedy of a divided Cyprus. Thank you.

Mrs. MORELLA. Mr. Speaker, I want to thank my colleague from New York, Mr. MANTON, for calling this special order today to focus greater attention on the continued division of Cyprus, and on recent developments which offer the most promising possibility in the last few years of restoring that country's political and geographic integrity.

Cyprus, populated largely by those of Greek ancestry, was illegally invaded in 1974 by Turkey. The Turks, fearful that the new Cypriot government intended to unite with Greece, intervened to protect the rights of the Turkish Cypriot minority. Since that time, Turkey has continued its illegal military presence, and has helped to bring about the so-called Turkish Republic of Northern Cyprus, whose sovereignty is recognized by no one in the world but Turkey, in the 37 percent of the island which it has continued to occupy.

Mr. Speaker, few Americans are aware of the costs incurred by the Turkish invasion of Cyprus. After 15 years, five Americans abducted by the Turkish Armed Forces during the invasion still remain unaccounted for, in addition to more than 1,600 Greek Cypriots. The invasion dislodged more than 200,000 Greek Cypriots living in the Turkish-occupied sector, who are now refugees in their own country. The situation in Cyprus also causes difficulty for the United States in our relations within NATO with our Greek and Turkish allies and is not helpful in our efforts to stabilize the Eastern Mediterranean, a region key to United States strategic and diplomatic interests.

President Bush has stated, "We seek for Cyprus a constitutional democracy based on majority rule, the rule of law, and the protection of minority rights." Since late 1988, U.N.-sponsored negotiations have shown some movement in this direction, as Cypriot President George Vassiliou and Turkish Cypriot leader Rauf Denktash have engaged in direct dialog with the goal of a new federal republic in a united Cyprus.

Mr. Speaker, today a green line divides Cyprus. The United States should increase its support for the U.N. role and enhance its efforts in influencing both sides in reaching a just solution which reestablishes the sovereignty of a united and democratic Cyprus

while recognizing the unique heritage of all Cypriots and guaranteeing minority rights. The Berlin Wall is falling; it is time that the green line be erased.

Mr. BUECHNER. Mr. Speaker, 1989 will long be remembered as the year in which the people of Eastern Europe at last found their voices and declared themselves free. In nation after nation the forces of oppression are being ousted. Discredited in both theory and fact, the occupying forces of totalitarianism and tyranny are being consigned to their rightful place, on the historical scrap heap of failed policies. In their place, democratic reforms characterized by pluralism are taking root. In this, freedom loving people everywhere rejoice.

But as we celebrate the events of 1989, let us not become comfortable or complacent in resting on these laurels. Because even as we have watched the many nations of Eastern Europe shrug off their shackles which have bound them, much remains to be accomplished. Even as we rejoice in present victories let us not forget that the battle is not over. As we take glory in the growing chorus of the song of freedom around the world, let us not fail to notice those still small voices which remain unheard—notable by their silence.

Fifteen years ago the island of Cyprus was invaded by the forces of Turkey. To this day 30,000 Turkish troops remain in Cyprus, enforcing an artificial division of Cyprus which is acceptable to none, oppressive to all, and in direct contradiction to the basic principles of international justice. Yet, despite years of on-again, off-again negotiations, this difficult problem remains as intractable and resistent to resolution as it was 15 years ago. Despite numerous meetings between Cypriot, Greek, and Turkish officials little progress has been made and little hope has been offered for an end to this schism. To say that this is unacceptable does not adequately address the truth of this situation.

I do not have any easy answers to this difficult question. However, I do know that the continued separation of Cyprus by force of arms is wrong, that this situation is untenable, and that it must end. Cyprus is not a nation of Turks anymore than it is a nation of Greeks, it is a nation of Cypriots. The people of Cyprus, no less than the rest of the nations of the world, deserve the right to control their own destinies.

Let us rejoice and join in the celebration of those who have found the voice of freedom—for it is important to recognize the successes of the past even as we struggle to insure their permanency. However, let us also offer a commitment to Cyprus so that one day soon we can also rejoice in a Cyprus which is truly for the Cypriots. Let us commit ourselves as individuals and the collective resources of our great Nation to finding the means whereby this problem can be resolved.

Mr. WYDEN. Mr. Speaker, today, we are here to express our grave concerns over the continued division of Cyprus. For 15 years, the status of Cyprus has remained unsettled. All talks to resolve this conflict—including those sponsored by the United Nations Secretary General Javier Perez de Cuellar—have been unsuccessful. I believe that if we simply allow this problem to fester, it will give rise to very serious and adverse consequences in the future.

It is time for the wall that separates and divides Cyprus to come down. Today, 40,000 Turkish troops remain on the island, occupying one-third of the country and maintaining the partition. The Turks claim their troops remain to protect the Turkish population. That's what they said 16 years ago, when they first invaded. But that claim today holds no water, at a time when the Greeks pose no threat at all to the Turkish population.

The situation on Cyprus is much like the one that prevailed in Berlin before the wall come down. There is barbed wire strung out along the frontier, command posts, and a buffer zone patrolled by U.N. troops. Greek Cypriots cannot cross back into the Turkish sector, even though their old homes are still standing. So they just come to the barbed wire fence and look longingly at the houses from which they were so suddenly ejected 16 years ago.

In many cases, they were summarily thrown out by the advancing troops, leaving food cooking on the stove, and clothes hanging on the line. Today, entire cities are ghost towns, only because they were once inhabited by Greek Cypriots.

You can seen by my remarks, Mr. Speaker, how strongly I feel that negotiations must go forward to resolve the Cyprus problém. The U.S. Government has been far too passive in its support for efforts to settle this conflict and end the partition of the island.

Given our strong relationships with a number of the key actors and governments, we should push hard in the weeks and months ahead to support negotiations and end the Turkish occupation of Cyprus, which is so clearly in contravention of international law.

Thank you very much.

Mr. JONTZ. Mr. Speaker, I would like to thank my colleague from New York, Mr. MANTON, for his leadership in organizing this special order and for his concern on behalf of the people of Cyprus. I wish also to bring to the attention of my colleagues the human rights abuses which have been occurring on that island.

In July and August of 1974 the Turkish Army invaded Cyprus claiming to be the guarantor of the island's independence. In reality, Greek Cypriots have lost many of their freedoms. Turkish soldiers seized control of 40 percent of the total territory, which held 70 percent of the island's economic potential. The United Nations Security Council called for the immediate withdrawal of the troops, but these requests have been ignored. Since then, the Turkish Government has ignored the U.N. and has compiled a questionable human rights record.

Some 20,000 Greek Cypriots were displaced—more than one-third of the island's total population at that time. Attempts were made to undermine the ethnic and religious culture of the Greek Cypriots in the occupied area. Turkish soldiers bombed civilian targets and hospitals, and killed noncombatants including women and children. Thousands of Greek Cypriots disappeared, and to this day, relatives of the missing do not know if their loved ones are dead or alive.

The Government of Turkey has broken several international laws, ignored the U.N. charter, and violated U.N. International Covenants on Human Rights. For their crimes against the Greek Cypriots, the Turkish Government has not answered repeated inquiries about the missing or faced charges leveled by the European Commission on Human Rights.

To date, Greek Cypriot refugees are still denied the right to return to their homes in the occupied area.

Mr. Speaker, this violation by Turkey against the people of Cyprus is disturbing to me and to the people of Greek ancestry in our Nation. I hope that we in the United States Congress can send a message that will be heard and heeded to end the indignities the Greek Cypriots are forced to endure.

The human rights declaration written by the United Nations applies to all people everywhere, including Greek Cypriots. We must do all that we can to restore human rights to these people.

Mr. APPLEGATE. Mr. Speaker, after nearly 16 years of Turkish occupation, the Island of Cyprus remains divided. A 1974 coup by the Faction of Greek Cypriots and the Greek Army to bring about union of Cyprus with Greece prompted an invasion and occupation which has left refugees on both sides of the "Green Line."

While both Greek and Turkish troops had been stationed on the island of Cyprus, the July 15 coup compelled Turkey to invade militarily to protect its citizens on the island and keep the small country from uniting with Greece. Less than 1 month later, Turkish troops and civilians occupied 41 percent of Cyprus. Over 200,000 Cypriots were forced to flee their homes in the northern territories leaving homes, businesses, and personal belongings behind. The Turkish government brought in 60,000 civilians to live in the homes left empty, giving the Turks a democratic majority. Meanwhile, in the south, the Cypriot refugees were forced to start over from nothing.

Mr. Speaker, on behalf of Cypriot-Americans in the 18th District of Ohio and the citizens of Cyprus, I appeal for the Turkish troops to leave the island of Cyprus. The citizens of Cyprus desire the rights of free movement, free trade, and freedom to acquire land throughout their country. The people of the Island of Cyprus deeply desire the basic human and democratic right that is fundamental to our great Nation—the right of the minority to be heard.

Mr. MAVROULES. Mr. Speaker, I rise today to voice my support for a peaceful resolution to the Cyprus dilemma. Since 1964, the country of Cyprus has been divided by "the Green Line," a barbed wire border with armed patrols on each side. With the dramatic events in Eastern Europe over the last few months bringing an end to the Berlin Wall, isn't it time

for an end to this deplorable barricade as well?

Today's special order on Cyprus should cause us all to pause and consider the unfortunate situation in Cyprus. "The Green Line" has unnecessarily divided a country and a people. Hundreds of thousands of Greek and Turkish Cypriots have become refugees within their own country.

As many of you may recall, in 1974 Turkish armed forces occupied the northern half of the island—ostensibly to protect the interests of the Turkish-Cypriots during a coup, supported by the Greek military junta, against the Greek-Cypriot president. These forces took up positions along the U.N.-partrolled "Green Line." Greek-Cypriot National Guardsmen were deployed along the south side of the line in response. Tragically, these same forces continue to patrol the same line to this very day.

The United Nations has made repeated efforts to mediate a peaceful resolution to the Cyprus situation. Unfortunately, recent negotiations, which last year seemed so promising, are now at a standstill. Last July, U.N. General-Secretary, Mr. Perez de Cuellar, presented what he believed to be a mutually acceptable solution. Regrettably, the leader of the Turkish-Cypriot community, Mr. Rauf Denktash, has not been as flexible as hoped and has chosen to avoid responding to this latest U.N. proposal. Denktash has chosen instead to perpetuate the course of his illegitimate government. With the exception of Turkey, no sovereign country recognizes the Denktash regime.

On this day of special consideration for the Cyprus problem, both sides need to be urged to continue diplomatic efforts, no country should be divided by armed barricades. "The Green Line" needs to come down. The displaced Greek-Cypriots and Turkish-Cypriots need to be resettled. Turkish armed forces and settlers need to return to Turkey. The country of Cyprus needs a constitutional democracy with majority rule and provisions for the protection of minority rights.

Until unity can be achieved, the authority of U.N. forces needs to be respected and sides need to take precautions to avoid human rights violations similar to the unfortunate arrest of Greek-Cypriot women and clergy by Turkish forces this past summer.

On the topic of human rights, I would also like to voice my hopes that the country of Albania will improve its treatment of ethnic Greeks within its borders. The 400,000 ethnic Greeks that live in Albania have been denied such basic freedoms as the right to celebrate Christmas and the right to receive an education in the Greek language. Further, Albania must be held accountable for the whereabouts of the four Prassos brothers who many believe were killed while trying to flee to Greece. Hopefully, the wave of reform sweeping Eastern Europe will reach Albania as well.

As we begin a new decade, let us renew our efforts to promote peace and stability in Cyprus, Albania, and throughout the Eastern and Western blocs.

Mr. GILMAN. Mr. Speaker, I rise to express my strong support of today's Special Order on Cyprus, and to commend the distinguished gentleman from New York [Mr. MANTON] for his work on this issue.

The ambiance of democratization throughout Eastern Europe and the relaxation of tensions between the Soviet Union and the United States has caused some of the spotlight to be removed from the difficult regional issues and conflicts that continue to linger on. The territorial dispute on the island of Cyprus stands as a poignant reminder that regional problems must not be forgotten as we seem to improve East-West relations.

It is true that Turkey has occupied one-third of the Cypriot island since 1974, and their presence has adversely affected U.S.-Turkish relations. In fact, the Cyprus issue is one of the sources of tension between Greece and Turkey—two important NATO allies.

Mr. Speaker, effective multilateral efforts must call upon both sides to soften their position. United Nations Secretary General de Cuellar has asked both President Vasilliou and Turkish Cypriot leader Dentash to come to New York to once again attempt to work out their differences.

We commend Special Cyprus Coordinator Nelson Ledsky for his outstanding diplomatic efforts thus far, in attempting to bring both leaders back to the bargaining table. The U.S. position on this issue must be clear. The unjust, illegal occupation of Northern Cyprus must end once and for all.

Mr. DELLUMS. Mr. Speaker, I rise today to speak out in support of the human rights of a forgotten majority—the majority Greek population on the island of Cyprus, which is still suffering under the oppression of Turkish military occupation.

A true people's history of modern Cyprus would have to focus on the tragic, ongoing reality that, despite two world wars, the United Nations and NATO Charters, and the Helsinki Accords, the majority Greek population on Cyprus have been denied full personal and political freedom.

In the wake of World War I, a defeated Ottoman Empire reconstituted as the nation of Turkey formally renounced any territorial rights to Cyprus in one of the covenants of the 1923 Treaty of Lausanne. During World War II, while 600,000 Greeks (more than 9 percent of their total population) died in the war against Nazi Fascism, Turkey stood by as a less-than-neutral toward the Allied cause.

During the long twilight of the Cold War, Turkey has used NATO membership as a vehicle for a military build-up that culminated in the invasion of Cyprus during July and August of 1974. Sadly, that invasion was made possible by the complicity and duplicity of the U.S. Secretary of State, Mr. Kissinger. The Carter administration compounded the disaster by failing to call the Turkish government to account because of its human rights violations, and then actually increasing the scope of foreign assistance and military aid to the Turkish government.

Now, 16 years after the Turkish invasion of Cyprus, peace is breaking out all over Europe, as people demonstrate the power of democratic ideas in overcoming authoritarian adversity. We, in the Congress, must broaden the parameters of awareness and concern on this process to include the Greek majority on Cyprus who still yearn to be free of the shackles of Turkish military control. Their time has come—and we must help them overcome, so that they may be able to live out the words of the international anthem: "We shall live in peace, someday * * *."

Mr. MATSUI. Mr. Speaker, I rise today to call for the dismantling of the "Green Line" in Cyprus. The world stood watching the dismantling of the Berlin Wall, but the Cypriot capital city of Nicosia remains the only divided city in Europe.

This is the era in which united people have brought down tyrants and wall. The walls and barbed wire that divide the Cypriot people shall become the new symbol of oppression in Europe. Let us not forget the lesson of the Berlin Wall. Always and everywhere it is terrible to divide and restrain the citizens of a nation.

On December 28, 1989, thousands of Nicosia residents expressed their wish to live in a reunited city by participating in a candlelit protest At that vigil, Mayor Lellos Demetriades asked that the world feel their pain and hear their voices. I call today for this free and united nation, the United States of America, not to turn away from this desperate plea.

My colleagues, all of the world's divisive and sinister walls have not yet been obliterated. Let us recognize injustice and work toward its end.

Mr. HUGHES. Mr. Speaker, as we enter a new era of democracy around the world, it's time to end the pain and suffering of some 200,000 Greek Cypriots who remain refugees in their own land because of the illegal occupation by Turkish troops and the forced rule of the minority Turkish/Cyprus Government.

On August 16, 1960, Cyprus gained its independence from British rule. On the same day, the constitution and a series of treaties between the United Kingdom, Greece, Turkey, and the new Republic went into effect. The treaties prohibited both enosis and partition of the island between Greece and Turkey, and guaranteed Cypriot independence, territorial integrity, security, and the Republic's constitution.

Shortly after the creation of the Republic, serious differences arose between Greek and Turkish Cypriots over the execution and interpretation of the constitution. In November 1963, a series of constitutional revisions were proposed. These revisions would have eliminated the special protection accord with the Turkish Cypriots in the 1960 constitution, and would have introduced a straightforward majority system of representation. Unfortunately, the Turkish Cypriots resisted these revisions and established their own form of government to rule the northern part of the island.

Since that time, the island has become deeply divided. Communities where people of Greek and Turkish descent once lived side by side have been torn apart. Neighbors were pitted against neighbors. Thousands and thousands of people have lost their homes, while many others have become the innocent victims of the violence of separation. Some 35,000 Turkish troops occupy northern Cyprus illegally, adding to the violence and fear which pervades the island.

Mr. Speaker, it's time to end the violence and restore peace and stability to this beauti-

ful island. I understand that Turkey is important to us geopolitically, and so is Greece. But nothing is more important than the advancement of human rights and the restoration of the fundamental elements of freedom which belong to all Cypriots.

We pride ourselves in America in our commitment to protecting human rights around the world, but we've walked away from the situation in Cyprus. It's tragic that we have not used our leverage more effectively to force the removal of the Turkish troops and the restoration of majority rule to the nation.

At a time when we are promoting the rule of law, free elections, and majority rule in the Philippines, Nicaragua, Panama, and elsewhere, we must aggressively pursue the same goals in Cyprus. We need to elevate this crisis to a higher level, and identify whatever economic, political, and other pressure we can apply to force the withdrawal of Turkish troops and the restoration of democracy to Cyprus. For the good of the people in Cyprus and the world, it's time to bring this unfortunate conflict to an end.

Mr. KENNEDY. Mr. Speaker, I am proud to have this opportunity today to call to the attention of my colleagues, of the American people, and of members of the international community, the situation in Cyprus. I feel it is my obligation to address this issue in order to increase our Nation's awareness of the tragic situation of a nation divided and occupied.

In Cyprus we see one more nation artificially divided, one more nation whose people are demanding that the walls come tumbling down, one more nation demanding freedom, justice, democracy, and peace. These are words that we as Americans use frequently and speak freely in this country. Words, in fact, that we take almost for granted in the United States today. Especially as we watch others around the globe struggle and many of them die to gain just a glimpse of these very ideals. For us, fortunately, these four words are very much a reality—they are, indeed, the backbone of our Nation; they are the very fabric of our country. And they are the source of inspiration for so many others from Beijing to Berlin.

But in some parts of the world the situation is not the same. As we witness this natural outpouring of democratic change taking place around the globe, we assume it is contagious. We hope it spreads. Yet in one corner of the world, the situation remains hopeless, as it has been for many years.

For 15 years now the island of Cyprus has been divided and its people have lived under occupation forces. The United States Congress is on record as stating that there can be no resolution to this situation until the Turkish troops are removed from the island. Turkey and the Turkish Cypriot leadership have for too long subjected the Creek Cypriots to an unlawful occupation of their country.

Today, more than 35,000 Turkish troops occupy Cyprus. Today, more than 200,000 Greek Cypriots live as refugees in their own land. Today, they are victims of unjust human rights violations. During this 15-year occupation much has been said and done in an attempt to bring about change in Cyprus. But, despite the efforts of the U.S. Congress, despite the efforts of the United Nations' Secretary General, despite efforts on the part of the international community, little progress has been made in reaching a settlement on the situation in Cyprus.

If the United States, the world's greatest defender of democracy, of freedom, of justice, and of peace, can inspire so many others around the world, if we can do so much to help the rest of the world to make their dreams become reality, why can we not bring down the dreaded dividing line in Cyprus?

Of all the many aspects of this issue that need to be addressed I would like to focus upon the most important—the people. The people of Cyprus have had their rights as a sovereign nation violated. The right to live peacefully in their own homeland has been taken away from them and what little is left of Greek heritage and culture has been all but destroyed by the presence of over 35,000 Turkish troops. We cannot allow the basic human rights of the people of Cyprus to be completely trampled. We need to promote well-being and stability in Cyprus, and we must work to ensure that the people of Cyprus regain their freedom, that they regain their voice, and that their voice is heard.

Does the Turkish Cypriot leadership still believe that we, preservers of the fundamental principles of democracy, would not stand up and take notice of this grave situation in Cyprus? Does this leadership continue to believe that we, as friends and as an ally to Cyprus, would not attempt to erase the so-called "green line" that divides Cyprus? Does anyone dare think that we will sit idly by and not bring about this long-needed change in Cyprus? They are sadly mistaken if they do. We must and we will continue with our efforts to negotiate peace in Cyprus and to ultimately bring about reunification for this Mediterranean nation.

Cyprus is a very small nation that has been caught up in the turmoil of history. The people living there now will have to travel a long road in order to achieve what we as Americans so proudly refer to as the "democratic way." But with hard work and perseverance, it can be done. Cyprus need not be left out of the current wave of democracy and freedom which so many others are finally able to enjoy. The end of occupation and a unified Cyprus are dreams that deserve to be reality.

Mr. MARTINEZ. Mr. Speaker, I rise today to speak out against the partition of Cyprus and to express my concern about the continuing plight of the 200,000 Greek Cypriot refugees who were forced to flee from their homes when Turkey invaded the northern part of the island in 1974.

President Vassiliou of the Republic of Cyprus should be commended for making every effort to keep open channels of communication with Mr. Denktash, the Turkish Cypriot leader, who has remained unmoved by the need to broach the division that separates Greek and Turkish Cypriots. Mr. Denktash's intransigence in the face of U.N. mediating efforts to resolve the Cypriot crisis is counterproductive and unacceptable, especially in the wake of the historic developments in Eastern Europe.

I would also like to voice my concern about Turkey's policy of colonizing northern Cyprus with over 60,000 of its nationals. Unfortunately, Turkey has supported the partition of Cyprus by refusing to abide by various U.N. resolutions and the principles of international law. Moreover, the systematic destruction of Cyprus' cultural heritage in the northern third of the island only helps to perpetuate the crisis for future generations of Cypriots.

The continued partition of the island is clearly in no one's interest, and I strongly urge all parties concerned to have the vision and leadership to strive for the peaceful resolution of this conflict. One possible gesture of goodwill by Mr. Denktash would be to uphold the Vienna agreement and allow the return of Greek Cypriot refugees to the Karpass Peninsula. But a more immediate gesture of good will would be to agree to continue the process of U.N. talks with representatives of the Republic of Cyprus.

There is a need to demilitarize the situation in Cyprus and foster a meaningful intercommunal dialog that will hopefully result in the reunification of the country. I wholeheartedly believe that the Cypriot problem can only be resolved by negotiations and constructive dialog and not by the use of military force and political intimidation. Mr. Speaker, I look forward to the day when the green line that divides Greek and Turkish Cypriots is peacefully shattered under the weight of national reconciliation and political reunification.

Ms. LONG. Mr. Speaker, I commend the gentleman from New York for bringing attention to this pressing matter. The situation in Cyprus is one about which we all should be keenly aware and seriously concerned.

The persisting division of Cyprus is a situation that the world has tolerated for far too long. Divided since 1974, Cyprus continues to suffer from ethnic divisions that result in internal tensions and the denial of civil freedoms that should be taken for granted. The events of 1974 led to the violent separation of one island into, in effect, two nations.

This division should concern us immensely. First, the instability of Cyprus has severely disrupted the lives of nearly all Cypriots and over time has caused a massive dislocation of the native population. This unrest has resulted in human hardships that the people of Cyprus cannot tolerate and compassionate nations cannot ignore. For example, the right to move about the country freely has been severely impinged. Last July, Greek Cypriot women, in one of a series of demonstrations against the inaccessibility of Turkish-controlled areas, marched into the buffer zone between the two territories. Over a thousand women participated in the demonstration; and many were arrested, even injured. The division of the island into two camps and the consequent restrictions have been so onerous that these women were willing to risk personal harm at the hands of military forces in order to lodge their protest. Moreover, there are nearly 1,600 Greek Cypriots and 6 Americans listed as missing since 1974.

Second, the problems in Cyprus affect relations between two of our NATO Allies, Greece and Turkey. While the events of Eastern Europe are truly encouraging and the threat to the security of Europe appears to be waning, it is still in our best interests that our NATO partners remain on good terms with one an-

other. The historical animosity between these two great nations can only be exacerbated by the conflict in Cyprus, and their relations can only stand to be improved by a Cyprus solution. Moreover, the situation in Cyprus has long complicated our dealings with leaders in Athens and Ankara, and the resolution of hostilities in Cyprus could only improve our standing with our allies.

Third, the maintenance of a U.N. peacekeeping force in Cyprus is a financial burden that our Nation helps shoulder. Ever since hostilities broke out in 1964, the United Nations has maintained a large peacekeeping force of several thousand people and, without a substantial breakthrough in Greek Cypriot-Turkish Cypriot relations, they are likely to remain there. These forces are costly to maintain, so much so that one country, Sweden, has withdrawn most of its troops because of financial constraints. The lack of resolution of the Cyprus problem and the nonimplementation of U.N. resolutions in Cyprus undermine the peacekeeping and peacemaking force of the United Nations.

The history of settlement attempts between the two sides has started and stalled, but mostly stalled, throughout the years. The most recent negotiations between the Greek Cypriots and the Turkish Cypriots were in June of last year, and have since been suspended due to a variety of complications. The importance of reestablishing these negotiations cannot be overemphasized. The key to resolving tensions in Cyprus lies in talks that would institute a viable, bicommunal federal government, one acceptable to both sides. Unless the talks between the two sides are soon renewed, the prospect of a peaceful settlement between the two communities cannot be realized.

There are steps that we can take to encourage a cessation of tensions in Cyprus. The settlement process has been grinding slowly and must be moved along. We should do all that we can to urge both sides to return to the negotiating table and make a concerted and genuine effort to resolve their differences. While negotiations are the essential beginning to relieving tensions, they need not be the only effort. We should also support measures that would foster a meaningful dialog between the two groups on all levels and encourage ties that would result in peaceful interaction. For example, bicommunal projects, freedoms of travel and settlement, and the removal of foreign forces other than those provided for by international agreements should be encouraged. With the opportunity to work peaceably together, without the threat of external military intervention, the citizens of Cyprus can be reconciled.

The situation in Cyprus is one that has gone on long enough. As Members of Congress, we should do all that we can to foster improved relations within Cyprus and encourage meaningful and conclusive negotiations. I urge my colleagues to reflect upon that troubled nation and consider what measures we can take to support the settlement process.

Mr. GREEN. Mr. Speaker, I rise today to join my colleagues in deploring the continued division of Cyprus.

For too many years, Turkish troops have remained in Cyprus, prohibiting that nation from finding a political solution to its problems. I should like to add my voice to the many that cry out today to urge that Turkey remove its troops and that all parties work toward the peaceful resolution of the Cyprus problem.

Over the past several months, we have rejoiced in the falling of the Berlin Wall. Cyprus, too, must benefit from the greater atmosphere of peace and freedom that is sweeping across so much of Europe. Cypriots, both Greek and Turkish, deserve to be free of the hostilities that have plagued their land for over 15 years. Let us erase the Green Line and bring an end to the division of Cyprus. Let us work to restore the civil liberties for the people of Cyprus. Clearly, the Turkish military presence must end.

Congress has long voiced its disapproval over the continued Turkish presence in Cyprus, and I remain committed to working with my colleagues to achieve peace and reunification for Cyprus.

Mr. OWENS of Utah. Mr. Speaker, American foreign policy often stands accused of sacrificing the long-term interest for short-term gain, losing sight of our most cherished principles in blind pursuit of a specific policy objective. Nowhere is this more evident than in the eastern Mediterranean, where United States policy has drifted away from the long-standing political and human rights problems on Cyprus. Unfortunately, we've witnessed a slow and steady erosion of the American commitment to the reunification of Cyprus ever since the United States embargo was lifted in 1978.

Successive administrations have adopted the military's view that Turkey's strategic importance should be considered over and above—even at the expense of—the withdrawal of Turkish troops and a political settlement of Cyprus. The anti-American rhetoric of the Papandreou administration, the refusal to extradite terrorists, and the difficulty in negotiating base rights further enabled proponents of this view to narrowly define the myriad Greece-Turkey-Cyprus issued and win unprecedented political support.

Unfortunately, the situation on Cyprus has remained relatively unchanged since 1974. Turkish troops still occupy the north, and the so-called Turkish Republic of Northern Cyprus isn't recognized by a single nation except Turkey. The moral issue has not changed since 1974, so why has U.S. policy drifted?

When the United States embargo on arms to Turkey was repealed 12 years ago, Congress and the President agreed to link United States foreign assistance to Greece and Turkey by establishing a ratio which limited Turkish aid to $10 for every $7 provided to Greece. This ratio, which was narrowly preserved in the recent foreign aid bill, was intended to go far beyond the terms of military hardware and address the broader, more important political and military balance between the two countries. It was and remains a clear reminder that the United States regards the Turkish military presence in northern Cyprus as illegal.

As relations steadily improve between the United States and the Soviet Union, Turkey's strategic importance in the region will drastically diminish, and hopefully the underlying political and human rights issues on Cyprus will become a United States foreign policy priority.

The United States must play an active role to promote progress in the floundering United Nations sponsored talks and continue efforts to promote bi-communal efforts in education and development. The appointment of Nelson Ledsky as special Cyrpus coordinator was a step in the right direction, but he can't do the job alone. We, in Congress, must remain vigilant and encourage Mr. Denktash to come to the table this month in New York and resume discussions without insisting on preconditions or statements of intention. There is a lot of work to be done, and now is no time for delay.

Mr. TORRICELLI. Mr. Speaker, a series of international events has gripped the world's attention. The striking changes in Eastern Europe and the upheaval in Panama have been the focus of attention both in the United States and abroad. It is important that while recognizing and dealing with these developments, we not neglect other areas of the world where ongoing conflicts create greater danger.

Cyprus is one such place. The division of the island, the continuing military buildup, and the unresolved tensions between Greek- and Turkish-Cypriot communities have created a tinderbox. Cyprus has been peaceful for the last number of years. The potential for renewed conflict—which would, of course, have implications beyond the island of Cyprus, and inevitably create a crisis between Greece and Turkey—will remain a danger until a settlement takes place.

In the last 2 years, there has been reason for some optimism on the Cyprus issue. President George Vassiliou, who took office nearly 2 years ago, has advanced several innovative ideas for the settlement of the issues dividing the two communities. Within the last year, President Vassiliou has held talks with Mr. Rauf Denktash, leader of the Turkish-Cypriot community, to explore possible areas of agreement.

Throughout the process, the United Nations has played a constructive role in bringing the parties together. I have introduced legislation, House Concurrent Resolution 205, that declares the support of this Congress for the work of the United Nations on the Cyprus issue and encourages the U.N. Secretary General to begin a new round of negotiations to complete an outline for a Cyprus settlement. I am pleased that this legislation has already been approved by the Subcommittee on Europe and the Middle East and the Subcommittee on Human Rights and International Organizations.

My resolution is one demonstration of the concern in Congress about Cyprus. Another, tangible element is the $15 million in annual economic assistance we have been providing. Although Cyprus is not a poor country, this funding is a visible statement of our support for the people of Cyprus and our commitment to a peaceful solution of the Cyprus conflict.

Those who care about Cyprus and its future have a task. It is to educate our fellow citizens about the issue and to keep Cyprus high on the list of United States foreign policy priorities. Through these efforts, we can advance

the day when Cyprus will again be one country, unmarred by a division through its midst—a land in which all Cypriots can live in security and prosperity.

Mr. WALGREN. Mr. Speaker, today I would like to express my support for the people of Cyprus who continue to pursue a long struggle for a unified nation. The United States has a central responsibility for the circumstances facing the Cypriot people.

Cyprus first received its independence from Great Britain in 1960. At that time approximately 18 percent of the population was Turkish and 72 percent of Greek origin. The Treaty of Association and Guarantee established a system that sought to ensure the rights of both peoples through a power-sharing system. But in 1974 the island was unilaterally invaded by Turkish troops allegedly out of Turkish fears that the Greek majority on Cyprus was seeking unification with Greece.

Since 1974, Turkish troops have occupied 40 percent of the island of Cyprus. The line that divides northern and southern Cyprus separates many families from their traditional homes and even from association with family members. Hundreds of Greek refugees from north Cyprus are displaced citizens within their own land. Now Turkey has the distinction of being the only country in Europe that has military troops occupying a foreign land.

The Governments of both Greece and Turkey must put their historic animosities behind them and strive toward a peaceful resolution of the Cyprus problem. The United States must strongly urge the Turkish Government to remove their troops from northern Cyrprus. The foreign aid that Turkey receives from the United States enables that Government to continue its occupation of a foreign land. Turkey's interest in continued American aid certainly gives us unique leverage with Turkish authorities to move toward a peaceful solution that would end Turkish occupation.

The recent transitions in Eastern Europe can serve as an example to the world. We have seen that it is possible to overcome unsurmountable problems through the courage of people dedicated to freedom. The Berlin Wall has fallen. Now is time for the Green Line dividing north and south Cyprus to be abolished. I commend the people of Cyprus for their dedication to a united nation through a peaceful settlement.

Mr. SCHUMER. Mr. Speaker, I would like to thank the gentleman for organizing and coordinating this special order.

We have witnessed the winds of peace blow over Europe in the closing months of 1989. We have watched dictators fall. We have seen the Berlin Wall dismantled. And we have viewed peaceful revolution spread from Poland to East Germany to Czechoslovakia. Sadly, this spirit of peace has not spread to the island of Cyprus. In the midst of these historic events, we should not forget that Cyprus remains an occupied and divided country.

Fifteen years ago, Turkey invaded northern Cyprus, 5 days after a short-lived coup by Greek Cypriot extremists. The island has been divided ever since. The Green Line, marked by barbed wire and armed guards, divides north and south Cyprus. Today, Nicosia remains the only divided city and divided capital in Europe.

Yet, there is cause for hope. The Greek Mayor of Nicosia, Mayor Demetriades, and his Turkish counterpart, Mayor Akinci have begun to cooperate on infrastructure projects. I am confident that this cooperation between the people of Cyprus may be a precursor of a reunified Cyprus. Yet this reunification will not take place unless negotiations between the Turkish Cypriot leader, Denktash, and President Vassilou continue to progress.

Hopefully, under the able guidance of the UN Secretary General Perez de Cuellar and with the continued assistance of the United States, the spirit of reconciliation and solidarity will bring down the final barrier in Europe, Cyprus' Green Line, and will end the 15 years of division on that island. The Greeks have proven their willingness to negotiate in good faith, and now the Turks must follow suit.

The time for peace in Cyprus is now. Mr. Speaker, I would like to thank Mr. MANTON for his leadership on this important human rights issue.

Mr. BLILEY. Mr. Speaker, for almost 16 years, 35,000 Turkish troops have illegally occupied Northern Cyprus while 200,000 Greek Cypriots remain refugees in their own land. When Turkish troops invaded cyprus in 1974, they easily defeated the Greek forces who were outnumbered and who were ill-equipped. In the face of those Turkish forces, the Cypriots stood courageously to protect their native land and in return, they have become hostage to the ruling minority.

We are now in the beginning of a new decade, and the Turks remain on the island in violation of international law. Their presence has been condemned by the United Nations and the Secretary General has consistently pursued unification talks, but to no avail. The Turks occupy 40 percent of Cyprus and their presence simply lends protection to the rump government of the Turkish Republic of northern Cyprus.

The United States' policy has been aimed at preserving the autonomous, united, and sovereign Cypriot Republic. The ultimate goal is the formulation of a democracy where the majority rules and the rights of the minority are protected. At the time of the invasion, the United States imposed an arms embargo and attempted to mediate the dispute between the two nations. Again, to no avail.

President Carter lifted the arms embargo in an effort to encourage the Turks to enter into peace talks and to invite a resolution to the problem. Yet since the lifting of the embargo, I have been disappointed as aid to Turkey has increased while the situation remains unchanged. The United States has continued to pressure the Turks into a peaceful resolution only to be met with threats of an exposed southern flank at NATO.

Mr. Speaker, I fully recognize the strategic significance of Turkey in the NATO alliance. Yet I do not believe that geopolitics are the only factor which sustains a secure alliance. The members of NATO are also bound by a common goal of democracy, freedom, and human rights. The alliance was founded in an effort to develop and preserve a civilized world in which those same freedoms on which the United States was founded, can be realized. The occupation of Cyprus does not heed this spirit of the NATO alliance.

Through the Davos process, the beginnings of peace have begun to take root. But the ultimate goal has not yet been achieved; we have not returned Cyprus to her full sovereignty. Mr. Speaker, I urge my colleagues to work to encourage democracy in Cyprus and to return autonomy and freedoms to the Cypriot people.

Mr. WOLPE. Mr. Speaker, thank you. I would like to extend my special thanks to the gentleman from New York [Mr. MANTON] for taking the time to coordinate this special order. Clearly, this is an issue which is worthy of the consideration and attention of this House.

Startling events are occurring throughout Eastern Europe. Slumbering eastern bloc countries are slowly awakening from a prolonged sleep under Soviet domination. We—in the West—have marveled at these dramatic changes, as the walls of oppression and isolation have, literally, come tumbling down across the continent. However, at the same time, the island of Cyprus continues to be divided by the green line which stretches across the once unified nation.

Cyprus has been divided since 1974, the year in which Turkish troops invaded the Republic of Cyprus and annexed nearly 40 percent of the island's territory. Surely we must be sensitive to the historic conflicts which contributed to the fateful invasion. But, while no one group is entirely blameless, we must acknowledge that several actions by Turkey and the Turkish-Cypriot leadership have effectively blocked the U.N.-sponsored peace talks and any hope for a resolution of the problem. These actions include the continued presence of thousands of Turkish troops and settlers on the annexed part of the island; the evasiveness of Rauf Denktash, the Turkish Cypriot leader, about whether and when he would meet with President Vassiliou to engage in peace talks; and the ongoing, violent intimidation by Turkish hardliners of Turkish-Cypriot opposition leaders who advocate an end to the illegal Turkish occupation.

In the past, the United States has been reluctant to put pressure on Turkey because of our concern about how such presence would affect Turkey's relationship to NATO and American security interests. But recent events in Eastern Europe and the Soviet Union have clearly diminished these strategic concerns. [It is time now that we strongly reaffirmed America's determination that there be a lasting negotiated settlement of the Cyprus conflict and an end to the Turkish occupation of Cyprus. We must impress upon Turkey that we will not casually acquiesce to continued Turkish intransigence.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUTTO (at the request of Mr. GEPHARDT) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. PORTER) to revise and extend his remarks and include extraneous material:)

Mr. PORTER, for 5 minutes, today.

(The following Members (at the request of Mr. BORSKI) to revise and extend their remarks and include extraneous material:)

Mr. BORSKI, for 5 minutes, today.

Mr. COOPER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. SAVAGE, for 30 minutes, today and 30 minutes on February 1.

Mr. RICHARDSON, for 60 minutes, today and 60 minutes on February 5.

Mr. SKELTON, for 30 minutes, on February 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PORTER) and to include extraneous matter:)

Mr. CAMPBELL of California.

Mrs. MORELLA.

Mr. BROOMFIELD.

Mr. CRANE in two instances.

Mr. BROWN of Colorado.

Mr. GALLO.

Ms. ROS-LEHTINEN.

Mr. SUNDQUIST.

Mr. WOLF.

Mr. DUNCAN.

Mr. MCMILLAN of North Carolina.

(The following Members (at the request of Mr. BORSKI) and to include extraneous matter:)

Mr. STOKES in two instances.

Mr. DONNELLY.

Mr. KANJORSKI in two instances.

Mr. GUARINI.

Ms. OAKAR.

Mrs. SCHROEDER.

Mr. HOYER.

Mr. FASCELL in two instances.

Mr. MCMILLEN of Maryland.

Mr. MARKEY.

Mr. PANETTA.

Mr. LEVINE of California in two instances.

Mr. SANGMEISTER.

Mr. HAMILTON.

Mr. LEHMAN of Florida.

Mr. TOWNS.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 103. Joint resolution to designate the period commencing February 18, 1990, and ending February 24, 1990, as "National Visiting Nurse Associations Week," to the Committee on Post Office and Civil Service.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House earlier today, the House will stand in recess until approximately 8:40 p.m. to receive a message from the President.

Accordingly (at 3 o'clock and 37 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 45 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 242 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate, the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Pennsylvania [Mr. GRAY];

The gentleman from Maryland [Mr. HOYER];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from California [Mr. FAZIO];

The gentleman from Texas [Mr. BROOKS];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from California [Mr. LEWIS];

The gentleman from Oklahoma [Mr. EDWARDS];

The gentleman from Minnesota [Mr. WEBER]; and

The gentleman from Texas [Mr. ARCHER].

The VICE PRESIDENT. The President of the Senate at the direction of that body appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from West Virginia [Mr. BYRD];

The Senator from Maine [Mr. MITCHELL];

The Senator from California [Mr. CRANSTON];

The Senator from Arkansas [Mr. PRYOR];

The Senator from Illinois [Mr. DIXON];

The Senator from Louisiana [Mr. BREAUX];

The Senator from South Dakota [Mr. DASCHLE];

The Senator from Georgia [Mr. FOWLER];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Colorado [Mr. ARMSTRONG];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Oklahoma [Mr. NICKLES]; and

The Senator from South Carolina [Mr. THURMOND].

The Doorkeeper announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 2 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall

of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor to present to you our former colleague, the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-120)

The PRESIDENT. Mr. President, Mr. Speaker, Members of the 101st Congress, fellow citizens: I return as a former President of the Senate, and former member of this great House. Now, as President, it is my privilege to report to you on the State of the Union.

Tonight, I come not to speak about the "state of the government"—not to detail every new initiative we plan for the coming year, nor to describe every line item in the budget. I'm here to speak to you and to the American people about the State of the Union—about our world—the changes we've seen, the challenges we face. And what that means for America. There are singular moments in history: dates that divide all that goes before from all that comes after. Many of us in this chamber have lived much of our lives in a world whose fundamental features were defined in 1945. The events of that year decreed the shape of nations. The pace of progress. Freedom or oppression for millions of people around the world.

1945 provided the common frame of reference—the compass points of the post-war era we've relied upon to understand ourselves. That was our world. Until now. The events of the year just ended—the revolution of '89—have been a chain reaction—change so striking that it marks the beginning of a new era in the world's affairs.

Think back—just twelve short months ago—to the world we knew—as 1989 began.

One year ago, the people of Panama lived in fear, under the thumb of a dictator. Today, democracy is restored—Panama is free.

Operation "Just Cause" has achieved its objective. The number of military personnel in Panama is now very close to what it was before the operation began. And tonight, I am announcing that—well before the end of February—the additional numbers of American troops—the brave men and women of our Armed Forces who made this mission a success—will be back home.

A year ago in Poland, Lech Walesa declared that he was ready to open a dialog with the communist rulers of that country. Today, with the future of a free Poland in their own hands, members of Solidarity lead the Polish Government.

A year ago, freedom's playwright, Vaclav Havel, languished as a prisoner in Prague. Today, it's Vaclav Havel—President of Czechoslovakia.

And one year ago, Erich Honecker of East Germany claimed history as his guide. He predicted the Berlin Wall would last another hundred years. Today—less than one year later—it's the Wall that's history.

Remarkable events—events that fulfill the long-held hopes of the American people. Events that validate the long-standing goals of American policy—a policy based on a single, shining principle: the cause of freedom.

America—not just the Nation—but an idea, alive in the minds of people everywhere. As this new world takes shape, America stands at the center of a widening circle of freedom—today, tomorrow, and into the next century.

Our Nation is the enduring dream of every immigrant who ever set foot on these shores—and the millions still struggling to be free. This Nation—this idea called America—was and always will be—a new world. Our new world.

At a workers' rally—in a place called Branik on the outskirts of Prague—the idea called America is alive. A worker, dressed in grimy overalls, rises to speak at the factory gates. He begins his speech to his fellow citizens with these words—words of a distant revolution:

"We hold these truths to be self-evident. That all men are created equal, that they are endowed by their Creator with certain unalienable rights, [and] that among these are life, liberty and the pursuit of happiness."

It's no secret that, here at home, freedom's door opened long ago. The cornerstones of this free society have already been set in place: Democracy. Competition. Opportunity. Private investment. Stewardship. And of course, leadership.

Our challenge today is to take this democratic system of ours—a system second to none—and make it better.

A better America, where there's a job for everyone who wants one.

Where women working outside the home can be confident their children are in safe and loving care—and where government works to expand child care alternatives for parents.

Where we reconcile the needs of a clean environment and a strong economy.

Where "Made in the U.S.A." is recognized around the world as the symbol of quality and progress.

Where every one of us enjoys the same opportunities to live, to work, and to contribute to society. And where, for the first time, the American mainstream includes all of our disabled citizens.

Where everyone has a roof over his head—and where the homeless get the help they need to live in dignity.

Where our schools challenge and support our kids and our teachers—and where all of them make the grade.

Where every street, every city, every school, and every child is drug-free.

And finally, where no American is forgotten. Our hearts go out to our hostages—our hostages who are ceaselessly on our minds and in our efforts.

That's part of the future we want to see—the future we can make for ourselves. But dreams alone won't get us there. We need to extend our horizon—commit to the long-view. Our mission for the future starts today.

In the tough, competitive markets around the world, America faces great challenges and great opportunities. We know that we can succeed in the global economic arena of the nineties, but to meet that challenge we must make some fundamental changes—some crucial investments in ourselves.

Yes—we are going to invest in America. This Administration is determined to encourage the creation of capital—capital of all kinds. Physical capital: Everything, from our farms and factories to our workshops and production lines, all that is needed to produce and deliver quality goods and quality services. Intellectual capital: The source of ideas that spark tomorrow's products. And of course, our human capital: The talented workforce we'll need to compete in the global market.

And let me tell you. If we ignore human capital—we lose the spirit of American ingenuity—the spirit that is the hallmark of the American worker. That would be bad. And the American worker is the most productive worker in the world.

We need to save more—we need to expand the pool of capital for the new investments that mean more jobs, more growth. That's the idea behind a new initiative I call the Family Savings Plan, which I will send to the Congress tomorrow.

We need to cut the tax on capital gains—encourage risk-takers—especially those in our small businesses—to take those steps that translate into economic reward, jobs, and a better life for all of us.

We'll do what it takes to invest in America's future. The budget commitment is there. The money is there. It's there for Research and Development, R&D—a record high. It's there for our housing initiative—HOPE, to help everyone from first-time homebuyers to the homeless. The money's there to keep our kids drug-free: 70 percent more than when I took office in 1989. It's there for space exploration—and it's there for education: another record high.

And one more thing: Last fall at the Education Summit, the Governors and I agreed to look for ways to help make sure that kids are ready to learn—the very first day they walk into the classroom. I've made good on that commitment—by proposing a record increase in funds—an extra half a billion dollars—for something near and dear to all of us: Head Start.

Education is the one investment that means more for our future because it means the most for our children. Real improvement in our schools is not simply a matter of spending more. It is a matter of asking more—expecting more—of our schools, our teachers, of our kids, of our parents and ourselves. That's why tonight I am announcing America's education goals—goals developed with the enormous cooperation from the Nation's Governors; and if I might, I would like to say I am very pleased that Governor Gardner, Governor Clinton, Governor Branstad, Governor Campbell, all of whom are very key, in these discussions, these deliberations, are with us here tonight.

—By the year 2000, every child must start school ready to learn.

—The United States must increase the high school graduation rate to no less than 90 percent.

—And we're going to make sure our schools' diplomas mean something: In critical subjects—at the 4th, 8th and 12th grades—we must assess our students' performance.

—By the year 2000, U.S. students must be first in the world in math and science achievement.

—Every American adult must be a skilled literate worker and citizen.

—Every school must offer the kind of disciplined environment that makes it possible for our kids to learn—and every school in America must be drug-free.

Ambitious aims? Of course. Easy to do? Far from it. But the future's at stake. This Nation will not accept anything less than excellence in education.

These investments will keep America competitive. And I know this about the American people: We welcome competition. We'll match our ingenuity, our energy—our experience and technology—our spirit and enterprise—against anyone. Let the competition be free—but let it also be fair. America is ready.

Since we really mean it—and since we are serious about being ready to meet that challenge—we're getting our own house in order. We've made real progress. Seven years ago, the Federal deficit was 6 percent of our Gross National Product. In the new budget I sent up two days ago—the deficit is down to 1 percent of GNP.

That budget brings Federal spending under control. It meets the Gramm-Rudman target, brings that deficit down further, and balances the budget by 1993—with no new taxes.

And let me tell you, there's still more than enough Federal spending. For most of us, $1.2 trillion is a lot of money.

And once the budget is balanced, we can operate the way every family must when it has bills to pay. We won't leave it to our children and grandchildren. Once it is balanced, we will start paying off the national debt.

And there's something more we owe the generations of the future: Stewardship—the safekeeping of America's precious environmental inheritance.

As just one sign of how serious we are, we will elevate the Environmental Protection Agency to cabinet rank. Not more bureaucracy, not more red tape—but the certainty that here at home, and especially in our dealings with other nations, environmental issues have the status they deserve.

This year's budget provides over $2 billion in new spending to protect our environment, with over $1 billion for global change research. And a new initiative I call "America the Beautiful"—to expand our national parks and wildlife preserves and improve recreational facilities on public lands.

And something else: Something that will help keep this country clean, from our forestland to our inner cities, and keep America beautiful for generations to come—the money to plant a billion trees a year.

And tonight, let me say again to all the members of the Congress: The American people did not send us here to bicker. There's work to do—and they sent us here to get it done. And once again, in the spirit of cooperation, I offer my hand to all of you. Let's work together to do the will of the people. Clean Air. Child Care. The Educational Excellence Act. Crime and Drugs. It's time to act. The Farm Bill. Transportation policy. Product liability reform. Enterprise Zones. It's time to act together.

And there's one thing I hope we will be able to agree on. It's about our commitments. I'm talking about Social Security.

To every American out there on Social Security, to every American supporting that system today, and to everyone counting on it when they retire: We made a promise to you—and we are going to keep it.

We rescued the system in 1983—and it's sound again. Bipartisan agreement. Our budget fully funds today's benefits—and it assures that future benefits will be funded as well. The last thing we need to do is mess around with Social Security.

There's one more problem we need to address. We must give careful consideration to the recommendations of the health care studies now underway. That's why tonight, I am asking Dr. Louis Sullivan—Secretary of Health and Human Services—to lead a Domestic Policy Council review of recommendations on the quality, accessibility and cost of our nation's health care system. I am committed to bring the staggering costs of health care under control.

The "state of the government" does indeed depend on many of us in this very chamber. But the State of the Union depends on all Americans. We must maintain the democratic decency that makes a nation out of millions of individuals. I have been appalled at the recent mail bombings across this country. Every one of us must confront and condemn racism, anti-semitism, bigotry and hate. Not next week, not tomorrow, but right now. Every single one of us.

The State of the Union depends on whether we help our neighbor—claim the problems of our community as our own. We've got to step forward when there's trouble—lend a hand, be what I call a point of light to a stranger in need. We've got to take the time after a busy day to sit down and read with our kids, help them with their homework, and pass along the values we learned as children. That's how we sustain the State of the Union.

Every effort is important. It all adds up—it's doing the things that give democracy meaning. It all adds up to who we are—and who we will be.

And let me say, that so long as we remember the American idea—so long as we live up to the American ideal—the State of the Union will remain sound and strong.

And to those who worry we have lost our way—well, I want you to listen to parts of a letter written by James Markwell—PFC James Markwell, a 20-year-old Army medic of the 1st Battalion, 75th Rangers. It's dated December 18th—the night before our Armed Forces went into action in Panama. It's a letter servicemen write—and hope will never be sent. Sadly, Private Markwell's mother did receive this letter. And she passed it on to me out there in Cincinnati.

Here is some of what he wrote: "I have never been afraid of death, but now he is waiting at the corner. . . . I have been trained to kill and to save, so has everyone else. I am frightened of what lays beyond the fog, yet. . . . Do not mourn for me, revel in the life that I have died to give you. . . . But most of all, don't forget that the Army was my choice. Something that I wanted to do."

"Remember I joined the Army to serve my country and insure that you are free to do what you want and live our lives freely."

Let me add that Private Markwell was among the first to see battle in Panama, and one of the first to fall.

He knew what he believed in. He carried the idea we call America in his heart.

I began tonight speaking about the changes we've seen this past year. There is a new world of challenges and opportunities before us. And there is a need for leadership that only America can provide.

Nearly 40 years ago, in his last address to the Congress, President Harry Truman predicted such a time would come. He said: "As our world grows stronger, more united, more attractive to men on both sides of the iron curtain, then inevitably there will come a time of change within the communist world."

Today, that change is taking place.

For more than 40 years, America and its allies held communism in check, and ensured that democracy would continue to exist. Today, with communism crumbling, our aim must be to ensure democracy's advance. To take the lead in forging peace and freedom's best hope—a great and growing commonwealth of free nations.

To the Congress and to all Americans, I say it is time to acclaim a new consensus at home and abroad—a common vision of the peaceful world we want to see.

Here in our own hemisphere, it's time for all the people of the Americas—North and South—to live in freedom.

In the Far East and Africa, it is time for the full flowering of free governments and free markets that have served as the engine of progress.

It is time to offer our hand to the emerging democracies of Eastern Europe. So that continent—for too long a continent divided—can see a future whole and free.

And it's time to build on our new relationship with the Soviet Union—to endorse and encourage a peaceful process of internal change toward democracy and economic opportunity.

We are in a period of great transition, great hope, yet great uncertainty. We recognize that the Soviet military threat in Europe is diminishing, but we see little change in Soviet strategic modernization. Therefore, we must sustain our own strategic offense modernization and the Strategic Defense Initiative.

But the time is right to move forward on a conventional arms control agreement to move us to more appropriate levels of military forces in Europe—a coherent defense program that ensures the U.S. will continue to be a catalyst for peaceful change in Europe. I've consulted with leaders of NATO—and in fact, I spoke by phone with President Gorbachev, just today.

I agree with our European allies that an American military presence in Europe is essential—and that it should not be tied solely to the Soviet military presence in Eastern Europe.

But troop levels can still be lower. So tonight, I am announcing a major new step—for a further reduction in U.S. and Soviet manpower in Central and Eastern Europe to 195,000 on each side.

This number, this level, reflects the advice of our senior military advisors. It is designed to protect American and European interests—and sustain NATO's defense strategy. A swift conclusion to our arms control talks—conventional, chemical and strategic—must now be our goal. That time has come.

Still, we must recognize an unfortunate fact: In many regions of the world tonight, the reality is conflict—not peace. Enduring animosities and opposing interests remain. Thus the cause of peace must be served by an America strong enough—and sure enough—to defend our interests and our ideals. It's this American idea that for the past four decades helped inspire this Revolution of '89.

Here at home—and in the world—there is history in the making—and history to be made. Six months ago, early in this season of change, I stood at the gates of the Gdansk Shipyard in Poland at the monument to the fallen workers of Solidarity. It's a monument of simple majesty. Three tall crosses rise up from the stones. Atop each cross, an anchor—an ancient symbol of hope.

The anchor in our world today is freedom. Holding us steady in times of change—a symbol of hope to all the world. And freedom is at the very heart of the idea that is America.

Giving life to the idea depends on every one of us. Our anchor has always been faith and family.

In the last few days of this past momentous year, our family was blessed once more—celebrating the joy of life when a little boy became our 12th grandchild.

When I held the little guy for the first time, the troubles at home and abroad seemed manageable and totally in perspective.

Now, I know you're probably thinking: that's just a grandfather talking.

Well, maybe you're right. But I've met a lot of children this past year—across this country, as all of you have, and everywhere from the Far East to Eastern Europe. All kids are unique. Yet, all kids are alike. The budding young environmentalists I met this month, who joined me exploring the Florida Everglades. The little leaguers I played catch with in Poland—ready to go from Warsaw to the World Series. Even the kids who are ill or alone—God bless the boarder babies, born addicted to drugs and AIDS and—coping with problems no child should have to face. But, you know, when it comes to hope and the future: Every kid is the same. Full of dreams. Ready to take on the world. All special because they are the very future of freedom. To them belongs this new world I've been speaking about.

So tonight I'm going to ask something of every one of you. Let me start with my generation—with the grandparents out there. You are our living link to the past. Tell your grandchildren the story of struggles waged, at home and abroad. Of sacrifices freely made for freedom's sake. And tell them your own story as well—because every American has a story to tell.

Parents: Your children look to you for direction and guidance. Tell them of faith and family. Tell them we are one Nation under God. Teach them that of all the many gifts they can receive, liberty is their most precious legacy. And of all the gifts they can give, the greatest, the greatest is helping others.

And to the children and young people out there tonight: With you rests our hope—all that America will mean in the years and decades ahead. Fix your vision on a new century—your century. On dreams we cannot see. On the destiny that is yours—and yours alone.

And finally, let all Americans—all of us together here in this chamber, the symbolic center of democracy—affirm our allegiance to this idea we call America. And let us all remember that the State of the Union depends on each and every one of us.

God bless all of you, and may God bless this great Nation, the United States of America.

[Applause, the Members rising.]

At 9 o'clock and 40 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Ambassadors, Ministers, and charges d'Affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 9 o'clock and 45 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

The SPEAKER pro tempore (Mr. GEPHARDT). The Chair recognizes the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

ADJOURNMENT

Mr. GRAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Thursday, February 1, 1990, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2388. A letter from the Chief Financial Officer, Department of State, transmitting a report of two violations of the Anti-Deficiency Act which involved the excess obligation of the fiscal years 1979 and 1980 allotments for the American Embassy in Moscow, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2389. A letter from the Secretary of Defense, transmitting the Department's annual report of expenditures and accomplishments, pursuant to 10 U.S.C. 113 (c), (e); to the Committee on Armed Services.

2390. A letter from the Vice Chairman, Potomac Electric Power Co., transmitting a copy of the company's balance sheet as of December 31, 1989, pursuant to D.C. Code Section 43-513; to the Committee on the District of Columbia.

2391. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report of actions taken to increase competition for contracts, fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2392. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2393. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2394. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2395. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to adopt distinctive counterfeit deterrents for exclusive use in the manufacture of U.S. securities and obligations, to clarify existing authority to combat counterfeiting, and for other purposes; to the Committee on the Judiciary.

2396. A letter from the Assistant Secretary of the Army (Civil Works), transmitting the second report on a list of projects which have been authorized, but for which no funds have been obligated during the preceding 10 full fiscal years, pursuant to 33 U.S.C. 579a; to the Committee on Public Works and Transportation.

2397. A letter from the Administrator, Federal Highway Administration, transmitting the third status report on certain highway demonstration projects, as of September 30, 1989, pursuant to Public Law 100-17, section 149(j)(1) (101 Stat. 202); to the Committee on Public works and Transportation.

2398. A letter from the Under Secretary, International Affairs and Commodity Programs, Department of Agriculture, transmitting the second quarterly commodity and country allocation table showing current programming plans for commodity assistance under titles I/III of Public Law 480 for fiscal year 1990, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

2399. A letter from the Administrator, Federal Aviation Administration, transmitting the report of progress on developing and certifying the Traffic Alert and Collision Avoidance System [TCAS], covering the months of September through December 1989, pursuant to Public Law 100-223, section 203(b) (101 Stat. 1518); jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DIXON: Committee on Standards of Official Conduct. Report entitled "In the Matter of Representative Gus Savage" (Rep. 101-397). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina:

H.R. 3921. A bill to amend Title 46 of the United States Code relative to laws governing the coastwise trade, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BILIRAKIS:

H.R. 3922. A bill to guarantee cost-of-living adjustments in fiscal year 1991 for persons receiving retired pay or an annuity under military retirement and survivor benefit programs; to the Committee on Armed Services.

H.R. 3923. A bill to guarantee cost-of-living adjustments in fiscal year 1991 for persons receiving benefits under civil service retirement and military retirement and survivor benefit programs; jointly, to the Committees on Post Office and Civil Service and Armed Services.

By Mr. BUECHNER:

H.R. 3924. A bill to amend the Internal Revenue Code of 1986 to increase the personal exemption amount; to the Committee on Ways and Means.

By Mr. COOPER:

H.R. 3925. A bill to amend title 23, United States Code, to establish national safety belt and motorcycle helmet use requirements, to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize the Secretary of Transportation to conduct informational programs to promote the use of motor vehicle safety equipment, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. HENRY:

H.R. 3926. A bill to amend the Internal Revenue Code of 1986 to remove certain limitations on the exclusion of income from United States savings bonds when used to pay higher education tuition and fees; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. COX, Mr. ROSTENKOWSKI, Mr. KLECZKA, Mr. MCGRATH, Mr. SANGMEISTER, Mr. VISCLOSKY, Mr. FEIGHAN, Mr. ACKERMAN, Mr. HERTEL, Mr. HYDE, Mr. MANTON, and Ms. KAPTUR):

H.R. 3927. A bill to provide for 200,000 additional immigrant visas in each of 5 fiscal years for certain independent immigrants from countries that have traditionally denied freedom of emigration; to the Committee on the Judiciary.

By Ms. OAKAR (for herself and Mrs. LLOYD):

H.R. 3928. A bill to authorize the Secretary of Housing and Urban Development to make grants to locally based nonprofit organizations, local governments, and Indian tribes to provide home repairs and modifications for older and disabled homeowners; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PANETTA (for himself, Mr. MILLER of California, Mr. PENNY, Mr. STENHOLM, Mr. SYNAR, Mr. MOODY, Mr. BATES, Mr. MORRISON of Connecticut, Mr. DEFAZIO, Mrs. PATTERSON, and Mr. SIKORSKI):

H.R. 3929. A bill to amend the Congressional Budget Act of 1974 to provide for budget process reform, to repeal sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985, to establish a pay-as-you-go basis for Federal budgeting, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. RAHALL:

H.R. 3930. A bill to reauthorize the waste treatment construction grants program, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SCHUETTE (for himself, Mr. MADIGAN, Mr. FIELDS, Mr. MACHTLEY, Mr. RHODES, Mr. DOUGLAS, Mr. GOSS, Mr. STEARNS, Mr. ROHRABACHER, Mr. WELDON, Mr. MCEWEN, Mr. NEAL of North Carolina, Mr. MCMILLEN of Maryland, Mr. COSTELLO, Mr. TOWNS, Mr. WALSH, Mr. BLILEY, Mr. PAXON, and Mr. PURSELL):

H. Con. Res. 253. Concurrent resolution expressing the sense of the Congress that President Guillermo Endara of Panama should be invited to address a joint meeting of Congress; to the Committee on Foreign Affairs.

By Mr. DIXON:

H. Res. 313. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Standards of Official Conduct in the 2d session of the 101st Congress; to the Committee on House Administration.

By Mrs. BOXER (for herself, Mr. AUCOIN, Mr. FAZIO, Ms. SLAUGHTER of New York, Mr. SCHUMER, Mr. MILLER of California, Mrs. LOWEY of New York, Mrs. JOHNSON of Connecticut, Mr. LEHMAN of Florida, Mr. UDALL, Mr. YATES, Mr. CONYERS, Mr. KOSTMAYER, Mr. DICKS, Mr. TOWNS, Mr. RAVENEL, Mr. KENNEDY, Mr. DEFAZIO, Mr. MOODY, Mr. DIXON, Mr. WILSON, Mr. FAUNTROY, Mr. GEPHARDT, Mr. WEISS, Mr. NAGLE, Mr. LEWIS of Georgia, Mr. MORRISON of Connecticut, Mr. WAXMAN, Mr. SCHEUER, Mr. FRANK, Mr. LEVIN of Michigan, Mr. FROST, Mr. MINETA, Mr. BRYANT, Mr. MARTINEZ, Mr. SKAGGS, Ms. SCHNEIDER, Mr. GREEN, Mr. BROOKS, Mrs. COLLINS, Mr. CLAY, Mr. ESPY, Mr. RANGEL, Mr. AKAKA, Mr. BOEHLERT, Mr. ROYBAL, Mrs. KENNELLY, Mrs. SCHROEDER, Mrs. ROUKEMA, Mrs. UNSOELD, Mr. MORRISON of Washington, Mr. NELSON of Florida, Mr. BOUCHER, Mr. BATES, Mr. LEVINE of California, Ms. PELOSI, Mr. JOHNSTON of Florida, Mr. STARK, Mr. HAYES of Illinois, Mr. STOKES, Mr. BERMAN, Mr. CROCKETT, Mr. MCDERMOTT, Mr. DURBIN, Mr. MARKEY, Mr. GILMAN, Mrs. MORELLA, Mr. DOWNEY, Mr. OWENS of New York, Mr. EDWARDS of California, Mr. MRAZEK, Mr. SMITH of Florida, Mr. GORDON, Mr. FORD of Michigan, Mr. MCCLOSKEY, Mr. DELLUMS, Ms. SNOWE, Mr. ACKERMAN, Mr. BUSTAMANTE, Mr. GEJDENSON, Mr. STUDDS, Mr. FOGLIETTA, Mr. WYDEN, Mr. JONTZ, Mr. ATKINS, Mr. BEILENSON, Mr. WOLPE, Mr. EVANS, Mr. PAYNE of New Jersey, Mr. SOLARZ, Mr. CAMPBELL of Colorado, Mr. PEASE, Mr. PANETTA, Mr. CARDIN, Mr. FORD of Tennessee, Mr. TORRICELLI, Mr. BROWN of Colorado, Mr. GRAY, Mr. TORRES, Mr. MILLER of Washington, Mr. BRENNAN, Mr. DYMALLY, and Mr. HUBBARD):

H. Res. 314. Resolution expressing the sense of the House of Representatives permitting medicaid funding of abortions in the case of rape or incest; to the Committee on Energy and Commerce.

By Mr. DELLUMS:

H. Res. 315. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the District of Columbia in the 2d session of the 101st Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. ENGLISH and Mr. SABO.

H.R. 84: Mr. SCHUMER.

H.R. 89: Mrs. PATTERSON.

H.R. 101: Mr. ROYBAL.

H.R. 303: Mr. DOUGLAS, Mr. MANTON, Mr. DOWNEY, and Mr. MARTIN of New York.

H.R. 995: Mr. HYDE.

H.R. 1090: Mr. BARNARD.

H.R. 1167: Mr. PAYNE of New Jersey.

H.R. 1400: Mr. MOORHEAD, Ms. SLAUGHTER of New York, Mr. LEWIS of California, Mr. LEHMAN of California, Mr. KOLBE, Mr. ROYBAL, Mr. SPRATT, and Mr. BRYANT.

H.R. 1451: Mr. BLILEY.

H.R. 1470: Mr. KANJORSKI.

H.R. 1574: Mr. DIXON and Mr. WOLPE.

H.R. 1676: Mr. BUSTAMANTE.

H.R. 1730: Ms. ROS-LEHTINEN and Mr. TAYLOR.

H.R. 1746: Mr. FAUNTROY.

H.R. 2057: Mr. BRYANT.

H.R. 2096: Mr. KENNEDY.

H.R. 2202: Mr. FROST.

H.R. 2228: Mr. ENGEL.

H.R. 2270: Mr. LIPINSKI, Mr. CAMPBELL of Colorado, and Mr. LANCASTER.

H.R. 2562: Mr. ANNUNZIO.

H.R. 2575: Mr. SKEEN, Mr. SPRATT, Ms. LONG, Mr. CONDIT, Mr. BATES, Mrs. UNSOELD, Mr. HATCHER, Mr. ASPIN, Mrs. MORELLA, Mrs. BENTLEY, Mr. ARCHER, Ms. SLAUGHTER of New York, Mr. ROBINSON, Mrs. VUCANOVICH, Mr. SARPALIUS, Mr. FRANK, Mr. RITTER, and Mr. ANNUNZIO.

H.R. 2584: Mr. MARKEY, Mr. BATES, Mr. STEARNS, Mr. LANCASTER, Mr. DORGAN of North Dakota, and Mr. FRENZEL.

H.R. 2754: Mr. FROST, Mr. HAWKINS, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. JONTZ, Mr. MCCURDY, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. NOWAK, Mr. PASHAYAN, Mr. PAXON, Mr. SAXTON, Mr. SMITH of Texas, Mr. SPENCE, and Mr. WAXMAN.

H.R. 2816: Mr. STALLINGS.

H.R. 2819: Mr. CHANDLER, Mr. MILLER of Washington, and Mr. MCDERMOTT.

H.R. 2826: Mr. MILLER of Washington, Mr. CHANDLER, and Mr. MCDERMOTT.

H.R. 2832: Mr. MCDERMOTT and Mr. CHANDLER.

H.R. 3162: Mr. CONDIT and Mr. GINGRICH.

H.R. 3380: Mr. WEISS, Mr. WAXMAN, Mr. COX, Mr. BAKER, Mr. HAYES of Louisiana, Mr. BONIOR, Mr. KENNEDY, Mr. DURBIN, Mr. NELSON of Florida, and Mr. MCDERMOTT.

H.R. 3401: Mr. TAYLOR, Mr. CLARKE, and Mr. JENKINS.

H.R. 3412: Mr. BOUCHER.

H.R. 3454: Mr. ESPY, Mr. MARTIN of New York, Mr. JONES of North Carolina, Ms. SNOWE, Mr. RAVENEL, Mr. ANTHONY, Mr. VALENTINE, Mr. TALLON, Mr. BAKER, Mr. COURTER, Mr. LANCASTER, and Mr. HARRIS.

H.R. 3475: Mr. LANCASTER.

H.R. 3500: Mr. BARTON of Texas, Mr. CONTE, Mr. COUGHLIN, Mr. HYDE, Mr. BUECHNER, and Mr. NEAL of North Carolina.

H.R. 3505: Mr. BORSKI.

H.R. 3539: Mr. EDWARDS of Oklahoma.

H.R. 3604: Mr. SMITH of New Hampshire, Mr. SAXTON, Mr. LAGOMARSINO, Mr. JAMES, Mr. HOLLOWAY, and Mr. BLILEY.

H.R. 3625: Mr. BEILENSON, Mr. HOUGHTON, Mr. BATEMAN, Mr. MURPHY, Mr. TOWNS, Mr. HUGHES, Mr. MILLER of California, Mr. MCGRATH, Mr. WILSON, Mr. BOEHLERT, Mr. GREEN, Mr. ROE, Mr. LEWIS of Georgia, Mrs. COLLINS, Mr. OWENS of Utah, Mr. SMITH of Vermont, Mr. FAZIO, and Mr. NEAL of North Carolina.

H.R. 3639: Mr. MYERS of Indiana.

H.R. 3713: Mrs. LLOYD and Mr. TOWNS.

H.R. 3766: Mr. CONDIT, Mr. FALEOMAVAEGA, Mr. FROST, Mr. LANCASTER, Mrs. MARTIN of Illinois, Mr. PARRIS, and Mr. SMITH of Florida.

H.R. 3772: Mr. COX, Mr. DANNEMEYER, Mr. DELLUMS, Mr. HAYES of Illinois, Ms. KAPTUR, Mr. LIVINGSTON, Mr. MILLER of Washington, Mr. PORTER, Mr. SKELTON, Mr. WILSON, and Mr. JAMES.

H.R. 3777: Mr. RANGEL, Mr. DELLUMS, Mr. KLECZKA, Mr. OWENS of New York, Mrs. BOXER, Mr. STARK, and Mr. ROE.

H.R. 3821: Mr. PENNY and Mr. BEVILL.

H.R. 3831: Mr. FRANK, Mr. PANETTA, Mr. MOAKLEY, Mr. BOEHLERT, Mr. SAXTON, Mr. PALLONE, Mr. ROE, Mr. DWYER of New Jersey, Mr. TRAFICANT, Ms. PELOSI, Mr. MCCLOSKEY, Mr. TAUZIN, Mr. HUGHES, Mr. HORTON, Mr. CONTE, Mr. HYDE, and Mr. MINETA.

H.R. 3835: Mr. TOWNS, Mr. JONTZ, Mr. OLIN, Mr. ESPY, and Mr. MOLLOHAN.

H.R. 3848: Mr. BILBRAY, Mr. CHAPMAN, Mr. COSTELLO, Mr. HYDE, Mr. LIPINSKI, Mr. MCMILLEN of Maryland, Mrs. MORELLA, Mr. SCHIFF, Mr. TORRES, and Mr. WALSH.

H.R. 3869: Mrs. MEYERS of Kansas, Mr. DORNAN of California, Mr. INHOFE, and Mr. WHEAT.

H.R. 3870: Mr. MCEWEN, Mr. MARTIN of New York, Mr. GILMAN, Mr. ACKERMAN, Mr. ROE, Mr. WALSH, Mr. BOEHLERT, Mr. ESPY, Mr. WYDEN, Ms. KAPTUR, and Mr. HOUGHTON.

H.R. 3880: Mr. KOLBE, Mr. FRANK, Mr. OBERSTAR, Mr. LANCASTER, Mr. EDWARDS of California, Mr. HAYES of Illinois, Mr. JOHNSTON of Florida, Mrs. BOXER, Mr. MILLER of Washington, Mr. ATKINS, Mr. OWENS of Utah, Mr. WALSH, and Mr. JOHNSON of South Dakota.

H. R. 3914: Mr. NOWAK, Mr. STOKES, Mr. HEFNER, Mr. CLARKE, Mr. YATRON, Mrs. MORELLA, Mr. ROE, Mr. AKAKA, Mr. GEJDENSON, Mr. GAYDOS, Mr. GALLEGLY, Mr. DICKS, Mr. BROWN of California, Mr. WOLF, Mr. BATES, Mr. CALLAHAN, Mr. MINETA, Mr. FRANK, Mr. HUBBARD, Mr. HUGHES, Mr. PAYNE of Virgina, Mr. SMITH of Florida, and Mr. HALL of Ohio.

H.J. Res. 27: Mr. BORSKI.

H.J. Res. 127: Mr. PAYNE of Virginia and Mr. SUNDQUIST.

H.J. Res. 255: Mr. APPLEGATE, Mr. BROWDER, Mr. CHAPMAN, Mr. WEBER, Mr. DIXON, Mr. FOGLIETTA, Mr. HYDE, Mr. AUCOIN, Mr. PASHAYAN, Mr. COLEMAN of Missouri, and Mr. CONTE.

H.J. Res. 367: Mr. MADIGAN, Mr. QUILLEN, and Mrs. UNSOELD.

H.J. Res. 426: Mr. MCCOLLUM, Mr. BUNNING, Mr. DORNAN of California, Mr. NELSON of Florida, Mr. BATEMAN, Mr. SISISKY, Mr. PAXON, Mr. MONTGOMERY, Mr. BROWDER, Mr. GRANT, Mr. MURPHY, Mr. GINGRICH, Mr. KANJORSKI, Mr. THOMAS A. LUKEN, Mr. BARNARD, Mr. HUGHES, Mr. JOHNSTON of Florida, Mr. DEWINE, Mr. SHAW, Mr. HEFLEY, Mr. SCHUMER, Mr. MILLER of California, Mr. STUDDS, Mr. BRYANT, Mr. DERRICK, Mr. EDWARDS of California, Mr. SOLARZ, Mr. OBEY, Mr. MORRISON of Connecticut, Mr. MOODY, Mr. FEIGHAN, Mr. PORTER, Mr. DURBIN, Mr. SYNAR, Mr. BEILENSON, Mr. CLAY, Mr. NEAL of Massachusetts, Mr. PERKINS, Mr. SIKORSKI, Mr. KENNEDY, Mr. MFUME, Mr. EARLY, Mr. WOLPE, Mr. CONYERS, Mr. CARDIN, Mr. MINETA, Mr. UPTON, and Mrs. LOWEY of New York.

H.J. Res. 446: Mr. BILIRAKIS, Mr. FASCELL, Mr. GIBBONS, Mr. GOSS, Mr. GRANT, Mr. IRELAND, Mr. JOHNSTON of Florida, Mr. LEWIS of Florida, Mr. MCCOLLUM, Mr. NELSON of Florida, Ms. ROS-LEHTINEN, Mr. SHAW, Mr. SMITH of Florida, Mr. STEARNS, and Mr. YOUNG of Florida.

H.J. Res. 462: Mr. LANCASTER, Mr. ROE, Mr. MCNULTY, Mr. ROWLAND of Connecticut, Mr. MCMILLEN of Maryland, Mr. LEVIN of Michigan, Mr. TORRICELLI, Mr. BENNETT, Mr. HAWKINS, Mr. BONIOR, Mr. MATSUI, Mr. JONES of North Carolina, Mr. FAUNTROY,

Mr. ANNUNZIO, Mr. APPLEGATE, Mr. COYNE, Mr. BATES, and Mr. KOLTER.

H. Con. Res. 118: Mr. PACKARD.

H. Con. Res. 123: Mr. DAVIS and Mr. BROWN of California.

H. Con. Res. 135: Mr. PAXON and Mr. BLILEY.

H. Con. Res. 252: Mr. NOWAK, Mr. STOKES, Mr. HEFNER, Mr. CLARKE, Mr. YATRON, Mrs. MORELLA, Mr. ROE, Mr. AKAKA, Mr. GEJDENSON, Mr. GAYDOS, Mr. GALLEGLY, Mr. DICKS, Mr. BROWN of California, Mr. WOLF, Mr. BATES, Mr. CALLAHAN, Mr. TOWNS, Mr. FRANK, Mr. HUBBARD, Mr. HUGHES, Mr. PAYNE of Virginia, Mr. SMITH of Florida, and Mr. HALL of Ohio.

SENATE—*Wednesday, January 31, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In those days there was no king in Israel: every man did that which was right in his own eyes.—Judges 21:25.

Almighty God, Ruler of the Earth, perfect in justice, author of order, in light of the explosive ferment in Eastern Europe we pray for the people who struggle and for those who labor to bring order out of chaos. Protect the fragile efforts lest new found freedom degenerate into anarchy, setting the stage for tyranny and worse bondage than before. And help us in these critical times in America to realize that liberty is not license; freedom is not each one doing what is right in his own eyes. Remind us that the liberty we have enjoyed for 200 years is possible only under the rule of God, that freedom under law is the only true freedom, that refusal to accept the consequences of choice imperils the right to choose.

In Jesus' name who came to fulfill the law. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the order the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business until 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. At 10:30 this morning, the Senate will resume debate on the clean air bill, S. 1630.

I alert Senators again to the possibility of rollcall votes occurring today on amendments to the clean air bill.

This evening at 8:40 p.m, Members of the Senate will assemble as a body to proceed to the House Chamber for the State of the Union Address.

RESERVATION OF LEADERS' TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all of the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the unused portions of the leaders' time will be reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order the Senate will now proceed to the consideration of morning business until the hour of 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nevada is recognized for not to exceed 5 minutes if he seeks recognition.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 2045 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The majority leader is recognized.

SENATOR KENNEDY AND THE POCKET VETO

Mr. MITCHELL. Mr. President, last Thursday the Senate failed to join the House in overriding President Bush's veto of the Emergency Chinese Immigration Relief Act of 1989. Although I was disappointed in the result of that vote, the fact that the bill's fate was determined by a vote in each Chamber, rather than by the President's exercise of a pocket veto, represents a victory for proper constitutional procedures. This development may be credited in significant part to Senator TED KENNEDY's defense, beginning nearly two decades ago, of Congress' prerogative under the Constitution to consider whether legislation should be passed over the President's objections.

On two occasions in the 1970's, Senator KENNEDY brought lawsuits to challenge Presidential pocket vetoes. In one, Kennedy versus Sampson, which Senator KENNEDY argued on his own behalf, the U.S. Court of Appeals for the District of Columbia Circuit invalidated President Nixon's pocket veto of health legislation during an intrasession adjournment in 1970. A second lawsuit, Kennedy versus Jones, in which Senator KENNEDY also appeared pro se, resulted in the Department of Justice's acquiescence in the publication as a law of a transportation bill that President Nixon had attempted to pocket veto in 1974 during an intersession adjournment of the Congress. As an outgrowth of Senator KENNEDY's litigation, President Ford, relying on Attorney General Levi's advice, which in turn had been based on Solicitor General Bork's advice, determined that a return veto rather than a pocket veto should be used during both intrasession and intersession adjournments, whenever the House of Congress to which a bill must be returned had specifically authorized an officer or other agent to receive return vetoes.

Senator KENNEDY described the history of the pocket veto issue in a scholarly article, entitled "Congress, The President, and the Pocket Veto," which was published in the Virginia Law Review in 1977. Although the executive branch had acquiesced in judgment against it in Kennedy versus Jones, Senator KENNEDY, with foresight, warned that a future administration might choose to relitigate the issue. That, in fact, occurred when President Reagan sought to utilize during an intersession adjournment in 1983 a pocket veto to kill a human rights measure concerning military aid to El Salvador. Joining Representative Michael Barnes and other Members of the House, the Senate argued in the case of Barnes versus Kline that the President's pocket veto was ineffective. The District of Columbia Circuit sustained the congressional position, holding that the principle which Senator KENNEDY had established 10 years earlier in Kennedy versus Sampson applied equally to intersession vetoes. The Supreme Court left the constitutional issue unresolved, however, because the case became moot when the

fiscal year to which the El Salvador bill applied ended.

President Bush's memorandum on vetoing the Emergency Chinese Immigration Act of 1989 last November suggests that the act had been subject to a pocket veto because the intersession adjournment of the Congress had prevented, in the President's view, the return of the bill. However, taking note of the opinions of the District of Columbia Circuit, the President wrote that he was "sending" the bill to the House Clerk "with my objections." But the President complies with the Constitution's veto clause, which establishes that the procedure for vetoing a bill is to "return" it "with his Objections," when he sends the bill back to the originating House with a statement of objections, as was done with the Emergency Chinese Immigration Act.

Although the President's memorandum may have preserved a legal position for a future day, in the case of the Emergency Chinese Immigration Act both Congress and the President acted on the well-founded constitutional understanding that whether the bill became a law would be determined by whether there were sufficient votes in each House to override the veto. The President and administration officials lobbied hard and successfully for votes. They would not have had to do so if the act was already a nullity because it had been pocket vetoed last November, and if the President's decision to send it back to the Congress was only a gesture.

In the end, the defeat of the legislation was a consequence of a vote according to the constitutional plan. That plan, which Presidents should use rather than avoid, amply protects the Executive's interests, for the President need obtain the support of only one third plus one of the voting Members in one Chamber to sustain a veto, while recognizing the framers' determination that the President's veto power should be qualified rather than absolute.

Consistency and certainty in the procedural relationships between the executive and legislative branches is important in providing both branches with a common set of rules within which to resolve disagreements over policy. Because each House has appointed an officer to receive Presidential messages during adjournments, we expect that the President will continue, if the occasion arises, to return bills with objections during all adjournments which precede the final adjournment of the Congress, as President Ford earlier had determined he should do. While the administration has not embraced the principles which the District of Columbia circuit has recognized, it has acted in the case of the Emergency Chinese Immigration Relief Act consistently with those principles. This is a salutary development for our system of constitutional government, and is an achievement for which Senator KENNEDY deserves considerable credit.

The PRESIDENT pro tempore. The Senator from Arizona [Mr. MCCAIN] is recognized for not to exceed 5 minutes.

CATASTROPHIC HEALTH CARE

Mr. MCCAIN. Mr. President, I would like to take the 5 minutes this morning to discuss the catastrophic health care issue which, despite perhaps the desire of many of us, has not gone away.

As we all remember at the end of last year the Congress repealed the act entirely. This body acceded at a very late hour, just before adjournment, to the other body. We repealed the entire act, which, of course, was in contravention to the 99-to-0 vote here which would have maintained the core benefits for our seniors of the catastrophic illness package.

Since the repeal of the act, Mr. President, a number of things have happened. All of them were predicted. Medigap insurance rates have gone up—in my own State around 20 percent. The Washington Post reported last week that Washington area seniors are being hard hit with increases as high as 35 percent for Medigap insurance premiums. About two-thirds of the rate increase is said to be tied to the full repeal of the Catastrophic Coverage Act.

For most, these rate increases are becoming effective this month. For those who purchased their insurance through AARP, the American Association of Retired Persons, the rate increases will not hit until July, at which time it will be a 17-percent increase.

We will plan on seeing Medigap insurance rates continue to rise at an alarming rate, placing a very heavy financial burden on many middle-income and low-income seniors, which, very frankly, Mr. President, they cannot afford. There are other financial costs such as exposure to multiple hospital deductibles, coverage of mammogram screening, and duplicate deductibles for skilled nursing care to name a few.

Equally important are the human costs of this repeal. Mr. President, 4,000 elderly women will die this year due to the loss of the mammogram screening benefit. Some who had previously had coverage under catastrophic during 1989 have now lost those benefits. A few days ago, on the MacNeil/Lehrer program, there was a story of a woman who had a stroke and was eligible then at the time under the catastrophic health care insurance as it was enacted into law. She had a relapse and was back in the hospital, and since the legislation has been repealed, she faces economic disaster.

No access to immunosuppressive drug coverage for seniors is now available. Terminally ill seniors will no longer have expanded hospice coverage, and repeal of home health benefits will result in some not being able to get care in the environment of their home, and some will not be able to get care at all.

Mr. President, the need to take care of America's seniors has not gone away with repeal. The need and the obligation of America as a society to care for our elderly has not gone away.

Mr. President, I see we have several options. We can stay with total repeal and ignore this need that is out there—the need which is exacerbated by increasing Medigap premium costs—and ignore our obligations to Americans as a society. We could, as some suggested over in the other body, add a few of the minor benefits that were repealed. That is a step in the right direction. Or we could take the basic core bill that we passed by a vote of 99 to 0 and left pending at the desk and sent to the House.

Mr. President, I guess what I am saying this morning is the issue is not going away. There are Americans who we have incurred obligations to as a society, and we must fulfill those obligations. I look forward to us revisiting the entire gamut of issues and coming up with a package of benefits which our seniors have so rightfully earned and that we as a society owe them.

I yield back the remainder of my time. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING CHERYL BORTH

Mr. BURDICK. Mr. President, last fall a North Dakotan, Cheryl Borth, became the first woman to be elected to a voting position on the National Telephone Cooperative Association's board of directors. I would like to take this opportunity to congratulate Cheryl on achieving this position.

Cheryl Borth is a board member of the Consolidated Telephone Cooperative in Dickinson, ND. She has chaired the North Dakota Association of Telephone Cooperative's Planning and Education Committee, has served on NTCA's member services committee, and has won NTCA's Excellence in Leadership Award. She will be repre-

senting North Dakota, South Dakota, and Minnesota as a national director.

Borth testified before my Agriculture Appropriations Subcommittee last April on the need to continue support for the Rural Electrification Administration and Rural Telephone Bank. Unfortunately, much of her testimony against a 1990 Bush administration proposal to terminate direct REA loans applies to the administration's 1991 budget for REA as well.

She said:

The Administration's proposal ignores the fact that this subcommittee has repeatedly rejected less drastic measures to reduce funding for these programs. The important thing to remember is that benefits of the REA loans flow completely and directly to the customers served by the telephone companies. REA borrowers continue to serve high-cost, low-density regions, which means that large capital costs for new technology must be spread over fewer subscribers. REA plays a vital role in financing these technological changes, because most borrowers don't qualify for commercial loans.

As a long-time supporter of cooperatives and women's equality, I am pleased to see a woman, especially one of Borth's high caliber, serving on NTCA's board of directors. She called her election a cooperative effort, but I think it can be attributed to her own hard work and dedication. I look forward to working with her as we continue to fight for a strong REA.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,782d day that Terry Anderson has been held in captivity in Beirut.

SERBIAN REPRESSION IN KOSOVO

Mr. PELL. Mr. President, the press is reporting that another 10 people died this week in continued fighting in Kosovo, Yugoslavia. Current estimates are that several hundred people have died or been injured since the ethnic unrest began there last spring.

Although relations between the two neighboring peoples, the Serbs and the Albanians, are weighted down with antagonisms that have accumulated over at least 300 years, the current unrest has a more recent history and more identifiable causes.

Until last spring, Kosovo was an autonomous region of Serbia, one of six Republics which make up the Socialist Federal Republic of Yugoslavia. Situated next to Albania, Kosovo's population is overwhelmingly Albanian. Most estimates are that about 90 percent of the region's population is Albanian.

This did not prevent the leadership of Serbia from using troops and armed police to strip Kosovo of most of its legal autonomy. Martial law has been imposed in Kosovo for almost a year. In the words of the New York Times, April 10, 1989, "only a cynical demagogue would recklessly inflame ancient ethnic hatreds for the sake of his own political ambitions," adding that Serbia's Communist Party Chief, Slobodan Milosevic, had done just that. The people of Kosovo are fighting and dying for democracy and human rights. As with other Eastern European countries, the United States must support this just cause.

According to the Times, Milosevic has pressed a relentless political campaign, complete with mass rallies and inflammatory rhetoric, aimed at making Serbia—and its party leader—supreme in Yugoslavia. While Serbians are the minority in Kosovo, they comprise the largest single ethnic group in Yugoslavia, having some 37 percent of the total population. To accomplish his aims, he has recklessly intervened in the affairs of Kosovo and Vojvodina—another autonomous province—and in the affairs of the neighboring Republic of Montenegro.

What many fear is that Mr. Milosevic intends to impose friendly regimes in the neighboring Republics of Montenegro and Macedonia, as well as in Kosovo and Vojvodina, and use this bloc to install himself as leader of Yugoslavia.

The Senate has already expressed its views on this matter. On July 18, 1989, the Senate adopted by voice vote an amendment to the State Department authorization bill that expresses concern about the human rights abuses, violence, and ethnic unrest in Kosovo, and urges the Government of Yugoslavia to take steps to halt the violence and to observe its obligations under the Helsinki Final Act and the U.N. Declaration on Human Rights. It is clear that—up to now, at least—Yugoslavia has been unable to do so.

I therefore call on the Government of Yugoslavia, and more particularly, on the leaders of Serbia, to carry out their obligations under the international agreements to which Yugoslavia is a party, and to refrain from the reckless and dangerous exacerbation of ethnic tensions of political advantage.

U.S. DEFENSE STRATEGY FOR THE 1990's

Mr. DOLE. Mr. President, Monday I held a meeting with a small bipartisan group of Senators and military experts to discuss the critical issue of the redefining of U.S. defense strategy in the coming decade.

The United States is confronted with dramatic changes in Eastern Europe, and around the globe. The world situation, in conjunction with U.S. deficit pressures, make deciding what defense strategy we should adopt one of the most pressing matters the administration and the Congress will face this year and in the coming years.

As I have said before, it is my opinion that the United States needs to reach a consensus on defense priorities, and more importantly on strategy, early in the budget process. So, I am very pleased that the following military experts shared their insights and views about what steps the United States should take with respect to its force structure and defense strategy:

Gen. Russell E. Dougherty, former commander in chief, Strategic Air Command, currently of counsel at McGuire, Woods, Battle & Boothe.

Ambassador Robert Ellsworth, former Member of Congress, served as U.S. Ambassador to NATO and Deputy Secretary of Defense.

Gen. Andrew J. Goodpaster, former supreme allied commander Europe, currently Chairman of the Atlantic Council of the United States.

Gen. William E. Odom, former Director of the National Security Agency, currently director of national security studies for the Hudson Institute and an adjunct professor at Yale University.

Gen. Bernard W. Rogers, former supreme allied commander Europe, currently a trustee of the Institute of Defense Analyses.

Adm. Harry D. Train II, former supreme allied commander, ocean sea area, Atlantic, currently executive vice president at Strategic Research and Management Services.

This distinguished group of military experts unanimously holds the view that the United States needs to redefine its defense strategy prior to restructuring its forces. That view seems obviously logical, yet there are those who would like to cut the defense budget on the basis of numbers and percentages and without a view of how such cuts can affect vital U.S. interests.

In the words of one of the participants, we, as a country, need to "call time out." The United States needs to define its national interests, set priorities, and then devise a strategy which will utilize the tools necessary to promote and protect these U.S. interests.

These experts also pointed out that although the threat of a conventional war is diminishing, the Soviet nuclear threat is unchanged and remains formidable. Moreover, there are new emerging threats and other U.S. interests which need to be addressed in a strategy for the 1990's.

During this meeting, there was also considerable discussion on the issue of stability. The group agreed that the changes in the Soviet Union and Eastern Europe will probably lead to increasing instability in the short term. Moreover, changes and reforms could be reversible. Both of these factors need to be taken into account when

creating a new strategy and restructuring our forces to fit this strategy.

This cautionary theme is particularly relevant since only yesterday we heard rumors of Gorbachev possibly resigning his position as head of the Soviet Communist Party. While this news was discounted, in my view, even rumors such as this should serve as reminders that there is not only the potential for great instability, but the potential for significant reversal in the Soviet Union and elsewhere.

Mr. President, I hope that these insights and recommendations will be helpful to my Senate colleagues as we begin the defense budget review process.

How we approach the defense and foreign policy challenges of this new decade will have consequences for years to come. I urge my colleagues to take a serious objective look at U.S. defense policy and separate from this review process the parochial politics of pet peace dividend projects. After all, it is not just my State that will be affected by the national security decisions this Government makes, but the other 49 States, as well.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

CLEAN AIR ACT AMENDMENTS OF 1989

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now resume consideration of the pending business, Calendar Order No. 427, S. 1630, a bill to amend the Clean Air Act, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending: Chafee amendment No. 1219, to control methyl chloroform pollution.

The PRESIDENT pro tempore. The pending business before the Senate is S. 1630. The pending question is on the adoption of amendment No. 1219 by the Senator from Rhode Island [Mr. CHAFEE].

The Senator from Connecticut [Mr. LIEBERMAN] is recognized.

Mr. LIEBERMAN. Thank you very much, Mr. President, I rise to address one or two aspects of the underlying bill that are of particular importance, and questions have been raised about them both in committee and in the debate that is going on here on the floor.

The first is the ozone transport zone. That is one of the most important provisions of this bill for the Northeast. Obviously, Connecticut is part of the Northeast and therefore of great importance to my State.

It is of importance to my State for this simple reason. The Connecticut Department of Environmental Protection has concluded that even if all of the industry in the State was shut down and all of the cars in the State were stopped that the State would still not comply with the nationally established ozone standard. The reason for that is that ozone is traveling from areas upwind of Connecticut and affecting the quality of our air in Connecticut. That conclusion is based not just on speculation but on some very sophisticated ozone modeling that has been done under the auspices of the Federal Environmental Protection Agency.

The problem of pollution traveling from one State to another, it seems to me, is a matter of basic fairness and must be addressed by Congress in the Clean Air Act that I hope and believe we will adopt this year, because an individual State will find it difficult to take measures requiring controls on its industries when the benefit is for a neighboring State.

So there is a basic point here that Connecticut cannot clean its air itself because so much of its problem comes from outside of the State of Connecticut, and therefore if we are going to have clean air in Connecticut and in so many other States in the country, but particularly in the Northeast, we need help from the Federal Government.

S. 1630 requires that all areas within the established transport region, except those States with no nonattainment areas, implement reasonably available control measures. The controls that are contained in the Senate bill reflect those strategies that have actually already been agreed upon by a group of the Northeast States. It is a rather remarkable and significant development in the last year, that the States, and particularly those in the Northeast, have been initiating their own cohesive plan to improve the quality of the air in the Northeast—not just in their own States.

Mr. President, there is a real difference between Senate bill 1630 in this particular area, and the bill that the administration has recommended to our committee and to Congress. President Bush's bill would leave to EPA the final decision about whether any control measures should be imposed to deal with this so-called transport issues, dirty air coming in from outside of one State to another.

For us in the Northeast, the President's grant of discretion to EPA on this critical issue is simply unacceptable. It will not provide for clean and healthy air in our States. Indeed, it is in part the lack of support of EPA which in the past has prevented the effort to institute regional controls from being successful.

In contrast to EPA's inaction, as I have said, the States have taken the lead in environmental protection in general and in particular in putting together solutions that deal with some of the regional pollution problems. Senate bill 1630 recognizes that leaving the final responsibility for recommending baseline regional controls with EPA simply does not ensure that transported pollutants will be substantially reduced.

During consideration of this bill, a concern was raised at the committee level that the bill as introduced gave the Regional Transport Commission in the Northeast, which is established as part of this particular section of the bill, too much authority. That is to say there was a fear expressed that this Regional Transport Commission would have ultimate authority to impose additional controls on sources of emissions in the separate States.

The committee heard those concerns and responded to them. S. 1630, as reported to the Senate, provides that the final authority to disapprove additioinal measures actually rests with EPA. However, EPA bears the burden, as clearly stated in the bill, of demonstrating that the additional control measure is not necessary to bring any area of the region into attainment by the dates provided. In making their decision, EPA must not place unfair burdens on the recipient State.

Some have also expressed concern that areas which are not contributing to the nonattainment problem in another area must meet the requirements of this section. But S. 1630 clearly provides that an area which is not contributing to another area's nonattainment problem may obtain an exemption from EPA. I believe what we have here is a rather creative attempt by this legislation to build on some cooperation that is occurring now among the States in the Northeast, and to recognize the fact that you cannot put a bubble over an individual State. The air that we breathe in Connecticut or air breathed in California or Florida or anywhere—Illinois, Indiana, Ohio—is air that comes from elsewhere, Particularly from within the region in which that State happens to be located.

This transport zone section puts some responsibility on individual States to be good neighbors in that sense. But it does so with a degree of reason and sensibility in that it says to States that they can make an appeal to EPA to exempt the particular area of the State which is not contributing to the problem. For instance, concerns have been expressed in a particular case about gasoline stations in rural

areas and one of the States in the Northeast, specifically, about whether they would have to go to stage two, which is the attempt to reduce the vapors that come out of gasoline when it is being put into a motor vehicle. It is clear from the bill that the State could apply to EPA for a waiver to except areas of the State from particular requirements such as that stage two requirement.

This is an important part of the bill. It is a creative part of the bill. I hope it will remain intact as it makes its way through this Chamber, through the House, and to the President's desk.

Second, Mr. President, I would like to talk for just a moment about the importance of NO_x. Those of us who have been living with this problem of clean air in the bill tend to fall into the lingo that is particular to this subject.

NO_x is an easy word to say, but what does it mean? It means oxides of nitrogen. It is a very important part of both nonattainment and acid rain sections of the bill.

Let me say a word about NO_x. It has been mentioned here in the debate earlier. Sometimes it is not, in my opinion, mentioned enough, as we focus in on the hydrocarbons that are a precursor of ozone. NO_x is certainly, in some areas of the country, a critical air pollutant and an aggravating air pollutant when combined with others in the appropriate climatic conditions.

NO_x is a principal component of urban smog, acid rain, and other major pollution problems.

In a recent report issued last April, the American Lung Association concluded:

> NO_x is a dangerous and pervasive pollutant of our air and water. NO_x is now understood to be a prime factor in virtually every major pollution problem that we face. The neglect of NO_x pollution control, nitrogen oxide pollution control, has retarded significantly the national drive for clean air.

I have previously discussed some of the health effects of urban smog and acid rain, but there are also major health effects from nitrogen oxide, which the controls in this bill will help to eliminate. Pollution from NO_x in drinking water may actually cause major health problems, particularly in infants, whose digestive systems are not fully developed. Nitrogen pollution interferes with the blood's ability to carry oxygen, which can lead in the extreme to asphyxiation and death.

NO_x, nitrogen oxide, also plays a key role in forming what we call particulate matter, another form of pollution. When inhaled, these particles, usually microscopic particles, but nonetheless particles, can irritate the incidence and increase the severity of respiratory system diseases.

These particles carry other toxic chemicals and heavy metals into the most sensitive regions deep in our lungs. In that sense, they are insidious because we are not aware, normally, of that damage that is being done to our bodies.

Additionally, NO_x contributes to the formation of airborne acids. These particles are precursors to acid rain. But the American Lung Association reports that these particles themselves are present in the air today already at levels which pose a threat to the health of our children.

Studies reported by the Lung Association show that airborne acids may result in bronchitis or changes in the lungs that are similar to chronic exposure to cigarette smoke. Moreover, the combined effects of airborne acids and ozone may actually be far more dangerous than exposure to either one alone.

The study at the University of British Columbia, which was done over a period of 14 years, concluded that there is a consistent relationship between the combination of acid particles in the air and in the ozone and respiratory admissions to hospitals. So, increasingly, we are finding a direct connection between air pollution and people's health.

Finally, again in the extreme, NO_x in the atmosphere forms nitrogen dioxide, which can be fatal at very high concentrations. At lower concentrations, which are more common, nitrogen dioxide is a lung irritant which can contribute to the development of bronchitis and pneumonia. It can also lower our resistance to flu and other lung diseases by interfering with the body's normal immune system. Recent studies reported by the Lung Association show that short-term exposure at low levels can, again, be very dangerous to children.

Mr. President, we keep coming back to the health effects and the health costs of air pollution, and do so not wanting to be alarmists. I myself came to this subject matter without a particular awareness of the seriousness of the consequences of dirty air. I came to it, honestly, because of my concern about protecting the national environment and my concern in the State of Connecticut about the growing role that air pollution plays in water pollution.

We find, for instance, that in studies that have most recently been done, as much as 25 percent of the pollution problem in Long Island Sound, which is one of our most precious natural resources in Connecticut and generally the Northeast, is a result of air pollution falling into the water.

But the more I have worked with the members of the Environment and Public Works Committee on this bill and the more I have read the literature, which is done not by extremists but by medical, health, and science professionals, the more I understand that the pollution that we are putting into the air not only does serious damage to our great natural environment, to the forests and lakes and rivers and open spaces of America and of the Earth, but air pollution is doing serious damage to us, to our health, and to our children's health.

There is, in the city of Hartford, a doctor by the name of Thomas Goddard, who is the head of the pulmonary disease section in St. Francis Hospital in Hartford and the immediate past president, by coincidence, of the American Lung Association.

I visited with Dr. Goddard on a couple of occasions and have seen some of the treatment he is offering there. In that hospital you see in very real terms the impact of air pollution. Dr. Goddard, who is by temperament a moderate man, by training a disciplined professional, said to me quite clearly that in examining children nearing teen years, who have grown up in urban areas and had no specific exposure to smoking or anything else that would hurt their lungs, he sees that their lungs look like those of the individual has been smoking for a sustained period of time. He attributes that to the normal ingestion by active children of air which contains pollutants.

He concludes that over the course of their lives, as they grow, they will have an increased propensity toward pulmonary diseases, emphysema, in a more serious stage, and on a more regular and continuing basis, bronchitis and flus and other respiratory ailments.

Here, again, he is talking not about a particularly susceptible population, but about young, healthy children. The susceptible populations, those who are asthmatic, those who are older and have declining lung systems, are clearly impacted by nitrogen oxide—NO_x—and other air pollutants. It is reason just on the basis of health, I think, for us to pass a good strong clean air act in this session.

Mr. President, I thank the Chair for the time and for the opportunity to address the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, the pending amendment is the amendment offered by the Senator from Rhode Island [Mr. CHAFEE] to add methyl chloroform to the list of substances along with chlorofluorocarbons and halons, the production of all of which is to be phased out this

decade and completely phased out by the year 2000. It is a very important amendment because methyl chloroform is a substance with chlorine atoms which have the effect of depleting the atmospheric ozone layer. It is also particularly important because methyl chloroform has more impact than many CFR's particularly the degree to which methyl chloroform destroys ozone molecules in the atomspheric layer of the ozone layer that covers the Earth.

It is my hope that there will be a vote on this amendment shortly. Senators who have views on this amendment should come to the floor and debate the amendment. It is my expectation that we will have a vote on that amendment. It is important that we have a vote on that amendment so that we can begin to move the clean air debate.

Mr. President, there has been a great deal of debate in recent weeks about the cost of S. 1630. All the economic studies and assessments of control technologies have a place in the current debate, of course. But we never lose sight of the fact that air pollution also has its costs—and the price tag of pollution is rising.

The real costs of air pollution cannot be measured adequately in economic terms. What value should we place on the physical pain of an asthmatic child, or the emotional stress of a child who is ordered off the playground during a smog alert? Of what economic value is the mobility of the elderly and chronically ill lessened or lost from air pollution? Of what value are the tens of thousands of Americans whose lives are shortened by exposure to pollution?

The very young, whose lungs are not fully formed and who breathe more rapidly than adults; the elderly; those with chronic heart and lung diseases; children in the womb—these are the first victims of pollution. But they are not the only victims. Recent studies have found evidence that healthy adults and healthy children are affected at smog levels typical of many parts of the United States in summer months, and may risk long-term or permanent lung damage.

Surely, economic studies are inadequate to express the real cost of lives shortened or diminished by air pollution. Many attempts have been made to quantify the health consequences of air pollution. The American Lung Association regularly reviews and publishes the major conclusions of these attempts.

The ALA has just released the third edition of "The Health Costs of Air Pollution," by James S. Cannon. Cannon concluded in media interviews that as scientists' ability to quantify the health impact of air pollution improves, the best guess of the cost of air pollution continues to increase. Among his conclusions:

The price tag of pollution is rising. Worst cost estimates ranged into the hundreds of billions of dollars—more than $600 billion for all criteria pollutants except lead in one University of California study.

In studies where direct comparison of the various economic effects was possible, health costs appeared as the most significant or among the most significant of the adverse economic repercussions of air pollution.

Researchers at the University of California at Davis estimated that between 50,000 and 120,000 deaths could be linked to auto pollution each year.

Using conservative factors to calculate the percentage of mortality and illness linked directly to vehicles, the study estimated total health costs of vehicular air pollution between $4.43 billion and $93.49 billion in 1988 dollars.

Reducing air pollution is cost effective. Three studies, all by the Environmental Protection Agency, attempted to relate benefits to control costs, and in all three cases, the pollution controls were found to be cost effective, usually by wide margins.

Based on the Cannon report, Ms. Fran DuMelle, director of the Washington office of the American Lung Association, reached the following conclusions in a letter to Senators:

No single study has ever derived a total dollar figure representing all the health costs associated with human exposure to air pollution—this may be an impossible task given today's data base and methodological approaches. However, estimates approaching an annual cost of $100 billion are defensible based on the reasonable middle ranges of the comprehensive, multipollutant studies.

Five years ago when ALA released its previous study, the high range estimate for the health costs of air pollution was $40 billion. This change clearly represents the growing price tag of air pollution and the failure to strengthen the Clean Air Act.

Mr. President, Cannon surveyed 12 studies, at the local, regional and national level, the attempt to express in dollar terms the illness and premature death that result from exposure to air pollution. Most of the studies were pollutant-specific. Most identified health costs in the range of $500 million to $15 billion per year. The report listed the major conclusions of the 12 studies as follows:

First, annual health cost benefits of $9.4 billion could be realized if air quality in the South Coast Air Basin complied with the Federal particulate and ozone standards; benefits rise to $14.3 billion annually with compliance with the stricter California standards.

Second, particulate and ozone air pollution emitted in four California air basins in 1979 resulted in $9.6 billion less in health costs than would have resulted if pollution sources operated with control equipment required by regulations in place in 1960.

Third, actual particulate and ozone pollution in Santa Clara County, CA, cause health costs of between $8.7 million and $213.5 million per year more than would occur under the alternative pollution control scenarios of achieving the Federal standards, meeting the California standards, or achieving typical background levels.

Fourth, annual health costs of $112.8 million are associated with particulate pollution exposure in Denver, which exceeds the Federal public health standard for fine particulates.

Fifth, the net present value of nationwide health benefits are estimated to be between $5.3 billion and $9.6 billion as a result of implementing new Federal public health standards for fine particulate matter.

Sixth, annual health benefits nationally of $6.1 billion are estimated to result from implementing a program to limit the concentration of lead in gasoline.

Seventh, the net present value of national health costs are estimated to be between $2.7 billion and $10 billion for mortality, morbidity, and material damage effects from exposure to sulfur dioxide and related particulate matter in excess of the current Federal public health standard.

Eighth, between $218.9 million and $899.3 million in annual health costs could be eliminated nationally by reducing ozone according to seven scenarios.

Ninth, between $0.5 billion and $4.0 billion in annual morbidity health costs could be eliminated nationwide if ozone pollution were reduced to levels meeting the Federal ozone public health standard.

Tenth, health benefits worth between $0.7 billion and $1.2 billion per year could be realized in the Northeastern United States by reducing 1980 ozone concentrations by 35 percent to 50 percent.

Eleventh, national health costs worth between $4.43 billion and $93.49 billion per year due to automotive and truck exhaust pollution could be avoided.

Twelfth, annual health costs ranging from $5.1 million to $76.4 million could result for local residents exposed to pollution from a hypothetical coal-fired power plant.

Mr. President, I ask unanimous consent that the entire report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAUCUS. Mr. President, these conclusions, I think, are quite telling. We have heard some words on the Senate floor in the last few days talking about potential adverse economic

consequences if this legislation is enacted.

It is true, nothing is free. There is no free lunch. The passage of significant air pollution legislation that is going to control air pollution will have some economic consequences. Auto companies will have to install even better equipment than they now do install. Chemical companies, petroleum refineries, the steel industry, all will have to invest the capital necessary to prevent its employees and people who live nearby from getting cancer. It is true the utilities will have to install clean coal technologies or other technologies to cut down SO_2 emissions so we begin to allow our rivers, lakes, and streams in our country to regenerate and achieve their natural health.

It is true there are costs associated with this. Mr. President, we do not know exactly what those costs are. We do have a rough estimate of what those costs are, and it is clear, in looking at all those estimates, that they are roughly a quarter to a third of the adverse economic costs because of air pollution.

That is, we are getting a benefit/cost ratio here of between 3 to 1 or 4 to 1. That is, for every 25 cents or every 35 cents, approximately, that we spend to help cleanup the air, we get back a dollar.

It is a bargain. It is a real bargain. And I would like to get a 3-for-1 or 4-for-1 return on my investments. This is an investment where the American people are going to get back much more than they are going to have to pay. Frankly, Mr. President, I have not even begun to mention the emotional consequences of dirty air, of illness; the physical discomfort of illness, which we just cannot quantify.

The illness of children, the illness of the elderly, and the chronically ill is difficult to quantify. It is a physical and emotional discomfort of pain which cannot be quantified, let alone all of the deaths. How are you going to quantify the additional deaths that this country incurs because of air pollution? There are a lot of estimates. I have seen estimates from 2 to 5 percent of our population getting sick or prematurely dying because of dirty air in this country. How does one quantify economic consequences, health care consequences, hospital care, medical care, lost work because people miss work because of illness from dirty air.

Mr. President, I want to make clear for the RECORD that the economic costs of inaction, the economic costs of not cleaning up our air far exceed the cost that will occur if industry properly invests to make sure our air is cleaned up.

We know the air is not going to be totally cleaned up. We are saying if we are going to achieve the lowest possible levels of smog in our larger cities, if we are going to do a pretty good job of stopping acid rain, acidification of rivers, lakes, and streams in the Northeast, if we are going to do a pretty good job of preventing cancer next to some of the chemical plants, steel and coke ovens in this country, we are going to pay just a little bit to do that in order to get much greater benefits.

EXHIBIT 1

THE HEALTH COSTS OF AIR POLLUTION, A SURVEY OF STUDIES PUBLISHED 1984–89

(Prepared for the American Lung Association by James S. Cannon)

I. INTRODUCTION AND SUMMARY OF FINDINGS

This monograph, *The Health Costs of Air Pollution*, is the third in a series of analyses by the American Lung Association to discuss the complex issue of identifying economic costs related to the health-related effects of exposure to outdoor air pollution. These effects include both illness and premature death. The first two books, published in 1979 and 1985 by the American Lung Association, reviewed the methodologies and findings of comprehensive health cost studies identified after thoroughly searching the scientific literature from 1975 through 1983. The American Lung Association reports then placed the health cost information contained in these studies within the context of national environmental policy discussions prevalent at the time.

The two earlier studies have been used by a variety of audiences, including American Lung Association personnel, environmental protection advocates, government decision makers, and the media. This new publication provides an update of health cost information published since 1984 and reexamines the economic implications of exposure to air pollution.

Only comprehensive health cost assessments are reviewed in this monograph. These are studies that venture a "bottom-line" estimate of the cost associated with exposure by a certain population of people to a specific concentration of a particular pollutant or pollutants.

All dollar figures in Chapter I are 1988 dollars. Monetary values in Chapter II and the Appendix are dollars in the base year of the individual studies being cited followed by 1988 in parentheses.

Health cost studies generally follow a sequence of four steps. First, air pollution data is collected for the pollutant or pollutants being studied in the region selected for analysis. Second, the size of the population exposed to the pollution is determined, usually broken down by age group or by groupings reflecting the relative sensitivity of people to air pollution—for example, separating people with asthma from the general population.

Next, dose-response coefficients are established that correlate the extent of adverse health effects with levels of exposure to air pollutants. Different air pollutants have different dose-response coefficients depending on the extent to which they affect human health. Furthermore, the dose-response coefficients for individual pollutants often vary among the diverse population groups exposed to the pollutant.

Finally, monetary values are assigned to each adverse health effect, including premature death predicted to result from pollution exposure. The monetary values assigned to premature deaths represent conclusions about the economic value of small changes in the risk of dying from exposure to air pollution, not the value of life itself. Estimates of the cost needed to convince persons to accept small changes in the risk that they will die can be translated into presumed values of statistical lives saved or lost. For example, if evidence suggests that people would accept a $1,000 wage increase in exchange for undertaking a job with a 1 in 1,000 greater risk of accidental death, then a value of statistical life would be 1,000 times $1,000 or $1 million. Such figures, however, do not presume to reflect the actual worth of a human being.

Once the four steps have been performed it is possible to aggregate the data and calculate the total health cost facing people who live in a polluted environment. It is also possible, and this is often the major purpose of conducting comprehensive health cost assessments, to calculate the reduction in health costs or the economic health benefits likely to accrue if pollution were reduced. This information can be especially useful in environmental decision making because it offers a measure of the heretofore nebulous economic rewards of pursuing pollution-control programs that offset the usually well-documented economic costs of such programs.

It is noteworthy to observe that health costs are only a portion of the total economic effects that result from air pollution. Other effects—such as reduced agricultural and forest yields, corrosion of buildings, and reduced visability—also have substantial costs associated with them. Moreover, because of data limitations, health cost studies themselves are confined in their analysis to just a few of the many possible air pollutants that affect human health, and they cannot address synergistic consequences of pollutants acting in combination to multiply their individual health effects. Health cost assessments also focus on just those effects that can be most clearly correlated with exposure to air pollution, such as eye irritation from ozone pollution or respiratory problems from particulate pollution, leaving out more subtle or long-term effects that cannot easily be quantified. Thus, as large as some of the health cost figures derived in the studies reviewed in this monograph are, these costs represent only a fraction of the true econoic impact of air pollution.

Interest in Health Cost Analysis is Growing

In total, the American Lung Association has identified twelve comprehensive health cost assessments published in the United States since 1984. They are listed in Table I (see page 4), reviewed in depth in Chapter II, and summarized in Appendix A of this monograph. Compared with the 8 studies discussed in the 1985 publication, the 12 studies reflect a growing interest in the health costs associated with human exposure to pollution and how air pollution control system strategies can reduce the price tag of living in a polluted environment.

Fully half of the twelve health cost assessments discuss pollution effects within a specific metropolitan area or region of the country. Analysis of the localized economic impacts of pollution is expanding, only one quarter of the studies reviewed in 1985 were citywide or regional assessments. This trend marks the increasing interest in health cost research by the municipal, state, or regional pollution control agencies that are frequently responsible for developing and implementing urban air pollution control strategies. The localities included in these studies are the South Coast area of California, which includes Los Angeles; the San Jose area; four California air basins (areas desig-

nated for air quality planning purposes) including Los Angeles and San Jose reviewed separately from the above studies; Denver; the Pacific Northwest; and the northeastern United States.

TABLE I.—NEW COMPREHENSIVE HEALTH COST STUDIES

[In 1988 dollars]

Author	Location	Pollutants studied	Cost estimate
Hall et al	Los Angeles area	Ozone and partculates.	9.4–14.3 billion annually.
Rowe et al	Four air basins in California.	Particulates, ozone, and sulfates.	9.6–11.0 billion annually.
Chestnut et al	San Jose area	Particulates and ozone.	8.7–213.5 million annually.
Chestnut and Rowe.	Denver area	Particulates and ozone.	112.8 million annually.
U.S. EPA	United States	Particulates	5.3–9.6 billion net present value.
U.S. EPA	United States	Lead	6.10 billion net present value.
U.S. EPA	Eastern United States.	Sulfur oxides	2.7–10–0 billion net present value.
Krupnick and Kopp.	United States	Ozone	218.9–899.3 million annually.
U.S. OTA	United States	Ozone	0.5–4–0 billion annually.
Krupnick	Northeastern United States.	Ozone	0.7–1.2 billion annually.
DeLuchi et al	United States	All automotive air pollutants.	4.43–93.49 billion annually.
Bonneville Power	Northwestern United States.	All coal-fired powerplant air pollutants.	5.1–76.4 million annually.

The six other health cost assessments discuss pollution exposure by the population nationwide. Five of these studies examine the health costs of implementing new national pollution control regulations for particular pollutants. Two address ozone pollution. Particular matter, lead, and sulfur oxides are the pollutants of concern in the other three. The final assessment quantifies health costs associated with the exposure to automative exhaust emissions that contain numerous pollutants.

Despite the large number of pollutants emitted into the atmosphere, most health cost assessments focus on four of the six "criteria" air pollutants that are regulated under the Clean Air Act: particulate matter sulfur dioxide, lead, and ozone. A number of pollutants, including toxic air pollutants, are aggregated in the measurements of several of these pollutants. Therefore, the studies, by implication, provide information about a range of air pollutants much larger than four.

Eight of the studies evaluate the effects of exposure to particulate matter (including all forms of airborne particles) or sulfur dioxide (including fine sulfates produced as sulfur dioxide interacts in the environment). One study analyzed exposure to airborne lead. All premature deaths predicted to result in the 12 assessments were associated with exposure to these pollutants. Morbidity effects such as illness or discomfort were associated with exposure to these pollutants.

Nine studies included analyses of the health costs from exposure to ozone. Commonly called smog, ozone is produced by the interaction of reactive hydrocarbons and nitrogen oxides pollution in the atmosphere; it is not directly discharged from polluting sources. Although adverse morbidity effects from exposure to ozone are well known, including respiratory irritation and breathing difficulties, none of the twelve health cost assessments predicted premature deaths from ozone exposure. Significant health costs were associated with the morbidity effects from ozone exposure, however.

The Price Tag of Pollution is Rising

No single study has ever derived a total dollar figure representing all the health costs associated with human exposure to air pollution. In fact, this is an impossible task. Limited data and knowledge require that individual studies be tailored to address specific populations, pollutants, health effects, and valuations of health impacts about which adequate information exists. Thus, the studies reviewed in this monograph examine a variety of health effects from exposure to different pollutants by different groups of people living in different areas. This makes direct comparison of results of the studies difficult, but a side-by-side synopsis of the studies offers a useful perspective on what is known about the health costs from exposure to air pollution.

Among the twelve studies reviewed in this monograph, the health cost estimates ranged from a low of $5.1 million in annual health costs to a local population living near a polluting coal-fired power plant to a high of $93.49 billion as the annual health costs suffered by the American population exposed to automotive exhaust pollution. Most of the studies identified health costs in the range of $500 million to $15 billion per year, although the upper range estimates offered in several studies were much higher. The highest overall estimate from any of the studies reviewed predicted $432 billion in annual health costs from exposure to sulfate pollution, assuming "worst case" dose-response correlations between sulfate pollution and premature deaths.

The major findings of each health cost assessment reviewed in this monograph follow. A more complete synopsis of each study appears in Appendix A.

1. Annual health cost benefits of $9.4 billion could be realized if air quality in the South Coast Air Basin compiled with the federal particulate and ozone standards; benefits rise to $14.3 billion annually with compliance with the stricter California standards.

2. Particulate and ozone air pollution emitted in four California air basins in 1979 resulted in $9.6 billion less in health costs than would have resulted if pollution sources operated with control equipment required by regulations in place in 1960.

3. Actual particulate and ozone pollution in Santa Clara County, California cause health costs of between $8.7 million and $213.5 million per year more than would occur under the alternative pollution control scenarios of achieving the federal standards, meeting the California standards, of achieving typical background levels.

4. Annual health costs of $112.8 million are associated with particulate pollution exposure in Denver, which exceeds the federal public health standard for fine particulates.

5. The net present value of nationwide health benefits are estimated to be between $5.3 billion and $9.6 billion as a result of implementing new federal public health standards for fine particulate matter.

6. Annual health benefits nationally of $6.1 billion are estimated to result from implementing a program to limit the concentration of lead in gasoline.

7. The net present value of national health costs are estimated to be between $2.7 billion and $10.0 billion for mortality, morbidity, and material damage effects from exposure to sulfur dioxide and related particulate matter in excess of the current federal public health standard.

8. Between $218.9 million and $899.3 million in annual health costs could be eliminated nationally by reducing ozone according to seven scenarios.

9. Between $0.5 billion and $4.0 billion in annual morbidity health costs could be eliminated nationwide if ozone pollution were reduced to levels meeting the federal ozone public health standard.

10. Health benefits worth between $0.7 billion and $1.2 billion per year could be realized in the 31 northeastern United States by reducing 1980 ozone concentrations by 35% to 50%.

11. National health costs worth between $4.43 billion and $93.49 billion per year due to automotive and truck exhaust pollution could be avoided.

12. Annual health costs ranging from $5.1 million to $76.4 million could result for local residents exposed to pollution from a hypothetical coal-fired power plant.

Reducing Air Pollution is Cost Effective

Three comprehensive health cost assessments prepared by the U.S. Environmental Protection Agency (EPA) presented data on the estimated costs of implementing air pollution reductions as well as the economic health benefits likely to result from a cleaner environment. In all three cases, the pollution controls were found to be cost effective, usually by wide margins.

In the case of new federal regulations to reduce particulate pollution, the economic benefits were found to exceed costs in 66 of the 72 scenarios examined. The overall net benefits (the savings of potential health costs above the estimated pollution control costs) in one "conservative" scenario totaled $4.8 billion. Another EPA study found the tighter sulfur dioxide control regulations would produce net economic benefits in 25 of the 27 scenarios studied. The EPA's analysis of a third program to reduce lead pollution in automotive exhausts found that the overall health benefits would exceed the program's cost by a factor of more than 10 to 1. The net present value of the health benefits was $34.0 billion, compared with costs of just $3.1 billion.

The results of these and other EPA studies have led the agency to conclude that many new pollution control initiatives are overwhelmingly supportable on economic as well as on public health grounds. A 1987 EPA report, entitled *EPA's Use of Benefit-Cost Analysis: 1981–1986*, observes that "environmentalists often fear that economic analysis will lead to less strict environmental regulations in an effort to save costs, but our study reveals that the opposite is just as often the case."

Health Costs Are a Major Economic Effect From Air Pollution

A number of the comprehensive health cost assessments reviewed in this monograph studied other economic effects of air pollution besides those on human health. These effects include agricultural losses from crop damage, reduced forest yields, increased damage and soiling of property, and visibility degradation. Nonhealth economic costs from air pollution, like health costs, are often difficult to quantify. Thus, direct comparisons between results of different types of economic analyses should be made cautiously. Nevertheless, in three studies where direct comparison of the various economic effects was possible, health costs appeared as the most signfiicant or among the most significant of the adverse economic repercussions of air pollution.

The study of the effects of air pollution form a hypothetical coal-fired power plant, for example, attributed 95% to 97% of the total expected economic costs from all sources to health costs from pollution-induced illnesses or premature deaths. Similarly, health costs contributed 68% of the total economic impacts from all sources in a study of air pollution in four air basins in California. Finally, health costs from exposure to automotive exhausts were found to compose between 45% and 90% of the total cost of adverse environmental effects of vehicular air pollution.

Value of Statistical Life Estimates Clustering Around $3 Million

Perhaps the most problematic aspect of comprehensive health cost assessments stems from the need to assign a monetary value to a human life cut short as the result of exposure to air pollution. Over the past decade, two economic theories have been pursued to provide the basis for making this ethically troublesome valuation. The "human capital" approach assesses the value of premature death in terms of the wages a person would forgo as a result of an early death. More recently, the "willingness to pay" theory has been advanced which calculates the value of human life in terms of how much a person is willing to pay to enjoy a reduction in risk of dying as a result of exposure to pollution.

Economic studies using the willingness to pay approach usually yield higher estimates of the value of health or life, compared with analyses relying on the human capital approach. There is an emerging trend among economists to consider lost wages as a subset of the total economic effects of pollution exposure that includes many other effects, including pain, suffering, and other subjective issues. Thus, rather than representing competing economic theories, the results of human capital studies increasingly appear as components of more broad-based willingness to pay analyses. There is a virtual unanimous rejection of the use of human capital studies as the sole basis for assigning a value to statistical lives by economists working in the health cost field.

All of the studies reviewed in this monograph that analyzed the economic costs of premature death utilized the willingness to pay approach to establish a value of human life. The "best" estimates used in these studies ranged from a low of about $2 million to a high of about $5 million, with an average of about $3 million per human life.

Many Techniques Are Being Developed to Assess Morbidity Costs

Significant new research during the past five years has evaluated the costs of illnesses and physical discomfort caused by exposure to air pollution. These morbidity studies generally use one of three techniques. Contingency valuation methods involve asking people what they would pay to avoid experiencing adverse health reactions. Averting behavior techniques attempt to measure how much people actually pay to avoid pollution, for example, by buying an air conditioner to reduce indoor pollution. Finally, direct costs from pollution-related health effects such as lost wages and medical bills are the basis of studies that use the cost of illness methodology. As in the case of human capital studies of mortality cost, cost of illness data are generally considered as a subset of the total morbidity costs because they don't reflect the cost of pain, suffering, and inconvenience associated with pollution-induced ailments.

In the studies reviewed in this monograph, morbidity costs have been estimated for many types of illnesses including breathing difficulty, increased asthma attacks, and heart attacks. The values assigned to these health effects have varied considerably from less than $10 for a number of symptoms, including headaches and eye irritation, to $60,000 as the cost of surviving a heart attack.

Morbidity estimates suffer from many uncertainties that might overstate or understate the actual costs involved. For example, the cost associated with experiencing a headache and eye irritation might not be more than the cost of experiencing either one separately. How well the additive effects of multiple symptoms are accounted for affects the accuracy of morbidity assessments. Moreover, because dose-response functions have not been quantified for many types of morbidity effects from exposure to air pollution, morbidity studies to date might be capturing only a portion of the true costs resulting from pollution-related illnesses. Dose-response data are especially sparse for long-term or chronic low-level illnesses. To the extent that unquantified morbidity costs exist, current morbidity studies would tend to underestimate the total costs of pollution-related illnesses.

Air Pollution Causes Billions of Dollars in Annual Health Effects

Table I shows that annual health cost estimates for exposure to air pollution cover a range of a few million dollars to hundreds of billions of dollars depending on the scope of the population studied, the number of pollutants analyzed, and the dose-response coefficients and economic assumptions employed. An overview of the 12 studies reviewed in this monograph suggests that the most reasonable estimate for the total health cost from exposure to air pollution by the population of the United States lies in the range of tens of billions of dollars per year, rather than millions or hundreds of billions of dollars annually. This conclusion was also reached in the 1985 American Lung Association health cost assessment study.

II. COMPREHENSIVE HEALTH COST ASSESSMENTS

Comprehensive health cost assessments calculate the economic costs that exposure to air pollution causes human beings as a result of pollution-induced illnesses or premature death. These assessments predict economic benefits to be derived from reducing air pollution. The American Lung Association has identified 12 comprehensive health cost assessments that have been published in the United States since 1984.

Of the twelve studies, four focus on the effects of air pollution on people living in metropolitan areas of the country. All four are reviewed in this report. Three other studies, all prepared by the U.S. Environmental Protection Agency (EPA), address the economics of health benefits that might result from new government regulations changing standards for permissible levels of air pollution. The health effects of nationwide or regional ozone pollution throughout the 31 states that border or lie east of the Mississippi River are the focus of three additional studies. Of the last two studies, one gauges the health effects resulting from pollution discharged in motor vehicle exhausts and the other projects the health costs from the operation of a hypothetical power plant.

Metropolitan Area Studies

Air quality in more than 100 cities currently violates various federal public health standards set by the EPA to protect human health. Under increasing pressure to reduce pollution, city officials are searching for new pollution abatement strategies for which they can gather widespread public support. Toward this objective, governments in several metropolitan areas have hired consultants to prepare health cost assessments quantifying the economic benefits that might result from specific pollution reduction efforts. These studies are helping to verify the overall cost effectiveness of urban pollution control programs. Four such studies are reviewed below.

The South Coast Basin Air Quality Management Plan

In mid-March 1989, the 12-person Board of the South Coast Air Quality Management District approved a 5,500-page plan to reduce air pollution in one of the most polluted urban areas in the world, the South Coast basin (composed of the urban areas of Los Angeles, Orange, Riverside, and San Bernardino Counties). The air management plan contains more than 120 pollution abatement measures to improve air quality to the point where it complies with federal public health standards to be phased in over a 20-year period with a process involving three stages or "tiers." The new pollution control strategies range from a ban on certain types of outdoor barbecue fuel to the virtual elimination of conventional gasoline-fueled automobiles by the year 2007.

Although the South Coast cleanup plan has been approved by the state Air Resources Board, it faces intense local opposition, especially from interest groups fearing that economic repercussions of the business and life-style changes caused by the plan will severely and adversely affect the region. The economic cost of implementing just the Tier 1 pollution control measures has been estimated by the district to be approximately $3.4 billion per year. The cost of implementing the entire plan has been placed as high as $13 billion per year.

To assess the degree to which economic benefits might offset some or all of the staggering costs of the South Coast Air Management Plan, that District contracted with the California State University Fullerton Foundation to prepare an economic evaluation of potential health benefits for the people of Los Angeles from reducing pollution to which they are exposed. The project resulted in a final report that was published in June 1989 entitled *Economic Assessment of the Health Benefits from Improvement in Air Quality in the South Coast Air Basin* (hereafter called the South Coast report).

The final 260-page report was researched and written by a team of scientists headed by Dr. Jane Hall and was accompanied by two supplementary reports. They were the *Effects on Human Health of Pollutants in the South Coast Air Basin*, which discussed the development of the dose-response assumptions used in the Los Angeles report in depth, and the *Characterization of Air Pollutant Exposures in the California South Coast Air Basin: Application of a New Regional Human Exposure (REHEX) Model*, which explained how the South Coast report determined the number of people at risk from different levels of air pollution.

In 1988, air quality in the South Coast basin exceeded the federal hourly ozone standard on about 180 days; the highest readings surpassed the federal and California standards by 300% and 400%, respectively. Moreover, the annual average concentration of particulate matter in the basin ex-

ceeded the federal and state standards by 80% and 200%, respectively.

Because ozone and particulates are the two most pervasive air pollution problems in southern California, the South Coast report focused on the economic benefits that might result from reduction of ozone and particulate air pollution to levels complying with federal and state public health standards. The baseline pollution scenario represented actual data obtained from air pollution monitors during the years 1984 through 1986. The future pollution scenarios reflected compliance with federal and state public health standards, respectively.

A unique, state-of-the-art model was developed to determine the total population exposed to air pollution both before and after implementation of the pollution controls required in the South Coast air management plan. Called the regional human exposure model (REHEX), it calculated the daily exposure to air pollution by each member of nine demographic groups living in 32 pollution "exposure districts" throughout the South Coast basin. The demographic groups were distinguished by age, working status, and whether or not they worked indoors, outdoors, or predominantly in an automobile. Based on censes data and other information sources, the total population living within each of the 32 exposure districts in the four counties was divided among the demographic groups.

The most innovative aspect of the REHEX model was its capability to translate concentrations of ozone and particulate air pollution recorded at pollution monitoring stations into actual amounts of pollution inhaled by each of the demographic groups living in each exposure district. To do this, 1,000 time-activity patterns were developed in the model to estimate the amount of pollution exposure experienced during each hour of a typical day by a member of each demographic group living in each area. One of six exercise states ranging from asleep to heavy exertion was applied to each time-activity pattern.

To gain a sense of the complexity of this process, consider the application of the time-activity pattern reflecting automotive driving time. The REHEX model assumed that infants spend 15 minutes per day in an automobile, whereas the demographic group representing adults who work largely out of their cars spends 9 hours a day driving. Ambient air pollution readings in each exposure district were multiplied by 0.2 to reflect the pollution reduction effect of a typical automotive ventilation system on reducing pollution inside an automobile. The model then credited this level of pollution exposure for the portion of the average day that each demographic group spent in the driving time-activity pattern. This process was repeated until pollution exposure profiles were created for the entire 24-hour "average" day of each demographic group in each exposure district.

The conclusion reached through the application of the REHEX model was that nearly everyone living in the South Coast area is exposed to concentrations of ozone or particulate pollution that exceed federal or California public health standards. Furthermore, more than 50% of the population is exposed to ozone levels more than two-thirds higher than the federal ozone standard, and 2% of the population suffers exposure to ozone at a level three times the federal standard. School-age children, college students, and adults working outdoors were judged to experience the highest ozone exposure per capita. A similar pattern of the pervasive air pollution in the South Coast was found to exist for particulate pollution.

An equally great level of effort in the South Coast report was devoted to the analysis of pollution-induced health effects as the basis of the REHEX analysis of the population exposed to pollution. A computerized search identified nearly 1,000 health effects studies which were reviewed by the project staff. Particular attention was paid to pollutant-specific criteria documents published by federal and state pollution control agencies. Although data were reviewed for all major air pollutants, the report focused on morbidity effects from exposure to ozone and on mortality and morbidity effects from particulate matter because the strongest correlations between adverse health effects and pollution concentration exist for these pollutants.

Five morbidity effects were analyzed for exposure to ozone pollution: mild cough, eye irritation, sore throat, headache, and chest discomfort. Using dose-response coefficient from the scientific literature and the results of the REHEX analysis, the South Coast report predicted that reducing ozone pollution to meet the federal public health standard would eliminate annually 121.7 million occurrences of mild cough, 191.6 million eye irritations, 179.0 million sore throats, 107.4 million headaches, and 64.5 million cases of chest discomfort. The figures for the scenario projecting compliance with the stricter California standard were between 10% and 20% higher.

Because many of these symptoms would occur simultaneously, the South Coast report calculated the number of days that one or more of these symptoms would not occur in an individual because of reduced ozone pollution. This analysis concluded that 1,21.7 million "multiple minor symptom days" would be eliminated by compliance with the federal ozone standard. Compliance with the state standard was estimated to eliminate 137.1 million multiple minor symptom days. Finally, the report studied another ramification of morbidity effects from exposure to ozone pollution, that is, the restriction in daily activity due to the minor health effects discussed above. The report estimated that 17.6 million restricted activity days would be avoided each year if ozone levels complied with the federal standard. The estimate rose to 20.6 million days assuming compliance with the state standard.

The analysis of the effect of reducing particulate pollution was limited to an estimate of restricted activity days and premature deaths from pollution exposure. An estimated 14.6 million and 24.7 million restricted activity days would be eliminated each year, the report concluded, if particulate pollution were reduced to comply with federal and state standards, respectively. The averted death investigation led to the startling conclusion that 1,617 deaths would be avoided annually if air quality in the South Coast area complied with federal particulate standards. The figure increased to 2,733 averted days assuming compliance with the state standard.

Next, the South Coast report made estimates of the monetary value associated with each avoided morbidity effect resulting from reduced ozone and particulate pollution. For the morbidity effects, values were set ranging from a low of $4.50 for an avoided cough to $7.50 for a sidestepped headache or sore throat (all figures from this report are in 1988 dollars). A restricted activity day was awarded a higher value of $21.50 because the restriction would often involve lost wages in addition to personal discomfort. For mortality, the report assumed a median value of a statistical life to be $3.7 million, with a low and high estimate of $1.7 million and $8.6 million, respectively.

Finally, the research project developed and utilized an economic benefits assessment model to integrate the data collected in other project components in order to estimate the overall economic value of health benefits from reduced ozone and particulate pollution. The total annual benefits from complying with the federal and state ozone standards were estimated under the "best conservative" scenario to be $2.4 billion and $2.6 billion, respectively. Compliance with the federal and state particulate standards was calculated to reap much higher annual economic benefits, $7.0 billion and $11.7 billion, respectively. Most of the particulate-derived benefits, $6.0 billion and $10.1 billion, were estimated to result from reduced mortality.

On a per capita basis, the health benefits from reducing ozone to the federal standard were calculated to be worth $196 each year for every person living in the South Coast Basin and $214 per year per person for compliance with the California standard. Per capita annual health benefits for compliance with the federal and state particulate standard were estimated to be $575 and $972, respectively.

Combining ozone and particulate benefits, the South Coast report made a "best conservative" estimate of total annual health benefits of $9.4 billion for compliance with the federal standards and $14.3 billion for compliance with the California standards. On a per capita basis, these figures translate to health benefits worth $771 and $1,186 per person per year.

Four Air Basins in California

In 1983, the California Air Resources Board (CARB) issued a request for proposals for a "quantitative assessment of the effects of not controlling air pollution in California." The contract was awarded to a four-person research group at Energy and Resource Consultants, Inc., in Boulder, Colorado headed by Robert Rowe but including scientists from Oregon State University and Systems Applications, Inc., in California. The three-year project culminated with the publication in December 1986 of a two-volume report entitled *The Benefits of Air Pollution Control in California* (hereafter called the CARB report).

Concentrations of six air pollutants were analyzed in the CARB report: particulate matter, sulfur dioxide, nitrogen oxides, sulfates, lead, and ozone. Ultimately, however, health costs were calculated only for particulates and ozone. In addition to health costs, the CARB report also examined other economic effects from air pollution, including its impact on agricultural productivity, buildings and other materials, forest growth, and visibility.

Four regions in California were selected for detail analysis because of their high population density; together they include 19 million people or 80% of the state's population of 23 million people. The regions were the San Diego Air Basin, the South Coast Air Basin (which includes Los Angeles and neighboring metropolitan areas), the San Joaquin Air Basin (including Bakersfield, Fresno, and Stockton), and the San Francisco Bay Area Air Basin.

Unlike many other studies of localized regions that assess costs and benefits of complying with public health standards, the CARB study examined five alternative scenarios that differed in the type and amount of pollution control equipment operating on existing sources of pollution. The scenarios compared the economic effects caused by air pollution levels actually experienced in 1979 with the lower levels expected to exist in 1987 with maximum pollution control and with the higher levels of pollution that would exist in 1987 if only minimal pollution controls were required.

Projected 1987 levels of pollution were calculated assuming that all pollution control requirements contained in government pollution abatement plans officially on record in 1983 were implemented. Emissions under the "no controls" scenario were calculated assuming that sources of pollution in 1979 were operating only with pollution control equipment required in 1960. The authors of the report argued that studying the impacts of specific pollution control programs rather than comparing effects associated with different ambient concentrations of air pollution (e.g., the public health standards) provides more useful policy analysis for real-world environmental decision making.

Air pollution emission statistics from the CARB Emission Data System were the source of information about the 1979 pollution levels in the 22 counties within the four basins studied. Emission levels were calculated for pollution sources contained in the 1979 data base using only the pollution control equipment required in 1960 or the equipment required for installations in 1987. This analysis concluded, for example, that hydrocarbon emissions in 1979 would have been 207% higher if only pollution controls required in 1960 were operating; on the other hand, additional planned pollution abatement efforts were estimated to cause 1979 emissions to decrease by an additional 13% by 1987. Similar calculations were performed for each of the six pollutants studied. Computer modeling was then used to translate emissions (in tons per year) to expected changes in ambient concentrations of each pollutant in each county under the alternative scenarios.

Particulate dose-response functions for mortality and morbidity from exposure to particulate matter were established after a review of the scientific literature. The CARB report asserts that only "the most credible and up-to-date results of previous studies have been used in this analysis to develop quantitative estimates of the health effects that could be expected under the alternative pollution control scenarios." Application of the coefficients for particulate pollution to the pollution exposure and population data led to the conclusion that 3,428 fewer premature deaths occurred in the study area in 1979 as a result of particulate air pollution than would have occurred if only the pollution control equipment required in 1960 were operating. Moreover, implementation of additional pollution controls planned for 1987 would reduce the mortality rate in the four basin area by another 540 fatalities per year.

In order to assess morbidity, for each scenario sick days, restricted activity days, emergency room visits, hospital stays, and asthma attacks attributable to exposure to particulates were estimated. For ozone pollution, only restricted activity days and aggravation of asthma attacks were studied. This portion of the analysis indicated, for example, that 4,135 fewer emergency room visits occurred in 1979 as a result of particulate and ozone air pollution than would have occurred if only the pollution control equipment required in 1960 were operating. Moreover, implementation of additional pollution controls planned for 1987 would reduce emergency room visits in the four-basin area by another 177 cases per year.

Finally, the CARB report translated these health effects into monetary values. Review of the scientific literature led to the selection of $2,000,000 ($2,380,000) as a reasonable midpoint value for a statistical life (all figures from this study are in 1983 dollars; figures in parentheses are 1988 dollars.) Morbidity values were assigned based on the average cost of lost wages and average medical expenditures in each of the four regions studied. Application of these monetary values to the health effects estimates led to a "best estimate that $8.1 ($9.6) billion in total annual health costs were eliminated in 1979 as a result of pollution controls operating at that time compared with the health costs that would have resulted from particulate and ozone pollution that would have been emitted if only pollution control equipment required in 1960 were operating. Completion of the pollution control programs planned for 1987 would reduce health effects in four-basin area by another $1.2 ($1.4) billion per year according to the CARB report.

Only about 20% of the total health costs were projected to result from morbidity impacts. As in many other studies, the CARB report found that mortality effects contribute to the total health costs much more significantly than do the effects of pollution on morbidity. For both mortality and morbidity, the authors of the CARB report believed that their methodology captured only a fraction of the true health costs from pollution. Health costs from exposure to several pollutants were not estimated at all and what analysis did occur was limited in scope. For example, increased respiratory illnesses in children and aggravated chronic illnesses from pollution exposure were not quantified. Thus the authors estimated that "the dollar estimates probably encompass 50 percent to 80 percent of the total health damage."

The inclusion of nonhealth economic benefits from reduced pollution resulted in total economic benefits of $11.9 ($14.2) billion from reduced pollution with control equipment in place in 1979 compared with equipment required by 1960 standards. Reduced health costs accounted for 68 percent of the total benefits, exemplifying, as in other studies, the importance of health effects to the overall economic benefits of reducing air pollution.

Not surprisingly, residents in the Los Angeles area benefited most from the reductions in health costs identified in the CARB report. Approximately $4.5 ($5.4) billion, or 56 percent of the health benefits were projected in the report to occur within the South Coast Air Basin. The San Francisco Bay Air Basin enjoyed $1.8 ($2.1) billion in avoided health costs, or 22 percent of the total. Reduced health costs worth $1.1 ($1.3) billion (14 percent) and $575 ($684) million (8 percent) benefited residents of the less populous San Diego and San Joaquin Air Basins, respectively.

Santa Clara County, California

Santa Clara County lies at the southern tip of San Francisco Bay. Nearly one quarter of the Bay Area's residents live here. About half of the county's 1.4 million population lives in San Jose, and much of the remaining citizenry lives in the neighboring "silicon valley" communities.

Shortly after completion of the four-region California environmental benefits study discussed above, the Santa Clara Valley integrated Environmental Management Project within Region 9 of the U.S. EPA contracted with Energy and Resource Consultants, Inc., to prepare a similar analysis of air pollution in Santa Clara County. The authors included Lauraine Chestnut and Robert Rowe from Energy and Resource Consultants, Inc., and Bart Ostro from the EPA. The study, entitled Santa Clara Criteria Air Pollutant Benefit Analysis, was published in May 1987 (hereafter called the Santa Clara report). The study focused on four pollutants regulated under the Clean Air Act: particulates, ozone, lead, and carbon monoxide.

Air pollution readings from two Santa Clara County monitoring stations in 1985 provided data to the baseline scenario in the particulate analysis. Environmental benefits were then assessed under three alternative scenarios; pollution levels complying with what was then the federal public health particulate standard (annual average of 75 μ^3 g/mμ), complying with the California standard (approximately 65 μ^3g/mμ), or maintained at the lowest annual level recorded in the County in the 1980s (38 μ^3g/mμ, in 1983).

The Santa Clara report addressed mortality effects associated with exposure to particulate pollution and two morbidity effects, increased emergency room visits and restricted activity days due to acute reactions. Dose-response coefficients for these effects were established after a review of the scientific literature. Modifications of mortality risk analyses by Lave and Seskin, Evans, and a number of other scientists led to the establishment of a mortality coefficient of 0.221 annual deaths per 100,000 people per microgram per cubic meter of change in particulate concentration. Moreover, review and modification of the data in the scientific literature led to establishing dose-response coefficients equating the annual per capita emergency room visit rate to 0.00013 per microgram per cubic meter of change in particulate concentration. For restricted activity days, 0.0048 was established to represent the percentage change in annual restricted activity days per person per microgram per cubic meter of change in fine particulate concentration.

Applying these coefficients to the pollution and population data led to the conclusion that between 3 and 68 deaths from exposure to particulate pollution could be eliminated annually if 1985 pollution levels in Santa Clara County were reduced to the more protective levels set in the three alternative scenarios. Between 175 and 3,981 emergency room visits and between 29,500 and 672,200 restricted activity days could also be avoided.

Monetary values were then established for two morbidity effects. Based on an average daily wage for California workers of $80 ($88) and an average cost of $130 ($143) for outpatient medical treatment, a value of $210 ($231) was set for an emergency room visit (all figures from this report are in 1985 dollars; figures in parentheses are 1988 dollars). The average cost of a restricted activity day was keyed to lost wages likely to result from minor illnesses resulting from exposure to pollution. This value was set at $42 ($46) per instance.

These values, when applied to the estimated health effects, yielded an estimate of the

total annual savings of avoided morbidity effects from reducing particulate pollution as set out in the three scenarios of between $1.3 ($1.4) million and $29.3 ($32.2) million. On a per capita basis, these figures translate to about $1.0 ($1.1) saved per person per year in reduced health costs from meeting the federal standard, about $12 ($13) per person for meeting the California standard, and about $21 ($23) per person for maintaining the 1983 particulate pollution levels.

The main body of the text of the Santa Clara study does not include an analysis of the costs associated with premature death from exposure to particulates because "placing dollar values on risks of premature death can spark a lot of emotional controversy." An appendix was included, however, that quantifies mortality costs using an assumed value of $2.0 ($2.2) million for a statistical life. This assumption led to the conclusion that mortality costs in Santa Clara County could be reduced between $6.0 ($6.6) million and $135.9 ($149.5) million if particulate pollution were reduced to the levels assigned in the alternative scenarios.

Ambient pollution data collected hourly in 1984 at five monitoring stations in Santa Clara County provided the basis for the analysis of the health costs of reducing ozone. Dose-response coefficients were set for each of the three morbidity impacts selected for analysis using a procedure similar to that utilized to study exposure to particulates. The three morbidity effects examined were restricted activity days due to respiratory discomfort, asthma attacks, and eye irritation. As for particulates, health effects were calculated under actual baseline conditions and under three alternative scenarios. The alternatives for ozone were pollution levels complying with the federal public health standard (hourly average of 0.12 parts per million [ppm]), complying with the California standard (0.10 ppm), or maintaining a level nearly equal to natural background ozone readings (0.04 ppm).

The analysis indicated that compliance with the reduced ozone concentrations considered in the alternative scenarios would eliminate 24,700 to 472,600 eye irritations, 13,100 to 875,800 restricted activity days, and 400 to 13,700 asthma attacks each year. Using the $80 ($88) average daily wage in California as a guide, monetary values of $9 ($10), $31 ($34), and $60 ($66) were assigned to each of these effects, respectively.

Applying these values led to the conclusion that reducing ozone in the Santa Clara County would reduce health costs by $627,500 ($690,250) if federal standards were met, $3,214,200 ($3,535,620) if the California standards were met, and $29.0 ($31.9) million if background levels of ozone were attained. These figures translate to $0.45 ($0.49) to $21.00 ($23.10) per person in reduced health costs per year.

The Denver Area

Fourth in the series of health cost assessments prepared by many of the same researchers who worked on the California studies discussed above was the report entitled *Ambient Particulate Matter and Ozone Benefit Analysis for Denver* (hereafter called the Denver report). It was written by Lauraine Chestnut and Robert Rowe, then working at RCG/Hagler, Bailly, Inc., a consulting firm that survived the reorganization of Energy and Resource Consultants, Inc. The report, prepared on behalf of the Region 8 office of the U.S. EPA in Denver, was released in draft form in January 1988.

The Denver study analyzed the effects of reducing the concentration of particulate matter and ozone in a six-county area along the Front Range of Colorado, which includes the city of Denver. In total, 1.6 million people lived in 615,000 households within the study region in 1985, the base year for the analysis.

The assessment attempted to compare health costs actually experienced in the mid-1980s with projected health costs if air quality in the region had met the federal public health standards or other lower pollution levels. The study considered both mortality and morbidity effects.

For particulate matter, three scenarios were examined: compliance with the federal public health standards, compliance with pollution levels 10% below the federal standards, and compliance with even more stringent standards in effect in California. The starting point for this analysis was the determination of existing pollution levels based on a three-year average of the annual average and the 24-hour average particulate concentrations collected at 10 pollution monitoring stations in the study area from 1984 to 1986. These concentrations were converted to reflect the percentage of particulates with a diameter of less than 10 microns (μ) by using a conversion factor of 0.46.

The population within the study area was divided among 124 census tracts. An exposure based on the average particulate reading of the nearest monitor was assigned to each person living in each tract. Mortality and morbidity dose-response coefficients were used to estimate the number of deaths and illnesses likely to be avoided if concentrations of particulates were reduced to meet the federal particulate standards. The same dose-response coefficients were used in the Denver report as were applied in the Santa Clara report discussed above. The mortality coefficient was set at 0.221 annual deaths per 100,000 people per microgram per cubic meter of change in particulate concentration. A morbidity dose-reponse coefficient was established equating the annual per capita emergency room visit rate to 0.00013 per microgram/cubic meter of change in particulate concentration. For restricted activity days, 0.0048 was established to represent the percentage of change in annual restricted activity days per person per microgram per cubic meter of change in fine particulate concentration.

Applying these coefficients to the population exposure rates led to the conclusion that 21 deaths per year would be eliminated in the Denver area if the federal particulate standard was met, along with 1,212 emergency room visits and 255,000 restricted activity days stemming from pollution-induced illnesses. Although the study observed that no health effects necessarily occur at particulate concentrations below the federal public health standard, assumptions used in sensitivity analyses indicated that additional health effects could be avoided if particulate concentrations were reduced to the levels set in the two other alternatives. The number of avoided deaths increased to 31 for compliance with a particulate level 10% below the federal standard. Avoided emergency room visits increased to 1,804 and restricted activity days to 380,000. Compliance with the California standard was projected to lead to 74 fewer deaths annually and to 4,353 less emergency room visits and 917,000 fewer restricted activity days per year.

Health costs were assigned only for the reduction in health effects associated with compliance with the federal standard. The authors of the Denver study selected $450 ($486) as a reasonable value for a 1/100,000 reduction risk of dying from exposure to particulate pollution (all dollar figures from this report are in 1986 dollars; figures in parentheses are 1988 dollars). This translates to a value of $4.5 ($4.9) million per statistical life. They used data from the U.S. EPA setting a dollar value of an emergency room visit at $175 ($189). Data from the U.S. Census Bureau indicating an average daily wage in the Denver area of $85 ($92) plus other information from the National Center for Health Statistics were used to derive an average value of $43 ($46) for a restricted activity day.

Using these values, the Denver study concluded that annual health costs of $104.2 ($112.5) million could be avoided if air quality in the Denver area complied with the federal particulate standard. Nearly 90% of this total, or $93.1 ($100.5) million, would result from reduced mortality. Avoided emergency room visits would save $212,000 ($228,960) and eliminated days of restricted activity would save $10.9 ($11.8) million per year.

A similar methodology was used to determine health effects from ozone exposure in the Denver area. Daily high ozone readings during 1986 provided the data for the analysis. Three types of morbidity effects from exposure to ozone were examined: increased asthma attacks, restricted activity days due to respiratory discomfort, and eye irritations. The same coefficients for these effects were used in this study as were developed and applied in the Santa Clara report discussed above. Also as in the Santa Clara report, the Denver report assumed that exposure to ozone did not cause premature death.

Health effects for ozone were calculated for two scenarios. The first assumed a reduction in ozone concentrations to meet the federal public health standard. The second assumed elimination of all ozone other than naturally occurring background levels. The second scenario also assumed that adverse health effects occur at ozone concentrations between background levels and the federal public health standards. Application of the dose-response coefficients to the calculations of population exposure led to the conclusion that cases of asthma attacks would be reduced by 150 per year if the federal ozone standard were attained in the Denver area and that 6,900 instances of restricted activity days and 15,400 cases of eye irritation would also be avoided each year. Much more extensive health effects would be avoided if ozone levels were reduced to background levels under the second scenario: 6,000 asthma attacks, 260,000 restricted activity days, and 470,000 eye irritations per year.

The Denver study placed a value of $21 ($23) for each restricted activity day due to respiratory discomfort, half the value for a restricted activity due to exposure to particular pollution. Asthma attacks were assumed to involve a more serious disruption in activity and a $43 ($46) value was assigned to each attack. Eye irritations were valued at $9 ($10), or one-tenth the average daily wage in the Denver area.

As for particulates, costs were calculated only for a scenario involving compliance with the federal standard. Total annual morbidity cost reductions of $289,900 ($313,092) were predicted to result from compliance with the federal ozone standard. Most of these health cost benefits, $144,900 ($156,492) and $138,600 ($149,688), respec-

tively, resulted from fewer restricted activity days and eye irritations.

EPA Regulatory Impact Analyses

On February 19, 1981, President Reagan issued Executive Order 12291 as one of his first significant policy actions after the inauguration. The order directs all federal agencies to consider the economic repercussions of new regulations and to select regulatory approaches that "maximize the net benefits to society." To accomplish this, "the alternative involving the least cost to society shall be chosen" as long as the "potential benefits to society for the regulation outweigh the potential costs to society."

As a result of the Executive Order 12291, all federal agencies must prepare a regulatory impact analysis (RIA) for any proposed regulation the implementation of which is likely to cost more than $100 million per year. The U.S. EPA has probably been the federal agency most affected by this requirement. Since 1981, the EPA has prepared nearly 20 RIAs. Three of these, which address regulations affecting the public health standards for criteria air pollutants regulated in the Clean Air Act, include comprehensive health cost assessments in their analyses and are discussed in this monograph.

The results of the RIAs to date have been to overwhelmingly justify on economic grounds alone many new EPA pollution control initiatives. In a 1987 EPA report, EPA's Use of Benefit-Cost Analysis: 1981–1986, the agency observed that the 15 RIAs produced at that time concluded that the proposed new EPA regulations they examined would provide net economic benefits to society of more than $10 billion, largely from reduced health costs from exposure to pollution. The report noted that "environmentalists often fear that economic analysis will lead to less strict environmental regulations in an effort to save costs, but our study reveals that the opposite is just as often the case."

The RIA for Particulate Matter

The RIA for particulate matter was published by the EPA on February 24, 1984. The 230-page report addresses the impact of revising public health standards for total particulate matter in any of six ways, each of which reflects a new standard based on the concentration of particulates smaller than 10 microns in diameter rather than total particulates in the air. These particulates, called PM10, usually constitute about 55% of the total mass of suspended particles in air pollution, but they are thought to be responsible for most of the adverse health effects from all particulates. The existing standards in 1984 addressed only total suspended particles (TSPs). They limited the annual concentration of TSPs to 75 $\mu g/m^3$, and the 24-hour maximum concentration was 260 $\mu g/m^3$, which was not be exceeded more than once per year. The six proposed PM10 standards studied in the RIA are:

[Micrograms/cubic meter]

Standard	Annual average	24-hour average
1	55	.....
2	55	150
3	55	200
4	55	250
5	70	250
6	48	183

Pollution data for particulates are widely monitored by the EPA as part of its national emission data systems (NEDS). From the NEDS data base, the EPA extracted particulate readings for the year 1978 from 1,230 counties throughout the United States that account for 70% of all point source emissions and where 82% of the U.S. population lives. These TSP readings were translated to PM10 concentrations with a conversion factor of 55%.

The adjusted particulate readings were updated for each county by a computer model that projected future change in particulate pollution between 1978, the base year, and 1995. The model found that particulate pollution nationwide would drop between 1978 and 1987 as a result of pollution control programs already in place. It would then begin to rise as pollution from new industrial growth offsets further pollution reductions at existing plants. By 1995, particulate pollution nationwide was projected to be slightly higher than in 1978.

Next the EPA developed pollution control strategies for each county that was predicted to be in violation of any of the six proposed PM10 standards. This complicated process involved consideration of the industrial mix within each county, future retirements and new construction of industrial facilities, and population changes. Costs were assigned to each control strategy and summed for all counties. Total annual costs nationwide for achieving compliance with the proposed PM10 standard by 1989 ranged from a low of $370 ($532) million for the number 5 set of standards to a high of $1,360 ($1,958) million for complying with the number 2 set of standards (all figures from this report are in 1980 dollars; figures in parentheses are 1988 dollars). The net present value of these annual costs, using a 10% discount rate, was calculated to range from $1.43 ($2.059) billion to $5.3 ($7.632) billion.

The EPA has been criticized for using a 10% discount rate in its regulatory impact analyses[1] The higher the discount rate, the less net present value is assigned to future costs, such as medical bills for cancer treatment incurred a decade hence as a result of exposure to carcinogens today. Although the 10% discount rate has been approved by the Office of Management and Budget for use in federal government economic analyses, it is believed to be too high by many economists working in health-related fields because it understates long-term health benefits relative to the pollution control costs that are incurred in the short term. As V. Kerry Smith notes in his book, *Environmental Policy under Reagan's Executive Order*, notes, "most environmental economists would advocate the use of a social rate of discount criterion . . . rates ranging from 2 to 6 percent generally form the consensus estimates for the social rate of discount."

The principal objective of the particulate RIA was to place the costs of compliance with the proposed PM10 standards as calculated above side-by-side with the economic benefits expected from controlling PM10 pollution. The EPA benefits analysis addressed six categories: health, visibility, and climate effects, impacts on soiling and materials damage, acid rain, and miscellaneous nonuser benefits. These types of health benefits were studied fewer pollution-related deaths and reduced chronic and acute morbidity.

The EPA used the pollution and population data from its pollution abatement cost assessment in the environmental benefits analysis. This analysis measured the incremental health benefits of complying with each of the six proposed standards compared with the health effects resulting from retention of the existing standards.

Six different sets of dose-response coefficients were applied to each of the six scenarios. The first two, A and B, represented conservative benefits assessments limited solely to health effects and based almost exclusively on data contained in two earlier 1982 EPA publications, *Air Quality Criteria for Particulate Matter and Sulfur Oxides and Review of the National Ambient Air Quality Standards for Particulate Matter: Assessment of Scientific and Technical Information.* Dose-response sets C through F included other health-related coefficients and coefficients for the nonhealth effects of materials' soiling and damage.

The EPA established a low and a high estimate of the monetary value of a statistical life, $360,000 ($518,400) and $2.8 ($4.0) million, respectively. The agency also set monetary values for morbility effects based on lost wages from pollution-induced sicknesses and the cost of medical treatment for illnesses related to exposure to pollution.

In the final step, EPA aggregated its data and calculated the net present value of the economic benefits for compliance with each of the six scenarios reflecting proposed PM10 standards. Separate estimates were made for each of the six sets of dose-response assumptions within each category, and two health costs were estimated, one reflecting each of the life valuations. The result was a complex matrix of 72 net present value health benefit estimates. The lowest prediction was $370 ($533) million in total economic benefits from complying with the 70 $\mu g/m^3$ PM10 standard (assuming set A dose-response coefficients for the weakest proposed standard and the lower life value). The highest projection was $154 ($222) billion in health benefits (for the tightest proposed standard and the set F dose-response coefficients and the higher life value).

Under set C dose-response assumptions, the tightest proposed PM10 standards were estimated to produce between $27 ($39) billion and $31 ($45) billion in total benefits. These benefits would result from 3,600 "saved" lives and a reduction of 190,000 lost work days and 910,000 reduced activity days. The analsysis using the health effects assumptions in set B indicates EPA's bests conservative estimate of health benefits alone. The most stringent proposed PM10 standard under these conditions yields between $3.7 ($5.3) and $6.7 ($9.6) billion in health benefits.

When placed against the estimated costs of implementing the pollution controls required to meet the various proposed PM10 standards, the overall cost/benefit ratio was highly favorable to implementing tigher standards. Costs exceeded benefits in only 7 of the 72 scenarios analyzed. Net benefits totaled as high as $151 ($217) billion for the tightest standard, assuming the higher life valuation estimate. For the set B case cited above, net benefits were estimated to be between $340 ($490) million and $3.3 ($4.8) billion.

The RIA for Lead

In February 1985, the EPA published its final regulatory impact statement entitled *Costs and Benefits of Reducing Lead in Gasoline.* The principal purpose of this RIA was to assess the economic costs and bene-

[1] The discount rate is an estimate of the time value of money, it is used to calculate the current day value of money to be spent in the future. This value is reduced according to the size of the assumed discount rate.

fits of implementing EPA regulatory proposals limiting the concentration of lead in gasoline from 1.1 grams per gallon down to 0.10 grams per gallon by one of three timetables ending on January 1, 1988.

The EPA regulatory action was contemplated to respond to increasing medical evidence that high lead concentration in blood was causing serious adverse health effects including high blood pressure, kidney and liver damage, interference with blood creation and basic cellular processes, and retardation in cognitive development in children. Further evidence indicated that airborne lead from motor vehicle exhausts was the source of more than half of the lead in the bloodstream of the average American.

The RIA calculated economic costs and the economic benefits of implementing each phasedown scenario relative to the costs and benefits implied by continuing to enforce the 1.1 gram per gallon standard already in effect. The EPA cost of compliance analysis calculated the difference between the cost of producing gasoline under the 1.1 gram per gallon standard and the cost of producing fuels with reduced lead concentrations. A refinery production cost model estimated the differential to be less than $0.01/gallon between leaded and low-lead gasoline. The total incremental cost of supplying low-lead gasoline was ultimately calculated by the EPA to be $441 ($525) million per year once full implementation of the lead phasedown program was completed (1983 dollars are used throughout the discussion of the lead RIA; figures in parentheses are 1988 dollars). In the early years, costs varied by $96 ($114) million to $608 ($723) million as the oil refining industry adjusted to the new production requirements.

Turning to the issue of health cost benefits from reducing lead, the EPA analyzed three health effects from lead exposure:

Health effects on cognitive development in children

Effects on blood pressure in adults

Health effects caused by emissions of other air pollutants in automotive exhausts that result from the use of lead-containing fuel in cars designed for lead-free gasoline

Health effects from lead exposure tend to be most prevalent in children largely because many biochemical reactions central to physical growth and development are inhibited or altered by lead. Research in the 1970s showed that more than three-quarters of children in the United States younger than 18 years of age had lead levels in their blood exceeding the 10 micrograms per deciliter (μg/dL) of blood threshold concentration linked to adverse biological effects. In order to determine the number of children whose health might benefit from reduced exposure to lead, the EPA turned to data collected during the second National Health and Nutrition Examination Survey (NHANES II) project and subsequently analyzed by the Centers for Disease Control and the National Center for Health Statistics. In the NHANES II project, health information concerning 27,801 people living in 64 sampling locations was collected from 1976 through 1980. From this group, all children 6 months through 6 years of age and half of the participants 7 years old or older were asked to donate blood to determine its lead concentration. The NHANES II results are widely believed to be representative of the health of the general U.S. population.

From the NHANES II data and various population growth projections, the EPA calculated the future size of the child-aged population and the number of children likely to experience different elevated blood lead concentrations at future dates if the leaded gasoline standard remains unchanged. EPA then estimated the reductions in lead emissions nationwide that would result from implementation of the three alternative lead phasedown schedules analyzed in the RIA and how those reductions would translate into lower lead concentrations in the air and in the blood of children. As a result of the analysis, EPA concluded that the alternative lead phasedown proposals would significantly lower the blood lead levels in children by 1992, thereby improving the health of 31,000 children whose blood lead concentration would otherwise exceed 30 μg/dL. Some 103,000 other children predicted to have blood lead levels greater than 25 μg/dL without the lead phasedown would also benefit.

The EPA health cost assessment quantified two types of economic benefits from reducing blood lead concentrations in children. First the agency calculated monetary savings from reduced medical care for children whose blood lead concentrations would no longer be high enough to cause health problems requiring medical treatment. The second analysis quantified savings in avoided compensatory education for children no longer needing supplemental education because their cognitive development would no longer be impaired due to high lead levels.

In the medical cost assessment, the EPA assumed that all children with blood lead levels greater than 25 μg/dL should receive medical treatment. Treatment would consist of an initial screening of all children, followed by additional testing and treatment of children with blood levels at a cost of as much as $3,000 ($3,570) per child. The analysis projected an average medical cost of $900 ($1,071) to treat each child with a blood lead level greater than 25 μg/dL.

A review of the scientific literature indicated to EPA that approximately 20% of the children with blood lead levels greater than 25 μg/dL would require supplemental education programs to compensate for the impairment in cognitive development resulting from lead exposure. These figures result in an estimated cost of a three-year compensatory education program of $2,600 ($3,094) for each child with an elevated blood lead.

Summing up medical and education costs, the EPA calculated that $3,500 ($4,165) in health benefits would result from each case of elevated blood lead level avoided as a result of reducing airborne lead. Merging this finding with the results of the analysis of the number of children affected by airborne lead, the EPA concluded that by 1992 the proposed lead phasedown schedules would yield annual health benefits in children of $361 ($430) million, $93 ($111) million in avoided medical treatment, and $268 ($319) million in avoided supplemental education. Because the phasedown was being implemented between 1986 and 1991, the annual benefits were determined to be even higher, ranging from $371 ($441) million to $602 ($716) million per year.

The second area of health cost analyzed in the lead RIA concerned the effects of lead exposure on the blood pressure of adult white males between the ages of 40 and 59 years. This analysis was undertaken in response to a number of dose-response studies that correlated exposure to lead to elevated blood pressure and consequent cardiovascular diseases. Because the effect was found to be most prevalent in middle-aged males, the EPA analysis focused on this sector of the population.

Using the NHANES II data base, the EPA performed regression analyses to identify the degree of correlation between blood pressure and 87 nutritional and biochemicalk factors, including lead exposure, and conclude that "lead was significantly related to blood pressure at all levels down to zero." Armed with this data, the EPA estimated the effect of the proposed lead phasedown on lowering blood pressure in the adult male population in the United States. Next, the reduced blood pressures were translated to reduced incidence of hypertension and cardiovascular disease in middle-aged males. The analysis concluded that by 1992 the lead phasedown would eliminate annually 1.4 million cases of hypertension, 4,289 cases of heart disease, 892 strokes, and 4,132 deaths among middle-aged men.

The monetary value assigned to morbidity health effects was limited to avoided medical costs and forgone wages, although the EPA admits that these estimates "are clearly too low" because of their neglect of the costs of pain, suffering, and inconvenience. The average annual estimated cost of avoiding one case of hypertension was set at $220 ($262), one heart attack was evaluated at $60,000 ($71,400), and $44,000 ($52,360) was set as the total cost of one stroke. A value of $1.0 ($1.2) million was assumed by the EPA to represent the value of a premature death from exposure to lead.

Merging the dose-response data with the monetary value assumptions resulted in an estimated annual health cost benefit of $4.7 ($5.6) billion by 1992 from reducing blood pressure in middle-aged males as a result of the lead phasedown program. The total health benefit for the entire population would undoubtedly be much greater.

The third category of health effects studied by the EPA analyzed an indirect effect of lead in gasoline. Misfueling (using leaded fuel) cars designed to burn lead-free gasoline incapacitates the catalytic convertors in those vehicles and increases the emissions of hydrocarbons, carbon monoxide, and nitrogen oxides. The EPA estimates that the catalytic convertors in about 15% of the vehicles in use are not functioning because of lead contamination introduced by misfueling.

The EPA assumed the lead phasedown program would eliminate most misfueling, thereby preventing emissions of 2.8 million tons of the hydrocarbon, carbon monoxide, and nitrogen oxides pollution. Health effects were assessed for the avoided ozone pollution that results from the interaction of hydrocarbons and nitrogen oxides in the atmosphere.

For ozone, only acute health effects were studied, and the EPA analysis predicted that 1.9 million cases of minor respiratory illness and 3.26 million cases of nonrespiratory illnesses (such as eye irritation) would be associated with the ozone pollution avoided as a result of the lead phasedown. The cost of avoiding a respiratory illness was set as $8 ($10), and $3 ($4) was estimated as the price of enduring a headache using estimates of $100 ($119) for one day's lost wages. The EPA then calculated $69 ($82) million in annual health cost reductions from these effects of the lead phasedown.

Summing up the benefits from all three sources of avoided health effects from the lead phasedown yielded an estimated total reduction in annual health costs of $5.13 ($6.10) billion in 1992. About 90% of the health benefits resulted from avoided high blood pressure in adult males. The overall health benefits exceeded the $441 ($525)

million annual cost of implementing the lead phasedown by a factor of more than 10 to 1. On a net present value basis, the entire lead phasedown program was estimated to yield $28.6 ($34.0) billion in health cost reductions between 1985 and 1992 compared with net present value costs of only $2.6 ($3.1) billion.

The Sulfur Oxides RIA

A 242-page RIA addressing the economic effects of implementing different public health standards for sulfur oxides was published in draft form by the U.S. EPA Air Quality Management Division in March 1988. Entitled *Regulatory Impact Analysis on the National Air Quality Standards for Sulfur Oxides (Sulfur Dioxide)* and hereafter called the SO_2 RIA, it assessed the economic effects of retaining the current public health standard for sulfur dioxide compared with the effects resulting from implementation of two more stringent standards.

The existing sulfur dioxide (SO_2) standards set by the EPA in 1971 establish a maximum allowable concentration of sulfur dioxide of 0.14 ppm averaged over any 24-hour period or 0.03 ppm averaged over any year. Compliance with these standards was the first scenario studied in the SO_2 RIA. The two alternative standards considered the effect of establishing new maximum standards for sulfur dioxide averaged over any 1-hour period not to exceed 0.5 ppm or 0.25 ppm, respectively.

The EPA cost and benefit analysis focused on the 63 regions throughout the country where air quality exceeded the existing sulfur dioxide standard in 1982. The agency used its STACK data base as a starting point to determine the costs of reducing sulfur dioxide pollution in each of these areas to the levels set in the three scenarios. This data base lists the pollution discharges from each of the 777 power plants in the United States that discharge 67% of all the SO_2 emitted from all sources.

Dispersion modeling was used to estimate how much pollution would need to be eliminated from each pollution source in each noncompliance area to meet the standards set in the three alternatives. Analyses were then performed to estimate the cost of pollution control strategies to achieve the necessary pollution reductions. The EPA also developed pollution control strategies for copper and lead smelters and for industrial boilers. These industries, together with utilities, account for 87% of the nation's sulfur dioxide pollution.

The EPA analysis estimated that between 1.6 million and 4.2 million tons of sulfur dioxide emissions must be eliminated nationwide to achieve compliance with the existing SO_2 standards. Its cost study predicted that between $200 ($228) million and $1.1 ($1.2) billion worth of additional pollution controls would be needed to achieve this level of reduction (all figures from this report are in 1984 dollars; figures in parenthese are 1988 dollars). These costs grew to $2.2 ($2.5) billion for compliance with the 0.5 ppm 1-hour standard and to $5.4 ($6.2) billion for compliance with the tighter 0.25 ppm 1-hour standard. Pollution reduction targets to achieve these latter two standards were estimated to be 6.4 million and 11.2 million tons per year so SO_2, respectively.

The SO_2 RIA concluded that economic benefits would result from several sources as a result of reducing sulfur dioxide. Reduced sulfur dioxide itself would yield benefits, the report concluded, as would reduction in sulfate and other particulate pollution generated by the interaction of SO_2 in the atmosphere. The benefits analysis quantified these benefits assuming compliance with each of the alternative standards by 1990 and maintenance of compliance through the end of the century.

Mortality and morbidity health effects were assessed for the predicted reduction in SO_2 concentrations set forth in the three alternative scenarios. Morbidity effects were also calculated for the reduction in particulate pollution predicted to accompany reduction in sulfur dioxide emissions. The SO_2 RIA also studied other nonhealth benefits including property damage, visibility degradation, and loss of agricultural productivity.

Computer modeling was used to predict how compliance with the standards set in each scenario would affect the exposure to sulfur dioxide of people living near four existing power plants currently operating in violation of the SO_2 standards. The results of these analyses were then extrapolated to reflect the total effect of reduced SO_2 on the population living in the 31 eastern United States (i.e., east of or bordering on the Mississippi River). In an analogous effort, regional pollution transportation models were used to predict the effects of reduced particulate emissions on the eastern population. Westerns states were not included in the benefits analysis because of insufficient air quality data.

The SO_2 RIA does not reveal the numerical values of all the dose-response coefficients used to assess the effects of reduced SO_2 pollution on human health. For mortality effects, zero effect is used as a lower bound, whereas data presented in a study of pollution-related mortality in London served as the basis for the upper bound. For morbidity effects from SO_2 reductions, the SO_2 RIA notes that "the full range of clinical studies of effects of SO_2 on symptoms prevalence is utilized." The monetary values assigned to each predicted health effect change are also not detailed in the SO_2 RIA.

The results of the analysis, however, are presented, and they indicated only minimal health benefits from reducing SO_2 under the three scenarios. The net present value of health benefits in the eastern United States from compliance with the existing SO_2 standard was projected to be only $2.0 ($2.2) million using a 10% discount factor. The benefits increased to $4.0 ($4.6) million and to $8.0 ($9.1) million under the two more stringent standards. Higher benefits result from calculations using a 2% discount factor. In this case, the benefits from reducing sulfur dioxide rise to $6.0 ($6.8) million, $10.0 ($11.4) million, and $20.0 ($22.8) million, respectively.

The analysis of benefits resulting from the reduction in particulate matter associated with reduced sulfur dioxide pollution concluded that exposure to particulates is a much greater source of health costs than exposure directly to sulfur dioxide. Unfortunately, the particulate analysis was limited to morbidity effects, and these findings were merged with the results from the analysis of the benefits of reduced material damage in the SO_2 RIA. This prevents the reader from separating the morbidity benefits from property-soiling benefits.

The SO_2 RIA concluded that the net present value of morbidity and soiling benefits in the eastern United States from reduced particulate pollution associated with compliance with the existing SO_2 standard was $2.4 ($2.7) billion using a 10% discount factor. The benefits increased to $4.3 ($4.9) billion and to $8.8 ($10.0) billion under the two tighter standards. With a 2% discount factor, these figures rose to $5.2 ($5.9) billion, $9.5 ($10.8) billion, and $19.4 ($22.1) billion for compliance with the three scenarios, respectively.

Comparison of the overall costs and projected benefits of reducing sulfur dioxide pollution suggests that any of the three regulatory strategies analyzed in the SO_2 RIA would be cost effective. The report notes that "of the 27 combinations of interest rates, benefits assumptions, and alternate standards, 25 have positive net incremental value." The 10% discount rate analysis, for example, indicated that total benefits exceeded costs by between $3.3 ($3.8) billion and $18 ($21) billion.

It is important to note that the SO_2 RIA did not quantify health costs related to exposure to sulfates produced by the interactions of sulfur dioxide in the atmosphere because of "uncertainties associated with the available studies." The report notes, however, that "the data clearly suggest a risk at current ambient levels" that "may have substantial economic benefit." Exposure to sulfates may in fact be the largest cause of adverse health effects. An appendix to the SO_2 RIA discusses this issue in greater detail. Based on a number of dose-response studies of sulfates and human health, the appendix includes mortality benefit estimates as high $379 ($432) billion stemming from sulfate reductions resulting from compliance with the current federal sulfur dioxide standard.

National and Regional Ozone Studies

Smog is one of the most intractable air pollution problems facing the United States. Smog pollution, composed mostly of ozone created in the atmosphere by the interaction between nitrogen oxide and reactive hydrocarbon pollutants, is especially severe in major cities. Air quality in about 100 metropolitan areas now exceeds the federal public health standard for ozone. About 100 million Americans are exposed to dangerous levels of ozone.

Control of ozone is one of the foremost issues facing federal environmental decision makers. The U.S. EPA is constantly investigating new national ozone control strategies, and further ozone abatement requirements are included in virtually every congressional proposal to amend the Clean Air Act.

Since 1988, three analyses of the economic costs associated with national or regional ozone pollution have been completed. They are reviewed in this section. Two address ozone pollution nationwide and the other focuses on ozone problems in the northeastern United States.

National Ozone Pollution

In few environmental issues has Congress become more directly embroiled than in the national effort to control ozone pollution. Statutory language establishing pollution reduction requirements for ozone-causing air pollution has been included in the Clean Air Act for more than a decade. Elaborate and complex new strategies to reduce ozone pollution in the United States are continuously debated in Congress.

The considerable knowledge of ozone pollution acquired by Congress comes in part as a result of studies performed by its research agencies, including the U.S. Office of Technology Assessment (OTA). For most of the 1980s, the Oceans and Environment Program within OTA has been studying air pollution in the United States, especially acid rain and ozone pollution, at the request of Congress.

In July 1989, the OTA published the most comprehensive of its studies of ozone to date, a 237-page report entitled *Catching Our Breath—Next Steps for Reducing Urban Ozone* (hereinafter called the OTA report). Directed by Robert Friedman, project researchers studied the health effects of ozone on the urban population of the United States, the costs of those effects, and the environmental and economic consequences of implementing a wide range of new ozone control strategies. More than 60 pollution control strategies for reducing hydrocarbon emissions, one of the key precursor pollutants to ozone, were analyzed in the report.

In its analysis of the health costs associated with exposure to ozone air pollution, the OTA report relied heavily on a study prepared by Alan Krupnick and Raymond Kopp of Resources for the Future (RFF) under contract to OTA. This report, entitled *The Health and Agricultural Benefits of Reductions in Ambient Ozone in the United States* (hereinafter called the Krupnick report), was published by Resources for the Future as a discussion paper in August 1988. The findings of the Krupnick report are presented first, followed by a discussion of the integration of these findings into the OTA report.

Seven ozone control scenarios were analyzed in the Krupnick report. These scenarios reflected different combinations of baseline ozone levels, future ozone control levels, and assumptions about the minimum concentration of ozone at which adverse health effects appear (i.e., the ozone threshold). Two baseline ozone levels were selected: actual average ozone concentrations in 1983, the worst ozone year in the early part of the 1980s, and actual average ozone concentrations from 1983 through 1985. Pollution statistics for these years were obtained from the SAROAD (Storage and Retrieval of Aerometric Data) data base system developed by the EPA.

Five target levels of ozone reductions were selected for comparison with the baseline: compliance with hourly maximum ozone standards set at 0.10 ppm, 0.12 ppm (the current federal public health standard), and 0.14 ppm. Two other ozone targets reflected reductions resulting from either a 35% or a 50% decrease in the reactive hydrocarbon emissions largely responsible for the production of ozone pollution in the atmosphere. Finally, two health effects thresholds were selected: 0.04 ppm and 0.06 ppm. It was assumed that no health effects occur at ozone concentrations below these levels.

The population analyzed included all people living in 81 metropolitan statistical areas covering 257 counties where air quality violated the ozone public health standard in 1984. Health effects from ozone exposure under the seven scenarios were estimated for this population. A review of epidemiological research led to the selection for inclusion in the study of dose-response coefficients for four symptoms of adverse reactions to ozone pollution. They were increased cough, shortness of breath, chest tightness (i.e., the experience of pain upon deep inhalation), and eye irritation. Moreover, the study estimated the increase in asthma attacks and the number of days when human activity would be restricted due to respiratory-related discomfort.

The Krupnick report concluded that a large number of instances of adverse morbidity effects would be avoided in urban areas if ozone pollution were reduced. For example, under the scenario comparing actual 1983 ozone levels with the situation that would exist if all areas complied with the current ozone public health standard, the report predicted that 49.9 million cases of adverse health symptoms would be eliminated annually throughout the United States. Asthma attacks would decrease by 1.9 million.

Based on a review of the scientific literature, monetary values were assigned to the morbidity effects. A value of $5 ($6) was placed on the discomfort of experiencing any of the adverse health symptoms included in the study (all dollar figures from this report are in 1984 dollars; figures in parentheses are 1988 dollars). The cost to the victim of an asthma attack was set at $25 ($28), and activity restrictions were assumed to cost an average of $18 ($21) in lost work time and inconvenience.

Merging the health effects and economic valuation findings together led to an estimated "middle" value of between $192.0 ($218.9) million and $788.9 ($899.3) million in annual health effects from reducing ozone. Based on epidemiological studies of health effects, the full range of findings, including low and high estimates of health effects, extended from $53.9 ($61.4) million to $2.2 ($2.5) billion in annual health benefits.

In addition to this analysis, the Krupnick report also calculated health costs based on clinical studies of pollution exposure that yield a much broader range of dose-response coefficients compared with the epidemiological studies cited above. In this case, the range of "middle" estimates of annual health cost reductions among the seven scenarios extended from $52 ($59) million to $2.7 ($3.1) billion. Based on clinical studies of health effects, the full range of findings, including low and high estimates of health effects, stretched from $18.8 ($21.4) million to $6.8 ($7.8) billion in annual health benefits.

The findings of the Krupnick study were modified and used as part of the analysis in the OTA report. The OTA project focused on two ozone-reduction scenarios compared with the seven scenarios in the Krupnick report. The seven scenarios reflected future compliance with the federal 0.12 ppm ozone public health standard and the less ambitious ozone reductions achieved through a 35% reduction in reactive hydrocarbon emissions nationwide.

The OTA report concluded that for achieving the 0.12 ppm ozone standard nationwide, "about $.5 billion to $4 billion per year is a reasonable range for the portion of health benefits that we were able to evaluate. Under some assumptions, benefits are less than $0.1 billion per year and under others, up to about $10 billion per year." The figures in the OTA report are in 1988 dollars.

The highest health benefits were calculated in the OTA report for compliance with the federal public health standard. In this scenario, "middle" range estimates ranged from $550 million to $3.7 billion per year. The full range of findings, including low and high estimates of health effects, stretched from $150 million to $9.5 billion in annual health benefits. In the 35% reactive hydrocarbon reduction scenario, "middle" range estimates ranged from $190 million to $1.4 billion per year. The full range of findings, including low and high estimates of health effects, extended from $54 million to $3.4 billion in annual health benefits.

Ozone in the Northeastern United States

Dr. Alan Krupnick is the author of a second study of ozone pollution in addition to the work he prepared for the OTA. This Resources for the Future report, *An Analysis of Selected Health Benefits from Reductions in Photochemical Oxidants in the Northeastern United States* (hereafter called the RFF report), was released in final draft form in September 1988.

As discussed earlier, ozone itself is not discharged directly from stationary or mobile pollution sources. It is produced by atmospheric reactions of other pollutants, primarily reactive hydrocarbons and nitrogen oxides, the discharges of which are regulated under the Clean Air Act. The RFF analysis examined how changes in discharges of reactive hydrocarbon emissions would affect concentrations of ozone in the atmosphere. The base year for the study consisted of actual ozone levels and reactive hydrocarbon emissions during the 214-day "smog season" in 1980. The study was limited in geographical scope to the 31 northeastern states located east of or bordering on the Mississippi River.

Two pollution reduction scenarios were examined. Scenario I reflected completion of pollution control strategies scheduled for implementation as part of programs under way in 1982. Emissions of reactive hydrocarbons in 1987 within this scenario were projected to be 30% below the 1980 baseline levels. Under scenario II, additional pollution controls, not yet required or planned as of 1982, were assumed to be operating by 1987. In this case, reactive hydrocarbon emissions were projected to be 50% of baseline levels.

The next step in the analysis was to project how the reductions in hydrocarbon emissions would affect ambient concentrations of ozone in the atmosphere. This was accomplished using an EPA air pollution dispersion model programed to calculate ozone concentrations on a county-by-county basis throughout the Northeast. This model predicted that the annual hourly average ozone reading would decline by an average of 1.25% throughout the study area under scenario I and by about 2.15% under scenario II conditions. The results of another EPA exposure model were then used to predict the average change in exposure to ozone pollution in the northeastern United States under the two scenarios compared with exposure levels in the base year.

A variety of morbidity effects from exposure to ozone were examined in the RFF report; mortality effects were not included in the study. A comprehensive review of dozens of health effects studies led to an inclusion of 10 adverse health reactions to ozone exposure in the benefits analysis. They were acute asthma attacks, minor respiratory discomfort causing restricted activity, and eight short-term symptoms: increased coughing, shortness of breath, chest tightness, nose and throat irritation, eye irritation, and three other types of respiratory problems. Based on a review of the scientific literature, 22 dose-response coefficients for these morbidity effects were selected.

Application of the dose-response coefficients to the population groups previously identified as being exposed to ozone pollution resulted in predictions about changes in health effects in the Northeast because of ozone reduction predicted in the two scenarios. For example, under scenario I ozone reductions, the RFF report predicted that 35.3 million instances of increased coughing, 5.6 million cases of eye irritation, and 124,000 asthma attacks would be avoided by the northeastern population annually. These health benefits increased to 60.4 million, 9.8

million, and 219,000, respectively under scenario II conditions.

The RFF report calculated the predicted health benefits for an "average" person living in the Northeast. For example, the average person would experience 0.486 fewer instances of increased coughing per year if ozone pollution were reduced as proposed in scenario I and 0.831 fewer bouts of coughing per year under the scenario II cleanup conditions.

Monetary valuations for the 10 morbidity effects were established based on a review of the scientific literature. The valuation assumptions ranged from a low of $2.84 ($3.24) for a case of nose and throat irritation to $25 ($28) for the cost of an asthma attack (all figures from this report are in 1984 dollars; figures in parentheses are 1988 dollars). Most health effects were valued between $4 ($5) and $7 ($8) per case.

Using these figures, the report expressed the projected health benefits from the ozone pollution reductions in two ways: benefits per person and benefits per ton of avoided reactive hydrocarbon pollution. On a per person basis, projected avoidance of the coughing, eye irritations, and asthma attacks, for example, were evaluated to benefit each person in the study area by $1.61 ($1.81), $0.39 ($0.44), and $1.41 ($1.61) per year under scenario I. Per ton of reactive hydrocarbon pollution removed, these projected health benefits were calculated to be $92.25 ($105.17), $23.84 ($27.18), and $2.45 ($2.79). Per person and per ton health benefit estimates were made for each of the 22 dose-response coefficients applied to each scenario.

The process of pulling together the many monetary estimates of health benefits for the 22 dose-response coefficients involved five aggregation procedures that differed as to which dose-response coefficient analyses were included in the final tabulation. Each aggregation procedure yielded different estimated health costs broken down with a low, middle, and high value.

For scenario I ozone reductions, the total morbidity health benefits throughout the northeastern United States were estimated to be between $120 ($137) million and $3.1 ($3.5) billion per year. On a per ton of hydrocarbon removed basis, the health benefits ranged from $95 ($108) to $2,438 ($2,779) per ton of avoided pollution. The study authors asserted that these wide ranges represent "a set of clearly not incorrect answers." Their "grand" best estimate was $611 ($696) million in annual total health benefits from reducing pollution under scenario I.

Projected health benefits approximately doubled under scenario II conditions. The range of estimated total health benefits ranged from $210 ($239) million to $5.4 ($6.2) billion under scenario II. On the other hand, the benefits on a per ton of reactive hydrocarbon removed basis declined slightly compared with scenario I; the range was $80 ($91) to $2,064 ($2,353) per ton of avoided reactive hydrocarbon pollution. The RFF report stated a best estimate of $1.1 billion in total health benefits, or $405 per ton ($462/ton) of removed reactive hydrocarbons, for achieving scenario II ozone reductions.

Health Costs of Vehicle Exhaust Pollution

Automobile exhausts are one of the largest sources of air pollution in the United States, contributing about 66% of the nation's total carbon monoxide air pollution and about 43% and 34% of its nitrogen oxides and its reactive hydrocarbon pollution, respectively. Burning fuels other than gasoline—such as natural gas or methanol—have been shown in prototype vehicles to emit less of these pollutants.

A 1987 study investigating the viability of alternative transportation fuels attempted to balance the known costs of alternative fuel use against the economic benefits of avoiding some of the externalized or "hidden" costs from the use of higher-polluting conventional fuels. The study, release in October 1987 and entitled A Comparative Analysis of Future Transportation Fuels (hereafter called the Davis report), was written by three scientists at the Davis campus of the University of California and published by the Institute of Transportation Studies at the Berkeley campus. The authors were Mark DeLuchi, Daniel Sperling, and Robert Johnston.

The starting point for the Davis report was an EPA compilation of total 1985 nationwide emissions of five air pollutants regulated under the Clean Air Act—particulates, sulfur oxides, nitrogen oxides, carbon monoxide, and reactive hydrocarbons—and the resulting average ambient concentrations nationwide of these pollutants, plus the ozone created by the interaction of reactive hydrocarbons and nitrogen oxides. The study then investigated how many deaths and how much illness would be avoided if this pollution were eliminated.

After reviewing six major studies of the relationship between air pollution and death rates, the Davis report concluded that nationally "an upper bound of about 120,000 excess deaths attributable to air pollution in 1985 is reasonable, and that a lower bound of approximately equal likelihood is about 50,000." A similar review of several life valuation studies resulted in the establishment of lower and upper bounds of $500,000 ($550,000) and $5 ($6) million as the value of a statisical life (all figures from this report are in 1985 dollars; figures in parentheses are 1988 dollars). Multiplying estimated deaths by these life valuations resulted in an estimated range of $25 ($27) billion to $600 ($660) billion in costs related to excess deaths from exposure to all air pollution in the United States.

A similar methodology was used to estimate morbidity costs from exposure to air pollution. A review of the scientific literature led to an estimate of morbidity costs associated with exposure to air pollution of $25 ($27) billion to $125 ($137) billion in 1985. The mortality and morbidity estimates were reduced by 12.5% to correct for overlap between mortality and morbidity effects caused, for example, by sicknesses that result in death. The range of combined health costs for mortality and morbidity in 1985, therefore, was $44 ($48) billion to $634 ($697) billion.

In order to focus on air pollution from automobiles, the Davis report estimated the overall contribution of vehicular air pollution to the nation's total air pollution. Vehicles emit about 40.5% of the total discharges of the pollutants examined, but the authors concluded conservatively that vehicles were responsible for just 15% to 25% of the total health costs from air pollution. This and other assumptions lowered the estimated total health cost of vehicular air pollution to between $4.03 ($4.43) billion and $84.99 ($93.49) billion in 1985.

In addition to health costs from vehicular air pollution, the Davis report also analyzed other externalized costs of fuels used for transportation, including vehicular air pollution damage to agriculture and wildlife, corrosion and soiling of buildings and clothes, and degradation of visibility. Health costs from exposure to water contaminated by gasoline leaking from underground storage tanks and from accidents during fuel distribution were also calculated. Further, the Davis report estimated the cost of maintaining a military presence in the Middle East in order to secure oil supplies for the United States and direct subsidies underwritten by the federal government to the oil industry.

Merging these analyses, the Davis report estimated that the total externalized costs of supplying oil to the automotive and truck fleet in the United States to be between $31 ($34) billion and $229 ($252) billion in 1985. Excluding the military costs, which constituted more than half of the total external costs, health costs were the largest source of economic costs, constituting 45% and 90% of the externalized costs in the low and high health cost scenarios, respectively. Thus, health costs from air pollution emerged as a major source of external costs in the nation's transportation fuel supply system.

Health Costs From a Proposed Power Plant

The Bonneville Power Administration (BPA) has probably analyzed the environmental costs, including health costs, of generating electricity more extensively than any other electric utility in the United States. A federal agency as well as a power producer, the BPA receives direct policy guidance from the U.S. Congress. In 1980, the Pacific Northwest Electric Power Planning and Conservation Act became law and changed the way BPA analyzed the environmental effects of its power supply system. The law, among other things, required the agency to consider environmental costs and benefits in economic analyses of all future energy programs, including generating and conservation resources.

In the early 1980s, the BPA made fledgling attempts to incorporate environmental cost assessments into its planning process by funding studies of the environmental costs of operating four power plants within its generation system, including nuclear, coal-, gas-, or oil-fired, and hydroelectric plants. With these tentative efforts completed in 1983, the BPA undertook two other studies in 1984, one involving analysis of two nuclear power plant projects and the other addressing the agency's residential weatherization program.

The third phase of the BPA program began in 1985 with analyses of environmental costs associated with "generic" power plants hypothetically operating in different regions within BPA's service area. These studies calculated the pollution expected to be emitted from a power plant built to burn a particular fuel and then assessed the environmental costs associated with that pollution load. Among the categories of costs studied were health risks, boomtown effects such as increased need for schools and hospitals to serve power plant workers, costs associated with changes in fish and wildlife management, and impacts on agricultural productivity and aesthetic enjoyment of the environment.

As part of this program, in January 1987 the BPA released a study prepared by the consulting firm ECO Northwest and entitled *Generic Coal Study: Quantification and Valuation of Environmental Impacts* (hereafter called the BPA report). It focused on three air pollutants commonly emitted from coal-burning power plants and on three secondary pollutants formed as the

primary contaminants interact in the air. The primary pollutants were sulfur oxides, nitrogen oxides, and particulates that produce sulfates, nitrates, and ozone as secondary pollutants.

Six types of environmental costs from emissions of these pollutants were examined. They were crop and materials damage, effects on endangered species, general ecosystem impacts, visibility reduction, and, of course, health costs. The BPA defined environmental costs, including health costs, as "those costs that are not already internalized in the system costs of electricity generated by a plant." In other words, expenses related to pollution control equipment are not included in the analysis, only costs related to the effect of the pollution that escapes into the environment.

The model upon which the BPA study was based was a hypothetical coal-fired power plant consisting of two 650-megawatt units located in any of six locations. Three sites typified environmental conditions commonly found within BPA's service area east of the Cascade Mountains in the states of Washington or Oregon. Two other sites were typical of plausible power plant locales in the more densely populated area within BPA's service area west of the Cascade Mountains. The final locale was placed in Montana, outside of the BPA service area but within a region that might supply electricity to the Northwest in the future.

The BPA report projected that 28,500 tons of sulfur dioxide, 1,400 tons of particulates, and 13,100 tons of nitrogen oxides would be emitted each year from each hypothetical power plant. Computer models calculated ground-level concentrations of each primary and secondary pollutant at various distances within a 100-mile radius of each plant site.

The next steps entailed calculating the number of people near each site affected by the pollution caused by the power plant and assigning dose-response coefficients describing how each person would react to exposure to the projected pollution. Population data were disaggregated among three age groups: 18–44 years, 45–64 years, and 65 years and older.

Dose-response coefficients were calculated for the effect of pollution exposure on human mortality. The mortality coefficients were arrived at through subjective evaluations of the results of past epidemiological studies of air pollution effects on human health. Ultimately, the BPA analysis assumed a mortality risk factor of three out of one million deaths per year per exposure to air containing a concentration of one microgram per cubic meter of particulate matter. A risk factor of 6 deaths per million was assigned to ozone exposure, but no mortality risk was assumed to exist for exposure to nitrogen oxides or nitrates. Variable dose-response coefficients were assigned to different age groups for exposure to sulfur dioxide and sulfates. For sulfur dioxide, the risk factors for the three age groups analyzed in the study were 1.5, 6.0, and 35.0 per million deaths of each annual exposure to one microgram per cubic meter concentration of pollution. By far the highest mortality risks—15.0, 60.0, and 350.0 per million deaths—were assigned to exposure from each increment of sulfate pollution.

The final two steps in the BPA study involved quantification of the total mortality effect from all pollutants emitted by the hypothetical coal-fired power plant and estimation of the total cost of that effect. The quantification step was performed by multiplying the projected concentration of each pollutant resulting from the power plant's emissions times the size of the exposed population times the relevant mortality dose-response coefficients.

The BPA analysts reviewed the moral issues and practical limitations of placing an economic value on human life but concluded that "while we recognize the inherent validity of these concerns, we believe some quantification of the value of risk or health is both possible and, from the standpoint of establishing agency policy, extremely useful." After reviewing the scientific literature, the report set a value for a statistical life at the equivalent of $3,000,000 ($3,240,000). All figures in this report are in 1986 dollars; figures in parentheses are 1988 dollars.

From this analysis, the BPA report concluded that the annual health costs, limited to mortality effects from air pollution only, of the operation of a hypothetical coal-fired power plant ranged from $4.6 ($5.0) million (at the Montana site) to $68.3 ($73.8) million (at the westside urban site). The 1986 net present values of these costs for the 40-year life cycle of the plant were estimated to be $106.1 ($114.6) million and $1.578 ($1.704) billion, respectively. Net present value is the current total monetary value of accumulated future expenditures that have been reduced by an assumed discount rate to reflect the time value of expenditures that occur in the future.

Total environmental costs, including non-health-related effects from air pollution, ranged from a low of $4.7 ($5.1) million for a plant located in Montana to $70.7 ($76.4) million for a plant located near a large city west of the Cascades. The 1986 net present value of these costs was estimated to be $110 ($119) million and $1.634 ($1.765) billion, respectively. Although six categories of environmental costs from air pollution were assessed, the report observed that "the greatest single component of the damages stems from the effects of air pollution on human health, which accounts for 95 to 97 percent of all costs, depending on the location of the plant."

APPENDIX A: SUMMARY OF HEALTH COST STUDIES REVIEWED IN THIS MONOGRAPH

Author: Jane Hall, Principal Investigator, et al.

Title of Study: *Economic Assessment of the Health Benefits from Improvement in Air Quality in the South Coast Air Basin.*

Date of Publication: June 1989.

Type of Effects Analyzed: Morbidity effects from ozone and particulate pollution. Mortality effects from particulate pollution.

Pollutants Examined: Ozone and particulate matter.

Population Studied: The population of the four-county South Coast Basin.

Health Cost Estimates: A "best conservative" estimate of total annual health benefits of $9.4 billion for compliance with the federal standards and $14.3 billion for compliance with the California standards (in 1988 dollars). On a per capita basis, these figures translate to health benefits worth $771 and $1,186 per person per year.

Author: Robert Rowe, Lauraine Chestnut, Donald Peterson, and Craig Miller at Energy and Resource Consultants, Inc.; Richard Adams at Oregon State University; and William Oliver and Henry Hogo at Systems Application, Inc.

Title of Study: *The Benefits of Air Pollution Control in California.*

Date of Publication: December 1986.

Type of Effects Analyzed: Mortality and morbidity for particulate matter and sulfates. Morbidity for ozone.

Pollutants Examined: Particulate matter, sulfates, and ozone.

Population Studied: More than 19 million people living in four California regions; the San Diego Air Basin, the South Coast Air Basin, the San Joaquin Air Basin, and the San Francisco Bay Area Air Basin.

Health Cost Estimates: Air pollution emitted in 1979 caused $8.1 ($9.6) billion less health costs than would have resulted if pollution sources operated with control equipment required by regulations in place in 1960 (1983 dollars; figures in parentheses are 1988 dollars). Reduced pollution resulting from the installation of additional controls by 1987 were estimated to save another $1.2 ($1.4) billion in annual health costs compared with emissions that would have resulted if 1979 pollution control were continued.

Author: Lauraine Chestnut and Robert Rowe at Energy and Resource Consultants, Inc.; and Bart Ostro at the U.S. Environmental Protection Agency.

Title of Study: *Santa Clara Criteria Air Pollutant Benefit Analysis.*

Date of Publication: Draft final report, May 1987.

Type of Effects Analyzed: Mortality and morbidity for particulates, morbidity for ozone.

Pollutants Examined: particulate matter and ozone.

Population Studied: 1.4 million people living in Santa Clara County, California, in 1985.

Health Cost Estimates: Mortality costs between $6.0 ($6.6) million and $135.8 ($149.4) million (1985 dollars; figures in parentheses are 1988 dollars) and morbidity costs between $1.3 ($1.4) million and $29.3 ($32.2) million annually for exposure to 1985 levels of particulates compared to effects under three scenarios with lower concentrations. Morbidity costs between $627,500 ($690,250) and $29.0 ($31.9) million from excess ozone between actual and alternative scenarios.

Author: Lauraine Chestnut and Robert Rowe at RCG/Hagler, Bailly, Inc.

Title of Study: *Ambient Particulate Matter and Ozone Benefit Analysis for Denver.*

Date of Publication: Draft report, January 1988.

Type of Effects Analyzed: Mortality and morbidity for particulate matter. Morbidity for ozone.

Pollutants Examined: Ozone and particulate matter.

Population Studied: 1.6 million people living in the Denver metropolitan area.

Health Cost Estimates: Annual health costs of $104.2 ($112.5) million (1986 dollars; figures in parentheses are 1988 dollars) associated with exposure of particulate matter above the federal public health standard. Annual health costs of $289.900 ($313,090) for exposure to ozone at concentrations above the federal public health standard.

Author: U.S. Environmental Protection Agency, Office of Air Quality, Planning and Standards.

Title of Study: *Regulatory Impact Analysis on the National Ambient Air Quality Standards for Particulate Matter.*

Date of Publication: February 21, 1984.

Type of Effects Analyzed: Morality, acute and chronic morbidity.

Pollutants Examined: Particulate matter.

Population Studied: The entire U.S. population.

Health Cost Estimates: Net present value of health cost benefits conservatively estimated to be between $3.7 ($5.3) billion and $6.7 ($9.6) billion (1980 dollars; figure in parentheses are 1988 dollars) as a result of implementing a new federal public health standard for fine particulates. Under varying assumptions, total benefits varied from $370 ($533) million to $154 ($222) billion.

Author: U.S. Environmental Protection Agency, Office of Policy, Planning and Evaluation.

Title of Study: *Costs and Benefits of Reducing Lead in Gasoline: Final Regulatory Impact Analysis.*

Date of Publication: February 1985.

Type of Effects Analyzed: Morbidity and cognitive development in children from lead exposure. Morbidity and mortality in middle-aged adult males from lead exposure. Morbidity effects from exposure to ozone produced from automotive exhausts in the general population.

Pollutants Examined: Principally lead with some analysis of ozone.

Population Studied: Primarily children and middle-aged adult males throughout the U.S. Some analysis of effects on entire population.

Health Cost Estimates: Annual health benefits of $5.13 ($6.10) billion (1983 dollars; figures in parentheses are 1988 dollars) in 1992 from implementing a national program to limit the concentration of lead in gasoline. Most of these benefits, $4.7 ($5.6) billion, are derived from reducing blood pressure in middle-aged adult males.

Author: U.S. Environmental Protection Agency, Office of Air and Radiation.

Title of Study: *Regulatory Impact Analysis on the National Amebient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide).*

Date of publication: March 1988.

Type of Effects Analyzed: Mortality and morbidity effects for sulfur dioxide. Morbidity and household soiling from particulates produced from sulfur dioxide.

Pollutants examined: Sulfur dioxide and related particulates.

Population studied: Residents of the 31 eastern United States.

Health cost estimates: Net present value costs between $2.4 ($2.7) billion and $8.8 (10.0) billion (1984 dollars; figures in parentheses are 1988 dollars) for mortality, morbidity, and material damage effects from exposure to sulfur dioxide and related particulate matter in excess of the current federal public health standard.

Author: Alan Krupnick and Raymond Kopp.

Title of study: *The Health and Agricultural Benefits of Reductions in Ambient Ozone in the United States.*

Date of publication: August 1988.

Type of effects analyzed: Morbidity effects from short-term exposure.

Pollutants examined: Ozone.

Population studied: The population of the U.S. living in nonattainment areas for ozone.

Health cost estimates: Estimated "middle" value of between $192.0 ($218.9) million and $788.9 ($899.3) million in annual health costs from reducing ozone among seven scenarios based on epidemiological studies of health effects (1984 dollars; figures in parentheses are 1988 dollars). The "middle" value range stretched from $52 ($59) million to $2.7 ($3.1) billion based on the results of clinical studies of health effects from ozone exposure.

Author: Robert Friedman, Project Director.

Title of study: *Catching Our Breath: Next Steps for Reducing Urban Ozone.*

Date of publication: July 1989.

Type of effects analyzed: Morbidity effects from short-term exposure.

Pollutants examined: Ozone with some discussion of the effects of nitrogen oxides and carbon monoxide.

Population studied: The population of the U.S. living in nonattainment areas for ozone.

Health cost estimates: Elimination of between $.5 billion and $4.0 billion (1988 dollars) in annual morbidity health costs if ozone pollution was reduced to levels meeting the federal ozone public health standard.

Author: Alan Krupnick.

Title of study: *An Analysis of Selected Health Benefits from Reductions in Photochemical Oxidants in the Northeastern United States.*

Date of publication: Final draft, 1988.

Type of effects analyzed: Ten morbidity health effects.

Pollutants examined: Ozone.

Population studied: The population in the northeastern United States.

Health cost estimates: Health benefits of $611 ($696) million per year from reducing 1980 ozone concentrations through implementation of pollution abatement programs already required in 1982 pollution control plans (1984 dollars; figures in parentheses are 1988 dollars). Annual benefits of $1.1 ($1.2) billion for achieving further reductions in ozone pollution.

Author: Mark DeLuchi, Daniel Sperling, and Robert Johnston.

Title of study: *A Comparative Analysis of Future Transportation Fuels.*

Date of publication: October 1987.

Type of effects analyzed: Morbidity and mortality effects from exposure to automotive exhaust emissions.

Pollutants examined: Particulates, sulfur oxides, nitrogen oxides, carbon monoxide, and ozone.

Population studied: The entire U.S. population.

Health cost estimates: Health costs of between $4.03 ($4.33) billion and $84.99 ($93.49) billion (1985 dollars; figures in parentheses are 1988 dollars) associated with exposure to automotive and truck exhaust pollution in 1985.

Author: ECO Northwest for the Bonneville Power Administration.

Title of study: *Generic Coal Study: Quantification and Valuation of Environmental Impacts.*

Date of publication: January 31, 1987.

Type of effects analyzed: Morbidity effects from pollution from a hypothetical coal-fired power plant located at different locations in the Northeast.

Pollutants examined: Particulates, sulfur oxides, nitrogen oxides, sulfates, nitrates, and ozone.

Population studied: Hypothetical populations within about a 100-mile radius of the assumed plant sites.

Health cost estimates: Annual health costs ranging from $4.7 ($5.1) million to $70.7 ($76.4) million for the 40-year lifetime of the plant (1985 dollars; figures in parentheses are 1988 dollars). A net present value of these costs was calculated to be $100 ($119) million and $1.634 ($1.765) billion, respectively.

BIBLIOGRAPHY

American Lung Association. *The Health Costs of Air Pollution.* New York City, 1985.

Chestnut, Lauraine; and Rowe, Robert. *Ambient Particulate Matter and Ozone Benefit Analysis for Denver.* Prepared by RCG/Hagler, Bailly, Inc., of Boulder, Colorado for the U.S. Environmental Protection Agency, Region 8, Denver, Colorado, draft report, January 1988.

Chestnut, Lauraine; Rowe, Robert, and Ostro, Bart. *Santa Clara Criteria Air Pollution Benefit Analysis.* Prepared by Energy and Resource Consultants, Inc., of Boulder, Colorado for the U.S. Environmental Protection Agency, Region 9, San Francisco, California, draft final report, May 1987.

Cropper, Maureen; and Freeman, A. Myrick. "Estimating Individuals' Values for Health Benefits." In *Health Benefits of Air Pollution Control: A Discussion,* edited by John Blodgett. Congressional Research Service, Washington, D.C., February 27, 1989.

DeLuchi, Mark; Sperling, Daniel; and Johnston, Robert. *A Comparative Analysis of Future Transportation Fuels.* Institute of Transportation Studies, University of California at Berkeley, October 1987.

ECO Northwest. *Generic Coal Study: Quantification and Valuation of Environmental Impacts.* Prepared by the Bonneville Power Administration, Portland, Oregon, January 31, 1987.

Friedman, Robert, Project Director. *Catching Our Breath: Next Steps for Reducing Urban Ozone.* U.S. Office of Technology Assessment, Washington, D.C., July 1989.

Hall, Jane, Principal Investigator, et al. *Economic Assessment of the Health Benefits from Improvement in Air Quality in the South Coast Air Basin.* Final Report to the South Coast Air Quality Management District, Los Angeles, California, June 1989.

Kleinman, Michael; Team Leader, et al. *Effects on Human Health of Pollutants in the South Coast Air Basin.* Final Report to the South Coast Air Quality Management District, Los Angeles, California, June 1989.

Krupnick, Alan. *An Analysis of Selected Health Benefits from Reductions in Photochemical Oxidants in the Northeastern United States.* Final Report by Resources for the Future, Washington, D.C. to the U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, September 1988.

Krupnick, Alan; and Kopp, Raymond. *The Health and Agricultural Benefits of Reductions in Ambient Ozone in the United States.* Discussion Paper prepared by Resources for the Future for the U.S. Office of Technology Assessment, Washington, D.C., August 1988.

Lave, Lester, and Seskin, Eugene. *Air Pollution and Human Health.* The Johns Hopkins University Press, Baltimore, Maryland, 1977.

Smith, V. Kerry. *Environmental Policy Under Reagan's Executive Order.* The University of North Carolina Press, Chapel Hill, North Carolina, 1984.

Rowe, Robert; Chestnut, Lauraine; Peterson, Donald; Miller, Craig; Adams, Richard; Oliver, William; and Hogo, Henry. *The Benefits of Air Pollution Control in California.* Prepared by Energy and Resource Consultants, Inc., for the California Air Resources Board, Sacramento, California, December 1986.

U.S. Environmental Protection Agency, Environmental Criteria and Assessment Office. *Air Quality Criteria for Particulate Matter and Sulfur Oxide.* EPA-600/8-82-029C. Research Triangle Park, North Carolina, December 1982.

U.S. Environmental Protection Agency. *Costs and Benefits of Reducing Lead in Gasoline: Final Regulatory Impact Analysis.* Office of Policy, Planning and Evaluation, Washington, D.C., February 1985.

U.S. Environmental Protection Agency. *EPA's Use of Benefit-Cost Analysis: 1981-1986.* Office of Policy, Planning and Evaluation, Washington, D.C., August 1987.

U.S. Environmental Protection Agency. *Regulatory Impact Analysis on the National Ambient Air Quality Standards for Particulate Matter.* Office of Policy, Planning and Evaluation, Washington, D.C., February 1984.

U.S. Environmental Protection Agency. *Regulatory Impact Analysis on the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide).* Office of Air and Radiation, Research Triangle Park, North Carolina, draft report, March 1988.

U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards. *Review of the National Ambient Air Quality Standards for Particulate Matter: Assessment of Scientific and Technical Information.* EPA-450/5-82-001. Research Triangle Park, North Carolina, January 1982.

Violette, Daniel; and Chestnut, Lauraine. *Valuing Reductions in Risks: A Review of the Empirical Estimates.* Prepared for the U.S. Environmental Protection Agency, Office of Policy, Planning and Evaluation, Washington, D.C., June 1983.

Violette, Daniel; and Chestnut, Lauraine. *Valuing Risks: New Information on the Willingness to Pay for Changes in Fatal Risks.* Prepared for the U.S. Environmental Protection Agency, Office of Policy, Planning and Evaluation, Washington, D.C., March 1989.

Ward, Bud. "Evaluating Health Benefits in Clean Air Act Regulatory Impact Analyses." *In Health Benefits of Air Pollution Control: A Discussion,* edited by John Blodgett. Congressional Research Service, Washington, D.C., February 27, 1989.

Winer, Arthur, Principal Investigator. *Characterization of Air Pollutant Exposures in the California South Coast Air Basin: Application of a New Regional Human Exposure (REHEX) Model.* Final Report prepared by the Statewide Air Pollution Research Center, Riverside, California, for the South Coast Air Quality Management District, Los Angeles, California, June 1989.

Mr. BAUCUS. Mr. President, I see the Senator from Rhode Island is on the floor and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, this amendment is about destruction of the ozone layer. It adds a control program for methyl chloroform, one of the chemicals responsible for destruction of Earth's fragile shield against the Sun's harmful ultraviolet radiation. The bill already includes a control program for CFC's, halons, and carbon tetrachloride.

Another amendment, adding a control program for all other substances covered by the new title 5—primarily a class of chemicals known as hydrochlorofluorocarbons or HCFC's—will be offered later. This amendment is about methyl chloroform, not HCFC's.

The amendment before us provides that, effective on the date of enactment, production of methyl chloroform will be frozen at 1989 levels. Allowable production will then be reduced 50 percent by January 1, 1996, and completely eliminated by 2000.

Mr. President, this approach is modeled after a proposal that was developed by the administration and presented as a possible amendment to the Montreal Protocol. The international community is considering this and other proposals in preparation for an important meeting that is set for June of this year in London.

By adopting this amendment, we will accomplish two important goals. First, we will be eliminating nearly one-half of the problem. That is the U.S. share of global methyl chloroform production—41 percent.

Second, we will demonstrate world leadership on a critical environmental problem—destruction of the ozone layer. We are not suggesting that we can solve this problem alone—it is a global problem and it will, in the long run, require a global solution. But we have to start somewhere and, as the world's largest producer of methyl chloroform, we have a responsibility to lead the world in solving this problem.

We are not trying to be environmental martyrs. This bill was carefully crafted to assure that we are not placing our domestic industries at an unfair disadvantage. If other countries do not follow our lead, if they continue to use these chemicals after we have eliminated them in the year 2000, important trade sanctions will apply.

Recent analyses by EPA suggest that a year 2000 phaseout of methyl chloroform would be the single most important source for near-term reductions in stratospheric chlorine levels.

EPA estimates that the addition of methyl chloroform to the CFC and halon phaseout will eliminate almost 4 million cases of skin cancer in the United States and 65,000 cancer deaths among people born before 2075. Similarly, 364,000 cases of cataracts will be avoided.

That is the difference between adopting this amendment and failing to adopt it. For those who are thinking about modifying the amendment to, for example, simply cap production at current levels, it is worth noting that such a change is estimated to result in an additional 875,000 cases of skin cancer, almost 16,000 cancer deaths, and more than 86,000 cases of cataracts in the United States alone, of the people born before the year 2075.

Mr. President, this chemical can and must be eliminated by the year 2000. There is no need to delay. This is a good amendment and I do hope it will be adopted and I hope we can vote on it very soon.

Mr. President, I see no other Senators desiring to speak. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Rhode Island has suggested the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUMPERS). Without objection, it is so ordered.

Mr. GORE. Mr. President, I rise in support of the pending amendment. But first of all, I would like to congratulate our majority leader, Senator MITCHELL, for bringing this bill to the floor as the first item of business during this session.

I also want to congratulate the Environment and Public Works Committee, particularly Senators BURDICK, BAUCUS, CHAFEE, and DURENBERGER, for the leadership they have demonstrated in bringing the clean air amendments, truly historic legislation, to the floor of this body. It is a comprehensive bill addressing many of the threats now confronting our environment.

I will reserve until a later time general comments on the Clean Air Act itself. For now, I wish to speak specifically in support of the amendment introduced by my distinguished colleague, Senator CHAFEE, calling for a phaseout of methyl chloroform by the year 2000.

Methyl chloroform is one of the manmade chemicals now destroying the stratospheric ozone layer which protects life on Earth from deadly ultraviolet radiation. As has been graphically illustrated by the huge hole torn in the ozone layer above Antarctica, these substances are extremely powerful.

It is not quite as well known that the damage done to the stratospheric ozone layer is not just above Antarctica, but is above Washington, DC, Carthage, TN, Little Rock, AR, and all parts of the United States. Indeed, all mid latitudes throughout the world during the winter months suffer roughly a 3- to 4-percent decrease in stratospheric ozone.

The scientists, predicting that this damage would occur 15 years ago, estimated that by 1990 there would be a 1-percent loss in the thickness of the stratospheric ozone layer because of these chemicals.

Many were skeptical and they said these predictions may well be wrong. Why should we act on the basis of scientific studies and models without emperical evidence? Well, it turns out they were wrong—instead of a 1-percent reduction, we see more than a 3-percent reduction.

It is worth remembering as we hear the debate over global warming and other global environmental problems, that which the models and numbers may be wrong, they may be off on the down side as well as on the up side. Stratospheric ozone depletion is an example of a problem which did in fact turn out to be worse than predicted, and will in fact become much worse unless we take actions like the one recommended in this amendment.

For several years the ozone depletion debate has focused on chlorofluorocarbons [CFC's]. CFC's are the principal culprits in destroying the stratospheric ozone layer. They are also responsible for about 20 percent of global warming. But as the world moves toward controls on chlorofluorocarbons, the scientific community has directed our attention to exactly how they cause damage. The scientists have specifically asked us to pay attention to other chemicals that cause the same damage in the same way.

What CFC's do which is so harmful is release chlorine atoms into the stratosphere which then eat away the protective ozone shield. Methyl chloroform, the chemical that is the subject of the pending amendment, does exactly the same thing. About 13 percent of the chlorine atoms put into the stratosphere are delivered by this particular chemical. It is therefore obvious that we need to pay close attention to controlling the use and the manner of the production of this chemical.

There is a startling graph prepared by the Environmental Protection Agency showing what would happen if the world merely complied with the Montreal Protocol limits on CFC. The graph demonstrates that part way into the next century, the concentration of the chlorine in the stratosphere would triple.

What would happen if CFC's were completely eliminated? Surprisingly, part way through the next century, the chlorine concentration of the stratosphere would still double. Clearly, we cannot get back down to a safe level unless we ban not only the worst offending CFC's but also methyl chloroform and a few other chemicals like carbon tetrachloride and the ACFC's which also catalyze ozone destruction.

This is a good amendment. True, it is not without economic impact. I know; it will impact industry in my home State. But, the cost of continuing to destroy the stratospheric ozone layer is unfathomably higher.

What are the costs? My distinguished colleagues have already described them in thorough detail. Let me just review them here very briefly.

We know that a thinner ozone layer produces millions more cases of skin cancer, many of them fatal. We know that a thinner ozone layer produces millions of cases of cataracts, many of them causing blindness. What is not as well known is that a thinner ozone layer also suppresses the activity of the immune system in all 5 billion people who live on this planet, making human beings more susceptible to disease and infection, particularly in tropical areas. What is even less well known is that the smallest animals and plants at the base of the food chain, are apparently especially vulnerable to the increased ultraviolet radiation that comes through a thinner ozone shield. What consequences there might be for the entire food chain if there is a dramatic impact on the photosynthesis of plankton, for example, or the ability of the smallest plants and animals to survive, we do not know.

We also know that larger plants, some of them, like soybeans, that are relied upon for food also do poorly when more ultraviolet radiation comes through the ozone shield.

So, Mr. President, the threat we are discussing in advocating this amendment is one which is quite serious, indeed. I am proud to be a cosponsor of the amendment, and I was proud to bring this matter before the Environment Committee during the hearings that were conducted last year. Again, I wish to compliment the committee on the work that they have done.

A couple of other points, briefly. At a meeting last May in Helsinki, nations that are party to the Montreal Protocol agreed that that treaty is not tought enough. They recognized that just cutting CFC's by 50 percent and freezing the output of halons would not be enough, and they identified methyl chloroform as a deadly substance urgently in need of attention.

What if we delay action? EPA estimates that if we delayed the phaseout of methyl chloroform by just 30 years, from the year 2000 to the year 2030, we would get a 45-percent increase in the atmospheric concentrations of chlorine over and above today's level. Currently, that level is a little more than three parts per billion, and that will rise to almost four parts per billion if we do not phase out methyl chloroform by the year 2000.

We are also told in the same set of studies that if we fail to eliminate methyl chloroform emissions by the year 2000, we will increase by about 3½ million cases the number of nonmelanoma skin cancer, by about 350,000 the number of cataract cases, and cause about 65,000 additional deaths among people born between now and three-quarters of the way through the next century. So make no mistake, Mr. President, if we fail to enact this amendment, the responsibility for these enormous health tragedies is none other than our own.

Fortunately, I have the feeling that we are going to adopt this amendment, because I think the awareness among our colleagues and our constituents is really beginning to grow. I think people are ready for tough action of the kind contained in this amendment. I urge my colleagues to adopt this amendment. I compliment its author, and I am proud to be a cosponsor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBB). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, with respect to our clean air bill, the Committee on Environment and Public Works, and most particularly our distinguished manager here, the Senator from Montana [Mr. BAUCUS] and I have been in conference. We are trying to teach an understanding so there will not be a misunderstanding.

What really occurred, and brought the global change issue to the fore for me, was that sometime early last year, having traveled down to the Antarctic and gotten to the South Pole and looked up at the atmosphere there, and seeing the hole in the atmosphere that they speak of, I realized better than anyone that there were many interested parties in this particular problem of global warming and that what we really needed was a consummate kind of coordinated endeavor by the Government, in all departments and agencies, whatever their jurisdiction or responsibility, to coordinate and periodically report to the Congress. Then we would know what is to be ruled on and to be regulated and controlled. The latter is principally, of course, in the Environment and Public Works Committee.

During that Antarctic trip, it was a NOAA, National Oceanic and Atmospheric Administration, scientist who was pointing out the ozone hole. Incidentally, there were bells ringing in the sun. We have not found out how or why. We were watching all of this occur.

We were down there with the National Science Foundation, and we also had authorities there from NASA, the space agency. NASA, NOAA, and the National Science Foundation, of course, are within our Commerce, Science and Transportation Committee.

Regarding S. 169, once we checked with the Environmental Protection Agency, with both sides of the aisle, with the White House and all the departments and agencies, we reconciled any differences we had learned about, and we ordered that bill reported in April. The bill has been on the calendar, ready to pass.

However, there was a hold on it. The best I could determine about the hold was that it was not anything, really, with respect to the provisions of the particular bill, but rather that there was a definite feel in the Environment and Public Works Committee that there ought to be sequential referral to that committee, and also that that committee should have conferees.

I did not think it was necessary. There could be a time when some bill would come up, and we would want to do that. But I did not see that here, and I did not want to set a precedent.

The situation put this chairman of the Commerce Committee to the task to say, let us raise this issue now when we have the clean air bill up and specifically the amendment of our distinguished colleague from Rhode Island [Mr. CHAFEE].

Senator CHAFEE's amendment, and I am reading section 508(b), and then (c), says: "Monitoring atmospheric concentrations of chlorine—the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration shall monitor"—and so forth and so on.

I said, well, now, if we are going to get technical, we will have to get the clean air bill referred to the Commerce Committee and then we would have to have conferees.

So, in order to establish an understanding, to forestall misunderstanding, I raised that point. I have discussed it at length now, as well as other provisions at issue, sponsored by the Senator from Arizona, Senator MCCAIN. And I think with this colloquy and understanding there is no reason for us to have the referral. We are going to have enough problems with the conference on the clean air bill.

I generally support the clean air bill. There are some amendments. But I commend the Senator from Montana and his leadership in this regard, and the Environment Committee for bringing to the Congress in the early part of the session a clean air bill. I am ready to vote for the Chafee amendment. But I had to establish this understanding for our committee members because they wanted to know.

This is what has occurred. There are overlapping jurisdictions. There will be those questionable provisions from time to time. But I think the Members working together, as we are trying to do here on the floor this afternoon, will clear the air on that. And I do not believe my distinguished colleague, having seen and been able to study our bill, S. 169, on global change, wants sequential referral and conferees, as I understand it.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. The Senator from South Carolina has accurately stated the situation. The stratospheric ozone depletion that exists around the world, and particularly the Antarctic hole that the Senator from South Carolina was able to observe, along with other global warming phenomenon in this world, affect a number of different committees in the Senate. No one committee has the total exclusive jurisdiction over all environmental matters.

However, it is true the Environment and Public Works Committee is the primary committee of jurisdiction over environmental matters. It is, after all, the Environment and Public Works Committee and, under the Standing Rules of the Senate, the Environment and Public Works Committee has jurisdiction over environmental research, and over environmental policy, research and development. It is the premier environmental committee.

However, the Committee on Commerce, Science, and Transportation also has a very strong, definite, deep stake in the matter. After all, NOAA and other agencies are certainly within their jurisdiction, relevant agencies are within the jurisdiction of that committee.

This Senator will not object to S. 169 when it is brought up; will not object seeking sequential jurisdiction or even the appointment of conferees. However, the staffs of our two committees have been discussing and have agreed upon, at least at the staff level, some substantive changes that would be appropriate for S. 169 when it is brought up, and I think the Senator agrees to that.

In addition, I can speak for Senator CHAFEE in saying he has spoken with Senator MCCAIN, and Senator MCCAIN has indicated his desire that we proceed here today and that Senator MCCAIN, does not object to us bringing up the present amendment by the Senator from Rhode Island.

I think it is appropriate that the chairmen of the committees, as I know they will, work these matters out as they come up. This is not going to be the first time this Senate will visit global warming or chlorofluorocarbons. It is going to come up again. And when it does, Mr. President, I know the Senator from South Carolina, the chairman of the Commerce Committee, and Senator BURDICK, the chairman of the Environment and Public Works Committee, will be able to work out the appropriate delineations of jurisdiction both committees have. There is some overlapping jurisdiction here. It is clear. I think we can work this out.

My statement, Mr. President—I think I can speak on behalf of the committee—that I will not object to S. 169, is really a statement of good intention and good faith to work with the Senator from South Carolina.

There may be other instances, though, with other legislation before this Senate, where it would be appropriate for this Senator to object on a jurisdictional basis. But based on the discussion I have had with the Senator from South Carolina, this Senator will not object.

Mr. HOLLINGS. I thank the distinguished Senator. There are those fine points, as the distinguished Senator talks about research, and there are members of our committee who have tried to delineate them. They have said, now, Environment and Public Works has control of policy on the environment, but we have the research end of it, as this amendment acknowledges—when they ask NOAA, when they ask NASA to monitor, we have that responsibility.

We are not trying to stand on technicalities. We are trying, as the distinguished Senator from Montana says, to work in good faith and move along, for the good of the country, a good clean air bill, and move along research. We have methane provisions in the clean air bill—on methane we just do not know enough. We tried over a year ago to get S. 169 going to better our understanding so we could legislate intelligently. We have to assess the problems and charge the executive branch and various departments to get going.

I appreciate the chance to have this colloquy and the understanding with my distinguished colleague from Montana.

Mr. BAUCUS. I deeply thank the Senator from South Carolina. He has been very, very helpful and constructive in finding a resolution to this matter.

Mr. HOLLINGS. I thank our colleague very much.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ADAMS). Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, it is my understanding that the matter before the Senate now is the Chafee amendment dealing with methyl chloroform.

The PRESIDING OFFICER. The present matter under consideration is S. 1630. The pending question is on amendment No. 1219, sponsored by Senator CHAFEE.

Mr. CHAFEE. Mr. President, have the yeas and nays not been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. CHAFEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CHAFEE. Mr. President, I will defer.

Mr. BAUCUS. Mr. President, the yeas and nays have been ordered on the amendment. There was an earlier objection on the Democratic side by Senator HOLLINGS. The chairman of the Commerce Committee is no longer objecting to the amendment. We are ready to vote on this amendment. It is my intention to try to get a vote on this amendment tonight. The only objection made to the amendment has been lifted. I will be consulting with the majority leader trying to set a time for a vote later this afternoon.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. I will recognize the Senator from Idaho in just a moment.

Is it the statement of the Senator from Montana to the Chair that there will be a later request, or is he requesting that we proceed to a vote?

Mr. BAUCUS. Mr. President, I am consulting now with the majority leader. He will put the request at his discretion as to the time when there might be a vote. I am just generally reminding Senators that we have been on this amendment for a couple of days. There has been ample opportunity to debate it.

The PRESIDING OFFICER. That is why the Chair was inquiring. I assumed the Chair might be able to put the question at this time, and that is why I made the inquiry.

Mr. BAUCUS. Mr. President, as I was saying, we have been on this amendment now for a couple of days—the amendment offered by the Senator from Rhode Island. I think it is time now to vote on this amendment. Senators have had the opportunity to come to the floor to speak on this amendment. They have had more than ample time to learn the contents of the amendment. I must say it is a very simple amendment. This is not a complicated amendment at all. The amendment is only to add methyl chloroform to the list of ozone depleting substances; that is, along with other substances presently contained in the bill. The Chafee amendment is only adding that one substance, methyl chloroform.

So at a later time today either I or perhaps the majority leader will indicate to the Senate when there might be a vote on this amendment. But I am not in a position at this moment to state when that time is.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana yields the floor. The Senator from Rhode Island had the floor and, I believe, had yielded it.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. SYMMS. Mr. President, I am glad that the two managers of the bill are on the floor. I had a question I wanted to ask about the pending amendment. I have received some correspondence on the amendment.

The first question I wanted to ask the author of the amendment is with relationship to the Montreal protocol. Is this amendment more, does it reach further than, or is it the same as or less than in terms of banning CFC, methyl chloroform? How does it stack up? How does it compare with what is proposed in the protocol?

Mr. CHAFEE. Mr. President, in answer to the distinguished Senator from Idaho, this substance, this chemical, is not currently in the Montreal protocol. There is pretty definitive evidence that it soon will be included in the Montreal protocol. The United States itself has submitted a suggestion to the Montreal participants that methyl chloroform be included. But as of now, it is not.

Mr. SYMMS. I guess the question I have is if it is not involved in the protocol, but it is the same as the general outline for CFC's, why should the United States be doing this unilaterally?

Mr. CHAFEE. Mr. President, I think the Senator from Idaho has put his finger on the principal issue here. I think that no one will argue with the fact that methyl chloroform is an extremely dangerous chemical as far as the ozone layer is concerned. The Senator then raises the question should we proceed unilaterally—that is, the United States under this legislation would ban it 50 percent by 1996 and 100 percent by the year 2000.

So the Senator says, well, that is fine, but let us proceed in accordance with the Montreal protocol as amended. The answer to that, and I believe that the merits of the answer overwhelmingly is that the United States produces nearly half, 41 percent to be exact, of all methyl chloroform produced in the world. Therefore, it is our belief, and those who have spoken in favor of this legislation, that it behooves the United States to take a leadership position. Methyl chloroform is extremely destructive.

One of the virtues of moving quickly on this is that methyl chloroform is not a long-lasting substance in the ozone layer. In other words, it completes its dangerous work within 7 years, as opposed to many of the other chemicals, the CFC's with which we are dealing, which last much longer, some of them up to 50 years, in the stratosphere before they do their destructive work.

So it seems to me that we can strike a tremendous blow in the preservation of the ozone layer by getting rid of these dangerous chemicals known as methyl chloroform—and at the same time, as the distinguished Senator, who is a very valuable member of our committee, knows, the CFC's and methyl chloroform and similar chemicals are part of the problem of the global warming.

And so by getting rid of the CFC's and methyl chloroform, we are striking a blow also against the global warming. So what this amendment does is, it takes methyl chloroform and adds it in with the CFC's that are currently in the bill which, all of them, not just methyl chloroform alone, but all the rest of them, have a definite phaseout date by the year 2000, which the Montreal protocol at the current time does not have.

As the Senator, who has been following this knows, the Montreal protocol provides for a 50-percent reduction in production by the year 1998 for most of the CFC's. It does not have a total ban on any of them. This legislation has a total ban by the year 2000. I think the Senator knows the rationale for that position. But we can develop that further.

Mr. SYMMS. I thank my good friend for that comment. Mr. President, I have not made up my mind on this amendment yet, which way I wish to vote. I may have some more questions for the Senator from Rhode Island. But my concern is that if we do something unilaterally in the United States, we may drive this business offshore, and I think we did that in the case of aerosol cans in 1977. We drove the business offshore.

I do not know how much business this bill potentially can drive offshore, but I am concerned about the unilateral aspects of an amendment that predisposes what the U.S. position would be prior to ongoing negotiations, because there may not be much incentive for other nations to negotiate.

I am going to read a letter here, and I do not know this company. I do not know the president of the company, Eugene Fleishman who wrote to me, but I do think, with great respect to my friend from Montana, that the reason there seems to be some concern on the part of Senators regarding how soon they want to vote on this amendment or other amendments, that the Senator from Montana and others have worked with this clean air bill for 9 years. For 9 years we have had the clean air bill before the Environment and Public Works Committee.

Four times previous to this, we have passed a clean air bill through the committee. It comes over here to the

floor, and the majority leaders of the past have not seen fit to bring the bill up. I see the distinguished majority leader on the floor. My fear would be that if this bill passed in the current form it is in before the Senate today, that 1990 would be the year that America would remember the Mitchell-Baucus recession, caused in the year that this bill passed the Senate and ended up driving America into recession.

Some of us are trying to save our good friends from that fate and not allow this bill to pass until there is an opportunity for all Senators to understand it. There is no effort on this Senator's part or any other Senator's part in any way to filibuster or slow down this bill to any degree or length. But there is a very complicated, almost 500-page piece of legislation before us, that I believe needs a lot of study.

Is the majority leader seeking recognition for some other business?

Mr. MITCHELL. No. If the Senator will yield.

Mr. SYMMS. I will certainly yield.

Mr. MITCHELL. Merely for a question and a request as to when we might vote on this amendment. I have heard just the most recent of the Senator's remarks. I simply say that it is my hope that we can vote on this amendment as soon as possible, today, if we can.

I would point out that the bill has been pending now for—we are in the second week. This amendment has been pending for 3 days. I recognize it is a complicated amendment, but in the 10 years I have been in the Senate we have voted on literally hundreds, perhaps thousands of amendments of equal or greater complexity that have not been pending for 3 days.

Tonight I expect, at the State of the Union Address, that the President will once again urge the Congress to move on the clean air bill. I have been trying very hard to do that, to comply with the President's request. I know how responsive the Senator from Idaho wants to be to the President's request. So my purpose now is merely to inquire of the Senator, so that other Senators can be aware, can I anticipate that the Senator will be in a position to have completed his inquiries on the matter and his arguments, such as he wishes to make, today so that we can proceed to vote on this?

Mr. SYMMS. I can speak only for myself. I say to the majority leader, I think I will have exhausted my interest in this amendment before the day is over. I do not know what other Senators feel.

I say also to the majority leader, Mr. President, that I do not believe that this amendment is as much of a concern for the whole Senate as the whole proposition is.

As the majority leader knows, there is talk that there may be a bipartisan substitute offered or a bipartisan position that would be a more moderate bill or something closer to the President's bill than the committee bill. I think that that work is going on. Maybe Senators are working on it. I know of two Senators that I saw during the lunch hour that were interested in coming to the floor and speaking on this amendment. I expect they will be here soon, two Senators from this side of the aisle.

I just have a few more questions on this. I think, I say to my colleagues, that there is a great concern in the country that this bill—and I said this before the majority leader came on the floor—has been around for about 9 years, but it has not really been on the Senate floor for a long time. Senators that are not on the Environment Committee have not had the opportunity to really understand the full impact of this legislation, the far-reaching impact of this legislation to their constituencies. I think that is part of the problem. I think this amendment is fairly straightforward and fairly simple.

I would like to read this letter. As I said, I have no ax to grind with this Mr. Fleishman that wrote this letter. He may have written all members of the Committee.

DEAR SENATOR: I'm writing to you on behalf of our company CRC Industries located at 885 Louis Drive, Warminster, PA 18974. We manufacture and supply many items for the Automotive aftermarket throughout the country and we provide employment for 85 people here in Warminster, Pennsylvania.

My concern relates to the proposed Chafee Amendment (Under Section 508) of S. 1630. This amendment immediately restricts the use of a chemical vital to the operation of our business and provides a schedule for phasing out its use 100% by the year 2000. Such legislation is bound to have damaging effects on future sales, size, and employment offered by our company.

The chemical is methyl chloroform (1.1.1 trichloroethane) and it has been the subject of recent research and discussion concerning possible negative effects on the environment. At this point, however, there is no direct evidence to implicate this chemical.

Currently there is no substitute or replacement for many of the jobs done by this chemical, nor is there a foreseeable substitute. It is the most environmentally acceptable substance for most of its applications.

1. It is not a hydrocarbon and therefore does not contribute to ozone in the lower atmosphere.

2. It is non-explosive and does not have a flash or fire point.

3. It has been throughly tested for toxicity and carcinogenicity.

4. It has negligible global warming effect.

In 1989 NASA concluded that use of methyl chloroform at current levels until 2020 would not cause an increase in peak atmospheric chlorine concentrations if currently mandated CFR phase-outs are followed.

This potential problem of methyl chloroform's effect on our environment is currently being debated by the Montreal Protocol organization. It is vital to the well being of our economy that the United States does not precipitously pass unneeded or more stringent legislation than that that might come out of the Protocol deliberation scheduled for London, England in June, 1990.

I urge you to oppose the Chafee Amendment, Section 508 of S. 1630.

Sincerely yours,

EUGENE FLEISHMAN,
President.

Obviously he has an interest in it. That is all right.

Does anyone have an answer to this letter?

Mr. MITCHELL. Mr. President, will the Senator yield so I may merely engage in a brief dialog, and then I will yield to my distinguished colleague from Rhode Island?

Mr. SYMMS. I yield.

Mr. MITCHELL. I am grateful for the remarks from the Senator from Idaho. He has indicated he does not intend to delay the vote on this amendment and that he will be completing his questioning and his comments shortly.

So Senators may be aware, it is my intention to continue the session until we have a vote on this and to have such a vote as soon as all Senators have completed their comments or inquiries on the amendment.

I am personally unaware that the managers are aware of any other Senator who intends to come over and speak. If they do, I hope they will immediately come to the floor, and Senators who are not present in the Capitol should be notified through their offices that we are going to stay until we vote on this amendment. I expect that to be sometime shortly, since I am relieved and delighted to hear there is no concerted effort to delay a vote on this amendment. We really do want to get on. We really do want to heed the President's call for prompt action on clean air. So I thank my colleagues.

I alert all Senators to the now apparent likelihood there will be a vote on this amendment as soon as the Senator from Idaho and any others who wish to ask questions about it have had the opportunity to do so.

I thank my colleagues for their cooperation. I thank the managers especially, and I thank the Senator from Idaho for yielding, permitting me to make this comment.

Mr. JEFFORDS. Mr. President, will the Senator yield?

Mr. SYMMS. I am happy to yield for a question.

Mr. JEFFORDS. The Senator asked whether or not anyone had an answer to the letter. I respond that obviously I do not know the impact on every type of business.

I do know I was concerned about that question and inquired of my Vermont community, and the two largest

users of methyl chloroform in my State are General Electric and IBM, and both of them are satisfied they do have an alternative and intend to phase out by 1993. It is also our legislature's intention, I believe, to have the ban in Vermont, and it is my understanding they have checked with our businesses, and they do not seem to have a problem.

Again that business to which the Senator referred to may be a different business than those we have in our State. To my knowledge there are substitutes available, at least for the businesses in Vermont and that they intend to go ahead, well ahead of any deadline.

Mr. SYMMS. I thank my friend. The Senator from Rhode Island may have an answer. Maybe there is a substitute. I am asking this in a genuine state of inquiry. I do not know the answer to the question. I am happy to yield for the Senator to answer my question.

Mr. CHAFEE. Mr. President, first of all, I thank the Senator from Idaho for his interest in this because obviously this is helpful to those who are listening in their offices or watching this in their offices on television.

In answer to his question, first of all this legislation provides no restrictions on the use of methyl chloroform. That is a point that the gentleman who wrote the letter I do not think completely understood.

As you notice in his letter, he talks about we ban the use of methyl chloroform. That is not so. We ban 50 percent of the production starting on January 1, 1996. That is 5 full years from now. We then ban 100 percent of the production starting in January 1, 2000. But in the interim, these materials, this methyl chloroform, can be used.

You might say, it can be used but it disappears; that is the problem. There are capabilities of recapturing this in the use. In other words, it is a principal use; 60 percent of it is used as a degreasing solvent, and it is possible to recapture this and use it over again. That has not been done a great deal—to a great extent now because it is cheaper and easier now to forget that.

But necessity is the mother of invention. There are capabilities and obviously they will come down in price in recapturing this substance for reuse.

But that does not get to the Senator's question. The Senator said: Are there substitutes? On January 30, 1989, the report of the Montreal Protocol Technical Review Panel, which is an international panel of experts, concluded that substitute substances currently exist for 90 to 95 percent of the methyl chloroform uses. That is not just the United States saying this; this is the international people saying it. A draft report by EPA agrees that for all end users of methyl chloroform technically feasible technologies are already available to reduce the use of methyl chloroform more than 50 percent by 1991 and to eliminate its use completely by the year 2000.

In other words, between 90 and 95 percent of the substitutes currently exist, and they are convinced that other substitutes will be available and technically feasible. They can see it on the horizon clearly by the time we phase this out.

Mr. SYMMS. I thank my good friend from Rhode Island.

Mr. President, I must say I hear what my colleague is saying, and I know he is very sincere and dedicated about what he is saying.

This Senator has some concern about the proposition that the Senator advanced about necessity being the mother of invention, or something. That is equivalent to holding a gun at someone's head and saying, "You start inventing." If that were the case, it would not be the United States of America that has just introduced the Soviet Union to the wonders of McDonald's this morning. It would be vice versa. It would be the other way around.

We have been much, much more inventive, much, much more creative, and much, much more talented in terms of solving environmental problems, through the market voluntary system as opposed to the coercive whips and chains of a government system.

I do not know exactly what business this gentleman is engaged in but he does say this:

It is not a hydrocarbon and therefore does not contribute to ozone in the lower atmosphere.

It is non-explosive and does not have a flash or fire point.

It has been thoroughly tested for toxicity and carcinogenicity.

It has negligible global warming effect.

The fact of the matter is that the committee bill contains the text of an amendment which was reported by the committee earlier in connection with budget reconciliation. The amendment provides for unilateral phaseout by the United States of CFC, halons, and carbon tetrachloride without regard to the outcome of international negotiations now underway to strengthen and expand the Montreal Protocol.

One question I should have asked my friend from Rhode Island, and I will not ask him how, but he may want to address it later, is a rhetorical question. If we outlaw methyl chloroform, I am just wondering what will be the next product. How many products is the U.S. Senate going to vote out of existence in this great body of scientists and experts on toxicity and carcinogenicity? How many specific substances are we going to start voting on here to remove from scientific review?

Also I think there is a concern on this Senator's part to removing a negotiating position from our negotiators who are trying to get the rest of the world to go along with us so that we don't just drive this business offshore and then come back on another bill and talk about the terrible trade deficit that we have for merchandise trade where we are buying the things that we no longer make.

One of my colleagues was on the floor yesterday saying if you stood at the plant gate and breathed the air of the plant gate for 70 years, 24 hours a day, then 3 out of 10,000 people I believe it was, if I heard the Senator correctly, might somehow get some increased risk of cancer. Of course 3 out of 10,000 is bad.

I am not sure, though, that the expenditure of money we are talking about could not be better spent in a direct application to research on how to improve people's own individual lifestyles and habits that may bring on more cancer. I think that is a question all Senators have to think about. It is a basic question of what this bill is all about. And it is probably true this amendment may not be a big fish in respect to this big bill.

This may be a small fish in a big bill. But there is a principle involved here. We are invoking unilateral legislative action by the United States on chemicals that would put United States industries at a competitive disadvantage compared to foreign companies using CFC's or other chemicals that would be under no comparable restriction, the Japanese electronics industries for example. This could cost the United States jobs. I think Senators should be aware of what it is they are voting on.

I know, sure, nobody wants to vote for anything that might be viewed as an indication that the Senator who is standing on the floor of the U.S. Senate somehow is in favor of cancer. I would venture to say that there is no Senator here that would intentionally impugn the motives of a colleague and infer that they are in favor of cancer because there is not any Senator here that has not had some loved one impacted by this dreaded disease.

What you cannot see is the impact. We can pass all of these wonderful sounding pieces of legislation. We can pass this amendment for that matter. It may be that this little CRC Industries can go do something else. Maybe they can get another product or produce another product.

But it appears to me that we are walking on very, very thin ice. Unilateral legislative action could frustrate international negotiations for us to strengthen the Montreal protocol by tying the hands of the United States negotiating team.

I just have a great deal of reservation about the folly of unilateral action in this regard as is illustrated by the CFC aerosol ban enacted by

Congress in 1970 because the European nations impose no comparable restrictions and they now enjoy a bargaining advantage over the United States by virtue of their ability to offer easy short-term reductions in CFC aerosol use.

The amendment that we are discussing here now would impose limits on methyl chloroform. Enactment of this provision, limiting these substances—maybe it will not be as bad as this Senator thinks; it might be—but I think all Senators need to be aware of the fact that it very well could hinder our ability to achieve a more rapid phasedown of CFC's by restricting alternatives to CFC's in a wide variety of uses.

In other words, what I am saying is we are standing here on the Senate floor passing legislation, about to vote for an amendment that I imagine will pass by an overwhelming majority that is the substitute for a product that is already going to be phased down. By eliminating such alternatives, we give other nations a tremendous competitive advantage over the United States and then next year we could come in with some kind of a bill to put a higher tariff on or do something else and interfere with the efforts that have been made to try to open the world up for more trade, having serious implications as to the growth and well-being of our people and our economies in this country.

HCFC's and methyl chloroform, according to the information I have, are the only alternatives to CFC's in many applications. There may be others. The Senator from Rhode Island I see is on his feet and may want to comment on that statement.

Mr. CHAFEE. Mr. President, if the Senator would yield for me to make one quick point.

Mr. SYMMS. Yes.

Mr. CHAFEE. I do wish to stress this because some might be operating under a misconception. This amendment does not deal with HCFC's. It deals solely with methyl chloroform. Now you can say, well, they might come up with an HCFC amendment later on. That is an entirely different subject.

Mr. SYMMS. Does the Senator intend to do that?

Mr. CHAFEE. If we do, then that can be considered on its merits. Indeed, I will make no secret that we have been in discussions with the principal producer of CFC's; namely, the Du Pont Co. and the Allied Chemical Co. who are concerned about this very subject and wish to develop substitutes which might involve HCFC's. So there is a discussion with them. How long they would need for time to produce those HCFC's, what period of assurance, that is something entirely different. This amendment is solely concerned with methyl chloroform.

Mr. SYMMS. I thank my colleague from Rhode Island who is our Republican leader on this committee and has worked with this issue long and hard, and I respect him for his concern. But my understanding was that methyl chloroform is also a raw material for some of the HCFC's now, so that is why I was bringing HCFC's into the discussion. And over 100 users commented to EPA in response to an advance notice of proposed rulemaking that they need methyl chloroform and have no replacements available for the foreseeable future. That was from the Federal Register, April 17, 1989. I am quoting from the views of the junior Senator from Idaho on page 485. More recently these points were underscored by the user company representatives on EPA's Stratospheric Ozone Protection Advisory Council. That is from the transcript of the meeting of the Stratospheric Ozone Protection Advisory Council, October 26, 1989.

So I just think that for Senators that are not involved in this fight and have not been until now, you need to be well aware of what it is you are voting for. You may be right to do it. I am not challenging the opinion of other Senators. But I am just saying that we are voting on the Senate floor on banning a specific product and putting ourselves in the position to ban something that otherwise would be negotiated in a protocol probably in the future with other countries; is that not correct?

Mr. CHAFEE. Mr. President, if I might, I would just like to address that concern which is a legitimate concern that the Senator raised. He is quite correct in saying this methyl chloroform is indeed an ingredient that goes into the HCFC's. As I mentioned previously, the HCFC's have not been touched in this legislation, and furthermore, this legislation says the ban on production of methyl chloroform does not apply to that portion of methyl chloroform which is used as feedstocks; in other words, which is used as an ingredient to make something else; that is, HCFC's.

So we have particularly addressed the concern of the Senator from Idaho. Not only do we not ban HCFC's, we do not ban the production of methyl chloroform used as an ingredient in the production of HCFC's.

Mr. SYMMS. I guess the next question could be: What do we do to the economic ability of those producers of methyl chloroform, a product which is used for metal and precision cleaning in electronics, aerospace, and automobile industries for civil and defense applications. If we disallow it for use in that form but then allow it to be used for feedstock, is it going to become uneconomical to produce and will some producers quit producing it?

Mr. CHAFEE. I do not know the answer to that. Obviously, by the year 2000, not as much methyl chloroform will be produced, clearly because we will have banned it for the use in its natural ingredients; that is in its normal form as methyl chloroform. Whether there is enough out there to sustain it as a feedstock, I have no doubt that there will be enough demand to keep some of the production going. How much, I am not able to say.

But Mr. President, I do want to remind the Senator from Idaho what we are dealing with here. We are dealing with a concern of the destruction of the ozone layer. Now this is a legitimate concern. This is not some group of environmentalists that are saying something may happen someday that will be of concern not only to the health but to the environment of the globe. This is something that is absolutely uncontroverted. There is not a single reputable scientist today that argues with the fact that CFC's and methyl chloroform and halons are destroying the ozone layer.

The destruction of the ozone layer leads to greater incidence of cataracts, it leads to greater incidence of skin cancers, it leads to the destruction of the plant life and the ability of the plant life to regenerate itself; it can well be devastating.

What we are seeing over the Antarctic and what we are seeing increasingly over other sections of the globe, including the Arctic, are these tremendous gaps way beyond anything forecast, way beyond what any models predicted, are occurring. We just do not want to lose sight of that.

Yes, somebody in the United States and somebody else, where this is part of the Montreal protocol, as it inevitably will be, is going to lose his job producing this.

When we do something to solve a tremendous problem like this, some jobs are going to be lost. At the same time, let us not lose sight: In the United States over the past 70 months we have created some 20,000 jobs in every single month. And I am not belittling anybody losing their job.

But if we are going to have a better globe, substitutes will be developed. Individuals will find work in these substitutes.

Finally, I want to say to the distinguished Senator from Idaho, the actions of the United States pursuant to this legislation are going to see the production of substitutes that will be in demand throughout the world. I will guarantee to the Senator that the rest of the nations are going to follow the United States in this effort and certainly the Montreal protocol is going to go just as far, which will be adopted in measured steps dealing with CFC's methyl chloroform, whatever it might be, in the years ahead.

Mr. SYMMS. I thank the Senator from Rhode Island.

Mr. President, if I might just carry on briefly for a few more minutes, because I know there are a lot of my colleagues who have talked to me in the last 2 days that wonder what in the world it is we are talking about on chlorofluorocarbons and methyl chloroform. I mention this just for those who have not come in contact with the subject.

It is used for metal and precision cleaning in the electronics, aerospace, and automobile industries for both civilian and defense applications.

It can replace CFC-113, one of the most difficult CFC's to replace, in many of these applications.

There is a great spirit of entrepreneurialship out there and many good things can happen. I am very optimistic for the future, of what can happen in a free society. But I do think, Mr. President, what we are doing here is we are going to use the whips and chains of government to tell people they have to go out and invent substitutes for this thing. We have to understand this is what we are doing.

Maybe it will work out all right. But normally people do better in a free environment, free from fear and free from concern. And capital can be invested in these areas for trial and error, rather than the Government coming in and just saying; bang, you have to stop doing it right now. You are no longer going to be able to use this product. Maybe it will work out. I hope it will.

While other materials and processes are available for some of these applications, many important products still must be cleaned using one or the other of these solvents. In these cases, use of methyl chloroform results in a six- to eight-fold reduction of potential ozone depletion.

I might say there are two issues at stake in this broad picture. We have the stratospheric ozone proposition that Senator CHAFEE was just talking about. I have had people tell me it is all the coriolis effect, it is the way the world spins. We have just discovered better ways to measure these things than we used to be able to; it is highly overstated and depends on the axis of the Earth, certain times of the year. I do not know who knows the truth.

But I do know that methyl chloroform, when it comes to the other issue of global warming, is a good product that has very little negative impact.

So methyl chloroform is the most environmentally acceptable substance currently available for most of its applications. It is not a hydrocarbon that contributes to the formation of ozone. It is virtually nonflammable.

None of the alternatives to methyl chloroform has been thoroughly tested for health effects. Some have shown evidence of carcinogenicity in animal tests. Many more have not been tested at all.

Many of the alternatives contribute directly to ozone formation and therefore may not be used in many parts of the United States where smog is a serious problem. Indeed, discouraging the use of methyl chloroform would work at cross purposes to the nonattainment provisions of the bill.

Alternative water-based cleaning systems may be available for some applications, yet they require much greater amounts of energy mostly for heating and drying than does solvent cleaning.

Increased use of these water-based systems would lead to increased use of fossil fuels for energy, in turn contributing to the buildup of greenhouse gases.

So I think my colleagues need to recognize when we do one thing, it is going to be impact on something else. If we remove the use of good cleaning solvents we may have to use steam and hot water, burn kerosene, and create gases which will contribute to global warming.

The committee amendment equates ozone-depleting chemicals with greenhouse gases and states it will address global climate change resulting from the greenhouse effect as well as ozone layer destruction. In this regard it should be noted that HCFCs have far less greenhouse effect than CFC's, and that methyl chloroform has virtually no effect at all.

A recent paper by two National Aeronautics and Space Administration scientists concludes that continued use of methyl chloroform at current levels until 2030 will not cause an increase in peak atmospheric chlorine concentrations over what would otherwise be the case if CFC's, halon, and carbon tetrachloride emissions are phased out in the year 2000.

Such continued use of methyl chloroform also will not impede our ability to reduce atmospheric chlorine to two parts per billion, the level of the atmospheric chlorine prior to the appearance of the Antarctic ozone hole, by the year 2070.

So I think we are getting into an area here where the U.S. Senate is starting to legislate on areas where it is doubtful whether we know what we are doing or not. My concern is that it is generally recognized that the ongoing international negotiations will result next year in an expanded Montreal Protocol that will phase out CFC emissions by 2000 and will freeze methyl chloroform emissions at current levels.

The expanded protocol is likely to become part of U.S. law after that event takes place. There is no reason in my view, Mr. President, that the U.S. Congress should be considering unnecessary legislation that would at best duplicate the expanded Monteal Protocol and at worst could hinder the ability of the United States to phase out CFC use and subject U.S. companies to production controls and regulations that are more stringent than those imposed on companies operating in other nations.

Mr. President, I do not have too much more to say about this amendment. I feel very, very uncomfortable that Senators are going to be asked to vote on this amendment. I believe it would be wise for the Senate to set this amendment aside and go on and debate this bill and bring other amendments in and debate them for a few days and give Senators and their staffs time to study what it is that is in this bill.

I call my colleague's attention to the Wall Street Journal article of Friday, December 15, 1989. It is listed on page 475 of the committee report. I will not go through and read the Wall Street Journal editorial now but it is called, the "Hermetically Sealed Law." It points out how the committee considered some 40 amendments in 1 day; it passed the committee very rapidly; business groups were frantic, wondering if their firms were getting gored. They still did not quite know what was in the bill at the time. Now it is printed and out here for everybody to look at.

I urge all my colleagues who missed this great, glorious procedure that we go through in the Environment and Public Works Committee every 2 years to read that editorial on page 475 of the committee report.

It is true that they have a point of view, but they point out some of the things that are represented in this general bill, not specifically to this amendment. It is unbelievable the potential for mischief that this bill carries with it in new authorities for, what will probable be by the time this becomes law, the new Department of the Environment, the Secretary of the Environment, if you will, to give incredible powers to make or break citizens in this country, to decide whether property is good or bad or can be utilized or not, put some people in business, all by the direct edict of law from those great, brilliant thinkers along the banks of the Potomac River in Washington, DC.

Mr. President, the bill goes against the very grain of federalism. It has the power to overrule State environmental offices. It has penalties for businessmen that could be up to as much as $250,000 per individual, 15 years in jail, if their company releases a hazardous air pollutant. It places people in an immediate danger.

The distinction between malicious pollution and unintentional pollution is also eroded. None of us are in favor of anybody purposely polluting the admosphere. But as I said yesterday, and I will say again in closing, what this

Congress needs to fear more than anything else is that we do not pollute the very business climate, the very environment that free people live in and work in and enjoy by enacting massive bureacratic dictatorial powers in Washington, DC. That can have a snowball effect, a ripple effect that can be very destructive to the very lives of the people that we are here in Washington to represent.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would like to compliment my friend, Mr. SYMMS, not only for his statement on the amendment, on which I am not going to address myself on this occasion, but really for his analysis of the bill and his courageous leadership in trying to at least educate a lot of people across the country and certainly many of our colleagues on the various aspects of the bill.

I happen to believe that this bill is certainly one of th most important pieces of legislation that we will pass this year. It has the potential to possibly improve the environment, but it also has the potential to do a lot of negative damage to the economy of the United States. So I think we have to be careful.

I, for one, would like to see a good clean air bill passed this year. I see my friend and colleague from Rhode Island [Mr. CHAFEE].

I was recently in Europe with Senator CHAFEE. We were in East Berlin. I remember a couple things. One, I remember smelling the coal that is generated over there. I remember one day on a rather hazy Sunday afternoon, you could not see probably more than a few blocks in a downtown area. So they have real pollution problems.

I am glad at least in most areas of the United States, certainly in my State of Oklahoma, we do not have that significant a problem. I do not want to have it. I am willing to pay something to see we do not have it. I, for one, am willing to make some sacrifices, pay some money to have better air, cleaner air. I think that is an objective that is shared by all in this body, and, I am sure, by all Americans.

Mr. SYMMS. Will the Senator yield for a question?

Mr. NICKLES. I will be happy to yield.

Mr. SYMMS. I ask, is the Senator aware of the fact the West Germans have waived their environmental standards so that East Germans, who came across the border, could drive their polluting automobiles, which were manufactured in the people's paradise, into West Germany?

Mr. NICKLES. I appreciate the Sentor's comment. Yes, I had heard that.

Mr. SYMMS. I think that is a significant point, and we should not lose sight of it. The Communist bloc countries are some of the worst polluters in the world. It is capitalism and entrepreneural freedom that have made the world a cleaner place to live.

Mr. NICKLES. I appreciate the Senator's statement. I see the Republican leader here. I want to compliment him for alerting people of the need to be aware of the provisions of this bill, and also some of the hazards in this bill and, in addition to that, some of the costs.

I encourage the Republican leader and the Democratic leader to work together to see if we cannot come up with a bipartisan package, an affordable package, a reasonable package, one that will not break the backs of the American citizen. I think that is important.

I think these goals are achievable: clean air and an affordable package. I do not think they have to be mutually exclusive. I do not think we have to have clean air at the expense of thousands and thousands of jobs and to the detriment of the economy of the United States.

I do not think we have to have a clean air bill that could be the equivalent of a 10-percent income tax surcharge. Looking at some of the costs, and I know the cost estimates range all over the place, but estimates agree this is a very expensive bill. It may well be that it is not an affordable bill. I am not sure the committee had looked at costs. I think we should discuss what this bill would cost consumers and see if maybe we can make some changes.

This Senator will propose some amendments, in conjunction with other colleagues, to see if we cannot make changes to make the bill more reasonable, more affordable and yet still achieve our common objective of cleaner air. And that is the objective. I think we should not lose sight of our objective. The objective is cleaner air, but also we need to keep in mind making the bill reasonable and effective and affordable.

Mr. BAUCUS. Will the Senator yield for a question?

Mr. NICKLES. I will be happy to yield.

Mr. BAUCUS. I would like to ask the Senator from Oklahoma if he will allow the Senate to vote on the pending amendment? The majority leader was recently on the floor approximately a half-hour ago asking Members, particularly Members on the Republican side of the aisle, if they were willing to let this amendment be voted on.

As the Senator well knows, the pending question is the amendment offered by the Senator from Rhode Island [Mr. CHAFEE] to add methyl chloroform to the list of substances that are to be phased out by the year 2000.

Is it the Senator's intention to speak on that amendment and ask a couple of questions so that when the Senator is finished speaking on the amendment, we can vote? I ask that question because it is clear there will be other opportunities to debate other parts, other titles of the bill, whether it is the nonattainment section, or mobile source.

Mr. NICKLES. I will be happy to answer the Senator's question.

Mr. BAUCUS. I ask the question also because the President, in his State of the Union Message, could very well and probably will ask the Senate to proceed quickly in passage of clean air legislation.

If we are going to pass clean air legislation and accommodate the President, we certainly must take up and dispose of amendments.

Mr. NICKLES. I will be happy to answer the Senator.

Mr. BAUCUS. If I can finish my question. It is not a blockbuster amendment; it is not an amendment that goes to the heart of the bill. This bill, too, is a bipartisan bill. Every member of the committee voted for the bill, Republican and Democrat, for once.

The question again to the Senator is, Is it the Senator's intention to address the amendment and let the Senate then vote on the amendment?

Mr. NICKLES. To answer the Senator's question, it is not my intention to address the amendment. It is my intention to address the bill. My statement may not take as long as his question.

Mr. President, to continue with my statement on the bill, not on the pending amendment, and it is not my intention to object to a UC request——

Mr. SYMMS. Will the Senator yield for one more question? The Senator from Montana is talking about the President; he probably will ask us for a clean air bill tonight in the other body. I think he is talking about his clean air bill, not this bill.

I have a letter here dated January 19, 1990, signed by President Bush to Senator DOLE. I just ask the Senator from Oklahoma, who I am sure has seen a copy of this letter, is it his opinion that if we pass the bill that is before the Senate today, if we pass the bill as it is, and it passes the House this afternoon and goes to the White House tomorrow, the President will veto this bill? Does he believe that?

Mr. NICKLES. I agree with the Senator. As a matter of fact, the President states unequivocally he wants a bill that is affordable. I think he mentions in the range of $18 to $20 billion in one of the passages of that letter.

That is one of the points I wish to address, Mr. President. Yes, we want a clean air bill, but we also want a clean air bill that is effective; we want one that is affordable.

I think there are several sections in this bill, a bill that is very complicated, a bill that is very detailed. The bill itself is several hundred pages. The committee report is several hundred pages. The bill was passed through full committee in 1 day, yet this is a bill that will probably have as much impact on the economy as any piece of legislation we pass, certainly this year, and for what may well be several years. It is a very extensive bill, a very expensive bill, one for which I think a little time, a little further review and analysis would be very much warranted.

I hope the Senate during the next week or so, maybe in the next few weeks, will spend time becoming familiar with the bill. Hopefully, our constituents will become familiar with the bill. I hope we will not pass a bill just so it can be on the President's desk by Earth Day or any other particular day. This bill will have ramifications for decades. This bill will determine whether plants are opened or closed. This bill will determine the size of automobiles. This bill will determine whether refineries or other petrochemical plants will be open or whether we will be importing more goods from overseas. It will have an impact on goods and services, particularly petroleum products, agricultural service products, and automobiles.

This bill would have a dramatic impact on utility bills. I have had some utilities come in and say, "If this bill is passed, utility bills will go up in this region by 25 percent." Well, those consumers should know that, because, again, I am sure, if you ask the question, "Do you want cleaner air?" Everyone will say, "Yes."

I also think people would like to see cleaner air, but they would like to see it in some affordable mechanism. Yes, there are costs in this bill. I have heard some people say this bill will cost $1,700 per household, or $104 billion. I think the administration says its bill would cost around $19 billion, maybe $20 billion.

EPA says the committee bill which is pending before the Senate would cost $41 billion, but they do not even put in a cost estimate for the CO_2 standards, which have the effect of CAFE limitations, and that is a very expensive provision. I tried to find out how expensive it is, and most of the automobile manufacturers say they cannot tell us how expensive it would be because they do not expect they could make and sell a lot of cars that would average 40-miles-per-gallon by the year 2000.

Sure, I have automobile plants in my State. We have several tire companies. We have a big auto manufacturer. We have glass plants. I am concerned about those jobs. I want to keep those jobs. I think most Senators would like to keep a viable auto industry in their State.

I see this bill, if we do not amend it, will do great damage, very significant damage, to the automobile industry in the United States. It may prove to the betterment of the automobile industry outside the United States but be very much to our detriment.

Why is that? Well, because of the bill's tailpipe emission standards. Sure, you say the administration bill had emission standards. Yes; it went up through tier 1. This bill has tier 1, and, generally speaking I will not have an objection if we stop at tier 1. That would make further improvements of auto emissions over the current clean air law. And, yes, it will cost us some money, but we can make some improvements in auto emissions. I think that would be good for the country.

But this bill also imposes a tier 2 requirement to reduce emissions in the year 2000. This provision, if technologically achieveable, would be very expensive. Many people in the auto industry say, well, that would cost maybe $500, $600 per automobile, if it could be accomplished at all without abandoning the current mix of cars sold in the United States.

Why are we trying to pass a bill for the year 2003? Are we trying to pass two clean air bills? I think it would make more sense to let us pass the best clean air bill we can pass with available technology in the year 1990 and then, if we need to pass another clean air bill in the year 1999 or 1997, let us take a look at it then. Let us see what kind of progress we make with one tier. Maybe we will make great progress. Maybe technology will take off. Maybe we can do more and make our automobiles more fuel efficient. I think that is great. I hope that happens.

This bill not only mandates the tier 2 tailpipe standards going into effect clear out in the year 2003, but it also mandates CO_2 standards, which are really just reverse CAFE standards, corporate average fuel economy standards, that go to 33-miles-per-gallon by the year 1996 and, by the year 2000, to 40-miles-per-gallon.

I know the Presiding Officer has an interest in this issue. Do not get me wrong. I want greater fuel economy. Heaven forbid, I have two teenagers driving cars. I want economy. Automobiles and fuel are expensive. But I want fuel economy to be obtainable. I want it to be effective. I want it to be affordable. And I do not want the fuel economy standards to be so rigid it means all of us are going to have to buy Volkswagens or all of us, as the Senator from Idaho said, are going to have to buy these little cars from Germany that look like a cardboard box. I do not think that is what American consumers want.

I happen to have a family of six. That little Volkswagen-type car will not work. As a matter of fact, I started asking questions: How many American automobiles are made right now that meet the 40-miles-per-gallon standard? General Motors does have one. They said, "Oh, we make one. It is called a Geo." It is a three-cylinder Geo, and it is not made in the United States. They make one automobile that meets that 40-miles-per-gallon standard. I tell you this, my family of six will not fit in that car. It will not work.

Not only that, we are talking about this bill being a health bill. I have heard people say this bill is going to save lives. How many lives is it going to cost because we mandate that these automobiles get 40-miles-per-gallon? The cars would have be very light. I do not know the lightest, cheapest type cars that you can think of, but trying to meet our basic transportation needs with those cars is going to cost thousands of lives. Thousands of lives. I think we need to look at that cost as well, not to mention it is going to cost thousands of dollars per car it might add.

Mr. President, I do not know if you have purchased a new car lately, but it already costs a lot of money to buy a new car. I am concerned that if we put all these so-called CAFE standards on new automobiles, we are going to drive the costs up so high that people will not be able to buy the car. And if they cannot buy the car, that means they continue driving their older car, and their older car continues to pollute; it does not get 40-miles-per-gallon; it probably does not get the current standard of 27½-miles-per-gallon. If it is like my son's car, which is a 1969 piece of junk, it probably gets about 8-miles-per-gallon, and it really pollutes.

If we are going to drive the costs of these newer cars up so high people are not going to buy the newer cars, we are not going to have the fleet turnover needed to steadily improve overall air quality and fuel economy. People are going to drive the gas guzzlers and the ones that are the real polluters, and that is a bad result we must avoid.

So the bill may have very good intentions. I do not fault the intentions of the authors, whether it is the Senator from Montana or the Senator from Rhode Island or the Senator from Minnesota. I do not fault their intentions or objectives one iota. But if the result is that we are going to cost consumers thousands of dollars for automobiles or thousands of dollars on their utility bills—and in the case of automobiles we may not be reducing total emissions; we may actually be increasing them because we keep more automobiles in the fleet—I do not want to make that mistake. I do not want to pursue this legislation so

fast—and again I am not filibustering—that we make a serious mistake.

Going back to the Carter administration energy policy, they were concerned that we had an energy dilemma. We had gas lines. We had an energy shortage: A gasoline shortage in urban areas, a natural gas shortage in the Midwest and Northeast caused by Federal price and allocation regulations. So Congress passed several pieces of legislation to remedy that. You know what? We spent the last 8 years undoing all of these so-called Carter administration energy programs. They said, well, let us see, we have a natural gas shortage, so we will pass a Fuel Use Act saying you cannot burn natural gas. We finally repealed the Fuel Use Act because it did not make sense. Why should the Government decide who should burn natural gas? We finally have repealed that.

Just last year we finally passed a natural gas deregulation bill that undid the 1978 Natural Gas Policy Act Amendments which had some 29 categories of wellhead price regulation. We finally undid that piece of handiwork. We finally repealed the so-called windfall profits tax that said, "Oh, industry, you are making too much money," and so they taxed the oil industry. It took about $77 billion from a handful of States. We finally were successful in repealing that. We finally repealed the so-called Synfuels Corp., another one of these ideas that Government can solve energy supply problems.

Do not get me wrong. I wanted to have synfuel development. I just did not want the Federal Government writing the check. But it was this idea that we have a problem, let us pass a bill. They passed a series of massive laws in response to an energy crisis. It was wrong. It was a mistake. It took us 8 years to repeal all that legislation.

Last year Congress finally repealed two pieces of legislation; section 89 and the so-called catastrophic health insurance bill, thanks in large part to the Senator from Idaho. Both of those were mistakes that went back to the 1986 tax bill and one was passed in the catastrophic bill which just passed the previous year.

They were passed with good intentions. Again I do not fault the authors. They were well intended, but they were faulty legislation. They were mistakes.

I am afraid Congress is getting ready to make another mistake now. I am afraid we will make a mistake if we do not spend enough time in studying how much this bill is going to cost. How much will this bill increase the cost of automobiles in Idaho or Oklahoma. How much will this bill increase the cost of utilities in Oklahoma or maybe in New Jersey or maybe in Illinois or possibly in Alabama? How much will the utility bills go up? Will they go up 25 percent? How much will the environment be improved at that cost? What about acid rain? How much sulfur reduction is really needed to protect the environment and how much is this going to cost?

I have been told in my State we are well below 1.2 pounds. We have been a clean State, so if we want to have any growth after 2000 we might have to go out and buy credits from a so-called dirty State or State that has been polluting more than our State. We might have to buy credits, if they are available, from those States so we can have industrial expansion in Oklahoma.

I expect that would apply for Nevada, New Mexico, and a lot of the Western States. It is really fair for those States to have to subsidize the cleanup in other States because they are burning dirty coal and we happen to be burning clean coal? The fact is that we have been paying extra to import coal all the way from Montana and Wyoming into my State so we have clean coal, and we have more modern plants so we have a cleaner environment. Why then should we help subsidize improvements made in other States which have been burning dirtier coal and have pollution problems? I think we have to address these questions.

I happened to have been a manufacturer before coming to the Senate. I ran a manufacturing plant. I look at this air toxic section, and I can see those provisions sending a chill down the back of every single manufacturer in the country. How are we going to comply? I am sure if you went by many of the plants in the country you would say they are in compliance. There are many clean plants. I think the solution in this bill is a problem.

Then you start reading about maximum technology, maximum achievable control technology. OK, maybe they can do that. I do not know how much that will cost. As defined in the Senate bill maximum means—the Senator from Montana can correct me—if anybody else is doing it in the industry you need to do it as well. They must do everything they can do.

I understand that MACT is also in the administration's bill. MACT is a big first step in controlling toxic emissions. But this bill goes beyond MACT. It also specifies a residual risk standard. Residual risk? What is this? Well, I started to look at it. I am not an expert. I looked and said, "wait a minute." If you happen to be emitting any one of the 200 or more so-called hazardous pollutants, and the emission rate is such that if a person on the perimeter of that plant was exposed—and by exposed they mean a person standing outside the plant 24 hours a day, 70 years in a row—if one out of 10,000 people could possibly contract cancer, then that plant has to close if that plant cannot get the emission level reduced below that 1 in 10,000 risk.

And that analysis is nothing but a model. That is nothing but a theoretical model that may or may not be right, and in all cases I would think it would be wrong because who in the world would stand outside the plant in the most vulnerable area possible for 24 hours a day, 70 years in a row? Of course no one would.

Yet, that is the standard in this bill. I think that goes too far. Why are we trying to pass two bills? Why are we not only going to MACT, but we have to go into a bright line standard for residual risk? It is not in the administration's bill, and it is not in the House bill. It is the most expensive provision in the Senate bill.

For those who are really concerned about the acid rain provisions, I will encourage them to look at the toxic provisions. The toxics provisions are far more onerous on the economy, on consumers, and taxpayers—on people who buy and sell things—a lot more onerous than the acid rain provisions.

So people need to become more familiar with the toxics provisions. I am afraid most people are not. I think they would have a real detrimental impact.

I have looked at the nonattainment provisions. We had a hearing on this bill before the Energy Committee. Tulsa happens to be in ozone nonattainment, because in the 3 base years one detector was deemed to be in nonattainment because of EPA modeling. Excessive ozone was not actually measured.

We think now Tulsa should be declared to be in attainment because in the last 3 years we have not had ozone levels above the limits. If we do not get Tulsa delisted, I understand this bill expands the definition of nonattainment area to continuous counties in the Tulsa area. The metropolitan area is 570 miles. With the expansion as contemplated in this bill, it could easily be 4,400 square miles.

Wow. What kind of damping impact can that have on the economy, not only in the Tulsa area, but in a very significant portion of Oklahoma.

I do not want that to happen. We need to use a little common sense. We need to use some reason. We need to put together a bipartisan bill. We need to put together a bill that works—not one that just sets absurd goals and says we hope we can get it—and it is going to be a goal-driven bill. We need to get one that we can work with, that will achieve our objectives, that is, cleaner air one that will reduce emissions of toxics pollutants.

I am in favor of that. I think we can do it in an affordable manner. I think this bill in many cases fails that test.

So I am hopeful that now with the cost estimates that are becoming avail-

able from the administration and many environmental experts, we will listen to some of the objections that have been raised in trying to take care of those concerns. I do not really think people in this chamber want to eliminate the American automobile industry. I do not think people in this Chamber want to increase utility expenses by 10, 15, 20, 25, 30 percent all across the country.

Again, I think we can make some improvements. I think we can pay to make some improvements. The administration has a bill that will cost $18 to $20 billion. That is pretty expensive. But this bill is many times more expensive.

So hopefully we can work out something that will clean the environment, clean our air, give our children a legacy that they can be proud of to pursue their objectives in a clean environment, and in a safe, healthy environment. I think we can meet those objectives and also have it be affordable; have it be effective, and actually have it work.

Mr. SYMMS. Will the Senator yield for a question?

Mr. NICKLES. I am happy to.

Mr. SYMMS. I want to compliment the Senator for his very excellent remarks. I think the Senator is right on target. The President's bill would cost at least half as little as this bill and would do 98 percent of all the clean up that the committee bill would do. So I think it is a fair trade.

The Senator was engaged in this discussion because I know his State is a large producer of automobile parts, is involved in the automobile industry, and is concerned about those jobs, as well he should be and as well he is. But I can tell the Senator if he had the opportunity to come to our committee—and he has an open invitation from this Senator to join this committee at any time—there is a large group of people who testify before that committee on a regular basis that are called professional environmentalists. Sometimes I get carried away and refer to them as elitists.

Ask these people what they want to do on the CAFE standards if they really advocate driving in disposable automobiles where Americans will be maimed, ruining many more lives in disposable lightweight cars than would be at risk in cars that may have a little more safety. The answer, the Senator will be surprised again, from many of those people is they want to get you out of the automobile.

It is kind of like the elitist of the past, when Marie Antoinette said "Let them eat cake." Some of these folks would say "Let them ride bikes, let them ride trains," take away that life that Americans have enjoyed to be able to go where they want to when they want to, on a road they paid for by buying their own fuel and paying a fuel tax. They want to take away the American automobile which is one of the things that gives Americans more mobility, more freedom, more opportunity than anything else practically we have—to set our own travel schedule on a road we helped pay for, and is paid for in advance.

But they want to remove that freedom. There is a large group of people—I am sure the Senator is aware of that being on the Energy Committee, who listens to these folks. They have a very elitist viewpoint; make cars so costly that you force human behavior to change. And the record shows clearly that the countries that have carried that elitist view the furthest have the most unhappy populations.

Mr. NICKLES. I appreciate the Senator's comments. Mr. President, I will conclude with one statement. The Senator made a valid point, and I guess again it goes back to the so-called CAFE standards.

Can we meet 40-miles-per-gallon? Yes, but we may not have automobiles. We may do it with motorcycles or mopeds and may do it with bicycles, but, yes, we can pass the law. It may change the way America moves.

I would like to see fuel economy increasing, as long as it is done in a free society. I do not want to mandate it by this bill. As a matter of fact, if you could change the CO_2 standards, instead of having 40-miles-per-gallon, make it 50. That has been proposed by some Members of this body. The point is, we are going to drive motorcycles or bicycles or automobiles so small and unsafe that it will cost a lot of lives.

My one son wanted to buy a motorcycle, and I did not want him to, because I thought it would be dangerous, particularly in a lot of areas around here. I did not want him to. That was our choice. I do not want to pass a law that will make it unsafe for millions of Americans. There are automobiles right now that get pretty good fuel economy. They do not get 40 miles a gallon, but maybe 30 something.

A lot of those automobiles, I can tell you from experience, are not very safe. I had a daughter that was driving a used 1985 American high mileage automobile that had a wreck when she was going 20 miles an hour, and it totaled the car. It was a tin can. That is not very safe. I would not buy that car again. It was too dangerous.

I think, again, we have to look at all considerations. Sure we want to look at fuel economy. I happen to be concerned about the amount of oil and gas we are burning in this country. I think we are becoming far too dependent on unreliable foreign sources. Last year we imported 46 percent. This year, I would guess, we will be importing right at 50 percent of our petroleum needs. I will project that in about 5 years it will be 60 percent. That leaves our entire country very vulnerable to unreliable foreign sources.

I do not like seeing that happen, but I still do not want to pass a CAFE law because it says, "this is going to reduce oil imports." I think it will be a tragic mistake for us to be mandating that type of thing on the American consumer, on the American society. We do not want to make that kind of mistake. That is another reason I think we need a little more time on this legislation. More people to become familiar with it. Not everyone has served on the Environmental Committee and has had the opportunity to work on this for years. So we need to acquaint ourselves more.

I encourage my colleagues to acquaint themselves on several specific provisions of this bill that really need to be addressed, if we are going to have a bill. I say, "have a bill," because either there is going to be a filibuster, or probably, because the President will veto the bill if it is not improved. One of the chief reasons is the overall cost of the bill.

The President said he does not want to have a bill that costs more than his original proposal, which was $18 to $20 billion. I think the President should stand on that feature, and I expect that he will.

Another provision, the CO_2 or CAFE standards I alluded to, that should be dropped. That is not in the House bill or in the President's bill, and it should not be included in the Senate bill. Maybe we can take it up on another issue another day, but it should not be part of this bill.

Another issue deals with the residual risk. We will have to use common sense, and we really should not have that portion of the bill. That is going far beyond maximum achievable control for technology, and it is enormously expensive.

The estimated cost of that is $60 billion some a year. Assuredly, that is hard to estimate. Who knows how much it will cost? Who knows how much the CAFE standard of 40-miles-per-gallon costs? It is hard to put a figure on it. How many automobiles are we going to make? If they do not make automobiles, how much does it cost? It means consumers are going to be buying a lot more foreign automobiles. How many jobs will be lost? How many tires are not going to be made, and so forth? It is hard to compute. It is a very expensive provision.

Incidentally, the administration's cost estimate of the bill, the committee bill, when they said $41 billion, they did not have a cost estimate for the CO_2 CAFE standard portion of the bill. It is kind of hard to figure. They did not get it. It is in the billions and is not even in this bill. So that is another serious problem.

The tier 2 emission standards need to be eliminated. We need to take that out. Senator LEVIN and I have an amendment dealing both with CO_2 CAFE standards and the second tier of the emissions. We need to strike those provisions, and hopefully that will be done.

There is a problem dealing with permitting. I will speak on that at another time. This bill leaves so much work to be done, including in the permitting section, and I will address that shortly.

I hope my colleagues, Senators BAUCUS, CHAFEE, MITCHELL, DOLE, SYMMS, SIMPSON, DURENBERGER, and others who have leadership expertise on this bill, can alleviate some of these concerns. It is not going to do anybody any good to pass a bill and have the President veto it. I hope we can form a bipartisan bill, alleviate a lot of the concerns that have been raised by utilities and industry, automobiles, consumers and others. Let us see if we cannot fashion a bill that is workable, that is effective, that is affordable, and that does clean the air.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to say to the distinguished Senator from Oklahoma that he is a very thoughtful Member of the Senate, and we appreciate hearing his views, and it seems to me that the objective of this exercise, which is now in its second week, is to educate everybody, and we want people to be familiar. Those of us in favor of this legislation are not trying to slip anything by anybody. We do not make any claim to perfection.

Indeed, if amendments come forward that are deserving of consideration—and hopefully amendments will come forward—I look forward to having the opportunity to speak further with the Senator from Oklahoma and get some of his ideas. I know he is concerned about the toxic air provision. Again, as he mentioned in his remarks, the cost estimates are all over the lot on that, but I hope we can incorporate some of the thoughts that the Senator might have in this legislation.

First of all, we want legislation that will pass, that is going to meet the President's approval, and we want legislation that accomplishes the goals of the bill, namely, cleaner air. I thank the Senator for his thoughtful remarks.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. I, too, join the Senator from Rhode Island on his remarks, with respect to the statement made by the Senator from Oklahoma. This is a complicated bill. No doubt about it. The Congress has not enacted significant clean air legislation since 1977, and the first Clean Air Act was passed by the Congress in 1970. The next major change was 7 years later in 1977. Here it is in 1990, a full 13 years later. This is complicated stuff, no doubt about it.

It is important, though, that we set clean air policy that is the best possible policy. That is, a policy which in fact cleans up the smog in our dirtiest cities, which in fact cuts down toxic emissions so that we reduce the incidents of cancer, as much as we reasonably and possibly can, legislation which in fact cuts out SO_2 emissions so the rivers, lakes, and streams can begin to naturally regenerate.

It is important that we do so, because if we have not passed significant legislation in 13 years, it is unlikely that we are going to again address this subject at a later date in this decade. So the statute we pass now, that we enact and is signed by the President in 1990, will in effect not only set the policy for the 1990's, but also set the stage for the next century.

So it is imperative that we do the very best job we can now given the number of years it takes to pass clean air legislation.

The Senator from Oklahoma mentioned some legitimate concerns. They are concerns that have been raised by various other Senators. I submit, however, that the vast bulk of those concerns are concerns that can be answered and will be answered favorably once the full context of the bill is more fully understood, that is, once Senator go into the bill more deeply, look at the actual provisions of the bill, the actual language, look at the exemptions and the exceptions that are in the bill as well as the language as in the committee report accompanying the bill.

It is my experience in the last 2 weeks that the vast bulk of the questions that Senators have when they come up to me and come up to other members of the committee are questions that are answered favorably once they talk to us and once we try to answer. If we do not have the answers we go back to our staff and get the answers. That has been true in the vast bulk of the cases. There are some other cases where Senators have raised legitimate questions which we will probably have to address in amendments in most cases. Those will be amendments that the committee will agree with.

The Senator from Oklahoma mentions some questions about the acid rain portions of the bill. There are many Senators who have questions on the acid rain portions of the bill. In the main, they exist because the President has asked that we and the Congress enact legislation that reduces the total SO_2 emissions in this country from the present 23 million tons annually to 10 million tons annually by the year 2000. That is the cap. That is the enforcer which is driving the main provisions of the acid rain part of the bill.

We, in the bill, agree with the President. We have, in the main, adopted almost all of the President's requests in the acid rain portion of the bill. Nevertheless, we are trying to work out those questions that Midwestern States face, the State of Oklahoma faces and Missouri, Arkansas. There are a lot of States that are trying to find a way to grow in the future and yet comply with the provisions of the bill, that is, reduce SO_2 emissions. Those are legitimate concerns, and we are attempting to address that. And I can give full assurances to the Senator from Oklahoma that once we get more data back from EPA as to various alternatives, what the emission effects are, we are in a position to work not only with the Senator from Oklahoma but with the Senators from other States that are affected with the same kind of problems in the acid rain portion of the bill.

So I ask the Senator's patience as we try to work those provisions out. I am not confident we will have all the answers. It may be we do not have all the answers. It may be we are going to have to vote on the matter. But it is the intention of the Senator from Montana as well as the Senator from Rhode Island, I know, to undertake every effort to try to find a way to accommodate those concerns so long as they are within the 10 million ton cap, as requested by the President. The President stated that over and over again and also it is a provision in this bill.

If I might make one other point here, and that is this: The Senator raises legitimate questions about air toxic provisions of the bill particularly the residual risk. Residual risk is in the air, so to speak. That is, we hear it around the Senate, what is this residual risk, what is it all about, and what are its effects?

As the Senator said the provisions of the bill with respect to maximum achievable controlled technology are the same as recommended by the President. The next question though is what about residual risk? That is an important question to ask because if you compare the two, you will see that the vast bulk of the difference is really two areas. One area is the second round tailpipe emission and other residual risk, and that is really what we are talking about here.

We in the committee have heard countless hours of testimony on the first issue, the second round tailpiping, and I know the Senator from Oklahoma has a different view on this point. But it is my very strong view, after

looking at all the data, after questioning witnesses, from all the vast array of different points of view, that the roughly 7 million to 1 million difference in the cost of second round tailpipe is a difference which should not exist; that is, the higher estimate is based upon, as the Senator said, an industry estimate, say, roughly $500 to $550 per car by the year 2000 when the second round will go into effect.

The committee, though, in deep inquiring questions of the California Air Resources Board, of the manufacturers who make the catalytic converters and supply them to the auto industry tell us, no, EPA, no, the cost is not $500 per car, it would be about $127 per car. That is direct testimony of the companies who make that stuff, who make the catalytic converters, who make the equipment that must comply with the law in the year 2003, and the direct testimony of the documents backing it up with the California Air Resources Board, an agency that for years has been mightily endeavoring, struggling, trying to find a way to solve California air pollution control problems. In addition to that, I must say——

Mr. NICKLES. Mr. President, if the Senator will yield before he leaves the emission, I understand the difference in the estimate of tier 2 emission standards, range of $127 to $550 or $700. No one ever put a cost estimate on CO_2 standards or so-called CAFE standards; that is left blank. Anybody knows if you mandate automobiles to reach 40-miles-per-gallon, there is a cost involved, but it is hard to ascertain, and therefore I do not think you can say this bill is only going to cost $200 more per automobile when you have something undefined such as mandating all cars reach 40-miles-per-gallon. That is a cost involved, and I think we need to address that cost.

The administration did not put the cost down; the Business Roundtable did not have a gas mileage provision analysis. I asked GM for an estimate. They said, "We cannot do it. We think we are not going to be able to make cars if that standard exists, or not a significant number of cars."

My guess is they would make some but not much. But you are talking about the decimation of a major industry in the United States which would also have repercussions for steel, glass, rubber, and all the other multitudes of industries that are tied to the auto industry. That is not even calculated in anybody's cost estimate of the so-called EPA estimate that the cost of the committee bill is $41 billion, and it is an astronomical figure.

So I am kind of concerned when we talk about cost, and they leave something out. We have not figured out what the CAFE would be.

Mr. BAUCUS. The Senator makes a good point; that is, the cost estimates on the CO_2 provision of the bill are not as fixed as they are in the second-round tailpipe part of the bill. The Senator is correct on that. That is basically the point I am making here, the basic point; namely, this is a good-faith effort to determine what are the true costs of the whole bill, that is, to let us look at the facts and not get involved in histrionics or hyperbole and emotion, and so forth, let us get down to brass tacks and see what the cold, analytic facts are.

The Senator is correct with respect to the CO_2 portion. The costs are not nearly as available. That is something we have to nail down better than we now have. The Senator is correct on that.

With respect to the second round, I am telling the Senator I looked into that very clearly and deeply. I respectfully say to the auto industry that the costs are not what they say they are. The costs are going to be at a lower level.

One other point, I know the Senator wants to speak. There will be plenty of opportunity to speak later.

On residual risk, the cost difference on residual risk is really based on one assumption. It is the assumption of the EPA. It is the EPA's cost estimate of the Senate bill is based on assumption that present technology used, that is, if you look in the future—and remember on the committee's bill the earliest possible date will be the later date, but the earliest possible date that a plant might have to shut down would be 15 years after date of enactment. That is the earliest possible date. In all probability, it will be several years after that if the provision goes into effect.

Now there are some very dirty plants in this country. There is one in Texas where 3 out of 10 employees get cancer. There are a lot of plants in this country that are really dirty plants, that emit lots of toxic chemicals that are cancer causing; there are a lot. I do not know whether we want to keep those plants in operation.

Here is the point. EPA bases its cost assumptions on present technology. And then EPA goes on to say that that is unreasonable assumptions; that is, that from 15 to 23 years from now it is unreasonable to assume that present technology will be the technology that will be put in place 15 to 23 years from now. So it is an unreasonable assumption.

So EPA itself admits, therefore, in effect that its cost estimates are unreasonable.

Do not forget not too many years ago when this Congress asked the auto industry to build catalytic converters the industry said it could not be done, the technology was not there, impossible; that is, they could not reduce tailpipe emissions 90 percent, could not be done. Congress determined, "Well, we hear you, auto industry, but it is such a great problem we think you should proceed. By the way, we think you can. We trust you. We have more faith in you, auto industry, than you have in yourself. We think you can develop the new technology to reduce the tailpipe emissions 90 percent."

And guess what? It happened. Tailpipe emissions were reduced 90 percent. It happened not in 15 years, not in 23 years, but in 5 years. In 5 years, the auto industry developed catalytic converters to reduce tailpipe emissions by 90 percent.

I have great faith in American industry. They can do the job. And, frankly, Mr. President, I think the future of this country depends upon that. It depends on us having faith, American indusry having faith in developing new technologies for the future. Because if this country continues to say no, if this country stonewalls, if this country says it cannot be done, then Mr. President, it will not be done and the disservice will be to the American people; it will be to our kids and to our grandkids.

There are great economic challenges facing America. We know the economic challenge of a Japan and other Asian countries, European countries, Western European countries under EC-92. With emerging democracies in Eastern Europe, we know there will be additional competitive pressures on the United States. But that is a good, competitive challenge that we must face in developing these new technologies.

I talked to Czechoslovakians and Hungarians. In fact, I talked to a Hungarian just yesterday. They are worried about their dirty air. They have dirty air, too. Here is an opportunity for America to develop the coming and emerging environmental technologies for the future so that countries and cities around the world, the new Mexico City's of the world, can clean up their air with American technology. Otherwise, if we do not develop those technologies to meet those rising developmental concerns that are happening worldwide, other countries will; the Japanese will, the Germans will. This is not only the opportunity to address that trade deficit but to meet the challenge of the future, to get it down.

I did not mean to get into all of this at this moment because I wanted to tell the Senator from Oklahoma that there are, in the main, answers to some of his concerns, that is residual risks and so on and so forth.

We could get into this a lot more, but we do not have time at the moment. But I urge the Senator from Oklahoma, in private conversation, to sit down and try to find out what the real facts are, not the scare facts. The Senator from Oklahoma is not doing

this, but, unfortunately there are some around here who come up to Senators with a lot of scare figures which are really not true once we get into it.

I thank the Senator for his constructive comments.

Mr. NICKLES. If the Senator will yield for just a quick question. He mentioned residual risks, that there is a drop dead provision, and if they do not meet that requirement, the 1 in 10,000, if they are not able to reduce below that level, that plant would have to shut down by the year 2005, I think you said, would be the first year. The year for the tier 2 reductions in auto emissions is 2003. My statement and my plea would be: Why do we not do the first part of this bill, pass a clean air bill, and then in 1997 let us look at tier 2 on auto emissions, let us look at residual risks, after we have had a chance to analyze a few years of experience for the maximum achievable controllable technology and the tier 1 tailpipe standards?

In other words, let us not pass in this bill what we do not really know how to define, what is going to happen on auto emissions by the year 2003 and residual risks by the year 2005. Let us pass what at least we think we can do now.

Basically this is the approach taken in the administration's proposal on emissions and on toxics, let us pass those phases now and let us take another look in 1997 or maybe 1996 and see what kind of progress we have made, see what is achievable. Why pass something now, my question is to the Senator, that is setting drop dead dates to firms if they cannot invent certain technology by the year 2005? Why set mandates now on the auto industry that are really expensive—estimates vary—or currently impossible to meet by the year 2003? Why do we not look at that again 6 or 7 years from now?

Mr. BAUCUS. The answer to the Senator from Oklahoma is quite simple. This is not easy stuff. I mean it is hard to know. We cannot predict the future with precision. Nobody can. I am sure the Senator from Oklahoma knows—and perhaps he does not—that there are about 960 toxic chemicals, about 960. The EPA, in the 19 years that it has tried to develop standards for regulating air toxics, has only developed standards for 7 out of the 960. In 19 years, EPA has only developed standards for 7 out of 960. EPA's record is poor. It has not been done.

Why is EPA's record so poor? Essentially, in my judgment, it is so poor because interest groups just bang away at the EPA and prevent the EPA from getting the job done. That is a large part of it. In addition, the standard under law is met. The standard of current law basically is the residual risk of one out of infinity. For all intents and purposes it is zero. And that is very tough to meet. That is part of the problem.

The alternative the administration suggests to residual risks, is what they call unreasonable risks. Well, the problem under unreasonable risks is it is the same standard used in TSCA an FIFRA and under those two statutes only one pollutant has been recognized in 14 years. Therefore, we are trying to find a standard which in fact will get the job done.

I submit it is reasonable. Twenty-eight States use this procedure; 28 States use residual risk. In addition, that 1 in 10,000 standard is a standard that is applied to Superfund today; that is, if a Superfund site results in 1 out of 10,000 risk of cancer, it has to be cleaned up.

So all I am saying in answer to the Senator's question why act today, act today because there has been inaction in the last 19 years. We have to get on with it. We have to find some way to get the job done. The standard which the administration suggests to get on with it is, for all intents and purposes, the current regime, the current framework. That is why the committee believes that the administration's approach is insufficient. There is just too much discretionary authority, too much discretion given to the EPA, and too many interest groups that prevent the agency from taking action.

Mr. NICKLES. My concern, if the Senator would yield for a final comment, my concern is we are going too far in these outyear reaches. These are really objectionable to industry groups, the administration and so on. I am concerned that we are going too far and we are going to find that out in a few years and have to come back and undo some of it.

Many of us are going to be here probably in 1997, I expect, with some institutional memory. Maybe we could learn from what we did right in the 1990 clean air bill and expand upon it and avoid some of the mistakes that we might be making by trying to write a bill that is going to go well into the next couple of decades.

Mr. BAUCUS. If I might say to the Senator from Oklahoma, the Congress enacted higher, tighter automobile emissions standards for automobiles, the Congress set high standards for hydrocarbons, for nitrogen oxides, and for carbon monoxide.

What happened? As I mentioned earlier, the auto industry met the standards, found out a way to meet the standards for hydrocarbons and for carbon monoxide, but came back and told the Congress that the standards for nitrogen oxides—they just could not meet them.

Congress agreed and rolled back that standard.

What I am saying is this: We have to make the best judgment we can to help move our country along to get air as clean as reasonably possible but as quickly as possible. We have to make our best judgments. We will make some mistakes when we pass this statute. No statute is perfect. But I submit if we pass legislation that takes effect in the outyears, in the main we are going to be on target. And, frankly, I think we probably will not have gone far enough.

As the Senator well knows, California now is enacting a still third round of tailpipe emissions. So the second round of this bill is really the middle position.

But, if we have gone too far—and I submit we will not have gone too far, in many cases not far enough—if in fact after several years it is clear we have gone too far, based upon past history the industry can come in and say we have gone to far. Based upon past history with nitrogen oxides of automobile tailpipe emissions, the evidence is the Congress will go back and correct it.

So I think that is what we have to do. Go as far as we reasonably can. I know that is the way the Senator conducts his office, conducts his life. He pushes himself as far as he can. If he goes too far, he backs off a little to adjust.

Mr. NICKLES. I might tell the Senator, I do not make decisions pending on the year 2003 and 2005, and I doubt that many people do, and I doubt that that many businesses do. I am afraid we are reaching a little far in years in mandates.

I appreciate the Senator's efforts. I knew that was his position. That is the reason why it is in the bill and supported by many.

But I also will offer this. The additional tier 2 standards on auto emissions and the residual risk provisions that go well into the next decade are a couple of the provisions that are causing major consternation amongst people who have really examined this bill, including the administration.

If Senators really want to get a bill through the Senate, and one that will be signed by the President, I think it would really behoove them to think in the context of "let us pass a reasonable bill now". Then, if we want to make further improvements later in this decade, I am sure we can do so at that time.

Mr. BAUCUS. The point I was making is the Senator, I know, sets the highest possible personal standards that he can for himself. I just suggest we, too, in the Senate, set the highest possible standards. I thank the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. If I might make one point to the distinguished Senator

from Oklahoma, who has given this matter a lot of thought, as he does all legislation here? We have found, in dealing, for example, with the diesel engine manufacturers, they say to us: Do not give us a standard to meet in 1993 and another standard to meet in 1997. Tell us what the standard is you want in 1997. We believe it is better for us to make the double jump. Forget 1993. Let us know where we have to be in 1997, and that is where we would like to invest our money; achieving that goal, not having to meet something in 1993. The amount of money we have to invest to meet the 1993 one, we would prefer to sink to making the 1997 one. So drop the whole 1993 standard. Go strictly for 1997.

The point I am making here is they would like to know what we are going to set out for them, instead of giving them increments every 5 years, for example.

Mr. NICKLES. If the Senator will yield further, I agree. I do not have any problem with initial standards. Let us keep tier 1 tailpipe standards at 1997. But instead we have CAFE standards that do not stop at 1997 they go to 40-miles-per-gallon by 2000, and tier 2 standards take effect in the year 2003. Residual risk really hits the wall—you are going to have that drop dead date in the year 2005. We are making a lot of projections that maybe are attainable objectives, maybe not. But we will not know until 13 or 14 or 15 years from now.

I would like us to set the objectives for tier 1 in these phases. Let us set the objective under MACT or whatever, and then let us assess the results.

If we made achievable results and could improve upon them let us do that again in the year 1997 or 1998 or something, instead of trying to legislate for the next two decades. That really increases the uncertainty under the bill and with regard to the cost of the bill.

Mr. CHAFEE. If I could ask the Senator from Oklahoma one question. In his discussion he touched on the CO_2 emissions and its effects, reaching a so-called CAFE standard, the corporate fleet. The Senator himself mentioned his concerns about imported oil.

My question is, and I am not trying to put him on the spot, does the Senator from Oklahoma have any reasonable miles-per-gallon CAFE standard that he thinks we should strive for? I would be interested in his views on that particular issue.

Mr. NICKLES. I will be happy to answer the Senator's question. I do plan to have an amendment dealing with CAFE that would strike out the CO_2 section, just so the Senator from Rhode Island and the Senator from Montana will know.

I do not plan on proposing an increase in CAFE from the present 27.5. We have contemplated that, but for a lot of different reasons that is not my present intention. My intention is to try and strike the CO_2 standards which, again, are not in the House bill; they are not in the President's bill. They were added, maybe as an extraneous measure. But I hope very strongly that the CO_2 standards, really CAFE standards, will be deleted from this bipartisan package.

If not, I envision a great deal of consternation, debate, discussion, and in all likelihood a veto if it goes that far and if the bill gets to the President's desk.

We are talking about what is acceptable, to answer the Senator's question. It is not my intention to say that since we now are at 27.5; you went to 40; we will split the difference and go to 34 by the year 2000. That is not my intention.

I have some objections to doing that. Do not get me wrong. I hope we achieve greater fuel economy as a nation. I want to achieve greater fuel economy. My problem is I do not want to pass a law that says that automobile manufacturers, if they do not do such and such, are going to have to pay enormous penalties, or buy the cars elsewhere.

We have seen that happen a lot. I do not want to pass laws that encourage importing automobiles. I am afraid that is what we would be doing by increasing CAFE standards very much.

Mr. CHAFEE. I would refer the Senator to page 100 of the green volume, which I notice he has a copy of there, where there is a statement last November 19 by the Department of Energy wherein they say:

> For 1995, we estimate the domestic vehicle manufacturers could achieve 32 to 33-miles-per-gallon for new passenger cars if they modified product plans to make maximum use of available technology and returned to 1987 levels of vehicle size, performance, and luxury.

So that is a clue. I am not saying the gospel is provided by the Department of Energy, but it is an interesting comment from a part of this very administration dealing with the issue we are concerned with here.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado [Mr. WIRTH].

Mr. WIRTH. Mr. President, I want to take this opportunity, the time before the President's State of the Union Message this evening, to express my own views on some of the key issues we are going to be deciding in the next few weeks on this extremely important piece of legislation, the Clean Air Act Amendments of 1990.

First, I want to congratulate the distinguished majority leader; Senator BAUCUS, the chairman of the committee; and the whole committee on reporting out this legislation, a very strong and absolutely workable bill. It holds, I think, very great promise for achieving our goal.

Everybody agrees on clean air for all Americans, but are we going to be willing to cast the tough votes to get from here to there? I hope we are, because I can think of no goal more broadly supported by the American people than that of assuring that the air we breathe will be clean air.

Cleaning our air is the task at hand, and we should not lose sight of that at any point during this debate. What Congress does on this issue will, to a large degree, determine how clean our air is going to be over the next two decades and beyond. The issues debated will affect all of us—because they will affect the very air we breathe.

We in the State of Colorado have done a great deal at the State and local levels to clean our air. We have made significant progress, thanks to cleaner cars, local inspection and maintenance programs, programs to reduce the total miles of cars and trucks driven in and around our cities, and a very aggressive and pioneering oxygenated fuels program. But every citizen of Denver knows only too well that we simply have not done enough. Our air is not clean.

In Denver, our fight for clean air focuses on two problems; the carbon monoxide pollution that plagues high-altitude cold-weather cities like Denver, and the particulate and nitrogen oxide pollution that we know as the brown cloud.

Seventy-five percent of the carbon monoxide emissions in the Denver metro area, and up to 50 percent of the brown cloud, comes from cars, trucks and buses. And vehicle use is growing. Coloradans now drive 30 million miles every day in the metropolitan area alone and our transportation planners tell us that figure could double by the year 2010, if our hopes for a growing economy are realized.

Aggressive transportation control measures, including major investments in rapid transit, can slow this growth. But that, by itself, will not be enough.

To reach the goal of clean air, Colorado needs help that can only be provided by tough new additions to the Clean Air Act. Unless we do all that we can to clean up cars, trucks and buses, we simply are not going to win the fight for clean air.

The Senate will debate and vote on this very issue—how much cleaner tomorrow's cars, trucks and buses should be. I believe we have to take strong steps to make tomorrow's cars as clean as possible. At a minimum, we need to take the following six steps to enable cities like Denver to clean up their air.

First, autos and trucks should be required to run clean in wintertime, as well as summer. In Denver, as much as 70 percent of carbon monoxide emissions during a winter's evening rush

hour come from starting and running cold cars. Today's cars will not run clean until they have warmed up. But we have the technology to make cars run clean right from the start at 20 degrees, and we should use it. Our local experts tell me that this is the single most effective step we can take to reduce future carbon monoxide pollution in Colorado. I have been advocating this measure for many years. After much resistance, the feasibility and desirability of taking this step has been broadly accepted, and it is found in both the President's bill and the Senate's bill, which is in front of us right now.

Second, auto manufacturers should be required to design their vehicles sc that they not only meet emission standards when they are built, but continue to meet them for 100,000 miles. Our State's local air planners tell me that this is the second most important measure for fighting carbon monoxide pollution in the Denver metropolitan area. Unhappily, the President's bill did not include this. Our bill does.

The argument is made that there is no way you can guarantee that the auto emission control devices will work for 100,000 miles, but the companies that make these devices tell us that, yes, they can be designed for that.

Third, we should set new, lower limits on how much carbon monoxide vehicles are allowed to emit. Will this be difficult? Yes, particularly if coupled with the requirement that it be sustained for 100,000 miles. But as I noted before we cannot be satisfied with today's technology. We must keep improving if we are to stay ahead of the curve. If we are satisfied with today's pollution control technology, we may find that 20 years from now we are right back at todays pollution levels. This tough second round of pollution standards, advocated in the committee bill, is not addressed by the President's bill, but it should be.

The argument against this is that the technology is not there or it would be too expensive. Those same arguments were made, Mr. President, when we debated the initial clean air legislation in the 1970's. The automobile companies claimed that the technology was not there and it would be too expensive, but, in fact, the technology now is there and it is on every new car built.

Fourth, we should put new limits on the sulphur and hard-to-burn compounds in diesel fuel. How many of us have followed diesel trucks and buses and have been overwhelmed by their exhaust? That can be cleaned up. Cleaner diesel fuel translates to instant reductions in the black smoke that comes out of those tail pipes, which is a major contributor to the brown cloud in Denver and a major pollution problem in every community. I am pleased that both the President's bill and S. 1630 agree on this measure.

Fifth, we must direct the Environmental Protection Agency to continue to test cars in Denver to ensure that they run clean in our thinner, high altitude air, as well as at sea level. Senator ARMSTRONG and I will be offering an amendment to see that this is done.

Sixth, we need to set up a program to require and encourage broader use of clean-burning alternative fuels. We need to break our addiction to foreign oil suppliers. The only way we can do it is to mandate broader use of alternative fuels, particularly by Government and corporate vehicle fleets. Vehicles running on compressed natural gas, propane, methanol, ethanol, electricity, or other clean, domestically produced fuels are good for our air, good for our economy, and good for our energy security.

The President's bill began the debate on this issue, which is left open in the bill in front of us today. I think we have enormous opportunities in this area, particularly through requiring commerical and government vehicle fleets and other vehicles to use clean alternative fuels. That may be the only way in which some communities, such as New York or Los Angeles, are able to reach the requirements of the bill.

Mr. President, I am very pleased to be able to cosponsor S. 1630, and I strongly support the tough and ambitious measures it proposes to require cleaner vehicles. These measures will be controversial, and there will be those in the Senate who will oppose them as too costly, as we heard this afternoon. But the cost of air pollution is far higher. The cost in health care alone is staggering, particularly for our children, the elderly, and the asthmatic—those most susceptible to health problems caused by air pollution.

Colorado's business leaders have recognized another cost—the fact that air pollution has diminished one of our State's most important economic assets—its attractiveness as a place to live, work and do business. The brown cloud is a cloud over our future. Protecting our State's attractiveness goes beyond our cities, into our mountains and our national parks. Recent research shows that much of Colorado's mountain country is vulnerable to the same sort of damage that acid rain is causing in the East.

The same pollutants that cause acid rain and snow also help create the haze that cuts us off from the breathtaking views we thought we had protected when we created our national parks. Controlling pollution in the West is essential to protect our future, and we are not doing nearly as well as we should. People come from around the world to see our mountains. We cannot let those majestic views fade away.

Mr. President, how to clean up acid rain is undoubtedly one of the most divisive issues in this bill. Last year, I and my Republican colleague, Senator JOHN HEINZ of Pennsylvania, published a report to the President which recommended a cost-effective, flexible approach to acid rain control. I am proud to say that the President adopted that approach, and that it has been included in S. 1630 as well.

I urge my colleagues to support that basic proposal, calling for a broad program of emissions trading to encourage the use of the most cost-effective means to lower acid rain emissions by 10 million tons. I say to my colleagues that I am more than willing to consider any reasonable amendments to that proposal to try to address specific regional concerns, and there are many. But I believe that our first and most important goal is cleaning up our Nation's air, and I hope that all of us will keep that in mind as we discuss and debate this issue.

Mr. President, there are many more issues in this bill that I would like to address. I am concerned about provisions of S. 1630 which compromise the ability of State governments to set higher environmental standards in several areas. There are literally dozens of other issues and potential amendments which have been brought to my attention, and which will undoubtedly be the subject of debate as we deal with this complex legislation. I look forward to this debate and to our accomplishing the reauthorization of a stronger, revitalized Clean Air Act.

Once again, I wish to commend the leadership of the Committee on Environment and Public Works on both sides for looking forward, looking to the future, and putting together an aggressive piece of legislation. It would be embarrassing for us to pass anything weaker than the bill they have reported. I hope that the amendment process will allow us to strengthen that legislation, so that every American can have clean air to breathe.

I thank the Chair. I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FOWLER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senator from Ohio be permitted to put us into a quorum call until such time that the majority leader seeks the floor for the purpose of offering a

unanimous-consent request and then immediately thereafter the Senator from Ohio be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Chafee amendment No. 1219 be laid aside until 5:30 p.m., and that a vote on the Chafee amendment occur at 5:30 p.m.; I further ask unanimous consent that no amendments be in order to the Chafee amendment or to the language proposed to be stricken by the Chafee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that immediately upon the disposition of the request that I am about to make Senator BAUCUS be recognized for the purpose of laying down another amendment to be considered to be the pending business in the interim.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that, following recognition of Senator BAUCUS and the laying down of another amendment to be the pending business, Senator METZENBAUM be recognized to address the Senate on the bill in general; and that following the completion of Senator METZENBAUM's remarks Senator SIMPSON be recognized for the same purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues for their cooperation. Accordingly, Senators should be on notice that at 5:30 the vote will occur on the Chafee amendment.

In the interim another amendment will be laid down, will become the pending business, and debate will continue on the bill itself and on the pending amendment.

I thank the distinguished Republican leader and all of my colleagues for their cooperation in permitting us to proceed with this matter.

I think now that we will be getting started on amendments to the bill. There has been a very lengthy and appropriate debate. I expect it will continue in view of the complexity of the matter. But I think we will now be able to proceed to a vote on substantive amendments.

Mr. DOLE. Mr. President, if the majority leader will yield, I think the RECORD might reflect that shortly after consent was granted we did have a call raising an objection. But it was not timely. So we will proceed as outlined by the majority leader.

Mr. MITCHELL. I thank my colleague.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senator from Montana [Mr. BAUCUS] is recognized.

AMENDMENT NO. 1223

(Purpose: To require EPA to publish a control techniques or guideline for the aerospace industry)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] for himself and Mr. CHAFEE proposes an amendment numbered 1223.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 229, after line 5, add the following new subsection (c) and redesignate subsections (c) and (d) as subsection (d) and (e) respectively:

"(c) VIOLATILE ORGANIC COMPOUNDS EMISSIONS FROM AEROSPACE COATINGS AND SOLVENTS.—Within two years after the enactment of this subpart, the Administrator shall publish a control techniques guidelines for all aerospace coating and solvent applications (including military and commercial applications), after consultation with the Department of Defense, the Federal Aviation Administration, the National Air and Space Administration, and the affected industry. In evaluating VOC reduction strategies, the guidelines shall take into account the the applicable requirements of Section 112 and the need to protect stratospheric ozone."

Mr. BAUCUS. Mr. President, it is a very simple amendment. Under the unanimous consent request, the Senator from Ohio is to be recognized, but if the Senator will yield for less than a minute, I can explain the amendment.

Essentially, Mr. president, the amendment provides that specific control techniques guidelines be issued by the EPA to cover the aerospace industry. There presently is a control technology guideline covering a very broad category of metal coating and solvent applications, and many other industries, including the aerospace industry.

It has specific unique requirements because the military specifications that DOD requires are a lot different than other commercial applications of metal coatings. This amendment specifically requires EPA to, within 2 years of enactment of the bill, to promulgate the specific control technology guidelines for the aerospace industry.

That is the sum of the amendment, the narrowing of the amendment, that this CTG applies to.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized under the agreement.

Mr. METZENBAUM. I thank the Chair.

Mr. President, before us lies an ambitious piece of legislation. The goals of the bill reported by the Environment and Public Works Committee are as laudable as any I can remember. I can think of precious little congressional business more important than preserving the environment and protecting the public heatlh.

I support the thrust of this bill. I support the concept of this legislation, and I am pleased that this Congress is moving toward enactment of major pro-environment bill.

But the problem is that the debate on the bill is not really about clean air. It is not about the health of our children. If it were that simple, the bill could pass this afternoon. But this debate is not about the net results of the bill. This debate is about how do we get there? Who pays? How much? For what reason? Under what terms? This is a debate about fairness and equity.

With regard to the acid rain provisions, this bill is both unfair and inequitable. My State of Ohio is being asked to shoulder a burden that is so heavy, so disproportionate that it defies any rational explanation.

Some will argue that this is a bill simply providing that the polluter pays, and it is a polluter pays policy. Why then is Ohio asked to pay for more than its actual contribution to the SO_2 emissions? Why the magic formula that socks it to my State and the Midwest, while letting other States actually increase their sulfur dioxide emissions?

This polluter pays scenario just does not hold up. You can pretend all you want that this bill will be paid for by some imaginary, greedy corporate polluters. But that is not the way it works out in the real world. There are not any villains to pin this on. Corporations will not pay for it. Utilities will not pay for it. The government will not pay for it. So who pays? It is simple. The ratepayers pay. The little guy, the little woman trying to keep their home warm, trying to provide electricity, light for their homes; the consumers of electricity will pay.

Ohio families who need heat in their homes will pay. Is that fair? Are Ohio consumers enjoying some artificially cheap electricity rate? No way. They pay rates which are well within the top 20 nationally. Did those Ohio consumers throw some party that they should be responsible for? No. They simply forged the steel that built our cities and manufactured the goods your constituents rely on and produced the automobiles you drive to work. They mined the coal to fuel the factories that meet the needs of Americans during war and peace.

Is this some crime for which they must pay? Did the mine workers who go down in those mines, way down deep underground, coming out with smeared faces, filthy, working long hours, mining this coal, Are they the ones who should pay as this bill would require? Should they suddenly be put out of work if the utilities do not make the necessary changes? Is it they who should see their entire communities decimated?

Do not kid yourselves. If you work in some of the mining communities of Ohio, and, yes, some of West Virginia and other States as well, if the mines do not operate, the city can close down. This is the industry of the community.

Let us fact it, the strategy here is to divide and conquer. Why else dump a national problem on Ohio and a few other Midwestern States? Ohioans are good citizens, good taxpayers, too. They help subsidize countless Federal programs, and in many cases, Ohioans do not see direct nor indirect benefit for their contribution.

According to the U.S. census, between 1981 and 1988, taxpayers in 5 Great Lakes States paid $221 billion, $221 billion more in Federal taxes than they received back in Government spending. What States did they affect and to what extent?

Illinois got back 69 cents for every dollar that they paid in taxes. They ranked 49th, as far as the return on the dollar is concerned.

Indiana got back 85 cents of every dollar the taxpayers paid. They ranked 44th.

Michigan got 75 cents back on every dollar that the taxpayers paid. They ranked 48th.

Ohio got back 87 cents for every dollar that the taxpayers paid. We ranked 43d.

I had available to me the figures for the Western States, and I was going to stand here and spell out how much the Western States get back on the Federal dollars that they pay in taxes, but I do not want to embarrass my colleagues, although they may not be embarrassed. They may be very proud of this fact.

I am sick and tired of it, and so are the taxpayers of Ohio, about the fact that we put so much out to take care of the other States of this Nation. And when we have problems, as we do in this instance, and we admit we have a problem with respect to coal and dirty coal. We make no bones about this. That is what is there, and we cannot change this. We are saying let us spread the burden and make it fair. Help us. We help you when you need it. When the savings and loans went under and they had to be bailed out of $300 billion, minimum, most of those savings and loans, where were they? In California and Texas.

We are not talking about bailing out Ohio savings and loans. There might have been a few, but they were small. The real bailout costs came from California and Texas. Ohio taxpayers are footing the bill to pay for those golf courses and the hotels and the resorts that were bought and paid for by those savings and loans.

Bailout with respect to the savings and loans will cost every American family at least $3,800 of their hard-earned dollars. We have instance after instance in this country where the taxpayers of one part of the country are subsidizing another part of the country. As far as the Western States are concerned we are paying the price.

Let me talk with you about some of those subsidization programs. Let us talk about the reclamation program and the Western water subsidies.

Since 1902 farmers out West have received subsidized water supplied by Government-built dams and irrigation systems. The projects have been financed by interest-free Government loans. Let me emphasize that. Interest-free. No interest. The Federal Government lends the money and no interest is paid on the money and the rest of the taxpayers in the country pick up the tab. In many cases the crops that are irrigated are subsidized again through Federal price support paid for by all the taxpayers of the country.

The cumulative value since 1902 of the interest subsidy, according to the Congressional Budget Office, exceeds $33 billion and may be as high as $70 billion. And we go along with it year after year.

I remember a few years ago here in the Senate we had a matter concerning the central Arizona project, and I remember I was tying up that legislation because I said it is not fair for the people served by the central Arizona project to be getting that kind of subsidy from the Federal Government, a 100-percent subsidy. Most Western States benefit from those kinds of programs.

In connection with the central Arizona project, we finally got it resolved. I had a magnificent victory after meeting with the Governor of the State and the Senators and many of my friends out in Arizona. I was very successful. I was able to get them to pay 15 percent of the cost of the subsidy while the rest of the taxpayers of this country pick up 85 percent.

I am told that before this session is over there will be coming to the floor something called the central Utah project which will have the same kind of subsidy as the Arizona project.

That is just one of them. Every day, every week, every month, the taxpayers of this country are subsidizing a number of Western States.

The Power Marketing Administration, the PMA's, which sell wholesale power from 127 Federal dams, received large subsidies from the taxpayers of the entire country. The Power Marketing Administration defers payment of principal and pays below-market interest rates. In other words, they do not pay the principal, and the interest they pay is less than what it cost the Government to borrow the money.

The Congressional Budget Office says $12 billion of the $16 billion in Federal investment in the PMA's has not been repaid, and it goes all the way back to 1937.

President Bush's budget says make the PMA's customers pay their way. The fiscal year 1991 budget recommends straight-line amortization of the debt at current interest rates. That would save the taxpayers of this country $4.6 billion over 5 years. Do not hold your breath until that passes, because my guess is that it will not pass regardless of the President's recommendation.

Now there is another area of subsidization about which we should speak, and that has to do with the national forest system where we sell timber at below cost. Over half of our national forests, most everywhere except Oregon and Washington, lose money on their timber sales. The CBO estimates that eliminating below-cost sales of timber would save the taxpayers of this country $255 million over the next 5 years.

The Bush budget recommends a phaseout of those below-cost sales. These timber sales only benefit local timber communities and they do so at the expense of the taxpayers throughout the country and, in addition to the cost, they waste valuable timber resources of this country.

Then there is a question about the timber receipts, timber receipts paid to the States. Only 25 percent of the receipts collected from timber companies are returned to the States in which the timber was cut. I said "only," but I mean it is an absurdity to have 25 percent of those receipts go back to the States. Why should the timber that belongs to all of the people of this country be given back to the States in which the timber was cut? It belongs to the taxpayers of this country.

In 1988, $285 million was distributed to the States under this program; 87 percent of that money went to 10 Western States: Arizona, Colorado, California, Idaho, Montana, New Mexico, Oregon, Texas, Washington, and Wyoming.

In 1988, an additional $108 million went to 18 Oregon counties under a separate Bureau of Land Management Timber Program.

Let us look at another area. Let us look at on-shore oil, gas, and coal receipts paid to the States. Fifty percent of the oil, gas, and coal receipts from those States are returned to the States in which the mining or drilling activity occurred. In 1988, $398 million was distributed to the States. And, again, six Western States received 93 percent of the money. Wyoming got $163 million; New Mexico got $92 million; Colorado got $31 million; Utah got $31 million; Montana got $26 million; California got $26 million.

There is no logic or reason. Those resources belong to the people, to the people of the country, not the people of any particular State. And it just is illogical for 50 percent of the gross receipts to be returned to a handful of States.

Then there is another one. Let us talk about payment in lieu of taxes. In general, States receive a 75 cent per-acre revenue-sharing payment based on the acreage of federally owned land that is within their own State. In 1989, $103.8 million was distributed and 11 Western States received 81 percent of the money: Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming.

So we find time in and time out that the people who live in Ohio and the other people who live in Midwestern States are subsidizing the Western States of this country.

We have a problem. We are not asking for subsidy. We are asking for some burden sharing for us helping to bear the burden of these costs.

In another instance, another item called grazing subsidies, ranchers in the West benefit from low- or no-cost grazing rights. Now, those grazing rights are worth money. According to the General Accounting Office, the BLM, and the Forest Service spend approximately $40 million more on the grazing programs than they recover in fees from ranchers. Grazing fees do not even cover the cost of maintaining range in decent condition.

Let us go to a different subject. Disaster assistance. Every time we have a disaster in this country 100 Members of this body—and I am one of them—say what can we do to help? What we normally do to help is we write a check, we pay the bill. Hurricane Hugo and the San Francisco earthquake were tragedies. There was not one American who did not empathize. Here were millions of people throughout the world who were concerned and empathized with the loss and feeling about the loss of life and the economic harm that was done by the San Francisco quake.

Congress enacted two special appropriations bills totaling $3.95 billion. Almost all of it went to South Carolina and California, not alone for the earthquake but for the hurricane loss as well.

When you talk about Hurricane Hugo, and the San Francisco earthquake, you feel for the people in that part where that strikes. We see what is happening on TV and every one of us wants to help. And almost with no exception we do not even conduct hearings on these issues. We pass the bills. When the $1.3 billion went through in connection with the hurricane, I remember saying why did we pick out that number? I did not say it in a floor debate. I said it to myself. Why do we pick out that number?

How did anybody know within 2 or 3 days that that was what was needed? But nobody wanted to stop the legislation—certainly, I did not—because we felt that when there is a problem in a community, we all stand up, we are all willing to be counted, we all want to show that we share the concern.

In connection with those bills, certain special exceptions were made in eliminating State cost-sharing requirements and permitting the expenditure of funds on items that typically would not have been eligible for Federal funding, like the San Franciso-Oakland toll bridge.

Let us talk about another subject which relates not alone to the Western States, but to some of the New England States, the Federal Aid Highway Program. Since 1957, the States of this Union have contributed $190 billion to the highway trust fund. All of that money, plus $30 billion more in interest, has been given back to the States for highway projects.

But 10 States—Ohio, California, Florida, Indiana, Michigan, North Carolina, Oklahoma, South Carolina, Texas, and Wisconsin—received back $8.6 billion less than they put in—88.7 percent of their contribution. And the other States, how did they do? The other States average a 134-percent return on their contributions.

In connection with my own State, Ohio received back $698 million less than it paid.

The combined six New England States—Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island—received back $3.6 billion more than they paid.

Now, why did I recite some of these facts here today? I recited them not because we are going to do anything about it, although this Senator thinks maybe we should. And if we are to proceed forward on this bill, this Senator would certainly offer amendments indicating some elements of equity and fairness that should be achieved. But I would hope that would not happen. I hope we can work out some formulation that would not require that.

There is not much question about the fact the inequities are there. The unfairness is there. I am going to stop for now.

Mr. President, we are faced with a national problem. The basic calculations of burdens and benefits must be factored in a national context. Regional finger pointing and blame laying might make for stimulating debate, but I do not think it will make for good public policy on acid rain.

I come to this position uncomfortably. I am proud of my record in the Senate on environmental issues and on health matters. I have great respect for the Democratic leader, who has championed this issue for so many years, and I salute him for that leadership. And I am proud of the fact that the Senator from Montana has taken the time and effort to put together this package that is before us today. They are doing their job and they are doing them well.

But the truth is the acid rain provisions of the bill ask far too much from Ohioans. I am hopeful that the proponents of the bill will remain open to amendments that will result in a bill that is both fair and equitable.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. president, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand the order is to recognize the distinguished Senator from Wyoming, Senator SIMPSON. He has agreed that I might use some of my leader's time at this point.

The PRESIDING OFFICER. The Republican leader is recognized.

DEMOCRATIC FOREIGN AID PLAN

Mr. DOLE. Mr. President, I am pleased to read in this morning's Washington Post that my democratic friends—Senators PELL, BIDEN, and SIMON—have now joined me, and President Bush, in pointing out the need to help the emerging democracies of Eastern Europe.

As the Senate knows, 2 weeks ago I proposed that we make a very modest, 5 percent across-the-board cut in earmarked foreign aid programs—in part, to find money to help the emerging

democracies. Since then, of course, the President has submitted his budget, which includes several hundred million dollars in new money for the same purpose.

So I welcome the fact that these key democratic Senators have now taken up this issue. I would like to comment briefly on their proposal.

First, I am disappointed that they have chosen, in knee-jerk fashion, to propose a raid on the defense budget to fund their initiative.

Yesterday's rumors of Gorbachev's possible demise apparently are premature. But they point up again how risky it is for us to start spending a peace dividend based on a fundamental change in Soviet behavior—when the Soviets are still sorting out fundamental questions of their own political system and leadership.

As my proposal indicated, we ought to start by making sure we are getting maximum bang for the buck from our existing aid budget.

I am pleased that some major organizations such as the Polish-American Congress and various Greek-American organizations have endorsed my proposal—despite the fact that, in the first instance, it would mean small cuts in aid for both Greece and Poland. I ask unanimous consent to have printed in the RECORD letters I have received from these groups, endorsing my proposal.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

POLISH AMERICAN CONGRESS, INC.,
January 19, 1990.

Hon. ROBERT DOLE,
Hart Office Building,
Washington, DC.

DEAR SENATOR DOLE: We applaud your remarks which appeared in the New York Times on January 16, 1990.

If 1989 is to prove to be the watershed year in political democracy, when Poland was the first country to have democratic elections and the first with a non-Communist government, then economic reform must succeed.

We agree—America can make no better investment than to support the new democracies. We only need to consider the historial fact that the emerging democracies did not use Marshall Plan funds, nor foreign aid throughout these years.

As you currently observed, Senator Dole, the foreign aid "pie" must be re-examined—not only the amount and the nations that comprise the "pie", but also the flexibility to conduct foreign policy. Being practical and pragmatic, funds authorized by Congress take several months before they are received. Poland and other emerging democracies would wait until 1991 before funds would be utilized. Fledgling democracies need the critical financial support and foreign aid to support change. Time is crucial. If we wait too long, opportunity may pass us by.

A statistic which we find incomprehensible was provided by Representative Lee Hamilton, who heads the House Foreign Affairs Subcommittee on Europe and the Middle East. Mr. Hamilton noted that Israel receives about $1.2 billion a year in aid, most of which is immediately used to repay the United States for past loans. Isn't there a more efficient method for debt service?

We support a total review of U.S. foreign aid. We support economic aid to Poland and urge that Congress address these issues when it returns on January 23.

Sincerely yours,

EDWARD J. MOSKAL,
President.

AMERICAN HELLENIC INSTITUTE PUBLIC AFFAIRS COMMITTEE, INC.,
January 22, 1990.

Hon. ROBERT DOLE,
Office of the Minority Leader, U.S. Capitol,
Washington, DC.

DEAR BOB: Congratulations on your recent initiative, as set forth in your op-ed page article in the New York Times on January 16, 1990, regarding the reallocation of 5 percent of certain foreign aid amounts to democracy building in Eastern Europe, Panama and elsewhere.

First, this letter confirms may comments by telephone to Al Lehn of your staff (Deputy Director, Office of Classified National Security Information) on Friday, January 19, 1990 expressing support generally for your initiative and specifically supporting in the interests of the United States the 5 percent reduction in aid to Turkey and proposing that it be coupled with a 5 percent reduction in aid for Greece.

As mentioned to Mr. Lehn this position is supported by the American Hellenic Institute Public Affairs Committee, whose Chairman is Dr. Dean C. Lomis, and the Order of AHEPA Cyprus and Hellenic Affairs Committee, whose Chairman is Michael Savvides, and a number of Greek American leaders throughout the country who were contacted.

I have no doubt this position would be supported by the overwhelming majority of Greek Americans as in the best interests of the United States. I am also confident it would have the support of the majority of all Americans.

Second, we propose in the interests of the United States and support of the rule of law a further reduction in aid to Turkey by the amount it costs Turkey to maintain in Cyprus its 35,000 occupation troops and 60,000 colonists illegally in Cyprus, plus the amount it allocated to the Turkish Cypriot administration.

Former Under Secretary of State William Schneider, Jr., stated in testimony on February 21, 1984 before the House Foreign Affairs Subcommittee on International Security and Scientific Affairs that it costs Turkey $9,000 annually to maintain and equip one Turkish soldier. Thus the cost to Turkey in 1984 for its 35,000 occupation troops in Cyprus was $315,000,000.

According to the International Institute for Strategic Studies (London) the Turkish Cypriot administration's total budget for 1988 was $138,000,000 of which Turkey provided $75,900,000. This consisted of $46,000,000 of direct aid and $29,900,000 in credits.

Third, we recommend in the interests of the United States a further reduction in aid to Turkey by the amount it costs to maintain Turkey's Army of the Aegean and landing craft aimed at Greece's Aegean islands. That army consisting of an estimated 125,000 men is not part of NATO's forces and was created specifically to threaten Greece.

Thus all U.S. military aid to Turkey of $500,000,000 (plus $3,000,000 IMET) and economic aid of $60,000,000 goes to support Turkey's illegal occupation of northern Cyprus and to finance (in part) Turkey's Army of the Aegean which threatens Greece's Aegean islands.

But this is not all. A substantial portion of Turkey's remaining armed forces of approximately 490,000 (650,000 minus 35,000 in Cyprus and the 125,000 Army of the Aegean) is used to suppress Turkey's 10,000,000 Kurdish citizens.

Fourth, Turkey by its actions in Cyprus and in Turkey is in violation of the human rights sections 116 and 502B(a)(1) of the Foreign Assistance Act of 1961, as amended, and therefore is ineligible for assistance.

Fifth, in view of the above and the momentous events in Eastern Europe and the Soviet Union, and the arms reduction talks, we urge a critical review of United States-Turkey relations. Whatever value Turkey was to NATO and United States interests before these events, which we believe was minimal, has been reduced to the vanishing point. Even Turkish newspapers and certain opposition leaders have acknowledged the reduction in Turkey's value to the defense of the West.

As mentioned to Mr. Lehn, the First position stated above stands by itself and is not conditioned on support of the Second through Fifth positions.

I am sending copies of this letter to the President, the Secretary of State and congressional leaders.

Warmest regards.

Sincerely,

EUGENE T. ROSSIDES.

Mr. DOLE. I would also note that the approach suggested by the democratic Senators will still leave up to 35 countries dangling in the wind as far as their own need for American aid is concerned. I am talking about important countries like those on the front lines in the war against drugs—Bolivia, Peru, and others; key countries in Africa such as Zaire, Kenya, Liberia, and many others around the globe.

We have longstanding and important relations with these countries. Because of excessive earmarking, they are in danger of being zeroed out this year. If we do not curb our appetite for earmarking in fiscal year 1991, if we do not curb that appetite, these countries are going to be right back on the chopping block in fiscal 1991.

So I hope we can find a majority in this Senate to join me in trying to help meet the needs, yes, of our friends who are now receiving aid, but also our friends who are countries that are now emerging democracies, not only in Eastern Europe, but in Latin America, Central and South America, and many countries in Africa which are being shortchanged because of huge earmarks.

I believe that the debate on this important issue will continue. The debate on this important issue should continue. Many of my colleagues say, "Oh, just make the pie bigger," Well, there is not any dough to make the pie bigger.

Foreign aid is not popular in this body. Many who are now saying "do not cut any from this country" would probably not vote to increase foreign aid. It is easy to say "take it out of defense," but I have not yet seen any peace dividend.

So I would ask my colleagues to keep in mind that there are a number of countries, 35, as I stated, that may be reduced or zeroed out because the President has no flexibility.

Eighty-two percent of the economic, so-called ESF, funds are earmarked by the Congress. Nintey-two percent of military funds are earmarked by the Congress. The net result this year is the President ended up about $950 million short and, therefore, does not have the money. The Secretary of State told me about a country today where he is trying to scrape up $5 million to help one country and he has not found it yet. So, we can give billions to other countries, billions after billions, and maybe we should. But it does seem to me there has to be a better way.

If anybody here thinks they can go back to their constituents where we are cutting programs or in the President's budget and say it is all right to cut Medicare, cut agriculture, cut your programs, but we are going to increase foreign aid—it is not a very popular thing to do.

We have the obligation in Eastern Europe. We have the obligation in South America, particularly in those countries that are on the front line in the war on drugs.

So I want to commend the President. I know the Secretary of State will be testifying tomorrow morning, I think on the Senate side, where he will be laying out some of these problems and asking us for help. This is not a partisan issue. If somebody has a better idea, I would certainly be willing to listen to that idea.

I know one of my friends on the House side, Congressman OBEY, said, "Well, where was Senator DOLE all winter long?" After Congress left, all these things happened, all these countries emerged. And they all need our help.

I know there are a number of my colleagues in both the House and Senate and on both sides of the aisle who have much more expertise in this area than I do, but I think we would all agree we need to take a look at our aid program, take a look at what we are doing, and, I believe, if we do take a look at it in an objective way, we can find a solution.

Mr. President, I reserve the remainder of my leader time, and I thank the Senator from Wyoming.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Wyoming.

Mr. SIMPSON. I thank the leader. I certainly agree with his remarks on the issue of foreign aid.

I was in Jamaica with several of our colleagues on a Soviet-United States seminar. It was paid for by a private group, I might add—fine members of the Carnegie Foundation and the Aspen Institute. The new Prime Minister of Jamaica is asking for a minimal amount of money, and they have zeroed him out. Or that is the attempt. It is absurd. It cannot be, as to what we are doing with foreign assistance.

I never hestitate to tell my constituents they have distorted the issue. This year, in this budget, it is $20 billion out of a total budget of $1.1 trillion, and that is to preserve our relationships with people who critically need our assistance.

Anyway, I am not going to go further on that, but at a later time I certainly will because I think the leader is absolutely correct as to what we just do there. It does not have anything to do with hurting one to make it tough on somebody else.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, in accordance with the unanimous-consent agreement, my remarks are about acid rain. I listened to the remarks of my friend from Ohio. I said years ago, "This is an interesting game in the Environment and Public Works Committee, and I know you are all having fun." Because the committee consists of westerners and northeasterners. We do such remarkably creative work there. Staffs cook stuff for us and we have ignored, in essence, what will happen to five, six, or seven States in the heartland of America.

We can come right down through there—Ohio, Indiana, Missouri, Illinois, perhaps coming on into Pennsylvania—there they are. It is going to be a very contentious debate. And yet it must be had. We must have it here. It certainly cannot be had in the Environment and Public Works Committee, and we proved that beautifully by sending a bill to the desk for 8 years, three times, and having it go nowhere.

But one swift comment about the good Senator from Ohio's remarks about Western power subsidies. I see him here on the floor. I was going to wait and ensure he was present. He feels strongly about that, I found through the years. But in this situation I think there is a great difference.

I understand what he says about that. He has a feeling about water subsidies in California and other parts of the West and other subsidies, grazing and so on. But those things pale in regard to what is obtained in other States as compared with the West with regard to clean coal technology, the various rounds of the Department of Energy grant system.

But I think there is one key difference, and I share that with my friend from Ohio. The key difference between what he is saying there and about the acid rain cleanup issue is this. Certainly the West does receive assistance for some programs, as other States receive. But when we are talking about acid rain, we are talking about pollution. And when we hear requests for subsidies for acid rain cleanup, we are talking about subsidizing utilities in States that have not cleaned up their pollution as swiftly or to the same extent as other States. That is the key difference.

This was a sense-of-the-Senate resolution in the Environment and Public Works Committee markup, that there be no cost sharing. There will not. However, we in a sense do some cost sharing with the emissions trading and the allowance trading. I do not have any objection to that. I think we must recognize that.

But those who would have us subsidize in an open way the Midwestern scrubbers would have us abandon the one thing we have done with all environmental laws of any worth in the past years, and that is, "the polluter pays." The polluter-pays approach is what we have taken in every single environmental bill we have ever passed out of the Senate. And I think that is a very critical distinction, and we will deal more on that later.

The Senator from Ohio will be a player. I said many years ago, "You are forgetting the intent and intensity of those from these States of Ohio, Illinois, Indiana, Missouri, Pennsylvania. You are missing it." Now we will have that debate and that is good. It is going to take us a while to do this, and I am ready to go forward, I promise my colleagues that.

But I wanted to talk about one or two of the arrogant environmental groups. In my opening statement a few days ago I talked of what I described as arrogant environmental groups and how they have acted in the past and how they have been part of a problem that has helped to cause legislative gridlock. I do not think we should let them get away with that again because nothing we ever do is pure enough for them, just as there are utilities and nothing we ever do for them is pure enough for them.

I said at the time I hoped they would be more moderate this year and that would be a constructive thing. But I certainly hoped too much. Because I have seen recent activities which lead me to believe that the extreme environmental groups are up to their same old tricks. They like to throw bombs into the ammo shed and oversimplify issues in order to arouse

emotions about various acid rain issues. And they are doing it again.

I would like to note, it was the Environmental Defense Fund—I do not always agree with them but I tell my colleagues they did, and I watched that with great interest—that broke ranks with the clean air coalition and worked with the administration to craft a bill, a good, honest acid rain bill, that provides flexibility and least cost by allowing emissions trading and other innovative procedures. Yet now there are individual members of the Environmental Defense Fund that are out here today about their work trying to undermine the work this organization itself did with the White House. I think they ought to get their act together. I am going to help them.

I do not know what their chosen hammer thrower, Bob Yuhnke, is up to now, but perhaps he is trying to increase the membership rolls by exciting the troops. That is not going to sell on this trip.

Yesterday, I received a letter from the Sierra Club. It cited several allegations the Environmental Defense Fund had been making about Western SO_2 emissions.

It seems there is one extreme member of the EDF who lives in Denver and is constantly agitating for more and more SO_2 reductions in the West, even though our emissions are on orders of magnitude less than any other areas of the United States. We really do not need preaching from those kinds of people.

I was in the Wyoming Legislature with a remarkable man named Ed Herschler, a Democrat, who was our Democrat for 12 years, a highly respected and remarkable gentleman, a marvelous legislator and a lot of fun to do business with. He is very ill. We should keep him in our prayers.

Ed Herschler and I, while we were in the legislature, put on the books legislation with names at the top such as mine land reclamation bill, plant siting legislation, Clean Air Act, Clean Water Act—we did that. We had decided we did not want to be another one of what had occurred in the East.

So we have been at it a long time. We have been at it in the State legislature, and I am here in the Environment and Public Works Committee. I have been involved in it, and I have attended dozens of hearings and heard hours of testimony about acid rain. I think reasonable men can conclude from all of this information that we do not have a serious acid rain problem in the Western United States. Do not lob anything in. We do not. We could. Yes, indeed we have some sensitive high mountain lakes that we will have to keep an eye on, and I helped to assist that they monitor those lakes.

The Forest Service has done quite a good job, in my mind, in monitoring the pH of these lakes in Wyoming. We find they have a pH of 7, which is absolutely neutral. We have lakes in the Midwest that are alkaline and can absorb almost pure vinegar without changing the pH.

So it is quite disturbing, and I have trouble with understanding why one would receive a letter from the Sierra Club saying the Senate committee bill does not do the job. I received a letter yesterday that said, "S. 1630's acid rain program cleans up the East but dirties the West." I believe that type of rhetoric and babble is unnecessarily inflammatory and is factually incorrect.

If you read this letter carefully, you will find the Sierra Club then admits we do not have an acid rain problem in the West. That is what we said. But that is not what it says in the glaring introduction in all of those great big capital letters. Maybe the ploy there is to raise money or keep the executive director in business to juice up the troops and raise his salary. I do not know that, but they really pine over Jim Watt. They miss him. They loved to tack his old pelt on the wall and raise the dues. It is difficult for them to keep struggling now when he has disappeared from the scene. We have a fine person in the role of the EPA Administrator.

So there we are. I think the tone of the letter suggests that we are doing a great disservice to the country by passing the Senate clean air bill and the West will become filthy if we do not. I find that type of rhetoric disgusting. But the President's bill and Senate Environment Committee bill call for a 10-million-ton reduction. I guess that is not enough for the more extreme environmental groups. The Senate bill places a cap on emissions. I guess that is not enough either. And then the Sierra Club piously states "that unless loopholes are removed, S. 1630 will provide little protection for the West." That is really offensive, paternalistic, puerile.

I come from the State of Wyoming that has an SO_2 standard six times more stringent than the Federal Government. We do not need little instructional papers and missives from the Sierra Club. I was in the legislature when the standard was passed. It was done with some good, thoughtful Republican and Democratic help. That is why it troubles me—and I have a great admiration for that club and what it does and have been in the membership of it—to oversimplify this issue to the point where their description bears no resemblance to the real world. The simple fact of the matter is, we have very low emissions in the West, relatively speaking, and we will continue to have emissions that are significantly less than the East for decades to come.

The Sierra Club and some members of the EDF do not tell about the smelters that have already been shut down in the Southwestern United States and about the emissions reductions that came about from the shutting down of industry.

I find these overblown allegations by EDF and the Sierra Club absolutely fascinating since I received a letter from the Environmental Defense Fund back in 1987 that had the following quote included:

> Together, final compliance at these last two uncontrolled smelters in the U.S. and the completion of emission controls at the Nacozari will reduce SO_2 emissions in the Rocky Mountain West by about 1 million tons per year, or about 55 percent regionwide. Based on our research at EDF, we believe that this reduction should avert any major regional threat of acid rain damage to high country watersheds. It should also provide enhanced visibility in the national parks in the Southwest.

Nacozari is a smelter in Mexico.

How soon they forget. I have often said that everyone is entitled to their own opinion, but no one is entitled to their own facts. The Environmental Defense Fund representative from the Rocky Mountain region has attempted to baffle the public and the press with his own inaccurate interpretation of the facts. The Senate Environment Committee report does state that the clean plants amendment will increase SO_2 emissions by 650,000 tons nationwide. However, very few of those tons would be in the West. As a matter of fact, no more than 120,000 of the 650,000 could be contributed by the entire 11 Rocky Mountain States.

The EDF states that the clean State exemption would result in an increase of 951,000 tons of SO_2 and would be devastating to the air quality and visibility in the West. That is simply an irresponsible analysis on the part of EDF, and I do not know what the reasons are. It may be they sent their press releases and letters to the Rocky Mountain States while 340,000 tons of the predicted emissions increases comes from two States—Kansas and Minnesota—which are neither generally considered to be Western States. We do not consider them as Western States, nor as responsible for visibility degradation in any of the Western national parks. Another 60,000 tons of the 451,000 tons are predicted to come from North Dakota, which is not considered a Rocky Mountain State.

EDF projects that Minnesota alone would increase its emissions by 200 percent. I find it ludicrous that EDF would suggest that the State with one of the toughest acid rain laws in this country would double its emissions under Federal policy. We have a name for that stuff in Wyoming.

In addition, EDF does not take into account the reductions the Western States have made and are continuing to make with regard to SO_2. EDF failed to point out emissions would ac-

tually go down in Wyoming under the clean State provisions. Wyoming's largest utility, Pacific Power and Light, a fine corporate citizen, will make a 50,000 reduction in the Wyoming plant by the year 2000. This decrease is simply ignored by the wizards at EDF.

EDF's analysis was intellectually dishonest because it assumes that the clean States will increase their emissions merely because they are given additional allowances. This ignores the fact many of these States have State implementation plans which do not allow such an increase. You cannot do it.

In addition, EDF and the Sierra Club imply the environmental impact of emissions are the same regardless of where they occur. That is simply not true. We find that there are visibility problems in the Grand Canyon, and everybody likes to trot out the photographs of the Grand Canyon. I have seen all sorts now: shaded ones, unshaded ones, light ones, dark ones, deep ones—I have seen all those—filtered ones, unfiltered ones. Who wants to do anything to the Grand Canyon? Nobody I know on this floor. We have problems. However, there are no major visibility problems elsewhere and, if there are, we can target specific plants in specific air corridors to deal with that. Who wants to ruin the vista of Grand Teton National Park? Nobody, Not a soul. So do not get the old filters out and show the scoop shovels up on the north slope of the Grand Teton. We all get tired of that one, too, with the oil and gas rigs up on the face of Mount Moran. That is not what happens in real life. As these things come up, we deal with them specifically and responsibly and honestly without the hype and the hurrah.

So now we are being told by these groups the Senate is creating unnecessary loopholes and that the West will become dirty. My only response to those charges is that the Senate should have come up with a 31-State acid rain bill to begin with because we do not need major SO_2 reductions in the West, and we could have done that. That is a lot of horses. That is 62 votes in here. We did not want to do that. That is irresponsible. Citizens of the West have paid through the nose for the installation of pollution control equipment on powerplants that use low-sulfur coal. We are scrubbing plants that use low-sulfur coal, not high-sulfur coal. What an absurd situation when the result is finally the same one you reach if they had done scrubbers on high-sulfur coal. We have been through that ritual, and we have paid big bucks. That is why we do not want cost sharing. We are willing to go for some kind of emissions trading, allowance trading. I am willing to do that. Other things we can talk about: retraining. It is going to be a fascinating debate and we are going to all be in it.

But let us—and I conclude—take a look at the distribution of utility scrubbers. If we look at regional distribution of currently operating SO_2 scrubbers, we find that about half of the scrubbers in this country are in the West—that is 72 out of 148—and that these scrubbers are actually being used to remove, as I say, remove SO_2 from low-sulfur coal plants.

For example, New Mexico—and that is why you hear the Senators from New Mexico speaking with such intensity—is scrubbing low-sulfur coal at every one of its 10 powerplants and the public service of New Mexico has electric utility rates that are 33 percent above the national average. Why did not EDF and the Sierra Club tell that part of the story? The rest of the story, as my friend Paul Harvey calls it in his program. And meanwhile some of the utilities in the Midwest have utility rates that are 33 percent less than the national average.

The bloodbath on this floor, which will never really appear too visibly but it will be the undercurrent that takes us all down the stream like a cork, is utility rates. That is the kicker.

When we get into that, it is the one that can do something to a politician that really is exciting. That defeats people. Your utility rates go up and they say this is the guy that did that. It went up $2. Why? An acid rain bill. They did it in the Senate. Who did it? That amendment. It is a good 30-second spot. That is what this debate will be about when we get down to the nub of things, and meanwhile we will be driven by these irresponsible groups that ask purety from us.

I would ask why did not these groups tell us about the prevention of significant deterioration program under the Clean Air Act which helps to keep the air clean in the West? Why did they not say anything about that? Why are we beginning to see these crude little letters that oversimplify the arguments and overstate the issue when they were players not long ago? That is exactly, Mr. President—and I am concluding—the type of thing that has prevented us from getting a clean air bill in the past 10 years. Why do you think we do not have one when everybody talks about it for 10 years? We should have taken the work product of Senator Gary Hart of Colorado called the Clean Air Act and just passed that baby 9 years ago. It was up front, honest, direct, but it was not pure enough. It was not pure enough.

Gary Hart called this kind of activity "Mau-Mau politics," it is still "Mau-Mau politics," and it is repugnant. If these radical groups had shown more moderation in the past, we probably would have reduced emissions by twice what they are now. Ask them that. Ask them while they have been diddling around with America for 10 years what we could have done with an acid rain bill but never were able to because of their dazzling purety.

So I would call on groups on all sides of the issue to refrain from this type of activity. We have come a long way toward getting a good clean air bill with a solid 10-million-ton acid rain reduction. It would be sad to see it derailed right now in this arena because of greed or egotism on the part of the special interest group leaders.

So let us stop talking the talk and start to walk the walk. Let us be intellectually honest about our differences and not practice what is really in every sense "Mau-Mau politics" because the real losers are the citizens of America, and second, the members of those organizations are the real losers because they are going to lose all credibility in further debates on these tough issues; we are going to have some terribly, terribly tough issues on this bill in these coming days.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I regret that I cannot support the Chafee amendment. The reason is simple: We should not act unilaterally. Instead, we should work within the framework of the international Montreal protocol.

The problem of substances depleting the Earth's stratospheric ozone layer is one that requires a world-wide solution.

Unfortunately, the Chafee amendment would force the United States to act unilaterally to phase out methyl chloroform. The parties to the international Montreal protocol are already considering the idea of phasing out this chemical.

It seems logical that we should act in concert with the international community. It will do little good for us to eliminate this chemical if other countries refuse to do the same.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1219. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARM-

STRONG] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—95

Adams	Fowler	McClure
Baucus	Garn	McConnell
Bentsen	Glenn	Metzenbaum
Biden	Gore	Mikulski
Bingaman	Gorton	Mitchell
Bond	Graham	Moynihan
Boren	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pressler
Burdick	Heinz	Pryor
Burns	Hollings	Reid
Byrd	Humphrey	Riegle
Chafee	Jeffords	Robb
Coats	Johnston	Rockefeller
Cochran	Kassebaum	Roth
Cohen	Kasten	Rudman
Conrad	Kennedy	Sanford
Cranston	Kerrey	Sarbanes
D'Amato	Kerry	Sasser
Danforth	Kohl	Shelby
Daschle	Lautenberg	Simon
DeConcini	Leahy	Simpson
Dixon	Levin	Specter
Dodd	Lieberman	Stevens
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Durenberger	Mack	Wilson
Exon	Matsunaga	Wirth
Ford	McCain	

NAYS—2

Helms	Symms

NOT VOTING—3

Armstrong	Inouye	Wallop

So the amendment (No. 1219) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1223

Mr. BAUCUS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the amendment proposed by the Senator from Montana, amendment No. 1223.

Mr. BAUCUS. Mr. President, this is a very simple amendment. The amendment essentially requires the EPA to set up a specific separate category issuing controlled technique guidelines for the aerospace industry that would apply only to that industry.

Today guidelines for metal paint, and so forth, are generic, very broad-based. The aerospace industry has especially unique requirements because of its defense commitments and because of the specifications that it must work under in meeting its DOD requirements.

This amendment simply carves out controlled technique guidelines in the nonattainment section of the bill in the aerospace industry. It is not a tightening amendment or loosening amendment. It is an amendment more specific for that industry. I do not think that amendment has much objection. In fact, I do not know anyone who objects to this amendment. I urge its adoption.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

Is there any further debate on the amendment? If not, the question is on agreeing to the pending amendment.

The amendment (No. 1223) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

B-2 OPPOSITION IS GROWING

Mr. CRANSTON. Mr. President, last week, I introduced legislation to stop new procurement of the B-2 bomber. At that time, Senator LEAHY and I made detailed statements outlining our opposition to funding for further procurement of this overpriced weapons system. We have been encouraged by the support and interest in our efforts.

In the short time since I came to this Chamber last fall to declare my opposition to this program, a number of key members of the defense community have joined us in questioning the merits of proceeding with new production on the B-2. It seems that the tide is beginning to turn.

In testimony before the Senate Budget Committee last month, Robert McNamara, Defense Secretary in the Kennedy and Johnson administrations and Lawrence Korb, an Assistant Defense Secretary in the Reagan administration called for the end to further production of the B-2.

Noted defense analyst William Kaufmann, presently with the Brookings Institute, concurred in his alternative defense budget, calling on Congress and the administration to "halt the rush to produce a next generation of weapons."

And, Jeffrey Record, of the more conservative Hudson Institute, echoed these sentiments in the Baltimore Sun, scoring the Air Force for its willingness to "junk five entire wings of perfectly good tactical aircraft in order to spare a bomber that is not only a budgetary turkey but is also still on the assembly line and largely untested."

I will ask that a copy of Mr. Record's op-ed appear in full in the RECORD at the conclusion of my remarks.

Even retired Adm. J. Crowe, Jr., former chairman of the Joint Chiefs of Staff, in an interview with the Washington Post earlier this month, questioned the need for expensive new weapons systems, singling out the B-2.

At the same time that Senator LEAHY and I were declaring our intention to achieve a majority to terminate the B-2 program, Director of CIA William H. Webster was testifying in the Senate Armed Services Committee about the changing Soviet threat. It comes as no surprise that our intelligence community is concluding that the Soviet threat is diminishing substantially. As a member of the Senate Intelligence Committee, I am pleased that our intelligence agencies are finally willing to go on the public record with these assessments.

In light of these developments, I am extremely dismayed that the President has sought to go ahead full force with the B-2 program. In his budget for fiscal year 1991, the President has requested the outrageous sum of $5.5 billion to procure five more B-2 bombers. This at a time when we are trying to make meaningful cuts in our defense budget. I urge my colleagues to study the defense budget carefully and to question this and other proposed increases in strategic programs. President Bush notes in his budget that "remarkable changes have occurred" in the world affecting national security and prospects for peace. Yet, the fiscal year 1991 defense budget request for the Pentagon is a truly business-as-usual document.

Mr. President, I urge my colleagues to join us in halting the B-2, the billion dollar plane we do not need and cannot afford.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Dec. 20, 1989]

DESIGNING AN AIR FORCE FOR WARS THAT WON'T BE FOUGHT

(By Jeffrey Record)

WASHINGTON.—Secretary of Defense Dick Cheney, bowing to grim budgetary realities, has directed the armed services to cut a total of $180 billion in planned expenditures for the years 1992 to 1994, with each service apparently free to choose what it will eliminate. Though granting the services freedom of choice has been criticized as inviting continued strategic incoherence at lower force levels, it provides an excellent means of testing each service's priorities.

The Air Force, for example, has chosen to take its share of the $180 billion cut largely in the form of eliminating five of its current 24 tactical fighter wings. The remaining 19 wings would amount to less than one-half of the 44 wings sought by the Air Force during the defense-budget bonanza of the early 1980s.

Even more interesting than what the Air Force has chosen to get rid of is what it has chosen to keep. Most prominent among the items to be preserved is the B-2 bomber, on which the Air Force has already spent $25 billion and plan to spend at least $60 billion more.

The decision to sacrifice substantial quantities of its tactical aviation in the hope of saving the B-2 reflects a clear Air Force choice between the strategic nuclear bombardment mission and the multitude of missions performed by tactical non-nuclear aviation. By according the former greater priority, the Air Force is once again sacrificing readiness for the kinds of wars which have engaged the United States since 1945 (and may continue to do so) in favor of preparation for a kind of war that has never occurred and almost certainly never will.

The reason for this has nothing to do with the B-2 itself, but rather with the mission it is designed to perform. Strategic bombardment is the soul of the Air Force. Unlike other missions, such as aerial interdiction and close air support, the purpose of which is to assist friendly ground forces, strategic bombardment lays claim to winning wars autonomously (i.e. irrespective of ground and naval actions) via a direct assault on the enemy's capacity to make war.

It was this claim that formed the rationale for establishing the Air Force as an independent service in 1947. At the time, the Air Force had a monopoly within the U.S. military of both nuclear weapons and their means of delivery (long-range bombers). To be sure, since the late 1940s the other services have acquired nuclear weapons and ballistic missiles have largely displaced manned aircraft as a means of intercontinental nuclear bombardment. But the Air Force retains its monopoly of long-range bombers. A bomber-less Air Force would therefore be an air force lacking, at least in terms of manned aircraft, a capacity to perform the sole autonomous mission upon which it staked its case for independence.

Moreover, despite over four decades of formal independence, the issue of autonomy has not been completely extinguished. Though prospects for disestablishment seem unlikely, there is sentiment in the Congress for transferring the close air support mission from the Air Force to the Army, and some commentators have actually called for the Air Force's outright abolition.

Certainly the Air Force has always felt, and continues to feel, that it must pay great attention to providing up-to-date justifications for its independence. A recent Rand Corporation study observed that the "Air Force, as the newest of three services and the one whose separation from the others had to be justified within living memories, has always been the most sensitive to defending or guarding its legitimacy as an independent institution. The fight for autonomy was long and hard; and the victory not total: The Navy retained control of its aviation, and the Army has periodically threatened encroachments. If aviation in support of navel operations is controlled by the Navy, why should not aviation in support of ground operations be controlled by the Army? If the Air Force is not a decisive and independent instrument of warfare, the reasons for having a separate service to wield aerospace power evaporate."

Thus whenever the Air Force has been compelled to sacrifice either strategic nuclear bombardment capabilities or tactical air power, it has invariably chosen to place the latter on the chopping block. In the 1950s and early 1960s, Air Force infatuation with strategic bombardment was so pronounced that it led to the near starvation of U.S. tactical aviation. The result was that the United States entered both Korea and Vietnam with tactical aircraft and tactical air doctrines utterly ill-suited for the demands of non-nuclear air operations. Even today, the Strategic Air Command (SAC) remains the largest, in terms of personnel, of all of the Air Force's 13 commands.

Yet, present and foreseeable budgetary and strategic environments strongly discourage major investment in yet another bomber designed almost exclusively to deliver nuclear weapons inside the Soviet Union. Leave aside, for the comment, the B-2's cost, which alone is likely to torpedo the program far short of its objectives. (Congress has already directed the Air Force to submit two alternative proposals for a B-2 force 75 percent and 50 percent, respectively, of the currently planned fleet of 132 planes, and there is now talk on Capitol Hill of canceling the program after only 15 planes are built, which would be enough to form one SAC bomber wing.)

Even were money no object, however, it would still be difficult to justify so immediate a successor to the just procured B-1B in the face of what appears to be a fundamental transformation of the Soviet Union from an expansionist, confrontational adversary into an externally benign and internally preoccupied country. Even the Pentagon concedes that the Soviet threat is eroding and that the chances of a U.S.-Soviet war are at an all-time low and likely to remain so indefinitely.

On the other hand, there has been no decline in non-Soviet, non-nuclear threats to American security interests overseas—the very threats to which tactical air power is relevant and strategic nuclear bombardment capabilities are not. Indeed, during the past decade there has arisen a new threat that constitutes a far more clear and present danger to the United States than the Soviet threat: loony Third World states (*e.g.*, Iran Libya) armed with munitions of mass destruction (poison gas) and their long-range means of delivery (ballistic missiles).

The anticipated geo-strategic environment of the 1990s calls for, if anything, more U.S. tactical air power, not less, However, in choosing to junk five entire wings of perfectly good tactical aircraft in order to spare a bomber that is not only a budgetary turkey but is also still on the assembly line and largely untested, the Air Force has once again revealed the paramountcy of its own parochial service interests over all other considerations.

Fortunately, the Air Force will not have the final say on this matter. Secretary Cheney, President Bush, and ultimately the Congress will render their judgments.

Jeffrey Record, a senior research fellow at the Hudson Institute, comments on military affairs for The Sun.

STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM 81

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Congress of the United States:

Mr. President, Mr. Speaker, members of the United States Congress: I return as a former President of the Senate, and former member of this great House. Now, as President, it is my privilege to report to you on the State of the Union.

Tonight, I come not to speak about the state of the government—not to detail every new initiative we plan for the coming year, nor to describe every line item in the budget. I'm here to speak to you and to the American people about the State of the Union—about our world—the changes we've seen, the challenges we face. And what that means for America.

There are singular moments in history: dates that divide all that goes before from all that comes after. Many of us in this chamber have lived much of our lives in a world whose fundamental features were defined in 1945. The events of that year decreed the shape of nations. The pace of progress. Freedom or oppression for millions of people around the world.

1945 provided the common frame of reference—the compass points of the post-war era we've relied upon to understand ourselves. That was our world. Until now. The events of the year just ended—the revolution of '89—have been a chain reaction—change so striking that it marks the beginning of a new era in the world's affairs.

Think back—just twelve short months ago—to the world we knew—as 1989 began.

One year ago, the people of Panama lived in fear, under the thumb of a dicatator. Today, democracy is restored—Panama is free.

Operation "JUST CAUSE" has achieved its objective. The number of military personnel in Panama is now close to what it was before the operation began. And tonight, I am announcing that—well before the end of

February—the additional numbers of American troops—the brave men and women of our Armed Forces who made this mission a success—will be back home.

A year ago in Poland, Lech Walesa declared that he was ready to open a dialogue with the communist rulers of that country. Today, with the future of a free Poland in their own hands, members of Solidarity lead the Polish Government.

A year ago, freedom's playwright, Vaclav Havel, languished as a prisoner in Prague. Today, it's Vaclav Havel—President of Czechoslovakia.

And one year ago, Erich Honecker of East Germany claimed history as his guide. He predicted the Berlin Wall would last another hundred years. Today—less than one year later—it's the Wall that's history.

Remarkable events—events that fulfill the long-held hopes of the American people. Events that validate the long-standing goals of American policy—a policy based on a single, shining principle: the cause of freedom.

America—not just the nation—but an idea, alive in the minds of people everywhere. As this new world takes shape, America stands at the center of a widening circle of freedom—today, tomorrow and into the next century.

Our nation is the enduring dream of every immigrant who ever set foot on these shores—and the millions still struggling to be free. This nation—this idea called America—was and always will be—a new world. Our new world.

At a workers' rally—in a place called Branik on the outskirts of Prague—the idea called America is alive. A worker, dressed in grimy overalls, rises to speak at the factory gates. He begins his speech to his fellow citizens with these words—words of a distant revolution:

"We hold these truths to be self-evident. That all men are created equal, that they are endowed by their Creator with certain unalienable rights, [and] that among these are life, liberty and the pursuit of happiness."

It's no secret that, here at home, freedom's door opened long ago. The cornerstones of this free society have already been set in place: Democracy. Competition. Opportunity. Private investment. Stewardship. And of course, leadership.

Our challenge today is to take this democratic system of ours—a system second to none—and make it better.

A better America, where there's a job for everyone who wants one.

Where women working outside the home can be confident their children are in safe and loving care—and where government works to expand child care alternatives for parents.

Where we reconcile the needs of a clean environment and a strong economy.

Where "Made in the U.S.A." is recognized around the world as the symbol of quality and progress.

Where every one of us enjoys the same opportunities to live, to work, and to contribute to society. And where, for the first time, the American mainstream includes all of our disabled citizens.

Where everyone has a roof over his head—and where the homeless get the help they need to live in dignity.

Where our schools challenge and support our kids and our teachers—and where all of them make the grade.

Where every street, every city, every school and every child is drug-free.

And finally, where no American is forgotten. Our hearts go out to our hostages—our hostages who are ceaselessly on our minds and in our efforts.

That's part of the future we want to see—the future we can make for ourselves. But dreams alone won't get us there. We need to extend our horizon—commit to the long-view. Our plans for the future start today.

In the tough competitive markets around, America faces great challenges and great opportunities. We know that we can succeed in the global economic arena of the 90's, but to meet that challenge we must make some fundamental changes—some crucial investments in ourselves.

Yes—we are going to invest in America. This Administration is determined to encourage the creation of capital—capital of all kinds. Physical capital: everything, from our farms and factories to our workshops and production lines, all that is needed to produce and deliver quality goods and quality services. Intellectual capital: the source of ideas that spark tomorrow's products. And of course, our human capital: the talented workforce we'll need to compete in the global market.

And let me tell you: if we ignore human capital—we lose the spirit of American ingenuity—the spirit that is the hallmark of the American worker. And the American worker is the most productive worker in the world.

We need to save more—expand the pool of capital for the new investments that mean more jobs, more growth. That's the idea behind a new initiative I call the Family Savings Plan, which I will send to the Congress tomorrow.

We need to cut the tax on capital gains—encourage risktakers—especially those in our small businesses—to take those steps that translate into economic reward, jobs, and a better life for all of us.

We'll do what it takes to invest in America's future. The budget commitment is there. The money is there. It's there for Research and Development, R&D—record high. It's there for our housing initiative—HOPE, to help everyone from first-time homebuyers to the homeless. The money's there to keep our kids drug-free: 70% more than when I took office in 1989. It's there for space exploration—and it's there for education: another record high.

And one more thing: last fall at the Education Summit, the Governors and I agreed to look for ways to help make sure kids are ready to learn—the very first day they walk into that classroom. I've made good on that commitment—by proposing a record increase in funds—an extra half a billion dollars—for something near and dear to all of us: Head Start.

Education is the one investment that means more for our future because it means the most for our children. Real improvement in our schools is not simply a matter of spending more. It is a matter of asking more—expecting more: of our schools, our teachers, of our kids, and our parents and ourselves. That's why tonight I am announcing America's education goals—goals developed with the nation's Governors:

By the year 2000, every child must start school ready to learn.

The United States must increase the high school graduation rate to no less than 90%.

And we're going to make sure our schools' diplomas mean something: in critical subjects—at the 4th, 8th and 12th grades—we must assess our students' performance.

By the year 2000, U.S. students must be first in the world in math and science achievement.

Every American adult must be a literate worker and citizen.

Every school must offer the kind of disciplined environment that makes it possible for our kids to learn—and every school in America must be drug-free.

Ambitious aims? Of course. Easy to do? Far from it. But the future's at stake. This nation will not accept anything less than excellence in education.

These investments will keep America competitive. And I know this about the American people: we welcome competition. We'll match our ingenuity and energy—our experience and technology—our spirit and enterprise—against anyone. Let the competition be free—but let it be fair. America is ready.

Since we really mean it—and since we are serious about being ready to meet that challenge—we're getting our own house in order. We've made real progress. Seven years ago, the federal deficit was 6% of our Gross National Product. In the new budget I sent up two days ago—the deficit is down to 1% of GNP.

That budget brings federal spending under control. It meets the Gramm-Rudman target. Brings that deficit

down further. And balances the budget by 1993—with no new taxes.

And let me tell you, there's still more than enough federal spending. For most of us, 1.2 trillion dollars is a lot of money.

And once the budget is balanced, we can operate the way every family must when it has bills to pay. We won't leave it to our children and grandchildren. We will start paying off the national debt.

And there's something more we owe the generations of the future: stewardship—the safekeeping of America's precious environmental inheritance.

As just one sign of how serious we are, we will elevate the Environmental Protection Agency to cabinet rank. Not more bureaucracy, not more red tape—but the certainty that here at home, and in our dealings with other nations, environmental issues have the status they deserve.

This year's budget provides over $2 billion in new spending to protect our environment, with over $1 billion for global change research. And a new initiative I call "America the Beautiful"—to expand our national parks and wildlife preserves and improve recreational facilities on public lands.

And something else: something that will help keep this country clean, from our forestland to our inner cities, and keep America beautiful for generations to come—the money to plant a billion trees a year.

And tonight, let me say again to all the members of Congress: The American people did not send us here to bicker. There's work to do—and they sent us here to get it done. And once again, I offer my hand to all of you. Let's work together to do the will of the people. Clean Air. Child Care. The Educational Excellence Act. Crime and Drugs. It's time to act. The farm bill. Transportation policy. Product liability reform. Enterprise Zones. It's time to act together.

And there's one thing I hope we'll all be able to agree on. It's about our commitments. I'm talking about Social Security.

To every American out there on Social Security, to every American supporting that system today, and to everyone counting on it when they retire: We made a promise to you—and we are going to keep it.

We rescued the system in 1983—and it's sound again. Our budget fully funds today's benefits—and it assures that future benefits will be funded as well. The last thing we need to do is mess around with Social Security.

There's one more problem we need to address. We must give careful consideration to the recommendations of the health care studies now underway. That's why tonight, I am instructing Dr. Louis Sullivan—Secretary of Health and Human Services—to lead a Domestic Policy Council review of recommendations on the quality, accessibility and cost of our nation's health care system. I am committed to bring the staggering costs of health care under control.

The "state of the government" does indeed depend on many of us in this very chamber. But the State of the Union depends on all Americans. We must maintain the democratic decency that makes a nation out of millions of individuals. I have been appalled at the recent mail bombings across this country. Every one of us must confront and condemn racism. Anti-semitism. Bigotry and hate. Not next week, not tomorrow, but right now.

The State of the Union depends on whether we help our neighbor—claim the problems of our community as our own. We've got to step forward when there's trouble—lend a hand, be what I call a point of light to a stranger in need. We've got to take the time after a busy day to sit down and read with our kids. Help them with their homework. Pass along the values we learned as children. That's how we sustain the State of the Union.

Every effort is important. It all adds up—it's doing the things that give democracy meaning. It all adds up to who we are—and who we will be.

And let me say, that so long as we remember the American idea—so long as we live up to the American ideal—the State of the Union will remain sound and strong.

And to those who worry we have lost our way—well, I want you to listen to parts of a letter written by James Markwell—PFC James Markwell, a 20-year old Army medic of the 1st Battalion, 75th Rangers. It's dated December 18th—the night before our Armed Forces went into action in Panama. It's a letter servicemen write—and hope will never be sent. Sadly, Private Markwell's mother did receive this letter. And she passed it on to me.

Here is some of what he wrote: "I have never been afraid of death, but now he is waiting at the corner. . . . I have been trained to kill and to save, so has everyone else. I am frightened of what lays beyond the fog, yet. . . . Do not mourn for me, revel in the life that I have died to give you. . . . But most of all, don't forget that the Army was my choice. Something that I wanted to do."

"Remember I joined the Army to serve my country and insure that you are free to do what you want and live your lives freely."

Private Markwell was among the first to see battle in Panama, and one of the first to fall.

He knew what he believed in. He carried the idea we call America in his heart.

I began tonight speaking about the changes we've seen this past year. There is a new world of challenges and opportunities before us. And there is a need for leadership that only America can provide.

Nearly forty years ago, in his last address to the Congress, President Harry Truman predicted such a time would come. He said: "As our world grows stronger, more united, more attractive to men on both sides of the iron curtain, then inevitably there will come a time of change within the communist world."

Today, that change is taking place.

For more than forty years, America and its allies held communism in check, and ensured that democracy would continue to exist. Today, with communism crumbling, our aim must be to ensure democracy's advance. To take the lead in forging peace and freedom's best hope—a great and growing commonwealth of free nations.

To the Congress and to all Americans, I say it is time to acclaim a new consensus at home and abroad—a common vision of the peaceful world we want to see.

Here in our own hemisphere, it's time for all the people of the Americas—North and South—to live in freedom.

In the Far East and Africa, it is time for the full flowering of free governments and free markets that have served as the engine of progress.

It is time to offer our hand to the emerging democracies of Eastern Europe. So that continent—for too long a continent divided—can see a future whole and free.

And it's time to build on our new relationship with the Soviet Union—to endorse and encourage a peaceful process of internal change toward democracy and economic opportunity.

We are in a period of great transition, great hope, yet great uncertainty. We recognize that the Soviet military threat in Europe is diminishing, but we see little change in Soviet strategic modernization. Therefore, we must sustain our own strategic offense modernization and the Strategic Defense Initiative.

But the time is right to move forward on a conventional arms control agreement to move us to more appropriate levels of military forces in Europe—a coherent defense program that ensures the U.S. will continue to be a catalyst for peaceful change in Europe. I've consulted with leaders of NATO—and in fact, I spoke by phone with President Gorbachev, just today.

I agree with our European allies that an American military presence in Europe is essential—and that it should not be tied solely to the Soviet military presence in Eastern Europe.

But troop levels can still be lower. So tonight, I am announcing a major new step—for a further reduction in U.S. and Soviet manpower in Central and

Eastern Europe to 195,000 on each side.

This number reflects the advice of our senior military advisors. It is designed to protect American and European interests—and sustain NATO's defense strategy. A swift conclusion to our arms control talks—conventional, chemical and strategic—must now be our goal. That time has come.

Still, we must recognize an unfortunate fact: In many regions of the world tonight, the reality is conflict—not peace. Enduring animosities and opposing interests remain. Thus the cause of peace must be served by an America strong enough—and sure enough—to defend our interests and ideals. It's this American idea that for the past four decades helped inspire the Revolution of '89.

Here at home—and in the world—there is history in the making—and history to be made. Six months ago, early in this season of change, I stood at the gates of the Gdansk Shipyard in Poland at the monument to the fallen workers of Solidarity. It's a monument of simple majesty. Three tall crosses rise up from the stones. Atop each cross, an anchor—an ancient symbol of hope.

The anchor in our world today is freedom. Holding us steady in times of change—a symbol of hope to all the world. And freedom is at the very heart of the idea that is America.

Giving life to that idea depends on every one of us. Our anchor has always been faith and family.

In the last few days of this past momentous year, our family was blessed once more—celebrating the joy of life when a little boy became our 12th grandchild.

When I held the little guy for the first time, the troubles at home and abroad seemed manageable—in perspective.

Now, I know you're thinking: that's a grandfather talking.

Well, maybe you're right. But I've met a lot of children this past year—across this country, and everywhere from the Far East to Eastern Europe. All kids are unique. Yet, all kids are alike. The budding young environmentalists I met this month, who joined me exploring the Florida Everglades. The little leaguers I played catch with in Poland—ready to go from Warsaw to the World Series. Even the kids who are ill or alone—God bless those boarder babies, born addicted to drugs—coping with problems no child should have to face. But, you know, when it comes to hope and the future: Every kid is the same. Full of dreams. Ready to take on the world. All special: because they are the very future of freedom. To them belongs this new world I've been speaking about.

So tonight I'm going to ask something of every one of you. Let me start with my generation—with the grandparents out there. You are our living link to the past. Tell your grandchildren the story of struggles waged, at home and abroad. Of sacrifices freely made for freedom's sake. And tell them your own story as well—because every American has a story to tell.

Parents: Your children look to you for direction and guidance. Tell them of faith and family. Tell them we are one nation under God. Teach them that of all the many gifts they can receive, liberty is their most precious legacy. And of all the gifts they can give, the greatest . . . the greatest is helping others.

And to the children and young people out there tonight: with you rests our hope—all that America will mean in the years and decades ahead. Fix your vision on a new century—your century. On dreams we cannot see. On the destiny that is yours—and yours alone.

And finally, let all Americans—all of us together here in this chamber, the symbolic center of democracy—affirm our allegiance to this idea we call America. And let us all remember that the State of the Union depends on each and every one of us.

God bless all of you. And may God bless this great nation, the United States of America.

GEORGE BUSH.

THE WHITE HOUSE, *January 31, 1990.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the bill (S. 1521) to amend Public Law 91-34 relating to the police force of the National Zoological Park of the Smithsonian Institution, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that pursuant to Public Law 453 of the 96th Congress, as amended, the chairman of the Committee on Merchant Marine and Fisheries appoints the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Merchant Marine Academy for the year 1990: Mr. HOCHBRUECKNER, Mrs. LOWEY of New York, Mr. LENT, and Mr. JONES of North Carolina, ex officio.

The message further announced that pursuant to Public Law 301 of the 78th Congress, the chairman of the Committee on Merchant Marine and Fisheries appoint the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Coast Guard Academy for the year 1990: Mr. TAUZIN, Mr. HUGHES, Mr. DAVIS, and Mr. JONES of North Carolina, ex officio.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 535. A bill to increase civil monetary penalties based on the effect of inflation (Rept. No. 101-240).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REID:

S. 2045. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to add methyl ethyl ketone as a listed essential chemical, and for other purposes; to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. MOYNIHAN, Mr. BAUCUS, Mr. LAUTENBERG, Mr. WARNER, Mr. MITCHELL, Mr. BENTSEN, Mr. REID, Mr. LIEBERMAN, and Mr. BREAUX):

S. 2046. A bill to establish a National Infrastructure Council and for related purposes; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S. 2047. A bill to temporarily suspend the duty on p-tolualdehyde; to the Committee on Finance.

By Mr. SARBANES:

S. 2048. A bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs; to the Committee on Governmental Affairs.

By Mr. BOSCHWITZ (for himself, Mr. MOYNIHAN, Mr. D'AMATO, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. HELMS, Mr. METZENBAUM, and Mr. WILSON):

S.J. Res. 246. Joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379; to the Committee on Foreign Relations.

S.J. Res. 247. Joint resolution relating to emergency aid to Panama; to the Committee on Foreign Relations.

39-059 O-91-31 (Pt. 1)

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL:

S. Res. 238. Resolution authorizing the taking of a photograph in the Chamber of the United States Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 2045. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to add methyl ethyl ketone as a listed essential chemical, and for other purposes; to the Committee on Finance.

CERTAIN CONTROLS ON METHYL ETHYL KETONE

Mr. REID. Mr. President, as I speak here now on the streets of Boston, Chicago, Atlanta, Los Angeles, on the streets of Las Vegas and Reno, and even on the streets of small-town Nevada, a poison called cocaine is being sold at an alarming rate. It is the same poison sold to young children in the communities of your own States. It is the same poison that is destroying lives in the neighborhoods within walking distance of the United States Capitol where I stand now.

Cocaine is not something you just pick off the trees and ingest. It has to be processed. The first step in the process entails soaking coca leaves with lime in kerosene or gasoline to extract the cocaine.

This highly impure extract is then put through several additional steps until, in the final step, methyl ethyl ketone is used to refine the deadly narcotic known as cocaine.

The United States exports millions of pounds of this solvent every year. About 12 percent of our exports of this chemical, methyl ethyl ketone, is purchased by a small country in South America. That country is none other than Colombia.

On December 5, 1989, an article appeared in the Los Angeles Times with the headline: "Cocaine Has A Made-In-U.S.A. Label."

The headline is graphic, and the headline is true.

The subject of the L.A. Times article was Exxon Chemical Co.'s shipments of methyl ethyl ketone [MEK] to Colombia. MEK is an industrial solvent used for the production of compounds such as rubber cement. But in Colombia, it is not used as an industrial solvent; it is used to make cocaine.

Thirteen million pounds of American-made MEK were imported by Colombia last year. The Central Intelligence Agency warned, in a classified report, that normal economic activity in Latin America could not possibly absorb the solvents off-loaded at its ports each year. It is believed that over 90 percent of the MEK Colombia imported was diverted to cocaine laboratories in Colombia.

On December 7, 1989, almost 2 months ago, I wrote to drug czar William Bennett asking him to investigate this serious matter. Mr. Bennett, after more than 6 weeks, had not responded to my inquiry, causing me to initiate another letter to him. Finally, on January 26, I received his reply.

Mr. Bennett's reply was woefully inadequate. He used a lot of words, but he did not say anything. Neither MEK nor Exxon Chemical were even mentioned in the letter. What I received was nothing more than a robo letter—in other words, a letter with no content. The usually outspoken drug czar had spoken softly, carried no stick and dodged responsibility.

In fact, a spokesman for Mr. Bennett is reported in a Nevada newspaper as saying of me and my letter that "he isn't the only Senator or Member of Congress who's been writing Secretary Bennett. This is one of many letters we receive on any day."

The arrogance. He is taking the title "Czar" a little too seriously. My inquiry was not just an annoying letter to which Mr. Bennett's office should have addressed a meaningless form letter. My letter involved Exxon—the same company that defaced Alaska—a company shipping millions of pounds of MEK to Colombia where it is used to make cocaine. It was a serious inquiry from the United States Senator on the gravest of issues facing this Nation—the war against drugs. Apparently, Mr. Bennett has forgotten that there is a war. A war in which we all believed he held a major command. Instead of finding real answers in Mr. Bennett's reply, I was instructed on the Chemical Diversion and Trafficking Act of 1988, which established a system to identify, monitor and control chemical shipments which might be diverted to the illegal drug trade.

What the czar evidently does not know is that the Chemical Diversion and Trafficking Act of 1988 lists 20 precursor and essential chemicals, and MEK is not one of them. But it should be.

In September and October of 1987, the Committee on the Judiciary in the House of Representatives held hearings on the control of precursor and essential chemicals. The Drug Enforcement Agency [DEA] provided the following information at these hearings:

> Methyl ethyl ketone [MEK], a chemical analog of acetone, has similar properties and is a good substitute in cocaine hydrochloride manufacture. * * * [MEK is] used in the final step of processing coca leaves to cocaine hydrochloride as a pure white powder.

There were two other solvents mentioned in this testimony—acetone and ethyl ether—which were included in the Chemical Diversion and Trafficking Act.

But when I wrote to Exxon Chemical for an explanation, they answered that they complied with the law. In fact, they stated that they worked closely with the DEA on the draft legislation that led to the act.

I think that poses more questions than it answers. What was their influence in excluding MEK from the law? Was there a conflict of interest?

I would answer that their influence, obviously, was great. And, yes, there was a conflict of interest.

Mr. President, I rise today to introduce a bill to add methyl ethyl ketone to the list of essential chemicals cited in the Chemical Diversion and Trafficking Act of 1988.

A good first step in thwarting the production of cocaine is to adopt this legislation, which will list MEK as a chemical that must be reviewed and approved before we allow it to be exported and sold to other countries.

Since the drug czar refuses to question Exxon, the polluter of Alaska, our legislation will force him to stop the sale of MEK, and also force him to investigate companies associated with the drug cartels that produce these deadly chemicals.

We must send a message to Exxon, and to other chemical companies, that poison for profit will not be tolerated. It is difficult enough to fight the drug war on the streets of America, but to be forced to fight it in the board rooms of corporate America should not be necessary.

By Mr. BURDICK (for himself, Mr. MOYNIHAN, Mr. BAUCUS, Mr. LAUTENBERG, Mr. WARNER, Mr. MITCHELL, Mr. BENTSEN, Mr. REID, Mr. LIEBERMAN, and Mr. BREAUX):

S. 2046. A bill to establish a National Infrastructure Council and related purposes; to the Committee on Environment and Public Works.

NATIONAL INFRASTRUCTURE COUNCIL ACT

Mr. BURDICK. Mr. President, on behalf of Senators MOYNIHAN, BAUCUS, LAUTENBERG, WARNER, MITCHELL, BENTSEN, REID, LIEBERMAN, BREAUX, and myself I am introducing today the "National Infrastructure Council Act of 1990.

In February 1988 the National Council on Public Works Improvement issued its report on the fragile foundations of our infrastructure. Since that time much has been said about the Council report, particularly with regard to its recommendation for a large increase in the national investment in capital improvement projects by all levels of government. But this was not the only recommendation of the Council, and the funding of capital investments was not the only infra-

structure policy which the Council investigated.

In reality Mr. President, the Council focused its attention on the complete lack of a coordinated infrastructure policy, on the serious need for technological innovation in engineering and construction, on the lack of information on infrastructure matters, and the serious need for technical assistance in small and rural communities to manage modern sophisticated physical systems.

Mr. President, these are not problems which require costly solutions. These are problems which require only the will to address them.

This legislation would simply establish a permanent National Infrastructure Council composed of the Secretaries of the Interior, Commerce, Transportation, and Army, and the Administrator of the EPA. The Council would function independently and have its own staff. The Council would coordinate, prioritize, and analyze infrastructure, something which is not done today in the executive branch.

The Council would coordinate a program of cost shared technical assistance to communities in need of advice on complex systems questions. The Council would serve as a clearinghouse and information center on all infrastructure issues. And the Council would conduct a one time program of research on technological innovation.

The cost of operating the Council, conducting technical assistance and an information clearinghouse would be $11 million annually. The proposed research program would be carried out over a 5-year period at a cost of $20 million.

Mr. President, infrastructure policy is not just another term for public works programs. It is a term which is meant to convey the integration and coordination of all capital investment decisions. Today the Federal Government is incapable of having an infrastructure policy because the necessary permanent mechanism to focus on this problem does not exist. It should.

In his inaugural address President Bush drew a line between having the wallet versus having the will to address the Nation's many needs. I believe this legislation satisfies the majority of the recommendations of the National Council on Public Works Improvement, making it one of the most cost effective proposals ever passed by the Senate. I hope the administration has the will to work with the Congress on this legislation this year.

Mr. President, I would ask unanimous consent that a copy of the "National Infrastructure Council Act of 1990" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Bill may be cited as the "National Infrastructure Council Act of 1990".

SEC. 2. Definitions.—

(a) The term "Federal agency" means any department, agency, or independent agency of the Federal Government, or any instrumentality of the Federal Government, including any corporation owned or controlled by the Federal Government.

(b) the term "infrastructure" includes the following:

(1) Highways; Roads; Streets; Bridges; and Appurtenances to the above items;

(2) shoreline erosion protection facilities;

(3) navigation channels and facilities;

(4) ports and harbors;

(5) flood protection structures;

(6) water collection, treatment, and distribution facilities;

(7) sewage and drainage facilities;

(8) solid waste disposal facilities;

(9) hazardous waste disposal facilities;

(10) airports and airport facilities;

(11) mass transportation, railroad and intermodal transportation facilities;

(c) the term "local government" means a county, city, town, village, or other general purpose political subdivision of a state.

(d) the term "small disadvantaged unit of local government" means a unit of local government with a population of less than 50,000 and which has an impaired ability to obtain financing, based on its assets, tax base, bond rating, the absence of a bond rating, or other financial factors which the Council deems appropriate.

(e) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, the Commonwealth of Guam, and American Samoa; or an instrumentality thereof.

(f) the term "technical assistance" includes statistical and other studies and compilations, technical tests and evaluations, plans, engineering and design information and evaluations, technical information, financing information, legal assistance, and training activities.

SEC. 3. National Infrastructure Council.—

(a) There is hereby established the National Infrastructure Council (hereinafter referred to as "Council"), to be composed of the following members or their designated representatives:

(1) the Secretary of the Army

(2) the Secretary of the Interior

(3) the Secretary of Transportation

(4) the Secretary of Commerce

(5) the Administrator of the Environmental Protection Agency.

(b) The President shall appoint the Chairperson of the Council from among the designated members.

(c) The Chairperson of the Council shall request the heads of other Federal agencies to participate with the Council when matters affecting their responsibilities are considered by the Council.

(d) Powers and Duties.—The Council shall—

(1) develop and coordinate Federal infrastructure policy, evaluate roles for public and private entities in implementing this policy, and propose actions necessary to carry out the policy;

(2) prepare an assessment of national infrastructure needs and priorities on an annual basis;

(3) establish guidelines and procedures for the coordination and provision of Federal assistance to states and local governments on all infrastructure matters. In establishing such guidelines and procedures, the Council shall consider the findings of the study to be conducted pursuant to section 408 of this title;

(4) develop priorities and recommendations for Federal infrastructure investments to be undertaken based upon the needs assessment and application of the guidelines and procedures developed pursuant to subsection (d) (3) of this section;

(5) transmit its priorities and recommendations to the President and the Congress.

(e) Administrative Provisions.—For the purpose of coordinating Federal Infrastructure Policy, preparing needs assessments developing guidelines and procedures, and executing the responsibilities vested in it by this act, the Council shall:

(1) Hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports as it may deem advisable;

(2) acquire, furnish, and equip such office space as is necessary;

(3) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States;

(4) employ and fix the compensation of such personnel as it deems advisable, in accordance with the civil service laws and chapter 51 and subchapter III of chapter 53 of Title 5 of the U.S. Code;

(5) procure services as authorized by section 3109 of Title 5, at rates not in excess of the daily equivalent of the rate prescribed for grade GS–18 under section 5332 of Title 5 of the U.S. Code in the case of individual experts or consultants;

(6) purchase, hire, operate, and maintain passenger motor vehicles; and

(7) incur such necessary expenses and exercise such other powers as are consistent and reasonably required to perform its functions.

(f) To the extent permitted by law, all appropriate records and papers of the Council may be made available for public inspection.

(g) Upon the request of the Council, the head of any Federal department or agency is authorized:

(1) to furnish to the Council such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and

(2) to detail to temporary duty with such Council on a reimbursable basis such personnel within its administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(h) The Council shall be responsible for—

(1) the appointment and supervision of personnel,

(2) the assignment of duties and responsibilities among such personnel, and

(3) the use and expenditures of funds.

(i) There are authorized to be appropriated to the Council $5,000,000 for fiscal year 1991 and for each succeeding fiscal year to carry out the purposes of this Section.

SEC. 4. INFRASTRUCTURE ASSISTANCE PROGRAM.—

(a) For the purposes of furnishing assistance to state and local governments, the

Council shall implement the Infrastructure Assistance Program.

(b) The Council shall establish procedures to coordinate, receive, and channel requests for assistance and information on infrastructure and infrastructure technology;

(c) The Council shall consult with appropriate Federal agencies, non-Federal and private entities on developing a program of infrastructure assistance;

(d) The Council shall establish administrative requirements necessary to carry out the provisions of this title;

(e) The Council shall prepare and submit an annual report to the Congress on the effectiveness of the programs established in this title.

SEC. 5. TECHNICAL ASSISTANCE PROGRAM.—(a) The Council is directed to establish a program to provide technical assistance upon the request of States and local governments for such assistance regarding the construction, improvement, rehabilitation, operation, or maintenance of infrastructure. In carrying out this program the Council is authorized to use the resources and facilities of Federal agencies.

(b) The non-Federal share of the costs of assistance provided under this section shall be 25 percent; except that assistance to a small disadvantaged unit of local government shall be provided at full Federal expense.

(c) There are authorized to be appropriated $5,000,000 for fiscal year 1991, and for each succeeding fiscal year to carry out the purposes of this section.

SEC. 6. TECHNOLOGY TRANSFER ASSISTANCE PROGRAM.—(a) The Council is authorized, in consultation with the National Technical Information Service, to provide a clearinghouse of requests from States and local governments, industrial organizations, public and private foundations, nonprofit organizations, or other persons, for technology programs and research and development programs relating to infrastructure.

(b) The Council shall refer the requests and inquiries directly to the appropriate Federal agency for response.

(c) There are authorized to be appropriated $1,000,000 for fiscal year 1991, and for each succeeding fiscal year to carry out the purposes of this section.

SEC. 7. RESEARCH AND DEVELOPMENT PROGRAM.—(a) The Council is authorized to carry out a five-year program to promote the use of innovative technology in the design, construction, improvement, rehabilitation, use, operation, and management of infrastructure. In carrying out the program, the Council is authorized to determine appropriate projects to undertake, and designate Federal agencies to carry out a project constructed pursuant to this program.

(b) Projects constructed pursuant to this program shall be at full Federal expense.

(c) There are authorized to be appropriated $20,000,000 to carry out the purposes of this program.

SEC. 8. (a) The Council is directed to conduct a study to determine the value and worth of infrastructure, and to develop and recommend alternative economic processes to determine the feasibility and viability of Federal infrastructure projects. In preparing this study the Council shall consider alternatives to traditional cost-benefit analyses.

(b) The Council shall report to the Congress on the results of its findings within one year after the date of enactment of this act.

(c) There are authorized to be appropriated $1,000,000 for fiscal year 1991 to carry out the purposes of this section.

Mr. WARNER. Mr. President, I am pleased to join the distinguished chairman of the Committee on Environment and Public Works, Senator BURDICK, as an original cosponsor of legislation introduced today to establish a permanent Federal Infrastructure Council.

This Council would coordinate Federal infrastructure policy, set infrastructure priorities, provide technical assistance to States and localities, act as a clearinghouse of information on infrastructure, and conduct a 5-year program to promote technology transfer and innovation.

I think many of my colleagues would agree with me that it is time to take a closer look at the way we prioritize and fund our Nation's infrastructure, particularly with respect to our interstate highways. It is also imperative to better coordinate the information and technology available throughout the United States.

The Federal Interstate System, which began in 1956, is nearly complete, and the current highway program is scheduled to end in 1992. Congress needs to take action now to look at the different alternatives which exist to address gridlock on our interstates, both in the short term and long term.

During this decade, certain areas throughout Virginia, from northern Virginia to Tidewater, face tremendous needs in the area of transportation improvements. I am certain similar problems exist in the rest of the country.

For this reason, on February 9, 1989, I introduced S. 410, a bill to help urban and suburban areas of the country cope with increasing levels of traffic congestion on the Federal Interstate System. My legislation is innovative in that in addition to widening interstates where traffic overloads occur daily during peak periods, it also encourages alternatives other than more asphalt, such as better use of mass transit and carpooling.

I see the legislation I proposed during the first session as the beginning of those solutions that Congress must consider closely. For the long term, it is important that we devise a more comprehensive plan to address all our country's surface transportation infrastructure. The bill introduced today is necessary in order to coordinate all available resources such that the best possible long-term plan can be subsequently initiated.

The gridlock on our Nation's highways and the deterioration of our infrastructure translates into reduced productivity, lost income, and time and money ill spent. This Council will provide us with the objective leadership necessary to formulate a new long-term national strategy.

By Mr. THURMOND:

S. 2047. A bill to temporarily suspend the duty on p-tolualdehyde; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION

Mr. THURMOND. Mr. President, I rise today to introduce a bill which will temporarily suspend the duty imposed on p-tolualdehyde (p-Tal or 4-methylbenzaldehyde) until December 31, 1993. P-Tal is a raw material used in the manufacturing of dimethylbenzylidene sorbitol [MDBS]. MDBS is used to improve the clarity of polypropyene products.

The p-Tal used in Japan for manufacturing MDBS is of a special grade which helps the reactivity of the aldehyde in the MDBS production process. Currently, p-Tal is imported from Japan for use in the United States because no domestic supplier or substitute is available. Therefore, suspending the duty on this chemical would not adversely affect domestic industries.

Mr. President, suspending the duty on this chemical will benefit the consumer by stabilizing the costs of manufacturing the end-use products. Further, this suspension will allow domestic producers to maintain or improve their ability to compete internationally. I hope the Senate will consider this measure expeditiously.

I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. p-TOLUALDEHYDE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by inserting in numerical sequence the following new heading:

"9902.30.07	p-Tolualdehyde (provided for in subheading 2912.29.50) ...	Free	No change	No change	On or before 12/31/93".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

By Mr. SARBANES:

S. 2048. A bill to provide for cost-of-living adjustments in 1991 under certain Government retirement pro-

grams; to the Committee on Governmental Affairs.

COST-OF-LIVING ADJUSTMENTS IN CERTAIN GOVERNMENT RETIREMENT PROGRAMS

● Mr. SARBANES. Mr. President, today I am introducing legislation which would protect Federal civilian and military retirees, as well as other retirees, from the loss of their fiscal year 1991 cost-of-living adjustments [COLA's] as proposed in the President's budget submitted to the Congress on Monday. Federal civilian and military retirees are threatened each year with the loss of their cost-of-living allowances when budget time comes around, and each year I oppose the cuts. In my view the elimination of the cost-of-living allowances is an unfair and unwarranted reduction.

I realize that at a time when we are under intense pressure to reduce the Federal budget, cuts have to be made somewhere, but I do not think that COLA's and other retirement benefits should be available as revenue for other Government spending. Mr. President, I am also disturbed about the President's recommendation to place a permanent CPI-1 ceiling on the annual cost-of-living allowance after 1991. It unfairly singles out one small group of older Americans for an inequitable cut in their income. Federal civilian and military retirees have seen a disproportionate share of their benefits erode in recent years.

If we accept the President's recommendations to eliminate the COLA for fiscal year 1991 and then to subsequently decrease retirees' cost-of-living adjustments to 1 percent below the rate of inflation, we will, in effect, be taking away benefits previously promised. There is a very basic question of fairness and equity involved here and this proposal fails the fairness test. The cost-of-living adjustment merely substains the original annuity value which has decreased over time because of inflation.

Mr. President, I am introducing this legislation because I strongly believe that we have a responsibility to ensure sound and secure retirement benefits for all of our citizens and I urge my colleagues to join me. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BENEFITS PAYABLE FROM THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND.

(a) IN GENERAL.—Subchapter III of chapter 83 of title 5, United States Code, is amended by adding at the end the following:

"§ 8352. Benefits during calendar year 1991

"(a) Any benefits payable from the Fund during calendar year 1991, including any increase in those benefits which is scheduled to become payable during such calendar year as the result of an adjustment under section 8340 or 8462 of this title, shall not be subject to reduction or suspension, either pursuant to statute (other than applicable provisions of this chapter and chapter 84) or Presidential order, during such calendar year.

"(b) For the purpose of this section, 'benefits payable from the Fund' shall be determined solely in accordance with applicable provisions of this chapter and chapter 84.".

(b) CHAPTER ANALYSIS.—The analysis for chapter 83 of title 5, United States Code, is amended by adding after the item relating to section 8351 the following:

"8352. Benefits during calendar year 1991.

SEC. 2. MILITARY RETIREMENT AND SURVIVOR BENEFIT PROGRAMS.

(a) IN GENERAL.—Any percentage adjustment provided by law to be made in amounts payable under military retirement and survivor benefit programs to take effect during fiscal year 1990 shall take effect in accordance with the law providing for such adjustment.

(b) CONSTRUCTION.—During fiscal year 1991, an adjustment described in subsection (a) shall not be subject to reduction or suspension under any provision of law (other than applicable provisions of title 10, United States Code) or any Presidential order.

(c) MILITARY RETIREMENT AND SURVIVOR BENEFIT PROGRAMS DEFINED.—For purposes of this section:

(1) The term "military retirement and survivor benefit programs" means—

(A) the provisions of law creating entitlement to, or determining the amount of, retired or retainer pay for members of the uniformed services; and

(B) the programs providing annuities for survivors of members and former members of the uniformed services, including chapter 73 of title 10, United States Code, section 4 of Public Law 92-425, and section 5 of Public Law 96-402.

(2) The term "uniformed services" has the meaning given that term in section 101 of title 37, United States Code.

SEC. 3. FOREIGN SERVICE RETIREMENT BENEFITS DURING CALENDAR YEAR 1990.

Section 826 of the Foreign Service Act of 1980 (22 U.S.C. 4066) is amended by adding at the end the following:

"(h)(1) Any benefits payable from the Fund during calendar year 1991, including any increase in those benefits which is scheduled to become payable during such calendar year pursuant to subsection (a), shall not be subject to reduction or suspension, either pursuant to statute (other than applicable provisions of this subchapter) or Presidential order, during such calendar year.

"(2) For the purpose of this subsection, 'benefits payable from the Fund' shall be determined solely in accordance with applicable provisions of this subchapter.".

SEC. 4. BENEFITS UNDER THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.

The President shall, pursuant to the authority granted in section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note), extend the prohibition contained in section 8352 of title 5, United States Code, on reduction or suspension of certain benefits payable from the Civil Service Retirement and Disability Fund, to apply with respect to benefits payable from the Central Intelligence Agency Retirement and Disability Fund.

SEC. 5. RAILROAD RETIREMENT TIER II COLAS.

Section 3(g)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(g)(1)) is amended by inserting ", shall not otherwise be prevented from taking effect, with respect to benefits paid during calendar year 1991, by any provision of law other than this Act," after "shall not be deferred".

SEC. 6. FEDERAL EMPLOYEE DISABILITY COMPENSATION DURING CALENDAR YEAR 1991.

Section 8147 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) Any compensation payable from the Fund during calendar year 1991, including any increase in those benefits which is scheduled to become payable during such calendar year pursuant to section 8146a, shall not be subject to reduction or suspension, either pursuant to statute (other than applicable provisions of this subchapter) or Presidential order, during such calendar year.

"(2) For the purpose of this subsection, 'compensation payable from the Fund' shall be determined solely in accordance with applicable provisions of this subchapter.".●

By Mr. BOSCHWITZ (for himself, Mr. MOYNIHAN, Mr. D'AMATO, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. HELMS, Mr. METZENBAUM, and Mr. WILSON):

S.J. Res. 246. Joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379; to the Committee on Foreign Relations.

URGING REPEAL OF U.N. GENERAL ASSEMBLY RESOLUTION 3379

Mr. BOSCHWITZ. Mr. President, today, along with my colleagues Senators MOYNIHAN, D'AMATO, MITCHELL, DOLE , PELL, HELMS, METZENBAUM, and WILSON I offer a joint resolution calling on the United Nations General Assembly to repeal its infamous "Zionism is racism" resolution.

It is very fitting that this joint resolution be considered this year. Nineteen-ninety marks not only the 45th anniversary of the founding of the United Nations, but also the 15th anniversary of the adoption of the "Zionism is racism" resolution by the General Assembly. When viewed together, these two anniversaries remind us both of the high hopes accompanying the founding of the world organization in the aftermath of history's most destructive war and the despair and frustration with which it was viewed by many in the aftermath of its attack on the very foundation of one of its member states, Israel.

There are few actions the General Assembly has taken that are as odious as the one of November 10, 1975 when it passed a Resolution 3379, declaring that Zionism is a form of racism. By coincidence, the passage of this resolution occurred on the 37th anniversary of the infamous Crystal Night. On that date, November 10, 1938, Jews

throughout Germany were attacked and books and synagogues were burned in an orgy of hate-inspired violence. By its timing and content, Resolution 3379 served both as a reminder of the dark events of the Nazi era and a link between those events and the efforts of those in modern times who would deny the legitimate right of the Jewish people to a state of their own.

Mr. President, by citing Zionism as a form of racism, the U.N. resolution perverted Zionism's true meaning. Zionism most emphatically is not racist. It is, quite simply, the modern manifestation of the Jewish people's ancient longing for their homeland in the land of Israel. This longing was most eloquently expressed over 2,500 years ago by the Jews in Babylon who had, in their time, been exiled from Israel: "If I forget thee, O Jersualem, let my right hand lose its cunning, let my tongue cleave to the roof of my mouth."

There is no doubt that Resolution 3379 was one of the most egregious errors in the history of the United Nations. In addition to its biased and unwarranted attack against Zionism, the resolution also served to fan anti-Semitism by providing it with a degree of completely undeserved international respectability.

The General Assembly's action in 1975 was greatly responsible for damaging that body's own reputation and usefulness. The continuing existence of Resolution 3379 is one of the major reasons that there is justified doubt about the General Assembly's ability to act in an impartial and unbiased manner in the search for peace in the Middle East. The General Assembly cannot have any credibility on the issues involved when it so brazenly attacks and distorts the very foundations of one of the major parties in that search.

I want to take this opportunity to express my thanks to the President and, in particular, to Vice President QUAYLE for their commitment to work for the repeal of the "Zionism is racism" resolution. Their actions, along with those of Congress, symbolize the unity that Americans properly feel on this subject.

I ask unanimous consent that several articles discussing the proposed repeal of General Assembly Resolution 3379 be entered into the RECORD at the end of my remarks.

Mr. President, I urge that my colleagues strongly support this joint resolution.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 11, 1989]

U.S. SEEKING REPEAL OF U.N. TEXT ON ZIONISM

(By Ethan Schwartz)

UNITED NATIONS.—Vice President Quayle said today that the United States will campaign for a new General Assembly resolution nullifying a 14-year-old assembly text equating Zionism with racism.

"We feel this is the right time to pursue the resolution," Quayle told reporters during his first U.N. visit. "We feel this would send a positive signal to the Middle East peace process," adding that "you can't move forward when you have these types of resolutions."

Quayle made the remarks after a 45-minute meeting with U.N. Secretary General Javier Perez de Cuellar, at which he presented the U.N. chief with a $65 million check toward back dues the United States owes the organization. The United States still owes more than $400 million in dues through 1989.

Quayle said eliminating the Zionism-racism equation would "send a very positive message to Congress," implying that it might free funds for the world body.

"It will help reestablish the stature and moral authority of the United Nations," Quayle said. He told reporters that U.S. chief delegate Thomas R. Pickering will begin talks with Soviet and other envoys to try to win their support for repeal of the Zionism text, though officials at the U.S. mission said it will be a long effort.

Perez de Cuellar's spokesman said the secretary general will follow the wishes of the General Assembly on the Zionism text.

On other topics, Quayle said he discussed with Perez de Cuellar U.N. efforts to negotiate peace in Central America and monitor upcoming Nicaraguan elections. Quayle said he reiterated the administration's view that Nicaragua's government has "unilaterally violated" a regional peace plan by arming Salvadoran rebels.

[From the New York Times, Dec. 19, 1989]

THIS INFAMOUS ACT

(By A.M. Rosenthal)

On Nov. 10, 1975, the General Assembly of the United Nations adopted an Arab-inspired resolution defining Zionism as a "form of racism and racial discrimination."

The vote was 72 to 35 with 32 abstentions.

After the vote the Israeli delegate, Chaim Herzog, said it was fitting that the resolution had been adopted at the time of the anniversary of Kristallnacht. He said Hitler would have been at home in the United Nations during the debate.

Daniel P. Moynihan, the delegate of the United States, rose to say the United States would never "acquiesce in the infamous act."

Fourteen years and one month later, Vice President J. Danforth Quayle stood before an audience at a Jewish university, Yeshiva in New York, to announce and begin a political and diplomatic crusade to repeal that resolution.

The campaign will last at least a year. It will take that much time to get the full weight of the Congress of the United States and the American public behind it, fight for international support and count capitals to see if a repeal resolution can win at the United Nations.

In the end it may not work. The support of the Soviet Union, which voted for the original resolution, is needed to help win third-world votes for repeal. Moscow has refused.

Mr. Quayle stated the purposes of that resolution with simple, honest directness, rare as a diamond in the murky fields of diplomacy.

"First to delegitimize the state of Israel and lay the groundwork for its expulsion from the United Nations and the world community.

"Second, to provide anti-Semitism—thinly disguised as anti-Zionism—with the appearance of international approval and respectability."

Isreal still stands. Mr. Herzog is its President.

But every year there is a nasty United Nations ritual of trying to expel her. It fails largely because the United States has said it would leave the United Nations if Israel is thrown out.

Mr. Quayle also said the promotion of anti-Semitism under the guise of attacking Zionism a synonym for a Jewish homeland, was faltering. From his mouth to God's ear—but that is not really so.

Every Israel-hating government, every anti-Semite in office around the world has used that resolution to spread fear of Jews among their own people and, more important, among people who never saw a Jew and hardly every heard of them before.

To hundreds of millions of people, "racism is a curse word meaning exploitation of and contempt for people exactly like themselves—black, brown, Latin, Oriental or just newly independent.

Through constant, obsessive, vicious Zionism-is-racism propaganda wrapped in a United Nations cloak, racists and Jews were connected in the minds of people all over the world—and still are.

Mr. Quayle said "new thinking" in the Soviet Union was beginning to move away from anti-Zionism. But that was before the Soviet delegate said a repeal movement would just cause trouble and "we have no need for this kind of thing."

Maybe somebody in the Soviet foreign office looked up the Soviet-Syrian Friendship Treaty of 1979 and found that it calls on both parties to struggle against a linked chain of evils—racism, imperialism and Zionism.

Perhaps Moscow will think it over during the year ahead.

In the meantime, there are a couple of things the Soviet Government might do to repair a little of the damage caused by the 1975 resolution and the years of hate propaganda it officially encouraged.

Mikhail Gorbachev did not hesitate to tell opponents on the left like Andrei Sakharov to sit down and be quiet. He might do the same for organized Soviet anti-Semites on the political right.

Another thought: Moscow could change the regulation about line 5 in the official identification papers Soviet citizens must carry.

On that line all Soviet citizens are identified by nationality—Russian, Uzbek, Ukrainian, whatever—all but Jews. They are identified always as Jews, a clear statement to all Soviet people that their Government regards Jews as outside and separate, where anti-Semitism needs them.

Whatever the Soviet Union or any other country decides about repeal, Vice President Quayle has dragged into the open the dirty story of the use of the United Nations machinery to spread bigotry and try to destroy Israel.

In so doing he has honored his country, himself, the supportive Bush-Baker diplomacy—and given the nations a chance to undo a great wrong.

REPEAL "ZIONISM EQUALS RACISM"

(By William Korey)

Nothing has damaged the moral image of the United Nations in its nearly 45-year history as much as the "Zionism equals racism" equation of November 10, 1975. With "Zionism" as a code word for Jews, bigots everywhere could give expression to their Jew-baiting and derive legitimacy from the infamous UN General Assembly resolution.

What reinforces the overt threat to Jews is the fact that the "racism" of the equation has been formally determined by the world body to be not merely evil incarnate, but illegal as well. In a key UN treaty, "racism" has been held to be beyond the pale of civilized society. Contracting parties are called upon to ban it and its manifestations. Thus "Zionism," too, can be considered as an illegal excrescence, to be excised from the body politic.

Andrei D. Sakharov, quite rightly, has called the General Assembly resolution an "abomination," but the international community has made little effort to reverse the resolution. Nonetheless, a growing number of countries, including a number in the Third World, recognize the provocatory equation violates the spirit and purpose of the UN Charter. With next year marking the 45th anniversary of the Charter, it is high time to move toward a reversal.

A move to rescind the resolution will present an excellent opportunity to test the Arab and Muslim states' professed interest in Middle East peace. Unwillingness to support removing this blight from the UN books would eliminate any pretense that these countries are prepared to live in peace with Israel.

Critical to the success of such an initiative is the attitude of the Soviet Union. Moscow played a crucial, if not the central role, in pushing through the defamatory resolution. Its client states in the Third World were in the forefront of the lobbying effort. And the Soviet Union, more than any other country, used the resolution to justify a virulent internal anti-Semitic propaganda campaign masquerading as anti-Zionism.

That campaign ended in 1986. Mikhail Gorbachev's "new thinking" treats the primitivism of the propaganda with contempt. A prominent ideological champion of Soviet glasnost like the Party ideological journal, Sovietskaia kultura, recently exposed the propaganda of the "stagnation era" as bordering on Hitlerism. Comparison was made between Mein Kampf and the works of a notorious anti-Zionist writer who had been earlier hailed by the Kremlin. Only the substitution of the word "Zionism" for "Jewry" (in Hitler's book) kept the Soviet writing from being plagiarism.

Moreover, Moscow has carefully eschewed earlier anti-Israel hostility. A deepening diplomatic relationship has been accompanied by widening commercial and cultural exchanges. At the UN, the vulgarity of Soviet broadsides in a previous epoch has been replaced by, for example, a vote of abstention on the perennial question of Israel's credentials.

Still, anti-Zionism appears to remain a component element of Soviet ideology. Very recently, after a Jewish group in Moscow announced the formation of a "Zionist Union," Pravda responded with a blistering assault which included the charge that "Zionism is racism." As legitimization for this dangerously incendiary blast, the Communist Party organ referred to the infamous UN equation.

For Pamyat and other populist anti-Semitic elements in the USSR, Pravda's comments on Zionism could only serve as a welcome cue to continue their propaganda outrage. They, too, mask their anti-Semitic bigotry by targeting the enemy as Zionism, not Jewry. It is precisely the broadening aspects of this populist anti-Semitism that help spark today's great Jewish exodus.

Will the Soviet President continue with anti-Zionist ideology that undermines his "new thinking," especially on UN matters? Or will he, in the spirit of glasnost, dump an obscene equation that provides comfort only to the bigoted? How Moscow responds can well determine whether the initial image of the UN itself can be restored.

By Mr. KENNEDY:

S.J. Res. 247. Joint resolution relating to emergency aid to Panama; to the Committee on Foreign Relations.

RELATING TO EMERGENCY AID TO PANAMA

Mr. KENNEDY. Mr. President, shortly after the United States invaded Panama over a month ago, President Bush stated his intention to lift the sanctions imposed against the corrupt, drug-running regime of Manuel Noriega. Yet today they remain in place.

While I have made clear my reservation about the United States invasion of Panama, I believe we have a deep responsibility—and that it is in our own fundamental interest—to move as quickly as possible to restore economic and political stability in Panama. And yet, our sanctions remain in place while we debate the appropriate level and type of aid to the new Endara government.

Today, I am introducing a joint resolution that will immediately lift all current sanctions against Panama and I hope it will gain swift and unanimous passage.

The United States should move quickly to implement a generous and well-designed package of aid to repair the damage wrought by the Noriega regime and to reconstruct the Panamanian economy. The first step toward this end—the step that I am proposing we undertake immediately—is to lift all sanctions imposed against Panama during the Noriega regime. It has been more than a month since the United States invaded Panama and toppled its corrupt dictator. Yet a variety of sanctions still remain in place for no reason other than the slow pace of our bureaucracy. We must first lift these sanctions before we can begin to consider serious proposals to rejuvenate Panama's economy.

The Endara government has requested emergency economic aid and negotiations to reduce trade barriers and the Bush administration is currently discussing this package with the Endara government and the Congress. I hope that a generous package will be agreed upon. It is important the assistance we ultimately offer be carefully designed to build a healthy and independent economy. Handouts won't work. The creation of jobs will. Our assistance must be designed to put the Panamanian people to work, encourage United States investment, and increase trade between our nations.

In the meantime we can move to help Panama begin to rebuild itself in a simply way—by lifting of sanctions immediately. The current legal requirements for the lifting of sanctions by the United States against Panama and other restrictions on United States assistance are complex and have already resulted in unnecessary delays of United States assistance to Panama. Right now there are emergency moneys and supplies that could be being used for the Panamanian people but for the existence of the sanctions. Time is precious for people who have lost their jobs and homes and there is no reason for them to wait any longer for the assistance they deserve.

Accordingly, the bill I am submitting today removes these restrictions immediately without the need for complex and lengthy findings. First, the bill waives with respect to Panama for a period of 24 months that provision of the Anti-Drug Abuse Act of 1986 regarding tariff treatment of products of uncooperative major drug-producing or drug-transit countries.

Second, the bill waives with respect to Panama for a period of 24 months that provision of the Anti-Drug Abuse Act of 1986 terminating the sugar quota for any country which has a government "involved in the trade of illicit narcotics or is failing to cooperate with the United States in narcotics enforcement activities."

Third, the bill waives with respect to Panama for a period of 24 months the Brooke/Alexander amendment, which prohibits assistance to countries 6 months or more in arrears in payments to the United States.

Fourth, the bill waives with respect to Panama for a period of 24 months those provisions of the International Narcotics Control Act prohibiting United States assistance to any country listed as "major illicit drug producing country or drug transit country."

Last, the bill repeals those provisions of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 which directly restrict United States assistance to Panama including, for example, such assistance as Commodity Credit Corporation financing and Export-Import Bank financing.

If Congress will pass this bill it will save itself and the administration considerable time in making the findings necessary to lift the sanctions under current law.

The prompt termination of sanctions against Panama and the waiver of restrictions on aid to Panama will advance Panama's political, economic,

and democratic reforms, and in so doing fulfill our responsibility to and recement our friendship with this important Central American neighbor.

United States interests are vast in Panama. We should lose no more time in moving swiftly to restore economic prosperity and stability to the Panamanian people who have suffered for so long.

I urge my colleagues to join me in passing this resolution as soon as possible and help put Panama back on the road to prosperity in the post-Noriega era.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 397

At the request of Mr. DIXON, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 397, a bill to provide assistance to small communities with ground water radium contamination.

S. 713

At the request of Mr. LOTT, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 713, a bill to provide for establishment of a revolving loan fund for the development of wayports and to establish a commission to propose areas suitable for the location of such wayports.

S. 814

At the request of Mr. DOMENICI, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 814, a bill to provide for the minting and circulation of one dollar coins, and for other purposes.

S. 1006

At the request of Mr. LEAHY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1006, a bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States.

S. 1330

At the request of Mr. HELMS, the names of the Senator from Texas [Mr. GRAMM] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1330, a bill to provide protections to farm animal facilities engaging in food production or agricultural research from illegal acts, and for other purposes.

S. 1430

At the request of Mr. KENNEDY, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1430, a bill to enhance national and community service, and for other purposes.

S. 1600

At the request of Mr. FORD, the names of the Senator from Louisiana [Mr. BREAUX] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1600, a bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes.

S. 1664

At the request of Mr. HEINZ, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 1664, a bill to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941.

S. 1752

At the request of Mr. HEINZ, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1752, a bill to exclude the Social Security trust funds from the deficit calculation and to extend the target date for Gramm-Rudman-Hollings through fiscal year 1997.

S. 1823

At the request of Mr. BENTSEN, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 1823, a bill to amend the Social Security Act to increase the amount of earnings exempt from reduction under the retirement test under title II of such act.

S. 1893

At the request of Mr. LAUTENBERG, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1893, a bill to reauthorize the Asbestos School Hazard Abatement Act of 1984.

S. 2006

At the request of Mr. GLENN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 2006, a bill to establish the Department of the Environment, provide for a global environmental policy of the United States, and for other purposes.

S. 2019

At the request of Mr. SYMMS, the names of the Senator from Georgia [Mr. FOWLER], the Senator from Oregon [Mr. HATFIELD], the Senator from North Carolina [Mr. HELMS], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 2019, a bill to amend title XVIII of the Social Security Act to eliminate the reimbursement differential between hospitals in different areas.

S. 2035

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 2035, a bill to establish a Commission to examine the advisability of lengthening the school day and school year in U.S. public elementary and secondary schools.

S. 2041

At the request of Mr. SYMMS, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 2041, a bill to amend title XVIII of the Social Security Act to provide uniform national conversion factors for services of certified registered nurse anesthetists.

SENATE JOINT RESOLUTION 212

At the request of Mr. DANFORTH, his name was withdrawn as a cosponsor of Senate Joint Resolution 212, a joint resolution designating April 24, 1990, as "National Day of Remembrance of the Seventy-Fifth Anniversary of the Armenian Genocide of 1915–1923."

SENATE JOINT RESOLUTION 229

At the request of Mr. CRANSTON, the names of the Senator from New York [Mr. D'AMATO], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Kentucky [Mr. FORD], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 229, a joint resolution to designate April 1990 as "National Prevent-a-Litter Month."

SENATE JOINT RESOLUTION 231

At the request of Mr. GRASSLEY, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Rhode Island [Mr. PELL], the Senator from Montana [Mr. BURNS], the Senator from Nebraska [Mr. EXON], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. BURDICK], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Oklahoma [Mr. BOREN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Illinois [Mr. SIMON], the Senator from Idaho [Mr. MCCLURE], the Senator from New Jersey [Mr. BRADLEY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. KERREY], the Senator from Idaho [Mr. SYMMS], the Senator from Arkansas [Mr. BUMPERS], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Dakota [Mr. DASCHLE], the Senator from Utah [Mr. HATCH], the Senator from Louisiana [Mr. BREAUX], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Wisconsin [Mr. KOHL], the Senator from Pennsylvania [Mr. HEINZ], the Senator from California [Mr. CRANSTON], the Senator from Washington

[Mr. GORTON], the Senator from Michigan [Mr. LEVIN], the Senator from California [Mr. WILSON], the Senator from Colorado [Mr. WIRTH], the Senator from Hawaii [Mr. INOUYE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Montana [Mr. BAUCUS], the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Ms. MIKULSKI], the Senator from Alabama [Mr. HEFLIN], the Senator from Vermont [Mr. LEAHY], the Senator from Alabama [Mr. SHELBY], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 231, a joint resolution to designate the week of June 10, 1990, through June 16, 1990 as "State-Supported Homes for Veterans Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. HUMPHREY, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution proposing a constitutional amendment to limit congressional terms.

SENATE JOINT RESOLUTION 238

At the request of Mr. SARBANES, the names of the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. LEVIN], the Senator from Maine [Mr. COHEN], the Senator from Utah [Mr. GAIN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New York [Mr. D'AMATO], the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Arkansas [Mr. PRYOR], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from North Dakota [Mr. CONRAD], the Senator from Delaware [Mr. ROTH], the Senator from Virginia [Mr. WARNER], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 238, a joint resolution to designate the week beginning March 5, 1990, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 241

At the request of Mr. D'AMATO, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from California [Mr. WILSON], the Senator from Oregon [Mr. PACKWOOD], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 241, a joint resolution to designate the week of April 29, 1990, through May 5, 1990, as "Jewish Heritage Week."

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. BREAUX, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Concurrent Resolution 34, a concurrent resolution confirming that it is the responsibility and the desire of Congress to develop a comprehensive telecommunications policy, which includes determining the extent of participation of regional Bell holding companies in providing advanced telecommunications services and equipment.

SENATE RESOLUTION 238—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE SENATE CHAMBER

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 238

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the National Geographic Society to photograph the United States Senate in actual session on a date and time to be announced by the majority leader after consultation with the Republican leader.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

BAUCUS (AND OTHERS) AMENDMENT NO. 1223

Mr. BAUCUS (for himself, Mr. CHAFEE and Mr. BREAUX) proposed an amendment to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

On page 229, after line 5, add the following new subsection (c) and redesignate subsections (c) and (d) as subsection (d) and (e) respectively:

"(c) VOLATILE ORGANIC COMPOUNDS EMISSIONS FROM AEROSPACE COATINGS AND SOLVENTS.—Within two years after the enactment of this subpart, the Administrator shall publish a control techniques guideline for all aerospace coating and solvent applications (including military and commercial applications), after consultation with the Department of Defense, the Federal Aviation Administration, the National Air and Space Administration, and the affected industry. In evaluating VOC reduction strategies, the guidelines shall take into account the applicable requirements of section 112 and the need to protect stratospheric ozone."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on February 22, 1990, beginning at 2 p.m. The purpose of the hearing is to receive testimony on two measures currently pending in the subcommittee. The measures are:

S. 1578, to provide for the creation of an independent Historic Preservation Agency and a National Center for Preservation Technology, and for other purposes; and

S. 1579, to amend the National Historic Preservation Act, the Historic Sites Act, the Archaeological Resources Protection Act, the Abandoned Shipwreck Act, and certain related acts to strengthen the preservation of our historic heritage and resources, and for other purposes.

The hearing will be held in room SD-366 of the Senate Dirksen Office Building in Washington, DC. Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510.

For further information regarding the hearing, please contact Beth Norcross of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, January 31, at 10:30 a.m., for a hearing on the nomination of George W. Haley, to be Commissioner, Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Wednesday, January 31, 1990, at 10 a.m. to conduct oversight hearings on the Resolution Trust Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session on Wednesday, January 31, 1990, at 2

p.m., to discuss the nomination of Victor Stello, Jr. to be the Assistant Secretary of Energy for Defense Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PRESERVING AMERICA'S HERITAGE

● Mr. BUMPERS. Mr. President, I rise today to congratulate the Bureau of Land Management's Eastern States Office on its tremendous success in implementing a project to modernize the Federal lands and minerals records.

Few people are aware of how many lands records, including patents and tract books, have accumulated since the beginning of westward expansion. Keeping track of land boundaries and ownership was essential to the development of this country. The Eastern States Office maintains these records and makes the information available to the public.

Constant use of the books containing the land titles resulted in rapid deterioration of these valuable and historical records. In 1988, the Eastern States Office initiated a study to determine the best possible method for preserving the information for future generations. "Preserving America's Heritage" is the records project which will enable the Bureau of Land Management to store information on discs, each of which will hold 36,000 patents. Information which at one time would take hours to retrieve will be immediately accessible once the records conversion project is complete.

As chairman of the Public Lands Subcommittee, I am particularly interested in maintaining the original patents and title documents of historical land exchanges. Access to these historic records is needed to determine the Federal Government's claim to lands and minerals.

I am pleased to report that Arkansas land records are being used for the prototype in this project. In a matter of weeks, 323 volumes of Arkansas patents—163,000 documents—will be fully automated.

I congratulate Curt Jones and his staff on their fine work. Not only is this new system saving valuable time and money, it is also preserving our past. Future use of the automation system will provide efficient and equitable management of our public lands.●

MOSCOW MONITOR PROJECT

● Mr. GRASSLEY. Mr. President, dramatic and historic changes in United States refugee policies concerning Soviet refugees greeted fiscal year 1990. This is the year the doors to Soviet emigration opened and the doors to the United States closed.

When the administration announced the new U.S. refugee policies on September 18, Congress had only 15 days notice of the very serious changes in our refugee policies. There were a myriad of unanswered questions and unaddressed issues, and still today the same questions remain unanswered and issues unaddressed.

Therefore, in conjunction with the Union of Councils for Soviet Jews, I have established the Moscow monitor project wherein the preeminent Soviet refusnik, Leonid Stonov, will provide first-hand information on the workings and effects of the new policies.

Since our first contact in mid-December, Mr. Stonov has informed me of very serious problems concerning Moscow processing. In response to these contacts, I have forwarded a letter to Counsel General Max Robinson, of the American Embassy in Moscow, which discusses these problems.

I would like to thank my colleagues who have already expressed interest in this project and again invite further participation. It is my hope that with our continued vigilance, these problems will be addressed and freedom will speedily arrive for those still trapped in the Soviet Union.

I ask that the letter I referred to be printed in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, January 26, 1990.

MAX N. ROBINSON,
Counsel General, American Embassy Moscow.

DEAR GENERAL ROBINSON: I am writing to advise you of a program I have implemented to monitor the effects of the recent changes in United States policy regarding Soviet refugees for fiscal year 1990.

When the Administration announced these new policies on September 18, Congress had only 15 days notice of what I consider to be serious changes in our refugee policies. There were and are too many unanswered questions and unaddressed concerns surrounding the policies. Therefore, in conjunction with the Union of Councils for Soviet Jews, I established a formal monitor project wherein the preeminent Soviet refusnik, Leonid Stonov, will provide first-hand insight and information on the effects of the policies. I have invited other Senators to join me in this effort.

Mr. Stonov has formed a committee to monitor and report on Moscow processing as well as the condition of human rights in the Soviet Union—particularly the rising tide of anti-semitism. To date, Mr. Stonov and the Committee have reported the following areas of concern:

1. Because the Soviets will not allow non-governmental organizations to operate in Moscow, refugees have no source of guidance or information on the adjudication process or resettlement in the United States. As a result, applicants are helpless as they attempt to understand the interview process and those granted refugee status must wait months while the Counselor Department searches to secure sponsors in the United States. Reports indicate that at least a six-month backlog has been created and is increasing. To date, there is no indication that volunteer agencies will be allowed to operate in Moscow.

2. Refusal rates are reported to be between 23-50 percent. These rates were not acceptable for Vienna processing and are no more acceptable for Moscow processing. Further, there is a great inconsistency in the adjudication process. When even the most outspoken and visible activists are being denied refugee status, it is impossible to discern any logic or consistency in the process.

3. There is a proliferating anti-semitic movement throughout the Soviet Union. With the growing instability in the country, Jews and other religious minorities are in greater danger and are even more vulnerable to persecution. Moreover, President Gorbachev has taken no action to condemn this growing movement.

These issues are the cause of great concern to me and we must work to solve these critical problems. As a member of the Judiciary Committee, I have pledged to maintain vigilance over the new U.S. policies. It is my hope that by sharing my concerns with you, we can work together in order to maximize freedom during this volatile time.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.●

PRESERVING AMERICA'S HERITAGE

● Mr. PRYOR. Mr. President, recently the Eastern States Office of the Bureau of Land Management at the Department of the Interior unveiled its new land records automation project.

This project, entitled "Preserving America's Heritage," marks the beginning of the automation of almost 9 million Federal land conveyance documents maintained by the Eastern States Office—the largest land title office in the world.

I am proud that the land records of my State were selected for the prototype for this project. Former Arkansas Land Commissioner Bill McCuen, now our secretary of state, as well as our current commissioner of lands, Charlie Daniels, were actively involved in this project from the outset.

The land title records housed at the Eastern States Office in some 10,000 huge books have been extensively utilized over the years by Federal and State agencies, title insurance companies, industry, and by citizens tracing their genealogies. These books, many of them years old, have been literally loved to death. Automation will both preserve these important documents and make them even more readily available for use.

Mr. President, not only am I proud of the fact that my State was chosen to be the "pioneer" in this effort, but I am also proud of the work of scores of dedicated Federal employees at the Eastern States Office, as well as the

Office of Scientific and Technical Information at the Department of Energy who have lent their expertise to the project.

Recipient of one of only 15 awards given in June 1989 by the President's Council on Management Improvement, the Eastern States Office is evidence of the caliber of individual that Federal service continues to draw today.

As chairman of the Senate Governmental Affairs Subcommittee on Federal Services, Post Office and Civil Service, I am daily apprised of performance throughout the Federal Government workplace. The Interior Department can be especially proud of this team of Federal employees.

I know Arkansas is now the envy of other States who wish to have their land records—such an integral part of our heritage—automated for future use. Let me assure my colleagues that they could ask for no better group than Kurt Jones and the Easter States Office to undertake this important mission.●

IN RECOGNITION OF THE GRAND OPENING OF THE INDOCHINESE YOUTH CENTER IN GARDENA

● Mr. WILSON. Mr. President, I rise today to recognize the opening of a new center that will go a long way in our efforts to steer our young people away from the specter and scourge of drug and alcohol abuse.

The Indochinese Youth Center is a noteworthy addition to the overall efforts of the Los Angeles-based Asian-American Drug Abuse Program. Not only will this center enhance our efforts to halt drug and alcohol abuse, but it also seeks to address and stabilize the problems that result from stress generated by culture, family, and school.

The Indochinese Youth Center is part of the further development of the Asian Pacific Youth Project which involves other important community groups such as the Korean Youth Center, Search to Involve Philippino Americans and the Asian Youth Project. These community organizations have joined forces to address the growing, unique problems that are facing Asian youth today.

Mr. President, Asian immigration is not unique to our shores. Over the past two decades, we have seen a phenomenal growth in the number and diversity of new citizens in our Nation; be they Chinese, Japanese, Korean, Philippino, Cambodian, Vietnamese, these individuals and families have come to seek a better life in the United States.

Consequently, their immigration has also presented them with a unique set of problems that we have not seen before, especially among the children of these new immigrants.

As the children of these families learn English and become more proficient in the language, they are soon called upon by their parents and families to represent, interpret, and even mediate for the family in their newly adopted culture. In this scenario, the decisionmaking process within the family shifts in focus to the children as the family becomes more dependent on their language proficiency. This is a formidable challenge and obstacle for any child or young adult, especially in family structures that are usually hierarchial in nature, presenting the family with role reversals.

Sadly, Mr. President, the resulting stress can often lead to deterioration within the family structure and result in a situation whereby the children can easily fall prey to involvement in crime and drug and alcohol abuse.

Frequently, these pressures can disrupt their school lives, and push these students off this primary track of school and education that is so critical to their social development. The stresses involved in school with stark cultural differences, peer pressure and basic language difficulties combine to lead to poor performance and dropouts.

This is why the activities of the Indochinese Youth Center represent a positive step toward addressing these problems and treating the root causes by stressing early intervention—and thus prevention—in young people's lives.

The program targets the community it serves through outreach projects, after school drug free activities, and peer support groups.

Moreover, the program offers parental support groups, family counseling services, and cultural awareness activities to help family members cope with the various stresses and conflicts affecting them. It is through programs like these that we will win our war against drugs and put our children on a path that is drug free and crime free.

Mr. President, I commend the leadership of the Indochinese Youth Center and urge all Americans to take heart in this one, bright example of partnership and cooperation and to work to duplicate the fine work of these caring people.●

BE KIND TO ANIMALS AND NATIONAL PET WEEK

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Joint Resolution 236, introduced by my distinguished colleague Senator WILSON to designate the week of May 6 through 12, 1990, as Be Kind to Animals and National Pet Week. I commend my colleague for leading this effort to highlight the importance of being kind to animals and pets and to recognize the contribution of veterinarians and humane organizations to animal health and welfare.

The passage of this resolution is significant, as the week of May 6 marks the 75th anniversary of American Humane Association's Be Kind to Animals Week and the 10th anniversary of National Pet Week.

Animals and pets share the homes of nearly 50,000,000 individuals and families in the United States. They offer not only companionship and pleasure, but also provide numerous benefits to children and the elderly. Animals and pets also aid the blind, deaf, and physically disabled in many daily activities.

Mr. President, the American public has an obligation to promote responsible care of animals and pets and to guard against irresponsible treatment. It is essential that we teach kindness and respect for all living animals through education in schools and communities.

I encourage my colleagues who have not done so to join in cosponsoring this worthy resolution. Its prompt passage will lend vital support to such organizations as American Veterinary Medical Association [AVMA], the auxiliary to the AVMA and the American Animal Hospital Association as they endeavor to promote greater respect and more humane treatment for all pets and animals.●

JON D. MARTIN, LAYTON, UT, HONORED

● Mr. HATCH. Mr. President, I rise today to let my colleagues know of a gifted young man from my home State of Utah. Jon D. Martin, of Layton, UT, is the 1989 grand prize winner in the 11th grade and up category in the Paul R. Koch/Scottish Rite Essay Contest. This contest is sponsored by the Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction, U.S.A.

Jon's essay, entitled, "Rights v. Responsibilities—What the Constitution Means to Youth," is not only an example of inspirational prose, but it makes me proud to know I represent such talented young people.

With the permission of my colleagues, I would like to reprint his winning work:

RIGHTS V. RESPONSIBILITIES—WHAT THE CONSTITUTION MEANS TO YOUTH

(By Jon D. Martin)

It is common knowledge to most young Americans that the Constitution of the United States guarantees certain inalienable rights to the citizens of our great democracy, basic rights which one will not find in many oppressed societies. Yet most young Americans do not understand that along with those rights comes certain responsibilities. If these responsibilities are properly impressed upon the minds of the youth of America, and those young citizens begin to

practice their duties at an early age, then perhaps by the time they reach the years of adulthood, when they are endowed with all the rights of citizenship, they will be able to perform those duties and thus reap greater benefits to themselves while also contributing to their Country. It should be known by every American, young and old, that no privilege can be acquired without also accepting the responsibilities accompanying it. In other words, "Freedom is not free."

The Constitution was signed and ratified in 1787. Now, after 200 years, it is the oldest surviving national Constitution in existence. It consists of a Preamble, 7 Articles, and 26 Amendments; and establishes "delegated powers" for the national government, "reserved powers" for the state governments, and "concurrent powers" by which either level of government may act, thus establishing a "separation of powers." In 1791 a set of amendments was proposed by James Madison, and these were added before any of the remaining states would ratify it. These amendments as a whole are called the Bill of Rights, and their purpose is to protect the liberties of the people against possible unjust rule by the national government.

Through the years, the Constitution has been broadened to meet the changing needs of all Americans. In the words of James Madison, "In framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce." Also, as the World Book Encyclopedia puts it, "The Constitution was designed to serve the interest of the people—rich and poor, Northerners and Southerners, farmers, workers, and businessmen."

A citizen of the United States is granted many rights by the Constitution. Most of the Constitution pertains to the rights and responsibilities imposed on our national government. The rights of the people themselves are generally located in the Bill of Rights, which also forbids the government to violate these rights. Citizens are guaranteed such rights as freedom of religion, speech, and press; the right to petition; the right to protection against unreasonable searches and seizures; the right of an individual to live where he chooses; the right to assemble; the right to a trial by jury; and the right, and the responsibility, to vote. These rights may be appreciated by all citizens, young and old, but without the acceptance of certain responsibilities, they would be unattainable.

The responsibilities of the United States citizen are few in number, but they are paramount in importance. These responsibilities include voting; obeying the laws, not only of the Nation, but of one's city and state; paying taxes; serving on jury duty when called; demonstrating loyalty to one's Nation; helping to change things which are detrimental to society; and most important of all, respecting the rights and responsibilities of others. All good citizens who perform these duties with diligence and loyalty can expect the rights and privileges guaranteed them as an American citizen. It is common nature to desire a reward without performing the required work, but the result of that work demonstrates the value of dutiful service.

With the United States Constitution a little over 200 years old, it would seem obvious that the relationship between the rights and responsibilities of citizenship is as important today as it was at the birth of our Nation. Perhaps it should not be a question of rights v. responsibilities, but rather one of rights and responsibilities, a sense of coexistence of duties and privileges. As to the impact of the Constitutional rights and responsibilities on the American youth, their importance should be understood and accepted so that in later years, as adult citizens, they will carry a greater respect for those duties and privileges.

The Order of the DeMolay enhances an understanding of these values through the virtue of patriotism. The hope is that these young men will develop into adults with a sense of loyalty towards their Country and the rights and responsibilities which they receive through their citizenship. They will be the leaders of tomorrow, and the better they understand today that no one can expect liberty without first accepting, as necessary, their obligations as a citizen, then they will become responsible adult citizens of our great Country. In the words of Will Durant, "Man became free when he recognized that he was subject to law."●

COMMEMORATIVE RESOLUTIONS

● Mr. KOHL. Mr. President, earlier today I asked Senator HOLLINGS to allow me to cosponsor his legislation, S. 2003, which would bring to an end the current practice of requiring congressional action on so-called commemorative resolutions. I agreed with Senator HOLLINGS. His legislation would save money and save the Congress from the embarrassment of considering legislation establishing things like National Snow White Week.

Now I recognize that some commemoratives are intrinsically valuable. They can call public attention to real issues and they can give legitimate groups an organizational tool of substantial significance. Nothing in this legislation prevents those goals from being achieved—they just allow them to be achieved without congressional action.

Mr. President, in the past I have routinely cosponsored commemorative resolutions. I want to announce to my colleagues that I am changing that practice as of today. I want S. 2003 to be adopted and I suspect that one incentive for action would be created if each Member of the Senate started to withhold their support for commemoratives.

This is not an issue of cosmic significance, Mr. President. But I am afraid that the longer we spend our time, and taxpayer's dollars, acting on commemoratives, the less seriously we will be taken as an institution and the less effective we will be at addressing the substantial challenges facing the Nation? A lot of the commemoratives we pass are serious—things like National Clean Water Month, Working Mother's Day, World Population Awareness Week are worthwhile and they can still be recognized under this bill. But I suspect that a lot of the groups that care about clean water would rather have us pass the Clean Water Act than have a week in their honor; working mothers would rather have a child care bill than a day of recognition; and we would do more to deal with population problems by debating the United Nations Family Assistance Program than we can by declaring a week of awareness.

Mr. President, I am delighted to cosponsor Senator HOLLINGS' bill, I encourage my colleagues to do so as well. And, until we do act on this legislation, I would encourage my colleagues to join me in reversing the current policy of almost routinely supporting commemoratives.●

TRIBUTE TO THE TENACITY OF THE UKRAINIAN PEOPLE

● Mr. LEVIN. Mr. President, 72 years ago last week the Ukrainian people reestablished an independent and sovereign nation. By 1922, after a difficult struggle, the Soviets had established control over Ukraine.

Ukraine has been a free and independent nation at various times through history. Because of an unremitting determination to secure their independence, the Ukrainian people have won respect and support from freedom-loving people throughout the world. While the Ukrainian people have had an independent, free, and sovereign nation only intermittently in recent centuries, the Ukrainian people have never lost their unique and rich culture, their religion, their identity, and their pride of being Ukrainian. Through the years of foreign domination, most recently by the Soviets, the Ukrainian people have succeeded in their stuggle to maintain their identity. With inspiring determination and tenacity, Ukrainians have never lost their desire for freedom.

On this anniversary, Mr. President, we should take special note and pay tribute to the men and women who maintain the struggle for Ukrainian freedom, identity, and dignity. At great personal cost they have struggled and suffered for fundamental human rights, and the right to live as free Ukrainians.

As Americans we should be relentless in our insistence that the Soviet Union honor its commitments, and respect the fundamental, universally recognized human rights of the people of Ukraine.

Mr. President, the resilience and unending determination of the Ukrainian people to achieve freedom will not die. The flame has never been extinguished, and burns with increasing intensity.●

ONE HUNDRED PERCENT VISION FOR FOREIGN AID, NOT 5 PERCENT CUTS

● Mr. DECONCINI. Mr. President, earlier this month, our colleague, the distinguished minority leader Senator DOLE, suggested in a New York Times

editorial that aid to the five largest United States foreign assistance recipients be cut across the board by 5 percent in order to provide needed assistance to the emerging democracies in Eastern Europe and to the rebuilding of Panama. He stated last week that his purpose in writing the editorial was that he wanted to start the debate on foreign aid programs.

I believe that Senator DOLE is correct in saying that Congress needs to fully and completely debate the direction of our foreign aid programs. A detailed examination of these programs is justified and necessary. There is a great need for a massive infusion of aid to assist in stabilizing the democracies we see struggling for life in Poland, Hungary, Czechoslovakia, East Germany, Bulgaria, and Romania. Additionally, following our invasion of Panama, we have a responsibility to rebuild that poor country and aid in its economic and political recovery.

At the same time, the path proposed by Senator DOLE is not the right route for us to take. We should not take aid from other struggling democracies with underdeveloped economies and a desperate need for our assistance and give to other, new democracies with higher standards of living.

Senator DOLE would take a 5-percent cut in aid from Israel, Egypt, Turkey, Pakistan, and the Philippines in order to assist the new democracies. There are, however, very real reasons why these countries are the largest aid recipients. A consensus has developed that aid to each of these countries achieves many of our foreign policy goals and has far-reaching applications.

Israel, for example, is our only democratic ally in the Middle East and one who faces a ring of hostile neighbors. Notwithstanding some of the PLO's rhetoric from Tunis, these nations remain committed to the forceful elimination of the State of Israel. Only one of the countries in the Middle East, Egypt, has made peace with Israel while the rest remain at war. They persist at war when peace is breaking out throughout Eastern Europe.

An added benefit of this peace, and one which will have a severe impact on Israel, is the wave of Soviet Jewish refugees which have already started arriving in numbers higher than at any time since the mid-1970's. The number of refugees entering Israel over the next few years may be as high as one-half million Soviet Jews. Since the United States has significantly reduced the number of Soviet Jewish refugees allowed entry into this country, this will add a burden to an already troubled Israeli economy and will only increase Israel's reliance on United States aid. This is aid which has actually decreased in real terms in the past few years.

Senator DOLE would also cut aid to Egypt, a close friend of the United States and the only country in the Middle East which had the courage to make peace with Israel. Egypt took this risk for peace and was ostracized by its Arab brethren for its foresight. It also paid the ultimate price—the loss of President Anwar Sadat to an assassin's bullet. Under the leadership of President Mubarak, Egypt has stayed the course and was readmitted last summer to the Arab League while continuing its peace with Israel. Egypt is an extremely poor nation, which faced economic isolation for its acts of peace. U.S. aid is vital to the health of its fragile economy. Furthermore, Egypt is presently playing a major role in the Bush administration's Middle East peace efforts; a cut in Egypt's aid would send the wrong signal at a sensitive time.

There is a new democracy in Pakistan. The government of Prime Minister Benazir Bhutto is a good example of a government where democratic institutions and policies are beginning to take root after years of dictatorship. Pakistan is a country which has bravely taken under its wings thousands of Afghan refugees, oftentimes at risk to Pakistani security. On numerous occasions the Afghan Government has bombed the refugee camps in Pakistan. This is another nation for which—if times were different and coffers were full—a convincing case could be made for more aid, not less.

Senator DOLE would also target Turkey, our only Moslem NATO Ally, for cuts in foreign aid. This strategic ally on NATO's southern flank currently faces a virtual civil war on its border as Soviet Armenia battles Soviet Azerbaijan. It has strained its internal budgets by accepting thousands of ethnic Turkish refugees fleeing the policy of forced Bulgarization of minorities ruthlessly pursued by the Zhikov government. Sadly, this policy appears to be favored by many Bulgarians—even after the fall of the Communist government. This is not the time to reduce our aid to this important, developing ally.

Finally, my colleague from Kansas would reduce the aid we provide to the government of President Aquino in the Philippines. Her democratic government faces challenges from anti-democratic forces. As we work to stabilize the situation within that troubled country, to aid Mrs. Aquino as she tries to nurture democratic institutions in her country, and to reach an accord on our military presence in that country, should we simply cut 5 percent off the top without careful consideration? I do not think that action would be wise.

Clearly, a simple across-the-board cut is not the way to approach the issue of revamping our foreign assistance policies. The President complains about Congress' constant earmarking of foreign aid to favored countries. There is, however, a reason for the earmarks. Often, the President is too cautious and lacks a grand foreign policy scheme. The best example of this is last year's aid package for Poland and Hungary.

After his historic visit to these new democracies last summer, President Bush offered his plan to assist these brave countries in their transitions to democracy. His initial aid package consisted of a paltry $10 million.

After I returned from witnessing the swearing in of Poland's first non-Communist prime minister since the end of World War II, I, along with a number of my colleagues, submitted a proposal to increase the aid package for these two countries to approximately $100 million. Ultimately, my colleagues on the Foreign Operations Appropriations Subcommittee and I developed, passed, and had enacted an aid package of $533 million for the current fiscal year for Poland and Hungary—far exceeding the President's original request. Had Congress not earmarked the funds and abided only by the President's request, these countries would be facing problems greater than those before them today.

Unfortunately, the fiscal year 1991 budget President Bush submitted recommends only $300 million for all of Eastern Europe. This is $200 million less than the aid package he signed into law for only two emerging Eastern European democracies in fiscal year 1990.

Senator DOLE only recommends approximately $350 million for all of Eastern Europe and Panama. Panama's President Endara had estimated that his country would need at least $1 billion to rebuild Panama and get its economic house in order. The administration's supplemental appropriations request for Panama includes at least $500 million for this purpose. It seems that the administration does not comprehend the magnitude of the problem our foreign aid programs face.

Obviously these nations need a massive infusion of investment, aid, and capital. This is the problem which faces the United States. Senator DOLE is correct to raise the entire issue. We need perestroika, or new thinking, in our foreign aid programs. We also need vision in our policies to aid these new democracies. A 5 percent cut or $300 million in next year's budget does not demonstrate this vision.

Each and every foreign aid program should be examined and ineffective ones should be discarded. There may be countries to which aid could be reduced. There may be international institutions to which our aid could be

trimmed to free aid for the Eastern European democracies.

Congress does not want to tie the President's hands, but Congress has a constitutionally mandated role to play in the foreign aid arena. I look forward to the debate in the authorization and appropriations committees on these issues as the fiscal year 1991 foreign aid budget process begins.●

UNANIMOUS-CONSENT AGREEMENT—RECESS UNTIL 8:35 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that upon the conclusion of our business this evening, the Senate stand in recess until 8:35 p.m. this evening; that upon reconvening, the Senate assemble as a body and proceed to the House of Representatives at 8:40 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE U.S. SENATE

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 238) authorizing the taking of a photograph in the Chamber of the United States Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

S. RES. 238

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the National Geographic Society to photograph the United States Senate in actual session on a date and time to be announced by the majority leader after consultation with the Republican Leader.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I inquire of the distinguished Republican leader whether he has any further business?

Mr. DOLE. No.

Mr. MITCHELL. Mr. President, I would like to just say, before asking that the Senate stand in recess, that I am pleased that we were able to begin voting on the clean air bill today. Two amendments were adopted, one by rollcall vote and one by voice vote. We have had a number of productive discussions among many Senators, representatives of the administration and affected States and industries. I believe that we are now making some significant progress toward final action on this legislation.

I know this has been one of the President's highest priorities. He has so stated on many occasions. I hope and anticipate that he will make reference to it again this evening. While the bill is complex and controversial and while many Senators have understandable concerns about many aspects of it, it is my hope that the Senate will soon be able to complete action on the legislation as requested and urged by the President and that we will be able to see final enactment of such legislation this year.

I thank the distinguished Republican leader for his cooperation in this regard.

Mr. DOLE. Let me just indicate, in meeting with the President this morning, he did underscore the very thing the majority leader has mentioned: early action on this bill, willingness of the administration to work with us where we can, and, where we have differences, work those out the best we can. I share the majority leader's view.

ORDERS FOR TOMORROW

RECESS UNTIL 9:30 A.M.; MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that at the conclusion of this evening's joint session that the Senate stand in recess until 9:30 a.m. tomorrow, Thursday, February 1, and that following the time for the two leaders, there be a period for morning business until 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, the Senate will resume debate on the clean air bill at 10 o'clock tomorrow morning with the possibility of votes on amendments throughout the day tomorrow.

RECESS UNTIL 8:35 P.M.

Mr. MITCHELL. If the distinguished Republican leader has no other business and if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, at 6:24 p.m., the Senate recessed until 8:35 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WIRTH].

JOINT SESSION OF THE TWO HOUSES—MESSAGE OF THE PRESIDENT OF THE UNITED STATES

Thereupon, at 8:41 p.m., the Senate, preceded by the Secretary of the Senate, Walter J. Stewart, and the Sergeant at Arms, Henry K. Giugni, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States.

(The address by the President of the United States, this day delivered by him to the joint session of the two Houses of Congress, appears in the proceedings of the House of Representatives in today's Record.)

RECESS 9:30 TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 9:46 p.m., the Senate recessed until Thursday, February 1, 1990, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 31, 1990:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

MICHAEL LORNE MOODIE, OF MARYLAND, TO BE AN ASSISTANT DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY, VICE LYNN MARVIN HANSEN, RESIGNED.

THE JUDICIARY

DONALD L. IVERS, OF NEW MEXICO, TO BE AN ASSOCIATE JUDGE OF THE U.S. COURT OF VETERANS APPEALS FOR THE TERM OF 15 YEARS (NEW POSITION).

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, AND 8373, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. DALE R. BAUMLER, [redacted]FV, AIR FORCE RESERVE.

BRIG. GEN. SHIRLEY M. CARPENTER, [redacted]FV, AIR FORCE RESERVE.

BRIG. GEN. GLENN W. REDMOND, [redacted]FV, AIR FORCE RESERVE.

BRIG. GEN. JAMES E. SIMON, [redacted]FV, AIR FORCE RESERVE.

BRIG. GEN. RAYMOND B. STEWARD, JR., [redacted]FV, AIR FORCE RESERVE.

To be brigadier general

COL. ALMON B. BALLARD, [redacted]FV, AIR FORCE RESERVE.

COL. GERALD F. CRUMP, [redacted]FV, AIR FORCE RESERVE.

COL. JIMMY G. DISHNER, [redacted]FV, AIR FORCE RESERVE.

COL. RAY F. GARMAN, [redacted]FV, AIR FORCE RESERVE.

COL. DAVID C. GILDART, [redacted]FV, AIR FORCE RESERVE.

COL. JAMES W. HART, JR., xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. JOHN F. HARVEY, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. WILLIAM H. LAWSON, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. DAVID R. SMITH, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. WILLIAM D. TRACY, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. FRANK D. WATSON, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. WALLACE W. WHALEY, xxx-xx-xxxx FV, AIR FORCE RESERVE.
COL. WALTER L. WINTERS, JR., xxx-xx-xxxx FV, AIR FORCE RESERVE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF BRIGADIER GENERAL WHILE SERVING AS DEAN OF THE ACADEMIC BOARD, U.S. MILITARY ACADEMY, UNDER TITLE 10, UNITED STATES CODE, SECTION 4335(C):

To be brigadier general

COL. GERALD E. GALLOWAY, JR., xxx-xx-xxxx U.S. ARMY.

EXTENSIONS OF REMARKS

HELPING GORBACHEV DISCARD A BROKEN IDEA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. CRANE. Mr. Speaker, one of the best ways for Mikhail Gorbachev to restructure his economy and improve the Soviet standard of living is to stop financing Communist revolution throughout the world. Cuba, Nicaragua, Ethiopia, Cambodia, Libya, and North Korea all receive large shipments of Soviet weapons and aid packages every year. The rubles used to produce this foreign-aid-to-dictators program could better be spent improving the lives of Soviet citizens by improving their economy at home.

Gorbachev has a staggering task before him—the restructuring of a failed centrally planned economy. If the Soviet Union continues to place a high budgetary emphasis on defense production and weapons exports, the Soviet economy will continue to lose vital capital necessary to rejuvenate domestic production and provide enough quality consumer goods for the Soviet population. If Gorbachev insists on financing foreign ventures, his heralded perestroika program may all be for naught, and the Soviet people will have lost their best chance in 73 years for a better way of life.

Mindful of this, I commend to your attention the following article entitled "Helping Gorbachev Discard a Broken Idea," by Richard Perle, from the November 20, 1989, issue of U.S. News & World Report.

[From U.S. News and World Report, Nov. 20, 1989]

HELPING GORBACHEV DISCARD A BROKEN IDEA

(By Richard Perle)

When Secretary of State Baker suggested the other day in New York that he is ready to give Mikhail Gorbachev a little technical assistance to help restructure the Soviet economy, I wondered what he might have in mind. Perhaps we could send a team from the Department of Housing and Urban Development to Moscow to help them with their housing shortage. Better yet, why not a group of savings and loan regulators to give the Kremlin a little advice on running a banking system? Baker was vague about how we might help perestroika, but he was clear in expressing the administration's hopes for its success. So what should we think?

Most important, we should be clear about what we mean when we say we favor perestroika and glasnost, by which Gorbachev hopes to encourage change. We do not mean blanket approval for everything the Soviets are doing.

Surely we don't mean to smile upon continuing Soviet arms shipments to Afghanistan, Cuba, Nicaragua, Ethiopia, Cambodia, Libya and North Korea. A policy of aid to countries that menace their neighbors while repressing their own people is hardly what we have in mind when we cheer for Gorbachev's reforms. Yet from the near empty coffers of a failing economy the Soviets, even under Gorbachev, have managed to find billions for six of the world's most unsavory regimes.

They have also managed to keep up massive investment (20 percent or more of their gross national product, more than three times what the U.S. spends) in maintaining their military power. That is not perestroika.

Recent signs that Soviet military spending may be declining are welcome. But the decrease has been insignificant so far. And it has been consistent with consolidation and modernization of a bloated military establishment.

BOOS AND CHEERS

It is right to applaud glasnost. Who isn't moved by the remarkable rejection of so much of the inhumanity of Soviet history that now appears daily in the Soviet press? But it is also right to boo and hiss when Soviet editors are fired or censored because someone has written something that is not to Gorbachev's liking. Or when political prisoners like Oleg Mikhailov, Alexander Goldovich, Bohdan Mimchak, Rusian Ketenchiyev, Leonid Lubman and others languish in the notorious Perm Labor Camp 35. That is not glasnost.

"O.K.," you say, "we don't approve of everything Gorbachev is doing, but he is trying to do the right thing and we want him to succeed." So what can we do to help?

First, we can help the Soviets understand that their system, a centrally controlled economy operating within a totalitarian state, is beyond repair. I was reminded of it the other day when the Sears repairman came to fix the family washing machine.

"Can it be repaired?" I asked. "Oh yes," the man said. "I can fix it up so it'll run for another year."

"And then?" I asked. "Then," he said, "you will have to get a new one."

The Soviets need a new economic, social and political system, not a repair job that will squeeze out another year or two before the machinery is reduced to scrap. That new system must be a market economy operating within a democratic, pluralist state. Anything less and it is bound to fail. As Baker put it in New York, "Freedom works! Communism doesn't!"

This seemingly gratuitous advice may not seem like much help, especially to those in Congress who keep telling the President that he is missing an opportunity by not doing more for the Soviets. But the damage the Soviets have done to themselves by building a society on a wrong idea, Communism, can only be reversed by doing away with that idea and replacing it with a good idea, capitalist democracy. If they continue to believe that tinkering, or even radical surgery, on the existing Marxist-Leninist system is going to be enough, they will fail for sure. When it comes to our helping perestroika, words can mean more than deeds, ideas more than cash.

Second, we can hammer away at the idea that curtailing military spending and aid to the dirty half dozen is fundamental to the success of perestroika. Gorbachev will never make it if he continues to ship desperately needed capital abroad to sustain regional conflicts. Jim Baker spoke in New York of "points of mutual advantage." Here is an important one: It is advantageous to us both if Moscow spends less to sustain regional wars and insurgencies. The same is true of its military spending.

So among the things we can do to support perestroika is to drive a hard bargain on regional issues and disarmament. This goes against the grain of those who believe we are helping Gorbachev when we abandon our negotiating positions and soften our demands.

Time is on our side. As things worsen in the Soviet Union, the pressure on Gorbachev to finance perestroika by reordering Soviet priorities away from adventures abroad and massive military spending will increase. We'll get a better arms-control deal a year from now than we can get today as the full scope of the failure of the Soviet economy comes to be understood by the opponents of perestroika.

And if circumstances change and the Soviets once again embrace military power as the solution to their problems, treaties signed hurriedly now will mean little then. Foreign Minister Shevardnadze's admission that the Soviets have been violating the Anti-Ballistic-Missile (ABM) Treaty for nearly a decade should remind us how vulnerable we are to treaty violations—and how little we do to respond to them.

So our consultants are not what Gorbachev needs. A few good ideas, vigorously argued and backed up at the negotiating table, are the best we can do.

TED AND CASEY DANSON, THE AMERICAN OCEANS CAMPAIGN, AND THE ENVIRONMENT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. LEVINE of California. Mr. Speaker, people often wonder what they can do to help their communities and their country. I am pleased today to call attention to the accomplishments of Ted and Casey Danson, who have demonstrated that personal involvement is the best way to improve the quality of life in one's community and who have become leading voices in the campaign to protect our environment.

Mr. Danson is best known for his starring role in the television series "Cheers." He is also, however, the sponsor and cofounder of the American Oceans Campaign, a not-for-profit group working to preserve America's oceans and coasts. I have worked closely with the Dansons and American Oceans Cam-

paign since its formation and have been very impressed by the depth of their personal commitment to our environment and the effectiveness of the organization they have founded.

I am pleased to share an article from the Santa Monica Outlook, which describes the activities of American Oceans Campaign, its committed staff led by Bob Sulnick, and the Dansons. I commend it to the attention of my colleagues and ask them to join with me in recognizing the accomplishments of American Oceans Campaign and Ted and Casey Danson.

[From the Santa Monica Outlook, Jan. 21, 1990]

STARRING ROLE—IN FIGHT FOR ENVIRONMENT

(By Laura Accinelli)

In Hollywood, as elsewhere, money makes things happen. Sometimes it happens that a star is born. Sometimes it happens that an activist is made.

Sometimes both happen. The television hit "Cheers" made Ted Danson a star. It also made him an environmentalist committed at an unusual level—as unusual in Hollywood as elsewhere in the world.

Danson and his wife, Casey, had written checks here and there for assorted causes. He'd volunteered his time to help publicize issues, most notably for the group No Oil, which works against offshore drilling in Santa Monica Bay.

Then with the success of "Cheers" the Santa Monica couple came into a sack of dough—the sort of money you have to take seriously, said Danson. They decided to experiment.

"My wife and I sat down and decided we needed to focus all of our energy and time and money in one area to see how much of a difference we can make. The question was, how can we use money to make something happen?"

The answer was the not-for-profit American Oceans Campaign, created a couple of years ago in Santa Monica with the help of Robert H. Sulnick, an environmental lawyer who once served as president of No Oil. Today AOC is one of the few groups advocating nationally for the ocean.

It's evolved into one of the "key players" on environmental issues, said Rep. Mel Levine, D-Santa Monica. "Ted Danson is having an effect on public policy. He's helping demonstrate to Congress how strong public opinion is on these issues," Levine said.

REPUTATION . . . ON THE LINE

"This is something Ted Danson doesn't have to do. He's willing to put his reputation and resources on the line."

With a staff of seven including Sulnick, another lawyer and a Washington, D.C., lobbyist and three major programs directed against offshore drilling, driftnets (fishing nets up to 30 miles in length) and coastal pollution, AOC's budget this year hits half a million dollars. Ted and Casey Danson foot the bill for all of the organization's operating costs.

As a cause, the environment was a natural, said Danson. At heart, his message is that everyone must be involved.

"I don't think anyone can just not get concerned. It's no longer an option in life," Danson said in an interview on the Paramount lot in Hollywood. His unassuming production office is decorated with photos mostly from his film career and native American art (Danson also sits on the board of Futures for Children, which helps American Indian and South American kids stay in school).

"We're at risk of losing what our parents gave to us, and we may not be able to pass it on to our children," said the father of two daughters, ages 10 and 5. "We stand to lose a great deal on this planet. It's not even a '60s thing. It's something very real in our lives."

Meaning, he said, the sea and its resources are dying, assaulted by municipal and industrial run-offs, ocean dumping, oil spills, driftnets, helter-skelter shoreline development. The work of Danson's group is to publicize this plight and to foster a national policy for ocean protection.

AOC has been involved in fights on both coasts and in Alaska to institute moratoria on offshore oil drilling. It helped Alaskan fishermen after the Exxon-Valdez oil spill. It made a movie with the National Audubon Society on pollution threats to coastal waters. It wrote the ocean section of California's proposed environmental initiative. It worked with Levine and Rep. Barbara Boxer, D-Marin, to draft the National Ocean Protection Act of 1990, slated for committee consideration in February.

At that time, low-key, prosaic, earnest Danson will do his bit as a celebrity to garner attention and support.

"The public has already made up its mind that the environment needs to be restored and preserved. What Ted does is reinforce people's commitment, tell them how they can help and provide leadership," said AOC's executive director Sulnick, who left a tenured post at Loyola Law School and an environmental law practice to put all of his energy into the organization.

IS DANSON INFORMED?

As conventional wisdom goes, politicians have always loved movie stars, especially when it's campaign time. They know the value of a celebrity to draw cameras, reporters and crowds. After all, communication and enticing packaging is the business of Hollywood.

But can they really talk about the scientific and economic ins and outs of complicated environmental issues? Sure, Danson knows how to memorize a script, mix a drink and kiss Isabella Rossellini, but what does he know about toxic waste disposal and sewage systems and the needs of farmers?

Yet, lawmakers like Republican Rep. James H. Saxton, who worked with Danson to stop sludge dumping in the Atlantic Ocean, praise the actor for his knowledge.

"Ted Danson is well-respected. His name recognition is great. Everybody knows who he is. People watch 'Cheers,'" the New Jersey congressman said. "He is a tremendous help in promoting a cause, curing a perceptual problem, drawing attention to an issue. He also provides a positive impetus to people to do something about them."

If there was ever a credibility problem, it was Danson's own.

"Maybe because I'm an actor, or especially because I'm an actor, you first learn the issues in pep-rally terminology and sound bites. Then as you learn more and more, suddenly it's, 'Dear God, how complicated the situation is.' Who am I kidding?" said Danson. He often stops midsentence to ask if he sounds flaky.

"I had to get over this idea of who am I to do this. I'm 42, I have two kids, I live here. That's what gives me the right. That's what gives anyone the right."

SON OF AN ARCHAEOLOGIST

The son of an archaeologist attached to the Museum of Northern Arizona in Flagstaff, Danson says locals there didn't consciously rally "round the environment. Instead, they lived it, steeped in an appreciation of the out-doors, hopping on horses to take in the region's beauty.

It was at Stanford University that Danson "fell head over heels in love with acting" and missed the first round of consciousness many folks his age experienced. He left Stanford for Carnegie Technological Institute and concentrated on his acting career.

When the Dansons moved to Santa Monica a few years ago, they got a notice from No Oil, the group working to prevent Occidental Petroleum from drilling for oil along the Pacific Palisades coastline. The couple sent a check. They attended a talk by No Oil's Sulnick. About six people showed. Danson left a check. Eventually the Dansons became more and more involved in the issue. Along the way Danson and Sulnick became friends.

One night, on the way home from the Hollywood Bowl, the environmental lawyer and the TV year star conceived the idea for AOC. It was a powerful combination, and, Danson concurs, without Sulnick, there would be no American Oceans Campaign.

Today, he said, the group is just hitting its stride. It took a couple of years for it to discover its identify and for Danson to define his most effective role in it.

Admittedly, he felt noble at first, he said, "like a guy on a white horse charging into the fray." Now he feels overwhelmed by the depth of the problem and the time tug-of-war of family, career, political involvement.

EFFORTS AT HOME

All along it's been Danson and his wife, Casey, who sits on AOC's board of directors, too. The Danson household recycles, conserves water and uses no plastics or toxic cleansers. "We wanted to affect people and not be show-bizzy. We're not Hollywood. We're Earth-bound and family-bound and responsibility-bound," said environmental designer Casey Danson. "I guess that makes us boring."

The group's biggest problem is money, even with the large infusion of Danson cash. AOC also receives grants from the cities of Santa Monica and Los Angeles and such private funds as the Streisand Foundation and the Northern California CS Fund supporting ecological work. Still, each project requires several hundreds of thousands of dollars to launch effectively. A broader base of financial support is an immediate goal, said Danson.

"It's got to happen, or else it's not going to work. We've got to go way beyond what we put in," he said. "Otherwise, it's just an exercise in making Casey and me feel good."

The work does give him a great deal of satisfaction, he said. "We don't need to tell each other horror stories anymore. You don't feel victimized if you're part of the solution. It was a change for me. I don't want to feel like a victim anymore."

He predicts success on the tough battles against offshore drilling and driftnets. The hardest task ahead is to spur a national will to change people's approach to the planet, their day-to-day behavior. That's an amorphous notion for an organization to sell.

"We're all in this together—and that's a spiritual thought."

TRIBUTE TO THE CHILDREN'S EXPERIMENTAL THEATRE

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to the Children's Experimental Theater of the Monterey Peninsula on the occasion of the 30th anniversary of the founding of the institution.

The theater was founded by Marcia Gambrell Hovick, whose commitment and sacrifice, along with that of the entire staff, have made the Children's Experimental Theater a valuable asset to Monterey County and neighboring Santa Cruz and San Benito Counties.

For 30 years the Children's Experimental Theatre has provided a source of joy for both the many children who have participated over the years and for two generations of children and adults fortunate enough to have seen them perform. For the participants, the theatre has instilled a sense of self-esteem and confidence through discipline and study of the theater.

The students, from 6 to 18 years old, bring live theater to 25,000 elementary school children annually, free of charge. Through the theatre these children learn creative expression, speech, pantomime, and improvisation, as well as history, literature and social mores.

Mr. Speaker, I ask my colleagues to join me now in congratulating the Children's Experimental Theatre for its continued contributions to the people, and especially the children, of Monterey County and the surrounding area. It is with great pride and respect that I pay tribute to the staff and members of this fine institution.

UNITED REHABILITATION SERVICES, INC., COMPETITIVE SUPPORTED EMPLOYMENT PROGRAM PROVIDES VALUABLE JOB TRAINING TO DISABLED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the United Rehabilitation Services, Inc., Competitive Supported Employment Program [CSEP] in Wilkes-Barre, PA.

The United Rehabilitation Services was established as a result of the Wyoming Valley United Way's Community Services Study Commission report. It is a comprehensive vocational rehabilitation center providing services to the disabled adult population of northeastern Pennsylvania. With a daily enrollment of over 500 persons, this is one of the Nation's largest populations of handicapped persons under one administration.

One of its most successful programs, the Competitive Supported Employment Program, which serves Luzerne and Wyoming Counties in Pennsylvania, was designed to unite local businesses with adults who have severe disabilities and are seeking employment.

The staff of the CSEP is responsible for recruiting persons with disabilities who are anxious to become contributing members of society. In addition, the CSEP provides a comprehensive training program, beginning with one-on-one instruction. The disabled worker then begins on-the-job training which leads to working independently and assuming increasing responsibility. The CSEP staff continues with followup visits with the employee and the employer to ensure that both parties are satisfied and well-suited for each other. For many of these disabled people, this is a tremendous first step toward working and living as an independent and contributing member of society.

The CSEP Program provides employers with necessary personnel, and CSEP training reduces costs for the business. The CSEP Program is beneficial not only to businesses but also to the disabled individuals and the communities in which they live. For the disabled worker, this program and training provides integration into society. In doing this, the disabled individual becomes more self-sufficient and confident, willing to take on greater challenges. Finally, communities benefit because citizens who were once supported by society become contributing, tax paying residents.

The URS/CSEP can be proud of one of its most successful programs. It is important that groups such as this work to integrate disabled people into our communities. These programs help create a greater understanding about disabilities and that they can be overcome. I know my colleagues in the House of Representatives will join me in saluting the Competitive Supported Employment Program and the great work they have done.

ARTICLE ON MEDICARE CATASTROPHIC COVERAGE ACT FROM COLUMBIA JOURNALISM REVIEW

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. DONNELLY. Mr. Speaker, I am submitting for the RECORD today an excellent editorial from the Columbia Journalism Review on the misleading, inaccurate reporting surrounding the Medicare Catastrophic Coverage Act last year. This article points out that some of the reporters covering the debate over repeal of the Catastrophic Program had no idea of how the Medicare Program works or worked and were quick to assume that elderly opponents of catastrophic were the greedy elderly.

Of course, nothing could be further from the truth. This article points out that the elderly understood the program full well and opposed it for sound reasons. The article notes that most news reports on the Catastrophic Coverage Act "left out the essential information that the elderly * * * saw no reason to pay the surtax because most of them already had medical insurance." In fact, close to 80 percent of the elderly already had most of the benefits which the Catastrophic Program provided and they justifiably opposed the program and supported repeal.

Hopefully, on reading this article and reflecting on its message, reporters—especially television reporters—will realize that future news reports on controversial issues should provide a more balanced, intelligent insight to Americans:

NOT CATASTROPHIC BUT BAD ENOUGH

(By Jim Sibbison)

Angry men and women surrounded an automobile in Chicago last summer, and an NBC-TV news team was there. Many viewers will recall the scene: The men and women—all "senior citizens"—waved picket signs, pounded on the hood, and shouted at Representative Dan Rostenkowski, who sat stoically inside. He had angered them by sponsoring a new catastrophic health insurance law for the elderly that, among other things, called for a surtax on their income tax.

"The elderly," congressional correspondent Andrea Mitchell explained, "have been whipped into action by powerful lobbying groups. The result: millions of letters and postcards to Congress. They're not against the new benefits—unlimited hospital care, new at-home benefits, prescription drug coverage. They just don't want to pay for them."

Mitchell was by no means the only reporter to portray the millions of elderly who opposed a catastrophic-care surtax as would-be-free-loaders in league with powerful lobbyists. Many Washington reporters—quoting members of Congress or anonymous sources or simply expressing their own opinion—made the protesting elderly appear interested only in their own well-being. A survey of early coverage suggests that most reporters never understood those provisions of the law that caused the outcry—a failure that led to conspicuously unbalanced coverage of an issue that NBC's Tom Brokaw called "one of the most explosive issues of the year."

On June 17, 1988, two weeks before President Reagan signed the catastrophic health care bill into law, one journalist provided the kind of information that, for a long time, would be absent from coverage of the controversy surrounding this important piece of legislation. The journalist was L. Gordon Crovitz, assistant editorial page editor of The Wall Street Journal, a paper that has a somewhat unusual policy: editorial writers are expected to do their own reporting as they go about gathering the facts to support their positions. Crovitz talked to his contacts in the Reagan administration and was, he recalls, "stunned" by what they told him. In his unsigned editorial Crovitz reported that the legislation contained a massive tax increase for retirees sixty-five or older. The tax would pay for benefits that most of them already had from private insurance, former employers, or Medicaid, the government's low-income health insurance program. Starting in 1989, Crovitz noted, a retired person who paid an income tax of $150 or more would be obliged to pay a 15 percent surtax on his income tax—and this percentage would rise by 1993 to 28 percent, and was expected to go right on rising. In 1989 no individual would pay a surtax exceeding $800, but this ceiling, too, would rise. "The couple who pay $1,600 [in 1989] will pay an extra $2,100 a year by 1993," Crovitz wrote. "The Treasury estimates that, by 2005, couples will pay closer to $8,000 a year."

On the day after Reagan signed the bill, coverage by Washington-based reporters emphasized the benefits of the law but downplayed the costs and seemed unaware

that most beneficiaries would be getting duplicate coverage. The July 2 piece by Spencer Rich of The Washington Post was typical. Rich quoted Reagan as saying that the new legislation would protect the elderly from "a choice between bankruptcy and death," and in the final paragraph of his fourteen-graph piece he gave the surtax the following brushoff: "The law will be financed by increasing the Medicare monthly premium and by imposing an annual 'income-based' supplemental premium on the two-fifths of the elderly with the highest incomes." Rich made no mention of duplicate coverage and his shorthand summation of the law was misleading: while it is true that more than two-fifths of the elderly would be paying for the program, this group included people with incomes as low as $13,000—which is hardly suggested by the phrase "highest incomes."

Following a spate of early-July coverage, the subject was more or less dropped—by the press, if not by the lobbying organizations. The biggest of the "elderly lobbies," the American Association of Retired Persons, backed the bill. While AARP officials conceded that a new funding formula was needed, they insisted that the legislation would provide essential benefits to "the oldest, the poorest, and the sickest." The National Committee to Preserve Social Security and Medicare, on the other hand, opposed the bill. Two of the main points made in the National Committee's mailings were that the surtax could be expected to rise steadily over the years and that the reason the surtax was high was that only the elderly were paying it. This, the committee said, was comparable to taxing only the parents of schoolchildren for public education or only veterans to pay for veterans hospitals. That's when retired people started raising hell and sending off those millions of letters and postcards to Congress.

The response of the bill's principal sponsors—Representative Fortney "Pete" Stark of California and Senator Lloyd Bentsen of Texas—was to attack the protesters. Bentsen was quoted in The Washington Post as saying at a January 1989 press conference, "What you have is wealthier people not wanting to pay the additional premium." And then there was Representative Rostenkowski who, on October 4—the day the House repealed the bill—assailed the "wealthy few." The term was never defined, but presumably any retired person with an annual income of $36,000 or more was to be considered wealthy. (It is that group that would pay the maximum surtax of $800 per person during the first year of the program.)

The rich-versus-poor story played well on network television. On ABC, CBS, and NBC the "rich" were never sick. Viewers were shown footage of robust, smiling elderly men and women playing golf or working out in exercise classes. The poor were always in a hospital or nursing home, some walking slowly with the aid of a walker, others being pushed in wheelchairs.

People who opposed the surtax had to be rich. If they weren't, they were made to look so. Thus, for example, one seventy-two-year-old widow who opposed the tax was shown playing golf, and using a golf cart to get around the course. She certainly wasn't rich, though: her annual income—as ABC correspondent Sheilah Kast explained on the September 18, 1989, World News Tonight—was $20,000, and her starting surtax would be $350. She already had private insurance, the widow said, so "catastrophic care, as far as I'm concerned, will give me nothing, except that I have to pay for it."

The Stark-Bentsen attitude toward the protesting retirees was reflected in the print press as well. These elderly people were, it seemed:

Spoiled—In late November 1988, Martin Tolchin of The New York Times explored the possibility that the elderly "might be taking more than their fair share [of government benefits], depriving their children and grandchildren." An accompanying photo showed two elderly men in swimming trunks happily posing for the camera at that favorite playground of the retired rich, Miami Beach. Tait Trussell, a Florida-based syndicated columnist and former member of The Wall Street Journal's Washington, D.C., bureau, examined the evidence and came to the conclusion that the government was "soaking" the elderly. "Ironically," he wrote in the Leesburg, Florida, Daily Commercial, "while most Americans have been the beneficiaries of tax relief in recent years, older Americans have been slapped with three increases." In 1983, he explained, Social Security income became taxable; then, in 1986, some changes in the regulations increased the income tax of the elderly; and, finally, in 1988, there came the catastrophic-care surtax.

And selfish—Jodie T. Allen, The Washington Post, October 11, 1989: "October 4, 1989 [the date the House repealed the surtax] may be remembered as the day we finally admitted, right up front, that we don't care very much about each other. At least not enough to pay each other's medical bills. . . . While the elderly were glad to accept a nice new benefit, they, or at least the most vocal among them, were not ready to have to pay for it. . . ." This is the old charge that leaves out the essential information that the elderly protesters saw no reason to pay the surtax because most of them already had medical insurance.

Some reporters gave the protesters a more sympathetic hearing. Mike Causey of The Washington Post described some of the nasty surprises contained in the bill as far back as January 1989 in his column about federal employees. Robert Rosenblatt of the Los Angeles Times was another reporter who did not automatically dismiss the protesters' case; an aide to Senator Pete Wilson of California told Rosenblatt that "there is a genuine out-pouring of grass-roots opposition" to the bill.

What reporters like Tait Trussell were saying—and what Washington reporters seemed reluctant to face up to—was that there was something wrong with the law, not with the elderly protesters. Many members of Congress were openly admitting as much during the debate that preceded repeal in early October. One such congressman was Representative Brian Donnelly of Massachusetts, who told his colleagues: "What we did not see a year ago, those of us who were authors and conferees. . . . were the fatal flaws that thirty-two million beneficiaries saw. . . . The real fundamental flaw in this legislation is that over half the beneficiaries already had some or all of the coverage. They had already paid for the coverage before we came along and said to them, 'You take this coverage even though you already have it, and you pay an additional fee.' They objected to that, and rightly so."

That simple insight—so clear early on to so many elderly people—seemed beyond the reach of many reporters.

CALL FOR DEFENSE CUTS URGED BY MASSACHUSETTS PEACE GROUPS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. MARKEY. Mr. Speaker, yesterday a coalition of Massachusetts lawmakers and peace groups called on Congress to cut President Bush's proposed defense budget and redirect this funding to meet urgent domestic spending needs. I applaud their initiative in calling attention to the misplaced priorities in the President's proposed budget. With the end of the cold war, it is time we extracted a substantial "Peace Dividend" from the Pentagon and reinvested it in programs and activities that will enhance America's economic strength.

I would like to call to my colleagues' attention an article which appeared in the Associated Press wire service today which reports on the press conference this coalition held yesterday in Boston:

MASSACHUSETTS PEACE GROUPS CALL FOR DEFENSE CUTS, DOMESTIC SPENDING HIKES

(By Daniel Beegan)

BOSTON.—Congress should trim President Bush's proposed military budget and redirect the money to domestic programs, peace groups and some Democratic state officeholders say.

Secretary of State Michael Connolly told a news conference Tuesday the federal government should revive revenue sharing to cities and towns and states and use money that formerly went for military troops and hardware to pay for it.

"It is a real problem how they are spending our money in Washington, D.C., and it is creating real problems for us here in Massachusetts," Connolly said.

Kevin O'Connell of the peace group Massachusetts SANE-Freeze said the easing of tensions between Eastern Europe and Western Europe no longer justify a military budget in excess of $300 billion a year.

"This administration continues to go along the same path as if none of these changes had happened," O'Connell said.

He said the military spending practices of the Reagan and Bush administrations had led to cuts in domestic programs that have cost Massachusetts billions of dollars in federal aid.

"Obviously this is a great part of our state fiscal problems," he said.

O'Connell called for a 10 percent cut in military spending this year, leading to an eventual 50 percent reduction in defense spending over five years.

"Transfers should go to civilian needs, not to tax cuts for the rich," he said.

Several Democratic legislators joined in the call for lowered defense spending and increases in federal aid for social programs.

Rep. David Cohen, D-Newton, advocated a bill he filed to help businesses, especially smaller companies, convert from military-related products to consumer goods.

Rep. Barbara Hilt, D-Amesbury, said the Bush budget is unrealistic in the current era of eased tensions between the United States and the Soviet Union.

"The budget that President Bush has released is a fantasy budget. It is not relevant to the real world," she said.

When, and how deeply, defense spending should be cut is expected to be a major issue as Congress opens debate on the Bush budget.

Bush and his defenders have argued that while growth in military spending can be curtailed, defense cannot be cut too deeply because of the uncertainty of change in Eastern Europe and the fact security threats don't just come from the Soviets and their allies.

HUNGER IN AMERICA: AN URGENT NEED FOR RELIEF IN OUR NATION

HON. TONY P. HALL
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. HALL of Ohio. Mr. Speaker, in recent years, Congress has developed a network of programs designed to assure that all American citizens have access to a nutritious diet. Nevertheless, hunger and malnutrition remain prevalent, as documented in numerous reports which confirm the seriousness of the problem. Hunger strikes millions of American citizens annually and continues to affect our society as a whole. As chairman of the Select Committee On Hunger, I feel it is our responsibility to monitor the efficacy of these programs. Our Nation has more than enough resources to provide all Americans with an adequate diet. However, Mr. Speaker, the Food Stamp Program, the WIC Program, and other food security programs must be updated and modified, and made to better respond to the needs of the populations they are designed to serve.

I would like to share with the House an article by Robert J. Fersh, the executive director of the Food Research and Action Center, which appeared in the January 1990 issue of Focus magazine. This article clearly illustrates the magnitude of the hunger problem in America, and the inadequacy of various programs in providing relief to malnourished low-income people. I urge my colleagues to investigate this issue in greater detail.

[From Focus, January 1990]

HUNGER IN AMERICA: A NATIONAL SHAME THAT CAN BE ENDED

(By Robert J. Fersh)

Beneath the daily newspaper headlines and past the claims of prosperity, one can hear these voices across the country:

"The children always had something to eat. Sometimes I didn't."

"For two and a half days in November I had nothing to give them."

"I had three apples one day. The next day I let the kids eat the lettuce."

"We eliminate fresh fruit and vegetables and cut down on milk."

"We have people lining up at 7 a.m., to get food bags at 1 p.m. and we are out of food by 2:30. And this is an area that is supposed to be in good shape economically."

Too many Americans believe that hunger exists only in Third World countries like Ethiopia or the Sudan. But hunger also strikes millions here at home. In this country, we do not see the distended bellies and emaciated frames of starving children that are a common sight in less developed nations. Here, hunger's victims are sick or malnourished children failing in school because they cannot concentrate; they are undernourished mothers giving birth to weak and sickly babies; they are senior citizens, living on fixed incomes, whose inadequate diets leave them vulnerable to premature death from pneumonia.

A preponderance of evidence confirms the pervasiveness of hunger in the United States today. The U.S. Conference of Mayors and dozens of other organizations report that the demand for food at private soup kitchens and church food pantries has reached levels unmatched since the Great Depression.

These reports are consistent with what official government statistics on poverty tell us. According to the latest Census Bureau data, 31.9 million Americans, or 13.1 percent of the population, live in poverty. Nearly six million more people live in poverty today than at any time in the 1970s, including recessionary periods. The poverty rate for blacks, at 31.6 percent, is three times that for whites. And perhaps most alarming of all, the highest poverty rates are among children. One in five American children is poor, including nearly half of all black children under age six and over 43 percent of all Hispanic children in that age group.

Indeed, the poor are getting poorer. Nearly 40 percent of those in poverty today have incomes below half of what is considered a poverty income—the highest proportion in 15 years. When one considers that the government defines the poverty line based upon the ability of a household to afford a minimally adequate diet, it is clear that anyone living below the poverty line faces a real risk of going hungry.

These conditions have been confirmed by the preliminary results of a major research survey conducted by our organization, the Food Research and Action Center (FRAC). Our survey, the Community Childhood Hunger Identification Project, or CCHIP, is the centerpiece of FRAC's campaign to end childhood hunger. CCHIP was developed by the Connecticut Association for Human Services with the help of child health researchers, nutritionists, and survey methodology experts during the mid-1980s, largely in response to the Reagan administration's repeated attacks on the methodology of hunger reports coming out at that time. The survey is now being conducted in nine states across the country.

The first statewide CCHIP survey, conducted in three Washington State sites (Pend Oreille County, Seattle, and Yakima) during the winter of 1987-88 by the Governor's Task Force on Hunger, painted a grim picture. In Washington State, the survey of 789 low-income urban and rural families revealed that up to 40 percent of lower-income families with children were experiencing severe monthly food shortages. Children from hungry families were more than twice as likely as other children to suffer from fatigue, headaches, inability to concentrate, and unexpected weight loss, and were more likely to have higher rates of school absenteeism.

These results are consistent with the results of the original 1987 CCHIP pilot survey in New Haven, Connecticut, and with the results from Minnesota released in January 1990. FRAC conservatively estimates that if these findings turn out to hold true nationwide, two to five million American children currently face severe hunger, and eight to 10 million American children are at risk of hunger.

OUR NATION HAS MORE THAN ENOUGH FOOD

One reason the hunger problem is so tragic is that much of it could be resolved quite rapidly with resources already available. We possess more than enough food to provide all Americans with an ample diet. The United States is fortunate to have an infrastructure of federal food-assistance programs capable of meeting the needs of most of those at risk. These include the Food Stamp Program; the Special Supplemental Food Program for Women, Infants and Children (WIC); the National School Lunch and Breakfast Programs; the Summer Food Service Program; the Child Care Food Program; and the elderly feeding programs.

In recent years, admirable and even heroic work has been done by privately operated food banks and soup kitchens to meet the burgeoning hunger problem. But, even though these programs are necessary to address short-term emergency needs, those who operate them have stated repeatedly that emergency food is inherently too unreliable, inconsistent, and limited to ensure even a minimally adequate diet over the long terms for the millions of Americans who face chronic hunger. To put it another way, a thousand points of light do not hold a candle to well-managed and adequately funded public programs. Federal nutrition programs are the key to a long-term solution because they offer people food security—the ability to buy food through normal channels.

The main argument for not improving these programs and stamping out domestic hunger is a financial one—that priorities must be set for government spending in the face of the budget deficit. Yet total spending on food assistance only makes up about two percent of the federal budget. The needs of the hungry are modest compared to expensive military weapon systems and other budgetary demands. This year, Congress will have the opportunity to attack hunger by improving two critically important nutrition programs, food stamps and WIC (the program for Women, Infants, and Children).

THE FOOD STAMP PROGRAM

The Food Stamp Program, established in 1964, will face reauthorization by Congress this year for the first since 1985. This program, the nation's single best line of defense against hunger, serves about 19 million people a month at an annual cost of about $15 billion. About half of all participants are children. Senate Republican leader Robert Dole, a long-time champion of the program, has called it "the most significant federal social legislation since Social Security. It has more impact and does more good than any other program."

During the Food Stamp Program's 1981 reauthorization and again in 1982, the Reagan administration and the Senate Agriculture Committee's then-chairman Sen. Jesse Helms (R-N.C.) convinced Congress to slash its budget. The Congressional Budget Office has since estimated that the program was cut by $7 billion (or 13 percent) between fiscal years 1982 and 1985.

Although these losses have been partly recouped since the mid 1980s, the Food Stamp Program today has two major defects: benefits remain woefully inadequate and participation is low. Despite a recent modest increase, the maximum benefit for families with no outside source of income or food re-

mains about 90 cents per person per meal. Average benefits are far lower. Moreover, recent studies by the General Accounting Office (GAO), the Congressional Budget Office, and the U.S. Department of Agriculture (USDA) conclude that only 40 to 60 percent of eligible households are participating. Since 1980, average participation has actually declined by one million persons, while during the same period, poverty has grown by almost three million persons.

Various studies show that this decrease in participation cannot be explained solely by the 1981 cutbacks. Several GAO reports indicate that when the Reagan administration raised a series of barriers to participation—ostensibly to eliminate waste, fraud, and abuse—millions of eligible people were wrongly denied their benefits and discouraged from applying. Application forms for food stamp benefits run as long as 40 pages in some states and frequently require advanced reading skills. The cumulative effect is that access to food stamps, which was never easy, is even more difficult now.

With the Food Stamp Program up for reauthorization this year, the time is ripe for Congress to expand this essential program's benefits and ease access. In addition, several of the program's features need to be eliminated, including those that contribute to homelessness by limiting the deductions families can claim for high shelter costs and by reducing benefits for relatives forced to live together to afford housing; those that discourage lower-income youth from attending college by eliminating benefits unless they work at least 20 hours a week, even if they are searching for work; and those that discourage absent fathers from providing child support by counting all such support as income to the mother, thereby reducing her family's food stamp allotment.

Several key congressional leaders have indicated that they hope to introduce a bill early this year to address many of these issues, as a memorial to the late Rep. Mickey Leland. While Congressman Leland's death is a great loss for the anti-hunger movement, there is hope that Congress will enact such legislation as a fitting tribute to him.

THE WIC PROGRAM

As it does every year, Congress also will renew funding for the WIC program in the FY 1991 appropriations process. WIC provides nutritious supplements to pregnant and post-partum women and to infants and children up to age five. A multitude of studies, including a major report funded by the USDA, attest to WIC's effectiveness in averting low birthweight and infant mortality and in encouraging lower-income women to receive prenatal care from existing health services. This is an indispensable program for the United States, which ranks 19th in the world in infant mortality (behind practically all industrialized nations) and has a black infant mortality rate double that for whites.

In June of this year, FRAC issued a study under the title, "Feeding the Other Half: Women and Children Left Out of WIC." The study documents that only about half of all those eligible for WIC are being served, and that for children ages one to five the participation rate is below 40 percent. The primary reason for these dismal rates is insufficient federal funding. Real increases of only five to seven percent over the next five years (or roughly a $150 million increase each year) would likely make WIC benefits available to all who are eligible and wish to participate. Congress can take additional steps to strengthen other child nutrition programs and the several programs that provide food for the elderly.

Fighting domestic hunger cannot be a short-term, band-aid effort. Hunger has permanent effects, and working to end it, especially among children, is an investment in the future. Infants of well-nourished mothers are healthier and less likely to require expensive medical care. Well-fed children are better able to learn and more likely to become productive members of our society. Adults too are more productive if they are well-fed rather than hungry. For these pragmatic reasons, and even more for humanitarian reasons, it is essential that America make a bigger investment in the development and well-being of its own people.

THE PLO AS AN IMAGE MAKER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. CRANE. Mr. Speaker, Israel is a small nation, surrounded by the sea and hostile neighbors many times its size. Yet recent television coverage seems to paint Israel as the oppressor and aggressor in the region. This coverage is the product of a Palestinian propaganda campaign, a slickly packaged advertisement for the PLO's agenda. Far from the conciliatory overtures accepted by former Secretary of State George Shultz, the PLO's goals appear to remain the same as they always have—to eliminate the State of Israel.

Israel is one of our staunchest allies and our most dependable friend in that troubled region. Our two nations share a relationship that stretches back to the birth of Israel in 1948. We must always remember that Israel is constantly threatened by enemies much more numerous than she, threatened by irregular forces from within as well as by powerful armies from without. We must not allow this central fact to be obscured by transient propaganda as we strive to create a lasting peace in the Middle East.

With this in mind I commend to your attention the following article entitled, "The PLO as an Image Maker," by Mortimer B. Zuckerman, from the January 22, 1990, issue of U.S. News & World Report.

[From U.S. News & World Report, Jan. 22, 1990]

THE PLO AS AN IMAGE MAKER

(By Mortimer B. Zuckerman)

The American people are being brainwashed. It has been a long and subtle process, principally through the medium of television. Now, the consequences are discernible: The public mood is being conditioned to accept actions that would jeopardize the national security of the democratic state of Israel.

Secretary of State James Baker will bridle at this description of his policy, but that is what it amounts to when, in his most important speech on the subject, he apparently abandons the essential condition of U.N. Resolution 242, that there should be a settled, secure peace with the other states in the region before Israel is asked to withdraw from the West Bank and Gaza. How Israel's oldest ally has come to this point is a paradox of the electronic era. Cordell Hull, in the age of print, observed that a lie goes halfway around the world before truth has time to get its trousers on. With television today, truth never catches up with half-truth.

This is not a deliberate plot but happens because TV venerates action and inflames emotions. It has little time or patience for context, for history and character. Forgotten is the history of Israel as a small, beleaguered, newborn state of refugees being attacked by its larger Arab neighbors. Syria, Egypt and Jordan were then seen, correctly, as the bullies trying to liquidate a state that had provided sanctuary to the survivors of the greatest liquidation the world had known. Israel was the liberal democracy resisting feudal tyrannies, a gallant repository of moral right.

Turn on your TV's and contemplate the stories on the Middle East today. They are not framed in terms of the survival of Israel, nor of the security of the states of that region, but of self-determination for the Palestinian Arabs. It is Israel that is seen as the bully, the colonial military power oppressing the underdog. The pictures are monotonously familiar. There are the occupier and the occupied, the soldier and the child, the well-dressed Israeli and the tattered Gaza refugee, the cocky Tel Aviv politician and the homeless Arab. The questions the images imply are natural emotive reactions: "Why doesn't Israel do something for these people? Wouldn't you hate the Israelis if you were a displaced Palestinian? Surely, America should do something for the victims of Israeli arrogance?"

The images of the *intifada* have transformed the perception of Israel, and of reality, because the Arabs have succeeded brilliantly in shifting the ground of debate. They no longer present themselves as trying to destroy Israel, but as merely trying to secure the rights of a small minority of dispossessed Palestinian Arabs. The map has shrunk to the lethal alleys of Gaza and the West Bank. Arab states the physical size of the United States encircle and threaten Israel (which is smaller than New Hampshire), but you would never guess that from the nightly footage. The Arabs have a population advantage of 50 to 1, and larger armies, but because of the knee-jerk focus of the cameras it is not the Jews who are seen as threatened. It is the Arabs. The focus has shifted from national security in the region to human rights—that is, Israeli violations of Palestinian rights and not the human rights of a people under siege in their homeland for 40 years.

How did the Arabs, with the unwitting aid of TV, accomplish this reversal? By presenting the Palestinian Arabs to the world as if they were Jews. The cycle of cynicism is instructive. Using the U.N. as their pulpit, they accused the Jews of racism for denying Arabs their rightful place in the Middle East, bringing about an Arab-inspired U.N. resolution defining Zionism as a "form of racism." Having refused a Jewish state in what they consider an exclusively Arab and Moslem region, they accused Israel of refusing to accept Arab people in that region. Having mounted successive wars against Israel, they accused it of aggression for defending its territory against attack. Having constrained their fellow Arabs in refugee camps so that they could be used to increase the pressure on Israel, they defined Israel's Law of Return, which gave impoverished, abandoned Jewish refugees a home, as a racist plot.

Vice President Dan Quayle recently put this U.N. Zionism-as-racism resolution in its appropriate context. Its purposes, he said, were quite simple: "First, to delegitimize the state of Israel. . . . Second, to provide anti-Semitism—thinly disguised as anti-Zionism—with the appearance of international approval and respectability." The attempted delegitimization of Israel is the ideological expression of Arab refusal to accept a Jewish state in the Middle East. Talk about the big lie: The Arabs have sought to place the blame for their own rejectionism on the Jews of Israel. Blaming Israel means the problem is potentially soluble because Israel can be coerced or persuaded to give up land so that there will be peace. Forgotten is the long history of Arab violence toward Jews that began a century ago and continues to this day, a condition that has resulted in 1 of every 7 families in Israel with at least one relative killed or wounded over the years.

For Israelis, the basic fact is that the Palestinians are waging a war, no less a war for being pursued by teenagers and women who are being put out front by the Palestinian opposition to throw rocks and gasoline bombs, at little risk, given the relative restraint of the Israelis. Tear gas, curfews, demolition, detention and deportation are less onerous than massive shootings and deaths by which the Arab states suppress their own insurrections. Israel is portrayed as immoral for thus acting in self-defense, but no country faced with comparable threats, internal and external, has ever accorded the human rights to those who oppose it as Israel has to Palestinians during the intifada.

To insist on moral perfection is not a higher standard, but a double standard. Yes, if Israel proves to be 10 percent ethically superior to the rest of the world, it will be a "light unto the nations." Yes, if it proves to be 25 percent superior, it will bring the Messiah. But if it is 50 percent better, it will be dead.

The menace is as great as ever, despite Yassir Arafat's new user-friendly image and the PLO's so-called dialogue with America:

Witness the 30 PLO attacks against Israel since Arafat supposedly renounced terrorism in December, 1988.

Witness the PLO acts of terrorism against West Bank Palestinians to prevent local leaders and public figures—euphemistically called collaborators—from moving in the direction of peaceful dialogue with Israel. One hundred and forty have been killed in a year, many by the "Revolutionary Eagles" under explicit PLO instruction, as a warning not to deviate from the PLO's line. How can the Israelis trust the PLO if the Palestinians who cooperate in any way with Israeli authorities are executed as traitors?

Witness the recent statement of the Grand Mufti of Jerusalem, Sheik Sa'ad al-Din al-Alami, who was quoted in a Kuwaiti newspaper repeating a famous Islamic hadith: "Kill the Jews until the stone shall cry, 'Oh, Moslem, if this Jew is hiding behind me, come and kill him.' "

Witness Farouk Kaddoumi, head of the PLO's political department, in a BBC interview last April: "The rifle will remain in our hands until we regain our land. . . . We will pitch our tent in those places which our bullets can reach. The extent of the Palestinian people's might will determine the location of this tent, which will then form the base from which we will later pursue the next phase."

Witness Mr. Kaddoumi in the Danish newspaper Politiken, responding to a question on Arafat's public declarations of renouncing terrorism and recognizing Israel. Q: "Does this mean that the words that made Shultz begin a dialogue are null and void?" Kaddoumi's answer: "Shultz can go to hell. I suppose he is already on his way there."

Witness on April 23, 1989, a PLO march through one of the West Bank towns. There, in perfect military formation, row after row of Palestinian youth, their eyes showing through the slits in their checkered kaffiyehs, marched through the streets under PLO flags to the cheers of their community. This was the new Palestinian army. These are not the children of the intifada throwing rocks, but a disciplined paramilitary force. To the Israelis who watched it on Israeli TV, this is the enemy in their next war.

Appropriate weight must be given to what the PLO leadership has said in Arabic to its own people—namely, that any territorial settlement achieved through the intifada will be used as a staging ground for future attacks on Israel. So Israel's presumption that the Arabs are trying to destroy it and not just free the West Bank is the proper policy guide. Israel remains a country that will be wiped out if it loses a war.

MAYOR SARANN KRUSE STEPS DOWN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. LEVINE of California. Mr. Speaker, I rise today to recognize the achievements of Sarann Kruse, mayor of the city of Lawndale, CA. Mayor Kruse recently announced that she would be stepping down from the post she has held for nearly 14 years.

When she was elected to the city council in 1976, Mayor Kruse became the first woman on the council. After 8 years with the city council, she became the city's first elected mayor in 1982.

During her tenure with the city government, Lawndale has witnessed a tremendous increase in vitality. Perhaps her greatest achievement comes from her role in securing funding for the Galleria at South Bay. The mall has been a great success and has brought new businesses to the city. In addition, when the city sold its stake in the mall last year, the small city became one of the most cash-rich in the State, enabling it to continue to improve community services for years to come.

Although the Galleria was certainly the largest project in which the mayor was involved, it was by no means the only one. Thanks to Sarann Kruse's leadership, the city of Lawndale is able to provide free city bus service to its residents, has significantly expanded its services for senior citizens, and has obtained funding for a handy worker program.

The city has changed dramatically under her leadership, and, hopefully, will continue on the path which she has laid out for it. Mayor Kruse's decision to step down in the fall will be a great loss to the city of Lawndale. Those of us who have worked closely with her will miss her.

Mr. Speaker, I ask my colleagues to join me in congratulating Sarann Kruse on her outstanding career in public service, and in wishing her the best success in her future endeavors.

PAY-AS-YOU-GO BUDGET PROCESS REFORM

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. PANETTA. Mr. Speaker, today I am introducing budget reform legislation that would establish a rational and effective pay-as-you-go process to replace the current Gramm-Rudman law. If my proposal were enacted now, it would balance the Federal budget, without counting the Social Security surplus, by 1998, or years sooner if the administration's economic forecast proves accurate.

My proposal—the Budget Process Reform Act of 1990—would use a relatively simple formula which would produce both 1-year and long-term deficit reduction and require new spending increases or tax cuts to be paid for by either offsetting spending cuts or tax increases.

Between now and 1993, the process would achieve real deficit reduction of at least $28 billion annually, about the same rate as required by the Gramm-Rudman law, and significantly more real deficit reduction than has actually been achieved under Gramm-Rudman. After 1993, it would reduce the remaining non-Social Security deficit at a rate of about $18 billion each year until a balanced budget is achieved.

As my colleagues know, Gramm-Rudman law was designed to overcome the political deadlock over the deficit issue. Unfortunately, it is no longer part of the solution; it is part of the problem. It encourages accounting gimmicks and tax and spending measures which may cost little or even reduce the deficit in the short run but whose costs balloon in later years. Finally, and most significantly, it has produced little real deficit reduction.

I think my colleagues agree with me that we need to encourage budgetary discipline so that we can truly reduce deficits and restore this Nation's resources. If we do not, we will never be able to confront the serious long-term problems we face as a nation.

Pay-as-you-go will provide that discipline. The message it sends to both the President and Congress is simple and clear. If we want to increase spending or cut taxes, then we'll have to find a way to pay for it.

The basic principles of the pay-as-you-go plan are: First, most programs are assumed to be held to the previous year's level, without adjustments for inflation; second, the deficit declines because revenues continue to grow due to economic growth while spending is restrained; third, program increases beyond the previous year's levels or tax measures which would reduce revenues must be paid for with offsetting spending cuts or tax increases.

The measure establishes a new budget timetable and eliminates many of the accounting gimmicks that have prevailed under Gramm-Rudman. It also replaces sequestration—the across-the-board spending cuts that

Gramm-Rudman imposes as an enforcement tool—with rules that prevent consideration in the House and Senate of any budget resolution that violates the pay-as-you-go limits and any bill that violates an approved budget resolution.

My bill also requires that budgets reduce deficits over a 5-year period, not just 1 year, to discourage spending and revenue measures which provide short-term savings while imposing substantial long-term costs.

Under the bill, the first step in writing a budget for the following year would be to establish an expenditure base tied to the previous year's program levels. The spending base would be calculated by taking the amount needed to maintain current services and subtracting the inflation increases for most programs.

With annual inflation at 4 percent, the resulting spending base would be about $18 billion less than the current-services baseline.

The revenue base would be the amount of revenues expected to come into the Treasury under current tax laws.

Social Security taxes and expenditures would not count as part of these calculations.

The difference between the spending base and the revenue base would be the deficit target, and the deficit in the President's budget could not exceed that target. Any proposed spending increase above the spending base or any tax measure that would reduce expected revenues would have to be specified and paid for with offsetting spending cuts or tax increases. The congressional budget resolution would also have to meet the deficit target, with offsetting revenues or spending cuts included where necessary.

In addition to the first-year deficit reduction, the President's budget and the congressional budget resolution would also be required to include deficit reduction over 5 years averaging 120 percent of the first-year requirement.

Both the President and the Congress could reduce the deficit further than the deficit target.

The pay-as-you-go budget plan would be enforced in the House and Senate through points of order. Essentially, a budget resolution which violated the pay-as-you-go rules and appropriations, entitlement, or tax bills which violated the budget resolution would be subject to a point of order on the House or Senate floor.

Economic assumptions, such as those involving economic growth, inflation, and interest rates, which affect congressional budget calculations would be based on forecasts provided by the Congressional Budget Office.

The bill would also establish a new budget timetable. The congressional budget resolution would be completed by May 1, budget reconciliation would be accomplished by August 5, and separate House and Senate action on appropriations bill—though not necessarily final conference reports—would also be completed by August 5.

Shifts of pay dates, other timing shifts, and asset sales that have been used by the President and the Congress to reach the Gramm-Rudman deficit targets would not be counted in budget calculations.

Pay as you go is simple, it eliminates smoke-and-mirror gimmicks, and it provides real deficit reduction. It is my hope that the Rules and Government Operations Committees will begin the process of holding hearings on my proposal at the earliest opportunity.

Following is a point-by-point description of the Budget Process Reform Act of 1990:

SUMMARY OF THE BUDGET PROCESS REFORM ACT OF 1990

DEFICIT REDUCTION

Pay-As-You-Go-Plus requires about $28 billion of deficit reduction annually through 1993.

After 1993, the basic Pay-As-You-Go plan requires about $18 billion of deficit reduction per year until the operating budget is balanced.

PAY-AS-YOU-GO BUDGET PROCESS

Establishes an enforceable budget process which sets one-year and five-year deficit targets for the President's budget and the Congressional budget.

The deficit targets are set by calculating the difference between expected revenue levels and last year's spending levels for most programs.

Any additional spending or tax cuts which would increase the deficit must be paid for by spending reductions or tax increases.

Targets are enforced through points of order under a strengthened Budget Act, not by sequestration.

The Social Security Trust Fund is off budget and not included in the pay-as-you-go deficit target nor subjected to pay-as-you-go spending restraint.

DEFICIT TARGET

The deficit target for the coming year (budget year) calculated as follows:

(1) The deficit for the budget year may not exceed the difference between the spending base and expected revenues. Pay-As-You-Go reduces the deficit by an additional $10 billion in each year through 1993.

(2) A "spending base" is established to determine a projected level of spending for the budget year. The spending base is calculated by taking a current-services baseline similar to that used now and subtracting from it the inflation increases for most programs. When inflation is about 4%, the resulting spending base should be about $18 billion less than the current services baseline.

(3) Determine expected budget year revenues under current law.

(4) Congress must use CBO assumptions in determining the spending base and expected revenues. (The President may use OMB assumptions.)

PRESIDENT'S BUDGET

The President's budget must specify each spending increase above the spending base and each tax measure that would reduce expected revenues, and specify each offsetting spending cut or tax increase.

MULTI-YEAR ENFORCEMENT

In addition to the one-year deficit target, the President's budget and the Congressional budget resolution must meet a five-year deficit-reduction target.

Deficit reductions over the next five years, computed from the current services baseline, must average at least 120% of the first-year deficit reduction. Thus, if the first-year figure is $28 billion, the five-year total is based on an average of almost $34 billion each year, or about $168 billion over five years.

Five-year reconciliation targets are required for all assumed deficit-reduction legislation in the budget resolution (except discretionary appropriations).

TIMETABLE

A revised budget timetable is established: the budget resolution is to be completed by May 1; the House is to pass appropriations bills by June 30; the Senate is to pass appropriations bills by August 5, and Congress is to complete action on reconciliation by August 5.

TRUTH IN BUDGETING

Timing shifts and asset sales are not scored.

Other accounting rules and definitions are revised, clarified, or added to make the process more rational and comprehensible.

The budgetary treatment of credit programs is reformed to reflect more accurately the true cost of credit programs to the federal government.

EFFECTIVE DATE

The Budget Process Reform Act of 1990 would take the effect for the budget cycle immediately following its enactment.

HON. WILLIAM D. FORD, CHAIRMAN OF THE POST OFFICE AND CIVIL SERVICE COMMITTEE CELEBRATES 25TH YEAR IN THE U.S. HOUSE OF REPRESENTATIVES

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. KANJORSKI. Mr. Speaker, it is with great pride and honor that I rise today to extend my congratulations to Representative BILL FORD on his 25th year of service in the U.S. House of Representatives.

During Representative FORD's 25 years of exemplary service, he has been one of the strongest advocates in the U.S. Congress for the working men and women of America, he has been on the forefront for improving our Nation's educational institutions, and he has been a great leader for the people of the 15th Congressional District of Michigan.

As a Member of Congress and a member of the Committee on Post Office and Civil Service, it is with great pride that I am able to serve under BILL FORD'S leadership, and have the honor to call him my chairman. I can attest to his staunch support of American worker's rights, educational reform, and programs which give the weakest and neediest of our society a new chance on life. It is people like Bill Ford that make public service such an honorable and noble profession.

I want to especially thank the people of Michigan's 15th Congressional District for sharing with the Nation a man with the courage, convictions, and foresight of BILL FORD.

Once again, congratulations to BILL FORD on his 25th year of service in the U.S. House of Representatives. I look forward to serving with him in Congress for many years in the future, and to work with him to carry on his tradition of hard work and dedication to improving the quality of life for all Americans.

TAIWAN: THE DEMOCRATIC CHINESE SYSTEM

HON. CLAUDE HARRIS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. HARRIS. Mr. Speaker, last week this House sent a message to the leaders of the People's Republic of China. By our overwhelming vote to override the veto of H.R. 2712, we reaffirmed our commitment to America's historic role as both a supporter of all those who seek freedom and democracy and a place of refuge for those who flee the heavy hand of dictatorship. Our votes served as an example to the Chinese students now in our country, to the citizens of the so-called People's Republic and to its blood-spattered leadership.

Fortunately for the Chinese people as a whole, a clear illustration of an alternative future exists. On the island of Taiwan, all the world can see a formerly authoritarian, one-party political system transforming itself into a more pluralistic, truly democratic form of government. Elections have been conducted under international scrutiny, and the long-time ruling party has accepted major political defeats, surrendering important offices it held for more than 40 years. When contrasted with political developments and attempts at reform in Korea, the Philippines, or elsewhere in Asia, the accomplishments made by the Government and people of the Republic of China in Taiwan appear even more remarkable.

On November 24, 1989, during our winter recess, President Lee Teng-hui, the first native of Taiwan to serve as head of state, set forth his thoughts on these changes and the prospects for Chinese reunification in the Asian Wall Street Journal. President Lee notes the differences in the economic and political experiences of these two Chinese systems, and frankly admits the challenges his government still faces in meeting the aspirations of its own population. However, President Lee also makes clear that the Taiwan model offers the best hope for a free, prosperous, and democratic united China. I believe my colleagues will find his comments to be of interest, and therefore, his article appears in full in the RECORD following my remarks.

[From the Asian Wall Street Jounal, Nov. 24-25, 1989]

CHINA CAN LEARN FROM OUR SUCCESS

(By President Lee Teng-hui)

TAIPEI.—Over the past 40 years, the government of the Republic of China on Taiwan has actively engaged in political and economic development to establish the most prosperous era ever known in Chinese history. The steps toward greater political democratization, broader economic liberalization, and increased social pluralism have been especially rapid during the past few years.

As a result of these achievements, the people and the government of the ROC have produced a significant model of national development that is applicable to mainland China and is a useful reference for developing nations around the world.

It has always been the goal of the ROC to make the "Taiwan experience" a beacon of hope as well as a blueprint for the reconstruction of all China after reunification. We firmly believe that the Chinese people on the China mainland can learn and will be able to repeat our experience, for we are all Chinese in terms of race, history and culture. The only major difference between Chinese in Taiwan and those in mainland China lies in their recent developmental experience. While we have been practicing constitutional democracy in Taiwan, the mainland has been controlled by communism. We remain convinced that whenever the mainland adopts the system implemented with such success in Taiwan, then all of China will be reunified under one system. What has been achieved in Taiwan can be extended to the mainland.

The many reasons for Taiwan's political and economic successes are local self-government, agricultural reforms, timely strategies for economic development, universal education and the well-known Chinese work ethic.

Decades of experience with local self-government have educated everyone in the structure and activities that make up constitutional democracy. Since Taiwan's retrocession to Chinese sovereignty in 1945, village and township heads, county magistrates, mayors, county councilors, city councilmen, and provincial assemblymen have all been elected directly by the people. These elections have provided important channels for political participation. At the same time, they have cultivated talent for government service and established a firm foundation for political stability. Decades of election experience have also prepared the ground for the multi-party environment for elections that has been possible since the approval of the Civic Organizations Law in January 1989.

REASONS FOR SUCCESS

Taiwan's economic development has flowed from careful planning. In the 1950s, for example, surplus labor was channeled from the agricultural sector into labor-intensive import-substitution industries. The strategy for the 1960s to the mid-1970s called for expansion of exports in order to replace import-substitution industries and earn foreign exchange. After the mid-1970s, the ROC's economic development entered into a second phase of import substitution, one geared to help industries make the transition from labor-intensive to capital-intensive and technology-intensive industries.

Other successful economic measures include the ROC's privatization of public corporations and assistance in the development of small- and medium-sized enterprises. Closely related to these developments has been the emergence of an educated, sophisticated and politically aware middle class, which has helped ensure greater social order and political stability.

The ROC on Taiwan is moving rapidly to the point where it can be considered part of the developed world. In this process, the government faces a number of problems that urgently await solutions. These include upgrading the industrial infrastructure, expanding domestic investment, retraining the labor force, upgrading technological levels and more creative use of the ROC's substantial reserves of foreign exchange.

At the same time, we must deal with the emergence of international protectionist sentiments and the continuing threat of a military attack by the Chinese Communists. To deal with these problems, the ROC government has adopted a number of political, economic, diplomatic and cultural measures.

Politically, the ROC has been promoting democratization and social pluralism by steadily improving its system of party politics and enabling the various partisan forces to compete fairly on the basis of constitutional democracy. In time, the ROC on Taiwan will be as noted for its political achievement as it is for its "economic miracle."

Economically, the government will continue its established policies of economic liberalization and internationalization by actively participating in the world economic community and carrying out its international duties. A number of steps must be taken, however, before the ROC realizes its goal of a truly prosperous society. These include correcting problems in the areas of environmental protection, business regulations and trade barriers, as well as encouraging further improvements in public investment, the financial system, public and private R&D investment, and production and marketing systems. In fact, progress already has been made on all these fronts, but much still needs to be done.

In the area of foreign relations, the ROC government will remain firmly in the democratic world, doing its utmost to protect world peace. At the same time, for reasons of its continued survival and future development, the ROC will continue to adopt pragmatic and forward-looking measures to improve its relations with the other countries of the world.

Culturally, the government is putting its full efforts into finding better ways to reconcile and combine the "traditional" with the "modern." It is a momentous challenge to build a modern society with international standards of thought and values upon the foundations of an ancient tradition and culture. The process takes time, but we hope that Taiwan can be a showcase for China's 5,000 years of history—a society rich in tradition, but cast in the spirit of the times.

Regarding relations between the two sides of the Taiwan Strait, the ROC government always has advocated a peaceful solution to the issue of reunification. In the process of peaceful competition, Taiwan will continue engaging in indirect exchange with the Chinese mainland in various areas in order to eliminate hostility between the two sides and to disseminate the "Taiwan experience."

In November 1987, the ROC government opened travel to the mainland for Taiwan residents desiring to hold family reunions. The decision was made by the late ROC President Chiang Ching-kuo and was based on humanitarian concerns. Since then, with the same considerations for the welfare of all Chinese, we have allowed residents of the mainland to come to Taiwan to visit seriously ill relatives and to attend funerals of loved ones. We also have allowed those Taiwanese of the ROC Nationalist Army stranded on the mainland to come back to Taiwan to live.

To help those on the mainland understand the achievements made in Taiwan, we have invited outstanding mainland personalities and students studying abroad to come to Taiwan to visit. To further stimulate freedom of the press, academic freedom and freedom of artistic expression, we also have allowed teachers, reporters, film makers and television and radio personalities and personnel to go to the mainland for family visits, news gathering, and production of films and TV and radio shows. We believe these contacts between people on both sides of the Taiwan Strait will help Chinese on

the mainland to accept our social, political and economic ways of doing things.

All of these developments have already had some influence. The pro-democracy movement this year in Beijing is an example. In response to the call for basic democratic freedoms, the ROC government adopted various measures to support the democracy fighters on the mainland. These included using all available means to break through the mainland's news blackout and to provide aid-in-kind to mainland students and scholars abroad who might have had their passports or financial means of support revoked because of their anti-communist activities. These and other measures demonstrated our sincerity and our resolution to support our mainland compatriots.

The scope and pace of liberalization of the ROC's mainland policy has been creative and far-reaching, but there has been little positive reaction from the other side of the Taiwan Strait to indicate their good intentions. The Chinese Communists still refuse to rule out the use of force as a means of unification and they still hold to their so-called Four Cardinal Principles (the leadership of the Chinese Communist Party, adherence to Marxism-Leninism-Mao Tse-tung thought, the people's democratic dictatorship and the socialist road). As a result, they refuse to make any democratic reforms or engage in free economic practices.

In addition, the Chinese Communist leaders still try to exclude the ROC from the international community. But the ROC, as a sovereign country, must have full rights to participate in international organizations and to enhance its friendly relations with foreign countries. The ROC's social, political and economic success makes such participation in the international community a fair and just expectation.

CLOSING THE GAP

It is our position that it will be possible to realize the reunification of all China only if the communist authorities make some significant changes in all of the above matters, and only when the gap between the political and economic systems on both sides of the Taiwan Strait narrows and an atmosphere of mutual trust develops.

I am confident that one day this will be accomplished. I am also confident that the establishment of a free, democratic, prosperous, reunified China with an equitable distribution of wealth is more than the great hope of all Chinese people—it is also an international goal because it will contribute significantly to world peace and stability.

KATURA TRAPP: WHY EDUCATION IS IMPORTANT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. LEHMAN of Florida. Mr. Speaker, recently nearly 20,000 fourth graders from around the country participated in the Kodak/Alan Page Challenge essay contest. The topic was, "With an education, the future is yours. What does that mean to you?" Forty-one national winners were chosen by a panel of elementary school educators, and one of those winners was Katura Trapp of Myrtle Grove Elementary School in Miami, whose mother, Patrice, is the manager of my district office.

I think Katura's comments express with simple beauty why education is so important, and I would like to share her essay with my colleagues:

WHY EDUCATION IS IMPORTANT

(By Katura Trapp)

Education is the most important thing in the life of a child today. Education can take you anywhere you want to go. If you don't have an education, you're on your own, everything starts falling apart like an old broken down car that hasn't been used in years. After all, to keep that car running and in good shape you must keep the engine tuned. And since a mind is a terrible thing to waste, I, too must keep my brain sharp and alert. If my mind goes like that car, I'll be on a one-way street to nowhere. So don't you see, an education is everything to me—what more is there?

An education is my key to making the future awesome. With my knowledge, I may just solve some major world crisis. I may take off into space or explore the deep blue seas. Or I might even discover the cure to some dreadful disease. So you see, with an education I can achieve whatever I believe.

STATE REPRESENTATIVE CLYDE WEBB RETIRES AFTER 20 YEARS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. DUNCAN. Mr. Speaker, State Representative Clyde Webb of Athens, TN, has announced that he will not seek reelection this year, following 20 years of service.

Representative Webb is one of the finest State legislators, not only in the State of Tennessee, but in the Nation. He has faithfully served the people of McMinn and Meigs Counties in the State legislature for the last 20 years. Representative Webb has conducted himself in a dignified, professional, and ethical manner during that time.

Representative Webb has always made his constituents' needs a top priority. He has always closely attended to the needs and desires of all his constituents who have called on him for help.

Mr. Speaker, I personally know Clyde Webb and believe that he is one of the finest public servants in the country. Although I share his satisfaction in a job well done, I am sure he will be missed by the people he has served these many years.

I ask that the newspaper article and the editorial announcing his retirement which appeared in the Athens Daily Post-Athenian be reprinted in the RECORD.

WEBB ENDING LEGISLATIVE CAREER

(By David Stone)

State Rep. Clyde Webb, who has represented McMinn and Meigs County in the state General Assembly for the last 20 years, said Friday he will end his legislative career when his tenth term ends.

"It has been a tremendous honor and huge responsibility to represent the people of the 23rd District for the past 20 years as their state representative," Webb said. "I have enjoyed it. It has been a tremendous experience, one of which many people don't get to do.

"The demands and work load of serving in the Legislature is more than I can handle and still perform my job as president and chief executive officer of the City and County Bank of McMinn County," Webb said. "It's time for some new blood, fresh ideas and boundless energy."

Webb, a Republican, said the work load was the only reason for his decision not to seek re-election. In addition to heading the bank where he has worked for the last 30 years, Webb also is the incoming president of the Athens Area Chamber of Commerce, a vice president with the Economic Development Authority, a member of the Tennessee Wesleyan College Board of Governors and a board member of Athens Community Hospital.

"The work load in the Legislature has increased tremendously in the last 10 years," Webb said. "I have attempted to represent this area to the best of my ability. Hopefully, I have made some attempt to repay, through my service, the people in this area for the opportunities they have given me in the past."

At 56, Webb said he has no plans to seek other political offices.

"I plan to stay active politically in the local community," Webb said.

"I think everyone should. I've had a good political career. Everyone has been kind to me from both the Republican and Democrat parties and the independents."

His career at the state Capitol began in 1970 when Webb was elected to the seat vacated by former Rep. G.L. Aberhold, who was also a veteran House Republican who chose not to seek re-election. Webb has been re-elected continuously to two-year terms—most of the races uncontested—and has served during the administrations of four governors.

His 10 consecutive terms have earned Webb the distinction of having served longer in the General Assembly than any other person in McMinn County's history, according to a statement issued by the House.

Webb currently serves on the Finance, Ways and Means and the Commerce committees in the House, and the joint Legislative Services Committee. Throughout his tenure, though, Webb has shied away from leadership posts.

My only desire has been to represent this district the best I could," Webb said. "I chose not to accept positions of leadership, especially positions in the Republican caucus, and remain as non-partisan as possible. I think this district has benefitted from that."

Webb does serve as the vice chairman of the House Republican Caucus Policy Committee and is chairman of the Caucus' Rules Committee.

"Rep. Webb has been an absolute model of a stated representative, who conscientiously represents his constituents on Capitol Hill," said House Republican Leader John Chiles. "Not only will the House Republican Caucus miss representative Webb's leadership, but the Tennessee House of Representatives will be losing one of its finest members."

The decision by Webb not to seek re-election has not been a secret, and several potential candidates already are preparing for the upcoming race.

The crop of replacements "did not and will not" influence his decision to retire from the House, Webb said.

"The people in this district will be the ones who make the selection of who will

represent them, and that's just how it should be," Webb said.

A SOLEMN THANK YOU FOR REPRESENTATIVE CLYDE WEBB

Clyde Webb has made it official: he won't be returning to Nashville next year to serve in the state House of Representatives as he has for the past 20 years.

While his planned retirement from the Legislature was hardly a secret, we couldn't help but to feel a bit sad upon hearing the official confirmation of his decision not to seek re-election.

Mr. Webb was only 37 years old when elected in 1970 and in the 20 years he has been our representative his concern always has been that he fulfill his first campaign promise to serve his constituents. He has lived up to that pledge, never discriminating against a constituent whether they were a fellow Republican, rival Democrat or an independent. All that mattered to Mr. Webb was that a constituent needed his help.

"My only desire has been to represent this district the best I could," Mr. Webb said. "I chose not to accept positions of leadership, especially positions in the Republican caucus, and remain as non-partisan as possible. I think this district has benefitted from that."

Following his first election, Mr. Webb has been reelected continuously to two-year terms, usually with no opponents either in the GOP primary or in the general election. His 10 consecutive terms have earned Mr. Webb the distinction of having served longer in the General Assembly than any other person in McMinn County's history.

We salute Mr. Webb for his many years of unselfish devotion to his community, which has benefitted greatly from his legislative experience and his personal compassion for others.

But Mr. Webb's service to his community actually only begins with this legislative success. He is the incoming president of the Athens Area Chamber of Commerce, a vice president with the Economic Development Authority, a member of the Tennessee Wesleyan College Board of Governors and a board member of Athens Community Hospital. In past years, he has served civic and community organizations too numerous to mention. And, that's all in addition to his time-consuming job as president and chief executive officer of the City and County Bank.

"Rep. Webb has been an absolute model of a state representative, who conscientiously represents his constituents on Capitol Hill," said House Republican Leader John Chiles. "Not only will the House Republican Caucus miss representative Webb's leadership, but the Tennessee House of Representatives will be losing one of its finest members."

We couldn't agree more and we're sure the residents of McMinn and Meigs counties join with us as we say, "Thank you, Clyde."

AMERICANS NEED ADEQUATE HEALTH CARE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. CRANE. Mr. Speaker, in opposition to the recent surge of approval for the Canadian Health Care Program, I would like to emphasize the resulting loss of quality care for patients in need of immediate attention. The illusion in Canada, that theirs is essentially a free system, is driving both doctors and patients to the borders. I believe any cost-effective program orchestrated by the Government is realistically going to be more concerned with meeting the guidelines and restrictions set forth on paper rather than caring for the needs of a particular patient.

The following article by Leona Rubin Krasnow, " 'Free' Health Care Doesn't Mean Quality Health Care," illustrates the frustration and cost of coping with the faulty Canadian system. Her experience with childbirth in Canada began with overcrowded clinics and not being able to see a doctor, and ended after she had endured 57 hours of labor, a Caesarean section, and five different doctors. Not only was she lacking information about prenatal care and counseling, but she later came to the United States where she was diagnosed with having anemia. The difference between our two systems, it seems, is not merely financial. Our health is a dear price to pay for what some call a cost-effective government health plan.

FREE HEALTH CARE DOESN'T MEAN QUALITY HEALTH CARE

(By Leona Rubin Krasnow)

The U.S. media are stressing the advantages of the Canadian health-care system. Those who have received medical care in Canada know that the media are mistaken.

A segment of a recent MacNeil/Lehrer NewsHour dealt with a comparison of health care in the United States and Canada. The program seemed to stress that U.S. health care is not cost-effective. Meanwhile, Canadian patients interviewed for the show were happy to receive "free" and, in their opinion, adequate medical care from their government.

I lived in Canada for a year-and-a-half and had my first child there. The Canadian system was inadequate in several areas, including prenatal care and counseling, management of labor and delivery, and postnatal followup. I saw a physician only twice in nine months; first to confirm that I was pregnant and later so medication could be prescribed to combat swelling in my hands and legs.

The common procedure in Canada was for a pregnant woman to visit a clinic once a month. The clinics always were crowded, and waiting periods of three to four hours were common. I got the impression that the doctors and other medical personnel were not personally involved in my welfare. To them, I was just a number in the waiting room.

When I went to the hopsital to have my baby, I was wheeled into the delivery room and back into the labor room three times. During the 57 hours I was in labor, I was attended by five different physicians; whoever was on call was my doctor.

My care was not totally free. My husband received a phone bill for $3.57 because he called an obstetrician in Sudbury to ask his advice. The specialist recommended a Caesarean section. When I awoke from the anesthetic, hospital personnel wouldn't allow me to see my baby. They said I couldn't be moved yet and that the infant was in an incubator. I was sure that he had died until they brought him to me the next day.

Two weeks later, I went to the clinic. My baby and I spent five or six minutes with the surgeon, who checked us briefly and gave me a pamphlet about baby care. That was our final visit. If I had problems or questions, I could call a doctor, but only between 4:30 p.m. and 5 p.m. Since everyone tried to call during that time period, it was practically impossible to get through. In an emergency, I was to go to the hospital emergency room. However, as a first-time mother, I sometimes had a simple question about diaper rash or some other common problem; it would have been nice just to have someone knowledgeable to talk to.

I was extremely tired for weeks, but I assumed that my fatigue was caused by my difficult labor and Caesarean section. When ny son was five months old, we took him to New York to meet his grandparents. My mother said I looked terribly pale and took me to her doctor. He found that I was anemic, and he was shocked that none of my Canadian doctors had done a blood test or prescribed iron pills for me. He also was surprised that none of those physicians told me that I might need a Caesarean section because my pelvis was small. Indeed, my mother and older sister had required Caesarean sections for the same reason.

I realized the difference between the U.S. and Canadian health-care systems when I had my second baby in the United States. I didn't have to wait three hours every month to see my obstetrician. He was patient, reassuring and understanding; he made me feel like a special person. I knew he would be there for me when my time came. I also had a wonderful pediatrician whom I could call any time to ask questions about the baby.

Next week, I have to go to the hospital for a cervical biopsy. My doctor apologized for delaying this procedure one week because he was going on vacation. I would have had to wait much longer if the United States had a socialized medical-care system similar to that in Canada. I have every confidence in my doctor and in the care I will receive. I never will return to Canada's nightmarish health-care system, even if it is free.

MILITARY TRASH INTO CASH

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. PACKARD. Mr. Speaker, I want to recognize the success of a Federal statute, section 2577, title 10, United States Code, which provides incentives for military bases to establish effective waste recycling programs. That law, passed by the 97th Congress, allows a military installation to keep the proceeds from the sale of waste materials. The revenues generated from such sales may be spent by the base commander on: Morale, welfare, and recreation programs; pollution abatement; energy conservation; and occupational safety and health activities.

Since this law's enactment many bases have improved their recycling efforts reducing our waste stream, preventing pollution, and conserving natural resources. One example of the program's success is in my district at Marine Corps base, Camp Pendleton, CA. Under the leadership of Brig. Gen. Richard H. Huckaby the marines are recovering and selling tons of metal from the base's range impact areas and generating much needed

revenue. The details of this effort were described by Ray Tessler in a December 24, 1989, Los Angeles Times article:

[From the Los Angeles Times, Dec. 24, 1989]

MARINES SEEK PROFIT IN WAR SCRAP

(By Ray Tesller)

For nearly half a century, the Marine Corps has ambitiously bombed, strafed, shelled and rocketed a vast and otherwise pleasant area of Camp Pendleton to practice for war.

Now, in a modern variation of swords into plowshares, the Corps is discovering that the generations of exploded metals might be recycled to make money for such peaceful activities as child care and environmental efforts at the base.

For the past two weeks, 86 Marines have combed a firing range with excruciating caution while detonating dud ordnance and gingerly collecting tons of bent and twisted metals that are a virtual archive of military munitions since World War II.

"We're trying to catch up to the 1940s," said Capt. Jack Bell, who is supervising the field operation as Camp Pendleton's senior officer from Explosive Ordnance Disposal. "I've got 10 years' worth of work here."

For all the labor and danger involved, the unusual recycling effort may provide the Marines with something they want as much as weapons in these days of dwindling military budgets—money.

Amy Duncan, a civilian recycling specialist at the base, said the Marine Corps has high hopes that gathering used ordnance will become a profitable part of a broader recycling program that earned about $1.5 million for the base since fiscal year 1988. "We hope it's going to be a money-making project. I don't see how it can't be," Duncan said.

The Marines have diligently collected brass cartridge casings from the rifle and pistol ranges for 20 years, but Camp Pendleton's enormous firing area for heavier weapons has been largely unculled for material since the base opened in 1942.

Every year, demolition experts mince through the three parts of the remote firing range, euphemistically termed the "impact area," to find and blow up anything that didn't explode upon delivery. Last year, more than 7,000 dangerous dud rounds were set off, and 6,480 have been handled so far this year.

It was only last year that Marines actually began harvesting an assortment of dead ordnance from the range. But the yield was only 12 tons, and the material fetched a meager return because it was left in the remote area for buyers to pack up and transport.

This year promises to bring the first real bumper crop of aluminum and steel as the Marine Corps gleans far more material and prepares to do a more aggressive job of marketing it.

Since Dec. 11, the Marines have gathered 69 tons of aluminum, a figure estimated to reach 90 tons by the end of the cleanup. They also have collected tons of recyclable scrap metal, but a figure wasn't immediately available.

The Marines won't know how much the material will sell for until early next year, when bids are sought. But, according to the Escondido Recycling Center, a ton of aluminum can fetch about $1,250, depending on where it's sold.

The range, a flat area overlooked by hills, is laden with remnants of bombs that weighed up to 500 pounds, rockets from planes and helicopters, artillery and mortar shells, and some projectiles even Bell has been unable to identify yet. Much of the stuff was fired from gun positions 12 miles away.

Thinking back to last year's exploratory salvage venture, Bell said, "We didn't realize the significance of what could be done" with recycling.

In addition, the enterprise has turned into a chance for Bell to gather a team of demolitions experts like himself and train with a seemingly limitless supply of explosive devices. Bell is confident their expense will be defrayed by proceeds from recycling.

"I brought in (demolition) technicians in from all over the States for this," Bell said.

Because of what Bell calls the "extreme element" of risk, a detail of 54 Marines ventures into the firing range with his 32 demolition experts, who first find and explode the duds.

"Anybody who goes downrange gets a safety class before they go in," Bell said.

Dust-covered Marines pick through the fields of fallen projectiles from 7:30 a.m. until 2:30.

"It gets tiring," said Staff Sgt. Brent Benson. "You're handling a lot of 155 (millimeter artillery) rounds that weigh about 100 pounds."

Besides the earnings and training aspects, Bell sees the operation as simply the right and sensible thing to do.

"We're in fact cleaning up after ourselves finally, and we're paying ourselves to do it. We're the ones to benefit," he said.

Camp Pendleton isn't the only base to accept the age of environmental concern and limited resources. But, with 35,000 people on base and extensive training with a variety of arms, it is one of the largest military sites of reusable metals in the nations.

"Camp Pendleton is the most active training base" in the military, said Lt. Patrick Gibbons, a base public affairs officer.

Some other bases have had trouble with scavengers sneaking in search of recyclable materials. At Camp Pendleton, though, the firing range is remote, watched around the clock, and would offer intruders only peril.

"There's a tremendous amount of unexploded ordnance in these areas," said Bell, warning that the slightest touch can detonate a round that may look harmless.

The metals are taken to the base Defense Reutilization and Marketing Office, which will seek bids on the material. Eventually, it will be melted into ingots and recast for other uses that now can only be guessed at.

Once program overhead is paid, profits from recycling will be split. Half will go for on-base child care and recreation, the other half for environmental programs.

Duncan is trying to expand recycling, which already takes in a broad assortment of materials to someday include curbside recycling and more.

The progress so far has delighted Lt. Col. Tony Pack, who, as deputy chief of staff for facilities, has put a stronger emphasis on recycling. "I think no one had realized the potential of the program," he said.

For Bell and his men out on the firing range, the future seems to have unlimited potential for training and recycling. He has only begun to clean up one of the range's three big firing areas. And, as long as Camp Pendleton belongs to the Marines, there always will be ordnance to recover.

THE SOVIET THREAT: 14 WAYS IT HAS DECLINED

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. FRANK. Mr. Speaker, it becomes increasingly clear that events in Eastern Europe give us the opportunity to shift some of our scarce resources out of defense and into other areas of our economy. While we are unsure as to the eventual outcome of political trends in the Soviet Union, and questions remain concerning the shape of the successor regimes to the Communist governments in Eastern Europe, some facts have so clearly been established that we can base sound budgetary decisions upon them.

A recent paper prepared by the Council for a Livable World documents the bases on which we should make significant reductions in military spending in the budget we will adopt this spring.

The Council for a Livable World does first-rate work on matters of national security, and this carefully prepared, specific and well-documented summary of recent events among the nations of the Warsaw Pact deserves very careful consideration from our colleagues:

THE SOVIET THREAT: 14 WAYS IT HAS DECLINED

A significant portion of the $300 billion annual U.S. military budget is being spent to counter a threat that has dramatically declined, particularly in Europe.

The Pentagon estimates that 60 percent of its total budget—about $170-$180 billion—is used to support NATO.[1]

There are at least 14 ways in which the Soviet threat has declined:

1. Estimates of invasion warning time increased from 10-14 days to 33-44 days.—Previously, U.S. and NATO military strategy and deployments were based on estimates that the West might have no more than 10-14 days advance warning about a Soviet invasion. Even before the recent dramatic changes in Eastern Europe, the intelligence community produced new estimates that the West would have from 33-44 days of warning time.[2] These changes mean that the U.S. has ample time to fly reinforcements to Europe in case of conflict there.

2. Soviet military spending is declining.—The Defense Department, citing a U.S. intelligence community consensus judgment, concluded in a May 13, 1989 classified study that the Soviet Union "has decided to reverse a 20-year pattern of growth in Soviet military spending and force structure in order to boost the civil economy and Soviet foreign policy." The study determined that the Soviet promises of cuts in defense spending by 15 percent and new weapons outlays by 20 percent over the next two years "will take place and are likely to be followed by additional unilateral retrenchments."[3] A CIA estimate confirmed Soviet claims of a 1.5 percent reduction in overall Soviet military spending in 1989; the Soviets have promised further reductions of 7 percent in 1990 and 5.7 percent in 1991. State Department spokesperson Margaret Tutwiler confirmed on November 14, 1989

Footnotes at end of article.

that "It does appear that Soviet defense spending this year is less that it was last year."[4]

3. 500,000 unilateral Soviet troop reduction.—On December 8, 1988, Soviet leader Mikhail Gorbachev announced in a U.N. speech a unilateral reduction of 500,000 Soviet troops by 1991, including 50,000 from Eastern Europe and 190,000 from the European part of the USSR.[5] The withdrawals and reductions announced at that time are in fact being carried out, according to House Armed Services Committee Chairman Les Aspin (D-WI).[6]

4. 10,000 unilateral Soviet tank reduction; slowing of tank production.—On December 8, 1988, Soviet leader Mikhail Gorbachev announced in a U.N. speech a unilateral reduction of 10,000 Soviet tanks, including 5,300 from Eastern Europe. This reduction is in fact being carried out. Soviet Marshal Sergei Akhromeyev has stated that the USSR is reducing by one-half its annual tank production, down to around 1,700 per year.[7]

5. Unilateral reduction of some Soviet offensively oriented forces.—On December 8, 1988, Soviet leader Mikhail Gorbachev announced in a U.N. speech a unilateral reduction of some assault river-crossing units, air assault and tank divisions most useful in an invasion of the West. This reduction is in fact being carried out.

6. Unilateral reduction of other Soviet equipment.—On December, 8, 1988, Soviet leader Mikhail Gorbachev announced in a U.N. speech a unilateral reduction and destruction of 800 aircraft from the European part of the USSR and Eastern Europe, 8,500 artillery systems and some short-range nuclear systems. These reductions are in fact being carried out.

7. Soviets slow strategic weapons programs.—The Soviet Union has slowed the modernization of strategic nuclear weapons, including their principal nuclear submarine, the Typhoon, two new ballistic missiles, the SS-18 and SS-24, and its most sophisticated strategic bomber, the Blackjack. "A senior U.S. official said yesterday that the Bush Administration accepts the reports of these slowdowns are accurate." [8]

8. Polish forces can no longer be counted to support a Soviet invasion.—In a conflict with the United States and Western Europe, the Soviet Union can no longer count on the 440,000 Polish military personnel.[9]

9. Hungarian forces can no longer be counted to support a Soviet invasion.—In a conflict with the United States and Western Europe, the Soviet Union can no longer count on the 116,000 Hungarian military personnel.

10. Czech forces can no longer be counted to support a Soviet invasion.—In a conflict with the United States and Western Europe, the Soviet Union can no longer count on the 210,000 Czechoslovakian military personnel. The new Czech government has further requested the Soviet Union to consider withdrawing all its forces from that country.

11. East German forces can no longer be counted to support a Soviet invasion.—In a conflict with the United States and Western Europe, the Soviet Union can no longer count on the 240,800 German Democratic Republic military personnel.

12. Romanian and Bulgarian forces can not be counted to support a Soviet invasion.—For geographic and political reasons, the Soviet Union can not count on the 191,000 Bulgarian and 248,000 Romanian military personnel.

13. Declining Soviet chemical weapons threat.—The Defense Intelligence Agency has lowered its estimate of Soviet chemical weapon stocks from 300,000 tons to 75,000 tons. The C.I.A. is estimating an even slightly smaller stockpile.[10]

14. Soviet naval activity dropped.—According to the Pentagon, Soviet naval activity outside home waters has dropped by 15 percent; further cuts are likely.[11]

SOURCES

[1] General Accounting Office study of October 1989 entitled "Military Presence: U.S. Personnel in NATO Europe."

[2] 30-page classified study written up in *Washington Post* of November 29, 1989.

[3] Washington Post, December 11, 1989

[4] Washington Post, November 15, 1989

[5] The details of the reductions announced by Gorbachev at the UN listed in items #3-#6 are taken from "Soviet Military Power: Prospects for Change-1989," p. 62, The Pentagon, September 1989

[6] "HASC Tasks," a periodic newsletter from the House Armed Services Committee, confirmed the withdrawals listed in items #3-#6 in December 1989: "Aspin said information about the withdrawal of forces from Eastern Europe indicates Gorbachev's announced goals and timetable are likely to be met."

[7] Barry Blechman OpEd piece in *New York Times*, November 17, 1989

[8] Washington Post, November 12, 1989

[9] East European force breakdown in items #8-#12 from "Force Structure Summary-USSR, Eastern Europe, Mongolia and Afghanistan"-Defense Intelligence Agency-February 1989

[10] Washington Post, November 9, 1989

[11] "Soviet Military Power: Prospects for Change-1989," p. 78, The Pentagon, September 1989

HAMILTON'S WASHINGTON REPORT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 31, 1990, into the CONGRESSIONAL RECORD:

THE 1990 LEGISLATIVE AGENDA

The 101st Congress has returned to face a whole new set of challenges because of changes in the world. In the two months since the last session ended, communist regimes have fallen in Eastern Europe, the United States invaded Panama, the Pentagon announced reductions in defense spending, talk of a peace dividend has sprung up, and a proposal has been made to cut Social Security taxes. Last year the Congress put itself in position to make 1990 a productive year. A number of old issues are still around—capital gains, child care, clean air, drugs—but a host of new issues have greatly expanded the agenda. Here is a quick review of the major items on the 1990 agenda.

Budget: The biggest task for the Congress will be to remove the almost decade-long fiscal deadlock over taxes, spending, and the budget deficit that has smothered action on a variety of international and domestic matters. Reconciling the demand for increased spending with the deficit will be the central dynamic of the session. By law the 1991 budget must reduce the projected federal deficit to $64 billion. Current government estimates of the 1991 deficit range from $100 billion to $138 billion.

Defense: In this year's budget debate we will begin to reshape the military budget in response to a reduced Soviet threat and changes in Eastern Europe. While there will be cuts in defense, my judgment is that they will not be as large as the peace-dividend talk might suggest. The Congress will also have to decide how to use the savings. My own inclination is to have a major portion of the savings go to deficit reduction.

Taxes: The President's pledge to enact a capital gains tax cut and the proposal for a Social Security tax cut are sure to be hotly debated. Some capital gains reduction appears likely, although it is far from clear exactly what form it will take. Another tax issue that will be considered is expanding user fees.

Ethics: Ethics will be a major battleground. The Senate will consider whether to follow the House lead in banning honoraria. Ongoing ethics investigations of several Members for influence peddling underscore the problems with the current system of campaign finance. Several reforms will be considered to reduce the influence of outside money on the Congress, including alternative financing, restrictions on the amount candidates can spend, and limits on special interest campaign contributions.

Farm Programs: Most major farm programs are due for their five-year renewal this year. Although major changes are not expected in farm support programs, they will continue to feel deficit reduction pressures. Increased attention will be given to food safety, the environmental effects of agricultural chemicals, and rural development.

Foreign Aid: The key problem on the foreign aid agenda will be how to find additional resources for the increased needs in Eastern Europe and Panama. The Congress will also take up assistance for the democratic forces in Central America, sanctions on China and South Africa, and food assistance for impoverished nations. Decisions will have to be made on which trade restrictions on Eastern bloc nations should be removed.

Environment: Progress is likely on a host of environmental issues. A top priority is strengthening federal clean air laws to reduce urban smog, acid rain, and hazardous air emissions. The Congress is near completion of a tough oil spill cleanup and prevention measure, and will address the growing solid waste disposal crisis. Increased attention will also be given to the activities suspected of contributing to global warming—such as coal burning and tropical deforestation. The President and the Congress will likely elevate the Environmental Protection Agency to cabinet-level status.

Education: The Congress will consider implementing goals to restructure and improve elementary and secondary education. It is also likely to target more funds for vocational education programs for disadvantaged students.

Drug and Crime: Measures to be considered to assist in the war against drugs and crime include establishing a federal death penalty, strengthening firearms regulations, and improving methods to combat drug money laundering.

The Family: The Congress will act on several family-related issues, including a child care bill considered last year. The Congress must decide the proper federal role in providing child care and what approach—tax credits to families or grants to local governments and organizations—is most effective. A family medical leave bill guaranteeing parents the right to return to their jobs after taking time off for the birth or adoption of a child or a serious family illness will also be considered.

The Poor: High levels of poverty despite years of economic growth, and a growing gap between rich and poor assure that the

poor will receive attention. Last year the Congress increased the minimum wage and that may be supplemented by expanding the earned income tax credit and the food stamp program. And, after a decade of neglect and abuses at the Department of Housing and Urban Development, the Congress will try to break the long stalemate over housing for the poor.

Civil Rights: The Congress will examine measures to protect the civil rights of the disabled and to restore protections against discrimination that were narrowed by recent Supreme Court rulings. An immigration bill is likely to be passed that will allow more people to immigrate into the country—especially those who are family members of U.S. citizens or who have skills needed in our economy.

Regulation: Legislation may be considered to strengthen congressional oversight in several areas, including commodity futures trading, the content of children's television commercials, cable television, and leveraged buyouts of airlines. The savings-and-loan bailout and other government guarantee programs will be reexamined for their fiscal soundness.

CONFESSION OF AN ALARMIST

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. CRANE. Mr. Speaker, I have served in the House of Representatives for two decades, and over those years I have seen legions of issues enter and exit our Nation's conscience. America's latest preoccupation lies in global warming. While I respect the concern that many Americans have with the "threat of global warming," I have difficulty heeding their warning. I prefer instead to follow other words of caution: "You can't always believe what you hear." Indeed, I would expect my colleagues will agree with me after reading the following excerpt from Paul Harvey News.

CONFESSION OF AN ALARMIST

(By Paul Harvey)

Stephen Schneider works for our government as a climatologist.

He has been appearing before committees of the Congress warning that the world is overheating.

Schneider has been the featured speaker at environmental conferences, warning that the world is warming up.

He has written a book called "Global Warming."

He writes and talks of a dread "greenhouse effect of catastrophic proportions."

Stephen Schneider has been everywhere on TV and radio promoting his book and proclaiming his gospel of fear: The world is overheating!

For perspective: This same Stephen Schneider, just 20 years ago, was making the rounds warning that the world is growing cold; he was then predicting "a new ice age."

Whatever worries you most, hot of cold, environmental extremists can keep you supplied with more than enough anxiety.

Interesting, in Discover magazine October of this year, Schneider exposed himself, described his own technique for purposely scaring people.

He said, "* * * we have to offer up some scary scenarios, make simplified dramatic statements with little mention of any doubts one might have. Each of us has to decide what is the right balance between being effective and being honest."

Confession of an alarmist.

Respected researchers at Massachusetts Institute of Technology, Reginald Newell, Jane Hsiung, and Wu Zhongxiang, have conducted a survey of the world's ocean temperature data since the mid 19th century.

In the current Technology Review they offer this conclusion: "There appears to have been little or no global warming over the past hundred years."

The MIT study confirms parallel research by the National Oceanographic and Atmospheric Administration that "there has been no warming trend in the 49 contiguous states over the past century."

What you hear and read on the subject is most always from environmental fanatics more interested in "dramatic statements" than in being honest.

Serious climatologists, such as Andrew Solow of Woods Hole, report "absolutely no hard evidence" of any enhanced greenhouse effect.

And Mr. Solow represents 81 leading climatologists who comprise the International Climate Trends Panel.

What is further sobering is the fact that Mr. Schneider, willing to play fast and loose with the truth in order to manipulate the public psyche, is himself completely funded by taxpayer dollars through the National Science Foundation.

The Detroit News, after a careful examination of Mr. Schneider's premise, suggests that we of the media are going to have to take a harder look at scientific reports underwritten by government bureaucrats who have a vested interest in keeping us frightened.

RECOGNIZING EXCELLENCE IN THE NATION'S OLDEST VA FACILITY

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. BRENNAN. Mr. Speaker, I would like to bring to the attention of my colleagues an article in this month's VA Practitioner magazine profiling the Togus Veterans Administration Medical and Regional Office Center in Togus, ME.

Togus is the oldest health care center in the VA system. In 1866, it became the first branch of the national asylum for disabled volunteer soldiers, housing union veterans who fought in the Civil War, but who had no loved ones to take care of them. Today, Togus provides comprehensive medical, surgical, psychiatric, and nursing home care with plans to deliver more services to Maine veterans, not only within its facility but across the entire State of Maine.

In these days of tight Federal budgets, the efforts made by the talented staff at Togus, with both the maintenance of current health care services and expansion of innovative services top priorities, is a tribute to the Department of Veterans Affairs. Veterans today require a whole range of care, from war wounds to drug and alcohol abuse to post traumatic stress disorder, and the efforts of the Togus staff combine both a sense of professionalism and idealism in the performance of their duties.

It is with sincere appreciation for their efforts that I respectfully submit the text of the VA Practitioner article for my colleagues' review.

RECOGNIZING EXCELLENCE IN THE NATION'S OLDEST VA FACILITY

(By Nina Tobler)

One hundred and fifty years ago, a summer resort opened in Togus. The locale for the spa was chosen for its proximity to a natural spring that was thought to have healing properties.

Twenty-six years later, continuing in the restorative mode, the hotel and 500 acres of land became the first branch of the National Asylum for Disabled Volunteer Soldiers. The earliest residents of the home were injured Union veterans and immigrants who had fought in the Civil War but had no families locally to care for them.

Medically, the facility was a modest operation; at one point, just a single surgeon was on hand to look after 2,000 veterans. In truth, however, what most of the residents needed more than medical care was food, shelter, and clothing. Their war injuries had left them unfit for manual work and thus unable to support themselves. Veterans went to Togus and subsequently to other national homes in order to live out the rest of their lives there.

In 1930, the newly created Veterans Administration took over the site, continuing to offer domiciliary and health care to Maine's veterans. Today, sixty years later, the tertiary care facility is about as far from an old soldiers' home as it possibly could be. One of seven medical and regional office centers combined under single management, the Togus VAM&ROC provides comprehensive medical, surgical, psychiatric, and nursing home care. A $24 million clinical improvements project will not only double the center's size but will also further insure its ability to deliver the highest quality of health care.

What do you do when your hospital is the only VA medical center in the state? Add to that the fact that the state in question is, in square miles, almost as large as the other five New England states put together. It's a situation with all the earmarks of a heavy burden, but Thomas A. Holthaus doesn't view it that way. "Not at all," remarks the director of the Togus VAM&ROC for the past three and a half years. "I look upon it as a wonderful challenge because in many cases, if we don't take care of the veterans in Maine, they may not get any health care at all. That's especially true in a number of the outlying areas where there simply are not a lot of alternatives in terms of obtaining treatment."

One of those regions is Aroostook County in northern Maine. For more than a dozen years, veterans' service groups had lobbied for VA coverage in that area. "Finally," says Holthaus, "we received the necessary funding to open an outpatient clinic in Caribou in June 1987. That's worked out wonderfully, but it's also made us more keenly aware of unmet needs in other remote areas. And, in fact, one of our current initiatives is for a mobile clinic operating out of Togus to fill in the gaps. Additionally, we'd like to expand into the Portland and Bangor areas

with chemical dependency outreach centers."

Being the only game in town also means keeping services on the home front well rounded. "We're it" remarks Holthaus. "We really have to be almost everything to all veterans. We can't just specialize in certain areas and rely upon a sister hospital to supply the rest; that facility simply doesn't exist. So, for example, we must have surgery here. The department is small and compared with hospitals that do a greater volume, expensive to run, but we need to provide the service.

Short of highly specialized procedures such as transplantation or open-heart, Togus provides just about the entire range of health care. But because the hospital has been a fixture for more than a century, much of the local citizenry think of it in its former guise—as an old soldiers' home. "When I talk to people in the community about all the high-tech equipment that we have and the scope of medical and surgical care that we deliver, most are quite surprised," acknowledges Holthaus. "It's been an ongoing public relations effort to inform them that, as a tertiary care center, we're a far cry from the original hospital. As our patient population has evolved, so have we."

Initiatives for the future, therefore, are predicated upon the current and projected needs of the aging veteran. "We're becoming increasingly involved with geriatrics in general and geropsychiatry in particular," says Holthaus. "In terms of chronic care, we've received approval to expand our existing nursing home care unit from 60 to 100 beds. As for acute care, our needs are twofold: to keep those services current and without further reductions."

Having the kind of staff he has certainly eases the demands, observes Holthaus. "Not only are these people committed to providing excellent service to our patients, but they're dedicated to providing excellent service to one another, and that's of critical importance. The veteran is obviously our prime concern, but we have to recognize that we're a service organization in the broadest sense of the word and as such, we serve one another, too."

What has pleased George H. Miller, Jr., MD, chief of staff, since he came to Togus 13 years ago is the relative absence of internal politics. "A certain amount of competition for progression is inevitable in any institution," notes Miller. "But by and large, we tend not to have the big turf problems that exist at the larger medical centers, and that factor lets us get a lot more work done.

Miller, who was previously chief of staff at the Gainesville VAMC in Florida, is also impressed by the extent of service that Togus offers. "What makes us unique is not that we do as much as we do, but that we do it all in spite of the fact that we're not affiliated. Maine has no medical school, and the Boston ones are just a little too far away. Nonetheless, we've been extraordinarily lucky with the caliber of staff we've been able to recruit and maintain.

"Danielle Mutty, MD, for instance, our chief of laboratory services, has developed one of the best labs in the state and, in fact, is recognized as an outstanding person in that field in northern New England. Her husband was in practice in town before he joined us as chief of psychiatry. In surgery, we have four general surgeons, three with specialty training—two in thoracic and one in vascular surgery—making them essentially double-boarded, giving us a good, solid nucleus. We also have two fine orthopedic surgeons. When I first came here, hernias and such comprised the bulk of the surgical workload. That's clearly not the case now; we're doing a lot of peripheral vascular work, joint replacements, and chest surgery."

As well endowed as the Togus center is in terms of breadth, the same cannot be said for depth of specialty coverage. "That, of course, is the one major drawback about not being an affiliated institution," concedes Miller. "There, if you're thin in an area you can always rely on the medical school for backup."

KEEPING WHAT MATTERS IN MIND

Anyone who has been in the VA system for a while learns not to ask for too much, so Miller—like the director—would like to see the acute medicine, surgery, and psychiatry programs kept at least at current levels. "But we do have to expand our long-term and chronic care efforts," insists Miller. "All figures indicate a significant overlap between geropsychiatry and long-term medicine-surgery; from 20 to 80% of the chronically ill elderly—in addition to multiple medical problems—have some kind of concomitant psychiatric disorder. Obviously, unless there's a huge change in the way this country finances health care delivery, these areas will be of increasing importance for the Department of Veterans Affairs."

In a very real sense, the Togus center has already addressed the overlap between psychiatry and medicine by creating a special post, that of assistant chief of psychiatry for medical affairs, a position now held by internist Stephen Sokol, MD. "Steve has overall responsibility on the psychiatry service for the *physical* health of the veterans, whether they are in geropsychiatry, chemical dependency, PTSD, or whatever," explains Lawrence Mutty, MD, MPH, chief of psychiatry service.

"Our own experience, confirmed by data in the literature, tells us that psychiatric patients with medical illnesses have some special problems," continues Mutty. "Their responses to a given symptom of pain, for instance, may be atypical. These patients also are at somewhat of a disadvantage because their psychiatric history tends to give their physical complaint less credibility. As a consequence, diagnoses of significant medical problems have been missed. And that's why we created this special post."

Most of the patients on the geropsychiatry unit have organic brain dysfunction, such as Alzheimer's, arteriosclerotic brain disease, or Huntington's chorea. "Many had been transferred from one nursing home to another," observes Mutty, "finally referred here for diagnostic evaluation, skilled management, and medication to make them more adaptable to community resources.

"At the same time, we try to enlighten the nursing homes. For example, rather than locked doors, these facilities may use rigid 'gerry' chairs to prevent elderly, disoriented patients from wandering. Immobility, however, sets the stage for thrombophlebitis and possible emboli. Restricted movement also means shallower breathing, less coughing, and a perfect setup for pneumonia. So we promote mobility here, both inside and outdoors. Instead of restraints, an electronic device that activates a beeper keeps the veterans from wandering off."

One other patient group with special medical needs are the PTSD victims. Says Mutty, "The public image of the Vietnam-era veteran stems from the Rambo movies. He's a muscular guy who, armed with an M-16, leaps tall buildings in a single bound. How far from that image are the men we see here. Twenty years after Vietnam, they're not in very good physical shape at all—smoking, drug and alcohol abuse having taken its toll. Many have major medical problems, but trying to sustain the macho image has disinclined them to seek professional attention. We've found an unexpectedly high proportion of PTSD victims with significant health problems, and, again, Steve Sokol has helped enormously in that respect."

Another outlet for veterans suffering from PTSD has been the Outward Bound program. Togus is one of just three VA sites used for this unusual treatment approach.

"By creating a high degree of 'perceived' danger," says Mutty, "the wilderness experience encourages interdependence. That's the key ingredient missed in Vietnam. The continual turnover meant that the men could never really coalesce into a whole or trust one another. Here they have to, and we'd like Outward Bound to become an even greater part of our PTSD unit. It's an invaluable treatment modality and should be recognized as such."

A PREFERENCE FOR PREVENTION

Preventive medicine is certainly an invaluable component of any health scheme, but convincing some physicians of that can be tough, according to Eugene M. Beaupré, MD, chief of the medical service at Togus. Under Beaupré's guidance, a "fitness" clinic has been instituted, and so far, the results have been most encouraging.

"I can't take credit for the concept," comments Beaupré, "just for pulling the elements together. The pieces were there and very good people were doing them, but they felt isolated. I guess I provided the spark."

The "pieces" consist of programs in exercise physiology, smoking cessation, diabetes diet, hypertension control, and cholesterol reduction. The figures achieved in the last one may have the most impact on convincing his colleagues that behavior modification can work in the veteran population. Says Beaupré, "Although some of the staff pay lip service to prevention, they feel that nothing they say will persuade veterans to change their lifestyles. But I think that we found the ammunition we needed to alter that mind-set when a group of 27 patients had an average reduction of 50 points in cholesterol levels."

Togus is Beaupré's first VA experience, and although he acknowledges the ample bureaucratization both institutionally and extra-institutionally, it's "not as bad as Medicare was in private practice," he quips. An oncologist himself, Beaupré—together with his colleagues—made the conscious choice to hire subspecialists who also do some general medicine. "The option was to bring on a bunch of general internists without particular expertise," he says, "and we decided to go the subspecialty route."

Either way, the medical service is stretched. A total of 10.5 physicians, two physician assistants, and six technicians make up the service. Given the opportunity to hire one more, Beaupré would opt for another specialist in pulmonary medicine who would also do some intensive care medicine. "At present, besides a cardiologist and pulmonologist, we have one nephrologist who's comfortable in the ICU, and that's not enough."

Among Beaupré's goals is the establishment of what he calls the "geriatrics long-term care division," a geriatrics spin-off that

would be headed by an ACOS. "The time that I'm willing and able to spend in that area isn't enough to do what has to be done," claims Beaupré. "It's only done as well as it has is because the people there are so good, but it should be created as a special position."

Some VA medical centers structure ambulatory care under the aegis of the chief of the medical service, but Beaupré is more than happy to have that area in the capable hands of Alice M. Savage, MD, PhD. With 100,000 annual patient visits, says ACOS Savage, ambulatory care cup's "runneth over."

"We're seeing more patients and with more complex problems than ever," notes Savage. "Fortunately, when I arrived here from the Nashville, VAMC in 1986, it was at a time when a number of physicians were ready to retire. That gave me the opportunity to recruit people with my philosophy down here, and that was good. I added some internal medicine specialists, who were really needed to handle the complex situations, as well as a family practitioner who—in addition to contributing a different flavor—also is responsible for the women's health clinic."

Ambulatory care at Togus is organized along two lines: the outpatient physician staff and the consultative component. The physical separation of the two, concedes Savage, is somewhat problematic. "That's why the new building is critical. The communication will be so much better; my folks can just grab one of their docs and say, 'Look, I've got this problem,' which will cut down on the consults. That's a real concern, the long wait until the next available appointment. A pulmonary follow-up clinic, for instance, lists 134 days until the next appointment; a new GI consult is 131 days. That's not good."

An ambulatory care committee that Savage set up has solved some of the problems. "As it turns out, some of the difficulties we have down here are also difficulties in the inpatient clinics, and our multidisciplinary committee addressed those. For example, we were having trouble with getting lab results back. The lab would enter them in the computer but never know if they were received, and so that was corrected. The committee also keeps track of the numbers of clinics, letting the service chiefs know what their individual providers are doing."

Savage's other hat is in infectious diseases, and one of her functions in that field was to mount a strong education effort on AIDS. "No question about it," asserts Savage, "AIDS is coming to Maine. What we did right at the outset was to get our policies in place. Once the new protocol on body substance isolation was initiated, I did in-service essentially for the whole hospital. I did that for two reasons. One was to present the disease as I know it and to avoid the panic factor; the other was to open up lines of communication with individuals who were worried about AIDS so that they could come and talk."

Organizing people and talks is what his jobs is all about. Kenneth S. Russell, DEd, is director of the Cooperative Health Education Program (CHEP), a consortium-based concept and one of 30 such programs in VA. The educational climate in Maine B.C. ("Before CHEP") was a rather dismal one, recalls Russell. "Hospitals, rural health centers were all in competition to provide education but no one was doing a really good job.

"Little by little, we were able to convince people that if they worked with us we can achieve what they want and they won't risk any loss. It took a while to assure others that we were a cooperating rather than a competing agent." The Togus VAM&ROC is the largest member of the consortium, which has, on the average, 40 to 50 participants. "A number of other large hospitals are also involved," remarks Russell, "but we also have professional groups—such as dental associations—which have four or five conferences a year, most of them right here, which is great for us. It's just a nice marriage."

In 1989, CHEP ran about 100 programs, averaging seven hours per program. "That came to approximately $1.5 million worth of education in the state of Maine," announces Russell, "and as the brochures on the wall indicate, we cover just about every aspect of education."

The brochures themselves speak to the professionalism of the entire operation. They are printed on station in what Russell proudly describes as "VA's best equipped reproduction department. Everything is automated. The mailing labels are computerized, and, in fact, people come from throughout the state to negotiate with us for our mailing lists. Of course, all the equipment purchased by the consortium and housed here is available to the rest of the staff, which increases their efficiency enormously."

Russell shines as a proselytizer. "I think the cooperative idea is an incredible one. It ought to be system-wide; all VA centers should be doing cooperative education in their communities. It just makes better sense to share. For an investment of less than $200,000, this hospital gets all of its ACOS/E-type needs met and, as I mentioned, well over a million dollars in education delivered right here for virtually no extra cost than registration."

ON THE SAME BRAIN WAVE

If Russell is searching for converts, he can skip Cecil E. Munson, ACSW, CSW, chief of social work service. Munson and his staff rely heavily on CHEP not only for continuing education but also for networking.

"We're strongly committed to building community linkages," says Munson. "They're the resources for referrals, providing continuity of care and case management," and so forth. Maine has a lot of real estate; some areas are pretty well off in terms of resources, others are very undeserved. We've taken on the whole state and tried to provide service as uniformly as possible.

"This has been the whole thrust from Central Office, too, with every hot line underscoring the need for care coordination. Listening to all the exhortations, I became concerned so I asked, 'What more should we be doing?' And the answer was, 'Nothing. You're the model. You're doing what we want.' And that was very reinforcing."

Going about their task can be a time-consuming and expensive proposition for the social work staff. As Munson explains, the distances between cases is long. "Sometimes you have to travel 30 or 40 miles from one place to the next, and in this era of acountability, and productivity, the time spent on the road doesn't compute. It's been a struggle for us but we've been able to defend ourselves successfully on the basis of the fact that we need outreach, we need to make sure that we offer a broad range of services to as many people as possible."

Electronic mail and laptop computers are streamlining the operation, Munson says. "Our field workers can hook into the DHCP and find out about pharmacy refills, for example. It's efficient all the way around. The data are accessible and it saves pharmacy's time on the phone."

As great as the distances are, it helps that people in Maine are looking out for others. "It's an interesting state," observes Munson. "I'm amazed at the number of individuals who phone in to alert us to veterans in need. One such call was to rescue a man who was living in cardboard boxes in a dump in northern Maine—not unlike the street people in large urban areas, only without the advantage of a steam grate."

Most of social work's caseload, however, comes from inpatient discharges. "If there are resources needed that we can't provide but the community can, we help families marshal them," says Munson. "It's not a perfect art that we perform. There are a lot of shortfalls, services that aren't available and things that we just can't do. But our aim is to make sure that the convalescence period goes well and the veteran makes the best adjustment possible."

If convalescence after discharge is social work's prime concern, the veteran's recovery in the hospital is nursing's. "We get a lot of positive feedback from the patients," says William M. Harness, RN, chief of nursing service. "The nursing care here is excellent and compassionate. For example, we had a female veteran with AIDS who had been admitted for an inflammation and infection of the brain. Although she was quite difficult to handle, the staff worked hard with her. No one said, 'Don't assign me to that patient.' She comes in now on an outpatient basis, and her progress has pleased us all."

Since he arrived at Togus five years ago, Harness has pressed hard for staff advancement whenever possible. "We changed the boarding process here to be in step with other VAMCs, i.e., to give credit for non-VA experience. We work with the staff on qualification requirements for promotion. When I first came here, only three individuals were senior grade; now there are 12. Of our 150.4 nurses, nearly 30% have specialty certification. I also encourage authorized absence for attendance at CHEP functions to keep the staff as updated as possible."

Flexibility is a key element in the nursing service to keep it fully staffed. "We do have quite a number of part-time employees here," Harness points out. "Although there was some initial resistance, the pool was out there and it's worked well. Per diem people have also eased the situation. We thought the hourly wage might pose a problem for our full-time staff, but they were just relieved to have some additional help."

One of the things that Harness is most enthusiastic about at Togus is the nursing representation on all of the major committees. "And I don't mean the chief nurse either. We have staff nurses, instructors, and some head nurses on committees such as pharmacy and therapeutics or commodity standards—groups that historically would include only a nursing supervisor or higher."

That suits his management philosophy well, Harness says. "I've always emphasized decentralization, defining that as decision-making at the lowest possible level at which it can happen. Solve the problem where it occurs."

A PRODUCTIVE PARTNERSHIP

A particularly effective liaison has been between the nursing and pharmacy services. "I can't take any credit for that because it

antedated me," says Stephen P. Boykin, RPh, MS, chief of pharmacy. "In addition to myself and my assistant chief, the nurse-pharmacy committee is comprised of head nurses from the different specialties, a nurse educator, and the assistant chiefs of medicine, surgery, and psychiatry."

One of the recent developments that really put the committee to the test was the introduction of a new line of IV products. "The logistics had to be coordinated not only with nursing and pharmacy, but also with supply, which had brought these devices in," comments Boykin. "Nurses on every shift had to go through an orientation process so that we could troubleshoot any problems that occurred and get back to the manufacturer, if necessary.

"The committee also worked out a low-dose geriatric formulation for one of the psychotropic agents used in the nursing home care unit. We were able to reduce the medication for those patients to one-tenth the average adult daily dose, with excellent results. It was strictly a matter of creating a dosage more appropriate to the elderly patient, which in turn improved the quality of life."

Although Boykin's staff currently consists of 22 people, the completion of the clinical improvements project will nearly double that number, as the service is transformed from an on-demand ward stock operation to a unit-dose one. About 80% of the workload is outpatient, with approximately 1,200 prescriptions per day. And finally, a figure about which Boykin can be justifiably proud: the average waiting time for a prescription is just 13 minutes. "These veterans have been in the hospital for hours. We're their very last stop, and they shouldn't have to wait one more minute than necessary."

A CONGRESSIONAL SALUTE TO DR. SEYMOUR ALBAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to, and acknowledge my deep respect for, Dr. Seymour Alban. Dr. Alban will be honored on February 4, 1990, by the Temple Israel in Long Beach. This date commemorates both the temple's 66-year anniversary in Long Beach and Sy's 66th birthday. In honor of his special gala event, I would like to share with my colleagues some of the reasons why he is so well respected.

Two words that describe Dr. Seymour Alban are giving and caring. It is apparent that Sy, a prominent Long Beach practicing orthopedist, has given back to his Nation, State, and community, as much, if not more, than he has received. For example, his early dedication to his country was evidenced from his military record. During World War II, he served in the U.S. Army, and later, in 1947, he worked as a flight surgeon in the U.S. Air Force. While Sy has continued his armed service through participation in the Army Reserves, it was in 1953, after his active duty, that he settled with his wife, Reva Steinberg, in Long Beach.

There are few members of the community who are not touched by Dr. Alban in some fashion. In addition to his professional orthopedics practice, he has compiled an impressive community service list. He has been a member of the Los Angeles County Sheriff's Department Reserve Force, a past board member of the Long Beach Heart Association, a past board member of the Long Beach Symphony. In addition to his past board memberships, he has also participated as a member of the California State University Long Beach [CSULB] Fine Arts Affiliates, CSULB President's Associates, St. Mary's Medical Center Hospice Auction Committee, St. Mary's Medical Center Board of Trustees, Long Beach Museum of Art Director's Circle, Drug Advisory Committee to the California legislature, and honorary trustee of the California Pools for the Handicapped. While I have only mentioned a portion of the organizations Sy is involved with, his community involvement goes much further.

Dr. Alban is also a religious man. He has been a member of the Temple Israel for 37 years. His involvement in the synagogue has led to an array of related activities. He was a member of the Young Leadership Israel Mission, chairman of the United Jewish Welfare Fund, a visiting professor at Hadassah Hospital in Jerusalem, chairman of the Israel Bond Drive, as well as chairman of the Mission to Israel for Long Beach non-Jewish leadership.

Although dedicated to the community and his profession, neither can take the place of his wife of 36 years, Reva, and their four wonderful offspring, Jill, Joe, John, and Julie. It is only fitting that a man who has provided so much assistance to so many others would be blessed with a lovely wife and four beautiful children. On this special occasion, I thank Sy, and the Temple Israel, for allowing me to take part. My wife, Lee, joins me in extending our congratulations to this caring and giving individual. We wish Sy and his family all the best in the years to come.

RICO AND THE RIGHT TO PROTEST

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. LaFALCE. Mr. Speaker, I am pleased to share with my colleagues an insightful column by Nat Hentoff, a staff writer for the Village Voice. Mr. Hentoff has described how the Racketeer Influenced and Corrupt Organizations Act [RICO] has once again been used against people conducting a social or political protest.

An antipornography organization in Florida was accused of extortion, a crime included in the list of acts which can legally be considered racketeering. By using RICO, publishers, magazine sellers and, ironically defendants of free speech can sue for triple damages and attorney fees as well as label these protesters as racketeers.

What were these acts of extortion by the antipornography group? They were certainly not the shakedowns by gangsters that we imagine. These alleged racketeers sent letters and postcards, picketed, threatened a boycott, and threatened to hold a press conference.

As Mr. Hentoff states, this misapplication of RICO threatens our essential right to free speech. It is Congress that must act to rectify this situation, for the courts have stated that RICO will continue to be broadly interpreted until Congress limits the scope of the statute. The careful examination and clarification of RICO must be a priority of this session of the 101st Congress.

[From the Tonawanda News, Dec. 20, 1989]

WHEN RICO JOINED THE GOOD GUYS

(By Nat Hentoff)

That the RICO (Racketeer Influenced and Corrupt Organizations) act can be a clear and present danger to First Amendment rights is increasingly evident. The American Civil Liberties Union has testified against RICO on that score, and various newspapers have editorialized on the damage done to protesters by stigmatizing them as "racketeers."

Yet, a phalanx of paladins of the First Amendment has enlisted RICO to smite the American Family Association of Florida in retaliation for the anti-pornography group's attempts to get certain "sexually explicit" magazines off the shelves of convenience stores and other outlets.

Among the "patterns of racketeering" employed by the defendants—according to the RICO lawsuit filed by the First Amendment lawyers—have been letter writing, boycotts and threats of boycotts. (Cesar Chavez is lucky the good guys approve of his letter writing, boycotts and threats of boycotts.)

Among the sometime champions of free expression who have not been able to resist RICO's lure of triple damages, attorneys' fees and that immediate "racketeer" brand on the defendants are: Burton Joseph, representing Playboy Enterprises; Maxwell Lillienstein, counsel for the American Booksellers Association; and Michael Bamberger, counsel to Media Coalition and lead lawyer for all the plaintiffs, who include Playboy, Waldenbooks and the Council for Periodical Distributors Association.

In the complaint filed in federal court in Florida, the American Family Association is charged with acts of "extortion" in trying to get magazine and book retailers, wholesalers, distributors and publishers to stop "selling certain materials protected by the First Amendment."

These acts consisted of sending "numerous" letters and postcards; picketing the home of an officer of a wholesale distribution company; and threatening to hold a press conference to expose to the public and to law enforcement authorities certain stores. These were accused of acting "illegally" under Florida law by selling magazines that carry ads for obscene videos.

The American Family Association, as it admitted, was wrong on the scope of that obscenity statute, which actually applies to publishers and not stores. However, making a mistake is not the same as being a racketeer.

And although the American Family Association itself threatened RICO action against carriers of certain magazines, suppression of those who would suppress is hardly the mark of civil libertarians.

Also part of the complaint against AFA is the charge that, as a result of the defendants' other actions, 1,400 convenience stores jettisoned the offending magazines. But is boycotting—a protected First Amendment activity—to be penalized because it's successful?

The American Family Association of Florida is a particularly tempting target for those who believe that only the right wing

can be guilty of threats to free expression. The director of the national AFA is the Rev. Donald Wildmon of Tupelo, Miss. As head of Christian Leaders for Responsible Television, he has urged the boycotting of advertisers of television programs that he considers "antifamily."

Surely—some summer soldiers of the First Amendment say—James Madison did not intend to have the likes of Wildmon and his minions protected by the First Amendment.

Indeed, Oren Teicher, executive director of the grandly titled Americans for Constitutional Freedom—to which several of the plaintiffs in the Florida suit belong—says of Wildmon and his ilk:

"If they dislike a TV show or magazine, they want to drive it out of the market. That's un-American, and we're going to stop them."

Punitive definers of true Americanism are not limited to the political right.

Max Lillienstein, ordinarily the very model of a Brandeis-Douglas-Brennan approach to free speech, told me that using RICO in the Florida case was "a difficult decision to make, but strong medicine was needed."

"If all of you believed actual extortion was going on," I said, "you could have gotten a local district attorney to file criminal charges."

"You couldn't get a local Florida D.A. to do that," Lillienstein told me. But when I asked him if anybody had checked to see if that was true in all of Florida, he said nobody had checked.

So, these attorneys and the organizations they represent—which chime the First Amendment as regularly as a clock—have now given RICO a respectability in cases brought to punish speech that it never had before.

As Gara LaMarshe, program director of PEN's Freedom to Write Committee points out: "These are powerful institutions with many means at their disposal to counter the AFA—without lending legitimacy to an extremely repressive tool like RICO. What they've done will come back to haunt them. And all of us."

THE DAVIS BROTHERS DO ANOTHER GOOD TURN

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. BENNETT. Mr. Speaker, Mr. J.E. Davis and A.D. Davis are able businessmen who did much to put the Winn Dixie stores in the top bracket of grocery stores throughout our country, and they deserve credit for their business acumen. They also deserve great credit for many philanthropic things; one of recent date. It is discussed in the enclosed editorial from the Florida Times-Union, January 23. Their idea was and is to reward State government workers who contributed to better productivity, and the editorial hereunder pays them and the recipients well deserved honor.

PRAISE IS DUE WHEN EMPLOYEES OF GOVERNMENT SAVE TAX MONEY

Everybody, including us, blames bureaucrats when things go awry in government. But if bureaucrat bashing is justified, bureaucrat praising also should be justified.

Today, local recipients of the Davis Productivity Awards will be honored at the Omni Hotel.

Jacksonville can be proud of them, and of the Jacksonville businessmen, J.E. Davis and A.D. Davis, who made the program possible.

The idea is to reward state government workers who contribute to better productivity. It is part of the Partners in Productivity initiative, a cooperative effort of Florida TaxWatch, the Florida Council of 100 and the state of Florida.

Winner in the distinguished category is Patrick Chuhran of the Finance and Accounting Department in Northeast Florida State Hospital at Macclenny.

Chuhran, called "a detective who always gets his money," helped funnel $170,000 worth of federal benefits to hospital patients, decreasing cost to the state and helping them return to the community.

Work units honored include the staff of the Construction Industry Licensing Board, Department of Professional Regulation; the District 4 child support enforcement units of the Department of Health and Rehabilitative Services; and the Lake Apopka restoration demonstration project design team of the St. Johns River Water Management District.

Other individuals recognized were August Scheuzinger, a vocational rehabilitation counselor at the Department of Labor and Employment Security, and Russell Plummer and Janet Henley of the Northeast Florida State Hospital pharmacy. The Duval County Public Health Unit of HRS also won a plaque. In all, 165 awards were made statewide.

Outstanding work by these state employees saved Florida taxpayers $77 million last year, TaxWatch said. In effect, they cut our taxes by doing their jobs better.

TRIBUTE TO SILVER CROSS HOSPITAL

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. SANGMEISTER. Mr. Speaker, it is with great pride that I rise to pay tribute to an important institution in my district, Silver Cross Hospital, for its achievements in my district.

The Joliet Chamber of Commerce and Industry has selected Silver Cross Hospital in its Salute to Industry Program. This program recognizes the major industries in the Joliet region in terms of economy, human resources and service to the community.

Silver Cross opened its doors in 1895 when the Will County Union of King's Sons and Daughters recognized the need for a hospital in the booming city of Joliet. The hospital's name was derived from the organization's emblem—the silver Maltese cross, which was the insignia of the original King's Daughters who nursed the Crusaders in the Middle Ages.

From its humble beginning as 33-bed facility, Silver Cross has grown more than tenfold to become one of the premier health car facilities in northern Illinois. In addition, Silver Cross has been a major employer in the Joliet region for 95 years, employing more than 1,300 people.

The last two decades have been especially important for the hospital as it has added many facilities, programs and state-of-the-art equipment.

In the 1970's, Silver Cross added a hemodialysis center, the only kidney disease treatment facility within a 50-mile radius. Four years ago, the hospital compiled the Hoffman Cancer Center, which features the new linear accelerator to help fight the dreaded disease anywhere in the body.

Silver Cross is also in the forefront of emergency medical care. The hospital was designated as a trauma center by the State of Illinois in 1988. Last summer, Silver Cross broke ground for a $5 million emergency wing.

The hospital also reaches out beyond its walls to the community through educational programs, support groups and volunteer services.

Silver Cross offers classes in nutrition, stress management, exercise and other health related topics. There are support groups sponsored by the hospital for victims of diabetes, cancer, Alzheimer's disease, and related tragedies.

In 1986, the hospital began its home health service in which hospital nurses work with physicians to develop care plans for homebound patients. The hospital also reaches out to the community through its affiliate health centers, including its newest health resource center, Gateway, located in the Jefferson Street Mall in Joliet. Gateway provides up-to-date information on overall health, fitness, and nutrition.

Mr. Speaker, the residents of our community have been fortunate to have an institution like Silver Cross Hospital to aid in their physical well-being. I am pleased to have the opportunity to honor Silver Cross for the tremendous contribution it has made to the many communities that it serves.

NATIONAL MINERALS MANAGEMENT AWARD

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. RAHALL. Mr. Speaker, I would like to acknowledge two outstanding Federal employees, Mr. James Shelden and Mr. Kenneth Mitchell.

Forest Service Chief F. Dale Robertson recently presented the 1989 Forest Service National Minerals Management Award to Mr. Shelden and Mr. Mitchell. The Forest Service National Minerals Award is presented annually to individuals who have demonstrated initiative, innovation, and a positive working relationship with the public to encourage and facilitate the orderly exploration, development, and production of minerals within the National Forest System.

Mr. James Shelden is a geologist for the Forest Service's regional office in Missoula, MO. He has continually demonstrated leadership, innovation, and an ability to work with industry, other regulatory agencies and the public. Mr. Sheldon's professional expertise and his ability to explain complex alternatives in terms that nontechnical personnel can un-

derstand were largely responsible for the development of the Beal Mountain gold deposit.

Mr. Kenneth Mitchell is the monument manager for Admiralty Island, AK. His longtime involvement, leadership, and professionalism helped Greens Creek, the first major gold lode mine in the State of Alaska since 1944, come on line and into production. Mr. Mitchell's work on Greens Creek was culminated in the Forest Service's accomplishment of a seemingly impossible task, developing a major operating mine in what many Alaskans regard as one of their States' crown jewels, the Admiralty Island National Monument. The mine was able to open due to the atmosphere of special trust and confidence that Mr. Mitchell established.

Both Mr. Shelden and Mr. Mitchell recognize that the only way to encourage and facilitate mineral exploration and development on the National Forest System is to ensure the cooperation of the minerals industry, the environmental community, the State, other Federal regulatory agencies, and the local community. They also recognize that it is beneficial to the Forest Service, the minerals industry, and the Nation to assure that mining activities are done in an environmentally sound manner.

This Nation is thankful that it has dedicated civil servants like Mr. Mitchell and Mr. Sheldon who use their initiative and resourcefulness to help maintain a safe, clean environment and a strong, vigorous mining industy.

NEW JERSEY HONOR ROLL: JEAN STUMBERGER

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. GALLO. Mr. Speaker, we are reminded every day that the cornerstone of freedom is the right of self-government. As we witness the momentous changes occurring in Eastern Europe, we are reminded that our form of government, the longest lasting constitutional democracy in history, serves as a model for other freedom-loving people everywhere.

We must also realize that the free people of many nations now must face the difficult task of rebuilding their societies to establish governments based upon the principles of constitutional democracy.

It is difficult to fully appreciate our own great accomplishments without an understanding of the fundamental principles and values of our democratic institutions and of the need, in each generation of Americans, to preserve, protect and defend the Constitution of the United States, the blueprint which makes our form of government possible.

Our celebration of the Bicentennial of the Constitution and its ratification by the States has brought about a renewed commitment by educators to keep our democracy healthy by teaching the importance of understanding and participating in our form of self-government.

Many educators and community leaders have participated in this rebirth of civic education and they deserve our thanks for their many efforts.

In particular, I am most pleased to commend the efforts of Ms. Jean Stumberger, who coordinates the "We the People . . . Bicentennial Programs on the Constitution and Bill of Rights" within the 11th Congressional District of New Jersey.

Through the dedicated and voluntary efforts of Ms. Stumberger thousands of elementary, middle school, and high school students have studied a curriculum that introduces students to the philosophical ideas of the Founders of our Nation, the historical background of the Philadelphia Convention, and the issues and debates that shaped the writing of the Constitution.

Students also learn how our Government is organized and how it protects the rights and liberties of a constitutional democracy. And, most important, students learn of the responsibilities that accompany the rights of citizenships in a democracy.

In addition to classroom materials, this innovative curriculum has included participation in the National Bicentennial Competition and the National Historical Pictorial Map Contest.

I am proud to add that the Parsippany-Troy Hills, NJ, School District was one of seven districts nationwide to develop the "We the People . . ." curriculum as a pilot program the year before it was used throughout the country.

Jean Stumberger and her team of dedicated volunteers should be equally proud that they have seen this important national educational effort through from the very beginning.

The only way that we will lose our cherished way of life and system of self-government is through apathy and lack of involvement in the process.

Mr. Speaker, the exercise of freedom is literally an exercise in participation.

Jean Stumberger and all of the educators who have taken part in this important effort to keep democracy alive deserve our heartfelt thanks, as well as a challenge for the future—keep up the good work.

HOME REPAIRS FOR THE ELDERLY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Ms. OAKAR. Mr. Speaker, today I am introducing legislation to provide minor home repairs to low-income older Americans. The Home Repairs for Older and Disabled Homeowners Act of 1990 will improve the living environment of older and disabled homeowners. Congresswoman LLOYD, chairwoman of the Select Committee on Aging's Subcommittee on Housing and Community Development, is the major cosponsor of the bill.

Mr. Speaker, a great deal of research and careful consideration went into this home repair package. Beginning in 1980, the Office of Policy Development and Research at the U.S. Department of Housing and Urban Development developed a demonstration project in seven cities across the Nation in order to test the feasibility and cost effectiveness of home maintenance programs for the elderly. The demonstration essentially provided Government support and guidelines for a concerted effort between local government agencies and existing community outreach groups qualified to provide minor home repair services. An independent study of the demonstration revealed that it was an unequivocal success. The report goes on to state, "There is a very real need for a program of this nature. Over 80 percent of those surveyed would not have been able to make repairs were it not for the home repair program."

The legislation is desperately needed by older homeowners in every State of the Nation. We know that 75 percent of older Americans are fortunate enough to own their homes and many will age in place in their homes. Unfortunately, older homeowners have the highest level of substandard housing compared to other age groups.

Mr. Speaker, this home repair legislation is modeled after the seven cities demonstration project and meets a real need of older Americans who wish to live independently, comfortably, and safely in their own homes for as long as possible. The bill establishes 2-year competitive grants through the Department of Housing and Urban Development [HUD] to local governments, nonprofit organizations, and Indian tribes for the purpose of providing home repair services to older and disabled homeowners. Eligible repairs include preventive repairs, security-related measures, accessibility and suitability repairs, and general repairs. Grantees are required to serve a minimum number of households based upon the amount of the grant.

While it is true that several existing Federal programs may provide various levels of home repair services, none is designed specifically to meet this need. Allocation of resources to home weatherization or home repairs under the Community Development Block Grant Program is discretionary at the local level. And while other programs are currently authorized to furnish some home repairs, only one program, the section 504 program of the Farmers Home Administration, focuses exclusively on older homeowners, and this program primarily finances major renovations and repairs. The other programs are ineffective as they do not emphasize home repairs, are underfunded, or have complicated administrative procedures that in effect preclude their use. We need this separate, coherent program to provide repairs and modifications for older and disabled homeowners.

My bill also addresses the fact that older and disabled individuals may have social service needs in addition to the need for home repair services. The legislation requires grantees to supply, upon request of the homeowner, information on assistance in the community such as nutrition, health care, employment, and other services. And to remedy the lack of accurate, comprehensive housing data, the legislation requires the standardized collection of data by grantees.

Mr. Speaker, I believe that housing programs and home repairs can play a key role in the related issue of long-term care. Unfortunately, entitlement programs such as Medicare and Medicaid are focused primarily on institutional medical services rather than on the long-term supportive noninstitutional environments that are just as vital and relevant. Our

current approach is shortsighted and must be changed. Difficulties associated with the upkeep of homes are a primary reason compelling older adults to move from their current residences.

I would like to incorporate this bill into comprehensive housing legislation to be considered this Congress. Current legislative proposals recognize in part the need for supportive services for senior citizens in federally subsidized housing, but do not address the needs of the elderly and disabled homeowners. This legislation fills a gap by confronting the shortage of safe, secure, and decent housing for older Americans, the tragedy of premature institutionalization, and the lack of long-term care alternatives. The American Association of Retired Persons [AARP] supports this legislation and has generously assisted in its development.

In conclusion, I emphasize the importance of providing a wide range of housing options for older Americans. The Federal Government currently provides many forms of housing assistance, including the building and subsidization of units, insurance of mortgages, and the provision of private sector incentives.

Mr. Speaker, I strongly urge my colleagues to support the Home Repairs for Older and Disabled Homeowners Act of 1990.

HONORING DR. GEORGE W. ELLIS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I am here today to pay tribute to Dr. George W. Ellis who is being honored this evening in Miami for his many years of service to the Dade County school system and the greater Miami area. I'm sure you all know of an individual in each of your communities who stands out as a shining example for their efforts in a noble cause. An individual who has beat the odds and has risen to success, who has then offered his talents and convictions to assist others who are against the odds. Mr. Speaker, in my community, Dr. George Ellis is such an individual. Dr. Ellis has been a tremendous asset as an educator to the students within Dade County, serving as a role model and leader. His invaluable contributions also extend into the ethnic communities of Florida. Dr. Ellis' outstanding service to the field of education and his unending dedication to his community make Dr. Ellis most deserving of this special honor.

Dr. Ellis has spent four decades of his life helping others and promoting the importance of education and family values. He has been emulated for his many principal and coaching positions throughout the years, being recognized as an individual who has positively influenced education, especially in ethnically diverse communities. As a professional man Dr. George Ellis has been a distinguished educator in four Southern States, beginning in the days when segregation was the rule, and continuing today when integration is the law. He has served well in difficult and troubled times. His leadership was clearly seen as he dealt with declining enrollment and economically strapped communities. In his commitment to education, Dr. Ellis realized the importance of a quality education and the benefits which it can bring. He has also been instrumental in directing community organizations such as the Alternative Programs Incorporated which offers legal assistance, job search service, temporary shelter, and counseling to low-income families. For 15 years he has assisted Cuban and Haitian refugees as they sought to establish themselves in this land of hope and freedom. His tireless dedication and creative ideas have had a tremendous impact in the greater Miami communities.

Administrators, parents, students, and citizens of the greater Miami area have the utmost respect and admiration for this outstanding individual. Mr. Speaker, I am very pleased to join in honoring Dr. Ellis for his commitment to excellence in education and community involvement. We are all grateful to him and to all individuals who have devoted their lives to helping fellow men develop their fullest potential.

HELSINKI COMMISSION NOMINATES VACLAV HAVEL FOR 1990 NOBEL PEACE PRIZE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. HOYER. Mr. Speaker, last week, I, along with the majority leader, had the welcome opportunity to meet with two visiting Czechoslovaks, Ivan Havel and Martin Palous. They were in our country as representatives of Civil Forum, which, along with its Slovak counterpart Public Against Violence, has emerged as the living embodiment of Czechoslovakia's velvet revolution.

These men, longstanding activists in the Charter 77 citizens' initiative, have earned their places as leaders in the movement for democracy. Each of them has contributed to the progress we are seeing throughout Czechoslovakia today, and done so at great personal sacrifice. It was an honor meeting them. But perhaps the greatest moment of our meeting came when I was able to discuss with them the Helsinki Commission's nomination of their President—Ivan's brother—for the 1990 Nobel Peace Prize.

Vaclav Havel has been an extraordinary figure in Czechoslovakia's human rights movement for almost two decades. As a writer, he has won praise and awards for his plays and essays throughout Europe and North America. As a human rights activist, he has won years in prison, repeated detentions, house searches, and confiscation of his personal property.

Yet constant harassment has not diverted Vaclav Havel from his course. Havel not only continued his work with Charter 77, but joined emerging human rights organizations in 1988. As a result of his reinternment in 1989, Havel became a cause célèbre of the CSCE human rights meeting held in Paris last June, where I raised his case in a bilateral meeting with the Czechoslovak delegation.

Vaclav Havel is now President of his country. As such, he speaks with a moral authority that few political leaders enjoy. That authority, Havel's selfless dedication, and his exemplary role in leading his people in a peaceful transition to democracy deserves the unique recognition that only the Nobel Institute can bestow: the 1990 Nobel Peace Prize.

LANGLEY HIGH SCHOOL HONORS DISTINGUISHED EDUCATOR DR. ELAM K. HERTZLER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. WOLF. Mr. Speaker, I rise today to call to the attention of my colleagues a man who has devoted most of his adult life as an educator with distinction—Dr. Elam K. Hertzler of McLean, VA.

On Sunday, February 11, Dr. Hertzler will be honored at Langley High School when the Vocational Wing of Langley will be named "The Elam K. Hertzler Wing" and Langley Hall will be named "Hertzler Hall." The Fairfax County School Board has adopted a resolution calling for this honor "in tribute and grateful recognition to a man whose devotion to education and community has enriched not only our own school system and community but those of others as well."

Serving in the Fairfax County, VA, public school system, Dr. Hertzler taught mathematics at McLean High School and served as assistant principal at James Madison High School. He has also served as principal at George Marshall High School and from 1965–71, was principal at Langley High School. In addition, he was chief of staff to U.S. Secretary of Education Terrell Bell and also served as a district superintendent of schools in the State of Oklahoma and as an assistant superintendent of education for the State of Illinois.

The school board's resolution, citing Dr. Hertzler's service at Langley High School, describes his "significant role in emphasizing self-expression and individual worth, which helped Langley High School gain a reputation which continues to bring national recognition for academic excellence."

Dr. Hertzler is now serving the Federal Government on the strategic planning and policy staff of Labor Secretary Elizabeth Dole, who will join Dr. Hertzler's friends and admirers on February 13 at Langley High School for the dedication ceremony for the "Hertzler Wing" and "Hertzler Hall." My colleagues might note that this event comes during the national commemoration of "Vocational-Technical Education Week" which has been designated through congressional resolution.

Mr. Speaker, on behalf of northern Virginians who have benefited from Dr. Hertzler's devotion to education in our community, I send best wishes to Dr. Elam Hertzler and his wife Lois and their three children, all graduates of Langley High School, and express gratitude for his professional commitment to the education of American youth.

READ MY LIPS WHILE I PICK YOUR POCKET

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mrs. SCHROEDER. Mr. Speaker, we have all heard of the Stealth bomber. It is supposed to sneak up on an unsuspecting enemy and drop its payload without ever being detected by radar. The Stealth bomber costs billions of dollars to build, but doesn't work too well.

Now we have the stealth tax. It sneaks up on American taxpayers and picks their pockets while they are busy reading the President's lips. The stealth tax costs the taxpayer billions of dollars and works just fine. In fact it works so well it was raised seven times in the last 10 years, and it just jumped again this month.

The stealth tax that I am talking about is the Social Security tax. And it hits lower- and middle-income earners the hardest. It accounts for the 6-percent increase in total Federal taxes most Americans have paid since 1980.

The stealth tax's real purpose is hidden as well. We are told that it goes into a trust fund to be used for Social Security benefits. It's not. It is being used to buy things like the Stealth bomber. Only in Washington would we use a stealth tax to pay for a Stealth bomber.

It's time to ground the stealth tax and return the money to the American worker. Support H.R. 3857, legislation to roll back the Social Security tax, and put an end to pickpockets.

ESPY SALUTES MISSISSIPPI GUARDSMEN

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. ESPY. Mr. Speaker, I would like to recognize the outstanding contribution that 90 Mississippi National Guardsmen made when our country took military action in Panama on December 20, 1989. As usual, the Mississippi guardsmen were well prepared.

The American military invasion helped advance democracy, human rights, and justice and helped to combat the flow of drugs out of Panama. We must be proud of our dedicated soldiers who accomplished this achievement. Mississippians are proud that 90 of our guardsmen participated in making history.

Mr. Speaker, please recognize these State guardsmen who served as flight engineers in the Panama invasion: James W. Taylor of Jackson; Jim E. Wade of Brandon; Michael T. Welch of Magee; Frank W. Brewer of Brandon; Michael L. Brown of Pearl; Billy J. Johnston of McCool; William M. Nipper of Brandon; Daryl E. Smith of West Point; Johnny D. Gressett of Decatur; Walter C. Chapman of Newton; Bryan N. Wigginton of Haleyville, AL; John P. Winfield of Brandon; Wendon P. Moore of Flowood; David B. Easterling of Ridgeland; Ricky R. McCraw of Jackson; Lawrene J. Bleakney Jr. of Brandon; William T. Thornhill of Jackson; Don C. Miller of Flowood; Ramon D. Canada of Cleveland; Michael W. Jones of New Hebron; James D. Mobley of Jackson; Anthony B. Best of Utica; Charles H. Lee of Pearl; Michael L. Holcombe of Jackson; Robert H. Palmer of Jackson; Jeffrey W. McFall of Florence; Larry E. Brantley of Forest; William R. Findley of Cleveland.

Also, recognize these guardsmen who served as pilots in the military invasion: Cross A. Harold of Brandon; Brady W. Swinney of Jackson; Michael J. Connery of Brandon; John S. Turnage of New Hebron; Robert E. Sessums of Jackson; Normer L. Gill of Madison; Thomas G. Smithhart of Jackson; Robert A. Cain of Brandon; Stanley D. Papizan of Crystal Springs; David W. Floyd of Jackson; Robert A. Cox of Jackson; Jonathon T. Wall of Decatur; William T. Clayton of Vicksburg; Robert S. Matthews of Madison; Thomas M. Wallace of Jackson; William B. Jernigan of Brandon; Steven P. Joy of Jackson; William J. Lutz of Ridgeland; Charles M. Decker of Jackson; George F. Fondren of Clinton; James N. Jones of Jackson; Lawrence V. Beall of Jackson; Robert A. Barron of Jackson; Thomas N. Sledge of Cleveland; Dwight W. Sisk of Jackson; James A. Conway of Jackson; Robert S. Fince of Memphis, TN; Charles D. Brooks of Brandon; Hugh W. Stevens of Florence; James E. Hearon of Jackson; Mary D. Orr, of Cordova, TN; Brady Tonth, Jr. of Vicksburg; Curtis L. Kennedy of Metairie, LA; Virginia E. Thomas of Pasadena, TX; Calvin L. Allen of Euless, TX; Theodore A. King of Brandon.

These guardsmen served as loadmasters. Please recognize: Larry B. Herrington of Pearl; Earl W. Winterstein III of Jackson; Robert E. Owens of Pelahatchie; Robert M. Dent III of Bolton; Jerry F. Kilgore of Ridgeland; John L. Blakeney of Pearl; Hollis K. Burton of Terry; George M. Gandy of Mize; Lloyd A. Burton of Tougaloo; Gregory C. Barnes of Jackson; Gregory A. Lindsey of Jackson; Jeremiah F. Hammond, Jr. of Brandon; James C. Hansford of Decatur; Billy G. Dockery of Brandon; Patrick R. Kelley of Jackson; Harry J. Burnham of Florence; Alan C. Dorris of Ridgeland; James D. Reeves of Jackson; James M. Bishop of Brandon; Richard B. Davis of Jackson; Robert E. Evans of Pearl; Edsel J. Brown II of Ridgeland; Carlton G. Fagan of Pearl; Charles B. Moody of Clinton.

Lastly, please recognize the flight surgeon and photographer who served with the flight engineers, pilots, and loadmasters: Ronald P. Krueger of Brandon and Robert D. Mason of Brandon, respectively.

I congratulate these fine service men and women, and I remind them that all Mississippians are proud of their contribution to our country's efforts in Panama.

THE TRAGEDY OF KOSOVO

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. BROOMFIELD. Mr. Speaker, there has been a sea change in most of Eastern Europe. In those once-closed societies, this is the year of the people. The masses there want democracy, freedom, and respect for human rights. Change is in the air.

Yugoslavia seems to be an exception to these historic times. The young ethnic Albanians in the Province of Kosovo are peacefully demanding free elections. They want hundreds of political prisoners released and the lifting of martial law.

Their demands, however, are being answered with tear gas, bullets, and clubs. Blood is again flowing in the streets of Kosovo. The voices of young ethnic Albanians cannot be heard over the sound of gunfire. Already, 13 innocent demonstrators have been killed. Scores more were murdered in similar protests last year. Their demands have been answered with crushing force. There is no change in Kosovo. So much for justice in Yugoslavia.

TRIBUTE TO FRANK GRUNGO

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. SAXTON. Mr. Speaker, I rise today to ask my colleagues to join with me in paying tribute to a constituent of mine who is being honored this week for many years of community service. On Friday, February 2, 1990, a dinner will be held to mark the culmination of the distinguished public career of Frank V. Grungo.

Over 30 years ago, Frank Grungo began his service on the planning board for the township of Tabernacle, NJ. While on the board, Frank's foresight and acumen contributed greatly to the continued orderly development of the township.

After his election to the township committee in 1966, Frank Grungo served as a member of the board of health and the local assistance board. He was chosen to serve as mayor of the township on seven separate occasions in 1980, 1981, 1982, 1983, 1986, 1987, and again in 1989.

Although much of Frank's time is spent at the town hall, he has always found the energy to help out the local Boy Scout troop, the Little League baseball team and the Catholic Church where he served on the committee to build the first Catholic Church in Tabernacle.

Mr. Speaker, Frank Grungo is one of the great citizens of this country who never fail to answer the call to serve their neighbors. I know my colleagues in the House join with me, and the people of the great State of New Jersey as we thank Frank Grungo.

RANCH HOPE CELEBRATES ITS 25TH ANNIVERSARY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. HUGHES. Mr. Speaker, I rise today to salute one of New Jersey's exceptional resources, Ranch Hope. This organization, founded by the Reverend and Mrs. David

Bailey, has been helping homeless boys for the past 25 years. On May 6, 1989, I had the privilege of attending the 25th anniversary celebration of Ranch Hope in Alloway Township, Salem County, NJ.

Ranch Hope was just a dream of Reverend Bailey and the congregation of the Fourth Methodist Church of Bridgeton back in 1962. They set out to make a change in the shattered lives of homeless boys in our area. Some of these young men, growing up without the love and care of parents, had experienced just about every type of problem possible. They were often well on the way toward lives of crime and despair.

Reverend and Mrs. Bailey had faith that they could make a difference in these youngsters' lives. They bought an old farmhouse, renovated it, and opened their doors for troubled boys to live with them. The provided the love, stability, and spiritual guidance which the boys lacked. At the same time, they provided educational opportunities and training in a beautiful environment. The boys were educated in everything from math to milking. Under the firm but gentle, loving care of the Baileys, they learned responsibility. Moreover, the boys helped to earn their keep by doing chores around the farm.

Their story is not only a tribute to the Baileys and Ranch Hope, but to all those who have devoted their time and energy to helping those who are less fortunate. Since Ranch Hope opened its doors 25 years ago, more than 500 boys have lived at the ranch. It was very gratifying for me to see many of these successful young men in attendance at the anniversary celebration. It made me realize just how important the work at Ranch Hope is, and how much more we have to do to help those children not so fortunate in finding a home like Ranch Hope.

Mr. Speaker, this record of accomplishment and true service by Reverend and Mrs. Bailey and their many workers and supporters at Ranch Hope is most impressive and deserves recognition. I'm pleased to join with so many others in expressing my gratitude toward the Baileys and Ranch Hope, and in praising their mission of love and caring. I hope that you will join me in wishing Ranch Hope congratulations on their 25 years of public service as well as best wishes for continued success in the years ahead.

THE JUDICIAL INTEGRITY AND INDEPENDENCE ACT OF 1990

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. HYDE. Mr. Speaker, yesterday I introduced H.R. 3907, the Judicial Integrity and Independence Act of 1990. This legislation would provide a quicker and less burdensome means than impeachment for Congress to remove a Federal judge from office. Under the act, a Federal judge would have to step down from the bench if the Attorney General alleged and was able to prove to a three-judge panel appointed by the Chief Justice of the Supreme Court that the judge had violated the constitutional standard of good behavior—article III, section 1—by committing a felony.

In the 200 years since the adoption of the Constitution, only seven Federal judges have been impeached and removed from office. Judges Claiborne, Hastings, and Nixon, however, have been removed in the last 4 years alone. Their cases demonstrate the inadequacy of relying on the impeachment process to ensure the integrity of our 761 Federal judges.

Something needs correction when Judges Claiborne and Nixon are convicted of felonies in criminal trials and sent to prison and then continue to receive salaries for more than 2 years until they are removed from office. And something is wrong when 8 years pass between the time of Judge Hastings' alleged offenses, and his removal.

The impeachment process has proven too slow and cumbersome. And it consumes an inordinate amount of legislative time. It took months of inquiry for the House Judiciary Subcommittee on Criminal Justice to reach the point of voting on the impeachment resolution for Judge Hastings. His case then was before the Senate for 14½ months. Senator TRENT LOTT has aptly pointed out that "except in situations involving the highest public officials, the U.S. Senate should [not] be required to lay aside its legislative duties and don the robes of a judicial tribunal. Rather, it seems to me that the responsibility for determining whether Federal judges have misbehaved can be handled best by the judicial branch itself."

The act would not threaten the interests of any branch of the Federal Government. The House of Representatives would retain the prerogative of initiating impeachment proceedings at any time. The independence of the judiciary would be fully protected since three Federal judges would have to vote for removal.

H.R. 3907 is identical to legislation [S. 1851] introduced by Senator TRENT LOTT. It is similar to procedures enjoyed by most States and to legislation approved by the House in 1941 with the support of the Justice Department and the American Bar Association. I invite my colleagues to join me in supporting this measure.

TRIBUTE TO DR. BERNARD J. CULLEN

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to pay tribute to Dr. Bernard J. Cullen of the Medical College of Ohio. Dr. Cullen, a tremendous asset to the medical profession in the State of Ohio, has retired after many years of service.

Dr. Cullen, a pediatrician, has been a nationally recognized leader in the fight to wipe out one of the most tragic forms of violence of our time—child abuse. Prior to his recent retirement, Dr. Cullen was director of the Ohio's Regional Child Abuse and Neglect Prevention Program, which has been acclaimed for its important work. Mr. Speaker, as a former State legislator who supported the creation of this program, I am most appreciative of the leadership and strength that Dr. Cullen brought to this Child Abuse Program.

In fact, it was because of his nationally acclaimed work in child abuse prevention and treatment that the program was established at the Medical College of Ohio by the Ohio General Assembly. Over $1.1 million has been allocated by the State of Ohio for Dr. Cullen's pioneering work.

Whether it is as a diligent pediatrician, or as a conscientious community servant, or as an undying friend to the abused child, Dr. Cullen has won the respect of all who know his work, and has certainly gained the admiration of this Congressman. I wish this medical leader a happy and healthy retirement.

TRIBUTE TO JOE CANNON

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to pay tribute to a very special member of my constituency and to one of my dear friends in recognition for his years of dedication and commitment to both government and community. Joe Cannon, who is retiring this week, is a well-respected member of Anne Arundel County to which he serves as a symbol of leadership, unselfish devotion, and success.

Joe's history of service began as a member of the U.S. Air Force and later for the U.S. Government Printing Office, where he worked for 27 years. During that time Joe distinguished himself for a number of achievements, including a special letter of commendation from President Jimmy Carter for his development of a cost-cutting system for accounting.

When Joe moved to Maryland City in 1964, he began an equally impressive career as a community leader by volunteering his services to improve recreation facilities and programs in Anne Arundel County. This began a 25-year-old relationship with the county which saw such major accomplishments as the formation of the Maryland Recreational Council, the affiliation of the Maryland City baseball program with the national program in Williamsport, PA, and the development of a plan by Joe, his wife Rachel, and the local volunteer fire department to provide emergency medical service at all home football games. He also served many years as chairman of the Anne Arundel County Recreation Advisory Board, planning and promoting recreation and sports throughout our county.

We cannot begin to repay Joe for his years of service to his government, his neighbors, and his community. And so I ask my colleagues to join me in saluting this citizen for his solid accomplishments and dedication for many years.

A TRIBUTE TO THE NORTHERN NEW JERSEY BLACK NURSES ASSOCIATION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, on February 2 we honor the contributions of a very special group of professionals as we celebrate National Black Nurses Day.

I would like my colleagues here in the House of Representatives to join me in paying tribute to the Northern New Jersey Black Nurses Association, a chapter of the National Black Nurses Association.

We in New Jersey are very fortunate to have such an outstanding community-oriented organization of dedicated health-care professionals. The New Jersey chapter is collaborating with Big Brothers/Big Sisters organizations to develop substitute parenting roles. In May, the group conducts an annual hypertension screening clinic. In addition, a Future Nurses Club has been started on the elementary level to prepare inner city students for a career in nursing.

The New Jersey chapter will hold a reception in East Orange honoring black nurses this coming Sunday. The theme of the event will be the "The Black Nurse: Celebrating the past, creating the future of Nursing in the health-care delivery system."

Mr. Speaker, I know my colleagues join me in expressing our gratitude for a job well done and our best wishes for continued success to the Northern New Jersey Black Nurses Association.

CENTENNIAL OF FRIENDSHIP MISSIONARY BAPTIST CHURCH, CHARLOTTE, NC

HON. J. ALEX McMILLAN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. McMILLAN of North Carolina. Mr. Speaker, I would like to take this opportunity to recognize one of the great institutions in my home community of Charlotte, NC.

For 100 years now, Friendship Missionary Baptist Church has been a guiding light of inspiration for several generations of Charlotteans. Through those years, Friendship Missionary has been unwavering in its devotion and steady in its commitment, not only to its congregation, but to the Charlotte community as a whole.

It was 1890 when 40 families came together to build a church on the rock of their faith and belief, despite few resources upon which to build. For a while, founders such as Sallie Miles and Napoleon Houser organized services and Sunday school in various homes until a permanent location could be found. At the same time, the church searched for a name, until an early founder suggested "Friendship" after the historic Friendship Baptist Church in Atlanta.

A century later, Friendship Missionary Baptist Church in Charlotte has a membership of more than 2,000 members. But its ministry goes far beyond the sanctuary and the families who have called it home for so many years. Friendship provides outreach to those less fortunate. It cares for the young through a progressive day care facility and has provided scholarship money for students wanting to attend college.

Beyond the city limits of Charlotte, Friendship has touched the lives of families in Zaire, where a missionary program has provided resources for new housing. The success of that mission is prompting the church to investigate a similar program in Haiti.

And so, truly in many ways, Friendship Missionary embodies everything that its name implies. It is a friend to many hundreds of people in Charlotte and the surrounding area. And it is a mission carrying that friendship to others many miles from home.

Charlotte is proud of Friendship Missionary Baptist Church. And I am proud to be here this morning to give recognition to the church's centennial.

ASHLAND CITY TIMES MARKS 100TH ANNIVERSARY

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. SUNDQUIST. Mr. Speaker, a few days ago, the Ashland City Times marked its 100th anniversary, a milestone I wish to call briefly to the attention of my colleagues.

The Ashland City Times is a weekly publication, serving Ashland City, TN, and surrounding Cheatham County with the kind of hometown coverage most folks still appreciate. Not only that, the Times periodically publishes community guides, which provide lifelong residents and newcomers alike with useful information about their city and country.

Publisher Luther Thigpen and editor Olivia Hitt continue to produce a readable and informative newspaper that serves as a genuine resource for a growing, changing community. I salute their service and join them in marking this proud and important anniversary for their newspaper.

KILDEE HONORS GENESEE FEDERATION OF THE BLIND

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. KILDEE. Mr. Speaker, I rise today to celebrate the 45th anniversary of the Genesee Federation of the Blind.

Organized in January 1945 to improve the social and economic conditions of the visually impaired in Genesee County, the federation has continued to provide outstanding assistance to meet the needs of the blind. The volunteers offer a multitude of services including counseling, education, distributing food, and serving hot lunches at the Federation's headquarters on 5701 North Saginaw Street in Flint.

As the parent organization of the Service Center for the Visually Impaired, the federation works with the service center to ensure that the blind and visually impaired of Genesee County are given every opportunity to function in a seeing world. This mission of altruism has lead to eliminating barriers for the blind and educating the larger community about the talents and skills of the visually impaired.

Mr. Speaker, as I rise today 45 years after the founding of the Genesee Federation of the Blind, I celebrate the goals and acomplishments of this important organization. The individuals who make up the federation are all true public servants whose work to improve the community for the blind stands as a shining example of the volunteer spirit in the 7th Congressional District. I commend everyone associated with the federation, the staff, volunteers, and clients. I am proud to have this opportunity to recognize and salute their work with the visually impaired.

A TRIBUTE TO DONALD MACMANUS

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. BROWN of Colorado. Mr. Speaker, I rise today to pay tribute to the late Don MacManus, a resident of Denver, CO, and a former Colorado State senator.

Born September 10, 1928, in Des Moines, IA, Mr. MacManus moved to Colorado in 1946. He joined the Army and served 2 years in South Korea.

Before his election to the senate in 1968, Mr. MacManus was a salesman, manager, and later a lobbyist and public relations representative for the food industry. He worked as executive director of the Rocky Mountain Food Dealers Association and was, at the time of his death, director of western operations for the Food Marketing Institute here in Washington.

A State senator for 16 years, Don MacManus had a reputation for voting his conscience, even if it meant opposing his party. A colleague of Don's in the senate was quoted as saying, "His legacy to present and future legislators is: Don't be afraid to stand behind the issues you believe in." MacManus was also a long-time member of the senate judiciary committee and served as assistant senate minority leader.

Following a 2½-year battle with leukemia, he died an untimely death on December 10, 1989, at the age of 61.

He is survived by his wife, LaVerna; two sons, Jon and Chris MacManus of Denver; two daughters, Marge Emerling and Lynn Callison of Denver; his mother, Thelma MacManus of Denver; and six grandchildren.

The State of Colorado and the food industry, among numerous other organizations and people with whom Don MacManus associated, are lucky to have been the beneficiaries of the hard work and dedication of such an exceptional man. He will be missed.

SILVER SPRING FIRM MARKS 20TH YEAR

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mrs. MORELLA. Mr. Speaker, I rise today to commemorate the 20th anniversary of a constituent company, the Orkand Corp., headquartered in Silver Spring, MD. With offices throughout the United States and West Germany and over 500 employees, the Orkand Corp., has made contributions in the area of information system services.

The Orkand Corp., has played a significant role in assisting Government agencies. Its clients include the departments of Army, Navy, Labor, Energy, Housing and Urban Development, the Office of Personnel Management, and the National Institutes of Health.

It is a great pleasure for me to congratulate the Orkand Corp. on its 20th anniversary and wish the company many more years of success.

VOTES MISSED DUE TO EARTHQUAKE

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. CAMPBELL of California. Mr. Speaker, last fall it was necessary for me to return to California after the Loma Prieta earthquake. Consequently, I was not able to cast a vote on four issues which came before the House. It has recently come to my attention that my preferences on those bills had not been recorded. Hence, I would now like to clarify, for the record, how I would have voted had I been present.

The first vote was rollcall 292, pertaining to H.R. 3299, the budget reconciliation bill. I would have voted in favor of the Frenzel motion to instruct the House conferees to recede from the House position on provisions that would lose revenue, increase spending, or have no budget effect. The repeals of the Catastrophic Coverage Act and section 89 employee-benefits were excepted. I believe that the Frenzel motion would have been good budgeting and a positive step toward achieving the budget reconciliation goal.

The second vote, rollcall 293, was passage of H.R. 2494, international development and finance authorization. I believe that the bill provided for too great a potential for simple dole-kind of aid to foreign nations with no requirement for adequate economic infrastructure. My vote would have been no.

The third vote, rollcall 294, pertained to the cargo preference requirements in H.R. 3402, aid to Poland and Hungary. I would have voted for the substitution to the Grandy amendment. The substitution would have resulted in a reduction in the percentage, from 75 to 50, of United States food-aid shipments to Poland required to be shipped on United Stated flag-merchant ships. Cargo preferences have the dual effect of increasing the cost of the aid and lessening the amount of money which can be used for the actual aid. The beneficiaries of such a policy are a very small group of U.S. shipowners and their employees. The provision is anticompetitive and in a very real sense takes food money away from hungry people who need it.

The last vote, rollcall 295, was passage of H.R. 3402, aid to Poland and Hungary. I would have voted yes for the bill. However, I would have preferred less money for direct governmental subsidy and more for capitalistic incentives.

ROSA PARKS—AMERICA'S FREEDOM CHAMPION

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. DELLUMS. Mr. Speaker, on this Sunday, February 4, the Nation will pause to celebrate the birth and life of a gentle spirit, one who demanded her right to sit down on a bus in order that this Nation might stand up for freedom and justice. Her name is Rosa Parks, and we share today with the people of this Nation our tribute, as the Congressional Black Caucus, to one whose very existence demonstrates that ordinary people can be catalysts for extraordinary change. We, the members of the CBC, AUGUSTUS HAWKINS, JOHN CONYERS, WILLIAM CLAY, LOUIS STOKES, RONALD V. DELLUMS, CHARLES B. RANGEL, WALTER E. FAUNTROY, CARDISS COLLINS, HAROLD FORD, JULIAN C. DIXON, WILLIAM H. GRAY, GEORGE W. CROCKETT, MERVYN M. DYMALLY, GUS SAVAGE, MAJOR R. OWENS, EDOLPHUS TOWNS, ALAN WHEAT, CHARLES A. HAYES, MIKE ESPY, FLOYD H. FLAKE, JOHN LEWIS, KWEISI MFUME, DONALD M. PAYNE, and CRAIG A. WASHINGTON, are 24 of only 66 black Americans who have been elected to the U.S. Congress since the founding of this Nation. As we reflect upon the moments, events, and individuals to whom we owe a continuing debt of gratitude for the honor of serving America and the world community in the global struggle for justice, equality, and political representation—we are uniquely aware that in large measure we are here because of the legacy of Rosa Parks.

For those who have come before, and for the members of the CBC today, this democracy has allowed our advocacy a venue because of noble men and women demanding that this Nation live out the precepts upon which it was founded.

Mrs. Parks, you have graced our history with your presence and challenged and empowered our people through your conviction. The words "We, the people of the United States, in order to form a more perfect union, establish justice * * * promote the general welfare, and secure the blessings of liberty to ourselves and our posterity * * * " appear in the Preamble to the Constitution. By your deeds you have transformed this vision into reality. The Congressional Black Caucus joins in this tribute to you and pledges our trust to the flame you have kindled.

AIDS IN THE YEAR 2000

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1990

Mr. STOKES. Mr. Speaker, last November, I was appointed to serve on the Harvard AIDS Institute Advisory Council. The council is composed of concerned leaders who will be actively supporting the work of the institute in its effort to bring AIDS to the forefront of national attention and to provide new perspectives on the AIDS crisis. The goals of the institute include the development of an AIDS vaccine, the prevention of the further spread of the epidemic, and helping developing countries respond to the epidemic.

During the advisory council's initial meeting, Dr. June E. Osborn, who serves as chairman of the National Commission on AIDS and also as dean of the University of Michigan School of Public Health, delivered a thoughtful and insightful speech entitled, "AIDS in the Year 2000." Dr. Osborn's remarks addressed the cultural, social, and political aspects of the AIDS epidemic. Her comments on our country's health care system and the social consequences of the growing AIDS epidemic seem particularly relevant as we begin our legislative session.

I am pleased to share Dr. Osborn's remarks with my colleagues and hope they will take a moment to consider her analysis:

AIDS IN THE YEAR 2000

(By June E. Osborn, M.D.)

I am not much of a futurist, and the charge to anticipate vistas of the year 2000 has caused me considerable unease in the past. It still does—but the peculiar traits of the human immunodeficiency virus make it unpleasantly easy to offer some predictions. As our insight sharpens, the median interval between onset of infection and advent of AIDS keeps growing longer. For a while there, during the past couple of years, the consensus about average time elapsed from infection with HIV to diagnosis of AIDS seemed to have settled at 7 years. The fragility of that figure was intuitively obvious, since the epidemic has been recognized for only 8 years; but I clung tightly to it, taking heart from modelers who seemed to reinforce the epidemiologists, and hoping that ongoing studies would soon show curves to be peaking or leveling off (or whatever).

I am afraid my optimism had the better of me, for recently it is becoming clear that the likely interval is 10 or even 11 years. Since that is the median interval, there will be many people who will take longer to become ill; indeed, there is good news from the AZT front that suggests that we may be able to extend the duration of asymptomatic HIV infection even further. And if all that is true, we aren't really being futurists when we discuss people who will be caught up in the epidemic by the year 2000. In point of fact, we are talking about people who became infected last week!

Of course, there is not as much information as one would like, ideally, to tell us how many of them there are. We have only general descriptive clues about who they are. On the positive side, we have the knowledge that might allow us to stop further spread next week, which would surely help mat-

ters. But what we know and can surmise warrants our collective anxiety that a decade may be barely enough time to prepare for the storm that lowers over the landscape of our society. AIDS is a photograph, a snapshot that takes at least 10 years to develop; and dark clouds already dominate the mood of the picture that has been taken.

Since you have had extensive discussion of medical care and preventive considerations, I want to talk about cultural, social and political features of the epidemic. I will focus remarks on the United States, but I want to point out that it should serve usefully if not admirably as a source of examples for countries around the world that are caught up in the same pandemic crisis, for we are reaping the whirlwind of our multicultural experiment. America was of course conceived as a haven for cultural diversity and was so brash a century ago as to reiterate its welcome to tired, poor, and huddled masses. They came and most of them prospered, but not all. More recently it has become even more complex, only now the dynamics are those of boat people or refugees or so-called illegal aliens. By these various routes the experiences of America's people with HIV and AIDS are as diverse as humanity itself; and it has been the epicenter, the "trailblazer" in epidemic experience.

Unfortunately diversity is a looming fact of American life in economic as well as ethnic terms. Individualism and enterpreneurial energy characterized not only our industrial growth but also the development of our health care system. The best of that system is very good indeed, but at its weak spots it had already become patched and tattered before AIDS. In between the very rich and the very poor, arrangements for care were problematic, and the financing of care between those extremes depended to an overwhelming extent on employment-related health insurance. That is not necessarily a bad idea in times of full employment, but these are not such times, and we have seen AIDS threaten to complete the investiture of an "underclass" in our once-proudly class-less land of opportunity.

Furthermore, the fact that the medical care arrangements are better for the very poor has meant that HIV-infected members of the middle-class have had to "spend down into poverty" as they become ill, in order to qualify for grudging government programs that might finance the many months of care required in the twilight of their lives. This "rich-man, poor-man" tension in our health care system is about to be exacerbated still further, of course, as recommendations for use of AZT are pushed earlier and earlier in the course of HIV infection, and as such costly but effective clinical gambits as prophylactic pentamidine are added to our potential armamentarium. The clinical advances are wonderful news and the prospect that much can be done to improve the lives of HIV-infected persons is a remarkable advance from earlier desolate times; but the promise could be only a cruel tease for many people if we don't adjust our systems of care and financing to facilitate their access.

But back to social diversity for a bit longer: culturally, it has become unfashionable—even unwise—to refer to American society as a "melting pot"; for cultures don't seem to melt. Persons whose exploration of their roots unearth the tangled traces of slavery are just beginning to dig further to find taproots of a sustaining ethos. Better preserved and defined cultural identities are cherished by many of the peoples who contribute distinctively to our population. Well-meaning "anglos" are learning that sensitivity to one sort of Hispanic background may not serve well in dealing with another; and Americans whose personal histories trace far back into ancient Chinese or Japanese cultures find their collective grouping as "Asian Americans" to be startlingly superficial. Indeed, we stand to benefit greatly if we can learn to celebrate our diversity; but in the meantime there is serious social trouble, for some of the immiscible elements of our multicultural population are sinking in a morass of poverty, illiteracy, hopelessness and heightened risk of drugs and HIV, and the extent to which that continues will go far to describe AIDS in the year 2000. It is in approximately that year that the so-called "majority" will become the minority in America.

What else can we say about the place of HIV in the social landscape of 2000? Well, there will be no further argument about whether AIDS is a disease of restricted "groups"; we will know that it is a sexually transmitted disease to which men, women and (above all) adolescents are susceptible and vulnerable. The apparent variations in efficiency of transmission that have received so much attention in our press will long since have scattered like straw men before the fact that with sexual activity, inefficiency doesn't matter since people do so much of it. Any kind of sexual intercourse seems to work when it comes to transmitting HIV; and so the focus will have turned, appropriately, to numbers of sexual partners and to self-protection against the virus, by use of condoms, spermicides or other measures yet to be devised.

[As a parenthetic aside, if one fails to mention sexual abstinence at the head of a list of preventive measures in the U.S., there is trouble, for the American Moralist is a ubiquitous species. But I find that a depressing and curious iteration. Proposing sexual abstinence in early adolescence is a family ethic; but proposing it as a durable solution to anything is rather astonishing to a biologist. I suppose, with fanciful enforcement proposals, universal abstinence could be entertained as a cataclysmic approach to overpopulation, but short of that it has little to do with the AIDS problem.].

As heterosexual spread becomes increasingly dominant, there will of course be greatly increased representation of women among the HIV-infected, and as surely as night follows day, there will be children. That is certain to force a rather dramatic shift in the dynamics of health care and social welfare in those epidemic areas where the initial preponderance of gay men masked the true universality of the virus. The dominance of men among the HIV-afflicted had been so striking in some areas of the U.S.—the west coast and parts of the South, for instance—that when the first wave of bisexual cases appeared, it had impact out of all proportion to their numbers. It is a thorny enough problem to arrange for the employment, housing, social support and medical needs of single men in their twenties or thirties. The mournful fact of their episodic rejection by their "childhood" families has been mitigated by the loving care of their adult family, and inspiring new meaning has been given to the word "community" in the unfolding of the AIDS tragedy within the gay community. The underlying inadequacy of care and treatment options has often been masked by volunteerism and mutual support.

Single adult men are challenge enough; but when illness and death pervade a whole multigenerational family unit it is a far different matter! and that is what is coming. In the parts of the U.S. where the virus has been present the longest the male:female ratio is approaching one-to-one. The AIDS snapshot is already in the developer and last year 1 in every 77 births in New York was to an HIV-infected mother. Where there are two parents in such a household, one or both may be ill, and employment-related health insurance becomes a frail source of care as chronic disease manifestations emerge. As often as not there is only one parent—the index case, already so ill that she is no longer a care-giver, much less a provider. New York is the scene of some horrendous vignettes: older children, unaffected because their birth order preceded maternal infection, left standing like lone surviving trees in a burned-out forest after parents and younger siblings have sickened and died. There are not many of these yet, but there are enough to warn—and it is a spectre to be conjured with in the future. Already we are groping for new terms to serve as synonyms for "orphanage" since the archaicism of that kind of institution is hard for us to accept, despite the growing need.

Of course all that means that there will be infected infants too, and pediatric AIDS is a horror that defies imagination. Anyone who has delighted at first-hand in the miraculous flowering of neurologic skills in a healthy infant must recoil at the very concept that developmental milestones once attained might yet be reversed and recede. The tortuous illness and death of a child must rank with the most profound of grievous losses. Yet by the end of the next two years AIDS (in our country) will begin to match, annually, the toll formerly exacted on children by congenital rubella. Some die fairly quickly, to be sure; but some seem to share the tedious fate of older infected persons, and the equivocation of their future is brutal in itself.

[Parenthetically I have come to believe that, in this epidemic, even that intensity of tragedy is matched or exceeded slightly by the loss that we have been suffering to AIDS of trained talent among young men and women who once were children but who have somehow lost their status in our affections, and with it, their claim to unqualified compassion. They seem to be excluded in the common mind from the groups referred to as "innocent victims"—which exclusion seems to be a tacit, fetid condemnation of sick people that could sicken society itself if it were allowed to fester for another decade.]

Neurologic and systemic disease of children is not the only harm; in our experience in the U.S., even when the children born to an HIV-infected mother have escaped infection themselves, they may be doomed by stigma, for the social ramifications of participation in this epidemic, however indirect, have such force that an awful fraction of the 62,000 families in our country thus far suffering losses from AIDS have had to do even their grieving in secret! What a horror! And what a future to offer a child! I do not know how to avoid completely the occurrence of pediatric AIDS in the year 2000, for that is horrid graffiti that already may have been carved in stone. But at the very least we must protect those children from the ravages and pervasive costs of unwarranted fear!

I have yet to mention illicit drugs and all they portend for the future of the epidemic. If you accept my premise that—when we conjecture about AIDS in the year 2000—we are talking about infections that happen now, then we know to expect trouble. In the U.S. the "just-say-no-or-else!" approach to the drug epidemic continues to prevail in the face of years of failure. To paraphrase my admired colleague Michael Kirby, we probably will not make headway against addictive drugs—or even slow their progress into the society—until we learn to approach that epidemic as a public health problem rather than a matter for the national guard, the courts and the police.

Our borders are too vast! We cannot build prisons fast enough! We cannot keep people in prison, drug-free, long enough! and our politicians cavil about the fact that needle-exchange trials will give us the appearance of "condoning" the use of illicit substances. But look what we are condoning instead! Suffice to say that present needle-sharing for intravenous heroin use is exceeded only by intravenous cocaine use—and soon perhaps both of those by sex-for-crack-cocaine—as conduits to a luxuriant future for the virus of AIDS. It will afflict the users and their non-using sexual partners and their children. It will afflict not only the addicted but the occasional user as well * * * and we have several million of those. The toll could be horrendous and will sweep up with special fury those who are now disadvantaged adolescents and children * * * especially those for the odds in life's game are so bad already that a 50:50 chance sounds like the best hand they've ever been dealt, when the "down" side relates to obscure events a few years hence! We must learn much about such kids that we do not presently know in order to intercept the virus along this pathway—and we will have to use sensitivity to communicate with people within those desperate communities if they—and we—are to have a chance of interrupting the inexorable spread of HIV. I was hopeful that a fresh look at the drug epidemic could provide new impetus to deal with the "demand side"; but the interface between drugs and AIDS is very poorly attended to in the current executive proposals, and the National Commission on AIDS felt impelled to re-state the urgent recommendation of the Presidential Commission—that the availability of drug treatment on demand for addicts who seek it is fundamental to progress in the HIV epidemic.

Let me make a few more comments about culture and then a few about politics. We must take special care to assign to cultural diversity its proper value as this epidemic progresses, or the road taken to the year 2000 could be not only grim but bleak. I do not care to predict the outcome, for my anticipation depends on my mood—instead I will simply focus for a moment on some of the vector forces that will determine the ultimate direction.

Repressive reactions to AIDS have already been notable for their ability to distract the public from more useful efforts. It seems far easier to think about cordoning off peripheral segments of the population than to face squarely the implications of the facts of limited transmission and their corollative message about need for behavior change. A trivial but useful example may illustrate my point: there are so-called "singles" clubs in the United States where unattached adults can meet and "swing." With the advent of the HIV antibody test, some began to charge hundreds of dollars a year for a membership that included 6-monthly testing and issuance of certificates for negativity. Sort of like a service warranty, I guess. What an extraordinary combination of naivete and panache!

But the outcome of such simplistic thinking is not trivial, and it sometimes takes much more pernicious forms. The same mentality cordons off HIV-positive persons in Cuba. It threatens the testing of international travelers before entry into a country even without commensurate attention to returning nationals. It creates barriers to human commerce and cultural exchange, and blights even our national approach to matters such as workplace safety. [For instance, even if every HIV-positive person were neurologically blighted—as they are not—their removal from industrial posts would account for only 1% of the safety-related hazards posed by illicit drugs and alcohol. And yet it is proposed—to quote one airline hell-bent on screening—that they will test for HIV "to assure absolute safety"!] The cultural pall threatened by repressive reactions to AIDS could indeed darken a future landscape.

Sometimes politicians complain that we are making an awful fuss over "just one disease" and that we are distorting priorities in the process. But it is terribly important to realize that the only thing really new about AIDS is the virus and the awful diseases it provokes; all the rest of the problems with which we are grappling is familiar turf revisited; and perhaps we can devise fresh approaches to practical problems and can learn better ways to celebrate the diversity of humanity as we struggle together against the virus-enemy. I have been personally intrigued with the discovery that there are so many cross-cultural universals. The more divergent a culture is from my own, the more I am struck by common chords to which the human family resonates.

For instance, love of children is universal, as is some form of the perception that they embody our hopes for immortality. What differs is how readily we may sometimes forget that we feel that way; and there I think the so-called "developed" cultures might profit from the experience of other, less cluttered societies. We are also prone to forget that others feel at least as strongly as we do about children—resulting, for instance, in blithe assumptions and blind fiats that an HIV-infected woman should never get pregnant!—as if that were sufficient to settle the matter! In this epidemic it has been intriguing to watch public figures hug small children with AIDS in their effort to convey understanding and compassion—as I watch, I have pondered about what is the statute of limitations on childhood? When do we begin to revoke the permit for potential childishness and imperfection that stays with us, nevertheless, life-long.

The need for dignity is another feature that I think is absolutely universal, and in proportion to the extent that it is given or taken away, so waxes or wanes our capacity to help—and especially to educate. A stranger who strips away one's dignity at the very outset surely cannot safely be considered a friend. As we design interventions for health care and social support of persons who are progressively hampered by this awful virus and its diseases, the very feasibility of our innovations will rest on the remembrance of dignity as a determinant force. Again quoting Justice Michael Kirby, it makes little sense to refer to someone addicted to illicit substances as a "drug abuser" if we are trying to persuade them to let us into their lives.

Loyalty to loved ones is a complex, interesting universal. It can inspire wonderful feats of human courage and endurance, but it is also a force that drives men to war and causes people to lie, cheat and steal. In fact, it is protean in its perversions but, nonetheless, too strong to forget in our planning. I was fascinated by a complaint, registered recently by a colleague from a country in which frequent patronization of female prostitutes was a cultural force to be reckoned with. He noted with some despair that seropositive men were willing to follow through with partner notification when it came to extramarital partners and yet refused to notify their wives! How complicated that is!—and yet we must not underestimate, or fail to learn the meaning of, the powerful twisted loyalties that are expressed in such a quixotic distinction, if we are going to be able to deploy our knowledge to stop this epidemic.

All of these social and cultural forces that will help to determine in the tasks of the year 2000 will be collated by the political process, so it is important before closing to pay due respect to what is involved there. To do so I will revisit a talk I gave to the Conference of (U.S.) Mayors meeting on AIDS that was held in New York City in October 1987. (In fact, it was at lunch on Black Monday, and I was Mayor Koch's luncheon partner—talk about memorable!) I was trying to convey my awareness that most of my listeners were politicians and that I didn't envy them their tasks with respect to AIDS . . . as follows:

"The projected magnitude of the AIDS epidemic makes it an extraordinarily important matter for politicians to address; and yet as political problems go it is hard to imagine how things could be worse—just look at the array of potent emotional issues which interfere with efforts at derivation of thoughtful policies and programs!

"To list just a few of those confounding elements: the AIDS epidemic has stimulated an astonishingly virulent homophobia. It thrives on illicit drug use and begs politically awkward questions as to the merits of methadone maintenance and facilitation of needle access. It comes on the heels of a strident anti-drug campaign [that] did not address treatment but rather wrapped users and pushers and entrepreneurs alike in the same cloak of hostile rejection. It has uncovered ugly evidence that the world has not changed with respect to prostitution and the unflagging double standard that perpetuates it as a profession. And almost worst of all, it speaks aloud the forbidden name of bisexuality and provides unwelcome evidence of its universality across the myriad human cultures that are struggling to maintain their identity in our pluralistic society.

"Its restricted patterns of transmission allow the virus to thrive in as medium of alcohol excess or drug-obscured judgment . . . The epidemic is swelling the growing army of the destitute, adding progressive neurologic deterioration to the appalling mix of chronic alcoholism, chronic mental illness, homelessness and helplessness. And finally, it fuels a right-wing flair which in turn nourishes a public taste for conspiracy and serves as a convenient substitute for common sense and hard work. Common sense would tell us that authoritarian approaches have never served to govern human sexual behavior, that drug use is flourishing in the face of pre-existing legal sanctions, and that voluntary change in personal and private risky activities is what is

needed to stop the spread of the AIDS virus; but the ideologues imply with their categorical solutions that such change can be accomplished by fiat and decree . . . .

"[But] we are by no means alone with this problem . . . It is a global problem and will never again be gone! The world changed with the appearance of the virus of AIDS: a new microbiological bomb has been detonated in our midst, and, like the advent of Hiroshima, the human immunodeficiency virus is a fact of life now for the whole human family, and we must learn to deal with it for the sake of our children's children."

At the end of that speech I used a quotation from Camus' The Plague that must, by now, have become almost tiresomely familiar to toilers in the fields of AIDS—but it serves well here: the conclusion of the doctor that "what we learn in time of pestilence [is] that there are more things to admire in men than to despise." The first years of the AIDS epidemic have underscored that, and the shadows of grief have been relieved by flashes of great humanity. It is the fate of many generations never to recognize greatness in their midst, or to do so only vaguely. By contrast we have had the privilege of knowing in the thick of social battle that we are in the company of heroes of our time—my friend Jonathan Mann, Director of the Global Program on AIDS at the World Health Organization, is a wonderful case-in-point, and a number of others are here today—and the common themes of myriad cultures give us new ways to learn to admire, and not despise! I am an inveterate optimist, and so you will forgive me if I conclude that way. The counterpoint of that heroism assures that the landscape of 2000 will not be desolate, that the dreadful AIDS snapshot already taken could turn out to be the ugliest of them, the tragic denouement of a rigorous twentieth century lesson in hubris and humility. At least there is a lot to be done—and perhaps, just barely, enough time to do it.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 1, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 2

9:00 a.m.
Armed Services
To resume hearings on the implications of changes in the Soviet Union and Eastern Europe for Western security.
SH-216

9:30 a.m.
Joint Economic
To hold hearings on the employment-unemployment situation for January.
SD-106

10:00 a.m.
Finance
Medicare and Long-Term Care Subcommittee
To hold hearings to examine issues relating to Medigap insurance policies.
SD-215
Judiciary
To resume hearings on the national drug control strategy program.
SD-226

10:30 a.m.
Joint Economic
To resume hearings to examine the economic outlook for 1990.
SD-106

FEBRUARY 5

10:00 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1991 budget.
SD-608
Energy and Natural Resources
To hold hearings on the nominations of John Wesley Bartlett, of Massachusetts, to be Director of the Office of Civilian Radioactive Waste Management, and Robert H. Gentile, of Ohio, to be an Assistant Secretary of Energy for Fossil Energy, both of the Department of Energy.
SD-366

2:00 p.m.
Finance
To hold hearings on proposed legislation to reduce Social Security taxes.
SD-215

FEBRUARY 6

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on crop insurance.
SR-332
Armed Services
To resume hearings on the implications of changes in the Soviet Union and Eastern Europe for Western security.
SR-222
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on S. 1554, to implement water rights settlements involving the Pyramid Paiute Tribe, the States of California and Nevada, and other parties with respect to the waters of the Truckee and Carson Rivers and Lake Tahoe in Nevada and California.
SD-366
Governmental Affairs
To hold hearings on S. 2006, to establish the Department of the Environment, and to provide for a global environmental policy of the United States.
SD-342

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Labor, focusing on the Office of the Secretary of Labor and the Office of Inspector General.
SD-138
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold oversight hearings on chemical exports to Central and South America.
SR-253
Judiciary
To hold hearings on the nomination of Clarence Thomas, of Virginia, to be United States Circuit Judge for the District of Columbia.
SD-226

2:00 p.m.
Agriculture, Nutrition, and Forestry
Domestic and Foreign Marketing and Product Promotion Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on export and market development programs.
SR-332
Commerce, Science, and Transportation
To hold hearings on the nomination of Edward J. Philbin, of California, to be a Member of the Interstate Commerce Commission.
SR-253

FEBRUARY 7

9:00 a.m.
Armed Services
To hold hearings on the military strategy and operational requirements for NATO defense.
SH-216

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1643 and S. 1660, to provide protection to consumers in connection with telephone services.
SR-253
Governmental Affairs
To continue hearings on S. 2006, to establish the Department of the Environment, and to provide for a global environmental policy of the United States.
SD-342

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the Office of Civil Rights and Policy Research, the Family Support Administration, Human Developoment Services, and the Office of Inspector General.
SD-192

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of National Drug Control Policy.
SD-116

Budget
To hold hearings to examine the impact of health care costs on the American economy.
SD-608

Foreign Relations
To hold hearings on U.S. policy toward China.
SD-419

10:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold oversight hearings on the safety of child passengers.
SD-628

Finance
To resume hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-418).
SD-215

1:00 p.m.
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings to examine issues relating to runaway and homeless youth.
SD-430

1:15 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the Social Security Administration and the Health Care Financing Administration.
SD-192

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on provisions relating to fisheries protection and buffer zones (sec. 104(e)), and the designation of additional wilderness areas on the Tongass National Forest (title III), or H.R. 987, the Tongass Timber Reform Act.
SD-366

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

FEBRUARY 8

9:00 a.m.
Armed Services
To hold hearings on the military strategy and operational requirements of the commands oriented to Pacific defense.
SH-216

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on grain quality enhancement.
SH-332

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
To continue hearings on S. 2006, to establish the Department of the Environment, and to provide for a global environmental policy of the United States.
SD-342

Veterans' Affairs
To hold hearings on the nominations of Ronald M. Holdaway, of Wyoming, and Hart T. Mankin, of Delaware, both to be Associate Judges of the United States Court of Veterans Appeals.
SD-562

10:00 a.m.
Finance
To resume hearings on proposed legislation to reduce Social Security taxes.
SD-215

10:30 a.m.
Joint Economic
To resume hearings to examine the economic outlook for 1990.
Room to be announced

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agriculture Credit Subcommitee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on agricultural credit.
SR-332

Armed Services
To hold hearings on the military strategy and operational requirements of the unified commands oriented to Third World defense and unconventional warfare.
SH-216

FEBRUARY 9

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health, the Office of Health Care Policy and Research, the Centers for Disease Control, the Alcohol Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration.
SD-192

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1991 budget.
SD-608

Finance
International Trade Subcommittee
To hold hearings on proposed legislation to make permanent the Caribbean Basin Initiative.
SD-215

FEBRUARY 20

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Office of Director, Buildings and Facilities, the National Cancer Institute, the Heart, Lung, and Blood Institute, the National Dental Institute, Diabetes, Digestive, and Kidney, Allergy and Infectious Diseases, Child Health and Human Development, and Environmental Health.
SD-138

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Neurology Institute, the Deafness Institute, General Medical Sciences, the National Eye Institute, the National Institute on Aging, Arthritis, Musculoskeletal and Skin Division of Research Resources, Nursing Research, Human Genome, and the National Library of Medicine.
SD-138

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on agricultural credit.
SR-332

FEBRUARY 21

9:00 a.m.
Armed Services
To hold hearings on the military strategy and operational requirements for rapid reinforcement and associated transportation requirements.
SR-222

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on trade issues.
SR-332

Governmental Affairs
To hold hearings on S. 1742, to further the goals of the Paperwork Reduction Act (P.L. 96-511), and comprehensively strengthen agency responsibility and accountability of information resources management.
SD-342

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Education, focusing on the Office of the Secretary of Education and Special Institutions.
SD-192

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Customs Service, and the Federal Election Commission.
SD-116

Foreign Relations
To hold hearings on the report on arms control prospects following Moscow and Ottawa Ministerial meetings.
SD-419

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Education, focusing on

the Offices of the Assistant Secretaries of Education and the Office of the Inspector General.

SD-192

FEBRUARY 22

9:00 a.m.
Armed Services
To resume hearings on the implications of changes in the Soviet Union and Eastern Europe for Western security.

SR-222

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on grain quality enhancement.

SR-332

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.

SR-253

Energy and Natural Resources
To hold oversight hearings on the implementation of the Department of Energy's Office of Civilian Nuclear Waste Management.

SD-366

Governmental Affairs
To continue hearings on S. 1742, to further the goals of the Paperwork Reduction Act (P.L. 96-511), and comprehensively strengthen agency responsibility and accountability of information resources management.

SD-342

Rules and Administration
To hold hearings on S. 1543, to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia.

SR-301

10:00 a.m.
Finance
To hold hearings on proposed legislation authorizing funds for fiscal years 1991 and 1992 for the U.S. Customs Service, Department of the Treasury, and proposed legislation relating to the ad valorem customs merchandise processing fee.

SD-215

Rules and Administration
To hold hearings on the nomination of Robert William Houk, of Ohio, to be Public Printer for the Government Printing Office.

SR-301

FEBRUARY 23

8:00 a.m.
Veterans' Affairs
To hold hearings on budget recommendations for veterans programs and on proposed legislation to reorganize the Veterans Health Service and Research Administration.

SH-216

FEBRUARY 27

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on hunger in America.

SD-G50

Rules and Administration
Business meeting, to consider S. 1543, to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia, the nomination of Robert William Houk, of Ohio, to be Public Printer for the Government Printing Office, and other pending executive, legislative, and administrative business.

SR-301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Disabled American Veterans.

SH-216

2:00 p.m.
Armed Services
To resume hearings on the amended authorization request for fiscal year 1991 for the Department of Defense and the five year defense plan.

SR-253

FEBRUARY 28

9:00 a.m.
Armed Services
To continue hearings on the amended authorization request for fiscal year 1991 for the Department of Defense and the five-year defense plan.

SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture.

SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Alcohol, Tobacco, and Firearms, and the Federal Law Enforcement Training Center.

SD-116

Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 48, proposing an amendment to the U.S. Constitution relative to contributions and expenditures intended to affect Congressional and Presidential elections.

SD-628

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Physician Payment Review Commission, the Corporation for Public Broadcasting, the National Commission on Libraries, the U.S. Institute of Peace, the National Commission on AIDS, the Prospective Payment Assessment Commission, the National Commission to Prevent Infant Mortality, and the Soldiers' and Airmen's Home.

SD-192

10:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for ACTION, the National Council on Disability, the Federal Mediation and Conciliation Service, the National Mediation Board, the Railroad Retirement Board, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, and the Occupational Safety and Health Review Commission.

SD-192

MARCH 1

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to examine issues relating to truck backhaul.

SR-253

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the cotton industry.

SR-332

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to review the proposed budget for fiscal year 1991 for the Department of Transportation.

SD-138

2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on forestry issues.

SR-332

MARCH 2

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the wool and honey industries.

SR-332

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Research Service, Cooperative State Research Service, and Extension Service.

SD-138

MARCH 5

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the rice industry.

SR-332

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on agricultural credit.

SR-332

MARCH 6

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Veterans of Foreign Wars.
SH-216

9:30 a.m.
Governmental Affairs
To hold hearings on the General Accounting Office's report on material weaknesses in the Department of Defense's supply system.
SD-342

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the sugar industry.
SR-332

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Food and Nutrition Service and Human Nutrition Information Service.
SD-138

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1976, to provide for continued U.S. leadership in high-performance computing, focusing on the Department of Energy.
SD-366

MARCH 7

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the dairy industry.
SR-332

Governmental Affairs
To hold hearings on S. 1978, to promote U.S. trade and technology interests by reorganizing the Department of Commerce into a Department of Industry and Technology.
SD-342

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Treasury, and Departmental offices.
SD-116

MARCH 8

9:30 a.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant [WIPP] in Carlsbad, NM, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

Governmental Affairs
To hold hearings to examine fraud, waste, and abuse, focusing on agencies on the high-risk list.
SD-342

Small Business
To hold hearings on implications of technology transfer on small business.
SR-428A

Veterans' Affairs
Business meeting, to consider budget recommendations for veterans' programs and proposed legislation to reorganize the Veterans Health Service and Service Administration.
SR-418

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the wheat industry.
SR-332

MARCH 9

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.
SR-332

MARCH 15

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the American Ex-Prisoners of War, the Blinded Veterans Association, and the Military Order of the Purple Heart.
SH-216

MARCH 20

2:30 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Panama Canal Commission.
SD-116

MARCH 21

9:30 a.m.
Governmental Affairs
To hold hearings on proposed legislation to establish a position of chief financial officer.
SD-342

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the United States Secret Service, and the Internal Revenue Service.
SD-116

MARCH 22

9:30 a.m.
Governmental Affairs
To continue hearings on proposed legislation to establish a position of chief financial officer.
SD-342

Veterans' Affairs
To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

MARCH 23

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-138

MARCH 28

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.
SD-116

MARCH 29

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

MARCH 30

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

APRIL 4

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-118

APRIL 5

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

APRIL 19

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

APRIL 25

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

APRIL 26

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

MAY 3

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

MAY 10

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

CANCELLATIONS

FEBRUARY 1

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the Department of Energy decision plan related to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

HOUSE OF REPRESENTATIVES—*Thursday, February 1, 1990*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Give us, we pray, O God, the full blessing of Your spirit that whatever our task, or whoever we are, or whatever our deepest concern or need, we will not walk alone through the paths of life. We are grateful, merciful God, that Your Word of faith and hope and love abides with us always. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Texas [Mr. PICKLE] if he would come forward and lead the membership in the Pledge of Allegiance.

Mr. PICKLE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Kalbaugh, one of his secretaries.

THE PRESIDENT'S SPEECH

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, I think the President gave a very good address last night. I was especially pleased with his proposal on troop reductions in Europe which will bring the levels down to 195,000 on both sides, which means that we will have to reduce by about 65,000, but the Soviet Union by over 300,000 or almost 5 to 1.

When he got onto the subject of domestic policy, Mr. Speaker, I thought he got hold of an advanced copy of the Speaker's statement to the Nation, because he basically outlined the Democratic program. He talked about clean air and the environment. He talked about child care, the Americans with Disabilities Act, which we hope to enact very soon, education programs in general, and drug education in particular, which we think is a priority.

I hope that in the weeks and months ahead the President's actions match his rhetoric, and I hope he continues to advocate the provisions of the Foley plan, and if he does that, we are going to have a very productive year in 1990, indeed.

MONEY LAUNDERING BILL

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I rise today to discuss the drug war. Specifically, the gas in the engine of the drug trafficking machine—money laundering.

In the past, the Congress and the Treasury Department have done an admirable job attempting to stop money laundering in banks.

But just like cockroaches, these drug thugs have run from the light focused on the banks—to the darkness of the largely unregulated world of nonbank financial institutions.

Many times, these check cashing businesses, and other storefront currency exchanges, exist purely as fronts for drug peddlers to clean tainted money.

Primarily, the oversight responsibilities in this area have been left to the States. Quite frankly, the States are not doing the job.

Well, now is the time to give the States the incentive to shut down these drug "laundermats."

Today, I am introducing legislation which will require States to do a better job policing nonbank businesses. The bill also calls for the Treasury Department to monitor the States' progress, and recommend penalties against States which fail to act.

I urge my colleagues' support in plugging this hole in the circulation of dirty money. Money which is facilitating the death of thousands across this country and the world.

KEEP OUR COMMITMENT TO CIVIL SERVICE AND MILITARY ANNUITANTS

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, in what has become an annual ritual, the administration has proposed the elimination of the cost-of-living adjustment for civil service and military annuitants. The President's fiscal year 1991 budget also proposes the permanent modification, beginning in fiscal year 1992, of the COLA formula for most civilian retirees. The revised formula, based on the Consumer Price Index minus 1 percent, would ensure the methodical erosion of civilian annuities—even without COLA cancellations.

Year after year, we continue to witness administration disregard for civilian and military annuitants in the form of such cuts. The Federal Government has never attempted to match private sector salaries across the board. Instead, for years it has successfully attracted talented individuals with the promise of important and fulfilling work in the public interest and with fair benefits. Now, these benefits are being tampered with after the fact for individuals who have already devoted years of service to their fellow citizens. In my mind, Federal annuities represent a commitment by this Government of equal weight to that made to Social Security recipients and must be preserved and protected.

This analogy is not lost on civilian and military retirees, who did not participate in the Social Security Program during their years of public service, and instead relied upon their Federal pension to provide old-age income security. As my colleagues know, CPI-based cost-of-living adjustments are guaranteed by law for Social Security annuitants, but unfortunately not for Federal and military annuitants.

Mr. Speaker, I suggest that it is time to extend this principle of fair treatment and honest commitment to our public sector retirees. Let us end once and for all the annual tinkering with annuitant COLA's, and restore cost-of-living adjustments to the fiscal year 1991 budget.

REPORT ON PROGRESS IN AERONAUTICS AND SPACE DURING 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PICKLE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology.

(For message, see proceedings of the Senate of today, Thursday, February 1, 1990.)

REPORT ON GENERALIZED SYSTEM OF PREFERENCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means.

(For message, see proceedings of the Senate of today, Thursday, February 1, 1990.)

□ 1110

SAVINGS AND ECONOMIC GROWTH ACT OF 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-145)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

(For message, see proceedings of the Senate of today, Thursday, February 1, 1990.)

THIRD BIENNIAL REPORT OF INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology.

(For message, see proceedings of the Senate of today, Thursday, February 1, 1990.)

THE TRAGEDY OF ARMENIA

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, the Azerbaijan Liberation Front has declared war on the Armenian people and the Soviet leadership has responded by dispatching the largest number of troops it has ever used inside its own borders.

As Soviet Ambassador Yuri Dubinin said yesterday army units and security forces were sent to Azerbaijan only to stop what he termed "an orgy of killings."

While widespread bloodshed has apparently been arrested, Armenians continue to suffer. And while order may return to the region in time, allowing Soviet Army troops to leave, the Armenian people will still face persecution until an agreement over the disputed Nagorno-Karabakh territory is reached.

I rise today to commend the Baltic nationalists, who have their own disagreements with Moscow, for offering to sponsor talks between the Azeris and Armenians. It is significant that the Latvians and other Baltic nationalists have seen the importance of settling these matters peacefully and, for the sake of Armenians now living in fear of further persecution, we must hope the Latvians prevail in their call for peaceful negotiation.

RESPONSE TO THE STATE OF THE UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 5 minutes.

Mr. GEPHARDT. Mr. Speaker, it is my pleasure to submit for the RECORD the remarks of the Honorable THOMAS S. FOLEY, Speaker of the House, who last evening delivered an eloquent response to the President's State of the Union Address. His comments outline the unmet needs of this nation and an aggressive approach for meeting them.

REMARKS OF HON. THOMAS S. FOLEY, SPEAKER OF THE HOUSE, ON THE STATE OF THE UNION, JANUARY 31, 1990

Good evening. I'm Tom Foley, the Speaker of the House. Earlier tonight, you may have seen me sitting behind President Bush as he delivered his address.

The first time I was present for a State of the Union message, I was a young staff member working here in the Capitol for one of the giants of the United States Senate, Scoop Jackson of Washington State. It was the cold winter of 1962—a few months after the Berlin Crisis—and President Kennedy spoke eloquently, to the Congress and the country, of the "burden and the glory of freedom."

Today, as we begin a new decade, we join together to celebrate the glory of a new era of freedom. This new era is not a coincidence or an accident. Its coming is due in large measure to those who carried the burden for nearly half a century—Presidents and people alike; defenders and dissenters; Congresses and Administrations from Harry Truman to George Bush.

In a special way, the credit goes to successive generations of young Americans, the 25 million who have served in the Armed Forces since World War II and the 350 thousand who have been wounded or lost their lives.

In the end, the credit goes to all the American people, who have paid the costs and stayed the course of a Cold War that was the longest conflict in American history—and perhaps the most fateful conflict of modern history.

Some doubted that it could ever be ended except in defeat or in flames. But we as a nation met John Kennedy's challenge to "persevere, [to] look beyond our own shores and ambitions"—and so we have helped, in Ronald Reagan's words, "to turn the tide of history away from the totalitarian darkness and into the warm sunlight of human freedom."

The events are still unfolding, and the old world's new revolution of hope is still unfinished. But this is a time of honor and pride for America—and for free men and women everywhere.

We have a continuing obligation to fulfill—an obligation to those who struggle on, from South Africa to China. Who could ever forget the bravery of one Chinese student who stood all alone in front of a tank near Tiananmen Square and stopped it? We Democrats believe that it was wrong for the Bush Administration to yield to pressure from a communist dictatorship in Beijing; it was wrong for the President to veto a bill that would have safeguarded Chinese students in America from being sent back to their homeland's reign of repression. One lesson of the past forty-five years is that no Congress and no President should be timid in the defense of freedom.

There's another underlying truth in the ferment sweeping the globe. We are perhaps near the end of a great struggle, but we are certainly not at the end of history.

The 1990s will be a period of profound and continuing change. This new decade marks more than a division of time—and it will lead to more than a new century. For there are new realities to be grasped, new challenges to be met, and very different battles to be won.

In the 1990s, and well into the next century, the central challenge for America will be economic, not military. The greatest test of our strength will be in our classrooms, not our missile silos. The gravest threat will come not from any nation's attempt at world domination, but from every nation's complicity in the worldwide destruction of the environment.

This period of vast change will be a period of fundamental choice. Much of what the President said tonight I agree with. Some of what he said, I disagree with.

But my purpose here is not to debate point by point. I'm here to tell you where we as Democrats stand, the values we hold—the vision we have—the choices we believe in.

First, we believe that we must renew our economic capacity and regain control of our economic destiny.

Today, the America that invented the computer chip and the VCR has seen its market share shrink or vanish in both products.

We are falling dramatically behind in new technologies such as high definition television.

As Democrats, we're not satisfied with a trend that has seen this nation drop from first to sixth in standard of living. We're not satisfied to be told that within ten years, the average West German worker may earn 150% as much as the average American worker. We're not satisfied to have American students rank near the bottom of the industrial nations in math and science.

We will set a national goal of making our schools once again the best in the world by the year 2000. On this issue, the President's words seem to agree with us, but his actions say something else. You can't become the education President, with all the problems we face in this area, by proposing a meager 2% increase in the education budget. That's a fact. And for all the talk, that's exactly what the President proposes to do.

We also believe that American corporations have a responsibility and should have the opportunity to re-invest in America. We believe that the wave of corporate mergers and leveraged buy-outs is a waste of resources. It leaves Wall Street raiders with large sums of money in their pockets—and it leaves our companies overburdened with debt and weakened in competing for world markets.

This issue represents another real difference between us and the Republicans. For too many years, their policies have encouraged debt and quick profit instead of investment and long-term growth. The result: the amount of private resources put into research and development has fallen in real dollars.

It's imperative to reverse the trend—and to secure America's place on the frontiers of enterprise and invention.

At the same time, we must demand that nations trading with us give our products an equal chance in their markets—products ranging from innovations in the service sector to the abundant harvests of American agriculture.

Make no mistake about it. We favor expanded trade, but we reject the idea of one way free trade. We believe this nation should be in the business of exporting the goods our workers make, not the jobs our workers need.

We also believe in encouraging a rise in savings, which have collapsed to a record low during the 1980s. The Republicans say they want to do this in part by cutting the capital gains tax, a cut which would give 80 percent of the benefits to the richest 1 percent of Americans. Instead, we are fighting to restore IRAs—so middle income families can save as much as $2,000 a year tax-free—and then use the money for their own retirement, or as a down payment on a first home.

We took on the struggle against the capital gains proposal when the odds were against us. We won last year—and this year we will do all we can to make sure that the greatest part of any tax cut, of any kind, goes to those of you who live on a paycheck—not just the few who have the highest incomes, the largest stock portfolios, and, by the way, the potential for the biggest tax shelters.

This issue goes to the heart of the reason we are Democrats: Above all else, we stand with you, the people who go to work and pay the taxes. It is your cause to which we are committed, and your side on which we fight.

So we will also fight for the most effective Clean Air Bill—even though that may offend entrenched and powerful interests.

We will fight for child care—so that working parents don't have to choose between their family's standard of living and their children's standard of care.

We will fight for campaign finance reform. We disagree with the Administration's opposition to limits on campaign spending. Let's be blunt about it. Don't we all know there is simply too much money being raised and being spent in American politics?

And there is another issue on which we have only just begun to fight: this Administration's practice of misusing the Social Security trust fund to hide the size of the federal budget deficit.

Social Security involves more than a trust fund; it involves the basic bond of trust between our people and our government. From the beginning, Social Security has been the Democratic Party's proudest achievement. We reject the suggestion of some Republicans to privatize the system. They say that's a new idea. We think it's the same old bad idea, another version of the repeated Republican attempt to undermine Social Security.

Finally, as Democrats, we believe that there are areas where the government simply does not belong. We will continue to defend a women's right to choose—for we are convinced that politicans cannot and should not attempt to make the choice.

But we also believe government can have a positive role—not to dominate, but to help people improve their own lives.

The reason we have so many homeless in America today is not because government has cared too much, but because government has cared too little. We have to do better than that—on a whole range of issues.

We will seek to secure the right of all our children to learn in better schools and to earn a better life.

We will seek to secure the civil rights of all our people. We can't celebrate freedom abroad and then deny freedom at home.

We are also committed to the strongest possible attack on the drugs that are attacking our society and our families. On this we are all united. Narcotics destroy the children of Democrats and Republicans alike.

One of my first jobs was as a deputy prosecutor in my hometown of Spokane, Washington. I believed then and I believe now in enforcing the law—not in legalizing drugs. We won't win this struggle overnight, or in a few months, or even over a year or two. But together we can begin to reclaim our streets and our schools and our neighborhoods.

Let me say it again. We will work with the President wherever and whenever we can. On some issues, we will have differences because we care deeply about certain principles—and about the people who have been the abiding concern of the Democratic Party. Today, we Democrats stand, as we have before, for working families. We stand for both economic justice and economic opportunity. For protecting the environment. For senior citizens and the soundness of Social Security.

And where we must, we will disagree with the Administration. We will stand our ground when that is the only way to stand for you.

Above all else, we have high ambitions for America in the 1990s. We cannot be content to be bystanders, riders on the storm of history. For we are living in one of those rare seasons of change that come to few generations. We are being challenged by countries who say America is in decline—that we can never again be the best in the world marketplace. We do not accept that. We reject those who assume that Americans aren't smart enough, or disciplined enough, or tough enough to rise to the moment.

We were in the 1940s—and we saved the post-war world. Now we must strengthen our own country. The time has come for America to help herself, to rebuild, to re-energize, to reinvigorate our hopes, to gather together our talents and to reclaim our place in the world.

In the most span of this decade, we have a long way to move as a nation. Let us resolve that on that day when America enters the twenty-first century, we shall be first—first economically, first in education and science, first in human decency and human rights.

Thank you, God bless you, God bless our country.

Goodnight.

PRESIDENT BUSH'S STATE OF THE UNION ADDRESS AND THE MAY 19 AMERICAN OPPORTUNITIES WORKSHOP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I will not take all of my time. I am going to take a little while to talk about President Bush's State of the Union Address and the May 19 American Opportunities Workshop that I have been talking to my colleagues about over the last 2 weeks.

Last night's State of the Union Address I thought was a historic speech, a speech which clearly lays out for the 1990's a way of thinking about the future of the United States, the future of the American people, and frankly, because of the nature of the modern world, a way of thinking about the future of the entire human race.

President Bush I thought clearly outlined his vision of the future, the values that he believes matter, and the direction he hopes America and, through American leadership, the world, will take.

I think it is very important to understand the context of this speech. I want to talk about it at three levels. First what are the vision, values and direction which are unique to President George Bush and to the movement that he is the leader of, and how do they differ from our friends on the left and the kind of response we got at one point last night when literally one-half of this Chamber was standing and applauding and the second half was sitting and staring, and what does that tell us about the choices ahead for America and the choices involved in American politics.

Second, the President's call for a decade of invention, for a period of involvement, of activism, of finding new and better ways of doing things, in particular his emphasis on education, but in fact a call that comes up again and again, both in his speech, and I am going to refer briefly also to his budget proposal, both his own statement and the very fine statement by Budget Director Darman in talking about the need for change.

The third, some specifics. I was very struck last night when I went out and talked to the Press Corps after the speech that some of my Democratic colleagues felt the speech lacked specifics, that there were not enough specifics, when in fact, as I think I will prove in the next few minutes when I walk through it, there are some very significant specific challenges to the Congress and specific requests for leg-

islation and for activism on behalf of the left branch.

Let me first start with vision, values and direction. One of the things which seems to be the most confusing to our friends on the left and to the Democratic leadership is the fact that President Bush, like President Reagan, represents a particular set of ideas and values, a particular vision of how America works and what America is all about; that President Bush in a sense represents the second phase of a movement which was begun in the 1950's by Bill Buckley and Barry Goldwater and Ronald Reagan; that President Bush represents the transition from the opposition conservatism, which between 1955 and 1980 won the intellectual fight with the American left in terms of popular opinion, and the emergence under Bush's leadership of governing conservatism which takes those basic values, those basic beliefs, as articulated by Bill Buckley and Barry Goldwater and Ronald Reagan, and begin to evolve them for the 1990's, for the baby boom generation, into a philosophy and a vision of governing, of solving problems, of in fact making things work.

Let me point out some very specific differences between what a President McGovern or a President Mondale or a President Dukakis might have said representing the values of the left and the national Democratic party and what President Bush in fact said, representing the vast majority of Americans.

First of all, he talked at the very beginning of the speech:

Tonight, I come not to speak about the "state of the government"—not to detail every new initiative we plan for the coming year, nor to describe every line item in the budget. I am here to speak to you and to the American people about the State of the Union, about our world, the changes we have seen, the challenges we face.

The point I would make is, if you start with a broadly left wing view of the world, if I can use that term, you start from a tradition of socialism, a tradition of bureaucratic welfare state, a tradition of Government being important.

From the standpoint of the left, the President's job is to talk about the state of the Government. That is why when you listen to the left talk they measure proposals in terms of how much more bureaucracy, how much more Government, how much more taxes, how much more are we going to spend in Washington.

But if in fact you represent a center right coalition in the broad values of the conservative movement, your concern is for the entire country. You start and say not just is the Government better off, but are the American people better off? Not just is there more money in Washington's Government Treasury, but is there more money in the family budget, is there more money available for charity, is there more money available for nonprofit activities, is there more money for local government and for State government?

So in a sense you have a larger world view in terms of the conservative movement that starts by talking about the state of the Union, not the State of the Government.

That is the very first striking difference. You see that translated, I might suggest, when you look at the budget of the U.S. Government as presented by President Bush and Director Darman, and you then look at how the liberal Democrats reacted to that budget with their focus on why aren't we raising taxes, their focus on how much more are you going to spend in Washington, when in fact one of the major drives of President Bush and of the Bush administration is to create more opportunity for private initiative, more opportunity for the thousand points of light, the individual volunteer, more opportunity for local government and city government and State government, more opportunity for voluntary nonprofit activities.

In fact, one of the reasons we are so opposed to raising taxes is that we think America and the Union are better off by having more money in the family pocketbook so families can make decisions, where our friends on the left and in the national Democratic leadership think that America is better off if Government has more money. Therefore, as you saw last night when the President promised to get to a balanced budget without raising taxes, there were very few of the Democrats who stood and applauded. Because from their legitimate value system and their ideology, a balanced budget without a tax increase is a smaller Government, and from their standpoint, a smaller Government is by definition a less helpful America.

□ 1120

From our standpoint, because of our belief in entrepreneurial free enterprise, our belief in private charities and private initiatives, and our belief in State and local governments we think it is very possible to have a Federal Government that balances the budget without a tax increase, and to have a stronger, more dynamic and more innovative America. Part of that difference occurs again as a base of values.

President Bush continued an emphasis that Ronald Reagan began when he said the recent remarkable—

* * * events * * * validate the longstanding goals of American policy—a policy based on a single, shining principle: the cause of freedom.

America—not just the Nation—but an idea, alive in the minds of people everywhere. As this new world takes shape, America stands at the center of a widening circle of freedom—today, tomorrow and into the next century.

Our Nation is the enduring dream of every immigrant who ever set foot on these shores—and the millions still struggling to be free. This Nation—this idea called America—was and always will be—a new world. Our new world.

Notice what President Bush is saying here, that America is not a geography, America is not a racial background, America is not a birthplace. He said "this idea called America."

What is the idea? It is the idea which he goes on to quote later, interestingly quoting a Czech worker, and I notice that when he was here Lech Walesa used the same quote, and I want to repeat the quote, of course, from the Declaration of Independence: "We hold these truths to be self-evident. That all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

In that quote that is the emphasis which almost all conservatives would agree with, and most Americans I believe would agree with. The emphasis is on the right to the pursuit of happiness. It is not on the redistribution of wealth, it is not on class warfare, it is on envy of the successful, it is not on setting up some system to guarantee that everyone has a minimum opportunity, or everyone has a minimum guaranteed result. It is a focus instead on maximum opportunity rather than minimum result. It is a focus on saying that the unalienable rights include life, liberty and the pursuit of happiness, and I think that is an important distinction.

Our friends on the left often sound as though they have created a bureaucracy of happiness, they would give out happiness stamps, and of course, in a sense, President Carter in his "malaise speech" virtually offered equality of misery and ensured that as America decayed that we decayed equally. We are talking different philosophies, one of taking risks, of the right to fail, and a philosophy of the right to go out there, and the right to try to live out your dream, a philosophy of encouraging new energy and new investment and new commitment and new entrepreneurship.

President Bush went on to say:

It's no secret that, here at home, freedom's door opened long ago. The cornerstones of this free society have already been set in place: Democracy. Competition. Opportunity. Private investment. Stewardship. And of course, leadership.

Notice the cornerstone as described by George Bush: Democracy. Every person has a right to play. Competition. That is an important point. Our friends on the left went through a period which has virtually crippled American education in which they said let us not grade students in a way that

will hurt their feelings. If Johnny cannot read, let us promote him anyway. If Sally cannot do math, let us promote her anyway. As a result, children lost the excitement and the vigorous intensity of competition. Getting an A no longer meant anything. Graduating with honors no longer meant anything. We had social promotions without achievement and it cheapened the whole process of education, because on the left the idea of competition is very risky. In a very real sense, if the left had controlled the recent Super Bowl, every team would have been allowed to play one quarter and win that quarter. Somehow they would have distributed evenly what the San Francisco 49'ers won by merit and hard work.

So we represent a commitment to how do we have a more competitive inner-city, how do we increase competition. I will give my colleagues one simple, dramatic example. Young black, Hispanic and Asian entrepreneurs ought to have a right in New York City to have a taxicab. They ought to have the right to open up a taxicab as a small business. It is today legally impossible for persons in the minority in New York City to compete with the monopoly of the taxi guild that in fact guarantees that unless you can afford to buy the taxi medallion you cannot play.

We want to encourage competition. We want more competition in schools, we want more competition in the delivery of services, we want more competition in health care, we want more competition in the private economy

The third word President Bush used after democracy and competition was opportunity. Again notice the difference. Our friends on the left emphasize problems and they emphasize welfare. They always have a new problem to worry about. They always have a new reason to set up another bureaucracy in the welfare state.

We are suggesting something else, that America is a land that grows fastest when it focuses on opportunity and success, that if we can encourage young people to focus in a positive way on the opportunities in their lives, if we can get young people to focus in a positive way on what they could be doing with their time, that we could get further ahead.

Let me give a couple of examples. I might mention, by the way, intellectually this is not a small idea. Abraham Maslow was a very famous psychologist who studied successful people, and he got into the habit and developed an entire psychology of healthy lifestyle and healthy self-worth, because he said most of modern psychology had arisen by studying pathologies. Psychologists, after all, tend to spend time with people who are sick enough that they want to pay to go to a psychologist. Maslow said wait a second, most people are more interested in how to be healthy than they are in what kind of sicknesses are available. So he studied people who were achievers, people who were successful, and we are making the same suggestion. It is important to study the young black entrepreneur who is in fact opening a successful business. It is important to study the young Hispanic immigrant who is getting his Ph.D in math. It is important to study the young Asian who is becoming a community leader and creating a better neighborhood. It is important to go out and encourage young people to focus on success.

This is, frankly, a great challenge to our news media, not the challenge to report good news, to be syrupy and create a Disneyworld effect on page 1, but the challenge to say look, most of America most mornings is a success story. If the focus is only on the failures, people are being misinformed and the media is giving them a very destructive and one-sided view of reality.

What young people need to learn is how to succeed, not how to study the pathology of failure. So we emphasize opportunity. We want to ask the question of the bureaucratic welfare state: how can we create more opportunities for people, how can we create more opportunities for health care, how can we create a better chance for people to succeed?

The fourth thing President Bush suggested was private enterprise. This is a very core difference. Our friends on the left and the National Democratic Party leadership love public investment. They love public jobs programs. They love things like the old CETA Employment Program where the bureaucracy is set up and the bureaucracy will hire somebody for 3 months, and the bureaucracy creates jobs.

If a Member came here on the floor and said I am going to recommend 500,000 bureaucratic jobs, most of our friends on the left would have stood and applauded. We, however, in the center right coalition that President Bush leads, we believe that the best way to train people, the best way to employ people is through entrepreneurial free enterprise. We believe what Gorbachev and the Communists are already discovering, that state controlled bureaucracies, whether it is the American model, the European socialist model, or the Communist model, that state controlled bureaucracies are not good at investment. They do not pick the winners very intelligently. We believe that the marketplace is a smarter way of choosing how to invest in the future. If we want to create permanent jobs, as a general rule it is better to create them through entrepreneurial free enterprise.

That means, for example, we believe in a capital gains tax cut because we know it will create several hundred thousand new jobs. I saw one estimate that the capital gains tax cut would create 500,000 new jobs.

If went to our friends on the left and said: "Would you like a government jobs program of 500,000 new jobs?" They would at least pay attention. They would consider it seriously. They would try to find a way to do it.

□ 1130

But when we go to them and say, "What if we increase private investment, private saving, what if we encourage young people to save to buy a home and their savings in the interim were used to create jobs, what if we could create 500,000 private jobs," somehow on the left that is seen as a bad thing because class warfare and envy of the successful is a value so deep in the left that it cuts off opportunity and private investment.

Stewardship, President Bush introduced a word which we have not talked about for a long time, a very old-fashioned word and yet a word which I think I think will become a hallmark of the 1990's. He talked about stewardship, he talked about the idea that, you know, you have an obligation to care for what you have inherited. We have inherited a great country and a tremendous continent with enormous natural resources. We have inherited wonderful national parks, we have inherited an opportunity to extend democracy and to create an even better system among a free society, and we must learn to be stewards.

I once had a friend who learned the hard way about stewardship of his car. When he first bought a car, he did not understand why you had to change oil and he did not understand why the red light came on. The result was one day he went out and started his engine and it seized up and he ruined the car. He learned a very expensive lession, that if you do not do maintenance, if you do not take care of things, they break.

I think that is what President Bush is talking about, stewardship; democracy and free enterprise and the rule of law are only one generation long. If that generation does not teach its children the basic principles, if it does not create good citizens, then we do not have democracy and the rule of law and free enterprise in the next generation.

Civilization in the sense that we mean it in America is only as good as the generation that is teaching its children because it is not automatic, it is not natural, it is not the way of the jungle.

And so if we want to have in the inner city, if we want to have on the New York subways, if we want to have across America a sense of what entre-

preneurial enterprise, the justice of the rule of law and the concept of democracy is all about, we have an obligation to reestablish stewardship as a responsibility.

Again I think that is a little different than our friends on the left, who would basically say you cannot really ask private citizens to be stewards; instead you ought to establish a bureaucracy of stewardship.

That is why, for example, on child care there is such a dramatic difference between President Bush and those of us in the conservative movement who believe that child care should focus on strengthening parents, should focus on giving parents the resources to educate their children and to choose the kind of child care they want, and those of our friends on the left who believe that the only good child care is through a public bureaucracy, preferably one that has a unionized staff.

Finally, President Bush talked about leadership. He said basically, as his sixth cornerstone, you have to have leadership for a free society to survive.

I think in a sense what we are seeing in Gorbachev is proof that leadership in America is working, that an America which is willing to take on the project of making democracy and free enterprise work is an America strong enough that other political leaders will decide they want to be more like our system, and that is part of why we are seeing communism disintegrate.

President Bush went on to say another key value, I think, and this is a challenge for all of us.

> Our challenge today is to take this democratic system of ours—a system second to none—and make it better. Better America where there is a job for everyone who wants one.

Now I think this is very important as a concept. What President Bush is saying is that we should not be complacent. I think it is important to recognize here is a man who is apparently the most popular President in history of polling, he is not coming in here saying, "Let's rest on our laurels," he is saying, "Our challenge is to make things better. Our challenge is to improve things." And he goes through a series of steps of improvements that I will come back to, but I want to stay for a moment on his concept of where we are going and what we are trying to do at the values level.

I think it is very important to recognize again what President Bush is saying. He talks about the need to invest in America, he talks about investment occurring at three levels: physical capital, intellectual capital, and human capital.

Again I think the contrast with the left is very great. In the first place, it is very hard to imagine a Dukakis or a Mondale or a McGovern, one, that they ever would have had a paragraph on capital; that they would have even talked about the idea that capital is a necessary part of prosperity.

One of the tragic problems with our friends on the left is that they love jobs but they hate job-creaters; they love the idea of success but they hate to think about people who are successful; that they are much more into envying success than they are in studying it and emulating it.

President Bush's point is simple: You get physical capital in part with things like a capital gains tax cut. And that is very important. But you also need intellectual capital. You only get that by encouraging science, research and development, engineering, entrepreneurship, educational reform.

You also need human capital. Human capital has to come through three basic changes in the way we, America, currently exist. First of all, the emphasis on human capital, as he put it:

> The talented workforce we will need to compete in the global market. And let me tell you: If we ignore human capital—we lose the spirit of American ingenuity—the spirit that is the hallmark of the American worker. The American worker is the most productive worker in the world.

There are three threats to human capital in the United States today. The first threat is drugs and violent crime. A drug-addicted 15-year-old is a lost hope for the future. A drug-addicted 20-year-old is a lost worker. And we have to confront the fact that winning the war on drugs and violent crime is a first step toward saving and liberating human capital.

I think it is a disgrace, something that the Democratic leadership of the Congress has to confront, that President Bush sent his package on drugs and violent crime last June and we still have not gotten it out of committee and brought it to the floor, that we stand here today in February with proposals to save our children by passing strong proposals from President Bush on drugs and violent crime and today we still have not acted in the Congress. I think that is a failure of the Congress.

But in addition, there is a second challenge. That is the tragedy particularly in the inner cities of our prenatal program and the number of our young children who are born with very, very severe problems. President Bush made mention of that very serious problem when he talked about asking Secretary of Health and Human Services Lou Sullivan to work on the problem of health care and of how we rethink health care and of how we help those young children.

President Bush emphasized the importance of those children. He said, and I quote:

> All kids are unique, yet all kids are alike. The budding environmentalist I met this month who joined me in exploring the Florida Everglades, the Little Leaguers I played catch with in Poland, ready to go from Warsaw to the World Series, even the kids who are ill or alone, God bless those boarder babies born addicted to drugs, coping with problems no child should have to face. You know, when it comes to hope in the future every kid is the same, full of dreams, ready to take on the world, all special because they are the very future of freedom. To them belongs this new world I have been speaking about.

Those are the children, the children born in some of our inner city hospitals already addicted to crack, already a victim of AIDS, children born with malnutrition, children born with severe problems; those children have to be saved because if you are not healthy, if you are born with a health defect, if you are born already faced with a challenge either mentally or physically, then it is harder for you to be the human capital on which we must build America's future.

So our second challenge, in addition to winning the war on drugs and violent crime, is to rethink health care, particularly for the very poor and particularly in the inner city. I am delighted that the Secretary of Health and Human Services, Lou Sullivan, has been asked to work on this very problem which is the key to human capital for America.

But there is a third requirement for human capital. And that is to recognize the scale of change we need in American education. President Bush spent a significant part of the State of the Union talking about change in education. He said, "Education is the one investment that means more for our future because it means the most for our children. Real improvement in our schools is not simply a matter of spending more. It is a matter of asking more—expecting more—of our schools, our teachers, of our kids, and our parents and ourselves. That is why tonight I am announcing America's education goals—goals developed with the Nation's Governors. By the year 2000 every child must start school ready to learn. The United States must increase the high school graduation rate to no less than 90 percent and we are going to make sure our schools' diplomas mean something. In critical subjects—at the 4th, 8th, and 12th grades—we must assess our students' performance.

□ 1140

By the year 2000, U.S. students must be first in the world in math and science achievement. Every American adult must be a literate worker and citizen. Every school must offer the kind of disciplined environment that makes it possible for our kids to learn. And every school in American must be drug free. Ambitious aims? Of course. Easy to do? Far from it. But the future is at stake. This Nation will not

accept anything less than excellence in education.

There are 2 points to be made about President Bush's commitment in education. The first is, it is exactly the right commitment. It is a level of excellence, a level of achievement, and level of reform that every American should be able to applaud and support. The second is, it simply cannot be achieved within the current structure of education. There is no hope for the New York City schools with their 45 percent dropout rate, their massive bureaucracy, their unionized work rule, their incredibly archaic approach to decisionmaking, the massive levels of corruption which grand juries are finding in the New York City schools. All of the problems, the New York City schools as they are currently structured, are not going to achieve the goals President Bush has set out for the year 2000. Period.

Therefore, one of the challenges to Members has to be to say, how will we rethink education. How will we challenge the entire society to achieve? Notice President Bush said, and clearly stating this as a society problem, not a school problem. He says as his very first goal, "By the year 2000 every child must start school, ready to learn." That puts it right back at preschool environment. How do we have neighborhoods encouraging learning? How do we have parents encouraging learning? How do we rethink the welfare system to encourage learning? We have an obligation to start at the beginning, starting with prenatal care, starting with learning how to parent, starting with how we have rewards.

I think we have to be fairly daring. One of the things that I am working on, is to take some of the money I am earning from speeches, and this summer I will go to public housing projects and I will pay some third-graders $2 a book for every book they read. Basically, have an earning-by-learning program that says to the poorest children in our community, we have a way for these poor children to buy the new bicycle, to buy the new blue jeans, to take your parents to Six Flags Over Georgia or Stone Mountain for a weekend. The way is to earn money by learning. If the child in that public housing project who has the most money has earned that money by reading the most and learning the most and doing the most, maybe that will work. I am not convinced that is the answer. I am not convinced it is the kind of new approach and new experiment and new incentive that we have to be prepared to develop.

One of the reasons we are doing an American Opportunities Workshop on May 19 is to try to encourage every person who wants to participate across the whole country to recognize that achieving the values, achieving the goals that President Bush has outlined, is not just a question of the Federal Government; that parents, nonprofit groups, local schools, private schools, businesses, communities, all people are going to have to rethink how we function, in order to achieve the goals President Bush has described.

Let me emphasize this: Our friends on the left look at those goals, that ambitious statement of the need for change in education, and look at the budget of the U.S. Government, and having totally misunderstood President Bush's point about the State of the Union and the obligation of all Americans to be involved, they measure his commitment by dollars in the Federal Department of Education. That is simply, flatly, a philosophical difference. It is not that they are necessarily right and he is wrong, but they are two different philosophies. If a person is a left-wing American, as most of the national Democratic leadership is, if your value structure is that all good starts with the bureaucratic welfare state, and that all good can be measured by how many Government employees we have, and the only way to prepare kids is to make sure that as they leave the hospital they go straight into a public bureaucracy so that the way we prepare them to go to school is to set up a preschool bureaucracy like the schools they will go to, then by definition all good is measured by the yardstick of taxes and money. That is why last night in what I thought was the most revealing moment of the evening, when the President offered to balance the budget with no new taxes, it was legitimate for most Democrats to not applaud. Given their presumption that the only good America is a bureaucratic welfare state America, that the only good future is a big government high-tax future, what he was suggesting was terrible. That is not a sign that they are bad people. It is simply their value system, based on European socialism and the idea that command bureaucracies are good, and private enterprise and private initiative and voluntarism are irrelevant at best, and bad at worst. From their standpoint, it is always better for a bureaucracy to do it.

See how different fundamental arguments over values and approaches are? In fact, I found it fascinating last night, imagine a President of the United States would come here and say to the Congress:

> We are serious about being ready to meet that challenge. We are getting our own house in order. We made real progress. Seven years ago, the Federal deficit was 6 percent of our gross national product. In the new budget I sent up 2 days ago, the deficit is down to 1 percent of gross national product. That budget brings Federal spending under control. It meets the Gramm-Rudman target, brings that deficit down further, and balances the budget by 1993 with no new taxes. Let me tell you there is still more than enough Federal spending for most of us, $1.2 trillion is a lot of money.

Now, there are two key points to understand about the difference between liberal Democrats, and George Bush and the conservative movement. First of all, the President suggests that the phrase, "brings Federal spending under control" is a good phrase. The President said that phrase as though most Americans think it is a good idea to bring Federal spending under control. However, if a person is a true left-wing American, if your core value is a bigger, better, bureaucratic welfare state, more money in Washington, more power in the Government, that is a terrible concept. Nothing could be further from the values of a leftwinger than the idea of bringing Federal spending under control, because where we who are conservatives want to liberate the family pocketbook, we want to liberate the family budget, we want to liberate the small business, we want to encourage the local government. We think it is wonderful if Berkeley, CA, decides to do whatever they want to, however liberal they are, as long as they do it with their own money; from a standpoint of a true liberal, that is wrong.

Leftwing Democrats believe if we leave all that control back there in private pocketbooks and in private businesses and in family budgets, they will make dumb decisions. Whereas, if only we hire them and employ them in a bureaucracy, they will get smarter. Therefore, I think it is a very important value difference, and that is why so few Democrats applauded it. None of them stood last night when the President went to his second point, no new taxes.

Those Members who are conservative believe President Bush is right to promise no new taxes. We think when we look at the kind of corruption we see in the Washington, DC, government where we had one of the drug counselers go to the hospital the day before yesterday with a drug overdose, we do not think we should pay our tax money to hire a drug counseler who OD's, on drugs. If we look at the New York Times about the principal in New York City who is corrupt, we do not think we should pay tax money for corrupt principals. Yesterday, when the Detroit City Council decided they have a budget crunch, they took away Mayor Coleman Young's private jet and decided maybe the mayor could not afford private jets with that much proverty in Detroit. That is a rational decision. Why should the mayor have his own private jet? We do not think your taxes should be raised to send money from Washington to a city government to supply a jet for the mayor. That is fundamental value difference.

On the other hand, as we saw with Walter Mondale's policy pledge in 1984, he said he would raise taxes. As we saw with the absence of applause last night, as we saw last week when Senator HOLLINGS proposed a 5-percent national sales tax, there is a deep underlying passion on the part of liberal Democrats to find one more excuse to raise taxes.

There was a third point President Bush made on which there is a fundamental value difference. The third point, $1.2 trillion is a lot of money. Let me emphasize, trillion is a big number. When I was young, Everett Dirksen used to say, "A billion here, a billion there, pretty soon it adds up to real money." Now we are at a point we cannot just say that. A million dollars is a lot of money. For most American private citizens, a million dollars is the stuff of lotteries. We are all impressed that Joe Montana earns several million dollars. That is a big amount of money. If a person had a small business that someday would get to be successful enough to sell it for a million dollars, a person would feel real successful. There are a million million dollars in a trillion. So, think about what we are talking about.

We in the Congress have been sent his budget. This budget proposes $1,233,000,000,000 in spending. If we had a million dollar bill sitting here, we would have 1,233,000 in order to represent the spending in this budget.

□ 1150

Now, those of us who are conservative think that that is a lot of money—$1,233,000,000,000.

Let me put it this way: the Federal Government is bigger than any economy in the world except the United States, Japan, and Russia. That is our Federal Government. The Federal Government will spend the equivalent of the entire West German economy. We who are conservatives and President Bush believe that is probably enough money, that we should be able, for the size of the entire West German economy, to find a way to educate people, to find a way to lock up drug dealers, to find a way to defend America, and to find a way to provide commonsense health care.

That does mean change. It means that we cannot stay with the bureaucratic welfare state, we cannot afford the red tape, and we cannot afford the dump procurement ideas. We cannot afford the things that are out there that are not working. We have got to actually apply common sense. We have got to apply new, innovative approaches.

But we think, if you apply innovation, if you apply information technologies, if you use entrepreneurial free enterprise principles, probably, for $1,233,000,000,000 we can get the job done.

Our friends on the left do not agree. First of all, because they represent the bureaucratic welfare state and their union allies of the welfare state, they do not want to change. They do not want innovation, they do not want new ideas, they do not want new approaches.

In the second place, they think that the West German national economy is not enough. They want to add Spain or Italy; they want to add some other amount. They think if only we had a little more, it would work.

Let me give an example. The New York City budget is $25 billion. The city government of New York spends $25 billion. One would think that for a city that is a lot of money. We think that for $25 billion the No. 1 challenge to Mayor Dinkins would be to rethink city government, to apply commonsense principles, to cut out redtape, to rethink the union work rules, and to apply practical small business ideas to allow the city to function. We think that tomorrow morning, if they would apply commonsense, New York would work better than it would if they would stay with the bureaucratic welfare state and revise the principles on the left.

Our friends on the left just do not agree, and it is a legitimate intellectual argument. Our friends on the left say that we cannot ask New York City to apply common sense. They believe instead that we need a few billion more. They believe that the city does not quite work at $25 billion, but if they sent us, say, $3 billion more, with $28 billion it would probably work better.

The classic statement on that was by John Kenneth Galbraith, who said 20 years ago that there is nothing wrong with New York City that doubling its taxes would not cure. I think anybody who believes that should have voted for Mondale and Dukakis and they should have sat on their hands last night and not applauded. That is a legitimate value difference.

But there is a fourth point made in these two paragraphs. The President pointed out that 7 years ago the Federal deficit was 6 percent of our gross national product. In the new budget that deficit is down to 1 percent of the gross national product. Now, there are two ways to do that. One is to shrink the deficit; the other is to grow a bigger economy.

One of the secrets that our friends on the left do not want to talk about is that Reaganomics worked and supply side economics worked. Cutting taxes and encouraging entrepreneurship, encouraging investment, encouraging the building of new factories, and encouraging more new jobs meant that the pie is bigger. There are more people at work in America today, and we have the longest period of job creation in American peacetime history, and the result is as more people go to work to create more goods and services and earn bigger incomes, they pay more in revenue to the government and the deficit shrinks.

So we have two effects. By controlling spending, we have brought the deficit down. But much more importantly, by accelerating growth in the economy, we have increased the size of the gross national product and the deficit has shrunk.

Let me put it this way: if you owe $1,000 and you are only earning $20,000, you owe 5 percent of your annual income. One way to shrink that to 1 percent would be to cut the amount you owe to $200; the other way would be to increase your income to $100,000. Either technique works.

What President Bush and the conservative movement stand for is the deliberate focus on economic growth as a primary value of this country. He is saying over and over again every year, "How do we create the most new jobs? How do we create the most new ideas? How do we create the most new products? How do we encourage young people, men and women of all backgrounds, black, white, yellow, brown, red, people from all regions of the country, from the inner city to the smallest town? How do we encourage them to start the small businesses of the future?"

One of the differences between President Bush and President Reagan and the conservative movement and supply side economics and the old conservatism is that our interest is not in defending General Motors or the Ford Motor Co. or McDonald's. Our interest is in inventing the next McDonald's, inventing the next IBM, inventing the next Xerox. We believe that if we can encourage the inventions of the 21st century, if Americans are creating the millionaires of the future, if we are creating the success stories of the 21st century, the sheer momentum will carry us a long way down the road. We believe that if in inner-city America there were 3,000 future millionaires inventing the new jobs that are going to work, they will hire all of their relatives and all of their neighbors and we will mop up poverty with success. We think that works infinitely better than the bureaucratic welfare state and its system of encouraging people to stay on welfare and its pattern of raising taxes and creating regulations so that they discourage precisely entrepreneurship.

Let me point out that President Bush, like President Reagan, once again proposed free enterprise zones and once again asked, "Why do we create an incentive in the inner city?" I think frankly, as Jack Kemp has said for many years, that there ought to be a zero capital gains tax, that if we build factories in the poorest precincts

of Chicago and New York, we ought to create the greatest possible incentive to build factories and create jobs where they do not exist, because in the long run America will be so much better off if we help poor people find jobs. And the way to do that is to take the jobs into the neighborhoods where poor people live. Yet this Congress, with all of the Democratic talk about compassion and with all of the Democrats concerned for the poor, has not in 9 consecutive years of being asked to pass an enterprise zone bill brought one to the floor and given it a chance to get through.

One of our challenges, one that we think represents a clear difference in vision, is that we think the Democrats owe it to the American people to bring to the floor an enterprise bill that creates, after all, an opportunity, and that does not cost a dime unless it works. The only way the Treasury would lose a penny in revenue would be if in fact there were lots of factories being built in poor neighborhoods. Otherwise nobody is going to take advantage of the capital gains break if they do not invest, and it seems to me if we could build 5,000 new factories and new centers of employment and create in those 5,000 new centers 10,000 new jobs—and they would be in neighborhoods that are currently very poor and in neighborhoods where black and Hispanic and Asian Americans and other Americans need the work—America would be better off.

First of all, we would get back more than the money we would lose in capital gains just from the income tax payments from people who now have jobs. The property tax value would go up. The new opportunity to create a healthy city, to mop up crime by creating work, would be there.

But there is a difference in values between President Bush and the conservative movement and our good friends on the left.

Let me also emphasize something else that the President said that I think is very, very important, something that all of us have to confront. He said, and I quote:

> The "state of the government" does indeed depend on many of us in this very Chamber. But the State of the Union depends on all Americans. We must maintain the democratic decency that makes a nation out of millions of individuals. I have been appalled at the recent mail bombings across this country. Every one of us must confront and condemn racism, anti-Semitism, bigotry and hate. Not next week, not tomorrow, but right now.

You cannot have the right to pursue happiness if your home has a cross burned in front of it, if your child is killed by a letter bomb, if you are in danger of being beaten if you go into a store or a bar or a restaurant. We have an absolute obligation in America to guarantee personal security. Those of us who care about national security, that is, protecting citizens from foreign danger, have an equal obligation to care about personal security, protecting people from domestic dangers. And I think it is very important in that context that we look at how totally wrong the Federal judge was recently in basically prohibiting the right to pursue security in the New York City subways. There is no right for some able-bodied panhandler to frighten, to threaten, to intimidate, and to disrupt the daily traffic of citizens who are simply going about their business.

□ 1200

Mr. Speaker, we are not going to have decent cities if we are not allowed to protect the decent from those who would prey upon them, and I think all of us have an obligation in the Congress to absolutely oppose any form of racism, any form of violent threat, to be prepared, whether it is the mugger or the racist, whether it is the demagog or the racist, to engage the full force of our absolute contempt to say, "That is not a behavior we will tolerate in decent society," and, where necessary, to be prepared to provide the police forces and the prisons to block those who would prey upon their fellow human beings.

Let me say this in closing, Mr. Speaker. I think that President Bush gave us a framework, a framework of freedom, a framework of hope, a framework of enterprise and entrepreneurship and understanding of the importance of physical capital, human capital and intellectual capital, but he also called us to an enormous challenge. He called us to the challenge of inventing for the 1990's the kind of changes that will be necessary in America if we are going to be successful and Americans are going to be successful in the 21st century.

Let me just say in closing for my phase of this that on May 19 we are going to have an American opportunities workshop available on television by satellite to anyone who wants to get involved by getting a downlink satellite receiver so that anybody in America can participate in this process of invention, this process of discovery, this process of focusing on applying common sense to areas to success and opportunity, because I think the key point of President Bush's speech was to distinguish between the state of the Government, which is of great fascination to our friends on the left, and the state of the Union, which is of concern to all of us, and President Bush's point was to invite all of us to be involved, all of us to be good citizens, all of us to express stewardship and leadership by being committed.

Mr. Speaker, I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, there has been a lot of discussion about the National Endowment for the Arts, and the budget and last year's maneuvering, and, Mr. Speaker, I would like to say that I am personally upset that my name has been attributed to some of the characterizations on last year's vote on the National Endowment for the Arts, and these characterizations were harsher than I would have made, and I know that many of my colleagues are upset by these characterizations as well.

Let us not forget, however, that there are millions of Americans who are also upset with the way their hard-earned tax dollars continue to be flushed down the sewer of fetishism, depravity, and pornography.

My colleagues have probably never heard of Annie Sprinkle. I cannot say I have heard of her before last week, but I am assured she is a bona fide star of pornographic cinema. She is also now the recipient of taxpayer funds for her live sex act show in New York.

Yes, my colleagues heard me correctly, Mr. Speaker. Ms. Sprinkle is manipulating herself with toys and selling opportunities for the audience to participate in her sex act with tax dollars generously provided by the New York State Council for the Arts which receives half a million dollars in unrestricted funds annually from the National Endowment for the Arts.

Mr. Speaker. while there have been some mischaracterizations, unfortunate mischaracterizations, of words that were attributed to me, and let me add that I wrote no article for the magazine in question, but some of the points made in the characterizations were accurate themselves. I think it is about time that we end the nonsense of having the Government involved in the arts in the first place. It is time that we set reasonable standards for the National Endowment for the Arts or to get the Federal Government out of the arts business altogether. But let me apologize because some of the Members are concerned about statements that I may or may not have made or some characterizations that I may or may not have made, and the fact is that I wrote no article for a journal, which they are concerned about, and I apologize for the concern that this may have caused by fellow colleagues.

Mr. GINGRICH. Mr. Speaker, before the gentleman from California [Mr. ROHRABACHER] sits down, let me ask, because I am fascinated. President Bush made the point that $1,200,000,000,000 is a lot of money, and our friends on the left did not applaud that opportunity. Instead they seem to want to raise taxes. Is the gentleman from California [Mr. ROHRABACHER] suggesting that part of that

$1,200,000,000,000 ended up in New York City in a live sex show?

Mr. ROHRABACHER. The gentleman from Georgia [Mr. GINGRICH] is correct.

Mr. Speaker, the National Endowment for the Arts grants a half a million dollars in unrestricted funds to the New York State Council for the Arts which then transferred some of that money to a program which included the most triple-X-rated type of pornography that one can imagine.

In fact, Mr. Speaker, Annie Sprinkle, the pornographic film star that was involved in this live stage act, at one point noted to the audience, "I usually get paid a lot of money, but tonight it's government funded."

Mr. GINGRICH. Does the gentleman from California [Mr. ROHRABACHER] happen to know how much the taxpayers paid her to perform this live sex act?

Mr. ROHRABACHER. I am not certain as to what exactly the amount of funds are, but the fact is that those people are working out in the hinterland trying to struggle to make the ends meet and, I think, can be justly upset that some of their tax dollars have ended up supporting this kind of trash.

Mr. GINGRICH. Mr. Speaker, I think for those of our friends on the left who want to know why the no-increase tax pledge has been so popular, the idea that those of us in the conservative movement think, "If you want to use private pocket, and you decide you want to go see Annie Sprinkle"; is that her name?

Mr. ROHRABACHER. Annie Sprinkle.

Mr. GINGRICH. "If you want to go see Annie Sprinkle, that's your private right, and we're not going to stop you from going to see her, if you want to pay for it yourself, but the idea that we ought to raise your taxes, to ship more money to pay for live sex acts," I say to my colleagues, "strikes me as irrational."

Mr. Speaker, I think that is part of the fundamental philosophical difference. We think priorities can be set, we think we can find a way with $1,233,000,000,000 to do what is necessary, but maybe, if we are setting priorities, paying Ms. Sprinkle to perform live sex acts may not be among the things that make the priority list.

Mr. ROHRABACHER. Mr. Speaker, as the gentleman from Georgia [Mr. GINGRICH] knows, I personally oppose Federal Government involvement in the arts whatsoever. I think that should be left to the private sector, and there is legitimate debate then to whether or not Federal involvement in the arts is a legitimate part of what the Government should be doing especially at a time when we are struggling to come up with funds for prenatal care and some of those other programs that the President has included in his budget that are absolutely necessary and for which and on which our people depend.

However, Mr. Speaker, that debate notwithstanding of whether the Government should be involved in the arts in the first place, certainly there should be standards to prevent tax dollars from flowing to this type of trash. Last year there was a major parlimentary fight on this issue, and I am afraid that a journal reporting on this wrote an article which was not totally inaccurate. It just went on and was harsher than I would have done, and it attributed the article to me, and it actually was written by one of their own staffers about what was going on on the floor.

Mr. GINGRICH. Mr. Speaker, I appreciate the effort of the gentleman from California [Mr. ROHRABACHER] to be very accurate and his willingness to come forward and talk about these things.

Mr. Speaker, it is difficult, and it does get emotional, because part of what is at stake here is a fundamental difference in values, and I think it is a legitimate debate, and I think we have to handle it in a pleasant and positive way.

Mr. Speaker, we have to recognize that the freedom and democracy we are urging on Eastern Europe, when exercised in the U.S. House and Senate, do lead at times to heated exchanges, but they ought to be heated exchanges among colleagues rather than arguments that lead to any lack of collegiality.

Mr. Speaker, I thank the gentleman from California [Mr. ROHRABACHER] for being involved.

PERSONAL EXPLANATION

The SPEAKER pro tempore (Mr. LAFALCE). Under a previous order of the House, the gentleman from Illinois [Mr. SAVAGE] is recognized for 30 minutes.

Mr. SAVAGE. Mr. Speaker, I rise gratefully because on yesterday the bipartisan Committee on Standards of Official Conduct of this House discontinued consideration of charges brought against me last July by three Members of Congress despite admitting that they knew absolutely nothing about the case other than allegations in a Washington Post newspaper story.

□ 1210

The Washington Post newspaper story by a white reporter, Jim McGee, claimed that an unnamed woman accused me of offensive advances toward her in Zaire last spring where she served in the Peace Corps. The alleged statement was solicited and unsupported.

As a result of the alleged encounter, McGee contended that the woman had to leave her assignment and was then in an undisclosed place in the United States undergoing psychiatric treatment for victims of sexual assault.

Unfair assumptions of truth and sensational exaggerations of the story immediately exploded on white television and in white newspapers across this Nation and continued for weeks to sub-explode like the 4th of July fireworks.

I was even deceived into appearing on CNN's "Crossfire," a nationally televised, crude by popular interrogation, by a fraudulent white liberal and a belligerent white conservative.

I had been invited actually to discuss racism in the white mass media, since I was an award-winning journalist and newspaper editor for 20 years before my election to Congress in 1980; however, just before the cameras began to roll the two hosts admitted their deceit and focused the show on the same unfair assumptions and sensational exaggerations about the Post story, over my on-air protest.

So I protest the growing acceptance, acceptance of unsubstantiated newspaper and television stories as probable cause for government investigations.

I especially protest such ill-based investigations of African-American leaders, because the selective reporting of the white mass media is too often biased against blacks. Mass media is one of America's most racist institutions in ownership, management, and in employment.

Furthermore, the study of journalism and employment by white media does not in itself insure that a reporter or editor will suddenly become less prejudiced or instantly overcome a childhood in a lily white neighborhood, attendance in a lily white classroom, worshiping in a lily white congregation, and belonging to some lily white social group.

Even if an unfairly initiated investigation turns up the commission of some wrong, such a finding still could be unfair, because the authority to investigate is so powerful that people need to be protected by fairness and even-handedness in its use, especially the more militant and outspoken African-American leaders.

Unfair assumptions of truth and sensational exaggerations of the story about me immediately exploded on white television and in white newspapers across this Nation, as I have said.

The Ethics Committee after a preliminary examination of witnesses, apparently decided that the evidence was insufficient even to warrant further investigation, not even a slap on the wrist nor even a mild rebuke.

Because the truth is that initially the woman herself requested not to testify before the House Ethics Com-

mittee. Other testimony was that her medical condition predated my mission to Zaire, and that at no time during the evening in question did she appear offended by me or anyone in our party of six, which included, incidentally American Embassy personnel. And if you recall, this is exactly what I stated publicly when the false story first broke.

If anyone was honestly offended by my mission to Zaire, or during it, it was probably the American State Department, because I have persuasively, I hope, opposed our neocolonialist foreign policy all over Africa and in many other Third World nations, where I have been privileged to privately and honestly advise heads of state. That is why I suspect that McGee was illicitly tipped off about the woman and her secret whereabouts by an instructed Government agent.

Moreover, it seems that McGee was specially assigned last year to investigate black national political leaders by the Washington Post. And that is a serious matter. The Post published McGee's damaging and unfair reports at especially sensitive times about three African-American Members of Congress in 1 year; WILLIAM GRAY of Philadelphia, MERVYN DYMALLY of Los Angeles, and me in two separate instances.

For the past 6 months, let me admit that I have been hurt financially by legal fees, and distressed psychologically as a result of the racism, unaccountability, and concentrated private power of white television and newspapers.

In addition, my only son, daughter, and daughter-in-law, and possibly even my two little grandchildren, have been made to suffer innocently. Fortunately, my one wife of 34 years has been spared, by an excruciating death, this lonely pain.

Even now the Chicago Tribune newspaper and a white Chicago broadcaster on radio station WBBM are attempting to maltranslate the Ethics Committee's no-decision-of-guilt.

Moreover, since my primary election is only 7 weeks away, harm to my reelection bid could have been a purpose of some culprits in this matter. After all, I was one of the 10 Democratic Congressmen on the reported "hit list" of a congressional leader of the other party last year, according to syndicated newspaper columnists Evans and Novak.

Thus, some may for partisan or personal reasons, seek to extend this controversy beyond the case-closing action of the bipartisan Ethics Committee.

Yet, in a poetic way, there is ennoblement in experiencing even a bit of the racist viciousness that Marcus Garvey, Paul Robeson, Elijah Muhammed, Malcolm X, Martin Luther King, and other African-American leaders have suffered at the hands of the white American mass media, the Justice Department and the FBI.

□ 1220

Because of the extreme racist resentment of any influential African American man defying white authority and opposing our Government's neo-colonialist foreign policy and upside-down domestic priorities, I expect even further persecution of me by white media and coconspiring Government agents, but, regardless, I shall never, never relent in my long life and active commitment to international equality and intranational justice and peace and prosperity for all.

As in the cases of other African American leaders now under attack, the most egregious racism, and let me explain, is to be found not so much in the facts disclosed or the verdict rendered out of an investigation but, rather, in who is investigated, the who and the how the investigation is conducted, because in frequency and determinancy, African American leaders are investigated by the U.S. Government as instigated by the white mass media disproportionately to white American leaders of comparable political power and connections. African American elected public officials are five times more likely to be investigated than are their white counterparts. Yet, African Americans hold less than 2 percent of all elective public offices in our Nation today.

I would suggest two main reasons for this disproportionate investigation and prosecution, if not persecution, of black elected officials, two. First, the powers to instigate and to investigate are unduly concentrated in the hands of whites in the media and government with unjustly little accountability to blacks due to white prejudice and black poverty. Second, the predominantly white constituency of these powers has little appreciation for blacks due to malinformation and minimal personal association.

Thus, prominent African Americans are less protected than prominent white Americans against allegations and more safely can be subjected, you see, to investigations with less probable cause. This results in unfairly selective prosecutions, and such prosecutions amount of persecution. It is of this that I vehemently complain today.

Less than 2 percent of the television and radio station licenses have been issued by our Government to the 12 percent of Americans who are of African origin, and we are less than 1 percent of the management. Thus, it is not surprising that almost all of the programs and personalities, even the African American ones, are by and for white Americans and reflect their cultural values and satisfy their racial prejudices. Because of this plus the extreme concentration of private control of the most pervasive sorts of public information ever to exist, civil liberties and freedom of speech are more in jeopardy than ever before in our great Nation under a President, mind you, who is brutal in his domestic policies and belligerent in his foreign policy.

I urge you, I urge you do not merely read his lips but, rather, check his actions. In recent weeks, for instance, he has invaded Panama, raided a Nicaraguan embassy, and fired on a Cuban ship in international waters, and while in his State of the Union Address just last night he expressed concern for education and social security, his budget proposes cuts in student loans and in Medicare. He preached glorious destinations but proposed no means of transportation. Indeed, in proposing to decrease taxes for the wealthy but increase military spending, he sounds as through he is still Ronald Reagan's Vice President. However, regardless of his popularity and his power, I particularly urge my colleagues to stand up to present racist attacks on black leadership in order that our white colleagues who choose to can stand with us.

No one can stand up with you if you are not standing yourself. Fear that if you do stand up you may become the next victim may only ensure that you will become the next victim, and to my white colleagues who cherish democracy, I say to the extent that the unaccountable media and executive branch of our Government are permitted to intimidate the legislative branch or any segment thereof, freedom and justice are fundamentally threatened for all Americans.

□ 1230

But win, lose, or draw, I shall remain true in the fight for more aid to education and to unemployment as the most effective way to reduce drug abuse and crime; for increased Medicare and Medicaid; and to protect our Social Security trust fund; to provide for the homeless and for more Federal funds to heal, and less to kill. Because to me, people are far more important than private profits.

Nonetheless, I wish to forgive those of guilt in my case, though never shall I forget. And, yes, still keep in my heart the belief that the oppressed of the world shall overcome one day, that right shall not ever remain on the scaffold, while wrong sits upon the throne, because that scaffold sways the future. And in the dim unknown standest God within the shadows, keeping watch above his own.

THE 200TH ANNIVERSARY OF THE SUPREME COURT

The SPEAKER pro tempore. (Mr. LAFALCE). Under a previous order of

the House, the Chair recognizes the gentlewoman from Louisiana [Mrs. BOGGS] for 30 minutes.

Mrs. BOGGS. Mr. Speaker, as we approach the 200th anniversary on February 2, of the first meeting of the Supreme Court in 1790, it is appropriate for the House of Representatives to recall Congress' role in the founding of the Court and the Federal judicial system in the Judiciary Act of 1789. The Court was the last branch of government to go into operation, almost 11 months after the House convened, and was more a product of congressional deliberation than the decisions of the Federal Convention. We should take this occasion to remind ourselves of one of our earliest and most important acts, one that endures as the fundamental outline of the judicial branch of Government.

When the First Congress set about the daunting task of putting the new Federal Government into operation and giving substance to the outline of the Constitution, the Representatives and Senators found few guidelines for the creation of the Supreme Court and the Federal judiciary. In its provisions for the three branches of Government, the Constitution was nowhere so spare in its instructions or vague in its intent as in article 3, establishing the judicial branch. Congress was bound only by the requirement for some kind of Supreme Court and permitted, though by no means required, to create whatever lower courts it found necessary.

The delegates to the Federal Convention had been far more specific in their design of the national legislature and the authority of the President. These were issues that engaged the public mind throughout the period of the American Revolution and were at the center of the movement to strengthen the national Government under the Articles of Confederation. The Federal Convention worked out agreements on the structure of the House and Senate and created a new kind of national executive, but it left for the First Congress the difficult choices concerning the Federal courts.

Almost everyone agreed that a supreme court should serve as part of a federal government, but that is where agreement ended. Should, as Madison, Hamilton, and other nationalists argued, a system of lower Federal courts support the new government, or should, as Roger Sherman and John Rutledge suggested, the State courts serve as the district courts. The ratification debates provided no further resolution. Anti-Federalists warned that an all-powerful Federal judiciary would undermine the authority of the States and threaten the civil liberties of individuals. Many of the constitutional amendments proposed by the State ratification conventions sought to limit the reach of the Federal courts and protect individual liberties.

When Congress got down to work in the weeks and months following the first quorum in early April 1789, the principal task was to complete the plan of government outlined by the Constitution. Congress carried out the election of Washington as President, created the executive departments, passed and sent to the States a bill of rights, and provided for the revenue to operate the new Government. In those busy months of the spring and summer of 1789, the House, usually under the leadership of James Madison, dominated the business of the Government. On one occasion, however, the Senate took the lead.

While the House worked out the plans for the executive departments and the Federal revenue and debated Madison's proposed Bill of Rights, the Senate took up the planning of the Federal judiciary. The Judiciary Act of 1789 was largely the work of a committee led by Oliver Ellsworth of Connecticut, with the assistance of William Paterson of New Jersey and Caleb Strong of Massachusetts. When the House received the Senate bill, Members revisited the debate on the relations between Federal and State courts but made few changes in the structure of the proposed courts.

The three-tiered system of a supreme court with circuit and district courts reaffirmed the essential Federal character of the new Government. The Federal judiciary, with authority to decide on appeals from the State courts, held ultimate authority. But Congress denied the Federal courts the broad authority the Constitution would have allowed. Each State maintained its distinct system of law and courts and reserved jurisdiction in many cases.

The Judiciary Act, signed into law by President Washington on September 24, 1789, was a compromise that, like most compromises, pleased few people at the time. Advocates of a strong central government were disappointed in the continued authority of State courts, while anti-Federalists continued to believe the Federal courts should be more restricted in their jurisdiction. Even the early Supreme Court Justices complained about an act that required them to serve on the circuit courts as well and thereby endure the hardships of travel in the early republic.

The Judiciary Act, however, proved to be one of the most enduring achievements of the First Congress. The system of courts remained essentially unchanged for more than 100 years, and the divided jurisdiction of Federal and State courts remains the guiding principle of our judiciary. The creation of circuit and district courts also had the unintended benefit of carrying the Federal Government to people in all areas of the Nation. When citizens first dealt with the new Government, it was more likely than not to be through the judiciary.

Mr. Speaker, it is my pleasure to serve on the Commission on the Bicentennial of the United States Constitution, along with my distinguished colleague from Illinois, PHIL CRANE. The Chairman of the Commission is the distinguished and beloved former Chief Justice Warren E. Burger, who retired from the Supreme Court in 1986 in order to lead the Nation in the celebration of the bicentennial of the Constitution. At this time, Mr. Speaker, I would like to submit for the RECORD some remarks Chairman Burger has prepared on the early history of the Court, and ask that they be included with the other remarks made during this special order.

Mr. Speaker, I quote now from the concluding paragraphs of Chairman Burger's remarks:

In its 200 years the federal judiciary has compiled a distinguished record, one that—though not free of controversy—reflected the honest efforts of many dedicated jurists to "establish justice." From a branch of government created only in the barest outline has emerged a national judiciary that is the envy of the world. In commemorating the anniversary of its beginnings, we should remember the labors of those who did so much to make it what it is.

As we take note of this important anniversary of this Court—and of the country—it comes at the close of a decade when people all over the world are demanding the kinds of freedom this Court has protected for 200 years. Our history is their hope, and our hope for them must be that whatever systems they set up in place of the tyranny they have rejected will include a judiciary with authority and independence to enforce the basic guarantees of freedom, as this Court has done for these two hundred years.

As the gentleman from California [Mr. EDWARDS] says in his submitted remarks.

The Supreme Court has the precedents, the ability and the duty to fulfill that hope and justify that pride.

THE BEGINNING OF THE FEDERAL JUDICIARY UNDER ARTICLE III OF THE CONSTITUTION

(By Warren E. Burger)

The delegates to the Federal Convention in Philadelphia in 1787 did not spend as much time on the federal judiciary as they did on Congress and the Presidency. In Article III the Constitution provided for "one Supreme court," and left its structure and the question of providing for other courts to Congress. In commemorating the Bicentennial of the Supreme Court, we must therefore begin by acknowledging the crucial role of Congress in shaping the federal judiciary. Congress had to decide how many members the Supreme Court should have, their qualifications for appointment, and what other federal courts were needed and the jurisdiction of those courts while the Constitution gave the President the authority to appoint federal judges "to serve during good behavior," with the "advice and consent of the Senate."

On September 24, 1789, four months after President Washington took office, the Judiciary Act of 1789 became law. The Act created 13 federal districts—one for each state—and a judgeship for each, as well as three circuit courts but provided no judges for those courts which was to be constituted by two Supreme Court Justices and one District Judge. District courts were the base of a pyramid; circuit courts were empowered to review appeals from District Courts.

The Judiciary Act also provided for a six-member Supreme Court consisting of a Chief Justice and five Associate Justices to serve as a final reviewing court. During the first decade of the Court, the Justices' major work was to ride circuit as trial and appeallate judges. The burden of circuit riding made it difficult for President Washington to find qualified men willing to serve on the Court. The idea of "one Supreme Court" and its national role had not taken shape or fully registered in the minds of the people—or even in the legal profession. Although the Supreme Court was established, it remained for it to prove itself as a truly co-equal branch of government.

On the day set, only three of the six Justices who had been confirmed were present. There being no quorum they met the following day when the fourth Justice arrived. The fifth did not make it at all and the sixth, Justice Harrison, declined the appointment partly on the grounds of health and probably influenced by the reality that riding circuit, with the primitive conditions of travel in that day, was a burden that only a Justice in robust health could undertake.

The Justices wore black robes with a wide scarlet facing and gold piping and 12 or 14 inch scarlet cuffs. Some years ago we tried to find out when and why the Court abandoned that beautiful scarlet robe, but we were not able to trace that history.

During the first decade of government under the Constitution the Justices' case load in federal trial and appeals courts was much heavier than there were in the Supreme Court. The published reports contain fewer than seventy opinions of the Court from 1790 to 1800. "Riding circuit," stage coach, and later steamboat, was arduous and debilitating.

To meet twice a year in Supreme Court sessions and to travel circuits led Justices to have serious objections. In letters to family and friends they recorded their difficulties in traveling great distances through all sorts of weather, over poorly marked and badly made roads. They lodged at taverns or other public houses that were often crowded, dirty, and disease ridden. The quality of food and habitation was occasionally very good but often very poor.

Early in 1791, Justices James Iredell protested to Chief Justice John Jay his reappointment to the Southern Circuit; he had ridden 1,900 miles in 1790—a great deal of traveling in that day. He was willing to have his salary reduced in Congress would relieve them of circuit riding. Chief Justice Jay tried to placate him and wrote, "The circuits press upon us all." The Chief Justice replied that only an act of Congress could rescue the Justices from the ordeal. Chief Justice Jay and President Washington urged Congress to provide judges for the Circuit Court of Appeals.

In 1792, Chief Justice Jay joined the Justices in urging President Washington "in strong and explicit terms," that relief be given from circuit riding.

"That the task of holding twenty-seven circuit courts a year, in the different states . . . besides two sessions of the Supreme Court in Philadelphia, in the most severe seasons of the year, is a task which, considering the extent of the United States and the small number of judges, is too burdensome."

The President transmitted the complaint to Congress, urging Congress to give the Justices "relief from these disagreeable [circuit] chores." But Congress did not act. Senator Truman Lacock insisted that if Justices were allowed to linger in the capital they would become "completely cloistered within the City of Washington, and their decisions, instead of emanating from enlarged and liberal minds, would assume a severe and local character." Not until one hundred years later, in 1891, did Congress ("with all deliberate speed") provide judges for the Circuit Courts.

The system of circuit riding, despite its hazards and inconveniences, also was not wholly without beneficial effects. It enabled the Justices to become acquainted with local conditions and customs in those days of greater regional isolation. Riding the Southern Circuit in May and June, 1790, one Justice wrote that he was shocked for, "I scarcely thought there had been so much barren land in all America." In September, 1792, when Justice Iredell temporarily secured a transfer to the Eastern Circuit, he praised New England for its "regularity and decency" but added that there "are the most stones that I ever saw."

Circuit riding also enabled the people to become more aware of the federal government at first hand. The appearance of a Supreme Court Justice on circuit was always regarded as a great event. The Justices used the occasion to explain the new federal government. When they met with grand juries the "charges" or instructions given by the Justices often included appeals to patriotism, honor and duty; some were informal discussions—civics lessons—of the role of the new federal government and the concepts of Federalism. The Justices were well aware of the parochial attitudes, and occasional tensions, between regions and states; they knew that if the new federal government was to work, the people had to become attached to the United States as well as to their home states.

With the advent of Chief Justice Marshall in 1801, the Court began to shape the "building blocks" our system rests on: *Marbury* v. *Madison* in 1803, *McCulloch* v. *Maryland* in 1819 and *Gibbons* v. *Ogdon* in 1824. The holding in *Marbury* confirmed the Supreme Court's power, implicit under Article III, Section 2 of the Constitution: "The judicial Power shall shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority . . ." if necessary, to declare an act of Congress or the Executive Branch invalid if contrary to the Constitution. The *McCulloch* decision helped to clarify the relation between the federal and state governments, establishing that within the sphere of its granted powers the federal government was supreme. The *Gibbons* case defined the power of Congress under the Commerce Clause, the Framer's vision of the United States as a "common market."

The great decisions of the Marshall court were controversial; the *Marbury* case in particular aroused the fury of Jeffersonians in Congress against the largely Federalist judiciary. In the ensuing campaign of intimidation, Judge John Pickering of New Hampshire was impeached and removed from office. The Jeffersonians then moved against Justice Samuel Chase, who was known for his outspoken Federalist views. By one vote, the Senate decided against Chases's removal; to this day he remains the only Supreme Court Justice ever impeached. Thirty years after the *Marbury* case, the Jacksonians had replaced the Jeffersonians as the dominant party, and Andrew Jackson was no more friendly to John Marshall's reading of the Constitution than Thomas Jefferson had been. In 1835, Jackson appointed Roger Brooke Taney to succeed Marshall. Taney was an able lawyer whose record is marred by the opinion in the *Dred Scott* case of 1857. The Court, for the first time since *Marbury*, held an act of Congress unconstitutional, in holding that a slave was property and could not become a citizen by residing in "free" territory, Taney nullified the Missouri Compromise of 1820. The result aroused great public emotions, and possibly hastened the coming of the Civil War. Historians mark the later years of the Taney Court (1857-64) as the lowest point of Supreme Court prestige and standing.

In the early years the Court often would announce the judgment in a case and sometime later read the opinion from the Bench without issuing a copy of its opinion. [In those days, an "opinion day" was announced in advance and it became something of a social event. Legend—with some support—tells of an occasion when a Justice, reading an opinion over a period of an hour or more, observed a favored friend enter the Courtroom, whereupon he began reading the opinion all over again.]

Many changes have been made in the methods and procedures of the Supreme Court over its 200 year history. For the first 100 years or more, there was unlimited time allowed for oral arguments in the Supreme Court, a practice which prevails to this day in England. Because it heard only a few cases, no briefs were filed and the Court had time to allow up to a whole week for a single argument. Gradually, as the volume increased, changes were made. From a handful of cases in the first ten years of the Court's history we find 200 years later the Court hears four cases a day, three days each sitting, with 150 or more signed opinions annually. The growth of the Court's work can be illustrated by the growth in the number of cases on its docket. In 1953 there were 1,463 cases on the Court's docket and 65 signed opinions were issued; and in recent years that has grown to more than 5,000 cases on the docket and as many as 150 signed opinions annually.

In its 200 years the federal judiciary has compiled a distinguished record, one that—though not free of controversy—reflected the honest efforts of many dedicated jurists to "establish justice." From a branch of government created only in the barest outline has emerged a national judiciary that is the envy of the world. In commemorating the anniversary of its beginnings, we should remember the labors of those who did so much to make it what it is.

As we take note of this important anniversary of this Court—and of the country—it comes at the close of a decade when people all over the world are demanding the kinds of freedom this Court has protected for 200 years. Our history is their hope, and our hope for them must be that whatever systems they set up in place of the tyranny they have rejected will include a judiciary with authority and independence to enforce the basic guarantees of freedom, as this

Court has done for these two hundred years.

Mr. EDWARDS of California. Mr. Speaker, I want to thank the distinguished gentlewoman from Louisiana and our colleague from the other side of the aisle, the distinguished gentleman from Illinois for organizing this special order today. Congresswoman BOGGS and Congressman CRANE have served admirably as members of the Commission on the Bicentennial of the U.S. Constitution, and I congratulate them.

On this 200th anniversary of the Supreme Court, I cannot help but reflect—as chairman of the Judiciary Committee's Subcommittee on Civil and Constitutional Rights—on the historic role the Court has played in protecting the individual rights and liberties of all Americans.

Throughout its history, the Supreme Court has been charged with enforcing the promises of the Bill of Rights. There have been proud moments when the Court literally has shone in carrying out that solemn charge. School desegregation cases, right of privacy cases, freedom of speech and religion cases, protecting the right to a fair trial, reining in the unconstitutional excesses of Government, and protecting the rights of minorities against the overbearing caprice of the majority—all these and more easily comes to mind.

Today, the winds of freedom are circling the world and the U.S. Supreme Court remains a symbol of hope, both here and abroad. Despite occasional missteps in heeding the call for freedom, our Supreme Court has a history of which it can be proud and in which all Americans can find hope in their quest for justice.

The Supreme Court has the precedents, the ability, and the duty to fulfull that hope and justify that pride.

Mr. BROOKS. Mr. Speaker, as chairman of the House Committee on the Judiciary, I am pleased to participate in this special order commemorating the 200th Anniversary of the creation of our Federal court system in the Judiciary Act of 1789. While the courts were created by the Constitution, it was the enactment of the Judiciary Act that actually gave life to our judicial system.

The history of our Nation is in no small measure the history of the courts. Overwhelmingly, the courts have been the vehicle by which the rights granted in the Constitution are guaranteed to all of our citizens. Brown versus Board of Education is one prominent example. By giving meaning and substance to the freedoms enumerated in the Bill of Rights, our courts have played a crucial role in advancing the individual liberties that are the hallmark of our system of Government.

No less important is the role of the judicial system in ensuring that no individual will "be deprived of life, liberty, or property, without due process of law." Americans' faith in the fundamental fairness of our system of government is the glue that holds that system together.

All of us know that, even though we might be locked in a legal stuggle against powerful political and economic forces, the due process clause of the Constitution will be upheld by an independent judiciary and will provide scrupulous protection of individual rights.

This element of independence and insulation from forces outside the legal system has enabled the judiciary to serve as a bulwark between individuals' rights and the exercise of undue power. We do not choose our Federal judges through the political process of election; we give them life tenure and guarantee in the Constitution that economic pressure cannot be brought to bear on them by reducing their salaries. We place the judicial system above the political fray so that they can carry out their decisionmaking responsibility in a way that they might do the right thing, even when the right thing may not be the popular thing.

It must be noted with sadness that these protections for our Federal judges do not always shield them from the passions of the times. The recent tragic death of Judge Robert Vance, who apparently was the target of an attack based on his discharge of his judicial responsibilities on questions of public controversy, underscores the dedication and the selflessness with which the members of the judiciary have carried out those responsibilities for the past two centuries, even in the face of unpopularity and, at times, personal danger.

Mr. STOKES. Mr. Speaker, this year we celebrate the 200th birthday of our Nation's Supreme Court. In 1787, the delegates to the Federal Convention in Philadelphia provided in the U.S. Constitution that "the judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."

The first Supreme Court was not named until 1789, 5 months after President Washington took office. John Jay of New York was the first Chief Justice. The first session of the Supreme Court met in New York City on February 1, 1790.

During those times, there was no ivory tower in which the Justices sat and opined on the law and its relevancy only. In addition to their Supreme Court responsibilities, they had to ride circuit. Oftentimes the arduous demands of traveling took their toll. In 1792, they wrote to President Washington:

We cannot * * * reconcile ourselves to the idea of existing in exile from our families, and of being subjected to a kind of life on which we cannot reflect without experiencing sensations and emotions more easy to conceive than proper for us to express * * * that the task of holding 27 circuit courts a year, in the different States * * * besides two sessions of the Supreme Court at Philadelphia, in the two most severe seasons of the year, is a task which * * * is too burdensome.

Despite their complaints, Supreme Court Justices had to ride circuit for another 100 years.

Like the Constitution which created the Court, our Nation's highest tribunal has evolved with time. When I think of the Supreme Court and its 200th anniversary, I am reminded of a statement made by Justice Thurgood Marshall in 1988 in reference to the bicentennial celebration of the Constitution.

Justice Marshall has earned a place in the Court's history not only because he is the first black ever appointed to sit on the Court, but because he has played an indispensable role in making law an effective instrument in protecting and advancing the rights and freedoms of all American citizens.

He stated that like many celebrations, the bicentennial celebration—

Takes particular events and holds them up as the source of all the very best that has followed * * * this is unfortunate—not the patriotism itself, but the tendency for the celebration to oversimplify, and overlook the many other events that have been instrumental to our achievements as a nation. The focus of this celebration invites a complacent belief that the vision of those who debated and compromised in Philadelphia yielded the "more perfect Union" it is said we now enjoy.

Justice Marshall took particular issue with the fact that the framers deliberately excluded Negro slaves and women from many constitutional protections. He noted that the "Supreme Court reaffirmed the prevailing opinion of the framers regarding the rights of Negroes in America." He made specific reference to the Dred Scott case. In that case, Chief Justice Taney wrote:

We think they are not, and that they are not included, and were not intended to be included. * * *

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race * * *; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit.

Accordingly, a negro of the African race was regarded * * * as an article of property, and held, and bought and sold as such * * * no one seems to have doubted the correctness of the prevailing opinion of the time.

In holding that slaves were property, and could not become citizens by residing in free territory, Justice Taney nullified an act of Congress, the Missouri Compromise of 1820. Some believe his ruling helped to precipitate the Civil War.

Yes, the Supreme Court like our Nation has evolved with changing social, cultural, and political patterns. Who would have thought, or accepted the notion 200 years ago, that a black and a women would 1 day sit on the Court. Rather than being shocked or appalled by such an occurrence, today, many of us are appalled by the fact that more minorities and women have not been appointed to the Supreme Court, or other Federal courts.

When we look at the progress of the disadvantaged and disenfranchised what is truly remarkable is the sometimes anomalous role legal principles have played in assisting, as well as impeding this progress. When we look at the condition of blacks in America, for example, we see, as Justice Marshall points out, that:

They were enslaved by law, emancipated by law, disenfranchised and segregated by law; and finally, they have begun to win equality by law. Along the way, new constitutional principles have emerged to meet the challenges of a changing society. The progress has been dramatic, and it will continue.

In reflecting on the Supreme Court's bicentennial celebration, I realize that people like Thurgood Marshall have helped it to carry out

the principles set forth in our Constitution. In many ways, I, too, am a beneficiary of his efforts. I am thankful for the contributions he and so many others have made on behalf of equality. They have helped to make our Nation's Constitution a living document. Hopefully, those who follow will share a similar vision and commitment to providing equality and justice under the law.

Mr. BUECHNER. Mr. Speaker, I rise today in tribute to an institution which, by its very existence, manifests one of the central themes upon which this Republic was molded. The Supreme Court is the pinnacle of a system of justice based on the supremacy of the rights of people and the subservience of the rules of States. In 200 years this principle has remained untarnished, while its example has spawned many similar systems the world over.

Over 100 years before John Marshall handed down the decision in Marbury versus Madison, Thomas Hobbes wrote "All laws, whether written or unwritten, have need of interpretation." John Adams was the first to call for "a government of laws and not of men," and wisely so. Yet laws must be implemented by the very men from whom they are kept distinct. Thus we see the genius in our establishment of the system of judicial review; it at least unifies the interpretation of the laws that we as a Congress enact, and keeps constant watch that we might never stray from the basis of all American law, our Constitution.

Over the years, we also have shown an amazing recognition of our own fallibility, and this is reflected in the appeal process. From the smallest municipal courtroom to the Supreme Court of the United States, a meticulous system of reevaluation protects against possible judicial error. Admittedly this system does not lend itself to expedient justice, nor to inexpensive justice, but it was never intended to do so. The early framers of our judiciary recognized that deliberation is an important characteristic of true justice, and that speed cannot be a priority as one man or several men judge another.

Mr. Speaker, as we celebrate the 200th anniversary of the U.S. Supreme Court it is worth noting that we may have created the perfect system for imperfect men to impart imperfect justice in an imperfect world. I firmly believe that the next 200 years will bear this fact out and find our Supreme Court as it is today: a monument to the sovereignty of individuals and the subservience of government.

Mr. CRANE. Mr. Speaker, as we all know, the United States of America is a Republic. In order to maintain this Republic, we rely upon the three branches of our Government and the contract which created them, out Constitution. Perhaps, of the three branches of our Government, the Judiciary is least understood or appreciated by the American people. Therefore, it is important that we, as Members of Congress, pay tribute to 200 years of the Federal Judiciary, and take some time to examine the judiciary's role in our Government and its historical development.

The system of governance established at the Constitutional Convention in 1787 bore superficial similarities to the three branch system of government in England. However, in contrast to the British system, the Constitution provided for checks and balances among the three separate branches. Over the years we have found this system to be integral and essential in ensuring the rights and responsibilities of our citizens.

One of the key components of our check and balance system is judicial review, a principle rejected in great Britain early in the 17th Century. Judicial review describes the Supremem Court's ability to determine the constitutionality of actions taken by other branches of the Government. Initially, the concept of judicial review was not so firmly established as it is today. It was the 1803 case of Marbury v. Madison in which the Supreme Court laid claim to its powers of judicial review.

After losing the Presidential election in 1800 to Thomas Jefferson, President John Adams appointed William Marbury, a Federalist, as justice of the peace before Adams officially left office in 1801. However, Marbury's necessary commission had not been delivered before Jefferson and the Republicans took office. Jefferson refused to recognize Marbury's appointment. Marbury then asked the Supreme Court to order Jefferson's Secretary of State, James Madison, to deliver the commission. On February 24, 1803, Chief Justice Marshall delivered the opinion of the Court which reprimanded Jefferson nothwithstanding the fact that on a technical point it avoided responsibility for a decision in the case. Nevertheless, it was the first assertion of the principle of judicial review which continues to this day.

The judiciary is truly a remarkable branch of our Government. Its responsibility is to ensure that the rights, guaranteed to each of us as Americans, are upheld—it is a safeguard of our liberty. Though we may not agree with the outcome of every judicial review, we are nonetheless blessed that we do have such a system. Our Constitution, which was drafted as a contract ensuring the rights of all people in our Republic, would mean much less than it does today were it not for the judicial branch of the Federal Government. I join in paying tribute to the bicentennial of our judiciary—we are truly privileged.

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in commemoration of the 200th anniversary of the first sitting of the Supreme Court. I would also like to take this opportunity to commend Chief Justice Warren Burger for all of his efforts in honoring the bicentennial of both the Supreme Court and our Constitution.

Mr. Speaker, the United States of America is a unique Nation for myriad reasons. Specifically, our Supreme Court sets the United States apart from most nations, and from most democracies. Even as the last of the Federal Government trinity to be created, by the Judiciary Act of 1789, the Supreme Court is by no means the weakest branch of government balancing the forces within our commonwealth.

The Supreme Court was in flux during its early years. Its home was moved from New York City to Philadelphia, and then to numerous locations within Washington. All the while, the Court's role was adapting and evolving. Initiary, there was much skepticism about what, if any, significant role the Court would play.

The Court's first Chief Justice, John Jay, resigned from his position on the Court and later declined an offer to return as Chief Justice stating the Court:

> Would not obtain the energy, weight and dignity which are essential to its affording due support to the National Government, nor acquire the public confidence and respect which, as the last resort of justice in the Nation, it should possess.

John Jay was a great man, an extraordinary statesman and a brilliant legal mind. But as we stand here today, nearly 200 years later, I am pleased to note that he was not a prophet. In the two centuries since the first session, the constitutionality of our laws and the constitutional protection of our people have been ensured by the Court. Today, the Court is often viewed as the most solemn, distinguished and revered branch of our Government.

From Chisholm v. Georgia to Marbury v. Madison to Brown v. Board of Education, the Supreme Court has reverently carried the burden of fair, equitable, constitutional administration of justice.

The Supreme Court has not been without its own scandals. Fortunately, as an institution, the Court has proved peculiarly immune to reproach. Perhaps it is the scrupulous nomination and confirmation process, or perhaps it is a certain austerity that is assumed as a justice dons his robes; for whatever reason, both the Court and the justices have for 200 years balanced the scales of justice with sobriety and dignity.

As a Member of Congress, and as an attorney, I will always respect the vital, indispensable function of the Court. We bear witness to the 200th anniversary with pride and appreciation. I believe that if our Founding Fathers were here today, a tear would come to their eyes. For they truly have succeeded in constituting a strong, viable government to "establish justice * * * and secure the blessings of liberty to ourselves and our posterity."

Mr. KASTENMEIER. Mr. Speaker, today Members are gathered to recognize the 200th birthday of the Supreme Court of the United States. It is entirely appropriate that we do so.

In reality, a celebration has been ongoing since September 1987 as we have engaged in activities dedicated to the memory of the Founding Fathers and the Constitution that they drafted in Philadelphia during the summer of 1787. Specific historic events have been recognized and identified as having contributed to the more perfect society that we enjoy today. The establishment of a Supreme Court is one such significant event. So was the establishment of the Congress, enactment of Judiciary Act of 1789 by the very First Congress, and the submission that same year of a Bill of Rights to the States.

Our Constitution creates a structure of political power, and specifically provides for the establishment of one Supreme Court. The miracle of this document—which you can carry in your pocket—is that the basic text, even before the ink was dry, was not hard and chafing but supple and soft. Designed to be long lasting, it has endured. Its resilience, in large part, can be attributed to the Supreme Court of the United States.

Article III of the Constitution—the judiciary's guiding light—simply states that the

Judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish.

The Constitution specifically confers authority on the policymaking branch—Congress—to decide the size and composition of the Supreme Court, as well as the structure and organization of the inferior courts. It contemplates a partnership between the legislature and the judiciary, with most issues of court reform becoming public policy questions, not one reserved to judges and lawyers.

As chairman of the Subcommittee on Courts of the Committee on the Judiciary, I consider the relationship between the Congress and the courts to be analogous to a family relationship. As such, political representatives and judges need to understand each other, develop channels of communication, and work hard to promote mutual respect.

This special order gives us an opportunity to show congressional respect for the Court. Last Congress we took advantage of a similar opportunity. When it became apparent that the Court was suffering from a calendar crisis of congested cases, we enacted legislation to eliminate the Court's mandatory appellate review authority. As author of that legislation, with the ranking minority member of my subcommittee, Mr. MOORHEAD, I was pleased to have recently received some feedback from Chief Justice Rehnquist about the success of the legislation:

I can speak for all the Justices and report their unanimous opinion that the removal of mandatory appeal is beneficial to the proper functioning of the Court.

Over the past 200 years, from Chief Justice John Jay to Chief Justice Rehnquist, our constitutional principles have proved resilient enough to provide for order and societal stability, and flexible and responsive enough to meet the demands of a constantly changing society. As Justice Thurgood Marshall has appropriately noted, the meaning of the Constitution was not forever "fixed" at the Philadelphia Convention. It has several notable defects that required the almost immediate passage of a Bill of Rights, and several notable amendments that were added.

The first three words in the preamble, "We the People," had a profoundly different meaning in 1787 than today. A majority of America's citizens—including Negro slaves and women—were not even granted the right to vote. Today, "We the People" no longer enslave and the credit should not go to the framers. It belongs to others—citizens, legislators, judges and justices, and others—who have refused to acquiesce in antiquated notions of "liberty," "justice," and "equality" and have struggled within the confines of society to better them. One of the things that characterizes the U.S. Supreme Court, now and in the past and in the future—I hope, is a recognized commitment to satsify our aspiration to "form a more perfect Union."

The true miracle was not the birth of the Constitution and the Supreme Court, but their long life and future. Let us pledge to engage in cooperation between the branches of government and to participate in a continuing celebration, one that does not last only today but one that goes on during the months and years ahead.

Mr. TOWNS. Mr. Speaker, today I rise to pay tribute to the Supreme Court of the United States.

As the Court celebrates its bicentennial we must pause to pay tribute to the unique role the Court has played in the promotion and preservation of the American experiment in democracy. As the only court formally created by the words of the Constitution, the Supreme Court holds a unique trust in the hearts and minds of the American people.

As a coequal branch of government responsible for adherence to the Constitution, traditionally the Court has found a way to protect the discrete and insular minorities from the tyranny of the majority. It is this role which lead the Court to gain the respect of the American people. If the legislative branch finds itself swayed by the political passions of the era, the Court must rise to protect the people who find solace in no other quarter. If the executive branch turns its back on the rights of the political minority, the Court must rule to keep their voices from becoming silent. When the Court fails, the unheard are silenced and the unprotected are made vulnerable.

I salute the Court for its dedication to protect and defend the Constitution. I applaud the Court for its decisions which have furthered the pursuit of equal justice for all.

Mr. CONTE. Mr. Speaker, of our wonderful Constitution it has been said that, "Here was the document into which the Founding Fathers had passed their wisdon as into a vessel." Among our Founders greatest contribution to us is the principle of checks and balances. They foresaw the healthy interaction of three separate but equal branches of Government: The executive, the legislative, and the judiciary.

It is the judicial branch that we honor today in this bicenntennial celebration of the first Supreme Court session.

The founders perceived the importance of an equal judiciary but, in reality, our first Supreme Court Justices suffered many indignities. The first Supreme Court Justices were always the odd men out when it came to getting Federal office space. In the early years, they would meet above a fish market, in the unfinished basement of the Senate, in a corner of the House library, and, happily for them, often in a tavern across the street from the Capitol. It would not be until 1935, that the Supreme Court would occupy a building of its own befitting the stature of the Court. And, Mr. Speaker, I might add that they finished construction of the Supreme Court under budget, actually returning $100,000 to the Treasury. That's what I call judicious.

Fortunately for us and our posterity, the efforts of great Justices such as John Marshall, Oliver Wendell Holmes, and Louis Brandeis assured the Supreme Court an equal place beside the other two branches long before it finally received its own building. In the historic Marbury versus Madison decision of 1803, Chief Justice John Marshall's court took the dramatic step that established the Court's right to declare any law contradicting the Constitution as unconstitutional—null and void. It was the courage and foresight of this great justice that established the concept of judicial review as the right of the Supreme Court. The Supreme Court can appropriate no funds, it can marshall no armies, but its place in our history and its role in our Government is certain.

And so, Mr. Speaker, it is a great institution and the great men who served on its benches that we honor in this bicentennial tribute today.

□ 1240

GENERAL LEAVE

Mrs. BOGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. LAFALCE). Is there objection to the request of the gentlewoman from Louisiana?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. DUNCAN) to revise and extend his remarks and include extraneous material:)

Mr. PARRIS, for 5 minutes on February 6.

(The following Members (at the request of Mr. SAVAGE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GEPHARDT, for 5 minutes, today.
Mrs. BOGGS, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. CAMPBELL of California.
Mr. MICHEL.
Mr. BROWN of Colorado.
Mr. BEREUTER.

(The following Members (at the request of Mr. SAVAGE) and to include extraneous matter:)

Mr. SLATTERY.
Mr. DWYER of New Jersey.
Mr. TALLON.
Mr. MAZZOLI in two instances.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolution of the House of the following

title, which was thereupon signed by the Speaker:

H.J. Res. 149. Joint resolution designating February 16, 1990, as "Lithuanian Independence Day."

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 130. Joint resolution designating February 11 through February 17, 1990, as "Vocational-Technical Education Week."

ADJOURNMENT

Mrs. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Monday, February 5, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2400. A letter from the Acting Administrator, Agency for International Development, transmitting a report on development assistance program allocations for fiscal year 1990, pursuant to 22 U.S.C. 2413(a); to the Committee on Foreign Affairs.

2401. A letter from the Chairman, Board for International Broadcasting, transmitting the Board's annual report on its activities, as well as its review and evaluation of the operation of Radio Free Europe/Radio Liberty for the period October 1, 1988 through September 30, 1989, pursuant to 22 U.S.C. 2873(a)(9); to the Committee on Foreign Affairs.

2402. A letter from the Director of Administration and Management, Office of the Secretary of Defense, transmitting a report on the consolidation of the military departments' fiscal year 1989 unit exchange of training and related support between the United States and foreign countries; to the Committee on Foreign Affairs.

2403. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting the Commission's 31st annual report, pursuant to 42 U.S.C. 4275(3); to the Committee on Government Operations.

2404. A letter from the Chairman, Federal Communications Commission, transmitting a report of actions taken to increase competition for contracts, fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2405. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report of actions taken to increase competition for contracts, fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2406. A letter from the Chairman, Securities and Exchange Commission, transmitting a report of actions taken to increase competition for contracts, fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2407. A letter from the Director, Close Up Foundation, transmitting the semiannual report on the Civic Achievement Award Program covering the period July 1, 1989 through December 31, 1989, pursuant to Public Law 100-158, section 3(b) (100 Stat. 897); to the Committee on House Administration.

2408. A letter from the Director, Bureau of Land Management, transmitting a report on the proposed administrative boundaries for 14 rivers that were added to the National Wild and Scenic Rivers System, pursuant to 16 U.S.C. 1274; to the Committee on Interior and Insular Affairs.

2409. A letter from the Assistant Secretary for Government Affairs, Department of Transportation, transmitting an informational copy of factsheets on the highway and aviation trust funds and on the history of funding for the Department; to the Committee on Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. COLLINS (for herself, Mr. HYDE, Mr. WAXMAN, Mr. MILLER of California, Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI, Mr. BATES, Mr. BRUCE, Mr. TOWNS, Mr. MARKEY, Mr. BOUCHER, Mr. DURBIN, Mr. BERMAN, Mr. MCDERMOTT, Mr. WILLIAMS, Mr. DE LUGO, Mr. CROCKETT, Mr. ACKERMAN, Mr. HAWKINS, Mr. FRANK, Mr. RANGEL, Mr. FAUNTROY, Ms. SCHNEIDER, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. WHEAT, Mr. JOHNSTON of Florida, and Mr. FOGLIETTA):

H.R. 3931. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. SLATTERY (for himself, Mr. WAXMAN, Mr. MILLER of California, Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI, Mr. BATES, Mr. BRUCE, Mrs. COLLINS, Mr. TOWNS, Mr. MARKEY, Mr. BOUCHER, Mr. DURBIN, Mr. BERMAN, Mr. WILLIAMS, Mr. MCDERMOTT, Mr. FRANK, Mr. RANGEL, Mr. FAUNTROY, Ms. SCHNEIDER, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. WHEAT, Mr. JOHNSTON of Florida, Mr. FOGLIETTA, Mr. DE LUGO, Mr. CROCKETT, Mr. ACKERMAN, and Mr. HAWKINS):

H.R. 3932. A bill to amend title XIX of the Social Security Act to improve access to basic health care services to needy children; to the Committee on Energy and Commerce.

By Mr. WYDEN (for himself, Mr. WAXMAN, Mr. ROYBAL, Mr. RINALDO, Mr. SCHEUER, Mr. WALGREN, Mr. SIKORSKI, Mr. BATES, Mr. BRUCE, Mrs. COLLINS, Mr. TOWNS, Mr. MARKEY, Mr. ECKART, Mr. RICHARDSON, Mr. BOUCHER, Mr. SCHUMER, Mrs. BOXER, Mr. DURBIN, Mr. ESPY, Mr. DWYER of New Jersey, Mr. BERMAN, Ms. KAPTUR, Mr. FAUNTROY, Mr. LEVINE of California, Mr. MCDERMOTT, Mr. KOSTMAYER, Mr. MRAZEK, Ms. PELOSI, Mr. FOGLIETTA, Mr. MORRISON of Connecticut, Mr. HARRIS, Mr. LEVIN of Michigan, Mr. HUGHES, Mr. HERTEL, Mrs. SAIKI, Mr. RANGEL, Mr. EDWARDS of California, Mr. FORD of Tennessee, Mr. FAZIO, Mr. BROWN of California, Mr. PALLONE, Mr. ROWLAND of Connecticut, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. CLEMENT, Mr. MOLLOHAN, Mr. ENGEL, Mr. MATSUI, Mr. STAGGERS, Mr. WOLPE, Mr. GEJDENSON, Mr. DE LUGO, Mr. CROCKETT, Mr. ACKERMAN, Mr. HAWKINS, Mr. HYDE, Mr. FRANK, Mr. MILLER of California, Ms. SCHNEIDER, Mr. WHEAT, Mr. JOHNSTON of Florida, Mr. WILLIAMS, and Mr. WALSH):

H.R. 3933. A bill to amend title XIX of the Social Security Act to provide States the option of providing quality community care to the elderly under their Medicaid Programs; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. TAUKE, Mr. DINGELL, Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI, Mr. BATES, Mrs. COLLINS, Mr. TOWNS, Mr. MARKEY, Mr. BOUCHER, Mr. DURBIN, Mr. BERMAN, Mr. FRANK, Mr. RANGEL, Mr. MILLER of California, Mr. FAUNTROY, Ms. SCHNEIDER, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. WHEAT, Mr. JOHNSTON of Florida; Mr. FOGLIETTA, Mr. WILLIAMS, Mr. DE LUGO, Mr. CROCKETT, Mr. ACKERMAN, Mr. HAWKINS, Mr. SMITH of Vermont, and Mr. HALL of Ohio):

H.R. 3934. A bill to amend title XIX of the Social Security Act to improve the provision and quality of services to individuals with mental retardation or related condition; to the Committee on Energy and Commerce.

By Mr. PANETTA (for himself, Mr. WAXMAN, Mr. GRADISON, Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI, Mr. BATES, Mr. ROWLAND of Georgia, Mr. TOWNS, Mr. MARKEY, Mr. BOUCHER, Mrs. BOXER, Mr. DURBIN, Mr. BERMAN, Mr. GEJDENSON, Mr. MATSUI, Ms. PELOSI, Mr. DE LUGO, Mr. OWENS of New York, Mr. EDWARDS of California, Mr. BILBRAY, Mr. FRANK, Mr. RANGEL, Mr. FAUNTROY, Mr. MILLER of California, Ms. SCHNEIDER, Mr. PAYNE of New Jersey, Mr. WHEAT, Mr. JOHNSTON of Florida, Mr. FOGLIETTA, Mr. WILLIAMS, Mr. MCDERMOTT, Mr. CROCKETT, Mr. ACKERMAN, Mr. HAWKINS, and Mr. HYDE):

H.R. 3935. A bill to amend title XIX of the Social Security Act to require the coverage of hospice care under Medicaid plans; to the Committee on Energy and Commerce.

By Mr. CLAY (for himself, Mr. FORD of Michigan, Mr. KILDEE, Mr. HAYES of Illinois, Mr. OWENS of New York, and Mr. FOGLIETTA):

H.R. 3936. A bill to amend the National Labor Relations Act to prevent discrimination based on participation in labor disputes; to the Committee on Education and Labor.

By Mr. BROWN of Colorado:

H.R. 3937. A bill to amend the Social Security Act and related provisions of law to promote responsible financial management of the Social Security trust funds and to establish the Social Security Administration as an independent agency headed by an Administrator of Social Security; jointly, to the Committees on Ways and Means and Government Operations.

By Mr. MOAKLEY:

H.R. 3938. A bill to amend title 5, United States Code, to provide that Government employees who become subject to certain postemployment restrictions or who separate from Government service due to nonrecertification as a senior executive may obtain certain life insurance, health insurance, and retirement benefits, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. SAXTON (for himself, Mrs. ROUKEMA, Mr. MCCOLLUM, Ms. KAPTUR, Mr. COURTER, Mr. CHAPMAN, and Mr. HANCOCK):

H.R. 3939. A bill to express the sense of the Congress that States should establish uniform laws on the regulation of check cashing services, money order issuers, and other nonbank money transmitters for the purpose of preventing money laundering and protecting the payment system, to require the Secretary of the Treasury to conduct a study to make appropriate recommendations on such efforts, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SOLOMON:

H.R. 3940. A bill to amend the Public Health Service Act to establish Federal standards to ensure quality assurance of drug testing programs, and for other purposes; jointly, to the Committees on Energy and Commerce, Education and Labor, and Post Office and Civil Service.

By Mrs. VUCANOVICH:

H.R. 3941. A bill to ratify and implement water settlements involving the Pyramid Lake Paiute Tribe, the States of California and Nevada, and other parties regarding the waters of the Truckee and Carson Rivers and Lake Tahoe in Nevada and California, to provide for enhancement of endangered and threatened species, to preserve valuable wetlands, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Public Works and Transportation, and Merchant Marine and Fisheries.

By Mr. FORD of Michigan (for himself and Mr. GILMAN):

H. Res. 316. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Post Office and Civil Service in the 2d session of the 101st Congress; to the Committee on House Administration.

By Mr. ANNUNZIO:

H. Res. 317. Resolution providing for expenses of activities of House Information Systems in the 2d session of the 101st Congress; to the Committee on House Administration.

H. Res. 318. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on House Administration in the 2d session of the 101st Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. BOEHLERT.

H.R. 377: Mr. FAUNTROY, Mr. GEJDENSON, Mr. STUDDS, and Mr. MILLER of Washington.

H.R. 1180: Mr. BOSCO.

H.R. 1205: Mr. GRANDY and Mr. BOEHLERT.

H.R. 2549: Mr. EVANS.

H.R. 2617: Mr. CONYERS.

H.R. 2754: Mr. HARRIS, Mr. HUTTO, Mr. INHOFE, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LENT, Mr. LIPINSKI, Mr. MCMILLEN of Maryland, Mr. PERKINS, Mr. QUILLEN, Mr. SCHUMER, Mr. SKAGGS, and Mr. WYDEN.

H.R. 2951: Mr. FROST and Mr. MFUME.

H.R. 2952: Mr. FROST and Mr. SENSENBRENNER.

H.R. 3587: Mr. DENNY SMITH, Mr. COSTELLO, and Mr. NEAL of North Carolina.

H.R. 3684: Mr. MCDADE.

H.R. 3735: Mr. REGULA, Mr. APPLEGATE, Mr. PEASE, Mr. LEWIS of Georgia, Mr. PERKINS, Mr. HUBBARD, Mr. SARPALIUS, Mr. MAZZOLI, and Mr. JACOBS.

H.R. 3736: Mr. SARPALIUS.

H.R. 3737: Mr. SARPALIUS.

H.R. 3893: Mr. COYNE and Mr. RANGEL.

H.R. 3899: Mr. TAUKE, Mr. SYNAR, and Mr. WHITTAKER.

H.R. 3906: Mr. FASCELL, Mr. NEAL of North Carolina, Mr. TAUKE, Mr. HUCKABY, Mr. SKEEN, and Mr. SCHUETTE.

H.J. Res. 369: Mr. BARNARD, Mr. BROWDER, Mr. BRUCE, Mr. CALLAHAN, Mr. CROCKETT, Mr. FORD of Michigan, Mr. GEJDENSON, Mr. GINGRICH, Mr. DERRICK, Mr. DARDEN, Mr. BOUCHER, Mr. JOHNSON of South Dakota, Mr. HENRY, Mr. HARRIS, Mr. HATCHER, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. MACHTLEY, Mr. MARTINEZ, Mr. MCCLOSKEY, Mr. MILLER of California, Mr. NEAL of North Carolina, Mr. OBERSTAR, Mr. OWENS of Utah, Mr. PAYNE of New Jersey, Mrs. PATTERSON Mr. JENKINS, Mr. RAY, Mr. ROBERTS, Mr. SABO Mr. SLATTERY Mr. SMITH of Vermont, Mr. SCHAEFER, Mr. SPRATT, Mr. SHUMWAY, Mr. TALLON, Mr. WEISS, Mr. WAXMAN, Mr. DYSON, Mr. ANNUNZIO, and Mr. PAYNE of Virginia.

H. Con. Res. 20: Mr. SOLOMON.

H. Con. Res. 172: Mr. FROST and Mr. LEWIS of California.

SENATE—*Thursday, February 1, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Today's prayer will be offered by the guest chaplain, Rabbi Moshe Feller, Lubavitch House, St. Paul, MN.

Rabbi Feller.

PRAYER

Rabbi Moshe Feller offered the following prayer:

Almighty G-d, Master of the universe, the Members of this august body, the U.S. Senate convene here today in fulfillment of one of the Seven Universal Commandments which You issued to Noah after the great flood—the commandment that every society govern by just laws which are based in the recognition of You O G-d as the Sovereign Ruler of all men and all nations.

The recognition of Your sovereignty is the bedrock of our society as witnessed by the words "In G-d We Trust" engraved on the wall of this great portal of government in which we offer this prayer, and by the words with which we conclude our Pledge of Allegiance "one Nation, under G-d, with liberty and justice for all."

We thank you Almighty G-d for this "year of miracles," in which we witness an increasing number of nations beginning to govern their people with "liberty and justice for all" and beginning to recognize that the entire universe does indeed exist "under G-d."

Grant us, Almighty G-d, as You granted the ancient Israelites in the 40th year of their sojourn in the wilderness, "a heart to perceive, eyes to see and ears to hear" Your divine providence in all that is so rapidly transpiring before our eyes. May the perception of Your divine providence in the affairs of man forever guide the leaders of our country and may they govern accordingly with joy and gladness of heart. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time for the two leaders, there will be a period for morning business until 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

At 10 a.m., the Senate will resume debate on the clean air bill. The Senate adopted two amendments to the clean air bill. I expect other amendments will be offered today. I encourage Senators who may wish to offer amendments to the bill to come forth with those amendments so that the Senate can proceed on this legislation.

The matter is complex and controversial. The pace has been slow because Senators wanted the opportunity to fully review and understand the bill. This is now near the end of the the second week of deliberation on the bill and I hope and expect that any Senator who has an amendment who wishes to have it considered will be prepared to come forward. It is anticipated by the managers that there will be rollcall votes today.

THE CONTINUED DELAY IN IMPLEMENTING THE WETLANDS PROTECTION AGREEMENT BETWEEN THE CORPS OF ENGINEERS AND THE ENVIRONMENTAL PROTECTION AGENCY

Mr. MITCHELL. Mr. President, a long-awaited wetlands protection agreement between the EPA and the Army Corps of Engineers was to have gone into effect yesterday.

Plans to carry out this landmark agreement have been suspended twice since it was signed on November 14, 1989.

Now, implementation of the wetlands accord has been postponed yet again.

The agreement between the EPA and the Department of the Army articulates the policy and procedures to be used in determining the type and level of mitigation necessary to comply with the environmental requirements for wetlands filling under section 404 of the Clean Water Act.

The Army and the EPA have disagreed for years over wetlands mitigation policy and procedures.

The agreement signed last November was the culmination of efforts that began with oversight hearings before the Senate Subcommittee on Environmental Pollution during 1985 and 1986.

At that time, the EPA insisted that the section 404 environmental criteria for issuing wetlands development permits required that adverse impacts to wetlands, must be first avoided if possible, then minimized and, as a last resort, compensated for through the creation or restoration of similar aquatic resources.

The corps previously had resisted this policy and instead had left its districts with broad discretion to negotiate mitigation requirements on a case-by-case basis.

Finally, late last year—due in large part to the efforts of EPA Administrator William Reilly and Assistant Administrator LaJuana Wilcher and the Assistant Secretary of the Army for Civil Works, Robert Page—the two agencies responsible for administration of the section 404 program agreed to the sequential consideration of avoidance, minimization and compensation of adverse impacts in reviewing permit applications for wetlands filling.

The agreement needs to be put into effect without further delay to ensure that the Clean Water Act is carried out uniformly in a manner that encourages the protection of wetlands in their natural state and helps prevent the net loss of these valuable aquatic resources.

The policy guidance agreed to by the corps and EPA last November preserves the integrity of the Clean Water Act's environmental criteria which permit wetlands filling only where it is the least damaging practicable alternative. Alternatives to wetlands filling are presumed to be less damaging and available for projects that do not require proximity to water.

This analysis of alternatives and rebuttal of presumptions must take place under the agreement regardless of any offer to restore, enhance or construct wetlands as compensation for the effects of the requested filling.

In this manner, the agreement ensures that section 404 of the Clean Water Act is not used as a means of providing for the orderly destruction of the Nation's wetlands.

President Bush repeatedly has supported the policy of no net loss of wetlands as a national goal.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

39-059 O-91-33 (Pt. 1)

The wetlands protection agreement between the Corps and EPA will not implement that goal. It is only one small, but important, step toward that goal.

The agreement does not set new policy. It only seeks consistent and effective implementation of the present Clean Water Act.

As such, the agreement addresses only those activities that require individual section 404 permits; that is, generally, discharges of dredged or fill material into more than 10 acres of wetlands. It has no effect on most wetlands destruction, which results from draining, clearing, flooding, and excavation.

The continued reluctance of the administration to put this limited wetlands protection agreement into effect raises serious doubts about the level of commitment to the President's oft-stated goal of no net loss.

The President can reaffirm his administration's commitment to stemming wetlands loss by directing the Corps of Engineers and EPA to implement their agreement without further delay. I hope that he will do so.

THE SUPREME SOVIET'S VIEWS ON THE IMPORTANCE OF A BAN ON NUCLEAR TESTING

Mr. MITCHELL. Mr. President, I ask unanimous consent that this appeal from the U.S.S.R. Supreme Soviet to the United States Congress be printed in full. I hope that my colleagues will find this statement an informative summary of Soviet parliamentarians' views regarding the importance of a comprehensive nuclear test ban.

There being no objection, the appeal was ordered to be printed in the RECORD, as follows:

To the U.S. Congress:

Esteemed colleagues, on August 1, 1989, the USSR Supreme Soviet addressed an appeal to the U.S. Congress regarding the issue of a moratorium on nuclear explosions and a cessation of nuclear testing.

Today, we are once again calling on you, proceeding from a clear realization of the vital need for taking measures to protect our own people, as well as all the peoples of the Earth against the risks of nuclear testing.

Our emphatic call for a ban or a moratorium on nuclear testing is prompted by the fact that underground nuclear tests continue to shake our planet, even as norms of new political thinking, humaneness, trust and mutual understanding are being affirmed in international relations. Underground experiments not only lead to the development of new sophisticated weapon systems, but pose another unpredictable threat that must be dealt with today. It is the potential environmental consequences of nuclear testing, the damage being done to the population of the testing sites areas, their wildlife and flora. It is no coincidence that this issue is no longer the exclusive concern of politicians, lawmakers and scientists. It has become a broad public concern, which is attested to by the demand of Soviet citizens to close down the nuclear test sites in Semipalatinsk and on the island of Novaya Zemlya, as well as the US citizens demand with regard to the Nevada test range.

We, parliamentarians, cannot turn a deaf ear to the voice of our constituencies. The USSR People's Deputies reaffirm the Soviet Union's willingness to introduce, any day and any hour, a mutual moratorium on all nuclear explosions, which could bring us closer to concluding an agreement on a verifiable and comprehensive nuclear test ban. Even today, we could noticeably reduce the nuclear threat by ratifying the treaties of 1974 and 1976, by encouraging the achievement of Soviet-US agreements on radical reductions in their nuclear arsenals, and seeking a prompt, fair, and meaningful consideration of the problems involved in a complete nuclear test ban.

The time to act is now! We propose creating a US-USSR interparliamentary group to study the whole range of military-technical, political, and environmental aspects of nuclear testing and to develop agreed recommendations to our parliaments and governments. May there be quiet at our countries' nuclear test ranges for the duration of the work of this group, at least a temporary moratorium would thus be in effect. Our Supreme Soviet and the USSR Government are ready for such a step.

Time is running out. One cannot miss a rare chance to demonstrate to the world community our ability to think and act in a new way, by doing away with nuclear rivalry and preserving and strengthening peace for all mankind.

We hope that the US Congress will promptly respond to this appeal and that we can together begin concrete work.

RESERVATION OF LEADERS' TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my time, and I reserve all of the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the unused portions of the two leaders' time will be reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order there will now be a period for the transaction of morning business, for the introduction of bills, resolutions, petitions and memorials, and Senators are permitted under the order to speak for not to exceed 5 minutes each.

Mr. SANFORD addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. SANFORD] is recognized.

THE PRESIDENT'S BUDGET

Mr. SANFORD. Mr. President, the President's budget is now before us, and it is not an honest budget. The deficit is over $300 billion, the largest deficit in the history of this Nation, and yet we are going to be telling people that we have it reduced to about $125 billion, and we are going to reduce it further to under $100 billion. Not true. We will not reduce it below $100 billion in fiscal year 1991. It will continue at a level in the neighborhood of $300 billion, because we are covering most of the real deficit up.

We are fooling the American public by covering up the true deficit. The Budget Director for the President explained to the Budget Committee yesterday that the law requires us to cover it up.

You might put it this way: We require ourselves by law to cover up the true size of our deficits. Congress makes the laws. So it is inexcusable that this Congress would require that we tell the public something that is not true. We need an honest budget. We need to change the law so we can have an honest budget. We need to quit misleading the American public about the true size of the deficits and the true size of the mounting debt.

Mr. President, I propose five steps that will require the White House, the Office of Management and Budget, and the Congress to play it straight with the American public and tell the truth about the deficits and about the debt. We cannot hope to solve this problem; we cannot hope to bring fiscal responsibility back to Government, unless we are willing to have an honest budget as the first step.

First we need to eliminate the gimmicks that allow us to cover up the true deficit. No accountant or CPA would deny that the bottom line, the true deficit of the Government, is the annual increase in the national debt. And that annual increase in the national debt, as shown by the budget released Monday, is over $300 billion.

Let us do away with all gimmicks. The biggest single gimmick, of course, the biggest coverup, is that we are taking the Social Security annual reserves and counting it as income, as free taxes to be used for general revenue purposes. But that is not all. The interest that is paid on the accumulating Social Security surpluses is counted as a receipt, not a payment. Treasury bonds purchased with Social Security reserves is supposed to be held in trust for the beneficiaries. That is not our money. But by law we treat it as a receipt, not as an expenditure, and that accounting practice covers up part of the real deficit. We do the same with the highway trust fund—and other trust funds. We use these reserves, even some we should be spending, to cover up the deficit. This not only is dishonest, but it is very, very bad Government, because our highways and bridges need that money.

We have various other ways of covering up the hidden deficit that now amounts to about $175 billion. We need to change the law to outlaw the use of gimmicks and coverups that

conceal the true deficit from the American public.

An honest budget also protects Social Security. The President said last night that we should not mess around with Social Security, and I agree. But we have been messing around with Social Security, and long enough. We need to protect Social Security trust funds from being squandered and spent for defense and other general Government purposes. Social Security is a trust for the future beneficiaries of Social Security.

I want to see us change the law, Mr. President, to insist that 1 full year of reserve, a 1-year cushion, be kept in trust all of the time. If we do that, incidentally, we can reduce the Social Security taxes. We can reduce taxes by about 18 percent. And we should, because it is not right to continue collecting money that we do not need for the security of Social Security, just so we will have more money to cover up the deficit.

Third, Mr. President, we should count gross interest and include it in a debt account. The big problem in balancing the budget, and the biggest part of the deficit is the interest we pay on the debt. We should do what any good banker would do and count interest as part of the debt. If we capitalize the interest, we then have a debt account we can clearly see and know is growing.

If we had one debt account to include debt increase, and interest-paid on the debt, we can see very clearly, and the public can see very clearly, that this annual increase in debt is the true deficit. We would then know what we were trying to reduce. I would require, as we change the law, Mr. President, that we reduce the debt each year until we get it under control.

Fourth, we need an operating budget that includes nonretirement reciepts—general taxes, and programs that involve setting the priorities of Government: How much do we spend for defense? How much do we spend for early childhood education? How much do we spend for transportation? How much do we spend for whatever. We can set the priorities.

If we include the interest where it should be, with deficit and debt, and if we separate Social Security and other retirement funds from the operating and debt accounts, separated, in order to protect those trusts, we more clearly layout the budget to reflect income and obligations of Government. We can then more clearly set priorities without all of confusion that comes from the kind of budgeting that we now require of ourselves by law.

The operating budget, Mr. President, can be forever kept in balance. We should require trust. We should have an honest budget, with a balanced operating budget, and a budget that requires constant reduction of debt to make us fiscally responsible.

The operating budget, without the gimmicks, without Social Security, without the interest—can be balanced. We can require this using the point of order which gives one Senator the chance to say, no, no, we are not going to get out of balance. We know that we can get that extra few billion one way or the other to keep it balanced, and sequestration can be the last resort. So we can have a balanced operating budget if we just change the law.

The fifth and final step involves rising debt. I propose that we give the President the option to either continue piling up debt or to reduce debt through a debt account. The President proposes the budget. He is responsible for the fiscal policy of the Nation. He can continue piling up more debt, issuing more bonds to pay the interest. Or he can recommend to a dedicated debt reduction tax solely dedicated exclusively for the purpose of reducing debt. This, combined with spending controls—reductions—will allow us to conquer the debt dragon with an honest appproach.

There you have it, Mr. President. Our present budget is not honest. We require that it not be honest. We need to change the law to have an honest budget, a balanced budget, and a budget that requires a systematic reduction of debt.

I think, Mr. President, that we can do this. I think we cannot any longer continue to require ourselves by our own laws to present to the public a dishonest budget.

Thank you, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Delaware is recognized for not to exceed 5 minutes.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2049 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDENT pro tempore. Without objection, the Senator may proceed under the order as in morning business. For what length of time?

Mr. MURKOWSKI. The Senator from Alaska asks for 5 minutes.

The PRESIDENT pro tempore. Without objection, the Senator from Alaska is recognized for 5 minutes.

Mr. MURKOWSKI. I thank the Chair for his accommodation and wish the President pro tempore good morning.

JAPAN CONSTRUCTION TRADE

Mr. MURKOWSKI. Mr. President, I would like to review briefly for my colleagues the state of negotiations on a very important trade issue between our Nation and our friends in Japan. It is one of market access for U.S. construction firms, a subject in which I have had a longstanding interest and one which has troubled our trade relations for many years.

Mr. President, when I was in Tokyo in December, I had the pleasure of meeting with Minister of Construction Shozo Harada and also with Hajime Sako, who is both chairman of the Taisei Corp. and of the Japan Federation of Construction Contractors, similar to our Association of General Contractors of America. We discussed how we might approach the issue of entry of United States construction firms, as well as—architectural, engineering, and design firms—into the Japanese marketplace. We discussed how we can work together, putting behind us some of the acrimony of the past.

Minister Harada and Chairman Sako share my interest in setting our construction disputes in a manner that is mutually beneficial. They both emphasized to me that better communication between the Japanese private sector and the United States private sector would lead to a more satisfactory relationship.

Mr. Sako recounted to me the trouble United States and Japanese trade associations had experienced in trying to arrange a high-level meeting between the two industries. He asked me for my help. As a consequence, I agreed to host such a meeting in Washington upon my return. That meeting was held last Thursday.

The turnout was excellent. It included all the major United States participants in Japan's construction market. Deputy United States Trade Representative Linn Williams and Commerce Undersecretary Mike Farren provided the administration's perspective; and we heard the official views of the Japanese Government from the Embassy Economic Minister, Mr. Akao. It was significant that 13 of the

14 United States firms that are licensed to do business in Japan were represented at the meeting.

It is also significant that the Japanese have opened up the licensing process, which used to take as much as 2 years and now takes about 90 days. The fact that we now have four architectural firms licensed to do business in Japan, one already licensed this year, I think is indicative of the Japanese Government's response to our request that this market be opened. The licensed firms are major United States contractors that do business all over the world and certainly are interested in doing business in Japan, where the construction budget in both the private and public sectors is now greater, Mr. President, than those expenditures in the United States.

So there is clearly business to be done in Japan, attractive business, but we have had difficulty getting into that market.

One of the previous predicaments that we had was the requirement that previous experience be obtained before U.S. firms could be licensed. But if you could not get a license, it was pretty hard to get the previous experience. That has now been largely resolved, I am happy to report to my colleagues.

The real business of the meeting, of course, was the productive exchange between the representatives of two industry groups, the Japanese private sector and our private sector, through their respective spokesmen.

Mr. Fred Berger, head of the U.S. delegation, was very straightforward in identifying our industry's concerns. Their view is that so far the major projects agreement has been rather disappointing, and has not produced the appropriate results.

However, there is good news for a change—notably Bechtel's participation in the $800 million Haneda Airport contract. But still the trade is one-sided. United States firms are doing less than $200 million annually in construction business in Japan, while Japanese firms are doing about $2.2 billion in the United States. However, that is a substantial change in United States participation, as just a few years ago our involvement in Japan consisted of two Mrs. Field's cookie storefronts in Tokyo. Now we are up to $200 million. We are reminding our Japanese friends that we are very interested in increasing our share in the Japanese market even further—not equivalent necessarily to what the Japanese are doing in the United States, but clearly to a much higher level.

Another concern of the U.S. construction industry is that, for projects not covered by the agreement, there has been essentially no U.S. participation at all.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the construction contracts and business involvement of United States construction firms in Japan, as well as a comparison of U.S. firms' participation in the Japanese market and Japanese firms' participation in the United States market.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. FIRMS IN JAPAN AND JAPANESE FIRMS IN THE UNITED STATES—A COMPARISON OF THE LEVEL OF CONSTRUCTION MARKET PENETRATION

[$U.S. 1 = Yen 140]

I. MARKET SIZE (CONSTRUCTION INVESTMENT)

U.S.A.: $400 billion (1987).
(Source: IE&CIC).
Japan: Yen 66,000 billion ($471 billion) (1988).
(Source: Kensetsu Keizai Kenkyujo, MOC.)

II. CONTRACTS AWARDED TO JAPANESE CONTRACTORS IN THE U.S.A.

Yen 286 billion yen (1987) (2.04 billion dollars).
(Source: Overseas Construction Association, Japan.)
Or $2.2 billion (1987).
(Source: IE&CIC.)

III. CONTRACTS AWARDED TO U.S. CONTRACTORS IN JAPAN

(A) MOC Estimate:
(1) Contracts awarded to U.S. contractors with MOC Minister's license: Yen 60.36 billion ($431 million). This figure denotes the amount of contracts won by U.S. affiliated companies with more than 50 percent U.S. capital and with construction business license from the Minister of Construction. (Figures are from contracts for each company's latest fiscal year.)
(Source: Ministery of Construction.)
(2) Contracts awarded to U.S. contractors (including machinery/equipment procurement) in 14 Designated Projects: Yen 12.02 billion ($8.6 million).
(Source: Information provided by MOC at the November 11, 1989 U.S.T.R. Hearings).
Total, MOC estimate: Yen 72.4 billion (1 + 2) ($517.1 million).
(B) USFCS/Tokyo Estimate:
(1) Contracts awarded to U.S. contractors (including machinery/equipment procurement) in 14 Designated Projects: Yen 8.8 billion ($62.8 million).
(Source: USFCS/Tokyo estimate.)
(2) Contracts awarded to U.S. contractors Non-Designated Projects: Yen 6.5 billion ($46.4 million).
(Source: USFCS/Tokyo estimate.)
Total, USFCS estimate: Yen 15.3 billion (1 + 2) ($109.3 million).
C. USTR Estimate:
(Note According to U.S.T.R., the total contracts awarded to U.S. companies in Japan amount to $65 million dollars USFCS Tokyo assumes they arrived at that figure in the following manner.)
(1) Contracts awarded to U.S. contractors (including machinery/equipment procurement) at Kansai International Airport (KIA): Yen 6.5 billion ($4.67 million) (November 1987–October 1988.)
(2) Tenders awarded to U.S. contractors (including machinery/equipment procurement) at other designated projects: Yen 2.6 billion ($1.8 million) As of May 1989.
Total, USTR estimate: Yen 9.1 billion ($65 million).

(Note: Figures do not include Bechtel portion of the $800 million contract for West Terminal of Haneda Airport.)

JAPANESE CONSTRUCTION PROJECTS

CONSTRUCTION COOPERATION AGREEMENTS

1. Bechtel/Taisei and Bechtel/Fujita.
2. Fluor Daniel/Ohbayashi.
3. Schal Associates/Dai Nippon.
4. Turner/Kumagai Gumi.
5. Parsons/Shimizu.
6. Tishman/Aoki.
7. Jones Group/Mitsui Construction.
8. Morrison Knudsen/Hazama Gumi.
9. Brown and Root/Chiyoda (see Construction Licenses)
10. Parsons Brinckerhoff/Nishimatsu.
11. McDevitt & Street/Japan Development & Construction (JDC).
12. Austin Company/Fudo.
13. Austin Industries/Nishimatsu.
14. Guy F. Atkinson/Toda.

JOINT VENTURES

1. TRW/Mitsui (security and engineering services).
2. Marriott In-Flite Services/All Nippon Airways and Sumitomo (food Service, duty-free concessions at Kansai airport).
3. Ellerbe Becket/Sato Kogyo (design/construction of medical facilities).
4. The Architects Collaborative (TAC/Takenaka (architecture, urban planning, engineering, interior design, landscape architecture)
5. Kaplan McLaughlin Diaz/Toda (design).
6. Leo A. Daly/Maeda (design) and Daly/Nihon Sekkei (design).
7. Daniel Mann Johnson & Mendenhall (DMJM)/Fujitsu (engineering).
8. Gensler and Associates Architects/Shimizu (design).
9. Pacific Telesis Int'l/Kajima (intelligent building).
10. Starnet Structures/Shimizu (aerospace construction).
11. Bell and Trotty/Shimizu (aerospace construction).
12. Marine Concrete Structures/Taisei (marine construction)
13. Enterprise Development Co/Shimizu (Waterfront development).

CONSTRUCTION LICENSES

1. PAE International (Building circa 1978).
2. General Electric Technical Services (Building, Steel Structure, Equipment Installation circa 1982).
3. Overseas Bechtel (Civil Eng. 9/25/87, Bldg 1/30/89).
4. Fluor Daniel Japan (Building 8/15/88).
5. Schal Associates (Building 9/14/88).
6. Turner Construction (Building 10/05/88).
7. Parsons Constructors (Civil Eng. & Bldg. 10/05/88).
8. Tishman Construction (Civil Eng. & Bldg. 10/05/88).
9. Brown and Root (Steel Structure 2/27/89).[1]
10. Morrison Knudsen (Steel Structure (BLDG?) 3/30/89).
11. Guy F. Atkinson (Civil Eng. & Bldg. 5/10/89).
12. Austin Company (Bldg. 5/10/89, Civ Eng. 12/5/89).
13. Austin Industries (Building 8/10/89).
14. Parsons Brinckerhoff (Civil Eng. & Bldg. 10/21/89).

---

[1] Brown and Root notified the Japanese on 6/16/89 that it was abandoning its license.

"FIRST CLASS" ARCHITECT LICENSES

1. PAE International (10/15/69).
2. Leo A. Daly (08/01/89).
3. Mancini Duffy Associates (08/16/89).
4. Hellmuth Obata & Kassabaum (01/05/90).

AWARDS TO U.S. FIRMS SINCE THE AGREEMENT

1. Otis Elevator announced a contract to build a $20 million "people mover" at Narita airport. *Japan Times*, 6/8/88.

2. Nihon Unisys won a contract (59,400,000 Yen or about $457,000) for mini-computers and software to process data obtained through meteorological and oceanic phenomena observations by the Kansai International Airport Corporation (KIAC). *USFCS Osaka Kobe, 8/31/88.*

3. Schal Associates in consortium with 8 Japanese contractors was selected for the construction of a $148 million convention center and hotel for the Minato Mirai 21 project in Yokohama. Schal's share of the contract reportedly is 6%. *ENR*, 12/8/88, p. 17.

4. Bechtel signed a letter of intent for the design review on a man-made island connecting the bridge and tunnel of the Trans-Tokyo Bay Highway project. The contract is worth about $1 million. *ICW*, 2/27/89.

5. Shuwa Corporation awarded a construction order to Turner and Kumagai Gumi to build an 18 story office building and a 14 story residential building in Tokyo. Turner's share is 10% of this $86 million project. (This project is not covered by the U.S.-Japan construction agreement). *ENR*, 3/30/89.

6. Tishman and Aoki will share a $200 million contract to build a 400 room Westin hotel in Osaka. According to Tishman, this project will also be the first to use U.S. "fast track" construction management techniques in Japan. (This project is not covered by the U.S.-Japan construction agreement). *Business Week*, 4/3/89.

7. Jetway Systems and Stearns have letters of intent to supply 13 and 5 boarding bridges respectively for the new terminal at Haneda airport. Nippon Otis will supply 13 moving sidewalks. The final contracts will be with the prime contractor, a consortium led by Taisei in which Bechtel is a participant. The U.S. portion amounts to about $11 million or around 30% of total procurement of boarding bridges, baggage handling systems, elevators, escalators, and moving sidewalks. *USFCS Tokyo*, 4/28/89.

8. Bechtel reportedly will receive a $300 million plus contract for engineering and construction of a $769 million project to build two 200-megawatt geothermal power plants on Kyushu. (This project is not covered by the U.S.-Japan construction agreement). *San Francisco Examiner*, 5/2/89.

9. Morrison Knudsen and Hazama Gumi were awarded a $47.9 million contract by Shuwa Corporation to build a 16-story office and residential tower in downtown Tokyo. Morrison Knudsen is a 30 percent partner in this joint venture. (This project is not covered by the U.S.-Japan construction agreement). *ENR*, 7/13/89.

10. Hellmuth, Obata & Kassabaum with Nihon Sogo Kinchikujimusho was awarded a $6.7 million contract for the architectural design of the $321 million telecommunications center for the Tokyo Teleport Center Co. *USFCS Tokyo*, 8/9/89.

11. AT&T International and Nippon Telephone and Telegraph were awarded a contract to design Kansai airport's passenger information system. Contract is estimated at $1.3 million with AT&T's share estimated at about 40 percent. *USFCS Osaka Kobe*, 8/24/89.

12. Austin Industries and Nishimatsu were awarded a $100 million contract by Northwest Airlines for an international hotel, flight catering and crew training facilities at Narita airport. Austin is a 30% partner in this joint venture. This is the first time a U.S. firm in Japan has hired a U.S. contractor. (This project is not covered by the U.S.-Japan construction agreement). *USFCS Tokyo*, 9/12/89.

13. Mancini Duffy Associates of New York with Nikken Sekkei won the design award for the large conference hall for the Minato Mirai 21 project in Yokohama. The basic design is worth $700,000 with follow on fees expected to reach $3 million or more. Mancini Duffy's share is not known. This is the first design award to a foreign firm on a public works project in Japan. *Kensetsu Tsushin Shimbun*, 9/30/89.

14. Mancini Duffy Associates was chosen as a joint venture partner by Nikken Sekkei for portions of the design of the $300 million World Trade Center at Technoport Osaka. The contract is worth about $8.5 million, and, while not yet decided, Mancini Duffy's share will probably be approximately 10%. *USFCS Osaka Kobe, 10/3/89.*

15. Rafael Vinoly Architects of New York won the design competition for the Tokyo International Forum. There were over 2,000 applicants from 68 countries and 395 submissions. This $700 million project includes four theaters, two cultural centers, a conference center and exhibition areas. The contract is still under negotiation. (This project is not covered by the U.S.-Japan construction agreement.) *USFCS Tokyo*, 11/17/89.

16. Bechtel will handle construction supervision for the $800 million new terminal building at Haneda airport. Bechtel is part of a 10 firm consortium led by Taisei and including four of the other five Japanese "majors". Bechtel's reported share is 10%. *Journal of Commerce*, 12/22/89.

Mr. MURKOWSKI. Mr. President, our United States firms are also concerned that Japan's official development assistance program—in other words, Japan's foreign aid—is administered in a manner that perhaps shows some discrimination against United States firms.

The Japanese view, on the other hand, is that the expeditious approval of construction licenses for United States companies has enabled United States firms to gain the necessary experience in the Japanese market.

In the meeting, Mr. Sako emphasized that once a firm gets a construction license it can participate in any project in the Japanese construction market. Well, I can assure you, Mr. President, the United States welcomes that statement. The Japanese agreed to consult with the United States industry on a continuing basis on participation in Japanese official development assistance.

We also had a brief discussion of the importance of United States firms developing a closer relationship with Japanese trading companies, so that United States firms can be involved early on in Japanese construction project planning in Third World countries. Japan expends much of its foreign assistance in those parts of the world.

These exchanges were useful for both sides. There was a better understanding of the respective expectations of the United States and Japanese industries, and identification of the key problems that I have outlined. The challenges identified, however, will not be easy to resolve, Mr. President.

This spring, there are a number of congressionally mandated deadlines that could trigger trade retaliation if the United States side determines that we are not making substantial progress in the Japanese market.

The trade barriers report goes to print in March. The following month, we must determine whether United States firms enjoy fair access to Japan's airport construction market and Government procurement market. By May, we will have reviewed the major projects agreement in detail.

To influence these decisions, results will have to be apparent over the next few months. We are moving in the right direction, but at last week's meeting, there were no guarantees that the desired results would materialize. We did, however, lay a very important groundwork for communications and success in the future.

Finally, Mr. President, I was especially pleased by the overall tone of the meeting. Both sides are prepared to let the past be the past and work toward a positive relationship, and that is the approach that is essential if we are to resolve these construction disputes and have access to an important Japanese market.

Both countries' industries were pleased with the meeting and plans are underway, Mr. President, for a second meeting to be held in Tokyo in the spring.

I hope we are about to enter a more positive era in our trade relations with Japan particularly in the construction trade and in the related fields of architecture, engineering, and design. I thank the President for his accommodation this morning and wish him a good day.

EXTENSION OF MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent morning business be extended until 10:30 under the same terms and conditions, to accommodate some of my colleagues who are about to come into the Chamber, I understand.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. Morning business will continue until the hour of 10:30 a.m. today with Senators permitted to speak for not to exceed 5 minutes each.

The Senator from Nevada [Mr. BRYAN] is recognized for not to exceed 5 minutes.

THE PRESIDENT'S STATE OF THE UNION SPEECH

Mr. BRYAN. Mr. President, last night President Bush gave a good speech touching on many issues that confront this country. He is right when he says we must do better in education, that the Head Start Program should be a priority, that our environment must not be ravaged. All these things, and more, Americans can agree with, and support the President.

But the truth on the most important long-term issue facing the country today, the spiraling Federal deficit, was not addressed last night. The President said, "The last thing we need to do is mess around with Social Security."

His words are right, but his deeds are wrong. His budget recommends that every nickel and dime now in the trust fund will be spent to make his deficit appear smaller. Instead of our hard earned payroll taxes building up in the Social Security trust fund, President Bush will leave a $75 billion IOU.

The Bush deficit will add over $196 billion of direct debt under his budget. To be accurate and honest to our citizens, one should also include the $136 billion, the administration wants to borrow from the Social Security trust fund, and the other Federal trust funds. This means, if Mr. Bush has his way, he will have added over $332 billion in additional debt, and the deficit will actually grow not recede.

To those who say this mounting debt means nothing, I suggest they look at the financial pages. We are witnessing a new reluctance on the part of foreign central banks to continually fund our debt.

If Japan and West German central banks continue to raise their interest rates, the American Federal Reserve will soon have to raise interest rates so that our Treasury bonds will be competitive with Japanese and West German bonds. Make no mistake, the Fed will have to adjust interest rates, because we must sell those bonds to finance Mr. Bush's deficit.

With a fragile economy, a rise in interest rates will threaten a recession. So the deficit does and will matter, and maybe sooner than many would expect.

None of my colleagues are on the floor. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. GORE. Mr. President, I ask unanimous consent that the time for morning business be extended by 5 minutes.

The PRESIDENT pro tempore. Does the Senator also ask permission be granted to speak within that time?

Mr. GORE. I so request.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the Senator from Tennessee is recognized not to exceed 5 minutes.

IRS POLICY TO NOTIFY TAXPAYERS OF REFUNDS DUE

Mr. GORE. Mr. President, I would like to discuss this morning an important matter affecting taxpayers across our country. This is about fairness and honesty and paying what you owe and not more than you owe. It is also about getting a fair shake from the Internal Revenue Service.

Last year, thanks to some of my constituents in Memphis, and thanks, in particular, to one courageous employee of the Internal Revenue Service in Memphis, Linda Johnson, we exposed an IRS ripoff whereby some taxpayers were not being informed of deductions that they were entitled under the law to take. As a result, these taxpayers were paying too much. The IRS inspectors were actually being ordered by their superiors to not inform taxpayers when they had paid too much and let the overcharge stand. Of course, if somebody pays too little, they will be pursued to the ends of the Earth, but if they pay too much, according to the IRS handbook used as the basis for instructions to these employees, the employees were told, let the overcharges stand; do not inform the taxpayers.

At the time, after quite a bit of noise was made about these practices, after some of us tried to alert the taxpayers to what they were entitled to deduct from their forms, a job not being done by the IRS, I was pleased to receive some assurances by the acting IRS Commissioner in a private meeting in my office that agency policies were going to be changed and significant actions would be taken to notify the affected taxpayers. My colleague, Senator PRYOR of Arkansas, worked with me on this issue and shares my concerns.

Mr. President, I rise today to say that the IRS promises simply have not added up to the kind of action that I believe is both warranted and needed. Taxpayers are still being shortchanged by the one agency which sought to make fairness its hallmark about anything else.

Last March, as I mentioned, I was pleased when Michael Murphy, then acting Commissioner, responded positively and showed a real commitment to fix this problem. The IRS agreed to change the policy which prohibited the examiners from informing taxpayers when they were owed money because they failed to deduct withholding on pensions and what are called lump-sum distributions.

Equally important, the IRS agreed to identify those taxpayers who are owed money and then give them the refunds to which they are entitled.

As a backup, I introduced legislation last April to address this glaring inequity in the Tax Code and protect the rights of the taxpayers.

Well, the IRS plan and the agency's promises looked better on paper than they have in practice. That has now become clear to me over the past several months as I have continued to monitor the situation and the IRS effort.

Only a few weeks ago I received a letter from Mr. Murphy, now Commissioner of the IRS, notifying me of the agency's progress in identifying taxpayers about refunds they may be owed. The IRS has failed to work quickly enough to help taxpayers who may have paid too much in taxes. It is simply hard to believe the IRS figures on claims they are now giving out accurately reflect the number of people affected.

Mr. President, I strongly believe we must ensure taxpayers are treated fairly. There is simply no excuse for a rule saying public servants should not tell the public what they are entitled to know, especially when often confusing tax forms are involved.

Furthermore, this policy affects those who can least afford it such as retirees and people laid off from their jobs.

So I am now asking Commissioner Murphy to provide a statement of the agency's plan to reach those taxpayers who are due refunds. We need to contact an estimated 1.5 million taxpayers across this country who could be affected, and we need to give them time to check their returns and amend those returns if necessary.

Mr. President, our constituents are being shortchanged, and it is the people who need every extra penny the most, seniors especially, who are being hurt the most. We cannot just throw up our hands and say nothing can be done, and we cannot be satisfied with half efforts that move at a snail's pace. We have to move effectively and quickly to get the word out to taxpayers and to make sure they do not overpay.

In summary, Mr. President, what we found last year was a scheme by the IRS to order their examiners to remain silent when taxpayers were

overcharged, pursue them when they pay too little but keep quiet when they pay too much. When we exposed this abuse, the IRS promised to change the policy and then they also promised to reach out and find and contact those who had been overcharged as a result, notify them and give them a fair opportunity to file an amended return and get the overcharge back. The problem is the IRS efforts to contact those who have been overcharged have fallen far short of what is appropriate under the circumstances.

So I am calling on the IRS to make good on their promises, come up with a sensible plan that really identifies and contacts those who are due refunds, and then go about the task of getting the word to them and giving them a fair chance to get the money to which they are entitled.

I call on the IRS Commissioner to come up with such a plan, and I look forward to his report to this body in behalf of those taxpayers who have been overcharged.

Mr. President, I yield the floor.

Mr. President, I also make a point of order that a quorum is not present.

The PRESIDING OFFICER (Mr. KOHL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BUMPERS. Mr. President, I ask unanimous consent that that morning business be extended by 15 minutes so that I may speak on a non-clean-air issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE OF THE UNION

Mr. BUMPERS. Mr. President, since I will never be President and get to deliver my State of the Union Address, I choose this morning to deliver my State of the Union Address, and it will be a very abbreviated one.

The President's State of the Union Address last night had many good features to it, and it was a reminder to all of us that a lot of very dramatic and interesting things are going on in the world. I tell high school students that they do not relate to what happened in Eastern Europe 40 years ago, and so therefore they do not really feel the exhilaration and scintillation that most of us feel about what is now happening.

The networks said that when they covered the events in Poland and what was going on in Hungary, Romania, and Czechoslovakia, they lost viewer audience, which indicates that not enough of us are my age and simply do not remember what happened in Eastern Europe 40, 45 years ago and therefore cannot relate to the unraveling of it now, something that I never dreamed would happen. And so when the President last night talked about how exciting these times are, he hit the nail on the head.

As I was about to say a moment ago, I tell all the high school kids that I find what is happening in the Soviet Union and Eastern Europe the most exciting thing that has happened in my life, and it may very well be the most momentous thing politically, economically, and militarily in the history of the world.

We politicians are prone to embellish and to exaggerate, but I say that with the utmost intellectual sincerity. I think this period may very well be the most important time in the history of the world, when you consider the magnitude of the weapons, the destructive capability, and the chance that all of this change offers us now for a durable peace, and a good night's sleep for most of the world.

So last night when the President said what was easily the most important thing in his speech, I rose and applauded with my colleagues from the other side of the aisle, and with my colleagues from this side of the aisle. It was an interesting thing. When he said he thought both the United States and the Soviet Union ought to cut their troop strength in Eastern and Western Europe to 195,000 each that almost everybody in the Congress instantaneously, and without being orchestrated, stood and applauded.

The really troublesome thing about that is if somebody had stood on the floor of the Senate as recently as 3 weeks ago and offered an amendment to reduce our troop strength in Western Europe to 195,000 in exchange for the Soviets responding in kind, he would not have gotten 30 votes.

That points out that the problems of this country must be addressed by the President. Congress cannot lead. Occasionally we have a high moment here when we can take the initiative and finally bring the President along. But the President must propose solutions to the deep-seated problems of this Nation, which is in decline.

So everybody agreed last night that this was a step in the right direction, a big money-saver. When you look at the savings of base closing the President has proposed, it is peanuts. I am parochial as anybody about military bases. It is tough. It is a very vital issue. But the proposals for cuts in Eastern and Western Europe troop strengths—that is where big money can be found, especially if we muster those extra troops out.

It was less than 5 months ago that I stood right here, Mr. President, and offered an amendment to reduce our troop strength in Korea, and there were 34 votes in favor. The logic for reducing our strength in Korea in my opinion was unassailable. Unassailable logic does not necessarily prevail around there, and did not on that occasion.

But having said that, I want to also say there are times when we can raise the issue like Korea and force the Pentagon and the White House to start thinking, knowing that that debate is not going to go away, that something as necessary as reducing our troop strength in Korea is going to have to be addressed at some point.

Mr. President, I did not find very many points of light in the President's speech last night. I found a lot of points of darkness. The points of darkness were the refusal of this President to address the really deep-seated issues in this country. If the President wants to maintain his approval rating of 79 percent, as the Washington Post reported the other day it was, I think he can probably do it. You know, I tell my people back home—and I do not say this to denigrate anybody—I know how to vote if I want to be carried out of the U.S. Senate in a pine box. I know what is popular and unpopular at any given moment. I do not have to have polls to tell me.

So if the President chooses to maintain his popularity with rhetoric, one liners, metaphors, he could do that. But I can tell you the problems of this country require boldness, and there was no boldness in that speech last night. There were no policy initiatives. The deficit has been, was last night, and for years has not been treated as an economic disaster. It has not been treated as a matter of a policy. It has become a political item. Each side wants to profess that they are for doing something about the budget deficit more than the other side. It has just become a political football, not a policy problem to be dealt with.

The President said last night we have now gotten our deficit under control. Mr. President, I cringed when he said that. We have a deficit this year that is going to be far in excess of the $100 billion deficit we thought we were voting for last fall. No. We did not think we were voting for it. There was nobody in the U.S. Senate deceived to the extent that he or she actually believed the deficit this year would be $100 billion. Everybody knew better than that. They voted for it so we could get out of here and go home.

So the deficit this year will not be $100 billion. It will be about $138 billion. The deficit the President proposed last night for 1991 will not be $64 billion. God knows what it will be. Add the $50 billion for the S&L bail-

out. Add $72 to $75 billion in Social Security surplus funds. Add the highway trust funds and the airport trust funds. Then you get some idea of the size, the true size, of that deficit.

The President says he wants us to become competitive. That statement followed the statement that people all over the world recognize the quality of American goods. That is a "Dr. Feelgood" statement if I ever heard one. It is not that we do not make anything of quality, because we do. We make a lot of quality products. But when Honda is the biggest selling car in America, and when we have a $140 billion trade deficit because the Japanese and the Germans and the Italians and everybody else make a product that the world wants a lot more than they want our products, what kind of a statement is that?

So he says to become more competitive we have to save more. I agree with that. That is an economic fact. So he says he has a plan. If you make $60,000 or less, a married couple, you can save $2,500. You have to pay the tax on the $2,500 on the front end, but next year if you make 10-percent interest on that $2,500, you have made $250 in interest, and that means you will save 28 percent of that amount, or roughly $70.

Do you think people are going to put away $2,500 this year when they can hardly make their house payments or their rent payments, in exchange for a $70 tax concession? I doubt it. But if you make $120,000, which virtually every Member of this body does, then you can put away $5,000 in a savings account. You have to pay the tax up front and you have to leave it there for 7 years. Is that going to encourage savings?

Driving in this morning, I was listening to virtually every economist they could drag up to address that issue. Not one said they thought it would address the problem.

I am with the President. I want to encourage savings. But I honestly, at this moment—I reserve the right to change my mind on this one—I am not sure that is a big enough incentive to get anybody to save.

I dare say, Mr. President, that the budget the President sent us last Monday requested five more B-2 bombers. The cost, including research and development: $5.5 billion; that's $1.1 billion per copy.

I would guess, and this is only a guess, that those five B-2 bombers will cost more than the President's savings incentive program will cause the American people to save. Are they related? You bet. Why do we want people to save? We want them to save so we can borrow the money to finance these huge deficits. They say we want people to save so business will have a bigger pool from which to draw, and we want them to save to drive interest rates down.

There is sort of a contradiction in here. We tell people we will not tax you on your interest. If you save enough, we will drive the amounts you get on your interest on that money down. Only, if the savings boom was as big here as in Japan, interest rates would not be 10, 12 percent across this country for business people. But it is this Government deficit that is the culprit when it comes to savings.

You go through this exercise, and there will be a very lengthy debate on this, and if you can cut $5.5 billion out of the Pentagon's budget and weapons procurement, you probably would do more toward dealing with the problem the President is talking about than you would with this savings plan. You would not lose the revenue that you are going to lose under this plan.

Why are the Japanese dropping out of the American financial market, and what does that mean? Because their interest rates are better than ours, when you consider inflation, and the Japanese treasury bonds are a better buy than American bonds.

So on Tuesday morning when Secretary Brady offers at the window down at the Treasury Department bonds of the security of the United States, why are the Japanese not showing up? Their bonds are a better buy than ours.

The Japanese have been financing 30 percent of our deficit. If they do not finance it, what does that mean? I will tell you. It means President Bush has to call Alan Greenspan, chairman of the Federal Reserve Bank, and say, "Alan, start the printing presses, and don't quit until I call you."

What does that mean? It means inflation. What else does it mean, as the Japanese pull out? It means when there is more competition for that money, interest rates go up and inflation goes up. And what does that mean? Loss of jobs, recession, unemployment.

Why could the President not say that last night? Why could he not say to the American people, "Folks, here is the problem, and here is the way I intend to deal with it"? And this is real—not a metaphor, not a one-liner. There is not a dirt farmer in Franklin County, AR, that would not understand precisely what I said. Education. The President said he is an education President. We had the subcommittee staff of the Health and Human Services Subcommittee on Appropriations, the subcommittee on which I sit, do an analysis of the President's education budget. It is a cut. Take the 4½-percent inflation rate, and subtract that from the figure in the President's budget, and you have a 2-plus-percent decrease in the education budget.

Mr. President, I heard a story the day before yesterday at lunch from a man who knew a rich oil man down in Louisiana. He went to this school, which was poor, I think mostly black, and he said, "How many of you kids in here plan to go to college when you get out of school?"

Six out of the class held up their hands. He was so appalled by that, he made the same generous offer that a gentleman in New York made several years ago to a class in school. He said, "If you all will stay in school and graduate, I will personally pay for your college education."

Only two kids dropped out before they graduated, and 90 percent of the remainder went to college. Is there a message in that? You do not have to be a rocket scientist to understand that. It means that children want to go to school.

Mr. President, I believe that there are some absolute values, and I believe in values. I did not agree with Michael Dukakis when he said down in Atlanta, "This election is not about philosophy and about ideology; it is about competence."

Mr. President, every election is about values and what you believe, not maybe ideology, but what your values are, how you cherish them, and how you meet them. I believe that one of the values is that no American ought to be deprived of an education if they want it, as much as they will take, and no American ought to be deprived of health care.

Quite frankly, no American ought to have to sleep on the streets because he does not make enough money to afford an apartment or a house. That is what makes a country great.

We are going to find, Mr. President, that how many tanks and planes and guns we have is not the strength of this Nation. It is about our judicial system, it is about our crime rate, it is about our institutions. It is about our democratic institutions, which Eastern Europe does not understand and is grappling with. It is about the preservation of our sacred Constitution.

Mr. President, I said I would be brief, and I have not been quite as brief as I intend to be. Last night the President said, "I want to extend the right hand of cooperation." That is wonderful. But you have to ask, cooperation on what? Just your agenda, your capital gains, your version of child care, your method of dealing with the deficit?

Mr. President, we want to cooperate, too, but we want to have some input into the agenda. I speak only for myself. I do not speak for the rest of the Democrats on this side of the aisle, and for none of the Republicans on the other side.

I speak from the heart about what has made this country great. It breaks my heart to have to stand here and say that we are broke, and we are in

decline, and we have chosen to ignore it.

The President quoted Vaclav Havel last night, the President of Czechoslovakia. Let me tell you what President Havel said in his inaugural address 4 weeks ago. He said,

For 40 years, we have been lied to, and for 40 years we have grown sicker, because we have been saying one thing and believing another.

He went ahead to say,

I assume that you did not elect me President to continue this 40 years of lying. We have to deal with our problems. Nobody else can solve our problems but us.

Mr. President, there is so much of that going on in the U.S. Senate and the Congress and in the White House—saying one thing and believing another. The first thing an alcoholic has to do is admit his problem before he can deal with it. The first thing we have to do is agree this is a serious problem, all of it. It goes right to the basic values of this Nation.

If you skirt it, use metaphors to conceal it, wrap yourself in a patriotic flag to distract people from it, you never deal with it.

Last May, coming back from Vienna, where an observer group from the United States Senate was returning to America, we landed in Iceland. We have a base there, Keflavik Air Base. I had never been to Iceland, a little island of 250,000 Scandinavians in the North Atlantic, a beautiful blue-eyed blond people, bilingual. They speak Icelandic and English. Everything is clean, everything is beautiful. I was absolutely stunned at the beauty of this place.

The Foreign Minister of Iceland came out to the airport, drove himself, to visit with six Senators. He is a graduate of the University of Edinburg and a very bright, articulate man, a man I would not want to run against.

So in a little give-and-take session at the airport—and we were only there 3 or 4 hours—I asked, "Mr. Minister, what kind of a crime rate do you have here?"

He said, "We have had one armed robbery in the last 1,000 years. I believe it was committed by an American tourist."

I said, "Do your policemen carry guns?" "Oh, no," he said.

"How much do you spend on defense?" "Nothing, Senator, zip."

I said, "You do not spend any money on defense?" "Not a dollar." I said, "But, Mr. Minister, you are a member of NATO." He said, "We like to give them our thoughts, our minds." He said, "Senator, we only have 250,000 people. We are not big enough to attack anybody. If anybody attacks us, we are not big enough to defend ourselves. So we just do not mess with it."

He said, "I will tell you what we do. We educate our children." He said, "We have the oldest living constitution in the world," the only one older than ours, Mr. President, and he said, "We have the highest literacy rate of any nation on Earth, 99.9 percent."

I could not help but think of our $300 billion for defense in this country, of our interest on the debt prepared to go beyond the defense expenditures and become the biggest expenditure in our budget, of our children finishing last in educational performance among Western nations. And, Mr. President, within 10 miles of where I am standing, in 1989 there were more murders than in all of Western Europe and Japan combined, and we call ourselves a civilized society.

So, Mr. President, to extend our hand of cooperation we will do the very best we can. But I hope that other Senators feel similarly as I do. I hope that this year the Congress will try to take some initiatives in those areas that are going to prove fatal to this country if we do not start addressing them. I certainly intend to do my very best.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I ask also that I might proceed for 10 minutes as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I am often asked, Is there any great debate left in the U.S. Senate? And I said, "well, you have to come and get that answer yourself." But I always use the example of the person who can probably best express what many of us feel, the senior Senator from the State of Arkansas, who has just spent much more time than he intended to spend in morning business because the depth of his feelings is so great.

I intend to make some remarks now about an expedition that we have been part of for some period of time which talks, to a degree, about the human spirit, and then I intend to use the remainder of my time in partial response to the Senator from Arkansas and particularly his characterizations of the remarks of the President last night.

THE ANTARCTICA EXPEDITION

Mr. DURENBERGER. Mr. President, I rise at this point with my map of Antarctica, a continent that I was not very familiar with until one of my good friends decided, after being the first in almost a century to go to the North Pole on foot, that he would be the first to go on foot across the 4,000 miles of Antarctica. He is joined by five other men from five other countries, dogsledding across Antarctica, a trip that began in August 1989, following this red line through the highest point in Antarctica, also the coldest point in Antarctica, about 4,000 feet, at Volstok. They are now about 3,000 miles from the place they began and about 1,000 miles from their destination in March of this year, their destination being the community of Mirnyy on the east Antarctica coast, right now traveling at a pace of about 25 miles a day, which will get them there in early March.

The terrain currently is flat, but the temperature is dropping as the Antactica winter comes. On Monday of this week the temperatures were somewhere between 30 and 44 below zero. But as team coleader Will Steger, from Minnesota, said, "Our team can handle the weather; it is a lack of visibility that will be a major problem. If we can't see the trail, we have to sit in our tents and wait."

This map will give the Senate some idea how tough the weather actually can be in Antactica as well as showing typical expedition life. You see the dogsled and the humans wrapped up on one of the sleds over here, another sled here with four of the members of the expedition there, and the dogs curled up in the snow. It is these kinds of blinding snowstorms packing up to 2 miles of depth in snow in this part of the world and circulating it that makes the trip so difficult.

The snow obviously cuts like glass, and special protection, both for the dogs and for the men involved, is important.

A lot of people have expressed concern about the dogs. I think there is something about humans, who can make decisions on trips like this, that tends us not to have the same sympathy, but a lot of sympathy for the dogs.

Let me reflect from our daily reports that it is really the enthusiasm of the dogs on this trip that picks up the enthusiasm of the men when they get down. As Great Britain's Geoff Somers said,

The coats that the dogs grow naturally are growing even more in Antarctica, and they are in beautiful condition. The dogs have put on weight. They look positively chubby. They are up and excited when we stop for rest, they frolic in snow, lie on their backs, feet in the air, or lie stretched on their stomachs and chests if they need to cool down.

Jeff continues,

The pace of 24 to 25 miles per day remains almost constant until the end of the day when, perhaps over the last hour, the pace increases because the dogs know it is near feeding time and their excitement grows.

Food is very important on the trek for both dogs and the men. They must get a balanced diet that provides them with energy. The food has to be light enough to carry on the sleds yet edible in the cold. For dogs it is easy. Each evening each dog gets a 2-pound block of specially prepared dogfood that they will gnaw on all through the night.

For the men food is more difficult. Each team member eats 36 ounces of food each day. Although the menu may vary, the staples include: for breakfast, a mixture of oatmeal and butter; for lunch, dried fruit, nuts, and energy bars; and for dinner, Pemmican, a lard and shredded meat mix, for hors d'oeuvre and peanut butter, soup, cheese, and noodles, rice, or potatoes for the main dish.

So, Mr. President, the team must not only overcome natural and meteorological challenges, but culinary monotony, too. How they do it I am not sure.

One thing I am sure of: the efforts of the six men from six different nations to dogsled across the bottom of the Earth is a historic and especially courageous feat and one that deserves our admiration. Their determination, cooperation, and their drive to overcome overwhelming odds is an example of the human spirit and an example for the world.

THE STATE OF THE UNION SPEECH

Mr. DURENBERGER. Mr. President, having the opportunity to come to the floor today to talk about the expedition and having the opportunity to listen to my colleague from Arkansas, I try to think of what it is that we have in common. I listened to the same speech he did, and I did not come away as depressed.

I think of a couple of things. No. 1, I think about the fact that we are all elected to solve problems, so we concentrate more on the problems than we do on the opportunities.

But I do think that that is part of the problem for those of us who are assigned the job of problem solver. If they are not clearly identified for us, and if somebody like the President does not suggest a solution, somehow or other we are not doing our job. You have to have something to be for or against around this place or the job becomes much more difficult. I found as much unease in a speech that did not have specific solutions to problems that I understand, we all understand, as the Senator from Arkansas. I also find, as he does, in our elections a depressing lack of instruction material.

The current occupant of the Chair recognizes from his own campaign how elections are run and won in this country. We were all here last year, I recall, when the Senator from Arkansas, in the midst of casting a very difficult vote and a vote that I recall he characterized as being somewhat of a political vote, saying this is going to get translated into a 30-second message and no one is going to understand what we are doing. That is why it is so difficult to get anyone to demonstrate some courage.

Mr. President, you and I both know the power of the 30-second message. That is the way we run our campaign. But not a thing that the Senator from Arkansas said here today can be converted into a 30-second message. Not a thing that the Senator from New York, Senator MOYNIHAN, said about the equity of generations in his statement about payroll tax can be translated into a 30-second message. It played well last night in a one-sentence line that said, "We will never mess with Social Security," and everyone jumped up and applauded.

But that one line missed the problem that the Senator from New York was trying to point out to us. It is a generational problem, not a tax problem, not a Social Security problem. But to try to say that in 30 seconds or to try to say that and cover education, child care and all the rest of these sort of things in a 20-minute State of the Union speech is incredibly difficult.

So I compliment my President for at least having said what we all think we know. But we want the assurance that things are different today than they were 10 years ago. When I came to this place we did not talk about the dificit. It was only $800 billion. Nobody worried about it. We talked about taxes, we cut the taxes, created a deficit. So, now we have a large deficit and whether it is under control or not I think is a state of mind more than anything else.

But things are different today than they were 10 years ago. I think that places a special burden on the President of the United States. Again, the Senator from Arkansas says he did not give us any specific solutions; he did not tell us how he intends to deal with these problems. I think that is wisdom on the part of the President of the United States. I think there is wisdom in helping us as a Nation to identify the nature of these problems and to work with us in trying to find solutions.

The toughest thing, I daresay, Mr. President, is finding in the human spirit in this country the solution to these problems. It is one thing for me to put up a little map here and talk to you about six human beings who are doing the impossible and quite another to try to instill that same spirit into kids who have to be raised in this community that he talks about—drugs, no family, murder, fear, peer pressure, all the rest of it.

But if the President stood up there with a program for the human spirit, I do not know how he would have conveyed it to us. How do you reach down inside somebody and instill in them whatever got instilled in Will Steger and the rest of these people?

America suffers from an excess of, not from a lack of, opportunity. There is so much opportunity in this country that I think that most of us take it for granted. When somebody like PAT MOYNIHAN stands up and says there is something wrong with the way we are doing this Social Security funding because the promise is that there is going to be something there 50 or 60 years from now, but the reality there is paying today's debt so that none of us really have to make sacrifices today, he is right.

And the response to that is not to denigrate either the Senator from New York or the statement that he made. Because all that does is feed all of those folks whose human spirit tells them, "I should not have to give up a little something here so that somebody can have something over there." All of the folks that said, "Hey, don't make me pay more for my catastrophic than somebody else"; all the folks that say, "Don't make me pay anything for my health insurance so that people without health insurance can have a little bit of health insurance."

I think there are too many of us in politics who play to the notion that each of us does not have to make some small sacrifice so that all in this country might have the opportunity that the Senator from Arkansas spoke of. Therein lies the quandry. We are the products of the 30-second television commercial.

It is much easier to knock PAT MOYNIHAN's idea with a one-line statement. It is much easier to attack catastrophic than it is to come to the floor of the Senate and defend it. It is much easier to say, "Do not tax my fringe benefits," than it is to stand up and say, "Nobody in this country is entitled to have the taxpayers buy them $600 a month worth of health insurance just because they work for a big company, when 37 million Americans have no health insurance at all." It is hard to say that in a 30-second message because there are more people that have that kind of subsidized health insurance than the 37 million who have nothing. And so that is the quandry I think all of us face.

My only disagreement with the Senator from Arkansas is, I wish he would not use my President or his message as part of the problem. I do not think it was. I think the President said times are different. They require different solutions. They require all of us to be involved in trying to find these solutions.

Resolving the Federal role in child care is not simple; resolving the national problem of $55 billion a year going into medical care when we have

border babies, we have AIDS, we have people going without health care because they cannot afford to get into a hospital or a doctor. We have the inequities in rural communities and cities. Put all our money into high tech and nothing into primary care.

So I think what the President is going to help us do, if we have the courage to respond, is identify the problems, try to find a way in which the human spirit can be applied to those solutions, find the ways in which more personal responsibility, not just political responsibility, is applied to these issues.

That is a long haul for all of us. It is going to take a lot of patience with our President and with each other.

As my colleague from Arkansas says, he is only speaking for himself. That is all I am doing. I am just speaking for myself here today. But I think I am also speaking for a lot of people out there who can get a little more courage from those of us who were their political leaders, a little less money spent on campaigns, and a little more of our rhetoric going into dealing with the realities of some of these problems.

Maybe those of us who are problem solvers could agree on the best way to resolve those problems. And when Will Seger and the boys come back from Antarctica, they are going to confront us with another opportunity, which is this country's attitude toward the environment of that continent. I hope at that time that all of us are going to respond to that particular challenge that they provide us as well.

Mr. President, I thank you for the opportunity of your attention. As one who just stands here not knowing whether anybody is watching television as everyone does at this point of the day, I appreciate very much the attention of the occupant of the Chair, who, I know, as a new Member of this body, appreciates the difficulty. You did not set out to be a politician in your life. That is sort of coming somewhere in the middle of things. I appreciate that there is hopefully something each of us has had to say about the State of the Union today, some opportunity for those of you who are just getting here and just recognizing the opportunities for you in this process, that special role that you are going to play in teaching those of us who have been here a lot longer how to do it better than we have been doing it previously.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. DURENBERGER. Mr. President, I ask unanimous consent to extend the period for morning business until 11:40 a.m. under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WARN ACT—AN ANNIVERSARY AND A HISTORY LESSON

Mr. METZENBAUM. Mr. President, I rise to commemorate an anniversary and to provide a valuable lesson on recent history to the Senate. Next week marks the 1-year anniversary of the effective date of the Worker Adjustment and Retraining Notification [WARN] Act. As we all know, that law requires an employer to provide workers with 60 days advance notice before ordering a plant closing or a mass layoff.

I am proud to have been the principal author of this legislation designed to help millions of American workers. The final product was a political compromise. While not all that I hoped it would be, the WARN Act is one of the very few significant worker protection laws passed in the 1980's.

And it has worked remarkably well. The doom and gloom predictions of the corporate lobbyists were completely wrong. Employers have had few problems complying with the law. Only a handful of lawsuits have been filed under the law. But most importantly, workers and communities are getting fair notice in advance of a plant closing or mass layoff. They can begin to plan and adjust for new circumstances.

The WARN Act was one of the most contentious issues addressed by the 100th Congress. We fought to include it as a part of the omnibus trade bill. We successfully defeated attempts to strip it from the trade bill. President Reagan initially vetoed the entire trade bill in large part because of the notification requirement. We fell just short of a veto override and we were forced to pass the bill again as a separate measure. Finally, President Reagan relented, in the face of overwhelming congressional and public support, and allowed the bill to become law, without his signature, on August 4, 1988. At the time, he termed the bill a "Ticking Time Bomb." The WARN Act took effect 6 months later on February 4, 1989.

Throughout the process, I maintained that President Reagan's assessment of the law was wrong, and history has proved that I was right. After 1 year, the verdict is in: The WARN Act helps workers and their communities, but does not place undue burdens on employers.

Mr. President, I must confess that I was surprised that the advance notification requirement created such controversy. I maintained then, as I maintain now, that requiring 60 days advance notice of a plant closing or mass layoff is a very modest provision. It is simple human decency to provide such notice to loyal, dedicated workers. They need some time to overcome the pain of losing a job and plan the next step in their lives. It is a matter of basic fairness to give advance word to a community that has bent over backward to attract and retain jobs. With fair warning, city leaders may begin to rebuild the local economy and cope with the increased demand for social services.

But others did not see it that way. A number of Senators on the other side of the aisle bitterly opposed the bill. They termed it a "Marxist economist's dream" and "garbage" legislation that "represents the worst of "America." They predicted that the bill would "create industrial paralysis" and would "prompt an avalanche of costly, wasteful litigation." Time has proven that these Senators were totally wrong.

Those Senators were not alone in their erroneous, dire predictions. The business community, led by the U.S. Chamber of Commerce and the National Association of Manufacturers launched a vitriolic lobbying effort to kill the legislation. For example, the NAM predicted that the 60-day notice requirement would, among other things, "cause the loss of jobs"; "discourage companies from hiring new employees;" and "invite costly, time-consuming and counterproductive litigation that could paralyze management decisionmaking." The Chamber of Commerce charged that the advance notification provision was "an anticompetitive measure imposing European-style government intervention in the marketplace" that would lead to "economic stagnation."

The lobbying effort also included a study conducted by Robert R. Nathan Associates. I have known and respected Robert Nathan for a long time. But recently, his organization has produced so-called objective studies that are little more than political broadsides paid for by the business community. Based on completely absurd assumptions, the Nathan study concluded that the 60-day notice requirement would cost up to $2 billion annually, including an average of $850 million per year in penalties.

Now that the law has been in effect for a year, not one of those dire predictions has come to pass. As reported recently in both the Wall Street Jour-

nal and in the National Law Journal, there has been no explosion of litigation under the WARN Act—less than a dozen cases have been filed so far. The Wall Street Journal reported that "few glitches have surfaced" in complying with the WARN Act in the first year of its operation. According to the National Law Journal a "vast majority of companies reportedly follow the Federal plant closing law with little problem." A spokesman for the NAM has admitted that employers "seem to be able to live with" the law.

Earlier this month a representative of the Cleveland Chamber of Commerce indicated to my staff that the WARN Act has actually been a growth tool because advance notice has spurred community efforts to save the threatened jobs or plan for new ones.

Moreover, as reported last week in the Youngstown Vindicator, there have been 124 notifications provided under the law in my State of Ohio, with no complaints from employers. One of the scare tactics used by the business opponents of the bill was to claim that once workers received notice they would destroy an employer's property. According to the Vindicator, not one incident of worker sabotage was reported in Ohio after an employer gave notice.

Mr. President, the business community and its supporters in this body were dead wrong about the impact of the WARN Act. I said that the advance notification requirement was a modest provision that would not create problems for business. I said that the new law would not open the floodgates of litigation because most employers would comply with the law. It appears that I was right. I have not taken the floor to gloat or to say I told you so. I am here because there is an important history lesson to be learned. Those who do not study history are condemned to repeat it. The WARN Act experience must teach the Congress and the American people to take the business community's dire predictions with a heavy dose of salt.

On any number of measures designed to help working people—be it the minimum wage increase, the regulation of excess pension assets, or the family leave bill to name a few—the business community continues to raise shrill objections. I am sure they will continue to commission so-called economic studies that have no basis in reality. Unfortunately, they will continue to label bills designed to help millions of hard-working Americans as anti-American and crippling to our economy.

But we should have learned our lesson. These are the same, tired arguments that corporate lobbyists have been relying on for over 50 years. By now, the Chamber of Commerce and the NAM must have a special computer program to produce these arguments. If you plug in legislation to benefit workers, the computer automatically spits out the same, emotional buzzwords: It is a mandated benefit that will lead to socialism and economic stagnation and should be called the Lawyers' Full Employment Act. These tactics have been applied over and over again like a broken record against Social Security, minimum wage and child labor standards, Medicare, antidiscrimination laws, and now WARN.

As we debate legislation to benefit workers in the coming session, I trust my colleagues will be more skeptical when corporate lobbyists, who claim to represent the employer community, make their wild predictions. The WARN Act should teach us that these predictions have nothing to do with the realities of business practice in our great country.

I am proud of my lead role in the enactment of the WARN Act. The law was designed to help millions of workers and their communities adjust to painful job losses. And I am pleased to report to Congress that in its first year of operation, the Worker Adjustment and Retraining Notification Act has been effective and has worked remarkably well.

Mr. President, I ask unanimous consent that the articles from the Wall Street Journal, the National Law Journal, and the Youngstown Vindicator be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 9, 1990]

LABOR LETTER: A SPECIAL NEWS REPORT ON PEOPLE AND THEIR JOBS IN OFFICES, FIELDS AND FACTORIES

Layoff-warning law proves little obstacle for retrenching employers.

Few glitches have surfaced in the nearly first full year that companies have been required by the Worker Adjustment and Retraining Notification (WARN) Act to give 60 days advanced notice of plant closings or mass layoffs. The Labor Department says it knows of less than a dozen civil suits filed by workers, unions or local governments claiming violations. General Motors Corp., echoing the position of large unionized employers, says it announces closings at least six months in advance. Many union contracts require the extended notice.

Attorney Ronald Green says employer anxiety about the act was lessened when a federal judge denied punitive damages for some workers who contended they were dismissed without proper warning. The law holds employers liable for up to 60 days back pay. But doubts persist about the law's effectiveness. An American Telephone & Telegraph Co. official says some workers refuse to acknowledge that a job is lost.

Adds a union leader: "Until we can keep manufacturing jobs in the U.S., advanced notice doesn't help much."

[From the National Law Journal, Jan. 22, 1990]

A FIZZLING "TIME BOMB"

(By Randall Samborn)

The threat of government interference in employers' affairs hovered over the Rust Belt factories of the Midwest and the Northeast Businesses—especially small and midsize employers—feared that the Worker Adjustment and Retraining Notification Act of 1988 would sharply limit their ability to restructure their production and work force. President Reagan, after vetoing a similar measure, refused to sign the bill, calling it a "ticking time bomb."

The law, however, went into effect Feb. 4, 1989, six months after it was enacted by Congress. After passage, lawyers predicted a wave of new business, advising managers how to comply with the new law, along with an avalanche of litigation every time a company turned out the lights at another aging factory or scaled back the ranks of its employees.

But there has been no explosion yet, in the year since WARN became law. A vast majority of companies reportedly follow the federal plant closing law, with little problem. And while only about a dozen WARN actions have been filed, some important ground rules have been established in recent months in the first court decisions interpreting the statute.

Surprisingly, the pretrial decisions rendered so far stem from employment actions affecting workers on Wall Street and on Atlantic City, N.J.'s Boardwalk—and only a few of the pending cases involve employees in Rust Belt factories.

One such case is unfolding in Chicago, where a Stewart-Warner Corp. factory stands like a dinosaur on the brink of extinction in the midst of a decrepit industrial area on the city's North Side. The plant will be closed in less than two years, and the 1,200 blue-collar jobs it provided a year ago gone, when the company completes moving its instrument gauges manufacturing division to Mexico.

Citing labor costs, the company announced the phase-out plan for the plant Nov. 3 and soon began laying off employees. Although the manufacturer and an employees' union are attempting to negotiate a severance package, the union filed suit Dec. 5 in federal court in Chicago, seeking 60 days' wages and benefits for some 600 employees already laid-off. *Local 1154 of the United Worker Association-United Electrical, Radio & Machine Workers of America* v. *Stewart-Warner Corp.*, 89 C 8983.

Experts agree that it will take some years to develop enough case law before the full impact of the act on labor-management affairs can be measured.

According to Ronald Green, head of the labor department at New York's Epstein Becker & Green P.C., one reason there has been no flood of litigation is because practitioners have learned during the first year that sound drafting of purchase agreements, coordinated with placement services and revised severance plans can help avoid suits against employers.

"It does seem as if the initial shock of the statute led to a basic level of education [among employers] that has made the risk much more manageable," says Mr. Green, who is defending employers in three WARN cases, but refuses to identify them.

A spokesman for the National Association of Manufacturers, which lobbied heavily against WARN, agrees the law apparently is

less burdensome than many companies had anticipated.

"If it is affecting [employers], they seem to be able to live with it," says Randolph Hale, the association's vice president and manager of industrial relations.

Organized labor and attorneys for non-union workers also express overall satisfaction with the law. But some plaintiffs' attorneys add that WARN lacks some of the enforcement teeth they had hoped it would have. (Others say that the statute has little applicability to large unionized employers, noting, for example that auto industry collective bargaining agreements commonly include provisions for up to six months' notice in advance of plant shutdowns or layoffs.)

"I think that having enacted the WARN Act is a definite plus for workers in America in terms of a plant closing, but it's more of a band-aid on a massive wound that is hurting the country," says Neil G. Burke, business manager of the United Workers Association Local 1154, which represents employees of the Stewart-Warner plant.

(Stewart-Warner officials referred questions to their attorney, Wade Mallard, name partner in Atlanta's Clark, Paul, Hoover & Mallard, who declined to comment on the WARN litigation except to say the company is preparing an answer.)

LAW'S PROVISIONS

WARN's key provisions are triggered when an employer with 100 or more employees fails to give 60 days advance warning before effecting a "plant closing" or "mass layoff" that results in an "employment loss." Under WARN, a plant closing occurs when 50 or more full-time employees at a single site or unit within that site lose their jobs during any 30-day period because of a permanent closing or temporary shutdown exceeding six months. A plant closing also occurs when such employees experience more than a 50 percent reduction in the hours of work during each month of any six-month period.

The same 60 days' notice must be given by covered employers who order a mass layoff creating an "employment loss" during any 30-day period for either 500 or more full-time employees or 50 workers who constitute at least one-third of the full-time labor force at a facility or unit. Under some circumstances, the 60-days' notice requirement also is triggered when a series of employment losses adds up to the requisite levels in a 90-day period.

The law requires employers to give written notice of such actions to employees or their representatives, state economic development officials, and the chief elected local government official. There are two major exceptions that allow the notification period to be shortened—"faltering business" and "unforeseen circumstances"—in addition to a number of other exemptions.

Failure to give adequate notice leaves employers liable for up to 60 days' pay and benefits for each affected employee and, in some situations (none of which has arisen so far), a $500 fine for each day that notice should have been given up to $30,000. The act allows fines to be imposed only in cases brought by local governments against an employer who fails to give adequate notice.

An important feature of the law is that the Department of Labor has no enforcement power, even though last May it issued six pages of non-binding regulations and more than 20 pages of comments interpreting the act. After two years, the government comptroller general is required to submit a report to Congress analyzing the effect of the law on employers, employees and the economy. Meanwhile, courts continue to shape and define the law as the ultimate arbiter of the statute's often confusing and ambiguous language.

FIRST CASES

Although few cases have been filed, lawyers who handle WARN matters on both sides agree that one conclusion that can be drawn is that the law's scope is not restricted to the industrial heartland, but applies to a much wider range of employment situations, such as brokerage firms, casinos and even law firms. (NLJ, 1-9-89.) Even though the first decisions stem from such unusual employment settings, the courts have addressed some issues—including the effective date of the statute, punitive damages, who is responsible for complying with the notice requirements, and class certification—that likely will apply in other WARN cases.

The first class action certification in a WARN case was granted Dec. 4, 1989 to at least 127 employees who were laid off with little or no notice beginning March 10, 1989, from L.F. Rothschild & Co. Inc., a New York investment banking, arbitrage and brokerage firm.

"The WARN Act seems particularly amenable to class litigation," wrote U.S. District Judge Pierre N. Leval of New York in his ruling, which the plaintiffs' lead counsel, Jeffrey G. Smith, of New York's Wolf Haldenstein Adler Freeman & Herz, hailed as paving the way for future class actions in similar cases. Requests for class certification are pending in at least four WARN cases in federal courts in Louisiana, Minnesota, New Jersey and North Carolina.

Although pleased at the class aspect of Judge Leval's ruling, plantiffs' attorneys in this case and others lamented the judge's rejection of a claim that the affected employees are entitled to punitive damages. *Finnan v. L.F. Rothschild & Co. Inc.*, 89 Civ. 2718.

"It isn't a bad blow to this case not to have punitive damages because here we have a number of high-paid employees and the potential damages are already high, but it is a serious blow to self-enforcement of the act if an employer acts in bad faith," Mr. Smith says.

In moving to dismiss the suit, Rothschild had argued that its layoff of employees in the mortgage-backed, fixed-income securities and high-yield securities departments did not invoke WARN's notice requirements because fewer than 60 days had transpired since the effective date of the act. Judge Leval rejected that argument as "specious," adding that the dismissal motion raised a "question of first and perhaps also last impression."

The case also provides a test of the "faltering business" exception, which permits managers to delay giving notice when they "reasonably and in good faith" believe that doing so timely would preclude them from obtaining capital or business that would avert an employment loss. Rothschild told its employees that it could not give them 60 days' notice because it was seeking capital that would have been unavailable if timely notice had been given. The plaintiffs counter that the exception does not apply because the financing was being sought from Rothschild's parent, Franklin Savings Association of Ottawa, Kan, and other affiliated companies.

WIDE APPLICATIONS

The only other judicial interpretation of WARN also may have wide application as far as determining who is responsible for following the notification procedures.

In two related cases involving the former Atlantis Casino Hotel in Atlantic City, N.J., Senior U.S. District Judge Mitchell H. Cohen of Camden ruled in November that the hotel's owners remained the employer for purposes of complying with WARN, even though the New Jersey Casino Control Commission had appointed a conservator to oversee the financially plagued operation. *Finkler v. Elsinore Shore Associates*, 89-2330, (D.N.J.), and *Hotel Employees Restaurant Employees International Union Local 54 v. Elsinore Shore Associates*, 89-2143, (D.N.J.)

In this case, as in several others, alleged WARN violations have spawned two separate suits—one filed by a union on behalf of its affected members, and the other brought as a class action by non-union employees.

The state commission first denied Atlantis' casino license renewal because of its poor financial condition and negotiations to sell the facility to New York developer Donald J. Trump. (The hotel now is the Trump Regency.) The commission later appointed a conservator pending completion of the sale. Last May it ordered all gaming operations to cease within a week, which resulted in the rapid layoff of hundreds of employees.

The *Finkler* case, filed as a class action by 27 non-union employees, was filed four days after the onset of the layoff. The hotel defendants argued that their WARN complaint was premature because six months had not yet elapsed. But Judge Cohen disagreed, ruling that because the owners had no intention of resuming business and rehiring the affected workers, the employees "reasonably expected" the layoff to last more than six months and did not have to wait until then to file suit.

A CATCH-22?

Several management lawyers say that the most difficult applications of WARN arise in the context of selling a business. Under the statute, the seller of all or part of a business meeting the law's threshold must provide notice of any plant closing or mass layoff through the effective date of the sale. After the closing date, the duty to provide notice shifts to the buyer. These attorneys say that many deals happen too quickly to allow 60 days' notice when it applies.

"A sophisticated buyer wants the seller to terminate employees on the closing date, and then rehire those it wants to keep," says Edward B. Miller, partner and senior labor counsel at Chicago's Pope Ballard Shepard & Fowle Ltd., and a former chairman of the National Labor Relations Board. "It is difficult to work out compliance under those circumstances," he adds.

Another problem with the statute, some experts say, is a Catch-22 in the fines provision because few municipalities want to sue employers at the same time that they might be offering incentives to retain jobs in their communities.

For example, the city of Fresno, Calif., considered filing a WARN action on behalf of some 270 employees who were laid off without notice from a turkey-processing plant in September, says Harvey Wallace, city attorney. Although the city believes it had authority to bring the action, the City Council voted against filing the suit. The city's interest was not to obtain fines, but to garner back pay and benefits for the workers, Mr. Wallace says.

"It does put municipalities between a rock and a hard place," he adds.

COMPLIANCE NOT DIFFICULT

Despite some puzzling features of the act which must be hammered out by the courts, most employers are "finding compliance is turning out to be less burdensome than they thought," says Prof. Neil N. Bernstein of the Washington University School of Law, and a labor arbitrator. And even though many employers fear their work force will depart soon after receiving notice of layoff or termination, says Professor Bernstein, "by and large, most people [employers] are being cautious to make sure they don't violate the act."

In fact, in some cases there is overcompliance, according to Daniel V. Yager, and associate at Washington, D.C.'s McGuiness & Williams, which is counsel to the Labor Policy Association, a management group. He says his firm is advising its clients to give 60 days' notice whenever possible.

"We may tell them they don't need to give notice, but will only know for sure if they are sued, and lose," says Mr. Yager, a former minority staff attorney for the House Education and Labor Committee. In many cases, he adds, the cost of defending a WARN suit probably would be greater than the amount of back pay and benefits owed under the statute.

"I think litigation is not so much impeded, but minimized by the remedy available to parties," Mr. Yager says.

Statistics compiled by the California Employment Development Department, the state agency designated to receive WARN notices from employers, confirms Mr. Yager's observation of overcompliance. Through Sept. 30, 1989, the agency estimates that some 16 percent of the notices it had received pursuant to WARN were not required under the law. The department reports that it had received 346 WARN notices of plant closings or layoff affecting more than 31,500 workers between Oct. 28, 1988, and Dec. 31, 1989.

Ironically, management, which had lobbled strongly against passage of the law, seems in most cases to have accepted the responsibility WARN imposes. And labor, which had pushed for the law's enactment, seems to feel it got less than it had hoped for.

Although it is still to early to fully evaluate WARN's impact and uncertainties remain that will be answered only after further litigation, the statute appears to work effectively in many situations without exposing employers to huge judgments, says David Cathcart, a partner in Los Angeles' Gibson, Dunn & Crutcher who represents employers. "It's not necessary to impose large liability and tort remedies to make a statute effective," he says.

But several attorneys representing affected workers harbor doubts about the law's overall effectiveness because, they argue, the incentives for abiding by WARN are not strong enough. Yet, even they concede that having some law is better than having none at all.

"Damages are limited to what the employer would have to pay if he abided by the statute. It allows them to wait and see what happens—without Labor Department involvement—whether there will be private action," says Mr. Smith, Plaintiffs' counsel in *Rothschild.*

Herbert V. Adams III, a sole practioner in Chicago who represents the union workers at Stewart-Warner, agrees that the law is beneficial in giving employees notice in advance of a shutdown. "Without it, the company would not have said anything and just gone and closed the door and left for Mexico as a fait accompli," he says.

"It may be more cost-effective [for employers] to pay wages and benefits than legal fees," he adds, "but I've never seen companies act too rationally on matters like this."

[From the National Law Journal, Jan. 22, 1990]

(By Randall Samborn)

RESULT: A HANDFUL OF CASES

Lawyers for labor and management and their clients are closely watching developments in lawsuits pending under the year-old Worker Adjustment and Retraining Notification Act of 1988. The following is a partial list of pending cases compiled by The National Law Journal. (Details of the first four appear in the accompanying story.)

Local 1154 of the United Workers Association-United Electrical, Radio & Machine Workers of America v. *Stewart-Warner Corp* 89 C 8983 (N.D. Ill. filed Dec. 5, 1989).

Finnan v. *L.F. Rothschild & Co., Inc.,* 89 Civ. 2718, (S.D.N.Y. filed April 21, 1989).

Finkler v. *Elsinore Shore Associates,* 89 2330, (D.N.J. filed May 26, 1989), and *Hotel Employees Restaurant Employees International Union Local 54 v. Elsinore Shore Associates,* 89-2143, (D.N.J. filed May 18, 1989).

Holcomb v. *Pilot Freight Carriers Inc.,* C-89-227-WS, (M.D.N.C. filed March 31, 1989), and *Kinton v. Pilot Freight Carriers Inc.,* C-89-390-WS, (M.D.N.C. filed June 5, 1989). Two related suits—one brought by a union and the other filed as a class action on behalf of non-union employees—covering more than 2,000 workers who lost their jobs after Pilot Freight Carriers was sold in December 1988. Both cases are stayed during the course of liquidation proceedings filed in June against Pilot Freight in Bankruptcy Court.

Solberg v. *Inline Corp.,* 4-89 Civ. 650, (D. Minn. filed July 28, 1989). A hearing is scheduled for Feb. 12 on defendants' motion to dismiss on grounds that affected workers were part-time employees and on plantiff's motion for class certification. More than 200 former workers for the packaging company claim they were hired as full-time employees and laid off without sufficient notice.

Carpenters District Council of New Orleans & Vicinity v. *Dillard Department Stores Inc.,* 89-3680, (E.D. La. filed Aug. 17, 1989), and *Plescia v. Dillard Department Stores Inc.,* 89-3751, (E.D. La. filed Aug. 23, 1989.) Also two related suits—one with a union plaintiff and the other a class action on behalf of more than 500 non-union employees. A class certification hearing is scheduled for Jan. 24. The plaintiffs' claims are against both Dillard and the former D.H. Holmes Co. Ltd., a regional department store chain that was bought by Dillard last May.

Jones v. *Kayser-Roth Hosiery Inc.,* 3-89-545 (E.D. Tenn. filed July 28, 1989). A class action covering some 900 non-union employees who allegedly suffered an "employment loss" without adequate notice during the phase-out of a hosiery plant. This case is expected to test the statutory defense of "unforeseen circumstances."

[From the Youngstown (OH) Vindicator, Jan. 26, 1990]

BOSSES COOPERATING WITH ADVANCE NOTICE

(By Don Shilling)

SALEM.—A state official said he is surprised how well employers have accepted a 1989 federal law that requires advance notice for some plant closings and layoffs.

Nearly half of the companies who have given advance notice of job losses have not been required to do so by the law, said Michael Hock, director of the state Rapid Response Unit.

The unit, which is a branch of the Ohio Bureau of Employment Services, was set up to administer the Workers Adjustment and Retraining Act, which Congress passed in February 1989.

Hock told about 30 people at a meeting Thursday of the Columbiana County Job Service Employer Committee that he had expected more resistance to the law. His unit began operating last July.

He gave the following reasons why it appears the law has been accepted:

Of the 124 notifications received, 57 have not been required. Notices have been made for as few as nine laid-off workers, when notice is required for no less than 50.

About 20 percent of the notifications have come with more than the 60 days required.

The response unit has heard no complaints from employers about the law.

No company has refused help from the unit even though the law requires only notification.

No violators of the law have been found, even though penalties are not that tough. A company in violation of not giving 60 days' notice can avoid a fine by paying the workers their daily rate, plus benefits, for the part of the 60 days they were not notified.

There have been no incidents of worker sabotage, as some had feared would happen with advance notice.

Hock said his five-person unit has focused on helping workers find other jobs because notification usually comes too late to come up with solutions that will save a firm.

The unit has had no success yet as saving companies from going under, he said. But negotiations for employee buyouts are ongoing at three companies who are on the brink of shutting down, he said.

The unit also will initiate action without being asked by those involved, he said. The unit's help was accepted by the Quaker Oat plant in Marion after the unit read in a newspaper that some workers might lose their jobs.

The company is working with the unit even though a potential mass layoff or closing is more than 60 days away, he said.

In most cases, the unit's work is limited to helping workers prepare for another job, he said. Workers are informed about Ohio Bureau of Employment Services (OBES) programs, such as retraining through the Job Training Partnership Act, he said.

The unit coordinates workshops, where workers are helped in preparing resumes and tips on finding a job, he said. Support groups can be established, and mock interviews can be held and videotaped, he said.

Information is provided about what jobs are available in the area, he said.

Hock said the law says the unit should make a visit to a plant within 48 hours after notification is received. A meeting is then set up with the employer, employees, OBES officials and community officials to talk about what the workers need, he said.

EXTENSION OF MORNING BUSINESS

Mr. KOHL. Mr. President, I ask unanimous consent that morning business be extended until 12 noon under the same conditions as previously ordered.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. KOHL. I thank the Chair.

(The remarks of Mr. KOHL pertaining to the introduction of S. 2050 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESCALATING OFFENSIVE IN ANGOLA

Mr. SYMMS. Mr. President, I am concerned about the press reports both this morning and yesteray morning regarding UNITA President Jonas Savimbi. As has been reported in the media, our good friend—the distinguished Presiding Officer also considers Dr. Savimbi a good friend—is the bastion of freedom, the example of a true Western democrat in the continent of Africa, with a remarkable record success in achieving freedom for parts of Angola against insurmountable odds. Yet now, the aid to UNITA has slackened some from the West. Unfortunately, westerners normally think that when the battle is over they can stop the fighting. However, the Communists are usually very patient and they think time is on their side and continue the aid.

Mr. President, Dr. Savimbi was forced to cancel his trip to Portugal. News indicates that the cancellation was because of the escalating offense against UNITA. The offensive was described by President Savimbi in the Washington Post as "the biggest air offense ever mounted in Angola's 16-year war." He also said that there has never been anything like this.

The article states the Angolan Government forces began an intensive bombing campaign Monday, launching several raids near the UNITA-held town of Maving's with 14 Soviet-built Mig-23's and other warplanes. It adds that the Government forces are using fragmentation bombs to attack the surrounding area where 11,000 UNITA civilians live. These fragmentation bombs are cluster bombs, as they are often called, which can raise havoc on civilian population. There is very little protection for people. It is a warm climate. The housing is very rudimentary, very basic. It is devastating to schools and to population centers.

The MPLA is deliberating targeting the schools and hospitals in UNITA civilian territory, hoping to panic the civilian population and demoralize UNITA supporters.

Mr. President, I have known President Savimbi since 1984—even before that, but I had the opportunity to meet him in Jamba in 1984 as the first Member of Congress to visit there. He is a very straightforward speaker. He told me then, when I asked him what those of us who wanted to help people who love liberty, could do, he told me to go back to the Congress and repeal the pro-Marxist Clark amendment; that he was not impugning the motives of Senators and Congressmen who had supported it, but he said it had turned out that it had had a very clear implication to help the Marxists in Angola and was detrimental to the forces of freedom in Angola.

The Senate wisely voted for my amendments, and later the House did, and I have appreciated the help in that effort of the distinguished Presiding Officer.

We felt we had made headway. We had made headway. I think we did the right thing. I think the Senate did the right thing, the House did the right thing, and it looked like we were making headway.

But in his own words today, he says UNITA's situation is seriously deteriorating in the face of Soviet escalation in Angola. It is interesting that all we hear about is glasnost, perestroika, and how we are now going to have Big Macs in Moscow.

I am delighted they are there, because I believe McDonald's will do more for capitalism and freedom in the Soviet Union than maybe any other diplomatic effort we could make because, one, they are going to show people how to run a fast-food business; two, they will teach people how to work, which is badly needed in the Communist bloc countries; three, they give people the opportunity to see there is a better life outside the Iron Curtain.

All of those things are good and positive. I welcome them. But while that is going on, we should not lose sight of the fact there is another face to the Soviet Union, and that face is there are still some people in the Soviet Union who are expanding their long-term goals since 1925, and that is to try to get across the central part of the African continent so they can have the treasure house of minerals in their warehouse in case of a confrontation with the West.

In his own words, Dr. Savimbi is saying UNITA's situation is deteriorating. I think the Senate needs to know why.

The President has promised UNITA they would be provided with "appropriate and effective" assistance, but it is clear that the deterioration of the situation points to a complete inadequacy with regards to our support.

I urge the President, and Members of the Senate and others to address this issue personally and immediately.

As long as the Soviets are directing the slaughter of innocent Angolan citizens, the United States should ask itself whether Mr. Gorbachev is really the true reformer he is portrayed to be. Do the Soviet weapons get shipped to the MPLA purely because of the bureaucratic inertia in the Soviet Union?

Are we supposed to believe that Mr. Gorbachev's low-level bureaucrats are deciding to transport Mig-29's to Cuba and SU-25's to Communist Angola?

Mr. President, I do not think we can be that foolish as to believe that somehow Mr. Gorbachev—Time magazine, incidentally, chose him as "Man of the Decade"—is not an accomplice of these shipments of weapons to the Third World. In such a highly centralized system of government, Mr. Gorbachev assuredly is aware of his foreign policies. While talking peace, he is pursuing the military extermination of UNITA.

While President Savimbi has been trying to revive the peace process, the MPLA has once again shown its true colors and is trying to annihilate its political opposition.

Mr. President, Mr. Savimbi is a man of peace. He sought to salvage the 1975 peace accords. He is now seeking to salvage the promises of the June meeting in Zaire with MPLA President Dos Santos, when Dos Santos promised national reconciliation talks and a cease-fire.

And Savimbi is pushing to fulfill his side of that pledge. But the pledge at Zaire proved to be just another broken promise by a regime in Angola which is backed by the Soviets that has never sought peace or reconciliation. They have only sought annihilation of those who disagree with their one-party rule of that country.

Several months ago, UNITA offered through Zairean President Mobutu, a cease-fire proposal to the MPLA. The proposal was flatly rejected. The MPLA Central Committee on January 22 of this year, reaffirmed the party's role as vanguard of the working people and endorsed continued one-party rule. Clearly, the message of Eastern Europe has not sunk in with the dictatorship in Angola. The MPLA dictator is presenting himself in the same light as the once leader of Romania, Ceausescu.

The State Department in January, issued a statement which acknowledged the role of 100 Soviet advisers in

the combat operations against UNITA's heartland. That statement was, to put it mildly, deficient. What is needed from the State Department is a strong, immediate and public criticism of the MPLA's aggression and a demand to the MPLA to accept the cease-fire bid and UNITA's call for direct talks.

Mr. President, it disappoints me, while so many good things are happening and so many things that our leadership and the administration are pushing to do that I approve of, that somehow some of these things they seem to be so passive on are in the face of an active disinformation campaign against UNITA.

In what appears to be abject complacency on the part of the State Department, the MPLA plans to host another summit with a handful of radical African nations who earlier called for President Savimbi's exile and political absorbtion of UNITA into MPLA forces. These countries have traditionally been hostile to UNITA and to the United States, yet the MPLA depicts them as representative of African opinion on the Angolan conflict.

The State Department must develop a program to recapture the negotiation initiative from this MPLA-orchestrated arrangement.

We must have our administration and our State Department officials get aggressive and informative to the press, the public, and to the world about this outrage that is taking place in Angola.

State Department officials have been quoted in the past as saying that it is not up to the United States to proscribe solutions for the Angolans. This is not what UNITA wants either. UNITA wants the United States to forcefully defend democratic institutions and to restate United States objectives for free elections in Angola.

While the State Department advocated free, internationally supervised elections in Namibia, they have oddly avoided endorsing elections in Angola. UNITA does not want the United States Government to write its constitution, but it does want us to endorse self-determination in Angola. I remind my colleagues that UNITA is the only political party in that country which supports free elections.

It is the only party in Angola that supports free elections.

Mr. President, I believe the United States must not shirk its responsibility. We must play a role in encouraging other friendly African nations to become involved in a peace process as a counter to the proposals of MPLA radical coalition.

Finally, the Angolan carnage in which the Soviets are participating must be raised during Secretary Baker's meeting with Soviet Foreign Minister Shevardnadze. The Soviet conduct in the Third World is a vital indicator of Soviet long-term intentions toward the United States. I think we have found out in the past 8 years that when we stand firm when the Soviets—prod with the bayonet, if they hit steel, they back up. If they hit softness, they push forward.

Nothing has really changed on the part of some of the hardliners, of the old Stalinists in the Soviet Union. But unless we stand firm, the Soviets are going to feel free to act with impunity in the Third World to the detriment of U.S. national security interests. While we are diverted watching what is happening in Eastern Europe and other places where there is so much excitement for the world, so much excitement and hope for mankind, for freedom, rights in Africa, they are pushing forward with their program.

So I fervently hope that President Bush will direct his personal attention to this urgent crisis in Angola. I have raised this matter with members of the Bush administration, and I urge my colleagues to do likewise. UNITA depends upon us in this critical time.

If we in the Senate, and we in the United States fail to fulfill our longstanding commitment to UNITA, Africa, and its people will pay a very, very heavy price. The Soviets have never inflicted anything upon Africa except misery, poverty, bloodshed, and death upon their African client states.

The United States cannot condone in Africa the government-imposed misery the East Europeans are trying to discard, we simply cannot accept that, Mr. President. It is unacceptable to those of us who believe in human rights. If we do accept it, then we are shirking our responsibilities.

The best course for us to take would be to decide that we should be on the side of freedom. I urge my colleagues to get briefings of what is happening. The reports are that the Soviet-inspired, and possibly led, troops, aircraft, armored columns are raising havoc near Jamba as we speak. The choice is very simple. It is a realization which will be our challenge. We must stand up for freedom in Africa at this time. I yield the floor.

If there is no other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. DECONCINI. Mr. President, I ask unanimous consent that morning business be extended for 5 minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

THE CONFLICT IN ANGOLA

Mr. DECONCINI. Mr. President, I want to focus the attention of the Senate today on a grave series of events occurring in Angola. A bloody and senseless struggle is being carried out, largely outside the view of television cameras or the press.

The Senator from Idaho [Mr. SYMMS] was just speaking on Angola and the conflict there between the MPLA and the UNITA forces. I urge the Senator to talk to the administration, as I recently have done. I think he will be satisfied that our resolve as a nation in support of Jonas Savimbi and the UNITA forces and the democratic process is certainly represented, and I say to those of us who have such a longstanding interest, as the Senator from Idaho does, that our resolve and our support continue.

I think what the Senator said this morning about the particular situation going on there is very important. Indeed, Mr. Dos Santos and the MPLA have launched what I believe may be a desperate effort to bring disruption and damage and death to the civilian population in an effort to demonstrate that they can commit a military effort when they are confronted with the peace process which they apparently feel is not going the way they want it to go.

That really is what is happening in Angola. There had been a cease-fire. There had been a tentative agreement to commence negotiations on power sharing. There had been an understanding that Jonas Savimbi himself would be willing to extract himself during this negotiation process, if necessary, understanding that he would have the right, as anyone should have, to ultimately participate in a true reconciliation and elections on a national level.

So I think we had the basis of a cease-fire and the basis of a reconciliation, nationally, in Angola before the MPLA decided they just did not like the way things were going, so they were going to once again, start a military action. I think that is deplorable, and I think it certainly bodes very poorly for the good intentions of UNITA in trying to reach a settlement there.

Secretary Cohen, our Assistant Secretary for African Affairs, has worked tirelessly, and I am satisfied, at least at this moment, that the U.S. resolve is still there and that we are prepared

to continue whatever assistance we have committed to see that the UNITA forces are not damaged or repelled by the MPLA.

In one sense, it is perhaps understandable that so little attention is being paid to what may become a large scale slaughter. We have all been caught up in the rush of recent world events. The people of Eastern Europe have toppled tyrant after tyrant. A cowardly dictator has been ousted from Panama. Yes, I believe we should celebrate the victories of democracy in recent months. But we must remember how sharply this contrasts with the 16 years of devastating civil war in Angola.

The promises of peace last summer have been replaced by a new MPLA military offensive in southern Angola. As noted by our State Department, the MPLA regime has committed armored vehicles, tanks, and several thousand troops in this attempt to impose a military solution on the Angolan opposition. These mechanized divisions are being supported by Soviet technicians and advisors.

The destruction caused by this offensive is being augmented by renewal of the air war against UNITA positions close to the UNITA-controlled town of Mavinga. Reports indicate that squadrons of modern MiG aircraft, flying at great heights to avoid UNITA missile fire, are carrying out indiscriminate bombing runs against guerrilla positions. These same reports claim that the large scale bombing include the use of fragmentation, or cluster-type, weapons. Unfortunately, it is the civilians living in the area who are suffering the most from this indiscriminate bombing.

An ominous recent accompaniment to the MPLA offensive was a statement last week by the Cuban Foreign Ministry that Cuba is suspending the withdrawal of its troops from Angola in response to the loss of four Cuban soldiers in an area outside the current fighting. If this is a signal that Cuba intends to break its commitments under the Tripartite accords, the implications for peace in the entire southern African region are troubling indeed. The Government of South Africa, which has been satisfied by the Cuban withdrawals to date, has expressed to our Government its great concern over the Cuban announcement and its possible impact on the Namibian independence process.

Perhaps the greatest tragedy of this latest MPLA offensive—an offensive that has left hundreds dead or wounded—is that it is pointless and unnecessary. Pointless, because it is clear that the war can only be ended by negotiation. MPLA hopes for a military solution are illusory. And supporters of the MPLA must ensure that this message is understood in Luanda. Unnecessary, because a ceasefire is the best alternative available.

Last fall, the African mediator of the Angolan peace process, President Mobutu of Zaire, made a second attempt to end the fighting. His proposal took into account the flaws of the original ceasefire, which rapidly evaporated because of a lack of agreement on methods to verify and enforce an end to the fighting. The United States endorsed this proposal and UNITA accepted it. Instead, the MPLA launched a massive military offensive.

Under these circumstances, it is a sad commentary that the world has remained so silent. The administration's condemnation of this outrage has been surprisingly mild, particularly when it had twice attempted to get the Angolan regime to agree to a ceasefire. Assistant Secretary of State for African Affairs Cohen has just returned from Luanda in an unsuccessful attempt to put an end to the killing. Those that argue that the MPLA is serious about peace and national reconcilliation have received a definitive answer. The MPLA remains committed to the military option.

It is alarming that one of the diplomatic triumphs of the past decade is now being threatened just as it begins to bear fruit. The Constitution of newly independent Namibia is one of the more democratic and liberal in the world. It ensures a multiparty parliament, protects basic human rights, and provides free elections. If the new government lives up to its early promises, we can expect stability and prosperity in this newest of nations.

New winds are stirring in other parts of the southern Africa subcontinent. Botswana, once one of the worlds poorest nations, is prospering under a democratic government and sound economic management. Mozambique is beginning to recover from earlier disastrous socialist policies and has improved its relations with the West. Even in South Africa, there are glimmers of hope that the white minority regime may be willing to talk about fulfilling the long suppressed aspirations of the blank majority. We will all watch closely President de Klerk's words and actions as the South African Parliament opens.

We hope that the blessings that are promised for Namibia, will prove an example to its neighbors both North and South. But in Angola, the conflict which has torn the country apart and caused so much suffering must first be ended. The steps necessary to do this are clear:

The administration, and for that matter the Congress, must clearly state that peace is the only viable solution to the Angolan civil war. We must issue an immediate call for the MPLA to stop its current offensive;

We must call on the Soviet Union to extend glasnost to Angola and to end its participation in the fighting and its shipment of arms to the MPLA;

Finally, the administration must make clear that it intends to maintain its support for UNITA until the MPLA agrees to a ceasefire, takes the steps necessary to begin talks on national reconciliation, and proceeds toward free elections.

It is for this reason that I will be submitting a resolution later today denouncing the military offensive in Angola and urging an immediate ceasefire.

MARTIN JOHNSON RETIRES AFTER 55 YEARS OF DEVOTED SERVICE TO THE SOCIAL SECURITY ADMINISTRATION

Mr. HEFLIN. Mr. President, this Nation retains its greatness through the efforts of men and women who are willing to devote their lives to serving others. One such person is Mr. Martin Johnson who recently retired as a district manager for the Social Security Administration in the Mobile, AL area. His 55 years of dedicated service to the Social Security Administration and the people of this country should serve as a shining example to us all.

Martin Johnson began his illustrious career with a short stint at the United States Steel Corp. before beginning his long tenure with Social Security in 1936. He served for 12 years with the old Social Security Board before becoming the longest serving district manager in the agency's history. On December 29, 1989, Mr. Johnson stepped down as the manager of the Mobile District Office after 43 years.

The Mobile community has benefited from Martin's involvement in numerous areas. He has played active roles in any civic groups and is recognized as a pillar of the community. Perhaps the greatest recognition of his involvement came when Martin was selected as the "Mobilian of the Year" in 1954. In addition to his extensive activities with the Mobile Area Chamber of Commerce, Martin has served many other charities and organizations.

Five years ago, I did a tribute to Martin Johnson after 50 years of faithful service to the Social Security. Little could I imagine that he would still be serving the needs of the Mobile area at the end of 1989. His talents have long been recognized by leaders such as President Eisenhower and Queen Elizabeth. Mobile is indeed fortunate that he plans to continue his civic activities. It is seldom that a man of Martin's caliber and drive spend their entire life serving others.

Mr. President, I congratulate Martin Johnson on his retirement and look forward to his continued success in any future endeavors. I ask unanimous consent that an article from the

Mobile Press Record describing his accomplishments be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOHNSON GETS NEW ROLE IN SOCIAL SECURITY PROGRAM

(By Ron Colquitt)

After 55 years of handing out Social Security checks, Martin I. Johnson will soon be getting them.

Dec. 29, Johnson will retire as the Social Security Administration's southwest Alabama district manager. He began working for the federal government in January 1935.

Johnson has received many promotions and awards over the years, but he is most proud of being named Mobilian of the Year for 1951, an honor bestowed him for his civic work, particularly playing Santa Claus during six Christmases.

He said he has served as manager in one location longer than any other manager in social security history.

According to Johnson, he stayed with the SSA for 55 years because he enjoys the work. "I particularly like helping people and meeting people because I meet with every level of society."

The SSA was formed in 1937, Johnson said. There have been many changes in the SSA over the years, he said, but the biggest change was in 1940 when people began receiving monthly checks.

"Prior to 1940, when you became 65, you received a little lump sum of 3½ percent of the total earnings that you paid taxes on, and then you were wiped out," said Johnson. "We started the monthly benefits for retirement in 1940 and also paying death benefits to widows and children.

"Since then we have had the disability benefits and medicare and the extension of coverage. First it was only wage and salary earners in commerce and industry. That was about 26 million people. Now it is about 110 million people because it has expanded to self employed, farm labor, professional people and domestic service."

Today, 39 million people are getting SSA payments each month, he said. There are concerns the SSA will one day go broke, and payments will not be available to retirees. Johnson said people should not worry because the SSA has plenty of reserves.

"They never mention any figures, they just say it's going broke," said Johnson. "It just so happens that last year, for example, they took in $292 billion and paid out $247 billion. There is over $100 billion in reserves right now in treasury bonds, and it is expected to double within the next 12 months."

Over the years, Johnson has earned numerous awards from the city of Mobile and the Catholic Church.

He said he is most proud of being named Mobilian of the year and being named Knight Commander of the Order of St. Gregory the Great, Knight Commander of the Order of the Holy Sepulcher of Jerusalem and Knight of Malta.

The knighting ceremony was held at St. Patrick's Cathedral in New York City, in 1939. "You had to be nominated by the bishop of the diocese," Johnson said. "You have to have a complete resume of what you have done, what your outstanding achievements have been. That goes to Rome (Italy), and a committee there sends it to the pope. If he approves, he sends . . . a document naming you a knight commander."

Johnson said he was also proud of the citation he received from President Dwight D. Eisenhower. The citation was for promoting U.S. Savings Bonds in the Mobile area. Vice President Richard M. Nixon presented the citation to Johnson.

He said of Nixon, "I was certainly impressed with the man. . . . Any question you asked of him, he had the answer right then."

Johnson is married to the former Doris Lassetter and they have four children. His hobbies include reading, working in the yard and being involved in civic organizations.

He is still active in Friends of the Museum of Mobile, the Mobile Area Chamber of Commerce, the Mardi Gras Special Events Committee and the Catholic Maritime Club.

After retiring, Johnson will just take it easy and do nothing for the first three weeks, he said.

According to Johnson, after his three-week break, he plans to get busy with Mardi Gras activities.

Asked if he was ever going to play Santa again, Johnson, who didn't want to reveal his age, said no. "I'm too old for that job now," he said with a laugh.

HUFFMAN MIDDLE SCHOOL ANTIDRUG PROGRAM

Mr. HEFLIN. Mr. President, I rise today to pay tribute to the antidrug program at Huffman Middle School in Birmingham, AL. Much of the credit for this program must go to the students, but the school's principal, Albert Morton, also deserves high praise for his leadership.

During the 1987–88 school year the faculty decided to fight the growing drug problem among the 360 sixth- through eighth-graders. During the next fall, Morton began what has become a very successful antidrug program. He named the program after the long-time school mascot, the RAIDers. In this case, RAIDers is an acronym for resist actions involving drugs—even resist smoking.

Morton knew that having both parents and students involved was a key to this program's success. He started an advisory committee of students, parents, and teachers to help implement the program and most of the students signed personal pledges against drugs. In addition the parent-teacher association agreed to help implement the various projects.

During the first year 97 percent of the students signed the pledge against drugs. These students also promise to help keep their friends off drugs. All signs are that the program is working. After numerous drug-related incidents 2 years ago, Huffman had only one drug-related problem last year.

Albert Morton has been the principal for 25 years and was a basketball coach before starting as principal. Morton's initiative and drive have been credited with much of this program's success. He ordered red T-shirts printed with the RAIDers name. He also has paper napkins bearing antidrug messages in the school cafeteria. Cheerleaders lead antidrug use cheers in pep rallys. It is not just a "say no" program, it is an affirmative program.

Although we must fight the drug problem from both the supply side and the demand side, I am convinced that education will become the most important facet of this war on drugs. The RAIDers program represents an innovative approach to the problem and has been recognized as one of this year's State winners of the Alabama Department of Education and U.S. Department of Education's Drug-Free School Program. The RAIDers program is now in the national phase of the competition and it is my hope that this program will also fare well in this phase.

Again, I want to offer my congratulations to the participants in the RAIDers program. Principal Albert Morton, the parents, the faculty, and especially the students deserve our support and praise for their outstanding efforts to win the war on drugs.

TRIBUTE TO DR. THOMAS B. NORTON

Mr. HEFLIN. Mr. President, I rise today to pay tribute to my friend, Dr. Thomas B. Norton who died on January 5, 1990, at the age of 71. As the former mayor of Gulf Shores, AL, Tom Norton left a great imprint on this area of the State.

Before moving to Gulf Shores, Dr. Norton lived in York, AL, where he was a city councilman for 11 years. While in York, he also practiced as a general surgeon and obstetrician as well as serving as the hospital administrator. When he moved to Gulf Shores, Tom gave up his surgery and obstetrics and practiced medicine only part-time. He quickly gained acceptance in the community and was elected to the Gulf Shores City Council in 1972. He was elected for two terms and served until 1980.

In 1980, Dr. Norton was elected to his first term as mayor, serving for 8 years before stepping down in 1988. His tenure as mayor saw tremendous changes for Gulf Shores. He oversaw the incredible growth that Gulf Shores saw during the 1980's. He led the efforts which expanded the city boundaries, the city hall facilities, the sewer system, the public beach facilities, and the school. He oversaw the addition of new police facilities, an additional fire station with more equipment, the Erie H. Meyer Civic Center, and new beach cleaning and street sweeping equipment. In addition, he helped the city develop a comprehensive plan for future growth.

Gulf Shores is fortunate to have had someone with Dr. Norton's experience and abilities to run the city during

these years of growth. The knowledge he gained on the York and Gulf Shores City Councils helped make many of these transitions much easier.

Dr. Norton led a full life and made Gulf Shores a better place in which to live. He will be missed greatly.

HAPPY 77TH BIRTHDAY TO WINSTON BUSH McCALL

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Winston Bush McCall who turned 77 on January 19, 1990. I want to wish him belated "happy birthday" wishes and many happy returns.

Winston Bush McCall, Sr., has long been one of Alabama's most outstanding citizens. Throughout his life he has found success in each of his varied endeavors. Perhaps the most telling aspect of Winston's character is that through all of his activities, he never failed to act with honor. He is a man of his word and a man of convictions.

Winston's intelligence and drive became obvious while at the University of Alabama. As a member of Delta Kappa Epsilon and a Phi Beta Kappa initiate, he went on to win the Ames competition in 1935 at Harvard Law School where he was later awarded a juris doctorate.

For over 50 years, Winston has served as a member of the bar of the Supreme Court of the United States, of New York and of Alabama. This service earned him much deserved recognition from a bar certificate acknowledging his "honorable, devoted and dedicated service to the community, State and Nation."

During World War II, Winston fought for this country in the Army. He was a lieutenant colonel at the end of the war and later retired. His 5 years of Active Duty service during the war earned him much deserved recognition from such diverse people as Lieutenant General Campbell and U.S. Treasury Secretary William E. Simon. Continuing his interest in military matters, Winston served as president of the American Defense Preparedness Association and the governor of the Alabama Society of Colonial Wars.

Perhaps the best description of Winston B. McCall, Sr., was made by Secretary Simon who called him "A southern gentleman and a devoted American." Again, I want to wish Winston a "happy birthday" and an exciting 1990.

TRIBUTE TO D. MITCHELL SELF

Mr. HEFLIN. Mr. President, I rise today to pay tribute to one of my dearest friends, Mitchell Self, who died recently in Colbert County, AL. Mitch was a great man and a great friend.

As a professional, Mitch was one of the best. A successful radio broadcaster, a pioneer in programming concepts that brought him State and national recognition among his peers. He served as president of the Alabama Broadcasters Association, the 1989 Alabama Broadcaster of the Year and as a member of the board of directors of the National Broadcasting Association.

As an enterprising businessman, he was selected to be the chairman of a new and successful bank. As a public spirited man who believed in improving his community, he served in many ways, including more than 20 years as chairman of the utilities board of his city.

As a church man with an unwavering belief in God, he rendered service to his denomination as a deacon.

As a family man, he was devoted to his wife, children, and grandchildren.

Few individuals had the friends that Mitch Self had. In thinking about Mitch, the trait that kept constantly coming back to me time and time again was his loyalty. He was a true friend. As I talked with many of his friends before his funeral, it came through that each of them had a relationship in which loyalty stood out.

Hundreds of friends gathered at the funeral home to pay their respects. I do not think I have seen as long a line of friends at a funeral home. As I stood in the funeral line, my thoughts went back to my friendship with Mitch and what he meant to me. I recalled numerous instances when he had befriended me. He was indeed my friend.

Many have told me about their feelings toward Mitch and his friendship. Let me repeat a few of the things I have heard:

If you needed him, he would be there.

He would stick with you.

If he told you something, you could go to the bank with it.

A younger friend said, "He was like a father figure to me."

These comments came from the heart because they reflect the love his friends had for him and the loyalty he had for his friends.

His devoted wife, Jimmie was ideally suited and matched for Mitch. Her quiet understanding ways helped Mitch in so many ways. She knew the right thing to say and to do at the right time. She knew how to bring the best out of him. I believe that his wonderful trait of loyalty was reinforced because of her loyalty to him. As I was thinking about Mitch and Jimmie's wonderful marriage, the words of Ruth to Naomi in the Old Testament came to mind:

> Entreat me not to leave you or to return from following after thee, for whether thou goest, I will go and where thou lodgest, I will lodge—Thy people shall be my people and thy God, my God.

Mitch was wise in his choice of Jimmie as his wife, and she never let him down. He loved each of his children dearly and was very proud of them. He also loved his grandchildren, and as they grow and learn more about Mitch, they too will be very proud of him.

Another part of Mitch that many people never saw was his love of his farm. He loved to put on his cowboy boots, his jeans, and cowboy hat and wander around in the countryside and on his farm. This provided great enjoyment to him and it brought him closer to things he loved. There seems to be something in the soil that brings out the best within us. While many of us were not raised on a farm, nevertheless, our association with rural life and particularly the soil seems to give us inspiration to acquire certain desirable values. Mitch had these values: hard work, patriotism, religion, and loyalty.

I speak today to celebrate the life of a wonderful friend and a wonderful family man whose values of life have been an inspiration to all who knew him.

We are all better because Mitch Self came our way.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,783d day that Terry Anderson has been held in captivity in Beirut.

EXTENSION OF MORNING BUSINESS

Mr. DECONCINI. Mr. President, I ask unanimous consent that morning business be extended until 12:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent morning business be extended until the hour of 1:30 p.m. under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent I be allowed to

proceed now under morning business for not more than 15 minutes.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Connecticut is recognized.

THE COSTS OF CLEAN AIR

Mr. LIEBERMAN. Mr. President, addressing myself to the matter before the Chamber at this time which is Senate bill 1630, the Clean Air Act, in the last several days we have heard a lot of discussion about the costs of S. 1630, with estimates provided by various sources. The most alarming come either from the administration or industry; that is, they are alarming on the price they put on the direct expense of complying with S. 1630.

In my opinion, in at least two substantial respects, those cost estimates are not on target. I believe they are fundamentally flawed. Let me explain why.

It has been cited before but it is important to cite it over and over again. The direct cost estimates that are attached to this bill do not consider the health costs of not passing and complying with this bill. The American Lung Association in a recent report estimated that the health care costs from air pollution are $100 billion a year, which is greater than any of the cost estimates we have had for the direct impact of passage of the bill on the industries or individuals involved.

One study reported by the Lung Association said that the health care costs from mobile source alone, from the automobiles and light trucks we are talking about, costs $93 billion a year.

What are we talking about here? We are talking about the cost of illness. We are talking about the cost of lost wages and time, time lost by employers from their employees being out. And we are talking about the incalculable cost of the death of people who have been affected extremely by dirty air.

The second reason why I think these alarming cost estimates of the direct impact of the bill are flawed is the numbers presented to the Members of Congress are ultimately exaggerated. Today we received further evidence of that exaggeration in a report from our own Congressional Research Service. It reviews the estimates that EPA has put on title III of S. 1630, which is the air toxics provision of this bill.

The air toxics provision is one of the most controversial parts of the bill. I know many of my colleagues are concerned about the impact it will have on businesses and industries that are directly affected. Leaving aside for the moment the direct health consequences of air toxics on people who live in the vicinity of plants that emit these chemicals into the air, we have had plenty of testimony here on the floor about those consequences; which go even to death.

Let me come back to the CRS, Congressional Research Service's analysis which is just out today. Its conclusion is:

> CRS believes that EPA's analysis significantly overstates the costs of the Senate bill in several respects: in particular, the methods used and the conclusions reached with respect to utilities and residual risks (which account for about half the total costs of both bills) are flawed.

So, CRS finds significant overstatement in EPA's estimate of the costs of these sections of this bill.

CRS's discussion of the EPA's analysis of the section of the bill known as the residual risk section is particularly telling. Here again, I know many of my colleagues who have been contacted by businesses who fear they will be affected by the air toxics section of the bill, are most concerned about the residual risk section. What happens after the businesses achieve or attempt to achieve what is possible under the maximum available control technologies? How do we then measure what they should do about the residual risk?

The bill before the Chamber, Senate bill 1630, gives those businesses at least 15 years to deal with that residual risk. But still there is concern about what the cost of that compliance would be.

Let us go back to CRS. CRS notes that about half of the cost difference between the Senate's title III which guarantees that standards would be truly protective of the public health and environment, and the administration's title III which leaves the decision entirely to EPA's discretion, is accounted for by this one provision.

As just one example of EPA's flawed approach in these estimates, the Congressional Research Service notes that EPA estimated that certain costs which would not be incurred under the Senate bill until the year 2005, 15 years from now, are estimated in the costs for the year 2003. That reason alone, according to the CFR analysis, results in an overstatement of the impact of S. 1630 by $6 billion in the year 2003.

I am not a statistician. But when we get into the crevices, the interstices of this piece of legislation, and we try to sort out the varying estimates of its cost, which obviously are important to all of us, including those who strongly support the bill, we have to get into the numbers. To me, what CRS has said today about a $6 billion overstatement in the cost of this section of S. 1630 amounts to a pretty fundamental overstatement that I think goes to the heart of some of the worst fears about the impact of the residual risk section of this bill.

CRS also points out the EPA analysis assumes that plant closure and impacts on employment will result from the Senate bill. But the Congressional Research Service goes on to note EPA's analysis fails to consider that instead of closure of plants, new technology will be placed on these plants, to bring them into compliance with the requirements of S. 1630.

EPA's analysis points out that it is safe to assume that changes in technology will occur during the 15 years that plants have to meet these facilities. That, Mr. President, after all, is our experience here in the Senate, certainly, in regard to laws that force technological improvements in the makeup of automobiles, to make those cars cleaner for our environment.

CRS then says that EPA's analysis then goes on, based on the assumption that the technology will not change and that plant closings will inevitably occur.

That is not just a worst case scenario, it is, based on our experience, based on common sense, based on what I would have to say is an honest and optimistic view of the capacities of American industry, a gross overstatement of the cost.

To CRS, and I believe to anyone who studies this issue, EPA's approach on this critical question of plant closures versus new technology ultimately does not make sense. The history of the Clean Air Act demonstrates that strong and tough standards will result in the development of new technology. I am convinced and confident that American industry will view the requirements of this law as a challenge, not as a stimulus to fold their tents and go off meekly into the sunset; that they will meet this challenge head-on with new technology. The most recent and encouraging example of that is a statement made just 2 nights ago by the chairman of the Du Pont Co. in speaking to a National Wildlife Federation dinner when he said quite clearly that environmentalism is completely compatible with competitiveness. I think we cannot stress that enough. Two of the great challenges that our country faces today is to protect our environment and to protect our economy. There is simply no reason why we cannot have both.

I believe that the EPA cost estimates on the second round of tailpipe standards are equally exaggerated. The evidence before the Environment and Public Works Committee from the California Air Resources Board, which, after all, is the leading expert in this field, a necessity to be experts because of the poor quality of air in some sections of California, established that the cost of the second round of tailpipe standards would be about $130 to $132 per car.

EPA's analysis of $500 per car is based on a fundamentally flawed

theory which is that the catalytic converter will need to be replaced at 50,000 miles. That is a pretty basic assumption. But those who are in the position to know most about the inner workings of our automobiles, and particularly the catalytic converter and emission controls, namely, the people who make these parts, the manfacturers of emission controls and the California Air Board, disagree. They are confident that refinements of current technology and the ingenuity of the auto makers will result in a much cheaper way to comply with the standards, and the history of the last 20 years certainly does support this confidence.

Mr. President, I think all of us understand and, even more perhaps than we understand, the people of this country understand that we cannot continue to go about living the way we are living, doing business the way we have been doing business and still expect our natural environment to remain what we want it to be. We cannot keep doing what we have been doing and expect our children to grow up on a planet that will be healthful and safe for them and their children and the generations to follow.

We know that we have to change our ways. Change is reflexively resistant. It is not our nature. People will naturally go about their business in a way that is more customary to them, that is more convenient to them, that is less expensive to them. But here is where we, acting in this Congress with the power to make law, have to intervene in people's behavior. We have to express their best hopes for themselves.

One of the great roles of the law over all of time, and certainly in this country, has been to express the aspirations that people have for themselves, but in one way or another understand that they will not be able to achieve left to their own instincts. The law comes in and says here is the measurement, here is the standard, here is what we should do. That is what Senate bill 1630 is trying to do. Acknowledging that if we continue to go about our business—acid rain, air toxics, mobile sources—that the air is going to get dirtier and dirtier and our children are going to be sicker and sicker as a result of it.

That change will not come without cost; not just the inconvenience, not just the discomfort of doing things that are not customary; but it will come clearly with additional financial costs. I believe and those of us on the committee who reported out Senate bill 1630 believe very strongly that those costs are worth it. They are worth it actually in direct dollar terms, as the chairman of the subcommittee and manager of this bill, Senator BAUCUS, said the other day, comparing the estimates of health costs, if we do not pass the bill, to direct costs if we do pass the bill. We get about $4 back savings for every dollar we spend.

As we try to make this judgment about whether we are prepared to chance and whether we are prepared to incur some additional costs, I think it is critical that those of us here in this Chamber who have to make these tough decisions on these complicated questions make sure that we have the most solid facts in our possession before we reach a conclusion.

There are a lot of numbers flying around this Chamber about S. 1630, the Clean Air Act. A lot of them, in my opinion, of the direct costs to implement this act, are exaggerated. Today the Congressioanl Research Service in its report on title III, the air toxics section, makes clear in its own independent way, fact-based way, that it agrees that estimates of EPA, which are quite similar to the estimates of the industries that will be most affected by the air toxics provision, are exaggerated. I commend that report to my colleageus and to their staffs who are in the process of gathering information to reach judgment on this bill. I hope they will read it, and I hope they will decide that Senate bill 1630 is a good bargain financially and worth supporting.

I thank the Chair. Mr. President, I note that there is no one else about to speak, and I suggest the absence of a quorum.

The PRESIDENT OFFICER (Mr. ROBB). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that morning business be extended until 3:30 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that I now be permitted to speak for such time as I may require.

The PRESIDING OFFICER. The majority leader is recognized for such time as he may require.

THE STATE OF THE UNION

Mr. MITCHELL. Mr. President, 3 days ago, President Bush sent us his budget. Last evening, he outlined the priorities and choices that helped create that budget.

The President's words invoked the great hopes we all share at the changes our world has seen in the past half year. That changing world offers new opportunities as it presents new challenges.

The President's renewed and more aggressive proposal for American troop reductions in Europe is welcome. I commend him for that proposal. It is an initiative for which he will have our full support. A mutual reduction of American and Soviet troops in Central and Eastern Europe will be a stabilizing factor at the same time as it begins the process of adjusting our national security budget to the new challenges our national security faces.

For 40 years, our Nation carried the burdens and fulfilled the responsibilities of world leadership.

The patience of the American people was rewarded last fall; the peaceful world for which we have given so much blood and treasure is now within sight of being born.

Nothing more clearly vindicates the traditional Democratic reliance on American ideals as a model and a goal for other societies. The President quoted Harry Truman, who first predicted the ultimate collapse of communism. We Democrats take pride in knowing that Harry Truman has been proven right.

The President said, rightly, that the state of the Union ultimately depends on each individual American. But it also depends on how we work together to accomplish the goals that no individual can reach alone.

A family's well-being means more than the individual well-being of one member; America's well-being depends upon more than the good fortune of some individuals.

The President spoke of stewardship eloquently. We are stewards of the richest, most beautiful, most fertile land in the world. Our natural heritage is the envy of others.

So I applaud, commend, and strongly endorse the President's emphasis on the environment. He spoke of planting a billion trees a year for 10 years. I support that goal; I hope we can do even more.

If it is sustained, in 20 years time those trees will absorb 5 percent of the carbon dioxide that threatens our Earth with dramatic climate change. We cannot move too fast on this important initiative.

A billion trees are an inspiring symbol. The President's agreement to make the Environmental Protection Agency a Cabinet department also symbolizes a profoundly important idea: The Agency should have a voice at the highest levels of government because its work affects our highest priority—the health and well-being of the American people.

That priority should guide all our budget choices. But our priorities have to be backed by more than symbols alone.

A budget is a blueprint for the future. It tells us what and where we, as a nation, are planning to go, and the decisions and choices we will have to make to get there.

Judged by that standard, the President's budget, as opposed to the President's speech, is a disappointment. The speech says one thing. The budget does another. The gap between word and deed widens.

But this budget assumed an excessively optimistic growth rate; the national equivalent of winning a lottery. A family calculates on maintenance needs, gutters to be repaired, oil changes for the car. The budget for our Nation should do the same. But this budget does not maintain our basic investment in the roads already built, the bridges that span our rivers. The President is right when he says the national budget is a lot like the family budget, but he is not right when he suggests that his budget meets that test. It does not.

The future America this budget promises is a nation which does not make the investments it should be making in the skills of its people or the capacity of our economy. I believe we owe more to the American families of today and the families of tomorrow. Our Nation's economic prosperity and well-being ultimately rest on the prosperity and well-being of the American family, the fundamental unit of our society. The foundations on which American families depend for their own well-being are clear and straightforward—jobs, housing, health care, education, all in a safe and clean environment. The agenda of the American Congress should be dictated by the needs of American families. Government must help provide the conditions in which American families can secure their own well-being. By that standard this budget is a disappointment.

The budget increases Head Start funding by $500 million. That is a long-overdue increase and I welcome it and commend the President for the proposal. But without followthrough, early childhood enrichment is only the down payment on an educated citizen. It is not the full cost. But the total resources for education in the President's budget do not even keep pace with inflation. And the $500 million added is not a fair offset for the proposed cut of $460 million in child nutrition. Children must learn, but to learn they use be healthy and well fed.

So on the one hand the President proposes to increase Head Start by one-half billion dollars and on the other hand proposes to cut child nutrition programs by almost exactly the same amount.

To grow strong, to learn well, children must be healthy as babies. They need a good start in life. But the WIC nutritional supplement that helps low-income pregnant and nursing mothers to provide proper food for their babies does not grow at all in the President's budget, not even enough to equal inflation.

The President spoke of his goals for education in the year 2000 and he spoke eloquently. Today's babies will be students of the year 2000, the same students for whom the President outlined education goals last night.

The budget is disappointing as well for the priorities it ignores. The President spoke movingly last night of his 12th grandchild and of the importance for every working parent to have good child care. But his minimal tax credit does nothing to secure quality care, safe care, for the children of working Americans.

The President said he will appoint a commission to study the problem of 37 million Americans without health insurance. But the last thing we need is more studies. The problem has been clear for several years. Already our hospitals face demands on their charity from patients too ill to turn away and too poor to pay. In the meantime, three quarters of the budget's proposed $5.5 billion Medicare cut will come at the expense of these same hospitals. That is unrealistic and unwise.

The President spoke proudly, and justifiably so, of the return of democracy to Panama, but not one penny of his $500 million aid program for Panama is reflected in the budget, although it is certain that at least some of those funds will be spent in fiscal year 1991. Where is that money going to come from? Yet this, we are told, is a budget that should be taken seriously.

Like all its recent predecessors, the budget includes something the President did not speak of last night—$22 billion in higher revenues to the Government, essentially higher taxes and higher costs for Government services. A large chunk of those higher revenues that would help bail out the budget deficit this year is another $4 billion in Social Security taxes, an additional $13 billion in higher Social Security taxes over the next 3 years. But in the past decade working Americans have seen their Social Security tax burden rise by 22 percent, more than offsetting the very small decrease in their other Federal taxes. This budget maintains that imbalance. It maintains the same unbalanced reliance on massive Social Security surpluses to meet deficit goals.

The President's budget proposes to take Social Security surpluses out of the budget but not until 1993, safely after the next Presidential election. The surpluses that exist today, this year, and next year, will be used by the President's budget to shrink the deficit, really to mask the true size of the deficit. Throughout the last decade we have constantly been given budgets that would be in balance 2 or 3 or 4 years in the future. That, too, remains unchanged in this budget.

We have already spent the better part of a decade debating whether we can afford to house our homeless, teach our children, treat our sick, pave our highways. For a decade, we have accepted budget gimmicks and sleight of hand to preserve the fiction that taxes are going down.

But we are in a changed world, in a new decade. Our economy needs more than the recycled words of the past with which to meet the challenges of the future. Our people need more than goals and hopes, important as those are. They want to invest in their future and their children's future. That is one of the challenges our Nation must begin to meet in this decade. Sadly, the President's budget does not show us how.

Mr. President, I yield the floor and if no other Senator is seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ADAMS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. SIMPSON. Mr. President, during this slight delay in the proceedings, as we go on with the Clean Air Act, a critical item of the Nation's business, I thought I would just take literally a few minutes to speak about the President's address last night. I have heard others speak on that, and I think we agree that the President indeed spoke eloquently on the important issues that confront this country. If they happen to be the issues that the President gets high marks on in the polls, it is only because that is what the American people are concerned about—education, environment, drugs, peace.

The President addressed those things in the way this President addresses everything in his life, in a most exceedingly thoughtful way. It was a very thoughtful address. I see some have indicated that they thought it was rhetoric or symbolism. Sometimes I think—what is wrong with symbolism? Rhetoric is something that is an art form in this Chamber, so we need not have any further review of that.

It has been a most curious thing to listen to the responses to the State of the Union Address. I thought Speaker FOLEY was very effective in his usual and steady way, when he addressed it.

So was the majority leader, Senator MITCHELL.

The American people know that we have a lot of work to do. They do not need to hear too much more of that from anybody. The game of one-upsmanship is not being accepted by the American people, but it happens every time we address an important piece of legislation. But, they are not buying that.

In education, they have been through the Roto-Rooter of "give us more resources and we will give you good, intelligent, articulate, literate people." Merely throwing money at the problem has not been successful. We owe the American people more than throwing money at national problems. And as the President said so beautifully last night, "We were not sent here to bicker, but to govern."

It will be very interesting to see, in these next months, what sorts of responses are made to the President's proposals. If it is simply going to be "It's not a bad plan, but it needs more money"—we have already been there. Every one of us voted on a debt limit extension of $3 trillion, one hundred twenty-two billion bucks. When somebody says that your country is not responding, well, chuckle them right off.

This year's budget is big, and both parties will play the most extraordinary game of hide the bucks, and the American people know that. They are not dull witted. We should never believe for a moment that Americans out there, the great unwashed do not know what is going on. They understand what is going on perfectly well. They understand partisanship, and they are saying, "Why do you not tone that down and get the business done, you bums." That is what they are saying.

I think all incumbents, including your loyal correspondent who is up for reelection, are in peril. The American people are saying to us, "Why do you not do something instead of just giving us this stuff?"

So it is not going to do any good to talk about the frustration that I know the majority party in this Congress must feel, as George Bush speaks of the issues dearest to their hearts in a way that the people can hear. That must be very frustrating to them. I understand that. But it is not becoming, simply out of frustration to just meet in cloistered places and say, "What are we going to do with this guy, George Bush? He has an 80-percent rating of approval, and he has taken every single issue near to our hearts, and he is trashing us with it, and he is getting the credit." That may be. He has his advisers too. But the American people do not care who gets the credit. They just want to see the job done.

So last night we heard some dramatic things, such as a proposal to reduce our forces in Europe. All Americans should have jumped up and clicked their feet. But, no, we have to be very cautious here, and those are the same people who tried to cut the forces before.

Years ago, it was my job in a mortar platoon to protect some kind of a weapon they had aimed into East Germany. I never figured out quite what it was. The local citizens that had relatives in the area where it was aimed were very concerned about it, and I do so understand that. That was during the conflict at the end of the war. I was not in combat, but I was there at the tail end of the army of occupation. This is a great move.

It must be frustrating to see this President present things like more spending on Head Start and new money on Even Start and new money on a Clean Air Act and to see that the policies he has advocated have brought greater peace in the world. But what is wrong with that? What is wrong with those things?

My friend Secretary Jim Baker this morning at the National Prayer Breakfast—and I hope all of you will get a copy of that most impressive, moving and remarkable message—talked about faith and friendship. There is nothing wrong with that. The President, last night, was talking about family and faith, and these are the things in our lives that bind us together, giving a helping hand, volunteerism. Those things are not corny. That may seem corny to some people out here, but it is not corny to the people of America. It is not at all corny.

So here we go, and I know the frustration level is high, and I can spot this. You almost get a sense of these staff members—not here on the Senate floor—but in the policy committees, in the Democratic councils—why they almost make a noise like a burned bushing on an engine. "What are we going to do with him?" Instead of letting the engine burn out, let us try to direct the engines into how do we get important legislation passed? There are some ways to do that.

If we really are talking about education, then why does not the House Education Committee have a hearing on George Bush's education bill? I know that is a terribly silly thing to bring up; nevertheless, the Senate will consider Senator KASSEBAUM's bill—that is the President's bill. Let us have a hearing on it in the House. If you do not like it, trash it. If you do not like it, put a substitute in, but let us have a hearing on education issues.

Let us make teachers more accountable rather than constantly talking about additional resources. We have all been there. "If we only had more money, we can teach these fine young people." Well, we have given them everything but the kitchen sink, and we get nothing back, and we will not get much back until we have accountability from teachers and administrators and we should get rid of tenure, which is a haven for the mediocre in the world. Let us start a constructive debate on education. We can do that.

The drug wars. I hope we do not go through the exercise again as to who wants to spend more money to get the druggies—the Republicans or the Democrats. That is such a useless exercise. Nobody even cares what is in the bill. It is just not enough money. We have been there on that one, too. We have all been there.

Capital gains—the fat cat versus the poor. Sixty-four Democrats at the other end of this building voted for that despite alarms that this bill trampled on the ancient Democratic constituency.

I would think those Democrats would be getting very tired of being donged on by their leaders and others, when those 64 Democrats voted with the President on the capital gains issue and we know there are 12 to 15 in this body who are of the Democratic faith who will vote favorably on that issue. That is not a partisan or a class issue.

I think that it is time to deal with child care. We did a bill here. I did not support the final product, but we did our work, and that is what we are supposed to do.

In the House, if they are talking about child care, then tell them not to report two bills at once out of committee. That is an irresponsible act of a legislature. Forget Democrats or Republicans. It is. Do a child care bill in each body and let us go to conference committee and get one passed. We all know we want to do it. We can solve the differences, whether it is parental choice or standards or whatever.

Do a clean air bill. That is certainly not a partisan issue. You ought to see the rich discussions that go on in our party.

Let us do a drug bill. Let us do these things that we know we have to do. Let us do it. Let us deal. Republicans aren't blameless. Some Republicans butchered up the HUD programs during the last administration. I was a little appalled by that one Republican Party chairman who said, "I thought that was what it meant when you had your party in power, that it was a vehicle to get in there with both hands and rip around in it." That is not my idea of politics. I was offended by that Republican chairman. I cannot remember where it was. That was the statement. He thought his job was to elect his party and then get his paws on all the jack that came by the window. That is not my idea of politics nor is it the American people's idea.

There are 535 of us here in this place and maybe 20 of our Members are in various stages of extremity and

alleged to have violated various ethical rules. That is very unfortunate and it is very difficult because we deal with them daily and we care about them. They are still allegations. That is the terrible part about it. None of these things have been proved, and yet those people have to deal with us and deal with their constituents on the basis that they are tarred and feathered before they ever get an opportunity. That leaves a tinge on us all.

But meanwhile, while there are 535 of us and 20 in these troublesome straits in their own lives. The rest of us are doing our business and they are, too. They are here. Others have been tried and convicted and gone to jail and that is what can happen in the process. But we do not need to have that happen, to come to premature conclusions while nothing formal has been brought against them.

I just hope that we will all pay attention here on the issues of whatever it is that confronts us and not just try for top dog, underdog, or one-upsmanship or to just get back in the back room and say, "Lord's sake, Bush has done it again. He has taken one of our issues and now they think it is his." The American people will decide that.

Last night I think I saw a President with a reservoir of good will, a very deep reservoir.

We all must start to take things seriously with this budget. When people hammer us flat on issues of Social Security, Medicare, Medicaid, and push and push and push us, just turn to them and say, "You know, we have work to do here and your grandchildren are going to pay the dearest price unless we do what we are supposed to do."

I just caution once again about frustration, simple frustration, with a very popular President. He is going to make some doozies of mistakes because he is just as human as you or I. When that time comes he will nevertheless have a reservoir of good will.

He has said that he wanted to reach out, and I think our majority leader tried to do that. However, there was a breakdown in that. The Chinese student issue was contentious. I hope we do not have to go through that kind of partisan exercise again.

I honestly believe that needn't have happened. The President shared this thought with us one morning. I think his question had an affirmative answer. He said, "What if I had gathered together all of the leaders of the Democratic Party"—and remember, he did not gather the Republican leaders together, either. "What if I had said 'What do you think of a secret mission to China which I think could have the result of lifting of martial law, the release of 561 people into an amnesty who were taken in as dissidents, reestablishment of the Peace Corps presence in China, opening that channel of communication, and also opening again the Fulbright scholarship channels and other cultural exchange avenues? Is this worth the risk?" I do not know but I think the answer might have been, "Yes, go ahead and try that." Of course he did and those things happened.

So it is not the substance of the Scowcroft toast or anything like that that matters. The matter is clear. Nothing is to happen to the Chinese students. It will be a case-by-case decision. It will be something done with complete compassion. No one will be returned unless it is safe. And yet we went through a brutal exercise and it became partisan. Everybody said, "where did it turn partisan?" I said, "I do not know." But when issues arise in which you never get a single vote on the other side of the aisle, you have to figure in a twisted way that that is partisan.

I have legislated for 25 years and when you cannot get a single vote on the other side of the aisle in either body, it is kind of silly to think it might not have a shred of partisanship to it. We need to do that sometimes. Well I guess we do. That is a legislature working or not working.

I am just saying I hope that the frustration with George Bush and his positions, and what he represents to the American people will not wash over into a continual exercise of one-upsmanship or "when he did get religion" or "I wonder when he sobered up on that one," or "that was our idea" and "we thought of it first." That is not helpful. If that is the way it will be—then that will be—and we will do what we usually do, which is kind of wrestle around, do a little mud wrestling, come up and whack each other on the back in camaraderie, and move on.

The people are watching this trip and it is a big agenda, and he has set it out. I think it behooves us to address this agenda in the most responsible way as we operate in this very partisan environment which is what this remarkable Government is about.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. FOWLER. Mr. President, I ask unanimous consent to speak as if in morning business for 5 minutes.

The PRESIDING OFFICER. The order already provides for morning business, and the Senator is recognized for 5 minutes.

PRESIDENTIAL LEADERSHIP

Mr. FOWLER. I thank the President.

With knees slightly shaking at the thought of either mud wrestling or dry wrestling with my great friend from Wyoming, who has far more holds legislative and athletic than I could master, I do want to say in the spirit of his remarks that all Americans and all American Members of Congress want their President to succeed.

Our country simply cannot succeed whether it be on the internal affairs of our Nation, the security of our people in their homes, the education and prosperity of our people or our leadership as expected of us in the world if we do not have a President who leads and who leads with foresight, integrity, and has the support and wellwishes of the people of our country. And we have that from George Bush.

I think I can say that with almost absolute authority from this side of the aisle. We worked with him, served with him in the Congress, and we wish him well. Differences with President George Bush, I say with great respect, should not to date be construed in partisan terms. There may come a time, as my friend from Wyoming observed, but to date that should not be the case.

I agree with the distinguished deputy minority leader that at this level, in the interest of the people of our country, there ought not to be Democratic solutions or Republican solutions but the best solutions to the problems that face our country.

But we have to respond to the words of our President and the observations of our President and the proposals of our President. Last night the President of the United States said, "The deficit is under control."

The President of the United States told the American people, "Our Nation's budget will be balanced in 3 years."

President Bush did not submit a balanced budget to the U.S. Congress. President Reagan, with all due respect, for 8 years never submitted a balanced budget to the U.S. Congress. And what we have been about, whether we are Democrat or Republican, a Senator or a Member of the House of Representatives, is to try to debate the priorities of the American people, to do for Americans what we need to do to ensure our progress in the economy, our progress as leaders, and fulfill our hopes and aspirations for both the children, of which Senator SIMPSON talked, or our guarantees for the elderly in our country.

But there are some proposals in the budget of the United States and reiterated by the President last night that are simply not accurate and are not credible. The deficit is not under control.

For many years, this Senator and many of us, both Democrats and Republicans, have proposed a law that required every President of the United States to submit a balanced budget in January, and then required of every U.S. Congress in December, at the end

of the year, to adopt a balanced budget.

Under the U.S. Constitution, it is only Members of Congress who are responsible constitutionally for setting those priorities and making changes in any President's budget to more nearly reflect the wishes and the aspirations of the American people. That is our constitutional job.

That is not partisan. That is our constitutional job, to debate how much money should be spent in education, what the threat assessment is, whether or not we can afford to move some money out of defense systems if we have a lessened threat, where we need to put money for research and development or Head Start.

When we make these observations, when we debate, that is not partisanship. That is our constitutional mandate, I humbly submit. Although I do believe that at the end of that process we ought to adopt a balanced budget and we ought to require a President to submit a balanced budget, which has not been done by this President and has not been done by his predecessors.

One final observation. The only frustration that this Senator feels, to use the word of my friend, is not any popularity of our President. I hope our President, faced with such enormous popularity, will use some of that political capital for genuine leadership to honestly get our deficit under control and not rely on any budgetary accounting methods to make something seem under control that is not under control. I hope our President will use that extraordinary popular acclaim that he now has to help our country achieve a balanced budget and not continue to run up this massive debt that we have seen.

When the administrations recommends we put $150 billion of the S&L bailout off budget, that is not counted in this document that was sent over yesterday. But I guarantee you all $150 billion goes to and is counted in the indebtedness of the United States of America that we now owe, and that my children and my grandchildren are going to have to pay regardless of whether they are Democrats or Republicans, or whether they come from the West or come from the South.

What would relieve more frustration than anything else is if we could all deal from the same deck, develop a spine, stand up to the American people and say, "All of us have spent more than we have taken in." All of us continue to borrow and try to hide it. And we will not bring our country back to fiscal integrity, bedrock economic strength, unless we put aside our games, admit that the deficit is not under control, admit that there are problems that we can solve if we work together, and join in the leadership of the Republicans and the Democratic Party together working with President Bush to see with clear eyes and try to work together in a new vision of clarity that will spell some progress to the American people, which will indicate, if we get together, that we will lead them.

I thank the President and my colleagues for their indulgence.

Mr. SIMPSON. Mr. President, I know the Senator from Wisconsin has been waiting.

Mr. President, I ask unanimous consent to speak in morning business for not more than 4 minutes, and then I will immediately yield to the Senator from Wisconsin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. I thank Senator KASTEN very much. He has been very patient, and I thank him personally for that.

I could not agree more with so much of what my friend, Senator WYCHE FOWLER, is saying and I want to commend him. I noted in one of the recent national publications that he was described as a "rising star." That was funny to me because I thought he was already there, since I have been watching him and observing him. He is a very able legislator and he is a very sincere and articulate person. I have found that to be true, and he is a friend.

So I commend him on that. That is a nice honor.

I guess we all know what budget gimmickry is because we are all so good at it. Both sides of the aisle are magnificent at it. We continue to butcher Gramm-Rudman-Hollings in the most extraordinary ways, setting the payroll of the Defense Department aside for 12 hours so that it kicks in at some other time. We are all skilled beyond comprehension at that type of gimmickry.

I have supported the balanced budget amendment since I got here, but it does not go anywhere. We get the majority of votes, but you need to have the constitutional spread on that. When we talk about "off budget" and the savings and loan crisis, I am sure there are a lot of people on both sides of the aisle that are also going to vote to put Social Security off budget. We are going to put the Post Office off budget. We have already put the Federal Financing Bank off budget and moved it back.

What is the purpose of all that? The purpose is to hide bucks or get more. So I want to see what we are all going to do with that. I do not want to vote to put anything more off budget. I have gotten my somewhat sense of religion on that!

We are going to have to go do a farm credit program bailout of about $60 to $100 billion because we toodied up the bucks and did loans and guarantees and all sorts of things that do not even appear. We have unfunded pension liability with all of our Federal employees of $418 billion, and that does not appear anywhere. Social Security is a mess and we will not touch it with a stick.

And in the year 2030, that grandchild of mine and of Senator WYCHE FOWLER's will be picking grit with the chickens because we do not have the guts to do a single thing about it now.

So we ought to quit talking about all of this stuff and just do something. And remember, now—and do not throw a tomato from anywhere—the President of the United States never cast a single vote on the budget, not one. Neither did Carter; neither did Kennedy; neither did Reagan. The budgeteering is done, ladies and gentleman, by us.

Just because the President presents a budget does not add one whit to the national debt or the deficit. We do the dirty work. We do it. The President gets not a single vote.

I think that is what we have to keep in mind as we try to go forward with what I agree is a mission, one just as visionary as that of the one of my friend the Senator from Georgia. I am ready to try to help in any way I can and I pledge to try to do that.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. I thank the Chair.

(The remarks of Mr. KASTEN pertaining to the introduction of S. 2052 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KASTEN. Mr. President, I suggest the absence of a guorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the introduction of S. 2054 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

IN SUPPORT OF THE ARMY'S LIGHT FORCES INITIATIVE

Mr. THURMOND. Mr. President, many highly significant events have taken place during the recess between the 1st and 2d sessions of the 101st Congress.

In the military arena, President George Bush ordered United States troops into Panama, a move which I fully support. This operation was executed in a professional manner and all

the forces involved are to be commended.

In Eastern Europe, we continue to see an evolution, and in some cases, revolutions, as the people of these countries repudiate Communist regimes which have ruled since World War II, almost solely on the strength of military force.

All of these events, and the appropriate U.S. response, must be analyzed as we move into a new decade in our ever changing world. In particular, I would like to commend the U.S. Army for steps already taken toward meeting future contingencies. This is evidenced by the Army's light force modernization plan, which is to be completed in early 1991.

While there has always been, and remains still today, a basis in the Army toward heavy forces, such as those positioned in Europe, we now see real interest in a more balanced force structure. The Army must be able to function effectively in a low as well as high-intensity conflict. Army Chief of Staff Carl Vuono has shown interest in this balance in the past, and now we are seeing leadership come from Gen. John Foss, commander of the Army's Training and Doctrine Command.

As a long time ranking member of the Senate Armed Services Committee, I have witnessed doctrine studies in the past, most of which came to nothing because they were drawn out and eventually embroiled in Army procedures and turf battles to protect the current force structure.

Mr. President, that is why I found of special interest the Army's initiative to test the Marine Corps light armored vehicle [LAV]. This step was most impressive in that the Army borrowed 16 LAV's from the Marine Corps rather than work through a lengthy paper drill or study. This type of action accelerates analysis of light forces equipment which may or may not meet the Army's needs.

The Army has also expressed in the past an interest in a light tank. However, for reasons unclear to me, such interest in the past has been short circuited rather than quickly pursued to a test phase. It now appears however, the Army is moving toward a prompt evaluation of candidates from combat vehicle producers.

Either or both of these programs, the light armored vehicle [LAV] and the armored gun system [AGS], may fit into the Army's future as it expands its light forces structure. The LAV is off the shelf and a number of companies have prototypes or candidates for the AGS requirement. It would behoove the Army to move rapidly on these investigations and cut through the redtape as they have done with the LAV test.

Mr. President, a number of articles on this subject have appeared in the press in recent weeks. The Army is to be commended for getting serious about light forces, and I believe the Congress will find these developments of interest.

Mr. President, I ask unanimous consent that the following articles be printed in the RECORD at the conclusion of my remarks: "Arm's New Warfighting Doctrine Calls for More Agile, Independent Brigades in Future," January 8, 1990, Defense News; "Army Proposal Outlines More Mobile, Flexible Force," December 11, 1989, Defense News; "Marine Corps Delivers LAVs to Army in Exchange for 11 Rocket Launchers," January 1990, Defense News.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Defense News, Jan. 8, 1990]

ARMY'S NEW WARFIGHTING DOCTRINE CALLS FOR MORE AGILE, INDEPENDENT BRIGADES IN FUTURE

(By Caleb Baker)

WASHINGTON.—The quickening pace and increased violence of future battles will demand that the U.S. Army's heavy armored forces become more agile and able to operate free of traditional resupply routes, Army documents show.

Command of the Army's future maneuver forces must be streamlined to allow these forces to fight a lighter and quicker opponent. Smaller units must be able to win sustained battles without relying on the division for leadership or weaponry.

This is the consensus of top Army planners who are reviewing options to redesign the force as they put the finishing touches on the service's next comprehensive warfighting doctrine, Air Land Battle-Future. A 15-page summary of a Dec. 4 meeting of these planners was obtained by Defense News.

The brief report contains the guidance of Gen. John Foss, commander of the Army's Training and Doctrine Command, Fort Monroe, Va., who is leading the restructuring of the Army's force structure for the mid-1990s and beyond, officials say.

Most traditional functions of the division commander other than certain command missions will be transferred to a lower echelon such as the brigade or higher to the corps, the documents state. This would make the brigade more capable of independent operations and lighten the burden on the division. There are normally three combat brigades in a division—the Army's principal fighting units.

The Army's effort is the first indication that the service is looking to lighten its heavy forces, including those deployed to Central Europe, in view of the changing Soviet threat. The service is in the midst of a shift that would place emphasis on quick-strike forces based in the United States rather than forward-deployed troops.

For example, Foss has recommended taking mortars and possibly some tank-killing combat vehicles out of the heavy infantry, according to the summary of the Dec. 4 meeting. Foss has commanded the Army's Infantry Center, Fort Benning, Ga., and the 82nd Airborne Division, based at Fort Bragg, NC.

However, some officials caution that the Army is not willing to eliminate its heavy forces in favor of maintaining rapid deployment troops. Gen. Carl Vuono, Army chief of staff, has warned in recent months that changes in the Soviet Union will result in an improved Red Army.

In a draft white paper released last October, Vuono stated that defense against Soviet and Soviet-supported military action in Europe and Asia "will remain the most demanding challenges for the United States and its allies." The paper outlines the Army's roles and missions in the 1990s.

Top Army planners this week are expected to meet at Fort Leavenworth, Kan., to further evaluate the force structure required for Air Land Battle-Future.

"There is universal agreement that we need some heavy divisions: the disagreement is over how many we need. There is universal agreement that we need to lighten the force. The question is how far?" one Army planner says.

"Our warfighting doctrine will not change, but how we execute it will as the nature of the threat changes. We will see a more traditional force based on lighter and low-intensity conflicts, not tactical divisions slugging it out on the plains of Central Europe."

Air Land Battle-Future outlines a plan to fight wars in ever-larger spaces at an ever-quickening pace, but by fewer troops equipped with increasingly sophisticated weapons. A draft copy of the doctrine, in the final stages of completion, was made available to Defense News early last year.

In general, the new doctrine envisions a fast-moving war fought over large spaces and much greater depth than today's battlefield. Smaller units armed with high-tech weapons will fight in battles characterized by a stunning level of violence. Large-scale engagements will last only hours, and perhaps minutes.

The new field manual also will add endurance to a list of four basic tenets that make for success in battle—initiative, agility, depth and synchronization. Endurance means U.S. forces must be able to sustain a battle against numerically superior forces. A new emphasis will be placed on logistics and weapons that do not require frequent refueling or rearming.

[From Defense News, Dec. 11, 1989]

ARMY PROPOSAL OUTLINES MORE MOBILE, FLEXIBLE FORCE

(By Caleb Baker)

WASHINGTON.—The U.S. Army is crafting a modernization blueprint for its light infantry and special operations units in an attempt to improve the service's mobility without compromising its firepower, Army officials say.

In a Light Force Modernization Plan, Army officials are preparing chapters that will examine ways to equip the service's rapid deployment troops with lighter tanks, antiaircraft weapons, helicopters and artillery systems. These annexes will be compiled into an overall modernization plan to be completed before January 1991.

The Army leadership in the last six months has established a light force modernization task force that is trying to define existing and future weapon systems that can be used by light forces, says Army spokesman Barry Bomier.

One report prepared for the task force, titled "Air Defense Modernization for Light and Special Divisions," was obtained by Defense News.

It was completed by air defense officials at the Air Defense Artillery Center, Fort Bliss, Texas. However, Bomier cautions that the

plan is in the "embryonic stages of development."

Officials say the plan reflects an accelerated effort by Army leaders to restructure the service in anticipation of budget reductions and a future Conventional Forces in Europe (CFE) arms control agreement. Such an agreement will call for the withdrawal of a substantial number of troops from Central Europe, officials say.

"It's a cultural change," one top Army official says. Sources say the Army is in the midst of a revitalization of the light force first started in the late 1970s by Gen. Edward Meyer, then Army Chief of Staff. Meyer is credited with forming the Army light infantry division.

In response to the swift pace of CFE talks ongoing in Vienna, Austria, and budget cuts, the Army is proposing to pull approximately 40,000 troops and 600 tanks out of Central Europe by 1994. This is half of its armor and mechanized divisions now stationed in the Federal Republic of Germany.

Defense Secretary Dick Cheney last month directed the services to find ways to trim their budgets in an effort to cut $180 billion from the Pentagon's budget from 1992 to 1994. The Army's share is estimated to be $50 billion.

The combined effect of both factors will result in a fundamental shift in the Army's weapon deployment strategy, officials say. Modern warfighting equipment that was once first sent to forward-deployed troops will now first be fielded with contingency forces based in the United States such as the 82nd Airborne and 7th light infantry at Ford Ord, Calif.

In internal efforts to cut its annual budget, the Army has vowed to protect its light and special divisions as well as some weapon programs geared toward these forces, such as the Light Helicopter Experimental.

The Light Force Modernization Plan represents a firm belief in the Army leadership that the service can play a role in a future high-intensity or low-intensity conflict despite the withdrawal of a large number of troops, officials say. Officials say the service views itself in competition with the Marine Corps for quick response missions.

For example, the Army is eyeing the Marine Corps Light Armored Vehicle equipped with a 25mm cannon in a program that may spark the development of a new light tank, officials say. The 82nd Airborne division would deploy today with Vietnam-era M551 Sheridan tanks.

Army Secretary Michael Stone said in an Oct. 11 interview with Defense News that the service has started to look at ways to increase the mobility of its forces. He said the service was evaluating the McDonnell Douglas lightweight MD-500 as an additional helicopter for light and special forces.

In air defense, the Army will rely on the fiber-optic guided missile, the Avenger Pedestal Mounted Stinger weapon system, and the Stinger as a shoulder-fired missile to support its light and special units, according to service documents.

The air defense study is an adjunct to the Air Defense Modernization Plan, which outlines plans to upgrade the service's arsenal of antiaircraft weapons, according to Col. Zigmund Robuck, head of air defense in the Army's force development branch.

In a low-intensity conflict, the Army will be expected to gain complete control of the air with limited assets, according to the study. These forces will not have the close air support and jamming capability typically involved in a conventional war.

For this reason, air defense weapons fielded to light forces must be light enough to be transported and either set to deploy or already deployed within 24 hours, officials say.

"If in CFE negotiations there are proposals to limit air defense near the [forward line of troops] on both sides, there will be a greater burden on the light force," one industry official says. "The Army is responding to the reality of changing political times."

The fiber-optic guided missile, or Non-Line-of-Sight missile, and the Avenger are in the original air defense modernization blueprint. However, the Air Defense Antitank System, the service's frontline weapon, will not be deployed with light forces.

Instead, the Army has proposed the development of the Avenger for the Line-of-Sight-Forward-Light mission in low-intensity conflicts, sources say. The weapon will fire both Stinger and complementary missiles. The Army plans to conduct a competition for an off-the-shelf missile to complement the most modern version of the Stinger.

The Army also has proposed purchasing 60 Marine Corps Tactical Defense Alerting Radars (TDAR) as an interim ground-based sensor, the documents show. It would replace the venerable Forward Area Alerting Radar currently deployed to air defense units.

It would cost the Army an estimated $16.5 million to purchase 60 tactical radars at $250,000 each, with spares and associated equipment, according to the study. However, the cost of operating the existing radar is $540,000, while the operation and support cost of the new radar would be $25,000.

[From Defense News, January 1990]

MARINE CORPS DELIVERS LAV'S TO ARMY IN EXCHANGE FOR 11 ROCKET LAUNCHERS

(By Caleb Baker)

WASHINGTON.—The U.S. Marine Corps and Army this month are expected to sign two separate agreements that would allow the Marines to lend the Army 16 light armored vehicles in return for 11 battlefield rocket launchers, defense officials say.

In an unusual trade, top Army and Marine Corps officials are polishing two memorandums of understanding that will govern the independent lease agreements, officials say. In addition to the 11 Multiple Launch Rocket Systems (MLRS), the Marines will receive 50 BV206 small support vehicles.

The Marines early this month, delivered the 16 Light Armored Vehicles (LAVs) equipped with 25mm cannons to the Army's primary rapid deployment force—the 82nd Airborne Divison at Fort Bragg, N.C.

Service officials contend that the timing of the agreements is coincidental, and that they are not reciprocal. "They are two separate actions, but everybody is aware of the simultaneous conversations," says Army spokeswoman Paige Eversole. "It's pretty much business as usual."

However, other officials involved with the agreements concede that the Marines demanded something in return for loaning the Army the LAVs, which cost an estimated $1 million apiece.

"Ten years ago, the Army opted not to participate in the LAV program. Now they want it," one official says. "What's in it for us? We can use MLRS, and we can't get it budgeted."

The Marine Corps currently plans to procure up to 100 MLRS launchers beginning in 1995, but will continue to seek the weapons in the early 1990s, Marine officials say. A Marine fact sheet states that MLRS "is key to implementing . . . the objective to provide the increased mobility and firepower necessary for maneuver warfare."

The Marine Corps currently operates more than 800 LAVs, all built by London, Ontario-based General Motors of Canada. It weighs less than 15 tons and travels on land at speeds up to 62 miles per hour. In the water, it can travel 6.5 miles per hour.

The Army requested the LAVs after Maj. Gen. James Johnson, commander of the 82nd Airborne, expressed an urgent need for the vehicle "to meet pressing contingency requirements," according to a Dec. 15 Army information paper on the pending agreement.

Military officials say an Army willingness to evaluate the LAV reflects a shift in emphasis from the service's forwarded-deployed forces in Central Europe to contingency troops based in the United States. A forecast for reduced defense spending and a diminished Soviet threat are driving the effort to strengthen quick strike forces.

In the Dec. 20 U.S. invasion into Panama, an estimated five LAVs were taken to operate with Task Force Bayonet, a group comprised of an Army mechanized infantry battalion and Marine Corps LAV platoon that seized the Commandancia, the former headquarters of ousted Panamanian leader Manuel Noriega's defense forces.

One top Army official told Defense News last week that the LAVs were producing excellent results in Panama. The LAVs' performance in Panama convinced the Army "that we really ought to look at the [LAV]," the official said.

The 16 LAVs will be deployed to one of the 82nd Airborne's scout platoons for two years, and will conduct reconnaissance missions now performed by High Mobility Multipurpose Wheeled Vehicles—light trucks, officials say.

While the Army has not requested funding for LAVs, the service will conduct tests early this year at the Armor Center, Fort Knox, Ky., to determine its value. The Army may opt to purchase additional LAVs following the tests, according to the information paper.

The plan has led to speculation that the LAV will replace the airborne division's Vietnam-era M551 Sheridan light battle tank in the future. But one Army source cautions that it does not have the firepower or armor protection required for a tank battle, even if it is against light tanks or other armored vehicles.

Nevertheless, one Pentagon official said there may be a future requirement for as many as 400 LAVs, because M1 Abrams main battle tanks are too heavy to be deployed to engage in small-scale combat. "There is no threat to fight with M1s," the source says. "To do so would be showmanship and overkill."

SUPPORTING THE PRESIDENT'S ACTION IN PANAMA AND RECOGNIZING THE SACRIFICES OF OUR NATION'S SERVICEMEN AND SERVICEWOMEN

Mr. THURMOND. Mr. President, I rise today to recognize the valor and sacrifices made by the soldiers, airmen, and sailors who participated in Operation Just Cause.

Mr. President, by all accounts our Nation's military leaders did a superb job in planning and executing this operation. It was a massive undertaking which involved all aspects of our military establishment.

Not only was Operation Just Cause a demonstration of our Nation's commitment to democracy, but it also demonstrated a capability that I expect will be the blueprint for our Armed Forces into the 21st century. A military force that is light, swift-striking, and extremely mobile.

Enough has been said by the press and politicians about the purpose and result of this operation which restored democracy to Panama after 21 years of dictatorship. However, in my judgment, not enough attention has been focused on the brave men and women who so gallantly and willingly carried out their mission.

In the final analysis, the key to the successful outcome of Operation Just Cause was the U.S. soldier, whether male or female. Our soldiers demonstrated that they were exceptionally well trained, motivated, and dedicated. They performed their duties with bravery and skill, and were willing to make the ultimate sacrifice at the behest of their country.

Mr. President, 23 young men—some of them just old enough to vote—gave their lives in the service of a grateful Nation. Three of these men were from my State: WO Wilson B. Owens from North Myrtle Beach; Pvt. Philip F. Lear from Westminster; and Cpl. Garrett Isaak from Greenville.

Each of these men, as well as all the others, knew the danger that they faced, and yet they did not hesitate to do their duty. Corporal Garrett Isaak speaks to this dedication to duty in a letter he wrote to his family before his death. His family has consented to share the letter and I will ask that it be included in the RECORD.

Mr. President, I want to express my thanks to Corporal Isaak's family for sharing this very personal letter. My gratitude and deepfelt sympathy, as well as that of our entire Nation, go out to this family and all the families of the soldiers killed and wounded in Operation Just Cause.

General Patton is quoted as saying: "It is foolish and wrong to mourn the men who died. Rather we should thank God that such men lived." Mr. President, General Patton expressed my thoughts, and I believe the thoughts of my colleagues in the Senate, when he said those words.

Mr. President, our Nation is thankful that we have men and women who are willing to serve so bravely and with devotion to duty in the Armed Forces. As we begin this second session, let us be ever mindful of these men and women in uniform. Regardless of our political inclination, we owe these brave men and women our full support. They have the will and dedication to carry out an assigned mission; without question, we must provide the means.

I ask unanimous consent that the letter referred to earlier be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER WRITTEN BY CPL. GARRETT ISAAK TO HIS PARENTS, DR. AND MRS. ALBERT ISAAK, THE DAY BEFORE HIS DEATH IN PANAMA WHILE PARTICIPATING IN "OPERATION JUST CAUSE"

DECEMBER 19.

MOM AND DAD: If you receive this letter, you'll know that I died in combat protecting our country and the freedoms we hold so dear. Although we never did see eye to eye on most things, especially spiritually, I want you to know that I do believe Jesus is my Saviour, and I will be in Heaven to meet you.

I don't blame you in the least for anything I might have done wrong in my life. No one could have asked for better parents and examples to follow. I only wish I would have told you this more often and said I love you more often. So I'll say it now. I love you both very much and Sharlene and Lori too. You all made a very positive influence in my life, even though I might not have let you know. I love you all.

GARY.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CONRAD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE OF THE UNION

Mr. KERREY. Mr. President, I have heard a number of people come to the floor today to speak of the President's description last evening of the state of the Union, this country of ours, have heard in particular the statements made about the need to cooperate. In fact, I applaud the President's willingness to work with Congress and I applaud the willingness of Democrats and Republicans in this Congress to work together. It seems to me, when we have important differences of opinion, particularly when they are strongly felt, it is important for us to identify those things we believe in strongly and to stand up for them.

I applaud the President's efforts in arms control, and I am enthusiastic about a recommendation to go further, the conventional force Europe negotiations, to a troop strength of around 200,000, as suggested several weeks ago in fact by the chairman of Armed Services, the Democratic Senator from Georgia [Mr. NUNN]. This proposal was put out several weeks ago and it is a worthy one.

All of us who have traveled to Eastern and Western Europe in the past 60 to 90 days have a growing sense that the changes in Europe are permanent and they afford us important opportunities.

I applaud as well the President's setting before the people of this country specific educational objectives. They will be difficult for us to accomplish. To say that the United States of America will be first among 17 industrial nations by the year 2000 will not be easy for us to do, for currently of our 17-year-olds 4 percent of them do multistep mathematics. We are 17 of 17 industrial nations and we have 9 years to go to hit the President's objectives.

If 90 percent of our students are to graduate from high school, we have a long way to go, and we have to come to the task not only committed to work together and to cooperate but to come with an urgency of action that says we have to act now, we have to move. We have to put in front of us the goals the President laid down last night and work hard to achieve them. I believe it will take structural changes in our schools as has been said by many people on the opposite side of the aisle, but I believe in the end as well it will take more money.

Today a teacher who teaches mathematics that might receive $25,000 to $30,000 a year is required to teach five 50-minute periods a day and is under increasing pressure to accomplish the job not only from the school but increased attraction from other job opportunities. To put it simply, Mr. President, we are going to have to compete to hold the best of our teachers, and we are going to have to pay them well. Otherwise, they will do other things in our growing economy.

I applaud the President's starting of the State of the Union Address with a call to enact child care this year. I am pleased that he is willing to see that there are women increasingly working outside the home, and they need assistance. It is a terrible dilemma in America today that the reimbursement received by the child care facilities is insufficient to hire the kinds of individuals to provide our children high quality care. Our title XX reimbursement is insufficient to reimburse those working mothers at the poverty guideline who are trying to work out of poverty and to work up the economic ladder.

I am pleased to see the President has continued to place emphasis on the environment. We all join with him. In fact, one of the reasons I am able to talk in morning business is because we are trying to work out the conflicts, real economic versus environmental conflicts. We are working to resolve them. I sense that in this Congress there is a great desire to pass a Clean

Air Act, and I believe in fact we will do it in this Congress.

I hope that the President does not slow things down, slow things down again, with such proposals to amend the Constitution to protect our flag. In all of our travels to Europe and with the tensions in Eastern Europe, I have not heard a single politician say to the people of Eastern Europe make sure that your constitution protects you against people who dare to burn the flag. We talked instead about the need to make sure you have economic and political freedom, make sure you have a fourth amendment that protects you against unreasonable search and seizure, make sure that you minimize the power of government to interfere with your lives.

I hope the President does not slow things down again this year with that kind of proposal. Fifty-five hours of testimony we had last year on a constitutional amendment to protect ourselves from flag burners, an unnecessary waste of time in my opinion, taking away from us time to be concerned about more meaningful things.

Mr. President, before I left on recess, I asked my staff to prepare a number of things for me upon my return. One of them was to try to give me a sense of what it is like today to live in the United States of America and earn $10,000 to $25,000 a year. We just debated a pay increase, many of us saying we could not live on $89,500 a year, and it occurred to me, since most of my people are in the $18,000 to $25,000 a year bracket, to get a sense of what it is like and what is happening to them in their lives.

One of the interesting things in the proposal by the Senator from New York [Mr. MOYNIHAN] to reduce the Social Security tax is that when you look at what has happened to middle-income America, not just in the 1980's—although I think it has gotten worse in the 1980's—but since 1973 you see something frightening, Mr. President.

When I heard the President of the United States describe the State of the Union last night, he inadequately described it. I describe it that way because my sense of it is he does not understand what is happening in middle America, because as I look at the numbers provided me by the Joint Tax Committee, I see today in America a tax system that says if you earn $10,000 a year, the next dollar you earn is taxed at 33 percent, and if you earn $10 million a year, the next dollar you earn is taxed at 33 percent. We have leveled the taxes in the United States of America. There is no longer progressivity in the taxes of the United States of America. They have been leveled as a consequence of action we have taken in the 1980's. Of all the people who need incentives in America today, it is not people who are earning $1 million a year or $300,000 a year. The people who need incentives, who need hope, are people who are earning $10,000 and $15,000 a year.

Mr. President, when you look at the Tax Code today, it does not seem we are providing those individuals with incentives. As I have looked at the information that I received from the Joint Tax Committee, I am even stronger in my opposition to the proposal to reduce the capital gains tax because in the 1980's what we have seen is Americans chasing noneconomic gain in the stock market, chasing mergers and acquisitions to produce larger and larger fees and not necessarily to be concerned about the quality of goods and services that those companies are producing. Instead of being concerned about productive output, they are concerned about the kind of fees they can get trying to chase some kind of shelter in our Tax Code.

Mr. President, when our taxes were changed in 1986, one of the most significant things we did was to equalize the tax on capital and the tax on labor.

To my friends who are saying that you must reduce the tax on capital, I say beware. You lower the tax on capital in 1990 and you break the neutrality, you run the risk of saying to working men and women that we are going to have for the first time inequality, not just neutrality and a flatness in our tax system, we are going to have gross inequality in our tax system.

Perhaps the most alarming thing that I found in exploring the proposal that the Senator from New York put before this Senate and this Nation was some information provided by the Census Bureau and the House Ways and Means Committee, showing that since 1973 the productivity rate of the United States of America has been in decline, saying essentially that when I graduated from college in 1965 I could look forward to doubling my standard of living in 20 years because our productivity was increasing at 3 percent a year.

In 1990, the product of the annual increase is 0.3 percent a year, so that the people who graduate today can look forward to doubling their standard of living in 120 years.

Mr. President, we have been watching the wrong number. We have been looking at the annual increase in the gross national product, and we all know that we can fund increases in the GNP if we are willing to continue to borrow the money we borrowed in the 1980's. But if we want to raise our standard of living, if we want our children to have a higher standard of living, Mr. President, we must increase our productivity.

To increase our productivity, Mr. President, we are going to have do an awful lot more; we are going to have to spend a little more here; we are going to have to spend a little more there. We are going to have to say to American corporate leaders we have to get to the marketplace with what the marketplace wants.

The President said last night that we have the capacity to compete. But if you do a poll and ask Americans, and say of the state of the Union, what is your favorite automobile, do they list the American car today? The answer is no. They list the Japanese car today and the automobile marketplace. We have to do an awful lot more to give the people of this world the kinds of goods and services they want or we are not going to see our standard of living increase.

Is the cost of capital a factor? Absolutely yes.

I am enraged that we can continue to go to the people of the United States and say we are decreasing our deficit when the President of the United States in his budget that he presented 2 days ago requires Americans to borrow $330 billion more. Three-fourths of all of our savings will be used not by people trying to build businesses, not by people trying to build homes, not by people trying to create quality products in the marketplace, but by the Government of the United States because we are pretending to reduce our deficit.

I have come to the conclusion, Mr. President, that in the 1980's one of the most terrible things we did was to say for the economic need of the deficit reduction we should lower the safety net for Americans in this Nation.

I believe, very simply stated, and I will elaborate on it further as this session goes further, we need to focus on two things: One, trying to increase the productivity of Americans in the marketplace. Do not pay attention so much to the increased GNP. GNP will increase if we increase our productivity. Second, try to raise that safety net, look at what people need in order to have hopes in America today. They need to have houses, transportation, health care, education; they need to have a sense that tomorrow is going to be better than today if they have faith and work hard.

Mr. President, it seems to me that our policy, both for economic reasons and for spending reasons, has been to not provide Americans with the hopes that they need. We indeed are a great people. The President spoke to it over and over and over. We are a great people with great economic and moral strength. We have the capacity, it seems to me, to stand 120 years from now and say we did the things necessary to set this Nation on a more prosperous course. But in order to do that we are going to have to consider what it is like for the working men and

women to do it, not just for us here in Congress making now $90,000 a year, but working men and women making $15,000 to $25,000 a year.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERREY. Then I will quit.

I yield the floor. Thank you.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent for 7 minutes to deliver a message.

The PRESIDING OFFICER. Under the order, Senators are to be given 5 minutes.

Mr. HATCH. I will take the 5 minutes. If I need more, I will ask for it.

The PRESIDING OFFICER. The Senator from Utah is recognized.

CLEAN AIR LEGISLATION

Mr. HATCH. Mr. President, we are here today to discuss one of the most important pieces of legislation this body will likely consider in this decade. This is morning business now but I would like to talk about the clean air legislation before the Senate.

We over the last week or so have been debating the proposals under which we will collectively spend billions of dollars for an important purpose—that is public health.

The costs of this legislation will be borne by the American economy and the American consumer. We must also recognize that we are spending this money for purposes on which many foreign economies are not willing to spend money. For these reasons, we must serve the American public and the American consumer by spending these monies in amounts, and for purposes, which yield public health benefits in the most effective way. We may really be taking positions here that will make us much less competitive in the world.

President Bush's plan for amending and improving the 1970 Clean Air Act is a bold proposal for addressing the problems associated with cleaning our air. The plan is a comprehensive, but balanced effort to bring about significant improvements in the air quality.

The President should be commended for his efforts. His legislation provides a flexible, market-driven approach to cleaning our air. It allows for specific environmental improvements to be implemented while still allowing and encouraging economic growth.

However, I am more than a little concerned about the clean air legislation that has come out of the Environment and Public Works Committee. While the bill addresses many areas that are important to the protection of public health and does so in a cost-effective way, certain provisions of the bill will impose substantial costs on the American economy and the American consumer with little if any impact on overall public health. I am also concerned that certain provisions of the bill are unnecessarily complex. For example, the permitting provisions of the bill as presently drafted may well delay timely achievement of the public health benefits we hope to achieve by passage of this legislation.

Each of us wants clean air. Nobody can be against the goal of having clean air. None of us or any of the people we represent are advocates of polluting the air. I believe we are all committed to protecting the public health and environment and I am certain that we each desire to perserve nature's beauty. However, we must spend the American public's money in a way that best achieves our public health objective. We will be faced with some difficult choices, but I believe as long as we are able to make decisions based on good scientific information and informed discussion rather than emotion, we will be able to craft a bill that recognizes that the environment can be protected without wasting the American consumer's money or unnecessarily burdening the American economy.

I have several concerns with portions of the bill, including the residual risks section of the air toxics title, the impacts on small business, and the effects the acid rain section will have on the area that I come from, the West. I intend to address each of these concerns in more detail over the next several days, and I want to make it clear that I am preparing a number of amendments to address those concerns. However, I also want to make it clear that I stand ready and willing to work with my Senate colleagues and the White House in resolving these important issues.

Mr. President, this is an important bill. I am concerned about whether we can achieve these clean air goals in more efficient and less costly ways. I am concerned about whether this country is going to survive the way the Environment and Public Works Committee has written this bill.

I think if we do not watch it we might find ourselves saddling the American people and the public with unnecessarily and difficult problems without really cleaning up the air any more than the President's program would do.

As I see it, the Environment and Public Works Committee's bill will cost at least double what the President's would on an annual basis and the President's proposal is estimated to cost $19 billion annually. How much more can we saddle the American people, industry, and small business with in order to satisfy some of the demands of those who may be extreme in some of these areas?

I have been told by what may be alarmists in the automobile community that we will not have the American automobile industry if the Environment and Public Works bill passes. I intend to study it enough to make sure that is not so. If it is so, I am going to vote against the bill. I have been told by the steel industry that the way that bill is written by the Environment and Public Works Committee we will actually destroy the coke creation business in this country, and we may destroy our steel capacity and our ability to make steel in this country. That would be catastrophic, especially if we can reach clean air standards without doing so.

I have been told that many, many small businesses are going to have to go out of business because they cannot meet the demands that are made by this bill. I have been told that there is discrimination between regions in this bill. I have been told that many of the provisions that are written by the Environment and Public Works Committee will not work in practice. If these things are true, we had better find them out.

This is not some little insignificant bill that we can pass just because people want to vote for the environment. We have to take into consideration all of these various concerns. I intend to continue my study, and to talk about it over the next number of days and months. Hopefully before we pass anything, all of us will arrive at a consensus that literally the Nation can afford, live with, and that will be in the best interests of everybody.

If we do not, I think we are going to have to regret for the rest of our lives as legislators having rushed to judgment on something like this without the insight and knowledge that we really ought to have.

I hate to say this, but I have chatted with some of the leaders on this bill in private, and they do not know what is in this bill. If they do not know, how in the world are the rest of us who are not on the Environment and Public Works Committee supposed to know it? Because of that, I am in the process of a very important study of this bill and intend to speak on it for a series of discussions.

Hopefully, it will help our colleagues to all look at it a little more carefully than we have up until now.

EXTENSION OF MORNING BUSINESS

Mr. HATCH. I ask unanimous consent, Mr. President, to extend morning business until 4 p.m. under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EL SALVADOR

Mr. GORTON. Mr. President, I recently ran across an interesting article in my hometown newspaper, the Seattle Times. The article addresses the problems in El Salvador from a perspective few of us in this distinguished body often have the opportunity to hear. The author, Omar Revelo, is a Salvadoran who now lives in my State.

Mr. Revelo does not take sides in this polarized debate, and from that perspective he shows great insight. He points out what should be obvious to all of us: Salvadorans want neither to be ruled by the Marxist forces of the FMLN, nor do they wish to be ruled by a small and corrupt oligarchy.

Mr. Revelo states that the Salvadoran people yearn for what many of us take for granted in our daily lives: a functioning, independent judicial system that will protect them from abuse by the military, and the opportunity to provide for their families and lead a dignified life.

I firmly believe that with continued assistance from the United States these goals can be achieved in El Salvador.

Mr. President, I ask unanimous consent that the text of Mr. Revelo's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Seattle Times, Jan. 29, 1990]

WHAT THE SALVADORANS LEAST WANT: VICTORY BY LEFTIST GUERRILLAS

(By Omar N. Revelo)

There has been a lot of talk about El Salvador recently: by North Americans telling one another what they think the people of that long-suffering nation want. As a citizen of El Salvador who emigrated to the United States in 1985 but who tried to stay in touch with events in my country, I offer some thoughts as to what the people of my native land want.

I am not from the wealthy classes, although I obtained a college degree in San Salvador. I own no condominium in Miami or anywhere else, and I work two jobs now: stocking shelves in a discount store, delivering pizzas at night.

While my earnings, and a little side income from a home industry (making pinatas), my wife and I are raising four children, one of whom now attends college. It has not been easy, but one of the main reasons we left El Salvador was the far more difficult economic conditions there.

The thing the people of El Salvador want least is a victory by the FMLN guerrillas (the Farabundo Marti National Liberation front).

An early document of the FMLN set out it plan of government. It included proposals to "nationalize the entire banking system . . . foreign trade . . . the refining of petroleum; expropriation of enterprises in industry, trade and services; carry out a deep-going agrarian reform; carry out an urban reform . . ."

In short, the FMLN seems to have in mind the same economic measures that have impoverished the people of the Soviet Union and Eastern Europe, not to mention political measures that many Salvadorans fear would be similar to Fidel Castro's in Cuba.

Salvadorans expect their economic conditions would worsen if the FMLN came to power; and they don't trust talk about human rights, pluralism, or democracy from guerrilla leaders who call themselves Marxists and occasionally fly to Cuba.

The second least popular force in El Salvador is the army.

For generations its officers' behavior has expressed the old Spanish saying: *"Autoridad que no abusa pierde su prestigio."* ("Authority that is not abusive loses respect.") In the absence of a functioning judicial system, this attitude led to gross human-rights violations and repression by the military.

Tying for third place in what the people of El Salvador least want would be: rule by the rich, rule by the U.S. Embassy, or rule by the church.

El Salvador is a working-class country with a large labor force that was once among the most productive in Latin America. The workers want leaders who understand how to make their income grow again, while reducing unemployment and improving the distribution of income.

They do not want leaders who use El Salvador as a laboratory for implementing discredited economic theories; leaders who use public office to line their own pockets and those of their cronies and relatives.

As for the U.S. Embassy, most Salvadorans are uneasy with the large influence the U.S. government exercises in our national affairs. For the time being some are prepared to tolerate the U.S. presence, believing the economy would collapse without it. But most Salvadorans look forward to the day the U.S. rule is much smaller than it is today.

The Roman Catholic Church is distrusted. Many North Americans have heard of the church's vigorous defense of human rights in our country. But the church has political and social ambitions of its own and is not as pluralistic as it might be.

In 1982, when the present Salvadoran constitution was being debated by an elected Assembly, the church tried to insert a clause that would have made Roman Catholicism the official religion.

This unnoticed gesture, supported by the Christian Democratic party, meant that any number of laws, perceived by the church to be contrary to Catholic doctrines, might have been declared unconstitutional. Fortunately, after heated debate, this proposal was overwhelmingly defeated by the Assembly.

The question most Salvadorans ask is, who can deal with these different forces in our society most successfully, while ending the war and bringing the economy out of a 10-year depression?

I'm not sure who this person is, but that is what the country's six elections were about. Our people did not believe Roberto d'Aubuisson was a proper choice; he is too closely identified with the army and policies of brutal repression.

Neither did the people want leaders of the socialist left. A party representing this view, the Democratic Convergence; contested the elections for the first time in 1989 and received less than 4 percent of the vote.

Few believe this poor result was attributable only to intimidation, fraud, or insufficient opportunities for the Convergence to campaign and organize.

What DO the people of El Salvador want?

First, they want a truly professional judiciary, independent of the army and executive branch, and egalitarian in its treatment of rich and poor, both rural campesinos and urban abreros, regardless of their political views or personal affiliations.

Without judicial reform, it is impossible to see how El Salvador can emerge from decades of injustice, abuse of human rights, and deep social division.

Second, they want jobs.

This means creating more industrial jobs, for employment growth in the long run is in the cities, in services and manufacturing, and not on the farm. But industry cannot grow without peace. For this, Salvadorans must first stop dealing with one another through the barrel of a gun.

The PRESIDING OFFICER. The Senator from Vermont.

EXTENSION OF MORNING BUSINESS

Mr. LEAHY. Mr. President, I have been asked to ask unanimous consent for the time for morning business be extended to 4:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

LANDALE EDSON

Mr. LEAHY. Mr. President, Landale and Isabel Edson are two long-time and very special friends of the Leahys. They have known me, literally, all my life, and I have the fondest of memories of growing up with them and their son, George, and daughters, Carol and Jean. Landale and my father spent decades together as active leaders in the city of Montpelier and with the Montpelier Kiwanis Club. During the years my father was alive, the Edsons and my parents were always close and good friends, and I know my mother cherishes the friendship with them today.

As a boy growing up in Montpelier, and later as an adult, I have always had the highest respect and greatest affection for the Edsons, and have always considered Landale a good and special friend. Because of that I was very pleased to see an article recently in the Central Vermont Senior Citizen News by Debbie Strauss profiling him, and I ask unanimous consent to print that in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

G. LANDALE EDSON: WORKING HARD AT STAYING BUSY

(By Debbi Strauss)

Landale Edson describes himself as one of those "rare individuals" who is a native son of Montpelier and has never left the place. That is really the only fact that Edson thinks makes him stand out a bit in a crowd. In his humbleness, he would never admit that he is a shining star and guiding force for others. But he is.

Born on First Ave., Edson has switched homes between there, North St. and Liberty St. about five times, but has never had the desire to roam from his native city.

Even during World War II Edson served his country in Montpelier, running the C.H. Cross Baking Co., whose headquarters were where the City Center now stands. Edson's father bought the business in 1908 and in 1932, Edson entered the business, taking charge in 1942, when his father passed away.

"The draft board thought it was more important for me to feed the natives," he explains, adding that it was difficult at that time to get the machinery and materials he needed. There was a manpower shortage, as well.

"Anything that breathed, we hired," Edson states.

Over the years, Edson watched his company expand delivery from a 25–30 mile radius to eventually more than four states. He also began making products under the Grand Union label, as well as labels for other food chains.

After spending 45 years in the business of providing bread, rolls, donuts, cakes, English muffins, pastries and Cross crackers (now called Vermont crackers), Edson retired. Resting, however, is not in Edson's nature.

"I'm as busy now as if I was working for a living," laughs Edson. The activities that Edson finds to keep him busy are what make him an exceptional person.

First of all the names G. Landale Edson and the Kiwanis Club are practically synonymous. Edson joined the club in 1939, six months after its inception and served as its president in 1949. From 1985–86, he was the Lieutenant Governor of the Kiwanis Club, which covered an area of six different clubs.

He has also written the club's weekly bulletin for the past 30 years.

As a reward for all his efforts, although that is the last thing Edson sought, he was given a lifetime membership to the Kiwanis Club. These awards are only given to those members who have been in the service club for a long time and have been in several offices locally and regionally. Edson is the only member of his local club to have received this award.

Thinking he was going to have a relaxing evening attending the induction of new officers. Edson was "was shocked" when he saw both his son and daughter, who live in New Hampshire, as well as his daughter from California step into the room. Testimonials were then given in honor of all Edson's efforts as a member of the Kiwanis Club.

Chuck Haynes, who gave one of these testimonials thinks of Edson as a father figure.

"He guides and nudges us in the right direction without being overbearing, but then, he'll step back and let you go on your own. He's very sensitive to other people's situations," Haynes notes.

"He's always interested in everybody's business, but not in an obtrusive way," says Haynes. "He just sort of cares about people and has a genuine, sincere interest in them."

I have to mention at this point that while I visited with Edson, he probably learned as much about my life as I did about his. In the same light, it was not "nosy" conversation, but that of a person who had an interest in others. In the same way that Edson reminded Haynes of a father figure, he reminded me of my father, who had that same gift.

Described by Haynes as "just one of those magnetic personalities who always have done so darn much," Edson is well noted for keeping the club's archives "not because he was asked to, but because he felt it was important."

Another activity that takes up a portion of Edson's schedule is his involvement in the Bethany Church extended ministry, which helps disabled individuals. The group offers rides, delivers meals, and visits those who are unable to go outside. Besides the extended ministry, Edson has served on many of the church's committees.

He also was involved with Montpelier On the Move and the Montpelier Area Development Association, which encouraged National Life of Vermont to remain in Montpelier.

Probably above everything else, Edson is a family man.

"I've got the world's greatest family," he insists. He and his wife, Isabel, have been married for 53 years. They have one son, George; two daughters, Carol and Jean; two sons-in-law, Frank and Herbert; a daughter-in-law, Jill, 10 grandchildren, and one great-grandson.

"We gather every summer for a vacation at Lake Sunapee (N.H.)," Isabel says, adding that even her family in California makes the trip.

Edson's sister, who has recently become blind, also lives in Montpelier. He visits her daily and helps her adjust to her new situation.

Edson seems to make a business out of working hard to stay busy.

"I do the same thing as I did in business," he declares, explaining further, "I make a list of things that have to be done and I never get to the bottom of it." He plans to continue his agenda for as long as possible.

"I believe we're on the earth for more than just to indulge ourselves. I feel we should help other people," he states, adding that he remembers the words of a minister, "Don't give until it hurts. Give until it feels good."

RENEWAL

Mr. LEAHY. Mr. President, Father Wendell Searles is the pastor of St. Augustine's Church in Montpelier, the parish where I grew up and where my mother still attends mass today. I thought Father Searles wrote a most interesting piece that I would like to share with my colleagues.

Mr. President, I ask unanimous consent that the article be printed in the RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Burlington (VT) Free Press, Jan. 6, 1990]

NEW YEAR OFFERS CHANCE FOR RENEWAL

(By Rev. Wendell H. Searles)

In Roman mythology, Janus is a god who has two faces that look in opposite directions. One face looks into the past and the other looks into the future. At some point in the history of calendar-making the first month of the year was named for the god Janus. And so the month of January, the beginning of a new year, is a time to look back and a time to look forward.

In recent weeks, the media have spent great time and energy in assessing not only the year just ended but also a decade. The '80's have been scrutinized and analyzed and summarized and all agree that we have lived through a time that can be described as historic in the best and most accurate sense of the word.

For most of us our year-end reflection will deal with matters on a smaller scale. We deal with things that have gone on in our personal lives, not because we are not interested in the global picture, but because we are called first to manage our own lives, not the world.

A review of the year might well lead us first to thoughts of thanksgiving. Every day could well be thanksgiving day but in a particular way the end of a year is a time to be grateful what has been. Think of the blessings that have been given to you: health, education, employment, freedom, faith, family and friends. The list could go on and on. How profoundly we ought to be.

Looking back also leads us to a desire to right the wrongs, correct the errors, erase the mistakes, and seek forgiveness of the sins. We all make mistakes. We fail. We fall. We sin. The life of faith is an continuing effort to rise above our human weaknesses and one of the greatest of gifts given us is the opportunity to leave past mistakes behind because of a God whose mercy is without limit.

And so we look back with gratitude for the good that has been and with trust in God's mercy for what has been wrong. This sets the stage for a new beginning. We proceed to look forward.

Louise Fletcher has an interesting little piece on new beginnings:

"I wish that there were some wonderful place called The Land of Beginning Again, where all our mistakes and all our heartaches and all of our poor selfish grief could be dropped like a shabby old coat at the door and never be put on again."

A new year invites us into that Land of Beginning Again.

We deal with this new beginning while still celebrating the Christmas feast and appropriately so because it is Christmas that makes it possible. Jesus comes saying, "You can begin again. You can come to know the life-enriching presence of God. Your life and your world are graced and visited by your God. I come as your savior. I am Emmanuel, which means that God is with you. I forgive and wipe away your past mistakes and call you to the land of beginning again."

With confidence and trust, then, we look forward to a new year of grace asking this blessing: May God grant us grace and every blessing and keep us safe throughout the coming year. May God grant us unwavering faith, constant hope and love that endures to the end. May God hear this prayer and help us to make this new year the land of beginning again.

THE PRESIDENT'S STATE OF THE UNION MESSAGE

Mr. LEAHY. Mr. President, I might just note I do not see any Senators seeking recognition at the moment. So, if I am not intruding on any other Senator's time, I have a couple of comments about last night's State of the Union Message.

I was rather pleased with it. I have spent 16 years here, and thus have heard 16 State of the Union Messages. Some I have enjoyed. For some I wished, perhaps, I was elsewhere. Last night I enjoyed it.

What I enjoyed was that I felt it was a State of the Union Message designed to bring people together rather than to divide them. I hope the President noted the strong bipartisan support for the vast bulk of what he laid out as themes.

I hope we all realize now the mark of leadership of the President, the mark of leadership of the Congress. This is how we work out the details of these broad themes.

None of us could question, for example, that we need to improve the educational system of the United States. It is abysmal. To think here we are, a wealthy nation like ours that has always prided itself as being the first of the first world nations—to find ourselves so far behind the European nations, Japan and others, in so many basic areas of languages and math and science and literacy.

We have to go back and develop some idea how far we are willing to work in the educational system, what we are willing to demand of our children. Do we want a homogeneous, lowest common denominator system or do we want to make it possible for children to excel in school, and to set the incentives and the stimulus to get them to do just that?

But that is expensive and it will require some very significant details to be worked out. I hope we will work them out. I see so much we can improve on in our school systems and our whole future in this country will be better.

I read an article in the New York Times the other day where somebody called one of the zoning offices in New York City. She had a particular issue involving the building she was in. Apparently the zoning code was different, whether the building was built after 1960 or before 1960. They asked the caller when was the building built.

She answered, "Well, it was the immediate postwar period."

They said, "No, but, when, because it makes a difference whether it was before or after 1960."

She said, "Well, it was built within a couple of years after World War II."

Again the person answering said, "Yes, but was that before or after 1960?"

The New York Times found this interesting enough to run a whole column on it. But I daresay that there are some who might read that and try to figure out what the point was. We have lost ground in history. We do not teach geography. We do not teach language. In fact many would argue we do a poor job of teaching our own mother tongue in schools.

We have given up on spending money in innovation and technology and research and development. Instead, we make overnight billionaires of youngsters working on Wall Street selling junk bonds for leveraged buyouts of everything from long-term department stores, which go belly up within a year after that, to the merger of airlines which spend so much money on debt reduction they cannot keep their planes flying adequately. They cannot keep their fares within reach of the average person. And it raises majority safety isues, and on and on.

For those who may be reading this, I am now 49 years old, so it was not that long ago, but when I grew up we lived in a generation where we thought we should make it better for the next generation. Each generation could look forward to something better: more accomplishments, better education, better jobs, more challenges, and so on.

I daresay, you might go around this country and ask if that is still so. Do young people who remember fondly growing up in their parent's homes even think they are going to afford a similar home themselves? Or give to their children the education which their parents were able to give them? I think not.

So while I completely concur with that the President said last night in goals for this country, I suggest for all of us, again, the mark of leadership is going to be how we work out the details in reaching those goals.

We have done and accomplished one very good thing, Mr. President. That is, President Bush has laid out goals that most, if not all of us, would agree on, in almost every instance. Let us build on that. Let us use the leadership to work out the details.

I am concerned, Mr. President, that if we do not, we come into the next century, just under 10 years from now, a greatly changed nation. A nation greatly changed from the one you and I knew as we were growing up and lacking one very significant thing, Mr. President: that sense of hope, that sense of always moving forward, that sense of always accomplishing something greater. I would hate to think of my children going into the next century or their children going into the next century without the same sense of hope, ambition, and accomplishment we shared when we were growing up.

Mr. President, I urge that all of us sit down and think: If we agree on the goals, how can we agree on the means? I urge the President and others to understand that is the mark of their leadership and a legacy to the office they hold. The President and all us have to show the leadership to attain those goals.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Mary Richardson, who is on my staff, be permitted to come on the floor during such time as I am introducing a bill and making comments thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Senator from Iowa is recognized.

Mr. HARKIN. I thank the Chair.

(The remarks of Mr. HARKIN pertaining to the introduction of S. 2056 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXTENSION OF MORNING BUSINESS

Mr. HARKIN. Mr. President, I ask unanimous consent to extend morning business until 5 p.m. under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

COL. JAMES N. ROWE: A HERO IS HONORED

Mr. HELMS. Mr. President, there have been suggestions that our country no longer produces heroes, a notion which I reject. Our history is filled with gallant deeds of men and women who probably never thought of themselves as heroes. Yet, monuments have been built to their memories; we have recorded their names in marble, bronze, and in our history books.

There are no fewer American heroes today. We may have to look a little harder to single them out because it is the nature of true heroes that they never herald their own deeds.

Mr. President, a hero will be honored on February 8 in North Carolina.

39-059 O-91-34 (Pt. 1)

Bob Cox and the Vietnam veterans he leads will dedicate a building at Fort Bragg in honor of Col. James Nick Rowe who served in Vietnam, where he was a prisoner of war for 5 years, 1963–68. He escaped and instead of retiring to the safety of his home, he remained in the Army and continued to serve his country.

Colonel Rowe, a graduate of West Point, was murdered in the Philippines last year, while in the service of his country.

Colonel Rowe was an author. His book, "Five Years to Freedom," is an inspiration and should be read by all who love America.

It is fitting that his Vietnam comrades are honoring his memory with the dedication of this structure at Fort Bragg.

Colonel Rowe was buried in Arlington National Cemetery and his widow, Mrs. Susan Whitford Rowe, lives in Durham. She too is a hero for having sacrificed as she has.

Mr. President, on May 3 of last year, I spoke of Colonel Rowe's tragic death. I ask unanimous consent that those remarks be printed again in the RECORD at the conclusion of my remarks today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COL. JAMES N. ROWE: AN AMERICAN HERO LOST

Mr. HELMS. Mr. President, on May 1, Col. James N. "Nick" Rowe was buried in Arlington National Cemetery, the victim of a cold-blooded murder by Communist terrorists while driving to work at the Joint Military Advisory Group Headquarters in Manila.

Colonel Rowe had been sent to the Philippines to do what he had done so well throughout his life, advising free people how to defend themselves against those intent on destroying their liberties.

Mr. President, Nick Rowe was an American hero. After being sent to Vietnam with the Special Forces in 1963, he was captured by the Vietcong and left to rot in a cage for 5 years. He escaped execution only by pretending he was an engineer. However, an American "peace group" informed the North Vietnamese that Nick was a member of the Special Forces, which immediately marked him for death.

The Vietcong planned to shoot Nick Rowe, but he foiled their plans. At a moment when his executioners were briefly distracted by American helicopter gunships, he killed one of his guards and made a dash for the jungle. An Army chopper saw a man in VC pajamas running through the woods and locked him on target. When the man turned around the gunners noticed that he had a long beard and was shouting in English. The helicopter immediately landed and carried Nick Rowe back to freedom.

Mr. President, Nick Rowe was the only American officer to escape from the clutches of the Vietcong in South Vietnam.

In the years following his escape, Nick Rowe had many roles. He was an artillery officer, intelligence officer, and spokesman for "Operation Homecoming," the program for returning prisoners of war. He even retired from the Army for 7 years. He wrote several books and entered politics in his home State of Texas.

In 1981, Colonel Rowe returned to the Army as a special instructor at the Special Forces Schools at Fort Bragg. Prior to his last assignment in the Philippines, he commanded the 1st Special Warfare Training Battalion at the John F. Kennedy School for Special Warfare. While stationed in North Carolina, he worked tirelessly on behalf of Vietnam veterans and MIA's across the State.

Mr. President, Colonel Rowe died in the service of his country. This brief statement cannot do justice to his life. But I wanted to note the passing of a true patriot, a man of ideals and a dedicated servant of free men everywhere. The greatest tribute that can be paid to Nick Rowe would be for the rest of us to continue the fight against Communist aggression in the Philippines, in Nicaragua, in southern Africa, and anywhere tyranny prevails. A man of Nick Rowe's stamp will be greatly missed.

MIDDLE EAST MILITARY BALANCE

Mr. PRESSLER. Mr. President, the prospects for a lasting peace in the Middle East are uncertain. Although from time to time diplomatic pronouncements suggest that a resolution of the outstanding differences between Israel and its Arab neighbors may be at hand, in each such instance over the past several years those optimistic speculations have not borne fruit. I share the disappointment of most Americans and Israelis that this has been the case.

At the present juncture of Middle East diplomacy, what most concerns me is the eroding military balance in that vital region of the world. The plain fact is this: Israel is gradually losing ground in its efforts to stay on a level military playing field with its neighbors. This is an unacceptable and dangerous situation. There are several reasons why this erosion has occurred.

First, although United States aid to Israel remains high, inflation has eroded the value of that aid by more than $400 million since 1986. In addition, 40 percent of that aid is spent by Israel to repay its debts to the United States. This amounts to $1.2 billion this year. The practical effect of these factors is that Israel has less to spend on defense out of the United States assistance it receives. Incidentally, $2.6 billion, 87 percent, or current United States aid to Israel comes back to the United States in the form of debt repayments and military purchases. This creates at least 60,000 American jobs.

Second, Israel's Arab neighbors—many of whom are wealthy from oil export revenues, as Israel is not—continue to purchase foreign arms at a record rate. These purchases contribute greatly to the eroding Middle East military balance. Iran, Iraq, Libya, and Syria have acquired ballistic missile and chemical warhead capabilities. The Arab nations now own 30 percent more fighter aircraft than NATO, and Arab air forces outnumber Israel's by a 4-to-1 ratio. In addition, the tanks of Arab armies are far more modern than those used against Israel in the past, and Arab tanks at 17,000 are equivalent in number to NATO's tanks—a 4.5-to-1 ratio over Israeli tanks. In the past 16 years, the Arab nations most directly involved in the Arab-Israeli conflict have bought more than $170 billion in foreign weapons.

Third, the Middle East military balance continues to be afflicted by terrorism. Last year alone, 13 terrorist attacks were committed by Fatah inside Israel's pre-1967 borders. PLO-affiliated organizations conducted or attempted 17 border attacks and infiltrations last year. In other words, the military threat to Israel is more than just a theoretical possibility.

For these reasons, Mr. President, as well as the fact that democratic Israel is an essential strategic partner of the United States, it is my view that United States policy must avoid steps that might contribute to any further erosion of the Middle East military balance. Such steps could hurt not only Israel, but also United States fundamental interests in the Middle East region and elsewhere.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. GRAHAM. Mr. President, I understand that the time for morning business has been extended until the hour of 5 p.m. I ask unanimous consent that morning business be extended until 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent that I be allowed to speak for such time as is required during morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

NICARAGUAN ELECTIONS

Mr. GRAHAM. Mr. President, on February 25, less than 4 weeks from today, Nicaraguans will vote in elections that could lead to a legitimate government and eventual reconciliation and peace in that country which has known war for too many years.

As much as we all would welcome that outcome, there is troubling evi-

dence that raises serious questions about the fairness of the electoral process now underway.

Too remain silent in the face of this evidence is to undermine the eventual credibility of the election. If the incoming government lacks legitimacy because of a fatally flawed election, the prospects for reconciliation and the prospects for peace will be that much farther off. That is something which none of us want to see.

That is why it is important that the United States and those who share our democratic ideals speak up now, and speak up forcefully. That includes the observers who have been in Nicaragua monitoring the election process.

If we are to do so intelligently and effectively, we must pay attention to what is going on. And not only on election day. Flawless voting on the day of the election by no means assures a free and fair election. The campaign leading up to the election is of critical importance.

I am concerned that because of momentous changes in Eastern Europe and the events recently in Panama, our attention has wavered. Nicaragua needs all the attention it can get. We will not soon have another opportunity such as that which is going to be available on February 25.

This impression, an impression of Nicaragua which has lost its position in our sense of priorities and concerns, is an impression I came away with after visiting Nicaragua in December. Since then, my views have been reinforced by the many troubling actions taken by the Sandinista government.

Mr. President, the campaign in Nicaragua has been replete with incidents of intimidation of the opposition.

Outright violent intimidation was the rule earlier in the campaign. The week before we arrived, on December 10 at a rally in Masatepe, a bipartisan delegation led by the Center for Democracy witnessed an attack by Sandinista-controlled young toughs known as Turbas on the supporters of UNO—the opposition coalition. Several people were injured seriously. At least one person died.

Since December 10, the Sandinistas have stepped up security at political rallies. Physical intimidation, however, continues. As recently as January 16, turbas threw rocks at the house of UNO's television producer, Carlos Briceno.

Earlier in the day, Sandinista police tried to arrest Briceno on the pretext that the car he was driving was similar to one that had been stolen. The police departed when Briceno's wife went to call the press.

Other types of intimidation are rife. The Organization of American States, in its most recent election report issued January 10, cites the threat of job loss, threatening anonymous phones calls and notes, damage to private property, and outright death threats.

Nearly 200 opposition candidates have resigned—97 from UNO, according to the OAS. The OAS expressed concern about the hidden causes. I hope that the OAS will vigorously investigate these causes.

Intimidation has been but one component of a general pattern of harassment. The Sandinistas also have prevented vital assistance appropriated by the Congress from reaching the democratic opposition.

According to the National Democratic and Republican Institutes, the two groups responsible for managing the program, the delaying tactics of the Nicaraguan authorities contradict earlier assurances that the institutes would be able to operate without such delays.

The result is that the Institute for Electoral Training and Promotion [IPCE], a nonpartisan civic organization charged with promoting election participation, has received only $233,000 of the $1.5 million it was due. And that $233,000 of the $1.5 million has only arrived within the last 48 hours.

UNO, the opposition party, has received just $228,000 from the $1.8 million allotted to it. Most of the balance has been spent on equipment, much of it badly needed vehicles. Sandinista custom officials reportedly are expected to release them today. I hope they do.

While the Sandinistas delay, the Sandinista newspaper Barricada tries to blame delays on the Washington bureaucracy. The paper's explanation included a totally outrageous and unacceptable anti-Semitic attack.

According to the National Democratic Institute, the author, Roberto Larios attributed the tight control of the program to Congress' traditional "Jewish style" of operating.

The article continued with repeated references to Ken Wollack, Mark Feierstein, NDI's project manager in Managua, and National Endowment for Democracy President Carl Gershman.

Although Barricada has since distanced itself from the anti-Semitic references, and Nicaraguan Foreign Minister D'Escoto wrote a critial letter to the paper, which was published, the unacceptability of these remarks is hardly diminished.

In the face of these gratuitous attacks and some unbelievable bureaucratic hurdles, the National Democratic and National Republican Institutes have performed a great service. They are to be commended.

Former President Carter returned last weekend from Managua with assurances from the Sandinistas that they would investigate and halt any intimidation by their supporters. The Sandinistas also said they would take steps to assure immediate release of the balance of the funds due to UNO and IPCE.

I hope that happens. But, Mr. President, the hour is late. Much damage already has been done to the campaign of the democratic opposition.

I sincerely hope in the few weeks remaining before the election the Sandinistas take the comprehensive corrective action that is needed to assure independent elections, that is needed to convince the international community that these elections deserve their credibility.

Nicaragua is at a critical juncture. Unless a new government is legitimately elected through credible democratic elections, reconciliation and peace are going to remain that much further out of reach.

If the Sandinistas should proclaim themselves the victor in an election which lacks credibility in the family of democrtatic nations, Nicaragua will endure further insolation and pariah status. I implore the Sandinistas to think very clearly about what kind of election they want to have and what kind of a future will Nicaraguans live in after February 25.

I thank the Chair.

FREE AND FAIR ELECTIONS IN NICARAGUA

Mr. McCAIN. Mr. President, I should like to thank my colleague and friend from Florida, Senator GRAHAM, who not only has an abiding interest in this issue but the depth of his knowledge and expertise and his commitment to freedom not only in Nicaragua but in El Salvador and throughout Central America adds enormously to this body.

I pay very close attention to his words, and on the occasions when I have traveled with him, I think he is a credible and, indeed, outstanding spokesperson for the principles we believe in in this body, and for that I thank him.

I know that he clearly reflects the desire of the people of his State to see freedom and democracy triumph throughout Latin America, for which the people in Florida obviously have a special affinity.

Mr. President, I want to voice my concerns about the Nicaraguan election scheduled for February 25. I fear the campaign has thus far been sufficiently corrupted by months of Sandinista abuses as to produce grave doubt about the fairness of this election, no matter how scrupulously correct procedures on election day are observed.

Mr. President, just today I found out that there has been an in-depth study conducted at the request of President Oscar Arias by a former President of Costa Rica, which has reached some rather disturbing conclusions concern-

ing the Nicaraguan voter registration process that took place on the four Sundays last October.

First of all, Mr. President, why would any regime that claims to support a free and fair election restrict voter registration to four Sundays several months before an election? We would never accept such procedures in the United States. Now this additional evidence provided by the former President of Costa Rica indicates that there were some extremely disturbing abuses taking place during those four Sundays. Busloads of soldiers, in fact reminiscent to some degree of the election in Panama, were taken from one polling place to another and registered to vote. Consequently, the authenticity of those voter registration rolls is now in question.

I am hopeful that some of this money that is finally—and I emphasize finally—finding its way to the opposition in Nicaragua, will be used to determine the integrity of these registered voter lists.

The only requirement for voter registration during those four Sundays was the word of two witnesses that that person was indeed a resident of the polling area where he registered. So it raises a serious question as to whether, very frankly, the election has already been corrupted by the Sandinista government during the voter registration period.

Election-related violence condoned, provoked, and ordered by the Sandinistas; the continuous harassment of the opposition, and the intimidation of their supporters have so adversely influenced the process that it is difficult to imagine how the election, if it were held today, could possibly be called fair.

Nevertheless, I do not believe that those abuses of the election process necessarily guarantee that Mrs. Chamorro and UNO will not win this election.

I am discouraged, of course, by the many instances of voter intimidation and heavyhanded attempts to undermine UNO's campaign, but I have confidence in the people of Nicaragua. More than a decade of Sandinista rule has left the Nicaraguan economy in ruins and Nicaraguans forlorn as their dreams of freedom and a better life are upset by the intolerance of their Sandinista rulers. Although I suspect the FSLN's distorted campaign and strongarm tactics have had their effect, I am hopeful the indignation of Nicaraguans and their determination to fulfill the promise of their revolution will compel them to risk Sandinista displeasure and vote for Mrs. Chamorro.

When I refer to Sandinista election abuses, I include under that heading use of the army and State security to intimidate and physically abuse UNO activists and supporters. I have in mind a number of specific instances of abuse like:

The incident near Pantasma on November 26, when Nicaraguan soldiers, after beating and detaining two UNO supporters, were ordered to open fire on UNO demonstrators;

Or the beating of UNO activist Francisco Mendoza by soldiers who after the beating, fired several shots at him;

Or the illegal arrests of UNO candidates Agustin Javier Sevilla and Miguel Angel Manzanarez.

Many observers have always assumed that the Sandinistas would use the Nicaraguan Army, which functions as the muscle of the FSLN, to subvert the election process from registration through election day. I am surprised by how frequently those observers are proved correct. Of course, I am also gravely concerned about the capabilities of the so-called turbas to disrupt the campaign. These Sandinista versions of Noriega's dignity battalions show no restraint in their determination to subvert the election:

On November 12, at an UNO rally, these young thugs attacked and stoned townspeople attending the rally. Four U.S. Congressmen witnessed the attack and were later shown threatening notes meant to discourage attendance at the rally.

On November 26, turbas attacked UNO Vice Presidential candidate, Virgilio Godoy with firebombs.

In Esquipulas, UNO activist Marcos Sanchez was shot and wounded by a Sandinista hoodlum.

On December 3 in Cofradia, turbas used bricks, clubs, pistols, and AK-47's against UNO supporters gathered in a private home. Sandinista police, called to the scene, helped the turbas to disrupt the gathering and a Sandinista-controlled health clinic refused to treat the wounded.

And on December 10, turbas attacked UNO supporters at a rally in Masatepe with nailed boards and machetes. Several people were seriously wounded and one person was murdered. A bipartisan delegation from the United States witnessed the violence and identified the Sandinistas as the perpetrators of the atrocity. Police refused to intervene in the massacre until repeatedly urged to do so by the delegation.

Given that these are just a few of the preferred campaign tactics that the Sandinistas have employed in this election, I am astonished by accusations that UNO and the U.S. Government have exaggerated Sandinista subversion of the election. I find it difficult to imagine how one can exaggerate the murder by machete of an opposition supporter. The instances of Sandinista intimidation and abuse are numerous and well documented.

Given the Sandinistas' reliance on violence, I find equally astonishing the campaign smear tactics that the FSLN employ as they seek to link UNO with acts of brutality and violence. Linking UNO to the National Guard or to criminal acts is more than heavyhanded slander. It is ludicrous and ironic, considering how readily the Sandinistas turn to violence to influence the outcome of the election.

We are, of course, frequently treated to Sandinista denials that they seek to subvert this election. And yet they are determined to limit the number of delegations from this country that could observe their campaign behavior. I have in mind specifically their refusal to admit into Nicaragua the Election Commission appointed by President Bush.

I find it hard to understand how the Sandinistas can expect international approval of the election if they seek to hide FSLN campaign practices from the analyses of an objective, bipartisan delegation of U.S. Members of Congress who only seek to ensure the integrity of this election.

Finally, I would like to add a word of advice to those election observers who have been allowed into Nicaragua. In their admirable desire to be fair and balanced witnesses, they should not discount the observable realities of the Nicaraguan political scene. Observers cannot discharge their responsibilities by forgetting that the Sandinistas are practiced liars who are determined to remain in power. We should appreciate that only one party to the election does not seek office as an end in itself but as a means to further promote democracy in Nicaragua. All observers are well advised to pay more attention to everyone's views rather than simply those of the Sandinistas.

Mr. President, I am not without hope. I believe that they can still have a free and fair election in Nicaragua. I am deeply disturbed about the information that we have about voter registration—the physical harassment and violent abuse, and the restriction of United States funds provided in perfect compliance with Nicaraguan law. But I believe in the Nicaraguan people. Their total dissatisfaction with the Commandantes who have ruined their economy and repressed their political rights will give them courage to participate in a free and fair election.

I believe it is our responsibility to do what we can as a nation that has supported freedom and democracy throughout the world to see that the people of this tiny nation also have that opportunity.

Mr. President, I yield the balance of my time.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I rise today to join my colleagues in saying a few words about the February 25 elections in Nicaragua.

In 24 days, the Nicaraguan people are going to have the opportunity to vote in elections. For more than a decade this country has been wracked by conflict, and the people have been denied their right of self-determination, fighting first for democracy against a dictatorship of the right, now fighting for democracy against a dictatorship of the left.

Free and fair elections are the best hope for bringing reconciliation to this country, and to enable the people of Nicaragua to move on and confront the pressing needs of economic development and reconstruction.

I am troubled, however, by irregularities in the electoral process. It is not enough that the people will be able to vote on election day. This, in itself, will not make a truly free election.

Before casting their votes, the people must be able to campaign vigorously, openly, without any fear of intimidation. If they are denied this right, the government that emerges out of the election will be perceived to lack legitimacy. As a result, Nicaragua's troubles could well be perpetuated. The process of normalizing United States-Nicaraguan relations will be hindered.

So I join my colleagues today in calling on the Sandinistas to end their acts of intimidation, and to let their people truly exercise self-determination, as others are finally doing in so many other corners around the world.

Consider one troubling report. The Organization of American States in its January 10 election report speaks of a pattern of intimidation. The threat of job loss, damage to individual property, even death, have led to massive resignation of opposition candidates—191 oppositon candidates all-told. The OAS speaks of "hidden causes." Other election observation groups have been blunter, concluding that the resignations occurred under pressure. This is but one example of the kind of irregularity that could tarnish a free election.

It is no secret that outright physical intimidation has been employed by the Sandinistas. The Center for Democracy's bipartisan election monitoring delegation witnessed one such event. On December 10, they saw the Turbas Divinas, the Sandinista gangs, attack UNO supporters at a rally. There was one death, and numerous injuries. Many other incidents have been reported by reliable sources.

Most recently, the Puebla Institute, a lay Roman Catholic human rights group, issued a January 25 report documenting flaws in the election process that threaten to undermine the legitimacy of the election. This report speaks of intimidation, lack of safeguards to ensure a clean vote, and an uneven playing field.

On this final point, the Sandinistas have prevented assistance from reaching the democratic opposition that we in this Congress appropriated to aid the election process.

UNO, and the Institute for Electoral Training and Promotion, have reportedly received only $200,000 of the approved $3.3 million that was slated to reach them, and this was released by the Sandinista authorities only last week. It is little wonder that the Sandinistas, who control the instruments of the state, have outspent UNO by at least 5 to 1.

Absent a level playing field, we will not witness a true expression of the will of the Nicaraguan people.

Many in this body already know that Members of Congress have been unable to witness the election process. I was one of many in the Congress whose visa was turned down.

Mr. President, this is an important moment in Nicaraguan history. It is reported that political prisoners are going to be released. This is a helpful step, but much damage to the process has already been done, and time is running out.

Nicaragua has the opportunity to move on to a new chapter, one marked by development and not civil war, and characterized by membership in the community of democratic nations rather than by international isolation. But to do so, the Sandinistas must take every step to correct the pattern of electoral violations that may deny the people of Nicaragua their just due.

In the remaining weeks, I hope that we can witness the open political process that all of us, on both sides of the aisle, and the Nicaraguan people themselves, have so long called for.

APPOINTMENT BY THE PRESIDING OFFICER

The PRESIDING OFFICER. The Chair, pursuant to Senate Resolution 382, 90th Congress, as amended by Public Law 100-696, announces that the following Senators, pursuant to the positions that they hold, are members of the Senate Commission on Art for the 101st Congress: the Senator from Maine [Mr. MITCHELL], Chairman; the Senator from Kansas [Mr. DOLE], Vice Chairman; the Senator from West Virginia [Mr. BYRD]; the Senator from Kentucky [Mr. FORD]; and the Senator from Alaska [Mr. STEVENS].

Mr. President, observing no other Senator requesting the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, I ask unanimous consent for time to proceed as if in morning business for a period of time not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. BRYAN. I thank the Chair.

(The remarks of Mr. BRYAN pertaining to the introduction of S. 2057 and S. 2058 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BRYAN. Mr. President, if there is no one else who seeks recognition on the floor at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, is it permissible for the Senator from New York to proceed as if in morning business?

The PRESIDING OFFICER. The Senator may proceed.

A BOLD MOVE BY PRESIDENT BUSH

Mr. D'AMATO. Mr. President, last evening we were gathered together in the Congress and as a nation to hear our President. Various interpretations were made by Members of the Congress and by the media as to the content of our President's State of the Union Address.

I would like to just make an observation as it relates to what I feel was a bold move by our President. President Bush's call for a reduction of troop strength in central Europe to 195,000 on both sides was a bold step. It is one that sets the stage and it is important.

It is important for us to come to a realization and a recognition of whether or not the Soviets and Mikhail Gorbachev are capable of bringing about this kind of transformation.

We have heard a lot of talk about the peace dividend and the savings, hopefully, that we can make as it relates to the reduction of armaments. I hope there will be a peace dividend. But we have to have the courage to recognize whether or not it is realistic or just our hope, a dream.

I think by the President putting forth a proposal by which we can really begin to bring troops home, reduce costs, and give the Soviets that opportunity so more than both our nations can prosper, can indeed be a dividend, a dividend in the investment in mankind, an investment to see to it

that future generations will be given the opportunity to live in freedom.

I think it is time for President Gorbachev to join with President Bush not just in rhetoric, but in a timetable to complete this withdrawal. Indeed, I, for one, have heard a lot of rhetoric and people are hopeful that maybe the Soviet Union's best chance is Mr. Gorbachev's success, and it may be that it is ours.

But I think that President Bush struck the right note in saying let us bring home the troops, let us reduce the levels, let us see whether or not there is in reality the opportunity for that peace dividend.

We have people spending it. We need more for education. We need more as it relates to the battle against the scourge of drug addiction. We need to reduce our expenditures so we can get the deficit down. My God, we have got great challenges as it relates to the environment and how do we protect it.

So Mr. President, I hope that a check and a dividend will be in the mail next month or next year. And when we open that envelope, it will be a dividend that we can utilize for the various purposes, laudatory purposes, that so many of my colleagues and so many of mainstream America hope for.

That brings me to another point. I think all too often there are many who underestimate George Bush. Certainly Manuel Noriega did. He did not recognize that our President would take up the challenge in the bold and forthright way that he did.

I think George Bush understands the mainstream of America and his challenge was put forth to attempt to provide that peace dividend, which can only come about by action. I have not seen the Soviets to date take one tank or one division out of Poland, out of Czechoslovakia, out of Hungary. We hope that it will come to pass. I think our President's action is a bold one that will create the stimulation to make that possible.

I have to make this observation. I certainly hope that President Gorbachev is sincere in his rhetoric, in his proposals, and that he will have the ability and the strength to bring about that kind of reduction that will lead in the future to these kinds of actions that will make possible that so-called dividend.

Too many people are already spending it. I get reporters who talk to me, "Well, my gosh, we can dismantle the Army, we can reduce these large expenditures, and we can apply these moneys to various programs." But I think, as it relates to reality, we have an opportunity, but we also have an obligation to see whether or not there is reality behind these so-called dreams and these hopes and these aspirations.

I commend the President for putting forth his proposal in the manner and the way in which he did, and I do hope that President Gorbachev has the ability to follow through.

I yield the floor.

PROPOSING A $169 BILLION PEACE DIVIDEND OVER THE NEXT 5 YEARS

Mr. KENNEDY. Mr. President, the world has changed. Democracy is bustin' out all over Eastern Europe. The Soviet threat is not just walking to the exit—it is running to the exit.

In fact, it is already at its lowest point since World War II. The only thing that has not changed is President Bush's budget for defense.

The President of the United States has sent Congress a preposterous defense budget that pretends 1989 never happened.

In current dollars, the Bush defense budget is still going up—and I say it ought to be going down.

What America needs now is bold leadership on defense, not cold leftovers from the Right Wing's cold war kitchen. And if President Bush will not supply that leadership, Congress should.

True, the President's budget makes what economists call cuts in real terms in military spending. In other words, the President's budget for the Pentagon is going up—but it is not going up fast enough to keep pace with inflation. Pity the poor Pentagon.

These so-called cuts by the administration represent simply one more year of the same old path of slightly declining real military spending that Congress began in 1985. That was the year when we finally could no longer swallow the Reagan military buildup—and the Defense budget has been following this ever so gradually declining path ever since.

It is futile to debate whether that path was a mistake for 1986, 1987, 1988, and 1989. But it is a path to nowhere in 1990. Deeper reductions—much deeper reductions—in spending for defense are not only possible. They are necessary.

I want to say what virtually everyone else in Congress knows. There really is a peace dividend, unless we throw it away. Peace is at hand—and the peace dividend should be close behind.

Today, I propose a Democratic alternative to the Bush defense budget. I propose to cut military spending in real terms by 7 percent in 1991—and by 5 additional percent each year every year through 1995.

It is time to declare a major peace dividend for America and the American people. The peace dividend I propose will be worth a total of $169 billion in budget authority and $139 billion in outlays over the next 5 years.

If the cold war continues to thaw, if democracy continues to flower in Eastern Europe, if arms control and troop reductions continue to reduce the Soviet threat, we will be able to make even deeper cuts in defense spending farther into the future.

But even if we hold only to the same pattern of 5-percent cuts through the year 2000, the additional savings in that second 5-year period will be substantially larger than the savings through 1995.

The reductions I propose now will return us by 1995 to approximately the defense spending levels of the post-Korea and post-Vietnam years. We need to reach those levels as soon as possible—and it may turn out that we can reach them even sooner than 1995.

But given the dramatic and essentially irreversible decline in the Soviet threat, the proposal I am making today is a safe and entirely sufficient level for defense spending in the next 5 years.

Now is the year to begin. Each dollar we cut from the Pentagon in the current year will have ripple effects in the future, and bring larger peace dividends in the years ahead.

I am not here to deny President Reagan the credit he may deserve for the military buildup of the 1980's. Perhaps that buildup did hasten the end of the Soviet empire and the beginning of glasnost and perestroika. But America paid a high price here at home for that massive military buildup—and it is long past time for America to address the worsening challenge of our enormous unmet national needs.

All President Bush has offered is a warmed over cold war budget whose reductions are inadequate. We must begin—and begin now—to wage the real battles that matter most for our future—the battles to reduce the deficit, to educate our children, to win the war on drugs, to clean up our environment, to invest in our future, to provide decent health care for all citizens and long-term care for our senior citizens, and to reduce the excessive tax burden on millions of hard-working American families. The list of challenges goes on and on—it is time America got to work to meet them.

I ask that certain tables referring to this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Defense Budget

Fiscal year:	*Billions*
1980	$143.9
1981	180.0
1982	216.5
1983	245.0
1984	265.2
1985	294.0
1986	289.1
1987	287.4

1988	292.0
1989	298.8
1990	301.6

Defense Spending Historical Comparison

[Constant fiscal year 1991]

Fiscal year:	*Billions*
1945	$451.8
1946	406.8
1947	84.6
1948	79.7
1949	94.3
1950	122.9
1951	354.8
1952	428.4
1953	364.5
1954	257.2
1955	215.4
1956	216.8
1957	233.8
1958	226.3
1959	241.0
1960	232.7
1961	236.2
1962	260.8
1963	266.0
1964	252.2
1965	240.3
1966	284.9
1967	310.4
1968	314.9
1969	306.0
1970	274.4
1971	249.1
1972	239.6
1973	228.5
1974	217.1
1975	209.3
1976	219.5
1977	231.5
1978	227.6
1979	226.2
1980	230.6
1981	261.3
1982	292.5
1983	318.6
1984	335.0
1985	360.7
1986	344.9
1987	332.6
1988	326.1
1989	322.2
1990	315.8

PEACE DIVIDEND

[In billions of dollars]

Fiscal year	Budget authority			Outlays		
	Bush plan	Alternate plan	Peace dividend	Bush plan	Alternate plan	Peace dividend
1990	302	302		296	296	
1991	307	292	15	303	292	11
1992	313	288	25	309	289	20
1993	318	284	34	312	283	29
1994	322	279	43	316	282	34
1995	326	274	52	319	274	45
Total savings:						
Budget authority			169			
Outlays						139

Mr. KENNEDY. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRYAN). The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRESS IN AERONAUTICS AND SPACE—MESSAGE FROM THE PRESIDENT—PM 82

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to transmit this report on the Nation's progress in aeronautics and space during calendar year 1987, as required by section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities cut across many sectors of our Federal Government, and this report highlights the major programs of the 14 contributing departments and agencies, with the National Aeronautics and Space Administration (NASA) and the Department of Defense (DOD) the major contributors.

In 1987, as furtherance of the recovery of our space launch capability, studies were completed concluding that a mixed fleet, consisting of the space shuttle and expendable launch vehicles, would be required for continued U.S. operations and access to space. Remote sensing capability continued to make impressive progress to further our understanding of the ozone depletion in the atmosphere, the impact of weather patterns on agriculture, and the damage to the forest ecosystem caused by acid deposition. A new initiative was launched to study the Earth system, including the oceans and the atmosphere, on a worldwide scale.

During the year, technology products continued to flow to the user industries. Results of aeronautics research reached a new level of application. The NASA-developed computational fluid dynamics techniques coupled with drag reducing concepts were applied to hull/keel design. Aircraft safety continued to receive priority, with requirements being levied for equipment to alert pilots of collision threat.

The defense of our country was enhanced by the successful demonstration of target interception in space. Great strides were made as the United States moved closer to agreement with its partners in the permanently occupied space station project. Bilateral and multilateral discussions on space arms control were held in Geneva. Because of advances made in worldwide communications, information on space technology and exploration is now reaching 134 countries and in 44 languages.

There is great promise in our Nation's vision to be at the forefront of advancement in aeronautics, space science, and exploration, for it is this advancement that ultimately makes a significant contribution to the quality of life on Earth. Our challenge is to continue on an aggressive course of exploration that will provide the international leadership and climate for cooperation for which this great Nation has become so well known.

GEORGE BUSH.

THE WHITE HOUSE, *February 1, 1990.*

SAVINGS AND ECONOMIC GROWTH ACT OF 1990—MESSAGE FROM THE PRESIDENT—PM 83

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to submit for your consideration and passage the "Savings and Economic Growth Act of 1990." This legislative proposal would enact a permanent reduction in the capital gains tax rate, establish a new family savings program, and permit penalty-free Individual Retirement Account (IRA) withdrawals for first-time home buyers.

This proposal would encourage savings, investment, and economic efficiency, thereby creating jobs and providing other economic benefits to all citizens.

A permanent tax rate reduction for capital gains will lower the cost of capital and provide an incentive for long-term investment in the American economy that will create jobs and make American business more competitive in the international economy.

A new Family Savings Account will give most American families an opportunity to save through a simple and understandable tax-exempt savings incentive program. The resulting savings boost will also strengthen our economy and create jobs and opportunity for all Americans.

Permitting Americans to withdraw funds from their IRAs prior to retirement without penalty for the purchase of their first home will assist individuals in saving for that first home, while providing additional stimulus to the construction of affordable housing in our country.

I look forward to working with the Congress on these important matters.

GEORGE BUSH.

THE WHITE HOUSE, *February 1, 1990.*

REPORT ON GENERALIZED SYSTEM OF PREFERENCES—MESSAGE FROM THE PRESIDENT—PM 84

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I transmit herewith my report on the Generalized System of Preferences, pursuant to section 505(b) of the Trade Act of 1974, as amended (19 U.S.C. 2465(b)).

GEORGE BUSH.

THE WHITE HOUSE, *February 1, 1990.*

REPORT OF THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

Pursuant to the provisions of section 108(b) of Public Law 98-373 (15 U.S.C. 4107(b)), I transmit herewith the Third Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1988, to January 31, 1990).

GEORGE BUSH.

THE WHITE HOUSE, *February 1, 1990.*

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

At 12:47 p.m., a message from the House of Representative, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 130. Joint resolution designating February 11 through February 17, 1990, as "Vocational-Technical Education Week"; and

H.J. Res. 149. Joint resolution designating February 16, 1990, as "Lithuanian Independence Day."

At 2:32 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 130. Joint resolution designating February 11 through February 17, 1990, as "Vocational-Technical Education Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2246. A communication from the Chief Financial Officer, Department of State, transmitting, pursuant to law, a report on certain violations of the Anti-Deficiency Act; to the Committee on Appropriations.

EC-2247. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Egypt for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2248. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual budget request of the Commission for fiscal year 1991; to the Committee on Commerce, Science, and Transportation.

EC-2249. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, a report of progress on developing and certifying the traffic alert and collision avoidance system for the period of September through December 1989; to the Committee on Commerce, Science, and Transportation.

EC-2250. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, a report on an extension of the period of time for a decision in Intermountain Western Railroad Co.—purchase—Union Pacific Railroad Co., Boise Group Branch Lines; to the Committee on Commerce, Science, and Transportation.

EC-2251. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2252. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2253. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report of the Chief of Engineers entitled "Local Cooperation Agreements Annual Report"; to the Committee on Environment and Public Works.

EC-2254. A communication from the Administrator of the Federal Highway Administration, transmitting, pursuant to law, the third status report on certain demonstration projects; to the Committee on Environment and Public Works.

EC-2255. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a biennial report on projects or separable elements of projects, which have been authorized but for which no funds have been obligated for construction during the preceding ten full fiscal years; to the Committee on Environment and Public Works.

EC-2256. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, an informational copy of a report of building project survey for Boston, MA; to the Committee on Environment and Public Works.

EC-2257. A communication from the Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, the fiscal year 1991 Arms Control Impact Statement; to the Committee on Foreign Relations.

EC-2258. A communication from the Secretary of the Treasury as Chairman of the National Advisory Council on International Monetary and Financial Policies, transmitting, pursuant to law, the annual report of the Council for fiscal year 1988; to the Committee on Foreign Relations.

EC-2259. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the annual report of the commission on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2260. A communication from the Archivist of the United States, transmitting, pursuant to law, the annual report of the National Archives on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2261. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1989; to the Committee on Governmental Affairs.

EC-2262. A communication from the Chairman of the National Capital planning Commission, transmitting, pursuant to law, and annual report on the system of internal controls and financial management in place during fiscal year 1989; to the Committee on Governmental Affairs.

EC-2263. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, a report stating that there were no actions under the Program Fraud Civil Remedies Act during fiscal year 1989; to the Committee on Governmental Affairs.

EC-2264. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report of the Administration on the system of internal controls and financial management in place during during fiscal year 1989; to the Committee on Governmental Affairs.

EC-2265. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1989; to the Committee on Governmental Affairs.

EC-2226. A communication from the Vice Chairman of the Postal Rate Commission, transmitting, pursuant to law, the annual report on the system of internal controls and financial management in place during fiscal year 1989; to the Committee on Governmental Affairs.

EC-2267. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report on the Foreign Service Retirement and Disability System for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2268. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the Department of Education on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2269. A communication from the Comptroller General of the United States,

transmitting, pursuant to law, a report entitled "Deficit Reductions for Fiscal Year 1990—Compliance With the Omnibus Budget Reconciliation Act of 1989"; to the Committee on Governmental Affairs.

EC-2270. A communication from the Chairman of the Copyright Royalty Tribunal, transmitting, pursuant to law, the annual report of the Tribunal for fiscal year 1989; to the Committee on the Judiciary.

EC-2271. A communication from the Executive Secretary of the national Security Council, transmitting, pursuant to law, the annual report of the Council under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2272. A communication from the chairman of the board of directors of the Future Farmers of America, transmitting, pursuant to law, the annual audit report of the Future Farmers of America for the period ended August 31, 1989; to the Committee on Finance.

EC-2273. A communication from the Chief Justice of the United States, transmitting, pursuant to law, an amendment to the Federal Rules of Evidence; to the Committee on the Judiciary.

EC-2274. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation to waive the waiting period requirement of section 210(b)(2) of title 38, United States Code, for a planned administrative reorganization involving the Loan Guaranty Division at the Togus Veterans Affairs Medical and Regional Office Center; to the Committee on Veterans Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with amendments:

S. 458. A bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans and Nicaraguans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report to provide for the temporary stay of detention and deportation of certain Salvadorans and Nicaraguans and for other purposes (Rept. No. 101-241).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 845. A bill to amend the Federal Food, Drug, and Cosmetic Act to revitalize the Food and Drug Administration, and for other purposes (Rept. No. 101-242).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

H.R. 150. A bill to amend the Immigration and Nationality Act to provide a procedure for an alien who dies while serving on active-duty with the United States Armed Forces during certain periods of hostilities to be considered a citizen of the United States at the time of the alien's death.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Michael J. Norton, of Colorado, to be U.S. Attorney for the District of Colorado for the term of 4 years;

Walter J. Bamberg, of Alabama, to be U.S. Marshal for the Middle District of Alabama for the term of 4 years;

Donald E. Crowl, of Oklahoma, to be U.S. Marshal for the Northern District of Oklahoma for the term of 4 years;

Charles E. Healey, of New York, to be U.S. Marshal for the Eastern District of New York for the term of 4 years;

Craig L. Meacham, of California, to be U.S. Marshal for the Central District of California for the term of 4 years;

James Y. Stewart, of Michigan, to be U.S. Marshal for the Eastern District of Michigan for the term of 4 years;

Ronald Frank Ederer, of Texas, to be U.S. Attorney for the Western District of Texas for the term of 4 years; and

Robert F. Gilbert, of New Hampshire, to be United States Marshal for the District of New Hampshire.

By Mr. EXON, from the Committee on Armed Services:

The following-named officer for appointment as Chief, National Guard Bureau, under the provisions of title 10, United States Code, section 3040, and appointment to the grade of lieutenant general while serving in this position of importance and responsibility under the provisions of title 10, United States Code, section 601:

To Be Chief, National Guard Bureau

To be lieutenant general

Maj. Gen. John B. Conaway, 315-30-2700FG, U.S. Air Force.

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of November 17, 1989, and January 24, 1990, at the end of the Senate proceedings.)

*In the Army Reserve there are 19 appointments to the grade of major general and below (list begins with Francis T. Donohue) (Reference No. 827).

*Lt. Gen. Herbert R. Temple, Jr., USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 845).

*Maj. Gen. James W. Crysel, USA, to be reassigned in the grade of lieutenant general (Reference No. 886).

**In the Air Force Reserve there are 27 promotions to lieutenant colonel (list begins with William G. Bader) (Reference No. 904).

**In the Navy Reserve there are 203 appointments to the grade of captain and below (list begins with Paul Michael Bader) (Reference No. 905).

*Gen. Robert T. Herres, USAF, to be placed on the retired list in the grade of general (Reference No. 954).

*Lt. Gen. Richard A. Burpee, USAF, to be placed on the retired list in the grade of lieutenant general (Reference No. 958).

*Lt. Gen. Robert D. Beckel, USAF, to be reassigned in the grade of lieutenant general (Reference No. 959).

*Vice Adm. Charles R. Larson, USN, to be admiral (Reference No. 971).

*Vice Adm. Paul F. McCarthy, Jr., USN, to be placed on the retired list in the grade of vice admiral (Reference No. 973).

*Rear Adm. Robert J. Kelly, USN, to be vice admiral and to be Senior Navy Member of the Military Staff Committee of the United Nations (Reference No. 974).

**In the Air Force Reserve there are 61 promotions to the grade of colonel (list begins with Ronald R. Anderson) (Reference No. 986).

**In the Air Force Reserve there is 1 appointment to the grade of lieutenant colonel (Consolador C. Palad) (Reference No. 987).

** In the Air Force Reserve there are 12 promotions to the grade of lieutenant colonel (list begins with Anthony Augello) (Reference No. 988).

** In the Air Force Reserve there are 28 promotions to the grade of lieutenant colonel (list begins with Terry L. Anderson) (Reference No. 989).

** In the Air Force Reserve there are 17 appointments and promotions to the grade of colonel and below (list begins with David W. Becker, Jr.) (Reference No. 990).

** In the Air Force there is 1 promotion to the grade of major (Gary J. Moore) (Reference No. 991).

** In the Army there are 6 promotions to the grade of colonel and below (list begins with William J. McDougall) (Reference No. 992).

** In the Army there are 13 promotions to the grade of colonel and below (list begins with Calvin E. Mein) (Reference No. 993).

** In the Army Reserve there are 27 appointments to the grade of colonel and below (list begins with Thomas W. Allen) (Reference No. 994).

** In the Army Reserve there are 11 appointments to the grade of colonel and below (list begins with Larry T. Bourke) (Reference No. 995).

** In the Army Reserve there are 19 promotions to the grade of colonel (list begins with James C. Burke) (Reference No. 996).

** In the Army Reserve there are 24 promotions to the grade of lieutenant colonel (list begins with William B. Banks) (Reference No. 997).

** In the Naval Reserve there are 48 appointments to the grade of lieutenant (list begins with Susan K. Arnold) (Reference No. 998).

** In the Navy and Naval Reserve there are 40 appointments to the grade of commander and below (list begins with Kenneth P. Burns) (Reference No. 999).

** In the Navy and Naval Reserve there are 13 appointments to the grade of commander and below (list begins with T.A. Best) (Reference No. 1000).

** In the Navy there are 152 appointments to the grade of ensign (list begins with David A. Adams) (Reference No. 1001).

** In the Army there are 1,034 appointments in their active duty grade (list begins with Richard A. Akre) (Reference No. 1002).

** In the Air Force Reserve there are 271 promotions to the grade of colonel (list begins with Walter W. Adams) (Reference No. 1003).

** In the Air Force there are 2,020 appointments to the grade of captain (list

begins with Frank Abate) (Reference No. 1004).

** In the Army Reserve there are 616 promotions to the grade of colonel (list begins with Rafael A. Acevedo) (Reference No. 1006).

** In the Army Reserve there are 2,495 promotions and appointments to the grade of colonel and below (list begins with Donald R. Ellis, Jr.) (Reference No. 1007).

** In the Army there are 972 appointments to the grade of second lieutenant (list begins with Albert J. Abbadessa) (Reference No. 1009).

** In the Marine Corps there are 796 appointments to the grade of second lieutenant (list begins with Thomas B. Adair) (Reference No. 1010).

** In the Navy there are 73 appointments to the grade of lieutenant junior grade (list begins with Reynaldo L. Apontecestero) (Reference No. 1013).

Total: 9,007.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 2049. A bill to authorize the Administrator of the Environmental Protection Agency to take action to encourage the removal of certain model year vehicles from use; to the Committee on Environment and Public Works.

By Mr. KOHL:

S. 2050. A bill to amend title XVIII of the Social Security Act to provide toll-free hotlines for individuals receiving benefits under such title and to provide increased protection against fraud and abuse with respect to the marketing and selling of Medicare supplemental policies to such individuals, and for other purposes; to the Committee on Finance.

By Mr. HEFLIN:

S. 2051. A bill to amend the Social Security Act to provide for more flexible billing arrangements in situations where physicians in the solo practice of medicine or in another group practice have arrangements with colleagues to "cover" their practice on an occasional basis; to the Committee on Finance.

By Mr. KASTEN:

S. 2052. A bill to amend the Internal Revenue Code of 1986 to reduce the OASDI tax rate, and to remove Social Security trust funds from Gramm-Rudman; to the Committee on Finance.

By Mr. DANFORTH:

S. 2053. A bill to amend certain provisions of title 5, United States Code to provide for an increased maximum rate of pay for specially qualified scientific and professional personnel, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DODD (for himself, Mr. BRADLEY, Mr. ROCKEFELLER, Mr. HARKIN, Mr. D'AMATO, Mr. KOHL, Mr. CONRAD, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. SIMON, Mr. METZENBAUM, Mr. SANFORD, Mrs. KASSEBAUM, Mr. KENNEDY, and Mr. BYRD):

S. 2054. A bill to amend the Public Health Service Act to authorize grants and contracts for projects providing primary pediatric care to disadvantaged children, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MCCONNELL:

S. 2055. A bill to amend the National School Lunch Act to extend eligibility for reimbursement for meal supplements for children in afterschool care, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. HATCH, Mr. PELL, Mr. DURENBERGER, Mr. KENNEDY, Mr. COCHRAN, Mr. SIMON, Mrs. KASSEBAUM, Mr. BURDICK, Mr. KERREY, Mr. ADAMS, Mr. CHAFEE, Mr. GRAHAM, Mr. LEAHY, and Mr. HATFIELD):

S. 2056. A bill to amend title XIX of the Public Health Service Act to provide grants to States and implement State health objectives plans, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BRYAN:

S. 2057. A bill to amend the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRYAN (for himself, Mr. RIEGLE, Mr. GARN, Mr. DODD, Mr. HEINZ, Mr. CRANSTON, Mr. SHELBY, Mrs. KASSEBAUM, Mr. KERRY, Mr. D'AMATO, Mr. WIRTH, and Mr. BOND):

S. 2058. A bill to amend the Federal Deposit Insurance Act to regulate certain marketing activities engaged in on the premises of deposit-taking facilities of insured depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOSCHWITZ:

S.J. Res. 248. Joint resolution to designate the month of September 1990 as "International Visitor's Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DECONCINI (for himself, Mr. DOLE, Mr. KASTEN, Mr. SYMMS, and Mr. GRAHAM):

S. Res. 239. Resolution expressing the sense of the Senate denouncing the military offensive in Angola and urging an immediate ceasefire; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 2049. A bill to authorize the Administrator of the Environmental Protection Agency to take action to encourage the removal of certain model year vehicles from use; to the Committee on Environment and Public Works.

REMOVAL OF CERTAIN MODEL YEAR VEHICLES FROM USE

Mr. ROTH. Mr. President, I rise to introduce a piece of legislation which could make a significant contribution to the Clean Air Act.

Mr. President, as we all know, some of the biggest polluters on our Nation's highways and byways are the pre-1980 model year automobiles. As a matter of fact, there are currently 22 million of these cars on the road—cars we often affectionately refer to as clunkers. In fact, according to CRS, using EPA data, there are 9 million pre-1975 automobiles on the road, which release about 600,000 tons of hydrocarbons into the atmosphere each year. On top of this, there are another 13 million 1976-to-1979 model automobiles on the road that emit another 500,000 tons of hydrocarbons—each and every year.

These statistics are important—very important, since every year we emit 20 million tons of hydrocarbons, and of these 20 million tons, 4 to 5 million come from cars. What's more, roughly 15 to 30 percent of the hydrocarbons emitted each year come from pre-model year 1980 automobiles. In fact, I have heard estimates run as high as 40 percent when one considers evaporative losses and other losses, and it has been stated that about 60 percent of the transportation-sector-hydrocarbon emissions in southern California come from clunkers.

The mobile source provisions of the clean air bill restrict the emissions of new cars—and much has been accomplished over the past years—but the provisions do nothing to get these older polluting cars, or clunkers, off the road.

Because I feel that the contribution to our air problems that comes from these vehicles is siginficant, my legislation proposes the following:

If an individual has a pre-1980 car and goes to a dealer to buy a new car, I suggest that we give the manufacturer of the new car a credit to its CAFE average.

The CAFE, or Corporate Average Fuel Economy Program, was enacted in 1975, and took effect with the 1978 auto model year. The program requires all car manufacturers to maintain certain minimum fuel mileage averages for their fleet of cars sold in the United States. If a manufacturer's average falls below the mandated average, a penalty is imposed. On the other hand, if the CAFE average exceeds the target figure a credit is granted.

Under my proposed legislation, credits could also be accumulated by the manufacturer as it actually replaces clunkers with new, fuel efficient automobiles. The credit would be based on the difference between the mile per gallon of the old car and the mile per gallon of the new car. The dealer, of course, must provide proof that the engine block and body of the traded-in vehicle are removed from the road permanently, and will never drive again. Those that intentionally do not comply with this provision, will be fined $2,000 per car. I also propose a sunset on this provision which terminates its operation by December 1993.

Mr. President, according to the California Air Resources Board, when they studied the value of a CAFE credit, in conjunction with the flexible

fuel vehicles, they determined that CAFE credits can be worth up to $2,000 per car in penalty avoidance costs and other incidentals. I can foresee a scenario where the owners of these clunkers become valuable customers when they drive onto the new car lot looking for a new fuel efficient, low-polluting car. For example the manufacturer could receive a CAFE credit of 30 miles per gallon if he permanently retires the clunker averaging 10 miles per gallon, and sells the customer a car that averages 40 miles per gallon. The low fuel economy of the clunker should also be worth additional dollars toward the downpayment on the new car.

The Congressional Research Service suggests that $500 to $1,000 per car could be transferred to the buyer, depending on the CAFE credit. Thus, an individual buying a car with a $1,000 rebate, and a $500 trade in value, could have an additional $1,000 toward the downpayment.

Consequently, the bill is good for everyone—for the manufacturer, the retailer, the owner, but most importantly, for the environment. We need to encourage more fuel efficient, safer, environmentally sound methods of transportation. This would be a very good beginning.

At the moment, I am not bound by hard and fast rules concerning the outline of my proposal and, consequently, I would appreciate the wisdom of my colleagues as we move forward with what I believe is the basics of an idea whose time has come.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) REGULATIONS.—Prior to the expiration of the 90-day period following the date of the enactment of this Act, the Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") shall issue such regulations as may be necessary to establish and implement a program encouraging the removal from use and the marketplace of motor vehicles manufactured prior to model year 1980.

(b) PROGRAM.—Such program shall include provisions pursuant to which any motor vehicle dealer who receives, as a trade-in on the sale by such dealer of a new motor vehicle, a motor vehicle of a model year prior to model year 1980, may remove such motor vehicle from use and the marketplace.

(c) CERTIFICATION.—Such regulations shall further provide that upon certification by the motor vehicle dealer to the Administrator that the engine block and the chassis of the motor vehicle removed from use and the marketplace have been destroyed in accordance with such program, the manufacturer of the new motor vehicle shall receive a credit to its corporate average fuel economy. Such credit shall equall the difference between the fuel economy of the new motor vehicle, and the motor vehicle removed from use and the marketplace.

(d) PROOF.—Regulations under this section shall require proof from the motor vehicle dealer that the motor vehicle was destroyed in accordance with the regulation, and that the vehicle's identification number was removed from the registration list of the appropriate State or States.

(e) VIOLATION.—Any person violating a regulation promulgated pursant to this section shall be subject to a civil penalty assessed by the Administrator in an amount not to exceed $2,000.

(f) EXPIRATION.—No credits shall be given pursuant to this Act on or after January 1, 1994.

By Mr. KOHL:

S. 2050. A bill to amend title XVIII of the Social Security Act to provide toll-free hotlines for individuals receivings benefits under such title and to provide increased protection against fraud and abuse with respect to the marketing and selling of Medicare supplemental policies to such individuals, and for other purposes; to the Committee on Finance.

MEDIGAP FRAUD AND ABUSE PREVENTION ACT

Mr. KOHL. Mr. President, I rise today to introduce legislation that I believe will help senior citizens purchase Medicare supplemental insurance policies which deliver real protection at an affordable price.

Representative OAKAR is introducing companion legislation in the House and we are hopeful, that with the assistance of the relevant committees, we will enact provisions of these measures during this session.

A recently released report by the AARP concluded that the selection of Medigap insurance is a difficult but necessary choice for the elderly.

In a recent special Committee on Aging hearing in Madison, WI, both consumer and industry witnesses testified to the increasing cost, confusion, and criminality in the current system of Medigap and Medicare supplemental insurance regulation.

I have discussed this with the distinguished chairman of the Senate Special Committee on Aging and Senator PRYOR has indicated his intention to pursue the issue in a March hearing. While part of the solution to this problem can be found in more rigid standards and tougher enforcement, other concerns must be addressed through better consumer education.

Senator ROCKEFELLER has also scheduled a hearing in the Finance Committee. And Congressman ROYBAL, through the House Select Committee on Aging, has conducted several hearings throughout the country, and will most likely be developing legislation.

I look forward to working with each of them to improve the consumer protections established under the 1980 amendments. I am hopeful that some action can be taken in this session that will check the uncontrolled costs and confusion in the Medicare supplemental health insurance industry.

I urge my colleagues to join me in that effort.

Mr. President, in a recent survey conducted by the American Association of Retired Persons, 82 percent of the respondents indicated that they rely on Medigap policies for protection against the costs of catastrophic illness. Other sources have indicated that, on average, this coverage costs a senior citizen $800 each year. But as I found out when I chaired an Aging Committee hearing on Medigap insurance in Wisconsin, too often older Americans pay too much and get too little for this coverage. We have not had a comprehensive Federal initiative to reform the $17 billion Medigap industry since 1980. Our colleague, Senator BAUCUS, led that effort and did an outstanding job of addressing some of the problems we faced then. The Baucus amendments were designed to increase and standardize State regulation of Medigap policies. In addition, his legislation created penalties for abusive Medigap marketing practices and set loss-ratio targets for policies.

Without question, the Baucus amendments significantly improved the quality of Medigap policies in our country and reduced the incidence of abusive insurance marketing. However, in recent years evidence has plainly shown that new problems have developed and we need new solutions to improve the Medigap system—and we certainly do need to improve it, particularly in light of the repeal of the Medicare Catastrophic Coverage Act.

Obviously, the most urgent problem is the constantly rising costs of Medigap policies. A survey by the House Select Committee on Aging revealed that Medigap rates increased anywhere from 9 to 133 percent in 1989—this, despite the expanded Medicare coverage provided by the Catastrophic Coverage Act. And with the repeal of catastrophic, premiums this year are expected to soar even further. As a result of these constantly rising prices, some senior citizens have no choice but to drop their coverage, a situation which more or less forces older Americans to play Russian roulette with their health. We cannot allow this to continue.

Just as importantly, we need to provide senior citizens with the information they need to make sound choices when buying Medigap insurance. Unfortunately, the current range of policy options is highly confusing to many older Americans. Some States have made strong efforts to help senior citizens cut through this confusion. Wisconsin, for example, has allowed the sale of only one type of Medicare supplement since January 1, 1989. All policies sold in the State pro-

vide a package of seven benefits, and insurers may offer any of six additional benefits as riders. While this change is certainly an improvement over the previous situation, this limited standardization of benefits has not eliminated the confusion among senior citizens, nor has it made it possible to purely compare "apples and apples." The State has developed a policy comparison chart that is supposed to make it possible to easily compare the different policies approved for sale in the State. Despite good intentions, the chart just doesn't work. It took one of my staff members 3 full days to break down the benefits offered by these policies and choose the best values. We have recognized a need, but we haven't developed a solution. It is clear that the vast price differential among various comparable policies results from a market that is not controlled by the consumers. To make more intelligent choices, consumers will need better and more comparable information.

We also must enact and enforce stiffer penalties to punish those insurance agents who use deceptive and fraudulent marketing tactics. I was horrified to learn of the abuses in the Medigap marketplace. In Wisconsin, the Medicare part B annual deductible of $75 is being sold as a rider for as much as $105. It seems to me that if a scrupulous agent informed a customer that the value of that rider was only $75, the customer wouldn't pay $105 for it. Representative WYDEN has indicated strong interest in this whole area of indemnity and dread disease policies and I am hopeful that something can be done in this area to curb abuses.

Another incredible practice in my State is the switching of policies by some independent agents. Agents are sometimes paid as much as 75 percent of the first year premium for selling a Medigap policy. After 6 to 9 months, because of pre-existing conditions terms, the agent returns to the same consumer and convinces the senior citizen to switch policies—not necessarily because the second product more appropriately addresses the health needs of that senior citizen, but rather because if the agent sells that new policy, he or she can again collect a 75-percent commission. The National Association of Insurance Commissioners has recently strengthened model standards in this regard, but I would hope that Congress would look very carefully at this issue and determine if there is an appropriate Federal role in curbing the financial incentive for unscrupulous agents.

I think the most disturbing testimony submitted at the hearing I held in Wisconsin concerned elderly women, especially those living alone in rural areas of the State. Many of them have as many as three or four overlapping policies. They are paying exorbitant sums of money for coverage they don't need. Why? Because they are easy targets for a visiting salesperson, who by taking advantage of the loneliness of an isolated elderly person, can almost always sell that senior citizen an unneeded product. This is outrageous. Since 1980, we have had penalties for fraudulent activities connected with the sale of Medigap policies. Nonetheless, it is estimated that senior citizens spend $3 billion each year buying duplicative or useless Medigap policies.

I realize that most insurance agents are responsible and make every effort to maintain high ethical marketing standards. However, those unscrupulous agents who violate the established Medigap marketing rules continue to drain the pockets of those who live on fixed incomes. Those agents prey on the fears of elderly Americans. Their crimes are unconscionable; and so are the lame efforts we put into investigating these abuses and the minimal punishments we impose when we do catch someone. The semantic loophole in existing law is big enough to let a barnyard of animals continue business as usual. It is time to state emphatically that the sale of duplicative policies will not be tolerated. Duplicative should be understood to mean duplicative in any way. Enough horsing around the edges of this debate.

In short, the current Medigap system in our country is plagued by costs, confusion, and criminality. What can be done to reform this industry?

First, we must do a better job of curbing the marketing abuses and enforcing existing law. The Medigap Fraud and Abuse Prevention Act would help to address the problems of rising Medigap premiums and fraudulent marketing practices. This legislation would amend the Social Security Act to increase the current loss-ratio requirement for individual Medigap policies from 60 to 70 percent. The loss-ratio of a Medigap product line measures the percentage of premiums returned to policyholders as benefits. According to a 1986 GAO study, most individual Medigap policies fell below the current Federal target of 60 percent. This measure would also call for a GAO study of the actual ratios of benefits-to-premiums collected and the effectiveness of State enforcement of minimum loss ratios. And it would make the Secretary's certification of a State's plan contingent on enforcement of the Federal loss-ratio standards. I do have concerns about the lack of precision of the loss-ratio measurement as a tool. At the same time, it seems to be one of the only mechanisms we have to help consumers get a fair return on the billions of dollars worth of insurance purchased each year.

To combat unethical Medigap marketing practices, this legislation would increase civil penalties for insurance agents who use fraudulent and deceptive practices to sell policies. Under current law, Medigap fraud carries a maximum fine of $5,000. My legislation would increase the maximum penalty to $25,000, providing a much stronger disincentive for agents to knowingly sell duplicative coverage. In addition, this legislation would tighten current law to forbid agents from knowingly selling policies that duplicate a beneficiary's current coverage in any way.

Finally, this bill would require States to either approve or disapprove premium increases and would make the deeming of a State's plan contingent on such process being in place. Two-thirds of the States already require approval of increases in individual plans. But the vast majority of States do not have such a plan in place. In fact many States do not even require notice of premium increases for group policies.

The second part of a comprehensive approach to Medigap reform must deal with the education of the consumer. Informed consumers are the key to a free and competitive marketplace. Wise shopping can keep prices down and reduce overall health care inflation. At the same time, there is no real value in reams of policy information provided after the purchase of policies. Additionally, we must question the power of such printed material in contrast to a one-on-one sales situation. In testimony submitted at the Madison field hearing, it was clear that one woman had four policies because she liked the company provided her by the salespeople. To counteract that, we will need to do a more effective job of providing one-on-one benefits counseling. In my own State of Wisconsin, there is a toll-free Medigap hotline administered by the State Board on Aging and Long Term Care. The Medigap hotline is a source of objective, unbiased information and individual counseling about Medicare supplemental health insurance. The toll-free number is printed on policy comparison and insurance advise brochures produced by the Office of the Commissioner of Insurance. Thousands of Wisconsin residents become aware of the existence of area agency on aging benefit specialist services through an original contact with the hotline. Each county agency on aging has a fully trained benefit specialist, or "tape-cutter", that counsels senior citizens on a wide-array of services, including Medigap and Medicare supplemental insurance policies.

The availability of counseling services is a critical component of any measure to protect consumers form the confusion in the Medigap indus-

try. This is an area in which the distinguished chairman of the Special Aging Committee has a special interest and I look forward to working with him and our colleagues in making such services universally accessible.

Mr. President, when Congress repealed the Catastrophic Coverage Act, it increased the reliance of older Americans on Medicare supplemental insurance. Given the problems with the Medigap industry today, we must take action to protect senior citizens from the costs, confusion, and criminality of this system. I urge my colleagues to support these timely and needed measures. Again, I would also like to thank Senator PRYOR for his leadership and interest in this critical issue. Without his assistance, and certainly his support of the Aging Committee field hearings, I would not have been able to introduce this proposal for consideration.

In closing, I ask unanimous consent that the text of this bill, as well as a recent summary of the issue prepared by the American Association of Retired Persons, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medigap Fraud and Abuse Prevention Act of 1990".

SEC. 2. MEDIGAP FRAUD AND ABUSE PROTECTIONS INCREASED.

(a) CIVIL PENALTIES INCREASED.—Section 1882(d) of the Social Security Act (42 U.S.C. 1395ss(d) is amended by striking "$5,000" each place it appears and inserting "$25,000".

(b) PROTECTION AGAINST DUPLICATION OF POLICY INCREASED.—Section 1882(d)(3)(A) of such Act (42 U.S.C. 1395ss(d)(3)(A)) is amended by striking "policy substantially duplicates" and inserting "policy duplicates".

(c) MINIMUM BENEFIT TO PREMIUM RATIO INCREASED.—Section 1882(c)(2) of such Act (42 U.S.C. 1395ss(c)(2)) is amended by striking "60" and inserting "70".

(d) ENFORCEMENT OF BENEFIT TO PREMIUM RATIO STRENGTHENED.—Section 1882(b)(1) of such Act (42 U.S.C. 1395ss(b)(1)) is amended—

(1) by striking "and" at the end of subparagraph (D); and

(2) by adding "and" at the end of subparagraph (E); and

(3) by adding at the end thereof the following new subparagraph:

"(F) provides for strict enforcement of the percentage requirements described in subsection (c)(2) in place with respect to the actual ratio of benefits provided to premiums collected,".

(e) IMPLEMENTATION OF PROCESS TO APPROVE PREMIUM INCREASES.—Section 1882(b)(1) of such Act (42 U.S.C. 1395ss(b)(1)) is amended by subsection (d) of this Act, is further amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by adding "and" at the end of subparagraph (F); and

(3) by adding at the end thereof the following new subparagraph:

"(G) provides for a process for approving or disapproving proposed premium increases with respect to such policies,".

SEC. 3. ESTABLISHMENT OF MEDIGAP TOLL-FREE HOTLINES.

(a) IN GENERAL.—

(1) GRANTS.—The Secretary of Health and Human Services (hereinafter referred to as the "Secretary") shall provide grants to States submitting applications to the Secretary which meet the requirements of this section for the purpose of establishing within such States a toll-free telephone hotline to provide individuals with information concerning medicare supplemental insurance.

(2) AMOUNT OF GRANT.—The amount of a grant awarded to a State under this section shall be determined by the Secretary in the manner as used by the Commissioner on Aging for determining the amount of allotments under section 304(a) of the Older Americans Act of 1965 (42 U.S.C. 3035 et seq.)

(3) MATCHING REQUIREMENTS.—A State receiving a grant under this section shall provide State funds for use in establishing a toll-free hotline in an amount that is equal to the amount of the grant made under this subsection to such State.

(b) TYPE OF INFORMATION.—Information to be provided through the use of the toll-free hotline established under subsection (a) shall include—

(1) policy comparison information for all medicare supplemental policies (as described in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1))) and long-term care policies available to individuals within the State;

(2) information that will assist individuals in filing claims and obtaining benefits under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq and 1396 et seq.);

(3) information that will assist individuals in filing claims or obtaining benefits under a medicare supplemental policy;

(4) information concerning medicare supplemental policy problem resolution, or appropriate referral of such problems or complaints ot the State insurance commissioner or the State attorney general;

(5) information concerning the resources, information, and procedures that are available within the State to assist individuals with questions or complaints concerning health insurance; and

(6) any other information determined appropriate by the Secretary.

(c) TRAINING.—

(1) INDIVIDUALS ANSWERING HOTLINE.—The Secretary shall promulgate regulations to insure that individuals providing assistance through the use of the toll-free hotlines established under subsection (a) are adequately qualified to provide such assistance.

(2) VOLUNTEER ORGANIZATIONS.—States that receive a grant under this title shall provide training, educational materials, and technical assistance to volunteer organizations that are willing and able to provide medicare supplemental policies and medical assistance eligibility information and counseling to consumers.

(3) COUNTY BENEFIT SPECIALISTS.—States that receive a grant under this title shall conduct seminars to provide training to county benefit specialists in local welfare area agencies on aging concerning the toll-free hotline established under subsection (a) and the location and functions of State agencies and offices.

(d) EDUCATIONAL BROCHURE.—Not later than 180 days after the date of enactment of this section, each State that receives a grant under this title shall, through the State commissioner of insurance, develop and disseminate a medicare supplemental policy educational brochure that shall summarize the information described in subsection (b)(1). Such brochure shall be distributed with each medicare supplemental policy inquiry or application made to an insurance carrier within the State. The State toll-free number described in subsection (a) shall be clearly printed on the front page of the brochure.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Federal Supplementary Medical Insurance Trust Fund to carry out this section, $5,000,000 for each of the fiscal years 1991 through 1993.

SEC. 4. GAO STUDY AND REPORT ON STATE ENFORCEMENT OF FEDERAL MEDIGAP REQUIREMENTS AND PENALTIES.

(a) STUDY.—The General Accounting Office shall conduct a study on State efforts in enforcing the standards and requirements set forth in section 1882(c) of the Social Security Act with respect to the issuance and marketing of medicare supplemental policies within each State. The study shall further evaluate efforts with regard to imposing civil or criminal penalties under section 1882(d) of the Social Security Act with respect to persons found guilty of violating any of the provisions described in such section. Such study shall further evaluate the ratio of benefits to premiums collected with respect to the supplemental policies described in section 1882, and the effectiveness of State enforcement of such ratios.

(b) REPORT.—The General Accounting Office shall no later than July 1, 1990, submit a report to Congress summarizing the findings of the study described in subsection (a), including legislative recommendations on strengthening and improving the enforcement of the fraud and abuse provisions provided for in section 1882 of the Social Security Act and recommendations on improving enforcement of benefit to premium ratio requirements.

CONSUMER AWARENESS OF MEDIGAP INSURANCE: FINDINGS OF A NATIONAL SURVEY OF OLDER AMERICANS

BACKGROUND

Medicare supplemental, or "Medigap," insurance is intended to cover certain hospital and other medical costs of older Americans that Medicare does not pay. However, increasing medical costs, complexities of the Medicare/Medicaid programs, and government regulation of the insurance industry have combined to make the selection of Medigap insurance a difficult but necessary choice for the elderly.

Given the changing marketplace and regulatory structure, rising medical costs, and continued reporting of sales abuses, the American Association of Retired Persons believed that additional research into the area of Medigap insurance was needed. Therefore, to investigate older Americans' current level of awareness, experiences, experience, and satisfaction with Medicare supplemental insurance, AARP's Consumer Affairs Section, in cooperation with AARP's Health Care Campaign, commissioned Market Facts to conduct a national survey of individuals

65 years and older, with supplementary samples from six selected bellwether states—California, Florida, Illinois, New York, Pennsylvania, and Texas. Qualified respondents were identified from a sample pool obtained from Market Facts' weekly, national omnibus telephone survey, TeleNation. Respondents for this study were questioned in a 20 minute telephone interview. Interviews were conducted in January and February 1989.

The information objectives of this survey have been:

To determine the types of health insurance coverage older Americans have.

To determinate the characteristics of Medigap insurance policies owned by older americans including the types of policies owned, the amount of premiums paid annually, and the extent of excessive or insufficient coverage.

To ascertain the circumstances surrounding the purchase of Medicare supplemental insurance including how the policy was purchased, the sources of information consulted before the purchase, important factors considered in the purchase decision and whether the respondent felt pressured to buy the policy.

To learn about consumers' experiences in filing insurance claims and measure their level of satisfaction with their policies.

To assess older persons' exposure to promotional efforts aimed at selling Medigap insurance policies.

To determine the consumers' knowledge and level of awareness of the changes in Medicare coverage due to the Medicare Catastrophic Act of 1988.

EXECUTIVE SUMMARY

I. Health Insurance Coverage

Sixty-two percent of the respondents in the national sample paid less than $200 out-of-pocket for prescription drugs and medical bills during 1988, about 22% paid between $200 and $499, and 16% paid $500 or more.

Eighty-two percent of respondents in the national sample said that they had a health insurance policy in addition to Medicare or Medicaid that would pay their doctor's or hospital expenses, 17% had no additional health insurance policy, and 1% did not know. Projected to the U.S. population 65 and older, an estimated 24.5 million persons have an additional policy. There appears to be a link between owning an additional health insurance policy and household income, sex of respondent and level of education.

Fifty-one percent of those surveyed who are covered by Medicaid, a government program which pays medical bills for low income persons who qualify, also purchase private health insurance. Nationwide, between 1.5 million and 2 million Medicaid recipients 65 and over are projected to have private health insurance.

More than 10% of those surveyed, an estimated additional 3.2 million persons, have no private health insurance and do not qualify for Medicaid coverage.

Respondents in the national sample have an average of 1.3 additional policies—a projected 31.8 million policies among persons 65 years and older.

Three-fourths of the respondents in the national sample who have an additional policy have a Medigap or Medicare Supplemental policy.

Twenty-four percent of those owning insurance in addition to Medicare own two or more policies.

Medigap policies are by far the most common type of supplemental health insurance. Of those owning insurance in addition to Medicare, 75% own Medigap policies. Of these, 7% own two or more Medigap policies.

Eleven percent of those owning insurance beyond Medicare own a hospital indemnity policy.

Nine percent of those owning insurance beyond Medicare own a "dread disease" policy.

Five percent of those owning insurance beyond Medicare belong to an HMO.

II. Factors Surrounding Purchase of the Most Recently Obtained Medigap Insurance Policy

About one-third of the respondents who have a Medigap policy purchased their current policy prior to 1980. Almost one-third (30%) more purchased their policy in 1987 (13%) and 1988 (17%).

Thirty-nine percent of respondents had a group policy sponsored by an employer, 18% had a group policy sponsored by another party such as a membership organization, and the remaining 43% owned an individual policy.

Medigap policies were most likely to cover expenses for hospital care and physician care in the office and hospital. Respondents were generally not knowledgeable about coverage of most other types of medical expenses.

Respondents paid an average of $705 annually in premiums for their Medigap policies.

Forty-three percent of respondents purchased their Medigap policy through the mail, and about one-third (34%) purchased their policy from an agent.

Material describing a specific policy (31%), family/friends (27%) and the insurance agent (22%) were the most commonly used sources for obtaining information about the policy purchased.

Nearly one-half (48%) of the respondents in the national sample reported that the coverage of items not paid for by Medicare was an important factor in the policy purchase decision, followed by one-third who mentioned the cost of premiums as an important factor.

III. Experience with Medigap Insurance Policy Coverage

About two-thirds (69%) of respondents in the national sample had filed a claim under their Medigap policy. Eighty-seven percent of respondents who had ever filed a claim under their policy filed one during the past year, with an average of 5.8 claims filed.

Ninety-five percent of the respondents who had filed a claim reported being satisfied with the handling of their claim(s).

Seven percent of Medigap policy owners, or an estimated 1.3 million persons, had never made a complaint about their policy. Respondents had complaints due to a variety of reasons.

IV. Exposure to Promotional Efforts for the Sale of Medigap Insurance Policies

Thirteen percent of respondents in the national sample had talked to an insurance agent about a Medigap policy during the past year. Most respondents (85%) had received material in the mail about Medigap coverage.

Most respondents did not request contact with an insurance agent or that material about Medigap insurance be sent to them. However, those who were contacted by an agent were more likely to have requested the contact (29%) than were those who were contacted by mail (5%).

Most respondents (73%) reported having seen or heard celebrity endorsements for Medigap policies. Ninety-two percent said they did not believe that a celebrity endorsement for a policy meant the policy is better than other similar policies.

V. Knowledge and Awareness of Changes in Medicare Coverage

Almost three-fourths (72%) of respondents in the national sample said they were aware that their Medicare coverage had improved as of January 1, 1989. However, the awareness was linked to income, age and sex of the respondent.

Respondents did not seem to be knowledgeable about specific changes in Medicare coverage. In response to a series of ten true/false questions, only one of the questions was answered correctly by more than half of the respondents and three additional questions were answered correctly by 40% or more of the respondents. Respondents were most knowledgeable about prescription drug coverage (55% answered correctly), coverage of stay in a hospice (45% answered correctly), and coverage of skilled nursing care in the home (43% answered correctly).

Twelve percent of respondents in the national sample, or an estimated 3.6 million persons 65 and older, reported that they had been contacted by an insurance company about either modifying a current Medigap policy or buying a Medigap policy due to the changes in Medicare coverage.

Just over half (52%) of respondents felt they were very well protected against high health care costs, 39% believed they had some protection, and 9% thought they were poorly protected. Feelings of being very well protected were linked to demographic characteristics such as income, sex of respondent and region of the country where the respondent lived, as well as other factors such as self-appraisal of their health, whether they had health insurance in addition to Medicare, and whether they were aware of the improvements in Medicare coverage.

Mr. PRYOR. Mr. President, I would like to take this opportunity to applaud Senator KOHL's ongoing efforts and commitment to address the complexities of health coverage for older Americans. We all have been exposed to the many problems and confusion surrounding the Medigap supplemental insurance market, but Senator KOHL has been a leader in developing ways to address the problem.

Senator KOHL was the first Senate Special Committee on Aging member to hold a field hearing on the problems surrounding Medigap. His hearing last December shed light not only on the skyrocketing cost increases that have followed the repeal of the Medicare Catastrophic Coverage Act, but also on the degree of marketing abuse that continues despite Federal and State regulatory efforts.

Senator KOHL's Medigap field hearing focused attention on the need for accurate information that is easily accessible to older Americans. More importantly, the hearing illustrated how a small investment in counseling on insurance programs can yield significant savings for elderly consumers. Though there has been some limited progress in establishing such programs in some

States, including the usually innovative State of Wisconsin, he is moving forward to assure that all elderly Americans have access to needed insurance information.

And just as we look to Senator KOHL for important leadership on this issue, we see it from his home State. The State of Wisconsin's Aging Network has found some promising solutions to deal with seniors' confusion. Their Aging Network, with a wide base of support within the State, has developed a commenable one-on-one counseling program and an 800 toll-free Medigap counseling service to help guide people through the maze of health care coverage.

The bill he is introducing today would provide funds for all States to provide an 800 toll-free insurance counseling service. It also attempts to address some marketing abuses in the insurance market that we are all concerned about. While I am not prepared to cosponsor the bill today, I do find it to be exceedingly promising and look forward to working with Senator KOHL on his legislation and on a bill I am currently working on to address this issue.

It is certainly rare that a first-term, first-Congress Senator take on such an active role in aging and health care issues. However, Senator KOHL is a uniquely committed individual and a significant asset to the Aging Committee.

As chairman of the Aging Committee, I will be holding hearings to address the confusion surrounding Medigap policies and other health care coverage. I look forward to continuing to work with Senator KOHL on creative and responsive approaches to these problems.

By Mr. HEFLIN:

S. 2051. A bill to amend the Social Security Act to provide for more flexible billing arrangements in situations where physicians in the solo practice of medicine or in another group practice have arrangements with colleagues to cover their practice on an occasional basis; to the Committee on Finance.

RECIPROCAL CALLS BY PHYSICIANS

● Mr. HEFLIN. Mr. President, I rise today to introduce a bill to provide for more flexible billing arrangements in situations where physicians in the solo practice of medicine or in another group practice have arrangements with colleagues to cover their practice on an occasional basis.

The Health Care Financing Administration seeks to eliminate the long-standing custom of cross-covering, whereby physicians make courtesy calls to patients for their colleagues. This has particularly been a long standing practice on weekends or other vacation days. This professional courtesy may take the place of a formal partnership and is especially necessary in smaller towns to allow independent physicians occasional off-duty time.

In a reciprocal call arrangement, a physician permits other members of his profession to see his patients on off-duty days, with the understanding that he will reciprocate in the same manner by making rounds for his colleagues when needed. It is agreed in such an arrangement that only the regular physician will bill for these services.

The Health Care Financing Administration plans to strictly enforce what it calls reassignment prohibition. This so-called reassignment states that a covering physician must hereafter bill his colleagues' patients for any services rendered, unless the regular physician is his employer. This new directive by the Health Care Financing Administration will certainly wreak havoc among those in the health care field. Administrative expenses for both physicians' offices and Medicare carriers will significantly increase due to the generation of extra bills and paperwork.

A doctor who visits a patient other than his own only once will have to create a file and process paperwork for that one visit. The administrative costs in such an instance may be greater than the cost of the visit itself. It seems much more sensible to have one bill and therefore one claim per patient.

Mr. President, not only is this reassignment prohibition procedure inconvenient to physicians, but to Medicare beneficiaries as well. Physicians have different ways of charging for their services, and their fees vary. It can be very confusing for patients to sort out bills that were submitted by various doctors. This new procedure by the Health Care Financing Administration is cumbersome, bureaucratic, and to my way of thinking, unnecessary.

I urge my colleagues in the Congress to join me in an effort to revoke this senseless directive by the Health Care Financing Administration. This directive seeks to abolish a time-honored tradition among physicians without justification, and will certainly increase the total cost of medical care. The custom of cross covering has existed among medical professionals for many years. Physicians, who are caring for our sick and elderly, should not be forced to change their practice as a result of his ill-advised Government ruling.

Mr. President, I ask unanimous consent that an article from the Alabama MD, the magazine for the Medical Association of the State of Alabama, as well the text of the bill I introduce be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to permit physicians in solo practice and those in another group practice to "cover" Medicare patients for each other and to make it possible for the personal physicians of the Medicare patients to bill and receive reimbursement for professional services rendered by their colleagues who "cover" for them.

SEC. 2. ORGANIZATION.

(a) Section 1842 (b) (6) of the Social Security Act (42 U.S.C. Section 1395 u(b) (6)) is amended by inserting at the end of subsection (A) the following:

(B) payment may be made to a physician who arranges for services to be provided by a second physician on an occasional basis in situations where the first physician is unavailable to provide such services, the beneficiary has arranged to receive medical care services from the first physician, and the claim form submitted to the carrier indicates that the claim is for such "covered" services.

(b) Section 1842 (b) (6) of the Social Security Act (42 U.S.C. Section 1395 u (b) (6)) is further amended—

(1) By striking "(B)" and inserting "(C)" and

(2) by striking "(C)" and inserting "(D)"

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall be effective for services provided on or after the date of enactment.

[From the Alabama MD, Dec. 28, 1989]

COVERING PHYSICIANS MUST BILL IN THEIR OWN NAME, HCFA ORDERS

(William H. McDonald)

MASA's Third Party Grievance Task Force, chaired by President Burt Taylor, M.D., urgently appeals to all Alabama physicans to contact their Congressmen and Senators to seek relief from a new HCFA directive on "reassignment prohibition."

Translated from bureaucratese, that is the Washington label for banning the time-honored practice whereby physicians cover for each other on vacations, holidays, weekends and off-days.

By established custom antedating Medicare by at least a century, the regular physician bills the patient for the coverage; he, in turn, reciprocates with the physician who covered for him.

Although the practice is deeply rooted in the history of professional courtesy, HCFA has now informed all carriers that the covering physician must bill in his own name and number, and that it is fraudulent for one physician to bill for services rendered by another, unless a valid employer-employee relationship exists.

The indignation of physicians nationwide was such that this issue was propelled into the forefront of the deliberations of the AMA House of Delegates at its interim meeting early in December.

The AMA Delegates fired off a resolution Dec. 6 calling on AMA to "pursue all appropriate legislative, regulatory, or administrative means to amend or eliminate the inappropriate enforcement of the Social Security Act and/or Medicare regulations in order to make it possible for physicians in solo or group practice to bill and receive payment for professional services to their Medicare

patients rendered by colleagues who provide them with traditional short-term coverage."

Bule Cross Blue Shield of Alabama officials meeting with the Task Force Dec. 19, confirmed that the carrier had been directed by HCFA's Region IV (Atlanta) to enforce the "reassignment prohibition" in Alabama.

Two letters from Alabama physicians on the Dec. 19 agenda referred to the "rumor" that the stricture would be applied in this state. One of these physicians had called his Medicare Provider Affairs Representative to inquire at to the validity of the report:

"I * * * was emphatically told that this represented fraud. I explained that as long as the work was done and was billed only once, I did not understand the basis for fraud. She explained that when a physician billed for a visit he did not make, that was fraud. The fact that another physician performed a service for which he did not bill seemed irrelevant.

"I felt a certain reticence about extending myself further in this direction. To press the issue and to further focus attention on my past billing practices or past coverage arrangements seemed to be a risky venture. * * *"

In view of the directives sent out to all carriers by HCFA's Acting Director of the Bureau of Policy Development, Kathleen A. Buto, his reticence was wise.

The Blues explained to the Task Force that in view of the HCFA mandate, they had no choice but to apply the reg.

Actually it all came to a head last summer when a Colorado physician was sanctioned for fraud because he billed for services rendered by a covering physician.

Robert D. McCartney, M.D., President, of the Colorado Society of Internal Medicine, wrote the Region VII (Denver) Medicare Administrator to express his concern, arguing forcefully for a reconfirmation of the traditional coverage arrangement.

Director Buto's responses to Region VII and to Dr. McCartney now form a memorandum file HCFA has sent to Medicare carriers to support the demand for rigid enforcement of the "reassignment prohibition."

Ms. Buto acknowledged in her policy directive to carriers that "bills are commonly submitted and payment made in the regular physician's name" and that "often the arrangement is reciprocal."

But, she directed, such billing will hearafter be acceptable "Only if the regular physican is the employer of the substitute in the strict sense of the word 'employer'." (She cited Medicare Carriers Manual Sections 3060ff and section 1842 (b) (6) of the Social Security Act.)

Alabama is, as it turns out, relatively late in being brought under the gun in this respect. The Alabama Blues received the get-tough orders in an Oct. 13 memorandum from the Atlanta office of the Region IV Medicare Administrator, who directed all carriers in the region in this fashion:

"If you have not reminded the medical community about the reassignment prohibition in the past 12-month period, please do so in your next bulletin, but in any case no later than three months from the date of this letter."

That would make the deadline for the reminder Jan. 13, 1990.

The Task Force's expressed concerns over the rule had already been made by Dr. McCartney in Colorado and already answered by Ms. Buto, to her own satisfaction if no one else's. Any physician desiring a copy of the HCFA file to carriers may have one for the asking by addressing the request to MASA Executive Director S. Lon Conner, PO Box 1900, Montgomery, AL 36102-1900, telephone, 1-800-392-5668.

Here are some excerpts from that advisory by HCFA's Buto:

"1. Whenever a physician is party to an arrangement permitting one independent physician to bill for the services of another, it would be extremely difficult to pursue cases involving program fraud. In these situations, it would be all too easy for the two physicians to claim that billings for services that were not actually rendered were unintentional errors resulting from poor communication between the two parties."

[Notice in this and the following commentary that Ms. Buto assumes criminal intent by physicians as the overriding rationale for enforcing the "reassignment prohibition."]

"2. Substitute billing arrangements that are intended to be reciprocal may in practice result in arrangements to abuse the Medicare program by manipulating reasonable charge profiles. For example, two physicians may enter into an agreement that permits the physician with the highest charge level to bill for the services rendered by the other physician, not only during vacations and holidays, but also at other times.

"3. In some cases, the regular physician may be required to compensate the substitute physician. It is reasonable to expect that, in some cases, the amount paid to the substitute will be less than the reimbursement received by the billing physician. However, if the billing physician refers his patient to the substitute physician and pockets the difference between the amount received from the program and beneficiary on the one hand and the amount paid the substitute on the other, there may be a violation of the antikickback provisions of section 1128B of the Act."

These concerns are not relevant, Ms. Buto said, if the substitute physician is a bona fide employee of the regular physician in the strictest sense of that relationship. In such cases, if indeed bona fide, the antikickback provisions would not apply.

Ms. Buto then proceeded to answer Dr. McCartney directly, thus making her response part of the policy directive. In doing so, she gave short shrift to his contentions that: the present custom is cheaper and more efficient administratively; that any limitation on the time-honored practice might deprive physicians of necessary leisure and recuperative time-off, with an adverse effect on patient care; etc.

Whatever merit such objections may have, Ms. Buto said, they are outweighed by the three concerns above, those directed at potential fraud and abuse.

Other situations are covered in the memorandum file but all to the same effect—that unless the substitute physician is a valid employee of the regular physician, he must bill for his coverage in his own name and number.

The hands of Blue Cross/Blue Shield of Alabama, in common with those of other carriers, have thus been tied.

If relief from this onerous stricture is to come, The Task Force concluded (as the AMA House of Delegates had concluded two weeks earlier), it must be done by pressure on Congress to demand that HCFA abandon or modify the regulation.

The Task Force urges Alabama physicians to make their appeals to Congressmen a top priority matter; this intrusion on a traditional professional amenity affects all doctors.

Additionally, you will have an opportunity to express your feelings face-to-face with the Alabama congressional delegation at MASA's 13th annual Washington meeting, Feb. 3-5, at the J.W. Marriott Hotel.

In other actions Dec. 19, the Task Force:

Was assured by Blue Cross that physicians may circumvent a query from the Medicare Secondary Payment Program, as to the physician's intentions to file a claim with the VA in the case of eligible veterans, by noting on the Medicare claim form, in the section for services provided, "I do not plan to file these charges with the VA." This should shortcut the Secondary Payer letters, part of an attempt by Medicare to get other agencies, public and private, to pay for services to Medicare patients.

Received from the carrier executives a brochure explaining how UCR is determined in Alabama, with further assurance that this information would be included in the next Provider Fax and, finally, might be published in the Alabama M.D., if there are no objections by legal counsel.

Was assured by the executives that the carrier would study a complaint to the effect that physicians performing office surgery should be reimbursed a "tray fee." ●

By Mr. KASTEN:

S. 2052. A bill to amend the Internal Revenue Code of 1986 to reduce the OASDI tax rate, and to remove Social Security trust funds from Gramm-Rudman; to the Committee on Finance.

SOCIAL SECURITY INTEGRITY AND TAX REDUCTION ACT

Mr. KASTEN. Mr. President, I rise today to address a fundamental issue of tax justice—an issue that goes to the heart of our economic future.

While we were all in our several States, meeting with our constituents, our distinguished colleague Senator PAT MOYNIHAN was leaving us a holiday gift here in Washington—the most breathtaking new economic proposal of our young congressional session.

His idea is that we ought to roll back the 1990 Social Security tax increase. This idea isn't really so new. Some might even call it an old GOP standard—but it's a good idea.

Two years ago, when then-Representative Jack Kemp and I proposed payroll tax cuts as part of an omnibus jobs-and-economic-growth package, our efforts were viewed with some suspicion. Some people were afraid that Jack and I had a hidden agenda, a desire to dismantle Social Security—even though we made clear our strong support for the Social Security system and our disinclination to privatize it or tamper with its basic structure.

No one suspects Senator MOYNIHAN of this kind of ulterior motive—he is a recognized champion of the Social Security system—and that gives the tax cut a great opportunity to move toward enactment. The case is compelling:

The working men and women of America need a tax cut.

A tax cut would help the economy.

And—after all—we're only using this money to hide the true dimensions of the budget deficit, not to provide for the future of America's retirees.

The regressive Social Security tax is now imposing a larger burden on the average taxpayer than the Federal income tax. A full 74 percent of all taxpayers pay more in combined payroll taxes than they do in income taxes. From 1955 to 1990, the basic payroll tax will have risen from 4 to 15.3 percent—a nearly fourfold increase. From 1955 to 1988, the tax burden on Americans rose twice as fast as their income. In 1955, a median-income family of four paid Federal taxes at the rate of 9 percent per year. In 1970, they paid 16 percent. In 1988, they paid 24 percent.

The maximum Social Security tax for working families is now a whopping $3,180. Some have argued that this regressiveness is the product of the Reagan tax cuts of 1981 and 1986—but the exact opposite is true. The Reagan cuts removed millions of low-income taxpayers from the income tax rolls—and that's why the payroll tax now accounts for such a disproportionate share of the tax burden borne by these Americans.

These payroll taxes hurt businesses and workers by increasing labor costs and reducing take-home pay. Because of international competition, American businesses are forced to reduce the number of workers they employ. And—as usually happens when bad economic policy is enacted—the chief victims are those at the bottom of the economic ladder.

According to a recent study by the Institute for Research on the Economics of Taxation, the Social Security tax hikes of 1988 and 1990 will increase the tax burden of working Americans by $500 billion over the next 15 years—costing the economy an estimated 500,000 jobs and reducing GNP and capital stock by $100 billion.

In short, the tax increase would have a devastating effect on economic growth. And today, with economic growth slowing to less than 1 percent, we need this economic stimulus more than ever. We need to give the Federal Reserve a helping hand. We have to cut payroll and capital gains taxes on the fiscal side, and allow the Fed to concentrate its monetary policy on the goal of price stability. Cutting the payroll tax would not only curb Congress' appetite to spend the Social Security surplus; it would leave today's young workers and families with more after-tax income to invest in the real economy.

So I agree on principle with the approach Senator MOYNIHAN has outlined. There are, however, numerous objections to his plan which we would do well to confront straightforwardly.

These objections have varying degrees of merit. Some are pure demagoguery; others contain a grain of truth; and still others are very serious indeed.

The loudest objection—that a payroll tax cut would reduce benefits to retirees—is simply false. In fact, some are trying to turn this into an issue of generational warfare, turning our young people against our senior citizens and vice versa. This is irresponsible—there is no excuse for misleading seniors about nonexistent benefit cuts.

Make no mistake: With or without this tax cut, Social Security will be solvent for at least three decades—according to Social Security Administration projections. So to those who wish to frighten our elderly citizens, let us be clear. No benefit cuts.

A more serious objection is that the payroll tax cut will result in a sizable increase in the deficit, completely throwing off the Gramm-Rudman deficit reduction process and leading to higher interest rates.

I'd like to put this deficit issue in perspective. The Congressional Budget Office projects that in fiscal year 1991, the deficit will be only 2.5 percent of GNP. The Moynihan tax cut proposal would increase the deficit by $42 billion on a fiscal year basis, or 0.76 percent of GNP—resulting in a deficit that is 3.26 percent of GNP.

As recently as 1983, the deficit was nearly twice that high—or 6.3 percent of GNP. While it's clear that we have to do more to bring the deficit down, we are in fact making progress.

The fears of high interest rates are unjustified by the evidence. A 1984 study completed by the Reagan-Bush Treasury Department concluded that there is little proven connection between budget deficits and high interest rates.

I think that study was correct.

I think nonetheless that there is substantial room for improvement in the Moynihan tax cut proposal. I would like at this point to introduce a bill that addresses this fiscal concern, as well as the concerns about potential benefit cuts and long-term Social Security solvency.

Today, I am introducing a bill that would cut the payroll tax; ensure Social Security solvency; and provide for an honest balanced budget by 1997. The bill is called the Social Security Integrity and Tax Reduction Act of 1990.

Mr. President, my bill would retroactively reduce the 1990 Social Security payroll tax on both employers and employees from 6.2 percent to 5.9 percent, and further reduce the rate to 5.6 percent in 1991 and 5.3 percent in 1992. The result is a tax cut of up to $154 for the American taxpayer this year, $326 per taxpayer in 1991, and $519 in 1992.

These tax cuts would reduce labor costs, increase job opportunities, and sharpen America's competitive edge.

And this is essential to the Social Security System, because its solvency depends on America's long-term productive capacity.

It is essential that the Social Security trust fund be made secure. My bill would exclude the Social Security trust fund from deficit calculations beginning in fiscal year 1991. Only by making Social Security truly independent can we guarantee its integrity, protecting current and future benefits and restoring discipline to the rest of the budget.

And we have to level with the American people about the true size of the deficit. My bill would raise the Gramm-Rudman targets to reflect the removal of the Social Security trust fund from the general budget.

The 1983 Social Security reforms raised payroll taxes in the expectation of a slow-growth decade. The opposite has occurred. The economy has boomed—and the result has been the excessive surplus which we are now diverting to hide the general budget deficit.

The tax reduction I am proposing—down to a 5.3 percent rate—would help reduce this burdensome payroll tax. And it would leave a substantial surplus to protect the solvency of the Social Security System in the event of a severe economic downturn.

And I think that's important. If economic disaster strikes, we should have a cushion in place to protect retirees.

The resulting increase in the deficit will be at least partially offset by increased economic activity, lower labor costs, and greater competitiveness.

But more importantly, the American people will have increased take-home pay to save and invest. Some have suggested that we ought to mandate the use of tax-deferred savings vehicles such as IRA's and 401(k) plans. I disagree; we shouldn't mandate them, but we ought to encourage all Americans to invest in them.

And I think that if we leave these economic choices to the people, they will do the right thing—and invest in our country's future.

Let's begin a national crusade for savings and investment. We should begin by enacting President Bush's proposed Family Savings Act, which would grant tax-free status to long-term deposits. We should continue by expanding that approach and building on it. And—most importantly of all—we should call on all Americans to teach their children the habits of thrift that are so essential to building our national destiny and their own retirement security.

The bottom line is this: The central choices about the Nation's economic future must be restored to the American family. That ought to be the goal of any intelligent and far-sighted economic policy.

That's why we have to reduce the payroll tax. It's also why we have to reduce the capital gains tax, which unlike a payroll tax cut would actually increase revenues to the Federal Treasury while also sparking economic growth.

Mr. President, let's cut the payroll tax—to boost the income of the average American. Let's take Social Security off budget—to protect benefits for America's retirees. And let's mandate a balanced budget by 1997—to restore fiscal responsibility to the Federal Government.

The Social Security Integrity and Tax Reduction Act of 1990 would be a great step forward for all three of these goals. We have a historic opportunity to strike a blow for today's middle- and lower-income Americans, and for tomorrow's retirees as well. This tax cut will create jobs, expand economic opportunities, and restore honesty in the Federal budget. That's who we should be thinking of—every step of the way—as we advance this proposal.

Mr. President, I ask unanimous consent that the text of the bill and supporting documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This bill shall be known as the "Social Security Integrity and Tax Reduction Act."

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—The Congress finds that:

(1) The Congress, in amending the Social Security Act in 1983, primarily intended to restore and ensure the solvency of the social security trust fund.

(2) Combined with the 1983 increases in the old-age, survivors, and disability insurance (OASDI) payroll tax rate, the robust economic expansion of the 1980s—with 18,000,000 new jobs created—generated a larger than expected surplus in social security payroll tax receipts.

(3) The social security surplus is invested in United States Treasury securities, enabling the Government to reduce Federal borrowing requirements and to finance the general Government expenditures.

(4) According to actuarial projections of the Social Security Administration, the social security system will be financially solvent for at least the next three decades with or without the excess social security payroll tax revenues.

(5) A reduction in the combined OASDI payroll tax rate would reduce labor costs of businesses, increase job opportunities for American workers, enhance America's international competitiveness, and increase the gross national product.

(6) Government policies that increase the Nation's productive capacity and the gross national product will help protect the solvency of the social security system in the next century and ease the potential tax burden on future workers.

(b) POLICY.—It is the policy of Congress that:

(1) The social security surplus should be reduced and returned to both employers and employees in the form of reductions in the OASDI payroll tax rate.

(2) The social security reserves should be removed from the calculations of the Federal budget deficit for the purposes of the Gramm-Rudman law.

(3) The social security trust fund should maintain a surplus equal to or greater than 100 percent of expenses after fiscal year 1991 in order to ensure the solvency of the social security program in the event of a downturn in the economy of the United States.

(4) A financially sound and independent social security system must be preserved in order to guarantee the provision of social security benefits for our Nation's senior citizens.

(5) The remainder of the Federal budget, excluding the social security tax surplus, should be balanced by 1997.

SEC. 3. REDUCTION IN FICA TAXES AND TAXES ON SELF-EMPLOYMENT INCOME.

(a) FICA TAXES.—

(1) TAX ON EMPLOYEES.—The table in section 3101(a) of the Internal Revenue Code of 1986 (relating to rate of tax on employees for old-age, survivors, and disability insurance) is amended to read as follows:

"In the case wages received during:	The rate shall be:
1990	5.9 percent
1991	5.6 percent
1992 and thereafter	5.3 percent."

(2) TAX ON EMPLOYERS.—The table in section 3111(a) of such Code (relating to rate of tax on employers for old-age survivors, and disability insurance) is amended to ready as follows:

"In the case wages paid during:	The rate shall be:
1990	5.9 percent
1991	5.6 percent
1992 and thereafter	5.3 percent."

(b) TAX ON SELF-EMPLOYMENT INCOME.—The table in section 1401(a) of the Internal Revenue Code of 1986 (relating to rate of tax on self-employment income for old-age suvivors, and disability insurance) is amended to read as follows:

"In the case of a taxable year		Percent:
Beginning after:	And before:	
December 31, 1989.	January 1, 1991.	11.8
December 31, 1990.	January 1, 1992.	11.2
December 31, 1991.		10.6"

SEC. 4. REMOVING SOCIAL SECURITY TRUST FUNDS FROM GRAMM-RUDMAN.

(a) EXCLUSION OF RECEIPTS AND DISBURSEMENTS OF SOCIAL SECURITY TRUST FUNDS WHEN CALCULATING MAXIMUM DEFICIT AMOUNTS.—

(1) DEFINITION OF DEFICIT.—(A) The second sentence of paragraph (6) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(6)) is repealed.

(B) Section 275(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 note) is amended by striking out "and the second sentence of section 3(6) of such Act (as added by section 201(a)(1) of this joint resolution)".

(2) SOCIAL SECURITY ACT.—Subsection (a) of section 710 of the Social Security Act is amended by—

(A) inserting after "Federal Disability Insurance Trust Fund," the following: "including interest received by the trust funds,"; and

(B) striking "shall not be included in the totals of the budget" and inserting "shall not be included in the budget deficit or any other totals of the budget".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply with respect to fiscal years beginning after September 30, 1990.

(b) MAXIMUM DEFICIT AMOUNT.—Section 3(7) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking subparagraphs (F), (G), and (H) and inserting the following:

"(F) with respect to the fiscal year beginning October 1, 1990, $138,000,000,000;

"(G) with respect to the fiscal year beginning October 1, 1991, $113,000,000,000;

"(H) with respect to the fiscal year beginning October 1, 1992, $98,000,000,000;

"(I) with respect to the fiscal year beginning October 1, 1993, $75,000,000,000;

"(J) with respect to the fiscal year beginning October 1, 1994, $50,000,000,000;

"(K) with respect to the fiscal year beginning October 1, 1995, $25,000,000,000; and

"(L) with respect to the fiscal year beginning October 1, 1996, $0.".

(c) CONFORMING CHANGES.—

(1) DEFINITION OF MARGIN.—Section 257(10) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by—

(A) striking "1992" and inserting "1996"; and

(B) striking "fiscal year 1993" and inserting "fiscal year 1997".

(2) EFFECTIVE DATE.—Section 275(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "1993" and inserting "1997".

SEC. 5. CONGRESSIONAL INTENT.

The Congress is fully committed to protecting the independence, strength, and longevity of the social security system. No provision or amendment of this Act, taken alone or in conjunction with other provisions or laws, allows any reduction, either nominal or real, in the provision of social security benefits.

OASDI Reserves under the Kasten Plan (II-B)

[In percent]

1990	77
1991	92
1992	102
1993	106
1994	111
1995	117
1996	123
1997	130
1998	137
1999	143
2000	150
2005	181
2010	199
2015	174
2020	100

OASDI Reserves under the Kasten Plan (II-B)

[In billions of dollars]

1990	223

OASDI Reserves under the Kasten Plan (II-B)—Continued

1991	267
1992	299
1993	333
1994	373
1995	417
1996	466
1997	520
1998	580
1999	644
2000	715
2005	1,163
2010	1,749
2100	2,100
2020	1,464

Potential Family Savings under the Kasten Plan

[In dollars]

1990	154
1991	326
1992	519
1993	551
1994	586
1995	618

Source: Social Security Administration.

SELECTED PAYROLL TAX RATE AND WAGE BASE

[Historically and under current law]

	Maximum taxable	Rate
1937	$3,000	1.0
1950	3,000	1.5
1955	4,200	2.0
1959	4,800	2.5
1966	6,600	4.2
1970	7,800	4.8
1974	13,200	5.85
1978	17,700	6.05
1979	22,900	6.13
1981	29,700	6.65
1982	32,400	6.70
1984	37,800	[1] 6.70
1985	39,600	7.05
1986	42,000	7.15
1987	43,800	7.15
1988	45,000	7.51
1989	48,000	7.51
1990	51,300	7.65
1991 and after [2]		7.65

[1] Effective rate.
[2] Subject to automatic increase.
Source: House Ways and Means Committee.

THE SOCIAL SECURITY INTEGRITY AND TAX REDUCTION ACT OF 1990

OBJECTIVES

Reduce excessive Social Security payroll taxes for working Americans.

Protect the integrity of Social Security by creating a truly independent Social Security program and ruling out benefit cuts.

Balance the non-Social Security budget by 1997.

PROPOSAL

Tax reduction: Retroactively reduces the 1990 Social Security payroll tax on employers and employees from 6.2 percent to 5.9 percent. The tax is further reduced to 5.6 percent in 1991, and to 5.3 percent in 1992.

Social Security off-budget: Excludes the Social Security tax surplus from the deficit calculations beginning in Fiscal Year 1991.

Extension of Gramm-Rudman-Hollings targets: Raises deficit targets beginning in Fiscal Year 1991 (through Fiscal Year 1993) by the amount equal to the Congressional Budget Office's latest projections of the Social Security tax surplus. In the first three years, no added deficit reduction is needed. Extends targets in out-years through Fiscal Year 1997, in which a balanced budget is achieved.

BUDGET TARGETS

[In billions of dollars]

	Fiscal year—						
	1991	1992	1993	1994	1995	1996	1997
Current GRH targets	64	28	0				
SSITRA targets	138	113	98	75	50	25	0

BACKGROUND

Since the Social Security program began, the combined payroll tax has risen steadily—from 2 percent for the first $3,000 in earnings in 1937, to 6 percent of wages in the 1960s, to 15.3 percent on earnings up to $51,300 today. 74 percent of all taxpayers now pay more in combined payroll taxes than they pay in Federal income taxes.

The 1983 Social Security reforms are based on the implausible concept that the government can build up a huge reserve that can be drawn upon when it comes time for current workers to retire. The fact is that the tax surplus is invested in Treasury securities—and used to finance other programs of the Federal government. The Social Security Reserve is nothing but a stack of IOUs from the Treasury. Furthermore, if overly large reserves could truly be created, they are apt to be used for new benefit spending programs.

The 1983 Social Security reforms raised payroll taxes based on expectations of sluggish economic growth and job creation for the remainder of the decade. But the 1980s economic boom generated a larger-than-expected tax surplus. Excessive payroll taxes are now being used to mask the true size of the Federal budget deficit.

BENEFITS FOR AMERICA'S WORKERS AND ELDERLY

America's workers will receive up to $154 each in 1990, $326 in 1991 and $519 in 1992.

Social Security benefits will be protected by creating a truly independent Social Security system. Reducing the excessive Social Security tax surplus will prevent Congress from raiding the pension program. A 5.3 percent SS payroll tax rate will provide an adequate SS surplus to guarantee benefit payments in the event of a severe economic downturn.

DEFICIT REDUCTION

The deficit can be reduced without raising taxes—if we adjust the Gramm-Rudman deficit targets by the amount of the projected SS surplus in FY 1991-1993.

Lowering the Gramm-Rudman deficit targets to balance the non-Social Security budget by FY 1997 would require additional deficit reduction beyond what is mandated in current law.

ECONOMIC GROWTH AND JOB CREATION

According to a recent study by the Institute for the Research on the Economics of Taxation (IRET), the payroll tax hikes of 1988 and 1990 will increase the tax burden on working Americans by $500 billion over the next 15 years, costing the economy an estimated 500,000 jobs and reducing GNP and capital stock by $100 billion. By contrast, IRET estimates that every dollar of reduction in Social Security taxes would expand economic output by 68 cents.

Social Security tax cuts will reduce labor costs, enhance U.S. competitiveness, create new job opportunities and increase economic growth.

SOCIAL SECURITY: MASKING THE DEFICIT

[By fiscal years; in billions of dollars]

	1989 [1]	1990	1991	1992	1993	1994	1995
Federal budget deficit	152	138	138	135	141	130	118
Increase in Social Security reserve	52	66	74	85	98	112	128
Deficit excluding Social Security	204	204	212	221	239	242	246

[1] Actual; all others are projections.
Source: Congressional Budget Office

By Mr. DANFORTH:

S. 2053. A bill to amend certain provisions of title 5, United States Code, to provide for an increased maximum rate of pay for specially qualified scientific and professional personnel, and for other purposes; to the Committee on Governmental Affairs.

INCREASE IN MAXIMUM PAY FOR CERTAIN SCIENTIFIC AND PROFESSIONAL PERSONNEL

● Mr. DANFORTH. Mr. President, last year, Congress approved a pay raise for the top scientists and engineers in the Federal Government. The increase is not enough, however, to bring the salaries for Government scientists, engineers, and other professionals in line with their counterparts in the private sector and academia. Consequently, the Federal Government is facing a personnel crisis in our premier scientific research agencies, such as the National Institutes of Health [NIH], the National Science Foundation [NSF], and the National Aeronautics and Space Administration [NASA], and in departments such as Defense and Energy. The pay caps on Senior Executive Service [SES] salaries prevent those agencies and departments from recruiting and retaining the highly qualified and specialized scientists, physicians, and engineers they need.

For example, at NIH, the highest paid scientists are earning less than half the average amount paid to chairmen of clinical science departments at American medical schools. During the last 5 years, senior scientists have abandoned NIH for positions in academia, industry, and independent research laboratories at salary increases ranging from 50 to 300 percent. Salary levels for existing NIH vacancies last year were less than candidates' current salaries by amounts varying from 20 to 263 percent. For example, the salary of an NIH Ophthamology Clinic director was $62,000. An ophthamologist at Washington Hospital Center earned $225,000.

At NASA, senior scientists and engineers have their pay capped at $83,600, while the peers they manage in the private sector are earning up to $250,000. For example, an Assistant Associate Administrator at NASA earns no more than $81,400. A scientist in a similar position at General Electric earns $150,000. The NASA Di-

vision Chief at Ames Research Center recently left his $71,910 per year job to take a position at Apple Computer paying more than double his NASA salary.

The bill I am introducing today establishes incentives for specially qualified scientific and professional personnel to accept employment with the Federal Government by permitting the President to exempt from the Federal salary cap certain employees, such as scientists, engineers, and doctors, who are difficult to recruit and retain. Under this proposal, the President would be required to publish a list of Federal Government employment requirements for highly specialized or skilled scientists, physicians, and engineers, who, in the President's judgment, cannot be recruited or retained for Federal employment because of substantial pay differentials between the private sector and the Federal pay ceiling. A listing of these employees would have to be submitted to the Congress no later than 30 days from enactment and, therefore, at the beginning of each fiscal year. Finally, the President would have the authority to set the salaries for these scientists, engineers, and physicians at whatever level is necessary to attract and keep them.

Mr. President, I ask unanimous consent that the text of the legislation and a summary of its provisions be included in the RECORD immediately following this statement.

Mr. President, the Federal Government cannot recruit and retain highly skilled and experienced scientists, engineers, and physicians. We've admitted to this problem for a number of years. The report of the White House Science Council, issued by David Packard, the distinguished chairman of Hewlett-Packard Corp., in May 1983, had this to say:

> The key to a laboratory's success is a high quality and properly motivated scientific staff. The inability of many Federal laboratories—especially those under Civil Service constraints—to attract, retain, and motivate qualified scientists and engineers is alarming. * * * There are many reasons for this difficulty, but the main one is non-competitive pay and benefits compared with industry and universities.
>
> It is important that Federal laws and regulations be modified to exempt scientific and engineering personnel * * * from the unduly regid hiring, salary, and promotion rules of the Civil Service system.

Mr. President, the situation has deteriorated since that 1983 report. My legislation accomplishes in a simple but comprehensive manner the salary reform recommended by the Packard Review Panel. This proposal reflects the recommendations of the panel, and the 1989 National Commission on the Public Service, chaired by Paul Volcker, that the pay ceiling be lifted for certain scientists, engineers, and physicians, and that the various agencies and departments be free to determine how to fit the salary priorities within the constraints of their appropriations.

We cannot expect to maintain America's preeminence in science and technology if we continue to pursue a penny-wise and pound-foolish Federal compensation policy. The legislation I am introducing today corrects this problem.

There being no objection, the bill and summary was ordered to be printed in the RECORD, as follows:

S. 2053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

REPORT TO THE CONGRESS OF FEDERAL SCIENTIFIC AND PROFESSIONAL PERSONNEL NEEDS

SECTION 1. No later than 30 days after the date of the enactment of this Act, the President shall submit a report to the Congress that—

(1) states the employment requirements of the Federal Government for specially qualified scientific and professional personnel (such as scientists, physicians, engineers, and other professionals) who are most difficult to recruit or retain in Federal service;

(2) states the number of positions which would be established under section 3104 of title 5, United States Code (as amended by section 2 of this Act) to meet such employment requirements; and

(3) lists each such position and the proposed annual rate of pay for each such position.

EMPLOYMENT AUTHORITY

SEC. 2. Section 3104 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking out "The Director of the Office of Personnel Management" and inserting in lieu thereof "The President"; and

(ii) by striking out "(not to exceed 517)"; and

(B) in the second sentence by striking out "Director" and inserting in lieu thereof "President"; and

(2) by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) On October 1 of each fiscal year, the President shall submit a report to the Congress that—

"(1) states the number of positions that are established under the provisions of subsection (a);

"(2) lists each positon established under subsection (a) and the rate of pay for each such position; and

"(3) states the reasons for the necessity of maintaining each such position under the provisions of subsection (a).".

INCREASE IN MAXIMUM RATE OF PAY

SEC. 3. Section 5371 of title 5, United States Code, is amended—

(1) by striking out "the Office of Personnel Management" and inserting in lieu thereof "the President"; and

(2) by striking out "nor more than the maximum rate for GS-18".

ADJUSTMENTS IN RATES OF PAY

SEC. 4. Section 5308 of title 5, United States Code, is amended by inserting before the period at the end thereof "(except for a position that the rate of pay is fixed under the provisions of section 5371)".

EFFECTIVE DATE

SEC. 5. The amendments made by section 2, 3, and 4 of this Act shall be effective 90 days after the date of the enactment of this Act.

BILL TO PROVIDE INCENTIVES FOR SPECIALLY QUALIFIED SCIENTIFIC AND PROFESSIONAL PERSONNEL—SUMMARY OF PROVISIONS

Section 2 amends section 3104 of title 5 to require the President to establish, and from time to time revise, the maximum number of scientific or professional positions necessary for carrying out research and development functions which require the services of specially qualified personnel which may be established outside the General Schedule, and to submit a report to Congress each new fisacl year stating the number of positions that are established under this section, listing the positions established and the rate of pay for each, and giving the reasons for maintaining each position.

Section 3 amends section 5371 of title 5 to require the President to fix the annual rate of basic pay for scientific and professional positions established under section 3104.

Section 4 amends section 5308 of title 5 to exempt from a pay cap those positions for which the rate of pay is established by the President under section 5371.

Section 5 provides that the amendments made by sections 2, 3, and 4 will be effective 90 days after the date of enactment.●

By Mr. DODD (for himself, Mr. BRADLEY, Mr. ROCKEFELLER, Mr. HARKIN, Mr. D'AMATO, Mr. KOHL, Mr. CONRAD, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. SIMON, Mr. METZENBAUM, Mr. SANFORD, Mrs. KASSEBAUM, Mr. KENNEDY, and Mr. BYRD):

S. 2054. A bill to amend the Public Health Service Act to authorize grants and contracts for projects providing primary pediatric care to disadvantaged children, and for other purposes; to the Committee on Labor and Human Resources.

PRIMARY PEDIATRIC OUTREACH AND CARE FOR DISADVANTAGED CHILDREN ACT

Mr. DODD. Mr. President, I rise today to introduce the Primary Pediatric Outreach and Care for Disadvantaged Children Act of 1990. I submit this legislation, Mr. President, in response to the dire needs of many American children who not only are without health care but who also lack the means to seek it.

For many children in our country, now is a time of want and peril. Many are homeless; others are neglected or functionally without parents; some are cruelly abused. No other segment of our population suffers more from the effects of poverty or drug abuse.

I cannot state, Mr. President, with certainly how many children are in such need. None of us know for certain. But I know that the problem is large and that the consequences of this problem are far reaching. The National Academy of Sciences estimated that in 1988, 100,000 children in this country go to sleep homeless every night. Disturbing as that number is,

those who are homeless at any one time are but a subset of a far larger total who have been or will be homeless, living marginally in substandard or overcrowded housing.

Concurrently, child welfare agencies have been overwhelmed by the cases of neglected and abused children. Many of them have addicted parents and receive attention only after extreme deprivation or harm. Others are discovered by accident in drug busts. These cases are now commonplace to local police and social workers. We can only guess at the figures nationwide.

The dramatically rising infant mortality rate in Washington, DC, and other urban centers linked to the use of crack cocaine are startling indicators of how children are often the principal victims of substance abuse. And then our children of children, born to teenage mothers, not only may the means such as health insurance be lacking, but also the knowledge, maturity and general wherewithal to properly look after a child's interest.

Add these pieces altogether and a frightening mosaic of a lost generation emerges. Children aging but not growing amidst dislocation, disorder and disease, and if they do make it to adulthood, Mr. President, what kind of adults will they be? Homelessness, for instance, deprives a child of security, privacy and consistency, thereby interfering with education and personality development. Children who are abused are often future child abusers. Likewise, substance abuse and criminal behavior are often learned along generation lines.

This legislation I am introducing this afternoon provides a start and only a start to help reach these children at risk and in need. It does not seek to solve their problem, but only identify and reach them. It authorizes the Secretary of Health and Human Services to make grants available for local agencies and institutions, public or nonprofit, to provide primary pediatric outreach care. Such care could be therapeutic or preventative and would include immunizations, acute care, health screenings and growth assessments.

The outreach programs would work in tandem, Mr. President, with community health centers and local hospitals. Children with special problems could then be identified and referred to a specialty, mental health and social services. These outreach programs could also track and follow up on children who might otherwise be lost in the system.

To be eligible, Mr. President, the programs would have to demonstrate the ability to actively reach disadvantaged children. Federal funds would match local funds, private or public. The inspiration of this legislation, Mr. President, and a potential model for other programs is the New York children's health project. Based in the Department of Pediatrics at the New York Hospital Cornell Medical Center, it delivers health care to homeless children via mobile medical vans. In its first year of operation with only one and a half vans in the city of New York, 3,000 homeless children were seen in 6,700 separate patient encounters. Over 2,000 children were immunized, children who would likely have remained—in fact, not likely, Mr. President, would have remained unvaccinated otherwise. The beauty of this program, however, goes beyond its numbers because the vans adhere to a fixed schedule; they create a reliable, structured health care service where none previously existed. The program remains accessible to families through a 24-hour telephone number. Problem cases are followed up.

Over 275 children have been referred to the medical center for special services. All children are entered into a computer system permitting follow-up and access to medical records regardless of where they may be found a week, a month or a year later. Each month more than 200 women, infant and children certifications for food supplementation are issued.

In addition, the New York children's health project operates a substance abuse prevention program. Its methods are innovative and superbly adapted to local conditions. The project serves immediate needs but perhaps more important, Mr. President, it acts as a crowbar to pry an opening to these children through which interventions and comprehensive services can flow.

This concept of reaching these children works in New York and I believe it ought to be feasible in other cities and rural areas throughout this country. Variations could be adapted to Appalachia and to migrant workers in the West. It certainly is a fact that these children have complex and urgent needs, and we all know that. They do not have the means to fend for themselves and too often do not have the family structure to provide the needed support. In this context, traditional passive health care, responding only when sought, is unable to provide the answer, Mr. President. The evidence could be found in statistics from the U.S. Immunization Service.

In 1985, a smaller percentage of children, age 2 and younger, were fully immunized against polio, measles, rubella, mumps and DPT than in 1980. Approximately 20 percent of all infants and 40 percent of nonwhite infants had not received the recommended doses of polio vaccine.

This legislation establishes no Federal bureaucracy. It simply fosters and encourages worthy local initiatives and the exchange of information and experiences among them. Language in this year's Domestic Volunteer Service Act, moreover, would permit the inclusion of VISTA volunteers in such a program as I have described. The Primary Pediatric Outreach and Care for the Disadvantaged Children Act of 1990 is endorsed, I might add, Mr. President, by the American Academy of Pediatrics, the National Association of Children's Hospitals and related institutions, the National Network of Runaway and Youth Services.

Mr. DODD. Mr. President, I also note, as I send this legislation to the desk, that this legislation is being cosponsored by Senators BRADLEY, ROCKEFELLER, HARKIN, D'AMATO, KOHL, CONRAD, LIEBERMAN, MIKULSKI, SIMON, METZENBAUM, SANFORD, KASSEBAUM, KENNEDY, and BYRD.

Mr. President, I ask unanimous consent that correspondence from the American Academy of Pediatrics, from the National Association of Children's Hospitals and related institutions, the National Network of Runaway and Youth Services be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Primary Pediatric Outreach and Care for Disadvantaged Children Act of 1990".

SEC. 2. PRIMARY PEDIATRIC CARE FOR DISADVANTAGED CHILDREN PROGRAM.

Subpart V of part D of title III of the Public Health Service Act (42 U.S.C. 256 et seq.) is amended—

(1) by adding after the subpart heading the following:

"CHAPTER 1—GRANT PROGRAM"; and

(2) by adding at the end thereof the following new chapter:

"CHAPTER 2—PRIMARY PEDIATRIC CARE FOR DISADVANTAGED CHILDREN PROGRAM

"SEC. 340A. PRIMARY PEDIATRIC CARE FOR DISADVANTAGED CHILDREN PROGRAM.

"(a) DEFINITIONS.—As used in this section:

"(1) PRIMARY PEDIATRIC CARE.—The term 'primary pediatric care' means—

"(A) preventive care including anticipating guidance, examinations and appropriate early treatment, immunizations, and other services designed to promote health and prevent disease;

"(B) acute illness care, including diagnosis and early treatment of illnesses in order to prevent complications or the development of chronic disorders;

"(C) evaluations conducted to detect physical abuse, sexual abuse, or neglect of children; and

"(D) continuing care of individuals suffering from certain chronic diseases or disabling conditions.

"(2) OUTREACH.—The term 'outreach' means—

"(A) the intensive identification of isolated and vulnerable children; and

"(B) the undertaking of comprehensive assessments and referrals for purposes of pro-

viding immediate direct care and access to health care systems.

"(b) AUTHORITY.—The Director may make grants to, and enter into contracts with, public and nonprofit private organizations, agencies, and institutions, and with individuals to pay part or all of the costs of establishing programs (such as the New York Children's Health Project) designed to provide high quality primary pediatric care to economically disadvantaged children and adolescents who, on the date of enactment of this section, do not have access to such care as a result of geographic, cultural, financial, and other barriers, for the purposes described in subsection (c), or for operating such programs, or both.

"(c) ELIGIBLE ACTIVITIES.—A recipient shall use funds available under this section to—

"(1) provide child adolescent outpatient facilities or, where appropriate, mobile medical units, staffed by physicians, nurse practitioners, and other health care providers to provide primary care services;

"(2) establish an extensive followup system to ensure maximum consultative and referral visits for comprehensive health needs;

"(3) provide, for adolescents—

"(A) prenatal care;

"(B) substance abuse detection and preventive and therapeutic counseling; and

"(C) other services designed to meet the particular needs of adolescents;

"(4) provide evaluation and treatment services for behavioral and emotional disorders either directly or through referrals to appropriate specialists;

"(5) establish a health service program for children in foster care;

"(6) establish a program to provide medical services and community referrals to runaway and homeless youth;

"(7) establish a program to provide continuous, comprehensive care for children with special medical needs, particularly children with disabilities and chronic illness;

"(8) establish programs for other underserved children;

"(9) establish formal linkages with facilities providing necessary referral or ancillary services, including hospital outpatient and inpatient care, educational institutions, Head Start programs, and social welfare and child abuse programs; and

"(10) devise methods of data collection, including statistics concerning children and families and the specifics of the health care needs of such children and families which should enable the tracking of families and promote a continuum of health care.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 1991, and such sums as are necessary for each succeeding fiscal year.".

THE NATIONAL NETWORK OF RUNAWAY AND YOUTH SERVICES, INC.,
Washington, DC, January 31, 1990.

Hon. CHRISTOPHER J. DODD,
Chairman, Senate Labor and Human Resources Subcommittee on Children, Family, Drugs, and Alcoholism, Washington, DC.

DEAR SENATOR DODD: The National Network of Runaway and Youth Services wishes to add its enthusiastic support to the Primary Pediatric Outreach and Care for Disadvantaged Children Act of 1990. We believe this bill is an important step in making health care services more available and accessible to disadvantaged children and youth.

The National Network represents over 900 youth-serving agencies across the country, which daily serve hundreds of young people who have become disconnected from community life—their parents, schools, churches and synagogues, and health care providers. These youth, many of whom have been abused and neglected, live without the adult support and guidance we want for our children. They are at risk for long-term homelessness, increased drug experimentation and dependency, exploitive sexual experiences, early pregnancy, and AIDS/HIV infection.

Dr. Robert Deisher, who is the Department Chair for Adolescent Medicine at the University of Washington in Seattle, often speaks of the fact that teenagers are less likely to receive basic health care services than any other age group. In his work with street youth in the Seattle area that has spanned over two decades, Dr. Deisher has consistently found that these young people are more likely to have chronic physical and mental health problems than their peers who are not runaways or homeless. Recent studies highlight some of the serious problems these young people are encountering.

Homeless youth are nearly twice as likely to suffer from chronic physical ailments as their non-homeless counterparts.

Thirty-one percent of the young women aged 16–19, who were seen in clinics for the homelsss in 19 cities, were pregnant, as compared to 9% of the control group used in the study. This was the highest pregnancy rate for any age group of homeless women.

Reported rates of substance abuse among homeless adolescents range between 70–85%.

Reported rates of clinical depression among homeless youth range from 29% to 84%.

Your bill, Senator Dodd, will help disenfranchised children and adolescents receive the very basic and preventive health services that they are currently denied, because of poverty or life circumstances which dictate that they are living without the protection of their parents or the State. The Primary Pediatric Outreach Care bill also provides another critical service for runaway youth—community referrals.

Noting the number of youth seeking shelter who had physical complaints, several of our member agencies in Boston, Portsmouth, R.I., and other cities pioneered the technology of mobile health care. They found that the promise of quality health care that was easily accessible attracted youth who typically avoided contact with adults and serviced providers. Their street outreach workers have successfully used the van as a base in urging youth to come in off the streets, enter emergency shelter, and begin the process of either reuniting with their families or finding other stable and safe living arrangements.

"Never in the history of this country has the importance of sheltering children from the risks and demoralizing atmosphere of street life . . . been less in need of argument." This statement was made in 1915 in a government report in England. It holds true for this country in 1990. We applaud your efforts to bring needed services to America's children and youth.

Sincerely,

JUNE BUCY,
Executive Director.

THE NATIONAL ASSOCIATION OF CHILDREN'S HOSPITALS AND RELATED INSTITUTIONS, INC.,
Alexandria, VA, January 25, 1990.

Hon. CHRISTOPHER J. DODD,
Chairman, Subcommittee on Children, Family, Drugs and Alcoholism, U.S. Senate, Washington, DC.

DEAR SENATOR DODD: NACHRI, the only national and voluntary association of children's hospitals, commends your efforts and the work of the Subcommittee on Children, Family, Drugs and Alcohol to address the needs of disadvantaged children and high-risk children for primary health care. The Primary Pediatric Care for Disadvantaged Children Act of 1990 will begin to fill the gaps in health care which impede poor, disadvantaged and at-risk children from receiving the basic health services they need.

By virtue of their special missions, children's hospitals are in a unique position to see, first-hand, emerging challenges to children's health and their access to care. Children's hospitals serve children who are very sick, children with the very specialized health care needs of chronic illness, and children who come from low income families. Indeed, nationwide 33% of their patients come from poor families—a level exceeded only by inner city public hospitals. Therfore, children's hospitals confront daily the inadequacies of our current system of health care financing and the resultant lack of access to the most basic primary care services, with its impact on the health status of our children.

The children's hospitals applaud this legislation as it addresses the immediate needs of a particularly vulnerable group of children—those without any access to routine health care—the "medically homeless". These children are at especially high risk for poor health status. The system of "mobile medical units" and "child health stations" that would be supported through this legislation will seek the children in need, giving them the opportunity to obtain needed services and to be integrated into established programs of care.

This legislation is one important step towards providing access to appropriate and adequate health care services to children in need. However, it should not be accepted as a panacea for the weaknesses of our health care system. What is truly needed, above and beyond this bill, is an enlightened social policy that includes much broader reforms of the ways in which health care is financed and made accessible to all children.

Such a social policy was embodied in your legislation—The Younger Americans Act of 1987. The Younger Americans Act would result in a national policy and commitment to our children and youth. The children's hospitals look forward to intensifying their work with you and others to achieve such a national commitment to all the needs of this nation's children.

Until that vision is realized, however, children's hospitals enthusiastically endorse initiatives such as those envisioned in the Primary Pediatric Care for Disadvantaged Children Act of 1990 which will provide much-needed services to the children who have suffered the most from the gaps of our current system.

Sincerely,

ROBERT H. SWEENEY,
President.

AMERICAN ACADEMY OF PEDIATRICS,
Washington, DC, January 31, 1990.

Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: The Academy of Pediatrics is pleased to endorse the "Pediatric Outreach and Primary Health Care for Disadvantaged Children Act of 1990." The bill authorizes funding for projects which will provide primary care to economically disadvantaged children and adolescents who currently do not have access to care.

Access to health care, particularly pediatric preventive health care, is impaired for homeless families. Health becomes a lower priority as parents struggle to meet the daily demands for food and shelter. Families are so often on the move that there is no opportunity to develop an ongoing relationship with a health care provider. When there is an acute problem, hospital emergency rooms, visiting public health nurses, and clinics usually provide episodic and fragmented care. Continuity is nonexistent and care is rarely comprehensive.

Families with children represent more than one-third of the homeless population nationally and more than 50% of the homeless population in many cities. Homeless children have unique risks that compromise their health status and require creative approaches for the delivery of health care.

Ensuring access to health care is the Academy's top legislative priority. Approximately 11.6 million children are uninsured, which means that are without basic preventive health services, primary, acute and major medical services, and treatment of physical and development disabilities. While this proposal addresses an especially vulnerable portion of this population, all children's needs must be a priority of this nation.

The Academy applauds your efforts to address this critical need and is eager to work with you on behalf of children and families.

Sincerely,

BIRT HARVEY, M.D.,
President.

Mr. BRADLEY. Mr. President, I rise to join my colleagues, Mr. DODD from Connecticut and Mr. ROCKEFELLER from West Virginia, in introducing legislation authorizing $10 million for grants to localities and local health facilities to reach out to poor, disadvantaged, and homeless children in order to provide basic health care services.

Today, nearly one in five children under the age of 18 lives in poverty. This rate is 50 percent higher than in 1969. For many of these children, significant barriers exist for obtaining basic services that would allow them the hope of escaping the chains of poverty. Some are homeless, others neglected and abused. All are deserving of the opportunities that this land of plenty has to offer. But the grim facts show that we're not meeting their needs very well. A country that invented the polio vaccine should not lag behind 14 other countries in the rate of immunization of our children. A country that has one of the highest standards of living in the world should not lag behind 19 countries in preventing infant mortality. A country that can take people to the Moon ought to be able to get children to a doctor or doctors to children. The program we are introducing provides a way to reach children who are at risk, and to provide basic pediatric health services and access to a range of health services.

This program is modeled after a remarkable and unique program developed by Paul Simon and run by Dr. Irwin Redlener at the New York Children's Health Project. This remarkable project delivers health care to homeless children through mobile medical vans that reach out into the community. It provides children basic care for illnesses, immunizations, health screenings, and assessments as well as an important link for referrals to other medical and support services. In reaching squarely beyond the barriers with early and preventive interventions, programs like this one can make a difference to these innocent victims of poverty and neglect. And with the emphasis on tracking the children who are served, the program conveys the message to these children that they will not be lost again.

Earlier this year I met, Mr. President, with Paul Simon and Dr. Redlener to discuss this special program and its applicability for other areas. It is my belief that the program could be replicated in other parts of the country if sufficient financial resources can be marshalled.

It is my belief that programs such as this one could have a major impact in urban areas in New Jersey. Almost half of all poor children in my home State have no public or private health insurance. Many poor children, even those wih coverage, do not have access to quality and timely health services. Less than 3 children in 10 under the age of 5 in Newark have received the full recommended course of childhood immunization.

Mr. President, we simply must find better ways to reach out to very poor children to make sure that they receive basic services such as health care. As a nation, we cannot tolerate losing an entire generation of children to neglect and indifference. This legislation will support efforts to this end. I urge my colleagues to support it.

Mr. KOHL. Mr. President, I am proud to join my distinguished colleague Senator DODD in supporting the Primary Pediatric Care for Disadvantaged Children Act of 1989. In the fight to give all of our Nation's children the quality health care which they deserve, this legislation addresses an urgent and growing need.

Children are America's most valuable and vulnerable resource. Quality health care from the first day of their lives should be their birthright. However, millions of children are denied this birthright every day. As we all know, proper health care is critical for the development of our children. Without access to decent medical care, our Nation's children are at risk of falling into an unbreakable lifetime cycle of poverty, disease, pain, and despair.

We do have programs to help children living in poverty receive health care. But far too many poor and homeless children are not being reached by these worthy and effective programs. In 1986, less than one-half of all children in poverty under age 13 were covered by Medicaid. In 1986, over 12 million children had neither public nor private health insurance. And with the escalation of health care costs, coupled with our own failure to provide comprehensive access to health care, we can only expect those numbers to rise. Despite our past successes with immunizations, growing numbers of preschoolers who are not receiving immunizations against diphtheria, tetanus, pertussis, polio, mumps, measles, and rubella threaten a return of those communicable diseases. Preventive health care is still a luxury for millions of American families with children.

No one can deny that we need to expand outreach efforts to offer pediatric health care services to disadvantaged children. The question is how to accomplish this goal. This legislation offers a creative and flexible response and that response would reach beyond our limited abilities to serve those under the poverty line.

Under this bill, we would provide grants to local agencies and programs which have demonstrated their effectiveness in identifying and reaching disadvantaged children needing better health care. The funding would be Federal, but the help would be tailored to address local needs and conditions. This is an ideal way to meet the health care demands of all our Nation's disadvantaged children.

Until now, we have relied primarily on private sector funding to support pediatric health outreach programs. However, to keep existing programs strong and to foster similar projects, our Government must provide a solid, stable source of funding. There is a limit to the help that our Nation's thousand points of light can provide. The health of our children is far too valuable to risk should these lights ever flicker.

It's a simple investment, Mr. President. I urge my colleagues in joining us in redoubling our commitment to the health and well-being of our Nation's children.

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of legislation to bring basic health care to some of our Nation's most disadvantaged children. Inspired by a successful New York program that delivers health care to children in the city's welfare hotels and shelters, the Pedi-

atric Outreach and Primary Health Care for Disadvantaged Children Act will fund the establishment of similar outreach programs for children around the country.

The New York program—known as the New York Children's Health Project—relies on two mobile medical vans to deliver high-quality, comprehensive primary care to 5 to 6 thousand high-risk children. These mobile medical units are operated and maintained by the New York Hospital-Cornell Medical Center, and staffed by pediatricians, nurse practitioners, and nurses of the department of pediatrics.

In addition to primary care, the project provides an extensive followup system, and a variety of special services including adolescent and mental health services, as well as child abuse and substance abuse prevention.

In just over 2 years of operation, the project has brought previously unavailable services to countless children in need. In 1989 alone, project staff made approximately 9,000 medical and nursing visits and 2,000 followup contacts. They immunized more than 2,200 children, and referred over 450 children to backup hospitals for additional care.

The New York Children's Health Project represents a concept that works. I commend my colleague, Senator DODD for recognizing the merits of this concept, and for introducing the Pediatric Outreach and Primary Health Care for Disadvantaged Children Act to ensure its adaptation in regions across the country.

I encourage my colleagues to join in this effort to help meet the needs of our Nation's medically underserved children.

By Mr. McCONNELL:

S. 2055. A bill to amend the National School Lunch Act to extend eligibility for reimbursement for meal supplements for children in afterschool care, and for other purposes; to the Committee on Labor and Human Resources.

CHILD NUTRITION ASSISTANCE BILL

● Mr. McCONNELL. Mr. President, because of a growing number of dual-career and single parent families, there is an increasing need for child care. In 1968, Congress began the Child Care Food Program [CCFP] as an addition to the National School Lunch Act. Authorized under section 17 of the National School Lunch Act, the Child Care Food Program provides funds for food service to children in child care centers and family and group day care homes.

This has been an enormously successful and popular program. CCFP presently serves 1.2 million children of which nearly 120,000 are from low-income families. Major scientific studies have proven that children who participate in the CCFP benefit nutritionally. Furthermore, CCFP is the only Federal program which establishes nutrition standards for meals served to preschool children in family day care. CCFP among other child nutrition programs are not only nutritiously beneficial but also economically beneficial. According to the Committee for Economic Development, every dollar spent in early intervention saves $5 in remedial education, welfare, and crime control.

Mr. President, I believe that my colleagues will agree it is of utmost importance to ensure that our Nation's children receive proper nutrition. Unfortunately, certain inequities exist that prevent this from happening. Currently, students participating in after school programs are not eligible for the same benefits as their classmates who leave school and go to a child-care facility. Children enrolled in CCFP receive a nutritious snack between lunch and dinner, whereas kids in afterschool programs do not, and I do not believe this is fair. For this reason, I am introducing a bill to amend the National School Lunch Act to extend eligibility for reimbursement for meal supplements for children in afterschool care.

In May 1989, I introduced legislation intended to benefit millions of children nationwide by providing them with nutritious meals. This legislation, which was incorporated in a child nutrition bill that became law last fall, will begin to address the nutritional needs of our children. However, more can be done. In this wealthy and prosperous nation, it is an unacceptable tragedy that thousands of children are forced to go hungry.

The bill I introduced regarding the School Breakfast Program provides students with a nutritious breakfast thus increasing their academic performance. It is my intention that the legislation I am introducing today will further provide and enhance childrens' academic ability. By continuing these programs to furnish children with a steady, solid diet, we improve their performance in school, keep them healthy, and ultimately give them the chance they deserve to succeed in life.●

By Mr. HARKIN (for himself, Mr. HATCH, Mr. PELL, Mr. DURENBERGER, Mr. KENNEDY, Mr. COCHRAN, Mr. SIMON, Mrs. KASSEBAUM, Mr. BURDICK, Mr. KERRY, Mr. ADAMS, Mr. CHAFEE, Mr. GRAHAM, Mr. LEAHY, and Mr. HATFIELD):

S. 2056. A bill to amend title XIX of the Public Health Service Act to provide grants to States to establish and implement State health objective plans, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH OBJECTIVES 2000 ACT

Mr. HARKIN. Mr. President, I rise today on behalf of myself, Senator HATCH, Senator PELL, Senator DURENBERGER, Senator KENNEDY, Senator COCHRAN, Senator SIMON, Senator KASSEBAUM, Senator BURDICK, Senator KERRY, and Senator ADAMS, Senator CHAFEE, Senator GRAHAM, Senator LEAHY, and Senator HATFIELD to introduce the Health Objectives 2000 Act.

Americans are far healthier now than 100 years ago thanks to a virtual revolution in public health and medicine during this century. We have seen life expectancy increase by some 29 years. We have made monumental gains in understanding the leading causes of death and disability and the means by which they might be prevented.

As a nation, we no longer measure our health solely by mortality rates and average longevity, but also by the quality of our life and the impact of illness on our economic productivity. Our next opportunity to make substantial gains in public health lies in health promotion, and the prevention of premature disability and death. Many are calling this the "second revolution" of public health in America.

However, there is a growing concern that as a nation we have lost sight of our public health goals—that our national commitment to public health is neither clearly defined, adequately supported, nor fully understood. We are failing to embark upon the "second revolution" and, at the same time, are at risk for losing the gains of the first.

Two years ago, the Institute of Medicine [IOM] published the most comprehensive assessment of public health in the Nation today. The IOM report conveys a sense of urgency to the Congress and to the American people. Public health is a vital function that is in trouble. The Institute of Medicine reports that the gains of our public health programs have been taken for granted, and public health responsibilities have become so fragmented that deliberate action is often difficult if not impossible.

It is time for action. Many major health problems remain unresolved. We are not the helpless victims of death and disease. We have it in our power to reduce significantly deaths and disabilities due to feared killers such as heart disease, stroke, emphysema, cancer, accidental injury, and other similar assaults on our health.

My colleagues and I are calling for a renewed national effort to prevent the most common and costly causes of disease, disability, and death. The Health Objectives 2000 Act, which we are introducing today, is far-reaching in its efforts to move toward a healthier America.

We are proposing an all-out effort to implement the Nation's health objectives for the year 2000. Many health-care professionals in America will have had their say in developing these objectives through a series of regional hearings jointly convened by the Institute of Medicine, part of the National Academy of Sciences, and the Public Health Service. When the Surgeon General publishes them in final form in July 1990, they will reflect the input of more than 200 national membership organizations and all the State and territorial health departments, some 7,000 individuals in all.

I am proud to be joined in this effort today by Senator KENNEDY, the chairman of the Committee on Labor and Human Resources. Senator KENNEDY is second to none in this body in his commitment to high quality health care that is affordable and available to all Americans.

It means a great deal to me, also, to be joined by Senator HATCH, the ranking member of the Committee on Labor and Human Resources, with whom I have worked closely on a number of important issues. Senator HATCH has done much to promote better health, including efforts to improve prenatal care, home care, and promote better nutrition.

Senator PELL, who has been a steadfast supporter of legislation promoting the health of Americans, joins with us also in introducing the Health Objectives 2000 Act. I look forward to working with Senator PELL on this important legislation, and with my other distinguished colleagues who join me in introducing this bill today.

I want to also express my appreciation to the Association of State and Territorial Health Officials who took a leadership role in developing this bill.

Americans want to be healthy. We try to be healthy. As individuals we are conscious of our own personal health status—our cholesterol levels, our ideal weight, how much exercise we need, what sort of diet is best for us. As a Nation, we are accutely aware of the need for a healthy workforce, in order to maintain our health levels of productivity, and our competitive stance in a world market.

Yet we are faced with growing concerns about low-level radiation, polluted air and water, and cancer causing chemicals in our food. Many of us fear that our standard of living has increased at the expense of our health, and many Americans are reporting higher rates of disability and dissatisfaction than in the past. Modern technology has created both real and potential health hazards.

Nevertheless, we have made impressive gains in the health status of Americans during this century. We have more opportunity to live longer, healthier, and more productive lives. As someone once said, "Modern life sure beats old fashioned death".

This legislation will help cut America's medical bills, too. Since the 1970's the cost of health care has skyrocketed. The Government now spends 25 times as much on health care as we spent 25 years ago. Total health care spending in the United States is more than a half-trillion dollars, with all but 3 percent going to treat rather than prevent disease and disability.

Americans spend nearly three times the amount that citizens of the United Kingdom spend on health care. Health care in America, as percent of gross domestic product, is greater than Sweden, France, Canada, The Netherlands, Germany, Norway, Japan, and the United Kingdom. Yet Americans aren't necessarily any healthier. Death due to heart disease is 40 percent higher in the United States than it is in France and Switzerland—and costs Americans more than $70 billion a year.

The societal costs of preventable disease cost Americans more than $680 billion annually. If more efforts to promote health and prevent disease and disability can result in even a 1 percent reduction, that means we can save more than $6.8 billion each year.

Our strained national pocketbook can no longer continue to support illness at the expense of wellness. The Health Objective 2000 Act represents a national commitment to support health in America, and at the same time, control our rising health care costs.

America has a proud history of public health which forms the basis for our renewed effort today. Our national public health system has, for many years, worked to prevent disease, and promote healthful environments, behavior and lifestyles. During our lifetime we have seen a substantial reduction in the death rate from infectious disease thanks to water purification, mass immunizations, and other public health measures. As a result, people live longer, and are more likely to succumb to chronic disease or become disabled. And much of that disease and disability is preventable.

Nationally, more than 1 million people die each year—nearly 52 percent of all deaths—as a result of stroke, coronary heart disease, diabetes, chronic obstructive pulmonary disease, lung cancer, breast cancer, cervical cancer, colorectal cancer, or cirrhosis.

We know what to do to prevent these killers. Cigarette smoking is responsible for about 30 percent of the nearly 500,000 deaths from cancer each year. Diet has been linked to cancer, heart disease, and stroke. We can prevent deaths due to cirrhosis by reducing the consumption of alcohol.

Far too many of our citizens, especially young people, die or experience disabilities as a result of vehicular accidents and work related injuries. Accidents are the leading cause of death during the first four decades of life. Injuries are the most common cause of death for children ages 1 to 14. We have it within our power to prevent this tragic loss of life.

Americans are living longer. We need to help them live healthier. My own State of Iowa has the highest percentage of the population over the age of 85. In so far as health care is concerned for our elderly citizens, there is a small number of people who require a great deal of expensive care and a much larger number of people who use few, if any health care services. By preventing disease among the elderly, postponing dependence, and promoting vitality, we can improve the quality of life of our senior citizens, many of whom reside in rural America, while reducing the cost of health care.

Iowa exceeds the national average of deaths due to work-related injuries and deaths due to smoking. In fact, injuries, followed by cancer and heart disease, are the leading cause of years of potential life lost in my state. Because we are a rural State, with a strong agricultural economy, farm-related injuries are a special concern of mine—and contribute substantially to the high rate of work-related injury in Iowa. We can improve the health of our rural citizens through better health promotion and injury prevention programs.

Our Iowa State health department is hard at work on many of these important issues. They are doing a great job with programs such as hypertension screening, through which they have identified 2,113 new cases, many among the elderly. I am committed to helping them do an even better job. Mary Ellis, the director of our Department of Public Health, commenting on the Health Objectives 2000 Act, wrote to me, "It is very important for Iowa citizens and for health care in the United States."

Mr. President, American health care—its quality, its availability, and its cost—are top concerns for us all. Too often, though, we react to bad news rather than plan for a healthier future. We tinker with parts of the system in trouble, and don't do enough toward accomplishing our own national health goals.

The bill my colleagues and I introduce today looks to the year 2000 and says, "These are our goals and these specific objectives will help us achieve them."

Five broad national goals are proposed:

Reduce infant mortality to no more than 7 deaths per 1,000 live births versus as compared to 10.4 per 1,000 live births in 1987;

Increase life expectancy to at least 78 years versus 74.9 years in 1987;

Reduce disability caused by chronic conditions to a prevalence of no more than six percent of all people instead of the estimated 8.9 percent in 1987;

Increase years of healthy life to at least 65 years rather than 60 years in 1987;

Decrease disparity in life expectancy between white and minority populations to no more than 4 years as opposed to 5.8 years in 1987.

More than 200 objectives in 21 categories aim toward these goals. They address priorities in health promotion, health protection, preventive services and system improvement. All of our citizens stand to benefit, but especially the very young, older Americans, and those who are most at risk of disease because of the lack of access to medical care.

The Health Objective 2000 Act offers an opportunity for us to improve the quality of our information and develop better methodolgy for attacking the problems that assail our health. We know a lot about the outcomes that result in death, but not as much about the outcomes that result in disability. We need to know more about how environmental noise affects hearing loss, for example. We know how many children die from drowning, but we don't know how many children there are who are substantially disabled as a result of near drowning.

The bill provides funding to designated official State public health agencies, based upon state plan target objectives which are consistent with the year 2000 objectives and yet tailored to State needs. These funds will help States carry out their objectives, and help them monitor and evaluate the impact of their efforts. In addition, funds are designated for the professional training of public health personnel and to provide assistance for research, and for pilot and demonstration projects and programs approved by the Secretary of the Department of Health and Human Services for the purposes of demonstrating the potential impact of regional or national efforts to improve the health status of American citizens as set out by the national health objectives.

States are encouraged to form partnerships with Federal, State, and local health agencies, voluntary health organizations, and other health groups in order to develop initiatives that are set out in the State plan, enabling them to address national health policy issues and assess the health status of the population in their State and nationally.

An advisory committee will be established by the Secretary of DHHS, known as the National Health Objectives Advisory Committee, to advise regarding national health priorities.

The act authorizes $300,000,000 for fiscal year 1991, increasing $25 million each year with a $400,000,000 authorization if fiscal year 1995. Ninety percent of appropriated amounts are to be used for allotments to the designated official State public health agencies. Allotments are to be used to develop and implement a State plan, develop and collect data to assess public health needs and status of individuals residing in the State; provide assistance and planning necessary to projects and programs described in the State plan; and provide for carrying out projects and programs described in the State plan. Ten percent of appropriated amounts are to be used for training, research, and the development of pilot and demonstration programs.

The Preventive Block Grant Program becomes part of this act, at the time it is due to be reauthorized, on October 1, 1992.

Mr. President, I ask unanimous consent that the list of organizations supporting this legislation be printed in the RECORD at this time, and I look forward to working with my colleagues on this important initiative.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Association of State and Territorial Health Officials.
American College of Preventive Medicine.
American Dental Association.
American Lung Association.
American Public Health Association.
Association of Schools of Public Health.
Association of State and Territorial Dental Directors.
Association of State and Territorial Directors of Nursing.
Association of State and Territorial Directors of Public Health Education.
Association of State and Territorial Public Health Laboratory Directors.
Association of State and Territorial Public Health Nutrition Directors.
National Association of County Health Officials.
U.S. Conference of Local Health Officers.
U.S. Conference of State and Territorial Epidemiologists.

Mr. HATCH. Mr. President, I rise today to cosponsor and support the introduction of the Health Objectives 2000 Act. I am pleased to join my colleagues in this bipartisan effort because we must place a greater emphasis on health promotion and disease prevention.

It is important to work together in Congress to facilitate efforts to prevent disease and promote a healthy lifestyle. As a nation, we spend approximately 12 percent of our gross national product on health care. Only a small fraction of that amount is spent on prevention efforts. We can no longer afford to emphasize only the treatment part of the health-care equation while putting so few resources into less costly prevention activities.

The Health Objectives 2000 Act builds upon a program that is already in place, the preventive health and health services block grants. States have been working on prevention efforts, and many have coordinated such efforts with 1990 health objectives that were developed by the Public Health Service in 1980. In my State of Utah, programs have been developed in the area of prevention for cardiovascular disease and hypertension control. These programs have been effective, because the death rate due to premature cardiovascular disease has decreased in Utah by 21.7 percent since 1981.

This bill would allow States to go beyond these efforts and, in partnership with local agencies, achieve the goals for improved public health that will be set by the health objectives for the year 2000 project. This bill will ensure a concerted national effort for the States, localities, and the Federal Government to work together in addressing the most pressing public health issues that face this Nation.

I am pleased to support this effort along with my colleagues and the Association of State and Territorial Health Officials who believe that this bill will provide the mechanism for increased interagency and intergovernmental cooperation. Coordination and cooperation are key objectives if we are to upgrade health promotion and disease prevention efforts in this Nation.

Mr. PELL. Mr. President, I am delighted to join Senators HARKIN and HATCH, my colleagues on the Senate Labor and Human Resources Committee, in introducing what I believe to be essential and comprehensive legislation to promote better health and prevent disease and injury.

For too long, Mr. President, health promotion and disease prevention activities have taken a back seat to other health concerns. We all agree that research is crucial; we all know that treatment is an absolute necessity. But we are now suffering the consequences of our unwillingness to take the third and crucial step of preventing, when we can, disease and injury.

Mr. President, today is a red letter day for public health. The introduction of this crucial legislation marks a turning point in our national health agenda. For too long, the Federal Government has been reactive—waiting for disease or injury to strike and take its toll on our families and on our society—before responding with the necessary alarm and action. Our legislation would guarantee the Federal Government's commitment to providing desperately needed resources to help prevent the illness, suffering, and cost of disease and injury.

Our bill would provide grant funds to State and territorial health agen-

cies to implement comprehenisve prevention activities in 21 areas: Reduce tobacco use; reduce alcohol and other drug abuse; improve nutrition; increase physical activity and fitness; improve mental health and prevent mental illness; reduce environmental health hazards; improve occupational safety and health; prevent and control unintentional injuries; reduce violent and abusive behavior; prevent and control HIV infection and AIDS; prevent and control sexually transmitted diseases; immunize against and control infectious diseases; improve maternal and infant health; improve oral health; reduce adolescent pregnancy and improve reproductive health; prevent, detect, and control high blood cholesterol and high blood pressure; prevent, detect, and control cancer; prevent, detect, and control other chronic diseases and disorders; maintain the health and quality of life of older people; improve health education and access to preventive health services; and improve surveillance data systems. The funds would also be used to ensure coordination between Federal, State, and local health agencies and other groups.

Mr. President, currently only about 3 percent of Federal health expenditures and less than one-half of 1 percent of total health care expenditures nationwide are used for prevention efforts. It seems to me that the Federal Government is not doing nearly enough for States like Rholde Island, which could benefit enormously from a commitment to health promotion and disease prevention activities. A recent report by the Federal Centers for Disease Control [CDC] found that in 1986, Rhode Island's death rate from nine major chronic diseases ranked ninth among all States. The CDC indicated in that report that many deaths from these diseases could have been prevented by changes in lifestyle. I would ask unanimous consent at this time to insert in the RECORD an article written by James M. O'Neill which appeared in the Providence Journal on January 21, 1990, entitled "R.I.'s Chronic-Illness Deaths Ninth-Highest in the Nation."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

R.I.'s CHRONIC-ILLNESS DEATHS NINTH-HIGHEST IN THE NATION

(By James M. O'Neill)

PROVIDENCE.—Rhode Island had the ninth-highest death rate in the nation in 1986 from nine diseases that caused more than half of all U.S. deaths that year, a federal report says.

The report notes that 5,748 Rhode Islanders died of chronic disease in 1988, the most recent year for which figures are available, compared with 2,817 in Hawaii, which had the lowest death rate in the study and has a population about the same as Rhode Island's.

Rhode Island's death rate per 100,000 population from these diseases was 490.99, greater than the national average at 457.6 and far higher than Hawaii's 326.80.

The nine chronic diseases included in the report, issued Friday by the federal Centers for Disease Control, in Atlanta, were stroke, heart disease, diabetes, chronic obstructive pulmonary disease, lung cancer, female breast cancer, cervical cancer, colorectal cancer and cirrhosis.

The report emphasizes that deaths from some of these diseases, including breast and cervical cancer, are largely preventable by life style changes.

The major factor in Rhode Island's high mortality rate in 1986 was its death rate from heart disease. The state ranked third nationally, with 3,346 heart disease-related deaths.

The rate of deaths from breast cancer in Rhode Island—the second-highest in the country—also contributed to the state's high mortality ranking.

And while the state's rate of cigarette smoking is now comparable to the rest of the nation. Rhode Island's smoking rate was significantly higher in the mid-1970s.

"How we used to smoke, not our current smoking patterns, is reflected in the lung cancer and heart disease death rates we see today," said Dr. H. Denman Scott, state director of health.

Health officials stressed the fact that eating habits and smoking are directly related to several of the chronic diseases, and the federal report noted that smoking alone is responsible for one-third of the deaths from all nine of the chronic diseases in the study.

They say proper diet, exercise and not smoking, can, in the long run, help prevent these diseases from occurring.

The state has made some efforts to help residents combat these diseases. In November of 1987, the Department of Health began a program to encourage breast cancer screening, the first such effort by a state.

And the Health Department proposed a cancer-fighting program last October with the goal of reducing cancer mortality by 33 percent by the year 2000. Jay Buechner, chief of health statistics for the Health Department, said that will include a smoking-prevention effort aimed at youths and work-site programs to help people quit smoking.

Rhode Islanders are more susceptible to the chronic disease because the state is largely urban. Health experts say that living in an urban area can lead to a lifestyle that will often cause chronic diseases to occur.

"There have been big differences between urban and rural areas since the 1950s, and before, that have an impact on how lifestyle patterns develop," Buechner said. "You're more likely to get fresh vegetables in a rural area and more likely to exercise. Rhode Island ranks high in the proportion of its population that leads a sedentary lifestyle. And in terms of occupations, you may have been exposed to more things through jobs in an urban area, especially in factories."

He said those in urban areas are more likely to smoke and use alcohol because there's a greater chance they'll be exposed to it by their peers.

The report released Friday is the last in a series that the CDC has issued over the past year on chronic diseases.

Mr. PELL. Mr. President, as we begin this new decade and look ahead to the 21st century, we have a clear picture of where our public health needs are, and very fortunately, we have the ability to achieve many of them. Now what is needed is a recognition among policymakers that disease prevention, in this era of spiralling health costs, makes good health policy and imperative fiscal policy.

In 1989, the Surgeon General recognized just that point. He reported that the societal costs of preventable disease are approximately $681.85 billion annually. Mr. President, if our prevention efforts can result in even a 1-percent reduction in these costs, this Nation could save some $6 billion annually. This is a prudent investment indeed, and one which promises a return on more than our health care dollar alone. Better health and increased worker productivity are only two of the many benefits we can expect.

I realize that in these times of severe budget constraints the bill's $300 million price tag is by no means insignificant. But it is small in comparison with the measurable cost of preventable disease, and it is surely small when compared with the devastating pain suffered by those afflicted with cancer, heart disease, and other chronic diseases that might have been prevented.

Mr. President, I am immensely pleased that our legislation has received support from numerous distinguished public health professionals and organizations. I know that Senator HARKIN, who has been a leader in public health and in the effort to bring this important legislation before the Senate, has already inserted into the RECORD a list of some of those groups. But I would be remiss if I did not mention the special role of the Association of State and Territorial Health Officials [ASTHO], an organization representing the health directors of every State and U.S. territory. Under the leadership of its president, Dr. H. Denman Scott, ASTHO has been the moving force behind this legislation. I am delighted that Dr. Scott, whom I know and respect enormously as the excellent director of health for the State of Rhode Island, has played a significant role in the development of this legislation, and I look forward to working with him to make this important legislation part of our national health agenda.

Mr. SIMON. Mr. President, I rise today as a cosponsor of the Health Objectives 2000 Act. This bill represents a commitment on the part of the Federal Government to allocate resources toward solving the major public health problems in our society.

This bill identifies 21 priority areas. Some of the critical areas to be addressed include smoking, alcohol and drug abuse, maternal and infant health and mental and behavioral disorders. The continued presence of

these problems has had a significant impact on our society. The direct health care and indirect productivity cost of smoking to society is between $38 and $95 billion. For alcohol abuse, estimates from 1983 indicate that it cost us $116.7 billion, while drug abuse cost us approximately $59.7 billion. These figures only represent the price associated with three areas. If we were to sum the costs associated with all the priority areas, the financial toll to our society would be staggering.

As the recent institute of Medicine report, The Future of Public Health stated, health is both a social responsibility as well as an individual responsibility. The reality is that we will never be able to eradicate the major diseases and illnesses by treatment alone. The incidence of diseases can only be reduced and eventually eliminated by prevention efforts, and until we face that reality head on, these diseases and illnesses will continue to drain our society.

Mr. BURDICK. Mr. President, I am pleased to be an original cosponsor of the Health Objectives 2000 Act.

Today, the United States spends 75 percent of its health care dollars on the treatment of heart disease, strokes, and cancer. All of these illnesses can be prevented by modifying an individual's behavior. Yet less than 0.5 percent of our health care resources are spent on programs of disease prevention.

Health Objectives 2000 is the result of a combined effort by the Public Health Service, over 200 national membership organizations, and all State and territorial health departments to create a single set of national health objectives to be met by the year 2000. These objectives will stress preventive health services, health protection, and health promotion. Funds will be available to State and territorial health agencies to focus on those objectives which most reflect the priorities of their State or territory.

In 1988, my home State of North Dakota joined seven other Western States in the Rocky Mountain Tobacco-Free Challenge, an unprecedented effort to reduce tobacco use in the Rocky Mountain region of the United States. To meet this challenge, the Dakota Department of Health developed a guide for establishing worksite smoking policies, a workshop for teachers on smoking prevention curricula, and a tobacco and smokeless tobacco prevention media campaign. North Dakota was declared overall winner of the challenge during its first year and also received awards in 5 out of 12 categories for outstanding tobacco control activities undertaken by individuals and organizations. This is one example of North Dakota's continuing interest in promoting health protection measures, and, with the implementation of the Health Objectives 2000 Act, we hope to do even more in the future.

This century has already seen substantial improvement in the health of Americans through public health measures such as epidemic disease control and increased efforts to assure a safe food and water supply. By stressing the necessity of developing and maintaining good health habits, we have the opportunity not only to further improve the health of the Nation, but to significantly reduce our health care costs as well. I urge my colleagues to support this important piece of legislation.

Mr. ADAMS. Mr. President, discussions surrounding the status of health care in our country paint a gloomy picture. Indeed, the problem is so overwhelming that one frequently comes away from such talks feeling that the current health care crisis is nearly insurmountable.

As we examine whether or not this crisis calls for a complete overhaul of our health care delivery system, we must recognize that every day an American who lacks health insurance gets sick and relies on the health care proivded through State and local health agencies and other organizations with Federal support from the Public Health Service.

In 1980, we established the National Objectives for 1990 setting forth public health goals this year, 1990. Unfortunately, these objectives have not been achieved and a stronger Federal commitment to these goals is mandatory.

For this reason, I am pleased to be a cosponsor of the Health Objectives 2000 Act, which Senator HARKIN is introducing today and will help State agencies prioritize the health care needs of their State. The Health Objectives 2000 Act implements the national health objectives for the year 2000 by requiring States to submit a specific list of health goals and detailed plans to achieve those goals, as well as a budget including State, local, and other organizations working to meet public health needs.

With 37 million Americans and 720,000 Washingtonians living day to day without any form of health insurance and millions of others who have inadequate coverage, the strain on public health agencies and organizations is already substantial and will continue to grow. With this in mind, it is of utmost importance that we act now to address our nationwide and State-specific public health needs and distribute scarce funds as effectively as possible.

Mr. KENNEDY. Mr. President, I am pleased to join my colleagues in introducing the Health Objectives 2000 Act. As we enter this new decade of the 1990's and move toward the year 2000, the benefits of health promotion and disease prevention are increasingly recognized by people around the country. Almost weekly, research results are released in the news media about the benefits of lower cholesterol, increased exercise, avoiding tobacco use, using seatbelts, getting medical screening tests, and changing other habits. Many individuals throughout the Nation are taking action in these areas to reap the potential benefits for themselves and their families. If the entire population could benefit from changes in diet, habits, and health care, the savings to the Nation—in years of healthy life and in dollars—would be enormous.

Several years ago, the Surgeon General and the Department of Health and Human Services realized the potential health benefits of mobilizing the country to improve our public health. These goals were summarized in 1980 in the first set of health objectives for the Nation for the year 1990. The original goals included reducing smoking, increasing seatbelt use, expanding the use of prenatal care, and many other well know objectives. Though progress has been made in many of these goals, greater effort is needed. The end of the 1980's provided The Department of Health and Human Services with an opportunity to look backward and forward, to reassess, to take stock of our progress, and to set new goals for the year 2000. Now that they have done this, we must address the question of how we will meet these goals.

Leadership is essential and the bill that we introduce today is one of many efforts to provide it. State health departments and local health departments are the focus of the bill. They serve on the front lines and are essential to moving the Nation toward the objectives for the year 2000.

Many health services are already highly organized into effective networks through specialized disease centers and academic health science centers. This is not true for health promotion campaigns and preventive health services. State health departments throughout the country are the best position to see that they are run efficiently and effectively.

Ten years a financial squeeze on the resources of public health departments has left many State health departments with no choice but to limit activity and focus resources on providing health services to the growing number of uninsured individuals, or responding to environmental and public health crises as they occur. The structure of public health departments makes them ideal to do much more than this, if they have additional resources and their roles can be expanded.

Our bill provides financial assistance and an incentive to such departments so they could expand their operations

and become the focus of leadership for achieving the Nation's health objectives for the year 2000. The bill proposes that each State devise its own plan on the national objectives most relevant to its own citizens. The bill proposes that State health departments conduct systematic campaigns to achieve these goals. A plan is required. Means of evaluation are required. And systematic reporting is encouraged in an effort to make them as effective as possible.

The benefits from this approach are large but they will not materialize overnight. Objectives for the year 2000 provides us with a 10-year period to move carefully and decisively to achieve our goals. State health departments and local health departments are the key to realistic progress. This bill puts them in a position to implement this most important mission for us. I hope my colleagues will join me in supporting this well-thought-out initiative.

By Mr. BRYAN:

S. 2057. A bill to amend the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

SMALL INVESTOR PROTECTION ACT

Mr. BRYAN. Mr. President, today I am introducing legislation entitled the Small Investor Protection Act of 1990. This legislation would grant the Securities and Exchange Commission [SEC] the powers to crack down on abuses in the penny stock market. It is estimated that penny stock fraud costs Americans $2 billion a year and is cleary the No. 1 threat facing small investors in the United States.

Penny stocks are low priced, usually trading under $3 per share and are not traded on any of the major exchanges. Therefore, it is extremely difficult for the small investor to obtain information on penny stock companies, and thus the stocks are ripe for manipulation.

While my legislation deals with problems associated with the penny stock market, I should note that the market does in some instances serve a legitimate and important purpose—the capital funding of small, entrepreneurial companies.

However, there is a growing concern about the decreasing participation of individual investors in the stock market. Small investors are now skeptical about participating in the stock market because they perceive it, perhaps rightly so, to be dominated by institutions and insiders and rigged against them. As small investors are driven from the stock market, it becomes harder for businesses to raise capital, and fewer and fewer individuals benefit when our economy prospers.

I applaud SEC Chairman Richard Breeden for his efforts to bolster confidence in the financial markets through protection of the small investor. The SEC's new antifraud cold calling rule which took effect in January should help curb many of the abuses. I believe this legislation complements this rule and will give the SEC the authority it needs to combat small investor fraud.

The legislation would take several important steps:

Eliminate blank check blind offerings;

Require enhanced and more meaningful disclosure of such circumstances as affiliations between the company and the selling broker-dealer;

Grant the SEC cease-and-desist authority;

Grant the SEC the authority to prohibit those who have been convicted of securities fraud from participating in the issuing or selling of penny stocks.

I am working on provisions to add to the bill at a later date that would require automated quotations for all publicly-traded securities.

On February 8, I will chair a hearing in the Banking, Housing, and Urban Affairs Committee on penny stock fraud. I welcome comments on this legislation and will work to refine it with interested parties.

I commend the work of the North American Securities Administrators Association. Their excellent work is the foundation for much of this legislation.

I am optimistic that this legislation will help eliminate fraudulent and abusive sales practices in the penny stock market.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Investor Protection Act of 1990".

SEC. 2. BLANK CHECK BLIND POOLS.

(a) REGISTRATION.—Section 12(a) of the Securities Exchange Act of 1934 (15 U.S.C. 781(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) The Commission is authorized to deny registration of a security if it finds that 80 percent or more of the net offering proceeds, as defined by the Commission, is not specifically allocated for the purchase, construction, or development of identified property or products, for the payment of indebtedness, for the payment of overhead expenses, or for other activities set forth in the issuer's business plan.".

(b) MARKET MAKING.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following:

"(g) No broker or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security that is denied registration under section 12(a)(2).".

SEC. 3. DISCLOSURE TO CUSTOMERS; DISCIPLINARY HISTORY.

(a) IN GENERAL.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following:

"(h) Each registered broker or dealer shall—

"(1) prepare and send to each customer an account statement for each month in which a transaction occurs involving that account;

"(2) when the bid/ask differential of any security offered exceeds 25 percent, disclose that fact on the confirmation delivered to the buyer of that security;

"(3) before opening a new customer account, disclose in writing any disciplinary action taken against the broker or dealer during the preceding 5 years resulting from an administrative or judicial proceeding in which a violation of securities laws was found; and

"(4) before taking a buy order on a security, disclose to the customer any business relationship between the broker or dealer and the issuer.".

(b) ACCESS TO INFORMATION.—Section 15A of the Securities Exchange Act 1934 (15 U.S.C. 78o-3) is amended by adding at the end the following:

"(i) A registered securities association shall establish and maintain a toll-free telephone listing to receive and respond to inquiries from customers and the public regarding disciplinary actions involving its members.".

SEC. 4. CEASE AND DESIST AUTHORITY.

Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) is amended by adding at the end the following new subsection:

"(i)(1) If the Commission has reason to believe that any broker or dealer or person associated with a broker or dealer is engaged or is about to engage in acts or practices constituting a violation of—

"(A) any provision of this title or the rules or regulations thereunder,

"(B) the rules of a national securities exchange or registered securities association of which such person is a member or a person associated with a member,

"(C) the rules of a registered clearing agency in which such person is a participant, or

"(D) the rules of the Municipal Securities Rulemaking Board,

it may in the public interest and for the protection of investors issue an order described in paragraph (2).

"(2) An order is described in this paragraph if it is an order which—

"(A) terminates the employment of an individual employed by a broker or dealer,

"(B) prohibits an individual from participating in the conduct of the affairs of a broker or dealer,

"(C) suspends the operations of a broker or dealer,

"(D) prohibits the disposition or transfer of any asset owned or held by such broker or dealer, or

"(E) requires the cessation of any other act or practice which constitutes a violation described in paragraph (1).

"(3) An order issued pursuant to this subsection shall contain a statement of facts constituting the grounds therefor and shall fix a time and place at which a hearing will be held thereon. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice.

"(4) An order issued under this subsection may become effective prior to a hearing under paragraph (3) if the Commission has reason to believe that such action is necessary to prevent dissipation of assets or irreparable injury.".

SEC. 5. DISQUALIFICATION.

Section 15(b)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(6)) is amended by inserting after "associated with a broker or dealer" each place it appears the following: "or acting as a consultant to a broker or dealer".

SEC. 6. PROHIBITION AGAINST SERVICE AS AN OFFICER OR DIRECTOR.

(a) AUTHORITY OF A COURT TO PROHIBIT PERSONS FROM SERVING AS OFFICERS AND DIRECTORS.—Section 20(b) of the Securities Act of 1933 (15 U.S.C. 77t(b)) is amended by inserting after the first sentence thereof the following: "In any proceeding under this subsection, the court may prohibit, conditionally or unconditionally, either permanently or for such period of time as it shall determine, any person found to have violated any provision of this title or any rule or regulation thereunder from acting as an officer or director of or consultant to any issuer that has a class of securities registered pursuant to section 12 of the Securities Exchange Act of 1934 or that is required to file reports pursuant to subsection (d) of section 15 of such Act.".

(b) AMENDMENTS TO SECTION 15(c)(4).—Section 15(c)(4) of the Securities Act of 1934 (15 U.S.C. 78o(c)(4)) is amended—

(1) by striking ", or" the first time it appears; and

(2) by inserting after "15" the following: ", or subsection (a) of section 16"; and

(3) by adding at the end thereof the following: "In such an order, the Commission may also prohibit, conditionally or unconditionally, either permanently or for such period of time as it shall determine, any person found to have failed to comply or to have been a cause of the failure to comply from acting as an officer or director of or consultant to any issuer that has a class of securities registered pursuant to section 12 of this title or that is required to file reports pursuant to subsection (d) of section 15 of this title, if the Commission finds that such prohibition is in the public interest.".

(c) INVESTMENT COMPANY ACT OF 1940.—Section 42 of the Investment Company Act of 1940 (15 U.S.C. 80a-41) is amended by inserting after the first sentence of subsection (d) the following: "In any proceeding under this subsection the court may prohibit, conditionally or unconditionally, either permanently or for such period of time as it shall determine, any person found to have violated any provision of this title or any rule, regulation, or order hereunder from acting as an officer or director of or consultant to any issuer that has a class of securities registered pursuant to section 12 of the Securities Exchange Act of 1934 or that is required to file reports pursuant to subsection (d) of section 15 of such Act.".

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 209 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9) is amended by inserting after the first sentence of subsection (d) the following: "In any proceeding under this subsection, the court may prohibit, conditionally or unconditionally, either permanently or for such period of time as it shall determine, any person found to have violated any provision of this title, or of any rule, regulation, or order hereunder or has aided, abetted, counseled, commanded, induced, or procured such a violation, from acting as an officer or director of or consultant to any issuer that has a class of securities registered pursuant to section 12 of the Securities Exchange Act of 1934 or that is required to file reports pursuant to subsection (d) of section 15 of such Act.".

By Mr. BRYAN (for himself, Mr. RIEGLE, Mr. GARN, Mr. DODD, Mr. HEINZ, Mr. CRANSTON, Mr. SHELBY, Mrs. KASSEBAUM, Mr. KERRY, Mr. D'AMATO, Mr. WIRTH, and Mr. BOND):

S. 2058. A bill to amend the Federal Deposit Insurance Act to regulate certain marketing activities engaged in on the premises of deposit-taking facilities of insured depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

DEPOSITOR PROTECTION AND ABUSE PREVENTION ACT

Mr. BRYAN. Mr. President, I rise today to introduce the Depositor Protection and Abuse Prevention Act of 1990. I am pleased to announce that a majority of both the Democrats and Republicans on the Senate Banking Committee are original cosponsors of this legislation.

The act prohibits any federally insured depository institution from selling on its premises securities of an affiliated company. The legislation also gives the appropriate Federal banking agency the authority to restrict transactions which are likely to be confused by the general public with an insured deposit.

We have heard of too many cases where individuals intended to buy insured certificates of deposit, but were steered instead to buy high yield or so-called junk bonds. This is a blatant abuse of depositor trust.

In California alone, some 23,000 individuals bought more than $200 million in uninsured bonds. Many of these individuals were elderly and invested their life savings. These bonds are now worthless. If this problem is not addressed, thousands more individuals across the country may find themselves swindled out of their hard-earned money.

In early December, I wrote Secretary Brady asking him to immediately take administrative steps to curb this kind of activity. On Monday, I received his response which indicated that the Treasury Department is studying the matter. I again urge the Secretary to act swiftly to use his existing powers to curb this practice. Mr. President, I request that his letter be made part of the RECORD at the conclusion of my remarks.

American taxpayers will be spending billions of hard earned money to bail out the savings and loan industry. The sale of junk bonds and other uninsured products by S&L's seriously undermines the faith in these institutions and will only serve to exasperate the problem.

Mr. President, we cannot allow unsuspecting depositors to be put in a position where they are misled and confuse junk bonds with insured accounts. I am confident that this legislation will help protect the public from unscrupulous operators.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Depositor Protection and Abuse Prevention Act of 1990".

SEC. 2. REGULATION OF CERTAIN NONDEPOSIT MARKETING ACTIVITIES IN PUBLIC AREAS OF RETAIL BRANCHES OF INSURED DEPOSITORY INSTITUTIONS.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(o) REGULATION OF CERTAIN NONDEPOSIT MARKETING ACTIVITIES.—

"(1) CERTAIN ACTIVITIES ON BEHALF OF AFFILIATES PROHIBITED.—No insured depository institution may permit any evidence of indebtedness of, or ownership interest in, any affiliate (of such depository institution) to be sold or offered for sale in any part of any office of such institution which is commonly accessible to the general public for the purpose of accepting deposits.

"(2) DISCRETIONARY AUTHORITY IN CONNECTION WITH INSURED DEPOSITORY INSTITUTIONS.—The appropriate Federal banking agency may, by regulation or order, prohibit or impose any condition with respect to any sale, or any offer to sell, by any insured depository institution of—

"(A) any evidence of indebtedness of such institution;

"(B) any ownership interest in the institution; or

"(C) any type of indebtedness or ownership interest referred to in subparagraph (A) or (B), in any part of any office of the institution which is commonly accessible to the general public for the purpose of accepting deposits if the appropriate Federal banking agency determines that such evidence of indebtedness of or ownership interest in the institution is likely to be confused by the general public with an insured deposit.

"(3) EXCEPTION FOR DEPOSITS AND CERTAIN MEANS OF PAYMENT TO 3D PARTIES.—Paragraphs (1) and (2) shall not apply with respect to any evidence of indebtedness which—

"(A) is a deposit in an insured depository institution; or

"(B) constitutes a means of payment to a third party, such as a traveler's check, cashier's check, teller's check, certified check, or money order.".

DEPARTMENT OF THE TREASURY,
Washington, January 26, 1990.

Hon. RICHARD H. BRYAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BRYAN: Thank you for your letter to Secretary Brady advocating a ban

on the sale of securities by banks and thrifts in the same offices that accept insured deposits. I understand that the Office of Thrift Supervision (OTS) is now drafting a regulation addressing this issue.

This regulation will be forwarded to Treasury for review prior to publication. Based on the experiences at Lincoln Savings and Loan, Treasury generally supports restrictions on the sale of such securities at financial institutions. At this time, however, it would be premature to comment further on the regulation.

I appreciate the opportunity to respond to your concerns.

Sincerely,

BRYCE L. HARLOW,
Assistant Secretary
(Legislative Affairs).

Mr. RIEGLE. Mr. President, I am pleased to cosponsor the Depositor Protection and Abuse Prevention Act of 1990.

The act prohibits any federally insured depository institution from permitting its lobbies to be used to sell debt or equity securities of an affiliated company. The depository institution is thus barred from selling or offering to sell such securities, or permitting others to sell or offer them. The goal is to ensure that retail depositors are not led to believe erroneously that the affiliate's securities are covered by Federal deposit insurance.

To avoid burdening legitimate transactions, the act provides exceptions for insured certificates of deposits and for any evidence of indebtedness that serves as a means of payment to a third party, such as a certified check, traveler's check, or money order.

The act provides an important safeguard against abusive practices, and I commend the Senator from Nevada for introducing it.

By Mr. BOSCHWITZ:

S.J. Res. 248. Joint resolution to designate the month of September 1990 as "International Visitors' Month"; to the Committee on the Judiciary.

INTERNATIONAL VISITORS' MONTH

● Mr. BOSCHWITZ. Mr. President, I rise today to introduce a joint resolution declaring September 1990 as "International Visitors' Month."

This joint resolution recognizes an outstanding program that brings foreign leaders to America to develop a more personal understanding of our people and culture. I believe, Mr. President, that this successful program and its accomplishments should be properly recognized by the Congress on behalf of the American people.

Administered by the U.S. Information Agency, this program: Helps strengthen support for American foreign policy; draws on an array of experts to examine current domestic problems; complements the curriculum of elementary and higher education programs nationwide; creates opportunities for international business ventures; brings money into American cities and towns; and introduces American people of all background to future world leaders visiting the United States.

American Embassies overseas select only the most promising mid-career professionals to participate in the month-long exchange program. Last year the program brought more than 5,000 visitors to the United States. Once the visitors arrive, members of the National Council for International Visitors [NCIV] and more than 800,000 American volunteers carry out the program in communities across the United States.

As you can clearly see, this important program relies on the support of American volunteers, acting as citizen diplomats, who meet the visitors and share their professional and personal experiences.

Mr. President, in its 30-year history, countless leaders including British Prime Minister Margaret Thatcher and Costa Rican President Oscar Arias have participated in the program. Alumni of the International Visitor Program include 123 current and former Presidents and Chiefs of State.

This is a worthwhile program that deserves our support. Today I urge my colleagues to join me in designating September 1990 as "International Visitors' Month."●

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. PRYOR, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 400, a bill to require that all amounts saved as a result of Federal Government contracting pursuant to Office of Management and Budget Circular A–76 be returned to the Treasury, that manpower savings resulting from such contracting be made permanent, and that employees of an executive agency be consulted before contracting determinations by the head of that executive agency are made pursuant to that circular.

S. 1430

At the request of Mr. KENNEDY, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1430, a bill to enhance national and community service, and for other purposes.

S. 1761

At the request of Ms. MIKULSKI, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 1761, a bill to establish a national center for information and technical assistance relating to all types of family resource and support programs, and for other purposes.

S. 1860

At the request of Mr. BOREN, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1860, a bill to amend title 38 United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 1873

At the request of Mr. HATCH, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1873, a bill to amend title 38, United States Code, to repeal the termination of the Veterans' Educational Assistance Program and to extend the 10-year delimiting period for certain Vietnam veterans.

S. 1925

At the request of Mr. SPECTER, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 1925, a bill to amend the Higher Education Act of 1965 to require colleges and universities to establish and disclose campus security policies and to inform students and employees of campus crime statistics, and for other purposes.

S. 1974

At the request of Mr. HARKIN, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 1974, a bill to require new televisions to have built in decoder circuitry.

S. 1991

At the request of Mr. DODD, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1991, a bill to provide for eradication of drug production in certain foreign countries through debt-for-drugs exchanges.

S. 2006

At the request of Mr. GLENN, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 2006, a bill to establish the Department of the Environment, provide for a global environmental policy of the United States, and for other purposes.

S. 2033

At the request of Ms. MIKULSKI, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 2033, a bill to amend title XVIII of the Social Security Act to provide for coverage of annual screening mammography under part B of the Medicare Program.

SENATE JOINT RESOLUTION 227

At the request of Mr. KASTEN, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Missouri [Mr. BOND], the Senator from Delaware [Mr. BIDEN], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 227, a joint resolution to designate March 11, through March 17, 1990, as "Deaf Awareness Week."

SENATE JOINT RESOLUTION 229

At the request of Mr. CRANSTON, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 229, a joint resolution to designate April 1990 as "National Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 243

At the request of Mr. LAUTENBERG, the names of the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Nevada [Mr. BRYAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. D'AMATO], the Senator from Illinois [Mr. DIXON], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HEFLIN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. LEVIN], the Senator from Rhode Island [Mr. PELL], the Senator from Nevada [Mr. REID], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. SIMON], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 243, a joint resolution to designate March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. GRAHAM, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Iowa [Mr. HARKIN], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Concurrent Resolution 88, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued in honor of Claude Denson Pepper.

SENATE RESOLUTION 239—DENOUNCING THE MILITARY OFFENSIVE IN ANGOLA

Mr. DECONCINI (for himself, Mr. DOLE, Mr. KASTEN, and Mr. SYMMS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 239

Whereas on June 22, 1989, in the presence of 18 African heads of state, the President of the MPLA, Jose Eduardo dos Santos, and the President of UNITA, Dr. Jonas Savimbi, shook hands and agreed to negotiate a peaceful solution to the 14 year Angolan civil war;

Whereas the Agreement, known as the "Gbadolite Declaration," mediated by the President of Zaire, Mobutu Sese Seko, calls for a general ceasefire and the establishment of a commission comprised of UNITA and the MPLA, under the mediation of Zaire, for the negotiation of peace and national reconciliation in Angola;

Whereas the Catholic Bishops of Angola have publicly urged the MPLA to sign a cease-fire and begin direct negotiations with UNITA;

Whereas the prospects for peace in Angola have deteriorated because the MPLA has repudiated its Gbadolite commitment to a direct dialogue with UNITA, rejected a ceasefire presented by the mediator, President Mobutu Sese Seko of Zaire, and has resumed a military offensive; and

Whereas the United States has repeatedly urged the MPLA to agree to a ceasefire and a negotiated settlement leading to free and fair elections in Angola;

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) The United States denounces the military offensive in Angola and urges an immediate ceasefire and withdrawal of MPLA forces;

(2) The United States government is committed to assisting the people of Angola in achieving a peaceful settlement leading to free and fair elections;

(3) The United States government should immediately request the government of the Soviet Union to urge the MPLA in the strongest terms possible to cease its military offensive and enter into direct negotiations with UNITA; and

(4) The United States government should continue to provide appropriate and effective assistance to UNITA and to assist in bringing about a negotiated settlement of the conflict in Angola.

AMENDMENTS SUBMITTED

EXCELLENCE IN EDUCATION ACT

McCONNELL AMENDMENTS NOS. 1224 AND 1225

(Ordered to lie on the table.)

Mr. MCCONNELL submitted two amendments intended to be proposed by him to the bill (S. 695) to promote excellence in American education by recognizing and rewarding schools, teachers, and students for their outstanding achievements, enhancing parental choice, encouraging the study of science, mathematics, and engineering, and for other purposes, as follows:

AMENDMENT NO. 1224

On page 64, between lines 2 and 3, insert the following:

PART F—PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION PROGRAM

SEC. 131. PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION PROGRAM.

(a) TITLE HEADING AND TABLE OF CONTENTS.—(1) The heading for title II of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"CRITICAL SKILLS IMPROVEMENT AND PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION"

(2) Section 1 of the Elementary and Secondary Education Act is amended by inserting after "SEC. 2203. Authorization of Appropriations." the following:

PART F—PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION PROGRAM

"Sec. 2301. Findings and purpose.
"Sec. 2302. Allocation to States.
"Sec. 2303. State applications.
"Sec. 2304. Selection of award recipients.
"Sec. 2305. Amount and use of awards.
"Sec. 2306. Awards ceremony.
"Sec. 2307. Authorization of appropriations.

(b) AMENDMENT TO TEXT.—Title II of the Elementary and Secondary Education Act of 1965 is further amended by adding at the end thereof the following new part:

PART F—PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION PROGRAM

"SEC. 2301. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the success of America's elementary and secondary schools depends most heavily upon the Nation's educators;

"(2) when educators are highly motivated and committed to excellence, they succeed not only in imparting subject matter knowledge, but also in instilling in their students an appreciation of the value and importance of education;

"(3) elementary and secondary school systems should have in place standards of teacher excellence and fair and effective procedures for measuring teacher success; and

"(4) in return for their efforts, excellent elementary and secondary school educators deserve public recognition, respect, and appropriate financial awards.

"(b) PURPOSE.—It is the purpose of this subpart to reward educators in every State who meet the highest standards of excellence.

"SEC. 2302. ALLOCATION TO STATES.

"(a) ALLOCATION FORMULA.—From the funds appropriated under section 2307—

"(1) 50 percent shall be allocated among the States in an amount which bears the same ratio to such amount as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all such States, according to the most recent available data that are satisfactory to the Secretary; and

"(2) 50 percent shall be allocated among the States on the same basis as funds are allocated among such States under section 1005 of this Act for the same fiscal year.

"(b) ADMINISTRATIVE EXPENSES.—Each State may reserve up to 5 percent of its allocation under subsection (b) for administrative expenses, including the cost of convening the panel described in section 2304(c).

"(c) STATE DEFINED.—For the purposes of this part, the term 'State' shall include the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(d) INSULAR AREAS.—The provisions of Public Law 93-134, permitting the consolidation of grants to the Insular Areas, shall not apply to funds allocated under this part.

"(e) DISTRIBUTION OF AWARDS.—Other provisions of this title notwithstanding, each State shall make at least one Presidential Award for Excellence in Education in each congressional district.

"SEC. 2303. STATE APPLICATIONS.

"(a) SUBMISSION OF STATE APPLICATIONS.—The Secretary is authorized to make allocations to States in accordance with the provisions of this part. In order to receive an allocation under this part, the Governor of each State shall submit a one-time application to the Secretary. Such application shall be filed at such time in such manner, and shall contain such information, as the Secretary may reasonably require.

"(b) DESCRIPTION OF STATE CRITERIA AND PROCEDURES.—The application submitted pursuant to subsection (a) shall contain a

description of the State's criteria and procedures for selecting recipients of Presidential Awards for Excellence in Education. The State's criteria and procedures shall be subject to the approval of the Secretary.

"(c) ASSURANCES.—The application submitted pursuant to subsection (a) shall contain assurances that—

"(1) Presidential Awards for Excellence in Education shall be made in accordance with the provisions of this part;

"(2) the State shall provide such fiscal control and fund accounting procedures as the Secretary shall require; and

"(3) the State shall apply the selection criteria uniformly to nominations for recipients of Presidential Awards for Excellence in Education that are received from public and private schools, educators, associations of educators, parents, associations of parents and educators, businesses, business groups, or student groups, as well as those received from educational agencies.

"SEC. 2304. SELECTION OF AWARD RECIPIENTS.

"(a) ELIGIBLE RECIPIENTS.—Any full-time public or private elementary or secondary school teacher of academic or vocational subjects or any full-time public or private elementary or secondary school principal or headmaster shall be eligible to receive an award under this subpart, except that teachers of religion (other than religion as an academic discipline) shall not be eligible.

"(b) NOMINATIONS.—(1) Local educational agencies, public and private schools, educators, parents, associations of educators, associations of parrents and educators, businesses, business groups and student groups may nominate teachers for awards under this part.

"(2) The State educational agencies shall notify local educational agencies, public and private schools, associations of educators, associations of parents and educators, business groups, and the general public of the deadlines and procedures for making nominations, and inform them of the selection criteria which will be used in selecting award recipients in a given year.

"(c) SELECTION BY STATE PANEL.—Selection of award recipients in each State shall be made from among the teachers nominated in accordance with subsection (b). Award recipients shall be selected by a panel which is chosen by the Governor in consultation with the chief State officer and is composed of members representing parents, school administrators, teachers, school board members, and the business community.

"(d) SELECTION CRITERIA.—The State panel shall select award recipients in accordance with the criteria approved by the Secretary in the State's application. Such selection criteria may include an educator's success in—

"(1) educating 'at-risk' students, such as educationally or economically disadvantaged, handicapped, limited English proficient, or homeless children to their fullest potential;

"(2) educating gifted and talented students to their fullest potential;

"(3) encouraging students to enroll, and succeed, in advanced classes in subjects such as mathematics, science, and foreign languages;

"(4) teaching in schools educating large numbers of 'at-risk' students, including schools in low-income inner-city or rural areas;

"(5) introducing a new curriculum area into a school or strengthening an established curriculum;

"(6) acting as a 'master teacher' by helping new teachers make the transition into a teaching career;

"(7) encouraging potential dropouts to remain in school or encouraging individuals who have dropped out to reenter and complete their schooling;

"(8) improving daily attendance;

"(9) leadership qualities; and

"(10) success in employing other innovative educational techniques.

"SEC. 2305. AMOUNT AND USE OF AWARDS.

"(a) AMOUNT OF AWARDS.—The amount of a Presidential Award for Excellence in Education shall be $5,000.

"(b) PRO RATA REDUCTION.—Should the amount allocated by the Secretary to a State not be sufficient to support one Presidential Award for Excellence in Education in each congressional district, the State is authorized to make pro rata reductions in the amount of other awards to enable the award of at least one Presidential Award for Excellence in Education in each congressional district.

"(c) USE OF AWARDS.—An award to an individual recipient under this part shall be available for the recipient's use of any purpose, except that private school educators receiving a Presidential Award for Excellence in Education may only use such award for capital expenses at the school where such individual teaches as set forth in section 1017(d) of the Elementary and Secondary Education Act of 1965.

"SEC. 2306. AWARDS CEREMONY.

"The Secretary is authorized to accept gifts to pay for the costs of conducting awards ceremonies to recognize recipients of Presidential Awards for Excellence in Education.

"SEC. 2307. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $7,600,000 for the fiscal year 1991 and each of the fiscal years 1992 and 1993 to carry out the provisions of this part.".

On page 45, between lines 12 and 13, insert the following:

"(3) DISTRIBUTION OF AWARDS.—Each State educational agency shall make at least one Presidential Merit School Award in each congressional district.".

On page 47, strike line 21 through line 25, and insert the following:

"(d) AMOUNT OF AWARD.—Each State educational agency shall establish criteria, subject to subsection (c)(4), including criteria relating to the size of the school and the economic circumstances of the student body, for determining the amount of Presidential Merit School Awards.

"(2) The amount of Presidential School Awards shall be substantially equivalent among congressional districts.".

AMENDMENT NO. 1225

On page 39, in the table of contents, strike the item relating to title XIII and insert the following:

TITLE XIII—APPALACHIAN TEACHER STUDENT LOAN ASSISTANCE

TITLE XIV—EFFECTIVE DATE

On page 133 after line 24, insert the following:

TITLE XIII—APPALACHIAN TEACHER STUDENT LOAN ASSISTANCE

SEC. 1301. SHORT TITLE.

This title may be cited as the Appalachian Teacher Student Loan Assistance Act of 1990.".

SEC. 1302. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to establish and operate a program to cancel or pay student loan payments for eligible teachers who agree to teach in public elementary and secondary schools in eligible counties.

(b) NUMBER.—In each fiscal year the Secretary shall cancel or pay student loan payments for not more than 2 eligible teachers in each eligible county.

(c) SELECTION.—The Secretary shall select eligible teachers to receive cancellation or payment of student loan payments in accordance with the provisions of this title on the basis of the eligible teacher's academic record.

(2) The Secretary shall select eligible teachers to receive cancellation or payment of student loan payments in accordance with the provisions of this title within 60 days of the enactment of this Act.

(d) ADMINISTRATIVE EXPENSES.—From amounts authorized to be appropriated in each fiscal year, the Secretary may reserve an amount not to exceed $50,000 for administrative expenses.

(e) APPLICATION.—(1) Each eligible teacher desiring cancellation or payment of student loan payments pursuant to the provisions of this title shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

(2)(A) The Secretary shall give preference in canceling or paying student loans payments to applications from eligible teachers who are—

(i) handicapped or disabled;

(ii) a member of a minority group; and

(iii) a resident of Kentucky, Tennessee, West Virginia, and Virginia.

(B) The amount of preference given each application submitted pursuant to this section shall be determined by the number of the preference categories set forth in subparagraph (A) applicable to such applicant.

SEC. 1303. AGREEMENT.

Each eligible teacher selected to participate in the program authorized in section 1302 shall enter into an agreement with the Secretary. Each such agreement shall—

(1) provide assurances that the eligible teacher will teach in a public elementary or secondary school in an eligible country for a period of not less than 1 year;

(2) provide assurances that the eligible teacher will repay all or a portion of the student loan payments cancelled or paid by the Secretary for that year in the event that the conditions of paragraph (1) are not complied with except where the teacher—

(A) dies,

(B) becomes permanently disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy;

(3) set forth procedures under which eligible teachers who teach less than the 1-year period required under paragraph (1) will repay the amounts cancelled or paid by the Secretary for that year according to a schedule established by the Secretary;

(4) set forth the total amount of all eligible loans incurred by the eligible teacher in obtaining an undergraduate or graduate teaching degree; and

(5) set forth the terms and conditions under which an eligible teacher will be allowed to seek a new teaching position in another eligible county.

SEC. 1304. PAYMENTS PROVISIONS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), the Secretary shall cancel or pay 1/10 of the total amount of all eligible loans incurred by an eligible teacher in obtaining an undergraduate or graduate teaching degree for each year an eligible teacher teaches in a public elementary or secondary school in an eligible county in accordance with the provisions of this title.

(2) In no event shall the Secretary cancel or pay more than $4,000 in eligible loans in any fiscal year for any one eligible teacher.

(3) The Secretary is authorized to enter into arrangements with the holder of any eligible loan and the appropriate State educational agency designed to facilitate the payment of principal and interest when due for each payment period the borrower meets the requirements of this title.

(b) SPECIAL RULES.—(1) If a portion of a loan is cancelled or paid under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be cancelled or paid.

(2) For the purpose of this subsection, the term "year" where applied to service as a teacher means academic year as defined by the Secretary.

(3) The amount of a loan, and interest on a loan, which is cancelled or paid under this section shall not be considered income for purposes of the Internal Revenue Code of 1986.

SEC. 1305. STATE ACTIVITIES.

(a) IN GENERAL.—The State educational agencies in Kentucky, Tennessee, West Virginia, and Virginia each shall—

(1) monitor the activities of teachers within the State who are participating in the program authorized by this title for compliance with the provisions of this title;

(2) biannualy report to the Secretary regarding the monitoring activities required in paragraph (1);

(3) assist eligible teachers in obtaining employment as a teacher in eligible counties within the State; and

(4) perform such other functions as the Secretary may reasonably require.

(b) ADMINISTRATIVE EXPENSES.—From amounts authorized to be appropriated in each fiscal year the Secretary is authorized to make grants to the state educational agencies in Kentucky, Tennessee, West Virginia, and Virginia to pay the reasonable costs of the State activities described in subsection (a).

SEC. 1306. DEFINITIONS.

For the purposes of this title—

(1) the term "elementary school" has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965;

(2) the term "eligible loan" means any loan made pursuant to—

(A) part B of title IV of the Higher Education Act of 1965 including supplemental loans for students; or

(B) part E of title IV of the Higher Education Act of 1965;

(3) the term "eligible county" means any county in Kentucky, Tennessee, West Virginia, and Virginia which is within the jurisdiction of the Appalachian Regional Commission as defined by the Appalachian Regional Development Act of 1965 and in which—

(A) the percentage of the population living in poverty (as determined by the most recent available census data) is at least 1.5 times the national average;

(B) the per capita income exclusive of transfer payments does not exceed 66 percent of the national average per capita income; and

(C) the average annual unemployment rate in the three most recent years is at least 150 percent of the national unemployment rate;

(4) the term "eligible teacher" means a recent college graduate with an undergraduate or graduate degree in education who has not held a teaching position other than student teaching position;

(5) the term "secondary school" has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965;

(6) the term "Secretary" means the Secretary of Education; and

(7) the term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965.

SEC. 1307. EFFECTIVENESS STUDY.

From amounts authorized to be appropriated in fiscal year 1992, the Secretary may reserve $50,000 to study—

(1) the effectiveness of the program authorized by this title;

(2) such program's potential for use in addressing acute teacher shortages in other areas of the country, particularly inner city areas; and

(3) such program's ability to enhance minority recruitment.

SEC. 1308. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $602,000 for fiscal year 1991, $652,000 for fiscal year 1992, and $602,000 for fiscal year 1993 to carry out the provisions of this title.

On page 134, line 1, strike "XIII" and insert "XIV".

On page 134, line 2, strike "1301" and insert "1401".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The first hearing will be held on February 21, 1990, beginning at 2 p.m. The purpose of the hearing is to receive testimony on the following measures pending in the subcommittee:

S. 844 and its companion measure, H.R. 1484, to establish a National Park System Review Board;

S. 1360 and its companion measure, H.R. 2844, to improve the ability of the Secretary of the Interior to properly manage certain resources of the National Park System; and

S. 1859, to restructure the repayment terms and conditions for loans made by the Secretary of the Interior to the Wolf Trap Foundation for the Performing Arts for the reconstruction of the Filene Center in Wolf Trap Farm Park in Fairfax County, VA.

The second hearing will be held on Tuesday, March 6, 1990, beginning at 9:30 a.m. The purpose of that hearing is to receive testimony on the following bills:

S. 666, to enroll 20 individuals under the Alaska Native Claims Settlement Act;

S. 1128, for the relief of Richard Saunders;

S. 1719, to designate the segment of the Colorado River within Westwater Canyon in Utah as a component of the National Wild and Scenic Rivers System;

S. 1738, to convey certain Oregon and California Land Grant lands in Oregon to the Rogue Community College District; and

S. 1837, to direct the Secretary of the Interior to establish a Desert Research Center.

The hearings will be held in room SD-366 of the Senate Dirksen Office Building in Washington, DC. Because of the limited time available for the hearings, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearings, please contact David Brooks of the subcommittee staff at (202) 224-9863.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am privileged to chair, is scheduled to hold a hearing Thursday, February 8, 1990, in SR-418 at 9:30 a.m., to consider the nominations of Ronald M. Holdaway and Hart T. Mankin to be associate judges on the U.S. Court of Veterans Appeals.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 1, beginning at 10 a.m., to conduct a hearing on the National Environmental Education Act (S. 1076).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 1, 1990, at 10 a.m., to hold a hearing on the nomination of William D. Hathaway to be a Federal Maritime Commissioner.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Argicultural Production and Stabilization of Prices of the Senate Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thrusday, February 1, 1990, at 9:30 a.m., to hold a joint hearing in preparation for the 1990 farm bill regarding oilseeds.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Thursday, February 1, 1990, at 10 a.m., to receive testimony on the amended defense authorization request for fiscal year 1991 and the 5-year defense plan; to receive a net assessment from the Chairman, Joint Chiefs of Staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITEE ON SECURITIES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Securities Subcommittee of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, February 1, 1990, at 9:30 a.m., to conduct hearings on S. 647, the Securities Law Enforcement Remedies Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 1, 1990, at 2 p.m., to hold a closed hearing in intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEAHY. Mr. President, the Committee on Veteran's Affairs would like to request unanimous consent to hold a hearing on the nomination of D'Wayne Gray to be Chief Benefits Director of the Department of Veterans Affairs on Thursday, February 1, 1990, at 9:30 a.m., in SR-418.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 1, at 11 a.m., to hold a hearing on foreign policy priorities for the 1990's with Secretary of State James Baker.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, February 1, 1990, at 10 a.m., in room SD-226.

The executive agenda follows:

I. NOMINEES

U.S. Attorney

Michael J. Norton, to be United States Attorney for the District of Colorado.

Ronald Frank Ederer, to be United States Attorney for the Western District of Texas.

U.S. Marshals

James Y. Stewart, to be United States Marshal for the Eastern District of Michigan.

Charles E. Healey, to be United States Marshal for the Eastern District of New York.

Donald E. Crowl, to be United States Marshal for the Northern District of Oklahoma.

Walter J. Bamberg, to be United States Marshal for the Middle District of Alabama.

Robert F. Gilbert, to be United States Marshal for the District of New Hampshire.

II. BILLS

S. 438. A bill to amend chapter 96 of title 18, United States Code—DeConcini.

S. 865. A bill to amend the Sherman Act regarding retail competition—Metzenbaum.

S.J. Res. 14. Joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation—Thurmond.

S.J. Res. 23. Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations—Dixon.

S. 594. A bill to establish a specialized corps of judges necessary for certain federal proceedings required to be conducted, and for other purposes—Heflin.

S. 185. A bill to amend title 18 of the United States Code to punish as a federal criminal offense the crimes of international parental child abduction—Dixon.

S. 198. A bill to amend title 17, United States Code, the Copyright Act to protect certain computer programs—Hatch.

S. 497. A bill entitled the "Copyright Remedy Clarification Act"—DeConcini.

H.R. 3045. A bill entitled the "Copyright Remedy Clarification Act"—Kastenmeier.

S. 1271. A bill to amend title 17, United States Code, to change the fee schedule to the Copyright Office, and to make certain technical amendments—DeConcini.

H.R. 1622. A bill to amend title 17, United States Code, to change the fee schedule to the Copyright Office, and to make certain technical amendments—Kastenmeier.

S. 1272. A bill to amend chapter 8 of title 17, United States Code, to reduce the number of Commissioners on the Copyright Royalty Tribunal, to provide for lapsed terms of such Commissioners, and for other purposes—DeConcini.

H.R. 3046. A bill to reduce the number of commissioners on the Copyright Royalty Tribunal, to change the salary classification rates for members of the Copyright Tribunal and the United States Parole Commission and for the Deputy and Assistant Commissioners of Patents and Trademarks, and for other purposes—Kastenmeier.

S. 459. A bill to amend title 35, United States Code, and the National Aeronautics and Space Act of 1985, with respect to the use of investions in outer space—Gore.

S.J. Res. 183. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget—Simon.

S. 396. A bill to amend title 11, of the United States Code, the bankruptcy code regarding swap agreements with an amendment in the nature of a substitute—DeConcini.

S. 994. A bill to amend the Clayton Act regarding interlocking directorates and officers—Metzenbaum.

S. 995. A bill to amend the Clayton Sherman Acts regarding antitrust procedures—Metzenbaum.

S. 1829. A bill to amend the Controlled Substances Act to further restrict the use of steroids and human growth hormones—Biden.

S. 1965. A bill to protect the rights of victims of crime, establish a Federal Victims' bill of rights for children, and improve the response of the criminal justice system and related agencies to incidents of child abuse—Biden.

H.R. 150. A bill to amend the Immigration and Nationality Act to provide a procedure for an alien who dies while serving on active-duty with the United States Armed Forces during certain periods of hostilities to be considered a citizen of the United States at the time of the alien's death—Donnelly.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMENDING OPERATION TIGER

● Mr. LIEBERMAN. Mr. President, veterans of World War II reflect on the "Good War" with strong feelings of pride and loyalty. Unfortunately, many of the brave men who fought in this war lost their lives in combat, but others were fortunate enough to be snatched from the jaws of death on account of the bravery of their comrades. I would like to take this opportunity to share with my colleagues a story of unmatched heroism which for many years went unrecognized.

Hours before dawn on April 28, 1944, American troops, taking part in a covert training exercise code-named Operation Tiger, were finishing maneuvers in the English Channel in preparation for the Normandy invasion when they drew the attention of high-speed German torpedo boats. The enemy vessels rapidly honed in on the sluggish convoy of amphibious troop transporters, known as LST's and sank two of them, while heavily damaging a third. The soldiers and crew members on the crippled LST's immediately became easy targets to the unmerciful machine guns of the German Navy.

Reports of this incident reached the Allied Command, but, fearing exposure of the top secret mission, they ordered the remaining vessels to return to the safety of the English coastline. However, Capt. John H. Doyle and the crew of LST 515, including Connecti-

cut native, John H. Provini, defiantly remained at the scene and saved the lives of 100 of their fellow soldiers. John Provini and his crew mates repeatedly dove into the icy English Channel to rescue their drowning comrades from almost certain death. These soldiers would not have survived if not for the bravery and loyalty of the men of LST 515.

The reasons for suppressing commendation of Operation Tiger were obvious. The U.S. Government did not want to draw attention to any Allied exercises preparing for the Normandy invasion, which would occur later that year. However, even after the war, these unselfish men never received the gratitude that they rightly deserved. The time has come for the heroic actions of the veterans of LST 515 to be officially recognized by our Government. Those brave men deserve our respect and thanks for going far beyond what their duty required of them. I hope that all of my colleagues will join me in rising to pay tribute to those heroic American soldiers.●

THE 72D ANNIVERSARY OF UKRAINIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, I would like to take this opportunity to add my voice to the millions of Ukrainians all over the world celebrating the 72d anniversary of the establishment of a sovereign and independent Ukraine. This proclamation, followed by the creation of a united Ukrainian National Republic in 1919, ended years of national persecution and external domination.

After centuries of living under czarist Russian rule, Ukraine emerged as a liberated country, free of foreign hegemony. The young republic set out firmly on the path to democracy by quaranteeing such basic rights a freedom of speech, the press, and religion. In addition, Ukraine committed itself to securing national and personal autonomy for ethnic minorities living within its borders.

Tragically, fate betrayed the Ukrainian National Republic. Within 3 short years, the struggling nation was overrun by the stronger military forces of the Russian Bolsheviks. Much of Ukraine was exposed to brutal colonization by foreign forces, which suppressed the creativity of intellectuals and decimated a great deal of the fertile Ukrainian countryside.

Indeed, while much of the history of the Ukrainian people has been filled with sorrow, today, we must celebrate even the short life of the Ukrainian National Republic. It stood as a beacon of democracy, reaffirming the Ukrainian people's dignity, their spirit, and their right to self-rule.

Remembrance of their tragic, yet courageous past has guided the spirit of the international Ukrainian community to strive for the recreation of an independent Ukraine. Ukrainians have never yielded in their quest for reestablishment of a national homeland and independence from the Soviet Union. We can help in that effort by awakening the world to the realities of the Soviet occupation of the Ukrainian nation, which has been so brutal and painful for the Ukrainian people.

Under Soviet control, not only has Ukrainian political self-determination been stifled, but basic human liberties have been disregarded. In accordance with the official Communist doctrine of atheism, freedom of worship, a universally accepted human right, has been seriously curtailed in the Soviet Ukrainian Republic. The Catholic and Orthodox Churches, cultrual focal points for the Ukrainian people, have been suppressed for seven decades. Recently, in an attempt to promote restoration of religious rights, I wrote a letter to Soviet President Mikhail Gorbachev calling upon Moscow to grant religious freedom to all citizens of the Ukraine.

President Gorbachev has begun to pilot the U.S.S.R. into new and uncharted waters. He has restored basic freedoms for many people in the Soviet Union and Eastern Europe, while attempting to restructure a stagnant Soviet economy. At the same time, independence movements have expanded their activities in several Soviet Republics, including Ukraine. Although these changes are a cause for hope, they unfortunately have largely not extended to Ukraine. Apparently, the Soviet Union has placed greater restrictions on the Ukrainian republic because of its significant economic productivity and large population. These, however, are poor reasons for denying the Ukrainian people their right to self-determination.

On January 21, 1990, in a popular demonstration of Ukraine's national aspirations, citizens of the Ukraine joined hands in a human chain stretching across the republic. Linked arm-in-arm from Kyiv to Lviv, Ukrainians delivered a message of hope and solidarity that their vanquished nation would once again thrive. As a staunch supporter of Ukrainian self-determination, I admire the courage and tenacity of these activists. Their strength reaffairms that the aspiration for a free Ukraine continues to live in the hearts and minds of all Ukrainians.

Each year, as we celebrate the establishment of the Ukrainian National Republic, it is important that we persevere in our efforts to promote the cause of freedom in Ukraine. On this 72d anniversary of the achivement of Ukrainian independence, I pledge to do all I can to achieve that goal.●

STATE DEVELOPMENTAL DISABILITIES PLANNING COUNCILS COMPLETE ASSESSMENT OF SERVICE SYSTEM FOR AMERICANS WITH DEVELOPMENTAL DISABILITIES

● Mr. HARKIN. Mr. President, I am pleased to inform you and my colleagues that on January 1, 1990, the 56 State and territorial developmental disabilities planning councils unveiled a new blueprint for the improvement of public policies which affect people with developmental disabilities. On that date, each developmental disabilities planning council presented their Governor and legislature an analysis of the way in which Federal and State policies either positively or negatively impact services to people with disabilities. These reports are a direct result of the mandate which we included in the 1987 amendments to the Developmental Disabilities Act (Public Law 100-146).

On April 1, Members of Congress will receive a report from the Secretary of Health and Human Services, which is an aggregation of the reports conducted in each State and territory. This vital information will tell us how well our current approach is working in each State, and nationally. This will be invaluable to us as we further develop and refine legislation which affects people with disabilities throughout the United States.

The 1990 report, as this nationwide effort has come to be called, includes three major activities:

A review and analysis of the policies of Federal and State programs that provide services to people with developmental disabilities;

A survey of consumer satisfaction with services provided by these programs; and

Public forums conducted in each State that resulted in input from citizens and families as well as providers of services.

Developmental disabilities planning councils set out to assess Federal and State programs based upon their promotion of independence, productivity, and integration of persons with developmental disabilities into their communities. Consumers were surveyed regarding their experience with programs and how that experience affected their independence, productivity, and integration. Information on key Federal programs was collected, analyzed, and shared with developmental disabilities planning councils. The results were then integrated with a national consumer outcome and satisfaction survey.

In addition to the effects of individual States, the National Association of Developmental Disabilities Councils in collaboration with Temple University provided considerable assistance to councils in accomplishing their work.

University affiliated programs in many States also worked with the councils in organizing and carrying out their activities.

The 1990 report has initiated intensive activity on the part of all developmental disabilities planning councils that will continue long after the process has been completed. Their impact will be significant and provide an exciting and unprecedented opportunity for progress.

I urge each of you to contact your State developmental disabilities council and ask for their 1990 Report. I encourage you to read it and determine for yourself how well your State is doing on behalf of people with developmental disabilities.●

UKRAINIAN INDEPENDENCE

● Mr. BOSCHWITZ. Mr. President, it was just over 72 years ago, on January 22, 1918, that the Ukranian Central Rada proclaimed Ukraine an independent, sovereign state. However, the Ukraine's strategic location and rich resources have always made it a coveted prize of aggressors, and its short-lived independence was soon crushed by the Soviet Union.

With the recent events in Eastern Europe, the Ukranian people have more desire than ever in reattaining their freedom. Their goal is understandable. Freedom is something we Americans enjoy every day. The Third Universal of the Ukrainian National Republic, issued in 1917, proclaimed the rights to freedom of speech, press, and religion. It also established the rights of assembly, and protection for minorities.

The desire for freedom is stronger today than it has ever been in the Ukraine, and other Soviet Republics. Current uprisings demonstrate that the desire for freedom lives in the hearts of people everywhere. As leaders of the greatest free nation, we must listen to these cries for freedom and do all in our power to guarantee that the Ukrainian people are given every opportunity to utilize those rights every free American is entitled to.

I ask all Minnesotans and especially the Minnesota Ukrainian community to join me in sending a message of hope and courage to Ukrainians everywhere.●

TRIBUTE TO DAN CONRAD, MINNETONKA, MN

● Mr. BOSCHWITZ. Mr. President, I rise today to pay tribute to a constituent of mine, a Minnesotan whose work was yesterday honored by the President of the United States as one of his daily "Points of Light."

Dan Conrad, of Minnetonka, MN, is a schoolteacher who has organized a unique class in which students are required to perform 2 hours of community service work a day, 4 days a week.

Dan's commitment to community service is not new—he created this class in 1972, and hundreds of his students have learned valuable lessons about the importance of community service. That is a lesson they take with them for the rest of their lives.

Dan's students work with nursing homes, day care centers, senior citizen groups, and other organizations throughout the community. On Friday of each week, class members meet to discuss their experiences. It is a forum for understanding the value of their efforts, and for developing a perspective on many social issues.

As someone who has had the privilege of leading fund-raising campaigns for many Minnesota charities, I can vouch for the fact that Minnesotans are a particularly warm and giving people. When President Bush spoke in his campaign of a "Thousand Points of Light," I knew that many of those points of light could be found in the North Star State. I am proud that the President has seen fit to honor one of our own, and I want to also extend my own congratulations to Dan Conrad, as well as my appreciation for the efforts he makes on behalf of our State and Nation.●

UNANIMOUS-CONSENT AGREEMENT—S. 1310

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to S. 1310, the illiteracy bill, on Monday, February 5, at 10 a.m., and that the following amendments be the only amendments in order, except for the committee reported substitute:

A Simon technical amendment; a Heinz amendment providing literacy training for commercial truck drivers; an Armstrong amendment to provide that the advisory board include classroom teachers; an Armstrong amendment regarding the teaching of alternate reading methods such as phonics; a Simon possible second-degree amendment to the Armstrong phonics amendment; a Bond amendment regarding parents as teachers expansion; a Simon possible second-degree amendment to the Bond amendment; a Wallop amendment regarding Indian tribes given applicant status under Even Start Program; and a Simon possible second-degree amendment to the Wallop amendment.

I further ask unanimous consent that no motions to recommit be in order, and that any rollcall vote ordered with respect to S. 1310 on Monday occur beginning at 12 noon on Tuesday, February 6, 1990.

I further ask unanimous consent that the Simon second-degree amendments be on the same subject as the first-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That the Senate proceed to S. 1310, the illiteracy bill on Monday, February 5 at 10 a.m., and that the following amendments be the only amendments in order, except for the committee reported substitute:

Simon Technical amendment;

Heinz amendment providing literacy training for commercial truck drivers;

Armstrong amendment to provide that the advisory board include classroom teachers;

Armstrong amendment regarding the teaching of alternate reading methods such as phonics;

Simon possible 2d degree to the Armstrong phonics amendments;

Bond amendment regarding parents as teachers expansion;

Simon possible 2d degree to the Bond amendment;

Wallop amendment regarding Indian tribes given applicant status under Even Start Program;

Simon possible 2d degree amendment to the Wallop amendment;

Ordered, That no motions to recommit be in order, and that any rollcall ordered with respect to S. 1310 on Monday occur beginning at 12 noon on Tuesday, February 6, 1990.

Order further, That the Simon 2d degree amendments be on the same subject as the 1st degree amendment.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 573, Gail Roggin Wilensky, to be Administrator of the Health Care Financing Administration.

I further ask unanimous consent that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed en bloc is as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Gail Roggin Wilensky, of the District of Columbia, to be Administrator of the Health Care Financing Administration.

SCHEDULE

Mr. MITCHELL. Mr. President, for the information of Senators, many of whom have inquired about the schedule for the next few days, I would like to now provide a brief summary of our plan and what has occurred today with respect to the clean air bill.

In the past few days I have had several discussions with the distinguished Republican leader of the Senate and

the Administrator of the Environmental Protection Agency, as well as other administration officials, and as a consequence of those discussions, we began, earlier today, a series of meetings in an effort to resolve differences over some aspects of the clean air bill.

Yesterday the distinguished Republican leader suggested to me that if the meetings held beginning today were sufficiently productive and promising, that it might be appropriate and in the best interest of the Senate's time that we permit those discussions to go forward and take up other legislation in the Senate. I agreed with that suggestion, pending the results of the meeting today.

Those meetings are still continuing, but I am pleased to report that, so far, they have been productive and reassuring of the good faith of all parties in reaching an agreement to resolve the differences to which I earlier referred.

Accordingly, to permit those meetings to go forward in a manner that is the most efficient use of time of the Senators present and to permit the Senate to conduct other business, it is my intention first that there will be no rollcall votes this evening, and that shortly the Senate will go out for the evening; that the Senate will not be in session tomorrow, Friday. During tomorrow the meetings, however, will continue, as they will this evening.

On Monday, as I have already indicated in the consent agreement previously obtained, the Senate will consider S. 1310, the illiteracy bill. It is my intention on Tuesday morning to proceed to the Excellence In Education Act, S. 695, at 10 a.m. Although we do not yet have an agreement on that bill, both staffs will be working on Monday, tomorrow and Monday, toward one and, in any event, even absent an agreement, it is now the best estimate of staff on both sides that that bill will take 4 or 5 hours. Therefore, we should be able to complete action on it during the day Tuesday. Following completion of that, it is my current intention and expectation that we will then return to the Clean Air Act.

Mr. President, in the past several days, last week and this week, as we have been considering the Clean Air Act, it has been necessary to permit Senators to have the maximum opportunity to consider the bill and to evaluate its provisions before making decisions on it. Concurrently with that, I have received a very large number of requests from Senators not to have votes at certain times and on certain days, and it has been relatively easy to accommodate them because of the status with respect to the clean air bill.

I would like now to state well in advance, so that all Senators may be prepared, that I anticipate that there will be lengthy sessions, well into the evenings, and long days and nights on the clean air bill next week. So Senators should now be prepared and adjust their schedules accordingly. That will be my expectation when we return to the bill, as best I can now predict, sometime during the day on Tuesday.

I want to thank my distinguished Republican colleague for his cooperation in this matter. He and I participated in portions of the meetings today and, I hope, help set the tone that is now continuing in the meetings.

These are very difficult issues; they are very important to all concerned, and a resolution for them will not be easy and may not be possible in all events. I think a good start has been made that will produce actual economies of time when we get to voting on the bill next week.

I would like to now again thank and yield to my distinguished Republican colleague.

Mr. DOLE. I thank the majority leader. I concur with what the majority leader has stated. We are having constructive and productive discussions, in my view, with representatives of the White House and representatives from both parties. As we all know, on the clean air legislation, it is not the party label; it is where do you live and what the economies in your State may be like, and how it may be impacted by clean air legislation. So, in my view, we have a good group working. They have been working all afternoon.

We have another meeting that is about to start this evening. The majority leader will have meetings on tomorrow and I assume through the weekend, if the principals are available.

It is a very difficult issue. In my view, we make better use of our time, as long as we are making progress, doing what we are doing in the negotiations and discussions. I commend the majority leader, and I certainly want to cooperate. This is important legislation. Certainly, it is important to the majority leader and to the President of the United States and everyone in this Chamber.

We will do the best we can to make certain our Members are available. I think it is appropriate to indicate now that Tuesday night, Wednesday night, Thursday night may be late nights, and there may be a number of votes, and I think that is adequate notice. Everybody should be able to make any necessary plans to be here.

Mr. MITCHELL. Mr. President, I want to make clear, in the event there was any ambiguity in the wording of my request or agreement on S. 1310, that the possible 2d degree amendments by Senator SIMON will be on the same subject matter as the 1st degree amendments.

ORDERS FOR MONDAY, FEBRUARY 5, 1990

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:45 a.m. on Monday, February 5, and that the time for the leaders be reduced to 5 minutes each, that following the leader time, there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, FEBRUARY 5, 1990, AT 9:45 A.M.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and there is no other Senator seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 9:45 a.m., Monday, February 5.

There being no objection, the Senate, at 6:47 p.m., recessed until Monday, February 5, 1990, at 9:45 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 1, 1990:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

GAIL ROGGIN WILENSKY, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE HEALTH CARE FINANCING ADMINISTRATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

MEDICAID INITIATIVES FOR 1990

HON. HENRY A. WAXMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. WAXMAN. Mr. Speaker, last Thursday I joined with a number of my colleagues in introducing five initiatives designed to improve the ability of the Medicaid Program to meet the needs of the three primary groups of low-income beneficiaries that the program serves: Pregnant women, children, frail elderly, and individuals with mental retardation or a related condition.

Last year, the budget resolution set aside $200 million in new entitlement authority for fiscal year 1990 "to begin Medicaid initiatives to combat infant mortality, improve child health, make community-based services available to the frail elderly and individuals with mental retardation, and require coverage of hospice services." These initiatives were reported by the Committee on Energy and Commerce last July, and were included in the House-passed budget reconciliation bill, H.R. 3299. The final conference agreement on the Omnibus Budget Reconciliation Act of 1989, Public Law 101-239, contained a few important expansions targeted at pregnant women and young children.

Unfortunately, many of the initiatives assumed by the fiscal year 1990 budget resolution, reported by the Energy and Commerce Committee, and passed by the House, were not enacted. The initiatives being introduced today are essentially the same provisions that were not enacted in OBRA 1989, except that the effective dates are moved from 1990 to 1991.

I am pleased to join with Mrs. COLLINS, Mr. HYDE, and 27 other Members in sponsoring the Medicaid Infant Mortality Amendments of 1990, H.R. 3931, which would implement President Bush's campaign promise to phase in Medicaid coverage for pregnant women and infants with incomes below 185 percent of the Federal poverty level.

I am pleased to join with Mr. SLATTERY and 28 other Members in sponsoring the Medicaid Child Health Amendments of 1990, H.R. 3932, which would implement President Bush's campaign promise to phase in Medicaid coverage for all children in families living below the Federal poverty level.

I am pleased to join with Mr. WYDEN and 64 other Members in sponsoring the Medicaid Frail Elderly Community Care Amendments of 1990, H.R. 3933, which would reduce the institutional bias in the Medicaid Program by giving States the option of offering home and community-based care to frail elderly at risk of nursing home care.

I am pleased to join with Mr. TAUKE, Mr. DINGELL, and 28 other Members in sponsoring the Medicaid Community and Facility Habilitation Services Amendments of 1990, H.R. 3934, which would reduce the institutional bias in the Medicaid Program by giving the States the option of offering community-based services to individuals with mental retardation or a related condition such as epilepsy or cerebral palsy.

Finally, I am pleased to join with Mr. PANETTA and 35 other Members in sponsoring the Medicaid Hospice Amendments of 1990, H.R. 3935, which would require the States that do not already do so to offer hospice benefits under their Medicaid programs to low-income terminally ill patients.

Later this week, I plan to introduce an additional Medicaid initiative to address the AIDS epidemic which is threatening to overwhelm the health care delivery systems in some of our communities.

These initiatives will require new entitlement authority, and I intend to request that the Budget Committee again make allowance for them in this year's budget resolution. I have not been able to obtain from the Congressional Budget Office even preliminary estimates of the additional Federal costs that these initiatives will entail. I am confident, though, that the costs of these improvements will not be large, and that the return on these investments—particularly coverage of prenatal and preventive services for low-income pregnant women and children—will be great.

Some of these bills contain provisions that would impose new mandates on the States, which finance on average about 45 percent of the cost of the Medicaid Program. I propose these initiatives with full awareness that the Governors have requested that we withhold for 2 years on enactment of any further mandates. I do so because I continue to believe that there is broad agreement in the Congress that these modest program improvements are reasonable, and that the needs they address are compelling. I recognize that some of these bills will impose additional requirements on many of the States, but I believe that the additional costs will be modest.

A brief summary of each of the bills follow:

MEDICAID INFANT MORTALITY AMENDMENTS OF 1990 (H.R. 3931)

Phased-in Mandatory Coverage of Pregnant Women and Infants Up to 185 Percent of Poverty. Phases-in mandatory coverage of pregnant women and infants from current law minimum of 133 percent of the Federal poverty level up to 150 percent by July 1, 1991, and up to 185 percent by July 1, 1993.

Prohibits application of resource test for pregnant women or infants, effective July 1, 1991.

Presumptive Eligibility. Revises current presumptive eligibility option for pregnant women by (1) extending period of time by which the woman must file application for benefits and (2) extending presumptive eligibility period to the date State makes a final eligibility determination.

Optional Coverage of Home Visitation Services. Allows the States, at their option, to offer coverage for prenatal and postpartum home visitation services to high-risk pregnant women or infants, as prescribed by a physician. Effective July 1, 1991.

Role in Paternity Determinations. Exempts pregnant women seeking Medicaid coverage for prenatal and delivery services from the requirement that they cooperate with the State in establishing paternity or obtaining child support. Effective on enactment.

MEDICAID CHILD HEALTH AMENDMENTS OF 1990 (H.R. 3932)

Phased-in Coverage of Children Up to 100 Percent of Poverty. Phases in mandatory coverage of all children in families with incomes below 100 percent of the Federal poverty level. Effective July 1, 1991, States would be required to cover all children below poverty born after September 30, 1983. So long as these children remained poor, they would continue to be eligible for Medicaid, up to age 18. Thus, poor children 7 and over would be "aged in," one year at a time, so that by the year 2000 all poor chidlren under 18 would be covered.

Optional Coverage of Children Up to Age 6 With Incomes Below 185 Percent of the Poverty Level. Under current law, effective April 1, 1990, States are required to cover all children born after September 30, 1983, up to age 6, in families with incomes at or below 133 percent of the pvoerty level. This provision allows States the option of extending Medicaid to these children with family incomes at or below 185 percent of the poverty level. Effective January 1, 1991.

Applications Using Outreach Locations. Requires States to process applications for Medicaid benefits for pregnant women and infants and children at locations other than welfare offices, including hospitals and clinics. Effective July 1, 1991.

Optional Extension of Medicaid Transition Coverage. Allows States, at their option, to provide an additional 12 months of Medicaid coverage to families who leave cash welfare due to earnings and who continue to work. (Under current law, effective April 1, 1990, States are required to cover these families for 12 months after leaving cash assistance).

Payment for Medically Necessary Services in Disproportionate Share Hospitals to Children under 18. Under current law, with respect to infants under age 1 receiving medically necessary inpatient hospital services from disproportionate share hospitals, States may not limit the number of medically necessary inpatient hospital days they will cover, and, if they reimburse on a prospective basis, must make outlier adjustments for exceptionally high-cost or long-stay cases. These current law provisions would be extended beyond infants to all children under 18, effective July 1, 1991.

Required Coverage of Disabled Children in "209(b)" States. Requires States that apply more restrictive eligibility standards under their Medicaid programs to low-income individuals who receive cash assist-

ance under the Supplemental Security Income (SSI) program to extend Medicaid coverage to disabled children who qualify for SSI. Effective July 1, 1991.

Mandatory Continuation of Coverage for Children Otherwise Qualified for Benefits Until Redetermination. Prohibits States from terminating Medicaid coverage for a child under 18 who, due to a change in family income or resources, is determined to be ineligible, until the State has determined that the child is not eligible for Medicaid on some other basis. Effective July 1, 1991.

Optional Medicaid Coverage for Foster Children. Allows States, at their option, to offer Medicaid coverage to foster children whose incomes are above State cash assistance levels but below the Federal poverty level. Effective July 1, 1991.

FRAIL ELDERLY COMMUNITY CARE AMENDMENTS (H.R. 3933)

Optional Statewide Service (Sec. 4151). Allows States, at their option, to offer community care services to Medicaid-eligible elderly individuals who are found, based on a comprehensive functional assessment, to be functionally disabled. These are individuals 65 or over who (1) are unable to perform without substantial assistance 2 of the following activities of daily living (toileting, transferring, and eating), or (2) have a primary or secondary diagnosis of Alzheimer's disease and is either (1) unable to perform without substantial assistance 2 of the following activities of daily living (bathing, dressing, toileting, transferring, and eating), or (ii) cognitively impaired so as to require substantial supervision because of behaviors that pose serious health or safety hazards.

Community care services include, at State option, one or more of the following: homemaker/home health aide services, chore services, personal care services, nursing care services, respite care, adult day health, and, in the case of individuals with chronic mental illness, day treatment or other partial hospitalization services. Community care services must be provided in accordance with an individual care plan established and coordinated by a qualified case manager. Payments for room and board, or payments made to family members, would not be covered.

States would be subject to a maintenance of effort requirement under which they could receive Federal matching payments only for State spending that exceeds current State or local spending for community care for the frail elderly. In addition, aggregate Federal matching payments for Medicaid community care services in any State would be limited to 30 percent of the aggregate average Medicare per diem payment for SNF care in the State.

The Secretary is directed to develop minimum requirements with respect to community care services and the residential settings in which such services are provided in order to assure that beneficiaries are protected from neglect, abuse, and financial exploitation, and to assure that the quality of such services is adequate. States would be required (1) to conduct annual, unannounced surveys of residential settings to assure compliance with the minimum requirements, and (2) to establish remedies for use in curing noncompliance. The Secretary would be authorized to impose intermediate sanctions, including civil money penalties, in the event of noncompliance.

Effective the later of July 1, 1991, or the date on which the Secretary promulgates interim minimum requirements.

MEDICAID COMMUNITY AND FACILITY HABILITATION SERVICES AMENDMENTS (H.R. 3934)

PART A. COMMUNITY HABILITATION AND SUPPORTIVE SERVICES

Optional Statewide Service. Allows States, at their option, to offer community habilitation and supportive services to Medicaid-eligible individuals with mental retardation or a related condition. States would be subject to a maintenance of effort requirement under which they could receive Federal matching payments only for State spending that exceeds current State or local spending with respect to community-based services for individuals with mental retardation or related conditions.

If offered, these services would, at a minimum, have to include case management, respite care, and personal attendant care, but could also include prevocational, education, supported employment, and other supportive services. Payments for room and board, or payments made to family members, would not be covered. Effective the later of July 1, 1991, or the date on which the Secretary promulgates interim requirements to assure the health, safety, and welfare of clients.

Quality Assurance. Requires that community habilitation and supportive services be provided consistent with the objectives of independence, productivity, and integration, in accordance with an individual habilitation plan that is based upon a comprehensive functional assessment. The Secretary is directed to develop minimum requirements with respect to providers of community services, and residential settings in which such services are provided, in order to protect the health, welfare, and safety of clients. Procedures for monitoring and remedies for enforcing compliance with these minimum requirements are established. In addition, States would be required to develop their own programs and standards for assuring the quality of these community services.

Eliminating Prior Institutionalization Requirement. Deletes the requirement in the current "2176" home and community-based services waiver authority that individuals receiving habilitation services under the waiver be discharged from an institution.

Annual Report and Evaluation. Directs the Secretary to (1) report to Congress annually on the extent of compliance with the minimum requirements for community habilitation and supportive services and for residential settings in which such services are provided, and (2) report to the Congress, by January 1, 1993, on the effectiveness of existing outcome-oriented instruments and methods in evaluating and assuring the quality of such services.

PART B. QUALITY ASSURANCE FOR HABILITATION FACILITY SERVICES

Requirements for Habilitation Services. Sets forth requirements that habilitation facilities (now known as intermediate care facilities for the mentally retarded, or ICFs/MR) must meet in order to participate in the Medicaid program, including those relating to provision of services, clients' rights, and administration. As under current law, these facilities would be required to provide "active treatment" to individuals with mental retardation or related conditions. Effective January 1, 1992.

Survey and Certification Process. Requires States to conduct annual, unannounced surveys of all habilitation facilities other than those operated by the State to assure compliance with the requirements of participation. Requires the Secretary to conduct "look behind" surveys, on a sample basis, to assure the adequacy of State survey efforts, and to conduct annual, unannounced surveys of all facilities operated by the State. Effective January 1, 1992.

Enforcement Process. Requires States to establish intermediate sanctions, including civil money penalties, to remedy noncompliance with the requirements of participation. Provides intermediate sanction authority for the Secretary. Revises the current correction and reduction plan authority. Effective on enactment.

Annual Report. Directs the Secretary to report annually to Congress on the extent to which habilitation facilities are complying with the requirements of paricipation.

PART C. APPROPRIATE PLACEMENT FOR INDIVIDUALS WITH MENTAL RETARDATION OR A RELATED CONDITION

State Preadmission Screening and Annual Review Requirements. Requires States, effective January 1, 1992, to have in place a program for (1) determining, prior to admission, whether individuals with mental retardation or related condition require the level of service provided by a habilitation facility and (2) reviewing, at least annually, whether clients residing in habilitation facilities continue to require the level of services provided by the facility. Payment would not be made under Medicaid for facility services in cases where the preadmission screen or annual review found that an individual did not require such services.

Revision of Utilization Review Provisions. Repeals, effective with the implementation of the preadmission screening and annual review requirements, the current law provisions relating to physician certification and inspection of care as they apply to habilitation facilities.

PART D. PAYMENT FOR SERVICES

Payment for Community Habilitation and Supportive Services and Habilitation Facility Services. Requires that States which elect to cover either community habilitation and supportive services, or habilitation services, or both, pay rates that are reasonable and adequate to meet the costs of providing services efficiently and economically in conformity with applicable laws and regulations. Prohibits States from using methodologies which distinguish between State-operated and other providers. Effective July 1, 1991, with respect to community habilitation and supportive services, and January 1, 1992, with respect to habilitation services.

PART E. EMPLOYEE PROTECTION AND MISCELLANEOUS

Employee Protections for Closures and Reductions in Capacity. Requires States to establish "fair and equitable" arrangements to protect the interests of employees of habilitation facilities that are subject to a closure or reduction in capacity, including the establishment of paid retraining programs and the preservation of rights under applicable collective bargaining agreements. Requires States to offer to employees displaced from State facilities undergoing closure or reduction, employment (at the same compensation and with comparable job responsibilities) in providers of community services or in residential settings. Effective on enactment.

Use of State Developmental Disabilities Agencies. Clarifies that States may assign specific Medicaid management functions to the State agency responsible for develop-

mentally disabled individuals. Effective on enactment.

MEDICAID HOSPICE AMENDMENTS (H.R. 3935)

Mandating Hospice Coverage. Requires States, effective July 1, 1991, to offer hospice coverage to terminally ill Medicaid beneficiaries. Clarifies that, in electing hospice coverage, a beneficiary does not waive the right to personal attendant care.

UKRAINIAN INDEPENDENCE DAY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. MICHEL. Mr. Speaker, January 22, 1990, marked the 72d anniversary of Ukraine's declaration of independence. I want to join all of our colleagues in commemorating this anniversary. I recently came across an article in the Wall Street Journal concerning the religious persecution Soviet communism has inflicted on Ukrainians. I believe we can all benefit from reading this article since it reminds us what a precious gift freedom is, and how we too often take it for granted.

At this point, I wish to insert in the RECORD "In Ukraine, Faith in God—Not in Gorbachev", by Edward McFadden, in the Wall Street Journal, Thursday, February 1, 1990:

(From the Wall Street Journal, Feb. 1, 1990)

IN UKRAINE, FAITH IN GOD—NOT IN GORBACHEV

(By Edward McFadden)

When the Soviet Council for Religious Affairs announced on Dec. 1 that Ukrainian Catholics would be allowed to register and "enjoy all the rights established by law for religious communities in the Ukrainian SSR," members of the long-banned church were justifiably unenthusiastic. Last week leaders of the Ukrainian Catholic Church gathered in the Church of the Transfiguration in Lvov, declared the church's dissolution in 1946 null and void, and announced that the church would from that moment on function as a fully legal entity within the Soviet Union.

The Ukrainian Catholics' faith in God and lack of same in the Soviet system has led to a quiet revolution.

The Ukrainian Catholic Church's history began in 1596 through an agreement between the Ukrainian Church of the Byzantine Rite and the Church of Rome in which the Ukrainian Catholics, also known as Uniates, pledged allegiance to the papacy but kept their Byzantine liturgy, language and church hierarchy. Josef Stalin banned the church in 1946 through the so-called Synod of Lvov, which forcibly "self-dissolved" the church and merged it with the Communist-backed Russian Orthodox Church. Uniate clergy who refused to surrender their allegiance to Rome and become Russian Orthodox priests were sent to Siberia. All Uniate property was confiscated, most of it going to the Orthodox Church.

Since then, many Ukrainian Catholics have practiced their faith in fields, forests or late in the evening in private homes. Today there are an estimated 3.5 million practicing Ukrainian Catholics in the Soviet Union, the majority of whom reside in Western Ukraine and are counted in official Soviet documents as Russian Orthodox. The Ukrainian Church is overseen by Cardinal Myroslav Lubachivsky from Rome along with 10 bishops in Ukraine, seven of whom only recently came out of hiding (where the other three remain).

Because the Uniates make up the largest Catholic group in the Soviet Union. Pope John Paul II has long placed the relegalization of the Ukrainian Church high on his list of concerns in his limited dealings with the Soviet Union. During the historic two-day meeting between Mikhail Gorbachev and the pontiff in Rome in late November, the Ukrainian Church was discussed often.

Vatican officials, whose policy it is to comment only under the condition of anonymity, say that the pope was willing to make a major concession, promising that should Mr. Gorbachev allow the full legalization of the Uniate Church the pontiff would not press for the return of all church property, the major stumbling block to the Russian Orthodox Church supporting legalization of the Ukrainian Catholic Church.

Despite the talks, however, the Ukrainian Church gained little from the Soviets that it already didn't have. Ivan Hel, head of the Lvov-based Committee for the Defense of the Ukrainian Catholic Church, told reporters that the new policy giving Ukrainian Catholics the right to register as Uniates "does not provide a real legal basis for the church. It does not recognize the 1946 [self-dissolution of the Church] as illegal and does not guarantee the return of property." In fact, there is no guarantee that congregations that apply for registration will even be accepted by the government.

According to officials of the Ukrainian Church in Rome, more than 700 congregations have applied for registration with Soviet officials but only 20 have been approved. More important, the church still does not have legal standing.

Over the past two years, Mr. Gorbachev has used his still-unenacted "Freedom of Conscience" bill, which purportedly would give all religions the same legal standing and property privileges as the official Russian Orthodox Church, to placate religious groups and their leaders—first with Lithuanian Catholics in mid-1988, and then in early 1989 when unrest among Moslems began to grow. When the pope pressed for Ukrainian Church legalization, Mr. Gorbachev once again promised a law early in 1990.

Vatican officials say they have not been consulted by Soviet officials about the law, and Ukrainian Church officials have not seen any of the three draft versions that are said to exist. The issue of church ownership of property might not even be considered in the law, since a Vatican source familiar with the continuing negotiations between Rome and Moscow says that Mr. Gorbachev feels that return of Ukrainian Church property is an issue to be resolved between the Russian Orthodox Church and Ukrainian Catholics.

Such inter-church negotiations began two weeks ago in Moscow, but the Russian Orthodox Church is hesitant to surrender any of the property it holds in Ukraine and the numbers bear out why: The Orthodox Church claims to have more than 10,000 parishes in the Soviet Union. More than 5,700 of the total are in Ukraine—3,000 of these in Western Ukraine. All told, about 60% of the Orthodox Church's holdings are in the republic. A mass re-conversion of members and property to the Ukrainian Catholic Church could be crippling to the Russian Orthodox Church.

In October, before the registration rule was enacted, Ukrainian Catholics were already growing weary of the lip service from Mr. Gorbachev and the Russian Orthodox hierarchy. Beginning with the annexation of Lvov's Church of the Transfiguration, believers have peaceably seized more than 600 churches formerly held by the Russian Orthodox Church. More than 350 Russian Orthodox priests have asked to be accepted as priests for the Ukrainian Church—all have been accepted. While the buildings technically belong to the Russian Orthodox Church, there is little the Orthodox Church can do when an entire parish—led by the parish clergy—returns to the fold of the Ukrainian Church.

In some areas of Western Ukraine, such as the town of Ivano-Frankivsk, where 100,000 of the 250,000 residents have been known to hold Sunday prayer services in the town square, there are no longer any functioning Russian Orthodox Churches. Reports from Ukraine confirm that the taking of these churches has been peaceful, yet the Russian Orthodox Church has attempted to distort the story.

In a confidential cable sent Dec. 23 to Russian Orthodox Church leaders outside the Soviet Union, Archbishop Kirill, chairman of external chruch relations of the Moscow Patriarchate, reported that the Resurrection Cathedral in Ivano-Frankivsk had been taken "by force. . . . [And] many Orthodox churches in Lvov, Ternopol and other cities and villages have been seized. . . . I ask you to exert influence on the Christian and social circles of the country in which you are residing in favor of a most swift and peaceful resolution of the problem." This is the same man who has called publicly for brotherly negotiations between the two churches.

The Russian Orthodox Church, in the hope of coming away with something for its 44-year domination of the region's religious life, is requesting inter-church dialogue based on Christian love and understanding to resolve the current impasse without the aid of the Soviet government. But the Uniates note that only the state can give back what the state has taken away: the rights of religious freedom and the ownership of property.

A VIEW FROM ACROSS THE BIG LAKE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. LAGOMARSINO. Mr. Speaker, during my recent visit to Great Britain, the following commentary from the London Sunday Telegraph was brought to my attention. I found it most enlightening, especially since my next stop was Czechoslovakia to meet with President Havel.

I agree with the author's assessment that the policies and values long heralded by the conservatives in the West like Konrad Adenauer in Germany, Margaret Thatcher in Great Britain, and Ronald Reagan here in the United States, inspired the popular uprisings on Eastern Europe. As many of the liberal-left policies have failed in the West, their more concentrated Communist-Socialist versions have totally bombed in the East. The East Germans, Poles, Czechoslovakians, Hungarians, Roma-

nians, and others have not cast off communism for the West's so-called enlighted Socialism. Having long been the victims of such policies, they know the dangers of them. Instead, they yearn for free enterprise and less government. In fact, today's Eastern European Socialists sound more like conservative Republicans.

As we begin this new decade, I strongly suggest my colleagues keep these observations in mind when focusing on both Eastern European and domestic policy.

[From the London, England, Sunday Telegraph, Jan. 7, 1990]

THE RIGHT WAY TO FREEDOM

(By Peregrine Worsthorne)

What we are seeing in Eastern Europe and to a large extent in the Soviet Union are conservative counter-revolutions—popular uprisings inspired by sentiments and causes owing much more to the right than to the left. The Christian Churches can take the lion's share of the credit; so can old-fashioned racism and nationalism and, in the case of Romania, even monarchism. Nothing here to rejoice the free-thinking progressive heart. From the new libertarian right, as against the old reactionary right, comes another enormously important contribution: the yearning for private enterprise, private ownership, in a word, capitalism. The desire for freedom is obviously crucial. But to an extent not yet recognized, still less admitted, in the West it is freedom to do things which progressives and socialists deplore.

Yet this is not at all the impression being given in much of the media—particularly television. Anybody watching television over Christmas might have supposed that the conservatives were the baddies being toppled from power, and the goodies doing the toppling were all Eastern European replicas of 1968 student rebels led, in the case of Czechoslovakia, by a radical playwight called Havel, first cousin of our own beloved Harold Pinter. Instead of the evil President Ceausescu being accurately described as a hard-line, far-left communist, he was presented as a right-wing conservative or even, in some quarters, as a Romanian version of our own Iron Lady.

The same ideologically distorting language is also applied to Russian politics. Those communist hard-liners opposing Mr. Gorbachev's stumbling attempts to do to Russia's socialist economy a mini version of what Mrs. Thatcher has done to Britain's socialist economy are described—in exactly the same way as Mrs. Thatcher herself is described—as belonging to the conservative right. Thus everything and everybody in Eastern Europe and Russia on the wrong side is right-wing and everything and everybody on the side of the angels is, by implication, left-wing. In truth, of course, Mr. Gorbachev's opponents are all hard-line, unreconstructed leftists—the very people who have least in common with anything that can be meaningfully described as right-wing.

So have we been witnessing a gigantic media conspiracy to deny right-wing ideas the credit for getting rid of the evil communist tyrannies and to rescue left-wing ideas from the blame for having installed those tyrannies in the first place? Not a conscious conspiracy, in my view. I don't suspect any Orwellian-type BBC newspeak policy. Would that there were such a malign conspiracy. For conspiracies can be exposed and defeated. What cannot be so easily exposed and defeated is a mind-set that is simply unable to comprehend the possibility that freedom and conservatism can be found on the same side of the barricades.

Because the people on the streets in Eastern Europe are obviously all good democrats—and mostly young to boot—it has to follow that they are progressive rather than reactionary, since progress is what democracy is assumed, as an article of faith, to be all about. But in Eastern Europe, it isn't. In Eastern Europe, progressivism, as understood in the West, does not even appeal to the intellectuals, let alone the masses. What have Western progressives or leftists ever done for Eastern Europe—absolutely nothing, except hobnob with the socialist tyrants. It is religion that has fueled the flames of resistance; as have nationalism and racism and also capitalism. The implication of this for Western leftists and progressives is too awful to contemplate: that in the great struggle between good and evil, at least in the last half of the 20th century, their ideals have played a far less honourable part in civilisation's victory than those of the despised right which were assumed to have been relegated to the dust-heap of history.

Sooner, rather than later, however, Western progressives and leftists are going to have to recognise the implications for them of the Eastern European experience. At the moment there is a profound and understandable reluctance to face the truth unblinking. Cardinal Hume, that great liberal Catholic, is as bad in this respect as the media. Addressing an educational conference last week he said the demands for freedom in central and Eastern Europe were "neither a victory for free enterprise capitalism, nor an affirmation of every aspect of Western society". Instead, he went on, they indicated "a longing for a more caring, more human, more equal society"—ie, the kind of society Mr Kinnock is always talking about, and blaming Mrs Thatcher for destroying. The good prelate is talking through his cardinal's hat; grotesquely underestimating the profound suspicion that such language—which has become socialist language—arouses even among intellectuals in Eastern Europe. Here in Britain the socialist decades only vaccinated a minority of intellectuals against the affliction of progressive cant. But in Eastern Europe, where progressive cant was actually put into practice—for the Benns of this world achieved total power—pretty well the entire educated class, as well as most of the manual workers, have passionately turned against it, using language to express the vehemence of their disgust which makes Sun editorials seem positively restrained.

It won't be long before these East European intellectuals are able to join in the Western political debate on a regular basis. When they do, all the apologists for socialism in this country—those appalling South Bank playwrights, for example—will be put to shame. Rather as the full danger of anti-semitism only became clear once the Holocaust victims, liberated from the camps, were free to describe its lethal consequences, so will the full dangers of socialism only become clear once the East European writers are free to describe its consequences in no less lurid and scarifying detail.

Nor is it only socialism that will then become a taboo practice—as unacceptable in civilised society as anti-semitism. Many other bien pensant assumptions will be discreted as well—supra-Nationalism, for one. At the moment the East European states are simply determined to get out of Comecon—the Russian variation of an Economic Community. But having escaped Comecon's clutches it is very doubtful whether they will want to see their economic fate determined by bureaucrats in Brussels. Western European bien pensants may like to peddle the fashionable idea that national sovereignty means nothing nowadays. But the East European nations, who have had 50 years without national sovereignty, know better. Mr. Enoch Powell made a good point last Friday. "The East Europeans," he said, "have not seized self-government and self-determination in order to give those precious gains up just because Americans, Germans and Russians, too, have acquired the habit of prating about 'one Europe'."

Scepticism will be the contribution of the East Europeans. Idiots in London and Paris may suppose that a German-dominated European Community will be the harbinger of milk and honey. But I doubt whether that kind of talk will pass muster in Prague or Bucharest. Bureaucracy, supra-nationalism, social engineering, economic planning—it is impossible to overestimate the loathing for these concepts to be found in Eastern Europe—where they have been tried a l' outrance. In Britain Mrs. Thatcher's hatred for these concepts may seem a bit farfetched or hysterical. But in Eastern Europe it is she, more than any other public figure in the West, who inspires confidence and admiration—and not only from know-nothing reactionaries but from all classes of people who have found out to their terrible cost just how much the road to hell is paved with good intentions.

The sooner she puts this to the test, the better. My guess is that she would be received in Eastern Europe with scenes of enthusiasm not rivalled since Woodrow Wilson visited there just after the First World War. He was an arch-liberal; she, an arch-conservative. What better way of measuring how popular opinion has changed. Now it is in the arch-conservative that the masses with genuine experience of hardship and oppression choose to put their trust.

TRIBUTE TO THE HONORABLE WILLIAM H. NATCHER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. MAZZOLI. Mr. Speaker, all of us from Kentucky feel just a bit prouder when the dean of our congressional delegation, the Honorable WILLIAM H. NATCHER, is recognized for his outstanding service in the House of Representatives.

A recent New York TImes editorial spoke to the trend toward a higher percentage of participation in rollcall votes by Members of the 101st Congress. In any such review—past, present, or even future—BILL NATCHER has no equal. His record is, as the editorial aptly describes, "perfection."

And, another recent survey conducted among top congressional aides named BILL NATCHER as one of the most respected Members of the House. These distinctions come as no surprise to those of us who have had the privilege to serve with him for some time. He is the personification of honor and integri-

ty, and a model for all who may be privileged to serve in this Chamber.

I salute my friend and colleague from Kentucky's Second Congressional District and am pleased to share with all my colleagues the following New York Times editorial and news article from Roll Call:

[From the New York Times, Jan. 8, 1990]

COUNTING ON CONGRESS

Members of the 101st Congress, on average, showed up for 95 percent of the roll call votes in last year's session. That was the highest rate of participation in the 36 years that Congressional Quarterly magazine has been keeping track. At first glance, it might appear that the 101st is attending more to its legislative obligations. On second glance, there may be less to attend.

Senators and Congressmen are careful to participate in roll call votes whenever possible; too many absences are an easy target for challengers in the next election. While a member's presence for roll calls is hardly a valid measure of his or her effectiveness, it is a much-used yardstick, readily understood by voters.

In 1989, House members averaged 94 percent participation, and Senate members 98 percent. The overall average has been zigzagging upward from 79 percent in 1970. Participation goes up in odd-numbered years and down in even-numbered years, when members are out campaigning.

Despite the long-term upward trend, two developments suggest that last year's record was at least partly illusory. First, there were significantly fewer roll call votes than before. The Senate had 312 in 1989, down from 379 in 1988 and 420 in 1987. The drop-off in House voting was equally sharp, down 25 percent in two years.

Second, in recent years the Senate seems to have grasped a basic Congressional truth the House knew already—namely, that members like long weekends. It thus scheduled more votes for the middle of the week. In 1989, the Senate had only five roll-call votes on a Monday.

Two senators and 34 House members scored less than 90 percent in Congressional Quarterly's 1989 tally, but 20 senators and 13 representatives scored 100 percent. William Natcher, a Kentucky Democrat, is the undisputed champ. A House member since 1954, and next in line to chair the Appropriations Committee, he hasn't missed a vote yet.

For what it's worth, that's perfection.

[From Roll Call, Jan. 29, 1990]

FOLEY MOST RESPECTED, NATCHER IS SECOND, BRADLEY LIKELY NOMINEE IN 1992, POLL FINDS

(By Karen Foerstel)

Speaker Tom Foley (D-Wash) is the most respected Member of the House, Majority Leader George Mitchell (D-Maine) is the most respected in the Senate, and Sen. Bill Bradley (D-NJ) will be the Democratic nominee for president in 1992, according to a new survey of House and Senate staffers.

The annual survey, conducted by the Washington public relations firm Fleishman-Hillard Inc., polled 292 top administrative and legislative aides over a two-week period.

For the third year in a row, Foley was overwhelmingly chosen the most respected House Member, winning 59 percent.

The come-from-behind second with 6 percent of the vote was 19-term Rep. Bill Natcher (D-Ky). Last year, Natcher was voted eighth most respected in the House.

Minority Leader Bob Michel (R-Ill) held on to this third-place finish for the second year in a row with 5 percent of the vote.

Last year, Rep. Claude Pepper (D-Fla) finished second and House Speaker Jim Wright (D-Texas) was fifth. Pepper died last May. Wright resigned from Congress last June.

"This has just made my weekend," Natcher said Friday after being informed of his second-place finish. "I'm delighted. It's a distinct honor, even more so because it comes from the proper sources. [Staffers] are the people who, I think, know more about the Members of Congress than anyone else on Capitol Hill."

Natcher, ironically, has one of the smallest personal staffs on the Hill, with only five aides. He also holds the record for consecutive votes. In his 36 years in Congress, Natcher has never missed a vote, casting his ballot over 12,114 times.

On the Senate side, Mitchell was voted the most respected for the second year in a row with 39 percent, and Minority Leader Bob Dole (R-Kan) held on to his spot as runner-up with 14 percent.

Rep. Alan Simpson (R-Wyo) moved up from fourth to third this year with 8 percent of the vote.

Falling from third to fifth in the Senate was former vice-presidential candidate Sen. Lloyd Bentsen (D-Texas). He received 3 percent of the votes cast.

Bentsen, however, finished second when respondents were asked, "Who will be the Democratic nominee for president in 1992? Bentsen scored 16 percent behind Bradley's 23 percent.

CONGRATULATIONS TO LAWRENCE FRAIBERG

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Mr. Lawrence P. Fraiberg. The National Academy of Television Arts and Sciences will be honoring Mr. Fraiberg with its Trustees Award.

Mr. Fraiberg has been the president of MCA Broadcasting since 1977. His long career in the communication industry began in 1949 when he graduated from the University of California and joined Group W Television station KPIX in San Francisco. He became general sales manager after 10 years and left to join Metromedia in 1959. In 1965 he became vice president and general manager of Metromedia's flagship station, WNEW-TV in New York and, after leaving in 1969 to form his own motion picture and television production company, he returned to manage WNEW-TV again in 1971. In 1977, Mr. Fraiberg was named president of Metromedia Television. He returned to Group W (Westinghouse Broadcasting) in January 1980 where he was appointed president of the Television Station Group.

An active member in community and industry organizations, he is a recipient of an honorary degree (1978) from St. John's University, New York. In May 1986 he was honored with a Peabody Award for Lifetime Achievement in the Broadcasting Industry. He is presently on the board of directors of the Muscular Dystrophy Association of America, Inc. and the National Corporate Fund for Dance, Inc. He is a former member of the board of trustees of Emerson College in Boston, and is currently a member of the executive committee of the National Committee for American Foreign Policy. Mr. Fraiberg is a member of the board of the Theatre Development Fund, the Tony Management Committee, and the Dramatists Guild. He also serves on the board of trustees of Outward Bound, USA.

Mr. Speaker I am proud to join in paying tribute to this exceptional man and extend my appreciation on behalf of his efforts and offer my best wishes for continued success.

HEARINGS ON AIDS FUNDING

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mrs. BOXER. Mr. Speaker, on January 16, 1989, the House Budget Committee Task Force on Human Resources held hearings on one of the most pressing issues of the day: AIDS funding. I am pleased to share with my colleagues the testimony of two of the outstanding witnesses who testified before us on that day.

TESTIMONY BY MAYOR ART AGNOS

Madam Chair, Congressman Buechner, I would like to thank you for bringing your Committee to San Francisco for these hearings.

This past week, my Task Force on the HIV Epidemic released its report on care needs. They stated clearly that the San Francisco model, which has drawn national and world attention for its compassion and its effectiveness, "is near collapse."

Since this epidemic began, there have been more than 5,000 deaths in our city.

That is more than all the San Franciscans who were killed in World War I, World War II, Korea and Vietnam—combined and tripled.

That is a toll from ten years.

In the next three years, we estimate that more than another 5,000 San Franciscans will die in this epidemic. Nearly another 5,000 will be diagnosed and living with AIDS in the next three years.

Those numbers alone would give us reason to conclude that the San Francisco model is near collapse.

But what threatens us most of all, is not a grim inevitability in this epidemic.

It is that now, for the first time, there is reason to hope that we can stave off death with early intervention treatments.

And yet the hope that science and research has bought comes at a price that government won't pay.

Until a year ago, the San Francisco model was primarily AIDS education, out-patient hospital care and hospice.

There wasn't much in-between.

Last June, at the Montreal International AIDS Conference, Dr. James Mason announced that the U.S. Government would shortly approve aerosol pentamidine to prevent pneumonia in people with AIDS.

It was a major breakthrough.

In San Francisco, over half of those who have died have died from pneumonia.

But at that Conference, Dr. Mason also said that it was his duty as a federal health policy leader to see that all those who needed this treatment would get it.

That hasn't happened.

Federal rules will not pay for early treatment *before* pneumonia sets in.

They will pay the estimated $17,000 hospitalization cost after pneumonia has hit.

But even though this would pay for 16 years of early intervention treatments, they will not pay to prevent pneumonia in those who are extremely vulnerable.

San Francisco and California does pay for it.

This state is the only one of the 50 states that will pay for early intervention, and we do it entirely with state and local dollars.

There is something seriously wrong with a federal policy that requires people to go to death's door before they find a welcome mat.

The standard we follow, and the standard I am here to urge be the basis for your budget resolution, provides care for those who would benefit from treatment—not just those who are dying because they didn't get treatment earlier on.

But this city can not do it alone.

Already more than one in every ten city health dollars we spend goes to AIDS.

We have used those city funds to pioneer education programs, outreach programs and care programs.

But too often, we have seen the federal government fund demonstration projects based on our successes and then rule us ineligible because we already have a program.

It's become known as the "San Francisco penalty"—provide care now, lose funding later.

Knowing that city government could not do it alone, last year I named a Mayor's Task Force on the HIV Epidemic. It was the first in our City and perhaps the first in any City to include representatives from every sector of city life.

I gave them a mandate to examine what San Francisco needs for a comprehensive and compassionate program to combat AIDS and stop its spread. And I asked them for a strategy involving both the private and the public sector of all San Francisco, not just the communities hardest hit or the voluntary agencies that have carried the burden thus far.

They have now issued recommendations that are clear and compelling, and they have identified what we need to pay.

We spend $12 million from all sources for prevention programs now—we need $25 million.

We spend $13 million from all sources for prevention among IV drug users now—we need to spend $31 million.

We spend between $10 million and $25 million from all sources on early intervention—we need to spend $103 million.

We spend $123 million on a continuum of care—and we need to spend $151 million.

In all, the gap we face is between $137 million and $152 million—next year.

To close that gap, we are marshaling our resources into a unified strategy.

The Task Force recommended that as Mayor, I designate a Standards of Care Committee that would establish guidelines on early treatment.

If private companies and insurers believe that there is a level playing field, and that each faces the same commitments, then they have indicated a willingness to include early treatment in standard health care programs.

As Mayor, responsible for a city workforce of some 25,000 employees, I will make the City of San Francisco a model employer by working with our insurers to provide this level of care for our employees.

I believe that the private sector will join us, and that what we begin in San Francisco can become a new national model of a public private partnership in care standards.

But that will not be enough.

We have refined our participation in existing federal programs, and our success in documenting actual needs resulted in over $5.6 million in federal funding to reduce waiting lists at substance abuse treatment programs.

We have been creative in using other funds, such as Community Development Block Grants to provide housing for the homeless with AIDS and ARC.

But these steps are not enough.

And while we stretch ourselves as never before—and still fall short—we are deeply disturbed by the indications that Congress may not stretch the budget for AIDS at all.

Last year, for the first time, Congress appropriated less for AIDS than it knew had been proposed by the U.S. Public Health Service. In all, some $1.7 billion was budgeted—not the $2.2 billion sought by Public Health.

This year, given the Congressional climate and the Gramm Rudman restrictions, last year's $1.7 billion may also become this year's ceiling.

That will happen unless the Budget Resolution includes meeting the real costs we are facing.

I began by comparing the number of deaths in our City from AIDS to the deaths of San Franciscans who fought in our nation's wars.

I did that because today, as you deliberate, we are entering a national debate about a "peace dividend" because we are reassessing our national defense requirements.

In my opinion, the battle against AIDS is a matter of our nation's defenses, and so far the record from Washington is to treat this as somebody else's war.

This is not somebody else's war.

If this city, of all cities, falls so far behind that our program collapses, all the world will shudder at what it means for them.

It will mean that each city, each person will have been left to cope—and die—on their own.

It will mean no help is on the way.

In San Francisco, the Mayor's Task Force on the HIV Epidemic marks a firm commitment that we are making to each other to provide help.

We need you to join us.

I have with me today Mr. Lee Smith, President of Levi Strauss International, and a member of the Task Force.

TESTIMONY OF LEE C. SMITH

Good morning. My name is Lee Smith. I am a member of Mayor Agnos's HIV Task Force in San Francisco and President of Levi Strauss International.

As you know, our community is one that has worked hard to garner the resources necessary to meet the needs of those affected by HIV.

Our community-based organizations, our local government, and the local business community were some of the "first responders" in their fields to attempt to meet the grave needs presented by AIDS.

Nevertheless, my year on the Mayor's HIV Task Force has brought me face-to-face with the harsh reality created by a prolonged epidemic. Quite simply, the duration and scope of the HIV crisis have outpaced the currently available resources to fight it.

Today you will hear others outline the discrepancy between the limits of local resources and the exploding needs of HIV disease. The discrepancy is daunting. With your help, it is also surmountable.

Each of us have unique resources we can and must contribute to the fight against AIDS. I believe that is as true for the San Francisco business community as it is for members of your committee.

Let me speak first to the role I believe is appropriately assumed by the business community.

The Mayor's HIV Task Force has identified seven essential ways we can fight HIV. I wholly endorse these recommendations and believe their implementation will go a long way toward easing the horrible toll HIV is exacting in the Bay Area.

First, we must educate employees and continually restate the facts about HIV transmission. For many adults, the work place is the only place where this life-saving information will be available. We cannot miss the opportunity to educate and inform this sector of our society.

Second, the business community must improve health benefits and access to decent, affordable health care for its employees.

AIDS is exacerbating an already over burdened and costly health care system. The business community should lead the way in addressing systemic changes necessary to lower health care costs, provide access to treatment for those in need and prevent or delay disease progression.

The private sector must carry its fair share of the health care burden without instituting or condoning unfair discriminatory practices in private insurance coverage.

This is critical to implementing sane early intervention programs making life extending drugs available, through insurance coverage, to all who require them.

Third, we need to recruit volunteers to provide much needed skills and labor for AID-related services in the Bay Area.

To date, an heroic effort has been made by many. Literally hundreds of thousands of hours have been voluntarily given to support the San Francisco Model of community-based care. But the past and current volunteers cannot keep up with the burgeoning case load. They are shouldering a disproportionate share of the responsibility for handling an epidemic that is a community-wide problem.

We need employers to proactively encourage their people to volunteer.

Fourth, businesses can help by enhancing skills of community-based organizations.

Many of the agencies in the Bay Area are now multi-million dollar operations. Businesses can lend technical assistance in such areas as financial and long range planning and personnel development. We can also provide in-kind services like photocopying, transportation and printing capabilities.

Fifth, private corporation and foundation monies are essential for our agencies. These desperately needed funds often cover vital programs the state and federal governments cannot or will not support.

Please do not misunderstand me. In an epidemic, the federal government has and is expected to take a large share of the funding responsibility. Nevertheless, responsible corporations and business people also have

an obligation to give—and give generously—to community-based agencies which, for too long, have had to bear the brunt of the epidemic.

Sixth, businesses must work to stamp out discrimination. In our community, AIDS-related discrimination often takes on more subtle, though no less insidious, forms. The presence of discrimination is costly to San Francisco businesses and to people with HIV disease.

In a recent San Francisco survey of self identified gay men who chose not to be tested for HIV antibodies, the primary reason was fear of loss of health insurance.

This is a horrifying fact and a justifiable fear on the part of these men. If individuals could possibly benefit from antibody testing, treatment or monitoring, they must be able to come forward for assistance without fear of losing their health benefits altogether.

Discrimination against those with HIV disease or those presumed to be infected with HIV is unwarranted, unacceptable and inhumane. It must be abolished.

Seventh and finally, the business community must actively support reasoned public policies. Businesses must make their concerns known in Washington and we must articulate our beliefs regarding the above recommendations. Rather than divert scarce resources to fight discriminatory propositions, like Prop. 102, we need to support forward looking legislation like The Americans with Disabilities Act.

That's more or less what we in the business community can and will do.

But our effectiveness depends on your effectiveness. Here's what you can do.

You can be willing to take political risks and support impact aid and disaster relief measures so that adequate monies are appropriated to assist cities hardest hit by HIV.

You can respond to this prolonged crisis with the same urgency and intensity with which you responded to the earthquake.

You can provide and encourage a well informed, reasoned and expeditious response from our federal government to assist us in ending this epidemic.

You can provide this community with the financial resources essential to fight this epidemic.

We can work together and succeed or we can fail each other and consequently fail our community, AIDS-related discrimination often takes on more subtle, though no less insidious, forms.

BUT WHY NOT MORE HELP FOR AFRICA?

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. FAUNTROY. Mr. Speaker, I would like to share with you an editorial titled, "But Why Not More Help for Africa?" (Washington Post, February 1, 1990) by Leonard H. Robinson, Jr., the president of the African Development Foundation. The editiorial poignantly describes my angst about the way in which the administration and Congress have been focusing on providing assistance to Eastern Europe. Last year, the United States efforts to galvanize assistance for Poland and Hungary were impressive. Despite our concerns about the budget deficit, we found $900 million of resources to assist the development of Poland and Hungary which are to be distributed over 3 years. This year we are looking into more ways to assist other Eastern European countries that have undergone reform, not to mention the $500 million proposed aid for Panama.

But, Mr. Speaker, what about Africa? There have been democratic reforms in a number of countries in Africa, like Guinea, Ghana, and Madagascar. But those reforms, as real as they are, have been overshadowed by the changes in Eastern Europe. Further, what about the world's and Africa's newest nation, soon-to-be independent Namiba? Why is it that our administration appears to have no commitment for creating an assistance policy that reinforces United States support for democracy in this new nation comparable to our prodemocracy commitment in Eastern Europe and Panama? Is Africa off-limits when it comes to our support for democracy?

I am not saying that Eastern Europe or Panama are undeserving of assistance. But as we in Congress begin considering the budget for fiscal year 1991, I request that my colleagues on both sides of the aisle remember Africa and its urgent needs for our support for democratic political change and economic transformation. Let us seek a balanced approach to assisting our friends and allies around the globe.

I hope you and my colleagues find the editorial informative:

BUT WHY NOT MORE HELP FOR AFRICA?

(By Leonard H. Robinson, Jr.)

It is truly amazing, even breathtaking, to comprehend the speed at which European Communist states, with the Soviet Union as fulcrum, have collapsed wholesale in the past two months. A "cold war" has been nearly dissipated overnight, thanks to the ramifications of perestroika.

The United States has rushed in to capitalize on this extraordinary turn of events. Secretary of State James Baker has visited and touched the now porous Berlin Wall. Poland and Hungary received a nearly unanimous congressional commitment of $900 million in development aid for the next three years. Where did the $900 million come from? Why did it take only days to secure? As an Africanist, I want to know—so do the people of Africa.

Those of us who have toiled for decades in support of Africa's continuing development have been rudely awakened to the harsh realtities of how the world really operates. The fall of Communist regimes in Eastern Europe and the concomitant and obvious reduction in the power of communism as an ideology and way of life has riveted the attention of the West and precipitated a torrent of goodwill, resources and the promise of more to come. Indeed, I fully expect that a second Marshall Plan, aimed at Eastern Europe, is already on the drawing board. But what about Africa?

The East-West struggle has been played out in parts of Africa in cruel, painful and devastating ways, Ethiopia, Somalia, Angola and Mozambique being the most succinct examples of the chess game. The cost in human lives and property has been overwhelming. Add to this Africa's longstanding environmental calamities and chronic economic stagnation, and you have to wonder why Western nations have not rushed to Africa's aid with the same degree of alacrity witnessed in Poland and Hungary. The recent excuse is Africa's limited value from a strategic perspective. If that is so, why then have we been engaged in "containment" there and in other aspects of the East-West stalemate?

Since 1984, African nations have embraced a number of economic and political reforms designed to diversify their economies. They have divested themselves of state-controlled and-owned industries, they have provided incentives to farmers to produce more for human consumption and they have generally moved to privatization. Belt-tightening strategies have been introduced in most countries, often with the encouragement of the IMF and World Bank, but at the very real risk of social and political instability. The striking results in Ghana, Botswana, Nigeria and even Tanzania have been worthy of notice. African leaders and policy makers have publicly acknowledged their past transgressions regarding their policies, and they have courageously accepted their economic responsibility to put Africa back on a solid economic and political footing. So where is the help from the Western nations and their financial institutions, which previously were so avidly courting the continent?

On Jan. 10, the United States pledged to cancel debts of $735 million owed by 12 African sub-Saharan countries. Although the debt of these countries is lower than that of Latin America, unlike the latter, Africa's debt is primarily "official," or owed to governments and multilateral agencies. The issue of Latin America's debt, which totals a staggering $427 billion, is being addressed through relief for the countries of Brazil, Mexico, Argentina and others. The so-called "Brady Plan for Debt Relief was focused almost exclusively on Latin America. No such offical plan has yet been devised for Africa in spite of the fact that Africa's debt of approximately $139 billion pales in comparison to that of Latin America and the Caribbean.

Even though the United States is home to almost 35 million Americians of African descent, its foreign assistance sadly ignores this statistic. Worse still, many African Americans fail to understand or practice the notion of "motherland politics" as their Duro-American counterparts do. Centuries of slavery blotted out almost all vestiges of identification and pride and many Americans continue to view Africa through the eyes of Tarzan and Meryl Streep. But the African continent is one of the planet's richest jewels, and we are throwing it away.

POW INFORMATION—WHAT SHOULD BE CLASSIFIED

HON. ROBERT C. SMITH

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. SMITH of New Hampshire. Mr. Speaker, as many of my House colleagues are undoubtedly aware, I have spent a great deal of time during the last 6 years working to account for our missing U.S. service personnel in Southeast Asia. As a member of the House POW/MIA task force, I have met with officials at the Defense Intelligence Agency on numerous occasions to discuss specific POW cases in detail. I have also taken two separate trips

to Southeast Asia on official congressional fact-finding missions—always going with one agenda—in search of our missing military and civilian personnel. Each time I have been there, I have spent several days of negotiations with top Vietnamese officials on this issue. Additionally, I continue to work with the families of missing servicemen, helping them to get answers from the Government on their missing loved ones.

Mr. Speaker, in view of responsible legislation I have recently co-introduced to declassify information on American prisoners of war from World War II, Korea, and Vietnam, I feel it is important to point out to my House colleagues and to the American public exactly what is and what is not classified on this important matter. Only in this way will we gain a better understanding as to why H.R. 3603 is so urgently needed.

Yes, there is a large quantity of information currently in the public domain regarding POW's and MIA's. Indeed if someone were to ask a Government official for information on the whereabouts of POW's, we could not assume that he or she is requesting access to classified information. On the contrary, many Government officials, including myself, frequently provide to the public upon request declassified information on POW's. In fact, if someone were to write me requesting specific information on POW's, I could literally send them a wheelbarrow of intelligence information, including live-sighting reports, maps, layouts, and so on, and so on. Moreover, my amendment to the House Intelligence Authorization Act in 1988 now requires the Department of Defense to provide to a missing servicemember's family all live-sighting reports received which correlate to their loved one. And yes, family members are perfectly free and legal under our laws to release this information to the general public, as it is already in the public domain when it gets to the family.

Additionally, the Department of Defense also publishes for the general public a POW/MIA Fact Book which provides examples of evidence of the capture of U.S. personnel in Southeast Asia, along with spcecific details on the last known whereabouts of missing servicemen based on hard evidence. This hard evidence is drawn from post-capture photography, United States or indigenous eyewitnesses to capture or detention, and intelligence reports such as live-sightings by refugees in addition to maps and layouts of POW camps.

Finally, the U.S. Government continues to share classified information with Vietnamese and Loatian officials in an effort to gain the fullest possible accounting of our POW's from this war. In the words of General Vessey, the President's Special Emissary to Southeast Asia, this information involves "discrepancy cases in which Americans were known to have survived the incident in which they were involved and we believed they came into Vietnamese hands and probably were prisoners of the Vietnamese."

However, Mr. Speaker, the Defense Intelligence Agency, our chief agency responsible for gathering and analyzing information on missing servicemen, has testified before the Congress that they do not have conclusive evidence that Americans are still being held against their will in Southeast Asia. This is despite the fact that we know many American servicemen were taken prisoners and did not return during Operation Homecoming in 1973.

At the same time, the President of the United States and representatives at the State Department and Defense Department maintain that the abundance of intelligence information received concerning POW's "precludes" ruling out the possibility that American servicemen are still alive in Southeast Asia.

Mr. Speaker, there is plenty of POW intelligence information legally being circulated in the public domain. H.R. 3603 will protect us from jeopardizing the safety of Americans still held against their will. It also will protect us from compromising our national security and is consistent with President Reagan's 1982 Executive order regarding what should and should not be classified by our Government. Indeed, only information that would truly damage our national security and endanger the safety of American POW's should remain classified.

Already, more than 60 of my colleagues have joined Representative DENNY SMITH and myself in supporting the public's inherent right to see all information on POW's from World War II, Korea, and Vietnam. Only with the participation of the American people in this process and only once we have seen all the information on this issue will we ever achieve the fullest possible accounting of our missing men.

MEDICAID CHILD HEALTH AMENDMENTS OF 1990

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. SLATTERY. Mr. Speaker, Today I am introducing legislation, along with my good friend, Representative HENRY WAXMAN, which would address a very urgent and important need and provide basic health care for our Nation's poor children.

Decent health care is very expensive in this country. Total spending on health care among Americans has skyrocketed, rising from 6 percent of the gross national product [GNP] in 1965 to 11 percent of the much larger 1987 GNP—a greater share of the GNP than many other Western industrial countries spend to obtain comparable or better health care. The United States spent a record $440 billion on health care in 1987.

But despite this massive expenditure, the health of millions of American children is eroding primarily because the uneven distribution of health care and health insurance in our Nation shortchanges low- and moderate-income children and pregnant women.

Millions of American families and children are forced to go without necessary care because they cannot afford it. Many—especially lower income working families and unemployed families—are covered by neither private or public insurance.

Buying medical care has become so expensive that access to health insurance has become a crucial determinant of access to health care: Among low-income children, those who are uninsured receive only about one-half as much medical care as those with health insurance. Yet both our private and public health insurance systems have widening cracks. Between 1982 and 1985, the number of insured Americans grew by 15 percent, from 30.3 to 34.8 million, and the number of uninsured children grew by 16 percent, from 9.6 to 11.1 million.

Our Nation must ensure that all poor children have access to appropriate health care. The Medicaid Child Health Amendments of 1990 will help to achieve this goal. The bill provides for:

SUMMARY PROVISIONS OF THE BILL

Phased-in Coverage of Children Up to 100 Percent of Poverty. Phases in mandatory coverage of all children in families with incomes below 100 percent of the Federal poverty level. Effective July 1, 1991, States would be required to cover all children below poverty born after September 30, 1983. So long as these children remained poor, they would continue to be eligible for Medicaid, up to age 18. Thus, poor children 7 and over would be "aged in," one year at a time, so that by the year 2000 all poor children under 18 would be covered.

Requires States to process applications for Medicaid benefits for pregnant women and infants and children at locations other than welfare offices, including hospitals and clinics. Effective July 1, 1991.

Optional Coverage of Children Up to Age 6 With Incomes Below 185 Percent of the Poverty Level. (Note: This provision is new and was not included in the reconciliation amendments reported by the Committee last year). Under current law, effective April 1, 1990, States are required to cover all children born after September 30, 1983, up to age 6, in families with incomes at or below 133 percent of the poverty level. This provision allows States the option of extending Medicaid to these children with family incomes at or below 185 percent of the poverty level. Effective January 1, 1991.

Optional Extension of Medicaid Transition Coverage. Allows States, at their option, to provide an additional 12 months of Medicaid coverage to families who leave cash welfare due to earnings and who continue to work. (Under current law, effective April 1, 1990, States are required to cover these families for 12 months after leaving cash assistance).

Payment for Medically Necessary Services in Disproportionate Share Hospitals to Children under 18. Under current law, with respect to infants under age 1 receiving medically necessary inpatient hospital services from disproportionate share hospitals, States may not limit the number of medically necessary inpatient hospital days they will cover, and, if they reimburse on a prospective basis, must make outlier adjustments for exceptionally high-cost or long-stay cases. These current law provisions would be extended beyond infants to all children under 18, effective July 1, 1991.

Required Coverage of Disabled Children in "209(b)" States. Requires States that apply more restrictive eligibility standards under their Medicaid programs to low-income individuals who receive cash assistance under the Supplemental Security Income (SSI) program to extend Medicaid coverage to disabled children who qualify for SSI. Effective July 1, 1991.

Mandatory Continuation of Coverage for Children Otherwise Qualfied for Benefits Until Redetermination. Prohibits States from terminating Medicaid coverage for a child under 18 who, due to a change in family income or resources, is determined to be ineligible, until the State has determined that the child is not eligible for Medicaid on some other basis. Effective July 1, 1991.

Optional Medicaid Coverage for Foster Children. Allows States, at their option, to offer Medicaid coverage to foster children whose incomes are above State cash assistance levels but below the Federal poverty level. Effective July 1, 1991.

Health care provided to children, especially preventive health measures taken throughout a child's life, is immensely effective, paying off in improved health as well as in financial savings for government and society. Children who receive comprehensive pediatric care, including preventative services, have been shown to have annual health care costs 10 to 25 percent less than children who do not.

The time is long overdue for the Nation that leads the world in medical technology to ensure the provision of basic health care for poor children and families. I believe this bill will help to deliver this basic care to those children most in need. I encourage my colleagues to support it.

A FEAR OF POGROMS HAUNTS SOVIET JEWS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. MICHEL. Mr. Speaker, William Korey, director of international policy research for B'nai B'rith, has written an article in the New York Times warning of pogroms against Soviet Jews. I believe our colleagues will find his views both informative and disturbing. At this point, I wish to enter his article into the CONGRESSIONAL RECORD.

A FEAR OF POGROMS HAUNTS SOVIET JEWS

(By William Korey)

At the historic Congress of Jewish Organizations held in Moscow in December, the most talked-about worry was the real possibility of pogroms in the near future. This month's slaughter of Aremenians by Azerbaijanis in Baku, which has repeatedly been described as a pogrom, suggests that during the nationalist unrest across the Soviet Union Jews could again become mob victims. Thus, Jews, recalling the bad old czarist days, are particularly worried by the Kremlin's continued cold silence about their fears.

When delegates from 126 Jewish cultural organizations in 70 cities assembled, the most important speech stressed a "sharp upsurge of public anti-Semitism," which is the flip side of glasnost.

Severe economic dislocations and political instability, the analysis noted, aggravate tensions and permit the Jew to be a scapegoat for the problems of perestroika.

Documentation was not difficult to come by; more than 50 desecrations of Jewish cemeteries, some 1,000 anti-Semitic rallies, and vitriolic hate leaflets in the thousands distributed everywhere. Moreover, some 60 goons from Pamyat, a chauvinist Russian national movement, greeted the delegates with cries of "Yid!" and "Jewish prostitute!"

Beyond these hate-spewing vulgarities, and reinforcing them, is the defense and promotion of Pamyat and anti-Jewish stereotypes by prominent and conservative nationalist publications.

Then, too, there are newly formed patriotic and religious organizations that would ostracize the Jew as "alien" and "cosmopolitan" (a resurrected Stalinist era code word meaning "traitor"), and populist novelists fill their books and essays with flagrant appeals to bigotry.

Only the Young Communist League newspaper has carried as Cassandralike warning. Written by the Lithuanian Jewish writer Grigory Kanovich, a member of the Congress of People's Deputies, the article described "clouds of pogroms . . . gathering over our heads." He expressed dismay that "as this incitement to murder takes place before the eyes of all," the authorities "ignore the thugs and inciters."

From President Mikhail Gorbachev not a single word has come—no repudiation of Pamyat or of omni-present Jew-baiting. Last year, when Mr. Kanovich, joined by two members of the Academy of Sciences, Vitaly Ginzburg and Oleg Gazenko, submitted to the presidium of the Congress of People's Deputies a petition calling for a condemnation of anti-Semitism, and for creating a special committee to follow up on the issue, the petition was buried.

Even though the petition was signed by more than 200 deputies, and Mr. Kanovich is reported to have conferred briefly with Mr. Gorbachev on three occasions, urging him to make the appeal known to the Congress, not only was it not brought before the Congress, it was stricken from the list of petitions submitted to the presidium.

It is not that Soviet prosecutors are unaware of Pamyat's provocations. In one instance, Pamyat's chief was summoned by the K.G.B. and warned against stirring up "national hatred." In another, the Leningrad city public prosecutor said he had brought an end to Pamyat's numerous rallies in one of the public parks because they violated the Soviet Constitution. Yet no arrests have been forthcoming anywhere and Pamyat's provocations remain undiminished.

The absence of any official public denunciation is especially disturbing. When anti-Jewish pogroms seemed to loom on the horizon in 1918, Lenin, the founder of the Soviet state, personally drafted the language in a decree requiring that "pogromists and persons inciting to pogroms be outlawed." Later, in a historic address broadcast to the Russian people, Lenin cried: "Shame on those who foment hatred toward the Jews."

President Gorbachev, glasnost's great advocate, has repeatedly insisted that he draws his inspiration from Lenin. He could take a leaf from his mentor's book by now forcefully expressing humane concern. It could even prove helpful to his program of perestroika. Certainly, he must be aware that his enemies on the right have no hesitancy in exploiting anti-Semitism in their attempts to turn back the clock.

WISE WORDS OF ADVICE ON THE REAL MIKHAIL GORBACHEV

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. LAGOMARSINO. Mr. Speaker, during a recent speech at Time Magazine's "Man of the Year" dinner, former President Richard Nixon analyzed the real Mikhail Gorbachev—his goals, his power, his weaknesses and his challenges. The historic events of the past year are incredible and Mr. Gorbachev has played a major role in their continued unfolding. Unfortunately, some in the West have become carried away with "Gorby-mania" and, to borrow President Nixon's analogy, are thinking too much with their hearts and not their heads. These are time of great hope, but they are also times with difficult challenges demanding strong, level headed leadership and policy.

I strongly suggest that my colleagues carefully study President Nixon's very insightful analysis. After examining his comments, I believe others will agree with me that President Nixon's points are very much on the mark and worth incorporating into our thinking and policy for the new decade.

[From the Washington Times, Jan. 31, 1990]

BY WHAT HONORIFIC IN THE YEAR 2000?

(By Richard Nixon)

Since this is Time's Man of the Year dinner, I would like to share with you my evaluation of Time's Man of the Decade—Mikhail Gorbachev.

Because my views differ in several respects from the conventional wisdom reflected in Time's excellent cover story, I would first like to indicate the areas where we agree.

Gorbachev is the most enlightened Russian leader of this century and possibly in Russian history. He is the best-educated Soviet leader since Lenin. he earned a bachelor's degree in law. He was born with a masters' degree in public relations.

He is by far the most popular leader in Europe, and among America's elite intellectuals, those with postgraduate training, he is even more popular than George Bush—one of America's most popular presidents.

Let me now turn to areas where I do not share the conventional Beltway wisdom. One highly respected major publication tells us that Gorbachev's goal for the Soviet Union is "an economically and politically liberal regime without any expansionism ambitions." You might reach that conclusion from some of the things he has said and done. But we should always bear in mind three hard facts in appraising his actions.

Gorbachev is a true-believing communist. His goal is not to abandon communism, but to save it.

He is a proud Russian nationalist with the same goals for his country that Russian leaders have had for centuries before Lenin.

He is a brilliant, pragmatic political leader who likes power, knows how to use it and will do what is necessary to keep it.

With these facts in mind, let us examine what he has done. His political reforms,

glasnost and democratization, have been an enormous success abroad and have produced a less repressive society for many people in the Soviet Union. While inadequate by Western standards, they are revolutionary when compared with what the Russian people had before.

Where there was no freedom to criticize the government, now there is some.

Where there was no freedom of the press, now there is some.

Where there were no free elections, now there are some. We must keep that in context, however. Two-thirds of the recent elections were rigged. While some communist officials lost their positions, Gorbachev strengthened his. He is now the most powerful Soviet leader since Stalin. He has replaced all of the Polituro members appointed by Brezhnev. He has replaced 80 percent of the members of the Central Committee. He has changed 15 of the 16 heads of the Soviet republics.

In my Kitchen Debate with [Nikita] Khrushchev in 1959, the man standing next to Khrushchev was Leonard Brezhnev. Five years later, Brezhnev led the coup which removed Khrushchev from office. That won't happen to Gorbachev. [British Prime Minister William] Gladstone once said that the first requisite of a prime minister is to be a good butcher. Gorbachev is a good butcher.

While Gorbachev's political reforms would have to be rated as a success, his economic reforms, perestroika, have been an abject failure. The rhetoric has been impressive: support for joint ventures, cooperatives, decentralized controls and even some kind words for a market economy. The results have been dismal. For example, in the 10 years of the economic reforms of Deng Xiaoping, Time's Man of the Year in 1978 and 1985, the per capita income of the Chinese people doubled. In the three years since Gorbachev initiated his perestrioka reforms, the per capita income of the Soviet people has gone down and the prospects for the future are no better.

While his economic reforms have been a failure, Gorbachev's foreign policy has been a brilliant success. He withdrew the Red Army from Afganistan and played a role in getting the Cubans out of Angola and the Vietnamese out of Cambodia. He has announced major cuts in his defense budget and in his Warsaw Pact forces. Most significant, he has renounced the Brezhnev Doctrine and has stood aside while his Soviet clients in Poland, Hungary, Czechoslovakia, East Germany and Bulgaria have been driven from office.

Rather than just applauding what he has done, let us examine why. In 1985 in Beijing, I asked General Secretary Hu Yaobang if he thought Gorbachev would follow Deng's example and reform the Soviet economy. He smiled and said, "I don't think so. But if he doesn't, the Soviet Union will disappear as a great power in the 21st century." He was right, and Gorbachev knows it.

Look at what Gorbachev confronted when he moved into the Kremlin five years ago. Everywhere he looked he saw communism in crisis. He Third World clients were all losers. Cuba, Nicaragua, Angola, Ethiopia and Vietnam cost him billions of dollars in subsidies. Afghanistan was costing lives as well as money.

All over Eastern Europe, sullen, explosive dissent was boiling beneath the surface. Communism had produced stagnation, not progress. And as a result of the communications revolution, the people in Eastern Europe knew how much better life was in Western Europe.

Most ominous, the Soviet economy was a disaster area plagued with corruption, inefficiency, shortage and alcoholism and was falling further behind the West at an alarming rate.

Abroad, Gorbachev found that all of the great industrial powers in Europe and Asia were aligned against him. Most disturbing, he saw that his major potential adversary, the United States, had recoved from the malaise of the late '70s and the recession of the early '80s, had a booming economy, a stronger military, a stronger foreign policy and a new initiative, SDI [the Strategic Defense Initiative], which would cost the Soviet Union billions of dollars it did not have just to keep up. Gorbachev is a true-believing communist, but he is no fool. His pragamatic side took over from his ideological side. He decided that he had no choice but to reform at home and retrench abroad.

We have examined what he has changed. Let us see what he has not changed.

His much-publicized cuts in defense have had a dramatic effect in reducing the Western fear of Soviet aggression. But he is still spending 20 percent of his GNP on defense, compared with 6 percent in the United States. He has modernized all three legs of his nuclear triad with new weapons on land, sea and air. His superiority, after his cuts, in conventional and chemical weapons is still overwhelming. The Soviet military is leaner but stronger today than when Gorbachev come to power five year ago.

In foreign policy, he received great credit for withdrawing the Red Army from Afghanistan. But his puppet communist government in Kabul is still in power and receives $4 billion a year from the Soviet Union to keep it in power. His Soviet clients still rule Angloa, Ethiopia and Cambodia. He provides arms to North Korea and Libya, who threaten their neighbors with aggression and who along with Iran are the major exporters of terrorism in the world.

He provides $6 billion in arms and aid to [Cuba's Fidel] Castro, who ships Soviet arms to Nicaragua who in turn supply arms to the communist rebels fighting against an elected non-communist government in El Salvador. For Gorbachev to claim that he does not know this is happening is ludicrous. The Soviet Union has its weaknesses. But it would be stupid to assume that the KGB is as impotent as our CIA in finding out what is going on in communist countries.

The conventional wisdom is that Gorbachev deserves the primary credit for inspiring and encouraging the revolts against communist regimes in Eastern Europe. The truth is that it was Western values, contrasted with the failure of communist ideas Gorbachev still upholds, which brought millions into the streets of the great cities of Eastern Europe.

Gorbachev had a choice. He could implement the Brezhnev Doctrine and try to keep his clients in power by force, as Khrushchev did in Budapest in 1956 and Brezhnev did in Prague in 1968, or he could take credit for developments he might not have liked but could not contain.

Again, the pragmatic politician took over from the communist Party ideologue. To do what was necessary to keep unpopular puppets in power in Eastern Europe, he would have aborted his brilliant diplomatic blitzkrieg to psychologically disarm his potential adversaries in western Europe. In a nutshell, he had to choose between Eastern Europe and Western Europe, and he chose Western Europe. He decided that developing better relations with Western Europe and the United States, whose assistance and cooperation he needed to rebuild his shattered economy, to hold on to the rebellious populations of Eastern Europe.

What we are seeing under Gorbachev is a profound shift in Soviet priorities. For almost 70 years, Soviet domestic policy served Soviet foreign policy. Now Soviet foreign policy must serve Soviet domestic policy. Whether it is defense, arms control, Eastern Europe or the Third World, Gorbachev's first priority is to do what is necessary to rescue the Soviet economy from terminal illness.

By disarming the West psychologically, he removed the fear—the glue that holds the western alliance together and that provides the justification for adequate defense budgets. This enables him to safely reduce his huge defense budget and to apply the proceeds to desperate domestic needs. By projecting a benign image abroad, he increases his chance to get the credits, aid and technology he needs to revive a sick economy.

This brings us to the crucial question: Should we help him? The answer is yes, but only if it serves our interests as well as his. Gorbachev has changed since the days when he routinely supported Brezhnev's policies. But it is a change of the head, not the heart. At a time he is using his head, we should not lose ours. As long as his ultimate goal is to make life better for the Soviet people, we should help him, provided his reforms go far enough to work. But if ultimately as a result of successful reforms we will face an economically stronger Soviet Union pursuing the same traditionally aggressive Soviet foreign policy, we should not help him. We would, in effect, be subsidizing our own destruction.

Let's look at some specific examples.

Gorbachev's current reforms will not work unless they are radically expanded. Trying to bail out a fatally flawed policy does Gorbachev no favor just as a banker does a borrower no favor by making him a bad loan. If you doubt that, ask Mr. Campeau. As Andrei Sakharov put it, "In the absences of radical reforms, credit and technological aid will only prop up an ailing system and delay the advent of democracy."

Even if the reforms go far enough to work, the success of perestroika is not in our interest unless Soviet foreign policy becomes less aggressive. For example, continued Soviet support for anti-American regimes in Cuba and Nicaragua and for communist rebels in El Salvador is not acceptable. Gorbachev must be made to understand that Central America, for us, is a neuralgic issue. Our policy should be absolutely uncompromising. Any sale of arms to an anti-American regime in the Western Hemisphere will not be tolerated.

Unsubsidized trade in non-military goods serves both our interest. Subsidized trade does not. Providing credits for the purchase of consumer goods would, in effect, help finance perestroika. It is in our interests and in Gorbachev's interest that he have no choice but to finance perestroika by cutting his swollen defense budget and the costs of his foreign adventures.

Arms control that contributes to stability serves both our interests. Our first priority should be the mutual reduction in conventional arms for two reasons. First, the Soviet superiority in conventional arms is the major reason we need nuclear arms. Second, reductions in conventional arms will save far more money than reduction in nuclear arms. Under no circumstances should

we make unilateral cuts in our defense forces. Gorbachev can afford to do so because he still has superiority. We should seek to negotiate mutual agreements which will eliminate that superiority.

Will Gorbachev last? In view of the failure of his economic reforms and his current problems in the Baltics and Azerbaijan, speculation is increasing that he cannot survive in power. I disagree. Gorbachev may not be an ordinary communist or an ordinary Russian nationalist, but he most certainly is an extraordinary politician. I believe that as a pragmatic politician, he will do what is necessary to survive. Ironically, this could mean that he will last not because his reforms succeed but because he will back away from them if carrying them out threatens his power.

Let us put the momentous events of 1989 in historical perspective. We are entering the most exciting decade of the 20th century—more exciting even than the two decades in which the bloodiest wars in history, World War I and World War II, were fought. We can be thankful that we will be waging peace, not war. But we must recognize that the challenge of winning the peace will be even greater than the challenge of winning a war. On all sides, we hear the Cold War is over. It would be more accurate to say that the Soviets have lost the Cold War but the West has not yet won it.

1989 was a heady year of victory without war for the forces of freedom without war. 1990 will be a much tougher year because, as history tells us, waging a successful revolution, while difficult, is not nearly as difficult as governing after winning a revolution. Revolutionary leaders are seldom good nation builders. Revolutionary leaders must destroy. Those who govern must build.

Our historic challenge is to join with our allies in the Free World in doing what is necessary to make sure that the high hopes of the millions in Eastern Europe who cast their lot with freedom in 1989 are not dashed when they encounter the hard realities of building free democratic societies in 1990.

In his book "Great Contemporaries," Winston Churchill observed that Lord Roseberry, a 19th century British prime minister, had the misfortune to live in a time of great men and small events. World leaders today have the good fortune to live in a time of great events. They have a historic opportunity to rise to the level of those events.

This brings us back to Gorbachev. He faces superhuman challenges. But if he has the courage, the wisdom and the will to lead his people away from aggression abroad and enables them to enjoy the blessings of freedom at home, Time's cover story in the year 2000 will hail him not just as the Man of the Year or the Man of the Decade. He could be the Man of the Century.

MODERNIZE TREATIES WITH NATIVE AMERICANS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. OWENS of Utah. Mr. Speaker, about a week ago in my home district of Salt Lake County, representatives from county associations from 12 States met to discuss the possibility of lobbying Congress to modernize its treaties with native Americans. While I was offended such an inappropriate event took place in Salt Lake City, I am pleased to report that this fledgling organization did not achieve its announced goals and that it received the disdain it deserved from both the people and Governor of the State of Utah.

I will oppose any efforts to weaken treaties with native Americans, even if they do represent an inconvenience in modern times. Modernizing these treaties is simply another way of abrogating them, once and for all. How do you modernize a promise without breaking it? How could anyone think to even broach this question without the full participation of organizations representing native Americans? Yet that is precisely what this group of county associations attempted.

By establishing Indian lands, we have willingly subjected ourselves to the jurisdictional problems inherent in native American sovereignty. But control of their own lands is the most important part of the contract we made with native Americans in what had to be, in any case, some of the most egregious examples of unfair bargaining in history. To begrudge this arrangement today is fundamentally dishonest and unfair. We can't simply keep changing the rules for our convenience. Modernizing these treaties, without the full consent and participation of the affected tribes, would be tantamount to the last land grab we will ever make from our native American citizens.

WHAT THE PRESIDENT'S FISCAL YEAR 1991 BUDGET MEANS FOR LOUISVILLE AND JEFFERSON COUNTY, KY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. MAZZOLI. Mr. Speaker, the President made a nice speech. But, his budget and plans are not so nice for Louisville and Jefferson County in two very important respects.

First, he has proposed closing Naval Ordnance Station, Louisville, and with it the much needed 2,400 jobs. I intend to fight this closure.

Second, the President's budget would cut funding for mass transit by $633 million—or 20 percent—including the elimination of funding for transit operating subsidies to cities. Without these subsidies, TARC would not be able to function.

I intend to fight for TARC and for Federal funds for mass transit assistance.

SOCIAL SECURITY PROTECTION ACT OF 1990

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. BROWN of Colorado. Mr. Speaker, today I am introducing comprehensive Social Security reform legislation that includes many of the reforms that I have pursued since I came to Congress in 1981 and reforms that many of my colleagues on both sides of the aisle have proposed.

There are two major purposes of this bill, and Congress must consider it seriously and move this year to enact these needed reforms. First the bill assures the sanctity, security, and liquidity of the Social Security System not only for today's retirees and beneficiaries, but also for all future retirees and beneficiaries of the Social Security System. Second, the bill forces Congress to deal with the real deficit this year and separate the Social Security System from the budget deficit calculations for purposes of the Gramm-Rudman-Hollings deficit targets.

In 1989, 39 million Americans received Social Security benefits. The importance of Social Security will continue to grow. By the next decade, the number of Americans 65 and over will almost double.

Today, 132 million Americans make contributions to the Social Security trust funds. We have a sacred contract with American workers to assure that their hard-earned contributions to the Social Security System will be available when they retire.

The current system must be improved so that American workers and their families can be sure that each hard-earned dollar is secure and is working to provide them with the maximum benefits when they are needed.

I have applied a three-part test to every portion of this bill, and I think Congress should apply the same test to every change it makes to the Social Security System.

First, Congress has a sacred contract with today's retirees. We shouldn't make any changes that will cut the benefits of any American that is retired today or who is receiving benefits from the Social Security System because of death or disability. In addition, we must be certain that the trust funds are adequate to cover the future increases in the cost of living.

Second, Congress has a sacred contract with today's working Americans. Congress must ensure the stability of the trust funds so funds will be available to pay benefits to every working American and their families when he or she retires, is disabled, or dies.

Third, Congress must ensure that FICA and SECA contributions are investments, not taxes. We must end the belief of many working Americans that benefits will not be there when they retire. If every American that puts money into Social Security knows that the money contributed today is a down payment for future benefits, the FICA and SECA contributions are not taxes. American workers must be confident that their contribution is a sound investment in their retirement security.

The Social Security trust funds must be taken off budget immediately.

The Federal Insurance Contribution Act [FICA] contributions are deducted from an employee's paycheck, and the employer contributes an equal amount. Self-employed individuals make contributions under the Self-Employment Contributions Act of 1954 [SECA]. These moneys go into the Social Security trust funds. These contributions are premiums paid to provide retirement benefits and the

survivor benefits of deceased workers. In addition, they can also provide disability benefits.

This money is held in trust and is not the Federal Government's money. Because Social Security is counted for Gramm-Rudman purposes, the $56 billion positive cash-flow in the Social Security trust funds last year was included in the budget computations. The funds were used to hide the shortfall in the general revenue fund. In effect, the Federal Government is borrowing from the trust funds to cover the deficit.

By hiding the true deficit, Congress is spending the funds held in the Social Security trust funds. We are misusing the Social Security trust funds. We are betraying the sacred contract with 39 million American retirees and dependents and the 132 million American workers who have paid into the funds.

Stated in simplest terms, we are using an accounting gimmick to mask the size of the budget deficit.

When we take the Social Security trust funds off budget, it is not going to increase the real deficit one dollar. We simply need to end this scam of counting the Social Security surplus as deficit reduction.

How can Congress participate in this fraud on the American taxpayers and ask Americans not to use the same type of accounting gimmicks when they prepare their income tax returns? How can we have any credibility cleaning up the thrift crisis if we don't eliminate accounting gimmicks. How can we require people to comply with the securities laws and not cheat investors. If we continue this fraud on the budget process, we simply have no creditibility with the American people. The Congress should no longer use smoke and mirrors to mask the size of the Nation's deficit.

As part of this legislation, we require the Social Security trustees to give us an accurate picture of whether the trust funds can meet their obligations. We want to know very simply if there will be enough money in the trust funds to pay the benefits.

Until we know the answer to the question, there is no reason to increase FICA and SECA taxes. This bill repeals the increase in FICA and SECA contributions that took effect this year.

In order to meet our goals, the trust funds must be managed to maximize the return on the contributions. The earnings on the trust funds assets can be increased. We have an obligation to investigate this option because maximizing the return on the assets will eliminate future increases in future contributions and maximize benefits available to beneficiaries. There are hundreds of safe investment options available that will provide a sound but better rate of return to the trust funds. I will call on the administration and experts in the investment field over the next year to help us improve the way the funds are managed.

We can have a new system in place in a very short time that will move Social Security from its present form into the 21st century. When we do that, Americans will once again know that the Social Security System will be there in time of need.

SUMMARY OF SOCIAL SECURITY PROTECTION ACT OF 1990

1. Takes Social Security out of Gramm-Rudman deficit calculation: Removes Social Security Trust Funds from the Gramm-Rudman consolidated budget totals immediately upon enactment of the Act.

2. Suspends payroll tax increase: Rescinds the January 1990 increase of 0.14% in the OASDI tax. The tax increase is not justified because we don't know how much is needed to keep the system actuarially sound.

3. Long-range actuarial soundness: Requires the Social Security Trustees to include in their annual report an analysis of the true actuarial soundness of the Social Security Trust Funds.

4. Study on safely increasing economic return on trust fund assets in the interest of Social Security beneficiaries: Mandates a study by the Social Security Trustees of methods of investing Trust Fund surpluses to increase the rate of economic return to the Trust Funds and to ensure their safety in the interest of Social Security beneficiaries.

5. Increases Social Security beneficiaries' outside earnings limit: Increases the amount an individual, age 65-69, can earn annually without having any Social Security benefits withheld to $15,000 in 1991, with future adjustments to be made for inflation. (Limit for 1990 is $9,360.)

6. Makes Social Security Administration an independent agency: The purpose of this provision is to protect the Trust Funds from diversion to other purposes and to insulate them from political interference.

Provision is similar to proposal in House-passed FY 1990 budget reconciliation bill, except that agency would be headed by an Administrator, assisted by a Social Security Advisory Board. (In the House bill, agency was headed by a Social Security Board, there was no Administrator, but rather an Executive Director of the Board.)

THE NATIONAL TRAFFIC FATALITY AND INJURY REDUCTION ACT OF 1990

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. COOPER. Mr. Speaker, the legislation I am about to introduce should not be controversial, but it probably will be. The legislation will save lives and save money: two goals that are obviously popular with voters. But the legislation asks that automobile passengers buckle up their seatbelts and that motorcycle riders wear safety helmets. Many politicians are afraid that these small precautions are unpopular with voters, even though it's the voter's own life and money we may be saving.

Mr. Speaker, this Congress should be concerned about the leading cause of death among Americans between 1 and 44 years of age. Traffic accidents result in an injury every 8 seconds and claim one life every 10 minutes. They are a major cause of epilepsy and cerebral palsy. Every year, about 45,000 citizens die in vehicular accidents on our roads, an annual casualty rate almost as high as the entire Vietnam war.

The National Highway Traffic Safety Administration [NHTSA] says that seatbelts could cut this fatality rate by a third. State seatbelt laws have already saved more than 10,000 lives over a 5-year period. We must encourage States to pass laws because, before the first State law passed in 1984, nationwide seatbelt use rates were around 13 percent. With laws on the books in the majority of States, rates rose to a national average of 47 percent at the end of 1988. The laws have been effective. After Michigan passed its law, it experienced a 25-percent drop in fatal and severe injuries. Washington State projected that its law saved more than 2,500 injuries over a 2-year period. Passage of a belt law in the remaining States would almost immediately reduce fatalities another 7 percent nationwide—that's more than 3,000 people saved every year. You may be 1 of the 3,000.

Similarly, nationwide adoption of helmet laws could dramatically reduce deaths in motorcycle crashes. In States with such a requirement, over 98 percent of passengers and drivers wear helmets. The very first year after Louisiana adopted its helmet law, wearing rates for riders jumped from less than half to 95 percent, and fatalities fell by almost a third. NHTSA reports that, between 1982 and 1987, helmets saved 4,600 lives, but another 9,000 people died unnecessarily because they didn't wear helmets.

We've had strong Federal requirements before. The safety standards in the 1966 Highway Safety Act led all but three States to pass tough motorcycle helmet laws. However, when Congress prohibited the enforcement of sanctions for the helmet standards in 1976, 28 States weakened or repealed their laws. In these States, just half of drivers and a third of passengers wore helmets. This led to a 61-percent increase in motorcycle fatalities in a 4-year period.

When our constituents are needlessly injured and killed in traffic accidents, uninjured taxpayers are often forced to pay their medical bills. The State of Texas reported paying an extra $32 million for the treatment costs of unhelmeted motorcyclists in just over a year. A startling study of a Seattle trauma center's injured riders found that tax money paid for nearly two-thirds of their medical costs. Insurance companies paid for a fifth. But victims and their families paid less than 1 percent of the medical bills. None of the victims were receiving Government assistance before the accident. Yet, for each of the most severely injured victims, the public paid an average of $113,307 in medical costs. Studies in other parts of the country have had similar findings.

Costs for unbelted automobile riders are also substantially higher. A University of Tennessee study of its trauma center patients reported that hospital charges of unrestrained crash victims were nearly triple that of retrained victims. The study concluded that each 1-percent increase in seatbelt usage would save approximately $5 million in hospital charges in Tennessee alone.

NHTSA says that the total costs of injuries that seatbelts and helmets could have prevented in States without seatbelt and helmet laws totaled $675 million in 1987 alone. Why should we pay these costs when a simple precaution on the part of the injured could have saved us this money?

The legislation I am introducing provides incentives, and, as a last resort, sanctions, to encourage all States to adopt laws mandating motorcycle helmet and seatbelt use. The incentive program provides $95 million out of the Highway Trust Fund for grants to be made available to a State only when it puts in place these laws. The grants are to be spent for safety education, monitoring, and enforcement. States may receive additional grants for up to 2 years if they meet certain standards of helmet and seatbelt use; $5 million is also made available to the National Highway Traffic Safety Administration [NHTSA] to assist States in their safety device programs. Should the incentives prove insufficient to bring every State to adopt the two laws within a period of 4 years, however, a State will lose 5 percent of its highway construction fund for the first year it is not in compliance, and 10 percent thereafter. If a State under sanction passes the laws by fiscal year 1996, the withheld funds will be restored.

Mr. Speaker, many States have done the right thing to protect the lives and health and pocketbooks of their citizens. The rest of the States need strong encouragement to do the same. We should not let the few who complain that seatbelts and helmets are cumbersome force us to bury another generation of our young.

STATES WITH SAFETY BELT OR MOTORCYCLE HELMET USE LAWS

Twenty-two States and D.C. require motorcycle helment use for all riders:

Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Tennessee, Texas, Vermont, Virginia, West Virginia, and District of Columbia.

Thirty-three States and D.C. require safety belt use for front seat passengers:

California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennslyvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, Wyoming, and District of Columbia.

H.R. 3935, THE MEDICAID HOSPICE AMENDMENTS OF 1990

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. PANETTA. Mr. Speaker, I rise today to reintroduce legislation to make hospice coverage a mandatory benefit under the Medicaid Program. This compassionate and cost-effective service which serves the terminally ill and their families was made an option under Medicaid in legislation passed and enacted during the 99th Congress. At the same time, the hospice Medicare benefit was made permanent. More recently, as part of the Omnibus Reconciliation Act of 1989, a 20-percent increase for Medicare hospice reimbursements was enacted. I was proud to have been the sponsor of these pieces of legislation and I am pleased to introduce this bill today to extend the Medicaid hospice benefit. This measure, which was first introduced last March, had 39 cosponsors in the last Congress. In reintroducing this measure, I am very pleased to be joined by Mr. WAXMAN, chairman of the Energy and Commerce Committee's Subcommittee on Health and the Environment, as well as my other distinguished colleagues, Mr. GRADISON, Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI, Mr. BATES, Mr. ROWLAND of Georgia, Mr. TOWNS, Mr. MARKEY, Mr. BOUCHER, Mr. GEJDENSON, Mrs. BOXER, Mr. DURBIN, Mr. BERMAN, Mr. MATSUI, Ms. PELOSI, Mr. DE LUGO, Mr. OWENS of New York, Mr. EDWARDS of California, Ms. SCHNEIDER, Mr. PAYNE of New Jersey, Mr. WHEAT, Mr. JOHNSON, Mr. FOGLIETTA, Mr. WILLIAMS, Mr. MCDERMOTT, Mr. CROCKETT, Mr. ACKERMAN, Mr. HAWKINS, and Mr. HYDE.

Hospice is the practice of caring for the terminally ill in their homes and communities, in a familiar setting among family and friends. Over the past decade, there has been enormous growth in the hospice movement, with approximately 150 new agencies created every year for the past 3 years. Today, there are over 1,700 hospice programs in operation throughout the country, of which 1,450 are full-service programs. Half are already certified by Medicare, and 200 more are in the process of becoming certified.

Through this innovative means of care and support a team of health care professionals and other specialists strives to make the remainder of a patient's life as comfortable and meaningful as possible by providing medical and therapeutic attention at home. This is enormously important, not only for the patient, but for their family, as well. In this way, hospice helps people cope with the physical, emotional, and spiritual hardships of terminal illness.

Just as important as the humanitarian contributions of hospice, however, is the fact that hospice programs save money. Hospice allows people to move out of acute care facilities, and into less expensive care arrangements. Now that the need to cut Medicare expenditures is reaching crisis proportions, it is especially important to incorporate hospice into national policies. The Congressional Budget Office has estimated that hospice coverage under Medicare could save more than $100 million over 3 years. Medicaid expenditures could be cut as well; Illinois, for example, would save at least $1 million per year if it had such a benefit. The State of California has estimated that, once fully implemented, a Medicaid hospice benefit would save over $2.1 million per year, including $1 million in Federal savings. Other evidence that hospice is cost-effective includes several studies which have shown that it saves 20 to 40 percent over traditional acute care, and the fact that numerous major health insurers have included a hospice benefit without having to increase premiums. To reduce the deficit, therefore, the development and utilization of community-based forms of care is crucial.

Mr. Speaker, when the legislation making hospice an option under Medicaid was first introduced, it was with the aim of making this form of care for the terminally ill available to those with low incomes and their families. While the Medicare benefit makes hospice available to the elderly and disabled, who represent a large proportion of those who could benefit from hospice, Medicaid beneficiaries, who are indigent, disabled, or both, still do not have need access to the same services.

Unfortunately, the group without hospice coverage includes a large number of AIDS patients, and will include many more as this tragic disease spreads. As you know, AIDS is one of the greatest epidemics to strike this country. The severity of the problem is illustrated by some grim statistics: As of February 6, 1989, there were 85,590 reported AIDS cases and 48,957 deaths as a result of the disease. Projections by the Public Health Service and the Centers for Disease Control predict the death toll will rise to 180,000, with over 50,000 deaths occurring in 1991 alone.

Clearly, there is a pressing need to care for the rapidly growing number of persons who are dying of AIDS, and this must be done in the most cost-effective and compassionate manner possible. Hospice, with its combination of in-patient and out-patient care, provides the most appropriate means of providing for this group. Last year, hospices cared for 25 percent of all those who died of AIDS. Clearly, it is a highly desirable service.

The large and rapidly growing number of intravenous drug abusers among AIDS patients is a further incentive to expand access to hospice. These individuals are often homeless or come from unstable living situations which do not allow for appropriate care at home without outside assistance. Hospice is already providing the best possible care for this group. Expanding the hospice Medicaid benefit through this legislation will enable many more AIDS patients to receive the care they need in hospice programs. Otherwise, they will be forced into expensive acute care settings or, worse, into the streets.

Because of the AIDS epidemic, the cost savings of hospice will be even more significant. Here, we may take a lesson from local efforts to cope with the disease. The average cost of caring for an AIDS patient during the last year of life is about $66,000 in Atlanta, and $120,000 in New York City. Neither of these cities makes extensive use of hospice programs. In San Francisco, however, care for the same patient would cost only $25,000 because of advanced AIDS programs including an extensive network of hospice services. Hospice must be expanded to keep costs down as an increasing number of indigent patients seek treatment for the disease.

So far, 13 States, including New York, Michigan, Florida, Illinois, Texas, and North Carolina, have created a Medicaid hospice benefit since the enactment of the option. Although it is encouraging that several other States are also taking steps to create such a benefit, I believe, along with the other cosponsors of this bill, that the current need is great enough to warrant making the hospice Medicaid benefit mandatory. This makes hospice services available sooner to Medicaid beneficiaries throughout the country. The bill would become effective for calendar quarters beginning on or after July 1, 1991. If necessary, States would be allowed additional time to enact any required legislation. We urge our

colleagues to give their approval to this measure to provide access to hospice coverage for those who need it most while saving taxpayer and Government funds in the process.

For your convenience, the text of the bill follows:

H.R. 3935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE

SECTION 101. SHORT TITLE.

This Act may be cited as the "Medicaid Hospice Amendments of 1990".

TITLE II—HOSPICE COVERAGE

SEC. 201. MANDATING HOSPICE COVERAGE.

(a) IN GENERAL.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), as amended by section 6406(b) of the Omnibus Budget Reconciliation Act of 1989, is amended—

(1) in subparagraph (A), by inserting "(18)," after "(17),", and

(2) in subparagraph (C)(iv), in inserting "and (18)" after "(17)".

(b) CLARIFYING EFFECT OF HOSPICE ELECTION.—Section 1905(o)(1)(A) of such Act (42 U.S.C. 1396d(o)(1)(A)) is amended by inserting "and for which payment may otherwise be made under title XVIII" after "described in section 1812(d)(2)(A)".

(c) CONFORMING AMENDMENT.—Section 1905(o)(3) of such Act (42 U.S.C. 1396d(o)(3)) is amended by striking "a State which elects" and all that follows through "with respect to" first place it appears.

(b) EFFECTIVE DATE.—(1) The amendments made by this section apply (except as provided under paragraph (2)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after July 1, 1991, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation authorizing or appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

DEALING INTO DEBT

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. HERTEL. Mr. Speaker, I would like to call my colleagues' attention to a recent article in the Detroit Free Press which gives an insightful picture of the economic impact of the mergers and acquisitions characteristic of corporate America in the decade of the 1980's.

The article was written by Walter Adams and James Brock. Walter Adams is a former president of Michigan State University, where he is now distinguished professor of economics. He has served on Presidential commissions during the Eisenhower, Kennedy, and Johnson administrations, and has frequently appeared as an expert witness before congressional committees. James Brock is professor of economics at Miami University in Ohio. A popular teacher and a prolific writer, he has contributed articles to diverse professional journals. He has testified before congressional committees on both the State and Federal levels.

[From the Detroit Free Press, Jan. 29, 1990]

DEALING INTO DEBT—TAKEOVER FRENZY POSES LONG-TERM THREATS TO THE ECONOMY

(By Walter Adams and James Brock)

The 1980s will go down in history as the decade of the corporate deal—a trillion-dollar takeover frenzy that produced phenomenal profits for a few but economic stagnation for the nation.

Acquisitions exploded from 1,565 corporate deals in 1980 with a value of $33 billion to 3,487 deals valued at $227 billion in 1988—a spectacular 580-percent jump. In all, some 26,000 corporate deals have been consummated since 1980, totaling more than $1 trillion in value.

But this deal mania isn't creating new jobs or new plants. Rather it amounts to rearranging deck chairs on the Titanic.

This is because for a nation, as for individuals, there is no such thing as a free lunch. A decade of managerial energy devoted to concocting (or fighting off) corporate deals is a decade during which energy has been diverted from the critically important task of investing in new plants, new products, new state-of-the-art manufacturing techniques and new jobs. By the same token, the hundreds of millions of dollars absorbed by legal fees and bankers' commissions have not been plowed directly into the nation's industrial base.

It is especially sobering that in 1986, corporate America spent more on mergers and acquisitions ($204 billion) than it did on research and development ($55 billion) and new plant investment ($81 billion) combined. This hardly bodes well for a nation struggling to reindustrialize in the face of massive foreign trade deficits.

Statistical studies show that the average merger is followed by deteriorating profit performance, as well as losses—not gains—in operating efficiency.

The American steel industry poignantly illustrates the futility of the merger game. The industry giants are the product of some eight decades of mergers and acquisitions, beginning with the formation of U.S. Steel Corp. in 1901 as a consolidation of hundreds of formerly independent plants.

But, alas, America's steel giants are anything but models of economic efficiency. They have lost jobs and market share, not only to foreign producers abroad, but to small, super-efficient and hyper-advanced steel mini-mills at home.

In airlines, successive mega-mergers have resulted in the creation of monopolistic fortress hubs, the escalation of air fares and the deterioration of service. Shackled by their huge, merger-induced debt, the carriers will be hard put to replace their aging fleets. The prospects are hardly a traveler's Shangri-la.

Most generally, the economic infirmities of mergers, takeovers and acquisitions are graphically illustrated by their atrocious failure rate. As summarized by Business Week magazine, one-half to two-thirds of all mergers don't work, with one in three later undone. Management expert Peter Drucker puts the record in even starker terms: On average, he concludes, two mergers out of five are "outright disasters," two "neither live nor die" and one "works"—hardly a stirring testimonial on behalf of claims that merger mania benefits the nation's economy.

Nor is deal mania a boon for investors. A raft of claims shows that the stock values of acquisitive firms typically fall following takeovers—losses that cancel gains in the stock value of target firms at the time of takeover. And bondholders—who also are investors—have been slaughtered by deal mania as higher takeover premiums, high debt-equity and astronomical interest payments erode the value of bonds.

In the final analysis, a nation chooses the kind of economic game it plays A nation chooses, either explicitly or by default, the kinds of skills it will encourage by virtue of the rewards it provides. A nation also chooses the economic consequences it will have to endure, based on the kind of economic game it choose to play.

If the objective is improved productivity, enhanced efficiency, and accelerated technological progress, then corporate deal mania is simply the wrong game to play.

The challenge is to channel business activity away from speculative capitalism and into creative capitalism. This distinction is crucial: Creative capitalism generate productive wealth; speculative capitalism merely trades ownership claims. Creative capitalism gives birth to new goods, services and production techniques; speculative capitalism merely rearranges control over the productive process. Creative capitalism contributes to economic growth; speculative capitalism is a sterile zero-sum game.

Henry Ford personifies creative capitalism at its best. He took the automobile, considered a luxury for the few, and turned in into an affordable commodity for the many. He did it by building, not by buying—by creating, not by trading what already existed.

Fortunately, Ford is not anachronism from a bygone age. America is still blessed with innovative entrepreneurs like Edwin Land, inventor of the instant camera and founder of the Polaroid Corp.; H. Ross Perot, the jug-eared, belt-and-suspenders former naval officer who left IBM in 1962 and founded Electronic Data Service with $1,000 of savings and built it into a multibillion dollar business; and Steven Jobs, the wizard who from his family's backyard garage revolutionized the computer industry wth his Apple personal computer.

As a society, we must decide which game we want the business community to play. We must decide between enterprise and speculation. We must decide between creating wealth and trading it. We must decide between investing in the future and wasting it away in an economically counterproductive game.

Given the right signals, American business can play the right game. It can rise to the challenge of world-class competitiveness.

TRIBUTE TO FATHER ROBERT STEPHANOPOULOS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. FEIGHAN. Mr. Speaker, on February 10, 1990, Father Robert Stephanopoulos celebrates his feastday, an event that in the Greek Orthodox tradition, is more important than one's birthday. I would like to take this opportunity to pay tribute to Father Stephanopoulos for his 30 years of service to the church and the communities that he has served.

Father Stephanopoulos was ordained on November 8, 1959, after completing his studies at the University of Athens School of Theology in Athens, Greece and the Holy Cross Greek Orthodox School of Theology in Brookline, MA.

Father Stephanopoulos has long been active in interreligious outreach and dialog. In 1970, he was appointed director of interchurch relations for the archdiocese. That same year, he became the first Orthodox and youngest person elected recording secretary of the National Council of Churches. Father Stephanopoulos is author of the Guidelines for Orthodox Christians in Ecumenical Relations and helped initiate the first Greek-Orthodox-Jewish dialog on theological, cultural, and historical matters. His work was recognized by the National Conference of Christians and Jews who awarded him with the National Religious Leaders Award for courageous leadership in intercreedal affairs.

Stephanopoulos came to the Greater Cleveland area in 1974, after serving at the Church of the Saviour in Rye, NY and the St. Demetrios Church in Fall River, MA. From 1974 to 1982, he was dean of the Sts. Constantine and Helen Cathedral of Cleveland. While in Cleveland, Father Stephanopoulos served as diocesan vicar from Ohio, 1978–80, as a member of the Archdiocesan Council, 1980–82 and he was president of the Greater Cleveland Council of Orthodox Clergy, 1978–80. He also served as a member of the advisory commission of the Office of School Monitoring and Community Relations 1978–82.

In September, 1982, His Eminence Archbishop Iakovos asked Father Stephanopoulos to become dean of the Archdiocesan Cathedral of the Holy Trinity in New York City. Under his direction, the cathedral has thrived and Father Stephanopoulos has developed many important outreach programs, one called Cathedral Fellowship, a program that has involved hundreds of young professionals into the church programs. Their activities include holding retreats, sponsoring lectures and participating in the cathedral's ongoing activities for the homeless. The cathedral is part of the Neighborhood Coalition for the Homeless and serves up to 75 dinners for the homeless each week.

Father Robert married the former Nikki Chafos and they recently celebrated 30 years of marriage. They have four children: Anastasia, George, Marguarite, and Andrew. Anastasia, a graduate of the University of Michigan, recently returned from Santiago, Chile, where she worked as a housemother in an orphanage and at a school under the aegis of an Orthodox convent. George Stephanopoulos came to work for me as a legislative assistant, and later became my administrative assistant. He now works for the distinguished majority leader, Mr. GEPHARDT, as his executive floor assistant. Marguarite is administrative assistant to the president of the Monarch Steel Co. in Cleveland. Andrew, a graduate of Ohio University, is a recording manager for Virgin Records in Beverly Hills, CA.

Through this career, Father Stephanopoulos has demonstrated a commitment to interreligious understanding, education and an active community role for the church. I am pleased to have known him and his family and to have worked with him on issues of concern to the Greek-American community. I take this opportunity to extend my best wishes to him on his feastday and belated congratulations on his 30th anniversary in the priesthood.

SISTRUNK HISTORICAL FESTIVAL

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. SHAW. Mr. Speaker, I rise today in tribute to the celebration of cultural diversity.

February 1 marks the beginning of the month-long Sistrunk Historical Festival, an annual event in my home district of Fort Lauderdale.

African ancestry is the basis of the festival, but I am convinced that the commonality of the human experience makes this event appealing to all. From lectures and photographic essays to the music and food of a wide variety of African-American cultures, the Sistrunk Historical Festival sets a standard for others to follow.

I had the privilege to participate in the first festival in 1980. The intervening years have seen tremendous growth as the African-American community of south Florida has matured. The 1990 Sistrunk Historical Festival reflects that maturity; the celebration is fast becoming the focus of national attention.

Congratulations to the organizers and participants of the festival. On its 10th anniversary, the Sistrunk Historical Festival celebrates the accomplishments of cultural diversity, which, after all, reflect the very spirit of our Nation.

BLACK HISTORY MONTH

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. BROWN of California. Mr. Speaker, throughout the month of February, our country pauses to celebrate Black History Month. Carter G. Woodson founded this week-long celebration in 1926 to enhance the awareness of the history, accomplishments, and achievements of African-Americans.

The African-American community is diverse, with a heritage fraught with struggle: For freedom, for equal opportunity, for justice, for cohesiveness. The struggle of African-Americans has often overshadowed the many success stories of black Americans who help shape our country's greatness.

The original Black History Week was envisioned as a conduit for opportunities to educate all Americans about the struggle and accomplishments of African-Americans. Unfortunately, our school systems have not yet incorporated black history studies into regular school curriculums yet.

In my congressional district, an exemplary group exists to foster an interest in and a greater understanding of African-American culture. The San Bernardino Black Culture Foundation, Inc. (formally the San Bernardino Black History Committee) is a nonprofit organization founded in 1968 by a small group of concerned citizens. The foundation seeks to heighten community awareness of the accomplishments and achievements, past and present, of black people. Annually, the foundation plans, coordinates, and directs a Black History Month parade and related cultural activities. This year's parade will be held on February 3, and is the 21st annual Black History Parade in our community. The parade is dedicated to the memory of my dear friend, Bob Parker, community leader and founder of the West Side Action Group.

A major objective of the foundation is to bridge the gaps that exist across cultural lines by bringing the local community together to celebrate Black History Month in a spirit of unity and brotherhood. Each year, the planning process begins with the selection of a theme. The theme for 1990 is "Honoring Our Roots." All ethnic cultures in the city of San Bernardino and surrounding communities have been invited to join in celebrating and learning from the African-American ethnic heritage, while expressing the unique characteristics of their own cultures. All ethnic groups will wear their own cultural attire. This visual demonstration of cultures and ethnic diversities will encourage the mutual understanding of ethnic communities. In addition to the annual parade, a Miss Black San Bernardino Pageant, the Black History Ball, and the Black History Gospel Concert will illustrate the richness of the African-American heritage and promote intercultural understanding.

The Black Culture Foundation works diligently every year to organize these events, often with very little funding. In 1990, the foundation received sponsorships from the city of San Bernardino, the California State Lottery, the Southern California Gas Co., American Airlines, the County Sheriffs' Association, Southern California Edison Co., Anheuser Busch, and General Telephone and Electric. In addition, many local organizations and community businesses have provided assistance. These groups and companies have helped to provide a valuable educational opportunity and celebration for our community. I ask my colleagues to join me in saluting the efforts of these groups, with a special expression of appreciation for the Black Culture Foundation.

CLARIFICATION OF COSPONSORSHIP RECORD

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. CAMPBELL of California. Mr. Speaker, I would like to clarify my record of cosponsorship. Several times last year, it came to my attention that I was listed as a cosponsor on certain commemorative resolutions. Though I support many of the sentiments reflected in these measures, I made a decision early in my congressional career not to cosponsor any commemorative. In my opinion, they are costly to the taxpayer and take up valuable staff and member time. During the 100th Congress, for example, Congress passed 258 commemoratives; merely the printing of these resolutions cost over $50,000. If we add the expense of staff time to the cost, I believe that we probably spent over a million dollars of taxpayer funds. This cannot be justified when we are staring at an already overdrawn budget.

It is my best guess that my name has often been confused with that of my collegue and good friend from Colorado, BEN CAMPBELL. Because there are two Congressman CAMPBELLS in Congress, occasional errors in reporting do occur. Therefore, upon my request, my name has been removed as a cosponsor on five resolutions. These resolutions are: House Joint Resolution 293, House Joint Resolution 379, House Joint Resolution 106, House Concurrent Resolution 57, and House Joint Resolution 373.

In addition to these resolutions, I was also mistakenly added as a cosponsor to House Resolution 189, Take Pride in the Flag Day. This resolution passed the House before I had a chance to remove my name. I certainly agree with the importance of honoring the flag—in fact I support a constitutional amendment to protect it—but I stand by my commitment to remain opposed to all commemoratives.

Once again, let me stress that it is not the good intentions behind these commemoratives which I oppose; rather it is the time and money put into these resolutions that I feel would be better directed elsewhere.

INTRODUCTION OF MEDICAID FRAIL ELDERLY COMMUNITY CARE ACT OF 1990

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. WYDEN. Mr. Speaker, today Chairman WAXMAN and I, along with over 60 of our colleagues, will reintroduce the Medicaid frail elderly community care legislation.

As you know, the frail elderly bill was adopted as part of the House fiscal year 1990 budget reconciliation bill. Unfortunately, however, it was ultimately dropped from the budget bill along with many other extraneous provisions.

Under this legislation, States would be given a new option to offer home and community-based services to low income, functionally disabled seniors. Tragically, the current Medicaid system only allows such services to be reimburseable under limited waiver programs, leaving these frail elderly individuals no other option than to be forced into a nursing home.

The only change in the bill from last year's version will be the adoption of a more flexible definition of eligibility—similar to that contained in Senator ROCKEFELLER's bill—which would allow persons with a combination of mental and physical impairment to qualify for services.

In the aftermath of the catastrophic repeal, passage of the frail elderly bill will take a first step toward giving our elderly constituents access to the kinds of long-term care services they want and need the most: Adult day care, adult foster care, home health aide, homemaker, and chore services.

This legislation is a modest, incremental reform of the Medicaid Program, targeted at removing an unjustifiable institutional bias. It has the strong support of the National Council of Senior Citizens, the National Council on Aging, the Older Women's League, Families USA, the Gray Panthers, and AARP.

I urge my colleagues to join me in an effort to improve the quality of life for many of our frailest elderly citizens by sponsoring this important legislation.

TRIBUTE TO THE LATE HONORABLE HADWEN FULLER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. WALSH. Mr. Speaker, I bring sad news today of the passing of one of our former Members, the Honorable Hadwen Fuller of Parish, NY, at the age of 94.

Mr. Fuller served in the New York State Assembly from 1942 to 1943 and was elected to the 78th Congress to fill the vacancy caused by the death of Francis D. Culkin. He was reelected to two terms. As my colleagues who do not know Mr. Fuller hear of this unusual man's extraordinary accomplishments I hope they are as inspired and impressed as I am.

Mr. Fuller was a high school dropout who worked newspaper routes, many newspaper routes, into a part-time business that eventually gave him a virtual monopoly in his hometown. With the rest of his time he did gardening until a newspaper client offered this hard-working teenager a job at his bank.

The Horatio Alger story has nothing on Mr. Fuller. As a young bank employee, Mr. Fuller bought bank stock and was promoted, while still a teen, to assistant cashier, the bank's second most powerful position. When he returned from service in World War II, his bank job was gone, but he borrowed $15,000 and started his own bank, the State Bank of Parish.

He later sold the bank and went into the insurance business and the fuel oil business, remaining president and chairman during 54 years of family ownership.

Mr. Fuller is remembered for his leadership in business and civic affairs. He is a true community patron whose friendship was valued over the years by many people of all walks of life.

I ask my colleagues to join me in sending our respects and condolences to the family of this great American, whose passing leaves us at a loss but with encouragement by his example.

SEVENTY-SECOND ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mrs. MORELLA. Mr. Speaker, I am pleased to congratulate Ukrainians and Ukrainian Americans on the anniversary of Ukraine's declaration of independence in 1918. Ukraine arose as an independent nation against the historical backdrop of World War I, the Russian revolution, and the dissolution of the Russian and Austro-Hungarian empires.

In the Ukrainian capital of Kiev on January 22, 1918, the Ukrainian Central Rada, or council, issued the Fourth Universal proclaiming the nation free and independent. Mykhailo Hrushevsky, a great Ukrainian historian, became the Republic's first President. The nascent democracy, established on a constitutional basis, guaranteed many of those same basic rights incorporated in our own Bill of Rights, including freedom of speech, religion, assembly, and the press. Capital punishment was abolished and the 8-hour workday implemented. In addition, minority rights, including those of Jews, Poles, and Russians, were protected, and more than 25 percent of the seats in the Rada were minority-held.

But these events, as I noted previously, did not take place in a vacuum. Even as the Ukrainian Republic was consolidating, more than 10,000 Russian troops, under the direction of the new Bolshevik regime in Moscow, invaded in December 1917. By 1922, the sovereign nation of Ukraine had been destroyed by the Soviets and forcibly incorporated into the Soviet Union. Gone were the basic rights and protections for which Ukrainians had struggled, replaced by a systematically repressive Soviet Government which stamped out freedom of speech and religion.

However, remaining unextinguished were the smoldering flames of Ukrainian nationalism, which today are growing stronger as they are fanned by the winds of freedom blowing across Eastern Europe. Soviet President Gorbachev has recently acceded to longstanding Ukrainian and international demands that the Ukrainian Catholic Church be allowed to conduct its affairs in a free and open environment free from Government interference or harassment. Other positive signs include recent meetings in Moscow between a delegation of Ukrainian Catholic bishops with a Vatican delegation and the Moscow Patriarchate of the Russian Orthodox Church.

We must realize, however, that, while important, these are but small steps toward achieving the autonomy and right to self-determination desired by most Ukrainians. The intensity of the desire for freedom was most recently

demonstrated on Independence Day as more than half a million Ukrainians joined hands across the Republic, from Kiev to Lvov, in a poignant and moving statement of solidarity.

While I am pleased by the positive changes taking place in the Ukraine and in the other European republics of the Soviet Union as a result of President Gorbachev's policies of glasnost and perestroika, we must remind him that Ukrainians must be accorded their paramount rights of autonomy and self-determination.

THE TRAGEDY OF KOSOVO

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. BROOMFIELD. Mr. Speaker, the morning newspapers bring us sad news about the horrible violence and the deaths of innocent ethnic Albanians in the autonomous province of Kosovo in Yugoslavia. As the winds of change blow throughout Eastern Europe, it is time for major changes to occur in that country and, in particular, in that province. Now is the time to end martial law in Kosovo and free the many political prisoners who have been punished for speaking the truth about the problems in that region of Yugoslavia.

In recent days, over 14 ethnic Albanians have been killed as they peacefully protested in various towns in the Kosovo region. There are many good reasons why those young ethnic Albanians were letting their voices be heard. They are demanding free elections, the release of all political prisoners, the end of the state of emergency in that province and Kosovo's right to regain its autonomy from the Republic of Serbia. The basic facts about Kosovo and its problems speak for themselves.

Sixty-two percent of all political prisoners in Yugoslavia are ethnic Albanians. A few of those prisoners have been held for over 25 years with some of those years spent in solitary confinement. Many ethnic Albanians have been abused and some tortured. In the past year, over 200 ethnic Albanians have been formally sentenced as political prisoners. Many more are being detained and scheduled to be sentenced soon. The majority of those in prison did nothing more than ask for political freedom and the right of self-determination. The Albanians who are now demonstrating have other legitimate grievances.

In protests held in Kosovo during the past year, scores of ethnic Albanian demonstrators have been killed. The autonomous province of Kosovo has been under martial law for nearly a year. This is the second time that emergency measures have been imposed on that province. Much of Kosovo's autonomy was recently eroded by the efforts of a Serbian nationalist named Slobodan Milosevic who is the President of the Republic of Serbia. Since 1974, Kosovo had been autonomous. His rise to fame is due largely to his promise to fellow Serbs that he would regain control of Kosovo. In response to the demonstrations by ethnic Albanians, Mr. Milosevic reportedly ordered security forces to quell the peaceful protests by using clubs, tear gas, bullets, and water cannons. The use of brute force to quell the peaceful protests resulted in the deaths of many innocent demonstrators. Ethnic Albanians are also incensed by the arrest of one of their senior leaders.

Azelm Vllasi, former Communist Party leader in Kosovo, is now on trial in a district court in that province. He was arrested and tried on charges of "counterrevolutionary" activity. In 1988 and 1989, he was involved in nonviolent political activity for having participated in peaceful demonstrations and strikes with other ethnic Albanians in Kosovo. If convicted, Vllasi could face a minimum sentence of 10 years in prison.

The ethnic Albanians of Kosovo are fed up with being treated as second class citizens in their own region. They want martial law to end and want self-determination. In this age of dramatic change in Eastern Europe, they want freedom and the application of justice in their lives. In a period of history when the Berlin Wall is being auctioned to the highest bidder, and Eastern European despots are being taken to court, ethnic Albanians just want to be treated like human beings.

I call upon my colleagues to work with me in Congress to ensure that justice prevails in Yugoslavia.

BICENTENNIAL ORGANIZERS GAIN RECOGNITION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. BEREUTER. Mr. Speaker, we have just witnessed the closing of a decade in which millions of people who suffered from repressive governments toppled those regimes in their quest for freedom and democracy. We must wish the people of these nations well in the difficult tasks that lie ahead. And, we must do everything we can to insure the success of their endeavors to establish governments based upon the principles of constitutional democracy.

At the same time, we must not neglect to pass on to our own youth the knowledge and understanding of the fundamental principles and values of our own democratic institutions. In this regard, I am most pleased to commend the efforts of several constituents whose dedication to the improvement of the civic education of our students is exemplary. They are Mr. Dennis Lichty, Mr. Ted Larson, Mrs. Lisa Townsley, and Mrs. Carolyn Gigstad of the First Congressional District in Nebraska.

Through their efforts, thousands of upper elementary, middle, and high school students have studied the curriculum of the National Bicentennial Competition; its noncompetitive companion program, Congress and the Constitution; and the National Historical Pictorial Map Contest in Nebraskas's First Congressional District. This curriculum introduces students to the philosophical ideas of our founders, the historical background of the Philadelphia Convention, and the issues and debates that shaped the writing of our Constitution. Students learn how our Government is organized and how it protects the rights and liberties of all citizens. Finally, and most important, students learn the responsibilities which accompany the rights of citizenship in a democracy.

It is ironic that while those who have experienced repressive regimes throughout the world are clamoring for the right to vote in free elections, in the United States, only one out of five eligible voters under the age of 30 takes advantage of that very right. With so few young people understanding the purpose and importance of our Constitution, it is clear that we must do all we can to turn the tide of political apathy into a wave of active and informed participation. Again, I am pleased to recognize and express my admiration and appreciation to Dennis Lichty, Ted Larson, Lisa Townsley, and Carolyn Gigstad for their impressive contributions to the development of competent and responsible citizenship among young Nebraskans.

TRIBUTE TO THE LATE FREDERICK LOUIS McCOY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. DYSON. Mr. Speaker, on January 22, 1990, Maryland's First District lost a very special man. I rise today to pay tribute to Frederick Louis McCoy, an outstanding American and a prominent resident of the First District.

I wish to honor Fred for a lifetime of service to St. Mary's County and to the Nation. A graduate of Georgetown University, Fred served in the Navy in the South Pacific during World War II. In 1937, he went to work for the Farm Security Administration, a predecessor of the Agriculture Department's Farm Home Administration. He devoted 25 years to Maryland's farmers as the agency's supervisor in St. Mary's County. He also worked in the regional office before moving on to the national office, where he retired in 1972. As the proprietor of St. Gabriel's Manor, his farm at Scotland in St. Mary's County, Fred was himself a farmer.

Fred's interest in history is equally noteworthy. He was chairman of Project Chapel Field, the archeological excavation of an early church site in St. Mary's County. He was also a member of the Vinson Camalier Camp of the Sons of the Confederacy and the Society for the Preservation of St. Ignatius Church in St. Inigoes, MD.

Fred set an example as a familyman. He married Elizabeth Crowley McCoy of Scotland, MD, in 1941. They had nine sons and three daughters: Frederick, Jr., John, Mark, Joseph, Daniel, Thomas, Christopher, Nicholas, Matthew, Mary, Anne, and Margaret. Fred, who died at the age of 74, is also survived by 19 grandchildren.

As an official of the Department of Agriculture, as a three-term president of St. Mary's County Historical Society, and as a devoted husband, father, and grandfather, Frederick McCoy deserves the highest praise. Mr. Speaker, I wish to extend my deepest sympa-

thy to the family of this wonderful American and friend.

IN RECOGNITION OF NATIONAL BLACK NURSES DAY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. STOKES. Mr. Speaker, it is a pleasure for me to join members of the National Black Nurses Association in celebrating the second anniversary of National Black Nurses Day. The Black Nurses Association represents the collective national voice of nearly 7,000 black nurses in the United States on issues that shape the nursing profession for blacks.

I am pleased to share with my colleagues a brief history of black nurses in our Nation. Organized nursing among blacks dates back to the early 1900's when the National Association of Colored Nursing was formed.

More accurately though, the involvement of blacks in nursing in the United States can be traced back to the 18th and 19th centuries. More often than not, during that time, when illness struck, it was a slave—most likely a house slave—who was called upon to act as nurse. While untrained in the modern sense, it is from this tradition of nursing that the commitment and dedication of service began for black nurses.

At a meeting in December 1971, in Cleveland, OH, a group of black nurses met and formed the National Association of Black Nurses. The organization, now under the leadership and direction of Alicia Georges who serves as president, is committed to meeting the health care needs of the underserved. This is exemplified in their stated goals: to advance and promote the welfare of black nurses; to develop mutual strengths; and to provide leadership for the provision of optimum health care for the black community. Many times, the Black Nurses Association has advocated and supported efforts to address the medically needy and indigent when others failed to see fit to do so.

Mr. Speaker, it is an honor to salute the National Black Nurses Association on the occasion of Black Nurses Day. Their special contributions to our society and their unwavering service to all Americans is to be commended. They are a natural resource which has been a valuable asset to our Nation.

UKRAINIAN INDEPENDENCE DAY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. DWYER of New Jersey. Mr. Speaker, 1990 marks the 72d anniversary of the declaration of Ukrainian independence. I am proud to rise today to reassert my support for the cause of freedom and independence in the Ukraine.

This has been an especially historic year for Ukrainians fighting to regain their independence from the Soviet Union. The Catholic Church and the Ukrainian Orthodox Church have been in the forefront of the fight for legalization and the Soviet Ukrainian authorities have stated that they would begin to permit the registration of Ukrainian Catholic churches.

The meeting late last year between President Gorbachev and His Holiness Pope John Paul II was a major step forward toward opening the doors to religious freedom in the Ukraine.

However, the strides made in the past year should not blind us to the human rights abuses which continue in the Ukraine. The struggle is the same one which these brave people have waged since 1921. While democracy has spread across Eastern Europe, it has been slow to come to fruition in the Ukraine.

We must, therefore, take this time to remember those brief years of independence in the Ukraine; to honor those who daily continue the fight for its rebirth; and to recommit ourselves to the goal of achieving that independence once again.

TRIBUTE TO THE VALLEY FORGE ELEMENTARY SCHOOL FOR PROMOTING EXCELLENCE IN SCIENCE EDUCATION

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. SCHULZE. Mr. Speaker, I rise today to congratulate the Valley Forge Elementary School, in Wayne, PA, for promoting excellence in science education through a 6-week program "Science is All Around Us." This program is organized and run by parents of the students in cooperation with the school's faculty. The contribution and participation of these volunteer parents provides the key ingredient for success.

Beginning January 8, students have concentrated on a particular branch of science each week, participating in classroom projects and listening to expert speakers. The six areas studied are aviation/space, meteorology, chemistry, physics, biology, and ecology. On February 21, the program concludes with a school science fair exhibiting projects completed by the students and their families.

Mr. Speaker, I am proud of the task Valley Forge Elementary School has undertaken. The teachers, parents, and children are making use of local community resources to spur interest and curiosity in our young. It is through this type of creative effort—returning attention to the educational basics—that American schoolchildren will fulfill their potential as world leaders in the next century with emerging scientific technology.

To Valley Forge Elementary School Principal Stoughton Watts, the teachers, the volunteers, the parents, the students, and the entire community, I salute your efforts. All of you have set a new standard for other neighborhoods throughout our Nation to judge what is left to be done to promote excellence in education.

JUST SAY YES

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1990

Mr. LAFALCE. Mr. Speaker, I am pleased to insert in the RECORD the November 27, 1989, inauguration address of Gerald L. Miller, the newly appointed president of Niagara County Community College. At a time when our Nation's youth are being instructed to "just say no," Mr. Miller's speech provides a refreshing and uplifting exhortation—"just say yes," yes to learning, yes to emotional and spiritual growth.

If we are to remain a strong and prosperous nation, American education must provide our young citizens with the tools and ideas to "turn retrenchment to opportunity." While Mr. Miller recognizes the need to elevate the skills of our workers—skills needed to exploit the exciting technological advances of the present and future, his speech goes beyond this. He understands the obligation to address the fundamental needs of our citizens in dealing with the consequences of our technological advancement including the intriguing ethical and moral dilemmas which are raised.

The students at NCCC, and the community which NCCC serves, will certainly benefit from the commitment and optimism of its new president, I commend Mr. Miller's speech to my colleagues so that we to may benefit from a man dedicated to an optimistic investment in our Nation's human resources and to a partnership with the community. We should all just say yes to the opportunities and challenges of the 21st century.

INAUGURATION ADDRESS—GERALD L. MILLER—NOVEMBER 27, 1989

Chancellor Johnstone, Chairman Pawenski, Dr. Notar, honored guests, colleagues, faculty, staff, students, family and friends.

The wonderful song performed by Jennifer Neuland, Simple Gifts, has played a significant metaphorical role for me. This exquisite and meaningful Amish folk song was used in one of my children's theatre productions performed by the now theater called The Present and its very words I believe clearly express the philosophy of our theater company then, our college and community then and now, and my personal life forever.

Tis a gift to be simple
Tis a gift to be free
Tis a gift to come down where we ought to be and when we find a place that we call just right
Twill be in the valley of love and delight

Today I am filled with feelings of love and delight so I must be in the place—this place—that is just right.

I cannot possibly thank all of the individuals who have extended to me special kindnesses, therefore, let me today first simply say thank you to all—family, colleagues, friends, actors, teachers, students past and present, neighbors, dignitaries, those within reach of my voice and those who today must communicate from afar—I love you all.

Having said this, I now feel free to single out the most significant influences on my life past and present—without fear of hurting anyone I leave out.

First I'd like you to meet some wonderful people. The first two represent the first partners I ever knew. I can only present half of the partnership in person—the other half I must present to you only through my heart for she dwells these final days in a nursing home. I am sure she can feel my love and does not need to hear my words of tribute.

This gentle lady along with a giant of a man together spent a life time raising three boys in a quiet, rural western New York village via the philosophy of just say yes. Have you ever though of how many times today parents are confronted by, surrounded by, absolutely forced to utilize the slogan just say no? My parents were always so busy teaching me to just say yes we never had time for the no. Just say yes to God—just say yes to school and learning—just say yes to love—just say yes to the values that really matter—just say yes to family and friends. Just say yes to neighbors—just say yes to freedom—just say yes to your dreams. Just say yes to life and all of its treasury of possibilities.

This gentle, giant of a man never finished high school, but he is very learned. He never was a rich man, but his life has been filled with richness. He has received his share of hard knocks—the drepression—the war years—the stroke that struck his lifetime partner—but he never lost his faith in himself nor his children. It is an honor to present to you my father—Harold Miller.

Next I'd like to present to you a beautiful lady who over 30 years ago agreed to just say yes to being my life long partner—my wife—my best friend—Dorothy.

Our personal partnership produced two sons who already have proven their commitment to life and its fullest possibilities. Two young men who fill Dot's and my life with pride, love, and joy—our sons—William and Mark Miller.

Our family partnership also includes two brothers and a brother-in-law. My brother Bob is in California and unable to be here today. However, my other brother, Don, is here from Binghamton, along with his wife Carol and their daughters Tammy and Christine. Also joining us today from Vermont is my brother-in-law, Richard Noth and his wife Ina.

Thank you for giving me this opportunity to personally present the Miller family partners.

Just as in a family—our community college has been and is today a series of partnerships. A network of pathways, purposes, people, a school for all seasons.

Less than 30 years ago, NCCC was nothing but a perceived opportunity—a gleam in the eyes of those inspired souls who dreamed it up and began to design the future. A partnership which included the likes of Ed Pawenski, Ernie Curto, Gene Swenson, Dr. Notar—visionaries that dared to dream of a future that was more than their past—a future that would be built on just say yes.

Through the years—perceived opportunities have become realities. Programs were developed, services offered, missions defined and redefined. Buildings were borrowed, rented, and built. A campus was born. Expansion and growth have been the reality when the doomsayers prophesized retrenchment. It has taken risk and courage, energy and wisdom, vision and intelligence, imagination and trust, inspiration, and love to get where we are today. A partnership of legislators, trustees, faculty and staff, community organizations, businesses and industry, students and concerned citizenry working together to just say yes.

To our founding president, Dr. Ernest Notar.

To our current chairman of the board, Edward Pawenski, who has been on our board from the very beginning.

To the original faculty and staff who came together with 125 students in 1963 at the shredded wheat building.

To the community of Niagara that has embraced our college whatever its size, wherever its location, and supported its growth from the original 125 students to the over 40,000 unduplicated individuals who are participating in one or more of our educational activities during 1989-90.

To our partners in the Federal, State, county and community government and to our partners in the State University of New York.

To the more than 15,000 who have already graduated from NCCC and are successfully settled in our western New York community.

Let me say thanks for your just saying yes. And let me pledge to you that I will protect the foundation you have created and nourished.

Today, we are a mature institution with an unwavering commitment in our promise to provide access and excellence to all of our students. By design we are located right in the center of our community with arms reaching out to every part of the whole. We are vital partners with businesses and industry and as such are the largest provider of corporate training in the State of New York.

We are partners with BOCES in providing access to vocational programs at the collegiate level; we are seeking out our educational partners in every town, village, and city to establish articulations which will not only guarantee access to our programs but which will assure competency levels that allow successful completion of college degree programs. At the same time we have partnered with all area colleges to guarantee transfer of our graduates with full junior status.

We have joined arms with social services to provide a 21st century solution to the devastating, debilitating 20th century horror story of the enormous human potential and resource which has been subjugated to the welfare system. Our CEOSC program of educational and occupational bridges for single parents on welfare is not only preparing successfully these mothers and fathers to leave the welfare rolls but it is also at the same time putting an end to the perpetuation of the system to their children.

As Thomas Jefferson once said, "I know of no safe depository of the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to reform their discretion by education."

Niagara County Community College is not just planning for the 21st century. We have been and continue to be a family of futurist scholars clearly comprising a college already imbedded in the 21st century.

We are in the vanguard of Niagara's march toward resolution of our community's educational challenges. We have already seen an explosion of new classroom and office technology—so much so that we have committed ourselves to being an electronic college—television, interactive video, computers high tech communication, satellite dishes, fax machines. Our title III grant of over $2.5 million will continue to allow us to introduce every teacher, every classroom, every student to incredible automation in our library services and in our teaching delivery systems. Classrooms which once were created to highlight the use of chalk boards, film projectors, and large lectures will be revolutionized by satellite television transmissions, microphone/telephone communication systems that reach out to homes and otherwise inaccessible sites, and self-paced interactive video and computerized instructional tools. What a time to just say yes. However, as high tech is being incorporated into our college life, into our curriculum, into every service, we need to be absolutely certain that we allow, in fact encourage, our students to focus upon values, emotions, their spiritual side.

John Naisbitt in his book Megatrends indicated that with the emphasis on high technology, there is a need to learn to balance the material wonders of technology with the spiritual demands of our human nature. To illustrate his point, Naisbitt reminded us:

1. That the high technology of heart transplants and brain scans led to a new interest in the family doctor and neighborhood clinics.

2. That jet airplanes led to more meetings. Just imagine what teleconferencing will do.

3. That the introduction of tehnology and word processing into our offices brought about the revival of handwritten notes and letters.

4. That the more technology crept into our society the more people congregated to seek out other people. Shopping malls, are now the third most frequently used space in our lives following the home and the workplace.

5. That high technology robots and high touch quality circles have moved into our factories at the same time.

6. That accompanying the introduction of mass computers into schools is the cry for a focus on teaching values and motivation.

Obviously a balance between high technology and our physical and spiritual reality is essential. As Naisbitt called it; the high tech/high touch.

We will need to support educational efforts that encourage risktaking and testing of new behaviors; that help our students better understand themselves, learn more self-confidence—and learn more about the entire world in which they live.

There is no doubt the students with whom we will work during the last decade of the 20th century will be very different: as we attempt to project our present into the future—let me point out some of the things we can predict about our students. First, and most clearly, there are going to be fewer traditional students. The fact that the numbers of college bound, high school students will decline 18 percent over the next 8 years is well documented.

Secondly, the ages of our students will continue to become more diverse. Over ½ of all the students in post secondary education are no longer in the traditional 18-21 year old group.

Additionally, the number of New Yorkers 65 or older will continue to grow. Next year, 1 in 7 in the State will be over 65 and by 2000, the number will be 1 in 6.

Senior citizen activities and child care centers are now common place on community college campuses and will grow significantly during the next 10 years.

Thirdly, New York is already one of the most racially and ethnically diverse States in the Nation, with minorities currently comprising more than ¼ of the States popu-

lation. By the year 2000, 1 in 3 New Yorkers will be non-white and 4 in 10 babies will be born into minority groups, predominately black and hispanic.

Therefore, our mix of students will be very different. Women will constitute the majority of 17-24 year olds and more than 1 out of every 5 in that same age group will represent a minority. Thirty percent of the total college going youth in the 90's will be minority members.

The education and hiring at NCCC of black-American, Hispanic-American, Asian-American, and native American residents of Niagara county is vital to the growth of this county as well as to their own well being.

Our constitution and its guarantees of individual rights and freedoms has, in good and bad times, assured the establishment of educational opportunities for all of our citizens. Yet, given such a remarkable goal, there is much unfinished business ahead of us.

Niagara County Community College must continue to expand the efforts to be the multicultural, diverse aged and gendered environment that mirrors its larger community.

Finally, value issues confronting students will be very different in the future. The manipulation of massive amounts of information about individuals made possible by the information age and the technology which makes test tube babies and a generation of artificial intelligence commonplace is going to create ethical and moral dilemnas.

Furthermore, students of the future will self destruct if we don't figure out how to curb alcohol and drug abuse and the spread of AIDS. Students must be able to gain a better understanding of how to take care of themselves.

The impacts of these trends will be dramatic and will require that we continue to adapt to meet changing needs of our citizens.

Harry Truman felt that the community college was indeed the entity of the future. He said that in 1947. It is equally true in 1989. It is true because the senior citizen population and the working mothers, the high school dropouts and the economically disadvantaged segments of the population are growing in leaps and bounds and the only education with which they truly will identify, and in alot of cases can afford, will be the one on the bus route, the one that can hold classes when they can be there, the one that can provide child care while they're there, and the one that provides the academic, social, psychological and psychic bridges necessary for them to successfully compete.

I have great confidence that as president and in partnership with the State of New York, the State University of New York, the county of Niagara and its surrounding communities, together with our talented administration, faculty and staff, alumni, legislators, business and industry leaders we will fulfill the real object of education as defined by Ernest Boyer.

That is "to give people resources that will endure as long as life endures; habits that time will ameliorate, not destroy; occupations that will render sickness tolerable, solitude pleasant, age venerable, life more dignified and useful, and death less terrible."

I'd like to close this special ceremony of personal celebration with a poem written by another college president, R. Stephen Nicholson of Oakland Community College in Michigan.

ODE TO A COMMUNITY COLLEGE

Upon the desert floor
Beneath the mountains
Listening to the echoes
From the daring Spanish Quest
here
Across the wind blown wagon tracks
of pioneers
Who loved these meadows
We build a college.

No easy task or simple plan
To form a place where mind meets mind
And time meets tomorrow.

Of all man's accomplishments
The motion of ideas from mind to mind
Is most complex
Most fragile and easily flawed
By distractions large or small

As fragile as a dew-laden spider's web
As essential as air or water
As clear as dawn on a mountain peak
As varied as the desert's early bloom
A learning place
No longer sequestered by distance or walls
This college must ride astride the
Volcanic changes of today
If we are to have a tomorrow

And so we plan and build
An expression of hope and confidence
In many yet unborn
In ideas yet unthought
In undreamed dreams
In a tomorrow which begins today.

We build not isolated expanses
Which inspire by size and grandeur
But rather form a place
Whose miniature views and quiet spaces
Create a view of the wider world.
Like spanish missions old
Whose walls turned back both heat and wind
And sheltered all who entered

We build and plan
A place where time stands still
Where each student finds his way
To build a tomorrow which transcends
Today
To become more than he could be
Without this place
To discover
The richness of man's cumulative
Intelligence,
The excitement of
The application
Of that intelligence to life

These open doors
For all
Who seek today
Tomorrow's dream,
Who take today
That first courageous step
To meet tomorrow's challenge
Yet these doors
Close out all that
Hinders, distracts, and flaws
The infinite process of passing ideas
From man to man
From mind to mind

Doors for all
Who live today and
Dream of a tomorrow
With richer life and peace,
An open door we set
To knowledge and understanding
A place so quiet one can hear the past
So busy one can know the present
And so full no one departs less than
He entered.

SENATE—*Monday, February 5, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we reverence God, the prayer will be led by the Senate Chaplain, Dr. Richard C. Halverson.

Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *the path of the just is as the shining light, that shineth more and more unto the perfect day.*—Proverbs 4:18.

Eternal God, perfect in truth, justice, love and grace, this darkening world needs desperately light on its way. If darkness emanates from the Nation's leaders, how great is that darkness?

Grant to Thy servants, the Senators and their advisers, that they may seek the way of justice. Infuse this distinguished historic institution with the passion for justice that it may be for the Nation and the world the light that banishes the darkness and leads the way into the irresistible future.

In the name of Jesus, the Light of the World. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader or his designee is recognized under the order.

The Senator from Nevada [Mr. BRYAN] is recognized.

Mr. BRYAN. I thank the Chair.

THE JOURNAL

Mr. BRYAN. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BRYAN. Mr. President, this morning the time for the two leaders has been reduced to 5 minutes each, after which there will be morning business until 10 a.m.

At 10 o'clock this morning, the Senate will begin consideration of S. 1310, the illiteracy bill, under a unanimous-consent agreement which provides that only certain amendments are in order to that bill. The list of those amendments can be found on page 2 of the Senate Legislative Calendar.

Mr. President, there will be no rollcall votes today.

Any votes ordered relative to S. 1310 will occur beginning at 12 noon on Tuesday, February 6. It is expected that all debate on S. 1310 will be concluded today with the anticipation that prior to any votes tomorrow, there will be some time for brief comments on S. 1310.

Mr. President, the majority leader indicated last Thursday that it is his intention to proceed to S. 695, excellence in education, on Tuesday morning and that he believed action could be completed on that bill by the close of business on Tuesday. Further, once S. 695 is disposed of the pending business would again be the clean air bill.

RESERVATION OF LEADERS' TIME

Mr. BRYAN. Mr. President, I note that neither the Republican leader nor the acting Republican leader is here and, therefore, I ask unanimous consent to reserve the remainder of the majority leader's time and the Republican leader's time.

The PRESIDENT pro tempore. Without objection, the remainder of each leader's time will be reserved.

Mr. BRYAN. I thank the Chair.

MORNING BUSINESS

The PRESIDENT pro tempore. The Chair will inquire of the acting leader, is it the intention that Senators be permitted to speak during morning business? Ordinarily, they are not allowed to speak during morning business unless consent is given. I do not believe that consent has been given.

Mr. BRYAN. Responding to the Chair's inquiry, that would be the intention of the acting majority leader.

The PRESIDENT pro tempore. They may be permitted to speak for up to 5 minutes each?

Mr. BRYAN. Not to exceed 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the order, there will now be a period for morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. BRYAN. Mr. President, I do not note any Senator on the floor desiring recognition so I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Connecticut is recognized for not to exceed 5 minutes, with morning business extended accordingly.

Mr. LIEBERMAN. I thank the Chair.

(The remarks of Mr. LIEBERMAN pertaining to the introduction of S. 2059 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXTENSION OF MORNING BUSINESS

The PRESIDENT pro tempore. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent, since it is past the hour of 10, to speak in morning business for 1 minute.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. I thank the Chair.

(The remarks of Mrs. KASSEBAUM pertaining to the introduction of S. 2069 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

REFUGEES IN SOUTHERN AFRICA

Mr. KENNEDY. Mr. President, many of us are aware of the lives of turmoil which the people of Mozambique and Angola have endured for the past several years.

In a recent report by the U.S. Committee for Refugees this tragedy is brought to life. The report, entitled "Peace or Terror: A Crossroads for Southern Africa's Uprooted," states that "suffering and terror are the daily bread of the Mozambican and Angolan people."

The report goes on to note that "in the midst of so much suffering, there is also hope. In both Mozambique and Angola, Government and rebel negotiators have taken a few tentative

steps on the long and arduous road toward peace."

The fate of these millions of refugees and displaced persons hinges on whether peace negotiations in these two countries are successful. But the continuing conflict and the massive needs of the refugees remind us of the urgency of supporting these developments in any way possible and to continue to provide support to the U.N. High Commissioner for Refugees and other agencies assisting the refugees.

Mr. President, I commend the U.S. Committee for Refugees for this insightful report and ask that excerpts be included in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PEACE OR TERROR: A CROSSROADS FOR SOUTHERN AFRICA'S UPROOTED BY UNITED STATES COMMITTEE FOR REFUGEES

In Mozambique, fighting continues even though the government and the Mozambican National Resistance (RENAMO) are moving tentatively toward peace talks. More than 100,000 Mozambicans have been purposely killed, and almost 500,000 children are said to have died as a result of the conflict; countless other children have been orphaned, separated from their families, or kidnaped by RENAMO, a group that some have labeled the Khmer Rouge of Africa. An estimated 1.7 million Mozambicans are internally displaced; another 2.9 million who have been able to remain in their homes are affected by the conflict, unable to grow their crops because of the lack of security and partly or wholly dependent on food aid.

* * * * *

The conflict in Angola, between the government and rebels from the National Union for the Total Independence of Angola (UNITA), also continues to ravage the country. Reliable estimates of how many Angolans have been killed do not exist but the high numbers of people that have been maimed, and of children reported to have died in the conflict, suggest that the death toll in Angola is also very high.

According to government estimates, 638,000 Angolans are internally displaced; hundreds of thousands more—many of them people also displaced by the fighting—are living in urban centers in destitute conditions. More than 438,000 Angolan refugees have sought refuge in neighboring countries.

OPPOSITION TO S. 438, THE RICO REFORM ACT OF 1989

Mr. CRANSTON. Mr. President, I rise today to express my very strong opposition to legislation which the Senate Judiciary Committee has approved, S. 438, which would make major changes to the Racketeer Influenced and Corrupt Organizations Act, commonly known as RICO. The approach taken in this bill—severely limiting the remedies available to victims of consumer fraud and white-collar crime—is the wrong way to go about reforming RICO.

Mr. President, there is little doubt that we are currently facing an epidemic of white-collar crime in this country. The General Accounting Office [GAO] has identified white-collar crime as a major cause of insolvency in the savings and loan industry. In 26 thrift institutions in one state examined by GAO, fraud and other abuses were uncovered in each one. The commodities industry has been the target of one of the largest FBI sting operations in history, uncovering evidence of massive fraud and insider trading. Wall Street has been awash in insider trading, stock fraud, and other criminal activities, and the Pentagon is still reeling from the recent procurement fraud scandals. According to testimony presented by the National Association of Insurance Commissioners, over 160 insurance companies worldwide are presently in some form of liquidation/rehabilitation and insurance fraud is an element in almost every instance of failure of an insurance company.

The Congressional Research Service has advised Congress in recent years that defense procurement fraud costs between $23 to $38 billion annually, that bank fraud is the cause or a contributing cause in at least half of all bank failures, and that health care fraud costs the Government $3.6 billion annually—roughly 5 percent of the Government outlays in this area. Overall, it is estimated that white collar fraud costs Americans over $200 billion annually.

Any reform of RICO has to be measured against this backdrop of burgeoning white-collar crime. This is not a time when we should be limiting the use of civil RICO proceedings brought by the victims of stock swindles or consumer fraud. The National Association of Attorneys General, from the front lines of the battle against white-collar crime, have strongly argued against taking this step.

In testifying against the key provisions of S. 438 which would weaken the civil RICO procedures now available to private plaintiffs, the Nation's attorneys general argued that Goverment resources are simply inadequate to cope with the depth of white-collar crime ravaging the country's marketplaces. These chief State law enforcement officers stated that we cannot begin to control the fraud that threatens us without the kind of public/private alliance that current RICO civil remedies offer.

I strongly agree. We should be working to strengthen, not weaken, the remedies that allow the victims of white-collar crime to fight for compensation for their losses.

LITTLE EVIDENCE OF NEED FOR SWEEPING RICO REFORMS

Mr. President, the proponents of S. 438 have repeatedly claimed that civil RICO reform is necessary because the courts are being inundated with RICO litigation and the RICO remedy is being misused as a weapon to force defendants in ordinary business disputes into unjust settlements.

The facts simply do not support that contention. According to the testimony of the National Association of Attorneys General, Federal civil RICO filings declined 12 percent in 1987-88 and have never amounted to over one-half of 1 percent of Federal civil cases filed.

Moreover, courts have not hesitated to curtail abuse of the civil RICO suits through motions to dismiss or summary judgments—procedures which result in meritless cases being swiftly tossed out of court. In fact, 24 of the 34 abusive civil RICO suits most frequently cited by the proponents of S. 438 were, in fact, dismissed before trial. These cases involve such examples as a RICO suit between two rabbis, a divorce case, and a lawsuit by a journalist against ABC-TV. The courts quite properly threw these cases out.

The problem with S. 438 is that it addresses the problem of abusive litigation by denying legitimate victims an effective remedy. A far preferable approach to RICO reform would be to provide for expedited dismissal of cases which have no merit rather than stripping the law of its force to remedy all claims, regardless of merit. Increasing sanctions for filing of frivolous complaints is another approach which would focus on the abusive use of RICO, rather than eliminating or curtailing a legitimate victim's remedies and access to the courts. An additional tool is also available under rule 11 of the Federal Rules of Civil Procedure which provides for sanctions against attorneys who engage in frivolous litigation.

In fact, as the National Association of Attorneys General has pointed out, civil RICO already has a powerful bar against abuse: every successful RICO claim must establish, under current law, that criminal conduct, indeed, a pattern of criminal conduct, exists. A run-of-the-mill contract dispute does not normally involve the elements of criminal fraud. Alternatively, as the Attorneys General have suggested, if the definition of fraud under RICO is considered to be too broad, then we ought to focus on that narrow problem, not the wholesale restructuring of the civil RICO penalties proposed in S. 438.

LIMITING CIVIL RICO REMEDIES

Mr. President, there are a number of changes proposed in S. 438 which I believe would be to the detriment of many individuals injured by activities now covered by RICO. The most serious problem is the elimination of the automatic triple damages now available to all successful RICO plaintiffs. This detrebling of damages would mean that the civil RICO remedy, as

we now know it, would effectively cease to exist. Although the treble damages penalty would continue to be available in litigation brought by government entities, it would disappear for most private RICO litigants.

Mr. President, the legislation would allow certain categories of private litigants to continue to seek treble damages, but the category of lucky plaintiffs is very narrowly defined. An individual whose business or property has been injured would be able to bring suit for three times the actual damages to the business or property only if the defendant had been convicted of a felony based upon the same conduct. This provision, however, creates an illusory remedy for most victims since it conditions a victim's right to recovery on whether the Government has filed a prior criminal case and achieved a conviction. The disposition of a criminal proceeding can be based upon factors wholly unrelated to the merits of the victim's claim.

For example, a criminal case could be thrown out of court based upon illegally seized evidence. The victim would be denied a powerful civil remedy because of the consequent failure to obtain a criminal conviction. The victims would also be dependent upon a prosecutor's decision whether or not to seek a criminal indictment—a decision which may be based upon a wide range of factors having little to do with the injuries inflicted upon innocent third-parties. A prosecutor might decide to accept a plea bargain reducing a conviction from a felony to a misdemeanor, thereby denying the victim a remedy under the scheme devised in S. 438.

It is fair to say that very few cases would be likely to satisfy the requirements of S. 438 for treble damages. The reality for most potential civil RICO plaintiffs is that a successful civil RICO suit will be limited to recovering actual damages.

Additionally, the legislation allows for punitive damages—limited to twice actual damages—in certain consumer fraud cases. But even the availability of this limited remedy is illusory. A plaintiff would have to establish by clear and convincing evidence—a higher standard than the normal preponderance of evidence standard used in civil cases—that the defendant's actions were consciously malicious or so severe that malice may be implied. Establishment of the required element of malice would be a substantial burden for any plaintiff to meet. Moreover, punitive damages are normally assessed against a defendant at a level which actually penalizes the wrong-doer. Placing an arbitrary cap on a punitive damage award based upon what may be minimal actual damages could well turn this remedy into a token slap on the wrist for egregious behavior by a gaint company with vast resources.

Mr. President, some critics of S. 438 have aptly observed that enactment of this legislation would render an already complex statute "convoluted and virtually unusable."

It is also important to understand the devastating effects that elimination of treble damages would have upon the availability of civil RICO remedies for most potential plaintiffs. Obviously, potential plaintiffs could still use RICO to seek actual damages. But rarely would the possibility of actual damages justify the cost and time of litigating a RICO case. As I have indicated, it is unrealistic to expect that many potential plaintiffs would succeed in fitting into the complex new categories where treble damages or punitive damages are available. Civil RICO would effectively be gone for most potential plaintiffs.

From a societal point of view, this means that the white-collar criminal who perpetrates a fraudulent scheme to rob innocent victims of their lifesavings need only fear being forced to give the money back if he is prosecuted by his victims under RICO. RICO would cease to be a deterrent to this type of conduct since the potential penalty would no longer outweigh the potential gains of the illicit conduct.

Mr. President, the proponents of S. 438 will argue that this is not true since the legislation would allow treble damages to be recovered in civil RICO cases brought by certain Government entities and that the threat of these cases will ensure continuation of the deterrent effect of RICO on potential wrong-doers. The reality, unfortunately, is that there simply are not enough Government prosecutorial resources available to handle these cases. As I indicated earlier, the Nation's chief law enforcement officers made this point over and over in testifying against the provisions of S. 438 which would weaken the civil RICO remedies for private plaintiffs. Government resources are needed for RICO cases involving such matters as massive Government fraud or drug money laundering. Private RICO litigation is essential to provide victims a private remedy under which they can seek redress and as a deterrent to white-collar criminals who might otherwise feel free to rob and defraud innocent victims.

CALIFORNIA RICO LITIGANTS

Mr. President, before concluding let me say that on Wednesday morning I met with some representatives of real people—elderly and disabled Californians—who are presently pursuing civil RICO claims in connection with the purchase of what are now worthless bonds sold by American Continental Corp. in the branches of Lincoln Savings and Loan, a California federally insured thrift institution. Their lawsuit contends that they were the victims of an elaborate scheme to induce them to invest in unsecured bonds rather than the federally insured deposits they had sought and that they were deliberately misled by the employees of Lincoln into putting their money, in some cases their entire life savings, into these high risk bonds.

Although the provisions of S. 438 which would have made the legislation applicable to pending litigation were deleted yesterday by the Senate Judiciary Committee, these constituents expressed deep concerns about the possibility that the retroactive provision would be restored at a later time in the legislative process, thereby dashing their hopes of recovering any of their losses through their pending civil RICO proceedings. More importantly, they expressed the very strong view that future victims of this kind of fraud should not be denied the remedies now available under civil RICO.

Frankly, Mr. President, I strongly agree. I see no justification for taking these remedies away from prospective victims of white-collar crime. I will do everything I can to prevent that outcome—both for those now litigating civil RICO claims and for those who may need to in the future. RICO ought to provide a strong and effective remedy for these kinds of victims.

CONCLUSION

Mr. President, if S. 438 were enacted, there clearly would be fewer civil RICO cases filed, but not because there would be fewer cases of fraud in this country. The wrong-doing would continue, but a potent remedy for victims would have disappeared. The victims of white-collar crime are often the most vulnerable of our citizens—elderly, poor, disabled, or under-educated Americans. Abuses by a few litigants does not justify denying broad classes of white-collar crime victims the protections that RICO now provides. The rights of victims have too long been ignored in our society. They deserve effective and tough remedies for the losses they suffer.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,787th day that Terry Anderson has been held in captivity in Beirut.

Mr. President, Terry Anderson's case once again gives me occasion to return to the subject of international terrorism. Not long ago, I received a very thoughtful letter on this topic from Mr. Paul Hudson of Albany, NY. Mr. Hudson, a lawyer, lost his daughter in the bombing of Pan Am flight 103.

Mr. Hudson maintains—as I do—that international law empowers the United States to act against terrorism. It does not bind our hands, as some seem to believe, but allows us to react

in a manner that is consistent with our moral and legal traditions. Indeed. We do not defend our values by abandoning them in the effort to combat terrorism.

I ask unanimous consent that portions of Mr. Hudson's letter be reprinted at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

ALBANY, NY.

DEAR SENATOR MOYNIHAN: I read with great interest your exchange on the Senate floor of November 7th in which you discussed CIA Director Webster's recently published remarks on "rendering" accused terrorists to the U.S. for trial and the loosening of restrictions on U.S. security and counter-terrorist forces so that any foreign action involving violence is not automatically equated with assassination and barred by U.S. law.

The overall issue that you gentlemen in particular and Western democracies in general must come to grips with is this: How to effectively fight terrorism in a legal and moral manner.

I firmly believe we can and must fight the evil of terrorism without sacrificing our legal principles and moral values. But we must *act soon*, before this spreading cancer of terrorism reaches the point where lawful, moral methods are completely inadequate.

What can we do? I would stress six approaches:

1. *Vigorous*, pro-active *application abroad of criminal justice methods* used to effectively block terrorism and fight organized crime in this country. This includes use of rewards, witness protection and relocation, paid informants, electronic eaves-dropping, arrests of terrorists on immigration or weapons charges before they can strike or get organized, formation of multi-national counter-terrorist strike forces, trial and conviction of terrorists in absentia.

2. *Application of Nuremberg War Crime principles* to officials of terrorist states. This would mean that terrorist officials would be labeled as war criminals, perhaps after indictment by a multi national grand jury, not just common criminals, and the U.S. would be authorized to use force to apprehend them regardless of where they sought refuge. The rendering of persons accused of the Pan Am 103 bombing from countries where they have taken refuge such as Syria, Iran, Libya, Lebanon and Jordan would not be in violation of international law, particularly where these states have declared terrorist war on the U.S. or harbor groups that have taken credit for the terrorist acts in question.

3. Drafting and Adoption by U.S. and its allies of *Anti-Terrorism Protocols* that would spell out what steps a victimized nation could take under international law to defend against and punish terrorist groups and states.

4. *Diplomatic and Economic Action* such as breaking reducing diplomatic relations, trade embargos, elimination of U.S. landing rights, freezing or forfeiture of assets, black listing of corporations doing business with terrorist groups or states, suspension of Most Favored Nation trade status.

5. *Military actions* such as naval blockades, aerial bombing of terrorist camps or other strategic targets, commando type raids to rescue hostages or destroy terrorist camps, bases and headquarters.

6. *Installation* of a *credible aviation security system* that uses state-of-the-art bomb detectors, properly trained, motivated and disciplined security officers, tightened airport security access points, and hardened airframes to prevent decompression explosions. Until such systems are installed to provide a highly credible defense, we must provide airline passengers with information on any credible warnings of terrorist threatened attacks.

I would implore you to become part of the solution in effectively fighting terrorism.

Very truly yours,

PAUL S. HUDSON.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, morning business is now closed.

NATIONAL LITERACY ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of Calendar Order 365, S. 1310, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1310) to eliminate illiteracy by the year 2000, to strengthen and coordinate literacy programs, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources with an amendment to strike all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Literacy Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) there are between 23 and 27 million adult Americans who are functionally illiterate, a number which is increasing due to disproportionately high drop out rates in the public schools among minorities;

(2) the Adult Education Act is the only major program to reduce illiteracy in the United States and serves only 10 percent of eligible participants, while all public and private literacy programs serve only about 19 percent of those who need help;

(3) illiteracy is a problem of intergenerational nature;

(4) effective literacy training in our Nation's schools, particularly at the elementary level, is essential to preventing further growth in national illiteracy rates;

(5) as many as 50 million workers may have to be trained or retrained between now and the year 2000; and

(6) the supply of unskilled workers is increasing and the demand for unskilled labor is decreasing.

SEC. 3. DEFINITION.

As used in this Act the term "literacy" means the knowledge and skills necessary to communicate, including the reading, writing, basic skills, computation, speaking, and listening skills normally associated with the ability to function at a level greater than the 8th grade level so that education, employment, citizenry and family life is enhanced.

TITLE I—LITERACY COORDINATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Literacy Coordination, Research, and Dissemination Act of 1989".

SEC. 102. NATIONAL LITERACY 2000 FEDERAL INTERAGENCY COUNCIL.

(a) ESTABLISHMENT.—There is established the National Literacy 2000 Federal Interagency Council (hereafter in this title referred to as the "Council").

(b) COMPOSITION.—(1) The Council shall consist of—

(A) the Secretary of Education (hereafter in this title referred to as the "Secretary"), who shall serve as Chairperson;

(B) the Director of the ACTION Agency;

(C) the Secretary of Health and Human Services;

(D) the Secretary of Labor;

(E) the Attorney General of the United States;

(F) the Director of the Office of Personnel Management; and

(G) such other officers of the Federal Government as may be designated by the President of the United States or the Chairman of the Council to serve whenever matters within the jurisdiction of the agency headed by such an officer are to be considered by the Council.

(2) Each individual described in paragraph (1) may designate an individual to represent such individual on the Council.

(3) Each member shall be appointed for as long as such member serves as the head of the appropriate agency.

(4) The Chairman of the Council shall be the President's principal advisor on literacy.

(c) QUORUM.—One more than one-half of the members of the Council shall constitute a quorum for the purpose of transmitting recommendations and proposals to the President, but a lesser number may meet for other purposes.

(d) MEETINGS.—The Council shall meet at least 4 times each year. When a Council member is unable to attend, the Council member shall appoint an appropriate Assistant Secretary or an equivalent individual from the department or agency of the member to represent the member for that meeting.

(e) DUTIES OF THE COUNCIL.—The Council shall—

(1) devise, coordinate, and monitor existing and other government initiatives to—

(A) facilitate the elimination of illiteracy, and

(B) integrate the resources of literacy programs across various departments or agencies of the Federal Government;

(2) solicit information and advice from representatives and experts with experience in literacy-related programs, including members of State and local governments, individuals from education, labor, and business, National literacy organizations, State literacy organizations, and local literacy organizations, volunteer organizations, service providers, and community-based organizations;

(3) set specific and measurable goals for the Federal effort in the education of illiterate adults, children, and their families so that all appropriate Federal agencies have specific objectives and strategies for meeting such goals;

(4) track progress on meeting the goals and objectives set forth in paragraph (4);

(5) issue a biennial report to Congress and the President on the progress made by the

Federal Government and the Nation toward enhancing the literacy skills of its people, including recommendations for legislation required to improve and expand Federal literacy programs;

(6) develop model systems for implementing and coordinating Federal literacy programs which can be replicated at the State and local level;

(7) review and make recommendations regarding ways to achieve uniformity among reporting requirements, the development of performance measures, and the development of standards for program effectiveness for literacy-related Federal programs; and

(8) advise the Director of the National Center with regard to—

(A) the formulation of policy guidelines and issues related to the administration of the Center;

(B) the development and implementation of the activities and projects of the Center and the identification of those activities and projects that address high priority needs identified by the Council; and

(C) the selection and operation of major research and demonstration projects and activities of the Center.

(f) AVAILABILITY OF FUNDS; PERSONNEL.—The Department of Education, the Department of Health and Human Services, the Department of Justice, the Department of Labor, the Office of Personnel Management, and each department participating in the Council shall contribute a total of $100,000 in salaries, expenses and personnel to support the administrative expenses of the Council. The ACTION Agency and each agency participating in the Council shall contribute at least $20,000 in salaries, expenses and personnel to support the administrative needs of the Council. The administrative needs of the Council may include staffing, consultants, supplies and travel.

SEC. 103. LITERACY RELATED PROGRAMS IN THE DEPARTMENT OF EDUCATION.

(a) COORDINATION.—Section 202 of the Department of Education Organization Act is amended by adding the following new subsection at the end thereof:

"(h) The Assistant Secretary for Vocational and Adult Education shall, in addition to performing such functions as the Secretary may prescribe, shall have responsibility for coordination of all literacy related programs and policy initiatives in the Department. The Assistant Secretary for Vocational and Adult Education shall—

"(1) coordinate the staff resources and the assistance provided to the Council;

"(2) assist in coordinating the related activities and programs of other Federal departments and agencies; and

"(3) assist the Secretary in carrying out his or her responsibilities as chairperson of the Council.".

SEC. 104. NATIONAL CENTER FOR LITERACY.

(a) PURPOSE.—It is the purpose of this part to enhance the national effort to eliminate the current problem of illiteracy by the year 2000 by improving research, development and information dissemination through a national research center.

(b) FINDINGS.—The Congress finds—

(1) far too little is known about how to improve access to, and enhance the effectiveness of, adult literacy programs, assessment tools, and evaluation efforts;

(2) there is no reliable nor central source of information about the existing knowledge base in the area of literacy;

(3) a National Center for Literacy would provide a national focal point for research, technical assistance and research dissemination, policy analysis, and program evaluation in the area of literacy; and

(4) such a National Center would facilitate a pooling of ideas and expertise across fragmented programs and research efforts.

(c) PROGRAM AUTHORIZED.—(1) The Secretary shall, make a grant to, or enter into a contract with, a qualified non-profit organization or institution or consortia of such organizations or institutions to establish and operate a nonprofit National Center for Literacy (hereafter in this section referred to as the "Center") to carry out the purposes set forth in subsections (a) and (b). Such grant shall be awarded on a competitive basis and shall be for a period not to exceed 5 years, and is renewable.

(2) The Center shall be composed of—

(A) a director of the Center (hereafter in this section referred to as the "Director");

(B) experts in the literacy field;

(C) directors and supervisors for each of the major functions of the Center set forth in paragraphs (1) through (8) of subsection (e); and

(D) professional and support staff.

(3) The Secretary, in consultation with the Council, shall select a panel composed of individuals who are not Federal employees and who are recognized nationally as experts in adult and child literacy to assist in the selection of a grant recipient under this section.

(4) The Center shall have the ability to enter into contracts and joint ventures, and to form cooperative relationships with State and local agencies, educational entities, community-based organizations, volunteer literacy organizations, business and labor organizations, and service providers, consistent with the purposes of this Act and the functions of the Center.

(5) The Center may accept, but not solicit, private contributions, foundation grants, and other grants to support the research and dissemination activities of the Center.

(6) The Center shall, to the extent practicable, coordinate and utilize existing resources that relate to the mission of the Center.

(d) APPLICATION.—Each organization or entity desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(e) USE OF FUNDS.—Funds provided pursuant to this section may be used by the Center to—

(1) conduct basic and applied research on—

(A) the process by which children and adults learn to read and develop basic skills;

(B) problems in diagnosing and treating the learning disabled;

(C) developing instructional techniques and assessment tools;

(D) the use of technology and other studies which would advance the literacy knowledge base, and which would not duplicate the work of other research services but would build on such research efforts;

(E) the development of models for the effective intergenerational education of illiterate adults and their children;

(F) improving curriculum, software, and other literacy materials and to encourage the training and use of full-time professional adult educators; and

(G) addressing problems facing the limited English proficient, in coordination with the national clearinghouse on literacy education of the Center for Applied Linguistics authorized under section 372 of the Adult Education Act;

(2) provide technical assistance including—

(A) tracking the development of literacy and basic skills programs;

(B) disseminating research findings;

(C) disseminating information regarding exemplary program models, curricula, and training models, particularly models that offer effective approaches to diagnosing and serving the learning disabled, prisoners and ex-offenders;

(D) the use of technology and materials development; and

(E) supplementing the technical assistance provided by the State literacy resource centers to local literacy providers;

(3) act as a clearinghouse in providing information on Federal, State, local and private sector literacy efforts and programs, teaching and assessment methods, and evaluation tools, to Federal, State, and local agencies, (including the State literacy resource centers established in section 354 of the Adult Education Act), as well as to businesses, labor organizations, and voluntary groups;

(4) conduct policy analysis and program evaluation activities, including—

(A) the development of a data base on literacy programs;

(B) the development of assessment tools;

(C) evaluation of progress made toward national goals;

(D) developing, collecting, and providing information, including information about State and local programs, to facilitate national planning and policy development in adult and child literacy;

(E) developing model systems for implementing and coordinating Federal literacy programs which can be replicated at the State and local level; and

(F) reviewing and making recommendations regarding—

(i) ways to achieve uniformity among reporting requirements,

(ii) the development of performance measures, and

(iii) the development of standards for program effectiveness for literacy-related Federal programs;

(5) conduct a model demonstration program, in consultation with State educational agencies, to demonstrate innovative approaches to remediate, train, retrain and place persons who do not complete secondary school or possess a general equivalency diploma;

(6) provide a toll-free hotline for literacy related information for individuals and for literacy providers, which may use private contributions;

(7) coordinate with the national clearinghouse on literacy education of the Center for Applied Linguistics established pursuant to section 372 of the Adult Education Act; and

(8) engage in activities related to the development of data and collection of statistics related to literacy and illiteracy.

(f) DATA.—The Center shall, in accordance with regulations published pursuant to subsection (a)(8), provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for the purposes of research and acquiring statistical information.

(g) PRIORITY.—The Center shall give priority to the activities described in paragraphs (2), (3), and (6) of subsection (e).

(h) EVALUATION.—The Director of the Center shall report annually to the Congress and to the Council on progress made in achieving national literacy goals. This report shall include the results of an evalua-

tion of Federal, State, and local public, as well as private sector, literacy programs.

(i) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $10,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993, to carry out the provisions of this section.

(2) Of the amount authorized to be appropriated pursuant to paragraph (1) for each fiscal year, not more than 5 percent of such funds shall be used to conduct the model demonstration program described in section 103(e)(5).

SEC. 104. STATE LITERACY RESOURCE CENTER.

Subpart 6 of part B of the Adult Education Act is amended—

(1) by inserting at the end thereof the following new section 354:

"SEC. 354. STATE LITERACY RESOURCE CENTER.

"(a) PURPOSE.—It is the purpose of this section to assist State and local public and private nonprofit efforts to eliminate illiteracy through a new program of State literacy resource center grants to—

"(1) stimulate the coordination of literacy services,

"(2) enhance the capacity of State and local organizations to provide literacy services, and

"(3) facilitate the sharing of literacy resources within the State.

"(b) PROGRAM AUTHORIZED.—(1) The Secretary is authorized to make grants to pay the Federal share of the costs of establishing and operating State literacy resource centers in such States that apply for grants. Such grants shall be awarded for a period not to exceed 3 years and shall not exceed $500,000 per year.

"(2) Each State shall contract on a competitive basis with the State educational agency, a State office on literacy, a volunteer organization, a community-based organization or another nonprofit entity to operate a State literacy resource center. If the State educational agency does not operate the Center, the State educational agency shall be provided the opportunity to comment on the selection of the entity selected to operate the Center.

"(3) No State may receive financial assistance pursuant to the provisions of this section for more than 3 fiscal years.

"(c) USES OF FUNDS.—Funds provided pursuant to this section may be used for—

"(1) the development of innovative approaches to the coordination of literacy activities within the State and with the Federal Government;

"(2) activities related to improving access to literacy services in the State through the promotion of technology utilization, the provision of technical assistance to service providers to improve overall literacy program design and evaluation, the dissemination of information among literacy service providers, and other activities which enhance the delivery of literacy services; and

"(3) the establishment of a State literacy resource center to—

"(A) serve as a link between State and local service providers and the National Center for Literacy for the purposes of disseminating research and other information generated by the National Center for Literacy to service providers;

"(B) upgrade the system of diffusion and adoption of state-of-the-art teaching methods and technologies;

"(C) assist in coordinating the delivery of literacy services by public and private agencies;

"(D) encourage government and industry partnerships, including partnerships among small business, private nonprofit organizations, and community-based organizations;

"(E) encourage innovation and experimentation in literacy services;

"(F) provide technical and policy assistance to State and local governments, community-based literacy organizations, and correctional education programs to improve literacy policy and programs;

"(G) train and provide technical assistance to literacy instructors in—

"(i) selecting and making the most effective use of state-of-the-art methodologies, instructional materials, and technologies including—

"(I) computer assisted instruction,

"(II) video tapes,

"(III) interactive systems, and

"(IV) data link systems; and

"(ii) assessing learning style and screening for learning disabilities, and providing individualized remedial reading instruction;

"(H) encourage and facilitate the training of full-time professional adult educators; and

"(I) address new literacy issues, including family literacy, workplace literacy, and English literacy, and to provide technical assistance as such issues emerge.

"(d) SPECIAL RULE.—(1) Each State receiving funds pursuant to this section may use not more than 10 percent of such funds to establish a State advisory council on adult education and literacy pursuant to the provisions of section 332 of the Adult Education Act.

"(2) Each State receiving funds pursuant to paragraph (1) may use such funds to support an established State council to the extent that such council meets the requirements of section 332 of the Adult Education Act.

"(e) APPLICATION.—(1) Each State desiring a grant under this section shall submit an application to the Secretary, at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(A) describe the activities and services for which assistance is sought;

"(B) include a statewide plan with measurable goals for the elimination of illiteracy within the State, including an implementation plan describing—

"(i) strategies to facilitate the maximum participation of community-based organizations, volunteer organizations and other nongovernmental entities in statewide literacy efforts; and

"(ii) procedures for the coordination of literacy activities in the State conducted by public and private organizations, and for enhancing the systems of service delivery.

"(C) contain assurances that the State will use funds provided pursuant to this section in accordance with the provisions of this section.

"(2) Each State desiring a grant under this section shall submit a copy of the plan required by paragraph (1)(B) to the State Advisory Council of Adult Education and Literacy 60-days before submission for review and comment. The State Advisory Council on Adult Education and Literacy shall transmit such comments to the Secretary.

"(f) PAYMENTS; FEDERAL SHARE.—(1) The Secretary shall pay to each State having an application approved pursuant to subsection (d), the Federal share of the cost of the activities described in the application.

"(2) The Federal share—

"(A) for the first two fiscal years in which the State receives funds under this title shall not exceed 75 percent; and

"(B) for the third fiscal year in which the State receives funds under this title shall not exceed 50 percent.

"(g) NON-FEDERAL SHARE.—(1) The non-Federal share of payments under this section may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the first fiscal year in which the amount appropriated to carry out part A of the Adult Education Act exceeds $160,000,000 and each fiscal year thereafter, there are authorized to be appropriated $15,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993 to carry out the provisions of this section.".

TITLE II—WORKFORCE LITERACY

SEC. 201. SHORT TITLE.

This title may be cited as the "Workforce Literacy Act of 1989".

SEC. 202. STATEMENT OF PURPOSE.

It is the purpose of this title—

(1) to provide financial assistance to improve educational opportunities for adults who lack the level of literacy skills requisite to effective citizenship and productive employment;

(2) to expand and improve the current system for delivering and accessing adult education services, including the use of community based organizations, and including the delivery of such services to educationally disadvantaged adults;

(3) to encourage the expansion of adult education teacher training programs; and

(4) to increase the number of full-time professional adult educators.

SEC. 203. ADULT EDUCATION AMENDMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 313(a) of the Adult Education Act is amended by—

(1) striking "There" and inserting "(1) Except as provided in paragraphs (2) and (3), there";

(2) striking "and such sums as may be necessary for each succeeding fiscal year through fiscal year 1993" and inserting "and fiscal year 1990"; and

(3) inserting at the end thereof the following new paragraphs:

"(2) There are authorized to be appropriated for each of fiscal years 1991, 1992, and 1993 an amount equal to the appropriations for the previous fiscal year plus $100,000,000.

"(3) If the Secretary determines in any fiscal year that a majority of the illiterate population assisted under this title has been served, the amount authorized to be appropriated for each of the succeeding fiscal years listed in paragraph (1) shall be equal to the amount authorized to be appropriated for the fiscal year in which the determination is made.".

(b) USE OF FUNDS; LOCAL APPLICATIONS.—Section 322 of the Adult Education Act is amended—

(1) in the second sentence of subsection (a)(1) by striking "only if the applicable local educational agency has been consulted with and has had the opportunity to comment on the application of such agency, organization, or institution" and inserting "only if the grant application from such entities to the State has been made available to the applicable local educational agency for review and comment";

(2) in the third sentence of subsection (a) by inserting "if any," after "agency,";

(3) at the end of subsection (a)(1) by inserting the following new sentence: "Each State educational agency receiving financial assistance under this subpart shall assure direct and equitable access to Federal funds to local educational agencies, public or private nonprofit agencies, community-based organizations, and institutions which serve educationally disadvantaged adults.";

(4) in subsection (a)(3) by—

(A) striking "any consultation" and inserting "the opportunity to comment"; and

(B) striking "taken place is" and inserting "been";

(5) at the end of subsection (a)(4)(A), strike the period and insert: ", particularly those adults with a reading ability below the fifth grade level, and those adults who reside in areas with a high proportion of adults who do not have a certificate of graduation from a school providing secondary education or its equivalent."; and

(6) in subsection (b)(2) by striking "20 percent" and inserting "25 percent"

(c) STATE ADVISORY COUNCIL.—(1) The heading to section 332 of the Adult Education Act is amended by inserting "AND LITERACY" before the period.

(2) Section 332 of the Act is amended—

(A) in the first sentence of subsection (a)(1) by striking "adult education, appointed by the Governor" and inserting "adult education and literacy, appointed by, and responsible to, the Governor";

(B) in the second sentence of subsection (a)(1) by striking all beginning with "consist" through the end period and inserting "consists of representatives of public education; public and private sector employment; recognized State labor organizations; private, voluntary, and community-based literacy organizations and the chief administrative officer of a State, or the designee of such persons, from each of the following State agencies:

"(A) the State education agency;

"(B) the State job training agency;

"(C) the State human services agency;

"(D) the State public assistance agencies;

"(E) the State library program; and

"(F) the State economic development agencies.

The Council shall also include officers of the State government whose agencies provide funding for literacy services or who may be designated by the Governor or the Chairperson of the Council to serve whenever matters within the jurisdiction of the agency headed by such an officer are to be considered by the Council.";

(C) by striking the first sentence of subsection (d) and inserting "The Governor's senior advisor on literacy shall serve as chairperson of the Council. One member more than one half of the members on the Council shall constitute a quorum for the purpose of transmitting recommendations and proposals to the Governor, but a lesser number of members may constitute a quorum for the other purposes.";

(D) in subsection (d) by inserting the following new sentence after the first sentence: "The State advisory council shall meet at least 4 times each year."; and

(E) in subsection (f) by—

(i) redesignating paragraphs (2) and (3) as paragraphs (9) and (10), respectively;

(ii) inserting after paragraph (1) the following new paragraphs:

"(2) review and comment on the plan submitted pursuant to section 354(d)(2) and submit such comments to the Secretary;

"(3) set specific and measurable goals for the State effort in the long-term education of illiterate adults, children, and their families that are consistent with the Federal effort so that all appropriate State agencies have specific objectives and strategies for meeting such goals and there is a comprehensive approach to achieving such goals;

"(4) track progress on meeting the goals and objectives set forth in paragraph (3);

"(5) coordinate and monitor initiatives to—

"(A) facilitate the elimination of illiteracy, and

"(B) integrate the resources of literacy programs across various departments or agencies of the State government;

"(6) disseminate information on State, local, and private sector literacy efforts;

"(7) recommend policies for establishing model systems for implementing and coordinating State literacy programs which can be replicated at the local level; and

"(8) implement reporting requirements, standards for outcomes, performance measures, and program effectiveness in State programs, that are consistent with those proposed by the National Literacy 2000 Federal Interagency Council;"; and

(iii) in paragraph (9) (as redesignated in clause (i)) by inserting "the Governor and" after "advise".

(d) STATE PLAN.—Section 342(c) of the Adult Education Act, is amended—

(1) by striking "and" at the end of paragraph (12);

(2) by striking the period at the end of paragraph (13) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(14) report the amount of administrative funds spent on program improvements; and

"(15) contain assurances that financial assistance provided pursuant to this title shall be used to assist and expand existing programs, and to develop new programs for adults whose lack of basic skills—

"(A) renders such adults unemployable;

"(B) keeps employed or unemployed adults from functioning independently in society; and

"(C) severely reduces the ability of such adults to positively impact the literacy of their children.".

(e) TEACHER TRAINING.—(1) Section 353(a) of the Act is amended by—

(A) striking "and" at the end of paragraph (1)(B);

(B) striking the period at the end of paragraph (2) and inserting a semicolon and "and";

(C) inserting at the end thereof the following new paragraph (3):

"(3) training professional teachers, volunteers, and administrators, with particular emphasis on training—

"(A) full-time professional adult educators;

"(B) minority adult educators;

"(C) limited English proficiency adult educators; and

"(D) teachers to recognize and more effectively serve illiterate individuals with learning disabilities, and with a reading ability below the fifth grade level.";

(4) redesignating subsection (b) as subsection (c); and

(5) inserting the following new subsection (b) after subsection (a):

"(b) SPECIAL RULE.—If the amount allotted to a State in any fiscal year exceeds the amount allotted to such State in fiscal year 1990, 15 percent of such excess shall be used to carry out the training described in subsection (a)(3).".

(2) Section 353 of the Act is amended—

(A) in subsection (a) by striking "10" and inserting "15"; and

(B) by amending subsection (b) to read as follows:

"(b) SPECIAL RULE.—At least 7.5 percent of the 15 percent reserved pursuant to subsection (a) shall be used to carry out the provisions of paragraphs (2) and (3) of subsection (a).".

(3)(A) The amendments made by paragraph (1) shall take effect on the date of enactment of this Act.

(B) The amendments made by paragraph (2) shall take effect at the beginning of the first fiscal year in which the amount appropriated to carry out the provisions of part B of the Adult Education Act exceeds $200,000,000 and each fiscal year thereafter.

(f) BUSINESS, INDUSTRY, LABOR, AND EDUCATION PARTNERSHIPS FOR WORKPLACE LITERACY.—Section 371 of the Adult Education Act is amended—

(1) in subsection (a)(1) by inserting ", in consultation with the Secretary of Labor and the Administrator of the Small Business Administration," after "Secretary";

(2) in subsection (a)(4) by redesignating subparagraphs (C), (D), and (E), as subparagraphs (D), (E), and (F), respectively, and inserting after subparagraph (B) the following:

"(C) for fiscal year 1991 and each succeeding fiscal year, contain assurances that not more than 15 percent of the funds received pursuant to this section shall be used for professional teacher or volunteer training (including training regarding the identification and teaching of learning disabled individuals) or technical assistance (including technical assistance in implementing programs);";

(3) by inserting the following new paragraph at the end of subsection (a):

"(5) In awarding grants under this section, the Secretary shall give priority to applications from partnerships which include small businesses."; and

(4) in subsection (c) by striking paragraph (1) and inserting in lieu thereof the following:

"(1) There are authorized to be appropriated $50,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993 to carry out the provisions of this section.".

SEC. 204. TARGETED ASSISTANCE.

Section 1531(b) of the Elementary and Secondary Education Act of 1965 is amended by—

(1) redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(2) inserting the following new paragraph (5) after paragraph (4):

"(5) programs of training to enhance the ability of teachers and school counselors to identify, particularly in the early grades, students with reading and related problems which place such students at risk for illiteracy in their adult years;".

SEC. 205. GAO STUDY.

The Comptroller General of the United States shall update the 1975 study entitled "The Adult Basic Education Program: Progress in Reducing Illiteracy and Improvements Needed" within 18 months of the date of enactment of this Act.

TITLE III—FAMILIES FOR LITERACY

SEC. 301. SHORT TITLE.

This title may be cited as the "Families for Literacy Act of 1989".

SEC. 302. STATEMENT OF PURPOSE.

The purpose of this title is to break the intergenerational cycle of illiteracy by improving the parenting and basic skills of adults in order to—

(1) foster learning among the children of illiterate adults;

(2) foster family-oriented approaches to reducing illiteracy; and

(3) address illiteracy through the social environment in which children are born and raised.

SEC. 303. EVEN START.

Section 1059 of the Elementary and Secondary Education Act is amended to read as follows:

"SEC. 1059. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $60,000,000 for the fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, and 1995 to carry out the provisions of this part.".

SEC. 304. FAMILIES FOR LITERACY PROGRAM.

(a) PURPOSE.—The purpose of this section is to provide assistance to nonprofit entities, or consortia of businesses, nonprofit entities, and local educational agencies to initiate education programs and services for children aged 3 and under and their parents to enhance the early literacy developmental process of such children, particularly targeting functionally illiterate parents and their children to enhance the literacy building capabilities of such parents and their children.

(b) GRANTS AUTHORIZED.—(1) The Secretary is authorized, in accordance with the provisions of this section, to make a total of 10 demonstration grants to nonprofit entities, or consortia of businesses (including small business), nonprofit entities, local educational agencies, and other public agencies to pay 80 percent of the cost of establishing intergenerational learning programs and services for children aged 3 and under and their parents, in order to monitor, and improve the early developmental progress of the children, especially in literacy developmental skills.

(2) In awarding grants under this section, the Secretary shall give priority to applicants whose programs serve hard-to-serve populations, including—

(A) teenaged parents;

(B) illiterate parents;

(C) economically disadvantaged parents;

(D) offenders and their families;

(E) unemployed parents;

(F) learning disabled parents; and

(G) non-English speaking parents.

(c) APPLICATION.—Each nonprofit entity, or consortia of businesses, nonprofit entities, local educational agencies, or other public agencies desiring a demonstration grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought; and

(2) contain such information and assurances as the Secretary may require to ensure compliance with the requirements of this section.

(d) STAFF TEAMS.—(1) Each nonprofit entity, or consortia of businesses, nonprofit entities, and local educational agencies receiving assistance pursuant to this part shall employ and train staff teams of early childhood educators, literacy educators or parent educators to provide—

(A) literacy education for adults;

(B) parenting education for adults;

(C) screening for language disorders and learning disabilities;

(D) prereading and other developmental skills for children aged 3 and under;

(E) structured time for parents to use newly acquired skills with their children; and

(F) referral services for families, including referrals for drug rehabilitation, counseling, or assessment and remediation of learning disabilities.

(2) Each nonprofit entity or consortia of businesses, nonprofit entities, local educational agencies, or other public agencies receiving assistance pursuant to this section shall employ, select, and provide training for, staff teams on the basis of—

(A) experience in working with children and families;

(B) a degree in special education or learning disabilities;

(C) a bachelor's degree in child development, psychology, or education;

(D) experience in social work, child care, pediatrics, family counseling; and

(E) experience in teaching reading.

(e) COMMUNITY ADVISORY COUNCILS.—(1) Each nonprofit entity, or consortia of businesses, nonprofit entities, parents, local educational agencies, and other public agencies which receives a grant under this section shall establish community advisory councils to provide—

(A) outreach services, including outreach services to non-English speaking parents,

(B) notification to local family courts of the existence of the Families for Literacy Program,

(C) family referral services,

(D) public relations services, and

(E) recruiting drives.

(2) The community advisory council established under paragraph (1), shall hire staff as well as utilize volunteers. Volunteers may refer individuals into the Families for Literacy Program and from the Families for Literacy Program into services such as—

(A) the Special Supplemental Food Program for Women, Infants, and Children;

(B) well-baby clinics;

(C) literacy programs;

(D) speech, language, and hearing specialists;

(E) learning disabilities specialists; and

(F) child abuse services.

(f) NON-FEDERAL SHARE.—(1) The portion of the costs described in subsection (b) that are not paid from a grant provided under this section may be paid in cash or in kind fairly evaluated, including equipment or services.

(2) Each nonprofit entity, or consortia of businesses, nonprofit entities, and local educational agencies receiving assistance pursuant to this Act may use funds received under chapter 2 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 to pay the portion of the costs described in subsection (b) that are not paid from a grant provided under this section.

(g) DEFINITIONS.—As used in this section—

(1) The term "local educational agency" has the same meaning given that term in section 1471 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Act of 1988.

(2) The term "parent" includes a legal guardian or other person standing in loco parentis.

(3) The term "family" includes all primary child care givers in addition to parents.

(h) FAMILY LITERACY PUBLIC BROADCASTING PROGRAM.—(1) The Secretary is authorized to enter into a contract with the Corporation for Public Broadcasting to arrange for the production and dissemination of family literacy programming and accompanying materials which would assist parents in improving family literacy skills and language development. In producing and developing such programming, the Corporation for Public Broadcasting shall work in cooperation with local public broadcasting stations to avoid duplication of efforts.

(2) After the program described in paragraph (1) is produced, the Corporation for Public Broadcasting shall arrange to have audio and video instructional media materials for distribution at sites chosen from among—

(A) State and local libraries operating literacy programs, and

(B) nonprofit entities serving hard-to-serve populations as defined in section 304(b)(2), including community-based organizations, volunteer organizations and other nongovernmental entities.

(3) The audio and video instructional media materials described in paragraph (2) shall be used at sites described in paragraph (2), and on a loan basis, distributed to families.

(4) One year after distribution of the audio and video instructional media materials, the Corporation for Public Broadcasting shall report to the Congress on the distribution and use of the audio and video instructional media materials produced pursuant to this subsection and such audio and video instructional media materials' contribution in promoting literacy.

(i) AUTHORIZATION OF APPROPRIATIONS.—(1) Except as provided in paragraph (2), and for the first fiscal year in which the amount appropriated for section 1059 of the Elementary and Secondary Education Act of 1965 exceeds $30,000,000 and each fiscal year thereafter, there are authorized to be appropriated $10,000,000 for fiscal year 1991 and such sums as may be necessary in each of fiscal years 1992, 1993, 1994 and 1995 to carry out the provisions of this section.

(2) There are authorized to be appropriated $2,000,000 for fiscal year 1991 to carry out the provisions of subsection (h), of which $100,000 shall be reserved for reproducing and distributing programming or audio and video instructional media materials.

TITLE IV—BOOKS FOR FAMILIES

SEC. 401. SHORT TITLE.

This title may be cited as the "Books for Families Literacy Act of 1989".

SEC. 402. STATEMENT OF PURPOSE.

It is the purpose of this title to enhance the capacity of State and local public libraries to combat illiteracy and to improve the quality of public literacy services as such services relate to overcoming the condition of illiteracy in the Nation.

SEC. 403. INEXPENSIVE BOOK DISTRIBUTION PROGRAM.

(a) PRIORITY.—Section 1563(b) of the Elementary and Secondary Education Act of 1965 is amended by—

(1) striking "and" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by adding the following new paragraph after paragraph (2):

"(3) beginning in fiscal year 1991 and each fiscal year thereafter, the contractor will give priority in the selection of additional local programs to programs and projects which serve children and students with special needs including, but not limited to—

"(A) low-income children (particularly such children in high poverty areas);

"(B) children 'at-risk';

"(C) disabled children;

"(D) emotionally disturbed children;

"(E) foster children;

"(F) homeless children;

"(G) migrant children;

"(H) children without access to libraries;

"(I) institutionalized or incarcerated children; and

"(J) children whose parents are institutionalized or incarcerated; and".

(b) STUDY.—The Contractor shall report to the Department of Education annually regarding the number and description of the additional programs funded under subsection 1563(a)(3) of the Elementary and Secondary Education Act of 1965.

SEC. 404. LIBRARY LITERACY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 4(a) of the Library Services and Construction Act is amended by—

(1) striking "and" after paragraph (4);

(2) striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) inserting after paragraph (5) the following new paragraphs (6) and (7):

"(6) for the purpose of making grants as provided in section 602 there are authorized to be appropriated $2,000,000 for fiscal year 1991 and such sums as may be necessary for each of the succeeding fiscal years 1992, 1993, 1994, and 1995; and

"(7) for the purpose of making grants as provided in section 603, there are authorized to be appropriated $2,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, and 1995.".

(b) BOOKS, TAPES, AND COMPUTER SOFTWARE.—Section 601(c)(2) of the Library Services Construction Act is amended by inserting after "programs" a comma and "including books, tapes, and computer software".

(c) PRIORITY.—Section 601 of the Library Services Construction Act is amended by inserting at the end thereof the following new subsection:

"(f) In awarding grants under this section the Secretary shall give priority to programs and services which—

"(1) will be delivered in areas of greatest need which have highest concentrations of adults who do not have a secondary education or its equivalent, and which—

"(A) have few community or financial resources to establish the program described under this section without Federal assistance, or

"(B) have low per capita income, unemployment or underemployment; and

"(2) coordinate with literacy organizations and community based organizations providing literacy services.".

SEC. 405. STATE AND LOCAL PUBLIC LIBRARY GRANTS.

Title VI of the Library Services Construction Act is amended by inserting the following new sections at the end thereof:

"SEC. 602. MODEL LIBRARY LITERACY CENTERS.

"(a) STATEMENT OF PURPOSE.—It is the purpose of this section to provide for a library literacy demonstration grant program to help overcome illiteracy throughout the Nation by establishing model library literacy centers with resources and facilities to assist those in need of literacy training and access to reading materials.

"(b) GRANTS AUTHORIZED.—(1) The Secretary is authorized to carry out a program of grants to State and local public libraries to establish exemplary model programs.

"(2) Grants made pursuant to this section may not exceed $200,000 in any fiscal year.

"(3) Each State or local public library receiving assistance pursuant to this section may receive 1 grant per fiscal year for a maximum of 5 fiscal years.

"(4) The Secretary may reserve 2 percent of the funds appropriated pursuant to the authority of section 4(a)(6) for the administrative costs of the grant program set forth in this section.

"(5) The Secretary shall select an expert in library literacy activities to administer the grant program set forth in this section.

"(c) APPLICATION.—(1) Each State or local public library desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(A) describe the activities and services for which assistance is sought;

"(B) describe an innovative approach to public library literacy activities;

"(C) substantiate the potential as to how the library profession will benefit from the demonstration grant and the national significance of the demonstration grant;

"(D) provide a detailed description of how the demonstration grant will impact on illiteracy within the applicant's community;

"(E) set forth any special evidence for the need for such a demonstration grant;

"(F) describe how the results of the demonstration grant will be evaluated and disseminated;

"(G) indicate the potential of the demonstration grant for achieving replicability and for serving as a viable model; and

"(H) provide evidence that the demonstration grant—

"(i) was developed in consultation with the State library agency and with leading experts in adult literacy, and

"(ii) takes into account literacy research.

"(2) The Secretary, in consultation with the peer review panel established pursuant to subsection (d), shall develop regulations regarding the criteria for awarding grants and approving applications under this section.

"(d) PEER REVIEW PANEL.—The Secretary shall establish a peer review panel to assist the Secretary in establishing criteria for awarding grants and approving applications under this section. The Secretary may appoint such technical experts and consultants to the peer review panel as may be useful in carrying out the functions of the peer review panel.

"SEC. 603. INEXPENSIVE BOOK DISTRIBUTION PROGRAM.

"(a) IN GENERAL.—The Secretary is authorized to contract with Reading is Fundamental, a private nonprofit organization which motivates children to learn to read, to support and promote the establishment of reading motivation programs which include the distribution of inexpensive books. Such contract shall give priority to programs and projects which target rural and urban areas with large concentrations of economically disadvantaged children and students.

"(b) USE OF FUNDS.—The contract authorized pursuant to subsection (a) shall provide that Reading is Fundamental use the funds provided pursuant to this title to—

"(1) increase access to children's books for parents, with priority being given to parents of newborns through children aged 5; and

"(2) develop motivational materials to reach parents most disconnected from the education community, by making children's books available in such places as welfare offices, health facilities, homeless shelters, migrant labor facilities, public housing developments, and local offices which administer the Supplemental Food Program established pursuant to section 17 of the Child Nutrition Act of 1966.".

TITLE V—STUDENTS FOR LITERACY

SEC. 501. SHORT TITLE.

This title may be cited as the "Students for Literacy Act of 1989".

SEC. 502. STATEMENT OF PURPOSE.

It is the purpose of this title to promote the development, location, and placement of community service jobs for students in the area of literacy tutoring, outreach, and training under the Work-Study Programs set forth in part C of title IV of the Higher Education Act of 1965.

SEC. 503. STUDENT LITERACY CORPS.

Section 146 of the Higher Education Act of 1965 is amended to read as follows:

"SEC. 146. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the provisions of this part $11,000,000 for fiscal year 1991.".

SEC. 504. WORK-STUDY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 441(b) of the Higher Education Act of 1965 is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $656,000,000 for fiscal year 1991.".

(b) CONTENTS OF AGREEMENT.—Section 443(b) of the Higher Education Act is amended—

(1) in paragraph (2)(A) by inserting after the comma the following: "except that the provisions of this subparagraph shall not apply to literacy training programs pursuant to section 447(b)(2)"; and

(2) in paragraph (5) by—

(A) striking "and" at the end of subparagraph (A);

(B) inserting "and" at the end of subparagraph (B); and

(C) inserting the following new subparagraph at the end thereof:

"(C) the Federal share of the compensation of students employed in the literacy work-study training programs described in section 447(b)(2) shall be 100 percent;".

(c) JOB LOCATION AND DEVELOPMENT PROGRAMS.—Section 446(a) of the Higher Education Act is amended by inserting the following new paragraph at the end thereof:

"(3) The provisions of paragraph (1)(B) shall not apply to institutions of higher education which enter into agreements with the Secretary to use funds allocated pursuant to section 442 for the creation and placement of literacy related positions for students, including students working with existing local literacy organizations.".

TITLE VI—VOLUNTEERS FOR LITERACY

SEC. 601. SHORT TITLE.

This title may be cited as the "Volunteers for Literacy Act of 1989".

SEC. 602. STATEMENT OF PURPOSE.

It is the purpose of this title to develop, strengthen, supplement, and expand the capacity of both public and private agencies and organizations to combat illiteracy through the use of volunteers.

SEC. 603. UNIVERSITY YEAR FOR LITERACY.

Part B of title I of the Domestic Volunteer Service Act of 1973 (hereafter in this title referred to as the "Act") is amended by inserting after section 114 the following new section:

"UNIVERSITY YEAR FOR LITERACY

"SEC. 115. (a) Pursuant to the authority and conditions in sections 112 and 113, the Director shall make grants and contracts for, or both, a program of full-time volunteer service to be known as University Year for Literacy. The purpose of the program shall be to establish and support innovative ways to use full-time students enrolled in institutions of higher education as volunteers in addressing and solving the broad range of problems facing illiterate and functionally illiterate individuals, and in providing assistance to organizations involved in combating illiteracy and the problems of illiterate individuals.

"(b) In recruiting University Year for Literacy volunteers, priority shall be given to individuals pursuing a course of study that is related to, or likely to lead to, a career in a field related to addressing the problem of illiteracy.".

SEC. 604. LITERACY CHALLENGE GRANTS.

Part C of title I of the Act is amended by adding at the end thereof the following new section:

"LITERACY CHALLENGE GRANTS

"SEC. 125. (a) The Director is authorized to award challenge grants to eligible public agencies and private organizations to pay the Federal share of the costs of establishing, operating or expanding community or employee literacy programs or projects that include the use of full-time or part-time volunteers as one method of addressing illiteracy.

"(b) Each eligible organization desiring a grant under this section shall submit to the ACTION Agency an application in such form and accompanied by such information as the Director may reasonably require. Each such application shall—

"(1) describe the activities for which assistance is sought,

"(2) contain assurances that the eligible organization will provide from non-Federal sources the non-Federal share of the cost of the program or project,

"(3) provide assurances, satisfactory to the Director, that the literacy project will be operated in cooperation with other public and private agencies and organizations interested in, and qualified to, combat illiteracy in the community where the project is to be conducted, and

"(4) contain such other information and assurances as the Director may reasonably require.

"(c)(1)(A) The Federal share of the cost of a program or project authorized by this section administered by a public agency, a nonprofit organization other than an organization described in paragraph (2), or a private, for-profit organization shall not exceed—

"(i) 80 percent in the first fiscal year;

"(ii) 70 percent in the second fiscal year; and

"(iii) 60 percent in the third fiscal year.

"(B) The non-Federal share paid by a private, for-profit organization shall be in cash.

"(2) The Federal share of the cost of a program or project administered by a nonprofit community-based organization shall not exceed—

"(A) 90 percent in the first fiscal year;

"(B) 80 percent in the second fiscal year; and

"(C) 70 percent in the third fiscal year.

"(3) The non-Federal share provided by a public agency or a nonprofit organization may be provided in cash, or in kind, fairly evaluated, and may include the use of plant, equipment, and services.".

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

(a) PART B OF TITLE I.—Section 501(b) of the Act is amended by—

(1) inserting "(1)" after the subsection designation; and

(2) inserting at the end thereof the following new paragraphs:

"(2) Except as provided in paragraph 3 and in addition to the amount authorized to be appropriated in paragraph (1), there is authorized to be appropriated $3,000,000 in each of the fiscal years 1991, 1992, and 1993 to carry out the provisions of section 115(a).

"(3) No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

"(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under section 501(d)(1) for the VISTA Program; and

"(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.".

(b) PART C OF TITLE I.—Section 501(c) of the Act is amended by—

(1) inserting "(1)" after the subsection designation; and

(2) inserting at the end thereof the following new paragraph:

"(2) Except as provided in paragraph (3) and in addition to the amounts authorized to be appropriated pursuant to paragraph (1) there is authorized to be appropriated $5,000,000 for fiscal year 1991, $7,000,000 for fiscal year 1992, and $10,000,000 for fiscal year 1993 for Literacy Challenge Grants under section 125.

"(3) No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

"(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under section 501(d)(1) for the VISTA Program; and

"(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.".

SEC. 606. TECHNICAL AMENDMENT.

(a) IN GENERAL.—Section 2 of Public Law 81-874 is amended by inserting at the end thereof the following new subsection (d):

"(d) The United States shall be deemed to own Federal property, for the purposes of this Act where—

"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and

"(2) the United States transfers a portion of the property referred to in paragraph (1) to another non-taxable entity, and the United States—

"(A) restricts some or any construction on such property;

"(B) requires that the property be used in perpetuity for the public purposes for which it was conveyed;

"(C) requires the grantee of the property to report to the Federal government (or its agent) setting forth information on the use of the property;

"(D) prohibits the sale, lease assignment or other disposal of the property unless to another eligible government agency and with the approval of the Federal government (or its agent); and

"(E) reserves to the Federal government a right of reversion at any time the Federal government (or its agent) deems it necessary for the National Defense.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1989.

The PRESIDENT pro tempore. Under the order, amendments are limited to those which are set forth on page 2 of the Calendar of Business. There is no time agreement on the bill or on amendments thereto.

The Senator from Illinois [Mr. SIMON] is recognized.

Mr. SIMON. Mr. President, I rise in strong support of this legislation, and I am pleased to say I think we are about to make a very significant step forward for this Nation.

If this bill passes and becomes law, and I am optimistic it will, for the first time in the Nation's history we will say we have a goal of eliminating illiteracy. And we spell out specific steps to get there.

For the first time, we are going to have a coordinated approach. Up to this point we have had the Secretary of Education talking about it, along with the Secretary of Labor and the Secretary of HHS, but we have not had a coordinated approach to what is happening.

We will have a comprehensive look at the problem and what we should do about it. And we will have specific goals. And, if we follow through on these specific goals, then we can, for all practical purposes, by the end of this decade eliminate illiteracy in this country. That would be of inestimable help to our economy.

Unless we were to produce a bill this year that would really aggressively move on the deficit—and I think that is not likely, real candidly—this bill will probably have more to do with lifting the economy of this Nation than any bill we are going to pass this year.

Surprisingly, for reasons I will spell out in a few minutes, I think it probably will have more to do with fighting drugs than any bill that we will have up this year.

Let me tell my colleagues how I got involved in this. When I was a Member of the House, I had open office hours where people could come in one at a time with whatever problem they had. And, as my colleagues know, when people have a Federal problem on Social Security or black lung or something like that, they have to sign a consent form. So people would come in and I would hand them the consent form.

And they would say, "Is it OK if my wife signs?" "Is it OK if my husband signs?"

Gradually, even as dense as I am, Mr. President, I understood, they could not read and write even their own name.

Then I had people occasionally who very carefully drew their name. And I knew it was the only thing they could write.

And then, because I am in an area a little bit like West Virginia, where I live down in the southern part of the State, with high unemployment, when people came in desperate for a job the first question I asked was, "Can you read and write?"

And when there was that awkward moment of silence, I knew what the answer was going to be. So I held hearings, the first hearings in the history of Congress over in the House on this question of illiteracy.

The Secretary of Education, Ted Bell, was my first witness. He has written, even though he was Secretary of Education, he really had not paid attention to the problem of illiteracy until he was asked to testify.

As a result of those hearings, we had a series of small breakfast meetings. One of the people who came to those small breakfast meetings, talking about the problem of illiteracy, was Barbara Bush. I think the whole Nation now—we are all Barbara Bush fans. But let me tell my colleague, I became a Barbara Bush fan long before she became First Lady. She was there attending those literacy meetings when there was no political advantage in doing it. She is just a genuinely good-hearted person.

As a result of those meetings, we have had a series of small Band-aids. I was able to get, with the help of a lot of people, $5 million in the Library Services and Construction Act for illiteracy. Because people who cannot read and write hide it, they will not walk into a grade school or a high school. They will walk into a library.

The College Work/Study Program, we got some money on. The Vista Literacy Corps, I was able to get that set up. Let me pay tribute to a former colleague here in this body, Senator Paula Hawkins, who was very helpful on that, as well as Judy Wagner from my staff, who was very helpful.

We were able to get some money for the homeless. But we have had Band-aids up to this time.

What is the problem? Twenty-three million functionally illiterate adult Americans, at least 4 million of whom cannot read or write a thing.

There is a difference of opinion exactly what is functionally illiterate. But it means basically you cannot read or write above the second, third, or fourth-grade level. It has caused high welfare rates. A very high percentage of those who are on welfare are functionally illiterate.

It is causing problems of unemployment. Roughly three-fourths of those who are unemployed beyond 2 or 3 weeks are functionally illiterate.

After World War II, the average worker could get by with fourth-grade skills. Today it is ninth-grade skills for the average worker, and it is going up.

The work force today is composed 18 percent of minorities. By the end of this century, which is not very far off now, it is going to be 29 percent.

When we look at those who are functionally illiterate and look at our dropout rates for those who are functionally illiterate, an estimated 44 percent are black Americans and about 56 percent are Hispanic Americans.

Part of that, obviously, is the inadequate schools and inadequate school opportunities that people have. We have to make sure that those opportunities are there.

But we cannot just give up on people who have emerged from our schools. We are going to have to help.

Just 2 weeks ago, the chief executive officer of Helene Curtis, a major corporation in Chicago employing 2,000 people, came to me and said, "I understand you are interested in this whole field of literacy." She said, "I am spending too much money on training my employees in basic skills."

The New York Telephone Co. tested 60,000 people in order to get 3,000 who could come to work for them at entry level jobs.

Chemical Bank in New York City has to test 40 people in order to get one who could be a bank teller.

IBM had 280 people in their New York State plant who signed up for free college, but only 30 had high school-level skills. On the whole employment thing, about 6 or 8 weeks ago, NIH reported to the Labor and Human Resources Committee—Senator KENNEDY chairs that committee—and they came in with who is using drugs by ethnic group and by age group.

The interesting thing is the group that is by far the highest in the consumption of drugs are the unemployed. I said to the director, "You mean if we move on the problem of unemployment, we are moving on the problem of drug use?" He said, "No question about it."

How do we move on the problem of unemployment? There are a variety of answers, but one is clearly to teach people how to read and write.

We have the whole problem of crime. Fifty-eight percent of juvenile delinquents have inadequate reading skills. Seventy-five percent of adult prison inmates are functionally illiterate. Eighty percent of prison inmates are high school dropouts. The only criticism I have heard of this legislation is we ought to be concentrating on our schools and prevent dropouts. We should not be dealing with the problem of adult illiteracy.

The answer is you cannot really do the job in our schools if we do not also deal with our parents. Listen to this Barbara Bush quote: "The home is the child's first school. The parent is the child's first teacher. We all know that adults who have problems with literacy tend to raise children who have problems with literacy."

Just no question about it. We have to face up to learning disabilities. Seventeen percent of high school graduates, believe it or not—and this is another indication of some of the problems that we have—are functionally illiterate.

What about those who are not high school graduates? We have 600,000 to 700,000 who drop out of school each year. Are we just going to forget about them? I do not think we dare do that.

There is a huge harm to this economy. It holds back the growth in our economy when we have people who do not read and write. There is a huge harm to the individuals. We have these cases, such as one woman who could not read the label "poison" on a bottle and accidentally gave poison to one of her children. Now that is not a huge national statistic, but what a tragedy for that family.

Lack of self-respect that people have is another thing, but one of the reasons I am pleased this bill is here is because illiteracy is a hidden problem. The only thing I can compare it to, Mr. President—and you will forgive me, you are old enough, along with me, to recall these days. Obviously, Senator REID and Senator KASSEBAUM and Senator BOND are far too young to remember these days here, but you are old enough to remember when those who had mentally retarded in their families basically hid those who were retarded. It was a closet problem. Finally, it has emerged and people are no longer ashamed of having mentally retarded in the family, and we are a richer nation. Mentally retarded young people and older people are being worked into our society, and we are much better off.

The same is true on this problem. Once we open it up and encourage people to come out, we are going to be much better off.

What does this bill do? It calls for coordination and specific goals at the Cabinet level. The Secretary of Education is to head it. We have specific goals to write out, and then we are going to find out whether we are meeting those goals. The goal ought to be to eliminate illiteracy in this country by the year 2000. It would establish a National Center for Literacy where we can do research and find out what is going on.

Second, we encourage State participation. Let me just add, this whole bill contemplates a partnership arrangement with State governments, with the private sector, with voluntary groups, State centers and State illiteracy councils. It has families for literacy portions, so we get whole families involved in this. Let me add, we need communities involved, not just some Government entity. We need the news media. ABC, for example, has done some excellent work. One of the Houston newspapers has done some excellent work. The bill calls for the Corporation for Public Broadcasting to do some film aids in this area. It expands the Students for Literacy Program. It has a Volunteers for Literacy Program. It expands the VISTA Program here.

Let me give you this quote from Mayor Wilson Goode, of Philadelphia:

> We have trained more than 6,000 volunteers to tutor on a 1-to-1 basis utilizing the largest number of VISTA volunteers in the Nation.

That sounds great, 6,000, and they have done more than any other city. Six thousand in Philadelphia is more than a drop in the bucket, but is a long way from where we ought to be, but that is part of it.

There are other specifics I will be happy to get into if anyone has any questions. It came out of committee with a unanimous vote. We have 34 cosponsors.

Let me, in closing, tell you about four people. I want to read this article by Edward Husar, for the RECORD, in the Quincy Herald-Whig. It says:

> Clifton Anders, a bagger at the Kroger store in Quincy has a dream.
>
> He wants to learn how to operate a cash register so he can work as a "checker" in one of the supermarket's check-out lanes. As a checker, he can earn a lot more money than he can as a bagger.
>
> But Anders knows he must be able to read before he can get such a job.
>
> At 29, he's trying his best.
>
> For the past eight months, Anders has been working with a volunteer tutor so he can finally—after all these years—learn how to read.
>
> Anders, the father of two, is making great headway in his efforts to read. Not long ago, he learned enough about reading to pass his driver's license test for the first time. And he sees even more doors opening up in the future.
>
> "Maybe some day soon I'll be ready to put my feet behind the register," Anders smiled Friday as he shared his dream. . . .
>
> "I'm so happy I got into the literacy program," he said.
>
> "I felt real shut out when I went places and has to read."
>
> What a change in the life of Clifton Anders! Multiply that times millions, and you understand what a change that could mean in the cultural and economic life of the nation. And you can be sure those two Anders childen are being taught to read—a long-term payoff for them and for the nation.

I do not know the end of that story, but I know this. He has two children and those two children are going to have a much better chance because of this.

Let me tell you about Gloria Wattles. Gloria Wattles is a witness known to Senator KASSEBAUM. I was at a town meeting in Teutopolis, IL, a town of 750 people. This woman got up and said, "I have never spoken in front of a group like this before." She was obviously nervous, and she said, "I'm 45 years old; I want to read to you the first letter I have ever written." And she read this letter thanking me for my involvement in the literacy program, saying how she has learned to read and write. It kind of told her life story. Halfway through reading this letter, which was her life story, she was crying, and she had half the town hall meeting crying. When she finished, I said to her, "Gloria, would you be willing to come to Washington and testify?" She said, "I would."

She came and testified. I hope Senator KASSEBAUM will not object to my relating that when she finished testifying, Senator KASSEBAUM said to me, "I know I'm a Senator, I'm not supposed to cry, but I couldn't help it when Gloria Wattles told her stroy."

It was just marvelous. Gloria Wattles, is living a new life. She is now helping others to learn how to read and write.

Let me tell you a story about someone where the story does not have an entirely happy ending, unfortunately.

We learned about Dexter Manley, who played football for the Washington Redskins. Dexter Manley was standing on the sidelines when Joe Thiesmann, the quarterback for the Redskins, broke his leg. Dexter Manley was making $600,000 a year. He asked, "What would happen to me if I broke my leg?"

He took an unusual step. He called a Washington school and said, "I need help." Very few people who cannot read and write, frankly, have such courage, because it takes a great deal of courage to do that.

They tested him. They found he read at the second grade level. He had been through grade school, high school, and 4 years at Oklahoma State University. It says something about our college athletic programs. They tested him, found out he had a learning disability, and when he testified before us he was reading at the ninth grade level and was studying Japanese.

Now, I wish the story could end there. Unfortunately, it does not. Dexter Manley earlier got involved in drugs and because of that is removed from the National Football League. I cannot help but wonder if Dexter Manley's problem had been diagnosed earlier, would he have ever started on drugs.

Listen to his testimony when he testified before us.

He said:

> I was in the third grade. I was just put in the Special Ed class and I did not want to be in there. And the only thing I can recall is we played with blocks. I stayed there 4 years and there were no programs of any sort to help me learn skills to read and write.
>
> What can I say to those who have a learning disability or are illiterate? It is somehow or other you have to find the will and the courage to come forward and ask for help. For me, the only thing I can say is that I had to humble myself and I had to walk into the Lab School of Washington and not pretend.

Incidentially, I have hope for Dexter Manley. Anyone who has the courage to call and say, "I need help," who has the courage to come and testify before us as he did, I think we can help Dexter Manley and he can help himself.

Finally, let me tell you about Mary Kent Brandon. Mary Kent Brandon lived in the Chicago Housing Authority. Mary Kent Brandon is the mother of 12 and the grandmother of 23. She said, "I had no self respect." She got involved in drugs and alcohol, went to a detoxification center, and they talked about her lack of self respect and they tied it in with her inability to read and write.

She has learned how to read and write. Mary Kent Brandon, believe it or not, is now a counsellor in that same detoxification center. Mary Kent Brandon says with great pride, "I am teaching my grandchildren how to be good students in school." Mary Kent Brandon is now a home owner.

Now, that is not a national statistic about Mary Kent Brandon, but let me tell you it is a marvelous, marvelous story.

What is the cost of all this? We are talking about $229 million for the first year in budget authority, $50 million in outlay. It will go up some after the first year, but it is a fast-payoff kind of approach to a problem. There are other things we have to do like intensify preschool education where the payoff is going to be very, very slow. On this one, the payoff is very fast and it is absolutely critical if this Nation is to achieve its potential.

Let me finally, in closing, Mr. President, express my appreciation to the chairman of the full committee, Senator KENNEDY; the chairman of the subcommittee, Senator PELL; to Senator KASSEBAUM, the ranking member on the subcommittee, who has been very helpful, and let me mention two other members, THAD COCHRAN and JIM JEFFORDS.

I meant to use this illustration earlier. Senator COCHRAN brought us one of the witnesses, a librarian from Sunflower County, MS, a county that is 40 percent in poverty; 43 percent of the

adults have not finished 8th grade. The local library, because of a literacy grant that we were able to give, has trained 80 prisoners at a State prison to become tutors in literary. Now, you can imagine what that does to the self esteem of those prisoners and to others.

Mr. President, as further explanation, S. 1310, the National Literacy Act of 1989. This bill will launch the first major comprehensive and coordinated Federal effort to create, expand and improve the resources available to help the millions of Americans who cannot read.

It is time to bring the illiteracy problem out of the closet and deal with it honestly and effectively. Last year, the Education Summit between the 50 Governors and President Bush resulted in a landmark agreement that national performance goals in education should be developed. President Bush, in his State of the Union address, announced six key education goals upon which he and the Governors have agreed. One of those goals—"Every American adult must be a skilled, literate worker and citizen"—is a simple, but important objective that we should have addressed long ago. Nevertheless, we now have a Presidential commitment toward ending illiteracy in our Nation. With the National Literacy Act, we now have the structure, the strategies and the means to put action behind our words. Indeed, the National Literacy Act provides the foundation needed to mobilize a comprehensive national campaign against illiteracy.

Mr. President, S. 1310 has 34 cosponsors including Senators MITCHELL, KENNEDY, PELL, and KASSEBAUM. I am also pleased to note that S. 1310 was unanimously reported out of the Education Subcommittee and the Committee on Labor and Human Resources. I sincerely appreciate the strong bipartisan support that S. 1310 has received and I plan to continue to work with my colleagues on both sides of the aisle to strengthen that support.

Illiteracy is a great weight that keeps this country and millions of our citizens from reaching their full potential. Illiteracy must be fought at all levels—by the private and public sectors. Strong Federal leadership—a major focus of this bill—is key to making literacy a top national priority, and is needed to mobilize Federal, State and local action.

Until recently, the problems of illiteracy in the United States has been the "hidden" or invisible education problem. Too often, people are too embarrassed to admit that they cannot read to seek help. It is a problem that illuminates the failings of our education system, and the failings of our Nation in general.

People who cannot read cannot do many of the activities that most of us take for granted, such as reading a newspaper, understanding instruction on prescription medicine, getting a driver's license, filling out a job application, or helping kids with their homework. Illiteracy perpetuates the generation-to-generation pattern of too many citizens poorly prepared to help themselves and their children.

In addition to the costs to human potential, illiteracy has economic costs to our society. Some estimate that illiteracy costs over $200 billion annually in lost productivity, crime, accidents, employee errors, and extra training programs. The American Library Association estimates that functionally illiterate adults cost $224 billion annually in welfare payments, crime, job incompetence, lost taxes, and remedial education.

Illiteracy affects everyone. It affects us either directly or indirectly, but it impacts every American and will continue to do so until the problem is addressed. Illiteracy affects us through the taxes we pay to support those who are unemployed due to their inability to read and compete in the job market, or those prisoners who resort to crime because of limited options for legally earning a living. It affects us through increased prices of goods and services when companies must expend resources to train and retrain employees who lack basic skills.

We cannot underestimate the scope of the illiteracy problem. At least 23 million Americans in this country can be considered illiterate according to commonly used estimates. Of these 23 million, an estimated 4 million cannot read at all. Another 45 million adults read with only minimal comprehension. Extremely high rates of illiteracy are reported among the welfare population, the unemployed, drug users, criminals and high school dropouts. It is reported that one-half of all the households that are classified below the poverty level by Federal guidelines cannot read an eighth grade level book.

Regardless of what estimates of illiteracy figures are agreed upon, we do know that the number of illiterate Americans is growing. One reason is the growing number of immigrants and refugees who speak languages other than English. Another reason is the large number of students—600,000 to 700,000—who drop out of high school each year. On an average day, some 3,600 students across the Nation will drop out of school.

A major goal of the National Literacy Act is to improve workforce literacy. The literacy skills of our current and future workforce must be improved if the United States is to remain competitive in domestic and international markets. At a time when many communities are experiencing regional and local labor shortages, greater efforts to provide unemployed persons with critical literacy skills are needed to fill jobs that increasingly go vacant. The media is replete with dramatic examples of the difficulties American businesses are facing today in hiring literate workers.

The New York Telephone Co. had to test 60,000 people on an entry-level exam to hire just 3,000 people. Eighty-four percent of those tested failed the exam.

Chemical Bank in New York must interview 40 applicants to find one applicant who can be trained successfully as a teller.

IBM offered free college-level algebra courses at a New York State plant and 280 workers signed up, but an achievement test revealed that only 30 workers could read and solve math problems at even the high school level.

Chrysler Corp., had to incorporate graphics on its assembly line because so many workers could not read the words "bad hood fit" on the button they were supposed to push when they detected an ill-fitting hood.

The American Society for Training and Development estimates that American businesses now spend about $1 billion a year on basic education in addition to the billions they spend on teaching specific occupational skills. Within a decade that figure is expected to increase at least tenfold.

Clearly, illiteracy is a significant problem in the workplace and among American workers. Without a major expansion in the Federal investment in literacy, too many of these workers will be consigned to dead-end, unskilled jobs with little prospect of increasing their income-earning potential. They will be increasingly vulnerable to market shifts and dislocation due to technological changes.

American jobs are placing greater demands on employees. The average American worker today must have skills at the 9th through 12th grade levels, not the 4th grade level typical after World War II. And the standards keep rising. The growth occupations have increasingly shifted to the service and retail sectors, which require high level problem-solving, communication, reading, writing, and math skills.

By the year 2000, three out of four jobs will require educational training beyond ninth grade. As the threshold for minimum competency levels continues to rise, significant numbers of the current work force will need some type of basic skills training and retraining. Seventy-five percent of the current work force will still be in the work force by the year 2000 and roughly 30 million current workers will need some type of retraining.

Changing demographics suggest that our future work force will rely increasingly on population groups that have disproportionately high rates of illiter-

acy. Women, immigrants, and blacks, Hispanics, Asians, and other races will account for over 80 percent of the work force growth from 1986 to the year 2000. Minorities, especially blacks and Hispanics, and persons with disabilities, dominate the pool of unskilled and increasingly unused labor. It is estimated that 44 percent of black and 56 percent of Hispanic adults are functionally illiterate. The proportion is roughly 16 percent for whites.

Fighting illiteracy is not just an issue of fairness and equity—it is an issue of economics. Our Nation's economic security is directly tied to the quality of the Nation's work force. Over the course of the next decade, some 21 million new labor market entrants, including those from minority groups, will require literacy and basic skills training to enable them to succeed in new jobs. The future growth and prosperity of our economy will be closely linked to our ability to educate and train these individuals.

Another goal of the National Literacy Act is to address the issue of generational or family literacy. The First Lady, Barbara Bush, has been rightfully credited with helping to focus our Nation on the issue of illiteracy. She has repeatedly spoken out on the direct correlation between the educational attainment of parents and their children. She has remarked that:

> The home is the child's first school. The parent is the child's first teacher. Reading is the child's first subject. We all know that adults who have problems with literacy tend to raise children who have problems with literacy.

Parents' academic difficulties are too often passed on to their children. The best indicator for determining who will drop out may be whether a parent was successful in school.

The National Literacy Act also recognizes that illiteracy is correlated with crime; 85 percent of juvenile delinquents have inadequate reading skills; and 75 percent of adult prison inmates are functionally illiterate, and the average person in prison has a third- or fourth-grade reading level.

And American taxpayers pay the price. While it costs only $4,200 a year to send a youth to school, the costs of school failure is much higher if these youth resort to crime and are incarcerated. In fact, it costs $14,000 per year to keep a prisoner in jail and these costs are exacerbated by extremely high rates of recidivism. The high levels of illiteracy among the prison population virtually guarantees poor success in the job market after release. This is a particularly serious problem considering that 90 percent of adults presently in prison will be released within the next 5 to 10 years.

One of the aims of the National Literacy Act is to expand literacy services to persons with learning disabilities and facilitate a better understanding of this learning disorder and how to address it. As with the general definition of literacy, there is no national consensus on just what constitutes a learning disability. According to a 1987 study by the Federal Interagency Task Force on Learning Disabilities, 5 to 6 percent of the total population have learning disabilities. This means that as many as 12 to 24 million Americans have learning disabilities that hinder their ability to read. Experts estimate that those with learning disabilities are disproportionately represented among high school drop outs, the unemployed, the illiterate, and offenders.

As Dexter Manley, of the Washington Redskins, so courageously came forward to tackle his literacy problem, others must be encouraged to do the same. We cannot continue to allow learning disabilities to be ignored or inaccurately diagnosed. Mr. Manley painfully recalled some of the humiliating experiences of growing up with an undiscovered learning disability in testimony at the committee's May 18, 1989, literacy hearing:

> I was in the third grade . . . I was just put in the special ed class. And I did not want to be in there, and the only thing I can recall is we played with blocks . . . I stayed there four years . . . and there were no programs of any sort to help me learn skills to read and write. . . . What I can say to those who have a learning disability or are illiterate is that somehow or other, you have to find the will and courage to come forward and ask for help. For me, the only thing I can say is that I had to humble myself, and I had to walk into the Lab School (of Washington) and not pretend.

If one thing is clear it is that the problem of illiteracy in this country is of disturbing proportions. It is equally clear that solutions to the problem have been ignored for far too long at the national level.

We simply have no national policy as it relates to literacy. There are a number of existing Federal literacy programs, but resources are scarce and dispersed among numerous Federal agencies. Furthermore, the programs that do exist are not coordinated, and are delivered in a fragmented fashion. We do not know enough about what works most effectively in literacy programs, and what we do know is not well disseminated or utilized, particularly because of the lack of sufficient training for the large number of part-time adult educators and part-time volunteers.

There is a growing consensus that the national effort to promote literacy and combat illiteracy has been too weak and that more substantial and comprehensive Federal leadership is needed. The goal of substantially reducing illiteracy by the year 2000 is now viewed as a significant, and necessary, step toward ensuring educational and economic opportunity for all Americans, and enchancing our Nation's economic competitiveness. In some respects, the Federal effort in this area has lagged behind State involvement. Some 38 States have implemented literacy initiatives and committed State resources to attack the problem.

The primary Federal program that exists to reduce illiteracy is the Adult Basic Education Act. It is funded currently at about $158 million, less than 1 percent of the Department of Education's total budget. It serves only 10 percent of those estimated to be in need. Across the country, all the public and private literacy programs combined provide services to about 19 percent of those who need help.

Mr. President, the solution to the illiteracy problem requires Federal resources. It means that we must fully fund existing programs and create some new ones. We cannot continue to ignore this problem. I am pleased with the change in the administration's position regarding funding for existing literacy programs. While last year the administration proposed to eliminate three important literacy programs, this year the administration is proposing increases in several existing literacy programs, including the Adult Education Basic State Grants, Library Literacy Programs, and the VISTA Literacy Corps. I am also pleased to note that the administration has requested new funds for a National Adult Education Clearinghouse, modeled after the National Center for Literacy in S. 1310.

As a nation, I believe that we must ensure that all those who need literacy services will receive them—without being subjected to a waiting list, inaccurate assessments, overcrowded classrooms, or inferior programs taught by poorly trained adult educators. The National Literacy Act of 1989 is intended to achieve these objectives.

One issue that I would like to clarify in regard to the bill's provisions concerning State literacy resource centers. The bill provides that a State education agency, a State office on literacy, or a nonprofit entity operate the State literacy resource center. Although the State Education Agency will in many States be the appropriate place to house the State Literacy Resource Center, the bill provides flexibility in this regard to accommodate different circumstances and governmental arrangements across States. For example, some States have established State offices on literacy that may be outside the State education agency, but also be an appropriate entity to operate the State literacy resource center. In other States, this may be a function appropriately carried out by a nonprofit organization. No matter which organizational arrangement is selected by the State, it is my expectation that each State's education agency will be involved in

the coordination of literacy activities across the State.

Mr. President, I am pleased to note that S. 1310 has received wide support from most national literacy programs and from numerous State and local literacy programs across the country. While I appreciate all of the support the bill has received, I would like to mention a few supports, including: the Literacy Network, International Reading Association, Literacy Volunteers of America, United Way of America, ABC/PBS Project Literacy, the American Library Association, American Association of Community and Junior Colleges, American Vocational Association, Correctional Education Association, National Puerto Rican Forum, National Council of La Raza, Laubach Literacy Action, Association for Community Based Education, National Puerto Rican Coalition, American Jail Association, Coalition on Human Needs, Council of Chief State School Officers, Association of State Literacy Directors, National Council of State Directors of Adult Education, National Conference of State Legislatures, National Urban League, American Association for Adult and Continuing Education, State Directors of Vocational Education, OIC's of America, Alternative Schools Network and the Council of Great City Schools.

Mr. President, I look forward to working with each of my colleagues and to receiving their support on this landmark piece of legislation. I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD as follows:

SUMMARY OF THE NATIONAL LITERACY ACT OF 1989, NOVEMBER 1, 1989

(Chief sponsor: Senator Paul Simon)

The National Literacy Act of 1989 is a comprehensive package of literacy initiatives to coordinate and strengthen efforts at the federal, state, local and private, nonprofit sector levels to combat the extensive problem of illiteracy in the United States.

There are between 23-27 million adult Americans who are functionally illiterate, a number which is increasing due to the unacceptably high number—600,000 to 700,000—of students who drop out each year. On an average day, some 3,000 young people drop out of school. Yet, current public and private literacy programs serve less than 19% of those who need literacy assistance.

This comprehensive proposal would give structure and focus to fragmented programs now aimed at increasing literacy by:

Unifying the efforts of existing programs;

Providing a governmental structure to coordinate programs and disseminate information;

Enhancing federal resources for new programs and methods to reach the estimated 19-23 million persons presently not being served by existing programs;

Expanding public-private literacy partnerships.

The National Literacy Act of 1989 includes six separate titles addressing: literacy coordination, workforce/adult literacy, families for literacy, books for families, students for literacy, and volunteers for literacy.

TITLE I. LITERACY COORDINATION

The purpose of this title is to create a federal structure to coordinate national literacy research, information and education, service, and other literacy-related activities. This title will—

Establish a National Literacy 2000 Federal Interagency Council consisting of the administrators of the major federal departments operating literacy programs. The new federal Council will coordinate, monitor and develop existing and new literacy initiatives across federal agencies, and establish specific and measurable goals for the federal effort in the education of illiterate adults, children and families. The federal Council will issue a status report to Congress every two years with recommendations for legislation needed to improve and expand federal literacy programs. The federal Council will also oversee a new National Center on Literacy established in S. 1310.

Authorize the Assistant Secretary for Vocational and Adult Education to coordinate all literacy-related programs and policy initiatives in the Department of Education, and to coordinate the staff resources and assistance provided to the federal Council.

Authorize a National Center for Literacy to conduct basic and applied research on literacy, administer a toll-free hotline for literacy information, serve as a clearinghouse for information on literacy programs, and provide technical assistance to literacy providers and organizations. The Center also will develop new instructional techniques and technology, conduct policy analysis and program evaluation, and develop and collect new data related to literacy and illiteracy. S. 1310 requires the Director of the National Center for Literacy to report annually to Congress and the federal Council regarding the achievement of national literacy goals. Federal support of $10 million is authorized for the National Center for Literacy in FY 91 and sums as necessary in FY 92 and FY 93.

Create a State Literacy Resources Centers Program to be a central resource on literacy at the state level and a link for state level literacy providers and administrators to the National Center for Literacy. The State Literacy Resource Centers will assist in the coordination of state literacy initiatives, encourage innovation and the use of state-of-the-art teaching methods, and provide technical and policy assistance to state and local government agencies and to community based literacy organizations. For FY 91, $15 million is authorized for the State Literacy Resource Centers and such sums as necessary for FY 92 and FY 93. These new authorizations become effective when the federal appropriation for the Adult Basic Education State Grants exceeds $160 million. The federal contribution to support the State Literacy Resource Centers may not be more than 75% in the first 2 years, 50% in the second 2 years, and 25% in the last year of the 5-year grants. The bill also permits States to use up to 10% of the funds available for the State Literacy Resource Center to support the creation and operation of State advisory councils on adult education.

Expand the authority of State advisory councils on adult education, authorized under the Adult Education Act, to include the development of goals for state literacy programs and the review and coordination of literacy-related programs across state agencies. S. 1310 expands membership on this advisory council to include state agency chiefs for those agencies with literacy-related programs, and provides that the state advisory councils have an opportunity to review and comment on the state plan for the State Literacy Resource Center.

TITLE II. WORK-FORCE LITERACY

The purpose of this title is to assist the States in improving educational opportunities for adults who lack the literacy skills requisite for productive employment, to expand and improve the current system for delivering and accessing adult education services, and to encourage the expansion of adult education teacher training programs and increase the number of full-time professional adult educators. This title will—

Increase the authorization for the Adult Education Act (AEA) by an additional $100 million over the previous year's appropriation beginning in FY 91 through FY 93, or until a majority of the illiterate population is being served. Increase from 10% to 15% the existing set-aside in the Adult Education Basic State Grant for teacher training and special projects, and require that half of the funds available through the increased set aside be for teacher training activities, including activities related to training full-time adult educators, minority teachers, limited English proficiency adult educators, and training teachers to recognize and effectively serve persons with learning disabilities, and with reading ability below the fifth grade level. The increased set-aside of 15% will become effective when the federal appropriation for the Adult Education Basic State Grant exceeds $200 million. Prior to reaching this appropriations level, the bill provides that 15% of new funds be set aside for this type of teacher training. Require each state to assure direct and equitable access to federal funds for local public agencies, non-profit, private community-based and voluntary organizations which serve educationally disadvantaged adults. Require each state to assure in their plan that funding is allocated for the population whose lack of basic skills renders them unemployable, reduces their ability to positively impact their children's literacy, and keeps them from independently functioning in society. States must also give priority to funding local programs serving areas with the highest proportion of adults who are not high school graduates.

Increase the authorization for the Business, Industry, Labor and Education Partnerships for Workplace Literacy Program to $50 million in FY 91, and such sums as necessary in FY 92 and FY 93. Create a new set aside for teacher or volunteer training or technical assistance under this program, and provide for the participation of small businesses in workplace literacy partnerships.

Authorize programs funded under Local Targeted Assistance Programs under the Elementary and Secondary Education Act to include teacher training programs which enhance the ability of teachers to identify students in early grades at risk of illiteracy in their adult years.

TITLE III. FAMILIES FOR LITERACY

The purpose of this title is to break the intergenerational cycle of illiteracy by improving the parenting and basic skills of adults in order to foster learning among their children; to foster family-oriented approaches to reducing illiteracy, and to address illiteracy through the social environment in which children are born and raised. This title will—

Increase the authorization for the Even Start Program to $60 million in FY 91, and such sums thereafter through FY 95, to support learning projects, particularly targeting functionally illiterate parents and their children, and to enhance the literacy-building capacities of these parents and their children.

Establish a "Families for Literacy" demonstration program to target services at an earlier stage than provided under Even Start. The demonstration grants would support services to newborns and their parents to monitor and improve a child's early developmental progress. Funds would be used to provide: Literacy and parenting education for adults, prereading and other developmental skills for children aged 3 and under structured time for parents to use newly acquired skills with their children, and referral services for families, including referrals to drug rehabilitation and counseling, or assessment of learning disabilities. S. 1310 authorizes $10 million for FY 91 and such sums thereafter through FY 95. This authorization becomes effective when federal appropriations for the Even Start Program exceed $30 million.

Authorize $2 million in FY 91 for the Secretary of Education to contract with the Corporation for Public Broadcasting to produce and disseminate a program in cooperation with local public broadcasting stations, for parents to improve family literacy skills and language development. This program would be reproduced on audio and visual materials for distribution at various sites, including state and local libraries.

TITLE IV. BOOKS FOR FAMILIES

The purpose of this title is to expand parent access to books and create a model library literacy program. This title will—

Require beginning in fiscal year 1991, that priority in the selection of additional local programs funded under the current inexpensive book distribution programs be given to programs and projects which serve children and students with special needs.

Authorize the Secretary to give priority in awarding Library Literacy grants to areas of greatest need, which have highest concentrations of adults who do not have a secondary education or its equivalent, and which coordinate with literacy organizations and community-based organizations providing literacy services.

Create a Model Library Literacy Demonstration Program to establish model library literacy centers at state and local public libraries, for innovative library literacy programs to reach and assist those in need of literacy training and access to reading materials. Authorize $2 million in FY 91 and such sums thereafter through FY 95.

Authorize the Secretary of Education to award funds to Reading Is Fundamental (RIF) to distribute inexpensive books to economically disadvantaged children and to increase parent acess to books (with priority to those with children under the age of 5), by reaching parents most disconnected from the education community (by making books available in welfare offices, health clinics, and WIC offices). Authorize $2 million for this contract in FY 91, and such sums as necessary thereafter through FY 95.

TITLE V. STUDENTS FOR LITERACY

The purpose of this title is to promote the development, location and placement of community service jobs for students in the area of literacy tutoring, outreach and training under the College Work Study (CWS) Program, which supports the part-time employment of students who are enrolled as undergraduate, graduate or professional students and who are in need of earnings from employment to pursue courses of study at eligible institutions. This title will—

Increase incentives through the CWS Program for college and universities to locate, develop and place students in literacy training and other literacy-related community service jobs. Provide 100% federal funding for compensation paid to students working in literacy projects through the CWS.

Authorize funding of $656 million for the entire College Work Study Program in FY 91.

Authorize the Student Literacy Corps at $11 million for FY 91.

TITLE VI.—VOLUNTEERS FOR LITERACY

The purpose of this Title is to develop, strengthen, supplement and expand the capacity of both public and private agencies and organizations to combat illiteracy through the use of volunteers. This title will—

Authorize a University Year for Literacy program of grants or contracts to support full-time volunteer service by post-secondary students, particularly those pursing a course of study likely to lead to a career in a field related to literacy. Students would receive academic credit and a living allowance similar to the allowance received by VISTA volunteers. Students would be required to serve no less than a full academic year. Authorizes $3 million in each of the fiscal years 1991 through 1993, contingent on full funding of the VISTA program and the VISTA Literacy Corps.

Authorize a new Literacy Challenge Grant program of matching grants to public/private partnerships that establish or expand literacy programs using volunteers as a method of addressing illiteracy. Grantees may be public or private nonprofit agencies, nonprofit community-based organizations or private for-profit organizations, but must operate the project in cooperation with other public and private agencies qualified to combat illiteracy in their community.

Matching requirements are 20% local, 80% federal in the first year, with the federal match declining to 50% in the fourth year, for all recipients except nonprofit community-based organizations. For community-based nonprofit organizations, the match is 10% local, 90% federal, with the match declining to 50% in the fifth year. Authorizes $5 million for fiscal year 1991, $7 million for fiscal year 1992, $10 million for fiscal year 1993, contingent on full funding of the VISTA program and the VISTA Literacy Corps.

Mr. SIMON. I think we have a chance to take a real step forward, Mr. President, and I think the Senate will do it with a resounding vote. I am very pleased to be here to present this legislation.

The PRESIDENT pro tempore. The Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM. Mr. President, I am pleased to rise in support of S. 1310. Senator SIMON has given, I think, some eloquent illustrations of why illiteracy is a serious problem for our Nation as well as some interesting statistics. One observation he made, which I think is so true, is that illiteracy is a hidden problem. In many cases, perhaps people had not even realized the problem they had and the seriousness of that problem. In all honesty, I must say I did not recognize the degree of illiteracy in this Nation and the tragedy that it can mean for one's personal life as well as family life, until I heard some of the testimony before our committee.

There is no doubt but that illiteracy is a serious problem in our Nation. We live in an increasingly complex society where both the quality of work and the quality of life are dependent upon comprehension of the written word. Yet, for far too many Americans, it is a daily struggle to read and understand bus schedules, application forms, notes from school, or safety instructions.

The importance of tackling this problem was underscored by President Bush in his State of the Union Address last week. Among the national education goals announced by the President was one that "every American adult must be a literate worker and citizen." First Lady Barbara Bush has also brought national attention to this problem through her personal efforts to combat illiteracy.

The priority placed on eliminating illiteracy is reflected as well by the President's budget proposal for the Department of Education. A funding increase of nearly 24 percent is proposed for programs under the Adult Education Act. The Adult Education Act represents the largest Federal effort to reach adults who have not received a high school diploma or its equivalent. The proposed budget increase would permit States to reach an additional 460,000 adults in need of basic skills programs and another 200,000 in need of secondary-level programs.

Funding increases for Adult Education Act national programs would permit continuation of efforts to assess adult literacy rates and education programs and to support innovative approaches. In addition, $5 million would be provided for the establishment of a national literacy clearinghouse. An increase is also requested for the Literacy Training for Homeless Adults Program.

In addition, the budget request calls for a doubling of funding for Even Start—a program which combines early childhood education with adult education for parents of young children. The proposed funding increase would add an estimated 130 projects to the 127 now underway.

Other literacy efforts included in the budget include a 56-percent increase in library literacy programs, an increase of over $350,000 in the Inexpensive Book Distribution Program, and continuation of the Student Literacy Corps Program at a funding level of $5 million.

The National Literacy Act, S. 1310, represents an attempt to give additional focus and support to efforts to combat illiteracy.

Title I of the bill creates the National Literacy 2000 Federal Interagency Council comprised of top executive branch officials or their designees. Responsibilities of the Council include developing a coordinated literacy program, establishing national literacy goals, and tracking the progress of literacy efforts.

The Council will also serve in an advisory capacity to the National Center for Literacy authorized by the bill. The National Center is intended to be a central source of literacy research, information, technical assistance, and policy analysis.

Title I also provides for grant assistance for the establishment of state literacy resource centers to coordinate and support literacy efforts at the State level.

Title II provides for an increase of $100 million in the authorization for Adult Education Act basic State grants and designates additional support for teacher training. It also expands the responsibilities and membership of State advisory councils currently authorized under the Adult Education Act to reflect a greater emphasis on literacy efforts. In addition, it increases the authorized funding level for the Business, Industry, Labor and Education Partnerships for Workplace Literacy Program and places additional emphasis on teacher or volunteer training and technical assistance.

Title II also amends the local targeted assistance program of chapter 2 to establish a priority for the training of teachers and school counselors in identifying potential literacy problems, particularly among children in the early grades.

Title III authorizes the establishment of the Families for Literacy Program. This program focuses on joint learning between children aged 3 and under and their parents. Funding of $10 million would be authorized for this program, provided that funding for the existing Even Start Program reaches $30 million. The bill also authorizes $2 million to permit the Corporation for Public Broadcasting to develop and distribute audio and video instructional materials.

Title IV amends the Inexpensive Book Distribution Program to provide additional focus on low-income children, children with special needs, and parents of young children. It also provides for the establishment of model library literacy centers.

Title V extends the authorization of the Student Literacy Corps, a program in which undergraduate college students offer tutoring services to disadvantaged students. It also increases the authorization for the College Work Study Program and amends the program to permit full Federal funding of literacy work-study training programs.

Title VI would establish a University Year for Literacy Program to support the use of full-time college students as literacy volunteers. It also establishes a Literacy Challenge Grant Program to permit public agencies and private organizations to operate or expand literacy programs which use full- or part-time volunteers.

I joined as a cosponsor of this measure after a series of discussions with its principal sponsor, Senator SIMON. I appreciate the willingness with which he accommodated many of my concerns about his original proposal, and I believe that the product of our negotiations is a sound bill.

In particular, I am pleased that we were able to streamline features of the original bill which I had felt would lead to undue bureaucracy. We have reduced the number of new entities which had originally been proposed and have provided for stronger linkage among groups involved with literacy efforts.

In addition, we have built in funding protection for existing programs to assure that new initiatives are not funded at the expense of ongoing efforts and have incorporated new initiatives into existing authorities wherever possible.

I am pleased to join Senator SIMON and others in moving forward a bill which signals the need not only to undertake some important new initiatives but also to use and coordinate more effectively the resources now available.

We simply cannot continue to have each attempt to address illiteracy go its own way due to divisions of jurisdiction. Those who are involved across agencies and within levels of Government must pool their efforts and ideas. Our capacity to develop effective programs must be strengthened through improved and expanded teacher training. Available pools of talent must be tapped from our universities, our libraries, and our homes. These are the goals of S. 1310, and I hope that all Members of the Senate will join us in support of this legislation.

I also want to acknowledge the efforts of staff in bringing S. 1310 to this point. Particular thanks to Susan Hattan and Becky Rogers Voslow of my staff; Cheryl Smith, Pat Fahy, and Brian Kennedy with Senator SIMON; Ann Young and Marisa Quinn with Senator PELL; and Amanda Brown with Senator KENNEDY.

I too, Mr. President, would like to extend a special thanks to Senator SIMON for his efforts. I think this is a very important measure for us as a nation, and for the fulfillment of President Bush's desires to see education as a chief focus of our country today.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, I rise today to commend my colleague from Illinois [Mr. SIMON] for his dedication to a problem that we have in our society, the seriousness of which calls for the same attention we devote to other problems, such as the drug scourge which we have in this country.

Mr. President, I would like to take this opportunity to commend the junior Senator from Illinois for not only this legislation but the work that he has done over the many years that he has served in the Congress on matters related to education.

I can remember the first term that I served in the House of Representatives. The junior Senator of Illinois, then a Member of the House, was sponsoring legislation called emergency management science bill—which the Senator will recall passed the House of Representatives—which addressed a problem that was important then, and important now, namely, the inadequacy of our math and science programs in our educational systems throughout this country. One statistic that he pointed out at that time that I will always remember is that there are fewer physics teachers in the country today than there are school districts. The point is that the Senator from Illinois has been a leader in attempting to address the problems of education in our country.

The problem that he has addressed in this legislation today, illiteracy, is certainly not as visible as some of the other problems that we face in the country today such as the drug problem. It is a nonvisible problem. It is however a problem that is equally devastating. I am referring of course to what we have discussed here for some time on the Senate floor—the "scourge." I call it a "scourge," a "scourge" of illiteracy.

Mr. President, I speak from years of experience helping create a statewide literacy initiative for the State of Nevada. The effort in Nevada entailed extensive communications with several States, with Nevada political leaders, and with dedicated volunteers such as my wife, Landra.

In 1987 the Nevada Literacy Coalition was created with the help of a Gannett foundation grant. As the grant expired it was apparent that Nevada's illiteracy problem was only beginning to be addressed. To carry on the work of the foundation, my wife, Landra, formed the Task Force on the Future to develop a statewide literacy initiative. Literacy projects in other States were studied and packaged in a

design to best suit the needs of Nevada.

Mr. President, in the State of Nevada the problem of illiteracy is a dangerous problem. If all the people who were illiterate in the State of Nevada were placed into one place it would be the third largest city in the State of Nevada. Over 70,000 people in the relatively small State of Nevada cannot read. I repeat, it would be the third largest city in the State of Nevada.

I mention that because Nevada is not unique. You can take the States that are represented by people on the Senate floor today, the States of Missouri, Kansas, Illinois, West Virginia, and you would find the same basic ratio would apply. Tens of thousands of people in your States would be illiterate.

Mr. President, a proposal was prepared for and accepted by then Gov. Richard Bryan. Governor Bryan was willing to have his State office work on the literacy initiative. And the new Governor, Bob Miller, placed it in his budget. This was a program to generate private sector awareness, participation, and financial resources.

The National Literacy Act will coordinate literacy efforts from the Federal, State, and local levels. This would have eliminated in the State of Nevada months and months of painstaking research done to find out what other States and other programs have accomplished. National coordination is the key to making a difference. This act will provide guidance as to what is effective for various target groups, whether they consist of young people, old people, or whether they be in rural areas or urban areas. Most States have neither the resources nor the expertise to conduct such significant research. This is a role which needs to be filled by the Federal Government.

I am proud that my colleagues see the importance as I do of dispelling the deceptive notion that what we do not see cannot hurt us. We know better than that. Illiteracy tears away at not only the individuals involved in illiteracy but families, and also, Mr. President, our economy.

It is through my involvement in the Nevada Literacy Coalition that I came to appreciate the need for Congress to address the challenge that illiteracy presents. This National Literacy Act will permit the Federal Government to provide support and leadership to tackle the demands of illiteracy. The elimination of illiteracy has become a national priority.

Mr. President, I refer to the report that accompanies this bill and read a couple of paragraphs that I think are so illustrative. On page 4 of the report:

> Illiteracy affects everyone. It affects us either directly or indirectly, but it impacts every American and will continue to do so until the problem is addressed. Illiteracy affects us through the taxes we pay to support those who are unemployed due to their inability to read and compete in the job market, or those prisoners who resort to crime because of limited options for legally earning a living. It affects us through increased prices of goods and services when companies must expend resources to train and retrain employees who lack basic skills.

On page 5 of the report:

> At least 23 million Americans in this country can be considered illiterate according to commonly used estimates. Of these 23 million an estimated four million cannot read at all. Another 45 million adults read with only minimal comprehension. Extremely high rates of illiteracy are reported among the welfare population, the unemployed, drug users, criminals and high school dropouts. It is reported that one-half of all the households that are classified below the poverty level by Federal guidelines cannot read an eighth grade level book.

The elimination of illiteracy I believe is a national priority. We have elevated drugs to that level, and as the junior Senator from Illinois mentioned in his opening statement, the two are not unrelated. We confronted our drug problem by appointing a drug czar. It is time we do the same for the elimination of illiteracy.

We have a choice between becoming a high productivity Nation with a high quality work force or a second class economy with a second rate work force. The need for national coordination of literacy initiatives is great. Nevada literacy initiatives are making a difference. Already they are making a difference. But there is no quick fix to the problem of literacy. Teaching a person to read and to write is no simple task.

That is clearly illustrated by the large number of children who leave our schools with diplomas, even though they cannot read. It is estimated that 13 percent of Americans cannot read or write basic English. This is not just in my State; this is all of our States. Millions of Americans have been silently crying for help and lack the resources to help themselves. That is why the National Literacy Act is of utmost significance. That is why I support it.

I commend the Senator from Illinois for his outstanding work in education, generally, and specifically in literacy. That is why the U.S. Congress should unanimously support this legislation.

Mr. SIMON. Will my colleague yield?

Let me just commend my colleague from Nevada, who has an ability to find the really important issues, and I see this over and over again, the things that really bear on the future of our country.

The one point that he stressed, that I did not stress enough in my remarks, is the relationship between this and productivity in this country. We grew up believing that somehow our natural resources were the key to our prosperity. But all of a sudden, we are living in a world the prosperous nations and the nations growing rapidly are Japan and South Korea and countries that have virtually nothing in the way of natural resources. What they have done is invest in their people, and what we have to do is the same.

I simply want to commend my colleague from Nevada for once again getting to the nub of something that really is a critical issue in this country.

Mr. REID. Mr. President, just in passing, referring again to the Senator from Illinois, we had in Nevada—for some 80 years—a very large mine and a smelter run by Kennecott Copper Co. After some 75 or 80 years, Kennecott decided to close their operation in White Plain County, NV. As a result of that, thousands and thousands of people who had lived there for generations working in the mine and smelter had no place to work. There were funds provided by the Federal Government to retrain these people.

When I was serving as Lieutenant Governor, and shortly thereafter, there was a problem because those funds for those people to be retrained were not used. The Governor called in the head of the industrial commission and asked why. Basically, it was because many of those people who worked there could not fill out the forms to try to obtain the Federal benefits for retraining purposes. So a lot of those moneys were not used, and those people's lives were literally wasted as a result of their inability to read.

I think if we each look at our individual States, we will find examples of where this Literacy Act is not some general plethora to help other people, but it is an act that will help people in your cities and towns and make your States, our States, more productive.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDENT pro tempore. The Senator from Missouri [Mr. BOND] is recognized.

Mr. BOND. I yield to the distinguished floor manager.

AMENDMENT NO. 1226

(Purpose: To Make Technical Corrections)

Mr. SIMON. Mr. President, if I could, before we get to the Bond amendment, I would like to offer technical corrections to an amendment. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. Is there objection?

Hearing none, the clerk will state the amendment.

The bill clerk read as follows:

> The Senator from Illinois [Mr. SIMON], offers an amendment numbered 1226.

Mr. SIMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 46, line 5, strike "1989" and insert "1990".

On page 47, line 13, strike "1989" and insert "1990".

On page 65, line 7, strike "1989" and insert "1990".

On page 68, beginning with line 11, strike all through line 25, and insert the following:

(B) in the second sentence of subsection (a)(1) by striking all beginning with "consist" through the end period and inserting "consists of—

"(A) representatives of public education;

"(B) representatives of public and private sector employment;

"(C) representatives of recognized State labor organizations;

"(D) representatives of private, voluntary, and community-based literacy organizations;

"(E) the chief administrative officer of a State, or the designee of such individual; and

"(F) representatives of each of the following State agencies:

"(i) the State education agency;

"(ii) the State job training agency;

"(iii) the State human services agency;

"(iv) the State public assistance agency;

"(v) the State library program; and

"(vi) the State economic development agency.

On page 72, line 4, strike "(a)".

On page 72, lines 6 and 7, strike "paragraph (1)(B)" and insert "subsection (a)(1)(B)".

On page 72, lines 8 and 9, strike "paragraph (2)" and insert "subsection (a)(2)".

On page 72, line 9, strike "and 'and' ".

On page 72, line 10, strike "thereof" and insert "of subsection (a)".

On page 72, line 11, strike "paragraph (3)" and insert "paragraphs (3) and (4)".

On page 73, line 7, strike "Act is amended" and insert "Act, as amended by paragraph (1) of this subsection, is further amended".

On page 75, line 25, strike "1989" and insert "1990".

On page 81, line 11, insert ", subject to the availability of appropriations," after "authorized".

On page 83, line 7, strike "1989" and insert "1990".

On page 90, line 5, strike "1989" and insert "1990".

On page 92, line 7, strike "1989" and insert "1990".

On page 97, line 9, strike "(d)" and insert "(e)".

On page 97, line 10, strike "(d)" and insert "(e)".

Mr. SIMON. This is precisely what it is, technical corrections. I believe it is accepted by the other side, also.

Mrs. KASSEBAUM. Yes, Mr. President, there is no objection.

The PRESIDENT pro tempore. The question is on agreeing to the technical amendments.

The amendment (No. 1226) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion was agreed to.

AMENDMENT NO. 1227

(Purpose: To strengthen the Families for Literacy Act)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the amendment.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 1227.

Mr. BOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 76, line 8, strike "and".

On page 76, line 10, strike the period and insert a semicolon and "and".

On page 76, between lines 10 and 11, insert the following:

(4) foster the detection of disabilities or developmental problems that might hinder future learning.

On page 76, line 22, strike "and" and insert "State educational agency," before "local".

On page 76, line 22, insert ", or other public agencies," before "to".

On page 77, between lines 2 and 3 insert the following:

(b) FINDINGS.—The Congress finds that children participating in State Parents as Teachers programs and similar programs have more advanced cognitive skills, language ability, and social skills than their preschool age counterparts.

On page 77, line 3, strike "(b)" and insert "(c)".

On page 77, line 5, strike "a total of 10 demonstration".

On page 77, line 7, insert "State education," before "local".

On page 77, lines 7 and 8, strike "and" and insert "or".

On page 77, line 8, strike "80 percent" and insert "the Federal share".

On page 77, line 14, insert "primarily" after "programs".

On page 77, between lines 22 and 23, insert the following:

(3)(A) Each grant awarded under this subsection shall be in an amount which is not less than $100,000 nor more than $750,000.

(B) In determining the amount of the grant awarded under this subsection, the Secretary shall take into consideration the size of the population to be served, the size of the area to be served, and the financial resources of such population and area.

(4) The Federal share—

(A) for the first fiscal year for which a grant is awarded under this subsection shall be 90 percent;

(B) for the second fiscal year for which a grant is awarded under this subsection shall be 80 percent;

(C) for the third fiscal year for which a grant is awarded under this subsection shall be 70 percent;

(D) for the fourth fiscal year for which a grant is awarded under this subsection shall be 60 percent; and

(E) for the fifth fiscal year for which a grant is awarded under this subsection shall be 50 percent.

On page 77, line 23, strike "(c)" and insert "(d)".

On page 77, line 24, insert "State educational agency," before "local".

On page 77, line 25, strike "demonstration".

On page 78, line 10, strike "(d)" and insert "(e)".

On page 78, line 11, strike "and" and insert "State educational agency," before "local".

On page 78, line 12, insert ", or other public agencies" before "receiving".

On page 78, lines 17 and 18, strike "disorders and learning disabilities" and insert "disorders, learning disabilities, and hearing and vision problems;".

On page 78, line 24, insert "health care," after "counseling,".

On page 79, line 2, insert "State educational agency," before "local".

On page 79, line 15, strike "(e)" and insert "(f)".

On page 79, line 17, insert "State educational agency," before "local".

On page 79, line 17, strike ", and" and insert "or".

On page 80, line 14, strike "(f)" and insert "(g)".

On page 80, line 15, strike "(b)" and insert "(c)".

On page 80, line 19, insert "State educational agency," before "local", and insert "or other public agencies" before "receiving".

On page 80, line 24, strike "(b)" and insert "(c)".

On page 81, line 1, strike "(g)" and insert "(h)".

On page 81, line 10, strike "(h)" and insert "(i)".

On page 83, line 1, strike "(h)" and insert "(i)".

Mr. BOND. Mr. President, let me preface a discussion of my amendment, which deals solely with title III of the bill, Families for Literacy, with some thoughts about the bill as a whole and how this title fits into it.

I must confess that on first reading of S. 1310, I was struck by the reactive nature of much of it. Indeed, a section by section analysis of the bill shows that much of it, from the National Literacy 2000 Federal Interagency Council to the National Center for Literacy, to title II addressing workplace literacy, to the volunteers for literacy section is meant to address not the causes of illiteracy, but its symptoms.

Everyone agrees that we have a serious problem in this country. We are told by some that the United States ranks 49th among 158 member nations of the United Nations in its literacy levels. We are told that some four million citizens cannot read at all, and that another 45 million of us, all adults, read with only minimal comprehension. Mr. President, if this is the case, then that means that some children are passed along from grade to grade regardless of reading ability, and indeed, that one needn't know how to read to receive a high school diploma. The Nation at Risk report tells us that some 17 percent of high school graduates are functionally illiterate. It seems to me the question we should be asking is why our schools are graduating so many illiterates. They are failing in their basic mission,

which is to equip our children with the basic skills they need to be productive citizens. We will not solve this problem by setting up the duplicative structures provided for in this bill.

Despite my concern about many of the provisions of the bill, I heartily endorse title III of the bill, the Families for Literacy Act, which sets up programs designed to assist parents in laying the groundwork for their children's later school success.

We must begin to be more attentive to the crucial first 3 years of a child's life, when the pattern for later learning and achievement is set.

My amendment, though it touches the bill in a number of places, is quite simple. It attempts to improve upon the fine effort that my distinguished colleague from Illinois has made in title III which is known as the Families for Literacy section. I believe this is the best section of the bill. Essentially, it is preventive in nature, rather than reactive. It gets at the root causes of intergenerational illiteracy.

Mr. President, my home State of Missouri knows the importance of beginning at the beginning. From the beginning of a child's life, his or her parents are the first and most important teachers. The foundations of later learning are laid in the first 3 years of a child's life by the parents. It certainly makes sense to equip parents with the skills they need to help maximize their child's health and development. That is exactly what the Missouri new Parents as Teachers Program does. This highly successful program began in four districts in Missouri with a little Federal seed money.

By the time I reentered office as Governor for my second term in 1981, studies of the demonstration programs had proven how successful and effective this program could be. In that year, the Governors Conference on Children, Youth and Family studied the work of the new Parents as Teachers Program and found that it had a wide range of values going beyond the educational, into the health, mental health and child welfare areas as well.

Beginning in 1981, I asked for a statewide authorization and funding for this program. In Missouri we do not take steps quickly; so it took 4 years to do it. It was passed an hour before the end of the last session of my 4-year term. It is, I believe, one of the proudest things that Missouri has done in education in recent years.

The curriculum under the new program is designed to strengthen the foundations of later learning, language, intellectual development, curiosity and social skills, as well as to provide health screening for preschool children to detect potential impairments early in their young lives.

To achieve these goals, the Parents as Teachers Program provides personalized home visits by trained parent educators, group meetings with new parents, and formal screening of vision, hearing, and other health or mental health problems which could interfere with cognitize development.

The strength of the Parents as Teachers Program is that it is community and family based. The administration of the program takes place at the State and local levels, which allows it to retain the local support and flexibility that made it a success in the first place.

Over a month ago, I visited Joplin, MO, where they have combined the program with a title I program to expand it to reach more families and children at risk. And the Parents as Teachers Program is open to all children. It is something that is needed by all children. It is needed by all families. It has worked in urban and rural and suburban areas, and for people at the top and the bottom of the economic ladder.

Over 50,000 Missouri families currently participate in the program. We are seeing the efforts expand through those parents who become the best witnesses and apostles for the program. They get more people involved.

The program is relatively inexpensive. We ask for only a small amount of Federal seed money. The States and localities can support it, as they have in Missouri, and they will find that it is a tremendous investment. But there is no such thing as a free lunch. It is very labor intensive. It is the parents who must do the work.

This program requires that parents spend time and energy and devote attention to their children each day. As for my family we know this is some of the best time that we can invest and we know that it does make a difference.

Parents as Teachers is a proven success. An independent evaluation showed that children participating in Parents as Teachers were significantly more advanced in language development than other 3-year-olds, made greater strides in problem solving and other intellectual skills and have demonstrated competencies that are predictive of and essential to successful educational outcomes in later school activities.

Studies of the demonstration programs showed that the number of participating children reaching first grade needing remedial or special education was less than half the rate of other first grade students entering school in Missouri that year.

In addition, the Missouri Children's Trust Fund Commission set up to administer programs to prevent child abuse studied a wide range of programs, and how they best can prevent child abuse. Their conclusion: A program like the new Parents as Teachers, by teaching the parents what to expect and helping them to understand their children and getting involved with their children, is the very best way to prevent child abuse.

But perhaps the greatest strength of the PAT Program itself is that it is a terrific preventative program which can positively affect almost every measurable social outcome, including: school readiness, parent/school partnerships, child heatlh, teen pregnancy, and child abuse.

Providing for a literate society is certainly among these positive benefits, and I truly believe that the Parents as Teachers Program and others like it should be a very important part of the war on illiteracy being marshaled by my colleague from Illinois.

I commend him for his authorship of the Families for Literacy title of the bill and for his work on behalf of this. Quite simply, my amendment builds upon the ideas he has laid out and adds more of the positive components of the Missouri's Parents as Teachers Program. For example, I believe the health screening of Missouri's children is one of the most important aspects of the program provided in this bill.

We have seen that a slight hearing loss of a small child not detectable by even the most caring parent can result in that child being 1 year behind his or her peers at first grade. You need professional screening to ferret out and determine whether there are these problems that can be dealt with much better if they are dealt with at a young age.

I believe the program is especially beneficial to those who are at risk for illiteracy. Studies have shown that regardless of a parent's own skills, he or she can develop the skills to help his or her child build a foundation for later learning.

One of the great applications of the new Parents as Teachers, if you take a new parent, they are scared to death. When our first son arrived, my wife had been a counselor and had been a speech and hearing therapist at school, and we were absolutely terrified about the responsibilities.

The materials for the new Parents as Teachers Program gave us the opportunity to help our son begin his learning with an exciting curiosity toward learning which will serve him well for the remainder of his life.

Mr. President, it is my hope the Parents as Teachers Program in Missouri will be a model for all programs eventually funded under this section. It makes sense to arrest the life cycle of illiteracy in its early stages.

Mr. President, I ask my distinguished colleague from Illinois whether or not he intends that States and public agencies currently operating Parents as Teachers and similar programs are eligible to apply for funds under the Families for Literacy Pro-

gram. Effective programs now exist in many States. It is my hope that many of these entities will receive funds if and when they meet the specifications in the legislation.

Mr. SIMON. While we want to encourage States, nonprofit agencies and other entitles that do not now run such programs to apply for funds under the Families for Literacy Program, we also want to utilize the experience of those who currently are operating Parents as Teachers and similar programs to expand the benefits of these programs to families at risk for illiteracy-related programs. It is our intent that all entities meeting the specific eligibility requirements under the Families for Literacy Program, regardless of whether or not they are currently running similar programs, be eligible to apply for and receive funds under this title.

Mr. BOND. Another clarification I would like to make concerns the meaning of consortia under the Senator's bill. We have amended the "eligible entity" sections to read "nonprofit entity, or consortia of businesses, nonprofit entities, State educational agencies, local educational agencies, or other public agencies." Under this modified definition, it is my understanding that a State educational agency working through local educational agencies, as Missouri does, would comprise a "consortium" eligible for funds under the Families for Literacy title. Is this correct?

Mr. SIMON. The Senator is correct. While we encourage relevant groups and agencies in a community to join together to run these programs, any combination of entities listed under "consortia" would be eligible for funds under the families for literacy title.

Mr. BOND. I thank the sponsor for his accommodation, and I thank the Chair and yield the floor.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. SIMON].

Mr. SIMON. Again, Mr. President, the amendment offered by the Senator from Missouri is a good amendment that I think improves the package. We are very pleased to accept it on this side.

I commend the Senator from Missouri for his leadership as Governor in this area. Frankly, I was not that familiar with what he has done, and I am grateful not only for this amendment but for his helpfulness in this whole area. I appreciate it a great deal.

Mrs. KASSEBAUM. Mr. President, I join in that as well. I know as a neighboring State, Kansas, we look with some envy at the Missouri effort, and we are adopting in Kansas some aspects of the Parents as Teachers Program. As Governor of Missouri, Senator BOND was a strong leader in some innovative education programs that are now beginning to benefit many other areas of the country.

I associate myself with Senator SIMON's comment that I believe this strengthens the bill in this particular section. It can only benefit the whole package.

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my good friends from Illinois and Kansas.

I extend to each colleague and other colleagues who are interested a genuine invitation to visit Missouri to see some of these programs.

I thought the most exciting part would be the gathering of children in some of the third- and fourth-grade classes. I have found that the parents who come together, who share experiences, share concerns, and learn together are really the leaders in this battle. It is a very informative and a very exciting thing to witness, and I extend that invitation to any of my colleagues who may wish to take it.

The PRESIDENT pro tempore. The question is on adoption of the amendment by the Senator from Missouri.

The amendment (No. 1227) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The Senator from Kansas.

AMENDMENT NO. 1228

(Purpose: To provide financial assistance to raise the literacy skills of commercial drivers)

Mrs. KASSEBAUM. Mr. President, I wish to send to the desk an amendment of the Senator from Pennsylvania [Mr. HEINZ] with a statement, and ask for its consideration.

The PRESIDENT pro tempore. Is this one of the amendments that is enumerated?

Mrs. KASSEBAUM. Yes, it is. It concerns grants for commercial drivers' literacy programs. It has been agreed to on both sides.

The PRESIDENT pro tempore. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM], for Mr. HEINZ, proposes an amendment numbered 1228.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 75, between lines 2 and 3, insert the following:

"SEC. 373. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

"(a) PROGRAM AUTHORIZED.—(1) The Secretary is authorized to make grants on a competitive basis to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of commercial drivers which are necessary to successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

"(b) FEDERAL SHARE.—The Federal share of the costs of adult education programs authorized in subsection (a) shall be 50 percent. Nothing in this subsection shall be construed to require states to meet the nonfederal share from state funds.

"(c) ELIGIBLE INDIVIDUALS.—Individuals eligible to receive a grant under this section include—

"(1) private employers employing commercial drivers;

"(2) colleges, universities, or community colleges;

"(3) approved apprentice training programs; and

"(4) labor organizations, the membership of which includes commercial drivers; and

"(5) any other public or private organization the Secretary finds that would most efficiently educate commercial drivers.

"(d) DEFINITION.—The term 'commercial driver' means an individual required to possess a commercial driver's license under the Commercial Motor Vehicle Safety Act of 1986.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 1991 and 1992".

Mr. HEINZ. Mr. President, in 1986 Congress enacted the Commercial Motor Vehicle Safety Act. The law is intended to eliminate the practice of holding multiple drivers licenses which enable unsafe drivers to flimflam law enforcement by handing over whichever license has the fewest violations against it. Now, drivers who don't turn in multiple licenses face fines and possible imprisonment.

Another provision requires all drivers to obtain a commercial driver's license [DCL] by April 1992. Commercial vehicle operators must take both a written and driving skills test. Passing the driving test ought to be comparatively easy. Most drivers on the road today have excellent driving records and years of experience.

For some, however, getting through the written test will be a whole other story. I've seen a sample driver's manual. It will not be easy for those drivers who do not have sharp literacy skills. Many of the older, experienced drivers have not read a test and taken a written test since high school. They need remedial literacy training. If they do not get it, we could lose the experienced drivers we want in control of the big rigs and vehicles getting our children to school.

In fact, during the first few months after the new licensing procedure was initiated in California, over 50 percent of the driver applicants failed the written portions of their exam.

For this reason, I am offering this amendment to provide financial assistance to raise the literacy skills of commercial drivers. It provides $5 million over each of the next 2 years to help those drivers who need it. Eligible grantees include colleges and universities, approved apprentice programs, private employers, and unions.

I have received letters from many organizations in support of this effort. On June 13, the Pittsburgh Press wrote an editorial endorsing it. I ask unanimous consent that letters from the AFL-CIO, Teamsters, International Brotherhood of Electrical Workers, Service Employees, and the Press editorial be included in the RECORD following my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEINZ. Mr. President, we have all heard the regrettable reports concerning this Nation's illiteracy rate. The U.S. Department of Education estimates that the adult illiteracy rate is at least 13 percent—17 to 21 million people.

The commercial drivers who need literacy training earn a good living. They are making substantial contributions to the American economy. It is not right for them to lose their jobs or their rigs for which some have mortgaged their homes in order to buy them, because they could not pass a written test. They want to pass. They want to possess good reading skills.

I urge my colleagues to join me in helping to raise the literacy skills of these hard-working Americans. We can't affort to lose them.

EXHIBIT 1

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
Washington, DC, June 5, 1989.

Hon. JOHN. HEINZ,
U.S. Senate,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR HEINZ: The Commercial Motor Vehicle Safety Act of 1986 created a federal standard for the issuance of a commercial driver's license by the states. As you are aware, all commercial drivers must now pass a written and a driving skills test before obtaining this national license. Many states, including Pennsylvania, are rewriting their motor vehicle codes to satisfy the demands of this new federal standard. Some states have already implemented their commercial license programs which include the required testing provisions.

A number of drivers have experienced difficulty in passing the written part of the license test. This failure is based on individual reading abilities and not on the qualifications or driving skills of these drivers. Recently you introduced S. 1098, which would provide for a federal grant program to allow labor organizations to establish and maintain adult education programs to increase the literacy skills of commercial drivers. As General President of the International Brotherhood of Teamsters, which represents thousands of commercial drivers, I fully endorse and support your proposal. Your legislation will allow many drivers, who are competent and capable, to continue as productive and safe operators of commercial vehicles.

On behalf of Teamsters everywhere, I commend you and offer our deep appreciation for your efforts in this area.

Sincerely,

WILLIAM J. MCCARTHY,
General President.

D.R.I.V.E.-GEORGIA,
Atlanta, GA, August 2, 1989.

Hon. SAM NUNN,
U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: This Local Union fully endorses and supports Senate Bill 1098 and I strongly urge your help and support of this legislation. The new Commercial Driving License Bill as passed in Congress, which is now being implemented on a State by State basis, has created not only an administrative nightmare for the States, the trucking companies, and labor unions but it will create severe problems in obtaining a driving license to those many, many drivers who do not read and write well or at all.

For these reasons, this organization feels Senate Bill 1098 is vitally needed to help implement this program without penalizing those least able to obtain their license simply because of literacy problems.

I request your help in the passage of this bill.

Yours truly,

JERRY B. KING,
President.

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,
Washington, DC. June 13, 1989.

Hon. JOHN HEINZ,
U.S. Senate, Washington, DC.

DEAR SENATOR HEINZ: When Congress passed the Commercial Motor Vehicle Safety Act of 1986, none of us realized at the time that certain provisions of the law would adversely affect those drivers of commercial vehicles who do not possess literacy skills sufficient to pass the written examination to secure a commercial driver's license.

Because the livelihood of our members who fall within this category is in jeopardy, we brought this matter to your attention. Not only did you fully understand the problems of these workers, but you did something about it. You assisted them by introducing S. 1098.

On behalf of the members of the International Brotherhood of Electrical Workers, and all others who you are attempting to help by your efforts, I thank you.

With best wishes, I am,

Sincerely,

J.J. BARRY,
International President.

SERVICE EMPLOYEES INTERNATIONAL UNION,
Washington, DC, June 30, 1989.

Hon. JOHN HEINZ,
U.S. Senate, Washington, DC.

DEAR SENATOR HEINZ: On behalf of the 925,000 members of the Service Employees International Union, I'd like to extend my appreciation for your recent introduction of S. 1098, the bill providing for the remedial training of commercial drivers.

As you are aware, there has been a very direct impact felt by commercial drivers around the country due to the new testing imposed by the Commercial Motor Vehicle Code. Despite years of experience driving school buses and other vehicles, many are ill-prepared to take the written exams required under the new regulations.

We have received numerous inquiries from SEIU members with a confusion shared by many of their employers on the full scope and extent of the new tests. Even if they have spotless driving records, the anxiety of retaining their jobs often masks their true abilities when put to the written test.

Again, thank you for the initiative you have shown in recognizing those drivers who, with minimal guidance and assistance, can continue to move our country's people and goods around safely and effectively. Please let me know if we can be of any assistance to you in making S. 1098 pass swiftly through the Congress.

Sincerely,

JOHN J. SWEENEY,
International President.

[From the Pittsburgh Press, June 13, 1989]

LITERACY BEHIND THE WHEEL

Over the next few years, it may not be unusual to see a trucker devouring the contents of a training manual along with his meat and potatoes at a track stop. It's a scene that's sure to materialize as commercial drivers begin studying for an exam they must take to qualify for a national driver's license that the federal government will require by April 1992.

The national license, mandated by Congress two years ago, will be required of all drivers of buses, trucks of more than 26,000 pounds or those that haul hazardous materials. The aim of the national licensing system is to prevent long-haul drivers from holding several state licenses so they can avoid suspensions for traffic citations.

We were pleased with the establishment of a national system and we are even more gratified by a spin-off development: Many truckers will try to improve their reading and writing skills in an attempt to pass the exam.

Test study manuals and the tests themselves, although supposedly written at a sixth- or seventh-grade level, are baffling many truckers. In California, where the tests already are being administered, more than a third of the drivers failed on their first try.

The problem is not the driver's skills behind the wheel but their lack of skills behind a pencil and paper. Their reading and writing levels are not good enough to understand the 100-page manuals, leaving them ill-prepared for the tests.

Responding to the situation, the American Trucking Association and some unions in the industry are urging individual trucking companies to set up literacy and preparation courses for their drivers. And Sen. John Heinz, R-Pa., wants Congress to put some of its money where its laws are.

Senator Heinz has introduced legislation to provide up to $10 million in matching funds over the next two years to help pay for literacy training for the drivers.

Although it would be impossible to quantify, it is beyond doubt that a more literate truck driver would be a safer truck driver. Imagine the danger potential that exists when, say, a trailer truck driver who can't read or who has only minimal reading skills comes upon an unfamilar direction sign at 55 mph.

We share the notion that trucking companies should help their drivers prepare for tests by improving their literacy skills. And we think Congress should do its part, too,

by providing the matching funds Sen. Heinz is seeking.

AMENDMENT ON LITERACY SKILLS OF COMMERCIAL DRIVERS

Mr. SPECTER. Mr. President, I am pleased to join Senator HEINZ as a cosponsor of an amendment of S. 1310, the National Literacy Act of 1989, which would provide financial assistance to raise the literacy skills of commercial drivers.

In 1986 Congress passed the Commercial Motor Vehicle Safety Act which requires every commercial vehicle operator to obtain a commercial driver's license [CDL] by April 1992. In order to obtain a license, commercial vehicle operators will be required to pass both a written and driving test. While many of the affected drivers are extremely competent and have years of driving experience, they may face the loss of their jobs because they lack the reading skills necessary to obtain an 80-percent mark required on the written test. Clearly, this has the potential to significantly disrupt the commercial transportation labor force not only in the Commonwealth of Pennsylvania, but throughout the Nation.

I have been concerned about this issue since it first arose and in that regard sought the assistance of Secretary of Education Cavazos and Secretary of Labor Dole in identifying Federal resources available to defray the costs of literacy training.

The new literacy requirement demands a cooperative effort on the part of private employers, colleges and universities, labor organizations, the Federal Government and others to meet the literacy needs of the Nation's commercial vehicle operators. This amendment would fulfill the Federal Government's obligation to contribute to this effort by authorizing the Secretary of Education to make grants to help pay the costs of establishing and operating adult education programs which increase the literacy skills of commercial drivers.

Mr. President, this amendment will do much to contribute to two important goals: ensuring the safety of our Nation's roads and increasing the literacy rate among our citizenry. I am pleased to be a part of this effort and will continue to work to achieve these goals in a fair and equitable manner.

Mr. SIMON. Mr. President, this is not only acceptable on this side, I think it is a very good amendment. I frankly was not aware of what we had done in the Senate in terms of maintenance requirements of truck drivers, and all of a sudden at some of my town meetings people have been coming up saying we face some real problems.

I think Senator HEINZ' amendment addresses a very real problem here and I am very pleased to accept the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by Mrs. KASSEBAUM on behalf of Mr. HEINZ.

The amendment (No. 1228) was agreed to.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1229

(Purpose: To include certain classroom teachers on the State Advisory Council)

The PRESIDENT pro tempore. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I send to the desk an amendment on behalf of Senator ARMSTRONG of Colorado.

The PRESIDENT pro tempore. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] for Mr. ARMSTRONG, proposes an amendment numbered 1229.

On page 69, line 6, strike "Council." and insert "Council. The Council shall also include classroom teachers who have demonstrated outstanding results in teaching children or adults to read".

Mrs. KASSEBAUM. MR. President, this is an amendment that adds classroom teachers to state literacy advisory councils.

I know that Senator ARMSTRONG feels, and the committee agrees, that this amendment would serve a very useful function. This amendment strengthens the advisory council by having teachers who certainly understand the problems being members of the council.

Mr. SIMON. Mr. President, this is a good amendment and we are pleased to accept it.

Mr. ARMSTRONG. Mr. President, I thank the managers of the bill for agreeing to accept my amendments to the National Literacy Act. We are all extremely concerned about the increasing amount of illiteracy in our Nation, and therefore it is critical we make information and training about successful methods of teaching children and adults to read available to as many teachers as possible.

My first amendment would require each State council to include at least one classroom teacher who has demonstrated outstanding results in teaching children or adults to read.

The bill requires that representatives of State government, labor organizations, and private and voluntary organizations be members of State councils. I am pleased that those most able to help in setting measurable goals for the long-term education of illiterate adults, children and their families—the classroom teacher—will now be represented.

There are many excellent teachers of reading whose expertise on "what works" in the classroom will be invaluable to the State councils. The councils are responsible for disseminating information on literacy programs that can be replicated at the local level, and teachers who are directly involved in implementing successful literacy programs will insure that the very best programs, those that work, will be made available to the widest possible audience.

My second amendment would assure that training and technical assistance on a variety of reading methods can be made available to teachers and to others who are involved in teaching others to read.

Mr. President, I want to make it absolutely clear that education is a local and State concern, and that more Federal programs alone are not the answer to the crisis we all recognize exists in our schools today. And further, I agree that the Federal Government has no business mandating that certain methods of instruction be used.

My amendment would simply allow professional teachers, volunteers, and administrators to be trained in methods of teaching reading that more than 60 years of research have proven effective. And it isn't just research that has proven these methods effective, it is the experience of thousands of classroom teachers as well.

Mr. President, let me touch briefly on both research and classroom practice. In a major new study on reading instruction released in January 1990 entitled, "Beginning to Read: Thinking and Learning about Print," Marylyn J. Adams, a researcher at Bolt, Beranek and Newman Inc., in Cambridge, MA, recognizes phonics as an essential ingredient of early reading instruction. She concludes that: "Research indicates that to become proficient readers, children need to learn and be able to use the relationships between letters and sounds and that explicit instruction of these relationships leads to improved reading achievement." She goes on to recommend that once the fundamental phonetic structure of the language is taught to children, they should be "given as much opportunity and encouragement as possible to practice their reading." This study is just one more indication in more than 60 years of research, much of it sponsored and paid for by the Federal Government, that reaches the same conclusion.

Mr. President, perhaps the best summary of all of these research findings is the conclusion reached by Lauren Resnick and Phyllis Weaver of Harvard after editing a three volume collection of papers on the "Theory and Practice of Early Reading": "First, as a matter of routine practice, we need

to include systematic, code-oriented instruction; that is, phonics in the primary grades, no matter what else is also done. This is the only place in which we have any clear evidence for any particular practice."

Mr. President, for too long we have been unwilling to deal with the root cause of the problem of illiteracy in America and that is the flawed methods we have used to teach our children to read. I believce my amendments to the National Literacy Act will provide the opportunity for teachers to receive information and training in such tried and proven methods as Orton-Gillingham, Spaulding, Cardin, and many other programs where intensive systematic phonics is used, but without mandating any of them.

Teachers who use these methods are enthusiastic about them, because they work. In one school district in New Hampshire for example, teachers were trained in the principles of systematic phonics, and the results were so dramatic that all of their colleagues joined the trial program. After 2 years the test scores climbed to, and remained at, the mid-to-high 60th percentile range. In Arizona, Sunnyside School District introduced phonics instruction at Gallegos Elementary School in Tucson. The results were immediate and positive. The school was open to everyone on a "first come, first served" basis; the capacity was 623 students; 58 percent were minority students; many children came from low-income families; no Federal money came to the school other than the school lunch program. After 1 year, only four students remained in the special education category, and 33 percent of students on the district honor roll were from Gallegos; and perhaps most important of all, 46 percent of the students in the intermediate grades were former special education students.

Mr. President, these are not just isolated examples. There are thousands of teachers who are using phonics as the first step in teaching children to read, and are finding the same success with their students. If we apply the recommendations of the years of research, and retrain our classroom teachers, we can eliminate illiteracy before the year 2000.

The Republican Policy Committee released a study in September 1989 entitled "Illiteracy: An Incurable Disease or Education Malpractice?" and sent it to Governors, State legislators, educators, the business community and interested citizens. The response has been overwhelmingly positive. More than 12,000 copies of the report have been sent out since September 1989 and requests still average more than 200 copies per week. I ask unanimous consent that this report be printed in the RECORD.

I again thank my colleague Senator SIMON for his support of my amendments, and his willingness to make them a part of the National Literacy Act.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[U.S. Senate Republican Policy Committee, Sept. 13, 1989]

ILLITERACY: AN INCURABLE DISEASE OR EDUCATION MALPRACTICE?

"Learning to read is like learning to drive a car. You take lessons and learn the mechanics and the rules of the road. After a few weeks you have learned how to drive, how to stop, how to shift gears, how to park, and how to signal. You have also learned to stop at a red light and understand road signs. When you are ready, you take a road test, and if you pass, you can drive. Phonics-first works the same way. The child learns the mechanics of reading, and when he's through, he can read. Look and say works differently. The child is taught to read before he has learned the mechanics—the sounds of the letters. It is like learning to drive by starting your car and driving ahead. . . . And the mechanics of driving? You would pick those up as you go along."—Rudolf Flesch, Why Johnnie Still Can't Read, 1981.

Illiteracy in America is still growing at an alarming rate and that fact has not changed much since Rudolf Flesch wrote his best selling expose of reading instruction in 1955. Illiteracy continues to be a critical problem, demanding enormous resources from local, state, and federal taxes, while agruments about how to teach children to read continue to rage within the education research community, on Capitol Hill, in business, and in the classroom.

The International Reading Association estimates that more than one thousand research papers are prepared each year on the subject of literacy, and that is very likely a low figure. For the past 50 years, America's classrooms have been used by psychologists, sociologists, educationists, and politicians as a giant laboratory for unproven, untried theories of learning, resulting in a near collapse of public education. It is time we begin to move away from "what's new" and move toward "what works."

HERE ARE THE GRIM STATISTICS

As much as a quarter of the American labor force, anywhere from 20 to 27 million adults, lack the basic reading, writing, and math skills necessary to perform in today's increasingly complex job market.

One out of every four teenagers drops out of high school, and of those who graduate, one out of every four has the equivalent of an eighth grade education.

According to current estimates, the number of functionally illiterate adults is increasing by approximately two and one quarter million persons each year. This number includes nearly 1 million young people who drop out of school before graduation, 400,000 legal immigrants, 100,000 refugees, and 800,000 illegal immigrants.

Eighty-four percent of the 23,000 people who took an exam for entry-level jobs at New York Telephone in 1988, failed.

More than half of Fortune 500 companies have become educators of last resort, with the cost of remedial employee training in the three R's reaching more than 300 million dollars a year.

One estimate places the yearly cost in welfare programs and unemployment compensation due to illiteracy at six billion dollars. An additional 237 billion dollars a year in unrealized earnings is forfeited by persons who lack basic reading skills, according to Literacy Volunteers of America.

The federal government alone has more than 79 literacy-related programs administered by 14 federal agencies.

The total amount of money being spent on illiteracy by the federal government can only be guessed at, because there has never been a complete assessment prepared. A conservative estimate would place the amount at more than ten billion dollars each year, and growing steadily.

WHY DOES AMERICA HAVE A READING PROBLEM?

The question that must be asked is this: Why does America have a reading problem at all? We are the most affluent and technologically advanced of all the industrial nations on earth. We have "free" compulsory education for all, a network of state owned and operated teachers' colleges, strict teacher certification requirements, and more money and resources dedicated to educating our children than any other nation on earth.

WHY JOHNNIE CAN'T READ PROVIDES AN ANSWER

Rudolf Flesch, author of *Why Johnny Can't Read* wrote the following in a letter to his daughter in 1955, after teaching his grandson to read:

"Since I started to work with Johnny, I have looked into this whole reading business. I worked my way through a mountain of books and articles on the subject, I talked to dozens of people, and I spent many hours in classrooms, watching what was going on.

What I found is absolutely fantastic. The teaching of reading—all over the United States, in all the schools, in all the textbooks—is totally wrong and flies in the face of all logic and common sense. Johnny couldn't read until half a year ago for the simple reason that nobody ever showed him how."

Time magazine called his book "the outstanding educational event of that year" and suggested that he represented "the devil in the flesch" to the education establishment.

There is an answer to "why Johnny can't read," but the answer is tough medicine to swallow. It requires education professionals, who for years have been engaged in a form of education malpractice, to admit that the methods of teaching reading they have vigorously advocated and staunchly defended ever since the 1930's are dead wrong.

If we are to seriously reverse the increasing number of illiterate adults in America and prevent the problem of illiteracy, we must swallow the medicine, as quickly as possible, and reject the instructional methods that have resulted in the widespread illiteracy we have today.

EVERYONE CAN BE TAUGHT TO READ

Historically, all American school children were taught to read. Teachers never considered that a child "could not" be taught to read, and remedial reading was unheard of. In fact, the first remedial reading clinic opened in 1930, soon after the results of the "look and say" (the so called "Dick and Jane" program) reading methods were beginning to be felt.

Up until the early part of the 20th century, children were taught to read by first learning the alphabet, then the sounds of

each letter, how they blended into syllables, and how those syllables made up words. They were taught that English spelling is logical and systematic, and that to become a fluent reader it was necessary to master the alphabetic "code" in which English words are written, to the point where it [the code] is used automatically with little conscious thought given to it.

Once a child learned the mechanics of the code, attention could be turned to more advanced content. It seldom, if ever, occurred to teachers to give children word lists to read, or to make beginning readers memorize whole words before learning the components of those words, or to memorize whole stories as today's proponents of the "whole language approach" recommend.

Based on a 1987 study funded by the U.S. Department of Education, *Preventing Reading Failure: The Myths of Reading Instruction*, 90 percent of remedial reading students today are not able to decode fluently, accurately, and at an automatic level of response. In a March, 1989, Phi Delta Kappan article, Harvard Professor Jeanne Chall (author of *Learning to Read: The Great Debate*, 1983) cites a study by Peter Freebody and Brian Byrne, that confirms the same finding. Today's students are not being taught the fundamental structure of language, but rather are engaged in what Dr. Kenneth Goodman (a proponent of "the whole language approach") has called a "psycholinguistic guessing game."

TWO WAYS TO TEACH READING

One method is usually called "look and say" but many other labels are, or have been used to describe it, such as: the whole-word method; language experience; psycholinguistics; or whole language. The "look and say" method teaches that children should memorize or "guess" at words in context by using initial letter or picture clues. According to estimates given in one widely used "look and say" reading series, a child taught this method should be able to recognize 349 words by the end of the first grade; 1,094 by the end of the second; 1,216 by the end of the third; and 1,554 by the end of the fourth grade. Learning to read this way is supposed to be more meaningful and fun. This method is currently used by nearly 85 percent of the schools in the United States.

Another method is called intensive, systematic phonics. This method is used to teach children how to sound out and blend the letters that make up words in a specific sequence, from the simple to the complex. Today, educators call this method the "code" approach because it teaches the skills and logic children need to understand the English spelling system. When a child comes to school he/she has a spoken vocabulary of more than 24,000 words. Children taught to read using systematic phonics can usually read and understand at least as many words as they have in their spoken vocabulary by the end of the fourth grade. Less than 15 percent of the schools in the United States use this method.

TEACHING READING: A BIT OF HISTORY

Teaching children to read is the most important objective educators have to accomplish. Reading is a prerequisite for everything else, not only in school but in life itself. Western civilization has taught its children to read using an alphabetic approach ever since the Phoenicians invented the alphabet and the Egyptians stopped writing in hieroglyphics. English is an alphabetic language that, when written, uses letters to represent speech sounds. When students were taught to read, they consciously identified the speech sounds and learned to recognize the letters used to represent them. They were then trained to apply this information to "decode" the names of unknown written words, understand their meaning, and comprehend the information presented as a complete thought.

The English language contains approximately half a million words. Of these words, about 300 compose about three-quarters of the words we use regularly. In schools where the "look and say" method is taught, children are constantly memorizing "sight" words during the first three or four grades of school, but are never taught low to unlock the meaning of the other 499,000 or more words. Reading failure usually shows up after the fourth grade, when the volume of words needed for reading more difficult material, in science, literature, history, or math cannot be memorized quickly enough. The damage to children who have not been taught phonics usually lies hidden until they leave the controlled vocabulary of the basal readers, for more difficult books where guessing, or memorizing new words just does not work. The result is that textbooks in the middle and upper grades are "dumbed" down to a fourth or fifth grade reading level.

This is the real reason why the SAT scores have dropped to such low levels during the last three decades.

BLAISE PASCAL—THE INVENTOR OF MODERN SYSTEMATIC LANGUAGE INSTRUCTION

From the time the alphabet was invented until the time of French scientist and mathematician Blaise Pascal, reading was taught by memorizing the sounds of syllables, and then stringing them together to make words. But Pascal found that by separating the syllables into their letter parts one could learn to read more effectively and efficiently. His method was intended only to assist in the very beginning stages of reading, when a child is learning the printed syllables of his own language.

Former teacher and research Geraldine Rodgers puts it this way: "It was only for this purpose that Pascal invented it [phonics], to make the previously almost unending memorization of regularly formed syllables . . . unnecessary. But phonics WORKS, and has since 1655. So it is not surprising that it was invented by one of the most towering mathematical and scientific geniuses in history, Blaise Pascal . . ."

19TH CENTURY: "LOOK AND SAY" INTRODUCED

In 1837, Horace Mann, a lawyer and Secretary of the Massachusetts Board of Education, proposed to the Boston School Masters the adoption of a "new method" of reading that began with the memorization of whole words rather than just learning the letter sounds and blending them into words. His "new method" was based on the work of Thomas A. Gallaudet who had developed a method to teach deaf children to read. Since deaf children had no ability to "sound out" letters, syllables, or words, the constant repetition of "sight" words from a controlled vocabulary seemed to be the most efficient way to teach them to read.

Adapting the work of Gallaudet, Horace Mann and his wife Mary developed a reading program that applied the same principles to students who had no hearing impairment. His method was tried for about six years in the Boston schools, and then soundly rejected by the Boston School Masters in 1844. Samuel Stillwell Greene, then principal of the Phillips Grammar School in Boston, expressed the views of the Boston School Masters, and the following excerpt from his essay is as relevant today as it was in 1844:

"Education is a great concern; it has often been tampered with by vain theorists; it has suffered much from the stupid folly and the delusive wisdom of its treacherous friends; and we hardly know which have injured it most. Our conviction is, that it has much more to hope from the collected wisdom and common prudence of the community, than from the suggestions of the individual. Locke injured it by his theories, and so did Rousseau, and so did Milton. All their plans were too splendid to be true. It is to be advanced by conceptions, neither soaring above the clouds, nor groveling on the earth,—but by those plain, gradual, productive, common-sense improvements, which use may encourage and experience suggest. We are in favor of advancement, provided it be towards usefulness. . . . We love the secretary, but we hate his theories. They stand in the way of substantial education. It is impossible for a sound mind not to hate them."

20TH CENTURY: "LOOK AND SAY" ESTABLISHED

The establishment of the normal school to train teachers at the same time Horace Mann was promoting the "new method" was not coincidental because these institutions became the vehicle by which to continue promoting the "new method." With the help of John Dewey at the University of Chicago, Arthur Gates at Teachers College Columbia, and the growing network of normal schools springing up around the country, direct, intensive, systematic phonics was debunked in favor of the whole word "look and say" method of teaching reading, with no research to support it.

THE BASAL READER

In 1930-31, William S. Gray and Arthur I. Gates introduced a "basal reading" series which incorproated the methods used to teach the deaf to read. Today's basal reading books, used by nearly 85 percent of American school children, are essentially the same as the 1930-31 Gates and Gray books. Their most harmful aspect is their rigidly controlled vocabulary, and emphasis on memorizing whole words before the letter sounds are learned. Some researchers believe dyslexia is actually caused by this reversal of the noraml learning sequence.

Children trained to read by the "look and say" method are made almost deaf to print if they are unable to sound out a printed new word like "gate" or "frog" by the beginning of second grade. In fact, they are almost as deaf to the sounds of the printed words as a deaf person is to the sounds of spoken words.

RESEARCH PROVIDES THE ANSWER

In 1967, Harvard Professor Jeanne Chall released her review of reading methods with the conclusion that:

"[The phonics approach (code emphasis) produces] better results, at least up to the point where sufficient evidence seems to be available, the end of the third grade. The results are better, not only in terms of the mechanical aspects of literacy alone, as was once supposed, but also in terms of the utlimate goals of reading instruction-comprehension and possibly even the speed of reading."

In 1973, Dr. Robert Dykstra, professor of education at the University of Minnesota, reviewed 59 studies and concluded that:

"We can summarize the results of 60 years of research dealing with beginning reading instruction by stating that early systematic instruction in phonics provides the child with the skills necessary to become an independent reader at an earlier age than is likely if phonics instruction is delayed or less systematic."

In 1973, Samuel Blumenfeld wrote *The New Illiterates,* which further exposed the history of how our children are being damaged by being taught reading with improper methods:

"In the course of researching this book, I made a shocking, increible discovery: that for the last forty years the . . . children of America have been taught to read by a method originally conceived and used in the early 1800s to teach the deaf how to read, a [experimental] method which has long since been discarded by the teachers of the deaf themselves as inadequate and outmoded. Yet, today, the vast majority of . . . American children are still being taught by this very method. The result has been widespread reading disability."

In 1979, a three-volume collection of papers by leading researchers was published titled *Theory and Practice of Early Reading,* edited by Lauren Resnick of the University of Pittsburgh and Phyllis Weaver of Harvard. Of the 59 contributors, 53 (about 90 percent) were in favor of systematic phonics and against the prevailing "look and say" method, which they considered harmful.

Following is one quote from this study that is of particular significance:

"First, as a matter of routine practice, we need to include systematic, code-oriented instruction in the primary grades, no matter what else is also done. This is the only place in which we have any clear evidence for any particular practice."

In 1983, Harvard professor Jeanne Chall reaffirmed her previous research findings and recommended that teacher training be changed to require the teaching of intensive, systematic phonics, essentially the same approach that had been used successfully before the "look and say" method was introduced.

In 1985, the U.S. Department of Education released a report prepared by the Commission on Reading titled *Becoming a Nation of Readers,* which once again confirmed the obvious:

"Classroom research shows that, on the average, children who are taught phonics get off to a better start in learning to read than children who are not taught phonics. . . . The picture that emerges from the research is that phonics facilitates word identification and that fast, accurate word identification is a necessary but not sufficient condition for comprehension. . . . Thus, the issue is no longer, as it was several decades ago, whether children should be taught phonics. The issues now are specific ones of just how it should be done."

This fall, 1989, another major study will be released by the Center for the Study of Reading at the University of Illinois, titled *Beginning to Read: Thinking and Learning About Print, A Summary,* by Marilyn Jager Adams. This study will be of particular interest to teachers, because it once again reaffirms the need to teach the English language as a system, and suggests that well-developed concepts about the form and function of print, including rapid recognition of letters, awareness of sounds in spoken words, and rich experience with books and stories, are important underpinnings for children's success in learning to read.

HOW HAVE THE READING PROFESSIONALS RESPONDED TO RESEARCH FINDINGS

Since admitting fault is not an easy thing for anyone to do, most education professionals respond to research findings that advocate the teaching of intensive systematic phonics with the following excuses: there isn't an illiteracy problem; we do teach phonics; no one method is best; English isn't phonetic; word calling isn't reading; the child isn't ready; the child has a reading disability; it's the parents fault; it's too much TV. But if we are to solve the problem of illiteracy in America, we must stop making excuses and take immediate action to change the methods of teaching.

In December of 1982, a survey of 1609 professors of reading in 300 graduate schools was conducted. When asked which reading authorities of all time, in their opinion, had written the most significant, most worthy, "classic" studies in reading, the top three individuals on the list, in order, were Frank Smith, Kenneth Goodman and Edmund Huey, all well-known, vociferous, dedicated, dogmatic, enemies of early, intensive teaching of phonics. Frank Smith and Kenneth Goodman are two of today's most influential proponents of the "look and say" or as they would term it, "whole language" method of teaching reading.

San Diego State University Professor Patrick Groff recently reviewed 43 reading texts, all published in the 1980's and used by teacher's colleges in training reading teachers, to see if they included the findings of researchers that the "code-emphasis" or phonics method of teaching reading should be used. He found that none of these books advocate phonics. In fact, only nine of these books inform teachers that there is current debate about if or when phonics should be taught.

Despite the overwhelming volume of research supporting early, intensive, systematic instruction in phonics, college textbooks used by most university departments of education fail to apply this research in the training of prospective teachers.

The National Education Association declared in the 1983-84 Annual Edition of *Today's Education* that "the overemphasis on phonics with beginners" is now "ready for the scrap heap."

WHY DO FAULTY METHODS CONTINUE TO BE USED? IT'S BIG BUSINESS!

The sale of instructional reading programs is big business today, as it has been since the 1930's when the basal reading series for elementary schools were introduced.

Each year publishing companies compete for the adoption of reading programs in states like California and Texas where millions of dollars of expendable "look and say" workbooks are purchased every year. Many Americans will recognize Dick and Jane, Alice and Jerry, Janet and Mark, Danny and Sue, or Tom and Betty. These are the characters in the "look and say" readers that most of us have grown up with.

The 1986 National Advisory Council on Adult Education report, *Illiteracy in America* cites several examples of how the cost of reading instruction can be reduced, while at the same time improving reading scores:

"In her book, *Programmed Illiteracy in Our Schools,* [Mary Johnson] says that: 'The workbooks to a sight method ["look and say"] basal series soon become superfluous whenever phonics is taught by a direct method. . . . the annual expenditure on workbooks was more than four times greater than that on hardcover readers [used in a phonics first program]. (The workbooks have to be replaced each year because the children write in them.)' "

The Superintendent of Schools in Seekonk, MA, hired a private sector organization to train his primary-grade teachers in intensive systematic phonics. The cost of reading materials to implement the new program was eighty-eight percent less per pupil than the "look and say" reading program previously used in the district.

"Mr. H. Marc Mason, Principal of Benjamin Franklin Elementary School in Mesa, Arizona, said that in 1978 his school spent $23.42 per student on reading materials. In the same year his teachers were trained [to teach phonics]. By 1981, expenditures for reading materials had dropped to $8.50 per student, [while at the same time] achievement scores . . . surpassed the national, state, and district norms in language as well as in math."

ADDITIONAL OBSTACLES TO READING REFORM

In his book *Preventing Reading Failure: An Examination of the Myths of Reading Instruction,* Dr. Patrick Groff devotes an entire chapter to a question that is most commonly asked: Why do the myths of reading instruction prevail? The answer is summarized below.

There is no single reason for the fact that research findings are not applied in teacher training institutions, or in the classroom. Common sense is defeated by the:

Forces of tradition;

Interlocking relationships between basal reader publishers and reading experts;

Refusal of reading experts to accept outside criticism;

Reading experts' lack of knowledge about phonics teaching, negative biases toward phonic instruction, and fear that phonics advocacy equals political conservatism;

Negative attitudes toward phonics by teacher's organizations;

Unsubstantiated information in educational publications;

Expectancy that research will not affect teaching practices;

Refusal to admit that there is a literacy crisis;

Lack of legal redress for malpractice in reading instruction; and

Establishment of public schools and teacher education is a monopoly.

HOW DO TEACHERS FEEL ABOUT READING METHODS?

Most teachers use methods of teaching reading that their professors teach them, or they follow the teachers guide for the textbook series used in their school system, neither of which present logical and systemic instruction in phonics.

In an *Education Week* article, June 12, 1985, Rudolf Flesch concluded:

"Decades of painstaking research have shown that neither our schools nor our teachers are to blame [for the illiteracy problem in America]. Rather, the fault lies with a method of teaching reading that was first proposed for general use in 1927 and has since been adopted in most of our schools. It is called the 'whole-word' ['look and say'] method because it relies on memorizing the shapes and meanings of whole words. It was introduced with the best intentions: the idea was to make learning to read more fun for our children. Today, it is almost universally used in this country."

The results are evident in an illiteracy rate that is the highest in our history. We should not place the blame on our teachers but rather, we need a major overhaul of our

teacher training institutions. We will not halt the continued spread of illiteracy in America without this critical reform.

THE READING REFORM FOUNDATION—MOVING FROM WHAT'S NEW TO WHAT WORKS

In the forefront of the effort to apply research findings to the teaching of reading has been the Reading Reform Foundation (RRF), organized in 1961. Since that time hundreds of teachers and thousands of children have benefitted from the practical application of the sound, proven, techniques of reading instruction RRF has promoted. Below are just a few of the success stories that can be told, and the implication for the nations' schools should be crystal clear.

If children are taught intensive, systematic phonics at any early age, until it is automatically applied in the reading process, then illiteracy is dramatically reduced, comprehension improves, and remediation is virtually unnecessary, except for very few.

Example 61: Ask Mary Musgrave, Principal, Gallegos Elementary School, Tucson, AZ:

Mary was a teacher in the Sunnyside School District for fifteen years where achievement in reading, math, and writing was always last. "People would say, 'Well, it's these children.' That offended me because I subscribe to the idea that 'God don't make no junk'" She was appointed to a study committee to come up with recommendations on how to improve achievement levels, and one suggestion that the committee approved was to introduce "phonics." Mary had been taught that phonics was "grunt and spit," and that children taught phonics had no fluency in reading and, even if they could read they had no comprehension or understanding. Many other policies were adopted by the review committee, including ways to involve parents, improve discipline, and strengthen teacher training, but the most important policy was the introduction of intensive systematic phonics. After four years the results were unassailable.

The school was open to everyone in the district on a "first come, first served" basis; the capacity was 623 students; 58 percent were minority students; many children came from low-income families; no federal money came to the school other than the school lunch program; there were no learning disabilities teachers, and no need for them; there was no bilingual education because everyone spoke English, and even if children didn't speak English when they came into the school, they did when they left; the grading system had a higher standard than the other 18 schools in the district, and yet 33 percent of students on the district Honor Roll were from Gallegos; and perhaps most important of all, 46 percent of the students in the intermediate grades were former special education students. After one year, only four students remained in the special education category.

The inescapable conclusion:

Teach intensive systematic phonics!

Example No. 2—Ask Charles Micciche, former Superintendent of Schools in Groveton, NH: (Currently Superintendent of Schools in Seekonk, MA)

When Mr. Micciche became Superintendent of Schools, in Groveton, NH, he served one of the 20 poorest counties in the country. He was charged by his School Board to "do something" about the poor reading scores, which were then averaging in the 45th percentile. Everyone, including teachers, parents, and board members, was dissatisfied. After considerable study and research, he concluded the following: "At a point in our not too distant past—some would put the time in the 1920's or '30's—a conflagration was let loose in our nation's classrooms, a bonfire of confusion in the form of a new reading method, look-say, or whole word, which devastated the reading ability of several generations of children, which blackened the landscape of reason, which has given us the scarred legacy we recognize today as illiteracy." But rather than wring his hands in despair, or ask for more money, Mr. Micciche and his teachers decided to try intensive systematic phonics. After a two-week training course, about a third of the primary teachers wanted to try the system. Within three months, the success of their children was so dramatic, all of their colleagues joined in the trial program. Another full year's trial was conducted, and the test scores climbed to, and remained at, the mid-to-high 60th percentile range. At the urging of the staff, and with the enthusiastic support of the parents, intensive phonics was in, and "look and say" was out.

The success of intensive systematic phonics was evident in the improvement of academic achievement, but another side benefit not to be overlooked was it's cost-effectiveness. The old "look and say" system was costing about twenty dollars per child per year to maintain. The cost of the new program over an eight year period amounted to an average annual cost of less than three dollars per pupil. All of this for a program that worked, satisfied the staff and community, lifted reading scores to the mid-sixties on standardized tests, and gave remarkable reading power and enjoyment to the children.

The inescapable message:

Teach Intensive Systematic Phonics!

Example No. 3—Ask Sue Dickson, Author and former first grade teacher:

"In college I had been taught that phonics doesn't work, that the English language is too complicated to be taught that way, and I swallowed that reasoning hook, line and sinker. . . . So, during my first two years as a teacher, I didn't use any phonics. But in 1954[sic], my mother bought a book by Rudolf Flesch called 'Why Johnny Can't Read." At first Sue rejected his recommendations. After all she was "the one . . . with the teaching degree." Finally she decided that she had to do something because ". . . I was losing whole groups of students through the cracks. . . . I decided I would give phonics a try. But I was so scared. My professors had been so adamantly against it. [But the result was that] my class had scored so high on the standardized tests that the [school] administrators thought I had cheated [in reporting my test scores]!" She never went back to teaching "look and say" again.

Then she began to develop her own system of teaching reading, using the principles of phonics, but also using music to make it easier for the children to learn the letter sounds. It took her thirty years to perfect the system, but now hundreds of teachers are using her program with thousands of children, from Maine to California, Michigan to Texas! One school system in Mississippi that used the program in 1988 found that students who were first graders in 1987 improved their reading performance by 42 percentile points on the Standard Achievement Tests. Reading comprehension improved 34 percentile points, and spelling went up 30 points.

The message is clear:

Teach Intensive Systematic Phonics!

WHAT FEDERAL PROGRAMS IMPACT ILLITERACY

According to the Congressional Research Service, Federal assistance for adult education and literacy programs is primarily authorized through the Adult Education Act (AEA). The AEA serves 3.5 million people annually, with an FY89 appropriation of $155 million. Compensatory education (Chapter 1) is specifically targeted toward low income families, and teaching reading is a major emphasis of this program. The FY89 funding for Chapter 1 is $4.5 billion.

Several major studies that have addressed the extent of illiteracy have been funded by the federal government over the years. These include the "National Assessment of Educational Progress," "Follow Through," the "Adult Performance Level" (APL) study, and most recently, the Commission on Reading report, *Becoming a Nation of Readers*, which provided a synthesis of reading research and the present state of the art of reading instruction.

The cumulative amount of money spent on illiteracy by the federal government over the past 25 years has been staggering. The following three programs are only the tip of the iceberg:

Chapter I, cumulative funding from 1966 to 1989=$61 billion;

Right to Read, cumulative funding from 1971 to 1981=$220 million; and

Bilingual education, cumulative funding from 1967 to 1989=$1.7 billion.

The six government agencies that provide the most funding for the problem of illiteracy are: The U.S. Departments of Education (29 programs), Labor (3 programs), HHS (12 programs), Justice (2 programs), Defense (5 programs), and State (2 programs).

RECOMMENDATIONS

1. There should be a moratorium on the establishment of new federal programs to prevent illiteracy, until an assessment is conducted to determine the effectiveness of those programs already in existence.

2. On September 30, 1986, P.L. 99-425 Sec. 901 was approved by the Congress. The law requires the following:

"(a) STUDY.—The Secretary of Education . . . shall conduct a study in order to compile a list, by name, of beginning reading instruction programs and methods, including phonics, indicating—

(1) the average cost per pupil of such programs and methods; and

(2) whether such programs and methods do or do not present well-designed instruction as recommended in the report of the Commission on Reading entitled "Becoming a Nation of Readers".

The listing required by this section shall be written in such a way as to be understandable to the general public.

(b) PUBLIC COMMENT.—In carrying out the study required by this section, the Secretary shall solicit public comments on beginning reading programs and methods.

(c) REPORTS.—The Secretary shall prepare and submit to the Congress such interim reports of the study and listing as the Secretary deems advisable. The Secretary shall prepare and submit a final report containing the listing required by this subsection to the Congress not later than 12 months after the date of the enactment of this Act. The Secretary shall publicize and disseminate nationally the listing required by this section to the education community, parents, and to other interested persons."

This report was due on September 30, 1987, but has yet to be submitted to Congress.

3. Education is primarily a state and local responsibility, however, in some cases the federal government provides funds directly for reading instruction. For instance: teachers providing reading instruction in the 90-day mandated literacy program for federal prisoners; federally funded reading teachers for refugees or immigrants; reading teachers in the Department of Defense dependent schools; teachers of clients in the Job Training Partnership Act basic skills programs; reading teachers in schools that are recipients of Chapter I (Compensatory Education) funds; teachers in bilingual education programs; or reading teachers in any other federally funded program where improving literacy is an objective. In these cases teachers should be required to be trained in intensive systematic phonics. Restrictions in existing legislation, that would prohibit program funds from being used for such training, should be removed.

4. Encourage the nation's Governors to evaluate reading programs in state funded teacher training institutions, and propose legislation requiring teachers to be taught intensive systematic phonics as part of their training to teach in the public schools.

An example is the Ohio law [To Reform The States Education System and To Increase Education Accountability: Amended Substitute Bill #140] that was enacted in 1989, and reads as follows:

"(M) [The State Board of Education shall] formulate and prescribe minimum standards requiring the use of phonics as a technique in the teaching of reading in grades kindergarten through three. In addition, the State Board shall provide in-service training programs for teachers on the use of phonics as a technique in the teaching of reading in grades kindergarten through three."

The overwhelming evidence from research and classroom results indicates that the cure for the "disease of illiteracy" is the restoration of the instructional practice of intensive, systematic phonics in every primary school in America!

SOURCES

R.C. Anderson, E.H. Heibert, J.A. Scott, and I.A.G. Wilkinson, *Becoming a Nation of Readers: The Report of the Commission on Reading*, 1985.

Jeanne Allen, *Illiteracy In America: What To Do About It*, The Heritage Foundation, Washington, DC, Feb., 1989.

Robert R. Arnove and Harvey J. Graff, *National Literacy Campaigns: Historical and Comparative Lessons*, Phi Delta Kappan, Nov., 1987.

Samuel Blumenfeld, *The New Illiterates: And How to Keep Your Child From Becoming One*, The Paradigm Company, Boise, ID, 1988.

Samuel Blumenfeld, *The Victims of Dick and Jane*, American Education, Jan./Feb., 1983.

Michael S. Brunner, "Reading," in *Illiteracy in America: Extent, Causes, and Suggested Solutions*, National Advisory Council on Adult Education, Literacy Committee, U.S. Government Printing Office, Washington, D.C., 1986.

Marie Carbo, *Debunking the Great Phonics Myth*, Phi Delta Kappan, Nov., 1988.

Jeanne S. Chall, *Learning To Read: The Great Debate*, McGraw-Hill, New York, NY, 1973, 1983.

Jeanne S. Chall, *Learning to Read: The Great Debate 20 Years Later—A Response to 'Debunking the Great Phonics Myth,'* Phi Delta Kappan, Mar., 1989.

Jeanne S. Chall, Elizabeth Heron, and Ann Hilferty, *Adult Literacy: New and Enduring Problems*, Phi Delta Kappan, Nov., 1987.

U.S. Congress, *Illiteracy and the Scope of The Problem in This Country*, Hearing before the subcommittee on Postsecondary Education of the Committee on Education and Labor, U.S. House of Representatives, 97th Congress, Washington, D.C. Sept., 1982.

U.S. Congress, *Illiteracy in America*, Joint Hearings before the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor, House of Representatives, and the Subcommittee on Education, Arts and Humanities, of the Committee on Labor and Human Resources, U.S. Senate, Washington, D.C. August 1, October 1 and 3, 1985.

Sue Dickson, excerpted from a transcript of an interview at her home in Chesapeake, VA, 1989.

Rachel Eide, "Aberdeen Children Up Reading Performance 42 Points After SSRW,"; *The Commercial Dispatch*, Columbus, MI, Nov. 8, 1988.

Rudolf Flesch, *Why Johnny Can't Read*, Haper and Row, New York, NY, 1955.

Rudolf Flesch, *Why Johnny Still Can't Read*, Harper and Row, New York, NY, 1981.

Samuel Stillwell Greene, *Penitential Tears, or a Cry from the Dust by the Thirty-One Prostrated and Pulverzied by the hand of Horace Mann*, 1844.

Patrick Groff, Ph.D., San Diego State University, *Preventing Reading Failure: An Examination of the Myths of Reading Instruction*, National Book Company, Portland, OR, 1987.

Patrick Groff, "Colleges Fail in Training of Reading Teachers," *Education Week*, October, 1987.

Human Events, Aug. 17, 1985.

Paul M. Irwin, *Adult Literacy Issues, Programs, and Options*, Congressional Research Service, August 1989.

David T. Kearns, Denis P. Doyle, *Winning the Brian Race*, Institute for Contemporary Studies, San Francisco, CA, 1988.

Kathryn L. McMichael, *An Overview of the Adult Literacy Initiative in America*, National Commission for Employment Policy, March, 1987.

Charles J. Micciche, "The Reading Reform Foundation: A Partner in Reason," *The Reading Reformer*, 1989.

Mary Musgrave, "From One Principal To Another," *The Reading Informer, Annual Conference Report*, July, 1987.

National Advisory Council on Educational Research and Improvement, Donald A Taylor, Amy Saltzman, and Bruce B. Auster, "The Forgotten Half," *US News and World Report*, June 26, 1989.

Lauren B. Resnik and Phyllis Weaver, Editors, *Theory and Practice of Early Reading*, New York, John Wiley, 1978.

Geraldine Rodgers, *The Case for the Prosecution*, July 27, 1981.

Time, Jan. 9, 1956.

Ron Zemke, "Workplace Illiteracy: Shall We Overcome?," *Training Magazine*, June, 1989.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by Mrs. KASSEBAUM on behalf of Mr. ARMSTRONG.

The amendment (No. 1229) was agreed to.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1230

(Purpose: To provide for reading instruction in phonics)

Mrs. KASSEBAUM. Mr. President, I send an amendment to the desk on behalf of Mr. ARMSTRONG and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM], for Mr. ARMSTRONG, proposes an amendment numbered 1230.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 61, line 4, strike "to" and insert "which may".

On page 62, line 6, strike "including" and insert "such as".

On page 62, line 10, strike "and".

On page 62, between lines 10 and 11, insert the following:

"(ii) reading instruction in methods such as Basal reading method, exposure method, intensive systematic phonics method, linguistic method, Ortin-Gillingham method, sight word ('look-say') method, or whole word method; and

On page 62, line 11, strike "(ii)" and insert "(iii)".

On page 72, line 22, strike "level.";" and insert "level; and".

On page 72, between lines 22 and 23, insert the following:

"(4) training the individuals described in paragraph (3) in reading instruction methods such as the Basal reading method, exposure method, intensive systematic phonics method, linguistic method, Ortin-Gillingham method, sight word ('look-say') method, or whole word method.";

On page 72, line 23, strike "(4)" and insert "(D)".

On page 73, line 1, strike "(5)" and insert "(E)".

Mrs. KASSEBAUM. Mr. President, just briefly, this is an amendment that includes a listing of reading instruction methods which may be provided through State literacy resource centers and Adult Education Act teacher training programs.

It is again an amendment that has been agreed to by both sides.

Mr. SIMON. Mr. President, we have included language in S. 1310 which lists a wide range of methodologies currently used to teach reading skills. This language, which appears in section 354 of title I and section 203 of the title II in S. 1310 is entirely permissive, enabling recipients of Federal funds under this act to have complete discretion over decisions regarding reading instruction. This is entirely in keeping with the Department of Edu-

cation Organization Act, which precludes the Federal Government from mandating curriculum. Such decisions are left within local jurisdiction. Thus the language in S. 1310 listing the different methods of teaching reading skills is not intended, nor should it be interpreted as such, to endorse any one of the reading methods listed, nor to imply congressional preference for one method over another.

In addition, while we have tried to include the full range of different reading techniques currently employed, we recognize that other methods do exist as well, and it is not our intent to preclude their use. Thus, this language does not exclude other methods which are not specifically articulated in the bill from being supported with Federal funds under this act.

Does my colleague from Colorado share this view?

Mr. ARMSTRONG. Yes, that is consistent with my interpretation of the legislative intent behind inclusion of this language. We added this language to S. 1310 to indicate that there are many different approaches to teaching reading. However, in listing the alternative reading methods, we do not intend that its inclusion sends a signal that Congress endorses any one method of reading, nor intends to mandate how reading will be taught with funds under this act. These decisions are best left at the local level.

Mr. SIMON. Mr. President, as it was originally drafted, I had some concerns with this amendment because it would have injected the Federal Government in the field of curriculum in a way that I think is not a desirable precedent.

However, as it has been modified, there is no objection.

The PRESIDENT pro tempore. Is there objection to the consideration of the amendments en bloc? If not, the question is on the adoption of the amendments en bloc offered by Mrs. KASSEBAUM on behalf of Mr. ARMSTRONG.

The amendment (No. 1230) was agreed to.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COATS. Mr. President, in 1986, William Bennett released his landmark report on the condition of elementary schools. That document concluded, "The elementary school must assume as its sublime and most solemn responsibility the task of teaching every child in it to read. Any school that does not accomplish this has failed."

For whatever reason, and there are many, that failure is increasingly evident. About 27 million American adults, a quarter of the labor force, lack the necessary reading and writing skills to perform effectively in the job market. The number of functionally illiterate adults is increasing by over 2 million each year.

Certainly, something must be done. But we must do more than simply pour more Federal dollars into the same programs year after year. This literacy crisis requires innovation—the careful exploration of every option. And some of the most innovative options may well be found in the tested techniques of the past.

This is the reason I support Senator ARMSTRONG's amendment to permit teachers to be trained in phonics instruction and to assure that State literacy resource centers can provide training and technical assistance to educators using this reading method.

There is probably no single best way for every student to learn to read—but each child should be given the chance to learn by the method that will allow them to reach their potential. It's no secret that our teachers aren't given phonics as a viable option for reading instruction. Only about 15 percent of schools in the United States use this method. Yet there is a strong case to be made for its wider distribution.

Phonetics, simply put, is an introduction to the code of written English. Rather than simply memorizing the shapes and meaning of whole words, its pays attention to the organization of letters and syllables. Its primary virtue is clear. A child instructed in phonetics is given the key to pronounce and understand words they have not yet encountered. Rather than guess or memorize a new word, they can uncode its meaning.

Phonetics is a key to reading. But it is also a tool of logic and a pattern of reasoning.

I don't believe that any of our children are unteachable. But we must refuse to restrict our range of options to meet this vital need. We cannot have it said of us, "They thought it more honorable to fail, according to rules, than to succeed by innovation." Phonetics might just be the innovation we require. And this method of learning should be available to our teachers.

AMENDMENT NO. 1231

(Purpose: To permit Indian tribes to apply for Even Start competitive grants)

Mrs. KASSEBAUM. Mr. President, I send to the desk an amendment on behalf of Senator WALLOP and Senator SIMPSON.

The PRESIDENT pro tempore. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM], for Mr. WALLOP (for himself, Mr. SIMPSON, and Mr. BINGAMAN), proposes an amendment numbered 1231.

Mrs. KASSEBAUM. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 76, line 12, strike "Section" and insert "(a) AUTHORIZATION OF APPROPRIATIONS.—Section".

On page 76, between lines 18 and 19, insert the following:

(b) INDIANS.—Section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742) is amended—

(1) by inserting ", and to Indian tribes and tribal organizations," after "such agencies" in subsection (a).

(2) by inserting ", Indian tribes, and tribal organizations" after "States" each place it appears in subsection (b), and

(3) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) DEFINITIONS.—For purposes of this part—

"(1) The term 'State' includes each of the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) The terms 'Indian tribe' and 'tribal organization' have the respective meaning given to each of those terms under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).".

Mr. WALLOP. Mr. President, the amendment I have sponsored with my colleague from Wyoming, Mr. SIMPSON, is a response to a problem brought to our attention last year by a constituent, Linda St. Clair from Fort Washakie, WY. Mrs. St. Clair has been involved with early child development projects with the Arapahoe and Shoshone Indian tribes on the Wind River Reservation in Wyoming.

Indian children have long been an at-risk population. The tribes have developed various support programs to assist in the educational progress of their children. In recent years, there has been some confusion about what Federal education assistance programs the Indian tribes are eligible. Last week the Department of Education published a list of eligible programs. One program which does not allow tribal participation in the Even Start Program.

Even Start was established in 1988 as an amendment to the reauthorization of the Elementary and Secondary Education Act. It was developed by Congressman GOODLING of Pennsylvania. Even Start combines early childhood education and adult education programs into a new family centered education program. Often a child at risk comes from a family where the parents have a weak educational background. Why should a child struggle for an education when their parents cannot even read to them?

Mrs. St. Clair argues, correctly, that the tribes need a reservationwide program of preschool services. Even Start would be a perfect solution, if it included the Indian tribes as eligible applicants. The amendment I am propos-

ing today would allow the tribes to compete for the grants. They are not guaranteed 1 cent by my amendment. However, they are given the opportunity to demonstrate that their programs can work to eliminate the cycle of illiteracy on the reservation. They are simply seeking an even chance.

I appreciate the assistance of Becky Voslow from Senator KASSEBAUM's staff, and Cheryl Smith of Senator SIMON's staff in working out an agreement on this amendment. I urge the adoption of my amendment.

Mrs. KASSEBAUM. This amendment would permit Indian tribes to compete for Even Start grants. The Even Start Program was created in 1988. It integrates early childhood education and adult education, focusing on projects serving parents eligible for participation in adult basic education programs and their young children ages 1 to 7.

The Wallop amendment would include Indian tribes as eligible grant applicants. The tribes would have to compete for the funds, and the amendment does not earmark funds to them.

I think this is an important addition. Again, I believe it has been agreed to on both sides.

Mr. SIMON. Mr. President, I certainly concur. Native Americans face major problems in our society. Senator WALLOP's amendment is sensitive to those and permits a little greater attention there, and I welcome this amendment.

The PRESIDING OFFICER (Mr. BURDICK). If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1231) was agreed to.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMON. Mr. President, the last amendment—I was just handed a note—is one that Senator INOUYE is also very much concerned about. He chairs the Subcommittee on Indian Affairs.

Let me just add my appreciation again to Senator KASSEBAUM, who has contributed to a significantly improved product. She does solid work consistently. I am very pleased to serve with her on two committees.

Also, let me express my thanks to Cheryl Smith, Pat Fahy, and Brian Kennedy of my staff. Let me express my appreciation also to the thousands of volunteers around the Nation who are tutors, who are enriching this Nation in a quiet, undramatic way that is so important to the future of our country.

A couple of final comments. I was trying to work out an amendment that would in some way encourage proprietary schools to get involved. Frankly, the proprietary schools have reached this portion of our population more effectively than our traditional schools have done.

But it is also true, Mr. President, I regret to say, that a few of the proprietary schools have abused their privileges and we have not been able to work out an agreement. I hope between the House and the conference committee, maybe we can. I would like to see some exploration of how we can, with careful auditing and monitoring, get them involved.

Two final points, Mr. President. Of 158 nations in the United Nations, we are 49th in our literacy rate. We can do much, much better than that. This bill gives us that opportunity. It will not be easy. I do not want anyone to think we passed this bill and because of it suddenly we are going to be on easy street on the road to eliminating illiteracy.

We have taken a very significant step, but it is going to take follow-through by our committee, by the Appropriations Committee, by States, by Cabinet members, by the private sector; all of us are going to have to work on this. This is America's problem, and it is not just one segment of America that is going to be able to solve this problem.

I believe we have taken a very significant, maybe even a giant, step forward in the right direction. I hope that we can pass this overwhelmingly.

Mr. President, I understand that the unanimous-consent agreement says that if there is a rollcall vote, it is to be tomorrow at noon. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. SIMON. I ask that we have a recorded vote on this measure.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, at the core of the many educational issues which we must face in this 101st Congress, the problem of illiteracy is one of our most pressing concerns. Illiteracy in America is a national disgrace. According to one estimate, 25 million Americans are too illiterate to read the poison warning on a can of pesticide, a letter from their children's teacher, or the headlines of a daily newspaper. How can we hope to educate our youngsters and become a more productive nation, when 25 million American adults are functionally illiterate?

Of all of the recent studies, the very excellent book of Jonathan Kozol indicates we are increasing in illiteracy by 1.8 million a year. The problem is not getting better; it is getting worse.

We must act now to address this challenge. In the past, we have too often overlooked the large social and economic costs that we endure by perpetuating illiteracy in such a large segment of society. Adult illiteracy reduces international competitiveness, and increases poverty, welfare and unemployment—at a time when we are increasingly challenged internationally. The quality of our Government and of our democracy itself are threatened, as increasing numbers of illiterate citizens find themselves unable to vote or participate in other ways in the political process.

The National Literacy Act of 1990, currently before the Senate, proposes a comprehensive attack on the problem of illiteracy by encouraging Federal, State, and local education and training programs designed to make America a more literate nation.

The act establishes a Federal Cabinet Council for Literacy Coordination, so that the various Federal agencies conducting literacy programs can work more closely together. It authorizes a National Center for Literacy to conduct research. It creates State literacy resources centers to link States with the National Center. It modifies existing adult education councils, to bring them closer to the model which has been used effectively in Massachusetts to coordinate literacy programs at the State level. The act extends for an additional year the Student Literacy Program which I sponsored in 1988. In addition, the adult education, worksite literacy, library services, college work-study, and action programs are enhanced. New programs are authorized in family literacy and in the use of volunteers for tutoring.

I commend Senator SIMON for his leadership and tireless efforts to bring this legislation to the floor. I urge my colleagues to support this initiative. America will reap substantial benefits in the future when the citizens who will be assisted by this bill are taught to read, to become employable in our increasingly technological economy, and to care for themselves and contribute to our Nation's strength, rather than adding to its weakness.

● Mr. PELL. Mr. President, I rise to commend Senator SIMON for his strong leadership in an area which is vital to our strength as a nation. I was delighted to be an original cosponsor of his important proposal, the National Literacy Act of 1989, and I am pleased to stand today in support of this critical piece of legislation.

Senator SIMON's initiative is a solid and important piece of legislation designed to assist millions of individuals across the country learn to read, write, and perform basic skills. The development of these skills is imperative for individuals to live productive lives and participate actively in society. The vitality of our economy and the success of our experiment in democracy depends upon a citizenry with well-developed educational skills. If we as a

nation expect to compete effectively in the global arena, we must invest in this most vital element. S. 1310 is part of this investment. It is an investment we cannot afford to forgo.

The number of individuals in our country who are unable to read or write with the proficiency necessary to meet the demands of our increasingly complex world is startling. The Department of Education estimates that there are nearly 20 million adults who are lacking in literacy competence. In my own State of Rhode Island, it is estimated that there are at least 10,000 adults in need of literacy assistance and training.

Senator SIMON's bill attacks the scourge of illiteracy from every front. It strengthens and coordinates existing literacy programs. It provides increased funds for teacher training and research. It reaches the intergenerational aspect of illiteracy by providing early intervention programs for families. It fortifies work force literacy programs, and in conjunction with the College Work Study Program, it encourages institutions of higher education to develop and promote literacy tutoring programs.

Keeping this country strong is not simply a task for the military. As I have said time and time again, we rely on a well-educated citizenry for a strong and healthy nation. The growth of illiteracy is a threat to our strength and a waste of our potential. S. 1310 provides the tools to reverse this trend, and the means to bring literacy within the reach of every American.

I commend Senator SIMON and his staff for their hard work in this most critical area, and I urge my colleagues to join me in supporting this critically important legislation.●

Mr. SIMON. Mr. President, Senators KENNEDY and PELL have provided real leadership to this whole area. Without their cooperation, we would not be at this point today.

Mr. HATCH. Mr. President, I am pleased today to be able to support S. 1310, the National Literacy Act of 1989, along with Senator SIMON, Senator KASSEBAUM, and my other colleagues on the Labor and Human Resources Committee. This bill is a step in the right direction. I was amazed when I read in Jonathan Kozol's book, "Illiterate America," that over 25 million people in our country are illiterate. I continue to be appalled whenever I think of it. A country that provides an education to all its citizens should not have any illiterate adults.

As a citizen, I am proud that our President and First Lady have highlighted this critical national issue. The President's budget calls for major increases in funds for literacy initiatives in adult education programs, Even Start, the Student Literacy Corps, and Library Literacy. The President has also requested increased funds to continue the Dropout Prevention and Reentry Demonstration Program to ensure that fewer of our children leave school and suffer through life as adults who cannot read.

Mrs. Bush, in particular, has devoted countless hours to promoting literacy. Her efforts to raise our national consciousness are in large part responsible for the Senate's action today.

I would also like to commend the media for the efforts they have made to focus our attention on the problem of illiteracy. Statistics may document the seriousness of the problem, but the stories developed by the entertainment industry in documentaries, television movies, and major motion pictures dramatize the day-to-day tragedies the illiterate face as they attempt to apply for jobs, use public transportation, read signs which alert us to dangers, read labels on medicines, or order dinner from a menu. The ABC television network has done some wonderful commercials with well-known entertainers reading to children to encourage literacy, and CBS has continued its "Read More About It" project with the Library of Congress. These kinds of programs set a standard for all of us.

Finally, we must remember that despite the marvelous computer technology we have that can assist us, learning to read is still a one-on-one process involving people. All our efforts at the Federal level or to highlight the issue on television are useless without the dedicated corps of volunteers in every community. In my home State of Utah, the First Baptist Church in Salt Lake City has an excellent program which coordinates with many other community groups to train volunteers who can then work individually with those who need help.

These volunteers are opening the door to opportunity and freedom—the freedom to form one's own opinions and to explore the worlds of literature, history, music, current affairs, fashion, or finance. I want everyone to have that freedom, and so I urge my colleagues to join me in supporting this bill.

Mr. DURENBERGER. Mr. President, most of us here in this body have been to a different country, where we did not know the language and have faced the frustrations of not being able to do normally simple tasks like ordering off a menu, following street signs, or following daily or world events because you cannot read a newspaper. But for those who do not know how to read, these brief inconveniences we experienced are an everyday occurrence. A life where everyday tasks can become major obstacles.

Although the number of people who are unable to read or write is relatively low—about 3 to 4 million—another 20 to 30 million Americans are functionally illiterate; adults who simply do not have the basic skills to maintain a job or to function adequately in today's society. In my own State of Minnesota there are between 670,000 and 725,000 adults with basic reading skills below the seventh grade level—a level at which an individual should be able to combine ideas and make inferences based on a short, uncomplicated passage.

The human tragedy of illiteracy has long been a concern. Recently, however, the economic aspect of illiteracy has brought a new sense of urgency to the longstanding concerns. We live in a world driven by our ability to communicate. Thus, people who lack basic reading and writing skills are often left out of this world and cannot find jobs that pay above the minimum wage, or cannot find steady employment. The cost in welfare programs and unemployment compensation due to illiteracy is $6 billion annually. In addition, the annual unrealized earning forfeited by persons who lack basic reading skills is $237 billion.

Mr. President, at a time in this country when we need to increase the productivity of our workforce simply to stay even economically with other nations, this waste of human potential is simply unacceptable.

That is why I am proud to join my distinguished colleague from Illinois, in sponsoring the National Literacy Act, S. 1310. We heard testimony before the Labor and Human Resources Committee about the lack of coordination between the hundreds of programs aimed at eliminating illiteracy and the other Federal and State programs aimed at educating and training our workforce, and how you can't find, in one central place, information about successful programs. This legislation puts an end to the disarray in current programs by strengthening and coordinating efforts at all levels of government.

S. 1310 will increase coordination, research and dissemination by establishing several new programs at the Federal and State level to develop and initiate new literacy programs. This bill will provide funding for a number of creative programs like the visual phonics program in my own State of Minnesota. Visual Phonics has taught 60,000 children to read, write and communicate through a series of 46 hand signs and written symbols. Because the basis of visual phonics is sound, it has been especially useful in teaching individuals with learning disabilities, deafness, and other communicative disorders. S. 1310 provides not only the funding for such programs but also provides a new infrastructure which allows for the collection and dissemination of information on successful programs.

This bill focuses on eliminating workplace illiteracy by expanding adult education and by increasing the ability of business and education to form partnerships in their efforts to combat illiteracy. S. 1310 also coincides with President Bush's efforts to focus on the entire family when addressing the problem of illiteracy by expanding the Even Start Program which targets functionally illiterate parents and their children.

Finally, I would like to thank First Lady, Barbara Bush for her efforts in bringing the problem of illiteracy to the attention of so many Americans. Her long-time efforts to encourage people to learn to read and to put a stop to illiteracy have not gone unnoticed. The First Lady's simple but effective message about the importance of being able to read has motivated not only hundreds of people to learn to read, but also has motivated many others to get involved as volunteers in teaching and tutoring those who cannot read.

The bill will open the doors of opportunity to so many people who have been shut out by their inability to communicate with the rest of society through reading and writing. Mr. President, I urge my colleagues to support S. 1310.

ONE OUT OF FIVE ADULTS LACK THE READING AND WRITING ABILITIES NEEDED TO HANDLE THE MINIMAL DEMANDS OF OF DAILY LIVING

Mr. COATS. Mr. President, in my own State of Indiana it is estimated that 600,000 persons cannot read at a sufficient level.

These statistics will affect our level of productivity. It is becoming apparent already that the level of complexity in work tasks is rising at the same time our students are unable to understand less and less.

Illiteracy is especially damaging for poor Americans who rely on literacy as a ticket out of poverty.

These trends are disturbing and merit action.

I am therefore pleased to support the Illiteracy Elimination Act of 1989. This bill includes some important themes to address this severe problem. These are themes that I have stressed throughout my legislative career and that I incorporated into the American Family Act, introduced last spring.

The themes are traditionally American; hard work, accountability, strengthening families and building character.

One area of the bill that recognizes these important themes is titled "Families for Literacy."

This section addresses the cycle of intergenerational illiteracy. No child operates in a vacuum. We know that if the parents are illiterate, chances are the children will be too.

The parents as teachers model incorporated in this bill recognizes that families play a vital role in the education of each student. By teaching the parents, we are teaching the children.

This is the type of program that make sense to implement. Instead of applying a Band-aid solution, it goes to the heart of the problem. We need this type of thought going into every bill we consider.

If we are serious about helping our children, we will take the time to find these type of solutions that help Americans help themselves.

That has always been the American way. I applaud the efforts of Senator SIMON and support this bill.

Mr. KOHL. Mr. President, as a cosponsor, it is with a great deal of pride that I join my colleague from Illinois in support of the National Literacy Act of 1989.

Senator SIMON is well known for the tremendous amount of time and energy he has given to meeting the educational needs of the Nation. When Senator SIMON first announced his intention to leave the House of Representatives to run for the Senate, the educational community thought it would lose one of its strongest supporters in Congress. However, what the House has lost has been the Senate's gain. More importantly, it has been the Nation's gain: The American people have had an ally fighting for educational programs for the past 15 years. I have a great deal of respect for his work in this area, and I am honored to be associated with this comprehensive legislation to eradicate illiteracy.

An essential component of an educated society is that it be literate. Right now we can not meet that standard. But we are beginning to make progress. Educational goals are now being set by the Nation's governors. The President has already announced his education goals for the Nation. Those goals all assume that in order to move America forward, in order to effectively compete in a technological age, all Americans must be given the help they need to be able to read and write. We must not lose sight of this fundamental objective.

It is important to note that a literate work force must also have problem-solving and communication skills. According to the Corporate Task Force on Education's report:

> Undereducated, Uncompetitive USA—It is estimated that 50 percent of the U.S. population will be functionally illiterate by the turn of the century.

With the economy shifting to one where jobs will be added in the high tech and service industries, the skill levels demanded of American workers will be constantly increasing. The report goes on to say that:

> Productivity losses caused by poorly trained workers and remedial training cost industry about $25 billion a year.

Mr. President, this is a fundamental issue that must transcend partisan debate. By all accounts there are at least 23 million adult Americans who are functionally illiterate. In my own State, a report by the Wisconsin Literacy 2,000 Task Force identified 492,720 Wisconsin residents operating at or below the level of functional illiteracy. An additional 412,720 residents were identified as at-risk because they don't have the basic skills required of an information-age society. I commend President Bush in his recent report to Congress on the State of the Union for including among his education goals a declaration that "Every American adult must be a skilled, literate worker and citizen." The Nation has been fortunate to have a First Lady so dedicated to the cause of eradicating illiteracy in this Nation. Barbara Bush has tirelessly devoted hours of her energy and time to fighting illiteracy in this Nation. In the past 9 years, she has participated in over 500 literacy events across the Nation. And the influence of Barbara Bush in working to eradicate illiteracy is reflected in the support that is given to her cause in the President's budget for fiscal year 1991. I am pleased to see requests for increased funding for States to help finance remedial education, and thus help to improve the literacy levels of adults. In addition I am pleased to see the President supporting the creation of a new adult literacy clearinghouse which will help States, volunteer groups, and those in the private sector share with each other what is working in various literacy programs.

Mr. President, it is time we have a national policy on literacy. The Nation can no longer afford to wait.

I thank the Chair and yield the floor.

Mr. ADAMS. Mr. President, I am very pleased to rise today to support S. 1310, the National Literacy Act of 1989. I want to compliment my colleague, Senator SIMON, for his leadership on this bill.

There are between 23 and 27 million adult Americans who are illiterate. This means that one adult in five probably does not read well enough to meet his or her daily needs. The consequences of this are staggering, not only for those who cannot read, but for our Nation as a whole. It is very disturbing to think of parents who cannot read to their children or help them with schoolwork. A work force with poor reading skills has serious implications for our Nation's international competitiveness. Eliminating illiteracy is an issue of both social fairness and economics.

Public awareness of our country's illiteracy problems is at an all-time high. We have seen commendable efforts at the Federal, State, and local levels to deal with this nationwide problem through Government-private sector collaboration. At the same time,

a great need exists to develop a comprehensible approach to achieving universal literacy.

The National Literacy Act establishes a national goal of eliminating illiteracy and authorizes a program to achieve that goal. Current literacy programs will be strengthened and improved.

Special focus is given to the problem of adult work force illiteracy through improved literacy programs under the Adult Education Act. The authorization will be increased for the basic State grant to help adults who have very minimal reading skills. A portion of the grant will be used for teacher training and increased Federal commitment to the Business, Industry, Labor and Education Partnerships for Workplace Literacy Program.

Statistics indicate that children whose parents are illiterate are less likely to do well in school and more likely to be illiterate themselves. Clearly, this indicates that we must also address the problem of illiteracy at the family level as well. Consider the child who has difficulty with a homework assignment, but cannot ask for help from either parent because neither have the reading skills to understand the assignment. How can we expect these children to have a fair chance to succeed in school?

These kids are at a distinct disadvantage when compared to their counterparts who receive reading help at home. Title III of S. 1310 helps parents learn the skills they need to help their children learn. It focuses on parents with children 3 years old and younger and teaches them how to be teaching parents—parents who otherwise would be at a loss for how they could ever help their child learn because they themselves lack basic literacy skills.

The Books for Families Program under title IV recognizes that children with special needs often do not have access to the books they need. Low-income children often do not have access to any books at all. Title IV increases the amount of funding authorized under the Inexpensive Book Distribution Program. It also creates a new Model Library Literacy Grant Program to encourage the development of effective public library literacy programs.

Finally, this bill will help dedicate more human resources to literacy efforts across the country. Title V encourages colleges and universities to use work-study students in literacy projects and title VI will provide grants to colleges and universities for literacy related student volunteer programs. Title VI also creates the literacy challenge grant to be used for volunteer programs to fight illiteracy which are supported through public-private partnerships.

I urge every one of my colleagues to lend their strong support to this measure. As we struggle to improve education in our country, eradicate drugs and reduce the incidence of crime, maintain our standard of living and regain our global competitiveness, we cannot ignore the impact of illiteracy on these goals. I look forward to the expeditious passage of this bill into law.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

RECESS UNTIL 1 P.M. TODAY

Mr. SIMON. Mr. President, I ask unanimous consent that the Senate stand in recess until 1 p.m.

There being no objection, the Senate, at 11:08 a.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

MORNING BUSINESS

Mr. WIRTH. I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

PRESIDENT BUSH'S SPEECH TO THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE

Mr. WIRTH. Thank you, Mr. President.

Mr. President, this morning I was in attendance at Georgetown University, where President Bush spoke to the Intergovernmental Panel on Climate Change. This was a long expected and anticipated, very important address for the President to a panel convened of governmental experts from all over the world, to address the issue of climate change.

The hope had been that the President of the United States would make a very significant speech committing the United States, to actions to address the issue of global warming and outlining what our leadership position and sense of policies were going to be. I must say, it was very important for our President to be there. Who would have imagined a year and a half ago that the President of the United States, a Republican President, would have been at such a conference. It was a start.

But unfortunately, Mr. President, the presentation written for the President by the administration reminded me a great deal of what John Elway said after the Broncos were beaten. John Elway said, "We just showed up." That is about what happened this morning. The United States just showed up.

We announced there is going to be a White House conference on global warming, but there was absolutely no sense of urgency whatsoever, no sense of national commitment, no reference to the agreements that we have made.

Mr. President, at the Paris economic summit in June, the President signed a statement which declared that "Decisive action is urgently needed to understand and protect the Earth's ecological balance. We strongly advocate common efforts to limit emissions of carbon dioxide and other greenhouse gases."

There was no mention of that today at all. At a ministerial meeting in the Netherlands, the administration signed a declaration that recognized the need to stablize CO_2 emissions and emissions of other greenhouse gases. There was no mention of that today at all.

The declaration in The Netherlands went on to urge all industrialized countries to investigate the feasibility of achieving targets, to limit or reduce CO_2 emissions, including a 20-percent reduction of CO_2 emissions by the year 2005. There was no mention of reducing greenhouse gases today at all.

We are still left, Mr. President, without a policy, much less without any sense of urgency whatsoever. We would welcome, of course, research. It is always important to do research. We welcome the President's reference to debt-for-nature swaps. This may be the first time there has been formal Presidential embrace of that concept—and it is very important. Still, there are certainly no basic policy outlines at all.

The three basic policy responses to global warming—which we can do right now—remain unattended: Energy efficiency, alternative energy programs, and population. The great concern that has been expressed by the administration is that somehow, if we do something about global warming, we are going to cause ourselves all kinds of economic problems, as if, if we act on global warming, we are going to lose jobs, or whatever it may

be. That is nonsense, and everybody knows it.

In the area of energy efficiency, for example, we use energy half as efficiently as our German and Japanese competitors. We are only 50 percent as energy efficient. If we were to commit ourselves to a major national initiative led by the administration on energy efficiency, we could save a great deal of money, we would pollute a great deal less, become more energy independent in the United States, and less dependent upon those countries in the Middle East from whom we are importing an increasing amount of energy.

Does it make good economic sense to pursue energy efficiency? Of course, it does. But there is no commitment on that front at all. That is item No. 1 that has to be done in the global warming strategy.

The second stop is alternative energy programs. You know, I know, we all know, that the United States is becoming increasingly dependent, now 50 percent dependent in terms of oil use, on imported oil.

What sense does it make for us to continue that pattern? The President himself outlined alternative energy sources as one of the important parts of his clean air strategy, but unfortunately, we saw no reference to that, no kind of commitment for us to move ahead on solar, hydrogen, readdressing ourselves to the nuclear problem, the whole set of alternative energy programs that we in the United States must pursue, if we are going to clean-up the environment and maintain any kind of economic integrity in this country.

We cannot allow the hemorrhaging of imported oil to continue. We cannot allow our current dependence on oil to remain a basic part of our economy either. That is the second area left unattended.

The third one, perhaps a bit more ideological, the population issue. The President will not address that issue any more. He used to have a strong position on population. Apparently, he changed his position. Everybody changes positions, but again we have to get the United States back in a position of world leadership on this enormously important issue of population growth.

There are 5 billion people in the world now. By the middle of the next century, we will be close to more than 10 billion people, and some estimate as many as 12 billion to 14 billion people.

How in the world can this globe sustain that kind of enormous population growth and maintain any kind of living standards to which we have become accustomed and would like our children, grandchildren, and great-grandchildren to have?

The administration refuses, as we all know, to even address that issue. Let us just leave it aside and come back to that another day and say of those three basic elements, energy efficiency, alternative energy programs, and population, at least we can ask the President to take the lead on two of these.

It was disappointing, Mr. President. Unfortunately, it was not even as strong a response today as that which Secretary Baker had in his very fine speech early in the administration, January or February 1989, in which the Secretary said that he recognized the problem. We should not just wait for more research. We have to act now. I wish that kind of action had come.

The final question I think we have to ask is, who is setting science policy for the administration? Just last Friday, more than 50 percent of all U.S. Nobel laureates and almost half of the members of the National Academy of Science, sent the President a letter urging him to take action to prevent global warming. Fifty percent of the Nobel laureates and almost 50 percent of the members of the National Academy, getting together and writing to the President saying: Take action to prevent global warming.

Unfortunately, we heard today the President inferring that politics and opinion have outpaced the science. What does that mean? When the scientists are coming in and saying, "act," somehow it seems what is happening is that the White House is getting embroiled in some kind of a political agenda up there, or maybe a conflict between the Chief of Staff and the scientists in the administration. Who knows?

It certainly is incumbent upon this administration to sort out what the message is going to be and to get back it seems to me, within the mainstream of what we know has to be done, what the scientific community nationally and internationally is saying has to be done, and to provide once again the kind of leadership that we expect from our Government, that we expect from the United States on a worldwide problem of such extraordinary note.

What an anomalous situation, Mr. President. You and I sit in Budget Committee hearings and listen to the administration come in and argue for $300 billion on defense.

In response to a Soviet threat that withers more every day, it just does not make sense. You know that, I know that, the American people know that. Yet we continue to insist on spending all of this money on defense whereas the major global threat is no longer the Soviet Union. It is what we are doing to the ecology of the globe, global environmental issues. We are saying let us continue to address ourselves to yesterday's, last year's, last decade's problems, put blinders over our eyes, and not think about the future.

I hope that the sense of urgency that many in this body feel and perhaps the sense of outrage that I am sure is shared by other Members of the Senate and of the country will be heard by this administration. We just have so much more to do. It bewilders me why we do not take a leadership role. It bewilders me why the steps that are so obvious to be taken are not being taken. I hope that we will in the future have a response from the administration that is significantly stronger.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

BICENTENNIAL OF THE FIRST MEETING OF THE SUPREME COURT

Mr. HATFIELD. Mr. President, I am grateful to the Senate leadership for reserving this time today for a special commemoration. The commemoration is the bicentennial of the first meeting of the Supreme Court. It is my privilege to serve, along with my esteemed colleagues, Senator KENNEDY, Senator THURMOND, and Senator DECONCINI, on the Commission on the Bicentennial of the U.S. Constitution.

Mr. President, it was last Friday, some 200 years ago, February, 2, 1790, that the first meeting of the Supreme Court occurred. On that day the Court gathered for the first time, not across the street from us, but at the Royal Exchange in New York City. And with it commenced the work of the third great branch of our Federal Government.

For the past 2 years the Commission, chaired by our distinguished former Chief Justice of the United States, Warren Burger, has sponsored the celebration of numerous significant dates in the 200th anniverary of the writing, ratification and implementation of the U.S. Constitution.

The bicentennial events will culminate next year when we celebrate the ratification of the Bill of Rights, the first ten amendments to the Constitution.

Mr. President, when George Washington signed the Judiciary Act in 1789, he nominated six members to the Supreme Court. He appointed as Chief Justice of the United States, John Jay. Along with him were the distinguished Justices James Wilson, John Rutledge, John Blair, Jr., William Cushing, and James Iredell. The Judiciary Act of 1789 called for the Chief Justice to appoint two of the members of the Court to each of the three circuits that were then established, known as the Eastern, Middle and Southern Circuits.

Also, it is worthy of note that the burden of circuit riding made it difficult for President Washington to find qualified men willing to serve on the Court. During the first decade of government under the Constitution, the Justices' caseload in Federal trial and appeals courts was much heavier than that of the Supreme Court itself, and for Justices "riding circuit" by horse, stage coach, and later steamboat, traveling was arduous and in some cases physically dangerous.

To meet twice a year in Supreme Court session and to travel circuits regularly took its toll on the Justices. In letters to family and friends, they recorded their difficulties in traveling great distances through all sorts of weather, over poorly marked and badly made roads. They lodged at taverns or other public houses that were often crowded, dirty, and disease ridden. The quality of food and habitation was occasionally very good but often very poor.

Justice James Iredell rode 1,900 miles on the Southern Circuit in 1790. He wrote: "I scarcely thought there had been so much barren land in all America." When transfered temporarily to the Eastern Circuit, he praised New England for its "regularity and decency" but added that there "are the most stones that I ever saw."

We had hardy gentlemen in those days serving on our Court, and, Mr. President, I believe it is worthy to pay tribute not only to those earliest of our members of the Judiciary but to those who have followed.

The appearance of a Supreme Court Justice on the circuit was always regarded as a great event. The Justices used the occasion to explain the new Federal Government. When they met with grand juries, the charges or instructions given by the Justices were often appeals to patriotism, honor and duty; some were informal discussions—civic lessons—of the role of the new Federal Government and the concepts of federalism.

In the early years the Court often would announce the judgment in a case and sometime later read the opinion from the Bench without issuing a copy of the opinion. In those days, an opinion day was announed in advance and it became something of a social event. Legend, with some support, tells of an occasion when a Justice, reading an opinion over a period of an hour or more, observed a favored friend enter the courtroom, whereupon he began reading the opinion all over again.

There have been great changes in the Supreme Court's practices in 200 years. For the first 100 years, there was unlimited time allowed for oral arguments. Because it heard only a few cases a year, the Court allowed as much time as 3 to 6 days for argument. Today the Court hears four cases a day, 3 days each sitting, with 150 or more signed opinions in a term of Court.

In 1950 there were 1,321 cases on the Court's docket; by 1988 that number had grown to 5,657.

On the first day on which the Supreme Court met it Court appointed the "crier of the Court." The Court was uncommonly crowded. Newspaper accounts tell us that in attendance were the mayor, sheriff, gentlemen of the bar, Members of Congress, the Attorney General, and many respectable citizens.

John Tucker, the first clerk mistitled the Court minutes as those of the Supreme Judicial Court of the United States, rather than the U.S. Supreme Court.

Legend has it that one of the first Justices, William Cushing, wore a wig from his house to the Court on the first day and was the laughing stock of the town, since wigs were consistent with English, not American custom.

Mr. President, rarely have I heard a more eloquent description of our Nation than the one made by our President in his State of the Union Address last Wednesday. He spoke of, "America—not just the Nation—but an idea, alive in the minds of people everywhere. As this new [post-cold-war] world takes shape, America stands at the center of a widening circle of freedom—today, tomorrow, and into the next century."

I repeat those words today, Mr. President, as we celebrate the bicentennial of our Federal judiciary system. For while the Supreme Court and our Federal court system, are among the oldest of our institutions, they continue today to be among its most vigorous and the fertile soil for continuing growth of democracy in our land.

In the 200 years since that day when the Court first met, the political winds in this Nation have blown in a great many directions. But the Court has remained firmly founded on law, and has remained a beacon of liberty and justice. Like the Constitution it seeks to protect, our judiciary is alive, healthy, poised to meet the winds of the future, as well.

Considerable debate preceded the historic first gathering of the Court back in 1790. The idea of an independent Federal judiciary was unprecedented in world history, and no one was sure what the experiment would bring.

Federalist spokesman Alexander Hamilton declared that "the judiciary is the least dangerous branch of the national Government." Anti-Federalist, Robert Yates, retorted that "Federal jurists could mold the Government into almost any shape they please," and he insisted that the supremacy of the Federal judiciary was inevitable.

We look back on the experiment with nothing short of awe. Evidence of the foresight and vision of our Founding Fathers abounds, but perhaps nowhere more clearly than in the institution of the Supreme Court.

I do not think I exaggerate when I say that our democracy thrives today because the writers of the Constitution realized that justice would not be served without an independent body whose duty it was to give authoritative meaning to the Constitution.

To ensure justice is the high calling of a government and today the Supreme Court and our judicial system make that goal a reality. Chief Justice William Rehnquist put it eloquently:

> Many nations have impressive guarantees of free speech, free elections, and the like. But these have not had the same meaning in those countries because of the want of an independent judiciary to interpret them.

Rising above the heat of the political moment, the Court has served to empower the powerless, defend the weak and to protect individuals—and the individual liberties that are the birthright of all Americans.

The Court's decisions have not always been popular, Mr. President, but justice is not a popularity contest. Justice is an abiding ideal—and, because of the foresight of our Founding Fathers justice has become reality. For 200 years it has been a reality, as it has been guarded by our courts.

I rise here today on the bicentennial of that first meeting in New York to celebrate that ideal—the ideal of justice for all, having become a reality. And I rise to express my thanks to Almighty God for the birth of freedom and justice 200 years ago that has continued to place this great Nation "at the center of a widening circle of freedom—today, tomorrow, and into the next century."

Mr. KENNEDY. Mr. President, I too want to join the Senator from Oregon in expressing our appreciation to the leaders for providing this time for statements and comments on the bicentennial of the Supreme Court. I want to pay tribute to Senator HATFIELD of Oregon for initiating these few comments in the history of the Senate, to set this time aside so that we can make some comments and take some stock on that extremely important institution that celebrates its bicentennial birthday today.

THE BICENTENNIAL OF THE SUPREME COURT

Mr. President, 200 years ago, on February 2, 1790, a quorum of the six original justices of the Supreme Court of the United States gathered for their initial meeting. There were no reporters present and no protesters with placards pacing the sidewalk outside the meeting.

Indeed, there was no sidewalk.

Before a change of venue to Philadelphia's new city hall, the Justices

met in New York in the Royal Exchange Building. Only three of the six members were present for the Court's opening session on February 1, 1790. After reaching a quorum on February 2, the Court handled organizational matters, admitted attorneys to practice before it, and adjourned its first term 8 days later.

In the ensuring years, the Supreme Court of the United States would endure physical hardship and frustrating inconvenience. The Judiciary Act of 1891 authorized the appointment of circuit court judges; until that time, the Justices of the Supreme Court rode their circuits themselves. The task was arduous and even dangerous. Justice Iredell said he sometimes felt like a "traveling postboy." The Court went through 11 different location changes in 145 years. Three times in the initial years—in 1793, 1794, and 1797—the Court was forced by epidemics of yellow fever to cancel its August term. From 1860 to 1935, the Court met in a chamber of the Capitol Building. It was not until 1935 that the Court moved into its present magnificent building across the street from the Capitol.

The executive branch and the legislative branch of the Federal Government are creations of majority opinion. Each must answer to the Constitution, but each must also answer to the people whose votes are the source of its power. But the judicial branch answers alone to the mandates of the Constitution.

It it that unique responsibility to the Constitution and the obligation to serve as its ultimate guardian which make the Supreme Court unique. While other public officials tend to reflect the majority opinions of the public, the Court must adhere to the rule of law and the constitutional guarantee of equal justice for every citizen.

It has been said that when civilization mastered the art of farming, thereby eliminating the need to roam for food, society could turn to the kinder and gentler aspects of existence. Similarly, in political science terms, it can be said that the new American Nation, by fulfilling the immediate need for sound legislative and executive branches of Government, enabled future generations to enjoy that most priceless of American guarantees of liberty—the supremacy of the law.

As Robert G. McCloskey has written:

> The status of the Federal judiciary in the 1790's was ambiguous and comparatively minor. * * * The paramount governmental tasks were legislative and executive.

The U.S. Supreme Court established at the beginning, remained relatively obscure in its earliest years. But the great Chief Justice, John Marshall, changed all that, and in the years since then, the wisdom of the Founders has been proved many times over.

The Supreme Court has grown and prospered. From its meager beginnings and low expectations as a silent partner in the separation of powers at the Constitutional Convention it has developed into the extraordinary modern institution that protects our constitutional rights and liberties from the passing prejudices of the moment and the excessive intrusions of the Government.

For millions of citizens in this country, the judiciary is—and is too often the only—protector of the rights at the heart of our democracy. It is unfortunate, but true, that the rights of minorities are sometimes unheeded or even hindered by the executive or the legislature. But before the Supreme Court, all are equal. The Constitution requires equal justice for all, and the Justices dispense it.

Our modern history has witnessed many extraordinary social battles played out in the Supreme Court. "It is a quiet place," said Justice Oliver Wendell Holmes, "but it is the quiet at the center of the storm." Again and again, the Court has fulfilled its role of vindicating the constitutional rights of all Americans. From school desegregation to school prayer cases to the right to privacy to the most recent reaffirmation of the first amendment in the flag-burning case, the Court has weathered intense public critics because of its decisions, while holding true to the Constitution's promise of justice for all.

The remarkable record of the Supreme Court over the past two centuries is the most eloquent possible tribute to the wisdom and foresight of the Founders. May the Court's next 200 years be even greater than the first.

Mr. President, I ask unanimous consent that the text of a pamphlet entitled "The Bicentennial of the Federal Judicial System," prepared by the Committee on the Bicentennial of the Constitution of the Judicial Conference of the United States be printed in the RECORD.

There being no objection, the text of the pamphlet was ordered to be printed in the RECORD, as follows:

THE BICENTENNIAL OF THE FEDERAL JUDICIAL SYSTEM

"I have always been persuaded that the stability and success of the National Government, and consequently the happiness of the American people, would depend in a considerable degree on the interpretation and execution of its laws."—George Washington to the Supreme Court, April 3, 1790.

THE FEDERAL COURTS: 200 YEARS

Beginnings

The United States Constitution, which today is the object of praise in this country and which has been copied widely abroad, was the subject of intense controversy when proposed in 1787. Those who favored a strong national government, the Federalists, argued that it was needed to protect the rights of the people. The Anti-Federalists feared that such a government would ride roughshod over those rights.

The judicial provisions of the Constitution were especially controversial. Alexander Hamilton claimed that "the judiciary . . . will always be the least dangerous" branch of the proposed national government. Not so, said an Anti-Federalist pamphleteer: "We are more in danger of sowing the seeds of arbitrary government in this department than in any other."

The Constitution contains only a few provisions about the judicial branch. It established the Supreme Court. The framers also took firm steps to keep federal judges independent and to protect them from reprisals for their decisions. In particular, the Constitution provided that the judges would hold office "during good behavior," which gave them a lifetime position rather than a limited term of office. The Constitution also barred Congress from reducing the compensation of federal judges while they remain in office.

However, the Constitution left it to Congress to determine whether there would be any federal trial courts. Why, some people asked, do we need any federal courts besides the Supreme Court? All the states had trial courts, which could decide the country's legal disputes. Many of the Anti-Federalists didn't want another set of courts, especially courts associated with what they saw as a distant national government. They also realized that federal courts would extend national power, which was precisely what the Anti-Federalists wanted to limit.

Once the Constitution was ratified in 1788, the Anti-Federalists sought to have it amended to ensure that the newly established national government could not interfere with such fundamental rights as freedom of expression and religion. They wanted provisions that ensured that no persons would be denied "due process of law," as well as traditional protections of criminal procedure, such as indictment by a grand jury before a criminal trial could be held, and also the right to a lawyer. They also wanted to make it clear that parties to civil suits, as well as parties to criminal cases, could demand jury trials and that higher courts could not overrule a trial jury's factual decisions. The country, they argued, didn't need a set of federal courts; it needed a bill of rights.

Alexander Hamilton, one of the leaders of the Federalists, agreed that state courts were "the great cement of society." But the Federalists weren't willing to have a judicial system composed almost exclusively of state courts. They argued that a federal court system would create conditions for the new nation's commercial growth, which the Article of Confederation had been unable to provide.

All the factions agreed with the goal in the Constitution's preamble—"to establish justice." But they disagreed over the best way to accomplish that goal. As John Jay, the first Chief Justice of the United States, put it, "The expediency of carrying justice . . . to every man's door was obvious," but "how to do it in an expedient manner was far from . . . apparent." The framers left the controversial question of whether and how to set up lower level federal courts to the First Congress.

Establishing the Federal Courts

The First Congress did two things when it convened in the spring of 1789. The House of Representatives set immediately to draft-

ing constitutional amendments to limit the powers of the government. These proposed amendments eventually became the Bill of Rights—the first ten amendments to the Constitution.

Meanwhile, the Senate began working on its first piece of legislation, Senate Bill I, which became "An Act to Establish the Judicial Courts of the United States." President Washington signed this first Judiciary Act into law on September 24, 1789, thus creating the federal court system. Most of the specific provisions in the Judiciary Act have long since been replaced or modified, but the federal court system emboides the Act's basic principles.

The Act was a compromise. For those in favor of national power, it created federal courts in addition to the Supreme Court—three circuit courts for major trials and thirteen district courts for less important cases. Parties could appeal some district court decisions to the circuit courts and some circuit court decisions to the Supreme Court. The Act authorized the district courts to resolve disputes arising on the seas; maritime commerce was the lifeblood of the new nation's economy, and even the Anti-Federalists agreed that federal courts should decide these admiralty cases. The Act established the "diversity of citizenship" jurisdiction that Anti-Federalists feared, permitting suits between citizens of different states to be brought in federal court. It also authorized federal courts to try persons accused of certain federal crimes and to hear petitions from federal prisoners asking federal courts to issue writs of habeas corpus. The Act authorized the United States government to bring lawsuits in federal court and it gave the Supreme Court jurisdiction to hear appeals from state court cases involving the Constitution or federal laws.

The 1789 Judiciary Act was hardly a total victory for the Federalists. It limited the federal courts in many ways not required by the Constitution. The Act did not even grant the district and circuit courts what is now know as "federal question" jurisdiction. Therefore, cases based on the Constitution or on most civil statutes passed by Congress would be decided in the state courts. The states were an important point of reference for the new federal court system: The Act directed the federal courts to use state laws in the absence of federal law to the contrary and used state boundaries as the boundaries for the district and circuit courts.

Thus, under the design of the Constitution as complemented by the first Judiciary Act, federal courts would try federal crimes, admiralty cases, lawsuits by the United States lawsuits between citizens of different states, and a few other matters. The state courts would continue to do the great bulk of judicial work. The Supreme Court was available to correct errors in federal courts and in state courts in certain kinds of cases. With some important changes, this is largely how the system operates today.

Reorganizing the System

Some aspects of the early judicial system seem anomalous today. For example, it required the justices of the Supreme Court to serve also as circuit court judges. In order to do so, the justices had to travel to and around their assigned circuits, trying cases with the district judges. Congress thought this would let the highest judges of the land be seen by the people, and let the justices see the daily workings of the courts.

Almost immediately, the justices began to complain about circuit riding. Travel was difficult, accommodations were often uncomfortable, and the justices were separated from their families for long periods of time. Congress was slow to change the system. The justices' protests grew louder as the country grew and circuit duty became more arduous. Congress made one concession to the justices: when it created an additional circuit, it added another justice to the Supreme Court who would also serve as the justice for the new circuit. Thus, the Supreme Court grew as the country grew. By 1862, it included ten justices, one more than it has now.

Even though circuit riding by the justices was gradally curtailed, the Supreme Court's workload increased, and case backlogs at all levels of the federal court system grew to alarming proportions. After the Civil War, constitutional amendments and federal laws passed to protect the newly freed slaves added more cases to the federal courts' dockets; new laws to promote business growth did the same. In 1867, Congress extended federal court jurisdiction to hear habeas corpus petitions from prisoners convicted in state courts who claimed that their constitutional rights had been violated at trial. In 1875, Congress finally gave the federal trial courts general "federal question" jurisdiction. No longer would most cases arising under federal statutes have to be tried in the state courts as they were under the 1789 Judiciary Act. This change increased the federal caseload still further.

The Supreme Court was now overloaded with appeals from the federal trial courts and the state courts. Many complained that federal trial courts exercised unbridled power because, as a practical matter, there was little opportunity to have their decisions reviewed by the Supreme Court.

Congress did not act until 1891, when it relieved the Supreme Court justices of any obligation to "ride circuit" and began to reduce the categories of cases that the Court was required to decide. Further, Congress significantly reorganized the federal courts by creating a separate set of courts—the circuit courts of appeals—to hear appeals from the federal trial courts. The district courts became the major federal trial courts, and the old circuit courts created by the 1789 Judiciary Act were phased out. This three-tiered system of district courts, courts of appeals, and the Supreme Court remains the structure of the federal judicial system today.

The Federal Courts in American History

Since 1789, the federal judiciary has grown from 13 district judges and 6 Supreme Court justices to over 550 district judges and 160 courts of appeals judges, as well as the 9 justices on the Supreme Court. In these 200 years, the federal courts have played a vital role in the national life, developing important legal principles in the course of resolving individual disputes. Their business in different periods reflected the pressing national problems of those times.

In the nineteenth century, decisions by the circuit courts and the Supreme Court helped create a climate for investment, commercial enterprise, and industrialization. Before the Civil War, federal courts were caught up in the controversy over whether fugitive slaves could be returned to their "owners" in the slave states from which they had fled. After the Civil War, the federal courts were called upon to interpret the civil rights statutes passed to protect the citizens newly freed from slavery.

Today, federal courts decide cases involving economic regulatory statutes and orders issued by administrative agencies. They hear cases based on charges of racial or other arbitrary discrimination, as well as disputes over bankruptcy, patents, copyrights, and admiralty matters. Their dockets also cover the whole range of federal criminal laws. And, as they have for 200 years, they decide cases involving state law between citizens of different states.

As the founders anticipated, federal judges' insulation from public reprisal has permitted them to make unpopular decisions when required by the Constitution, often protecting minority rights or the expression of unorthodox beliefs. When necessary, the federal courts have been the arbiter between the executive and legislative branches of governments, holding each to its constitutional sphere.

By carrying out these judicial responsibilities, the federal courts reflect the commitment of the American people to the rule of law.

For Further Reading

David Eisenberg, Christine R. Jordon, Macva Marcus & Emily F. Van Tassel. "The Birth of the Federal Court System." This Constitution, 18-24 (Winter 1987).

Felix Frankfurter & James Landis. The Business of the Supreme Court. New York: Macmillan, 1928.

Julius Goebel, Jr. Ch. XI, "The Judiciary Act of 1789," in Antecedents and Beginnings to 1800, vol. I of The History of the Supreme Court (Oliver Wendell Holmes Devise History of the Supreme Court of the United States). New York: Macmillan, 1971.

Herbert J. Storing. What the Anti-Federalists Were For. Chicago: University of Chicago Press, 1981.

Welcome to the Federal Court and Federal Courts and What They Do. Washington, D.C.: Federal Judicial Center, 1987 (pamphlet and brochure, respectively, available at the federal courthouse).

The Committee on the Bicentennial of the Constitution of the Judicial Conference of the United States, Hon. Damon J. Keith, chairman, prepared this pamphlet, in cooperation with the Special Educational Services Division of the Federal Judical Center, to promote understanding of the history of the federal courts during the 200th anniversary of their creation. The Judicial Conference is the administrative governing body for the federal court system. The Federal Judicial Center is the federal courts' agency for research, development, and continuing education. The preparation of this pamphlet was supervised by the Honorable Dolores K. Sloviter, United States Court of Appeals for the Third Circuit, a member of the committee, and Russell R. Wheeler, Director, Special Educational Services Division, Federal Judicial Center.

CELEBRATING THE BEGINNING OF THE FEDERAL COURT SYSTEM

Mr. SANFORD. Mr. President, I rise today to commend and celebrate the beginning of the Federal Court System which was established 200 years ago when the U.S. Supreme Court held its first official meeting in New York City. Although the Federal Court System is a highly respected institution today, its beginnings were somewhat tenuous at best.

When the U.S. Constitution was ratified in 1788, it contained only a few

provisions about the Judicial branch. It established the Supreme Court, but left it up to Congress to determine whether there would be any Federal trial courts.

There were those individuals who argued that the country did not need a set of Federal courts. Because all the States had trial courts, it seemed duplicative to establish a Federal Court System. Others, however, realized that a Federal system was necessary to unite the country and to provide a legal forum where the State courts could not properly adjudicate an issue.

Those of us in this Chamber should be especially proud of the fact that when the First Congress convened in 1789, the Senate began working on its very first piece of legislation. It is no coincidence that this was legislation to establish the Judicial courts of the United States. When this legislation was enacted in 1789, it provided that Federal courts would try Federal crimes, admiralty cases, lawsuits by the United States, lawsuits between citizens of different states, and a few other matters. The greatest share of judicial work was still to be handled by the State courts. The Supreme Court was available to correct errors in Federal courts and in State courts in particular kinds of cases. With some important changes, the Federal system continues to operate this way today.

Today, the District court serves as the main forum for litigation. The Circuit Court of Appeals provides appellate review, and the Supreme Court reviews decisions of the Circuit courts. This system is a model of efficiency, and ensures that every litigant has his day in court.

Today, Federal courts decide a broad range of complex issues. The Federal Judiciary is to be congratulated for assuming this burden and performing with extraordinary professionalism. On this anniversary, we should take special note and pay tribute to the 550 district judges, 160 courts of appeals judges, and 9 Justices on the Supreme Court. Without their skills, talents, and devotion, the Federal Court System would not be the outstanding forum for dispute resolution as it is currently recognized by the practicing bar and the general public.

Mr. President, I am delighted to pay tribute to the creation of the Federal Court System, and to the men and women who preserve and protect it. As Americans, we should be relentless in our support for the system, and appreciative of the fundamental role that it plays in modern society. I am truly happy to be able to participate in this most important event.

Mr. THURMOND. Mr. President, today, we are commemorating the bicentennial of the first meeting of the U.S. Supreme Court which occurred on February 2, 1790. On that day, Chief Justice John Jay and five associate justices assembled in New York City.

In 1987, we celebrated the bicentennial of the signing of the Constitution. Last year, the celebration continued with the observance of the convening of the First Congress and the inauguration of George Washington as the first President.

As we continue the bicentennial celebration, we join in marking the beginning of the functioning of the Federal Judiciary, the third branch of Government. During the debates in Philadelphia in the summer of 1787, it was readily determined that there should be a National Government with three coequal branches. The debate on the necessary components of the Judiciary was not as contentious as other issues raised during the Constitutional Convention. The delegates agreed that there should be a Supreme Federal Court to uphold the Constitution and Federal laws but concern was raised that the inferior courts would undermine and duplicate the work of the State courts. Consequently, the delegates, in article III of the Constitution, established a Supreme Court and gave Congress the authority to set up inferior courts. In order to ensure the independence of the Judiciary, the delegates provided that the Justices would be appointed for lifetime rather than elected. The appointment power was given to the President with the advice and consent of the Senate.

A central issue in devising the court system was whether or not the Supreme Court would have the power to invalidate State laws that violated the Constitution. Under the Articles of Confederation, the State courts had the power to nullify the national laws and would often do so when they disagreed with them. The delegates recognized this as a weakness of the current government and sought to correct it by creating a national judiciary. Thus, creation of a national judiciary was an effort to provide a uniform system of justice and uphold Federal laws. During the Convention debates, it was proposed that Congress be given the authority to void States laws. This was rejected. Instead, a provision was included in the Constitution which provided that the Constitution shall be the supreme law of the land. This language, included in article VI of the Constitution, has become known as the supremacy clause. However, the Constitution did not go so far as to provide that the courts would be able to overturn the laws of the States.

Under article III, the duty of shaping the Judiciary was left to the Congress. Therefore, the First Congress enacted the Judiciary Act of 1789 which established the Federal Court System. This Act established one Supreme Court of six Justices, three circuit courts and 13 district courts. The Judiciary Act also made it clear that the Supreme Court could invalidate State laws found to be in violation of the Constitution. The power of judicial review over acts of the Federal Government was later established in 1803 in the celebrated case of Marbury versus Madison.

The fact that our Nation has endured for over 200 years under the Constitution is a true indication of the great wisdom and foresight of those men gathered in Philadelphia during the summer of 1787.

Throughout the bicentennial years beginning in 1987, I have been pleased to serve on the Commission on the Bicentennial of the U.S. Constitution, the Commission has dedicated substantial resources toward educating the people of our great Nation on the rich history of the Constitution. It is my belief that better education about the Constitution gives our citizens a greater understanding and deeper appreciation of the importance of their participation in the system created by this sacred document. This year the Commission will focus its educational efforts on the Judiciary. I encourage all Americans to read and re-read the Constitution so that they may gain a true understanding of the impact of this document on their everyday lives.

This commemoration of the opening session of the Supreme Court reminds us that the Constitution remains the greatest document ever penned by the mind of man for the governing of a people.

Mr. President, it has been my pleasure to serve on the Commission with other Members of the Senate. Senator HATFIELD, Senator KENNEDY, and Senator DECONCINI, and myself are the four Members from the Senate now serving on this Commission. It is a great honor to serve on this Commission and to serve our Nation in celebrating the bicentennial of that great document, the Constitution.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank my colleagues who have taken the time to make a commentary on this very important celebration in our political history. I thank especially Senator KENNEDY and Senator THURMOND for their contribution here on the floor and also for their contribution on the Bicentennial Commission, along with Senator DECONCINI, rounding out the quartet of Senators who serve on that committee.

Mr. President, I know there are other Senators who are not able to be with us at this time who have indicated to me they will like to have remarks printed in the RECORD, so I ask unanimous consent that the RECORD be kept open for additional statements that Senators may wish to add to those given here today.

THE BICENTENNIAL OF THE SUPREME COURT

Mr. BIDEN. Mr. President, more than two centuries ago, the framers of the Constitution of the United States created a unique system and structure of government—a system that answered many questions but left others, many of which the framers could not possibly foresee, unanswered. It is the Supreme Court upon whose shoulders responsibility for resolving those questions has fallen. As we celebrate the Court's bicentenntial today, we should rejoice in the knowledge that it has borne that responsibility well.

Time has proven the Supreme Court—the pinnacle of our independent Federal judiciary—to be the "impenetrable bulwark," as James Madison dearly hoped it would, against what was perhaps the greatest fear of the framers—the fear that rights and liberties of the individual would be infringed by the transient tyranny of the majority. Indeed, since the time the framers first met to this very day, we have found ourselves engaged in a national debate over the most profound question that can occupy a democracy—at what point do the rights of the individual prevail over the will of the majority?

That is a question, of course, that the framers did not—and ultimately could not—resolve. But fortunately, the framers did create a process that would move us, case by case, generation by generation, steadily in the direction of a resolution.

At the center of that process has been the Supreme Court—the last and impenetrable bulwark of protection for our freedoms. This process—by which individual rights and freedoms have been secured by the Constitution and an independent judiciary—has been the secret of our longevity as a democracy.

So, as we celebrate the 200th anniversary of the Supreme Court's first full meeting, let us be mindful of the role the Court has played in answering the questions our forefathers left unanswered—and in helping to ensure that each generation of Americans bequeaths to their children a nation that is a little more fair, a little more just, and a little more free.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BICENTENNIAL OF THE FEDERAL JUDICIAL SYSTEM

Mr. GRASSLEY. Mr. President, I rise to acknowledge the bicentennial of the Federal judicial system, a system created by the Judiciary Act of 1789. The size and structure of the Federal courts system has changed dramatically as it enters its third century. But its essential characteristics are the same: Ensuring the delivery of justice to our people.

With the act of 1789, Congress created a framework implementing the article III requirement that "the judicial power * * * be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." Our system still follows this plan, though Congress has enacted many provisions over the years on specific provisions.

Mr. President, I rise also to acknowledge the ongoing work of the Federal Courts Study Committee, because this work is so relevant to the courts' ability to sustain a high degree of service to the public.

As my colleagues know, the Federal Courts Study Committee was created by Congress in 1988 to examine the problems facing the courts and to develop a long-range plan for the future. For close to a year, the 15 members of the committee, appointed by Chief Justice Rehnquist, have been meeting on, and studying, the courts' problems. I am proud to serve as 1 of 4 congressional Members, along with Senator HEFLIN, and Congressmen KASTENMEIER and MOORHEAD. Our task is perhaps as important as any facing the courts since the passage of the first judiciary act, 200 years ago.

The problems facing the Federal judiciary, and our judicial system center around the workload of the courts, which is increasing in an unbroken line and at an astonishing pace.

The statistics are of stratospheric dimensions. The number of cases filed in the Federal district courts has gone up by nearly 300 percent since 1960; for the courts of appeals, the increase has been 600 percent.

The criminal caseload has expanded dramatically in the 1980's, with filings up 56 percent. Drug cases have increased by 229 percent, and now account for roughly half of all criminal cases.

It's estimated that by 1991, drug cases will be up another 20 to 50 percent from 1988 levels, as we intensify our antidrug efforts.

One study extrapolated that by the early 21st century, the Federal appellate courts alone will decide approximately 1 million cases each year. That bench would include over 5,000 active judges, and the Federal Reporter would expand by more than 1,000 volumes each year. So much for a uniform body of Federal law.

How did we get to this position? Well the judiciary, unlike the other branches of Government, does not have control over its workload. The courts cannot refuse new cases because they may not have the resources to process them. Given the requirements of due process of law, and the labor-intensive nature of court activities, substantial resources are invested in every case filed, whether they are plea-bargained criminal cases, or even frivolous civil suits.

More cases means more lawyers, and vice-versa. As a nation, we spend more on legal services than ever before—30 percent more than just 10 years ago; we have 5 percent of the world's population, but nearly 70 percent of its lawyers—2½ times as many as Great Britain, five times as many as West Germany, and 25 times as many as Japan. The Japanese surely appreciate the difference. As they have put it: "Engineers make the pie grow larger; lawyers only decide how to carve it up."

The costs imposed by our legal system, both in real terms, and in terms of delay, uncertainty, and lost opportunities, are striking. Lawrence Silberman, now a Federal appeals court judge in Washington, put it this way when he was a Deputy Assistant Attorney General: "The legal process, because of its unbridled growth, has become a cancer which threatens the vitality of our form of capitalism and democracy."

Though I am a member of the Senate Judiciary Committee, I am not a lawyer. In fact, I'm the only nonlawyer on this Study Committee. However, I do not propose to let this distinction prevent me from hitting hard at lawyerly abuses that richly deserve to be hit.

I agree with the assessment of lawyer-economist Peter Huber that much of the business of law is mystification and misdirection: Long words are better than short ones; more words better than fewer. And, of course, if the concept is really important, render it in Latin.

Excess, quite simply, is the enemy of any institution. And professions tend to be an enemy of change because they have a self-interest in the continued prosperity of their profession.

Abraham Lincoln, once a pretty fair country lawyer, advised his colleagues to "discourage litigation," and to "persuade your neighbor to compromise whenever you can. As a peacemaker the lawyer has a superior opportunity of being a good man. There will still be business enough for everyone," Lincoln said.

We are in desperate need of more "Lincolns" among the now more than 700,000 lawyers in the profession. We need fewer gladiators and more diplomats, fewer "hired guns" and more problem solvers.

The Study Committee probably can't change lawyers' behavior, but we can recommend changes to make the Federal courts more hospitable to consensual dispute resolution.

Alternative dispute resolution methods offer courts the opportunity to better serve the people who use our judicial system. Mediation, arbitration, and an array of court-crafted settlement devices can provide prompt, fair, dispute resolution.

This has long been an area of interest for me. Last Congress, we approved legislation, proposed by Congressman KASTENMEIER and myself, to expand a

pilot project in court-annexed arbitration. I'm pleased to see that the Study Committee has been willing to extend these types of proposals nationwide.

I also support the recommendations to improve the "institutional comity" between the legislative and judicial branches. Increasingly, I believe Congress lacks an appreciation for the processes and problems of the judiciary. It's true that we pass on their appropriations, and approve a few judges now and again, but we are largely oblivious to the needs of our coequal branch—particularly to when it comes to the causes and effects of workload.

Often, the increase in workload is directly attributable to acts of Congress. After 16 years in Congress, I've come to know that no real or imagined "wrong" is beyond some legislative "fix"—often with serious implications for the courts' workload. New causes of action are created, and new appeal rights are to be vindicated, only in the Federal courts. It seems that whatever Congress does—whether it's related to the war on drugs, the enforcement of civil rights, or the protection of the environment—ultimately increases the workload of the Federal courts.

This is not necessarily bad, but it's an unmistakable fact.

We can approach the problem of increasing workload in a couple of ways. We can simply increase the numbers of Federal judges to keep pace. Along that line, the Judicial Conference will likely recommend the creation of some 75 additional Federal judges; there are over 20 vacancies left over to be filled by the current Congress.

But this is, of course, expensive—salaries, chambers, libraries and support staffs make for first year costs of up to $1 million per position. It's also, obviously, politically difficult for my friends on the other side of the political aisle to accept 100 or more new lifetime appointees, all named by President Bush—even where there is a demonstrated need.

Other than to simply increasing the numbers of judges, it seems to me that Congress should take the lead in better assessing—and limiting, wherever possible—the adverse impact on the judiciary resulting from our legislative enactments.

Committees of Congress are currently obliged to assess the regulatory and budgetary impact of reported bills, however "pro forma" our compliance has been. But in no way are we required to assess the judicial impact of legislation. I believe this should change, and that the Study Committee should suggest this change.

I believe we also have an obligation to recommit ourselves to forcing committees of Congress to do a better job of legislation drafting—to give more explicit direction to the courts, rather than simply leaving it to the courts to make the tough choices by "filling in the gaps" about our intent.

Congressional imprecision creates gaps. Each gap creates costly, unnecessary, time-consuming litigation—litigation that could be avoided if Congress simply did its job better.

As a remedy, I believe the Congress should institutionalize a kind of "judicial impact statement" for all bills reported by legislative committees—both in terms of the workload impact our bills can expect to have, as well as to formalize a kind of legislative drafting "checklist" to make certain that no unintended gaps are present. Again, I'm pleased the Study Committee has taken on these issues in its recommendation.

Mr. President, under difficult circumstances, the Federal courts have lived up to the aspirations of the framers of article III of the Constitution. But unless Congress attends to the needs of the third branch, and does so quickly, I fear that courts in the next era will be under too much stress to deliver the justice we have come to know and appreciate.

IN COMMEMORATION OF THE BICENTENNIAL OF THE SUPREME COURT AND THE FEDERAL COURT SYSTEM

Mr. DECONCINI. Mr. President, last week the Supreme Court celebrated the 200th anniversary of its first official meeting and the beginning of the Federal court system. The primary foundation of our Federal system is the principle of three coequal branches of Government. When the framers of our Constitution established three separate branches of Government, they recognized that no one arm of the Government should be stronger or more dominant than the other. While each branch was given a check on the other, none was made superior to the others. History has proven the wisdom of those long ago decisions.

For 200 years, the Federal courts have protected the rights of all Americans and stood for the proposition of fairness and justice for all. The Federal courts have been a buffer between our citizens and their Government. They have provided redress and relief for intrusions by governments and by other citizens and have become for many the symbol of equality and freedom. It is highly appropriate that we recognize this important anniversary.

During these times of great change in Eastern Europe, we should be proud that our form of Government stands as the model for the world's emerging democracies. The independent Federal judiciary is admired and respected for the outstanding job they do in maintaining the freedoms we Americans treasure so dearly and other individuals are fighting so desperately for.

I have had the honor to serve as chairman of the Courts and Administrative Practice Subcommittee of the Senate Judiciary Committee and as a member of the committee have participated in the confirmation of many, many Federal judges. I consider the Constitution-imposed responsibility of confirmation of the Federal judiciary among the one or two most important functions of a U.S. Senator. Other than the authority to declare war, there is nothing that a U.S. Senator can do that will have as lasting an effect on our country than confirming lifetime appointees to the Federal branch.

The celebration of the bicentennial of the first meeting of the Supreme Court and the institution of the Federal court system allows us as Americans to reflect on the oustanding heritage we have. I am proud to be a part of the U.S. Constitution Bicentennial Commission and praise the outstanding job being done by our Supreme Court Justices and all our Federal judges.

Mr. COCHRAN. Mr. President, the U.S. Supreme Court had its first official meeting in New York City on February 2, 1790. The experience of the past 200 years is evidence of the unique and important role of the Federal judicial system in our society.

Although our Constitution says comparatively little about the judicial branch, it laid the foundation for an independent judiciary when it created a Supreme Court of the United States and protected Federal judges by giving them life tenure during good behavior and barring reduction in their pay while in office.

The framers, however, gave Congress the responsibility of building a Federal judicial structure on that constitutional foundation. When the Senate convened in the spring of 1789, it began working on its first piece of legislation, Senate bill 1, "An Act to establish the Judicial Courts of the United States." President Washington signed this first Judiciary Act on September 24, 1789, creating a 6-member Supreme Court, 3 circuit courts, and 13 district courts. Although most of the provisons in that act have been modified or replaced, our Federal court system still embodies the basic principles of that legislation.

Today, over 550 judges serve in the district courts, 160 on the courts of appeals, and 9 on the Supreme Court. These dedicated men and women play a vital role in our national life, applying important legal principles in the course of resolving the disputes that are brought before them.

Their insulation from public reprisal has permitted them to make unpopular decisions when required by the Constitution, often protecting minority rights or the expression of unorthodox beliefs. They often referee contests involving various levels and branches of Government, holding each

to its constitutional sphere. We may not always agree with our Federal judges in individual cases, but we must all agree that when they exercise their judicial functions in an able and responsible way, they reflect the commitment of all Americans to equal justice under the law.

I join my colleagues today in congratulating the Federal judges on the bicentennial of the Federal judicial system and in wishing them continued success in service to the Nation.

BICENTENNIAL OF THE SUPREME COURT

Mr. MOYNIHAN. Mr. President, in almost quiet passing, we pause to celebrate—if indeed that is what we do here—the bicentennial of our highest court; what its first clerk mistakenly recorded, from force of habit, as the "Supreme Judicial Court of the United States begun and held at New York on the first Monday of February, and on the first day of said month Anno Domini 1790." And, thereupon, being no quorum established, adjourned "until to Morrow, at one o'clock."

So begun, on the second day of February, on the second floor of the New York Merchants' Exchange—which had been designed and for some time continued to be used as an open-air market—the first term of the first decade of the Court's judicial proceedings. Vested by article III of the Constitution its "Judges—originally six—both of the supreme and inferior Courts, shall hold their offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office."

Good "behaviour" was sorely tested. The Court was directed to meet twice in every year; the first term commencing in the cold of February and the second in the insufferable heat of August.

The Judiciary Act of 1789 established 13 district courts in three circuits—the eastern, middle, and southern with the exclusion of Maine and Kentucky—and within each district of the three circuits two circuit courts were established each requiring the presence of "any two Justices of the Supreme Court, and the district judge of such districts.* * *" Riding the circuit was harsh going for the Justices and became cause for discontent.

The Nation was young and much had been sacrificed, not least being the health and good countenance of those early jurists who had helped to establish the Union. In his letter dated March 10, 1790, to Richard Law—United States judge for the District of Connecticut—John Jay—then Chief Justice—wrote of such concerns:

SIR

. . . For accommodations I presume there can be no Difficulty in any Towns in which the Courts are to be held in New England. I wish to lodge in a clean orderly Inn, for as to the Manner in which the Table may be served, it is among the least and last of my Cares.

I thank you Sir! very Sincerely for your kind Attention, and an with great Esteem Your most ob.t & h'ble Serv.t

JOHN JAY.

Our roots in the subject of law and an organized judicature are deep indeed—in Rome and Byzantium—and lest we forget them, we have found in the reflection of our own jurisprudence those earlier jurists Cicero and Justinian. Indeed, the English jurist Sir William Blackstone found "that a competent knowledge of the laws of that society in which we live * * * an highly useful, I had almost said essential, part of liberal and polite education." Yet the neglect of this subject is apparent in the neglect of that branch of our Government which Hamilton suggested could not be complete without, a judicary. "Laws are a dead letter without courts to expound and define their true meaning and operation. * * * To produce uniformity in these determinations, they ought to be submitted, in the last resort, to one supreme tribunal."

Despite the grandiosity of this heritage and of these appeals, the laws of this new Republic were to be "submitted," in fact, on the second floor of a butchers market. And following New York City, moved to Philadelphia in 1791 to quarters unfinished. In the absence of any chambers, the Court met temporarily for its February term in Independence Hall—then State Hall—in rooms left unheated owing to the State Assembly's refusal to provide the Court with stoves which they themselves enjoyed. By the August term of that year, the Court took its rooms in the newly completed city hall but was forced to share them with the mayor's court.

The Court then moved from Philadelphia to the new Capital City of Washington in 1801. Little changed in the way the Court was treated by Congress. Indeed, it was not until 1810 that it received rooms specifically designed for it by the building's architect Benjamim Latrobe. Even in these improved conditions the Court was forced to share its space with other lesser judicial courts including the U.S. circuit court and the orphans' court of the District of Columbia.

These questionable improvements were short lived. The British, of course, burned the Capitol in 1814. A local tavern not far away took to the business of providing accommodations for the Supreme Court of the United States until its return to what was then characterized a "dunjeon" in the Capitol Building in 1817. There is remained, changing twice, until the Court moved again in 1935, after great effort at the behest of Chief Justice William Howard Taft, to Cass Gilbert's temple directly across from the east portico of the Capitol Building.

And now we are to have another building. In some manner an apology for a century and a half of neglect. A moment worth recording. On October 7, 1988, President Reagan signed into law a bill (P.L. 100-480), the Judiciary Building Development Act, which I was proud to have sponsored, authorizing the construction of a second building for the Supreme Court. In the long history of this Republic, in the two centuries of the Senate, this was only the second time we had been asked to provide the Supreme Court a building. The new building will be built on land to the east of Union Station designated for this purpose in the 1981 master plan for the U.S. Capitol. The building is to be of monumental quality—not size—as befits the dignity of the Court. It was complement the tableau of Union Station and the city post office building both designed by Daniel Burnham. And it was have heat.

I would hesitate to think we would or could any longer neglect the importance of that branch of our Government—the judicial—which has for two centuries now preserved and protected the Constitution of the United States.

Mr. HATFIELD. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL WARMING

Mr. LIEBERMAN. Mr. President, I rise to join my colleague, the Senator from Colorado, who earlier responded to the statement by the President of the United States this morning on the question of global warming. According to reports I have seen, which are sketchy, about the President's speech today on global warming, it appears he cautioned all of us, scientists included, against trying to solve the problem of global warming by moving too quickly or by burdening anyone, including any of the major industries that are the source of chemicals that most people believe are causing the planet to warm.

That is a bit like telling a firefighter to put out a fire without using water. The truth is, all of us, individuals and industries, are going to have to accept some burdens if we are to protect our endangered planet. In this, as in so many other areas, I think the people are ahead of the politicians in understanding the need for change. Apparently the President does not understand the need for change and does

not want to solve the problem of global warming or even begin to solve it with bold initiatives or strong policies.

He wants to sit back and let events take care of the problem. Let the marketplace work. But the problem is, when it comes to environmental protection that is not enough. That, in fact, is what got us into this environmental nightmare and, unless we have some governmental leadership, there is not going to be any way out of it.

Having shed his alleged wimp image in the conduct of foreign affairs, the President now seems to be about the business of resurrecting that wimp image in the conduct of our environmental policy. The world cannot afford to tolerate a laissez-faire attitude toward global warming. Half the scientists who are members of the National Academy of Sciences and half the American Nobel laureates issued a statement just last week declaring that global warming is a clear and present danger.

There may be disagreement about how quickly the world will warm or by how many degrees, but there is virtually no disagreement that it is happening and all of us are making it happen, and that the long-term consequences of global warming can be devastating to life on Earth as we know it.

Next to how we treat each other in our lifetimes, I think there is no greater measure of our civilization than how we treat our planet, our world. We have abused it for decades and now it is striking back at us. Unless we take dramatic steps to halt the trend toward ecological disaster, it will be too late to stop the degradation of our magnificent planetary resources.

I am concerned, not only by the President's weak and vacillating remarks today at this international gathering of scientists on the question of global warming, I am also concerned about something much closer. That is an unwavering opposition by the President and his administration on the question of whether the Clean Air Act before this Senate now can or should include a provision to limit the emissions of carbon dioxide from automobiles.

Carbon dioxide is the major greenhouse gas, the major cause of global warming. Such standards are essential if we are to make major reductions in carbon dioxide emissions.

I know it is not easy to ask anyone, individuals or industries—in this case the auto industry—to take steps to curb pollution that warms our planet. Change in the status quo is awkward, it is inconvenient, and sometimes it costs us more than we would like to pay. But unless we demand change from ourselves, from institutions and industries around us, the slow and steady ruination of this good Earth as we know it is going to continue. And our children and their children will suffer the consequences of our timidity.

We must provide those who pollute with incentives to stop polluting. It will not happen automatically. That is why we have laws, to help people do things that they would not do, left to their own druthers. We must pass a law that says the auto industry must reduce carbon dioxide emissions and that means increasing the fuel efficiency of our cars. Because it is in the interests of all of us that they do so.

Mr. President, I urge my colleagues to work toward passage of a strong Clean Air Act that contains a provision that will protect us from carbon dioxide emissions warming this planet. That, I think, would be the most effective immediate refutation of the President's refusal to act on this critical issue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEFENSE BUDGET

Mr. GORTON. Mr. President, 1 week ago today, the Congress received the President's Defense budget request for fiscal year 1991. A great deal of concern, thoughtfulness, and wisdom went into the preparation of that document.

This budget, and the ensuring Defense authorization process, represents a cautious turning toward a world which will be significantly different from that of the past 45 years. The fiscal year 1991 budget reflects the uncertain and fragile transition from the end of the cold war to a future that no expert can be confident in predicting accurately. The shocks that ran through the world last Tuesday at the mere, and as it turned out, false rumor of a pending resignation of his party leadership by President Gorbachev reminds us how tenuous, and yet how hopeful, our position is.

To be sure, Mr. President, while we may be approaching the end of the cold war, we are certainly far from the end of history. And if history teaches us anything, it is that the potential for conflict between nations regrettably remains a distinct possibility. So as we consider the defense budget we must all remember that as long as the United States maintains global interests, and proposes to continue as a beacon for freedom everywhere, it will be necessary to support the means to secure a free and peaceful world.

With this as background, I think it's clear to everyone that it is no longer a question of whether the Defense budget will be cut, but by how much, and how wisely? The administration's answer is before us in the budget request: A 2-percent decline in Defense spending, in constant dollars, in each of the next 5 years.

Lest one underestimate the significance of what the administration proposes, bear in mind that if even the modest trends of that proposal are followed, Defense spending in 1995 will be at its lowest level, both as a share of GNP and as a percentage of the Federal budget, since before World War II.

But, Mr. President, I must say in all candor that the administration is deceiving itself if it believes that Congress will not cut Defense spending further for this coming fiscal year and, if present international trends persist, for the next 5 years. The American people will expect us to divert even more resources away from the Defense budget than the administration now hopes. I dare say that an additional $4 to $5 billion is likely to be cut from the President's request before the authorization process is completed. I also believe that such a reduction can be accommodated without causing major damage to our national security.

Additional reductions to the Defense request can be anticipated in the area of strategic force modernization. It is pure fantasy, Mr. President, for the administration to believe that SDI, a program I strongly support, will be increased by almost a billion dollars. With respect to offensive forces, I see little likelihood that, given the new diplomatic environment, the United States will deploy the MX missile in rail garrison mode or build the Midgetman small ICBM. At a time when we need to make hard choices in the strategic area, we may well conclude, as does Richard Perle that "the current generation of ICBM's should prove adequate while the next generation will benefit from further research and development if it is delayed for a few years."

Reducing the overall level of Defense spending is only one-half of the equation. Changes in Eastern Europe and the Soviet Union also warrant, indeed beg, a reevaluation of United States national security interests—and the strategy and forces necessary to protect those interests. The unpredictable nature of the changes occurring in Europe and the Soviet Union make a well-defined strategic approach as challenging as it is imperative.

This is especially true with respect to arms control. It is the height of irony that a negotiated arms reduction agreement with the Soviet Union—both nuclear and conventional—could

leave the Soviets with more forces than if we allow events to take their natural course. As James Schlesinger testified before the Armed Services Committee last week, it would indeed be awkward for the United States to be placed in the position of having agreed to Soviet troop deployments in Eastern European countries that want them out lock, stock, and barrel. Perhaps a decision by the Congress on troop reductions will lead to more dramatic and more prompt Soviet withdrawals than is likely from the CFE process.

I believe, Mr. President, that the Secretary of Defense has established the correct priorities with which to guide the U.S. Defense Program. These are quality personnel; strategic modernization including strategic defenses; versatile, ready, deployable, sustainable conventional forces; continued maritime superiority; reserve forces and mobilization; and special operations forces.

Finally, Mr. President, as defense spending continues to decline, it is vital that we have a clear strategy to guide future choices, and that we guard against the parochial interests of what my friend the chairman of the House Armed Services Committee, LES ASPIN, has termed, the "pork doves"—those Members of Congress who believe that Defense spending should be cut everywhere except at home. Money spent on unnecessary installations is money totally wasted.

These are exciting times, Mr. President. The cause of freedom and justice has won a victory of historic proportions. And American strength, courage and patience has contributed immeasurably to that triump. But we must not be careless in our reaction to these momentous international events. Thomas Jefferson said that "eternal vigilance is the price of liberty." If we agree, and I do, then we must continue to maintain a level of defense spending consistent with the preservation and enhancement of our victory in the cold war.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of North Dakota, the Chair asks unanimous consent that the order for the quorum call be rescinded.

There being no objection, the order for the quorum call was rescinded.

TRIBUTE TO ANN LYNCH

Mr. REID. Mr. President, I rise today to pay tribute to Ann Lynch who will be honored on February 9 at the Las Vegas Area Council Parent Teacher Association's [PTA] Founders' Day Dinner.

Mrs. Lynch currently serves as the national PTA president, but for years she has dedicated her efforts to improving education in Nevada. In her own words, Ann Lynch explains the importance of the parents' role in the education of their children: "Parents must stop just criticizing the schools and expecting teachers to raise their children and start getting more positively involved in their children's education."

The greatest praise that can be said of Mrs. Lynch is that she abides by her own teaching. She is the first national PTA president to hold a full-time professional position. Mrs. Lynch, a Las Vegas, NV resident, is director of public relations and marketing at Humana Hospital Sunrise, one of the largest hospitals in the Western United States. However, Mrs. Lynch makes the time to fulfill her obligations as PTA president and she hopes that her arrangement will serve as an example to other employers and parents.

Ann Lynch has been actively involved in the PTA for over 26 years. She first joined her local elementary school PTA when her son, Ed, entered kindergarten. It was only 1 year later than Mrs. Lynch served as president of her local PTA. Since then, she has held a number of local, State and national positions, including Nevada PTA president, national PTA treasurer and first vice-president of the PTA. She is an honorary life member of 26 State PTA's and the national organization.

In recognition of Mrs. Lynch's lifelong commitment to the Nevada PTA, the Clark County School Board has named a school in her honor. Ann T. Lynch Elementary School will open in Las Vegas for the 1990-91 school year.

To speak only of Mrs. Lynch's involvement in the PTA would be overlooking her countless other volunteer activities. She is a member of the Nevada Governor's Commission on Educational Excellence and the Southern Nevada Drug Abuse Council and has served as chairman of the Las Vegas Civil Service Commission. She is a past president of the Las Vegas Area Council of Camp Fire Girls and currently serves on the board of directors of the Candlelighters, an organization that helps children with cancer, and on the board of directors of CHANCE [Council for Handicapped Children's Education]. Mrs. Lynch was also the founder and first director of Trinity Methodist Day School and Day Camp in Las Vegas. In 1984, she received the Governor's Outstanding Service Award and in 1985, she was honored with the Citizen's Award for Outstanding Service from the city of Las Vegas.

I could continue to list the many honors and achievements of Ann Lynch, but a listing of these could not begin to illustrate the immeasurable contribution she has made on the local, State and national level. She is one of those rare individuals who exemplifies the belief that one person can make a difference. Ann Lynch has already done so in Nevada and she continues to make a difference for parents, teachers, and most importantly, students throughout the country.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of North Dakota, now asks unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:01 p.m., recessed until 2:55 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BRYAN].

UNANIMOUS-CONSENT AGREEMENT S. 169

Mr. LIEBERMAN. Mr. President, at the request of the majority leader, I ask unanimous consent that the Senate proceed on Tuesday, February 6, at 11 a.m., to the consideration of Calendar No. 78, S. 169, the Global Change Research Act, and that it be considered under the following limitation on time: 1 hour on the bill to be equally divided between Senator HOLLINGS and Senator MCCAIN, or their designees; that the only amendment in order be a substitute amendment to be offered by Senator HOLLINGS and Senator BAUCUS to the committee-reported substitute amendment; and that the time on this amendment be included in the total time allocated for the bill; that no other motions or points of order be in order other than a motion to table a motion to reconsider final passage of the bill; and that a vote on any pending amendments and passage of the bill occur immediately following the vote on passage of S. 1310 that has been ordered to occur at 12 noon on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL WOMEN AND GIRLS IN SPORTS DAY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 82, designating National Women and Girls in Sports Day, which was just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 82) to designate February 8, 1990, as National Women and Girls in Sports Day.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to reconsider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 82) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REMOVAL OF INJUNCTION OF SECRECY—TAX CONVENTIONS WITH THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF FINLAND

Mr. LIEBERMAN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from tax conventions with the Federal Republic of Germany, Treaty Document 101-10, and the Republic of Finland, Treaty Document No. 101-11, both transmitted to the Senate today by the President.

I also ask unanimous consent that the treaties be considered as having been read the first time; that they be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and Capital and to Certain Other Taxes, together with a related Protocol, signed at Bonn on August 29, 1989. I also transmit the report of the Department of State on the convention.

The convention replaces the tax convention that was signed with the Federal Republic of Germany on July 22, 1954, and amended by the protocol of September 17, 1965. It is based on model income tax treaties developed by the Department of the Treasury and the Organization for Economic Cooperation and Development. However, it includes a number of new provisions to accommodate important aspects of the Tax Reform Act of 1986, such as the imposition of a branch tax and strong measures to prevent "treaty shopping."

I recommend the Senate give early and favorable consideration to the convention, together with a related protocol, and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *February 5, 1990.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention between the Government of the United States of America and the Government of the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital, signed at Helsinki on September 21, 1989. I also transmit the report of the Department of State on the convention.

The convention would replace the existing income tax treaty with Finland that was signed on March 6, 1970. It is based on the model income tax conventions of the Organization for Economic Cooperation and Development and the Department of the Treasury and takes into account the changes in United States income tax law resulting from the Tax Reform Act of 1986.

The convention contains provisions designed to prevent third-country residents from taking unwarranted advantage of the convention by routing income from one Contracting State through an entity created in the other. The convention also provides for the exchange of information by the competent authorities of the Contracting States.

I recommend the Senate give early and favorable consideration to the convention and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *February 5, 1990.*

EXECUTIVE SESSION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

STATEMENT ON THE NOMINATION OF VICE ADM. CHARLES R. LARSON, U.S. NAVY, TO BE ADMIRAL

Mr. McCAIN. Mr. President, reserving the right to object, and I will not object, I would like to take 1 minute of this body's time to recognize Calendar No. 581: "the following named officer for appointment to the grade of admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601: to be admiral, Vice Adm. Charles R. Larson, Navy."

I am pleased to note that Charles and I graduated together from the U.S. Naval Academy some 32 years ago. He is a man of distinction, of character, and of talent. I believe that in this very difficult and changing time for the U.S. military, we are now giving the U.S. Pacific Fleet the kind of dedicated leadership which is very badly needed. I am, indeed, proud that my friend Chuck Larson would attain this very high position of responsibility.

I remove my reservation, Mr. President,

The PRESIDING OFFICER. Without objection, the acting majority leader's unanimous-consent request is agreed to.

Mr. LIEBERMAN. Mr. President, I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following-named officer for appointment as Chief, National Guard Bureau, under the provisions of title 10, United States Code, section 3040, and appointment to the grade of lieutenant general while serving in this position of importance and responsibility under the provisions of title 10, United States Code, section 601:

To Be Chief, National Guard Bureau

To be lieutenance general

Maj. Gen. John B. Conaway, xxx-xx-xxxx xxx-..., FG, United States Air Force.

IN THE ARMY

The U.S. Army Reserve officers named herein for appointment as a Reserve Commissioned Officer of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371, and 3384:

To be major general

Brig. Gen. Francis T. Donohue, xxx-xx-xxxx xxx-...

Brig. Gen. Thomas C. Stones, xxx-xx-xxxx

Brig. Gen. James B. Baylor, xxx-xx-xxxx

Brig. Gen. Donald M. Bagley, Jr., xxx-xx-x... xxx-...

Brig. Gen. Gary A. Stemley, xxx-xx-xxxx

To be brigadier general

Col. Francis D. Terrell, [redacted].
Col. John E. McAllister, [redacted].
Col. Peter W. Clegg, [redacted].
Col. Francis R. Jordan, Jr., [redacted].
Col. Howard T. Mooney, [redacted].
Col. George G. Kundahl, [redacted].
Col. Donald F. Campbell, [redacted].
Col. Robert H.G. Waudby, [redacted].
Col. Lindsay M. Freeman, [redacted].
Col. Charles L. Whitlock, [redacted].
Col. David L. Stabenow, [redacted].

To be brigadier general

Col. Richard F. Reeder, [redacted].
Col. John Compere, [redacted].
Col. Richard J. Dirgins, [redacted].

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. Robert T. Herres [redacted] FR, U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Richard A. Burpee, [redacted] FR, U.S. Air Force.

The following-named officer for appointment the grade of lieutenant general while assigned to a position of importance, and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Robert D. Beckel, [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Herbert R. Temple, Jr., [redacted] U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. James W. Crysel [redacted], U.S. Army.

IN THE NAVY

The following-named officer for appointment to the grade of Admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be admiral

Vice Adm. Charles R. Larson, U.S. Navy, [redacted]/1120.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Paul F. McCarthy, Jr., [redacted]/1310, U.S. Navy.

The following-named officer for appointment to the grade indicated while serving in a position of importance and responsibility designated by the President under the provisions of title 10, United States Code, section 601(a), and to be appointed as senior Navy member of the Military Staff Committee of the United Nations under the provisions of title 10, United States Code, section 711.

To be vice admiral

To be senior Navy member of the Military Staff Committee of the United Nations.

Rear Adm. Robert J. Kelly, U.S. Navy, [redacted]/1310.

DEPARTMENT OF JUSTICE

Michael J. Norton, of Colorado, to be U.S. attorney for the District of Colorado for the term of 4 years.

Walter J. Bamberg, of Alabama, to be U.S. marshall for the Middle District of Alabama for the term of 4 years.

Donald E. Crowl, of Oklahoma, to be U.S. marshall for the Northern District of Oklahoma for the term of 4 years.

Charles E. Healey, of New York, to be U.S. marshall for the Eastern District of New York for the term of 4 years.

Craig L. Meacham, of California, to be U.S. marshall for the Central District of California for the term of 4 years.

James Y. Stewart, of Michigan, to be U.S. marshall for the Eastern District of Michigan for the term of 4 years.

Ronald Frank Ederer, of Texas, to be U.S. attorney for the Western District of Texas for the term of 4 years.

Robert F. Gilbert, of New Hampshire, to be U.S. marshall for the District of New Hampshire for the term of 4 years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Maj. William G. Bader, [redacted] and ending Maj. Marsha R. Claybrook [redacted], which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 17, 1989.

Air Force nominations beginning Ronald R. Anderson, and ending Ronnie L. Stanley, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Air Force nomination of Consolador C. Palad, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Air Force nominations beginning Maj. Anthony Augello, [redacted] and ending Maj. James A. Balukjian [redacted], which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Air Force nominations beginning Maj. Terry L. Anderson, [redacted] and ending Maj. John D. Moore [redacted], which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Air Force nominations beginning David W. Becker, Jr., and ending Stephen T. Ellis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Air Force nomination of Gary J. Moore, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Air Force nominations beginning Walter W. Adams, and ending Lawrence F. Sheehan, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Air Force nominations beginning Frank Abate, and ending Don R. Ziss, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Army nominations beginning William J. Mcdougall, and ending * Stephen H. Savage, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Army nominations beginning Calvin E. Mein, and ending Timothy P. Rearden, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Army nominations beginning Thomas W. Allen, and ending Keijiro Nmi Yazawa, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Army nominations beginning Larry T. Bourke, and ending Keith B. Stout, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Army nominations beginning James C. Burke, and ending Joe Wood, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Army nominations beginning William B. Banks, and ending Charles D. Witmer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Army nominations beginning Richard A. Akre, and ending John D. Zuklic, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Army nominations beginning Rafael A. Acevedo, and ending Frederick J. Zak, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Army nominations beginning Donald R. Ellis, Jr., and ending Bradford S. Goodwin, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Army nominations beginning Albert J. Abbadessa, and ending Scott Avery, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Marine Corps nominations beginning Thomas B. Adair, and ending James F. Zagrzebski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Navy nominations beginning Paul Michael Bader, and ending Richard Louis Titus, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 17, 1989.

Navy nominations beginning Susan K. Arnold, and ending Kevin E. Zawacki, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Navy nominations beginning Kenneth P. Burns, and ending John R. Steenbarger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Navy nominations beginning T.A. Best, and ending John W. Reeves, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Navy nominations beginning David A. Adams, and ending Michael L. Ziegler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

Navy nominations beginning Reynaldo L. Apontecestero, and ending Aaron L. Scoggins, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 24, 1990.

STATEMENT ON THE NOMINATION OF JOHN B. CONAWAY

Mr. BYRD. Mr. President, I am pleased that the President has nominated Maj. Gen. John B. Conaway for the rank of lieutenant general and to serve as the Chief of the National Guard Bureau. In this new responsibility, he will be the senior National Guard officer representing the interests of the National Guard, consisting of over 570,000 Army and Air National Guard soldiers and airmen. I am proud to say that General Conaway has performed service as a member of the West Virginia Air National Guard early in his career. More recently, he has shared the podium with me on various occasions when I have visited the fine young men and women who constitute the West Virginia National Guard.

General Conaway is a native of Henderson, KY, and a graduate of the University of Evansville, where he received a bachelor of science degree in business administration, and Webster College, where he received a master's degree in management and human relations.

He began his military career while attending the University of Evansville, where he entered the Reserve Officer Training Corps Program and was commissioned as a second lieutenant in the Air Force in June 1965. In 1967, after completing basic pilot training and advanced combat crew training, he was assigned as an F-102 fighter interceptor pilot in the Air Defense Command.

In 1960, General Conaway joined the West Virginia Air National Guard as an SA-16 pilot, flying a special forces operations mission. He was transferred to the Kentucky Air National Guard's 123d tactical reconnaissance wing 3 years later, as an RB-57 pilot and in 1965, became an air technician flying training instructor in operations, flying RF-101's.

He was called to active duty with the Kentucky Air National Guard in January 1968, and served in Alaska, Panama, Japan, and Korea. In October 1972, he was appointed Air Commander of the Kentucky Air National Guard and in December 1974, he was appointed Vice Commander of the 123d Tactical Reconnaissance Wing, with units in Kentucky, Arkansas, Nevada, and Idaho. Other assignments included duty as wing director of operations, wing chief of safety, wing chief of standardization and evaluation, group commander, group deputy commander for operations, and squadron operations officer.

General Conaway was recalled to active duty as Deputy Director of the Air National Guard in April 1977, and in April 1981, became director. He was reappointed director in April 1985, and was named to his current position of vice chief in July 1988.

General Conaway was promoted and federally recognized as a major general on April 1, 1981.

General Conaway holds many honors, including the Distinguished Service Medal, Legion of Merit, Meritorious Service Medal, Air Force Commendation Medal, Army Commendation Medal, Air Force Outstanding Unit Award With Oak Leaf Cluster, Air Force Organizational Excellence Award Ribbon, Combat Readiness Medal With Three Oak Leaf Clusters, Air Force Recognition Ribbon, National Defense Service Medal With Service Star, Armed Forces Expeditionary Medal, Armed Forces Reserve Medal With Hourglass Device, Small Arms Expert Marksmanship Ribbon, Air Force Training Ribbon, and Kentucky Distinguished Service Medal. He is also the Recipient of the Air Force's Eugene M. Zuckert Management Award and the Air National Guard's Order of the Sword. He holds the aeronautical rating of command pilot, and has accumulated over 6,000 military flying hours.

Mr. President, it has been my experience that all members of the reserve components of the armed services, and especially those reaching the high rank of lieutenant general, must spend considerable time away from their families in the pursuit of their military duties. This requires no small sacrifice on the part of those family members, and in this regard, General Conaway's wife, Linda, and their children, Ellen, David, Daniel, and Bolyn, are also to be commended.

Mr. President, I am pleased to support the confirmation of Maj. Gen. John B. Conaway as lieutenant general and chief of the National Guard Bureau.

Mr. SASSER. Mr. President, I strongly support the nomination of Maj. Gen. John B. Conaway to be Chief of the National Guard Bureau with the rank of lieutenant general.

General Conaway is one of the most able general officers serving our country today. Currently, the Vice Chief of the National Guard Bureau, General Conaway brings to his new position a lifetime of preparation and experience.

General Conaway is uniquely qualified to become chief of the national guard. He is indeed the right man for the right job at the right time. I have known General Conaway for a number of years. His word is his bond. His leadership capacity and his integrity will serve him well during the challenges of the coming years.

In my view, changing world political and military realities dictate a sharp reduction in our active military forces. We just do not need today's large force structure in order to meet tomorrow's diminished threats in Europe and to provide for third world contingencies. What we do need is a robust National Guard and Reserve, well-trained and well-equipped to help provide this great country with a cost-effective and capable national defense.

My colleagues know that the biggest bang we get for the defense buck is the investment we make in the guard and reserve. We can achieve an appropriate peace dividend by transferring appropriate roles, missions and active force structure into the guard and reserve.

I look forward to working with General Conaway as the Nation moves toward more reliance on the Army and Air National Guard to provide for our national security and international deterrence.

I congratulate General Conaway for his nomination and confirmation to be chief of the guard bureau. I wish him the very best as he approaches this new responsibility and new challenge.

Mr. BOREN. Mr. President, I am proud as a Senator to represent the men and women who serve in the Oklahoma National Guard. The OKNG has a fine history—from the 1890's when the Oklahoma territory formed a military which helped charge San Juan Hill through World War II and Korea when the 45th division won renown for its undaunted bravery until the present. Today the Oklahoma National Guard enjoys many distinctions including the first multiple launch rocket system battalion and the only reserve Army special operations aviation battalion. The tactical airlift wing is daily doing a yeoman's job and our tactical fighter group has the number one safety record in the Nation.

I am pleased that Maj. Gen. John B. Conaway has been selected to become the chief of the National Guard Bureau. It is obvious that I am not alone since rarely has a nomination gone through the process from the Department of Defense to the White House to the Senate with such ease.

This reflects the character of this man who has served with skill and aplomb throughout his career. He has always shown the willingness to help deserving National Guard units in their missions in all States and we Oklahomans appreciate the assistance he has provided us on numerous occasions.

His recall to active duty as Deputy Director of the Air National Guard was made by an Oklahoman, Lavern E. Weber as Chief of the NGB. General Weber remains a close personal friend. Two years after I came to Washington, General Conaway became director of the Air National Guard where his perseverance, dedication and skills were responsible for the highest rates of combat readiness in the history of the Air National Guard. He became the first-ever vice chief in mid-1988 and has been a key player in the war on

drugs. His efforts in counternarcotics have contributed to increased National Guard support to a wide-range of antidrug law enforcement activities. I have heard it said that the National Guard is out in front as a coordinated productive asset in the war on drugs.

I commend all those who had the foresight to name John B. Conaway as Chief of the National Guard and I look forward to working with him in the years ahead. I wish him all the best and even greater achievements in his assignment as the Chief of the National Guard Bureau.

NOMINATION OF JAMES B. BAYLOR

Mr. BYRD. Mr. President, I am pleased that the President of the United States has nominated Brig. Gen. James B. Baylor, a native of Hinton, WV, for the rank of major general. I have worked with General Baylor over the years and look forward to a continuing and productive working relationship with him in his position as commanding general of the Army's 99th Army Reserve Command.

General Baylor's career in the U.S. Army Reserve spans 34 years, beginning as a second lieutenant at the Ordnance School at Aberdeen Proving Grounds in August 1955. In April of 1989, he was appointed commander of the 99th Army Reserve Command in Oakdale, PA, headquarters for nearly all Army Reserve personnel in West Virginia. He was previously deputy commander of the command, a post he held since March 1985.

Other command posts held by General Baylor include that of commandant, 2093rd U.S. Army Reserve School in South Charleston, WV, group commander, 38th Ordnance Group, South Charleston, and Battalion commander, 321st ordnance battalion, also in South Charleston.

He has received many decorations and awards including the Meritorious Service Medal with two Oak Leaf Clusters, the Army Reserve Components Achievement Medal with Oak Leaf Cluster, and the Armed Services Reserve Medal with two 10-year devices.

Mr. President, I am pleased to support the confirmation of Brig. Gen. James B. Baylor as major general.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and treaties which were referred to the appropriate committees.

(The nominations and treaties received today are printed at the end of the Senate proceedings.)

DIVESTMENT OF A DEFENSE CONTRACTOR—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 86

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on February 2, 1990, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. I hereby report to the Congress on my decision to order the China National Aero-Technology Import and Export Corporation (CATIC) to divest all its interest in MAMCO Manufacturing, Inc., a company located in Seattle, Washington, and incorporated under the laws of the State of Washington. I have taken this action under the authority vested in me as President by section 721 of the Defense Production Act of 1950 ("section 721" or "the Exon-Florio provision"), 50 U.S.C. App. 2170. This report is submitted pursuant to subsection (f) of section 721. A copy of my order is attached.

2. The United States welcomes foreign direct investment in this country; it provides foreign investors fair, equitable, and nondiscriminatory treatment. This Administration is committed to maintaining that policy. There are circumstances in which the United States maintains limited exceptions to such treatment. Generally these exceptions are necessary to protect national security. Of those foreign mergers, acquisitions, and takeovers which have been reviewed under the Exon-Florio provision to determine effects on national security, this is the first time I have invoked section 721 authority. My action in this case is in response to circumstances of this particular transaction. It does not change our open investment policy and is not a precedent for the future with regard to direct investment in the United States from the People's Republic of China or any other country.

3. Section 721 requires me to make certain findings before exercising the authority conferred by that provision. Specifically, I must find that:

(1) there is credible evidence that leads me to believe that the foreign interest exercising control might take action that threatens to impair the national security, and

(2) provisions of law, other than section 721 and the International Emergency Economic Powers Act (50 U.S.C. 1701-1706), do not in my judgment provide adequate and appropriate authority for me to protect the national security.

I have made the findings required by section 721. Specifically, confidential information available to me concerning some of CATIC's activities raises serious concerns regarding CATIC's future actions. It is my determination that this information constitutes the "credible evidence" required by the statute. Moreover, I have determined that no law, other than section 721 and the International Emergency Economic Powers Act, provides adequate and appropriate authority to protect against the threat to the national security posed by this case.

4. MAMCO voluntarily notified the Committee on Foreign Investment in the United States ("CFIUS") of CATIC's intention to acquire MAMCO. CFIUS has been designated by Executive Order No. 12661 to receive notifications and to review and investigate to determine the effects on national security of foreign mergers, acquisitions, and takeovers. On November 30, 1989, CATIC purchased all of the voting securities of MAMCO. The acquisition was consummated while CFIUS review of the transaction was in progress, an action not prohibited by the statute.

CATIC is an export-import company of the Ministry of Aerospace Industry of the People's Republic of China. CATIC has business dealings with various companies in this country, in several sectors including commercial aircraft. The Ministry engages in research and development, design, and manufacture of military and commercial aircraft, missiles, and aircraft engines.

MAMCO machines and fabricates metal parts for aircraft. Much of MAMCO's production is sold to a single manufacturer for production of civilian aircraft. Some of its machinery is subject to U.S. export controls. It has no contracts with the United States Government involving classified information.

5. On December 4, 1989, CFIUS made a determination to undertake a formal investigation and so informed the parties to the transaction. CFIUS undertook the investigation in order to assess MAMCO's present and potential production and technological capabilities and the national security implications of CATIC's purchase of MAMCO.

6. During the investigation, CFIUS asked for and received information from MAMCO in addition to that provided in the initial filing. Officials of the Departments of Commerce and Defense, representing CFIUS, visited MAMCO to gather information to assist CFIUS in its assessment of MAMCO's current production and technological capabilities.

7. In its investigation, CFIUS also considered the adequacy of all laws, other than the Exon-Florio provision, to deal with the national security concerns posed by the transaction.

8. Because of the sensitive nature of the evidence in this investigation, CFIUS will be available, on request, to provide the appropriate committees, meeting in closed sessions, with a classified briefing.

GEORGE BUSH.
THE WHITE HOUSE, *February 1, 1990.*

SCIENCE AND ENGINEERING INDICATORS—MESSAGE FROM THE PRESIDENT—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

Pursuant to 42 U.S.C. 1863(j)(1), I am pleased to submit to the Congress a report of the National Science Board entitled *Science & Engineering Indicators—1989.* This report is the ninth in a continuing series examining key aspects of the status of American science and engineering.

The importance of scientific and engineering research to the well-being of our Nation is widely recognized. Science and engineering play a vital role in maintaining our Nation's defense, improving its health, and increasing its economic productivity.

I commend *Science & Engineering Indicators—1989* to the attention of the Congress and those in the scientific endeavor.

GEORGE BUSH.
THE WHITE HOUSE, *February 5, 1990.*

ANNUAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION MESSAGE FROM THE PRESIDENT—PM 88

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the requirements of section 109(e) of the Hazardous Materials Transportation Act (Public Law 93-633; 49 U.S.C. 1808(e)), I transmit herewith the Annual Report on Hazardous Materials Transportation for calendar year 1988.

GEORGE BUSH.
THE WHITE HOUSE, *February 5, 1990.*

ANNUAL REPORT OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT—PM 89

The PRESIDING OFFICER laid before the Senate, the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

I transmit herewith the Saint Lawrence Seaway Development Corporation's annual report for 1988. This report has been prepared in accordance with section 10 of the Saint Lawrence Seaway Act of May 13, 1954 (33 U.S.C. 989(a)), and covers the period January 1, 1988, through December 31, 1988.

GEORGE BUSH.
THE WHITE HOUSE, *February 5, 1990.*

ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 90

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with section 7104(e) of title 5, United States Code, I hereby transmit the Tenth Annual Report of the Federal Labor Relations Authority, which covers fiscal year 1988.

GEORGE BUSH.
THE WHITE HOUSE, *February 5, 1990.*

MESSAGES FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 82. Joint resolution to designate February 8, 1990, as "National Women and Girls in Sports Day."

ENROLLED JOINT RESOLUTIONS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) announced that on today, February 5, 1990, he had approved and signed the following joint resolutions previously signed by the Speaker of the House:

S.J. Res. 130. Joint resolution designating February 11 through 17, 1990, as "Vocational-Technical Education Week"; and

H.J. Res. 149. Joint resolution designating February 16, 1990 as "Lithuanian Independence Day."

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, February 5, 1990, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 130. Joint resolution designating February 11 through 17, 1990 as "Vocational-Technical Education Week."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2059. A bill to establish the Weir Farm National Historic Site in the State of Connecticut; to the Committee on Energy and Natural Resources.

By Mr. DOLE:

S. 2060. A bill to suspend temporarily the duty on Sucralfate; to the Committee on Finance.

S. 2061. A bill to suspend temporarily the duties on Diltiazem Hydrochloride, and Sustained Release Diltiazem Hydrochloride; to the Committee on Finance.

S. 2062. A bill to suspend temporarily the duty on Mesalamine; to the Committee on Finance.

S. 2063. A bill to suspend temporarily the duties on TA3090; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2064. A bill to amend the Harmonized Tariff Schedule of the United States to change the rate of duty applicable to certain bicycles; to the Committee on Finance.

S. 2065. A bill to provide for duty-free treatment of, and refund of duties paid on, certain entries of frozen vegetables; to the Committee on Finance.

By Mr. HEINZ:

S. 2066. A bill to place a restriction on the granting of eminent domain powers by the Federal Government with respect to bridges over the Delware River between New Jersey and Pennsylvania; to the Committee on Environment and Public Works.

By Mr. KERRY:

S. 2067. A bill to amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the national trails system; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S. 2068. A bill to designate the U.S. courthouse located at 1800 Fifth Avenue North in Birmingham, AL, as the "Robert Smith Vance United States Courthouse"; to the Committee on Environment and Pulic Works.

By Mrs. KASSEBAUM:

S. 2069. A bill to provide an 18-Month Moratorium on employer revisions upon termination of single-employer defined benefit

pension plans; to the Committee on Labor and Human Resources.

By Mr. KOHL:

S. 2070. A bill to amend title 18, United States Code, to prohibit the possession or discharge of a firearm in a school zone; to the Committee on Judiciary.

By Mr. MURKOWSKI (for himself, Mr. BURDICK, Mr. LUGAR, Mr. COCHRAN, Mrs. KASSEBAUM, Mr. WARNER, Mr. PRYOR, Mr. D'AMATO, Mr. BOREN, Mr. EXON, Mr. MCCLURE, Mr. HEFLIN, Mr. LEVIN, and Mr. SIMON):

S.J. Res. 249. Joint resolution to designate March 23, 1990 as "National Energy Education Day"; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. BRADLEY, and Mr. WILSON):

S.J. Res. 250. Joint resolution designating April 1990 as "National Recycling Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2059. A bill to establish the Weir Farm National Historic Site in the State of Connecticut; to the Committee on Energy and Natural Resources.

WEIR FARM NATIONAL HISTORIC SITE

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation which would make the J. Alden Weir Farm, of Wilton and Ridgefield, CT, my State's first national park. The Weir Farm would also be the first national park area in the United States to commemorate an American painter.

J. Alden Weir is considered by many to have been the leader of the American impressionism movement. His farm was home to most of the great impressionist painters of the late 19th and early 20th centuries. John Twachtman, Albert Pinkham Ryder, Childe Hassam, and many others came to Weir Farm to paint the land, and their paintings continue to instruct and delight all who see them. They provide testimony to a conservative ethic, and an interpretation of one relationship to the land common to New Englanders: that of stewardship, cultivation, and nurturing. And their paintings reveal how, just as they shaped the land, these painters were shaped and made better by it or perhaps their efforts to come to terms with it. Every rock, tree, field, pond, barn, and house on that land has been recorded and explored in these great paintings. They provide not only a window on the past and insight into the way we thought about the land at the turn-of-the-century, but also a startling introduction to what remains of the land today.

In addition to the American impressionists, Weir Farm provided a home and inspiration to Mahonri Mackintosh Young, the great American sculptor and grandson of Brigham Young, whose works now grace the State of Utah, and many other places in our country. Today, Weir Farm is inhabited by Sperry and Doris Andrews, also significant American painters; so three American artists and their families have occupied and cared for Weir Farm continuously since Mr. Weir first acquired it in 1882.

It was the concern of Mr. and Mrs. Andrews and of the descendants of Mr. Weir and Mr. Young that prompted the effort to save Weir Farm from development 6 years ago. They contacted the Trust for Public Land, which worked with the families to purchase what they could of the original farm. Simultaneously, the Weir Farm Heritage Trust was formed by local residents, selectmen, State legislators, conservationists, and just plain appreciators of art, to raise money for the protection of the farm and to manage it until the National Park Service, with its expertise, could become involved. In 1984, Weir Farm was listed on the National Register of Historic Places.

The U.S. Park Service has undertaken of its own initiative to conduct a suitability and feasibility study of Weir Farm. And the special quality of this site so moved my former colleagues in the legislature of Connecticut that the State voted just this past year to bond approximately $4.25 million dollars to purchase the 60 acres of the original Weir Farm.

In addition, just this week, a coalition of 20 national conservation groups issued a report calling on Congress to fund land acquisition at Weir Farm. This is a Who's Who of specialists in land preservation and conservation and includes the Wilderness Society, the Izaak Walton League, the National Wildlife Federation, the National Association of Parks and Conservation, the National Audubon Society, the Sierra Club, and many, many others.

With the adjacent Weir Preserve owned by the Nature Conservancy, and a protected tract of open space owned by the town of Ridgefield, the protected site now covers close to 185 contiguous acres. This may not seem like much to may distinguished colleagues from the West, but to Connecticut it is a significant amount of open space.

All that is left for Congress to do is to authorize acquisition of the land. And we are not even being asked to buy it all. For an amount not to exceed $1 million, the park system can acquire the 2-acre core parcel of land which includes the houses, barns, studios, with original furnishings intact. The State welcomes the expertise and leadership of the National Park Service and will render its land to U.S. Park Service management. The Nature Conservancy has indicated its willingness to work with the Park Service on projects of mutual interest, and the Weir Farm Heritage Trust will continue to raise money for improvement of the site and will advise the Park Service on interpretation.

Mr. President, I urge my colleagues to support this legislation, not only because it has already engendered so much local, Statewide, and national support; not only because it would provide the National Park Service representation in Connecticut; but because Weir Farm provides us a rare opportunity to commemorate the quiet marriage of art and tended landscape that so clearly defined the American impressionist movement; and because by honoring the vision of J. Alden Weir and the land that he loved so well, we commemorate some of our own best instincts toward the natural world.

By Mr. DOLE:

S. 2060. A bill to suspend temporarily the duty on Sucralfate; to the Committee on Finance.

S. 2061. A bill to suspend temporarily the duties on Diltiazem Hydrochloride, and Sustained Release Diltiazem Hydrochloride; to the Committee on Finance.

S. 2062. A bill to suspend temporarily the duty on Nesalamine; to the Committee on Finance.

S. 2063. A bill to suspend temporarily the duties on TA3090; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON CERTAIN PHARMACEUTICAL PRODUCTS

Mr. DOLE. Mr. President, today I am introducing four bills to suspend U.S. duty on pharmaceutical products with proven or anticipated health benefits. Because these products are each unique, I believe the suspensions to be entirely noncontroversial.

Mr. President, I ask unanimous consent that a description of the products and the text of the bills be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.—That subchapter II of chapter 99 of the Harmonized Tariff Schedules of the United States is amended by inserting in numerical sequence the following new subheadings:

"9902.95.12	Sucralfate provided for in subheading 2940.00.0000.	Free	No change	No change	On or before 12/31/92".

SEC. 2.—The amendment made by the first section of this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

GROUNDS FOR DUTY SUSPENSION

Sucralfate

Sucralfate is the active ingredient in the pharmaceutical Carafate®, which is used for the short-term treatment of duodenal ulcer.

Sucralfate is a proprietary, patent-protected pharmaceutical for which there is no exact equal manufactured in the United States.

The substance has been classified by the Customs Service under Harmonized Tariff Schedule ("HTS") subheading 2940.00.0000 at 5.8% ad valorem.

A duty suspension is warranted by the health care benefits of Sucralfate. Sucralfate is the only non-systemic pharmaceutical product approved by the Food and Drug Administration for the treatment of duodenal ulcer disease.

S. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.—That subchapter II of chapter 99 of the Harmonized Tariff Schedules of the United States is amended by inserting in numerical sequence the following new subheadings:

"9902.95.08	Diltiazem Hydrochloride provided for in subheading 2934.90.2500.	Free	No change	No change	On or before 12/31/92
"9902.95.09	Sustained Release Diltiazem Hydrochloride in encapsulated heads provided for in subheading 3004.90.6020.	Free	No Change	No Change	On or before 12/31/92
"9902.95.10	Sustained Release Diltiazem Hydrochloride in uncapsulated heads provided for in subheading 3003.90.0000.	Free	No Change	No Change	On or before 12/31/92".

SEC. 2.—The amendment made by the first section of this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

DILTIAZEM HYDROCHLORIDE AND SUSTAINED RELEASE DILTIAZEM HYDROCHLORIDE

Diltiazem Hydrochloride (hereinafter "Diltiazem Hcl") is the active ingredient in the pharmaceutical Cardizem®, which is used to treat angina, hypertension and related cardiovascular disorders. Diltiazem Hcl is a proprietary, patent-protected pharmaceutical for which there is no exact equal manufactured in the United States. The substance has been classified by the Customs Service under Harmonized Tariff Schedule ("HTS") subheading 2934.90.2500 at 6.9% ad valorem.

Diltiazem Hcl is also available in a sustained release form. It is the active ingredient in the pharmaceutical Cardizem SR®. In the form of encapsulated beads, this substance has been classified by the Customs Service under HTS subheading 3004.90.6020 at 6.3% ad valorem; in the form of unencapsulated beads it is classified under HTS subheading 3003.90.0000 at 6% ad valorem.

Duty suspensions are warranted by the health care benefits of Diltiazem Hcl. It is the only benzothiazepine class of calcium channel blocker approved for marketing in the United States by the Food and Drug Administration. (Calcium channel blockers are drugs used to dilate relax blood vessels.) Diltiazem Hcl is a well-tolerated product that can be used to treat angina and hypertension in a wide range of patient types, including the elderly and patients with coexisting diseases.

S. 2062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.—That subchapter II of chapter 99 of the Harmonized Tariff Schedules of the United States is amended by inserting in numerical sequence the following new subheadings:

"9902.95.11	Mesalamine provided for in subheading 2922.50.4000.	Free	No change	No change	On or before 12/31/92".

SEC. 2.—The amendment made by the first section of this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

MESALAMINE

Mesalamine is the active ingredient in the pharmaceutical product that, if approved, will be sold under the trade mark of Pentasa to treat ulcerative colitis and Crohn's disease. Mesalamine is a proprietary, patent-protected pharmaceutical for which there is no exact equal manufactured in the United States. The substance is classified under Harmonized Tariff Schedule ("HTS") subheading 2922.50.4000 at the most-favored-nation rate of 3.7 cents/kg. plus 15.6% ad valorem.

A duty suspension is warranted by the expected health care benefits of Mesalamine. If approved by the Food and Drug Administration, Mesalamine will be the only process-protected, orally available 5-aminosalicyclic acid marketed in the United States for the treatment of ulcerative colitis and Crohn's disease.

S. 2063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.—That subchapter II of chapter 99 of the Harmonized Tariff Schedules of the United States is amended by inserting in numerical sequence the following new subheadings:

"9902.95.13	TA3090 provided for in subheading 2934.90.2500.	Free	No charge	No charge	On or before 12/31/92".

SEC. 2.—The amendment made by the first section of this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

TA3090

TA3090 is a pharmaceutical product in its developmental stages. There is no exact equal to this substance manufactured in the United States. The substance has been classified by the Customs Service under Harmonized Tariff Schedule ("HTS") subheading 2934.90.2500 at 6.9% ad valorem.

A duty suspension is warranted by the expected health care benefits of the substance. TA3090 is designed to have all of the advantages of certain calcium channel blocking agents (drugs used to dilate blood vessels), together with a longer duration of action. It is believed that TA3090 will prove effective in the treatment of stroke, angina and hypertension. TA3090 may also inhibit atherogenesis (the production of atheroma—the fatty degeneration of the inner lining of the arteries).

By Mr. HEINZ:

S. 2066. A bill to place a restriction on the granting of eminent domain powers by the Federal Government with respect to bridges over the Delaware River between New Jersey and Pennsylvania; to the Committee on Environment and Public Works.

BURLINGTON-BRISTOL BRIDGE

● Mr. HEINZ. Mr. President, we are a nation of many sovereign States. But, although we like to think of ourselves as a perfect union, there are times when the sovereignty leads to fragmentation, divisiveness, and threats upon the very notion of federalism.

The Commonwealth of Pennsylvania and the State of New Jersey are now embroiled in a dispute that I don't expect will dissolve our Union. But it has come to my attention that the Burlington County New Jersey Bridge Commission has unilaterally raised tolls on two bridges that cross the Delaware River—the body of water that demarcates the boundaries of these two sovereign States. This is, at the very least, a form of taxation without representation being visited on my constituents by their neighbors from New Jersey. And I think all of us can agree that this sort of policy has dangerous possibilities.

The purpose of this action is to increase revenue in order to replace the existing Burlington-Bristol Bridge.

It is the intention of this commission to undertake this project without consulting or soliciting the views of any Pennsylvania citizen, even those whose homes or workplaces stand in the new bridge's path. I don't think this is fair, and although I don't think it would have changed history, it occurs to me that had this situation developed back in 1789, it might have delayed the final union of the States under our Constitution.

New Jersey and Pennsylvania have agreed on a compact regarding bridges over the Delaware River, That agreement, supplemented in the 1987 Highway Act, provided for a joint body known as the Delaware River Joint Bridge Commission. While virtually all bridges north of Philadelphia and south of Port Jervis, NY, are governed by the Delaware River Joint Toll Bridge Commission, the Burlington-Bristol Bridge apparently is not.

For this reason, in the spirit of union and the compact, I am introducing legislation which would require coordination and cooperation on any bridge project over the Delaware River.

Bernard Baruch once said, "The highest and best form of efficiency is the spontaneous cooperation of a free people." It follows then that the least efficiency derives from the lack of cooperation. It may indeed be that the bridge needs to be replaced. But to do it efficiently, do it cooperatively.

I ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the power of eminent domain, and the authority to condemn, acquired, occupy, possess, and use property, that are provided under section 509 of the General Bridge Act of 1946 (33 U.S.C. 532) or that may be granted under any other provision of Federal law, shall apply with respect to any bridge (or project for the construction, replacement, or reconstruction of any bridge) over the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey only if the highway department of the Commonwealth of Pennsylvania and the highway department of the State of New Jersey consent to the provision for grant of such power and authority with respect to such bridge or project.●

By Mr. KERRY:

S. 2067. A bill to amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the national trails system; to the Committee on Energy and Natural Resources.

SELMA TO MONTGOMERY NATIONAL TRAIL STUDY ACT

● Mr. KERRY. Mr. President, I rise today to introduce legislation to designate the road from Selma to Montgomery, AL, for study as a national historic trail.

On Sunday, March 7, 1965, over 500 people attempted to march that distance to dramatize the need for voting rights legislation—to make a stand for civil rights. When they reached the Edmund Pettus Bridge in Selma, they were met by police dogs and billy clubs. That day, which became known as Bloody Sunday, raised the Nation's consciousness, convincing the Nation's leaders of a need for voting rights for all Americans. The march was attempted again 2 days later but was interrupted for fear of further bloodshed.

Finally, together with National Guardsmen, Army troops, U.S. marshals, and FBI agents, marchers were able to complete the journey from Brown Chapel in Selma to the State capitol in Montgomery. This courageous and historic march led directly to Washington and passage of the Voting Rights Act of 1965.

Tragically, only 50.15 percent of the voting age population went to the polls in the 1988 Presidential election. How could we have come so far, yet accomplished so little? By designating the trail from Selma to Montgomery as a historic landmark, I hope to once again elevate this Nation's consciousness and remind them of a time when every citizen did not have the right to vote.

At the close of the first session, Representative JOHN LEWIS introduced this legislation in the House and I am pleased to introduce it today in the Senate. I am honored to be working with a man who has been a pivotal leader in the civil rights movements. And, I urge my colleagues to join me in supporting this very important proposal to celebrate as a national historic trail the bittersweet memory of our Nation's long journey toward an America with liberty and justice for all.●

By Mr. SHELBY:

S. 2068. A bill to designate the U.S. courthouse located at 1800 Fifth Avenue North in Birmingham, AL, as the "Robert Smith Vance United States Courthouse"; to the Committee on Environment and Public Works.

ROBERT SMITH VANCE UNITED STATES COURTHOUSE

● Mr. SHELBY. Mr. President, in the American tradition, after the death of a distinguished and respected individual, a memorial is dedicated to commemorate his life's work. Following that tradition, I am today introducing legislation that would rename the old Federal courthouse in Birmingham, AL, the Robert Smith Vance United States Courthouse.

Judge Vance had a distinguished career of service to the people of the United States and the State of Alabama. He began his service at an early age as a page in the U.S. House of Representatives. During the Korean conflict, he was on active duty with the Army as a judge advocate, and he subsequently retired from the Army Reserve as a lieutenant colonel. When the Korean conflict ended, he returned to Alabama and practiced law, with distinction, in Birmingham until January 3, 1978, when he assumed the office of judge of the U.S. Court of Appeals for the fifth circuit.

On October 1, 1981, as a result of the division of the fifth circuit, he became a member of the U.S. Court of Appeals for the eleventh circuit. Judge Vance's contributions to the Federal bench, and thus to the cause of justice, were many. He was a man of great courage, a scholar blessed with common sense. He was a judge's judge.

The Birmingham bar association properly described our loss:

A learned and competent judge is often taken for granted. But it is a time such as this, when an even-handed, dedicated and respected judge is taken from us, that we realize the true worth of such a man. Robert S. Vance was such a treasure and he will be sorely missed as a judge of this district and as our friend.

On behalf of the State of Alabama and the eleventh judicial circuit, I respectfully urge my colleagues to support the measure.●

By Mrs. KASSEBAUM:

S. 2069. A bill to provide an 18-month moratorium on employer reversions upon termination of single-employer defined benefit pension plans; to the Committee on Labor and Human Resources.

MORATORIUM ON TERMINATION OF SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

Mrs. KASSEBAUM. Mr. President, today I am offering legislation to place an 18-month moratorium on the practice of allowing companies to strip surplus assets from their pension funds. I am convinced that it is essential for Congress to look carefully at this matter, which affects the lives and the retirement security of millions of Americans.

Pension funds are the primary source of income for our Nation's retirees. Taken as a whole, these funds pay out more each year than the Social Security system. In 1988, for example, pension funds paid out $222 billion in retirement benefits compared with $148 billion paid by Social Security.

Pension funds also are the most basic part of our national savings account. With more than $2 trillion in assets, these funds not only are our primary source of retirement income, they are the pool of capital upon which our entire economy stands.

Given the obvious importance of pension funds for all Americans, many of my colleagues, and most retirees, may believe that these funds are locked away—safe, sound and secure. I believed that was true until recently. I no longer believe so and that is why I offer this legislation today.

In fact, under our current laws and regulations, a retiree with a perfectly sound, federally-insured pension can suddenly learn that his pension fund is being terminated and replaced by an annuity from an insurance company he has never heard of with no apparent backing by the Federal Government. Hundreds of thousands of our retirees have learned just that in recent years and many of them are understandably alarmed by it.

I am concerned about this practice because I believe it raises a number of questions that have never been adequately addressed—not the least being the ultimate security of a retiree's pension benefit. Recently those questions came into crystal-clear focus when a major employer in my hometown of Wichita, KS, announced the termination of its pension plans covering some 6,300 workers and retirees.

By itself, this announcement by the Coleman Co. might have attracted little attention. However, an alert newspaper reporter at the Wichita Eagle learned that the pension checks of Coleman retirees were to be replaced by annuities from the Executive Life Insurance Co. of California. The reporter further discovered that Executive Life had recently run into financial problems and had been downgraded by national investment rating companies from a triple-A rated company to a single-A due to a major writeoff of holdings in so-called junk bonds.

The resulting news story, set off alarm bells both in Wichita and in Washington. My colleague, Senator DOLE, and I both began looking into this and asking questions of Coleman and its parent company, MacAndrews and Forbes Holdings of New York. The more closely I looked at this matter the more concerned I became, not only with this specific case but with pension reversions generally.

Here, in brief, are some of the key issues:

It is not clear whether the fiduciary standards established in the Employee Retirement Income Security Act apply to the handling of pension fund assets after a plan is terminated. Bizarre as it may sound, questionable financial dealings that would never be allowed in handling a pension fund may be allowed with the same money once a plan is terminated.

In transferring the obligations of a pension fund to an insurance company for payment of annuities the only standard that must be met is that the insurance company be licensed in at least one State. That's all. It does not have to be a triple-A rated company or a giant of the industry; it only has to be licensed in one State.

The Federal Government's obligation to insure the pension or annuity apparently is terminated with the pension plan but no one knows for certain if this would ever hold up in court. If the insurance company issuing the annuities were to go bankrupt it is possible that the Pension Benefit Guaranty Corporation meaning the taxpayers, would be responsible for continuing to pay the benefits.

In light of these concerns, with enormous implications for retirees and taxpayers alike, I wrote to the Pension Benefit Guaranty Corporation and Labor Secretary Elizabeth Dole asking that they impose an immediate moratorium on pension reversions until these matters were adequately addressed. Both agencies immediately began investigations of the Coleman Co. situation. However, both agencies also questioned the need for a broad moratorium and their legal power to impose such a step.

Last week, Senator DOLE and I met with senior executives of Coleman and MacAndrews and Forbes. In that meeting, the companies' executives agreed to a request by the PBGC to further delay their pension reversions for at least 60 days. They also announced that they were withdrawing from their arrangement with Executive Life and would instead seek to place their retirees' annuities with a triple-A rated company, as Executive Life had been when this process first started.

In taking these steps, Coleman and MacAndrews and Forbes are voluntarily going above and beyond current legal requirements. They are acting reasonably and responsibly to safeguard the benefits of their retirees. I salute them for this but I believe we should also require that every company act reasonably and responsibly with money held in trust for their workers and retirees.

Mr. President, I am now drafting legislation to address the issues I have outlined in this statement and to impose tough new standards on pension plan terminations and surplus asset reversions. If the past is any guide to the future, this may be a protracted effort because there are many difficult and complex matters involved and there are reasonable grounds for disagreement.

The very heart of this issue is the matter of surplus assets in pension plans. These assets can make a company an attractive target for a takeover or a leveraged buyout. The pension plan is then terminated and the surplus is stripped out for the company or its new owners to use as they wish. Companies believe these surplus assets belong to them because they voluntarily established the pension plan to begin with and they have made contributions into the plan. Retirees and others believe the surplus is part of the promise made to them and should either be used to improve benefits or left alone.

I tend to believe that pension fund surpluses belong right where they are—in the pension fund. For one thing, the current surpluses are almost entirely the result of a major increase in the value of stocks and bonds over the past 8 years. If stocks and bonds drop in value, as they will at some point, these surpluses could evaporate like the morning mist. Terminating these funds and stripping out the surplus is but one more way to realize immediate short-term gain at potentially large long-term cost.

For all of these reasons, I believe we must impose a moratorium. It is important to note that this legislation does not prevent pension terminations. My bill only prevents the stripping of pension plan assets for nonpension purposes.

Under this bill a pension plan can be terminated and a new plan established provided that the company does not try to strip the old plan's surplus to use for nonpension purposes. There are a variety of reasons a pension plan might be terminated unrelated to the asset stripping issue, including the need to establish a new plan with more generous benefits. This bill provides that a new, more generous plan may be established and that accrued benefits under the old plan of less than $3,500 may be paid out.

What this legislation does do, however, is require that a pension plan surplus must be either paid to the employees, placed in the new plan or placed in a trust for the exclusive benefit of the employees. This trust would continue until the end of the moratorium and would then be distributed in accordance with laws applicable on August 1, 1991. This gives Congress the time necessary to clarify the current pension termination procedure and to resolve other difficult issues.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 18-MONTH MORATORIUM OF EMPLOYER REVERSIONS UPON PLAN TERMINATION.

(a) IN GENERAL.—In the case of any termination of a defined benefit plan (other than a multiemployer plan) with respect to which the final distribution of assets pursuant to section 4044 of the Employee Retirement Income Security Act of 1974 has not begun before February 5, 1990—

(1) subsections (a) and (b)(9) of section 408 of such Act shall not apply with respect to any transaction constituting a distribution to the employer in connection with such termination, and

(2) each party in interest having any authority with respect to the management or disposition of the assets of the plan shall be jointly and severally liable for a breach of fiduciary duty under part IV of title I of such Act unless, in the final distribution of assets of the plan, any amount that would have been available for distribution to the employer under the terms of the plan (but for any amendments to the plan adopted in conformance with the requirements of this section) is distributed to participants or beneficiaries or paid into a trust established by the employer or plan administrator in accordance with subsection (b).

(b) TRUST.—The employer or plan administrator shall designate the trustee of a trust established pursuant to subsection (a). The terms of the trust shall provide for final distribution of the assets held by the trust in accordance with such applicable law as may be in effect on the date of distributon from the trust purusant to subsection (d) and shall otherwise be consistent with any terms of the plan providing for such trust and such regulations as the Secretary of Labor may prescribe.

(c) EXCLUSIVE PURPOSES OF TRUST.—Any trust established pursuant to subsection (a) shall be used exclusively for—

(1) receiving and holding any amount paid into the trust under this section,

(2) defraying the reasonable administrative expenses incurred in carrying out the trusteeship under this section, and

(3) making the final distribution from the trust under subsection (d).

Any income earned on the balance in such trust shall be paid into such trust.

(d) END OF MORATORIUM.—Subject to applicable law as in effect on August 1, 1991—

(1) subsecton (a) shall not apply with respect to terminations pursuant to which no distribution of plan assets has commenced as of such date, and

(2) during the 30-day period beginning on such date, any trust established pursuant to subsection (a) shall be dissolved and any balance (including income) in such trust at the time of its dissolution shall be distributed from the trust in accordance with the terms of the trust.

By Mr. KOHL:

S. 2070. A bill to amend title 18, United States Code, to prohibit the possession or discharge of a firearm in a school zone; to the Committee on the Judiciary.

GUN-FREE SCHOOL ZONES ACT

Mr. KOHL. Mr. President, we have a growing problem in America today: The proliferation of firearms in our schools. Over the past few years we have witnessed a shocking number of attacks against our children as they sat in the classroom and played in the schoolyard. Less than 2 years ago in Winnetka, IL, Laurie Dann opened fire on an elementary school classroom. She injured six children and killed one. Just last year on a California school playground, Patrick Purdy used an AK-47 assault rifle to kill 5 children and wound 30 more. And last fall in Washington, DC, four students were injured when gunfire broke out in a dispute over cafeteria seating. The assailant was a high school dropout.

Armed outsiders are not the only ones who pose a threat to our children. The National School Safety Center estimates that more than 100,000 students carry guns to school every day, and that more than a quarter of a million students brought a handgun to school at least once in 1987. In New York City alone, school authorities confiscated almost 2,000 weapons from students in 1988.

My home State, Wisconsin, is not immune from this wave of gun violence. Last year, the Milwaukee school system expelled more than a dozen students for weapons violations. And the number of Milwaukee County juveniles charged with handgun possession has doubled over the past 2 years. According to Gerald Mourning, the director of school safety for Milwaukee, "[K]ids who did their fighting with their fists, and perhaps knives, are now settling their arguments with guns."

To ensure that our school grounds do not become battlegrounds, I am introducing the Gun-Free School Zones Act of 1990. Similar legislation has been introduced in the House by my colleague, EDWARD FEIGHAN.

Our bill is simple, effective, and straightforward. The measure would create a Federal criminal offense knowingly to bring a gun within 1,000 feet of a public, private, or parochial school. It would also make it a crime to fire a gun in these zones. Each violation would carry a maximum prison sentence of 5 years and a fine of up to $5,000. However, the act contains carefully crafted exceptions for school-approved programs, law enforcement officers, and unloaded guns in locked containers. It also would exempt private property that is not part of school grounds.

Mr. President, the widespread support for this proposal underscores its commonsense approach. Already, the National Education Asociation, the American Association of School Administrators, the National School Boards Association, and the American Academy of Pediatrics have endorsed the legislation. When Congress mandated drug-free school zones in 1984, we declared that our Nation's classrooms deserve special protection. In the same way, this bill will help keep the areas around our schools from becoming sanctuaries for armed criminals and drug gangs. Gun-free school zones are not a panacea, to be sure, but they are an important step toward fighting gun violence and keeping our teachers and children safe.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD; as follows:

S. 2070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gun-Free School Zones Act of 1990".

SEC. 2. PROHIBITIONS AGAINST POSSESSION OR DISCHARGE OF A FIREARM IN A SCHOOL ZONE.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(q)(1)(A) It shall be unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

"(B) Subparagraph (A) shall not apply to the possession of a firearm—

"(i) on private property not part of school grounds;

"(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State and the law of the State or political subdivision requires that, before an individual obtain such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

"(iii) which is—

"(I) not loaded; and

"(II) in a locked container, or a locked firearm rack which is in a motor vehicle;

"(iv) by an individual for use in a program approved by a school in the school zone;

"(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

"(vi) by a law enforcement officer acting in his or her official capacity; or

"(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

"(2)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a school zone.

"(B) Subparagraph (A) shall not apply to the discharge of a firearm—

"(i) on private property not part of school grounds;

"(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

"(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

"(iv) by a law enforcement officer acting in his or her official capacity.

"(3) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun-free school zones as provided in this subsection.".

(b) DEFINITIONS.—Section 921(a) of such title is amended by adding at the end the following:

"(25) The term 'school zone' means—

"(A) in, or on the grounds of, a public, parochial or private school; or

"(B) within a distance of 1,000 feet from the grounds of a public, parochial or private school.

"(26) The term 'school' means a school which provides elementary or secondary education, as determined under State law.

"(27) The term 'motor vehicle' has the meaning given such term in section 10102 of title 49, United States Code.".

(c) PENALTY.—Section 924(a) of such title is amended by adding at the end the following:

"(4) Whoever violates section 922(q) shall be fined not more than $5,000, imprisoned for not more than 5 years, or both. Notwithstanding any other provision of law, the term of imprisonment imposed under this paragraph shall not run concurrently with any other term of imprisonment imposed under any other provision of law.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to conduct engaged in after the end of the 60-day period beginning on the date of the enactment of this Act.

By Mr. MURKOWSKI (for himself, Mr. BURDICK, Mr. LUGAR, Mr. COCHRAN, Mrs. KASSEBAUM, Mr. WARNER, Mr. PRYOR, Mr. D'AMATO, Mr. BOREN, Mr. EXON, Mr. MCCLURE, Mr. HEFLIN, Mr. LEVIN, and Mr. SIMON):

S.J. Res. 249. Joint resolution to designate March 23, 1990, as "National

Energy Education Day"; to the Committee on the Judiciary.

NATIONAL ENERGY EDUCATION DAY

● Mr. MURKOWSKI. Mr. President, recycling, alternate energy sources, off-shore drilling, and global warming are all issues certain to be echoing in the Halls of Congress well into the next century. As our constituents turn to us for guidance, we must be prepared to provide leadership as well as adequate answers to their questions.

One such answer lies in our Nation's youth. It we can develop a nation of energy-literate students we are one step closer to a citizenry of informed adults. I rise today, along with a number of my colleagues, to assist in this energy education effert by introducing a joint resolution to designate March 23, 1990 as National Energy Education Day.

Congress launched NEED in 1980. Since then, the project has grown to include 38 State committees and over 150 regional committees. This year between 8,000 and 10,000 schools are expected to culminate weeks and months of prior planning and research in a celebration of NEED's 10th anniversary. Based on the theory that students retain more knowledge when actively engaged, NEED incorporates cooperative learning and the most current educational research into a year-round study of energy topics. In addition, students use NEED as a vehicle to heighten their community's awareness of many complex energy issues.

I urge may colleagues to cosponsor this joint resolution, not as simply another commemorative day but as an opportunity to allow students, educators and community leaders to celebrate the national energy network that the National Energy Education Development Project has become.●

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. BRADLEY, and Mr. WILSON):

S.J. Res. 250. Joint resolution designating April 1990 as "National Recycling Month"; to the Committee on the Judiciary.

NATIONAL RECYCLING MONTH

● Mr. CHAFEE. Mr. President, today I along with Senators BAUCUS, BRADLEY, and WILSON, are introducing legislation to designate April, 1990 as "National Recycling Month." The importance of educating the public about the real benefits to society from recycling cannot be overstated.

Recycling is not a new phenomenon, at least not in concept. America's early settlers recycled as a matter of survival, turning corn husks into mattresses and old clothes into quilts. Many of my colleagues will remember the materials conservation efforts during World War II, when aluminum foil was carefully saved, used automobile tires collected, and many other consumer items were recycled and put toward the war effort. In fact, most of us have recycled materials at some point in our lives—typically paper, aluminum, or glass.

While many of us may be familiar with recycling, there is still a need for public education campaigns to inform consumers that garbage does not disappear when the sanitation worker loads it into the truck. Our society must be made aware that there are very real costs, both financial and environmental, associated with the continued proliferation of municipal garbage.

In the United States today we are facing a crisis in solid waste management. The United States presently is generating about 160 million tons of solid waste per year, almost double the amount we produced in 1965. If present trends continue, the United States will generate close to 200 million tons per year by the turn of the century. Towns and cities across the United States are realizing that the city dump will be forced to close its gates in a few short years. Just in the last two decades the number of landfills accepting solid waste has been reduced dramatically—from about 30,000 to 6,000. It is becoming virtually impossible to establish any new landfill sites because of the "not in my backyard syndrome," and the rising value of land and real estate.

When confronting an urgent crisis, such as the threat to human health and the environment from burgeoning mountains of trash, it is tempting to look to technology to provide us with the easy solution. Such technological fixes, however, will not eliminate the undeniable need for significant changes in the way we conduct our daily lives. Not only must we find more environmentally sound ways of handling municipal trash, but we must also greatly reduce the amount of garbage we generate in the first place. This will require a concerted effort on the part of consumers, manufacturers, and government. That is why we are introducing legislation to designate April, 1990 as National Recycling Month.

Reducing the amount of household garbage we generate poses the most difficult of public policy problems: changing human habits. The purpose of this legislation is to encourage a public attitude that can allow these needed changes to take place. People must be made aware that their actions do have a critical impact on reducing the amount of garbage entering the waste stream.

It is critical that our Nation's children—the next generation of consumers—learn sound waste disposal practices so that by adulthood, those practices will have become habit. We selected April as National Recycling Month so as to coincide with Earth Day, April 22, 1990. It is our hope that during the month of April, schools will sponsor educational activities on how recycling can help us preserve the Earth's natural resources.

My home State of Rhode Island, for example, was the first State to pass a mandatory recycling law. Presently, over 65 percent of the cities and towns in Rhode Island separate recyclables such as glass, paper, aluminum and plastics for curbside collection. By October of this year, the entire State will participate in this recycling program.

Recycling also creates employment. According to one recent study 10,000 tons of material spawns 36 jobs compared to 6 for landfilling the same amount. Some communities have formed working partnerships with workshops for the disabled, developed and administered job training partnerships, or otherwise found work for unemployed labor in recycling programs. In my own State, the Rhode Island Department of Environmental Management estimates that 300 jobs have been created by recycling.

The exciting feature of the battle against solid waste is that it can be won. Other nations are doing far better than we are. No drastic solutions are required, nor are big sacrifices sought. With relatively small changes in habits, educational initiatives, and reasonable laws we can overcome the crisis we now face. I urge my colleagues to help us move closer toward this goal by joining us in designating April, 1990 as National Recycling Month. I ask unanimous consent that the full text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 250

Whereas the continued generation of enormous volumes of solid waste each year presents unacceptable threats to human health and the environment;

Whereas several regions of the United States are experiencing a severe shortage of disposal capacity for municipal solid waste;

Whereas as a result of the inability to find sites for new solid waste management facilities, many communities are managing waste in facilities that were not designed with the best available environmental controls;

Whereas the generation of hazardous waste and solid waste must be reduced and as much remaining waste as possible must be recycled to protect human health and the environment and to minimize treatment and disposal capacity problems;

Whereas a significant amount of waste can be diverted from disposal by the utilization of source separation, mechanical separation, and community-based recycling programs;

Whereas local governments should be an integral component of the decisionmaking process regarding the management of municipal solid waste;

Whereas developing a system of waste management that, to the greatest extent practicable, separates elements of the waste stream that require special management or

that are in demand for reuse or recycling will enhance the economic feasibility and environmental safety of all management methods, including recycling, incineration, and land disposal;

Whereas source reduction and recycling represent the most enviornmentally sound means of managing municipal solid waste and can often be carried out with a lower cost than is incurred by other means;

Whereas recycling preserves limited landfill capacity and reduces the amount of solid waste intended for incineration;

Whereas recycling can save energy and avoid the pollution created from extracting resources from their national environment;

Whereas the revenues recovered by recycling programs offset the costs of solid waste management;

Whereas a well-developed system of recycling scrap metals, paper, and glass already exists and is significantly reducing the quantity of solid waste entering landfills or incinerators;

Whereas the technology for recycling plastic is currently under development, and progress continues toward increasing potential markets;

Whereas many consumer products are designed without sufficient regard for safe and efficient recycling after disposal;

Whereas Federal, State, and local governments should promote the design of products that can be recycled safely and efficiently;

Whereas Federal, State, and local governments should enact legislative measures that will increase the amount of solid waste that is recycled;

Whereas Federal, State, and local governments should encourage the growth of incremental markets for materials recovered from recyclable goods;

Whereas Federal, State, and local governments should establish incentives for household separation of waste to encourage recycling;

Whereas the success of source reduction and recycling programs depends on the participation of an informed public; and

Whereas the people of the United States should be encouraged to participate in educational and legislative endeavors that promote waste separation methods, community-based recycling programs, and expanded utilization of recovered materials: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 1990 is designated as "National Recycling Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 695

At the request of Mr. NICKLES, his name was withdrawn as a cosponsor of S. 695, a bill to promote excellence in American education by recognizing and rewarding schools, teachers, and students for their outstanding achievements; enhancing parental choice; encouraging the study of science, mathematics, and engineering, and for other purposes.

S. 775

At the request of Mr. SHELBY, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 775, a bill to require the Secretary of Energy to establish three centers for Metal Casting Competitiveness Research.

S. 1216

At the request of Mr. SIMON, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1216, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such Act to employers and employees in similarly situated industries, to give to such employers and performers the same rights given by sections 8(f) of such Act to employers and employees in the construction industry, and for other purposes.

S. 1310

At the request of Mr. SIMON, the names of the Senator from New York [Mr. D'AMATO], the Senator from Tennessee [Mr. GORE], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 1310, a bill to eliminate illiteracy by the year 2000, to strengthen and coordinate literacy programs, and for other purposes.

S. 1365

At the request of Mr. COATS, the name of the Senator from Alabama [Mr. HEFLIN], was added as a cosponsor of S. 1365, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for projects to demonstrate innovative alternatives to the incarceration of persons for nonviolent offenses and drug-related offenses.

S. 1430

At the request of Mr. KENNEDY, the names of the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HEFLIN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1430, a bill to enhance national and community service, and for other purposes.

S. 1664

At the request of Mr. HEINZ, the names of the Senator from Utah [Mr. HATCH], the Senator from Kansas [Mr. DOLE], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1664, a bill to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941.

S. 1696

At the request of Mr. KENNEDY, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1696, a bill to amend title 28 of the United States Code to prohibit racially discriminatory capital sentencing.

S. 1751

At the request of Mr. GORTON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1751, a bill to prohibit the use of refrigerated motor vehicles for the transportation of solid waste, to prohibit the use of cargo tanks in providing motor vehicle transportation of food and hazardous materials, and for other purposes.

S. 1791

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1791, a bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 1815

At the request of Mr. BOSCHWITZ, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1815, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer Social Security taxes on cash tips.

S. 1835

At the request of Mr. WILSON, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1835, a bill to amend the Drug-Free Schools and Communities Act of 1986 to provide for the awarding of grants for drug abuse resistance education instruction for students, and for other purposes.

S. 1854

At the request of Mr. METZENBAUM, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1854, a bill establishing the Aviation Policy Board for the purpose of setting airfares and routes, and requiring the Secretary of Transportation to take certain actions to improve service and promote safety in airline travel.

S. 1876

At the request of Mr. KOHL, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1876, a bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for the costs of small businesses in providing accessibility for disabled individuals.

S. 1893

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1893, a bill to reauthorize the Asbestos School Hazard Abatement Act of 1984.

S. 2021

At the request of Mr. DOLE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2021, a bill to amend

title 11, United States Code, to ensure that the bankruptcy laws are not used to prevent restitution to, or recovery of, failed financial institutions.

S. 2048

At the request of Mr. SARBANES, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 2048, a bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs.

SENATE JOINT RESOLUTION 229

At the request of Mr. CRANSTON, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Joint Resolution 229, a joint resolution to designate April 1990 as "National Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 235

At the request of Mr. HUMPHREY, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution proposing a constitutional amendment to limit congressional terms.

SENATE JOINT RESOLUTION 236

At the request of Mr. WILSON, the names of the Senator from Missouri [Mr. BOND], the Senator from Idaho [Mr. MCCLURE], the Senator from Arizona [Mr. DECONCINI], the Senator from Utah [Mr. GARN], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of Senate Joint Resolution 236, a joint resolution designating May 6 through 12, 1990, as "Be Kind to Animals and National Pet Week."

SENATE JOINT RESOLUTION 243

At the request of Mr. LAUTENBERG, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Idaho [Mr. MCCLURE], the Senator from Delaware [Mr. ROTH], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 243, a joint resolution to designate March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 246

At the request of Mr. BOSCHWITZ, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Arizona [Mr. MCCAIN], the Senator from Florida [Mr. MACK], the Senator from Massachusetts [Mr. KERRY], the Senator from Connecticut [Mr. DODD], the Senator from Nevada [Mr. REID], the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 246, a joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

NOTICE

In the RECORD of January 31, 1990, the following cosponsors were inadvertently omitted. The permanent RECORD will be corrected accordingly.

SENATE JOINT RESOLUTION 238

At the request of Mr. SARBANES, the names of the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. LEVIN], the Senator from Maine [Mr. COHEN], the Senator from Utah [Mr. GARN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New York [Mr. D'AMATO], the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Arkansas [Mr. PRYOR], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from North Dakota [Mr. CONRAD], the Senator from Delaware [Mr. ROTH], the Senator from Virginia [Mr. WARNER], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 238, a joint resolution to designate the week beginning March 5, 1990, as "Federal Employees Recognition Week."

AMENDMENTS SUBMITTED

NATIONAL LITERACY ACT

SIMON AMENDMENT NO. 1226

Mr. SIMON proposed an amendment to the bill (S. 1310) to eliminate illiteracy by the year 2000, to strengthen and coordinate illiteracy programs, and for other purposes, as follows:

On page 46, line 5, strike "1989" and insert "1990".

On page 47, line 13, strike "1989" and insert "1990".

On page 65, line 7, strike "1989" and insert "1990".

On page 68, beginning with line 11, strike all through line 25, and insert the following:

(B) in the second sentence of subsection (a)(1) by striking all beginning with "consist" through the end period and inserting "consists of—

"(A) representatives of public education;

"(B) representatives of public and private sector employment;

"(C) representatives of recognized State labor organizations;

"(D) representatives of private, voluntary, and community-based literacy organizations;

"(E) the chief administrative officer of a State, or the designee of such individual; and

"(F) representatives of each of the following State agencies:

"(i) the State education agency;

"(ii) the State job training agency;

"(iii) the State human services agency;

"(iv) the State public assistance agency;

"(v) the State library program; and

"(vi) the State economic development agency."

On page 72, line 4, strike "(a)".

On page 72, lines 6 and 7, strike "paragraph (1)(B)" and insert "subsection (a)(1)(B)".

On page 72, lines 8 and 9, strike "paragraph (2)" and insert "subsection (a)(2)".

On page 72, line 9, strike "and 'and' ".

On page 72, line 10, strike "thereof" and insert "of subsection (a)".

On page 72, line 11, strike "paragraph (3)" and insert "paragraphs (3) and (4)".

On page 73, line 7, strike "Act is amended" and insert "Act, as amended by paragraph (1) of this subsection, is further amended".

On page 75, line 25, strike "1989" and insert "1990".

On page 81, line 11, insert ", subject to the availability of appropriations," after "authorized".

On page 83, line 7, strike "1989" and insert "1990".

On page 90, line 5, strike "1989" and insert "1990".

On page 92, line 7, strike "1989" and insert "1990".

On page 97, line 9, strike "(d)" and insert "(e)".

On page 97, line 10, strike "(d)" and insert "(e)".

BOND AMENDMENT NO. 1227

Mr. BOND proposed an amendment to the bill S. 1310, supra, as follows:

On page 76, line 8, strike "and".

On page 76, line 10, strike the period and insert a semicolon and "and".

On page 76, between lines 10 and 11, insert the following:

(4) foster the detection of disabilities or developmental problems that might hinder future learning.

On page 76, line 22, strike "and" and insert "State educational agency," before "local".

On page 76, line 22, insert ", or other public agencies," before "to".

On page 77, between lines 2 and 3 insert the following:

(b) FINDINGS.—The Congress finds that children participating in State Parents as Teachers programs and similar programs have more advanced cognitive skills, language ability, and social skills than their preschool age counterparts.

On page 77, line 3, strike "(b)" and insert "(c)".

On page 77, line 5, strike "a total of 10 demonstration".

On page 77, line 7, insert "State educational agency", before "local".

On page 77, line 7 and 8, strike "and" and insert "or".

On page 77, line 8, strike "80 percent" and insert "the Federal share".

On page 77, line 14, insert "primarily" after "programs".

On page 77, between lines 22 and 23 insert the following:

(3)(A) Each grant awarded under this subsection shall be in an amount which is not less than $100,000 or more than $750,000.

(B) In determining the amount of the grant awarded under this subsection, the Secretary shall take into consideration the size of the population to be served, the size

of the area to be served, and the financial resources of such population and area.

(4) The Federal share—

(A) for the first fiscal year for which a grant is awarded under this subsection shall be 90 percent;

(B) for the second fiscal year for which a grant is awarded under this subsection shall be 80 percent;

(C) for the third fiscal year for which a grant is awarded under this subsection shall be 70 percent;

(D) for the fourth fiscal year for which a grant is awarded under this subsection shall be 60 percent; and

(E) for the fifth fiscal year for which a grant is awarded under this subsection shall be 50 percent.

On page 77, line 23, strike "(c)" and insert "(d)".

On page 77, line 24, insert "State educational agency," before "local".

On page 77, line 25, strike "demonstration".

On page 78, line 10, strike "(d)" and insert "(e)".

On page 78, line 11, strike "and" and insert "State educational agency," before "local".

On page 78, line 12, insert ", or other public agencies" before "receiving".

On page 78, lines 17 and 18, strike "disorders and learning disabilities" and insert "disorders, learning disabilities, and hearing and vision problems;".

On page 78, line 24, insert "health care," and "counseling,".

On page 79, line 2, insert "State educational agency," before "local".

On page 79, line 15, strike "(e)" and insert "(f)".

On page 79, line 17, insert "State educational agency," before "Local".

On page 79, line 17, strike ", and" and insert "or".

On page 80, line 14, strike "(f)" and insert "(g)".

On page 80, line 15, strike "(b)" and insert "(c)".

On page 80, line 19, insert "state educational agency," before "local", and insert "or other public agencies "before receiving".

On page 80, line 24, strike "(b)" and insert "(c)".

On page 81, line 1, strike "(g)" and insert "(h)".

On page 81, line 10, strike "(h)" and insert "(i)".

On page 83, line 1, strike "(h)" and insert "(i)".

HEINZ (AND SPECTER) AMENDMENT NO. 1228

Mrs. KASSEBAUM (for Mr. HEINZ, for himself and Mr. SPECTER) proposed an amendment to the bill S. 1310, supra, as follows:

On page 75, between lines 2 and 3, insert the following:

"SEC. 373. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS

"(a) PROGRAM AUTHORIZED.—(1) The Secretary is authorized to make grants on a competitive basis to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of commercial drivers which are necessary to successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

"(b) FEDERAL SHARE.—The Federal share of the costs of the adult education programs authorized in subsection (a) shall be 50 percent. Nothing in this subsection shall be construed to require states to meet the nonfederal share from state funds.

"(c) ELIGIBLE INDIVIDUALS.—Individuals eligible to receive a grant under this section include—

"(1) private employers employing commercial drivers;

"(2) colleges, universities, or community colleges;

"(3) approved apprentice training programs; and

"(4) labor organizations, the membership of which includes commercial drivers; and

"(5) any other public or private organization the Secretary finds that would most efficiently educate commercial drivers.

"(d) DEFINITION.—The term 'commercial driver' means an individual required to possess a commercial driver's license under the Commercial Motor Vehicle Safety Act of 1986.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 1990 and 1992".

ARMSTRONG AMENDMENT NOS. 1229 AND 1230

Mrs. KASSEBAUM (for Mr. ARMSTRONG) proposed two amendments to the bill S. 1310, supra; as follows:

AMENDMENT NO. 1229

On page 69, line 6, strike "Council." and insert "Council. The Council shall also include classroom teachers who have demonstrated outstanding results in teaching children or adults to read.".

AMENDMENT NO. 1230

On page 61, line 4, strike "to" and insert "which may".

On page 62, line 6, strike "including" and insert "such as".

On page 62, line 10, strike "and".

On page 62, between lines 10 and 11, insert the following:

"(ii) reading instruction in methods such as Basal reading method, exposure method, intensive systematic phonics method, linguistic method, Ortin-Gillingham method, sight word ('look-say') method, or whole word method; and

On page 62, line 11, strike "(ii)" and insert "(iii)".

On page 72, line 22, strike "level.';" and insert "level; and".

On page 72, between lines 22 and 23, insert the following:

"(4) training the individuals described in paragraph (3) in reading instruction methods such as the Basal reading method, exposure method, intensive systematic phonics method, linguistic method, Ortin-Gillingham method, sight word ('look-say') method, or whole word method.";

On page 72, line 23, strike "(4)" and insert "(D)".

On page 73, line 1, strike "(5)" and insert "(E)".

WALLOP (AND OTHERS) AMENDMENT NO. 1231

Mrs. KASSEBAUM (for Mr. WALLOP, for himself, Mr. SIMPSON, and Mr. BINGAMAN) proposed an amendment to the bill S. 1310, supra, as follows:

On page 76, line 12, strike "Section" and insert "(a) AUTHORIZATION OF APPROPRIATIONS.—Section".

On page 76, between lines 18 and 19, insert the following:

(b) INDIANS.—Section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742) is amended—

(1) by inserting ", and to Indian tribes and tribal organizations," after "such agencies" in subsection (a).

(2) by inserting ", Indian tribes, and tribal organizations" after "States" each place it appears in subsection (b), and

(3) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) DEFINITIONS.—For purposes of this part—

"(1) The term 'State' includes each of the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) The terms 'Indian tribe' and 'tribal organization' have the respective meaning given to each of those terms under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that the hearing before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources, which was previously announced for February 7 at 2 p.m., has been rescheduled for February 26 at 10 a.m. The purpose of the hearing is to receive testimony on two major provisions of H.R. 987, the House-passed Tongass reform legislation, which have not been directly addressed at previous subcommittee hearings. Specifically, the subcommittee will take testimony on those portions of H.R. 987, relating to fisheries protection and buffer zones (section 104(e)), and those provisions relating to the designation of additional wilderness areas on the Tongass National Forest (title III).

For further information regarding the hearing, please contact Beth Norcross of the subcommittee staff at (202 24-7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 5, 1990, at 2 p.m. to hold a hearing on a proposal to reduce Social Security taxes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate Monday, February 5, 1990,

10 a.m. for a hearing to receive testimony concerning the following Department of Energy nominations: John Wesley Bartlett, of Massachusetts, to be Director of the Office of Civilian Radioactive Waste Management, vice Ben C. Rusche, resigned, and Robert H. Gentile, of Ohio, to be an Assistant Secretary of Energy (Fossil Energy), vice James Allen Wampler, resigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IN COMMEMORATION OF THE MARIAN CATHOLIC HIGH SCHOOL MARCHING BAND

● Mr. SIMON. Mr. President, it gives me great honor to once again pay tribute to the members of the Marian Catholic High School Marching Band for their outstanding accomplishments in national high school band competition. The Spartan Marching Band of Marian Catholic High, located in Chicago Heights, IL, is the 1989 Grand National Champion of the nationwide high school band competition sponsored by the Marching Bands of America. This year's achievement alone would deserve our attention, but it is even more remarkable because the Spartan Marching Band has held this honor for 3 consecutive years. In addition, they have received this award for the fourth time in 5 years—a feat never before accomplished.

This year's competition held in Indianapolis, IN, was attended by 56 top-notch bands from across the Nation. After 2 grueling days of displaying its talents to an audience of music enthusiasts, Marian High School defended its National Champion status with an inspiring performance. The winning score was an impressive 94 points.

In addition to this year's national competition, the Spartan Band has won the Illinois State Championship in its class for 5 of the past 7 years. Along with the Grand National Championship Award, Marian Catholic High School received the trophy as AA Division Champions and the Highest Achievement Award for Best General Effect.

Under the direction of Greg Bimm and the assistant directorship of Bob Page, Marian Catholic High School Marching Band has provided spectacular entertainment. It has been a great source of pride to its community, the State of Illinois, and the Nation as a whole. All too often we forget the countless hours invested and the dedication required to produce an impressive work of art. These talented young men and women who dedicate themselves to a skillfully coordinated musical performance are nothing short of artists with a profound commitment to their craft.

Mr. President, I hope my colleagues will join me in congratulating the Marian Catholic High School Marching Band for its distinguished record of accomplishment, and in wishing the members and the band our best for continued success in the years to come.●

RABBI MENACHEM MENDEL SCHNEERSON

● Mr. MOYNIHAN. Mr. President, today marks the 40th anniversary of Rabbi Menachem Mendel Schneerson's investiture as the Seventh Lubavitcher Rebbe. For over 40 eventful years Rabbi Schneerson has provided inspired leadership to a worldwide network of educational, cultural, and religious agencies that have helped write a major chapter in contemporary Jewish history. New Yorkers of all faiths are proud that the world headquarters of Lubavitch is located in the Crown Heights section of New York City's borough of Brooklyn where it was relocated in 1940 by the current Rebbe's venerable predecessor and father-in-law, Rabbi Joseph Schneerson.

Many Members of the Senate are familiar with the role that a Member of this body played in securing the release of Rabbi Joseph Schneerson from a Soviet prison and the emigration of his entire immediate family, including the current Rebbe, from Stalin's Russia. The intervention of Senator William Borah of Idaho on behalf of this beleaguered Chassidic family stands as a noble example of courageous moral leadership. All of us in public life would do well to ponder Senator Borah's oft-repeated explanation as to his "motive" in leading an international campaign to save an apparently obscure religious leader in a faraway land, "I like to do things that get me votes in that next election in Idaho but every so often I do something that assures me of votes in that final election we will all have to stand for someday."

I thought of Senator Borah less than a month ago when I visited Morocco in my capacity as chairman of the Senate Foreign Relations Committee's Subcommittee on the Middle East and South Asia.

When I met with the Jewish leaders of Morocco and toured several of their synagogues and civic centers I discovered two pictures in every building—His Majesty King Hassan II and the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson.

This should not surprise anyone who is familiar with the Rebbe's historic role in supporting Jewish education and Jewish continuity throughout the world. The Members of the Senate are familiar with Lubavitcher activities in their own States but Lubavitch is also deeply involved in over 100 nations around the globe—including many where it is the only official Jewish presence and the only source of Jewish educational and religious training. And, some day, hopefully soon, the full story will be told of Lubavitch's heroic role in keeping Judaism alive in lands of cruel tyranny where teaching the Bible is a crime and uttering a public prayer is rewarded with a prison sentence.

For 40 years these remarkable activities—the publicized and the clandestine; the Chanukah lamp lighting on television and the underground matzah baking under the noses of Communist secret police, the young women giving out Sabbath candles on Fifth Avenue, and the Yeshiva schools in Arab lands—have been directed and inspired by Rabbi Menachem Mendel Schneerson.

I ask that I may place in the RECORD a brief biography of Rabbi Schneerson and a description of his career prepared by the Lubavitch Youth Organization. I am sure that the entire Senate joins me in congratulating him on his 40 years of exceptional spiritual leadership and in wishing him many more years of healthy and vigorous involvement: L'chaim.

The material follows:

THE REBBE

The Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, world leader of the Chabad-Lubavitch Movement, has been described as one of the most respected Jewish personalities of our time. To his hundreds of thousands of Chassidim and numerous followers and admirers around the world, he is "the Rebbe," today's most dominant figure in Judaism and largely responsible for stirring the conscience and spiritual awakening of world Jewry.

From his office at Lubavitch World Headquarters in New York, the Rebbe generates a constant flow of optimism, strength and instruction that unites and inspires world Jewry. Indeed, many of the Rebbe's innovations are so deeply ingrained in Jewish life today that they often are no longer identified as Lubavitch in origin.

EARLY YEARS

Rabbi Menachem Mendel Schneerson is seventh in the dynastic lineage of Lubavitcher leaders. The Chabad-Lubavitch Movement was founded in the 18th century by Rabbi Schneur Zalman of Liadi (1745-1812), author of the basic work of Chabad philosophy—*Tanya*, and the Schulchan Aruch—the Code of Jewish Law.

The Rebbe was born in 1902, on the 11th day of Nissan, in Nikolaev, Russia. He is the son of the renowned Kabbalist and Talmudic scholar, Rabbi Levi Yitzchak Schneerson, and Rebbetzin Chana, an aristocratic woman from a prestigious Rabbinic family. He is also the great-grandson of the third Lubavitcher Rebbe, and his namesake, Rabbi Menachem Mendel of Lubavitch. At the age of five he moved with his parents to the Ukrainian city of Yekatrinislav, now Dnepropetrovsk, where his father was appointed Chief Rabbi.

From early childhood the Rebbe displayed a prodigious mental acuity and soon had to leave the *cheder* because he was so far ahead of his classmates. His father engaged private tutors for him, and after that, taught him himself. By the time he reached his Bar Mitzvah, the Rebbe was considered an illuy, a Torah prodigy. He spent the rest of his teen years immersed in the study of Torah.

The Rebbe met the previous Labavitcher Rebbe, Rabbi Yosef Yitzchak Schneersohn, in 1923, in Rostov, Russia. In 1929 Rabbi Menachem Mendel Schneerson, married the second daughter of Rabbi Yosef Yitzchak Schneersohn, the late Rebbetzin Chaya Moussia, in Warsaw.

He later studied in the University of Berlin and then at the Sorbonne in Paris. It was there that his formidable knowledge of mathematics and the sciences began to blossom.

ARRIVAL IN U.S.A.

In 1941 he emigrated to the United States. His father-in-law, who arrived in the United States a year earlier, appointed him to head his newly founded organizations: Merkos L'inyonei Chinuch, the educational arm of the Lubavitch movement; Machne Israel, the movement's social service organization; and Kehot Publication Society, the Lubavitch publishing department.

Shortly thereafter the future Rebbe began writing his scholarly notations to various Chassidic and Kabbalistic treaties, as well as a wide range of responsa on Torah subjects. With publication of these works his genius was soon recognized by Jewish scholars the world over.

LEADERSHIP

After the passing of Rabbi Yosef Yitzchak Schneersohn, on the 10th Shevat, in 1950, Rabbi Menachem M. Schneerson, ascended to the leadership of the flourishing movement. Labavitch institutions and activities soon took on new dimensions. The outreaching philosophy of Chabad-Labavitch, based on the biblical: "and you shall spread forth to the West and East and to the North and to the South" (Genesis 28:14) was immediately translated into action as Chabad-Lubavitch Centers were opened in dozens of cities across the United States.

Motivated by a profound love for the Jewish people, the Rebbe launched an unprecedented program to reach every Jew. His shluchim—the Lubavitch emissaries—were charged with establishing Chabad-Lubavitch centers in every corner of the world. These dedicated men and women reflect the commitment of Lubavitch to the entire Jewish people. With open minds and open hearts, they respond to the needs of their respective communities through religious, educational and social-service programs. It is no wonder that, for many communities, Chabad-Lubavitch has become the central address for Yiddishkeit.

ONE THOUSAND POINTS OF LIGHT

During the Rebbe's four decades of inspired leadership Lubavitch has become the world's largest Jewish outreach organization, maintaining centers in almost every Jewish community on the globe.

Today, some one thousand Chabad-Lubavitch institutions span dozens of countries on six continents, and those countries and communities that have no Chabad-Lubavitch institution in place are visited and cared for by the closest existing facility.

These educational and social-service institutions serve a variety of functions for the entire spectrum of Jews, regardless of background or affiliation. Indeed the programs geared to humanitarian endeavors reach out beyond the Jewish community to all mankind.

In the United States alone, more than 180 centers serve every state in the Union.

In Israel, the "Chabadniks" are particularly endeared to all. Their programs reach all segments of the community, and enjoy the respect of the population, regardless of affiliation. From the soldier stationed at the isolated army post to the farmer on the kibbutz—all have come to admire the personal attention given to him by the Rebbe through his emissaries.

Kfar Chabad, near Tel Aviv, is one of several Lubavitch cities in Israel, and serves as the Lubavitch headquarters there. Its unique educational institutions and outreach facilities have become a lifeline of spirituality for tens of thousands of Israeli citizens.

It was in Russia that Chabad-Lubavitch was born more than 200 years ago, and since nurtured there by its Rebbes in each generation.

The heroic efforts of Chabad-Lubavitch in maintaining Judaism there under the most difficult conditions before and especially after the Bolshevik revolution are legion, and have yet to be told.

Those knowledgeable as to the maintenance of Judaism in the Soviet Union during the past century know that Lubavitch and its Rebbes played the major role in keeping the fires of Judaism aglow under the most oppressive and excruciating circumstances conceivable.

Now that perestroika has arrived, the work continues publicly. The Rebbe has established more than twenty institutions for Jewish learning. Dozens of emissaries have taken up residence there, and as soon as developments will allow, Jewish institutions under the aegis of Lubavitch will begin to mushroom throughout the U.S.S.R. and Eastern Europe.

In other countries, Lubavitch institutions have been established in Argentina, Australia, Belguim, Brazil, Canada, Chile, Colombia, Costa Rica, England, France, Holland, Hong Kong, Hungary, Italy, Morocco, Paraguay, Peru, Scotland, Soviet Union, South Africa, Spain, Switzerland, Tunisia, Uruguay, Venezuela and West Germany.

These institutions monitor the pulse of Jewish life in their respective communities, and contribute to their spiritual vitality and stability. Directors report regularly to Lubavitch World Headquarters in New York, so that the Rebbe is constantly aware of what is happening in Jewish communal life around the world.

Under the Rebbe's guidance, the Lubavitch publishing house, Kehot Publication Society, has become the largest Jewish publishing house in the world. It publishes and distributes millions of books, pamphlets, cassettes and educational materials in Hebrew, Yiddish, English, Russian, Spanish, French, Portuguese, Italian, Arabic, Farsi, Dutch, and German.

The central library and archive center of Agudas Chassidei Chabad-Lubavitch, at Lubavitch World Headquarters, is one of the world's most precious repositories of Jewish books and literature, containing a collection of rare books and manuscripts.

REVERSING THE TIDE

The Rebbe has often been heard saying that "we dare not rest until every Jewish child receives a Jewish education."

The Jewish day-school system, of which Lubavitch was the pioneering force, has displaced across a wide spectrum the once-prevalent ideology that Jewish education was a kind of dutiful appendage to the real business of acquiring a secular education. Jewish day schools have since become accepted and fashionable. This, as well as some of the outreach programs of Chabad-Lubavitch have served as a guide for others to emulate.

The Rebbe has continually emphasized the need to reach out to alienated youth and young adults to bring them back to their Jewish roots. He has seen to the establishing of special educational facilities for them.

From full-time yeshivas for Jewish men and women with little or no background in Torah study to literally tens of thousands of classes at Chabad-Lubavitch centers and synogogues around the world—the Rebbe has been, and continues to be, the vital life-force behind an outreach process that has affected the entire spectrum of Jewish life.

His widespread Mitzvah and festival campaigns, have ignited in the masses a flame of devotion and commitment to Judaism, and has created a virtual spiritual revolution among those previously alienated from Judaism.

The Lubavitch Mitzvah-Mobiles, or the "Jewish Tanks to combat assimilation," as the Rebbe refers to them, have become a familiar sight on the streets and by-ways of urban and suburban communities around the world. Offering "Mitzvahs on the spot for people on the go," these "tanks" encourage their visitors to participate in a Mitzvah, and prompt them to come closer to their precious Jewish heritage.

From Melbourne to London, Casablanca to Los Angeles, through the many Lubavitch schools, youth centers, institutions, agencies and activities established and maintained through the Rebbe's efforts, countless Jews have found their way home.

CONCERN FOR ALL

There is a story told about the Rebbe's early life that seems to be almost symbolic of much that was to follow. When he was nine years old, the young Menachem Mendei, dived into the Black Sea to save the life of another boy who had fallen from the deck of a moored ship. That sense of other lives in danger, seems to dominate his conscience. Jews "drowning," and no one hearing their cries for help; Jewish children deprived of Jewish education; Jews on campus, in isolated communities, under repressive regimes—all in need of help.

The Rebbe continually strives, ceaselessly and untiringly, to reach out to all Jews. He moves and motivates all those whom he reaches to take part in this task to reach out to others, to help them, to educate them and bring them together.

REVOLUTIONARY THINKER

The Rebbe is a systematic and conceptual thinker on the highest level. His unique analytical style of thought has resulted in a monumental contribution to Jewish scholarship. His brilliant approach to the understanding of the classic Biblical commentary of *Rashi*, for example, has revolutionized Bible study.

More than 125 volumes of his talks, writings, correspondence and reponsa have been published to date.

For all this scholarship, he consistently exhorts that intellectual understanding must bring to action and good deeds.

LETTERS AND CORRESPONDENCE

The *Igrot Kodesh* series, a chronological collection of the Rebbe's correspondence and responsa, is now in the midst of publication. Volume 16 has just been published, and brings the total of letters published to more than 6,000, written up to the winter of 1958. The series contains only his correspondence in Hebrew and Yiddish; his prolific correspondence in English is now being prepared for publication.

The writings in the *Igrot Kodesh* series shed some light on the Rebbe's genius and the success of Lubavitch under his leadership. His correspondents include Rabbinic scholars and statesman, homemakers and educators, chief rabbis and Bar/Bat Mitzvah youngsters, scientists and laborers, communal leaders and laymen, men and women from all walks of life.

The breathtaking sweep of topics covered in these letters encompasses every sphere of interest, and every field of human endeavor. They range from mysticism, Talmud and Chassidic philosophy, to science and world events, from guidance in personal matters to advice in education and social and communal affiars.

It is a veritable treasure chest of profound Rabbinic, Talmudic, Kabbalistic and Chassidic teachings, exuding encouragement, inspiration and direction, reflecting the Rebbe's remarkable insight into human nature.

It is perhaps the case that his fame as a leader and innovator of widespread mitzvah campaigns and communal projects is a result of his originality as a thinker, and his ability to unite the conceptual with the pragmatic. Essentially, with the Rebbe these two facets are one—the comprehensiveness of his thought and action are part of the same drive: the unity of Torah, the unity of the Jewish people, the unity of mankind in fulfilling the ultimate purpose of creation.

FARBRENGEN

A "Farbrengen," Chassidic gathering at which the Rebbe speaks publicly, is an unforgettable experience.

The Rebbe speaks extemporaneously, usually for hours, without referring to any notes, on a wide range of subject matter, from profound Talmudic and Chassidic teachings, to matters affecting the quality of Jewish life, to events of vital national and international concern. The Rebbe teaches, guides and elevates.

During the brief intermissions in the Rebbe's talks the thousands in attendance join in Chassidic singing, and raise their cups in greetings of "L 'Chayim" to the Rebbe.

Amidst the thousands of Chassidim in attendance at a Farbrengen at Lubavitch World Headquarters in New York, one can find people from literally all walks of life, young and old, communal leaders and plain folk, rich and poor.

When the Rebbe speaks on weekdays his talk is transmitted live via satellite to Chabad-Lubavitch centers and to cable TV stations across North America and parts of South America, and often to Israel, Europe, Africa and Australia, bringing the Rebbe's message into millions of Jewish and non-Jewish homes.

A special telephone hookup system also relays the Rebbe's talk live to Lubavitch Centers around the world.

A simultaneous English translation of his talk in Yiddish is provided for the television audience. Those personally attending the Farbrengen can use wireless receivers providing simultaneous translations in English, Hebrew, Spanish, French and other languages as well.

The Rebbe's Farbrengen has been described as a "unique blend of intellectual profundity and joyous celebration; an uplifting experience that enlightens and motivates."

PILLAR OF LIGHT

Those who consult or visit the Rebbe for the first time—usually do so because of his reputation as a man of encompassing vision. They tend to emerge somewhat unnerved, taken by surprise. They might expect, the conventional type of leader, imposing his presence by the force of his personality. What they find is difficult to define. The Rebbe, despite the enormous complexity of his involvements and concerns, is totally and humbly engaged with the person he is speaking to. It is as if nothing else exists.

Every Sunday morning, huge crowds of men, women and children gather at Lubavitch World Headquarters and patiently wait their turn to meet the Rebbe face-to-face, whereupon they receive his blessing. The Rebbe gives each individual a crisp, new dollar bill to be given to a charity of their choice.

This custom attracts people from all walks of life who sometimes travel thousands of miles just for this momentary, yet profoundly special, unforgettable encounter.

UNIVERSAL MESSAGE

Responding to the demands of the time, the Rebbe has reached out beyond the Jewish community with a universal message to all peoples of the world.

The Rebbe has consistently called for greater awareness of the crucial importance of education of all mankind, stressing that the goal of education is not only to provide a child with information, but more essentially to develop a child's character, together with his intellectual ability, with emphasis or moral, spiritual and ethical values. Only as a result of such education will individuals recognize the need to abide by fundamental human rights and societal obligations.

The Rebbe has continuously maintained that modern, secular man has an enduring need for moral values and religious philosophy by which to live.

He often speaks of the obligation of all humankind to adhere, and live by, the "Seven Noahide Commandment"—the universal code of Biblical morality and ethics, given to all at Sinai. This, the Rebbe insists, is of the utmost necessity to bring sanity and stability to a perplexed world.●

FORTY YEARS OF LEADERSHIP BY RABBI MENACHEM M. SCHNEERSOHN

● Mr. BOSCHWITZ. Mr. President, February 5 marks the 40th anniversay of leadership of the World-Chabad Lubavitch Movement by Rabbi Menachem M. Schneersohn. This movement is a global Jewish educational and welfare effort of which I am an admirer and supporter. Rabbi Schneersohn assumed leadership of the movement in 1950 upon the passing of his esteemed father-in-law, Rabbi Yosef Schneersohn.

The focal point of the Lubavitch movement is education. During Rabbi Schneersohn's four decades of inspired leadership, Lubavitch has become the world's largest Jewish outreach organization, maintaining centers in almost every Jewish community around the the world.

Today, some 1,000 Chabad-Lubavitch institutions are found in 30 countries on 6 continents. In the United States alone, more than 180 centers serve every State. Countries and communities with no Chabad-Lubavitch institution in place are visited by those at the closest existing facility.

These educational and social service institutions serve a variety of purposes for all Jews, regardless of background or affliliation. Indeed, those programs geared to humanitarian endeavors reach out beyond the Jewish community to all mankind.

Rabbi Schneersohn has consistently called for greater awareness of the crucial importance of education for all mankind, stressing that the goal of education is not only to provide a child with information, but more essentially to develop a child's character, together with his intellectual ability, with emphasis on moral, spiritual, and ethical values. Only as a result of such education will individuals recognize the need to abide by fundamental human rights and societal obligations.

Mr. President, The rabbi has continously maintained that modern, secular man has an enduring need for moral values and a religious philosophy by which to live. He often speaks of the obligation of all mankind to adhere, and live by, the "Seven Noahide Commandments"—the universal code of morality and ethics given to all and a precursor of the Ten Commandments—to bring sanity and stability to a perplexed world.

As Rabbi Schneersohn marks his 40th year of leadership, I applaud his accomplishments and wish him many, many more healthy and happy years.●

RHODE ISLAND HOUSE OF REPRESENTATIVES SUPPORTS THE MOYNIHAN BILL

● Mr. PELL. Mr. President, on January 23 of this year I joined with the distinguished Senator from New York, Senator MOYNIHAN, in introducing legislation (S. 2016) to reduce the Social Security payroll withholding tax paid by workers and their employers from 6.2 to 5.1 percent by January 1, 1991.

This legislation is intended to stop the effective use of excess Social Security taxes to hide and to finance a significant part of the Federal Government's budget deficit. It is in addition a step toward reducing inequities in our tax system by cutting the heavy tax burden borne by middle and lower income families. Many of those families now pay more in Social Security taxes than they do in Federal income taxes, and the combination of the two

taxes comprises an especially unfair tax burden on middle and lower income families.

This proposal has generated a great deal of discussion and, I am happy to say, a great deal of support.

In the Rhode Island General Assembly, the House of Representatives on January 25 adopted a resolution expressing its support for this legislation. I want to thank the members of the Rhode Island House of Representatives for its prompt expression of support, and I particularly commend its initial sponsors, Representatives Neil A. Corkery of Warwick, Paul E. Moura of East Providence, Zygmunt J. Friedemann of Warwick, Thomas A. Lamb of West Warwick, and Armand E. Batastini, Jr., of Providence. Support for this proposal is so broad that 41 members of the 100-member House of Representatives quickly signed as cosponsors before the speedy adoption of the resolution by the full House.

Mr. President, this outpouring of support is heartening, and I ask that the text of the resolution adopted by the House of Representatives of the Rhode Island General Assembly be printed at this point in the RECORD.

The resolution follows:

HOUSE RESOLUTION MEMORIALIZING CONGRESS TO SUPPORT SENATOR DANIEL PATRICK MOYNIHAN'S BILL TO CUT SOCIAL SECURITY TAXES

Whereas, Senator Daniel Patrick Moynihan, D-N.Y., is proposing legislation to cut social security taxes by up to six hundred dollars ($600.00) a year per working couple. This proposed legislation would not pose a threat to current or future social security benefit payments or cost-of-living increases, but, in reality, would force the government to stop the use of social security funds to hide and finance the federal budget deficit; and

Whereas, Counting their employers' share, nearly three-quarters of all Americans now pay more in social security taxes than they do in income taxes. One result of this situation is that the expenses of government are financed more by the poor and middle class and less by a tax on the wealthy; and

Whereas, The main reason why the overall federal budget deficit has supposedly decreased in the last few years is because the federal government is including social security funds as part of its total revenues;

Whereas, In Senator Moynihan's words "We can no longer tolerate the use of social security surpluses to finance, say, B-2 bombers or a capital gains tax cut"; now, therefore, be it

Resolved, That the members of this house of representatives of the State of Rhode Island and Providence Plantations hereby memorialize the members of the Rhode Island Delegation in the United States Congress to support Senator Daniel Patrick Moynihan's bill to cut social security taxes; and be it

Resolved, That the secretary of state be and she hereby is authorized and directed to transmit a duly certified copy of this resolution to the Rhode Island Delegation in the United States Congress.●

COSTA RICAN ELECTIONS

● Mr. DURENBERGER. Mr. President, yesterday, Costa Ricans went to the polls to cast their ballots in Costa Rica's 10th straight peaceful Presidential election. I want to offer my personal congratulations to Rafael Calderon for his victory in this election. In a region not historically characterized by stable democracies, Costa Rica has truly distinguished itself. In November 1989, it is also important to recall, Costa Rica celebrated its centennial anniversary of democracy.

The Costa Rican elections yesterday represent the third democratic, free, and fair election in Central America in less than a year, with El Salvador and Honduras celebrating peaceful transfers of civilian power during 1989 and early 1990. Panama, liberated from the dictator Noriega, is now free to pursue its own democratic aspirations. Guatemala will elect a new President in November of this year, which will mark the first peaceful transfer of civilian power in that country's history.

There's a definite and encouraging trend in the region toward greater democracy and freedom. Costa Rica has been leading the way, and for that, the people of that country deserve our thanks and admiration.

Nicaragua is the final hold-out in the region. I sincerely hope that the people of Nicaragua, like their neighbors, will be able to experience the fruits of a genuinely free and democratic election, with broad-based participation across the political spectrum. It has long been my strongest hope that Nicaragua's electoral process would proceed freely and fairly, leading to honest elections on February 25, 1990. Regrettably, the electoral process thus far in Nicaragua has not lived up to the standards set by its neighbors.

The Costa Rican path to democracy does not necessarily provide a model for other countries in the region to follow as a script. But it does provide an inspiration. After all, Costa Rica is the oldest and most stable democracy in the Central American region. And for that, the people of Costa Rica have our deepest thanks and appreciation.●

U.S. FOREIGN AID AND POPE'S TRIP TO AFRICA

● Mr. DURENBERGER. Mr. President, Pope John Paul's recently completed tour of several west African nations draws our attention to a region of the world that is often forgotten and certainly little noticed. A primary message is expressed by the Pope before and during his travels is that the wealthy countries of the north cannot abandon their common responsibility for the south, for the problems of the Third World.

This is an important message for us in the United States to consider, especially at a time when we face increasing pressure to reassess our foreign assistance program and to provide greater aid to newly emerging democracies around the world. Senator DOLE recently highlighted this issue when he called for the United States to reconsider its foreign aid programs, in an effort to support the East European and Latin American democracies.

As I stated last year during the Foreign Assistance Appropriations debate:

As we witness remarkable changes taking place throughout the world, I believe that the time is ripe for us to reconsider the objectives and goals of U.S. foreign assistance.

Furthermore, it is important to recognize that in the past, much of our aid has been related in some way to the East-West struggle—the political, military, ideological, and philosophical conflict between the United States and the Soviet Union. But that justification is no longer as certain or valid as it once was.

Senator DOLE, to his credit, has prominently initiated an important debate. In my opinion, however, it is essential that we take heed of the Pope's admonition to assist the lesser known countries of the Third World. Without question, it is important philosophically and diplomatically for us to assist in the promotion of democracy, establishment of democratic freedoms and institutions, and creation of free and open markets. We must also recognize, however, that there are many countries throughout the Third World that, although they may not make the headlines, they do require and warrant U.S. financial assistance.

The Pope toured several of the same countries in west Africa that I visited last summer. Many of the countries in Africa and Asia to which I traveled are among the most destitute and impoverished lands in the world, where profound deprivation persists unabated. I believe strongly that even small amounts of U.S. foreign assistance to these countries can make an enormous difference.

When a country basically has nothing, the smallest amounts of assistance, while maybe not solving their long-term problems, can certainly alleviate much of the human suffering and misery that I witnessed last summer, and the Pope has reminded us of this week.

Even in a period of budget constraints, I believe it is possible to restructure the U.S. aid program in such a way as to provide meaningful support to a larger number of countries than we currently do. There will be considerable debate about cuts in foreign aid to various countries. But it is clear to this Senator that we in this country have both an obligation and the resources to provide more assistance to more countries around the

world that have desperate needs for food, health care, and economic development. I think the Pope's recent trip reminds us that in an era of bold new realities in the international arena, we should not ignore our obligation to do what we can to alleviate suffering and deprivation in some of the world's most impoverished countries.●

ORDERS FOR TOMORROW

RECESS UNTIL 9:15 A.M.—MORNING BUSINESS

Mr. LIEBERMAN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:15 a.m., Tuesday, February 6, and that following the time for the two leaders there be a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FROM 12:30 P.M. TO 2:15 P.M.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senate stand in recess from 12:30 to 2:15 p.m. on Tuesday, February 6, in order to accommodate the party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LIEBERMAN. Mr. President, the majority leader has asked me to indicate that at 10 a.m. tomorrow, it is his intention to proceed to S. 695, the excellence in education bill, and consider that bill for 1 hour.

At 11 a.m., the Senate will proceed to the consideration of Calendar No. 78, S. 169, the global warming bill, under a 1-hour time limitation, with no amendments other than a Hollings-Baucus substitute. The Senate will vote final passage of S. 1310, the illiteracy bill, tomorrow, beginning at 12 noon, with the yeas and nays already having been ordered.

Further, Mr. President, the Senate will resume debate on S. 695 upon reconvening at 2:15 p.m. tomorrow.

Mr. President, the majority leader has asked me to indicate to our colleagues that discussions are ongoing with respect to the Clean Air Act, and that he will provide a detailed report tomorrow on the status of those negotiations.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. LIEBERMAN. Mr. President, if the distinguished acting Republican leader has no further business—and I see no Senator seeking recognition—I now ask unanimous consent that the Senate stand in recess under the previous order until 9:15 a.m. on Tuesday, February 6.

There being no objection, the Senate, at 3:03 p.m., recessed until Tuesday, February 6, 1990, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate, February 5, 1990:

ENVIRONMENTAL PROTECTION AGENCY

ERICH W. BRETTHAUER, OF NEVADA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE VAUN A. NEWILL, RESIGNED.

RAILROAD RETIREMENT BOARD

CHARLES J. CHAMBERLAIN, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR THE TERM OF 5 YEARS FROM AUGUST 29, 1989 (REAPPOINTMENT).

GLEN L. BOWER, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 28, 1992, VICE THOMAS J. SIMON.

IN THE COAST GUARD

PURSUANT TO THE PROVISIONS OF 14 USC 729, THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE COAST GUARD RESERVE TO BE PERMANENT COMMISSIONED OFFICERS IN THE COAST GUARD RESERVE IN THE GRADE OF COMMANDER.

DAVID L. POWELL	ALBERT W. SCHMITT
RICHARD T. CANCELLIER	ROBERT C. GRANT
JEFFREY S. MCCOMBS	LOREN H. HOWARD
BARRY R. GOGEL	FRANKLIN FLOYD
JOSE S. CULPEPPER	ALAN M. ORR
ROCCO V. CAPPETO	JOE C. WEST
JOSEPH W. COSGROVE, JR.	BRADFORD C. HERTER
MARGARET E. MINTON	DAVID F. PATELLA
JAMES T. ARMSTRONG	CHARLES O. DAVIS
MICHAEL A. LEESON	ROBERT L. COCKREL
SCOTT L. ANDERSON	ROBERT W. WEST III
MICHAEL M. JACKSON	JON W. MINOR
WILLIAM J. LAGEMAN, JR.	DANIEL V. HAGAN
STEVEN D. POOLE	STEVEN D. JORGENSEN
WILLIAM N. HINES	BARRY L. HIGGINS
COLLIN LAU	

CONFIRMATIONS

Executive nominations confirmed by the Senate February 5, 1990:

DEPARTMENT OF JUSTICE

MICHAEL J. NORTON, OF COLORADO, TO BE U.S. ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF 4 YEARS.

WALTER J. BAMBERG, OF ALABAMA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS.

DONALD E. CROWL, OF OKLAHOMA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS.

CHARLES E. HEALEY, OF NEW YORK, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS.

CRAIG L. MEACHAM, OF CALIFORNIA, TO BE U.S. MARSHAL FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS.

JAMES Y. STEWART, OF MICHIGAN, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF 4 YEARS.

RONALD FRANK EDERER, OF TEXAS, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS.

ROBERT F. GILBERT, OF NEW HAMPSHIRE, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF 4 YEARS.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHIEF, NATIONAL GUARD BUREAU, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3040, AND APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE SERVING IN THIS POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN B. CONAWAY, [redacted]PG, U.S. AIR FORCE.

IN THE ARMY

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT AS A RESERVE COMMISSIONED OFFICER OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. FRANCIS T. DONOHUE, [redacted]
BRIG. GEN. THOMAS C. STONES, [redacted]
BRIG. GEN. JAMES B. BAYLOR, [redacted]
BRIG. GEN. DONALD M. BAGLEY, JR., [redacted]
BRIG. GEN. GARY A. STEMLEY, [redacted]

To be brigadier general

COL. FRANCIS D. TERRELL, [redacted]
COL. JOHN E. MCALLISTER, [redacted]
COL. PETER W. CLEGG, [redacted]
COL. FRANCIS R. JORDAN, JR., [redacted]
COL. HOWARD T. MOONEY, [redacted]
COL. GEORGE G. KUNDAHL, [redacted]
COL. DONALD F. CAMPBELL, [redacted]
COL. ROBERT H.G. WAUDBY, [redacted]
COL. COL. LINDSAY M. FREEMAN, [redacted]
COL. CHARLES L. WHITLOCK, [redacted]
COL. DAVID L. STABENOW, [redacted]
COL. RICHARD F. REEDER, [redacted]
COL. JOHN COMPERE, [redacted]
COL. RICHARD J. DIRGINS, [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. ROBERT T. HERRES, [redacted]FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN RICHARD A. BURPEE, [redacted]FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ROBERT D. BECKEL, [redacted]FR, U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. HERBERT R. TEMPLE, JR., [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAMES W. CRYSEL, [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. CHARLES R. LARSON, [redacted]/1120, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. PAUL F. MCCARTHY, JR., [redacted]/1310, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), AND TO BE APPOINTED AS SENIOR NAVY MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 711:

To be vice admiral

REAR ADM. ROBERT J. KELLY, [redacted]/1310, U.S. NAVY.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING MAJOR WILLIAM G. BADER, [redacted] AND ENDING MAJOR MARSHA R. CLAYBROOK, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF NOVEMBER 17, 1989.

AIR FORCE NOMINATIONS BEGINNING RONALD R. ANDERSON, AND ENDING RONNIE L STANLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND

APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

AIR FORCE NOMINATION OF CONSOLADOR C. PALAND, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

AIR FORCE NOMINATIONS BEGINNING MAJOR ANTHONY AUGELLO, xxx-xx-xxxx AND ENDING MAJOR JAMES A. BALUKJIAN, xxx-xx-xxxx, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

AIR FORCE NOMINATIONS BEGINNING MAJOR TERRY L. ANDERSON, xxx-xx-xxxx AND ENDING MAJOR JOHN D. MOORE, xxx-xx-xxxx, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

AIR FORCE NOMINATIONS BEGINNING DAVID W. BECKER, JR., AND ENDING STEPHEN T. ELLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

AIR FORCE NOMINATIONS BEGINNING GARY J. MOORE, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

AIR FORCE NOMINATIONS BEGINNING WALTER W ADAMS, AND ENDING LAWRENCE F. SHEEHAN, JR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

AIR FORCE NOMINATIONS BEGINNING FRANK ABATE, AND ENDING DON R ZISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WILLIAM J. MCDOUGALL, AND ENDING STEPHEN H. SAVAGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

ARMY NOMINATIONS BEGINNING CALVIN E. MEIN, AND ENDING TIMOTHY P. REARDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

ARMY NOMINATIONS BEGINNING THOMAS W. ALLEN, AND ENDING KEIJIRO NMI YAZAWA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

ARMY NOMINATIONS BEGINNING LARRY T. BOURKE, AND ENDING KEITH B. STOUT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

ARMY NOMINATIONS BEGINNING JAMES C. BURKE, AND ENDING JOE WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

ARMY NOMINATIONS BEGINNING WILLIAM B. BANKS, AND ENDING CHARLES D. WITMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

ARMY NOMINATIONS BEGINNING RICHARD A. AKRE, AND ENDING JOHN D. ZUKLIC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

ARMY NOMINATIONS BEGINNING RAFAEL A. ACEVEDO, AND ENDING FREDERICK J. ZAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

ARMY NOMINATIONS BEGINNING DONALD R. ELLIS, JR, AND ENDING BRADFORD S. GOODWIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

ARMY NOMINATIONS BEGINNING ALBERT J. ABBADESSA, AND ENDING SCOTT AVERY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING THOMAS B ADAIR, AND ENDING JAMES F ZAGRZEBSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

IN THE NAVY

NAVY NOMINATIONS BEGINNING PAUL MICHAEL BADER, AND ENDING RICHARD LOUIS TITUS, JR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF NOVEMBER 17, 1989.

NAVY NOMINATIONS BEGINNING SUSAN K. ARNOLD, AND ENDING KEVIN E. ZAWACKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

NAVY NOMINATIONS BEGINNING KENNETH P. BURNS, AND ENDING JOHN R. STEENBARGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

NAVY NOMINATIONS BEGINNING T. A. BEST, AND ENDING JOHN W. REEVES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

NAVY NOMINATIONS BEGINNING DAVID A. ADAMS, AND ENDING MICHAEL L. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

NAVY NOMINATIONS BEGINNING REYNALDO L. APONTECESTERO, AND ENDING AARON L. SCOGGINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

HOUSE OF REPRESENTATIVES—*Monday, February 5, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

At the beginning of a new week and of a new day, we come before You in prayer, O God, not as we pretend to be but as we truly are. Put aside our pretensions and posturing or any public presence and allow us to place before You our honest feelings, our doubts or fears, our joys and delights, all the emotions of our hearts. May Your holy spirit lead us and guide us this day and this week that we may be the people You would have us be. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Kansas [Mr. ROBERTS] will please come forward and lead the House in the Pledge of Allegiance.

Mr. ROBERTS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Kalbaugh, one of his secretaries.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER laid before the House the following resignation as a member of the Committee on Government Operations:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 1990.

Speaker THOMAS S. FOLEY,
Capitol, Washington, DC.

DEAR MR. SPEAKER: As a result of the very time consuming committee work I am involved with on the Committee on Public Works and the Committee on House Administration, I am hereby respectfully asking that my name be removed from the Committee on Government Operations.

Thank you for the opportunity for having served on this Committee. I have enjoyed my subcommittee assignments with Commerce, Consumer and Monetary Affairs and Environment, Energy and Natural Resources. I regret that my work load does not allow me to continue to serve in these areas.

Sincerely,

JOE KOLTER,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

THE PRESIDENT'S PROPOSED BUDGET MUST BE KIND AND GENTLE TO LOUISVILLE AND JEFFERSON COUNTY, KY

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, last week the President made a very nice State of the Union speech. It might even be called a kind and gentle State of the Union Message.

But behind that nice speech lies a budget which has very harsh effects upon my community of Louisville in Jefferson County, KY, in two particular respects.

One, the budget proposes to possibly close the Naval Ordnance Station in Louisville, one of the Navy's most efficient and important ordnance facilities. That could lead to the discharge of 2,400 men and women who work on Southside Drive.

The second effect of the President's budget is to reduce markedly, by some $600 million, funds for mass transit and to eliminate totally all funds for urban mass transit subsidies which for TARC, the transit authority of River City, is absolutely vital to its continuation.

I intend to fight against the closure of the Naval Ordnance Station and fight for additional funding for TARC.

If this is going to be a nice and gentle State of the Union budget, it has to be nice and gentle to Louisville and Jefferson County, KY.

END COMMITTEE TURF BATTLES FOR MORE EFFECTIVE WAR ON DRUGS

(Mr. GILLMOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILLMOR. Mr. Speaker, as we approach another debate on anti-drug strategy for fiscal year 1991, the time is right for us to restructure the way Congress does its part in the war on drugs. The congressional process in the drug war was aptly described by the late Congressman Larkin Smith as a "drug maze". Congressman Smith, who himself was a former law enforcement official, exposed the tangled web of overlapping committee jurisdictions that is the House's effort to win against narcotics. I think we can all agree that 53 committees and subcommittees trying to control a piece of the drug war is no way to win.

Mr. Speaker, the solution is simple. We need to create one House committee with jurisdiction over the war on drugs. Our seriousness on the drug issue should not only be judged by our willingness to spend, but also our willingness to give up the committee turf battles for a more united, more organized, and I believe more effective drug battle.

PENSION BENEFITS PROTECTION ACT

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, today I am introducing the Pension Benefits Protection Act of 1990. This bill amends the Employee Retirement Income Security Act of 1974 [ERISA] to clarify the fiduciary duties of an employer when the employer uses insurance to distribute pension plan benefits. In short, this bill says to corporate raiders that you cannot raid a pension fund and then just walk away from responsibility.

I am concerned that the law which established minimum funding requirements to ensure that pension plans contain enough money to pay out benefits is not being enforced properly, and needs substantial revision in order to deal with the current era of mergers and acquisitions.

This problem came home to Kansas in recent weeks when MacAndrews & Forbes tried to use part of the $83 million in the Coleman Company's employee pension plans to purchase annuities from a financially unstable insurance company in California. My bill would make any parent company fully liable for the pension-plan payments should the insurer default and raise the standards required by the Federal agency which approves all pension plan terminations.

I intend to work to secure the pension plans of working Americans and make certain that corporate raiders are held accountable to the people

who've built companies, like Coleman, over the years.

ESTABLISH DEPARTMENT OF ENVIRONMENTAL PROTECTION

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGOMARSINO. Mr. Speaker, I rise in strong support of President Bush's call to make the Environmental Protection Agency a Cabinet level department.

The ongoing cleanup of our environment is truly one of the major challenges of the 1990's. We at the Federal Government must insure that that challenge is met.

By making the Environmental Protection Agency a Cabinet level department we will give environmental protection the stature and attention it deserves. The change will assist in heightening our domestic environmental concerns and, just as important, will inform the rest of the world of the seriousness the United States' stand on environmental protection.

Because I believe that the protection and improvement of our environment is one of our highest priorities, I have signed on as a cosponsor of H.R. 3847, legislation introduced by Congressmen CONYERS and HORTON, which calls for the creation of the Department of Environmental Protection.

The establishment of the Department of Environmental Protection is a step in the right direction. I call on my colleagues to support the President's endorsement of this idea, and I call for quick action on H.R. 3874.

SPECIAL TRIBUTE TO TIHATI

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous matter.)

Mr. FALEOMAVAEGA. Mr. Speaker, it is with great pleasure that I take this opportunity to pay a special tribute to a young Polynesian couple who truly exemplifies what the American dream is all about. In fact, Mr. Speaker, despite their tribulations and struggles, but with tremendous drive and energy, this couple is one of Hawaii's great success stories—might even be best described in the words of the song, "The Impossible Dream".

Papaliitele Jack Tihati Thompson and his lovely wife, Cha, have just recently celebrated a special anniversary of the company they founded 20 years ago which now employs over 600 employees and is considered the largest cultural entertainment organization in the State of Hawaii.

Mr. Speaker, I submit that the odds were very much against Papaliitele and Cha to succeed in the entertainment business in Honolulu. I say this because they literally started with nothing. Barely out of high school, they both started their careers as Polynesian performers at the various showcase attractions in Waikiki. But, with sheer determination, hard work, and perseverance over the years, the Tihati Productions today is rated the best in the State for producing Polynesian shows at conventions and hotel showrooms. What is unique with Tihati Productions is that the shows are truly magnificent display of Polynesian culture.

Congratulatory letters were also noted from Hawaii's Governor John Waihee, Mayor Frank Fasi of the city of Honolulu, and the president of the Hawaii Visitors Bureau, Mr. Stanley Hong—all attest to the tremendous success of Papaliitele and Cha who have constantly provided to visitors from all over the world—the most authentic cultural dances and songs from the various Polynesian island groups.

Mr. Speaker, I was privileged to be invited recently to a special executive luncheon that was held at the Royal Hawaiian Hotel in honor of Papaliitele and Cha. The luncheon was hosted by senior vice president of the Sheraton Corporation for Hawaii and Japan, Mr. Patrick J. Birmingham. In attendance also were Mr. Stan Takahashi, executive vice-president, Kyo-Ya Company Ltd.; Ms. Myrtle Lee, President of Island Holiday Tours; Mr. Bill Paul, president of Hawaii Press News; Mr. David Kochi, resident manager of the Princess Kaiulani Hotel; Bill Sealley, general manager of the Royal Hawaiian Hotel; Mr. Carlton Thomas, general manager of the Princess Kaiulani Hotel; Ms. Patricia Lei Anderson, former Miss Hawaii; Mr. Keith Vierra, director of advertising and communications for Sheraton Hotels; Mr. John Tilton, vice president for Tihati Productions, and Mr. Steve Laulu, director of operations for Tihati Productions.

In summary, Mr. Speaker, I want to share with my colleagues a congratulatory letter written to Papaliitele and Cha from His Highness Malietoa Tanumafili II, Head of State of the Independent State of Western Samoa.

Mr. Speaker, I also submit for the RECORD an article written in the Samoan International magazine, dated December 1989, giving Papaliitele and Cha special recognition for which they richly deserve.

The letter and article follow:

Papali'itele (Tihati) and Cha Thompson, I am delighted to send you greetings from Samoa on the celebration of your 20th Anniversary in your chosen field of endeavour. The success you have made of "Tihati Productions" no doubt has brought many rewards and satisfaction for you both. In addition I believe you have in the process achieved for yourselves deep senses of fulfillment, peace and goodwill towards your fellowmen. This is indeed an admirable outcome and a fine culmination of twenty years of hard work and dedication to perfection.

I am proud of you both and I send you personal best wishes on this happy occasion.

God bless you.

MALIETOA TANUMAFILI II.

[From the Samoan International Magazine, December 1989]

THE IMPOSSIBLE DREAM

THE TIHATI LEGEND

How do you describe the King and Queen of Entertainment in the Hawaiian Islands?

Do not expect ritzy show biz glamour when you meet Jack and Cha Thompson. They are good, solid Christian folk and humility comes naturally in the easy grace with which they carry their tremendous success. What they are, are very substantial people with not an ounce of pretentiousness about them.

Jack Thompson, known throughout the Hawaiian Islands as Tihati, is President of Tihati Productions, a major entertainment empire employing well over 600 people in the Hyatt, Sheraton, and Hilton hotel chains and other Entertainment Centers throughout the Hawaiian Islands.

Cha Thompson, a dynamic, vivacious and attractive lady, plays a key role in their organization as Executive Vice President.

As Jack puts it: "We are a perfect team, both at home and at work. At work I write and direct our productions, Cha choreographs and promotes them.

"At home we have our ups and downs, just like any other couple, but during those times when the old flame looked like it was about to burn out, Cha and I reminisce about when we were childhood sweethearts at Farrington High School and . . . how easy it is to fall in love all over again."

They have already begun to spread their wings outside the Hawaiian Islands. Recently, there was an urgent request from Thailand for an 80-person Polynesian review for a 3,000-seat showroom.

Cha took off for Bangkok, after she and Jack returned from a quick two-day trip to Los Angeles on other business.

They continually travel the world searching for new ideas to upgrade and raise the standards of their shows.

They have staged theme productions such as "Raiders of the Lost Ark," "The Roaring Twenties," "Casino Night," and "Beach Olympics," to name but a few.

With typical Thompson modesty, Cha put it this way: "Hotel managers want to run hotels, not deal with entertainers. You know entertainers, like all artists they are moody, temperamental, well, just plain difficult to handle. So a manager says: "Cha, I need a Polynesian Review 3 nights a week, a couple of piano serenaders, a nice combo for the main lounge, whatever." We provide an entertainment package and all the entertainment in our big resort clients are provided by Tihati Productions.

"They deal only with Tihati Productions, not the individual entertainers. They get the services, we handle the problems."

Jack grins and adds: "We have to be careful when handling the kind of influence in the entertainment business we have acquired. One time a big resort owner phoned me and said: "Tihati, I think some of your boys are doing dope and performing below standard." I flew over there and said: "Boys, if you don't stop the dope, not only will I fire you but I blackball you and you can pack your bags for Florida to find work as entertainers." I then made them say a prayer with me asking the Lord to help

them with their problem. The Lord answered our prayers and one week later, the manager said: "Tihati, these guys are great. What did you do to them?" He did not believe when I said: "The Power of Prayer."

Jack and Cha firmly believe their faith and love of God are essential factors in their success. The Thompsons not only preach their faith, they live it.

Jack, despite his workload, is chairman of the Board of Trustees of the East Oahu Christian Church and still practices as the senior Elder of the Congregation.

In a subtle way and more by example, they have tried to get all their entertainers to adopt a Christian life-style.

Jack now finds Church matters take up about 20% of his work. He attends meetings in the mainland and throughout the Hawaiian Islands for his Church all the time.

With their strong Christian faith and principles behind them, they have developed Tihati Productions to a point where it is the biggest entertainment corporation in the Hawaiian islands and the biggest Polynesian production in the United States.

They have a large administration staff in their fully-computerized offices. "Someone needs a magician and like magic, you press the computer and it gave us a list of magicians, and what they do, availability, the works."

HUMBLE BEGINNINGS

How did it all happen?

Papaliitele gives that adolescent and charming grin, and with deliberate modesty, says: "You know that song the "Impossible Dream" from the "Show Man of La Mancha," that says it all. Cha and I have achieved our impossible dream."

It has been a struggle, the road hard and parchy. "Nothing beats hard work," says Cha. It is clearly a combination of Cha's driving personality and Jack's determination to succeed.

From humble beginnings they have built an entertainment empire, all the time keeping their priorities. As Cha puts it: "We owe it all to the Lord. And every day we find new manifestations of His great blessings on us. We try to thank Him but we know we have been so blessed it will be hard."

They have raised a total of 11 children, only 5 of them are their own. They have raised them all in a warm and loving home and care for them all with that special Thompson warmth and love.

"We love all our children so much. They come from such different backgrounds but we have tried to instill in them all those Christian values we believe in and upon which our entire lives are based."

Jack was born in Swains Island. His mother, Eliza, was a Jennings who all orignally came from Swains. His father, Afa, is Samoan-English and his mother, Eliza, refers to herself as a Tokelau.

He grew up steeped in the strongest traditions of Samoan culture and he is very proud of his heritage.

One of Jack's greatest moments in life was when Malietoa Tanumafili II bestowed the High Chief title of Papali'itele on him in 1986.

Jack's success has made him all the more determined not to give up his strong links to his cherished Samoan customs and traditions. As the "faletua" of Papali'itele Siaki, Cha Thompson may as well be a full Samoan.

In fact my observation is Cha Thompson is more "faletua" than many full Samoan women.

Cha was born in Oahu. Her father is Chinese and her mother is Hawaiian-English.

Cha's mother is a Parker, a descendant of the founder of the great Parker Ranch on the Big Island of Hawaii and the grand daughter of King Kamehameha I.

The Parker Ranch is still today the largest privately-owned cattle farming operation in the United States.

HOW DID THEY MEET?

"It was not exactly love at first sight," says Cha. "I thought Jack was to quiet and boring, even if he was a handsome hunk, and Jack thought I was a great "fiapoko" who was too proud."

Anyone looking at Jack and Cha can tell the chemistry, whatever the mix, is still there and still sparkles.

THE DREAM LIVES ON

A major celebration was held in December to commemorate the 20th Anniversary of Tihati Productions. Congressman Eni F.H. Faleomavaega, Mufi Hanneman and Wayne Harada were among the many distinguished guests who attended the gala event. This spectacular evening included guest entertainer Tony Ruivivar and the Society of Seven. Steve Laulu (director of operations for Tihati) took part in a Beatles sequence to sing "Twist and Shout" from beneath a moptop wig. Three of Tihati's long-time employees Emosi Damuni, Iona Teriipaia and Iele Eseroma were singled out by Tihati and Cha for their many years of devotion to Tihati Productions. Jack and Cha Thompson were surrounded with friends and family who all shared in the joy of wishing Tihati Productions the best of yet to come.

Jack and Cha will also be celebrating their 24th wedding anniversary in June 1991.

The Legend of Tihati continues to grow and spread it's wings. Looking at Jack, I ask: "What are you thinking right now?" Tihati grins and says: "Thank you Lord for blessing us with your peace which surpasses all human understanding. Thank you Lord for Cha."

What more can be said about the Legend of Tihati?

DO NOT BUILD AIR FORCE BASE IN CROTONE, ITALY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker and my colleagues, if anybody wants to save at least $360 million, and my bet is it will be a whole lot more, I hope they will join me today in the bill I am putting in to prevent the construction of a new base by the United States in Crotone, Italy.

Last year we were thrown out of Madrid, Spain and we are in the process of building a new base in Italy that will not even be a war fighting base. It will just be there as a backup base. My guess is when we get all done, the cost will be close to $1 billion.

□ 1210

I think if we are in this critical period of realignment, trying to figure out where we should be and what we should be doing, this is not the time to proceed toward building all sorts of new bases outside the United States. I hope many will join me in saying that to the Department of Defense. I think it would be welcome relief for the taxpayers that we are starting to look and scrutinize all these new construction projects that are being laid out.

LET US NOT EASE ECONOMIC RESTRICTIONS AGAINST SOUTH AFRICA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, this is not the time to ease economic sanctions against South Africa. There is progress being made. Their new President is taking some significant steps, including the possible release of Nelson Mandela and other political prisoners, in addition to giving the African National Congress legal status.

But we should not rush, we should be cautious. President Bush should consult with the Congress before proceeding. Sending a signal that we are going to ease economic sanctions before serious and substantive significant steps are made I think could have a negative effect. But as somebody that has voted always for sanctions agianst South Africa, we should recognize the postive steps of President De Klerk.

He is making a major effort. He is facing political difficulties at home because he is taking courageous steps. But here is an opportunity where the Congress and the President can work together without one going ahead of the other.

Mr. Speaker, the time is not here to ease economic sanctions; the time is to continue to encourage President De Klerk in this positive role but there should be close consultation between the Congress and the President before taking any futher steps.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION ANNUAL REPORT FOR 1988—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works and Transportation.

(For message, see proceedings of the Senate of today, Monday February 5, 1990.)

REPORT OF NATIONAL SCIENCE BOARD ENTITLED "SCIENCE AND ENGINEERING INDICATORS, 1989"—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science, Space, and Technology.

(For message, see proceedings of the Senate of today, Monday, February 5, 1990.)

TENTH ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Post Office and Civil Service.

(For message, see proceedings of the Senate of today, Monday, February 5, 1990.)

ANNUAL REPORT ON HAZARDOUS MATERIAL TRANSPORTATION FOR 1988—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce, the Committee on Public Works and Transportation, and the Committee on Merchant Marine and Fisheries.

(For message, see proceedings of the Senate of today, Monday, February 5, 1990.)

CRITICISM OF THE PRESIDENT'S BUDGET

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, one Member after another got up last week to bash the President's budget. The noted budget philosopher and social critic Mr. Russo let us know in his immortal words that it "stinks and lies." The powerful chairman of the House Budget Committee said President Bush is "playing games with the budget." A thoughtful Member from Kansas told us that the President wanted to kill Tiny Tim.

The critics say this budget's spending priorities are wrong. They say it's full of smoke and mirrors. And they say if they were in charge, that would all change. We'd get us the cleanest, tightest, deficit reducingest budget we've ever seen.

Well, last fall they were in charge. And what did we get? Last November's reconciliation bill—a scandalous measure full of sham savings, special favors, one-time revenues and mystery amendments nobody ever saw or examined. Moving agriculture deficiency payments from fiscal year 1990 to fiscal year 1989. Delaying Medicare payments for 2 days to claim a half billion dollar savings. Shifting the post office off-budget, for $1.7 billion. Those clouds of smoke and jagged chunks of mirror made up a quarter of the savings.

That was the best part of it.

The worst was sequestration. And the Budget Committee—the home of the loudest bashers of this year's budget—stood by and let it happen. Committees that failed or even refused to meet their savings targets—like Merchant Marine and Fisheries with the Coast Guard user fee—got off scot free, and committees which met their targets got hit with a sequester. Maternal and child health care, research on cancer, student aid—they all got hit. That bill was a shame and a scandal on the whole Congress.

Now, this year's budget isn't perfect. No one expects it to be perfect—it's the first step in a year-long process. We all have an interest, and we all want to change it in our own way.

That's fine. But nobody's going to get anything done by standing here attacking the President of the United States and pretending the Ways and Means Committee or the Budget Committee is as pure as driven snow.

Let's cut the nonsense, get off the soapbox and get to work.

MAKING SENSE OF NON-PROFIT AND VOLUNTEER LIABILITY

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, 213 Members of this body have cosponsored H.R. 911 the Volunteer Protection Act, a bill I introduced to protect the 110 million Americans who freely give their time in our local communities.

H.R. 911 encourages the States to enact statutes protecting individual volunteers from personal financial liability in a tort suit against the organization they serve. As appalling as it may seem, the fact is that volunteers are named in suits against the organizations they serve, and studies show that many Americans don't volunteer because they are afraid of being dragged into court.

The Volunteer Protection Act takes a sensible approach to this problem. First, it doesn't protect volunteers who intentionally or maliciously cause harm. Second, it doesn't prevent an injured party from suing the organization for redress of his or her grievances. What it does do is prevent the use of legal gymnastics to harass volunteers.

Mr. Speaker, the bill makes so much sense that dozens of States have already enacted similar laws. We can support this movement and America's volunteers by taking action now on the Volunteer Protection Act.

□ 1220

NATIONAL VOTER REGISTRATION ACT AMENDMENT

The SPEAKER pro tempore (Mr. BENNETT). Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, the following is the text of the en bloc amendment to H.R. 2190, the National Voter Registration Act of 1989, to be considered on Tuesday, February 6.

AMENDMENTS TO H.R. 2190 OFFERED BY MR. MICHEL OF ILLINOIS OR HIS DESIGNEE

(Note: Section references are to the amendment in the nature of a substitute printed in the report of the Committee on Rules, H.Rept. 101-396)

In section 102, strike out "In addition" and all that follows through "this Act." and insert in lieu thereof the following: "In addition to any other voter registration procedure provided for by law, each covered State may provide for voter registration procedures for elections for Federal office in accordance with this Act.".

In the first sentence of section 103(a), strike out "shall" and insert in lieu thereof "may".

In section 104(a), strike out "shall" and insert in lieu thereof "may".

In the first sentence of section 105(a), strike out "shall" and insert in lieu thereof "may".

In the second sentence of section 105(a)—

(1) insert after "available," the following: "to the extent practicable,"; and

(2) strike out "shall" each place it appears and insert in lieu thereof "may".

In the third sentence of section 105(a), strike out "shall" and insert in lieu thereof "may".

In section 105(b), strike out "shall" each place it appears and insert in lieu thereof "may".

In section 107(2), strike out "may" and insert in lieu thereof "shall".

Strike out section 113 and insert in lieu thereof the following:

SEC. 113. VOTER REGISTRATION ENHANCEMENT BLOCK GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Election Commission for making grants under this section for fiscal years 1991, 1992, and 1993, a total of $120,000,000. There are authorized to be appropriated such sums as may be necessary for administative expenses of the Federal Election Commission in carrying out this Act.

(b) BLOCK GRANTS.—From the amounts appropriated under subsection (a) for any fiscal year, the Federal Election Commission shall make grants to States, through chief State election officials, for the purposes of supporting, facilitating, and enhancing voter registration activities, including the activities set forth in this Act. The grants shall be allocated as provided in subsection (c).

(c) ALLOCATION OF GRANTS.—The Commission shall, by regulation, establish criteria for allocation of grants among States. The criteria shall be based upon (1) the number of residents of the State, and (2) the percentage of eligible voters in the State not registered to vote, and (3) the increase in the percentage of voters, but shall not be based solely upon these factors.

(d) ADMINISTRATIVE REQUIREMENTS.—The Commission shall, by regulation, establish administrative requirements necessary to carry out this section. To be eligible to receive a grant under this section, a State shall certify that the State—

(1) agrees to use any amount received from a grant under this section in accordance with the requirements of this section;

(2) agrees that any amount received from a grant under this section for any period will be used to supplement and increase any State, local, and other non-Federal funds that would, in the absence of such grants, be made available for the programs and activities for which grants are provided under this section and will in no event supplant such State, local, and other non-Federal funds; and

(3) has established fiscal control and fund accounting procedures to ensure the proper disbursement of, and accounting for, grants made to the State under this section.

The Commission may not prescribe for a State the manner of compliance with the requirements of this subsection.

(e) REPORTS.—The chief State election officials of a State that receives a grant under this section shall submit to the Commission annual reports on its activities under this section. The reports shall be in such form and contain such information as the Commission determines (after consultation with such officials) to be necessary (1) to determine whether grant amounts were expended in accordance with this section, (2) to describe activities under this section, and (3) to provide a record of the programs made toward achieving the purposes for which the block grants were provided.

At the end of section 201(a)(4), strike out "and" after the semicolon.

In section 201(a)(5), strike out the period and insert in lieu thereof "; and".

At the end of section 201(a), add the following:

(6) all voters are entitled to be protected from vote fraud, including voter rolls containing the names of ineligible voters and inadequate enforcement of laws against vote fraud.

After section 202, insert the following (and redesignate accordingly):

SEC. 203. PRESERVATION OF THE EFFECT OF STATE LAW THAT PROVIDES GREATER PROTECTION AGAINST VOTE FRAUD.

In the case of any conflict between the provisions of this Act and any provision of the civil or criminal law of any State, the law of the State shall prevail to the extent that such State law provides for more stringent suppression of vote fraud than this Act.

JOHN HORBACK, JR. TESTIMONIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, on February 10, 1990, members of Veterans of Foreign War posts from Pittsburgh, Allegheny County, and the Commonwealth of Pennsylvania, will gather to honor John Horback, Jr., Commander of District No. 29.

John Horback, Jr. began his service to the United States with his enlistment in the U.S. Army in December 1942. He served with distinction in the European-African-MIddle Eastern Theatre of Operations in Italy with the Headquarters Company, 2d Battalion, 351st Infantry Regiment, from January 1944 until August 1945. He received his honorable discharge in October 1945.

For the past 20 years, Mr. Horback has continued to serve his country and his fellow veterans through his extensive activities with the Veterans of Foreign Wars. During that time, he has served in leadership roles with VFW posts on the local, county, and State levels, leading up to his current position of Commander of District No. 29.

John Horback, Jr. is the living embodiment of the motto of the Service Division of the Veterans of Foreign Wars—"To Honor the Dead by Helping the Living". He has served his country, his fellow veterans, and his community. Not only has he served, but his leadership and example have inspired others to serve as well.

RECYCLING EFFORT GETS RESULTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to bring to the attention of my colleagues an aluminum can recycling project on the base of the Meridian Naval Air Station in my hometown of Meridian, MS.

The Budweiser recycling center, in connection with Anheuser-Busch's Container Recovery Corporation, joined forces with NAS Meridian and the Commodore's Can Campaign in this effort. A trailer was placed at the base and containers for collecting cans were put at locations throughout the base, including barracks, clubs, and offices.

In the 1½ years since its inception, the campaign has been responsible for collecting and recycling 10,800 pounds of cans and has generated a total of $5,177 in revenues for the Department of Morale, Health, and Welfare on the base.

Not only is it a way to raise funds, the program saves energy and reduces disposal and landfill costs. Manny Mitchell, president of Mitchell Distributing Company in Meridian, and Capt. Bob Maier at Meridian's Naval Air Station deserve credit for this well-run and very successful project.

BUSH ADMINISTRATION SUPPORTS ANNUNZIO POLISH PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, recent newspaper stories indicate that Poland has said it cannot meet first-quarter interest payments on its commercial bank debt because of balance of payments difficulties. The Warsaw Government, struggling to transform its economy into a post-Communist free market, told bank creditors that balance of payments problems and currency changes will prevent it from allocating hard currency for debt payments.

Poland has a foreign debt of about $40 billion. It missed a $70 million payment on medium-term rescheduled debt that was due on January 22. Poland owes Western commercial banks $9 billion, of which about $1 billion is in short-term trade credits.

Poland needs assistance to help it restructure its financial institutions. Aid to Eastern European nations, particularly Poland, will enable them to serve market-based economies. The concepts of supply and demand and their relationship in determining price levels for services have been virtually unknown for a generation in those nations.

In December, I wrote to Treasury Secretary Nicholas F. Brady and Secretary of State James A. Baker III recommending that they assist the nations of Eastern Europe to establish and lead an interagency task force designed to provide them with technical assistance in establishing a market-oriented financial institution infrastructure.

I told them it is important that the United States, as leader of the democratic nations, stand ready to provide whatever assistance we can offer the nations of Eastern Europe. That is the principle upon which Congress passed, and President Bush signed into law, the legislation designed to promote the development of private sectors in those countries and to promote policies and practices conducive to developing the private sector.

Mr. Speaker, I am happy to report that I received a letter from a representative of Secretary Brady in which he said the Treasury Department agrees with me and will undertake an effort to establish an interagency task force to assist Eastern European nations in creating effective financial institutions.

The Department representative said the Federal agency has begun to determine the best way to organize the group, to decide agency responsibilities and to establish its relationship with the overall task force set up by President Bush on Eastern Europe.

The Treasury says it has already played an active role in United States assistance to the Eastern Europeans, most recently in establishing a $1 billion fund for Poland, which I supported. In addition, the Treasury said it helped organize a $500 million bridge loan for Poland.

The department agreed with me that a smoothly functioning financial system will be essential to the Eastern European transition from command to market economies, and that existing Eastern Europe financial systems are woefully inadequate. The agency also joined

me in saying that the Eastern Europeans will have to determine their own needs but that the United States can go a long way in assisting them.

A representative of the Agency for International Development [AID] also wrote to me as chairman of the House Banking Subcommittee on Financial Institutions Supervision, Regulation and Insurance that it will carry out a private sector technical training needs assessment in Poland and Hungary to ascertain the priority areas for training. AID also said it would evaluate the institutional needs for establishing and operating credit unions as part of the overall skill needs assessment. After AID makes the assessment, the Agency will determine the most suitable public and private organizations to implement the program.

Mr. Speaker, I applaud the administration for its intentions to carry out the financial assistance programs for Poland. However, we cannot let down our guard. The Financial Institutions Subcommittee will continue to oversee the administration's efforts to aid the Polish people who want to become financially independent from the Government.

THE PENSION BENEFITS PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, today I am introducing the Pension Benefits Protection Act of 1990. This bill amends the Employee Retirement Income Security Act of 1974 [ERISA] to clarify the fiduciary duties of an employer when the employer uses insurers to distribute pension plans benefits. In short, this bill says to corporate raiders that you cannot raid a pension fund and then just walk away from responsibility.

Today's business climate seems to encourage the giant conglomerate corporation. As a result, U.S. businesses have become increasingly concerned about the recent rash of mergers, hostile takeovers and leveraged buyouts. Not only has this trend created negative effects on the Nation's economy, but it threatens thousands of working Americans in acquired companies.

The financial safety of the Nation's pension plans recently has been in the national spotlight. One problem is a lack of proper enforcement at the Federal level. While the number of pension plans and assets has been increasing steadily, the number of inspectors and Federal regulators has not. The Employment Retirement Income Security Act [ERISA], in 1974, orignially established Federal standards for all pension plans, including minimum funding requirements to ensure that pension funds would contain enough money to pay out benefits. I am concerned that the law is not being enforced properly, and needs substantial revision in order to deal with the current era of mergers and acquisitions.

Many of these problems were brought home to Kansas last year when a holding company called MacAndrews & Forbes bought out the Coleman Co. in a leveraged buyout. Coleman is one of the top 10 employers in Wichita, KS. In the last few weeks, MacAndrews & Forbes announced plans to terminate $83 million in Coleman employee pension plans and replace them with annuities purchased from a financially unstable insurance company in California. While the problem is being corrected and Coleman officials have assured me that the pension will be protected, today I have introduced legislation which makes any parent company fully liable for the pension-plan payments in the event the insurer defaults and also raises the standards required by the Federal agency which approves all pension plan terminations.

Specifically, the bill requires that, in the event an employer uses terminated pension plan assets to purchase annuities from an insurance company, the insurer's bonds must receive the highest rating under the generally recognized bond-rating agencies, currently known as Standard & Poors or Moody's. This rating would assure workers that the new company underwriting their pension plans is a reputable and financially sound company.

The security of working Americans' retirement funds cannot be treated as just another bargaining chip in the high-stakes game of corporate mergers currently sweeping the country. I will work to secure those pension plans and make certain the corporate raiders are held accountable to the people who've built companies, like Coleman, over the years.

CONGRESS RECESS ACTIVITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 60 minutes.

Mr. RICHARDSON. Mr. Speaker, today I have taken this special order out to discuss two recent activities of mine during the congressional recess. One was a trip to Mexico with Majority Leader GEPHARDT, along with attending a conference in my hometown of Santa Fe, NM, of the Commission for the Study of International Migration and Cooperative Development was created after the immigration bill. Then recently last week, a trip I took as an observer to the Nicaraguan elections with President Jimmy Carter's nationally recognized observer group. President Carter was asked to represent the United States as an international observer by both the opposition party and the Sandinistas.

Mr. Speaker, first I wish to deal with Mexico. I was honored recently to participate in several activities conducted by the Commission for the Study of International Migration and Cooperative economic development in Santa Fe, Mexico. This Commission was created by the Congress as an essential part of the Immigration Reform and Control Act of 1986. We charged the Commission with examining the conditions in countries which contribute to unauthorized migration to the United States, and to recommend to the President and the Congress, trade and investment programs which might alleviate such conditions. The Commission members were appointed by the bipartisan leadership of both Houses of Congress and include my distinguished colleagues, the gentleman from Texas [Mr. BRYANT], my good friend, the former Governor of Texas, Toney Anaya, the former Governor of New Mexico. It is chaired by Ambassador Diego Asencio, former Assistant Secretary of State for Consular Affairs. The staff director is Skip Enders, formally the staff chief of the Subcommittee on Immigration, Refugees, and International Law of the House Committee on the Judiciary.

I was privileged to be the lead-off witness at the Commission's hearing on Monday, January 22. I was followed by representatives of several national Hispanic organizations, New Mexico legislators, and border experts. The witnesses testified on a variety of United States-Mexico border issues, including trade with Mexico, the causes of unathorized migration, the impact of such migration on State and local governments, and border industrialization. The League of United Latin American Citizens [LULAC] the Mexican American Legal Defense Fund [MALDEF] the National Association of Latino Elected Officials [NALEO] and the National Council of La Raza [NCLR] offered recommendations. The testimony was both informative and well received.

The hearing was preceded by a Sunday afternoon, January 21, border conference. Participants at the border conference included some of the most knowledgeable and experienced border experts from the United States and Mexico. They included officials from both sides of the border as well as representatives from academia and the private sector. During the conference there was extensive and thoughtful discussions of a variety of issues, including the environment, ports of entry, transportation, and border finance.

I am pleased to bring to the attention of my colleagues the very important field work of this Commission. They have held hearings around the country, in several countries in South and Central America. They are composed of many distinguished members, Archishop McCarrick, for one. Many others from the field of business, academia, and politics, Dale Dehaon, formerly with the Senate Judiciary Commission on Immigration. We think that this is an important Commission, and many Members from the Congress are anxiously awaiting their recommendations which will be provided in July this year.

There was great interest at the conference as the subjects turned to our trade relations with Mexico, since international trade patterns are primary topic, as the world leaders begin to gear up for the 1990's. Mr. Speaker, today I want to focus on the relation-

ship we have with Mexico, and how significantly the relationship has progressed, and how important the relationship is.

As Members read the newspaper today, Members will find that the United States and Mexico have agreed on historic debt agreement, which hopefully will be the model for many other debt agreements across the board. It was modeled after the Brady plan, and I think the Secretary of the Treasury should be commended for this plan and the way that the administration pursued this debt agreement with Mexico; however, the time has come to expand our trade relationship with Mexico. Why? The reason is that the world is moving so fast that we have the European Community in 1992 merging together in a common market. We have Eastern Europe changing dramatically, hopefully into market economies. What we have is the international community in the economic area changing rapidly. New markets are being created, and if we do not move fast enough in this Western Hemisphere, we are going to be left behind.

Mr. Speaker, what we need is a free trade agreement between the United States and Mexico similar to the one we concluded recently with Canada, which over 10 years, products will be phased in, duty free, when negotiations take place, between the executive branches to live economic and trade and tariff barriers, and allowing zones of active economic interdependence. Mr. Speaker, the reason that we need a free trade zone with Mexico is that the world is rapidly changing. We have an opportunity now with the pragmatic adminstration of President Salinas de Gortari, to move ahead beyond the sector-by-sector agreements that we are pursuing now. We have concluded the successful agreement with Canada. Ten years, an agreement will be completed whereby total products, all products will be duty free. Why not do the same thing with Mexico? Perhaps we could start with Mexico with a free trade zone. Two hundred miles, both sides of the border, to initiate border revitalization, allowing products to move duty free to set up coproducton zones, where companies on both sides of the border get certain tax preferences, if they hire people, if they generate economic activity, if they merge. I think it is important that we move ahead with a concept of free trade zone in the entire Western Hemisphere, but I think first we must start with Mexico.

It is important that we realize that this is going to take time. Recently in my trip to Mexico with Majority Leader GEPHARDT, and outstanding trip that covered issues of drugs, politics, economic integration, and trade, we met with President Salinas, who is a realistic individual that supports the concept of free trade, and hopefully in the future we can look at free trade as an avenue that will enable people in the Western Hemisphere to do what the Europeans are going, and that is, banding together. We should face it, EC 1992 is not clearly a free trade effort. It would be protectionist.

The first initiative out of the box was 51 percent limits on American programming. Why not deal in the same way within our own hemisphere, and at least be protected to have products and barriers fall between our two countries in the Western Hemisphere?

Mr. Speaker, what we have done in the executive and the congressional branches, we have elevated Mexico into a plane of importance in our foreign policy relationships. We have had lots of problems with Mexico, including drugs, immigration, foreign policy, our differences over Central America. However, now we have a realistic President, and thankfully an administration that recognizes the importance of Mexico and a Congress that has devoted a lot of time to issues facing both countries, not just at the border, but across our bilateral relationships. The time has come to expand our free trade relationship with Mexico. Several years ago I introduced a bill that a lot of people laughed at. It was called the United States-Mexico Free Trade and Coproduction Act. However, I have introduced it again, H.R. 1360 in the 101st Congress. It is attracting more attention. It is an innovative attempt at stimulating economic growth, negotiating with Mexico on a reciprocal and mutually beneficial basis, for the purpose of developing and entering into a bilateral agreement to establish a United States-Mexico free trade and coproductive zone.

□ 1230

I think the United States-Mexico border region faces a series of problems on both sides. These problems include high unemployment, substandard living and health conditions, and a continued influx of illegal immigration. In approaching these problems thoughtfully and effectively, we must recognize that they are fundamentally produced by a lack of economic opportunity. The solution, therefore, must entail a stimulation of the region's economy.

It is important that we look at how Mexico feels about this issue. What is the outlook for a free trade zone between the United States and Mexico? Historically, Mexico has shied away from open trade agreements with the United States because of a deep-rooted fear of U.S. economic and cultural domination. Previous Mexican presidencies repeatedly resisted efforts by Washington to eliminate tariffs and foreign investment procedures. After 6 frustrating years of negotiations, we were able to develop only the framework of a trade agreement with Mexico. This package, however, falls short of the comprehensive agreement both sides had hoped for.

So we continue to negotiate on a sector-by-sector basis. This is fine, but it moves slowly. There are a lot of problems, but I think our two Secretaries of Commerce, with the congressional leadership, should be bold and move ahead with a free trade agreement with Mexico. That is maybe 1 or 2 or 3 years down the road, but clearly we should start thinking about it.

As a part of our effort, I was very pleased, along with Majority Leader GEPHARDT, that President Salinas also decided that we would open two new border crossings, the two in New Mexico, with Apra and Santa Teresa. Both of these projects are going to proceed simultaneously, but the Mexican Government has approved them before we have. Our State Department is now evaluating the validity of both projects. Both projects are valid. They merit strict attention. They are going to increase trade and commercial relationships, not just between the United States and Mexico but between the states of New Mexico and Chihuahua.

Mr. Speaker, once again I think it is theoretically important that we deal with our leadership with Mexico and be bold and look toward a United States-Mexico free trade agreement.

REPORT ON FIFTH PRE-ELECTION TRIP TO NICARAGUA

Mr. Speaker, last week I went with President Jimmy Carter and Congressman DOUG BEREUTER, along with the senior Senator from Missouri, Mr. DANFORTH, as observers to the Nicaraguan election. This was a trip prior to the election that is going to take place on Monday, February 26. President Carter is asked by the opposition group, UNO, and by the Sandinistas to be the international observer to these elections, along with the United Nations and the Organization of American States.

Mr. Speaker, after coming back with President Carter, after extensive meetings with UNO represenatives, labor leaders, the Sandinistas, and Cardinal Obando, attending political rallies, meeting with the United Nations and OAS observers, generally the view of President Carter and some of us in the delegation is that although there are serious problems, the election most likely is going to be fair. Again I repeat, the Sandinista-UNO opposition election in Nicaragua is generally going to be fair.

Why do I say that? I say that because I think what we have is a machinery created by the Supreme Electoral Council in Nicaragua that is very, very clear in its process, one that has done a lot in terms of voter registration. Over 89 percent of the Nicaraguan people have registered to vote.

That is a fantastic number, compared, for instance, to the number of people in our country who are registered to vote.

There is an intense interest in the election. There is an intensive effort on the part of the United Nations and the OAS, with over 500 observers between them, to make sure that this election is fair.

Mr. Speaker, I wish to call the attention of the Members to President Jimmy Carter and his efforts. Some have said he is the best ex-President we have ever had, and they say that rather glibly. Let me just say, Mr. Speaker, that I have observed the way in which this man has conducted himself in Nicaragua. He is truly a national asset. Through him we have been able to make progress that hopefully will make this election a fair one.

When there was campaign violence in Jinotepe, it was President Carter who intervened and got the Sandinistas and both sides, along with border officials, the U.N., and the OAS, to agree that there would be no more violence. Mr. Speaker, there has not been any more violence.

When there have been problems with funding from the Congress—we appropriated $9 million to go to the election in Nicaragua to make sure that proper elections are held among the Supreme Electoral Council, funds for the UNO opposition party—some of these funds were stranded by the Sandinistas. They were held up; there is no question about that. There was bureaucratic red tape. President Carter, through his intervention, changed that, and now hopefully the funds and the issue of where the funding is to both the Foundation IPSE and to the UNO party, relating mostly to vehicles, have been resolved, through the intervention of President Carter.

At one point the Mosquito Indians were not going to participate in the election. It was President Carter who intervened and demanded of the Sandinistas that the Mosquitoes be part of the electoral process. They will now be participating.

Mr. Speaker, I am convinced that President Carter is totally unbiased in his approach to this election. We saw his record in Panama. It was he actually who determined that Noriega was cheating, and he went public and at grave risk predicted that this election was going to be fraudulent. President Carter's election observer team did that.

Now we are here in Nicaragua where we have respected members of both parties and where President Carter has managed to get the Sandinistas to allow more observers from the U.S. Congress to attend. And they will be attending. Apparently they have recently been appointed.

Again it is critically important that we have an open mind on this election. I think it is too close to call. I think UNO has the advantage of the issues. In terms of the Sandinistas' performance on the economy, it has not been good. UNO has that advantage. UNO, the opposition party, also is saying that they will not proceed with mandatory military service in that country. That is a popular issue.

The Sandinistas, however, are better organized. They have been active in terms of getting their voters out and ready to vote. They have the advantage of being the incumbents. There is no question that they have used incumbency to great advantage. I think, despite all the polls, this election is going to be very close.

During our discussions in Nicaragua we discovered several problems. One was the problem of intimidation and harassment, and after we proceeded with a number of interventions, both parties agreed that any intimidation of poll watchers was a serious threat to the integrity of the election. Government officials from the Sandinistas pledged through private instructions and public pronouncements to convince their supporters that any intimidation was damaging to their cause. President Ortega informed President Carter and our delegation that they had just made a similar commitment to Cardinal Obando to take steps to end this intimidation. There have been reports of intimidation of poll watchers, mostly by the members of the Interior Department, not the Sandinista Party, on individuals wanting to register and become a part of the process, mostly on the side of UNO. Hopefully, those have abated. There have been those problems, and I think they are now reasonably on track, so that intimidation has declined considerably.

On the use of government facilities—the Sandinistas have been using government vehicles and posters—and these have been observed in government buildings. It had been reported the Sandinistas had not paid for the rent of the vehicles, and that other political parties had not been permitted to use them. The electoral laws of Nicaragua permit leasing of government vehicles for campaign use. Both the Supreme Electoral Council and the Sandinista officials have agreed to work to assure that a complete accounting for the payment for these facilities by other political parties will take place. The UNO campaign managers have said that they did not wish to rent the vehicles at this time but preferred to use those owned by private companies. Hopefully, this problem, that is, the use of government facilities on an unauthorized basis by the Sandinistas, is now abating.

On the access to media, as to who controls the TV and who controls the radio advertising, this has been a problem, but once again hopefully we are making some progress. Although the political agreement of last August had been honored concerning access to electronic media and additional time had since been allocated, the time in optimum hours for campaign advertisements were still not adequate, mostly disadvantaging the UNO group. Both the OAS and the United Nations reported that because of the control of the most powerful radio and TV stations by the government, an imbalance in the coverage of the campaign was clearly evident. The Supreme Electoral Council, through the encouragement of President Carter and others, is meeting with the FSLN leaders to try to correct this and provide additional time to the opposition parties. My understanding is that that has already been done, but there is still a slight imbalance that needs to be corrected.

□ 1240

In terms of verifying registration, Mr. Speaker, the registration process has been successful. Both UNO officials and others agree that at least 90 percent of those eligible have been registered. There is enormous interest in Nicaragua over this registration and over this election. The Supreme Electoral Council delivered the computer lists beginning on December 16, and continuing through mid-January. Since the last lists were delivered later than the previously required December 25 deadline, the Supreme Electoral Council relaxed the deadline for complaints on the list so that parties will have at least 20 days after receipt of the list to request correction. This is adequate according to UNO officials.

In terms of human rights and political prisoners, Mr. Speaker, some may have seen the announcement by President Ortega that political prisoners will soon be released across the board, including 39 national guard officers.

Vote count: The Supreme Electoral Council agreed to permit copies of the actas to be assigned for our observer teams. Our observer teams, the United Nations and the OAS, will have a full access to all the voting booths, all the actas, all the number of election counting procedures that are going to take place. I am convinced that each of the voting places, 4,394, will be adequately monitored by poll watchers and observers on both sides. The sticking point where what had happened to the money the U.S. Congress appropriated for the opposition, for UNO and IPCE; only a small portion of the funds previously appropriated by the U.S. Congress for delivery to UNO, to the Supreme Electoral Council and to the Institutes for Electoral Promotion and Training had been delivered despite previous concerted efforts by

39-059 O-91-38 (Pt. 1)

President Carter and many others. An agreement was reached consummated with the Nicaraguan Government and central bank officials whereby funds would be delivered without further delay to UNO, IPCE, and the Supreme Electoral Council. The Government agreed that IPCE and the Supreme Electoral Council will work in harmony to assure that activities and expenditures would be in accordance with Nicaraguan law and election procedures. The Supreme Electoral Council would assure compliance with this agreement which was signed by representatives of the two organizations and witnessed by President Carter.

Immediately after our departure, Mr. Speaker, the leaders of this foundation sent a letter to the Supreme Electoral Council indicating its intention to implement its activities in accordance with electoral code. The contract that they had signed with the National Democratic Institute and the National Republican Institute was included. Within 3 hours the Supreme Electoral Council sent a letter to the Ministry of External Cooperation approving of this foundation's activities, though acknowledging that it would have to examine the contract in more detail later. The Ministry of External Cooperation then approved the transfer of funds to IPCE.

The U.S. Government observers is another issue. The U.S. Government had not been able to get approval for an adequate delegation to observe the election. The Nicaraguan Government indicated that it considered such a delegation partial to the opposition and that it had already invited an unprecedented number of international observers in their country including our delegation and those of the United Nations and the OAS. At the request of Senator DANFORTH and former President Carter, however, the Nicaraguan Government leaders approved the addition of up to eight additional Members of the United States Congress to our observer team. They are going to be given the same free access in performing their duties under the auspices of President Carter's group as has been granted to other international observers. Eight new additional observers.

Mr. Speaker, these are our conclusions.

After the delegation's visit in September, the Miskito Indian leaders were welcomed back into the country and seemed to be fully involved in the political process. After the delegation's visit in December, new instructions were promulgated to end campaign violence, and everyone agreed that there have been no incidents of violence or threats at any political rallies since then.

During this last visit the delegation was impressed by the determination of all political parties to participate in the election, but all were concerned about the problem of intimidation and harassment. The delegation made clear that it was in the interest of both the Sandinistas and the opposition that all poll watchers perform their duties on the day of the election. If this does not occur, this would call into question the integrity of the election. The Government understands this point and expressed interest in taking steps to insure it will not happen. Due to the active preelection work and the plans for the election and the vote tabulation by our organization, the United Nations and the OAS, we believe that, if there is fraud in the election, we will be able to detect it.

In all, Mr. Speaker, the election process is moving forward satisfactorily. Given the experience in the past electoral process, it is fair to expect that new problems will emerge, but, if the initiatives approved during this last visit are fully implemented in good faith, then we hope that any new issues will be similarly resolved. Therefore, we conclude that the opportunity for the Nicaraguan people to vote for their next government on February 25 looks good.

Mr. Speaker, I have talked about Mexico, and I have talked about Nicaragua. I wanted to raise these issues with my colleagues because I think it is critically important that we move ahead in our relationship with the Mexican Government and that we observe the Nicaraguan elections. I believe, if these elections are free, that whoever takes over in Nicaragua after February 26, we are going to have to have a new relationship with them. If UNO wins, certainly it is going to mean a new relationship. If the Sandinistas win, hopefully it will mean a new relationship, one where we will respect each other.

Mr. Speaker, there is still going to be problems, but on the whole I think it is important that we look at this election. Every indication is that it is going to be fair. If it is not, there is a question about the kind of U.S. relationship we are going to have with that country, but, if it is, I think we should move into a realistic arena.

Mr. Speaker, I thank my colleagues for their indulgence in this special order.

INTRODUCTION

Seven members of the Observer Delegation of the Council of Freely-Elected Heads of Government travelled to Nicaragua between January 26–29, 1990: former President Jimmy Carter, Rosalynn Carter, former Colombian President Alfonso Lopez Michelsen, Senator John Danforth, Congressman Douglas Bereuter, Congressman Bill Richardson, and Dr. Robet Pastor. This was the fifth visit by members of the delegation, following a trip earlier in the month by Senator Christopher Dodd, Chairman of the Subcommittee on Western Hemisphere Affairs of the Senate Foreign Relations Committee. Dr. Jennifer McCoy, the Director of the Managua Office, helped organize the visit and accompanied the delegation.

Since President Carter's visit in December, U.S. military forces had invaded Panama and intruded in the Nicaraguan Embassy residence in Panama. The latter event evoked a strong reaction by the Nicaraguan government, which included the expulsion of U.S. diplomats in Nicaragua. On this occasion, the principal opposition leader, Violeta de Chamorro, joined in criticizing the U.S. action and applauded the reaction by the Nicaraguan President. What was most interesting on this delegation's visit, however, was that no Nicaraguan raised Panama; the issue seems to have already receded.

The technical provisions of the election are progressing well, but the members of the delegation heard of serious problems and complaints related to the campaign. The principal concern related to charges of intimidation and harassment of opposition party candidates and poll-watchers (fiscales). Other problems included the imbalance in access to the media and the use of government facilities and vehicles by the Sandinista party. The opposition also complained that its access to funds provided by the U.S. Congress was being impeded, and the U.S. government also complained that its official delegation was not permitted to observe the elections.

With the return in mid-January of Sra. Violeta de Chamorro after a knee injury and of Vice Presidential Candidate Virgilio Godoy, the UNO campaign has moved into high gear. The candidates of the Sandinista Party and the other parties are campaigning intensely. With the election just one month away, and each of the two principal parties still confident of victory, the race is simply too close to call.

ACTIVITIES

As before, the delegation met with leaders in the major opposition party (UNO), the Sandinista party (FSLN), minor opposition parties, the United Nations and Organization of American States observer teams, the Supreme Electoral Council (SEC), and Cardinal Obando y Bravo. (See the appendix for a full itinerary.)

Along with observers from the OAS and the UN, and accompanied by many members of the press, the delegation witnessed a realistic trial demonstration of the procedures to be followed on election day. The process functioned very smoothly. Electoral officials and poll-watchers of the political parties will open the Juntas (voting sites) at 6 A.M. on February 25 to prepare for the day. They will receive sealed envelopes containing the ballots, and other voting supplies including three ballot boxes—for the Presidency and Vice Presidency, the National Assembly, and the Municipalities. The Juntas will open for voting at 7 A.M., with a limit of 300 voters per facility. Registration cards will be checked against computerized lists; a number selected by the junta and electoral officials on the day of the election will be stamped on each colored ballot. After voting, each individual will put their thumb in a jar of indelible ink to prevent voting a second time. A test was made to see how rapidly people could vote, and there is no question that 300 people will be able to vote by the time polls close at 6 P.M. Anyone still in line at that time will vote.

The Supreme Electoral Council has authorized our delegation to observe the voting by going in and out of the Juntas

during the voting and counting. The delegation also met with the Regional Electoral Council for the Managua region and was impressed at its high degree of organization. In general, the delegation concluded that an excellent technical preparation has been made.

The delegation also attended major political rallies of Presidential candidates Daniel Ortega in Rivas and Violeta de Chamorro in Jinotepe. Both rallies were well attended and peaceful. The police kept a prudent distance from the rally as mandated by the Supreme Electoral Council decree that was issued at the end of the delegation's visit in December.

As in previous visits, the delegation consulted fully with the observers of the O.A.S. and the U.N. Both were concerned about the intimidation issue and were investigating the complaints. They urged us to pursue this issue with the government, and we did. In addition, we discussed ways to coordinate our deployments on election day and in conducting the parallel vote tabulations. In our visits to the rallies, we also consulted with these two groups.

RESULTS OF DISCUSSIONS

Intimidation and Harassment: All parties agreed that any intimidation of fiscales was a serious threat to the integrity of the election. Government officials pledged, through private instructions and public pronouncements, to convince their supporters that any intimidation was damaging to their cause. President Ortega informed President Carter that he had just made a similar commitment to Cardinal Obando to take steps to end intimidation.

Use of Government Facilities: The FSLN had been using government vehicles and posters had been observed in government buildings. It was reported that the Sandinistas had not paid for the rent of the vehicles and that other political parties had not been permitted to use them.

The electoral laws permit leasing of government vehicles for campaign use. The SEC and FSLN officials will work to assure a complete accounting for the payment for this service, and other political parties will be reminded of this opportunity. The UNO campaign manager said that they did not wish to rent the vehicles at this time, but preferred to use those owned by private companies. The SEC and FSLN will make another effort, similar to the fairly effective one made before Christmas, to remove all campaign literature from government buildings.

Access to Media: Although the political agreement of last August had been honored concerning access to electronic media and additional time had since been allocated, the time and optimum hours for campaign advertisements were still not adequate. Both the OAS and the UN reported that because of the control of the most powerful radio and television stations by the government, an imbalance in the coverage of the campaigns was clearly evident.

We encouraged the Supreme Electoral Council (SEC) and FSLN leaders to provide additional time on television time to the opposition parties and that their campaign advertisements might be shown during available prime time between 7:00 and 9:30 p.m. The SEC agreed and promised to take such steps.

Verifying Registration: UNO officials and others agree that the registration process has been successful (at least 90% of those eligible were registered). The SEC delivered the computer lists beginning on December 16 and continuing through mid-January. Since the last lists were delivered later than the previously-required December 25th deadline, the SEC relaxed the deadline for complaints on the list so that parties will have at least twenty days after receipt of the list to request correction. UNO indicated to the delegation that this timing would be adequate for them to review the list. They had just undertaken a preliminary review of the lists, and they seemed to be adequate, but they were awaiting funding to IPCE to do a more systematic examination. Since the delegation's visit in December, the SEC had granted permission for UNO and others to acquire computer tapes and diskettes to supplement the hard copies of voter lists, as UNO had requested.

Human Rights and Political Prisoners: In the Central America Accord reached at Tela in August 1989, the Nicaraguan government agreed to implement an amnesty for political prisoners and the release of the remaining 39 National Guard officers from prison. The government had previously indicated that it would do that only when the other part of the agreement related to the demobilization of the Resistance (the contras) was implemented.

The delegation was informed by Cardinal Obando that President Ortega said that he would release the prisoners after February 25th, and at the Cardinal's request, promised to consider including the 39 National Guardsmen in that release. The delegation asked Nicaraguan government leaders whether they would consider releasing all of them before the election. Shorty after the delegation's departure, President Ortega announced that both groups would be released between February 5 and 15.

Vote Count: The SEC agreed to permit copies of the actas (vote tally sheets) the be assigned for our observer teams (the Council, the UN, and the OAS). We will receive two copies of the vote records and tabulations from each of the 4394 voting places in the country. Furthermore, our observers will have unimpeded access to all voting sites, with the right to observe all voting procedures, handling of ballots, and tabulation and transmission of vote counts.

Funds for UNO/IPCE: Only a small portion of the funds previously appropriated by the U.S. Congress for delivery to UNO, to the SEC, and to the Institute for Electoral Promotion and Training (IPCE) had been delivered, despite previous concerted efforts by President Carter and many others. An agreement was consummated with the Nicaraguan government and Central Bank officials whereby funds would be delivered without further delay to UNO, IPCE, and the SEC. The government agreed that IPCE and the SEC would work in harmony to assure that activities and expenditures of IPCE would be in accordance with Nicaraguan law and election procedures. The SEC will assure compliance with this agreement, which was signed by representatives of the two organizations and witnessed by President Carter.

Immediately after our departure, the leaders of IPCE sent a letter to the Supreme Electoral Council indicating its intention to implement its activities in accordance with the electoral code; the contract that they had signed with NDI/NRI was included. Within three hours, the SEC sent a letter to the Ministry of External Cooperation approving of IPCE's activities, though acknowledging that it would have to examine the contract in more detail later. The Ministry of External Cooperation than approved the transfer of funds to IPCE.

U.S. Government Observers: The U.S. Government had not been able to get approval for an adequate delegation to observe the election. The Nicaraguan government indicated that it considered such a delegation partial to the opposition, and it had already invited an unprecedented number of international observers in their country, including our delegation and those of the UN and OAS. At the request of Senator Danforth and former President Carter, however, the Nicaraguan government leaders approved the addition of up to eight additional members of the U.S. Congress to our observer team. They will be given the same free access in performing their duties under the auspices of the Council of Freely-Elected Heads of Government as has been granted to other international observers.

CONCLUSIONS

After the delegation's visit in September, the Miskito Indian leaders were welcomed back into the country and seem to be fully involved in the political process. After our visit in December, new instructions were promulgated to end campaign violence, and everyone agreed there have been no incidents of violence or threats at any political rallies since then.

During this visit, the delegation was impressed by the determination of all the political parties to participate in the elections, but all were concerned about the problem of intimidation and harassment. The delegation made clear that it was in the interests of both the Sandinistas and the opposition that all designated opposition poll-watchers perform their duties on the day of the election. If this does not occur, this would call into question the integrity of the election. The government understands this point, and expressed interest in taking steps to ensure that it will not happen. Due to the active pre-election work and the plans for the O.A.S., we believe that if there is fraud in the election, we will be able to detect it.

In all, the election process is moving forward satisfactorily. Given the experiences in the past electoral process, it is fair to expect that new problems will emerge. But if the initiatives approved by the Nicaraguan government during this last visit are fully implemented in good faith, then we hope that any new issues will be similarly resolved. Therefore, we conclude that the opportunity for the Nicaraguan people to vote for their next government on February 25 looks good.

ITINERARY

Friday, January 26, 1990

11:15 a.m. arrive Managua.

Meeting with Foreign Minister Miguel D'Escoto.

Lunch with Alejandro Martinez Cuenca, Minister of Planning.

Meeting with Dr. Virgilio Godoy, Vice-Presidential Candidate of UNO and UNO's Political Committee, including Dr. Hernaldo Zuniga, Legal Representative, Dr. Edgard Quintana, Electoral Control, and other UNO leaders.

Meeting with OAS/UN observer missions.

Meeting with OAS regional coordinators.

Meeting with Cardinal Obando y Bravo.

Dinner with Henry Ruiz, Minister of External Cooperation, William Hupper, Minister of Finance, Giovanni Delgado, Vice Minister of External Cooperation, and Roberto Gutierrez, Vice-President of Central Bank.

Saturday, January 27, 1990

Breakfast with Vice-President Sergio Ramirez.

Meeting with Supreme Electoral Council.
Lunch with Moises Hassan (MUR) Presidential Candidate.
Travel to Mateare to observe voting demonstration.
Meeting with OAS/UN Coordinators at Carter Center office on independent vote counts.
Meeting with Bayardo Arce, FSLN Campaign Manager.
Meeting with Doña Violeta de Champorro, Presidential Candidate of UNO.
Dinner with Arturo Lacayo, Campaign Manager of UNO and Christiana Chamorro, Editor of La Prensa.

Sunday, January 28, 1990

Meeting with Daniel Ortega and Vice-President Sergio Ramirez in Rivas.
Attend FSLN rally at Rivas.
Attend UNO rally at Jinotepe.
Lunch with international observers and local UNO leaders in Jinotepe.
Meeting with Guillermo Potoy, Treasurer of IPCE, & Guillermo Selva, UNO representative on Supreme Electoral Council.
Meeting with Humberto Ortega, Minister of Defense, and Joaquin Cuadra Lacayo, Chief of Staff of the Armed Forces.
Press conference.
Private press interviews.
Meeting with recently returned Contra leaders.
5:45 p.m. Departure of President Carter, Rosalynn Carter and Dr. Robert Pastor.

Monday, January 29, 1990

Briefing for Congressional Members at U.S. Embassy.
Meeting with Gilberto Cuadro, President of COSEP (business) Alvin Guthrie, Secretary-General of CUS (labor).
Meeting with Luis Sanchez, Public Relations Coordinator of UNO.

UNIVERSAL VOTER REGISTRATION ACT

The SPEAKER pro tempore (Mr. BENNETT). Under a previous order of the House, the gentleman from Kansas [Mr. ROBERTS] is recognized for 60 minutes.

Mr. ROBERTS. Mr. Speaker, I rise today and take this special order to discuss something called H.R. 2190, the Universal Voter Registration Act, which the House will consider as of tomorrow. It is commonly called the motor voter bill.

Mr. Speaker, I am on the Subcommittee on Elections of the full committee on House Administration that has jurisdiction over this legislation, and I must say that some of my colleagues may recall last Wednesday during the debate on the rule that on this vote there was considerble blood-pressure concern on the part of the chairman of the subcommittee, the gentleman from Washington [Mr. SWIFT], my good friend and colleague, and in addition, I think, some concern on the part of the ranking Republican on the subcommittee, the gentleman from California [Mr. THOMAS]. Let the record show that both of these gentlemen have labored long and hard in extensive hearings in a bipartisan fashion to produce what they think is a good bill, a bill to ostensibly increase voter registration and voter turnout in the election process.

In addition, Mr. Speaker, there was some concern raised on the part of both gentlemen, more specifically with the chairman of the subcommittee, about the lack of bipartisan support at the last minute. I am not going to go into this. I am not going to speak anymore about it other than to say to my colleagues, that I am on the subcommittee, and I am on the full committee, and I took part in these hearings, and there were those of us on the subcommittee and full committee that never agreed with this approach, that never thought this bill as the appropriate step, always agreed with the intent and the spirit of the legislation, certainly did not ever question the intent of the subcommittee chairman or the ranking Republican, but we did not ride with that posse. We never got on that stagecoach. I did not ride shotgun with this bill.

What was I going to do as a minority within a minority? I suppose at the subcommittee level we could have lobbed hand grenades, if my colleagues will, in the way of this legislation, really spoke to the issues as we see them; that is, that this is going to be a Federal intervention in our entire election process, unprecedented and be very counterproductive. We did not do that. We did not have the votes.

I suppose we could have been more obstreperous in the full committee, and there were many of us: the gentleman from Ohio [Mr. GILLMOR], the gentlewoman from Nevada [Mrs. VUCANOVICH], the gentleman from Alabama [Mr. FLIPPO], the gentleman from Alabama [Mr. DICKINSON], and the gentleman from Kansas [Mr. ROBERTS] stating that we had real problems with this bill. We did not force it to vote. We did not have the votes, but we always thought that when this bill went to the Committee on Rules and when this bill was discussed on the floor that we would have ample time to discuss it and to point out what lurks under the banner of reform and to point out, in fact, the law of unintended effects, and what is going to happen at the local county election office if this Federal mandate is passed.

So what were we to do?

□ 1250

So what were we to do? Well, perhaps we did not do enough.

Let me say to the chairman of the subcommittee, my good friend from the State of Washington [Mr. SWIFT] that he is the dean emeritus, if you will, of the Congress in terms of good government. When I had a discussion with the gentleman from Washington [Mr. SWIFT] as of this morning on national television on the merits of this bill, you would think that the very future of the Republic hangs on whether or not we pass this legislation.

I do not know how to overcome that hurdle when we think, at least, that the very premise of this bill is flawed. I do not know of anybody in this Congress who is opposed to more accurate voter registration and more participation in the voting process, but I do not think there is any evidence that such a drastic change as H.R. 2190 is needed.

This is based on the premise that too few Americans vote, and the reasons they do not vote hinge on barriers to registration. I just do not think the facts really support that argument.

In the last 40 years, voter registration in America during the Presidential election years has remained fairly constant, despite the massive reforms that have removed roadblocks to voting in many States, literacy tests, property ownership tests, poll taxes, residency requirements long ago were torn down, and rightly so. No Member is in favor of that kind of thing.

Estimates are that 65 percent of American voters were registered in 1948. In 1988, last year, or 2 years ago, that figure was 71 percent. It increased. The average for the period is 72 percent, and registration in congressional election years is lower, 65 percent 40 years ago, 67 percent as of 2 years ago; but again, it remained fairly constant even with all the barriers that were being withdrawn State by State.

Motor-voter then in fact turned the Nation's election process on its head, and that is what it will do. It will take ever county and State election officer like Humpty Dumpty and push them off that wall, really for about 28 percent of Americans who historically have not registered.

There is very little correlation, despite the arguments of the proponents of this bill, between registration and actual voting. While registration has remained fairly constant, the percent of voting in Presidential elections has dropped from 57 percent in 1948, 40 years ago, to 50 percent today.

In congressional elections, the drop is very dramatic, 42 percent voting in 1948 and 36 percent voting in 1986.

But lack of registration is not the cause of lower voter turnout. Disillusionment with the process is. In fact, poll after poll shows people give reasons other than inability to register for their failure to vote.

Do not misunderstand me. We are all for individual States and for the Federal Government to encourage States to encourage more voter registration. One of the most often mentioned in terms of why people do not vote is the lack of good candidates. I would hasten to add that if we would strengthen the two-party system, if we

could have more positive campaigns, with all due respect to this body, if Congress would clean up its act, I think people would probably vote more.

In terms of media coverage, I think that is a problem, in terms as I have said of the negative campaigns. I think that is a problem. But simply to go ahead and mandate more voter registration when you get your driver's license in order to increase the turnout, that simply is not going to work.

States that had eased their registration requirements do report no great increase. Wyoming, for instance, a neighboring State of mine out West, they have same-day registration on election day, yet only 62 percent of those eligible choose to vote in Wyoming.

If you want a good turnout, I will tell you how to get a good turnout. You get competition. You get good candidates. You get a school bond issue, and people will turn out.

Let us not forget that the average voter in America votes twice a year. We vote often in terms of school board elections, city elections, or whatever.

The baby boom generation, who has never voted in strength, always claims that there is apathy in the voting process, and that is the reason.

Let us move to cost. Boy, is this outfit outstanding in terms of mandating things on State and local governments, but then avoiding the cost. I can tell you that States and the Federal Government simply cannot afford the cost of this legislation. Almost every State that originally supported motor-voter has changed its position when it became clear the money would not be appropriated. If this is so important, why do we not fund it?

Oh, it is funded to the tune of $20 million, now $50 million. The Congressional Budget Office and the GAO have estimated it might be $80 million, not billion, but million. At $100 million, it is going to cost about 4 bucks per voter in L.A. County. In my State of Kansas, the Secretary of State says it is going to cost $1.2 million. Costs are hard to pin down. One thing is certain, the bill only appropriates $50 million, not nearly enough to start the changes envisioned by this bill. If this is so important, let us fund it. Let us not simply mandate that cost on top of the Secretaries of State and the hard-pressed State budgets.

There is a serious constitutional question involved here, my colleagues. Historically Congress and the Federal Courts have stepped into a State's right to set election law only when serious fraud was involved or when voters' rights were being trampled. This bill mandates the most minute registration procedures on our States. We are going to micromanage through the Federal Election Commission, if you will, and my goodness, in terms of appeals with the FEC, people are crawling out of train wrecks faster than that outfit settled the question.

This bill assumes that what is good for the inner city of New York is good for my 58 county district out on the prairie.

States must continue to have the flexibility to account for these differences.

I think the reasons to kill this legislation really pale, however, beside the opportunity for fraud and abuse that this bill will create. At a minimum, this bill would create chaos in elections. At worst, it invites voter fraud in the padding of registration roles by one party or another or any interest group. It mandates registration at a time a person gets his driver's license.

Now, that is the whole name of the bill, motor-voter. It is assumed that people are entitled to be registered when you get a driver's license.

I have mentioned that to several people. They say, "What do you mean? When you go in to get your driver's license, you are all ready registered to vote?"

Never mind the fact that if you are not a citizen, you can get a driver's license, or if you have a criminal record, you can get a driver's license. It mandates registration at a time a person gets a driver's license. No screening for factors that make a person ineligible to vote. These are prohibited.

I know in my State of Kansas you get a driver's license at age 16. How the State of Kansas is going to handle that situation on the difference between 16 and 18, we do not know. The Federal Government, the FEC, simply mandates it.

A driver's license is not always tied directly to the person's place of voting residence. In rural States, like in Kansas and in my district, the street addresses are not used. So when a voter becomes registered in one corner of the State, you can do that through your driver's license. It will be extremely difficult for the clerk in his home county to place him in the proper precinct for voting, and the list goes on.

States are mandated to use all Federal and State government facilities to register persons, including facilities that issue fishing and hunting licenses. That means in a great many States we are going to be registering folks to vote in bait shops and even bars.

Let me go over that again. Everybody that is for this bill, listen. Everybody that thinks that this is a simple act on the part of the Federal Government to mandate increased voter registration, it also mandates that State and Federal agencies are in the business of pursuing aggressive voter registration. Your friendly welfare office, your unemployment officer, where you get your hunting license, where you get your fishing license, where you get your marriage license, I am not sure but maybe the ASCS down in my country in terms of the outfit that really runs the farm program, or your soil convervation service. What happens when you go to buy a hunting license at your friendly 7-Eleven store and some youngster who is working part-time and the only person in that store is 16 years old and that person has the obligation to affirmatively register you to vote?

What happens in the bait and tackle shops at many of our lakes out in Kansas and, yes, we do have lakes, what happens in that case when the guy behind the bar, yes, behind the bar, say, "Joe, you don't have your fishing license." I am going to buy my fishing license at the particular time and be affirmatively registered to vote?

We are going to make a bartender, a 16-year old kid, the clerk at the welfare office, all up and down the line, actual county election officers?

The owners of these facilities, or the government employee involved and, hey, if you are a government employee, how can you do this in response to the Hatch Act? They have got the burden of getting the registration form to the proper official. That puts a great deal of control for the election process in the hands of many folks who are simply not trained for this job.

□ 1300

At a minimum this bill should be changed to allow the voter himself to send in the registration with some kind of assurance that that is actually taking place, either notarized or by two signatures or something.

We have gone to great lengths in this country to prevent both Government employees and those using our government services from intimidation by politics, yet this legislation would mandate registration at places where folks go to get the Government services, as I have said, the welfare office, the unemployment service.

Does not the Hatch Act really prevent our Federal employees from this kind of behavior? Just forget the opportunity of fraud for a moment. Think of the opportunity for duplication and error. We are a mobile society. A person's name may appear in different ways on different government forms.

In committee hearings on this bill, the Justice Department warned that public employees or officials sometimes use their power to dispense or withhold benefits in order to pressure citizens into voting a particular way or registering for a political party. Once a person is registered under this bill, there is no way under this act to remove him or her from the rolls for

not voting. That is the key provision of this bill. The list-purge requirements under this bill simply do not work up to a standard that we should set.

A schedule amendment would allow a purge every 4 years when a State cannot verify a person's address. We will end up, as some States already have, with jurisdictions that have more persons registered than people in those jurisdictions. This kind of swelling of the registration rolls opens the door for fraud, and it will increase the cost of campaigns because politicians will be forced to try and reach all registered whether they intend to vote or not.

The bill requires that if there is a question whether a person if eligible to vote he must be, must be allowed to vote, and his eligibility settled later. Stop and think now a minute about what we are talking about here. Historically at the local election, what entity, the school or whatever place where one votes, we have had people from the Democrat Party, people from the Republican Party serving as poll watchers, and we go in and say, "I am registered to vote," and the local election officer says, "Yes, by golly, Joe Jones, you are," and the Republican Party and the Democrat Party volunteer says, "Yes, by golly, that is the case." No more. No more. That kind of control is gone. I cannot challenge the individual. "Well, I have got a driver's license. It is right here. I can vote. I have got a fishing license over by Lake Perry: I can vote. I went to the welfare office and they gave me this, and I do not know how many times I have registered to vote, maybe under a different name, but I do not have the receipt right now. I can vote." One cannot challenge them. Oh, they can be challenged after the election. How long is it going to take to certify that election if, in fact, we have fraud or in terms of duplication?

At a minimum it strips our time-honored system of two-party poll watchers from being effective and cutting down fraud and error at the polling place. This bill contains no notarization process to double-check a person's eligibility, no way to cross-check a Social Security number, for instance, or an address, for example.

Finally, this fight over this legislation is also about opening up the process and involving more Americans in the election process, something we all support very vigorously, but it also involves a fight around some in both parties, both my friends on this side of the aisle and my colleagues on this side of the aisle who think they can inflate their numbers, and each side really believes the bill is going to help them.

I do not think I am really telling any tales out of school. When in meetings on this bill, by Republicans, we will say to Republicans, "Do you think this is going to benefit us over our Democrat colleagues? Do you think maybe we can get some of those fundamentalists who voted for Pat Robertson to come to the polls and really encourage them to vote Republican?" And on the other side, I know the language has been, "Do you think those in the Rainbow Coalition who follow the Reverend Jackson can get more active here and it will benefit us?" I do not think they can both be correct even if they do succeed in inflating the registration numbers. But will that translate into votes? It has been shown that that is not the case.

I think the proponents of this bill are fond of comparing the United States to other countries that have higher voter turnouts. That is what the chairman of the subcommittee, the gentleman from Washington [Mr. SWIFT], said to me this morning when we were on CBS, just for this small amount, maybe $100 million, $200 million or whatever, we can encourage people to register to vote and increase the democratic process, small "d," not a capital "D" in that respect. After all, the United States is one of the few countries with free elections around the world that has a 50-percent turnout. What is not said is that we vote more often, and as I say again there are other reasons why people do not vote. One-hundred percent turnout at the point of a gun or under other duress simply cannot compare with the long American tradition of motivated and informed voters choosing their elected officials and deciding the pressing issues of the day. I think that is the key. That is the key, my colleagues.

Voting is a cherished right. Yes, it is a right, but it is also a privilege, and it carries with it the responsibility of getting informed and getting registered and getting to the polling place. I do think that an uninformed, unmotivated voter may be worse than no voter at all.

We are going to have some en bloc amendments in the second hour of debate, and we are going to try to make this a little better. No. 1, let us make it voluntary. Twelve States already have motor voter, no, not the kind of motor voter that the people who propose this bill would envision, because that is going to have to be changed if that is the case, so let us make it voluntary. If this is such a good idea, let other States take a look at it. In Kansas, we are moving to a centralized computer system. We are moving to registration by mail. We do not have the money for it right now, but we are moving in that direction. I do not know of any barriers in my 58 counties that exist in regards to registration at the polling place.

My goodness, we have an outreach program in Kansas one would not believe. Virtually every entity that I know of, Republican, Democrat, Spanish American, VFW, American Legion, Farm Bureau, League of Women Voters, you name it, we have the polling places, advertisements in the paper, free phone calls, take the people to the polls, all of that encouraging people to register.

Do not impose a $1.2 million cost on the State of Kansas when we cannot handle it, adding more employees, more forms. We have never seen duplication. All of that pouring in in the last 10 days of the election.

Rita Slattery is my county clerk in Ford County, KS, America. What makes the gentleman from Washington [Mr. SWIFT] and the gentleman from California [Mr. THOMAS] think they know better than Rita Slattery on how to register people to vote in Ford County, KS, America? I do not understand it. We do not have a problem.

Let us make the bill voluntary for States if the Federal Government does not fully fund costs involved.

If this is so important, with the en bloc amendments, let us fully fund it. Let us keep the purge provision of every 2 years instead of 4 years.

I will not go through all the en bloc amendments. For goodness sakes, let us let States have the flexibility to determine what State agencies and Federal agencies can actually pursue voting registration as opposed to the bartender and the 16-year-old at the 7-Eleven store. That is just simply not right.

Mr. Speaker, in closing, I wish to read a paragraph from my secretary of the state of Kansas, the Honorable Bill Graves, who says,

> H.R. 2190 would force my office to add 22 staff persons and greatly expand our computer system. Frankly, I have no faith the Federal Government will finance these programs. I know the State of Kansas cannot currently afford them. I do want improved access to registration, but through a sensible, efficient, cost-effective program. In Kansas, we are moving toward centralized registration, and we are currently proposing a form of agency-based registration. Please allow us to do our job in a manner best suited to Kansas and not at the blanket discretion of the Congress.

Mr. Speaker, I feel very strongly about this, and in no way do I wish to represent any kind of argument or consideration or feeling opposed to increased voter registration and a higher voter turnout. But honest to goodness, I do not get letters from back home saying, "Pat, pass this bill or that bill or this mandate," under whatever banner that we have out there. I get an awful lot of letters saying, "Pat, what on Earth are you doing back there saddling us with all of these regulations and forms and rules and laws that are counterproductive, that actu-

ally do not do what they say they are going to do?"

In that respect, I think that this body suffers from a lack of accountability and oversight responsibility. Maybe we need a little truth in legislation as well as truth in packaging and truth in lending. Maybe we ought to put at the bottom of this bill, "Warning: To all secretaries of state and every county election officer throughout this land, this bill has been shown to be of future economic harm to the welfare of the national election process."

□ 1310

All questions regarding costs, regulations and problems should be sent to the subcommittee sponsors. Maybe we should do that.

I know it is important to add legislation to the books that will increase the democratic process and voter turnout. I am for it. Let us make it voluntary. Let us pay the costs up front. Let the Federal Government encourage cost share, if you will, if in fact this is such a good idea.

Motor voter, we better check under the hood, folks. This is a broken Amtrak Streamliner parked at the local county election parking lot at about 90 miles an hour.

I yield back the balance of my time.

OPERATION JUST CAUSE: A PRELIMINARY ASSESSMENT

The SPEAKER pro tempore (Mr. BENNETT). Under a previous order of the House, the gentleman from Missiouri [Mr. SKELTON] is recognized for 30 minutes.

Mr. SKELTON. Mr. Speaker, I speak today about the outstanding efforts of our Armed Forces. In the early morning hours this past December 20, American military forces initiated Operation Just Cause, which brought to an end the thuggish regime of Manuel Antonio Noriega. The four objectives outlined by President Bush in his announcement to the Nation upon ordering United States troops to action in Panama included: (1) Safeguarding the lives of American citizens in Panama, (2) helping restore democracy to Panama, (3) protecting the integrity of the Panama Canal Treaties, and (4) bringing Manuel Noriega to justice.

The invasion was the largest United States military action since the Vietnam war. It included approximately 12,500 United States troops stationed in Panama reinforced by 12,000 troops from the United States. It marked the first test of the structural reforms that have been in effect since the Goldwater-Nichols Department of Defense Reorganization Act became law in late 1986. Among other things the Goldwater-Nichols Act strengthened the role of the Chairman of the Joint Chiefs of Staff and role of the unified commanders in the hierarchy of the U.S. Defense establishment.

CRITICAL EVENTS IN 1989

Four critical events in 1989 contributed to the decision of the President to take the action he did. The first event stemmed from the Panamanian, Presidential election of May 7. The annulment of those elections by the Noriega-controlled electoral tribunal when the opposition seemed about to win an overwhelming victory revealed the unpopularity of the Noriega regime. That action also allowed the President to help forge a strong bipartisan policy against Noriega here at home.

The second event took place at the Organization of American States [OAS]. At the OAS, U.S. policy shifted from an exclusively unilateral one to one that emphasized both unilateral pressure and support for regional diplomacy in a multilateral forum. While the OAS condemned "the grave events and the abuses by General Noriega in the crisis and electoral process in Panama" it proved unable to take any further action against the illegal regime. Over a period of 3 months the OAS tried and failed to facilitate a transfer of power in Panama. At least the case can be made that the United States had sought to resolve the difficulties in Panama in association with our Latin American friends.

The third critical event of the year was the attempted military coup against General Noriega of October 3, led by Maj. Moises Giroldi of the Panamanian Defense Forces [PDF]. Units loyal to Noriega put down the coup killing 10 of the rebels including Major Giroldi. But unlike other previous occasions in Panama's history where the losers were arrested and sent off to a comfortable diplomatic exile, reports reached human rights workers in Panama that Noriega had executed 77 and arrested another 200.

The U.S. reaction to the events of October 3 was flatfooted and there was much criticism of the administration in Congress, from Democrats and Republicans alike, for not having aided the leaders of the coup. For months American officials, including the President, had called for the overthrow of Noriega. When the opportunity finally presented itself, we fumbled it. Our contingency plans proved inadequate to take advantage of a confused situation in Panama. Even worse, confusion in Washington contributed to a situation where the President made the decision not to intervene only after the coup had failed. Obviously the crisis management machinery in Washington needed some repair.

The fourth critical event of the year took place over the weekend of December 15. That Friday a new 510-member legislative body, hand-picked by the regime, designated General Noriega as head of Government and maximum leader of the struggle for national liberation. For 6 years, Noriega had been willing to work his will through a compliant figurehead. Now he was taking control for all the world to see. At the same time, his national Assembly of Representatives declared Panama to be in a "state of war" with the United States. The following day, an American marine officer was shot and killed, while in a separate incident a naval officer was severely beaten at the same time that his wife was being brutally interrogated and sexually threatened. In many ways the events of the weekend confirmed that the increasingly arrogant dictator has also become increasingly erratic. Who knows how many more American lives might have been endangered.

The culmination of these four events led to the President ordering U.S. military forces into action.

A PRELIMINARY ASSESSMENT

The following is my preliminary assessment of the American military invasion that brought down the regime of General Noriega. A much more complete assessment must await the after action reports that each of the services and the Department of Defense will compile over the next few months. On the military side I would give the operation an A−. On the political side I give our side a C−. I happen to consider myself a hard grader so let me explain why I gave the grades I did. First I will assess the military side of the operation and then the political.

THE MILITARY SIDE OF THE EQUATION

The military operation itself was well planned and well executed. It consisted of a massive simultaneous assault on all PDF strongholds by a combination of forces already on the scene and a huge airlift of reinforcements from the United States. Those reinforcements included the 82d Airborne Division from Fort Bragg, NC, the 7th Light Infantry Division from Fort Ord, CA, as well as two Ranger battalions, and some Special Forces units.

The canal was quickly protected, key PDF installations were overrun or neutralized, and Manuel Noriega after, initially eluding U.S. forces, was ultimately taken. Twenty-seven separate targets were hit at H-hour. Over the next few days, United States troops also secured some 142 sites providing Panama City's sanitation, power, light, water, telephone, and other public services. Other than some instances of paratroopers being dropped in at the wrong location, the operation went smoothly.

In fact, the huge airlift and nearly simultaneous night parachute assault on four different targets was a masterpiece of timing and coordination. MAC pilots dropped 4,500 paratroopers on target after flying distances of up to

3,500 miles. All this done at night is quite impressive. Maj. Ivan Gaytan, a PDF officer, was quoted in the Wall Street Journal a few days later as saying that the whole infrastructure of the PDF was "destroyed within the first hour."

The operation also validated the changes made in the Goldwater-Nichols Act. The greater authority given the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, and the commander in the field, Gen. Maxwell Thurman, paid off handsomely. There was none of the organizational confusion with various services wanting a piece of the action as occurred in Grenada. This was an Army show and the commander on the ground, General Thurman, made his desires known to the Chairman of the JCS. Also, there were none of the self-inflicted operational problems that American forces had encountered in Grenada. There in Grenada, poor radio communication resulted in Army units on the ground unable to talk to naval forces that they could see offshore. A similar problem existed wherein Air Force aircraft were unable to provide support to Marine ground forces because, again, they could not talk to one another.

It must be remembered that having 12,000 troops on the ground in Panama before the operation began gave our forces a huge advantage in carrying out the President's order. In addition, because of our long history in Panama, American planners were quite familiar with the overall situation in the country, in almost every sense. Politically, economically, militarily, and geographically, we had a very good lay of the land. A third factor important to the success of the operation was the fact that we had time to prepare. In Grenada none of these factors was present.

The planning for the operation had begun in earnest just after the attempt by Panamanian Major Giroldi to dislodge General Noriega failed in early October. Instead of deciding just to seize General Noriega as the key objective of an American military operation, General Thurman, supported by General Powell, broadened the scope of the plan. Thurman had taken over the U.S. Southern Command on October 1, 1989 and brought a more determined outlook in dealing with Noriega. He viewed the problem posed by Manuel Noriega as more military than political.

The principal operational objective of Just Cause became crushing the Panamanian Defense Forces as an organized force. The upper echelon of the institution had become corrupt and simply getting rid of Noriega would not have solved this equally serious problem. Other important provisions of the plan included: Seizing Noriega, securing strategic facilities—the canal, Madden Dam, and other key sites and facilities in Panama City—protecting American lives, and helping establish a democratic government in Panama.

As in any large-scale combat military operation, problems developed as Operation Just Cause unfolded. Maybe the most serious problem was that of our intelligence capability. Intelligence failed us on a number of counts. First, our intelligence wasn't good enough to keep track of Noriega so that he could be captured at the outset of the operation. His immediate capture would probably have ended resistance that otherwise continued over the next few days. Second, our intelligence capabilities failed to credit General Noriega's misnamed Dignity Battalions with a combat capability. These forces fought hard and contested American control of Panama City even after the PDF gave up. It was they who torched the homes and buildings in the El Chorillo area near the PDF headquarters, the Comandancia.

Anther serious problem concerned operational security, which was poor. The movement of troops and equipment in the days prior to the invasion's start provided Noriega and the PDF strategic warning that something was up. The airlift that began on the evening of December 19 prompted a CNN report that the U.S. was airlifting forces from Ft. Bragg. There was no cover or deception plan to try to deal with the situation. While Noriega himself did not believe an invasion was underway it seems that a number of PDF units and members of the Dignity Battalions took actions in anticipation of the forthcoming invasion.

United States Special Operations Forces suffered 10 killed and 93 wounded, the highest casualty rate of any of the forces employed in the Panama operation. They were successful in rescuing an American undercover agent held in a Panamanian jail, the Carcel Modelo. According to press reports the action took all of 6 minutes. At another prison near the town of Gamboa, 48 individuals who had been on the losing side of the October coup were freed by elements of the 82d Airborne Division. Yet the high casualty rates encountered by Special Operation Forces during the invasion should be an area of concern to Defense Department officials as they put together the lessons of Just Cause.

Overall, however, as a military operation our effort in Panama merits high marks in both the planning and execution stages. It was carried out in a very professional manner and the speed and shock of the nighttime operation reduced casualties on both sides. All four of the missions laid out by the President were accomplished in reasonably good time.

THE CIVILIAN SIDE OF THE EQUATION

While the Department of Defense was logically focused on military matters in its planning of Operation Just Cause the political side of the intervention received much less attention. It showed in the days immediately following the invasion. Though the PDF had been routed almost right from the start of the operation, the subsequent collapse of law and order in Panama City should have been expected since the PDF also served as Panama's police force. The looting in the principal commercial districts of the city totaled between $500 million to $1 billion and it wasn't until the third day of the operation that U.S. military forces intervened to stop it.

The services of civil affairs units might have made a big difference. One unconfirmed report that has reached me indicates that General Thurman did indeed request about 1,000 Army civil affairs personnel in Panama before the invasion began. Because those units are in the Reserves, the Army leadership was reluctant to call them up. One high ranking general was quoted as saying that "The Army didn't need the Reserves to win this war." If this story is indeed true, then it shows the less than harmonious relationship that exists between the Army Active and the Army Guard/Reserve components.

One can also criticize the State Department for not having been prepared for the contingency of an invasion that finally happened. To coin a phrase, military invasions are simply politics by other means. The Department of State should have had a high-level team ready to go in at the beginning of the operation to backstop the Embassy team in Panama. They didn't. It was a few days later that the announcement was made that Deane Hinton, a veteran ambassador familiar with the region, was to become our new Ambassador to Panama.

One wonders about the role played by the Under Secretary of Defense for Policy. Under Goldwater-Nichols, he is charged with the responsibility of assisting the Secretary of Defense with reviewing contingency plans. Whether he pointed out some of the political weaknesses of the plan—attempting to get the State Department and other agencies of Government involved in more of the preinvasion planning after the October coup—will be one question requiring an answer.

The U.S. military committed some other mistakes of a political nature that should have been avoided: The violation of the Nicaraguan Ambassador's residence on Friday, December 29, and the bombardment of the Papal Nunciatura with rock and roll music on December 25 and 26. Both actions reflected on the U.S. military in a less than professional manner.

On the other hand, sponsoring the demonstration by Panamanians outside the Vatican Embassy where Noriega was holded up may have been the action that finally convinced Noriega to turn himself over to American authorities. It was an example of physchological operations of an intelligent sort. Hearing for himself the anger of the Panamanian people may have convinced Noriega that at least with the Americans his personal safety could be assured.

SOME FINAL THOUGHTS

The possibility of an extended guerrilla war, the problem in hunting down Noriega, the taking of American hostages, the difficulty of establishing control over the entire country were just some of the concerns voiced by commentators during the first 2 days of the invasion. In fact, these concerns evaporated soon thereafter. The decision by Noriega not to fight, not to rally his forces, contributed to this happy outcome. The dictator was so busy avoiding American units trying to catch him that he was unable to rally them even if he had wanted to.

One of the most positive features of Operation Just Cause was the popular support both in the United States and in Panama for the action we took. A recent poll in Panama showed 92 percent of those questioned favoring the United States invasion. I imagine that the same high percentages would have been found in France in the days after June 6, 1944. In both cases the support for the U.S. action is easy to explain. It was a matter of liberation, pure and simple. And the fact that we tried all means short of military action for over 2 years is a point in our favor.

The political task confronting us now is to help Panama get back on its feet. In Grenada in 1983 and in Dominican Republic in 1965 the United States measured up to the task. In both cases we helped establish fairly solid democratic structures. In Panama the task is a more complicated one than in either of the other two cases. The PDF has run Panama for over two decades, since the coup of 1968. They ruled the country as a kleptocracy. Yet ridding the corrupt hierarchy of the PDF should prove fairly easy. The new Government of President Endara has a pretty good idea who the main culprits are. There is much talk among the various sectors of Panamanian society of emulating the example of Costa Rica—doing away with the military and establishing simply a police force.

I am optimistic that the new Government can establish a stable democratic order. Panama is fortunate in that it has one of the most competent Government bureaucracies in all Latin America. This helps. At the the same time the various members of the National Civil Crusade seem to understand that aside from drastically reducing the armed forces, the key to establishing a genuine democracy in Panama is the separation of powers among the executive, legislative, and judicial branches.

But completing this task will depend upon restoring the economy. American sanctions and the corruption of the Noriega regime severely damaged the economy. Unemployment is anywhere from 20 to 30 percent, and since 1987 the GNP has slipped some 25 percent. Over the past few years the two mainstays of the Panamanian economy have been the canal and banking. The canal can be revived but Panama's role as a financial center is in doubt. American aid will play a key role in the recovery of the country.

This chapter of Panamanian history is now over. With our support, I believe the people of Panama can make a new beginning. Intelligence, hard work, good will, and patience will be required of Panamanians. But I believe they have these qualities and can rebuild their country. For this opportunity thanks go to the American military who helped right a grevious wrong.

□ 1320

I yield to the gentleman from Mississippi, the chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. Mr. Speaker, I appreciate the gentleman taking this special order today and talking about Panama.

Mr. Speaker, I know the gentleman has great interest in Panama not only because of Just Cause operation which was just completed, but his son is an officer in the United States Army and was stationed in Panama for around a year. I know the gentleman did go down several times to check on his senior son and see how he was doing as a military officer. And he was doing very well.

The gentleman has laid out some real interesting details of that operation.

Mr. Speaker, I went down three times in the last 6 weeks. I went down about 4 days before Operation Just Cause into Panama, and quite frankly I should have picked up the fact that something was going to happen down there.

At Howard Air Force Base there were a number of helicopters on the ground, C-130's, 141's, a lot of containers being moved around, but I missed it. It was a good secret as far as I knew. I did not know anything about it.

Then I went down 4 days after the operation with Congressman JACK MURTHA. He and I went down as the first Members of Congress to come in after Just Cause.

Then I went down last week or 2 weeks ago with the Vice President and several other Members of Congress. We went into Honduras and Panama.

The gentleman presiding in the chair at this time, the gentleman from Florida [Mr. BENNETT], we in World War II, when we had airlifts and dropping of Americans in the Pacific as well as in Europe, we did not do a very good job. Especially in Europe we dropped those Americans just all over France, almost; almost up and down the Normandy line. In fact, it confused the Germans as to where we were actually going to make the landing with our parachutists.

But what the gentleman mentioned follows up what I learned down there in Panama, that it was an excellent job, and the communications and control they have on the 141 aircraft and also on the C-130's is amazing.

I think only one air drop was at fault, the only fault that we had in this major operation.

So I want to congratulate the gentleman for bringing it out in detail. This is the first detail really I have heard from a Member of Congress as to what took place down there. There were some mistakes.

I just want to commend the gentleman for letting our colleagues know what actually did happen down in Panama.

I know the gentleman has other areas that he has an interest in; the Goldwater-Nichols operation, how that works in law. I just wanted to commend the gentleman.

Mr. SKELTON. I thank the gentleman from Mississippi for his comments. I think the people of our country should know that our military is good; they did a very, very competent job in Panama. As will happen in the fog of war, some mistakes will be made. I will mention in a few moments some mistakes that were made on the civilian side. Militarily, I think we earned a good A-minus for our forces.

As I said, the shortcoming was in the intelligence area. And we did learn, as the gentleman from Mississippi knows, we did learn from the mistakes made in Grenada. The communication mistakes were horrendous, but we did well despite that; but none of those Grenada mistakes reoccurred. As long as our military, with its capable leadership—and particulary I want to give applause to General Max Thurman down in Panama—as long as our military learns from the past, they will do better in the days ahead. This is a prime example of learning from the mistakes of the past and doing a good job.

□ 1330

We achieved our objective, and now we go on to the civilian side of the coin.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, the gentleman is right. We did learn from Grenada, and I hope that we will take what took place in Panama and use it to improve further future operations, which we hope we will never have again.

However, talking to our troops who participated down there, the airmen and especially the Army type, active duty types, as well as some National Guardsmen and Reservists, they are volunteers. I used to be very strong in that I thought that we needed the draft, and go back to selective service; but these were volunteers. They knew what they were getting into.

I guess what I am saying is, the all-volunteer service, as far as I am concerned is working well.

Mr. SKELTON. Mr. Speaker, if I may interrupt, and this point is a good reason, at least for the last several years, for our military attracting such outstanding young men and women. It is due to the bill that is named after the gentleman from Mississippi, the Montgomery GI bill. It is no small thing. I have been in Kansas City, and also with the gentleman on one occasion at the Baltimore Recruiting Center. We walked in and asked the young men that we encountered, "Why are you joining the service?" They were multiservice candidates. "Why are you joining?" And any number of them said, "Because I want a college education, based upon the GI bill."

Mr. MONTGOMERY. Mr. Speaker, if the gentleman will continue to yield, the gentleman is certainly part of the history of the GI bill, in that it bogged down several years ago. We could not get it out of committees. The gentleman offered a compromise on the GI bill for peacetime personnel, and it did move forward. I appreciate what the gentleman did as far as that peacetime GI bill.

They are good soldiers, and I would hope now that we would use National Guardsmen and Reservists to take the place of active duty people down in Panama, so to the gentleman from Missouri, in such as military police and such as engineers to go down on 15-day training, and I think it would be excellent for them as well as learning their jobs.

Mr. SKELTON. Mr. Speaker, I happen to agree with the gentleman from Mississippi, and I mention in my formal presentation here my concern that there is still a gulf, a gap between the active duty and the Reserve forces in our country. I think this is serious, and I am not sure what we can do about it, but to get them to act in concert more should be one of our job goals. They have done it. They have some reservists down there now, particularly in the civil affairs operations, but I think we can do a better job of causing them to work hand in glove together.

I see, and had a briefing the other day by the Marine Corps reservists, telling me how they integrate to some extent their active duty senior noncommissioned officers, and some of their officers into the Marine Reserve. I think the gentleman and I have, from where we stand in the Subcommittee on Military Personnel and Compensation of the House Committee on Armed Services, we may want to explore this and use the Marine example for the other services. I think this is at least worth a serious discussion.

Mr. Speaker, I yield back the balance of my time.

□ 1340

TRIBUTE TO THE TREATY OF WAITANGI

The SPEAKER pro tempore (Mr. BENNETT). Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I appreciate the Chair's approval of this special order, and for this occasion it is most fitting and certainly a personal honor for me that I take this opportunity to share with my colleagues in the House of Representatives a most historical event that is now celebrated today in New Zealand—the signing of the Treaty of Waitangi 150 years ago between some 500 Polynesian Maori chiefs on behalf of 115,000 Maoris and certain British officials who represented some 2,000 European settlers who lived in New Zealand at that time.

Mr. Speaker, it is of interest to note that for some 1,000 years before 1840 the country that was and still is referred to today by the Polynesian Maoris as "Aotearoa" was discovered by Polynesian settlers who were among the well-noted seven canoes coming from the legendary land of Hawaiki from whence the migrations had their origin. These early Polynesian voyagers described the newly discovered land as the "Land of the Long White Cloud." Hence, the name, Aotearoa.

According to Maori tradition, their homeland, Hawaiki, was an island north of Aotearoa and was inhabited by their forefathers before the great wars. The first Polynesian Maori who discovered Aotearoa was a chief named Ngahue. He returned to Hawaiki and told the people of the new land he discovered, where he ate the moa bird and the ferns. Afterwards, seven great Polynesian voyaging canoes were built in Hawaiki, and thus we saw the beginning of settlements by these early Polynesian voyagers. To this day, the Maoris trace their genealogies and ancestry to the original seven canoes, which are still known today as the Arawa, the Tainui, the Matatua, the Takitumu, the Kurahauop, the Tokomaru, and the Matawhaorua.

I say these things, Mr. Speaker, because my own district, the Territory of American Samoa, and its inhabitants are culturally and ethnically related to their Polynesian Maori cousins who now live in New Zealand alongside their Pakeha or Europeans who now make New Zealand their permanent home.

It is important to note that the commemoration of the signing of the Treaty of Waitangi 150 years ago gives us all a better appreciation of how two different nationalities with differences in culture, language, history, and origin can live together in harmony and with common understanding.

Mr. Speaker, I want to share with my colleagues an historical account of how this important treaty became a reality. I appreciate the narrative issued by the Ministry of Maori Affairs, by my good friend, the Minister of Maori Affairs, Mr. Koro Wetere, from which I will draw in sharing the history of this important document.

Mr. Speaker, I also want to express my appreciation to my friend, the Ambassador from New Zealand who presently serves here in the United States, Mr. Tim Francis.

What was New Zealand like before 1840? It was essentially a Maori country. The Maori population was estimated at about 115,000 throughout the country. Scattered about the coast were European settlers, estimated at about 2,000 by the year 1840, but there was also a large transient population of whalers and traders who periodically visited the country.

It was a country that was increasingly being affected by contact with the outside world, not just by people coming into the country but also by Maori going out. The Maori were great travelers. Many had reached England.

As a result, some Maori people spoke English and had seen what was happening in the New World. They saw a very strong British Empire and a Britain that ruled the waves and which had defeated Napoleon's France. So they looked to Britain as the major maritime power of the period.

Maori and Europeans in New Zealand had by this stage established an understanding and a relationship with each other based on trade and mutual interests. This growing relationship and a desire for a more harmonious country set the scene for the treaty.

It was not until 1840 that New Zealand was established as a colony under the British Crown. Such official British involvement came about because it was requested both by settlers and by the Maori people.

There were several reasons for British involvement in the 1800's. New Zealand at that time had no national government or national leaders in the way that we know it today. It was a series of independent tribes, with small European settlements, and a few traders scattered throughout the country. This made communication and cooperation very difficult.

Two different races with very different cultures were living side by side and had little idea of how they should relate to each other. There was no one set of formal laws, particularly for the Europeans, and as settlement increased, rules and guidelines were needed.

Some people, fearing that New Zealand might be taken over by France, looked to Britain for protection. In fact, in 1831, 13 northern chiefs, afraid of a possible French invasion, petitioned King William IV for protection. So both Maori and Pakeha groups asked Britain to provide some sort of protection and law and order.

In response to these requests, the British Government appointed James Busby as British Resident in New Zealand. He arrived in 1833 "with the aim of curtailing lawbreakers, reassuring settlers and traders, and meeting the express wish of the Maori people that peace be preserved." Busby believed that Britain could enter into a more formal relationship that would further his country's interest in this part of the world.

In 1835, in the hope of discouraging further foreign intervention, including a Frenchman's plan to set up his own independent state in Hokianga, Busby organized 34 northern chiefs into signing a Declaration of the Independence of New Zealand.

But Busby had no means of enforcing his authority and was replaced by William Hobson, a naval captain sent specifically to negotiate with the Maori for the sovereignty of the country.

In 1835, Britain had accepted the Maori chiefs' request to recognize their independence. It was already acknowledged internationally that New Zealand was an independent country. Britain also agreed to the chief's request to extend Crown protection to New Zealand. By 1837 the British Colonial Office was receiving widespread reports of New Zealand being troubled by Maori fighting, crimes by British subjects, disagreements between Maori and Pakeha and threats to lives and trade. All this was happening at a time when more British emigrants than ever before were planning to head for New Zealand.

As a result, the British Government decided it was imperative to secure Maori acceptance and cooperation in establishing New Zealand as a British colony.

On January 29, 1840, Lieutenant Governor Hobson arrived in New Zealand. A meeting of chiefs was organized for a week later. Before then, Hobson had to decide on the wording of the treaty he had been instructed to make with the chiefs. Missionaries and others offered advice, and Busby helped draft the treaty. On the evening of February 4, the missionary, Henry Williams, and his son translated the English text into Maori.

□ 1350

The following morning, Wednesday, February 5, over 400 Maori attended a meeting at Waitangi to hear the treaty read in English by Hobson, and in Maori by Williams. Vigorous debate followed. Some chiefs made it plain they were not prepared to share power. They criticized the way in which Busby and missionaries had obtained land. They sought regulation of middlemen coming between the direct trade of the Maori with visiting ships. They were only prepared to accept the extension of British power in New Zealand on certain terms; for example, equal rank of chiefs with the Governor. The meeting ended indecisively, and the Maori withdrew to the other side of the Waitangi River to debate throughout the night. They sought the advice of Henry Williams who told them that it would probably be in the best interests to sign the treaty. There was also the very important clause that Busby had inserted that guaranteed Maori possession of their lands, forests, fisheries, and other prized possessions. Busby believed that without this promise the chiefs would not support the treaty. On Williams' advice the chiefs decided to sign the treaty the following day.

On February 6, 1840, over 40 signatures or marks were appended to the Maori text of the treaty. Most were from chiefs around the Bay of Islands.

Over the next 7 months officials carried the treaties around the country. Finally more than 500 chiefs signed the Treaty of Waitangi at approximately 50 meetings. With the exception of only 39 Waikato chiefs, all signed the Maori version of this treaty.

Mr. Speaker, for the Maori people the treaty recognized that in exchange for settlement rights their natural rights as Tangata Whenua, meaning the original occupants, would be respected and upheld. For the European settlers, the treaty allowed them to emigrate peacefully to New Zealand under the British flag, and I share a comment by one of the chiefs, or the early chief justice at the time, Mr. Eddie Durie, and he stated that what we must not forget is that the treaty is not just a bill or rights for Maori. It is a bill of rights for Pakeha, too. It is a treaty that gives Pakeha the right to be here. Without the treaty there would be no lawful authority for the Pakeha presence in this part of the South Pacific.

To the British Crown the Treaty of Waitangi was a serious document, valid and binding. When, in 1846, Governor Grey asked the colonial secretary, Lord Stanley, how far he had to abide by the treaty, the unequivocal reply in the name of the queen was: "You will honorably and scrupulously fulfill the conditions of the Treaty of Waitangi."

For more than a decade following the treaty signing, this official attitude prevailed, and the treaty was recognized and observed as a contract binding on both parties. The influence of this attitude, however, diminished considerably as the administration of New Zealand passed to a settler government under the Constitution Act of 1852.

Continuing immigration created increased demands for land and assertion of crown authority. Pressures between settlers and the Maori people finally culminated in the New Zealand wars of the 1960's. In 1877 recognition of the treaty had declined to the point where Chief Justice Prendergast was able to say that the treaty was a simple nullity. Until 1975, the New Zealand courts continued to hold that the treaty had no legal status in domestic laws.

In 1975, however, parliament passed the Treaty of Waitangi Act establishing the Waitangi tribunal to investigate Maori claims against the crown dating from 1975. This law was amended in 1985 to permit the tribunal to examine claims dating back to the first signing of the treaty on February 6, 1840.

In 1987 the court of appeals was required to consider the principles and relevance of the Treaty of Waitangi. A special full court of five judges unanimously confirmed the partnership established by the treaty and the duty of both Maori and Pakeha to act reasonably and in good faith toward each other.

What the treaty means today, Mr. Speaker, is that the Treaty of Waitangi is the founding document for the establishment of New Zealand as a nation. This modern, independent country was not based on colonial conquest or the illegitimate invasion of settlers. New Zealand is founded on an agreement which continues today as a pact or partnership between Maori and Pakeha. It is an agreement which established continuing links with the crown, an agreement which continues to act as a national symbol of unity and understanding between cultures. Today the treaty continues as a, quote, living document, a focus for all New Zealand to consider its ongoing role for our nation and in the partner-

ship between the two cultures today and in the future.

Mr. Speaker, 1990 is the 150th anniversary of the signing of the Treaty of Waitangi and, therefore, the 150th anniversary of the New Zealand it created. To mark this special year Queen Elizabeth will visit New Zealand as the great-great-granddaughter of Queen Victoria in whose name the treaty relationship with the Maroi was first established. From February 1 to 16, the queen will take up residence in New Zealand as Queen of New Zealand and to visit her treaty partners. As well as attending the historic commemorations at Waitangi on February 6, and reaffirming the relationship between the crown and the Maori people, Her Majesty will meet, both at Waitangi and at other places, descendants of those who signed the treaty.

Mr. Speaker, New Zealand's 1990 anniversary year gives each of us a real opportunity to consider the Treaty of Waitangi, in particular to understand the original spirit in which it was signed and to increase understanding of the rights and responsibilities of both treaty partners. So states his Excellency, the Governor General of New Zealand, the Most Reverend Sir Paul Reeves, and I quote, "So let the spirit of the treaty move among us powerfully and bring us even closer together," and I quote from the Te Arikinui Dame Te Atairangikaahu, the Maori Queen, and she states, "I believe it is time for our founding document to be set free, for the Treaty of Waitangi to once again be a symbol of unity, trust, understanding and good will amongst all the many peoples of Aotearoa."

Mr. Speaker, it is ironic that in 2 years we will be commemorating 500 years since the native Americans first discovered Christopher Columbus upon his arrival in the Americas in 1492. I need not mention the hundreds of treaties that our Government entered into with native Americans and how many were broken by our Government.

As a need to project the tremendous contributions that native Americans have made to our country and to the world. I intend to introduce legislation to officially set aside the month of November each year as Native American Heritage Month. Mr. Speaker, there is a definite need today for our country to say, "thank you," to native Americans who first inhabited this continent.

Mr. Speaker, how many Americans know that, if it had not been for native Americans, the first settlers in colonial America would have starved due to unfamiliarity with the climatic conditions and food items native to the New World?

Mr. Speaker, I submit: Is it recorded anywhere that General George Washington's army would have starved at Valley Forge if it had not been native American Indians who brought food and comfort to our soldiers?

Perhaps, Mr. Speaker, we can learn something about treaties and how they are honored in New Zealand between the Polynesian Maori and their European settlers.

I submit a copy of the text of the treaty to be made part of the RECORD:

PREAMBLE TO THE TREATY OF WAITANGI, OFFICIAL ENGLISH VERSION

Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favor the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorized to treat with the Aborignines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole or any part of those islands. Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the Native population and to Her subjects has been graciously pleased to empower and authorize me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant-Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty to invite the Confederated and Independent Chiefs of New Zealand to concur in the following Articles and Conditions.

ENGLISH VERSION OF THE TREATY'S THREE ARTICLES

Article the first

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or posses, or may be supposed to exercise or to posses over their respective Territories as the sole sovereigns thereof.

Article the second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fishers and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

MAORI VERSION OF THE THREE ARTICLES

Ko te tuatahi

Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarangi ake tonu atu te Kawanatanga o o ratou wenua.

Ko te tuarua

Ko te Kuini o Ingarangi ka wakarite ka wakaae ki nga Rangatira ki nga hapu ki nga tangata katoa o Nu Tirani te tino Rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te wenua—ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te tuatoru

Hei wakaritenga mai hoki tenei mo te wakaaettanga ki te Kawanatanga o te Kuini—Ka tiakina e te Kuini o Ingarangi nga tangata maori katoa o Nu Tirani ka tukua ki ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarangi.

TRANSLATION OF MAORI VERSION

(Professor Sir Hugh Kawharu)

The first

The Chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government over their land.

The second

The Queen of England agrees to protect the Chiefs, the Subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

The third

For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand (i.e. the Maori) and will give them the same rights and duties of citizenship as the people of England.

DR. REED TUCKSON JOINS MARCH OF DIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I am pleased to announce that Dr. Reed Tuckson, who has served the District of Columbia so ably as commissioner of public health for the past 3 years, is joining the March of Dimes Birth Defects Foundation as senior vice president for programs. The March of Dimes is headquartered in White Plains, NY, in the 20th Congressional District, and on behalf of the district, I would like to welcome Dr. Tuckson to the area and to his new position.

As commissioner of public health since 1987, Dr. Tuckson has developed innovative

efforts to combat maternal substance abuse, and he has been an outspoken advocate of increased funding to combat infant mortality and AIDS. He previously served as acting health commissioner and deputy commissioner as an administrator of the mental retardation and developmental disabilities administration in Washington.

Dr. Tuckson received his medical degree from Georgetown University School of Medicine, where he was honored for excellence in cardiovascular research, and he served as an intern and resident in medicine at the hospital of the University of Pennsylvania. He was also a Robert Wood Johnson Foundation clinical scholar in general internal medicine at the University of Pennsylvania and he studied health care administration at the Wharton School of Business.

Dr. Tuckson's experience will serve him well at the March of Dimes. As the foundation's senior program officer, Dr. Tuckson will direct March of Dimes policies, programs, and research efforts related to the prevention of birth defects, low birthweight and infant mortality. He will also act as the foundation's chief program spokesperson with the media, government, professional associations and the public.

I am confident that Dr. Tuckson's leadership will help to expand the role of the March of Dimes as the Nation's leading advocate for maternal and child health. The organization has, over the years, made a very significant contribution to our health as a nation, and I am very pleased that Dr. Tuckson will be bringing his expertise to those critically important endeavors. While I know that his presence will be missed here in the District, I would hope that the country will benefit even more from Dr. Tuckson's new national role with the March of Dimes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GILLMOR) to revise and extend their remarks and include extraneous material:)

Mr. WEBER, for 60 minutes, on February 6.

Mr. GRANDY, for 60 minutes, on February 6.

Mr. ROBERTS, for 60 minutes, today.

Mr. MICHEL, for 5 minutes, today.

(The following Members (at the request of Mr. SKELTON) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

(The following Members (at the request of Mr. FALEOMAVAEGA) to revise and extend their remarks and include extraneous material:)

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. RICHARDSON, for 60 minutes, on February 7.

Mr. SKELTON, for 30 minutes, on February 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GILLMOR) and to include extraneous matter:)

Mr. HUNTER.

Mr. FRENZEL.

(The following Members (at the request of Mr. SKELTON) and to include extraneous matter:)

Mr. STOKES.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. SLATTERY.

Mr. BONIOR.

Mr. FORD of Michigan.

Mr. MAZZOLI.

ADJOURNMENT

Mr. FALEOMAVAEGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock p.m.), the House adjourned until tomorrow, Tuesday, February 6, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2410. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the Naval War College to confer on graduates of the college the degree of master of science in national security and strategic studies; to the Committee on Armed Services.

2411. A letter from the Chairman (Appraisal Subcommittee), Federal Financial Institutions Examination Council, transmitting the Council's 1989 annual report, pursuant to 31 U.S.C. 719(c)(3); to the Committee on Banking, Finance and Urban Affairs.

2412. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-152, "Health-Care Assistance Reimbursement Amendment Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2413. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-150, "Comprehensive Merit Personnel Act Adverse Actions Amendment Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2414. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-149, "District of Columbia Comprehensive Retirement Reform Amendments Act of 1989," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2415. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Bi-Annual Audit of Ward 5 ANCs For The Period 10/01/86-09/30/88", pursuant to D.C. Code Section 47-117(d); to the Committee on the District of Columbia.

2416. A letter from the Secretary of Education, transmitting final regulations for the Language Resource Centers Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2417. A letter from the Secretary of Health and Human Services, transmitting the Department's seventh special report on alcohol and health, pursuant to 42 U.S.C. 290aa-4(a); to the Committee on Energy and Commerce.

2418. A letter from the Corporation for Public Broadcasting, transmitting a report outlining the Corporation's plan for public television's national program financing in the 1990's, pursuant to 47 U.S.C. 396(k)(6)(A); to the Committee on Energy and Commerce.

2419. A letter from the Secretary of Energy, transmitting the reports of the study on alternative methods for financing the strategic petroleum reserve, including an analysis of both the size and financing issues conducted by an interagency group, pursuant to Public Law 101-46, section 2 (103 Stat. 132, 133); to the Committee on Energy and Commerce.

2420. A letter from the Secretary of Transportation, transmitting the Department's annual report on progress in implementing requirements concerning hazardous substances for fiscal year 1989, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

2421. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting notification of the executive branch's allocation of funds made available for the economic support fund, pursuant to 22 U.S.C. 2413(a); to the Committee on Foreign Affairs.

2422. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(a); to the Committee on Foreign Affairs.

2423. A letter from the Secretary of Health and Human Services, transmitting a report of surplus real property transferred or leased for public health purposes in fiscal year 1989, pursuant to 40 U.S.C 484(o); to the Committee on Government Operations.

2424. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting notice of a proposal for an amendment to an existing system of records, pursuant to 5 U.S.C. 552(r); to the Committee on Government Operations.

2425. A letter from the Federal Retirement Thrift Investment Board, transmitting a report on the Board's activities under the Freedom of Information Act during the calendar year 1989, pursuant to 5 U.S.C.

552(d); to the Committee on Government Operations.

2426. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the annual report of actions taken to increase competition for contracts, fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2427. A letter from the Secretary of Housing and Urban Development, transmitting a report of actions taken to increase competition for contracts for fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2428. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2429. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2430. A letter from the President, National Safety Council, transmitting the council's audit of financial transactions for the fiscal years ended June 30, 1989 and 1988, pursuant to 36 U.S.C. 1101(36), 1103; to the Committee on the Judiciary.

2431. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a report on the amounts actually deposited in the Panama Canal Commission fund during fiscal year 1989, pursuant to 22 U.S.C. 3712(c)(2); to the Committee on the Merchant Marine and Fisheries.

2432. A letter from the Administrator, Small Business Administration, transmitting a report on SBA's 1991 fiscal year budget request, pursuant to 15 U.S.C. 639(a); to the Committee on the Small Business.

2433. A letter from the American Legion, transmitting the proceedings of the 71st National Convention, Baltimore, MD, September 5-7, 1989; report and financial audit for 1988, pursuant to 36 U.S.C. 49 (H. Doc. No. 101-146; to the Committee on the Veterans' Affairs and ordered to the printed.

2434. A letter from the Secretary of Health and Human Services, transmitting a report on children in foster care under voluntary placement agreements for fiscal year 1988, pursuant to 42 U.S.C. 672 nt.; to the Committee on the Ways and Means.

2435. A letter from the Chairman, U.S. International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1991, pursuant to 31 U.S.C. 1110; to the Committee on the Ways and Means.

2436. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a copy of a revised draft of proposed legislation, submitted in May 1989, to amend the Defense Production Act of 1950 to support mobilization of the defense industrial base of the United States; jointly, to the Committees on the Banking, Finance and Urban Affairs; Judiciary; and Energy and Commerce.

2437. A communication from the President of the United States, transmitting a report on his decision to order the divestment of a company located in Seattle, WA; copy of the order, pursuant to 50 U.S.C. App. 2170 (H. Doc. No. 101-147); jointly, to the Committees on Banking, Finance and Urban Affairs; Energy and Commerce; Foreign Affairs; and the Judiciary and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. Report on the Activity of the Committee on Energy and Commerce for the 101st Congress, 1st session (Rept. 101-398). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATES (for himself, Mr. DURBIN, Mr. WHITTAKER, Ms. PELOSI, Mr. LEVIN of Michigan, Mr. HANSEN, Mrs. COLLINS, Mr. FAUNTROY, Mr. MRAZEK, Mrs. BOXER, and Mr. LIPINSKI):

H.R. 3942. A bill to authorize the Secretary of Education to carry out certain activities to reduce the incidence of the smoking of tobacco among students; to the Committee on Education and Labor.

H.R. 3943. A bill to amend the Public Health Service Act to establish a center for tobacco products, to inform the public concerning the hazards of tobacco use, to disclose and restrict additives to such products, and to require labeling of such products to provide information concerning such product to the public, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BLAZ:

H.R. 3944. A bill relating to wage certificates issued to producers in the insular possessions of the United States of watches and watch movements; to the Committee on Ways and Means.

By Mr. GLICKMAN:

H.R. 3945. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to clarify and effectively enforce requirements relating to fiduciary duties of employers with respect to use of insurers to pay or distribute pension plan benefits; to the Committee on Education and Labor.

By Mr. MONTGOMERY (by request):

H.R. 3946. A bill to amend title 38, United States Code, to require, after the effective date of this amendment, licensure, certification or registration of social workers appointed in the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. REGULA:

H.R. 3947. A bill to amend the Federal Election Campaign Act of 1971 to provide for voluntary expenditure limitations, to restrict the practice of bundling of contributions, to provide for tax credit and deduction for contributions to candidates for Congress, to require full disclosure of independent expenditures, and for other purposes; jointly, to the Committees on House Administration and Ways and Means.

By Mrs. SCHROEDER:

H.R. 3948. A bill to prohibit the construction of facilities for the purpose of relocating functions of the Department of Defense located at Torrejon Air Base, Madrid, Spain, to Crotone, Italy, or any other location outside the United States; to the Committee on Armed Services.

By Mr. SLATTERY (for himself, Mr. COLEMAN of Texas, Mr. FRANK, Mr. MARTIN of New York, Mr. CHAPMAN, Mr. DORNAN of California, Mr. HORTON, Mr. SUNDQUIST, Mr. ROE, Mr. ACKERMAN, Mr. WHEAT, Mrs. VUCANOVICH, Mr. WALSH, Mr. BEREUTER, Mr. EMERSON, and Ms. PELOSI):

H.R. 3949. A bill to amend the Internal Revenue Code of 1986 to make changes to the earned income tax credit to provide equitable treatment for military families overseas and to clarify and improve current law; to the Committee on Ways and Means.

By Mr. DE LA GARZA (for himself and Mr. MADIGAN):

H.R. 3950. A bill entitled "The Food and Agricultural Resources Act of 1990"; to the Committee on Agriculture.

By Mr. TAUKE (for himself and Mr. GOODLING):

H.R. 3951. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to modify the authority of States to provide assistance for excessive heating costs in fiscal year 1990; jointly, to the Committees on Energy and Commerce and Education and Labor.

By Mr. SOLARZ (for himself, Mr. LAGOMARSINO, Mr. GILMAN, and Mr. CLARKE):

H.J. Res. 467. Joint resolution designating September 21, 1990, as "National POW/MIA Recognition Day," and recognizing the National League of Families POW/MIA flag; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself, Mr. YATRON, and Mr. LEACH of Iowa, Mr. FALEOMAVAEGA, and Mr. TORRICELLI):

H. Con. Res. 254. Concurrent resolution expressing the sense of Congress concerning negotiations for a political settlement in Cambodia; to the Committee on Foreign Affairs.

By Mr. MONTGOMERY (for himself and Mr. STUMP):

H. Res. 319. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Veterans' Affairs in the 2d session of the 101st Congress; to the Committee on House Administration.

By Mr. RANGEL (for himself and Mr. COUGHLIN):

H. Res. 320. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Narcotics Abuse and Control in the 2d session of the 101st Congress; to the Committee on House Administration.

By Mr. ROE:

H. Res. 321. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Science, Space, and Technology in the 2d session of the 101st Congress; to the Committee on House Administration.

By Mr. ROYBAL:

H. Res. 322. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Aging in the 2d session of

the 101st Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 181: Mr. TRAFICANT and Mr. DORGAN of North Dakota.

H.R. 526: Mr. GONZALEZ.

H.R. 855: Mr. FAZIO and Mr. SIKORSKI.

H.R. 911: Mr. ROBERT F. SMITH, Mr. CLEMENT, Mr. COOPER, and Mr. BATES.

H.R. 917: Mr. FLAKE, Ms. ROS-LEHTINEN, Mr. ALEXANDER, Mr. DEWINE, and Mr. SOLOMON.

H.R. 995: Mr. MCMILLEN of Maryland.

H.R. 1092: Mr. LEHMAN of Florida.

H.R. 1676: Mr. GORDON.

H.R. 2618: Mr. CONYERS.

H.R. 2816: Mr. KENNEDY.

H.R. 3349: Mr. FAZIO and Mr. WHITTAKER.

H.R. 3440: Mr. PARKER.

H.R. 3512: Mr. BUSTAMANTE and Mr. DEFAZIO.

H.R. 3574: Mr. GUNDERSON and Mr. SCHUETTE.

H.R. 3699: Mr. BRUCE, Mr. ERDREICH, Mr. HYDE, Mr. JONTZ, Mrs. MARTIN of Illinois, Mr. NEAL of North Carolina, and Mrs. BOXER.

H.R. 3859: Mr. EMERSON and Mrs. JOHNSON of Connecticut.

H.R. 3869: Mr. SHAYS.

H.J. Res. 374: Mr. ANNUNZIO, Mr. MFUME, Mr. HOYER, Mr. WALGREN, and Mr. CARDIN.

H.J. Res. 426: Mr. KASTENMEIER, Mr. PASHAYAN, Mr. GUARINI, Mr. FASCELL, Ms. ROS-LEHTINEN, Mr. MILLER of Washington, Mr. DEFAZIO, Mrs. BYRON, Mr. JENKINS, Mr. LOWERY of California, Mr. EMERSON, Mr. ACKERMAN, Mr. ROYBAL, Mr. WAXMAN, Mr. WEISS, Mr. DARDEN, Mr. BURTON of Indiana, Mr. KILDEE, and Mr. SAXTON.

H.J. Res. 441: Mr. PRICE, Mr. TORRICELLI, Mr. COURTER, Mr. FORD of Tennessee, Mr. REGULA, Mr. SPRATT, Mr. LEACH of Iowa, Mr. NAGLE, Mr. MILLER of Washington, Mr. MCCLOSKEY, Mr. HANSEN, Mr. STOKES, Mr. BOUCHER, Mr. NELSON of Florida, Mr. FRANK, Mr. SMITH of Vermont, Mr. FIELDS, Mr. EMERSON, Mrs. BENTLEY, Mr. HUGHES, Mrs. UNSOELD, Mr. TORRES, Mr. TRAXLER, Mr. MRAZEK, Mr. RAVENEL, Mr. VALENTINE, Mr. STUDDS, Mr. GALLEGLY, Mr. JOHNSON of South Dakota, Mr. COUGHLIN, and Mr. DERRICK.

H.J. Res. 464: Mr. EVANS, Mr. HANSEN, Mr. JENKINS, Mr. MAZZOLI, Mrs. MEYERS of Kansas, Mr. NIELSON of Utah, Mr. PALLONE, Ms. PELOSI, Mrs. SAIKI, and Mr. TAUKE.

H. Res. 314: Mr. WHEAT, Mr. FAWELL, Mr. FASCELL, Mr. FEIGHAN, and Mr. FLAKE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

138. The SPEAKER presented a petition of Municipal Police Employees' Retirement System, Baton Rouge, LA, relative to programs for State and local public employees; which was referred to the Committee on Ways and Means.

AMENDMENTS

Pursuant to House Resolution 309, the following amendment was submitted:

H.R. 2190

By Mr. MICHEL or his designee:

(Note.—Section references are to the amendment in the nature of a substitute printed in the report of the Committee on Rules, H. Rept. 101-396.)

—In section 102, strike out "In addition" and all that follows through "this Act." and insert in lieu thereof the following: "In addition to any other voter registration procedure provided for by law, each covered State may provide for voter registration procedures for elections for Federal office in accordance with this Act.".

In the first sentence of section 103(a), strike out "shall" and insert in lieu thereof "may".

In Section 104(a), strike out "shall" and insert in lieu thereof "may".

In the first sentence of section 105(a), strike out "shall" and insert in lieu thereof "may".

In the second sentence of section 105(a)—

(1) insert after "available," the following: "to the extent practicable,"; and

(2) strike out "shall" each place it appears and insert in lieu thereof "may".

In the third sentence of section 105(a), strike out "shall" and insert in lieu thereof "may".

In section 105(b), strike out "shall" each place it appears and insert in lieu thereof "may".

In section 107(2), strike out "may" and insert in lieu thereof "shall".

Strike out sections 113 and insert in lieu thereof the following:

SEC. 113. VOTER REGISTRATION ENHANCEMENT BLOCK GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Election Commission for making grants under this section for fiscal years 1991, 1992, and 1993, a total of $120,000,000. There are authorized to be appropriated such sums as may be necessary for administrative expenses of the Federal Election Commission in carrying out this Act.

(b) BLOCK GRANTS.—From the amounts appropriated under subsection (a) for any fiscal year, the Federal Election Commission shall make grants to States, through chief State election officials, for the purposes of supporting, facilitating, and enhancing voter registration activities, including the activities set forth in this Act. The grants shall be allocated as provided in subsection (c).

(c) ALLOCATION OF GRANTS.—The Commission shall, by regulation, establish criteria for allocation of grants among States. The criteria shall be based upon (1) the number of residents of the State, and (2) the percentage of eligible voters in the State not registered to vote, and (3) the increase in the percentage of voters, but shall not be based solely upon these factors.

(d) ADMINISTRATIVE REQUIREMENTS.—The Commission shall, by regulation, establish administrative requirements necessary to carry out this section. To be eligible to receive a grant under this section, a State shall certify that the State—

(1) agrees to use any amount received from a grant under this section in accordance with the requirements of this section;

(2) agrees to use any amount received from a grant under this section for any period will be used to supplement and increase any State, local, and other non-Federal funds that would, in the absence of such grants, be made available for the programs and activities for which grants are provided under this section and will in no event supplant such State, local, and other non-Federal funds; and

(3) has established fiscal control and fund accounting procedures to ensure the proper disbursement of, and accounting for, grants made to the State under this section.

The Commission may not prescribe for a State the manner of compliance with the requirements of this subsection.

(e) REPORTS.—The chief State election official of a State that receives a grant under this section shall submit to the Commission annual reports on its activities under this section. The reports shall be in such form and contain such information as the Commission determines (after consultation with such officials) to be necessary (1) to determine whether grant amounts were expended in accordance with this section, (2) to describe activities under this section, and (3) to provide a record of the progress made toward achieving the purposes for which the block grants were provided.

At the end of section 201(a)(4), strike out "and" after the semicolon.

In section 201(a)(5), strike out the period and insert in lieu thereof "; and".

At the end of section 201(a), add the following:

(6) all voters are entitled to be protected from vote fraud, including voter rolls containing the names of ineligible voters and inadequate enforcement of laws against vote fraud.

After section 202, insert the following (and redesignate accordingly:)

SEC. 203. PRESERVATION OF THE EFFECT OF STATE LAW THAT PROVIDES GREATER PROTECTION AGAINST VOTE FRAUD.

In the case of any conflict between the provisions of this Act and any provision of the civil or criminal law of any State, the law of the State shall prevail to the extent that such State law provides for more stringent suppression of vote fraud than this Act.

EXTENSIONS OF REMARKS

CANADIAN HEALTH CARE WOULD BE AN AMERICAN TRAGEDY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. CRANE. Mr. Speaker, as we continue the quest for an answer to our health care ills, let us not be taken in by Canada's glorified catastrophe. Despite the glowing reports from Chrysler's Iacocca who seems to believe that a better Government program for employees will relieve the financial burden on businesses, we should keep in mind the realities of our neighbor's socialized system.

Though it is relatively new, the Canadian system that was established in the late 1960's is already bringing dissatisfaction to the many citizens who have waited hours to see a doctor. Appointments must be made months in advance, a handful of doctors juggle thousands of patients, and necessary surgery is often delayed. With a limit put on physicians' income, it is not unusual for doctors to be on vacation 2 weeks of every month. The demand for health care is far greater than what the medical profession is allowed to supply. The outlet for this Canadian shortage of quantity and quality is found, consequently, across the border. Hospitals in Detroit, Seattle, Cleveland, and Buffalo are all witnessing an influx of Canadians who can afford, but can't find, immediate and qualified care.

I would like to draw the attention of my colleagues to an article by Hans Sennholz, Ph.D., entitled "Will Corporate America Copy Canada's Calamity?" America will surely stumble if it does.

WILL CORPORATE AMERICA COPY CANADA'S CALAMITY?

(By Hans Sennholz, Ph.D.)

The U.S. health-care system is the subject of intense debate. Because the cost of medical care is rising much faster than individual income, many Americans no longer can afford the services they want. Some even may suffer and die without proper care.

Businesses large and small are adding bitter complaints to the debate about rising costs. Chrysler Corp. Chairman Lee Iacocca argues that employee health care cost his company $792 million last year—$700 for each car it produced. According to Iacocca, these expenses could hurt U.S. automakers competing in world markets, which might force them to reduce production and lay off workers.

Iacocca points excitedly at Canada's national health care system, which imposes substantially lower costs on Chrysler plants than the collective bargaining agreements called for in nearby Michigan. Sounding like a politician addressing his electorate, he waxed eloquent in the Aug. 8, 1989, Financial Post: "Health care . . . and education are the two foundations of civilized society. If you can't take care of your sick and your aged, and you don't take care of your kids' minds, you are nothing. And we are slowly becoming a nothing."

Most people would disagree with Iacocca if he were more concise and upright in his pronouncements. If, in name of a civilized society, he called for legislators, regulators, administrators and other civil servants to take care of the sick and for government teachers to indoctrinate the minds of schoolchildren, he probably would be booed off the stage.

However, he dresses his plea for a Canadian-type system of national insurance in the shiny garb of an appeal for civilization, making him the brave defender of a civilized order. Actually, he argues for a government health-care system that promises to lower Chrysler's health-care costs and raise company profits by shifting part of the health-care burden to taxpayers. He is willing to sacrifice the freedom and efficiency of the noble profession of medicine on the altar of Chrysler profits.

American doctors wanting to retaliate against such attacks on their profession may want to form a political pressure group pleading for prompt nationalization of Chrysler. They could argue convincingly that, in the name of safety and fairness, the American people deserve better transportation, and bigger and safer cars—at lower prices. Chrysler should be made to provide such transportation, under the watchful eyes of federal legislators, regulators and inspectors, and with civil-service pay and benefits for all automotive workers, including Iacocca. The doctors may mention that many of them know more about automobiles than Iacocca knows about medicine.

Iacocca is rather naive to believe that the United Auto Workers would allow him to reduce health-care benefits upon inauguration of a government health-care system. Indeed, surrendering benefits won in the past contradicts the very rationale of a labor union. The UAW would rather launch a bitter strike than surrender a penny in benefits without a corresponding increase in salary. And Chrysler soon would be a noncompetitive after the introduction of a government health-care system as it was before.

Every penny of the health-care costs borne by American corporations is contract costs to which management has agreed. It may have done so to remain competitive in the labor market, or it may have done so under pressure from powerful labor unions. However, in every case, management has no one to blame but itself for accepting this financial burden. Shifting the burden to taxpayers is highly irresponsible.

The automotive industry has a long record of readily accommodating union demands, which has made it second only to the steel industry in labor costs. When auto plants are forced to shut down because of unbearable losses, workers usually are earning some 165 percent of the average and benefits paid in all manufacturing industries. It is rather inaccurate to blame rising health-care costs for such shutdowns.

To look with envy toward Canada's taxpayer-financed system of national health care is to look in the wrong direction. Surely, most Canadians are satisfied with their health services, which they have come to view as a basic right. Canadian employers bear a fraction of their employees' health costs through premiums and payroll taxes; the main source of funds is taxes paid by individuals, which are substantially higher than in the United States. Yet Canada has held health spending to 9 percent of its gross national product, while America's health-care spending has spurted to 11.3 percent of GNP.

In the Canadian system, the provinces negotiate annual budgets with the provincial medical and hospital associations, effectively setting a ceiling on total expenditures. The associations then distribute fees to family doctors and specialists. All doctors are paid out of province funds and are forbidden to charge their patients. Unlike Britain's National Health Service, which paved the way for the Canadian system, the Canadian government refuses to license unregulated doctors and bars hospitals from admitting patients outside the system.

Health care may well be "an issue that transcends all political boundaries," as Perrin Beatty, the Canadian Health Minister, put it, but it surely does not transcend the basic principles of human action. A useful good or service offered free of charge invariably will be in short supply, which necessitates rationing and breeds intrigue and corruption, conflict and strife and, in the end, is destined to break down.

The evil effects of such a system would become apparent immediately if we were to apply its principles to other industries. If, for instance, Congress were to reshape the automotive industry and grant every American the right to free automobiles, industry soon would suffer all the symptoms of socialization. Every American would be on a waiting list, clamoring, arguing and politicking for his turn to buy a car. Expert committees would establish priorities and sit in judgment of the need and merit of every application; appellate committees and courts would review their decisions. Arbitrariness, corruption, conflict and strife soon would infect every phase of distribution. Production would decline and quality would deteriorate as auto managers and workers battled for their fair shares in the distribution process. In the end, few cars would reach the people, and every delivery made would be the painful result of political power, political connection and political know-how.

The Canadian health-care system suffers all these symptoms. In Montreal, where authorities have set quarterly ceilings on physician income, many doctors take two-week vacations every quarter. On holidays, hospitals close wards and operating rooms. In Quebec, there is a backlog of patients in emergency rooms. "The system is breaking down," observes J. Edwin Coffey, MD, an obstetrician and secretary of the Quebec Medical Society. "We are beginning to move off the delivery of the highest standard," says John O'Brien-Bell, MD, president of the Canadian Medical Association.

Every budget negotiation is accompanied by a fury of charges and countercharges.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Doctors, nurses and other health-care workers point at underfunding, shortages and excessive waiting lists to negotiate their share of government revenues—including their own incomes. Nevertheless, the shortages are real. They cause delays of many months for non-emergency surgery or special tests at leading urban medical centers. And, above all, shortages delay or even prevent the purchase of needed hospital equipment.

According to the Canadian Health and Welfare Ministry, there is one cardiac catherization lab for every 166,000 people in the United States and every 816,000 people in Canada; one lithotripter for every 1.096 million in the United States and every 6.325 million in Canada; and one magnetic resonance imager for every 182,000 Americans and every 2.108 million Canadians. The Canadian shortages officially are explained away with the observation that not every hospital needs every piece of modern equipment.

For prompt attention and immediate treatment, thousands of Canadians flock to hospitals in Detroit, Seattle, Cleveland, Buffalo, N.Y., and Rochester, Minn. American facilities quietly alleviate the shortage pressures that the Canadian system inevitably creates. They act as a safety valve without which the Canadian system would labor under much greater strain.

The American safety valve also may help explain the popularity of the Canadian health-care system. If a short trip across the border permits Canadians to excape some visible shortcomings of their system, they may learn to live with it, no matter how unsatisfactory it is. Unfortunately, for millions of Canadians, there is no escape; they wait patiently on long waiting lists and in overcrowded waiting rooms.

The Canadian health-care system is relatively new; the provincial governments created it during the late 1960s. While it caused the demand for health-care services to multiply immediately, it did not instantly depress the quantity and quality of care offered. Surely, hundreds of health-care professionals chose to emigrate rather than submit to the commands of a political system. But the main body of the profession acquiesced because it is rather difficult to emigrate and very painful to abandon a profession after investing so many years in preparation and practice.

The erosion of the quantity and quality of service in a government health-care system, therefore, is necessarily slow. It takes many years to weaken such a noble profession as medicine. If it were not for the immigration of hundreds of physicians from other parts of the world, especially from Asia, the debilitating effects of the Canadian system would be visible more clearly, especially to Canadians.

To model the American health-care system after the Canadian system is to ignore both experience and common sense. It would be a tragic blunder for which we all would pay dearly in years to come.

A TRIBUTE TO TWO OUTSTANDING BROOKLYN LEADERS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday February 5, 1990

Mr. SCHUMER. Mr. Speaker, it is with great pleasure that I call my colleagues' attention to a dinner-dance given by the Brooklyn Center for Families in Crisis in honor of John T. Comer, superintendent of Community School District 22 and Charles E. Inniss, assistant vice president of the Brooklyn Union Gas Co. Each of these men have contributed greatly to Brooklyn and to the advancement of the Brooklyn Center for Families in Crisis.

John T. Comer has lived in Brooklyn since childhood. He is now the superintendent of the very school district he went to as a youngster. Dedicated to affecting positive change in education, he has served 28 years in the New York Public School System. Never shying from commitment, Mr. Comer has acted as teacher, coach, and principal. His distinguished years of service to the Brooklyn community include service as the executive assistant to a school board president, and the executive assistant to the chancellor of the New York City Board of Education. While Mr. Comer has been the superintendent of district 22, the district has made great strides forward in citywide reading and mathematics scores. John Comer is an invaluable member of our community.

Charles E. Inniss has been a steadfast leader in the Brooklyn Community. He has served as director of area development for the Bedford-Stuyvesant Restoration Corp., administrator for Brooklyn Model Cities, and director of development and public information for the Brooklyn Public Library. His concern for his community and his dedication to helping others has lead him to work for such organizations as the Greater New York Fund of the United way, the NYC Partnership, the Brooklyn Psychiatric Center, the Brooklyn Children's Museum, the Red Cross, and the Marcus Garvey Nursing Home. We are very lucky to have a man with his ability and energy in our area.

On March 8, these two men will be honored for their contribution to the Brooklyn Center for Families in Crisis. For many years, the Brooklyn Center has offered exceptional mental health services for families and individuals in times of need. With the many challenges our community faces, the Brooklyn Center has become a beacon of hope, a place where people need not handle their problems alone.

Mr. Speaker, please join me in congratulating John T. Comer and Charles E. Inniss as they are honored by the Brooklyn Center for Families in Crisis.

EMINENT SCIENTIST/EXECUTIVE DIRECTOR, DR. HAROLD P. HANSON, RETIRES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. ROE. Mr. Speaker, the Committee on Science, Space, and Technology has had the extraordinary good fortune to have had Dr. Harold P. Hanson serve as its executive director for almost a decade.

Dr. Hanson came to the committee in 1980 after distinguished careers in both physics research and academic administration. He brought to us the accumulated wisdom and understanding of conducting laboratory science as well as of managing major academic institutions. He applied these capabilities to guiding the development of the committee's annual agenda and to the daily direction of the committee's operation.

However, Dr. Hanson's contributions extended far beyond this. His vision and advice helped the committee formulate policies for the long-term enhancement of our Nation's scientific and technological strength.

The members and staff of the Science, Space, and Technology Committee were not alone in recognizing Dr. Hanson's unusual talents. The governments of both Sweden and Norway have bestowed on him their highest honors.

Dr. Harold Hanson has served the committee, the Congress, and his country with distinction. We will miss his sagacity and scholarliness. I would like to share with my colleagues in the Congress the resolution of the Committee on Science, Space, and Technology that commemorates Dr. Hanson's retirement.

RESOLUTION COMMEMORATING THE RETIREMENT OF DR. HAROLD P. HANSON

Whereas Dr. Harold P. Hanson became the Exeutive Director of the House Committee on Science, Space, and Technology in March of 1980;

Whereas his perception and skillfulness have helped shape the Committee's agenda year after year to respond to current issues, as well as to future possibilities;

Whereas he has been our Scholar-in-Residence and our Science Advisor on site;

Whereas his leadership has had a significant impact on the long-term direction of our nation's science and technology policy;

Whereas Dr. Hanson has had a distinguished career as a physicist with more than 40 scientific publications including a Citation Classic on Atomic Scattering Factors;

Whereas Dr. Hanson has also had an outstanding career as an academic administrator at the University of Texas at Austin, the University of Florida at Gainesville, Boston University, and Wayne State University at Detroit;

Whereas Dr. Hanson has been honored twice by foreign governments: from Norway in 1976 with the St. Olva's Medal and from Sweden in 1978 with the Order of North Star;

Whereas Dr. Hanson's eminent stature in the science community has been an invaluable asset to the Committee's work and has earned the Committee high respect in the Congress, and in the national and international scientific arenas; and

Whereas the Committee has both enlightened and enriched by the leadership and friendship of Dr. Hanson throughout the decade of the eighties: Now, therefore be it

Resolved, That the Members and staff of the Science, Space, and Technology Committee wish to express their deep admiration for Harold P. Hanson, his unfailing integrity, his Renaissance spirit and his towering intellect, and their deepest appreciation for his distinguished service and his presence among us for so many years.

CASEY TIBBS: A WORLD CHAMPION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. HUNTER. Mr. Speaker, one of America's greatest champions, Casey Tibbs, died this week in California. I was fortunate to count Casey among my friends and supporters. He will be greatly missed by all of us who treasure America's heritage of the wild west cowboy.

The following article written by Robert O. Hunter is a fitting tribute to Casey and his many successes.

CASEY TIBBS: THE LEGEND LIVES ON

(By Robert O. Hunter)

Casey Tibbs, holder of nine world championships in rodeo, died of bone cancer at his home near Ramona, California, January 28. Professional rodeo has generated a number of "stars," but Casey Tibbs was probably the best known and the most talked about rodeo champion of all time.

Casey was born in 1929 in a sod and cottonwood house on his father's horse ranch overlooking the Cheyenne River in central South Dakota. This was big, rough country. Their home was 25 miles from the nearest village, Eagle Butte, which was on the Sioux Indian reservation, and 50 miles from the nearest town, Fort Pierre.

Casey was on a horse by the time he was walking. At the age of 13, he took a job breaking horses for the Diamond A, a big, New Mexico outfit that pastured cattle in South Dakota. By the time he was 14, he was riding in nearby rodeos, then branching out to those further away. At the age of 19, he won his first saddle bronc world championship.

"I was always a sorry roper," Casey was quoted as saying in an interview in Persimmon Hill, the magazine of Cowboy Hall of Fame. "I just never was that interested in cowpunching. When I was going for all-round, I rode bulls, but I didn't like it much. * * * But what I could do was ride broncs. I just could." He parlayed that talent into six saddle bronc world championships.

Afterward, Casey worked as a stunt man in Hollywood, a celebrity performer in rodeos, and a second unit director in Hollywood. He produced and distributed a movie, "Born to Buck," as well as a documentary "The Young Rounders" with Joel McCrea and Slim Pickens. He took a rodeo company on tour of Japan and Europe, with the show going broke in Brussels, Belgium, and leaving the 200-odd rodeo hands to get home the best way they could. "We more or less swum back," Casey told me in recounting that event.

Casey was also a star in generating a lifestyle that carried out the old west theme: wild and woolly with a number of practical jokes played on the other rodeo hands of his era. Almost any rodeo aficionado has a few Casey Tibbs anecdotes. He was well-known for his purple Cadillac, which he drove at speeds over 100 miles an hour, for his big wins and big losses, and for his kindness to some of the down-and-outers. He was always glad to help raise money for charities. Last year he was fundraising chairman for the Professional Rodeo Hall of Fame in Colorado Springs, which has a bigger-than-life-size statue of Casey on a bucking horse.

Casey attended the National Finals Rodeo in Las Vegas, Nevada, last December, a yearly event he had helped get started some 30 years ago. The rodeo fraternity—contestants and spectators alike, as well as many others who saw him ride—admired the graceful, easy style he had. He will be long remembered for his talent, for his courage and for a spirit that epitomized the early west, and for his generosity and kindness.

He was a major attraction at Congressman Duncan Hunter's annual barbecues in El Cajon for the past nine years, and came to many other political and charitable gatherings. Casey's funeral service will be at the Ramona rodeo grounds at 2 pm, Friday, February 2; and burial will be in the Phillips cemetery north of Ft. Pierre, South Dakota, Sunday, February 4. He is survived by a daughter, Beth Donnely, and granddaughter, Kristen, of Auburn, California; a brother, Thad, of Ft. Pierre; and a sister, Ardith Cook, of Spearfish, South Dakota.

NATIONAL DAY OF PRAYER FOR THE AFRICAN AMERICAN COMMUNITY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Ms. PELOSI. Mr. Speaker, I rise today to call to the attention of our colleagues the work of Father James Goode, spiritual leader of Saint Paul of the Shipwreck in San Francisco and a national black Catholic leader. During his address to the National Conference of Black Catholics at Emory University, Father Goode called for a national day of prayer for the African American Community. This day of prayer would take place on the first Sunday in February 1990.

Mr. Speaker, as you know, February is Black History Month. I would like to submit for the RECORD Father Goode's statement regarding the National Day of Prayer for the African American Community:

"As African American Catholics we must be the BODY OF CHRIST in the Black community." The USA's 30.2 million blacks make up 12.3 percent of the population. "It is a sad state of affairs when we note that; 33 percent live in poverty, the median 1987 income of black families was $18,098, black unemployment is 11.7 percent in 1988 vs. an overall 5.5 percent. Women head 43 percent of black families; 54.8 percent of the families live in poverty and the list goes on. We as a people must come together and unite to build our communities and save our Black families." Father Goode, further stated that "As African American Catholics we must not run away from the problems of our community, but we must face the realities of life and be present to the community as agents of change and hope in a weary land. Church for us must not be just Sunday morning, but Church is every day that God gave us." The African Americans are crying out for us to be a witness to their struggle of oppression and racism. "My people do not forsake the rock from whence we have come to choose an easier but less challenging road on which to travel. Do not deny your very self. Do not give up your spirit and your faith. Give your heart, mind and will to God. Return, yes, return to the struggle and to reality for our people need us, not tomorrow but right now. For I believe that God has not left himself without a witness in this evil day. God has made us a sign of judgment, grace, love and hope. Let all who have eyes to see, see and believe in the struggle and the victory through Jesus Christ our crucified and risen Lord."

Father Goode along with the National Office for Black Catholics are calling on all people of faith and good will to join them.

IN RECOGNITION OF THE BIG APPLE PHYSICAL EDUCATION CONFERENCE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. SCHUMER. Mr. Speaker, it is with great pleasure that I call my colleagues' attention to a physical education citywide conference, "Physical Education in the Big Apple VIII," to be held on February 15, presented by the New York City zone of the New York State Association for Health, Physical Education, Recreation, and Dance in conjunction with the New York City Board of Education Office of Health, Physical Education and School Sports, and the Association of Assistant Principals and Supervisors of Health and Physical Education.

There is nothing more gratifying than being a part of a child's growth. Physical education professionals have the responsibility and opportunity to enrich a child's life and prepare them to be well-rounded individuals. I am pleased to commend their efforts to pass on to our youth the fundamental principles and values we all hold dear. Through their dedication, we can be assured that our students will strive to reach their full potential.

New York's physical education professionals have demonstrated their promise to teach the value of physical fitness and its daily applications to competition, fairness, and interpersonal relationships. They have been at the forefront in providing opportunities for sports and fitness for all people through programs like the Empire State Games, the Senior Games, and the Games for the Physically Challenged. These educators may very well be the role models, not only for the young and the old, but for other teachers around the country as well.

I am honored to recognize New York State educators as they prepare to hone their teaching skills at the "Physical Education in the Big Apple VIII" conference. Mr. Speaker, I take this opportunity to extend my profound gratitude, on behalf of children of the city and State of New York, to these dedicated professionals.

TRIBUTE TO RAYMOND TWEED

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. FISH. Mr. Speaker, on Saturday, February 10, I will be privileged to honor an indi-

vidual who exemplifies perseverance and the determination to succeed.

Raymond Tweed of Newburgh, NY, has been confined to a wheelchair since the age of 19, the victim of the tragic polio epidemic of the 1950's. While many others would surrender to despair and feel sorry for themselves, Tweed has refused to let his disability keep him from helping others and serving the community he loves.

For the past 21 years, Tweed has been a Newburgh police dispatcher, a job that requires sharp judgment and a readiness to act in times of crisis.

Mr. Tweed has received many tributes from citizens grateful to his hard work on their behalf. One of my favorites is from a superior, Lt. John Mahoney of the Newburgh Police Department, as quoted in the Newburgh-Beacon Evening News. Lieutenant Mahoney calls Tweed "One of the best dispatchers" in the department. He adds, "Professionally and personally, he's been an inspiration to everyone here. He has an excellent sense of humor and always seems to have a kind word to lift the officers' spirits."

On February 10, Newburgh will say a huge "thank you" to Raymond Tweed when it proclaims him the city's "Man of the Year." It is an honor long overdue. And more good news. In January, Newburgh received a new, first-rat chief dispatcher: Raymond Tweed.

Yes, Raymond Tweed has given much of himself to his community, and Newburgh is a better place because of him. But perhaps his greatest service has been to prove to all of us that no matter what obstacles we face, with the right attitude, we have the power to overcome them and lead meaningful lives that truly make a difference.

A TRIBUTE TO MELANIE DAWN DAWSON

HON. CRAIG THOMAS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. THOMAS of Wyoming. Mr. Speaker, I would like to take this opportunity to congratulate a fine young Wyomingite, Melanie Dawn Dawson.

Ms. Dawson is an 18-year-old senior at Moorcroft High School interested in pursuing a career in vocal and drama performance. This young woman participated in the 1988 Voice of Democracy Scholarship Program. Her speech, "Preparing for America's Future" which discussed the virtues of studying our Nation's history in order to plan for future, won first place in the Wyoming statewide competition.

The Voice of Democracy Scholarship Program started 41 years ago with the endorsement of the U.S. Office of Education and the National Association of Broadcasters, Electronic Industries Association, and State Association of Broadcasters. In its fifth year the Veterans of Foreign Wars assumed sole sponsorship responsibility.

This past year more than 250,000 students participated from over 6,000 schools. Over 4,000 VFW posts and 3,700 ladies' auxiliaries sponsored the program and over 2,000 radio and TV stations cooperated.

It is obvious that the participation in this program was extremely high and the competition for the scholarships rigorous. It is therefore an honor to have a student from Wyoming receive such an award. I, and Wyoming, are very proud of Melanie and her academic accomplishments.

A copy of Melanie's speech is attached, and I commend it to my colleagues:

My grandfather used to sit in his rocking chair, with all of us grandchildren huddled about him on the floor. It was quite a sight to see. One would play with his beard, some fiddled with his shoes, and a few of us would lie our heads on one of grandma's homemade pillows. We would listen intensely to grandpa as he told us of life back on the farm: the long harsh winters; summers as dry as a week-old biscuit. "You have it easy," he would say.

He told us about the wars, the famine, and government unrest. Life seemed pretty rough according to what grandpa said. Yet, I would get so puzzled when he would say, "What is this world coming to?" . . . "What is this world coming to?" The question would race back and forth in my mind. Grandpa's stories scared me in a way. I didn't want to live like that. Surely I wouldn't have to. We have the most advanced technology ever! Everything is so speedy and carefree that all of the world's crisis can be avoided. How wrong I was.

Today, in a free country, with free education, we all have an equal opportunity to excel. The computer age of science and technology has enveloped our high school classrooms. It is the history and government courses that are many times erased from the curriculum.

The solutions to the problems that await us cannot be answered by the push of a botton. Certainly computers solve world trade problems. They set up our nation's defense problems. They even tell us who we should marry to ensure us of the happiest life possible.

Yet the key to unlocking the mysteries of America's future can be found in the pages of our history books. Education in our country's history is the foundation of wisdom for our country today. The follies of our past can be the wisdom for our future. We need to plan for our future by learning from our past.

When our family goes on a long trip, we usually take the highway. It is the fastest, cheapest way, and with less hassles. Unfortunately, this seems true for all walks of life. Everyone wants to take the quickest and easiest way possible to reach his destiny, but a person only ends up passing by the most valued and precious things in life.

The backroads are nearly eliminated in today's world. People say that they are longer, take more work, and that no one wants to venture the course. Taking a few of life's backroads every once in awhile will take us to the same place, but with a better understanding of where we have been and where we are going. Too many times we avoid America's backroads where are found the basic values of our nation.

Perhaps people want the easy way out in fear of making a mistake by doing it the "old fashioned" way. It's not a fault to make a mistake; the fault is to make a mistake and gain nothing from it. Many of our most valuable lessons can be learned from our mistakes.

My grandfather loved to tell stories. I realize now, however, that every Sunday afternoon beneath grandpa's rocking chair was not just story time, but a learning time.

I see now what grandpa really meant to tell us. He meant to say, "Look at our country's past, evaluate our problems, learn from our mistakes, and plan America's future." I realize from grandpa that there is no easy way or shortcuts to prepare for my future and my country's future. I realize now that effort must be made, backroads traveled, and study of our history accomplished. Only then will I be prepared to leave a glorious history to my children.

WOMEN-OWNED BUSINESSES DEVELOPING AND EXPANDING

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mrs. MORELLA. Mr. Speaker, the rise of the woman entrepreneur has become an important new economic reality in the United States. Women-owned businesses are one of the fastest growing sectors of our economy and, according to Internal Revenue Service data, women are starting businesses at over twice the rate of men. This dramatic rise in women-owned businesses has been assisted by corporations providing women the opportunity to become franchise owners. Decorating Den, headquartered in Bethesda, MD, is one such corporation which is providing an important boost to the expansion and development of women-owned businesses. Decorating Den is 98 percent owned by women and recently celebrated its 1,000th franchise. It is now one of the largest franchisors in the country. Decorating Den is providing business opportunities for women not just nationally, but also internationally, with franchises in Canada, the United Kingdom, and Japan. The growing presence of the Decorating Den's Colorvans in our neighborhoods is a constant reminder of the success of women entrepreneurs. I salute Decorating Den for encouraging women-owned businesses.

BLACK HISTORY MONTH SALUTES: DR. PERCY JULIAN AND DR. ERNEST JUST

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. TOWNS. Mr. Speaker, as we know, February is Black History Month. Africans first stepped on American soil in 1619. In those 371 years, the history of black Americans has been marred by slavery, injustice and racism.

However, in the face of these overwhelming obstacles black Americans have survived and often prospered. These people of strength and courage excelled in fields as varied as law, medicine, science, journalism, business, the arts and religion. It is in recognition of the struggle and achievements of these incredible people that I present to you portraits of the scientists, Percy Julian and Ernest Just. These

black Americans may not be well known figures, but they contributed substantially to the history of our country.

I do this in the hope that the knowledge of their struggle and ultimate triumph will inspire yet another generation to work to overcome any obstacle which may be encountered on the long and arduous road to freedom. As Dr. Martin Luther King said in his last speech, "I know that we as a people will be free someday."

These portraits are taken from the Encyclopedia of Black America, edited by W. Augustus Low and Virgil A. Clift. I commend these gentleman on their enlightening work.

DR. PERCY JULIAN

Percy Julian was born in Montgomery, Alabama in 1899. He received his B.A. from DePauw University in 1920, a M.A from Harvard University in 1923 and his Ph.D. degree from the University of Vienna, Austria, in 1931. He was an instructor at Fisk University from 1920 to 1925 and was an instructor of chemistry at West Virginia State College. Julian became an associate professor of chemistry at Howard University in 1927 (where he also established the chemistry building), and was a research fellow in organic chemistry at DePauw University from 1932 to 1936.

Although he had already made notable contributions to the field of chemistry, the board of trustees of DePauw was reluctant to appoint an African American to the university faculty. Julian therefore accepted a research position with the Institute of Paper Chemistry in Wisconsin. He was Director of Research on soya products for the Glidden Company of Chicago, Illinois from 1936 to 1953, in which position he successfully developed new processes for paints and perfected a method of extracting sterols from soybean oil for the manufacturer of sex hormones. In 1954 he founded Julian Laboratories, Inc., with sites in Chicago, Mexico City and Guatemala. He successfully developed synthetic cortisone, In 1961 Julian sold the Chicago plant to Smith, Kline & French, remaining as president and the Guatemala Plant to the Upjohn Company. In 1964 he founded Julian Research Institute. Julian contributed many scholarly papers to journals and registered 105 patents. He was awarded the Spingarn Medal in 1947.

DR. ERNEST JUST

Ernest Just was born in 1883 in Charleston, South Carolina. He attended Kimball Academy in New Hampshire and received a B.A. degree from Dartmouth College in 1907. He received his Ph.d. in zoology and physiology from the University of Chicago in 1916.

Just spent 20 summers at the Maine Biological Laboratory, Woods Hole, Massachusetts. He became a member of the ruling board of the Laboratory. His primary area of interest was the fertilization and experimental parthenogenesis of marine eggs. Just published more than 50 papers in this field between 1912 and 1937. In 1939 he published Basic Methods for Experiments in Eggs of Marine Animals and The Biology of the Cell Surface.

During the 1930's he did research in institutes and marine laboratories in Germany, France and Italy. Just served as vice-president of the American Zoological Society. He was awarded the Spingarn Medal in 1915.

THE TOBACCO PRODUCT EDUCATION AND HEALTH PROTECTION ACT OF 1990

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. BATES. Mr. Speaker, today, along with my colleagues, Representatives DURBIN, WHITTAKER, PELOSI, LEVIN, HANSEN, COLLINS, FAUNTROY, MRAZEK, BOXER, and LIPINSKI, I am introducing the Tobacco Product Education and Health Protection Act of 1990 and the Smoke Free Schools Act of 1990. This legislation proposes a new national effort to reduce smoking and tobacco use in our society. The need for such an effort becomes evident when we examine the number of deaths caused in this country by tobacco use.

Tobacco use is responsible for one out of every six deaths in America—390,000 deaths a year. Almost twice as many Americans are killed every year as a result of tobacco use than were killed in World War I, Korea, and Vietnam combined. Only 2,500 more Americans were killed in all of World War II than die each and every year from the use of tobacco products.

Smoking causes 87 percent of lung cancer and 33 percent of all cancers. It causes 40 percent of heart disease, 18 percent of strokes, and 10 percent of infant mortality. These figures are staggering. They are especially staggering when you consider how much money is being spent to promote the deadly products that are responsible.

The tobacco industry spends over $2 billion a year in advertising and promotion. It must recruit 6,000 new users a day to replace smokers lost because they stop smoking or die. Who is being targeted by the tobacco industry in its campaign to attract more smokers? Our youth—our Nation's future. Yes, the tobacco industry specifically targets young people, and the campaign is working—90 percent of all smokers begin before age 20.

I don't think we should stand idly by while this type of assault is taking place. There is something we can do, and education should be a key part of any effort we undertake. Studies show that many people are unaware of the dangers of smoking. Thirty-four percent of high school seniors don't believe smoking a pack a day causes great risk of harm. Thirty-two percent of women of child-bearing age don't know that smoking causes stillbirths and 25 percent don't realize it causes miscarriages and premature births. Twenty-nine percent of smokers don't know that smoking causes heart disease.

The two bills we are introducing today, Tobacco Product Education and Health Protection Act of 1990 and the Smoke-Free Schools Act of 1990, increase governmental education efforts on the harmful effects of tobacco use; increase educational efforts targeted at young people, blue-collar workers, and minorites; and support individual State efforts to create and improve programs to limit the use of tobacco products by minors.

The bills also restrict advertising, making it illegal for the tobacco industry to place advertisements in publications directed toward youth, and restricting in other ways advertising and promotion which reaches children.

Other provisions of the bills include establishing Federal regulatory authority over tobacco for health purposes, including more useful disclosures of additives. The bills also require a new warning label on the addictive qualities of tobacco products.

These bills are supported by virtually all major medical and public health groups in the Nation, including the American Heart Association, the American Lung Association, the American Cancer Society, and the American Medical Association.

This legislation calls for $185 million to be spent in 1991 on the effort to reduce the use of tobacco products in our country. This is just a fraction of what will be spent by the tobacco industry in 1991, but I believe it will go a long way toward meeting the goals of a healthy society and a healthy future for our children.

THE WASHINGTON CENTER

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. FORD of Michigan. Mr. Speaker, the 15-year-old Washington Center is the largest independent educational organization offering internships and seminars in Washington, DC. More than 15,000 college students from more than 700 colleges and universities in every State in the Union have participated in the Center's programs. The Center provides internships in House and Senate offices, Federal agencies, law firms and organizations such as the Center for Strategic and International Studies and the Children's Defense Fund. The Center also provides students with an academic program and housing in Washington. The students receive academic credit at their home institutions.

Thus, the Center has enabled colleges and universities to extend their campuses to the Nation's Capital and has made an important contribution to civic education. It has also awakened in many students an interest in public service careers.

The Center has a special commitment to making its programs available to all college students regardless of economic, geographic or ethnic background. The Center seeks to maintain at least 20 percent minority representation in its programs and has established a Minority Leaders Fellowship Program to enable more outstanding minority students to participate in its program.

The Center's current residential and academic facilities are inadequate. There is a concern for student safety at its apartments on 16th St. in Northwest Washington, and students must frequently commute 30–50 minutes to their internship assignments. To remedy this situation, the Center is planning to build a new housing and classroom facility. It will be located just off of Massachusetts Ave. NW, a few blocks west of Union Station near the Georgetown University Law Center. This facility will house 730 students in apartments and include 13 class/conference rooms and a

600 seat auditorium. The total cost of the facility will be approximately $24 million.

Because of the Center's outstanding record of service to students and colleges and universities nationwide and its contribution to civic education, I believe it is wise and appropriate for the Federal Government to contribute to the construction of the Center's new facility. Therefore, I introduced H.R. 3859 on January 23, 1990. It authorizes appropriations of $12 million to pay not more than 50 percent of the construction and related costs of the Washington Center's new student residence and classroom building. H.R. 3859 has already attracted 18 bipartisan cosponsors. I urge the rest of my colleagues to cosponsor this very worthwhile measure. If other Members wish to cosponsor H.R. 3859, they should call Ms. Gloria Gray-Watson of my staff at 225-6295.

PROGRESS IN JAPAN

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. FRENZEL. Mr. Speaker, the February 12 issue of Fortune included an interesting article by Carla Rapoport which discusses her conclusion that there has been some progress toward opening Japan's market. While she cautions that the battle is far from over, she does review some successes that American companies have had recently in Japan, such as Bechtel Group's participation in the building of an airport terminal at Haneda Airport. American Express and Equitable Life have also had recent successes in Japan.

Ms. Rapoport also reviews the progress of companies which have long been building market share in Japan. Our share of the Japanese semiconductor market is rising, albeit slowly, but hit 11.1 percent in 1989. Microsoft, after only 3 years in Japan, predicts annual growth of 35 to 45 percent for next few years. Coca-Cola earns more in Japan than the United States. IBM's Japan subsidiary contributes more to the parent's profits than any other. United States direct investment in Japan in 1988 almost doubled that in 1985, and many United States companies operating in Japan also import from their United States owners.

There is still a long way to go, but I would recommend that my colleagues review this article to note that it is not all gloom and doom in the United States-Japan trade relationship.

TRIBUTE TO COMMEMORATE UKRAINIAN INDEPENDENCE DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. BONIOR. Mr. Speaker, Monday, January 22, 1990, marked to Ukrainians around the world, and particularily in the 12th Congressional District of Michigan, the commemorations of the 72d anniversary of the creation of the democratic Ukrainian National Republic. On that same day, the Ukrainians also observed the 71st anniversary of the Act of the Union whereby all Ukrainian lands were united into one state of the Ukraine Nation.

That young nation, however, was subjected to communist attacks and fell victim to Soviet imperialism. Although the Ukrainian National Republic was recognized as independent by a number of nations, the communist government in Moscow relentlessly assailed the young republic. By 1920, the independent government could no longer withstand the pressure of communist aggression. A puppet government was installed in Ukraine which then became the "Ukrainian Soviet Socialist Republic," and incorporated into the Union of Soviet Socialist Republics [U.S.S.R.] without the support or consent of the Ukrainian people.

From that time on, the Ukrainian people have struggled to shed themselves of a government imposed on them by Russian communists—a government, Mr. Speaker, which has continuously sought to crush Ukrainian identity and wipe the existence of Ukrainain culture off the face of the Earth. The evidence of this effort stains the history of the Soviet Union. One has to recall the mass exterminations in the 1920's, induced famines in the 1930's, Stalinist terror in the 1940's, and the bureaucratic and regulatory carelessness which resulted in the Chernobyl disaster in the 1980's. As the 1990's begin, the continued battle of the Ukrainian people against "Russification" is in sharp contrast with the success of sweeping social and democratic change in Eastern Europe.

These unprecedented events have brought Gorbachev to the Vatican and begun the process of reestablishing the traditional religions of the Ukrainian people. Though the Soviets have tried to crush the religious, social, and cultural identity of Ukraine, it is clear they cannot crush the will of the Ukrainian people to once again be free and independent. Try as they might, Mr. Speaker, the hope of freedom burns brightly inside each Ukrainian, be they in Ukraine or anywhere else in the world.

Mr. Speaker, January 22 signifies a very special day, for on it we pause to think of the valiant struggle for independence which goes on each day halfway around the world in Ukraine. I urge my colleagues and all Americans to reflect on this ongoing struggle and lend their moral support to the Ukrainian people in their quest to be among the family of free nations.

TRIBUTE TO DR. HANSJURGEN HAUCK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Dr. Hansjurgen Hauck, chairman and chief executive officer of VDM Nickel-Technologie AG of West Germany. VDM Nickel-Technologie, an affiliate of Krupp Stahl AG, is the world's second-largest integrated nickel alloy producer.

Dr. Hauck, a professional engineer, received his degree in metallurgy from the University of Saarbrucken and his doctorate from the University of Karlsruhe in 1967. After graduation, Dr. Hauck was part of a scientific team that developed the atomic fast breeder reactor at the Center for Atomic Research and Development in Karlsruhe.

He joined Metallgesellschaft AG in 1974. Dr. Hauck's managerial ability and metal expertise was quickly recognized as he ascended from managing the Research and Development Department and Quality Control of the Aluminum Division to Division Manager for Aluminum.

In May 1985, Dr. Hauck was appointed chairman and chief executive officer of Vereinigte Deutsche Metallwerke AG, which has been renamed aluminum alloys is widely recognized. On September 15, 1989, he delivered an address to the Federal Institute of Geosciences in Hanover, West Germany, on the technology and future of metals. A reprint of the speech was published in the American Metal Market.

Mr. Speaker, I would like to take this opportunity to recognize Dr. Hansjurgen Hauck for his contributions to atomic research and development, and also for his continuing work with metal alloys. He is an outstanding individual who has made substantial advances in his field and it is my honor to pay tribute to him today.

TRIBUTE TO LOUIS C. FISCHER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, it is an honor to share with my colleagues the events which led to the inauguration of the Louis C. Fisher Alzheimer's Day Care Center at Douglas Gardens in Miami.

Three years ago in Miami, a small effort was begun which has turned into one of the most remarkable programs of which I have heard, targeted toward helping those with Alzheimer's disease. The person who started this efforts was a young man named Lou Fischer. Through his work with the Miami Jewish Home and Hospital for the Aged at Douglas Gardens, and with the help of his sister, Bella Goldstein, Lou started what is now known as the Douglas Gardens Alzheimer's Care NOTABLES. It started with the two of them, Lou and Bella, joined together and dedicated to helping those people for whom there was no hope and, at that time, very little help. All funds that they were going to raise would be earmarked for programs and services operated by Douglas Gardens specifically for Alzheimer's sufferers and their families.

That was 3 years ago. This week, on February 19, it will be my great honor to attend the dedication of the Louis C. Fischer Alzheimer's Day Care Center at Douglas Gardens. This is the second day care center founded with the help of the Alzheimer's Care NOTABLES. Unfortuantely, the dedication will be a posthumous one, for Lou Fischer succumbed to cancer 2 years after the founding of this wonderful organization. His dream, however, lives on through the work of his sister and this

wonderful group of people who work tirelessly to provide services to those suffering from Alzheimer's disease.

Today, hundreds of people are being helped through the Alzheimer's Center at Douglas Gardens. In addition to those services which Louis Fischer and the NOTABLES helped start, Douglas Gardens also offers one of the broadest spectrum of services anywhere in this country, from inpatient to day care to home care to assessment and evaluation. In recognition of both their system and the quality of care, our Federal Government recently awarded them one of only eight grants in the country, and the only one in the Southeast, to provide services for Alzheimer's sufferers who live in the community.

Mr. Speaker, because of both the accomplishments and the caring and love from which they come, I would like to commend Douglas Gardens, the Alzheimer's Care NOTABLES and their president, Bella Goldstein, and especially the truly wonderful and unique individual who played such a pivotal role in this labor of love, the late Louis C. Fischer.

INTRODUCTION OF LEGISLATION FOR OVERSEAS MILITARY PERSONNEL

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. SLATTERY. Mr. Speaker, I am pleased to introduce today legislation that will correct a longstanding injustice perpetrated against tens of thousands of military personnel and their families stationed overseas.

While serving in the United States, eligible low-income military families receive an earned income tax credit [EITC] to supplement their meager income. Service members and their families who are transferred to a military post overseas, however, are forced to forfeit their eligibility for an EITC.

Current estimates are that 25,000 low-income military families who are living outside the United States have had to sacrifice this small supplement to their income. The legislation I am offering today would extend the EITC to these needy military families and would equalize this important benefit for all service members.

This simple and straighforward adjustment to equalize eligibility for the EITC will ensure that low-income military families can continue to benefit from a tax credit they deserve and are entitled to receive.

Additionally, clarifications of the Internal Revenue Code, that are supported by IRS, the U.S. Department of the Treasury, and the Department of Defense, will improve administration of the EITC for military personnel and will prevent overpayments of this credit. These technical changes are expected to more than offset the costs associated with extending the EITC to military personnel stationed overseas and will make my proposal revenue neutral.

I would like to commend the Non Commissioned Officers Association and the National Military Families Association for their efforts and dedication to the needs of our service members stationed around the world. Too often, we overlook the tremendous sacrifices made by military, personnel and their families who are stationed in a foreign land and I hope this legislation will reaffirm our appreciation and respect for these dedicated Americans.

DICK BOLLING: PUTTING OUR OWN HOUSE IN ORDER

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. WHEAT. Mr. Speaker, my distinguished predecessor Dick Bolling witnessed a remarkable processing of world events in his 24 years representing the Fifth District of Missouri.

When he came to Congress in 1949, the United States-Soviet alliance, riven by Stalin's brutal, expansionist policies, had begun to chill into the superpower standoff known as the cold war. At the time of his retirement in 1982, the eventual unraveling of the Iron Curtain had been foreshadowed by the birth of the Polish trade union Solidarity.

Today, the spirit of freedom and the longing for democracy has spread like a house on fire throughout the countries of Eastern Europe. In this turbulent era, as we cast about for ways to help nurture these nascent democracies, Dick Bolling has issued an important reminder: to exercise true leadership abroad, we must first put our own house in order.

Americans are proud of the notion that in their search for a new formula of government, the countries of Eastern Europe naturally turn to the United States, to the largest democracy in the world. But what kind of example are we really setting?

In a lengthy and thoughtful article published recently in a Kansas City newspaper, Dick Bolling sweeps an unflinching eye over our domestic landscape and sees a nation that has failed to marshal its vast resources to meet the most basic needs of its own citizens.

While his clear-eyed analysis is harsh, ultimately, Dick Bolling's message is a positive one. He declares that we can address our own urgent domestic imperatives while extending a helping hand to those foreign nations who deserve our assistance. But to meet this ambitious challenge, we must shrug off our complacency and set the best minds of the public and private sector to work on mending our pressing economic and social problems.

The United States achieved similar goals when it simultaneously pushed through an economic stabilization plan in Europe and at home following World War II. These actions, accomplished by means of concerted bipartisan cooperation among Government and private institutions, led to an extended period of prosperity at home and unprecedented influence abroad.

The challenge of the post-cold war era will be to recapture this spirit of cooperation and harness our Nation's immense resources once again. We must show ourselves—and an expectant world—that we possess the leadership to put aside the countless competing interests inherent in a democracy and work for the common good.

The article follows:

[From the Kansas City Star, Jan. 14, 1990]

HOW CAN AMERICA HELP—THE FIRST STEP IS TO PUT HER HOUSE IN ORDER

(By Dick Bolling)

Today the United States is made to sound like a crippled giant by its own popularly chosen leader, the president of the United States. George Bush says over and over that there is much we must do at home and abroad, and in the next breath he says we really cannot do much, we don't have the money. He clearly wants to lead the nations of the world to peace and freedom, but he is sorry; we are just too broke.

That is nonsense. Despite our debts and deficits, we still have far and away the largest, richest economy in the world. Our gross national product is still much more than twice as large as any other single economy—free or totalitarian.

The president is right—we are in serious economic trouble. Our national government, many of our great industries, our individual consumers are drowning in debt. The long-range consequences of our trade deficit, our national budget deficit are terrifying to contemplate. Unless corrected, they assure our downfall, first as leader of the present free world and then as the friend and helper of the much larger world that seeks to achieve at least some of our freedom and general well-being.

Our "relatives" in Eastern Europe are most clearly in need of understanding assistance, perhaps even emergency food in large quantities for this winter. Unlike most of the rest of the world, a very few of the Warsaw Pact countries have had some experience of self-government—real democracy. Most, however, must learn self-government as we did 200 and more years ago.

The various democracies in Western Europe have invaluable knowledge to help their companions in the East in the search for personal freedom. No two of the democracies in Europe have exactly the same systems and processes to achieve government of and by the people. No two of them have the same history of developing their present freely elected governments. But our participation is essential. In many ways we are true experts in developing government by and for the people.

If we are to play a role comparable in the future to the one we have played for more than 40 years in the past, we must deal with our fiscal problems at once. Who ever heard of a chronic borrower nation that retained dominant influence among its lenders? Japan and its MITI-managed economy may wish us well or ill, but they will not spare us if we cannot pay our debts. In like fashion, the leaders of our allies in NATO are watching not only our fiscal balances but our ability to compete with their now advanced economies. For example, our handling of the largely private sector savings and loan disaster shocks them.

The most important thing for Eastern Europe is that their different peoples develop governments that will be free and suit them. Of course this includes economic betterment. But remember that some totalitarians, including Hitler, Stalin and the Japanese warloads, had economies strong enough to threaten the whole world. The free and mixed economy—capitalist but compassionate and caring of all its people—

is much harder to achieve than any of variety of other governments.

Even our own democracy is fragile. To strengthen our leadership abroad as well as to restore stability to our own society, we must deal at once with the causes of the violence in our land. We are behind in shocking ways for the richest country on earth in health care, housing, education and job opportunities for the poorest millions in our overwhelmingly self-indulgent and greedy, affluent society. We lead the developed world in murders and violence. It is not to be believed that the majority of Americans will tolerate our lag among nations in infant mortality, homelessness, literacy and failing education. And I don't believe that, properly led, our people will tolerate that immorality.

We Americans pride ourselves on being practical. What we are doing today by neglecting the failures of our own democracy and playing "politics" with our problems is the most impractical, arrant stupidity perhaps in all American history. And I do remember the Civil War.

How do we get smart and correct all this?

First, a look back.

In early 1946 I was sitting at my desk in the Dai Ichi Building in Tokyo beside the office of the supreme commander for the Allied powers. It was early morning and I was routinely marking for the commander in chief, Gen. Douglas McArthur, the items of particular interest in the folder of a hundred or so messages which had come in overnight. A long message turned up. It fascinated me immediately. It was a version of what was to become one of the most important political analyses and plans for action in modern history. It soon became famous as an article published in the journal *Foreign Affairs* by a Mr. X. It contained an assessment of the real intentions of our ally, the Soviet Union, and a proposal for containment of the Stalinist expansionist surge.

It became the basic policy of the United States and its allies in the Cold War. A then obscure Russian expert in the State Department, George Kennan, was its author.

Over many years the policies which implemented these ideas changed the world. The extraordinary success of these common efforts of the democracies startled mankind in the late months of 1989. After 43 years, the political pieces of Stalin's cruel and savage empire in Europe shattered. It began first and necessarily in Soviet Union itself and then amazingly swiftly through countries which had been collected up into the Warsaw Pact.

The core of the Kennan message never ceased to be the guidelines in the many years of vast effort. For the United States, then inevitably the leader of such an effort, it was a period of learning by doing.

Roosevelt had died. Harry S. Truman had become president. The Republicans swept into the 80th Congress. In the two years 1947 and 1948 there were two different governments at work. The first was dealing with the overwhelming threat of Stalin's mad paranoia and the imminent collapse of our other allies in Europe, their economies destroyed by war, their people freezing and starving. In fact, things were so bad in several countries—Greece, Turkey, Italy and France, for example—that it was clear that local Communist parties might well take over their governments in more or less free elections. The second was a bitter conflict over what domestic policy should be in the United States.

Our people were really fed up with their government. It had led the people to win the war, but when the war was over, they wanted to spend the money they had been forced to save and live it up. They threw out the Democratic Congress in November of 1946. The "wise men" of politics said it was the "meat election." The loudest national political issue was the shortage of beef in the markets.

The Republicans happily organized the House and Senate in the 80th Congress and proceeded to try to undo nearly all of the New Deal. Truman fought all that. In the next election Truman turned what the Republican Congress had done and tried to do domestically against them. He scored an amazing upset in 1948, won re-election and this time the high hopes in domestic policy matters were those of the Democrats—the Roosevelt/Truman Democrats who in turn miscalculated and tried to pass the Truman domestic program largely without success.

After four bitter years which included the Communist capture of China and the North Korean attack on South Korea, Sen. Joseph McCarthy came to dominate much of the political process.

Five-star Gen. Dwight Eisenhower was swept into office. Eisenhower, the last of the Eastern Republican candidates for president, was active in foreign and defense matters, seemingly passive but actually opposed to nearly any progress on domestic general welfare issues. His great domestic policy achievement was building roads.

But his policies on foreign and defense matters were little different from those of his predecessor, Harry Truman. That was not surprising because Eisenhower, while a subordinate of President Truman through most of Truman's presidency, had been much involved in creating and implementing some of the great foreign/defense policy initiatives of the late '40s and the first two years of the '50s.

That continuity of a bipartisan foreign policy was crucial to the events of these last few months of 1989.

Largely forgotten is the fact that not only were the Marshall Plan and later NATO supported by bipartisan coalitions in that "Do Nothing—Good for Nothing 80th Congress" that Truman campaigned against in 1948, but also two other crucial things were done which played enormously important roles in the great successes of the United States in the years of the Cold War.

First was the Employment Act of 1946, which was implemented in 1947 and 1948.

Second was the establishment of the Hoover Commission on the Reorganization of the Executive Department and its subsequent report and prompt implementation by a hard-working Congress and a president determined to modernize the branch of government he directly controlled.

The Employment Act and the Hoover Commission were as bipartisan as defense and foreign policy. Each was of great significance. The Employment Act committed the federal government to using its power to even out the national economic performance by actively maintaining stable growth through both fiscal and monetary policy so that we would break the never-ending cycle of boom and bust which had characterized our economic history.

The Hoover Commission's broad proposals of modernization of the executive branch after the helter-skelter, topsyturvy growth of government during the Depression and World War II were essential.

The policies helped make possible the most remarkable extended period of United States economic growth, which in turn made possible an incredible increase in the number of Americans in the middle-income group. The middle class grew by millions.

This domestic progress made possible our effort to lead the European democracies. The American people would share the burdens of their allies. Progress was steady and politically reasonably good-humored until the social unrest and violence of the '60s, the result of popular outrage over civil rights and the Vietnam War.

Since then, bitterness has returned to our national political process. I hope the worst of it is over, due to the end of what I think of as the Wright/Gingrich War. That political war raged briefly not only in the House of Representatives where Jim Wright was the overzealous partisan Democratic speaker and Newt Gingrich was the leader of the unofficial guerrilla band of fed-up and frustrated Republicans deprived of their right to always be a part of the congressional process, but also in the 1988 elections.

The changes which closed that period of mindless political conflict were ironic. Wright resigned under fire. Gingrich was elected to the House Republican leadership. But each change eased a return to a politics of greater fairness and better feeling. In other words, the House was restored to its proper role as a national legislative body and not a battleground of partisan hyperbole. It would seem that an entirely different set of circumstances has led the Senate to similar improvement. We can hope that the healing of the national political process will follow. The stage is set.

I do not believe in historical analogy, but I hold strongly to "thinking in time," which is so well explained in the Neustadt/May book of the same title.

We must learn from the past. The past helps us understand how we got to the present and what the present really is. On that basis we can more wisely look to the future and lay out our strategies. In the politics of democratic societies, developing a strategic plan is slower than the emperor's nod or the dictator's snap of the fingers. For the great matters such as those our nation's people face today, our strategy must be a comprehensive, intricate, flexible and practical process which is supported by a majority of our people. There must be national political leadership. Initially that leadership and a proposed plan must come from the president of the United States.

While the plan is being developed, we must put our economy in order. It will be brutally tough political work pulling together our disparate interests, our institutions, private and public, that are in constant competitive conflict with each other. But as The New York Times said in its lead editorial Sunday, Dec. 9, it is "A Precious Moment" and the key to that world of peace and general welfare may be again the creativity and vitality of the American democratic process.

PUNXSUTAWNEY PHIL, THE ORIGINAL GROUNDHOG, SAYS WE WILL HAVE EARLY SPRING

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1990

Mr. CLINGER. Mr. Speaker, I rise today to officially inform my colleagues of the recent weather decision of the only true forecaster in

the animal kingdom. Of course, I refer to the one-and-only, the original groundhog, Punxsutawney Phil.

Every year on February 2, Phil rises from his burrow in Punxsutawney, PA, and looks for his shadow. Thousands around the world wait with baited breath because if he sees his shadow, there will be 6 more weeks of winter, however, if he does not, an early spring is assured.

At this point, I'd like to insert in the RECORD the official proclamation from Gobbler's Knob in Punxsutawney:

And now February 2, 1990 at approximately 7:27 a.m., Punxsutawney Phil, the seer of seers, the prognosticator of prognosticators emerged from his burrow at Gobblers Knob.

He stood proud, tall and confident, survey the throng of loyal followers, and peered skyward toward the east and fixed his eyes groundward. He turned to Ground Hog President James Means, and signaled to him in unmistakable groundhogeze "There is no shadow today, look for an early spring."

That my colleagues, is the true forecast from Punxsutawney, PA, and we should be thankful that Phil has stated there will be an early spring.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 6, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 7

9:00 a.m.
Armed Services
To hold hearings on the military strategy and operational requirements for NATO defense.
SH-216

Commerce, Science, and Transportation
To hold hearings on the nomination of Ervin S. Duggan, of South Carolina, to be a Member of the Federal Communications Commission.
SR-253

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1643 and S. 1660, to provide protection to consumers in connection with telephone services.
SR-253

Governmental Affairs
To continue hearings on S. 2006, to establish the Department of the Environment, and to provide for a global environmental policy of the United States.
SD-342

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the Office of Civil Rights and Policy Research, the Family Support Administration, Human Development Services, and the Office of Inspector General.
SD-192

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of National Drug Control Policy.
SD-116

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings to examine the safety and soundness of the Federal National Mortgage Association (FANNIE MAE) and the Federal Home Loan Mortgage Corporation (FREDDIE MAC).
SD-538

Budget
To hold hearings to examine the impact of health care costs on the American economy.
SD-608

Foreign Relations
To hold hearings on U.S. policy toward China.
SD-419

10:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold oversight hearings on the safety of child passengers.
SD-628

Finance
To resume hearings on the implementation of the Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-418).
SD-215

1:00 p.m.
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings to examine issues relating to runaway and homeless youth.
SD-430

1:15 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the Social Security Administration and the Health Care Financing Administration.
SD-192

2:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of John W. Lyons, of Maryland, to be Director of the National Institute of Standards and Technology, Department of Commerce.
SR-253

3:00 p.m.
Foreign Relations
To hold hearings on the nomination of Larry K. Mellinger, of California, to be United States Executive Director of the Inter-American Development Bank.
SD-419

FEBRUARY 8

9:00 a.m.
Armed Services
To hold hearings on the military strategy and operational requirements of the commands oriented to Pacific defense.
SH-216

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on grain quality enhancement.
SR-332

Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 647, to amend the federal securities laws to revise the enforcement remedies for civil violations of those laws.
SD-538

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
To continue hearings on S. 2006, to establish the Department of the Environment, and to provide for a global environmental policy of the United States.
SD-342

Veterans' Affairs
To hold hearings on the nominations of Ronald M. Holdaway, of Wyoming, and Hart T. Mankin, of Delaware, both to be Associate Judges of the United States Court of Veterans Appeals.
SR-418

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on Central America, focusing on assistance to El Salvador and Panama.
SD-138

Finance
To resume hearings on proposed legislation to reduce Social Security taxes.
SD-215

Foreign Relations
To hold hearings on S. 2040, a bill to expand the size and scope of the Sup-

port for East European Democracy (SEED) Program.
SD-419

10:30 a.m.
Joint Economic
To resume hearings to examine the economic outlook for 1990.
352B Rayburn Building

11:00 a.m.
Foreign Relations
Business meeting, to consider S. 2040, a bill to expand the size and scope of the Support for East European Democracy (SEED) Program.
SD-419

Labor and Human Resources
To hold hearings to examine the health effects of radiation exposure.
SD-430

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on agricultural credit.
SR-332

Armed Services
To hold hearings on the military strategy and operational requirements of the unified commands oriented to Third World defense and unconventional warfare.
SH-216

FEBRUARY 9

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health, the Office of Health Care Policy and Research, the Centers for Disease Control, the Alcohol Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration.
SD-192

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1991 budget.
SD-608

Finance
International Trade Subcommittee
To hold hearings on proposed legislation to make permanent the Caribbean Basin Initiative.
SD-215

Foreign Relations
To hold hearings to examine the future of NATO.
SD-419

Labor and Human Resources
To hold hearings on the nomination of Antonia Coello Novello, of the District of Columbia, to be Surgeon General of the Public Health Service, Department of Health and Human Services.
SD-430

FEBRUARY 20

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for conservation programs of the Department of Energy, and the Smithsonian Institution.
SD-116

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Office of Director, Buildings and Facilities, the National Cancer Institute, the Heart, Lung, and Blood Institute, the National Dental Institute, Diabetes, Digestive, and Kidney, Allergy and Infectious Diseases, Child Health and Human Development, and Environmental Health.
SD-138

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Neurology Institute, the Deafness Institute, General Medical Sciences, the National Eye Institute, the National Institute on Aging, Arthritis, Musculoskeletal and Skin Division of Research Resources, Nursing Research, Human Genome, and the National Library of Medicine.
SD-138

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on agricultural credit.
SR-332

FEBRUARY 21

9:00 a.m.
Armed Services
To hold hearings on the military strategy and operational requirements for rapid reinforcement and associated transportation requirements.
SR-222

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on trade issues.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Education, focusing on the Office of the Secretary of Education and Special Institutions.
SD-192

Governmental Affairs
To hold hearings on S. 1742, to further the goals of the Paperwork Reduction Act (P.L. 96-511), and comprehensively strengthen agency responsibility and accountability of information resources management.
SD-342

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcomittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Customs Service, and the Federal Election Commission.
SD-116

Foreign Relations
To hold hearings on the report on arms control prospects following Moscow and Ottawa Ministerial meetings.
SD-419

1:15 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Education, focusing on the Offices of the Assistant Secretaries of Education and the Office of the Inspector General.
SD-192

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 844 and H.R. 1484, bills to establish a National Park Service Review Board, S. 1360 and H.R. 2844, bills to provide for the protection of certain National Park System resources, and S. 1859, a bill to restructure repayment terms and conditions for loans by the Secretary of the Interior to the Wolf Trap Foundation for the Performing Arts for the reconstruction of the Filene Center in Wolf Trap Farm Park in Fairfax County, Virginia.
SD-366

FEBRUARY 22

9:00 a.m.
Armed Services
To resume hearings on the implications of changes in the Soviet Union and Eastern Europe for Western security.
SR-222

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on grain quality enhancement.
SR-332

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.
SR-253

Energy and Natural Resources
To hold oversight hearings on the implementation of the Department of Energy's civilian nuclear waste program.
SD-366

Governmental Affairs
To continue hearings on S. 1742, to further the goals of the Paperwork Reduction Act (Public Law 96-511), and comprehensively strengthen agency responsibility and accountability of information resources management.
SD-342

Rules and Administration
To hold hearings on S. 1543, to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia.
SR-301

10:00 a.m.
Finance
To hold hearings on proposed legislation authorizing funds for fiscal years 1991 and 1992 for the U.S. Customs Service, Department of the Treasury, and proposed legislation relating to the ad valorem customs merchandise processing fee.
SD-215

Rules and Administration
To hold hearings on the nomination of Robert William Houk, of Ohio, to be Public Printer for the Government Printing Office.
SR-301

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1578, to provide for the creation of an independent Historic Preservation Agency and a National Center for Preservation Technology, and S. 1579, to amend the Historic Preservation Act, the Historic Sites Act, the Archaeological Resources Protection Act, and the Abandoned Shipwreck Act, and certain related acts to strengthen the preservation of our historic heritage and resources.
SD-366

FEBRUARY 23

8:00 a.m.
Veterans' Affairs
To hold hearings on budget recommendations for veterans programs and on proposed legislation to reorganize the Veterans Health Service and Research Administration.
SH-216

10:00 a.m.
Finance
International Trade Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1991 for the Office of the U.S. Trade Representative, and the International Trade Commission.
SD-215

FEBRUARY 26

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Strategic Petroleum Reserve, and the U.S. Geological Survey.
SD-116

FEBRUARY 27

8:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on hunger in America.
SD-G50

Rules and Administration
Business meeting, to consider S. 1543, to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia, the nomination of Robert William Houk, of Ohio, to be Public Printer for the Government Printing Office, and other pending executive, legislative and administrative business.
SR-301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Disabled American Veterans.
SH-216

2:00 p.m.
Armed Services
To resume hearings on the amended authorization request for fiscal year 1991 for the Department of Defense and the five year defense plan.
SR-253

FEBRUARY 28

9:00 a.m.
Armed Services
To continue hearings on the amended authorization request for fiscal year 1991 for the Department of Defense and the five year defense plan.
SD-106

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 114, a bill to declare activities of manufacturers or distributors of soft drinks which induce retailers to purchase soft drink syrup solely from such entities to be unfair acts or practices for purposes of the Federal Trade Commission Act.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture.
SD-138

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for ACTION, the National Council on Disability, with Federal Mediation and Conciliation Service, the National Mediation Board, the Railroad Retirement Board, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD-192

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.
SD-116

Commerce, Science, and Transportation
To hold hearings on the nomination of Eugene Wong, of Missouri, and William D. Phillips, of California, both to be Associate Directors of the Office of Science and Technology Policy, Executive Office of the President.
SR-232A

Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 48, proposing an amendment to the U.S. Constitution relative to contributions and expenditures intended to affect Congressional and Presidential elections.
SD-628

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Physician Payment Review Commission, the Corporation for Public Broadcasting, the National Commission on Libraries, the U.S. Institute of Peace, the National Commission on AIDS, the Prospective Payment Assessment Commission, the National Commission to Prevent Infant Mortality, and the Soldiers' and Airmens' Home.
SD-192

MARCH 1

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1751 and S. 1904, bills to safeguard the integrity of food shipments.
SR-253

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the cotton industry.
SR-332

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to review the proposed budget for fiscal year 1991 for the Department of Transportation.
SD-138

2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on forestry issues.
SR-332

MARCH 2

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the wool and honey industries.
SR-332

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Research Service, Cooperative State Research Service, and Extension Service.
SD-138

MARCH 5

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the rice industry.
SR-332

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on agricultural credit.
SR-332

MARCH 6

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Veterans of Foreign Wars.
SH-216

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 366, a bill to enroll twenty individuals under the Alaska Native Claims Settlement Act, S. 1128, a bill for the relief of Richard Saunders, S. 1719, a bill to designate a segment of the Colorado River in the Westwater Canyon, Utah as a component of the National Wild and Scenic Rivers System, S. 1738, a bill to convey certain Oregon and California Railroad Grant Lands in Josephine County, Oregon to the Rouge Community College District, and S. 1837, a bill to direct the Secretary of the Interior to establish a Desert Research Center.
SD-366

Governmental Affairs
To hold hearings on the General Accounting Office's report on material weaknesses in the Department of Defense's supply system.
SD-342

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the sugar industry.
SR-332

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Food and Nutrition Service and Human Nutrition Information Service.
SD-138

10:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Indian Affairs, and the Indian Gaming Commission.
SD-116

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on crop insurance.
SR-332

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1976, to provide for continued United States leadership in high-performance computing, focusing on the Department of Energy.
SD-366

MARCH 7

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the dairy industry.
SR-332

Governmental Affairs
To hold hearings on S. 1978, to promote U.S. trade and technology interests by reorganizing the Department of Commerce into a Department of Industry and Technology.
SD-342

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Treasury, and Departmental Offices.
SD-116

MARCH 8

9:30 a.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

Governmental Affairs
To hold hearings to examine fraud, waste and abuse, focusing on agencies on the high risk list.
SD-342

Small Business
To hold hearings on implications of technology transfer on small business.
SR-428A

Veterans' Affairs
Business meeting, to consider budget recommendations for veterans programs and proposed legislation to reorganize the Veterans Health Service and Research Administration.
SR-418

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the wheat industry.
SR-332

MARCH 9

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.
SR-332

MARCH 15

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the American Ex-Prisoners of War, the Blinded Veterans Association, and the Military Order of the Purple Heart.
SH-216

MARCH 20

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service, and the U.S. Fish and Wildlife Service, both of the Department of the Interior.
S-128, Capitol

2:30 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Panama Canal Commission.
SD-116

MARCH 21

9:30 a.m.
Governmental Affairs
To hold hearings on proposed legislation to establish a position of chief financial officer.
SD-342

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Secret Service, and the Internal Revenue Service.
SD-116

Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 232 and S.J. Res. 233, measures proposing an amendment to the U.S. Constitution with respect to the impeachment of Article III judges.
SD-226

MARCH 22

9:30 a.m.
Governmental Affairs
To continue hearings on proposed legislation to establish a position of chief financial officer.
SD-342
Veterans' Affairs
To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

MARCH 23

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-138

MARCH 27

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Indian Health Service of the Department of Health and Human Services.
SD-116

MARCH 28

10:00 a.m.
Appropriations
Treasury, Postal Service, General Goverment Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.
SD-116

MARCH 29

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

MARCH 30

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

APRIL 2

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, and the Office of Surface Mining, both of the Department of the Interior.
S-128, Capitol

APRIL 4

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

APRIL 5

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior.
S-128, Capitol

APRIL 19

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

APRIL 23

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

APRIL 25

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

APRIL 26

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

MAY 3

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, the National Gallery of Art, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

MAY 7

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

MAY 10

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

CANCELLATIONS

FEBRUARY 7

2:00 p.m.
Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on provisions relating to fisheries protection and buffer zones (sec. 104(e)), and the designation of additional wilderness areas on the Tongass National Forest (title III), of H.R. 987, the Tongass Timber Reform Act.

SD-366

HOUSE OF REPRESENTATIVES—*Tuesday, February 6, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are thankful, O God, for our families and friends, those near and dear to us. We are grateful that there are those about us who support us and nurture us, who pray for us, who are models of faith and love, who bless us by their presence with kind words and gracious deeds. May we, each one, members of Your human family, so strengthen each other with respect and counsel that we will more fully witness the beauty and love and majesty of Your creation. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio [Ms. KAPTUR] please come forward and lead the House in the Pledge of Allegiance.

Ms. KAPTUR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Kalbaugh, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 82. Joint resolution to designate February 8, 1990, as "National Women and Girls in Sports Day."

The message also announced that pursuant to Senate Resolution 382, 90th Congress, as amended by Public Law 100-696, the Chair announces, pursuant to the positions that they hold, Mr. MITCHELL, Chairman; Mr. DOLE, Vice Chairman; Mr. BYRD; Mr. FORD; and Mr. STEVENS; as members of the Senate Commission on Art for the 101st Congress.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day. The Clerk will call the bill on the Private Calendar.

AUTHORIZING CERTIFICATE OF DOCUMENTATION FOR EMPLOYMENT IN COASTWISE TRADE OF THE UNITED STATES FOR VESSEL "JAMAL"

The Clerk called the bill (H.R. 3133) to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Jamal.*

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the bill be recommitted to the Committee on Merchant Marine and Fisheries.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER. The bill is recommitted to the Committee on Merchant Marine and Fisheries.

THE NATIONAL VOTER REGISTRATION ACT

(Mr. SWIFT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWIFT. Mr. Speaker, we do not get to vote every day for a bill that will help every American. Today we have that chance when we vote on the National Voter Registration Act.

We have heard that it will help this special group or that. I suppose that is true. But it does not stop there. It helps everyone.

Here is a startling statistic: Fully one-third of all Americans move every 2 years—between elections, 70 percent of those move within the same county, but usually out of the precinct. They can be challenged at the polls because they no longer meet the residency requirements. Providing every American with easy and effective ways to update their registration will help average Americans who want to keep their registration current even in this incredibly mobile society.

It will do that along with adding people to the voter rolls.

This bill is about eliminating Government barriers that stand between our citizens and the polling booth. It is a good bill for everyone and deserves to pass today.

THE "SIGN" PRESIDENT

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, George Bush wants to be known as the "Education President."

He wants to be known as the "Environmental President."

Really, he's the "Sign President."

President Bush wants to spend about $11 million to change the signs at the EPA to read: "Department of Environment."

Why not use this money to clean up the environment—not to pollute it with more signs.

In my district, there are six Superfund sites that are dying for attention.

We have one site where the people have been drinking bottled water for over 2 years because their wells are threatened by ground water contamination.

I'll bet those people could find a better use for $11 million.

In 1981 there were 1,077 toxic-waste sites the target by EPA Superfund.

Of these 1,077, only 30 have been cleaned in the last 9 years.

I'll bet that each of these sites could use that $11 million.

Mr. Speaker, a sign by any other name is still a sign.

Changing the signs of the EPA will do nothing to clean up the environment.

HAPPY BIRTHDAY, PRESIDENT REAGAN

(Mr. McEWEN asked and was given permission to address the House for 1 minute.)

Mr. McEWEN. Mr. Speaker, when we entered this decade in the 36 months prior to 1980, 5 countries fell beneath the hammer and sickle. In our country, jobs were being lost at the rate of 50,000 a week. Inflation and interest rates were the highest they had been since the Civil War, and our defense establishment was an embarrassment.

But now as we enter a new decade, vast improvements have been made in all of these areas and a great deal of the credit goes to a man whose birthday we celebrate today.

During recent delegations from the Congress meeting in Czechoslovakia

and Poland, and in every center, in Hungary and elsewhere, they toasted the President of the United States during the 1980's, the man who set a new tone for freedom and democracy and free enterprise, Ronald Reagan.

Mr. President, around the globe those seeking and finding freedom wish you today a happy birthday.

WE SHOULD USE U.S. TAXPAYERS' DOLLARS TO BUY U.S. PRODUCTS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, 23,000 laid-off auto workers across our Nation anxiously await word to return to production lines. At the same time, U.S. taxpayers' dollars are being used to hurt the fate of the U.S. auto industry.

The Bush administration has used part of the $3.6 million sent to the National Opposition Union in Nicaragua for the upcoming elections to purchase 22 four-wheel drive Jeep—general purpose utility—vehicles—made in India.

American taxpayers' dollars should not be diverted to purchase vehicles from a country—that was one of three nations—cited by USTR last year under the super 301 designation for its unfair trade practices. India imposes a 140-percent tariff on imported autos, a 190-percent tariff on imported trucks, and a 98 percent local content requirement for autos.

One need look no further than to my district's Jeep plant in Toledo, OH, where 581 laid off workers would have welcomed an order to make a superior vehicle for export to Nicaragua. Look a little further to St. Louis, MO, where the doom and gloom predictions for the auto industry in 1990 have already become a reality as 3,700 workers learned on Friday that the Chrysler plant there will close permanently.

This misuse of taxpayer dollars should be redirected to buy Jeeps made in the United States or to fund the trade adjustment assistance program—which the President's budget proposes to gut—to help U.S. workers thrown out of jobs because of imports. The U.S. auto industry is fighting its way back. Let's not use taxpayers' dollars to strike it down.

□ 1210

ENGLISH AS OFFICIAL LANGUAGE

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, this Nation has achieved its greatness through the contributions of the many diverse peoples who have come to settle here. Yet this is an unusual phenomenon which stands out against the background of world history. It is not often that people of so many varying cultures and backgrounds can live together in peace—human nature often leads us to resist and fear those who are different from us.

What, then, has enabled America to become the country that it is, the "great melting pot" of the world? It is, in large measure, our common bond of the English language. We come from widely varying cultures. We eat a vast variety of foods. We have different cultural norms and different lifestyles. Yet we share a common tongue. We can talk to each other. We can communicate. We can discuss our differences, and each culture can learn to respect the others. If we had no common tongue, we would be little more than isolated islands of communities, lacking a common vision.

I will soon be introducing legislation to promote and encourage the use of English as the official language of the United States. I am aware that some folks will look at this legislation with a jaundiced eye, however. This legislation will not ask minority groups to give up their various cultures. It will not stifle or prohibit languages other than English. It simply states that English should be the one language that everybody knows and the one language in which all of our official business is conducted.

I am aware that some critics of this legislation may paint it as a subtle form of discrimination. Yet I propose to you that as a second language becomes more prominent in the United States, we will see more, not less, racial and ethnic discrimination. We will see more, not less, strife among the races. We will see more hatred of, and less respect for, our differences.

We need to preserve the common bond of a unifying language in this country. I urge you to join me in supporting efforts to make English the official language of the United States.

GLOBAL WARMING AND PRESIDENT BUSH

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, yesterday President Bush addressed the Intergovernmental Panel on Climate Change to present his plans to combat global warming. The President's remarks are notable for what they did not contain.

No. 1, he did not say anything about global warming. No. 2, there was no official United States support for a freeze on the worldwide level of carbon dioxide which is choking our cities and towns, a policy which has already been endorsed by a lot of European and Canadian industrial nations. In fact, the President did not commit to taking any new actions to prevent this global assault on our environment, but only to spend money researching uncertain climate change projections that are already accepted by a majority of the scientific community.

He also did not announce that he had just removed in his budget $20 million from the Boston Harbor Project, which he so blithely said he was going to allow to happen during the campaign, and if you all remember, he was out there on a boat in Boston Harbor pledging to clean it up.

Finally, Mr. Speaker, during the campaign the President promised to use the White House effect to combat the greenhouse effect. So far, Mr. Speaker, the White House effect has no effect at all.

EARTH DAY COUNTDOWN

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, once upon a time there was an ant and a grasshopper. As you may remember, the ant is the one who spent all summer being industrious—diligently storing food and preparing for the long, cold winter. Meanwhile, the grasshopper basked in the Sun and fiddled—all summer long.

When winter came, the ant had a stash of food to rely on. The grasshopper was left out in the cold.

With 75 days to go before the 20th anniversary of Earth Day—let us remember the ant. This Nation—in fact, this whole globe—must be industrious in diligently preserving our precious natural resources.

In the Congress, we are moving toward final adoption of an oilspill bill; a Clean Air Act that works; a bill to raise the EPA to cabinet level and hopefully a ban on offshore oil drilling in sensitive waters.

Good for Congress.

But Mr. Speaker, we can do more. Each one of us can take after the ant. As we countdown toward Earth Day 1990, I challenge my colleagues to be a little more diligent on behalf of our environment—for instance, many of us have switched to carpooling or mass transit or ride sharing for our commute to the Hill. I have given up driving to work.

The word is out—it is better to be an ant than a grasshopper. Remember—75 days until Earth Day.

MORE ON THE IRAN-CONTRA SCANDAL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, John Poindexter once told the world that, "The buck stops here," in regards to the Iran-Contra scandal. He took the heat, and in fact, he left the boss, former President Reagan, completely off the hook.

But now Mr. Poindexter has changed his mind because evidently he realizes he is going down in history as the biggest scapegoat the White House ever had. In fact, he is shouting, "Mr. Reagan knew, Mr. Reagan knew. In fact, President Reagan told me what to do."

The President, he is real cool; he says, "Executive privilege, sorry, John."

Mr. Speaker, can you imagine Richard Nixon getting away with executive privilege? The truth is Ronald Reagan has appointed one out of every two Federal judges and the Federal Judicial System has become a political arm for the White House.

I honestly think that America has the best courts and judicial system today that money and political influence can buy.

Let us see if Mr. Poindexter get his real day in court.

GORBACHEV'S PROPOSAL ON OPPOSITION PARTIES IN THE SOVIET UNION

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute.)

Mr. BROOMFIELD. Mr. Speaker, I am impressed. Gorbachev's proposal for a multiparty system is the first unmistakable sign that the Soviets are willing to gamble on democracy.

Opposition parties are the acid test of democracy. For the Communist leadership this proposal is a real high-stakes wager. For more than 70 years they have persecuted their people and lorded it over them.

Now they may be coming close to the day when they will actually take careers, their privileges, and their immunity from the laws of God and man and put them at risk in a free election.

It's a major gamble, Mr. Speaker, and I think we should all be impressed.

MAGNUSON FISHERIES ACT AND DRIFT NET BAN

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, reauthorization of the Magnuson Fisheries Conservation and Management Act provides essential protection for overexploited fishery resources. Particularly important is the provision in the bill which establishes a new national policy calling for an international ban on high-seas drift nets.

Hundreds of drift net vessels every day pay out these nets 30 to 40 miles long, sweeping marine life from huge tracts of the ocean. These high-seas pirates are decimating our fisheries, illegally stealing our salmon and steelhead, overfishing tuna, killing thousands of marine mammals and sea birds.

Faced with this urgent problem, the Office of Management and Budget tells us we need to study the problem. Blowfish! We could study these marine resources into extinction.

It is time for us to act, time to lead the growing international consensus calling for an early end to drift netting. It is time to support the Magnuson Act today.

FINAL AGREEMENT RENEGOTIATING MEXICO'S FOREIGN DEBT

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, I want to bring to my colleagues' attention an event that occurred over the weekend that is of historic importance. On Sunday, in a plaza of the National Palace in Mexico City, Mexico's Treasury Secretary Pedro Aspe and representatives of Mexico's creditor banks signed the final agreement renegotiating Mexico's foreign debt. On hand for the occasion were Secretary Brady, who deserves credit for his leadership in redefining strategies for addressing third world debt, and President Salinas, for whom this agreement is the crowning glory to a year of masterful accomplishments.

On December 1, 1988—only 1 year and 2 months ago—President Salinas assumed the presidency in Mexico. What a year it has been. In his short time in office, President Salinas has built an impressive record: Privatizing government owned businesses, restructuring and dramatically easing the rules governing investment in Mexico, attacking domestic debt concerns, keeping inflation in check, negotiating expanded trade relations with the United States, and reporting the first real growth for Mexico's economy in several years. Add to this list of economic accomplishments his impressive record in addressing drug trafficking and corruption, the needs of the environment, and continued political reform in Mexico.

Amid all successes, President Salinas' precedent-setting package to restructure external debt is perhaps the most significant. On this front President Salinas signaled to all how his administration will work: With stated goals, methodical implementation of these goals, and adherence to international considerations. In negotiating the package to reduce its debt, Mexico set an example to the rest of the debtor nations that has not gone unnoticed.

In the past several years Mexico has been the fair-haired child, undertaking the tough internal reforms necessary to compete in today's world. The positive settlement of the debt negotiations is just the first of many benefits Mexico will reap as a result of their hard work. I salute President Salinas and his fine administration on their accomplishments and on the great contributions made to economic relations in this hemisphere.

CONDEMNING ANGOLA MILITARY OFFENSIVE

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, I rise today to condemn the military offensive that the Marxist government of Angola is now conducting against the National Union for the Total Independence of Angola, or UNITA.

This military offensive, which began last December, has cost the lives of hundreds of Angolans, including large numbers of civilians. This action also represents a serious blow to the prospects for negotiations between UNITA and the MPLA to end the 15-year civil war in Angola.

Mr. Speaker, as chairman of the House Task Force on Angola, I can only express my outrage at this senseless military provocation. From Warsaw to Windhoek, from Prague to Pretoria, we see movement towards democracy. Even the MPLA's primary benefactor, the Soviet Union, is today debating the future role of the Communist party.

Yet the MPLA, along with Cuba, Albania, China and North Korea, continues its hardline stance in favor of a one-party Marxist state and refuses to consider a negotiated settlement with UNITA that will bring democratic elections to Angola.

The situation in Angola is even more disturbing when one considers how the United States and the Soviet Union have failed to take appropriate steps to bring the fighting to a halt. The Soviet Union continues to supply the MPLA with large amounts of military aid, while the Administration has been almost silent since the offensive began.

Mr. Speaker, democracy holds the best promise for a negotiated settlement to Angola's civil war. Marxism is a dying ideology, and this military of-

fensive by the MPLA may be its death knell. But for fifteen years Jonas Savimbi has been calling for the democratic elections that have never occurred in Angola since its independence. The Angolan Catholic Bishops have joined Dr. Savimbi and have called for a free and democratic Angola.

I urge my colleagues, even those who have not favored our policy of supporting UNITA, to condemn the MPLA's military offensive and join me in calling for a cease-fire and direct negotiations between the two parties. Only when the conditions necessary for democratic elections are established can we hope to see an end to the violence in Angola.

COSPONSOR PEACE CORPS VOLUNTEERS MONUMENT

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, almost 30 years ago, we established the U.S. Peace Corps. Since then, it has proven to be one of our Nation's greatest gifts to the world. It gives young American volunteers the chance to use their skills in engineering, forestry, farming, health, the English language, and many other fields to help people in developing nations all over the world.

This is not just a benefit to the countries in which they serve—it is a powerful way to build our image and strengthen our ties with the developing world.

It is time we recognized that service. Today, I will introduce a bill to build a monument to the Peace Corps volunteers in our Nation's Capital.

With a new field opening for the Peace Corps in Eastern Europe, and new demand for skilled volunteers to train people in environmental conservation, urban housing, and health needs, there could be no more appropriate time for it. I ask all my colleagues to support and cosponsor this bill.

AUTHORIZING THE SPEAKER TO ENTERTAIN CERTAIN MOTIONS TO SUSPEND THE RULES ON TOMORROW

Mr. McCURDY. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, February 7, 1990, for the Speaker to entertain motions to suspend the rules.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, could the gentleman tell why he is making this unanimous-consent request?

Mr. McCURDY. If the gentleman will yield, Mr. Speaker, it is my understanding that there will be two bills or resolutions brought forth tomorrow: one to lift the sanctions in Panama, and the other being a commendation and recognition of the valuable service rendered by our men and women in uniform.

Mr. SOLOMON. Mr. Speaker, continuing my reservation of objection, the Committee on Foreign Affairs a few minutes ago marked up the Panama aid bill, which lifts the sanctions. They also marked up a resolution, and both were reported by voice vote.

Is it the intention of this unanimous-consent request that both of those pieces of legislation be the ones that are going to be considered on the floor tomorrow?

Mr. McCURDY. That is correct. The answer is yes.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding. I wonder if the gentleman from Oklahoma [Mr. McCURDY] would specifically limit the motion to those two resolutions, rather than giving blanket authority on suspensions? We have concerns about other bills hanging around. I think the intent of the resolution goes to those two bills. From our side, I think we would prefer to have it limited to limit a suspension calendar tomorrow that would include those two bills.

Mr. McCURDY. Mr. Speaker, the gentleman from Oklahoma has no objection to that. I would ask unanimous consent to revise my unanimous-consent request to limit the request to those two bills.

The SPEAKER. Is there objection to the revised request of the gentleman from Oklahoma?

There was no objection.

MAZZOLI URGES PASSAGE OF HANDGUN WAITING PERIOD MEASURE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, a few days ago the Subcommittee on Crime, on which I am proud to serve, held a hearing on the Justice Department report and recommendations concerning a national verification system for prospective gun purchasers.

As my colleagues will recall, Congress ordered the Justice Department to produce the study, and its recommendations, rather than going with the Brady bill which would have established a uniform, national 7-day waiting period in order to give local law enforcement authorities time to perform background checks for prospective handgun purchasers.

The Justice Department study suggested it will take several years before a verification system can be implemented, and even then it is an optimistic estimate because the requisite technology is not available, nor is the database, which is essential to the system, current.

I, for one, Mr. Speaker, suggest that Congress can no longer wait for this verification system to come on line. We need to go back to the Brady bill. We need to go back to the national 7-day waiting period to verify the bona fides of prospective handgun purchasers. It could be done either as a permanent measure, which I would prefer, or at least as an interim until the verification system can be established.

Anything less than this, Mr. Speaker, will continue the carnage and the killing in the streets of America. That is simply not acceptable.

SIMPLE OZONE REDUCTION

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. ALEXANDER. Mr. Speaker, I heard yesterday while traveling back to Washington that the President made a speech on the environment, addressing the subject of global warming. As a member of the U.S. Alternative Fuels Council, we have learned that it is a simple matter to reduce ozone at ground level by introducing oxygenated blended fuels in quantities of just 10 percent ethanol.

□ 1230

We have also learned that to use these blends reduces carbon dioxide by as much as 75 percent. A good example for the United States to follow would be Mexico, where in Mexico City the simple requirement to use oxygenated fuels in automobiles has dramatically reduced air pollution from automobile emissions in just the short period of a couple of years.

Mr. Speaker, while the President's speech does not reflect a plan to address the difficult problem of global warming, I applaud him nonetheless because it is a step in the right direction.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-121)

The SPEAKER pro tempore (Mr. McDERMOTT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to

the Joint Economic Committee and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, February 6, 1990.)

ANNUAL REPORT OF FEDERAL ADVISORY COMMITTEES FOR FISCAL YEARS 1989—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Operations:

(For message, see proceedings of the Senate of today, Tuesday, February 6, 1990.)

REPORT OF COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1988—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture:

(For message, see proceedings of the Senate of today, Tuesday, February 6, 1990.)

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs:

(For message, see proceedings of the Senate of today, Tuesday, February 6, 1990.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4, of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules.

□ 1240

FISHERY CONSERVATION AMENDMENTS OF 1990

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2061) to authorize appropriations to carry out the Magnuson Fishery Conservation and Management Act through fiscal year 1992, as amended.

The Clerk read as follows:

H.R. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fishery Conservation Amendments of 1990".

TITLE I—AMENDMENTS TO MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT

SEC. 101. REFERENCES TO MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT.

Whenever in this title a section or other provision is amended or repealed, such amendment or repeal is deemed to be made to that section or other provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 102. FINDINGS AND POLICY.

(a) FINDINGS.—Section 2(a) (16 U.S.C. 1801(a)) is amended by adding at the end the following:

"(8) The collection of statistically reliable scientific data is essential to the effective conservation and management of the fishery resources of the United States.".

(b) PURPOSES.—Section 2(b)(2) (16 U.S.C. 1801(b)(2)) is amended by inserting "as well as swordfish and billfish," after "highly migratory species,".

(c) POLICY.—Section 2(c) (16 U.S.C. 1801(c)) is amended by—

(1) inserting "considers the effects of fishing on immature fish and encourages development of measures that avoid unnecessary waste of fish;" after "and enforcement;" in paragraph (3);

(2) striking "and" at the end of paragraph (4);

(3) striking the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(4) adding at the end the following:

"(6) to achieve international agreement on banning large-scale driftnet fishing on the high seas beyond the exclusive economic zone of any nation as soon as possible, including support for the Tarawa Declaration and other international efforts to achieve such a ban.".

SEC. 103. DEFINITIONS.

(a) NEW DEFINITIONS.—Section 3 (16 U.S.C. 1802) is amended by adding at the end the following:

"(28) The term 'large-scale driftnet fishing' means a method of fishing in which a gillnet composed of a panel or panels of webbing with a total length of one and one-half miles or more is placed in the water and allowed to drift with the currents and winds for the purpose of entangling fish in the webbing.

"(29) The term 'migratory range' means the maximum area within which fish of a particular species can be found in numbers that indicate regular occurrence of that species during any part of a year, as determined on the basis of scale pattern analysis, tagging studies, or other reliable scientific information, except that the term does not include any part of such area which is in the waters of a foreign nation.

"(30) The term 'waters of a foreign nation' means any part of the territorial sea or exclusive economic zone (or the equivalent) of a foreign nation, to the extent such territorial sea or exclusive economic zone is recognized by the United States.".

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 101(b) (16 U.S.C. 1811(b)(1)) is amended by striking "any foreign nation's" and all that follows through the end of the paragraph and inserting in lieu thereof "any waters of a foreign nation.".

SEC. 104. CLARIFICATION OF APPLICATION TO HIGHLY MIGRATORY SPECIES.

(a) REPEAL OF EXCLUSION.—Section 102 is repealed.

(b) SECRETARY OF STATE TO SEEK NEGOTIATIONS.—The Secretary of State shall promptly seek negotiations with foreign nations for the purpose of revising existing international agreements entered into by the United States that are inconsistent with the assertion by the United States of fishery management authority over highly migratory species.

(c) HIGHLY MIGRATORY SPECIES DEFINED.—In this section the term "highly migratory species" has the meaning that term has in section 3(14) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(14)).

SEC. 105. FOREIGN FISHING.

Section 201(d) (16 U.S.C. 1821(d)) is amended to read as follows:

"(d) TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING.—The total allowable level of foreign fishing, if any, with respect to any fishery subject to the exclusive fishery management authority of the United States, shall be that portion of the optimum yield of such fishery which will not be harvested by vessels of the United States, as determined in accordance with this Act.".

SEC. 106. INTERNATIONAL FISHERY AGREEMENTS.

Section 202(a)(4)(B) (16 U.S.C. 1822(a)(4)(B)) is amended by—

(1) striking "and" after "anadromous species" and inserting in lieu thereof a comma; and

(2) adding ", swordfish and billfish" after "highly migratory species".

SEC. 107. PERMIT FEES FOR FOREIGN FISHING.

(a) FEES.—Section 204(b)(10) (16 U.S.C. 1824(b)(10)) is amended to read as follows:

"(10) FEES.—(A) Fees shall be paid to the Secretary by the owner or operator of any foreign fishing vessel for which a permit has been issued pursuant to this section. The Secretary, in consultation with the Secretary of State and the appropriate regional fishery management council, shall establish a schedule of reasonable fees that shall apply nondiscriminatorily to each foreign nation.

"(B) Amounts collected by the Secretary under this paragraph shall be deposited in the general fund of the Treasury.".

(b) SANCTIONS.—Section 204(b)(12) (16 U.S.C. 1824(b)(12)) is repealed.

SEC. 108. INTERNATIONAL BAN ON LARGE-SCALE DRIFTNET FISHING.

Section 206 (16 U.S.C. 1826) is amended to read as follows:

"SEC. 206. INTERNATIONAL BAN ON LARGE-SCALE DRIFTNET FISHING.

"(a) NEGOTIATIONS.—The Secretary of State shall seek to secure, as soon as possible after the date of the enactment of the

Fishery Conservation Amendments of 1990, an international ban on large-scale driftnet fishing on the high seas beyond the exclusive economic zone of any nation.

"(b) REPORT.—Not later than 18 months after the date of the enactment of the Fishery Conservation Amendments of 1990 and every year thereafter until such a ban is secured, the Secretary of State shall transmit to the Congress a report—

"(1) describing the steps the Secretary has taken to initiate and complete negotiations pursuant to subsection (a);

"(2) detailing the progress of those negotiations;

"(3) listing those nations which have refused to enter into those negotiations and which engage in large-scale driftnet fishing on the high seas beyond the exclusive economic zone of any nation; and

"(4) making recommendations for legislative action which could be taken to encourage the nations listed pursuant to paragraph (3) to cease large-scale driftnet fishing.".

SEC. 109. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) INCREASED NUMBER OF VOTING MEMBERS OF NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.—Section 302(a)(7) (16 U.S.C. 1852(a)(7)) is amended in the second sentence—

(1) by striking "11" and inserting in lieu thereof "13";

(2) by striking "and 2 of whom" and inserting in lieu therof ", 3 of whom"; and

(3) by inserting ", and 1 of whom shall be appointed from the State of Oregon" after "Washington".

(b) MEMBERS' QUALIFICATIONS.—

(1) IN GENERAL.—Section 302(b)(2)(A) (16 U.S.C. 1852(b)(2)(A)) is amended—

(A) by striking the first sentence and inserting in lieu thereof the following: "The members of each Council required to be appointed by the Secretary must be individuals who, by reason of their occupational or commercial experience, scientific expertise, or academic training, are knowledgeable regarding the conservation and management, or the recreational or commercial harvest, of the fishery resources of the geographical area concerned."; and

(B) by striking the second sentence and inserting in lieu thereof the following: "The Secretary, in making appointments under this section, shall, to the maximum extent practicable, ensure a fair representation on each Council of the active participants (or their representatives) in the commercial fisheries under the jurisdiction of that Council.".

(2) APPLICATION.—The amendments made by paragraph (1) shall apply to an individual appointed or reappointed as a member of a Regional Fishery Management Council after the date of the enactment of this Act.

(c) LIMITATION ON TERMS OF VOTING MEMBERS.—Section 302(b)(3) (16 U.S.C. 1852(b)(3)) is amended by adding at the end the following: "No member appointed after January 1, 1986, may serve for more than 2 consecutive terms.".

(d) COMPENSATION AND EXPENSES OF MEMBERS.—Section 302(d) (16 U.S.C. 1852(d)) is amended—

(1) in the first sentence by inserting "if appointed before January 1, 1991, and at the daily rate of $200 if appointed or reappointed after that date" before the period at the end; and

(2) in the second sentence by inserting "and Council staff members" after "other nonvoting members".

(e) MEETING OUTSIDE OF GEOGRAPHICAL AREA.—Section 302(e)(3) (16 U.S.C. 1852(e)(3)) is amended by striking "in the geographical area concerned" and inserting in lieu thereof "at appropriate times and places".

(f) DECISIONS AND RECOMMENDATIONS OF ADVISORY COMMITTEES AND PANELS.—Section 302(g) (16 U.S.C. 1852(g)) is amended by adding at the end the following:

"(3)(A) Each Council shall establish and maintain a United States fishing industry advisory committee which shall provide information and recommendation on, and assist in the development of, fishery management plans and amendments to such plans.

"(B) Appointments to a committee established under subparagraph (A) shall be made by each Council in such a manner as to provide fair representation to commercial fishing interests in the geographical area of authority of the Council.

"(4) Decisions and recommendations made by committees and panels established under this subsection shall be considered to be advisory in nature.".

(9) FISHERY HABITAT CONCERNS.—Section 302(i) (16 U.S.C. 1852(i)) is amended to read as follows:

"(i) FISHERY HABITAT CONCERNS.—(1) Each Council—

"(A) may comment on, or make recommendations concerning, any activity undertaken, or proposed to be undertaken, by any State or Federal agency that, in the view of the Council, may affect the habitat of a fishery resource under its jurisdiction; and

"(B) shall, in a timely manner, comment on and make recommendations concerning any such activity that, in the view of the Council, may affect the habitat of an anadromous fishery resource under its jurisdiction.

"(2) Within 45 days after receiving a comment or recommendation under paragraph (1) from a Council, a Federal agency shall provide a detailed response, in writing, to the Council regarding the matter. In the case of a comment or recommendation under paragraph (1) (B), the response shall include a description of measures being considered by the agency for mitigating or offsetting the impact of the activity concerned on the habitat of the anadromous fishery resource.".

(h) CLOSED MEETINGS.—Section 302(j)(3) (16 U.S.C. 1852(j)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking the semicolon at the end of clause (ii) and all that follows through "time and place of the meeting." and inserting in lieu thereof a period; and

(B) by inserting "of paragraph (2)" after "(D) and (F)"; and

(2) by adding at the end of the following:

"(B) If any meeting or portion thereof is closed, the Council concerned shall notify local newspapers in the major fishing ports within its region (and in other major affected fishing ports), including in that notification the time and place of the meeting. This subparagraph does not require notification regarding any brief closure of a portion of a meeting in order to discuss employment matters or other internal administrative matters.".

(i) CONSIDERATION OF NEW INFORMATION.—Section 302(j) (16 U.S.C. 1852(j)) is amended by adding at the end the following:

"(6) At any time when a Council considers new information from a State or Federal agency or from a Council advisory body, it shall give comparable consideration to new information offered at that time by interested members of the public. Interested parties shall have a reasonable opportunity to respond to new data or information before the Council takes final action on conservation and management measures.".

SEC. 110. CONTENTS OF FISHERY MANAGEMENT PLANS.

(2) REQUIRED DATA COLLECTION AND GEAR.—Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) by striking paragraph (6) and inserting in lieu thereof the following:

"(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery: *Provided*, That the adjustments shall not adversely affect the conservation efforts in other fisheries;";

(2) by striking the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed to ensure the effectiveness of the plan in conserving and managing the fishery resources covered by the plan.".

(b) DISCRETIONARY PROVISIONS.—Section 303(b) (16 U.S.C. 1853(b)) is amended as follows:

(1) PERMITS AND FEES.—Paragraph (1) is amended to read as follows:

"(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to—

"(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone or for anadromous species or Continental Shelf fishery resources beyond such zone;

"(B) the operator of any such vessel; or

"(C) any United States fish processor who first receives fish that are subject to the plan;".

(2) FISH PROCESSOR DATA; OBSERVERS.—Paragraphs (7) and (8) are redesignated as paragraphs (9) and (10), respectively, and the following is inserted after paragraph (6):

"(7) require fish processors to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

"(8) require that observers be carried on board a vessel of the United States engaged in fishing in the exclusive economic zone for the purpose of collecting data necessary for the conservation and management of the fishery;".

(c) CONFIDENTIALITY OF STATISTICS.—Section 303(d) (16 U.S.C. 1853(d)) is amended—

(1) in the matter preceding paragraph (1) by striking "subsection (a)(5)" and inserting in lieu thereof "subsections (a) and (b)";

(2) by striking "or" at the end of paragraph (1);

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following:

"(2) to State employees pursuant to an agreement with the Secretary that prevents

public disclosure of the identity or business of any person; or".

SEC. 111. IMPLEMENTATION OF FISHERY MANAGEMENT PLANS.

(a) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TECHNICAL AMENDMENTS.—Section 305 (16 U.S.C. 1855) is amended—

(A) by redesignating subsections (c), (d), and (e) as subsections (a), (b), and (c), respectively; and

(B) by redesignating subsections (g) and (h) as subsections (d) and (e), respectively.

(2) CONFORMING AMENDMENTS.—Section 304 is amended—

(A) in subsection (b)(1) by striking "305(c)" in the first sentence and inserting in lieu thereof "305(a)"; and

(B) in subsection (b)(3)(D) by striking "305(c)" and inserting in lieu thereof "305(a)".

(b) JUDICIAL REVIEW OF CERTAIN IMPLEMENTING ACTIONS.—Section 305(b), as redesignating by subsection (a)(1)(A), is amended—

(1) by striking "Regulations promulgated by the Secretary under this Act" and inserting in lieu thereof—

"(1) Regulations promulgated by the Secretary under this Act and actions described in paragraph (2)";

(2) in paragraph (1) (as designated by paragraph (1) of this subsection)—

(A) by inserting "or the action is published in the Federal Register, as applicable," after "the regulations are promulgated";

(B) by striking "(1)" and inserting in lieu thereof "(A)";

(C) by striking "(2)" and inserting in lieu thereof "(B)"; and

(D) by inserting "or action" after "any such regulation"; and

(3) by adding at the end the following:

"(2) The actions referred to in paragraph (1) are actions that are taken by the Secretary under regulations which implement a fishery management plan, including actions that establish the date of closure of a fishery to commercial or recreational fishing.

"(3)(A) Notwithstanding any other provision of law, the Secretary shall file a response to any petition filed in accordance with paragraph (1) not later than 30 days after the date the Secretary is served with that petition, except that the appropriate court may extend the period for filing such a response upon a showing by the Secretary of good cause for that extension.

"(B) A response of the Secretary under this paragraph shall include a copy of the administrative record for the regulations that are the subject of the petition.

"(4) Upon a motion by the person who files a petition under this subsection, the appropriate court shall assign the matter for hearing at the earliest possible date and shall expedite the matter in every possible way.".

(c) EMERGENCY ACTIONS.—Section 305(c)(2)(A) (16 U.S.C. 1855(c)(2)(A)), as redesignated by subsection (a)(1)(A), is amended by inserting "(other than the voting member appointed under section 302(b)(1)(B))" after "who are voting members".

SEC. 112. STATE JURISDICTION.

Section 306(c) (16 U.S.C. 1856(c)) is amended—

(1) in paragraph (1)(B) by inserting "and the application specifies the species to be processed" before the period at the end; and

(2) by striking paragraph (2) and inserting in lieu thereof the following:

"(2) The Governor of a State may not grant permission for a foreign fishing vessel to engage in fish processing under paragraph (1)—

"(A) for a fishery which occurs in the waters of more than one State or in the exclusive economic zone, except after—

"(i) consulting with the appropriate Regional Fishery Management Council and Marine Fisheries Commission, and

"(ii) considering any comments received from the Governor of any other State where the fishery occurs; and

"(B) if the Governor determines that fish processors within the State have adequate capacity, and will utilize such capacity, to process all of the United States harvested fish from the fishery concerned that are landed in the State.".

SEC. 113. PROHIBITED ACTS.

(a) CERTAIN ACTS OF THEFT AND ASSAULT; LARGE-SCALE DRIFTNET FISHING.—Section 307(1) (16 U.S.C. 1857(1)) is amended—

(1) by striking "or" at the end of subparagraph (H);

(2) by striking the period at the end of subparagraph (I) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(J) to knowingly and without authorization steal, remove, damage, or tamper with—

"(i) fishing gear owned by another person and which is located in the exclusive economic zone; or

"(ii) fish contained in such fishing gear; or to attempt to do so;

"(K) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an observer or a supplementary observer on a vessel under this Act; or

"(L) to engage in large-scale driftnet fishing.".

(b) VIOLATION OF INTERNATIONAL FISHERY AGREEMENT.—Section 307 (16 U.S.C. 1857) is amended—

(1) in paragraph (3) by striking "; and" and inserting in lieu thereof a semicolon;

(2) in paragraph (4) by striking the period at the end and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(5) for any vessel of the United States, and for the owner or operator of any vessel of the United States, to engage in fishing in the waters of a foreign nation in a manner that violates an international fishery agreement between that nation and the United States that has been subject to Congressional oversight under section 203.".

SEC. 114. CIVIL PENALTIES.

Section 308 (16 U.S.C. 1858) is amended—

(1) in the section heading by inserting "AND PERMIT SANCTIONS" after "CIVIL PENALTIES";

(2) in subsection (a) by striking "$25,000" in the second sentence and inserting in lieu thereof "$100,000"; and

(3) by adding at the end the following:

"(g) PERMIT SANCTIONS.—(1) In any case in which a vessel has been used in the commission of an act prohibited under section 307, in which the owner or operator of a vessel or any other person who has been issued or has applied for a permit under this Act has acted in violation of section 307, or in which any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel under any fishery resource law statute enforced by the Secretary has not been paid and is overdue, the Secretary may—

"(A) revoke any permit issued with respect to such vessel or person, with or without prejudice to the issuance of subsequent permits;

"(B) suspend such permit for a period of time considered by the Secretary to be appropriate;

"(C) deny such permit; or

"(D) impose additional conditions and restrictions on any permit issued to, or applied for by, that owner, operator, or vessel under this Act and, with respect to foreign fishing vessels, on the approved application of the foreign nation involving and on any permit issued under that application.

"(2) In imposing a sanction under this subsection, the Secretary shall take into account—

"(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

"(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

"(3) Transfer of ownership of a vessel, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of the transfer. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel at the time of the transfer.

"(4) The Secretary shall reinstate any permit that is suspended under this subsection for nonpayment of a civil penalty or criminal fine upon payment of the penalty or fine and interest thereon at the prevailing rate.

"(5) No sanctions shall be imposed under this subsection unless there has been a prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.".

SEC. 115. ASSAULT AS CRIMINAL OFFENSE.

Section 309(a)(1) (16 U.S.C. 1859(a)(1)) is amended to read as follows:

"(1) section 307(1) (D), (E), (F), (H), (I), or (K); or".

SEC. 116. CIVIL FORFEITURE.

Section 310(e) (16 U.S.C. 1860(e)) is amended—

(1) by inserting "(1)" before "For purposes"; and

(2) by adding at the end the following:

"(2) For purposes of this Act, it shall be a rebuttal presumption that any fish that is a member of an anadromous species and is found on board a fishing vessel within the migratory range of that species is of United States origin.".

SEC. 117. USE OF ENFORCEMENT PROCESS.

Section 3411(e) (16 U.S.C. 1861(e)) is amended to read as follows:

"(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—(1) Notwithstanding any other provision of law, the Secretary or the Secretary of the Treasury may pay from sums received as fines, penalties, or forfeitures of property for violations of any provisions of this Act or of any other fishery resource law enforced by the Secretary, including the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.)—

"(A) the reasonable and necessary costs incurred in providing temporary storage, care, and maintenance of seized fish or other property pending disposition of any civil or criminal proceeding alleging a violation of any provision of this Act or any other fishery resource law enforced by the

Secretary with respect to that fish or other property;

"(B) a reward to any person who furnishes information which leads to an arrest, conviction, civil penalty assessment, or forfeiture of property for any violation of any provision of this Act or any other fishery resource law enforced by the Secretary;

"(C) any expenses directly related to investigations and civil or criminal enforcement proceedings, including any necessary expenses for—

"(i) equipment, training, travel, witnesses, and contracting services directly related to such investigations or proceedings; or

"(ii) equipping for law enforcement purposes any vessel, vehicle, or aircraft available for official use by the Secretary;

"(D) any valid liens or mortgages against any property that has been forfeited;

"(E) claims of parties in interest to property disposed of under section 612(b) of the Tariff Act of 1930 (19 U.S.C. 1612(b)) or under other provisions of the customs laws, as made applicable by section 310(c) of this Act to seizures under this Act, in amounts determined by the Secretary to be applicable to such claims at the time of seizure; and

"(F) for the reimbursement of any Federal or State agency, including the United States Coast Guard, for services performed, or personnel, equipment, or facilities utilized, under any agreement with the Secretary entered into pursuant to subsection (a), or any similar agreement authorized by law.

"(2) Any person assessed a civil penalty for, or convicted of, any violation of this Act shall be liable for the cost incurred in storage, care, and maintenance of any fish or other property seized in connection with the violation.".

SEC. 118. NORTH PACIFIC FISHERIES RESEARCH PLAN.

Title III (16 U.S.C. 1851-1861) is amended by adding at the end the following:

"SEC. 313. NORTH PACIFIC FISHERIES RESEARCH PLAN.

"(a) IN GENERAL.—The North Pacific Fishery Management Council may prepare and submit to the Secretary a fisheries research plan which—

"(1) requires that observers be carried on board vessels of the United States engaged in fishing in that part of the exclusive economic zone which is within the geographical area of authority of the Council, for the purpose of collecting data necessary for the conservation and management of any fisheries under the jurisdiction of the Council, including the Northern Pacific halibut fishery; and

"(2) establishes a system of fees to pay the costs of implementing the plan.

"(b) STANDARDS.—(1) Any plan prepared and submitted under this section shall be reasonably calculated—

"(A) to promote conservation and scientific understanding of the fisheries covered by the plan,

"(B) to be fair and equitable to all fishermen and fish processors affected by the plan, and

"(C) to be consistent with applicable provisions of law.

"(2) Any system of fees established by a fisheries research plan under this section shall—

"(A) provide that the total amount of fees collected may not exceed—

"(i) the cost of stationing observers on board fishing vessels pursuant to the plan, less

"(ii) any amount received for such purpose from any other source;

"(B) be fair and equitable to all participants in the fishery covered by the plan;

"(C) provide that fees collected not be used to pay any costs of administrative overhead or other costs not directly incurred in carrying out the plan; and

"(D) not be used to offset amounts authorized under other provisions of law.

"(c) RECEIPT OF PLAN BY THE SECRETARY.—Not later than 60 days after the Secretary receives a research plan under subsection (a) from the Council, the Secretary shall—

"(1) review the plan to determine whether it meets the requirements of subsection (b), and

"(2)(A) reject the plan if it does not meet those requirements; or

"(B) conduct 2 public hearings to obtain comments on the plan, one of which shall be held in the State of Alaska and one of which shall be held in the State of Washington.

"(d) ACTION BY THE SECRETARY.—After analyzing comments received regarding a research plan under subsection (a), the Secretary shall, within 45 days after the last public hearing on the plan—

"(1) request the Council to respond within 45 days to the comments; and

"(2) implement the plan with any additional modifications provided by the Council which are consistent with subsection (b).

"(e) RESUBMISSION OF PLAN.—Any research plan rejected by the Secretary under subsection (G)(2) may be resubmitted by the Council with changes, and upon such resubmission shall be treated as an original plan.

"(f) USE OF FEES.—Amounts received by the United States in the form of fees established by a research plan under this section shall, after deducting an amount under subsection (g)(2), be available to the Secretary only for use for implementing the plan.

"(g) AUTHORIZATION OF APPROPRIATIONS.—(1) To carry out this section, including for the establishment of an observer program pursuant to this section, there are authorized to be appropriated to the Secretary (in addition to amounts made available by subsection (f)) $100,000 for each of fiscal years 1991 and 1992.

"(2) Amounts appropriated under this subsection shall be reimbursed to the Treasury from fees collected pursuant to this section.".

SEC. 119. CIVIL ACTIONS BY OBSERVERS.

Title IV (16 U.S.C. 1882) is amended by inserting before section 402 the following:

"SEC. 401. SPECIAL PROVISIONS REGARDING OBSERVERS.

"(a) CIVIL ACTION.—(1) An observer on a vessel (or the observer's personal representative) under the requirements of this Act that is ill, disabled, injured, or killed from service as an observer on that vessel may not bring a civil action under any law of the United States for that illness, disability, injury, or death against the vessel or vessel owner, except that a civil action may be brought against the vessel owner for the owner's willful misconduct.

"(2) This subsection does not apply if the observer is engaged by the owner, master, or individual in charge of a vessel to perform any duties in service to the vessel.

"(b) PLACEMENT OF OBSERVERS ON U.S. VESSELS.—A vessel of the United States shall not be required under this Act to carry an observer on board if the facilities of the vessel for quartering of an observer, or for carrying out observer functions, as so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized.".

SEC. 120. AUTHORIZATION OF APPROPRIATIONS.

Section 406 (16 U.S.C. 1882) is amended—

(1) by striking paragraph (1) and all that follows through paragraph (14);

(2) by redesignating paragraph (15) as paragraph (1); and

(3) by adding at the end the following:

"(2) $75,000,000 for fiscal year 1990.

"(3) $76,000,000 for fiscal year 1991.

"(4) $77,000,000 for fiscal year 1992.

"(5) $78,000,000 for fiscal year 1993.

SEC. 121. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) INTERNATIONAL FISHERY AGREEMENTS.—Section 202(e) (16 U.S.C. 1822(e)) is amended by striking "a exclusive economic zone" and inserting in lieu thereof "an exclusive economic zone".

(b) FOREIGN FISHING PERMITS.—Section 204(b)(4)(C) (16 U.S.C. 1824(b)(4)(C)) is amended by striking "council" and inserting in lieu thereof "Council".

(c) COUNCIL PROCEDURAL MATTERS.—Section 302(j)(4) (16 U.S.C. 1852(j)(4)) is amended by striking "council employee" and inserting in lieu thereof "Council employee".

(d) ACTION BY SECRETARY.—Section 304(c)(2)(B) (16 U.S.C. 1854(c)(2)(B)) is amended by striking "appropriate council" and inserting in lieu thereof "appropriate Council".

TITLE II—AUTHORIZATION OF ATLANTIC TUNAS CONVENTION OF 1975

SEC. 201. LIMITATIONS ON APPOINTMENTS OF COMMISSIONERS.

(a) IN GENERAL.—Section 3(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)), hereinafter in this title referred to as the "Act", is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Of the Commissioners appointed under paragraph (1) who are not government employees—

"(A) 1 shall be appointed from among individuals with knowledge and experience regarding commercial fishing in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea; and

"(B) 1 shall be appointed from among individuals with knowledge and experience regarding recreational fishing in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea.

"(3)(A) The term of a Commissioner shall be 3 years.

"(B) An individual appointed in accordance with paragraph (2) shall not be eligible to serve more than 2 consecutive terms as a Commissioner.".

(b) APPLICATION TO CURRENT COMMISSIONERS.—

(1) QUALIFICATION REQUIREMENT NOT APPLICABLE.—Section 3(a)(2) of the Act (as amended by this title) shall not apply to reappointment of an individual as a United States Commissioner of the International Commission for the Conservation of Atlantic Tunas (hereinafter in this title referred to as a "Commissioner") if that individual is serving in that position on the date of the enactment of this title.

(2) CURRENT TERM NOT CONSIDERED.—An individual serving a term as a Commissioner on the date of the enactment of this title shall not, by reason of that term of service, be ineligible under section 3(a)(3)(B) of the Act (as amended by this title) for reappointment as a Commissioner.

SEC. 202. TERMINATION OF CURRENT TERMS AND COMPLETION OF PENDING APPOINTMENTS.

The term as Commissioner of each individual serving in that position on the date of the enactment of this title shall terminate not later than 90 days after the date of enactment. Not later than the date of termination, the President shall complete the appointment (or reappointment) of individuals to serve as Commissioners on and after that date.

SEC. 203. TRAVEL EXPENSES OF COMMISSIONERS.

Section 3 of the Act (16 U.S.C. 971a) is amended by adding at the end the following:

"(d)(1) The Secretary of State shall pay the necessary travel expenses of United States Commissioners, Alternate United States Commissioners, and authorized advisors in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

"(2) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.".

SEC. 204. TRAVEL EXPENSES OF ADVISORY COMMITTEE.

Section 4 of the Act (16 U.S.C. 971b) is amended by striking "On approval" and all that follows through the end of the section and inserting in lieu thereof the following: "The Secretary and the Secretary of State may pay the necessary travel expenses of members of the advisory committee in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.".

SEC. 205. REGULATIONS TO CARRY OUT COMMISSION RECOMMENDATIONS.

Section 6(c) of the Act (16 U.S.C. 971d(c)) is amended as follows:

(1) Paragraph (1) is amended—

(A) by inserting "(A)" before "Upon favorable"; and

(B) by adding at the end the following:

"(B) Not later than 90 days after the date of the enactment of this subparagraph, the Secretary shall promulgate any additional regulations necessary to ensure that the United States is in full compliance with all recommendations made by the Commission and with other agreements under the Convention between the United States and any nation which is a party to the Convention.".

(2) Paragraph (3) is amended—

(A) in subparagraph (H) by striking "; and" and inserting in lieu thereof a semicolon; and

(B) by striking subparagraph (I) and inserting in lieu thereof the following:

"(I) require any commercial or recreational fisherman to obtain a permit from the Secretary and report the quantity of the catch of a regulated species;

"(J) require that observers be carried aboard fishing vessels for the purpose of providing statistically reliable scientific data; and

"(K) impose such other requirements and provide for such other measures as the Secretary may deem necessary to implement any recommendation of the Convention or to obtain scientific data necessary to accomplish the purpose of the Convention;

except that no regulation promulgated under this section may have the effect of increasing or decreasing any allocation or quota of fish to the United States agreed to pursuant to a recommendation of the Commission.".

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Act (16 U.S.C. 971h) is amended to read as follows:

"APPROPRIATIONS

"SEC. 10. There are authorized to be appropriated to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in article X of the Convention, not more than $1,000,000 for each of the fiscal years 1989, 1990, 1991, 1992, and 1933.".

SEC. 207. RECOMMENDED COMMISSION ACTIONS REGARDING LARGE-SCALE DRIFTNET FISHING AND CONSERVATION OF ATLANTIC SWORDFISH.

Section 6(d) of the Act (16 U.S.C. 971d(d)) is amended to read as follows:

"(d)(1) It is the sense of the Congress that the Secretary, in consultation with the Secretary of State, should seek support for a recommendation by the Commission to ban large-scale driftnet fishing (as that term is defined in section 3(28) of the Magnuson Fishery Conservation and Management Act) in the Convention area.

"(2) The Secretary, in consultation with the Secretary of State, shall request the commission to adopt recommendations necessary for the conservation and management of Atlantic swordfish. In making the request, the Secretary shall seek the establishment of an international minimum harvest size and a reduction in harvest levels to the extent necessary to conserve the stock. Until the Commission adopts all the conservation and management measures requested by the Secretary, the Secretary, within 3 months after each annual meeting of the Commission, shall notify Congress as to the nature and results of his request. These notifications shall identify those nations not acting to conserve and manage Atlantic swordfish, and recommend measures which could be taken to achieve effective international conservation and management of the stock.".

TITLE III—AUTHORIZATION OF FISHERMEN'S PROTECTIVE ACT OF 1967

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "October 1, 1989" and inserting in lieu thereof "October 1, 1991".

TITLE IV—REPLACEMENT, RECONSTRUCTION, OF MODIFICATION OF FISHING VESSELS

SEC. 401. CAPITAL CONSTRUCTION FUNDS.

(a) IN GENERAL.—Section 607(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(a)) is amended—

(1) by inserting "(1)" before "Any citizen";

(2) in the second sentence by striking "the purpose of" and all that follows through "the fisheries of the United States" and inserting in lieu thereof "any of the purposes described in paragraph (2)"; and

(3) by adding at the end the following:

"(2) The purposes referred to in paragraph (1) are—

"(A) providing replacement vessels, additional vessels, or reconstructed vessels, built in the United States and documented under the laws of the United States for operation in the United States foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States; and

"(B) purchasing equipment for or modifying a qualified vessel—

"(i) to comply with requirements established under the Commercial Fishing Industry Vessel Safety Act of 1988 (46 U.S.C. 2101 note);

"(ii) to comply with Federal environmental protection laws, including the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

"(iii) to comply with laws and regulations, including those relating to the safety of fishing vessels and the wholesomeness of seafood.".

(b) CONFORMING AMENDMENTS.—Section 607(f)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(f)) is amended—

(1) in subparagraph (B) by sriking "or" at the end;

(2) by redesignating subparagraph (C) as subparagraph (D);

(3) by inserting after subparagraph (B) the following:

"(C) any of the purposes described in subsection (a)(2)(B); or"; and

(4) in the matter immediately following subparagraph (D) (as redesignated by paragraph (2) of this subsection) by striking "(C)" and inserting in lieu thereof "(D)".

(c) AMENDMENT OF EXISTING AGREEMENTS.—A person who is a party to an agreement with the Secretary of Commerce or the Secretary of Transportation in force under section 607 of the Merchant Marine Act, 1936, may amend that agreement to included any of the purposes described in section 607(a)(2)(B) of the Act (as amended by this section), by applying to that Secretary not later than 6 months after the date of the issuance of regulations under subsection (d) by that Secretary. Upon receipt of such application, the appropriate Secretary shall amend the agreement to include those purposes.

(d) ISSUANCE OF REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Commerce, the Secretary of Transportation, and the Secretary of the Treasury shall issue regulations implementing this section.

TITLE V—MISCELLANEOUS

SEC. 501. NATIONAL MARINE FISHERIES SERVICE FACILITIES IN KODIAK.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Commerce shall report to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate on the status of the National Marine Fisheries Service facilities located in Kodiak, Alaska. The report shall include—

(1) a description of the facilities, including their location and physical state;

(2) a discussion of any structural problems, including any need to remove asbestos from the facilities and to repair or upgrade electrical wiring;

(3) the number of full-time and part-time Federal employees using the facilities;

(4) a discussion of any problems associated with the location of the facilities, including inaccessibility during winter months due to icy road conditions;

(5) a projection of the costs of repairing the facilities to alleviate the problem identified under paragraph (2); and

(6) any proposals for the National Marine Fisheries Service utilizing different facilities within the boundaries of the Kodiak Island Borough and the costs associated with these proposals, including the costs associated with co-locating in facilities with the University of Alaska.

SEC. 502. COMPLETION OF APPOINTMENTS TO FISHERY MANAGEMENT COUNCILS.

Not later than 1 day after the date of the enactment of this Act, the Secretary shall complete all of the Secretary's appointments of members for the Regional Fishery Management Councils established by section 302(a) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852(a)).

SEC. 503. ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN.

(a) SUBMISSION OF AMENDMENT BY NEW ENGLAND COUNCIL.—The New England Fishery Management Council is encouraged to submit to the Secretary of Commerce an amendment to the Atlantic Sea Scallop Fishery Management Plan, hereinafter in this section referred to as the "Plan". Any amendment submitted under this section shall—

(1) contain measures providing for the conservation and management of Atlantic sea scallops, that are not based on a scallop meat count but which may include controls on scallop harvesting effort; and

(2) consider the views of fishermen and fish processors involved in the Atlantic sea scallop fishery.

(b) PREPARATION OF AMENDMENT BY SECRETARY.—If no amendment is submitted under subsection (a) before one year after the date of the enactment of this Act, the Secretary of Commerce is encouraged to use his or her authority under section 304 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1854) to prepare the amendment described in subsection (a).

(c) NOT SYSTEM FOR LIMITING ACCESS.—Any amendment prepared by the Secretary under subsection (b) is not a system for limiting access, for purposes of section 303(b)(6) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1853(b)(6)).

SEC. 504. SENSE OF CONGRESS REGARDING MANAGEMENT PLAN FOR ATLANTIC BLUEFISH.

It is the sense of the Congress that, in developing a management plan for the Atlantic bluefish fishery, the Atlantic States Marine Fisheries Commission and the appropriate Regional Fishery Management Councils should—

(1) ensure that current and reliable scientific data is used to develop a management plan;

(2) consider the traditional practices used in the fishery by commercial and recreational fishermen from different States; and

(3) prescribe appropriate conservation and management measures which take into account variability within the fishery related to local conditions and differences in habitat quality and other relevant factors.

SEC. 505. SENSE OF CONGRESS REGARDING ACTIONS OF THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.

(a) FINDINGS.—The Congress finds that—

(1) the Government of the United States has unique obligations to the residents of the Pribilof Islands, Alaska, under the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.);

(2) the Government of the United States, the State of Alaska, and the residents of the Pribilof Islands have made significant financial investments in order to create an economy on the Pribilof Islands that is not dependent on sealing;

(3) the commercial fishing industry is important to the economy of coastal communities in the State of Alaska, including the numerous small villages on the coast of Alaska adjacent to the Bering Sea; and

(4) residents of a number of different States participate in the Alaska fisheries.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the North Pacific Fishery Management Council should include in fishery management plans such measures as may be necessary to meet the economic needs of all individuals and communities which are dependent on the living marine resources in the exclusive economic zone of Alaska.

SEC. 506. SENSE OF CONGRESS REGARDING ATLANTIC SWORDFISH FISHERY MANAGEMENT PLAN.

It is the sense of the Congress that, with respect to the Fishery Management Plan for the Atlantic Swordfish Fishery—

(1) the Secretary of Commerce should reinstate joint jurisdiction of the plan under the New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, the Gulf of Mexico Fishery Management Council, and the Caribean Fishery Management Council;

(2) future amendments to the plan should consider all reasonable measures for the conservation and management of the Atlantic swordfish fishery; and

(3) in developing amendments to the plan, the Councils should consider information provided by the United States fishing industry.

SEC. 507. SENSE OF CONGRESS REGARDING THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES (MACKERELS).

(a) AMENDMENT OF PLAN BY COUNCIL.—It is the sense of the Congress that the South Atlantic Fishery Management Council should develop an amendment or amendments to the Fishery Management Plan for the Coastal Migratory Pelagic Resources (Mackerels), and that the Secretary should immediately thereafter commence to implement that amendment or amendments through regulations, to assure that if it becomes necessary to close the mackerel fishery during a predetermined season or under a quota at a time by which the fishermen of a region or State traditionally involved in the fishery have not had an opportunity in that season to participate to an equitable and traditional degree in that fishery, that such closure shall be fair and equitable to all fishermen involved in the fishery.

(b) AMENDMENT OF PLAN BY SECRETARY.—If no amendment is submitted under subsection (a) before 3 months after the date of enactment of this Act, the Secretary of Commerce is encouraged to use authority under section 304(c) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1854(c)) to prepare the amendment described in subsection (a).

The SPEAKER pro tempore (Mr. MCDERMOTT). Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2061, a bill to reauthorize and strengthen the Fishery Conservation and Management Act, otherwise known as the 200-mile fishing limit law.

That law, enacted in 1976, was one of the most important economic development measures of the past quarter century. It served notice to the world that America will not stand by and watch its resources exploited and exhausted by the fishermen of other lands. It created tens of thousands of new jobs; revived coastal communities from Maine to Alaska; and helped our fishing industry to become one of the most modern, efficient, and productive on Earth.

The law has been a success. But the question we have been considering for the past year is whether the policies and practices that brought us through the first full decade of the 200-mile limit will be enough to carry us successfully through the second. The answer we found, at hearings from Boston to Washington to Seattle to Anchorage, was "no." We were told by fishermen from around this country that we need to put more emphasis on the "C" in FCMA—conservation—and that is exactly what we have done in the bill we bring to the floor today.

H.R. 2061 is, above all, a conservation bill. It will conserve by putting an end to large-scale drift net fishing in U.S. waters and by calling for the prohibition of this practice around the world. It will conserve by urging the United States to do all it can internationally to halt overfishing of mid-Atlantic swordfish and other billfish, for our fishermen cannot bear this burden alone. It will conserve by extending U.S. fisheries jurisdiction to tuna. And it will conserve by toughening the penalties assessed against those who violate our own fisheries conservation laws.

When hearings on this bill began last spring, I took special note of the depletion of groundfish stocks off the New England coast. I pointed out that landings of cod and haddock and flounder had declined by half from the 1970's, and by three-quarters from the decade before that. America's richest and most productive fishing ground was literally going to the dogfish.

The bill before us today will strengthen enforcement of New England fisheries conservation rules by toughening penalties for violating those rules. But it is even more important that our fishermen believe in the effectiveness and value of those rules, that they believe the law is fair and that they will benefit tomorrow from conservation today.

Late last month, we learned from our scientists that juvenile stocks of cod, haddock, and yellowtail flounder have reached the highest level in 9 years. That is the best news our fishermen have heard in a long time; it is confirmation that conservation works; and it should be a lesson to fishermen and fisheries managers around the country. The job of managing our fisheries is complex, frustrating, noisy and exhausting, but when done right, the rewards are well worth the price.

That message is what H.R. 2061 is all about, that fisheries conservation works, but that we cannot rest, in New England or as a nation, on the progress that has been made since 1976.

When new challenges arise, we must respond. And I would like to mention briefly two challenges that have indeed arisen since the FCMA was enacted.

Who could have conceived, in 1976, of fishing nets 30 and 40 miles long—plastic walls of death entangling birds, strangling marine mammals and vacuuming up fish of every size and species? This sort of drift net was unheard of 14 years ago. But today, every day, fishing vessels from Taiwan, Korea, and Japan leave enough nets drifting in the sea to encircle the entire globe. H.R. 2061 prohibits this destructive practice in U.S. waters, and calls upon the Secretary of State to initiate negotiations for a worldwide ban.

Now could we have known in 1976 that the division of fishing rights on Georges Bank would prove so difficult to resolve. Several times, in recent months, U.S. fishing boats have been fired upon by Canadian law enforcement vessels. We need an agreement between our Government and Canada's that will clarify the rules, protect the lives of our fishermen, and provide stronger incentives for fishermen on both sides of the boundary to obey the law. H.R. 2061 contains an amendment that I introduced to encourage Canada to reach just such an agreement.

H.R. 2061 was developed by this committee in characteristic bipartisan fashion. It is co-authored not only by the ranking minority member of our subcommittee, the gentleman from Alaska, but by literally a dozen committee members who have added important amendments or sections to the bill.

I also want to mention the strong support we have received from our chairman, the gentleman from North Carolina, Mr. Jones, and from the ranking member of the full committee, Mr. DAVIS.

I believe that H.R. 2061 is a good bill for the environment and for our economy; it reflects a great deal of work; and I urge Members to support its passage today.

Before concluding, I would like to cite a few other provisions of the bill that are of special importance or interest.

As I have said, H.R. 2061, for the first time, includes highly migratory species of tuna within the fisheries management jurisdiction of the United States. Today, the United States is one of a handful of countries that does not exert management authority over tuna. This position has been driven in the past by the need of the U.S. distant water tuna fleet to obtain access to fishing areas in coastal waters of other nations. With the successful conclusion of the South Pacific Tuna Treaty in 1987, however, we have successfully secured access for our fleet to some of the world's richest tuna fishing grounds.

It is important to understand that successful conservation and management of highly migratory species, such as tuna, marlin and swordfish, involves more than simply claiming jurisdiction over these fish when they frequent our waters. By nature, these beautiful fish swim throughout the oceans of the world and thus are caught by fishermen from many countries. Effective international conservation efforts are therefore essential. In recognition of this fact, H.R. 2061 adds swordfish and billfish to the list of those species which our fishery negotiators shall seek to conserve through international agreements.

Also included in the bill is the reauthorization of the Atlantic Tunas Convention Act and the Fisherman's Protective Act. Neither of these bills is controversial and the administration supports renewing them both.

Mr. Speaker, the report filed by our Committee—Report 101-393—on this bill provides a very detailed explanation of all the provisions of H.R. 2061. The bill at the desk is virtually identical to the one reported by the committee. We have made a few technical changes; we've dropped two sections of the bill which have been enacted into law since our committee markup, and we've deleted a section of the bill which dealt with the authority to regulate safety on fishing vessels due to concerns raised by the Education and Labor Committee. At this point, I would simply urge my colleagues to support the bill and reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2061 and the committee amendment and urge their adoption.

H.R. 2061 represents a year-long effort by the Committee on Merchant Marine and Fisheries to reauthorize and amend a number of statutes that form the cornerstone of our national fisheries policy. We have held hearings in Alaska, Massachusetts, Washington, Hawaii, and the District of Columbia. We have reviewed the testimony and comments of over 100 individuals and organizations. During markup, we debated dozens of amendments. The result is a bill that—while not perfect—represents the best efforts of our committee to further our national goals of fisheries conservation and management.

The chairman of the subcommittee has explained the contents of the bill and the committee amendment. A more detailed legislative history can be found in House Report 101-393, which should be used to determine the intent of this legislation. However, I want to discuss certain parts of the bill more thoroughly, especially those mentioned in the Statement of Administration Policy.

H.R. 2061 contains a number of amendments concerning the regional fishery management councils and fishery management plans. The administration disagrees with some of those amendments. Our committee helped create those councils and we have traditionally supported their efforts to conserve and manage our fisheries. Unfortunately, the councils are only as strong as their weakest members. Too often, the Governors in their nominations, and the Secretary in his appointments, have ignored the strict criteria established for council membership. We cannot have our fisheries managed by partisan politics, nor can we have a council system that ignores the concerns of fishermen and processors. While there are those among the councils and in the administration who object to these sections, let me warn them: These amendments reflect a growing discontent with the way council members are nominated and appointed, and with the way councils conduct their business. The amendments we are proposing strengthen the council system and fisheries conservation and management.

Section 118 of the bill adds a new provision of law relating to a North Pacific Fisheries Research Plan. This provision was carefully constructed to reflect concerns expressed by the Washington State delegation. It responds to a request from the administration that we consider a pay as you go approach to meeting additional research needs. This section is strongly supported by fishermen in the Pacific Northwest.

Because of this, I am dismayed by rumors that have reached my ears that some in the administration are advocating opposition to this section of the bill. I suspect that the basis for this rumored opposition is a lack of clear understanding of the language of the statute and the intent of the amendment as reflected in the committee report. I suggest that a detailed

examination of the report will satisfy these rumored concerns.

H.R. 2061 also addresses the problem of large-scale driftnet fishing, an issue recognized by commercial fishermen, sportsmen, and environmentalists as one of the major conservation problems of our times. The bill requires the Secretary of State to try to obtain an international agreement banning large-scale drift net fishing. It doesn't tell him how to do it, or when to do it. Further, as a showing of good faith, the bill bans large-scale drift net fishing in the U.S. exclusive economic zone. This ban has no effect on U.S. treaty obligations; it applies across the board to all fishermen. It merely limits the size of drift net that can be used in U.S. waters. This provision has a broad range of support, including in my State of Alaska, where I suspect there are more drift net fishermen than in any other State.

Mr. Speaker there are a lot of good things in this bill, including provisions requested by the administration. We are promoting conservation of fisheries habitat; strengthening fisheries enforcement; and easing certain regulatory burdens dealing with collection of fees and establishing fishing levels, both of which were contained in legislation transmitted by the administration. However, I have to point out two particular flaws.

First, the bill reverses the fine work done by the framers of the original act—including our late colleagues from the other body, Senators Scoop Jackson and Warren Magnuson—by disrupting the structure of the North Pacific Fishery Management Council, which is responsible solely for the waters off Alaska. I will not go into detail on the arguments against this section of the bill, nor will I take the time to provide an exhaustive list of the fishermen, fish processors, trade associations, and environmental groups from Alaska, Washington, and Oregon that oppose the changes made by the bill. My committee colleagues have heard it before. I will not discuss the extra costs to the taxpayer in making these changes. On this point, the bill is wrong, the committee knows it, and the fight will continue in the other body and in conference.

Second, the bill changes U.S. policy in regard to highly migratory species of tuna. My colleagues from California can explain the problems with this change far better than I, but let me say that it is costly to American fishermen in the Pacific, the Atlantic, and the Gulf of Mexico, it does nothing to promote conservation, and I believe it damages our long-term international efforts.

Mr. Speaker, there are problems with this bill, as I have mentioned. None of those problems are severe enough to vote against the bill at this time. The committee has made every effort to accommodate every point of view. While I may have temporarily lost in a couple of areas, I don't intend to be a sore loser: The good outweighs the bad in this legislation and I believe that H.R. 2061 should be adopted by the House. I urge you to vote in favor of H.R. 2061.

Mr. Speaker, I reserve the balance of my time.

□ 1250

Mr. STUDDS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I wish to thank the chairman for allowing me to speak on this bill. Especially considering my strong opposition to one particular provision contained in section 104 of the bill. This provision repeals section 102 of the current Magnuson Act thereby changing the longstanding policy of the United States with regard to the management of highly migratory species of fish such as tuna. This provision was adopted by the full committee by voice vote at a time when many of the committee members were not present at the markup. While I commend Chairman JONES and Subcommittee Chairman STUDDS for their diligent work on this bill, I agree with the dissenting views offered by the ranking member on the subcommittee, Mr. YOUNG, when he stated:

> Even though the language in section 104 now stands, it certainly cannot be represented as the intent of the committee.

Make no mistake, tuna is a highly migratory species and should be treated as such. As has been the case for over 40 years, tuna has been managed through international negotiations and organizations based on this classification.

The existing Magnuson law and current U.S. tuna management policy, recognizes foreign government's ability to retain 12 miles as territorial waters. Within the 12 miles, tuna is managed by the domestic governments, however, beyond 12 miles, the conservation and management of tuna is performed by international commissions.

This 12-mile limit is extremely important. Because of its highly migratory movements, the majority of all tuna caught is beyond this limit. For example, in the eastern Pacific Ocean, the yellowfin tuna resources travel through a 200-mile zone of nearly a dozen nations and thousands of miles out to sea. Therefore, if tuna management policies are to be effective, they will occur beyond this 12-mile limit, and where the tuna are concentrated. As the world's leader in tuna conservation, the United States has implemented laws and policies that target these areas. If a country refuses to abide by existing U.S. policy, provisions are contained in the existing law to shut off the U.S. market to that country. Because the United States represents 50 percent of the world's consumption of canned tuna, no country is willing to forgo access to our market. The foreign tuna industry's need for the U.S. marketplace has allowed the United States to establish tough and effective international tuna conservation and management laws.

However, under H.R. 2061, the United States will now recognize a nation's ability to regulate territorial waters out to 200 miles. In effect, this means that each sovereign country can regulate and manage tuna any way they see fit out to 200 miles. As any one in business knows, if you have a product that is in demand, you want to sell as much of it as you can, as quickly as you can. In the case of tuna, you fish more, and ship more to the United States, the big marketplace. Under H.R. 2061, the international management of tuna would no longer pertain to the area where most of the tuna is caught, so the United States has no method of recourse or leverage against countries that blatantly abuse and overfish the world's tuna resources. In short, the United States loses its position as the world leader in tuna conservation and management negotiations.

From a business perspective, I also know the importance of limiting competition. Because the United States catches most of its tuna off foreign coastlines, and beyond the current 12-mile limit, what incentive is there to allow the United States to continue fishing within the 200 miles of its coastline. Under H.R. 2061, a foreign country could close off access to the U.S. tuna fleet, a major competitor in the world market, and fish for as much tuna as the marketplace will accept, thereby depleting the world's tuna resources. The provision makes no sense economically or conservationally.

Even the Department of State, the entity that has negotiated the existing tuna management treaties, opposes this dramatic change in tuna management policy. Let me assure the Merchant Marine Committee members that it was never my intent to oppose this worthwhile legislation. As a whole it is a good bill that strengthens current fisheries conservation and management policy. However, the change in section 104 of the bill is bad, unwarranted, and outright contradictory to the overall bill.

In all likelihood, this bill will pass. However, when the domestic tuna industry, a $2 billion industry, collapses at the weight of this provision, I can say that I had no part in it. I know that I echo the sentiments of my colleague on the other side of the aisle, Mr. HUNTER, and I thank him for all his work.

To those of my colleagues that support American industry, and believe in effective fisheries conservation and management, I urge you to go on record as opposing this bill. I would also like to request that a copy of the letter of opposition that I sent to Chairman JONES on October 25, 1989, signed by myself, Congressmen PANETTA, WAXMAN, STARK, FAZIO, BOSCO, EDWARDS, BROWN, MATSUI, LEHMAN, CONDIT, TORRES, MARTINEZ, LANTOS, BATES, HAWKINS, and ROYBAL, be inserted in the RECORD at this point.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 25, 1989.

Hon. WALTER JONES,
Chairman, Committee on Merchant Marine and Fisheries.

DEAR MR. CHAIRMAN: As Members of the California Congressional Delegation, we are writing to express our concerns regarding the Magnuson Fishery Conservation and Management Act (MFCMA) as it relates to tuna.

As you are well aware, Mr. Chairman, on October 5, 1989, the House Merchant Marine and Fisheries Committee adopted by voice vote an amendment to H.R. 2061, a bill to reauthorize the Magnuson Fisheries Conservation and Management Act. In short, the amendment would repeal the long standing tuna management policy of the United States and rescind protections for the U.S. Tuna Fleet by allowing foreign countries to regulate the tuna fishery in waters beyond the 12 mile territorial sea. This amendment was previously rejected on October 4, 1989, by the Subcommittee on Fisheries and Wildlife Conservation and the Environment. It is our feeling that inclusion of this language in the bill will have a devastating impact on the United States domestic tuna industry. Considering the economic importance of this industry to the economies of California and the nation, we feel it is imperative that this matter receive your utmost attention.

The passage of the Tuna Amendment not only threatens tuna conservation, but also the economic future of the tuna fleet, tuna canners and related industries in California, Puerto Rico, American Samoa and Guam. In 1988, the wholesale value of all domestic and imported tuna products exceeded $2 billion. (Retail value would add another $2.1 billion.) In addition, tuna ranks first in consumption of canned fish in the United States, and the U.S. market for canned tuna is the world's largest. About 12,000 cannery workers employed at U.S. tuna canneries, and a fleet of about 400 vessels manned by about 3,000 fishermen will be directly impacted by this change in the tuna policy of the United States. The damage resulting to the U.S. tuna industry will most certainly benefit foreign tuna fleets in capturing the U.S. tuna market. Clearly, Mr. Chairman, you can understand the reasons for our concern.

In view of the urgency of the situation, we would appreciate your assistance in addressing this matter in the near future. Thank you for your time and attention to our concerns.

Sincerely,

Glenn M. Anderson, Leon E. Panetta, Fortney H. (Pete) Stark, Vic Fazio, Douglas H. Bosco, Don Edwards, Henry A. Waxman, George E. Brown, Jr., Robert T. Matsui, Edward R. Roybal, Augustus F. Hawkins, Jim Bates, Tom Lantos, Matthew G. Martinez, Esteban Edward Torres, Richard H. Lehman, Gary Condit.

Members of Congress.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, the origin of many good laws is a dream. The late Warren Magnuson hoped that one day our 200-mile fisheries conservation zone would be filled with American fishing boats and that processing plants would dot the shores. He wanted to see the vast riches of the ocean help make the lives of our citizens richer and healthier.

A dozen years after Congress passed the Fisheries Conservation and Management Act, Senator Magnuson's dream is a reality. And, today we commonly call this landmark bill the Magnuson Act.

The Magnuson Act is a tribute to the dedicated work of many. I especially want to thank our three colleagues who helped draft the original law: our subcommittee chairman, Congressman GERRY STUDDS and our ranking Republican, Congressman DON YOUNG. Congressman BILL HUGHES has helped forge many compromises, including one this year on council seats. Many others have worked to make this a very good bill.

We are proposing some important changes. First, Mr. Speaker, we are recognizing the importance of distant water fishermen from Washington and Oregon in the North Pacific. The committee bill adds two new seats to the North Pacific Fisheries Management Council, one for Oregon and one for Washington.

Second, Mr. Speaker, we recognize that we need data. Congressman YOUNG and I worked together to fashion an observer program for the North Pacific. This program will help us better manage the stocks in this rich fishery. Our amendment will allow the North Pacific Fisheries Management Council to collect a fee from the fishing industry to pay for observers on fishing boats and analyze the data they gather. This observer program will be developed by an expanded North Pacific Council, where there will be no cry of taxation without representation.

Third, Mr. Speaker, the committee accepted my amendment to expand the use of the capital construction fund accounts. Today, CCF accounts can only be used to build or remodel fishing vessels. My amendment will allow fishermen to use their accounts to comply with Federal environmental laws, like the Endangered Species Act or the Marine Mammal Protection Act. It will allow boatowners to make improvements to comply with the Fishing Vessel Safety Act. And, it will allow them to make modifications to guarantee the wholesomeness of the seafood they are catching.

Finally, Mr. Speaker, this bill addresses the threat of drift nets to our ocean environment and to our salmon and steelhead. Not only does our bill address the theft of salmon from the North Pacific, but it also expresses our concern for high seas drift netting in the South Pacific.

Later this week, a delegation from Japan will meet with United States and Canadian officials to discuss next year's drift net-monitoring efforts. Under international law, the salmon and steelhead swimming in the North Pacific belong to the country of origin. Yet, drift netters from Taiwan, South Korea, and Japan have been stealing our salmon. I urge Japan to accept the international consensus that if drift nets are to continue, they should be strictly monitored.

Mr. Speaker, drift nets threaten the world's oceans. Therefore, drift netting is an international problem which requires an international solution. Seabirds, marine mammals, and noncommercial fisheries are harvested indiscriminately. The United States can do more, and Japan and the other nations using drift nets can do more.

We must insist that Japan agree to the same terms that we have demanded of other drift netting countries. All their ships should have transponders, which can help us monitor their location. There should be enough observers to confirm which species of fish are being taken by their drift nets. We need an accurate accounting of what they are taking from the oceans. And, Japan should grant the United States Coast Guard boarding rights when their ships are located in waters where salmon can be caught.

Mr. Speaker, this bill is proof we are serious about protecting our fisheries and providing a voice for our seafood industry in developing this bill has taken a lot of time and hard work. We did not face the difficult issue of allocating pollock between at sea and onshore processing plants. The House bill recognizes the fact that coastal communities from Oregon, Washington, and Alaska depend on the bounty from the North Pacific fisheries. Had we done so, I would have been interested in learning more about the effect an allocation system would have on the international competitiveness of our seafood industry. Our seafood industry must compete from Japan to Europe. We still face trade barriers and we still have new markets to develop. Right now, an allocation system based on conservation of the fisheries can be designed by the North Pacific Fisheries Management Council.

Unfortunately, Mr. Speaker, that council suffers from two problems. Problems, I might note, that this bill seeks to address. First, the Council is

not representative of the industry it regulates. That is why I offered my amendment to expand the North Pacific Fisheries Management Council. To be a legitimate agent of management, the Council must be representative. It does not reflect the substantial role of Washington State's seafood industry in the North Pacific. There is no industry representative from Oregon. There is no room on the Council for a representative of the many constituents I represent. Today, my fisheries constituents include fixed gear fishermen who harvest halibut, crab, and salmon, factory trawlers who catch and process cod and pollock on board their ships, and shoreside processing plants. From scientists to fishermen, and from processors to environmentalists, we are short changed. The Hughes compromise amendment—adding an additional seat for Washington and an industry seat for Oregon—helps improve the representation of the Council.

Clearly, I recognize the importance of the seafood industry to Alaska, but at the same time, I want my constituents to have a fair voice on decisions which affect them. This amendment was supported by all the Washington State delegation and all the Oregon delegation.

A second problem this bill addresses is the lack of quality data. Again, this bill addresses this problem by including a new, industry financed observer and research program. Under this program, fees charged by the Council are limited to its direct costs. I join the committee in hoping that the Secretary of Commerce will work to coordinate other observer programs to hold these costs down.

As I noted, this amendment was developed by Congressman YOUNG and myself. We worked hard to help address this problem. During consideration of this bill during full committee markup, Congressman YOUNG and I had a colloquy over the process the Council would follow. We did not want anyone to misunderstand how this program would be designed and implemented. We agreed that the North Pacific Council would follow their procedures for developing amendments to a fishery management plan. The Council is bound by the national standards of the Magnuson Act and must gather public testimony, comments from the scientific community, and input from Federal officials, including the Northwest and Alaskan Fisheries Center. Finally, the Secretary of Commerce will then revisit the information gathered and hold two public hearings: One in Alaska and one in Washington State before deciding to approve, request modifications or disapprove the plan, depending on the comments received.

This observer and research program strikes a careful balance between the needs of the North Pacific Fisheries Management Council to develop sound fishery management plans and the needs of the Secretary of Commerce to ensure that national objectives are being addressed.

We also agreed that the amendment does not prejudice or in any way change the way in which observers are hired or trained. The amendment does not change how or where data is analyzed.

Mr. Speaker, on behalf of the 36,000 Washingtonians who work in the seafood industry, I want to thank my colleagues on the Merchant Marine and Fisheries Committee for their work on this important law. Mr. Speaker, it may surprise many to learn that fishermen from Washington State harvest 60 percent of the edible seafood caught in our 200-mile fishing zone. I am proud to represent the seafood capital of the United States in our Nation's Capital City.

Mr. Speaker, if we are to preserve the riches of the North Pacific fishery for generations to come, and at the same time harvest its bounty, we need this law. If we want the North Pacific Fisheries Management Council to be representative and if we want good data, we need this law. This bill provides for and helps protect our fisheries and our seafood industry. And, Mr. Speaker, this bill proves that dreams can become good public policies. Let us pass it today.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. Bosco].

Mr. BOSCO. Mr. Speaker, I want to join the others in commending especially our subcommittee chairman, the gentleman from Massachusetts [Mr. STUDDS], and our ranking member, the gentleman from Alaska [Mr. YOUNG].

I think particularly the gentleman from Massachusetts [Mr. STUDDS] has dealt with a number of extremely contentious items. Most people think that fisheries are a placid, quiet occupation, but those of us who represent fishing districts know that some of the greatest controversies imaginable arise over species of fish, seasons, netting, types of equipment to be used, and any number of other issues that this bill both directly and indirectly addresses.

I think that conservation has its costs. On the west coast we have seen our salmon fishing season go from months to weeks, and last year down to days. Many of the people who depend on catching fish for their living have suffered because of the many regulations set out under this and other management schemes, but all of this is worthwhile. Our fisheries are coming back. Our country is benefiting greatly from the foresight that is encompassed in the Magnuson Act.

This bill will strengthen the ability of average people to have a say in the process. First of all, it insists that technical teams and technical information be given review of the people who will suffer from any unnecessary regulations.

Second, it requires that when weather gets in the way of people going out to fish, that they be given another opportunity to fish so that they are not in effect deprived of the chance to get out, even when we know that there are fish stocks in the open sea.

Third, it will bar the management councils from delegating important decisionmaking to technical advisory groups. Although this seems somewhat unimportant on its face, often we find that technical groups who are not those who are supposed to be making these decisions do so.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I rise in support of H.R. 2061, the Magnuson Fishery Conservation Act. I understand that the administration opposes the bill. Admittedly, it may not be perfect; however, it is also not, and I emphasize not, in its final version. There will be an opportunity to address some of the issues of concern further in the Senate and in conference and in future amendments as well.

Quite frankly, I am not fully satisfied with the present language that includes tuna under the Act, because it does not clarify the authority of internationally-agreed-to management measures.

I see the possibility of encountering the same problems as illustrated in the current swordfish management decisions and conservation efforts—whereby in the absence of international cooperation, the entire responsibility for conservation is placed on domestic fishermen.

This is inefficient and ineffective. The result is not conservation of the resource but rather, larger foreign catches. Highly migratory species like tuna, swordfish, billfish, and sharks have an international component that must be included in any management plan.

There are some very good changes to the Magnuson Act included in H.R. 2061. Council nominees, and thus council members, must have a more direct knowledge and experience in fisheries conservation and management. Councils are required to establish industry advisory committees. Also council members cannot serve more than 2 consecutive terms. Enforcement is strengthened. Large-scale drift net fishing is banned.

I hope to get language which would require that domestic management plans for highly migratory species be developed in accordance with the recommendations agreed to by the International Convention for the Conservation of Atlantic Tuna [ICCAT].

Or to put it in words we can all understand and appreciate, the rules for our fishermen, should be the rules for all fishermen.

I ask my colleagues to vote for the passage of this bill. But let us work toward enforceable international conservation of our shared fishery resources.

□ 1300

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Speaker, I rise in support of H.R. 2061, the Magnuson Fishery Act reauthorization.

This bill allows for the continuation of exclusive authority for the United States over fishery resources within 200 miles of the U.S. coast.

Included in this bill is the reinstitution of two very important fisheries assistance programs, the Capital Construction Fund and the Fisheries Obligations Guarantee Program.

These two programs are very much needed and widely used by many fishermen in the United States as well as in my congressional district.

The Capital Construction Fund consists of funds that a fisherman puts aside from his own profits.

It's like a very good savings program in which funds can be used to refurbish a fishing vessel or buy a new one.

The Fisheries Guarantee Program provides fishermen with a slightly lower interest rate and the flexibility to finance for a longer period of time.

Fishermen must abide by the same stringent requirements for these guaranteed loans as they would for a regular bank loan.

These are the only two financial assistance programs available to fishermen.

Neither is a direct subsidy or grant program.

These programs have a proven track record and I commend the Merchant Marine and Fisheries Committee, the gentleman from Massachusetts [Mr. STUDDS], the gentleman from Alaska [Mr. YOUNG], and the rest of the Members for retaining these programs in this bill.

Mr. Speaker, I ask my colleagues to support it.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 4 minutes to the gentlewoman from Hawaii [Mrs. SAIKI].

Mrs. SAIKI. Mr. Speaker, I rise today in very strong support of H.R. 2061, to reauthorize the Fishery Conservation and Management Act, also known as the Studds-Magnuson Act.

Congressmen STUDDS and MAGNUSON originally wrote this legislation to develop U.S. domestic fisheries and to provide protections from foreign fishing interests. The passage of this act was a decision of landmark importance.

Many changes have occurred since this act was first passed in 1976. I believe that the Merchant Marine and Fisheries Committee has done a fine job in updating and improving this legislation.

I am especially pleased with the provisions of this bill to secure an international ban on large-scale drift net fishing, and to empower U.S. agencies to manage tuna fisheries in our waters. These two matters are of particular importance to the State of Hawaii and the Pacific island nations of the United States.

The sharp rise in drift net fishing by foreign fleets is an indication that, worldwide, our fishery resources are not being effectively managed.

We need to gather greater knowledge about our fisheries, and take steps to more effectively manage these resources. It is for this purpose that H.R. 2061 reverses the exclusion of tuna found in our waters. To continue to exclude one of our most important fishery resources from any management or conservation efforts would be shortsighted and inconsistent. The Magnuson Act for the first time will include tuna fisheries under national conservation and management programs, and I am pleased that this provision has been supported by such groups as the Sierra Club Legal Defense Fund, the National Wildlife Federation, and the National Audubon Society, to name a few, and the Governors of Hawaii, American Samoa, Guam, and the Northern Marianas.

I firmly believe that with the inclusion of this provision we will be able to accurately assess the populations and habits of tuna, and make decisions to judiciously manage this valuable resource for future generations. We cannot allow our tuna fisheries or any of our living marine resources to fall victim to the tragedy of the Commons.

I would also like to briefly clarify a few points raised in a recent Dear Colleague letter which opposed this amendment. That letter implied that managing our tuna fisheries is somehow an unusual and inconsistent policy. In fact, the bill now makes our tuna management policy consistent with our domestic policy and with the policies of the rest of the world. Only the United States and The Bahamas have failed to claim jurisdiction over their own tuna fisheries, and only tuna have been excluded from United States management efforts. Every other kind of fishery, including those which are highly migratory, has been conserved and managed under this act.

The Dear Colleague letter also implied that this bill would repeal international agreements to regulate tuna fishing. The fact is the bill does not repeal these agreements. I would remind the House that it was not too long ago that we had to pass the South Pacific Tuna Act in order to preserve our good relations with South Pacific nations which had been badly damaged by the actions of some in our commercial fishing industry. In that act, we explicitly recognized the right of those countries to claim jurisdiction of their tuna fisheries, a step which was taken in response to the wanton plundering and pirating of their tuna fisheries by some in our commercial industry.

Let me conclude, Mr. Speaker, by expressing a special thanks to Chairman JONES, Congressmen STUDDS, DAVIS, and YOUNG for their hard work on this bill, and to the members of the Merchant Marine and Fisheries Committee who showed much foresight in recognizing that proper management and conservation measures must begin in our own backyard.

I urge my colleagues to solidly support the passage of H.R. 2061.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise also in support of the reauthorization of the Magnuson Act.

As was stated previously, basically the Magnuson Act is an attempt, if you will, to balance conservation interests with those fishing economic interests that we have in the United States, and for those of us who represent coastal States, it really is a very important instrument of national policy.

I believe that, once again, this reauthorization does strike the proper balance between those conservation and economic interests. That is not to say that there are not problems with management of various species and with the fisheries industry.

In fact, in the act, we do have in the reauthorization two sense-of-Congress resolutions that deal with concerns that exist about fisheries management. I would like to mention two of them. One of them is with regard to bluefish. I have been very concerned at the committee hearings, expressing my concern that the proposed 10-fish limit on bluefish is basically unsupported by scientific data by the council that has adopted that plan. One of the provisions in the bill is a sense of Congress that better management and scientific data be used with regard to any bluefish management plan that is put into effect.

Already the swordfish management plan and the concern that we have with that has been mentioned, and there is a sense-of-Congress resolution in the reauthorization that asks that joint jurisdiction for five regional councils be reinstated with regard to swordfish, because the plan that has been put forth by the South Atlantic council basically would reduce domestic swordfish harvest by 78 percent which, in my opinion, is a severe hardship.

I wanted to mention the tuna provision. I do support the tuna provision that is in this bill. I believe very strongly that we need to maintain the United State's rightful claim to these waters with regard to tuna fisheries. As has been mentioned, only one country is left other than the United States that does not manage tuna within its 200-mile exclusive zone. Widespread reports exist in my district of tuna fleets, foreign tuna fleets, that have been in the 200-mile zone taking our tuna, particularly the Japanese, and I think that control within 200 miles of the tuna will improve our conservation and management efforts, which is why I support that tuna provision. I am very pleased it is included in this reauthorization.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNGER].

Mr. HUNTER. Mr. Speaker, I thank the committee chairman and my distinguished colleague from California for giving me the opportunity to make a few comments on the tuna provisions in the bill. Passage of this bill with the Saiki amendment not only threatens tuna conservation, but also the economic future of the U.S. tuna fleet and hundreds of jobs in related industries.

I take issue with the Saiki amendment.

Although I am well aware of the concerns which led to the amendment offered during the committee's deliberations, I believe it goes too far in setting a dangerous precedent. It would repeal the long standing tuna management policy of the United States which has allowed us to take a leadership role in tuna conservation worldwide.

By extending our jurisdiction over tuna to the 200-mile limit, we will send a message to other tuna fishing nations that will eventually cause severe overkill of tuna and have a very negative effect on this highly migratory species. In an attempt to solve what is basically a domestic dispute between commercial and recreational fisherman, we now have a bill that will undo 40 years of successful tuna management.

The administration is opposed to this provision because it will eliminate any incentive for foreign fishing nations to sit down with us and try to resolve fisheries access problems and conservation.

I certainly agree with my colleague that the overall bill will strengthen our fisheries conservation efforts and I strongly support that goal. However, the changes made in tuna management by this amendment are simply unacceptable and I urge my colleagues to oppose the bill.

□ 1310

Mr. STUDDS. Mr. Speaker, may I inquire about the remaining time on each side?

The SPEAKER pro tempore (Mr. MCDERMOTT). The gentleman from Massachusetts [Mr. STUDDS] has 6 minutes remaining, and the gentleman from Alaska [Mr. YOUNG] has 4 minutes remaining.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. JONES], chairman of the full committee.

Mr. JONES of North Carolina. Mr. Speaker, I rise today to urge my colleagues to support H.R. 2061, as amended, the Fishery Conservation Amendments of 1990.

The Magnuson Fishery Conservation and Management Act of 1976 [MFCMA] established a comprehensive system to conserve and manage the Nation's marine fishery resources. Under this system, the volume and value of the U.S. fisheries have increased dramatically with corresponding benefits to the national economy and to the consumer.

Conditions in the fisheries have continued to change in recent years, and new problems have arisen. There is now a need to reauthorize and amend several fisheries statutes—particularly the MFCMA—to address these problems.

H.R. 2061 further strengthens and improves the conservation and management of the Nation's fishery resources by amending the MFCMA to make it clear that the Congress intends that the practice of large scale driftnet fishing on the high seas should be ended by international agreement as soon as possible; to increase the MFCMA's emphasis on conservation; to include highly migratory species of tuna under the act; to strengthen fisheries law enforcement; to strengthen the fishery management council system; to reauthorize the MFCMA through fiscal year 1993; and to make a number of other noncontroversial and technical changes.

H.R. 2061 also contains provisions to reauthorize and amend the Atlantic Tuna Act, the Fishermen's Protective Act, and the Capital Construction Fund, and various other miscellaneous provisions.

I would like to highlight several provisions of particular interest to North Carolina.

One provision addresses an unfair provision in the MFCMA. The current judicial review provision in section 305(d) of that act requires that all legal challenges to fisheries management decisions be brought within 30 days after regulations implementing a fishery management plan have been issued.

This places persons affected by the regulations in an impossible situation: if they sue in anticipation of possible future adverse impacts, their challenge can be dismissed as premature and not ripe for judicial review. If they wait until they suffer actual injury from implementing measures such as closures of a fishery announced later on in the fishing year, they can be thrown out of court because the 30-day statute of limitations has expired.

This is not a hypothetical situation. The State of North Carolina recently lost a legal challenge to a king mackerel closure in Federal court because of this "catch-22" dilemma.

A provision of H.R. 2061 would avoid this dilemma by permitting suit either when initial management plan regulations are issued or when implementing actions are put into effect. It does not otherwise change the judicial review provisions of the act, and would not disrupt appropriate fishery management activities.

The Magnuson Act also prohibits injunctive relief in regard to fishery management measures. H.R. 2061 does not abolish this prohibition but would simply expedite the process under which a plaintiff could receive an answer to a complaint and have timely access to the administrative record underlying the regulations at issue.

Another provision of H.R. 2061 expresses the sense of Congress regarding the fishery management plan for king mackerel, a species of great importance to the fisheries of North Carolina.

King mackerel migrate up the Atlantic coast from Florida to North Carolina and beyond. The management plan for this species puts into place a single quota for king mackerel. In recent years, a majority of that quota has been caught in the South, and the fishery has been closed, before the mackerel migrate to within reach of the North Carolina fishery. Thus, the traditional North Carolina fishery that has for years relied on the king mackerel, has been prevented from having an equitable opportunity to participate in fishing under the quota.

A provision in this bill attempts to correct this inequity by expressing the sense of Congress that future closures shall be fair and equitable to all fishermen throughout the region of the plan.

I note that the bill makes a major policy change by eliminating the current exclusion of highly migratory species such as tuna. It is not yet clear what the Senate will do on this matter, so it is possible that the House may have to deal with this issue again later this year.

I would also like to take this opportunity to compliment the chairman and ranking minority member of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, my colleagues Mr. STUDDS and

MR. YOUNG, for their leadership in developing and reporting this important piece of legislation. Consistent with its traditional practice, the subcommittee has once again addressed an important natural resource issue in a cooperative bipartisan manner.

I urge my colleagues to support this important bill.

Mr. STUDDS. Mr Speaker, I yield 2 minutes to the distinguished gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I rise to support the bill. I commend the distinguished gentleman from North Carolina [Mr. JONES], chairman of the Committee on Merchant Marine and Fisheries, and the distinguished gentleman from Massachusetts [Mr. STUDDS], chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment for their leadership. Their efforts have strengthened the conservation mandate of the Magnuson-Studds Act by taking major steps to improve the management of our Nation's fishery resources. I am particularly pleased that the bill before us today establishes a new national policy to achieve international agreements on banning high seas driftnets. This is an approach I took in my bill, H.R. 2958, that has over 50 cosponsors.

There are those who say it is premature to begin working toward international bans on high seas driftnets. The administration prefers to study and then to study the issue some more. But we already know our salmon are being stolen and we know all sorts of marine animals are being systematically slaughtered. All the studies in the world are not going to stop that. It is time for action.

Mr. Speaker, in light of everything we already know about this problem, in light of the support by the resolution adopted by the United Nations calling for a ban in 1992, it is time we do more than just study. Further studies would be insulting to our fishermen and reckless with the world's marine resources. We are far beyond the point of studying this horribly destructive technology. It is time we get tough and it is time for action.

Mr. Speaker, under current law the councils recommend to the Secretary of Commerce allocation quotas among U.S. fish harvesters. At present there is considerable controversy in the North Pacific regarding the councils' authority to allocate fish between U.S. fishermen based upon where the fish will be processed; specifically, among at-sea or land-based operations.

I would ask the gentleman from Massachusetts, chairman of the subcommittee, is there anything in the bill that gives the councils any new authority to make these decisions?

Mr. STUDDS. Mr. Speaker, if the gentlewoman will yield, I will say to her that the bill does not address that point in any way at all. It does not speak to it.

Mrs. UNSOELD. I thank the gentleman from Massachusetts.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, following on the question by the gentlewoman from Washington, I would say to the chairman of the subcommittee it also does not decrease that authority in any way or fashion either, does it?

Mr. STUDDS. If the gentleman will yield, he is correct. It does not speak to the question in any way.

Mr. YOUNG of Alaska. It is neutral.

Mr. Speaker, I would like to further my arguments in favor of this legislation. Although I have had correspondence as of this morning that the larger fishing group is opposed to the legislation, but at this late date to ask that the bill be withdrawn from the floor I think is inappropriate because of the time that has been put forth by the members of the committee in good faith to have legislation that would move on to the other side.

The main objection comes from the makeup of the council and the amendment adopted by the council. I am in total agreement with what the fishing association in my State has said. It is inappropriate and it was incorrect and in fact it broke with the historical background of the Magnuson Act.

Warren Magnuson supported the makeup of the council in Alaska, giving the majority of the seats to Alaskans by one. It was agreed to by Senator Jackson. It is part of the package from 1976.

I will not rehash all of the arguments for and against. All I am going to suggest respectfully is that I understand the frustration and the dissatisfaction of the United Fishermen of Alaska and their position. But hopefully we will see the wisdom of the total package in this legislation and what it has done for the fishermen of Alaska, the economic benefits and for the species of fish which were being depleted by foreign countries. As time goes on and the process continues with the Senate, and there is some conference, possibly there will be much wiser minds that will come forth with a better solution for everyone.

So, again, Mr. Speaker, I urge those who might oppose this legislation to look at the bright side, the pluses. And for the administration who opposes the legislation, please, I urge them to study it and to look at what has occurred off our shores over these years since 1976. This is a boon to the Nation and it is a bright spot economically not only in Alaska, but also Washington, Oregon, California, Massachusetts and all of the Eastern States who are involved in the 200-mile limit.

So this is a needed piece of legislation and should become a reality today. I urge my colleagues to vote for the legislation, recognizing it is not perfect, but it is a good effort by the committee to come forth, I believe, with the most important factors, and that is saving of the species and providing an economic basis for the fishermen.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I am glad to yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding. I understand the gentleman's opposition to the administration's opposition to the bill. But I am troubled by the one facet of that opposition by the administration which is the so called limitation on the power of the Executive. It seems to indicate that somehow this bill unconstitutionally limits the power of the President, particularly in the power of appointment.

How does the gentleman face that type of opposition, which is always very important to me and others in all of the matters that come before the House, let alone this particular piece of legislation?

Mr. YOUNG of Alaska. If I may say so, this bill in no way limits the power of the President. This was addressed in the original bill.

The bill requires a report from the Secretary of State on any recommended legislation. It does not limit the President in any way. In fact, this is basically the same language we had in 1976. This is why I was referring to the administration and encouraging them to read the bill, read the first bill and read the second bill, and they will see that there is very little if any change at all. I wondered why they came forth with an objection, and I suggest respectfully to my good friend that there is somebody down there in the bowels of the administration who did not take the time to study the history of the legislation.

□ 1320

Mr. GEKAS. I thank the gentleman. I would have to in order to do my duty in fully examining this legislation——

Mr. YOUNG of Alaska. I would think nothing less if the gentleman did not. But the Presidents of both parties have signed these bills into law. This is nothing new. This is why I am very concerned when someone sends something down and says the administration opposes it "because of." Why did we not do such?

Mr. GEKAS. If the gentleman would yield further, was there such administration opposition in 1976, does the gentleman recall?

Mr. YOUNG of Alaska. Absolutely not. They opposed it on another basis.

They opposed it because it would interfere with international treaty, but not on the Presidential limitation.

Mr. GEKAS. Someone is confused.

Mr. YOUNG of Alaska. Certainly not me.

Mr. STUDDS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 2061, the Magnuson Fishery Conservation and Management Authorizations Act. It is a good bill. I urge my colleagues to support it.

Mr. Speaker, I rise in support of H.R. 2061, the Magnuson Fishery Conservation and Management Authorization Act. This legislation strengthens efforts by Congress to promote effective management and conservation of our fishery resources.

The Magnuson Fishery Conservation and Management Act of 1976, was a landmark decision by Congress to protect U.S. fishery resources. It established a 200-mile fishery conservation zone—which placed all marine fishery resources within this boundary under national jurisdiction—and set up eight regional fishery management councils to prepare management plans for those fisheries which were considered as requiring Federal management.

Since the enactment of the Magnuson Act, there has been an increasing trend in the amount of fish consumed in the United States and harvested within our 200-mile exclusive economic zone. Per capita consumption of fish and shellfish has increased from 13 pounds per person per year in 1980, to 15 pounds in 1988. Commercial landings have increased in 1980, from 6.5 billion pounds valued at $2.2 billion, to a record 7.2 billion pounds having a value of $3.5 billion in 1988.

As one Member representing a coastal area where fishing is a major part of the local economy, I recognize the importance of preventing overfishing while also maintaining the livelihood of those involved in the fishing industry.

Oftentimes, scientists have turned to fishermen for information about fish stocks, habitat, and seasonal variations. Fishermen could also provide invaluable assistance to the regional fishery management councils with their development of fishery management plans. This bill includes an amendment which I offered to establish fishing industry advisory committees that would work with the councils to provide direct input and recommendations to fishery management plans.

This legislation would also prohibit the use of large-scale drift net fishing domestically and internationally. In addition, H.R. 2061 recognizes the need to better address the management of the swordfish fishery by encouraging the Secretary of Commerce to reinstate a multicouncil plan and by emphasizing international conservation and management that would be comparable to measures regulating U.S. fishermen.

As more fishermen continue to enter the fishing industry and conditions in national and international fisheries continue to change, the cooperation and participation of knowledgeable and experienced people will be necessary to put sound conservation practices in place and effectively manage our fishery resources.

I commend the efforts of Chairman STUDDS and my colleagues on the Merchant Marine and Fisheries Committee on this initiative. It's a good bill and I urge my colleagues to support it.

Mr. STUDDS. Mr. Speaker, I would like to reserve the final minute for myself for closing. Pending that, I yield the balance of my time, minus that 1 minute, to the gentleman from Delaware. [Mr. CARPER].

The SPEAKER pro tempore (Mr. MCDERMOTT). The gentleman from Delaware is recognized for 1 minute.

Mr. CARPER. Mr. Speaker, two points: First, on drift nets, the language in our bill on drift nets in which we prohibit United States fishermen from using drift nets within 200 miles of our borders I think is a sound proposal, one that we should support.

I also think Mrs. UNSOELD is to be commended for her language which would require the Secretary of State, our Secretary of State, to seek an international ban on drift net fishing.

The one part of our bill that seems to have aroused some controversy is whether or not we should begin to manage domestically our tuna. Let me just say that the United States is the only major country which does not now manage its own tuna stocks, the only one. Tuna are the only highly migratory species which are not managed domestically. I think it is clear, we have sound empirical data, we show a steady decline in tuna stocks as well as other fish, swordfish and sharks, that are also caught with the tuna.

Based on this fact, the international commission that is in place, that is in effect today, is not working. This legislation goes a long way toward correcting that.

Mr. STUDDS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I commend the gentleman from Delaware for his observation. I commend the gentleman from Alaska and reassure the Members that he is not, never has been and probably never will be confused. It would be a precedent worthy of parlimentary attention were that to occur.

Mr. Speaker, the only objection we raised in debate was that of Mr. ANDERSON of California with respect to the tuna provision. Let me reassure Members first of all that there are only one or two nations on the face of the Earth who do not assert jurisdiction. We are simply coming into compliance with existing international law.

Second, we just initiated a treaty with a whole bunch of island nations in the South Pacific which cost us $60 million to have the right to fish in their waters for tuna, a de facto recognition that they indeed have that right.

Finally, to say this is also a conservation issue, particularly on the east and gulf coasts. There is nothing upsetting or radical or dangerously new in this bill.

The gentleman from Alaska, as usual, has spoken his good common sense in support of it, and I would urge Members to support the bill.

Mr. AUCOIN. I rise in support of this bill to reauthorize the Magnuson Fishery Conservation and Management Act. We have come a long way toward the goal we set 14 years ago in the original legislation—to claim fishery resources within 200 miles of our coasts for American producers and to make full, sustainable use of those resources through wise and careful management.

I commend the committee for its hard work on this measure and their efforts to work through a number of contentious issues. As a former member of Merchant Marine and Fisheries Committee who participated in drafting the original Magnuson Act, I know how difficult it can be to reconcile so many differences on issues that go straight to the livelihood of those who make their living from the sea. And I look forward to continuing to work together with members of the committee when they go to conference on this bill.

The measure before us today is not a simple one. It seems no fisheries measure is without controversy, and I cannot support every part of the bill with equal enthusiasm. But in my view there are three provisions which deserve our attention today and our strongest support.

First, this bill takes a tough stand against high seas driftnets, the scourge of Pacific Ocean fisheries. Though our enforcement agents have made progress against illegal high seas interception of salmon and other valuable resources, and though the State Department has made some progress with agreements to curtail some drift netting and monitor the rest, we haven't gone far enough. The bill, through an amendment by my colleague from Washington, Ms. UNSOELD, requires the Secretary of State to seek an international ban on high seas driftnets. This step is absolutely critical to the survival of our fish and wildlife in the Pacific and should be one of our highest foreign policy objectives.

Second, the bill strengthens fishery law enforcement through a provision I authored to create an asset forfeiture system similar to what we have with customs law. Foreign fleets who violate our laws by fishing clandestinely in our waters or by taking our migratory resources have much to fear from this provision, because it will make the forfeited property of fishery law violators available to pay for a range of enforcement activities which are presently underfunded.

Third, the bill redresses a regional imbalance in the composition of the North Pacific Fishery Management Council. Though fishermen from Oregon and Washington take over 80 percent of the catch in the area managed by the North Pacific Council, members from these two States are in the minority on the council. This is especially unjust to Oregon fishermen, who have no at-large representation on the council. The bill adds two mem-

bers to the council, one from Oregon and one from Washington, which will give the two States a combined delegation equal in number to the members from Alaska. The new balance is overdue and deserves the strong support of the Congress.

Finally, Mr. Speaker, I want to point out that a good Magnuson Act reauthorization bill will accomplish little if the funding for fisheries research, management, and enforcement is not provided to carry it out. Fishermen cannot use a resource which is put off-limits because the management councils do not have adequate research and data collection to document that the fish are there in sufficient numbers to catch on a sustained basis.

Unfortunately, the Reagan and Bush administrations have failed to recognize this basic fact of life. Though better than in previous years, the budget just presented last week still calls for a substantial cut in funding for fisheries. The Appropriations Committee will once again have to make up the difference, as it has for the last 10 years. I know that members of Merchant Marine and Fisheries back us up in this cause.

The productive waters of the Pacific Northwest and Alaska account for 70 percent of the value of fish taken throughout the entire EEZ of the United States. In the region fish are a $3.5 billion industry which makes more than a $1 billion contribution to our trade balance. The States of the Pacific Coast already shoulder most of the responsibility for stewardship of these resources. Together they spend over $160 million for fisheries research and management. That nearly equals the entire Federal budget for fisheries. And yet only one-third of the national funding goes to the Pacific Northwest and Alaska. It is time the administration faced up to its responsibilities for a robust fisheries economy.

Mr. Speaker, thank you again for this opportunity to support responsible fisheries management through reauthorization of the Magnuson Act. I urge the support of my colleagues for this bill.

Mr. LOWERY of California. Mr. Speaker, I rise today to convey my serious concerns with H.R. 2061, the Magnuson Fisheries Conservation and Management Act [MFCMA] reauthorization. The bill before this body today contains a provision which would prove extremely detrimental to the U.S. domestic tuna industry.

An amendment approved during the committee's consideration of this bill would for, the first time in history, include tuna under the management authority of the MFCMA, thereby, recognizing a nation's ability to regulate their waters out to 200 miles with respect to tuna management. Due to the highly migratory nature of tuna, the current U.S. tuna management policy and law recognizes only 12-mile territorial limits in foreign waters.

By rescinding this long-standing tuna management policy, H.R. 2061 would seriously compromise the U.S. ability to negotiate multinational treaties in order to establish and maintain programs for tuna management and conservation.

Mr. Speaker, as you are probably aware, the U.S. tuna industry is one of the nation's most valuable fishing industries. Throughout the Nation, there currently exists a fleet of about 400 vessels manned by about 3,000 fisherman. Not only is the United States one of the largest producers in the tuna industry, we are the largest consumers. Tuna ranks first in consumption of canned fish in the United States, and the U.S. market for canned tuna is the world's largest. With about 12,000 cannery workers employed at U.S. tuna canneries one can clearly comprehend the negative economic implications this change in tuna policy would produce.

In closing, Mr. Speaker, due to the great economic importance of the tuna industry not only to California, but the Nation, I oppose this legislation in its present form.

Mr. SHAW. Mr. Speaker, today I rise in support of H.R. 2061, the Magnuson Fisheries Conservation and Management Act. I would like to bring to my colleagues' attention a specific provision contained in H.R. 2061 which I have actively supported in the past. I am referring to an amendment introduced in the Merchant Marine and Fisheries Committee by Congresswoman SAIKI which would include tuna under the management authority of the act. Previously, I sponsored legislation with Representative SAIKI which would accomplish the same goals embodied in that amendment.

Managing tuna under the Magnuson Act is not a radical proposal; of the atlantic coastal nations, only The Bahamas and the United States do not manage tuna within their exclusive economic zone. Although there is opposition to H.R. 2061 because of the inclusion of tuna, I believe in the long term, both commercial and recreational fishermen will reap the benefits of including tuna under this act. Inclusion will allow us to implement conservation measures which will restore populations of those stocks that have been seriously depleted in the past, such as the Atlantic bluefin tuna.

The exclusion of tuna from management has also led to the serious depletion of the stocks of such species as sharks, swordfish, and billfish. Large tuna fishing operations that use longlines usually results in the catching of related species like swordfish and sharks. Effective management of swordfish populations, an important resource for both sport and commercial fishermen, is impossible without the ability to regulate tuna.

Also several major environmental groups, such as the National Wildlife Federation, The Center for Marine Conservation, The National Audubon Society, the world wildlife fund and the environmental defense fund support the inclusion of tuna. These organizations recognize the importance of managing our open sea fisheries. I, too, realize the importance of conserving our fishery resources. I urge my colleagues to support these conservation measures by supporting passage of H.R. 2061.

Mr. WELDON. Mr. Speaker, I rise in strong support of H.R. 2061. During the reauthorization process for the Magnuson Fisheries Conservation and Management Act the Merchant Marine and Fisheries Committee included several important conservation measures within the act.

H.R. 2061 bans large scale driftnet fishing within the U.S. 200-mile exclusive economic zone and instructs the U.S. Secretary of State to work for a worldwide ban on this destructive practice.

We have all heard of the damage the marine environment has suffered at the hands of these mile long indiscriminant killers. The practice of drift netting must end, and H.R. 2061 takes strong and positive steps in that direction.

H.R. 2061 also allows for the management of U.S. tuna stocks. Management that was previously impossible, although all scientific evidence indicated that tuna is neither more migratory than other fish already regulated by the act, nor less susceptible to overfishing.

As a chief steward of the Earth, it is vital that the United States take a leading role in the conservation of important species. The Magnuson Act accomplishes this goal, and I urge my colleagues to support this important conservation measure.

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of the Fishery Conservation Amendments Act of 1989, House Resolution 2061. The legislation contains provisions which address the threat of drift net fishing to marine mammals and the tuna industry in the Pacific. The potential damages to tuna stocks in the Pacific has generated concern among the leaders of the island nations of the Pacific. They perceive drift nets as a threat to their marine environment and their economy as they depend on tuna as a significant resource and source of funds. For some of these island States, licensing fees from foreign vessels fishing within their 200-mile extended economic zone has totaled up to 20 percent of their annual budget. One-fifth of the U.S. budget for fiscal year 1991 would be approximately $225 billion. That would be the staggering equivalent of the loss or threatened loss of $225 billion of the fiscal year 1991 budget.

Fifteen nations of the South Pacific gathered in Tarawa, the capital of Kiribati in July 1989, to develop a consensus on what action should be taken to stop drift net fishing. A joint declaration was issued in Tarawa bringing the threat of drift net fishing to the world's attention.

I subsequently introduced House Resolution 3373 with a number of my colleagues supporting the Tarawa declaration's call for the international community's support of a regional convention establishing a drift net free zone in the South Pacific. The operative language of the resolution is reflected in the policy section of the legislation before the House today.

The unwanton killing of whales and dolphins and the indiscriminate catching of marine life by drift nets is unacceptable and a threat to our ocean which must be stopped. I urge my colleagues to support the establishment of U.S. policy against the use of drift nets by voting in favor of the Fishery Conservation Amendments Act.

Mr. DENNY SMITH. Mr. Speaker, I rise in full support of H.R. 2061, the Magnuson Fisheries Conservation and Management Act.

Over the past several years America's natural marine resources have been grossly depleted by the negligent and illegal commercial fishing practices of foreign fishing fleets. In my own State alone, Oregon's annual salmon runs have been noticeably reduced by such practices of the Pacific Northwest Coast. The most devastating and common of these practices has been the reckless use of drift nets.

The illegal practices of foreign drift net fleets pose a competitive threat to America's commercial fishermen, who follow U.S. laws and environmentally sound practices. In addition, they threaten to permanently harm our ecosystem. These fleets are also costly to Oregon's power producers and rate payers who have spent over $1 billion to restore fish runs which are now being wiped out by these indiscriminate drift nets.

The Magnuson Act creates an exclusive economic zone for the U.S. management of ocean fishing, in accordance with international agreements. Provisions of this bill establish a ban on drift net practices making international commercial fishing more competitive and fair, while preserving ocean resources. As a cosponsor of legislation to ban the use of drift nets, I fully support these provisions.

These provisions are so important to Pacific and Gulf Coast States that the Magnuson Act cannot be ignored. I urge my colleagues to support H.R. 2061.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 2061, as amended.

The question was taken.

Mr. ANDERSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING A PERFORMANCE BY THE AMERICAN-SOVIET YOUTH ORCHESTRA

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 198) authorizing a concert performance on the Capitol Grounds, as amended.

The Clerk read as follows:

H. CON. RES. 198

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF A CONCERT PERFORMANCE ON THE CAPITOL GROUNDS.

On August 28, 1990, or August 29, 1990, the National Park Service may sponsor a free concert by the American Soviet Youth Orchestra on the Capitol grounds.

SEC. 2. SECURITY AND PHYSICAL PREPARATIONS.

The Capitol Police Board shall take such action as may be necessary to carry out section 1. The Architect of the Capitol may prescribe conditions for physical preparations for the concert.

The SPEAKER pro tempore. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 198 authorizes a concert performance on the Capitol Grounds on August 28 or August 29, 1990, by the American-Soviet Youth Orchestra.

The American-Soviet Youth Orchestra is composed of college musicians from around the United States under the sponsorship of the Conservatory of Music at Oberlin College in Ohio, and Soviet musicians from the Moscow Conservatory of Music. The First Lady, Barbara Bush, is the American honorary chairman of the orchestra.

This resolution is needed since the orchestra will be using the stage and tent used by the national symphony for their summer concerts on the Capitol Grounds, and structures may not be erected on the grounds without this type of a waiver.

Mr. Speaker, this should be an enjoyable concert for the public, and I believe that this program will help young people of the United States and the Soviet Union recognize the common bonds they share. I urge my colleagues to support passage of House Concurrent Resolution 198.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my support for this resolution which would authorize a performance by the American-Soviet Youth Orchestra on the Capitol Grounds

I understand that Barbara Bush serves as the American honorary chairperson of the orchestra, with Raisa Gorbachev serving as the Soviet honorary chairperson.

This orchestra, composed of talented young American and Soviet musicians, will perform in both the United States and the Soviet Union. Sponsored by the Conservatory of Music at Oberlin College and the Moscow Conservatory of Music, this performing arts exchange program includes cultural training and the opportunity to stay in homes of families in the host countries. I am sure it will be a valuable learning experience for the young people involved.

This resolution will authorize a concert on the Capitol Grounds on either August 28 or August 29, 1990. The orchestra will use the facilities that will be in place for the annual national symphony Labor Day concert. No Federal funds are involved and additional expenses, if any, would be the responsibility of the orchestra sponsors. A similar resolution was passed by the Senate last year.

In support of the American-Soviet Youth Orchestra, I urge passage of House Concurrent Resolution 198 today.

Mr. ANDERSON. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I first would like to thank Chairman ANDERSON for his expeditious handling of this bill. Plans are afoot to allow the American-Soviet Youth Orchestra to perform on the Capitol Grounds. A lot of preliminary work, preparatory work has to be undertaken. It is very important that we get this permission as soon as possible.

Chairman ANDERSON has been very, very helpful in moving this bill forward.

As has been said by other speakers, the American-Soviet Youth Orchestra is sponsored by the Conservatory of Music at Oberlin College, which is in my district, and by the Moscow Conservatory of Music and the Soviet Ministry of Culture.

Its mission is to help young musicians and their audiences to learn from each other and to live together in the same spirit of harmony that their music engenders.

First Lady Barbara Bush is the American honorary chairperson of the orchestra, as you have heard, and Raisa Gorbachev is the honorary Soviet chairperson.

Mr. Speaker, this is the second year that the finest young musicians from both the United States and the Soviet Union will be selected for the orchestra, which will make concert tours in both countries.

This year in the United States, for example, they will be playing here in Washington and in my hometown of Oberlin, also at Epcot Center and at the Hollywood Bowl.

In many communities where they perform, the musicians join with the local educational and other institutions to give chamber ensembles and master classes.

The effort is intended to reach and influence a grass-roots constituency and to familiarize people through music with language, the customs and political systems of another country.

□ 1330

The orchestra does need the permission of Congress to perform on the left lawn. This concurrent resolution simply provides that permission, and does not have funding as an objective.

Again, Mr. Speaker, I would like to thank the gentleman from California [Mr. ANDERSON] and his committee for their expeditious treatment of this resolution. I just want to say that I think this is a small but important step toward increasing understanding between the United States and the Soviet Union. As we all know, there

are truly momentous events occurring in the Soviet Union every day, and we have an opportunity unparalleled, it seems to me, for Americans and Soviet citizens to understand each other and draw closer together in the name of world peace.

The American-Soviet Youth Orchestra certainly will be helpful in that regard. I urge support for this bill.

Mr. PETRI. Mr. Speaker, House Concurrent Resolution 198 would authorize a free concert by the American Soviet Youth Orchestra to be given August 28 or 29, 1990, on the Capitol Grounds.

The resolution we are considering today is similar to one passed by the Senate last year. The National Symphony will have facilities set up for its annual Labor Day Concert and these will be used by the Youth Orchestra. Additional costs, if any, will be absorbed by the American Soviet Youth Orchestra.

This Orchestra is a cross-cultural performing arts group of young Soviet and American musicians. In addition to performing in the United States and the Soviet Union, these talented young musicians will receive cultural training and learn more about their host countries by staying with local families during their tours.

The Youth Orchestra is sponsored by the Conservatory of Music at Oberlin College—which is located in the district of Congressman PEASE, the sponsor of the resolution—and the Moscow Conservatory of Music. I urge my colleagues to join me in supporting passage of House Concurrent Resolution 198.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 198) as amended.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Concurrent Resolution 198, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR THE USE AND DISTRIBUTION OF FUNDS AWARDED THE SEMINOLE INDIAN

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1096) to provide for the use and distribution of funds awarded the Seminole Indian in dockets 73, 151, and 73-A of the Indian Claims Commission, as amended.

The Clerk read as follows:

S. 1096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Act of October 19, 1973 (87 Stat. 466; 25 U.S.C. 1401, et seq.), or any other law, regulation, or plan promulgated pursuant thereto, the funds appropriated in satisfaction of judgments awarded to the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission shall be used and distributed as provided in this Act.

SEC. 2. (a) The funds appropriated with respect to the judgments awarded to the Seminole Indians in dockets 73 and 151 of the Indian Claims Commission (less attorney fees and litigation expenses), including all interest and investment income accrued thereon, are allocated hereby as follows:

(1) 73 per centum of such funds are allocated to the Seminole Nation of Oklahoma; and

(2) 27 per centum of such funds shall be allocated among the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida and the independent Seminole Indians of Florida.

(b) The funds that are required under subsection (a) of this section to be allocated among the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, and the independent Seminole Indians of Florida, and all of the funds appropriated with respect to the judgment awarded to the Seminole Indians in docket 73-A (less attorney fees and litigation expenses), including all interest and investment income accrued thereon, shall be allocated as follows:

(1) the Seminole Tribe of Florida, 77.20 per centum;

(2) the Miccosukee Tribe of Indians of Florida, 18.16 per centum; and

(3) the independent Seminole Indians of Florida (as a group), 4.64 per centum.

SEC. 3. (a) A propsed plan for the use and distribution of the funds allocated to the Seminole Nation of Oklahoma under section 2 of this Act may be prepared by the governing body of the Seminole Nation of Oklahoma in consultation with the Secretary of the Interior within one hundred and eighty days of the enactment of this act. Upon completion of such a plan, the Secretary shall submit it to the Congress without delay, together with recommendations for its approval and the reasons therefor.

(b) If a plan has not been prepared by the Seminole Nation as provided in subsection (a) of this section, the Secretary, in consultation with the Seminole Nation, shall prepare and submit a plan to the Congress for approval within one hundred and eighty days of the expiration of the period referred to in subsection (a) of this section. A copy of the plan prepared by the Secretary shall be furnished to the Seminole Nation simultaneously with its submission to the Congress.

SEC. 4. (a) Any plan for the use and distribution of the funds allocated to the Seminole Nation of Oklahoma shall provided that not less than 80 per centum thereof shall be set aside and programmed to serve common tribal needs, educational requirements, and such other purposes as the circumstances of the Seminole Nation of Oklahoma may determine.

(b) No per capita distribution may be made from the sum allocated to the Seminole Nation of Oklahoma, except that the investment income from not more than 20 per centum of the fund may be distributed per capita from time to time in the discretion of the tribal governing authority pursuant to a distribution plan approved by the Secretary. No per capita distribution shall occur pursuant to this subsection until a roll of members of the Seminole Nation of Oklahoma born on or before and living on the date of enactment of this Act has been certified by the Secretary.

(c) The interests of minors and other legally incompetent persons who are entitled to receive any portion of such funds as are subsequently distributed to them will be protected and preserved: *Provided,* That such funds may be disbursed to the parents or legal guardians of such minors or legal incompetents in such amounts as may be necessary for the minors or legal incompetents' health, education, welfare, or emergencies under a plan or plans approved by the Secretary and the tribal governing body of the Indian tribe involved.

(d) A plan for the use and distribution of the judgment funds referred to in this Act shall be implemented by the Secretary immediately at the end of the sixty-day period (excluding days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) beginning on the day such plan is submitted to the Congress, unless during such sixty-day period a joint resolution is enacted disapproving such plan.

(e) Tribal investment decisions under a plan shall be subject to the approval of the Secretary. Approval shall be granted within a reasonable time unless the Secretary determines, in writing, that the investment would not be reasonable or prudent or would otherwise not be in accord with the provisions of this section.

(f) Neither the United States nor the Secretary shall be liable, because of the Secretary's approval of an investment decision under this section, for any losses in connection with such investment decision.

SEC. 5. The Secretary shall pay the governing body of the Seminole Tribe of Florida such portion of the amount held in trust for that tribe under section 2 of this act to be allocated or invested as the tribal governing body determines to be in the economic or social interest of the tribe within sixty days after submission of an appropriate resolution by the tribal governing body.

SEC. 6. Notwithstanding any other provision of this Act, no plan for the use and distribution of the share of the funds allocated to the Miccosukee Tribe of Indians of Florida shall be distributed to the tribe, its members, or any other person unless such plan or distribution is duly authorized by the General Council of the Miccosukee Tribe or by a referendum vote of the members of the tribe duly called by the General Council of the tribe at which a negative vote is permitted. Such funds (and the interest therefrom) shall be held in trust by the United States and invested as provided in the Act of June 24, 1938 (52 Stat. 1037, as amended; 25 U.S.C. 162a), except that part or all of

the amount may from time to time be paid to the governing body of the Miccosukee Tribe of Indians of Florida as may be authorized under this section.

SEC. 7. (a) The Secretary shall invest the funds allocated to the independent Seminole Indians of Florida (as a group) under section 2 in accordance with subsection (a) of the first section of the Act of June 24, 1938 (52 Stat. 1037, as amended; 25 U.S.C. 162a) until the date on which the funds are distributed under subsection (c).

(b)(1) Under regulations prescribed by the Secretary, the Secretary shall compile a roll of those independent individuals of Seminole Indian lineal descent who—

(A) were born on or before, and are living on, the date of enactment of this Act,

(B) are listed on or are lineal descendants of persons listed on the annotated Seminole Agency Census of 1957 as independent Seminoles, and

(C) are not members of an Indian tribe recognized by the Secretary on the most recent list of such Indian tribes published in the Federal Register.

Such persons listed on this roll shall constitute the independent Seminoles referred to in this Act.

(2) All determinations in the preparation of the roll under paragraph (1) of this subsection shall be based on timely applications for inclusions on the roll supported by evidence satisfactory to the Secretary. The Secretary shall not include any person on the roll who has not made formal application in writing to be included, and who has not met the requirements of paragraph (1) (A), (B), and (C).

(c) As soon as practicable after the roll required under subsection (b) has been compiled, the funds allocated to the independent Seminole Indians of Florida (as a group) under section 2, including all interest and investment income accrued thereon to the date of payment, except as provided for in subsection (d), shall be distributed on a per capita basis, in payments as equal as possible, only to those independent Seminole Indians of Florida enrolled under subsection (b) who make timely application to the Secretary. The Secretary shall not distribute any funds to any Seminoles who are not on the roll prepared pursuant to subsection (b) or who do not make time application to the Secretary.

(d) Except for the persons who make application and are included on the roll prepared pursuant to section 7(b)(1), and who make application and accept a per capita share of the distribution pursuant to subsection (c), the payment and distribution of the award in accordance with this Act shall not be construed to impair, diminish or affect in any manner any rights and claims of the independent Seminole Indians, either as a group or individually, to any lands or natural resources in the State.

SEC. 8. (a) The funds allocated pursuant to this Act are hereby declared to be held in trust by the United States for the benefit of the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, and the independent Seminole Indians of Florida respectively.

(b) None of the funds held in trust by the United States under this Act (including interest and investment income accrued on such funds while such funds are held in trust by the United States), and none of the funds distributed per capita or made available under this Act for programs, shall be subject to Federal State, or local income taxes, nor shall such funds nor their availability be considered as income or resources or otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act or, except for per capita payments in excess of $2,000, any other Federal or federally assisted program.

The SPEAKER pro tempore. Is a second demanded?

Mr. RHODES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. UDALL] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. UDALL].

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 1096, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1096 authorizes the distribution of funds awarded to the Seminole Indians in judgments against the United States for the wrongful taking of their lands in the State of Florida in 1823 and 1834, as amended.

The major award amounted to $16,000,000 in June 1976 and, with earned interest, now totals nearly $48,000,000.

Mr. Speaker, except for one major issue, this legislation is noncontroversial and should have been passed years ago. This money belongs to the Seminole Indians and should be made available for their use. What has prevented this from occurring has been the inability of the Seminole Nation from Oklahoma to agree with the Seminole Tribes in Florida on how the money should be divided.

The Oklahoma Seminole insist that they should receive 75 percent of the funds based upon relevant population comparisons. They are supported in this position by the administration and past precedents of the Congress in similar situations.

The Florida Seminole advocated a 50-to-50 split. I do not believe that this position is supported by fairness and equity.

In the interest of advancing this legislation and insuring that the Seminole Indians will not continue to be denied the use of their money, the committee adopted a compromise division formula of 73 percent for the Oklahoma tribe and 27 percent for the Florida tribes.

Mr. Speaker, I urge the House to pass the bill as amended by the committee.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1096, a bill to provide for the use and distribution of funds awarded the Seminole Indians by the Indian Claims Commission.

At the outset, I would like to commend the Department of the Interior for its role in the resolution of this matter. The Department has been scrupulous with regard to its treatment of the tribal beneficiaries, and in the attention it has given to fulfilling its statutory duties under the Indian Judgment Fund Distribution Act.

In 1976 the Indian Claims Commission entered a final judgment in the amount of $16 million for the Seminole Indians; in that same year Congress appropriated the funds to pay the award. In 1977 the Secretary of the Interior, in the performance of his statutory duties, completed his research and recommendation on the most equitable division of the funds between the present day Seminole tribes.

From 1978 to the present the Secretary's recommendation has been thoroughly debated both in and out of Congress by the tribal beneficiaries of the award.

In 1989 the Senate passed S. 1096 confirming the Secretary's research and recommendation on the distribution of the award. S. 1096, as passed by the Senate, incorporates the recommendation of the Secretary of the Interior to divide the judgment award between the Florida Seminoles and the Oklahoma Seminoles based on relevant populations, resulting in a split of 24.596 percent to the Florida Seminoles and 75.404 percent to the Oklahoma Seminoles.

The Committee on Interior and Insular Affairs amended S. 1096 to provide that the Seminole Nation of Oklahoma would receive 73 percent of the funds and the three Florida Seminole Tribes would share the remaining 27 percent.

The time has come to move this issue to its final resolution. Unless Congress acts, the Seminole Indians are unable to put to use for the benefit of their communities the funds awarded to them by the Indian Claims Commission.

I urge my colleagues to support passage of S. 1096 as amended by the Committee on Interior and Insular Affairs.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Speaker, I rise in support of S. 1096. With one exception

the provisions of this bill are noncontroversial and should have been enacted years ago. The original $15 million judgment award has grown to $50 million. Further delays would result in increasing costs to the Government and prevent the Seminoles from receiving their just settlement.

The exception I mentioned involves the division of these funds between the Florida Seminoles and the Oklahoma Seminoles. I supported the determination of both the administration and the Senate, that 75 percent of these funds go to the Oklahoma Seminoles and 25 percent to the Florida tribe. I believe this division is the most appropriate, and I supported this position during committee consideration of S. 1096.

However, the committee decided to award 73 percent to the Oklahoma tribe and 27 percent to the Seminole in Florida. Because I recognize the need to enact some legislation this year, I agreed to the amendment and I will support S. 1096 as amended. I urge my colleagues to join me so that the disagreement between the House and the Senate on this provision can be worked out and the Seminoles can exercise their claim to these funds.

Mr. RHODES. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. LEWIS.]

Mr. LEWIS of Florida. Mr. Speaker, I rise to urge my colleagues to support S. 1096, the Seminole Indian Distribution Act. While the division of funds in this bill is not the division that my colleague LARRY SMITH and I had proposed, it does reflect a sincere compromise effort that will bring this matter to final resolution.

I would like to thank the members of the Interior Committee for their patience and tolerance as we worked towards this compromise. I know they have the best interests of the Indians at heart, and I am grateful for their work to get this matter resolved.

I urge my colleagues to support this bill so that the Seminole Indians can receive the compensation Congress appropriated back in 1976. I hope the Senate will also act favorably on this compromise bill.

□ 1340

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. WATKINS], whose wisdom and spirit of compromise made this difficult compromise available to us.

Mr. WATKINS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the legislation before the House, S. 1096, has had a long journey.

Since the 1976 award by the Indians Claims Commission to the Seminole Nation for lands taken in the early 1800's, I have been working diligently to find a solution to the issue of dividing the fund between the Oklahoma Seminoles and the Florida Seminoles.

My quest has been helped tremendously by the support of my esteemed colleague, Hon. BUDDY DARDEN. With his leadership and support, we are on a threshold of a new chapter in the history of the Seminole Nation. A chapter which holds great promise for a brighter future for tribal members.

Along with the assistance of my good friend and colleague, we could not have come so far without the diligent commitment and fortitude of the House Interior and Insular Affairs Committee and the guidance of the chairman, Hon. MO UDALL.

We have worked tirelessly together to reach a resolution to this issue which has been a source of disagreement between the Oklahoma Seminoles and the Florida Seminoles for more than a decade.

The core of the disagreement between the two tribes has been the division of the $16 million award; funds which have already been appropriated. Today, with accrued interest, this award approaches $48 million.

The award is based on the taking of tribal lands in the early 1800's, which culminated in the infamous Trail of Tears. From that time forward, the Seminole Nation became two groups. Those on the Trail of Tears settled in indian territory, now known as the Great State of Oklahoma, and are recognized as the Seminole Nation of Oklahoma. Those remaining in the Florida Everglades are recognized as the Seminole Tribe of Florida. Two groups sharing an unfortunate and sad chapter in our history.

Throughout the past 13 years, we had hoped the groups would reach an accord on its own without assistance from Congress in devising a formula for distribution of the funds. Yet, it has become obvious from the years gone by that the Congress must make a determination in the matter.

Many reasons can be expounded to state why these funds should finally be disbursed. However, the overriding factor in disbursing these funds should be the realization of the effect on the economic well-being of the Oklahoma Seminoles.

Final settlement of these funds will allow the Oklahoma Seminoles to utilize these moneys for badly needed programs benefiting all tribal members, from the very young to the very old. With Federal assistance being at a premium today, we need to help tribes find other means of support for its tribal members. I believe distribution of these funds will give the Oklahoma Seminoles the means to do just that—a financial base in which to utilize its own funds to build a stable economic foundation in which all its members could prosper today and tomorrow.

It has been a twist of irony that the Oklahoma Seminoles, who so badly need these funds for their well-being, could not utilize these funds for their own betterment. Money in the bank does little good when those in need can't withdraw it.

While their brethern in Florida have prospered through the years and can afford to let another day pass with no resolution, the Oklahoma Seminoles have never enjoyed the luxury of delay. A delay which has proven to be costly through the years. It would be an injustice to allow this situation to continue another year.

Through hearings held by the House Committee on Interior and Insular Affairs, through detailed investigation of the history of the tribe by the Department of the Interior, and through the input provided by both factions of the tribe, this issue has been extensively researched, studied, and debated. The time has come to reach a conclusion in this chapter and move forward.

Thus, we now have the opportunity before us to pass legislation which will bring us a step closer in giving all Seminoles a solution to this dilemma. It's time for the journey to end.

I strongly support the intent of S. 1096 to distribute the funds between the two groups. I urge my colleagues to support passage of this legislation and let us move forward. I would also urge that the conferees on this legislation concur with the position of the Senate, the administration, and the Department of the Interior on division of these funds.

Mr. RHODES. Mr. Speaker, I have no further requests for time, but I yield myself such time as I may consume to say in closing the debate on my side that I simply want to say to the Members that this settlement is doing nobody any good at the present time. I would hope that we could move this rapidly to concurrence and agreement with the Senate and get this bill to the President for signature so that the money can be distributed.

Mr. UDALL. Mr. Speaker, I yield the balance of my time on this side to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I appreciate the gentleman's yielding this time to me.

Mr. Speaker, I want to thank the chairman of the full Committee on Interior and Insular Affairs, the gentleman from Arizona [Mr. UDALL] for his help in this matter, and I commend him for the work he has done in trying to bring this matter to a close. I would like to commend the rest of the committee, especially the gentleman from Arizona [Mr. RHODES], for allowing us to go forward with the compromise which, in the spirit of what I think reflects the equities on both sides, provided the basis on which we could finally come to passage of this bill in the committee and hopefully here on the floor.

At the outset, I also would like to commend the gentleman from Oklahoma [Mr. WATKINS], whose perserverance in this matter for many years has made this possible. I would call the attention of the Members to the fact that he fought very hard and very diligently for the rights of the Seminole Nation, both the tribes in Oklahoma and the tribes in Florida. He understood at the end that the book needed to be closed, that the equities were there, and that the need was there, and as the gentleman from Arizona [Mr. RHODES] just said, this money is not doing anyone any good sitting here in Washington. There are too many needs out there for us to carry this any further.

Mr. Speaker, I would also like to say quite honestly that while there are those who voted for the compromise which shifted a small percentage of the original recommendation from the Bureau of Indian Affairs' Indian Claims Commission from that percentage of the amount from the Oklahoma Seminole to the Florida Seminole, that shift was not without a basis in reality. The Florida Seminoles had significant equity consistently on their side, and we had maintained from the very beginning that notwithstanding the right of the Oklahoma Seminole, the Florida Seminole had been given short shift in the way the original decision was arrived at. There were factors of population, census, and a lot of other issues which could have reasonably been interpreted in other ways. In any event, the committee in its wisdom sought to make sure that there would be a resolution to the differing opinions and the matter put to rest.

It has now been put to rest, and I commend the gentleman from Oklahoma for wanting to get this finished not only here but in the Senate as well and hopefully have it taken up and passed, as amended, so that this money will be available as rapidly as possible, although something tells me and the gentleman from Oklahoma, who has worked so hard on this matter, and the gentleman from Arizona [Mr. RHODES] that we may have to work very hard to pry this money out and get it out as rapidly as possible.

But I believe the interests of the Seminoles are best served by finally arriving at this settlement, a settlement we all want and one that we all hope may come about very shortly. Both tribes have education and health needs and needs of training programs, as well as needs for additional funding. Now is the time to take this money out of our hands and put it in the hands of the Seminole Nation.

Mr. Speaker, this has been over the years marked by some emotion and marked by significant debate and disagreement. I believe now that the Seminole Nation as brothers can join together to utilize these funds for the purposes of the needs of the people for whom they were originally intended, the Seminole Nation and the individual members thereof, who suffered greatly at the hands of this Government. Lest we forget, this award ultimately is in redress of those grievances and those claims.

Again, Mr. Speaker, I want to thank the chairman of the committee and the full committee for their patience and their understanding.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Arizona [Mr. UDALL] that the House suspend the rules and pass the Senate bill, S. 1096, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

UNITED NATIONS PARTICIPATION IN CAMBODIA

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 254) expressing the sense of Congress concerning negotiations for a political settlement in Cambodia, as amended.

The Clerk read as follows:

H. CON. RES. 254

Whereas prior efforts to achieve a comprehensive settlement of the Cambodian conflict have yet to result in an agreement acceptable to all parties concerned;

Whereas the key obstacle to an agreement has been the issue of the interim political arrangements to be established in Cambodia between the commencement of a cease-fire and the emergence of a new government elected by the Cambodian people;

Whereas the Coalition Government of Democratic Kampuchea has proposed the creation of a quadripartite interim government, including the Khmer Rouge, prior to the emergence of a new government through internationally supervised elections;

Whereas the People's Republic of Kampuchea has proposed its continuation in power pending the holding of internationally observed elections;

Whereas the withdrawal of Vietnamese combat forces from Cambodia, although strongly supported by the United States and the entire international community, nevertheless increases the prospects for increased fighting among the four Cambodian factions and raises the specter of full-scale civil war and a return to power by the Khmer Rouge;

Whereas, in view of the Khmer Rouge's genocidal rule from 1975 to 1978, its return to power would constitute not only a mortal threat to the Cambodian nation but also a moral challenge to the international community;

Whereas the United States, along with the member states of the Association of South East Asian Nations (ASEAN) and others, has the following policy objectives concerning Cambodia: an end to the fighting, the total disarmament and demobilization of the factional combatants, verification of a complete withdrawal of Vietnamese forces, a verified cessation of external military support, voluntary repatriation of displaced Khmer, the establishment of free and fair elections to ensure self-determination for the Cambodian people, prevention of the Khmer Rouge from returning to power, prevention of the continued political monopoly of the People's Republic of Kampuchea regime, faciliation of economic rehabilitation and reconstruction, and the promotion of the freedom, independence, territorial integrity, and neutrality of Cambodia;

Whereas the Government of Australia has recently proposed that, subject to the agreement of all parties concerned, the United Nations supervise the interim administration in Cambodia, dispatch a peacekeeping force for the purpose of verifying the Vietnamese withdrawal and implementing a cease-fire, and supervise elections;

Whereas representatives of the Permanent Members of the United Nations Security Council met in Paris on January 15–16, 1990, and endorsed an enhanced United Nations role in resolving the Cambodian conflict;

Whereas the concept of a United Nations-supervised interim administration represents a fair and reasonable approach to removing the key obstacle to a political settlement and thus should constitute an acceptable basis for negotiations on that issue;

Whereas effective implementation of a United Nations-supervised interim administration for Cambodia would enhance the prospects for Cambodian self-determination and the achievement of United States objectives regarding that country; and

Whereas a mutually acceptable settlement for Cambodia will be impossible unless the principal external powers encourage those Cambodian factors which they have supported to accept it: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the proposal of the Coalition Government of Democratic Kampuchea for a quadripartite interim government is not an acceptable basis for negotiations because it would legitimize the Khmer Rouge and give it the opportunity to immobilize and subvert the interim government;

(2) the proposal of the People's Republic of Kampuchea for continuing itself in power is an unacceptable basis for negotiations because it would legitimize an illegitimate government and would significantly undermine confidence that the outcome of any future elections would reflect the will and wishes of the Cambodian people;

(3) the Congress endorses the proposal for an enhanced United Nations role in Cambodia, including a United Nations-supervised interim administration and an international peace-keeping force, as the most feasible way of achieving a negotiated settlement of the conflict that is compatible with the best interests of the Cambodian people;

(4) the President should continue to lead the process of forging an international consensus around the proposal for an enhanced United Nations role in a peaceful settlement in Cambodia;

(5) support of the Government of the Union of Soviet Socialist Republics for the concept of a United Nations-supervised interim administration for Cambodia and its active cooperation in facilitating an agreement will constitute new progress in United States-Soviet efforts to resolve regional conflicts by political means and thus contribute to improved bilateral relations;

(6) support of the Government of the People's Republic of China for the concept of a United Nations-supervised interim administration for Cambodia and its active cooperation in faciliating an agreement will help to make possible a significant improvement in United States-China relations;

(7) support of the Government of the Socialist Republic of Vietnam for the concept of a United Nations-supervised interim administration for Cambodia and its active cooperation in facilitating an agreement will help bring about a significant improvement in United States-Vietnamese relations; and

(8) the establishment of a United Nations-supervised interim administration for Cambodia would reflect a new spirit of cooperation in international politics and serve as a model for future Security Council peacekeeping efforts.

The SPEAKER pro tempore. Is a second demanded?

Mr. LEACH of Iowa. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes, and the gentleman from Iowa [Mr. LEACH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

□ 1350

Mr. Speaker, let me begin, first of all, by thanking the gentleman from Iowa [Mr. LEACH], my very good friend on the other side of the aisle who is the very distinguished ranking minority member of the Subcommittee on Asian and Pacific Affairs, for his cooperation in enabling us to bring this resolution to the floor in an expeditious fashion.

In addition, Mr. Speaker, I also want to thank the gentleman from Pennsylvania [Mr. YATRON], the very distinguished chairman of the Subcommittee on Human Rights, and the gentleman from Nebraska [Mr. BEREUTER], his ranking minority member, for their cooperation in facilitating the consideration of this resolution as well.

Mr. Speaker, we have made every effort to accommodate the concerns of Members on both sides of the aisle on this resolution, and I am very pleased to say that it not only enjoys the unanimous support of the members of the Committee on Foreign Affairs, but the endorsement of the administration as well.

The purpose of this resolution, Mr. Speaker, is to send a very clear message from the Congress of the United States that we support unequivocally the effort now under way to achieve a negotiated resolution of the Cambodian conflict on the basis of an extraordinarily constructive diplomatic initiative put forward a few months ago by Australia which is designed to facilitate an end to the fighting in Cambodia and the holding of an internationally supervised, free and fair election in which the people of Cambodia will, at long last, be given the opportunity to determine their own destiny through the mechanism of a U.N.-supervised interim administration.

Mr. Speaker, in the past the efforts to achieve a negotiated settlement of the Cambodian conflict have run aground on the rocks of the mutual unacceptability of the various formulas put forward by the contending Cambodian factions. The People's Republic of Kampuchea, which is the Vietnamese-installed government led by Son Sann, now in power in Phnom Penh, has proposed a political settlement which calls upon the other Cambodian parties and the rest of the world to recognize the existing PRK regime and which would then require an internationally observed election held under the auspices of the PRK government. This has been, understandably, rejected by the other Cambodian factions and most of the international community on the grounds that it would require the recognition of the legitimacy of a government which is widely deemed to be illegitimate, having been installed not by the votes of its own people, but by the bayonets of Vietnam. It has also been rejected because the other Cambodian factions understandably believe that any election conducted within the framework of the PRK government could not, by definition, be a free and fair one and the Cambodian people, under those circumstances, would not have an opportunity to genuinely determine their own destiny.

The other Cambodian factions operating under the umbrella of the so-called coalition government of Democratic Kampuchea propose the dissolution of the existing PRK regime and its replacement by a quadripartite government including each of the Cambodian factions, which means, among others, the Khmer Rouge led by Pol Pot, and this proposal has been understandably rejected by the PRK on the grounds, first of all, that it would contribute to the legitimization of the Khmer Rouge by virtue of its inclusion in an interim government while at the same time giving this genocidal gang of cutthroats the opportunity to subvert the interim administration from within while quite possibly continuing to attack it from without.

In an effort to break this diplomatic stalemate the Australian government has proposed the establishment of a U.N.-supervised interim administration together with the introduction of a substantial international peacekeeping force to Cambodia. The existing PRK bureaucracy would more or less stay in place, but it would be supervised by the United Nations, and a new supreme national committee would be established consisting of representatives of the different factions and unaffiliated Cambodians who would become the symbolic repository of the sovereignty of the country. As a consequence, the various Cambodian resistance factions would not be obligated to recognize the PRK regime as the legitimate government of Cambodia, and the PRK would not have to accept the presence of the Khmer Rouge in an interim government.

Whether or not this initiative, which was first put forward by Senator Gareth Evans, the very able and articulate Foreign Minister of Australia, will succeed in constituting an acceptable basis for the ultimate settlement of the Cambodian problem remains to be determined, but so far each of the five permanent members of the Security Council have given it at least a nominal endorsement. They have already met to discuss the issue and will be meeting again in the next few weeks.

I would submit, Mr. Speaker, that this Australian initiative represents the last best chance for a peaceful settlement of the Cambodian conflict. If this effort should fail, the issue will undoubtedly be resolved, not at the negotiating table, but on the battlefield, and now that Vietnam has withdrawn all its forces from Cambodia, there is a very real and frightening possibility that the Khmer Rouge, which are the fiercest and potentially the most formidable of the four Cambodian factions, could succeed in battling their way back to power in Phnom Penh. The best way to stop the Khmer Rouge from returning to power is to shift the struggle for supremacy in Cambodia from the battlefield to the ballot box. Within the framework of an internationally supervised, free and fair election there is no chance whatsoever that Pol Pot and the Khmer Rouge would come to power.

Mr. Speaker, what Cambodian in his right and mind would vote for a political movement responsible for the murder of up to 2 million of their fellow Cambodians during the years they were in power in Phnom Penh, from 1975 to 1979? So, this is a very important effort, and the purpose of this resolution is to support it.

In addition, Mr. Speaker, the resolution also makes it very clear, quite explicitly, the China, the Soviet Union, and Vietnam, the cooperation of which is absolutely essential if there is going to be a settlement of the Cambodian problem, that in the context of their willingness to cooperate with us in bringing about a negotiated settlement of the Cambodian conflict on the basis of the Australian initiative that it will have a very significant impact

on our bilateral relationship with them and that, if we can get such a settlement as a result of their cooperation, it will make possible a significant improvement in Sino-American relations, in Soviet-American relations and, yes, in Vietnamese-American relations as well.

So, Mr. Speaker, I think this resolution is a timely resolution. We can only have a limited impact on what happens in Cambodia, but we cannot afford to be silent. The stakes are too great. If Pol Pot returns to power, it would be not only morally unacceptable, but politically unthinkable. The last time around people had the excuse that they did not know what might happen once Khmer Rouge triumphed. Now we know, and the leopard has not changed its spots. There is every reason to believe that, if they return to power, the autogenocidal policies which they pursued in the past will be resumed in the future, and this may be the last chance we have to stop them, at the negotiating table, if not on the battlefield.

So, Mr. Speaker, I very strongly urge the adoption of this resolution. I want to express my deepest and most profound gratitude to the gentleman from Iowa [Mr. LEACH], my good friend on the other side of the aisle, for his help in making this resolution possible on a broad bipartisan basis.

Mr. LEACH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from New York [Mr. SOLARZ], the chairman of the subcommittee, discussed this resolution with a great deal of thoughtfulness, and I want to commend him for his perspective and his leadership in bringing this measure before this body.

Mr. Speaker, I would like to stress that this resolution calls for an approach to international politics a little different than the one that was argued for 6 to 9 months ago by many in Washington. Concensus has now been reached that the most moral as well as the most efficacious approach to resolving the Cambodian dilemma demands U.N. intervention rather than the establishment of some sort of interim quadripartite administration of Cambodian factions, including the Khmer Rouge.

□ 1400

In this geopolitical context, I would stress, as so many refugee Khmer have pointed out over the past year, that there are times in the affairs of states when the moral high ground must be sought, even if so-called realpolitik alternatives appear enticing. The United States was wrong to seriously consider supporting a quadripartite arrangement last summer, for it not only would have provided a cloak of legitimacy to Pol Pot and the Khmer Rouge, it would have given the most permiciously vindictive force in the history of Southwest Asia the upper hand with its less-well-armed rivals.

This resolution properly stands in stark contrast to the alleged realpolitik solutions advanced by some a few months ago. It not only doesn't give the Khmer Rouge legitimacy, it provides a mechanism to see that Pol Pot's return to power can be thwarted.

Second, and I think that this has got to be understood as much as anything by Members of this body and by the people of the United States, a Security Council peacekeeping effort takes the support of all five of the permanent members of the Security Council. The member that holds the strongest hand in this regard is China, a country that is not only proximate to the problem, but a country that is very deeply involved in support of the Khmer Rouge. The fact that the Chinese have moved to shift positions is of signal significance to all of us here today. In my judgment this could not have occurred if the United States had not made a new departure in policy toward the Chinese. Most importantly I have in mind the visit of General Scowcroft and Secretary Eagleburger to China. Without their visit, I am personally convinced this kind of movement on this particular problem would not have occurred.

The third point I would like to make is that Pol Pot and the Khmer Rouge have a historical past that has been well-described and is awesome. They also have a potentially viable future. All of the indications are that the Khmer Rouge have the strongest military force in the field in Cambodia, and without any doubt whatsoever, the prospect of their returning to power is real. It is not necessarily certain, but it is very real.

The best deterrent of this possible eventuality, is for the international community to rally in the kind of moral, as well as in the kind of strategic emphasis that this particular U.N. model implies.

The fourth point I would like to make is that this particular model of international involvement has some precedent in the past and, if successful, provides important precedent for the future. At the same time it implies a new kind of geopolitical relationship between the great powers at this time. It also implies a new role for the United Nations, one which was conceived by the founders of the United Nations, a role that I think deserves the greatest attention and respect.

This resolution points out that if this approach works, if it does receive the support of China, of the Soviet Union, of Vietnam, not only will Congress look differently upon the relationships between the United States and those individual countries, it will implicitly be forced to look very differently on our relationship with the United Nations itself. Whether or not the United Nations has warts, and I think all of us recognize that it has more than a few, it is interesting that without its existence this kind of proposal would be totally and completely untenable. In this regard I think that everyone who looks at United Nations, both in philosophical terms as well as in terms of the modest public support reflected in dollar commitments that the United States must from time to time make, ought to bear in mind the United Nations unique capability to assist in international peacekeeping efforts of this nature.

Fifth, with regard to this model of nation building, I am struck that there is going to have to be a lot of groundwork laid before we can have any hope of its significant success. Here I am not as convinced as some that either among the principal external parties that are negotiating or within the U.N. structure that all the issues have been carefully thought through; who is going to lead this United Nation's venture, with what kind of support, from what countries, with what kind of language capabilities, are questions that have yet to be resolved and are going to take a great deal of thought, as well as presumably geopolitical compromise.

Finally, let me just conclude and say that this resolution does reflect precisely the views of the Bush administration. It also reflects the leadership of the Government of Australia, some of whose ideas originated from Members in this body, most particularly the distinguished chairman of the subcommittee of jurisdiction, the gentleman from New York [Mr. SOLARZ].

While the chairman and I differed last year about approaches to resolving Cambodian issues, I am appreciative of his leadership perspective at this time and am in full and complete support of this resolution.

This particular diplomatic approach says a lot philosophically about the United States, and it also says a lot geostrategically about how the world community can come together and assist a small undergoing enormous turmoil.

Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. SOLARZ. Mr. Speaker, I yield 8 minutes to my very good friend, the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Speaker, I rise today to endorse the resolution before us expressing congressional support for a U.N. role in ending the Cambodian civil war.

Mr. Speaker, we would not be fortunate enough to be drawing on the good offices of the United Nations

were it not for the tireless efforts of my colleague and good friend, the gentleman from New York [STEVE SOLARZ]. When so many others were daunted by the enormity of the task of engaging the permanent members of the Security Council in the search for a solution in Cambodia, he persisted. His genuine despair at the continued suffering of the Cambodian people impelled him to press the world powers to react.

Likewise, we owe a great debt to the Australian Government which has taken up the burdensome task of persuading individual parties, factions, and nations to take note of the potential for a U.N. solution. When parties have been warring for so long, finding peaceful compromises is terribly difficult, but the Australian Government has been an abiding force in trying to accomplish great things.

We are passing this resolution so that we can extend the commitment of the U.S. Congress to a U.N. sponsored solution in Cambodia.

Yet, I would like to warn my colleagues that thus far the Khmer Rouge—the most villanous of the parties in this civil war and the perpetrators of genocide, enslavement, and torture in Cambodia—have not signalled a willingness to come to the bargaining table. And, without their concurrence in this process and without their willingness to lay down their arms, the United Nations is impotent.

There is also, I would warn, the chance that one or more of the members of the Security Council will prove implacable—tying the negotiations into knots to forestall international recognition of a Hun Sen regime that might surprise us all and endure. We must be vigilant; we must ensure that the negotiations—though understandably difficult—show fruitfulness and purpose, and are not simply a stalling tactic to allow the Khmer Rouge to achieve on the battlefield what they cannot achieve at the negotiating table.

Mr. Speaker, I am dispirited by the continued suffering of the Cambodian people. I want to believe that a solution is near and that the interminable chaos will finally end. But, let us be clear. Of all who have inflicted misery in Cambodia, none have done so with greater purpose and with such evil intentions as the Khmer Rouge. Let us also send a message to the United Nations and all parties to a settlement that there is only one absolute—one compromise we will never make—that we will never countenance a solution that permits a return to power of the Khmer Rouge.

Mr. Speaker, I would like to make one additional point. I would like to raise this point with the chairman of the subcommittee. It pertains to our relationship to Vietnam, given these developments.

Prior to 1988, the United States made normalization with Vietnam subject to an unconditional withdrawal of their troops from Cambodia. When it appeared that a withdrawal might indeed occur, the United States moved—summarily—to impose a new barrier to normalization: that Vietnam would have to participate actively in the achievement of a comprehensive settlement in Cambodia. It is my belief that their constructive participation in the U.N. talks—regardless of their outcome—meets our final test for normalization.

I would like to ask the gentleman from New York, as the author of this resolution, what are his views and intentions on the subject of normalization, as he has included specific language pertaining to the "likelihood of a significant improvement in United States-Vietnamese relations"?

Mr. SOLARZ. Mr. Speaker, will the gentleman yield?

Mr. ATKINS. I yield to the gentleman from New York.

Mr. SOLARZ. First, Mr. Speaker, let me say to my very good friend that I very deeply appreciate his very kind remarks about my own efforts to bring the suffering of the Cambodian people to an end. I have to say that I know of no other Member in the House who has been more concerned about this issue and who has done more to try to constructively influence American policy to use its resources against the Khmer Rouge than the gentleman from Massachusetts. And for that, I think the American people really owe him a great deal of gratitude.

□ 1410

In response to his very specific question, let me say, first, that I strongly support the administration's position. I think it would be inappropriate for us to normalize our relationship with Vietnam prior to their playing an important and constructive role in bringing about a resolution of the Cambodian conflict, because without their help, there will not be a solution to the Cambodian conflict. With their help, it becomes possible.

Of course, the help of China will be needed as well, because left to their own devices, the Khmer Rouge will not agree to anything. China is the only country that has any influence over the Khmer Rouge, because it is from China that the Khmer Rouge get virtually all of their support.

To answer the question of the gentleman, if there is a settlement of the Cambodian conflict which brings the fighting to an end along the lines of this U.N. initiative proposed by Australia, I think the language of the resolution which very explicitly says that this would facilitate a significant improvement in United States-Vietnamese relations, that it would, in fact, make possible the normalization of relations between our two countries.

I look forward to the day, as I know my friend does, when we can begin a new chapter in our relationship with Vietnam. If they play a constructive role here, if they help to make a settlement possible, then I would expect our relationship to be normalized. There will still be problems that will have to be resolved, the question of claims, and there are other matters as well. But at that point, I think the last obstacle to normalization would, in fact, have been removed.

Mr. ATKINS. Mr. Speaker, my question though was further, not just if there is a settlement achieved in Cambodia, but, rather what would the gentleman's intentions be if the Vietnamese participate in good faith and actively work alongside with the United States in achieving a settlement because of the intransigence of either China or of the Khmer Rouge or both, we fail in this effort, what then at that point does their cooperation signal, that we will provide and move toward normalization at that point?

Mr. SOLARZ. Mr. Speaker, if the gentleman will yield further, as the gentleman knows, I can only speak for myself on this issue.

Given the situation which he hypothesizes, namely, a situation in which Vietnam clearly cooperates in the search for a settlement and induces the PRK, which is still dependent on Vietnam to cooperate as well, and the only reason there is no settlement is because of the refusal of China and/or the Khmer Rouge to cooperate, under those circumstances, I would personally favor the normalization of our relationship with Vietnam.

We cannot expect Vietnam to deliver China. We cannot expect Vietnam to deliver the Khmer Rouge. We cannot expect Vietnam to facilitate willingness on the part of Hun Sen and the PRK to be cooperative.

If they do that, then I believe the conditions for normalization will have been fulfilled.

Mr. ATKINS. Mr. Speaker, I thank the gentleman from New York.

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me simply say in conclusion that nobody knows whether this will work. As the gentleman from Iowa [Mr. LEACH] pointed out, there are a multitude of problems that will have to be addressed and resolved, but it is the only game in town. It is the last chance we have. If it should succeed not only will it make possible an end to the fighting in Cambodia and the self-determination of the Cambodian people, but will also enormously strengthen the credibility of the United Nations as a mechanism for the resolution of international disputes.

The last 2 years the United Nations has played a key role in resolving the conflict between Iran and Iraq in the Persian Gulf; it facilitated an agreement leading to the withdrawal of Soviet forces from Afghanistan; it played an essential role in bringing about the independence of Namibia. If it can also facilitate a settlement in Cambodia, it should be clear to people in our country and around the world that this is an institution we should be relying much more on in the future in order to resolve additional regional disputes as well.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just conclude by stressing that while the resolution before us notes that Vietnamese cooperation with a U.N.-sponsored initiative in Cambodia would help to significantly improve United States-Vietnamese relations, the recognition of foreign governments, and the determination of whether full normalization of relations is warranted at any particular point in time, is almost exclusively the responsibility of the executive, not legislative branch of the United States Government. In such consideration, Vietnamese cooperation on Cambodia must be considered a prerequisite from the United States perspective, but there are other issues ranging from POW/MIA concerns to commercial claims which will have to be factored into Presidential decisionmaking.

In this context, Mr. Speaker, I would like to concur in what the gentleman from New York has just said about the United Nations and to stress that this U.N. initiative is a high-risk policy. It is also a policy that is going to carry some cost, a policy upon which the United States, in one sense, is not perfectly on the high ground.

Let me stress that everybody in this Chamber ought to understand that the policy we are advocating in this resolution, which is the policy of the administration, involves utilization of peacekeeping forces of the United Nations for which the United States under international treaty is in arrears. We thus have a doubly awkward circumstance: (a) this policy will entail, if it is successful, a call upon this body to provide significant new unbudgeted fiscal resources; and, (b) the policy involves support for an international institution that we are almost 2 years in arrears in general funding, and almost as much in peacekeeping obligations.

As we look at this budget and particularly as we look at the request of the administration to reduce over time our arrearages, this body has an obligation to give sympathetic perspective to the administration's views on this specific Cambodian policy as well as to its proposal to reduce our arrearages to the United Nations. The embarrassment of the United States in this particular area must be brought to an end.

Mr. FASCELL. Mr. Speaker, I rise to support House Concurrent Resolution 254, expressing the sense of Congress concerning negotiations for a political settlement in Cambodia.

This resolution would give congressional endorsement to the proposal made initially by the Prime Minister of Australia for a U.N.-supervised administration in Cambodia in order to bring the conflict there to an end. We recognize that additional negotiations are required to flush out the details of this proposal. We also recognize that if and when such a proposal is accepted by all parties, there will be a substantial price tag, and we will have to deal with how to pay for a U.N. force in Cambodia. Yet at the same time, we remember the horror of the killing fields in Cambodia. The proposal for a U.N. role in an interim administration in Cambodia seems to be the most reasonable idea to emerge to permit the people of Cambodia an opportunity to end the conflict and to determine with dignity and fairness the government they want.

I urge my colleagues to support this resolution in order to convey to the President our support for continued United States efforts to bring about an international consensus around this proposal to bring a peaceful settlement to Cambodia.

Mr. BROOMFIELD. Mr. Speaker, the death and the dying in Southeast Asia left our TV screens in 1973 with our withdrawal from Vietnam. However, the dying did not stop then as we well know. For more than a decade and a half after our withdrawal, the people of Cambodia faced death and suffering, first at the hands of Pol Pot and his murderous henchmen, then through the military occupation by Vietnam, and now, from what appears to be the start of a civil war.

Many countries, including the United States, have been working to arrive at a negotiated settlement of the war in Cambodia. The key stumbling block to an agreement has been the nature of an interim political arrangement prior to the formation of a new government elected by the Cambodian people, and the main sticking point has been what role Khmer Rouge would play in an interim arrangement.

To overcome this problem, the Australian Government has advanced a proposal, which has been endorsed by the five permanent members of the U.N. Security Council, to have the United Nations supervise an interim administration in Cambodia. The United Nations would also send military units to verify the withdrawal of Vietnamese forces, implementation of a cease-fire, and supervision of free elections.

Mr. Speaker, the resolution before us today expresses the sense of Congress in strong support of the Australian proposal for an enhanced U.N. role in Cambodia as the most feasible way of securing a negotiated settlement. It also recognizes that without the cooperation of certain countries, the Australian proposal would not succeed, and so the resolution encourages the Soviet Union, the Republic of China, and Vietnam to assist in this effort.

I encourage my colleagues to support this resolution and the Australian proposal it endorses. Peace has been a long time coming to this part of the world. The death and suffering of the Cambodian people have been immeasurable. I hope that we are moving down the road to peaceful resolution of the conflict in Cambodia at last.

Mr. LAGOMARSINO. Mr. Speaker, as a member of the Foreign Affairs Subcommittee on Asian and Pacific Affairs, I rise in support of House Concurrent Resolution 254, the resolution before the House expressing the sense of Congress concerning negotiations for a political settlement in Cambodia. I also want to commend the chairman of the Asia Subcommittee, Congressman STEVE SOLARZ, for his continued positive leadership and constructive efforts to help find a peaceful, negotiated settlement to the tragic Cambodian situation. Chairman SOLARZ expeditiously crafted this important resolution and I very much appreciate his incorporating the specific suggestions other subcommittee members, including me, and the administration had into this bipartisan resolution.

Passing this resolution, prior to the upcoming meeting of the U.N. big five on Cambodia, will send an important message—the United States Congress does care about Cambodia and that it strongly supports worthy, beneficial efforts to achieve a peaceful and lasting settlement.

The people of Cambodia have endured the nightmares of war and genocide for far too long. Beginning with the blatant violation of Cambodian neutrality by the Communist Vietcong and North Vietnamese in the 1960's, Cambodia was sucked into the Vietnam war. The Communist Khmer Rouge, called agrarian reformers by some liberal activists in here in the United States, capitalized on the chaos of war and seized control promising the Cambodian people a workers' paradise but, instead, delivering mass murder and destruction. The genocide that followed from 1975 through 1978 parallels the holocaust in horror and madness. It is believed that at least one-third of the Cambodian population was murdered by the Khmer Rouge butchers in this killing field.

While the Vietnamese invasion of 1978 did halt the Khmer Rouge's genocide, it did not stop the suffering of the Cambodian people. Conditions improved only slightly—from absolutely horrid to just awful. The Vietnamese themselves have an atrocious human rights record which has also been reflected through their occupation of Cambodia. The Cambodian people do not want to be a second-class colony of Vietnam, one of Asia's poorest and most repressive nations.

The ensuing struggle for self-determination, freedom, and liberty by the Cambodian people through the non-Communist resistance movement has been costly. Tens of thousands of lives have been lost, much of the country has been destroyed, and hundreds of thousands of Cambodians have been refugees. While we have provided and continue to provide significant amounts of non-lethal assistance to the Cambodia people, it cannot and never will re-

place freedom, liberty, and independence. Despite the heavy cost, the Cambodian people—with our encouragement—continue to bravely fight for the basic freedoms we take for granted.

Vietnam, in a positive move, has claimed to have withdrawn from Cambodia and it appears that many of their troops have, indeed, returned home. Unfortunately, the same cannot be said for the ethnic Vietnamese settlers brought to Cambodia after the invasion. Yet, efforts to achieve a negotiated settlement—one reflecting the real, true will of the Cambodian people and keeping the genocidal Khmer Rouge from again seizing power—have not been successful. For example, conferences of the leaders of the warring factions have not produced any significant results. Fighting continues and the Khmer Rouge continues to get stronger and more fearsome.

Recently, Australia proposed that, subject to the agreement of all parties concerned, the United Nations supervise an interim administration in Cambodia as well as supervise elections and dispatch a peacekeeping force for the purpose of verifying the Vietnamese withdrawal and implementing a cease-fire. This concept of a U.N.-supervised interim administration and election does represent a fair and reasonable approach. It would help meet the policy objectives of the United States, the Asian States, and others which are outlined in resolution as: First, the end of fighting; second, the total disarmament and demobilization of the factional combatants; third, verification of a complete withdrawal of Vietnamese forces; fourth, a verified cessation of external military support; fifth, voluntary repatriation of displaced Khmer; sixth, the establishment of free and fair elections to ensure self-determination for the Cambodian people; seventh, prevention of the Khmer Rouge from returning to power; eighth, prevention of the continued political monopoly of the Vietnamese-installed PRK puppet regime; ninth, facilitation of economic rehabilitation and reconstruction; and tenth, the promotion of freedom, independence, and neutrality of Cambodia.

Frankly, I am afraid this Australian authored, big-five endorsed effort is Cambodia's last chance for a peaceful settlement. No one, except the ruthless Khmer Rouge, will benefit from further war. I am encouraged that previously obstinate forces, like China—the patron of the Khmer Rouge—are now endorsing this positive effort. We need to make an extra special effort to keep this hopeful spirit and constructive process alive.

I would add that the question of normalization of relations with Vietnam depends on many factors, including, as far as I am concerned, "the fullest possible accounting" of those still missing in that country.

This resolution will, I believe, help bolster the efforts of the U.N. big five and, therefore, ultimately the Cambodian people end the suffering and begin paving the road to a brighter, peaceful future. With the walls of tyranny crumbling across Eastern Europe, it is critical to also begin the process of chipping away in eastern Asia. Cambodia is an excellent place to start. I strongly urge my colleagues to join me in supporting the resolution before us and, again, want to thank Chairman SOLARZ for bringing it before the House today.

Mr. LEACH of Iowa. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 254) as amended.

The question was taken.

Mr. SOLARZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 254, the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 2061, by the "yeas" and "nays"; and

House Concurrent Resolution 254, by the "yeas" and "nays."

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

FISHERY CONSERVATION AMENDMENTS OF 1990

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2061, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 2061, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there was—yeas 396, nays 21, not voting 14, as follows:

[Roll No. 7]

YEAS—396

Ackerman	Emerson	Lagomarsino
Akaka	Engel	Lancaster
Alexander	English	Lantos
Andrews	Erdreich	Laughlin
Annunzio	Espy	Leach (IA)
Anthony	Evans	Leath (TX)
Applegate	Fascell	Lehman (CA)
Archer	Fawell	Lehman (FL)
Armey	Fazio	Lent
Aspin	Feighan	Levin (MI)
Atkins	Fields	Levine (CA)
Baker	Fish	Lewis (FL)
Ballenger	Flake	Lewis (GA)
Barnard	Flippo	Lightfoot
Bartlett	Foglietta	Lipinski
Bateman	Ford (MI)	Livingston
Bates	Frank	Lloyd
Bellenson	Frost	Long
Bennett	Gallegly	Lowey (NY)
Bentley	Gallo	Luken, Thomas
Bereuter	Gaydos	Lukens, Donald
Berman	Gejdenson	Machtley
Bevill	Gephardt	Madigan
Bilbray	Geren	Manton
Billey	Gibbons	Markey
Boehlert	Gillmor	Martin (IL)
Boggs	Gilman	Martin (NY)
Bonior	Gingrich	Martinez
Borski	Glickman	Matsui
Bosco	Gonzalez	Mavroules
Boucher	Goodling	Mazzoli
Boxer	Gordon	McCloskey
Brennan	Goss	McCollum
Brooks	Gradison	McCrery
Broomfield	Grandy	McCurdy
Browder	Grant	McDade
Brown (CA)	Gray	McDermott
Brown (CO)	Green	McEwen
Bruce	Guarini	McGrath
Bryant	Gunderson	McHugh
Buechner	Hall (OH)	McMillan (NC)
Bunning	Hall (TX)	McMillen (MD)
Burton	Hamilton	McNulty
Bustamante	Hammerschmidt	Meyers
Byron	Hancock	Mfume
Callahan	Hansen	Michel
Campbell (CA)	Harris	Miller (CA)
Campbell (CO)	Hastert	Miller (WA)
Cardin	Hatcher	Mineta
Carper	Hayes (IL)	Moakley
Carr	Hayes (LA)	Mollohan
Chandler	Hefley	Montgomery
Chapman	Hefner	Moody
Clarke	Henry	Moorhead
Clay	Herger	Morella
Clement	Hertel	Morrison (CT)
Clinger	Hiler	Morrison (WA)
Coble	Hoagland	Mrazek
Coleman (MO)	Hochbrueckner	Murphy
Coleman (TX)	Holloway	Murtha
Collins	Hopkins	Myers
Combest	Horton	Nagle
Condit	Houghton	Natcher
Conte	Hoyer	Neal (MA)
Conyers	Hubbard	Neal (NC)
Cooper	Huckaby	Nelson
Costello	Hughes	Nielson
Coughlin	Hutto	Nowak
Courter	Hyde	Oakar
Cox	Inhofe	Oberstar
Coyne	Ireland	Olin
Craig	Jacobs	Ortiz
Crockett	James	Owens (NY)
Darden	Jenkins	Owens (UT)
Davis	Johnson (CT)	Oxley
de la Garza	Johnson (SD)	Packard
DeFazio	Johnston	Pallone
Dellums	Jones (GA)	Panetta
Derrick	Jones (NC)	Parker
DeWine	Jontz	Parris
Dickinson	Kanjorski	Patterson
Dicks	Kaptur	Paxon
Dingell	Kasich	Payne (NJ)
Donnelly	Kastenmeier	Payne (VA)
Dorgan (ND)	Kennedy	Pease
Douglas	Kennelly	Pelosi
Downey	Kildee	Penny
Durbin	Kleczka	Perkins
Dwyer	Kolbe	Petri
Dyson	Kolter	Pickett
Eckart	Kostmayer	Pickle
Edwards (CA)	Kyl	Porter
Edwards (OK)	LaFalce	Poshard

Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schumer
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walsh
Washington
Watkins
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—21

Anderson
Barton
Crane
Dannemeyer
DeLay
Dixon
Dreier
Duncan
Frenzel
Gekas
Hawkins
Hunter
Lowery (CA)
McCandless
Miller (OH)
Rohrabacher
Sensenbrenner
Stark
Stump
Thomas (CA)
Walker

NOT VOTING—14

AuCoin
Bilirakis
Dornan (CA)
Dymally
Early
Ford (TN)
Lewis (CA)
Marlenee
Obey
Pashayan
Schulze
Sharp
Tauke
Waxman

□ 1439

Mr. THOMAS of California changed his vote from "yea" to "nay."

Mr. SAVAGE and Mr. HALL of Texas changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize appropriations to carry out the Magnuson Fishery Conservation and Management Act through fiscal year 1993, and for other purposes.".

A motion to reconsider was laid on the table.

1448

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCDERMOTT). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

UNITED NATIONS PARTICIPATION IN CAMBODIA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 254, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 254, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 413, nays 0, not voting 18, as follows:

[Roll No. 8]

YEAS—413

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Billey
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Douglas
Downey
Dreier
Duncan
Dwyer
Dyson
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Ford (MI)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schumer
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Washington
Watkins
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—18

AuCoin
Bilirakis
Cardin
Dornan (CA)
Durbin
Dymally
Early
Ford (TN)
Guarini
Lewis (CA)
Marlenee
Mrazek
Obey
Pashayan
Schulze
Sharp
Tauke
Waxman

□ 1450

So (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL VOTER REGISTRATION ACT OF 1989

The SPEAKER pro tempore (Mr. MCDERMOTT). Pursuant to House Resolution 309, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2190.

□ 1452

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2190) to establish national voter registration procedures for elections for Federal office, and for other purposes, with Mr. HUGHES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 30 minutes, and the gentleman from California [Mr. THOMAS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are all familiar with the sad record of voting in our Nation's elections. In the last 30 years, voting participation has declined almost 12 percent. In the last Presidential election, only slightly more than half the eligible voters actually went to the polls.

Mr. Chairman, I am greatly troubled by those figures, and I know many of our colleagues in this House are similarly concerned, for they indicate that millions of citizens are not participating in our democracy.

Many factors are responsible for the dropoff in voting, some of which are beyond our control. Higher voter turnout levels can't simply be legislatively mandated.

But we can do something about by far the most important factor, which is registration. The simple fact of the matter is, you cannot vote if you are not registered, and for many Americans today, getting registered just is not very easy. Indeed, when people who didn't vote in 1988 were asked why, the reason given most often was not being registered.

Registration has been a barrier to voter participation in our democracy since the late 19th century, when the poll tax and literacy tests were introduced to prevent recent European immigrants, blacks, and the rural poor from exercising their constitutional right to vote. While the enactment of the Voting Rights Act of 1965 eliminated the more obvious impediments to registration, it left a complicated maze of local laws and procedures through which citizens must navigate. Testimony before our committee revealed that in many jurisdictions around the country, eligible voters continue to be deprived of their right to vote as a result of restrictive registration practices.

This is not only outdated—if it ever had validity—but it is clearly hypocritical. In our system, no right is more basic than the right to vote. Its exercise is the very symbol of democratic self-government.

It is not that we don't know how to do things better. Many States, in every region of the Nation have reformed their registration laws, experimented with improvements and found cost-effective ways of making registration easier while keeping the system secure from fraud.

Today—with this bill—we have the opportunity to gain from these laboratories of democracy and establish some proven techniques to improve voter registration all across the land. We have the chance to recognize once and for all that the role of our Government is not to discourage voter participation but, indeed, to encourage it.

H.R. 2190, the National Voter Registration Act, is a bipartisan bill which ensures citizens wider and more convenient opportunities for registration while still maintaining the integrity of our electoral process. The bill is the product of extensive committee hearings and meetings with citizen groups, academics, local officials, and many other people concerned about declining voter participation. In fact, the central concepts of the bill were recommended to our committee by election officials themselves. H.R. 2190 counts the support of the League of Women Voters, the Committee for the Study of the American Electorate and many other civic organizations. The National Association of Secretaries of State has strongly endorsed the bill's registration programs.

I have also worked closely with my colleague and the ranking Republican member of my subcommittee, BILL THOMAS, and I want to take special note of his substantial contributions in shaping this legislation. Special credit also goes to the majority whip, BILL GRAY, for crucial assistance, to Speaker TOM FOLEY, and to JOHN CONYERS, whose efforts over the years to extend the franchise to every citizen has made the vote before use today possible.

H.R. 2190 is a very simple and straightforward bill. First, let me tell you what it does not do. It does not change the qualifications for voting. Age limits, citizenship and residency requirements, laws dealing with felon's rights. None of those are changed.

Nor does the bill in any way change the rights and remedies contained in the Voting Rights Act as amended, or contain provisions for same-day registration.

What H.R. 2190 does do is expand the opportunities for registration in three major ways.

First, the bill requires States to permit eligible citizens to register when applying for or renewing their driver's licenses. This is the so-called motor-voter provision. Some 87 percent of Americans of voting age have driver's licenses, so motor-voter will make registration immediately accessible to millions of citizens from every walk of life. And in States where personal ID's are available through motor vehicle departments, that too will provide a convenient registration opportunity.

We use the driver's license procedure because it is a unique system already in place in all 50 States. Since the driver's license application requires most of the information needed to determine an eligible registration applicant—and in most States contains the extra security protection of photo-identification—the two systems are ideal for meshing together. In fact, 12 States and the District of Columbia have already developed motor-voter registration programs, with great success.

Second, the bill requires all States to allow citizens to apply for registration by mail. Postcard registration is available right now for more than half the eligible voters in the Nation, so the bill simply extends this opportunity to everyone. The many States that have already implemented mail registration programs report no increases in election fraud.

Third, the bill provides for registration at various Government agencies, such as Government revenue offices and public libraries. Agency registration is also in wide use today.

These three registration programs complement traditional procedures for registering, such as registration at State election offices and local courthouses, and, when fully implemented, will reach nearly every eligible voter. With the exception of printing additional forms to take care of the anticipated increase in applications, they should add little burden to election officials. The State experience, for example, indicates that motor-voter registration adds only a few seconds to the total driver's license application process.

In fact, the bill will give election officials the necessary tools to do their jobs more efficiently and cost-effectively. Costly registration campaigns can be reduced, the enormous expense of overtime and extra help will be

largely eliminated, and by smoothing out the registration process over the full year, election officials will be better able to manage their operations and serve the public.

The other major part of H.R. 2190 provides for the maintenance of accurate and up-to-date registration lists. Inaccurate registration lists are the bane of every election official, can lead to fraud and are extremely costly to the states, political parties, candidates and others who depend upon them for effective voter contact.

In the course of our hearings, the committee discovered a wide range of procedures used by election jurisdictions around the country to update their lists. While some of these procedures were entirely reasonable and appropriate, others were questionable and some blatantly discriminatory. No one can really argue against having accurate registration lists, but there are plenty of schemes and tricks around to knock eligible people off the rolls. More than 40 States currently purge every citizen who fails to vote in one or more elections. A number of States actually drop nonvoters without any notification.

It is the committee's clear intent that no one is to be removed from the registration rolls without clear evidence that he or she no longer qualifies to vote. In fact, Mr. Chairman, the committee felt so strongly about the sanctity of registration, that the bill bans States from using discriminatory means, intentionally or otherwise, to verify registration and, further, prohibits anyone from being taken off the registration list simply for failing to vote. These are major reforms of present practice.

The bill provides States with two options for verifying their registration rolls.

The first option makes use of the U.S. Postal Service's National Change of Address Program. Under this innovative program, voters who move will, for the first time, be able to update their registration information simply by filling out standard change-of-address forms—the same ones we use today. This will allow States to transfer the names of these voters from the registration list in their former precincts onto the list in the precincts into which they are moving. Not only will registration lists in both locations thus be automatically updated, but States will be able to notify relocated voters of their new polling places.

In lieu of this option, States are required to send registrants, at least once every 4 years, a nonforwardable address verification mailing. The bill allows States to limit their verification mailings to people who failed to vote in the last general election. Individuals whose nonforwardable mailing is returned to election officials will be sent a second, forwardable mailing, informing them that if the elections board does not hear from them within 30 days, their names will be transferred to an inactive, 4-year holding list. At any time during that 4-year period, individuals so transferred may show up at the polls and vote merely by establishing their eligibility.

I believe—and so do most election officials—that the Postal Service option is the one most jurisdictions will select. Given that one-third of the Nation moves every 2 years and that recent movers are among the lightest-voting groups today—due to difficulties re-registering—its potential impact on voting participation is obviously great. Moreover, it is inexpensive and will even save States money in the long run.

Which brings me to the subject of cost. As with any investment, H.R. 2190 does entail some up-front expenses. The Congressional Budget Office estimates that compliance with H.R. 2190 will cost States, in direct outlays, an average of $20 million to $25 million a year for the first 5 years of the program.

The first thing that should be noted is that the bill provides States plenty of help in implementing registration programs. In fact, H.R. 2190 authorizes "such sums as may be necessary," including up to $50 million in fiscal year 1992 to help States verify their registration rolls.

Second, costs under the bill will rapidly decline over time. For example, costs associated with the motor-voter program will decrease significantly once the initial, 3- to 5-year driver license cycle in each State elapses. The Michigan motor-voter program—which began in 1975—serves 750,000 people a year and costs just $100,000. That comes out to 13 cents per transaction.

The expense of mail and agency registration programs will also decline after the beginning "start-up" period, during which time new forms must be printed and distributed. The incremental, operating cost of individual registration transactions is very low. And since registration lists will be kept accurate, States also will save the printing and postage expenses that arise from sending ineligible voters costly sample ballots and other voting materials.

We all know how difficult it is to estimate the cost of a new program, especially one such as this. But based on the information gathered during our hearings, I believe the CBO's estimate to be realistic. I also think it's important to put the estimate in proper perspective. The real question, after all, is not the expense of any specific provision contained in the bill but the cost to our Nation of more than 50 million unregistered voters. From that vantage point, $20 million to $25 million in annual costs for the first 5 years of the program is a small price to underwrite the vitality of our democracy, and I am confident our appropriations colleagues will have no problems funding this legislation equitably.

Mr. Chairman, at this point let me quickly respond to some of the questions I have most frequently been asked about this bill:

Does the bill provide for same day registration? The answer is no, it does not. After careful study, the committee determined that it is not feasible at this point to mandate same day registration as a national procedure, although the issue may be worth revisiting in several years, by which time implementation of H.R. 2190 is likely to have brought about a significant reduction in the number of eligible voters still unregistered.

Will the bill promote election fraud? The answer is absolutely no. H.R. 2190 is a tough antifraud bill. This legislation not only contains all the present safeguards against fraud and abuse, but goes beyond the security standards now in place. Not only does it get rid of the deadwood on the rolls—thereby reducing the potential for fraud at the source—but it requires every applicant for registration to sign an oath under penalty of perjury that he or she is eligible to vote. And as I mentioned earlier, the motor-voter program requires more identification than current registration procedures.

Does the bill have any affect on the Voting Rights Act as amended? Here too, the answer is no. As I mentioned earlier, this bill establishes a new legal framework addressing registration in addition to existing law, in particular, the Voting Rights Act. Nothing in this bill is meant to change the existing rights and remedies provided under the Voting Rights Act or to undercut the standards of proof governing that Act.

Does the enforcement section of the bill in anyway inhibit individuals or groups from registering voters. Again, the answer is no. While H.R. 2190 is a strong antifraud bill, its enforcement section appropriately covers only those actions and omissions done intentionally. This provision contains, in its frame, the requirement that all actions and omissions covered by the section be knowing and willful. The requirement that individuals act "knowingly and willfully" stated in the opening frame to the section covers each element of the section, including those in both subsection (1) and subsection (2).

Getting H.R. 2190 to the floor has been a process of consultation, compromise, and refinement. What has emerged from these wide discussions is a bill which can be supported by every Member of this body who is truly interested in expanding the opportunities for eligible citizens to register to vote. This bill has wide bipartisan sup-

port, and for the record I'd like to note the following Members who wanted to become cosponsors of H.R. 2190 but whose names were not included when the committee's report was printed: Representatives BOSCO, DELLUMS, DOWNEY, FLAKE, FRANK, HAYES, KENNELLY, KLEZCKA, PEASE, SABO, STOKES, TOWNS, WAXMAN, and WELDON.

Mr. Chairman, our Nation has come far in our electoral practices, granting the franchise to blacks, women, and those over the age of 18, and protecting voters against discrimination.

But too many eligible citizens today fail to vote, in large measure because too many obstacles to voting still remain. Declining voter participation is a national embarrassment and poses potentially serious problems for our political institutions.

As we applaud the outbreak of democracy and freedom abroad, we should take this step to renew our democracy here at home. The founders of this Nation expressly entrusted Congress with the responsibility for determining the manner by which Members of this great body are elected. Our unfinished business is to reduce the obstacles to voting to the absolute minimum while assuring that our elections remain fair and secure. H.R. 2190, the most significant election reform legislation since the Voting Rights Act itself, represents a giant step in that direction. I urge my colleagues to give it an overwhelming vote of approval.

□ 1500

Mr. THOMAS of California. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, let me rise in support of a piece of legislation which is less than its critics have claimed it to be, and, frankly, more than some of its supporters believe it to be. It is a piece of legislation which, although comprehensive at the Federal level, provides a significant amount of individual decisionmaking for States and areas where clearly the States should have that kind of individual decisionmaking.

I, too, as my colleagues, the gentleman from Washington [Mr. SWIFT], the chairman of the subcommittee, with whom I have enjoyed a long and mostly positive working relationship, feel compelled primarily to talk about what this bill is not, since most of the criticisms of the bill are in fact criticisms which the bill does not deserve. For example, I would urge all my colleagues to be very, very careful about material that has been disseminated in terms of cost. There is in fact one piece of information from a study group which says that the cost of H.R. 2190 to the Federal Government is $200 million. If we would examine the documents, I think we would find that the actual amount is $200,000.

Now, we are often accused of dropping zeroes in spending money in various areas, but I would hope that when we report on this bill, we would understand that it is not a $200 million cost but a $200,000 cost.

During debate on the rule there was an accusation that the bill is virtually useless because of its vagueness, for example, in section 106. There is no specificity in terms of the kinds of criminal convictions under which someone would be denied the right to vote. There was a discussion about the fact that if they meant a felony, they should have said, "a felony," and if they meant a misdemeanor, they should have said, "a misdemeanor." They said this bill is too vague to be of any use, "and look at all the mandating that is required."

I would urge my colleagues to read the entire section in dealing with the information on death, criminal conviction, or mental incapacity, because it is stated over and over again in the bill, after that kind of vital statistic information is transmitted to the official voter registration list for adjustment, it is under State law. The decision as to which criminal conviction removes someone from the voting list is to be determined under State law. What kind of mental incapacity is to be determined as to what removes someone from the voter list is to be determined under State law.

If someone wants to argue that we are vague in that area, I guess they can argue on a specificity basis that we are vague. We do not have the Federal Government dicatating what specific criminal convictions are going to keep someone from or remove someone from the voter list. We had no intention of doing that. We had no intention of involving ourselves in an area where the State ought to make that decision, and in fact the bill says that the States should make that decision.

We also had some of our colleagues upset by the fact that in their particular States fishing and hunting licenses are sold at 7-Eleven's and other kinds of convenience outlets, and that all of a sudden the Federal Government is mandating that the local 7-Eleven register voters. I would entertain someone's examination of the bill and the terminology that was used in an attempt to get government agencies to involve themselves in the voter registration area, requiring absolute neutrality under Federal penalty of law, in a neutral way offering the opportunity to register people, not in private enterprise areas, but for example, as the bill says, in "fishing and hunting bureaus," agencies of the government.

Now, we have an outreach program for the private sector to be involved if they so wish. In California we have been able to involve fast food franchises and outlets in a number of other areas in offering an opportunity to register people to vote. I think, given today's lifestyle of people, it is not inappropriate that the Government try to be as outreaching and forward-looking as possible, including the private sector, in extending people an opportunity to register.

Mr. Chairman, another complaint levied against the bill is that it is supposed to increase voter turnout, and some say, "We really don't think it is supposed to increase voter turnout or we don't think it will." I will ask them to turn to the purposes of the Act. No. 1, it says, "to increase registration of citizens as voters." It is not that the registered voters are necessarily going to turn out.

I say to my colleagues that I think we have a vast amount of work to do in the area of an honest and fair apportionment, in the area of campaign finance, and in putting back into the picture local people so they can feel as though they have a chance to influence an election. All of those are items that would affect turnout.

What this bill intends to do and indeed does is to get people in a convenient way registered and, more importantly, in an orderly fashion, removed from the rolls so that what we have are accurate rolls. I think a reasonable program to get people to vote is to, first of all, have an accurate roll from which one can make those choices, not one which is exceedingly difficult to get on or impossible to get off, but one which is reasonable and orderly in putting people on and reasonable and orderly in removing them.

Mr. SWIFT. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I thank the gentleman from Washington [Mr. SWIFT] for yielding time to me, and I rise in very strong support of the measure before us today.

Mr. Chairman, I join my colleagues in strong support of this momentous and historic piece of legislation, H.R. 2190, the Voter Registration Act of 1989. This bill will make voter registration more accessible to the millions of Americans who, for a number of reasons, do not have the means to register.

Five years ago we celebrated the 20th anniversary of the Voting Rights Act of 1965 to mark the significant progress we have made in allowing our citizenry the opportunity to vote. With the passage of the 1965 act, many blatant and sinister obstacles administered through the repressive Jim Crow laws were dismantled. Yet, today many Americans—particularly minorities and low-income persons—are still locked out of the electoral process as other impediments prevent full participation in the electoral process on election day.

Mr. Chairman, the United States has one of the worst voter turnout records among industrialized nations. In the Presidential election year of 1984, only 53.1 percent of the voting age went to the ballot box, and in 1986 only 37.1 percent. And only 50.8 percent of the population voted in the last Presidential elec-

tion. Some 75 million Americans did not participate in the 1988 election, and an amazing 59 million of these citizens were not registered to vote at all according to the U.S. census and voting registration in the November 1988 report. The disappointingly low election turnout represents a movement away from the principle for which this Nation has revered over the last 200 years. It is truly a tragedy when nearly half of our citizens do not cast their ballots and exercise their rights as citizens. And, when we in the United States are in dead last among the democracies of the world as a voting populous, I believe that it is our duty as elected officials to remove any barriers which prevent political participation.

The right to cast one's ballot is a sacred one hallowed by the countless number of men and women who dedicated their lives during the civil rights struggle to gain equal rights for all Americans. Everyone must have the opportunity to have a voice in our government. It took the lives of James Cheney, Andrew Goodman, Michael Swerner, and others to awaken Congress to the harsh realities of voting impediments and prompted the Congress to pass the Voting Rights Act of 1965. These brave patriots gave their lives so that others may have the privilege they endeavored to make available for everyone. I hope that their lives were not lost in vain especially when this Congress, on this day, of this year, can extend universal suffrage and uphold the one man, one vote principle established in the Reynolds versus Sims case in 1964. After more than two decades, we have taken down part of a wall denying African-Americans and others the right to vote by removing literacy tests, poll taxes, and other shenanigans. However, these have been replaced in disguise by the inability to get to the polls, and missed opportunities to register. The low national voter turnout in November 1988 represents a sad chapter in the story of democracy.

Mr. Chairman, I am optimistic as we turn the pages of this story on to a new chapter. We can and must provide the means to allow every American the opportunity to take part in the decisionmaking process. H.R. 2190 is the mechanism that will engender greater voter participation in the United States. This legislation simply allows voter registration while one registers for a driving permit, or registration by mail for those who cannot register in person.

It has already been proven that when people register they are likely to vote. In fact, some 80 to 90 percent of those registered actually cast their vote. However, only 60 percent of voting age Americans are registered. In a poll conducted after the 1988 election, more than one-third of the nonvoters surveyed said that registration prevented them from voting in the election. Thus, I think we should direct our efforts to removing obstacles to voter registration. I call upon my colleagues in this Chamber to move away from partisan politics and toward cooperative politics so that the door of every registrar in the land will always be open.

We must capitalize on this occasion to move forward with the creed of universal suffrage—an essential right in a political democracy. To remain true to the ideals inscribed in our Constitution, the people of our great Nation must be afforded the opportunity to employ their rights as citizens.

I urge my colleagues to set an example for the millions of Americans viewing this debate and cast your vote in favor of the National Voter Registration Act of 1990.

Mr. SWIFT. Mr. Chairman, I yield 4½ minutes to the chairman of the Committee on House Administration, the gentleman from Illinois [Mr. ANNUNZIO].

□ 1510

Mr. ANNUNZIO. Mr. Chairman, I am proud to be one of the original cosponsors of H.R. 2190, and I rise in strong support of it. As chairman of the Committee on House Administration, I want to congratulate the distinguished chairman of the Elections Subcommittee, Mr. SWIFT, for sponsoring H.R. 2190, a bill that would establish a uniform national standard for voter registration.

I also want to thank the hard-working ranking minority member, Mr. THOMAS, for his diligence and cooperation in both the subcommittee and in full committee.

Mr. Chairman, one of the precious rights guaranteed in our Constitution is the right to vote. Voting must be possible for all of our citizens if democracy is to have meaning. From our earliest days, restrictions on the right to vote have been gradually eliminated. We no longer require voters to be men, property owners, or long-time residents to be eligible. This bill takes the next step by eliminating yet another barrier to full voting participation.

Voter turnout in the United States has declined drastically and nearly continuously since 1960. The National Voter Registration Act of 1990 will help reverse that troubling trend.

In 1984, there were approximately 168 million citizens of voting age; 93 million voted for the President, while 75 million did not. In 1986, 61 million people voted for congressional candidates, while 111 million potential voters failed to go to the polls.

Over three-fifths of eligible Americans did not vote in 1986, producing the third lowest midterm election turnout in a century and a half. Excluding the South, the 1986 voter participation rate was the lowest level recorded for an off-year election since 1798.

Major studies have been designed to discover why so many Americans do not vote. The No. 1 reason was not being registered. Registration procedures have placed tremendous restraints on eligible voters for a long time. This bill is designed to remove those restraints.

Nonvoters do not vote because they find out too late they are not registered. H.R. 2190 prohibits the removal of any individual simply for not voting. It establishes address verification procedures to update and maintain registration rolls.

The motor-voter registration provision in the act would allow high school students to apply for voter registration when obtaining their driver's license.

H.R. 2190 provides mail-in voter registration, which will allow our senior citizens and handicapped citizens to register through the mail. It also provides voter registration through Federal and State agencies, granting maximum accessibility.

This bill is the result of a year of hard work by all of the members of Chairman SWIFT's Election Subcommittee. In reaching this final stage, both the majority and the minority gave up some important positions, and both the majority and the minority gained some important language. This is a bipartisan bill. Even the minority views in the report are bipartisan. The Committee on House Administration has always tried hard to accommodate and incorporate everybody's views to the maximum extent. Mr. SWIFT and Mr. THOMAS have done so in this bill.

The committee recognized that States would incur some costs in setting up new registration programs. We provided for $50 million to help them do so. That is about 25 cents for every citizen eligible to vote. So cost should not be any reason to oppose this bill. You should vote for this bill because it will make it possible for many more citizens to register and vote. It does not make it easier to commit fraud—on the contrary, it provides additional safeguards against fraud.

Mr. Chairman, this Congress has talked a lot about compaign reforms. So far, we haven't done much about campaign reforms. This bill—a simple and uncomplicated voter registration bill—is a test of our willingness. If we can't act on this bill, what chance do we have when we get down to business on real campaign reforms? If we mean what we say, we have the opportunity today to prove it.

Mr. Chairman, I urge passage of this bipartisan bill.

Mr. THOMAS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. FRENZEL], the distinguished former ranking member of the Committee on House Administration.

Mr. FRENZEL. Mr. Chairman, the 1988 Presidential election was a continuation of a trend that we have seen in the United States since 1960 of declining participation. Yes, there was a half-percent bleep in 1984, but otherwise we have been on a downhill grade. Many of us have been embarrassed by the fact that even the citizens of El Salvador are able to vote at twice the participation rate as those people who vote to install a United

States Congress in these seats in this House.

Mr. Chairman, we have wondered about this. We have pondered. We have thought of ways to change our procedures to encourage greater participation.

I myself have come to the conclusion that a corollary of the right to vote in this country seems to be the right not to vote.

During this period the Voting Rights Act was passed. Nearly every State moved to open up its registration procedures and add outreach processes as well. Five States now currently have no registration or Election Day registration. Even in spite of that the participation rates have gone down. Those States who have made their processes most open have also had declining participation rates.

Mr. Chairman, I am not sure that registration is particularly difficult or restrictive out there in the States, and yet, nevertheless, in our system I think we have to take every effort to make sure the system is as open as possible and is attractive to potential voters.

If we lived in a neutral world, it would be my inclination not to interfere in the State process, and for many years I have stood before this body and suggested we not do so. Now, however, I think we have made a very small step toward improving registration procedures, and I think it is worth the experiment.

I do want to make it clear that my support is not unconditioned. There are a lot of ways to ruin this bill on the way to enactment, and, if some of those ways slip in, particularly large amounts of money, I am going to slip out.

However, Mr. Chairman, I do want to say that it is time, after having wrestled with this problem for 20 years in this Congress, to make some very small improvements. The committee has wrestled in a very difficult thicket. I myself have labored on that committee in what some have considered durance vile for nearly two decades. We never produced something like this.

No, this is not perfect. Yes, it imposes on the States. Nevertheless it is a very small step to tell our citizens that we are trying to make it easier for them to vote.

Mr. Chairman, the bill deserves a chance. I intend to try to give it one.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I commend Chairman SWIFT for his perseverance in bringing the National Voter Registration Act to the floor for consideration. The ballot is the single most important tool citizens can use to influence our Government. Yet, voter participation in this country remains shamefully low. We must make it easier for individuals to register and stay registered to vote.

This bill will go a long way toward removing barriers that prevent and discourage citizens from participating in elections and exercising their franchise. Current voter registration procedures may not be as obviously discriminatory as the poll tax, literacy tests, and selective purges, but they are discriminatory.

The opponents of the bill say this legislation will result in voter fraud and an excessive financial and administrative burden on the States. That's simply not true.

We don't have a problem with people voting more than they should in elections. We have a serious problem with people not voting at all.

My home State of Oregon passed motor voter registration legislation last year. For a State with 2.5 million residents, the operating costs are estimated at about $400,000 between 1989 and 1993.

But we shouldn't be afraid of increased voter participation. We have a responsibility to encourage people to vote. And to improve registration and access to the polls. This bill does that.

□ 1520

Mr. THOMAS of California. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the Committee on House Administration.

Mrs. VUCANOVICH. Mr. Chairman, while I would like to commend Mr. THOMAS and Mr. SWIFT for their dedication and many months of hard work on this legislation, I am convinced that H.R. 2190 is a classic example of good intentions gone bad.

The National Voter Registration Act would create a national system of voter registration procedures, which proponents argue, would increase the registration rolls. Under this premise, the proponents assume that increased registration will result in an increase in voter turnout. This goal is noble indeed, but H.R. 2190 will not achieve it. In the 1984 Presidential election, my State of Nevada registered 41.6 percent of all eligible voters and had a voter turnout rate of 80.4 percent. At the time of the 1988 Presidential election, motor voter was initiated and voter registration had indeed increased to 44.1 percent; unfortunately, the turnout rate dropped 3 percent. Additionally, a recent CBS-New York Times poll of nonvoters showed 97 percent of nonvoters gave reasons other than problems with the registration process. Further, 56 percent of those polled could not give a specific reason for not being registered or simply had no interest in the election. According to these figures, it is quite doubtful that a significant increase in voter turnout will result.

In a practical sense, the true cost of this measure is still unknown; in fact, State officials have indicated that it is possible that this initiative could run over $1 billion. Presently, $50 million would be authorized for H.R. 2190, however, CBO estimates that the real costs to the Federal Government would be $200 million annually and direct costs to States and localities could be as much as $90 million. I am concerned about the potential shortfall which would have to be made up by each State. Consequently, H.R. 2190 will take precious funding away from more important programs.

Serious fraud issues are also raised by this bill; it is in fact an invitation to voter fraud. H.R. 2190 requires mail registration without the benefit of notorization or signature verification. In addition, the measure does not allow purging of nonvoters from lists and more importantly, H.R. 2190 will replace all State voter fraud laws, regardless of whether the original law is able to grant the State better protection against fraud.

Make no mistake, I support motor voter registration and other voter outreach programs which will increase voter participation. However, I think that all of you will agree that each State has a separate and unique identity whose idiosyncrasies conform to the people who live there. States must have the freedom to design a system that takes these differences into account.

Mr. Chairman, Members, before you vote, read the bill and find out how it will affect your State. I firmly believe that this bill is costly, onerous, may increase voter fraud, and is simply unnecessary. H.R. 2190, the motor voter bill is a lemon, and I urge all Members to vote no on final passage.

Mr. THOMAS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. MILLER], a member who has been very interested in the area of voter registration reform.

Mr. MILLER of Washington. Mr. Chairman, first of all, I would like to start by thanking and commending my colleague, the gentleman from the State of Washington [Mr. SWIFT] for his herculean efforts in behalf of this legislation, and also I want to thank and commend my colleague, the gentleman from California [Mr. THOMAS] for his incredible efforts.

Now, I understand there are some Members who are concerned that the rule on this legislation did not offer enough opportunity for amendments, and I sympathize with that and I support the effort to allow amendments.

I understand that there are some who believe that the antifraud provisions could be made tougher, and that is a commendable effort; but Mr. Chairman, let us make no mistake

about this. This is a good piece of legislation.

In America, a paltry 61 percent of those eligible to vote do so. This in a country that is supposed to set an example of democracy around the world.

Mr. Chairman, more than 86 percent of those eligible to vote have a driver's license. Through the simple act of making it possible to register to vote while getting a driver's license we have the chance to improve our shameful voter turnout.

Eastern Europe is crying out for participatory democracies. This bill will increase participation in this democracy. Let us bring some of the voters back into the voting process.

Mr. Chairman, I urge my colleagues to support H.R. 2190.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, I rise today to express my support for H.R. 2190, legislation which seeks to expand the opportunities for eligible citizens to register to vote.

The National Voter Registration Act is a good starting point for addressing the need to make easier the process of voter registration. While the bill provides registration by mail as well as when applying for a driver's license, I am convinced that we can still do more.

As chairman of the Subcommittee on Postal Personnel and Modernization, I have introduced legislation which provides voter registration forms along with the change address form through the U.S. Postal Service, and which merely makes voter registration forms and information available in U.S. Postal facilities. It is my hope that we will soon have an opportunity to consider other legislative initiatives so that we can continue efforts to remove barriers to voter participation. However, today we focus our attention on H.R. 2190.

Being an active member over the years of the Civil Rights and Labor Movements, I am keenly aware of those that literally died for the right to vote in this country. We must always remain very aware of the struggles set forth to enact the Voting Rights Act of 1965 and always be prepared to remove those barriers which prevent participation in this Nation's political process.

As we know Mr. Chairman, I represent a city that has on many occasions set forth serious barriers to voter registration and participation. I have witnessed massive purges of the rolls in Chicago, obviously making it extremely difficult to again reach a reasonable level of voter registrants. Thousands of black and hispanic voters are clearly lost through the purging process, yet today, some will tell you that we are not in need of a voter registration bill. H.R. 2190 clearly prohibits this kind of activity and we in Chicago need it.

I strongly believe that the cost of this bill will ultimately be nominal on the state-level, including the State of Illinois. We've already seen extremely low cost estimates out of States such as Michigan, Minnesota, and Nevada.

When we live in a country where one-third of the electorate—some 70 million people aren't registered to vote, we are in dire need of a legislative remedy. We are in need of uniform and nondiscriminatory voter registration laws, and therefore I encourage my colleagues' fervent support of H.R. 2190 as we vote today.

Mr. ROSTENKOWSKI. Mr. Chairman, reluctant as I am to vote against a bill crafted and supported by the Democratic leadership of the House, I will vote "no" on H.R. 2190, the National Voter Registration Act, on final passage. There are simply too many aspects of the bill which compel me to call for its reworking as opposed to its passage.

Primary among my concerns is that the bill could make it more difficult to prevent, detect, and prosecute voting fraud. No Federal court jurisdiction in America has devoted more Government resources to the elimination of voting fraud than the Northern District of Illinois. The cooperation of our local, State, and Federal authorities in establishing and maintaining anti-fraud practices and procedures is a promising and ongoing undertaking.

Unfortunately, some of the new mechanisms required by the bill, designed as they are to make registration easier and quicker, actually run counter to the direction of some of our most imaginative fraud prevention measures.

For example, a Federal grand jury which looked into alleged voting fraud in Chicago has suggested the use of thumbprints on voter registration and ballot application forms, in addition to requirements already in place for authenticating signatures. The registration-by-mail provisions of the bill before the House actually would reduce the opportunities for checking even the signatures.

Second, but still very important to my State, the cost of implementing the bill is prohibitive. Since it would fall largely on State shoulders, I am certainly not surprised that we have heard cries of objection from our governors, secretaries of state, and boards of elections.

The Governor of Illinois estimates that the costs of implementing H.R. 2190 in my State alone would exceed $37 million in the first year alone, to say nothing of the costs of maintaining and operating the new system in perpetuity.

Governor Thompson is hard-pressed to know where that money will come from, and he will find no comfort in turning to the U.S. Congress for help.

Finally, I have my own personal doubts whether a bill such as H.R. 2190 addresses the actual cause of low voter turnout.

We can relax the requirements for registration until it's like falling off a log. We can spend a lot of other governments' money on removing every conceivable obstacle between the voter and the polling booth. But if the voters do not believe they have a stake in the outcome of the contest or the results of the referendum, even letting them vote by fax will not bring the count up a great deal.

I commend my leaders and my other colleagues on a well-intentioned effort in bringing this legislation before the full body. Nevertheless, when every political leader in Illinois who has contacted me about this bill has urged me to vote against it, I have to take that into account.

Let's collect the most creative voter registration techniques from around the country and make news of them available to our State and local election officials.

Let's create incentives for the adoption and implementation of those proposals which, in the studied judgment of the local officials, address their specific needs.

And let's allow those jurisdictions who are pushing out the frontiers of anti-fraud and anti-discrimination programs to continue to lead the way, with our help.

Over and above that, we could do nothing more effective toward a better turnout on election day than doing our jobs honestly, creatively, and courageously. In that way only—as opposed to artificial substitutes—can we inspire new respect, new belief, and new interest in representative government on the part of our constituents. The future of democracy in this country depends on it.

Mr. THOMAS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. UPTON], a distinguished Member involved in a significant number of campaign finance reform areas.

Mr. UPTON. Mr. Chairman, Michigan has employed much the same approach that this bill embodies today that is under debate this afternoon. In fact, approximately 800,000 voters take advantage of access to registration when they apply for or renew their drivers' licenses. The system runs at a cost that translates to about 13 cents per transaction. It works. The system has been found to be very successful. I have talked to a number of my county and township clerks over the last 10 days or so, and they are very proud of the system that they have, because they know that is performance has done very well.

Michigan has an excellent record in its conduct of registrations and elections.

The motor-voter registration works.

Now, the question is often asked, is this an unreasonable Federal intrusion into State functions? Well, we are not trying to run the elections of the Federal Government. We are only trying to establish a reasonable national standard providing greater access to registration. That is what this debate should center on. States still have the power to improve their system if they so desire.

As I indicated, this works for Michigan. In fact, in Michigan where they have already begun to embark on a computerization program that should be completed by the midnineties, they

are going to have to roll that up a little bit earlier so that they can complete that earlier than they had originally anticipated, but it is not going to be a problem. In fact, with the Federal incentive now that will provide some funds for that, as it will to all 50 States, Michigan is in a good position. This is good politics and it is good policy. I urge the Congress to adopt this measure.

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield briefly?

Mr. UPTON. I yield to the gentleman from California.

Mr. THOMAS of California. It is my understanding, Mr. Chairman, that Michigan has the so-called motor-voter.

Mr. UPTON. We do have it.

Mr. THOMAS of California. And you are not computerized?

Mr. UPTON. It is not computerized at this moment, though there are steps to do so in the next couple of years.

Mr. THOMAS of California. Some of our colleagues are concerned about the fact that the bill does not mandate computerization. The gentleman has found that the Michigan experience has been a successful one, even though Michigan at this time is not computerized?

Mr. UPTON. That is correct. It has been a very successful program without a computerization mandate. I can tell the gentleman from personal experience as one who has moved from a township to the city in the last couple years, it works wonderfully.

Mr. THOMAS of California. Mr. Chairman, I thank the gentleman very much.

Mr. SWIFT. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. McMILLEN].

Mr. McMILLEN of Maryland. Mr. Chairman, today I rise in support of H.R. 2190, the National Voter Registration bill. I believe that this legislation is vital to improving the numbers of registered voters in this country. While the legislation does not include portions of a bill which I introduced last year, the Jury Selection and Voter Participation Act of 1989, it is my hope that in the near future the merits of my legislation will be considered.

It is essential, in a democracy, that juries be composed of people who represent a cross section of the community. This is an issue of fairness and of individual rights under our constitutional form of government. At the same time, it is inappropriate that only those citizens who are registered to vote or who actually vote are selected to serve on juries. Service on a jury should be viewed as an essential component of responsible citizenship. Further, it is fundamentally important for citizens to participate in a democratic form of government. The way for citizens in a democracy to participate is with their votes. Unfortunately, our most recent election marked a new low in the level of voter participation. Our Nation is the greatest democracy in history. At the same time, the level of voter registration and participation in the United States is nothing short of abysmal, particularly when compared to other western, industrialized democracies. I am convinced—based not so much on findings explained in volumes of studies and reports, but on my own, often casual conversations with local elected officials, elections and voter registration officials, and ordinary, everyday people—that many Americans do not register to vote because they do not want to serve on juries. In this country, people who have not registered to vote because of a fear of jury service have articulated concerns about inconvenience, including the actual time involved and lost work, expense, and a general reluctance to become involved. It is clear that people who do not want to serve on juries, do not register to vote. By not voting, these people are not exercising an important right denied to so many others in the world. Again—and this is a point that deserves to be stressed—in a democratic system of government, it is imperative that juries are a representative cross section of the community. If the possibility of serving on juries is a disincentive to people who want to vote and participate in our elections, we should remove this disincentive. The legislation I introduced would amend the way that the clerks of the Federal district courts develop rolls of those eligible for jury duty. My bill would require the use of substitutes, specifically information compiled by the Social Security Administration and the Internal Revenue Service, for voter registration lists or the lists of actual voters. In addition, my bill recommends that the States develop their own lists of prospective jurors that are not based on voter registration lists or lists of actual voters. The States should use other sources for compiling names of those to serve on State juries, including records of motor vehicle licenses and registrations, lists of utility customers, and State or local income tax returns. All citizens, age 18 or older, should be eligible for jury service. We all benefit from the freedoms and rights of American citizens. Thus, all citizens shall contribute to those freedoms and rights by serving on juries, if called. The selection process should not be dependent on identifying prospective jurors based on whether or not a person has exercised his or her right to vote.

□ 1530

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Chairman, I rise in support of H.R. 2190. The need for this legislation is very clear. Voter turnout in our elections is at an embarrassingly low level. The United States has the worst voting participation rate of the world's major democracies.

Why is this the case? Let us examine the facts. In the last Presidential election only 50 percent of the people of voting age in the United States actually voted. The fault lies in the staggering number of unregistered Americans. Over 80 percent of the registered voters in our country vote in Presidential elections by only 61 percent of the voting age population is actually registered to vote. Let me say that again. Only 61 percent of the voting age population is actually registered to vote. If you are not registered, you can not vote. So let us make it easier to register and then maybe we will not be in last place in turnout anymore.

There are 21 States where less than 70 percent of the voting age population is registered. These States are as follows: Arizona, 69 percent; Arkansas, 68 percent; California, 67 percent; Delaware, 65 percent; Florida, 63 percent; Georgia, 63 percent; Hawaii, 54 percent; Kansas, 69 percent; Maryland, 66 percent; Nevada, 57 percent; New Jersey, 67 percent; New Mexico, 61 percent; New York, 64 percent; North Carolina, 69.8 percent; Pennsylvania, 65 percent; South Carolina, 52 percent; Tennessee, 66 percent; Texas, 67 percent; Virginia, 63 percent; West Virginia, 69 percent; and Wyoming, 64 percent.

H.R. 2190 seeks to provide uniform national standards for voter registration laws and to do so in a manner that makes it easy for all eligible citizens to register and that guards against voter fraud.

H.R. 2190 requires that all States establish procedures permitting people to register to vote by mail. A total of 26 States currently have registration by mail, and the system has worked well in those States. H.R. 2190 also requires States to provide for automatic voter registration when someone completes an application for a driver's license. This is an innovative approach already in use in some States. It is estimated that linking voter registration with the application for a driver's license would reach about 90 percent of the voting age population.

This legislation represents change, and change is never easy, particularly for the local elections officials who must administer the system. However, we can not let resistance to change prevent us from becoming a better Democracy. I urge you to join me in supporting H.R. 2190.

Mr. THOMAS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL of California. Mr. Chairman, I cannot support the proposed National Voter Registration bill, H.R. 2190, because I sincerely believe it to be unconstitutional. This is regrettable, because the purposes of the bill are, generally, laudable. However, the Constitution gives to the States and not to the Federal Government, the obligation to set qualifications for eligibility to vote in Federal elections. Here are the constitutional provisions for elections for President, Representatives, and Senators.

The Constitution provides the following for setting qualifications for voters for Representatives:

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Article I, section 2: The Constitution provides the following for setting qualifications for voters for Senators:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The 17th amendment (1913): Note this provision was adopted after the 14th amendment—making it very hard to argue the 14th amendment takes the power away from the States when the 17th amendment gave the power to the States.

The Constitution provides the following for setting qualifications for the Presidential electors:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress. . . .

Article II, section 1: Finally, the Constitution provides for the following explicit congressional authority in the area of elections:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

Article I, section 4: To say who may vote is not to prescribe times, places, or manner of elections. It is to set eligibility requirements—and, hence, it is reserved to the States.

In 1970, in Oregon versus Mitchell, the U.S. Supreme Court upheld, 5 to 4, the Federal law to compel States to allow 18 year olds to vote in Federal elections. Despite the foregoing clear provision of the Constitution, the Supreme Court held that the 14th amendment, section 5, gave the Congress the necessary authority—as part of the general guarantee of "due process" and "equal protection." Assuming that case, Oregon versus Mitchell, would be decided the same way today, there is a difference. To draft young Americans to fight and possibly die at 18, but deny them the right to vote, might well have been a violation of due process, of equal protection. That is not the case with the provisions of this bill, however. These provisions deal with the ordinary aspects of who shall be eligible to vote—which provisions are left to the States. Many have called for judges to interpret the Constitution according to original intent. Many call for conservative judges, who will apply the provisions of the Constitution rather than add their own meaning to them. To these, I ask: How can you support a congressional bill premised on a power not given to Congress—indeed, explicitly given to the States? If you were the kind of judge you would want the President to appoint, you would strike down this law. You ought not support it as a Member of Congress.

Mr. THOMAS of California. Mr. Chairman, I yield 3 minutes to the more than distinguished gentleman from Kansas [Mr. ROBERTS], a member of the Committee on House Administration, a member of the Subcommittee on Elections, and a watchdog for the public.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let me begin by saying that I do not know of any Member of this Congress who opposes the intent of this bill, and if I can really personalize those remarks further, we do not really question the intent, not to mention the hard work of the subcommittee chairman, the gentleman from Washington [Mr. SWIFT], and our ranking member of the subcommittee, the gentleman from California [Mr. THOMAS].

The motor voter trail, if you will, has been long and arduous for both gentlemen, but I hasten to add, however, that as a member of the subcommittee, I never really signed on with this posse to increase voter turnout by mandating Federal registration and costs and regulation and hoops and hurdles upon our State and our local election officers and that whole system. We are concerned about what lurks under the banner of reform and the law of unintended effects.

We believe that voter turnout is important, but not at the expense of integrity, the sanctity and the workability of the entire election process. Much has been said about costs and the cost estimates ranging from $10 million to $200 million and down the road, and if we stop to figure in the cost to apply this mandate to State and local elections, and that is what will happen, States will not simply finance one system for Federal candidates and another for State and local; it could even reach $1 billion.

There will be gasps of feigned astonishment from those who are proponents of this bill, but that is the case. The General Accounting Office, when trying to figure out what the costs would be, simply threw up its hands and said it was impossible.

We have heard a great deal about fraud in this debate, and the proponents state that new Federal authority will add a new layer of protection. We have had lengthy staff meetings, lengthy questions about proof of citizenship, notarization for postcard registration, the purge of nonvoters, putting State and Federal employees in the position of being elections officers. Needless to say, these concerns remain.

Finally let me say that my biggest concern is the Federal intrusion in the local and State election process and the compliance chaos that will result in regard to cost reforms, duplication, fraud, and election integrity.

Today perception is reality. We hear that if we simply increase voter registration by automatically registering everybody who has a driver's license or everybody who walks in to see the friendly folks where one gets their hunting license, the fishing license, marriage license, the friendly folks at the welfare office, the unemployment office, the post office, the school, yes, the ASCS office in farm country, then if we make them all election officials, then we save democracy and voter turnout.

Reality: this is going to turn our election process upside down.

In closing, let me simply say that we agree with the increased goal of increased voter participation and registration, but we do not agree that this mandated Federal approach is the right answer. Later in the debate, we will have an appropriate alternative that will, in fact, increase voter registration but also safeguard the integrity of the election process.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. HAYES of Illinois) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

NATIONAL VOTER REGISTRATION ACT OF 1989

The Committee resumed its sitting.

Mr. THOMAS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. HILER], a member of the full committee, a member of the Subcommittee on Elections, and one whose hard work and observations helped contribute to this bill.

Mr. HILER. Mr. Chairman, democracy can be a frightening concept, because on election day the results are out of the hands of the consultant; they are out of the hands of the commercials; out of the hands of those who write the direct mail, but instead the results are in the hands of the voters.

One of the frightening things about democracy as well is it takes voters; to make it worse, one cannot have democracy if voters do not vote; we cannot

have the democracy if voters are not registered.

I think it is enlightening that many in this body have been concerned with the elections in Nicaragua, about what degree of registration is taking place, and I along with many others have cosigned letters going to Daniel Ortega urging him to keep the registration process open longer so that more people can get registered. Ninety percent of the eligible voters in Nicaragua are registered to vote, and yet in my own State of Indiana, only 70 percent of those eligible to vote are registered to vote.

The fact is that democracy only works if voters vote, and voters can only vote if voters are registered to vote. This bill, in a nutshell, makes voter registration easier.

What can be argued with that? What is wrong with making voting less elite and more for the masses by making registration easier?

Under this bill, some have been concerned that fraud might become more prevalent. No. 1, under his bill for the first time, election fraud becomes a Federal crime. No. 2, under penalty of perjury, citizens must take an oath attesting to their citizenship. That is not true under current law. No. 3, regular programs to verify voter addresses and remove fraudulent and outdated registration take place.

I have been one who, in my 10 years in this body, have faced the music on election day more than probably any other Member of this body. I continually have difficult elections. I cannot say that I welcome that, but I live with that. It seems to me that if I can stand here before my colleagues on the Republican side and say that I think that this bill meets the test of fraud, and I had a recount that took 77 days in which we recounted every single vote cast in my district, someone who from the State of Indiana who lived through the McIntyre-McCloskey recount, if I from my State and my district can stand before my colleagues on the Republican side and say that I think that the test of fraud has been met in this bill, it will make voter registration easier and will possibly lead to an increase in turnout, then I think that is the message that I would hope that my colleagues would hear.

I know that many argue States rights, and that is a good argument. I know that many argue cost, and I think that is a legitimate argument. I know that many argue fraud, and I recognize that argument. But the fact is that when it comes down to it, I think more people are opposed to this bill because it is the unknown. It is new. It is different. It is changed. What will happen? Does the advantage lie to me, or does the advantage lie to the other person?

□ 1540

The fact is, let us put faith in the American people. Instead of having 70 percent registered, let us have 100 percent registered. Let us spend our time not trying to register voters, but persuading voters to the merits of our argument. Then on election day, let us take that risk. Let us take that risk and put the election out of the hands of the consultants and the pundits, and instead put the election in the hands of the voters.

I am convinced this democracy will sail straightforward if we do that and continue to be the beacon that the people of Poland, Hungary, Czechoslovakia, and the Soviet Union will look forward to in the future.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, this great democracy we have has come a long way. It used to be years and years ago that in order to vote you had to have a certain amount of money in the bank or a certain amount of acreage or had to own slaves, a certain quantity.

I had the privilege three decades ago to share in the leadership of bringing out the 24th amendment to the Constitution, which prohibits the requirement that you pay a poll tax or any other kind of tax in order to vote. I did that with Senator Holland of Florida, a U.S. Senator.

In 1965 I was a cosponsor of the 1965 civil rights, but primarily voting rights, bill. I feel these things in my life and the life of my country are inspiring things. It shows we have confidence in the American people. We have a confidence in people. We have confidence in the destiny of our great country.

Mr. Chairman, I congratulate the chairman of the Subcommittee on Elections, the gentleman from Washington [Mr. SWIFT], the gentleman from California [Mr. THOMAS], and all the others that have put so much work into this bill. I thank them for bringing forward this very forward looking, important piece of legislation, which I hope will bring about a lot more people voting and a great deal more democracy in our country.

Mr. Chairman, today we have an opportunity to extend the parameters of our great democracy to more and more Americans by removing obstacles to voter registration.

For years, we have witnessed the decline in participation among voting age Americans. Two years ago, we elected George Bush as the 41st President of the United States and, yet, according to some sources, a majority of our country's eligible voters did not even vote. It is a tragedy that in the contest for the leader of the greatest country in the world, less than half of our eligible voters go to the polls to cast their ballots.

States which have removed barriers to voter registration find that it works—once registered, citizens are more inclined to vote. H.R. 2190 removes unreasonable barriers to voter registration; as barriers fall, voter participation rises. Under this bill, qualified citizens are registered automatically when they apply for, or renew, their driver's licenses. Citizens can register by mail, or they can register at public offices and agencies. By passing H.R. 2190, we are simply renewing our commitment to democratic principles and to the belief in one person, one vote.

United States' voter apathy leaves a dark blot on democracy at home. In light of this, clearly Congress should enact such legislation. Certainly, Americans have the right not to vote, but when voting is hindered by a morass of procedural barriers and conflicting State laws, Congress has a responsibility to furnish the leadership necessary to overcome these barriers at the very heart and soul of our democratic government.

We can go on talking about aiding democracy abroad, but until we move to increase voter participation and strengthen democracy here, we will continue to be justly criticized. When a country must struggle, and still fail, to get 50 percent of its citizenry to vote in a Presidential election, something must be wrong. Let's bolster democracy right here in the United States. Let's eliminate reasons not to vote. Let's remove barriers to voter registration.

Today, in a bipartisan manner, we have an opportunity to reverse the decline in voter participation, to hurdle barriers to voter registration, and to truly make this a nation "of the people, by the people, and for the people."

I urge my colleagues to join me in promoting voter participation and democracy by voting "yes" on the bill.

Mr. THOMAS of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I think we have a strong responsibility to increase and stimulate voter participation in our electoral process while still safeguarding voting registration procedures. This bill does exactly that.

All of us know how low our voting turnout has been, especially among certain minority groups. We must do what we can to interest all American citizens to become active participants in our democratic form of government. If we can streamline the process so that all U.S. citizens can become true partners in keeping the torch of freedom lit, we all benefit.

When a citizen becomes a voter, he becomes an active shareholder in this great enterprise called democracy in the United States. I hope that we can pass this bill to give true power, the power of the ballot, to the people of America.

Mr. SWIFT. Mr. Chairman, I yield myself 30 seconds.

I just want to pause at this particular point to note that there have been so many people who have worked so hard to bring this to the floor. I mentioned the Members in my opening remarks, but there are many citizens

and citizen groups outside the institution that deserve immense credit. There is my secretary of state, Ralph Monroe, of Washington State; the many civil rights organizations who have worked so hard and care so deeply about the rights of all people to be fully involved in every aspect of this Nation's life; and the League of Women Voters, who have worked on this issue through thick and thin. Stalwart is the word for the league.

Mr. THOMAS of California. Mr. Chairman, I yield 4 minutes to the distinguished minority whip, the gentleman from Georgia [Mr. GINGRICH], a former ranking member of the Committee on House Administration.

Mr. GINGRICH. Mr. Chairman, I thank my colleague for yielding to me. I have watched with great interest the evolution of this bill. I am very committed to campaign reform. I am particularly committed to campaign reform which expands the number of people who are participating in American politics, and which allows the voter and the challenger a reasonable chance to effect their will.

I think this particular bill has to be seen as only the first of a series of steps in the direction of real campaign reform. I think it is frankly a scandal of the American system that there is now more stability in the U.S. Congress than there is in the Soviet Presidium, and that in fact there is far more change occurring in Eastern Europe than there is in American elections. Seen in this context is the need to reform the American political structure and the need to open up that structure for more participation.

Recognizing that, in 1988 50 percent of the American people did not vote. If you measure adults, the real percentage was 23 percent for Dukakis, 27 percent for Bush, and 50 percent did not participate. We do have an obligation to look at a variety of factors that make voting less probable in the United States than it is, say, in Europe or Japan or other countries.

One of those factors is the registration system and the process by which the most mobile society on the planet, the group most likely to move around, makes it difficult for themselves to participate.

Now, my friends, particularly in the Republican Party, have raised several questions about this bill. First they ask is it not particularly helpful to the Democrats to register new people?

I do not think so. I think we may be at a particularly appropriate point to have both parties for open registration, because we are at about parity in ID. About 42 percent of the country identifies with the Democrats; about 42 percent of the country identifies with the Republicans. So for a very unique period there is no natural minority party and there is no natural majority party. We can all try to get everybody to vote and see who wins in the competition.

Second, it is very revealing that in 1988 had everyone voted, George Bush's percentage would have gone up from 54 percent of the vote to 57 percent. I say to my Republican friends, do not think we have anything to fear from encouraging registration and encouraging particularly young people to be more involved in the process.

Other friends tell me that there is a State's right question. I think probably intellectually there is a State's right question.

I have to confess as a Georgian I was astounded to find out how little some of my friends have dealt with the Federal Government in the election process. In Georgia we cannot change the election district, we cannot change the date of the election, we cannot change the composition of a school board, we cannot change the county commission.

I thought by the standards my State has lived with now for almost 25 years, that this was such an indirect and marginal request that in fact it is hardly by any modern standard a State's rights question. Instead, it is a question about electing Federal officials and electing the President.

When I was young, in fact when I was a senior in high school, the Presidency was in effect stolen. There is general agreement, I think, that election fraud in Texas and Illinois were decisive in the election of 1960.

One of the things that most attracted me to this bill is that it is a very powerful step toward making fraud a Federal offense. It is a very powerful step toward looking carefully at the voter rolls and making sure that only live citizens are voting. It is a very powerful step toward guaranteeing that all Americans participate, but only living Americans who are legally of age and are citizens participate.

In that sense, the combination of cleaning up the voter rolls while allowing everyone to have a chance to vote, struck me as something which was in fact exactly in the right direction.

So I commend my colleagues. I think this is a good piece of work. I commend the gentleman from California [Mr. THOMAS] for all the time that he has worked on this and the long hours he put in. I do think it is a very important step in the right direction.

Mr. THOMAS of California. Mr. Chairman, may I inquire how much time I have reamining?

The CHAIRMAN. The gentleman from California [Mr. THOMAS] has 2 minutes remaining, and the gentleman from Washington [Mr. SWIFT] has 9 minutes remaining.

Mr. THOMAS of California. Mr. Chairman, I yield the remainder of my time, 2 minutes, to the distinguished gentleman from Alabama [Mr. DICKINSON], a member of the Committee on House Administration for a quarter of a century.

□ 1550

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I do not think the legislation before us today is needed. I am informed by my Secretary of State in the State of Alabama that it is contrary to our State constitution.

Most Members on the floor and in the Congress remember a good friend of ours, Gene Taylor, who has retired now. Gene used to tell the story about a fellow from his district who was 83 years old. Somebody said: "Well, you've seen a lot of changes in your lifetime, haven't you?" He said, "Yep; and I have been against every one of them."

I am not against change for the sake of maintaining the status quo. I just feel very strongly that my State, your State has a right to determine what the registration, certification and everything dealing with voting should be. I think it is a States rights issue. I think there is no necessity at this time to pass legislation such as this.

I cannot help but think of a fellow who came in my office about 2 years ago. He was an illegal alien and the Immigration and Naturalization Service had caught him. His boss brought him in. He was a migrant worker. He had a Social Security card, he had a driver's license, he had a pickup truck he had bought on time and was paying for through the bank. He had 5 kids in public school and he was illegal. I cannot imagine him going and getting his driver's license at the county courthouse and them asking: "Well now, are you an illegal alien?" And he would say, "Yes." When he goes and gets his driver's license, they are going to register him to vote, and I think that this bill really begs for fraud. I think we do not need it. I am opposed to it and I hope we vote it down.

Mr. SWIFT. Mr. Chairman, I have one speaker I would like to use to close debate, and I plan to allocate 5 minutes to him. Would the gentleman from California [Mr. THOMAS] like me to yield any time to him prior to that?

Mr. THOMAS of California. Mr. Chairman, if the gentleman would yield 3 minutes to me so that this side can make some concluding remarks, I would appreciate it.

Mr. SWIFT. Mr. Chairman, I am happy to yield 3 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think as we examine suggested changes under amendments that are going to come before us, we need to focus once again on the pri-

mary intent of this legislation. It is not to increase voter turnout.

As the gentleman from Indiana so eloquently said, what we are going to do hopefully in this bill is to eliminate one of the barriers to voting, and I believe this bill provides a reasonable method to put people on the rolls, and a reasonable method to remove those who should not be on the rolls.

As the gentlewoman from Nevada indicated, we ought to examine carefully how it affects our individual States. I am very pleased to say that I have a letter from the secretary of state of the State of Nevada who indicates that they have begun a so-called motor voter program. The funds are $33,000 a year, and they have increased their voter registration 42½ percent over the previous year's figure. She indicates:

Although I can only speak to our Motor Voter Program in this respect, the only use of a computer at this time is by the Department of Motor Vehicles, which produces a transmittal statement that accomplishes the voter registration applications when they are sent to the county clerk or registrar's office. Nevada has not experienced any cost in this regard.

So when we take a look at our arguments for voting against this bill, if it is cost, I really think that is not an appropriate argument. We have provided $50 million, more than was indicated by a study of what those costs actually will be. But this is not a 1-year program. If in fact next year we find that it costs a bit more to provide this significant increment in participatory democracy, then we can talk about putting more money in.

But let me speak finally for someone else on my side in closing. Eddie Mahe is someone who has been involved in politics for a long time as a Republican consultant. He might be known as a Republican's Republican. He said:

If the Republicans are serious about any outreach effort, we cannot be anything but supportive of changes that make it easier to vote.

As far as fraud is concerned, he said:

When you can charge with a Visa card anywhere in the USA in 5 seconds, there is no reason we cannot stop fraud at the polling place if we are determined to do so. Honest people should not be penalized by making it more difficult to register, using the excuse of voter fraud.

We believe that any of the arguments that are fundamentally against the bill on the question of cost or fraud have been covered. What this bill purports to do and will do is allow the American people a chance to participate. That chance will be in our hands in changing the method by which people participate. In the actual districts, the cost of campaigning and the kinds of issues that we present to them, let us remove the phony argument of failure to register and get on with the more fundamental debate of why people do not vote. Look inward. Make the changes in terms of allowing people to vote, but let us not use the excuse that they are not registered as to why people do not vote.

Mr. SWIFT. Mr. Chairman, I am very pleased to yield 5 minutes to the gentleman from Michigan [Mr. CONYERS], a Member who has been the father of this issue for long before I ever came to Congress. I do not mean to make my young colleague sound old, but he has worked very long and hard on this issue for many years.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding time to me and thank the subcommittee chairman as well as the ranking member.

Mr. Chairman, this is a very important day because only a few hours ago I called Coretta Scott King in Atlanta to advise her of the action that the House was taking in this debate. Of course, only 2 days ago at the Kennedy Institute, a lady who had worked for me from Montgomery, AL, for 22 years was honored on her 77th birthday, Rosa Parks. And as the person who introduced the first bill to make Martin Luther King, Jr.'s birthday a national holiday, and as the freshman Member who came to this Congress in the year that the Voter Rights Act of 1965 was passed, I am very, very pleased and honored to close the very vigorous debate that has formed this bill and then was brought forward by this committee.

The Congress is in the debt of the members of the committee, the gentleman from Washington [Mr. SWIFT] and the gentleman from California [Mr. THOMAS], who have worked with us. I originally began with a bill that was promoted by Jesse Louis Jackson that argued that we ought to move even beyond the compromises that are in this bill, and that we ought to do what 3 States already do, and that is register people even on the day of election. It is working effectively right now in Minnesota, Wisconsin, and Maine.

Joining me in that effort were 115 Members, including the Speaker of the House. But it was determined that we ought to move with this compromise that combined motor voter, that combined mail-in, that combined agency-based concept with purge provisions brought forward by the Republican leadership, and that we would then have a bill that would move most of this country's registration processes forward in an important way. I am very happy to be a part of this and to remind Members of the 150 other organizations, not all civil rights, but registration organizations, community organizations, public interest organizations that really represent millions of people who are waiting anxiously for us to begin the process that will then go to the Senate and ultimately to the desk of the President of the United States.

Please, I think that we need to remember that it is just not money that has brought us this far in terms of costs, but there have been the sacrifices of human beings, Schwerner, Chaney, and Goodman. There have been those who have marched. There have been those who have been incarcerated. There have been those who have lost their jobs and have had broken families. We have had a Member here from the South who talked about the poll tax and the grandfather clause.

This is really an extension of the Voter Rights Act of 1965, and it makes me very proud to think that Emmanuel Celler, then the chairman of the Committee on the Judiciary, that the Secretary of State of Michigan, Richard Austin, who started the whole concept of using the driver's license as a method of getting registration increased, really makes this a wonderful moment in our civil rights history, in our voter rights history, and in the whole concept of depending upon the people to make democracy work.

□ 1600

I am very proud to join this committee in their efforts, and I will continue this work even as it goes to the other body.

Again I thank the gentleman for yielding.

Mr. UDALL. Mr. Chairman, last week the President stood in this Chamber to deliver the State of the Union. He quoted the Declaration of Independence by saying, "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." Mr. Speaker, the very next line of this document states, "That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed." In this country the "consent of the governed" is equated to voting.

The National Voter Registration Act, before us today, will allow a greater number of this country's eligible voters to take a necessary step in this process. It will ease process with which U.S. citizens can register.

In the 1988 election only 50 percent of eligible voters participated—an abysmally low level that has not existed since 1924 when Calvin Coolidge was elected President. In the 1988 election, it was estimated that only about 61 percent of the voting population was registered. Looking back only 4 years to 1984, the number of registered voters was about 68 percent of the voting population. This is not a one-time decline. In fact, this trend has existed over the last 20 years and, unless this legislation is enacted, has little chance of improving.

Research shows that over 80 percent of those voters that are registered actually vote. It only makes sense that to increase the voter turnout we must increase our voter registra-

tion rolls. A mandatory step for increasing the registration of our citizenship is easing the process to accomplish that goal while still maintaining its integrity.

Among other provisions, H.R. 2190 contains three methods that will make it simpler for the entire voting age population to participate in the voting process. One of these methods permit voters to register when they apply for a drivers license, or the so-called motor/voter registration process.

The motor/voter process was enacted in Arizona in January 1983 and has been a great success. In fact, 28,291 Arizonans registered in the period between April 4, and July 1, 1983. In a similar period in 1981, prior to motor/voter enactment, only 7,842 potential voters were added to the roles. Both periods were in nonelection years, so these numbers are very telling of the success that motor/voter registration can provide.

Currently, over 50 percent of Arizona's registered voters do so through the Motor/Voter Program. We also were concerned that this program would provide the opportunity for voter fraud. It simply hasn't happened.

We have amended the U.S. Constitution only 26 times since its inception over 200 years ago. Four of those amendments have the intent of insuring that this country open its ballot boxes to more of its populous. This is a historical indication of the priorities this country has placed on the desire of its citizens to vote. The National Voter Registration Act takes another step in that direction. It allows more of the voting populous to participate in the most effective vehicle our citizens have in deciding who governs.

It is up to us, as the representatives of our constituents, to insure that the philosophy of our forefathers is pursued. I urge my colleagues to vote for this legislation and allow our voters to be where they belong on election day—at the ballot box.

Ms. OAKER. Mr. Chairman, I rise in strong support of one of the most important components of election reform since the passage of the Voting Rights Act of 1965. Passage of the National Voter Registration Act would be a major step forward in broadening participation by all Americans in the electoral process.

Mr. Chairman, this is a simple piece of legislation that has the bipartisan support of over 100 of our colleagues. H.R. 2190 will expand the opportunities of every eligible citizen to participate in Federal elections. This is legislation of inclusion, not exclusion and it offers the citizens of this Nation the opportunity to register to vote while applying for a drivers' license. It makes registering to vote as simple as that. This legislation promotes democracy at the very lowest level of grassroots politics.

At this time in history, it is critical that the United States do all it can to ensure the fullest exercise of citizenship and be an example of an invigorated democracy to the world. H.R. 2190 will effectively enhance voter registration. Registration by mail, registration at motor vehicle registration offices and other government agencies, and the eimination of purging for nonvoting are essential components of the bill which will help expand the registration rolls.

While countries around the world struggle for such basic freedoms as the right to vote, voter participation in this country remains embarassingly low. In the 1988 Presidential election, the turnout of eligible voters was the lowest since 1924, barely 50 percent. One of the primary reasons given by nonvoters was that they were not registered. This bill will not only increase the opportunity for eligible citizens to register to vote, but also open the electorial process to all citizens.

Mr. Chairman, H.R. 2190 recognizes that each State has its own diverse registration procedures and provides that the responsibility for the implementation of the voter registration system would fall within the perview of our secretaries of state, with the Federal Government responsible for the enforcement of the system, as well as financial and technical assistance.

I am proud of the job that Ohio's secretary of state has done in encouraging the citizens of my State to register and vote. In fact, the Washington Post has acclaimed Sherrod Brown's program for Ohioans as "the most intensive and wide ranging in the country." One of his most important efforts has been to guarantee every disabled citizen a right to vote. And, more than 92 percent of Ohio's polling places are accessible to voters with disabilities. Ohio's program for guaranteeing and improving the disabled accessibility to our polling places is recognized as one of the best in America.

Mr. Chairman, this legislation has the support of many bipartisan organizations and elected officials which include: The National Association of State Public Interest Research Groups; the National Rainbow Coalition; Campaign for Universal Voter Registration; the National Council of Jewish Women; American Jewish Congress; Many of our Nation's labor unions; and the National Association of the Secretaries of State.

In conclusion, Mr. Chairman, I encourage all my colleagues to support this very important legislation.

Mr. BROWN of Colorado. Mr. Chairman, ensuring that our citizens are granted the opportunity to exercise their fundamental right to vote is essential to the preservation of our democracy. Providing access to the ballot is an important goal, and should be accomplished through the most efficient and effective means possible.

The en bloc amendments, offered by the distinguished minority leader, Mr. MICHEL, provide incentive for States to increase voter registration through a block grant program. Rather than imposing inflexible and costly Federal mandates on States, the en bloc amendments would allow chief State election officials to design procedures to address the particular obstacles to registration in their respective States and improve participation in the electoral process.

Included in the en bloc package is an amendment that my colleague from Colorado, Mr. HEFLEY, and I have sponsored at the request of Colorado's secretary of state. The amendment would replace the mandate that States must designate public libraries, public schools, offices of city and county clerks, marriage license bureaus, fishing and hunting license bureaus, government revenue offices, post offices, and offices providing public assistance, unemployment compensation, and related services as voter registration sites with discretionary language. The amendment would give States the flexibility to decide which locations could best handle the responsibilities of distributing voter registration forms, assisting the public, and sending completed applications to the chief State election official.

Without the amendment, thousands of locations across the State will be required to serve as voter registration sites without adequate staffs or resources.

The en bloc amendments also include strong antifraud provisions, allowing States to retain laws that provide greater protection against vote fraud.

Mr. Chairman, the en bloc amendments provide a strong set of guidelines and incentives to the States to improve voter participation in the electoral process. I urge my colleagues to vote for the amendment.

Mr. VENTO. Mr. Chairman, I rise in strong support of H.R. 2190, the National Voter Registration Act. I believe this legislation is long overdue and is needed to address the dry rot of low voter turnout that is weakening the very foundation of our system of government.

Frankly, Mr. Chairman, I am quite surprised by the opposition to this modest measure. H.R. 2190 sets responsible registration standards and provides adequate safeguards to insure that voter fraud will not occur. The legislation was not drafted in a void, indeed there are adequate precedents and experience from State registration laws.

My own State of Minnesota has had mail registration and election day registration since 1973. During that entire 16-year period, the office of the secretary of state, Joan Growe, reports that there has been no evidence of a concerted effort to violate election laws. There have been a few isolated violations, but most of those have been errors by individuals in registering and there has not been an indictment for violating the registration law since 1984.

In 1987, Minnesota included voter registration applications on many public documents such as driver's license applications and tax forms. In the past 2 years, the secretary of state has received 115,000 voter registrations from tax forms and 200,000 registration forms from driver and vehicle registrations. The secretary's staff estimates that county election bureaus have also received more than 200,000 additional registrations from driver and vehicle registrations. That is over half a million Minnesotans who have registered through this system.

With mail registration and election day registration it is no surprise that Minnesota has consistently led the Nation in voter turnout.

Mr. Chairman, easing voter registration requirements should not be a partisan issue. We should not base our actions today on the voting tendencies of those who would register under this law. An educated and active voting public benefits our country, all parties, and all candidates.

For too long, State registration requirements have been used to fence off the right to vote. The right to vote is a human right not a State right. It is time to recognize that right.

Frankly, I do not believe that this legislation goes far enough. The 30-day registration

cutoff is not necessary and should be prohibited. In a society as mobile as ours, this last vestige of Jim Crowe laws, as applied to the new residents in a community, should be repealed.

The National Voter Registration Act is not a cure-all. In some States, voter participation will not immediately increase and it does not guarantee more competitive elections.

The National Voter Registration Act is, however, an important first prescription to election reform. It will make a difference for millions of potential voters and will lead to other campaign reforms. I urge my colleagues to support this important first step.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of H.R. 2190, the National Voter Registration Act. I commend my colleague from Washington, Representative AL SWIFT, for his leadership and persistence in crafting a meaningful bipartisan package.

Mr. Chairman, it is unacceptable that in this country, which prides itself on individual freedom and democracy, our voter turnout is only 50 percent in national elections. In the past 20 years, the percentage of people voting in Presidential elections has declined by more than 20 percent. Our country is among the last of industrialized nations in terms of voting participation.

At this particular time in the world's history when country after country is turning to democracy, we should take steps to make it easier for people to exercise their freedom to vote. Too many States have barriers that make it difficult for our citizens to register to vote. These include lengthy deadline requirements, inaccessible registration sites, and the unfair purging of voters from the rolls. The bill before us today will correct these problems.

In 1977, I carried a similar measure in the Ohio legislature. We were able to pass a voter registration reform bill that went even farther than the one we have before us today. In Ohio, we enacted a law allowing mail registration, agency registration, and registration at motor vehicle offices.

Mr. Chairman, our experience worked in Ohio. In the 1988 Presidential election, Ohio had the highest voter turnout of the nine largest electoral States. Ohio now regularly has a voter turnout appreciably higher than the national average. The secretary of state's office attributes this directly to a system of simplified and accessible voter registration.

I would like to point out that the arguments we hear today in opposition to H.R. 2190 are the same ones we heard 12 years ago in Ohio. They are as unfounded now as they were then.

We have not seen any widespread fraud in Ohio. In fact, the State has only seen one instance of fraud, which was unrelated to the new registration system. In addition, this initiative has not caused a bureaucratic nightmare for the State. By using the mail, motor vehicle offices, and agencies, the system is already in place. The initiative has worked as it was intended, to simply give more people a chance to participate in our democratic process.

Mr. Chairman, this bill is a good one. I urge my colleagues to support it.

Mr. LAGOMARSINO. Mr. Chairman, the sanctity of the ballot box is one of the basic precepts of our democratic system. When voters go to the polls, they need to know, first, that their vote is secret, and second, that their vote counts.

Therefore I find it disturbing that the very people charged with the job of conducting our elections have serious reservations about H.R. 2190, the bill now before us. I have received a letter from the County Clerks Association of California, addressed to the California Congressional Delegation, stating

As election officials * * * we have some serious concerns about the impact of specific provisions in H.R. 2190 (as well as in other "motor voter" proposals) on the voter registration process in our State * * * election officials—particularly those of us in California—need to receive a separate, stand alone affidavit with original signature each time a registration is added or changed. Multiple formats for registration affidavits and partial updates of registration information, when coupled with the major increase in the scale of voter registration envisioned by this proposal, will unquestionably result in ongoing error, unmanageable cost and noticeable deterioration of our election administration process.

The letter goes on to list several problems they see as arising, including delays and "possible disenfranchisement" of voters.

Mr. Chairman, I'm no expert on voter registration, but when I see the very officials who will conduct the elections say they have reservations about this bill, it worries me.

Then I received a copy of a letter from Charles Weissburd, Register-Recorder of Los Angeles County, to the chairman of the Senate Committee on Rules and Administration, in which he states:

The concept of a simultaneous application for voter registration and motor vehicle driver's license poses a number of serious problems including the following: duplicate registrations * * * possible voter registrations of non-eligible applicants including non-citizens and paroled felons * * * driver's license application form would be extremely complicated and tedious to complete * * *

Mr. Chairman, it may well be that H.R. 2190 can be amended to cure these deficiencies. But the place for making those changes is in committee, not on the House floor, where we have only 1 or 2 days to see the amendment and assess its effects. The effective date of this bill is 2 years away. Let's take the time to make sure that if we are going to do this, we do it right. In view of the reservations expressed by California election officials, I feel this bill should be returned to committee so that those reservations can be addressed.

COUNTY CLERKS ASSOCIATION OF THE STATE OF CALIFORNIA, INCORPORATED,

May 25, 1989.

CALIFORNIA CONGRESSIONAL DELEGATION,
Washington, D.C.

DEAR CALIFORNIA REPRESENTATIVES, the California County Clerks Association has been pleased to learn of Congressional interest in expanding voter participation by expediting the voter registration process. As election officials, however, we have some serious concerns about the impact of specific provisions in HR 2190 (as well as in other 'motor voter' proposals) on the voter registration process in our state and in other, similar jurisdictions where large scale accommodations will have to be made.

From the point of view of local election officials—the agents directly responsible for conducting elections and maintaining voter files—the concerns focus specifically on: 1) registration "simultaneous with" application for a driver's license, and 2) updating voter registration through standard, change-of-address notification to the state DMV.

Election officials—particularly those of us in California—need to receive a separate, stand alone affidavit with original signature each time a registration is added or changed. Multiple formats for registration affidavits and partial updates of registration information, when coupled with the major increase in the scale of voter registration envisioned by this proposal, will unquestionably result in ongoing error, unmanageable cost and noticeable deterioration of our election administration process.

Simultaneous registration. Registration "simultaneous with" an application for obtaining a driver's license as included in the current version of the bill, establishes a single format for registering to vote and for a driver's license application. If this format is not identical with what is currently used by election officials, the cost of managing two (or three) separately formatted voter registration affidavits will be significant—especially in counties where digitized signature scanning equipment is currently being used.

This problem can be remedied by ensuring decisive input from each state's chief election official in developing an integrated form that will provide to registrars a separate, stand-alone voter affidavit with an original signature. Such a registration form would significantly reduce administrative handling errors—both by DMVs and registrars—that could result in large-scale, inadvertent disenfranchisement of applicants.

Updating registration. Relying on the existing forms that are used for notifying the DMV of a change of address to update voter registration records will create a number of truly serious problems:

A voter moving to a new jurisdiction within the state will be providing the new election official with no affidavit of any kind that includes the specialized data—party affiliation, precincting information, oath, etc.—that enable placing a voter on the rolls;

A flood of such address-update forms will flow continuously to election officials, unreviewed by DMV personnel, throughout overlapping election cycles irrespective of registration cutoff dates and necessary processing time—additional information will have to be obtained from the voter before registration can be completed resulting in significant delay and possible disenfranchisement of voters who would otherwise have re-registered in a conventional manner had they known of the delay;

People changing mailing addresses without changing residences (e.g. students, military, etc.) will be indistinguishable from those who are re-registering—so will those denied the franchise by virtue of citizenship or other exclusion. This will produce confusion for both voter and registrar, and may possibly disenfranchise rightful voters in particular elections; and

Election officials will have a third registration format to contend with, again increasing cost, confusion and error.

This problem is solved by requiring DMV address correction forms to provide a separate, stand alone affidavit with original signature to election officials.

These changes are, from the standpoint of clerks and registrars in California, essential given the increase in scale contemplated by the proposal. California currently has approximately 13 million registered voters and about 23 million people with driver's licenses which are renewed every four years (about 6 million per year). The cost of the increased scale of administrative activity—a cost which will fall heavily on local governments (as well as on the states which must make expensive modifications to existing DMV equipment and procedures)—will be particularly burdensome if two or three different registration formats, some with only partial information, are used.

The California County Clerks Association recognizes the value in expanding voter registration outreach in the manner proposed by HR 2190 and other similar measures, but must register its serious reservations about the current proposal as it has been drafted. Without amendment to establish a single affidavit format, costs to financially strapped local governments—along with the increased probability of handling/processing error—will balloon to the point where the integrity of the process itself could well become compromised.

The California Clerks Association would be happy to assist with any additional technical input which might be helpful in making this proposal work. Please do not hesitate to get in touch.

Sincerely,

TONY BERNHARD,
Yolo County Clerk/Recorder.

Mr. SHUMWAY. Mr. Speaker, I rise in opposition to the National Voter Registration Act. Encouraging greater voter turnout is indeed a noble goal, but I do not believe this bill can achieve that objective. In fact, the measure appears to present more problems than solutions. It undermines the prerogative of individual States, increases costs, creates duplicative effort and increases the possibility for fraud. Perhaps worst of all, I believe the bill is based upon faulty logic: That people don't vote because voter registration procedures are inconvenient and complicated.

I am privileged to represent a State which bends over backward to make voter registration as easy as possible. California requires very little effort or incentive on the part of the would-be voter to get on the rolls. During the 1988 Presidential elections, however, almost 30 percent of those registered in California did not bother to vote. The problem lies not just in registering the voters, but in terminating voter apathy. No Federal edict can correct that situation.

Apart from the fact that I don't believe registration is the root of the problem, I question the right of the Federal Government to dictate registration procedures. Individual States bear responsibility for administering balloting in local, State and Federal elections, as well as for certifying accurate outcomes. Since they have the responsibility, the States should be able to determine which methods best suit their purposes. The existing variety of registration rules would seem to prove that different approaches work effectively in different areas.

This bill would change all that. With the exception of one State—North Dakota, which presently has no registration requirements for Federal elections—all States would be forced to follow new guidelines for Federal elections in addition to the policies already in place. While only about one-fourth of the States have elected to use the "motor voter" approach, offering voter registration along with drivers' license applications, all States would be required to do so under this bill. Not every State has elected to utilize registration by mail, but all States would be forced to do so if this bill were enacted. I, personally, do not endorse election-day registration. Nonetheless, three States have found the practice to be beneficial. This bill would require a 30-day cutoff, ignoring the local voice in those areas.

The bill claims to minimize voter fraud, but quite the opposite outcome appears likely. With the greater proliferation of registration forms, methods, and locations, how can we be certain we are avoiding duplication? How can we prevent those who are not entitled to vote from registering?

Then there is the issue of cost. The bill provides for such sums as may be necessary, an alarmingly open-ended blank check in light of budget constraints. At least $20 million will be paid out in fiscal year 1992 to help States comply with the section 6 confirmation of address procedures. However, that is just the tip of the iceberg. States and localities will incur as much as $90 million in direct costs for staffing, printing, and postage, according to CBO. Additionally, one-time costs for some localities not currently using computerized voter lists could run as high as $70 million.

I have no doubt that the authors of this bill were sincere in their efforts to encourage American participation in the electoral process. Few goals are more worthy. However, I do not believe that the legislative vehicle they have fashioned is the correct answer.

Mr. PENNY. Mr. Chairman, I support H.R. 2190, the National Voter Registration Act of 1989. This legislation seeks to enhance and encourge voter registration throughout the country on an equal basis. H.R. 2190 will allow more simple and streamlined procedures for increased voter participation as well as provide methods to ensure the integrity of the voter registration lists. The State of Minnesota has done an excellent job of voter registration with some of these procedures already in place. Minnesota prides itself on simple, inexpensive, and accessible voter registration and participation procedures which result in increased election day voting participation. I, along with the Minnesota Secretary of State Joan Anderson Growe, support the effort to improve voter registration and participation nationwide as we have already done in the State of Minnesota.

Mr. DELAY. Mr. Chairman, I along with all of my colleagues support the goal of increasing participation in the electoral process. Our forefathers have fought hard and given their lives to defend our free electoral process. Free and fair elections is what every American wants and demands.

Unfortunately, this bill would seriously jeopardize the integrity of our election process. While the bill makes it very easy to register to vote, it makes it extremely difficult to remove fraudulent voters. This action would seriously undermine the integrity of our elections.

Mr. Chairman, in my opinion, this bill does not sufficiently address the serious problem of election fraud. The proposals in this bill to maintain the accuracy of the voter registration lists is weak. The bill's sponsors point out that this bill includes mandatory voter address confirmation programs to ensure integrity. Well let's take a look at them.

First, the bill requires States to verify the addresses every 4 years if they have not voted in a general election. Mr. Chairman, I am not concerned about election fraud from people who don't vote. I am concerned about the people in Texas graveyards who regularly vote and haven't missed an election in years. As long as they continue to vote, they won't be removed from the registration lists.

Second, the bill proposes an alternative. The bill allows states to use the U.S. Post Office's national change of address system to keep the lists clean. Again I wish to make the point that cemetery voters don't fill out change of address forms and rarely move. In fact, their annual movement usually coincides with election day.

Mrs. LLOYD. Mr. Chairman, I rise in support of the National Voter Registration Act.

The need for this legislation is clear. The United States ranks last in voting among industrialized western democracies. In fact, barely half of all eligible citizens turned out to vote in the last Presidential election. While many factors are inherent in this trend, I believe that the difficulties encountered by eligible citizens in becoming registered to vote is an issue which can, and should be, dealt with by the Congress. The legislation before us today will improve citizen participation in the voting process and deserves to be adopted with all possible speed.

It provides simple and effective means to assure that all Americans may exercise their right to vote—and there is no more fundamental value in our democratic system. It will provide wider and more convenient opportunities for voter registration while even further diminishing the possibilities of fraud. The fraud provisions in this bill are particularly stringent and I am confident that they will result in assuring that voter registration lists are accurate and current.

I would like to read into the RECORD the purpose of this bill. It is as follows: "To ensure the establishment of uniform, nondiscriminatory national standards to expand the opportunities for eligible citizens to register to vote in elections for Federal offices, to ensure the maintenance of accurate and current voter registration rolls, and to facilitate election administration and avoid fraud."

I believe its stated purposes are important and laudable and deserved of swift and timely congressional action.

In order to carry out these provisions, the measure provides that whenever an eligible voter applies for, renews or changes address on a driver's license or on a driver ID card, it will serve as an application to register to vote, unless that person specifically declines. This method will reach nearly 90 percent of all eligible voters. In addition, mail and agency registration provisions address the needs of those who would not be covered through the driver's license systems.

Recently, the league of women voters of Tennessee wrote to me in support of this legislation and I'd like to paraphrase from their endorsement of this proposal. They said that

"easing registration processes in a mobile society is one way to encourage greater voter participation. The League of Women Voters works to encourage and promote citizen participation in Government, with voting the heart of that participation, and we urge your support for H.R. 2190 when it comes before the House."

I concur with the League of Women Voters of Tennessee in their assessment and I share their belief that this measure will help provide greater access to our democratic system of government for all Americans. I believe that the act of voting, which is central to the foundation of our representative government, will be facilitated by the adoption of this proposal and I urge my colleagues to join with me in strongly supporting passage of the National Voter Registration Act.

Mr. SKAGGS. Mr. Chairman, I'd like to take this opportunity to explain why I have reluctantly decided to vote against H.R. 2190, the National Vote Registration Act of 1989.

Let me begin by saying that if this were a bill before the Colorado General Assembly—if it were legislation to establish for my State the voter registration procedures that this bill would establish for the Nation—I'd support it. In fact, as a member of the Colorado House of Representatives, I supported a measure some years ago to adopt a "motor-voter" program to register people to vote when they sign up for drivers' licenses. This program has worked well. And additional reforms, like those contained in H.R. 2190, could further encourage nonvoters to register to vote.

But it is a very different matter to adopt a national system of voter registration, which is essentially what this bill would do. Traditionally, we've relied on State governments to design and implement voter registration programs that best suit their jurisdictions. For the most part, this has worked. Many States have implemented mail registration, registration simultaneous with driver's license application, agency registration, and other procedures to increase registration and assume some of the responsibility for getting people registered.

While Congress may have the authority to establish a national program of voter registration, there are clear advantages to leaving this matter to the States, as we have done throughout the history of our country. Each State has an advantage in knowing precisely what system will work best in its own circumstances. I'm afraid this bill is an instance in which a national program, with its relatively inflexible mandates, would not accommodate the varying needs and existing governmental structures of the several States.

Before Congress takes the unprecedented step of federalizing the voter registration function—a function that has always been performed by the States—we should be sure that there is a compelling case for doing so. And I have not been able to find, in the committee report or elsewhere, convincing evidence that so many States are doing such a poor job that the Federal Government should take over what has always been a State responsibility.

The committee report states that there was testimony before the committee that obstacles to voter registration exist in some States, and that those obstacles make it less likely that racial and other minorities and low-income citizens, in particular, will register and vote. If that's the case, let's tailor legislation to deal with those failings where they exist, on a targeted basis, not with the sweeping and highly intrusive methods of this bill.

I also realize that some States may have registration policies or practices that are de facto discriminatory. That's absolutely wrong; any such cases need strong action and should be corrected immediately. If the authority to do so doesn't already exist under the Voting Rights Act, let's proceed to get that authority into law.

But let's not rush to impose a blanket mandate on States, without regard to the system that a State may already have in place or to the success of that system. It would be burdensome, costly, and I think ultimately damaging to the process we are intending to help.

I am concerned about the decline in voter turn-out over the past decade. A 50-percent turnout in a national election, as was the case in 1988, deserves our attention. We need to make sure all States have the resources to implement programs that promote full and fair voter turnout. But we don't need the Federal Government prescribing the specifics of those programs for each and every state.

There is no compelling evidence to support the assumption—one of the principle reasons for this bill—that an increase in voter registration will increase turnout. On the other hand, there is evidence that shows decreasing voter turnout even in some States that have liberalized their registration procedures. To me, that says that the decline is more a reflection of a public that is disenchanted with Government as a whole. We need to regain the public's trust in their elected officials and in our system of Government so that people will want to get out and vote.

Ms. PELOSI. I rise today in strong support of H.R. 2190, the National Voter Registration Act.

As former chair of the California Democratic Party, I believe that this bill takes important steps to increase voter participation. Participation in elections is the backbone of any democratic system. The United States is the only democracy putting the burden of registration on the individual. Countries with full voter participation make it much easier to register to vote than locales across the country do. We need to ensure that obstacles to voter registration and voter participation are removed and that all people eligible to vote have ready access to the system.

We have a very mobile society. Permitting individuals to register to vote when they apply for a drivers license, renew a drivers license or apply for an identification card issued by a motor vehicle department would greatly increase access to the system. These procedures are routine in the lives of a great number of individuals across this country. We should work to make voter registration just as routine a procedure.

One of the provisions in this bill would prohibit States from closing voter registration more than 30 days before an election. It would also allow States to establish a shorter period of time between the close of registration and election day. I believe that this provision is important. We all know from personal experience that the closer one gets to an election, the more aware the members of the public are that an election is going to occur and the more likely that are to participate. Campaigns heat up just prior to an election, public attention is galvanized, and the opportunity to encourage people to vote increases. Only 50.1 percent of the voters turned out to participate in the last Presidential election. Voter registration encourages voter participation.

Let us work to encourage all eligible voters to register. Let us remove obstacles to participation and increase opportunities for registration. I urge my colleagues to support the passage of this important voters' rights bill. Thank you.

Ms. LONG. Mr. Chairman, I rise in support of H.R. 2190, the National Voter Registration Act of 1990. This bill would facilitate registration, thereby increasing voter participation in our country—something I think all Americans favor.

The bill ensures available registration at appropriately designated election registration offices, as is currently the practice in all States. It stipulates that citizens may apply for registration by mail, a system now in effect in about half the States. It permits individuals to apply for registration at a number of additional public offices and agencies, where the proper forms and assistance will be available—versions of this procedure are currently being used in many States. Finally, under the provisions of the bill, a citizen may apply for registration while applying for or renewing a driver's license, a procedure now used in several States. It is estimated that 87 percent of the eligible population has a driver's license. All of these provisions will assist in expanding the opportunities for eligible citizens to register to vote, while ensuring accurate and up-to-date lists of registered voters.

Mr. Chairman, years ago Franklin Delano Roosevelt made an observation about voting. His realization from 1936 still rings true today. "When you and I stand in line tomorrow for our turn at the polls, we shall stand in a line which reaches back across the entire history of our nation," FDR explained.

Washington stood in that line and Jefferson and Jackson and Lincoln. And in later days Cleveland stood there and Theodore Roosevelt and Woodrow Wilson. All these—in their day—waited their turn to vote. And rubbing elbows with them—their voting equals—is a long succession of American citizens whose names are not known to history but who, by their veto, helped to make history.

Every man and every woman who has voted in the past has had a hand in the making of the United States of the future. To refuse to vote is to say: "I am not interested in the United States of the future.

We who live in a free America know that our democracy is not perfect. But we are beginning to know also that, in self-government as in many other things, progress comes from experience. People do not become good citizens by mandate. They become good citizens by the exercise of their citizenship and by the discussions, the reading, the campaign give-and-take which help them make up their minds how to exercise that citizenship.

Mr. Chairman, this bill, the National Voter Registration Act, will provide opportunities for

people to become the good citizens President Roosevelt spoke of.

I commend our colleagues who worked to bring this legislation to the floor, and I urge the House to strongly support the bill.

Mr. STOKES. Mr. Chairman, I rise in support of H.R. 2190, the National Voter Registration Act, which seeks to remove existing barriers to voter registration, and encourage eligible individuals to register to vote.

In the 1988 Presidential election, voter turnout was only 50 percent of the U.S. voting age population. The United States consistently has the lowest voter participation rates among the Western democratic nations. Even in developing nations, such as Namibia, where the people had to walk for miles, and stand in line for hours under the broiling sun, to vote in a free election, voter participation rates are higher than the United States. The participation rate in the recent election in Namibia was over 90 percent.

Today, 60 million Americans are not registered to vote. As democracy spreads across the world, throughout Eastern Europe, and indeed, even into the Soviet Union, we must make every effort to remove barriers to participation in our great democracy. If we are intent on remaining the shining beacon of freedom and democracy that has inspired millions of immigrants to come to this land for over 200 years, then we must open the voting booth to every American.

Mr. Chairman, H.R. 2190 will encourage voter registration by making the registration process as easy and quick as possible, while ensuring the integrity of the voting rolls and the election process. H.R. 2190 will mandate mail-in registration, and registration at many Federal and State offices, such as public libraries, public assistance offices, city and county clerks' offices, and public schools. H.R. 2190 also provides for a process known as motor-voter registration, which would allow citizens to register to vote when applying for or renewing their driver's license.

Each of the registration methods called for in the bill is a proven method of increasing registration in a efficient and cost-effective manner. Linking voting registration with application for a driver's license would reach about 90 percent of the voting age population.

This bill will not increase voter fraud, as some opponents have claimed. Many of these opponents used this same argument 25 years ago, in the debate over the Voting Rights Act, which eliminated discriminatory registration practices, and extended the right to vote to many black Americans for the first time. In fact, several features of the bill would actually decrease the likelihood of voter fraud, including the requirement that the voting lists be verified periodically. In addition, the bill includes penalties for people who fraudulently register.

In short, Mr. Chairman, this will make tremendous progress toward increasing voting registration and voter participation. It is a measure which is long overdue.

Mr. BRENNAN. Mr. Chairman, I urge my colleagues to join me in support of H.R. 2190, the National Voter Registration Act. This measure, in expanding opportunities for eligible individuals to vote, eliminates barriers which now stand between many individuals and the voting polls.

The right to vote in a Federal election is guaranteed in the Constitution. By putting Federal and State Government in the active position of encouraging individuals to register to vote, we further enhance that constitutional right.

In the past Presidential election, studies found that only 50 percent of eligible voters chose to cast a ballot. While I recognize that many citizens freely choose not to vote, we must ensure all available efforts are made to lessen barriers which deter voting. This is not a Democrat or Republican issue—but an American issue. The values we hold so important can only be secured through the electoral process. This legislation helps to promote greater voter participation—a goal we should all share.

In my own State of Maine, we have proven, through our policy of same-day registration, that citizens who register are citizens who vote. By linking voter registration with driver's license application, over 90 percent of those eligible to vote would be given ample opportunity to do so. Alternately, mail registration and on-site registration would give nondrivers the opportunity to register and vote.

The National Association of Secretaries of State, who oversee the processes of voter registration in their respective States, have endorsed this legislation as one that is workable. I enclose for the record a letter from Maine's secretary of state, G. William Diamond, in support of H.R. 2190.

I urge my colleagues to join me in support of this legislation.

STATE OF MAINE,
OFFICE OF SECRETARY OF STATE,
Augusta, ME, January 29, 1990.

Hon. JOSEPH E. BRENNAN,
Longworth House Office Building, Washington, DC.

DEAR JOE: I have been informed that the Universal Voter Registration Act (H.R. 2190) will be up for a vote on either Tuesday or Wednesday of this week.

I believe this legislation to be long overdue and would hope that you might consider supporting it.

In sum, I find it a very positive initiative which will not only assist the disinfranchised and unregistered in Maine, but Maine's numerous elections' officials as well.

Thank you for your consideration—please call if you have any questions.

Sincerely,

G. WILLIAM DIAMOND,
Secretary of State.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise to express my strong support for efforts to increase voter registration and voter participation in the United States.

Any democracy has as its foundation an active, well-informed electorate. It should be the goal of the States and the Federal Government to encourage registration and participation.

This is why I will vote for H.R. 2190, the National Voter Registration Act. But while I will vote for the bill, and while I strongly support voter outreach efforts, I do have reservations about four of the bill's provisions.

The section of the bill of primary concern to me would require States to designate State offices and agencies as voter registration locations. Included in the bill's list of these registration locations are State offices selling hunting and fishing licenses.

In some parts of Kansas, hunting and fishing licenses are sold at bars and bait shops.

While proponents of the bill say that States would have discretion in designating these registration points, opponents say that the bill language would not allow State discretion.

I believe this section of the bill should be clarified to ensure that the States can designate the State agencies and offices they consider necessary and appropriate voter registration locations.

I would also prefer that the motor-voter provisions of the bill would not automatically register those who apply for a driver's license.

A better system, in my view, would attach a separate voter registration application to the driver's license application. An individual wishing to register to vote could then sign the voter application and be registered.

Whatever the procedure, I believe that an individual should demonstrate some small indication of interest to show that the right to vote means enough to him that he will take action on his own.

I am also concerned that this bill prohibit States from retaining some previously enacted antifraud laws, including requiring notarization of signatures.

Voter fraud is not a problem in Kansas, but it certainly has been in other States. And the individual States know best how to prevent the particular kind of fraud in their areas.

And finally, Mr. Chairman, I want to relay the concerns of my secretary of state, who wonders how he will pay for the extra bookkeeping and computerizing this bill would require.

The State of Kansas will have to spend approximately $1.3 million to comply with the bill. It is unlikely that the $50 million in Federal funds authorized by the bill will cover the cost to the States—cost incurred complying with Federal mandates.

So while I believe this bill is a good one, I also believe it can be improved greatly in the Senate or in House-Senate conference. I hope the final version of the bill provide the States with the flexibility they need to administer the Federal election laws.

The CHAIRMAN. The gentleman from Washington [Mr. SWIFT] has 1 minute remaining.

Mr. SWIFT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of the amendment printed in House Report 101-396 accompanying House Resolution 309 is considered as an original bill for the purpose of amendment under the 5-minute rule and said substitute is considered as having been read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—VOTER REGISTRATION PROCEDURES AND PROGRAMS IN STATES THAT REQUIRE REGISTRATION

SECTION 101. SHORT TITLE.

This title may be cited as the "National Voter Registration Act of 1989".

SEC. 102. VOTER REGISTRATION PROCEDURES FOR ELECTIONS FOR FEDERAL OFFICE IN STATES THAT REQUIRE REGISTRATION.

In addition to any other voter registration procedure provided for by law, each covered State shall provide for voter registration procedures for elections for Federal office in accordance with this Act.

SEC. 103. VOTER REGISTRATION APPLICATION TO BE INCLUDED AS PART OF APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE IN STATES THAT REQUIRE REGISTRATION.

(a) IN GENERAL.—Each covered State shall include a voter registration application for elections for Federal office as part of any motor vehicle driver's license application used by the State. Except as provided in subsection (b)(2) an individual who completes the application and is otherwise eligible shall be registered to vote in accordance with the information supplied by the individual.

(b) APPLICATION.—The voter registration section of the application—

(1) may require a second signature or other information that duplicates, or is in addition to, information in the driver's license section of the application only if the duplicate or additional information is necessary for prevention of multiple registration of the same individual, for determination of eligibility to vote, or for administration of voter registration or other aspects of the election process;

(2) shall include a box or other device to permit an applicant for a motor vehicle driver's license to decline to register to vote;

(3) shall include a statement that specifies each eligibility requirement for voting, contains an attestation that the applicant meets each such requirement, including citizenship, and requires the signature of the applicant, under penalty of perjury; and

(4) shall be made available by the State motor vehicle authority (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official, as provided by State law.

(c) LIMITATION ON USE OF INFORMATION RELATING TO DECLINATION TO REGISTER.—No information relating to a declination under subsection (b)(2) may be used for other than official election related purposes.

(d) CHANGE OF RESIDENCE ADDRESS.—Any motor vehicle driver's license form used by a covered State for change of residence address shall also serve as a notification of change of residence address for voter registration for elections for Federal office.

(e) APPROVAL OF FORMS.—The motor vehicle driver's license application and change of address forms used by a covered State shall be subject to approval by the chief State election official for purposes of voter registration under this section.

SEC. 104. VOTER REGISTRATION BY MAIL IN STATES THAT REQUIRE REGISTRATION.

(a) IN GENERAL.—Each covered State shall provide for voter registration by mail for elections for Federal office.

(b) FORM.—The mail voter registration application—

(1) may require only the signature of the individual applying to register and such other information (including data relating to previous registration by the applicant), as may be necessary for prevention of multiple registration of the same individual, for determination of eligibility to vote, or for administration of voter registration or other aspects of the election process;

(2) shall include a statement that specifies each eligibility requirement for voting, contains an attestation that the applicant meets each such requirement, including citizenship, and requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall be made available for government and private sector distribution, with particular emphasis on availability for organized voter registration programs.

SEC. 105. DESIGNATION OF VOTER REGISTRATION LOCATIONS IN STATES THAT REQUIRE REGISTRATION.

(a) IN GENERAL.—Each covered State shall designate State-related locations and (upon agreement with the Federal Government and nongovernmental entities) Federal and private sector locations for voter registration for elections for Federal office. At each location, voter registration applications shall be made available, assistance in completing applications shall be provided, and completed applications shall be accepted for transmittal to the appropriate State election official. Locations so designated shall include public libraries, public schools, offices of city and county clerks, marriage license bureaus, fishing and hunting license bureaus, government revenue offices, post offices, and offices providing public assistance, unemployment compensation, and related services.

(b) FORMS.—To the greatest extent practicable, each covered State shall include in forms used at State-related locations designated under subsection (a) a question as to whether the individual completing the form desires to register to vote in elections for Federal office, and shall provide a voter registration application to any individual who responds affirmatively to the question.

(c) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out this section, and all nongovernmental entities are encouraged to do so.

(d) TRANSMITTAL DEADLINE.—Any completed voter registration application accepted at a location under subsection (a) shall be transmitted to the appropriate State election official not later than 10 days after the acceptance or not later than 5 days after the acceptance if the registration is received within 5 days before the last day for registration.

(e) ASSISTANCE TO BE NEUTRAL.—In providing assistance in completing voter registration applications under this section, no individual may indicate a political or party preference or otherwise seek to influence the political or party affiliation or the voting decision of any individual assisted.

SEC. 106. PROGRAMS FOR ASSURING ACCURATE AND CURRENT OFFICIAL VOTER REGISTRATION LISTS IN STATES THAT REQUIRE REGISTRATION.

(a) IN GENERAL.—Each covered State shall establish uniform and nondiscriminatory programs to assure that official voter registration lists are accurate and current.

(b) PROGRAM BASED ON OFFICIAL INFORMATION RELATING TO DEATH, ETC. OF A VOTER.—Each covered State shall establish a program under which the head of each State agency that, in the normal course of business, receives information indicating that (because of death, criminal conviction, or mental incapacity) the name of a voter should be removed from the official voter registration list under State law, shall transmit that information to the appropriate State election official.

(c) PROGRAM FOR SYSTEMATIC REVIEW OF RESIDENCE ADDRESSES ON OFFICIAL VOTER REGISTRATION LISTS BY MEANS OF NONFORWARDABLE AND FORWARDABLE FIRST CLASS MAILINGS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and in subsection (d), each covered State shall establish a program under which, at least once in each 4-year period, residence addresses on official voter registration lists are reviewed by sending verification notices to registered voters in accordance with this subsection.

(2) EXCEPTION FOR RECENT VOTERS.—A covered State may provide that a program established under paragraph (1) does not require any action with respect to a voter who voted in the last general election for Federal office held before the first verification notices for the 4-year period are mailed under the program.

(3) FIRST VERIFICATION NOTICE.—The first verification notice shall be sent to the voter, by nonforwardable first class mail, at the mailing address shown on the official voter registration list. If the first verification notice is not returned as nondeliverable by the Postal Service, no further action is required under this subsection.

(4) SECOND VERIFICATION NOTICE.—If a first verification notice under paragraph (3) is returned as nondeliverable by the Postal Service, the appropriate State election official shall send a second verification notice to the voter. The second verification notice—

(A) shall be sent to the voter, by forwardable first class mail, at the mailing address shown on the official voter registration list;

(B) shall state that, if the voter does not provide a current residence address to the appropriate State election official, the name of the voter will be transferred from the official voter registration list; and

(C) shall include a postage paid return form for the voter to use to provide address correction.

(5) TRANSFER OF NAME FROM OFFICIAL VOTER REGISTRATION LIST AFTER FAILURE TO RESPOND TO SECOND VERIFICATION NOTICE.—If a voter does not provide a current residence address within 30 days after the second verification notice is mailed under paragraph (4), the appropriate State election official shall transfer the name of the voter from the official voter registration list.

(6) PUBLIC INFORMATION.—As part of the program under this subsection, each covered State shall furnish information to the public to promote maximum awareness of the program among voters.

(d) ALTERNATIVE PROGRAM FOR AUTOMATIC UPDATING OF OFFICIAL VOTER REGISTRATION LISTS THROUGH USE OF CHANGE OF ADDRESS INFORMATION FROM THE POSTAL SERVICE.—

(1) IN GENERAL.—In lieu of a program provided for under subsection (c), a covered State may establish, with respect to any geographical voting unit, a program for automatic updating of official voter registration lists through use of change of ad-

dress information supplied by the Postal Service. A program under this subsection—

(A) shall be conducted in accordance with State law and in cooperation with the Postal Service; and

(B) shall provide for updating of all official voter registration lists in the geographical voting unit at least once in each two-year period.

(2) UPDATING OF OFFICIAL VOTER REGISTRATION LIST IN CASE OF LOCAL CHANGE OF ADDRESS; NOTICE TO VOTER.—If the change of address information from the Postal Service shows that the residence address of a voter—

(A) is different from the residence address shown on the official voter registration list; and

(B) is an address for a location within the same geographical voting unit as the residence address shown on the official voter registration list;

the appropriate State election official shall update the official voter registration list for the geographical voting unit in accordance with the information supplied by the Postal Service and shall so notify the voter. The notice under this paragraph shall be sent by forwardable first class mail and shall include a postage paid return form for the voter to use to provide address corrections.

(3) NOTICE TO VOTER OF POSSIBLE TRANSFER OF NAME FROM OFFICIAL VOTER REGISTRATION LIST IN CASE OF CHANGE OF RESIDENCE ADDRESS OUTSIDE THE GEOGRAPHICAL VOTING UNIT.—If the change of address information from the Postal Service shows that the residence address of a voter—

(A) is different from the residence address shown on the official voter registration list; and

(B) is an address for a location that is not in the same geographical voting unit as the residence address shown on the official voter registration list;

the appropriate State election official shall send a notice to the voter, stating that the name of the voter is subject to transfer from the official voter registration list for the geographical voting unit. The notice under this paragraph shall be sent by forwardable first class mail.

(4) TRANSFER OF NAME FROM OFFICIAL VOTER REGISTRATION LIST AFTER FAILURE TO RESPOND TO NOTICE.—If, within 30 days after the notice is mailed under paragraph (3), a voter does not provide information (by use of the postage paid form or as otherwise permitted by State law) to show that the residence address of the voter is within the same geographical voting unit as the residence address shown on the official voter registration list, the appropriate State election official shall transfer the name of the voter from the official voter registration list for the geographical voting unit.

(e) VOTING PROCEDURES FOR PERSONS WHOSE NAMES ARE TRANSFERRED FROM THE OFFICIAL VOTER REGISTRATION LIST.—

(1) IN GENERAL.—At each polling place for an election for Federal office, the appropriate State election official shall maintain a record of the names transferred from the official voter registration list for that polling place during the 4-year period before the election, together with a statement of the reason for each transfer. Any individual who asserts that the name of such individual was erroneously transferred under subsection (c) or (d) shall be permitted to vote under paragraph (2) or (3), as applicable.

(2) INDIVIDUAL WITH DOCUMENTARY PROOF.—An individual who is otherwise eligible to vote and who has documentary proof (as determined under State law applied uniformly throughout the State) that the name of such individual was erroneously transferred under subsection (c) or (d) shall be permitted to vote without restriction or condition.

(3) INDIVIDUAL WITHOUT DOCUMENTARY PROOF.—An individual who is otherwise eligible to vote and who does not have documentary proof (as determined under State law) that the name of such individual was erroneously transferred under subsection (c) or (d) shall be permitted to vote in accordance with a special procedure, to be provided for under State law and to be applied uniformly throughout the State. The procedure—

(A) shall preserve the secrecy and security of the ballot;

(B) may require the individual to submit information under penalty of perjury or other penalty under State law; and

(C) shall provide for counting of the ballot of the individual upon verification of the information submitted by the individual within 10 days after the election.

(f) NO CHANGES TO OFFICIAL VOTER REGISTRATION LISTS PERMITTED IMMEDIATELY BEFORE AN ELECTION.—No change to an official voter registration list may be made under a program established pursuant to this section during—

(1) the period beginning 60 days before a general election for Federal office and ending on the date of the election; or

(2) the period beginning 60 days before a primary election relating to a general election for Federal office and ending on the date of the primary election.

(g) RECORD OF NAMES TRANSFERRED.—The State election official who maintains an official voter registration list for a geographical voting unit shall keep a separate record of the names that are transferred from such list under any program established pursuant to this section, together with a statement of the reason for each transfer. The record of names transferred shall be made available for public inspection and for copying (at the expense of the person requesting the copy).

SEC. 107. SPECIAL PROCEDURE FOR VOTING IN STATES THAT REQUIRE REGISTRATION IF THE REGISTRATION OF AN INDIVIDUAL CANNOT BE VERIFIED ON ELECTION DAY.

If, in a covered State, on the day of an election for Federal office, the appropriate State election official cannot verify the registration of an individual who claims to be registered, the individual shall be permitted to vote in accordance with a special procedure, to be provided for by State law. The procedure—

(1) shall preserve the secrecy and security of the ballot;

(2) may require the individual to submit information under penalty of perjury or other penalty under State law; and

(3) shall provide for counting of the ballot of the individual upon verification of the information submitted by the individual within 10 days after the election.

SEC. 108. ADMINISTRATION OF VOTER REGISTRATION IN STATES THAT REQUIRE REGISTRATION.

In the administration of voter registration for elections for Federal office, each covered State—

(1) shall assure that any eligible applicant is registered to vote in the election, if, not later than 30 days before the date of the election (or such shorter period as may be provided for under State law)—

(A) in the case of registration by motor vehicle driver's license application under section 103, the voter registration application is submitted to the State motor vehicle authority;

(B) in the case of registration by mail under section 104, the voter registration application is postmarked;

(C) in the case of registration at a location designated under section 105, the voter registration application is accepted at the location; and

(D) in any other case, the voter registration application is received by the appropriate State election official;

(2) shall notify each individual who submits a voter registration application of the approval or other disposition of the application;

(3) may not remove the name of an individual who is otherwise eligible to vote from the official voter registration list for failure to vote or any other reason other than (A) the request of the voter, (B) the death of the voter, or (C) a State law requiring removal by reason of criminal conviction, mental incapacity, or change in residence of the voter; and

(4) shall inform applicants under sections 103, 104, and 105 of (A) each eligibility requirement for voting, and (B) penalties provided by law for submission of a false voter registration application.

SEC. 109. FEDERAL COORDINATION AND BIENNIAL ASSESSMENT.

The Federal Election Commission—

(1) shall be responsible for coordination of Federal functions under this Act;

(2) shall provide information to the States with respect to State responsibilities under this Act; and

(3) shall, not later than June 30 of each odd-numbered year, submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2 calendar years and providing recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act.

SEC. 110. RESPONSIBILITY OF CHIEF STATE ELECTION OFFICIAL.

The chief State election official of each State shall be responsible for coordination of State functions under this Act.

SEC. 111. ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—An individual aggrieved by a violation of this Act may provide written notice of the violation to the chief State election official. If the violation is not corrected within 90 days after the notice, the individual may bring a civil action in an appropriate district court for declaratory and injunctive relief with respect to the violation. If the alleged violation occurs within 90 days before the date of the election, the individual is not required to provide notice to the chief State election official before bringing a civil action under this subsection.

(c) ATTORNEY FEES.—In any action under this section, the court may, in its discretion, allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs. Such fees, expenses, and costs shall be paid by the governmental entity primarily responsible for the violation.

(d) RELATION TO OTHER LAWS.—The remedies under this section are in addition to the

Voting Rights Act of 1965 as amended and to any other remedy provided by law.

SEC. 112. PROCEDURES APPLICABLE IN ALL STATES FOR VOTING IN ELECTIONS FOR FEDERAL OFFICE BY AN INDIVIDUAL WHOSE ELIGIBILITY IS CHALLENGED ON ELECTION DAY.

(a) IN GENERAL.—In each State, a challenge to the eligibility of an individual to vote in an election for Federal office may be made on the day of the election only in the manner and on the grounds provided by State law (except that, notwithstanding any provision of State law, each challenge shall be made in writing and shall be recorded by the appropriate State election official). A uniform statement of the grounds for challenge shall be displayed prominently at each polling place in a State.

(b) INDIVIDUAL WITH DOCUMENTARY PROOF.—An individual whose eligibility to vote is challenged and who has documentary proof (as determined under State law) of such eligibility shall be permitted to vote without restriction or condition.

(c) INDIVIDUAL WITHOUT DOCUMENTARY PROOF.—An individual whose eligibility to vote is challenged and who does not have documentary proof (as determined under State law) of such eligibility shall be permitted to vote in accordance with a special procedure, to be provided for by State law. The procedure—

(1) shall preserve the secrecy and security of the ballot;

(2) may require the individual to submit information under penalty of perjury or other penalty under State law; and

(3) shall provide for counting of the ballot of the individual upon verification of the information submitted by the individual within 10 days after the election.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS; REPORTS

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Election Commission such sums as may be necessary to carry out this Act, including, for fiscal year 1992, not more than $50,000,000 to be used by the Commission to provide support, through chief State election officials, for State programs for assuring accurate and current official voter registration lists under section 106. In providing such support, the Commission shall give priority to programs in States that match the amounts so appropriated.

(b) REPORTS.—At such times and in such manner as the Federal Election Commission may require, each State that receives amounts appropriated pursuant to an authorization in this section for support of a State program for assuring accurate and current voter registration lists under section 106 shall submit to the Commission reports on the feasibility of using in that State a program for automatic updating of voter addresses through use of change of address data supplied by the Postal Service.

SEC. 114. DEFINITIONS.

As used in this Act—

(1) the terms "election", "Federal office", and "State" have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971;

(2) the term "geographical voting unit" means a county, municipality, or other geographical area that constitutes a geographical voting unit under State law;

(3) the term "motor vehicle driver's license application" includes any renewal application and any application for a personal identification document issued by a State motor vehicle authority;

(4) the term "covered State" means a State that, as determined by the Federal Election Commission, has a voter registration requirement for elections for Federal office; and

(5) the term "chief State election official" means, with respect to a State, the officer, employee, or entity with authority, under State law, for election administration in the State.

TITLE II—FINDINGS, PURPOSES, CRIMINAL PENALTY, AND EFFECTIVE

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right to vote is a fundamental right;

(2) it is the responsibility of each citizen to exercise that right;

(3) it is the duty of the Federal, State, and local governments to promote the exercise of that right;

(4) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in election for Federal office; and

(5) such laws and procedures can disproportionately harm voter participation in such elections by members of various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase registration of citizens as voters in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to enhance voter participation in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to assure the maintenance of accurate and current official voter registration lists.

SEC. 202. ENFORCEMENT.

Any person, including any election official who knowingly and willfully—

(1) intimidates, threatens, or coerces any person for (A) registering or voting or attempting to register or vote, or (B) urging or aiding any person to register or vote or attempt to register or vote, or (C) exercising any right under this Act, or attempts to do so; or

(2) deprives or defrauds or endeavors to deprive or defraud the inhabitants of a State of a fair and impartially conducted election process through (A) the knowing and willful procurement or submission of voter registrations that contain false material information or the knowing and willful omission of material information, or (B) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent under the laws of the State in which the election is held;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 203. EFFECTIVE DATE.

This Act shall take effect—

(1) on January 1, 1992, if this Act is enacted not later than August 31, 1989; and

(2) on January 1, 1993, if this Act is enacted after August 31, 1989.

The CHAIRMAN. No amendments to said substitute are in order except the amendments printed in the CONGRESSIONAL RECORD on Monday, February 5, 1990, by and if offered by Representative MICHEL or his designee. Said amendments shall be considered en bloc, shall not be subject to amendment or to a demand for a division of the question. The amendments en bloc are debatable for 1 hour, equally divided and controlled by the proponent and a Member opposed thereto.

AMENDMENTS EN BLOC OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Chairman, under the rule the minority leader or his designee may be recognized for the purpose of offering an amendment. I am the designee, and I offer amendments en bloc.

The Clerk read as follows:

Amendments en bloc offered by Mr. ROBERTS:

In section 102, strike out "In addition" and all that follows through "this Act." and insert in lieu thereof the following: "In addition to any other voter registration procedure provided for by law, each covered State may provide for voter registration procedures for elections for Federal office in accordance with this Act.".

In the first sentence of section 103(a), strike out "shall" and insert in lieu thereof "may".

In section 104(a), strike out "shall" and insert in lieu thereof "may".

In the first sentence of section 105(a), strike out "shall" and insert in lieu thereof "may".

In the second sentence of section 105(a)—

(1) insert after "available," the following: "to the extent practicable,"; and

(2) strike out "shall" each place it appears and insert in lieu thereof "may".

In the third sentence of section 105(a), strike out "shall" and insert in lieu thereof "may".

In section 105(b), strike out "shall" each place it appears and insert in lieu thereof "may".

In section 107(2), strike out "may" and insert in lieu thereof "shall".

Strike out section 113 and insert in lieu thereof the following:

SEC. 113. VOTER REGISTRATION ENHANCEMENT BLOCK GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Election Commission for making grants under this section for fiscal years 1991, 1992, and 1993, a total of $120,000,000. There are authorized to be appropriated such sums as may be necessary for administrative expenses of the Federal Election Commission in carrying out this Act.

(b) BLOCK GRANTS.—From the amounts appropriated under subsection (a) for any fiscal year, the Federal Election Commission shall make grants to States, through chief State election officials, for the purposes of supporting, facilitating, and enhancing voter registration activities, including the activities set forth in this Act. The grants shall be allocated as provided in subsection (c).

(c) ALLOCATION OF GRANTS.—The Commission shall, by regulation, establish criteria for allocation of grants among States. The criteria shall be based upon (1) the number of residents of the State, and (2) the percentage of eligible voters in the State not registered to vote, and (3) the increase in the percentage of voters, but shall not be based solely upon these factors.

(d) ADMINISTRATIVE REQUIREMENTS.—The Commission shall by regulation, establish administrative requirements necessary to carry out this section. To be eligible to receive a grant under this section, a State shall certify that the State—

(1) agrees to use any amount received from a grant under this section in accordance with the requirements of this section;

(2) agrees that any amount received from a grant under this section for any period will be used to supplement and increase any State, local, and other non-Federal funds that would, in the absence of such grants, be made available for the programs and activities for which grants are provided under this section and will in no event supplant such State, local, and other non-Federal funds; and

(3) has established fiscal control and fund accounting procedures to ensure the proper disbursement of, and accounting for, grants made to the State under this section.

The Commission may not prescribe for a State the manner of compliance with the requirements of this subsection.

(e) REPORTS—The chief State election official of a State that receives a grant under this section shall submit to the Commission annual reports on its activities under this section. The reports shall be in such form and contain such information as the Commission determines (after consultation with such officials) to be necessary (1) to determine whether grant amounts were expended in accordance with this section, (2) to describe activities under this section, and (3) to provide a record of the progress made toward achieving the purposes for which the block grants were provided.

At the end of section 201(a)(4), strike out "and" after the semicolon.

In section 201(a)(5), strike out the period and insert in lieu thereof "; and".

At the end of section 201(a), add the following:

(6) all voters are entitled to be protected from vote fraud, including voter rolls containing the names of ineligible voters and inadequate enforcement of laws against vote fraud.

After section 202, insert the following (and redesignate accordingly):

SEC. 203. PRESERVATION OF THE EFFECT OF STATE LAW THAT PROVIDES GREATER PROTECTION AGAINST VOTE FRAUD.

In the case of any conflict between the provisions of this Act and any provision of the civil or criminal law of any State, the law of the State shall prevail to the extent that such State law provides for more stringent suppression of vote fraud than this Act.

Mr. ROBERTS (during the reading). Mr. Chairman, I ask unanimous consent that the amendments en bloc be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN. Under the rule, the gentleman from Kansas [Mr. ROBERTS] will be recognized for 30 minutes and a Member opposed thereto will be recognized for 30 minutes.

Mr. SWIFT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Washington [Mr. SWIFT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. GILLMOR] a very valuable member of the committee and the subcommittee.

Mr. GILLMOR. Mr. Chairman, I rise today to support the en bloc amendment to H.R. 2190. I believe that these amendments are essential to make a good idea workable.

The goal of increased voter participation in Federal elections is a noble one. Toward these ends, I am sure that my colleagues on both sides of the isle join me in commending the distinguished gentleman from Washington, [Mr. SWIFT] and the distinguished gentleman from California, [Mr. THOMAS] for their efforts.

In my opinion, however, H.R. 2190 has two major flaws which the en bloc amendment would address.

First, H.R. 2190—in its current form—does not provide adequate funding for State election officials to implement the additional requirements which we, as a Congress, would impose on them. This amendment provides for a more realistic authorization of $120 million over the next 3 fiscal years to be made available to the States.

Prior to my election to the Congress, I had the privilege of serving the great State of Ohio as president of the Ohio Senate. Unlike the Federal Government, Ohio and most other States do not have the option of deficit spending. They have to make the hard choices—they have to balance their budgets.

While I cannot speak for other States, I do know that my former colleagues in the Ohio Legislature do not have a great deal of flexibility when it comes to allocating the State's limited funds.

Without the adequate funding that the amendment provides, H.R. 2190 would force States to shift scarce resources away from current funding priorities to fund these additional voter registration programs.

In Ohio, that would mean raiding the State funding for primary and secondary education, raiding the State funding of higher education, and raiding State funding for vital human services.

I do not believe that the Congress should force its counterparts in State government to raid essential State services to fund this or any other new Federal mandate. I said put your money where your vote is—if we believe that increased voter registration is the national priority we all say that it is, let's fund it completely.

The second flaw in H.R. 2190 that the amendment attempts to address relates directly to the States ability to administer fraud-free elections.

In its current form, H.R. 2190 would preempt many State efforts which have been adopted to reduce voter fraud. The amendment would correct this flaw by allowing States the flexibility to address the specific fraud problems that they may face.

Clearly, steps needed to ensure fraud free elections in Ottawa County, OH are much different than the steps needed in Cook County, IL, or Los Angeles County, CA. I believe that these jurisdictions should have the discretion to respond proportionately to the problems that they face.

Mr. Chairman, an attempt to encourage voter participation in Federal elections is a good idea. But even good ideas require that the Congress act responsibly. I urge my colleagues to support these amendments to make H.R. 2190 a little more responsible and a lot more workable.

Mr. SWIFT. Mr. Chairman, I yield myself 3 minutes at this point.

Mr. Chairman, I think this is pretty simple: There were certain things which this side of the aisle brought to this bill and certain things which the other side of the aisle brought to this bill. It was essentially the desire of the Democrats to expand opportunities for voting and the three specific provisions to do that in the bill, motor voter, postcard registration and agency registration, we were the father of those provisions.

The provisions that deal with address verification, purge provisions, if you will, were fathered on the Republican side.

As contained in the bill, we feel that those provisions are nondiscriminatory and are quite an appropriate way to go about clearing deadwood, people who are no longer eligible, from the bill.

Both sides were able to make this compromise in good faith because both sides, upon examination of what the other was contributing to the legislation, were able to say it does what they say it does and does not do any more, and the agreement was struck.

Now we know that agreement has faltered in some quarters. But I think it is very important to point out that this substitute keeps everything that the Republicans brought to the agreement and takes away everything that the Democrats brought to the agreement. This makes the three ways in which you register more people voluntary.

Well, my friends, it is already voluntary. You do not need to pass a law to tell the States they can do this. States of the Union already have all three of the provisions.

The States are perfectly capable of doing it. So by making it voluntary is to gut those portions of the bill which the Democrats brought to the compromise.

What it does, however, is leaves mandatory what the Republicans brought to the agreement.

Now I do not want to rehash the fact that this was a bipartisan bill, but I would note that under the rule the

gentleman from Michigan did not have the opportunity to bring up the same-day voting amendment which he might very well like to have done, and so forth.

□ 1610

The point is, that throughout this entire process, this side of the aisle has been stuck by the letter and the spirit of the agreement that had been reached. Some people were not a party to that agreement, and they have brought up the substitute. That is fine, and that is a perfectly honorable thing to do.

However, I make the point again, what the amendment does is it keeps everything that the Republicans put in this proposal, and takes out everything that the Democrats put in the proposal. On that basis, I would have to strongly urge the Members to vote against the substitute.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

I would like to take this time to summarize very briefly the Roberts-Michel en bloc amendments. If, in fact, the majority party was the father of the voting registration expansion, and some, and I emphasize "some" on this side, that is, the ranking minority member of the subcommittee and others, were fathering the purge efforts, I would only suggest that those Members who have a better idea, are the godfathers of this child, and wish to baptize this child with the milk of human kindness and something that will work.

The en bloc amendments remove the mandates of this particular bill and make the provisions available to the States to use at their discretion. Yes, that is under current law; but with it, we have some enticements. the long tradition of State and local jurisdiction over voter registration is continued. But, the en bloc amendment also provides for a 3-year, $120 million block grant program to assist State efforts to increase voter registration. We do not do it with a stick. We do not do it with mandatory rules, regulations, costs and encroachments on the local process. We do it with a carrot. States will have the discretion as to how best to exercise the voter registration.

The fraud provision in this bill is strengthened by a new section that preserves the effect of State law, if the State law provides greater protection against voter fraud in a statement of finding that all voters are entitled to be protected from vote fraud, including the voter rolls that actually contain ineligible voters, and inadequate enforcement of laws against fraud.

This amendment allows States to select places where applications will be made available and provide assistance to the States that are practicable. Let me repeat that. It gives States the local flexibility to determine who is going to be an aggressive, positive election registration official and—what entity under the current bill, as I have said before, where in the various places, we will register voters where we can get a hunting license, a fishing license, a marriage license, and we have talked about Federal and State employees of various agencies who really, I do not think, would choose to have that role.

H.R. 2190 actually mandates that the designated governmental and nongovernmental agencies could provide the forms and assistance in registering, and accept the registration forms for transmittal to election officials, all of which would arrive the last 10 days, causing utter chaos at the local courthouse. The effective date, we changed, and begins fiscal year 1991, encouraging registration immediately, instead of in 1993, as provided in H.R. 2190.

I say again that this is not partisan. This is a bipartisan effort to make this whole concept work, make it workable, with common sense, without intrusion into the State and local election process.

Mr. Chairman, I yield 6 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], who has been so helpful in crafting these amendments to a workable state.

Mrs. VUCANOVICH. Mr. Chairman, I rise today as a cosponsor of the en bloc amendment proposed to H.R. 2190. I am convinced that these amendments will not hinder, but greatly enhance the bill by giving individual States the freedom to implement "motor voter" if they choose, as well as stiffening the fraud provisions in H.R. 2190.

When your state officials tell you that they must cut State programs in order to fund H.R. 2190, what will be your reply? Can anyone truly justify the exorbitant costs this bill will incur? State officials have testified that the cost of this legislation is way beyond their abilities, yet the bill authorizes only $50 million of a cost which could run over $1 billion. Proponents of this bill have used my State of Nevada as a test case. In fact, it has been claimed that the cost is as low as $33,000. This is true. However, what proponents have not included are the additional funds Nevada will need in order to comply with new postage requirements, staff increases and the possibility of computerization in the rural counties. Even the test case will be significantly affected by H.R. 2190.

I am certain that no one in this room can claim to understand the needs and concerns of each and every State in America. With this in mind, instead of forcing States to modify their own registration laws, the en bloc amendment will replace a mandatory provision and provide a State with incentives by installing a block grant program to fund State efforts which increase voter turnout. This amendment will authorize $120 million over 3 years, allowing the individual States to use their discretion as how to best increase voter registration. Further, by making H.R. 2190 optional, we avoid mandating another set of onerous and complex Federal requirements upon the States.

In a practical sense, the true cost of this measure is still unknown, in fact, State officials have indicated that it is possible that this initiative could run over $1 billion. Presently, $50 million would be authorized for H.R. 2190, however, CBO estimates that the real costs to the Federal Government would be $20 million annually and direct costs to States and localities could be as much as $90 million. I am concerned about the potential shortfall which would have to be made up by each State. Consequently, H.R. 2190 will take precious funding away from more important programs.

Serious fraud issues are also raised by this bill, it is in fact an invitation to voter fraud. H.R. 2190 requires mail registration without the benefit of notorization or signature verification. In addition, the measure does not allow purging of nonvoters from lists and more importantly, H.R. 2190 will replace all State voter fraud laws, regardless of whether the original law is able to grant the State better protection against fraud. This is a simple and direct approach toward encouraging more voter participation. The en bloc amendment has the full support of the National Association of Counties, the U.S. Border Patrol, and I believe that it will have overwhelming support from local officials.

Please join members in support of the en bloc amendment, let's make motor voter workable.

Mr. CLEMENT. Mr. Chairman, I rise today in opposition to the substitute. The average longevity of the great democracies of the past, is 200 years. In 1976 we celebrated our 200th birthday.

I think all Members, whether we be Democrat, Republican, or independent, want to get people involved. How do we get people to participate? How do we get people to vote? How do we get people involved and take risk? It is becoming more and more difficult. The trends have definitely been in the wrong direction.

I congratulate the authors of H.R. 2190 for trying to broaden the method of registration. I commend them for trying to be creative and trying to get people more involved in the political process.

I heard recently Mr. William Buckley question whether everyone should have the right to vote.

□ 1620

Mr. Chairman, I know in my home State and in my home district I have some people who can hardly read and write, but I can guarantee this: that they may not be able to read and write, but they have a lot more common sense and good judgment than many people who have Ph.D.'s and many people who are so-called educated today.

I also remember when I was on the Public Service Commission that I would hear regulators say, "BOB CLEMENT, if you share information with the general public, it is that much more difficult to make a decision."

I found that that was totally wrong. The more information we share with the general public, the easier it is to make a decision, and they do not have to agree with us. But they do understand, and they do get to know both sides of the issue.

Mr. Chairman, we have less than 50 percent of the people voting in elections today. A vote is the beginning, not the end. It is the beginning of participation in the voting process. I prefer the ballot rather than the bullet.

Mr. Chairman, I encourage the Members to support H.R. 2190.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Chairman, I would like to thank the gentleman for yielding this time to me, and I rise in opposition to the en bloc amendments and in support of the committee position on H.R. 2190.

I would also like to congratulate the chairman of the committee and the committee for producing a bill which I really think is a landmark bill.

Mr. Chairman, during the recess I had a chance and the privilege to visit with the Helsinki Commission on Nations in Eastern Europe. We are all proud to witness what is without a doubt a real people's movement, a movement for democracy, a movement for self-determination and for the right to elect a government of their choosing.

I am also proud to know that they look to us as a model, that we can point the way, that we can shine the light of freedom and bring light on what really is a great democratic process.

Mr. Chairman, when that light shines, we must be careful that it exposes all. It exposes the fact that our Nation has the worst voter participation rate in the world among major democracies. It exposes the fact that in many areas access continues to be a problem. I know that it continues to be a problem in my own rural State of Mississippi. It exposes the fact that although many barriers and impediments have been removed through the affirmative actions of this Congress, the struggle for voter access and voter participation is not over yet.

Mr. Chairman, today we can do something to help. We can provide greater access, through the National Voter Registration Act, which would eliminate this access problem by allowing voter registration by mail in every State where it is not currently allowed.

I am also excited about the provisions in this bill which would allow for so-called motor-voter registration, which would serve to emphasize to our young especially that the right to vote, as the right to drive, is every bit as much a right as a privilege.

Mr. Chairman, the price of registration has already been paid by countless thousands who bled and fought and died. Certainly in Mississippi there are three: Schermer, Goodman, Chaney, who paid with their lives and their future, paid the ultimate sacrifice.

Mr. Chairman, they died so that America would continue to point the way, to raise that beacon, and to shine the light to these emerging democracies. I urge passage of H.R. 2190.

Mr. Chairman, I also want to thank the distinguished chairman and members of the Committee on House Administration for their outstanding work in producing this legislation.

Mr. Chairman, during the recess I had the privilege of visiting Eastern Europe. I had the privilege of witnessing first hand the people's historic movement for democracy, for the right to elect governments of their own choosing. I was proud to know that our country is the world's democratic model, that people everywhere are looking to the United States to point the way forward toward truly representative government.

And yet, Mr. Chairman, as I watched democracy struggling to be born in Eastern Europe, I was reminded that too many citizens in our country still do not take part in our own electoral process. I was reminded that our country has the worst voter participation rate of the world's major democracies. I was reminded that our own democratic process can and should be improved. That is why I rise today to urge my colleagues to support H.R. 2190.

Mr. Chairman, the right to vote is the hallmark of our democracy. However, as we all know, in the beginning of our country's history, that precious right to vote was not granted to all Americans. The right to vote was preserved only for those white men who owned enough property to qualify. Blacks were themselves property. Since then, after years of struggle, the right to vote and participate in our democracy has been extended to everyone. But that struggle is not yet over.

Today, many voter registration procedures around the country still effectively disenfranchise those who do not have the means to travel to a registrar. The National Voter Registration Act would effectively eliminate this problem by allowing voter registration by mail in every State where it is currently not allowed.

Mr. Chairman, I represent a very poor, very rural district. I know that many citizens, particularly those who are elderly and without their own transportation, have a difficult time getting a ride to a registrar's office, which could be 10 or 20 miles away. I have participated in many voter registration drives where the main expenditure is on gas money to take people to register. But many people are still being left behind.

This problem is so great in Mississippi that the Senate Election's Committee of the State legislature just last week approved a bill to allow mail-in voter registration. I am proud that Mississippi is moving in this direction. I urge my colleagues to support H.R. 2190, so that the Nation moves together.

Mr. Chairman, I am also excited about provisions in this bill which would allow citizens to register when they apply for driver's licenses, and when they conduct business at government agencies, and public places such as schools and libraries. H.R. 2190 also ends the practice of purging voters because they choose not to vote in certain elections.

I realize that some colleagues are concerned about the proper role of the Federal Government in the registration process. However, I believe that procedures for registering and voting in all Federal elections should be the same, whether a citizen is in Maine, Michigan, or Mississippi. On many issues States have the right to go their separate ways. But voting rights should not be one of them.

Lastly, several arguments have been advanced about the probable costs of implementing this legislation. It is true that we must be mindful of the costs to taxpayers of every piece of legislation we enact. However, I believe it is a mistake to oppose this legislation because of its costs in dollars. I don't believe the dollar amounts are prohibitive.

I do believe that the right to register and vote has been paid for by countless Americans with their lives. In Mississippi, Andrew Goodman, Michael Schwerner, and James Chaney paid with their lives. Medgar Evers paid with his life. Many others died so that the blessings of liberty would be shared by all Americans.

They died so that America could point the way to genuine democracy for the peoples of the world. We must continue to point the way today. I urge my colleagues to support this landmark legislation.

Mr. ROBERTS. Mr. Chairman, may I inquire of the Chair as to how much time I have remaining?

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Kansas [Mr. ROBERTS] has 17 minutes remaining, and the gentleman from Washington [Mr. SWIFT] has 23 minutes remaining.

Mr. ROBERTS. Mr. Chairman, I yield 3 minutes to my good friend and colleague, the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I would hope that we would all support this amendment. I think it does what everybody connected with this bill wants it to do in combination with the rest of the bill. I think it opens up the

registration procedure. It does it in a way that helps control fraud. It deals with making it a more voluntary thing for the states. It strengthens the bill without riding roughshod over the States.

We are all really on shaky ground here, I think, with this piece of legislation, because the Constitution gives Congress very limited power in the conducting of election procedures. The Constitution says that the Federal Government can become involved when there is a matter of integrity involved in the election process. No one has made the case that there is a problem with integrity.

Oh, yes, there are pockets where there might be fraud with elections, and there are laws to deal with that kind of thing, but by and large, no one has raised a question in support of this bill that this is a bill to produce cleaner elections. What they have said is that this is a bill to produce more people participating in elections.

That is a laudable goal, but it is not a goal that I think maybe we have a right to get into as part of our Constitution. This amendment helps that situation tremendously. It does not take it out of the hands of the States. It provides an incentive rather than a stick. It deals with the fraud issue, and it deals with the area I am particularly interested in, referring to the amendment I had in here, in that it deals with giving States flexibility as to were they can register voters.

In the bill it expands the registration locations and tells them exactly where those ought to be. It says it ought to be at sites like libraries and public schools and offices of city and county clerks and marriage license bureaus and hunting and fishing license bureaus and welfare centers, and on and on it goes.

In other words, in my State, when I go to buy my fishing license each year, I buy it at a convenience store. So are they telling me in this bill that my 7-Eleven clerk has to ask me when I buy my fishing license if I am registered to vote, and are they assuring me that that 7-Eleven clerk has had the proper training to help me get through this process so that I register properly and so that it gets properly submitted to the Secretary of State?

What works in New York City may not work in Leadville, CO, in terms of locations for registration. States are different where that is concerned, locales are different, and I think the States are in a much better position to make these decisions than are we at the Federal level. Every one of us, when we go out on the campaign trail, as we will do this year, rails out against Washington, and we say, "By golly, Washington shouldn't be controlling everything, and if you re-elect me, I am going back and tell Washington we can make decisions in our own State. We have sense enough to decide in our own State what is right and what is wrong about the way we conduct our business."

Yet in this particular bill we are saying, even though we are not charging anyone with fraud or a violation of the integrity of the election process, that we think all of a sudden, even though there is not a mandate or an overriding, demanding reason for this legislation, we know better than they do how to direct elections and we are going to tell them how to do it.

Mr. Chairman, by supporting this amendment we will do away with much of that and give the States the flexibility to do the job they are charged with to do.

Mr. SWIFT. Mr. Chairman, I yield myself 30 seconds simply to say, with regard to the constitutionality of the provision, that without any question the Constitution gives the House of Representatives the ability to control the elections for its own body.

With regard to the 7-Elevens, the gentleman apparently was not on the floor when that was discussed before, because with regard to hunting and fishing licenses, the legislation clearly says it has to do with any bureau dealing with that, and that would not include a 7-Eleven.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield for just a minute on that?

Mr. SWIFT. I yield very briefly to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, just for a moment let me say that the gentleman knows and I know perfectly well that if we put this in law, the word, "bureau," will not be interpreted as just the central offices.

Mr. SWIFT. Mr. Chairman, I take back my time, and let me say that I do not know that at all. It is subject to interpretation.

Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I rise in opposition to the amendment, and I want to thank the chairman of the subcommittee for yielding this time to me and allowing me to speak in support of this bill.

Mr. Chairman, this legislation is not a panacea: It is not a cure all. It's a major step down the long road to achieving a true democracy.

We should not be afraid to open fully the doors of political participation and let the people come in. To those who say this legislation is too costly, I say we should not put a price tag on democracy.

Twenty-five years ago in 1965, this body passed the historic Voting Rights Act, which brought millions of our citizens into full participation in the democratic process.

Twenty-five years later, we have another opportunity to bring more of our citizens into political participation. This legislation will be good for the political health of our Nation. This legislation will make it possible for many who have never voted before to exercise their precious right, the right to vote.

We can see and feel the winds of democracy blowing across Eastern Europe, including Moscow, even as we speak.

Mr. Chairman, this legislation is about the future; it is about the destiny of our democracy, and I urge all of my colleagues to support it.

□ 1630

Mr. SWIFT. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I am proud to follow the gentleman from Georgia [Mr. LEWIS], my colleague, whose conviction on this issue goes far beyond any Member's conviction in this Chamber. He has literally put his life on the line during the civil rights movement for the very issue that we debate today.

Mr. Chairman, the fundamental issue in this debate is very, very simple. I say to my colleagues, "If you view voting as a privilege of citizenship, then certainly State and Federal Governments can restrict that privilege in the name of cost cutting, States rights, or any number of reasons. But if you view voting as a right of citizenship, then every obstacle placed by government in the path of the voters must be closely examined and carefully justified."

Mr. Chairman, throughout our Nation's history, in this Chamber those who view voting as a right have generally prevailed. It is curious that the opposition to the expansion of voting rights now comes largely from the Republican side of the aisle, from the party of Abraham Lincoln who risked the survival of our Nation on the belief that the right of citizenship, including the right to vote, was worth fighting and dying for. Over the years, Mr. Chairman, Congress has considered many other obstacles thrust in the way of voters: Poll taxes, literacy tests and an array of efforts promulgated by State and local governments to complicate a citizen's basic right to vote.

It is sad today to hear my Republican colleagues use States rights as a reason to justify keeping voters away from the polls. I am proud that the Democratic Party has over the years cast off the unconscionable States rights burden.

Our modern political liberation can be traced to Philadelphia, PA, where in 1948 a firebrand mayor from Minneapolis took the floor and brought that convention to its feet when he said, "The time has arrived in America for

the Democratic Party to get out of the shadow of States rights and to walk forthrightly into the bright sunshine of human rights."

Hubert Humphrey reminded our fractious party that the constitutional rights of our citizens must transcend the deceptively safe harbor of States rights.

Mr. Chairman, in politics there is a basic rule: For every position taken by a public official, there is a good reason and a real reason.

Mr. Chairman, we have heard many good reasons from the Republican side against H.R. 2190 and in favor of the substitute. It costs too much. It forces States to change their election machinery. It is too creative. It is too risky. It is too expansive.

However, Mr. Chairman, I fear for many of the opponents of H.R. 2190. There is a real reason for this opposition that is far more basic. This bill energizes our democracy. It will expand the voters' rolls. It will bring new voters to the polls; young, old, liberals, conservatives, Republicans, Democrats and independents. They may support the status quo or challenge it. They may embrace us as incumbents, or they may just toss us out.

Mr. Chairman, it is this uncertainty which motivates many to oppose H.R. 2190, fear of the unknown, fear of democracy with all of its inherent uncertainty, fear of the very people we are elected to represent. I am not sure who the political winners and losers will be with H.R. 2190, but I urge my colleagues to reject the States rights substitute from the Republican side and join a majority of our colleagues in the bright sunshine of civil rights.

Mr. Chairman, let me add a footnote about Illinois. The suggestion that some have said it will cost $37 million to implement it in Illinois, to implement this bill, where it only costs $100,000 to implement a similar system in Michigan should raise a very serious question about the critics of this legislation. I have checked into it. That $37 million would result in buying whole new operations of hardware and software in computers in Illinois and, in fact, computerizing the election machinery of Illinois from top to bottom. This bill does not require that, and those who use cost as a reason to oppose it are inflating the figures because of their fear of the very intrinsic uncertainty of democracy.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I am not going to try to add to the bloviation that has taken place on this floor on this issue. I want to commend the chairman and the ranking member and all those involved in this prodigious task of doing once again what we do so well here in the Congress, and that is reforming something that is not broken. That is exactly what we are doing today.

Mr. Chairman, I admire all the objectives and all the wonderful statements that are being made, but this is not the motor voter bill. This is a motor registration bill. There is no one taking anyone's rights away from them to go and vote. That is our problem. We do not have a system of reforming a process that encourages people to go vote. They have the right to register at any lengths today, anywhere in the United States today, but we want to come up with a better system to encourage and provide incentives to go and vote. Registration is an entree to this, but this is the wrong way to do it.

Mr. Chairman, I do support the amendments that have been offered, and I think that those that have entered on this prodigious task are to be commended.

However, Mr. Chairman, we have got to provide the incentives for people to take upon themselves to go and vote when they have that opportunity, and one question I would like to ask those who want to tak about using this method of drivers license registration is, "What do you do about multiple registrations that are processed in common throughout the United States today?"

Mr. Chairman, drivers do not have one drivers license. They have many and can register in many States and so on.

I am really concerned that we are opening up this thing to all the problems that have been enunciated by many speakers before me, and I think that still the basic concept is: How can we make these people go vote after they have registered?

Mr. Chairman, that is our problem in the United States today, not the registered process.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jerseyz [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Chairman, I rise today to offer my strong support for H.R. 2190, the National Voter Registration Act and urge my colleagues to oppose the en bloc amendment which would significantly weaken the bill.

As we observe the events which have taken place throughout the world, we can be proud of the way our own democracy has evolved. Democracy in this country means that every eligible citizen has the right to vote.

In keeping with this principle, the National Voter Registration Act would make the election process uniform, nondiscriminatory and more accessible.

Passage of this measure as introduced would make a marked difference in areas such as New Jersey's 10th Congressional District where registration by mail and in person is not accessible to everyone.

In fact, a large segment of the population in my district can remember the days when the political process did not include them. Thankfully, as times changed, so did the laws which had excluded them. Today, voting is a fundamental right of every American citizen. Yet, we must face the reality that for many Americans, participation in the political process is cumbersome.

The simplifications provided in this measure would make voter registration more efficient and effective throughout the Nation. In addition, it would make uniform voting procedures throughout the country as well as ensure the fairness and integrity of the voting process.

In light of our history we must seize this opportunity to remove the existing barriers to registration and reform the recordkeeping process.

I believe that we should do all that we can to encourage voter participation. Therefore, I urge my colleagues to vote against the en bloc amendment and in favor of H.R. 2190 as introduced.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

□ 1640

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding this time to me.

I know what some of you are saying right away. "TAUZIN, you come from the State of Louisiana where Earl Long once said, 'When I die, if I die, I want to be buried in South Louisiana so I can stay active in politics.' " You probably have heard that. You are probably concerned that there are some such implications here.

Let me assure you, this bill has nothing to do with dead people voting. This bill has everything to do with live people having the right and a chance to vote.

You know, it was not until the 1970's in Louisiana when as a young State legislator we followed the Federal law and extended our right to vote to 18-year-olds. Believe it or not, it was in the seventies when the Louisiana Assembly finally ratified women's suffrage.

You see, the right to vote, the right to have a chance to vote is not a Louisiana right. It is not a New Mexico right or a New York right. It is an American right.

The tragedy of our current laws is that until we make them uniform and across the board in America, to open these doors of possibility to all Americans is that with our current hodgepodge of restrictions across our States and localities that we stand in this po-

sition in history, that Soviet Russia, although it does not practice its constitution, has, in structure, fairer entry laws to voting than we do in America.

Now, if democracy ever comes to the Soviet Union, and we pray it does, if Soviet citizens ever get to practice what their constitution says they have a right to, and they may well get that right soon, the irony will be that in Soviet Russia, practicing democracy will be fairer and more uniform than in this bastion of democracy we so proudly love and call America.

This bill simply does one thing. It says if we do not gut it that all Americans have a chance for open participation, what we have bragged about for many years, 200 years of our history, in the greatest democracy on Earth.

Mr. ROBERTS. Mr. Chairman, I am very proud to yield 6 minutes to the Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I obviously rise in support of the en bloc amendment offered by my designee, the gentleman from Kansas [Mr. ROBERTS]. I want to particularly thank the gentlewoman from Nevada [Mrs. VUCANOVICH] and the gentleman from Ohio [Mr. GILLMORE] and some of the others on the Committee on House Administration on our side who crafted the en bloc amendment made in order under the rule. It represents, in my judgment, a sensible approach to encouraging voter registration.

I oppose H.R. 2190, as drafted, because it places some unnecessary burdens upon our individual States and it greatly increases the potential of fraud. If you come from Illinois, you have got to be sensitive to that one issue of fraud.

It may not even achieve its stated goal of increased registration. My home State of Illinois has stricter voter verification procedures than those that will be allowed under the bill, H.R. 2190; but even Illinois' current standards are not strong enough to prevent massive fraud. A recent U.S. attorney in our home State estimates that up to 100,000 fraudulent votes were cast in each of the Chicago elections between 1982 and 1986. If this bill becomes law, that number, in my judgment, is certainly going to grow.

The legislation before us requires registration, but prohibits States from requiring notarization or other formal authentication of it, and this prohibits Illinois from practices currently used to prevent vote fraud. Under the bill, an individual could register through the mail numerous times and then vote under those fictitious names through absentee ballots. Proponents of the legislation contend that the bill includes a purge of the rolls every 4 years that will prevent this type of fraud. The bill, however, strictly prohibits States from purging the voter rolls within 60 days of the election, while mandating that voter registration continue until 30 days before the election. These two provisions create a 30-day "fraud window" during which countless fictitious voters can be registered. While the bill also elevates vote fraud to a Federal offense, the prohibition on authentication of registrations makes the Federal offense a meaningless provision.

I know my friend, the gentleman from Illinois, makes mention of the fact that we are not mandated to move to computers, even in our home State of Illinois; but I would suggest, for example, that a student at the University of Southern Illinois filing for a driver's registration card at Southern Illinois with a home residence in Chicago requires that the State under those circumstances in order to keep everything under control has got to move to a much more sophisticated computerization of this process, or we will really be taken to the cleaners.

H.R. 2190 calls for two sets of voter rolls, one official and one not so official; but it does not matter which roll you are on, you can vote regardless. If your vote is challenged, then it is set aside for future verification. In a rural precinct, the secrecy of the ballot will be in jeopardy, and in an urban precinct it is an invitation again to fraud. Imagine holding election results open for 10 days while election workers attempt to verify voters.

Funding for H.R. 2190, as has been pointed out so well by my friend, the gentleman from Kansas, is inadequate—$50 million of Federal funds is provided for all 50 States in fiscal year 1992. Well, a new computer system for our home State of Illinois would take up just about that much, maybe a little bit more than half. Who will make up the shortfall. Well, of course, the States, that is who, and the Federal Government mandates, the State government pays.

Our en bloc amendment empowers State officials to register voters by providing a 3-year, $120 million bloc grant program. State officials have asked not for mandates, but for the resources to increase registration and the flexibility to do it the best way they know how. This en bloc amendment of ours achieves both objectives, and I might add, is supported by the administration.

Let us also be realistic about the impact of the two approaches. H.R. 2190 does not begin until January 1, 1993, while our amendment would take effect this next fiscal year. If it is that important, why delay it?

If we are serious about increasing voter registration and participation, let us start now in time for the 1992 elections, the most critical election of the decade, one that will shape the political future into the next century.

In conclusion, let me remind my friends that a CBS-New York Times poll found that 97 percent of the nonvoters gave reasons other than problems in registration for not being registered. Our campaigns are too long. They are too expensive. They alienate potental voters. If we want more people to vote, then we should run more stimulating and competitive campaigns. The enemy is not them, it is us. In other words, the fault for low voter turnout lies not with our registration laws, but with ourselves.

Do you want voters? Then reform our campaign practices. Reform our procedures. What we need is the will toward reformation, not a bill for registration.

But having said that, if we are going to have a bill, let us make it one that works and that helps the States.

Mr. Chairman, this amendment is a common sense solution to a goal we all share, increased voter registration, and I would urge my colleagues to support the amendment offered by my distinguished colleague, the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, might I inquire again how much time I have remaining?

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] has 6 minutes remaining, and the gentleman from Washington [Mr. SWIFT] has 12 minutes remaining.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, 66 percent of those eligible to be registered voters in the United States are not on the rolls. Thirty-four percent do not quite make it. Fifty percent in an important Presidential election did vote. Fifty percent did not go to the polls. In 1986 there were 40 million more nonvoters than voters.

Mr. Chairman, these figures are appalling. They are embarrassing, but most important, they are very dangerous for a democratic system.

For those reasons, Mr. Chairman, I rise to support the bill and to oppose the en bloc amendments.

We know that apathy and barriers to registration are the reasons for low voter turnout, and we know as a fact that voter apathy is very difficult, a very difficult condition to address.

But there is no reason why we should not eliminate some of these barriers to registration.

□ 1650

Mr. Chairman, I also know that the opposing forces to this bill feel that fraud is a very serious situation and is not addressed adequately in this bill. I have to be very frank, Mr. Chairman, I studied it. I looked at it as a former secretary of state. I have to insist that to a point this is being exaggerated. I

take fraud very seriously, and all of the negotiations, meetings, and debates between the committee and its members have solved these concerns.

Mr. Chairman, I have to say something, and I almost would find it humorous if it was not so serious, that we are hearing here and have heard before this debate that the League of Women Voters would come behind this bill in such force if it had fraud in it or indulged in fraud or the encouragement of it. I guess nothing is sacred, Mr. Chairman. The point is the league got so involved because they understand the issues.

I so well remember when I was secretary of state the cajoling and the work of the dedicated registrars of voters telling me to be careful and to be responsible. Once I was, I then got on with my job to open up registration.

We have a job here to open up registration today, and it is something we can do. We mandate by the vote. We cannot mandate by a no-show vote. So I say to the Members and to the chairman, we have something very important to do here today. We have our job to do.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I rise to commend the sponsors of H.R. 2190, the National Voter Registration Act. Reform of the patchwork quilt of voter registration laws is long overdue.

The Subcommittee on Civil and Constitutional Rights, which I chair, has a longstanding interest in voter registration matters, based on our jurisdiction over the Voting Rights Act of 1965. Over the years the subcommittee has examined the problems of discriminatory voter registration barriers. Permitting voter registration at limited and inaccessible times and places, often only by deputy registrars, are but a few of the barriers that perpetuate past discrimination and discriminate against minority voters.

This bill will assist in removing many of these barriers. Registration by mail, at departments of motor vehicles, and at social service agencies will result in increased voter registration.

I agree with my friend, the distinguished chairman of the Subcommittee on Elections, the gentleman from Washington [Mr. SWIFT] that this bill only adds to the rights and remedies under the Voting Rights Act, and uses the same standards of proof as the Voting Rights Act. I am pleased that the bill now includes a specific reference to the protections afforded by the Voting Rights Act.

I salute Chairman SWIFT, and the ranking minority member, the gentleman from California [Mr. THOMAS] for working together to bring about a bill that will garner widespread support.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing debate, I feel there are some of us who have been literally drowned in a sea of alleged good government and perception, and I worry about that.

The gentleman from Tennessee [Mr. CLEMENT] says that there are people in Tennessee who cannot read or write, but they have common sense, and, my goodness, they should vote. Well, I am all for them voting. If they have enough common sense, they may or may not support the gentleman from Tennessee [Mr. CLEMENT].

We got rid of literacy tests and poll taxes, residency requirements and property tax requirements and all of those barriers. Nobody today wants those kinds of barriers in the election process. We addressed that in the Voting Rights Act, and we should enforce the Voting Rights Act. We should be aggressive in doing so.

I know that the gentleman from Tennessee [Mr. CLEMENT] indicated we want more information. How are we going to do that when we mandate voting on a driver's license, what, that one cannot drive over 65 miles per hour; or the shape of a stop sign? We have more outreach programs in this country today State by State than any other single democracy in the world.

In my State of Kansas, we have the Farm Bureau, the League of Women Voters, Republicans, Democrats, American G.I. Forum for the Spanish Americans, NAACP, we have the senior citizens, we have the veterans, we have virtually everybody in an outreach program.

Who is saying to me in my 58 counties with county election officers that we have barriers to voting? I know of none. What makes anyone think that they know more in terms of outreach than the county clerk of Ford County, KS, Mrs. Rita Slattery, a Democrat? And let me say, and emphasize again that all of us who question this approach, do not oppose increased voter registration or turnout.

The unfortunate statements by some in the majority, the gentleman from Illinois [Mr. DURBIN] in particular, that some within the party of Lincoln are opposed to this bill because we worry about increased voter turnout is not true. It has no place in this debate. We are concerned about what lurks under the banner of reform. We are concerned about the law of unintended effects. We believe voter turnout is important, but not at the expense of integrity and sanctity and the workability of the election process.

Then we have just a smidgeon of politics involved. I know that we have those on our side who argue this Federal mandate will result in an advantage to Republicans. There are those on the other side of the aisle who believe just the opposite. I would urge my colleagues to take those arguments with a large dose of salt. No one knows in truth which party is going to really benefit or which special interest. We should concentrate on the integrity of the election process.

Only 50 percent of our citizens voted in the last Presidential election, 36 percent in the last congressional election. That is pretty bad, but listen to this, the reality is that during the last 40 years, we have increased voter registration, and we have seen the voter turnout drop. The reasons, when we ask people as to why they do not vote, they do not cite barriers to registration. If we want to get more votes, we can achieve a higher voter turnout with better candidates, for one, a stronger two-party system for another, campaign reform. That is going to help.

Quite frankly, with all due respect to all of my colleagues, if this Congress would clean up its act, I think we would restore some faith in our Government and also some voter turnout. In truth, our voting record is not that dismal compared to other countries. We keep hearing that argument. We vote all the time, two times every year, local, State, and Americans vote continually. That is in part why we do not vote in record numbers for one election.

We could do it like other countries. In Australia I think they imprison you. In the Republic of Germany there are the police and an I.D. record. In Italy they stamp on your police document "Did not vote." Is that what we want to do?

What is this business that it does not make any difference who we vote for, what we vote for, or how we vote, just vote? I mean, that is ridiculous on the surface of it.

Simply put, we agree with the goal of increased voter registration. We hope we have a greater voter turnout. We do not agree that this federally mandated approach is the right answer that will increase voter registration but also safeguard the integrity of our election process.

The en bloc amendments offered by the gentleman from Illinois [Mr. MICHEL] and myself represent a giant step forward in this effort. They are historic in and of themselves if they were considered separate from this bill. I plead with my colleagues to carefully study the amendments that we have introduced and vote for the en bloc amendments.

Mr. Chairman, I yield back the balance of my time.

Mr. SWIFT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Chairman, I rise in opposition to the amendments en bloc.

Mr. Chairman, it is a fact of political life in the United States that Republicans and the Republican Party in general benefit from low voter turnout. It is also a fact that they suffer politically as voter participation increases. The reasons for this phenomenon are complex, but instead of taking their case fair and square to the public, and trying to convince the public on the merits of their issues, they are instead using back-door approach by doing everything in their power to prevent Federal action to increase voting participation.

This is not the first time Republicans have opposed higher voting participation, and I doubt it will be the last. Those of us in Texas will never forget the infamous Republican "Ballot Security" program—concentrated in heavily minority and Democratic precincts—that did nothing but attempt to intimidate voters in a manner that shocked the conscience of every caring Texan, Republican and Democrat alike.

Like it or not, significant barriers to full voting participation exist across this country. This legislation will remove those barriers, and will put the Federal and State government in the position of actively encouraging eligible people to register and vote. The measure does not impose unreasonable standards on the States, and it is clearly within the constitutional authority of the Congress.

Now I realize that the Bush administration does not want to be put in the position of having to enforce such a voter registration law; it would be against the political interests of the Republican Party.

But our current voter registration and participation statistics are appalling. Over the last 20 years, voter participation in Federal elections has steadily declined. In the 1988 Presidential election, for example, turnout dropped to 50 percent—the lowest rate in the last 64 years. We are the only industrial democracy that puts the burden of registering on the individual; over 80 percent of registered voters actually vote.

In my home State of Texas, the three registration methods required in the bill would reach the entire eligible population and would not increase voter fraud. Several features of the bill would actually decrease the likelihood of fraud, including the requirement that the voting lists be verified periodically. The legislation also includes penalties that are stronger than those of most States.

Mr. Chairman, let us not be persuaded by the self-serving objections of Republicans who have traditionally prospered by depressed voter turnout, particularly in black and Hispanic communities, and who see no profit in changing that situation. It smacks of fear—fear that the Republican message might be rejected if the population as a whole had the chance to vote on it. It is backdoor—instead of having the courage to stand up for what they believe, they would rather oppose voter turnout. It is shameful, Mr. Chairman, and it is thoroughly Republican. I urge my colleagues to defeat the Republican amendment and pass this bill.

Mr. WEISS. Mr. Chairman, I rise in support of H.R. 2190, the National Voter Registration Act of 1989.

At the outset, I would like to recognize the enormous contributions of the gentleman from Michigan, Mr. CONYERS, in the area of voter registration reform. Without his constant advocacy on the part of millions of nonvoters over the course of many years, we would not now be considering this bill.

It is an international embarrassment and a real blot on our democratic system of government that so few of our citizens who are eligible to vote are registered to vote. Although the vast majority of people who are registered to vote do so. Over 60 million U.S. citizens cannot vote because they are not registered.

Barriers to full voter participation persist. Only Maine, Minnesota, and Wisconsin, presently allow voters to register on the day of election. It should be noted that these States also rank highest in turnout of eligible voters.

H.R. 2190 would require States to permit citizens to register when they apply for or renew a driver's license. This "motor-voter" provision alone would enable millions of Americans to more easily participate in the electoral process. The State of Nevada initiated a similar program in 1989 and soon realized a substantial increase in its voting level.

H.R. 2190 would also allow people to register to vote by mail. This simple process is already the most popular method of registration in the 22 States where it is now in practice. Making registration by mail an option in every State would clearly make the registration process much easier for millions of Americans. Most importantly, mail registration would reach those people who will not be able to take advantage of the motor-voter method, especially those who live in urban areas.

To guard against fraud, H.R. 2190 provides for the maintenance and verification of registration lists, and would significantly increase penalties for people who fraudulently register.

The bill also authorizes funds to offset the cost to States. In the long run, the bill would actually reduce State costs by simplifying and streamlining voter registration procedures.

In short, this legislation will facilitate the greatest increase in numbers of Americans registered to vote since the Voting Rights Act of 1965. I am proud to be a cosponsor of H.R. 2190 and urge my colleagues on both sides of the aisle to join in this long overdue effort to make a freer, more open registration process.

Mr. SWIFT. Mr. Chairman, I yield 6 minutes to the gentleman from Pennsylvania [Mr. GRAY], the Democratic majority whip.

Mr. GRAY. Mr. Chairman, let me congratulate the chairman, the gentleman from Washington [Mr. SWIFT], and also the gentleman from California [Mr. THOMAS], for the outstanding work that they have done in bringing this bill to the floor in a bipartisan manner.

Let me also give a special word of thanks and recognition to one of our colleagues who for years has talked about the need for breaking down the barriers and including more in the mainstream of participation in the house of democracy, the gentleman from Michigan [Mr. CONYERS].

Mr. Chairman, we are witnesses to history. For democracy is on the march again all over the world. The fight for freedom waged first on our shores has caught fire in Eastern Europe. And just when we thought that nothing more could happen, in Moscow itself they debate new political competition for the Communist Party. We hear even in South Africa the first sound, however faint, of the end of apartheid.

□ 1700

Americans can stand proud, for the nations of the world once again look to us to find their future. Today, in this House of Representatives, with this bill, we have a chance to show them again what freedom really means. Yet there are those who counsel caution, raising concerns about fraud and cost.

I understand that. Making history is always risky business. But greatness is won in the margin of risk.

This year we celebrate the 25th anniversary of the Voting Rights Act. When the Congress passed that landmark bill we heard those very same concerns.

In the debate then, 25 years ago, some argued that the Voting Rights Act would, and I quote, open a "Pandora's box for fraud, corruption, and anarchy." "Unless we change our course," we were told, "we are paving the way for the destruction of self-government by the mad, emotional rush to destroy standards, whether literacy or others."

We heard then, too, of a "duty to protect the fiscal integrity of our cities, counties, and states," and we were warned that the poll tax was essential to the States "to help support their educational system."

Those arguments were wrong then and they are wrong now.

Will this bill cost money? Of course it will, although far less than many fear. For as every member of solidarity in Poland knows, as every black South African knows, as every person in Romania teaches their children, freedom is not free.

Today, while the world turns to us for lessons in democracy, voter participation is lower in our country than in any Western democracy.

The measures in this bill grow out of the laboratory of democracy. Each has been tested in our various States. And while we debate these few, other Western democracies do this and much more.

Canada and Great Britain register every citizen through a national canvass. In Belgium, the Government seeks out each citizen when they come of age and registers them for life.

Mr. Chairman, these are indeed the days of democracy's march. And those events abroad, including those happening in the Kremlin right now, remind us that you cannot preserve democracy by standing still.

There are times when we all would like to sit down and slow things down

a bit and enjoy the fruits of the system in place without any more struggle. But, my friends, that is not the way to build the house of democracy.

I stand here today in this well as a Member of this body, and others are a part of this body and are participating in democracy, because we refuse to stand still in this Nation.

Each generation has widened the circle of participation. Each generation has widened the circle so that more could be included in the process of building the house of democracy.

With this bill 60 to 70 million unregistered voters will have an easier time getting inside that circle. And who knows, in the next generation they, too, may be standing in this well like I am today.

Democracy is about change. Each step forward opens a new vista of things to be done, and you either join or you are left behind.

Today is an opportunity for America to move forward once again, to widen the circle, to bring down the barriers, and let more people pay their civic rent in this great house of freedom and democracy.

I urge all of my colleagues to join democracy's march right here today. I urge you to support this bill and oppose the amendments en bloc offered by my distinguished colleagues.

If you do, I am sure that we will look back and remember this day, just as we can look back and remember the day in 1965 when we took the broad view.

Yes, there were county registrars who said no. But we took the broad view, and because of it, we have got people like JOHN LEWIS, MIKE ESPY, and because we took the broad view we have women like BARBARA KENNELLY, NANCY JOHNSON, and others who are a part of this body.

Let us support this bill and widen the circle.

Mr. SWIFT. Mr. Chairman, if I might inquire of the gentleman from Kansas, has he yielded back the balance of his time?

Mr. ROBERTS. I have, Mr. Chairman. I do not know how much time I had left prior to yielding back, but I do have one additional request for 1 minute. I ask unanimous consent to reclaim whatever time I had left.

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] had 1 minute remaining. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. ROBERTS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding. I simply want to reinforce the argument that was advanced here earlier about the lurking fear that we have that opening up the process like envisioned in this bill will create a system fraught with the possibility of fraud. If that were not enough, wresting away the authority of the local registrars gives me additional anxiety.

I have no reason to fear the process that each registrar in our State proceeds under in order to provide full access to registration and voting. I am very reluctant in so many areas of the work of the Congress of the United States in invading the provinces of our local authorities, and this is one of the most important ones.

With that reluctance, I hope that Members can accept the substitute motion here and support the Roberts amendment.

Mr. SWIFT. Mr. Chairman, I yield myself such time as I may consume.

I wish to thank the gentleman from Pennsylvania [Mr. GEKAS] for his statement. He is a cosponsor of the legislation in the present form without the substitute.

I simply want to focus everyone that where we are going now is to a vote on the amendments en bloc, and we will then proceed from there to final passage. I urge my colleagues again to support this balanced bill and vote against the amendments en bloc. Should there be a motion to recommit, I urge my colleagues to vote against that and vote for freedom by voting for final passage of this bill today.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Kansas [Mr. ROBERTS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROBERTS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 129, noes 291, not voting 11, as follows:

[Roll No. 9]

AYES—129

Archer	DeLay	Henry
Armey	DeWine	Herger
Baker	Dickinson	Holloway
Ballenger	Donnelly	Hopkins
Bartlett	Douglas	Houghton
Barton	Dreier	Hunter
Bateman	Duncan	Hyde
Bentley	Edwards (OK)	Inhofe
Bereuter	Emerson	James
Bilirakis	Fawell	Johnson (CT)
Broomfield	Fields	Kasich
Brown (CO)	Gallegly	Kolbe
Buechner	Gallo	Kyl
Bunning	Gekas	Lagomarsino
Burton	Gillmor	Lent
Callahan	Goodling	Lewis (FL)
Campbell (CA)	Goss	Lightfoot
Coble	Grandy	Livingston
Coleman (MO)	Grant	Lowery (CA)
Combest	Hammerschmidt	Lukens, Donald
Courter	Hancock	Madigan
Cox	Hansen	Marlenee
Craig	Hastert	Martin (IL)
Crane	Hefley	Martin (NY)
McCandless	Rhodes	Smith, Robert (NH)
McCollum	Ritter	Smith, Robert (OR)
McEwen	Roberts	Solomon
McGrath	Rogers	Spence
McMillan (NC)	Rohrabacher	Stangeland
Meyers	Roth	Stearns
Michel	Rowland (CT)	Stump
Miller (OH)	Saxton	Sundquist
Moorhead	Schaefer	Thomas (WY)
Myers	Schiff	Vander Jagt
Nielson	Sensenbrenner	Vucanovich
Oxley	Shaw	Walker
Packard	Shumway	Whittaker
Parris	Shuster	Wolf
Paxon	Skeen	Wylie
Petri	Slaughter (VA)	Young (AK)
Porter	Smith (NE)	Young (FL)
Quillen	Smith (TX)	
Ravenel	Smith (VT)	
Regula	Smith, Denny (OR)	

NOES—291

Ackerman	English	Lehman (FL)
Akaka	Erdreich	Levin (MI)
Alexander	Espy	Levine (CA)
Anderson	Evans	Lewis (GA)
Andrews	Fascell	Lipinski
Annunzio	Fazio	Lloyd
Anthony	Feighan	Long
Applegate	Fish	Lowey (NY)
Aspin	Flake	Luken, Thomas
Atkins	Flippo	Machtley
Barnard	Foglietta	Manton
Bates	Ford (MI)	Markey
Beilenson	Frank	Martinez
Bennett	Frost	Matsui
Berman	Gaydos	Mavroules
Bevill	Gejdenson	Mazzoli
Bilbray	Gephardt	McCloskey
Bliley	Geren	McCrery
Boehlert	Gibbons	McCurdy
Boggs	Gilman	McDade
Bonior	Gingrich	McDermott
Borski	Glickman	McHugh
Bosco	Gonzalez	McMillen (MD)
Boucher	Gordon	McNulty
Boxer	Gradison	Mfume
Brennan	Gray	Miller (CA)
Brooks	Green	Miller (WA)
Browder	Guarini	Mineta
Brown (CA)	Gunderson	Moakley
Bruce	Hall (OH)	Mollohan
Bryant	Hall (TX)	Montgomery
Bustamante	Hamilton	Moody
Byron	Harris	Morella
Campbell (CO)	Hatcher	Morrison (CT)
Cardin	Hawkins	Morrison (WA)
Carper	Hayes (IL)	Murphy
Carr	Hayes (LA)	Murtha
Chandler	Hefner	Nagle
Chapman	Hertel	Natcher
Clarke	Hiler	Neal (MA)
Clay	Hoagland	Neal (NC)
Clement	Hochbrueckner	Nelson
Clinger	Horton	Nowak
Coleman (TX)	Hoyer	Oakar
Collins	Hubbard	Oberstar
Condit	Huckaby	Olin
Conte	Hughes	Ortiz
Conyers	Hutto	Owens (NY)
Cooper	Ireland	Owens (UT)
Costello	Jacobs	Pallone
Coughlin	Jenkins	Panetta
Coyne	Johnson (SD)	Parker
Crockett	Johnston	Patterson
Dannemeyer	Jones (GA)	Payne (NJ)
Darden	Jones (NC)	Payne (VA)
Davis	Jontz	Pease
de la Garza	Kanjorski	Pelosi
DeFazio	Kaptur	Penny
Dellums	Kastenmeier	Perkins
Derrick	Kennedy	Pickett
Dicks	Kennelly	Pickle
Dingell	Kildee	Poshard
Dixon	Kleczka	Price
Dorgan (ND)	Kolter	Pursell
Downey	Kostmayer	Rahall
Durbin	LaFalce	Rangel
Dwyer	Lancaster	Ray
Dymally	Lantos	Richardson
Dyson	Laughlin	Ridge
Eckart	Leach (IA)	Rinaldo
Edwards (CA)	Leath (TX)	Robinson
Engel	Lehman (CA)	Roe

Ros-Lehtinen	Slaughter (NY)	Traxler
Rose	Smith (FL)	Udall
Rostenkowski	Smith (IA)	Unsoeld
Roukema	Smith (NJ)	Upton
Rowland (GA)	Snowe	Valentine
Roybal	Solarz	Vento
Russo	Spratt	Visclosky
Sabo	Staggers	Volkmer
Saiki	Stallings	Walgren
Sangmeister	Stark	Walsh
Sarpalius	Stenholm	Washington
Savage	Stokes	Watkins
Sawyer	Studds	Waxman
Scheuer	Swift	Weber
Schneider	Synar	Weiss
Schroeder	Tallon	Weldon
Schuette	Tanner	Wheat
Schumer	Tauzin	Whitten
Sharp	Taylor	Williams
Shays	Thomas (CA)	Wilson
Sikorski	Thomas (GA)	Wise
Sisisky	Torres	Wolpe
Skaggs	Torricelli	Wyden
Skelton	Towns	Yates
Slattery	Traficant	Yatron

NOT VOTING—11

AuCoin	Frenzel	Pashayan
Dornan (CA)	Lewis (CA)	Schulze
Early	Mrazek	Tauke
Ford (TN)	Obey	

□ 1728

The Clerk announced the following pair:

On this vote:

Mr. Dornan of California for, with Mr. Frenzel against.

Messrs. DIXON, SANGMEISTER, and BARNARD changed their vote from "aye" to "no."

So the amendments en bloc were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1730

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HUGHES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2190) to establish national voter registration procedures for elections for Federal office, and for other purposes, pursuant to House Resolution 309, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GILLMOR

Mr. GILLMOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GILLMOR. Mr. Speaker, in its present form, I am opposed to the bill.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GILLMOR moves to recommit the bill H.R. 2190 as amended by the substitute printed in H. Rept. 101-396 to the Committee on House Administration with instructions to report the same back to the House forthwith with an amendment as follows:

On page 2, Section 104, paragraph (b)(3), strike out the words "or other formal authentication".

On page 3, Section 105, paragraph (a) following the words "applications shall be provided" strike out the words "and completed applications shall be accepted for transmittal to the appropriate State election official".

On page 10, Section 202, under TITLE II—FINDINGS, PURPOSES, CRIMINAL PENALTY, AND EFFECTIVE DATE, add the following new sections following paragraph (1) and renumber existing section (2) accordingly:

(2) through paying or offering to pay any person for voting;

(3) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information;

(4) for the purposes of executing such fraud places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

On page 10, Section 202, paragraph (2), after the word "fraudulent" add the following: "or that are invalid,".

Mr. GILLMOR (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. The gentleman from Ohio [Mr. GILLMOR] is recognized for 5 minutes in support of his motion to recommit.

Mr. GILLMOR. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I think the House may want to look carefully at this motion to recommit, because it really does speak to the question a lot of Members have about this bill. Namely, the possibility of fraud. This particular motion to recommit suggests that we ought to tighten up the fraud provisions in the bill in three specific ways: No. 1, we ought to have better mail verification, which would permit State officials to require verification of information on mail registration forms; second, under this particular motion, what we would do is remove the middleman, assuring that nonelection officials, middlemen, so to speak, would not be processing voter applications; third, under this bill, we have the election crimes that would actually be specified. It adds specific fraudulent activities to the list of Federal voting crimes of bribery, filing false election information, and postal fraud. These are all things that if they were adopted, we think would tighten up the ability of this bill to have voter registration without potential fraud.

Mr. GILLMOR. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, as most Members know, I am in support of the bill, and I was opposed to the en bloc amendments.

As Members examine the specific instructions under the motion to recommit, I think Members will find there are six specific instructions under the motion to recommit. Two of them have to do with specifics that are contained in the bill itself. The four that come under the enforcement provision, before Members stand up, I would say and argue that this is something similar to the en bloc amendments if they are basically going to gut the bill. I would caution Members that the four specific instructions under the motion to recommit on enforcement were contained in S. 1711, a bill which passed the U.S. Senate on October 5, 1989, 100 to 0.

I have attempted to try to maintain a bipartisan position on this side. The Senate, in a bipartisan acceptance of the enforcement provisions in a bill on the Senate side, S. 1711, believed unanimously that these were reasonable enforcement provisions.

Mr. GILLMOR. Mr. Speaker, I would make just one point. We all want to encourage everyone to vote, but we want to be sure by the purpose of this motion that that vote is not canceled by someone else's fraud.

Mr. Speaker, I yield the balance of my 5 minutes to the minority whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me.

I just want to make the point that we have now heard from several of the Members on our side of the aisle who actively cosponsor the bill; who, in fact, voted against the last amendment, but who do believe that it is possible to improve the bill by having better mail verification, by permitting the State election officials to require the verification of information on mail registration forms, to remove the nonelection official middlemen from the process of voter application processing, and finally, by adding specific fraudulent activities to the list of Fed-

eral voting crimes, including bribery, filing false election information, and postal fraud.

In precisely the bipartisan spirit of trying to write a good legislation reform bill, let me close by saying that I would invite my colleagues on both sides of the aisle to seriously consider voting for this motion to recommit. It strengthens the bill by making it harder to have voter fraud. It seems to me that is in the interest of every American, to ensure that we have honest, fair elections.

The SPEAKER. The gentleman from Washington [Mr. SWIFT] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. SWIFT. Mr. Speaker, this is the second bite of the apple. It guts the registration sections of the legislation before Members, and we just defeated an amendment that did that. This is the same song, second verse, different words.

The fact is, the bill that is before Members is a very strong antifraud bill. Provisions in that legislation require for the first time at the Federal level the elimination of deadwood from the voting rolls, the key area in which there is an opportunity for fraud. Driver's licenses themselves require more information, in most States, than voter registration currently requires in most States, and no person has ever heard of a voter registration card with a picture on it as we have with a driver's license.

Over half of the American citizens in this country today have available to them postcard registration. Twenty-six States, over half of all the Americans, already have it. There is no fraud connected with this.

What we have here is fear of change, even though everything that is in this bill, is strong and good, and still there is the fear of change. What we have is a good bill. We want to defeat this motion to recommit and pass the bill overwhelmingly.

Mr. Speaker, I yield to the gentleman from Texas [Mr. FROST].

□ 1740

Mr. FROST. Mr. Speaker, the Members on the other side of the aisle would lead us to believe that this is just a harmless little old amendment, that this does not hurt the voter registration provisions. Let me read what it does.

On the agency provisions, the bill provides that each covered State shall designate State-related agencies, that at each such location voter registration applications shall be made available and assistance in completing applications shall be provided.

Now, the next line is what their harmless little amendment would delete:

And completed applications shall be accepted for transmittal to the appropriate State election officials.

So under their amendment they could hand out voter registration applications, but they could not accept them. People could pick them up, but they could not fill them out at State-designated offices and turn them back in at State-designated offices. They want to completely gut one major part of the bill, the State agency provision.

They also have a harmless little amendment that they say would not hurt the mail-in registration. That is a hard-fought provision requiring notorization and authentication. They want to change that so we would go back to the old procedure that makes it very difficult for people to register by mail.

This is the same vote we just had. They want to gut the basic registration provision.

Mr. Speaker, the vote on this should be "No," and I urge the Members to vote "No" on the motion to recommit.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. GILLMOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 265, not voting 10, as follows:

[Roll No. 10]

AYES—156

Archer	Gallo	McCollum
Armey	Gekas	McCrery
Baker	Gillmor	McEwen
Ballenger	Gilman	McGrath
Bartlett	Gingrich	McMillan (NC)
Barton	Goodling	Meyers
Bateman	Goss	Michel
Bentley	Gradison	Miller (OH)
Bereuter	Grandy	Miller (WA)
Bilirakis	Grant	Moorhead
Bliley	Gunderson	Morrison (WA)
Boehlert	Hammerschmidt	Myers
Broomfield	Hancock	Nielson
Brown (CO)	Hansen	Oxley
Buechner	Hastert	Packard
Bunning	Hefley	Parris
Burton	Henry	Paxon
Callahan	Herger	Petri
Campbell (CA)	Hiler	Porter
Chandler	Holloway	Pursell
Clinger	Hopkins	Quillen
Coble	Houghton	Ravenel
Coleman (MO)	Hunter	Regula
Combest	Hyde	Rhodes
Coughlin	Inhofe	Ridge
Courter	James	Rinaldo
Cox	Johnson (CT)	Ritter
Craig	Kasich	Roberts
Crane	Kolbe	Rogers
Dannemeyer	Kyl	Rohrabacher
DeLay	Lagomarsino	Ros-Lehtinen
DeWine	Leach (IA)	Roth
Dickinson	Lent	Roukema
Donnelly	Lewis (FL)	Rowland (CT)
Douglas	Lightfoot	Saxton
Dreier	Livingston	Schaefer
Duncan	Lowery (CA)	Schiff
Edwards (OK)	Lukens, Donald	Sensenbrenner
Emerson	Madigan	Shaw
Fawell	Marlenee	Shays
Fields	Martin (IL)	Shumway
Fish	Martin (NY)	Shuster
Gallegly	McCandless	Skeen
Slaughter (VA)	Snowe	Vander Jagt
Smith (NE)	Solomon	Vucanovich
Smith (TX)	Spence	Walker
Smith (VT)	Stangeland	Weber
Smith, Denny (OR)	Stearns	Weldon
	Stump	Whittaker
Smith, Robert (NH)	Sundquist	Wolf
	Thomas (CA)	Wylie
Smith, Robert (OR)	Thomas (WY)	Young (AK)
	Upton	Young (FL)

NOES—265

Ackerman	Gibbons	Nagle
Akaka	Glickman	Natcher
Alexander	Gonzalez	Neal (MA)
Anderson	Gordon	Neal (NC)
Andrews	Gray	Nelson
Annunzio	Green	Nowak
Anthony	Guarini	Oakar
Applegate	Hall (OH)	Oberstar
Aspin	Hall (TX)	Olin
Atkins	Hamilton	Ortiz
Barnard	Harris	Owens (NY)
Bates	Hatcher	Owens (UT)
Beilenson	Hawkins	Pallone
Bennett	Hayes (IL)	Panetta
Berman	Hayes (LA)	Parker
Bevill	Hefner	Patterson
Bilbray	Hertel	Payne (NJ)
Boggs	Hoagland	Payne (VA)
Bonior	Hochbrueckner	Pease
Borski	Horton	Pelosi
Bosco	Hoyer	Penny
Boucher	Hubbard	Perkins
Boxer	Huckaby	Pickett
Brennan	Hughes	Pickle
Brooks	Hutto	Poshard
Browder	Ireland	Price
Brown (CA)	Jacobs	Rahall
Bruce	Jenkins	Rangel
Bryant	Johnson (SD)	Ray
Bustamante	Johnston	Richardson
Byron	Jones (GA)	Robinson
Campbell (CO)	Jones (NC)	Roe
Cardin	Jontz	Rose
Carper	Kanjorski	Rostenkowski
Carr	Kaptur	Rowland (GA)
Chapman	Kastenmeier	Roybal
Clarke	Kennedy	Russo
Clay	Kennelly	Sabo
Clement	Kildee	Saiki
Coleman (TX)	Kleczka	Sangmeister
Collins	Kolter	Sarpalius
Condit	Kostmayer	Savage
Conte	LaFalce	Sawyer
Conyers	Lancaster	Scheuer
Cooper	Lantos	Schneider
Costello	Laughlin	Schroeder
Coyne	Leath (TX)	Schuette
Crockett	Lehman (CA)	Schumer
Darden	Lehman (FL)	Sharp
Davis	Levin (MI)	Sikorski
de la Garza	Levine (CA)	Sisisky
DeFazio	Lewis (GA)	Skaggs
Dellums	Lipinski	Skelton
Derrick	Lloyd	Slattery
Dicks	Long	Slaughter (NY)
Dingell	Lowey (NY)	Smith (FL)
Dixon	Luken, Thomas	Smith (IA)
Dorgan (ND)	Machtley	Smith (NJ)
Downey	Manton	Solarz
Durbin	Markey	Spratt
Dwyer	Martinez	Staggers
Dymally	Matsui	Stallings
Dyson	Mavroules	Stark
Eckart	Mazzoli	Stenholm
Edwards (CA)	McCloskey	Stokes
Engel	McCurdy	Studds
English	McDade	Swift
Erdreich	McDermott	Synar
Espy	McHugh	Tallon
Evans	McMillen (MD)	Tanner
Fascell	McNulty	Tauzin
Fazio	Mfume	Taylor
Feighan	Miller (CA)	Thomas (GA)
Flake	Mineta	Torres
Flippo	Moakley	Torricelli
Foglietta	Mollohan	Towns
Ford (MI)	Montgomery	Traficant
Frank	Moody	Traxler
Frost	Morella	Udall
Gaydos	Morrison (CT)	Unsoeld
Gejdenson	Mrazek	Valentine
Gephardt	Murphy	Vento
Geren	Murtha	Visclosky

Volkmer	Weiss	Wolpe
Walgren	Wheat	Wyden
Walsh	Whitten	Yates
Washington	Williams	Yatron
Watkins	Wilson	
Waxman	Wise	

NOT VOTING—10

AuCoin	Frenzel	Schulze
Dornan (CA)	Lewis (CA)	Tauke
Early	Obey	
Ford (TN)	Pashayan	

□ 1759

Mr. WELDON changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 132, not voting 10, as follows:

[Roll No. 11]

AYES—289

Ackerman	Davis	Hiler
Akaka	de la Garza	Hoagland
Alexander	DeFazio	Hochbrueckner
Anderson	Dellums	Hopkins
Andrews	Derrick	Horton
Annunzio	Dicks	Houghton
Anthony	Dingell	Hoyer
Applegate	Dixon	Hubbard
Aspin	Dorgan (ND)	Hughes
Atkins	Downey	Inhofe
Bates	Durbin	Ireland
Bellenson	Dwyer	Jacobs
Bennett	Dymally	James
Berman	Dyson	Jenkins
Bilbray	Eckart	Johnson (CT)
Bilirakis	Edwards (CA)	Johnson (SD)
Billey	Engel	Johnston
Boehlert	English	Jones (GA)
Boggs	Espy	Jones (NC)
Bonior	Evans	Jontz
Borski	Fascell	Kanjorski
Bosco	Fazio	Kaptur
Boucher	Feighan	Kastenmeier
Boxer	Fish	Kennedy
Brennan	Flake	Kennelly
Brooks	Foglietta	Kildee
Brown (CA)	Ford (MI)	Kleczka
Bruce	Frank	Kolbe
Bryant	Frost	Kolter
Buechner	Gaydos	Kostmayer
Bustamante	Gejdenson	LaFalce
Byron	Gephardt	Lantos
Campbell (CO)	Geren	Laughlin
Cardin	Gilman	Leach (IA)
Carper	Gingrich	Leath (TX)
Carr	Glickman	Lehman (CA)
Chandler	Gonzalez	Lehman (FL)
Chapman	Gordon	Lent
Clarke	Goss	Levin (MI)
Clay	Grandy	Levine (CA)
Clement	Grant	Lewis (GA)
Clinger	Gray	Lloyd
Coleman (TX)	Green	Long
Collins	Guarini	Lowey (NY)
Condit	Gunderson	Luken, Thomas
Conte	Hall (OH)	Machtley
Conyers	Hall (TX)	Manton
Cooper	Hamilton	Markey
Costello	Hawkins	Martinez
Coughlin	Hayes (IL)	Matsui
Courter	Hayes (LA)	Mavroules
Coyne	Hefner	Mazzoli
Crockett	Henry	McCloskey
Darden	Hertel	McCollum
McCrery	Penny	Staggers
McCurdy	Perkins	Stangeland
McDade	Pickle	Stark
McDermott	Poshard	Stearns
McGrath	Price	Stokes
McHugh	Pursell	Studds
McMillan (NC)	Rahall	Swift
McMillen (MD)	Rangel	Synar
McNulty	Ray	Tallon
Meyers	Richardson	Tanner
Mfume	Rinaldo	Tauzin
Miller (CA)	Robinson	Taylor
Miller (WA)	Roe	Thomas (CA)
Mineta	Ros-Lehtinen	Thomas (GA)
Moakley	Rose	Torres
Mollohan	Rowland (CT)	Torricelli
Montgomery	Rowland (GA)	Towns
Moody	Roybal	Traficant
Morella	Sabo	Traxler
Morrison (CT)	Saiki	Udall
Morrison (WA)	Sangmeister	Unsoeld
Mrazek	Sarpalius	Upton
Murphy	Savage	Vento
Murtha	Sawyer	Walgren
Nagle	Scheuer	Walsh
Natcher	Schiff	Washington
Neal (MA)	Schneider	Waxman
Neal (NC)	Schroeder	Weber
Nelson	Schuette	Weiss
Nowak	Schumer	Weldon
Oakar	Sharp	Wheat
Oberstar	Shays	Whitten
Ortiz	Sikorski	Williams
Owens (NY)	Sisisky	Wilson
Owens (UT)	Skelton	Wise
Pallone	Slattery	Wolpe
Panetta	Slaughter (NY)	Wyden
Parker	Smith (FL)	Yates
Patterson	Smith (IA)	Yatron
Payne (NJ)	Smith (NJ)	Young (AK)
Payne (VA)	Smith (VT)	Young (FL)
Pease	Solarz	
Pelosi	Spratt	

NOES—132

Archer	Hammerschmidt	Rhodes
Armey	Hancock	Ridge
Baker	Hansen	Ritter
Ballenger	Harris	Roberts
Barnard	Hastert	Rogers
Bartlett	Hatcher	Rohrabacher
Barton	Hefley	Rostenkowski
Bateman	Herger	Roth
Bentley	Holloway	Roukema
Bereuter	Huckaby	Russo
Bevill	Hunter	Saxton
Broomfield	Hutto	Schaefer
Browder	Hyde	Sensenbrenner
Brown (CO)	Kasich	Shaw
Bunning	Kyl	Shumway
Burton	Lagomarsino	Shuster
Callahan	Lancaster	Skaggs
Campbell (CA)	Lewis (FL)	Skeen
Coble	Lightfoot	Slaughter (VA)
Coleman (MO)	Lipinski	Smith (NE)
Combest	Livingston	Smith (TX)
Cox	Lowery (CA)	Smith, Denny (OR)
Craig	Lukens, Donald	Smith, Robert (NH)
Crane	Madigan	Smith, Robert (OR)
Dannemeyer	Marlenee	Snowe
DeLay	Martin (IL)	Solomon
DeWine	Martin (NY)	Spence
Dickinson	McCandless	Stallings
Donnelly	McEwen	Stenholm
Douglas	Michel	Stump
Dreier	Miller (OH)	Sundquist
Duncan	Moorhead	Thomas (WY)
Edwards (OK)	Myers	Valentine
Emerson	Nielson	Vander Jagt
Erdreich	Olin	Visclosky
Fawell	Oxley	Volkmer
Fields	Packard	Vucanovich
Flippo	Parris	Walker
Gallegly	Paxon	Watkins
Gallo	Petri	Whittaker
Gekas	Pickett	Wolf
Gibbons	Porter	Wylie
Gillmor	Quillen	
Goodling	Ravenel	
Gradison	Regula	

NOT VOTING—10

AuCoin	Frenzel	Schulze
Dornan (CA)	Lewis (CA)	Tauke
Early	Obey	
Ford (TN)	Pashayan	

□ 1816

The Clerk announced the following pair:

On this vote.

Mr. Frenzel for, with Mr. Dornan of California against.

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to require States that have voter registration requirements to provide for certain voter registration procedures and programs for elections for Federal office, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 2190, the bill just passed.

The SPEAKER pro tempore (Mr. MCDERMOTT). Is there objection to the request of the gentleman from Washington?

There was no objection.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM WEDNESDAY, FEBRUARY 7, 1990, TO TUESDAY, FEBRUARY 20, 1990, AND ADJOURNMENT OR RECESS OF THE SENATE FROM THURSDAY, FEBRUARY 8, 1990, OR FRIDAY, FEBRUARY 9, 1990, TO TUESDAY, FEBRUARY 20, 1990

Mr. SWIFT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 256) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 256

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, February 7, 1990, it stand adjourned until 12 o'clock meridian on Tuesday, February 20, 1990, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 8, 1990, or on Friday, February 9, 1990, pursuant to a motion made by the Majority Leader, or his designee, it stand in recess or stand adjourned until 11:30 ante meridiem on Tuesday, February 20, 1990, or on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respec-

tively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-149)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, February 6, 1990.)

□ 1820

NATIONAL VISITING NURSE ASSOCIATIONS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 103) to designate the period commencing February 18, 1990, and ending February 24, 1990, as "National Visiting Nurse Associations Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. MCDERMOTT). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I reserve the right simply to identify the work of the gentlewoman from Ohio [Ms. OAKAR], the chief sponsor of House Joint Resolution 255.

Mr. Speaker, I yield to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I would like to thank Chairman SAWYER of the Subcommittee on Census and Population, as well as Mr. RIDGE, the ranking minority member, for their fine leadership and efforts on that subcommittee. I appreciate the chairman's support of this important legislation, both as a cosponsor, and with respect to the timely manner with which this legislation came to the floor. Many thanks are also due to Senator BRADLEY and Senator HATCH for their companion bill, Senate Joint Resolution 103, which passed in the other body last week. I would also like to thank Chairman FORD of the full committee for his support and cosponsorship of this bill which is very important to the continued successes of over 500 visiting nurse associations across our Nation.

My colleague, Mr. TOM LEWIS of Florida, and I introduced House Joint Resolution 255 last May to designate the week beginning February 18, 1990, as "National Visiting Nurse Associations Week." I would like to take a moment to reflect on the incredible, day to day samaritan accomplishments of these dynamic organizations. As a member of the Pepper Commission, which has a mandate to investigate the affordability of access to health care in the United States, not only with respect to the 37 million Americans who have no health insurance, but also with respect to long-term care, it is essential that Congress recognizes the efforts of volunteer and not-for-profit organizations that help to reduce health costs, and they increase access to home health services for millions of Americans who might not otherwise get them.

Mr. Speaker, for those with greatest need in home care, those who can least afford it, VNA's offer the precious option to be nursed back to health, to receive physical or occupational therapy, or to die with quiet dignity in the comfort of their own homes. Over 500 VNA's in 47 States, in both urban and rural communities offer health care, personal care, therapy, social services, nutritional counseling, specialized nursing services, and visiting services to people of all ages, races, and cultures, regardless of ability to pay. These providers serve nearly 1 million patients each year.

Visiting nurse associations in the United States, since 1885, have successfully combined the spirit of charitable volunteerism with the skills of talented and dedicated health care professionals. They ensure quality care through the oversight and participation of local physicians and nurses. Community volunteers assist VNA's wherever they can by delivering meals, running errands, providing office help, fundraising, and in general, by offering their care and compassion to homebound patients.

Mr. Speaker, visiting nurse associations carry on a tradition of innovation in health care. VNA's were among the first organizations to provide physical therapy, diagnostic tests, and durable medical equipment to the disabled in their homes. They were one of the first groups to recognize the home-care needs of AIDS victims. Visiting nurse associations are at the forefront in maternal child care, as well as home intravenous therapy and respiratory care. In many cities, VNA's have developed special shelters where the homeless can receive attention they would not get otherwise.

I thank my colleague Mr. LEWIS for his efforts in this bipartisan legislation. By naming February 18-24 as "National Visiting Nurse Associations Week," we pay tribute to the efforts of these visiting nurses to see that they get the thanks they deserve. This proclamation recognizes all the medical professionals and volunteers in each community who enable the visiting nurse associations to carry out their vital mission. I thank all of my colleagues who have cosponsored this bill and I urge its unanimous passage.

Mr. LEWIS of Florida. Mr. Speaker, first I would like to thank my colleague from Ohio, MARY ROSE OAKAR, for sponsoring this legislation and working to bring it to the floor today. Both of us take a great deal of pride in the work of the visiting nurse associations in our districts. The VNA's have provided home health care to millions of Americans since they came into existence more than 100 years ago. The VNA's nurse the young and old alike, regardless of ability to pay. In fact, without the visiting nurse associations, countless numbers of Americans would go uncared for or would be forced into more costly and less comfortable institutions.

Their patients run the gamut from premature infants, to children with chronic cancer, to patients involved in automobile accidents, to elderly victims of Alzheimer's disease. The visiting nurses' mission is to nurse the sick back to health and to comfort the dying.

This legislation will bring more public awareness of the VNA's unselfish service and dedication. In particular, I want to commend Patricia Crow, executive director of the VNA of Martin and St. Lucie Counties and Ann Zielinski, president of the Palm Beach County VNA, for their commitment to meeting the health care needs of so many residents of my district in Florida. Professionalism and compassion are the hallmarks of their organizations.

All VNA's deserve our public thanks and recognition. This legislation expresses our deep appreciation for their hard work, and I urge my colleagues to support it.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 103

Whereas Visiting Nurse Associations have served homebound Americans since 1885;

Whereas such Associations annually provide home care and support services to nearly 1,000,000 men, women, children, and infants;

Whereas such Associations serve 504 urban and rural communities in 47 States;

Whereas such Associations adhere to high standards of quality and provide personalized and cost-effective home health care and support regardless of an individual's ability to pay;

Whereas such Associations are voluntary in nature; independently owned and community-based;

Whereas such Associations ensure the quality of care through oversight provided by professional advisory committees composed of local physicians and nurses;

Whereas such Associations enable hundreds of thousands of Americans to recover from illness and injury in the comfort and security of their homes;

Whereas such Associations ensure that individuals who are chronically ill or who have physical and mental handicaps receive the therapeutic benefits of care and support services provided in the home;

Whereas, in the absence of such Associations, thousands of patients with mental or physical handicaps or chronically disabling illnesses would have to be institutionalized;

Whereas such Associations provide a wide range of services, including (where appropriate) health care, hospice care, personal care, homemaking, occupational, physical, and speech therapy, "friendly visiting services", social services, nutritional counseling, specialized nursing services, and meals on wheels;

Whereas such Associations offer nursing care provided by registered nurses, homemaking, therapy, and social services by qualified specialists, and "friendly visiting services" by volunteers;

Whereas in each community served by such an Association, local volunteers support the Association by serving on the board of directors, raising funds, visiting patients in their homes, assisting patients and nurses at wellness clinics, delivering meals on wheels to patients, running errands for patients, working in the Association's office, and providing tender loving care; and

Whereas the need for home health care for young and old alike continue to grow annually: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing February 18, 1990, and ending February 24, 1990, is designated as "National Visiting Nurse Associations Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL BURN AWARENESS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 217) to designate the period commencing February 4, 1990, and ending February 10, 1990, and the period commencing February 3, 1991, and ending February 9, 1991, as "National Burn Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MINETA. Mr. Speaker, I rise today on behalf of National Burn Awareness Week.

The purpose of National Burn Awareness Week is to educate Americans to techniques, such as the "stop, drop, and roll" maneuver, which can help prevent serious burn injuries. The week is also designed to pay special attention to educating our children so that they may be better able to avoid being injured by fire.

In my home district in California, we are very proud to have the Santa Clara County Valley Medical Center's burn center to provide exemplary service to Santa Clara, Santa Cruz, Monterey, and San Benito Counties. Burn victims are given the finest, most modern care by the center's dedicated staff of health care professionals. Last year, the burn center was able to treat 145 victims of these unique, often life-threatening injuries.

Mr. Speaker, it's not often that we have the opportunity to say thank you to men and women who work so hard to benefit others. That is why I wish to take this time to express my appreciation to the staff of the Santa Clara County Medical Center's burn center for the difficult job they do.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 217

Whereas the burn problem in the United States is one of the worst of any industrialized nation in the world;

Whereas burn injuries are one of the leading causes of accidental death in the United States today;

Whereas every year over 2,000,000 people are victims of some form of burn injury in the United States alone, and children account for between one-third and one-half of this total;

Whereas of these injuries, over 70,000 are hospitalized and account for 9,000,000 disability days and $100,000,000 in costs annually;

Whereas over 6,000 people die from burn injuries annually, and the rehabilitative and psychological impact of burns is devastating;

Whereas young children are in the highest risk group suffering from hot liquid burns and injuries caused by child fire play and fire setting;

Whereas older adults and the disabled are also at great risk and extremely susceptible to burn injuries;

Whereas burn survivors often face years of costly reconstructive surgery and extensive physical and psychological rehabilitation in overcoming disabilities and fears of rejection by family members, friends, coworkers, schoolmates, and the public in general;

Whereas it is estimated that approximately 75 percent of all burn injuries and deaths could be prevented by a comprehensive national educational and awareness compaign and by changes in the design and technology of homes and consumer products;

Whereas a general public awareness of the need for smoke detectors and home fire escape plans, in combination with an understanding of the risk associated with items in the home environment, can cause a reduction of injuries and loss of life; and

Whereas there is a need for an effective national program that deals with all aspects of burn injuries and on the prevention thereof: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing February 4, 1990, and ending February 10, 1990, and the period commencing February 3, 1991, and ending February 9, 1991, are designated as "National Burn Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States and all Federal, State, and local government officials to observe that week with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDUCATIONAL REFORMS MUST COME FROM THE STATES

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, President Bush has declared his goals for education in the nineties. Although the Federal Government's symbolic message to the Nation regarding education is important, responsibility for the cutting edge educational reforms must come from the States. After all, over 90 percent of school financing comes from State and local revenues.

By July 1, 1993 all Ohio school districts must adopt an intradistrict open enrollment policy. Parents will now have an increased role in deciding where their children go to school.

In my hometown of Middletown, OH, the school district there is now guaranteeing the competency of their students by requiring ninth graders to pass a competency test to receive a diploma.

Innovative educational reform will not come from the Federal Government, and it should not. In order for this Nation's students to become academically competitive compared with other countries, only a grass-roots effort on a school by school, district by district and State by State basis will succeed. We must show that innovative ideas such as parental choice and school accountability are vital and necessary in order to finally address this country's educational problems.

OHIO TRULY ON CUTTING EDGE OF REFORM

(By Phyllis Cox)

Middletown Superintendent Harry Eastridge says there are "a lot of bugs" to be worked out in the state's new education reform law, but the new mandates "may turn out to be a good thing."

Eastridge discussed the education reforms at a meeting of the Middletown High School Academic Boosters Club Thursday at the MHS media center. He plans to make at least two more such presentations in other meetings throughout the district.

Demonstrating the massiveness of the new law, he pulled from his briefcase heavy, thick notebooks and sheaf after sheaf of paper, all concerning Senate Bill 140, the Omnibus Education Reform Act passed by the state Legislature last year, as well as the state Commission on Education Improvement.

He said the new law includes provisions for elementary schools, high school, parents, teachers, school boards and the State Board of Education.

"Ohio is truly on the cutting edge of reform," he said, noting that the bill is meant to do much to improve education.

He told The Journal Friday that the reasons behind the reforms are "generally positive."

"We have to look at it as an opportunity," he said. "We need to go into it with an attitude that we can make the most of it if we really work at it."

But "the bugs are many," he said at the meeting, noting that many details must yet be worked out in many of the measures.

One of his chief concerns, he said, is the prevalent attitude about the importance of tests.

"Tests are the coin of the realm," he said. "Test results are what legislators look at and in some cases what parents look at. . . . But I would say that is a short-sighted view."

High school students, starting with next year's ninth-graders, will be required to pass a ninth-grade proficiency test to receive a diploma.

Eastridge said he'd hate to see the state go through "the Florida syndrome where 70 percent of the kids fail."

But there are other parts of the reform measures, which he said he likes. He noted he was among the first in the state to advocate the concept of school districts "guaranteeing" the competency of their high school graduates.

"I think our schools have to come out . . . and start standing behind our product," he said, noting that under the provision schools will guarantee employers that students can perform at a certain competency level.

"If they don't work out, then send them back and we'll retrain them," he said.

"(The guarantee) makes a lot of sense to me," he noted. "It's kind of the Iacocca philosophy."

Another concern involves the implementation of the Information Management System.

Eastridge said each district will receive from the state $1 per student to gather and report a diverse amount of data on students and other educational factors, including test scores.

The cost of implementing the system for Columbus City School District alone is estimated at $9 million. Estimates for Middletown have not yet been compiled.

The data gathered by each school district will be reported publicly.

"The schools will be ranked," Eastridge said. "You will be able to compare school districts in terms of achievement scores." That will begin with the 1992-93 school year, he said, and then in 1993, parents will begin having the choice of which public school system they will send their child to.

The open enrollment option is mandatory within districts in 1993, and school boards must decide by the same year if they will accept students from adjacent districts.

"My feeling right now is we open the doors because we feel we have a lot to offer," he said. But he noted that academic or athletic criteria cannot be used as a basis for accepting students, and students may not change schools if classroom space is unavailable or if it would disturb the racial balance.

Michael Governanti, executive director of Miami University Middletown, also spoke during the forum at the Academic Boosters meeting. He addressed the subject of high school students enrolling in college courses under the state's post-secondary options program.

Eastridge said that Governanti may also join him for another presentation on the reforms in Monroe in the future. That meeting has yet to be scheduled.

Eastridge will next discuss the reforms with PTO and Booster officers at 7 p.m. Tuesday at Manchester Technical Center. He said the meeting will also be open to the public.

THE HARVEST OF PEACE RESOLUTION

(Mr. McHUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. McHUGH. Mr. Speaker, today I am introducing the Harvest of Peace Resolution. This measure reflects a new vision of common security, one more in tune with the challenges our Nation will face during the coming decade. Because the resolution calls for profound changes in our national priorities that will require bipartisan support, I am pleased that the gentleman from Massachusetts [Mr. CONTE] is joining me in this effort and that a similar measure is being introduced in the other body today by Senators HATFIELD and BUMPERS.

Mr. Speaker, it is clear that events are changing at an astonishing pace throughout the world, and we all recognize that these new realities should be reflected in our budget decisions, in our foreign policy, and in the many challenges we face here at home.

Reduced tensions in central and Eastern Europe, continuing progress in arms negotiations with the Soviet Union, and ongoing efforts to settle conflicts throughout the Third World provide a welcome and long-awaited opportunity to reassess our priorities in spending and our relations with other nations.

Last August, Senator HATFIELD, our late colleague Mickey Leland, and I issued a report prepared by the staff of the arms control and foreign policy caucus and our own staffs. That report proposed significant reforms in our foreign policy and suggested that Congress endorse a goal of cutting worldwide military spending in half by the year 2000.

Since then others, including former Defense Secretary Robert McNamara and William Kaufman of the Brookings Institution, have agreed that such cuts could be made without endangering our national security. By undertaking negotiations with the Soviets and other nations to reduce arms in a substantial and verifiable way, as called for in the Harvest for Peace Resolution, progress can be made in enhancing our security in a way that provides real economic benefits as well.

The resolution makes the case for more funding for domestic and international social programs. It challenges us to look afresh today at what true security is. Common security is defined in the resolution as being based not only on legitimate defense measures but also on all people having an opportunity to meet their basic needs for food, shelter, health care, education, and work with dignity; to live in a safe and healthy environment; and to enjoy human rights, including the right to participate in decisions affecting their lives.

Our own country now faces a human needs deficit of major proportions. Some of the most effective programs we have to help poor and vulnerable families do not come close to serving all of those who are eligible. Head Start can provide for less than 20 percent of those who are eligible; the Job Corps serves only 3 to 5 percent; the Job Training Partnership Act, only 3 to 5 percent; the WIC program, only about half of those eligible.

The resolution recognizes that we need to face up to budget realities and to reduce our deficit, thereby strengthening our own economy and helping to stabilize the world economic situation as well. At the same time we cannot afford to ignore the human needs deficit that affects millions of lives every day in the United States. Our failure to invest now in cost effective measures to meet those needs will haunt us for decades to come. For that reason, the Harvest of Peace Resolution urges increased support domestically for programs that address human needs.

Internationally, the time has also come to reassess our fundamental interests as a nation. Since the end of World War II, the cornerstone of United States foreign policy has been the containment of Soviet power and influence. Too often that competition shaped our response to the problems and challenges in the developing world.

As East-West relationships change, the basis for picking sides in Third World conflicts, either directly or through surrogates, has been undermined. The resolution notes the links between reduced East-West tensions, renewed efforts for peace in the Third World, and the opportunity for the United States to help reduce the world's reliance on military approaches to problems. It suggests that we do so by reducing military aid and arms sales and by encouraging conflict resolution through regional and international mechanisms.

As the United States adopts such a role, resources and energy will be released to provide increased assistance to developing nations to overcome hunger and poverty, to alleviate debt burdens, to promote human rights and the participation of people in political decisions that affect them, to ensure sustainable development and the pro-

tection of the environment. This can only enhance their stability and our security.

Mr. Speaker, we in the Congress, Republicans and Democrats alike, need to make a commitment for a more lasting security. For too long our notions of security have been based on expensive military hardware and our own worst fears. Yet in today's world, the chances of dying from social neglect, such as malnutrition and preventable disease, are substantially greater than dying from war. It is time to factor the real aspirations of people into our assessment of common security and to recognize the unique opportunities this decade offers.

I urge my colleagues to cosponsor the Harvest of Peace Resolution. I also include with this statement the text of the resolution and a list of organizations and individuals that have already endorsed this initiative.

H. CON. RES. 259

Whereas reduced East-West tensions and renewed efforts for peace by people in the Third World give the United States and other nations an unprecedented opportunity to reverse the $1,000,000,000,000 arms race and promote peaceful international development;

Whereas hunger victimizes approximately 20,000,000 people in the United States and 1,000,000,000 people worldwide; and

Whereas common security is based not only on legitimate defense measures but also on all people having an opportunity to meet their basic needs for food, shelter, health care, education, and work with dignity; to live in a safe and healthful environment; and to enjoy human rights, including the right to participate in decisions affecting their lives: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Harvest of Peace Resolution".

SEC. 2. STATEMENTS OF POLICY.

(a) STEPS TO HELP ACHIEVE COMMON SECURITY.—It is the sense of the Congress that the United States should help achieve common security by reducing the world's reliance on the military and redirecting resources to peaceful efforts toward overcoming hunger and poverty and meeting basic human needs by—

(1) negotiating agreements with the Soviet Union for substantial and verifiable reductions in overall military forces and spending, and urging other nations to reduce their military forces and spending, with the goal of halving worldwide military spending by the year 2000;

(2) reducing military assistance and arms sales to developing nations and urging other nations to do likewise;

(3) encouraging peaceful settlement of conflicts through regional and international negotiations;

(4) providing increased assistance to developing nations to overcome hunger and poverty, to reduce debt burdens, to promote human rights and people's participation in political decisions affecting them, to ensure sustainable development, and to protect the environment;

(5) increasing support domestically for programs that address human needs;

(6) helping defense industries and their employees convert to productive nondefense work; and

(7) reducing the Federal deficit.

(b) ACHIEVING COMMON SECURITY SHOULD BE A PRIMARY POLICY OBJECTIVE.—It is the further sense of the Congress that the United States should make fostering common security through the initiatives described in subsection (a) a primary foreign and domestic policy objective.

INITIAL ENDORSEMENTS OF HARVEST OF PEACE RESOLUTION AS OF FEB. 5, 1990

ORGANIZATIONAL ENDORSEMENTS

Africa Peace Committee.
Office of Governmental Relations, American Baptist Churches, USA.
Association of Catholic Colleges and Universities.
Association of Community Organizations for Reform Now (ACORN).
Center for Law and Social Policy.
Center of Concern.
Church of the Brethren.
Church Women United.
Coalition on Human Needs.
Columban Fathers Justice and Peace Office.
Consumer Federation of America.
Council for a Livable World.
Ecumenical Program on Central America and the Caribbean (EPICA).
Evangelical Lutheran Church in America, Lutheran Office for Governmental Affairs.
Evangelical Lutheran Church in America World Hunger Program.
Evangelicals for Social Action.
Food Research and Action Center.
Franciscan Peace and Justice Office.
Friends Committee on National Legislation.
Friends of VISTA.
Global Concerns Committee—Leadership Conference of Women Religious.
Institute for Peace and Justice.
Interfaith Action for Economic Justice.
Intercommunity Center for Justice and Peace—Peace and Disarmament Program.
Jesuit Social Ministries National Office.
JustLife.
The Lawyers Committee on Nuclear Policy.
Lutheran Peace Fellowship.
Maryknoll Fathers and Brothers.
Mennonite Central Committee.
Missionary Vehicle Association MIVA America.
National Assembly of Religious Women (NARW).
National Association for Lay Ministry.
National Association of Community Health Centers.
National Catholic Conference for Interracial Justice.
National Community Action Foundation.
National Consumers League.
National Council of Catholic Women.
National Jobs with Peace Campaign
National Low Income Housing Coalition.
National Neighborhood Coalition.
National Puerto Rican Coalition.
National Puerto Rican Forum.
National Rainbow Coalition.
National Student Campaign Against Hunger and Homelessness.
NETWORK: A National Catholic Social Justice Lobby.
Nicaraguan Network.
North American Coalition for Human Rights in Korea.
Oxfam America.
Pax Christi USA.
Presbyterian Hunger Program, Presbyterian Church U.S.A.
Progressive National Baptist Convention.
Reformed Church in America.
The Reorganized Church of Jesus Christ of Latter Day Saints.
The Resource Center.
RESULTS.
SANE/FREEZE: Campaign for Global Security.
Sojourners.
The Unitarian Universalist Association.
Unitarian Universalist Service Committee.
United Church of Christ Office for Church in Society.
U.S. Committee for Refugees.
Veterans for Peace, Inc.
Wider Opportunities for Women.
Women's Missionary Council, Christian Methodist Episcopal Church.
World Hunger Education Service.
World Hunger Year.
World Vision Relief and Development.

INDIVIDUAL ENDORSEMENTS (AFFILIATION FOR IDENTIFICATION ONLY)

Larry Birns, Council on Hemispheric Affairs.
Blase Bonpane, Office of the Americas.
Dr. Larry Brown, Tufts University School of Nutrition.
Lester Brown, Worldwatch Institute.
John Buchanan, Former Member of Congress, R. Ala.
Peter Coldwell, Volunteers for Peace.
Terry Culbertson, Pastoral Care Network for Social Responsibility.
Peter Davies, InterAction.
Pablo Eisenberg, Center for Community Change.
Tod Ensign, Esq., Citizen Soldier.
Fr. Roland Faley, Conference of Major Superiors of Men.
Joseph Fitzgerald, National Catholic Rural Life Conference.
Randall Forsberg, Institute for Defense and Disarmament Studies.
Dennis Gallagher, Refugee Policy Group.
Meg Gardinier, International Catholic Child Bureau.
Dr. H. Lamar Gibble, Church of the Brethren General Board.
Stephen Gibbs, FreeStore/Foodbank.
Roger Greenway, Board of World Ministries, Christian Reformed Church in North America.
Vernon Grounds, Denver Theological Seminary.
Bishop Thomas Gumbleton, Archdiocese of Detroit.
James Hamilton, National Council of Churches of Christ.
John Humber, Christian Church (Disciples of Christ).
Rev. Erik Kolbell, The Riverside Church, New York City.
Fr. Joseph Lang, U.S. Catholic Mission Association.
Rev. Alfred LoPinto, Campaign for Human Development.
Rev. George McClain, Methodist Federation for Social Action.
Dr. Paul McCleary, Christian Children's Fund.
David McReynolds, War Resisters International.
Ward Morehouse, Council on International and Public Affairs.
Rev. Dr. Edwin Mulder, The Reformed Church in America.
Bishop P. Francis Murphy, Archdiocese of Baltimore.
Rev. James Nash, Churches' Center for Theology and Public Policy.

Henry Norman, Volunteers in Technical Assistance (VITA).
Randolph Nugent, General Board of Global Ministries, United Methodist Church.
Rev. Graham Rights, Moravian Church, Southern Province.
Bob Schwartz, The Disarm Education Fund.
Bishop William Milton Smith, African Methodist Episcopal Zion Church.
Pam Solo, Committee on Common Security.
The Rev. Dr. Gordon Sommers, Moravian Church, Northern Province.
Jane Threatt-Morgan, IN OUR OWN WAY.
Richard E. Ullrich, Marianist Office of Justice and peace.
Phillip R. Warth, President, Second Harvest.
Edith Villastrigo, Women Strike for Peace.
Paul Walker, Committee on Common Security.
Rev. L. William Yolton, National Interreligious Service Board for Conscientious Objectors.
Jack Yost, World Association for World Federation.

FIRE FORCES MOBILIZATION ACT OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. HARRIS] is recognized for 5 minutes.

Mr. HARRIS. Mr. Speaker, today is an exceptional day for residents of rural America and especially those of us who are involved with protecting our forest resources from the ravages of wild fire. I don't have to mention how vital our timber and forestry resources are to the national effort to respond to the environmental crisis of conservation, preserving wetlands, saving highly erodible topsoil and the ever-threatening global warming or climate change problem. The President has identified the planting of 1 billion trees annually as a goal for the Forest Service to address several of these problems. Of course, the planting of these trees is only part of the process. Today, more than ever, there is a need to assure the ability of the Forest Service and State forestry agencies to act as capable stewards throughout the life cycle of these trees.

To most Americans, fire protection is one of these basic services they expect from Government. For many of our rural citizens no government supported fire service is available. These families are fortunate if a volunteer fire department can answer their call. In Alabama, 94 percent of our 900 fire departments are volunteer organizations, people who freely join together to meet a need in their community. They serve without compensation, they use second hand equipment and in most cases must raise their own funds. This act recognizes their importance to rural America by providing matching funds for training and equipment. I want to emphasize the matching requirement—this isn't a give away program. Local support is going to be a necessity. Still it is time we offered a helping hand to rural America, a part of our country frequently overloaded by formula funding and massive, Washington-directed, bureaucratic initiatives.

This bill provides funds for the first time directly from the Federal Government to the people who go out and risk their lives to assure that these properties are protected, our rural volunteer fire departments.

The funding of these volunteer fire departments is within the policy of the President, the Congress and the American people. The President has requested in his current budget $175 million as a part of his "America the beautiful" tree planting activities. In addition, the President wants to plant these trees on 1 million acres of private lands, in areas that can often only be reached by volunteer fire departments. By investing in the training and mobilization of State and volunteer personnel, we are protecting our own interest.

Additionally, the National Fire Forces Mobilization Act is designed to enhance the existing wildfire mobilization capabilities of forestry agencies by establishing in law, the resources necessary to prepare rural volunteer fire forces and State forestry agencies to train, equip and mobilize their personnel in the form of a national network, for the first time.

Finally, this bill strikes the first blow in redirecting our Government resources around a theme of "stewardship" in the protection and management of our Nation's timber resources. The President and the Forest Service acknowledge that "The area of forest resources with the highest potential for public gain is the 182 million acres of State and private forest." Today we begin the effort of putting in place a permanent local and State mobilization network to protect these resources.

□ 1830

AMBASSADOR RUTH WASHINGTON: SERVED HUMANITY WITH DEDICATION AND SPIRIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, the tragic death of the Honorable Ruth Washington was a great loss to those of us who knew her. It was also a loss to the people of this Nation and of Gambia whom she was preparing to serve as our Ambassador.

That appointment was most appropriate. Ruth was a diminutive woman, as Gambia is the smallest nation on the African Continent. But both are beacons to whom many have turned for inspiration and hope.

Ruth's life was one of public service and of commitment to her fellow human beings. As a Federal magistrate, as a lawyer, as a teacher, and as a public servant, Ruth's interest in the well being of humanity and her commitment to a better world came together beautifully and effectively.

She was loved by all who knew her. That was evidenced by the large crowd that traveled to Washington to see her take the oath of office as Ambassador. That group, who knew Ruth well including busloads of students from Westchester County, were enthused about this new opportunity she had to serve.

Ruth lived to the fullest, and in spite of a long record of achievements, she remained her unassuming self. Before she died, she told the story of the Sunday morning when she was watching a tennis match and a call came from Air Force One. Her first reaction was that it was a practical joke and she began to tell the communications officer for Air Force One to call back on Monday. Then the President himself began speaking.

Yes, Ruth Washington was one of us. She took her work very seriously and was committed to understanding the details of every challenge personally. Her preparation for her ambassadorial assignment was no exception. She had read extensively and was ready to take on that task with vigor and insight.

Ruth Washington was an inspiration to those who knew her. I hope her life will serve as a model for future young Americans. There could be no finer tribute to this wonderful human being than for her life to serve as a model for future generations. She lived for all of humanity, and all of us are better for her life and service.

FREEDOM FOR LITHUANIA RALLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, a remarkable event will occur February 17 in Pittsburgh. On that day, Lithuanian-Americans and their friends from our area will gather at a freedom for Lithuania rally.

This event will be sponsored by the Lithuanian American Council's Pittsburgh Chapter, whose chairman is Vito A. Yucius and honorary chairman is Rev. Walter C. Karaveckas.

The rally's purpose is to commemorate the 72d anniversary of Lithuanian independence. This is an appropriate time to recall some of Lithuania's history and what independence meant.

After a long and often tragic history, Lithuania finally regained its independence and became a republic in 1918. That event did not mark the end of its troubles: Bolshevik forces installed a pro-Soviet government for a few months in 1919, and Poland seized the old Lithuanian capital of Vilnius for several years. But at least, Lithuania's old dream of nationhood was realized.

The dream was battered in 1940 when Lithuania—along with its neighboring republics of Estonia and Latvia—was forcibly incorporated into the Soviet Union. That happened because

Hitler and Stalin had worked out a secret agreement dividing eastern Europe into spheres of influence, and the Lithuanians fell victim. Other than a 4-year Nazi occupation, Lithuanians have been under Soviet domination ever since.

The reign of the Kremlin has been characterized by terrible brutality—mass arrests, deportations, and executions of untold thousands of Lithuanians. For many years, their cause seemed hopeless; although the United States, to its credit, never recognized the Soviet annexation of Lithuania, most of the world was indifferent to her suffering. Despite all this, the Lithuanians themselves have somehow defied all the odds and kept alive their dream of freedom and sovereignty. And when all else failed, they could always count on the support of their friends in the United States such as the Lithuanian American Council.

Now, there are signs that Lithuania may be able to throw off its shackles. In the last several weeks, the nationalist Sajudis movement held a pro-independence demonstration when Gorbachev visited Lithuania, and it was attended by a quarter of a million people. As Vytautas Landsbergis, the head of Sajudis, told the rally, "What was stolen must be returned."

Even the Lithuanian Communist Party broke with the ruling party organization in Moscow at the end of last year—the first such defection since the Soviet Union was founded.

So when Lithuanian-Americans and their supporters gather in Pittsburgh on February 17, they will not only be remembering what happened in 1918. They will be taking their stand with the women and men of Lithuania whose love of freedom and love of country have never faltered.

I know that my colleagues join me in paying tribute to the Pittsburgh Chapter of the Lithuanian American Council. We wish them well on February 17, and we are with them as they keep vigil for the spirit of Lithuania.

TRIBUTE TO DR. J. WILLIAM FREDRICKSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Dr. J. William Fredrickson, an outstanding community leader and teacher, who died on January 25. Chicago truly has lost one of its finest citizens, and I have lost a very good friend.

My friendship with Bill goes back to 1972 when we worked together on the cleanup of the north branch of the Chicago River, which winds its way through business and residential areas on the northwest side of Chicago. Over the years, we also worked on numerous housing, community and commercial projects designed to enhance and improve living and working conditions in our area.

Bill was admired and respected by the citizens of our city, and he has left an indelible mark on its northwest side, where he so tirelessly worked to develop and improve our neighborhoods. He was the first president of the North River Commission, a nonprofit community organization founded in 1962 to serve the Albany Park and North Park neighborhoods, located in the 11th Congressional District which I am honored to represent. He served as a board member of the North River Commission until the time of his death.

Under Bill's guiding leadership, the old Municipal Tuberculosis Sanitarium in Chicago and its large grounds and buildings were transformed into a wonderful multipurpose facility, the North Park Village, with 600 units of low-income senior and handicapped apartments; as well as a nature center, community gardens and parks, a public health facility, specializing in gerentological treatment, and a school for mentally handicapped students.

Bill Fredrickson was a founder and board member of numerous community organizations including the Lawrence Avenue Development Corporation, the city's first nonprofit commercial revitalization corporation; the Chicago Association of Neighborhood Development, Friends of the River, the North River Housing Development Corporation, and the North River Energy Services.

Because of his expertise in community development matters, he served as a consultant to the U.S. Department of Housing and Urban Development during the Carter administration, regarding the Federal Community Development Block Grant programs. For his outstanding achievements, he was named in 1986 to the Chicago Senior Citizens Hall of Fame.

In addition to his numerous community activities, Bill was professor emeritus of economics at North Park College and Theological Seminary, where he taught economics and social studies for 46 years from 1940 to 1986.

Mr. Speaker, Dr. J. William Fredrickson was an individual committed to improving the neighborhoods of Chicago, and he will be missed by all of us who had the opportunity to work with him over the years on community improvement initiatives.

Mr. Speaker, Mrs. Annunzio joins me in extending our deepest sympathy to his wife of 43 years, Helen, their daughter, Mary, their sons, John and Thomas, and the other members of his family who survive him.

ANCIENT FORESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. JONTZ] is recognized for 60 minutes.

CONGRATULATING REPRESENTATIVE CLAUDE HARRIS ON FIRE FORCES MOBILIZATION ACT OF 1990

Mr. JONTZ. Mr. Speaker, let me begin by commending the gentleman from Alabama [Mr. HARRIS] on the very important legislation that he has introduced for consideration by this House to assist the rural fire departments in our country. I am very pleased to be a cosponsor of this bill, as are many other of the Representatives in the Congress who come from rural districts, as the gentleman from Alabama and I do.

There is no way that those of us who represent these districts can ever adequately thank the citizens of our community who as volunteers are on call to protect the lives and property of our communities. I think that the legislation the gentleman has introduced is an excellent effort to provide some assistance to these volunteer fire departments.

I have had the opportunity to visit with a number of the volunteer fire departments in my district, as I am sure the gentleman from Alabama has, and I sense that the members of these departments are very much deserving and very much in need of recognition by society, by our Congress, by our neighbors of the efforts that they are making, and this will be a small way that we can provide some assistance to them. I commend the gentleman for introducing this legislation. I think he has addressed a number of the problems that our rural fire departments face, and I know that many other Members of Congress will be supporting his endeavors.

Mr. Speaker, an irreplaceable American treasure is at risk. This treasure is the ancient old growth forest of the Pacific Northwest. This forest is really of global significance; its trees are unique in height and girth among the world's conifer forests. Yet this resource has been so plundered that practically all of the remaining stands of this magnificent forest are found on Federal land. Regrettably, this unfortunate situation gives us only a few years to save what is left of this treasure by enacting responsible policies for management of our Federal lands in the Pacific Northwest.

These magnificent forests once covered almost 20 million acres in what is now Oregon and Washington. What is left today after more than a century of cutting is little more than 10 percent of our original heritage, between 2.0 and 2.5 million acres of ecologically significant old growth. A good deal of the most productive forest land in the Pacific Northwest, where the largest trees grew, was given away by the Federal Government to the railroad companies, and formed the basis of the large forest industry estates. The old growth on these and other private lands has almost all been cut, so ancient forests are now found almost exclusively on federally administered land. Only 800,000 acres of this forest type are protected in national parks, wilderness areas, fish and wildlife refuges or natural research areas. The rest is potentially subject to harvest under sale by the Forest Service, Bureau of Land Management or Bureau of Indian Affairs. Mr. Speaker, we in the Congress have the responsibility to set Federal policy on these lands which will assure the survival of this resource.

The cathedral-like ancient forest stands of 300-foot trees are much more than just large trees. Twenty years of research by Forest Service ecologist Dr. Jerry Franklin and collaborators on the Andrews Experimental Forest, in the Willamette National Forest, has provided the beginnings of an understanding of ancient forests as an ecological system of organisms that interact with each other and the abiotic en-

vironment. An understanding of how the biotic and abiotic components of an ecosystem interact is a requirement for truly scientific management of the ecosystem.

Besides the Douglas firs, western hemlocks, western red cedars, Sitka spruces and western white pines that interest the timber industry, the ancient forests of the Pacific Northwest contain smaller trees and shrubs, wildflowers, grasses, ferns and mosses, that are also very important from an ecological perspective. These forests are home for at least 118 species of vertebrates, of which the northern spotted owl is only the most notorious, as well as an undetermined number of invertebrates. Insects such as bark beetles help the forest to remain productive by attacking old limbs and moribund trees; woodeating insects and decay fungi help to recycle the nutrients stored in the biomass. Other fungi help trees and other plants to obtain nutrients by forming mycorrhizal associations. These ancient forests contain a complex web of ecological interactions that are rivaled only by the rain forests of the tropics.

Research on the components of this ecosystem and how they interact is critical. Too often the research that is undertaken is focused on timber or game species only. Plant physiologists study the timber trees themselves, but seldom the associated plants. Wildlife biologists investigate elk or deer, but not voles or songbirds. Entomologists do research on the biology of insects that can destroy timber trees, such as the Douglas fir bark beetle or the hemlock looper, but know little about insects that pollinate understory plants or feed on fungi. Pathologists might study diseases such as armillaria root rot or white pine blister rust, but seldom determine mycorrhizal associations of nontimber trees and shrubs.

Manipulation of these old growth forests, especially such a drastic activity as timber harvest, must be based on an understanding of how the species interact, and how much disturbance the species, and the complex of their interactions, can tolerate and still remain as a functioning system. Habitat requirements, including size and configuration, must be known for all species, and used to make management decisions. And such ecologically based management should be extended beyond ancient forests, to become the basis for our administration of all Federal lands.

But aren't forests a renewable resource? Trees certainly are, and some forests may be, and but the unique ecological system that is the Pacific Northwest old growth acosystem is not renewable on a time scale within our planning horizon. The distinct features that characterize ancient forests, such as trees from 250 to 1,000 years old, multi-layered tree canopies, large standing and down, dead and decaying trees, and the complex of interacting species, are not replaceable under current management practices. That is why it is crucial for us to take action now to protect this unique American resource. Based on their studies, Dr. Franklin and his colleagues have postulated that new spotted owl habitat may be produced after timber harvest in considerably less time than the 250 years that have been assumed necessary to produce old growth stand characteristics, by leaving a minimum number of standing green trees, as well as standing and down dead trees. Such new forestry is an example of how we can incorporate an understanding of the ecological needs of species in management practices to maintain healthy ecosystems.

Those who propose continued cutting of our ancient forests argue that jobs and communities depend on these forests to keep the mills running. But this issue isn't as simple as jobs vs the environment. Consider that over 4,000 million board feet of logs were exported to the Pacific Rim in 1988, an increase of 47 percent over the export level in 1980. This translates into over 16,000 lost jobs. Wouldn't we be better off selling lumber and finished products to the Pacific Rim markets, and keeping the jobs at home?

Lumber exported to the Pacific Rim rose from a neglible 1.2 percent of the log volume exported in 1970, to 15 percent in 1980, and 22 percent in 1988. But this is too little, too late. We cannot remain a competitive economic power by exporting raw materials, such as logs, and importing finished products. This means putting the brakes on log exports. To do this, the timber industries need to be more aggressive in marketing processed wood, not logs, and more responsive to the product demands of foreign markets. And assistance is needed from the Federal Government to eliminate trade barriers to processed forest products.

The export of logs cut on Federal lands west of the 100th meridian is prohibited in the annual Interior appropriations bill. The 47-percent increase in log exports from the Pacific Northwest between 1980 and 1988 is hard to account for by harvests from private lands, which only increased 13.7 percent in Oregon and Washington during the same time period. The timber harvest from Federal lands in the two States, on the other hand, increased for the same time period by 44 percent. While this does not prove a violation of the prohibition against export of logs from Federal lands, it does suggest that the accompanying prohibition of substituting Federal logs in company mills for logs from company land that are exported is routinely violated. Increased Federal expenditures would be needed to guarantee no export of Federal logs or substitution. A total log ban would obvivate that need, as well as create more incentive to timber companies to develop foreign markets for processed products to make up for the loss of income from log exports.

Increased demand for logs in the Pacific Rim is not the only reason behind the unprecedented harvest level from corporate lands in the Pacific Northwest. Changes in the management philosophy of major timber corporations have also been a factor. Timber companies once held their forest lands as an assurance of mill supply, a hedge against short-term fluctuations in the market price for purchased wood, a low-risk real estate investment for corporate diversification and inflation insurance, and to have a land base that would improve their overall corporate value and strength in the stock market. But since the 1970's, timber companies have jumped on the bandwagon with the rest of corporate America to manage company assets to maximize the short term return to shareholders rather than for long term benefits.

Forest industries with extensive landholdings, such as many companies in the Pacific Northwest with growing stocks of large trees, began to be viewed by Wall Street as having undervalued assets. This made them susceptible to hostile takeovers, and the companies responded by restructuring, separating the management of forest land from mill management, and selling off assets such as timber. Liquefying these assets as quickly as possible, i.e. cutting timber, is way to give shareholders a quick return and to reduce the company's assets to a level more in line with the market value of their stock. The timber companies of the Pacific Northwest have turned to the Pacific Rim to sell logs. This market is attractive, because of strong demand after insular Asis stopped log exports, and because of the good returns on foreign exchange with a weak U.S. dollar.

Changes in the Federal Tax Code have also lowered the value to landowners of intensified forest land management. The 1986 Tax Reform Act repealed the preferential tax treatment for timber income, as well as the passive loss rules and provisions to expense forest management costs. These tax changes contribute to the reduced priority for long-term management of forest land by corporations, as well as by private nonindustrial landowners.

In spite of allegations that litigation over the northern spotted owl has reduced the harvest level from Federal lands in the Pacific Northwest, the rate of timber cutting has, in fact, been going up in recent years on these forests. In Washington State, the average yearly timber harvest since 1985

from national forests has increased 28 percent over the average level for the first half of the decade. In Oregon, timber harvest on national forest land has increased 47 percent between the two periods, and on BLM lands the increase has been 60 percent.

A big part of the problem is that Congress has set harvest levels that are much too high. Section 318 of the 1990 Interior Appropriations bill, although it was a shaky compromise between environmental and industry concerns, sets a level of 7.7 billion board feet to be harvested from the national forests in Oregon and Washington for the years 1989 and 1990. The formulation of the allowable sale quantity for USFS Region 6 came from pressure from the industry to refill the pipeline of timber, which they alleged had been depleted because of the Federal timber lands that had been tied up in lawsuits the earlier year. Section 318 not only directed 7.7 billion board-feet of new sales, it also provided for 1.1 bbf of the enjoined sales from the previous year to be released for immediate sale.

The result has been that despite unprecedented language which explicitly requires that timber sales are to be designed to keep the large tracts of old growth intact, the present level of timber harvest is so high that fragmentation is unavoidable and sustainable economic production or conservation of the natural ecosystems will not be possible this year.

Some forest supervisors—Olympic, Mt. Baker-Snoqualamie—have convinced the regional forester to substantially reduce their ASQ's because of past overcutting and/or environmental risks. Regrettably, the regional forester has seen fit to increase the ASQ's for other forests in the region—the Gifford Pinchot, for example—to make up the difference. The result is inappropriate and unsustainable levels of harvest in the affected forests.

Jim Torrence, the recently retired regional forester of Region 6, has questioned the ability of the Forest Service to produce timber even at the 3.9 billion board feet level in the draft forest plans for the region. Yet the original Hatfield/Adams amendment would have required the Forest Service to sell 5.9 billion board feet by October 1990, and even the hard-fought compromise only cuts that number to 5.6 billion board feet.

The current situation in the Pacific Northwest resulting from section 318 of the 1990 Interior Appropriations bill is distressing. Section 318 was written to address concerns about some of the environmental values at stake as a result of the continued harvest of the ancient forests of the Pacific Northwest. That language was intended to direct the Forest Service to shift sales to less environmentally sensitive areas, reduce fragmentation, provide greater protection for spotted owl habitat, protect old growth values, and include more scientific input in decisions affecting the resource.

I recently spent a week in the Pacific Northwest to investigate progress in implementing section 318, and I was disappointed to find that its intent is largely being subverted by the high ASQ and the position of the Forest Service that section 318 is a timber driven provision. Repeatedly I was told by district and forest level Forest Service personnel that they were forced to put sales in areas they would prefer to avoid. The practical effect of section 318 has not been to further the various environmental values to which it was directed, but to ignore them.

For that reason, I am convinced that more effective direction for environmental protection must be given by the Congress—and harvest levels must be substantially reduced—if we are to engage in the sort of conservative forestry which is appropriate given the value of the old growth resource at stake, the irrevocable nature of the decisions now being made, and the shortcomings in our scientific understanding of what is necessary to protect the old growth ecosystem.

Several conservation groups have recommended that, to protect ancient forests and their biological diversity, the Congress require the USFS and the BLM to refrain—on an interim basis—from timber sales and roadbuilding in unfragmented ancient forest stands of 200 acres or more, all low elevation ancient forest stands, and all suitable northern spotted owl habitat. They further recommend that Congress designate an ancient forest reserve system to protect ecologically important old growth and unfragmented natural forest stands with a significant old-growth component. These are recommendations that I endorse and would urge the appropriate committees of the Congress to consider as necessary steps to ensure the survival of old growth ecosystems.

The economic complexity of the situation in the Pacific Northwest must also be addressed at the same time if measures to protect old growth forests are to succeed. Creation of an ancient forest reserve system must be coupled with legislation to keep jobs back in the affected areas. Rural development initiatives, tighter restrictions on log exports, and better management of productive private forest lands for a sustainable timber supply ought to be part of the effort to promote preservation of the remaining stands of old growth forests.

Mr. Speaker, it is the responsibility of Congress to see that we are responsible stewards of all forest lands. The Nation faces a particularly acute crisis as the irreplaceable ancient forests of the Oregon and Washington rapidly, and unnecessarily, disappear. I urge the Congress to work toward a viable alternative to our current policy in USFS Region 6. All of the various elements that fit into this complex solution must be addressed separately and then taken as a whole. We ought to provide for more research into old growth forests, so that we can preserve the whole ecosystem, not individual parts of it. We ought to set aside some of the forests as ancient forest reserves, and work under the recommendations of people like Dr. Jerry Franklin for sustainable forest management. At the same time, economic diversification of timber dependent communities and restrictions of log exports ought to be promoted. I hope that during this session, the Congress will act to provide a solution to this crisis so that we can provide future generations with the benefits of this magnificent national treasure, our ancient forest.

REFLECTIONS ON SOUTH AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. WOLPE] is recognized for 60 minutes.

Mr. WOLPE. Mr. Speaker, I have taken this special order this evening on behalf of my colleagues, the gentlewoman from Maryland [Mrs. MORELLA] and the gentleman from Missouri [Mr. WHEAT], to discuss some rather extraordinary developments that have recently occurred in the country of South Africa. President de Klerk's speech last week clearly has produced a new sense of hope and possibility in South Africa. The speech was a significant speech. It represented a very positive development.

At the same time, it is important to understand, very clearly what President de Klerk said, and also what he did not say. These three Members had the opportunity about 3 weeks ago to travel to South Africa. We were there for 6 days. The government enabled these Members to meet with a number of government leaders. We spent an hour with President de Klerk himself. We spent some 2 hours with the Minister of Justice, Mr. Coetsee, the man who has been the intermediary between Mr. Mandela and the government in recent months. We spent an hour or so with the Minister of Finance, Mr. du Plessis, and we met with the Deputy Minister of Constitutional Development, and met with a broad cross section of parliamentary opposition, ranging from the Conservative Party on the right to the Liberal Party on the left. We met with an extraordinary cross section of the parliamentary forces in the society, the trade union federations, both COSATU and NACTU, the leaders of the Mass Democratic Movement, the UDS, lead-

ers of INKATHA. In short, we spent a great deal of time with a cross section of South African leadership.

One of our more interesting moments occurred when we had the opportunity to meet and talk with Mr. Sasuela and Mr. MacBecky and others recently freed after decades in confinement.

We came away from these conservations that we had in South Africa with a set of very mixed feelings. On the one hand we all felt that we were seeing before our eyes evidence of change. I happened to have had the opportunity of being in South Africa on an earlier occasion back in 1981, and there was a very different kind of feeling that I came away with in my conversations with a number of Afrikaaner leaders, in particular. It was evident in our discussions with President de Klerk and other ministers of the government that those who are in control of the government today have come to the conclusion that the present system is simply not sustainable. Apartheid as it is presently administered, has become too costly in economic terms with the tremendous erosion of the economy, and political and psychological terms, we heard a number of references on the part of white leaders to their sense of isolation in the international community, and their desire to rejoin the international community. So there is clear evidence of a desire to change and reduce conflict, reduce the pressures from the international community.

We did not hear, however, in our conversations with government leaders in South Africa, an acceptance of the need for truly fundamental change, an acceptance of the need for a genuine nonracial democracy. I had the feeling at times that a number of people were clinging to a fantasy that somehow they could take steps to initiate a dialog to begin negotiations, and that it would be possible to reduce the number of conflicts in the society, and therefore also the amount of international pressure being brought to bear upon the regime. They could do all of that and somehow hold on to white minority control of the political system. Clearly there are some whites now within South Africa, many, that have come to the conclusion that apartheid must be abandoned entirely, and there really must be a genuine nonracial democracy. We did not hear that or sense that in our conversations with government leaders. I say that because President de Klerk's speech has generated a great deal of excitement in South Africa and around the world. Clearly, elements of his speech are of a very great significance, particularly in a South African context. Particularly important in view, is the decision to legalize, unban the National African Congress and other political organizations, also welcome was an indication of the suspension of executions of political prisoners sitting on death row. His announcement of the intended release of a number of political prisoners, and release and lifting of some of the restrictions that are in place on the media.

However, it is equally important to understand, as I said at the outset, what President de Klerk has not yet said, and what he did not say in that speech. It is important to understand in particular that all the pillars of apartheid are still in place so that when Mr. Mandela walks out of that prison, as we all desperately hope he will do so within a matter of days; he will, under South African law, be assigned to the Transkei, his homeland, the artificial creation of the South Africans, who pretend that somehow blacks in South Africa are not citizens of their own country, but citizens of independent states that have been created, he will not be able to choose where he lives because the group that regulates where people live does so entirely on the basis of skin color. He will not be able to vote or have any formal say in the national political system of South Africa. He will not have a political right. He will be registered by race, under the Population Registration Act. In short, the structure of white domination in South Africa has not been altered one iota. Even if all that President de Klerk indicated in his speech he intended to accomplish, were accomplished, there would not be a single element of the structure of white domination that would have changed.

What is possibly available is now negotiations.

We have the possibility of the beginning of the dialog, but we do not yet have the preconditions fully in place for negotiations, because while it is true that some prisoners have been released, it is equally true that there are still hundreds of political prisoners still held in confinement that would not be touched by President de Klerk's announced plans. While it is true that there have been some media restrictions lifted, the state of emergency will stay in effect, and President de Klerk indicated that specifically the people would continue to be arrested and confined and detained, without charge and without trial for up to 6 months.

Now, that is what the concern is all about. The African National Congress and others in the antiapartheid movement have stressed repeatedly in recent months their desire to move into a genuine good faith negotiation with the government, their desire to substitute negotiations and dialog with armed struggle and violent conflict, but the key to that negotiating process is that those who will be sitting down across the bargaining table from the government must be as free as representatives of the government themselves, to express their point of view, to move about the society, to organize, to discuss their aspirations of a postapartheid South Africa. So there cannot be good faith negotiations as long as the emergency is in effect, or as long as political prisoners are still being held in confinement, and as long as exiles cannot return to their land. So there is much that still remains to be done.

□ 1900

One of the proudest moments I have had in my tenure in the Congress was when we in 1986, on a bipartisan basis, along with Senators DICK LUGAR and NANCY KASSEBAUM, joined with Democratic leaders in the House in moving through to passage over the President's veto the limited sanctions legislation that we imposed at that point. We laid out in that legislation a framework for policy. We said essentially that it was important that certain conditions be met before we would consider the relaxation of sanctions. If those conditions were met, we indicated that then, in consultation with the Congress, we could in fact then consider the modification or lifting of one or more of the sanctions in place.

My concern at this point is that we understand just how important that legislation has been and how important the international community has been in moving the Government to take these initial steps that hopefully will ultimately produce a negotiated settlement and a genuine nonracial democracy in South Africa. It is important that we not lift sanctions prematurely. It is important that the pressure be sustained until those preconditions for good faith negotiations are fully in place and until there is a clear commitment from the Government in South Africa that they are indeed prepared to negotiate not only the end of apartheid but the end of minority rule and the creation of a genuine nonracial democratic political system.

I hope that we can develop in this year a genuinely bipartisan approach to the subject of South Africa. A number of us, including my colleagues who traveled with me to South Africa, have been working toward that end.

I have been very encouraged by some of the initiatives taken and statements made by members of the administration. But it is important to understand that we cannot relax sanctions prematurely. The positive incentives may well be in order if certain preconditions are in place, but to do so prematurely by relaxation of sanctions to offer those other kinds of measures would be a terrible mistake. We would only invite much greater delay and intransigence on the part of the Government in South Africa.

We also need to understand that if there is an indefinite delay in the negotiating process or if the Government should prove intransigent down the road in addressing the real issue of power and the real issue of democracy, we may well have to talk about the possible intensification of sanctions. I hope that will not be necessary. All of us, when we were in the presence of de Klerk, indicated to him that nothing would please us more than to find that the Government was really committed to good faith negotiations and was prepared to put into place those conditions that would allow that kind of negotiation to be initiated that is ultimately committed to true democracy.

Mr. Speaker, let me at this point yield to my very good friend, the gentlewoman from Maryland [Mrs. MORELLA], who accompanied the gentleman from Missouri [Mr. WHEAT] and me on our visit to South Africa.

Mrs. MORELLA. Mr. Speaker, I want to thank my esteemed colleague, the gentleman from Michigan [Mr. WOLPE], the chairman of the Africa Subcommittee, for yielding to me and for calling this special order today. It is important that this forum is being held today, so shortly after South African President F.W. De Klerk's announced changes in that country's political and social outlook, so that we may contribute to the growing debate in Congress and around the United States over our South Africa policy.

President De Klerk's announcement Friday of a broad range of political reforms is the most promising sign that we have seen in recent years that an end to South Africa's apartheid system of minority rule is forseeable. The 30-year ban on South Africa's largest opposition group, the African National Congress, as well as bans on other political parties and groups, has been lifted, as have been the restrictions which had been placed on South Africa's legal opposition groups, such as the United Democratic Front. Moreover, those imprisoned solely for membership in banned organizations will be released, while restrictions applied to individuals under the state of emergency will be removed. Last, the South African President announced his intention to release soon Nelson Mandela, the symbolic head of the African National Congress and the anti-apartheid movement.

President de Klerk's announcement, and the actions which he has taken or intends to take in the near future, are promising. Just a short time ago they would have been unbelievable, unfathomable. Let there be no doubt: They are extraordinary, they are groundbreaking, they are a step in the right direction.

They are not enough.

Many problems still remain to be addressed. The legal mechanisms for continued institutionalized repression, such as the state of emergency and the Internal Security Act, remain in force. The retention of these measures leaves in doubt the ability of popular forces to freely exercise their rights to freedom of speech and of assembly. In addition, the continued references by South African officials to group rights and other such terms which hold out the possibility that features of the apartheid system will be retained, are incompatible with the nonracial democracy demanded by the huge majority of South Africans.

Problems relating to the administration of justice remain to be addressed. While President de Klerk's announcement that death sentences would be suspended is welcome, there can be no justifying the continued practice of detention without trial, even if that period of detention is shortened to 6 months, as the president intends. In addition, President de Klerk must examine the status of all political prisoners, and not just those imprisoned for membership in banned organizations.

It goes without saying, of course, that Nelson Mandela must be released.

In spite of these shortcomings, we can expect that the debate over economic sanctions—their effectiveness, their role in recent developments, their continuation or repeal—will again heat up. There can be no doubt, however, that while United States and international sanctions are not in and of themselves responsible for the change in attitude in Pretoria, they were an instrumental element among those factors which influenced the government to make a change.

It should be noted that, as promising as they are, Mr. de Klerk's actions do not yet satisfy the conditions, elaborated in the comprehensive Anti-Apartheid Act of 1986, required for sanctions to be relaxed or dropped. My colleagues will recall that the 1986 law which Congress passed set forth the following conditions: release of Mr. Mandela and all other political prisoners, repeal of the state of emergency, ability for banned political organizations to function, repeal of apartheid laws, and agreement to negotiate with black representatives.

Mr. Chairman, none of these conditions has been fully met; some remain unaddressed, others have been only partly met. And until these conditions are fully satisfied, we should continue to enforce economic sanctions. I am pleased that the administration while applauding the first steps made by F.W. de Klerk has agreed that sanctions cannot yet be removed until the law's conditions are met.

President de Klerk invited South Africans to walk through the open door. Let's encourage him to truly open the door to a peaceful, nonviolent transition to a democratic political system.

□ 1910

Mr. WOLPE. Mr. Speaker, let me express my appreciation to the gentlewoman from Maryland [Mrs. MORELLA] not only for what I think was a truly excellent statement, but also for sharing in our experience inside South Africa. I think that was a special experience for all of us. I wish that all of our colleagues would have had the opportunity to interact with the very extraordinary variety of people that we met with in those 6 days that we were in South Africa. I wish all of our constituents could have had that kind of direct contact with the situation that is the daily experience of South Africans. It is very hard to capture. I think we tend to easily project our own experiences in the United States upon the South African situation and fail to understand the dimensions of what has been a very repressive police state and the enormous sense of vulnerability that that has meant for the vast majority of the population. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] for her contribution.

Mr. Speaker, I would like now to yield to the gentleman from Missouri [Mr. WHEAT].

Mr. WHEAT. Mr. Speaker, I would like to thank the gentleman from Michigan [Mr. WOLPE] for yielding me this time and creating this opportunity for us to address our experiences of our trip to South Africa.

Before I go on, Mr. Speaker, I think it is appropriate that I thank the others who assisted so much on our trip because the United States embassy in South Africa was extremely helpful in arranging for us the opportunity to meet with the broad cross-section of people that we did, ranging, of course, from the president of the current South African Government, President de Klerk, to the leaders of the antiapartheid opposition, from Bishop Tutu, to Rev. Alan Boesak, to Dr. Frank Chikane, and myriads of people representing all points of view in the South African society.

Our Ambassador was with us in every meeting throughout the entire trip. Ambassador Swing is to be commended for the effort that he put into what was for us an exhausting trip, and he never for one moment showed the fatigue that we all felt.

Mr. Speaker, I would also like to thank our staff, especially the subcommittee staff of the gentleman from Michigan [Mr. WOLPE], Adwoa Dunn, Mickey Harmon, the subcommittee director, Steve Weissman, and my own staff person, Rondalyn Kane, for the effort which they devoted to this trip. They were all extremely helpful in giving us a better understanding of the events that we saw while we were in South Africa.

Mr. Speaker, on our way to South Africa it was indeed clear to us that it could have been a time of momentous change, and in fact there were those who were suggesting that South Africa was on the threshold of achieving what it had not achieved in the last 350 years, a realization that all people in the South African society have the same hopes, and dreams and ambitions and that all of them should have the same rights under the South African society.

So, when we went to South Africa, when we arrived at the airport, we were hopeful that we were going to see great signs of progress in South Africa, and indeed since that time with President de Klerk's speech there have been those who have heralded this moment in history as the dawning of that time in South Africa.

In fact, Mr. Speaker, in my own hometown newspaper just a few days ago there was a headline that referred to South Africa, and that headline said, "Freedom dawns." I wish that it were true. I think that none of us who were on the trip have any greater hope than to see the dawning of freedom in South Africa, and we did see changes while we were in South Africa, and we did hear and see President de Klerk's speech, and there were some positive changes there admittedly.

One, President de Klerk called for direct negotiations with the ANC and with other antiapartheid forces within South Africa, and we are pleased, and it is positive, that the Government is willing and wants to sit down and negotiate the future of South Africa. I was more than pleased that the Government finally took the long-awaited step of unbanning the ANC and other political organizations in South Africa. That, too, is an important progressive and positive step.

However, Mr. Speaker, there are other steps that are called for before a true climate for negotiations can be created, before there is the real opportunity for fundamental change in that society. There are still troops running the black townships in South Africa. Though President de Klerk's speech was positive, he did not mention, nor did he take any action, to remove the troops from those townships.

Political prisoners still exist in South Africa, and, yes, it was positive for President de Klerk to say that those prisoners who were in jail for nothing more than belonging to banned organizations would have their case reexamined and would be released in the near future, but it was not enough for there are other people still in jail who will continue to await their release from jail because of the catch-all Internal Security Act of South Africa that will remain in place.

Then we come to the question of the state of emergency that exists in South Africa, a state of emergency that was imposed over 3 years ago, a state of emergency that does not allow the world to see the continued repression and violence that go on in South Africa. President de Klerk did make reference to that state of emergency. He said he was going to lift the media ban that exists in South Africa. But in his very next statement, in his very next paragraph in his written speech, he said, "But, of course, this does not refer to visual representations of unrest in South Africa." So, in fact no photographs, whether they be for print media or for the international community by way of television, will come out of South Africa.

It is true that a start has been made, but it is only a start down the long road that must be trod toward freedom in South Africa. We went to South Africa hoping that we would see a recognition on the part of the Government that every citizen in that society should have individual rights. What we heard from President de Klerk was not individual rights, but group rights, some kind of formulation where the current Afrikaner Government would continue to maintain power and maintain a veto ability over the rest of the society, even in the formulation of a postapartheid society.

□ 1920

There were those who in South Africa took heart at President de Klerk's speech and even the limited positive gains that were made. We took heart here, but I think it is important to recognize the reality of what has happened and what has not happened.

I tried to think of some way to dramatize for my colleagues and for the American people what has happened and what has not. I can think of not better example than the pictures that we saw on television on the way to South Africa, pictures of black and white citizens together walking on South Africa's very beautiful beaches. Those were beautiful scenes of black and white people together standing on those beaches, but what you did not see were the ugly scenes behind that picture, the scenes of thousands of people marching to demand the ability for all citizens to use those beaches, scenes of attack dogs being unleashed on those protestors.

You did not see the Government-sponsored repression and Government-sponsored violence before that one tiny, that one minor social change, was allowed by the Government.

I am afraid that if the Government meets that small social change with that level of resistance that to change the more underlying principles of apartheid that still keep that system of government very much in place, that we may see more repression and more violence.

I referred to those who were celebrating after President de Klerk's speech. They were pleased. They were hopeful. They were excited that South Africa might have a brighter future. What was the response from the Government on that day just a very few days ago? Those celebrants in the streets were gassed. They were tear gassed. They were not cheered by the Government. They were not welcomed by the Government. They were gassed by the Government.

Positive steps have been taken, yes, but not enough. Sure, it is very nice that blacks and whites can walk on the beaches together in South Africa. My colleague and I, the gentleman from Michigan [Mr. WOLPE] walked on the beach in South Africa, but that does not mean that apartheid's end has come. Not until the time that blacks and whites can together march to the ballot boxes in South Africa will apartheid be at an end.

As I close, I want to mention something that touched me deeply when we first arrived in South Africa. We were in a meeting with Dr. Frank Chikane, General Secretary of the South African Council of Churches. He was pleased that we were going to meet with President de Klerk and he asked us to give President de Klerk a message, and in the excitement and in the anxiety of meeting with President de Klerk and the attempt to tell him everything that we wanted to tell him about how the world saw South Africa and how much the world would like to welcome South Africa back into the international community of nations, we did not give him the message from Frank Chikane. I think it is apropos, because it demonstrates that although there has been progress in South Africa, apartheid has not ended, because Frank Chikane met with President de Klerk a few months ago. He came to our very fancy, very luxurious hotel. He was not forbidden from that, but Frank Chikane had a message for President de Klerk when he said, and he let President de Klerk know that, "Even though I can come to this hotel, Frank Chikane still cannot vote, and until Frank Chikane can vote, then all our pressure and all our ability to help that situation in South Africa must continue to be applied as strenuously as ever to make sure that eventually the pillars of apartheid do crumble."

My colleague, the gentleman from Michigan [Mr. WOLPE] is recognized in South Africa as one of the leading opponents of apartheid. It was a privilege for me to be able to travel with the gentleman and to travel with the gentlewoman from Maryland [Mrs. MORELLA] throughout South Africa. Newspaper reports there indicated that this was one of the most knowledgeable delegations that had ever come to South Africa. I am pleased to

have been a part of it and I hope that we in some way in this country can help make history in just a little way in bringing down the pillars of apartheid, but I did want to say to my colleague that I have never been on a congressional trip with anyone who was so knowledgeable and so dedicated and as committed as he is to the cause which he serves, and I thank him for having given us the opportunity to make the trip and for the opportunity to express ourselves this evening.

Mr. WOLPE. Well, Mr. Speaker, let me express my appreciation to the gentleman from Missouri for making the trip with me and with the gentlewoman from Maryland [Mrs. MORELLA]. It was equally a privilege for me to have the opportunity to work with the gentleman in the last few weeks.

I also want to say that I want to echo the observations the gentleman from Missouri has made about how impressed we all were by the Embassy and our Ambassador in South Africa and the staff that he has assembled. I was enormously impressed by their sensitivity, by their competence and by their commitment. It certainly did facilitate enormously our work during those 6 days in South Africa.

Of course, like the gentleman from Missouri, I have enormous respect and appreciation, oftentimes unsaid, I suspect, for the work of my staff and the others who accompanied us on this last trip, because they made our job that much easier.

The gentleman from Missouri cited Reverend Chikane's comments to us when we were in South Africa. I want to read as I close this special order a few words from the closing statement of Mr. Mandela when he was on trial. In the trial that led to his confinement for over two decades, now almost three decades. Mr. Mandela said in closing his statement:

> During my lifetime I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if need be, it is an ideal for which I am prepared to die.

Certainly there is no individual who has become a more powerful symbol of the struggle against apartheid in South Africa than Nelson Mandela. I use his words in closing this special order to highlight something that is not often well understood, and that is that the struggle against apartheid is not a struggle of black against white. It is a struggle for freedom. It is a struggle for democracy.

In recent months, we in the United States have taken enormous delight in what has been happening in Eastern Europe and in the Soviet Union, where people are becoming free, where they have been inspired by the democratic ideal often cited in the United States as their inspiration, and we have recognized that in their struggle for freedom we have ourselves had an affirmation of the values that have given definition to American society.

Well, I know that we all came away from our trip to South Africa feeling that yearning for freedom and democracy is as real and as powerful in South Africa as it is in Eastern Europe, the Soviet Union, and the United States. It is important that we as a country give every bit the kind of support for the forces of democracy in South Africa and be as steadfast as we have been in the struggle for democracy in Eastern Europe and resisting repression in South Africa. We must be consistent if we are to be true to our own ideals.

THE STRUGGLE FOR PEACE IN ANGOLA

The SPEAKER pro tempore. Under a previous order of the House, the gentelman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I would like to say to my good friends at the front desk, this is not going to be a whole hour, so you will not have to worry about staying here all night, and I know some of the people up on the gallery who work for the Congress are anxious to get home to their families, and I am kind of tired myself, so we will not be here too long.

The reason I am taking this special order tonight is because something is happening in the same region of the world that the previous special order talked about, the southern regions of Africa. People who want freedom in South Africa and Eastern Europe and around the world are not the only ones that want freedom.

□ 1930

We recently saw elections in a place called Namibia, which were the first elections held in that country in 70 years where there was true participation by everyone, and just north of there is a country called Angola, and there has been a civil war raging in Angola for the past 15 years between the Communist government which rules a large part of the country in Luanda, the MPLA government, and those who wanted freedom and democracy there, which is led by Dr. Jonas Savimbi, the president of UNITA, which is operating out of a small village which has been constructed by UNITA in the southwestern part of the country called Jamba. This war has been going on for some time, and we thought there was a resolution in sight.

On June 22, 1989, in the presence of 18 African heads of state, the president of the Popular Movement for the Liberation of Angola, controlled government of Angola, and hereafter in a resolution which I sponsored today called the MPLA, headed by Jose Eduardo dos Santos, met with and shook hands with the president of UNITA, Dr. Jonas Savimbi, and they agreed to work toward a negotiated settlement of this war. Prior to that there had been an agreement in which the United States had taken part called the Brazzaville accords, which had led to what was supposed to be the total withdrawal of Cuban troops and ultimately all the foreign forces from Angola so that the warring parties could themselves sit down, the MPLA and UNITA, and resolve their differences at the conference table. We thought that after the meeting in Zaire in Gbadolite, Zaire, which had been called by the President of Zaire, President Mobutu, things were going to be worked out. We thought the Cubans were going to leave, and the MPLA Communist government was going to sit down with UNITA and all parties would resolve their differences, and there would be a government of national reconciliation followed by true, fair, democratic elections in that country, and that peace would reign.

Unfortunately the Communist government of Angola, out of Luanda, has recently launched a major offensive at a place called Mavinga. There had been a temporary cease-fire which had been pretty much agreed to at a place near Cuito-Cuanavale, and there were not going to be any more battles taking place down in this area; at least, that was the goal of all the parties, but the Communist MPLA government, I think, sensing that because of the freedom movements around the world, there was a possibility their support would be cut off, has launched their what I believe to be a last-ditch effort to break the back of the freedom fighters in that country so that they can consolidate power before their aid is cut off from the Soviet Union and possibly Cuba. Cuba's aid from the Soviet Union is in jeopardy, and they have been a major supporter of the Communist government in Luanda. If the Soviet Union curtails in any way their support for Cuba, that means that there would be a curtailing to a large degree of the support from Cuba to the Communist government in Angola.

This last-ditch effort, in my view, has been launched, and the Communist government there has enjoyed a modicum of success. They have not been able to take Mavinga, but they have been attempting to do so since the middle of December. In December, while the Communist government of Angola has been talking about peace and ultimately democracy in that country, President Dos Santos took a

trip to Cuba. He did that to try to strengthen his military and political position not only in his country but his ties with Fidel Castro of Cuba. In a speech that was given during his visit to Cuba, he said, "All we can do is express our deepest gratitude to the Government of Cuba, the Communist Party in Cuba, and especially to Comrade Fidel Castro, for the assistance given by Cuban troops in Angola."

While he was talking about democracy, his true allegiance, Mr. Dos Santos', is to the Communist Party and the Communist movement throughout the world and particularly in his country.

Shortly after the meeting with Castro on December 23, President Dos Santos launched a surprise attack against UNITA in areas in southeastern Angola in the Mavinga area involving several thousand Communist MPLA troops, mechanized battalions, Soviet T-52 and T-54 tanks, helicopters, Mig-23's, high-altitude Su-22 and Su-25 bombers, supported by Soviet advisers in the field with each unit. As a matter of fact, there are probably 120 Soviet military advisers in the field in Mavinga right now. There are an estimated 400 to 500 to 600 Cuban troops who are there in violation of the Brazzaville accords. They are not supposed to be fighting down in that area. They are supposed to be moving toward complete withdrawal from Angola, yet there are that many troops down there engaged in combat right now.

On December 31, Mr. Dos Santos addressed the nation of Angola stating, "We believe in Angola only a one-party system," that is, a Communist system, "realistically serves our country, and it will encourage the expansion of democracy. The MPLA Workers Party," the Communist Party, "will guide the state and the society." So even though President Dos Santos continues to talk about a multiparty system, true democracy there, he continues to say very clearly to the people of Angola that he wants communism to continue to prevail, and he does not want true democracy.

On January 21, seven Cuban troops were killed in a UNITA counterattack during the MPLA offensive, and an apology, or a statement of regret, rather, not an apology, a statement of regret was issued by UNITA to the Cuban Government because those people were killed, but they should not have been involved in that military conflict in the first place. They are supposed to be involved in being withdrawn from that country.

This is the largest Communist offensive in 15 years, so it is obvious they are trying to break the back of the freedom-fighting forces in that country.

The Communist government, the MPLA, has abandoned infantry in this offensive, and it is now using massive armored assaults and air power. They are currently 7 kilometers north of Mavinga and 10 kilometers west of Mavinga. So the reports that they have taken this very crucial area are not true, but they are in that general area.

The Communists have not captured Mavinga, but as I said before, they are working very hard for that objective. The reason they want to capture Mavinga is because if they capture Mavinga, they will now have a springboard toward Jamba, which is the capital of the freedom fighters in southeastern Angola.

Dr. Savimbi, who was in Portugal recently, had to cut short his visit there, because he wanted to get back to be with his troops who were in the field.

I think it is extremely important that the United States, who has been very instrumental in working toward a peaceful solution to this problem, this terrible war that has gone on for 15 years and who has been very instrumental in some of these peace accords that have been signed, that is, the Brazzaville accords and some of the other agreements that have been reached, should continue to support UNITA and Dr. Savimbi until a peaceful solution is achieved.

The Communist government in Angola believes that the United States' will to support Dr. Savimbi is waning and that if they put the pressure on, we will pull out.

I want President Dos Santos and the Communist government of Angola to know in no uncertain terms that the majority of the Members of the Congress in both the House and the Senate and the White House continue to support peace and freedom and democracy in Angola, and we are not about to abandon Dr. Savimbi and the UNITA forces, and this massive offensive that they have launched will not be successful, because we will continue to support Dr. Savimbi until peace and democracy and freedom are achieved in that country.

The thing that bothers me the most about this is the Communist government is indiscriminately bombing innocent civilians in this area. This is not just a battle that is involving troops. They have injured and killed thousands of people, innocent civilians, in Mavinga. The carpet bombing is taking place at such an altitude that surface-to-air missiles cannot reach them because they are worried about surface-to-air missiles, and they are doing what is called carpet bombing, indiscriminate bombing of schools, bombing hospitals, bombing innocent targets where civilians are dying by the hundreds and the thousands, and they are not hitting many of the troops of Dr. Savimbi.

□ 1940

I think this is a very inhumane approach to war. When people who really care about innocent civilians are involved in military conflict, they try to pick their targets.

When we went into Panama, for instance, and I was down there recently, I talked to our military leaders. Whenever there was a civilian target in direct line with an objective that we wanted to take, we tried to get another angle at that target so we would not injure innocent civilians in the process of trying to bring about freedom for that country.

But that is not the way the Communists operate generally, and that is not the way the MPLA is operating in Angola at the present time. They have killed thousands of people. They have destroyed at least two hospitals. We know that they have destroyed at least one major school and damaged several others. There have been thousands of casualties, innocent civilian casualties.

Vice President Chitunda visited my office today. He said that they are optimistic they will be able to repel the attack. He is the vice president of UNITA. We must stand behind them 1,000 percent.

The Communist government in Luanda, they talk about peace. They even sent their Ambassador to my office, who is a very friendly, genteel speaking man.

He told me that they decided the first of the year they were going to support a multiparty system, that they were going to support true democratic reform, they were going to support positive changes that would bring about peace and freedom and democracy in Angola. Yet every action that has been taken by that Government is in direct opposition to what he said.

I cannot but think that he was sent to my office to deliberately mislead me as the ranking Republican on the Foreign Affairs Committee. I hate to say that about an ambassador from a foreign government, but the facts speak for themselves.

While they talk of democracy and freedom and a peaceful solution to this conflict, they are carpet bombing Mavinga and killing innocent civilians by the thousands. That is totally in opposition to what they said that they want to do over there.

This is a desperate last-ditch effort by the Communist thugs in Luanda to defeat the freedom fighters led by Dr. Savimbi and the UNITA forces. They are worried that when the Cuban troops are gone and the Soviets reduce their support, which will happen and as the Soviets have been doing, their dictatorship will be doomed. So this is a last-ditch effort for them to be successful, and they will not be successful.

I sent a letter along with many of my colleagues to the President of the United States urging a stepped up delivery of military support for Dr. Savimbi. That will be done, in my view. As soon as that support arrives, this invasion into Mavinga will definitely be repelled. UNITA at the present time is holding their own without this additional logistical support.

The offensive, in my view, seriously undermines the efforts toward peace, and the Luanda regime, while they are trying to gain maximum advantage right now before the Cuban troops leave, will be unsuccessful.

We will ultimately, I think, see peace and freedom and democracy in Angola. But it should come a lot quicker than it is going to come, because the Angolan Government is undermining the peace process at this very moment.

Let me just end up by saying to my colleagues who may be watching who are UNITA supporters, who are with UNITA or who may be listening to this debate tonight, that we are going to stick with UNITA to the very end. The commitment of this Congress is irreversible and the commitment of this administration, the Bush administration, I believe is irreversible.

I think that President Dos Santos should take these words to heart. Come to the conference table. Negotiate a peaceful solution to this problem, this terrible war over there. Withdraw your troops back to Cuito-Cuanavale where they were and end the innocent bloodshed that is taking place, because it will not get you what you want, and that is total Communist victory throughout Angola.

The war will only be resolved when President Dos Santos and the Communist MPLA government sits down at the conference table with UNITA and resolves their differences and has true democratic elections and freedom and democracy prevail in that country.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GEPHARDT (at the request of Mr. GEPHARDT) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. MCCOLLUM, for 5 minutes, on February 7.

Mr. GINGRICH, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes, on February 7.

Mr. GINGRICH, for 60 minutes, on February 8.

Mrs. BENTLEY, for 60 minutes, on February 20.

Mrs. BENTLEY, for 60 minutes, on February 21.

Mrs. BENTLEY, for 60 minutes each, on February 27 and February 28.

Mr. PARRIS, for 5 minutes, on February 7.

(The following Members (at the request of Mr. HARRIS) to revise and extend their remarks and include extraneous material:)

Mr. HARRIS, for 5 minutes, today.

Ms. LOWEY of New York, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. WOLPE, for 60 minutes, today.

Mr. RICHARDSON, for 60 minutes, on February 7.

Mr. GONZALEZ, for 60 minutes, on February 8.

Mr. OWENS of New York, for 60 minutes, on February 8.

Mr. FAUNTROY, for 60 minutes, on February 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. CONTE.

Mr. GILMAN in two instances.

Mr. SOLOMON.

Mr. LEWIS of California in two instances.

Mr. GALLEGLY.

Mr. OXLEY.

Mr. HYDE.

Mr. BLILEY.

Ms. SCHNEIDER.

Ms. ROS-LEHTINEN in two instances.

Ms. SNOWE.

Mr. GREEN in two instances.

Mr. DANNEMEYER.

Mr. MOORHEAD.

Mr. HERGER.

(The following Members (at the request of Mr. HARRIS) and to include extraneous matter:)

Mr. MAZZOLI.

Mr. PENNY.

Mr. OWENS of New York.

Mr. MATSUI.

Ms. OAKAR.

Mr. LEHMAN of California.

Mr. TOWNS.

Mr. HALL of Ohio in two instances.

Mr. DARDEN.

Mr. LANTOS.

Mr. KANJORSKI.

Mr. MCMILLEN of Maryland.

Mr. COLEMAN of Texas in three instances.

Mr. STARK in three instances.

Mr. FRANK.

Mr. BOUCHER.

Mr. ROYBAL.

Mr. FASCELL.

Mr. WEISS.

Mr. TALLON.

Mr. MINETA.

Mr. CLEMENT.

Ms. PELOSI.

Mr. MANTON.

Mr. UDALL.

Mr. BORSKI.

Mr. HUTTO in two instances.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3792. An act to authorize appropriations for fiscal years 1990 and 1991 for the Department of State, and for other purposes; and

H.J. Res. 82. Joint resolution to designate February 8, 1990, as "National Women and Girls in Sports Day."

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 149. Joint resolution designating February 16, 1990, as "Lithuanian Independence Day."

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 7, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2438. A communication from the President of the United States, transmitting requests for supplemental appropriations for fiscal year 1990, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-148); to the Committee on Appropriations and ordered to be printed.

2439. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Turkey for defense articles (Transmittal No. 90-22), pursuant to 10

U.S.C. 118; to the Committee on Armed Services.

2440. A letter from the Deputy Director, Defense Research and Engineering (Test and Evaluation), Department of Defense, transmitting notification of approved test projects for inclusion in the fiscal year 1990 Foreign Comparative Testing [FCT] Program, pursuant to 10 U.S.C. 2350a(g), Public Law 101-189, section 931(a)(2) (103 Stat. 1533); to the Committee on Armed Services.

2441. A letter from the General Counsel, Department of Defense, transmitting a draft proposed legislation to repeal section 7299a(a) of title 10, United States Code, so as to permit the distribution of assignments and contracts for construction of combatant vessels and escort vessels on the basis of economic and military considerations; to the Committee on Armed Services.

2442. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of the price and availability report for the quarter ending December 31, 1989, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

2443. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Turkey for defense articles and services estimated to cost $205 million, and annex thereto (Transmittal No. 90-22), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2444. A letter from the Executive director, Japan-United States Friendship Commission, transmitting the Commission's annual report for fiscal year 1989, pursuant to 22 U.S.C. 2904(b); to the Committee on Foreign Affairs.

2445. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a report of actions taken to increase competition for contracts during fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2446. A letter from the Chairman, Inland Waterway Users Board, transmitting the Board's third annual report of its activities; recommendations regarding construction, rehabilitation priorities, and spending levels on the commercial navigational features and components of inland waterways and harbors, pursuant to Public Law 99-662, section 302(b) (100 Stat. 4111); to the Committee on Public Works and Transportation.

2447. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to modify the prior congressional "report and wait" restrictions which are imposed upon certain Department of Veterans affairs administrative reorganizations by section 210(b)(2) of that title; to the Committee on Veterans' Affairs.

2448. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to remove limitations on the geographic areas in which U.S. Armed Forces and certain foreign military forces may furnish each other reciprocal logistic support; jointly, to the Committees on Armed Services and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. S. 1096. An act to provide for the use and distribution of funds awarded to Seminole Indian in dockets 73, 151, and 73-A of the Indian Claims Commission; with amendments (Rept. 101-399). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2006. A bill to expand the powers of the Indian Arts and Crafts Board, and for other purposes; with an amendment (Rept. 101-400, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL (for himself, Mr. GEJDENSON, Mr. BROOMFIELD, Mr. HAMILTON, Mr. SOLARZ, Mr. WOLPE, Mr. LANTOS, Mr. KOSTMAYER, Mr. SMITH of Florida, Mr. BERMAN, Mr. LEVINE of California, Mr. FEIGHAN, Mr. ACKERMAN, Mr. UDALL, Mr. FUSTER, Mr. OWENS of Utah, Mr. BOSCO, Mr. GILMAN, Mr. LAGOMARSINO, Mr. HYDE, Mr. BEREUTER, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. DONALD E. LUKENS, Mr. BLAZ, Mr. GALLEGLY, Mr. HOUGHTON, Mr. GOSS, and Ms. ROS-LEHTINEN):

H.R. 3952. A bill to authorize certain United States assistance and trade benefits for Panama, and for other purposes; jointly, to the Committees on Foreign Affairs; Appropriations; Banking, Finance and Urban Affairs; and Ways and Means.

By Mr. CONTE:

H.R. 3953. A bill to amend the Head Start Act to authorize appropriations for fiscal years 1991 through 1994; to the Committee on Education and Labor.

By Mr. CONTE (for himself, Mr. HENRY, Mrs. UNSOELD, Mr. WOLPE, Mr. WALSH, Mr. PETRI, Mr. MOODY, Mr. ALEXANDER, and Mr. MCHUGH):

H.R. 3954. A bill to authorize the establishment of a memorial on Federal land in the District of Columbia to honor individuals who have served as volunteers in the Peace Corps; jointly, to the Committees on Foreign Affairs and House Administration.

By Mr. HARRIS (for himself, Mr. BEVILL, Mr. BROWDER, Mr. CALLAHAN, Mr. DICKINSON, Mr. ERDREICH, Mr. FLIPPO, Mr. APPLEGATE, Mr. BAKER, Mr. BARNARD, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BOEHLERT, Mrs. BOGGS, Mr. BOUCHER, Mr. BROWN of Colorado, Mr. BUNNING, Mrs. BYRON, Mr. CAMPBELL of Colorado, Mr. CLARKE, Mr. COLEMAN of Missouri, Mr. COLEMAN of Texas, Mr. DARDEN, Mr. DAVIS, Mr. DOUGLAS, Mr. ENGLISH, Mr. ESPY, Mr. FASCELL, Mr. FRANK, Mr. GEJDENSON, Mr. GINGRICH, Mr. GORDON, Mr. GRANT, Mr. HALL of Texas, Mr. HAMMERSCHMIDT, Mr. HANCOCK, Mr. HATCHER, Mr. HEFNER, Mr. HERGER, Mr. HOCHBRUECKNER, Mr. HOLLOWAY, Mr. HOPKINS, Mr. HORTON, Mr. HUBBARD, Mr. HUCKABY, Mr. HUGHES, Mr. IRELAND, Mr. JENKINS, Mr. JONES of Georgia, Mr. JONES of North Carolina, Mr. JONTZ, Ms. KAPTUR, Mr. LANCASTER, Mr. LAUGHLIN, Mr. LEWIS of Georgia, Mr. LIVINGSTON, Mrs. LLOYD, Ms. LONG, Mr. MARLENEE, Mr. MAVROULES, Mr. MCCRERY, Mr. MCCURDY, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. NEAL of North Carolina, Mr. NIELSON of Utah, Mr. OBERSTAR, Mr. OLIN, Mr. OWENS of Utah, Mr. PARKER, Mrs. PATTERSON, Mr. PAYNE of Virginia, Mr. PEASE, Mr. PERKINS, Mr. PICKETT, Mr. PICKLE, Mr. PORTER, Mr. PRICE, Mr. RAY, Mr. RICHARDSON, Mr. RINALDO, Mr. ROBINSON, Mr. ROE, Mr. ROGERS, Mr. ROSE, Mr. ROWLAND of Georgia, Mrs. SAIKI, Mr. SARPALIUS, Mr. SIKORSKI, Mr. SISISKY, Mr. SKAGGS, Mr. SKEEN, Mr. SKELTON, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. ROBERT F. SMITH, Mr. STENHOLM, Mr. SUNDQUIST, Mr. TALLON, Mr. TANNER, Mr. THOMAS of Georgia, Mr. VALENTINE, Mrs. VUCANOVICH, Mr. WATKINS, Mr. WELDON, Mr. WILLIAMS, Mr. WILSON, Mr. DE LA GARZA, and Mr. WALSH):

H.R. 3955. A bill to direct the Secretary of Agriculture to provide for national mobilization of rural firefighting forces to deal with the mounting danger of wildfires in the urban-rural interface areas of the United States; to the Committee on Agriculture.

By Mr. BEREUTER (for himself, Mr. FAUNTROY, and Mr. LEACH of Iowa):

H.R. 3956. A bill to authorize Export-Import Bank programs for Czechoslovakia; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BOUCHER (for himself, Mr. MOORHEAD, Mr. LEVINE of California, Mr. GLICKMAN, Mr. SENSENBRENNER, Mr. MATSUI, Mr. BATES, Mrs. BENTLEY, Mr. BILBRAY, Mrs. COLLINS, Mr. LIPINSKI, and Mr. KILDEE):

H.R. 3957. A bill to amend title 35, United States Code, with respect to patents on certain processes; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. DeWINE (for himself, Mr. HYDE, Mr. BILBRAY, Mrs. UNSOELD, Mr. LAGOMARSINO, Mr. MCEWEN, Mr. HOLLOWAY, Mr. TOWNS, Mr. LEWIS of Florida, Mr. BEREUTER, Mr. SOLOMON, Mr. TRAFICANT, Mr. NIELSON of Utah, Mr. HALL of Ohio, Mr. MILLER of Ohio, Mr. SMITH of Texas, Mr. DANNEMEYER, Mr. JAMES, Mr. COSTELLO, Mr. KASICH, Mr. DONALD E. LUKENS, Mr. GEKAS, and Mrs. MEYERS of Kansas):

H.R. 3958. A bill to protect the rights of victims of crime and to establish a Federal victim's bill of rights for children, and for other purposes; to the Committee on the Judiciary.

By Mr. ROYBAL (for himself and Ms. OAKAR):

H.R. 3959. A bill to amend title XVIII of the Social Security Act to protect elderly and disabled Medicare beneficiaries from unwarranted increases in the cost of Medicare supplemental insurance policies, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. OWENS of Utah (for himself, Mr. HANSEN, and Mr. NIELSON of Utah):

H.R. 3960. A bill to increase the amounts authorized to be appropriated for the Colorado River storage project, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. ERDREICH (for himself, Mr. BEVILL, Mr. BROWDER, Mr. CALLAHAN, Mr. DICKINSON, Mr. FLIPPO, and Mr. HARRIS):

H.R. 3961. A bill to redesignate the Federal building located at 1800 5th Avenue, North in Birmingham, AL, as the "Robert S. Vance Federal Building"; to the Committee on Public Works and Transportation.

By Mr. HUNTER:

H.R. 3962. A bill to require the Federal Communications Commission to amend the program exclusivity rules relating cable television system blackouts to permit carriage of network programming from broadcasts within the same time zone; to the Committee on Energy and Commerce.

By Mr. KOSTMAYER (for himself and Mr. GEJDENSON):

H.R. 3963. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 to authorize the National Endowment for the Arts to assist States, local governments and private groups identify and prepare comprehensive plans to recognize and to encourage the wise and appropriate future use of significant American landscapes, and for other purposes; to the Committee on Education and Labor.

By Mr. THOMAS A. LUKEN (for himself, Mr. MCMILLAN of North Carolina, Mr. SIKORSKI, Mr. WHITTAKER, Mr. BATES, and Mr. CALLAHAN):

H.R. 3964. A bill to amend the Federal Trade Commission Act to permit the Commission to regulate fundraising activities of charities; to the Committee on Energy and Commerce.

By Mrs. MORELLA (for herself and Mr. FAUNTROY):

H.R. 3965. A bill to recognize the organization known as the National Center for Therapeutic Riding; to the Committee on the Judiciary.

By Mr. PETRI:

H.R. 3966. A bill to amend the Fair Labor Standards Act of 1938 to permit any individual to construct any garment or craft item to be used for display purposes, and for other purposes; to the Committee on Education and Labor.

By Mr. TALLON:

H.R. 3967. A bill to establish a reforestation program for timber lands suffering damages from natural disasters; to the Committee on Agriculture.

By Mr. WALGREN (for himself and Mr. WAXMAN):

H.R. 3968. A bill to amend the Organ Transplant Amendments Act of 1988 to change an effective date; to the Committee on Energy and Commerce.

By Mr. HUGHES (for himself and Mr. MCCOLLUM):

H.J. Res. 468. Joint resolution designating August 7, 1990, as "National Neighborhood Crime Watch Day"; to the Committee on Post Office and Civil Service.

By Mr. THOMAS A. LUKEN (for himself, Mr. ANDERSON, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. ARCHER, Mr. ATKINS, Mr. BATES, Mr. BENNETT, Mrs. BENTLEY, Mr. BEREUTER, Mr. BERMAN, Mr. BEVILL, Mr. BILIRAKIS, Mr. BLILEY, Mr. BONIOR, Mr. BROOMFIELD, Mr. BRUCE, Mr. BUECHNER, Mr. BUSTAMANTE, Mr. CARPER, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. COSTELLO, Mr. COYNE, Mr. CRANE, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DELLUMS, Mr. DINGELL, Mr. DONNELLY, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. EMERSON, Mr. ERDREICH, Mr. EVANS, Mr. FASCELL, Mr. FAUNTROY, Mr. FAWELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLIPPO, Mr. FUSTER, Mr. GRADISON, Mr. GUARINI, Mr. HAMILTON, Mr. HARRIS, Mr. HENRY, Mr. HILER, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HUGHES, Mr. HUCKABY, Mr. JACOBS, Mrs. JOHNSON of Connecticut, Mr. JONTZ, Mr. KANJORSKI, Ms. KAPTUR, Mr. KASICH, Mr. KASTENMEIER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LENT, Mr. LEVIN of Michigan, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCGRATH, Mr. MCHUGH, Mr. MCNULTY, Mr. MANTON, Mrs. MARTIN of Illinois, Mr. MATSUI, Mrs. MEYERS of Kansas, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MURTHA, Mr. OXLEY, Mr. PALLONE, Mr. PANETTA, Mr. PARRIS, Mrs. PATTERSON, Mr. PAXON, Ms. PELOSI, Mr. PETRI, Mr. PRICE, Mr. PURSELL, Mr. RICHARDSON, Mr. RINALDO, Mr. ROE, Mr. RUSSO, Mr. SANGMEISTER, Mr. SAWYER, Mr. SCHULZE, Mr. SCHUMER, Mr. SKEEN, Mr. SKELTON, Ms. SLAUGHTER of New York, Mr. SMITH of Texas, Mr. SOLOMON, Mr. STOKES, Mr. TAUKE, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. VOLKMER, Mr. WALGREN, Mr. WALKER, Mr. WALSH, Mr. WOLF, and Mr. YATRON):

H.J. Res. 469. Joint resolution to designate October 6, 1990, as "German-American Day"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR:

H.J. Res. 470. Joint resolution authorizing the Cadmus Foundation, Inc., to establish a memorial on Federal land in the District of Columbia or its environs to honor the teaching profession; to the Committee on House Administration.

By Mr. SMITH of Iowa:

H.J. Res. 471. Joint resolution to make technical changes and correct enrollment errors in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990, and to make technical changes in the Foreign Relations Authorization Act, fiscal years 1990 and 1991; jointly, to the Committees on Appropriations and Foreign Affairs.

By Mr. WEISS (for himself, Mr. FASCELL, Mr. BROOMFIELD, Mr. CROCKETT, Mr. LAGOMARSINO, Mr. YATRON, Mr. BEREUTER, Mr. MILLER of Washington, Mr. MORRISON of Connecticut, Mr. STUDDS, Mr. GEJDENSON, Mr. SOLARZ, Mr. KOSTMAYER, Mr. FUSTER, Mr. JOHNSTON of Florida, Mr. FEIGHAN, Mrs. MEYERS of Kansas, Mr. GOSS, and Mr. BERMAN):

H.J. Res. 472. Joint resolution to express support for Chile's transition to democracy; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself, Mr. BROOMFIELD, Mr. KOSTMAYER, Mr. ENGEL, Mr. GILMAN, Mr. LAGOMARSINO, Mr. HYDE, Mr. BEREUTER, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. DONALD E. LUKENS, Mr. BLAZ, Mr. GALLEGLY, Mr. HOUGHTON, Mr. GOSS, and Ms. ROS-LEHTINEN):

H. Con. Res. 255. Concurrent resolution expressing the sense of Congress concerning Operation Just Cause in Panama; to the Committee on Foreign Affairs.

By Mr. SWIFT:

H. Con. Res. 256. Concurrent resolution providing for the adjournment of the two Houses; considered and agreed to.

By Mr. COX (for himself, Mr. SARPALIUS, Mr. SOLOMON, Mr. CRAIG, Mr. IRELAND, Mr. HUNTER, Mr. HYDE, Mr. RITTER, Mr. GALLEGLY, Mr. HASTERT, Mr. FRANK, Mr. PACKARD, Mr. NIELSON of Utah, Mr. ROHRABACHER, Mr. WALKER, Mr. WALSH, Mr. ARMEY, Mr. KYL, Mr. BALLENGER, Mr. THOMAS of Wyoming, Mr. BURTON of Indiana, Mr. LIVINGSTON, Mr. ANDERSON, Mr. RINALDO, Mr. SMITH of New Hampshire, Mrs. VUCANOVICH, Mr. MANTON, Mr. INHOFE, Mr. DOUGLAS, Mr. BATES, Mr. LAGOMARSINO, Mr. DONNELLY, Mr. SMITH of New Jersey, Mr. CARPER, Mr. DEWINE, Mr. CRANE, Mr. LEVIN of Michigan, Mr. ANNUNZIO, Mrs. MORELLA, Mr. LENT, Mr. HERGER, Mr. DREIER of California, Mr. HERTEL, Mr. PALLONE, Mr. CALLAHAN, Mr. RUSSO, Mr. DANNEMEYER, Mr. DONALD E. LUKENS, Mr. MILLER of Washington, Mr. GOSS, Mr. DENNY SMITH, Mr. DORNAN of California, Mr. HANCOCK, Mr. BILIRAKIS, Mr. PAXON, Mr. WELDON, Mrs. JOHNSON of Connecticut, Mr. DUNCAN, Mr. FAWELL, Mr. DURBIN, Mr. WEBER, Mr. CAMPBELL of California, Mr. PENNY, Mr. GALLO, Mr. LEACH of Iowa, Mr. COURTER, and Mr. BLILEY):

H. Con. Res. 257. Concurrent resolution to express the sense of the Congress concerning the February 24, 1990, elections in Lithuania; to the Committee on Foreign Affairs.

By Mr. LAGOMARSINO (for himself, Mr. FASCELL, and Mr. BROOMFIELD):

H. Con. Res. 258. Concurrent resolution congratulating the President of Honduras, Rafael Callejas, on his election and offering good wishes for the success of his administration; to the Committee on Foreign Affairs.

By Mr. McHUGH (for himself and Mr. CONTE):

H. Con. Res. 259. Concurrent resolution expressing the sense of the Congress with respect to achieving common security in the world by reducing reliance on the military and redirecting resources toward overcoming hunger and poverty and meeting basic human needs; to the Committee on Foreign Affairs.

By Mr. McMILLEN of Maryland:

H. Con. Res. 260. Concurrent resolution expressing the sense of the Congress with respect to multilateral action in rescheduling the payments required on sovereign debt of Panama and cooperation in establishing a comprehensive program to facilitate the political and economic recovery of Panama; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. PORTER (for himself, Mr. FAWELL, Mr. SMITH of New Hampshire, Mr. BLILEY, Mr. BALLENGER, Mr. WHITTAKER, and Mr. BARNARD):

H. Con. Res. 261. Concurrent resolution expressing the sense of the Congress that any reductions in spending by the Department of Defense should not be appropriated for any other purpose; to the Committee on Armed Services.

By Mr. ASPIN (for himself and Mr. DICKINSON):

H. Res. 323. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Armed Services in the 2d

session of the 101st Congress; to the Committee on House Administration.

By Mr. UDALL:

H. Res. 324. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Interior and Insular Affairs in the 2d session of the 101st Congress; to the Committee on House Administration.

By Mr. BEILENSON:

H. Res. 325. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Permanent Select Committee on Intelligence in the 2d session of the 101st Congress; to the Committee on House Administration.

By Mr. BROOKS:

H. Res. 326. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the Judiciary in the 2d session of the 101st Congress; to the Committee on House Administration.

By Mr. BURTON of Indiana:

H. Res. 327. Resolution denouncing the MPLA military offensive in Angola and urging an immediate cease-fire; to the Committee on Foreign Affairs.

By Mr. HALL of Ohio:

H. Res. 328. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Hunger in the 2d session of the 101st Congress; to the Committee on House Administration.

By Mr. HAWKINS (for himself, Mr. CLAY, and Mr. GOODLING):

H. Res. 329. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Education and Labor and the pension reform activities of its Subcommittee on Labor-Management Relations in the 2d session of the 101st Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. STALLINGS introduced a bill (H.R. 3969) for the relief of Rollins H. Mayer; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. FLAKE.

H.R. 101: Mr. AUCOIN and Mr. SAVAGE.

H.R. 416: Mr. GILMAN.

H.R. 446: Mr. GRANDY, Mr. ERDREICH, Mr. HOUGHTON, Mr. MONTGOMERY, and Mr. STANGELAND.

H.R. 614: Mr. MCMILLEN of Maryland.

H.R. 725: Mr. ANNUNZIO and Mr. SMITH of New Jersey.

H.R. 780: Mr. SPRATT, Mr. NAGLE, Mr. FLAKE, and Mrs. PATTERSON.

H.R. 855: Mr. LAGOMARSINO, Mr. STARK, Mr. HAYES of Louisiana, Mr. MFUME, Mr. JACOBS, Mr. BORSKI, Mr. SAVAGE, Mr. COYNE, and Mr. RICHARDSON.

H.R. 995: Mr. SENSENBRENNER.

H.R. 1239: Mr. FIELDS.

H.R. 1352: Mr. BOEHLERT.

H.R. 1400: Mr. DANNEMEYER, Mr. DIXON, Mr. MINETA, and Mr. ANDREWS.

H.R. 1450: Mr. BOEHLERT and Mr. KENNEDY.

H.R. 1561: Mr. CAMPBELL of Colorado.

H.R. 1617: Mr. FISH and Mr. KASICH.

H.R. 2023: Mr. GILLMOR.

H.R. 2085: Mr. RANGEL, Mrs. COLLINS, Mr. TORRES, Mr. LANCASTER, Mr. POSHARD, Mr. NEAL of Massachusetts, and Ms. KAPTUR.

H.R. 2254: Mr. PAYNE of New Jersey, Mr. DELLUMS, Mr. KLECZKA, Mr. STARK, Mr. BOEHLERT, and Mr. BURTON of Indiana.

H.R. 2437: Mr. ROBINSON.

H.R. 2460: Mr. LENT, Mr. CROCKETT, and Mr. STALLINGS.

H.R. 2589: Mr. DUNCAN, Mr. HOLLOWAY, Mr. DICKINSON, and Mr. SLAUGHTER of Virginia.

H.R. 2647: Mr. KENNEDY.

H.R. 2674: Mr. LIVINGSTON, Mrs. VUCANOVICH, Mr. HEFLEY, and Mr. SMITH of Texas.

H.R. 2699: Mr. MCNULTY, Mr. MACHTLEY, Mr. PICKLE, and Mr. WHEAT.

H.R. 2707: Mr. JOHNSON of South Dakota.

H.R. 2800: Mr. VALENTINE.

H.R. 2840: Ms. PELOSI, Mr. PALLONE, Mr. MAVROULES, and Mr. HOCHBRUECKNER.

H.R. 2958: Mr. GINGRICH.

H.R. 3083: Mr. KYL.

H.R. 3161: Mr. SANGMEISTER and Mr. ENGEL.

H.R. 3162: Mrs. MARTIN of Illinois, Mr. DONALD E. LUKENS, and Mr. EMERSON.

H.R. 3179: Mr. BRYANT.

H.R. 3243: Mr. CLINGER and Mr. BLILEY.

H.R. 3256: Mr. GEJDENSON and Mr. ENGEL.

H.R. 3267: Mr. WAXMAN.

H.R. 3349: Mr. ATKINS and Mr. FUSTER.

H.R. 3359: Mr. DEFAZIO.

H.R. 3479: Mr. SMITH of Vermont, Mr. SCHIFF, Mr. ATKINS, Mr. ESPY, Mr. MCMILLEN of Maryland, Ms. OAKAR, and Mr. JAMES.

H.R. 3500: Mr. SCHUETTE, Mr. DICKINSON, Mr. BATEMAN, Mr. MCEWEN, Mrs. SMITH of Nebraska, and Mr. DENNY SMITH.

H.R. 3511: Mr. CARDIN and Mr. DOWNEY.

H.R. 3520: Mr. MARKEY.

H.R. 3595: Mr. HEFLEY, Mr. LIVINGSTON, Mr. MCCRERY, Mr. NEAL of North Carolina, Mr. SAXTON, and Mr. SHUSTER.

H.R. 3643: Mr. LAGOMARSINO, Mr. DORNAN of California, Mr. GALLEGLY, Mr. SUNDQUIST, Mr. COX, Mr. LIVINGSTON, Mr. PETRI, Mr. SKEEN, and Mr. EMERSON.

H.R. 3673: Mr. CAMPBELL of Colorado, Mr. JONES of North Carolina, Mr. MANTON, Mr. DE LUGO, Mr. STANGELAND, Mrs. UNSOELD, Mr. GORDON, Mr. FUSTER, Mr. GRANDY, Mr. CHAPMAN, Mr. LIPINSKI, Mr. COURTER, Mr. SLAUGHTER of Virginia, and Mr. GILMAN.

H.R. 3686: Mr. SMITH of New Hampshire, Mr. BILBRAY, and Mr. SHUMWAY.

H.R. 3697: Mr. ATKINS, Mr. PAXON, Mr. BALLENGER, Mr. DENNY SMITH, and Mr. SLAUGHTER of Virginia.

H.R. 3705: Mr. GILMAN.

H.R. 3713: Mr. WISE.

H.R. 3732: Mr. CHANDLER, Mr. HAYES of Louisiana, Mr. CHAPMAN, Mr. BAKER, Mr. SUNDQUIST, and Mr. BARNARD.

H.R. 3735: Mr. FEIGHAN, Mr. HALL of Ohio, Mr. KILDEE, Mr. STAGGERS, and Mr. MOLLOHAN.

H.R. 3755: Ms. KAPTUR.

H.R. 3766: Mr. BATES, Mr. BILIRAKIS, Mr. CAMPBELL of Colorado, Mr. EMERSON, Mr. GALLEGLY, Mr. GORDON, Mr. HAYES of Illinois, Mr. JAMES, Mr. KILDEE, Mr. NEAL of Massachusetts, Mr. OXLEY, Mr. PENNY, Mr. ROSE, Mr. SENSENBRENNER, Mr. SHUSTER, Mr. SKEEN, Mr. SOLARZ, Mr. TORRES, Mr. WILSON, and Mr. WYDEN.

H.R. 3814: Mr. BUNNING, Mr. PERKINS, and Mr. HUBBARD.

H.R. 3817: Mr. CAMPBELL of California.

H.R. 3824: Mr. TOWNS, Mr. THOMAS A. LUKEN, Mr. GLICKMAN, Mr. EVANS, Mr. SOLOMON, Mr. PENNY, Mr. DEFAZIO, Mr. JONTZ, Mr. MOODY, Ms. KAPTUR, Mrs. SMITH of Nebraska, Mr. FALEOMAVAEGA, Mr. JOHNSON of South Dakota, Mr. MOLLOHAN, Mr. DORGAN of North Dakota, Mr. BROWN of Colorado, Mrs. LLOYD, and Mr. GUNDERSON.

H.R. 3847: Mr. HAMMERSCHMIDT, Mr. DYSON, Mr. GOSS, Mr. MARTIN of New York, Mr. ROWLAND of Connecticut, Mr. ALEXANDER, Mr. BRYANT, Mr. PAXON, Mr. LAGOMARSINO, Mrs. MARTIN of Illinois, Mr. WOLF, Mr. MINETA, Mr. KOLTER, Mr. MRAZEK, Mr. TRAXLER, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. SCHEUER, Mrs. JOHNSON of Connecticut, Ms. SLAUGHTER of New York, Mr. FAZIO, Mr. GALLO, Mr. BRENNAN, Mr. WILSON, Mr. DURBIN, Mr. HOUGHTON, Mr. SPRATT, Mr. BORSKI, Mr. MILLER of California, Mr. PALLONE, Mr. AUCOIN, Mr. ANDREWS, Mr. JAMES, Mr. OWENS of New York, Mr. BATEMAN, Mr. DWYER of New Jersey, Mr. RAVENEL, Mr. DAVIS, Mr. CARPER, and Mr. KLECZKA.

H.R. 3852: Mr. BEILENSON, Mr. LOWERY of California, Mr. ANDERSON, Mr. FUSTER, Mr. EDWARDS of California, Mr. YATES, Mr. OLIN, Mr. MCDERMOTT, Mr. ROE, Mr. VALENTINE, and Mr. MATSUI.

H.R. 3855: Mr. FAUNTROY, Mr. GEJDENSON, Mr. KANJORSKI, Mr. MAVROULES, Mr. MOAKLEY, Mr. RINALDO, Ms. SNOWE, Mr. STUDDS, Mr. WALSH, Mr. ATKINS, and Mr. EARLY.

H.R. 3856: Mr. FAUNTROY, Mr. GEJDENSON, Mr. KANJORSKI, Mr. KASTENMEIER, Mr. MARTIN of New York, Mr. MOAKLEY, Mr. RINALDO, Mr. STUDDS, Mr. WALSH, Mr. ATKINS, and Mr. EARLY.

H.R. 3858: Mr. BURTON of Indiana, Mr. ROE, Mr. KYL, Mr. DORNAN of California, Mr. HYDE, Mr. PAYNE of Virginia, and Mr. JAMES.

H.R. 3859: Mr. TOWNS.

H.R. 3869: Mr. EMERSON.

H.R. 3870: Mr. TOWNS.

H.R. 3879: Mr. HOUGHTON, Mr. DEWINE, Mr. SAWYER, Mr. GIBBONS, Mr. MRAZEK, Mr. GUARINI, and Mr. COLEMAN of Missouri.

H.R. 3880: Mr. FEIGHAN, Mr. FOGLIETTA, Mr. KANJORSKI, Mr. EVANS, and Mr. COUGHLIN.

H.R. 3914: Mr. FLIPPO, Mr. PARRIS, Mr. OLIN, Mr. MARTIN of New York, Mr. LEWIS of Florida, Mr. THOMAS of Georgia, Mr. MANTON, Mr. MCCURDY, Mr. WALGREN, Mr. KOSTMAYER, Mr. MCMILLEN of Maryland, Ms. KAPTUR, Mr. PALLONE, Mr. ANNUNZIO, Mr. MRAZEK, Mr. HORTON, Mr. JOHNSON of South Dakota, Mr. OWENS of New York, Mr. WHEAT, Mr. BRENNAN, Mrs. SMITH of Nebraska, Ms. PELOSI, Mr. FASCELL, Mr. MACHTLEY, Mr. FAUNTROY, Mr. MCCLOSKEY, Mr. PICKETT, Mr. ATKINS, Mr. HOYER, Mr. WILLIAMS, and Mr. MORRISON of Washington.

H.R. 3927: Mrs. SCHROEDER, Mr. CRANE, and Mr. DWYER of New Jersey.

H.J. Res. 255: Mr. JONES of Georgia, Mrs. LLOYD, Mr. MARKEY, Mr. MFUME, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. EVANS, Mr. SANGMEISTER, Mr. GINGRICH, Mr. SKAGGS, Mr. SHUMWAY, Mr. IRELAND, Mr. MAVROULES, Mr. SPRATT, Mr. GRANT, Mr. STAGGERS, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. WOLPE, Mr. OBERSTAR, Mr. CARDIN, Mr. TANNER, Mr. FAWELL, Mr. SYNAR, Mr. CARR, Mr. BARNARD, Mr. HOYER, Mr. KILDEE, Mr. CHANDLER, Mrs. KENNELLY, Mrs. BENTLEY, Mr. BARTLETT, Mr. GREEN, Mr. RINALDO, Mr. FASCELL, Mr. BROOMFIELD, Mr. FRENZEL, Mr. WISE, Mr. PORTER, Mr. LAUGHLIN, Mr. CLARKE, Mr. GEJDENSON, Mrs. LOWEY of New York, and Mr. NAGLE.

H.J. Res. 305: Mr. NELSON of Florida.

H.J. Res. 439: Mr. ACKERMAN, Mr. MURPHY, Mr. MCMILLEN of Maryland, and Mr. WAXMAN.

H.J. Res. 452: Mr. HARRIS, Mr. RUSSO, Mr. THOMAS A. LUKEN, Mr. HASTERT, Mr. PAYNE of Virginia, Mr. LAGOMARSINO, Mr. HAYES of Louisiana, Mr. INHOFE, Mr. MONTGOMERY, Mr. SABO, Mr. SANGMEISTER, Mr. GILMAN, Ms. KAPTUR, Mr. MOAKLEY, Mr. HYDE, Mr. THOMAS of Wyoming, Mr. TOWNS, Mr. RANGEL, Mr. STUMP, Mr. ATKINS, Mr. JONTZ, Mr. MACHTLEY, Mr. ROE, Mr. BLAZ, Mr. GRANDY, Mr. HORTON, Mr. MCDERMOTT, Mr. MRAZEK, Mrs. BOXER, Mr. EVANS, Mr. BRENNAN, Mr. EMERSON, and Mr. BILIRAKIS.

H.J. Res. 455: Mr. ACKERMAN, Mr. EMERSON, Mr. FAUNTROY, Mr. GEJDENSON, Mr. KANJORSKI, Mr. KASTENMEIER, Mr. KLECZKA, Mr. KOSTMAYER, Mr. LANCASTER, Mrs. LLOYD, Mr. MARKEY, Mr. MARTIN of New York, Mr. MAVROULES, Mr. MOAKLEY, Mrs. MORELLA, Mr. SMITH of New Jersey, Ms. SNOWE, Mr. STUDDS, Mr. VENTO, Mr. WALGREN, Mr. WALSH, Mr. ATKINS, and Mr. EARLY.

H.J. Res. 456: Mr. ACKERMAN, Mr. ASPIN, Mr. EMERSON, Mr. FAUNTROY, Mr. GEJDENSON, Mr. KANJORSKI, Mr. KASTENMEIER, Mr. KLECZKA, Mr. KOSTMAYER, Mr. MARTIN of New York, Mr. MAVROULES, Mr. MOAKLEY, Mr. RINALDO, Mr. SMITH of New Jersey, Ms. SNOWE, Mr. STUDDS, Mr. WALSH, Mr. ATKINS, and Mr. EARLY.

H.J. Res. 457: Mr. LEACH of Iowa, Mr. JOHNSTON of Florida, Mr. HOUGHTON, Mr. CLARKE, Mr. BILIRAKIS, Mr. HOCHBRUECKNER, Mr. PAXON, Mr. BEILENSON, Mr. DENNY SMITH, Mr. NELSON of Florida, Mr. LIGHTFOOT, Mr. MRAZEK, Mr. YATES, Mr. GOSS, Mr. MATSUI, Mr. SIKORSKI, Mr. PORTER, Mr. SCHEUER, Mr. OLIN, Mr. DORNAN of California, Mr. MANTON, Mr. SAXTON, Mrs. BOXER, Mr. CARR, Mr. LEHMAN of Florida, Mr. MACHTLEY, Mr. ROE, Mr. FAZIO, Mr. COUGHLIN, Ms. PELOSI, Mr. WAXMAN, Mr. FASCELL, Mr. KILDEE, Mr. RIDGE, and Mr. FAUNTROY.

H. Con. Res. 246: Mr. MCNULTY, Mr. TOWNS, Mr. COSTELLO, Mr. KLEZCKA, Mr. LAGOMARSINO, Mr. MOLLOHAN, Mr. BEVILL, Mr. RICHARDSON, Mr. KOSTMAYER, Mr. WISE, Mr. HUBBARD, Mr. CHAPMAN, Mr. KANJORSKI, Mrs. PATTERSON, Mr. WHEAT, Mr. BILIRAKIS, Mr. BERMAN, Mr. MCMILLEN of Maryland, Mr. JAMES, Mr. DARDEN, and Mr. EMERSON.

H. Con. Res. 249: Mr. MARKEY, Mr. MAVROULES, Mr. MANTON, Mr. ROSE, Mr. RUSSO, Mr. MCDERMOTT, Mr. LENT, and Mr. NEAL of Massachusetts.

H. Con. Res. 252: Mr. FLIPPO, Mr. PARRIS, Mr. OLIN, Mr. MARTIN of New York, Mr. LEWIS of Florida, Mr. THOMAS of Georgia, Mr. MANTON, Mr. MCCURDY, Mr. WALGREN, Mr. KOSTMAYER, Mr. MCMILLEN of Maryland, Ms. KAPTUR, Mr. PALLONE, Mr. ANNUNZIO, Mr. MRAZEK, Mr. HORTON, Mr. JOHNSON of South Dakota, Mr. OWENS of New York, Mr. WHEAT, Mr. BRENNAN, Mrs. SMITH of Nebraska, Ms. PELOSI, Mr. FASCELL, Mr. MCCLOSKEY, Mr. ATKINS, Mr. FAUNTROY, Mr. HOYER, Mr. WILLIAMS, and Mr. MORRISON of Washington.

H. Res. 181: Mr. CRANE.

H. Res. 193: Mr. EMERSON and Mr. NAGLE.

SENATE—*Tuesday, February 6, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable DAVID PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Bless the Lord, O my soul: and all that is within me, bless his holy name. Bless the Lord, O my soul, and forget not all his benefits: Who forgiveth all thine iniquities; who healeth all thy diseases. * * *—Psalm 103:1-3.

Gracious Father in Heaven, we pray for every member of our family who is ill or experiencing some difficulty at this time. For those ill, we pray Your healing and restoring touch. For those who are frustrated in their work, we ask for relief. For those concerned about a loved one, we pray Your comfort and encouragement. Whatever the need, Father, we thank Thee that Thou dost know each one, and we pray for Your loving attention and care.

In the name of Jesus, the great Physician. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 6, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, and Members of the Senate, this morning, following the time for the two leaders, there will be a period for morning business until 10 o'clock with Senators permitted to speak therein for up to 5 minutes each. At 10, I will ask consent that the Senate proceed to Calendar Order No. 250, S. 695, the excellence in education bill.

The Senate will consider S. 695 for 1 hour this morning, between 10 and 11, before temporarily laying it aside to consider Calendar Order 78, S. 169, the National Global Change Research Act, which will be considered under a 1-hour time limitation. A unanimous-consent agreement obtained yesterday on S. 169 provides that only one amendment, a committee amendment, to be offered by Senators HOLLINGS and BAUCUS, is in order to the bill.

At 12 noon the Senate will conduct a rollcall vote on final passage of S. 1310, the illiteracy bill that was debated yesterday. If a rollcall vote is ordered on S. 169, the Global Change Research Act, that vote would immediately follow at 12:15 p.m.

From 12:30 until 2:15 p.m., the Senate will stand in recess for the party conference luncheons. Upon reconvening at 2:15, the Senate will return to S. 695, the excellence in education bill.

Senators should be alert to the possibility that other votes may occur today relative to the Excellence in Education Act. There may be amendments to the bill, and there may be votes on those amendments during the afternoon and evening.

Mr. President, for the information of my colleagues, the discussions which have been occurring for the previous 3 working days on the clean air bill are continuing, and good progress is being made. Agreement has been reached tentatively on two of the major areas of the bill, the air toxics provision, and the provision covering stationary source emissions in nonattainment areas.

This morning we will discuss the mobile source emissions of the bill, and if agreement is reached there, we will proceed finally to the acid rain provisions. I hope that we will be able to reach an overall agreement with the administration, and as I indicated, good progress is being made. It is our intention, both Senator DOLE and myself, to have the members of the respective caucuses briefed in detail on those subjects at the party conference luncheon.

RESERVATION OF LEADERS' TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Oregon is recognized.

Mr. PACKWOOD. I thank the Chair.

(The remarks of Mr. PACKWOOD pertaining to the introduction of S. 2071 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

THE NATIONAL LITERACY ACT

Mr. GRASSLEY. Mr. President, I rise in support of S. 1310, the National Literacy Act, which was debated yesterday. This bill is excellent legislation, a comprehensive package which, I believe, will effectively curtail the problems of illiteracy in our country.

I am particularly pleased to support this bill, as I have long been active in the fight against illiteracy. In the 99th and 100th Congresses I introduced legislation to ensure that adults seeking assistance with literacy would have access to one-on-one tutorial instruction in a convenient and community-based setting. I am most pleased that, during the 100th Congress, this program was included in both the Ele-

mentary/Secondary Reauthorization Act and the Omnibus Trade Act.

Like S. 1310, my legislation emphasized that literacy education must be free and accessible to its recipients. Further, effective and efficient dissemination of instruction should entail community based partnerships among volunteers and professionals at postsecondary schools, local private industry councils, and public and private elementary and secondary schools.

Literacy is certainly the most basic tool for work place productivity. The ability to read is the first and most crucial step in training unemployed and displaced workers.

Reading is also the first step to other higher order skills that enable our industries to successfully compete in the world marketplace.

Admittedly, some might hesitate at the costs associated with this legislation. However, the bill's funding levels look pale compared to the societal costs created by illiteracy.

Estimates exceed $200 billion annually, in terms of welfare payments, crime, job incompetence, industrial accidents, lost taxes, and remedial education programs.

This is a devastating drain on our Nation. But it is an even more tragic cost to the individual.

Those who cannot pass a simple, everyday reading test will soon be left behind. As our society becomes more complex and technical, reading skills must likewise become more sophisticated.

The U.S. Department of Education currently provides remedial education to 4 million adults across the country. But estimates indicate that 27 million American adults are functionally illiterate.

Existing Federal programs are insufficient and disjointed. Congress must bridge the gaps in our literacy and job training programs. Congress must take a leadership role identifying problems and opportunities. Just throwing Federal money at the problem will not accomplish anything.

Solutions are more likely to come from the grassroots—from local schools and libraries; and from communities, businesses, and families. These are the troops that are closest to the problem, and most likely are closest to the solution.

I believe S. 1310 bill does this. It provides Federal support and coordination. But more importantly, it enchances local and private participation in the battle against illiteracy.

I would like to highlight one of the key components of the bill. Title III creates the Families for Literacy Program. Data illustrates that the best predictor of an individual's level of literacy is the educational level of the mother. Children exposed to adults who take pleasure in reading are more likely to develop good reading and writing skills themselves. The family literacy program, therefore, will help break the generational cycle of illiteracy.

Mr. President, this is an excellent bill. Therefore, I am proud to be a cosponsor.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2071 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

GLOBAL WARMING

Mr. GORE. Mr. President, 2 months before the 1988 election, candidate George Bush delivered a speech that he called his environmental policy statement. In that speech, he stated, "I am an environmentalist, always have been * * * and I always will be."

Candidate Bush then went on to state:

> Those who think we are powerless to do anything about the "greenhouse effect" are forgetting about the "White House effect." As President, I intend to do something about it.

Yesterday the White House said that the President does not think it is time to do anything about it. It is time instead for research and research alone.

The President has been in office for more than 1 year and has failed to act on the most pressing environmental problem this world has ever faced. Yesterday, again he missed a historic opportunity to seize the leadership role in this most important challenge to all nations of the world. The President still says the evidence is unclear. He does not see the problem. He is not sure that it is time to do anything at all about it, very different from what he said as a candidate.

Mr. President, I wish to call President Bush's attention to a statement signed by over 700 members of the National Academy of Sciences, including 49 Nobel laureates, more than half the membership of the National Academy of Sciences. After a thoroughgoing review of the research, that has already been done, they say the same thing candidate Bush said more than a year ago. They said it is time to act. And I intend at the end of my remarks to ask consent to put this in the RECORD.

They say action is needed now because the potential consequences could result in severe disruptions of natural ecosystems and economic systems throughout the world. The scientists point out that the United States, as the world largest producer of greenhouse gases, has a special responsibility to provide leadership in the prevention of global warming.

There was some discussion in the news media about the preparation of this speech which could have been a landmark speech but was not when it was delivered by the President yesterday. According to news reports and according to informal reports the people in the administration, the head of the EPA, Mr. Reilly; the head of the Energy Department, Secretary Watkins; the President's chief science adviser, Allan Bromley, and others, including the Secretary of State, we are told, urged the President to fulfill his campaign pledge and more importantly urged the President to do something now to begin leading on this question of the global environmental crisis.

But Mr. Sununu, according to the news reports, who, as Governor of New Hampshire had a series of arguments with environmentalists there and from all accounts seems extremely skeptical about the existence of a global environmental crisis, according to the news accounts, Mr. Sununu rewrote the speech and took out the commitment to do something, took out the fulfillment of President Bush's campaign pledge, took out any signs of leadership or courage in moving this Nation toward the role it should be playing. And the President let Mr. Sununu have his way.

When I saw those accounts, I recalled Yogi Berra's memorable phrase when he said it was deja vu all over again. Because just last spring, in the days immediately preceding a meeting in Geneva of the Intergovernmental Panel on Climate Change, the Washington Post reported that again Mr. Sununu had exerted his influence to prevent the President from taking the advice of his environmental advisers and that Mr. Sununu blocked the administration from taking a position at that meeting committing the United States to develop a framework convention on global warming.

That initiative to move toward the development of a framework convention is still needed. It was favored last spring by the EPA, the State Department, and many people within the White House. But the U.S. delegates to the meeting instead were ordered not to act, not to propose leadership.

Mr. President, how long are we going to tolerate this kind of a shell game from the administration? How long should we? How long can we afford to? It is yet another example of the President making a high-sounding public pronouncement, using the right words but then completely and utterly failing to follow through with the substance to give meaning to the words so recently uttered from his lips.

Mr. President, this is not leadership. When asked to account for it, the White House Press Secretary said, "No, the President doesn't think it is time for a call to arms. He thinks it is the time for a call for research to find out more about it."

Well, we need more research, but we already know enough to act. We already know that there is a collision taking place between the force of industrial civilization as it is currently organized and the ecological system of the Earth.

Mr. President, this Nation must lead. This President should call for that leadership.

I ask unanimous consent to have the materials to which I referred printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the Union of Concerned Scientists, Feb. 1, 1990]

APPEAL BY AMERICAN SCIENTISTS, TO PREVENT GLOBAL WARMING

Global warming has emerged as the most serious environmental threat of the 21st century. There is broad agreement within the scientific community that amplification of the earth's natural greenhouse effect by the buildup of various gases introduced by human activity has the potential to produce dramatic changes in climate. The severity and rate of climate change cannot yet be confidently predicted, but the impacts of changes in surface temperature, sea level, precipitation, and other components of climate could be substantial and irreversible on a time scale of centuries. Such changes could result in severe disruption of natural and economic systems throughout the world.

More research on global warming is necessary to provide a steadily improving data base and better predictive capabilities. But uncertainty is no excuse for complacency. In view of the potential consequences, actions to curb the introduction of greenhouse gases, including carbon dioxide, chlorofluorocarbons, methane, nitrogen oxides, and tropospheric ozone, must be initiated immediately. Only by taking action now can we insure that future generations will not be put at risk.

The United States bears a special responsibility to provide leadership in the prevention of global warming. It is the world's largest producer of greenhouse gases, and it has the resources to make a great contribution. A thoughtful and vigorous U.S. policy can have a direct, beneficial effect and set an important example for other nations.

The United States should develop and implement a new National Energy Policy, based on the need to substantially reduce the emission of carbon dioxide, while sustaining economic growth. The cornerstones of this policy should be energy efficiency and the expansion of clean energy sources.

The policy should include:

1. A steady increase in motor vehicle fuel economy standards, while the search continues for fuels and other technologies that mitigate carbon dioxide impact;

2. A substantial increase in federal funding for research on energy efficiency technologies, as well as federal activities to enhance the adoption of more efficient energy use;

3. Development, demonstration, and commercialization of renewable energy technologies on a massive scale;

4. A nuclear energy program that emphasizes protection of public health and safety, resolution of the problem of radioactive waste disposal, and stringent safeguards against the proliferation of nuclear material and technology that can be applied to weapons construction; and

5. Full consideration of environmental, social, and economic impacts in the establishment of federal subsidies and regulatory standards for development of energy sources.

These measures, along with others designed to curtail the use of chlorofluorocarbons and promote prudent agricultural and reforestation practices, can form the basis for the lowering of greenhouse gas emissions in the United States and other nations. They will provide other, worthwhile benefits to the nation as well, such as more diverse and flexible energy supplies, reduced dependency on imported oil, and the creation of new energy technologies for export and sale in the international marketplace.

DISTINGUISHED RECIPIENTS OF SPECIAL PRIZES IN THE SCIENCES

Christian B. Anfinsen [1]
Julius Axelrod [1]
Howard L. Bachrach [2]
John Backus [2]
David Baltimore [1]
Paul Bartlett [2]
Paul Berg [1 2]
Hans A. Bethe [1 2]
J. Michael Bishop [1]
Konrad E. Bloch [1 2]
Nicolaas Bloembergen [1 2]
E. Margaret Burbidge [2]
Melvin Calvin [1]
Thomas R. Cech [1]
Owen Chamberlain [1]
Subrahmanyan Chandrasekhar [1 2]
Erwin Chargaff [2]
Morris Cohen [2]
Mildred Cohn [2]
George B. Dantzig [2]
Hallowell Davis [2]
Gerard Debreu [1]
Hans G. Dehmelt [1]
Robert H. Dicke [2]
Theodore O. Diener [2]
Carl Djerassi [2]
Joseph L. Doob [2]
Harold E. Edgerton [2]
Gertrude Elion [1]
Walter Elsasser [1]
Herman Feshbach [2]
Val L. Fitch [1]
William A. Fowler [1 2]
Herbert Friedman [2]
Donald A. Glaser [1]
Maurice Goldhaber [2]
Herman H. Goldstine [2]
Roger Guillemin [1 2]
Michael Heidelberger [2]
Donald A. Henderson [2]
Dudley Herschbach [1]
Roald Hoffmann [1 2]
Robert Hofstadter [1 2]
Robert W. Holley [1]
David H. Hubel [1]
William S. Johnson [2]
Jerome Karle [1]
Joseph B. Keller [2]
H. Gobind Khorana [1 2]
E.F. Knipling [2]
Walter Kohn [2]
Edwin H. Land [2]
Paul C. Lauterbur [2]
Peter D. Lax [2]
Leon M. Lederman [1 2]
Yuan T. Lee [1 2]
Wassily Leontief [1]
William N. Lipscomb [1]
Ernst Mayr [2]
R. Bruce Merrifield [1]
Neal E. Miller [2]
Walter H. Munk [2]
James V. Neel [2]
George E. Pake [2]
George E. Palade [1 2]
Wolfgang K.H. Panofsky [2]
Linus Pauling [1 2]
Arno A. Penzias [1]
Norman F. Ramsey [1 2]
Frederick Reines [2]
Burton Richter [1]
Frederick C. Robbins [1]
Wendell L. Roelofs [2]
Bruno Rossi [2]
Melvin Schwartz [1]
Julian Schwinger [1 2]
Glenn T. Seaborg [1]
George D. Snell [1]
Roger W. Sperry [1]
Earl R. Stadtman [2]
G. Ledyard Stebbins [2]
Jack Steinberger [1 2]
Joan A. Steitz [2]
Walter H. Stockmayer [2]
Henry Taube [1 2]
James Tobin [1]
Charles H. Townes [1 2]
Harold E. Varmus [1]
George Wald [1]
Ernst Weber [2]
Victor Weisskopf [2]
Thomas Weller [1]
Frank Westheimer [2]
Edward O. Wilson [2]

[1] Nobel Laureate.
[2] National Medal of Science.

MEMBERS OF THE NATIONAL ACADEMY OF SCIENCES

John N. Abelson, Ph.D.
Stephen L. Adler, Ph.D.
Harold M. Agnew
Lars V. Ahlfors, Ph.D.
Keiiti Aki
Berni J. Alder
R.W. Allard
Lawrence H. Aller, Ph.D.
Gabriel A. Almond, Ph.D.
Bernard Amos
Don L. Anderson
Kinsey A. Anderson, Ph.D.
Thomas F. Anderson, M.D.
Christian B. Anfinsen, Ph.D.
Fred C. Anson, Ph.D.
Clay M. Armstrong, Ph.D.
Edward M. Arnett, Ph.D.
William A. Arnold, Ph.D.
Richard C. Atkinson
Robert J. Aumann, Ph.D.
Robert Austrian, M.D.
Julisus Axelrod, Ph.D.
Horace W. Babcock
Robert F. Bacher, Ph.D.
Dr. Howard. L. Bachrach
John Backus, Sc.D.
John Bahcall, Ph.D.
Robert W. Balluffi
David Baltimore, Ph.D.
Harlan P. Banks
Allen J. Bard, Ph.D.
H.A. Barker, Ph.D.
C.S. Barrett, Ph.D.
George A. Bartholomew, Ph.D.
Paul Bartlett, Ph.D.
Paul Barton, Ph.D.
Hyman Bass, Ph.D.
Gordon Baym, Ph.D.

Alexander G. Bearn
Jesse L. Beauchamp
Jonathan R. Bechwith, M.D.
Paul B. Beeson, M.D.
Earl P. Benditt, M.D.
George B. Benedek
Dr. Michael V. L. Bennett
Andrew A. Benson, Ph.D.
Paul Berg, Ph.D.
William A. Berggren
Abram Bergson
Stephan Berko, Ph.D.
Overton Brent Berlin,
Robert W. Berliner, M.D.
Dr. Howard A. Bern
Robert M. Berne, M.D.
R. Stephen Berry, Ph.D.
Richard Bersohn, Ph.D.
Jerome A. Berson, Ph.D.
Hans A. Bethe, Ph.D.
Peter J. Bickey, Ph.D.
Jacob Bigeleisen, Ph.D.
Dr. J. Michael Bishop
Emilio Bizzi, Ph.D.
David H. Blackwell, Ph.D.
Juidth & Peter Blau
Walker Bleakney, Ph.D.
Gunter Blobel, Ph.D.
Herman S. Bloch, Ph.D.
Konrad E. Bloch, Ph.D.
Nicolaas Bloembergen, Ph.D.
Barry R. Bloom, M.D.
Lawrence Bogorad, Ph.D.
James Bonner, Ph.D.
John T. Bonner, Ph.D.
Frederick Herbert Bormann, Ph.D.
Frank Bovey
Paul D. Boyer, Ph.D.
Robert M. Boynton
Norris Edwin Bradbury, Ph.D.
Robert J. Braidwood, Ph.D.
Myron K. Brakke, Ph.D.
Daniel Branton, Ph.D.
John McC. Bremner, Ph.D.
Ronald Breslow
Leo Brewer, Ph.D.
Richard G. Brewer, Ph.D.
William B. Bridges
Winslow R. Briggs, Ph.D.
William F. Brinkman, Ph.D.
Wallace S. Broecker
Norman H. Brooks, Ph.D.
Donald D. Brown, Ph.D.
Keith A. Brueckner, Ph.D.
Theodore H. Bullock, Ph.D.
E. Margaret Burbidge
Robert H. Burris, Ph.D.
Elias Burstein, Ph.D.
John W. Cahn, Ph.D.
Alberto P. Calderon
Melvin Calvin, Ph.D.
A.G.W. Cameron
Allan McC. Campbell, Ph.D.
John A. Carbon, Ph.D.
Manuel Cardona, Ph.D.
Hampton L. Carson, M.D.
Herbert F. Carter, Ph.D.
Thomas R. Cech, Ph.D.
Joseph W. Chamberlain, Ph.D.
Owen Chamberlain, Ph.D.
Subrahmanyan Chandrasekhar, Ph.D.
Erwin Chargaff, Ph.D.
Geoffrey F. Chew, Ph.D.
Noam Chomsky, Ph.D.
George W. Clark, Ph.D.
Ray W. Clough, Sc.D.
Ansley J. Coale, Ph.D.
C. Clark Cockersham, Ph.D.
Arthur D. Code
Marshall, H. Cohen, Ph.D.
Melvin J. Cohen
Morrel H. Cohen, Ph.D.
Morris Cohen, Sc.D.
Mildred Cohn, Ph.D.
Julian D. Cole
James S. Coleman
Sidney R. Coleman, Ph.D.
Elizabeth F. Colson, Ph.D.
Eric E. Conn, Ph.D.
Jerome W. Conn, M.D.
Robert E. Connick, Ph.D.
Max D. Cooper, M.D.
Erminio Costa, M.D.
Ernest D. Courant, Ph.D.
George Brownlee Craig, Ph.D.
Bryce Crawford
Stanley J. Cristol, Ph.D.
Lee J. Cronbach, Ph.D.
Eugene P. Cronkite
Donald M. Crothers, Ph.D.
James F. Crow
C. Chaplin Cutler, Ph.D.
George B. Dantzig
William J. Darby
William H. Daughaday, M.D.
Bernard D. Davis, M.D.
Dr. Hallowell Davis
Kingsley Davis
Margaret B. Davis, Ph.D.
Gerard Debreu, Ph.D.
Don U. Deere
Hans G. Dehmelt
Frederica De Laguna, Ph.D.
Martin Deutsch, Ph.D.
Irving T. Diamond
Robert H. Dicke, Ph.D.
Robert E. Dickinson, Ph.D.
Theodore O. Diener, Ph.D.
Frank J. Dixon, Ph.D.
Carl Djerassi, Ph.D.
Dr. Richard R. Doell
August H. Doermann, Ph.D.
Vincent Dole, M.D.
Dr. Joseph L. Doob
Russell F. Doolittle, Ph.D.
Paul Doty, Ph.D.
John E. Dowling, Ph.D.
Frank D. Drake, Ph.D.
Sidney D. Drell, Ph.D.
James L. Dye, Ph.D.
Isidore S. Edelman, M.D.
Harold E. Edgerton, Ph.D.
John T. Edsall, M.D.
Paul Ehrlich, Ph.D.
Samuel Eilenberg, Ph.D.
David S. Eisenberg, Ph.D.
Thomas Eisner, Ph.D.
Peter Elias, Ph.D.
Ernest L. Eliel, Ph.D.
Walter M. Elsasser, Ph.D.
Dr. K.O. Emery
Howard W. Emmons, Ph.D.
Ellis Englesberg, Ph.D.
Emanuel Epstein, Ph.D.
W.G. Ernst, Ph.D.
Katherine Esau, Ph.D.
Howard Evans, Ph.D.
Ronald M. Evans, Ph.D.
Sandra M. Faber, Ph.D.
L.M. Falicov, Ph.D.
Stanley Falkow, M.D.
Ugo Fano, Sc.D.
Don W. Fawcett, Ph.D.
Mitchell J. Feigenbaum, Ph.D.
Herman Feshbach, Ph.D.
George B. Field, Ph.D.
Bernard N. Fields, Ph.D.
Clement A. Finch, M.D.
Gerald D. Fischbach, M.D.
Val L. Fitch, Ph.D.
Walter M. Fitch, Ph.D.
Dr. Louis B. Flexner
Robert E. Forster, M.D.
Dr. George McC. Foster
Prof. T. Kenneth Fowler
William A. Fowler, Ph.D.
Maurice S. Fox, Ph.D.
Hans Frauenfelder, Ph.D.
Donald S. Fredrickson, M.D.
C. Stacy French, Ph.D.
Irwin Fridovich, Ph.D.
Josef Fried, Ph.D.
Carl Frieden, Ph.D.
Morris Enton Friedkin, Ph.D.
Dr. Herbert Friedman, Ph.D.
Harold P. Furth, Ph.D.
Joseph G. Gall, Ph.D.
Robert C. Gallo, M.D.
Dr. Wilford Gardner
Stanley M. Garn, Ph.D.
Paul G. Gassman, Ph.D.
Theodore H. Geballe, Ph.D.
Clifford Geertz, Ph.D.
Frederick W. Gehring, Ph.D.
Martin Gibbs, Ph.D.
Eleanor Jack Gibson, Ph.D.
Donald A. Glaser, Ph.D.
H. Bentley, Ph.D.
Edward D. Goldberg, Ph.D.
Marvin L. Goldberger, Ph.D.
Gerson Goldhaber, Ph.D.
Gertrude Goldhaber, Ph.D.
Maurice Goldhaber, Ph.D.
Peter Goldreich, Ph.D.
Herman H. Goldstine, Ph.D.
Robert A. Good, M.D.
Ward Goodenough, Ph.D.
Prof. Leo A. Goodman, M.D.
Louis S. Goodman, Ph.D.
James P. Gordon, Ph.D.
Roy G. Gordon, Ph.D.
Dr. W.E. Gordon
Daniel Gorenstein, Ph.D.
Steven J. Gould, Ph.D.
Verne E. Grant, Ph.D.
Paul Greengard, Ph.D.
Jesse L. Greenstein, Ph.D.
Robert B. Griffiths, Ph.D.
Clifford Grobstein, Ph.D.
Jerome Gross, M.D.
Ludwik Gross, M.D.
Robert H. Grubbs, Ph.D.
Ernest Grunwald, Ph.D.
Roger Guillemin, M.D., Ph.D.
Irwin C. Gunsalus, Ph.D.
Alan H. Guth
Herbert S. Gutowsky, Ph.D.
Mary R. Haas, Ph.D.
Erwin L. Hahn, Ph.D.
Robert N. Hall, Ph.D.
Morris Halle, Ph.D.
Bertrand I. Halperin, Ph.D.
John E. Halver, Ph.D.
Viktor Hamburger, Ph.D.
Philip C. Hanawalt, Ph.D.
William F. Harrington, Ph.D.
Prof. Cyril M. Harris
Theodore E. Harris, Ph.D.
Zelig S. Harris, Ph.D.
Leland H. Hartwell, Ph.D.
Arthur D. Hasler, Ph.D.
Emil W. Haury, Ph.D.
Hermann A. Haus, Ph.D.
Richard J. Havel, M.D.
Elizabeth Hay
David S. Heeschen, Ph.D.
D.M. Hegsted, M.D.
Michael Heidelberger, Ph.D.
Charles B. Heiser, Jr., Ph.D.
Donald R. Helinski, Ph.D.
Robert W. Hellwarth, Ph.D.
Ernest M. Henley, Ph.D.
Leon A. Heppel, Ph.D.
W. Conyers Herring
Dudley Herschbach, Ph.D.
Ira Herskowitz, Ph.D.
Ernest R. Hilgard, Ph.D.
Robert L. Hill, Ph.D.
Terrell L. Hill, Ph.D.
Bertil Hille, Ph.D.
Maurice R. Hilleman, Ph.D.
Albert O. Hirschman, Ph.D.

Dr. George K. Hirst
Mahlon Hoagland, Ph.D.
James L. Hoard, Ph.D.
Gerhard P. Hochschild, Ph.D.
Dr. Charles F. Hockett
Henry M. Hoenigswald, Ph.D.
Joseph F. Hoffman, Ph.D.
Roald Hoffmann, Ph.D.
Klaus Hofmann, Ph.D.
Robert Hofstadter, Ph.D.
Pierre C. Hohenberg, Ph.D.
Frank Hole, Ph.D.
Heinrich D. Holland, Ph.D.
Robert W. Holley, Ph.D.
Richard H. Holm
Ralph T. Holman
John J. Hopfield, Ph.D.
Donald F. Hornig, Ph.D.
Norman H. Horowitz, Ph.D.
Dorothy Horstmann, M.D.
F. Clark Howell
W.W. Howells
David H. Hubel, Ph.D.
Vernon M. Hughes, Ph.D.
John R. Huizenga, Ph.D.
Frederick S. Hulse, Ph.D.
Donald M. Hunten, Ph.D.
Dr. Jerard Hurwitz
G. Evelyn Hutchinson, Ph.D.
Clyde A. Hutchison, Jr., Ph.D.
Mark G. Inghram, Ph.D.
Alex Inkeles, Ph.D.
Walter Isard, Ph.D.
Kurt J. Isselbacher, M.D.
Dr. Harvey A. Itano
Nathan Jacobson, Ph.D.
Andre T. Jagendorf, Ph.D.
Harold L. James, Ph.D.
Carson D. Jeffries, Ph.D.
William P. Jencks, Ph.D.
Elwood V. Jensen, Ph.D.
William S. Johnson, Ph.D.
Wolfgang K. Joklik, Ph.D.
H. Ronald Kaback, Ph.D.
Elvin A. Kabat
Fotis C. Kafatos, Ph.D.
A.D. Kaiser
Herman Kalckar, Ph.D.
Isabella Karle, Ph.D.
Jerome Karle, Ph.D.
Dr. Richard M. Karp
Prof. Robert W. Kates, Ph.D.
Joseph J. Katz, Ph.D.
Seymour Kaufman, Ph.D.
William M. Kaula, Ph.D.
Joseph B. Keller
Donald Kennedy
Donald W. Kerst, Ph.D.
Harry Kesten
Nathan Keyfitz, Ph.D.
H. Gobind Khorana, Ph.D.
Edwin D. Kilbourne, M.D.
Ivan R. King, Ph.D.
David M. Kipnis
Marc W. Kirschner, Ph.D.
Prof. Martin J. Klein, Ph.D.
Irving M. Klotz
Walter D. Knight, Ph.D.
E.F. Knipling
Leon Knopoff, Ph.D.
Alfred G. Knudson, Jr., M.D.
Dr. George Koelle
Joseph J. Kohn, Ph.D.
Walter Kohn, Ph.D.
Lester O. Krampitz, Ph.D.
William L. Kraushaar, Ph.D.
Konrad B. Krauskopf, Ph.D.
Edward A. Kravitz, Ph.D.
Saul Krugman
Thomas S. Kuhn, Ph.D.
John I. Lacey
Arthur K. Lachenbruch
Edwin H. Land
David S. Landes
Serge Lang, Ph.D.
James S. Langer, Ph.D.
Henry A. Lardy, Ph.D.
Paul C. Lauterbur, Ph.D.
Benjamin Lax
Peter D. Lax, Ph.D.
Alexander Leaf, M.D.
Leon M. Lederman, Ph.D.
Yuan T. Lee, Ph.D.
I. Robert Lehman, Ph.D.
Erich L. Lehmann
William J. Lennarz, Ph.D.
Wassily Leontief, Ph.D.
Luna B. Leopold, Ph.D.
Leonard S. Lerman, Ph.D.
Rachmiel Levine, M.D.
Cyrus Levinthal, Ph.D.
Elliott Lieb, Ph.D.
William N. Lipscomb, Ph.D.
John W. Littlefield, M.D.
Rodolfo R. Llinas, M.D., Ph.D.
Franklin A. Long, Ph.D.
Floyd G. Lounsbury
Francis E. Low, Ph.D.
Heniz A. Lowenstam, Ph.D.
Oliver H. Lowry, M.D., Ph.D.
R. Duncan Luce, Ph.D.
David J.L. Luck, M.D., Ph.D.
Roger Lynds
J. Ross Macdonald, Ph.D.
Robert W. Mann, Sc.D.
Vincent T. Marchesi, M.D.
Lynn Margulis, Ph.D.
Clement L. Markert, Ph.D.
Philippa Marrack, Ph.D.
N.U. Mayall, Ph.D.
Ernst Mayr, Ph.D.
Barry C. Mazur, Ph.D.
Maclyn McCarty, M.D.
Harden M. McConnell, Ph.D.
Boyce D. McDaniel, Ph.D.
William D. McElroy, Ph.D.
James McGaugh, Ph.D.
Henry P. McKean, Ph.D.
Fred W. McLafferty, Ph.D.
Paul E. Meehl, Ph.D.
Jerrold Meinwald, Ph.D.
R. Bruce Merrified, Ph.D.
Robert K. Merton, Ph.D.
Edwin Mertz
M.S. Meselson
Robert L. Metcalf
Peter Meyer, Ph.D.
Charles D. Michener, Ph.D.
Josef Michl, Ph.D.
John W. Miles, Ph.D.
James A. Miller
Prof. Neal E. Miller
Oscar L. Miller, Jr.
Stanley L. Miller
John L. Moll, Ph.D.
Deane Montgomery
Harold Alfred Mooney, Ph.D.
John A. Moore, Ph.D.
James N. Morgan, Ph.D.
W.W. Morgan, Ph.D.
G.D. Mostow, Ph.D.
Hans J. Muller-Eberhard, Ph.D.
Walter H. Munk
Jack E. Myers, Ph.D.
Jacob Nachmias, Ph.D.
Jerome Namias, Ph.D.
Stanley G. Nathenson, M.D.
Walle J.H. Nauta, Ph.D.
James V. Neel, M.D.
Oliver E. Nelson, Ph.D.
Norman F. Ness, Ph.D.
Hans Neurath, Ph.D.
Eldon H. Newcomb, Ph.D.
Norman D. Newell, Ph.D.
Melvin S. Newman, Ph.D.
Edward P. Ney, Ph.D.
Alfred O.C. Nier, Ph.D.
Alfred Nisonoff, Ph.D.
Masayasu Nomura, Ph.D.
Richard M. Noyes, Ph.D.
Douglas L. Oliver, Ph.D.
Everett C. Olson, Ph.D.
Douglas D. Osheroff, Ph.D.
Donald E. Osterbrock
Albert W. Overhauser
Ray D. Owen, Ph.D.
Dr. Irvine H. Page
George E. Pake
George E. Palade, M.D.
Sanford L. Palay, M.D.
Morton B. Panish, Ph.D.
Wolfgang K.H. Panofsky, Ph.D.
Alvin M. Pappenheimer, Ph.D.
Arthur B. Pardee, Ph.D.
Mary Lou Pardue, Ph.D.
Charles R. Park, M.D.
Eugene N. Parker, Ph.D.
Robert G. Parr, Ph.D.
George W. Parshall, Ph.D.
William E. Paul
Linus Pauling, Ph.D.
Ralph G. Pearson, Ph.D.
Joseph Pedlosky, Ph.D.
Arno A. Penzias, Ph.D.
David D. Perkins, Ph.D.
Isadore Perlman, Ph.D.
Robert P. Perry, M.D.
Gordon H. Pettengill, Ph.D.
Edmund S. Phelps, Ph.D.
Norman Phillips, Ph.D.
W.H. Pickering, Ph.D.
David Pines, Ph.D.
E.R. Piore, Ph.D.
Colin S. Pittendrigh, Ph.D.
Leopold J. Pospisil, Ph.D.
Van R. Potter, Ph.D.
Johnl M. Prausnitz, Ph.D.
David M. Prescott, Ph.D.
P. Buford Price, Ph.D.
C. Ladd Prosser, M.D.
Theodore Puck, Ph.D.
Dominick P. Purpura, M.D.
Willard V. Quine, Ph.D.
Norman F. Ramsey, Ph.D.
Helen M. Ranney, M.D.
Oscar D. Ratnoff, M.D.
Peter H. Raven, Ph.D.
Lester J. Reed, Ph.D.
Richard J. Reed, Ph.D.
Frederick Reines, Ph.D.
Howard Reiss, Ph.D.
Roger Revelle, Ph.D.
John H. Reynolds, Ph.D.
Dr. Frederic M. Richards
Burton Richter, Ph.D.
Charles M. Rick, Ph.D.
Lorrin A. Riggs, Ph.D.
Dr. S. Dillon Ripley
Hans Ris, Ph.D.
Frederick C. Robbins, Ph.D.
Eugene Roberts, Ph.D.
Morton S. Roberts, Ph.D.
Martin Rodbell, Ph.D.
Edwin Roedder
Wendell L. Roelofs, Ph.D.
Prof. Reed C. Rollins, Ph.D.
Jerzy E. Rose, M.D.
Irwin A. Rose, M.D.
Prof. Mark R. Rosenzweig, Ph.D.
Bruno Rossi, Ph.D.
John R. Roth, Ph.D.
Prof. F. Sherwood Rowland
Harry Rubin, D.V.M., D.Sc.
Malvin A. Ruderman, Ph.D.
Isadore Rudnick, Ph.D.
Elizabeth S. Russell, Ph.D.
Clarence A. Ryan, Ph.D.
Ruth Sager, M.D.
Edwin E. Salpeter, Ph.D.
William T. Sanders, Ph.D.
Anthony San Pietro, Ph.D.
Charles H. Sawyer, M.D.

Herbert E. Scarf, M.D.
Howard K. Schachman, Ph.D.
Thomas C. Schelling, Ph.D.
John A. Schellman, Ph.D.
Harold A. Scheraga, Ph.D.
John P. Schiffer, Ph.D.
Robert T. Schimke, Ph.D.
Rudi Schmid, M.D.
Knut Schmidt-Nielsen, Ph.D.
Francis O. Schmitt, Ph.D.
David N. Schramn, Ph.D.
Richard Evans Schultes, Ph.D.
Melvin Schwartz, Ph.D.
Martin Schwarzschild, Ph.D.
Julian Schwinger
John G. Sclater, Ph.D.
Glenn T. Seaborg, Ph.D.
William R. Sears, Ph.D.
Robert K. Selander, Ph.D.
William H. Sewell, Ph.D.
Ascher H. Shapiro, Sc.D.
Harry L. Shapiro, Ph.D.
Phillip A. Sharp, Ph.D.
K. Barry Sharpless, Ph.D.
Aaron J. Shatkin, Ph.D.
Roger N. Shepard, Ph.D.
Robert J. Shepherd, Ph.D.
Fred Sherman, Ph.D.
Gen Shirane, Ph.D.
Mr. Shirane, Ph.D.
Mr. Eugene M. Shoemaker
Frank Hsia-San Shu, Ph.D.
Charles G. Sibley, Ph.D.
Richard L. Sidman, Ph.D.
Philip Siekevitz, Ph.D.
S.J. Singer, Ph.D.
Robert Louis Sinsheimer, Ph.D.
Folke Skoog, Ph.D.
David Slepian, Ph.D.
William S. Sly, Ph.D.
Albert C. Smith, Ph.D.
Cyril Stanley Smith, Sc.D.
Emil L. Smith, Ph.D.
Esmond E. Snell, Ph.D.
George D. Snell, Sc.D.
Robert M. Solovay, Ph.D.
George N. Somero, Ph.D.
Peter P. Sorokin, Ph.D.
George Sperling, Ph.D.
Roger W. Sperry, Ph.D.
Hyron Spinrad, Ph.D.
Melford E. Spiro, Ph.D.
Frank L. Spitzer, Ph.D.
Alexander Spoehr, Ph.D.
James M. Sprague, Ph.D.
Earl R. Stadtman, Ph.D.
Franklin W. Stahl, Ph.D.
George R. Stark, Ph.D.
G. Ledyard Stebbins, Ph.D.
Elias M. Stein, Ph.D.
Robert Steinberg, Ph.D.
Jack Steinberger, Ph.D.
Daniel Steinberg, M.D., Ph.D.
Donald F. Steiner, Ph.D.
Joan A. Steitz, Ph.D.
Eliot Stellar, Ph.D.
DeWitt Stetten, Ph.D.
Prof. Walter H. Stockmayer
Walther Stoeckenius, M.D.
Edward C. Stone, Ph.D.
Julius A Stratton, Ph.D.
Jack Leonard Strominger, Ph.D.
Julian M. Sturtevant, Ph.D.
Hans E. Suess, Ph.D.
Lynn R. Sykes, Ph.D.
Dr. Herbert Tabor, Ph.D.
David W. Talmage, Ph.D.
Champ B. Tanner, Ph.D.
Robert Tarjan, Ph.D.
Henry Taube, Ph.D.
C. Richard Taylor, Ph.D.
J. Herbert Taylor, Ph.D.
Joseph H. Taylor, Jr., Ph.D.
Philip Teitelbaum, Ph.D.
Kenneth Thimann, Ph.D.
E. Donnall Thomas, M.D.
Lewis Thomas, M.D.
William P. Thurston, Ph.D.
George R. Tilton, Ph.D.
James Tobin, Ph.D.
N. Edward Tolbert, Ph.D.
John G. Torrey, Ph.D.
Charles H. Townes, Ph.D.
William Trager, Ph.D.
Sam Treiman, Ph.D.
George H. Trilling, Ph.D.
Daniel Chee Tsui, Ph.D.
Anthony L. Turkevich, Ph.D.
David Turnbull, Ph.D.
Sidney Udenfriend, Ph.D.
Karen K. Uhlenbeck, Ph.D.
Jonathan W. Uhr, Ph.D.
H. Edwin Umbarger, Ph.D.
Emil R. Unanue, M.D.
Roger H. Unger, Ph.D.
James W. Valentine, Ph.D.
Bert L. Vallee, Ph.D.
Harold E. Varmus, M.D.
Joseph E. Varner, Ph.D.
Sidney F. Velick, Ph.D.
John Verhoogen, Ph.D.
Oswald G. Villard, Ph.D.
Peter K. Vogt, Ph.D.
Peter H. von Hippel, Ph.D.
Cecil H. Wadleigh, Ph.D.
Salome G. Waelsch, Ph.D.
Warren H. Wagner, Ph.D.
George Wald, Ph.D.
Anthony F.C. Wallace, Ph.D.
Cheves T. Walling, Ph.D.
Christopher T. Walsh, Ph.D.
G.J. Wasserburg, Ph.D.
George D. Watkins, Ph.D.
Patty J. Watson, Ph.D.
Dr. Ernst, Weber
Waldo R. Wedel, Ph.D.
Alvin M. Weinberg, Ph.D.
Sidney Weinhouse, Ph.D.
Harold Weintraub, Ph.D.
Herbert Weissbach, Ph.D.
Victor Weisskopf, Ph.D.
Samuel I. Weissman, Ph.D.
Thomas Weller, M.D.
Frank H. Westheimer, Ph.D.
George W. Wetherill, Ph.D.
Ray J. Weymann, Ph.D.
John R. Whinnery, Ph.D.
Fred L. Whipple, Ph.D.
Donald E. White, Ph.D.
Gilbert F. White, Ph.D.
George Whithead, Ph.D.
Prof. Albert E. Whitford
John W.M. Whiting, Ph.D.
Jerome B. Wiesner, Ph.D.
Arthur S. Wightman, Ph.D.
David T. Wilkinson, Ph.D.
Gordon R. Willey, Ph.D.
Robin M. Williams, Jr., Ph.D.
Edward O. Wilson, Ph.D.
Katherine & Olin Wilson
Bernhard Witkop, Ph.D.
Ralph S. Wolfe, Ph.D.
Lincoln Wolfenstein, Ph.D.
Julian Wolpert, Ph.D.
Harland G. Wood, Ph.D.
Carl Wunsch, Ph.D.
Jeffries Wyman, Ph.D.
Charles Yanofsky, Ph.D.
Clarence Zener, Ph.D.

FIREARMS OWNERSHIP WEEK

Mr. BURNS. Mr. President, I rise today on an issue that is near and dear to the hearts of all Americans. I rise today to congratulate the Governor of Montana, Stan Stephens, for signing a proclamation recognizing this week as "Firearms Ownership Week," and it will be recognized as such in Montana.

This proclamation brings to the awareness of Montanans of not only the constitution in the State of Montana but the Constitution of the United States of America. It is one of those sacred rights that has kept this society and this Nation strong for some 200 years plus.

As we go down through history and we recognize what is going on in the world around us, we recognize that these rights are sacred and should be upheld at all times, those constitutional rights and the recognition of the Governor of Montana, I applaud him for his actions in this proclamation.

I yield the floor.

THE CLEAN AIR ACT

Mr. BOND. Mr. President, I am very pleased the Senate has begun debate on the reauthorization of the Clean Air Act. I applaud the President for making it a top priority and I applaud him also for his initiative to increase substantially the planting of trees in this Nation which can have an important impact and a favorable impact on the quality of our air and of our environment.

Mr. President, I represent a beautiful State. We want to protect it and preserve it for our children and their children. Missourians want clean air and I share that goal and I am here to work for it.

The bill before us is S. 1630, reported in December by the Senate Environment and Public Works Committee. It regulates a tremendous variety of air emissions with complex regulatory schemes and ambitious deadlines. It would toughen current laws regulating auto tailpipe emissions and pollution in highly urban areas. It would establish new regulatory programs for the control of sulfur dioxide emissions from utility plants (acid rain) and hazardous air emissions from manufacturing facilities. S. 1630 would also regulate emissions from municipal incinerators. Finally, it would require the phaseout of the production and use of all chlorofluorocarbons.

Mr. President, while I am strongly supportive of clean air legislation, I have some concerns about this specific bill which I would like to outline.

My first concern is title IV, which creates a new and far-reaching acid rain control program. This issue has been debated for a long, long time. We need to get it behind us and Missouri is willing to do its fair share.

I would like to note however that we are acting on the problem before we receive a final report of the National Acid Precipitation Assessment Program. The report is due in September. It seems unfortunate and a little bit strange to me that after we spent $400

million of taxpayers' money and 10 years of time on the issue, we are going to move before we get the full benefit of the scientific findings. However, it has become accepted that we must move forward, so that is what we are going to do.

But there are several misconceptions about the Midwest and acid rain. I would like to dispel some of them. One major misconception is that the Midwest has done nothing in the past to reduce its acid rain emissions. This is absolutely untrue. Over the past 10 years, Missouri's utilities alone have spent $500 million installing scrubbers and switching to low sulfur coal, and the Missouri ratepayers are paying for this investment today and every day. These efforts in our State have reduced emissions by 30 percent. We have made great strides and I think we ought to be recognized for the efforts we have made.

The second misconception runs something like this: Because the Midwest has not done enough in the past, we deserve to suffer now and therefore should not get any help in meeting the bill's stringent and disproportionate reduction requirements. I firmly disagree. As Senator BYRD noted in his remarks last week, S. 1630 would require nine Midwestern States to make 90 percent of the total phase 1 SO_2 reductions—and we only contribute 51 percent of the country's total SO_2 emissions. In my own State of Missouri, we only contribute 5 percent of total annual emissions yet we would have to make reductions equalling 9.5 percent of the solution. You do not have to be a math whiz, Mr. President, to calculate the unfairness in that equation.

Why is it all right to use taxpayer's money to help other regions of the country but it is not OK to help the Midwest? Missourians are happy to provide disaster assistance for Californians hurt by the earthquake and South Carolinians wiped out by Hurricane Hugo. Their Federal tax money subsidizes hydropower in the West and Northwest and makes that region's utility bills among the lowest in the country. Missourians are paying for the savings and loan bailout, which is primarily a problem in other States. Missourians understand the concept of sharing benefits and burdens and the importance of funding national priorities. And if clean air—and acid rain—are not national priorities, then I do not know what is. Judging by the bill's price tag alone, I would say it is one of our largest undertakings.

We in Missouri are perfectly willing to pay our fair share. Since we contribute 5 percent to the acid rain problem, we will gladly pay that portion of the cleanup costs. But why should we pay for 9.5 percent? Where is the equity, the fairness in requiring us to pay twice our fair share? That extra 4.5 percent is what some other State should be contributing to the cleanup costs. Estimates range from 10 to 20 to 40 percent increase in utility rate bills if Missouri is given no relief. These are very large increases, Mr. President. They will impose a particularly harsh burden on low- and moderate-income people, on the elderly and on those with fixed incomes.

These increases could also affect employment in my State and in the entire Midwest. Utility rates are an essential component of the cost of doing business. If our rates increase by a greater amount than other regions, companies could abandon Missouri and the whole Midwest. Just the other day, I learned of a Missouri company which is in the process of moving to a Southern State because our current utility rates are higher in comparison with the other State. I fear that this trend will accelerate.

This brings me to the issue of costsharing. I support the President's innovative proposal to allow trading of emission allowances. This is a market-based approach which I heartily endorse. The concept is fairly straightforward. The bill assigns allowances to coal-burning utilities which limit the number of tons of SO_2 the utilities can emit. If a utility reduces below its assigned limit, it generates a credit for each ton it has reduced. A utility can either bank the credits it generates for its future use or it can sell them to another utility whose emissions are higher but it doesn't have allowances to cover them.

This proposal has been criticized as a "back door form of costsharing," "an unfair subsidy to the Midwest." There is nothing sneaky or unfair about this concept, Mr. President. It is an efficient, market-based mechanism to help equalize the burden on the region of the country singled out for the most reductions.

My midwestern colleagues and I may have some other proposals relating to costsharing, Mr. President, which we will discuss at a later date. The regional equity issue is of the utmost importance to us and we will continue to work to ensure that we are treated fairly.

I would like to mention one final note related to acid rain. It concerns our good neighbor to the north, Canada. Given its well known and appropriate interest in acid rain, I have been wondering how their own reduction efforts are coming along and how they will be affected by the reductions prescribed by S. 1630. I have learned that Canada has undertaken an excellent acid rain reduction program which is focused primarily on its smelters and on its Eastern provinces. However, it is my understanding that coal burning plants in the Western Provinces are not a part of this control program and that several new ones under construction will be exempt as well. In contrast, S. 1630 would cap total U.S. emissions of SO_2 at 10 million tons by the year 2000. The implications of this are very, very serious, Mr. President. If we are implementing a more extensive and far more expensive reduction program than the Canadians, it is clear that our utility rates will be higher than theirs. And if our utility rates are higher, the cost of producing our goods is higher. Our goods become less competitive in the international marketplace while Canada's become more competitive. Hence, we export production and we lose jobs. Talk about unfairness and inequity. Canada has pressed us for years on acid rain. Now that we are on the verge of approving a sweeping control program, are we learning that Canada has an economic, not an environmental, agenda? I do not know, Mr. President, but it does make me wonder.

There is another important issue here. The New England and Northern Tier States currently import a considerable amount of their electricity from Canada—approximately 12 percent for New England—and it is projected to increase in the future. Some of this power is generated by coal-fired powerplants which do not have to reduce their SO_2 emissions. The cost of their power will be cheaper because they do not have to install expensive equipment to reduce SO_2 emissions. Once again, Mr. President, I ask if this is fair. And the answer is—of course not. Therefore, would it not make sense for the United States to impose a tariff on imported coal-generated electricity equal to the cost of complying with our clean air laws? The proceeds of this fee should be used to help us write down the costs of our cleanup. This would equalize electricity rates and prevent Canada from selling cheaper—but dirtier—power to the United States.

Mr. President, I have other concerns about the bill. First and foremost is the cost. The Administration estimates the bill's cost at $40 billion. Some other estimates are even higher. Companies in my State have estimated that S. 1630 could cost Missouri $1.2 billion to comply. Frankly, I do not think that we even know how to calculate the full cost of compliance. I do know that it is going to be very, very expensive, however; so expensive that it could cost us jobs and severe economic dislocation.

We already have an immense trade deficit, Mr. President. This could increase our export of jobs and production to a degree we cannot absorb. Just last week Chrysler announced that it is going to close a plant in my State with a job loss of 1,900. The painful ripple effect of that one plant closing alone will be significant. It reminds me of the tremendous pain and hardship

the eighties recession caused Missouri and the entire Midwest. I was in my second term as Governor and I spent 4 years trying to rebuild our State's economy and alleviate the hardship endured by my fellow Missourians. I do not ever want that to happen to our region of the country again. I know that my midwestern colleagues feel as strongly as I do on this point.

The Midwest has been the industrial heartland of the Nation since the Second World War. We have produced many of the consumer goods our country has enjoyed since then and our contribution to the Nation's economic well-being has been enormous. To penalize us for these contributions is unfair and counterproductive.

Mr. President, clean air is a national priority. We do need legislation and we need to get on with it. At the same time, let us remember that while clean air produces national benefits, it also incurs national burdens. We are ready and willing to do our share but reasonable cost sharing is an important part of that. I stand ready to work with my colleagues from all regions of the country to achieve these goals.

The PRESIDING OFFICER (Mr. GORE). The Senator from Alaska.

THE PRESIDENT'S ECONOMIC PACKAGE

Mr. MURKOWSKI. Mr. President, as I listened to the opening statements this morning, I was struck by the reality that there is a common theme and concern before us, given the discussions of the Clean Air Act and the concern we all have over global warming, to yet maintain the ability of our Nation to be competitive in a world that is rapidly changing. As we look to the formation of the European Common Market, Brussels 1992, the increased productivity of the Pacific rim, and the recognition that the United States sits in the middle, we reflect on the costs of the clean air legislation that is before us. The committee bill will cost some $41 billion. The White House legislation is in the area of $19 billion. One wonders just what we are getting for the additional $21-plus billion.

Obviously that is a matter of great interest to all of us. The question is the price. Indeed, can we be competitive in this world and provide the needed jobs if we are carrying a huge cost burden for the last 10 percent of emissions reduction or whatever that might be?

It is my hope, as a consequence of addressing the environmental issues, including the clean air, global warming and others, that we can directly integrate what we must have from the standpoint of taking care of the environment around us with our ability to encourage other nations to join with us in this effort directed at not only global warming, but clean air.

Mr. President, I rise this morning in support of the President's economic package. As has been indicated by my colleague from Oregon, the Savings and Economic Growth Act of 1990 is going to go a step forward in curing the Nation's chronically low personal savings rate. The three broad areas of the initiatives have been discussed by my colleagues. They are the family savings account, the capital gains tax cut, and the home ownership initiative. I think it fair to point out the first leg of the comprehensive economic package, the family savings account, will allow a nondeductible contribution of a significant amount, $5,000 for married couples to $2,500 for single individuals. The heart of this is that all earnings will be allowed to be withdrawn tax free after 7 years. The family savings account also provides investors with the incentives and flexibility necessary to promote long-term savings.

We have heard a good deal about the capital gains proposal. It is the second leg of the President's economic package. Under the legislation, individuals will be allowed to exclude a percentage of their capital gains from taxation on a sliding scale.

The time for posturing and delaying on capital gains tax should be over. The House and Senate are both on record in support of a cut in capital gains and, more important, the American people spoke out strongly in favor of this initiative when they elected George Bush as President.

Congress needs to put its partisan differences aside and agree on a capital gains cut that will spur economic growth and fuel the entrepreneurial spirit that has historically propelled this Nation to greatness.

Further, the third leg is the home ownership initiative. Under this provision, Americans who have contributed to IRA's will now have access to a pool of savings that will increase the likelihood they will be able to buy their first home. This would become effective in 1991.

By making existing IRA's more flexible, the President's proposal will encourage more people to save through IRA's, while at the same time facilitating the goal of first-time home ownership. It is no secret, the broad economic contribution that this brings.

Mr. President, for those who would argue that IRA's do not encourage savings, I simply ask my colleagues to refer to their own personal situation. How many of us have previously had IRA's? We made a contribution during a time the allowance was provided. We do not make that contribution anymore. The incentive is gone. And when we take away the incentive, obviously the results are that we do something else with the money. Instead of saving it, perhaps we spend it. Or we save it in a different manner. Truly, IRA's were a meaningful contribution to savings.

Mr. President, there is an article that appeared in the February 4 Washington Post issue by Frank Levy and Richard C. Michael entitled "Why America Won't Save" that I ask be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY AMERICA WON'T SAVE

(By Frank Levy and Richard C. Michel)

"We need to save more," said President Bush in his State of the Union message and he offered a modest "Family Savings Plan," along with his trademark capital-gains tax cut, to foster that result. But the president's plan is likely to be no more effectual than his predecessors more generous tax and savings incentives because it fails to address the clash of cultural and economic forces at the heart of our savings problem. Specifically, a high-consumption mentality, born of the boom times of the 1950s and 1960s, has carried forward into a period in which limited economic mobility has become the reality for many Americans.

For more than a decade, Americans have been saving at rates low enough to cheat our future. The personal savings rate has recently staged a small recovery, but the national savings rate—persons, business and the government combined—remains at 13 percent of GNP. In the 1950s and 1960s, we saved 16 percent of GNP and international competition has sharply increased our capital needs since then.

Will a tax incentive do the trick? The answer depends on why savings declined in the first place. The standard story—savings were depressed by all those baby-boomers in their young, high-spending years—is wrong. It does not explain why young families today save less than the young families of 25 years ago. And it says nothing about the growth of the federal budget deficit which now reduces the national savings rate by one-sixth. A better explanation comes from what we can call the curse of the comfort zone.

The story begins 17 years ago when culture and the economy first collided. From World War II through the early 1970s, the U.S. economy grew at a remarkable pace. Average family income doubled from $16,000 to $33,000 (all figures are in today's dollars). To the man in the street, rapid growth meant rapid upward mobility. The proportion of the U.S. population in poverty fell from 32 percent in 1949 to 15 percent in 1970 without substantial redistribution. The proportion of familes who owned their homes rose from 43 percent to 63 percent. The middle class was growing rapidly not because incomes were becoming much more equal (they weren't) but because incomes were growing and more families could afford a middle-class life.

Rapid growth stopped in 1973. It fell victim to OPEC oil price increases and a sudden slowdown in the growth of labor productivity—what we now call the competitiveness problem. In 1987, the income of the average family stood at $33,500, a gain of only $500 over 15 years.

In an earlier time, slower growth might have been a signal to consume less and save more. But a quarter-century of fast growth

had brought the curse of the comfort zone: The belief that we had solved the problem of production and the economy no longer needed constant tending. A small example: In the early 1970s, only half of male college freshmen said "making a lot of money" was very important in their lives (80 percent say so today). Altruism aside, these freshmen knew they would outearn their parents no matter what jobs they took. Economic experts implicitly agreed. Their forecasts kept predicting growth would rebound. And so people started to cut back on savings to keep consumption growing.

At first glance, this neat story does not square with the data. Department of Commerce statistics say that the personal savings rate held steady in the 1970s and declined sharply in the early 1980s, well after stagnation had set in. But the Department of Commerce defines "personal savings" as the sum of two kinds of money: individuals" discretionary savings and employer payments to employee pension funds. Brookings economist Barry Bosworth has shown that employers in the late 1970s were bringing pension fund reserves into line with the requirements of the new ERISA legislation. As a result, their pension payments were abnormally high. When these payments are removed from the official data, the savings rate of individuals begins to decline in about 1975.

The reluctance to save came at a particularly bad time. Through the 1950s and 1960s, rapid growth reflected adequate investment combined with innovations developed in the 1930s and 1940s: jet propulsion, television, synthetic materials, improved food processing. By the early 1970s, many of these innovations had run their course; they no longer provided a steady stimulus for productivity gain. Continued rapid growth would have required higher savings and investment, the opposite of what occurred.

Sociologist David Reisman saw the problem in a prescient 1969 quote: "Contrary to what I once thought, the economy is not self-propelling. We can see in the United Kingdom the problems that arise when a society becomes psychologically postindustrial long before the economic infrastructure is sound enough to bear the weight of steady rising expectations."

By 1981, the reluctance to save had spread to the federal budget. No one likes a deficit, but the budget deficit's component parts—big tax cuts and the retention of most programs—had broad political support because they kept consumption growing. The budget deficit further lowered the national savings rate. And by opening the door for the trade deficit, it undercut mobility in a particularly focused way.

The shift in mobility patterns during the 1980s is striking. Between 1979 and 1987, the average income of 30-year-old college-educated men rose slightly from $28,500 to $29,900. But the average income of 30-year-old high school-educated men fell from $24,200 to $19,900. The declining incomes of younger high school men reflected declining demand for their skills, a casualty of the trade deficit and its impact on manufacturing employment.

In assembling these facts, we begin to see one version of the future. If 1980–88 growth rates continue, today's typical 30 year-old man with four years of college will have peak earnings of $46,200 (today's dollars), $2,100 more than his college-educated father's best year. Today's 30-year-old man with four years of high school will reach a peak of $26,300, $3,200 less than his father's best year. Taken together, these young men and their families will reach retirement with an average net wealth about half of what their parents can expect to have.

Sons replicating fathers (or falling a little short) sounds more like a class system than the American Dream. In a world of limited mobility, few people make big economic gains over their lives. More feel the threat of sliding down the economic scale. People scramble for individual advantage and public purpose becomes increasingly suspect. The government faces a permanent taxpayers' revolt in which Martian exploration, research and development, and aid to the poor join a growing list of luxuries we cannot afford.

This is not a pretty picture, but it helps to explain the two obstacles to higher savings. First, the costs of slow growth have, so far, proceeded from the bottom up. College graduates gained from the trade deficit through cheap Toyotas and Sonys. But young male high school graduates lost substantial income and high-school dropouts lost still more. If an inadequate savings rate had threatened the incomes of talk show hosts and editorial writers, the deficit would have taken on a much greater urgency.

The other obstacle to change is the economy's remarkable ability to function as smoothly in decline as in growth. For most of the 20th century, economic troubles have centered on inflation and unemployment, both of which provide good visuals for the evening news. The inadequate savings problem is equally serious, but it produces no great fireworks and so can be ignored. Incomes grow slowly, we continue to borrow from abroad to supplement consumption, interest rates stay high to attract foreign capital, domestic investment (in both production and people) remains too low—and so incomes continue to grow slowly. Limited economic mobility becomes a fact of life.

The savings story, then, is less about tax incentives than about culture, a culture that bombards us with messages to buy things—to not save—every day. In the context, the key to increased savings is a change in national outlook. A utopian thought? Hardly. Within recent memory, the national outlook has changed on cigarette smoking, the seriousness of drunk driving, physical exercise, casual sex (we've been through two reversals on this one), and diet. Think of undersaving as cholesterol: Both are the byproduct of immediate gratification, neither involves short-run cost, both accrue slowly with real dangers in the future.

To complete the analogy, we need a public information campaign that talks about inadequate savings as plainly as we talk about cholesterol. If the president believes we are not saving enough, he should say so. But the president must also admit frankly that saving more also means that, in the short run, we must consume less. If he thinks inadequate saving helps explain our slow wage growth, or why we have to scrimp on aid to Eastern Europe, he should say so. We are ready for such a message: Almost three out of four respondents in a recent Wall Street Journal poll believe the Japanese economy is now stronger than ours.

Beyond frank talk, the administration needs to publish minimum guidelines on what people ought to save: a simple schedule that relates annual savings to family income and age. In an ambiguous world, disinterested rules of thumb are powerful guides (there is some evidence that the limits set for Reagan-era IRA accounts acted as a guide in this way). And in a world with guidelines on everything from salt intake to safe sex, a problem without guidelines is not seen as a problem.

Honest talk, savings guidelines and a tax incentive would almost put inadequate savings in the proper light. The only missing piece is action on the budget deficit. It is possible to construct a savings program without addressing the deficit. It is possible to lecture the nation on cholesterol while holding a pastrami sandwich. The two cases should yield roughly comparable results.

In a world of shopping malls, savings is about dull banks and passbooks. In the real world, saving is about the future. The trick is to create a future that is large enough for all of us.

Mr. MURKOWSKI. To highlight very briefly a couple of things that struck my eye, the national savings rate, personal, business, and government combined, remained in this country at 13 percent of GNP. But in the 1950's and the 1960's, we saved at 16 percent of GNP.

For most of the 20th century, economic troubles have centered on inflation and unemployment, both of which provide good visuals for, perhaps, the evening news. The inadequate savings problem is what we should be concerned with. It is serious, but it produces no great fireworks, so it is often ignored by the public media.

Incomes grow slowly. We continue to borrow from abroad to supplement consumption. Interest rates stay high to attract foreign capital. Domestic investments in both production and people remain too low. So incomes continue to grow slowly. Limited economic mobility becomes a fact of life.

This is a quote from that article, Mr. President.

Clearly, we have had a policy in recent years of penalizing savers in the United States: penalties in such areas as taxing and the interest on savings accounts. Yet, we reward debt. We have had the availability of charging off interest on our credit cards. Fortunately, that is no longer allowed, but clearly we have not followed other countries, particularly Japan. Now we are seeing it in Europe, where there are incentives provided by government to encourage savings.

Without the pool of adequate savings, we have become dependent on foreign investment to come into the United States. That foreign investment, of course, is underwriting our deficit. Having spent some 24 years as a banker from Alaska, I can assure you, Mr. President, the power and influence of one who holds another's mortgage is quite significant.

Whether it be short-term investments in underwriting our deficit, the theory is the same. We are becoming dependent on that foreign investment to finance our deficit, and that is a very, very dangerous position.

So I urge my colleagues to support the legislation introduced by the Senator from Oregon today. I think it is a

start in the right direction. I wish it would go farther, and I will look forward to the opportunity to introduce amendments to provide further encouragement for savings, which I think is absolutely needed at this crucial time.

I thank the Chair and I yield the floor, Mr. President.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Rhode Island.

Mr. PELL. What is the business before the Chamber?

The PRESIDING OFFICER. The Senate is presently in a period of morning business which is scheduled to end at 10 a.m.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,788th day that Terry Anderson has been held in captivity in Beirut.

TREATMENT OF THE "CLASS OF '85" IN THE ACID RAIN PROVISIONS OF S. 1630

Mr. BAUCUS. Mr. President, a number of our colleagues have approached me concerning provisions in the acid rain program that permit certain utility plants to increase their sulfur dioxide emissions in the year 2000 by roughly 20 percent over 1985 levels. Though all recognize that these provisions are intended to give an advantage to clean-burning plants precisely because they are clean-burning and that S. 1630 offers a better approach than parallel provisions in the bill President Bush transmitted to Congress, some believe that the specifics of the provisions may have unintended effects.

I have repeatedly told our colleagues that we are making a vigorous effort—as we are on all issues—to be responsive to their concerns, provided of course that we not be asked to make changes that will result in the acid rain program permitting more than 8.9 million tons of sulfur dioxide emissions beginning in the year 2000.

Accordingly, Senator CHAFEE and I asked the staff of the Environment and Public Works Committee to examine different ways of allocating increased emissions to clean-burning plants. Staff just completed a memorandum on this subject that evaluates different proposals but does not make a specific recommendation. Rather, it calls for simply broadening the discussion of these issues so that we can learn further about what kinds of changes will best address our colleagues' concerns.

In an effort to do just that—broaden the consideration of these issues—I ask unanimous consent that the staff memo to myself and Senator CHAFEE be printed in the RECORD immediately following this colloquy. I ask my colleagues to study the memo and get back to us with their reactions and suggestions as quickly as possible.

Mr. CHAFEE. Mr. President, I think Senator BAUCUS' suggestion is an excellent one. Committee staff have done a good job presenting the various issues raised by the way our acid rain provisions deal with clean burning plants. Their memo is directly responsive to what we asked for. I think it would help us reach a quick and constructive resolution of these issues if our colleagues and their staffs studied the staff memorandum and then let us know which options they prefer. Thank you very much.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

FEBRUARY 2, 1990.

To: Senator Baucus, Senator Chafee.

From: Staff, Committee on Environment and Public Works.

Re: Work in Progress on Emissions Increases for Utility Units Emitting SO_2 at a rate below 1.2 lbs./mmBtu, Title IV, S. 1630 ("The Class of '85").

This memorandum responds to your request that staff develop and examine alternative proposals for the treatment of utility units covered by subsection 405 (c) through (h) in Title IV of S. 1630.

BACKGROUND

As reported, Title IV of S. 1630, the acid rain provisions of the Committee's Clean Air bill, requires utility units emitting sulfur dioxide ("SO_2") at a rate greater than 1.2 lbs./mmBtu to reduce their emissions to a level equal to 1.2 lbs./mmBtu multiplied by their baseline fuel consumption (*i.e.*, the average fuel consumed in 1985–1987 measured in Btu) in the year 2000, when Phase II of the acid rain program begins. In effect, subsections 405(d)-(f) permit utility units that operated at a sulfur dioxide ("SO_2") emissions rate under 1.2 lbs./mmBtu in 1985 to increase their emissions by roughly 20% beginning in the year 2000.

EPA estimates that these provisions and provisions applying to small, "grandfathered" and gas-burning units will result in a total of 3.8 million tons of emissions from units in the latter group, the Class of '85, in the year 2000. At the same time, EPA estimates that those units that must make reductions will be emitting, in the year 2000, 5.1 million tons. Thus, to achieve the "10-million ton" acid rain reduction objective sought by both the Committee and the Bush Administration requires that total annual utility emissions be limited to 8.9 million tons in the year 2000., It is the understanding of staff that meeting this 8.9-million-ton limit continues to be the binding constraint on the Committee's consideration of any alteration of Title IV.

For most units in the class of units operating below 1.2, the bill allocates emissions allowances according to a formula that multiplies each unit's actual 1985 emissions rate and its fuel consumption baseline for the years 1985–1987 by a factor of 120 percent ("the 120 percent solution"). Some have expressed concern that this formula fails to provide enough allowances to each of the units in this class—although the formula does appear to provide a number of units with allowances that, in effect, would exceed their emissions/operating capacity, thus giving those units an initial "bank account". According to information provided to Committee staff, the 120 percent solution fails to meet the needs of utilities in any one of three situations: 1) those whose 1985 emissions rates were significantly below their legally allowable rates, typically as a result of using unusually low-sulfur fuel in 1985; 2) those whose capcity utilization was low in the years 1985–1987; and 3) those whose emissions were so low that they would not be allocated enough allowances to create a bank of internal offsets available to meet growth, fuel-mix or new unit needs.

To respond to these concerns, Committee staff have been examining several options for amending the provisions that apply to the Class of 1985.

Although staff have not completed their analysis of the emissions consequences of the options which we are considering most activity, we believe that the importance of this issue to a variety of Members demands that we broaden the discussion of these options to determine which, if any, addresses Members' concerns. Accordingly, the balance of this memorandum presents current staff thinking on the Class of 1985.

THE OPTIONS

There are several options that staff have identified as emissions neutral and therefore acceptable for further consideration. Several other options have been examined and have been rejected as unacceptable at present because, without other changes in Title IV, they would result in emissions in excess of 8.9 million tons—*i.e.*, 3.8 million tons from units covered by Class of 1985 and related provisions.

Section 405(c)–(h) of S. 1630—The 120 percent solution

According to EPA's analysis, the 120 percent solution generates the following allocations:

	Million tons
Coal Units Under 1.2	2.64
Mixed Oil/Gas Units Between 0.4 and 1.2	.31
Mixed Oil/Gas Units Under 0.4 [1]	.12

[1] Consistent with the intentions expressed in the Committee Report, EPA interpreted section 405[f] to reflect an intent to permit units in this category to emit at 120 percent times their States Implementation Plan [SIP] limit only for that portion of each year when these units used oil. Accordingly, EPA sssumed that, in effect, these units would receive allowances equal to 120 percent multiplied by their baseline and the lower of their SIP rate or 0.4. Otherwise, if applied literally, section 405[f] would result in 290,000 tons of emissions, which would excceed the Committee's 8.9 million ton objective by 170,000 tons.

Thus, the 120% formula would allocate 3.08 million tons of allowances to the three types of plants listed above. (EPA's analysis did not account for the effect of the Clean States Credit. Thus, sub-1.2 units were assumed to receive emissions allowances under

the 120% formula.) Section 405 also allocates 0.3 million tons to units that will have begun operation between 1985 and the date of enactment. In addition, section 405(c) permitting units with a capacity below 75 megawatts and operating at a rate above 1.2 to avoid any reduction obligations provided they continued to operate at their 1985 rate. EPA projects 0.4 million tons of emissions from these units in 2000. Finally, section 405 requires units 90% or more of whose fuel in 1985 was natural gas to maintain their 1985 emissions rate. These units are projected by EPA to have no SO_2 emissions. Total emissions from the 120% solution and allied provisions under section 405 are thus estimated to be no more than 3.78 million tons.

Emissions-Neutral Options

The options described below are emissions neutral as compared to the 120% solution.

Option 1 ("The 65%/35% Solution")

This option would replace the 120% formula by allocating emissions allowances according to a formula that multiplied coal units' actual 1985 emissions rates and their fuel baseline adjusted to reflect at 65% operating capacity factor. Mixed oil and gas units would receive allowances according to a formula that multiplied their actual emissions rate and their fuel baseline adjusted to reflect a 35% operating capacity factor. (This capacity factor reflects the fact that the vast majority of mixed oil and gas units are used only to meet peak demand. At present, these units average just under 30% capacity.) This option would generate the following allocations:

	Million tons
Coal Units under 1.2	2.62
Mixed Oil/Gas Units Between 0.4 and 1.2	.35
Mixed Oil/Gas Units Below 0.4	.16
Total	3.13

Option 2 (SIP or 1.0)

This option simply replaces the 120% formula with one that allocates emissions allowances by multiplying units' baselines and the lower of their SIP rate limits or a 1.0 rate. The results of this formula would be:

	Million tons
Coal Units Under 1.2	2.70
Mixed Oil/Gas Units Between 0.4 and 1.2	.27
Mixed Oil/Gas Units Below 0.4	.18
Total	3.15

Option 3 (EPA Option A)

Committee staff have obtained a copy of a compromise proposal for the Class of '85 which the Bush Administration has shared with staff of the House Energy and Commerce Committee. Units with emissions rates below 0.6 would receive the product of the lesser of SIP or 0.6 and baseline multiplied by 120%. Allowances for units emitting at a rating between 0.6 and 1.2 would equal each unit's actual 1985 rate multiplied by baseline and 120%. Coal-fired NSPS units that came on-line in the early '80's could receive allowances according to the 65% capacity formula. Units burning more than 90% of their fuel in the form of natural gas during the baseline period would be treated as they are under S.1630. To ensure the emissions neutrality of this proposal, the EPA has included in this option the elimination of the Clean States Credit (the EPA is taking the position that the Clean States Credit increases emissions by 260,000 tons) and the requirement that all units emitting at a greater-than-1.2 rate, including those smaller in capacity than 75 megawatts, reduce their emissions to the product of 1.2 lbs./mmBtu multiplied by baseline, unless such units are part of systems whose total capacity is under 250 megawatts. Units in this latter category would receive allowances equal to their actual 1985 rate multiplied by baseline. The emissions allowances allocated under this formula would equal:

	Million tons
Coal Units Under 1.2	2.85
Mixed Oil/Gas Units Between 0.4 and 1.2	.31
Mixed Oil/Gas Units Below 0.4	.16
Total	3.32

Emission neutrality is achieved since large-system small units will be required to make approximately 0.20 million tons of reductions.

Rejected Options: "Cap-Busters"

The options described below would result in at least 320,000 tons of emissions above the 3.8 million tons allotted to the Class of '85 in S. 1630. Inclusion of any one of these options in the bill would thus defeat the objective—again, shared by both the Committee and the Bush Administration—of maintaining utility emissions at an annual total of 8.9 million tons.

Consequently, it is staff's understanding that the Committee would oppose these options without additional changes in other provisions of Title IV that secured additional emissions reductions to offset the emissions increases that would result from these options.

Option 4 (The 120-65/35 Option)

This option would permit operating companies to choose between receiving allowances either according to the 120% solution formula or according to a formula multiplying their 1985 actual emissions by their fuel consumption baseline adjusted to reflect operations at 65% capacity for units burning coal or a 35% capacity for units using oil and gas. Resulting emissions allocations to coal and mixed fuel units would be 3.49 million tons, which would "bust the cap" by approximately 400,000 tons.

Option 5 (The 120-SIP/1.0 Option)

This option would permit operating companies to choose between receiving allowances either according to the 120% solution or according to a formula which multiplies their fuel baseline and the lower of each unit's SIP emissions rate or a 1.0 emissions rate. Resulting emissions allocations to coal and mixed fuel units would be 3.47 million tons, which would "bust the cap" by approximately 400,000 tons.

Option 6 (Reduced Triple Option)

This option would permit operating companies a "triple option". Allowances would be allocated either according to a 115% (as opposed to 120%) formula or according to the 65%/35% capacity formula or according to a formula that for units operating at a rate below 0.6 would multiply their fuel baseline by the lower of their SIP or 0.6 and for units between 0.6 and 1.2 would multiply their baseline by their actual 1985 rate. Resulting emissions allocations to coal and mixed fuel units would be 3.54 million tons, which would "bust the cap" by approximately 460,000.

Option 7 (Full Triple Option)

This option would permit operating companies a selection of either the 120% formula, the 65%/35% formula or the SIP/1.0 formula. Resulting emissions allocations to coal and mixed fuel units would be 3.83 million tons, "busting the cap" by about 750,000 tons.

Option 8 (The 65%-SIP/1.0 Option)

This option would permit operating companies a selection of either the 120% formula, the 65%/35% formula or the *SIP/1.0* formula. Resulting emissions allocations to coal and mixed fuel units would be 3.67 million tons, "busting the cap" by approximately 590,000 tons.

Option 9 (Mixed formula)

This option would permit holding companies to choose between the 65% capacity approach or the SIP/1.0 formula for their coal plants, would treat mixed oil and gas units between 0.4 and 1.2 under the 120% formula, would allocate allowances to mixed fuel plants under 0.4 by multiplying baseline by the lower of SIP or 0.4 and require units with less than 75 megawatts capacity emitting over 2.0 to reduce emissions to the product of 2.0 and baseline. The proposal would result in 3.53 million tons of emissions from coal and mixed fuel units, "busting the cap" by 320,000 tons when the emissions reductions proposed for smaller plants are taken into account.

GAS-DOMINATED UNITS

As reported, section 405(h) permits units using more than 90% gas in the baseline period to increase their emissions so long as they operate at their 1985 emissions rate. The subsection provides that if a unit faces a gas supply curtailment and thus must use rate-increasing oil, it can purchase allowances from the EPA's 2% set-aside pool. This subsection was projected to have no emissions consequences.

An additional option would permit these units to operate at a 0.125 emissions rate, reflecting operations using 0.5 oil 25% of the time. Units operating at a higher annual rate could still be in compliance if they had acquired, from the private market, allowances equal to the difference between their emissions had they been operating at 0.125 multiplied by baseline and their total emissions for the year in which they exceeded the 0.125 rate limit. Units would also be in compliance in years in which their operating rate exceeded 0.125 if in those years their total emissions were, as a result of decreased operations, lower in total than the product of 0.125 and their baseline. This change would result in 150,000 tons of emissions.

Because this option would permit up to 150,000 additional tons, it would only be available if it were coupled with a change that produced an offsetting amount of emissions reductions.

Such offsetting reductions could be achieved by requiring all units with a capacity below 75 megatts and operating at a rate in excess of 1.2 that are part of utility systems with a total capacity of 500 megawatts to reduce their emissions to a level equal to 1.2 lbs./mmBtu multiplied by baselie. Since these units do not have any reduction obligations under S. 1630 as reported, such a change would yield approximately 150,000 tons in additional emissions reductions. In addition, as a result of being subject to an emissions reduction requirement, these units would be able to bank allowances upon retirement, an option not available to them under Title IV as reported.

NOTE.—This option would not be available under EPA option A.

NEW UNITS AND BASELINE

Committee staff are also reviewing a variety of proposals to facilitate new units' efforts to obtain offsets and to give sources flexibility in identifying the three-year period used in baseline calculations.

POSITIVE MOVEMENT IN SOUTH AFRICA

Mr. PELL. Mr. President, last Friday, South African President F.W. de Klerk announced that his government would release imprisoned African National Congress [ANC] leader Nelson Mandela and other political prisoners and detainees, lift the bans and/or restrictions on the ANC, the United Democratic Front [UDF] and other antiapartheid organizations, and remove certain regulations imposed under the nationwide state of emergency which has been in place since June 1986. I welcome President de Klerk's announcement.

The steps that his government is proposing are a necessary prelude to the opening of negotiations for a peaceful end to apartheid. The South African Government must now move quickly to turn these proposals into reality, particularly the release of Nelson Mandela, to demonstrate without question that it is serious about achieving a democratic, united and nonracial South Africa.

For many months, the ANC, the UDF, and other antiapartheid organizations have been calling upon the South African Government to create the climate for negotiations. The steps de Klerk outlined last Friday will help to do this. However, they need to be complemented quickly by the termination of the state of emergency, the release of all political prisoners, and the repeal of all emergency regulations so that all South Africans, regardless of color or political persuasion, can have complete freedom of expression and association. Then the stage will be set for negotiations to begin.

This is a time of rising expectations in South Africa. Under de Klerk's leadership, the South African Government has offered millions of black South Africans the prospect of an imminent end to apartheid. The government must now deliver. It must more quickly to open negotiations. It must be prepared to sit down at the bargaining table with genuine leaders of the black community in South Africa, not simply with those of its own choosing. And it must recognize that any viable solution to South Africa's problem must fulfill the aspirations of black South Africans for full political rights and democratic freedoms and be based on individual, not group, rights.

No doubt many factors have led the South African Government to move toward an end to apartheid. Surely one of these is pressure, both internal and external. Now is not the time to release that pressure. We must wait and see whether the South African Government will deliver. We must be sure that the course President de Klerk has charted is irreversible and that the "new South Africa" that he calls for will be created by and for the South Africans.

VIROQUA NATIVE IN SPACE

Mr. KASTEN. Mr. President, I rise today to recognize the achievement of a distinguished native of Viroqua, WI. Mark Lee, 37, has been named payload commander of the space shuttle mission planned for July 1991.

Mr. Lee, who graduated from Viroqua High School in 1970, will be in charge of all the equipment and experiments on Spacelab J's mission STS-47, which will be a joint endeaver by the United States and Japan.

At a time when the boundless possibilities of free people on this Earth are being demonstrated in striking fashion every day, we must look upward—to the stars, and to the ideals they represent—for a reminder of how far we have yet to go. Wisconsinite Mark Lee is pointing the direction for all of us: Forward—and Upward.

THE LEGISLATIVE STUDIES INSTITUTE

Mr. KASTEN. Mr. President, I rise today to honor 12 outstanding individuals—the first graduating class of the Legislative Studies Institute.

I helped establish this nonpartisan Institute to prepare committed young men and women for service in the legislative area of government. The LSI Program consists of highly specialized instruction in the legislative process and public communications skills, as well as substantial exposure to prominent experts from both sides of the aisle, academicians and current and former officials of the U.S. Government.

The Institute trains students in disciplines ranging from defense policy to Federal budgetmaking. The curriculum is a rigorous 4½ month intensive course in the business of government.

The U.S. Government—and the U.S. Senate in particular—stands in special need of the kind of skills that are imparted by this program. I am pleased to report today that the first group of LSI fellows has completed the course with flying colors. The graduates deserve our praise: Aaron P. Bean of Frnadina Beach, FL; Kevin J. Bernhardt of Clarion, IA; Mark B. Dowling of Melbourne Beach, FL; Ira H. Gaberman of Longmeadow, MA; Frank V. Maisano of Center Line, MI; William H. Marshner of Baltimore, MD; John H. McCutcheon II of Charleston, WV; Michael L. Shore of Silver Spring, MD; Henry K. Snyder of Wilton, CT; Mark G. Van Koevering of Grand Rapids, MI; E. Woodworth "Sam" Youdal II of Katy, TX; and Randolf M. Wells of Montrose, CO.

These 12 individuals have earned credit for a job well done. But their achievement would not have been possible without the commitment and cooperation of the distinguished lecturers who contributed their time and energy to the program—including such eminent Americans as Jeane Kirkpatrick, Stuart Eizenstat, Alice Rivlin, and Alexander Haig. LSI is also heavily indebted to the fine work of former Senate Parliamentarian Bob Dove and Mike Johnson, chief of staff to House Minority Leader BOB MICHEL.

Under the leadership of experienced professionals—Dawn Gifford, Herman Pirchner, and Michele Manon—the Legislative Studies Institute has now passed from infancy to maturity. I am confident that it will continue to educate the Senate staff of the future.

To the first graduates, I offer congratulations and best wishes for a successful future in public life; and to all my collaborators in the LSI project, I offer my warmest thanks. Let's keep up the good work.

THE ADMINISTRATION'S PROPOSAL FOR THE 1990 FARM BILL

Mr. LEAHY. Mr. President, for the past year, the Senate Agriculture Committee has held hearings around the country on the 1990 farm bill. Two weeks ago, we held our first hearing on the farm bill this year.

Tomorrow, Agricultural Secretary Clayton Yeutter will appear before the committee to outline the administration's proposal for the 1990 farm bill. It will be the committee's first real chance to hear his views on the bill.

In general, I am glad that the administration is starting to work with Congress on the farm bill.

There are positive aspects of the administration's document. Their proposals on planting flexibility are encouraging. I am encouraged by their proposals to continue the Emergency Food Aid programs.

Unfortunately, the heart of the farm bill is simply not there. The administration fails to tell farmers what it thinks target prices should be. American farmers don't know what their income will be and Congress does not know how much the administration will be willing to spend on farm programs.

While I am pleased that the administration is proposing no backsliding on the 1985 farm bill conservation gains, the administration still refuses to actively help farmers cut pesticide and chemical use.

Finally, I am troubled that the administration has failed to include a significant proposal to protect our

groundwater from pollution from pesticides and fertilizers.

Mr. President, as the year continues, I will report to the Senate on the progress the Agriculture, Nutrition, and Forestry Committee is making on the 1990 farm bill.

PANAMA EMERGENCY AID AND AFRICA

Mr. LEAHY. Mr. President, I just returned last night from a quick but very valuable trip to Panama and El Salvador. In Panama, in my meetings with President Endara and Vice Presidents Ford and Arias, as well as in discussions with Ambassador Deane Hinton, it was made clear how urgent it is to get immediate United States assistance to that country. President Endara asked my help as chairman of the Foreign Operations Subcommittee in moving the emergency aid package through the Senate as quickly as possible.

I agree that a rapid United States economic response is needed in Panama if the positive results of our military removal of General Noriega are not to be lost. There is over 30 percent unemployment, the economy is in sharp decline, and there is widespread misery. Unless the democratic government of President Endara can begin moving promptly to improve peoples' lives, there could be a political counterreaction.

At the same time, as I have emphasized in many meetings with senior administration representatives over the last 2 weeks, I cannot agree with the approach the administration has taken in this emergency aid package for Panama. The administration intends to take $30 million in economic aid for Africa and divert it to meet urgent needs in Panama. This is what I call "robbing the poor to help the poor." I told Vice President QUAYLE, Secretary Baker, Deputy Secretary Eagleburger and others in the administration that I cannot stand by while, once again, aid to Africa is cut back to help other problems to which the administration gives higher priority.

After some tough negotiations, both here in Washington and in Panama, I am pleased that an understanding has been reached which will allow us to provide immediate help to Panama while at the same time ensuring that total aid to Africa for fiscal 1990 will not be cut. When the Panama supplemental appropriation comes forward from the administration, I will move to restore the $30 million to Africa out of the request for Panama. Furthermore, in accord with my discussions with Deputy Secretary Eagleburger today, I fully expect that there will be no administration opposition to my amendment. The administration understands that we in Congress will insist that Africa must have its aid fully restored on the supplemental, and will not oppose that.

EDUCATIONAL EXCELLENCE ACT OF 1989

Mr. MITCHELL. Mr. President, after consultation with the Republican leader, I have now concluded that the Senate should proceed to S. 695, and accordingly I ask unanimous consent that the Chair lay before the Senate S. 695.

The PRESIDING OFFICER. The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 695) to promote excellence in American education by recognizing and rewarding schools, teachers and students for their outstanding achievements, enhancing parental choice, encouraging the study of science, mathematics, and engineering, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Educational Excellence Act of 1989".

SEC. 2. TABLE OF CONTENTS.

This Act is organized as follows:

TITLE I—IMPROVING ELEMENTARY AND SECONDARY EDUCATION

PART A—PRESIDENTIAL MERIT SCHOOLS

PART B—SCHOOLS OF EXCELLENCE

PART C—ALTERNATIVE CERTIFICATION FOR TEACHERS AND PRINCIPALS

PART D—ADMINISTRATIVE PROVISION

PART E—FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING

TITLE II—NATIONAL SCIENCE SCHOLARS

TITLE III—DRUG-FREE SCHOOLS URBAN AND RURAL EMERGENCY GRANTS

TITLE IV—HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

TITLE V—EXTENSION OF SCHOOL DROPOUT DEMONSTRATION PROGRAM

TITLE VI—STAFFORD STUDENT LOAN DEFAULT PREVENTION AND MANAGEMENT PROVISIONS

TITLE VII—NEEDS ANALYSIS AMENDMENTS

TITLE VIII—OTHER HIGHER EDUCATION AMENDMENTS

TITLE IX—WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION

TITLE X—NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS

TITLE XI—MIDDLE SCHOOL TEACHER TRAINING DEMONSTRATIONS

TITLE XII—PRESIDENT'S COUNCIL ON ACADEMIC EXCELLENCE

TITLE XIII—EFFECTIVE DATE

TITLE I—IMPROVING ELEMENTARY AND SECONDARY EDUCATION

PART A—PRESIDENTIAL MERIT SCHOOLS

SEC. 101. PRESIDENTIAL MERIT SCHOOLS.

Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended by adding at the end thereof a new part G to read as follows:

"PART G—PRESIDENTIAL MERIT SCHOOLS

"SEC. 4701. SHORT TITLE.

"This part may be cited as the 'Presidential Merit Schools Act'.

"SEC. 4702. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the basic goal of all schools is to develop the skills and abilities of students to their maximum potential;

"(2) achievable standards of excellence can and should be set for all students and for all schools;

"(3) financial incentives can spur schools to rise to the challenge of meeting these standards; and

"(4) improvement in the quality of our educational system is vital to the Nation's future, and demonstrated schoolwide progress in achieving excellence deserves public recognition.

"(b) PURPOSE.—The purpose of this part is to recognize and reward public and private elementary and secondary schools that have made substantial progress in—

"(1) raising student educational achievement;

"(2) creating a safe and drug-free school environment; and

"(3) reducing the dropout rate.

"SEC. 4703. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—The amount authorized to be appropriated for the purposes of carrying out the provisions of this part for each of the fiscal years 1991, 1992, and 1993 is an amount equal to the lesser of—

"(1) the excess, if any, of—

"(A) the amount appropriated to carry out parts A, B, D, E, and F of chapter 1, of title I, of the Elementary and Secondary Education Act of 1965 for such fiscal year, over

"(B) $5,090,000,000, or

"(2) the excess, if any, of—

"(A) the amount appropriated to carry out part C of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for such fiscal year, over

"(B) $200,000,000.

"(b) LIMITATION.—The amount authorized to be appropriated under subsection (a) shall not exceed $200,000,000 for fiscal year 1991.

"SEC. 4704. ALLOCATION OF APPROPRIATIONS.

"(a) RESERVATION.—From the amount appropriated under section 4703 for any fiscal year, the Secretary may reserve up to one quarter of 1 per centum for grants to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau) for activities under this part.

"(b) ALLOCATION AMONG STATES.—(1) The amount remaining after any reservation of funds under subsection (a) shall be allocated to States as follows:

"(A) from one half of such amount, each State shall be allocated an amount that bears the same ratio to such amount as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all such States, according to the most recent available data that are satisfactory to the Secretary; and

"(B) the other one half of such amount shall be allocated among such States on the same basis as funds are allocated among such States under section 1005 of this Act for the same fiscal year.

"(2) For purposes of this subsection, the term 'State' means each of the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 4705. STATE APPLICATIONS.

"(a) THREE-YEAR APPLICATION.—Each State that wishes to receive a grant under this part shall submit to the Secretary, through its State educational agency, an application for a three-year period, at such time and in such manner as the Secretary may prescribe.

"(b) APPLICATION CONTENTS.—Each State application shall contain—

"(1) the criteria the State educational agency will use to select Presidential Merit Schools under section 4708;

"(2) the criteria it will use to determine the amount of awards;

"(3) an assurance that it will carry out this part in accordance with the requirements of this part and other applicable legal requirements; and

"(4) other information the Secretary may require.

"(c) GEPA PROVISIONS INAPPLICABLE.—Sections 435 and 436 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to this part.

"SEC. 4706. STATE USE OF FUNDS.

"(a) ADMINISTRATION.—Each State educational agency may use up to 5 per centum of its grant for the administrative costs of carrying out this part.

"(b) PRESIDENTIAL MERIT SCHOOL AWARDS.—Each State educational agency shall use at least 95 per centum of its grant for Presidential Merit School Awards made in accordance with section 4708.

"(c) INSULAR AREAS.—The provisions of Public Law 93-134, permitting the consolidation of grants to the Insular Areas, shall not apply to funds received by such areas under this part.

SEC. 4707. STATE ACTIVITIES AND RESPONSIBILITIES.

"(a) STATE REVIEW PANEL.—(1) Each State educational agency shall establish a State review panel to assist in the selection of Presidential Merit Schools.

"(2) The State review panel shall be broadly representative of the following interests in the State—

"(A) elementary and secondary school teachers and administrators;

"(B) college and university faculty and administrators;

"(C) parents;

"(D) State and local boards of education;

"(E) State and local governments;

"(F) labor;

"(G) business; and

"(H) the general public.

"(b) ANNUAL REPORTS TO THE SECRETARY.—(1) Within sixty days of making Presidential Merit School awards under this part for any fiscal year, each State educational agency shall submit a report to the Secretary that—

"(A) identifies the schools chosen as Presidential Merit Schools;

"(B) states the reasons for their selection; and

"(C) states the amount of their awards.

"(2) Beginning with the second year for which any State educational agency receives funds under this part, its annual report shall also include a brief description of how schools selected in the previous year used their awards.

"SEC. 4708. SELECTION OF PRESIDENTIAL MERIT SCHOOLS.

"(a) ELIGIBLE SCHOOLS.—(1) A State educational agency may designate as a Merit School any public or private elementary or secondary school in the State receiving services under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 that has been nominated through procedures established by such agency.

"(2) In selecting Presidential Merit Schools, each State educational agency shall apply the selection criteria uniformly.

"(b) CRITERIA ESTABLISHED BY SECRETARY.—(1) The Secretary shall establish minimum criteria to be used by every State educational agency in selecting Presidential Merit Schools.

"(2) The criteria established by the Secretary shall address—

"(A) progress in improving educational performance, with particular emphasis on mastery of reading, writing, and mathematics skills;

"(B) the degree to which the school demonstrates progress in achieving and maintaining a safe environment, including reduction or elimination of problems related to drug and alcohol use; and

"(C) secondary school progress in reducing the number of students who drop out of school or in encouraging those who have dropped out to reenter school and complete their schooling.

"(c) STATE CRITERIA.—(1) Based on the selection criteria established by the Secretary, as required by subsection (b), each State educational agency shall establish additional criteria that measure progress in such areas as—

"(A) student achievement, as measured by such factors as year-to-year improvement in test scores, college entrance rates, and employment of graduates in jobs with significant potential for career development; and

"(B) other indicators of a school's success, such as improvements in school leadership, the teaching and learning environment, and parental and community support and involvement.

"(2) In setting criteria for Presidential Merit Schools, the State educational agency shall establish standards that recognize the composition of the student body and other relevant factors, and that give special consideration to schools with substantial numbers of proportions of children from low-income families. The State educational agency may also set different criteria for different grade levels.

"(3) In applying the criteria to a school in which a program is conducted under part A of chapter 1 of title I of this Act, the State educational agency shall consider the desired outcomes identified for children in the application submitted under section 1012(b) of this Act by the local educational agency operating the school. No school that a local educational agency has identified under section 1021(b) of this Act shall be eligible for a Presidential Merit School award until such time as the school has demonstrated progress in complying with the provisions of the State or local improvement plan set forth under section 1220 or 1221 of this Act.

"(4) In selecting Presidential Merit Schools and in setting the amount of their awards, the State educational agency may not consider a school's planned use of a Presidential Merit School award.

"(5) Except as provided in section 4706, each State educational agency receiving assistance under this Act shall make the same number of awards to elementary schools within the State as such State educational agency makes to secondary schools within the State.

"(d) AMOUNT OF AWARD.—Each State educational agency shall establish criteria, subject to subsection (c)(4), including criteria relating to the size of the school and the economic circumstances of the student body, for determining the amount of Presidential Merit School awards.

"(e) BYPASS.—If a State educational agency is either prohibited by State law from providing funds made available under this part to private schools, or is unwilling to do so, it shall notify the Secretary of such prohibition or unwillingness, as well as the private schools it has designated as Presidential Merit Schools and the amount of their awards. The Secretary shall then provide those funds, from the State's allocation under this part, to the designated private schools, through such arrangements as the Secretary finds suitable. The Secretary shall also withhold from the State's allocation under this part the administrative costs of making such arrangements.

"SEC. 4709. PRESIDENTIAL CERTIFICATES OF MERIT AND AWARDS CEREMONY.

"(a) PRESIDENTIAL CERTIFICATES OF MERIT.—Each Presidential Merit School shall be awarded a Presidential Certificate of Merit.

"(b) AWARDS CEREMONY.—The Secretary is authorized to accept gifts to pay the costs of conducting awards ceremonies for Presidential Merit Schools.

"SEC. 4710. PUBLIC SCHOOL USE OF FUNDS BY PRESIDENTIAL MERIT SCHOOLS.

"A Presidential Merit School shall use its Presidential Merit School award for activities that further the educational program of the school. Such activities may include, but are not limited to—

"(1) development, implementation, or expansion of special programs, such as those focused on: dropout prevention or reentry, student transition to college or employment, preschool children, remedial services, or gifted and talented students;

"(2) the purchase or lease of computers, telecommunications equipment, scientific instruments, instructional materials, library books, and other equipment and materials, except that a public agency shall have title to, and exercise administrative control of, all such equipment and materials;

"(3) bonus payments for faculty, administrators, and school personnel;

"(4) school based management/shared decision making;

"(5) parental involvement activities; and

"(6) community outreach activities;

"SEC. 4711. PRIVATE SCHOOL USE OF FUNDS BY PRESIDENTIAL MERIT SCHOOLS.

"Each private school receiving financial assistance under this Act may only use such assistance for capital expenses as set forth in section 1017(d) of the Elementary and Secondary Education Act of 1965.

"SEC. 4712. PROHIBITION ON STATE OR LOCAL REDUCTION OF OTHER ASSISTANCE.

"No Federal, State, or local agency may, in any year, take a Presidential Merit School award into account in determining whether to award any other assistance from Federal, State, or local resources, or in determining the amount of such assistance, to either the Presidential Merit School itself or the local educational agency, if any, that operates the school.

"SEC. 4713. EVALUATION.

"(a) IN GENERAL.—The Secretary shall conduct an biennial evaluation of Presidential Merit Schools.

"(b) NATIONAL DIFFUSION NETWORK.—The Secretary shall submit information on successful Presidential Merit Schools programs to the National Diffusion Network for possible dissemination.

"SEC. 4714. DEFINITION.

"(a) IN GENERAL.—As used in this part the term 'school based management/shared decision making' means a process by which a team of individuals is formed at a school site to make decisions regarding the management of the school. Such a team may include teachers, the school principal, other school administrators, parents, and community representatives.

"(b) RESPONSIBILITIES.—The school based management/shared decision making team is responsible for decisions which affect the school and classroom environment. Such decisions may include decisions regarding—

"(1) curriculum and instruction priorities which meet priorities and goals of the local education agency, including materials and activities, organization, evaluation and assessment, while taking into account the special needs of students;

"(2) student grouping, promotion, and tracking;

"(3) school rules and discipline policies;

"(4) the scheduling and structure of the school day;

"(5) the school environment;

"(6) the physical structure of school facilities;

"(7) the administrative structure of the school;

"(8) the use of funds available to the school;

"(9) hiring and evaluation of teachers and administrators;

"(10) professional development programs which will meet faculty needs; and

"(11) relationships with parents and community.".

PART B—SCHOOLS OF EXCELLENCE

SEC. 111. SCHOOLS OF EXCELLENCE.

Title IV of the Elementary and Secondary Education Act of 1965 is further amended by adding at the end thereof a new part H to read as follows:

"PART H—SCHOOLS OF EXCELLENCE

"SEC. 4801. SHORT TITLE.

"This part may be cited as the 'Schools of Excellence Act of 1989'.

"SEC. 4802. FINDINGS.

"The Congress finds that—

"(1) no single method of education, or single way of organizing schools and school systems, is best for every community or every group of students;

"(2) schools that have increased competition and choice and helped to improve the quality of schools and the education of children in the school districts in which they have been established; and

"(3) schools that focus on mathematics and science train future leaders in such disciplines that are of critical importance to the Nation's economic competitiveness;

"SEC. 4803. PURPOSE.

"It is the purpose of this part to support the establishment, expansion, or enhancement of Schools of Excellence in order to promote open enrollment through parental choice and to strengthen the knowledge of elementary and secondary school students in academic and vocational subjects.

"SEC. 4804. DEFINITION.

"As used in this part, the term 'School of Excellence' means a public elementary or secondary school that—

"(1) offers the highest quality instruction in an academic or vocational discipline or creates a unique and effective learning environment;

"(2) is open to students from beyond the immediate school attendance area; and

"(3) is capable of attracting students from a variety of backgrounds.

"SEC. 4805. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—The amount authorized to be appropriated for the purposes of carrying out the provisions of this part for each of the fiscal years 1991, 1992, and 1993 is an amount equal to the lesser of—

"(1) the excess, if any, of—

"(A) the amount appropriated to carry out title III of the Elementary and Secondary Education Act of 1965 for such fiscal year, over

"(B) $165,000,000, or

"(2) the excess, if any, of—

"(A) the amount appropriated to carry out section 4606 of the Elementary and Secondary Education Act of 1965 for such fiscal year, over

"(B) $35,000,000.

"(b) LIMITATION.—The amount authorized to be appropriated under subsection (a) shall not exceed $50,000,000 for fiscal year 1991.

"SEC. 4806. GRANT APPLICATIONS.

"(a) IN GENERAL.—(1) Any local educational agency, intermediate educational agency, or consortia of such agencies desiring to receive a grant under this part shall submit an application at such time, in such manner, and containing such information, as the Secretary may require.

"(2) An applicant may be, but is not required to be, adopting or implementing a desegregation plan.

"(b) REQUIREMENTS.—Each application shall contain—

"(1) a description of—

"(A) the objectives of the proposed project and how those objectives will achieve the purpose of this part, as set out in section 4803; and

"(B) how the funds made available to the applicant will be used to provide an educational program of the highest quality that will encourage greater parental decisionmaking and involvement;

"(C) the method of information dissemination;

"(D) the unique learning environment; and

"(E) the open enrollment policy for students beyond the immediate attendance area; and

"(2) such assurances as the Secretary may reasonably require.

"(c) SPECIAL RULE.—The Secretary shall encourage applications for proposed projects that—

"(1) recognize the potential of children who are educationally disadvantaged or who come from low-income families; and

"(2) establish, expand, or enhance schools that focus on a particular educational approach or on a particular subject area, such as mathematics and science.

"(d) DEMONSTRATION.—Each application submitted pursuant to this section shall demonstrate to the satisfaction of the Secretary that any proposed project assisted with funds under this part will not result in segregation based upon race, religion, color, national origin, sex, or handicap, or impede the progress of desegregation within the applicant's school system.

"SEC. 4807. SELECTION OF APPLICATIONS.

"In awarding grants under this part, the Secretary shall consider the quality of the proposed project, the likelihood of the project's successful implementation, and the likelihood of its strengthening the educational program of the applicant.

"SEC. 4808. LIMITATIONS.

"(a) IN GENERAL.—No School of Excellence may be supported with funds under this part for more than two years.

"(b) SATISFACTORY PROGRESS.—No applicant may receive a grant for more than one year under this part, unless it demonstrates to the Secretary that the School of Excellence for which assistance was provided in the first year is making satisfactory progress in meeting the objectives specified in its approved application.

"(c) SPECIAL RULE.—No Federal, State, or local agency may, in any year, take a School of Excellence award into account in determining whether to award any other assistance from Federal, State, or local resources, or in determining the amount of such assistance, to either a School of Excellence itself or to the local educational agency or intermediate educational agency that operates the school.".

PART C—ALTERNATIVE CERTIFICATION FOR TEACHERS AND PRINCIPALS

SEC. 121. ALTERNATIVE CERTIFICATION FOR TEACHERS AND PRINCIPALS PROGRAM.

Title IV of the Elementary and Secondary Education Act of 1965 is further amended by adding at the end thereof a new part I to read as follows:

"PART I—ALTERNATIVE CERTIFICATION FOR TEACHERS AND PRINCIPALS

"SEC. 4901. SHORT TITLE.

"This part may be cited as the 'Alternative Certification of Teachers and Principals Assistance Act of 1989'.

"SEC. 4902. FINDINGS.

"The Congress finds that—

"(1) effective elementary and secondary schools require competent teachers and strong leadership;

"(2) school systems would benefit greatly by recruitment pools of well-qualified individuals, such as scientists and engineers, from which to select teachers and principals;

"(3) talented professionals who have demonstrated a high level of subject area competence or management and leadership qualities outside the education profession wish to pursue second careers in education, but often do not meet traditional certification requirements; and

"(4) alternative certification requirements that do not exclude such individuals from teaching or school administration solely because they do not meet current certification requirements would allow school systems to take advantage of these professionals and improve the supply of well-qualified teachers and principals.

"SEC. 4903. PURPOSE.

"It is the purpose of this part to improve the supply of well-qualified elementary and secondary school teachers and principals by

encouraging and assisting States to develop and implement alternative teacher and principal certification requirements.

"SEC. 4904. DEFINITION.

"As used in this part—

"(1) The term 'alternative teacher and principal certification requirements' means State or local requirements that permit entry into elementary and secondary teacher and principal positions for individuals who have demonstrated a high level of appropriate subject area competence, or management or leadership qualities, in careers in or out of the education field, but who would not otherwise meet existing requirements for teaching or supervisory positions. Alternative teacher and principal certification requirements may recognize that—

"(A) for teachers, a high level of demonstrated competence in an appropriate subject area may be substituted for traditional teacher certification requirements (such as teacher training course work); and

"(B) for principals, a high level of demonstrated competence in administration and management may be substituted for traditional principal certification requirements.

"(2) The term 'State' means any of the States of the Union, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 4905. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $15,000,000 for fiscal year 1991.

"SEC. 4906. ALLOTMENTS.

"(a) IN GENERAL.—(1) From the amount appropriated to carry out this part, the Secretary shall allot to each State the lesser of either the amount the State applies for under section 4907 or an amount that is proportional to the State's share of the total population of children ages five through seventeen in all the States (based on the most recent data available that is satisfactory to the Secretary).

"(2) If a State does not apply for its allotment, or the full amount of its allotment, under the preceding paragraph, the Secretary may reallocate the excess funds to one or more other States that demonstrate, to the satisfaction of the Secretary, a current need for the funds.

"(b) SPECIAL RULE.—Notwithstanding section 412(b) of the General Education Provisions Act, funds awarded under this part shall remain available for obligation by a recipient for a period of two calendar years from the date of the grant.

"SEC. 4907. STATE APPLICATIONS.

"(a) IN GENERAL.—Any State desiring to receive a grant under this part shall submit, through its State educational agency, an application at such time, in such manner, and containing such information, as the Secretary may reasonably require.

"(b) REQUIREMENTS.—Each State application shall—

"(1) describe the programs, projects, and activities to be undertaken; and

"(2) contain such assurances as the Secretary deems necessary, including assurances that—

"(A) funds awarded to the State educational agency will be used to supplement, and not to supplant, any State or local funds available for the development and implementation of alternative teacher and principal certification requirements;

"(B) the State educational agency has, in developing the State's application, consulted with representatives of local educational agencies, elementary and secondary school teachers and principals, parents, and other interested organizations and individuals; and

"(C) the State educational agency will submit to the Secretary, at such time as the Secretary may specify, a final report describing the activities carried out with funds awarded under this part and the results achieved.

"(c) SPECIAL RULE.—Sections 435 and 436 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to this part.

"SEC. 4908. USE OF FUNDS.

"(a) IN GENERAL.—(1) A State educational agency shall use funds awarded under this part to support programs, projects, or activities that develop and implement new, or expand and improve existing, alternative teacher and principal certification requirements.

"(2) A State educational agency may carry out such programs, projects, or activities directly, through contracts, or through subgrants to local educational agencies, intermediate educational agencies, institutions of higher education, or consortia of such agencies.

"(b) PROGRAMS, PROJECTS, AND ACTIVITIES.—Programs, projects, and activities supported under this part may include, but are not limited to, the—

"(1) design, development, implementation, testing, and evaluation of alternative teacher and principal certification requirements;

"(2) establishment of administrative structures necessary to the development and implementation of alternative teacher and principal certification requirements;

"(3) training of staff, including the development of appropriate support programs, such as mentor programs, for teachers and principals entering the school system through the alternative teacher and principal certification program;

"(4) development of recruitment strategies; and

"(5) development of reciprocity agreements between or among States for the certification of teachers and principals.

"SEC. 4909. EXPIRATION DATE.

"Effective October 1, 1992, the Alternative Certification of Teachers and Principals Assistance Act of 1989 is repealed.".

PART D—ADMINISTRATIVE PROVISION

SEC. 131. DEFINITION.

Section 403(6) of Public Law 81-874 is amended by adding the following sentence at the end thereof:

"Such term does not include any agency or school authority that the Secretary determines, on a case-by-case basis—

"(A) was constituted or reconstituted primarily for the purpose of receiving assistance under this Act or increasing the amount of that assistance; and

"(B) is not constituted or reconstituted for legitimate educational purposes.".

PART E—FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING

SEC. 141. DIRECTOR OF THE FUND.—The first sentence of section 3231(b)(1) of the Fund for the Improvement and Reform of Schools and Teaching Act is amended to read as follows: "The Board shall appoint a Director of the Fund to serve a 4-year term.".

TITLE II—NATIONAL SCIENCE SCHOLARS

SEC. 201. NATIONAL SCIENCE SCHOLARS PROGRAM.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq., hereinafter referred to in this title as "the Act"), is amended—

(1) by redesignating subparts 7 and 8 as subparts 8 and 9, respectively; and

(2) by inserting immediately after subpart 6 the following new subpart:

"SUBPART 7—NATIONAL SCIENCE SCHOLARS PROGRAM

"PURPOSE

"SEC. 419L. (a) PURPOSE.—It is the purpose of this subpart—

"(1) to establish a National Science Scholars Program to recognize student excellence and achievement in the physical, life, and computer sciences, mathematics, and engineering;

"(2) to encourage role models in physical, life, and computer sciences, mathematics, and engineering fields for young people by offering opportunities to pursue a postsecondary education in such fields;

"(3) to strengthen the leadership of the United States in the fields of physical, life, and computer sciences, mathematics, and engineering; and

"(4) to assist students who have demonstrated outstanding academic achievement in continuing their education in these fields of study.

"SCHOLARSHIPS AUTHORIZED

"SEC. 419M. (a) PROGRAM AUTHORITY.—(1) The Secretary is authorized, in consultation with the Director of the National Science Foundation (hereinafter referred to as the 'Director') and in accordance with the provisions of this subpart, to carry out a program of awarding scholarships for the study of the life, physical, or computer sciences, mathematics, or engineering.

"(2) The Director, in consultation with the Secretary, shall establish and implement a merit-based program for annually awarding scholarships for the study of physical, life, or computer sciences, mathematics, or engineering to—

"(A) one male and one female from each congressional district of the United States, the District of Columbia, and Puerto Rico, and

"(B) one male and one female from Guam, the Virgin Islands, American Samoa, Palau, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Commonwealth of the Northern Mariana Islands.

"(3) Wherever possible in awarding scholarships, special consideration shall be given to economically disadvantaged students or students from groups traditionally underrepresented in the life, physical, or computer sciences, mathematics, and engineering professions.

"(b) NOTIFICATION OF SECONDARY SCHOOLS.—The Secretary shall notify all public and private secondary schools and all institutions of higher education in each State and in each of the entities set forth in subsection (a)(2)(B) annually of the availability of scholarships under this subpart.

"(c) CRITERIA AND PROCEDURE FOR NOMINATION AND SELECTION.—(1) Individuals shall be nominated and selected for scholarships under this Act on the basis of the student's—

"(A) academic achievement in the life, physical, or computer sciences, mathematics, or engineering;

"(B) promise of outstanding academic achievement in physical, life, or computer sciences, mathematics, or engineering;

"(C) potential to successfully complete a post-secondary program in physical, life, or computer sciences, mathematics, or engineering; and

"(D) motivation to pursue a career in physical, life, or computer sciences, mathematics, or engineering.

"(2) The Director, in consultation with the Secretary, shall appoint a National Science Scholars Program Board (hereinafter referred to as the 'Board'), composed of scientists, mathematicians, educators, engineers, and representatives of the business community, to—

"(A) recommend to the Director specific academic achievement criteria for use in the nomination of scholars; and

"(B) make recommendations for awarding scholarships to the Director,

The Director, in consultation with the Secretary, shall review the Board's recommendations and shall each publish the appropriate academic achievement criteria in the Federal Register.

"(3) The Director, in consultation with the Secretary, is authorized to establish, either directly or by contract, a procedure for nominating at least 4, but not more than 10 students from each congressional district and from each of the entities set forth in subsection (a)(2)(B), for scholarships under this subpart. The Director shall ensure that such nominations shall be made in consultation with educators, scientists, mathematicians, engineers, and representatives of the business community.

"(4) After considering the students nominated under paragraph (3), the Director, in consultation with the Board, shall recommend to the President one male and one female from each Congressional district of the United States, and one male and one female from each of the entities set forth in subsection (a)(2)(B), for scholarships under this subpart.

"(d) DISBURSAL OF SCHOLARSHIP PROCEEDS.—Scholarship proceeds shall be disbursed by the Secretary on behalf of students who receive scholarships under this subpart to the institutions of higher education at which the students are enrolled. No scholarship proceeds shall be disbursed on behalf of a student until the student is enrolled at an institution of higher education.

"(e)(1) NATIONAL SCIENCE SCHOLARS.—Students awarded scholarships under this subpart shall be known as 'National Science Scholars'.

"(2) Students nominated under subsection (c) but not awarded scholarships under this subpart shall be known as 'National Science Scholarship Finalists'.

"(f) NATURE AND AMOUNT OF SCHOLARSHIPS.—(1) Scholarships shall be limited to a maximum of $5,000 per student, per year, for a period not to exceed 4 years.

"(2) In the event that funds available in a fiscal year are insufficient to fully fund all awards under this subpart, the amount paid to each student shall be ratably reduced.

"(g) USE OF EXCESS FUNDS.—If the funds available under this subpart for any fiscal year exceed the amounts required for initial and continuing awards under this section, additional scholarships may be awarded by the President, in consultation with the Director, to students selected as National Science Scholarship Finalists for the award year.

"(h) RELATION TO COST OF ATTENDANCE AND OTHER GRANTS AND SCHOLARSHIPS.—(1) The amount of a scholarship awarded under this subpart shall be reduced by the amount that the scholarship exceeds the student's cost of attendance, as defined in section 472 of the Act.

"(2) Notwithstanding any other provision of law, the award made under this subpart shall be considered as income for the purposes of awarding Federal student financial aid.

"(i) ANNOUNCEMENT AND AWARD OF SCHOLARSHIPS.—The selection process shall be completed, and the announcement of the selection of National Science Scholars will be made by the President prior to January 1st of each fiscal year. The Secretary shall notify Members of Congress of selections before the public announcement by the President. Presentation of scholarships shall be made in a public ceremony.

"ELIGIBILITY OF SCHOLARS

"SEC. 419N. (a) REQUIREMENTS FOR INITIAL AWARD.—To be eligible to receive a scholarship under section 419M, a student shall—

"(1) be scheduled to graduate from a public or private secondary school, or to obtain the equivalent of a certificate of graduation (as recognized by the State or entity in which the student resides), during the school year in which the award is made;

"(2) be a citizen or national of the United States or the entities set forth in subsection (a)(2)(B), or be an alien lawfully admitted to the United States for permanent residence;

"(3) have applied, or intend to apply, for admission to an institution of higher education in the United States or an institution of higher education in the entities set forth in subsection (a)(2)(B), that is accredited by a nationally recognized accrediting agency or association in accordance with the provisions of section 1201(a) of this Act.

"(b) MAINTAINING ELIGIBILITY.—(1) In order to maintain eligibility to receive funds pursuant to a scholarship awarded under this subpart, a student must—

"(A) be enrolled at an institution of higher education that is accredited by a nationally recognized accrediting agency or association in accordance with the provisions of section 1201(a) of the Act;

"(B) major in any field of physical, life, or computer science, mathematics, or engineering;

"(C) maintain academic performance in good standing, as determined by such institution; and

"(D) except as provided in paragraph (2), carry a full-time academic work load, as determined by the institution in which the student is enrolled under standards applicable to all students enrolled in that student's program.

"(2) The Secretary shall make exceptions to the requirement under paragraph (1)(D) in the case of a student who—

"(A) is on active duty as a member of the armed services;

"(B) has a disability or serious injury as certified by a qualified physician; or

"(C) has exceptional personal circumstances or emergencies, as determined by the Secretary.

"(c) FAILURE TO MEET ELIGIBILITY REQUIREMENTS.—In the event that the student fails to meet the requirements of this section, the student's eligibility to receive further scholarships (or scholarship proceeds) under this subpart shall be determined in accordance with the regulations of the Secretary.

"SUMMER EMPLOYMENT OPPORTUNITIES FOR SCHOLARS

"SEC. 419O. (a) PRIORITY FOR SUMMER EMPLOYMENT.—To the extent that they are otherwise qualified, students receiving scholarships under this subpart shall be given priority consideration for federally financed summer employment in federally funded research and development centers, that, to the maximum extent practicable, complements and reinforces the educational program of these students.

"(b) FEDERAL AGENCY COOPERATION.—Federal agencies shall cooperate fully with the Secretary and participate actively in providing appropriate summer employment opportunities for such students.

"EFFECTIVE DATE

"SEC. 419P. The amendments made by this subpart shall be effective on October 1, 1990, for award year 1991–1992 and each succeeding award year thereafter.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 419Q. There are authorized to be appropriated to the Department of Education for the purpose of carrying out this subpart $6,000,000 for the fiscal year 1991, and such sums as may be necessary for each of the 2 succeeding fiscal years.".

SEC. 202. CONFORMING AMENDMENTS.

(a) Section 401(b) of the Act is amended by striking out "subparts 1 through 8," and inserting in lieu thereof "subparts 1 through 9,".

(b) Section 481(a)(1) of the Act is amended by striking out "except subpart 6" and inserting in lieu thereof "except subparts 6 and 7".

TITLE III—DRUG-FREE SCHOOLS URBAN AND RURAL EMERGENCY GRANTS

SEC. 301. DRUG-FREE SCHOOLS URBAN AND RURAL EMERGENCY GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 5111(a) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3171 et seq.) is amended by striking "$350,000,000" and inserting "$375,000,000".

(b) EMERGENCY GRANTS TO SCHOOLS IN URBAN AND RURAL AREAS.—Section 5122 of the Drug-Free Schools and Communities Act of 1986 is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(2) by inserting the following new subsection (a) after the section designation:

"(a) EMERGENCY GRANTS TO SCHOOLS IN URBAN AND RURAL AREAS.—(1) From the amount available to carry out this section pursuant to section 5121(a), 33.3 percent of such amount shall be used by the chief executive officer in consultation with the State educational agency or the chief State school officer of a State, to make contracts with, and emergency grants to, local educational agencies serving urban and rural communities with severe drug problems.

"(2)(A) In awarding grants under this subsection the chief executive shall first award grants to local educational agencies serving the largest city in the State to develop and implement comprehensive approaches to eliminating the serious drug problem that affects schools and students within the boundaries of the local educational agency. Such grants shall be of sufficient size, scope, and quality to be of value and effective.

"(B) After satisfying the requirements of subparagraph (A) the chief executive officer of a State receiving a grant pursuant to the provisions of this section shall make grants to urban and rural local educational agencies with severe drug problems as determined by the incidence of drug abuse in relation to the size of the school age population. Such grants shall be of sufficient size, scope, and quality to be of value and effective. Such grants to the local educational agency shall be used for the development and implementation of comprehensive approaches to eliminating the serious drug problem that affects schools and students

within the boundaries of the local educational agency.

"(3) The Secretary may waive the provisions of this subsection for States in which there is no concentration of drug problems.";

(3) in subsection (b) (as amended in paragraph (1)) by striking "IN GENERAL.—Not" and inserting "REMAINDER.—From the remainder available to carry out this section, not".

TITLE IV—HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

SEC. 401. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

Section 360(a)(3) of the Higher Education Act of 1965 is amended by—

(1) redesignating paragraph (4) as paragraph (5);

(2) inserting the following new paragraph after paragraph (3):

"(4) There are authorized to be appropriated $20,000,000 for fiscal year 1990 and such sums as may be necessary for each of fiscal years 1991, 1992, and 1993 for awards under section 332 of the Act to historically black colleges and universities that qualify as part B institutions, except that any part B institution that receives an award from funds appropriated for any fiscal year under paragraph (4), shall not be eligible to receive an award in the same fiscal year under paragraph (3).".

TITLE V—EXTENSION OF SCHOOL DROPOUT DEMONSTRATION PROGRAM

SEC. 501. EXTENSION OF SCHOOL DROPOUT DEMONSTRATION PROGRAMS.

Section 6003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3243) is amended—

(1) by striking "There" and inserting the following: "(a) IN GENERAL.—Subject to subsection (b), there";

(2) by inserting "each of" before "the fiscal";

(3) by striking "year" and inserting "years";

(4) by inserting before the period the following: ", 1990, and 1991"; and

(5) by adding at the end the following new subsection:

"(b) No amounts are authorized to be appropriated under subsection (a) for any fiscal year in which assistance is made available to local educational agencies under part C of chapter 1 of title I.".

SEC. 502. AUTHORIZATION OF USE OF FUNDS FOR EVALUATION ACTIVITIES.

Subsection (a) of section 6004 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3244) is amended—

(1) by inserting after "the Secretary" the following: "shall first reserve not more than $1,500,000 for the purposes of evaluating programs carried out with assistance under this part. From the remaining amount, the Secretary"; and

(2) by striking "the amount appropriated" each place it appears after the first occurrence and inserting "such remaining amount".

SEC. 503. AUTHORIZATION OF REALLOTMENT OF CERTAIN FUNDS.

Paragraph (1) of section 6004(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3244(b)) is amended by striking "25 percent" and inserting "not less than 25 percent and not more than 50 percent".

SEC. 504. DEADLINE FOR EVALUATIONS.

Subsection (d) of section 6201 of the Elementary and Secondary Education Act of 1965 is amended by striking "at the end" and all that follows and inserting "not later than the expiration of the 6-month period following the end of the grant period.".

TITLE VI—STAFFORD STUDENT LOAN DEFAULT PREVENTION AND MANAGEMENT PROVISIONS

SEC. 601. GUARANTY AGENCY PROHIBITION ON THE SALE OF CERTAIN STAFFORD STUDENT LOAN LISTS.

Section 428(b)(3) of the Higher Education Act of 1965 (hereafter in this title referred to as the "Act" is amended—

(1) by striking out "or" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and "or"; and

(3) by adding at the end thereof the following:

"(D) sell lists of student borrowers who have loans made, insured, or guaranteed under this part.".

SEC. 602. GUARANTY AGENCY USE OF STATE LICENSING BOARD INFORMATION.

Section 428(b) of the Act is amended by adding at the end thereof the following new paragraph:

"(7) STATE GUARANTY AGENCY INFORMATION REQUEST OF STATE LICENSING BOARDS.—Each guaranty agency is authorized to enter into agreements with each appropriate State licensing board under which the State licensing board, upon request, will furnish the guaranty agency with the address of a student borrower in any case in which the location of the student borrower is unknown or unavailable to the guaranty agency.".

SEC. 603. SPECIAL LIMITATION ON THE DEFERMENT OF PAYMENT OF PRINCIPAL AND INTEREST ON PLUS LOANS.

Section 428B(c)(1) of the Act is amended—

(1) by striking out "(A)"; and

(2) by striking out "; and (B) during any period during which the borrower has a dependent student for whom a loan obligation was incurred under the section and who meets the conditions required for a deferral under clause (i) of either such section".

SEC. 604. CREDIT BUREAUS.

(a) NOTICE OF DELINQUENCY.—Section 430A(a) of the Act is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

"(3) with respect to any payment on a loan that has been delinquent for 90 days, information concerning the date the delinquency began and the repayment status of the loan; and".

(b) NOTICE TO BORROWER.—Section 430A(c) of the Act is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following:

"(5) with respect to notices of delinquency under subsection (a)(3), the borrower is informed that credit bureau organizations will be notified of any payment that is delinquent for 90 days or more.".

(c) LIMITATION ON REPORTING.—Section 463(c)(3)(B) of the Act is amended by striking ", if that account has not been previously reported by any other holder of the notes".

SEC. 605. ADDITIONAL BORROWER INFORMATION REQUIRED.

Section 484(b) of the Act is amended by adding at the end thereof the following new paragraph:

"(5) In order to be eligible to receive any loan under this title, a student shall provide to the lender at the time of applying for the loan the driver's license number of the student borrower, if applicable, and the name and address of the next of kin of the student borrower.".

SEC. 606. RESTRICTIONS ON INSTITUTIONAL PROMOTIONAL ACTIVITIES.

Section 487(a) of the Act (20 U.S.C. 1094(a) is further amended by adding at the end thereof the following:

"(11) The institution does not—

"(A) use any contractor or any person other than salaries employees of the institution or a volunteer to conduct any activities related to recruiting and admission of students, including canvassing, surveying, promotion, or similar activities; or

"(B) pay any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments to any person engaged in any such activity.".

SEC. 607. ACADEMIC YEAR DEFINITION.

Section 487(a) of the Act is further amended by adding at the end thereof the following new paragraph:

"(12) The institution will use the same definition of 'academic year' for all programs authorized by this title.".

SEC. 608. NOTICE ON DELINQUENT LOANS REQUIRED.

(a) PRE-CLAIMS ASSISTANCE.—Section 435(d) of the Act is amended—

(1) in paragraph (1) by striking "(5)" the first two places it appears and inserting "(6)"; and

(2) by adding at the end thereof the following new paragraph:

"(6) REQUEST FOR PRE-CLAIMS ASSISTANCE.—To be an eligible lender under this part, each eligible lender shall, if the agency that guaranteed the loan offers pre-claims assistance for default prevention, request pre-claims assistance within the first 10 days such assistance is available as specified by the guarantee agency.".

(b) NOTICE.—Section 428(k) of the Act is amended by—

(1) redesignating paragraph (2) as paragraph (3); and

(2) inserting the following new paragraph after paragraph (1):

"(2) PROVISION OF NOTICE OF REQUEST FOR PRE-CLAIMS ASSISTANCE TO ELIGIBLE INSTITUTIONS.—Each guaranty agency shall, within 30 days of receipt of the request for pre-claims assistance, notify each eligible institution, with respect to students who are delinquent on the repayment of any loan received for attendance at such institution, of the lender's request for pre-claims assistance for default prevention on such loan. Such information may be provided to the eligible institution by submission of a copy of the lender's pre-claims request or through other means.".

SEC. 609. REGULATIONS FOR INSTITUTIONAL DISCLOSURE OF BORROWER RECORDS.

The Secretary shall promulgate regulations specifying the legal restrictions and the requirements of eligible institutions relating to loan counseling and reporting requirements including but not limited to disclosure of borrower records to third parties, the Fair Debt Collection Practices Act, and any other applicable Federal law.

SEC. 610. EFFECT OF LOSS OF ACCREDITATION.

(a) STATUS AS ELIGIBLE INSTITUTION FOR STAFFORD STUDENT LOAN PROGRAM.—Section 435 of the Act (20 U.S.C. 1085) is amended—

(1) in subsection (a)(1), by striking out "The term" and inserting "Subject to subsection (m), the term"; and

(2) by adding at the end thereof the following:

"(m) IMPACT OF LOSS OF ACCREDITATION.—An institution may not be certified or recertified as an eligible institution under subsection (a) of this section if such institution—

"(1) had its institutional accreditation withdrawn, revoked, or otherwise terminated for cause during the preceding 24 months; or

"(2) has withdrawn from institutional accreditation voluntarily under a show cause order, suspension order, or other similar order during the preceding 24 months;

unless—

"(A) such accreditation has been restored by the same accrediting agency which had accredited it prior to the withdrawal, revocation, or termination; or

"(B) the institution has demonstrated its academic integrity to the satisfaction of the Secretary in accordance with section 1201(a)(5) (A) or (B) of this Act.".

(b) STATUS AS ELIGIBLE INSTITUTION FOR OTHER TITLE IV PROGRAMS.—Section 481 of the Act (20 U.S.C. 1088) is amended—

(1) in subsection (a)(1), by striking out "For the purpose" and inserting "Subject to subsection (e), for the purpose"; and

(2) by adding at the end thereof the following:

"(e) IMPACT OF LOSS OF ACCREDITATION.—An institution may not be certified or recertified as an eligible institution under subsection (a) of this section if such institution—

"(1) had its institutional accreditation withdrawn, revoked, or otherwise terminated for cause during the preceding 24 months; or

"(2) has withdrawn from institutional accreditation voluntarily under a show cause order, suspension order, or other similar order during the preceding 24 months;

unless—

"(A) such accreditation has been restored by the same accrediting agency which had accredited it prior to the withdrawal, revocation, or termination; or

"(B) the institution has demonstrated its academic integrity to the satisfaction of the Secretary in accordance with section 1201(a)(5) (A) or (B) of this Act.".

SEC. 611. SPECIAL ACCREDITATION RULES.

Section 487(c) of the Act is amended—

(1) by redesignating paragraph (3) as paragraph (5); and

(2) by adding after paragraph (2) the following new paragraphs:

"(3) The Secretary is authorized to carry out the provisions of paragraph (1)(D), relating to limitation, suspension, or termination of an eligible institution whenever the institution withdraws from a nationally recognized accrediting agency or association during a show cause or suspension proceeding brought against that institution.

"(4)(A) Whenever a nationally recognized accrediting agency or association reports pursuant to subparagraph (B) that an eligible institution was denied institutional accreditation, the Secretary is authorized to carry out the provisions of paragraph (1)(D) relating to limitation, suspension, or termination of an eligible institution.

"(B) The Secretary is authorized to enter into such arrangements with accrediting agencies and associations as may be necessary to assure notice of the denial of institutional accreditation in order to carry out subparagraph (A).".

SEC. 612. ELIGIBLE INSTITUTION ACCREDITATION RULE.

Section 481(a) of the Act is amended by inserting after paragraph (2) the following new paragraph:

"(3) Whenever the Secretary determines accreditation for the purpose of paragraph (1), the Secretary shall not approve the accreditation of any eligible institution of higher education under this section if the eligible institution of higher education is in the process of receiving new institutional accreditation by a national or regional accreditation agency unless the eligible institution submits to the Secretary all materials relating to the prior accreditation, including the reasons, if applicable, for changing the accrediting agency or association.".

SEC. 613. TOLL-FREE CONSUMER HOTLINE.

Section 485 of the Act is amended by adding at the end thereof the following new paragraph:

"(e) TOLL-FREE CONSUMER HOTLINE.—(1) In addition to the toll-free telephone information provided for in section 483, the Secretary shall contract for, or establish, and publicize a toll-free telephone number for use by the public, in order to permit students who allege fraud or unfair practices by eligible institutions to inform the Department of such fraud or unfair practices.

"(2) The Secretary shall, directly or by way of contract or other arrangement, make the toll-free telephone number, and the availability of the consumer hotline established by this subsection, generally available to students receiving financial assistance under this title.".

SEC. 614. TUITION REFUNDS.

(a) REFUND RULE.—Section 487(c)(2)(B)(i) of the Act is amended by adding at the end thereof the following new sentence: "In addition, the Secretary may require such eligible institutions to make refunds in accordance with division (iii).".

(b) REFUND PROCEDURES.—Section 487(c)(2)(B) of the Act is amended by adding the following new division after division (ii):

"(iii) When the Secretary determines there has been a violation, failure, or misrepresentation pursuant to division (i), the Secretary may require the institution to refund the student's tuition and fees. The Secretary shall establish procedures for refunding the tuition and fees. Such procedures shall—

"(I) first require the payment by the institution to the United States Government of any portion of the tuition and fees paid with Federal funds received under this title (other than funds under subpart 3 of part A and part B of this title); and

"(II) then require payment by the institution to the lender of that portion of the tuition and fees attributable to a loan made, issued, or guaranteed under part B of this title.".

SEC 615 . PELL GRANT PROGRAM AMENDMENT.

Section 411(c)(1)(A) of the Act (20 U.S.C. 1070a(c)(1)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

"(i) the number of academic years (or portion of an academic year) that the undergraduate degree or certificate program normally requires, plus one academic year; or

"(ii) 6 academic years in the case of a undergraduate degree or certificate program normally requiring more than 4 academic years;".

SEC. 616. REVISED DISCLOSURE REQUIREMENTS OF SLS LOANS.

Section 433(a) of the Higher Education Act is amended—

(1) in subsection (a) by inserting "and except as specified in subsection (e) of this section" after "section 428C."; and

(2) by inserting the following new subsection after subsection (d):

"(e) SPECIAL RULES FOR SUPPLEMENTAL LOANS FOR STUDENTS.—Loans made under section 428A shall not be subject to the disclosure of projected monthly payment amounts required under subsection (a)(8) of this section, provided that the lender provides the borrower with sample projections of monthly repayment amounts assuming different levels of borrowing and interest accruals resulting from capitalization of interest while the borrower is in school.".

SEC. 617. STUDY OF DISCHARGE OF STAFFORD STUDENT LOANS IN BANKRUPTCY.

(a) STAFFORD STUDENT LOAN DISCHARGE STUDY.—The Comptroller General shall conduct a study relating to the discharge of student loan indebtedness in proceedings in bankruptcy. Such study shall include—

(1) an evaluation of the treatment of student loan debtors under chapter 13 of title 11, United States Code, including—

(A) the frequency of attempts to discharge or the discharging of such loans compared to such attempts to discharge or the discharging of other consumer loans by such students; and

(B) the number and amount of such loans discharged;

(2) an evaluation of the effect of students who attempt to or do discharge such loans relative to the costs of the Stafford Student Loan Program and the institutional costs of the Perkins Loans Program; and

(3) an evaluation of the behavior of student loan debtors who discharge such loans as compared to other debtors who discharge debts in bankruptcy by evaluating such factors as—

(A) the average age of the debtors in each group;

(B) the amounts and types of debts sought to be discharged by each group; and

(C) the percentage of discharge of other types of consumer debts by each group.

(b) STAFFORD STUDENT LOAN DISCHARGE REPORT.—The Comptroller General shall prepare a report of the study required by this section and shall submit the study of the Congress within 3 years after the date of enactment of this Act.

TITLE VII—NEEDS ANALYSIS AMENDMENTS

SEC. 701. DEFINITION OF INDEPENDENT STUDENT.

(a) SECTION 411F.—Section 411F(12) of the Higher Education Act of 1965 (hereafter in this title referred to as the "Act") is amended to read as follows:

"(12) The term 'independent', when used with respect to a student, means any individual who—

"(A) is 24 years of age or older by December 31 of the first calendar year of the award year;

"(B) is an orphan or is or has been a ward of the court;

"(C) is a veteran of the Armed Forces of the United States;

"(D) is a graduate or professional student and will not be claimed by his or her parents (or guardian) for income tax purposes for the award year;

"(E) is married or has legal dependents;

"(F) is an undergraduate student who was not claimed by his or her parents (or guardian) for income tax purposes for the 2 calendar years preceding the first calendar year of the award year, and who either was awarded assistance under this title as an independent student in the prior year, or demonstrates to the student financial aid administrator total self-sufficiency during the 2 calendar years preceding the first calendar year of the award year by demonstrating annual total resources (including all sources

other than parents and student aid) of $4,000; or

"(G) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.".

(b) SECTION 480(d).—Section 480(d) of the Act is amended to read as follows:

"(d) INDEPENDENT.—The term 'independent', when used with respect to a student, means any individuals who—

"(1) is 24 years of age or older by December 31 of the first calendar year of the award year;

"(2) is an orphan or is or has been a ward of the court;

"(3) is a veteran of the Armed Forces of the United States;

"(4) is a graduate or professional student and will not be claimed by his or her parents (or guardian) for income tax purposes for the award year;

"(5) is married or has legal dependents;

"(6) is an undergraduate student who was not claimed by his or her parents (or guardian) for income tax purposes for the 2 calendar years preceding the first calendar year of the award year, and who either was awarded assistance under this title as an independent student in the prior year, or demonstrates to the student financial aid administrator total self-sufficiency during the 2 calendar years preceding the first calendar year of the award year by demonstrating annual total resources (including all sources other than parents and student aid) of $4,000; or

"(7) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.".

SEC. 702. MODIFICATION TO COMPUTATION OF CONTRIBUTIONS.

(a) PELL GRANT NEEDS ANALYSIS.—(1) Section 411B(b)(3) of the Act is amended by striking out "a program of postsecondary education" and inserting in lieu thereof "a program of postsecondary education which meets the requirements of section 484(a)(1)".

(2) Section 411C(a)(3) of the Act is amended by striking out "a program of postsecondary education" and inserting in lieu thereof "a program of postsecondary education which meet the requirements of section 484(a)(1)".

(3) Section 411D(a)(3) of the Act is amended by striking out "a program of postsecondary education" and inserting in lieu thereof "a program of postsecondary education which meet the requirements of section 484(a)(1)".

(b) GENERAL NEEDS ANALYSIS.—Section 475(b)(3) of the Act is amended by striking out "a program of postsecondary education" and inserting in lieu thereof "a program of postsecondary education which meets the requirements of section 484(a)(1)".

(2) Section 477(a)(3) of the Act is amended by striking out "a program of postsecondary education" and inserting in lieu thereof "a program of postsecondary education which meet the requirements of section 484(a)(1)".

SEC. 703. STUDENT CONTRIBUTION MODIFICATION.

Section 475(g)(1)(C) of the Act is amended by striking out "70 percent" and inserting in lieu thereof "not less than 50 percent".

SEC. 704. NEEDS ANALYSIS FINANCIAL AID ADMINISTRATOR ADJUSTMENTS.

(a) IN GENERAL.—Section 479A(a) of the Act is amended to read as follows:

"SEC. 479A. (a) IN GENERAL.—Nothing in this title shall be interpreted as limiting the authority of the student financial aid administrator, on the basis of adequate documentation, to make necessary adjustments to the cost of attendance and expected student or parent contribution (or both) to allow for treatment of individual students with special circumstances. In addition, nothing in this title shall be interpreted as limiting the authority of the student financial aid administrator to use supplementary information about the financial status or personal circumstance of eligible applicants in selecting recipients and determining the amount of awards under subparts 1 and 2 of part A and parts B, C, and E of this title.".

(b) SPECIAL RULE.—Section 479A of the Act is amended—

(1) by redesignating subsection (c) as subsection (d), and

(2) by inserting immediately after subsection (b) the following new subsection:

"(c) SPECIAL ADJUSTMENTS.—

"(1) ADJUSTMENTS FOR INDEPENDENT STUDENTS WITH DEPENDENTS.—A student financial aid administrator shall be considered to be making a necessary adjustment in accordance with subsection (a) if the administrator determines that the cost of attendance in section 472 should include costs of food and shelter for dependent care when the total income for independent students with dependents is less than the Standard Maintenance Allowance under section 477(b)(4).

"(2) ADJUSTMENT FOR DISLOCATED WORKER.—A student financial aid administrator shall be considered to be making a necessary adjustment in accordance with subsection (a) if, in the case of dislocated workers—

"(A) the administrator uses the income for the year in which the determination is made (the award year) rather than the income reported in the preceding tax year; and

"(B) the administrator excludes the net value of investments and real estate, including the primary residence in the calculation of the family contribution for the Pell Grant Program and the expected family contribution under part F.

"(3) ADJUSTMENT FOR DISPLACED HOMEMAKER.—A student financial aid administrator shall be considered to be making a necessary adjustment in accordance with subsection (a) if, for displaced homemakers, the administrator excludes the net value of investments and real estate, including the primary residence, from the calculation of the Pell Grant family contribution and from the expected family contribution under part F.".

(c) CONFORMING AMENDMENTS.—(1) Section 479A(d) of the Act (as amended by subsection (a)) is amended by striking out "subsection (b) is an example" and inserting in lieu thereof "subsections (b) and (c) are examples".

(2)(A) Section 411B(g)(1) of the Act is amended by striking out ", except that in the case of a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act), the net value of a principal place of residence shall be considered to be zero".

(B) Section 411B(l) of the Act is amended by striking out ", except that in the case of a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act), the net value of a principal place of residence shall be considered to be zero".

(C) Section 411C(f)(1) of the Act is amended by striking out ", except that in the case of a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act), the net value of a principal place of residence shall be considered to be zero".

(D) Section 411D(f)(3) of the Act is amended by striking out ", except that in the case of a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act), the net value of a principal place of residence shall be considered to be zero".

(E)(i) Section 411F(1)(G) of the Act is repealed.

(ii) Section 411F(9)(E) of the Act is repealed.

(F) Section 475(d)(2)(B) of the Act is amended by striking out "except that in the case of a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act)".

(G) Section 475(h) of the Act is amended by striking out ", except that in the case of a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act), the net value of a principal place of residence shall be considered to be zero".

(H) Section 476(c)(2)(B) of the Act is amended by striking out "except in the case of a displaced worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act)".

(I) Section 477(c)(2)(B) of the Act is amended by striking out "except in the case of a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act)".

SEC. 705. TREATMENT OF VETERANS BENEFITS.

(a) PELL GRANT NEEDS ANALYSIS.—(1) Section 411B(d)(1)(C) of the Act is amended by striking out "one-half of the student's total veterans educational benefits, excluding Veterans' Administration contributory benefits," and inserting in lieu thereof "the student's total veterans educational benefits".

(2) Section 411C(c)(1)(C) of the Act is amended by striking out "one-half of the student's total veterans educational benefits, excluding Veterans' Administration contributory benefits," and inserting in lieu thereof "the student's total veterans educational benefits".

(3) Section 411D(c)(1)(C) of the Act is further amended by striking out "one-half of the student's total veterans educational benefits, excluding Veterans' Administration contributory benefits," and inserting in lieu thereof "the student's total veterans educational benefits".

(b) GENERAL NEEDS ANALYSIS.—(1) Section 475(a) of the Act is amended—

(A) by striking out "and" at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and the word "and"; and

(C) by adding at the end thereof the following new paragraph:

"(4) any veterans educational benefits paid because of enrollment in a postsecondary institution, including (but not limited to) benefits received under chapters 105, 106, and 107 of title 10, and chapters 30, 31, 32, 34, and 35 of title 38, United States Code.".

(2) Section 476(b)(1)(D) of the Act is amended by striking out "plus the amount of veterans' benefits paid during the award period under chapters 32, 34, and 35 of title 28, United States Code".

(3) Section 477(a) of the Act is amended—

(A) by inserting "and" at the end of subparagraph (A) of paragraph (1);

(B) by striking out "and" at the end of subparagraph (B) of paragraph (1);

(C) by striking out subparagraph (C) of paragraph (1);

(D) by striking out "and" at the end of paragraph (2);

(E) by adding at the end of paragraph (3) the word "and"; and

(F) by adding at the end thereof the following new paragraph:

"(4) adding any veterans educational benefits paid because of enrollment in a postsecondary institution, including (but not limited to) benefits received under chapters 106 and 107 of title 10, and chapters 30, 31, 32, 34, and 35 of title 38, United States Code.".

(c) CONFORMING AMENDMENT.—Section 428(a)(2)(C)(i) of the Act is amended by striking out "and any amount paid to the student under chapters 32, 34, and 35 of title 38, United States Code".

SEC. 706. TREATMENT OF NONLIQUID ASSETS.

(a) PELL GRANT NEEDS ANALYSIS.—Section 411F(2) of the Act is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end thereof the following:

"(B) For academic year 1991-1992 and succeeding academic years, the term 'assets' shall not include, in the case of a family with an adjusted gross income which is equal to or less than $30,000, the net value of—

"(i) the family's principal place of residence; or

"(ii) a farm on which the family resides.

(b) GENERAL NEED ANALYSIS.—Section 480(g) of the Act is amended—

(1) by inserting "(1)" after "ASSETS.—"; and

(2) by adding at the end thereof the following:

"(2) For academic year 1991-1992 and succeeding academic years, the term "assets" shall not include, in the case of a family with an adjusted gross income which is equal to or less than $30,000, the net value of—

"(A) the family's principal place of residence; or

"(B) a farm on which the family resides.

TITLE VIII—OTHER HIGHER EDUCATION AMENDMENTS

SEC. 801. SUBSIDIZED EMPLOYMENT MODIFICATION UNDER WORKSTUDY.

Section 443(b)(4) of the Higher Education Act of 1965 (hereafter in this title referred to as the "Act") is amended to read as follows:

"(4) provide that for a student employed in a work-study program under this part, at the time income derived from any need-based employment (including non-working-study or both) is in excess of the determination of the amount of such student's need by more than $200, continued employment shall not be subsidized with funds appropriated under this part;".

SEC. 802. STUDENT LOAN MARKETING ASSOCIATION AMENDMENTS.

(a) ESTABLISHMENT.—Section 439(b) of the Act is amended to read as follows:

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—There is hereby created a body corporate to be known as the Student Loan Marketing Association (hereinafter referred to as the 'Association'). The Association shall have succession until dissolved. It shall maintain its principal office in the District of Columbia or the metropolitan area thereof and shall be deemed, for purposes of jurisdiction and venue in civil actions, to be a District of Columbia corporation. Offices may be established by the Association in such other place or places as it may deem necessary or appropriate for the conduct of its business.".

(b) DIRECTORS.—Section 439(c) of the Act is amended to read as follows:

"(c) BOARD OF DIRECTORS.—

"(1) COMPOSITION OF BOARD; CHAIRMAN.—The Association shall have a Board of Directors (hereinafter in this section referred to as the 'Board') which shall consist of 21 persons, 7 of whom shall be appointed by the President of the United States and shall be representative of the general public. The remaining 14 directors shall be elected by the common stockholders of the Association entitled to vote pursuant to subsection (e). Commencing with the annual shareholders meeting to be held in 1989—

"(A) 7 of the elected directors shall be affiliated with an eligible institution, and

"(B) 7 of the elected directors shall be affiliated with an eligible lender.

The President shall designate 1 of the directors to serve as Chairman.

"(2) TERMS OF APPOINTED AND ELECTED MEMBERS.—The directors appointed by the President shall serve at the pleasure of the President and until their successors have been appointed and have qualified. The remaining directors shall each be elected for a term ending on the date of the next annual meeting of the common stockholders of the Association, and shall serve until their successors have been elected and have qualified. Any appointive seat on the Board which becomes vacant shall be filled by appointment of the President. Any elective seat on the Board which becomes vacant after the annual election of the directors shall be filled by the Board, but only for the expired portion of the term.

"(3) AFFILIATED MEMBERS.—For the purpose of this subsection, the references to a director 'affiliated with an eligible institution' or a director 'affiliated with an eligible lender' means an individual who is, or within 5 years of election to the Board has been, an employee, officer, director, or similar official of—

"(A) an eligible institution or an eligible lender;

"(B) an association whose members consist primarily of eligible institutions or eligible lenders; or

"(C) a State agency, authority instrumentality, commission, or similar institution, the primary purpose of which relates to educational matters or banking matters.

"(4) MEETINGS AND FUNCTIONS OF THE BOARD.—The Board shall meet at the call of its Chairman, but at least semiannually. The Board shall determine the general policies which shall govern the operations of the Association. The Chairman of the Board shall, with the approval of the Board, select, appoint, and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such functions, powers, and duties as may be prescribed by the bylaws or by the Board, and such persons shall be the officers of the Association and shall discharge all such functions, powers, and duties.".

(c) STOCK.—Section 439(f) of the Act is amended to read as follows:

"(f) STOCK OF THE ASSOCIATION.—

"(1) VOTING COMMON STOCK.—The Association shall have voting common stock having such par value as may be fixed by its Board from time to time. Each share of voting common stock shall be entitled to one vote with rights of cumulative voting at all elections of directors.

"(2) NUMBER OF SHARES; TRANSFERABILITY.—The maximum number of shares of voting common stock that the Association may issue and have outstanding at any one time shall be fixed by the Board from time to time. Any voting common stock issued shall be fully transferable, except that, as to the Association, it shall be transferred only on the books of the Association.

"(3) DIVIDENDS.—To the extent that net income is earned and realized, subject to subsection (g)(2), dividends may be declared on voting common stock by the Board. Such dividends as may be declared by the Board shall be paid to the holders of outstanding shares of voting common stock, except that no such dividends shall be payable with respect to any share which has been called for redemption past the effective date of such call.

"(4) SINGLE CLASS OF VOTING COMMON STOCK.—As of the effective date of the Student Loan Marketing Association Amendments of 1989, all of the previously authorized shares of voting common stock and nonvoting common stock of the Association shall be converted to shares of a single class of voting common stock on a share-for-share basis, without any further action on the part of the Association or any holder. Each outstanding certificate for voting or nonvoting common stock shall evidence ownership of the same number of shares of voting stock into which it is converted. All preexisting rights and obligations with respect to any class of common stock of the Association shall be deemed to be rights and obligations with respect to such converted shares.".

(d) SHORT TITLE.—This section may be cited as the "Student Loan Marketing Association Amendments of 1989".

SEC. 803. FORMS AND REGULATIONS.

(a) FINANCIAL AID APPLICATION PREPARER.—Section 483 of the Act is amended by inserting the following new subsection at the end thereof:

"(g) Any financial aid application required to be made under subpart 1 of part A of this title or part B or this title shall include the name, signature, address, social security number, and organizational affiliation of the preparer of such financial aid application.

(b) NOTICE OF FEDERAL STUDENT AID.—Section 483(f) of the Act is amended to read as follows:

"(f) NOTICE OF FEDERAL STUDENT AID RECEIPT.—Each eligible institution shall provide to each recipient of assistance under this title (except assistance received under subparts 4, 5, and 8 of part A) a statement listing the estimated student assistance received by the recipient, and specifying the estimated amount and type of assistance awarded under this title and specifically indicating that such aid is federally supported assistance.".

SEC. 804. LENDER OF LAST RESORT.

Section 428(j) of the Act is amended by adding at the end thereof the following: "Each State guaranty agency shall ensure that there is a lender of last resort in its State. The lender of last resort shall process loan applications of students enrolled in an eligible institution within 30 days after such application has been filed. The lender of last resort shall make loans to any eligible applicant attending an eligible institution.".

SEC. 805. PERKINS LOAN PROGRAM AMENDMENT.

Section 462(c)(3) of the Act is amended—

(1) by redesignating clause (B) and (C) as clause (C) and (D); and

(2) by inserting after clause (A) the following new clause:

"(B) 75 percent of the cash on hand at the institution under the program authorized by this part for the second year preceding the beginning of the award period;".

SEC. 806. ELIGIBILITY FOR EDUCATION PROGRAMS.

(a) HIGHER EDUCATION.—Section 484 of the Act is amended by adding a new subsection (k) at the end thereof:

"(k) STUDENTS ATTENDING INSTITUTIONS IN THE FREELY ASSOCIATED STATES AND ELIGIBILITY FOR TRIO PROGRAMS.—Notwithstanding any other provision of law, a student who meets the requirements of paragraph (a)(5) of this section or who is a resident of the freely associated states, and who attends a public or nonprofit institution of higher education located in any of the freely associated states rather than a State, shall be eligible, if otherwise qualified, for assistance under subparts 1, 2, or 4 of part A or part C of this title.

(b) TERRITORIAL TEACHER TRAINING ASSISTANCE PROGRAM.—Section 4502 of the Elementary and Secondary Education Act of 1965 is amended by striking "the Northern Mariana Islands, and the Trust Territory of the Pacific Islands" each place is appears and inserting in lieu thereof "the Commonwealth of the Northern Mariana Islands, Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.".

SEC. 807. CLERICAL AND TECHNICAL AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965.

The Higher Education Act of 1965 is further amended—

(1) in section 312(c)(2) (20 U.S.C. 1058(c)(2)), by striking "second" the second place it appears and inserting "the second such";

(2) in section 332(b)(5) (20 U.S.C. 1065(b)(5)), by striking out "year" the first place it appears;

(3) in section 411B(g)(5)(B) (20 U.S.C. 1070a-2(g)(5)(B))—

(A) by striking out "effective family income" each place it appears and inserting "discretionary income"; and

(B) by striking out "subsection (d)" and inserting "subsection (f)";

(4) in section 411C(f)(5)(B) (20 U.S.C. 1070a-3(f)(5)(B)), by striking out "effective family income" and inserting "discretionary income";

(5) in section 411D(f) (20 U.S.C. 1070a-4(f))—

(A) by striking out "effective family income" in paragraph (1) and inserting "discretionary income"; and

(B) by striking out "subsection (c)" each place it appears in paragraph (1) and (2) and inserting "subsection (e)";

(6) in section 411F(2) (20 U.S.C. 1070a-6(2)), by striking out "including amount" and inserting "including amounts";

(7) in section 411F(9)(B) (20 U.S.C. 1070a-6(9)(B)), by striking out "Student" and inserting "student";

(8) in section 413D(d)(3)(C) (20 U.S.C. 1070b-2(d)(3)(C)), by striking out "three-fourths in" and inserting "three-fourths of";

(9) in section 427(a)(2)(G)(i) (20 U.S.C. 1077(a)(2)(G)(i)); by striking out "system," and inserting "system";

(10) in section 428C(c)(3)(A) (20 U.S.C. 1078-3(c)(3)(A)), by inserting "be" before "equal to";

(11) in section 428E(a)(1) (20 U.S.C. 1078-5(1))—

(A) by inserting "(A)" after "except that" the first place is appears; and

(B) by striking out "except that" the second place it appears and inserting ", and (B)";

(12) in section 435(c)(1) (20 U.S.C. 1085(c)(1)), by striking out "section 481(d)" and inserting "section 484(d)";

(13) in section 435(d)(2) (20 U.S.C. 1085(d)(2))—

(A) by striking out "institutions" in subparagraph (C) and inserting "institution"; and

(B) by indenting the matter following subparagraph (D) two spaces;

(14) in section 435(d)(3) (20 U.S.C. 1085(d)(3)), by striking out "section 435(o)" and inserting "subsection (l) of this section";

(15) in the last sentence of section 442(e)(2) by striking "section 447(c)" and inserting "section 442(c)";

(16) in section 454(a)(3)(C) (20 U.S.C. 1087d(a)(3)(C)), by striking out "fourth and fifth" and inserting "fourth or fifth";

(17) in sections 462(a)(1) and 462(a)(2)(D) (20 U.S.C. 1087bb(a)(1), (a)(2)(D)), by striking out "institution which" and inserting "institution";

(18) in section 464(c)(2)(A)(iv) (20 U.S.C. 1087dd(c)(2)(A)(iv)), by inserting "Service" after "Volunteer";

(19) in section 465(a)(2)(D) (20 U.S.C. 1087ee(a)(2)(D)), by striking out "services" and inserting "service";

(20) in the table contained in section 475(c)(2) (20 U.S.C. 1087oo(c)(2))—

(A) by striking out "less than $15,000 or" and inserting "less than $15,000"; and

(B) by striking out "$15,000 more" and inserting "$15,000 or more";

(21) in the table contained in section 475(c)(4) (20 U.S.C. 1087oo(c)(4))—

(A) by striking out "substract" and inserting "subtract"; and

(B) by striking out "1,430" and inserting "$1,430";

(22) in section 475(e) (20 U.S.C. 1087oo(e)), by striking out "section 479" and inserting "section 478";

(23) in the table contained in section 477(b)(4) (20 U.S.C. 1087qq(b)(4)), by striking out "1,430" and inserting "$1,430";

(24) in the last sentence of section 481(b) (20 U.S.C. 1088(b)), by striking out "section 413(e)" and inserting "section 435(b)";

(25) in the last sentence of section 483(a)(1) (20 U.S.C. 1090(a)(1)), by striking out "that is" and inserting "that are";

(26) in section 491(h)(1) (20 U.S.C. 1098(h)(1)), by striking out "subtitle III" and inserting "subchapter III";

(27) in section 525(g) (20 U.S.C. 1105d(g)), by striking out "subpart" and inserting "part";

(28) in section 557 (20 U.S.C. 1111f), by striking out "part B of this title" and inserting "part B of title IV of this Act";

(29) in section 558(a)(6) (20 U.S.C. 1111g(a)(6)), by striking out the comma after "preschool";

(30) in section 571(g) (20 U.S.C. 1115(g)), by striking out "subpart" each place it appears and inserting "part";

(31) in section 622(a)(6) (20 U.S.C. 1132(a)(6)), by striking out "language an area studies" and inserting "language and area studies";

(32) in section 762(a) (20 U.S.C. 1132g-2(a)), by striking out "Secretary notwithstanding" and inserting "Secretary, notwithstanding";

(33) in section 762(h) (20 U.S.C. 1132g-2(h)), by striking out "subcontractors or any project" and inserting "subcontractors on any project";

(34) in section 764(b)(3)(B) (20 U.S.C. 1132g-3(b)(3)(B)), by striking out "anyone" and inserting "any one";

(35) in section 764(e) (20 U.S.C. 1132g-3(e)), by striking out "member" and inserting "members";

(36) in section 802(d)(1)(B) (20 U.S.C. 1133a(d)(1)(B)), by striking out "has demonstrated" and inserting a comma and "as demonstrated";

(37) in section 942(b)(2) (20 U.S.C. 1134m(b)(2)), by inserting a period at the end thereof;

(38) in section 1045(a) (20 U.S.C. 1135d-4(a)), by striking out "sexual, geographic," and inserting "gender, geography,"; and

(39) in section 1204(a) (20 U.S.C. 1144a(a)), by striking out "Trust Territories of the Pacific Islands, and the Northern Mariana Islands" and inserting "Commonwealth of the Northern Mariana Islands Palau, and, subject to the provisions of Public Law 99-239, the Federated States of Micronesia, and the Republic of the Marshall Islands.".

TITLE IX—WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION

SEC. 901. WE THE PEOPLE . . . THE CITIZEN AND CONSTITUTION.

Part F of title IV of the Elementary and Secondary Education Act of 1965 is amended by—

(1) redesignating section 4607 as section 4608,

(2) inserting after section 4606 the following new section:

"SECTION 4607.—We the People . . . The Citizen and the Constitution.

"(a) GENERAL AUTHORITY.—(1) The Secretary shall, in accordance with the provisions of this section, carry out a program entitled "We the People . . . The Citizen and the Constitution" to educate students about the history and principles of the Constitution and Bill of Rights and to foster civic competence and civil responsibility.

"(2) The education program authorized by this section shall continue and expand the educational activities of the National Bicentennial Competition of the Constitution and Bill of Rights administered by the Center for Civic Education.

"(3) The Secretary is authorized to contract with the Center for Civic Education to carry out the provisions of this section.

"(b) PROGRAM CONTENT.—The education program authorized by this section shall provide—

"(A) a course of instruction on the basic principles of our constitutional democracy and the history of the Constitution and Bill of Rights.

"(B) school and community simulated congressional hearings following the course of study at the request of participating schools.

"(C) an annual competition of simulated congressional hearings at the congressional district, state, and national level for secondary students who wish to participate in such program.

"(c) PROGRAM PARTICIPANTS.—The education program authorized by this section shall be made available to public and private elementary and secondary schools in the 435 congressional districts, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) SPECIAL RULE.—Funds provided under this section may be used for the advanced training of teachers about the Constitution and Bill of Rights after the provisions of subsection (b) have been implemented.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993 to carry out the provisions of this section.".

TITLE X—NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS

SEC. 1001. SHORT TITLE.

This title may be cited as the "National Board for Professional Teaching Standards Act of 1989".

SEC. 1002. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the economic well-being and national security of the United States depends on efforts to strengthen the educational system to provide all children with an education which will ensure a well-educated workforce;

(2) improved teaching is central to the goal of ensuring a well-educated workforce;

(3) incentives to enhance the professionalism and status of teaching can be provided through the development and promulgation of voluntary standards of professional certification that are rigorous and unbiased, that complement and support State licensing practices and recognize the diversity of American society;

(4) the National Board for Professional Teaching Standards, a private nonprofit organization has been created to establish such voluntary standards and a significant initial investment in research and development from non-Federal sources will be required to create such a system of professional certification; and

(5) the Federal Government has played an active role in funding vital educational research and can continue to support this national effort by providing limited but essential support for critical research activities.

(b) PURPOSE.—It is the purpose of this Act to provide financial assistance to the National Board for Professional Teaching Standards to enable the board to conduct independent research and development related to the establishment of national, voluntary professional standards and assessment methods for the teaching profession.

SEC. 1003. DEFINITIONS.

For the purpose of this Act—

(1) The term "Board" means the National Board for Professional Teaching Standards.

(2) The term "Committee" means the Research and Advisory Committee established pursuant to section 1005 of this Act.

(3) The term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965.

(4) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965.

(5) The term "Secretary" means the Secretary of Education.

SEC. 1004. PROGRAM AUTHORIZATION.

(a) PROGRAM AUTHORIZED.—From sums appropriated under subsection (b) in any fiscal year, the Secretary is authorized and directed, in accordance with this Act, to provide financial assistance to the National Board for Professional Teaching Standards, in order to pay the Federal share of the costs of the activities described in section 1006.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $25,000,000 for the period beginning October 1, 1989, and ending September 30, 1993 to carry out the provisions of this title.

(c) TERMS AND CONDITIONS.—(1) No financial assistance may be made available under this Act except upon an application as required by section 1007.

(2) No financial assistance may be made available under this Act unless the Secretary determines that—

(A) the Board will comply with the provisions of this Act;

(B) the Board will use the Federal funds only for research and development activities in accordance with section 1006 and such teacher assessment and certification procedures will be free from racial, cultural, gender or regional bias;

(C) the Board—

(i) will widely disseminate for review and comment announcements of specific research projects to be conducted with Federal funds, including a description of the goals and focus of the specific project involved and the specific merit review procedures and evaluation criteria to be used in the competitive award process, and

(ii) will send such announcements to the Secretary of Education, the Director of the National Science Foundation, the National Research Council, and the educational research community.

(D) the Secretary, pursuant to an arrangement with the Board, will publish the announcement described in subparagraph (C) in the Federal Register (or such other publication deemed appropriate by the Secretary) and in publications of general circulation designed to disseminate such announcements widely to the educational research community;

(E) the Board will, after offering any interested party an opportunity to make comment upon, and take exception to, the projects contained in the announcements described in subparagraph (C) for a 30-day period following publication, and after reconsidering any project which comment is made or to which exception is taken, through the Secretary issue a request for proposals in the Federal Register (or such other publication deemed appropriate by the Secretary) containing any revised project information;

(F) the Board will make awards of Federal funds competitively on the basis of merit, and, in the award process, the Board will select, to the extent practicable consistent with standards of excellence—

(i) a broad range of institutions associated with educational research and development; and

(ii) individuals who are broadly representative of the educational research and teaching communities with expertise in the specific area of research and development in question;

(G) the Board will adopt audit practices customarily applied to nonprofit private organizations and will comply with section 1009(c);

(H) the Board will not use Federal funds to meet the administrative and operating expenses of the Board;

(I) the Board will submit an annual report to Congress in accordance with the provisions of section 1009(a); and

(J) the Board will, upon request, disseminate to States, local educational agencies, or other public educational entities the results of any research or research project produced with funds authorized by this Act, upon the payment of the cost of reproducing the appropriate material.

(d) AVAILABILITY OF FUNDS.—(1) Notwithstanding any other provision of law, funds appropriated to carry out this Act shall remain available for obligation and expenditure until the end of the second fiscal year succeeding the fiscal year for which the funds were appropriated.

(2) No funds shall be made available to the Board after September 30, 1993, except as authorized by paragraph (1) of this subsection.

SEC. 1005. RESEARCH AND DEVELOPMENT ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Board shall establish a Research and Development Advisory Committee composed of ten recognized scholars and experts in teaching, assessment, and other relevant fields. In carrying out the previous sentence the Board shall appoint two individuals selected by the Secretary. The Board shall consult with the Secretary of Education, the Director of the National Science Foundation, the National Research Council, and the educational research community on the appointment of other Members to the Committee.

(b) FUNCTIONS.—The Committee shall advise the Board on the design and execution of its overall research and development strategy, including procedures to assure compliance with the requirements of this Act. The procedures shall include—

(1) an outline of specific research and development agenda and activities to be conducted with the Federal funds; and

(2) provisions to ensure compliance with the open competition and merit review requirements of this Act for proposals and projects assisted under this Act.

SEC. 1006. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—Federal funds received under this Act may only be used for research and development activities directly related to the development of teacher assessment and certification procedures for elementary and secondary school teachers.

(b) PRIORITIES.—(1) The Board shall give priority to research and development activities in—

(A) mathematics;

(B) the sciences;

(C) foreign languages; and

(D) literacy, including the ability to read, write and analyze.

(2) The Board shall give priority to research and development activities for the certification of elementary and secondary school teachers and the need and ability of such teachers to teach special educational populations, including—

(A) limited English proficient children;

(B) gifted and talented children;

(C) handicapped children; and

(D) economically and educationally disadvantaged children.

SEC. 1007. APPLICATION.

(a) IN GENERAL.—The Board shall submit applications to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(1) describe the activities for which assistance is sought; and

(2) provide assurances that the non-Federal share of the cost of activities of the Board is paid from non-Federal sources, together with a description of the manner in which the Board will comply with the requirements of this paragraph.

(b) APPROVAL.—The Secretary shall approve an application unless such application fails to comply with the provisions of this Act.

SEC. 1008. FEDERAL SHARE.

(a) IN GENERAL.—The Secretary shall pay to the Board the Federal share of the costs of the activities of the Board for the period for

which the application is approved under section 1007.

(b) AMOUNT OF FEDERAL SHARE.—The Federal share shall be 50 percent of the costs of the activities described in section 1006.

SEC. 1009. REPORTS AND AUDITING PROVISION.

(a) NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS REPORT.—(1) The Board shall submit an annual report to the appropriate committees of the Congress not later than December 31 of 1990, and each succeeding year thereafter for any fiscal year in which Federal funds are expended pursuant to this Act. The Board shall disseminate the report for review and comment to the Department of Education, the National Science Foundation, the National Research Council, and the education research community. The report shall—

(A) include a detailed financial statement and a report of the audit practices described in section 4(c)(2)(G);

(B) include a description of the general procedure to assure compliance with the requirements of this Act as required in section 1006; and

(C) provide a comprehensive and detailed description of the Board's agenda, activities, and planned activities for the preceding and succeeding fiscal years, including —

(i) the Board's overall research and development program and activities;

(ii) the specific research and development projects and activities conducted with Federal funds during the preceding fiscal year, including—

(I) a description of the goals and methodology of the project;

(II) a description and assessment of the findings (or status and preliminary findings if project is not yet completed);

(III) a description of the competitive bidding process, the merit review procedures, and the evaluation criteria used to award project funds; and

(IV) a description of the Board's plans for dissemination of the findings described in clause (ii);

(iii) the specific research and development projects and activities planned to be conducted with Federal funds during the succeeding fiscal year, including the goals and methodologies to be used; and

(iv) a listing of available publications of the Board, including publications related to policies, standards and general information, research reports, and commissioned papers of the Board.

(2) The first annual report required by this subsection shall include a description of the Board's research and development agenda for the succeeding 5-year period. Such first report shall include to the maximum extent practicable, a description of specific research and development projects and activities, and the goals and methodologies of such projects and activities

(b) ADDITIONAL REPORTS.—The Department of Education, the National Science foundation, and the National Research Council shall report to the appropriate committees of the Congress on the compliance of the Board with the requirements of this Act not later than 30 days after the Board submits its annual report pursuant to subsection (a).

(c) AUDITING PROVISION.—The Comptroller General of the United States, and any of his authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the Board, and to any recipient of the Board, that is pertinent to the sums received and disbursed under this Act.

SEC. 1010. CONSTRUCTION.

Nothing in this Act shall be construed to—

(1) establish a preferred national curriculum or preferred teaching methodology for elementary and secondary school instruction;

(2) infringe upon the rights and responsibilities of the States to license elementary and secondary school teachers;

(3) provide an individual certified by the Board with a right of action against a State, local educational agency, or other public educational entity for any decisions related to hiring, promotion, retention or dismissal; or

(4) authorize the Secretary to exercise supervision or control over the research program, standards, assessment practices, administration, or staffing policies of the Board.

TITLE XI—MIDDLE SCHOOL TEACHER TRAINING DEMONSTRATIONS

SEC. 1101. SHORT TITLE.

This title may be cited as the "Middle School Teacher Training Demonstration Program Act of 1989".

SEC. 1102. PROGRAM AUTHORIZED.

The Secretary is authorized to make grants to institutions of higher education for the development of innovative models related to the specialized training of teachers of grades 6 through 9.

SEC. 1103. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $25,000,000 for fiscal year 1991 to carry out the provisions of this title.

TITLE XII—PRESIDENT'S COUNCIL ON ACADEMIC EXCELLENCE

SECTION 1201. SHORT TITLE.

This title may be cited as the "President's Council on Academic Excellence".

SEC. 1202. STATEMENT OF PURPOSE.

It is the purpose of this title to establish a President's Council on Academic Excellence to define the components or courses of an academically rigorous secondary school curriculum and to develop and present a medal or other suitable award to all secondary students who complete the curriculum.

SEC. 1203. COUNCIL ESTABLISHED.

There is established a President's Council on Academic Excellence (hereinafter referred to as the "Council").

SEC. 1204. DUTIES OF THE COUNCIL.

(1) The Council shall—

(A) enlist the active support and assistance of individual citizens, civic groups, private enterprise, voluntary organizations, the media, educators, and others in efforts to promote and improve American education and to encourage the pursuit of academic excellence in our secondary schools;

(B) initiate programs to inform the general public of the importance of academic excellence and the link which exists between academic excellence and international competitiveness;

(C) encourage State and local governments, private enterprise, and the media to recognize and honor academic excellence;

(D) encourage students to undertake an academically rigorous course of study;

(E) develop cooperative programs with professional societies to encourage the pursuit of academic excellence;

(F) stimulate and encourage research on academic excellence and achievement;

(G) assist educational agencies at all levels in developing high quality, innovative, educational programs which emphasize the importance of academic excellence; and

(H) encourage and cosponsor programs with public and private organizations which support and promote academic excellence.

(2) In addition to academic coursework, the Council may elect to include other activities such as school and community service, athletic participation, and artistic achievement in defining the components of an academically rigorous secondary school curriculum.

(3) The Council may adopt achievement standards that might be used to document academic excellence.

SEC. 1205. SPECIAL RULE.

The Council shall emphasize that the Council does not intend to establish a national curriculum, nor a national secondary school diploma; rather, the Council intends to recognize the successful completion of an academically demanding course of study.

SEC. 1206. MEMBERSHIP AND LOCATION.

(a) MEMBERSHIP.—The Council shall consist of—

(1) 11 members selected by the President;

(2) 5 members selected by the Senate Majority Leader; and

(3) 5 members selected by the Speaker of House.

(b) VACANCIES.—A vacancy in the Council shall be filled in the same manner as the original appointment was made. A vacancy in the Council shall not affect the powers of the Council.

(c) CHAIRPERSON.—The members of the Council shall elect a Chairperson from among the members of the Council.

(d) COMPENSATION.—Members of the Council shall serve without compensation.

(e) TRAVEL.—While away from their home or regular places of business in the performance of duties for the Council, all members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at a rate established by the Council not to exceed the rates authorized for employees of agencies under section 5702 and 5703 of title 5, United States Code.

(f) LOCATION.—The Council shall be located in Washington, D.C.

SEC. 1207. COMMISSION STAFF.

(a) EXECUTIVE DIRECTOR.—The Council shall appoint an Executive Director who shall be compensated at a rate established by the Council not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) ADDITIONAL PERSONNEL.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Council.

SEC. 1208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year thereafter to carry out the provisions of this title.

TITLE XIII—EFFECTIVE DATES

SEC. 1301. EFFECTIVE DATE RULE.

(a) GENERAL RULE.—Except as otherwise provided, the amendments made by this Act shall be effective upon the date of enactment of this Act.

(b) SPECIAL RULE.—(1) The amendments made by sections 603, 605, 606, and 803(b) shall take effect for award year 1990–1991 and thereafter.

(2) The amendments made by title VII and sections 615, 801, and 803(a) shall take effect for award year 1991–1992 and thereafter.

Mr. PELL. Mr. President, I ask unanimous consent that Senators

KENNEDY, METZENBAUM, SIMON, and MIKULSKI be added as original cosponsors of S. 695.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I rise in support of the Educational Excellence Act of 1989, S. 695, the first major educational initiative proposed by President Bush. It was introduced by Senator KASSEBAUM, my colleague and ranking Republican on the Education Subcommittee, and I am proud to be one of the 43 Senators to have joined her in cosponsoring this important bill.

Part A of title I of this initiative is the Presidential Merit Schools Program, which would provide cash awards to public and private elementary and secondary schools that make substantial improvement in raising student educational achievement, in creating a safe and drug-free school environment, and in reducing the dropout rate. In action taken at the subcommittee level, we targeted this program to serve chapter 1 schools that show dramatic improvements. These schools are the primary concern of our major Federal program of aid to elementary and secondary education, and we believe they should be the focal point of a program that rewards school improvement.

We have also tied funding for this program to increased appropriations for the regular chapter 1 program and to funding for the Basic Skills for Secondary Schools Program, which is a part of chapter 1. We believe this approach, which we also applied to the Smart Start legislation, is an important statement of our ongoing commitment to the chapter 1 program and to the need for chapter 1 to become a more integral part of secondary school education. Under the provisions of the bill as reported out of committee, the initial authorization for this program would be $200 million.

Part B is the schools of excellence proposal, which would provide Federal assistance to support new and expanded magnet schools programs. We believe that the President's proposal in this area has considerable merit, but that it should complement and not compete with existing Federal support for the magnet school approach. Accordingly, the Schools of Excellence proposal would become a third tier to be funded and implemented only when appropriations for the existing Magnet Schools Program reached $165 million and funding for the Alternative Curriculum Program reached $35 million. This helps ensure that the new program supplements our existing efforts and does not supplant them. The program would have an initial authorization of $50 million.

The Alternative Certification for Teachers and Principals proposal differs only slightly from that proposed by President Bush. It would provide $15 million for grants to States to develop and implement alternative certification programs.

The National Science Scholars proposal is a blend of that offered by the President and that proposed by Senator GLENN. It would provide scholarships for talented science and math students. Two students, one man and one woman, would be selected from each congressional district. Also, because of the need for increased minority participation, priority would be placed upon economically disadvantaged students, particularly from among populations traditionally underrepresented in physical, life, or computer sciences, mathematics, or engineering. It would carry an initial authorization of $6 million.

We have reworked the drug free schools proposal so that it will provide assistance not only to our major cities but also to rural areas with particularly severe drug problems. Also, we stipulate that one-third of the money available to the Governor under the drug free schools program must be used for emergency grants. At the end of last session—after we had moved S. 695 out of the committee and reported it to the floor—both the Senate and the House, as part of consideration of the omnibus drug bill, approved a series of amendments to the Drug Free Schools and Communities Act. I am very pleased that at that time we were able to incorporate the President's emergency urban and rural grants as part of that omnibus drug legislation. These amendments have now been signed into law. We have therefore deleted this section in the committee amendment which we will offer later. We have done so in light of the fact this provision has already been signed into law and so that we avoid the confusion this may cause in implementing the law.

For the historically black colleges and universities, we have provided an increase in the program proposed by the President. It would carry an initial authorization of $20 million in additional funding for the challenge grant endowment program in title III of the Higher Education Act.

We would also extend the School Dropout Demonstration Program. I am proud to have been the Senate author of this program in 1984, and am encouraged that we have decided to continue it for another 2 years. It would carry an authorization of $50 million.

The bill we bring to the floor today also contains several proposals to crack down on the problem of defaults in the Stafford Student Loan Program. We have included the President's⅛ proposals to prohibit schools from using commissioned sales representatives to recruit students and to prohibit granting student aid eligibility to any school that has had its accreditation terminated within the past 2 years. Similar provisions have already been approved by the Senate in the default bill passed last year.

Further, we have incorporated in this bill a number of provisions that were also a part of the Senate-passed default bill. Among these are requirements that colleges be notified of former students who are delinquent on their student loans, provisions for collecting additional borrower information on student loan applications, and clarifications on the reporting of delinquent loans to credit bureaus.

With respect to the needs analysis for Federal student aid programs, this legislation contains several important changes. Perhaps the most important, however, is the removal of the consideration of home and farm equity for families with incomes of less than $30,000. This change would take effect in the 1991-92 academic year.

We also make a series of technical amendments to the Higher Education Act, amendments that are necessary to correct misspelling, misplacement of commas, and other inadvertent errors.

The amendment before us would also move from the U.S. Bicentennial Commission to the Department of Education the Bicentennial Competition on the Constitution and rename it "We the People. * * * The Citizen and the Constitution." This is an extremely worthy and popular program, and one that ought to continue beyond the life of the Bicentennial Commission. It carries an initial authorization of $5 million.

Also, we would provide a one-time authorization of $25 million to support the important work of the National Board for Professional Teaching Standards. This Board seeks to develop a program of board certification for elementary and secondary school teachers throughout the United States. It would be a voluntary process through which teachers could sit for certification. Our hope is that it would inject a large dose of added professionalism to teaching and would help ensure that our young people are indeed the beneficiaries of the best possible education we can offer.

Finally, S. 695 includes a $25 million program of grants from the Secretary of Education to institutions of higher education with teacher training and retraining programs that would focus on the unique responsibilities faced by a middle school teacher. This program is of special interest to both Senator KASSEBAUM and Senator SIMON and I am indeed glad that we have been able to include language accommodating their respective concerns in the amendment we will offer later today.

Mr. President, this legislation has my wholehearted support. I believe we have made changes that strengthen

the proposals originally put forth by the administration, and that we have added some important additions. The President's proposal is neither as bold nor as daring as what I would have liked to see him offer, but it is a start nevertheless. In taking positive action on this initiative, I hope very much that we will be indicating to the President and the American people that we stand ready to forge a strong education partnership between the executive and legislative branches of our Government.

I would add that we would not be here at this time without the cooperation and help of the ranking minority member, and I look forward to—I cannot say many years in my case, but for as many years as possible of cooperation of this sort.

On behalf of the Committee on Labor and Human Resources and with the consent of the chairman, I send to the desk a modification of the committee amendment.

The PRESIDING OFFICER. Has the Senator been authorized by the committee to modify the committee amendment?

Mr. PELL. Yes, Mr. President.

The PRESIDING OFFICER. The Senator, therefore, has a right to modify the committee amendment. The committee amendment is so modified.

The committee amendment, as modified, is as follows:

On page 38, in the table of contents relating to part A of title I, strike

PRESIDENTIAL MERIT SCHOOLS

and insert

PRESIDENTIAL SCHOOLS OF DISTINCTION

On page 38, in the table of contents, strike

PART E—FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING

and insert the following:

PART E—BILINGUAL EDUCATION

PART F—DRUG ABUSE RESISTANCE EDUCATION

On page 38, strike the following:

TITLE III—DRUG-FREE SCHOOLS URBAN AND RURAL EMERGENCY GRANTS

On page 39, in the table of contents, strike the item relating to title XI and insert "MIDDLE SCHOOL TEACHING DEMONSTRATION PROGRAMS".

On page 39, line 3, strike "PRESIDENTIAL MERIT SCHOOLS" and insert "PRESIDENTIAL SCHOOLS OF DISTINCTION".

On page 39, line 4, strike "PRESIDENTIAL MERIT SCHOOLS" and insert "PRESIDENTIAL SCHOOLS OF DISTINCTION".

On page 39, line 8, strike "PRESIDENTIAL MERIT SCHOOL" and insert "PRESIDENTIAL SCHOOL OF DISTINCTION".

On page 39, line 10, strike "Presidential Merit Schools" and insert "Presidential Schools of Distinction".

On page 41, lines 3 and 4, strike "the Elementary and Secondary Education Act of 1965" and insert "this Act".

On page 41, lines 8 and 9, strike "the Elementary and Secondary Education Act of 1965" and insert "this Act".

On page 42, line 24, strike "Presidential Merit Schools" and insert "Presidential Schools of Distinction".

On page 43, line 15, strike "PRESIDENTIAL MERIT SCHOOL" and insert "PRESIDENTIAL SCHOOL OF EXCELLENCE".

On page 43, line 17, strike "Presidential Merit School" and insert "Presidential School of Distinction".

On page 43, lines 19 and 20, strike "Public Law 93-134" and insert "Public Law 95-134".

On page 44, line 4, strike "Presidential Merit Schools" and insert "Presidential Schools of Distinction".

On page 44, line 18, strike "Presidential Merit School" and insert "Presidential School of Distinction".

On page 44, lines 21 and 22, strike "Presidential Merit Schools" and insert "Presidential Schools of Distinction".

On page 45, line 3, strike "PRESIDENTIAL MERIT SCHOOLS" and insert "PRESIDENTIAL SCHOOLS OF DISTINCTION".

On page 45, line 5, strike "Merit School" and insert "Presidential School of Distinction".

On page 45, line 6, insert "whose student's are" after "State".

On page 45, lines 7 and 8, strike "the Elementary and Secondary Education Act of 1965" and insert "this Act".

On page 45, line 10, strike "Presidential Merit Schools" and insert "Presidential Schools of Distinction".

On page 45, lines 15 and 16, strike "Presidential Merit Schools" and insert "Presidential Schools of Distinction".

On page 46, line 18, strike "Presidential Merit Schools" and insert "Presidential Schools of Distinction".

On page 47, line 8, strike "Presidential Merit School" and insert "Presidential School of Distinction".

On page 47, line 11, strike "1220 or 1221" and insert "1020 or 1021".

On page 47, line 12, strike "Presidential Merit Schools" and insert "Presidential Schools of Distinction".

On page 47, lines 14 and 15, strike "Presidential Merit School" and insert "Presidential School of Distinction".

On page 47, line 25, strike "Presidential Merit School" and insert "Presidential School of Distinction".

On page 48, lines 5 and 6, strike "Presidential Merit Schools" and insert "Presidential Schools of Distinction".

On page 48, line 13, strike "MERIT" and insert "DISTINCTION".

On page 48, line 15, strike "MERIT" and insert "DISTINCTION".

On page 48, line 16, strike "Presidential Merit School" and insert "Presidential School of Distinction".

On page 48, line 17, strike "Merit" and insert "Distinction".

On page 48, line 20, strike "Presidential Merit Schools" and insert "Presidential Schools of Distinction".

On page 48, lines 21 and 22, strike "PRESIDENTIAL MERIT SCHOOLS" and insert "PRESIDENTIAL SCHOOLS OF DISTINCTION".

On page 48, lines 23 and 24, strike "Presidential Merit School" each place such term appears and insert "Presidential School of Distinction".

On page 49, line 20, strike "PRESIDENTIAL MERIT SCHOOLS" and insert "PRESIDENTIAL SCHOOLS OF DISTINCTION".

On page 49, beginning on line 22, strike all through line 25 and insert the following:

"Each State educational agency receiving financial assistance under this part shall ensure that each private school designated as a Presidential School of Distinction under section 4708 will use the Presidential School of Distinction award for capital expenses as set forth in section 1017(d) of the Elementary and Secondary Education Act of 1965, and after capital expenses have been met, use such award for purposes as set forth and administered under section 1572 of the Elementary and Secondary Education Act of 1965.".

On page 50, line 4, strike "Presidential Merit School" and insert "Presidential School of Distinction".

On page 50, line 7, strike "Presidential Merit School" and insert "Presidential School of Distinction".

On page 50, line 11, strike "an" and insert "a".

On page 50, line 12, strike "Presidential Merit Schools" and insert "Presidential Schools of Distinction".

On page 50, lines 14 and 15, strike "Presidential Merit Schools" and insert "Presidential Schools of Distinction".

On page 51, line 4, strike "education" and insert "educational".

On page 51, line 5, strike "organization," and insert "organization, and".

On page 52, line 16, strike "choice and" and insert "choice have".

On page 52, line 20, strike "that".

On page 58, line 15, strike "DEFINITION" and insert "DEFINITIONS".

On page 63, line 17, strike "and".

On page 63, line 19, strike the periods and the end quotation marks and insert a semicolon and "or".

On page 63, between lines 19 and 20, insert the following:

"(C) was previously part of a school district upon being constituted or reconstituted.".

On page 63, beginning on line 20, strike all through page 64, line 2, and insert the following:

SEC. 132. TECHNICAL AMENDMENTS.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 is amended—

(1) in sections 1005(a), 1006(a)(1)(A), 1291, 2004(a), and 4502 by striking "and the Trust Territory of the Pacific Islands" each place such term appears and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau";

(2) in sections 1404, 1405(a)(2)(A), 1405(a)(2)(B) and 1471(22) by striking "or the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau";

(3) in sections 1511(a)(1), 2104(a)(1), 5112(a)(1) and 5141(b)(6) by striking "the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, Palau";

(4) in section 1469 by—

(A) redesignating subsections (g), (h) and (i), as subsections (h), (i) and (j), respectively; and

(B) striking "(f) Staff" and inserting "(g) Staff"; and

(5) by redesignating title heading relating to title 10 as the title heading relating to title 8.

(b) ADULT EDUCATION ACT.—The Adult Education Act is amended—

(1) in sections 312(7) and 371(b)(7)(B)(i) by striking "the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, Palau"; and

(2) in sections 313(b) and 361(a) by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau".

(c) STAR SCHOOLS PROGRAM.—Section 907(8) of the Star Schools Program Assistance Act is amended by striking "the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, Palau".

(d) IMPACT AID PROGRAM.—Section 5(a) of Public Law 81-874 is amended by—

(1) inserting "(1)" before "Any"; and

(2) inserting at the end thereof the following new paragraph (2):

"(2) Notwithstanding any other provision of law or regulation, a State educational agency that had been accepted as an applicant for funds under section 3 for fiscal years 1985, 1986, 1987 and 1988 shall be permitted to continue as an applicant under the same conditions by which it made application during such fiscal years only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.".

(e) EDUCATION OF THE HANDICAPPED.—The Education of the Handicapped Act is amended in—

(1) section 602(a)(6) by striking "or the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau";

(2) section 611(a)(2) by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau"; and

(3) Section 611(e)(1) by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau".

(f) LIBRARY SERVICES AND CONSTRUCTION ACT.—The Library Services and Construction Act is amended in—

(1) section 3(g) by striking "or the Trust Territory of the Pacific Islands" and inserting in lieu thereof "Palau, the Republic of the Marshall Islands, or the Federated States of Micronesia";

(2) section 5(a)(3) by striking "and the Trust Territory of the Pacific Islands" each place such term appears and inserting in lieu thereof "Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia";

(3) section 7(a) by striking "the Trust Territory of the Pacific Islands" and inserting in lieu thereof "Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia"; and

(4) section 7(b) by striking "and the Trust Territory of the Pacific Islands" each place such term appears and inserting in lieu thereof "the Commonwealth of the Northern Mariana Islands, Palau, the republic of the Marshall Islands, and the Federated States of Micronesia".

PART E—BILINGUAL EDUCATION

SEC. 141. BILINGUAL EDUCATION.

Awards made by the Secretary of Education to the Franklin-Northwest Supervisory Union of Vermont under the Bilingual Education Act (20 U.S.C. 3221 et seq.), in amounts of—

(1) $388,076.56 for fiscal year 1984 (for programs of bilingual education);

(2) $400,061.00 for fiscal year 1986 (for programs of transitional bilingual education) and any expenditure of funds by the Franklin-Northwest Supervisory Union pursuant to such awards, shall be treated as if they were made in accordance with the provisions of the Bilingual Education Act for purposes of any claims for repayment asserted by the Secretary of Education.

On page 64, line 7, strike the comma and insert a semicolon.

On page 66, line 14, strike "Act" and insert "subpart".

On page 69, between lines 12 and 13, insert the following:

"(i) SPECIAL RULE.—The Director shall encourage the support and assistance of civic groups, the business community, professional associations, institutions of higher education, and others in providing scholarship assistance to National Science Scholarship Finalists."

On page 69, line 13, strike "(i)" and insert "(j)".

On page 73, beginning on line 1, strike all through page 75, line 2.

On page 89, strike lines 1 through 16, and insert the following:

SEC. 616. DISCLOSURE OBLIGATION FOR SLS AND PLUS LOANS; REPAYMENT PERIOD.

(a) AMENDMENT.—Section 433 of the Higher Education Act of 1965 (20 U.S.C. 1083) is amended by inserting at the end thereof the following new subsection:

"(e) SPECIAL DISCLOSURE RULES ON SLS AND PLUS LOANS.—

"(1) DISCLOSURE OF PROJECTED MONTHLY PAYMENTS.—Loans made under sections 428A and 428B shall not be subject to the disclosure of projected monthly payment amounts required under subsection (a)(8), provided that the lender, in lieu of such disclosure, provides the borrower with sample projections of monthly repayment amounts assuming different levels of borrowing and interest accruals resulting from capitalization of interest while the borrower is in school.

"(2) TIMING OF DISCLOSURES.—Disclosure pursuant to section 433(b) made on loans made under sections 428A and 428B shall be made not later than 30 days prior to the due date established by the lender for the first payment from the borrower.".

(b) COMPUTATION OF REPAYMENT PERIODS.—

(1) SLS LOANS.—Section 428A(c) of the Higher Education Act of 1965 (20 U.S.C. 1781-1(c)) is amended by inserting the following new paragraph at the end thereof:

"(6) REPAYMENT PERIOD.—For purposes of calculating the 10-year repayment period under section 428(b)(1)(D), such period shall be considered to commence at the time the first payment is due from the borrower.".

(2) PLUS LOANS.—Section 428B(c) of the Higher Education Act of 1965 (20 U.S.C. 1078-2(c)) is amended by inserting the following new paragraph at the end thereof:

"(6) REPAYMENT PERIOD.—For purposes of calculating the 10-year repayment period under section 428(b)(1)(D), such period shall be considered to commence at the time the first payment is due from the borrower.".

On page 109, after line 25, insert the following:

(c) TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE.—Section 1204 of the Higher Education Act of 1965 is amended by inserting at the end thereof the following new subsection (d):

"(d) Notwithstanding any other provision of law, an institution of higher education that is located in any of the freely associated states, rather than a State, shall be eligible, if otherwise qualified, for assistance under subpart 4 of part A of title IV of this Act.".

On page 115, line 12, insert a comma after "Islands".

On page 115, between lines 15 and 16, insert the following:

SEC. 808. DEFINITION.

Section 545 of the Higher Education Act of 1965 is amended by striking "and the Trust Territory of the Pacific Islands" and inserting "the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau".

On page 115, beginning on line 23, strike all through line 25, and insert the following:

"(1) redesignating section 4608, as renumbered and amended in sections 202(1) and 202(2), respectively, of Public Law 100-569 as section 4610; and

"(2) inserting after section 4608 as added by Public Law 100-569 and renumbered by Public Law 100-690 the following new section 4609:

On page 116, line 1, strike "4607" and insert "4609".

On page 117, line 16, strike "1991" and insert "1990".

On page 117, line 17, strike "1992" and insert "1991, 1992".

On page 119, line 10, before "Advisory" insert "Development".

On page 126, line 17, strike "4(c)(2)(G)" and insert "1004(c)(2)(G)".

On page 128, line 20, strike "of the Board, that is" and insert "of funds from the Board, that are".

On page 129, beginning on line 16, strike all through page 130, line 5, and insert the following:

TITLE XI—MIDDLE SCHOOL TEACHING DEMONSTRATION PROGRAMS

SEC. 1101. MIDDLE SCHOOL TEACHING DEMONSTRATION PROGRAMS.

Title V of the Higher Education Act of 1965 is amended by inserting at the end thereof the following new part F:

"PART F—MIDDLE SCHOOL TEACHING DEMONSTRATION PROGRAMS

"SEC. 581. STATEMENT OF PURPOSE.

"It is the purpose of this part to provide financial assistance to institutions of higher education which offer teacher training or retraining programs to develop model programs with a specialized focus on teaching grades 6 through 9.

"SEC. 582. DEFINITIONS.

"As used in this part—

"(1) The term 'developmentally appropriate' means a program that is appropriate for a child's age and all areas of an individual child's development, including educational, physical, emotional, social, cognitive, and communication.

"(2) The term 'institution of higher education' has the same meaning given that term in section 1201(a) of the Higher Education Act of 1965.

"(3) The term 'local educational agency' has the same meaning given that term in

section 1471(12) of the Elementary and Secondary Education Act of 1965.

"(4) The term 'middle school' means a school which enrolls students in at least two of the grades 6, 7, 8, and 9.

"(5) The term 'State educational agency' has the same meaning given that term in section 1471(23) of the Elementary and Secondary Education Act of 1965.

"SEC. 583. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to make grants, on a competitive basis, to institutions of higher education to develop model programs with a specialized focus on teaching grades 6 through 9.

"(b) SPECIAL RULE.—(1) The Secretary shall ensure an equitable geographic distribution of grants awarded under this part.

"(2) The Secretary shall take into consideration equitable levels of funding for urban and rural areas in awarding grants under this part.

"(c) GRANT PERIOD.—Grants under this part may be awarded for a period not to exceed 3 years.

"(d) FUNDING LIMITATION.—Grants awarded under this part may not exceed $250,000 in the first year of funding.

"SEC. 584. APPLICATION.

"(a) IN GENERAL.—Each institution of higher education desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall demonstrate that—

"(1) the applicant will establish and maintain a program of teacher training or retraining designed to offer specialized preparation for individuals teaching grades 6 through 9;

"(2) the applicant has designed a program of teacher training or retraining which includes—

"(A) a study of adolescent development (including cognitive, social, and emotional) with particular emphasis on early adolescent development;

"(B) a study of the influence of institutions such as schools, families, and peer groups in the socialization of adolescents;

"(C) information concerning the organization of schools for students in grades 6 through 9, with particular emphasis on developmentally appropriate school and classroom organization and practices;

"(D) training in at least 2 subject areas and related instructional strategies;

"(E) direct experience through internships in middle grade schools under the guidance of teachers who demonstrate exemplary classroom practices;

"(F) strategies for the prevention and detection of high risk behavior, particularly drug and alcohol abuse, and for the enhancement of self esteem among adolescents;

"(G) a study of effective methods and models of presenting substance abuse information and education to adolescent students; and

"(H) methods of encouraging parental and community involvement with middle schools; and

"(3) the program will be designed and operated with the active participation of classroom teachers and will include an in-service training component.

"SEC. 585. REPORTS AND INFORMATION DISSEMINATION.

"Each institution of higher education receiving a grant under this part shall submit to the Secretary such reports and other information regarding programs conducted under this part as the Secretary deems necessary. The Secretary shall disseminate such information to other institutions of higher education, State educational agencies, and local educational agencies.

"SEC. 586. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $25,000,000 for fiscal year 1991 to carry out the provisions of this part.".

On page 133, lines 23 and 24, strike "for each fiscal year thereafter" and insert "for fiscal years 1992 and 1993".

Mr. PELL. Mr. President, this is a bipartisan modification that has the full support of all members of the committee.

For the most part, the changes in this modification are of a technical nature, but there are a few items I believe should be highlighted.

First, this modification makes a series of important changes in title XI of S. 695, the Middle School Teaching Demonstration Program. These changes are the result of a bipartisan agreement between the proposal's author, Senator KASSEBAUM, and a member of the subcommittee who has a longstanding interest in this area, Senator SIMON. I am indeed glad that they were able to come to agreement on this important issue, and am pleased that we can incorporate that agreement in this modification.

Second, unless we take affirmative action, the Republic of the Marshall Islands and the Federated States of Micronesia will lose their eligibility in a series of important education programs. The question of continued education assistance is one of the few areas left open in the compacts between each nation and the United States. In other words, it is up to the Congress to decide if Federal education assistance should continue.

The need for continued assistance is clear. What we provide is critically important to the education of the citizens of both nations. Accordingly, the modification I offer on behalf of the Committee membership would continue eligibility of both the Republic of the Marshall Islands and the Federated States of Micronesia in such important programs as chapter 1, chapter 2, adult education, Star schools, and the LEAD Program. This is in addition to the eligibility for participation in the Territorial Teacher Training Assistance Program and TRIO programs.

Mr. President, I urge that the Senate accept the committee modification to S. 695.

Mrs. KASSEBAUM. Mr. President, I am pleased that the Senate is now considering S. 695, the Educational Excellence Act. I particularly appreciate the efforts of the chairman of the Education Subcommittee, Senator PELL, who has diligently worked to bring the bill to fruition and processed through the committee. I also very much appreciate the efforts of the majority leader, Senator MITCHELL, who has been steadfast in wanting to bring this legislation to the Senate floor.

The proposal before us is based on the original package of educational initiatives that were put forward by President Bush in the early months of his Presidency. The President's commitment to education is deep and genuine, as most recently evidenced by the focus given to education in his recent State of the Union Address.

The importance of maintaining a top quality education system in our country cannot be overstated, and certainly Senator PELL, who has worked in the vineyards of education for many years, recognizes that very important initiative.

The new jobs created over the next 12 years will require higher levels of skills. In addition, international competition is becoming an increasing challenge. Our traditional preeminence in ideas, invention, and enterprise is no longer being taken for granted. The startling international developments over just the past 12 months hold the potential for even more challenging competition.

Unfortunately, the demand for more skilled and flexible workers is coming at the very time when serious concerns are being raised about the performance of our students in the basic skills of reading, writing, and arithmetic. The business community is becoming increasingly interested and involved in educational improvement programs precisely because they are worried about not being able to hire the types of workers they need.

Data released by Education Secretary Cavazos last year showed stagnation in student performance based on criteria such as test scores and dropout rates. An estimated 650,000 to 700,000 students drop out of our schools every year. Conservative estimates show that 23 million Americans are illiterate.

Mr. President, these are the challenges we face that I think are of paramount importance to our Nation.

Findings of the National Assessment of Educational Progress on reading and writing performance are also troublesome. Virtually no improvement has occurred in reading skills since the early 1970's. Of particular concern for the future is that fewer than half of the students tested indicated that they liked to write and even fewer indicated that they wrote anything outside of school.

President Bush is to be commended for using the bully pulpit of the Presidency to draw national attention to our educational needs. I am hopeful that the enactment of the Educational Excellence Act will help to further promote this effort.

The principles which President Bush emphasized in transmitting his legisla-

tion—recognition of educational excellence, targeted use of Federal resources, promotion of choice and flexibility, and accountability for educational results—are preserved in this package.

This proposal to reward schools which make substantial improvements in their programs—to establish schools of excellence, to encourage alternative teacher and principal certification, to assist national science scholars, and to help build the endowments of historically black colleges and universities—is contained in this bill.

Senator PELL has listed in more detail many of the provisions of the bill but, in addition, I would like to focus on a couple that I think are important. We have added to the package a number of important provisions aimed at guaranteed student loan default reduction. The default regulations issued by the administration last year represent a tough but fair approach I believe to this problem. The legislation we are considering today builds upon this effort by incorporating provisions in Senate default reduction legislation now reflected in the regulations.

I am particularly pleased that the middle school teacher training provisions which I believe were very important were included in this package. Unfortunately, early adolescents rarely receive special attention. Yet this is a time when young people are making critical decisions which will profoundly affect the rest of their lives.

I believe some well constructed demonstration programs can explore ways in which teacher training efforts can be improved to address the unique needs of this group of students. Such an effort offers a good starting point from which to build an expanded focus in this often neglected area.

Finally, Mr. President, throughout committee consideration of S. 695, I expressed serious reservations about the inclusion of an authorization for a national board of professional teaching standards in the bill. I realize that this provision of the bill will be subject to one or more amendments which we will consider later today, and I will speak later on that subject.

I believe that Senate approval of S. 695 will be a positive step forward on behalf of realizing our aspirations for the improvement of our educational system. This is an area in which President Bush has placed the highest priority, and it is a priority I believe that we all share.

I yield the floor, Mr. President.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DODD].

Mr. DODD. Mr. President, first of all let me commend my distinguished colleague from Rhode Island. I guess by now most people have lost count of the number of education bills which he has managed on the floor of this body over a long and distinguished career, and this legislation is just yet another example of that commitment to education at every level in this country.

I note he is missing his longstanding partner, as we have talked about over the years, Bob Stafford, who for years was the partner in the team of PELL and Stafford on education matters. But he has been replaced by an equally distinguished member of the Senate, Senator KASSEBAUM, who brings a deep commitment to education as well.

Mr. PELL. If the Senator will yield, it should be called the Stafford-Pell team.

Mr. DODD. I noticed that the Senator from Rhode Island is in the majority right now. I thought I would make it Pell-Stafford. I noted that between 1981-87 it was Stafford-Pell. Since the Democrats took over in 1987, I thought I would put the Senator from Rhode Island first.

I noted Senator KASSEBAUM as well replaces Senator Stafford in that commitment, and certainly education is in good hands. We may have a little disagreement a little later in the day about one aspect of all this but that is the nature of our constitutional process and the way we legislate matters.

I would like to, first of all, as I said a moment ago, commend the chairman of the Subcommittee on Education as well as the President for submitting legislation regarding education excellence in the next decade and how important that is. I guess everyone of us from time to time have been asked by a group of students, or maybe someone in the media, what is the single most important issue in your mind? I guess that is a difficult question to answer.

Most of us have been confronted with that question. There are so many matters that require our attention and some matters that are extremely important. So it is difficult to answer that question when one is in politics.

But I have answered it in the past. I have answered it with a simple answer. Education is the single most important issue before the United States. Every other question, as important as it is; deficit, our national security, environmental questions that are before us, the quality of the work force, you can go down a long list of issues that certainly are of tremendous importance to this Nation, but no other issue, not another issue even approximates the importance of education.

Almost 200 years ago, Thomas Jefferson said the following, Mr. President. He said that any nation that ever expects to be ignorant and free expects what never was, and never ever can be. You can never be ignorant and free.

So, of all the issues that are before us, none even remotely comes close to the issue of education and its importance. Regrettably we are falling behind in that area, an area that was really a source of great pride to all of us. Certainly during this last century, we have watched the education of young Americans exceed what anything anywhere else in the world even came close to achieving. It has been a hallmark of our success.

I would say that if you had to point to any single reason why this country has done as well as it has over the last 100 years or more, it has been because of this Nation's commitment to education. How many of us can go back in our own lives and, while parents, neighbors, others, a member of the clergy may have had a profound influence on our lives, almost every one of us in this body I would suggest would point to a teacher, either elementary, high school, university professor, that at some point in our lives had a profound influence on our thinking, and in our judgment about the courses we have chosen in our lives to follow.

I would suggest that education really deserves certainly the highest of all places in the consideration of what has made this country as successful as it has been, and certainly the issue of whether or not we will enter the next century prepared as we must be for the kind of competition we will face at every single level.

So in my view no other issue is as important. This is the issue. If we can solve or if we have the ability to solve our environmental problems, it will be because there is an educated constituency in this country that understands those problems and is willing to work at it. If we are going to be successful in solving the deficit, it will be because we have an educated population in this country that understands the choices and a leadership that is willing to make them. It will be because of education.

I would suggest on every single issue you go down, on every single problem we face in this country, if we fail to have an educated leadership and an educated population, our ability to solve those problems will be left entirely to chance—just a chance, good fortune, and good luck.

But if we have an educated population, if we have an educated leadership with the ability to come to terms with the issues that plague this country and plague our world, those issues will have a far greater chance of being solved.

So this is the issue. This is the central question that we must come to terms with. If this Congress did nothing else in this session, if we did no other work at all but to go to work on the problems of education, drug abuse—how many times have we heard

"education", "education", "education"? If we can make young people understand the evils and the harms that come to them if they become addicted to drug abuse or substance abuse—"education". I would suggest that if we could solve that alone we would make a major inroad in the consumption of drugs and substances in this country that are harmful to people. So it is education.

If you can deal with that, begin to deal with that, then the rest of these problems become manageable. In the absence of dealing with this, every other problem will be left to sort of a chaotic solution which may or may not work.

So I feel so strongly about this that I hope this would just be the first of many efforts in this Congress and in the coming Congresses in this decade, so that if nothing else, Mr. President, as we end this century, our generation could at least say, even if we had not solved the deficit, even if we had not cleaned up the rain forests, even if we had not eliminated the scourge of drug abuse in this country, we in our generation and our time, in this Congress, will be able to say we put education back on track in this country. We at least have provided the opportunity and the tools for the next generation to cope with the problems they will face in the next century in this country. This is, in my view, the essential issue.

Today, of course, this bill goes a great distance toward helping us get on track. It is a balance, this package, a balance of education initiatives aimed at bolstering elementary, secondary, and postsecondary education programs. It will promote quality teaching, Mr. President, and quality education.

That is a very important point, a simple sentence, but very important point. Central to this legislation is promoting quality teaching and quality education, the tools, I suggest, need to be considered hand-in-hand to achieve true education excellence.

Quality education is not possible, will never be achieved, never be arrived at, we will not come close, unless we have a committed teaching force in America. To talk about quality education and not to talk about quality teachers is to miss the point entirely. You can never achieve the former, never, ever achieve the former, unless you have quality in the latter. Unless there are quality people who are willing to choose this profession, to make the choice and the lifetime professional commitments to education, you will never achieve quality education in America. It will be nothing more than rhetoric on this floor.

That is why I feel so strongly, and we will have some discussion later, I presume, on the importance of title X of this legislation, as a vital component of education excellence.

Title X will provide $25 million in Federal assistance over 3 years. That is it. Not 4 years, not 5 years, not 6 years, not indefinitely in the future, but for one 3-year period: $25 million—a number we hardly even talk about any more in the Federal budget—for research and development of methods of teacher assessment and certification. A competitive grant awards process would be conducted by a national board made up of some of the best people in this country from corporations, in the fields of education and foundations that are already on this board, I add.

Provisions of title X are needed, and they are needed today. This is not a question where we might like to do it next year or next month. We are lagging so far behind already in this area that we are already behind the curve in the whole area of teacher certification and teacher improvement. We are truly faced with an education crisis.

The majority of our Nation's educators, well over 50 percent, are approaching retirement age. A minority number is under retirement age and will not be retiring. The majority are about to quit, about to finish their teaching experience. Potential educators are being drawn away from the profession of education to jobs offering far more pay and prestige. And every one of us can tell stories about teachers in our own States that finally gave up because of the pay or the conditions and joined the private sector in some other profession, because they could not keep the teaching profession any longer. Fewer qualified individuals are choosing to enter the teaching profession.

Mr. President, one anecdote in my own State: A couple of years ago the State of Connecticut, in which we take pride as one of the most successful States in the area of education and with the innovative programs we have come up with, we graduated, of all of our teaching colleges, only one person certified to teach high school physics in the State of Connecticut, a State that has high technology and firms involved in defense-related areas and plenty of job opportunities, where the importance of physics and math and science is crucial; we graduated one person in our State qualified to teach high school physics in the State of Connecticut, which is one of the finest post-secondary educational programs in the country. One individual out of our whole State was certified to teach a physics program. That is the crisis we are talking about.

Within the next 10 years, in this decade, we are going to need to attract, according to experts, 1 million new teachers to staff our classrooms. For the elementary, secondary levels, up into the postsecondary schools. A million Americans are going to have to choose this profession, at a minimum.

That is our challenge. That is the goal for this next decade. We do not have a lot of time to sit around and conduct all sorts of fancy studies, to wait 4 or 5 years to figure out what we are going to do. We have this decade to come up with a million new people who will choose the profession that, today, is one of the lowest in terms of choices that our young people are making coming out of the universities and colleges in this country.

We have to reverse that cycle. That is the challenge before us. To prevent the severe teaching shortages, the Nation must act quickly to improve the appeal of the teaching profession. As a result of a major study, the Carnegie Forum on Education and the Economy concluded—not a conclusion of some subcommittee—that a voluntary national certification program would be one very effective way to offer teachers the professional recognition they have long sought.

As a result of that, the National Board for Professional Teaching Standards were created in 1987, almost 3 years ago. The teachers came together—and by the way they strongly support this, the teacher unions and groups across this country—to form the board to offer members of their profession an extra credential, a voluntary certification, not unlike, I suggest, the certification offered by the medical board. Over two-thirds of the board members, I further suggest to you, Mr. President, are members of the teaching profession.

However, the board cannot immediately implement a certification program for experienced teachers. Applied research needs to be conducted to determine the best ways to test the general knowledge, the grasp of specific subject matter, and the teaching techniques of the potential certification candidates.

The same assessment cannot be applied to the first grade teacher and the 11th-grade biology teacher. They are different. They are teachers, and that is where their commonality ends. Their rolls are different. And there are several other dozens teaching specialties, obviously.

Extensive research is further needed before the board can offer fair and equitable methods of assessment. There is no time to waste, as I suggested earlier; every minute that we neglect to support the backbone of our educational system in this country makes it far more difficult for school systems to find and keep willing and able teachers.

A Federal contribution of $8 million a year for 3 years, that is what we are talking about. A total of $8 million a year. It would probably cost us that amount to keep the lights on in this

building. Eight million a year for the next 3 years, and that is it—it does not go beyond that—to promote education excellence and to bolster the morale and professional standards of our Nation's teachers. The money will be used exclusively for the research and development of state-of-the-art methods of teachers' assessment, and findings will be published for anyone to access.

The method of Federal funding is not unique, by the way. Other private, nonprofit entities receive direct Federal funds. Among them, the American Board of Emergency Medicine, Corporation for Public Broadcasting, the Close-Up Foundation, the American Red Cross, and the list goes on. In this case the national board will be unable to use any of the Federal funds for administrative costs. None of the funds could be used to run this operation. That must come from private contributions. The board will merely act as a conduit through which the funds will flow to universities and research centers.

The national board will be required to match the Federal funds, dollar for dollar. That is a rarity. Actually, we are creating something here that requires the private funds being raised before you can get any Federal money at all, with money raised from non-Federal sources. Not 1 cent of the Federal money could be used for administrative costs. Twenty-five million dollars will be used exclusively for research and develop. After lengthy discussions with members of the minority on the Labor and Human Resources Committee in 1988, Senator PELL and I added specific language to the bill before an introduction to guarantee strict accountability in competition.

That was done in consultation with others who were involved in this question. The National Board would be required to report to the Department of Education and the Congress each year on its projects and progress.

The proposed legislation, furthermore, guarantees that the National Board will be accountable for every cent of Federal contributions. This is one of the accusations: It will not be accountable. The board is required to establish a research and development advisory committee to assure a meaningful research agenda and report to the Congress, as I said earlier. The Secretary of Education will appoint two members of the committee.

No. 2, all research and development contracts must be awarded competitively on the basis of merit. Announcements of research program will be widely disseminated. An advisory committee will assure an expert peer review process is in place.

No. 3, periodic progress reports and public access to all work products will be required. Each year the education community, the Secretary, and the Congress will know if the board is using an appropriated funds wisely. States and schools will have access to research findings.

No 4, legislation would require internal and external audits, including the submission of an annual report by the Department of Education, the National Science Foundation, and the National Research Council to the Congress on the board's activities. Also, the Government Accounting Office is authorized to audit fully the Board's books and activities. If that is not accountability, I do not know what is, in terms of whether or not this board is meeting its obligation.

The four stages represent the customary means of holding grantees, of course, accountable. We also include a sunset provision—that is again something that is not done rather often around here. This board's activities, as far as money seeking, here end after 3 years. There will be no further request for it. It is a one 3-year deal to get that research and development going. So it is very important that we spell it out in legislation. Title X states clearly—and I want to emphasize this point because there has been some concern raised by people across the country—unequivocally that the board in no way will interfere with State teacher licensing procedures. Certification is strictly of a voluntary nature.

I draw my colleagues' attention to page 128 of the bill, on the bottom of that page, under section 1010, and there on line 23, it says, "Nothing in this Act shall be construed to," and it goes to page 129, and lists four items; No. 2 says "infringe upon the rights and responsibilities of the States to license elementary and secondary school teachers." So it could not be any more clear. There is nothing in this that would permit the Federal Government to establish licensing procedures at the State level.

Senator FORD of Kentucky and I will enter into a colloquy a little later in which Senator FORD asks specifically whether or not this is going to pose a problem.

Again I state for the record here and will later in the day that there is nothing in this act that will permit the Federal Government to infringe upon the States' licensing requirements. You would have to pass a Federal law aside different than this one that would give the Federal Government the right to license. I would oppose such legislation. None is pending. None has been drafted to my knowledge.

So the suggestion somehow that we are going to license or the Federal Government is going to assume the licensing responsibilities is just patently false.

Finally, Mr. President, if the Secretary determines that the board is not complying with any provision of the act not 1 cent of Federal funds will be provided to the board.

We could not be considering this legislation at a more appropriate and important time. In the last few months both the Democratic Members of Congress, the Governors, and the administration have articulated the need to make education a No. 1 priority. For the first time ever, we are a witness to the realization that the education of our young requires the attention of all levels of government and the provisions of title X have received strong bipartisan support when introduced, I would add, and moved through the Labor and Human Resources Committee rather quickly.

Voluntary teacher certification will give teachers an additional credential they can use to gain well-deserved recognition and respect for their abilities. If enough teachers do not apply to be certified by the National Board, when the research has been completed, the board will not be sustained. However, whether voluntary certification is utilized or not, there will be a return on the Federal Government's contribution to the research and development of state-of-the-art methods of teacher assessment and teacher retention. State and local governments will have access to the findings. The findings will be available to teacher education departments of colleges and universities across this country.

It is vital that we support the board in its efforts to begin to offer certification by 1993. We can best show our support for teachers by supporting the Federal contribution to the development of high quality, fair methods of teacher assessment.

For this reason, I strongly urge my colleagues to vote against any amendments that will modify or strike title X of S. 695. A vote against title X is a vote against education because of the equation: You cannot have a good education without quality teachers, and this title X is designed to try and improve that situation.

Let us show the teachers of this country that we are in their corner with the strongest supporters and strongest advocates of education. Teachers have gone on too long without the recognition and appreciation that they deserve. Let us show the families and students that we are committed to make our schools as we close our this century the best schools in the world.

Mr. FORD. Mr. President, I wish to clarify one issue with the author of title X of this bill. I have received numerous telephone calls and letters from home-school teachers in my State who are concerned that the NBPTS title of the pending legislation would impinge on their ability to teach their children at home. They have also expressed concerns that Na-

tional Board certification would be mandatory. Therefore, I would appreciate it very much if my friend from Connecticut would comment upon the effect of this title on home-school teachers.

Mr. DODD. I am delighted to clarify this issue for my friend from Kentucky. Let me assure you that it was never the intent of the committee that this provision would affect home-school teachers, or their regulation by the States, in any way. As a matter of fact, section 1010 of the bill explicitly provides that "Nothing in the bill shall be construed to infringe upon the rights and responsibilities of the States to license elementary and secondary teachers."

The provision before us concerns the purely voluntary advanced certification of experienced teachers, and it has nothing to do with State licensing and regulation of home-school teachers, or of private school teachers. Moreover, with respect to the issue of voluntariness, it was clearly the committee's intent to make this certification voluntary, just as is the case with board certification of doctors. I hope this addresses the Senator's concerns.

Mr. FORD. I thank my friend from Connecticut for his statement. I think this clarifies the fact that this legislation will not infringe upon the rights of States to permit and to regulate home-school and private school teaching.

NATIONAL LITERACY ACT

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

MODIFICATION OF AMENDMENT NO. 1228

Mr. PELL. Mr. President, on S. 1310, the National Literacy bill, I ask unanimous consent that it be in order to modify amendment No. 1228 with the modification I now send to the desk.

The PRESIDING OFFICER. Hearing no objection, the amendment is agreed to as so modified.

The amendment (No. 1228), as modified, is as follows:

After line 1 of the Heinz amendment, insert the following:

(g) EDUCATIONAL PROGRAMS FOR COMMERCIAL DRIVERS.—Part C of the Adult Education Act is amended by inserting at the end thereof the following new section 373:

EDUCATIONAL EXCELLENCE ACT OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes Senator BOREN.

Mr. BOREN. Mr. President, I first compliment my colleague from Connecticut for the remarks he just made. I associate myself with his remarks both about the merits of the bill and also about the particular merits of title X which he explained in great detail and great accuracy and clarity.

Mr. President, I am often asked as chairman of the Intelligence Committee to name the greatest threat to the national security interests of the United States.

For many, many years I think that a person in my position when answering that question would have talked about the nature of the Soviet threat, would have talked about the missile threat aimed against this country, would have talked about the power of the Warsaw Pact to launch a conventional attack across the borders of Western Europe and Eastern Europe. We would have thought of our national security interest in terms of ability to garner intelligence in terms of balance of military forces.

Mr. President, with all the changes that are taking place in the world, including the incredible debate that is now taking place in Moscow, even as we meet today, in terms of a restructuring of the Communist Party of the Soviet Union, the changes that have occurred in Eastern Europe, seeing the virtual elimination of the Warsaw Pact as a military force to be reckoned with, if I were to be asked that question today, I would answer it very differently than those who were my predecessors would have answered it 5 or 10 years ago.

I would have to say that the greatest threat to the national security of the United States is represented in our failure to fully develop the human resources of this country. We understand that the Soviet Union has been a superpower only in the military sense. It is not an economic superpower. It is certainly not a superpower in terms of the appeal of its philosophy to the rest of the world. What we have sometimes failed to understand is that there has been an ironic and symbolic relationship between the power and influence of the United States in the world and the power and influence of the Soviet Union.

Now that the military threat from the Soviet Union is perceived as rapidly declining by the other nations of the world, we have to realize that those nations will no longer automatically be so anxious to follow the lead of the United States in matters of international importance. The NATO countries were willing to follow our lead because they were concerned about the Soviet threat and the threat from the Warsaw Pact and they wanted the protection offered by the shield of American military strength.

In the Orient, the Japanese were perfectly content to spend only about one-seventh the proportion of military expenditures as we were spending in this country but they wanted the shield of American military protection. And they were willing to follow our lead in international matters of great importance because they wanted to continue to benefit from that American military protection against what they perceived as the threat from the Soviet Union and the Eastern bloc. Now that they are no longer so concerned about that threat, they are going to be much less willing to follow the lead of the United States in world affairs.

How then will the United States reassert its role in the world? What kind of role, Mr. President, will we play in world affairs in the 21st century? The 20th century in many ways has been the American century. It has been American ideas and ideals that moved the world to change. It was a symbol of this country, the Statue of Liberty, that was raised in Tiananmen Square that moved the world to support student demands for change in that country. It was American ideas and ideals used by Lech Walesa, when he began his speech to us at the joint session of Congress, with the words "We, the people." That further moved the world to support change in Eastern Europe.

But what of our role in the next century? In the next century, the influence of this country will have to be exerted in different ways, in terms of moral influence of our ideas and ideals; it will have to be exerted in terms of hopefully major exchange programs between our students and students of other nations so that we can teach the next generation of leaders in other nations of the world about our system of government, our form of society, our sense of fairness and human dignity. But it also will rest upon the ability of the United States to protect economic growth.

Mr. President, we are in a far different situation than we were in 1950, for example, when we still had great military strength, indeed almost a monopoly on military strength in the world, and we led the world in a way that perhaps no other nation has ever led it in history. At that time we had the 10 largest banks in the world. Today, we do not have any of the top 20 banks in the world. At that time, we had a 68-percent share of the world's assets and almost a 70-percent share of the world's markets. Today, our share of the value of world assets is about 20 percent and our share of world markets is about the same.

So if we are going into a totally new world environment in which the influence of this country is no longer going to be founded upon and based upon our military strength but upon our economic strength and our moral strength, what then must we do to equip ourselves for this world that we are going to be living in in the 21st century, for example, if we have a dropout rate in this country of 29 percent of all of our 18-year-olds who do

not finish high school, while the Japanese, for example, have a dropout rate of only about 1.5 percent.

If we waste tragically our human resource potential in that fashion, if we end up being a country where two-thirds of the population are having to carry the other one-third on their backs because we have neglected them and we have not given them the opportunity to develop their own potential, there is no way in the world that we can lead the world. Therefore, Mr. President, when we talk about education and human resource potential, we are talking about the very essence of America's national security interest in the 21st century.

It has been said that those that mill around at the crossroads of history do so at their own peril. Mr. President, we must realize that this is a time of real testing for the United States. Do we have the vision to see in this period of great change and upheaval what is required of us in the next century? Do we have the vision to understand that improvements in the quality of education in this country are at the very heart of the decision about what role this country will play in the 21st century and what opportunities the next generation of Americans will have?

This is why, Mr. President, I am proud to be a cosponsor of S. 695. I commend the Senator from Kansas and those on both sides of the aisle who have joined in bipartisan support for an initiative which has been offered to us by the President of the United States. I commend the President for his recognition of education as the most pressing national needs of this decade. The educational summit which he convened in Charlottesville last fall with the Nation's Governors was an important first step. Today I hope the Senate will pass the President's education initiatives with the same strong bipartisan support which the Labor and Human Resources Committee showed in reporting this bill.

There are many important initiatives in it: initiatives to encourage a drug-free environment in our schools, initiatives to encourage States to develop new and more flexible standards for teacher certification. And how important that is. We have many people, some have been forced to take early retirement from corporations due to corporate restructuring, that have immense talent, background in math and science and foreign languages and other subjects which need to be taught with great capability to our elementary and secondary students. The talents of these people must be utilized.

The talents of our best students coming out of colleges and universities in our country must be utilized in the classroom. I talked recently with somebody who was telling me about a young woman who graduated with a Ph.D. from Harvard. She wanted to teach after she got out. She wanted to give back. She wanted to teach in the public high schools of an inner-city school system so she could give back and make a contribution to her society. And her Ph.D. adviser was very surprised when she came in one day and asked him to write a letter of recommendation to an institution, which could hardly be called rigorous, where she was going to have to go for another 2 years beyond her Ph.D. at Harvard, Here, one of the most outstanding students he ever taught in graduate school was ordered to take about 60 hours of educational methods courses so she could teach in this inner-city school which was crying out for people with her kind of talent.

Mr. President, there are many young people who are simply not going to be that committed after spending so many years in higher education and getting a Ph.D. from a university like Harvard that are then going to be willing to turn around and take 2 more years of their lives to take courses that have nothing to do with the subject matter or field that they are going to teach in or to go in the classroom and make that kind of contribution back to society.

So there has to be flexible methods adopted. States like New Jersey have adopted such methods. Other States hopefully will follow suit allowing for a minimum amount of methods courses—and there are some needs for methods courses—but a minimum amount of those courses for those teachers who indicate a great aptitude to be able to teach in the classroom and who have great expertise in the subject matter or field that they are going to teach. And a good balance can be struck between appropriate supervision from presently certified teachers to make sure that these people are capable of teaching and can adapt the methods that are necessary yet doing away with some of the barriers that are there now which keep many qualified people out of the classrooms as teachers at a time when we so desperately need them.

There are funds in this bill to encourage the establishment of magnet schools. Mr. President, the development of magnet schools is a very important development indeed in terms of saving the public schools of this country. Perhaps the finest high school, public high school, in my home State is a magnet school. It was developed in Tulsa, OK, during the period in which our schools were being desegregated. One of the schools was designated a magnet school, and the student body of this school is completely desegregated with at least 50 percent of the students from different minorities. This school was given the resources to offer all possible courses to be needed by these students. It teaches seven different foreign languages. It teaches everybody advanced math and science courses that would be demanded for admission with advanced placement at the finest universities in the country.

Last year when we selected the 100 most outstanding high school students in public schools in Oklahoma and designated them as Academic All-Staters, the top 100 academically out of 40,000 students, six students came from this one high school, the Tulsa Booker T. Washington High School, a magnet school. Those who might have taken their children out of the public school system because they were not being academically challenged, those with the financial means, community leaders that may have taken their children out of public school and put them in private school, in many cases left them in public school because that magnet school opportunity was there. And because the children of those community leaders are still in the public school system, those leaders remain strong voices in behalf of public education in the community.

Tragically, that has not happened in many other cities across the country and the children of the community leaders have gone out of the public schools and into the private education. Not that private education does not have a valid role to play, but once the public schools have the cream skimmed off and once the community leaders no longer have any stake in the public schools, support for the public schools—so critically important, because a majority of the students in the country, the vast majority, will always be in public schools—begins to erode. So the development of magnet schools, which hold together and challenge the very best of our students in the public school system, is incredibly important.

So there are many features of this bill which are extremely valuable and extremely positive and that is why I hope my colleagues will join in strong support.

I also rise in strong support of title X of this bill specifically, which would authorize $25 million in matching funds to the National Board of Professional Teaching Standards, the NBPTS. This board will use those funds to develop the assessment systems needed so that experienced teachers can, if they wish, become certified, obtaining recognition as outstanding professionals, a recognition which they very much deserve.

This is very much like the medical profession. Those at the highest levels of that profession can be recognized as members of the Academy of Surgeons, and other professions have very special recognition of very high professional achievement.

President Bush and the Governors of the various States recognized the need to develop an ambitious, realistic set of education performance goals. They recognize the need to ensure an adequate number of excellent teachers and to continue the work already begun in various States on school restructuring projects.

Federal funding for this board will help to accomplish these goals. The professionalizing of our teaching force is an important first step, both toward attracting more of our best and brightest students into teaching and toward keeping our best teachers in the classroom.

The PRESIDING OFFICER. The hour of 11 has arrived. If the Senator wishes to go on, he may ask permission.

Mr. BOREN. May I ask unanimous consent that I might just complete my remarks, Mr. President?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. It will certainly help many of the restructuring movements which recognize that successful restructuring must begin at the front line—with the teacher in the classroom.

Mr. President, the Senator from Connecticut has already corrected the record as to many misconceptions about this board and the role it would play. It does not represent a step toward Federal control of certification standards. It would in no way take the power of licensing teachers away from State and local government. It would merely establish a high set of standards which could be met by some teachers at their option, which would give them a recognizable credential of professional excellence. It has nothing to do, for example, with the question of teaching school students at home schools, which have developed in some parts of the country.

Many people are being misled, as a matter of fact, about the nature of this board. They are told it is for Federal control of licensing. They are told it has something to do with home schools. It has nothing to do with either one. That is misinformation which is out there to confuse and mislead the public. I would never support those kinds of proposals.

They are being told it represents a special agenda of some educational groups and interest groups in this country. Again, nothing could be further from the truth. It has broad support and representation from the most conservative leaders of our business community in this country, the CEO of Xerox Corp., the chairman of the finance committee of Du Pont. It is a broad-based effort. It has very, very strong bipartisan support from the Nation's Governors.

Former North Carolina Gov. Jim Hunt, long a leading national figure in education, is the chairman of this board. Gov. Bill Clinton of Arkansas, Democratic cochairman of the President's Education Summit, mentioned by the President in his State of the Union Address, is a strong supporter of the board and has written to many of our colleagues to urge support for funding for this board.

Former Gov. Tom Kean, of New Jersey, has just ended a term on the board. I just mentioned his great efforts in the State of New Jersey toward educational reform. He strongly supports this board, as does Gov. Terry Branstad, of Iowa, recently elected a member of the board, who is very enthusiastic about the board's potential to help education. Many of my colleagues have also recently received a letter from Governor Branstad urging support for this provision and another from Governor Clinton.

I ask unanimous consent that the letters from both of these Governors expressing bipartisan support for this provision for title X be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OCTOBER 6, 1989.

Hon. DAVID LYLE BOREN,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR BOREN: When the Senate considers S. 695, the "Educational Excellence Act of 1989", an effort may be made to weaken or delete a provision which is vitally important to efforts to attract and retain high quality teachers. As governors and business leaders we have formed a partnership with the education community to support federal funding for the National Board for Professional Teaching Standards' research and development activities. The Board is a non-profit organization, chaired by former North Carolina Governor Jim Hunt, which is developing a voluntary assessment program to identify and certify this nation's most accomplished teachers. These voluntary examinations will help professionalize teaching—making it a more rewarding field, improving teacher education programs, and helping to reshape the structure of American schools.

The Board is composed of business leaders, the Presidents of both teacher unions, school board representatives, union and non-union teachers, governors, and almost every other segment of the education community. Every dollar that the Board receives from the Federal Government will be matched with private funds. DuPont, Xerox and Chrysler Corporation have already made major fiscal commitments to the Board along with the Carnegie and Ford foundations.

The committee measure requires every dollar of federal funds to be spent on a fully competitive basis. In addition, the bill imposes full and complete federal oversight—holding the Board accountable. Once the assessments are established the Board will be self-sustaining.

Again, we believe that this public-private partnership is a vital component of any program to improve American education. No matter how much money is available, or how many programs are enacted, the quality of our schools is only as good as the teachers we hire and retain. We urge you to support the Committee provision and oppose efforts to weaken it.

Sincerely,

Bill Clinton, Governor of Arkansas; Richard E. Heckert, Chairman, Finance Committee, E.I. du Pont de Nemours and Company; Thomas H. Kean, Governor of New Jersey; David T. Kearns, Chairman and Chief Executive Officer, Xerox Corporation.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Des Moines, IA, February 5, 1990.

Hon. EDWARD M. KENNEDY,
Chairman,
Hon. ORRIN G. HATCH,
Ranking Member,
Labor and Human Resources Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR HATCH: I am writing to you today to tell you of my support for Title X of S. 695. This provision provides support for a voluntary, advanced certification system for teachers. It addresses a critical component of our effort to improve education and recognizes the importance of having quality teachers in our schools. The certification system will be administered by the National Board for Professional Teaching Standards (NBPTS). I am honored to be a newly elected member of the National Board.

Title X authorizes federal matching support for the research and development activities necessary to build the standards and assessments for National Board Certification. The provisions of Title X, as reported by the Labor and Human Resources Committee, requires that all of the funds authorized be allocated by contract to colleges, universities and other research institutions on a competitive basis with merit review. Title X also ensures that the National Board will remain independent. This legislation is not intended to establish mandated national teaching standards or a national curriculum.

I hope that you will support Title X, as approved by the Labor and Human Resources Committee, so that the National Board can continue its work to strengthen the single most important factor for success in our schools—teaching.

Thank you for your leadership on this very important issue.

Sincerely,

TERRY E. BRANSTAD,
Governor.

Mr. BOREN. The spirit of bipartisan support has also characterized sponsorship of S. 478, the original NBPTS bill, and its inclusion in the President's education initiatives.

Both Chairman TED KENNEDY and ranking minority member ORRIN HATCH were original cosponsors of the provision for the board.

So, Mr. President, I again commend the President of the United States, the Senator from Kansas, and others who have brought this important Excellence in Education Act to the floor of the U.S. Senate.

We must recognize the critical national interest involved in passing this legislation with an overwhelming majority as soon as possible.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Kansas. There is a unanimous consent order at this time.

Mrs. KASSEBAUM. I ask unanimous consent to respond for 1 minute to Senator BOREN.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 1 minute.

Mrs. KASSEBAUM. Mr. President, I commend Senator BOREN for some very thoughtful, eloquent, really, observations on the importance of education as the United States prepares itself for a new leadership role in the coming years.

More important, Mr. President, I think on and beyond just words, Senator BOREN, as Governor of Oklahoma, cared a great deal about the educational system in Oklahoma. He has also now a foundation in Oklahoma which recognizes and rewards the outstanding teachers and students. So, going on and beyond just words, he has followed through with actions in Oklahoma.

We disagree on the National Board for Professional Teaching Standards, but we will discuss that later this afternoon.

I wanted to say, Mr. President, he is a good example of someone who has really put into place efforts that have benefited the teachers and students in Oklahoma and has spoken, I think, with extraordinary vision about the importance to us, as a Nation, or education for the future.

Mr. BOREN. Mr. President, if I might ask unanimous consent to briefly respond to my colleague.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for a brief response.

Mr. BOREN. Mr. President, I thank my colleague from Kansas for her very kind and generous remarks. It is a privilege to be able to work with her as a working partner on behalf of this legislation. She is also a neighbor.

She has been to our State to talk to 9 groups of outstanding students and teachers we have honored in the past, and has made a real contribution. She is doing the same thing in her home State, and I am very proud to be associated with her this afternoon.

NATIONAL GLOBAL CHANGE RESEARCH ACT

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will proceed to consideration of Calendar No. 78, S. 169, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 169) to amend the National Science and Technology Policy, Organization, and Priorities Act of 1976 in order to provide for improved coordination of national scientific research efforts and to provide for a national plan to improve scientific understanding of the Earth system and the effect of changes in that system on climate and human and well-being, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "National Global Change Research Act of 1989".

SEC. 2. Section 102(a)(6) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6602(a)(6)) is amended to read as follows:

"(6) The development and implementation of long-range, interagency research plans to support policy decisions regarding identified national and international concerns, and for which a sustained and coordinated commitment to improving scientific understanding will be required.".

SEC. 3. (a) Section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) is amended to read as follows:

"FUNCTIONS OF COUNCIL

"SEC. 401. (a) The Federal Coordinating Council for Science, Engineering, and Technology (hereinafter referred to as the 'Council') shall consider problems and developments in the fields of science, engineering, and technology and related activities affecting more than one Federal agency, and shall recommend policies and other measures designed to—

"(1) provide more effective planning and administration of Federal scientific, engineering, and technological programs;

"(2) identify research needs, including areas requiring additional emphasis;

"(3) achieve more effective utilization of the scientific, engineering, and technological resources and facilities of Federal agencies, including the elimination of unwarranted duplication; and

"(4) further international cooperation in science, engineering, and technology.

"(b) The Council may be assigned responsibility for developing long-range and coordinated plans for scientific and technical research which involve the participation of more than two Federal agencies. Such plans shall—

"(1) identify research approaches and priorities which most effectively advance scientific understanding and provide a basis for policy decisions;

"(2) provide for effective cooperation and coordination of research among Federal agencies; and

"(3) encourage domestic and, as appropriate, international cooperation among government, industry, and university scientists.

"(c) The Council shall perform such other related advisory duties as shall be assigned by the President or by the Chairman of the Council.

"(d) For the purpose of carrying out the provisions of this section, each Federal agency represented on the Council shall furnish necessary assistance to the Council. Such assistance may include—

"(1) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

"(2) undertaking, upon request of the Chairman, such special studies for the Council as come within the scope of authority of the Council.

"(e) For the purpose of developing interagency plans, conducting studies, and making reports as directed by the Chairman, standing committees, and working groups of the Council may be established.".

(b) Section 207(a)(1) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6616(a)(1)) is amended by striking "established under title IV".

SEC. 4. The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end thereof the following new title:

"FINDINGS AND PURPOSE

"SEC. 601. (a) Congress finds and declares the following:

"(1) Industrial, agricultural, and other human activities, coupled with an expanding world population, are contributing to processes of global change that may significantly alter our habitat within a few human generations.

"(2) Such human-induced changes may lead to significant global warming and the depletion of stratospheric ozone, and thus have the potential to alter world climate patterns, increase global sea levels, and reduce the ability of the atmosphere to screen out harmful ultraviolet radiation. Over the next century, the consequences could seriously and adversely affect world agricultural and marine production, coastal habitability, regional economic well-being, human health, and biological diversity.

"(3) Development of effective policies to mitigate and cope with human-induced global changes will rely on greatly improved scientific understanding of global environmental processes and on our ability to distinguish between the effects of human activities on one hand and the results of natural change on the other.

"(4) New developments in interdisciplinary Earth sciences, global observing systems, and computing technology make possible significant advances in the scientific understanding and prediction of these global changes and their effects.

"(5) Efforts are ongoing in several Federal agencies which could contribute to a well-defined and coordinated national program of research, monitoring, assessment, information management, and prediction.

"(6) The United States, as a world leader in Earth system science, should continue to provide leadership in developing and implementing an international global change research program.

"(b) It is the purpose of Congress in this title to provide for a national global change research plan which when implemented will assist the Nation and the world to understand, assess, predict, and respond to human-induced and natural processes of global change.

"NATIONAL GLOBAL CHANGE RESEARCH PLAN

"SEC. 602. (a)(1) The President, through the Council, shall develop a National Global Change Research Plan (hereafter in this title referred to as the 'Plan') in accordance with section 401(b) of this Act and the provisions, findings, and purpose of this title. Consistent with the responsibilities set forth under subsection (d) of this section, the Plan shall contain recommendations for a ten-year national research effort, to be submitted to Congress within one year after the date of enactment of this title and to be revised at least once every three years thereafter.

"(2) The Plan shall—

"(A) establish the goals and priorities for Federal global change research for the ten-year period beginning in the year the Plan (or revised Plan) is submitted;

"(B) set forth the role of each Federal agency and department in implementing the Plan;

"(C) describe specific activities, including research activities, data collection and analysis requirements, predictive modeling, participation in international research efforts, and information management, required to achieve such goals and priorities; and

"(D) consider and utilize, as appropriate, reports and studies conducted by Federal agencies and departments, the National Research Council, or other entities.

"(3) The Plan shall address, where appropriate, the relevant programs and activities of the following Federal agencies and departments—

"(A) the Department of Commerce, particularly the National Oceanic and Atmospheric Administration;

"(B) the National Science Foundation;

"(C) the National Aeronautics and Space Administration;

"(D) the Department of the Interior;

"(E) the Department of Energy;

"(F) the Department of Agriculture;

"(G) the Environmental Protection Agency;

"(H) the Department of Defense, particularly the Department of the Navy;

"(I) the Department of Transportation;

"(J) the Department of State; and

"(K) such other research agencies and departments as the President, or the Chairman of the Council, considers appropriate.

"(b) The Council shall—

"(1) serve as lead entity responsible for oversight of the implementation of the Plan;

"(2) coordinate the global change research activities of Federal agencies and departments and report at least annually to the President, through the Chairman of the Council, on any recommended changes in agency or departmental roles that are needed to better implement the Plan;

"(3) prior to the President's submission to Congress of the annual budget estimate, review each agency budget estimate in the context of the Plan and make the results of that review available to each agency and to the appropriate elements of the Executive Office of the President, particularly the Office of Management and Budget;

"(4) work with Federal agencies, with the National Research Council, and with academic, State, and other groups conducting research and assessments of global changes and their effects;

"(5) cooperate with the Department of State in the coordination of Federal interagency participation in international activities related to global change research and assessment; and

"(6) consult with actual and potential users of such research and assessments.

"(c) The Plan shall provide for, but not be limited to, the following research elements:

"(1) Global measurements, establishing worldwide observations necessary to understand the physical, chemical, and biological processes responsible for changes in the Earth system on all spatial and time scales.

"(2) Documentation of global change, including the development of mechanisms for recording changes that will actually occur in the Earth system over the coming decades.

"(3) Studies of earlier changes in the Earth system, using evidence from the geological and fossil record.

"(4) Predictions, using quantitative models of the Earth system to identify and simulate global trends.

"(5) Development of an information base, assembling the information essential for effective decisionmaking to respond to the consequences of global change.

"(6) Focused research initiatives directed toward resolving scientific uncertainties regarding specific aspects of the Earth system.

"(d)(1) The Plan shall take into consideration, but not be limited to, the following existing agency missions and responsibilities:

"(A) The National Science Foundation shall be responsible for maintaining the health of basic research in all areas of Earth, atmospheric, and ocean science, including the relevant biological and social sciences and research in the polar regions. Such basic research may include ground-based studies on regional and global scales; large-scale field programs; interpretation and use of remotely sensed data and geographic information systems; theoretical and laboratory research; research facilities support; and development of numerical models, information and communication systems, and data bases.

"(B) The National Aeronautics and Space Administration shall be responsible for Earth-science research missions from space, including those studies of broad scientific scope that study the planet as an integrated whole. Associated efforts may include related studies of physical, chemical, and biological processes; suborbital and ground-based studies; remote-sensing and advanced instrument development; improvement of techniques for the transmission, processing, archiving, retrieval, and use of data; related scientific models; and other research activities in atmospheric, oceanographic, and land science.

"(C) The National Oceanic and Atmospheric Administration shall maintain a balanced program of observations, analysis and research, climate prediction, and information management. Responsibilities shall include operational in situ and satellite observation and monitoring systems; related research on physical and biogeochemical processes in the climate system, including their effect on marine ecosystems and resources; development, testing, and application of models and diagnostic techniques for the detection and prediction of natural and human-induced climatic changes; and the acquisition, maintenance, and distribution of long-term data bases and related climate information.

"(D) The Department of the Interior shall be responsible for the collection, maintenance, analysis, and interpretation of information on terrestrial, aquatic, biological, and other natural resources, including monitoring of hydrologic and geologic processes and resources, of land-use, of land-cover, and of biological habitats, resources, and diversity. Research areas may include past changes recorded in the physical, chemical and biological record; the hydrologic cycle; land-surface and solid-Earth processes that relate to environmental change; geography and cartography; ecosystem modeling and dynamics; and ethnology. Research findings shall be used in assessing and responding to the effects of global change on aquatic, terrestrial, biological, and other natural resources.

"(E) The Environmental Protection Agency shall conduct research to assess, evaluate, and predict the ecological, environmental, and human-health consequences of global change, including the interaction of plant and animal communities and ecosystems with the climate system. Additional areas of responsibility may include assessment, research, and development of techniques to mitigate and adapt to climate change, development of emission factors, inventories and models for radiatively important trace gases, and evaluation of the relationship between global atmospheric change and regional air and water quality.

"(F) The Department of Energy shall be responsible for research on emissions of carbon dioxide and other gases from energy production and use, including the study of climatic responses to those emissions and the development of an information base for evaluating the effects of various energy and industrial policy options on climate. Associated efforts may include assessment and application of predictive models; evaluation of global and regional climate responses to various energy policy options; research on industrial sources of trace gases; and studies to assess how responses to climate change affect energy options.

"(G) The Department of Agriculture shall be responsible for research to assess the effects of global change on the agricultural food and fiber production systems and on forests and forest ecosystems, including research on biological response mechanisms to increasing greenhouse gases, improvement of plant and animal germplasm to respond to global change, and development and implementation of plans for changing agricultural and forestry practices to ameliorate the observed increases of greenhouse gases. An additional responsibility shall include research on applications of agricultural climatology to improve management decisions and conservation of resources while maintaining quality and quantity of crop yields.

"(H) The Department of Defense shall be responsible for research into environmental processes and conditions that affect defense operations, tactics, and systems. Additional responsibilities shall include facilitating exchange of relevant information with civilian agencies, participation in planning of national research efforts, and cooperative development of data management systems to ensure effective coordination and transfer of information among military and civilian agency programs.

"(I) The Department of Transportation shall be responsible for evaluating the effects of transportation policy options on the global environment, particularly the use of fuels in transportation systems that result in the emission of combustion gases, including aircraft emission into the stratosphere. An additional responsibility shall be the assessment of the ways in which climate changes affect the efficiency and safety of transportation on land, sea, and rivers, and in the air.

"(2) The Plan shall reflect the need for collaboration among agencies with respect to—

"(A) the establishment and development of an information system for Earth system science; and

"(B) research into the development of new conceptual and numerical models of the Earth system.

"(e) The Secretary of State shall consult with the Chairman of the Council in—

"(1) providing representation at international governmental meetings and conferences on global change research and assessment in which the United States participates; and

"(2) coordinating the Federal activities of the United States with the global change research and assessment programs of other na-

tions and international agencies and organizations, including the World Meteorological Organization and the United Nations Environmental Program.

"(f) Each Federal agency and department involved in global change research shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report identifying each element of its proposed global change activities, which—

"(1) specifies whether each such element (A) contributes primarily to the implementation of the Plan or (B) contributes primarily to the achievement of other objectives but aids Plan implementation in important ways; and

"(2) states the portion of its request for appropriations that is allocated to each such element.

The Office of Management and Budget shall review each such report in light of the goals, priorities, and agency responsibilities set forth in the Plan, and shall include, in the President's annual budget estimate, a statement of the portion of each agency or department's annual budget estimate that is allocated to each element of such agency or department's global change activities. Annual budget estimates shall be submitted to Congress that reflect the activities outlined in the Plan. The Office of Management and Budget shall ensure that a copy of the President's annual budget estimate is transmitted to the Chairman of the Council at the same time as such budget estimate is submitted to Congress.

"RELATION TO OTHER LAWS

"SEC. 603. (a) The President, the Chairman of the Council, and the Secretary of Commerce shall ensure that relevant research activities of the National Climate Program, established by the National Climate Program Act (15 U.S.C. 2901 et seq.), are considered in developing national global change research efforts.

"(b) The President, the Chairman of the Council, and the heads of the agencies represented on the Council shall ensure that the research findings of the Council and of Federal agencies and departments are available to—

"(1) the Environmental Protection Agency for use in the formulation of a coordinated national policy on global climate change pursuant to section 1103 of the Global Climate Protection Act of 1987 (15 U.S.C. 2901, note); and

"(2) all Federal agencies and departments for use in the formulation of coordinated national policies for responding to human-induced and natural processes of global change pursuant to other statutory responsibilities and obligations.

"ANNUAL REPORT

"SEC. 604. The Chairman of the Council shall prepare and submit to the President and Congress, not later than January 31 of each year, an annual report on the activities conducted pursuant to this title during the preceding fiscal year, including—

"(1) a summary of the achievements of Federal global change research efforts during that preceding fiscal year;

"(2) an analysis of the progress made toward achieving the goals and objectives of the Plan;

"(3) a copy or summary of the Plan and any changes made in such Plan;

"(4) a summary of agency budgets for global change activities for that preceding fiscal year; and

"(5) any recommendations regarding additional action or legislation which may be required to assist in achieving the purposes of this title.".

SEC. 5. The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), as amended by sections 2, 3, and 4 of this Act, is further amended by adding at the end the following new title:

"TITLE VII—OZONE DEPLETION WORKING GROUP

"FINDINGS AND PURPOSE

"SEC. 701. (a) Congress finds and declares the following:

"(1) The ozone layer in the upper atmosphere is deteriorating as a result of chemical interactions with chlorofluorocarbons and halons emitted into the atmosphere in the course of human activity.

"(2) The United States is a party to and is implementing the Montreal Protocol, which calls for a 50 per centum reduction in 1986 worldwide production levels of chlorofluorocarbons by 1998 and a freeze at 1986 production levels of halons.

"(3) The Ozone Trends Panel Report of the National Aeronautics and Space Administration presents new and disturbing information that should intensify efforts to develop safe alternatives to the existing chlorofluorocarbon and halon compounds.

"(4) Further reductions in the production and use of chlorofluorocarbons and halons are likely to be necessary in light of this new information.

"(5) Chlorofluorocarbons and halons are pervasive industrial components and the United States should be commercially and industrially prepared for further reductions.

"(6) The Federal Government is one of the largest purchasers of products containing chlorofluorocarbons and halons.

"(7) The rapid development of and transition to safe substitutes for chlorofluorocarbons and halons and alternative technology are vital to the national and international interest.

"(8) The Federal Government should—

"(A) devise initiatives and assist industry to facilitate the development of safe substitutes for chlorofluorocarbons and halons and alternative technology;

"(B) identify statutory and regulatory impediments to chlorofluorocarbon and halon reduction and recycling;

"(C) cooperate with the private sector to identify opportunities for additional such recycling and conservation initiatives;

"(D) identify governmental procurement and use of chlorofluorocarbons and halons; and

"(E) undertake initiatives, including government-supported research, to assist industry in accomplishing the transition to safe substitutes and alternative technology as soon as practicable.

"WORKING GROUP

"SEC. 702. (a) The President, through the Council, shall establish a working group which, in accordance with title IV and the provisions, findings, and purposes of this title, shall—

"(1) coordinate, develop, and help implement initiatives on research and other activities of Federal agencies and departments to facilitate the development of and transition to safe substitutes for chlorofluorocarbons and halons and alternative technology; and

"(2) conduct a comprehensive study for the purpose of determining the steps which can be taken to reduce the emission of chlorofluorocarbons and halons.

"(b) In carrying out the study required by subsection (a), the working group shall—

"(1) determine whether any Federal, State, or local laws and regulations are impeding the reduction of chlorofluorocarbons and halons and the transition to safe substitutes and alternative technology;

"(2) recommend Federal research programs and other activities to assist industry in identifying alternatives to the use of chlorofluorocarbons and halons as refrigerants, solvents, fire retardants, foam-blowing agents, and other commercial applications and in achieving a transition to those alternatives;

"(3) identify steps to promote or assist in chlorofluorocarbon and halon recycling and conservation;

"(4) examine Federal procurement practices with respect to chlorofluorocarbons and halons and recommend measures to promote the earliest possible transition by the Federal Government to the use of safe substitutes where they are available;

"(5) specify initiatives, including appropriate intergovernmental, international, and commercial information and technology transfers, to promote the development and use of chlorofluorocarbon and halon substitutes, and alternative technology;

"(6) identify steps and initiatives to foster proper handling processes and field practices involving chlorofluorocarbons and halons to reduce ozone-depleting emissions; and

"(7) take other such steps as are necessary to fulfill the purposes of the working group as set forth in subsection (a).

"(c) The working group shall address, where appropriate, the relevant programs and activities of, and shall include representatives from, the following Federal agencies and departments:

"(1) the Department of Commerce, particularly the National Oceanic and Atmospheric Administration and the National Institute for Standards and Technology;

"(2) the National Science Foundation;

"(3) the National Aeronautics and Space Administration;

"(4) the Environmental Protection Agency;

"(5) the Department of Energy;

"(6) the Department of Agriculture;

"(7) the Department of the Interior;

"(8) the Department of Defense;

"(9) the Department of State; and

"(10) such other agencies and departments as the President, or the Chairman of the Council, considers appropriate, including the General Services Administration and Office of the United States Trade Representative.

"(d)(1) The President, or the Chairman of the Council, shall designate one of the members of the working group to serve as chairman.

"(2) The President shall call the first meeting of the working group prior to the expiration of the one hundred and twenty-day period following the date of enactment of this title.

"(e) The Council shall, not later than twelve months after the date of enactment of this title, report the results of the study required by subsection (a) to the President and to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives. Such report shall include the findings of the working group and its recommendations for such statutory and regulatory changes, research programs, and other initiatives as the working group determines necessary in order to assist in the effort to reduce the use of chlorofluorocarbons and halons in the United

States, to assure a smooth transition to the use of safe substitutes, and to meet the purposes of this title.

"ADVISORY BOARD

"SEC. 703. (a) The Director shall establish an advisory board to assist the Council and the working group established under section 702 in carrying out the purposes of this title.

"(b) The advisory board shall consist of at least six members, two of whom shall be industry representatives from chlorofluorocarbon and halon manufacturers and four of whom shall be industry representatives from chlorofluorocarbon and halon users.

"(c) Members of the advisory board shall serve without compensation in addition to compensation they may otherwise be entitled to receive, but shall be reimbursed for travel, subsistence, and other expenses incurred in the actual performances of duties vested in the advisory board.

"(d) The advisory board shall be established not later than three months following the date of enactment of this title and shall continue to exist as long as the working group established under section 702 is in existence.

"DEFINITIONS

"SEC. 704. For purposes of this title—

"(1) the term 'chlorofluorocarbon' means any controlled substance listed in Group I of Annex A of the Montreal Protocol;

"(2) the term 'halon' means any controlled substance listed in Group II of such Annex A of the Montreal Protocol; and

"(3) the term 'Montreal Protocol' means the Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal on September 16, 1987.".

The PRESIDING OFFICER. Under the order, debate on this bill will conclude by 12 noon. Debate will be equally divided between and controlled by the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Arizona [Mr. MCCAIN].

Who yields time? The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I yield as much time as necessary to present the bill very briefly.

Let me thank my distinguished colleague from Arizona for his leadership in this particular regard. We have become concerned, in the Committee on Commerce, Science, and Transportation, for some time now about global change and research on the nature of global change, to know exactly what we are doing to the Earth environment.

The distinguished Senator from Tennessee [Mr. GORE], the chairman of our Subcommittee on Science, and I went down to the South Pole, the Antarctic, the year before last, to visit and meet with our scientists down there, NOAA officials and others, and to see the hole in the atmosphere.

We have tried to follow through. When we came back, we realized that there were many, many agencies and departments charged with various facets of global change. We have the National Aeronautics and Space Administration, which has the Earth observing systems, the mission to planet Earth; we have the National Oceanic and Atmospheric Administration, which has climate modeling and atmospheric, oceans, and polar monitoring; we have the National Science Foundation, responsible for the basic research on global Earth processes; we have the Department of the Interior, which has programs on climate change and research on sea level rise; we have the U.S. Department of Agriculture, assessing climate impacts on crops, including weather and State research services; the Department of Energy, which has an environmental program on carbon dioxide and other greenhouse gases; and of course the Environmental Protection Agency, with the global climate change effect on the populace itself, and stratospheric ozone research.

In 1976, we enacted the National Science and Technology Policy, Organization, and Priorities Act. In that Science Act of 1976, we created in the White House an Office of Science and Technology Policy, and the Federal Coordinating Council for Science, Engineering, and Technology, FCCSET, pronounced "Fix It."

FCCSET is the Government's interagency committee on science which coordinates the Federal global change research through its Committee on Earth Sciences. What we are doing now is trying to coordinate and fix it namely, this global warming process that is taking place, see if we can get control of Federal activities in this particular regard, and do it in an intelligent, informed fashion.

In developing the national global change research plan, we would take—now that you have all the players in the departments and agencies represented—that one Committee on Earth Sciences, the CES, as they call it, and under the bill they would establish national goals. CES is supposed to draw the picture for the program and say, "Here are the national goals and priorities for global change research."

Second, we want the CES to define the roles of each agency and department in implementing the plan; thirdly, to review related agency budget estimates; and, finally, make an annual report to Congress each year to outline Federal progress in implementing the plan so we can take inventory of just how well or not so well we are proceeding.

Again, to emphasize, when we say to define the roles of each agency and department in implementing the plan, this particular initiative was unanimously endorsed by all these departments and agencies early last year.

The Committee had extensive hearings and reported the bill out in April. S. 169 has languished on the calendar since that time due to a lack of coordination at this particular level, within the Congress, to move it along. The bill would enable us to understand each agency's role and responsibility, and then we could ask what budget changes should be made to make a comprehensive assault upon the problem.

The annual report to Congress would allow us to do that.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, I yield myself whatever time I may consume.

Mr. President, I would like to start out by expressing my gratitude to the distinguished chairman of the Commerce Committee, Senator HOLLINGS, whose commitment to our environment is well known to all of us for many, many years.

I also think it appropriate to mention that action on this legislation was taken many months ago. It is regrettable that it took so long to come to the floor of the Senate. The issues that are addressed in this legislation, of which Senator HOLLINGS is the prime motivator and architect, should have been passed long ago. I, nevertheless, commend him not only on this issue but his sensitivity and understanding of the needs and the concerns of the American people. It is not atypical of him to take a leadership role in this issue which, frankly, in my State, is the No. 1 concern, and that is the future of our environment.

Mr. President, the United States and other nations of the world are becoming increasingly concerned about global environmental issues, particularly global climate change. Concerns have been raised that human activities may be contributing to global-scale environmental impacts such as stratospheric ozone depletion and global warming.

OZONE DEPLETION

The scientific community has determined that manmade chlorine chemicals such as chlorofluorocarbons, or CFC's, are responsible for depleting the ozone layer, which blocks the harmful ultraviolet radiation that the Sun emits. CFC's are used in air-conditioners, foam food containers, industrial solvents, and propellants for aerosol sprays. A reduced ozone layer permits more ultraviolet radiation to reach the Earth's surface, as we all know. This causes certain forms of skin cancer and portends harmful consequences for marine life and agriculture.

Related to this problem of ozone depletion is the phenomenon of growing, major ozone decreases over Antarctica. The existence of this seasonal "ozone hole," which has been observed since 1985, has been established through satellites and other scientific observations.

THE GREENHOUSE EFFECT

Another phenomenon of great concern is the effect of the "greenhouse" gases on the Earth's surface temperature. Many believe that increases in this century in carbon dioxide and

methane, as well as CFC's, will contribute to an increase in the average global surface temperature.

Computer models predict that the result of a doubling of atmospheric carbon dioxide would be a global warming of 2 to 3 degrees Celsius. While this effect may not seem large, it is comparable to all changes in the 18,000 years since the last ice age. Furthermore, this expected warming would occur over only a few decades to a century.

Mr. President, this increase in carbon dioxide has been attributed primarily to the burning of fossil fuels and the deforestation of land.

While the greenhouse effect is a widely accepted scientific theory, predicting its exact consequences is a subject of intense debate. Further research is critical to help us better understand the problem and to determine what actions should be taken in response to the buildup of carbon dioxide and other greenhouse gases.

THE BUSH ADMINISTRATION COMMITMENT TO GLOBAL CHANGE RESEARCH

This legislation is consistent in my view with President Bush's commitment to U.S. leadership in global change research. As part of his fiscal year 1991 budget, President Bush proposed over $1 billion in funding for global change research, an increase of 57 percent over the 1990 level.

Mr. President, arguments have been made and will be made that more funding is necessary. I think that the administration and the Congress would be willing and eager to spend more moneys as we identify areas where we can put additional resources to effective use.

I caution, as we have so often in the past, at throwing money at programs, because of the immediacy of a crisis, when, sometimes additional moneys cannot be efficiently spent.

President Bush reiterated his commitment to aggregate U.S. research efforts on global change yesterday in a speech to the United Nations—sponsored Intergovernmental Panel on Climate Change.

The administration has committed to hosting a global change conference of top scientific, economic, and environmental officials from around the world in the spring of this year. This effort, together with the research efforts resulting from the National Global Change Research Act, should provide significant scientific information on which to base the development of sound response to this international critical global environmental issue.

SUMMARY OF THE LEGISLATION

Mr. President, the National Global Change Research Act directs the Federal Coordinating Council for Science, Engineering, and Technology to coordinate the research efforts of all the Federal agencies involved in global change research. Chaired by the President's Science Adviser, its membership is composed of representatives of those Federal agencies and departments involved in scientific research.

The legislation requires the Council to develop a comprehensive 10-year global change research plan.

The National Aeronautics and Space Administration [NASA], the National Oceanic and Atmospheric Administration and the National Science Foundation, would continue current research efforts on global change. The Council would build on these current responsibilities by assigning to these agencies new initiatives within the framework established by the 10-year research plan.

The bill also specifies roles for the Departments of Energy, Agriculture, Defense, Transportation, and State, the Environmental Protection Agency and the United States Geological Survey.

The bill furthermore directs each Federal agency and department involved in global change research to specify in its annual budget request to the Office of Management and Budget those portions of the request related to global change research. OMB is directed to review these reports while taking into account the priorities and agency responsibilities announced in the 10-year research plan.

Mr. President, again, I want to commend my colleague from South Carolina, and all Members of the Commerce Committee and of this body who have worked together to bring about this legislation. It is timely; it is important; it goes some distance in addressing the global environmental threats with which the international community is faced. I look forward to rapid passage of this legislation by Congress so that we can move forward in addressing the difficult environmental issues that face us.

Mr. President, I yield the floor at this time and reserve the remainder of my time.

Mr. HOLLINGS. Mr. President, these are critical times for America and for planet Earth—critical because the course we set here in Washington and the policies we pursue will have profound effects on the Americans of tomorrow, their standard of living, and the quality of their lives. In less than 10 years, the 20th century will come to an end, and the decisions which we make now have already begun to shape the challenges of the next century.

If current global trends continue, those challenges may be formidable. In recent months, world attention has focused increasingly on a litany of climate and environmental concerns. Average global temperatures in the past decade have been the warmest on record. Droughts have devastated parts of India, Africa, and North America, and at the same time, heavy rainfall has occurred in traditionally arid regions of South America. Floods have threatened thousands in Bangladesh, and the Sahara Desert continues its slow spread over northern Africa. The atmosphere's protective ozone layer is thinning perceptibly, and each spring, ozone concentrations over Antarctica drop dramatically. The extinction of plant and animal species continues at a rate of about 10,000 species lost each year.

Some of these global changes may be a result of natural causes, but there is increasing evidence that human activity is having profoundly negative effects on our climate and our world. Like the canary in the coal mine, planet Earth is sending us loud and clear warning signals that its ability to sustain human life may face a long-term threat. And in response to those signals, the nations of the world have initiated a debate on steps which should be taken now to deal with greenhouse warming, climate change, and stratospheric ozone depletion.

Thus far, the quality of that debate has been impressive. In 1987, the World Commission on Environment and Development produced the report, "Our Common Future," calling for an international strategy to reverse long-term global environmental trends. Many of the actions identified—reducing energy consumption, increasing scientific and renewable energy research, improving transfer of technologies to developing nations—are steps which we can and should begin immediately.

Then, in 1988, the World Meteorological Organization and the United Nations Environment Program brought together delegates from 30 nations to initiate an Intergovernmental Panel on Climate Change [IPCC]. The tasks of the IPCC—to formulate realistic responses for dealing with the climate change issue and to develop recommendations for a convention on climate change—are ambitious goals. In its initial year, however, the panel has demonstrated a willingness to tackle the challenges head on and has adopted a three-part approach to policymaking which appears to be working effectively. Through this approach, scientific investigation, impact assessment, and policy formulation progress as complementary, yet independent panel responsibilities.

And how have we, in the United States, responded to growing international pressure for policies to deal with global change? Our response thus far has been a little like the wealthy man who speaks out loudly in support of worthy causes—but when the collection plate is passed, he finds that he has left his wallet at home. At yesterday's speech on global warming, President Bush's rhetorical commitment to addressing the issue was very strong.

Unfortunately, strong words are not an adequate substitute for forceful action. I think that few of us here would agree that planting trees and voluntary industry efforts are satisfactory tradeoffs for a comprehensive national energy policy or for effective environmental pollution controls. While other nations are discussing response strategies, it seems we in the United States have yet to get around to admitting there is a problem. We are teetering and tottering with the need to take action on the issue, and all the while, its effects appear to be manifesting themselves around us.

On this score, I am personally committed to seeing that this Congress leads the way in improving our understanding of global climate change, and in mobilizing an international response. I know that many of my colleagues share that sense of commitment—in fact, there are some 25 cosponsors of this measure, a bipartisan effort—and hope that passage of the legislation before us today will be effective in moving us closer to those goals.

Unfortunately, the solutions to the myriad of environmental problems which we face are often unclear. And the gravity of the threat is not fully understood. Last summer, scientists waged a battle on the editorial pages of the New York Times and the Washington Post over whether greenhouse warming had actually begun. We are bombarded with new, and sometimes contradictory, research findings almost daily.

Throughout the discussion and the debate, however, there is one point on which all sides—scientists, politicians, environmentalists, and businessmen—agree. The point is that we need better information on how our planet works. I think that the analogy made by Dr. Francis Bretherton at a Commerce Committee hearing in April is an appropriate one. Dr. Bretherton, a noted atmospheric physicist, compared the global environment to an automobile. He pointed out that when we have a car problem, we take the car to a repair shop or fix it ourselves using the operator's manual. For the global environment, however, there are no mechanics or manuals. We don't understand how the machinery of the planet works.

Consequently, we don't have a very good idea of how to fix it—or in some areas, even a very clear understanding of what's wrong. The task before us now is to obtain the knowledge we need to train the mechanics and write the manual before this global machinery is irreversibly damaged.

Scientists have already recognized the need to start that task. Researchers have embarked on a study of the Earth as a complex, interdependent system, in which oceans, atmosphere, and life all affect one another and all help shape the face of the planet. They are making major strides in understanding how changes in the oceans and atmosphere in one part of the world drastically affect weather conditions, lives, and livelihoods in another.

A case in point is the climate phenomenon known as El Nino, a variation in air-sea conditions that can extend across the entire tropical Pacific. Every 3 to 4 years, warm water spreads eastward across the Pacific and the easterly trade winds diminish. This slowdown cuts off the upwelling of cold, nutrient-rich water along the west coast of South America and causes fishery catches to drop. Local winds change direction, blowing in from the sea and bringing torrential rains.

The costs can be staggering. During the 1982–83 El Nino, 600 people died in South America. Peru's economic losses due to severe weather and poor fishing were estimated at $2 billion. On the other side of the Pacific during the same period, El Nino brought record-breaking drought to Australia, Indonesia, India, and the Philippines. In the United States, the west coast and the gulf were hit by severe winter storms that led to beach erosion, flooding, and mudslides.

The same complex forces which produce an El Nino have now been credited as the principal cause of 1988's killing drought in the United States. In addition, the event has been linked to the unusually heavy monsoon rains that brought record floods, death, and misery to Bangladesh in 1988.

And we do not know, of course, if such weather events are linked, but this Senator and all others in our section of the country experienced in a 90-day period the most extreme of weather change and damage. In late September, for example, we had Hurricane Hugo, the most devastating storm to ever hit the United States in its history, with estimated damage around $12 billion originally. Those estimates have gone up now to about $14 billion, three times more damage than Camille, that hit down in the gulf.

Now, 90 days after the tropical hurricane, we get an arctic blizzard. I have lived 60-some years in Charleston, and we never had snow, much less 8 inches. Twelve inches fell in Myrtle Beach. And on Christmas morning I was not looking for Santa Claus; I was looking for a plumber to fix frozen pipes.

I am interested in what is causing these extreme changes in weather and the devastating effect it has been having—in seeing that if there is a cause, what we can do about it.

The ability to accurately forecast such events would allow improved planning and preparation which could save hundreds of lives and prevent millions of dollars in economic losses. However, such an ability can only be achieved through a sustained and coordinated multidisciplinary research effort. A similar approach will be essential to addressing global change.

One powerful new tool that we can bring to bear on the problem is the perspective from space. Space observations provide a view of the Earth that is both detailed and comprehensive. Space observations gives us—at a time when it is most critically needed—the means to efficiently collect information on the many aspects of our planet needed to answer complex environmental questions.

This synoptic view from space is also important for a less prosaic reason. The beauty, the intricacy of planet Earth are readily apparent from 20,000 miles away—the political boundaries that separate nation from nation are not. This perspective gives us a much more compelling awareness of the common heritage of mankind. And a much stronger sense of our common destiny if we harm it.

The global view from space, combined with advances in computer technology and new multidisciplinary approaches, provide scientists with the tools for productive and valuable research into the Earth system. An extraordinary effort has begun, involving scientists from many different backgrounds and nations. Government and university researchers, working with their colleagues overseas, have initiated planning efforts to ensure the necessary research for answering our critical questions. This issue now is how best to encourage that planning, particularly here in the United States.

The bill before the Senate today, the National Global Change Research Act of 1989, as amended, would provide needed support and a national framework for that effort. S. 169 mandates a Federal research plan to study global change, including greenhouse warming and ozone depletion. The bill would direct and strengthen the new interagency global change research program, leading to improved coordination. The Federal Government already spends millions of dollars on programs which could contribute to our understanding of global change and a number of different Federal agencies are involved. S. 169 does not authorize additional research funding, but would instead pull together these existing agency programs and activities and form the basis for building a comprehensive national effort.

S. 169 is written as a series of amendments to the National Science and Technology Policy, Organization, and Priorities Act of 1976 (Science Act). The Science Act created both the White House Office of Science and Technology Policy [OSTP] and the

Federal Coordinating Council for Science, Engineering, and Technology [FCCSET]. FCCSET, the Government's interagency committee for science, already coordinates Federal global change research through its Committee on Earth Sciences [CES]. FCCSET, through CES, is the logical group to assume responsibility for the new program.

In developing a National Global Change Research Plan, CES would establish national goals and priorities for global change research, define the roles of each agency and department in implementing the plan, and review related agency budget estimates. An annual report to Congress would outline Federal progress in implementing the plan.

In summary, the problem that we face is potentially enormous. Global warming could radically change world climate and world agriculture. Ozone depletion could cause tens of thousands of new cases of skin cancer. Sea level rise threatens coastal communities throughout the world. No one should underestimate the seriousness of our situation.

But if the challenge is enormous, the skill and tools of our scientists have never been better. Good answers to the pressing questions we face will not come easily, and probably not cheaply. We need a determined and coordinated research effort, both here in the United States and with other nations, to get the facts about the exact causes and consequences of global change. For our children and grandchildren, now is the time to start that effort. I thank my many colleagues who have cosponsored this legislation, and I urge support for its passage.

Mr. President, our distinguished colleague from Tennessee is on the way to the floor. I am sure he will have a statement.

I ask unanimous consent, since this was brought up out of order, that the RECORD be kept open today for other Senators on both sides of the aisle until the close of business so they can submit their statements in the debate.

The PRESIDING OFFICER. Without objection, the RECORD will be open for inclusion of statements by any Senators who wish to contribute to this particular debate.

Who yields time?

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. McCAIN].

Mr. McCAIN. I ask my colleague from South Carolina. I believe we will submit an amendment at some point. I wonder if he is prepared to proceed.

Mr. HOLLINGS. Good. We will proceed with that.

AMENDMENT NO. 1232

(Purpose: To make an amendment in the nature of a substitute)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for himself and Mr. BAUCUS, proposes an amendment numbered 1232.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Global Change Research Act of 1990".

SCIENCE AND TECHNOLOGY POLICY

SEC. 2. Section 102(a)(6) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6602(a)(6)) is amended to read as follows:

"(6) The development and implementation of long-range interagency research plans to support policy decisions regarding identified national and international concerns, and for which a sustained and coordinated commitment to improving scientific understanding will be required.".

FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY

SEC. 3. (a) Section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) is amended to read as follows:

"FUNCTIONS OF COUNCIL

"SEC. 401. (a) The Federal Coordinating Council for Science, Engineering, and Technology (hereinafter referred to as the 'Council') shall consider problems and development in the fields of science, engineering, and technology and related activities affecting more than one Federal agency, and shall recommend policies and other measures designed to—

"(1) provide more effective planning and administration of Federal scientific, engineering, and technological programs;

"(2) identify research needs, including areas requiring additional emphasis;

"(3) achieve more effective utilization of the scientific, engineering, and technological resources and facilities of Federal agencies, including the elimination of unwarranted duplication; and

"(4) further international cooperation in science, engineering, and technology.

"(b) The Council may be assigned responsibility for developing long-range and coordinated plans for scientific and technical research which involve the participation of more than two Federal agencies. Such plans shall—

"(1) identify research approaches and priorities which most effectively advance scientific understanding and provide a basis for policy decisions;

"(2) provide for effective cooperation and coordination of research among Federal agencies; and

"(3) encourage domestic and, as appropriate, international cooperation among government, industry, and university scientists.

"(c) The Council shall perform such other related advisory duties as shall be assigned by the President or by the Chairman of the Council.

"(d) For the purpose of carrying out the provisions of this section, each Federal agency represented on the Council shall furnish necessary assistance to the Council. Such assistance may include—

"(1) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

"(2) undertaking, upon request of the Chairman, such special studies for the Council as come within the scope of authority of the Council.

"(e) For the purpose of developing interagency plans, conducting studies, and making reports as directed by the Chairman, standing committees and working groups of the Council may be established.".

(b) Section 207(a)(1) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6616(a)(1)) is amended by striking "established under Title IV".

NATIONAL GLOBAL CHANGE RESEARCH PLAN

SEC. 4. The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following new title:

"FINDINGS AND PURPOSE

"SEC. 601. (a) Congress finds and declares the following:

"(1) Industrial, agricultural, and other human activities, coupled with an expanding world population, are contributing to processes of global change that may significantly alter our habitat within a few human generations.

"(2) Such human-induced changes are destroying stratospheric ozone and may lead to significant global warming, and thus have the potential to alter world climate patterns and increase global sea levels, and have reduced and will continue to reduce the ability of the atmosphere to screen out harmful ultraviolet radiation. Over the next century, the consequences could seriously and adversely affect world agricultural and marine production, coastal habitability, regional economic well-being, human health, and biological diversity;

"(3) Development of effective policies to mitigate and cope with human-induced global changes will rely on greately improved scientific understanding of global environmental processes and on our ability to distinguish between the effects of human activities on one hand and the results of natural change on the other.

"(4) New developments in interdisciplinary Earth sciences, global observing systems, and computing technology make possible significant advances in the scientific understanding and prediction of these global changes and their effects.

"(5) Efforts are ongoing in several Federal agencies which could contribute to a well-defined and coordinated national program of research, monitoring, assessment, information management, and prediction.

"(6) The United States, as a world leader in Earth system science, should continue to provide leadership in developing and implementing an international global change research program.

"(b) It is the purpose of Congress in this title to provide for a national global change research plan which when implemented will assist the Nation and the world to understand, assess, predict, and respond to

human-induced and natural processes of global change.

"COMMITTEE ON EARTH SCIENCES

"SEC. 602. (a) The President shall establish a Committee on Earth Sciences (hereafter in this title referred to as the 'Committee') within the Council. The Committee shall consist of one representative each from—

"(1) the National Science Foundation;

"(2) the National Aeronautics and Space Administration;

"(3) the National Oceanic and Atmospheric Administration;

"(4) the Environmental Protection Agency;

"(5) the Department of Energy;

"(6) the Department of State;

"(7) the Department of Defense;

"(8) the Department of the Interior;

"(9) the Department of Agriculture;

"(10) the Department of Transportation;

"(11) the Office of Management and Budget;

"(12) the Office of Science and Technology Policy;

"(13) the Council on Environmental Quality; and

"(14) such other agencies of the United States as the President considers appropriate.

Such representatives shall be high ranking officials of their agency or department, wherever possible the head of the portion of that agency or department that is most relevant to the purpose of the Committee described in subsection (c).

"(b) The Committee biennially shall select as Chairman a member representing one of the following agencies or departments:

"(1) the National Aeronautics and Space Administration;

"(2) the National Oceanic and Atmospheric Administration;

"(3) the National Science Foundation;

"(4) the United States Geological Survey; and

"(5) the Environmental Protection Agency.

Representatives of the same agency or department may not serve as Chairman of the Committee for consecutive terms.

"(c) The purpose of the Committee is to increase the overall effectiveness and productivity of Federal research and assessment efforts directed toward an understanding of the Earth as a global system. In fulfilling this purpose, the Committee shall address significant national policy matters which affect more than one agency. A primary function of the Committee shall be to develop and implement the National Global Change Research Plan established under section 603.

NATIONAL GLOBAL CHANGE RESEARCH PLAN

"SEC. 603. (a)(1) The President, through the Committee, shall develop a National Global Change Research Plan (hereafter in this title referred to as the 'Plan') in accordance with section 401(b) of this Act and the provisions, findings, and purpose of this title. Consistent with the responsibilities set forth under subsection (d) of this section, the Plan shall contain recommendations for national research, to be submitted to Congress within one year after the date of enactment of this title and to be revised at least once every three years thereafter.

"(2) The Plan shall—

"(A) establish the goals and priorities for Federal global change research for the 10-year period beginning in the year the Plan (or revised Plan) is submitted;

"(B) set forth the role of each Federal agency and department in implementing the Plan;

"(C) describe specific activities, including research activities, data collection and analysis requirements, predictive modeling, participation in international research efforts, and information management, required to achieve such goals and priorities; and

"(D) consider and utilize, as appropriate, reports and studies conducted by Federal agencies and departments, the National Research Council, or other entities.

"(3) The Plan shall address, where appropriate, the relevant programs and activities of the following Federal agencies and departments:

"(A) the Department of Commerce, particularly the National Oceanic and Atmospheric Administration;

"(B) the National Science Foundation;

"(C) the National Aeronautics and Space Administration;

"(D) the Department of the Interior;

"(E) the Department of Energy;

"(F) the Department of Agriculture;

"(G) the Environmental Protection Agency;

"(H) the Department of Defense, particularly the Department of the Navy;

"(I) the Department of Transportation;

"(J) the Department of State; and

"(K) such other research agencies and departments as the President, or the Chairman of the Council, considers appropriate.

"(b) The Committee shall—

"(1) serve as lead entity responsible for oversight of the implementation of the Plan;

"(2) coordinate the global change research activities of Federal agencies and departments and report at least annually to the President, through the Chairman of the Committee, on any recommended changes in agency or departmental roles that are needed to better implement the Plan;

"(3) prior to the President's submission to Congress of the annual budget estimate, review each agency budget estimate in the context of the Plan and make the results of that review available to each agency and to the appropriate elements of the Executive Office of the President, particularly the Office of Management and Budget;

"(4) work with Federal agencies, with the National Research Council, and with academic, State, and other groups conducting research and assessment of global changes and their effects;

"(5) cooperate with the Department of State in the coordination of Federal interagency in participation in international activities related to global change research and assessment; and

"(6) consult with actual and potential users of such research and assessments.

"(c) The Plan shall provide for, but not be limited to, the following research elements;

"(1) Global measurements, establishing worldwide observations necessary to understand the physical, chemical, and biological processes responsible for changes in the Earth system on all spatial and time scales.

"(2) Documentation of global change, including the development of mechanisms for recording changes that will actually occur in the Earth system over the coming decades.

"(3) Studies of earlier changes in the Earth system, using evidence from the geological and fossil record.

"(4) Predictions, using quantitative models of the Earth system to identify and simulate global trends.

"(5) Development of an information base, assembling the information essential for effective decision-making to respond to the consequences of global change.

"(6) Focused research initiatives directed toward resolving scientific uncertainties regarding specific aspects of the Earth system.

"(d)(1) The Plan shall take into consideration, but not be limited to, the following existing agency missions and responsibilities:

"(A) The National Science Foundation shall be responsible for maintaining the health of basic research in all areas of Earth, atmospheric, and ocean science, including the relevant biological and social sciences and research in the polar regions. Such basic research may include ground-based studies on regional and global scales; large-scale field programs; interpretation and use of remotely sensed data and geographic information systems; theoretical and laboratory research; research facilities support; and development of numerical models information and communication systems, and data bases.

"(B) The National Aeronautics and Space Administration shall be responsible for Earch-science research missions from space, including those studies of broad scientific scope that study the planet as an integrated whole. Associated efforts may include related studies of physical, chemical, and biological processes; sub-orbital and ground-based studies; remote-sensing and advanced instrument development; improvement of techniques for the transmission, processing, archiving, retrieval, and use of data; related scientific models; and other research activities in atmospheric, oceanographic, and land science.

"(C) The National Oceanic and Atmospheric Administration shall maintain a balanced program of observations, analysis and research, climate prediction, and information management. Responsibilities shall include operational in-situ and satellite observation and monitoring systems; related research on physical and biogeochemical processes in the climate system, including their effect on marine ecosystems and resources; development, testing, and application of models and diagnostic techniques for the detection and prediction of natural and human-induced climatic changes; and the acquisition, maintenance, and distribution of long-term data bases and related climate information.

"(D) The Department of the Interior shall be responsible for the collection, maintenance, analysis, and interpretation of information on terrestrial, aquatic, biological, and other natural resources, including monitoring of hydrologic and geologic processes and resources, of land-use, of land-cover, and of biological habitats, resources, and diversity. Research areas may include past changes recorded in the physical, chemical and biological record; the hydrologic cycle; land-surface and solid-Earth processes that relate to environmental change; geography and cartography; ecosystem modeling and dynamics; and ethnology. Research findings shall be used in assessing and responding to the effects of global change on aquatic, terrestrial, biological, and other natural resources.

"(E) The Environmental Protection Agency shall be responsible for conducting research to assess, evaluate, and predict the ecological, environmental, and human-health consequences of global change, including the interaction of plant and animal communities and ecosystems with the climate system. Additional areas of responsi-

bility shall include assessment, research, and development of techniques to mitigate and adapt to climate change, development of emission factors, inventories and models for radiatively important trace gases, and evaluation of the relationship between global atmospheric change and regional air and water quality.

"(F) The Department of Energy shall be responsible for research on emissions of carbon dioxide and other gases from energy production and use, including the study of climatic responses to those emissions and the development of an information base for evaluating the effects of various energy and industrial policy options on climate. Associated efforts models; evaluation of global and regional climate responses to various energy policy options; research on industrial sources of trace gases; and studies to assess how responses to climate change affect energy options.

"(G) The Department of Agriculture shall be responsible for research to assess the effects of global change on the agricultural food and fiber production systems and on forests and forest ecosystems, including research on biological response mechanisms to increasing greenhouse gases, improvement of plant and animal germplasm to respond to global change, and development and implementation of plans for changing agricultural and forestry practices to ameliorate the observed increases of greenhouse gases. An additional responsibility shall include research on applications of agricultural climatology to improve management decisions and conservation of resources while maintaining quality and quantity of crop yields.

"(H) The Department of Defense shall be responsible for research into environmental processes and conditions that affect defense operations, tactics, and systems. Additional responsibilities shall include facilitating exchange of relevant information with civilian agencies, participation in planning of national research efforts, and cooperative development of data management systems to ensure effective coordination and transfer of information among military and civilian agency programs.

"(I) The Department of Transportation shall be responsible for evaluating the effects of transportation policy options on the global environment, particularly the use of fuels in transportation systems that result in the emission of combustion gases, including aircraft emission into the stratosphere. An additional responsibility shall be the assessment of the ways in which climate changes affect the efficiency and safety of transportation on land, sea, and rivers, and in the air.

"(2) The Plan shall reflect the need for collaboration among agencies with respect to—

"(A) the establishment and development of an information system for Earth system science; and

"(B) research into the development of new conceptual and numerical models of the Earth system.

"(e) The Secretary of State shall consult with the Chairman of the Committee in—

"(1) providing representation at international governmental meetings and conferences on global change research and assessment in which the United States participates; and

"(2) coordinating the Federal activities of the United States with the global change research and assessment programs of other nations and international agencies and organizations, including the World Meteorological Organization and the United Nations Environmental Program.

"(f) Each Federal agency and department involved in global change research shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report identifying each element of its proposed global change activities, which—

"(1) specifies whether each such element (A) contributes primarily to the implementation of the Plan or (B) contributes primarily to the achievement of other objectives but aids Plan implementation in important ways; and

"(2) states the portion of its request for appropriations that is allocated to each such element.

The Office of Management and Budget shall review each such report in light of the goals, priorities, and agency responsibilities set forth in the Plan, and shall include, in the President's annual budget estimate, a statement of the portion of each agency or department's annual budget estimate that is allocated to each element of such agency or department's global change activities. Annual budget estimates shall be submitted to Congress that reflect the activities outlined in the Plan. The Office of Management and Budget shall ensure that a copy of the President's annual budget estimate is transmitted to the Committee at the same time as such budget estimate is submitted to Congress.

"RELATION TO OTHER AUTHORITIES

"SEC. 604. (a) The President, the Chairman of the Committee, and the Secretary of Commerce shall ensure that relevant research activities of the National Climate Program, established by the National Climate Program, established by the National Climate Program Act (15 U.S.C. 2901 et seq.), are considered in developing national global change research efforts.

"(b) The President, the Chairman of the Committee, and the heads of the agencies represented on the Committee, shall ensure that the research findings of the Committee, and of Federal agencies and departments are available to—

"(1) the Environmental Protection Agency for use in the formulation of a coordinated national policy on global climate change pursuant to section 1103 of the Global Climate Protection Act of 1987 (15 U.S.C. 2901, note); and

"(2) all Federal agencies and departments for use in the formulation of coordinated national policies for responding to human-induced and natural processes of global change pursuant to other statutory responsibilities and obligations.

"(c) Nothing in this title shall be construed, interpreted, or applied to preclude or delay the planning or implementation of any Federal action designed, in whole or in part, to address the threats of stratospheric ozone depletion or global climate change.

"ANNUAL REPORT

SEC. 605. The Chairman of the Committee shall prepare and submit to the President and Congress, not later than January 31 of each year, an annual report on the activities conducted pursuant to this title during the preceding fiscal year, including—

"(1) a summary of the achievements of Federal global change research efforts during that preceding fiscal year;

"(2) an analysis of the progress made toward achieving the goals and objectives of the Plan;

"(3) a copy or summary of the Plan and any changes made in such Plan;

"(4) a summary of agency budgets for global change activities for that preceding fiscal year; and

"(5) any recommendations regarding additional action or legislation which may be required to assist in achieving the purposes of this title.".

Mr. HOLLINGS. Mr. President, in our negotiations with the distinguished Senator from Montana [Mr. BAUCUS] and the distinguished Senator from Rhode Island [Mr. CHAFEE] on the clean air bill, we agreed to some language that improves this particular effort that they were vitally interested in. That is the content of the amendment, which is the bill itself. I urge its adoption.

Mr. McCAIN. Mr. President, one aspect of the global change question of particular interest to me concerns the effect of man-made industrial chemicals known as chlorofluorocarbons, or, CFC's. These chemicals are thought to be responsible for much of the stratospheric ozone depletion. CFC's are also potent greenhouse gases.

CFC's are used pervasively throughout the world and perform a number of important functions, many of which still have no safe substitutes. They are used to refrigerate food, cool and insulate buildings, clean computer chips, and for a host of other important purposes. This Nation has almost 300 billion dollars' worth of capital equipment which use CFC's. Clearly, the development of and transition to safe CFC alternatives are crucial both environmentally and commercially and the effort to do so must be of the highest national priority.

This issue particularly affects my home State of Arizona where we depend heavily on air conditioning and refrigeration. Yet, by depleting the ozone layer, the continued use of CFC refrigerants which make those luxuries possible will subject us to greater amounts of ultraviolet radiation. Increased ultraviolet radiation means a higher incidence of skin cancer—a particularly frightening thought for those of us in the desert Southwest.

The private sector will no doubt lead the way in finding replacement chemicals and alternative technologies. The environmental and commercial gravity of this situation, however, requires the Federal Government to be a full and committed partner in this effort. In testimony before the committee, the CFC user and producer industries reiterated industry's desire to develop alternatives and the need for governmental scientific assistance in this effort.

The bill as reported from committee contains a section that I authored in response to these concerns. This provision is modeled after legislation I introduced in the 100th and 101st Con-

gress. It would establish a separate ozone depletion working group within the Federal Coordinating Council, which would coordinate and develop initiatives on alternatives to the use of ozone depleting chemicals.

The clean air legislation pending on the floor includes a title dealing more generally with the phase-out of ozone depleting chemicals. That legislation already includes some aspects of my proposal. After consulting with Senators BURDICK, BAUCUS, and CHAFEE, I have worked out an amendment to that bill incorporating the substance of my ozone depletion section. Placing my provision in the clean air bill should strengthen its effectiveness. Accordingly, the existing provision in the National Global Change Research Act will be dropped.

My amendment to the clean air bill directs the Administrator of the Environmental Protection Agency to coordinate with the private sector and the relevant Federal agencies to develop and recommend research initiatives on substitute chemicals and alternative technologies to replace CFC's. Participating agencies would include the Departments of Commerce, Energy, Defense, Agriculture, and NASA. Each of these departments have research facilities, expertise, and other resources which could be employed in the efforts.

The amendment also directs the EPA Administrator to identify the governmental use of ozone depleting products and substances, and to recommend Federal procurement initiatives to make the transition to substitutes as quickly as possible. Government can facilitate the transition throughout our economy by taking the lead in employing alternative products and technologies.

The EPA Administrator is also directed to identify opportunities for intergovernmental, international, and commercial technology transfers relating to chemicals and technologies to replace CFC's. The community of nations is confronted by a common problem, and to overcome it we must act cooperatively. By sharing research and technology innovations at home and abroad, we will increase opportunity for scientific advances.

Finally, my amendment directs the EPA Administrator to establish a national clearinghouse of information on CFC substitute chemicals, alternative products, and technologies. The clearinghouse will serve as a valuable resource center for private citizens, industry, government, and the family of nations. Increased awareness of available CFC substitutes will facilitate a smoother and faster transition—one that will benefit the environment and the economy.

I would like to conclude by commending the chairman of the Commerce Committee, Senator HOLLINGS, and the ranking member, Senator DANFORTH, for their roles in moving forward this important global change research legislation.

Mr. President, suffice it to say, this amendment is basically language, as the distinguished chairman pointed out, that will be included in the Clean Air Act. It is an amendment that I have worked on for a long period of time. I think it is an important one. Due to jurisdictional aspects of this issue it will be included in the Clean Air Act on which I will have a colloquy with Senators CHAFFEE and BAUCUS later on.

So, Mr. President, I urge the adoption of the amendment.

Mr. BAUCUS. Mr. President, as the chairman of the Commerce Committee, Senator HOLLINGS, and I discussed on the Senate floor last Wednesday, January 31, the Committee on Environment and Public Works and the Commerce Committee are often asked to address issues that fall within the jurisdiction of both committees. Over the years, we have managed to work together and usually manage to resolve the problem of jurisdictional overlap in an informal manner. The bill we are considering today is product of that approach.

The pending amendment in the nature of a substitute for S. 169, the National Global Change Research Act of 1990, was crafted by our two committees in a joint effort to resolve one of the most pressing scientific and environmental problems facing the Nation and the world. This bill is designed to develop data that will help us understand the nature and magnitude of the threat being presented by human-induced changes to the global climate system.

This bill seeks to assure that we have adequate coordination among the Federal agencies that are conducting global change research. The amendment we have developed makes a number of changes to the bill that was reported by the Commerce Committee last May. Four of the changes are of particular interest to the Environment Committee, and are the basis for my cosponsorship of the amendment.

First, the findings section of the bill is amended to reflect a greater degree of scientific certainty concerning the problem of and threats associated with destruction of the stratospheric ozone layer. The bill as reported suggested a greater degree of scientific uncertainty than actually exists. This amendment corrects this.

It is worth noting at this point, Mr. President, that even in the area of global climate change, the level of scientific uncertainty is not as great as stated in this bill or in recent press reports. It is true that scientists do not agree on the question of whether the dreaded, intensified greenhouse effect has begun. Similarly, there is not a scientific consensus on the precise rate or magnitude of change that is likely to occur as atmospheric concentrations of greenhouse gases continue to accumulate.

Nevertheless, it is important to keep in mind that there is consensus on the fundamental point that, absent the appearance of some as yet unidentified force, our pattern of polluting the atmosphere with carbon dioxide, chlorofluorocarbons, methane, and other greenhouse gases, will lead to global climate changes at a rate and of a magnitude that will preclude natural evolutionary responses.

This bill will help reduce the uncertainties that remain. In the meantime, it is incumbent on the policymakers of the world to recognize that we have already waited too long to take actions in response to the threat. By the time we have resolved all of the questions, it will be too late to avoid the most devastating impacts of global climate change. We know enough today to start implementing measures that will reduce the threat. Fortunately, most of these measures, such as energy conservation, make economic sense independently of the global climate change issue.

For these reasons, new section 604(c) is added by the amendment to clarify that, notwithstanding the need for better scientific understanding of the problem, nothing in this act shall be construed, interpreted, or applied to preclude or delay the planning or implementation of any Federal action designed, in whole or in part, to address the threats of stratospheric ozone depletion or global climate change. This is an extremely important amendment that has been included at the recommendation of the Environment Committee.

The third amendment strikes the reference in the reported bill to a 10-year research program. Such a reference improperly suggests that a 10-year program will resolve the uncertainties and provide us with the answers we need to take action. As we saw with the National Acid Precipitation Assessment Program [NAPAP], such false promises often become barriers to the adoption of measures designed to address the problem in the intervening 10 years. Such a result would be disastrous in the area of global climate. We can not afford to wait 10 years before we take action to reduce emissions of greenhouse gases or to implement adaption strategies to prepare for the climate changes to which we are already committed.

The fourth amendment recognizes the fact that the Environmental Protection Agency has and will continue to serve as one of the leaders among the Federal family of agencies with respect to global change research. As such, the amendment adds EPA to the

list of agencies from which the chairperson of the Committee on Earth Sciences will be selected.

Mr. President, I want to thank my colleague, Senator HOLLINGS, for his interest and leadership on this matter and for his cooperation and willingness to work with the Environment Committee on an issue of mutual concern. I look forward to continuing our work together as this bill moves to the other body, through formal or informal conference, and to the President where it will be signed and enacted into law.

Mr. KERRY. Mr. President, I rise in strong support of S. 169, the National Global Change Research Act of 1989. I am pleased to have worked with Senator HOLLINGS on the development of this very important legislation that will enhance our knowledge of the greenhouse effect and ozone depletion by requiring a long-term coordinated research effort.

Scientific uncertainty on global climate issues has led to an intense debate and has hampered efforts to set policy. Researchers agree that concentrations of carbon dioxide and other greenhouse gases in the atmosphere raise the temperatures of the Earth and that the concentrations of these gases are increasing from burning fossil fuels. But scientific predictions of the magnitude of the temperature rise range from 3 or 4 degrees Fahrenheit to as much as 9 degrees. And the timeline varies from already occurring to the middle of the next century.

Despite some uncertainties, there is overwhelming consensus that global warming is a serious problem and action to address this cannot wait. The potentially alarming consequences, including droughts, flooding, and sea level rise, as well as the associated health risks, cannot possibly be translated into a research-only attitude for responsible scientists and policymakers. The U.N. Environmental Program and the World Meteorological Organization have already organized representatives of 30 countries into an Intergovernmental Panel on Climate Change [IPCC] to develop a strategy on global climate change.

Here in the United States, nearly half of the National Academy of Sciences joined with 49 Nobel laureates to urge President Bush to take the threat of global climate change seriously and to begin to take action. In addition, the President's own policy advisers have suggested a greater need for action. Unfortunately, President Bush once again fell short of his campaign promises and failed to show leadership in his address to the IPCC yesterday where he committed only to study the problem and not to take action. This is reminiscent of the past decade when the Reagan administration refused to acknowledge that the country was suffering from acid rain and insisted on study versus action. Will we have to wait for another 10 years of administration-backed studies before we see any real progress on this devastating problem?

The Clean Air Act will give the Senate an opportunity to show some real leadership by taking actions to curb greenhouse gases. I hope that yesterday's speech by the President does not undermine the Senate's efforts to keep these strong provisions in the clean air bill that is currently pending before Congress.

There is a greater consensus that chlorofluorocarbons [CFC's] and other manmade chemicals destroy the Earth's stratospheric ozone layer. This ozone layer shields the Earth from harmful radiation. Not only has this effect been substantiated, but it has been measured. While it was once believed that ozone destruction was confined to areas over Antarctica, we now know that this is a problem over populated regions of the Earth, leading to increased incidences of cancer. About 50 nations have now signed the 1987 Montreal Protocol that sets international targets for reducing these compounds. I am pleased that the Senate clean air bill goes beyond the Montreal Protocol in phasing out ozone-destroying chemicals.

One of science's greatest challenges will be to provide the information necessary to develop sound policies on global change. The task is difficult, but as a member of the Senate Global Environmental Task Force and the Senate Commerce Committee, I am committed to seeing that the United States leads the way. This very important piece of legislation moves us closer to scientifically sound policies by setting national priorities and establishing national goals for global change research.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 1232) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question occurs on the committee substitute, as amended.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The time will be charged equally to both sides.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I urge that the committee substitute, as amended, be adopted.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time.

Mr. HOLLINGS. Mr. President, I thank the distinguished Chair. I will be momentarily seeing about the vote on final passage. It has been expressed that there is a desire for a rollcall vote, and a question on whether we should have it now or at another time. Another vote has been ordered at 2:15. While we await the agreement on the sides on this particular point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HOLLINGS. I withhold that request.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. Senator SIMON.

Mr. SIMON. Mr. President, I ask unanimous consent to address the body on another matter for a few minutes here as in morning business.

The PRESIDING OFFICER. The Senator from Illinois is recognized for a period of 5 minutes in morning business.

THE LITERACY ACT

Mr. SIMON. Mr. President, at noon we will be voting on the Literacy Act that has emerged from the committee. I simply wanted to take a couple of minutes for our colleagues who may not have been here for the discussion yesterday, to point out that this passed committee unanimously. We have 35 cosponsors here, from both political parties. It is the first comprehensive, goal-oriented, coordinated look at literacy in this Nation. It is a major problem in this Nation.

We have 23 million adult Americans who are described as functionally illiterate. That means, in all practical terms, about 4 million of them cannot read a word. The rest of that balance, of 23 million, cannot read a headline. And so we have this opportunity, for the first time, to establish goals at the

Federal level and at the State level, if we follow through.

This bill by itself is not going to do the trick. But if we follow through—and I hope that we will, and I will do everything I can to see that we do—by the end of this decade, we can, for all practical purposes, eliminate illiteracy in this country. It will be a major step forward.

Mr. President, I see that my colleague from Tennessee desires to speak. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. I yield what time we have remaining to the distinguished Senator from Tennessee.

The PRESIDING OFFICER. The Senator has 5 minutes within his control remaining. The Senator from Tennessee is recognized for up to 5 minutes.

Mr. GORE. I am pleased to rise as a cosponsor of the Hollings bill, Mr. President, concerning the U.S. research effort into the causes and consequences of the greenhouse effect and global change. Those of us who have been involved in this issue deeply appreciate the leadership of Senator HOLLINGS and the work he has done on S. 169.

One of the important lessons our country has learned over the last several years is that although we already know enough to justify actions with regard to the problem of global warming, we do need more research and better research and better focused research. Of course, we do need to act now, without waiting. Our future, the quality of our lives, and the quality of our children's lives, is tied to our commitment to confront these issues and our ability to meet that commitment.

As we begin to act, we need research even more in order to understand which solutions are going to be most effective. Some of them will involve difficult societal transitions, and research can help us understand some of the correct choices to make early in the process.

For every issue related to global change, international cooperation will be essential. Success will rest on our ability not only to protect the air above our homes, but also on our ability to work with our global neighbors.

The United States is responsible for a large number of the pollutions threatening the global environment. Other nations of the world also generate considerable quantities of carbon dioxide, CFC's, methane, sulfur and nitrogen oxides and other gases that fall into the pollutant category. Developed nations have been the principal polluters in the past and are today. But emissions from developing nations are now increasing rapidly as their economies expand and as their people aspire to higher standards of living.

The problem we are discussing here is not the stuff of science fiction. Even though it is unprecedented in its scale in magnitude and seriousness, it is nevertheless real.

Just this morning I put into the RECORD a letter signed by 700 scientists and 49 Nobel laureates, half the membership of the National Academy of Sciences. All of them are calling upon President Bush to begin action now, to confront the problem of global warming, and the global environmental crisis.

I do believe that the United States is the only nation which can lead the world as we begin to confront this threat. If we are going to undertake that responsibility, we need action now, and we need the kind of research program to guide those actions and to help build a stronger consensus here and around the world on the need for these actions.

So once again, in closing, Mr. President, I want to commend the Senator from South Carolina, Senator HOLLINGS, the chairman of the committee on which I am privileged to serve, the Commerce Committee, for taking the lead, for organizing this excellent piece of legislation, and I look forward to continuing to work with him on this issue.

The administration has been footdragging, I must say, and the Congress is moving into that vacuum and attempting to cause the kinds of changes needed.

Yesterday, I was reminded of Yogi Berra's phrase, "It is deja vu all over again," when the administration was urging action and Mr. Sununu prevailed upon the President to do nothing, to say that it is not time to act. But the Congress is acting. The Senate is acting. Thanks to the leadership of Senator HOLLINGS, we have an opportunity to vote in favor of this excellent legislation, which is an important step in the right direction. I urge my colleagues to vote yes for this bill.

Mr. HOLLINGS. Mr. President, as we all know, our distinguished colleague from Tennessee, Senator GORE, is the chairman of our Science Subcommittee, and he is a workhorse and a leader on the Senate side with respect to global change and climate change and has been in the forefront even as a Member of the House.

I ask unanimous consent to vote on final passage of S. 169 occur at 2:15 p.m. I think that has been cleared on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, final passage of S. 169 will occur at 2:15 p.m.

Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The time controlled by the Senator from South Carolina has expired.

The Senator from Arizona controls the remaining time between now and noon.

Does any Senator seek recognition?

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. Senator BOSCHWITZ.

Mr. BOSCHWITZ. Mr. President, I join in complimenting my colleague from South Carolina for the bill on the National Global Change Research Act of 1989, and I think it is a timely bill, and it is important that we get on the front side of the curve of that issue, and I have been critical of the administration, as have others here on the floor, that they do not seem to have that same vigor in wanting to do that.

I noted the President's speech at Georgetown, moving him in that direction, though some would say not fast enough. I believe that the President wants to be known as the environmental President. He certainly has been active in that regard, having offered the first environmental bill, the first clean air bill that has come before this Chamber in well over a dozen years.

So that the President is moving in the right direction.

Some of us would wish that he would move somewhat faster in regard to the whole business of CO_2 in the atmosphere and global warming. I think that I do see some movement on his part and I welcome that. I hope that pace of movement accelerates.

I must say, Mr. President, I do not claim to be a scientist who understands every element of this nor do I suppose that I am as well-informed as some of my colleagues, particularly my friend from Tennessee, with whom I have introduced some legislation on this subject and who really has made a careful study of it.

However, my feeling is that over the course of my lifetime the population on the globe has gone from 2 to 5 billion and will probably go to 8 billion during the course of my lifetime, and that standards have risen, and the use of energy has risen exponentially, and the result is that more and more CO_2 is puffed into the atmosphere and that simply cannot go on without some effect over a period of many years.

So I think it is important that we get on the front end of the curve with respect to global warming, with respect to reducing not only the impact on the ozone layer but with respect to reducing CO_2 emissions into the air. It is an international thing.

When I was recently in East Germany, one could just smell in the air, it smelled there as it did here in the 1940's before any effort was made to clean up the air. And that is indicative

of what goes on in much of the world. So that it is important that it be done not only by the United States but it be done internationally, and I was pleased that the President addressed the international panel that is here in Washington.

Mr. President, I once again compliment my friend from South Carolina who does many constructive things in this Chamber. I think that he is leading us on the right track with respect to global warming. I yield the floor.

Mr. HOLLINGS. I thank my distinguished colleague.

The PRESIDING OFFICER. Who yields time?

Mr. BOSCHWITZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LITERACY ACT

The PRESIDING OFFICER. Under the previous order, the hour of 12 o'clock having arrived, the clerk will report Calendar Order No. 365, S. 1310.

The assistant legislative clerk read as follows:

A bill (S. 1310) to eliminate illiteracy by the year 2000, to strengthen and coordinate literacy programs, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. COCHRAN. Mr. President, a year ago, as the 101st Congress was beginning and George Bush had been sworn in as the 41st President of the United States, the administration and the Congress agreed to make the battle against illiteracy a top national priority. Today, I am pleased that we are considering a comprehensive legislative initiative to eliminate illiteracy in the United States by the year 2000.

We all agree that too many adults in our society suffer from illiteracy. In my State of Mississippi, an estimated one in three adults is functionally illiterate, and 40 percent of adults do not have a high school diploma. Illiteracy contributes to unemployment, job dissatisfaction, and lack of self-esteem. Many illiterate adults transmit their problems to their children, creating a persistent cycle of illiteracy.

The cost of illiteracy to the Nation is enormous, resulting in low productivity, accidents, employee error, and costly remedial training programs. Costs have been estimated to be as high as $200 billion annually in lost productivity alone.

But illiteracy is not an incurable disease. Our Nation must promote literacy, which one literacy volunteer, testifying before the Subcommittee on Education, Arts, and Humanities, defined as:

The ability to read and write and progress. Literacy is self-sufficiency and hope. Literacy is the shortest distance to individual, social, and economic development.

After hearing testimony by numerous witnesses and carefully examining successful model programs across the country, the subcommittee was able to develop this bill, S. 1310, which builds on several existing programs that are successfully reducing illiteracy. The legislation increases the authorization level for adult education programs, including workplace literacy partnerships, and strengthens the role of State advisory councils on adult education and literacy. I am pleased the administration supports these efforts and has requested a 23.8-percent increase in programs under the Adult Education Act in the budget for fiscal year 1991. The administration request includes $20 million for the Workplace Literacy Program and $200 million for basic grants to States to serve an additional 460,000 adults in basic skills programs and an additional 200,000 individuals in secondary-level programs.

I am particularly interested in issues of family literacy. First Lady Barbara Bush, one of literacy's strongest advocates, has targeted the family as the key to establishing literacy as a "universal value in the Nation." I am convinced that children need home environments that support literacy if they are to thrive educationally, and that parents with literacy problems are more likely to raise children with the same problems. I firmly believe that preventive measures with children and corrective measures with adults must be taken if we are to become a truly literate nation. S. 1310 promotes family literacy by increasing the authorization for the Even Start Program to help parents of educationally disadvantaged children become full partners in the education of their children. The administration has joined in support of this important program by requesting $48 million in the budget for fiscal year 1991, twice the 1990 level. In addition, S. 1310 establishes the Families for Literacy Demonstration Program to target services to newborns and their parents to provide literacy parenting education for adults.

S. 1310 also recognizes the valuable contribution our public libraries make in helping us become "a nation of readers." The subcommittee heard compelling testimony from a witness from Sunflower County in Mississippi, where 40 percent of the population is in poverty and 43 percent of adults have not completed high school. A library literacy grant, funded through title VI of the Library Services and Construction Act, allowed the county to train 80 prisoners as tutors to teach their fellow inmates. The Library Literacy Program is modestly funded. In order to focus these grants on communities in greatest need, S. 1310 authorizes the Secretary of Education to give priority in awarding library literacy grants to areas with the highest concentrations of adults without secondary education and to organizations that coordinate with other agencies providing literacy services.

S. 1310 also authorizes Library Literacy Centers to provide States with resources on a competitive basis, to support the development of innovative library literacy programs, and to offer literacy materials to adults in a nonthreatening environment. These features are similar to provisions I added to the Library Services and Construction Act under a new title VIII. I am also pleased that S. 1310 provides a one-time grant for the development of video materials to be used by libraries and television stations for adult literacy education.

Voluntarism is among the best and most valuable of American traditions. America's literacy movement began with volunteers, and we cannot wipe out illiteracy without them. The volunteers for literacy section of this bill continues this tradition by authorizing funding for student literacy activities and community volunteer programs.

As a cosponsor of this legislation, I am proud the administration has joined us to address this most serious problem. The eradication of illiteracy is part of an overall strategy for the future to improve the quality of our education system, strengthen the skills of our work force, and enhance the quality of life for all Americans. S. 1310 makes a significant contribution to this goal as the first of several education bills that will come before the Senate within the next few weeks, including the Educational Excellence Act, the Library Services and Construction Act reauthorization, and the Carl Perkins Vocational Act reauthorization. These bills are interwoven to form the fabric of significant reforms the Nation needs in education today.

Mr. BINGAMAN. Mr. President, I rise today in strong support of S. 1310, the National Literacy Act of 1990. I commend my good friend and distinguished colleague from Illinois [Senator SIMON] for his dedicated and compassionate leadership in the Nation's effort to eliminate illiteracy by the year 2000. Over the past several years, Senator SIMON has worked tirelessly toward that goal—often alone. Tomorrow, through passage of this comprehensive measure, we in the Senate will signify our support for Senator SIMON's noble effort and to achievement of this vital goal.

Like the current drug epidemic, the problem of illiteracy is one of epidemic proportions. Its impact is no less dev-

astating. But unlike the drug epidemic, illiteracy is a silent, hidden problem. How many people in the country know that nearly 23 million Americans are illiterate or that 45 million adults cannot read beyond the fourth grade level? These are significant, troubling statistics for the Nation. But we do not hear a national outcry. Well, it is time for a national outcry. It is time that we recognize the seriousness of this problem and the need for national leadership.

For too long, we as a nation have ignored the needs of those in our society who cannot read or write. Now we are faced with rising illiteracy rates, high dropout rates, lost productivity, weakened economic growth, and deteriorating social stability. If this Nation is to reverse these alarming trends and continue as a competitive force into the 21st century, we must no longer turn our backs on these critical problems. We must meet these challenges head on. We must equip all of our citizens with the tools necessary to participate actively in society. The key, I believe, lies in education—education at all levels, for all people.

The National Literacy Act will help make educational opportunities more readily available in all of our Nation's communities and States, and it will provide a national focal point for literacy attainment. It will establish the National Literacy 2000 Federal Interagency Council to coordinate governmentwide literacy initiatives. It will establish a national center on literacy and assist States in establishing State literacy resources centers. The bill also will enhance literacy research and information dissemination; make books more accessible to everyone through library literacy programs; strengthen volunteer and student literacy programs; and break the intergenerational cycle of illiteracy by focusing on parents and families.

Naturally, many people believe that our schools, rather than families or community-based organizations, should have the major responsibility for literacy instruction. Yet, every year more and more of our young people drop out of high school. Last year, the New Mexico State Department of Education reported yet another increase in the annual high school dropout rate. I am deeply troubled to report that during the 1988-89 school year, the Department estimated that 10.4 percent of our high school students dropped out. Native American students have the highest dropout rate at 13.3 percent—14.6 percent of all native American male students dropped out—followed by black students, who dropped out at a rate of 11.28 percent, and Hispanic students at 11.15 percent. The dropout rate for anglo students, at 8.9 percent, is lower than the minority rates, but it is still too high. What these figures don't tell us is what the dropout rate would be over a 4-year period, which I believe would be a more accurate assessment of how many students remain in school.

Intervention for these at-risk students poses a tremendous challenge to States, schools, and parents alike. Fortunately, many of the excellent programs authorized under the National Literacy Act are targeted at this group of young people, through families, community-based organizations, and schools. All of these programs are worthy of our utmost support.

A 1986 study conducted for the education forum of New Mexico found a strong correlation between the accessibility of reading material and a community's literacy rate. Some counties in my home State of New Mexico have no libraries, few or no bookstores, and some do not even have mobile library units to service their communities. The discrepancy in accessibility to reading material among counties is directly related to the level of poverty and unemployment in each county. This measure will help bring vital reading material to communities throughout the United States, whether they be rich or poor, in the rural mountains of New Mexico, or in the inner cities of New York.

Also targeted under the bill are limited English-speaking adults. In New Mexico, more than 20 percent of the total population—or more than 282,000 individuals—have never completed high school or earned an equivalent diploma. Of this total, nearly half have 8 years or less of formal education. Adult basic education programs typically try to meet the needs of these adults, but they do not reach all of those in need. This bill will assist communities in expanding these vital programs.

Mr. President, any legislative effort to combat illiteracy and strengthen English proficiency must address the often unique problems facing those minority populations whose native tongue is not English, including Hispanics, native Americans, and Native Alaskans. The demographic trends of our Nation indicate that by the year 2000, one out of every three Americans will be a member of a minority group. If we fail to address the special educational needs of these groups, we deny them and our entire Nation a more productive future.

In the 100th Congress, I authored legislation that was but a modest first step in combating this particular social and economic problem. As Department of Education statistics indicate, those whose native language is not English are disproportionately represented among our Nation's illiterate population. And while I am pleased that the English Literacy Act has become law, I believe we must do more to ensure an educated and contributing citizenry.

The National Literacy Act—the most comprehensive literacy legislation developed to date—is a significant component of our national strategy to remain a strong, productive nation in the 21st century. Again, I commend Senator SIMON for his leadership in our effort to combat illiteracy in America. Thank you.

Mr. JEFFORDS. Mr. President, I rise in support of S. 1310, the Illiteracy Elimination Act of 1989. I want to commend Senator SIMON for his leadership and recognize the contribution of Senator KASSEBAUM and her efforts to forge a bipartisan bill.

Illiteracy is universally recognized as one of the most pervasive problems in our society. Not solely because thousands of Americans are functionally illiterate, but more so because of the impact of illiteracy upon those individuals.

It is estimated that between 23 and 27 million adult Americans are functionally illiterate; 23 and 27 million adults is a staggering number—that represents approximately 1 out of every 7 adults. But, I don't think anyone in this Chamber will deny the critical need to eliminate illiteracy.

Nor is anyone unaware of how pervasive this issue is in the lives of so many Americans. Those who cannot read cannot perform some of the most rudimentary tasks from reading a prescription to reading road signs to filling out taxes or job applications. Without these basic skills life becomes a prison without parole.

This bill effectively gives people a chance, gives them the opportunity to escape the four walls and impregnable barriers that bind them. This is the first bill that establishes a comprehensive, substantial Federal role in the fight against illiteracy.

Up to this point the role of the Federal Government has been fragmented and dispersed. A number of Federal programs, administered by several Federal agencies, attempt to address the growing problem of illiteracy. This bill brings those efforts together and provides a systematic, concise, and effective approach to the laudable goal of illiteracy elimination by the year 2000.

Further, S. 1310 amends the Adult Education Act to provide for additional emphasis on teacher and volunteer training in the workplace literacy program. S. 1310 encourages intergenerational learning programs for children and their parents as well as expands the inexpensive book distribution program.

These are just a few of a number of exemplary initiatives included within this bill. The comprehensive approach of S. 1310 incorporates all sectors of society—from our very young to our adult population—recognizing that literacy must be a goal for everyone. It is

never too early nor too late to bring the world of reading into the lives of all Americans. I am glad to be a cosponsor of such a bill.

Thank you, Mr. President.

Mr. FOWLER, Mr. President, I rise today in support of the National Literacy Act of 1989. This legislation is essential in combating the tragedy of illiteracy in our Nation.

Some 23 million Americans are classified as illiterate. Another 45 million adults can read only at a severely limited level. Even more alarming, a 1983 study found that 17 percent of high school graduates are functionally illiterate.

The human toll of illiteracy is great. Imagine not being able to read a newspaper, complete a job application, or understand a road map. Illiterate adults cannot fully participate in their children's education. All too often they raise children who will themselves be illiterate as adults. Illiteracy robs its victims of their pride and self-confidence. It leaves them only a darkened future.

As Thomas Jefferson recognized 200 years ago, illiteracy prevents citizens from becoming involved in the civic duties and privileges of our Nation. It is no less than tragic that just as the people of Eastern Europe are celebrating the return of democracy to that region, millions of Americans lack the skills to participate in our Nation's great democratic traditions.

Illiteracy also takes a tremendous economic toll. As technology continues to advance, every day it becomes more important that our workers bring basic skills to the workforce. It has been estimated that illiteracy in the workplace costs $9 billion a year in Georgia alone.

American businesses now spend $1 billion a year on basic education programs, in addition to the billions spent on teaching occupational skills. In a time when our Nation is struggling in an increasingly competitive world economy, our businesses cannot fairly compete when they are being forced to teach their workers basic literacy skills.

Illiteracy carries with it other costs. As our crime rate continues to soar, the fact that 75 percent of adult prison inmates are functionally illiterate cannot be ignored. All told, our Nation loses more than $200 billion a year from the lost tax revenues and productivity, crime, and necessary remedial education stemming from illiteracy.

The National Literacy Act attacks illiteracy in a variety of ways. It establishes a national council to coordinate Federal literacy efforts and expands literacy programs under the Adult Education Act. The bill also creates a program to advance intergenerational approaches to illiteracy and encourages the distribution of inexpensive books to children with special needs. Finally, the bill expands programs which encourage college students to help fight illiteracy and establishes new volunteer programs.

I have witnessed and heard from hundreds of individuals in Georgia who have become involved in efforts to eliminate illiteracy. We must supplement the work of these hard-working people with Federal leadership and a coordinated Federal effort.

Last September, the Nation's Governors established the goal of substantially reducing illiteracy by the year 2000. President Bush reiterated this laudable goal in his State of the Union Address. We have before us an initiative which can take us a long way toward meeting that goal, and I urge its swift adoption.

BARBARA BUSH—A LEADER FOR LITERACY

Mr. KASTEN. Mr. President, as we in this Chamber address ourselves to S. 1310, the National Literacy Act of 1990, we would do well to honor the leadership of one of the true architects of this important legislation.

It was none other than America's first lady—Barbara Bush—who focused our country's attention on the scourge of illiteracy and made today's Senate action possible.

Traveling across this land, Mrs. Bush has seen face-to-face the human tragedy that is the result of illiteracy—the hopes disappointed, the dreams deferred. She knows that illiteracy is like a second-class passport that prevents millions of Americans from participating fully in the life of their country.

Today, we are making an important first step toward giving these people their full rights. So let us pause to thank the gentle and noble lady who lighted the path for us.

Mr. CONRAD. Mr. President, I rise to wholeheartedly support S. 1310, the National Literacy Act of 1989. Senator SIMON has distinguished himself by his leadership on education issues, and his early championship of the problem of illiteracy. This bill is another example of PAUL SIMON's commitment.

It's difficult to address our national literacy problem, largely because there is no clear definition of just what the problem is. There is no agreement on the causes of the problem, and no clear solution.

There is not one common definition of illiteracy that experts can agree on, but generally accepted estimates put the number of Americans considered to be illiterate at 23 to 27 million. Of those, fully 4 million cannot read at all. Some estimates put the number of American adults who read with only minimal comprehension at 45 million.

There is no agreement on what causes illiteracy. Some point to poor academic standards. Others point to the breakup of the traditional American family, the lack of reading to preschool children by parents, the impact of television, and the abuse of drugs.

Whatever the definition, whatever the cause, it is clear that illiteracy is a serious problem in our society. Costs have been estimated by some experts to be as high as $200 billion in lost productivity alone.

But illiteracy is far more than an economic problem. It is a national tragedy. Each of those 23 million illiterate Americans is a human being struggling to get by in an increasingly complicated world, without the most basic skills. We live in a world where the ability to communicate is the key to personal success, independence, and happiness.

I have tried, but I cannot imagine what it must be like to be illiterate. To be unable to read a street sign, look up a telephone number, balance a checkbook, write a letter to a friend, read a book to my daughter.

We are lucky enough to live in a country where there are few restrictions on the written word. We are free to read what we wish, and write what we wish. It is a precious freedom. But illiteracy denies this freedom to millions of Americans. They suffer for it; and the Nation is diminished by their suffering.

Finally, illiteracy is crippling our Nation's ability to compete in the modern world. Every man, woman, or child who cannot read represents lost potential. The modern workplace demands higher skills than were required just 20 years ago.

How can we hope to compete economically without a well-trained, literate work force? Years ago, we needed strong backs and willing hands. Today, we need nimble minds as well. We cannot afford to waste a single human life through illiteracy.

We owe it to ourselves to wage an all-out battle against illiteracy. We owe it to each individual—child or adult—to give him or her a fighting chance to succeed. This bill begins to provide that chance.

This bill authorizes an increase of just $229 million in fiscal year 1991 for key literacy programs—a modest increase, given the magnitude of the problem. This funding represents an investment in the future that will be returned many times over.

I am especially pleased with the increased authorization for the Even Start Program. I have long advocated a family approach to education that enhances the crucial role the parents' involvement plays in education. As Barabra Bush put it, the home is the child's first school, and the parent is the first teacher. A parent struggling with illiteracy can hardly help a child succeed, at home or in school. Even Start will help.

The programs in this bill are proven successes. Their value is diminished,

however, if they operate individually. This bill pulls them all together with a Federal coordinator—the Assistant Secretary for Vocational and Adult Education. That coordination will provide a focal point for planning, and establish literacy programs as a national priority.

I applaud the effort that has gone into developing this comprehensive approach to addressing the problem of literacy in America. I support it, look forward to its implementation, and once again commend Senator SIMON for his leadership.

Mr. CHAFEE. Mr. President, the National Literacy Act goes a long way in addressing one of the primary goals President Bush outlined in his State of the Union Speech last week: the elimination of illiteracy in America by the year 2000.

We have all heard the grim statistics about illiteracy in our society. Twenty percent of the American work force, 23 million adults are illiterate. The United States ranks 49th among 158 United Nations member countries in its literacy levels. These are daunting statistics, but they represent people with real needs—needs we can't afford to ignore any longer.

The National Literacy Act will better equip the United States to regain its leadership in education. The new and expanded programs, as well as many demonstration efforts authorized by this bill, will put a literate—and competitive—society within our reach.

The effort against illiteracy in this country has been well-intentioned, but often disjointed and fragmented. This legislation at last recognizes the need for a coordinated literacy effort to be led by the Department of Education and the newly created "National literacy 2000 Federal interagency council." The Department of Education and the council will report to Congress and steer the Nation's efforts to increase literacy skills among all Americans.

One of the major thrusts of the act is to improve work force literacy. When employees are functionally illiterate, America's security is in danger. If the United States is to remain a leader in the world community we must provide people with the skills to perform jobs. This legislation recognizes the importance of helping American workers remain competitive by providing $100 million in additional authorization for the expansion of the Adult Education Act.

I am particularly pleased with title III of this legislation, families for literacy, which expands and provides increased funding for legislation I sponsored, the Even Start Act.

Both the committee and the President agree on the need for additional Even Start funding. The $60 million authorization proposed for Even Start is a welcome addition in the battle against illiteracy.

The purpose of the tremendously successful Even Start Program is to break the cycle of generation-to-generation illiteracy. All too often, children of nonreaders also grow up to be nonreaders. These children begin their formal education at a distinct disadvantage compared to their classmates who come from reading households. This gap often grows even larger as disadvantaged children fall further and further behind as their school years progress. Their parents are bystanders—unable to offer even the most basic help.

The Hawkins-Stafford, Elementary and Secondary Improvement Act of 1988 established the Even Start Program. Grants are made directly to local education agencies or school districts. Even Start funding is used to provide early childhood education to young children aged 1-7, while simultaneously providing basic skills and literacy training to their parents.

Even Start provides parents with the tools to be true participants in their children's education. The program helps parents become their children's teacher for life.

In my home State of Rhode Island, the first Even Start funds have arrived and parents are reaching out for this innovative training. The school department of the city of West Warwick was recently awarded a $214,000 Even Start grant—renewable for the next 4 years—to raise the literacy levels of children and their parents. Just 4 months after its inauguration, 38 families are involved in the Rhode Island program.

I am delighted to be part of legislation that assists America's brightest hopes in the effort to end illiteracy in our Nation—parents.

In conclusion, I want to acknowledge the efforts of those who are already doing so much to fight illiteracy. America's schools, teachers, libraries, volunteer organizations and businesses have accepted the challenge that faces us today. To them I say, thank you, and good luck as we strive together to meet the goal of total literacy by the end of this decade.

ADVANCING A LITERATE NATION: THE NATIONAL LITERACY ACT OF 1989

Mr. HATFIELD. Mr. President, as an original cosponsor of S. 1310, the National Literacy Act, I rise to commend my colleague from Illinois, Mr. SIMON, for his leadership and commitment to this crucial national issue. I am tremendously pleased that Congress has mobilized to respond to the massive problem of illiteracy in the United States.

We are all familiar with the appalling statistics. Of the 158 members of the United Nations, the United States ranks a shameful 49th in literacy. Over 27 million adult Americans—fully 1 in 5—are functionally illiterate and 2.3 million more are added to that total every year. And many of these adults hold high school diplomas! Furthermore, one out of every three Americans is incapable of reading anything more than a child's book, and 1 million teenagers between the ages of 12 and 17 cannot read above the third grade level.

Mr. President, these statistics reflect what we know about illiteracy in the United States. What is even more frightening is what we don't know. The fact is that illiteracy is, in many ways, a hidden crisis. It embarrasses both its victims and our education system in general. And we cannot be sure about the magnitude of the crisis.

Although this problem is overwhelming, Mr. President, we must not surrender. We can—we must—bring an end to illiteracy in this, the wealthiest nation in the world.

Exciting progress is already being made. Just a few weeks ago I had the opportunity to visit the "front lines" of literacy activity in my State. I was invited by the students of Forest Grove High School to visit their computerized literacy project. Forest Grove High School was one of the first schools on the west coast to implement PALS—Principle of the Alphabet Literacy System.

Students and adults work with the computers at their own pace to enhance their reading and writing skills, following instructions given by the PALS Program. In a cooperative learning style, the computer program gives students immediate feedback, and most importantly, nobody else in the class knows if the students did something right or wrong or had to repeat a step—thereby eliminating the pressure of classroom failure. This program touches both teenagers and adults. Currently, 25 students are attending PALS classes at Portland Community College as well.

PALS students are showing an average of increased reading abilities from 1½ levels to 2½ levels. They are staying with the program and, they are staying in school. The PALS Program has captured the interest of our learners and has allowed them to explore the English language in an individualized manner, without publicly identifying or exploiting the inadequacy of their skills. The program's visual orientation is also extremely effective—students can use the computers to teach themselves and they can develop keyboard skills at the same time.

The PALS Program is merely one example of applying creativity to the illiteracy problem. I believe that the components of the National Literacy Act will further encourage and enhance these efforts. Through this legislation, we will establish a long overdue national policy for literacy

achievement, and better coordination of the multiple programs currently administered among various Federal agencies. The National Literacy 2000 Federal Interagency Council established by this legislation is the appropriate vehicle for coordination of government-wide literacy initiatives and for appropriate movement toward eliminating illiteracy by the year 2000.

Mr. BOSCHWITZ. Mr. President, I rise in support of S. 1310, the National Literacy Act of 1989, and ask unanimous consent that I be added as a cosponsor.

I can relate to the difficulties that people face when they lack the skills to read and write the English language. My family immigrated to America in 1937 and had to learn to read and write the English language in order to succeed. While this is not the same as never having learned to read and write, it certainly gives me a better understanding of what it is like to lack these basic skills.

Also, as a businessman I can well appreciate the need for these skills in our work force. Employees who are well skilled in reading and writing are much better equipped to work and advance in today's rapidly changing world. Technology has changed all aspects of the work force and demands an ever-increasing ability to read and comprehend technical instructions.

As you probably know, Mr. President, last year Congress passed legislation that declared 1989 as "the year of the young reader," an effort that I strongly support. However, we need to focus on improving reading skills for all ages and I believe that the National Literacy Act is a big step in that direction.

I have also listened to my colleagues praise the First Lady, Barbara Bush, and her efforts to promote reading. She promotes reading and visits libraries wherever she goes. She even made a stop at a library on her way to the doctor's office in Rochester, MN.

President Bush has made education a top priority in his administration. His 1991 education budget is the highest ever. He proposes increasing Head Start by $500 million and chapter I by $366 million, two programs that provide educational assistance for the disadvantaged. He is also requesting a substantial increase in the adult education programs. While we all would like to do more for education, we in Congress must come to grips with the difficult issue of deficit reduction.

Mr. President, I believe that good education is one of the best investments that Americans can make. I believe that the National Literacy Act is a step in that direction. I ask for unanimous consent to be added as a cosponsor and urge my colleagues to vote in favor of the bill.

Thank you, Mr. President, and I yield the floor.

Mr. BREAUX. Mr. President, I rise to speak in support of the National Literacy Act of 1990. This legislation represents what could be one of the most important achievements of Congress this year. For the first time, we would have a national, mandated goal of eliminating illiteracy by the year 2000. I am proud to be a cosponsor of this effort.

I am speaking as a Senator from a State where the rate of illiteracy is among the highest in the Nation. The National Center for Education Statistics estimates that as many as one of every six people in Louisiana is to some degree illiterate. Most of the new jobs created in the United States over the last several years and in the near future will require a better educated work force than ever before. Louisiana is currently in the painful process of trying to convert from an economy largely dependent on a single industry to an economy that is diverse and more stable. if Louisiana is to attract new industry and improve the standard of living of its population, our people must be better educated. The process of educating our work force must begin with a full scale attack on illiteracy.

The same pattern holds true for the Nation as a whole. Just as States and regions compete to attract and develop new industries, the United States must compete in an international economy that is more competitive and interconnected than it has ever been before. In economic competition with Japan and a soon to be United European Community, the United States must be assured of a workforce that is well educated and equipped to deal with the coming high tech world of the 21st century. To do this, we need a commitment at all levels in this country to stamp out illiteracy.

Aside from the depressing effect of illiteracy on economic growth, this problem is devastating on a personal level for the individual who must live and work in a literate society without being able to read write or compute basic math. We have all heard stories of parents who are unable to read a bedtime story to their children and who go through life using a variety of tricks to hide from their family and friends the fact that they cannot read. Then there are those people who were born into situations where the ability to read was not considered important. The children of illiterate parents are, obviously, likely to also be illiterate. It is a cycle that we can and must stop.

The programs that this bill addresses are very important as we begin the Federal effort to eradicate illiteracy. Assistance will go directly to States to set up State Literacy Resource Centers, to target illiterate adults who need assistance and to provide additional funds for teacher training. The cycle of illiteracy that exists in families where parents cannot read is addressed through an increased authorization for the Even Start Program and a new Families for Literacy Program. The provisions that send additional literacy aid directly through the States will ever be helpful in States like Louisiana, where financial resources are tight.

Additional funds are also made available for the Student Literacy Corps, for College Work Study literacy-related jobs, and for the distribution of inexpensive books to poor families through the Reading is Fundamental [RIF] Program.

Mr. President, as many as 23 million Americans are illiterate. We cannot allow this to continue. We live in a wealthy, productive and progressive nation, yet 23 million of our citizens are not able to read and write beyond an eighth grade level. One act of Congress will not solve the problem. It is a situation that needs to be addressed by everyone; the Federal Government, State and local educational agencies and, most importantly, families and individuals who want to learn how to read and to teach other people how to read.

Mr. DASCHLE. Mr. President, I rise in strong support of S. 1310, the National Literacy Act and would like to thank my colleague, Senator SIMON, for his effort in bringing this bill to the floor. I know he and his staff have spent many hours working on this legislation, and I appreciate their efforts.

For the first time, our Nation will attack, in a coordinated and comprehensive manner, the growing literacy problem that afflicts over 27 million adult Americans who cannot read. For too long, our Government has tried to combat illiteracy in a piecemeal fashion—never quite sure who was actually responsible for addressing the problem, let alone measuring levels of success.

I am afraid we have sacrificed vital national resources due to our failure to prioritize our national literacy agenda. Just last week, the New York Times reported that an estimated 13 percent of adults in this country cannot read well enough to perform daily activities. Other estimates of illiteracy, functional incompetency and marginal competency range from 0.5 percent to more than 50 percent of the adult population. These are adults who have not maximized their full employment potential. Furthermore, the Literacy Volunteers of America estimate that over $237 billion per year is lost in unrealized earnings forfeited by those who lack basic skills.

Our Nation cannot afford to ignore the potential economic contributions of 13 percent of its adult population if we are to remain the world's economic leader. To do so would be a real threat to both our national security and to

our economic stability as a Nation. I am reminded of the words of John Kenneth Galbraith who knew the vital ingredient for economic progress:

> People are the common denominator of progress. So * * * no improvement is possible with unimproved people, and advance is certain when people are liberated and educated. It would be wrong to dismiss the importance of roads, railroads, powerplants, mills and the other familiar furniture of economic development * * * but we are coming to realize * * * that there is a certain sterility in economic monuments that stand alone in a sea of illiteracy. Conquest of illiteracy comes first.

S. 1310 sets out to conquer illiteracy first by establishing the Literacy 2000 Council Federal Interagency Council for the purpose of coordinating, monitoring and developing existing and new Federal literacy initiatives, and establishing specific and measurable goals for the Federal effort to combat illiteracy. The Literacy 2000 Council will be chaired by the Secretary of Education and comprised of the Secretaries or Administrators of the major Federal departments and agencies operating literacy-related programs. Not only will the council be charged with coordinating Federal literacy initiatives, but, most importantly, it will serve as a partner with the States in conquering illiteracy. In South Dakota, we are proud to have many fine literacy programs that have strived to combat illiteracy in both the workplace and in our State prison population. With the partnership of the Literacy 2000 Council, I am confident these programs will receive a long overdue boost to their efforts to combat illiteracy in our State.

I am hopeful that the Literacy 2000 Council, as the coordinator of the Federal effort to combat illiteracy, will also attempt to address the illiteracy problem that exists in our U.S. Armed Forces. As a long-time advocate of literacy programs at Ellsworth Air Force Base in South Dakota and throughout the country, I am keenly aware of the need to address the magnitude of the illiteracy problem that exists in our Armed Forces. During this session of Congress, I will closely examine the issue and work with my colleagues on the Senate Armed Services Committee to find the most cost-effective and least-intrusive solution to the problem.

Again, let me extend my gratitude for Senator SIMON's fine work in bringing this important piece of legislation to the forefront of our national legislative agenda.

Mr. METZENBAUM. Mr. President, I rise today in support of S. 1310, Senator SIMON's thoughtful and comprehensive bill on literacy.

For years we have been talking about the skills American workers will need to keep our country competitive in the 1990's. Now the 1990's are here, we must act.

Today some 23 million adults cannot read, write, or calculate well enough to get by in their jobs or their daily lives. Yet more than half of all jobs require technical training beyond high school.

There is no way America can get ahead—or even keep pace—if our citizens are not literate. America cannot compete if America cannot read.

The literacy challenge is greater than ever.

That is why I am pleased to join Senator SIMON and so many of our colleagues in moving this bill.

The National Literacy Act makes major strides in coordinating current literacy efforts at the State, Federal, and local levels. It brings together the best of governmental, private, and nonprofit works.

I am particularly pleased with the bill's provision to develop a television program helping parents build their children's language and literacy skills.

My wife Shirley and I read to our daughters even when they were small. Now they read to their own children. It has always made sense to me that learning begins at home.

But what we are discovering now is that parents can make a difference in their children's educational development even if they themselves cannot read well—or at all. They can make a great deal of difference in breaking the cycle of illiteracy that moves from one generation to the next. But not all parents know this. Some parents do not even know that they should talk to their babies! Those babies are in great danger of having trouble later communicating and reading.

Our family literacy television program would be developed through the corporation for public broadcasting—the group that brought us such innovations as "Sesame Street." In addition, my amendment—incorporated into the bill reported out by the Labor Committee—requires that the program be distributed on video and audio cassettes to libraries, day care centers and other sites in the community. Parents could use a tape at these sites, or they could borrow a tape and learn from it in the privacy of their own home.

Will this video cassette program work? As one tool in a comprehensive literacy program, the answer is absolutely yes. Here is why. First, with video cassettes, we can reach people who are isolated from literacy services. If they are afraid or embarrassed because their skills are not up to par, a video cassette is an ideal way to help them learn at their own pace. There is no doubt about the power of television, and video cassettes are becoming more and more a part of American life. Some 78 percent of families with children have vcr's.

My hope is that parents who use our family literacy video tape will get a new perspective on learning—and be inspired to learn more. These video cassettes may be the first step in an adult's decision to connect with the fine volunteers and professionals who promote literacy in Ohio and across the country every day.

My amendment allots $100,000 for the video cassette program—a small amount, but enough to pay for 10,000 copies of our program and accompanying written materials. That is 10 video cassettes at 1,000 sites across the country—getting to many many more families who use and return the tapes on a loan basis.

I am hopeful that these tapes—and the entire literacy bill—will help us reach out to the people who most need help.

Mr. President, Senator SIMON is to be commended for his leadership on this critical issue. Literacy is an important investment in America, and I am proud to be a part of this effort.

Mr. DIXON. Mr. President, I am pleased to be a cosponsor of S. 1310, the National Literacy Act of 1989.

I want to express my gratitude to the distinguished junior Senator from Illinois [Mr. SIMON] for his untiring efforts to combat this national education problem of illiteracy. He has been a leader in this effort for many years, and I especially commend him on this excellent product.

Although the Federal Government currently spends approximately $300 million per year on all literacy programs in this country, there are no existing national policies relating to literacy. S. 1310 establishes a national mandate to combat illiteracy and increases the Federal funding of literacy programs. It adds more substantial and comprehensive Federal leadership to fighting illiteracy. It also gives emphasis and focus to fragmented programs now aimed at increasing literacy. In addition, S. 1310 provides Federal initiatives to coordinate, strengthen and mobilize efforts at all levels of government, and within the private sector, to combat illiteracy by the year 2000.

Mr. President, I understand that Senator SIMON was moved to introduce S. 1310 after having been told by a Chicago high school dropout that she was stuck on welfare because she couldn't read. We are told by the U.S. Department of Education, that there are approximately 1 million functional illiterates being graduated from high school each year. Additionally, according to a study by the Chicago Literacy Coordinating Center, it has been established that the highest percentage of illiteracy in Chicago neighborhoods is in areas that offer few or no literacy services.

With the enactment of the National Literacy Act, we intend to see that these problems, and similar ones, will no longer exist. We intend to be an

education Congress and act to eradicate this troubling hidden and shameful education problem which keeps our country and millions of its citizens from reaching their full potential.

THE NATIONAL LITERACY ACT AND THE EDUCATIONAL EXCELLENCE ACT

Mr. DOMENICI. Mr. President, today we are considering, and will shortly complete action on, two very important pieces of legislation. I would like to take a minute to comment on these bills, and the issues they address, for they both concern perhaps the most important issue facing America today—how can we improve the education of our people.

The first bill we are considering is the National Literacy Act. A devastating problem inhibiting the tremendous potential or nearly 23 million Americans, illiteracy deserves our forthright attention.

Unfortunately, illiteracy continues to grow in this country. This is consequence of two trends; the growing number of immigrants and refugees who do not speak native English, and the disturbingly large number of American students who fail in our educational system.

Across the Nation some 3,600 students drop out of school every day, placing them at clear risk at failing throughout their life. Probably more disturbing, are the large number of students who complete high school, yet, seem to get almost nothing out of it. A 1983 study estimated that 17 percent of high school graduates are functionally illiterate.

Fortunately, though, we can do something about it. Literacy and adult education programs—often operated by volunteers—have been giving many a new chance in life. I have had the opportunity to meet with several remarkable New Mexicans who, with the help of organizations such as the Southwestern New Mexico Literacy Volunteers of America, are making tremendous gains.

We need to support and improve upon these programs. The literacy legislation we are considering today moves to coordinate and expand upon existing public and private literacy improvement efforts, as well as help boost some new ideas.

The bill would establish the goal of eliminating illiteracy by the year 2000, and help coordinate Federal resources to fight illiteracy. In addition, the bill would expand upon the Adult Education Act, the Even Start Program, and authorize new initiatives to involve families and students to combat illiteracy, and establish book distribution programs.

This bill establishes an important goal and will take positive steps toward eradicating this problem. I am pleased to support it.

Yet, Mr. President, our need to address America's illiteracy problem demonstrates our dire need to improve America's educational system. We must find ways to reach all students before they quit on education, and we cannot continue to tolerate graduating students who cannot read.

The second bill we are considering today intends to deal directly with this fundamental problem. The Educational Excellence Act encompasses a series of initiatives proposed by President Bush last year to encourage educational improvement, and reward excellence.

This bill would establish several programs to reward success. The Merit Schools Program would give schools cash awards for making substantial educational improvements. A National Science Scholars Program would reward the accomplishment of excellent science students throughout the Nation.

This bill would encourage reform through establishment of the Schools of Excellence Program. This program would provide competitive grants to schools to help facilitate important school reforms, such as open enrollment programs allowing parental choice.

The bill would also assist States in developing alternative teacher and principle certification requirements. This is an important reform that will enable our schools to take greater advantage of scientists, businessmen, and others who have much to offer our schools. My State of New Mexico has been a leader in this area, and instituted an alternative certification program several years ago.

Finally, S. 695 would expand upon the educational programs of special national importance. Support is expanded for drug free schools by authorizing funds for urban and rural emergency grants. Expanded support is also provided for historically black colleges and universities, and school dropout demonstration programs.

These initiatives take several important steps to reforming American education—providing incentives for success in a system that for too long has not encouraged innovation and improvement. This bill will do much to encourage our schools to become more effective. I commend the President, and the committee for their work on the program. I am pleased to be a cosponsor of this legislation.

In an increasingly complex world—one in which jobs will require ever higher levels of literacy—improving the effectiveness of our educational system is of even greater importance. The legislation we are considering today will help us meet that challenges of the future, but we still have far to go. I look forward to working with the administration and the President to continue improving our schools.

Mr. LEVIN. Mr. President, the legislation which was just passed by the Senate, which I was pleased to cosponsor, addresses a very serious problem in our Nation. The problem of illiteracy. Let me commend my colleague from Illinois, Senator SIMON, for the passion, tenacity and unwaivering commitment that has stayed with him as he has sought to ways to combat illiteracy.

Mr. President, illiteracy is a human tragedy. If we, as a nation, expect a fruitful future of competing in the global arena, then we must make certain that all of our citizens are able to master the basic skills of reading and writing.

The National Literacy Act provides a comprehensive package of literacy initiatives to coordinate and strengthen efforts at the Federal, State, local levels of government as well as with the private, nonprofit sector to combat the extensive problem of illiteracy in the United States. It is a necessary step in achieving this essential goal.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

I further announce that, if present and voting, the Senator from Virginia [Mr. WARNER] would vote "yea."

The PRESIDING OFFICER (Mr. SARBANES). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—99

Adams	Fowler	McCain
Armstrong	Garn	McClure
Baucus	Glenn	McConnell
Bentsen	Gore	Metzenbaum
Biden	Gorton	Mikulski
Bingaman	Graham	Mitchell
Bond	Gramm	Moynihan
Boren	Grassley	Murkowski
Boschwitz	Harkin	Nickles
Bradley	Hatch	Nunn
Breaux	Hatfield	Packwood
Bryan	Heflin	Pell
Bumpers	Heinz	Pressler
Burdick	Helms	Pryor
Burns	Hollings	Reid
Byrd	Humphrey	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Rudman
Conrad	Kasten	Sanford
Cranston	Kennedy	Sarbanes
D'Amato	Kerrey	Sasser
Danforth	Kerry	Shelby
Daschle	Kohl	Simon
DeConcini	Lautenberg	Simpson
Dixon	Leahy	Specter
Dodd	Levin	Stevens
Dole	Lieberman	Symms
Domenici	Lott	Thurmond
Durenberger	Lugar	Wallop
Exon	Mack	Wilson
Ford	Matsunaga	Wirth

NOT VOTING—1

Warner

So, the bill (S. 1310), as amended, was passed, as follows:

S. 1310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Literacy Act of 1990".

SEC. 2. FINDINGS.

The Congress finds that—

(1) there are between 23 and 27 million adult Americans who are functionally illiterate, a number which is increasing due to disproportionately high drop out rates in the public schools among minorities;

(2) the Adult Education Act is the only major program to reduce illiteracy in the United States and serves only 10 percent of eligible participants, while all public and private literacy programs serve only about 19 percent of those who need help;

(3) illiteracy is a problem of intergenerational nature;

(4) effective literacy training in our Nation's schools, particularly at the elementary level, is essential to preventing further growth in national illiteracy rates;

(5) as many as 50 million workers may have to be trained or retrained between now and the year 2000; and

(6) the supply of unskilled workers is increasing and the demand for unskilled labor is decreasing.

SEC. 3. DEFINITION.

As used in this Act the term "literacy" means the knowledge and skills necessary to communicate, including the reading, writing, basic skills, computation, speaking, and listening skills normally associated with the ability to function at a level greater than the 8th grade level so that education, employment, citizenry and family life is enhanced.

TITLE I—LITERACY COORDINATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Literacy Coordination, Research, and Dissemination Act of 1990".

SEC. 102. NATIONAL LITERACY 2000 FEDERAL INTERAGENCY COUNCIL.

(a) ESTABLISHMENT.—There is established the National Literacy 2000 Federal Interagency Council (hereafter in this title referred to as the "Council").

(b) COMPOSITION.—(1) The Council shall consist of—

(A) the Secretary of Education (hereafter in this title referred to as the "Secretary"), who shall serve as Chairperson;

(B) the Director of the ACTION Agency;

(C) the Secretary of Health and Human Services;

(D) the Secretary of Labor;

(E) the Attorney General of the United States;

(F) the Director of the Office of Personnel Management; and

(G) such other officers of the Federal Government as may be designated by the President of the United States or the Chairman of the Council to serve whenever matters within the jurisdiction of the agency headed by such an officer are to be considered by the Council.

(2) Each individual described in paragraph (1) may designate an individual to represent such individual on the Council.

(3) Each member shall be appointed for as long as such member serves as the head of the appropriate agency.

(4) The Chairman of the Council shall be the President's principal advisor on literacy.

(c) QUORUM.—One more than one-half of the members of the Council shall constitute a quorum for the purpose of transmitting recommendations and proposals to the President, but a lesser number may meet for other purposes.

(d) MEETINGS.—The Council shall meet at least 4 times each year. When a Council member is unable to attend, the Council member shall appoint an appropriate Assistant Secretary or an equivalent individual from the department or agency of the member to represent the member for that meeting.

(e) DUTIES OF THE COUNCIL.—The Council shall—

(1) devise, coordinate, and monitor existing and other government initiatives to—

(A) facilitate the elimination of illiteracy, and

(B) integrate the resources of literacy programs across various departments or agencies of the Federal Government;

(2) solicit information and advice from representatives and experts with experience in literacy-related programs, including members of State and local governments, individuals from education, labor, and business, National literacy organizations, State literacy organizations, and local literacy organizations, volunteer organizations, service providers, and community-based organizations;

(3) set specific and measurable goals for the Federal effort in the education of illiterate adults, children, and their families so that all appropriate Federal agencies have specific objectives and strategies for meeting such goals;

(4) track progress on meeting the goals and objectives set forth in paragraph (4);

(5) issue a biennial report to Congress and the President on the progress made by the Federal Government and the Nation toward enhancing the literacy skills of its people, including recommendations for legislation required to improve and expand Federal literacy programs;

(6) develop model systems for implementing and coordinating Federal literacy programs which can be replicated at the State and local level;

(7) review and make recommendations regarding ways to achieve uniformity among reporting requirements, the development of performance measures, and the development of standards for program effectiveness for literacy-related Federal programs; and

(8) advise the Director of the National Center with regard to—

(A) the formulation of policy guidelines and issues related to the administration of the Center;

(B) the development and implementation of the activities and projects of the Center and the identification of those activities and projects that address high priority needs identified by the Council; and

(C) the selection and operation of major research and demonstration projects and activities of the Center.

(f) AVAILABILITY OF FUNDS; PERSONNEL.—The Department of Education, the Department of Health and Human Services, the Department of Justice, the Department of Labor, the Office of Personnel Management, and each department participating in the Council shall contribute a total of $100,000 in salaries, expenses and personnel to support the administrative expenses of the Council. The ACTION Agency and each agency participating in the Council shall contribute at least $20,000 in salaries, expenses and personnel to support the administrative needs of the Council. The administrative needs of the Council may include staffing, consultants, supplies and travel.

SEC. 103. LITERACY RELATED PROGRAMS IN THE DEPARTMENT OF EDUCATION.

(a) COORDINATION.—Section 202 of the Department of Education Organization Act is amended by adding the following new subsection at the end thereof:

"(h) The Assistant Secretary for Vocational and Adult Education shall, in addition to performing such functions as the Secretary may prescribe, shall have responsibility for coordination of all literacy related programs and policy initiatives in the Department. The Assistant Secretary for Vocational and Adult Education shall—

"(1) coordinate the staff resources and the assistance provided to the Council;

"(2) assist in coordinating the related activities and programs of other Federal departments and agencies; and

"(3) assist the Secretary in carrying out his or her responsibilities as chairperson of the Council.".

SEC. 104. NATIONAL CENTER FOR LITERACY.

(a) PURPOSE.—It is the purpose of this part to enhance the national effort to eliminate the current problem of illiteracy by the year 2000 by improving research, development and information dissemination through a national research center.

(b) FINDINGS.—The Congress finds—

(1) far too little is known about how to improve access to, and enhance the effectiveness of, adult literacy programs, assessment tools, and evaluation efforts;

(2) there is no reliable nor central source of information about the existing knowledge base in the area of literacy;

(3) a National Center for Literacy would provide a national focal point for research, technical assistance and research dissemination, policy analysis, and program evaluation in the area of literacy; and

(4) such a National Center would facilitate a pooling of ideas and expertise across fragmented programs and research efforts.

(c) PROGRAM AUTHORIZED.—(1) The Secretary shall, make a grant to, or enter into a contract with, a qualified non-profit organization or institution or consortia of such organizations or institutions to establish and operate a non-profit National Center for Literacy (hereafter in this section referred to as the "Center") to carry out the purposes set forth in subsections (a) and (b). Such grant shall be awarded on a competitive basis and shall be for a period not to exceed 5 years, and is renewable.

(2) The Center shall be composed of—

(A) a director of the Center (hereafter in this section referred to as the "Director");

(B) experts in the literacy field;

(C) directors and supervisors for each of the major functions of the Center set forth in paragraphs (1) through (8) of subsection (e); and

(D) professional and support staff.

(3) The Secretary, in consultation with the Council, shall select a panel composed of individuals who are not Federal employees and who are recognized nationally as experts in adult and child literacy to assist in the selection of a grant recipient under this section.

(4) The Center shall have the ability to enter into contracts and joint ventures, and to form cooperative relationships with State

and local agencies, educational entities, community-based organizations, volunteer literacy organizations, business and labor organizations, and service providers, consistent with the purposes of this Act and the functions of the Center.

(5) The Center may accept, but not solicit, private contributions, foundation grants, and other grants to support the research and dissemination activities of the Center.

(6) The Center shall, to the extent practicable, coordinate and utilize existing resources that relate to the mission of the Center.

(d) APPLICATION.—Each organization or entity desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(e) USE OF FUNDS.—Funds provided pursuant to this section may be used by the Center to—

(1) conduct basic and applied research on—

(A) the process by which children and adults learn to read and develop basic skills;

(B) problems in diagnosing and treating the learning disabled;

(C) developing instructional techniques and assessment tools;

(D) the use of technology and other studies which would advance the literacy knowledge base, and which would not duplicate the work of other research services but would build on such research efforts;

(E) the development of models for the effective intergenerational education of illiterate adults and their children;

(F) improving curriculum, software, and other literacy materials and to encourage the training and use of full-time professional adult educators; and

(G) addressing problems facing the limited English proficient, in coordination with the national clearinghouse on literacy education of the Center for Applied Linguistics authorized under section 372 of the Adult Education Act;

(2) provide technical assistance including—

(A) tracking the development of literacy and basic skills programs;

(B) disseminating research findings;

(C) disseminating information regarding exemplary program models, curricula, and training models, particularly models that offer effective approaches to diagnosing and serving the learning disabled, prisoners and ex-offenders;

(D) the use of technology and materials development; and

(E) supplementing the technical assistance provided by the State literacy resource centers to local literacy providers;

(3) act as a clearinghouse in providing information on Federal, State, local and private sector literacy efforts and programs, teaching and assessment methods, and evaluation tools, to Federal, State, and local agencies (including the State literacy resource centers established in section 354 of the Adult Education Act), as well as to businesses, labor organizations, and voluntary groups;

(4) conduct policy analysis and program evaluation activities, including—

(A) the development of a data base on literacy programs;

(B) the development of assessment tools;

(C) evaluation of progress made toward national goals;

(D) developing, collecting, and providing information, including information about State and local programs, to facilitate national planning and policy development in adult and child literacy;

(E) developing model systems for implementing and coordinating Federal literacy programs which can be replicated at the State and local level; and

(F) reviewing and making recommendations regarding—

(i) ways to achieve uniformity among reporting requirements,

(ii) the development of performance measures, and

(iii) the development of standards for program effectiveness for literacy-related Federal programs;

(5) conduct a model demonstration program, in consultation with State educational agencies, to demonstrate innovative approaches to remediate, train, retrain and place persons who do not complete secondary school or possess a general equivalency diploma;

(6) provide a toll-free hotline for literacy related information for individuals and for literacy providers, which may use private contributions;

(7) coordinate with the national clearinghouse on literacy education of the Center for Applied Linguistics established pursuant to section 372 of the Adult Education Act; and

(8) engage in activities related to the development of data and collection of statistics related to literacy and illiteracy.

(f) DATA.—The Center shall, in accordance with regulations published pursuant to subsection (a)(8), provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for the purposes of research and acquiring statistical information.

(g) PRIORITY.—The Center shall give priority to the activities described in paragraphs (2), (3), and (6) of subsection (e).

(h) EVALUATION.—The Director of the Center shall report annually to the Congress and to the Council on progress made in achieving national literacy goals. This report shall include the results of an evaluation of Federal, State, and local public, as well as private sector, literacy programs.

(i) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $10,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993, to carry out the provisions of this section.

(2) Of the amount authorized to be appropriated pursuant to paragraph (1) for each fiscal year, not more than 5 percent of such funds shall be used to conduct the model demonstration program described in section 103(e)(5).

SEC. 104. STATE LITERACY RESOURCE CENTER.

Subpart 6 of part B of the Adult Education Act is amended—

(1) by inserting at the end thereof the following new section 354:

"SEC. 354. STATE LITERACY RESOURCE CENTER.

"(a) PURPOSE.—It is the purpose of this section to assist State and local public and private nonprofit efforts to eliminate illiteracy through a new program of State literacy resource center grants to—

"(1) stimulate the coordination of literacy services,

"(2) enhance the capacity of State and local organizations to provide literacy services, and

"(3) facilitate the sharing of literacy resources within the State.

"(b) PROGRAM AUTHORIZED.—(1) The Secretary is authorized to make grants to pay the Federal share of the costs of establishing and operating State literacy resource centers in such States that apply for grants. Such grants shall be awarded for a period not to exceed 3 years and shall not exceed $500,000 per year.

"(2) Each State shall contract on a competitive basis with the State educational agency, a State office on literacy, a volunteer organization, a community-based organization or another nonprofit entity to operate a State literacy resource center. If the State educational agency does not operate the Center, the State educational agency shall be provided the opportunity to comment on the selection of the entity selected to operate the Center.

"(3) No State may receive financial assistance pursuant to the provisions of this section for more than 3 fiscal years.

"(c) USES OF FUNDS.—Funds provided pursuant to this section may be used for—

"(1) the development of innovative approaches to the coordination of literacy activities within the State and with the Federal Government;

"(2) activities related to improving access to literacy services in the State through the promotion of technology utilization, the provision of technical assistance to service providers to improve overall literacy program design and evaluation, the dissemination of information among literacy service providers, and other activities which enhance the delivery of literacy services; and

"(3) the establishment of a State literacy resource center which may—

"(A) serve as a link between State and local service providers and the National Center for Literacy for the purposes of disseminating research and other information generated by the National Center for Literacy to service providers;

"(B) upgrade the system of diffusion and adoption of state-of-the-art teaching methods and technologies;

"(C) assist in coordinating the delivery of literacy services by public and private agencies;

"(D) encourage government and industry partnerships, including partnerships among small business, private nonprofit organizations, and community-based organizations;

"(E) encourage innovation and experimentation in literacy services;

"(F) provide technical and policy assistance to State and local governments, community-based literacy organizations, and correctional education programs to improve literacy policy and programs;

"(G) train and provide technical assistance to literacy instructors in—

"(i) selecting and making the most effective use of state-of-the-art methodologies, instructional materials, and technologies such as—

"(I) computer assisted instruction,

"(II) video tapes,

"(III) interactive systems, and

"(IV) data link systems;

"(ii) reading instruction in methods such as Basal reading method, exposure method, intensive systematic phonics method, linguistic method, Ortin-Gillingham method, sight word ('look-say') method, or whole word method; and

"(iii) assessing learning style and screening for learning disabilities, and providing individualized remedial reading instruction;

"(H) encourage and facilitate the training of full-time professional adult educators; and

"(I) address new literacy issues, including family literacy, workplace literacy, and Eng-

lish literacy, and to provide technical assistance as such issues emerge.

"(d) SPECIAL RULE.—(1) Each State receiving funds pursuant to this section may use not more than 10 percent of such funds to establish a State advisory council on adult education and literacy pursuant to the provisions of section 332 of the Adult Education Act.

"(2) Each State receiving funds pursuant to paragraph (1) may use such funds to support an established State council to the extent that such council meets the requirements of section 332 of the Adult Education Act.

"(e) APPLICATION.—(1) Each State desiring a grant under this section shall submit an application to the Secretary, at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(A) describe the activities and services for which assistance is sought;

"(B) include a statewide plan with measurable goals for the elimination of illiteracy within the State, including an implementation plan describing—

"(i) strategies to facilitate the maximum participation of community-based organizations, volunteer organizations and other nongovernmental entities in statewide literacy efforts; and

"(ii) procedures for the coordination of literacy activities in the State conducted by public and private organizations, and for enhancing the systems of service delivery.

"(C) contain assurances that the State will use funds provided pursuant to this section in accordance with the provisions of this section.

"(2) Each State desiring a grant under this section shall submit a copy of the plan required by paragraph (1)(B) to the State Advisory Council of Adult Education and Literacy 60-days before submission for review and comment. The State Advisory Council on Adult Education and Literacy shall transmit such comments to the Secretary.

"(f) PAYMENTS; FEDERAL SHARE.—(1) The Secretary shall pay to each State having an application approved pursuant to subsection (d), the Federal share of the cost of the activities described in the application.

"(2) The Federal share—

"(A) for the first 2 fiscal years in which the State receives funds under this title shall not exceed 75 percent; and

"(B) for the third fiscal year in which the State receives funds under this title shall not exceed 50 percent.

"(g) NON-FEDERAL SHARE.—(1) The non-Federal share of payments under this section may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the first fiscal year in which the amount appropriated to carry out part A of the Adult Education Act exceeds $160,000,000 and each fiscal year thereafter, there are authorized to be appropriated $15,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993 to carry out the provisions of this section.".

TITLE II—WORKFORCE LITERACY

SEC. 201. SHORT TITLE.

This title may be cited as the "Workforce Literacy Act of 1990".

SEC. 202. STATEMENT OF PURPOSE.

It is the purpose of this title—

(1) to provide financial assistance to improve educational opportunities for adults who lack the level of literacy skills requisite to effective citizenship and productive employment;

(2) to expand and improve the current system for delivering and accessing adult education services, including the use of community based organizations, and including the delivery of such services to educationally disadvantaged adults;

(3) to encourage the expansion of adult education teacher training programs; and

(4) to increase the number of full-time professional adult educators.

SEC. 203. ADULT EDUCATION AMENDMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 313(a) of the Adult Education Act is amended by—

(1) striking "There" and inserting "(1) Except as provided in paragraphs (2) and (3), there";

(2) striking "and such sums as may be necessary for each succeeding fiscal year through fiscal year 1993" and inserting "and fiscal year 1990"; and

(3) inserting at the end thereof the following new paragraphs:

"(2) There are authorized to be appropriated for each of fiscal years 1991, 1992, and 1993 an amount equal to the appropriations for the previous fiscal year plus $100,000,000.

"(3) If the Secretary determines in any fiscal year that a majority of the illiterate population assisted under this title has been served, the amount authorized to be appropriated for each of the succeeding fiscal years listed in paragraph (1) shall be equal to the amount authorized to be appropriated for the fiscal year in which the determination is made.".

(b) USE OF FUNDS; LOCAL APPLICATIONS.—Section 322 of the Adult Education Act is amended—

(1) in the second sentence of subsection (a)(1) by striking "only if the applicable local educational agency has been consulted with and has had the opportunity to comment on the application of such agency, organization, or institution" and inserting "only if the grant application from such entities to the State has been made available to the applicable local educational agency for review and comment";

(2) in the third sentence of subsection (a) by inserting "if any," after "agency,";

(3) at the end of subsection (a)(1) by inserting the following new sentence: "Each State educational agency receiving financial assistance under this subpart shall assure direct and equitable access to Federal funds to local educational agencies, public or private nonprofit agencies, community-based organizations, and institutions which serve educationally disadvantaged adults.";

(4) in subsection (a)(3) by—

(A) striking "any consultation" and inserting "the opportunity to comment"; and

(B) striking "taken place is" and inserting "been";

(5) at the end of subsection (a)(4)(A), strike the period and insert: ", particularly those adults with a reading ability below the fifth grade level, and those adults who reside in areas with a high proportion of adults who do not have a certificate of graduation from a school providing secondary education or its equivalent."; and

(6) in subsection (b)(2) by striking "20 percent" and inserting "25 percent".

(c) STATE ADVISORY COUNCIL.—(1) The heading to section 332 of the Adult Education Act is amended by inserting "AND LITERACY" before the period.

(2) Section 332 of the Act is amended—

(A) in the first sentence of subsection (a)(1) by striking "adult education, appointed by the Governor" and inserting "adult education and literacy, appointed by, and responsible to, the Governor";

(B) in the second sentence of subsection (a)(1) by striking all beginning with "consist" through the end period and inserting "consists of—

"(A) representatives of public education;

"(B) representatives of public and private sector employment;

"(C) representatives of recognized State labor organizations;

"(D) representatives of private, voluntary, and community-based literacy organizations;

"(E) the chief administrative officer of a State, or the designee of such individual; and

"(F) representatives of each of the following State agencies:

"(i) the State education agency;

"(ii) the State job training agency;

"(iii) the State human services agency;

"(iv) the State public assistance agency;

"(v) the State library program; and

"(vi) the State economic development agency.

The Council shall also include officers of the State government whose agencies provide funding for literacy services or who may be designated by the Governor or the Chairperson of the Council to serve whenever matters within the jurisdiction of the agency headed by such an officer are to be considered by the Council. The Council shall also include classroom teachers who have demonstrated outstanding results in teaching children or adults to read.";

(C) by striking the first sentence of subsection (d) and inserting "The Governor's senior advisor on literacy shall serve as chairperson of the Council. One member more than one half of the members on the Council shall constitute a quorum for the purpose of transmitting recommendations and proposals to the Governor, but a lesser number of members may constitute a quorum for the other purposes.";

(D) in subsection (d) by inserting the following new sentence after the first sentence: "The State advisory council shall meet at least 4 times each year."; and

(E) in subsection (f) by—

(i) redesignating paragraphs (2) and (3) as paragraphs (9) and (10), respectively;

(ii) inserting after paragraph (1) the following new paragraphs:

"(2) review and comment on the plan submitted pursuant to section 354(d)(2) and submit such comments to the Secretary;

"(3) set specific and measurable goals for the State effort in the long-term education of illiterate adults, children, and their families that are consistent with the Federal effort so that all appropriate State agencies have specific objectives and strategies for meeting such goals and there is a comprehensive approach to achieving such goals;

"(4) track progress on meeting the goals and objectives set forth in paragraph (3);

"(5) coordinate and monitor initiatives to—

"(A) facilitate the elimination of illiteracy, and

"(B) integrate the resources of literacy programs across various departments or agencies of the State government;

"(6) disseminate information on State, local, and private sector literacy efforts;

"(7) recommend policies for establishing model systems for implementing and coordinating State literacy programs which can be replicated at the local level; and

"(8) implement reporting requirements, standards for outcomes, performance measures, and program effectiveness in State programs, that are consistent with those proposed by the National Literacy 2000 Federal Interagency Council;"; and

(iii) in paragraph (9) (as redesignated in clause (i)) by inserting "the Governor and" after "advise".

(d) STATE PLAN.—Section 342(c) of the Adult Education Act, is amended—

(1) by striking "and" at the end of paragraph (12);

(2) by striking the period at the end of paragraph (13) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(14) report the amount of administrative funds spent on program improvements; and

"(15) contain assurances that financial assistance provided pursuant to this title shall be used to assist and expand existing programs, and to develop new programs for adults whose lack of basic skills—

"(A) renders such adults unemployable;

"(B) keeps employed or unemployed adults from functioning independently in society; and

"(C) severely reduces the ability of such adults to positively impact the literacy of their children.".

(e) TEACHER TRAINING.—(1) Section 353 of the Act is amended by—

(A) striking "and" at the end of subsection (a)(1)(B);

(B) striking the period at the end of subsection (a)(2) and inserting a semicolon;

(C) inserting at the end of subsection (a) the following new paragraphs (3) and (4):

"(3) training professional teachers, volunteers, and administrators, with particular emphasis on training—

"(A) full-time professional adult educators;

"(B) minority adult educators;

"(C) limited English proficiency adult educators; and

"(D) teachers to recognize and more effectively serve illiterate individuals with learning disabilities, and with a reading ability below the fifth grade level; and

"(4) training the individuals described in paragraph (3) in reading instruction methods such as the Basal reading method, exposure method, intensive systematic phonics method, linguistic method, Ortin-Gillingham method, sight word ('look-say') method, or whole word method.";

(D) redesignating subsection (b) as subsection (c); and

(E) inserting the following new subsection (b) after subsection (a):

"(b) SPECIAL RULE.—If the amount allotted to a State in any fiscal year exceeds the amount allotted to such State in fiscal year 1990, 15 percent of such excess shall be used to carry out the training described in subsection (a)(3).".

(2) Section 353 of the Act, as amended by paragraph (1) of this subsection, is further amended—

(A) in subsection (a) by striking "10" and inserting "15"; and

(B) by amending subsection (b) to read as follows:

"(b) SPECIAL RULE.—At least 7.5 percent of the 15 percent reserved pursuant to subsection (a) shall be used to carry out the provisions of paragraphs (2) and (3) of subsection (a).".

(3)(A) The amendments made by paragraph (1) shall take effect on the date of enactment of this Act.

(B) The amendments made by paragraph (2) shall take effect at the beginning of the first fiscal year in which the amount appropriated to carry out the provisions of part B of the Adult Education Act exceeds $200,000,000 and each fiscal year thereafter.

(f) BUSINESS, INDUSTRY, LABOR, AND EDUCATION PARTNERSHIPS FOR WORKPLACE LITERACY.—Section 371 of the Adult Education Act is amended—

(1) in subsection (a)(1) by inserting ", in consultation with the Secretary of Labor and the Administrator of the Small Business Administration," after "Secretary";

(2) in subsection (a)(4) by redesignating subparagraphs (C), (D), and (E), as subparagraphs (D), (E), and (F), respectively, and inserting after subparagraph (B) the following:

"(C) for fiscal year 1991 and each succeeding fiscal year, contain assurances that not more than 15 percent of the funds received pursuant to this section shall be used for professional teacher or volunteer training (including training regarding the identification and teaching of learning disabled individuals) or technical assistance (including technical assistance in implementing programs);";

(3) by inserting the following new paragraph at the end of subsection (a):

"(5) In awarding grants under this section, the Secretary shall give priority to applications from partnerships which include small businesses."; and

(4) in subsection (c) by striking paragraph (1) and inserting in lieu thereof the following:

"(1) There are authorized to be appropriated $50,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993 to carry out the provisions of this section.".

(g) EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.—Part C of the Adult Education Act is amended by inserting at the end thereof the following new section 373:

"SEC. 373. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants on a competitive basis to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of commercial drivers which are necessary to successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

"(b) FEDERAL SHARE.—The Federal share of the costs of the adult education programs authorized in subsection (a) shall be 50 percent. Nothing in this subsection shall be construed to require States to meet the non-Federal share from State funds.

"(c) ELIGIBLE INDIVIDUALS.—Individuals eligible to receive a grant under this section include—

"(1) private employers employing commercial drivers;

"(2) colleges, universities, or community colleges;

"(3) approved apprentice training programs; and

"(4) labor organizations, the membership of which includes commercial drivers; and

"(5) any other public or private organization the Secretary finds that would most efficiently educate commercial drivers.

"(d) DEFINITION.—The term 'commercial driver' means an individual required to possess a commercial driver's license under the Commercial Motor Vehicle Safety Act of 1986.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 1991 and 1992.".

SEC. 204. TARGETED ASSISTANCE.

Section 1531(b) of the Elementary and Secondary Education Act of 1965 is amended by—

(1) redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(2) inserting the following new paragraph (5) after paragraph (4):

"(5) programs of training to enhance the ability of teachers and school counselors to identify, particularly in the early grades, students with reading and related problems which place such students at risk for illiteracy in their adult years;".

SEC. 205. GAO STUDY.

The Comptroller General of the United States shall update the 1975 study entitled "The Adult Basic Education Program: Progress in Reducing Illiteracy and Improvements Needed" within 18 months of the date of enactment of this Act.

TITLE III—FAMILIES FOR LITERACY

SEC. 301. SHORT TITLE.

This title may be cited as the "Families for Literacy Act of 1990".

SEC. 302. STATEMENT OF PURPOSE.

The purpose of this title is to break the intergenerational cycle of illiteracy by improving the parenting and basic skills of adults in order to—

(1) foster learning among the children of illiterate adults;

(2) foster family-oriented approaches to reducing illiteracy;

(3) address illiteracy through the social environment in which children are born and raised; and

(4) foster the detection of disabilities or developmental problems that might hinder future learning.

SEC. 303. EVEN START.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1059 of the Elementary and Secondary Education Act is amended to read as follows:

"SEC. 1059. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $60,000,000 for the fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, and 1995 to carry out the provisions of this part.".

(b) INDIANS.—Section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742) is amended—

(1) by inserting ", and to Indian tribes and tribal organizations," after "such agencies" in subsection (a),

(2) by inserting ", Indian tribes, and tribal organizations" after "States" each place it appears in subsection (b), and

(3) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) DEFINITIONS.—For purposes of this part—

"(1) The term 'State' includes each of the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) The terms 'Indian tribe' and 'tribal organization' have the respective meaning

given to each of those terms under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).".

SEC. 304. FAMILIES FOR LITERACY PROGRAM.

(a) PURPOSE.—The purpose of this section is to provide assistance to nonprofit entities, or consortia of businesses, nonprofit entities, State educational agency, local educational agencies, or other public agencies, to initiate education programs and services for children aged 3 and under and their parents to enhance the early literacy developmental process of such children, particularly targeting functionally illiterate parents and their children to enhance the literacy building capabilities of such parents and their children.

(b) FINDINGS.—The Congress finds that children participating in State Parents as Teachers programs and similar programs have more advanced cognitive skills, language ability, and social skills than their preschool age counterparts.

(c) GRANTS AUTHORIZED.—(1) The Secretary is authorized, in accordance with the provisions of this section, to make grants to nonprofit entities, or consortia of businesses (including small business), nonprofit entities, State educational agency, local educational agencies, or other public agencies to pay the Federal share of the cost of establishing intergenerational learning programs and services for children aged 3 and under and their parents, in order to monitor, and improve the early developmental progress of the children, especially in literacy developmental skills.

(2) In awarding grants under this section, the Secretary shall give priority to applicants whose programs primarily serve hard-to-serve populations, including—

(A) teenaged parents;

(B) illiterate parents;

(C) economically disadvantaged parents;

(D) offenders and their families;

(E) unemployed parents;

(F) learning disabled parents; and

(G) non-English speaking parents.

(3)(A) Each grant awarded under this subsection shall be in an amount which is not less than $100,000 nor more than $750,000.

(B) In determining the amount of the grant awarded under this subsection, the Secretary shall take into consideration the size of the population to be served, the size of the area to be served, and the financial resources of such population and area.

(4) The Federal share—

(A) for the first fiscal year for which a grant is awarded under this subsection shall be 90 percent;

(B) for the second fiscal year for which a grant is awarded under this subsection shall be 80 percent;

(C) for the third fiscal year for which a grant is awarded under this subsection shall be 70 percent;

(D) for the fourth fiscal year for which a grant is awarded under this subsection shall be 60 percent; and

(E) for the fifth fiscal year for which a grant is awarded under this subsection shall be 50 percent.

(d) APPLICATION.—Each nonprofit entity, or consortia of businesses, nonprofit entities, State educational agency, local educational agencies, or other public agencies desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought; and

(2) contain such information and assurances as the Secretary may require to ensure compliance with the requirements of this section.

(e) STAFF TEAMS.—(1) Each nonprofit entity, or consortia of businesses, nonprofit entities, State educational agency, local educational agencies, or other public agencies receiving assistance pursuant to this part shall employ and train staff teams of early childhood educators, literacy educators or parent educators to provide—

(A) literacy education for adults;

(B) parenting education for adults;

(C) screening for language disorders, learning disabilities, and hearing and vision problems;

(D) prereading and other developmental skills for children aged 3 and under;

(E) structured time for parents to use newly acquired skills with their children; and

(F) referral services for families, including referrals for drug rehabilitation, counseling, health care, or assessment and remediation of learning disabilities.

(2) Each nonprofit entity or consortia of businesses, nonprofit entities, State educational agency, local educational agencies, or other public agencies receiving assistance pursuant to this section shall employ, select, and provide training for, staff teams on the basis of—

(A) experience in working with children and families;

(B) a degree in special education or learning disabilities;

(C) a bachelor's degree in child development, psychology, or education;

(D) experience in social work, child care, pediatrics, family counseling; and

(E) experience in teaching reading.

(f) COMMUNITY ADVISORY COUNCILS.—(1) Each nonprofit entity, or consortia of businesses, nonprofit entities, parents, State educational agency, local educational agencies or other public agencies which receives a grant under this section shall establish community advisory councils to provide—

(A) outreach services, including outreach services to non-English speaking parents,

(B) notification to local family courts of the existence of the Families for Literacy Program,

(C) family referral services,

(D) public relations services, and

(E) recruiting drives.

(2) The community advisory council established under paragraph (1), shall hire staff as well as utilize volunteers. Volunteers may refer individuals into the Families for Literacy Program and from the Families for Literacy Program into services such as—

(A) the Special Supplemental Food Program for Women, Infants, and Children;

(B) well-baby clinics;

(C) literacy programs;

(D) speech, language, and hearing specialists;

(E) learning disabilities specialists; and

(F) child abuse services.

(g) NON-FEDERAL SHARE.—(1) The portion of the costs described in subsection (c) that are not paid from a grant provided under this section may be paid in cash or in kind fairly evaluated, including equipment or services.

(2) Each nonprofit entity, or consortia of businesses, nonprofit entities, State educational agency, local educational agencies or other public agencies receiving assistance pursuant to this Act may use funds received under chapter 2 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 to pay the portion of the costs described in subsection (c) that are not paid from a grant provided under this section.

(h) DEFINITIONS.—As used in this section—

(1) The term "local educational agency" has the same meaning given that term in section 1471 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Act of 1988.

(2) The term "parent" includes a legal guardian or other person standing in loco parentis.

(3) The term "family" includes all primary child care givers in addition to parents.

(i) FAMILY LITERACY PUBLIC BROADCASTING PROGRAM.—(1) The Secretary is authorized, subject to the availability of appropriations, to enter into a contract with the Corporation for Public Broadcasting to arrange for the production and dissemination of family literacy programming and accompanying materials which would assist parents in improving family literacy skills and language development. In producing and developing such programming, the Corporation for Public Broadcasting shall work in cooperation with local public broadcasting stations to avoid duplication of efforts.

(2) After the program described in paragraph (1) is produced, the Corporation for Public Broadcasting shall arrange to have audio and video instructional media materials for distribution at sites chosen from among—

(A) State and local libraries operating literacy programs, and

(B) nonprofit entities serving hard-to-serve populations as defined in section 304(b)(2), including community-based organizations, volunteer organizations and other nongovernmental entities.

(3) The audio and video instructional media materials described in paragraph (2) shall be used at sites described in paragraph (2), and on a loan basis, distributed to families.

(4) One year after distribution of the audio and video instructional media materials, the Corporation for Public Broadcasting shall report to the Congress on the distribution and use of the audio and video instructional media materials produced pursuant to this subsection and such audio and video instructional media materials' contribution in promoting literacy.

(j) AUTHORIZATION OF APPROPRIATIONS.—(1) Except as provided in paragraph (2), and for the first fiscal year in which the amount appropriated for section 1059 of the Elementary and Secondary Education Act of 1965 exceeds $30,000,000 and each fiscal year thereafter, there are authorized to be appropriated $10,000,000 for fiscal year 1991 and such sums as may be necessary in each of fiscal years 1992, 1993, 1994, and 1995 to carry out the provisions of this section.

(2) There are authorized to be appropriated $2,000,000 for fiscal year 1991 to carry out the provisions of subsection (i), of which $100,000 shall be reserved for reproducing and distributing programming or audio and video instructional media materials.

TITLE IV—BOOKS FOR FAMILIES

SEC. 401. SHORT TITLE.

This title may be cited as the "Books for Families Literacy Act of 1990".

SEC. 402. STATEMENT OF PURPOSE.

It is the purpose of this title to enhance the capacity of State and local public libraries to combat illiteracy and to improve the quality of public literacy services as such

services relate to overcoming the condition of illiteracy in the Nation.

SEC. 403. INEXPENSIVE BOOK DISTRIBUTION PROGRAM.

(a) PRIORITY.—Section 1563(b) of the Elementary and Secondary Education Act of 1965 is amended by—

(1) striking "and" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by adding the following new paragraph after paragraph (2):

"(3) beginning in fiscal year 1991 and each fiscal year thereafter, the contractor will give priority in the selection of additional local programs to programs and projects which serve children and students with special needs including, but not limited to—

"(A) low-income children (particularly such children in high poverty areas);

"(B) children 'at-risk';

"(C) disabled children;

"(D) emotionally disturbed children;

"(E) foster children;

"(F) homeless children;

"(G) migrant children;

"(H) children without access to libraries;

"(I) institutionalized or incarcerated children; and

"(J) children whose parents are institutionalized or incarcerated; and".

(b) STUDY.—The Contractor shall report to the Department of Education annually regarding the number and description of the additional programs funded under subsection 1563(a)(3) of the Elementary and Secondary Education Act of 1965.

SEC. 404. LIBRARY LITERACY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 4(a) of the Library Services and Construction Act is amended by—

(1) striking "and" after paragraph (4);

(2) striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) inserting after paragraph (5) the following new paragraphs (6) and (7):

"(6) for the purpose of making grants as provided in section 602 there are authorized to be appropriated $2,000,000 for fiscal year 1991 and such sums as may be necessary for each of the succeeding fiscal years 1992, 1993, 1994, and 1995; and

"(7) for the purpose of making grants as provided in section 603, there are authorized to be appropriated $2,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, and 1995.".

(b) BOOKS, TAPES, AND COMPUTER SOFTWARE.—Section 601(c)(2) of the Library Services and Construction Act is amended by inserting after "programs" a comma and "including books, tapes, and computer software".

(c) PRIORITY.—Section 601 of the Library Services and Construction Act is amended by inserting at the end thereof the following new subsection:

"(f) In awarding grants under this section the Secretary shall give priority to programs and services which—

"(1) will be delivered in areas of greatest need which have highest concentrations of adults who do not have a secondary education or its equivalent, and which—

"(A) have few community or financial resources to establish the program described under this section without Federal assistance, or

"(B) have low per capita income, unemployment or underemployment; and

"(2) coordinate with literacy organizations and community based organizations providing literacy services.".

SEC. 405. STATE AND LOCAL PUBLIC LIBRARY GRANTS.

Title VI of the Library Services and Construction Act is amended by inserting the following new sections at the end thereof:

"SEC. 602. MODEL LIBRARY LITERACY CENTERS.

"(a) STATEMENT OF PURPOSE.—It is the purpose of this section to provide for a library literacy demonstration grant program to help overcome illiteracy throughout the Nation by establishing model library literacy centers with resources and facilities to assist those in need of literacy training and access to reading materials.

"(b) GRANTS AUTHORIZED.—(1) The Secretary is authorized to carry out a program of grants to State and local public libraries to establish exemplary model programs.

"(2) Grants made pursuant to this section may not exceed $200,000 in any fiscal year.

"(3) Each State or local public library receiving assistance pursuant to this section may receive 1 grant per fiscal year for a maximum of 5 fiscal years.

"(4) The Secretary may reserve 2 percent of the funds appropriated pursuant to the authority of section 4(a)(6) for the administrative costs of the grant program set forth in this section.

"(5) The Secretary shall select an expert in library literacy activities to administer the grant program set forth in this section.

"(c) APPLICATION.—(1) Each State or local public library desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(A) describe the activities and services for which assistance is sought;

"(B) describe an innovative approach to public library literacy activities;

"(C) substantiate the potential as to how the library profession will benefit from the demonstration grant and the national significance of the demonstration grant;

"(D) provide a detailed description of how the demonstration grant will impact on illiteracy within the applicant's community;

"(E) set forth any special evidence for the need for such a demonstration grant;

"(F) describe how the results of the demonstration grant will be evaluated and disseminated;

"(G) indicate the potential of the demonstration grant for achieving replicability and for serving as a viable model; and

"(H) provide evidence that the demonstration grant—

"(i) was developed in consultation with the State library agency and with leading experts in adult literacy, and

"(ii) takes into account literacy research.

"(2) The Secretary, in consultation with the peer review panel established pursuant to subsection (d), shall develop regulations regarding the criteria for awarding grants and approving applications under this section.

"(d) PEER REVIEW PANEL.—The Secretary shall establish a peer review panel to assist the Secretary in establishing criteria for awarding grants and approving applications under this section. The Secretary may appoint such technical experts and consultants to the peer review panel as may be useful in carrying out the functions of the peer review panel.

"SEC. 603. INEXPENSIVE BOOK DISTRIBUTION PROGRAM.

"(a) IN GENERAL.—The Secretary is authorized to contract with Reading is Fundamental, a private nonprofit organization which motivates children to learn to read, to support and promote the establishment of reading motivation programs which include the distribution of inexpensive books. Such contract shall give priority to programs and projects which target rural and urban areas with large concentrations of economically disadvantaged children and students.

"(b) USE OF FUNDS.—The contract authorized pursuant to subsection (a) shall provide that Reading is Fundamental use the funds provided pursuant to this title to—

"(1) increase access to children's books for parents, with priority being given to parents of newborns through children aged 5; and

"(2) develop motivational materials to reach parents most disconnected from the education community, by making children's books available in such places as welfare offices, health facilities, homeless shelters, migrant labor facilities, public housing developments, and local offices which administer the Supplemental Food Program established pursuant to section 17 of the Child Nutrition Act of 1966.".

TITLE V—STUDENTS FOR LITERACY

SEC. 501. SHORT TITLE.

This title may be cited as the "Students for Literacy Act of 1990".

SEC. 502. STATEMENT OF PURPOSE.

It is the purpose of this title to promote the development, location, and placement of community service jobs for students in the area of literacy tutoring, outreach, and training under the Work-Study Programs set forth in part C of title IV of the Higher Education Act of 1965.

SEC. 503. STUDENT LITERACY CORPS.

Section 146 of the Higher Education Act of 1965 is amended to read as follows:

"SEC. 146. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the provisions of this part $11,000,000 for fiscal year 1991.".

SEC. 504. WORK-STUDY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 441(b) of the Higher Education Act of 1965 is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $656,000,000 for fiscal year 1991.".

(b) CONTENTS OF AGREEMENT.—Section 443(b) of the Higher Education Act is amended—

(1) in paragraph (2)(A) by inserting after the comma the following: "except that the provisions of this subparagraph shall not apply to literacy training programs pursuant to section 447(b)(2)"; and

(2) in paragraph (5) by—

(A) striking "and" at the end of subparagraph (A);

(B) inserting "and" at the end of subparagraph (B); and

(C) inserting the following new subparagraph at the end thereof:

"(C) the Federal share of the compensation of students employed in the literacy work-study training programs described in section 447(b)(2) shall be 100 percent;".

(c) JOB LOCATION AND DEVELOPMENT PROGRAMS.—Section 446(a) of the Higher Education Act is amended by inserting the following new paragraph at the end thereof:

"(3) The provisions of paragraph (1)(B) shall not apply to institutions of higher education which enter into agreements with the Secretary to use funds allocated pursuant to section 442 for the creation and placement of literacy related positions for students, including students working with existing local literacy organizations.".

TITLE VI—VOLUNTEERS FOR LITERACY

SEC. 601. SHORT TITLE.

This title may be cited as the "Volunteers for Literacy Act of 1990".

SEC. 602. STATEMENT OF PURPOSE.

It is the purpose of this title to develop, strengthen, supplement, and expand the capacity of both public and private agencies and organizations to combat illiteracy through the use of volunteers.

SEC. 603. UNIVERSITY YEAR FOR LITERACY.

Part B of title I of the Domestic Volunteer Service Act of 1973 (hereafter in this title referred to as the "Act") is amended by inserting after section 114 the following new section:

"UNIVERSITY YEAR FOR LITERACY

"SEC. 115. (a) Pursuant to the authority and conditions in sections 112 and 113, the Director shall make grants and contracts for, or both, a program of full-time volunteer service to be known as University Year for Literacy. The purpose of the program shall be to establish and support innovative ways to use full-time students enrolled in institutions of higher education as volunteers in addressing and solving the broad range of problems facing illiterate and functionally illiterate individuals, and in providing assistance to organizations involved in combating illiteracy and the problems of illiterate individuals.

"(b) In recruiting University Year for Literacy volunteers, priority shall be given to individuals pursuing a course of study that is related to, or likely to lead to, a career in a field related to addressing the problem of illiteracy.".

SEC. 604. LITERACY CHALLENGE GRANTS.

Part C of title I of the Act is amended by adding at the end thereof the following new section:

"LITERACY CHALLENGE GRANTS

"SEC. 125. (a) The Director is authorized to award challenge grants to eligible public agencies and private organizations to pay the Federal share of the costs of establishing, operating or expanding community or employee literacy programs or projects that include the use of full-time or part-time volunteers as one method of addressing illiteracy.

"(b) Each eligible organization desiring a grant under this section shall submit to the ACTION Agency an application in such form and accompanied by such information as the Director may reasonably require. Each such application shall—

"(1) describe the activities for which assistance is sought,

"(2) contain assurances that the eligible organization will provide from non-Federal sources the non-Federal share of the cost of the program or project,

"(3) provide assurances, satisfactory to the Director, that the literacy project will be operated in cooperation with other public and private agencies and organizations interested in, and qualified to, combat illiteracy in the community where the project is to be conducted, and

"(4) contain such other information and assurances as the Director may reasonably require.

"(c)(1)(A) The Federal share of the cost of a program or project authorized by this section administered by a public agency, a nonprofit organization other than an organization described in paragraph (2), or a private, for-profit organization shall not exceed—

"(i) 80 percent in the first fiscal year;

"(ii) 70 percent in the second fiscal year; and

"(iii) 60 percent in the third fiscal year.

"(B) The non-Federal share paid by a private, for-profit organization shall be in cash.

"(2) The Federal share of the cost of a program or project administered by a nonprofit community-based organization shall not exceed—

"(A) 90 percent in the first fiscal year;

"(B) 80 percent in the second fiscal year; and

"(C) 70 percent in the third fiscal year.

"(3) The non-Federal share provided by a public agency or a nonprofit organization may be provided in cash, or in kind, fairly evaluated, and may include the use of plant, equipment, and services.".

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

(a) PART B OF TITLE I.—Section 501(b) of the Act is amended by—

(1) inserting "(1)" after the subsection designation; and

(2) inserting at the end thereof the following new paragraphs:

"(2) Except as provided in paragraph 3 and in addition to the amount authorized to be appropriated in paragraph (1), there is authorized to be appropriated $3,000,000 in each of the fiscal years 1991, 1992, and 1993 to carry out the provisions of section 115(a).

"(3) No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

"(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under section 501(d)(1) for the VISTA Program; and

"(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.".

(b) PART C OF TITLE I.—Section 501(c) of the Act is amended by—

(1) inserting "(1)" after the subsection designation; and

(2) inserting at the end thereof the following new paragraph:

"(2) Except as provided in paragraph (3) and in addition to the amounts authorized to be appropriated pursuant to paragraph (1) there is authorized to be appropriated $5,000,000 for fiscal year 1991, $7,000,000 for fiscal year 1992, and $10,000,000 for fiscal year 1993 for Literacy Challenge Grants under section 125.

"(3) No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

"(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under section 501(d)(1) for the VISTA Program; and

"(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.".

SEC. 606. TECHNICAL AMENDMENT.

(a) IN GENERAL.—Section 2 of Public Law 81-874 is amended by inserting at the end thereof the following new subsection (e):

"(e) The United States shall be deemed to own Federal property, for the purposes of this Act where—

"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and

"(2) the United States transfers a portion of the property referred to in paragraph (1) to another non-taxable entity, and the United States—

"(A) restricts some or any construction on such property;

"(B) requires that the property be used in perpetuity for the public purposes for which it was conveyed;

"(C) requires the grantee of the property to report to the Federal Government (or its agent) setting forth information on the use of the property;

"(D) prohibits the sale, lease assignment or other disposal of the property unless to another eligible government agency and with the approval of the Federal Government (or its agent); and

"(E) reserves to the Federal Government a right of reversion at any time the Federal Government (or its agent) deems it necessary for the National Defense.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1989.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, the second vote, which had previously been scheduled for this time, has been moved to 2:15 p.m. Accordingly, I now ask unanimous consent that there be a period for morning business until 1 p.m. with Senators permitted to speak therein.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

LENGTHENING THE SCHOOL YEAR—S. 2034, S. 2035

Mr. BINGAMAN. Mr. President, recently I introduced two important pieces of education legislation: S. 2034, which would establish a national council on educational goals and establish a national report card; and S. 2035, which would create a national commission to examine the advisability of lengthening the school year and school day.

Mr. PELL. I am familiar with both pieces of legislation. In fact, lengthening the school year is a matter that I have championed for years. I believe, however, that any such effort must recognize that an increase in either

the school year or the school day must be predicated upon a very needed increase in teacher compensation.

Mr. BINGAMAN. I am very aware of the longtime interest and leadership shown by Senator PELL, the chairman of the Education Subcommittee, in this very important issue. He is a cosponsor of S. 2035, and was most helpful in suggesting language that would make clear that a lengthening of either the school day or the school year, or both, must involve an increase in teacher pay for the additional teaching responsibilities that would be required.

Mr. President, I would like to inquire of the distinguished chairman of the Education Subcommittee what kind of consideration he envisions for these bills, which have been referred to the Committee on Labor and Human Resources.

Mr. PELL. The issues addressed by both bills have been the subject of hearings chaired by the distinguished Senator from New Mexico in the Committee on Government Affairs, but we have yet to consider them in the Committee on Labor and Human Resources. Since both bills deal with education and touch directly upon instruction, my hope would be that we might consider them during the scheduled hearings on teacher legislation. I would also hope that my distinguished colleague from New Mexico might be willing to testify at one of those hearings and give us the benefit of the information gathered at the hearings he chaired in the Committee on Government Affairs.

Mr. BINGAMAN. I appreciate the invitation to appear before the subcommittee, and am especially grateful that my bills will be considered in the context of the teacher legislation now pending in the Education Subcommittee. I thank the distinguished chairman, and look forward to working with him in this important area.

Mr. PELL. Mr. President, as a final note, I would like to reemphasize my strong and long-held interest in a longer school year. For years I have carried with me a chart showing how the United States ranks with other nations when comparing the length of the school year. We do not fare well. The average length of the school year in the United States is 180 days. In Japan, however, it is 243. In South Korea, 220; in Italy, 216; in the Soviet Union, 210; in Thailand, 200; in the United Kingdom, 196; in Canada, 196; and in France, 190.

I have long been an advocate of the increased school year, and believe the idea of a commission to study the concept is an excellent one. I would point out, however, that any such study must not neglect that a lengthened school year must be based upon an increase in teacher compensation. Any study that did not involve recognition of that precept would be "not worth its weight in gold."

Finally, we must also look carefully at the quality of the instruction that is offered in a lengthened school year. Our work will go for naught if the instruction of a lengthened school year fails to be of the highest quality possible. That is why this question is so critically linked to strengthening the quality of instruction in the classroom. This means attracting more talented men and women into the teaching profession, and it also means inservice programs that will enable those already in the classroom to improve their teaching methods and add depth to the understanding of their discipline.

I thank the Senator from New Mexico for the interest he has shown in a matter that is dear to my heart, and I, too, look forward to working with him.

HONORING THE DUPREE, SD, EDWIN HODGDON AMERICAN LEGION POST 124

Mr. PRESSLER. Mr. President, I recently received a short letter from Dorothy Serr of Dupree, SD, describing the activities conducted by the local American Legion Post and Auxiliary in commemoration of Veterans Day. I thought that this narrative would be fitting to enter in the RECORD at this time as an example of the spirit of voluntarism and community involvement championed by our President in his State of the Union Address. The Edwin Hodgdon Post involves the entire community in its observance of Veterans Day. This is how that important holiday should be observed in every community in this country. I ask unanimous consent that Dorothy Serr's letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EDWIN HODGDON UNIT 124,
AMERICAN LEGION AUXILIARY,
Dupree, SD, Jan. 29, 1990.

Senator LARRY PRESSLER,
Washington, DC.

THE HONORABLE SENATOR PRESSLER: The Dupree, South Dakota Edwin Hodgdon Post 124 and Auxiliary Unit 124 each year present a Veterans' Day Program at the school. The entire school enrollment attend the program. Also, the public is invited. Briefly, our program consists of the Pledge to the Flag, prayer, special music, special presentations by Legion and Auxiliary members, and usually a patriotic film. The Legion always advances the colors.

Prior to Veterans' Day, I—the Auxiliary Americanism Chairman—visit the First Grade rooms and present small flags to each youngster after listening to them recite the Pledge to the Flag and instructing them on the care of the flag.

Respectfully,

DOROTHY M. SERR.

DRUG EDUCATION—IT WORKS, IN SPITE OF DR. BENNETT

Mr. KENNEDY. Mr. President, last Friday William Bennett, Director of National Drug Control Policy, testified before the Judiciary Committee in defense of the administration's drug strategy. I rise today to call to the attention of my colleagues a shocking assertion Dr. Bennett made at that hearing.

I had noted in my opening statement that drug education is a crucial ingredient of any sensible national drug strategy. I made the observation that comprehensive drug education programs can serve to innoculate children against drug abuse. To my surprise, Dr. Bennett hotly disputed the importance of drug education.

"Should we have drug education programs or should we have tough policy?" Bennett asked rhetorically. "If I have the choice of only one, I will take policy every time because I know children." Later, Dr. Bennett grudgingly called drug education "a helpful auxiliary," but said he thought strict sanctions for using drugs served as a more effective deterrent to schoolchildren.

Mr. President, for some time now I have faulted the administration for advancing an imbalanced drug strategy, one that underestimates the importance of treatment and education. Nonetheless, I had assumed that we were all in substantial agreement about the fundamental need for such programs. I was frankly amazed to hear the architect of our Nation's drug policies offer such a dim assessment of drug education efforts.

Education is not a mere "helpful auxiliary" to law enforcement. Education must be a centerpiece of our antidrug strategy.

Is Dr. Bennett unaware of the statistics that demonstrate the importance of education? The National High School Survey reveals that a 48-percent increase in the perceived harmfulness of cocaine use among high school seniors corresponded to a 31-percent decrease in cocaine use among those students.

Is Dr. Bennett unaware of the testimony offered at a Labor and Human Resources Committee hearing on September 26, 1989? At that hearing, leading drug prevention experts and educators spoke of the vital importance of both school and community-based education in the effort to combat the epidemic of drug abuse.

Is Dr. Bennett unaware of the scientific literature that proves the effectiveness of comprehensive drug education programs? The Kansas City "Students Taught Awareness and Resistence" [STAR] Program has been in place since 1984, and its results are highly encouraging. Students exposed to the education programs were 24

percent less likely to engage in gateway drug use by the fifth grade, 57 percent less likely to engage in heavy marijuana use by the 10th grade and 38 percent less likely to engage in cocaine use by the 10th grade.

Another pioneering drug prevention program, the Seattle Social Development project, targets children in the early primary grades. By the time students in the project reached the fifth grade, their use of gateway drugs was 25 percent lower than students not participating in the project.

To be sure, there is much research to be done to determine which kinds of programs are most effective and which students are most susceptible to these efforts. But at this stage it is absolutely clear that drug education works. When reinforced by community and church-based efforts, drug education in our schools can give our children the basic information and social skills they need to resist the destructive allure of drugs.

In fact, to understand the importance of drug education, all Dr. Bennett needs to do is read the booklet that the Department of Education published in 1986 while he was Secretary of Education. This booklet, entitled "What Works: Schools Without Drugs," contains a useful summary of the drug prevention literature. It also sets forth a series of practical recommendations for implementing drug education programs in schools and other community settings.

As the introduction to the booklet states on page 6:

[W]hen parents, schools and communities pull together, drugs can be stopped . . . Schools are uniquely situated to be part of the solution to student drug use. Children spend much of their time in school. Furthermore, schools, along with families and religious institutions, are major influences in transmitting ideals and standards of right and wrong. Thus, although the problems of drug use extend far beyond the schools, it is critical that our offensive on drugs center in the schools.

The author of that introduction was Dr. William Bennett.

I believe wholeheartedly in what Dr. Bennett wrote in 1986. The question is, What does Dr. Bennett know, and when does he know it?

I share the President's goal to end the scourge of drugs. But to achieve that goal, drug education must be the central part of our efforts. Schools can teach students the self-esteem and social skills they need to resist the temptation of drugs. Young people can be persuaded by their parents, their teachers and other role models that drug use is a harmful activity that destroys their lives.

I hope that Dr. Bennett will reconsider the ill-considered views he expressed to the Judiciary Committee. I urge the administration to bring a sense of balance to its antidrug efforts, to recognize that law enforcement cannot do the job alone, and to give drug education and drug treatment their necessary place of prominence in the national drug control strategy.

VETERANS RADIATION-EXPOSURE LEGISLATION

Mr. CRANSTON. Mr. President, as my colleagues know, I have long been interested and involved in congressional efforts to address the needs of veterans who had been exposed to radiation in the course of their military service, including providing compensation for disabilities that might be linked to that exposure. That effort culminated in the enactment in 1988 of the Radiation-Exposed Veterans Compensation Act of 1988, Public Law 100-321, which was a compromise between House-passed legislation, H.R. 2616, and S. 1002, which I introduced and which the Committee on Veterans' Affairs subsequently reported in S. 9.

The Senate bill relied heavily on the findings from the 1980 report of the National Academy of Sciences Committee on the Biological Effects of Ionizing Radiation. This report—known as BEIR III—represented the best information available at that time on the cancer risks faced by those veterans who participated in the post-bombing occupation of Hiroshima and Nagasaki and those who participated on-site in nuclear weapons tests. Various members of Congress contributed proposals that ultimately were reconciled in Public Law 100-321, and I believe the final result was both a compassionate and a fiscally responsible response to the serious and continuing needs and concerns of radiation-exposed veterans and their families.

In late December of last year, the National Academy of Sciences released the newest report of the committee, BEIR V. This report contains new and important analyses based on recently developed and conducted studies of the effects of radiation. First, the researchers had available 10 more years of information on the health status of the Japanese who survived the atomic blasts. Second, a bi-national group of scientists developed a new way of measuring the doses received by individuals at various sites in Hiroshima and Nagasaki, and the scientists now are able to adjust estimated exposures based on whether, for example, people were shielded by buildings. And, finally, the NAS committee made use of new biostatistical techniques for analyzing the complicated array of data available. The BEIR V findings appear, on first review, to be very significant. They include estimates of three to four times greater lifetime excess cancer risk following radiation exposure than previously estimated. This change strengthens concern about the health effects of low-level ionizing radiation and seems to support the approach to compensation which Congress took in Public Law 100-321 and which the legislation I am developing would continue.

At my request, Veterans' Affairs Committee staff and the Office of Technology Assessment are now reviewing BEIR V. I have also asked VA's Advisory Committee on Environmental Hazards to advise me about its plans for reviewing this report. In the next few weeks, I will be introducing legislation, reflecting the BEIR V findings, to expand the diseases considered presumptively service-connected and the manifestation period under Public Law 100-321. My goal is to continue to ensure that the latest scientific knowledge about the true effects of ionizing radiation is taken into account in the Government's response to the health problems of veterans who were exposed to ionizing radiation from atomic detonations during their service, while, of course, giving these veterans the benefit of reasonable doubt.

Mr. President, I ask unanimous consent that my January 23, 1990, letter to the VA's Advisory Committee on Environmental Hazards and my January 24, 1990, letter to the Office of Technology Assessment be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, January 23, 1990.

Mr. OLIVER MEADOWS,
Chairman, Veterans' Advisory Committee on Environmental Hazards, Department of Veterans Affairs, Washington, DC.

DEAR OLIVER, as you know the National Research Council of the National Academy of Sciences recently issued the fifth report of its Committee on the Biological Effects of Ionizing Radiation—the so-called BEIR V report. The report, "Health Effects of Exposure to Low Levels of Ionizing Radiation," expresses significant new concerns about the type and risk of adverse health effects that might result from exposure to low-level radiation. My understanding is that this latest report contains significant new findings regarding the risk of low-level radiation exposure, the diseases that may be associated with such exposure, and manifestation periods. I expect shortly to introduce legislation to make changes, based on BEIR V, in the Radiation-Exposed Veterans Compensation Act of 1988 (P.L. 100-321).

I would appreciate you advising me of the plans of the Advisory Committee on Environmental Hazards to review BEIR V and the timetable for such a review. In your reply, please include a description of any assignment the Committee has received from the Secretary to review BEIR V or other radiation issues that might affect veterans' compensation or medical care.

Thank you for your prompt attention to this request. As always, I greatly appreciate your cooperation with regard to matters relating to veterans who may have been exposed to environmental hazards.

With warm regards,
Cordially,

ALAN CRANSTON,
Chairman.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, January 24, 1990.

Dr. JOHN H. GIBBONS,
Office of Technology Assessment, U.S. Congress, Washington, DC.

DEAR JOHN, the National Research Council of the National Academy of Sciences recently issued the fifth report of its Committee on the Biological Effects of Ionizing Radiation—the so-called BEIR V report. The report, "Health Effects of Exposure to Low Levels of Ionizing Radiation," expresses important new concerns about the type and risk of adverse health effects that might result from exposure to low-level radiation. My understanding is that this latest report contains significant new findings regarding the risk of low-level radiation exposure, the diseases that may be associated with such exposure, and manifestation periods.

I expect shortly to introduce legislation to make changes, based on BEIR V, in the Radiation-Exposed Veterans Compensation Act of 1988 (P.L. 100-321). Thus, I would appreciate your review and comment on this study, particularly your evaluation of the methods used and the conclusions drawn from the data.

Thank you for your prompt attention to this request. As always, I greatly appreciate your cooperation and OTA's valuable opinions and perspective about matters relating to veterans who may have been exposed to environmental hazards.

With warm regards,
Cordially,

ALAN CRANSTON,
Chairman.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I emphasize to Senators that the party caucuses will begin as scheduled. There are, I believe, two or three Senators who wish to address the Senate on various subjects during this period. I know both Senator DOLE and I plan to cover a great deal of material during the caucuses so Senators should attend the party caucuses as if on the regular schedule.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 2074 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank the Chair.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 2074 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. I thank the Chair.

(The remarks of Mr. MOYNIHAN pertaining to the introduction of S. 2074 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

THE 1990 FARM BILL

Mr. BOSCHWITZ. Mr. President, I would like to speak at some length about the farm bill and about the various elements of agriculture that we are going to be considering in the near future as the farm bill of 1990 comes before the Agriculture Committee.

We have watched with fascination and amazement at the events of the past few months in Eastern Europe. The people are throwing off the bondage of communism and the shackles of planned economies of Communist states. It is a powerful testimony to democracy, as those once oppressed, seek to emulate the political and economic systems of the West.

Congress is in the process of crafting a new farm bill and whether or not these nations of Eastern Europe, or Third or Fourth world nations are going to make any progress will largely depend upon agriculture. All of those economies are rooted in agriculture, even though those countries are rather small physically and have a large population per square mile. Nevertheless, a large percentage of their population live on the farms.

Agriculture is the most basic industry of Poland, Hungary, Czechoslovakia, and Romania. The basic industry of those countries will remain agriculture. The kind of agriculture systems they adopt is really going to be the key to whether or not they develop as free and open societies and economies. Whether or not they take price restraints away from agricultural goods early is going to determine whether or not price restraints on other elements of their economy will be freed up later.

It is critical that we continue, in the United States, the leadership we have shown in making our economic system a model for others to seek to emulate. To that end, the policy decisions we make in the farm bill will directly affect not only U.S. farmers and consumers, and those who provide supporting technology for food and fiber systems, but also it will affect how competitive the U.S. food and fiber system will be in the rest of the world.

Mr. President, tomorrow the Secretary of Agriculture, Clayton Yeutter, will be before the Senate Agriculture Committee to present the administration's views. My hope is that he comes with ideas on budget savings that were presented in general terms in the administration's budget last week.

Quite frankly the budget document was far too vague in specifying how savings are going to be accomplished. Secretary Yeutter has spoken often of the need for flexibility in the next farm bill. Flexibility has become the buzzword in foreign policy this year.

I am pleased to say that last year I took a 62-county tour of Minnesota. It was a repeat of my 1988 tour of Minnesota when I went to 62 farms in 62 different counties to look at the impact of the drought. I said I would come back in 1989 and see whether or not the bill that we passed allowed them to survive and to continue in the business of farming.

So last year I went back and began to talk about the 1990 farm bill. They had survived. The bill that we passed in 1988 was useful in creating that result.

I spoke about flexibility, about the fact that the present bill does not allow much of that, and that we should do more of it in the 1990 bill. Flexibility can take many shapes and forms. It is my hope that the Senate tomorrow can be quite specific on what the administration will recommend to add flexibility to our farm program.

Farmers and policymakers have come to realize that the 1985 farm bill was too rigid in directing farmers to plant certain crops in order to receive income payments. We must allow farmers to react to market signals to retain our competitive edge. An example of the rigidity of the 1985 farm bill is the loss of world markets in the soybean trade. This chart illustrates how world soybean trade has grown from 20 million metric tons in 1970-71 to nearly 60 million metric tons today.

During that same period, the United States share of the world soybean market declined from 80 percent in 1970-71 to 37 percent in 1988-89. Although our total tonnage increased from 16 million tons in 1970-71 to just over 22 million tons in 1988-89, we missed an enormous opportunity, really a golden opportunity in agriculture, to take full advantage of the rapid growth of the world oilseed trade—perhaps the most graphic growth of world trade in agriculture that has ever occurred in a single life time. We started dominating the field. We ended up losing it principally to the South Americans as I was showing you.

The primary reason the United States did not take advantage of that opportunity was the inflexibility of the 1985 farm bill. Farmers were forced to continue to plant corn, cotton in some cases, so that they could receive income support in the form of deficiency payments and also preserve their crop acreage bases.

The market was telling farmers to plant more soybeans. This second graph, illustrates that the market returns over variable costs of soybeans

exceeded corn in 1986, 1987, and 1988. However, farmers were prevented from responding to this clear economic signal by the farm program for corn.

As you can see, the market signals certainly did not favor the corn, it favored soybeans. Nevertheless, soybean planting during that period went down, because the farm program sent the overwhelming, overriding signal that you have to plant corn and, to some degree, cotton.

This problem is further emphasized by the next chart on oilseed planting trends from 1980 to 1990. The chart includes sunflowers, and canola as well as soybeans. While American farmers responded to the signals of our farm program, South American and European farmers were expanding their share of the world market and, indeed, replacing U.S. acres with their own. We must not allow that to continue. We simply must alter our farm program to remove Government barriers which prevent the farmers from responding to market signals.

As you can see, Mr. President, planting by the United States went down during the entire period. At the same time, oilseed plantings in South America went from about 30 million to about 50 million acres. For every acre we lost, the South Americans picked it up.

The same has happened in Europe. In this case it is not entirely because of our particular farm program; it is because of incentives they have given in Europe. But you can also see that acres in Europe have risen, too in oilseeds, mostly in rapeseed.

On November 8, I outlines a proposal for the 1990 farm bill that would allow farmers to respond to market signals without jeopardizing deficiency payments and crop bases. A farm acreage base would be established for each farm. It would be made up of the 1990 base acres of feed grains, wheat, cotton, and rice. A base would be created for oilseeds that would include soybeans, sunflowers, safflower, flaxseed, and canola, also included in the farm acreage base.

Deficiency payments would be paid on the 1990 crop acreage base, regardless of the mix of program and oilseed crops that were planted on that base. The payment rate would be determined as it is now—the amount by which the target price exceeds the higher of the loan rate or the average marketplace. The program payment yield would be the program payment yield for the 1990 crop.

For example, a farmer with 100 acres of corn base and 100 acres of wheat base that typically planted 100 acres of soybeans would have a 300-acre farm acreage base. That farmer could plant 50 acres of corn, 150 acres of wheat, 100 acres of soybeans and still receive a deficiency payment on 100 acres of corn and 100 acres of wheat.

In summary, this proposal gives farmers flexibility to react to market signals while still providing needed income supports.

On November 8, I stated that my flexibility proposal would not allow planting of nonprogram crops on a farm acreage base unless deficiency payments were forfeited on a composite acreage basis. As I continued to refine my proposal, it is apparent that this could create a considerable amount of inflexibility.

Right now, nonprogram crops can be freely planted and compete with soybeans as well as other oilseeds. By including oilseeds in the farm acreage base and requiring forfeiture of deficiency payments, nonprogram crops could not really compete with oilseeds for acreage as they do now.

This element of inflexibility was unintended. I am now exploring, allowing nonprogram crops to be grown on the part of the farm acreage base that was historically planted to oilseed without deficiency payment forfeiture. That would not be a change from current policy.

Let me speak about marketing loans. My flexibility proposal has interesting implications for the crops with marketing loans. It is apparent that limits will need to be placed on the quantity that may be eligible for marketing loans. Quantities will have to be limited to the production that can be grown on historical crop acreage bases. This will prevent the potential for double dipping, which I did not properly contemplate and foresee in putting together my speech here on the floor of November 8.

An example of double dipping would be if a farmer had a farm acreage base of 300 acres, again, the 100 acres of cotton, of wheat, and on oilseed. Let's say the farmer planted 150 acres of cotton, 50 acres of wheat, and 100 of oilseed. That farmer could potentially receive both the wheat deficiency payment and a marketing loan payment on the 50 extra acres of cotton that was planted on the wheat base if no limits were placed on marketing loan eligibility.

Let me talk, if I may, for a moment about the differences between the cotton and rice programs and the wheat and feed grains programs. The goal of my flexibility proposal is to continue the major thrust of the 1985 farm bill and incorporate constructive elements of planting flexibility. However, some changes will be necessary, because cotton and rice were treated differently than wheat and feed grains in the 1985 farm bill.

The 1985 farm bill set the loan rate for wheat and feed grains at 75 to 85 percent of the average price received by farmers during the immediately preceding years, excluding the high and low years. Reductions of loan votes were limited to 5 percent a year. Cotton and rice were determined in a similar manner, except that 85 percent of the 5-year average was used. In addition, the loan rate for cotton and rice could not be lower than 50 cents per pound or $6.50 per hundred weight respectively.

Wheat and feed grains have no such floors. "Findley" loan reductions, as they are called, of up to 20 percent were authorized for wheat and feed grains. No such authority was provided for cotton and rice.

The net effect of these differences was that cotton and rice loan rates have not been reduced as much as wheat and feed grains. Wheat loan rates have been reduced 41 percent from 1985 to 1990. Corn rates have been reduced 38 percent, rice 19 percent. Cotton loan rates have been reduced only 12 percent.

Differences also exist in the payment and calculation of deficiency payments. Wheat and feed grain farmers do not receive their entire deficiency payment until the 12-month marketing year is complete. Cotton and rice farmers receive their final deficiency payment after the first 5 months of their respective marketing years. Rice deficiency payments are based on prices farmers receive during the first 5 months of the marketing year, which typically have the lowest price of the year resulting in larger deficiency payments. Cotton, wheat, and feed grain deficiency payments are based on a 12-month average price. Thus, deficiency payments for these crops are less than if they were based on the first 5 months of the marketing year.

The duration of the loan is different as well. The duration of loans are 9 months for rice, wheat, and feed grains, while cotton loans are 10 months. In addition, cotton farmers have the option of an automatic 8-month loan extension. So, in effect, they have an 18-month loan. The combination of the initial 10-month loan and 8-month extension tends to confound the operation of the marketing loan making cotton less competitive in the world market.

Since the deficiency payments are set and the farmer has an automatic 18-month loan, he can simply hold onto the cotton and hope for better prices. And, because he is protected on the downside by the marketing loan, he holds on with no risk whatsoever.

Cotton and rice should be treated the same as wheat and feed grains in regards to loan rates and deficiency payments. The automatic 8-month cotton loan extension should be discretionary for the Secretary of Agriculture. I realize that many of the differences among commodity programs may be important to many of my col-

leagues. These comments are intended to inform my colleagues of these differences and to set the stage for a full discussion of these matters.

Let me speak for a moment about soybeans.

Mr. President, earlier I came out in support of a marketing loan for soybeans when I spoke on November 8. I am having second thoughts about that, as well. Problems arise in how a marketing loan would operate in the framework of my flexibility proposal. My proposal does not require a farmer to plant his base acreage to receive the deficiency payments associated with those bases. However, in the case of soybeans, a farmer would have to plant soybeans in order to receive income support via the marketing loan. This seems to be less than desirable for a truly flexible proposal.

Secretary Clayton Yeutter has said that marketing loans will be looked at with considerable skepticism because of their high price tag. I have received many solicited comments on my proposal. Most comments were that my proposal is a good one, but the marketing loan provision was criticized because of its potential to unfairly drive down soybean prices, which we do not want to achieve.

As a result, I am exploring the idea of making per acre payments on a farmer's oilseed base, which would also be established—the base and the payment would be established—by the new bill. This would provide income support for all oilseeds included in the oilseed base—not just soybeans. These payments would be made if oilseed prices were below specified levels and would be paid even if a farmer did not plant his entire oilseed base to oilseeds.

As it is now, the loan of $4.53 on soybeans is enough above variable costs, and enough above variable costs so that it is more above variable costs than it is in some of the other commodities. Farmers, perhaps, would tend to choose to take the corn deficiency payment and then plant soybeans in order to get the higher loan in that case. We do not want to create those kinds of distortions. That is not the purpose of the bill.

Let me speak for a moment about stock policies. We will need to reevaluate how the U.S. intends to manage its grain stocks. The food security wheat reserve, the farmer-owned reserve, and Government-owned stocks need to be more responsive to the market. The mechanisms for releasing these stocks is highly restrictive. Through creative uses of generic certificates, USDA has found ways of circumventing those restrictions and getting these stocks on the market. As the useful life of generic certificates appears to be coming to a close, the release mechanisms will have to be liberalized in the 1990 farm bill.

Farmers realize that Government-owned stocks and reserve stocks depress grain prices and limit the upside potential of the market. Although these stocks can moderate costs of food for consumers, the fact that they hang over the market drives down the prices that farmers receive. A balance needs to be struck that provides some price stability without disrupting and depressing the marketplace.

Let me speak for a moment about acreage reduction programs.

I have long called for the elimination of setasides or acreage reduction programs or ARP's, as they are called. This program requires farmers to set aside part of their base, without compensation, as condition for receiving deficiency payments. The combination of target prices which signal greater production and set asides for the purpose of limiting production is absurd. It is like driving a car with one foot on the gas and the other on the brake. You can do it for awhile, but your brake linings eventually wear thin.

There are a number of compelling reasons to abolish ARP's. First of all, ARP's are an efficiency tax on farmers. Fixed costs on idled land, such as the mortgage payment and property taxes, do not go away. They must be spread over fewer bushels. This raises the cost of production for each and every farmer and each and every bushel.

If ARP's are continued in the next farm bill, the target price should be increased when ARP levels are increased so that farm income is not reduced. This would take away the incentive for the Office of Management and Budget [OMB] to push USDA to have high ARPs in order to reduce Government outlays, because that is what happen now. The effort to reduce the cost of farm programs through excessive ARP's has increased food costs to consumers and cost the U.S. export share.

Second, ARP's are bad for the environment. Because farmers have to cover the same fixed costs over fewer acres, they compensate by applying more inputs, such as fertilizers and chemicals, on their permitted acres. This has an adverse effect on the environment, particularly on ground water. In addition, farmers have little incentive to establish anything more than minimal cover crops on idled land. In many cases, the potential for erosion is worse on idled land than if the land was cropped.

A basic problem with land idling, be it ARP's, paid land diversions, or the conversation reserve program, is that it generates the economic signal that land is a scarce commodity. This tells agricultural scientists, extension agents, farmers, and input suppliers that inputs other than land should be substituted for land. As a result, efforts to research, develop and utilize more intensive cropping systems are encouraged.

This is not what American agriculture is about. One of the greatest assets of American agriculture is its rich, productive, and abundant farmland. It makes no sense at all to force land to be idled and then use more chemicals and fertilizers on the balance of the land. Intensive agricultural practices raise our costs of production making us less competitive in the world market and increase the potential to harm the environment.

We can learn a lesson on this from the Europeans. Their farm price support system for farm products is far above world prices. They support soybeans at $18 per bushel, while the world price is only about a fourth of that. Secretary Yeutter observed during a recent hearing that "They could grow soybeans in the Alps at that price." Artificially high supports have caused European farmers to pour on the fertilizers, insecticides, and fungicides to the point that they are having serious environmental problems.

I recently suggested that maybe we ought to have some kind of countervailing duty or countervailing EPP, that where our competitors use very high chemical inputs that really foul the ground and the environment, that we should provide greater offsetting subsidies against competing exports where they use those high inputs.

Slippage is the third reason ARP's should be eliminated. Farmers try to minimize the impact of ARP's by idling their least productive acres. Obviously, the effect of a 10-percent ARP on a farm may reduce the production less than 5 percent if a farmer is able to idle land that is half as productive as the rest of the farm, which normally can be done. Land that normally does not get planted seems to find a way to qualify as land eligible to be idled. Take a look at a graph of U.S. acreage since 1965.

Notice that the acreage devoted to principal crops and their respective land idlings is higher in the years that have higher annual set-asides. Also notice that when annual set asides were reduced in 1967, 1971, 1973, 1980, 1984, and 1989, the acreage that was planted plus set aside also fell. Apparently, acreage that met the Government's standards for idling did not meet a farmer's requirement for crop production.

I know of at least two ways this can happen. The first occurs in cotton production. Cotton farmers are allowed to designate skip rows as set aside even though skip rows are a normal production practice. The second occurs in wheat production in which fallowing is practiced. Fallowed land is eligible to

be designated as set aside which allows farmers to plant a nonprogram crop on the acreage that should have been idled.

Certainly there are other ways that innovative farmers can minimize the impact of ARP's. It is unfortunate that Government programs force farmers to devote their energies to farming the Government farm program rather than devoting those same energies farming for the market.

I want to balance supply and demand as much as supply management proponents. I simply believe that the marketplace can accomplish it better than the Government. If commodity programs are reformed so that farmers are planting according to market prices rather than target prices, the market will be able to balance supply and demand.

Sometimes I wonder if United States agriculture isn't taking the risk of getting too close to the kind of centralized planning that occurs in Eastern Europe and the Soviet Union. Frankly, I am convinced that bureaucrats at USDA and OMB are no more qualified to tell farmers what to plant than bureaucrats in the Kremlin. I think its high time we had a bit of perestroika in U.S. agricultural policy.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of New Mexico, asks unanimous consent that the Senate stand in recess under the order until the hour of 2:15 p.m.

There being no objection, the Senate, at 1:05 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

The PRESIDING OFFICER. The Senator from Wisconsin.

PRIVILEGE OF THE FLOOR

Mr. KOHL. Mr. President, I ask unanimous consent that Janet Martin, a fellow in my office, be given the privilege of the floor during consideration of S. 695.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL GLOBAL CHANGE RESEARCH ACT OF 1989

The Senate continued with the consideration of the bill.

Mr. GORTON. Mr. President, I commend the chairman of the Senate Commerce Committee, Senator HOLLINGS, in sponsoring S. 169, the National Global Change Research Act. I was proud to join him as a cosponsor of this bill and enthusiastically urge its adoption today by the Senate.

This important legislation mandates a Federal research plan to study global environmental change, including greenhouse warming and ozone depletion. It provides for a coordinated Federal response to this environmental challenge by better defining the role of each agency and integrating each agency's work within our overall policy objectives.

I was pleased to see that the President's budget contains over $1 billion, an increase of 57 percent over 1990 levels, for the U.S. Global Change Research Program. This will allow NASA to proceed with "Mission to Planet Earth," and provides for the launch of the first U.S. Earth Observing System platform in 1998 as part of that mission. It also includes $87 million for the National Oceanic and Atmospheric Administration's Climate and Global Change Program—an increase of $69 million over fiscal year 1990 levels.

Much has been made over the last week regarding whether it is now time for research or research and action on global warming. I stand with those who believe we should do both. While I am pleased that the President's budget shows a new commitment to research and global change more needs to be done. Carbon dioxide is the single largest greenhouse gas, comprising nearly 50 percent of all such gases. In my view, one of the most effective ways of controlling CO_2 buildup lies within our reach. Nearly 30 percent of all CO_2 emissions comes from automobile exhaust. The single best way of reducing these emissions is to increase the fuel economy of automobiles—in itself, a major energy and environmental priority.

We must encourage manufacturers to continue the progress they have made on fuel economy since Congress passed the original law in 1975. Senator BRYAN has introduced, and I have cosponsored, S. 1224, the Motor Vehicle Fuel Efficiency Act of 1989. Our legislation would require each manufacturer by the year 1995 to increase its fleet performance by 20 percent over model year 1988 levels. A fleet average of 34 mpg for cars would reduce carbon dioxide emissions by 89.6 million tons over the lifetime of the vehicles from that model year, as compared to a fleet that averaged 27.5 mpg.

Mr. President, the bill before the Senate today is an important step forward in our Nation's understanding of global change. I hope it will be just the first of several major new initiatives passed by the Congress this year to lessen our planet's risk from the threat of global warming.

Mr. WIRTH. Mr. President, I want to praise Senator HOLLINGS and his staff for developing this important bill. This legislation institutionalizes relationships that have been established by the Committee on Earth Sciences [CES]. By all accounts, the CES process is working very well—preventing duplicative research and streamlining scientific inquiry on the most pressing questions we must answer to better understand the planet and its environmental systems. We can measure the distance from Earth to the Moon within a matter of centimeters, but we do not fully understand all of the interactions between the geological, atmospheric and biological systems that make up the natural world.

Out in the forefront of global change research are many of the dedicated scientists that live and work in my home State of Colorado. They are strong supporters of this bill and I hope all of my colleagues will join me in support of this legislation.

Passage of this legislation is only a first step, however. It is time for this institution to step forward and take action to stop the assault we have launched on the atmosphere. The human species is a powerful agent of change in the natural world. Our capacity to understand this fact is being outpaced by the rate at which we are insulting the environment. We must slow down, be conservative and protect the integrity of our most vital environmental systems.

Unfortunately, the administration has abdicated its role as a leader in the effort to address our most pressing environmental problem—global warming. Mr. President, we know that we must act and that we must act now. The administration has demonstrated time and time again that it is unwilling or unable to craft the policies we need to respond to the rapid ecological changes that are afoot. In the absence of this kind of leadership, it is incumbent upon us, in this body, to live up to our responsibilities to this and future generations. I look forward to working with colleagues to craft aggressive policy responses to the global environmental challenge.

Mr. BINGAMAN. Mr. President, I rise today to ask unanimous consent that I be added as a cosponsor to Senator HOLLINGS' bill, S. 169, the National Global Change Research Act of 1989. I am pleased that the Senate is acting on this important legislation, and I urge all of my colleagues to give their full support to this measure.

The likelihood of a major worldwide meteorological disturbance that would drastically affect climate and thus profoundly alter the Earth's ecological cycles has provoked much discussion among scientists, policymakers, and the public at large. We face a new wave of environmental trends that may challenge our very existence on this Earth. Avoiding destructive climate change may require a fundamental reordering of national energy priorities within the next decade. As one of the largest collective users of natural resources, Americans must initiate sound environmental practices. At the

Paris economic summit in June, the President signed a statement which declared that "decisive action is urgently needed to understand and protect the Earth's ecological balance."

We know that global warming is an environmental problem which must be addressed. In the United States, the Federal Government has spent tens of millions of dollars in recent years studying global change. Because of the breadth of the problem and its widespread effects on our society, a number of different Federal agencies are involved in global change research. As the challenges become better defined, additional research and funding will be necessary. It is essential that this national effort be well-planned and well-coordinated.

The bill I cosponsor today would provide a mechanism for planning such long-term efforts. It provides authority to the Federal Coordinating Council for Science, Engineering, and Technology [FCCSET], to develop long-range plans for research efforts involving more than two Federal agencies. This legislation reinforces FCCSET's existing responsibilities for coordinating the various agencies' research efforts in areas of national concern.

Furthermore, the bill also gives FCCSET specific responsibility for coordinating the Federal research on global change. The legislation would require FCCSET to develop a 10-year national global change research plan to carry out that responsibility.

I am confident that this research plan will give us the knowledge we need to address the environmental effects of global warming. I for one am committed to trying to ensure the resources needed to carry out this research program.

The PRESIDING OFFICER. Under the previous order, the question is now on the passage of the bill, S. 169, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—100

Adams	Cohen	Graham
Armstrong	Conrad	Gramm
Baucus	Cranston	Grassley
Bentsen	D'Amato	Harkin
Biden	Danforth	Hatch
Bingaman	Daschle	Hatfield
Bond	DeConcini	Heflin
Boren	Dixon	Heinz
Boschwitz	Dodd	Helms
Bradley	Dole	Hollings
Breaux	Domenici	Humphrey
Bryan	Durenberger	Inouye
Bumpers	Exon	Jeffords
Burdick	Ford	Johnston
Burns	Fowler	Kassebaum
Byrd	Garn	Kasten
Chafee	Glenn	Kennedy
Coats	Gore	Kerrey
Cochran	Gorton	Kerry
Kohl	Moynihan	Sarbanes
Lautenberg	Murkowski	Sasser
Leahy	Nickles	Shelby
Levin	Nunn	Simon
Lieberman	Packwood	Simpson
Lott	Pell	Specter
Lugar	Pressler	Stevens
Mack	Pryor	Symms
Matsunaga	Reid	Thurmond
McCain	Riegle	Wallop
McClure	Robb	Warner
McConnell	Rockefeller	Wilson
Metzenbaum	Roth	Wirth
Mikulski	Rudman	
Mitchell	Sanford	

So, the bill (S. 169), as amended, was passed, as follows:

S. 169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Global Change Research Act of 1990".

SCIENCE AND TECHNOLOGY POLICY

SEC. 2. Section 102(a)(6) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6602(a)(6)) is amended to read as follows:

"(6) The development and implementation of long-range, interagency research plans to support policy decisions regarding identified national and international concerns, and for which a sustained and coordinated commitment to improving scientific understanding will be required.".

FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY

SEC. 3. (a) Section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) is amended to read as follows:

"FUNCTIONS OF COUNCIL

"SEC. 401. (a) The Federal Coordinating Council for Science, Engineering, and Technology (hereinafter referred to as the 'Council') shall consider problems and developments in the fields of science, engineering, and technology and related activities affecting more than one Federal agency, and shall recommend policies and other measures designed to—

"(1) provide more effective planning and administration of Federal scientific, engineering, and technological programs;

"(2) identify research needs, including areas requiring additional emphasis;

"(3) achieve more effective utilization of the scientific, engineering, and technological resources and facilities of Federal agencies, including the elimination of unwarranted duplication; and

"(4) further international cooperation in science, engineering, and technology.

"(b) The Council may be assigned responsibility for developing long-range and coordinated plans for scientific and technical research which involve the participation of more than two Federal agencies. Such plans shall—

"(1) identify research approaches and priorities which most effectively advance scientific understanding and provide a basis for policy decisions;

"(2) provide for effective cooperation and coordination of research among Federal agencies; and

"(3) encourage domestic and, as appropriate, international cooperation among government, industry, and university scientists.

"(c) The Council shall perform such other related advisory duties as shall be assigned by the President or by the Chairman of the Council.

"(d) For the purpose of carrying out the provisions of this section, each Federal agency represented on the Council shall furnish necessary assistance to the Council. Such assistance may include—

"(1) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

"(2) undertaking, upon request of the Chairman, such special studies for the Council as come within the scope of authority of the Council.

"(e) For the purpose of developing interagency plans, conducting studies, and making reports as directed by the Chairman, standing committees and working groups of the Council may be established.".

(b) Section 207(a)(1) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6616(a)(1)) is amended by striking "established under Title IV".

NATIONAL GLOBAL CHANGE RESEARCH PLAN

SEC. 4. The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following new title:

"FINDINGS AND PURPOSE

"SEC. 601. (a) Congress finds and declares the following:

"(1) Industrial, agricultural, and other human activities, coupled with an expanding world population, are contributing to processes of global change that may significantly alter our habitat within a few human generations.

"(2) Such human-induced changes are destroying stratospheric ozone and may lead to significant global warming, and thus have the potential to alter world climate patterns and increase global sea levels, and have reduced and will continue to reduce the ability of the atmosphere to screen out harmful ultraviolet radiation. Over the next century, the consequences could seriously and adversely affect world agricultural and marine production, coastal habitability, regional economic well-being, human health, and biological diversity;

"(3) Development of effective policies to mitigate and cope with human-induced global changes will rely on greatly improved scientific understanding of global environmental processes and on our ability to distinguish between the effects of human activities on one hand and the results of natural change on the other.

"(4) New developments in interdisciplinary Earth sciences, global observing systems, and computing technology make possible significant advances in the scientific understanding and prediction of these global changes and their effects.

"(5) Efforts are ongoing in several Federal agencies which could contribute to a well-defined and coordinated national program of research, monitoring, assessment, information management, and prediction.

"(6) The United States, as a world leader in Earth system science, should continue to provide leadership in developing and implementing an international global change research program.

"(b) It is the purpose of Congress in this title to provide for a national global change research plan which when implemented will assist the Nation and the world to understand, assess, predict, and respond to human-induced and natural processes of global change.

"COMMITTEE ON EARTH SCIENCES

"SEC. 602. (a) The President shall establish a Committee on Earth Sciences (hereafter in this title referred to as the 'Committee') within the Council. The Committee shall consist of one representative each from—

"(1) the National Science Foundation;

"(2) the National Aeronautics and Space Administration;

"(3) the National Oceanic and Atmospheric Administration;

"(4) the Environmental Protection Agency;

"(5) the Department of Energy;

"(6) the Department of State;

"(7) the Department of Defense;

"(8) the Department of the Interior;

"(9) the Department of Agriculture;

"(10) the Department of Transportation;

"(11) the Office of Management and Budget;

"(12) the Office of Science and Technology Policy;

"(13) the Council on Environmental Quality; and

"(14) such other agencies of the United States as the President considers appropriate.

Such representatives shall be high ranking officials of their agency or department, wherever possible the head of the portion of that agency or department that is most relevant to the purpose of the Committee described in subsection (c).

"(b) The Committee biennially shall select as Chairman a member representing one of the following agencies or departments;

"(1) the National Aeronautics and Space Administration;

"(2) the National Oceanic and Atmospheric Administration;

"(3) the National Science Foundation;

"(4) the United States Geological Survey; and

"(5) the Environmental Protection Agency.

Representatives of the same agency or department may not serve as Chairman of the Committee for consecutive terms.

"(c) The purpose of the Committee is to increase the overall effectiveness and productivity of Federal research and assessment efforts directed toward an understanding of the Earth as a global system. In fulfilling this purpose, the Committee shall address significant national policy matters which affect more than one agency. A primary function of the Committee shall be to develop and implement the National Global Change Research Plan established under section 603.

"NATIONAL GLOBAL CHANGE RESEARCH PLAN

"SEC. 603. (a)(1) The President, through the Committee, shall develop a National Global Change Research Plan (hereafter in this title referred to as the 'Plan') in accordance with section 401(b) of this Act and the provisions, findings, and purpose of this title. Consistent with the responsibilities set forth under subsection (d) of this section, the Plan shall contain recommendations for national research, to be submitted to Congress within one year after the date of enactment of this title and to be revised at least once every three years thereafter.

"(2) The Plan shall—

"(A) establish the goals and priorities for Federal global change research for the 10-year period beginning in the year the Plan (or revised Plan) is submitted;

"(B) set forth the role of each Federal agency and department in implementing the Plan;

"(C) describe specific activities, including research activities, data collection and analysis requirements, predictive modeling, participation in international research efforts, and information management, required to achieve such goals and priorities; and

"(D) consider and utilize, as appropriate, reports and studies conducted by Federal agencies and departments, the National Research Council, or other entities.

"(3) The Plan shall address, where appropriate, the relevant programs and activities of the following Federal agencies and departments:

"(A) the Department of Commerce, particularly the National Oceanic and Atmospheric Administration;

"(B) the National Science Foundation;

"(C) the National Aeronautics and Space Administration;

"(D) the Department of the Interior;

"(E) the Department of Energy;

"(F) the Department of Agriculture;

"(G) the Environmental Protection Agency;

"(H) the Department of Defense, particularly the Department of the Navy;

"(I) the Department of Transportation;

"(J) the Department of State; and

"(K) such other research agencies and departments as the President, or the Chairman of the Council, considers appropriate.

"(b) The Committee shall—

"(1) serve as lead entity responsible for oversight of the implementation of the Plan;

"(2) coordinate the global change research activities of Federal agencies and departments and report at least annually to the President, through the Chairman of the Committee, on any recommended changes in agency or departmental roles that are needed to better implement the Plan;

"(3) prior to the President's submission to Congress of the annual budget estimate, review each agency budget estimate in the context of the Plan and make the results of that review available to each agency and to the appropriate elements of the Executive Office of the President, particularly the Office of Management and Budget;

"(4) work with Federal agencies, with the National Research Council, and with academic, State, and other groups conducting research and assessments of global changes and their effects;

"(5) cooperate with the Department of State in the coordination of Federal interagency participation in international activities related to global change research and assessment; and

"(6) consult with actual and potential users of such research and assessments.

"(c) The Plan shall provide for, but not be limited to, the following research elements:

"(1) Global measurements, establishing worldwide observations necessary to understand the physical, chemical, and biological processes responsible for changes in the Earth system on all spatial and time scales.

"(2) Documentation of global change, including the development of mechanisms for recording changes that will actually occur in the Earth system over the coming decades.

"(3) Studies of earlier changes in the Earth system, using evidence from the geological and fossil record.

"(4) Predictions, using quantitative models of the Earth system to identify and simulate global trends.

"(5) Development of an information base, assembling the information essential for effective decision-making to respond to the consequence of global change.

"(6) Focused research initiatives directed toward resolving scientific uncertainties regarding specific aspects of the Earth system.

"(d)(1) The Plan shall take into consideration, but not be limited to, the following existing agency missions and responsibilities.

"(A) The National Science Foundation shall be responsible for maintaining the health of basic research in all areas of Earth, atmospheric, and ocean science, including the relevant biological and social sciences and research in the polar regions. Such basic research may include ground-based studies on regional and global scales; large-scale field programs; interpretation and use of remotely sensed data and geographic information systems; theoretical and laboratory research; research facilities support; and development of numerical models, information and communication systems, and data bases.

"(B) The National Aeronautics and Space Administration shall be responsible for Earth-science research missions from space, including those studies of broad scientific scope that study the planet as an integrated whole. Associated efforts may include related studies of physical, chemical, and biological processes; sub-orbital and ground-based studies; remote-sensing and advanced instrument development; improvement of techniques for the transmission, processing, archiving, retrieval, and use of data; related scientific models; and other research activities in atmospheric, oceanographic, and land science.

"(C) The National Oceanic and Atmospheric Administration shall maintain a balanced program of observations, analysis and research, climate protection, and information management. Responsibilities shall include operational in-situ and satellite observation and monitoring systems; related research on physical and biogeochemical processes in the climate system, including their effect on marine ecosystems and resources; development, testing, and application of models and diagnostic techniques for the detection and prediction of natural and human-induced climatic changes; and the acquisition, maintenance, and distribution of long-term data bases and related climate information.

"(D) The Department of the Interior shall be responsible for the collection, maintenance, analysis, and interpretation of information on terrestrial, aquatic, biological, and other natural resources, including monitoring of hydrologic and geologic processes and resources, of land-use, of land-cover, and of biological habitats, resources, and diversity. Research areas may include past changes recorded in the physical, chemical and biological record; the hydrologic cycle; land-surface and solid-Earth processes that relate to environmental change; geography and cartography; ecosystem modeling and dynamics; and ethnology. Research findings shall be used in assessing and responding to the effects of global change on aquatic, terrestrial, biological, and other natural resources.

"(E) The Environmental Protection Agency shall be responsible for conducting research to assess, evaluate, and predict the ecological, environmental, and human-health consequences of global change, including the interaction of plant and animal communities and ecosystems with the climate system. Additional areas of responsi-

bility shall include assessment, research, and development of techniques to mitigate and adapt to climate change, development of emission factors, inventories and models for radiatively important trace gases, and evaluation of the relationship between global atmospheric change and regional air and water quality.

"(F) The Department of Energy shall be responsible for research on emissions of carbon dioxide and other gases from energy production and use, including the study of climatic responses to those emissions and the development of an information base for evaluating the effects of various energy and industrial policy options on climate. Associated efforts may include assessment and application of predictive models; evaluation of global and regional climate responses to various energy policy options; research on industrial sources of trace gases; and studies to assess how responses to climate change affect energy options.

"(G) The Department of Agriculture shall be responsible for research to assess the effects of global change on the agricultural food and fiber production systems and on forests and forest ecosystems, including research on biological response mechanisms to increasing greenhouse gases, improvement of plant and animal germplasm to respond to global change, and development and implementation of plans for changing agricultural and forestry practices to ameliorate the observed increases of greenhouse gases. An additional responsibility shall include research on applications of agricultural climatology to improve management decisions and conservation of resources while maintaining quality and quantity of crop yields.

"(H) The Department of Defense shall be responsible for research into environmental processes and conditions that affect defense operations, tactics, and systems. Additional responsibilities shall include facilitating exchange of relevant information with civilian agencies, participation in planning of national research efforts, and cooperative development of data management systems to ensure effective coordination and transfer of information among military and civilian agency programs.

"(I) The Department of Transportation shall be responsible for evaluating the effects of transportation policy options on the global environment, particularly the use of fuels in transportation systems that result in the emission of combustion gases, including aircraft emission into the stratosphere. An additional responsibility shall be the assessment of the ways in which climate changes affect the efficiency and safety of transportation on land, sea, and rivers, and in the air.

"(2) The Plan shall reflect the need for collaboration among agencies with respect to—

"(A) the establishment and development of an information system for Earth system science; and

"(B) research into the development of new conceptual and numerical models of the Earth system.

"(e) The Secretary of State shall consult with the Chairman of the Committee in—

"(1) providing representation at international governmental meetings and conferences on global change research and assessment in which the United States participates; and

"(2) coordinating the Federal activities of the United States with the global change research and assessment programs of other nations and international agencies and organizations, including the World Meteorological Organization and the United Nations Environmental Program.

"(f) Each Federal agency and department involved in global change research shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report identifying each element of its proposed global change activities, which—

"(1) specifies whether each such element (A) contributes primarily to the implementation of the Plan or (B) contributes primarily to the achievement of other objectives but aids Plan implementation in important ways; and

"(2) states the portion of its request for appropriations that is allocated to each such element.

The Office of Management and Budget shall review each such report in light of the goals, priorities, and agency responsibilities set forth in the Plan, and shall include, in the President's annual budget estimate, a statement of the portion of each agency or department's annual budget estimate that is allocated to each element of such agency or department's global change activities. Annual budget estimates shall be submitted to Congress that reflect the activities outlined in the Plan. The Office of Management and Budget shall ensure that a copy of the President's annual budget estimate is transmitted to the Committee at the same time as such budget estimate is submitted to Congress.

"RELATION TO OTHER AUTHORITIES

"SEC. 604.(a) The President, the Chairman of the Committee, and the Secretary of Commerce shall ensure that relevant research activities of the National Climate Program, established by the National Climate Program Act (15 U.S.C. 2901 et seq.), are considered in developing national global change research efforts.

"(b) The President, the Chairman of the Committee, and the heads of the agencies represented on the Committee, shall ensure that the research findings of the Committee, and of Federal agencies and departments are available to—

"(1) the Environmental Protection Agency for use in the formulation of a coordinated national policy on global climate change pursuant to section 1103 of the Global Climate Protection Act of 1987 (15 U.S.C. 2901, note); and

"(2) all Federal agencies and departments for use in the formulation of coordinated national policies for responding to human-induced and natural processes of global change pursuant to other statutory responsibilities and obligations.

"(c) Nothing in this title shall be construed, interpreted, or applied to preclude or delay the planning or implementation of any Federal action designed, in whole or in part, to address the threats of stratospheric ozone depletion or global climate change.

"ANNUAL REPORT

"SEC. 605. The Chairman of the Committee shall prepare and submit to the President and Congress, not later than January 31 of each year, an annual report on the activities conducted pursuant to this title during the preceding fiscal year, including—

"(1) a summary of the achievements of Federal global change research efforts during that preceding fiscal year;

"(2) an analysis of the progress made toward achieving the goals and objectives of the Plan;

"(3) a copy or summary of the Plan and any changes made in such Plan;

"(4) a summary of agency budgets for global change activities for that preceding fiscal year; and

"(5) any recommendations regarding additional action or legislation which may be required to assist in achieving the purposes of this title.".

EDUCATIONAL EXCELLENCE ACT OF 1989

The Senate continued with the consideration of the bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, I rise in support of S. 695, the Educational Excellence Act which is now about to be debated on the floor of the Senate.

This bill includes proposals made by President Bush aimed at strengthening the educational quality in American schools. Timely action on this bill should indicate to the President that we want to cooperate with him to improve the educational performance in this country, and to improve the educational performance of our individual students. It should show that we will listen and act on his education proposals, but we expect that he will listen to congressional viewpoints on education as well.

This bill contains some good initiatives as far as it goes. It is an authorization bill. It authorizes $414 million in new programs for the fiscal year 1991. The list of initiatives is impressive: Presidential merit schools, schools of excellence, alternative certification for teachers and principals, national science scholars, drug free schools, urban renewal emergency grants, endowment grants for black colleges and universities, and school dropout demonstration grants. A national board for professional teaching teaching standards is also authorized.

All of these proposals represent meritorious efforts that can help improve the quality of education in the United States. All of these proposals deserve our strong support, and I give my strong support to the President in making such proposals. But as we vote on this bill today, it is important that we do not lose sight of the reality as we get caught up in the rhetoric. The reality is that while this bill authorizes $414 million in new education spending, it does not appropriate a single dollar. To do that, we must act within the confines of the budget process, and the budget reality as presented by this President of the United States is distressing to this Senator. The President of the United States has asked Congress for a 2 percent nominal increase in overall educaton spending. With an inflation rate expected to exceed 4 percent in the

coming year, in reality, this represents a 2-percent-plus real cut in Federal education spending in the upcoming year. In other words, if we are to fund this $414 million new initiative the President is calling for, we are going to have to cut other education programs to do it.

I do not think that the President's rhetoric is matching his reality. His budget does not match his State of the Union speech. His budget does not match what he is asking for in this bill. I am going to vote for this bill. I support it. I support the items in it. But can we stand here and be so naive as to call this progress, when we have no money allocated—or even spoke for, or pushed, or placed in any way—in the budget to pay for these initiatives?

As we debate the condition of American education, let us do so with our eyes wide open to a reality that the largest security threat to our country today does not come from communism or some foreign military force; rather, it comes from an inability of our kids to excell academically in a world increasingly dominated by nations who outperform us in the classroom and in the boardroom, not on the battlefield.

Talking about the problem is not enough. Shifting education expenditures from one education initiative to another is not enough. It is time for some bold action. The inequalities of educational opportunity between rich and poor in this country are unacceptable, Mr. President. This "Tale of Two Cities" can end up being the Achilles heel of our future.

Through the turn of the century, nearly half of the net growth of the labor force must be provided by members of historically poor populations within our Nation, where education is clearly inadequate and underfunded. All of the talk about education reform has to date yielded few tangible results. Some States, including my home State of Washington, have been at the forefront is designing innovative approaches to this complex problem. Our Governor, Booth Gardner, I am pleased to say, is in the city this week, together with three other Governors who have tried to deal with this complex problem. Yet, in instances where innovative steps have been taken, the recently released results of the national assessment of education programs reflect an alarming lack of progress.

Only 42 percent of our 17-year-olds can read well enough to understand a 12th-grade history textbook. And only 4.8 percent of those students can read at a level required in most professional and technical working environments. The Washington State educational assessment for reading, language arts, and mathematics, places our students only average among this dismal national performance.

President Bush calls himself the education President. He has outlined a series of impressive national goals in education as part of the State of the Union Message. At the same time, he proclaims we do not need to increase Federal spending, or do anything else in terms of really shifting priorities to address this dismal performance. He claims we already spend more on education than other nations. He says it is not the amount we spend but how we spend it. Let us look at that.

If you look at the study released on January 17 by the Economic Policy Institute, it shows the fallacy of the President's assertion. The study finds that the 13 other industrialized countries spend more on grade K through 12 than does the United States. The study calculates that if the United States were to increase spending for primary and secondary school—and that is where our problem is, Mr. President—up to the average of these other countries, we would need to increase annual spending on education in the United States by $25 billion. Instead, we are cutting it in real terms by 2 percent.

It is only when you fold in higher education that the President's assertion holds. We are spending more on higher education, but we are failing at the basic building blocks on which all of our education must stand, and that is wrong.

The dismal performance reflected in the national assessment cannot be addressed by higher education. We should not have, as we often have, higher educational institutions having to teach what are our secondary and, in some cases, primary education goals. Rather, these must be addressed at the preschool, primary, and secondary school levels.

Two major pieces have been missing in this debate on education reform. The first is the notion that every child in this country—rich, poor, of moderate means, black, white, Native American, Hispanic—must have equality of opportunity to secure quality education. That has been missing. Second, we cannot end discrimination in education and implement true school reform without additional investment in education. We are simply deluding ourselves if we continue to believe otherwise.

We probably cannot come up with the $25 billion to bring our education spending up to par with our international competitors, though I bet I can find a few places in the defense budget and elsewhere where we can get a part of this money. And maybe we cannot come up to par this year with our international competitors, but we can productively begin to increase educational spending this year.

Full funding of the Educational Excellence Act, the one we are talking about, without requiring cutbacks in other education programs, is a very good place to start, and that is my point, Mr. President. On the Appropriations Committee, that is precisely what I hope to do. If we can start meeting these kinds of goals, then we will have an opportunity to have a true education program.

It is largely our choice in this body as to whether or not we create a peace dividend from the encouraging changes taking place in Eastern Europe and the Soviet Union—and whether or not we choose to spend some of it on education. To do otherwise, in my judgment, would be to surrender to a rising tide of mediocrity, which we have been repeatedly warned about by experts. Stopping this prophecy from coming true is perhaps the greatest domestic challenge we face today. Meeting this challenge is possibly and probably the greatest legacy we can give to our children and to our grandchildren.

I urge the adoption of the bill, and I hope it will not be amended and it will be the first of a series of education initiatives we will have on the Senate floor. And then, I hope we fund them. I thank the President and yield the floor.

AMENDMENT NO. 1233

(Purpose: To establish the Student Athlete Right-to-Know Act)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY], for himself, Mr. KENNEDY, and Mr. COCHRAN, proposes an amendment numbered 1233.

Mr. BRADLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 133, after line 24, insert the following:

TITLE XIII—STUDENT ATHLETE RIGHT-TO-KNOW

SEC. 1301. SHORT TITLE.

This title may be cited as the "Student Athlete Right-to-Know Act".

SEC. 1302. FINDINGS.

The Congress finds that—

(1) education is fundamental to the development of individual citizens and the progress of the Nation as a whole;

(2) there is increasing concern among citizens, educators, and public officials regarding the academic performance of student-athletes at institutions of higher education;

(3) an overwhelming majority of college presidents (86 percent) in a survey by the U.S. News and World Report believe that the pressure for success and financial rewards in intercollegiate athletics interferes with the educational mission of the United States' colleges and universities;

(4) more than 10,000 athletic scholarships are provided annually by institutions of higher education;

(5) prospective student athletes and their families should be aware of the educational commitments prospective colleges make to athletes; and

(6) knowledge of the graduation rates of student-athletes would assist prospective students and their families in making an informed judgment about the educational benefits available at a given institution of higher education.

SEC. 1303. REPORTING REQUIREMENTS FOR INSTITUTIONS OF HIGHER EDUCATION.

(a) REPORTS TO THE SECRETARY.—Each institution of higher education which receives Federal financial assistance and is attended by students receiving athletic scholarships shall annually submit a report to the Secretary which contains—

(1) the number of students at the institution of higher education who received athletically related student aid for football, basketball, and all other sports, broken down by race and sex;

(2) the number of students at the institution of higher education, broken down by race and sex;

(3) the graduation rate for students at the institution of higher education who received athletic scholarships for football, basketball, and all other sports, broken down by race and sex;

(4) the graduation rate for first-time, full-time students, broken down by race and sex;

(5) the average graduation rate for the 4 most recent graduating classes of students at the institution of higher education who received athletically related student aid for football, basketball, and all other sports, broken down by race and sex;

(6) the average graduation rate for the 4 most recent graduating classes of all students, broken down by race and sex; and

(7) the average graduation rate for the 10 most recent graduating classes of students at the institution of higher education who received athletically related student aid for football, basketball, and all other sports, broken down by race and sex.

(b) STUDENT NOTIFICATION.—When an institution described in subsection (a) offers a potential student-athlete athletically related student aid, such institution shall provide to the student and his parents, his guidance counselor, and coach the information contained in the report submitted by such institution pursuant to subsection (a).

(c) SPECIAL CIRCUMSTANCES.—If an institution of higher education described in subsection (a) finds that the information collected pursuant to subsection (a), because of extenuating circumstances, does not provide an accurate representation of the school's graduation rate, the school may provide additional information to the student and the Secretary.

(d) COMPARABLE INFORMATION.—Each institution of higher education described in subsection (a) may provide supplemental information to students and the Secretary showing the graduation rate when such graduation rate does not include students transferring into, and out of, such institution. The Secretary shall ensure that the data presented to the student and the data submitted to the Secretary are comparable.

SEC. 1304. REPORT BY SECRETARY.

(a) IN GENERAL.—The Secretary shall, using the data required under section 3, shall compile and publish a report containing the information required under section 3, broken down by—

(1) individual institutions of higher education, and

(2) athletic conferences recognized by the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics.

(b) REPORT AVAILABILITY.—The Secretary shall make available copies of the report required under subsection (a) to any individual or secondary school requesting a copy of such report.

SEC. 1305. INFORMATION.

The Secretary may, at his discretion, obtain the information required by section 3 from a private, not-for-profit organization when, in the Secretary's opinion, such collection will reduce the paperwork burden imposed on higher education institutions.

SEC. 1306. WAIVER.

The Secretary shall waive the requirements of this Act for any institution of higher education which is a member of an athletic association or athletic conference that voluntarily publishes graduation rate data or has already agreed to publish the data that, in the opinion of the Secretary, is substantially comparable to the information required under this Act.

SEC. 1307. DEFINITIONS.

For the purpose of this title—

(1) The term "athletically related student aid" means any scholarship, grant, or other form of financial assistance whose terms require the recipient to participate in an institution of higher education's program of intercollegiate athletics in order to be eligible to receive such assistance.

(2) The term "institution of higher education" has the same meaning given such term by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 1308. EFFECTIVE DATE.

The amendment made by this title shall take effect on October 1, 1991.

Mr. BRADLEY. Mr. President, I rise to offer an amendment requiring colleges to provide graduation rates to their potential student athletes. Joining me in this amendment is the distinguished Senator from Massachusetts, the chairman of the Senate Labor and Human Resources Committee, Mr. KENNEDY and Mr. COCHRAN. This amendment incorporates the thrust of my legislation—the Student Athlete Right-to-Know Act—as reported by the Senate Labor and Human Resources Committee.

Mr. President, we have all heard about both the highlights and pitfalls of participating in intercollegiate athletics. Many high school and college athletes dream of playing for a Division I team and, perhaps, of a professional sports career. Yet only 1 out of every 100 high school athletes will receive a scholarship to play at a Division I college. Most of those lucky few can expect a pressure-packed environment where academics and athletics collide in a world with heavy demands and little time. And even fewer of those who do play in this high pressure league will ever make it to the pros. In 1986, 12,000 men played college basketball, but only 161 were drafted by the NBA. Of the 161 who were drafted, only a few will play more than 3 or 4 years.

Single-minded devotion to athletics among our Nation's schools and colleges can lead to exploitation and abuse of the student athlete. The result can be a sad story. Too frequently the student athlete, failing his or her courses or not carrying a full course load, exhausts eligibility, loses an athletic scholarship, and drops out of school—with no education, no training, and only a few memories for comfort. A recent General Accounting Office report indicated that the graduation rate of basketball and football student athletes who attend division I schools is very poor. It is my understanding that at one division I institution, the graduation rate was a pathetic 7 percent for students on basketball scholarships during the decade of 1972–83.

Mr. President, that should not happen. With the proper balance between academics and athletics, sports can provide the means to an education that might otherwise be unattainable. Many athletes have applied the discipline of the arena to the classroom and have gone on to satisfying careers. We need more success stories built on good habits and opportunities seized.

That is why I introduced the Student Athlete Right-to-Know Act in the Senate. This is a consumer information bill for student athletes and their families. Student athletes about to enter college should be consumers of education and participants in sports, if our priorities are in order. As such, they are entitled to the relevant and basic consumer information that is an essential element of an informed choice. The choice of which college or university to attend is likely to be one of the most important decisions of a young person's life. A potential student athlete and his or her family are entitled to a direct an valid answer to the question, "If I enter your college or university as a freshman on an athletic scholarship in my sport, what are the chances that I will graduate within a year of those in my entering class?"

This amendment requires colleges and universities to report graduation rates, including the graduation rates of student athletes broken down by sport, race, and sex and the proportion of students who earn a degree within 5 years, reported by sport, race, and sex. The information is to be made available to high school student athletes, their families, and high school guidance counselors and principals, to aid the student athletes as they choose the schools they will attend.

Mr. President, since the legislation was reported by the Labor Committee, the NCAA in January—in a nearly unanimous vote—adopted requirements consistent with this legislation. I applaud their action. But while the NCAA action is important, Federal legislation is still needed because many student athletes don't go to

NCAA colleges. There are 500 colleges in the National Association of Intercollegiate Athletics and 500 in the National Junior College Athletic Association. These colleges enroll an unknown but sizeable number of student athletes. The future students at these schools need this information.

The amendent now before us is different from the legislation reported by the committee in only one respect: It directs the Secretary of Education to waive Federal requirements for colleges that have already agreed to provide this information as part of their athletic association. Since the NCAA has already adopted the requirements, its member colleges will not be affected. And when and if the National Association of Intercollegiate Athletics and the National Junior College Athletic Association adopt similar regulations, their colleges will also be exempted from the legislation.

Mr. President, education is the passport to a productive and rewarding life in our society. The challenge of a college experience should not be making the team or becoming an all-star, but preparing to be a good citizen, friend, and family member. Our student athletes must participate in sports as they pursue the primary goal of an education for life, rather than trying to obtain an education in the process of working in revenue-producing sports.

The Student Athlete Right-to-Know Act is one small step forward in straightening out some of the problems in athletics today. I seek to strengthen the role of education rather than weakening the role of athletics. I hope that an informed choice will lead to a real education and a college degree. Adoption of these requirements is the right thing to do, and it is right for Congress to do it now. I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND addressed the Chair.

Mr. COCHRAN. Mr. President, will the distinguished Senator yield so we can get action on the amendment of the Senator from New Jersey?

Mr. THURMOND. I am glad to yield.

Mr. COCHRAN. Mr. President, I congratulate the Senator from New Jersey for developing this amendment in the form it is presented today to the Senate. I am delighted to be a cosponsor of this measure.

When it was before the full committee, I objected to reporting the legislation out, actually voted against it, and wrote minority views that were included in the committee report explaining why I thought this amendment, as originally drafted and proposed, imposed an unnecessary burden on the Department of Education. I also opposed it because the NCAA had scheduled a meeting in January to debate this issue and to try to determine ways to encourage member colleges and universities to improve their monitoring of the academic progress and graduation rates of student athletes.

I support the goals and aims of the legislation, as I did at that time. The changes made by the Senator from New Jersey have certainly improved his proposal and the Senate ought to adopt it as an amendment to the Education Excellence Act. I am delighted to join him, and I thank him for his cooperation.

The PRESIDING OFFICER. The Senator from South Carolina yielded for a comment.

Mr. THURMOND. Mr. President, I am pleased to yield until the Senate finishes this amendment, and I yield to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I thank the Senator very much indeed.

Mr. President, this is an amendment that passed out of our committee last November. It is a good proposal and I thank the Senator from New Jersey for making the modification he has in the amendment.

I suggest that we pass it.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from North Carolina.

AMENDMENT NO. 1234 TO AMENDMENT NO. 1233

Mr. HELMS. Mr. President, I send a second-degree amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will state the second-degree amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1234 to amendment numbered 1233.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 59, line 17, strike out "$15,000,000" and insert in lieu thereof "$25,000,000."

On page 117, strike out line 19 and everything that follows through line 15 on page 129 and insert in lieu thereof the following:

"TITLE X—MINIMUM COMPETENCY STANDARDS FOR TEACHERS"

"SEC. 1001. MINIMUM COMPETENCY FOR TEACHERS.—Title IV of the Elementary and Secondary Education Act of 1965 is further amended by adding at the end thereof a new part J to read as follows:

"'PART J—MINIMUM COMPETENCY FOR TEACHERS PROGRAM

"'SEC. 4911. FINDINGS.—The Congress finds that—

(1) effective public elementary and secondary schools require competent teachers; and

(2) States should be encouraged and assisted to develop and implement written standards of minimum competency that are applicable to teachers in public elementary and secondary schools.

"'SEC. 4912. PURPOSE.—It is the purpose of this part to enhance the quality of teaching in public elementary and secondary schools by encouraging and assisting States and consortia of States to develop and implement written minimum competency standards for teachers in such schools. States may require teachers to demonstrate compliance with such standards before teaching in a public elementary or secondary school with the State.

"'SEC. 4913. AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $15,000,000, for the period beginning October 1, 1990 to September 30, 1993 to carry out the purposes of this title.

"'SEC. 4914. ALLOTMENTS.—(a) From the amount appropriated to carry out this part, the Secretary shall allot to each State whose application is approved an amount that is proportional to that State's share of the total population of children ages five through seventeen in all such States, based on the most recent data available that is satisfactory to the Secretary.

"'(b) For the purpose of this part, the term 'State' means any of the States of the Union, the District of Columbia, and the Commonwealth of Puerto Rico.

"'SEC. 4915. STATE APPLICATIONS.—(a) Any State desiring to receive a grant under this part shall submit, through its State educational agency, an application at such time, such manner, and containing such information, as the Secretary may require.

(b) Each State application shall—

"'(1) describe the activities to be undertaken to develop and implement new, or expand and improve existing, written minimum competency standards.

"'(2) A State educational agency may carry out such programs, projects, or activities directly or through contracts or subgrants.

"'(b) Programs, projects, and activities supported under this part may include, but are not limited to, the—

"'(1) design, development, implementation, testing, and evaluation of written minimum competency standards;

"'(2) establishment of administrative structures necessary to the development and implementation of such standards;

"'(3) development and implementation of appropriate support programs, to assist teachers to demonstrate compliance with such standards; and

"'(4) the development and implementation of appropriate reciprocity agreements between and among States.'

"'SEC. 1002. EXPIRATION DATE.—Effective October 1, 1994, the provisions of section 1001 of this Act are repealed."

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, Senator THURMOND and others are waiting to deliver their comments on this legislation. If my amendment stands in the second degree, then there will be debate on that. I do not want to inhibit any Senator in making his opening remarks. Therefore, I withdraw the amendment temporarily.

The PRESIDING OFFICER. The Senator is permitted to withdraw his amendment.

AMENDMENT NO. 1233

Mr. PELL. Mr. President, what is the business presently before the Senate? Is not the Bradley amendment presently before the Senate?

The PRESIDING OFFICER. The Senator is correct.

The question is now on the Bradley amendment.

Is there further debate?

Mr. PELL. Mr. President, I believe it is a good amendment and recommend to my colleagues that it be approved.

Mrs. KASSEBAUM. Yes, Mr. President, it is supported on this side as well, particularly given the modification to meet Senator COCHRAN's concerns.

Mr. HELMS. Mr. President, I ask unanimous consent that I may be added as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1233) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of S. 695, the Educational Excellence Act of 1989. As an original cosponsor of this measure, I am pleased to endorse the initiatives of President Bush for strengthening and improving the educational system in the United States.

In his State of the Union Address last week, President Bush emphasized his commitment to establishing excellence in education in America. S. 695 authorizes the following proposals of our President for building a well-educated Nation:

The establishment of a Presidential Merit Schools Program, that would recognize, as well as reward elementary and secondary schools and teachers that make substantial progress in educational achievement.

Schools of Excellence would be established through the creation of a discretionary grant program that is targeted to schools serving students from low income families. This program would be tied to increased funding of the Magnet Schools and Alternative Curriculum programs for the enhancement of excellence in academic and vocational disciplines.

States are encouraged to formulate and place into action alternative certification requirements for educators, so that our students may have the benefit of learning from those who possess a wealth of knowledge in specific subject areas, even though they do not have formal training in teaching.

The establishment of the National Science Scholars Program to provide scholarships for students who have demonstrated academic achievement in the areas of science and mathematics.

The development and implementation of comprehensive approaches to addressing the problem of drug abuse among students through expansion of the Drug-Free Schools State Formula Grant Program to include Drug Free Schools: Urban and Rural Emergency Grants.

Finally, an increase in funding for Endowment Challenge Grants to benefit Historically Black Colleges and Universities.

As a former teacher, athletic coach, and county superintendent of education, I am convinced that education is the key to the future. The citizens of our great country must have access to an educational system of the caliber that will prepare them to compete in an increasingly complex world. Our students should be second to none in educational achievement. The proposals of President Bush, which are authorized in S. 695, will contribute greatly to keeping Americans competitive in an age of rapidly expanding technology.

Mr. President, as originally proposed, S. 695 did not contain a provision authorizing $25 million in funding for the National Board for Professional Teaching Standards. However, such a provision has been added as title X of this bill. I am opposed to this provision.

The National Board for Professional Teaching Standards, is a private nonprofit organization that was established in 1987 by the Carnegie Forum on Education and the Economy. According to its certificate of incorporation, the Board is designed to: "Serve as an instrument for advancing the public interest through improving the quality of education available to the people of the United States and through strengthening teaching as a profession by setting high standards for what teachers need to know and be able to do." The Board is also to "create and administer a system for determining who meets those standards."

The creation of the National Board for Professional Teaching Standards was recommended in the May 1986 report of the Carnegie Forum, entitled, "A Nation Prepared: Teachers for the 21st Century." The report states that:

> The Board's primary function would be to establish standards for high professional teaching competence and issue certificates to people who meet those standards.

Mr. President, the Subcommittee on Education, Arts and Humanities of the Committee on Labor and Human Resources, on February 18, 1988, held a hearing on the National Board for Professional Teaching Standards. At that time, I raised the issue of what role, if any, the Federal Government should play in the financial support of this board. Professional standards are commendable. However, I am unaware of Federal funds being used to establish standards in other professions. I am concerned that Federal funding of the National Board for Professional Teaching Standards could set a precedent for Federal funding of other private organizations with similar motives. Moreover, I am troubled by the prospect that such a move could lead this country to Federal control of teaching standards.

Mr. President, I have consistently opposed efforts to inject the Federal Government into areas of authority of the individual States. The Founding Fathers of our great country intended that the role of the Federal Government is to be of a limited nature, by providing only those services that the States cannot best perform for themselves. This is the concept of Federalism. The certification of educators is a responsibility that is appropriately within the authority of the States, not the Federal Government.

In recent years, Congress has been called upon by special interest groups to establish uniform national standards in various fields. In most instances, State and local governments have not fallen short in their responsibilities in areas where reformists seek to impose national standards. However, this has not deterred the efforts of those who would infringe upon the governmental authority of State and local governments through Federal regulation. The establishment of national professional standards for teacher certification could result in yet another unwarranted intrusion into the purviews of State and local governments.

The National Board for Professional Teaching Standards is a private organization that has the stated purpose of developing and promulgating voluntary professional standards for teacher certification. The report from the Carnegie Forum observes that:

> In time, many States are likely to incorporate the national certification standard into

their licensing standards. Some might choose to waive their licensing requirements for people holding a Board certificate. Others might make Board certification a prerequisite for licensing, adding their own requirements to the national standard as they think appropriate.

Thus, it is clear that this organization seeks to influence the replacement of State standards for teacher certification with national standards that it will formulate, according to its own criteria. I am concerned that Federal funding of the work of the National Board for Professional Teaching Standards would imply that Congress supports the creation of a framework that could foster further Federal regulation of the school systems of this Nation.

Mr. President, Secretary of Education Cavazos conveyed in a letter dated October 18, 1989, to Senator HATCH, the ranking member of the Committee on Labor and Human Resources, that he is strongly opposed to title X of S. 695. The Secretary of Education believes that "there is no justification for the provision of Federal funds for this purpose." According to Secretary Cavazos, "there is no convincing reason for turning over public funds to a private entity to enable it to conduct research and development activities for which it is largely unaccountable to the custodians of those funds."

The American Legislative Exchange Council, known as ALEC is also opposed to Federal funding of the National Board for Professional Teaching Standards. ALEC is the largest organization of State legislators in the United States. Its membership is composed of Democrats and Republicans. In a resolution adopted by ALEC last September, these lawmakers expressed opposition to Federal funding for the work of the National Board for Professional Teaching Standards. The resolution provides that, "the ultimate result of this research will be to create Federal teaching standards which represent an implicit challenge to the principle of Federalism which has been an important cornerstone for success in national policy."

Mr. President, I caution my colleagues to carefully consider the implications of authorizing $25 million in Federal funding for the National Board for Professional Teaching Standards. The Bush administration does not believe that this organization should receive Federal funding and I concur. Accordingly, I support deletion of title X from S. 695, the Educational Excellence Act of 1989, and will cosponsor the amendment to be offered by Senator HELMS to that effect.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1235

(Purpose: To direct the Secretary of Education to issue regulations defining the terms "graduation rate" and "other student outcome measures")

Mr. PELL. Mr. President, I rise to offer the second Bradley amendment. This amendment would clarify the definition of "graduation rates," "other student outcome measures," and "institutions of higher education" used in the Bradley Right-to-Know Act.

I believe this has been agreed to by the ranking minority members, Senator COCHRAN, and Senator HELMS.

Mrs. KASSEBAUM. Yes, Mr. President, it is my understanding it has been agreed to. There is no objection on this side of the aisle.

The PRESIDING OFFICER. Do we have that amendment at the desk?

Mr. PELL. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. BRADLEY (for himself and Mr. KENNEDY), proposes an amendment numbered 1235.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . DEFINITION DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Education, through the Commissioner of Education Statistics and in consultation with State governments and institutions of higher education, shall develop definitions of the term "graduation rate" and other student outcome measures as such terms apply to postsecondary education.

(b) DEFINITION.—For the purposes of this section the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965.

Mr. BRADLEY. Mr. President, I rise to offer an amendment that requires the Department of Education to develop workable definitions of student outcome measures. Joining me in offering this amendment is Senator KENNEDY, the chairman of the Senate Labor and Human Resources Committee.

Mr. President, it is clear that our country needs better information about the success rates of our students in higher education. But while many States and institutional research offices have information on graduation rates, retention rates and other student outcome measures, no common definitions are used.

I have heard from T. Edward Hollander, the chancellor of the New Jersey Department of Higher Education and the chairman of the Federal Relations Committee of the State Higher Education Executive Officers about the importance of developing uniform definitions. State Boards of Higher Education need better information on student success rates so that more meaningful comparisons can be made among institutions.

The amendment before us requires the Department of Education, through the National Center for Education Statistics, in consultation with States and institutions of higher education, to develop these definitions. Mr. President, I urge the adoption of this amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 1235) was agreed to.

Mrs. KASSENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1236

(Purpose: To strike title 10)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mrs. KASSEBAUM, proposes and amendment numbered 1236:

On page 117, strike out line 19 and everything that follows through line 15 on page 129.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection——

Mr. DODD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. Will the Senator withhold for just a minute?

I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, momentarily I shall ask that my amendment be temporarily laid aside in order that the distinguished Senator from Kentucky [Mr. MCCONNELL] can offer an amendment.

I do ask such unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, question.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Who would be recognized at the conclusion of Mr. MCCONNELL?

The PRESIDING OFFICER. Recognition would be at the discretion of the Chair on the basis of who sought recognition.

Mr. PELL. I thank the Chair.

Mr. McCONNELL. Mr. President, I had two amendments that I was originally going to offer today. Let me explain briefly the first one, which I shall not offer.

My first amendment would seek to provide educational assistance to what has been one of the country's most economically disadvantaged regions throughout the Nation's history. The amendment would cancel or pay the student loan payments of mathematics and science teachers who agree to teach in public elementary and secondary schools in the central Appalachian region.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of my proposal on that amendment.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

APPALACHIAN TEACHER STUDENT LOAN ASSISTANCE ACT

SUMMARY

Purpose.—To cancel or pay the student loan payments of mathematics and science teachers who agree to teach in public elementary and secondary schools in the Central Appalachian region.

Selection.—Secretary of Education is to select two teachers per eligible county from applications submitted by eligible teachers on the basis of academic record.

Eligibility.—Any recent college graduate with an undergraduate or graduate degree in education who has not held a teaching position other than a student teaching position.

Preference.—Additional preference is to be given to eligible teachers who are handicapped or disabled, members of a minority group, or residents of eligible states.

Agreement.—Selected teachers agree to teach in a public elementary or secondary school in an eligible county for a period of not less than one year. Selected teachers further agree to repay all or a portion of paid or forgiven loan payments for that year should the teacher fail to fulfill his or her teaching obligations for that year.

Payment.—The Secretary shall cancel or pay 1/10th of the total amount of the selected teacher's eligible loans for each year the selected teacher teaches in a public elementary or secondary school in an eligible county. Maximum amount of cancelation or payment in any one year is $4,000.

Effectiveness study.—The Secretary is authorized to conduct a study in the second year of the program to determine the program's effectiveness, potential for use in addressing acute teacher shortages in other areas of the country, and ability to enhance minority teacher recruitment.

Mr. McCONNELL. I note the chairman's interest in the concept of loan forgiveness and look forward to testifying later before the subcommittee concerning the National Teacher Act of 1989. It will be the intention of this Senator to suggest that this amendment be adopted as part of that bill, which I understand will be considered before the subcommittee in the next couple of months.

Although I had intended to offer this amendment today to the Educational Excellence Act, I shall not do so. I will instead later introduce this legislation as a separate bill. In that regard I extend my appreciation to many of my colleagues who expressed an interest in this amendment, and I welcome their assistance in introducing this legislation as a stand-alone bill which we will be considering, as I indicated, in a couple of months.

My second amendment, Mr. President, restores a title in the President's original proposal which was removed in committee.

AMENDMENT NO. 1237

(Purpose: To provide for Presidential Awards for Excellence in Education, and for other purposes)

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER (Mr. KERRY). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1237.

Mr. McCONNELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 64, between lines 2 and 3, insert the following:

PART F—PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION PROGRAM

SEC. 131. PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION PROGRAM.

(a) TITLE HEADING AND TABLE OF CONTENTS.—(1) The heading for title II of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"CRITICAL SKILLS IMPROVEMENT AND PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION"

(2) Section 1 of the Elementary and Secondary Education Act is amended by inserting after "SEC. 2203. Authorization of Appropriations." the following:

"PART F—PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION PROGRAM

"Sec. 2301. Findings and purpose.
"Sec. 2302. Allocation to States.
"Sec. 2303. State applications.
"Sec. 2304. Selection of awards recipients.
"Sec. 2305. Amount and use of awards.
"Sec. 2306. Awards ceremony.
"Sec. 2307. Authorization of appropriations.

(b) AMENDMENT TO TEXT.—Title II of the Elementary and Secondary Education Act of 1965 is further amended by adding at the end thereof the following new part:

"PART F—PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION PROGRAM

"SEC. 2301. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the success of America's elementary and secondary schools depends most heavily upon the Nation's educators;

"(2) when educators are highly motivated and committed to excellence, they succeed not only in imparting subject matter knowledge, but also in instilling in their students an appreciation of the value and importance of education;

"(3) elementary and secondary school systems should have in place standards of teacher excellence and fair and effective procedures for measuring teacher success; and

"(4) in return for their efforts, excellent elementary and secondary school educators deserve public recognition, respect, and appropriate financial awards.

"(b) PURPOSE.—It is the purpose of this subpart to reward educators in every State who meet the highest standards of excellence.

"SEC. 2302. ALLOCATION TO STATES.

"(a) ALLOCATION FORMULA.—From the funds appropriated under section 2307—

"(1) 50 percent shall be allocated among the States in an amount which bears the same ratio to such amount as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all such States, according to the most recent available data that are satisfactory to the Secretary; and

"(2) 50 percent shall be allocated among the States on the same basis as funds are allocated among such States under section 1005 of this Act for the same fiscal year.

"(b) ADMINISTRATIVE EXPENSES.—Each State may reserve up to 5 percent of its allocation under subsection (b) for administrative expenses, including the cost of convening the panel described in section 2304(c).

"(c) STATE DEFINED.—For purposes of this part, the term 'State' shall include the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(d) INSULAR AREAS.—The provisions of Public Law 93-134, permitting the consolidation of grants to the Insular Areas, shall not apply to funds allocated under this part.

"(e) DISTRIBUTION OF AWARDS.—Other provisions of this title notwithstanding, each State shall make at least one Presidential Award for Excellence in Education in each congressional district.

"SEC. 2303. STATE APPLICATIONS.

"(a) SUBMISSION OF STATE APPLICATIONS.—The Secretary is authorized to make alloca-

tions to States in accordance with the provisions of this part. In order to receive an allocation under this part, the Governor of each State shall submit a one-time application to the Secretary. Such application shall be filed at such time in such manner, and shall contain such information, as the Secretary may reasonably require.

"(b) DESCRIPTION OF STATE CRITERIA AND PROCEDURES.—The application submitted pursuant to subsection (a) shall contain a description fo the State's criteria and procedures for selecting recipients of Presidential Awards for Excellence in Education. The State's criteria and procedures shall be subject to the approval of the Secretary.

"(c) ASSURANCES.—The application submitted pursuant to subsection (a) shall contain assurances that—

"(1) Presidential Awards for Excellence in Education shall be made in accordance with the provisions of this part;

"(2) the State shall provide such fiscal control and fund accounting procedures as the Secretary shall require; and

"(3) the State shall apply the selection criteria uniformly to nominations for recipients of Presidential Awards for Excellence in Education that are received from public and private schools, educators, associations of educators, parents, associations of parents and educators, businesses, business groups, or student groups, as well as those received from educational agencies.

"SEC. 2304. SELECTION OF AWARD RECIPIENTS.

"(a) ELIGIBLE RECIPIENTS.—Any full-time public or private elementary or secondary school teacher of academic or vocational subjects or any full-time public or private elementary or secondary school principal or headmaster shall be eligible to receive an award under this subpart, except that teachers of religion (other than religion as an academic discipline) shall not be eligible.

"(b) NOMINATIONS.—(1) Local educational agencies, public and private schools, educators, parents, associations of educators, associations of parents and educators, businesses, business groups and student groups may nominate teachers for awards under this part.

"(2) The State educational agencies shall notify local educational agencies, public and private schools associations of educators, associations of parents and educators, business groups, and the general public of the deadlines and procedures for making nominations, and inform them of the selection criteria which will be used in selecting award recipients in a given year.

"(c) SELECTION BY STATE PANEL.—Selection of award recipients in each State shall be made from among the teachers nominated in accordance with subsection (b). Award recipients shall be selected by a panel which is chosen by the Governor in consultation with the chief State officer and is composed of members representing parents, school administrators, teachers, school board members, and the business community.

"(d) SELECTION CRITERIA.—The State panel shall select award recipients in accordance with the criteria approved by the Secretary in the State's application. Such selection criteria may include an educator's success in—

"(1) educating 'at-risk' students, such as educationally or economically disadvantaged, handicapped, limited English proficient, or homeless children to their fullest potential;

"(2) educating gifted and talented students to their fullest potential;

"(3) encouraging students to enroll, and succeed, in advanced classes in subjects such as mathematics, science, and foreign languages;

"(4) teaching in schools educating large numbers of 'at/risk' students, including schools in low-income inner-city or rural areas;

"(5) introducing a new curriculum area into a school or strengthening an established curriculum;

"(6) acting as a 'master teacher' by helping new teachers make the transition into a teaching career;

"(7) encouraging potential dropouts to remain in school or encouraging individuals who have dropped out to reenter and complete their schooling;

"(8) improving daily attendance;

"(9) leadership qualities; and

"(10) success in employing other innovative educational techniques.

"SEC. 2305. AMOUNT AND USE OF AWARDS.

"(a) AMOUNT OF AWARDS.—The amount of a Presidential Award for Excellence in Education shall be $5,000.

"(b) PRO RATA REDUCTION.—Should the amount allocated by the Secretary to a State not be sufficient to support one Presidential Award for Excellence in Education in each congressional district, the State is authorized to make pro rata reductions in the amount of other awards to enable the award of at least one Presidential Award for Excellence in Education in each congressional district.

"(c) USE OF AWARDS.—An award to an individual recipient under this part shall be available for the recipient's use of any purpose, except that private school educators receiving a Presidential Award for Excellence in Education may only use such award for capital expenses at the school where such individual teaches as set forth in section 1017 (d) of the Elementary and Secondary Education Act of 1965.

"SEC. 2306. AWARDS CEREMONY.

"The Secretary is authorized to acept gifts to pay for the costs of conducting awards ceremonies to recognize recipients of Presidential Awards for Excellence in Education.

"SEC. 2307. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $7,600,000 for the fiscal year 1991 and each of the fiscal years 1992 and 1993 to carry out the provisions of this part.".

On page 45, between lines 12 and 13, insert the following:

"(3) DISTRIBUTION OF AWARDS.—Each State educational agency shall make at least one Presidential School of Distinction Award in each congressional district.".

On page 47, strike line 21 through line 25, and insert the following:

"(d) AMOUNT OF AWARD.—(1) Each State educational agency shall establish criteria, subject to subsection (c)(4), including criteria relating to the size of the school and the economic circumstances of the student body, for determining the amount of Presidential School of Distinction Awards.

"(2) The amount of Presidential School of Distinction Awards shall be substantially equivalent among congressional districts.".

Mr. McCONNELL. For the information of my colleagues, I note that this amendment is identical to Senate amendment No. 1224 but for several technical changes to conform the text of my amendment to the underlying bill.

Mr. President, I ask unanimous consent that I be allowed to insert a summary of my amendment in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION

SUMMARY

Purpose

To recognize and reward outstanding elementary and secondary educators nationwide through Presidential Awards for Excellence in Education Program.

Eligible Educators

Any full-time public or private elementary or secondary school teacher of academic or vocational subjects, or any full-time public or private elementary or secondary school principal or headmaster.

Nomination of Educators

Educators are to be nominated by parents, students, educators, local educational agencies, schools, associations of parents and educators, business, and business groups.

Selection

Award recipients are selected by a State panel appointed by the Governor in consultation with the chief State educational officer. Panels are to be composed of members representing parents, school administrators, teachers, school board members, and the business community.

Criteria for Selection

Award recipients selected by State panel according to approved criteria including but not limited to: success in educating "at-risk" students, gifted and talented students, and encouraging potential dropouts to remain in school or dropouts to reenter school.

Ceremony and Award

Secretary of Education is authorized to accept gifts to pay for costs of conducting award ceremonies to recognize recipients of Presidential Awards for Excellence in Education. Recipients receive $5,000, except where pro-rata reductions are necessary to assure geographic equity.

Geographic Equity

At least one Presidential Award for Excellence in Education and one Presidential School of Distinction Award must be made in each congressional district.

Mr. McCONNELL. Mr. President, America's educators are the key to turning American education around, both in terms of the application, as well as the genesis of innovative new educational ideas. The Presidential Awards for Excellence in Education Program will recognize and award outstanding elementary and secondary school educators from throughout the Nation. Enacting the Presidential Awards for Excellence in Education Program will be an important first step toward bringing educators the attention and recognition they deserve.

Mr. President, I firmly believe that President Bush deserves consideration of his first educational initiative as a whole, and particularly I am convinced that the Presidential Awards for Excellence in Education Program is an

integral part of the President's package.

I thank the managers of this bill for their cooperation in considering this amendment, and it is my understanding it has been agreed to by both sides of the aisle.

Mr. PELL. Mr. President, as we know, this amendment was part of the original bill proposed by the President. We did not note it as part of S. 695 because the Education Subcommittee is currently holding hearings on the teacher issue. It was our intention to incorporate it at that time, and I invited the Secretary of Education to testify. However, speaking for this side of the aisle, we would be happy to take the present proposal in this area and drop it from the teacher bill.

Mrs. KASSEBAUM. Mr. President, I think it is an excellent addition to the bill. I know that President Bush has felt strongly about Presidential Awards for Excellence in Education. I think this a good addition.

I also would like to add that the amendment of Senator MCCONNELL regarding teacher loan assistance is something I think is a very worthy effort, and I am pleased that Senator PELL has agreed to make that a part of the hearing before the committee on teacher legislation that we will be considering.

Mr. MCCONNELL. Will the Senator from Kansas yield for an observation?

Mrs. KASSEBAUM. I am happy to yield.

Mr. MCCONNELL. The interest of the Senator from Kentucky in the amendment to which we have agreed predates the President's bill, and I was pleased to see it in President Bush's bill. I thank the managers for their willingness to include it at this particular time.

Mr. PELL. I thank the Senator very much. I hope the amendment will be approved.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1237) was agreed to.

Mr. PELL. I move to reconsider the vote by which the amendment was agreed to.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, I rise today to congratulate my collegue, the junior Senator from Kentucky, upon adoption of his amendment to restore the Presidential Awards for Excellence in Education to S. 695, the Educational Excellence Act. Senator MCCONNELL has been the leading advocate of recognizing outstanding educators throughout his Senate career.

Senator MCCONNELL introduced his first teacher recognition bill in the 100th Congress, S. 1627, the Excellence in Education Incentive Act. Senator MCCONNELL again championed the idea of teacher recognition in the 101st Congress by introducing S. 500, the Excellence in Education Act. His commitment, dedication, and hard work have paid off today with passage of his Presidential Awards for Excellence in Education.

I wish to correct the RECORD as to one particular point, Mr. President. It was Senator MCCONNELL's leadership in introducing teacher recognition legislation which lead to inclusion of the Presidential Awards for Excellence in Education in President Bush's original initiative, rather than the reverse, as was represented on the Senate floor.

With adoption of the McConnell amendment, I believe we have taken a significant step toward bringing outstanding teachers and other educators the recognition they deserve. MITCH MCCONNELL has been a leading education advocate throughout his career, and I greatly appreciate his assistance in restoring this title to President Bush's education initiative.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me. At the outset, let me say to the distinguished managers of the bill that if they want to vote on final passage right now, I can tell them a way to do it. All we have to do is to make pending the bill that the President of the United States sent up to the Senate.

Unfortunately, the Labor Committee, in its wisdom or lack thereof, added title X, which would authorize a noncompetitive grant of $25 million of the taxpayers' money to the privately selected entity known as the National Board for Professional Teaching Standards. We need to understand what this national board is, and who it is.

Mr. President, the National Education Association has nearly 2 million members and the American Federation of Teachers, also a teachers union, has 677,476 members by its own acknowledgment. If these two teachers unions would just kick in $10 per member, then they would have more than $25 million they are asking the taxpayers to cough up.

But, no. What the Board wants is to use the taxpayers' money to help set up a national teacher certification system. This is in direct contradiction to the wishes of the President of the United States and the Secretary of Education. The last time I checked, George Bush won the election.

Mr. President, the problem with the argument that this effort will improve education in this country is that the Board, the National Board for Professional Teaching Standards, is controlled by national teachers unions.

The Board's 64 members were chose by the Carnegie Corp. of New York, which is a private, liberal education think tank. The public did not have any say in this decision. Certainly they had no role in it. And the board's bylaws require that two-thirds of its members will always belong to the Nation's teachers unions.

In fact, the heads of the two major national teachers unions were originally board members. The National Education Association even makes its support of the board contingent on the commitment that certification standards will be set by a national board composed of a majority of practicing public school teachers. You can translate that to teachers who are members of one or both unions.

Consequently, it is not difficult to understand that the efforts to the board will be in furtherance of the agenda of the teachers unions, and the control of these unions over the board will thereby enable them to use the taxpayers' money not so much to professionalize teachers as to finalize union control over who does and who does not teach in America. That is their overriding goal.

Mr. President, as I pointed out before, the committee's proposal in title X is a direct contradiction of President Bush's agenda as outlined in his original bill. The President's goal is to open the Nation's school system to free market concepts of competition, and I always had the idea that is what this country was founded on—competition. The President wants to do that in order to revitalize the education establishment in this country. The base of our free enterprise system is that competition and freedom produce excellence.

I noticed that even that message has gotten to the Kremlin, and a lot of people in Poland understand it, and in Czechoslovakia, Hungary, and Romania.

The President's bill, which I will vote to approve forthwith if it should become the pending business, includes an alternative certification initiative to allow individuals possessing either the knowledge or experience or both needed in the schools—and I am talking about citizens such as retired doctors, and lawyers and professors—to allow them to teach in the public schools even though they were not graduated from a teachers' college. There are a lot of these citizens around. They have much to contribute, much to offer to the educational system. As the saying goes, they are raring to go.

The intent of the National Board for Professional Teaching Standards, on the other hand, is to close the ranks of the teaching profession by excluding specifically and explicitly those individuals who do not have formal training in so-called educational theory, and ivory tower teaching methodology—even when such individuals dem-

onstrate a knowledge of the requisite subject matter, together with an incredible ability to teach our young people.

Mr. President, even though the board is seeking taxpayers' funds, they are adamant that the Government—that is to say, the taxpayers—will have no say whatsoever in either the board's composition or even in its policy decisions.

As somebody said to other night, "How do you like them apples?" What this board wants is for it to be the sole source for setting the standard by which teachers will be judged. Their argument is that only teachers and their unions should decided who can and who cannot teach.

I thank that is an outrage.

Back in 1967, Mr. Sam Lambert, the executive secretary of the National Education Association, promised that "The NEA will become a political power second to none, second to no other special-interest group." Those are his words, not mine. He went on to say that the "NEA will have more and more to say about how a teacher is educated, whether he should be admitted to the profession, and depending on his behavior and ability whether he should stay in the profession."

That was said by Mr. Sam Lambert, the executive secretary of the National Education Association.

Then a couple of years later, in 1969, the NEA's newly elected president, George D. Fischer, was able to report to the NEA's representative assembly, "A good deal of work has been done to begin to bring about uniform certification controlled—this is his word, not mine"—"by the unified profession in each State." By unified, he means the labor union.

Mr. George D. Fischer continues. "A model professional practices act has been developed, and work has begun to secure passage of the act in each State where such legislation is needed. With these new laws," he said, "we will finally realize our 113-year-old dream of controlling who enters, who stays in, and who leaves the profession."

Then he said, "Once this is done, we can also control the teacher training institutions."

Mr. President, I have to commend both Mr. Fischer and Mr. Lambert for being candid.

What they were saying is, "We want to control education." The labor unions want to control education in America. Nobody else need apply. "We are going to do it." So here we are today, in the year 1990, and we see this 1969 agenda in the form of title X in this legislation, and that is the reason I am on my feet. I may be the only Senator to say no, but I say no.

They may try to camouflage it with terms like "private board" or "voluntary standard," but make no mistake about it, it is a union attempt to gain control, and absolute control, of the teaching profession. Having failed to win a monopoly within each of the States, do you not see, now they come to Uncle Sugar with title X in this bill, which is pending before the Senate. They say, "not only do we want to control it, we want to make you finance it, and all we need for starters, for openers, is $25 million of the taxpayers' money." as I said, I may be the only Senator saying no, but this Senator says no.

While the National Board talks about voluntary certification, the NEA's own current resolutions state emphatically that, "Professional standards boards should have exclusive authority to license and to determine criteria for how a national certificate will be recognized for professional educators."

Do you see the pattern? "We are going to control everything, and we are going to make the Federal Government pay for it." And when they say "Federal Government," they mean the taxpayers of America.

Further, "These boards should have the exclusive authority to establish the standard regarding licensure, including procedures for suspension and revocation."

Let me emphasize that these are not the words of JESSE HELMS from North Carolina. These are the words of the teachers union, in their own formal resolutions.

Furthermore, Mr. President, the NEA has made it clear that it intends to use its members on the National Board to guarantee that the Board carries out the agenda; of whom? You know the answer to that. To carry out the agenda of the National Education Association, period.

For example, the Board recently refused to make graduation from a teachers' college a prerequisite for certification. As I mentioned earlier, such a prerequisite would be directly contrary to the President's alternative teacher certification proposal. It was then reported in Education Week that the NEA directed its members on the Board to attempt to reverse the Board's decision. Gary Sykes, a professor at the College of Education at Michigan State University, who served as a consultant to the National Board, stated that the Board's decision not to require a teaching degree "was based in part on the fact that the Board faces a formidable fundraising task." And therefore, "the sentiments among the politicians for relaxed intellectual standards certainly influenced the Board's vote." That means they will not raise their own money. They want to spend your money, Mr. American Taxpayer, and they demand absolute, unquestioned control.

The National Board president, James A. Kelly, acknowledges that although the question is still a live issue and the Board's decision could be changed, I think we all know what the scenario really is. I am sure the Board's decision will not change until we give them the $25 million provided for in title X of this bill, which I seek to strike with the pending amendment now at the desk, because once they get the money, our sentiments about alternative certification will not matter. They will say, "Go away, boy, do not bother me; we are running this show, and nobody but us is running the show." The Board would then have no oversight from Congress or by Congress, and the Board would be free to pursue its own agenda. It has already announced that that is their intent—control of the educational processes in this country.

Senator THURMOND was exactly right in his analysis a few minutes ago. I commend the distinguished Senator for what he said. If the Board wants Federal funds, the Board should be prepared to accept some Federal oversight over their policy decisions. But, no, that is unspeakable. "Do not do that," they say.

If the taxpayers are forced to pay, they have a right to demand that the standards and policies developed with Federal funds actually serve to improve the quality of teachers in our classrooms and are not used by teachers to insulate their members from an objectively determined competency standard.

Supporters of the Board—and there are some in my State—are very fond of proclaiming that what the Board really seeks to accomplish for the teaching profession is exactly what lawyers and doctors and engineers and accountants and nurses have done for their professions. If you believe that, you will believe anything, because when you look at the substance of their claim, it becomes clear that the NEA's first and foremost concern, not just today but for decades, has been protecting its members' power and its members' jobs, whether or not they are competent teachers. That is what we are talking about, and that is why I say that title X should be stripped from the bill.

For example—and there are so many examples—NEA flatly opposes all forms of objective competency tests for teachers. NEA has stated, "The competency testing must not be used as a condition of employment, license retention, evaluation, placement, ranking or promotion of licensed teachers."

Continuing the quote, "The Association also opposes the use of pupil progress, standardized achievement tests, or student assessment tests for purposes of teachers evaluation."

Mr. President, I have never claimed to be an authority on education, but I do have a daughter who is a principal

of a school in Raleigh, NC. We discussed this over the Christmas holidays at great length on a number of occasions. She tells me that the teachers do not like the arrogance of the unions. She named names. But in other words, the National Education Association opposes testing teachers to see if they are competent in their subject matter. Can you believe that?

The National Education Association objects to the idea of considering the success or failure of students in the determination of whether a teacher is effective.

Mr. President, if the American Bar Association, or the American Medical Association, or any of the other professions proposed doing away with all written examinations for their respective profession, they would be laughed off the stage, and they should be. But here we are considering this legislation which will lead to such a situation for teachers, the bar association, the medical association, the nurses association have developed, at their own expense, I might add—they did not reach into Uncle Sam's pocket, meaning your pocket—they have already developed standards for their professions in the form of written tests of subject matter competency. Entry into the profession is denied unless an applicant makes at least a minimum score. But NEA does not want it that way for their teachers union. No, sir.

That is meddling in education, don't you see?

Such minimum competency tests have been successful in keeping incompetent individuals out of the various professions, and the members of those professions have garnered a great deal of respect for themselves, not to mention their profession.

But, unfortunately, the national Board has no intention nor desire to develop this kind of objective competency test for teachers, even though that is exactly what they have led the public to believe they would do.

I hope that their own words have refuted the charade that they are presenting. They do not want to test for competency. They want power and they want the American taxpayers' money and they want to do it by themselves according to their own likes.

In fact, according to the Board's "Initial Policies and Perspectives," which was published just last year, the Board fully intends to establish what it calls "high and rigorous standards" by conducting interviews, viewing videotapes of teachers, examining sample lesson plans, simulating performances, examining portfolios, observing teachers at work, and assessing the teacher's reputation among his or her own peers.

Well, la-di-da.

Jane Vanderveen, the NEA's program development specialist, told North Carolina educators this past December, and I guess with a straight face, "The most promising thing about early policy decisions by the board is that paper-and-pencil tests will be minimized to the greatest extent possible."

Mr. President, these are hardly the rigorous and objective teaching standards the board has tried to lead the public into believing that they would support. Quite to the contrary. What they want is: No. 1, power, unchallenged power, undisputed power; and, No. 2, they want the big bucks from the American taxpayers.

I say "No." Using subjective competency standards essentially allows the Board and the NEA to judge teachers according to the teacher's politics, beliefs, and strict adherence to what? To the NEA's educational policies and objectives.

Should we not, Mr. President, be judging teachers by their ability to convey their subject matter to their students? This was the point made over and over again during the holiday season by my daughter, whom we call the principal around the house. If there ever was a dedicated teacher, it is she. She has wanted to be a teacher since she was knee-high. That is what she liked most to play when she was 5 and 6 years old.

She loves the students and she loves the children and she wanted to see them get the best possible in terms of preparation for their future.

Another important difference between the other professions and teachers is that a majority in the other professions compete in the private marketplace. The free market weeds them out if they are incompetent. A majority of teachers, on the other hand, are paid by the taxpayer and they have their unions, don't you see, to protect them even when they are incompetent.

Teaching simply is not subject to the same free-market demand for excellence as are other professions, such as law, medicine, and so forth. If the Board's objective for national certification is not to implement objective standards of competency for teachers, just as lawyers, doctors, nurses, engineers, accountants, and so on, have done for their professions, then what is the Board's objective? "Read my lips," as a friend of mine said one time. It is power they are after and it is the taxpayers' money they are after. If this bill passes with title X in it, they are going to get it.

Mr. LOTT. Mr. President, will the Senator yield?

Mr. HELMS. I am glad to yield to my friend.

Mr. LOTT. I am listening with great deal of interest to what the Senator is having to say here. Let me ask him. Maybe he can tell me a little bit more. Exactly who is this National Board of Professional Teaching Standards? Who is a member? How do they get to be a member? How did they get to be beneficiaries of a noncompetitive funding, as is called for in the title of the bill.

Mr. HELMS. That is an excellent question and I tried to allude to it. They select themselves. They select their own. It is a closed shop, and the Senator knows what that is.

Mr. LOTT. I understand there are some 64 members, is that correct, with the great majority of them, two-thirds of them or so, being members of NEA? Is that the Senator's understanding, something of that nature?

Mr. HELMS. My associate has just handed me a more definitive answer to the question which I alluded to earlier. The Board's 64 members were chosen by the Carnegie Corp. of New York, which is a private liberal education think tank. They picked all 64, and the Board's bylaws ensure that two-thirds of the members will always belong to the Nation's teachers union. Do you see what I mean by a closed shop?

Then I said earlier the heads of two major national teachers unions were original Board members and all vacancies will be filled through elections held by teachers certified by this Board. If that does not lock up the whole thing I want to see a situation that does.

I thank the Senator.

I raised the question just a moment ago of what is the Board's objective. The answer is found once again in the Board's own reports, where the Board's objectives for national certification parallel the collective bargaining and other functions of the teachers unions. In the Board's 1989 annual report, the Board expressed their desire that the Board certification will have an impact on collective bargaining between school boards and teachers unions, so that Board-certified teachers will be paid more. I do not know if that classifies as arrogance or not, but it comes pretty close to it as far as I am concerned.

The Board members even talk about using collective bargaining to require that only Board certified-teachers be hired in the schools of America.

The Board also wants to change what it calls the dynamics of union-school board conversations to focus on how schools can best be structured.

I take it to mean that that focuses on improving teachers' working environments and giving them greater control over how the schools are run, including resource allocations, teacher assignments, and curriculum choices.

(Ms. MIKULSKI assumed the chair.)

Mr. HELMS. Madam President, has this not always been the duty and re-

sponsibility and the function of the school boards? Of course, it has.

Finally, the Board hopes that its certification process will allow Board-certified teachers to operate—now get this—"unencombered by external prescriptions that overlook the knowledge and expertise that teachers possess about the practices which best serve their students." Now they left out one word, they left out union teachers. In other words, the Board and the union want teachers to be immune from any criticism by parents or the public or advice by anybody who happens to have an interest in the schools of America.

Madam President, if you think I am wound up thus far about this subject, I could inundate you with more and more examples of what I am talking about. I could talk and talk and talk about what is wrong with giving Federal funds to this private Board controlled by two labor unions.

I could mention that more than $50 million already has been spent by the Federal Government in conducting the so-called Effective School's Studies. These studies provide volumes of information on teaching standards. However, there is just one thing wrong with them. The teachers unions do not like the information.

So the basic problem, I guess, with the national Board is that the Board's promises and rhetoric and propaganda about "rigorous" teachers standards are all talk and no substance.

One more time for the sake of emphasis, what they want is power, unchallenged power, and they want to make the American taxpayer pay for it.

For the NEA, this Board obviously is a golden opportunity to achieve what was referred to by one of its officials some years ago as its 113-year-old dream of controlling—and that is the operative word—controlling who does and who does not teach in America.

The President's alternative certification proposal, on the other hand—and I would vote for the President's proposal right now, and could put an end to all this discussion—the President's proposal would help break the unions' monolithic monopoly over the profession—which is stifling the profession—by allowing a larger pool of qualified applicants the compete for teaching positions.

At the same time, helping the States establish State-administered pencil and paper tests of teacher competency would help ensure that every teacher has at least the minimal qualifications for the job.

And I say again, for the purposes of emphasis, that this is what the bar exams and medical and accounting boards and engineering examinations do so well.

But that is not what the National Board for Professional Teaching Standards will do, and the students of our schools will be the ones to suffer as a result.

So the pending amendment, which I have submitted, would delete title X, which is nothing more than a pork barrel grant to a private organization. Title X demands that the taxpayers ante up millions of dollars of their tax dollars when all they get in return are vacuous and flowery and incorrect and false assurances that the money will in some nebulous way improve education, which it will never, never do.

Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There does appear to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

Mr. PELL. Madam President, I ask unanimous consent that there be a time limitation of say 30 minutes on the pending Helms amendment to be equally divided in the usual form. I would further ask unanimous consent that no amendments or motions be in order to the language proposed to be stricken or to the underlying committee substitute bill prior to the disposition or the laying aside of the Helms amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Madam President, reserving the right to object, I shall at least have to temporarily object until we could check with Senators who have indicated that they wish to speak on this amendment.

Incidentally, Madam President, I ask unanimous consent that Senators WALLOP, LOTT, and COATS be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. So I do object for the time being.

The PRESIDING OFFICER. Objection is heard to the chairman's request.

The Senator from New Hampshire.

Mr. HUMPHREY. Madam President I ask unanimous consent that my name be added as a cosponsor to the Helms amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Madam President, after the revelations which were made by the Senator from North Carolina with the assistance of the Senator from Mississippi about the influence of the National Education Association on the constitution of this board, few can doubt that this is a grab for money by the National Education Association. The NEA is, like so many well-organized lobbying groups, very powerful, very influential in the Halls of Congress. And here is the proof. A $25 million plum with virtually no strings attached; a noncompetitive grant opposed by the Department of Education on the grounds that there is no accountability. And, indeed, there is no accountability, as I shall detail in just a moment.

The Senator from North Carolina, as he so often has done, has ferreted out a bad piece of legislation hidden in an otherwise innocuous bill. He has pointed out very tellingly I think that where the NEA opposes performance tests on the one hand, on the other hand it proposes to set up a national standard for certification. The NEA wants to tell all of the States and all of the school boards what credentials a teacher must have to be admitted into this cartel, on the one hand. On the other hand, they do not want any discussion of teacher testing. No discussion of results, but they want to start at the top and tell everybody what degrees they must have if they want to be admitted to this closed profession.

This Board, which is to be the beneficiary of this $25 million plum with no strings attached, proposes to spend it for, among other things, the development of criteria for national standards. Well, surely this is the first step to yet another invasion of the traditional and proper bounds of State authority and local authority.

Let us leave the certification features to States, shall we? Let us not take the first step toward some national criteria which will be left to the States to adopt or not. But if they chose not to—I am making a prediction; this is the way it always goes—there will be a national standard set for the certification of teachers.

States will be free to adopt such standards or not. But, if they do not, they will not get all of their education credits. That will be the way it will be implemented. We have seen that 1,000 times already. This is the first step.

If that was not the plan, then why do they want the money to set up these certification standards in the first place? Is it just an academic exercise? Of course not. It is a practical exercise. It is the first step to national standards which will be ultimately forced upon the States in a few years' time. If they do not abide by these standards then they will lose some of their Federal money.

It is a pretty clever plan. I hope it is not going to work. Two-thirds of the members of this board are teachers. Mary Futrell, past president of the National Education Association, and Albert Shanker, president of the American Federation of Teachers, are both members of this board which will be the beneficiary of this $25 million plum, no strings attached and no accountability.

Chester Finn, a former Assistant Secretary of Education, wrote in the Wall Street Journal that several

senior officials of the NEA and AFT are also on the board—senior officials of those organizations. In fact, Mr. Finn reports, of all of the teachers on the board, only one is not a union member.

If that is not bad enough, there is absolutely no accountability to the executive or to the legislative branch for the spending of this $25 million. The Secretary of Education, who is not exactly on bad terms with the members of his profession and the members of the NEA and the AFT, Secretary Cavazos says this lacks accountability. It is not just Senator HELMS and Senator HUMPHREY saying that, Secretary of Education Cavazos says that. He said it before a House Subcommittee on Post-Secondary Education on July 25 of last year:

Mr. Chairman, we in the Department have serious doubts about the wisdom of granting Federal funds to support the work of the board. We have three major concerns. First, the Department, as a rule, opposes sole-source contracts, particularly when the recipient of Federal dollars does not have an established track record and the money is to be used for unspecified research and development activities. Second, the proposal under consideration lacks accountability to the Secretary of Education. And, third, the funds requested by the board are excessive and the research would likely duplicate some research activities that are currently underway or are planned by the Department.

Further in his testimony, the Secretary said:

While other forms of accountability are authorized, funds proposed for the board would not be subject to the administrative oversight commonly required in Federal grants and contracts.

"In fact," he said, "once a check was issued"—once this lovely $25 million check is issued—those are my words. I am embellishing his.

His words are:

Once a check was issued, the Department of Education would have no authority whatsoever to control the manner in which the grant funds were used. The Department would have no way of knowing what activities would be supported with Federal funds, no way to determine that they are a good use of Federal resources, and no way to ascertain if a return on the investment can be expected.

To whom is this board and its spending of this $25 million check accountable? Well, it is certainly not accountable to the Secretary of Education. He has pretty high credibility, I think, in this body. The Board has no proven track record. We do not know precisely how the money is to be used. The proposal lacks accountability. The requested funds are excessive, and it would probably be a duplication of, in some areas, existing efforts. Therefore, why this $25 million earmark?

I want to point out, Madam President, that the Helms amendment strikes title X out of budget. It does nothing else. It touches no other part of the bill. It does not divert that money elsewhere. It simply strikes title X, this $25 million grant.

Madam President, the proposal is really scandalous. It is a handout. It is a giveaway. Let us face it, it is a political payoff.

The NEA has a lot of political power. It helps a lot of people get elected. This is one of the ways in which they get paid back, a nice tidy $25 million check, no strings attached, over the objections of the Secretary of Education.

This is one item which we can do very nicely without. It certainly is not going to reduce the deficit much. But the principle is important. And apart from the dollars involved, there is the very important principle of safeguarding the traditional and rightful province of the States to decide what standards and what certification process they will have in the area of education and teachers.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, there is nothing more important to our Nation's future than the quality of our education. Toward that end I support educational goals that reward excellence, progress, and merit. I support actions on the Federal level toward that end that will erase the red tape in educational delivery. But I also support choice in education and I support loan control in education.

I basically support the tenets behind S. 695, the Educational Excellence Act of 1989. I thought the way it was originally introduced had a lot of very positive aspects.

Madam President, today I have received a number of calls from teachers from my State of Mississippi. Some of them teach in the public school systems. Some of them are members of the MAE, the Mississippi Association of Educators, which is a branch of the NEA, the National Education Association. Some of them teach in church-related institutions, some in schools. But they universally have been calling to express concern about title X in this bill.

My mother taught school for 19 years in Mississippi. Even though she only had about 3 years equivalency in college education, I think she did an outstanding job. Certainly she always was very supportive of the idea of trying to achieve excellence in education. It is one of the primary focuses of debate now in my own State of Mississippi and I think it appropriate that we have this legislation here on the floor today.

But unless we take title X out of this Educational Excellence Act, which authorizes the $25 million for the National Board for Professional Teaching Standards, I would have a lot of difficulty voting for what would otherwise basically be very good legislation. I do not like the idea, as we see in a couple of instances in this bill, where the committee authorizes a relatively small amount of funds but says that authorization will be contingent upon a much larger amount of money being appropriated.

One example, it says it makes the $200 million authorization for the Presidential Merit Schools Program contingent on a growth in chapter 1 funding to $5.09 billion in appropriations before fiscal year 1991. Chapter 1 is a good program but I do not understand this idea of making one good program, one authorization, contingent upon the appropriations for another good program.

Madam President, I cannot willingly stand by and allow this creation of the Carnegie Endowment in New York to determine who can and cannot teach in Mississippi.

We might say, well, it is voluntary, and would not do that, but I feel strongly this is opening the door to do just that. I understand it would be $25 million in a noncompetitive award. We should at least have it in some sort of competitive form. But I worry about what it would hold in future years and what it would do in terms of usurping local control of education and those standards that should be determined locally and in the State of Mississippi or the State of Connecticut or New Hampshire, and about what would be the requirements for our teachers.

Establishing national teacher standards will lead, I think, to some sort of mandatory requirements for all teachers—public and private—either directly through a licensing process or indirectly through accreditation schemes, thus starting down the road that many of us do not want to go in education.

The National Education Association and the American Federation of Teachers may want to establish national standards so they can include them as a bargaining tool for increasing teacher pay or altering teacher working conditions. Some of those ideas are very good, but we cannot have this sort of national control of those standards at the local level.

That is not what the parents of the children in Mississippi want from the Federal Government. Surely, they want more funding, but they want to apply it to teaching the basics in education, basics that will enable their children to get a job, to go on to college, or to pursue a career. Most important, they want to retain that voice that elects the local school board, that sets the education goals for their community, that hires the teachers who will instruct their children and who will support the values those parents have installed at home.

Mr. President, a vote against title X, against that step toward, in my opin-

ion, what could be nationalized education, is a vote for parents and their continuing control of education of their children at the local level.

I urge the Senate to knock out this title X and let us go forward with the good provisions of this Excellence in Education Act.

I yield my time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I rise to support the provisions of S. 695 authorizing funds for the National Board for Professional Teaching Standards. This Board represents a unique opportunity for the Federal Government to enhance the teaching profession by joining as a partner with corporations and foundations across this country.

This bill will leverage our Federal investment by requiring every Federal dollar it authorizes to be matched with non-Federal funds and spent on a fully competitive basis. Already the Board has raised over $6 million in business and foundation funds, and the Board is held strictly accountable for spending taxpayers' dollars.

As I understand the legislation, the Board must adopt audit procedures customarily used by nonprofit organizations. The Board must submit an annual report to the Secretary of Education and the Congress, including a detailed financial statement and a comprehensive description of its activities.

The Department of Education, the National Science Foundation, and the National Research Council must submit an annual report on the Board's activities. The Secretary can immediately cut off Board funds if he determines the Board is not complying with any provision of the act.

The General Accounting Office is provided complete access to the Board's books and records, and the Board would be subject to oversight review by both the authorizing and appropriating committees.

I think that is a series of safeguards that goes a long, long way. I fail to see the alarm with which some have greeted this, based on the considerable safeguards in this legislation.

Madam President, despite these provisions, some argue the bill is defective because it does not hold the Board accountable for use of Federal funds. I do not believe this to be the case.

In addition, I have received a number of phone calls from a number of constituents in my State who are sincerely concerned because they teach their children at home. These parents are concerned that if this bill becomes law, they will be required to become Board-certified in order to maintain the status quo.

I want to make it perfectly clear that this simply is not true. Under current law, home schoolers are not required to be State certified. There is nothing in this legislation which requires any person to become certified by the National Board of Professional Teaching Standards. Board certification provides a standard of professionalism and a sense of integrity to those who take seriously their responsibilities to teach the young people of this country. The certification, however, will be made strictly on a voluntary basis. It is strictly voluntary and nothing could be clearer in the legislation.

I will ask Senator DODD from Connecticut if I am correct on this. Maybe I am wrong, but it looks to me as if it is absolutely clear. I do not understand where this alarm is coming from in that respect.

Mr. DODD. The Senator from Georgia is absolutely correct. Section 1010 of the legislation—I ask our colleagues, if there is any doubt at all, to refer specifically to it. It is on page 128 of the bill. It goes on to page 129. I do not have it in front of me, but I have answered the question so many times that I can quote it chapter and verse. It explicitly prohibits this Board from in any way interfering with State licensing procedures.

Senator FORD of Kentucky and I entered this morning into a colloquy to reestablish and confirm that point. My colleague from Georgia is absolutely correct in that point. This legislation would in no way affect the licensing of teachers, whether they are teachers in schools, at home, in private academies, at universities, elementary schools, regardless of what it is. This legislation is prohibited explicitly from interfering with that process at the State level.

Mr. NUNN. Anything they do regarding certification is voluntary on their part.

Mr. DODD. Absolutely; completely.

Mr. NUNN. I thank my friend from Connecticut.

Madam President, in concluding my remarks, I believe if we are serious about improving education, we simply must try new approaches and challenges that have not been tried before.

I think one thing everyone can agree on is our educational system has serious deficiencies today and is causing tremendous concern about our competitive position in the world. I have not heard anyone rebut that, and this legislation challenges the private sector to get involved.

I believe the most positive thing that has happened in the last year or so in education is that businesses in this country are increasingly concerned about the quality of the skills of the work force, and they are beginning to get involved. That is exactly what is happening here and what this is trying to stimulate. The public-private partnership represented by the National Board for Professional Teaching Standards mobilizes the business and the foundation communities to become involved in the education of the work force and the productivity of the country through investing in the quality of our teachers.

An investment in our teachers in an investment in the future of our Nation. We should make every effort to motivate and encourage teachers to excel in their fields and to take great pride in their profession, which is one of the most important professions we have in this country, even though certainly it is not one of the best paid. They have perhaps one of the most critical responsibilities, and in a Nation which cannot continue to reply on borrowed brain power to maintain our competitiveness in the world, the quality of our future work force will be determined by the quality of our teachers.

This may not be an answer to all the problems. I do not think anyone is standing up and saying it is. But it is an effort to start down a road that increases the professionalism of our teachers, increasing their pride, and, frankly, I am hoping it will help increase the pay of teachers over a period of time in the States of this country, although that it certainly not a decision that will be made in this body. The quality of our future competitiveness will be determined by the quality of our teachers.

Madam President, for these reasons, I strongly support the National Board for Professional Teaching Standards. It sheds light on the important work that teachers do. It acknowledges the fact that they have influence over our most treasured assets—our children. It inspires them to excel, and it will begin, I hope, to build a more solid foundation for our educational future and, therefore, for our economic future in this country.

I yield the floor.

The PRESIDING OFFICER. The chairman of the committee, the Senator from Rhode Island.

Mr. PELL. Madam President, I find it difficult to recall another profession that does not have a certification process. So, for that reason, since teaching is about the most important profession there is because our future depends on it, it should have this requirement.

This legislation is only voluntary. I would like to frankly see it as a requirement someday. In addition, it has a reverse advantage of giving to teachers the dignity and prestige they should have because they would be certified the same way members of other professions are certified. I think this bill is a mild step in this direction. It is a good step. I know I look forward to supporting it.

I want to follow up for a moment on what my friend from Georgia said, competitiveness is the new catch word. Previously, we used to talk about a

level playing field. Now the catch word is competitiveness.

When it comes to competitiveness, we have our choice whether 10 years from now we will be the industrial leaders of the world, or the European nations will or the Asiatic nations will. It is our choice. If we keep going the way we are, we will be No. 3. If we pull up our socks and start steps like this, we will be No. 1.

I very much hope this legislation will pass.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I hope to be very brief on all this, but I want to respond to some of the allegations. I have heard a lot of debate. I do not recall any legislation attracting more misinformation for what it does, frankly, than what I have heard in the last hour or so regarding this legislation.

Let me address some of those criticisms or attacks that have been raised by those who are in opposition to title X of this bill.

Madam President, I ask unanimous consent that the correspondence be printed in the RECORD, that supports this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 6, 1989.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR DODD: When the Senate considers S. 695, the "Educational Excellence Act of 1989", an effort may be made to weaken or delete a provision which is vitally important to efforts to attract and retain high quality teachers. As governors and business leaders we have formed a partnership with the education business community to support federal funding for the National Board for Professional Teaching Standards' research and development activities. The Board is a non-profit organization, chaired by former North Carolina Governor Jim Hunt, which is developing a voluntary assessment program to identify and certify this nation's most accomplished teachers. These voluntary examinations will help professionalize teaching—making it a more rewarding field, improving teacher education programs, and helping to reshape the structure of American schools.

The Board is composed of business leaders, the Presidents of both teacher unions, school board representatives, union and non-union teachers, governors, and almost every other segment of the education community. Every dollar that the Board receives from the Federal Government will be matched with private funds. DuPont, Xerox and Chrysler Corporation have already made major fiscal commitments to the Board along with the Carnegie and Ford foundations.

The committee measure requires every dollar of federal funds to be spent on a fully competitive basis. In addition, the bill imposes full and complete federal oversight—holding the Board accountable. Once the assessments are established the Board will be self-sustaining.

Again, we believe that this public-private partnership is a vital component of any program to improve American education. No matter how much money is available, or how many programs are enacted, the quality of our schools is only as good as the teachers we hire and retain. We urge you to support the Committee provision and oppose efforts to weaken it.

Sincerely,

Bill Clinton, Governor of Arkansas; Thomas H. Kean, Governor of New Jersey; Richard E. Heckert, Chairman, Finance Committee, E.I. du Pont de Nemours and Company; David T. Kearns, Chairman and Chief Executive Officer, Xerox Corporation.

OFFICE OF THE GOVERNOR,
Des Moines, IA, February 5, 1990.

Hon. EDWARD M. KENNEDY,
Chairman,
Hon. ORRIN G. HATCH,
Ranking Member,
Labor and Human Resources Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR HATCH: I am writing to you today to tell you of my support for Title X of S. 695. This provision provides support for a voluntary, advanced certification system for teachers. It addresses a critical component of our effort to improve education and recognizes the importance of having quality teachers in our schools. The certification system will be administered by the National Board for Professional Teaching Standards (NBPTS). I am honored to be a newly elected member of the National Board.

Title X authorizes federal matching support for the research and development activities necessary to build the standards and assessments for National Board Certification. The provisions of Title X, as reported by the Labor and Human Resources Committee, requires that all of the funds authorized be allocated by contract to colleges, universities and other research institutions on a competitive basis with merit review. Title X also ensures that the National Board will remain independent. This legislation is not intended to establish mandated national teaching standards or a national curriculum.

I hope that you will support Title X, as approved by the Labor and Human Resources Committee, so that the National Board can continue its work to strengthen the single most important factor for success in our schools—teaching.

Thank you for your leadership on this very important issue.

Sincerely,

TERRY E. BRANSTAD,
Governor.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, February 2, 1990.

Hon. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate, S-221 Capitol Building, Washington, DC.

DEAR SENATOR MITCHELL: On behalf of the 2 million professional educators and support personnel who comprise the National Education Association, I am writing in strong support of legislation to authorize federal funding for the National Board for Professional Teaching Standards. This funding would enable the Board to initiate much needed research into the fundamentals of effective teaching and would allow the Board to carry out its mission of promoting professionalism and excellence in the teaching profession.

I urge prompt consideration by the Senate of this key legislative proposal and pledge the active support of NEA for its passage. As always, if I can be of assistance to you on this or any other matter of mutual concern, please do not hesitate to contact me.

Sincerely,

DEBRA DELEE,
Director, NEA Government Relations.

AMERICAN FEDERATION OF TEACHERS,
Washington, DC, February 2, 1990.

Hon. GEORGE J. MITCHELL,
U.S. Senate Russell Office Building, Washington, DC.

DEAR SENATOR MITCHELL: The American Federation of Teachers strongly supports S. 695 as it applies to funding the research efforts of the Board for Professional Teaching Standards.

As you know, our nation is not producing the well-educated work force we must have if we are to meet the challenge of international competition. In fact, the National Assessment of Educational Progress shows U.S. students at, or near, the bottom in key subject areas when compared to students in most other industrialized countries. Unless we improve the quality of our education system and the achievement levels of our students, we cannot hope to compete successfully in world economic markets.

One of the keys to achieving these improvements is to professionalize teaching. The Board for Professional Teaching Standards represents the best hope for developing testing instruments that can leverage higher standards in teacher education and training, but the board needs short-term assistance to complete its research into these testing instruments. S. 695 would provide that assistance.

The relatively small investment that S. 695 calls for could pay big dividends in teacher quality, in higher achievement for our students, and in increased economic competitiveness for our nation in the 1990's and beyond. The 101st Congress will not offer you a better opportunity to help improve the teaching profession and our schools.

Sincerely,

ALBERT SHANKER,
President.

Mr. DODD. Madam President, the question was raised about the composition of the Board. This board follows very routine procedures in terms of how its membership is constituted. In fact, it follows the same procedures that are used by the Boy Scouts of America, the Heritage Foundation, the United Way, the Masons and the Close-Up Foundation. I do not consider those boards necessarily to be ones that are improperly constituted. So to suggest somehow that this National Board of Teachers' Standards is constituted in some secret way, to only quarantee the participation of those who would like to control its decisions, is just not the case.

The fact is, there are 7 members from the NEA out of the 63 seats; 7 from the AFT. That is not what I would call control in this organization. My colleagues who raised the criticism failed to identify specifically what the bylaws require—7 and 7 out of 64.

There are teachers on this board. God forbid there should be teachers sitting on a board trying to decide what voluntary standards ought to be for teachers. Is anyone suggesting by the implication there should have been plumbers deciding who the lawyers ought to be in this country, or lawyers deciding who the plumbers ought to be? The argument that we have teachers trying to set up voluntary standards for teachers is patently ludicrous.

Of course there are teachers on this board. That is the idea, to attract quality people. Fourteen of them must be teachers who have achieved excellence in their professions and other members come from some of the major corporations in this country. The chief executive officer of Du Pont is hardly someone I would consider a radical in this country. I will be glad to provide my colleagues with a list of who the members are, what their backgrounds are. These are highly qualified people who, for 3 years, have served here.

To suggest somehow that it is a cabal that has met somewhere secretly and privately to come up with some standards which will only guarantee that the National Education Association teachers are going to be allowed to serve as members of the teaching profession is just ridiculous, I would say, Madam President.

Third, the argument is that there is going to be a $25 million grant for the NEA. Not 1 cent of these funds by legislation can be used for the administration, not one penny. Every single nickel and dime of this money must go for the research and development programs. All administration costs of this board must be paid for out of non-Federal funds. How many times do we see that? The suggestion is that this somehow is going to be decided on a noncompetitive basis, that this is just an absolute grant to one organization.

I would suggest again this organization goes back 3 years since its founding, but again there are other organizations that have received direct appropriations—the American Board of Emergency Medicine, the Close-Up Foundation, the American Red Cross, the Corporation for Public Broadcasting, just to name several that fall into the category. It is not unprecedented.

But I would suggest further the President is proposing a private nonprofit foundation that would receive direct funding in his Points of Light Foundation. I suggest there is other legislation pending introduced by my distinguished colleague from Mississippi, who I see is on the floor, S. 2039, introduced January 30, and cosponsored by our colleagues PELL, KASSEBAUM, HEINZ, LOTT, DOLE, WILSON, MCCAIN, CRANSTON, and HATFIELD. The legislation authorizes $10.5 million for fiscal year 1991 and such sums through 1995 for projects administered by the National Writing Program. That is a private nonprofit entity.

Where is the competition in that proposal? So we are carving out a special category for this? And yet the landscape is cluttered, if you will, with organizations that have received direct funding.

I point out that this board has done extensive work already. As I said this morning in our debate, we have worked on this legislation for some time. We worked out the compromises on this legislation back 2 years ago. It was worked out in the committee with Senators HATCH, QUAYLE, who is now our Vice President and was a member of the committee, and Senator STAFFORD. We had lengthy discussions in the committee about how this legislation ought to be shaped and it was shaped to the satisfaction of all members. It is only in the last few months that we provoked this kind of dissent over the bill. But this was not crafted by one party sitting in that committee with a handful of teachers someplace. It was put together on a bipartisan basis. It was the work in 1989 that led to the creation of title X in this legislation. So we have done an awful lot of work on this.

The Board is made up of very fine people, some of whom are very fine teachers. It is a totally voluntary operation. Again, we are told that this is the nose of the camel under the tent, that if you have voluntary standards today, disregard that; what we are really talking about here is Federal standards.

Again, as I just said in a short colloquy with Senator NUNN of Georgia, what we are talking about has nothing at all to do with licensing of teachers, regardless of what licensing requirements States have. Nothing in this legislation would permit this Board to interfere with that process. That is just a red herring, to suggest somehow that we are encroaching on the States' rights to determine licensing requirements for teachers in their own States, whether they be at-home teachers or in schools, private schools, parochial schools, or public institutions. That is left entirely to the States. The bill could not be more explicit on that point, and the colloquys that we have established make that clear.

Now, if my colleagues want to introduce legislation that would prohibit the Federal Government from setting teacher standards, submit that. That would certainly be something that I suppose a majority here might support. Leave it to the States.

But that is not in discussion here today. To raise an issue not in debate is to be unfair about what this proposal does. This bill sunsets the funding. It is $8 million a year for 3 years, roughly $25 million. And then that ends the Federal funding.

It seems to me that ought to be something people would support, if we are trying to attract people into the teaching profession. Of all college graduates, the second lowest paid profession in America, after clergy, are the people who teach our young—the second lowest paid profession, Madam President. Now, we are trying to attract the best students in our colleges and universities to go into the teaching profession and all we can say to them today is, "You are about to become the second lowest paid profession in this country if you choose a teaching career."

All we are trying to do is to retain the good teachers, attract new ones, and provide some recognition for their accomplishments in what they are doing. That is all this really does. And the heat that it has generated is just uncalled for. As a Nation, we must produce 1 million teachers between now and the year 2000—a million citizens in this country must choose that profession. What is the likelihood of us achieving that goal if we offer them the second lowest paid profession and we fail to recognize their accomplishments through a certification program or we fail to invest $8 million a year on how we can improve the teaching experience for those who are in it? And how we can make it attractive for those who are making career decisions?

Eight million dollars a year, we are objecting to that? There is nothing in this legislation that prohibits anyone else who wants to set up a voluntary certification process. If they want to, they can do that. No one else has at this point.

If you want quality education, Madam President, you have to have quality people in the profession. That is axiomatic. All this legislation does, in title X, is make a small effort to attain and improve the teaching profession. It is not going to solve it, I will guarantee you that. But here you have major corporations, major foundations, major teaching institutions, private and public, all across this country, that for the last 3 years have been wrestling with this problem. They have come up with 50 percent of the funding. They are asking for a little help for 3 years and we are debating this as if it were a discussion of nuclear war. It just does not warrant that. It ought not be taking 2 hours of the Senate's time to determine whether or not we ought to improve teaching quality in this country. That is all this legislation does. These notions of the nose of the camel under the tent, a Board that was formed in secret, that we are sitting here trying to provide direct funding to the NEA does not address the question at all. These are not

issues before us. They are not in legislation. Take 5 minutes. It is not that long. Read the bill.

I ask you to read the bill and you will find that most of the concerns you have heard raised are addressed directly in the legislation—legislation I would say several of my colleagues here worked on together and no one objected a year and a half ago when we finished. It has only come about recently because somehow we are going to mandate teaching standards, which is not the case at all and not in this legislation.

So I would urge, when the proper motion is made on this amendment and others, that we try in one way or another to eliminate the section. Do not go home over the recess and talk about the quality or the need for quality teachers in this profession after having shot down at least one board in this country, nonprofit, 501(c), committed to trying to help. We waste an awful lot of the taxpayers' money around here. This is not one of the ways. These are good people, competent people and there is a requirement of audit, accountability of the funds—hardly what we get in most agencies of the Government—in this legislation.

So I urge that we reject this proposal and that we pass this legislation. The President has submitted a good bill. We have added to it this section. My hope is that our colleagues here will support it, and we can say early on in this session that all the speeches that we have given about the quality, importance of education, and importance of this Nation being competitive in the year 2000 we will have done so early on in this session to contribute to that. I believe we can do that by supporting this board and giving it a chance to make that kind of a contribution. This is not something that you will regret as Members having done it.

Madam President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from the State of Washington.

Mr. GORTON. Madam President, I have listened with interest and care to the arguments that the distinguished Senator from Connecticut warmly, perhaps even passionately, argued, but not persuasive in the mind of this Senator. This debate is over an important bill, a bill which, in the mind of this Member, was probably better when it was introduced then when it was reported to the floor. In fact, I have the honor of being a consponsor of the bill which the distinguished Senator from Kansas introduced. It has titles relating to Presidential merit schools, schools of excellence, national science scholars, school dropout programs, higher education amendments, and the like. It is obviously important that we pass this bill, and that we pass the bill in the form in which it will be approved by the President.

This debate, however, is not over the entire bill but over an amendment to the bill by the distinguished Senator from Connecticut, which endangers its passage—if not in this body, certainly its passage into law. I feel we would be far better off to strike the Dodd amendment and pass the bill without it.

The distinguished Senator from Connecticut has argued that this $25 million avoids doing so many things with respect to imposing national standards that it is difficult to see what is left for the $25 million investment. Certainly there is nothing wrong with the Carnegie Foundation's forming a National Board for Professional Teaching Standards. On the other hand, it seems to me that there is something profoundly wrong in causing the Senate and the Congress of the United States to pick that particular board for substantial Federal support when there are a large number of groups and organizations who have worked in this field, who have come up with thoughtful studies and recommendations in this field, but who are entirely cut out of any competition for engaging in this field whatsoever.

Interestingly enough, not much more than a decade ago when the Department of Education was created, it was created by a statute which prohibits the Federal Government from exercising any "direction, supervision, or control over the curriculum, program of instruction, administration or personnel of any educational institution, school, or school system."

It is perhaps for that reason that while subverting the philosophy of the Federal interest in education the Department of Education, by this bill, is given no supervisory authority, and no audit authority, for that matter, over the spending of this $25 million.

Once again, one can have no objection to the existence of this Board and any proposal which it may make to any State in the country. But when those proposals come with a imprimatur of $25 million from the Congress of the United States, they will be more than mere recommendations. They will be more than equally competitive with the similar or dissimilar recommendations from other organizations, and they will have come largely by the recommendation of a huge majority of the members from two professional organizations, unions, whatever one wishes to call them, which have a tremendous investment in the status quo in education.

There is, for all practical purposes, no voice on the part of private education included on this Board, none at all for those relatively small but dedicated parents who prefer home education on this Board whatsoever.

It simply is not representative of those elements in our American society which are vitally interested in the various subject matter in which the Board is dealing. It represents a vitally imporant part of the current educational establishment, but very little else.

Under those circumstances, while I think it is totally appropriate to bless its effort and to allow its report to be considered on an equal plane with all other suggestions and reports on the same subject, to have it or to cause it to stand out and be given the sole imprimatur of the Congress of the United States in this field, at a cost of $25 million, seems to me, Madam President, to be totally inappropriate. And I suggest we go back to S. 695 without title X.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Madam President, I would like to offer a few comments at this time as a cosponsor of the Helms amendment to eliminate title X, which establishes the National Board of Professional Teaching Standards.

However, Madam President, I do not agree with all of the objections to the proposal that have been made, and I would like to speak about why I am against it, and as to why some of the objections which have been raised should be clarified.

One, I ask unanimous consent that the names of the Board be made a part of the RECORD. The question was asked earlier during the debate: Who are the people who serve on this Board? It is a very distinguished group of men and women in their professions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS, 1989-90

James B. Hunt, Jr., Chair, Poyner & Spruill, 3600 Glenwood Avenue, Raleigh, NC 27612. 919-783-6400.

James A. Kelly, President, National Board for Professional Teaching Standards, 333 West Fort Street, Suite 2070, Detroit, MI 48226. 313-961-0830.

C. Leonard Anderson, Librarian/Media Specialist, Grant High School, 2245 NE 36th Avenue, Portland, OR 97212, 503-280-5160 x440. Mailing Address: 5595 SW Chestnut Ave., Beaverton, OR 97005.

Josephine Bennett, Biology Teacher, Whitehaven High School, 4851 Elvis Presley, Memphis, TN 38116. 901-398-9152. Mailing Address: 1334 West Crestwood, Memphis, TN 38119.

Terry Branstad, Governor of Iowa, State Capitol, Des Moines, IA 50319. 515-281-3282.

Alan K. Campbell, Vice-Chairman of the Board and Executive Vice President, ARA Services, 1101 Market Street, Philadelphia, PA 19107. 215-238-3080.

Iris Carl, Elementary Mathematics Instruction Specialist. Houston Independent School District No. 14, 2600 Woodhead Road, Houston, TX 77098. 713-520-8406 or 623-5371.

Ivy H. Chan, Special Education Teacher, Garfield Elementary School, 325 N. Plymouth, Olympia, WA 98502. 206-753-8960. Mailing Address: 1803 Camelot Park, Olympia, WA 98502.

James P. Comer, Professor, School of Medicine, Yale Child Study Center, P.O. Box 3333, Yale University, New Haven, CT 06510. 203-785-2548.

Ernesto J. Cortes, Jr., Texas Director of Industrial Areas Foundation, Texas Interfaith, 1106 Clayton Lane, Room 120 West, Austin, TX 78723. 512-459-6551.

Joseph D. Delany, Assistant Superintendent for Instruction, Spartanburg School District No. 7, P.O. Box 970, Spartanburg, SC 29304. 803-594-4400.

Martha F. Dolfi, Fourth Grade Teacher, Brookline Elementary Teachers Center, Woodbourne & Pioneer Avenues, Pittsburgh, PA 15226. 412-571-7480.

Karen Dreyfuss, Director, Dade-Monroe Teacher Education Center, 1080 Labaron Drive, Miami Springs, FL 33166. 305-887-2002 (switchboard), 305-887-4028 (office). Mailing Address: 14271 SW 71st Lane, Miami, FL 33183.

Joel Aaron Fink, Counselor, South Oldham High School, P.O. Box 549, Crestwood, KY 40014. 502-241-6681.

Clifford L. Freeman, Project Manager/Executive Assistant, Department of General Services, Purchasing Division, 1225 Ferry Street, SE, Salem, OR 97310. 503-378-4644.

E.K. Fretwell, Jr., Chancellor Emeritus, University of North Carolina at Charlotte, Charlotte, NC 28223. 704-547-2484. Mailing Address: 124 Amrita Ct., Charlotte, NC 28211.

Mary Hatwood Futrell, Senior Fellow, Center for the Study of Education and National Development, 2201 G Street, NW, Washington, DC 20037. 202-994-0132.

Charleyne A. Gilbert, Business Education Teacher, Westbrook High School, 125 Stroudwater Street, Westbrook, ME 04902. 207-854-2582. Mailing Address: 9 Elizabeth Road, Apartment No. 2, Portland, ME 04102.

Barbara R. Hatton, Deputy Director, Education and Culture Program, Ford Foundation, 320 East 43rd Street, 6th Floor, New York, NY 10017. 212-573-4872.

Richard E. Heckert, Retired Chairman of the Board, Chairman, Finance Committee, E.I. du Pont de Nemours and Company, Inc., 1007 Market Street, Wilmington, DE 19898. 302-774-4037.

Sonia Hernandez, Senior Associate, National Center on Education and the Economy, 39 State Street, Suite 500, Rochester, NY 14614. 716-546-7620.

Joseph Hieu, Teacher, Clemente Community Academy, 1147 N. Western Avenue, Chicago, IL 60622. 312-235-9838. Mailing Address: 1652 N. Rockwell St., Chicago, IL 60647.

Shirley A. Hill, Curator's Professor of Education and Mathematics, University of Missouri, Kansas City, 309 Education Building, 52nd & Holmes, Kansas City, MO 64110. 816-276-2472.

Patricia C. Hodges, Principal, Paradise School, 851 East Tropicana, Las Vegas, NV 89118. 702-799-5660.

Bill Honig, Superintendent of Public Instruction, State Department of Education, 721 Capitol Mall, Sacramento, CA 95814.

Sue Hovey, Government Teacher & Gifted Teacher Coordinator, Moscow High School, 401 E. 3rd Street, Moscow, ID 83843. 208-882-2591. Mailing Address: 830 N. Cleveland Street, Moscow, ID 83843.

Nancy L. Jewell, Vice President, Oklahoma Education Association, P.O. Box 18485, 323 E. Madison, Oklahoma City, OK 73154. 405-528-7785.

Ann P. Kahn, Consultant, Mathmatical and Sciences Education Board, National Research Council, 818 Connecticut Avenue, NW, Suite 500, Washington, DC 20006. 202-334-3294. Mailing Address: 9202 Ponce Place, Fairfax, VA 22031.

Susan Adler Kaplan, English Teacher, Classical High School, Providence, RI. 401-456-9145. Mailing Address: 90 Taber Avenue, Providence, RI 02906.

Vera Katz, Speaker of the House, Oregon House of Representatives, 269 State Capitol, Salem, OR 97310. 503-378-8977, ext. 4364.

David T. Kearns, Chairman & Chief Executive Officer, Xerox Corporation, P.O. Box 1600, 800 Longridge, Stamford, CT 06904. 203-968-3201.

Nathaniel H. LaCour, Jr., President, United Teachers of New Orleans, 4370 Louisa Drive, New Orleans, LA 70126. 504-282-1026.

Judith E. Lanier, Dean, College of Education, Michigan State University, 501 Erickson Hall, East Lansing, MI. 48824. 517-355-1734.

Peggy J. Lathlaen, Visiting Instructor, School of Education, University of Houston, Clear Lake, 2700 Bay Area Blvd., Houston, TX 77058. 713-488-9178. Mailing Address: 2002 Red Bay Ct., Houston, TX 77062.

Ester S. Lauderman, Kindergarten Teacher, Williamstown Elementary School, Williams Ave., Williamstown, WV 26187. 304-464-4001. Mailing Address: Route 2, Box 20A, Waverly, WV 26184.

Barbara B. Laws, Itinernant Art Teacher, Norfolk Public Schools, Fairlawn Elementary School and Ocean View Elementary, Norfolk, VA 23503. Mailing Address: 263 Sir Oliver Road, Norfolk, VA 23503.

Katherine P. Layton, Mathematics Teacher, Beverly Hills High School, 241 Moreno Drive, Beverly Hills, CA 90212. 213-201-0661 ext. 446. Mailing Address: 16566 Chattanooga Place, Pacific Palisades, CA 90272.

Susan M. Lloyd, History & Music Teacher, Phillips Academy, Andover, MA 01810. 617-475-3400. Mailing Address: Route 1, Box 494, Middletown Springs, VT 05757.

A. Robert Lynch, Social Studies Teacher, Jericho High School, Cedar Swamp Road, Jericho, NY 11753. 516-681-4100 ext. 220.

Helen E. Martin, Earth & Space Science Teacher, Unionville High School, Route 82, Unionville, PA 19375. 215-347-1600. Mailing Address: 329 Lamborntown Road, West Grove, PA 19390.

Deborah Meier, Director, Central Park East Secondary School, Office 321, 1573 Madison Avenue, New York, NY 10029. 212-860-5874.

Damon F. Moore, Consultant, IBM Education Systems, 1335 N. Tillotson, Munice, IN 43704. 317-639-0639.

Patrick F. O'Rourke,[1] President, Hammond Teachers Federation, 5944½ Hohman Avenue, Hammond, IN 46320. 219-937-9554.

James R. Oglesby, Director of Facilities Utilization, 310 Jesse Hall, University of Missouri, Columbia, MO 65211. 314-882-6741.

Rebecca Ann Palacios, Bilingual Pre-Kindergarten Teacher, Zavals Special Emphasis School, 3102 Highland, Corpus Christi, TX 78405. 512-886-9354.

[1] History teacher.

Thomas W. Payzant, Superintendent, San Diego Unified School District, Room 2219, 4100 Normal Street, San Diego, CA 92103. 619-293-8418.

Claire L. Pelton, Vice Chair, NEPTS, Director of Curriculum & Testing/Demonstration Teacher, San Jose Unified School District, 1605 Park Avenue, San Jose, CA 95126. 408-998-6109.

Ruth K. Randall, Professor, Department of Educational Administration, Unversity of Nebraska at Lincoln, 1204 Seaton Hall, Lincoln, NE 68588-0638.

Doris D. Roettger, Reading/Language Arts Coordinator, Heartland Area Education, Agency No. 11, 6500 Corporate Drive, Johnston, IA 50131. 515-270-9030.

Leonard Rovins, Partner, Summitt, Rovins & Feldesman, 445 Park Avenue, New York, NY 10022. 212-702-2213.

Mary Budd Rowe, Professor of Science Education, 343 Norman Hall, College of Education, University of Florida, Gaineville, FL 32611. 904-392-0761.

Franklin D. Schlatter, English Teacher, Roswell High School, 400 West Hobbs, Roswell, NM 88200. 505-625-8130.

Phillip C. Schlechty, Executive Director, Jefferson County Public Schools, Gheens Professional Development Academy, 4425 Preston Highway, Louisville, KY 40213. 502-473-3494.

Thomas F. Sedgwick, Mathematics Teacher, Lincoln High School, 701 South 37th Street, Tacoma, WA 98408. 206-596-2025, 596-2000 (front desk).

Albert Shanker, President, American Federation of Teachers, 555 New Jersey Avenue, NW, Washington, DC 20001. 202-879-4400.

Susan A. Stitham, English Teacher, Austin K. Lathrop High School, 901 Airport Way, Fairbanks, AK 99701-6094. 907-456-7794.

Peggy Swoger, English Teacher, Mountain Brook Junior High School, 205 Overbrook Road, Birmingham, AL 35213. 205-871-3516.

Irene Phelps Thorman, Coordinating Teacher, Occupational Work Adjustment and English as a Second Language, Winthrow High School, 2488 Madison Road, Cincinnati, OH 45208. 513-871-1825.

Lois Jean Turner, Teacher, Stix Investigative Learning Center, 26 South Euclid, St. Louis, MO 63110. Mailing Address: 7280 San Diego Drive, No. 4, St. Louis, MO 63121.

Adam Urbanski, President, Rochester Teachers Assocation, Local No. 616, 277 Alexander Street, Rochester, NY 14607. 716-546-2681.

Alma Garcia Vining, Teacher, P.A. Diskin School, 4220 South Ravenwood, Las Vegas, NV 89117. 702-799-5930. Mailing Address: 5834 W. Twain, Las Vegas, NV 89103.

Reg Weaver, Science & Health Teacher, Brooks Junior High School, 14741 Wallace, Harvey, IL 60426. 312-793-9003 (ISTA). Mailing Address: 10040 S. Charles, Chicago, IL 60643.

Nettie Webb, Language Arts Coordinator, Greenburgh School, District No. 7, 475 West Hartsdale Avenue, Hartsdale, NY 10530. 914-761-6000. Mailing Address: 40 North Road, White Plains, NY 10603.

Terry L. Wyatt, High School Physics & Consulting Teacher, Toledo Public Schools, DeVilbiss High School, 3301 Upton, Toledo, OH 43613. 419-472-6979.

Mrs. KASSEBAUM. Second, I would like also to say, Madam President, I have worked with the Carnegie Foundation on some of their educational work, and I highly commend, whether

one would agree or disagree with all of the recommendations made by the Carnegie Foundation, that it is work of superior quality. I think we have been well served in this Nation by the work of the Carnegie Foundation on Education.

I heartily endorse efforts to enhance professionalism of teaching. I do not think there could be any disagreement on that. Board certification can be helpful in this regard. However, there are several reasons why I believe the provision of $25 million to the NBPTS would be a mistake, and it is for that reason that I would like to offer these observations for a moment.

First, NBPTS' efforts have frequently been compared with the work of the medical society to provide special board certification to positions in a specialty field. Such certification is not required to practice medicine, but it is intended to demonstrate that a physician has more or less gone the extra mile to excel in his or her specialty areas.

Such efforts in the medical field have special validity because they were established and financed, I might say, Madam President, by the profession itself. The drive for special certification came from the profession itself. They were not imposed by an outside board or financed by the Federal Government.

Second, I think we need to be extremely sensitive to the signal which Federal funding sends in this area, particularly when financial support is given in such a large amount to one particular group.

I fully recognize that neither the Board nor the legislation is proposing a system of mandatory national certification for licensing, and in that respect, Madam President, I concur with the dialog that took place between Senator NUNN and Senator DODD. Nevertheless, there are understandable fears which are raised once the Federal Government is made a partner in the effort.

As I am sure is the case with other Members of the Senate, I have heard from many individuals, particularly those involved with home schooling, who are very much opposed to title X. In many cases, it is obvious that they have received inaccurate information about the provision, believing that it overrides State laws, requires licensing of all teachers or establishes threshold criteria which all teachers must meet. In fact, as has been stated, the legislation does none of these things; but the worry remains that Federal participation in this effort may be a first step toward more extensive involvement in teacher licensing and certification.

Finally, although board certification may be helpful, particularly to those teachers who seek it, it will have very little impact in addressing the real needs of the teaching profession, and it is really for that reason, Madam President, that I believe that this legislation does little and can be misleading in raising expectations. What is really needed is higher pay and greater respect for teachers, so that talented students will find the teaching profession an attractive option.

We need to address critical shortages in certain specialty areas. For instance, mathematics and science teachers among minorities. We need to strengthen opportunities for in service training and to find means to reduce isolation of teachers. School discipline must be improved, and the number of interruptions in a teacher's day must be reduced. These are the important issues, Madam President. Developing voluntary certification standards is not of overriding importance, by comparison with other efforts for which we might allocate Federal dollars.

In this regard, I ask unanimous consent that a column by William Raspberry, which appeared in the July 19, 1989, edition of the Washington Post be printed in the RECORD.

There being no objection, the article, was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 19, 1989]

WEAK MEDICINE FOR TEACHERS

(By William Raspberry)

The pay is too low; too few of the brightest college students are attracted to the field; too many of those who are lack the ability to inspire their students; there are too few rewards for excellent teachers; the proportion of minority teachers is shrinking as the proportion of minority students is increasing.

What should we do about it?

The National Board for Professional Teaching Standards has come up with an answer that may not merit the enthusiasm it is likely to provoke. The 64-member board, created by the Carnegie Forum on Education and the Economy in the wake of its 1986 report on public schools, is calling for national certification for outstanding teachers as a way of "ensuring educational excellence in elementary and secondary education."

The certification, which would be an addition to the minimum standards for state licensure, would focus on classroom results—not such ticket-punching procedures as taking the right courses.

The optimistic—the temptation is to say "pie in the sky"—expectation of the NBPTS is that it would "increase the supply of high-quality entrants into the profession, with special emphasis on minorities," help to provide a better atmosphere for learning and create a "new image for teachers in this country."

It might also increase pay for the best teachers, but that would be up to local school officials. "We're not employers," said James A. Kelly, president and chief executive of the board.

What the NBPTS has in mind is to define the "knowledge, skill and dispositions" required for success in as many as 29 teaching specialties—early childhood education, elementary school science, high school math and so on—and to award national certification to those who meet the yet-to-be devised standards.

The board, whose members include corporate executives, elected officials, teachers' union officials and—the majority—teachers, envisions all sorts of wonderful things flowing from certification.

"In view of their achievement," says Kelly, "board-certified teachers might be asked to assume the sort of increased responsibility that adds stimulation to the professional life of a teacher." Or as board member Susan Adler Kaplan, a Providence, R.I., English teacher says, a board-certified teacher "may become a mentor, may provide leadership for her colleagues by demonstrating new teaching methods, evaluating the latest instructional materials or organizing instruction. In short, she will have varied opportunities as a teacher."

But what has board certification got to do with it? Principals know already who their best teachers are, and if they want to use them to strengthen the weaker teacher, what's stopping them?

Moreover, why would outstanding teachers want the additional burden of training their colleagues unless it entailed additional compensation? And additional compensation raises the specter of "merit pay," which teachers and their unions have rejected for decades.

The results envisioned by the NBPTS make a lot of sense: teachers, led by their most effective peers, organizing instruction, choosing textbooks, setting curricula and in general exercising unaccustomed autonomy.

But it's hard to see how board certification would necessarily produce those result—or how it would inspire bright college students to switch their majors to education or increase the number of minorities entering the field.

Certification by a national board certainly seems preferable to the minimum-competency tests most of the states now use. But would it really enhance the skills of teachers?

The problems cited by the NBPTS are the critical problems. But the certification remedy sounds like an effort to cure chills and fevers by devising more accurate thermometers propounding new standards for bodily temperatures.

Mrs. KASSEBAUM. Mr. President, I commend this entire article to the attention of my colleagues. I particularly wish to cite his closing paragraph.

The problems cited by the National Board for Professional Teaching Standards are the critical problems. But the certification remedy sounds like an effort to cure chills and fevers by devising more accurate thermometers and propounding new standards for bodily temperatures.

There have been those who have said that a vote against title X is a vote against education. That is just not so. There are those of us who believe that our energies and focus can best be channeled in other directions, which could indeed enhance the professionalism of teaching.

I yield the floor.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Madam President, I have been supplied with an article from the January 17, 1990, issue of Education Week, that I think I should share with my colleagues because it

bears directly upon the amendment before us. The article is headlined, "NEA, Assails Board's Policy On Prerequisites For Certification."

It reads as follows:

The NEA is calling on its members who serve on the National Board for Professional Teacher Standards to lobby the board to revise its policy on who is eligible for national teacher certification. The union's 136-member board of directors oppose the national board's decision to offer the opportunity to become certified to any teacher with a bachelor's degree and 3 years of successful teaching experience at one or more primary or secondary schools. Instead, the NEA directors last month approved a motion stating that the union "will take whatever steps are necessary" to ensure that eligibility for national certification is tied to possession of a state teaching license and graduation from an accredited teacher preparation program.

The article goes on to state:

The union's concerns echoed those expressed in September by the American Association of Colleges for Teacher Education.

Madam President, the concern that I think many of us share is that however desirable some national consensus might be that would lead to an upgraded criteria and standards that would improve excellence in teaching, we have a concern that even though the mandate to the board is not to develop a mandatory national standard, that that might yet occur as a somewhat—in the mind of some—logical next step. And the concern that occasions in many, including educators in my State, is that those States that in fact have more rigorous standards would find themselves thereafter preempted by a national standard; and clearly they do not wish to find themselves in that situation, thinking they are proscribing a better standard of education within their States than would occur as a result of Board action.

Beyond that, there is a concern that I think is highlighted by this article. The National Education Association has lobbied its members of the board to reverse the Board's policy, to offer the opportunity to teach in a classroom to anyone who has successfully completed 3 years of teaching, and who is the holder of a baccalaureate degree or a bachelor of science in math or science or chemistry. It seems to me that we ought to be going very much in the opposite direction.

There has been concern expressed on this floor that we do not pay teachers enough to assure quality in the classroom. I think that what we ought to try to do is to see to it that we have well-compensated teachers in the classroom, who are rewarded for excellence in teaching and that in order to assist them, give them more individualized kind of attention and instruction that I think we would all agree to be desirable; that they have the opportunity to be assisted by qualified teachers' aides of various kinds, and that we also not do anything to place impediments in the way of bringing into the classroom the very rare teaching assets of someone who, for example, has served a career in a laboratory as a research scientist for a leading manufacturer, or for a leading university, or for that matter, that we should not preclude the opportunity to serve as a teacher to someone who has been a successful career business person, or in the military, or who is a retired university professor, simply because they have not completed the kind of program that the NEA is insisting upon in this instruction to their members to undertake this lobbying to reverse the stated policy, which is to broaden, and not very far, not widely enough, it seems to me, opportunities for teaching to those who bring not simply a teacher's college credential, but successful experience in life into teaching. There is no guarantee that the lobbying effort will be successful.

(Mr. WIRTH assumed the chair.)

That is quite true.

But there is clearly not just an intent but great pressure being placed by NEA and by others upon the members of this Board; 33 members of a 64-member Board are teachers; another third, as I understand it, are appointed by teachers' organizations.

Mr. President, it seems to me that whatever the good intentions that prompted the creation of this Board—which I quite agree with the Senator from Kansas contains some very prestigious members—I think that in this article that reports a very clear instruction and a very clear conviction on the part of the National Education Association, there is not just implicit but expressed the danger that there would be a change in policy on the part of the national board and a change that would go a very long way toward narrowing the opportunity for qualified teachers to be in the classroom, to bring excellence, to bring the gifts that they have acquired through study of a kind different than is prescribed in this very narrow prescription.

It is just the wrong way to go, it seems to me. And while this is not a guaranteed turn of events, the danger that it could occur is very substantial. So for that reason I think that people who are concerned with excellence in teaching, concerned with broadening the opportunity to get qualified people of demonstrated ability, of wisdom and experience, into the classroom, and I might say particularly into the laboratories where we so desperately need people to teach physics and chemistry and the physical sciences, it seems to me this is going in the wrong direction.

So with some misgivings, because I think the intentions that prompted the action in the first place were very good, I will support Senator KASSEBAUM and for the same reasons I think that we should be very careful and for that reason I will support the amendment and hope that what we will achieve in subsequent action is the kind of mechanism that will indeed prompt an improvement nationally without preempting what are in fact innovative local efforts or the kind of efforts that expressly broaden the opportunity for people to come into the classroom.

I think to do that would be to make a good step. It seems to me that inherent in the proposal before us or that is the target of the amendment carries a real danger of making a misstep.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I know the Senator from Rhode Island has a motion here and I will just take a couple minutes. And I think the Senator from Massachusetts also wants to speak.

I want to speak as someone who is a cosponsor of the President's education bill because I feel that the issue before us now, the provisions of title X in this bill, directly contradict a very important part of the President's original bill. Giving Federal money to a private board to research national certification standards is in direct opposition to the President's alternative certification section found in title I of the bill before us.

Alternative certification allows for schools to capitalize on the richness of knowledge contained by individuals who did not necessarily study to become teachers. These individuals now have expertise in the field and a desire to pass that onto our children through teaching and we may be running inadvertently or advertently—I am not sure which—into a conflict there between the goals of the two proposals.

I think that the voluntary process allows those who have expertise in various fields and particularly in technical fields like chemistry, math, science, to either use part of their time in an effort to teach part time in schools or to retire early and give back to the system, so to speak, the talent and knowledge that they have gained through practical experience.

I am concerned that the provisions of title X will directly or indirectly complete with the proposals that the President has outlined in title I of his proposal. We need to be encouraging parents, lawyers, scientists, social scientists, and others with expertise from other professions to enter into the field of teaching, to enter into our classrooms and share their real world knowledge with students.

I believe the national standards will discourage this variety.

The Indiana Department of Education has expressed to me a number of concerns that they have with title X. They indicate that they are concerned that it might have an adverse impact on State licensing rules. And while there is a legal and jurisdictional distinction between certification and licensing, in reality they are concerned that national certification may affect State teacher licensing rules and teacher preparation programs.

Second, in the area of teacher preparation, they are concerned there may be pressure on higher education institutions to provide programs which prepare teachers to compete and compete successfully with the national certification assessment requirements. The national certification thus may drive the curriculum of teacher preparation programs, and we have seen a proliferation of that over the past several decades and I think to the detriment of preparing teachers for the kind of things they need to take into the classrooms.

So these two issues are raised by the Indiana Department of Education.

I think, more importantly, the issue here is the conflict that exists between title I of the President's bill and title X of the committee amendment that is before us and that impact that that might have on voluntary association of professionals and others with promising greater teaching in the classroom.

I have concerns against title X. For that and other reasons, I intend to support the amendment of the Senator from North Carolina.

I thank the Senator from Rhode Island for his patience in allowing me to make the statement, and I yield back the time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise to support the committee provision authorizing $25 million in matching funds for the National Board for Professional Teaching Standards. I believe that this initiative will help raise the professional standing of teachers and in doing so will make teaching a more attractive professsion.

This provision was developed after careful deliberation. The Education Subcommittee held a hearing on the proposed National Board at the end of the 100th Congress. Senator STAFFORD, who chaired that hearing, commented at the end of it about the remarkable unanimity of support for the proposal at the hearing. In his words:

I have sat through hearings in this Congress now for 28 years, and I cannot recall a time when the witnesses who appeared in front of us were so unanimous in their viewpoint on an issue as they have been this morning.

The groups that support the National Board include the most important groups and associations that deal with education: The National Governors Association, the Association of School Administrators, the Council of Chief State School Officers, the National Association of State Boards of Education, the American Education Research Association, the National Association of Secondary School Principals, the National Education Association, and the American Federation of Teachers.

Critics of the proposal from the other side of the aisle note that this is a private organization that will receive Federal funds and argue that this is a new departure. In truth, there is ample precedent for funding the national board. Congress, for example, funds the Corporation for Public Broadcasting, which in turn gives grants to local stations to support local programs.

The American Red Cross receives $13 million a year in Federal funds. The Close Up Foundation, a private nonprofit organization receives more than $4 million in Federal appropriations every year to bring students to Washington, DC.

President Bush has proposed a private Points of Light Initiative Foundation that would receive $25 million a year in Federal funds to encourage Americans to volunteer.

Mr. President, this is a modest proposal. It has been studied very carefully and numerous provisions have been added to ensure that Federal funds are matched from private sources, that Federal funds are used only for research, that the board awards Federal funds through competitive processes that are widely advertised, and that the board is accountable for the funds that it receives.

This modest Federal step will leverage significant private funds. It will, I believe, be an important step in improving the professionalism of the teaching profession. As a result, it will help improve American education.

We all talk about improving education. We talk about the importance of teachers and the need to get and keep the best possible teachers. This measure is an opportunity at last for the Federal Government to do something about the quality of education. I urge my colleagues to join me in voting to support this important initiative.

I have listened to the debate and I am frankly in disbelief of the way that this particular provision of the legislation has been distorted and misrepresented or not even understood. That has been really a characteristic of the descriptions that have been made by those who oppose this particular proposal.

I think all the Members of this body remember our very accomplished and dedicated and committed colleague, the distinguished Senator from Vermont, Mr. Stafford, who was here when this particular proposal was developed, and I just quote his own words.

I have sat through the hearings in this Congress now for 28 years and I cannot recall a time when the witnesses who appeared in front of us were so unanimous in their viewpoint on an issue as they have been this morning.

Mr. President, that was Senator Stafford who did the initial work on this particular proposal, as a result of an extremely balanced set of hearings.

This we believe is consistent with what the administration, the President, has talked about in terms of developing additional kinds of certification, this idea that it is somehow going to be mandatory. We have seen the Governor's association and Governors themselves who supported it and said it was going to be complementary. That is why I have difficulty in following the arguments of those who say if we do not do this, if we permit this board to be in effect, we are somehow confusing the development of alternative certification. Those arguments just do not wash.

I believe that the arguments have been made by the chairman of the Education Committee, Senator PELL, and Senator DODD, and others, and I just would hope that the very strong record that was made during the consideration of this proposal will not be lost sight of, just to make a major difference in strengthening the kind of quality teachers and give them the kind of recognition which they deserve.

We believe that although it is not the total answer in terms of giving some additional recognition to teachers of quality, it certainly will make an important difference in the teaching profession.

I thank the chairman of the Education Committee for his strong statement.

Mr. BAUCUS. Mr. President, teaching is one of the most important professions in our society because the men and women who teach our children are shaping the future. Because of this, we can afford to have only the most qualified men and women in those positions.

In Montana, we're fortunate to have an excellent educational system. Much of the success of our schools can be traced to teachers who are well educated, skilled, and highly devoted.

But, in our Nation as a whole, the educational system needs to be improved. And one way to do this is to establish national voluntary standards for the teaching profession.

The purpose of the National Board for Professional Teaching Standards is to set rigorous standards for what teachers should know and for what

they should be able to do. These standards would be guidelines that States could follow if they chose to do so.

The purpose of the national board is not to force States to adopt the guidelines, nor will it try to supercede State or local authority. I feel very strongly that States should determine their own educational policy with very little interference from Washington.

I have heard from many parents who educate their children at home or who prefer religious-based instruction to public education. I feel very strongly that the Federal Government should not interfere with the rights of States to set their own education policy.

The National Board for Professional Teaching Standards does not interfere with the rights of States. It serves as a voluntary guide and will not—and should not—interfere with State educational sovereignty.

The standards developed by the national board should help improve our educational system. In addition, I hope it helps good teachers get the recognition they deserve. The teaching profession should be valued as much as the medical and legal professions. Because without good teachers, our Nation will have little chance to succeed in the global marketplace.

Mr. WALLOP. Mr. President, I join with my colleague from North Carolina [Mr. HELMS] in offering an amendment to correct a serious flaw in the Educational Excellence Act.

Last spring, President Bush proposed the Educational Excellence Act as the cornerstone of his educational program—and I was one of the original sponsors. My colleague from Kansas has already described the provisions of the bill. Its purpose is to recognize and support local school programs which excel in educating our youth. This is worthwhile national objective which does not interfere with the local control of our public schools.

But, this bill has suffered a common legislative fate. It has undergone a strange metamorphosis since it was referred to committee. Members like to get their fingerprints all over legislation for better or worse. And, usually it is for the worse. In the case of the President's proposal, an amendment has been included to provide $25 million for a professional teachers standards board. This is a precursor of a Federal teacher certification program—almost a National School Board.

The scheme is to have the Federal Government adopt a private entity set up by the Carnegie Endowment. This private board is controlled by the Teachers Union, since two-thirds of its members are from the unions. The idea is that the new Federal Board would develop national certification standards for teachers. These standards are portrayed as voluntary, but inevitably they would become mandatory.

Last week, many of my colleagues were visited by representatives of their local school boards. We asked the Wyoming School Board Association their opinion of a National Teacher Standards Board. They voiced strong opposition to the board, viewing it as an unnecessary intrusion in local control of public schools.

We seem to be engaged in a never-ending battle to protect local schools against the federalization advocated by various special interest groups. These groups do not want the public schools to be accountable to local communities. They want them to be subject to Federal bureaucrats. They believe they can manipulate the bureaucracy to impose their own agenda.

Why fear teacher standards? We don't. It makes sense for local school districts to develop written exams to test the basic skills of potential teachers. The bill already contains a program to financially assist school boards in developing such tests. There is no reason for us to fund a National Certification Board to preempt the States.

State and local school officials could then decide how to test and certify their teachers. We would eliminate a Federal teacher standards test which is an ill-disguised attempt to ensure that those entering the teaching profession have taken the NEA teaching curriculum while in college. Such a test has little to do with the ability to teach. Rather, it is an attempt to disrupt local control of schools, by imposing what amounts to a National School Board made up of Teacher Unions.

Once again, it is time to "just say no." No national teacher standards; no union control of teacher certification; no closed doors to those who have ability to teach our youth.

My home State of Wyoming does not want a National School Board. I urge the adoption of this amendment.

Mr. PELL. Mr. President, since there appears to be no further debate, I would suggest that we get on with a vote.

Mr. COCHRAN. Mr. President, if the Senator would please withhold, I have been advised that the Senator from North Carolina would like to have an opportunity to make some closing comments before the debate is concluded.

Mr. HELMS. Mr. President, let me say again what I said at the outset of my remarks awhile ago, that if title X is stricken from the bill, we can go to final passage because then there will be no contradiction, I say to my friend from Mississippi, with what the President proposed, which was absolutely wise and unassailable.

I am not going back over the ground that I covered earlier this afternoon. But I quoted the NEA time and time again wherein the NEA stated its goals, its purpose, and its intent. I do not understand why the English language is not understandable, particularly when the NEA, the National Education Association, one of the teachers unions, made clear what it has in mind.

I am not going to engage in any debate with any Senator who does not understand what the NEA was saying.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. HELMS. Mr. President, I believe I will finish my statement. I did not interrupt the Senator.

The Senator from Georgia and the Senator from Connecticut stated that the goal of the board is to produce standards for teachers similar to the standards that the American Medical Association and the American Bar Association have implemented for members of their professions. With all due respect to those Senators—and they are my friends—that simply is not so.

For example, the NEA, I repeat, opposes, and said so time and time again, all forms of objective tests, competency tests, for teachers. The NEA has stated, and I quote the NEA itself, "Competency in testing must not be used as a condition of employment, license retention, evaluation, placement, ranking or promotion of licensed teachers. The association also opposes the use of pupil progress, standardized achievement tests, or student assessment tests for purposes of teachers' evaluation."

That is not the Senator from North Carolina speaking. That is the National Education Association.

In short, the NEA opposes testing teachers to see if they are competent. The NEA also objects to the idea of considering the success or failure of students to determine whether their teachers are effective.

Mr. President, if the ABA, the American Bar Association, the AMA, the American Medical Association, or any of the other professions proposed doing away with all written examinations for their professions, they would be laughed off the stage. I said that earlier, and I will repeat it.

If we want to pass this bill tonight, I hope Senator PELL's motion to table will be defeated, because if it is not defeated, then we will go on and on tomorrow, maybe late into tonight, like Tennyson's brook.

I will say again that I do not want to offer any more amendments, but I shall. I have several. The Senate will have to vote on them and we will debate them and spend a lot of time. And then I imagine—and I cannot speak for the President of the United States—I image that he will consider

getting his pen out and saying if I may paraphrase a little bit, "Watch my signature" on a veto message.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I would not vote to keep title X, which authorizes funds for the National Board for Professional Teaching Standards, if it mandated national educational teaching standards, interfered with home instruction or undermined local control of schools. However, the language of title X clearly does not mandate any such national teaching standards and seeks to uphold the traditional role of States and localities in primary and secondary education. According to the words of the bill, "Nothing in this Act shall be construed to: First establish a preferred national curriculum or preferred teaching methodology for elementary and secondary school instruction; or second, infringe upon the rights and responsibilities of the States to license elementary and secondary school teachers."

The Board authorized by title X would include representatives of business, school administrators and teachers and would have the goal of improving the quality of teaching. The language and the legislative history make clear that any standards that it develops will be voluntary.

Mr. GRASSLEY. Mr. President, everyone supports educational excellence. And everyone supports endeavors to improve the quality and quantity of teachers. But we do not all support a federal system of elementary and secondary education, which is where title 10 of S. 695 would lead us.

Therefore I oppose this section of the bill and support the amendment by the Senator from North Carolina to strike it from the bill. I have several concerns regarding title 10. The first is the appropriation going to a private entity, as mandated in the bill. The National Board of Professional Teaching Standards is a creation of the private sector. With support from the Carnegie Foundation, the Board hopes to establish a set of criteria for national teacher certification.

Title 10 of the Educational Excellence Act would federalize the National Board with Federal funding and Federal objectives. Yet the Board would be only indirectly federally accountable.

While I do not support the authorization of title 10 of this bill, I am even more concerned that such a major influence on teachers would occur outside the realms of the Department of Education.

My second issue of concern is that federal certification won't result in all that the committee promises. The committee report specifies that the National Board of Professional Teaching Standards "could inject a large dose of added professionalism to teaching." I am puzzled how a Federal board would add professionalism to any career.

Professionalism, in this context, I believe refers to the rather tenuous and elusive quality of perceived competence.

I strongly disagree that national certification will add to the public's perception of competence in the teaching profession. Respect is earned through consistent high quality performance. It can't be obtained simply by passing some examination.

The most significant concern I have with this legislation is the direction it would lead us toward Federal control of elementary and secondary education.

Mr. President, I am proud of the educational achievements of my State of Iowa. Iowa is indeed "first in the Nation" in education. In almost every measure, Iowa students rank first, second, or third highest in the country.

I am also proud of Iowa teachers. Their dedication to teaching young people is evidenced by the scholastic attainments of those students.

Mr. President, the accomplishments of Iowa students cannot be attributed to acts of Congress. Local education leaders in Iowa should be credited with identifying shortcomings in their schools. They have taken the needed steps to improve their schools.

Ever since "The Nation at Risk" received so much attention several years ago, states and local school districts have grasped the initiative to improve educational excellence in their schools.

Students and teachers in Iowa provide an excellent example of the success of local and State control of elementary and secondary education.

Local governments are more aware of the specific educational needs than the Federal Government ever could be. Additionally, local governments are more accessible to people in their local school districts than is the Federal Government. Therefore, licensure and certification of teachers should be left to the State and local government.

The committee included language that Federal certification should not infringe on the rights and responsibilities of States to license teachers. None the less, this section of the bill would establish national standards for teachers.

This leads our schools and our teachers in precisely the wrong direction. It should not be the business of the Federal Government to tell schools and teachers "what makes a good teacher."

It is the stated intention of the bill's proponents that this legislation will provide to teachers the same level of status that is supposedly available to physicians and attorneys. Neither these two professions, nor any other profession, is licensed or certified by the Federal Government. Such credentials are left up to State governments.

State licensure has been the domain of State governments for good reason. Those same reasons hold true for this so-called voluntary certification. State licensure would be rendered almost meaningless in the face of the national certification. Any teacher who wanted to be anything would be compelled to seek the national certification—regardless of the rigors of State licensure—regardless of the professional standards those teachers set for themselves—regardless of the local or State recognition a teacher may have received already.

According to the committee report, it is hoped that teachers who obtain this national certification will be able to command higher salaries.

However, not all schools have sufficient financial resources available to compete for these teachers. Yet these schools, perhaps even more than those which are able to pay higher salaries, need high quality teachers. I ask the proponents of this legislation:

How do they hope to accommodate the needs of low income school districts which will have an even harder time attracting high quality teachers?

What is to prevent more affluent school districts from monopolizing the supply of Board-certified teachers?

Mr. President, title X does not contribute to "Excellence in Education." More specifically, it will not, I believe, contribute to excellence in teaching. I support the amendment to strike this title from S. 695.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. HELMS]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nevada [Mr. REID] is necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. REID] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 35, nays 64, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—35

Armstrong	Grassley	Nickles
Bond	Helms	Packwood
Boschwitz	Humphrey	Pressler
Burns	Kassebaum	Rudman
Coats	Kasten	Simpson
D'Amato	Lott	Stevens
Danforth	Lugar	Symms
Dole	Mack	Thurmond
Domenici	McCain	Wallop
Garn	McClure	Warner
Gorton	McConnell	Wilson
Gramm	Murkowski	

NAYS—64

Adams	Exon	Lieberman
Baucus	Ford	Matsunaga
Bentsen	Fowler	Metzenbaum
Biden	Glenn	Mikulski
Bingaman	Gore	Mitchell
Boren	Graham	Moynihan
Bradley	Harkin	Nunn
Breaux	Hatch	Pell
Bryan	Hatfield	Pryor
Bumpers	Heflin	Riegle
Burdick	Heinz	Robb
Byrd	Hollings	Rockefeller
Chafee	Inouye	Roth
Cochran	Jeffords	Sanford
Cohen	Johnston	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
Daschle	Kerry	Simon
DeConcini	Kohl	Specter
Dixon	Lautenberg	Wirth
Dodd	Leahy	
Durenberger	Levin	

NOT VOTING—1

Reid

So the amendment (No. 1236) was rejected.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1238

(Purpose: To amend the Higher Education Act of 1965 the clarify the administrative procedures of the National Commission on Responsibilities for Financing Postsecondary Education)

Mr. JEFFORDS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 1238.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . ADMINISTRATION OF THE COMMISSION.

Section 1321 of the Higher Education Act of 1965 (20 U.S.C. 1221-1) is amended by inserting after subsection (d) the following:

"(e) ADMINISTRATION OF THE COMMISSION.—

"(1) RATE OF PAY.—Members of the Commission who are not full-time officers or employers of the United States and who are not Members of Congress may, while serving on business of the Commission, be compensated at a rate not to exceed the rate specified at the time of such service for Grade GS-18 of the General Schedule as authorized by section 5332 of title 5, United States Code, for each day, or any part of a day they are engaged in the actual performance of Commission duties, including travel time; and while so serving away from their homes or regular places of business, all members of the Commission may be allowed travel expenses, including per diem in lieu of substance, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(2) TEMPORARY EXEMPTION.—Subject to such rules as may be adopted by the Commission, the Chairperson, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power to—

"(A) appoint a Director or Executive Director who shall be paid at a rate not to exceed the rate of basic pay for GS-18 of the General Schedule; and

"(B) appoint and fix the compensation at a rate not to exceed the rate payable at the GS-18 rate of such other personnel as the Chairperson considers necessary.

"(3) AUTHORITY TO CONTRACT.—Subject to the Federal Property and Administative Services Act of 1949, as amended, the Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities.

"(4) SOURCE OF ADMINISTRATIVE SUPPORT.—Financial and administrative support services (including those related to budget and accounting, financial reporting, payroll and personnel) shall be provided to the Commission by the General Services Administration (or other appropriate organization) for which payment shall be made in advance, or by reimbursement, from funds of the Commission, in such amounts as may be agreed by the Chairperson of the Commission and the Administrator of General Services.

"(5) AUTHORITY TO THE HIRE EXPERTS AND CONSULTANTS.—The Commission is authorized to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18. Experts and consultants may be employed without compensation if they agree to do so in advance.

"(6) AUTHORITY FOR DETAIL OF EMPLOYEES.—Upon request of the Commission, the head of any Federal agency is authorized to detail on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.";

and redesignating subsections (e) and (f) as (f) and (g) respectively.

Mr. JEFFORDS. Mr. President, this is purely a technical amendment. It has been cleared by both sides. Due to an oversight in the drafting of the reauthorization to the Higher Education Act of 1986, a provision was left out which would provide the technical language necessary for a Commission which is authorized in that bill.

The Commission refers to the responsibilities of the family and the State and the Federal Government in the financing of higher education. The Commission has been formed; the money has been appropriated, but the technical language necessary to expend the funds was not placed in the bill. All this does is provide that technical language in order to allow the Commission to go forward with its work and guiding us in how we fund the higher education for our young people in the future.

During reauthorization of the Higher Education Act, a Commission was created to study the appropriate family, State, and Federal role in financing the cost of postsecondary education. The results and recommendations of this study will be presented to Congress and play a critical role during the 1991 reauthorization of the Higher Education Act.

The Commission is in place, the members appointed, and the money appropriated. However, an oversight in drafting omitted the authority for the Commission to spend money. Until that omission has been corrected, the Commission cannot proceed and hence Congress will not have the results of this important study during the next higher education reauthorization.

Let me reiterate: This is not appropriating any money. The money has been appropriated—it is a purely technical amendment to allow the money to be spent and the Commission to be underway to study the increasing burden of financing a higher education and make recommendations to Congress.

I want to thank both my colleague from Rhode Island and my colleague from Kansas for their assistance in this matter.

Thank you, Mr. President.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1238) was agreed to

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1239

(Purpose: To establish a Voluntary Teacher Assessment and Certification Research and Development Program)

Mrs. KASSEBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 1239.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 117, beginning on line 19, strike all through page 129, line 15, and insert the following:

TITLE X—VOLUNTARY TEACHER ASSESSMENT AND CERTIFICATION RESEARCH AND DEVELOPMENT PROGRAM

SEC. 1001. VOLUNTARY TEACHER ASSESSMENT AND CERTIFICATION RESEARCH AND DEVELOPMENT PROGRAM.

Section 405 of the General Education Provisions Act (20 U.S.C. 1221 et seq.) is amended—

(1) in subsection (d), by adding at the end thereof the following new paragraph to read as follows:

"(7)(A)(i) From funds appropriated under subparagraph (F) of this paragraph, the Secretary shall support a National Center to conduct research and development activities related to the development of voluntary assessment and certification procedures for elementary and secondary school teachers.

"(ii) In developing assessment and certification procedures, the National Center shall give priority to research and development activities in—

"(I) mathematics;

"(II) the sciences;

"(III) foreign languages; and

"(IV) literacy, including the ability to read, write, and analyze.

"(iii) The National Center shall give priority to research and development activities for the certification of elementary and secondary school teachers and the need and ability of such teachers to teach special educational populations, including—

"(I) limited English proficient children;

"(II) gifted and talented children;

"(III) handicapped children; and

"(IV) economically and educationally disadvantaged children.

"(B)(i) To support the National Center, the Secretary shall award a cooperative agreement to a public or private institution of higher education, or other agency, organization, or institution, that is selected by the Secretary on a competitive basis, utilizing the procedures and principles of peer review. The Secretary may, to the extent the Secretary deems appropriate, conduct the competition on the basis of existing regulations for research and development centers.

"(ii) The Secretary shall require the National Center to pay at least 50 percent of the cost of its research and development activities under this paragraph from non-Federal sources.

"(iii) The Secretary shall ensure that the National Center will not use Federal funds to meet administrative and operating expenses.

"(C) The Secretary shall ensure that the research and development activities conducted by the National Center are planned and implemented in consultation with a broad spectrum of interested organizations and individuals, including but not limited to elementary and secondary school teachers, principals, school board members, business leaders, and university professors.

"(D) Each public or private institution of higher education, or other agency, organization, or institution desiring a grant from, or wishing to enter into a cooperative agreement with, the Secretary shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(E) The National Center may make awards of Federal funds competitively on the basis of merit, and, in the award process, the National Center will select, to the extent practicable, and consistent with standards of excellence—

"(i) a broad range of institutions associated with educational research and development; and

"(ii) individuals who are broadly representative of the educational research and teaching communities with expertise in the specific area of research and development in question.

"(F) Notwithstanding section 504(e)(1), there are authorized to be appropriated for this paragraph $6,000,000 for the period beginning October 1, 1991, and ending September 30, 1993.

"(G)(i) Notwithstanding any other provision of law, funds appropriated to carry out this Act shall remain available for obligation and expenditure until the end of the second fiscal year succeeding the fiscal year for which the funds were appropriated.

"(ii) No funds shall be made available to the National Center after September 30, 1993, except as authorized by clause (i) of this subparagraph.

"(H) Nothing in this paragraph shall be construed to—

"(i) establish a preferred national curriculum or preferred teaching methodology for elementary and secondary school instruction;

"(ii) infringe upon the rights and responsibilities of the States to license elementary and secondary school teachers; or

"(iii) provide an individual with a right of action against a State, local educational agency, or other public educational entity for any decisions related to hiring, promotion, retention, or dismissal.";

(2) in subsection (e)(1), by striking "section," and inserting "section (excluding section 405(d)(7)),"; and

(3) in subsection (f)(1), by striking "section," and inserting "section (excluding section 405(d)(7)),".

Mrs. KASSEBAUM. Mr. President, the amendment I am offering would delete the $25 million authorization for the National Board for Professional Teaching Standards, which has been included in title X. As a substitute for those provisions, my amendment would, one, provide that any research on teaching standards would be subject to the same grant award procedures as other educational research and, two, would reduce the authorization for this purpose to $6 million.

Mr. President, I would prefer to eliminate title X entirely. That not being possible, I am offering this amendment to assure that research funds made available for this purpose are open to competition in the same way that other educational research funds are. The National Board for Professional Teaching Standards could compete for these funds, as could other interested groups, but this amendment would not guarantee funding to the board.

I think it is important to point out that the fiscal year 1989 budget for education research is just over $47 million. Consequently, the $25 million authorized over 3 years by title X of S. 695 represents approximately 20 percent of the Department of Education's entire research budget. This is simply too large a sum to direct to one group on a noncompetitive basis for one research purpose. We have sought to assure that funds are awarded on a competitive basis for the Department of Defense and other departments, and I believe we should apply this same standard to the Department of Education research grants, particularly when we are talking about such a substantial portion of that activity.

Mr. President, it could be that the board, as a matter of fact, will be the one who will win this competitive award. It is, I think, a good board.

The second part of my amendment reduces the authorized amount from $25 to $6 million. My purpose in reducing the authorized amount is to bring the scope of this research activity in better line with other national research center efforts supported by the Department of Education's Office of Educational Research and Improvement.

Funding levels for these national research centers vary from a range of about $500,000 to $2 million. The $6 million authorization over 3 years provided by my amendment would place research on teaching standards at the high end of this scale. I would add, I think as most people know, this is money that is matched dollar for dollar by private sources in support of drawing up of the teaching standards of certification.

I believe my amendment offers a reasonable approach to the issue of research on voluntary teaching standards, and I would urge its adoption by the Senate.

I yield the floor, Mr. President.

Mr. PELL. Mr. President, while the funds flow to the established board, we have attached a requirement that the board must meet, which meets some of the points that have been raised by the Senator from Kansas. First, the board must be composed one-half by teachers, and, second, it must provide open competition of the grants for research and development, thus meeting the objection which has been raised.

Our subcommittee and committee also made significant changes in the original proposal—four, in fact. First, Federal money can be used only for research and development; second, the advisory committee to oversee research and development includes 2 of 10 members to be appointed by the Secretary of Education; third, open competition, merit review, wide dissemination of both merit competition announcements and results of research projects, all to guarantee wise and careful use of Federal funds, and four, submission of a 5-year plan by the board to indicate how Federal funds would be used in research and development. I have great respect for the ranking member and high regard for her, but I must in this case urge

my colleagues to oppose the amendment.

Mr. DODD. Mr. President, I think the chairman of the committee has outlined fairly accurately the problems with this amendment. I appreciate the point of view of the Senator from Kansas. I would note for my colleagues this is not an unprecedented action. There are any number of nonprofit foundations and boards which receive Federal assistance directly without going through a competitive process, so it is not as if we are doing something we have never done before. I listed earlier a number of such groups such as the Red Cross, public broadcasting, Close Up Foundation, a number of others, which we have in our wisdom, rightly or wrongly, decided to fund directly without going through a competitive process. That is No. 1.

Mr. President, an important point to make to our colleagues, however, about this amendment, first of all, is that there is no indication whatsoever the Department of Education is interested in establishing such a center. It never has been in any intention I have seen to establish a center that would allow for this kind of a process to go forward, but more importantly than that, there is a technical problem of which we should all be aware. Under the law, the Department of Education has passed through the cycle already. They are not allowed to receive competitive bids for another 5 years, so that even if you wanted to go this route, under the law you would have to wait until 1995 to do so, which would destroy the very purpose I think all of us have in mind, and that is to at least create some sort of a vehicle for improving teacher quality in this country. So that even if you wanted to go the route suggested by the amendment of the Senator from Kansas, under the law you would have to wait 5 years to do so, at least based on what we have been told by the Department in terms of the cycle that they go through in receiving bids for such a competitive process.

Lastly, I would say to my colleagues regarding this proposal, this board will accept competitive bids for various aspects of the research and development to be done, so it is not as if this board is going to conduct all the research on its own; that it will in fact become a funnel through which research dollars can then go out to various institutions already established in this country which will do the kind of work that needs to be done in this area.

It has been estimated by the Carnegie Foundation that the cost of doing a good R&D program in this area would cost $50 million. Some may argue with that number. The point is that through this vehicle you save about $25 million. This board has agreed to take on 50 percent of the cost through non-Federal funds. Not too often do we get the opportunity to support an organization that is willing to have 50 percent of its funds come from sources other than the Federal Government. I think we ought to take advantage of that. This is a well-established board made up of competent people who know what they are doing. To have 50 percent of those funds come from the private sector or other institutions ought to be something that we encourage rather than discourage.

Of course, you also ought to note that none of the $25 million that this board receives can be spent on the administration of this board. Concerns were raised by some that these dollars would then go into the salaries of board members, their per diems, their meals, their lodging while they meet. That is absolutely prohibited under the law. This money can only go for research and development, that the foundation will have to assume the cost of the administration of the board on its own. That is an extremely important point.

So in terms of expeditiously moving forward in this area, doing it and doing it at far less cost and not establishing a precedent, since we have already done that in a number of areas, I urge this proposal by the Senator from Kansas be rejected, we accept what we have worked out in a bipartisan fashion and go forward with this proposal and adopt the President's commission on education legislation.

Mr. President, I yield the floor.

AMENDMENT NO. 1240 TO AMENDMENT NO. 1239

Mr. HELMS. Mr. President, I send an amendment in the second degree to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1240 to amendment numbered 1239.

Mr. DODD. Mr. President, I ask unanimous consent that the amendment be considered to have been read, and I note the absence of a quorum.

The PRESIDING OFFICER. Is there objection to the request?

The Chair hears none, and it is so ordered.

The amendment is as follows:

In lieu of matter proposed to be inserted, insert the following:

"TITLE X—MINIMUM COMPETENCY STANDARDS FOR TEACHERS"

"SEC. 1001. MINIMUM COMPETENCY FOR TEACHERS.—Title IV of the Elementary and Secondary Education Act of 1965 is further amended by adding at the end thereof a new part J to read as follows:

"'PART J—MINIMUM COMPETENCY FOR TEACHERS PROGRAM

"'SEC. 4911. FINDINGS.—THE CONGRESS FINDS THAT—

"(1) effective public elementary and secondary schools require competent teachers; and

"(2) States should be encouraged and assisted to develop and implement written standards of minimum competency that are applicable to teachers in public elementary and secondary schools.

"'SEC. 4912. PURPOSE.—It is the purpose of this part to enhance the quality of teaching in public elementary and secondary schools by encouraging and assisting States and consortia of States to develop and implement written minimum competency standards for teachers in such schools. States may require teachers to demonstrate compliance with such standards before teaching in a public elementary or secondary school with the State.

"'SEC. 4913. AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $15,000,000, for the period beginning October 1, 1990 to September 30, 1993 to carry out the purpose of this title.

"'SEC. 4914. ALLOTMENTS.—(a) From the amount appropriated to carry out this part, the Secretary shall allot to each State whose application is approved an amount that is proportional to that State's share of the total population of children ages five through seventeen in all such States, based on the most recent data available that is satisfactory to the Secretary.

"'(b) For the purpose of this part, the term "State" means any of the States of the Union, the District of Columbia, and the Commonwealth of Puerto Rico.

"'SEC. 4915. STATE APPLICATIONS.—(a) Any State desiring to receive a grant under this part shall submit, through its State educational agency, an application at such time, such manner, and containing such information, as the Secretary may require.

"(b) Each State application shall—

"'(1) describe the activities to be undertaken to develop and implement new, or expand and improve existing, written minimum competency standards.

"'(2) A State educational agency may carry out such programs, projects, or activities directly or through contracts or subgrants.

"'(b) Programs, projects, and activities supported under this part may include, but are not limited to, the—

"'(1) design, development, implementation, testing, and evaluation of written minimum competency standards;

"'(2) establishment of administrative structures necessary to the development and implementation of such standards;

"'(3) development and implementation of appropriate support programs, to assist teachers to demonstrate compliance with such standards; and

"'(4) the development and implementation of appropriate reciprocity agreements between and among States.'

"SEC. 1002. EXPIRATION DATE.—Effective October 1, 1994, the provisions of section 1001 of this Act are repealed. The figure $15,000,000 on page 59, line 17, is deemed to be $25,000.000."

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I withdraw the amendment I just sent to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment will be withdrawn.

The amendment (No. 1240) was withdrawn.

AMENDMENT NO. 1241 TO AMENDMENT NO. 1239

Mr. HELMS. I send another second-degree amendment to the desk in its place and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1241 to amendment No. 1239.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter to be inserted, insert the following:

"TITLE X—MINIMUM COMPETENCY STANDARDS FOR TEACHERS"

"SEC. 1001. MINIMUM COMPETENCY FOR TEACHERS.—Title IV of the Elementary and Secondary Education Act of 1956 is further amended by adding at the end thereof a new part J to read as follows:

"'PART J—MINIMUM COMPETENCY FOR TEACHERS PROGRAM

"'SEC. 4911. FINDINGS.—The Congress finds that—

"'(1) effective public elementary and secondary schools require competent teachers; and

"'(2) States should be encouraged and assisted to develop and implement written standards of minimum competency that are applicability to teachers in public elementary and secondary schools.

"'SEC. 4912. PURPOSE.—It is the purpose of this part to enhance the quality of teaching in public elementary schools and secondary schools by encouraging and assisting States and consortia of States to develop and implement written minimum competency standards for teachers in such schools. States may require teachers to demonstrate compliance with such standards before teaching in a public elementary or secondary school with the State.

"'SEC. 4913. AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $15,000,000, for the period beginning October 1, 1990 to September 30, 1993 to carry out this purpose of this title.

"'SEC. 4914. ALLOTMENTS.—(a) From the amount appropriated to carry out this part, the Secretary shall allot to each State whose appropriation is approved an amount that is proportional to that State's share of the total population of children ages five through seventeen in all such States, based on the most recent data available that is satisfactory to the Secretary.

"'(b) For the purpose of this part, the term 'State' means any of the States of the Union, the District of Columbia, and the Commonwealth of Puerto Rico.

"'SEC. 4915. STATE APPLICATIONS.—(a) Any State desiring to receive a grant under this part shall submit, through its State educational agency, an application at such time, such manner, and containing such information, as the Secretary may require.

"'(b) Each State application shall—

"'(1) describe the activities to be undertaken to develop and implement new, or expand and improve existing, written minimum competency standards.

"'(2) A State educational agency may carry out such programs, projects, or activities directly or through contracts or subgrants.

"'(b) Programs, projects, and activities supported under this part may include, but are not limited to, the—

"'(1) design, development, implementation, testing, and evaluation of written minimum competency standards;

"'(2) establishment of administrative structures necessary to the development and implementation of such standards;

"'(3) development and implementation of appropriate support programs, to assist teachers to demonstrate compliance with such standards; and

"'(4) the development and implementation of appropriate reciprocity agreements between and among States.'

"'SEC. 1002. EXPIRATION DATE.—Effective October 1, 1994, the provisions of section 1001 of this Act are repealed. The figure $15,000,000 on page 59, line 17, is deemed to be $25,000,000."

Mr. HELMS. Mr. President, the amendment I sent to the desk would delete the pork-barrel grant to a private organization and in title X by rechanneling $10 million of the Board's funds into the President's alternative teacher certification program to bring the authorization level up to the President's requested level of $25 million. The remaining $15 million would go into a competitive grant program for the States—individual States—to help them in their efforts to develop minimum written competency tests for teachers at the State, not national, level. That is precisely where such decisions belong.

As I said earlier, under title X, the taxpayers are expected to ante up millions in taxes while all they get in return are empty assurances that the money will somehow improve education.

The Board's supporters obviously want to give lip service to stringent teacher competency standards, but their real intent is to ensure that the NEA controls the development of any such standards so that even incompetent, dues paying teachers need not worry about losing their jobs. The only standards the Board and the NEA are really interested in are those that they can use to justify demands for increased pay and increased control over the schools.

As an attempt to ensure that Federal funds are used to develop truly stringent standards for teachers, I have included in the pending amendment a program to help the States—not the National Board—develop competency standards for the teachers they employ. Helping the States establish State-administered pencil and paper tests would ensure that every teacher has at least the minimum qualifications for the job. That is what the bar exams, medical and accounting boards, and engineering examinations do so well.

Because minimum competency tests have been successful in keeping incompetent individuals out of the legal and medical professions, they have garnered a great deal of respect for themselves and the professions.

Unfortunately, the National Board has no intention of developing such objective competency tests for teachers—even though that is exactly what they have led the public to believe they would do.

Instead, according to the Board's "Initial Policies and Perspectives" published last year, the Board intends to establish "high and rigorous standards" by conducting interviews, viewing videotapes of teachers, examining sample lesson plans, simulating classroom performances, examining teacher portfolios, observing teachers on the job, and assessing a teacher's reputation among his or her own peers.

As I said in connection with the previous amendment, Jane VanderVeen, who is the NEA's program development specialist, spoke to North Carolina's educators 2 months ago and said that "the most promising thing about early policy decisions by the Board is that paper-and-pencil tests will be minimized to the greatest extent possible."

Mr. President, from statements like that and the Board's own policy statements, it should be obvious that the Board's eventual standards will hardly be the rigorous and objective teaching standards that the Board wants us to believe they will be.

Mr. President, using subjective competency standards, as the Board proposes, would essentially allow the Board and the NEA to judge teachers according to a teacher's politics, views, and adherence to the NEA's educational agenda. We should be judging teachers objectively based on their ability to convey the required subject matter to their students.

The pending amendment also seeks to give the President's alternative certification program a better chance at opening the teaching profession to many peole who have arbitrarily been excluded from it in the past. It would do this by fully funding the Presidents alternative certification proposal.

Mr. President, something is out of place with a high school math instructor's own math professor at college is not permitted to teach in a high school simply because the professor does not have a degree in teaching. Such a state of affairs really stands logic on its head.

Of course, the reason retired college professors—not to mention lawyers, doctors, and other professionals—are not allowed to teach in our public elementary and secondary schools, even though they are very well qualified, is that college professors have not been trained in something called "pedagogy," which is only taught in our teachers' college.

Our Nation's public school educrats, if you want to call them that, have been very effective in using high sounding phrases like "teaching methodology," "educational theory," or even "child behavioral psychology" to keep people without education degrees out of the public schools, no matter how well qualified they may otherwise be.

These terms may sound impressive to many people and to some Senators I am sure they sound absolutely indispensable to teaching. However, they lose their ability to impress once they find out that such educational theory courses include classes with titles like "Discovering Your Teaching Self," or "Lifestyle of a Secondary School Student," or "The Media and You."

Irving Kristol, I think, summed up the current education dilemma in an article that first appeared in the Wall Street Journal back in 1984. He asked the question, "Whatever happened to common sense?" That is the question we need to ponder here on this floor this evening, although I am not sure we will.

Mr. Kristol concluded, in answering his own question, that common sense had fallen victim to a tyranny of academic and pseudo-academic ideas, like "pedagogy," "behavioral psychology," and other meaningless academic jargon.

The National Board for Professional Teaching Standards acknowledges that it is not going to choose between assessing teachers based on their subject matter knowledge or their "pedagogical" knowledge. The Board will require both and thereby hijack the school reform movement by returning the teaching profession to an emphasis on teaching technique instead of assuring teachers' competence in their subject matter.

Once the Board puts education reform's focus back on technique instead of substance, the President's alternative teaching certification initiative will fail as well and the Board knows it.

Only teacher college graduates, you see, will possess the requisite pedagogical knowledge to become Board certified, or even licensed by the State, since the Board acknowledges that its long-term goal is to make compliance with the Board's standards a de facto prerequisite for obtaining a State teacher's license.

I do not know how Senators will vote on this one, but I think they ought to analyze what the amendment proposes. I hope Senators will vote to fully fund the President's initiative, which is what the pending amendment does. The amendment restores the President's initiative.

By eliminating the Board, the pending amendment makes it possible to give the President of the United States the entire $25 million he wanted for his alternative certification program. It would also enable the States to develop and implement truly stringent competency standards for the teaching profession in the individual States.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, this Helms amendment is, in my view, another way to do away with the assistance for the National Board for Professional Teaching Standards. The increase of funds for altered certification in place of the proposed title X is not the same as what the national board would do.

The board would help teachers already in place, while alternative certifications would bring new people into the profession. In essence, it is very similar to the amendment that we just considered and voted on, and I move at this time to table the amendment.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] and the Senator from Nevada [Mr. REID] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

Mr. EXON. Mr. President, regular order.

The PRESIDING OFFICER (Mr. KERREY). Are there any Senators in the Chamber desiring to vote?

The clerk will tally the vote.

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—60

Adams	Exon	Levin
Baucus	Ford	Lieberman
Bentsen	Fowler	Metzenbaum
Biden	Glenn	Mikulski
Bingaman	Gore	Mitchell
Boren	Graham	Moynihan
Bradley	Harkin	Nunn
Breaux	Hatfield	Pell
Bryan	Heflin	Pryor
Bumpers	Heinz	Riegle
Burdick	Hollings	Robb
Byrd	Inouye	Rockefeller
Cochran	Jeffords	Roth
Cohen	Johnston	Sanford
Conrad	Kennedy	Sarbanes
Cranston	Kerrey	Sasser
Daschle	Kerry	Shelby
DeConcini	Kohl	Simon
Dixon	Lautenberg	Specter
Dodd	Leahy	Wirth

NAYS—37

Armstrong	Gramm	Murkowski
Bond	Grassley	Nickles
Boschwitz	Hatch	Pressler
Burns	Helms	Rudman
Chafee	Humphrey	Simpson
Coats	Kassebaum	Stevens
D'Amato	Kasten	Symms
Danforth	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner
Durenberger	McCain	Wilson
Garn	McClure	
Gorton	McConnell	

NOT VOTING—3

Matsunaga	Packwood	Reid

So the motion to lay on the table amendment No. 1241 was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that Senator SIMPSON be added as a cosponsor to the underlying amendment, my amendment, and I ask for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the amendment of the Senator from Kansas. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] and the Senator from Nevada [Mr. REID] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

The result was announced, yeas 40, nays 57, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—40

Armstrong	Boschwitz	Chafee
Bond	Burns	Coats

Cochran	Heinz	Nickles
Cohen	Helms	Pressler
D'Amato	Humphrey	Rudman
Danforth	Kassebaum	Simpson
Dole	Kasten	Stevens
Domenici	Lott	Symms
Durenberger	Lugar	Thurmond
Garn	Mack	Wallop
Gorton	McCain	Warner
Gramm	McClure	Wilson
Grassley	McConnell	
Hatch	Murkowski	

NAYS—57

Adams	Ford	Lieberman
Baucus	Fowler	Metzenbaum
Bentsen	Glenn	Mikulski
Biden	Gore	Mitchell
Bingaman	Graham	Moynihan
Boren	Harkin	Nunn
Bradley	Hatfield	Pell
Breaux	Heflin	Pryor
Bryan	Hollings	Riegle
Bumpers	Inouye	Robb
Burdick	Jeffords	Rockefeller
Byrd	Johnston	Roth
Conrad	Kennedy	Sanford
Cranston	Kerrey	Sarbanes
Daschle	Kerry	Sasser
DeConcini	Kohl	Shelby
Dixon	Lautenberg	Simon
Dodd	Leahy	Specter
Exon	Levin	Wirth

NOT VOTING—3

Matsunaga	Packwood	Reid

So the amendment (No. 1239) was rejected.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I understand that the managers are about to accept an amendment to be offered by the Senator from Indiana, Mr. COATS, and I will therefore now propound a unanimous-consent request subject to the acceptance of the Coats amendment which will occur shortly, so my reference to limiting the amendments should be read not to exclude the Coats amendment that is coming up shortly. And if this agreement is accepted, as I hope and anticipate that it will, then there will be no further rollcall votes this evening.

Accordingly, Mr. President, I ask unanimous consent that the following amendments be the only amendments remaining in order to S. 695, the education bill, with the exception of the committee-reported substitute, as modified, and that they be limited to the following time limitations: A Wilson amendment regarding dollars for DARE, 40 minutes equally divided; a Wilson amendment regarding Healthy Start, 2 hours equally divided; a Helms amendment regarding title X, 90 minutes equally divided; a possible second-degree amendment to the Helms amendment on the same subject by Senator PELL or his designee, 60 minutes equally divided.

I further ask unanimous consent that following the conclusion of the above-listed amendments, the Senate proceed immediately to third reading and final passage of S. 695, as amended, without any further debate or action other than the appropriate motions to reconsider and table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues and I thank the distinguished managers, Senators PELL and KASSEBAUM, for their courtesy in handling this matter.

Mr. President, there will be no further rollcall votes this evening. There will be rollcall votes, I anticipate, on these amendments and on final passage tomorrow.

I now yield the floor.

AMENDMENT NO. 1242

(Purpose: To provide for the voluntarily, random, drug testing of student athletes)

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its the immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for himself, Mr. THURMOND, and Mr. LOTT, proposes an amendment numbered 1242.

Mr. COATS. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. DRUG TESTING.

Part B of the Drug-Free Schools and Communities Act of 1986 is amended by inserting at the end thereof the following new section:

"SEC. 5128. DRUG TESTING.

"(a) PROGRAM AUTHORIZED.—(1) The Secretary is authorized to make grants to States for use by the Governor of the State to fund a program of drug testing for student athletes in secondary schools in the State in accordance with the provisions of this section.

"(2) Grants awarded pursuant to paragraph (1) shall be awarded on the basis of the number of secondary school students in the State.

"(b) LOCAL GRANTS.—(1) Each Governor of a State receiving funds pursuant to subsection (a) shall use such funds to make grants to eligible schools within the State to pay the costs of testing student athletes for drug use.

"(2) Funds awarded pursuant to paragraph (1) shall only be used to test secondary school athletes who—

"(A) voluntarily choose to participate in a random drug testing program; and

"(B) attend eligible schools.

"(c) STATE APPLICATION.—(1) The Governor of each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary shall reasonably require.

"(2) Applications submitted pursuant to paragraph (1) shall—

"(A) describe the drug testing program for which financial assistance is sought; and

"(B) contain assurances that the State will implement the drug testing program for which financial assistance is sought within 6 months of the date the funds become available to the State.

"(d) LOCAL APPLICATION.—Each eligible school desiring a grant pursuant to subsection (b) shall submit an application to the Governor of the State in which such eligible schools is located a such time, in such manner, and accompanied by such information as the Governor shall require.

"(e) DEFINITIONS.—For the purposes of this section—

"(1) The term 'Governor' includes the chief executive officer of any State;

"(2) the term 'eligible school' means a secondary school that—

"(A) the Governor of the State in which the school is located has determined to be a school at risk of experiencing a serious drug problem;

"(B) has a drug and alcohol abuse problem as demonstrated by appropriate data;

"(3) the term 'secondary school' has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965; and

"(4) the term 'Secretary' means the Secretary of Education.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal years 1991, 1992, and 1993 to carry out the provisions of this section.".

Mr. COATS. Mr. President, I understand the managers have looked at this amendment, have discussed it and accepted it, so I will be very brief, with just a minute or two explanation of what it is and then we will proceed to its adoption. I thank them for their courtesy.

This amendment is a follow-on to an amendment which I offered to the body last year and which was adopted into law providing for random, voluntary drug testing of student athletes in secondary schools.

Mr. President, the Senate adopted that language last year and it was signed into law by the President late in the year.

This particular amendment is a follow-on to that, as I said, because it establishes a supplemental grant program of $5 million to be used over 3 years allocated to States on the basis of school enrollment. The rest of the language is the same as that in the previous amendment which passed this body.

McCutcheon High School in Indiana embarked upon a random drug testing program more than a year ago because it discovered a serious problem with its student athletes and the use of drugs.

The Tippecanoe County School Corp. adopted the program for its schools. It has been tested in the courts. The seventh district court has upheld the program unanimously and testing began in the fall of 1989. At the time it is important to note that since that time, there have been no, and I repeat no, failures at either of the two high schools which have instituted this drug testing program. That consists of approximately 500 tests, and we are excited about these results because it is a program that works. It

is a program that has demonstrated not only success but absolute success.

Now, we do not pretend that this will always be 100-percent successful, but here we have, while we stand on the floor and discuss the merits and demerits of particular programs and whether they will work, a tested program certified and approved by the courts, one which has been tested now with hundreds of students and has proven to be a real success.

We are all frustrated when dealing with the drug problem. We are all looking for programs that work, and this amendment is designed to advance a proposal which gives this some additional support and to see if we can spread it nationwide.

Other schools have called asking about the program. A school in Illinois has instituted a program, again without any indications of failures, and I think it provides a basis and a model for a successful way to deal with drugs and the athletes.

The reason we brought it up initially was because the temptation among athletes to take drugs to supposedly enhance their performance is very great. We have all read about this. We have seen the tragic results of that in newspapers and news programs across the country.

A lot of young people are thinking, "Do I need to take drugs in order to compete successfully?" And yet we know the dangers that are inherent in that. We are asking our students not to take drugs. Here is a program established in two Indiana schools that is working.

Again, I want to thank the Senator from Rhode Island and the Senator from Kansas for their willingness to look at this, analyze it, discuss it, and accept it.

Mr. President, unless someone else wants to talk on the amendment, I am happy to urge its adoption.

Mr. PELL. Mr. President, while I honestly prefer that we could have this amendment offered on a drug bill, I will agree to add the amendment of my colleague from Indiana to the Educational Excellence Act. It is a good amendment, and I congratulate the Senator.

Mr. COATS. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1242) was agreed to.

Mr. COATS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. What is the pending business, Mr. President?

The PRESIDING OFFICER. The committee substitute, as amended.

Mr. KENNEDY. Mr. President, I am pleased that we will incorporate the Student Athlete Right-To-Know Act into S. 695. This bill, which I cosponsored with Senator BRADLEY is designed to make information about graduation rates available to student-athletes who are being recruited by colleges and universities.

During hearings on this bill, we learned from the General Accounting Office [GAO] that student-athletes often leave school without completing their degrees. The legislation we are approving would help address that sad fact by simply requiring schools to publish the graduation rates of their student athletes.

A few weeks ago, the National Collegiate Athletic Association [NCAA] decided to provide a wide range of graduation rate data voluntarily. I commend them for making this decision and I applaud the leadership on this issue displayed by Dick Schultz, the executive director of the NCAA. I believe the action is long overdue and I am convinced that Mr. Schultz' leadership made it happen this year.

Senator BRADLEY and I agree that self-regulation, such as that displayed by the NCAA, is to be preferred in this area. As a result, the legislation allows the Secretary of Education to waive the requirements of this act for any institution that is voluntarily publishing information that is substantially comparable to the information required by this act.

I believe that the provisions adopted by the NCAA meet this test and I urge the Secretary of Education to waive the requirements of this legislation for NCAA institutions. I know that Senator BRADLEY shares my view that the NCAA's action is very comparable to the requirements of this act.

Our amendment also includes a provision requiring the Secretary of Education to develop a definition of graduation rate and to identify and define other student outcome measures. We included this provision because in the course of our hearings, we learned that there is no widely accepted graduation rate definition. I believe that having agreement on this important term will enable potential college students to evaluate graduation claims based on comparable information.

I emphasize that this provision is to be developed in consultation with State higher education agencies and representatives of colleges and universities. This definition is not to be written by the Department of Education and imposed on colleges and universities.

Mr. President, I thank Senators PELL and KASSEBAUM for their willingness to include this amendment in the Educational Excellence Act of 1990.

NATIONAL SCIENCE SCHOLARSHIP PROGRAM

Mr. GLENN. Mr. President, I rise in support of S. 695, and particularly in support of the National Science Scholars Program found in title II of the bill.

This scholarship program originated with a proposal Congressman DOUG WALGREN and I made in the 100th Congress to establish congressional scholarships for science, mathematics, and engineering. On the first day of the 101st Congress, I reintroduced this scholarship proposal in S. 134. Shortly thereafter, the President introduced his science scholarship initiative.

While there were important differences between the two proposals, I was glad that the President and I agreed on the most important point—the need for highly visible, prestigious national scholarships for the Nation's young science scholars.

I want to commend my colleagues on the Labor Committee for taking the best parts of both of our proposals and combining them in a measure that all of us can support.

The need for these scholarships is clear.

The United States faces a crisis in science and math education. One report after another confirms that the level of science literacy among the general school-age population is shamefully low. The children of our chief trading partners—the very nations against which the United States goes head-to-heard in international markets—outperform our best students in science and math.

Moreover, there is a growing concern that American schools are not turning out enough scientists, engineers, and technical personnel to meet the demands of our industrialized, high technology economy. The proportion of American students studying in engineering, math, or the natural sciences has been declining over the last decade.

Equally important, demographic changes are looming ahead that could exacerbate the potential shortage of scientific personnel. We must encourage more minorities and women—groups that have been traditionally underrepresented in the sciences—to enter scientific occupations.

I am deeply concerned about these developments.

How is this country going to be able to compete with our trading partners if we cannot produce the scientists, engineers, and technicians necessary to make internationally competitive products? And if we can't compete in the global economy, how are we going to provide good jobs for our citizens? Or generate the tax revenues to help clean up the environment, fight drug abuse, provide health care, or defend this country?

For a variety of reasons, too many of our young people are not interested in pursuing scientific careers. We must do something to change that.

We no longer live in an age in which spectacular scientific enterprises capture the public's attention. Probably the best example of that was the U.S. space program in the 1960's. Its successes sparked the interest of millions of schoolchildren.

My proposal to create science scholarships is a modest attempt to fill some, I repeat, some, of the void in our culture today.

This proposal is very simple. The National Science Foundation will nominate one female and one male high school senior in every congressional district for a scholarship to study science, math, or engineering. The awards would be worth up to $5,000 per year for 4 years.

I have also offered an important amendment which I am glad to say was accepted. I want to thank the floor managers for doing so.

My simple amendment could accomplish a great deal. I think that we could leverage these scholarships to obtain private sector funding for many more scholarships. For example, each congressional district will produce two winners, but up to eight finalists. Consider the multiplicative effect of our modest $5,000 scholarships, if, say, a computer company, an engineering society, or a civic club were to contribute scholarship moneys to the finalists.

Some 900 scholarships could be used to leverage another 3,000 awards. That is exactly what my amendment is intended to accomplish. The NSF will be required to encourage this kind of participation by the private sector.

In conclusion, let me reiterate the principle aim of the National Science Scholarships: They are to raise the stature of scientists in our Nation's schools and to draw national attention to the importance of a well-trained technical work force. In other words, these scholarships are an important symbolic gesture. But we shouldn't forget that the program will help between 900 and 3,000 of America's brightest young people enter scientific occupations where they are desperately needed.

Mr. President, I urge my colleagues to support S. 695.

Mr. SYMMS. Mr. President, I rise today in opposition to Federal funding of the National Board of Professional Teaching Standards—an amendment which was attached to the President's education bill in the Senate Labor and Human Resources Committee.

This amendment provides $25 million to a private organization for the research and development of teaching standards without any input from other interested groups or the Federal Government. I do not believe the Federal Government should have its hands in every facet of American life, nor do I believe a single private organization should dictate regulations at the national level. This is what will happen if we insist on funding private groups for such purposes.

The amount of funding also concerns me—$25 million is about 20 percent of the Department of Education's entire annual research budget. The Department of Education is currently studying teaching standards—why then do we ignore its efforts and give responsibility to a little known private group to dictate teaching standards for everyone? The administration is in place because the American people put it there; why not let it do the job it was elected to do.

I have heard from hundreds of my constituents who are violently opposed to Federal funding of this Board. This provision could lead to a mandatory certification system and, at a time when we are experiencing a shortage of teachers, this Board could deter individuals from the field.

Currently, home schooling is governed by the individual States; the Board in this bill would prohibit this type of teaching, regardless of the situation or the parents' wishes.

Moreover, the National Board for Professional Teaching Standards largely represents teachers' unions, rather than the individual teachers. This is a clear indication that the Board does not equally represent all regions.

As I have stated before, my concern is that this Board will lead to mandatory national requirements for all teachers—either through a licensing process or some accreditation scheme—which will then start us on the way to nationalized education. Thus, the Board would control who can and cannot teach and, eventually, education policies in public schools. This is a heavy, yet powerful burden for a single private organization.

America's education system should not be run in this manner. The education of our young people is of extreme importance and is the responsibility of many—parents, teachers, and lawmakers alike. It is not something to be dictated by a single private Board. Whose best interest are we focusing on? I do not believe it is that of the children who need the education.

Mr. DURENBERGER. Mr. President, I rise in support of S. 695, the Educational Excellence Act, a collection of initiatives proposed by President Bush and sponsored by Senator KASSEBAUM in an effort to improve the education in the United States.

We have all read the statistics that show how we are failing to provide our children with an education adequate to meet the challenges of tomorrow. The 700,000 students in 1987 who dropped out of school. And the another 700,000 students who graduated, but who had deficiencies in basic skills equal to those who hadn't graduated. The fact that despite higher funding levels in education, U.S. students continue to rank at or near the bottom when compared to their counterparts in other industrialized countries in math and science skills. That only one poor black high school graduate in six attends college. That on a National Assessment of Educational Progress study, only 4.9 percent of all graduating 17-year-olds could use a bus timetable; 12 percent could solve problems using common fractions; and 5 percent could write a persuasive letter.

These are just a few of the grim statistics that present a frightening picture of America in the 21st century. For the first time in this Nation's history, we are leaving the next generation without the tools necessary to move this country forward. The answer to meeting the economic challenges of tomorrow rests in our ability to expand the productivity of every American worker today. That challenge depends on education. And it de pends on a national commitment to educating all ages of Americans to meet tough challenges that help define the future.

S. 695 lays out the first step to meeting that challenge. It is based on four key principles essential to the improvement of our education system. They include; recognizing and rewarding our best schools and teachers, targeting those most in need, providing greater flexibility and choice for parents, teachers and principles, and enhancing accountability for progress toward high-quality education.

Underlying all four principles is the idea of empowering parents, teachers, students, and administrators to fundamentally change the way we think about education. To improve education by increasing available choices for all in the education community.

While Minnesota is leading the Nation in expanding parental and student choice, dozens of other States aren't far behind. At last count 30 States have implemented some type of choice program. Each of these programs is different. That's good. Because there is no answer that will solve the problems in our schools today. Our State and local districts have always been laboratories for trying new and better ways of educating our children. The bill before us today feeds into what educators are doing at the State and local level and challenges them to improve their programs to best meet the needs of the kids. S. 695 will expand funding for the merit schools program, for historically black colleges and universities, and for the drug free schools and school dropout programs. In addition, S. 695 would test new initiatives under the schools of excellence program to

test the significance of open enrollment programs. The alternative certification program to encourage more people to get involved in teaching. Finally, the national scholars program to reward our leading high school science students. Ensuring access to quality programs for the disadvantaged, expanding choices, and rewarding excellence; that is the job of an education President, and that is the focus of this bill.

While a strong supporter of S. 695, I must express reservations about a provision added to the bill during markup in the Labor and Human Resources Committee. This provision would authorize $25 million in funding over 3 years for the National Board of Professional Teaching Standards [NBPTS]. The NBPTS would research and develop a program of voluntary teacher certification. While I applaud the Senator from Connecticut's attempt to improve and professionalize teaching in this country and a way to address the issue of differential of pay, I have concerns about certain aspects of the particular proposal. First is the cost. The $25 million proposed over a 3-year period represents over 20 percent of the entire Department of Education's budget for education over the same period. At a time when we cannot meet the current demand for research dollars, I believe we need to look seriously at any proposal that would consume over 20 percent of the budget. I also have reservations about the noncompetitive nature of the grant process for the Board. In all other grant proposals of this kind, recipients are made to compete for funding based on need and the quality of their proposal. This is done in an effort to ensure that we as a Federal Government are getting the best program for our money.

I have also heard from many people who have expressed a concern that this program would eventually lead to a mandatory teacher certification process. I strongly support the traditional structure of our current education system that leaves certification authority to the States. The legislation, as I read it, is clear in defining this as a voluntary program in which teachers would apply for certification and that this program is not intended to lead to the Federal mandating of teacher certification. You can be sure that I will be following the development of this program to ensure that it continues to operate as intended in a voluntary manner.

Again, Mr. President, this is a good bill that will go a long way in improving education in this country. I urge my colleagues to support S. 695.

Mr. JEFFORDS. Mr. President, I rise in support of S. 695, the Educational Excellence Act of 1989.

Before I begin I would like to address concerns that I have heard regarding the National Board of Professional Teaching Standards. My office, and perhaps other Senators' offices, has been inundated with calls regarding this Board.

I am appalled by the nature of the rumors that have been spread regarding this program. Every one of my constituents has been misinformed and I repeat misinformed, that enactment of this bill would mandate that teachers in public and private schools and home schoolteachers be certified.

There is nothing further from the truth. This Board has been established to provide a voluntary certification for those teachers who choose to be certified. There is nothing mandatory in this provision and I know that I personally would not want and certainly would not support a Federal board to certify teachers, which has been the traditional role, and rightfully so, of each State.

Earlier today, Senator DODD, the author of this amendment, further clarified this provision and I appreciate his remarks. I hope that this will answer the concerns that have been raised and that the source of such rumors recognizes that the promotion of misinformation is neither appreciated nor acceptable.

Now, for the issue at hand, S. 695, the Excellence in Education Act of 1989. Let me commend the administration for this proposal which reflects its strong commitment to education. The Educational Excellence Act puts the Federal Government firmly on the record as committed to the needs of all students. It further reinforces the Hawkins-Stafford goal of providing educational opportunities for underserved and underprivileged youngsters.

The President's bill addresses some of the most difficult dilemmas this Nation has had to face. Preparing our future generation academically, controlling the rising social and financial costs of drug abuse and decreasing the unacceptably high dropout rate. The importance of this bill lies not solely in the fact that we have a President who has accepted the challenge to better prepare our youngsters—this bill is important because it recognizes that America's future generation is important and deserves time, attention, and recognition.

The economic necessity for such a bill derives from changes in both the demand side and the supply side of the U.S. labor market. On the demand side, there is an increase in international trade; changes in the standing of U.S. firms relative to their trading partners overseas, a rise in the role of services in all sectors of the economy; the rapid spread of computers and sophisticated communications equipment in the workplace and changes in the nature of markets and consumer demand.

These changes have had a precise impact on the types of skills needed to be a productive work force. An analysis of the national occupational data shows that over the last 15 years, occupations employing higher-educated workers have grown faster than those dominated by workers with 12 years of schooling or less. Modern production systems place increased intellectual and skill demands on lower- and middle-level workers. There is absolutely no question that there are many fewer opportunities for workers without basic literacy and numeric skills.

If statistics clearly point toward a higher level of knowledge and skill, then, how can our schools be prepared to meet the needs of individuals preparing for work? It is clear that there exists a need for an increased academic background and an extra incentive to remain in school and not be lured to the streets by drugs.

S. 695 makes it clear that education is the framework, the critical link to individual fulfillment, to economic growth, and to a competive nation. This bill promotes quality education by rewarding efforts to improve educational achievement.

I am especially heartened, and fully supportive of the provision introduced by my colleague from Kansas [Mrs. KASSEBAUM], which provides grants to institutions of higher education for teacher training programs for middle school teachers. As a member of the Carnegie Foundation for Adolescent Development, I have been concerned by the lack of initiatives to promote special training for middle school teachers.

"Turning Points," a publication of the Carnegie Foundation, concludes that adolescents have been critically neglected. The adolescent years are a time of physical, social, and emotional change. It is a critical juncture for our young people—a time of questioning, experimenting, and self-analysis.

Middle school teachers play an important role in the development of these youngsters. The Middle School Teacher Training Program included in the bill recognizes the difficult task of such teachers and provides innovative models to train these teachers. Preparing middle school teachers is critical. This provision furthers that laudable goal.

The Excellence in Education Act includes Presidential Merit Schools and Schools for Excellence. This program provides a pat on the back for schools that have gone the extra mile for their students and succeeded in lowering dropout rates and drug abuse. The efforts of those schools, those teachers, and those administrators must be recognized. The work is hard and the rewards can be few.

S. 695 proposes the School Dropout Demonstration Programs. Such pro-

grams recognize that the key to success is not to give up on a child. Youngsters drop out for a number of reasons, be it drugs, academic failure, personal or emotional dilemmas. But that child should not be lost forever, forgotten by society. Instead, that child must be encouraged to try again and recognize that there is hope. The school dropout initiative does exactly that—it promotes programs that target dropouts and encourages them to return and finish their schooling.

Furthermore, the bill provides seed money to those schools most urgently in need of drug prevention programs. Our big cities have become inundated by the flow of drugs and drug users. But drugs are not contained in our larger urban cities alone.

There are no safe havens, no area completely free from the influence of drugs. Therefore, our efforts to educate our young people about the effects and influence of drugs has become one of the most critical lessons our schools, our teachers, our parents, and our country will have to teach our young people. The Drug-Free Schools Program provides this assistance to rural and urban schools in an effort to get the message across, and provide the help needed to get our children off of drugs.

I am particularly glad to note the National Science Scholars Program to award outstanding academic achievement in science and mathematics. Clearly, to keep this country competitive it is imperative that we encourage our young people to pursue careers in science and math.

The condition of our math and science programs, the declining number of scholars, teachers, engineers, and scientists has been an increasing concern of mine.

It doesn't require a great deal of insight to see the worsening condition of science education in this country. America is having difficulty remaining competitive in this world of increased technology. Our ability to fill highly skilled technical jobs has declined rapidly. It does not take much studying to determine that situation. In most instances, it is right on the front page of the newspapers.

So, even without the statistics it is easy to make a case in favor of science education in this country. During reauthorization of the Vocational Education Act we heard scores of witnesses testify that students were graduating less prepared and less skilled in the fields of math and science than ever before. Business is having to provide remedial education for its employees or else take the industry overseas where labor is cheaper and better prepared.

We are at a unique juncture in time. The Berlin Wall has fallen and perestroika is real. Countries that used to be isolated from the West are beginning to shed their restraints and work cooperatively with us. This is a time of challenge and opportunity for all nations, including America. We must be able not only to keep pace, but to prepare our workforce for the increasing reality of a single global marketplace. If we cannot educate our youngsters to be prepared for this time in math and science education, language education and reading and writing skills, then we have drastically failed.

The President's bill takes an important step to solve this critical problem and recognize the importance of science to our future generation. I have only outlined a few of the proposals included within this important bill. I applaud the alternative certification for teachers and principals as well as the changes included within the bill to the Higher Education Act and the provision for We the People * * * the Citizen and the Constitution.

It is refreshing to note the priority that this administration has placed on education and I want to commend Senator KASSEBAUM and her staff for the hard work they have put into this bill and the effort they put forth to forge a bipartisan package.

Mr. SIMON. Mr. President, I stand today in support of S. 695, the Excellence in Education Act. This legislation takes a few small steps on the long road toward paying off the Nation's education deficit.

Mr. President, our children today face a number of serious problems and obstacles that we never had to encounter—problems such as the growing presence of drugs in our society, an increasing number of illiterate adults, a startling dropout rate among high school students, and an imminent loss of America's competitive edge.

Our children are being exposed to drugs at an increasingly younger age. Americans, who comprise just 5 percent of the world's population, use 50 percent of its illegal drugs. And it is not only adults who are abusing substances, our children are being exposed to drugs at an increasingly younger age. Continually, drug dealers are using children between 8 and 12 years old to help work the drug trade. Fifteen percent of eighth graders in 1987 reported having tried marijuana. By the sixth grade, 44 percent of the students had tried drugs. Startling numbers to be sure but the drug war is only one of the battles that our children face.

Mr. President, few would argue about the importance of the ability to read in American society. Reading is essential to opening doors of opportunity that were previously closed but, far too many Americans do not hold that key. There are Americans who have gone through our schools, graduated, and still cannot read or write. Some 23 to 27 million people living in America are functionally illiterate. Another 45 million adults read with only minimum comprehension.

Studies show that with illiteracy comes a perpetuating cycle of poverty. To compete effectively in today's workplace, a worker must function at a 9th- to 12th-grade level—compared to a fourth-grade level during World War II. Yet 20 percent of America's adults can not even read well enough to read instructions on a bottle of medicine, fill out a job application or exercise their right to vote. Is it any wonder why 75 percent of this country's unemployed are illiterate? If we solve the problem of illiteracy, then we may be able to break the cycle of poverty for thousands of families.

The Senate has just passed the National Literacy Act I sponsored, S. 1310, to help combat this problem. S. 1310 would work toward eradicating the problem by the year 2000, particularly among the adult population, but we need to make sure that the children who go through our schools receive the quality education they deserve. We can no longer allow students to graduate without basic skills and the ability to read.

Literacy and basic skills cannot be taught if students do not stay in school. Twenty-eight percent of American students quit school before they have completed 12 years. That number is higher in urban areas. Furthermore, one out of every four high school graduates has the equivalent of an eighth-grade education. With Japan's dropout rate at only 2 percent, is it reasonable to expect that this Nation can stay competitive?

Mr. President, competition is a word that we all take very seriously. For years the United States dominated the world economically and socially. Post World War II production made this Nation the strongest the world has ever seen. But as the 1980's come to a close, the question must be asked: Are we still the all-powerful nation we once were? I believe that we all realize the answer is no. America's international edge is slipping.

What does the future hold? Experts tells us that by the year 2000 one-third of the newly created jobs will be in occupations requiring a high level of education and another 36 percent will require moderately high educational level. That leaves 69 percent of the available jobs completely unattainable by a worker who lacks a high school diploma. The same experts also inform us that nearly half of the work force at the turn of the century will be either black or Hispanic—yet today's statistics say that 44 percent of blacks and 65 of Hispanics are marginally or functionally illiterate. And these numbers do not include women or other minorities such as Asians or American Indians, all of whom have historically been discriminated against in the edu-

cation system and the job market. By the year 2000, 85 percent of the new workers on the market will be minorities. Even if literacy improves gradually, the mismatch is obvious. The future holds numerous skilled job opportunities with a shortage of workers to fill the positions. In our efforts to reform and improve education, we can be proactive in addressing these inequities and in preparing our work force for the future.

There is no question that the 1980's have been a time of automation and it does not look like the future holds much change. As machines replace the individuals, displaced workers must learn new skills to regain employment. This group must improve its technical knowledge to stay competitive in their respective fields. But technological fields are not increasing their numbers in the schools. In an 11-country study, including Canada, England, and Japan, United States students placed last in calculus and and biology and near the bottom in geometry, algebra, physics, and chemistry. Just one out of five students is interested in studying science by the 10th grade, the time when most basic science courses have been taken. Studies show that in 1986, U.S. colleges and universities awarded 18,792 Ph.D.'s in science and engineering, only 12,572 went to American students. Just 4 percent of those degrees went to blacks and Hispanics. Studies predict a shortage of 560,000 scientists by the year 2020. We must do more. We must encourage the study of science and technology, especially among women and minorities.

Mr. President, who is to teach the students of the future these mathematic and scientific skills? One-third of today's faculty in colleges is over 50 and may retire in the next 10 to 15 years. When placed next to the rate at which natural science and engineering students have pursued doctoral work—50 percent since the 1960's—a future shortage can be predicted. Current competent teachers in the technical fields are simply not attracted to teaching positions. Why submit yourself to lower salaries and lower status as an educator when you could succeed as a published researcher? Teachers in math, science and even vocational education can earn 50 to 60 percent more in the private sector.

Currently, statistics show that 50 percent of all jobs require some amount of education beyond high school and that percentage will continue to rise as the century ends. Yet the cost of a college education has risen some 40 percent in the past 9 years while over the same time period Federal assistance for students rose just 3 percent. How can the minorities of America, who will form 85 percent of the new job force of the next decade, afford higher education with that kind of meager support?

Education is not a product that can be produced by a single institution. It is a system that combines the input from a number of factors. Beyond the students and faculty, a school must be supported by parents and the community. It is essential that public schools become important parts of the community, the State and, ultimately, the Nation. As a result there is no easy remedy for our education ills.

But I am willing to guess that no Senator, no Congressman, no American citizen would refute the assertion that our school system needs to be rejuvenated.

Mr. President, last year, the United States spent over $300 billion on the military and $20 billion on education. That difference is frightening. Less than 2 percent of our enormous budget is spent on the valuable resource known as the American mind. Many times I have stressed that education is the most important opportunity our Nation has to offer its youth. Through learning one is able to unlock the secrets of the world and contribute greatly to one's society. As the world becomes smaller and technology more advanced, education only grows in significance. If we plan to stay economically competitive in this changing international society, we must begin with education. Education must become a priority at all levels, Federal, State, and local. The President and the parents must get involved if reform and improvement is going to be successful. You could have the best educational program in the world with the best books and learning equipment, but if the child does not have the motivation and support from home and the community, that program and those tools are wasted.

Mr. President, I don't mean to paint an exceedingly dark picture of our educational system without a sign of light or hope, but the reality of the situation warrants a dark picture.

As I stated at the beginning of my statement, S. 695 takes a few small steps on the long road toward paying off the Nation's education deficit. One of the most important parts of the bill is title X, an effort to retain our excellent teachers by increasing the status of the profession.

NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS

Mr. President, a few years ago researchers conducted a study to determine what types of audiovisual aids are most helpful to students learning foreign languages. In the end, what they found out had little to do with the various technologies they tested. They concluded that the teachers, not technology, had the greatest impact on student learning.

The simple fact is, students who have good teachers, learn; students who don't have good teachers, don't learn.

The problem is that many of our best teachers don't stay in teaching, and most of our best students don't go into teaching in the first place. The solution? More pay, higher standards, and the increased respect that these steps will bring to the teaching profession.

There is little that the Federal Government can do to increase teacher salaries. That is something that each of the almost 16,000 school districts across the country must address. Indeed, as many of these districts find it increasingly difficult to find qualified applicants, the salary issue will be forced upon even the most recalcitrant districts.

But here is a way that the Federal Government can help to raise the status of the teaching profession, to attract and retain the best and the brightest. It is the proposal before us today, to provide research funds for the National Board for Professional Teaching Standards.

Certification by the National Board will not be a substitute for existing state licensing procedures. It will be an additional, advanced certificate, available only to those with experience in the classroom. The concept is fairly simple. In our universities—unquestionably the best in the world—the position of full professor is a mark of distinction, a goal for young scholars. National Board Certification provides exemplary elementary and secondary school teachers with a similar type of recognition of their knowledge and talents.

National Board certification is voluntary. Teachers do not have to seek it; States and school districts do not have to recognize it. But for those who choose it, an assessment process would require candidates to demonstrate their command of subject matter and of the teaching and learning process. For the first time, experienced teachers would be challenged to meet a fair and demanding standard of excellence.

Board certification will not only give teachers greater recognition, but also the potential for greater responsibility and reward. School districts will engage in a healthy competition for Board-certified teachers, and will find ways to make the most productive use of their knowledge and talents.

To develop the standards to be met by this schoolhouse version of a full professor, the National Board for Professional Teaching Standards needs to conduct research.

Mr. President, some people have objected to the Federal Government providing funds to an outside, nonprofit organization. I have three comments on this concern. First, while this direct authorization is somewhat unusual, it is not unprecedented: Similar programs exist for the Close Up Founda-

tion, the American Red Cross, and the Corporation for Public Broadcasting.

Second, I consider this not an expenditure of public funds, but a savings. The Board will be paying for research that the Government should be doing in the first place. We are, in effect, doubling the return on our research investment because of the funds that the Board has been able to raise from foundations and businesses.

Third, the Board will consult with the Department of Education and will use the same high standards in contracting for research. Research awards will be granted on a competitive basis, with merit review, and the Board's activities will be subject to annual reports, audits, and other mechanisms to ensure accountability.

This national, voluntary program of advanced certification is one of the most promising opportunities we have to leverage improvements in the quality of teachers and teaching, and to stem the exodus of able teachers from the profession.

Mr. President, I support the committee's provision authorizing Federal funding for the National Board's research, and I urge my colleagues to oppose efforts that would slow down the Board's progress.

OTHER ELEMENTS OF S. 695

The discussion about the Board has taken the spotlight away from several other important parts of the bill. I would like to take this opportunity to mention a few of them.

The Nation's historically black colleges and universities are the major producers of black educators, scientists, and professionals. Yet, these schools continue to be hampered by lack of resources and inadequate financial support. Title IV of this bill extends the authorization for Federal matching funds to help build the endowments of the HBCU's, an initiative I authored in the Challenge Grant Amendments of 1983. S. 695 reflects my suggestion to authorize $20 million for HBCU challenge grants in fiscal year 1990 and such sums as necessary in fiscal year 1991, fiscal year 1992, and fiscal year 1993, providing an increased level for this initiative beginning in fiscal year 1990. I am pleased to see that the administration has called for $15 million in the proposed budget—triple this year's level. This will help to secure the future of these important institutions.

Grades six through nine are times of immense physical, emotional, and social change for youth. Yet middle schools may be the most neglected by policymakers. S. 695 would establish much-needed demonstration programs for teaching at the middle-school level. Because this is also the age when many young people first develop problems of drug and alcohol abuse, the bill includes language I proposed to ensure that teachers are trained to prevent and detect high risk behavior and to build self-esteem.

S. 695 establishes the Presidential Merit School Award, grants given to schools that succeed in reducing drug abuse and dropout rates. In addition, schools that make extra efforts to cooperate with parents in enrollment procedures or strive to strengthen their academic and vocational programs for disadvantaged students will also be eligible for moneys.

This legislation also provides scholarships to one man and one woman in every congressional district who have demonstrated academic achievement in math and science. At my urging, the committee agreed to give a priority to economically disadvantaged students and those who have been traditionally underrepresented in math and science careers.

The bill also increases the authorization for the Drug-Free Schools and Communities Act, and targets some of the funds to school districts with the most severe drug problems. It authorizes funds to help States develop alternative routes to teacher certification. It continues the program, "We the People * * * The Citizen and the Constitution."

Finally, Mr. President, I am pleased that the bill has been amended on the Senate floor to authorize the President's Awards for Excellence in Education. This program expands on the successful Christa McAuliffe Fellowship Program that I sponsored, under which excellent teachers in every State have been awarded funds for special projects or study sabbaticals. This provision of S. 695, creating a $5,000 award program, will help to keep excellent teachers in the profession by recognizing and rewarding their exemplary efforts.

Mr. President, it is time that we as Americans address the ills of our public education system. All children, regardless of economic stature, should be able to enjoy the right to a good solid education and the unlimited possibilities that it can reveal.

No, Mr. President, S. 695 won't solve all of the problems in education; it is not a comprehensive education reform bill. The National Board for Professional Teaching Standards will not give the country an ample, diverse teaching force. It will not instantly make teaching a high-status profession. There are many more steps that the Congress, President Bush, State legislatures, Governors, local school boards—and the voting public—must take to address the ills in education.

But this is a start.

Mr. COATS. Mr. President, I am pleased to be a cosponsor of the President's education bill, Excellence in Education Act of 1989. This bill is an important step in improving the way we educate our children. It is becoming obvious to everyone involved in the education debate that more and more money being spent on existing programs is not working. It is time for some spring cleaning. We need to challenge our teachers, ourselves as parents, ourselves as legislators, and our students to expect more from all parties involved.

The President's initiatives to hold schools accountable for student performance in merit schools; to apply free market competition to our schools through open enrollment and to broaden the base of teachers through alternative certification are bold ideas. These ideas have been proven by many schools and deserve a chance to reach more students and hopefully, one day, all students.

The concepts behind the innovative measures in title I are ones that I have been stressing through the American Family Act. I am pleased that President Bush recognizes that new programs must implement fundamental tenets of accountability, responsibility, and success in the classroom.

The bill also recognizes programs that have worked in the past and gives them the needed funds to keep working. Giving funds to encourage national science scholars and historically black colleges and universities makes sense if we are to continue to remain competitive as we face the next decade and century.

However, to the President's original proposal, a privately funded board would be given money to research a concept that to me seems in direct conflict with part C of title I, alternative certification. I don't understand why we should move in the direction of basing teacher quality on a subjective test developed by a special interest group. I believe there are all types of successful and inspirational teachers and that we should be opening ourselves to the untapped resources that exist, not limiting ourselves. I therefore cannot accept title X of this bill and will support any amendments that alter or delete its existence.

Mr. COCHRAN. Mr. President, on February 9, 1989, when President Bush made his first address to the Nation as the 41st President of the United States, he presented a plan to the Congress and to the American people for building a better America. The cornerstone of the plan was a package of educational initiatives to promote educational excellence.

The President based these initiatives on four principles:

As an incentive for all schools, teachers, and students to improve their performance, our best schools and our best teachers should be recognized and rewarded.

Federal dollars should be used to assist those most in need.

Greater educational flexibility and choice should be given, both to par-

ents in the selection of schools for their children and to local school systems in hiring of teachers and principals.

In order to ensure that students receive the highest quality education, greater accountability should be required through objective measurement and reward of progress.

Last week in his State of the Union Address, the President announced the educational goals recently developed in cooperation with the Nation's Governors:

By the year 2000, every child must start school ready to learn.

The United States must increase the high school graduation rate to no less than 90 percent.

By the year 2000, U.S. students must be the first in the world in math and science achievement.

Every American adult must be a skilled, literate worker, and citizen.

Every school must offer the kind of disciplined environment that makes it possible for our kids to learn, and every school in America must be drug free.

The Educational Excellence Act before us today incorporates the President's education proposals, these guiding principles, and the goals for our education future into an education bill of which we can be proud.

As the President explained when he submitted this proposal to Congress, we should build upon the historic accomplishments of the previous Congress. The Educational Excellence Act builds on and complements the accomplishments of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments which took significant steps toward improving elementary and secondary education by enhancing parental involvement in programs for disadvantaged children, stimulating education reform, encouraging the development of innovative teaching methods through new programs such as the very successful Star Schools Program, reauthorizing the magnet schools program, and improving accountability.

I am particularly supportive of the provisions of S. 695 authorizing Presidential Merit Schools to provide Federal dollars to States to recognize and reward exemplary chapter 1 schools; schools of excellence to promote parental choice in education and to strengthen the knowledge of elementary and secondary students in academic and vocational subjects; alternative certification to allow States to examine alternatives to their current certification procedures in order to bring noncertified individuals with expertise in certain subjects into the classroom; and an increased authorization for the Historically Black Colleges and Universities Endowment Challenge Grant Program.

I also support the effort to develop a voluntary, advanced certification process for teachers. This would provide a way to recognize exceptional teachers and reward them to help retain our best teachers in the profession and attract bright college-bound students into the field.

As an original cosponsor of the Education Excellence Act, I applaud the President for making education a priority in this administration. A top quality education for every child in every State is something that parents should be able to expect and that we should strive for as lawmakers. The legislation builds on existing programs and establishes new programs to help States and local school districts achieve their full potential. I am glad to have had an opportunity to work with the White House and other members of the Labor and Human Resources Committee on this important legislation.

Mr. HATCH. Mr. President, I appreciate the opportunity to vote for the Educational Excellence Act today. This bill incorporates many of the proposals the President has chosen as the basis of his education program.

Our country is at a very crucial point. We are facing some of the greatest challenges that have ever come our way. Our ability to provide a quality education to all our citizens, regardless of their intellectual ability, wealth, race, or gender, will determine how strong this country will be.

It is hard to imagine that in only 11 years we will cross the threshold into the next century. Mr. President, in 11 years, my oldest grandchild, Stephanie, will be entering college. What we do on the floor of the Senate today will ensure that my granddaughter and her classmates are prepared for the challenges of postsecondary education and for the responsibilities of citizenship.

Proposed here is a mechanism for the President, in cooperation with State education agencies, to recognize quality schools and reward those schools for their efforts, especially those which have large numbers of disadvantaged students. These awards will be based on three primary criteria: First, proof of progress in educational achievement levels; second, the creation or maintenance of a drug-free environment; and third, a reduction in the dropout rate for secondary schools. Can you imagine how much stronger this country will be if we can make improvements in these three areas in all our schools?

There is a mechanism to provide schools of excellence for students who are educationally disadvantaged or from low-income families. These schools will focus on a particular educational approach or subject area. There will be competitive grants available to districts or groups of districts for such schools. This program should help to reduce dropout rates by providing youth and their parents with various options regarding the type of schools they attend. If a traditional classroom format has not worked, this proposal does not limit a student's choice to dropping out. It offers alternatives.

Additional funding is authorized so that States can set up alternative programs for teacher certification. This is designed to encourage qualified professionals to enter the teaching profession without requiring them to go through traditional teacher certification procedures. It is estimated that this country will need at least 200,000 new teachers per year between 1990 and 1995. There is an increased need for math and science teachers and minority teachers, who are not entering the profession through traditional means. These alternative certification programs, run by the States, will be aimed at encouraging these nontraditional candidates to enter the ranks of teaching, especially in the areas of greatest need.

The bill also provides funds to encourage our young people to study math and science, two areas where we need more scholars. In 1978, 9,063 male citizens of the United States earned doctorates in science. In 1988, this number had decreased to 7,133. Fortunately, the number of U.S. women earning doctorates increased from 2,762 to 3,936. However, overall the total number of U.S. citizens earning doctorates in science decreased from 11,825 in 1978 to 11,069 in 1988. Our Nation cannot expect to compete in international markets, maintain our national security, or advance our quality of life without the brainpower to explore science and technology. Our future, in many ways, is at the mercy of America's future scientists. Our hopes of finding cures for a disease, protecting the environment, or developing new products depend on those boys and girls who will be scientists in the 21st century.

We must continue this emphasis on math and science. This bill does that by having the Department of Education work with the National Science Foundation to provide scholarships to our most promising math and science secondary school students who agree to pursue an education in the fields of physical, life, or computer sciences, mathematics, or engineering.

The bill also provides authorization for additional funds to combat the drug problems which face this Nation. The drug problem is creating real havoc in our schools and needs to be addressed by the schools in cooperation with the community. This bill addresses that problem by increasing the authorization for funds under the Drug Free Schools and Communities

Act of 1986 and by providing emergency grants to schools in urban and rural areas.

All of us have heard of the abuses in the Student Loan Program. I am sure that everyone wants to protect the students' access to a higher education while at the same time ensuring that taxpayers are protected from misuse of funds. We also want to protect schools, both public and private, who are providing students with an appropriate quality education.

The measures outlined in this bill are those needed in statute for the total program of the Department of Education regarding student defaults. These measures will protect the student by ensuring confidentiality of names, simplifying payment schedules, protecting the student from unfair collection procedures and reducing the amount of earnings a dependent student must contribute to education expenses.

The taxpayer is protected by ensuring that students provide more information so that defaulters can be tracked in future years, by requiring that students who default are reported to credit bureaus, and by giving the Secretary of Education the authority to require an institution to refund tuition and fees to the government and the student if the institution misrepresents itself to students.

The bill also provides additional requirements on lenders to report students in default, provides lenders with new mechanisms to locate students, and requires that lenders notify schools when former students are delinquent on loans. These measures, in conjunction with the rules and regulations proposed by the Secretary, should enable the Student Loan Program to remain a viable program capable of providing students with access to training and education, and capable of providing legitimate private and public institutions with the ability to offer funding packages to students.

In addition this bill has provisions for other important programs. This bill extends the school dropout demonstration program through 1993. It authorizes funds to increase the endowment funds of our historically black colleges and universities, something these schools need desperately. The bill also provides authorization for grants to institutions of higher education for developing innovative models for specialized training of teachers of grades 6 through 9, the crucial years that are discussed in the Carnegie report.

The bill also provides an authorization for funds for the National Board for Professional Teaching Standards to do research and development activities directly related to the development of teacher assessment and certification procedures for elementary and secondary school activities. I understand that the administration has some concerns regarding these funds. Frankly, so do I. I firmly believe that the licensing function must be kept at the State level. This provision should not be construed as an entree to mandatory national teacher standards or certification. I believe, however, that this provision has been carefully drafted to prevent this, and that these funds can truly benefit education if they are spent on research about methods which can be used most effectively to instruct students. This information can then be disseminated to local schools.

Overall, I believe that this bill is an excellent one which we should move expeditiously, and I urge the support of all Senators. This legislation will go a long way in helping the President to address the important needs in education.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PLAYING PARTISAN POLITICS

Mr. DOLE. Mr. President, Senate Democrats insisted on starting this session of the Congress on the partisan side, by trying to "slam dunk" President Bush on the China student-veto override vote. It did not work. The Senate wisely preserved the President's constitutional prerogative to set our foreign policy.

I hope that experience would be instructive to my friends on the other side of the aisle: that a partisan foreign policy assault on a President is not the wisest course.

Here we go again. Now I am hearing reports that the Foreign Relations Committee Democrats on Thursday intend to mark up the East European aid legislation they recently announced at a press conference. There will be no real hearing on the legislation prior to the markup. I guess they did offer one administration witness 1 hour to appear before they marked it up—not even giving the President the courtesy to have this bill introduced and considered by the committee. Just for the record, I think it should be indicated that the administration witness was invited.

It is not going to be significant, and I understand that the administration decided not to send anyone. There was no coordination with Republicans on the committee beyond informing them they are about to have the bill rammed down their throats. The ink is not even dry on the President's proposal on Eastern European aid. There has been no serious committee consideration of that proposal either, and it has not been introduced. It will be ready tomorrow or Thursday, but it seems to me in the spirit of fair play, the President's bill ought to be pending, and it ought to be considered in the markup.

We went through this last year on Poland. It is an encore performance of "deja vu all over again." There are important new opportunities and needs in Eastern Europe. No one in the Senate has spoken out more strongly and frequently on that subject than I have. This session we should and will vote aid for emerging democracies of that region. We should do it in a responsible, nonpartisan, bipartisan way.

So let me offer my friends on the other side of the aisle some unsolicited advice: If they want to provide more money to meet the legitimate needs of the emerging democracies of Eastern Europe, I invite them to endorse the Dole proposal for reallocating 5 percent of earmarked aid. That would be a cut across the board of 5 percent, or at least review our foreign aid program in an effort to find the amount needed.

Let me point out that many of our friends in Latin America, Central and South America, are going to be zeroed out, and are not going to get one dime in aid, and are going to have their amounts of economic or military aid reduced because the President has no flexibility and because he was, in effect, shortchanged about $650 million because of all the earmarks.

Maybe my plan does not make sense, but at least we ought to review our foreign aid program in an effort to find the amount needed, or some portion of the amount needed, for aid to these emerging democracies. If anyone in this Chamber can tell me that foreign aid is popular in their States, I would like to have a nice private visit. Foreign aid is not popular. Some say just "make the pie bigger, just spend more money or take it out of the defense budget." All that may sound good, except I doubt that there are the votes to make the pie bigger, and I doubt that there is going to be any "peace dividend" which has been used in a number of other places to increase foreign aid.

I suggest that if we want quick action instead of partisan action on this kind of issue, I hope that there would be some coordination between Republicans and Democrats. We do have something to say on how the agenda is made up and what comes to the floor and what we can give agreements on.

I visited with Secretary Eagleburger this morning about the rush by committee Democrats to get another bill out here and get it on the floor. But if

that happens, there will be a lot of opportunities to vote on foreign aid for other countries, maybe on foreign aid for some of the countries who have been zeroed out in Latin America, South America, and Africa.

So I hope that we can have a responsible nonpartisan American foreign policy, and I urge my friends and colleagues on the Democratic side of the Foreign Relations Committee to give up their dangerous and losing game of playing partisan politics when it comes to foreign policy. I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FOWLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FOWLER. Mr. President, I ask unanimous consent that there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOOD NEWS FROM CHINA

Mr. CRANSTON. Mr. President, good news from China is rare these days. But the New York Times of Sunday, February 5, reports that the Chinese Government—in an action we can heartily applaud—is joining with Wildlife Conservation International to create and manage, in Tibet, what may be the world's largest wildlife reserve.

The 100,000-square-mile reserve is to be in northwestern Tibet, in a region called Quian Tang, an area comprising 20 percent of the total land area of Tibet. Quian Tang is home to snow leopards, brown bears, wild sheep, gazelles, yaks, and asses unique to Tibet, antelopes, and wolves. Only a random herdsman or two make up the human presence. Under terms of the agreement, Wildlife Conservation International will work with the Tibet Institute of Plateau Biology to carry out scientific surveys of the region, including defining the ecosystem and its inhabitants. While some hunting by herdsmen will continue, no other killing of wildlife will be permitted. Hunting of the snow leopard and the Tibetan brown bear will be forbidden.

The distinguished biologist, Dr. George Shaller, Science Director of WCI, joined with the representative of China's Environmental Protection Agency in late November of last year in a letter of agreement to create the reserve. Dr. Shaller's pioneering work in conservation has won him a worldwide reputation as a scientist, naturalist, and wildlife statesman.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT—PM 91

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1988.

GEORGE BUSH.

THE WHITE HOUSE, *February 6, 1990.*

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT—PM 92

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

I transmit herewith the 1989 Annual Report on Alaska's Mineral Resources, pursuant to section 1011 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3151).

GEORGE BUSH.

THE WHITE HOUSE, *February 6, 1990.*

ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT—PM 93

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the requirements of section 6(c) of the Federal Advisory Committee Act, as amended (Public Law 92-463, 5 U.S.C., App.), I hereby transmit the Eighteenth Annual Report on Federal Advisory Committees for fiscal year 1989.

GEORGE BUSH.

THE WHITE HOUSE, *February 6, 1990.*

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 94

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

To the Congress of the United States:

The United States enters the 1990s as a prosperous nation with a healthy and dynamic economy. Our living standards remain well above those of other major industrialized nations, and our prosperity is spread widely. Since 1982, American firms and workers have produced the longest peacetime expansion on record and created more than 20 million jobs. The containment of inflation during this long economic expansion is a milestone in postwar U.S. history.

In 1989, we regained our position as the world's leading exporter and retained our position as the world's leading job creator, with the fraction of the population employed reaching its highest level ever. In all, 2½ million jobs were created in 1989. The unemployment rate fell to levels not seen since the early 1970s, as did jobless rates for blacks and teenagers. The unemployment rate for Hispanics was the lowest since 1980, when the United States began regularly reporting it.

We have proven to the world that economic and political freedom works. After years of economic decline, the people of Eastern Europe are turning toward free markets to revive economic growth and raise living standards. I remain strongly committed to aiding the efforts of these brave men and women to transform their societies—and thereby to change the world.

Despite our successes, we cannot be satisfied with simply sustaining the strong record of the 1980s. We must improve on that record, deal with inherited problems, and meet the new challenges and seize the new opportunities before us.

GOALS AND PRINCIPLES

The primary economic goal of my Administration is to achieve the highest possible rate of sustainable economic growth. Achieving this goal will require action on many fronts—but it will permit progress on many more. Growth is the key to raising living standards, to leaving a legacy of pros-

perity for our children, to uplifting those most in need, and to maintaining America's leadership in the world.

To achieve this goal, we must both enhance our economy's ability to grow and ensure that its potential is more often fully utilized than in previous decades. To these ends, as explained in the *Report* that follows, my Administration will:

—Reduce government borrowing by slowing the growth of Federal spending while economic growth raises revenue until the budget is balanced, and reduce the national debt thereafter;

—Support a credible, systemic monetary policy program that sustains maximum economic growth while controlling and reducing inflation;

—Remove barriers to innovation, investment, work, and saving in the tax, legal, and regulatory systems;

—Avoid unnecessary regulation and design necessary regulatory programs to harness market forces effectively to serve the Nation's interest; and

—Continue to lead the world to freer trade and more open markets, and to support market-oriented reforms around the world.

In advancing these principles, we must be both ambitious and realistic. There is room to improve, and there is much to be done to prepare for the next century. We must not fear to dream great dreams. But we must not fail to do our homework; the American people are ill-served by promises that cannot be kept.

MACROECONOMIC PROSPECTS AND POLICIES

The economy's performance during 1989, the seventh year of economic expansion, has set the stage for healthy growth in the 1990s. Growth in national output was more moderate in 1989 than the very rapid pace in 1988 and 1987. But, in sharp contrast to most past periods of low unemployment and high capacity utilization, inflation was kept firmly check. Measured broadly, the price level rose 4.1 percent during 1989, down from 4.5 percent during 1988.

If my budget proposals are adopted, and if the Federal Reserve maintains a credible policy program to support strong noninflationary growth, the economy is projected to expand in 1990 at a slightly faster pace than in 1989. Growth is projected to pick up in the second half of the year and to continue at a strong pace as the level of output rises to the economy's full potential.

Fiscal and monetary policies should establish credible commitments to policy plans aimed at maximizing sustainable growth over the long run. A steady hand at the helm is necessary to produce rapid and continuous increases in employment and living standards.

My budget proposals reflect a strong commitment to the principles of the Gramm-Rudman-Hollings law, which has helped reduce the Federal deficit from 5.3 percent of GNP in fiscal 1986 to 2.9 percent in fiscal 1989. That is why I insisted last fall that the Congress pass a clean reconciliation bill and stood by the sequestration order that resulted from my strict adherence to the Gramm-Rudman-Hollings law.

I have also proposed a fundamental new rule for fiscal policy that would ensure that projected future Social Security surpluses are not spent for other purposes but are used to build the reserves necessary to guarantee the soundness of Social Security. Moreover, it would transform the Federal Government from a chronic borrower, draining savings away from private investment, to a saver, providing funds for capital formation and economic growth by reducing the national debt.

I remain strongly committed to the principles of low marginal tax rates and a broad tax base developed in the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1986. Steady adherence to these principles reduces government's distorting effect on the market forces that drive economic growth.

I strongly support the Federal Reserve's goal of noninflationary growth and share with them the conviction that inflation must be controlled and reduced in a predictable fashion. Accelerating inflation not only erodes the value of families' savings, it produces economic imbalances and policy responses that often lead to recessions.

The United States is part of an increasingly integrated global economy, in which domestic fiscal and monetary policies affect the economies of other nations, though the main impacts are on the domestic economy. My Administration remains committed to participating actively in the valuable process of coordinating macroeconomic policies internationally.

ENCOURAGING ECONOMIC GROWTH

As we begin the 1990s, a central focus of my economic policies will be to build on the successes of the 1980s by creating an environment in which the private sector can serve as the engine that powers strong, noninflationary economic growth.

America's continued economic progress depends on the innovation and entrepreneurship of our people. I will therefore continue to press for a permanent research and experimentation tax credit, for increased Federal support of research with widespread societal benefits and that private firms would not have adequate incentives to undertake, for removal of regulatory and legal barriers to innovation, and for a lower tax rate on capital gains.

We must remove impediments to saving and investment in order to enhance the economy's growth potential. The fiscal policy I described earlier will raise national saving. In addition, I have asked the Congress to enact the Savings and Economic Growth Act of 1990, which contains a comprehensive program to raise household saving across the entire income spectrum. This program would help American families plan for the future and, in the process, make more funds available to finance investment and spur productivity, thus raising living standards, enhancing competitiveness, and expanding employment opportunities.

One of my highest legislative priorities this year is to reduce the capital gains tax rate. This tax reform would promote risk-taking and entrepreneurship by lowering the cost of capital, thereby encouraging new business formation and creating new jobs. A capital gains tax cut would stimulate saving and investment throughout the economy.

Government can encourage economic growth but cannot manage it. I remain strongly opposed to any sort of industrial policy, in which the government, not the market, would pick winners and losers. Second-guessing the market is the way to raise government spending and taxes, not living standards.

The growth of our Nation's labor force is projected to slow in the 1990s, and demands for skilled workers are expected to continue to increase. These developments will shift attention away from worries about the supply of jobs that have haunted us since the 1930s and toward new concerns about the supply of workers and skills.

We cannot maintain our position of world leadership or sustain rapid economic growth if our workers lack the skills of their foreign competitors. As I demonstrated last fall at the Education Summit, the Federal Government can lead in improving the inadequate performance of our elementary and secondary schools. Because school systems must be held accountable for their students' performance, the Nation's Governors and I have developed ambitious national education goals. To meet these goals, we must give students and parents the freedom to choose their schools, and we must give schools the flexibility to meet their students' needs.

More disadvantaged Americans must be brought into the economic mainstream, not just to enhance our Nation's economic growth, but as a matter of simple decency. To this end, I have supported legislation to open new opportunities for the disabled, increased assistance to the homeless, helped implement welfare reform, proposed more effective job training pro-

grams, and introduced initiatives that will bring jobs and better housing to depressed inner cities. I have proposed substantial increases in spending for Head Start to prepare children from disadvantaged families for effective learning.

Those who cannot read and write cannot participate fully in the economy. Mrs. Bush and I will continue to support the difficult but important struggle to eliminate adult functional illiteracy.

REGULATORY REFORM

The improved performance of U.S. markets that were deregulated during the 1980s showed clearly that government interference with competitive private markets inflates prices, retards innovation, slows growth, and eliminates jobs. But in some cases, well-designed regulation can serve the public interest.

My proposals for reform of food safety regulation and the Clean Air Act follow the two key principles that apply in these cases: the goals of regulation must balance costs and benefits; and the methods of regulation must be flexible and cost-effective. One of my top legislative priorities is to improve the Clean Air Act in a way that preserves both a healthy environment and a sound economy.

When confronted with a threat to the solvency of our thrift institutions, my Administration moved swiftly to resolve the crisis. We must continue to reform the regulation of financial institutions and markets to preserve the soundness of the U.S. financial sector while encouraging innovation and competition.

THE GLOBAL ECONOMY

The 1980s have underscored the increased importance of global economic events in shaping our lives. We have all been touched by the movements toward political and economic freedom in Eastern Europe. We have been impressed by the rapid growth of market-oriented Asian economies. And we have great expectations for the movement in the European Community toward a single, open market by 1922.

Reductions in trade barriers between nations have raised living standards around the world. Investment has become more globally integrated, as citizens of other countries recognize the great strength and potential of our economy, and as Americans continue to invest abroad.

My Administration is strongly committed to supporting the historic efforts of the governments and people of Eastern Europe to move toward market-based economies. Similarly, under the Brady Plan, we will continue to support heavily indebted nations that adopt sound economic policies to revive economic growth. In both cases, reform must be comprehensive to succeed, but the rewards of success will be great.

America will continue to lead the way to a world of free, competitive markets. Increased global competition is an opportunity for the United States and the world, not a threat. But we cannot remain competitive by avoiding competition. My Administration will therefore continue to resist calls for protection and managed trade. To serve the interests of all Americans, we must open markets here and abroad, not close them. I will strongly resist any attempts to hinder the free international flows of investment capital, which have benefited workers and consumers here and abroad. And my Administration will work to reduce existing barriers to international investment throughout the world.

My highest trade policy priority is the successful completion this year of the current Uruguay Round of negotiations, aimed at strengthening and broadening the General Agreement on Tariffs and Trade (GATT). Successful completion of these negotiations will expand the world's gains from free and fair trade and raise living standards in all nations.

LOOKING AHEAD

When I look back on the 1980s, on what the American people have accomplished, it is with pride. And when I look forward to the 1990s, it is with hope and optimism. Our excellent economic health will allow us to build on the successes of the 1980s as we prepare for the next century. Clearly, there is much work to be done. But with the economic principles and policies that I have proposed, I am confident that the United States can enjoy strong, sustainable economic growth and use the fruits of that growth to raise living standards, solve longstanding problems, deal with new challenges, and make the most of new opportunities.

GEORGE BUSH.
THE WHITE HOUSE, *February 6, 1990.*

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 95

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 19 deferrals of budget authority now totalling $2,193,850,000.

The deferrals affect programs of the Department of Defense. The details of these deferrals are contained in the attached report.

GEORGE BUSH
THE WHITE HOUSE, *February 6, 1990.*

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 12:54 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 82. Joint resolution to designate February 8, 1990, as "National Women and Girls in Sports Day".

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. BYRD].

At 7 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 103. Joint resolution to designate the period commencing February 18, 1990, and ending February 24, 1990, as "National Visiting Nurse Associations Week"; and

S.J. Res. 217. Joint resolution to designate the period commencing February 4, 1990, and ending February 10, 1990, and the period commencing February 3, 1991, and ending February 9, 1991, as "National Burn Awareness Week".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 256. Concurrent resolution providing for the adjournment of the two Houses.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 3792. An act to authorize appropriations for fiscal years 1990 and 1991 for the Department of State, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2275. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to remove limitations on the geographic areas in which United States armed forces and certain foreign military forces may furnish each other reciprocal logistics support; to the Committee on Armed Services.

EC-2276. A communication from the General Counsel of the Department of the

Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to adopt distinctive counterfeit deterrents for exclusive use in the manufacture of United States securities and obligations and to clarify existing authority to combat counterfeiting, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-2277. A communication from the Board of Directors of the Corporation for Public Broadcasting, transmitting, pursuant to law, a report on the Corporation's plan for public television's national program financing in the 1990's; to the Committee on Commerce, Science, and Transportation.

EC-2278. A communication from the Deputy Under Secretary, Policy, Planning and Analysis, Department of Energy, transmitting, pursuant to law, a report on a study of policy issues relating to climate change and energy; to the Committee on Energy and Natural Resources.

EC-2279. A communication from the Director, Bureau of Land Management, United States Department of the Interior, transmitting, pursuant to law, a report on proposed administrative boundaries for 14 rivers that were added to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-2280. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report of the Department of Defense dated January 1990; to the Committee on Armed Services.

EC-2281. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the Naval War College to confer on graduates of the college the degree of master of science in national security and strategic studies; to the Committee on Armed Services.

EC-2282. A communication from the Chairman of Appraisal Subcommittee of the Federal Financial Institution Examination Council, transmitting, pursuant to law, the annual report of the Subcommittee for 1989; to the Committee on Banking, Housing, and Urban Affairs.

EC-2283. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on electric vehicles; to the Committee on Commerce, Science, and Transportation.

EC-2284. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Report to the Congress on Energy Projections"; to the Committee on Energy and Natural Resources.

EC-2285. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2286. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2287. A communication from the Administrator of the United States Environmental Protection Agency, transmitting, pursuant to law, a report on progress in the prevention and control of air pollution; to the Committee on Environment and Public Works.

EC-2288. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the annual report regarding the accessibility standards issued, revised, amended, or repealed; to the Committee on Environment and Public Works.

EC-2289. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on progress in conducting environmental remedial action at Federally-owned facilities; to the Committee on Environment and Public Works.

EC-2290. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the number of children in foster care pursuant to voluntary placement agreements; to the Committee on Finance.

EC-2291. A communication from the Chairman of the United States International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the United States International Trade Commission for fiscal year 1991; to the Committee on Finance.

EC-2292. A communication from the Acting Administrator of the Agency for International Development, transmitting, pursuant to law, a report on funds appropriated for certain Development Assistance programs for fiscal year 1990; to the Committee on Foreign Relations.

EC-2293. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the sixtieth quarterly report on trade between the United States and nonmarket economy countries; to the Committee on Finance.

EC-2294. A communication from the Assistant Secretary, Policy, Budget and Administration, Department of the Interior, transmitting, pursuant to law, the annual report on competition in contracting for the Department of the Interior; to the Committee on Governmental Affairs.

EC-2295. A communication from the Chairman of the Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the thirty-first annual report to the Commission; to the Committee on Governmental Affairs.

EC-2296. A communication from the Chairman of the United States Securities and Exchange Commission, transmitting, pursuant to law, the Commission's annual report on its Competition Advocacy Program for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2297. A communication from the Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, notice of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2298. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, a report on the competition advocacy program in each executive agency; to the Committee on Governmental Affairs.

EC-2299. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's fifth annual report on competition; to the Committee on Governmental Affairs.

EC-2300. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-149, adopted by the Council on January 16, 1990; to the Committee on Governmental Affairs.

EC-2301. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-150, adopted by the Council on January 16, 1990; to the Committee on Governmental Affairs.

EC-2302. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-152, adopted by the Council on January 16, 1990; to the Committee on Governmental Affairs.

EC-2303. A communication from the Chairman of the United States Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's annual report on competition; to the Committee on Governmental Affairs.

EC-2304. A communication from the President of C&P Telephone Company, transmitting, pursuant to law, a report on receipts and expenditures of the Company for 1989; to the committee on Governmental Affairs.

EC-2305. A communication from the Comptroller of the Currency, transmitting, pursuant to law, a report on Equal Employment Opportunity and Affirmative Employment; to the Committee on Governmental Affairs.

EC-2306. A communication from the President of the National Safety Council, transmitting, pursuant to law, a report on the audit of the financial transactions of the Council for the fiscal years ended June 30, 1988 and 1989; to the Committee on the Judiciary.

EC-2307. A communication from the President and General Counsel of the Legal Services Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2308. A communication from the Secretary of Education, transmitting, pursuant to law, a copy of a document entitled "Final Regulations for the Language Resource Centers Program"; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs:

Special Report entitled "United States Government Anti-Narcotics Activities in the Andean Region of South America" (Rept. No. 101-243).

Mr. GLENN. Mr. President, today I rise to file a report submitted by the Governmental Affairs Committee on behalf of the Permanent Subcommittee on Investigations. The chairmen of the subcommittee, Senator SAM NUNN and ranking Republican Senator BILL ROTH, have done an outstanding job in examining the status of U.S. Government antinarcotics activities in the Andean region of South America.

The subcommittee held 3 days of hearings on this issue, in September, and received testimony from United States officials as well as representatives of Colombia, Peru, and Bolivia.

The report, which I am submitting today, includes an analysis of the problems faced in source countries,

the full range of the multilateral efforts being conducted in the Andean region and details the level of commitment put forth by our governmental agencies.

Again, I commend the Senators and the appropriate subcommittee staff members involved in this investigation. I believe this report is an important resource for everyone who may be interested in evaluating the U.S. Government's antinarcotic efforts in South America. It is a very timely report.

Mr. President, I ask unanimous consent that a letter of Mr. NUNN to me on this report be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, February 2, 1990.

Hon. JOHN GLENN,
Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the Permanent Subcommittee on Investigations last year examined in depth the status of U.S. Government anti-narcotics activities in the Andean Region of South America. This investigation culminated in three days of hearings in September, 1989, at which testimony was received from officials representing the Departments of State, Defense, and Justice, the Office of National Drug Control Policy, official representatives of Colombia, Peru, and Bolivia and other experts from both the U.S. and South America.

As a result of its investigation the Subcommittee found that U.S. anti-narcotics efforts in the Andean Region have been largely ineffective, as a result of ill-conceived policy initiatives, interagency disputes and lapses in coordination, and a persistent failure to allocate sufficient resources. The investigation also confirmed that the Andean countries are being victimized by coca cultivation, cocaine processing, and attendant international trafficking activities, and are limited in what they can do in response to this situation.

The investigation further indicated that while recent developments—e.g., the Government of Colombia's recent crackdown against the traffickers, the President's Andean Initiative, and changes underway in the U.S. approach to anti-drug activities—are promising, source country efforts alone cannot help us to win the war on drugs. Testimony before the Subcommittee suggested the supply side of the drug problem continues to be driven by the demand in the U.S. and in this sense, the final solution to the drug problem continues to rest in the hands of the millions of Americans who choose to use drugs.

In response to these findings and conclusions, the subcommittee has made a number of recommendations that are contained in the report I am submitting at this time. In transmitting the report, I would respectfully request that it be filed on the Senate Floor as expeditiously as possible.

Sincerely,

SAM NUNN,
CHAIRMAN, PERMANENT SUBCOMMITTEE
on Investigations.

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 2073. An original bill to authorize certain United States assistance and trade benefits for Panama and certain assistance to support the transition to democracy in Eastern Europe.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Ronald J. Sorini, of the District of Columbia, for the rank of Ambassador during his tenure of service as the United States Negotiator on Textile Matters.

(The above nominaton was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Ronald J. Sorini.

Post: Rank of Ambassador.

Contributions, amount, date and donee:

1. Self, $50, March 10, 1988, Re-elect Don Sundquist.
2. Spouse, none.
3. Children and spouses, not available.
4. Parents, none.
5. Grandparents, none.
6. Brothers and spouses, none.
7. Sisters and spouses, none.

By Mr. GLENN, from the Committee on Governmental Affairs:

George W. Haley, of Maryland, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 1992.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PACKWOOD (for himself, Mr. ROTH and Mr. DOLE):

S. 2071. A bill to amend the Internal Revenue Code of 1986 to provide incentives for savings and investments in order to stimulate economic growth; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2072. A bill to authorize a study of nationally significant places in American Labor History; to the Committee on Energy and Natural Resources.

By Mr. PELL, from the Committee on Foreign Relations:

S. 2073. An original bill to authorize certain United States assistance and trade benefits for Panama and certain assistance to support the transition to democracy in Eastern Europe; placed on the calendar.

By Mr. JEFFORDS (for himself, Mr. LEAHY, Mr. MOYNIHAN, and Mr. D'AMATO):

S. 2074. A bill to establish in the Environmental Protection Agency a Lake Champlain Program Office, and for other purposes; to the Committee on Environment and Public Works.

By Mr. McCAIN (for himself, Mr. BURDICK, Mr. CONRAD, and Mr. INOUYE):

S. 2075. A bill to authorize grant to improve the capability of Indian tribal governments to regulate environmental quality; to the Select Committee on Indian Affairs.

By Mr. LOTT:

S. 2076. A bill to authorize a certificate of documentation for the vessel MARINER III; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY:

S. 2077. A bill to amend the Federal Aviation Act of 1958 to limit the age restrictions imposed upon aircraft pilots; to the Committee on Commerce, Science, and transportation.

By Mr. WARNER (for himself and Ms. MIKULSKI):

S. 2078. A bill to recognize the organization known as the National Center for Theraputic Riding; to the Committee on the Judiciary

By Mr. LIEBERMAN:

S. 2079. A bill to amend the Immigration and Nationality Act to provide for temporary protected status for Lebanese nationals; to the Committee on the Judiciary

By Mr. BOSCHWITZ (for himself, Mr. DECONCINI and Mr. COATS):

S. 2080. A bill to provide law enforcement authority for criminal investigators of Offices of Inspectors General, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DANFORTH:

S. 2081. A bill to extend the existing temporary suspension of duty for toy jewelry, certain small toys and novelty goods, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 2082. A bill to establish a Gifted and Talented Program for certain Pacific Islanders; to the Committee on Labor and Human Resources.

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. ADAMS, Ms. MIKULSKI, Mr. SIMON, and Mr. CRANSTON):

S. 2083. A bill to bring about a negotiated end to the war in El Salvador and for other purposes; to the Committee on Foreign Relations.

By Mr. HOLLINGS:

S. 2084. A bill to amend the Internal Revenue Code of 1986 to impose a value added tax, to reduce Social Security payroll tax rates, to encourage savings and investment through reinstatement of the investment tax credit, capital gains tax differential, and deductibility of contributions to individual retirement accounts and to increase competitiveness through revenue sharing with the States for educational purposes; to the Committee on Finance.

By Mr. GORE (for himself and Mr. DOMENICI):

S. 2085. A bill to amend the Organ Transplant Amendments Act of 1988 to change an effective date; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself and Mr. GRASSLEY):

S. Res. 240. Resolution expressing the sense of the Senate regarding the admission of refugees to the United States in fiscal year 1991; to the Committee on the Judiciary.

By Mr. FOWLER (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 241. Resolution amending Senate Resolution 171 of the 101st Congress (agreed to on August 4, 1989), and for other purposes; considered and agreed to.

By Mr. FOWLER (for Mr. FORD (for himself and Mr. STEVENS)):

S. Res. 242. Resolution authorizing the printing of a revised edition of the Standing Rules of the Senate as a Senate document; considered and agreed to.

By Mr. PELL:

S. Con. Res. 90. Concurrent resolution use of the rotunda of the Capitol for a dedication ceremony incident to the placement of a bust of Lajos Kossuth in the Capitol and authorizing the printing of a transcript of the proceedings of the ceremony; to the Committee on Rules and Administration.

By Mr. HATFIELD (for himself and Mr. BUMPERS):

S. Con. Res. 91. Concurrent resolution expressing the sense of the Congress with respect to achieving common security in the world by reducing reliance on the military and redirecting resources toward overcoming hunger and poverty and meeting basic human needs; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PACKWOOD (for himself, Mr. ROTH, and Mr. DOLE):

S. 2071. A bill to amend the Internal Revenue Code of 1986 to provide incentives for savings and investments in order to stimulate economic growth; to the Committee on Finance.

SAVINGS AND ECONOMIC GROWTH ACT

Mr. PACKWOOD. Mr. President, I am introducing President Bush's savings and investment tax proposals which are included in his budget for fiscal year 1991. This bill, entitled the "Savings and Economic Growth Act of 1990," is substantially the same as the one transmitted to Congress by the President last week with some technical modifications worked out between the Finance Committee minority staff and the Treasury Department.

The bill contains three provisions which are intended to encourage savings, make sure that American businesses have a stable source of capital, and stimulate economic growth:

First, capital gains tax rate reduction. Individuals will receive a permanent reduction in the tax rate on capital gains. Long-term investment will be rewarded by a sliding scale exclusion:

[In percent]

Assets owned for more than:	Gain excluded from tax:
1 year	10
2 years	20
3 years	30

Second, home ownership initiative. Individuals will be able to use individual retirement accounts to save for the purchase of a first home. Up to $10,000 can be withdrawn penalty-free for this purpose.

Third, family savings account. A new savings program will be established under which earnings on long-term savings will be exempt from tax. Individuals with incomes under $60,000 can put up to $2,500 a year in this new account and couples with incomes under $120,000 can put in up to $5,000 a year. Earnings on contributions left in the account for at least 7 years will be exempt from tax.

CAPITAL GAINS

The capital gains proposal contained in this bill is a substantial improvement over President Bush's budget proposal for fiscal year 1990. The fiscal year 1990 proposal excluded timber and most other types of productive business assets, such as farmland and business real estate. Frankly, that proposal could not get out of the starting blocks for me because it excluded Oregon's major industries. I am pleased that the President's new proposal has fixed this problem by covering virtually all productive business assets owned by individuals, including timber.

Another feature of the new proposal is a sliding scale exclusion, which is similar to the capital gains proposal (S. 1771) introduced by Senator ROTH and myself last year. The exclusion operates to lower the capital gains tax rate the longer you own an asset. This is an effective way to stimulate long-term investment.

There is, however, still room for improvement. The President's new capital gains proposal does not provide a lower tax rate for corporations. I believe this should be corrected. It is inequitable to provide a lower capital gains rate to unincorporated businesses and not to give similar treatment to their competitors who happen to be incorporated.

In addition, consideration should be given to indexing capital gains for inflation so that purely inflationary gains are not taxed. While indexing can be very complicated, taxpayers should be given the option to chose between the simpler exclusion approach or the more complex indexing approach, if they so desire.

HOME OWNERSHIP INITIATIVE

The President's proposal will help first-time home buyers overcome their greatest hurdle—scraping up enough money for a down payment and closing costs.

Individuals will be able to save for a first home by contributing to an individual retirement account. Income will buildup tax-free causing savings to grow faster than a normal, taxable savings account. Then when sufficient funds are accumulated, up to $10,000 can be withdrawn without paying the usual 10 percent early withdrawal penalty. This proposal will go a long way to help young, low and moderate income families afford a first home.

FAMILY SAVINGS ACCOUNTS

The final aspect of the President's savings and investment package is the establishment of a new savings account, known as a "family savings account." Much has been said about the low rate of savings by Americans during the 1980's, which need not be repeated here. Suffice it to say, this proposal is intended to reverse that trend by encouraging long-term savings.

The family savings account proposal takes a different approach to savings than current law savings incentives, which are targeted primarily to retirement savings. This is because many young Americans do not feel a pressing need to save for retirement. Instead, they want to save money to start a business, to pay for their children's education, to buy a new home, or for a host of other reasons. The family savings account proposal will facilitate long-term savings for these purposes.

In sum, Mr. President, I applaud President Bush for taking the initiative to put together a comprehensive long-term savings and investment plan. While I am sure there are improvements which we will want to make as this legislation proceeds, I believe the President's proposals are an excellent starting point. I urge my colleagues on both sides of the aisle to join with me and endorse this bill and I hope the Committee on Finance will act on it promptly.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Savings and Economic Growth Act of 1990".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to

a section or other provision of the Internal Revenue Code of 1986.

TITLE I—CAPITAL GAINS PROVISIONS

Subtitle A—Reduction in Capital Gains Tax

SEC. 101. REDUCTION IN CAPITAL GAINS TAX FOR NONCORPORATE TAXPAYERS.

(a) GENERAL RULE.—Part I of subchapter P of chapter 1 (relating to treatment of capital gains) is amended by adding at the end thereof the following new section:

"SEC. 1202. REDUCTION IN CAPITAL GAINS TAX FOR NONCORPORATE TAXPAYERS.

"(a) DEDUCTION ALLOWED FOR CAPITAL GAIN.—

"(1) IN GENERAL.—If, for any taxable year, a taxpayer other than a corporation has a net capital gain, an amount equal to the sum of the applicable percentages of the applicable capital gain shall be allowed as a deduction.

"(2) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under paragraph (1) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

"(b) APPLICABLE PERCENTAGES.—For purposes of this subsection, the applicable percentages shall be the percentages determined in accordance with the following table:

"In the case of:	The applicable percentage is:
1-year gain	10
2-year gain	20
3-year gain	30.

"(c) GAIN TO WHICH DEDUCTION APPLIES.—For purposes of this section—

"(1) APPLICABLE CAPITAL GAIN.—The term 'applicable capital gain' means 1-year gain, 2-year gain, or 3-year gain determined by taking into account only gain which is properly taken into account for periods on or after March 15, 1990.

"(2) 3-YEAR GAIN.—The term '3-year gain' means the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) the long-term capital gain determined by taking into account only gain from the sale or exchange of assets held more than 3 years.

"(3) 2-YEAR GAIN.—The term '2-year gain' means the lesser of—

"(A) the net capital gain for the taxable year, reduced by 3-year gain, or

"(B) the long-term capital gain determined by taking into account only gain from the sale or exchange of assets held more than 2 years but not more than 3 years.

"(4) 1-YEAR GAIN.—The term '1-year gain' means the net capital gain for the taxable year determined by taking into account only—

"(A) gain from the sale or exchange of assets held more than 1 year but not more than 2 years, and

"(B) losses from the sale or exchange of assets held more than 1 year.

"(5) SPECIAL RULES FOR GAIN ALLOCABLE TO PERIODS BEFORE 1992.—For purposes of this section—

"(A) GAIN ALLOCABLE TO PERIODS AFTER MARCH 14, 1990 AND BEFORE 1991.—In the case of any gain from any sale or exchange which is properly taken into account for the period beginning on March 15, 1990 and ending on December 31, 1990, gain which is 1-year gain or 2-year gain (without regard to this subparagraph) shall be treated as 3-year gain.

"(B) GAIN ALLOCABLE TO 1991.—In the case of any gain from any sale or exchange which is properly taken into account for periods during 1991, gain which is 1-year gain or 2-year gain (without regard to this subparagraph) shall be treated as 2-year gain and 3-year gain, respectively.

"(6) SPECIAL RULES FOR PASS-THRU ENTITIES.—

"(A) IN GENERAL.—In applying this subsection with respect to any pass-thru entity, the determination of when a sale or exchange has occurred shall be made at the entity level.

"(B) PASS-THRU ENTITY DEFINED.—For purposes of subparagraph (A), the term 'pass-thru entity' means—

"(i) a regulated investment company,

"(ii) a real estate investment trust,

"(iii) an S corporation,

"(iv) a partnership,

"(v) an estate or trust, and

"(vi) a common trust fund.

"(7) RECAPTURE OF NET ORDINARY LOSS UNDER SECTION 1231.—For purposes of this subsection, if any amount is treated as ordinary income under section 1231(c) for any taxable year—

"(A) the amount so treated shall be allocated proportionately among the section 1231 gains (as defined in section 1231(a)) for such taxable year, and

"(B) the amount so allocated to any such gain shall reduce the amount of such gain."

(b) TREATMENT OF COLLECTIBLES.—

(1) IN GENERAL.—Section 1222 is amended by inserting after paragraph (11) the following new paragraph:

"(12) SPECIAL RULE FOR COLLECTIBLES.—

"(A) IN GENERAL.—Any gain or loss from the sale or exchange of a collectible shall be treated as a short-term capital gain or loss (as the case may be), without regard to the period such asset was held. The preceding sentence shall apply only to the extent the gain or loss is taken into account in computing taxable income.

"(B) TREATMENT OF CERTAIN SALES OF INTEREST IN PARTNERSHIP, ETC.—For purposes of subparagraph (A), any gain from the sale or exchange of an interest in a partnership, S corporation, or trust which is attributable to unrealized appreciation in the value of collectibles held by such entity shall be treated as gain from the sale or exchange of a collectible. Rules similar to the rules of section 751(f) shall apply for purposes of the preceding sentence.

"(C) COLLECTIBLE.—For purposes of this paragraph, the term 'collectible' means any capital asset which is a collectible (as defined in section 408(m) without regard to paragraph (3) thereof)."

(2) CHARITABLE DEDUCTION NOT AFFECTED.—

(A) Paragraph (1) of section 170(e) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)."

(B) Clause (iv) of section 170(b)(1)(C) is amended by inserting before the period at the end thereof the following: "and section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)".

(c) MINIMUM TAX.—Section 56(b)(1) is amended by adding at the end thereof the following new subparagraph:

"(F) CAPITAL GAINS DEDUCTION DISALLOWANCE.—The deduction under section 1202 shall not be allowed."

(d) CONFORMING AMENDMENTS.—

(1) Section 62(a) is amended by inserting after paragraph (13) the following new paragraph:

"(14) CAPITAL GAINS DEDUCTION.—The deduction allowed by section 1202."

(2) Clause (ii) of section 163(d)(4)(B) is amended by inserting ", reduced by the amount of any deduction allowable under section 1202 attributable to gain from such property" after "investment".

(3)(A) Section 170(e)(1)(B) is amended by inserting "the nondeductible percentage" before "the amount of gain".

(B) Section 170(e)(1) is amended by adding at the end thereof the following new sentence: "For purposes of subparagraph (B), the term 'nondeductible percentage' means 100 percent minus the applicable percentage with respect to such property under section 1202(b), or, in the case of a corporation, 100 percent."

(4)(A) Section 172(d)(2) (relating to modifications with respect to net operating loss deduction) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets; and

"(B) the deduction provided by section 1202 shall not be allowed."

(B) Subparagraph (B) of section 172(d)(4) is amended by inserting ", (2)(B)," after "paragraph (1)".

(5)(A) Section 221 (relating to cross reference) is amended to read as follows:

"SEC. 221. CROSS REFERENCES.

"(1) For deduction for net capital gains in the case of a taxpayer other than a corporation, see section 1202.

"(2) For deductions in respect of a decedent, see section 691."

(B) The table of sections for part VII of subchapter B of chapter 1 is amended by striking "reference" in the item relating to section 221 and inserting "references".

(6) Paragraph (4) of section 642(c) is amended to read as follows:

"(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain from the sale or exchange of capital assets held for more than 1 year, proper adjustment shall be made for any deduction allowable to the estate or trust under section 1202 (relating to deduction for net capital gain). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income)."

(7) Paragraph (3) of section 643(a) is amended by adding at the end thereof the following new sentence: "The deduction under section 1202 (relating to deduction for net capital gain) shall not be taken into account."

(8) Paragraph (6)(C) of section 643(a) is amended—

(A) by inserting "(i)" before "there", and

(B) by inserting ", and (ii) the deduction under section 1202 (relating to deduction for excess of capital gains over capital losses)" before the period at the end thereof.

(9) Paragraph (4) of section 691(c) is amended by striking "1201, and 1211" and inserting "1201, 1202, and 1211".

(10) The second sentence of paragraph (2) of section 871(a) is amended by inserting "such gains and losses shall be determined without regard to section 1202 (relating to deduction for net capital gain) and" after "except that".

(11) Section 1402(i)(1) is amended to read as follows:

"(1) IN GENERAL.—In determining the net earnings from self-employment of any options dealer or commodities dealer—

"(A) notwithstanding subsection (a)(3)(A), there shall not be excluded any gain or loss (in the normal course of the taxpayer's activity of dealing in or trading section 1256 contracts) from section 1256 contracts or property related to such contracts, and

"(B) the deduction provided by section 1202 shall not apply."

(12)(A) Sections 7518(g)(6)(A) is amended by striking the last sentence.

(B) Section 607(h)(6)(A) of the Merchant Marine Act, 1936, is amended by striking the last sentence.

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1202. Reduction in capital gains tax for noncorporate taxpayers."

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending on or after March 15, 1990.

(2) TREATMENT OF COLLECTIBLES.—

(A) IN GENERAL.—The amendment made by subsection (b) shall apply to taxable years beginning after March 15, 1990.

(B) SPECIAL RULE FOR 1990 TAXABLE YEAR.—In case of any taxable year which includes March 15, 1990, for purposes of section 1202 of the Internal Revenue Code of 1986 and section 1(g) of such Code, any gain or loss from the sale or exchange of a collectible (within the meaning of section 1222(12) of such Code) shall be treated as gain or loss from a sale or exchange occurring before such date.

Subtitle B—Depreciation Recapture

SEC. 111. RECAPTURE UNDER SECTION 1250 OF TOTAL AMOUNT OF DEPRECIATION.

(a) GENERAL RULE.—Subsections (a) and (b) of section 1250 (relating to gain from disposition of certain depreciable realty) are amended to read as follows:

"(a) GENERAL RULE.—Except as otherwise provided in this section, if section 1250 property is disposed of, the lesser of—

"(1) the depreciation adjustments in respect of such property, or

"(2) the excess of—

"(A) the amount realized (or, in the case of a disposition other than a sale, exchange, or involuntary conversion, the fair market value of such property), over

"(B) the adjusted basis of such property,

shall be treated as gain which is ordinary income. Such gain shall be recognized notwithstanding any other provision of this subtitle.

"(b) DEPRECIATION ADJUSTMENTS.—For purposes of this section, the term 'depreciation adjustments' means, in respect of any property, all adjustments attributable to periods after December 31, 1963, reflected in the adjusted basis of such property on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other person for exhaustion, wear and tear, obsolescence, or amortization (other than amortization under section 168 (as in effect before its repeal by the Tax Reform Act of 1976), 169, 185 (as in effect before its repeal by the Tax Reform Act of 1986), 188, 190, or 193). For purposes of the preceding sentence, if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed as a deduction for any period was less than the amount allowable, the amount taken into account for such period shall be the amount allowed."

(b) LIMITATION IN CASE OF INSTALLMENT SALES.—Subsection (i) of section 453 is amended—

(1) by striking "1250" the first place it appears and inserting "1250 (as in effect on the day before the date of the enactment of the Savings and Economic Growth Act of 1990", and

(2) by striking "1250" the second place it appears and inserting "1250 (as so in effect)".

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (E) of section 1250(d)(4) is amended—

(A) by striking "additional depreciation" and inserting "amount of the depreciation adjustments", and

(B) by striking "ADDITIONAL DEPRECIATION" in the subparagraph heading and inserting "DEPRECIATION ADJUSTMENTS".

(2) Subparagraph (B) of section 1250(d)(6) is amended to read as follows:

"(B) DEPRECIATION ADJUSTMENTS.—In respect of any property described in subparagraph (A), the amount of the depreciation adjustments attributable to periods before the distribution by the partnership shall be—

"(i) the amount of gain to which subsection (a) would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time, reduced by

"(ii) the amount of such gain to which section 751(b) applied."

(3) Subparagraph (D) of section 1250(d)(8) is amended—

(A) by striking "additional depreciation" each place it appears and inserting "amount of the depreciation adjustments", and

(B) by striking "ADDITIONAL DEPRECIATION" in the subparagraph heading and inserting "DEPRECIATION ADJUSTMENTS".

(4) Paragraph (8) of section 1250(d) is amended by striking subparagraphs (E) and (F) and inserting the following:

"(E) ALLOCATION RULES.—For purposes of this paragraph, the amount of gain attributable to the section 1250 property disposed of shall be the net amount realized with respect to such property reduced by the greater of the adjusted basis of the section 1250 property disposed of, or the cost of the section 1250 property acquired, but shall not exceed the gain recognized in the transaction."

(5) Subsection (d) of section 1250 is amended by striking paragraph (10).

(6) Section 1250 is amended by striking subsections (e), (f), and (g) and by redesignating subsections (h) and (i) as subsections (e) and (f), respectively.

(7) Paragraph (5) of section 48(q) is amended to read as follows:

"(5) RECAPTURE OF REDUCTION.—For purposes of sections 1245 and 1250, any reduction under this subsection shall be treated as a deduction allowed for depreciation."

(8) Clause (i) of section 267(e)(5)(D) is amended by striking "section 1250(a)(1)(B)" and inserting "section 1250(a)(1)(B) (as in effect on the day before the date of the enactment of the Savings and Economic Growth Act of 1990)".

(9)(A) Subsection (a) of section 291 is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Subsection (c) of section 291 is amended to read as follows:

"(c) SPECIAL RULE FOR POLLUTION CONTROL FACILITIES.—Section 168 shall apply with respect to that portion of the basis of any property not taken into account under section 169 by reason of subsection (a)(4)."

(C) Section 291 is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

(D) Paragraph (2) of section 291(d) (as redesignated by subparagraph (C)) is hereby repealed.

(E) Subparagraph (A) of section 265(b)(3) is amended by striking "291(e)(1)(B)" and inserting "291(d)(1)(B)".

(F) Subsection (c) of section 1277 is amended by striking "291(e)(1)(B)(ii)" and inserting "291(d)(1)(B)(ii)".

(10) Subsection (d) of section 1017 is amended to read as follows:

"(d) RECAPTURE OF DEDUCTIONS.—For purposes of sections 1245 and 1250—

"(1) any property the basis of which is reduced under this section and which is neither section 1245 property nor section 1250 property shall be treated as section 1245 property, and

"(2) any reduction under this section shall be treated as a deduction allowed for depreciation."

(11) Paragraph (5) of section 7701(e) is amended by striking "(relating to low-income housing)" and inserting "(as in effect on the day before the date of the enactment of the Savings and Economic Growth Act of 1990)."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions made on or after March 15, 1990, in taxable years ending on or after such date.

TITLE II—HOME OWNERSHIP AND SAVINGS INCENTIVES

SEC. 201. HOME OWNERSHIP INITIATIVE.

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(E) DISTRIBUTION FROM INDIVIDUAL RETIREMENT PLAN FOR FIRST HOME PURCHASE.—A distribution from an individual retirement plan with respect to which the requirements of paragraph (6) are met."

(b) REQUIREMENTS APPLICABLE TO DISTRIBUTIONS.—Section 72(t) is amended by adding at the end thereof the following new paragraph:

"(6) REQUIREMENTS APPLICABLE TO FIRST HOME PURCHASE DISTRIBUTIONS.—For purposes of paragraph (2)(E)—

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to a distribution if—

"(i) DOLLAR LIMIT.—The amount of the distribution does not exceed the excess (if any) of—

"(I) $10,000, over

"(II) the sum of the distributions to which paragraph (2)(E) previously applied with respect to the individual who is the owner of the individual retirement plan.

"(ii) USE OF DISTRIBUTION.—The distribution—

"(I) is made to or on behalf of a qualified first home purchaser, and

"(II) is applied within 60 days of the date of distribution to the purchase or construction of a principal residence of such purchaser.

"(iii) LIMITATION ON ACQUISITION COST.—The cost of acquiring or constructing the principal residence described in clause (ii) does not exceed the amount determined by the Secretary to be 110 percent of the median home price for the geographic market in which such residence is located.

"(iv) ELIGIBLE PLANS.—The distribution is not made from an individual retirement plan which—

"(I) is an inherited individual retirement plan (within the meaning of section 408(d)(3)(C)(ii)), or

"(II) received at any time before such distribution a rollover contribution described in section 402(a)(5), 402(a)(7), 403(a)(4), or 403(b)(8).

"(B) QUALIFIED FIRST HOME PURCHASER.—For purposes of this paragraph, the term 'qualified first home purchaser' means the individual who is the owner of the individual retirement plan if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence at any time during the 3-year period ending on the day before the date of the distribution.

"(C) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If any distribution from an individual retirement plan fails to meet the requirements of subparagraph (A) solely by reason of a delay or cancellation of the purchase or construction of the residence, the amount of the distribution may be contributed to an individual retirement plan as provided in section 408(d)(3)(A)(i), except that—

"(i) section 408(d)(3)(B) shall not be applied to such contribution, and

"(ii) such amount shall not be taken into account—

"(I) in determining whether section 408(d)(3)(A)(i) applies to any other amount, or

"(II) for purposes of subclause (II) of subparagraph (A)(i).

"(D) PRINCIPAL RESIDENCE.—For purposes of this paragraph, the term 'principal residence' has the meaning given such term by section 1034.

"(E) OWNER.—For purposes of this paragraph, the term 'owner' means, with respect to any individual retirement plan, the individual with respect to whom such plan was established."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions on or after March 15, 1990.

SEC. 202. FAMILY SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subchapter B of chapter 1 (relating to computation of taxable income) is amended by adding at the end thereof the following new part:

"PART XII—FAMILY SAVINGS ACCOUNTS

"Sec. 292. Special rules for family savings accounts.

"SEC. 292. SPECIAL RULES FOR FAMILY SAVINGS ACCOUNTS.

"(a) GENERAL RULE.—For purposes of this title, in the case of a family savings account—

"(1) the taxation of such account shall be determined under subsection (d), and

"(2) the taxation of any distributions from such account shall be determined under subsection (e).

"(b) FAMILY SAVINGS ACCOUNT DEFINED.—For purposes of this section, the term 'family savings account' means a trust created or organized in the United States for the exclusive benefit of an individual and the individual's beneficiaries, but only if the written governing instrument creating the trust meets the following requirements:

"(1) No contribution will be accepted unless it is in cash, and contributions will not be accepted for the taxable year on behalf of any individual in excess of $2,500.

"(2) The trustee is a bank (as defined in section 408(n)) or such other person who demonstrates to the satisfaction of the Secretary that the manner in which such other person will administer the trust will be consistent with the requirements of this section.

"(3) No part of the trust assets will be invested in insurance contracts or collectibles (within the meaning of section 408(m)).

"(4) The interest of the individual in the balance in such individual's account is nonforfeitable.

"(5) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(c) CONTRIBUTIONS TO FAMILY SAVINGS ACCOUNTS.—

"(1) FORM OF CONTRIBUTION.—No amount may be contributed to a family savings account unless such amount is paid in cash by or on behalf of the individual for whom such account is maintained.

"(2) CONTRIBUTION LIMITS.—

"(A) IN GENERAL.—Except as provided in this subsection, the aggregate amount of contributions for any taxable year to all family savings accounts maintained for the benefit of an individual shall not exceed the lesser of—

"(i) $2,500, or

"(ii) an amount equal to the compensation includible in the individual's gross income for such taxable year.

"(B) MARRIED INDIVIDUALS FILING JOINT RETURNS.—For purposes of subparagraph (A)(ii), in the case of married individuals filing a joint return under section 6013 for the taxable year, the compensation of each of such individuals for such taxable year shall be treated as equal to one-half of the aggregate compensation of both individuals.

"(C) COMPENSATION.—For purposes of this paragraph, the term 'compensation' has the meaning given such term by section 219(f)(1).

"(3) LIMITATION BASED ON ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—No contribution may be made during a taxable year to a family savings account maintained for the benefit of the taxpayer if the taxpayer's adjusted gross income exceeds the applicable dollar amount.

"(B) APPLICABLE DOLLAR AMOUNT.—For purposes of this paragraph, the term 'applicable dollar amount' means—

"(i) in the case of a taxpayer filing a joint return, $120,000,

"(ii) in the case of a taxpayer who is a surviving spouse (as defined in section 2(a)) or who is a head of a household (as defined in section 2(b)), $100,000, or

"(iii) in the case of any other taxpayer, $60,000.

"(C) SPECIAL RULE FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—In the case of a married individual filing a separate return whose adjusted gross income does not exceed the applicable dollar limit, such individual's adjusted gross income shall be treated as exceeding such limit if the aggregate adjusted gross income of such individual and the individual's spouse exceeds $120,000.

"(D) MARITAL STATUS.—Subparagraph (C) shall not apply to any individual who is not treated as married under the rules of section 219(g)(4).

"(E) ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'adjusted gross income' has the meaning given such term by section 219(g)(3)(A).

"(4) NO CONTRIBUTION IN CASE OF DEPENDENTS.—No contribution may be made during a taxable year to a family savings account maintained for the benefit of an individual with respect to whom a deduction under section 151(c) is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins.

"(5) TRANSFERS PERMITTED.—

"(A) IN GENERAL.—In the case of a transfer by a trustee of a family savings account maintained for the benefit of an individual to a trustee of another family savings account maintained for the benefit of such individual, such transfer shall not be treated as a contribution for purposes of this section.

"(B) INFORMATION PROVIDED.—A trustee making a transfer described in subparagraph (A) shall provide to the other trustee such information as the Secretary requires to carry out the purposes of this section.

"(d) TAX TREATMENT OF ACCOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a family savings account is exempt from taxation under this subtitle.

"(2) UNRELATED BUSINESS INCOME.—A family savings account shall be subject to the tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

"(3) POOLING ARRANGEMENTS PERMITTED.—A common trust fund or common investment fund consisting of family savings accounts assets which is exempt from taxation under this subtitle shall not be treated as failing to be exempt from taxation under this subtitle solely by reason of the participation or inclusion in such fund of assets of—

"(A) a trust exempt from taxation under section 501(a) which is part of a plan described in section 401(a), or

"(B) an individual retirement plan exempt from taxation under section 408(e)(1).

"(4) CESSATION OF TREATMENT AS ACCOUNT.—

"(A) IN GENERAL.—If during any taxable year of an individual for whom a family savings account is maintained the requirements of subsection (b) are not met with respect to such account, the account shall cease to be a family savings account as of the first day of such taxable year.

"(B) ACCOUNT TREATED AS DISTRIBUTING ALL ITS ASSETS.—In any case in which any account ceases to be a family savings account by reason of subparagraph (A) on the first day of any taxable year, subsection (e) shall apply as if there were a distribution immediately before the account ceased to be a family savings account in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

"(e) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as provided in this subsection, any amount paid or distributed out of a family savings account shall not be included in the gross income of the distributee.

"(2) EXCEPTION FOR EARNINGS ON CONTRIBUTIONS HELD LESS THAN 7 YEARS.—

"(A) IN GENERAL.—Any amount distributed out of a family savings account which consists of earnings allocable to contributions made to the account during the 7-year period ending on the day before such distri-

bution shall be included in the gross income of the distributee for the taxable year in which the distribution occurs.

"(B) 10-PERCENT ADDITIONAL TAX ON EARNINGS ON CONTRIBUTIONS HELD LESS THAN 3 YEARS.—

"(i) IN GENERAL.—If any amount described in subparagraph (A) consists of earnings allocable to contributions made during the 3-year period ending on the day before the distribution, the tax imposed by this chapter on the distributee for the taxable year in which such distribution occurs shall be increased by an amount equal to 10 percent of such earnings.

"(ii) EXCEPTION FOR DISTRIBUTIONS ON DEATH.—Clause (i) shall not apply to distributions made to a beneficiary (or the estate of the individual) on or after the death of the individual.

"(C) ORDERING RULE.—

"(i) FIRST-IN, FIRST-OUT RULE.—Distributions from a family savings account shall be treated as having been made—

"(I) first from the earliest contribution (and earnings allocable thereto) remaining in the account at the time of the distribution, and

"(II) then from other contributions (and earnings allocable thereto) in the order in which made.

"(ii) ALLOCATIONS BETWEEN CONTRIBUTIONS AND EARNINGS.—Any portion of a distribution allocated to a contribution (and earnings allocable thereto) shall be treated as allocated first to the earnings and then to the contribution.

"(iii) ALLOCATION OF EARNINGS.—Earnings shall be allocated to a contribution in such manner as the Secretary may by regulations prescribe.

"(iv) CONTRIBUTIONS IN SAME YEAR.—Under regulations, all contributions made during the same taxable year may be treated as 1 contribution for purposes of this subparagraph.

"(3) OTHER AMOUNTS TREATED AS DISTRIBUTIONS.—For purposes of this subsection—

"(A) IN GENERAL.—In the case of any distributable event—

"(i) there shall be treated as distributed during the taxable year in which the event occurs to the individual for whom the family savings account is maintained an amount equal to the distributable amount, and

"(ii) any earnings after the date of the distributable event which (as determined under regulations) are allocable to the distributable amount shall be treated as distributed to such individual in the taxable year in which earned.

"(B) TAX TREATMENT OF AMOUNTS.—

"(i) IN GENERAL.—Except as provided in this subparagraph, paragraph (2) shall apply to any amount treated as distributed under subparagraph (A).

"(ii) SUBSEQUENT EARNINGS.—Notwithstanding paragraph (2), any earnings treated as distributed under subparagraph (A)(ii)—

"(I) shall be included in gross income in the taxable year in which treated as distributed, and

"(II) shall be subject to the additional tax under paragraph (2)(B) for such taxable year, except that paragraph (2)(B) shall be applied by substituting '20 percent' for '10 percent'.

"(iii) EXCEPTION FOR EXCESS CONTRIBUTIONS.—In the case of a distributable event described in subparagraph (C)(ii) (relating to excess contributions) which occurs by reason of a contribution not permitted under subsection (c)(4), any amount required to be included in gross income (or any additional tax imposed) by reason of this paragraph shall be included in the gross income of (or imposed on) the taxpayer entitled to the deduction under section 151(c) for the individual for whom the account is maintained.

"(iv) ACTUAL DISTRIBUTIONS.—If any portion of any distributable amount and any earnings allocable to such amount are actually distributed from the account during any taxable year, this paragraph shall cease to apply to any earnings attributable to such portion for periods following such distribution.

"(C) DISTRIBUTABLE EVENT.—For purposes of this paragraph, the following are distributable events:

"(i) The use of a family savings account (or any portion thereof) as security for a loan.

"(ii) Except as provided in paragraph (4), a contribution to a family savings account in excess of the amount allowed under subsection (c).

"(iii) Any other event to the extent, and subject to such terms and conditions, as the Secretary may prescribe by regulations in order to accomplish the purposes of, or to prevent abuse of, this section.

"(D) DISTRIBUTABLE AMOUNT.—For purposes of this paragraph, the term 'distributable amount' means the following:

"(i) In the case of a distributable event described in subparagraph (C)(i), the amount in the account used as security for a loan.

"(ii) In the case of a distributable event described in subparagraph (C)(ii), the amount of the excess contribution.

"(iii) In any other case, the amount determined under regulations.

"(4) EXCESS CONTRIBUTIONS RETURNED BEFORE DUE DATE OF RETURN.—

"(A) IN GENERAL.—Paragraph (2) shall not apply to the distribution of any contribution paid during a taxable year to a family savings account to the extent that such contribution exceeds the amount allowable under subsection (c) by reason of paragraph (3) or (4) thereof if—

"(i) at the time of making such contribution, the taxpayer in good faith believed that—

"(I) in any case to which subsection (c)(3) applies, the taxpayer's adjusted gross income would not exceed the applicable dollar limit under subsection (c)(3), or

"(II) in any case to which subsection (c)(4) applies, the individual for whom the account is maintained would not be the dependent of any individual for purposes of section 151(c),

"(ii) such distribution is received on or before the last day of the taxable year following such taxable year, and

"(iii) such distribution is accompanied by the amount of earnings actually attributable to such excess contribution.

"(B) LIMITATION ON AMOUNT.—Subparagraph (A) shall apply only to that portion of the amount of the distribution which does not exceed the limitation under subsection (c)(2) (and earnings actually attributable to such portion).

"(C) EARNINGS.—Any earnings described in subparagraph (A)(iii) shall be included in the gross income of the individual for whom the account is established (or in the case described in subclause (II) of subparagraph (A)(i), the taxpayer entitled to the deduction under section 151(c)) for the taxable year in which it is received.

"(5) TRANSFERS.—

"(A) IN GENERAL.—Paragraph (2) shall not apply to any distribution which is a transfer to which subsection (c)(5) applies.

"(B) CONTRIBUTION PERIOD.—For purposes of paragraph (2), the family savings account to which any contributions are transferred in a transfer to which subsection (c)(5) applies shall be treated as having held such contributions during any period such contributions were held (or are treated as held under this subparagraph) by the account from which transferred.

"(6) TRANSFER OF ACCOUNT INCIDENT TO DIVORCE.—Rules similar to the rules of section 408(d)(6) shall apply to a family savings account.

"(f) OTHER RULES.—

"(1) DISALLOWANCE OF LOSSES.—No loss shall be allowed in connection with a contribution to, or distribution from, a family savings account.

"(2) DISTRIBUTION INCLUDES PAYMENT.—For purposes of this section, the term 'distribution' includes any payment and the term 'distributee' includes any payee.

"(3) COMMUNITY PROPERTY LAWS.—This section shall be applied without regard to any community property laws.

"(4) CUSTODIAL ACCOUNTS.—For purposes of this section, a custodial account shall be treated as a trust if—

"(A) the assets of such account are held by a bank (as defined in section 408(n)) or such other person who demonstrates, to the satisfaction of the Secretary, that the manner in which such other person will administer the account will be consistent with the requirements of this section, and

"(B) the custodial account would, except for the fact that it is not a trust, constitute a family savings account described in subsection (b).

For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

"(g) REPORTS.—The trustee of a family savings account shall make such reports regarding such account to the Secretary and to the individual for whose benefit the account is maintained with respect to contributions (and the years to which such contributions relate), distributions, and such other matters as the Secretary may require under regulations. Such reports shall be filed with the Secretary and furnished to such individuals at such time and in such manner as the Secretary may prescribe.

"(h) CROSS REFERENCE.—

For taxes on prohibited transactions involving a family savings account, see section 4975."

(b) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 (relating to prohibited transactions) is amended—

(1) by inserting ", or a family savings account described in section 292(b)" after "described in section 408(b)" in subsection (e)(1), and

(2) by adding at the end of subsection (h) the following new sentence: "This subsection shall not apply to any tax imposed with respect to a family savings account (as defined in section 292(b))."

(c) FAILURE TO PROVIDE REPORTS ON FAMILY SAVINGS ACCOUNTS.—Section 6693 (relating to failure to provide reports on individual retirement account or annuities) is amended—

(1) by inserting "OR A FAMILY SAVINGS ACCOUNT" after "ANNUITIES" in the heading of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 292(g) to file a report regarding a family savings account at the time and in the manner required by such section shall pay a penalty of $50 for each failure unless it is shown that such failure is due to reasonable cause."

(d) COMMON FUNDS.—Section 408(e)(6) is amended to read as follows:

"(6) COMMINGLING INDIVIDUAL RETIREMENT ACCOUNT AMOUNTS IN CERTAIN COMMON TRUST FUNDS AND COMMON INVESTMENT FUNDS.—Any common trust fund or common investment fund consisting of individual retirement account assets which is exempt from taxation under this subtitle does not cease to be exempt on account of the participation or inclusion of assets of—

"(A) a trust exempt from taxation under section 501(a) which is part of a plan described in section 401(a), or

"(B) a family savings account exempt from taxation under section 292."

(e) CONFORMING AMENDMENTS.—

(1) The table of parts for subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"Part XII. Family savings accounts."

(2) The table of sections for subchapter B of chapter 68 is amended by inserting "or on family savings accounts" after "annuities" in the item relating to section 6693.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SECTION-BY-SECTION DESCRIPTION OF THE SAVINGS AND ECONOMIC GROWTH ACT OF 1990

Section 1. This section provides that the short title of the act shall be the "Savings and Economic Growth Act of 1990."

Section 101. This section provides a deduction for long-term capital gains. When fully phased-in, the deduction is 30 percent for assets held at least three years, 20 percent for assets held at least two years, and 10 percent for assets held at least one year. Special rules apply for 1990 and 1991. For gains realized on or after March 15, 1990 through December 31, 1990, the deduction will be 30 percent for assets held at least one year. For gains realized in 1991, the deduction will be 30 percent for assets held at least two years, and 20 percent for assets held at least one year. Gains on collectibles will not be eligible for the deduction. For installment sales before March 15, 1990, reportable gain attributable to payments received on or after March 15, 1990, will be eligible for the deduction. The deduction will not be allowed in computing the alternative minimum tax.

Section 111. This section provides that gain will not be eligible for the long-term capital gains deduction to the extent of the taxpayer's prior depreciation deductions with respect to the asset. In other words, the full amount of depreciation deductions allowable to the taxpayer with respect to an asset will be recaptured as ordinary income.

Section 201. This section provides an exemption from the 10-percent addition to tax for IRA distributions up to $10,000, if the distribution is used by a first-time home buyer to purchase or construct a principal residence at a cost of no more than 110 percent of the median home price in geographic area where the residence is located.

Section 202. This section provides for the establishment of family savings accounts (FSAs). An individual (other than dependent) will generally be permitted to contribute to a FSA up to $2,500 a year if the individual's adjusted gross income does not exceed $60,000 ($120,000 in the case of married individuals filing a joint return). Contributions to a FSA are nondeductible. Income earned in, and distributions from, a FSA are excluded from gross income. However, distributions of earnings on contributions held in the FSA for less than seven years are included in gross income (plus a 10-percent addition to tax in the case of earnings on contributions held in the account for less than three years).

REVENUE IMPACT

[In billions of dollars]

	1990	1991	1992	1993	1994	1990–94
1. Capital gains	+0.5	+4.9	+2.8	+1.2	+1.7	+11.1
2. IRA withdrawals for first homes			−.1	−.1	−.1	−.3
3. Family savings accounts	−.2	−.6	−1.0	−1.3	−1.3	−3.1

Source: Department of the Treasury, January 1990.

Mr. ROTH. Mr. President, I am pleased and proud to rise today and cosponsor the President's initiative for savings and growth, the Savings and Economic Growth Act of 1990. I am particularly supportive of the family savings account, which would allow American families to contribute up to $5,000 per year without suffering any tax penalty for savings.

This money would be committed to savings for 7 years, but it would allow Americans to save for their home, their health costs, or their retirement, and would be a strong inducement to provide for yourself, rather than depend on the Federal Government, Let me say that I believe that the prospect for self-sufficiency is the key to the President's proposal—no mistake about it, every American would like to be self-sufficient and this is a major step toward that goal.

Let me not forget that there are 75 million Americans who now fall in the demographic group known as the baby boomers. These people can expect to spend as many years in retirement as they will working. They can also expect to spend more money paying for retirement. We must face that fact that the Federal Government cannot support the growing number of retirees on a shrinking number of people in the labor force. I believe we are nearing the edge of a payroll tax revolt—and the Senator from New York has only sounded the first alarm.

Not only must we move the Social Security trust fund off of the Federal budget, but we must act now to encourage people to save for their own future and not rely solely on Social Security to support them in their golden years.

Self-sufficiency is the primary reason to support the President's plan, but there are other important reasons. High on that list is the emerging world economy and America's ability to compete. Let me quote the opening paragraph of Peter Drucker's Wall Street Journal article on January 9, 1990:

"What makes Japan succeed?" is the hottest discussion topic today. But what few mention is Japan's cost of capital.

Mr. Drucker has hit the nail on the head—it is Japan's cost of capital that enables her to continue to progress, while America continues to suffer massive trade and budget deficits. Mr. Drucker points out in his article that after World War II Japan had one of the lowest savings rates, until Joseph Dodge—an economic adviser with the American Occupation Force—proposed exempting from all taxes the interest earned on postal savings bank deposits up to 3 million yen, or about $8,000, an enormous amount in 1950 for the average Japanese.

The liberals howled, and argued it was a giveaway for the rich, but Prime Minister Ikeda, the Finance Minister at the time, pushed the legislation through. An incredible thing happened. Inflation disappeared within weeks, savings turned up and kept climbing, tax revenues rose, and practically every Japanese—poor, middle-income, or affluent—had at least one of these accounts and many had multiple accounts in spite of the limit of one per person. So that everyone can read the story of the Japanese economic success story, I ask unanimous consent that this article be printed in the RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 9, 1990]

JAPAN'S NOT-SO-SECRET WEAPON

(By Peter F. Drucker)

"What makes Japan succeed?" is the hottest discussion topic today. But what few mention is Japan's cost of capital.

American and other Western companies pay between 10% and 15% for money, whether short-term borrowings, fixed debt or equity. The large Japanese firm has been paying 5% at most. And a capital-cost advantage of 200% or 300% is almost unbeatable. Neither "culture" nor "structure"—the factors most often invoked to explain Japan's success—underlie Japan's low cost of capital. The American Occupation gave it to Japan, 40 years ago.

It's common knowledge that the Japanese savings rate is twice as high as the American, and is, indeed, the developed world's highest. But only a few historians note that before World War II Japan had one of the lowest savings rates among major countries. After Japan's defeat, this rate plunged even further and in fact became a dissavings rate, with inflation and violent labor strife rapidly eating up whatever savings had survived confiscatory taxation and destruction during the war.

With cities and factories largely reduced to rubble, the country needed massive capital investment—and there was no possibility to borrow abroad and no Marshall Plan. In this crisis the Americans brought in a Detroit banker, Joseph Dodge, as the Occu-

pation's economic adviser. He decided that only a radical shift to an investment-driven economy could stave off disaster. He proposed a very sharp increase in income-tax rates even on fairly low incomes; to this day tax rates, especially marginal rates on large incomes, are a good bit higher in Japan than in the U.S. But he also proposed exempting from all taxes the interest earned on Postal Savings Bank deposits of up to three million yen per person.

THE EXPERTS HOWLED

In 1950, three million yen was equal to only a little more than $8,000. Yet in 1950 Japan that was an astronomical sum—25 times the annual income of the average Japanese, and more than any but the top 2% of the population earned in a year.

All the experts howled: the Japanese because of the horrendous loss of tax revenue to an already deficit-wracked treasury; the Americans (especially Washington's "liberal" economists and politicans) because of the horrendous giveaway to the rich. But Dodge succeeded in persuading a new, young Japanese Minister of Finance, Hayato Ikeda (10 years later to become prime minister) of the merits of his plan. Ikeda pushed it through a skeptical cabinet and an openly hostile Diet.

Inflation disappeared within weeks. Six months later the savings rate turned up and kept on climbing. But tax revenues also began to rise almost immediately. And when the tax-exempt accounts, having done their work, were finally scrapped in 1988, practically every Japanese—poor, middle-income or affluent—had one. (Some had as many as 20; the limit of one account per person was ignored.) And the highest concentration of tax-exempt accounts was among fairly low-income earners.

These savings financed the explosive growth of the Japanese economy and the export drive. They explain why—almost unprecedented in economic history—a rapidly growing Japan has not had to borrow abroad. And, of course, these tax-free savings explain Japan's low-cost capital and the tremendous competitive edge it provided.

But that the investment-driven economy worked in Japan is not nearly as important as that America's and Britain's alternative—the consumption-driven economy—has not delivered what it promised: investment and low capital costs. Yet the consumption-driven economy still dominates economic theory and economic policy in both the U.S. and the U.K.

Despite their differences, Keynesians, monetarists and supply-siders all accept a few basic Keynesians postulates: "Oversaving" is an ever-present danger, causing under-consumption and depression. Saving should therefore not be encouraged and might even be penalized safely. If consumption drives the economy, the necessary and productive investment will take care of itself. Rising consumption will create demand for new and profitable production and productive capacity. It will act as the "multiplier" for investment. Fostering and promoting consumption will thus automatically generate both rising incomes and high capital formation.

That there are serious flaws in these postulates was immediately noted by such eminent mid-1930s economists as Lionel Robbins at the London School of Economics and Joseph Schumpeter at Harvard.

No over-saving, they showed, had ever been documented. Nor is there the slightest evidence that, as John Maynard Keynes asserted, over-saving had caused the Great Depression. Worse, Keynes's own theory rules out the multiplier on which his consumption-driven economy depends. For at the heart of all of Keynes is the postulate that businessmen will invest only if they have "confidence," which in Keynesian theory is a function of low interest rates and low costs of capital. To play down saving, let alone to discourage it, must drive up interest rates and thus undermine confidence.

The consumption-driven economy triumphed—though mainly in English-speaking countries—because it perfectly fitted the political mood of the postwar period. To penalize saving "soaks the rich." And to promote consumption "spreads the wealth." Politically, Keynes himself was pretty much what we now call a "neo-conservative" (then called a "Liberal" with a capital L). He had nothing but biting contempt for Progressives and "bleeding hearts." Yet, in superb irony, the Progressives accepted his theories and gave them dominance. These theories bestowed legitimacy on their political agenda.

By now we know, however, that to promote saving does not favor the rich. Any country that has given a tax exemption or tax deferment to saving has had the same experience as Japan: Middle- and lower-income earners take the most advantage of these opportunities. This has, for instance, been the experience with whatever meager tax deferments have been offered for saving in the U.S. (e.g. in individual retirement accounts or in Keogh plans).

We also know that a consumption-driven economy does not "spread the wealth." There is far more equality of income in investment-driven Japan than in consumption-driven America or Britain. In addition, though the Internal Revenue Service still refuses to accept this, tax revenues are higher within a few years when saving is favored.

We have learned in the 40 years since Joseph Dodge that nothing works as well in a developed country as legalized tax-avoidance. His tax-exempt accounts in Japan paid laughably low interest—never more than 2% a year. Yet the Japanese could not get enough of them. The money savings in America's IRAs and in its Keogh Plans for the self-employed are often more nominal than real. Yet they are always highly popular. And as attorneys and accountants will attest, people rush into the most dubious "tax shelters" just because they want to beat the tax collector.

THE "INCIDENCE" OF TAXATION

We know, in other words, how to jack up America's dismal savings rate and how to bring down America's prohibitively high cost of capital. It is less a matter of the level than of the "incidence" of taxation—which is economists' doubletalk for a chance legally to avoid taxes. And we also know that Keynes was right when he said that high costs of capital destroy "confidence" and inhibit investment. Few investments will earn enough to repay capital cost of 15%—but many can easily earn 5%, which is what the Japanese pay.

There are indeed profound differences between Japan's society and the West, especially the U.S. But there is little or nothing that the U.S. and the West as a whole can do about whatever Japanese differences there are. We can, however, do quite a bit to get rid of, or at least to assuage, the enormous competitive disadvantage we suffer vis-a-vis the Japanese through our prohibitive cost of capital. It is not "structural"; it is the result of an inadequate savings rate caused in the main by our clinging to the belief in the consumption-driven economy against our own experience and against all the evidence.

Mr. ROTH. Mr. President, let us pass a proven winner—proven in Japan—and let's pass the President's family savings account. Let us take notice of what Alan Greenspan, the Chairman of the Federal Reserve Board, called the "most important long-term issue that has to be addressed by policy makers", the Nation's low savings rate. Let us pass what the Sunday New York Times called the best tax-advantaged account that would be available to Americans—the family savings account.

Mr. DOLE. Mr. President, I am pleased to cosponsor the President's Savings and Economic Growth Act.

This legislation is designed to deal with two of the serious economic concerns facing America: Our high cost of capital and our low national savings rate. In combination, these factors make it difficult for American businesses to raise the patient capital which we all recognize is essential for long-term economic growth.

America's economic leadership is due to the ingenuity and innovation of our industry. However, those very qualities are being stifled by a decline in equity capital and dangerous pressures from a few large investors for short term earnings. Such demands can only be met at the expense of investments in research and product development which do not pay off in the current quarter or year.

The President's plan will address this problem in two ways. First, by lowering the capital gains tax rate for long-term investors, the legislation will reduce the cost of precisely that patient capital which is necessary for continued competitiveness. Second, by targeting incentives for long-term savings at precisely those low and moderate income families who find it hardest to put money aside, this legislation will raise our private saving to levels now attained by our competitors.

The President's capital gains initiative would reduce the maximum individual capital gains tax rate from 33 percent currently to just below 20 percent on capital assets held for at least 3 years. Taxes may not be the only reason that the cost of capital in Japan is approximately one-half what it is in America, but the double taxation of savings at ordinary income rates is a real incentive for American taxpayers to borrow and consume currently, rather than invest for the future.

In addition, low- and moderate-income families in America have lost the habit of saving. Our national savings rate fell to 18th out of 21 industrial nations in the 1980's although business savings remained constant. One

reason is the double tax which makes current consumption less expensive than saving for the future. Another is that our tax laws penalize saving unless the funds are untouched until retirement. Yet many families cannot afford to lock in money for retirement that they could use to meet more immediate needs.

The President's plan addresses this problem in two ways: First, it allows the use of individual retirement savings for the purchase of a first home—the largest purchase that a young family will make. Now, those moderate-income families who are saving for a downpayment can take advantage of a deductible IRA, and in addition, develop the habit of making these contributions every year.

Second, families earning less than $120,000 per year will be encouraged to begin saving and investing on a long-term basis in a family savings account. The earnings on funds contributed to these accounts are exempt from current taxation and will become permanently tax exempt if they are not withdrawn for at least 7 years.

The resulting increase in family savings will increase the pool of private capital available to American business, enabling it to expand, create jobs and compete in world markets. This enhanced productivity will enable new generations of Americans to realize the American dream: a higher standard of living for themselves and their children.

Mr. HEINZ. Mr. President, today Senator PACKWOOD is introducing the President's capital gains and family savings account proposals, which were contained in the President's budget. The President's proposal is timely. More importantly, it opens a debate we need to have in this country about how America maintains a competitive edge in an increasingly global economy.

What is at risk, Mr. President, is our ability to compete in the world. What is at risk is the creation of those good jobs at good wages we heard so much about in the last campaign. How we address the crisis in savings will determine whether or not we can maintain a rising standard of living and a society of economic opportunity in which all can participate.

The issue of savings and investment is at the heart of the debate.

U.S. investment in productive capital, as a percent of gross domestic product [GDP], is the lowest of the major industrial countries. The U.S. net investment rate [NIR] in 1987 was 4.9 percent of GDP. In that same year, two major competitors registered much higher rates of savings—6.9 percent for West Germany and 15 percent for Japan. Those figures are not a 1-year aberration. The United States has consistently lagged behind West Germany, Japan, and other industrial countries over the past two decades in savings. Mr. President, it is not mere coincidence that American productivity and income growth have lagged as well.

Our low national savings rate means America must borrow more of its investment capital from abroad. Consequently, American companies face relatively higher costs of capital than their competitors. A recent study by the Federal Reserve Bank of New York found that capital costs in the United States range from 50 percent to 130 percent higher than capital costs in Germany or Japan.

A primary cause of high-capital costs and low-investment rates in the United States is the low level of net national savings [NNS]. A moment ago I cited net national investment statistics to demonstrate how little this country is investing compared to our competitors. We save less than any of the other developed countries. Even more worrisome is the reality that we are investing more than we save. Germany and Japan, in contrast, save much more than they invest—11.4 percent NNS versus 6.9 percent NIR for West Germany; 18.4 percent NNS versus 15 percent NIR for Japan. The United States numbers: 2.4 percent NNS versus 4.9 percent NIR.

What this means is the United States is critically dependent on foreign capital to sustain an already anemic level of investment, the prospects for healthy long-term growth are poor even at current investment levels, subsidized as they are if you will by foreign investment. If foreign investors refuse to continue financing the increasing debts of consumers, business and the Government in the United States, we will be faced with catastrophically high interest rates, lack of credit, more financial failures and potentially dire consequences. We clearly have to find a way to improve the accumulation of net national savings in this country. I think the President's proposal is an important step to open this debate.

As I noted earlier, I welcome the President's focus on this issue. The President's proposal is a step in the right direction. It is certainly a major improvement over his proposal of last year. The President's 1989 capital gains proposal only applied to stocks and bonds held by individuals. Further, it did not contain a savings component. But improved though this new proposal is, my view is that it still doesn't go far enough.

The President's capital gains proposal this year applies to all capital assets, except collectibles, held by individuals. In my opinion, there are two important ways the President's capital gains proposal can be improved even more.

First, the President's plan does not include an indexing component. It should and must. Most economists would agree that a capital gains differential is essential to promoting savings, entrepreneurial activity, risky investment in new products and processes, and industries that will help keep America competitive and economically strong. A capital gains differential clearly addresses the risk factor. However, it does not address long term inflation. That can only be addressed through an indexing provision.

Under the President's proposal, an individual gets a 30-percent exclusion if they hold property for 3 years, 10 years or even 20 years. In fact, the longer an individual holds property, the more they are penalized by inflation. A capital gains exclusion which does not contain an indexing component actually encourages "churning." Investments should be made on the basis of what is the best rate of net return and any smart investor will clearly take into account inflation in calculating net return. The President's proposal fails to provide a real incentive for long term investment.

Another point on which economists generally agree is that tax liabilities should be imposed on the basis of real economic income. During periods of inflation, nominal gains or losses on sales of capital assets will reflect inflationary increases in the value of property which do not represent real changes in economic value. The President's proposal overstates capital gains—or understates capital losses—to the extent of inflation during the time an investor holds the property before it is sold.

Proponents of a capital gains differential often justify their position as a means to offset inflation. This purpose is served, but only sporadically. The effects of inflation accumulate over time, yet the President's proposal does not vary the tax rate after the property is held for over 3 years. Clearly this is the wrong result. If I had to choose between capital gains indexing and a capital gains differential I would choose indexing.

While I can support the principle of a capital gains differential, I would have deep reservations about doing so without the inclusion of indexing. Perhaps there is middle ground in a compromise where taxpayers have a choice of indexing the cost basis of their property or a capital gains differential. Senator PACKWOOD's capital gains proposal of last year contained what I thought was an elegant compromise of a different kind and included both provisions. Indexing should be a part of any package considered by Congress this year.

One point that needs exploration and, I believe, emphasis is that little has been written about the connection between savings rates and returns to investment. Commonsense, however,

tells us that there must be a powerful and necessary connection. If the return to the "saver" is low because the saver's money cannot be invested safely or profitably, the "saver" may decide to become a "consumer" instead. If it is true that the high cost of U.S. capital makes many investments too risky or unprofitable, then it follows that targetted tax efforts, such as reducing taxation of capital gains, will give savers better returns and increase the national savings rate. What is apparently unexplored is the relative importance of enhancing investment returns compared to direct savings incentives such as IRA's and any synergy between combining both approaches. Our government could maybe make better public policy decisions if such information was available and shared with the Congress.

My second concern about the President's capital gains proposal is that it only applies to individuals, and doesn't apply to corporations. The fundamental tenet of tax policy is that the form of ownership should not materially impact the tax rate of a transaction. When we think about corporations, we normally think about the corporations whose stock is traded on the stock exchange. However, that really isn't the case.

We know that after the 1986 tax reform bill, there was a major shift in ownership form. Many small operations changed from corporate ownership to either sub-S or partnership forms of ownership. My fear is that there are lots of small businesses out there who didn't receive good tax advice and therefore did not make the change. If and when they decide to sell their businesses, they are going to find out that they are not entitled to capital gains.

Let me give an example: A couple owns the corner grocery store. They decide to retire and sell the building. The only problem is that when they set up their business years ago, they set up a corporation, and the corporation owns the building. Now they want to sell the building, and they find out they are not entitled to capital gains. It's hard to see how this meets any fairness test. We need a clear and better understanding of who we are impacting and how when we do not include corporations.

Finally, let me add that the President's family savings account is clearly a step in the right direction. Over the next few months, there will be hearings on the extent to which his proposal will increase savings. While I have questions and intend to explore whether this is the best means to increase savings, I want to make it clear, Mr. President, that I think this new proposal is a vast improvement over last year, and that I welcome it and look forward to working with the president and my colleagues on the Finance Committee to put together the best possible package that will encourage savings and investment.

By Mr. MOYNIHAN:

S. 2072. A bill to authorize a study of nationally significant places in American labor history; to the Committee on Energy and Natural Resources.

STUDY OF SIGNIFICANT PLACES IN AMERICAN LABOR HISTORY

● Mr. MOYNIHAN. Mr. President, I rise to introduce a bill that would direct the Secretary of the Interior to conduct a nationwide study of sites significant to the history of the American labor movement. The impact of the labor movement on business, industry, and the standard of living of millions of workers has been enormous. Its influence starts with paychecks and job security for union members in every State, and reaches here to Washington, where their unified voice draws notice. I should mention that I cannot claim to be a disinterested party; at 16 I walked into the old National Can Co. in Queens and joined the Steelworkers.

There is much history to the labor movement. In 1799, the Franklin Typographical Society of Journeymen Printers of New York formulated a complete wage scale and went on strike to enforce it. In these early years, such organizations dissolved once their goal was accomplished.

There are sites throughout the country that deserve recognition for the events they witnessed. The birthplaces of leaders such as William Sylvis, a Philadelphia ironworker who founded the National Union of Iron Molders in 1859 and the National Labor Union in 1866, for example. Or the home of Samuel Gompers, who founded the Federation of Organized Trades and Labor Unions, which became the American Federation of Labor. He was its president for 37 years.

There are the sites of the first meetings of the unions that came to be household names, such as the United Mine Workers in Columbus, Ohio in 1890. And there are sites that have largely been forgotten, but still have their place in history, such as Tyronza, AR, where the Southern Tenant Farmers Union formed during the Depression.

There are also the sites of strikes, some of which are known for their violent outcomes. They were, in a real sense, battlefields in the fight for fair wages and working conditions. Haymarket Square in Chicago, where workers met in 1886 to protest police actions against strikers, for example. A bomb went off, several people died, and seven labor leaders were sentenced to death. Or the 1917 strike led by the Wobblies in the copper mines of Bisbee, AZ that ended when the sheriff and 1,800 deputies deported 1,200 strikers to New Mexico.

Mr. President, these events form a vital part of American history. Some do not get the recognition they deserve, and their educational potential is being overlooked or ignored.

This bill directs the Secretary of the Interior, in consultation with the Secretary of Labor, to conduct a study of the history of worker organizations, unions, and strikes, of the impacts of industrial and technological change, and the contributions of the American labor movement to American history. The study will identify, evaluate, and nominate to be National Historic Landmarks those districts, sites, and buildings that best illustrate or commemorate American Labor history.

Mr. President, it is a job that needs to be done. This part of our historic landscape should be recognized and preserved. The nearly 17 million union members in this country testify to the impact of the labor movement. I urge my colleagues to support this effort to preserve its history.●

By Mr. JEFFORDS (for himself, Mr. LEAHY, Mr. MOYNIHAN, and Mr. D'AMATO):

S. 2074. A bill to establish in the Environmental Protection Agency a Lake Champlain Program Office, and for other purposes; to the Committee on Environment and Public Works.

LAKE CHAMPLAIN SPECIAL DESIGNATION ACT

Mr. JEFFORDS. Mr. President, today I rise to introduce a very important bill entitled the "Lake Champlain Special Designation Act." I am joined in introducing this act by the entire Vermont delegation Senator LEAHY, as well as Representative SMITH. We have worked closely with the distinguished Senators MOYNIHAN and D'AMATO and Representative MARTIN from New York and we stand together on the importance of this bill. A similar bill will soon be introduced on the House side by Representatives SMITH and MARTIN as well.

Protection of Lake Champlain, one of the most precious fresh water lakes in the world, has increasingly become a challenge as population continues to grow dramatically in the basin area. Various types of point and nonpoint source pollution threaten the health of the lake and surrounding wetlands. In addition, the lake is a target of air toxics emanating from various sources across the Nation. Toxics in harmful amounts are finding their way to the Lake—crippling the natural systems and posing a real threat to the health of the people and wildlife in the basin.

Finding solutions to these problems will require broad-based participation by the appropriate Federal, State, and local agencies, as well as the public and other concerned interest groups. The bill before you today directs the Environmental Protection Agency to convene a Lake Champlain Manage-

ment Conference. The conference will bring the appropriate Federal, State, and local bodies together to develop a plan of action for protecting this valuable resource. Through building upon on-going activities, I believe we can effectively address the critical problems facing the lake.

Let me tell you a few things about Lake Champlain. The lake is surrounded on the eastern shore by the wild Green Mountains running the full length of the State of Vermont. Those who like the famous Long Trail crossing the peaks of these mountains, are rewarded with a simply breathtaking view of the lake. On the Western shore stands the rural Adirondack Mountains and to the North is the Canadian border which cuts across the lake providing an international flavor.

Besides the natural beauty of the lake, which draws thousands of visitors a year, it is also rich in historical and economic value. Since Samuel De Champlain's visit in 1609, the lake has been the witness to major battles in the Revolutionary War and again in the War of 1812. Following that war, the lake became a main link for trade to and from the northeastern region of this Nation. Few are aware that Lake Champlain is part of the intercoastal waterway. Large ships travel up the Hudson River to the southern part of the lake connecting New York City to Montreal.

In addition to beauty, historical and economic importance the lake is utilized for a myriad of recreational activities including fishing, boating, and swimming. The lake has always been abundant with various plants and animals—but we are beginning to see problems in this area.

Lake Champlain is the sixth biggest fresh water lake in the Nation. The lake is part of the St. Lawrence drainage basin and shares many liminological features with its Western Great Lake cousins. These six lakes of the same drainage basin, share similar ecosystems, uses, demands, economic importance, beauty—and unfortunately, vulnerability to environmental threats.

Lake Champlain, like the Great Lakes, is threatened from various types of pollution. Toxic pollution is particularly troublesome to me.

EPA has concluded on several occasions that uncontrolled air toxics pose substantial risks—in one case the risk of cancer is estimated at 3 in 10 for maximum exposed individuals. In additional data released by EPA on toxic release—the data showed that manufacturing industries released 2.7 billion pounds of toxic air pollutants. If you combine these findings with findings in a recent report on the Great Lakes issued by the Conservation Foundation you begin to see the severe dangers these toxics are imposing on the lake and effected population. The report stated that:

> The presence of toxic contaminants carried by the air to humans and wildlife, to growing crops, and water are worrisome. Anglers are warned not to eat large lake trout caught in Lake Superior; the fish are contaminated by PCBs deposited in the lake from the atmosphere.

The report further states that:

> Within the human population, health risks are elevated for those living in areas with polluted air and contaminated groundwater. Even more important, there may be subtle effects on human health that have gone largely undetected stemming from contaminants in the food web. Certain identifiable subgroups of the population appear to be at elevated risk of exposure. These include human embryos, infants, and children who have bioaccumulated substantial quantities of toxic chemicals that exist in fish and waterfowl. Preliminary studies suggest that these subtle effects may be far more significant among at-risk populations than cancer and gross physical defects. The need for "more data" is urgent.

According to one of the major authors of the report, Dr. Theo Colborn of the Conservation Foundation, data released in this report can generally be extrapolated to other large fresh water lakes including Lake Champlain. And in fact, both New York and Vermont have issued health advisories as a result of PCB contamination of the flesh of certain species of fish taken from the lake. We must begin immediately addressing this toxic problem.

At a recent field hearing held in Vermont by myself and Senator MOYNIHAN on the condition of Lake Champlain, three important factors were stated by the experts testifying. The first factor was that the contamination of the water, biota, and sediments in the lake by toxic materials is an area of serious concern. The second fact was that the monitoring system of the lake is inadequate. Finally, those testifying pointed out that very little is known in this toxic. Efforts to generate data must be undertaken immediately.

All of these factors would be addressed through the management conference convened and other provisions in this bill.

The States of Vermont and New York along with Quebec, have realized that without a concerted cooperative effort, restoring and maintaining the lake's quality will be impossible to achieve.

They have worked hard to begin addressing the problems of the lake and recently issued a memorandum of understanding signed by the Governors of Vermont, New York, and the Premier of Quebec, basically establishes a forum for cooperative management of the lake.

A second document entitled "The Framework for the Vermont—New York Work Plan on Lake Champlain" was introduced by the two States and is intended as an initial draft of a work plan mandated in the MOU. This work plan will identify goals and objectives and serve as a framework for issue identification.

While great progress has been made by the States, the role of the Federal Government has not yet been fully determined—and I believe the "Lake Champlain Special Designation Act"—through the management conference which provides for significant State input will do that.

The citizens in the Northeast have made it clear that they are willing to contribute to the cost of addressing the pollution problems facing the lake. However, they cannot do this without assistance from the Federal Government.

I urge my colleagues to support this provision to further the protection of what is truly an American treasure.

Mr. LEAHY. Mr. President, the Senate is in the middle of a historic debate over the clean Air Act. At long last we are raising environmental and health issues that affect every State—every American—and indeed, every individual on this planet.

Today, I join my friend and fellow Vermonter, JIM JEFFORDS, to introduce an important correlative to this legislation—the Lake Champlain Special Designation Act.

With this legislation, Senator JEFFORDS truly succeeds his predecessor, Robert T. Stafford, as Vermont's voice of reason on the Environment and Public Works Committee. Lake Champlain has no greater champion than JIM JEFFORDS, and he deserves the gratitude of Vermonters and New Yorkers who share this common border, in addition to thousands of tourists who visit our States every year.

And both of us thank Senator MOYNIHAN—whose early support for this effort got the States working together for the bill we see today. Mr. MOYNIHAN's cosponsorship of this important legislation is both in name and effort. We, on opposite shores, owe him gratitude for unifying our efforts.

Mr. President, Vermont gets its name from the Green Mountains—but the blue waters of Lake Champlain that mark our western border also sets our State apart from all others.

Unfortunately, these blue waters have been clouded by many forms of pollution—from domestic wastes and detergent residue, to agricultural runoff and industrial contaminants.

Less than 15 years ago, Martin Johnson, a resident of Plainfield, VT, a hydraulics engineer who served as our secretary of environment, took a grade school survey of children's impressions of our rivers and streams.

He asked one class to describe what streams and rivers were used for.

One youngster answered simply: "To carry away our garbage."

For years, Lake Champlain has fit into that category. Today, years later, we have legislation to finally begin the reclamation process. We will direct Federal, State, and local efforts to reverse the environmental degradation that despoils this majestic lake.

This may be our last, best hope to save our lake. It's not the Lake Erie of the early 1970's—but then again, it's not the Lake Champlain I knew as a child, either.

The bill we introduce has four main components:

First, it convenues a lake management conference within 90 days from the date this bill becomes law. It will bring together and coordinate Federal, State, and local agencies involved in restoring, conserving, and managing Lake Champlain. This will include interested citizens from Vermont and New York. The conferees will have 21 months to produce a 5-year pollution prevention, control, and restoration plan for the lake.

Second, Federal agencies will be given comprehensive pollution prevention and control initiatives to clean up the lake.

Third, a research program will be established to monitor, inventory, and research Lake Champlain water quality and develop pollution prevention strategies.

Fourth, a Federal-State cost-sharing arrangement will be established for the first time. Vermont and New York have committed resources to help clean up Lake Champlain. However, they can not go it alone. The cost-share program will allow each State to apply, together or alone, for financial assistance that will allow them to complete local projects more rapidly.

Our bill will not add Lake Champlain to the Great Lakes chain. We looked at this possibility carefully and concluded that Lake Champlain will be better off under a special designation of its own—drawing the best from a variety of programs, and not pitting our lake against other priorities in a quest for a diminishing pool of funds.

Mr. President, this is not a Democrat or Republican issue. I am delighted that Senators JEFFORDS, MOYNIHAN, D'AMATO, and I share the same pressing concern over the health of this lake. With Senators JEFFORDS and MOYNIHAN on the authorizing committee, and Senator D'AMATO and me on Appropriations, I look forward, with confidence, to the success of this effort which residents of both States want to see accomplished after too many years of neglect.

We now understand that the immense oceans themselves are not immune from the damage that man can do. This lovely lake is far smaller—far more vulnerable—but as priceless to us as the ocean shores to our neighbors from Maine and Florida to California and Washington.

While I regret that this program was not initiated decades ago, I am proud to take part in this beginning today. But this is just a beginning—much hard work lies ahead.

But those of you who have enjoyed this beautiful lake know that our efforts, most certainly, are worth it.

Mr. President, I am proud to be here in the company of such good friends as JIM JEFFORDS, PAT MOYNIHAN, and AL D'AMATO, Senators who join together not as Republicans and Democrats but who cherish what really is a national treasure for our country and who will work together to make it even better.

Mr. D'AMATO. Mr. President, I rise today to join with my distinguished colleagues, Senators MOYNIHAN, LEAHY, and JEFFORDS in introducing the Lake Champlain Special Designation Act of 1990.

Excluding the Great Lakes, Lake Champlain is the largest freshwater lake in the United States. It serves as a vital resource to New York, Vermont, and the Province of Quebec. The lake supports a variety of uses, including water supply and recreation. Sport fishing is extremely popular with the lake supporting more than 80 species of fish. However, while fishing is allowed in the lake, the New York and Vermont Departments of Health have issued health advisories on trout larger than 25 inches.

Today Lake Champlain is under seige from pollution. Nonpoint sources of pollution in New York and Vermont are estimated to contribute over 80 percent of the phosphorus in Lake Champlain. Included among these nonpoint sources are pesticide/agricultural runoff, urban runoff which includes trace elements of lead and cadmium, PCB's deposited into the lake from the atmosphere, and leachate from some of the 96 active and inactive landfills within the Lake Champlain basin.

Remarkably, Lake Champlain is virtually free of point source pollution. Only one major industry discharges directly into the lake. Sewage treatment plants throughout the basin are in the process of upgrading their facilities to conform with Clean Water Act standards.

The legislation we are introducing today creates a lake management conference which will coordinate Federal, State, and local agency actions. It is critical that the State of New York and Vermont as well as the Canadian and United States Governments work in concert throughout the restoration process. The conference will issue a 5-year pollution prevention and control plan to serve as the framework for restoration of the lake.

It is clear that we must act now to prevent any further degradation of Lake Champlain. For the most part, point source pollution is under control. We must focus our efforts on nonpoint sources. Swift action on the part of the lake management conference participants will bring us one step closer to achieving a cleaner and healthier Lake Champlain.

I urge my colleagues to act on this important legislation.

Mr. MOYNIHAN. Mr. President, this is a propitious occasion, not only for Lake Champlain but also for an anniversary coming up which I hope will not go unnoticed. Next year we will have the 200th anniversary of the freely willed accession of the Republic of New Connecticut to the American Union.

We have heard and know a great deal about the Republic of Texas joining the Union. Unfortunately we sometimes overlook, or perhaps do not even realize, that the 14th State, now known as Vermont, had an independent existence of its own. It fought for it in 1776 on the battlefield at Ticonderoga and later freely joined the Union.

That event at Ticonderoga and one subsequently at Saratoga suggests a most important bit of military geography. Mr. President, if a person could traverse an area of land, a portage of about 11 miles between Glens Falls, NY on the Hudson River and Lake George, you could move by water from New York Harbor to Quebec. It is for this reason that the great battles by the French and British for North America, and later the British and Americans for independence, were fought along that waterway. Fort Ticonderoga, controls the outflow from Lake George into Lake Champlain, which in turn flows into the Richelieu River and out into the St. Lawrence.

The great body of water in this chain is Lake Champlain. I think it needs to be recorded that UNESCO, the United Nations Educational, Scientific and Cultural Organization, has declared it an International Biosphere Reserve, making it the fourth largest reserve of its kind in the world. I see my friend and colleague on the Environment and Public Works Committee, Senator JEFFORDS, has joined me here on the floor.

We think we know how to proceed. We are fortunate to have a number of prominent ecologists on both sides of the lake. They have begun studies, and now want to organize, move forward, establish a data base, start counting, and start measuring. We must help them. We will want to work with Canada, and the Province of Quebec, as the very tip of Lake Champlain is in their country.

At a hearing held by myself and Senator JEFFORDS in Plattsburgh, NY—we held hearings on both sides of the lake—Dr. James C. Dawson of the State University of Plattsburgh referred to the lake as being in "guard-

edly good condition." The truth is it is in much better condition today than it was a century ago.

All right. It is a deep lake, a long lake, a unique lake. UNESCO has so declared. Let us move now to protect it and keep it from deteriorating further. Let us bring it back up to an even better circumstance. We can do this. It takes time and patience. One thing Vermonters have is patience. One thing New Yorkers have is, if not time, certainly energy, and in combination I think we shall prevail.

By Mr. McCAIN (for himself, Mr. BURDICK, Mr. CONRAD, and Mr. INOUYE):

S. 2075. A bill to authorize grants to improve the capability of Indian tribal governments to regulate environmental quality; to the Select Committee on Indian Affairs.

INDIAN ENVIRONMENTAL REGULATORY ENHANCEMENT ACT

● Mr. McCAIN. Mr. President, I rise today to introduce the Indian Environmental Regulatory Enhancement Act of 1990. I am pleased to be joined by Senators BURDICK, CONRAD, and INOUYE as cosponsors of this very important legislation. This bill would authorize the Administration on Native Americans in the Department of Health and Human Services to award grants to Indian tribes for the purpose of improving the capability of tribal governments to regulate environmental quality on Indian reservations pursuant to Federal and tribal laws. Many Indian tribes today are faced with growing environmental problems on their reservations. In order to address these problems, several Indian tribes have sought to obtain regulatory primacy under the provisions of the Clean Water Act and other Federal statutes. Yet, Indian tribes have found that there is little Federal funding available through the Environmental Protection Agency to provide badly needed technical expertise; to conduct the environmental surveys necessary to determine the source and scope of pollution affecting the reservation; to hire qualified personnel with the necessary background and experience; to develop tribal environmental codes and to set environmental standards for the reservation. Much of the work necessary to determine if the tribe wishes to seek primacy has not been done. At the current funding levels this work will not get done. Tribes need to develop the personnel and the in-house expertise before they are in a position to undertake the effective regulation of reservation environments.

The Indian Environmental Regulatory Enhancement Act would authorize $5,000,000 to be appropriated to the Administration on Native Americans for grant awards to Indian tribes for the purpose of improving the capability of tribal governments to regulate environmental quality pursuant to Federal and tribal laws. These grants would be made available for employee training and education, tribal code development, and improved enforcement and monitoring. The grants would require a 25-percent match from any other funding source, or with services or in-kind property.

The financial assistance which would be made available is not intended to relieve the Environmental Protection Agency of its primary responsibility to assist tribal governments. Rather, the assistance offered by this bill is intended to provide some much-needed flexibility for tribal governments. For nearly 20 years, Congress neglected to include tribal governments in the Federal environmental regulatory system. We have recently acted to correct this oversight, but we have not provided adequate financial resources to assist the tribes in their efforts to promote environmental quality. It is my hope that this bill will serve as a catalyst for increased Federal and tribal efforts to develop sound environmental regulatory programs on Indian lands.

Mr. President, I ask unanimous consent that the full text of the Indian Environmental Regulatory Enhancement Act of 1990 and the section-by-section summary be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Indian Environmental Regulatory Enhancement Act of 1990".

GRANT PROGRAM

SEC. 2. Section 803 of the Native American Programs Act of 1974 (42 U.S.C. 2991b) is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary shall award grants to Indian tribes for the purpose of funding 75 percent of the costs of planning, developing, and implementing programs designed to improve the capability of the governing body of the Indian tribe to regulate environmental quality pursuant to Federal and tribal environmental laws.

"(2) The purposes for which funds provided under any grant awarded under paragraph (1) may be used include, but are not limited to—

"(A) the training and education of employees responsible for enforcing, or monitoring compliance with, environmental quality laws,

"(B) the development of tribal laws on environmental quality, and

"(C) the enforcement and monitoring of environmental quality laws.

"(3) The 25 percent of the costs of planning, developing, and implementing a program for which a grant is awarded under paragraph (1) that are not to be paid from such grant may be paid by the grant recipient in cash or through the provision of property or services, but only to the extent that such cash or property is from any source (including any Federal agency) other than a program, contract, or grant authorized under this title.

"(4) Grants shall be awarded under paragraph (1) on the basis of applications that are submitted by Indian tribes to the Secretary in such form as the Secretary shall prescribe.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking out "section 803A" each place it appears and inserting in lieu thereof "sections 803(d) and 803A", and

(2) by adding at the end thereof the following new subsection:

"(d) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, 1995, and 1996, for the purpose of carrying out the provisions of section 803(d).".

SECTION-BY-SECTION SUMMARY ANALYSIS OF THE INDIAN ENVIRONMENTAL REGULATORY ENHANCEMENT ACT OF 1990

SECTION 1

Section 1 cites the short title of the Act as the "Indian Environmental Regulatory Enhancement Act of 1990."

SECTION 2

Section 2 amends Section 803(d)(1) of the Native American Programs Act of 1974 by providing for the award of grants to Indian tribes for the purpose of finding 75% of the costs of developing, and implementing tribal programs to regulate environmental quality pursuant to federal and tribal environmental laws.

Subsection (d)(2) sets out the purposes for which the funds may be used. These purposes include training and education of employees, development of tribal laws, and the enforcement and monitoring of environmental quality laws.

Subsection (d)(3) provides that the 25% match which is required under this Act can be paid in cash or through the provision of property or services. The cash or property contribution can be from any source, including any federal agency.

SECTION 3

Section 3 amends Section 816 of the Native American Programs Act of 1974 by adding a new section which authorizes the appropriation of $5,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, 1995 and 1996 to carry out the purposes of this Act.●

By Mr. WARNER (for himself and Ms. MIKULSKI):

S. 2078. A bill to recognize the organization known as the National Center for Therapeutic Riding; to the Committee on the Judiciary.

NATIONAL CENTER FOR THERAPEUTIC RIDING

Mr. WARNER. Mr. President, today Senator MIKULSKI and I are introducing legislation to grant a Federal charter to the National Center for Therapeutic Riding [NCTR], which is located at the Rock Creek Park Center in Washington, DC.

I can think of few causes that are more worthy of this special recognition. The NCTR is devoted to improv-

ing the quality of life for the disabled by using therapeutic riding—teaching handicapped children to ride horses to help build their self confidence. Slowly, under careful supervision, the children learn to do something that they never dreamed they could do, and in the process, they can begin to overcome the barriers of their disabilities. There is a mystique, never uncovered by science, about how a horse immediately senses the limitations of a handicapped person and how the animal tries to help the human.

The real genius behind the program is its executive director, Bob Douglas, who, being handicapped, is no stranger to the problems and the equine mystique. Bob himself was stricken with multiple sclerosis when he was a researcher at the National Institutes of Health [NIH] back in the early 1970's. He used horseback riding as a way to conquer his wheelchair and get back to using his legs. The therapy worked so well for him that he decided to devote his life trying to do the same for others.

His dream became a reality in 1974, when he launched the therapeutic riding program at the Rock Creek Horse Center. In 1980, the progrm received formal recognition as a tax-exempt public charity, and became officially known as the National Center for Therapeutic Riding. The center predominantly serves children from the District of Columbia school system, but it also works closely with such organizations as the Lab School of Washington, Special Olympics, and the Sasha Bruce organization.

Since the inception of the program, Bob has labored day in and day out to make sure that every student gets the special—individual—care and attention he or she requires. With the help of a team of 100 dedicated volunteers, he has been able to attain the kind of success that he could have never envisioned 10 years ago. More than 5,000 children have improved their learning skills, confidence, and emotional and physical development as a result of the center's help.

Its success has brought the center local, national, and international acclaim. The center has received international recognition at conferences for the disabled in Europe and South America, and has been featured on a number of local and network television programs.

Mr. President, I can personally attest to the value of the program. I have seen it first hand; I have participated in it. And I can tell you that there is no more moving experience than to watch a handicapped child learning to control a 1,000 to 2,000 pound horse. The children get a tremendous boost to their self-esteem, and they take with them the kind of confidence they need to enhance other parts of their lives.

Mr. President, I urge my fellow colleagues to join Senator MIKULSKI and I in supporting this important legislation.

By Mr. LIEBERMAN:

S. 2079. A bill to amend the Immigration and Nationality Act to provide for temporary protected status for Lebanese nationals; to the Committee on the Judiciary.

LEBANESE TEMPORARY PROTECTED STATUS ACT

● Mr. LIEBERMAN. Mr. President, I deeply regret the violence that has racked Lebanon since civil war broke out in 1976. This violence has intensified since last March, when all semblence of presidential order collapsed. Since then, hundreds of people have been killed and thousands wounded. I have been particularly haunted by photographs of children who have lost limbs, homes, and families. That is the human tragedy that lies behind the statistics of war.

In response to this violence, I am introducing the Lebanese Temporary Protected Status Act. This bill would allow Lebanese students and visitors in the United States to remain here until the fighting dies down in Lebanon. During this time, Lebanese would be allowed to support themselves through work. Our Lebanese friends would return to their country after the Attorney General determines that it is safe to do so.

I also encourage the Commissioner of the Immigration and Naturalization Service to give special consideration to those many Lebanese in Lebanon who are applying for refugee status. I realize that these positions are limited, but Lebanese are in a particularly perilous situation.

Mr. President, the hour is late, but not too late. In the modest way proposed by this bill we can at least limit some of the casualties of this sad conflict. At some point, peace will return to Lebanon. We all hope for that day. But until then, we can offer refuge to our Lebanese visitors.●

By Mr. BOSCHWITZ (for himself, Mr. DECONCINI, and Mr. COATS):

S. 2080. A bill to provide law enforcement authority for criminal investigators of Offices of Inspectors General, and for other purposes; to the Committee on Governmental Affairs.

OFFICE OF INSPECTOR GENERAL LAW ENFORCEMENT ACT

● Mr. BOSCHWITZ. Mr. President, today I am introducing legislation along with Senators DECONCINI and COATS which, if enacted, will benefit the law enforcement community and save the taxpayers' money. My bill will provide full law enforcement authority to all criminal investigators in the Offices of Inspector General [OIG]. Full law enforcement authority includes making arrests, issuing search warrants and carrying firearms.

I currently serve, Mr. President, as a Commissioner on the National Advisory Commission on Law Enforcement, as do Senator DECONCINI and Senator COATS. The Commission was established by the Anti-Drug Abuse Act of 1988 to study pay, benefits, and other issues related to the recruitment, retention, and morale of Federal law enforcement officers. One of the recommendations of the Commission is related to the belief that it is difficult to recruit and retain criminal investigators for the OIG's because they lack full law enforcement authority.

By law, the statutory OIG's are all charged with responsibility for conducting investigations of programs and operations in their agencies. Although the statutory law enforcement responsibilities of all OIG's are identical, they do not have uniform authorities to exercise law enforcement powers. At present, the OIG's employ approximately 1,900 criminal investigators [GS-1811's]. Fewer than half of these special agents exercise some limited form of enforcement powers through existing or delegated authority.

Like "traditional" law enforcement agencies [FBI, DEA, IRS, Customs, Secret Service—whose criminal investigators are also GS-1811's], special agents of the statutory OIG's investigate fraud, public corruption and related offenses. Like the traditional law enforcement agencies, they conduct their investigations through review of records, use of informants, surveillance, undercover operations, approved electronic monitoring and interviews with hostile witnesses and subjects. These investigative subjects and witnesses are often involved in narcotics sales, illegal weapons transactions and other activities commonly associated with violent crimes such as assault and battery, unlawful use of a weapon, rape, murder, resisting arrest and extortion.

Unless employees of traditional law enforcement agencies, Mr. President, OIG special agents must frequently enter high-crime areas to gather information or serve subpoenas without the protection of firearms. Frequently, informants or witnesses who cooperate with the Government require protection, or an investigator must monitor a meeting between an informant and a subject.

Sometimes suspects attempt to flee, known fugitives are encountered or subjects admit to crimes during an interview, and OIG agents are unable to arrest them or take other immediate action to detain them. More often, cases were unreasonably delayed or agents placed themselves at risk by acting in the absence of full law enforcement authority.

Mr. President, as ranking minority member of the Small Business Committee, I am especially interested in situations involving the OIG at the Small Business Administration [SBA]. One example of the need for full law enforcement authority occurred 2 months ago in Wisconsin. A special agent for the SBA OIG was investigating a fugitive SBA employee who allegedly had stolen $28,000 from SBA through a computer scam. The agent had to interview individuals believed to be accomplices of the suspect. One of these individuals was a convicted cocaine dealer and the other had been convicted of welfare fraud. By the way, the SBA OIG requested assistance from both the FBI and the U.S. Marshals, but neither were able to provide assistance due to the lack of manpower.

The investigator was alone and unarmed when interviewing the accomplices—a very dangerous situation, to say the least. The investigator obtained enough information to obtain an indictment, but he did not have the power to make the arrest. Although the agent knew the suspect's location, the suspect remained a fugitive for over a month, and was eventually arrested in Las Vegas by local police as a result of a shoplifting charge.

Special agents of the OIG's must meet the same experience and training requirements as agents in other Federal agencies having full law enforcement authorities. All must attend and pass the criminal investigator course at the Federal Law Enforcement Training Center [FLETC] or similar basic training, such as the FBI academy.

Almost 66 percent of OIG special agents have previously been employed by traditional law enforcement agencies. A study of student profiles at the FLETC showed that from 1984 through 1987, 84 percent of the OIG trainees had college degrees, in comparison with 77 percent of those from other law enforcement agencies. Of that 84 percent, 18 percent had advanced degrees in comparison with only 8 percent in other law enforcement agencies.

Despite their education, training, and experience, OIG agents currently have only two ways of obtaining needed enforcement authorities, neither of which has proven satisfactory. Both approaches require an investigator to predict weeks or months in advance the circumstances of each operation, and both entail costly delays and lost opportunities.

The first method, Mr. President, is to rely on fully empowered Federal, State or local law enforcement officers to execute warrants or make arrests, either alone or in company with the OIG investigator.

Relying on other law enforcement agencies, some of whom are deeply involved in fighting the drug war, unnecessarily burdens already severely taxed resources. Often, the lending agencies are unable to spare agents at the time most needed. Essential evidence may also be lost or challenged because personnel of other agencies are unfamiliar with the programs involved. At a time when Federal deficit reduction has such priority, deploying two agencies is at best wasteful, and highly questionable when one with complete law enforcement authorities would be fully able to do the job.

The second available source of authority is special deputation from the U.S. Marshals Service. Deputation is a complex, unwieldy process taking 1 to 6 months. At least three organizational units of the Department of Justice must approve a request for deputation.

Requests must meet justice guidelines, and if a United States attorney, the FBI or the Secret Service is involved, that office must also be consulted. Guideline interpretation varies, and in the past, investigators whom prosecuting attorneys consider clearly at risk, have been denied deputation by Justice's Criminal Division. Deputations are granted only on a case by case basis, and are limited to 6 months. Extensions must go through the same time-consuming approval process.

Mr. President, there is no cost to give the OIG's full law enforcement authority since they already have the training and they already have the firearms. In fact, using a conservative estimate of being able to relieve 100 FBI agents and/or deputy marshals from having to assist OIG criminal investigators over the course of a year, it is believed a savings to the Government of approximately $4 million would be obtained. Had OIG criminal investigators been equipped with full law enforcement authorities during the period 1981 to 1988, the government would have realized an approximate savings of $32 million.

Mr. President, I am pleased to introduce this legislation with my colleagues, Senator DECONCINI and Senator COATS. This bill has the support of the Association of Federal Investigators, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Office of Inspector General Law Enforcement Act of 1990".

SECTION 2. FINDINGS.

The Congress finds that—

(1) the lack of full law enforcement authority for criminal investigators of the Offices of Inspectors General has severely impacted recruitment, retention and morale of such investigators;

(2) the Offices of Inspectors General in the Federal Government have lost at least 300 criminal investigators to agencies with full enforcement authority;

(3) many such investigators are often at risk because they are in one man posts of duty;

(4) deputization of such investigators to authorize full law enforcement powers may take as long as 6 months;

(5) such investigators are required to meet the same experience and training requirements as agents with full law enforcement authority; and

(6) the system of operating Offices of Inspectors General with investigators who may not exercise full law enforcement authority is inefficient.

SEC. 3. LAW ENFORCEMENT AUTHORITY FOR CRIMINAL INVESTIGATORS OF THE OFFICES OF INSPECTOR GENERAL.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 6 the following new section:

"LAW ENFORCEMENT AUTHORITY FOR CRIMINAL INVESTIGATORS OF THE OFFICE OF INSPECTOR GENERAL

"Sec. 6A. (a) Pursuant to regulations promulgated by the Inspector General of an establishment, Office of Inspector General criminal investigators who perform any duty of a law enforcement officer as described under section 8331 (20) or 8401 (17) of title 5, United States Code, for the purpose of conducting investigations concerning violations of the laws of the United States related to the programs, personnel and operations of the establishment may—

"(1) obtain and execute search and arrest warrants, and serve subpoenas and summonses issued under the authority of the United States;

"(2) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

"(3) carry and use firearms.

"(b) The regulations promulgated by the Inspector General shall comply with policies of the Attorney General of the United States, the Federal Rules of Criminal Procedure, and other applicable laws and regulations."●

By Mr. DANFORTH:

S. 2081. A bill to extend the existing temporary suspension of duty for toy jewelry, certain small toys and novelty goods; to the Committee on Finance.

DUTY SUSPENSION OF CERTAIN NOVELTY GOODS

● Mr. DANFORTH. Mr. President, today I am introducing legislation to extend temporarily the existing suspensions of duty on toy jewelry, certain small toys and novelty goods. This legislation is of particular importance to the American bulk vending industry, which employs approximately 10,000 people throughout the United States. I ask unanimous consent that the text of the legislation be printed in full in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That heading 9902.71.13 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended—

(1) by amending the article description to read as follows: "Toy jewelry provided for in subheading 7117.19.10, 7117.19.50, 7117.90.40 (except parts) or 7117.90.50 (except parts) valued not over 5¢ per piece; and articles (except parts) provided for in heading 9502, 9503, or 9504 or subheading 9505.90 (except balloons, marbles, dice, and diecast vehicles), valued not over 5¢ per unit"; and

(2) by striking out "12/31/90" and inserting "12/31/92".●

By Mr. INOUYE:

S. 2082. A bill to establish a Gifted and Talented Program for certain Pacific Islanders; to the Committee on Labor and Human Resources.

GIFTED AND TALENTED PROGRAM FOR CERTAIN PACIFIC ISLANDERS

● Mr. INOUYE. Mr. President, today I am introducing an amendment to section 1, title XV, of the Higher Education Act of 1965, to establish a gifted and talented program targeted to meet the unique needs of gifted and talented elementary and secondary school students in American Samoa and Guam.

During the 99th Congress, the House of Representatives passed the Gifted and Talented Children's and Youth Education Act of 1986, which proposed a Federal "capacity building" effort to identify and educate gifted and talented children and youth. The measure was not acted upon by the Senate.

In the 100th Congress, grants for special demonstration programs targeted to the unique needs of American Indian and Native Hawaiian gifted and talented elementary and secondary school students, were authorized in the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, Public Law 100-297.

The bill I am introducing today would grant the same opportunities to gifted and talented elementary and secondary students in American Samoa and Guam. With special programs in education that also address the cultural and historical backgrounds of these students, it will be a means to the realization and development of their potential. As gifted minority individuals, they embody a valuable untapped resource. Without these programs, a wealth of talent may go undiscovered. This measure will provide a special focus on the truly unique needs of the gifted and talented students of American Samoa and Guam.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Title XV of the Higher Education Act of 1965 is amended by—

(1) redesignating part C as part D;

(2) redesignating section 1531 as section 1541; and

(3) inserting the following new part C after part B:

"Part C—Gifted and Talented Program for Native Samoans and People of Guam

"SEC. 1531. SHORT TITLE.

"This part may be cited as the 'Pacific Island Gifted and Talented Program Act of 1989'.

"SEC. 1532. FINDINGS.

"The Congress finds and declares that—

"(1) there is a need to legislate special programs for displaced aboriginal groups such as the Native Americans and the Native Hawaiians;

"(2) the Federal Government retains the legal responsibility to support the education of Native Samoans and the People of Guam;

"(3) the Congress has the power to legislate special laws for the benefit of Native Samoans and the People of Guam;

"(4) Native Samoan students and students of Guam score below national norms on standardized education achievement tests and are disproportionately represented in many negative social and physical statistics; and

"(5) special efforts in education recognizing the unique cultural and historical circumstances of Native Samoans and the People of Guam are required.

"SEC. 1533. STATEMENT OF PURPOSE.

"The purposes of this part are to—

"(1) recognize the similar roles Native Americans, Native Hawaiians, Native Samoans, and the People of Guam have played in the history and development of the United States;

"(2) authorize and develop a supplemental educational program to benefit Native Samoans and the People of Guam;

"(3) develop creative programs targeted toward Samoan families and families of Guam in the United States; and

"(4) develop cultural experience which will provide cultural growth.

"SEC. 1534. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary shall provide grants to, or enter into contracts with, the American Samoa Government and the Government of Guam to—

"(1) establish on each of those Islands a Gifted and Talented Program; and

"(2) design projects that—

"(A) address the special needs of Native Samoan elementary and secondary school students and students of Guam who are gifted and talented students, including, but not limited to, nutritional education problems, and problems regarding the knowledge of available community resources,

"(B) provide such support services to families as are necessary to enable students to benefit from the project,

"(C) develop creative programs targeted toward Native Samoan families and families of Guam in the United States,

"(D) provide cultural experiences which will facilitate cultural growth, and

"(E) provide grants or contracts for scholarship or fellowship assistance for undergraduate and graduate Native Samoan students and students of Guam enrolled in accredited institutions of higher education in the United States;

"(b) SCHOLARSHIPS AND FELLOWSHIPS.—Scholarships and fellowships received pursuant to subsection (a)(2)(E) shall be awarded on the basis of the student's academic record and financial need. Such scholarships and fellowships shall be awarded for a period of not to exceed 4 years and shall be subject to the recipient's satisfactory academic performance during the period financial assistance is received.

"SEC. 1535. USE OF FUNDS.

"Funds provided under this part may be used to—

"(1) identify the special needs of gifted and talented students, particularly at the elementary school level, with special consideration given to—

"(A) the emotional and psychosocial needs of such students, and

"(B) the provision of such support services to families as are necessary to enable such students to benefit from the projects.

"(2) make grants, or enter into contracts, for scholarship or fellowship assistance for undergraduate and graduate Native Samoan students and students of Guam enrolled in, or accepted for admission to, accredited institutions of higher education in the United States;

"(3) appropriate research and evaluation of the activities authorized by this part; and

"(4) implement facility development programs for the improvement and matriculation of Native Samoan students and students of Guam.

"SEC. 1536. ADMINISTRATIVE COSTS.

"Not more than 7 percent of the amount of funds appropriated to carry out the provisions of this part in any fiscal year may be used for administrative costs.

"SEC. 1537. DEFINITION.

"For purposes of this part, the term 'Native Samoan' means, and any term referring to an individual or individuals as being 'of Guam' means, an individual who is a citizen or national of the United States, and is a descendant of the aboriginal people, who, prior to 1900, occupied and exercised sovereignty in the area which now comprises the Territory of American Samoa or Guam, as evidenced by—

"(1) written genealogical records;

"(2) public birth records, or

"(3) other public records on file with the archivist or High Court of American Samoa or Guam.

"SEC. 1538. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $2,000,000 for each of the fiscal years 1990, 1991, 1992, and 1993. Such sums shall remain available until expended.".●

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. ADAMS, Ms. MIKULSKI, Mr. SIMON, and Mr. CRANSTON):

S. 2083. A bill to bring about a negotiated end to the war in El Salvador, and for other purposes; to the Committee on Foreign Relations.

EL SALVADOR PEACE AND DEMOCRACY ACT

● Mr. KERRY. Mr. President, for 10 years now, we have provided aid to El Salvador, for each of these 10 years we expressed expectations—legislatively and diplomatically—that El Salvador should make good on the promise of democracy—of human rights—of reform. Now, 10 years later—70,000 civilian deaths later—$4.5 billion in economic and military assistance later—it is time to ask for a change in our policy.

For 10 years the Congress has dutifully enacted into law the basic objectives of our assistance. Those have been to promote democracy, to observe human rights, to respect all other civil liberties such as freedom of speech and of the press, to organize and to operate free trade and peasant unions, and to respect freedom of religion.

For each of 10 years we have tied these objectives to our aid. In addition, we have tied our aid to the complete and timely investigations of the murders of numerous Salvadorans and United States citizens and the bringing to justice of those responsible for these heinous crimes.

For 10 years we have stated that those responsible for ordering and carrying out the murders of innocent civilians should be purged from the army and the security forces in El Salvador.

For 10 years in numerous policy statements we have written into law that the Government of El Salvador must demonstrate progress in establishing an effective judicial system.

For 10 years we have consistently called for the negotiation of an equitable solution to the conflict.

For 10 years Congress has consistently gone on record, making clear to the armed forces of El Salvador these objectives which are the conditions of our assistance.

Yet despite those 10 years, despite those conditions, despite $4.5 billion in our assistance, at this time, not one of those objectives, with the sole exception of holding free elections, has been met.

As we stand here today the situation in El Salvador has gone back almost to where it was in 1980—a military that cannot be controlled—a society torn apart by war—a peace process derailed and obscured by greed and cruelty.

Salvador has become the prisoner of the military we have created. The democracy we have paid for so dearly in human life and dollars has been supplanted by a military more interested in lining its own pockets than in protecting the principles which attracted our support in the first place.

As long as that military holds us hostage to the FMLN, which it cannot vanquish on its own, there will be no pressure for change. In effect, our open-ended spigot of military aid denies President Cristiani the leverage he needs for real reform.

Just as in Vietnam we became victims of what Neal Sheehan has called the bright shining lie, so we are in Salvador close to being the prisoners of a similar bright shining deception.

Our legislation says to Salvador—we will no longer heed empty promises. We will not see American dollars support further human rights abuses. We will not allow our taxpayers' dollars to buy bullets for guns which are aimed at priests and humanitarian workers. We will not pay for a masquerade of democracy.

Without our weapons—without our bullets—without our advisers—people in Czechoslovakia, Poland, Hungary, Romania, and so many other countries, have faced off against tanks and machine guns to demand freedom and democracy. In Salvador, our weapons, our bullets, our advisers have been used to deny freedom and real democracy. The contrast is stark and meaningful and awful. This is the moment of truth for El Salvador.

There is enough time to permit them to change and meet the true demands of democracy—the minimal standards by which our dollars should be distributed. The choice is really theirs—not ours. If they choose a path of violence they will confirm why they do not deserve our assistance. If they avoid true reform and real negotiations they will have signaled further why our policy is wrong.

We cannot make them do what they do not want to do or choose to do. But we certainly, for our part, do not have to pay for or support the despair and destruction which are the result of their unwillingness to change.

The FMLN, for its part, must receive equal condemnation for its violence and intransigence. And they must understand that nothing will excite greater congressional interest and reflex for continued aid—at any time—than their continued contribution to violence and disorder. A cut-off of aid today—through their stupidity or rigidity—could regrettably become a resumption tomorrow.

This legislation seeks to make clear to both sides—there cannot be a military solution to this conflict, and the people of Salvador deserve better than what current policy brings them.

Last Thursday, the Salvadoran high command announced the new promotion lists. But rather then responding to the concerns of both younger Salvadoran officers and the United States that those senior officers who are corrupt, incompetent, and human rights violators be removed, nothing changed. Lateral moves were made, but the old Salvadoran Army gave up none of its power.

Attempts by our Embassy and the U.S. military to investigate the possible involvement of other officers in the killing of the Jesuit priests have caused serious strains in our relationship. The United States is being frozen out of the war effort against the FMLN with our advisers now being denied access to parts of some military bases where they always could move freely in the past.

Just last August a group of Salvadoran majors and captains provided Col. Rene Emilio Ponce with reports, that he had personally requested, on problems in the armed forces. Both reports detailed complaints about corruption among the senior officers, continued insensitivity to human rights, and a lack of a commitment among these same officers to wage an aggressive war against the FMLN.

Financial resources which should have gone to feed, clothe, and equip troops in the field were going into the pockets of the commanders. In light of the announcement of the new promotion list, it is evident that these practices will continue unabated.

And many of us have taken risks for peace that now still elude us.

Ten years of United States military assistance and training has entrenched El Salvador's military elite both politically and militarily—an elite that has historically been hostile to reform even when the abuses were much easier to control then today. Today, the armed forces of El Salvador exercise sweeping political and financial power over civilian institutions that have been seriously weakened.

A new version of the old Panama is in the making in El Salvador. Our military aid is once again being converted into political and economic power by yet another corrupt military institution—the Salvadoran Armed Forces.

Let's face it, we are dealing with a military Mafia that has grown larger and more powerful with our assistance. It has also grown greedier, placing ever greater demands on El Salvador's national budget and private sector to feed more and more mouths.

Our policy in El Salvador is a betrayal of our own democratic beliefs and values. We pay attention to elections and are indifferent to everything else. Our war in El Salvador is an ideological one that pins labels on people to hide their humanity and divides the world into bi-polar competition between the United States and the Soviet Union.

We in the Congress cannot avoid sharing in the responsibility for this carnage.

We pay for this war, and we get the kind of war for which we pay. It is a tragedy that for 10 years we have gone through a ritual after every shocking murder.

We wring our hands, but do nothing.

We condemn the slayings, but we continue to finance the murders.

We protest our own innocence in the human carnage by proclaiming we want the Salvadoran army to fight a clean war. We delude ourselves into believing that we are sending this message year in and year out with our certifications and our fine language about human rights, civil liberties, reform, and the Armed Forces, and bringing to justice those responsible for the killings of thousands of innocents. We always express our sincere regrets and deepest sorrows over the killings of nuns, priests, labor leaders, peasants, human rights workers, opposition politicians, and archbishops. And we always pledge our best legislative efforts that we will do our best to stop it the next time.

We have become like drug addicts and alcoholics who pledge not to take the next fix or the next drink. We know we shouldn't be doing what we are doing, because it brings harm to ourselves and others, but we just can't say no.

Congress is the last institution the Salvadoran military fears, because despite our lofty pronouncements that we care about human rights, democracy, and basic human decency, the money keeps flowing in ever-increasing amounts.

The Armed Forces know perfectly well that the money will keep flowing no matter what they and their allies in the death squads might do—no matter how heinous the crime. No matter how often they occur. Why should the armed forces of El Salvador fear retribution from the United States Government, let alone the Congress, for murdering the Jesuits in cold blood?

After all, having wiped out 1 percent of the population over the past 10 years, we have rewarded them with $4.5 billion in aid.

El Salvador is the longest and bloodiest counterinsurgency war that our country has carried out since Vietnam. Yet, since they are not Americans dying—but Salvadorans with a different color skin—we seem blissfully unaware that we are up to our elbows in this one. It is as if we in the Congress take great pride in our ignorance about the world we control in El Salvador. Or is it that El Salvador controls us.

It is time for us to end our financial assistance to this madness.

Mr. President, I ask unanimous consent that an explanation of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE LEGISLATION, S. 2083

1. The bill is entitled the El Salvador Peace and Democracy Act of 1990.

2. Section 2 of the bill lists all findings detailing the concerns we have over the failure of U.S. policy during the past 10 years to meet our objectives in El Salvador.

3. Section 3 outlines what the future U.S. policy should be toward the conflict in El Salvador. There are five components to this policy.

First, there is a general policy statement which states that it shall be the policy of the U.S., in concert with our allies in the region and elsewhere to work more closely with the U.N. Secretary General and the OAS to bring about a negotiated solution to the conflict.

Second, we are urging the President to appoint a high level envoy whose sole responsibility is to press for a negotiated settlement to the war.

Third, we are calling upon the President to assist in the implementation of the San Isidro de Coronado Accord specifically as it relates to the role of the United Nations. In this connection we stipulate that the U.S. Government should support strongly the U.N. Secretary General's position that:

(a) neither side should set preconditions before coming to the negotiating table.

(b) neither side should seek to restrict the role of the Secretary General in producing bridging proposals designed to bring an end to the war: and

(c) neither side should preclude any essential issue from being discussed in the negotiations.

Fourth, we call upon the President to work with other Latin American governments, the OAS and the UN to press the Soviet Union, Nicaragua, Cuba and any other countries to terminate support, both material and logistic, the the FMLN. The President should also press these governments to use their good offices to pressure the FMLN to negotiate in good faith.

4. Section 4 prohibits the provision of military aid and economic support fund assistance to the government of El Salvador.

This section sets conditions on the resumption of aid which should be characterized as standards of performance on the part of the Government of El Salvador before such aid can be resumed.

While it requires a Presidential certification that the conditions have been met before aid can be resumed, this bill differs from previous certifications. The fundamental difference is that Congress first has to judge the merits of the presidential certification and then has to take the added step of enacting a joint resolution authorizing the provision of assistance the President would have to request.

In considering whether to enact such a joint resolution, the Congress shall take into account whether or not the stated commitments of the FMLN to observe internationally-recognized human rights, to cease hostilities, and to enter into good faith negotiations for a peaceful solution to the conflict have been fulfilled.

The provision of humanitarian assistance to be channeled through the Churches, organizations affiliated with the Churches, and private and voluntary organizations is exempted from the prohibition on use of economic support funds in El Salvador.

5. Subsection (c) sets the conditions, or standards of performance by which the Congress will judge whether or not military and economic support funds should be resumed for El Salvador.

These standards include:

(1) the bringing to justice all those responsible for ordering, carrying out, or obstructing the investigation into the November 16, 1989 murders of the six Jesuit priests, their housekeeper and her daughter.

(2) all Salvadorans responsible for murdering and carrying out the January 12, 1990 murders of Dr. Hector Oqueli Colindres a leading Social Democratic figure in Guillermo Ungo's party—which has been legalized in El Salvador—and Gilda Flores have been apprehended and brought to justice.

(3) the third standard specifically addresses guarantees that have consistently been exacted into law in the United States for the past ten years. This standard stipulated that there has to be a guarantee by law for all Salvadorans of the internationally recognized rights of freedom of speech, freedom of the press, the right to organized labor and peasant unions, the rights to assemble peaceably and the right to freedom of religion

In addition, the repression of the Churches and expulsion from El Salvador of foreign church, humanitarian and human rights workers has to have ended.

(4) The security and military forces of El Salvador have to be purged for any officer involved in, and responsible for, the murders of Salvadoran and American citizens.

(5) the police functions have to be separated from the command and control of the Armed Forces and reconstituted as a civilian police force directly responsbile to, and under the control of, civilian authority.

(6) finally the Government of El Salvador has to demonstrate that it is actively and seriously engaged in good faith efforts consistent with Section 3 of this bill, and in particular the Subsection dealing with the U.N. Secretary General's position that there be no preconditions for such talks; that he not be precluded from offering bridging proposals during such talks; and that neither side can preclude the discussion of any issue in such talks.

We believe these are the minimum standards of performance that we should expect from a so-called democratic ally which is the fifth largest recipient of U.S. taxpayer's dollars.●

● Mr. KENNEDY. Mr. President, today we join in offering an "End the War" amendment for El Salvador. We call for a total cutoff of U.S. military aid and a partial cutoff of economic aid, unless and until that country undertakes long overdue reforms and enters serious negotiations to end its brutal decade-old civil war.

We are not fighting the Russians any longer in El Salvador, if we ever were. It is time to put this part of the Cold War behind us too.

The goal of United States policy should be to achieve peace and prosperity in that nation. Yet more than $4 billion and 70,000 deaths later, we are farther from our goal than ever, and El Salvador remains a nation in crisis and in civil war.

Despite an increase in the Salvadoran armed forces from 12,000 to 56,000, the war against the guerrillas shows no progress. The offensive by the FMLN last fall brought the war home to the wealthy, protected urban population of the capital itself. Despite United States human rights conditions, threats of reduced military aid, and constant warnings from the administration, atrocities by the Salvadoran military continue.

Yet, no officer has ever been convicted of such crimes—not in Archbishop Romero's case, not in the four American nuns' case, not in the Sheraton murders of the labor workers, not in the San Sebastian case, not in any of the other death squad killings. As Assistant Secretary of State Aronson noted on January 24, Salvadorans "do not have a justice system worthy of the name."

Inevitably, the large amounts of United States military aid to El Salvador have made the United States an accomplice in repression, in gross violations of human rights, and in unconscionable atrocities of the rightwing death squads.

Recently, there have been signs of progress, but they are too little and too late. President Cristiani has stated that the Salvadoran military was responsible for the massacre last November of the six Jesuit priests, their housekeeper and her daughter. The arrest of a Salvadoran colonel, along with three lieutenants and four soldiers, is a sign of progress. But serious questions remain about whether justice is being done in these particularly brutal murders, including whether all those involved in the massacre have been identified. And nothing is being done to bring to justice those responsible for the countless other murders by the death squads.

The violence from the guerrillas is also reprehensible. But they are not being supported with U.S. aid. Over the last year, they have assassinated nine mayors, a former president of the Supreme Court, the Minister of the Presidency, and the Attorney General. They have bombed the home of the Vice President, wounding a child. They have placed car bombs in the capital, threatened another hundred mayors with death, and tried to assassinate the President of the National Assembly and President Cristiani. Their decision to launch an offensive in heavily populated urban areas cost many lives. They bear a heavy responsibility for the deaths of countless innocent men, women and children in the civil war.

By any measure, El Salvador is a worsening tragedy. Neither side can claim victory in the latest offensive, or progress toward any of its other goals. But the Salvadoran population caught in the middle continues to pay heavy costs. The economy is in shambles. Half the population is illiterate and under or unemployed. The living standard over the last decade has dropped 30 percent.

More than 1 percent of the population has been killed in that same time period. More than 1 million Salvadorans—a fifth of the population—are in exile. A third of the country has become a war zone. How long can the United States continue to fuel this slaughter?

Our policy of military victory has failed. It is leading us only deeper into bloodshed, death and destruction. Democracy, support for human rights, and respect for the rule of law will never be achieved so long as civil war rages in El Salvador. Peace will never come, so long as the Salvadoran military believes that United States support will continue unabated.

It is time to end the war. The time for open-ended blank-check aid is over. It is time for negotiations to achieve a peaceful settlement of the conflict.

Our proposal is designed to halt the flow of funds as soon as possible. No new funds will be appropriated, and existing funds now in the pipeline will be cut off to the maximum extent.

We also call on the administration to withdraw all American military advisers from El Salvador. Our advisers have no business participating in any aspect of this cruel and endless war. They have no business working with Salvadoran battalions who murder priests and innocent peasants, threaten humanitarian workers, and terrorize the population.

In addition, we call for an end to so-called "economic support" funds for El Salvador. Rather than assisting those who most need our aid, or helping to improve the daily lives of the Salvadoran people, these funds have lined the pockets of the armed forces of El Salvador. Under our proposal, humanitarian aid and development aid will be permitted to continue, but ESF funds will be cut off.

Finally, to promote the goal of negotiations, we call on President Bush to appoint a special emissary whose sole responsibility is to work with the two sides in El Salvador and other nations in the region to press for a negotiated settlement to the war. Only with high level, persistent and determined U.S. involvement will the Salvadoran military enter into serious negotiations.

Four times in the past, in accords signed by the five Central American nations, the Salvadoran Government has committed itself to a negotiated settlement. The most recent accord, signed on December 12, 1989, urged the U.N. Secretary General to assume a more active role in the negotiations, and he has agreed to do so. The framework exists for peace, and the United States must be part of it.

Our proposal permits resumption of military and economic aid to El Salvador if the Government undertakes essential reforms. The murderers of the Jesuit priests must be brought to justice. The Government of El Salvador must demonstrate its willingness to negotiate in good faith. Basic civil and human rights must be guaranteed. And the Salvadoran military must be purged of its human rights violators, relieved of its police functions and placed under the firm control of the civilian authorities.

We urge the FMLN to halt their attacks and sabotage, enter the political process and negotiate in good faith. We urge other nations in the region to halt military aid to the guerrillas, so that the peace progress can go forward.

The terms of any negotiated settlement are for the people of El Salvador to determine. But any serious negotiations must address the root causes of the conflict and the injustice that plagues the nation.

It is my hope that my colleagues in the Senate will join us in supporting this new agends for peace. It is the best hope to ensure that the new decade will bring a new El Salvador.●

By Mr. HOLLINGS:

S. 2084. A bill to amend the Internal Revenue Code of 1986 to impose a value-added tax, to reduce Social Security payroll tax rates, to encourage savings and investment through reinstatement of the investment tax credit, capital gains tax differential, and deductibility of contributions to individual retirement accounts, and to increase competitiveness through revenue sharing with the States for educational purposes; to the Committee on Finance.

TAX REFORM AND COMPETITIVENESS ACT

● Mr. HOLLINGS. Mr. President, I rise to introduce an omnibus initiative titled the Tax Reform and Competitiveness Act—the TRAC Act, for short. This bill seeks to radically reconfigure the mix of Federal taxes so as to boost personal savings, spur business investment, and enhance U.S. competitiveness. TRAC can do for the United States in the 1990's what the Marshall plan did for Europe in the late 1940's. Simply put, it will get America moving again.

TRAC consists of six principal components:

First, reduction in the Social Security FICA rate from 6.2 to 5.1 percent as proposed by Senator MOYNIHAN—minus $38 billion;

Second, enactment of a sliding-scale preferential tax rate on capital gains—minus 4 billion;

Third, restoration of the IRA tax deduction along lines discussed last autumn—minus $1.6 billion;

Fourth, targeted investment credits for productive equipment—mimus $5 billion;

Fifth, enactment of a 5-percent national value-added tax exempting food, health care, and housing— plus $53 billion; and

Sixth, Federal revenue sharing earmarked expressly to fund new State and local education initiatives—minus $4.5 billion.

Mr. President, I do not for a minute underestimate the scope and ambitiousness of this program. But the fact is, we have reached a critical cross-

roads in this Government. On budget and fiscal issues, the political jousting and one-upmanship—not to mention the outright fraud and deceit—threaten to spin out of control.

Most recently, we have witnessed the media boomlet generated by Senator MOYNIHAN'S proposal to roll back the Social Security payroll tax—an excellent idea in principle, but an idea which, if implemented in isolation, would be pure poison for the Federal budget. Ditto for the various proposals to cut the capital gains tax rate. I'm all for a capital gains cut in principle, but if enacted in isolation the only sure-fire impact of such a cut would be to drive up the deficit.

The crux of the problem is that our Nation's fiscal affairs have become a legislative jambalaya—fragmented, self-defeating, partisanly motivated, and dangerously ad hoc. There is no method to our madness. So I say enough is enough. We have no shortage of excellent policy ideas floating around; there have been hearings and debates galore. The urgent task is to braid these disparate ideas into a single, coherent legislative thrust with enough muscle and moxie to recharge the American economic dynamo.

To that end, I offer the Tax Reform and Competitiveness Act of 1990. Let me make two points about this legislation. One, it is pragmatic and eclectic. It combines prominent ideas from both sides of the aisle. The emphasis is on what will work, not on who will get the credit.

Two, the TRAC Act pays its own way. Yes; it includes a Christmas stocking full of tax-lowering goodies designed to stimulate savings and investment, but it compensates for these revenue losses by enacting a value-added tax [VAT]. Indeed, not only will the VAT make up for the proposed tax reductions, in future years it will generate enough additional revenue to reduce and eventually eliminate the Federal deficit—and that, of course, will be the ultimate tonic for interest rates and the economy.

Mr. President, let me briefly discuss each of the six components of the Tax Reform and Competitiveness Act.

(1) REDUCTION IN THE SOCIAL SECURITY TAX

Senator MOYNIHAN has done us all a service by spotlighting the scandal of our growing Social Security trust fund surpluses. It is indeed "thievery" for the Treasury to use those trust fund moneys to cover the operating expenses of the Government. The so-called trust fund has become a slush fund—a ready source of cash to mask the true enormity of the Federal deficit.

Remember that the whole rationale for raising the Social Security tax in 1983 was to stabilize the system, to restore faith and confidence. Now, however, we find that President Bush is seizing on those surpluses as a substitute for true deficit reduction; by spending the surpluses today to meet the operating expenses of the Government, the President creates the illusion that the deficit is coming down, and he avoids the harsh choices involved in cutting spending or raising non-Social Security taxes. Of course, what makes this doubly sweet for the administration is that the overwelming majority of Americans are not even aware that the Social Security tax went up on January 1. So the President gets to have his cake and eat it too. He gets to carry on with his "read my lips" pretense, while presiding over yet another hefty increase in the Social Security payroll tax.

Equally scandalous is the drastic shift in the taxation mix during the 1980's away from progressive income taxes and toward regressive FICA payroll taxes. Compared to 1980, Americans are still paying taxes to the tune of some 19 percent of GNP. But while progressive income taxes have been drastically slashed—especially for the most privileged of our citizens—the Social Security tax rate has increased 25 percent, to the point where the FICA payroll tax, including the employer's share, is now larger than the personal income tax burden for nearly three-quarters of American taxpapers.

Critics of Senator MOYNIHAN'S plan say that if he succeeds in eliminating the surpluses, then there will be no money in the till to pay for baby boomers' retirement in the next century. But this ignores the reality that we are already eliminating the surpluses by spending them today to purchase tanks, food stamps, FBI agents, you name it. All that remains in the laughably named trust fund is a stack of IOU's a country mile high—reaching one-half trillion dollars by 1993. Those IOU's will be the 21st century equivalent of Confederate bank notes, and the sheriff who tries to collect on them will truly have his work cut out for him.

And, by the way, the Moynihan plan does not fully eliminate the Social Security surpluses. Bear in mind that by the end of 1990 the trust fund will have accumulated a surplus in excess of $200 billion, and even if the Moynihan bill becomes law we will still see new annual Social Security surpluses for years to come. In other words, the IOU's will continue to pile up in the trust fund, just not as rapidly as they are now. But the question remains: What good are those IOU's? How are we going to make good on them in the next century?

So by all means, let us cut the FICA payroll tax rate from 6.2 percent to 5.1 percent and scale back the annual surpluses by some $55 billion in 1991. This will increase the discretionary income of working Americans by $27.5 billion, which they can then deposit in IRA's or other savings instruments. And it will free up another $27.5 billion or so in corporate resources to be redirected into productive investment and R&D.

It is absolutely critical, however, that the Social Security rate cut take place not as an isolated legislative salvo, but rather in the context of a comprehensive tax initiative. I cannot imagine a more irresponsible action than to slash FICA taxes by $55 billion without a compensating tax increase of some kind. That would be just one more swig of the fiscal John Barleycorn of the 1980's—one more binge of the same craven tax-cut mania that got our Government into its current fix.

In the face of a national savings rate that is already catastrophically low, the Moynihan plan would wipe out yet another $55 billion in national savings in one fell swoop. The newspapers say that his proposal has stirred up a stampede. I see a different stampede. I see a thundering herd fleeing the stock market when Wall Street wakes up to the prospect of Uncle Sam borrowing another $55 billion in 1991—and much greater sums in future years—further crowding out private borrowers and pushing up interest rates.

(2) CAPITAL GAINS CUT

Most economists agree that a cut in the capital gains tax rate would be a spur to investment. Likewise, there is widespread agreement that, in the case of long-term investments, much of what the IRS calls a capital gain is in reality nothing more than cumulative inflation—it is not a real, after-inflation appreciation in the value of the asset. So a preferential capital gains rate is amply justified in order to compensate for that inflation penalty.

However, in contrast to the administration's capital gains proposals of last year, we must sensibly insist that the capital gains reduction reward longer term investments. It would be folly to cater to speculators who flip stocks or deal fast and lose with quickie real estate transactions. Accordingly, I join with those who propose a sliding-scale preferential tax rate for capital gains. In other words, an asset would be subject to a progressively lower tax rate depending on how long it is held, with the percentage of profits eligible for exclusion increasing to 100 percent for assets held 10 years or longer.

(3) RESTORATION OF THE IRA TAX DEDUCTION

Prior to the 1986 tax reform, IRA's were enormously popular among middle-income Americans. While much of the money deposited in IRA's was simply shifted from other savings instruments, IRA's also succeeded in generating billions of dollars in new savings that would otherwise not have occurred. Now, in the context of the TRAC Act, IRA's will take on a new dimension designed to lure fresh sav-

ings deposits from working people who might otherwise pass up the opportunity to save. We must encourage working Americans to deposit into an IRA account the portion of their income that is freed up as a result of the reduced FICA payroll tax. This has a powerful benefit: it encourages new personal savings. More to the point, it encourages savings in long-term retirement-oriented instruments that can supplement Social Security payments later in life.

(4) REVENUE SHARING TARGETED TO EDUCATION

I propose that the Federal Government restore revenue sharing with the states and localities in the amount of $4.5 billion, all of it earmarked expressly for new education-related initiatives. The urgency of this fresh injection of Federal moneys is highlighted by two reports released earlier this month: First, the National Assessment of Educational Progress study indicating next to zero improvement in students' reading and writing achievement over the last two decades; and second an Economic Policy Institute [EPI] study indicating that the United States spends less of its national income on K-to-12 schooling than all but 2 of 16 industrial countries, Ireland and Australia, The EPI study determined that the United States would need to increase K-to-12 education funding by $20 billion to match the average in other industrialized countries.

Clearly, the quality of our public education system will be the single greatest determinant of future U.S. economic competitiveness. It is not fair to criticize the States for an inadequate effort while simultaneously abdicating a Federal role, as Education Secretary Cavazos recently did. We must step up to the plate, both with Federal reform initiatives and with Federal dollars; $4.5 billion in revenue-sharing grants would signal, at long last, that we are serious in Washington about education improvement—and about future economic competitiveness.

(5) TARGETED INVESTMENT TAX CREDITS FOR PRODUCTION EQUIPMENT

The benefits of a carefully crafted, smartly targeted tax credit for research and investment are self-evident. We cannot afford a return to the very generous investment tax credit provisions—costing some $35 billion—that were repealed by the 1986 tax reform bill. However, I agree with economists such as Charls Walker of the Council on Capital Formation: some form of investment tax credit should be a priority component of any competitiveness-oriented revenue package. Congress has a duty to address the devastating fact that the real cost of capital in the United States is nearly double the cost of capital in Japan.

(6) VALUE-ADDED TAX

By proposing a national VAT, I realize that I will be labeled an eat-your-peas Democrat. The VAT is a tax that everyone loves to hate. It also just happens to be the best bet for reining in America's self-destructive borrowing binge and returning the Federal budget to balance. But let me stress that we must not use these new revenues to stoke up the Federal gravy train again.

What exactly is a VAT? In a nutshell, a VAT is a consumption tax very similar to a retail sales tax. The difference is that, instead of being collected at the cash register, it is collected at each stage in the production and distribution process. Consider, for example, the case of a luxury fur coat. The trapper, the fur rancher, the manufacturer, the shipper, the retailer are all involved in bringing the fur coat to the consumer. A VAT would be assessed on the value added by each party in the production and distribution of the fur coat. Lest there be any misunderstanding, let's be clear that we are talking about a 5-percent tax strictly on the added increment of value at each stage of production. The net effect, then, is an overall 5-percent tax on the total value of the product or service.

VAT's are currently in place throughout the industrialized world. European nations average a 16-percent VAT; in Korea, it is 25 percent. As their experience demonstrates, a VAT fosters higher savings, lower interest rates, and, after the first year, lower inflation. It does this by giving people an incentive to cut back on their consumption of nonnecessities. Bear in mind, too, that a VAT poses no threat whatsoever to economic prosperity. One study compared 12 industrialized nations that levy a VAT with 12 nations that do not; the study found no difference in overall growth rates between the VAT and non-VAT countries.

Mr. President, the VAT would also serve to reduce the United States huge trade deficit. After all, many of those nonnecessities are luxury consumer goods imported from abroad. Even more importantly, under international agreements a VAT is the only kind of tax that can be legally rebated on exported items. In other words, when Mercedes-Benz exports a car to the United States, the German Government rebates the VAT to the manufacturer; this saves Mercedes-Benz on its tax bill, and it makes German cars less expensive and more competitive on the United States market. As Lester Thurow, dean of the business school at MIT, says, "The rules of international trade are structured to make you stupid if you don't have a value-added tax."

Of course, the best rationale for a VAT is that, even at a low percentage rate, it will generate enough revenue to decisively address the deficits. A 5-percent VAT will bring in $53 billion in 1991—when it would be in effect for only the last 9 months of the calendar year—rising to $70 billion in 1992, the first full year of implementation. We need every penny of it. We can't afford to continue the same old game of cutting and pasting, selling assets, and adopting marginal revenue enhancements to raise $15 billion; meanwhile, interest costs on the national debt jump $20 billion annually and nullify our efforts.

Mr. President, the Tax Reform and Competitiveness Act is comprehensive and admittedly radical. It rejiggers the tax mix to provide to powerful shot in the arm to savings and investment, and over time it will generate sufficient revenues to eliminate the deficit. For a decade now, America's so-called political leaders have failed to pay the bills; we have cowered from sacrifice to build our country. Enough of this cheap politics. The best politics is no politics. We can't stand idly by as Europe blossoms and Japan takes the lead. We need to get country moving again. The TRAC Act is the kind of Marshall plan that will get the job done.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Reform and Competitiveness Act".

TITLE I—VALUE ADDED TAX

SEC. 101. IMPOSITION OF VALUE ADDED TAX.

(a) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986 (relating to miscellaneous excise taxes) is amended by inserting before chapter 31 the following new chapter:

"CHAPTER 30—VALUE ADDED TAX

"Subchapter A. Imposition of tax.
"Subchapter B. Taxable transaction.
"Subchapter C. Taxable amount; rate of tax for certain transactions; credit against tax.
"Subchapter D. Administration.
"Subchapter E. Definitions and special rules; treatment of certain transactions.

"Subchapter A—Imposition of Tax

"Sec. 4001. Imposition of tax.

"SEC. 4001. IMPOSITION OF TAX.

"(a) GENERAL RULE.—A tax is hereby imposed on each taxable transaction.

"(b) AMOUNT OF TAX.—Except as otherwise provided in this chapter, the amount of the tax shall be 5 percent of the taxable amount.

"Subchapter B—Taxable Transaction

"Sec. 4003. Taxable transaction.
"Sec. 4004. Commercial-type transaction.
"Sec. 4005. Taxable person.
"Sec. 4006. Transactions in the United States.

"Sec. 4007. Rules relating to other terms used in section 4003.

"SEC. 4003. TAXABLE TRANSACTION.

"For purposes of this chapter, the term 'taxable transaction' means—

"(1) the sale of property in the United States,

"(2) the performance of services in the United States, and

"(3) the importing of property into the United States,

by a taxable person in a commercial-type transaction.

"SEC. 4004. COMMERCIAL-TYPE TRANSACTION.

"(a) GENERAL RULE.—For purposes of this chapter, the term 'commercial-type transaction' means a transaction engaged in by—

"(1) a corporation, or

"(2) any person (other than a corporation) in connection with a business.

"(b) SALES AND LEASES OF REAL PROPERTY; IMPORTS.—For purposes of this chapter—

"(1) IN GENERAL.—The term 'commercial-type transaction' includes—

"(A) any sale or leasing of real property, and

"(B) any importing of property,

whether or not such transaction is described in subsection (a).

"(2) CERTAIN IMPORTED ARTICLES.—Notwithstanding paragraph (1)(B), the importing of an article which is free of duty under part 2 of schedule 8 of the Tariff Schedules of the United States shall not be treated as a commercial-type transaction unless such transaction is described in subsection (a).

"SEC. 4005. TAXABLE PERSON.

"(a) GENERAL RULE.—Except as otherwise provided in this chapter, for purposes of this chapter, the term 'taxable person' means a person who engages in a business or in a commercial-type transaction.

"(b) TREATMENT OF EMPLOYEES, ETC.—For purposes of this chapter, an employee shall not be treated as a taxable person with respect to activities engaged in as an employer.

"SEC. 4006. TRANSACTIONS IN THE UNITED STATES.

"(a) SALES OF PROPERTY.—For purposes of this chapter—

"(1) IN GENERAL.—Except as provided in paragraph (2), the sale of property shall be treated as occurring where delivery takes place.

"(2) REAL PROPERTY.—The sale of real property shall be treated as occurring where the real property is located.

"(b) PERFORMANCE OF SERVICE.—For purposes of this chapter—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, a service shall be treated as occurring where it is performed.

"(2) SERVICES PERFORMED INSIDE AND OUTSIDE THE UNITED STATES.—If a service is performed both inside and outside the United States, such service shall be treated as performed—

"(A) inside the United States, if 50 percent or more of such service is performed inside the United States, and

"(B) outside the United States, if less than 50 percent of such service is performed inside the United States.

"SEC. 4007. RULES RELATING TO OTHER TERMS USED IN SECTION 4003.

"(a) EXCHANGES TREATED AS SALES.—For purposes of this chapter—

"(1) an exchange of property for property or services shall be treated as a sale of property, and

"(2) an exchange of services for property or services shall be treated as the performance of services.

"(b) CERTAIN TRANSFERS TO EMPLOYEES TREATED AS SALES.—For purposes of this chapter, the transfer of property to an employee as compensation (other than a transfer of a type for which no amount is includible in the gross income of employees for purposes of chapter 1) shall be treated as the sale of property.

"(c) PERFORMANCE OF SERVICES.—For purposes of this chapter—

"(1) CERTAIN ACTIVITIES TREATED AS PERFORMANCE OF SERVICES.—Activities treated as included in the performance of services shall include (but shall not be limited to)—

"(A) permitting the use of property,

"(B) the granting of a right to the performance of services or to reimbursement (including the granting of warranties, insurance, and similar items), and

"(C) the making of a covenant not to compete (or similar agreement to refrain from doing something).

"(2) EMPLOYERS AND EMPLOYEES.—

"(A) SERVICES FOR EMPLOYER.—An employee's services for his employer shall not be treated as the performance of services.

"(B) SERVICES FOR EMPLOYEE.—An employer's services for his employee shall not be treated as the performance of services unless such services are of a type which constitute gross income to the employee for purposes of chapter 1.

"(3) PERFORMANCE OF SERVICES TREATED AS SALE OF SERVICES.—The performance of services shall be treated as the sale of services.

"Subchapter C—Taxable Amount; Rate of Tax for Certain Transactions; Credit Against Tax

"Sec. 4011. Taxable amount.

"Sec. 4012. Zero rating for food, housing, and medical care.

"Sec. 4013. Zero rating for farmers, fishermen, mass transit, exports, and interest.

"Sec. 4014. Governmental entities.

"Sec. 4015. Exempt organizations.

"Sec. 4016. Credit against tax.

"SEC. 4011. TAXABLE AMOUNT.

"(a) AMOUNT CHARGED CUSTOMER.—For purposes of this chapter, the taxable amount for any transaction for which money is the only consideration shall be the price charged the purchaser of the property or services by the seller thereof—

"(1) including all invoiced charges for transportation, and other items payable to the seller with respect to this transaction, but

"(2) excluding the tax imposed by section 4001 with respect to this transaction and excluding any State and local sales and use taxes with respect to this transaction.

"(b) EXCHANGES.—For purposes of this chapter, the taxable amount in any exchange of property or services shall be the fair market value of the property or services transferred by the person liable for the tax (determined as if such person had sold the property or services to the other party to the exchange).

"(c) IMPORTS.—For purposes of this chapter, the taxable amount in the case of any import shall be—

"(1) the customs value plus customs duties and any other duties which may be imposed, or

"(2) if there is no such customs value, the fair market value (determined as if the importer had sold the property).

"(d) SPECIAL RULE IN THE CASE OF SALES OF CERTAIN USED CONSUMER GOODS.—For purposes of this chapter, if—

"(1) a taxable person acquires any tangible personal property in a transaction which was not a taxable transaction, and

"(2) such property had been used by an ultimate consumer before such acquisition,

the taxable amount in the case of any sale of such property by such taxable person (determined without regard to this subsection) shall be reduced by the amount paid for such property by such taxable person.

"SEC. 4012. ZERO RATING FOR FOOD, HOUSING, AND MEDICAL CARE.

"(a) ZERO RATING FOR FOOD, HOUSING, AND MEDICAL CARE.—The rate of the tax imposed by section 4001 shall be zero with respect to the following:

"(1) FOOD.—The retail sale of food and nonalcoholic beverages for human consumption (other than consumption on the premises).

"(2) HOUSING.—The sale and renting of residential real property for use by the purchaser or tenant as a principal residence.

"(3) MEDICAL CARE.—Medical care.

"(b) DEFINITIONS.—For purposes of subsection (a)—

"(1) NONALCOHOLIC BEVERAGES.—The term 'nonalcoholic beverages' does not include any article which is taxable under chapter 51.

"(2) MEDICAL CARE.—The term 'medical care' means the performance of any service, and the retail sale of any property, payment for which by the purchaser would constitute medical care within the meaning of section 213.

"(3) MOBILE HOMES, ETC., TREATED AS REAL PROPERTY.—A mobile or floating home shall be treated as real property.

"(c) ADVANCE ZERO RATING.—The Secretary shall prescribe regulations under which any item which becomes clearly identifiable as an item to which subsection (a) will apply when it reaches the retail stage shall be zero rated for all transactions after it becomes so clearly identifiable.

"SEC. 4013. ZERO RATING FOR FARMERS, FISHERMEN, MASS TRANSIT, EXPORTS, AND INTEREST.

"The rate of the tax imposed by section 4001 shall be zero with respect to the following:

"(1) SALES BY FARMERS OR FISHERMEN.—The sale (other than at retail) of—

"(A) agricultural commodities by the producer of such commodities, or

"(B) fish (or other form of aquatic animal life) by a person in whose business such fish (or other forms) were caught.

"(2) MASS TRANSIT.—The performance of mass transportation services in urbanized areas.

"(3) EXPORTS.—Exports of property.

"(4) INTEREST.—Interest.

"SEC. 4014. GOVERNMENTAL ENTITIES.

"(a) ZERO RATING FOR SALES TO GOVERNMENTAL ENTITIES AND EDUCATIONAL ACTIVITIES OF GOVERNMENTAL ENTITIES.—The rate of the tax imposed by section 4001 shall be zero with respect to the following:

"(1) SALES TO GOVERNMENTAL ENTITIES.—Any sale of property or services to a governmental entity.

"(2) EDUCATIONAL ACTIVITIES.—The providing by a governmental entity of property and services in connection with the education of students.

"(b) SALES, ETC., BY GOVERNMENTAL ENTITIES TAXABLE ONLY WHERE SEPARATE CHARGE IS MADE.—For purposes of this chapter, the sale of property and the performance of services by a governmental entity shall be a

taxable transaction if (and only if) a separate charge or fee is made therefor.

"(c) GOVERNMENTAL ENTITY DEFINED.—For purposes of this chapter, the term 'governmental entity' means the United States, any State or political subdivision thereof, the District of Columbia, a Commonwealth or possession of the United States, or any agency or instrumentality of any of the foregoing.

"SEC. 4015. EXEMPT ORGANIZATIONS.

"(a) ZERO RATING FOR SECTION 501(c)(3) ORGANIZATIONS; CREDIT ALLOWED FOR ALL PURCHASES.—

"(1) ZERO RATING.—The rate of the tax imposed by section 4001 shall be zero with respect to any taxable transaction engaged in by a section 501(c)(3) organization other than as part of an unrelated business.

"(2) CREDIT ALLOWED FOR ALL PURCHASES.—For purposes of this chapter, a section 501(c)(3) organization shall be treated as engaged in a business with respect to all of its activities.

"(b) TAXABLE TRANSACTIONS IN CASE OF OTHER EXEMPT ORGANIZATIONS.—For purposes of this chapter, the sale of property and the performance of services by any exempt organization other than a section 501(e)(3) organization shall be a taxable transaction if (and only if) a charge or fee is made for such services.

"(c) DEFINITIONS.—For purposes of this chapter—

"(1) SECTION 501(C)(3) ORGANIZATIONS.—The term 'section 501(c)(3) organization' means an organization described in section 501(c)(3) which is exempt from tax under section 501(a).

"(2) OTHER EXEMPT ORGANIZATION.—The term 'other exempt organization' means any organization (other than a section 501(c)(3) organization) which is exempt from tax under chapter 1.

"SEC. 4016. CREDIT AGAINST TAX.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by section 4001 the aggregate amount of tax imposed by section 4001 which has been paid by sellers to the taxpayer of property and services which the taxpayer uses in the business to which the transaction relates.

"(b) EXEMPT TRANSACTIONS, ETC.—If—

"(1) property or services are used partly in the business and partly for other purposes, or

"(2) property or services are used partly for taxable transactions and partly for other transactions,

the credit shall be allowable only with respects to the property and services used for taxable transactions in the business. No credit shall be allowable for any transaction occurring when the taxpayer was a nontaxable person.

"(c) EXCESS CREDIT TREATED AS OVERPAYMENT.—

"(1) IN GENERAL.—If for any taxable period the aggregate amount of the credits allowable by subsection (a) exceeds the aggregate amount of the tax imposed by section 4001 for such period, such excess shall be treated as an overpayment of the tax imposed by section 4001.

"(2) TIME WHEN OVERPAYMENT ARISES.—Any overpayment under paragraph (1) for any taxable period shall be treated as arising on the later of—

"(A) the due date for the return for such period, or

"(B) the date on which the return is filed.

"Subchapter D—Administration

"Sec. 4021. Seller liable for tax.
"Sec. 4022. Tax invoices.
"Sec. 4023. De minimis exemption.
"Sec. 4024. Time for filing return and claiming credit; deposits of tax.
"Sec. 4025. Treatment of related businesses, etc.
"Sec. 4026. Secretary to be notified of certain events.
"Sec. 4027. Regulations.

"SEC. 4021. SELLER LIABLE FOR TAX.

"The person selling the property or services shall be liable for the tax imposed by section 4001.

"SEC. 4022. TAX INVOICES.

"(a) SELLER MUST GIVE PURCHASER TAX INVOICE.—Any taxable person engaging in a taxable transaction shall give the purchaser a tax invoice with respect to such transaction if the seller has reason to believe that the purchaser is a taxable person.

"(b) CONTENT OF INVOICE.—The tax invoice required by subsection (a) with respect to any transaction shall set forth—

"(1) the name and identification number of the seller,

"(2) the name of the purchaser,

"(3) the amount of the tax imposed by section 4001, and

"(4) such other information as may be prescribed by regulations.

"(c) NO CREDIT WITHOUT INVOICE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a purchaser may claim a credit with respect to a transaction only if the purchaser—

"(A) has received from the seller and has in his possession a tax invoice which meets the requirements of subsection (b), and

"(B) is named as the purchaser in such invoice.

"(2) EMPLOYEES OR OTHER AGENTS NAMED IN INVOICES.—To the extent provided in regulations, the naming of an employee or other agent of the purchaser shall be treated as the naming of the purchaser.

"(3) WAIVER OF INVOICE REQUIREMENT IN CERTAIN CASES.—To the extent provided in regulations, paragraph (1) shall not apply—

"(A) where the purchaser without fault on his part fails to receive or fails to have in his possession a tax invoice,

"(B) to a taxable transaction (or category of transactions) where—

"(i) the amount involved is de minimis, or

"(ii) the information required by subsection (b) can be reliably established by sampling or by another method and can be adequately documented.

"(d) TIME FOR FURNISHING INVOICE.—Any invoice required to be furnished by subsection (a) with respect to any transaction shall be furnished not later than 15 business days after the tax point for such transaction.

"SEC. 4023. DE MINIMIS EXEMPTIONS.

"(a) IN GENERAL.—Under regulations, a person—

"(1) whose aggregate taxable transactions for the calendar year do not exceed $20,000, and

"(2) whose aggregate taxable transactions for the next calendar year can reasonably be expected not to exceed $20,000,

may elect to be treated as a person who is not a taxable person for the next calendar year.

"(b) EXCEPTIONS.—Subsection (a) shall not apply—

"(1) to any sale or leasing of real property, and

"(2) to any importing of property.

"(c) TERMINATION OF ELECTION.—Any election under subsection (a) for a calendar year shall terminate if the aggregate taxable transactions—

"(1) for the first calendar quarter in such year exceed $7,000,

"(2) for the first 2 calendar quarters in such year exceed $12,000, or

"(3) for the first 3 calendar quarters in such year exceed $17,000.

Such termination shall take effect on the first day of the second month following the close of the first period in which the requirements of paragraph (1), (2), or (3) are met.

"(d) TAXABLE AMOUNT TREATED AS ZERO FOR ZERO-RATED TRANSACTIONS.—For purposes of this section, the taxable amount of any zero-rated transaction shall be treated as zero.

"(e) CONDITION OF ELECTION.—In the case of a person who is a taxable person for any period, an election under subsection (a) may be made for succeeding periods only with the consent of the Secretary. Such consent shall be conditioned on placing such person, for all succeeding periods, in the same position with respect to the tax imposed by section 4001 (and the credit allowed by section 4016) he would have been in if all property and services he holds at the time he becomes a nontaxable person had been acquired as a nontaxable person.

"(f) CASUAL SALES AND LEASES OF REAL PROPERTY EXCLUDED.—For purposes of this section, the term 'taxable transaction' does not include a transaction which is treated as a commercial-type transaction solely by reason of section 4004(b)(1)(A).

"SEC. 4024. TIME FOR FILING RETURN AND CLAIMING CREDIT; DEPOSITS OF TAX.

"(a) FILING RETURN.—Before the first day of the second calendar month beginning after the close of each taxable period, each taxable person shall file a return of the tax imposed by section 4001 on taxable transactions having a tax point within such taxable period.

"(b) CREDIT ALLOWED FOR TAXABLE PERIOD IN WHICH PURCHASER RECEIVES INVOICE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a credit allowable by section 4016 with respect to a transaction may be allowed only for the first taxable period by the close of which the taxpayer—

"(A) has paid or accrued amounts properly allocable to the tax imposed by section 4001 with respect to such transaction, and

"(B) has a tax invoice (or equivalent) with respect to such transaction.

"(2) USE FOR LATER PERIOD.—Under regulations, a credit allowable by section 4016 may be allowed for a period after the period set forth in paragraph 91.

"(c) TAXABLE PERIOD.—For purposes of this chapter—

"(1) IN GENERAL.—The term 'taxable period' means a calendar quarter.

"(2) EXCEPTION.—

"(A) ELECTION OF 1-MONTH PERIOD.—If the taxpayer so elects, the term 'taxable period' means a calendar month.

"(B) OTHER PERIODS.—To the extent provided in regulations, the term 'taxable period' includes a period, other than a calendar quarter or month, selected by the taxpayer.

"(d) TAX POINT.—For purposes of this chapter—

"(1) CHAPTER 1 RULES WITH RESPECT TO SELLER GOVERN.—Except as provided in paragraph (2), the tax point for any sale of property or services is the earlier of—

"(A) the time (or times) when any income from the sale should be treated by the seller

as received or accrued (or any loss should be taken into account by the seller) for purposes of chapter 1, or

"(B) the time (or times) when the seller receives payment for the sale.

"(2) IMPORTS.—In the case of the importing of property, the tax point is when the property is entered, or withdrawn from warehouse, for consumption in the United States.

"(e) MONTHLY DEPOSITS REQUIRED.—To the extent provided in regulations, monthly deposits may be required of the estimated liability for any taxable period for the tax imposed by section 4001.

"SEC. 4025. TREATMENT OF RELATED BUSINESSES, ETC.

"(a) GENERAL RULE.—For purposes of this chapter (other than section 4023), to the extent provided in regulations, the taxpayer may elect—

"(1) to treat as 1 taxable person 2 or more businesses which may be treated under section 52(b) as 1 employer, and

"(2) to treat as separate taxable persons separate divisions of the same business.

"(b) DE MINIMIS EXEMPTION.—For purposes of section 4023, all businesses which are under common control (within the meaning of section 52(b)) shall be treated as 1 business.

"SEC. 4026. SECRETARY TO BE NOTIFIED OF CERTAIN EVENTS.

"To the extent provided in regulations, each person engaged in a business shall notify the Secretary (at such time or times as may be prescribed by such regulations) of any change in the form in which a business is conducted or any other change which might affect the liability for the tax imposed by section 4001 or the amount of such tax or any credit against such tax, or otherwise affect the administration of such tax in the case of such person.

"SEC. 4027. REGULATIONS.

"The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this chapter.

"Subchapter E—Definitions and Special Rules; Treatment of Certain Transactions

"Sec. 4031. Definitions.
"Sec. 4032. Special rules.
"Sec. 4033. Personal use by owner of business property or services.
"Sec. 4034. Gift of business property or services.
"Sec. 4035. Special rules for dispositions of nonbusiness real property.
"Sec. 4036. Special rule for insurance contracts.

"SEC. 4031. DEFINITIONS.

"(a) PROPERTY.—For purposes of this chapter, the term 'property' means any tangible property.

"(b) BUSINESS.—For purposes of this chapter, the term 'business' includes—

"(1) a trade, and

"(2) an activity regularly carried on for profit.

"(c) EMPLOYEE.—For purposes of this chapter, the term 'employee' has the meaning such term has for purposes of chapter 24 (relating to withholding).

"(d) PERSON.—For purposes of this chapter, the term 'person' includes any governmental entity.

"(e) BUSINESS DAY.—For purposes of this chapter, the term 'business day' means any day other than Saturday and Sunday and other than a legal holiday (within the meaning of section 7503).

"(f) UNITED STATES.—For purposes of this chapter, the term 'United States', when used in a geographical sense, includes a Commonwealth and any possession of the United States.

"SEC. 4032. SPECIAL RULES.

"(a) COORDINATION WITH SUBTITLE A.—For purposes of subtitle A—

"(1) TREATMENT OF CREDIT.—Any credit allowable to a taxpayer under section 4016 which is attributable to any property or services shall be treated as a reduction in the amount paid or incurred by the taxpayer for such property or services.

"(2) AMOUNT OF DEDUCTION FOR TAX.—The amount allowable as a deduction for the tax imposed by section 4001 shall be determined without regard to any credit allowable under section 4016.

"(3) COMPUTATION OF PERCENTAGE DEPLETION.—For purposes of sections 613 and 613A—

"(A) gross income shall be reduced by the amount of the tax imposed by section 4001, and

"(B) taxable income shall be determined without regard to any deduction allowed for such tax.

"(b) SPECIAL RULE WHERE SALE OF PROPERTY INCLUDES INCIDENTAL PERFORMANCE OF SERVICES.—For purposes of this chapter, if in connection with the sale of any property there is an incidental performance of services, such performance of services shall be treated as part of the sale of such property.

"(c) SPECIAL RULE WHERE PERFORMANCE OF SERVICES INCLUDES INCIDENTAL TRANSFER OF PROPERTY.—For purposes of this chapter, if in connection with the performance of any services there is an incidental tansfer of property, such transfer shall be treated as part of the performance of such services.

"(d) AUTHORITY TO ZERO RATE DE MINIMIS TRANSACTIONS, ETC.—The Secretary may prescribe regulations providing that the rate of tax shall be zero for a taxable transaction (or category of such transactions) where—

"(1) the amount involved is de minimis, or

"(2) the revenue raised by taxing the transaction is not sufficient to justify the administrative and other costs involved in the payment and collection of the tax.

"(e) IMPORTING TREATED AS SALE AND PURCHASE.—For purposes of this chapter, the importing of any property into the United States shall be treated as both a sale and purchase of such property by the person importing such property.

"(f) SUBCHAPTER S CORPORATION TREATED AS NOT A CORPORATION.—For purposes of this chapter, an S corporation (as defined in section 1361(a)) shall be treated as a person which is not a corporation.

"(g) USE INCLUDES HELD FOR USE.—For purposes of this chapter, property and services held for use by any person shall be treated as use by the person.

"SEC. 4033. PERSONAL USE BY OWNER OF BUSINESS PROPERTY OR SERVICES.

"(a) GENERAL RULE.—If any business property or services are used by an owner of the taxpayer for personal purposes, for purposes of this chapter such use shall be treated as a taxable transaction.

"(b) TAXABLE AMOUNT.—In the case of a use described in subsection (a), for purposes of this chapter, the taxable amount shall be—

"(1) except as provided in paragraph (2), the fair market value of the property or the services, or

"(2) if such use is only the temporary use of property, the fair rental value of such use.

"(c) DEFINITIONS.—For purposes of this section—

"(1) BUSINESS PROPERTY OR SERVICES.—The term 'business property or services' means any property or services if a sale of such property, or the performance of such services, by the taxpayer would be a taxable transaction.

"(2) OWNER.—The term 'owner' means—

"(A) in the case of a sole proprietorship, the proprietor,

"(B) in the case of any other business enterprise, any holder of a beneficial interest in the corporation, partnership, or other entity, and

"(C) any member of the family (within the meaning of section 267(c)(4)) of an individual described in subparagraph (A) or (B).

"SEC. 4034. GIFT OF BUSINESS PROPERTY OR SERVICES.

"(a) GENERAL RULE.—In the case of any gift of business property or services, for purposes of this chapter—

"(1) such gift shall be treated as a taxable transaction, and

"(2) the taxable amount shall be the amount determined under section 4033(b).

"(b) GIFTS RELATED TO BUSINESS PROMOTION ACTIVITIES.—For purposes of subsection (a), the term 'gift' includes any gift of property or services transferred in connection with business promotion activities.

"SEC. 4035. SPECIAL RULES FOR DISPOSITIONS OF NONBUSINESS REAL PROPERTY.

"(a) IN GENERAL.—In the case of any sale of real property which is treated as a commercial-type transaction solely by reason of section 4004(b)(1)(A), for purposes of this chapter, the taxable amount shall be the excess (if any) of—

"(1) the amount realized on such sale, over

"(2) the adjusted cost to the taxpayer of such real property.

"(b) ADJUSTED COST.—For purposes of subsection (a)—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'adjusted cost' means, with respect to any property, the basis of such property increased by expenditures properly chargeable to capital account (other than taxes or other carrying charges described in section 266) for periods during the holding period for such property.

"(2) TRANSITIONAL RULE.—The adjusted cost of any property shall include only amounts incurred during periods after December 31, 1989.

"(c) VALUE ADDED TAX NOT TAKEN INTO ACCOUNT.—For purposes of this section, the amount realized on any sale of real property shall not include any amount attributable to the tax imposed by this chapter.

"SEC. 4036. SPECIAL RULE FOR INSURANCE CONTRACTS.

"In the case of any contract of insurance, for purposes of this chapter, the taxable amount is the excess of—

"(1) the portion of the premium attributable to insurance coverage, over

"(2) the actuarial cost to the insurer of providing such insurance coverage.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986 is amended by inserting before the item relating to chapter 31 the following:

"Chapter 30. Value added tax.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions occurring after December 31, 1989.

TITLE II—REDUCTION OF SOCIAL SECURITY TAX RATES

SEC. 201. REDUCTION IN FICA TAXES AND TAXES ON SELF-EMPLOYMENT INCOME.

(a) FICA TAXES.—

(1) TAX ON EMPLOYEES.—The table in section 3101(a) of the Internal Revenue Code of 1986 (relating to rate of tax on employees for old-age, survivors, and disability insurance) is amended to read as follows:

"In the case wages received during:	The rate shall be:
1990	6.06 percent
1991 through 2011	5.1 percent
2012 through 2014	5.6 percent
2015 through 2019	6.2 percent
2020 through 2024	7.0 percent
2025 through 2044	7.7 percent
2045 or thereafter	8.1 percent."

(2) TAX ON EMPLOYERS.—The table in section 3111(a) of such Code (relating to rate of tax on employers for old-age survivors, and disability insurance) is amended to read as follows:

"In the case wages received during:	The rate shall be:
1990	6.06 percent
1991 through 2011	5.1 percent
2012 through 2014	5.6 percent
2015 through 2019	6.2 percent
2020 through 2024	7.0 percent
2025 through 2044	7.7 percent
2045 or thereafter	8.1 percent."

(3) REALLOCATION TO FEDERAL DISABILITY INSURANCE TRUST FUND.—Section 201(b)(1) of the Social Security Act (42 U.S.C. 401(b)(1)) is amended by striking out "(O) 1.20 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 2000, and so reported, and (P) 1.42 per centum of the wages (as so defined) paid after December 31, 1999, and so reported" and inserting in lieu thereof "(O) 1.16 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 2000, and so reported, (P) 1.34 per centum of the wages (as so defined) paid after December 31, 1999, and before January 1, 2012, and so reported, (Q) 1.6 per centum of the wages (as so defined) paid after December 31, 2011, and before January 1, 2015, and so reported, (R) 1.64 per centum of the wages (as so defined) paid after December 31, 2014, and before January 1, 2020, and so reported, (S) 1.7 per centum of the wages (as so defined) paid after December 31, 2019, and before January 1, 2025, and so reported, (T) 1.76 per centum of the wages (as so defined) paid after December 31, 2024, and before January 1, 2045, and so reported, and (U) 1.82 per centum of the wages (as so defined) paid after December 31, 2044, and so reported".

(b) TAX ON SELF-EMPLOYMENT INCOME.—

(1) IN GENERAL.—The table in section 1401(a) of the Internal Revenue Code of 1986 (relating to rate of tax on self-employment income for old-age survivors, and disability insurance) is amended to read as follows:

"In the case of a taxable year

Beginning after:	And before:	Percent:
December 31, 1989	January 1, 1991	12.12
December 31, 1990	January 1, 2012	10.2
December 31, 2011	January 1, 2015	11.2
December 31, 2014	January 1, 2020	12.4
December 31, 2019	January 1, 2025	14.0
December 31, 2024	January 1, 2045	15.4
December 31, 2044		16.2."

(2) REALLOCATION TO FEDERAL DISABILITY INSURANCE TRUST FUND.—Section 201(b)(2) of the Social Security Act (42 U.S.C. 401(b)(2)) is amended by striking out "(O) 1.20 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1989, and before January 1, 2000, and (P) 1.42 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999" and inserting in lieu thereof "(O) 1.16 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1989, and before January 1, 2000, (P) 1.34 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999, and before January 1, 2012, (Q) 1.6 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2011, and before January 1, 2015, (R) 1.64 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2014, and before January 1, 2020, (S) 1.7 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2019, and before January 1, 2025, (T) 1.76 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2024, and before January 1, 2045, and (U) 1.82 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2044,".

TITLE III—INVESTMENT TAX CREDIT

SEC. 301. 5-PERCENT INVESTMENT TAX CREDIT.

(a) REINSTATEMENT OF 5-PERCENT INVESTMENT TAX CREDIT AFTER 1990 FOR CERTAIN PROPERTY.—Subsection (a) of section 49 of the Internal Revenue Code of 1986 (relating to termination of regular percentage) is amended to read as follows:

"(a) AMOUNT OF INVESTMENT TAX CREDIT.—

"(1) GENERAL RULE.—For purposes of determining the amount of the investment tax credit determined under section 46, the regular percentage shall not apply to any property placed in service after December 31, 1985.

"(2) SPECIAL RULE.—With respect to any qualified investment tax credit property placed in service after December 31, 1989, paragraph (1) and subsections (c) and (d) shall not apply and paragraph (1) of section 46(b) (relating to regular percentage) shall be applied by substituting '5 percent' for '10 percent'.

"(3) QUALIFIED INVESTMENT TAX CREDIT PROPERTY.—The term 'qualified investment tax credit property' means tangible property (other than an air conditioning or heating unit), but only if such property—

"(A) is used as an integral part of manufacturing, production, or extraction or of furnishing transportation, communications, electrical energy, gas, water, or sewage disposal services,

"(B) constitutes a research facility used in connection with any of the activities referred to in subparagraph (A), or

"(C) constitutes a facility used in connection with any of the activities referred to in subparagraph (A) for the bulk storage of fungible commodities (including commodities in a liquid or gaseous state).".

(c) CONFORMING AMENDMENT.—

(1) The section heading of section 19 of such Code is amended by striking out "TERMINATION OF" and inserting in lieu thereof "SPECIAL RULES FOR".

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking out "Termination of" and inserting in lieu thereof "Special rules for".

TITLE IV—INDIVIDUAL RETIREMENT ACCOUNTS

SEC. 401. DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS MAY BE USED WITHOUT PENALTY TO PURCHASE FIRST HOMES OR TO PAY HIGHER EDUCATION EXPENSES.

"(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(E) DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR FIRST HOME PURCHASES OR EDUCATIONAL EXPENSES.—The following distributions to an individual from an individual retirement plan:

"(i) FIRST-TIME HOMEBUYERS.—Qualified first-time homebuyer distributions (as defined in paragraph (6)).

"(ii) HIGHER EDUCATION EXPENSES.—Distributions to the extent such distributions do not exceed the qualified higher education expenses (as defined in paragraph (7)) of the taxpayer for the taxable year."

(b) DEFINITIONS.—Section 72(t) of such Code is amended by adding at the end thereof the following new paragraphs:

"(6) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(E)(i)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by a first-time homebuyer from an individual retirement plan to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence for such individual.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) FIRST-TIME HOMEBUYER.—The term "first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 2-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If—

"(i) any amount is paid or distributed from an individual retirement plan to an individual for purposes of being used as provided in subparagraph (A), and

"(ii) by reason of a delay in the acquisition of the residence, the requirements of subparagraph (A) cannot be met,

the amount so paid or distributed may be paid into another individual retirement plan as provided in section 408(d)(3)(A)(i) without regard to section 408(d)(3)(B), and, if so paid into such other plan, such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(7) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(E)(ii)—

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

at an eligible educational institution (as defined in section 135(c)(2)).

"(B) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after the date of the enactment of this Act in taxable years ending after such date.

SEC. 402. ACTIVE PARTICIPANTS ALLOWED DEDUCTION FOR 50 PERCENT OF CONTRIBUTIONS TO INDIVIDUAL RETIREMENT PLANS.

(a) GENERAL RULE.—Paragraph (1) of section 219(g) of the Internal Revenue Code of 1986 (relating to limitation on deduction of active participants in certain pension plans) is amended to read as follows:

"(1) IN GENERAL.—If (for any part of any plan year ending with or within a taxable year) an individual or the individual's spouse is an active participant, the amount allowed as a deduction under subsection (a) for such taxable year shall be the sum of—

"(A) 100 percent of the amount which would have been allowable for such taxable year if each of the dollar limitations contained in subsections (b)(1)(A) and (c)(2) were reduced (but not below zero) by the amount determined under paragraph (2), plus

"(B) 50 percent of the excess of—

"(i) the amount which would have been allowable for such taxable year without regard to this subsection, over

"(ii) the amount determined under subparagraph (A).".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (o) of section 408 of such Code is amended by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) IN GENERAL.—Qualified nondeductible contributions may be made on behalf of an individual to an individual retirement plan.

"(2) Qualified nondeductible contributions.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified nondeductible contribution' means the portion of any contribution for a taxable year beginning after December 31, 1989, to an individual retirement plan which is not allowable as a deduction under section 219 solely by reason of subsection (g)(1) thereof.

"(B) YEARS BEFORE 1990.—The term 'qualified nondeductible contribution' includes any contribution to an individual retirement plan for any taxable year beginning before January 1, 1990, which was a designated nondeductible contribution (as defined in this subsection as in effect on the day before the date of the enactment of the Savings and Investment Incentive Act of 1989).

"(C) TAXPAYER MAY ELECT TO TREAT DEDUCTIBLE CONTRIBUTIONS AS NONDEDUCTIBLE.—If a taxpayer elects not to deduct any contribution which (without regard to this subparagraph) is allowable as a deduction under section 219, such contribution shall be treated as a qualified nondeductible contribution.

"(3) TIME WHEN CONTRIBUTION MADE.—In determining for which taxable year a contribution is made, the rules of section 219(f)(3) shall apply."

(2) Paragraph (7) of section 219(f) of such Code is amended by striking "408(o)(2)(B)(ii)" and inserting "408(o)(2)(C)".

(3) Sections 408(o)(4) and 6693(b) of such Code are each amended by striking "designated nondeductible" each place it appears (including in any heading) and inserting "qualified nondeductible".

(4)(A) The section heading for section 6693 is amended by striking "DESIGNATED" and inserting "QUALIFIED".

(B) The item relating to section 6693 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "designated" and inserting "qualified".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions for taxable years beginning after December 31, 1989.

TITLE V—CAPITAL GAINS PROVISIONS

SEC. 501. REDUCTION IN CAPITAL GAINS TAX FOR NONCORPORATE TAXPAYERS.

(a) GENERAL RULE.—Part I of subchapter P of chapter 1 (relating to treatment of capital gains) is amended by adding at the end thereof the following new section:

"SEC. 1202. REDUCTION IN CAPITAL GAINS TAX FOR NONCORPORATE TAXPAYERS.

"(a) DEDUCTION ALLOWED FOR CAPITAL GAIN.—

"(1) IN GENERAL.—If, for any taxable year, a taxpayer other than a corporation has a net capital gain, an amount equal to the applicable percentage of the net capital gain shall be allowed as a deduction.

"(2) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under paragraph (1) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section, the applicable percentage shall be the percentage determined in accordance with the following table:

"In the case of:	The applicable percentage is:
1-year gain	10
2-year gain	20
3-year gain	30
4-year gain	40
5-year gain	50
6-year gain	60
7-year gain	70
8-year gain	80
9-year gain	90
10-year gain	100

"(c) GAIN TO WHICH DEDUCTION APPLIES.—For purposes of this section—

"(1) 1-YEAR GAIN.—The term '1-year gain' means the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) the net capital gain for the taxable year determined by taking into account only gain or loss fom the sale or exchange on and after January 1, 1991, of assets with a holding period of at least 1 year but less than 2 years.

"(2) 2-YEAR GAIN, ETC.—The terms '2-, 3-, 4-, 5-, 6-, 7-, 8-, and 9-year gain' mean the amounts determined under paragraph (1)—

"(A) by reducing the amount of the net capital gain under subparagraph (A) thereof by the amount of net capital gain determined by taking into account only gain or loss from the sale or exchange of assets with a holding period less than the minimum holding period for any such category, and

"(B) by substituting 2, 3, 4, 5, 6, 7, 8, or 9 years for 1 year and 3, 4, 5, 6, 7, 8, 9, or 10 years for 2 years, respectively, in subparagraph (B) thereof.

"(3) 10-YEAR GAIN.—The term '10-year gain' means the lesser of—

"(A) the net capital gain for the taxable year, reduced by 1-, 2-, 3-, 4-, 5-, 6-, 7-, 8-, and 9-year gain, or

"(B) the net capital gain for the taxable year determined by taking into account only gain or loss from the sale or exchange on and after January 1, 1991, of assets with a holding period of 10 years or more.

"(d) DEDUCTION NOT ALLOWED FOR PURPOSES OF MINIMUM TAX.—The deduction under subsection (a) shall not be allowed in determining alternative minimum taxable income.

"(4) SPECIAL RULES FOR PASS-THRU ENTITIES.—

"(A) IN GENERAL.—In applying paragraph (1) with respect to any pass-thru entity, the determination of when a sale or exchange has occurred shall be made at the entity level.

"(B) PASS-THRU ENTITY DEFINED.—For purposes of subparagraph (A), the term 'pass-thru entity' means—

"(i) a regulated investment company,

"(ii) a real estate investment trust,

"(iii) an S corporation,

"(iv) a partnership,

"(v) an estate or trust, and

"(vi) a common trust fund.

"(e) COLLECTIBLE.—For purposes of this section, the term 'collectible' has the meaning given to such term by section 408(m)(2) without regard to section 408(m)(3).

"(f) MODIFICATIONS TO OTHER PROVISIONS.—

"(1) For purposes of section 163(d), the deduction allowable under this section to the extent attributable to gain from dispositions of property held for investment shall be applied against (and operate to reduce) the net gain referred to in section 163(d)(4)(B)(ii).

"(2) In the case of any charitable contribution (other than of a collectible) by a person other than a corporation section 170(e)(1)(B) shall be applied by substituting 'an amount equal to the applicable percentage of the net capital gain' for 'the amount of gain'.

"(3) The deduction allowed under this section shall not be taken into account in determining the net operating loss under section 172 for any taxable year.

"(4) To the extent that the amount otherwise allowable as a deduction under section 642(c) consists of any gain taken into account in determining the qualified net capital gain, proper adjustment shall be made for any deduction allowable to the trust or estate under this section.

"(5) The deduction allowed under this section shall not be taken into account for purposes of section 643(a).

"(6) For purposes of this section, the rules of section 691(c)(4) shall apply.

"(7) The amount subject to tax under section 871(a)(2) shall be determined without regard to the deduction allowed under this section.

"(8) The deduction allowed under this section shall not be taken into account in determining the net earnings from self-employment of any options dealer (as defined in section 1402(i)) or commodities dealer (as so defined).".

"(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1202. Reduction in capital gains tax for noncorporate taxpayers."

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after January 1, 1991.

SEC. 502. NET CAPITAL GAIN NOT TAKEN INTO ACCOUNT UNDER PHASE OUT OF 15-PERCENT RATE AND PERSONAL EXEMPTIONS.

(a) GENERAL RULE.—Subparagraph (A) of section 1(g)(1) is amended to read as follows:

"(A) taxable income reduced by the qualified net capital gain, over".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after January 1, 1991.

SEC. 503. RECAPTURE UNDER SECTION 1250 OF TOTAL AMOUNT OF DEPRECIATION.

(a) GENERAL RULE.—Subsections (a) and (b) of section 1250 (relating to gain from disposition of certain depreciable realty) are amended to read as follows:

"(a) GENERAL RULE.—Except as otherwise provided in this section, if section 1250 property is disposed of, the lesser of—

"(1) the depreciation adjustments in respect of such property, or

"(2) the excess of—

"(A) the amount realized (or, in the case of a disposition other than a sale, exchange, or involuntary conversion, the fair market value of such property), over

"(B) the adjusted basis of such property,

shall be treated as gain which is ordinary income. Such gain shall be recognized notwithstanding any other provision of this subtitle.

"(b) DEPRECIATION ADJUSTMENTS—For purposes of this section, the term 'depreciation adjustments' means, in respect of any property, all adjustments attributable to periods after December 31, 1963, reflected in the adjusted basis of such property on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other person for exhaustion, wear and tear, obsolescence, or amortization (other than amortization under section 168 (as in effect before its repeal by the Tax Reform Act of 1976), 169, 185 (as in effect before its repeal by the Tax Reform Act of 1986), 188, 190, or 193). For purposes of the preceding sentence, if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed as a deduction for any period was less than the amount allowable, the amount taken into account for such period shall be the amount allowed."

(b) LIMITATION IN CASE OF INSTALLMENT SALES.—Subsection (i) section 453 is amended—

(1) by striking "1250" the first place it appears and inserting "1250 (as in effect on the day before the date of the enactment of the Tax Reform and Competitiveness)", and

(2) by striking "1250" the second place it appears and inserting "1250 (as so in effect)".

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (E) of section 1250(d)(4) is amended—

(A) by striking "additional depreciation" and inserting "amount of the depreciation adjustments", and

(B) by striking "ADDITIONAL DEPRECIATION" in the subparagraph heading and inserting "DEPRECIATION ADJUSTMENTS".

(2) Subparagraph (B) of section 1250(d)(6) is amended to read as follows:

"(B) DEPRECIATION ADJUSTMENTS.—In respect of any property described in subparagraph (A), the amount of the depreciation adjustments attributable to periods before the distribution by the partnership shall be—

"(i) the amount of gain to which subsection (a) would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time, reduced by

"(ii) the amount of such gain to which section 751(b) applied."

(3) Subparagraph (D) of section 1250(d)(8) is amended—

(A) by striking "additional depreciation" each place it appears and inserting "amount of the depreciation adjustments", and

(B) by striking "ADDITIONAL DEPRECIATION" in the subparagraph heading and inserting "DEPRECIATION ADJUSTMENTS".

(4) Paragraph (8) of section 1250(d) is amended by striking subparagraphs (E) and (F) and inserting the following:

"(E) ALLOCATION RULES.—For purposes of this paragraph, the amount of gain attributable to the section 1250 property disposed of shall be the net amount realized with respect to such property reduced by the greater of the adjusted basis of the section 1250 property disposed of, or the cost of the section 1250 property acquired, but shall not exceed the gain recognized in the transaction."

(5) Subsection (d) of section 1250 is amended by striking paragraph (10).

(6) Section 1250 is amended by striking subsections (e), (f), and (g) and by redesignating subsections (h) and (i) as subsections (g) and (h), respectively.

(7) Paragraph (5) of section 48(q) is amended to read as follows:

"(5) RECAPTURE OF REDUCTION.—For purposes of sections 1245 and 1250, any reduction under this subsection shall be treated as a deduction allowed for depreciation."

(8) Clause (i) of section 267(e)(5)(D) is amended by striking "section 1250(a)(1)(B)" and inserting "section 1250(a)(1)(B) (as in effect on the day before the date of the enactment of the Tax Reform and Competitiveness)".

(9)(A) Subsection (a) of section 291 is amended by striking paragraph (1) and redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Subsection (c) of section 291 is amended to read as follows:

"(c) SPECIAL RULE FOR POLLUTION CONTROL FACILITIES.—Section 168 shall apply with respect to that portion of the basis of any property not taken into account under section 169 by reason of subsection (a)(4)."

(C) Section 291 is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

(D) Subparagraph (A) of section 265(b)(3) is amended by striking "291(e)(1)(B)" and inserting "291(d)(1)(B)".

(E) Subsection (c) of section 1277 is amended by striking "291(e)(1)(B)(ii)" and inserting "291(d)(1)(B)(ii)".

(10) Subsection (d) of section 1017 is amended to read as follows:

"(d) RECAPTURE OF DEDUCTIONS.—For purposes of sections 1245 and 1250—

"(1) any property the basis of which is reduced under this section and which is neither section 1245 property nor section 1250 property shall be treated as section 1245 property, and

"(2) any reduction under this section shall be treated as a deduction allowed for depreciation."

(11) Paragraph (5) of section 7710(e) is amended by striking "(relating to low-income housing)" and inserting "(as in effect on the day before the date of the enactment of the Tax Reform and Competitiveness Act)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions on or after January 1, 1991, in taxable years ending after such date.

TITLE VI—FEDERAL REVENUE SHARING

SEC. 601. DEFINITIONS.

For purposes of this title—

(1) The term "Fund" means the Revenue Sharing Fund established by section 602.

(2) The term "Secretary" means the Secretary of the Treasury.

(3) The term "State" means the several States and the District of Columbia.

SEC. 602. REVENUE SHARING FUND.

(a) FUND ESTABLISHMENT.—There is hereby established in the Treasury of the United States a special fund to be known as the "Revenue Sharing Fund". The Fund shall consist of the amounts appropriated to it by subsection (b).

(b) FUNDING.—There is hereby appropriated to the Fund, out of any money in the Treasury not otherwise appropriated, for the fiscal year beginning October 1, 1991, the sum of $4,500,000,000.

SEC. 603. PAYMENTS TO STATES.

(a) Each State shall be entitled to payments out of the Fund during the fiscal year beginning October 1, 1991, and during each fiscal year thereafter, as provided in this section. Payments shall be made by the Secretary quarterly. Payments to any State made during the first and second quarters of any fiscal year may, to the extent necessary, be made on the basis of estimates by the Secretary in determining the amounts under subsections (b) and (c). Proper adjustment shall be made in the payments to any State during the third and fourth quarters of any fiscal year to the extent that payments in the first and second quarters were in excess of or less than the amounts which should have been paid. The Secretary shall, at least 90 days before the beginning of each fiscal year, notify each State of the total amount of payments which he estimates will be made to such State during such fiscal year under this section.

(b) The Secretary shall allot and pay during each fiscal year to each State an amount equal to the produce obtained by multiplying—

(1) an amount which bears the same ratio to 80 percent of the amount appropriated to the Fund for such fiscal year as the population of such State bears to the total population of all the States, by

(2) the percentage which the revenue effort ratio of such State for such fiscal year is of the national revenue effort ratio for such fiscal year.

(c) The Secretary shall allot and pay during each fiscal year to each State whose residents have a per capita annual income below the average per capita annual income of residents of all the States an amount which bears the same ratio to 20 percent of the amount appropriated to the Fund for such fiscal year as the weighted population of such State bears to the weighted population of all such States.

(d) For purposes of this section—

(1) The population of any State shall be determined by the Secretary on the basis of the most recent data available from the Department of Commerce, except that the same period of time shall be used in determining the population of each State.

(2) The revenue effort ratio of any State for any fiscal year is the ratio which the total revenues derived by such State from its own resources (including revenues derived by political subdivisions of such State) during the calendar year preceding the beginning of such fiscal year bears to the total adjusted gross income of individuals residing in such State for their taxable years ending with or within such calendar year as reported on returns of the tax imposed by chapter 1 of the Internal Revenue Code of 1986. If the necessary date for such calendar year for such State is not available, the Secretary may determine the revenue effort ratio for such State on the basis of the latest calendar year for which the necessary data is available.

(3) The national revenue effort ratio for any fiscal year is the ratio which the sum of the revenues derived by all States from their own resources during the calendar year preceding the beginning of such fiscal year (as determined under paragraph (2)) bears to the total adjusted gross income of individuals residing in all the States for their taxable years ending with or within such calendar year (as determined under paragraph (2)).

(4) The weighted population of any State is the population of such State (as determined under paragraph (1)) multiplied by a fraction the numerator of which is the per capita annual income of individuals residing in all the States and the denominator of which is the per capita annual income of individuals residing in such State. For purposes of the preceding sentence, the per capita annual income of individuals residing in any State shall be determined by the Secretary on the basis of the most recent data available from the various departments and agencies of the Government, except that the same period of time shall be used in determining the per capita annual income of individuals residing in each State.

SEC. 604. USE OF FUNDS BY STATES.

Each State shall use the funds received by it under section 603 to provide supplemental funding for primary, elementary, and secondary public education. No funding shall be made available to any State whose State and local contribution to education funding decreases from one year to the next.

SEC. 605. AUDIT REPORTS BY STATES.

(a) Each State shall at least 30 days before the beginning of each fiscal year, report to the Secretary its plans for the use of the funds which it expects to receive under section 603 during such fiscal year. The Secretary shall have no power either to approve or to disapprove the plans of any State.

(b) Each State shall, on or before such date after the close of each fiscal year as may be prescribed by the Secretary, report to the Secretary on the expenditures of the funds received by it under section 603 during such fiscal year.

(c) The reports required under subsections (a) and (b) shall be submitted by the Governor of each State or by such State officer as the Governor may designate. Such reports shall be in such form and in such detail as the Secretary may prescribe.●

By Mr. GORE (for himself and Mr. DOMENICI):

S. 2085. A bill to amend the Organ Transplant Amendments Act of 1988 to change an effective date; to the Committee on the Labor and Human Resources.

AMENDMENTS TO ORGAN TRANSPLANT AMENDMENTS ACT

● Mr. GORE. Mr. President, today I am introducing legislation that would delay until January 1, 1991, a requirement that organ procurement organizations "can reasonably expect to produce organs from not less than 50 donors each year." The intent is to provide the Congress with sufficient time to review this issue during this year's scheduled reauthorization process, in hopes of continuing to improve and strengthen the Nation's organ transplant system.

I'm pleased to be joined by my friend from New Mexico, Senator DOMENICI, who has been enormously helpful in bringing to my attention unintended problems that will result if the Health Care Financing Administration implements this provision as it currently plans to. Similar legislation is being introduced in the House by Congressman WALGREN and Congressman WAXMAN, both leaders in transplant policy, with whom I worked closely in developing the underlying National Organ Transplant Act of 1984.

Because HCFA has threatened to shut down effective organ retrieval programs beginning in March unless the Congress acts, I hope the Senate will be able to move quickly on what really could be most accurately described as a technical correction. I urge all of my colleagues to support this uncontroversial measure and to join us in seeing that it is enacted in time to keep HCFA from shutting down a number of excellent organ retrieval programs.●

● Mr. DOMENICI. Mr. President, I am pleased to cosponsor with my friend from Tennessee, Mr. GORE, a bill that is extremely important to the organ donor program operated in my State of New Mexico. Under the 1988 Health Omnibus Programs Extension Act federally certified organ donor programs must be large enough to recover at least 50 organs each year. This minor provision would cause major problems in States like New Mexico.

The bill we are introducing today would delay implementation of the 50 organ minimum requirement for 1 year. It would prevent decertification of one of the most efficient organ donor programs in the country, and the only one serving about 95 percent of my State of New Mexico.

The New Mexico Organ Donor Program is small, but very efficient. Drawing from the State's population base of only 1.4 million people, New Mexico gets about 40 organs donated a year. This gives New Mexico one of the best organs-procured-per-capita ratios in the Nation—about 50 percent above the national average—and enables New Mexico residents to face one of the shortest waiting lists in the country.

In addition, New Mexico's program is among the lowest cost programs in the Nation. The average cost in New Mexico is about $6,700 per donation, compared to rates of $8,000 to $9,000 for States surrounding New Mexico. In short, New Mexico's program is a model of efficiency and effectiveness.

The importance of organ donor programs was driven home to me late last year. Eleven-year-old Andrew Garcia, grandson of my good friend, Andy Garcia, had a premonition one day. Fearing that his life might soon end, young Andy Garcia filled out an organ donor card, granting the use of his heart, lungs, and kidneys if he should die.

This young boy wanted to assure that others could live. Tragically, only a few days later Andy was killed in a traffic accident. Andy's gift gave another young person the chance to live. Last October I was pleased to join with Hasbro Toys in posthumously honoring Andy at a special event for his parents, known as the Great America Hero Search.

Although the organ donor program is just a very small part of the many, and expensive, programs the Federal Government supports, we should keep in mind its extreme importance. I know how important the organ donor program is for New Mexico, and we must not lose it.

However, New Mexico's program is in danger of being destroyed. All organ donor networks in the United States must be federally certified. A minor provision in the Health Omnibus Programs Extension Act of 1988, requires that organ procurement organizations "reasonably expect to recover organs from not less than 50 donors each year."

Because New Mexico has a small population, implementation of this requirement would cause the New Mexico program to be decertified. This would be tragic to our State that operates such a fine program. Decertification would not only mean the loss of about $54,000 in Federal funds, it

would prevent New Mexico's program from operating at all.

Now, I do not clearly understand why the requirement was included, but it certainly makes no sense to decertify programs like the one we have in New Mexico. I understand that the Federal organ donor programs are to be reauthorized this year and that Senator GORE would like to see this issue addressed during the reauthorization. I agree that we should look at this policy during reauthorization, but we should assure that programs like New Mexico's do not lose their certification in the meantime.

In March the Health Care Financing Administration [HCFA] is scheduled to review New Mexico's program and it is critical that we do not allow the program to become decertified because of this requirement. We are introducing this bill to delay implementation of the requirement until January 1991. This will give Congress sufficient time to reconsider the measure.

I thank my friend from Tennessee, Mr. GORE, for his attention to this issue, and I look forward to working with him and the Labor and Human Resources Committee on solving the problem. I urge all my colleagues to support this measure, and I hope we can pass this urgent measure quickly.●

ADDITIONAL COSPONSORS

S. 137

At the request of Mr. BOREN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 137, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 169

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 169, a bill to amend the National Science and Technology Policy, Organization, and Priorities Act of 1976 in order to provide for improved coordination of national scientific research efforts and to provide for a national plan to improve scientific understanding of the Earth system and the effect of changes in that system on climate and human well-being.

S. 345

At the request of Mr. DODD, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 345, a bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

S. 421

At the request of Mr. FORD, the names of the Senator from Minnesota [Mr. BOSCHWITZ] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 421, a bill to amend the Petroleum Marketing Practices Act.

S. 720

At the request of Mr. BOREN, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 720, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit, and for other purposes.

S. 970

At the request of Mr. FOWLER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 970, a bill to promote low-input agricultural production systems to maintain farm profitability, to encourage land, resource, and wildlife stewardship in connection with Federal farm programs and for other purposes.

S. 1212

At the request of Mr. SANFORD the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1212, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition (and a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly and for other purposes.

S. 1310

At the request of Mr. SIMON, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Delaware [Mr. BIDEN], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 1310, a bill to eliminate illiteracy by the year 2000, to strengthen and coordinate literacy programs, and for other purposes.

S. 1430

At the request of Mr. KENNEDY, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Michigan [Mr. RIEGLE], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1430, a bill to enhance national and community service, and for other purposes.

S. 1511

At the request of Mr. PRYOR the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1560

At the request of Mr. BURNS, the name of the Senator from Indiana [Mr. COATS] was added as cosponsor of S. 1560, a bill to suspend the enforcement of certain regulations relating to underground storage tanks, and for other purposes.

S. 1675

At the request of Mr. KENNEDY, the name of the Senator from Delaware [Mr. BIDEN] was added as cosponsor of S. 1675, a bill to provide financial assistance for teacher recruitment and training, and for other purposes.

S. 1956

At the request of Mr. D'AMATO, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1956, a bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate any portion of any overpayment of income tax and to contribute other amounts for payment to fight the war on drugs, and for other purposes.

S. 2003

At the request of Mr. HOLLINGS, the names of the Senator from Missouri [Mr. BOND], the Senator from Maine [Mr. MITCHELL], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 2003, a bill to establish a commission to advise the President on proposals for national commemorative events.

S. 2006

At the request of Mr. GLENN, the names of the Senator from New Hampshire [Mr. RUDMAN], the Senator from Massachusetts [Mr. KERRY], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 2006, a bill to establish the Department of the Environment, provide for a global environmental policy of the United States, and for other purposes.

S. 2012

At the request of Mrs. KASSEBAUM, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 2012, a bill to amend the Employee Income Security Act of 1974 to require an independent audit of statements prepared by certain financial institutions with respect to assets of employee benefit plans.

S. 2015

At the request of Mr. DODD, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2015, a bill to amend the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989 to apply the same honoraria provisions to Senators and officers and employees of the Senate as apply to Members of the House of Representatives and other officers and employees of the Government, and for other purposes.

S. 2048

At the request of Mr. SARBANES, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 2048, a bill to provide for cost-of-living adjust-

ments in 1991 under certain Government retirement programs.

S. 2053

At the request of Mr. DANFORTH, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2053, a bill to amend certain provisions of title 5, United States Code, to provide for an increased maximum rate of pay for specially qualified scientific and professional personnel, and for other purposes.

S. 2056

At the request of Mr. HARKIN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2056, a bill to amend title XIX of the Public Health Service Act to provide grants to States and implement State health objectives plans and for other purposes.

SENATE JOINT RESOLUTION 228

At the request of Mr. FORD, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Joint Resolution 228, a joint resolution to designate May 1, 1990, through May 31, 1990, as "Worldwide Bluegrass Music Month."

SENATE JOINT RESOLUTION 231

At the request of Mr. GRASSLEY, the names of the Senator from New Hampshire [Mr. RUDMAN], the Senator from Connecticut [Mr. DODD], the Senator from Vermont [Mr. JEFFORDS], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Indiana [Mr. COATS], the Senator from North Dakota [Mr. CONRAD], the Senator from Wyoming [Mr. SIMPSON], the Senator from Ohio [Mr. GLENN], the Senator from New York [Mr. D'AMATO], the Senator from Washington [Mr. ADAMS], the Senator from Kansas [Mr. DOLE], the Senator from South Carolina [Mr. THURMOND], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 231, a joint resolution to designate the week of June 10, 1990, through June 16, 1990, as "State-Supported Homes for Veterans Week."

SENATE JOINT RESOLUTION 236

At the request of Mr. WILSON, the names of the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. PRYOR], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Mississippi [Mr. COCHRAN], the Senator from Vermont [Mr. LEAHY], the Senator from Nebraska [Mr. EXON], the Senator from Tennessee [Mr. SASSER], the Senator from Oklahoma [Mr. BOREN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Kansas [Mr. DOLE], the Senator from Delaware [Mr. ROTH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Alaska [Mr. STEVENS], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Joint Resolution 236, a joint resolution designating May 6 through 12, 1990, as "Be Kind to Animals and National Pet Week."

SENATE JOINT RESOLUTION 241

At the request of Mr. D'AMATO, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Kansas [Mr. DOLE], the Senator from Michigan [Mr. RIEGLE] the Senator from Massachusetts [Mr. KERRY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Maine [Mr. COHEN], the Senator from Alabama [Mr. HEFLIN], the Senator from Florida [Mr. MACK], the Senator from North Dakota [Mr. CONRAD], the Senator from Missouri [Mr. BOND], the Senator from Maryland [Ms. MIKULSKI], the Senator from Arkansas [Mr. BUMPERS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Iowa [Mr. GRASSLEY], the Senator from Delaware [Mr. ROTH], the Senator from South Dakota [Mr. PRESSLER], the Senator from Washington [Mr. GORTON], the Senator from Alaska [Mr. STEVENS], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 241, a joint resolution to designate the week of April 29, 1990, through May 5, 1990, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 243

At the request of Mr. LAUTENBERG, the names of the Senator from Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from North Dakota [Mr. CONRAD], the Senator from Iowa [Mr. GRASSLEY], the Senator from Indiana [Mr. LUGAR], the Senator from Maryland [Ms. MIKULSKI], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 243, a joint resolution to designate March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 250

At the request of Mr. CHAFEE, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 250, a joint resolution designating April 1990 as "National Recycling Month."

SENATE CONCURRENT RESOLUTION 90—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. PELL submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 90

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. DEDICATION CEREMONY AND PLACEMENT OF A BUST OF LAJOS KOSSUTH IN THE CAPITOL.

The Joint Committee on the Library is authorized to use the rotunda of the Capitol on an appropriate date in March 1990 for a ceremony to dedicate a bust of Lajos Kossuth, the leader of the Hungarian Revolution of 1848–1849, known as the "George Washington of Hungary". After the ceremony, the Architect of the Capitol shall place the bust in the rotunda for a period of not more than one year and, at the end of such period, shall place the bust in a permanent location in the Capitol.

SEC. 2. PRINTING OF A TRANSCRIPT OF THE PROCEEDINGS OF THE DEDICATION CEREMONY.

A transcript of the proceedings of the ceremony referred to in section 1 shall be printed as a House document, with illustrations and suitable binding.

SENATE CONCURRENT RESOLUTION 91—THE HARVEST OF PEACE RESOLUTION

Mr. HATFIELD (for himself and Mr. BUMPERS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 91

Whereas reduced East-West tensions and renewed efforts for peace by people in the Third World give the United States and other nations an unprecedented opportunity to reverse the $1,000,000,000,000 arms race and promote peaceful international development;

Whereas hunger victimizes approximately 20,000,000 people in the United States and 1,000,000,000 people worldwide; and

Whereas common security is based not only on legitimate defense measures but also on all people having an opportunity to meet their basic needs for food, shelter, health care, education, and work with dignity; to live in a safe and healthful environment; and to enjoy human rights, including the right to participate in decisions affecting their lives: Now, therefore, be it

Resolved by the United States Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Harvest of Peace Resolution".

SEC. 2. STATEMENTS OF POLICY.

(a) STEPS TO HELP ACHIEVE COMMON SECURITY.—It is the sense of the Congress that the United States should help achieve common security by reducing the world's reliance on the military and redirecting resources to peaceful efforts toward overcoming hunger and poverty and meeting basic human needs by—

(1) negotiating agreements with the Soviet Union for substantial and verifiable reductions in overall military forces and spending, and urging other nations to reduce their military forces and spending, with the goal of halving worldwide military spending by the year 2000;

(2) reducing military assistance and arms sales to developing nations and urging other nations to do likewise;

(3) encouraging peaceful settlement of conflicts through regional and international negotiations;

(4) providing increased assistance to developing nations to overcome hunger and poverty, to reduce debt burdens, to promote human rights and people's participation in political decisions affecting them, to ensure sustainable development, and to protect the environment;

(5) increasing support domestically for programs that address human needs;

(6) helping defense industries and their employees convert to productive nondefense work; and

(7) reducing the Federal deficit.

(b) ACHIEVING COMMON SECURITY SHOULD BE A PRIMARY POLICY OBJECTIVE.—It is the further sense of the Congress that the United States should make fostering common security through the initiatives described in subsection (a) a primary foreign and domestic policy objective.

● Mr. HATFIELD. Mr. President, in 1956, President Dwight David Eisenhower said "One hundred and eighty-one years ago our forefathers started a revolution that still goes on." He later described that revoution in part as the attempt to "seek victory—not over any nation or people—but over ignorance, poverty, disease and human degradation wherever they may be found."

And still, the revolution goes on. We are seeing the spoils of largely nonviolent battles won in Eastern Europe, where hopes of freedom brought people into the streets and oppressive governments to their knees. The cold war is over and a new hope for world peace is found in even the most hardline political individuals. But we must work for the victory President Eisenhower described. Only a nation which is willing to toil together in the fields of the world's poor and hungry will be able to reap the promise of the Harvest of Peace.

Mr. President, I am proud to introduce the Harvest of Peace resolution in the Senate today, and am pleased to be joined by my colleague Senator BUMPERS and my friend Representative MCHUGH. Together, we offer this resolution as a guidepost to all of us who want to seize this unique opportunity to alter the fate of the world—our world—and turn from the past's politics of fear toward the promise of hope. We recommend this resolution, which has the support of the membership of Bread for the World and the endorsement of dozens of individuals and organizations.

The Harvest of Peace resolution may appear to some as radical. It calls for the negotiation of agreements leading to the halving of military spending worldwide by the year 2000. It seeks a reduction in military assistance and arms sales to developing nations and urges other nations to do likewise. The resolution calls upon the United States to provide additional assistance to developing nations to overcome hunger and poverty, to reduce debt burdens, to promote human rights and to fully support programs which address human needs.

The Harvest of Peace resolution's goals are also intended to solve the problems of poverty and hunger, which ultimately take more lives than any war could ever steal. Every minute, we lose 15 children to hunger and disease. Last year, 1 billion people were hungry. And homelessness, poverty, and unemployment are problems found not just in the developing world but in the developed world as well.

These ideas may seem bold, but they are intended to address problems which are equally extreme. They are in need to halt the developing world's march toward militarization, which has already left us with 13 countries probably possessing chemical weapons, seven possibly with nuclear weapons, and as many as 19 countries developing or possessing ballistic missiles.

For too long our foreign policy and military strategy have been formulated only by learning one-half of the story. We have been told that the world's trillion-dollar defense budget would bring us stability and prosperity. That two kinds of nuclear weapons systems are better than one. That arming any group willing to oppose an unacceptable government was right.

But now that we have finished the first half, it is time to read the second half. And it is very different now. We are not facing a monolithic communist threat. Instead, our security is dependent upon our ability to end the pain and suffering which remains the root causes of war. We now are threatened by a world weakened by hunger, ravaged by drugs, impoverished by a runaway arms race, and imprisoned by unscrupulous dictators. These threats require a new thinking, and the Harvest of Peace resolution is intended to be an offering of priorities.

The President who reminded us that our revoluton is still on also left us with these words. Eisenhower reminds us that "This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. * * *"

We have a chance to end this world of arms and offer instead our outstretched hand. But a new definition of national security must be created, and a new approach to national security must be defined. I urge my colleagues to join me in supporting the Harvest of Peace resolution as a way to direct our country into the future.

Mr. President, I ask unanimous consent that a list of endorsements be printed in the RECORD.

INITIAL ENDORSEMENTS OF HARVEST OF PEACE RESOLUTION

(As of February 5, 1990)

Organizational Endorsements:

Africa Peace Committee; Office of Governmental Relations, American Baptist Churches, USA; Association of Catholic Colleges and Universities; Association of Community Organizations for Reform Now (ACORN); Center for Law and Social Policy; Center of Concern; Church of the Brethren; Church Women United; Coalition on Human Needs; Columbian Fathers Justice and Peace Office; Consumer Federation of America; Council for a Livable World; Ecumenical Program on Central America and the Caribbean (EPICA); Evangelical Lutheran Church in America, Lutheran Office for Governmental Affairs; Evangelical Lutheran Church in America World Hunger Program; Evangelicals for Social Action; Food Research and Action Center; Franciscan Peace and Justice Office; Friends Committee on National Legislation; Friends of VISTA; Global Concerns Committee—Leadership Conference of Women Religious; Institute for Peace and Justice; Interfaith Action for Economic Justice;

Intercommunity Center for Justice and Peace—Peace and Disarmament Program; Jesuit Social Ministries National Office; JustLife; The Lawyers Committee on Nuclear Policy; Lutheran Peace Fellowship; Maryknoll Fathers and Brothers; Mennonite Central Committee; Missionary Vehicle Association/MIVA America; National Assembly of Religious Women (NARW); National Association for Lay Ministry; National Association of Community Health Centers; National Catholic Conference for Interracial Justice; National Community Action Foundation; National Consumers League; National Council of Catholic Women; National Jobs with Peace Campaign; National Low Income Housing Coalition; National Neighborhood Coalition; National Puerto Rico Coalition; National Puerto Rican Forum; National Rainbow Coalition; National Student Campaign Against Hunger and Homelessness;

Network: A National Catholic Social Justice Lobby; Nicaragua Network; North American Coalition for Human Rights in Korea; Oxfam America; Pax Christi USA; Presbyterian Hunger Program, Presbyterian Church U.S.A.; Progressive National Baptist Convention; Reformed Church in America; The Reorganized Church of Jesus Christ of Latter Day Saints; The Resource Center; RESULTS; SANE/FREEZE: Campaign for Global Security; Sojourners; The Unitarian Universalist Association; Unitarian Universalist Service Committee; United Church of Christ Office for Church in Society; U.S. Committee for Refugees; Veterans for Peace, Inc.; Wider Opportunities for Women; Women's Missionary Council, Christian Methodist Episcopal Church; World Hunger Education Service; World Hunger Year; World Vision Relief and Development.

Individual Endorsements (affiliation for identification only):

Larry Birns, Council on Hemispheric Affairs; Blase Bonpane, Office of the Americas; Dr. Larry Brown, Tufts University School of Nutrition; Lester Brown, Worldwatch Institute; John Buchanan, Former Member of Congress, R.-Ala.; Peter Coldwell, Volunteers for Peace; Terry Culbertson, Pastoral Care Network for Social Responsibility; Peter Davies, InterAction; Pablo Eisenberg, Center for Community Change; Tod Ensign, Esq., Citizen Soldier; Fr. Roland Faley, Conference of Major Superiors of Men; Joseph Fitzgerald, National Catholic Life Conference; Randall Forsberg, Institute for Defense and Disarmament Studies; Dennis Gallagher, Refugee Policy Group; Meg Gardinier, International Catholic Child Bureau; Dr. H. Lamar Gibble, Church of the Brethren General Board; Stephen Gibbs, FreeStore/Foodbank; Roger Greenway, Board of World Ministries, Christian Reformed Church in North America; Vernon Grounds, Denver Theological Seminary; Bishop Thomas Gumbleton, Archdiocese of Detroit; James Hamilton, National Council of Churches of Christ; John Humbert, Christian Church (Disciples

of Christ); Rev. Erik Kolbell, The Riverside Church, New York City;

Fr. Joseph Lang, U.S. Catholic Mission Association; Rev. Alfred LoPinto, Campaign for Human Development; Rev. George McClain, Methodist Federation for Social Action; Dr. Paul McCleary, Christian Children's Fund; David McReynolds, War Resisters International; Ward Morehouse, Council on International and Public Affairs; Rev. Dr. Edwin Mulder, The Reformed Church in America; Bishop P. Francis Murphy, Archdiocese of Baltimore; Rev. James Nash, Churches' Center for Theology and Public Policy; Henry Norman, Volunteers in Technical Assistance (VITA); Randolph Nugent, General Board of Global Ministries, United Methodist Church; Rev. Graham Rights, Moravian Church, Southern Province; Bob Schwartz, The Disarm Education Fund; Bishop William Milton Smith, African Methodist Episcopal Zion Church; Pam Solo, Committee on Common Security; The Rev. Dr. Gordon Sommers, Moravian Church, Nothern Province; Jane Threatt-Morgan, IN OUR WAY; Richard E. Ullrich, Marianist Office of Justice and Peace; Phillip R. Warth, President, Second Harvest; Edith Villastrigo, Women Strike for Peace; Paul Walker, Committee on Common Security; Rev. L. William Yolton, National Interreligious Service Baord for Conscientious Objectors; Jack Yost, World Association for World Federation.●

● Mr. BUMPERS. Mr. President, I rise today to cosponsor and support the introduction of the Harvest of Peace resolution with my friend and colleague, the Senator from Oregon.

I have watched the incredible changes sweeping through Eastern Europe and the Soviet bloc with wonder. In the annals of history, 1989 will be recorded as a watershed year. In the year that was the 200th anniversary of the French revolution, one of history's bloodiest battles for liberty, revolution rolled through Europe again. It rose first in the east in Tiananmen Square, leaving permanent fissures in a rigid, despotic government; a regime that is living proof that absolute power corrupts absolutely, and has forgotten why revolutions happen in the first place, a mere 40 years after fighting and dying for their own.

Freedom then moved west on a fault line to Eastern Europe: to reverberate through Poland, East Germany, Hungary, Czechoslovakia, Romania, and all the rest. And as these deserving nations received a long-awaited dose of freedom, so in many senses did we. The year that revolutionized the Eastern bloc also served to revolutionize our thinking, and our prospects for peace. At long last we received a measure of freedom. We received freedom from being wedded to the policies of the past, to years of nuclear nightmare diplomacy, and decades of uneasy sleep.

Now, as freedom grows around the world, Americans should prepare to reap the Harvest of Peace. Democrats and Republicans must join together as we plot a different course for these different times. We must turn our attention to problems that have been neglected during the decades that we spent trying to place first in the arms race.

Mr. President, I stood before you just last week and told you that the strength of this Nation is not totally measured in tanks, planes, and guns. Our Nation is first and foremost about people. During the coming years, we will be able to direct our resources to those things that truly make us secure: health care, adequate housing, education, a safe food supply, and a clean environment.●

SENATE RESOLUTION 240—RELATING TO THE ADMISSION OF REFUGEES INTO THE UNITED STATES IN FISCAL YEAR 1991

Mr. HATCH (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 240

Whereas the United States has always been a haven for persecuted peoples from around the world;

Whereas it is the long-standing policy of the United States to foster free and open emigration of persecuted religious minorities from the Soviet Union;

Whereas the Soviet Union has recently relaxed its emigration policies;

Whereas despite recent changes in the Soviet Union, religious believers remain largely unable to practice their religious beliefs due to the continued effects of long-standing anti-religious policies of the Government of the Soviet Union, including the denial of opportunity to worship and undertake religious studies;

Whereas private anti-religious sentiment in the Soviet Union remains a threat to religious believers;

Whereas the United States has planned to accept 125,000 refugees in fiscal year 1990, including 50,000 refugees from the Soviet Union; and

Whereas the United States does not plan to fund the cost of all 125,000 refugees it will admit in fiscal year 1990: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should accept more than 125,000 refugees in fiscal year 1991;

(2) a portion of such increase should be allotted to refugees from the Soviet Union; and

(3) the United States should provide funding for the cost of all refugees that the United States admits in fiscal year 1991.

Mr. HATCH. Mr. President, I am today submitting a resolution which expresses the sense of the Senate that: First, the United States increase the number of refugees, it accepts in fiscal year 1991 over the 125,000 figure set for fiscal year 1990; second, that a portion of the fiscal year 1991 increase be allocated to Soviet refugees; and third, that the United States fund the cost of all of the refugees it admits in fiscal year 1991.

The United States has always been a beacon of light and hope for oppressed peoples around the world. At a time when democratic values of liberty and opportunity, long championed by the United States, are on the march, and the bonds of tyranny are being slowly loosened in various parts of the world, we must take special care to offer help to those victims of oppression who now have a window of escape. We are all pleased with some of the recent trends in Eastern Europe and the Soviet Union. We do not know how long this window of escape will remain open.

For fiscal year 1990, the United States will accept 50,000 refugees from the Soviet Union, of which 40,000 are supported by Federal funds. It is well known that many more than 50,000 persons are seeking to leave the Soviet Union. These include tens of thousands, if not hundreds of thousands, of religious believers. Among them are Jews, Evangelical Christians, Ukrainian Catholics, and others.

Despite the recent changes in the Soviet Union, I believe religious believers remain persecuted for their beliefs. Religious or ethnic persecution does not mean only physical harassment by government bully boys. When a believer is unable to go to church or synagogue because government policy restricts or forbids the construction or use of such religious houses of worship, that is persecution. The inability of a group of believers to train religious leaders and teachers such as priests and rabbis, because of government policy, is persecution. The inability to obtain religious articles and items needed for prayer, such as bibles, crucifixes, prayer shawls, yarmulkes, because of government policy, that is persecution. The inability of Jewish parents to send their children to religious schools to learn Hebrew, to learn the ancient customs, traditions, and history of their people, because of government policy, that, too, is persecution. The inability of Christian parents to send their children to religious schools to learn the practices of their faith because of government policy, is persecution. While recent relaxation in official oppressive policies may have created an opening for some religious activities previously banned, one cannot claim that, after over 70 years of relentless and often brutal persecution, religious freedom now exists or that we can lessen our concern.

Last year, the administration made it more difficult for Soviet Jews, Christians, and others to obtain refugee status. The administration did not set a refugee number commensurate with America's traditional concern for Soviet religious believers. After pressing the Soviets for decades to let them out, America did not offer enough opportunity for people to come here. I expressed my concern about this policy, and the fear and panic among

Soviet Jews and others concerning America's fiscal year 1990 refugee policy, in my floor statement on September 29, 1989.

Moreover, by funding only 111,000 of the 125,000 slots, including only 40,000 of the 50,000 Soviet slots, the budgets of private resettlement agencies are being badly strained. The United States has pressed for open emigration from the Soviet Union. This policy is now bearing sweet fruit. It behooves the United States to help the refugees resettle. For example, whether tens of thousands of Soviet Jews come here or go to Israel—or both—Americans who give generously to help them resettle, wherever they go, are going to be stretched extremely thin. The least we can do is fund all of the refugees who come here.

In recent years, there have been many shocking reports of outbursts of antireligious sentiment in the Soviet Union by private groups and citizens, aimed at both Jews and Christians. The outbreaks of ethnic and regional violence in the Soviet Union has ominous overtones for Soviet Jews, given the tragic tendency of some in the Soviet Union to blame the Jews for the onset of bolshevism and current economic difficulties. Robert Rand, a journalist at the Kennan Institute, wrote in the July 31, 1989, Wall Street Journal:

Most striking of all, and most disturbing, were reports that anti-Semitism is on the rise. At first I reacted skeptically. After all, relations with Israel are improving and emigration is at record levels. But I heard stories of widespread anti-Semitism so often and from so many sources that I left Moscow convinced of their veracity.

In Pushkin Square in central Moscow in early June, a group of young thugs assaulted a man because he "looks Jewish." The police broke it up without arrests. Jewish families that had never considered emigrating, have now applied for exit visas fearful, they say, for their safety.

A Jewish attorney predicts Jews will be blamed for causing the country's economic mess. "The simple people will point to the Jews. It was the Jews, they'll say, who brought us the revolution. And it is the Jews, they'll say, who control the state and bring us the current disaster."

A cab ride seems to confirm the prediction. The driver is asked about the country's economy. He embarks on an anti-Jewish tirade. "They brought us the revolution," he says, "They're to blame."

An American embassy official reports that he, too, has heard reports of growing anti-Semitism. He says he has obtained a copy of Nina Andreevna's latest article, which, he says, has been submitted to Nash Sovremennik, an anti-reform literary journal. Ms. Andreevna is the Leningrad teacher whose publications reputedly have the backing of Egor Ligachev, Mr. Gorbachev's main rival.

The U.S. official says Ms. Andreevna blames the "Zionists" for the nation's problems. We wonder whether the piece will see the light of day and if so, what the future will hold for Soviet Jews.

A Jewish friend recounts an anecdote. The year is 2000. A lone man stands before the closed doors of the Soviet visa office, waiting in vain for permission to emigrate. A pedestrian approaches.

"Are you a Jew?" the pedestrian asks.

"No," the man says, "I'm an idiot."

The implication: The Jew was a fool because he didn't emigrate in 1989 when emigration was possible.

What makes the current bout of anti-Jewish sentiment in Moscow especially frightening is its concurrence with unbridled ethnic unrest across the country, from the Baltic republics to the Caucasus and Central Asia. As national minorities voice continuing displeasure with the Kremlin, Russian chauvinism is likely to rear up in response. What my Jewish friends fear most is being crushed in the fray.

Just last week, on February 2, 1990, the New York Times reported in a front page story entitled "Anxiety Over Anti-Semitism Spurs Soviet Warning on Hate," that a rise in anti-Semitism, and a passive government reaction to it, is causing tremendous fear among Soviet Jews. I will attach a copy of that story to these remarks.

I will also attach a few documents provided to me from the Union of Councils for Soviet Jews at the end of these remarks, which recount just some of the anti-Semitic episodes we know about. Visitors to Moscow and Leningrad have reported anti-Semitic posters depicting violence against the Jews. While Israel fortunately provides a haven for many Soviet Jews, the United States should also remain a haven for Soviet Jews, as well as for other religious believers, and victims of ethnic persecution.

I also note that ethnic violence may cause other Soviet citizens, such as Armenians, as victims of ethnic persecution, to escape in greater numbers on the months ahead.

Now, I realize the Refugee Act of 1980 provides for cabinet-level consultation with members of the Senate and House Judiciary Committees. I was not satisfied by the conduct of that process last year; discussions occurred late, and decisions seemed to have been made by the time they did occur.

Accordingly, I feel it is appropriate for the Senate to express its view, in advance of the consultation, that the overall number of refugees admitted to the United States rise; that a portion of the increase allocated to the Soviet Union; and that the United States fund all of the refugees it admits. The resolution recommends no specific number, that is left to the consultation process pursuant to the Refugee Act. All the resolution does is express a sentiment, if you will, that we should be even more generous in fiscal year 1991 than we were in fiscal 1990.

Mr. President, I ask unanimous consent that certain articles be included in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[Boulder (CO) Action for Soviet Jewry]

VIOLENT ANTI-SEMITISM ERUPTS IN DUSHANBE

Violent anti-Semitism has erupted in Dushanbe, Tadjik SSR, according to Bill Cohen, President of Boulder Action for Soviet Jewry (BASJ). Dushanbe is Boulder, Colorado's Soviet Sister City.

BASJ has received reports from recent Jewish emigres from Dushanbe that Jews have been pulled off busses in Dushanbe and beaten. Such incidents are examples of escalating violence against Jews in Tadjikistan and other Soviet republics in Central Asia and the Caucasus.

According to BASJ, in February 1989 Tadjik nationalist demonstrators in Dushanbe carried banners with slogans proclaiming "Tadjikistan for the Tadjiks." The nationalist rhetoric is both openly anti-Russian and anti-Jewish. In March 1989, threats against Jews in Dushanbe intimidated many from celebrating the Jewish holiday of Purim in Dushanbe's synagogues. Many Jews were afraid to even leave their homes at the time. Jewish children have been beaten on the way to and from school by the predominantly Muslim youths in Dushanbe.

Such threats and attacks have prompted many Jews who had not contemplated emigration to request invitations from Israel and to apply to leave the Soviet Union.

Most of BASJ's information on anti-Semitic acts in the Soviet Union is obtained through the Caucasus Network, a New York based international Soviet Jewry organization which frequently directs Jewish missions to the Caucasus and Central Asian areas of the Soviet Union.

Helene Kenvin, President of The Caucasus Network, has received numerous reports of similar anti-Semitic incidents throughout these regions of the U.S.S.R.

According to Kenvin, a fundamentalist Muslim nationalist organization called "Birlik" was founded in Uzbekistan in 1988. One of its stated goals is the expulsion of all Jews and Russians from that republic. In February 1989, demonstrators in Tashkent carried signs with Birlik's motto: "Expel all Russians. Leave the Jews to us; we will take care of them ourselves." Within the next several months, the City of Samarkand, also in Uzbekistan, was flooded with pamphlets and posters containing Birlik's anti-Semitic platform.

Kenvin reports that in June 1989, Jewish communities in eastern Uzbekistan were terrorized during a violent bloodbath between Sunni and Shi'ite Muslims. Uzbek rioters threatened leaders of the Jewish community in Fergana, promising pogroms unless their extortionate demands were met. In Andizhan, Jews received telephone calls demanding that they leave. In Margilan a Jew was beaten and ordered to pay money to a group of Uzbek thugs. A synagogue in this Soviet Republic was desecrated with the sign "Next in line are the Jews."

Also, beginning in August 1989, Azeris in Azerbaidzhan began calling for the expulsion of Jews from that republic. Jews in Sumgait and Baku received threatening telephone calls and letters ordering them to leave Azerbaidzhan.

Similar incidents have occurred in other Soviet provinces, according to reports received by the Union of Councils for Soviet Jews, with whom BASJ is affiliated. On July 16, 1989, Reuven Kiperwasser, a 30-year-old teacher of Hebrew and Torah from the Moldavian town of Edintsy, was on his

way to Kishinev to give a lecture at a weekly religious seminar. While Kiperwasser waited at a bus stop, three unknown men drove up, jumped out of their car, beat Kiperwasser, and forced him into the car, which then took off. During the abduction, Kiperwasser's kidnappers warned him to stop his Jewish activities, threatened to kill him, and repeatedly stated that Jews should be murdered. After driving for about 5 km, the abductors threw Kiperwasser out of the car.

These and other anti-Semitic attacks and threats throughout the Soviet Union have resulted in a significant increase in the number of Jews seeking to leave the Soviet Union. Approximately 200,000 requests for invitations from the State of Israel have been received already this year.

"Ironically," says Cohen, "the fear of persecution among Soviet Jews has dramatically escalated at a time when a U.S. State Department official told a congressional committee on refugees that Soviet Jews could return to the Soviet Union because glasnost had improved conditions for Jews in that country."

Cohen also expressed concern that the Bush administration's sudden shift of refugee processing from Italy to Moscow, without adequate preparation and staffing, will trap thousands of Soviet Jews with bureaucratic delays at a time when the U.S. should be doing everything possible to get these endangered people out of the Soviet Union before the threatened pogroms become a reality.

[From the Union of Councils for Soviet Jews, Jan. 1, 1990]

VIOLENT ANTI-SEMITISM FLARES IN USSR

WASHINGTON, D.C.—The following recent events are the latest in escalating reports to the UCSJ of violent anti-Semitic attacks and incidents throughout the USSR.

According to the Jerusalem-based Soviet Jewry Education and Information Center, Soviet Jewish activists reported that on July 16, a Hebrew instructor from Soviet Moldavia was abducted and beaten on his way to Kishinev to give a lecture at a weekly seminar. His abductors warned him to stop his Jewish activities, threatened to kill him, and repeated several times that all Jews should be murdered. They drove about five kilometers before throwing him out of the car and driving off.

The incident caused great panic among Kishinev Jews, who requested that it receive the widest publicity possible. However, the Long Island Committee for Soviet Jewry, the UCSJ council which confirmed the story, was told by a Leningrad Hebrew teacher that the victim does not want his name released for fear of reprisals against his mother and younger sister.

A Leningrad Jewish activist telephoned the London 35's Women's Campaign for Soviet Jewry with reports that on the night of July 24, three hooded men broke into the Leningrad apartment of Jewish Refusenik Yuri Mezheborsky, stabbing Yuri's mother, Svetlana, in the stomach. The armed intruders did not steal anything from the apartment, eliminating theft as a probable motive for the attack.

The activist told the London 35's that the attack was most likely perpetrated by members of the viciously anti-Semitic group "Pamyat," which is now aggressively compiling lists of all Jewish residents in Leningrad. He said that "Pamyat" members are demanding names of Jewish residents from the concierge of every apartment block, and that citizens who wish to become "Pamyat" members must now supply lists of Jews before they are admitted to the organization. (This is the third such allegation the UCSJ has received on "Paymat" induction.)

Boris Gaft, head of the Latvian Jewish Friendship Society with Israel, reported that on July 4, Jewish activists discovered swastikas and a sign reading "Kill the Jewish People" when they met at the site of a former synagogue in Riga where Jews were burned to death in 1941 by the Nazis. They removed the anti-Semitic symbols and held their meeting.

Gaft relayed this information in a July 26 phone conversation to UCSJ's Chicago Action for Soviet Jewry.

From her office at Chicago Action, UCSJ National President Pamela B. Cohen commented on the alarming rise of reports of anti-Semitic incidents: "Since last summer, during the time of the Christian Millennium and calls for programs against Jews, the UCSJ has predicted and warned of an explosion of violence against Jews in the Soviet Union. Glasnost has unleased a wave of popular grassroots anti-Semitism, primarily embodied in odious nationalist groups such as "Pamyat," that is terrifying Jews in Moscow, Leningrad and throughout the USSR.

"In addition," Cohen warned, "We have received many confirmations of anti-Semitic attacks and incidents stemming from rising Moslem fundamentalism in the Central Asian republics. Frequently, because these regions are so closed, these events are impossible to confirm, but the stories of Jews who are beaten, killed, or so frightened by ethnic violence that they are afraid to leave their homes, are absolutely chilling.

"Anti-Semitism has always been endemic to the Soviet society. But in the past year, as social and economic unrest and ethnic and nationality conflicts mount, and as glasnost permits more public expressions of discontent, the natural tendency to anti-Semitic propaganda and violence is given more opportunity of expression," Cohen concluded.

[From the New York Times, Feb. 2, 1990]

ANXIETY OVER ANTI-SEMITISM SPURS SOVIET WARNING ON HATE

(By Francis X. Clines)

Moscow, February 1.—Renewed anxiety that anti-Semitism is surging once more in the Soviet Union has prompted Government officials to start cautioning nationalist and ethnic organizations against provocations toward hatred and pogroms.

The unusual warning that fanning racial hatred is a crime punishable by imprisonment was issued this week by the authorities in Odessa, once a major center of Jewish Life, to be leaders of popular front and ethnic associations as a wave of fear and rumors of pogroms swept through Soviet Jewish circles across the country.

The latest anxiety is focused on a number of recent events, notably the disruption of a Moscow writers' meeting Jan. 18 by a gang of intruders campaigning for local elections who demanded: "Yids, get out to your Israel!"

"Russia's Jewish question must be raised at the appropriate level," one of the intruders shouted through a bullhorn, inviting the stunned audience of Moscow's more liberal writers to come forward and be punched by some of his 30 colleagues. After the harangue and a scuffle, they made a leisurely exit from the capital's main writers' headquarters with little interference from the police.

Other events listed by fearful Jews include openly anti-Semitic agitation reported in centers like Leningrad and in various local election campaigns, and the rapidly rising tide of ethnic chauvinism that has the Government of President Mikhail S. Gorbachev in crisis.

Most particularly Jews have noted the recent experience of the violence in Azerbaijan, where the central Government waited a week before storming Baku to rescue Armenians who were victims of a pagrom. Jews say they were not targets of violence but the 20,000 Jews living in Baku now want to leave because of their fears of the majority's strident separatism.

ATTEMPTS TO EMIGRATE

It is not known how many people in the Soviet Union Consider themselves Jews, since some traditionally sought to conceal the fact th avoid the penalties of bias. Official estimates now are fewer than 1.5 million, although consular officials have been reporting lately that more Soviet citizens have come forward intent on proving their Jewish ancestry in an attempt to emigrate.

With Government tolerance of Jews growing along with freedom of expression and movement, increasing numbers are using the freedom to opt out of this economically depressed nation, with a record outflow of scores of thousands heading this year to Israel.

Regular fears of anti-Semitic oppression, bolstered by the experience of actual progroms, have been a fact of life for Russian Jews for centuries. In the Gorbachev era of freer speech for the common citizen, formal anti-Semitic crackdowns have not been seen, although Jews say the nation's institutional bias at universities and other establishment centers is as ingrained as ever.

LOCAL HATE GROUPS

What is new in the latest cycle of fear is that it has come to be fed more by local hate groups as political initiative has become decentralized and once-suppressed ethnic prides and enmities revive.

With local election campaigns now under way in many places in the nation's latest step toward democratization, anti-Semitism can be witnessed as an electioneering ingredient of some campaigns. For example, the other night in a debate of Moscow candidates for the Russian Republic Parliament, the hall resonated with enthusiasm for Russian nationalists and their sense of grievance at the hands of minority groups. One candidate, Viktor I. Anpilov, drew laughter and applause with his response to a voter's statement about fears about the growth of anti-Semitic agitation in the name of Russian nationalism. The candidate responded by merely noting the voter's name.

"Liberman," said the candidate, looking out at the crowd while denying being anti-Semitic himself.

Such incidents feed the surge of pogrom rumors, which, as in the past, bristle with very specific predictions among the nation's Jews.

For example, the date of May 5 as the beginning of the feared pogrom is widely quoted not only in the anxious gossip flooding Jewish circles but, lately, in a few news accounts and Government warnings against pogroms, warning that some Jewish leaders are suspected of being anti-Semitic signals.

"Why is a warning issued in Odessa, where there are so few Jews, and not in Moscow, where the Jews are?" asked Mikhail Chlenov, co-chairman of Vaad, a national umbrella organization of Jewish cul-

tural and social groups. He said the first serious mention of the anti-Semitism problem in Moscow, where there are 200,000 Jews, occurred today in the capital newspaper Moskovskaya Pravda. It published a long essay entitled "On the Difficult 'Jewish Question,'" a headline that Mr. Chlenov considered provocative.

The long article was by Valery Rabinovich, a Jewish scholar who said the history of the nation's anti-Semitism was rooted in "disgusting" notions tailored for "native" citizens.

The essay was a response to a Muscovite who wrote: "My grandaughter is crying. Women are afraid to go out shopping. Filthy rumors are spreading about Jewish pogroms. Why are the papers silent? Why is there no word from Moscow authorities?"

OPPOSITION CRITICIZED

Opposition minority members of the national congress have criticized the police as passive and even sympathetic in the face of repeated violations of the law banning the fomenting of ethnic hatred. Last autumn, Pamyat, the Russian chauvinist group whose adherents often espouse anti-Semitism, managed to hold one of the rare public rallies allowed in Red Square, broadcasting its militant complaints while the police stood by.

"We have experienced these fears before, but the panic this time is far stronger," Mr. Chlenov said. "and the panic itself is dangerous because it can help bring on pogroms," he added, saying Kremlin leaders should openly discuss the problem before violent incidents occur.

He said the current widening exodus of Soviet Jews to Israel was not a factor in the situation. "Anti-Semitism is a reaction not to Jews, but to the inner crisis of russian society," he declared.

The wave of fear thus far is rooted more in the reports of increasingly brazen behavior of anti-Semites rather than in any specific incidents of bodily harm. The raid on the writers' union was tape-recorded and has made for chilling retelling among Jews. A man who identified himself as Smirnov shouted: "Comrade Jews leave the hall! We're the masters of the country! The program will come in a few months!"

One Jewish resident, Polina K. Epshtein, said the level of fear was considerable, with her neighbors telling tales of new Pamyat members having to supply names and addresses of at least four Jews to their leaders. "We are preparing for a night of the long knives," she said.

In Leningrad, members of Pamyat and other nationalist groups have been reported openly picketing a subway station, shouting anti-Semitic slogans and threatening to harm Jews. Some Jewish residents contend the activities are quietly sanctioned by local Communist leaders they say are interested in exploiting anti-Semitism and the nationalist issue as a way to shore up the local party's eroding popular support.

Roman E. Kreikhin, a Jewish resident here who is trying to help friends and relatives arriving from Baku, said that so many Jews are in transit in the nation and carrying their major possessions with them that the fear of thievery has grown. "Moscow is terrible and getting worse as more Jews head here," he said. "They are easy victims and racketeers watch the Israeli Consulate and try to steal their visas and demand ransom."

One Jewish area in a cooperative apartment house near Moscow's Leningrad market was reported to have been so fearful from pogrom rumors that they have requested and been receiving extra police patrols.

Jewish leaders have been debating whether to attempt to present a complaint to Secretary of State James A. Baker 3d when he visits here next week and urge him to prod Soviet leaders to speak out on the problem.

SENATE RESOLUTION 241—AMENDING SENATE RESOLUTION 171 OF THE 101ST CONGRESS

Mr. FOWLER (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 241

Resolved, That section 3 of Senate Resolution 171 of the 101st Congress (agreed to on August 4, 1989) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray the expenses incurred in carrying out the provisions of this resolution.".

SENATE RESOLUTION 242—AUTHORIZING THE PRINTING OF A REVISED EDITION OF THE STANDING RULES OF THE SENATE AS A SENATE DOCUMENT

Mr. FOWLER (for Mr. FORD, for himself and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 242

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the Standing Rules of the Senate, and that such standing rules shall be printed as a Senate document.

SEC. 2. There shall be printed two thousand five hundred additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

AMENDMENTS SUBMITTED

NATIONAL GLOBAL CHANGE RESEARCH ACT

HOLLINGS (AND BAUCUS) AMENDMENT NO. 1232

Mr. HOLLINGS (for himself and Mr. BAUCUS) proposed an amendment to the bill (S. 169) to amend the National Science and Technology Policy, Organization, and Priorities Act of 1976 in order to provide for improved coordination of national scientific research efforts and to provide for a national plan to improve scientific understanding of the Earth system and the effect of changes in that system on climate and human well-being, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Global Change Research Act of 1990".

SCIENCE AND TECHNOLOGY POLICY

SEC. 2. Section 102(a)(6) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6602(a)(6)) is amended to read as follows:

"(6) The development and implementation of long-range interagency research plans to support policy decisions regarding identified national and international concerns, and for which a sustained and coordinated commitment to improving scientific understanding will be required.".

FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY

SEC. 3. (a) Section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) is amended to read as follows:

"FUNCTIONS OF COUNCIL

"SEC. 401. (a) The Federal Coordinating Council for Science, Engineering, and Technology (hereinafter referred to as the 'Council') shall consider problems and development in the fields of science, engineering, and technology and related activities affecting more than one Federal agency, and shall recommend policies and other measures designed to—

"(1) provide more effective planning and administration of Federal scientific, engineering, and technological programs;

"(2) identify research needs, including areas requiring additional emphasis;

"(3) achieve more effective utilization of the scientific, engineering, and technological resources and facilities of Federal agencies, including the elimination of unwarranted duplication; and

"(4) further international cooperation in science, engineering, and technology.

"(b) The Council may be assigned responsibility for developing long-range and coordinated plans for scientific and technical research which involve the participation of more than two Federal agencies. Such plans shall—

"(1) identify research approaches and priorities which most effectively advance scientific understanding and provide a basis for policy decisions;

"(2) provide for effective cooperation and coordination of research among Federal agencies; and

"(3) encourage domestic and, as appropriate, international cooperation among government, industry, and university scientists.

"(c) The Council shall perform such other related advisory duties as shall be assigned by the President or by the Chairman of the Council.

"(d) For the purpose of carrying out the provisions of this section, each Federal agency represented on the Council shall furnish necessary assistance to the Council. Such assistance may include—

"(1) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

"(2) undertaking, upon request of the Chairman, such special studies for the Council as come within the scope of authority of the Council.

"(e) For the purpose of developing interagency plans, conducting studies, and making reports as directed by the Chairman, standing committees and working groups of the Council may be established.".

(b) Section 207(a)(1) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6616(a)(1)) is amended by striking "established under Title IV".

NATIONAL GLOBAL CHANGE RESEARCH PLAN

SEC. 4. The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following new title:

"FINDINGS AND PURPOSE

"SEC. 601. (a) Congress finds and declares the following:

"(1) Industrial, agricultural, and other human activities, coupled with an expanding world population, are contributing to processes of global change that may significantly alter our habitat within a few human generations.

"(2) Such human-induced changes are destroying stratospheric ozone and may lead to significant global warming, and thus have the potential to alter world climate patterns and increase global sea levels, and have reduced and will continue to reduce the ability of the atmosphere to screen out harmful ultraviolet radiation. Over the next century, the consequences could seriously and adversely affect world agricultural and marine production, coastal habitability, regional economic well-being, human health, and biological diversity;

"(3) Development of effective policies to mitigate and cope with human-induced global changes will rely on greatly improved scientific understanding of global environmental processes and on our ability to distinguish between the effects of human activities on one hand and the results of natural change on the other.

"(4) New developments in interdisciplinary Earth sciences, global observing systems, and computing technology make possible significant advances in the scientific understanding and prediction of these global changes and their effects.

"(5) Efforts are ongoing in several Federal agencies which could contribute to a well-defined and coordinated national program of research, monitoring, assessment, information management, and prediction.

"(6) The United States, as a world leader in Earth system science, should continue to provide leadership in developing and implementing an international global change research program.

"(b) It is the purpose of Congress in this title to provide for a national global change research plan which when implemented will assist the Nation and the world to understand, assess, predict, and respond to human-induced and natural processes of global change.

"COMMITTEE ON EARTH SCIENCES

"SEC. 602. (a) The President shall establish a Committee on Earth Sciences (hereafter in this title referred to as the 'Committee') within the Council. The Committee shall consist of one representative each from—

"(1) the National Science Foundation;

"(2) the National Aeronautics and Space Administration;

"(3) the National Oceanic and Atmospheric Administration;

"(4) the Environmental Protection Agency;

"(5) the Department of Energy;

"(6) the Department of State;

"(7) the Department of Defense;

"(8) the Department of the Interior;

"(9) the Department of Agriculture;

"(10) the Department of Transportation;

"(11) the Office of Management and Budget;

"(12) the Office of Science and Technology Policy;

"(13) the Council on Environmental Quality; and

"(14) such other agencies of the United States as the President considers appropriate.

Such representatives shall be high ranking officials of their agency or department, wherever possible the head of the portion of that agency or department that is most relevant to the purpose of the Committee described in subsection (c).

"(b) The Committee biennially shall select as Chairman a member representing one of the following agencies or departments:

"(1) the National Aeronautics and Space Administration;

"(2) the National Oceanic and Atmospheric Administration;

"(3) the National Science Foundation;

"(4) the United States Geological Survey; and

"(5) the Environmental Protection Agency.

Representatives of the same agency or department may not serve as Chairman of the Committee for consecutive terms.

"(c) The purpose of the Committee is to increase the overall effectiveness and productivity of Federal research and assessment efforts directed toward an understanding of the Earth as a global system. In fulfilling this purpose, the Committee shall address significant national policy matters which affect more than one agency. A primary function of the Committee shall be to develop and implement the National Global Change Research Plan established under section 603.

NATIONAL GLOBAL CHANGE RESEARCH PLAN

"SEC. 603. (a)(1) The President, through the Committee, shall develop a National Global Change Research Plan (hereafter in this title referred to as the 'Plan') in accordance with section 401(b) of this Act and the provisions, findings, and purpose of this title. Consistent with the responsibilities set forth under subsection (d) of this section, the Plan shall contain recommendations for national research, to be submitted to Congress within one year after the date of enactment of this title and to be revised at least once every three years thereafter.

"(2) The Plan shall—

"(A) establish the goals and priorities for Federal global change research for the 10-year period beginning in the year the Plan (or revised Plan) is submitted;

"(B) set forth the role of each Federal agency and department in implementing the Plan;

"(C) describe specific activities, including research activities, data collection and analysis requirements, predictive modeling, participation in international research efforts, and information management, required to achieve such goals and priorities; and

"(D) consider and utilize, as appropriate, reports and studies conducted by Federal agencies and departments, the National Research Council, or other entities.

"(3) The Plan shall address, where appropriate, the relevant programs and activities of the following Federal agencies and departments:

"(A) the Department of Commerce, particularly the National Oceanic and Atmospheric Administration;

"(B) the National Science Foundation;

"(C) the National Aeronautics and Space Administration;

"(D) the Department of the Interior;

"(E) the Department of Energy;

"(F) the Department of Agriculture;

"(G) the Environmental Protection Agency;

"(H) the Department of Defense, particularly the Department of the Navy;

"(I) the Department of Transportation;

"(J) the Department of State; and

"(K) such other research agencies and departments as the President, or the Chairman of the Council, considers appropriate.

"(b) The Committee shall—

"(1) serve as lead entity responsible for oversight of the implementation of the Plan;

"(2) coordinate the global change research activities of Federal agencies and departments and report at least annually to the President, through the Chairman of the Committee, on any recommended changes in agency or departmental roles that are needed to better implement the Plan;

"(3) prior to the President's submission to Congress of the annual budget estimate, review each agency budget estimate in the context of the Plan and make the results of that review available to each agency and to the appropriate elements of the Executive Office of the President, particularly the Office of Management and Budget;

"(4) work with Federal agencies, with the National Research Council, and with academic, State, and other groups conducting research and assessment of global changes and their effects;

"(5) cooperate with the Department of State in the coordination of Federal interagency in participation in international activities related to global change research and assessment; and

"(6) consult with actual and potential users of such research and assessments.

"(c) The Plan shall provide for, but not be limited to, the following research elements;

"(1) Global measurements, establishing worldwide observations necessary to understand the physical, chemical, and biological processes responsible for changes in the Earth system on all spatial and time scales.

"(2) Documentation of global change, including the development of mechanisms for recording changes that will actually occur in the Earth system over the coming decades.

"(3) Studies of earlier changes in the Earth system, using evidence from the geological and fossil record.

"(4) Predictions, using quantitative models of the Earth system to identify and simulate global trends.

"(5) Development of an information base, assembling the information essential for effective decision-making to respond to the consequences of global change.

"(6) Focused research initiatives directed toward resolving scientific uncertainties regarding specific aspects of the Earth system.

"(d)(1) The Plan shall take into consideration, but not be limited to, the following existing agency missions and responsibilities:

"(A) The National Science Foundation shall be responsible for maintaining the health of basic research in all areas of Earth, atmospheric, and ocean science, including the relevant biological and social sciences and research in the polar regions. Such basic research may include ground-based studies on regional and global scales; large-scale field programs; interpretation and use of remotely sensed data and geographic information systems; theoretical and laboratory research; research facilities

support; and development of numerical models information and communication systems, and data bases.

"(B) The National Aeronautics and Space Administration shall be responsible for Earth-science research missions from space, including those studies of broad scientific scope that study the planet as an integrated whole. Associated efforts may include related studies of physical, chemical, and biological processes; sub-orbital and ground-based studies; remote-sensing and advanced instrument development; improvement of techniques for the transmission, processing, archiving, retrieval, and use of data; related scientific models; and other research activities in atmospheric, oceanographic, and land science.

"(C) The National Oceanic and Atmospheric Administration shall maintain a balanced program of observations, analysis and research, climate prediction, and information management. Responsibilities shall include operational in-situ and satellite observation and monitoring systems; related research on physical and biogeochemical processes in the climate system, including their effect on marine ecosystems and resources; development, testing, and application of models and diagnostic techniques for the detection and prediction of natural and human-induced climatic changes; and the acquisition, maintenance, and distribution of long-term data bases and related climate information.

"(D) The Department of the Interior shall be responsible for the collection, maintenance, analysis, and interpretation of information on terrestrial, aquatic, biological, and other natural resources, including monitoring of hydrologic and geologic processes and resources, of land-use, of land-cover, and of biological habitats, resources, and diversity. Research areas may include past changes recorded in the physical, chemical and biological record; the hydrologic cycle; land-surface and solid-Earth processes that relate to environmental change; geography and cartography; ecosystem modeling and dynamics; and ethnology. Research findings shall be used in assessing and responding to the effects of global change on aquatic, terrestrial, biological, and other natural resources.

"(E) The Environmental Protection Agency shall be responsible for conducting research to assess, evaluate, and predict the ecological, environmental, and human-health consequences of global change, including the interaction of plant and animal communities and ecosystems with the climate system. Additional areas of responsibility shall include assessment, research, and development of techniques to mitigate and adapt to climate change, development of emission factors, inventories and models for radiatively important trace gases, and evaluation of the relationship between global atmospheric change and regional air and water quality.

"(F) The Department of Energy shall be responsible for research on emissions of carbon dioxide and other gases from energy production and use, including the study of climatic responses to those emissions and the development of an information base for evaluating the effects of various energy and industrial policy options on climate. Associated efforts models; evaluation of global and regional climate responses to various energy policy options; research on industrial sources of trace gases; and studies to assess how responses to climate change affect energy options.

"(G) The Department of Agriculture shall be responsible for research to assess the effects of global change on the agricultural food and fiber production systems and on forests and forest ecosystems, including research on biological response mechanisms to increasing greenhouse gases, improvement of plant and animal germplasm to respond to global change, and development and implementation of plans for changing agricultural and forestry practices to ameliorate the observed increases of greenhouse gases. An additional responsibility shall include research on applications of agricultural climatology to improve management decisions and conservation of resources while maintaining quality and quantity of crop yields.

"(H) The Department of Defense shall be responsible for research into environmental processes and conditions that affect defense operations, tactics, and systems. Additional responsibilities shall include facilitating exchange of relevant information with civilian agencies, participation in planning of national research efforts, and cooperative development of data management systems to ensure effective coordination and transfer of information among military and civilian agency programs.

"(I) The Department of Transportation shall be responsible for evaluating the effects of transportation policy options on the global environment, particularly the use of fuels in transportation systems that result in the emission of combustion gases, including aircraft emission into the stratosphere. An additional responsibility shall be the assessment of the ways in which climate changes affect the efficiency and safety of transportation on land, sea, and rivers, and in the air.

"(2) The Plan shall reflect the need for collaboration among agencies with respect to—

"(A) the establishment and development of an information system for Earth system science; and

"(B) research into the development of new conceptual and numerical models of the Earth system.

"(e) The Secretary of State shall consult with the Chairman of the Committee in—

"(1) providing representation at international governmental meetings and conferences on global change research and assessment in which the United States participates; and

"(2) coordinating the Federal activities of the United States with the global change research and assessment programs of other nations and international agencies and organizations, including the World Meteorological Organization and the United Nations Environmental Program.

"(f) Each Federal agency and department involved in global change research shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report identifying each element of its proposed global change activities, which—

"(1) specifies whether each such element (A) contributes primarily to the implementation of the Plan or (B) contributes primarily to the achievement of other objectives but aids Plan implementation in important ways; and

"(2) states the portion of its request for appropriations that is allocated to each such element.

The Office of Management and Budget shall review each such report in light of the goals, priorities, and agency responsibilities set forth in the Plan, and shall include, in the President's annual budget estimate, a statement of the portion of each agency or department's annual budget estimate that is allocated to each element of such agency or department's global change activities. Annual budget estimates shall be submitted to Congress that reflect the activities outlined in the Plan. The Office of Management and Budget shall ensure that a copy of the President's annual budget estimate is transmitted to the Committee at the same time as such budget estimate is submitted to Congress.

"RELATION TO OTHER AUTHORITIES

"SEC. 604. (a) The President, the Chairman of the Committee, and the Secretary of Commerce shall ensure that relevant research activities of the National Climate Program, established by the National Climate Program, established by the National Climate Program Act (15 U.S.C. 2901 et seq.), are considered in developing national global change research efforts.

"(b) The President, the Chairman of the Committee, and the heads of the agencies represented on the Committee, shall ensure that the research findings of the Committee, and of Federal agencies and departments are available to—

"(1) the Environmental Protection Agency for use in the formulation of a coordinated national policy on global climate change pursuant to section 1103 of the Global Climate Protection Act of 1987 (15 U.S.C. 2901, note); and

"(2) all Federal agencies and departments for use in the formulation of coordinated national policies for responding to human-induced and natural processes of global change pursuant to other statutory responsibilities and obligations.

"(c) Nothing in this title shall be construed, interpreted, or applied to preclude or delay the planning or implementation of any Federal action designed, in whole or in part, to address the threats of stratospheric ozone depletion or global climate change.

"ANNUAL REPORT

"SEC. 605. The Chairman of the Committee shall prepare and submit to the President and Congress, not later than January 31 of each year, an annual report on the activities conducted pursuant to this title during the preceding fiscal year, including—

"(1) a summary of the achievements of Federal global change research efforts during that preceding fiscal year;

"(2) an analysis of the progress made toward achieving the goals and objectives of the Plan;

"(3) a copy or summary of the Plan and any changes made in such Plan;

"(4) a summary of agency budgets for global change activities for that preceding fiscal year; and

"(5) any recommendations regarding additional action or legislation which may be required to assist in achieving the purposes of this title.".

EXCELLENCE IN EDUCATION ACT

BRADLEY (AND OTHERS) AMENDMENT NO. 1233

Mr. BRADLEY (for himself, Mr. KENNEDY, Mr. COCHRAN, and Mr. HELMS) proposed an amendment to the bill (S. 695) to promote excellence

in American education by recognizing and rewarding schools, teachers, and students for their outstanding achievements, enhancing parental choice, encouraging the study of science, mathematics, and engineering, and for other purposes, as follows:

On page 133, after line 24, insert the following:

TITLE XIII—STUDENT ATHLETE RIGHT-TO-KNOW

SEC. 1301. SHORT TITLE.

This title may be cited as the "Student Athlete Right-to-Know Act".

SEC. 1302. FINDINGS.

The Congress finds that—

(1) education is fundamental to the development of individual citizens and the progress of the Nation as a whole;

(2) there is increasing concern among citizens, educators, and public officials regarding the academic performance of student-athletes at institutions of higher education;

(3) an overwhelming majority of college presidents (86 percent) in a survey by the U.S. News and World Report believe that the pressure for success and financial rewards in intercollegiate athletics interferes with the educational mission of the United States' colleges and universities;

(4) more than 10,000 athletic scholarships are provided annually by institutions of higher education;

(5) prospective student athletes and their families should be aware of the educational commitments prospective colleges make to athletes; and

(6) knowledge of the graduation rates of student-athletes would assist prospective students and their families in making an informed judgment about the educational benefits available at a given institution of higher education.

SEC. 1303. REPORTING REQUIREMENTS FOR INSTITUTIONS OF HIGHER EDUCATION.

(a) REPORTS TO THE SECRETARY.—Each institution of higher education which receives Federal financial assistance and is attended by students receiving athletic scholarships shall annually submit a report to the Secretary which contains—

(1) the number of students at the institution of higher education who received athletically related student aid for football, basketball, and all other sports, broken down by race and sex;

(2) the number of students at the institution of higher education, broken down by race and sex;

(3) the graduation rate for students at the institution of higher education who received athletic scholarships for football, basketball, and all other sports, broken down by race and sex;

(4) the graduation rate for first-time, full-time students, broken down by race and sex;

(5) the average graduation rate for the 4 most recent graduating classes of students at the institution of higher education who received athletically related student aid for football, basketball, and all other sports, broken down by race and sex;

(6) the average graduation rate for the 4 most recent graduating classes of all students, broken down by race and sex; and

(7) the average graduation rate for the 10 most recent graduating classes of students at the institution of higher education who received athletically related student aid for football, basketball, and all other sports, broken down by race and sex.

(b) STUDENT NOTIFICATION.—When an institution described in subsection (a) offers a potential student-athlete athletically related student aid, such institution shall provide to the student and his parents, his guidance counselor, and coach the information contained in the report submitted by such institution pursuant to subsection (a).

(c) SPECIAL CIRCUMSTANCES.—If an institution of higher education described in subsection (a) finds that the information collected pursuant to subsection (a), because of extenuating circumstances, does not provide an accurate representation of the school's graduation rate, the school may provide additional information to the student and the Secretary.

(d) COMPARABLE INFORMATION.—Each institution of higher education described in subsection (a) may provide supplemental information to students and the Secretary showing the graduation rate when such graduation rate does not include students transferring into, and out of, such institution. The Secretary shall ensure that the data presented to the student and the data submitted to the Secretary are comparable.

SEC. 1304. REPORT BY SECRETARY.

(a) IN GENERAL.—The Secretary shall, using the data required under section 3, shall compile and publish a report containing the information required under section 3, broken down by—

(1) individual institutions of higher education, and

(2) athletic conferences recognized by the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics.

(b) REPORT AVAILABILITY.—The Secretary shall make available copies of the report required under subsection (a) to any individual or secondary school requesting a copy of such report.

SEC. 1305. INFORMATION.

The Secretary may, at his discretion, obtain the information required by section 3 from a private, not-for-profit organization when, in the Secretary's opinion, such collection will reduce the paperwork burden imposed on higher education institutions.

SEC. 1306. WAIVER.

The Secretary shall waive the requirements of this Act for any institution of higher education which is a member of an athletic association or athletic conference that voluntarily publishes graduation rate data or has already agreed to publish the data that, in the opinion of the Secretary, is substantially comparable to the information required under this Act.

SEC. 1307. DEFINITIONS.

For the purpose of this title—

(1) The term "athletically related student aid" means any scholarship, grant, or other form of financial assistance whose terms require the recipient to participate in an institution of higher education's program of intercollegiate athletics in order to be eligible to receive such assistance.

(2) The term "institution of higher education" has the same meaning given such term by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 1308. EFFECTIVE DATE.

The amendment made by this title shall take effect on October 1, 1991.

HELMS AMENDMENT NO. 1234

Mr. HELMS proposed an amendment to amendment No. 1233 proposed by Mr. BRADLEY (and others) to the bill S. 695, supra, as follows:

On page 59, line 17, strike out "$15,000,000" and insert in lieu thereof "$25,000,000."

On page 117, strike out line 19 and everything that follows through line 15 on page 129 and insert in lieu thereof the following:

"TITLE X—MINIMUM COMPETENCY STANDARDS FOR TEACHERS"

"SEC. 1001. MINIMUM COMPETENCY FOR TEACHERS.—Title IV of the elementary and Secondary Education Act of 1965 is further amended by adding at the end thereof a new part J to read as follows:

" 'PART J—MINIMUM COMPETENCY FOR TEACHERS PROGRAM

" 'SEC. 4911. FINDINGS.—The Congress finds that—

(1) effective public elementary and secondary schools require competent teachers; and

(2) States should be encouraged and assisted to develop and implement written standards of minimum competency that are applicable to teachers in public elementary and secondary schools.

" 'SEC. 4912. PURPOSE.—It is the purpose of this part to enhance the quality of teaching in public elementary and secondary schools by encouraging and assisting States and consortia of States to develop and implement written minimum competency standards for teachers in such schools. States may require teachers to demonstrate compliance with such standards before teaching in a public elementary or secondary school with the State.

" 'SEC. 4913. AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out his part, there are authorized to be appropriated $15,000,000, for the period beginning October 1, 1990 to September 30, 1993 to carry out the purposes of this title.

" 'SEC. 4914. ALLOTMENTS.—(a) From the amount appropriated to carry out this part, the Secretary shall allot to each State whose application is approved an amount that is proportional to that State's share of the total population of children ages five through seventeen in all such States, based on the most recent data available that is satisfactory to the Secretary.

" '(b) For the purpose of this part, the term 'State' means any of the States of the Union, the District of Columbia, and the Commonwealth of Puerto Rico.

" 'SEC. 4915. STATE APPLICATIONS.—(a) Any State desiring to receive a grant under this part shall submit, through its State educational agency, an application at such time, such manner, and containing such information, as the Secretary may require.

(b) Each State application shall—

" '(1) describe the activities to be undertaken to develop and implement new, or expand and improve existing, written minimum competency standards.

" '(2) A State educational agency may carry out such programs, projects, or activities directly or through contracts or subgrants.

" '(b) Programs, projects, and activities supported under this part may include, but are not limited to, the—

" '(1) design, development, implementation, testing, and evaluation of written minimum competency standards;

" '(2) establishment of administrative structures necessary to the development and implementation of such standards;

" '(3) development and implementation of appropriate support programs, to assist

teachers to demonstrate compliance with such standards; and

"'(4) the development and implementation of appropriate reciprocity agreements between and among States.'

"'SEC. 1002. EXPIRATION DATE.—Effective October 1, 1994, the provisions of section 1001 of this Act are repealed."

BRADLEY (AND KENNEDY) AMENDMENT NO. 1235

Mr. PELL (for Mr. BRADLEY, for himself and Mr. KENNEDY) proposed an amendment to the bill S. 695, supra, as follows:

At the appropriate place insert the following:

SEC. . DEFINITION DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Education, through the Commissioner of Education Statistics and in consultation with State governments and institutions of higher education, shall develop definitions of the term "graduation rate" and other student outcome measures as such terms apply to postsecondary education.

(b) DEFINITION.—For the purposes of this section the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965.

HELMS (AND OTHERS) AMENDMENT NO. 1236

Mr. HELMS (for himself, Mrs. KASSEBAUM, Mr. THURMOND, Mr. WALLOP, Mr. LOTT, Mr. COATS, and Mr. HUMPHREY) proposed an amendment to the bill S. 695, supra, as follows:

On page 117, strike out line 19 and everything that follows through line 15 on page 129.

McCONNELL AMENDMENT NO. 1237

Mr. McCONNELL proposed an amendment to the bill S. 695, supra, as follows:

On page 64, between lines 2 and 3, insert the following:

PART F—PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION PROGRAM

SEC. 131. PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION PROGRAM.

(a) TITLE HEADING AND TABLE OF CONTENTS.—(1) The heading for title II of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"CRITICAL SKILLS IMPROVEMENT AND PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION"

(2) Section 1 of the Elementary and Secondary Education Act is amended by inserting after "SEC. 2203. Authorization of Appropriations." the following:

"PART F—PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION PROGRAM

"Sec. 2301. Findings and purpose.
"Sec. 2302. Allocation to States.
"Sec. 2303. State applications.
"Sec. 2304. Selection of awards recipients.
"Sec. 2305. Amount and use of awards.
"Sec. 2306. Awards ceremony.
"Sec. 2307. Authorization of appropriations.

(b) AMENDMENT TO TEXT.—Title II of the Elementary and Secondary Education Act of 1965 is further amended by adding at the end thereof the following new part:

"PART F—PRESIDENTIAL AWARDS FOR EXCELLENCE IN EDUCATION PROGRAM

"SEC. 2301. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the success of America's elementary and secondary schools depends most heavily upon the Nation's educators;

"(2) when educators are highly motivated and committed to excellence, they succeed not only in imparting subject matter knowledge, but also in instilling in their students an appreciation of the value and importance of education;

"(3) elementary and secondary school systems should have in place standards of teacher excellence and fair and effective procedures for measuring teacher success; and

"(4) in return for their efforts, excellent elementary and secondary school educators deserve public recognition, respect, and appropriate financial awards.

"(b) PURPOSE.—It is the purpose of this subpart to reward educators in every State who meet the highest standards of excellence.

"SEC. 2302. ALLOCATION TO STATES.

"(a) ALLOCATION FORMULA.—From the funds appropriated under section 2307—

"(1) 50 percent shall be allocated among the States in an amount which bears the same ratio to such amount as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all such States, according to the most recent available data that are satisfactory to the Secretary; and

"(2) 50 percent shall be allocated among the States on the same basis as funds are allocated among such States under section 1005 of this Act for the same fiscal year.

"(b) ADMINISTRATIVE EXPENSES.—Each State may reserve up to 5 percent of its allocation under subsection (b) for administrative expenses, including the cost of convening the panel described in section 2304(c).

"(c) STATE DEFINED.—For purposes of this part, the term 'State' shall include the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(d) INSULAR AREAS.—The provisions of Public Law 93-134, permitting the consolidation of grants to the Insular Areas, shall not apply to funds allocated under this part.

"(e) DISTRIBUTION OF AWARDS.—Other provisions of this title notwithstanding, each State shall make at least one Presidential Award for Excellence in Education in each congressional district.

"SEC. 2303. STATE APPLICATIONS.

"(a) SUBMISSION OF STATE APPLICATIONS.—The Secretary is authorized to make allocations to States in accordance with the provisions of this part. In order to receive an allocation under this part, the Governor of each State shall submit a one-time application to the Secretary. Such application shall be filed at such time in such manner, and shall contain such information, as the Secretary may reasonably require.

"(b) DESCRIPTION OF STATE CRITERIA AND PROCEDURES.—The application submitted pursuant to subsection (a) shall contain a description fo the State's criteria and procedures for selecting recipients of Presidential Awards for Excellence in Education. The State's criteria and procedures shall be subject to the approval of the Secretary

"(c) ASSURANCES.—The application submitted pursuant to subsection (a) shall contain assurances that—

"(1) Presidential Awards for Excellence in Education shall be made in accordance with the provisions of this part;

"(2) the State shall provide such fiscal control and fund accounting procedures as the Secretary shall require; and

"(3) the State shall apply the selection criteria uniformly to nominations for recipients of Presidential Awards for Excellence in Education that are received from public and private schools, educators, associations of educators, parents, associations of parents and educators, businesses, business groups, or student groups, as well as those received from educational agencies.

"SEC. 2304. SELECTION OF AWARD RECIPIENTS.

"(a) ELIGIBLE RECEIPIENTS.—Any full-time public or private elementary or secondary school teacher of academic or vocational subjects or any full-time public or private elementary or secondary school principal or headmaster shall be eligible to receive an award under this subpart, except that teachers of religion (other than religion as an academic discipline) shall not be eligible.

"(b) NOMINATIONS.—(1) Local educational agencies, public and private schools, educators, parents, associations of educatiors, associations of parents and educators, businesses, business groups and student groups may nominate teachers for awards under this part.

"(2) The State educational agencies shall notify local educational agencies, public and private schools associations of educators, associations of parents and educators, business groups, and the general public of the deadlines and procedures for making nominations, and inform them of the selection criteria which will be used in selecting award recipients in a given year.

"(c) SELECTION BY STATE PANEL.—Selection of award recipients in each State shall be made from among the teachers nominated in accordance with subsection (b). Award recipients shall be selected by a panel which is chosen by the Governor in consultation with the chief State officer and is composed of members representing parents, school administrators, teaches, school board members, and the business community.

"(d) SELECTION CRITERIA.—The State panel shall select award recipients in accordance with the criteria approved by the Secretary in the State's application. Such selection criteria may include an educator's success in—

"(1) educating 'at-risk' students, such as educationally or economically disadvantaged, handicapped, limited English proficient, or homeless children to their fullest potential;

"(2) educating gifted and talented students to their fullest potential;

"(3) encouraging students to enroll, and succeed, in advanced classes in subjects such as mathematics, science, and foreign languages;

"(4) teaching in schools educating large numbers of 'at/risk' students, including schools in low-income inner-city or rural areas;

"(5) introducing a new curriculum area into a school or strengthening an established curriculum;

"(6) acting as a 'master teacher' by helping new teachers make the transition into a teaching career;

"(7) encouraging potential dropouts to remain in school or encouraging individuals who have dropped out to reenter and complete their schooling;

"(8) improving daily attendance;

"(9) leadership qualities; and

"(10) success in employing other innovative educational techniques.

"SEC. 2305. AMOUNT AND USE OF AWARDS.

"(a) AMOUNT OF AWARDS.—The amount of a Presidential Award for Excellence in Education shall be $5,000.

"(b) PRO RATA REDUCTION.—Should the amount allocated by the Secretary to a State not be sufficient to support one Presidential Award for Excellence in Education in each congressional district, the State is authorized to make pro rata reductions in the amount of other awards to enable the award of at least one Presidential Award for Excellence in Education in each congressional district.

"(c) USE OF AWARDS.—An award to an individual recipient under this part shall be available for the recipient's use of any purpose, except that private school educators receiving a Presidential Award for Excellence in Education may only use such award for capital expenses at the school where such individual teaches as set forth in section 1017(d) of the Elementary and Secondary Education Act of 1965.

"SEC. 2306. AWARDS CEREMONY.

"The Secretary is authorized to accept gifts to pay for the costs of conducting awards ceremonies to recognize recipients of Presidential Awards for Excellence in Education.

"SEC. 2307. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $7,600,000 for the fiscal year 1991 and each of the fiscal years 1992 and 1993 to carry out the provisions of this part.".

On page 45, between lines 12 and 13, insert the following:

"(3) DISTRIBUTION OF AWARDS.—Each State educational agency shall make at least one Presidential School of Distinction Award in each congressional district.".

On page 47, strike line 21 through line 25, and insert the following:

"(d) AMOUNT OF AWARD.—(1) Each State educational agency shall establish criteria, subject to subsection (c)(4), including criteria relating to the size of the school and the economic circumstances of the student body, for determining the amount of Presidential School of Distinction Awards.

"(2) The amount of Presidential School of Distinction Awards shall be substantially equivalent among congressional districts.".

JEFFORDS AMENDMENT NO. 1238

Mr. JEFFORDS proposed an amendment to the bill S. 695, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . ADMINISTRATION OF THE COMMISSION.

Section 1321 of the Higher Education Act of 1965 (20 U.S.C. 1221-1) is amended by inserting after subsection (d) the following:

"(e) ADMINISTRATION OF THE COMMISSION.—

"(1) RATE OF PAY.—Members of the Commission who are not full-time officers or employees of the United States and who are not Members of Congress may, while serving on business of the Commission, be compensated at a rate not to exceed the rate specified at the time of such service for Grade GS-18 of the General Schedule as authorized by section 5332 of title 5, United States Code, for each day, or any part of a day, they are engaged in the actual performance of Commission duties, including travel time; and while so serving away from their homes or regular places of business, all members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(2) TEMPORARY EXEMPTION.—Subject to such rules as may be adopted by the Commission, the Chairperson, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power to—

"(A) appoint a Director or Executive Director who shall be paid at a rate not to exceed the rate of basic pay for GS-18 of the General Schedule; and

"(B) appoint and fix the compensation at a rate not to exceed the rate payable at the GS-18 rate of such other personnel as the Chairperson considers necessary.

"(3) AUTHORITY TO CONTRACT.—Subject to the Federal Property and Administrative Services Act of 1949, as amended, the Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities.

"(4) SOURCE OF ADMINISTRATIVE SUPPORT.—Financial and administrative support services (including those related to budget and accounting, financial reporting, payroll and personnel) shall be provided to the Commission by the General Services Administration (or other appropriate organization) for which payment shall be made in advance, or by reimbursement, from funds of the Commission, in such amounts as may be agreed by the Chairperson of the Commission and the Administrator of General Services.

"(5) AUTHORITY TO HIRE EXPERTS AND CONSULTANTS.—The Commission is authorized to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18. Experts and consultants may be employed without compensation if they agree to do so in advance.

"(6) AUTHORITY FOR DETAIL OF EMPLOYEES.—Upon request of the Commission, the head of any Federal agency is authorized to detail on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.";

and redesignating subsections (e) and (f) as (f) and (g) respectively.

KASSEBAUM (AND SIMPSON) AMENDMENT NO. 1239

Mrs. KASSEBAUM (for herself and Mr. SIMPSON) proposed an amendment to the bill S. 695, supra as follows:

On page 117, beginning on line 19, strike all through page 129, line 15, and insert the following:

TITLE X—VOLUNTARY TEACHER ASSESSMENT AND CERTIFICATION RESEARCH AND DEVELOPMENT PROGRAM

SEC. 1001. VOLUNTARY TEACHER ASSESSMENT AND CERTIFICATION RESEARCH AND DEVELOPMENT PROGRAM.

Section 405 of the General Education Provisions Act (20 U.S.C. 1221 et seq.) is amended—

(1) in subsection (d), by adding at the end thereof the following new paragraph to read as follows:

"(7)(A)(i) From funds appropriated under subparagraph (F) of this paragraph, the Secretary shall support a National Center to conduct research and development activities related to the development of voluntary assessment and certification procedures for elementary and secondary school teachers.

"(ii) In developing assessment and certification procedures, the National Center shall give priority to research and development activities in—

"(I) mathematics;

"(II) the sciences;

"(III) foreign languages; and

"(IV) literacy, including the ability to read, write, and analyze.

"(iii) The National Center shall give priority to research and development activities for the certification of elementary and secondary school teachers and the need and ability of such teachers to teach special educational populations, including—

"(I) limited English proficient children;

"(II) gifted and talented children;

"(III) handicapped children; and

"(IV) economically and educationally disadvantaged children.

"(B)(i) To support the National Center, the Secretary shall award a cooperative agreement to a public or private institution of higher education, or other agency, organization, or institution, that is selected by the Secretary on a competitive basis, utilizing the procedures and principles of peer review. The Secretary may, to the extent the Secretary deems appropriate, conduct the competition on the basis of existing regulations for research and development centers.

"(ii) The Secretary shall require the National Center to pay at least 50 percent of the cost of its research and development activities under this paragraph from non-Federal sources.

"(iii) The Secretary shall ensure that the National Center will not use Federal funds to meet administrative and operating expenses.

"(C) The Secretary shall ensure that the research and development activities conducted by the National Center are planned and implemented in consultation with a broad spectrum of interested organizations and individuals, including but not limited to elementary and secondary school teachers, principals, school board members, business leaders, and university professors.

"(D) Each public or private institution of higher education, or other agency, organization, or institution desiring a grant from, or wishing to enter into a cooperative agreement with, the Secretary shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(E) The National Center may make awards of Federal funds competitively on the basis of merit, and, in the award process, the National Center will select, to the extent practicable, and consistent with standards of excellence—

"(i) a broad range of institutions associated with educational research and development; and

"(ii) individuals who are broadly representative of the educational research and teaching communities with expertise in the specific area of research and development in question.

"(F) Notwithstanding section 504(e)(1), there are authorized to be appropriated for this paragraph $6,000,000 for the period beginning October 1, 1991, and ending September 30, 1993.

"(G)(i) Notwithstanding any other provision of law, funds appropriated to carry out this Act shall remain available for obligation and expenditure until the end of the second fiscal year succeeding the fiscal year for which the funds were appropriated.

"(ii) No funds shall be made available to the National Center after September 30, 1993, except as authorized by clause (i) of this subparagraph.

"(H) Nothing in this paragraph shall be construed to—

"(i) establish a preferred national curriculum or preferred teaching methodology for elementary and secondary school instruction;

"(ii) infringe upon the rights and responsibilities of the States to license elementary and secondary school teachers; or

"(iii) provide an individual with a right of action against a State, local educational agency, or other public educational entity for any decisions related to hiring, promotion, retention, or dismissal.";

(2) in subsection (e)(1), by striking "section," and inserting "section (excluding section 405(d)(7)),"; and

(3) in subsection (f)(1), by striking "section," and inserting "section (excluding section 405(d)(7)),".

HELMS AMENDMENT NO. 1240

Mr. HELMS proposed an amendment to amendment No. 1239 proposed by Mrs. KASSEBAUM to the bill S. 695, supra, as follows:

In lieu of matter proposed to be inserted, insert the following:

"TITLE X—MINIMUM COMPETENCY STANDARDS FOR TEACHERS"

"SEC. 1001. MINIMUM COMPETENCY FOR TEACHERS.—Title IV of the Elementary and Secondary Education Act of 1965 is further amended by adding at the end thereof a new part J to read as follows:

"'PART J—MINIMUM COMPETENCY FOR TEACHERS PROGRAM

"'SEC. 4911. FINDINGS.—THE CONGRESS FINDS THAT—

"(1) effective public elementary and secondary schools require competent teachers; and

"(2) States should be encouraged and assisted to develop and implement written standards of minimum competency that are applicable to teachers in public elementary and secondary schools.

"'SEC. 4912. PURPOSE.—It is the purpose of this part to enhance the quality of teaching in public elementary and secondary schools by encouraging and assisting States and consortia of States to develop and implement written minimum competency standards for teachers in such schools. States may require teachers to demonstrate compliance with such standards before teaching in a public elementary or secondary school with the State.

"'SEC. 4913. AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $15,000,000, for the period beginning October 1, 1990 to September 30, 1993 to carry out the purposes of this title.

"'SEC. 4914. ALLOTMENTS.—(a) From the amount appropriated to carry out this part, the Secretary shall allot to each State whose application is approved an amount that is proportional to that State's share of the total population of children ages five through seventeen in all such States, based on the most recent data available that is satisfactory to the Secretary.

"'(b) For the purpose of this part, the term "State" means any of the States of the Union, the District of Columbia, and the Commonwealth of Puerto Rico.

"'SEC. 4915. STATE APPLICATIONS.—(a) Any State desiring to receive a grant under this part shall submit, through its State educational agency, an application at such time, such manner, and containing such information, as the Secretary may require.

"(b) Each State application shall—

"'(1) describe the activities to be undertaken to develop and implement new, or expand and improve existing, written minimum competency standards.

"'(2) A State educational agency may carry out such programs, projects, or activities directly or through contracts or subgrants.

"'(b) Programs, projects, and activities supported under this part may include, but are not limited to, the—

"'(1) design, development, implementation, testing, and evaluation of written minimum competency standards;

"'(2) establishment of administrative structures necessary to the development and implementation of such standards;

"'(3) development and implementation of appropriate support programs, to assist teachers to demonstrate compliance with such standards; and

"'(4) the development and implementation of appropriate reciprocity agreements between and among States.'

"SEC. 1002. EXPIRATION DATE.—Effective October 1, 1994, the provisions of section 1001 of this Act are repealed. The figure $15,000,000 on page 59, line 17, is deemed to be $25,000.000."

HELMS AMENDMENT NO. 1241

Mr. HELMS proposed an amendment to amendment No. 1239 proposed by Mrs. KASSEBAUM to the bill S. 695, supra, as follows:

In lieu of the matter to be inserted, insert the following:

"TITLE X—MINIMUM COMPETENCY STANDARDS FOR TEACHERS"

"SEC. 1001. MINIMUM COMPETENCY FOR TEACHERS.—Title IV of the Elementary and Secondary Education Act of 1956 is further amended by adding at the end thereof a new part J to read as follows:

"'PART J—MINIMUM COMPETENCY FOR TEACHERS PROGRAM

"'SEC. 4911. FINDINGS.—The Congress finds that—

"'(1) effective public elementary and secondary schools require competent teachers; and

"'(2) States should be encouraged and assisted to develop and implement written standards of minimum competency that are applicable to teachers in public elementary and secondary schools.

"'SEC. 4912. PURPOSE.—It is the purpose of this part to enhance the quality of teaching in public elementary schools and secondary schools by encouraging and assisting States and consortia of States to develop and implement written minimum competency standards for teachers in such schools. States may require teachers to demonstrate compliance with such standards before teaching in a public elementary or secondary school with the State.

"'SEC. 4913. AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $15,000,000, for the period beginning October 1, 1990 to September 30, 1993 to carry out the purposes of this title.

"'SEC. 4914. ALLOTMENTS.—(a) From the amount appropriated to carry out this part, the Secretary shall allot to each State whose appropriation is approved an amount that is proportional to that State's share of the total population of children ages five through seventeen in all such States, based on the most recent data available that is satisfactory to the Secretary.

"'(b) For the purpose of this part, the term 'State' means any of the States of the Union, the District of Columbia, and the Commonwealth of Puerto Rico.

"'SEC. 4915. STATE APPLICATIONS.—(a) Any State desiring to receive a grant under this part shall submit, through its State educational agency, an application at such time, such manner, and containing such information, as the Secretary may require.

"'(b) Each State application shall—

"'(1) describe the activities to be undertaken to develop and implement new, or expand and improve existing, written minimum competency standards.

"'(2) A State educational agency may carry out such programs, projects, or activities directly or through contracts or subgrants.

"'(b) Programs, projects, and activities supported under this part may include, but are not limited to, the—

"'(1) design, development, implementation, testing, and evaluation of written minimum competency standards;

"'(2) establishment of administrative structures necessary to the development and implementation of such standards;

"'(3) development and implementation of appropriate support programs, to assist teachers to demonstrate compliance with such standards; and

"'(4) the development and implementation of appropriate reciprocity agreements between and among States.'

"'SEC. 1002. EXPIRATION DATE.—Effective October 1, 1994, the provisions of section 1001 of this Act are repealed. The figure $15,000,000 on page 59, line 17, is deemed to be $25,000,000."

COATS (AND OTHERS) AMENDMENT NO. 1242

Mr. COATS (for himself, Mr. THURMOND, and Mr. LOTT) proposed an amendment to the bill S. 695, supra, as follows:

At the appropriate place in the bill insert the following:

SEC. . DRUG TESTING.

Part B of the Drug-Free Schools and Communities Act of 1986 is amended by inserting at the end thereof the following new section:

"SEC. 5128. DRUG TESTING.

"(a) PROGRAM AUTHORIZED.—(1) The Secretary is authorized to make grants to States for use by the Governor of the State to fund a program of drug testing for student athletes in secondary schools in the State in accordance with the provisions of this section.

"(2) Grants awarded pursuant to paragraph (1) shall be awarded on the basis of

the number of secondary school students in the State.

"(b) LOCAL GRANTS.—(1) Each Governor of a State receiving funds pursuant to subsection (a) shall use such funds to make grants to eligible schools within the State to pay the costs of testing student athletes for drug use.

"(2) Funds awarded pursuant to paragraph (1) shall only be used to test secondary school athletes who—

"(A) voluntarily choose to participate in a random drug testing program; and

"(B) attend eligible schools.

"(c) STATE APPLICATION.—(1) The Governor of each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary shall reasonably require.

"(2) Applications submitted pursuant to paragraph (1) shall—

"(A) describe the drug testing program for which financial assistance is sought; and

"(B) contain assurances that the State will implement the drug testing program for which financial assistance is sought within 6 months of the date the funds become available to the State.

"(d) LOCAL APPLICATION.—Each eligible school desiring a grant pursuant to subsection (b) shall submit an application to the Governor of the State in which such eligible school is located at such time, in such manner, and accompanied by such information as the Governor shall require.

"(e) DEFINITIONS.—For the purposes of this section—

"(1) The term 'Governor' includes the chief executive officer of any State:

"(2) the term 'eligible school' means a secondary school that—

"(A) the Governor of the State in which the school is located has determined to be a school at risk of experiencing a serious drug problem;

"(B) has a drug and alcohol abuse problem as demonstrated by appropriate data;

"(3) the term 'secondary school' has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965; and

"(4) the term 'Secretary' means the Secretary of Education.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal years 1991, 1992, and 1993 to carry out the provisions of this section.".

ASSISTANCE AND TRADE BENEFITS FOR PANAMA

DECONCINI AMENDMENT NO. 1243

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill (S. 2073) to authorize certain United States assistance and trade benefits for Panama and certain assistance to support the transition to democracy in Eastern Europe, as follows:

At the appropriate place in the bill, insert the following new section:

(a) The Senate finds that—

(1) On June 22, 1989, in the presence of 18 African heads of state, the President of the MPLA, Jose Eduardo dos Santos, and the President of UNITA, Dr. Jonas Savimbi, shook hands and agreed to negotiate a peaceful solution to the 14-year Angolan civil war;

(2) The Agreement, known as the "Gbadolite Declaration," mediated by the President of Zaire, Mobutu Sese Seko, calls for a general cease fire and the establishment of a commission comprised of UNITA and the MPLA, under the mediation of Zaire, for the negotiation of peace and national reconciliation in Angola;

(3) The Catholic Bishops of Angola have publicly urged the MPLA to sign a ceasefire and begin direct negotiations with UNITA;

(4) The prospects for peace in Angola have deteriorated because the MPLA has repudiated its Gbadolite commitment to a direct dialog with UNITA, rejected a cease fire presented by the mediator, President Mobutu Sese Seko of Zaire, and has resumed a military offensive; and

(5) The United States has repeatedly urged the MPLA to agree to a cease fire and a negotiated settlement leading to free and fair elections in Angola;

(b) It is the sense of the Senate that—

(1) The United States denounces the military offensive in Angola and urges an immediate cease fire and withdrawal of MPLA forces;

(2) The United States Government is committed to assisting the people of Angola in achieving a peaceful settlement leading to free and fair elections;

(3) The United States Government should immediately request the Government of the Soviet Union to urge the MPLA in the strongest terms possible to cease its military offensive and enter into direct negotiations with UNITA; and

(4) The United States Government should continue to provide appropriate and effective assistance to UNITA and to assist in bringing about a negotiated settlement of the conflict in Angola.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a joint hearing with the Select Committee on Indian Affairs on February 20, 1990. The hearing will be in preparation for the 1990 farm bill: Indian issues. The hearing will take place at 9 a.m. in 332 of the Senate Russell Office Building. For further information please call Ed Barron of the committee 224-2035.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will be holding the following field hearings in preparation for the 1990 farm bill:

February 9: Subcommittee on Conservation and Forestry. "Agricultural Practices and the 1990 Farm Bill." Senator FOWLER will chair the hearing. The University Club, the University of California, Davis, 3 p.m. For further information please call Ben Yarbrough at 224-5207.

February 13: Subcommittee on Agricultural Credit. "FmHA Issues Relating to the Credit Title of the 1990 Farm Bill." Senator CONRAD will chair the hearing. The Heritage Center Auditorium, Bismarck, ND, 9:30 a.m. For further information call Suzy Dittrich at 224-5207.

February 14: "The 1990 Farm Bill." Senator BOREN will chair the hearing. The Hoover Building, at the Garfield County Fairgrounds, Enid, OK, 2 p.m. For further information call Dan Webber at 224-4721.

February 16: "The 1990 Farm Bill." Senator BAUCUS will chair the hearing. The Heritage Inn, Gray Falls, MT, 10 a.m. For further information call Tamara McCann at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. FOWLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 6, at 6 p.m., SD-419, to hold a nomination hearing on two Presidential appointments.

Ms. Hilary Paterson Cleveland, of New Hampshire, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Mr. David C. Fields, of California, to be Director of the Office of Foreign Missions, with the rank of Ambassador.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DOMESTIC AND FOREIGN MARKETING AND PRODUCT PROMOTION

Mr. FOWLER. Mr. President, I ask unanimous consent that the Subcommittee on Domestic and Foreign Marketing and Product Promotion of the Senate Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, February 6, 1990, at 2 p.m. to hold a hearing in preparation for the 1990 farm bill regarding export market and development programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. FOWLER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural resources be authorized to meet during the session of the Senate on Tuesday, February 6, 1990, 9:30 a.m. for an oversight hearing to receive testimony on S. 1554, the Truckee-Carson-Pyramid Lake Water Rights Settlement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FOWLER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, Febru-

ary 6, at 9:20 a.m., for a hearing on S. 2006, the Department of the Environment Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FOWLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 6, 1990, at 2 p.m. to hold a hearing on Edward J. Philbin to be a Commissioner of the Interstate Commerce Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREIGN COMMERCE AND TOURISM

Mr. FOWLER. Mr. President, I ask unanimous consent that the Subcommittee on Foreign Commerce and Tourism, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 6, 1990, at 10 a.m. to hold a hearing on chemical exports to Latin America.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FOWLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 6, at 11 a.m. to hold a business meeting to consider and vote on legislation to allow certain United States assistance and trade benefits to Panama.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FOWLER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 6, 1990, at 10 a.m. to hold a nomination hearing for Clarence Thomas to be a judge on the U.S. Circuit Court of Appeals for the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FOWLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Tuesday, February 6, 1990, at 9:30 a.m. to receive testimony on the implications of changes in the Soviet Union and Eastern Europe for western security.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE BEST CITY MANAGER

● Mr. WIRTH. Mr. President, I want to take this opportunity to congratulate Mike Rock, city manager of Loveland, CO. Mike recently was awarded the "City Manager of the Year" Award by the International City Managers Association [ICMA]. This award—technically the Mark E. Keane Award for Excellence—goes to an ICMA member who has worked consistently and successfully to foster representative democracy by improving the effectiveness of local elected officials and who has consistently initiated or been associated with innovative programs in local government.

At the time Mike took over city management in Loveland in 1987, the city was in turmoil. Community morale was at an all-time low, city services were inconsistent, and the city council was frozen by partisan squabbles. Today, community morale in Loveland is at an all-time high, city services are consistent, efficient and pleasant, and the city council runs smoother than ever.

How did Mike effect such a turnaround so quickly? He instilled in government officials and government workers a philosophy that government's first duty is to ensure "customer satisfaction" and the quality of public services. He instituted programs that encouraged cooperation rather than competition and mediation rather than confrontation. Mutual cooperation, linked with mutual goals, have resulted in mutual awards and benefits for the city as a whole. City officials, city workers and citizens all have a new confidence and pride in their city, thanks in large part, to the management of Mike Rock.

Some of the innovative techniques Mike used to reorient Loveland include outreach meetings between city council members and local citizens; expanded economic development programs; "customer satisfaction" training for city employees; and, videos explaining the operations of different city agencies.

More recently, Mike has instituted several new programs that promise to be just as successful as those already in place. Indeed, if Mike gets any more successful, I may suggest we bring him in to straighten out Federal Government, just as he has done for Loveland!●

HELENE MONBERG

● Mr. ARMSTRONG. Mr. President, Americans are a very generous people. In addition to making a living and raising families, many of us still find time to serve the public in a wide range of positions—from Cub Scout den mothers to Sunday school teachers to charity volunteers. I know this public spirit is what George Bush meant when he spoke of a thousand points of light.

I would like to talk for a few minutes about one of these thousand points of light. Her name is Helene Monberg. This fiesty woman brings combative vitability to all that she does. For over 30 years, she has been a reporter on environmental issues that are of particular importance to the West. I also greatly admire her work with the Achievement Scholarship Program, a charity she started 17 years ago that gives scholarships to ex-convicts in the Washington, DC area.

Recently, Helene Monberg's Achievement Scholarship Program [ASP] was taken over by the ARCH Training Center of Washington, DC, to assure ASP's future.

Both ASP and ARCH are Washington-based, nonprofit organizations. ARCH provides on-the-job training and other services to disadvantaged youths in the Washington metro area. Previously independent. ASP has become, in effect, the college and trade school arm of ARCH under a new board of directors. ARCH President Duane Gautier, who directs the community development services program for the Potomac Electric Power Co. [Pepco], has succeeded Ms. Monberg as president.

While ASP was an independent organization from 1973 through 1989, it provided more than 340 scholarships. The success rate for ASP awardees has been consistently higher than for the general population, even though all ASP awardees are ex-offenders, mainly young black males. For the period from January 1986 through July 1989, ASP's completion rate was at 40.6 percent, twice that of the general population for post-high school completions. During ASP's nearly 17-year life span, the completion rate stood at 29.7 percent, also much higher than for the general population. The recidivism rate among ASP awardees has been low, less than 5 percent. Both the number and the size of ASP scholarships have increased over the years. In 1973, ASP awarded two $500 scholarships. In 1988, 42 $1,500 scholarships were handed out, and ASP's board voted in May 1989 to increase scholarship to $1,600 per awardee.

ASP always has been privately funded. About $400,000 was raised for ASP from 1973-89, all from citizens and corporations. No qualified applicant has ever been turned down for lack of funds.

Because of its extraordinary success, ASP has received nine awards and citations since 1978 for its no-nonsense approach to helping those in need who want to help themselves.

Political writer Neal Peirce, who has served on the ASP board of directors and is a long-time ASP contributor, recently said that under Ms. Monberg's guidance, "ASP befriended youths, overwhelmingly black, who'd gone so far astray as to get into prison. * * * She looked these young people in the

eye, told them they could make it, and could advance their educations. And they responded. The product is there to see today—in hundreds of saved, advanced successful lives. In the meantime she looked hundreds of us, her friends, in the eye. We had to help ASP help these young people with their educations, she said. Of course, we responded."

Donald H. Shannon, a Washington correspondent for the Los Angeles Times, also a long-time contributor to ASP, recently said, "ASP represents the best kind of help that can be given or received: it's helping people help themselves. Teaching a skill and following the student into the job comes as close to a fail-safe method as anybody has come up with yet to get a youth on his feet after a bad start."●

JOHN PHELAN'S RESIGNATION AS CHAIRMAN OF THE NEW YORK STOCK EXCHANGE

● Mr. D'AMATO. Mr. President, my good friend, John Phelan, has announced his resignation as chairman of the New York Stock Exchange, effective at the end of 1990. This can only be regarded as a sad event by Wall Street and the national and international financial community. At the same time, I wish John every success and happiness in what ever new direction he decides to pursue at the end of the year.

I have had the privilege of knowing John Phelan for many years. When I first came to the Senate 1981, I had the honor of serving as the chairman of the Securities Subcommittee of the Committee on Banking, Housing, and Urban Affairs. In that capacity, I had the opportunity to work with John closely and have continued that close relationship through the years.

John Phelan is probably best known to the American public for his strong leadership and calm demeanor during the disruptive events on the stock market in October 1987. His strength and steadfastness during that turbulent time had a calming effect on the markets and helped to maintain the confidence of the American public that events were not out of hand.

John Phelan's vision and his leadership, however, predate that event by many years. As vice chairman of the New York Stock Exchange during the late 1970's, he exerted a leadership role in enhancing computer technology at the exchange and in making possible the many advances in securities trading systems which occurred so rapidly during the past decade. He also advanced the role of the exchange as a strong self-regulator of the securities markets at a time when insider trading and other manipulation scandals were occurring. Under his leadership, the New York Stock Exchange took an active role in uncovering many of these scandals, pursuing wrongdoers vigorously, and working with the SEC for effective enforcement of the securities laws.

John's association with the New York Stock Exchange began on its trading floor in 1955. He was named vice-chairman in 1975 and became President in 1980. He was elected chairman in May 1984. In addition to his leadership role in U.S. financial matters, he has played an important and influential role in the international business community and has been at the forefront of the globalization of the securities industry.

I know that my colleagues in the Senate will join me in thanking John Phelan for a job exceedingly well done in the 1980's and in wishing him every success in the 1990's.●

THE 42D ANNIVERSARY OF SRI LANKA'S INDEPENDENCE

● Mr. INOUYE. Mr. President, I rise today to recognize the 42d anniversary of Sri Lanka's independence on February 4, 1990. The United States has had ties with Sri Lanka dating back to the 19th century. However, it is in the postindependence period that these ties have been greatly enhanced. Our two countries share a common democratic tradition and the belief in the right of our citizens to choose their future. We applaud Sri Lanka's commitment to provide basic human needs to all its citizens, and commend its achievements of high literacy, low infant mortality, and raised level of longevity.

Since 1977, Sri Lanka has embarked on an ambitious program of liberalization intended to make its economy more market oriented. Free trade zones have been set up and incentives provided for foreign investment. We are pleased to note that there are many U.S. companies, banks and service industries currently operating out of Sri Lanka. Sri Lanka's drive for economic development which showed so much promise in the early 1980's was interrupted by the outbreak of ethnic violence in 1983. The newly elected President Premadasa has given priority to bringing the insurgent groups into the mainstream. Recently his efforts proved successful when the main Tamil militant group, which has been fighting the government for 17 years, agreed to enter the political arena as a recognized political party. I can only share the aspirations of all Sri Lankans that peace will return soon to this beautiful country.●

RETIREMENT OF JUDGE HARRY PERKINS, JR.

● Mr. HARKIN. Mr. President, on February 15, one of my State's great public servants, Judge Harry Perkins, Jr., will retire. He has served as district court judge since appointment by then-Governor Hughes in 1965.

Iowans know Harry Perkins as a person of monumental integrity, wisdom, and fairness, a distinguished jurist we will miss on the bench.

In an era that has entrenched the phrase "role models" in our vocabulary, and that hungers for them, I submit that Judge Harry Perkins has indeed been one: hard-working, self-effacing, firm in his decisions, fair in applying justice.

Harry Perkins is a product of our State—born in Iowa, raised in Iowa, schooled in Iowa, committed throughout his life to the well-being of his State and of its citizens.

He was born in Des Moines on November 20, 1923, the fourth child of Harry and Mary Perkins. After graduation from East Des Moines High School, he volunteered in the U.S. Army and served in World War II from 1943 to 1946.

He attended Drake University on the GI bill and was granted a degree from its law school in 1950.

Judge Perkins was in private law practice for 5 years, then began his public service in the law, joining the staff of Polk County, IA attorney in 1955.

In 1960, Harry Perkins ran for and was elected Polk County attorney, a prosecutorial office, and remained that until his appointment as State district court judge, to which position he was sworn in February 15, 1965.

Now, a long and distinguished career of public service draws to an end. Harry Perkins deserves the thanks and good wishes of all his fellow Iowans for this conduct and the high standards he set and maintained as a jurist, and for the seriousness with which he took his role as citizen.

Certainly, this U.S. Senator from Iowa wishes him Godspeed and much happiness in retirement.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.5 billion in budget authority, and over the budget resolution by $4.0 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The current estimate of the deficit for purposes of calculating the maxi-

mum deficit amount under section 311(a) of the Budget Act is $114.6 billion, $14.6 billion above the maximum deficit amount for 1990 of $100.0 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 29, 1990.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1990 and is current through November 22, 1989, the end of the first session of the 101st Congress. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 concurrent resolution on the budget (H. Con. Res. 106). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate score-keeping of section 5 of Senate Concurrent Resolution 32, the 1986 first concurrent resolution on the budget.

Since my last report, dated November 20, 1989, the President has signed into law the following appropriations bills: Rural Development-Agriculture (Public Law 101-161); Commerce-Justice-State (Public Law 101-162); Legislative Branch (Public Law 101-163); Transportation (Public Law 101-164); Defense (Public Law 101-165); Labor-HHS-Education (Public Law 101-166); Foreign Operations (Public Law 101-167); District of Columbia (Public Law 101-168); and the Social Services Block Grant Supplemental (Public Law 101-198). Other bills providing direct spending that have also been signed into law are: Support for East European Democracy (Public Law 101-179); National Defense Authorization Act (Public Law 101-189); Palau Compact of Free Association (Public Law 101-219); Technical Changes in Agricultural Programs (Public Law 101-220); Medicare Catastrophic Repeal (Public Law 101-234); Department of HUD Reform Act (Public Law 101-235); Veterans' Benefits Amendments (Public Law 101-237); and the Omnibus Budget Reconciliation Act of 1989 (Public Law 101-239) which includes the adjusted sequester amounts. These actions changed the current level estimates of budget authority, outlays, and revenues.

Sincerely,

ROBERT D. REISCHAUER.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF NOV. 22, 1989

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 106	Current level +/− resolution
Fiscal year 1990			
Budget authority	1,325.9	1,329.4	−3.5
Outlays	1,169.2	1,165.2	4.0
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	2,938.3	3,122.7	−184.4
Direct loan obligations	19.1	19.3	−.2
Guaranteed loan commitments	114.7	107.3	7.4
Deficit	114.6	[2] 100.0	[3] 14.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions. In accordance with Sec. 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

[2] In accordance with section 3(7)(E) of the Congressional Budget Act, as amended. Maximum deficit amount [MDA].

[3] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT 101ST CONGRESS, 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS NOV. 22, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous session:			
Revenues			1,068,600
Permanent appropriations and trust funds	966,154	798,874	
Other appropriations		214,199	
Offsetting receipts	−193,106	−193,106	
Total enacted in previous sessions	773,048	819,968	1,068,000
II. Enacted this session:			
Adjust purchase price for certain dairy products (Public Law 101-7)		−25	
Implementation of the Bipartisan Accord on Central America (Public Law 101-14)	13	7	
Dire emergency and urgent supplemental appropriations (Public Law 101-45)	−21	802	
Apex Project, Nevada Land and Water Transfer Act (Public Law 101-67)	−2	−2	
Financial Institutions Reform, Recovery and Enforcement Act (Public Law 101-73)	2,200	1,400	594
Allow planting of alternative crops on permitted acreage (Public Law 101-81)	−10	−10	
Disaster Assistance Act of 1989 (Public Law 101-82)	502	504	
Sec. 107: Diaster relief and emergency assistance (Public Law 101-100)		443	
Energy and water development apropriations (Public Law 101-101)	18,625	11,254	
Performance Management and Recognition Systems Reauthorization Act (Public Law 101-103)		−125	
Extension of certain veterans programs (Public Law 101-110)	(1)	(1)	
Interior Appropriations (Public Law 101-121)	11.018	7,352	
Sec. 108: Emergency supplemental to meet the needs of natural disasters (Public Law 101-130)	2,850	1,067	
Disaster Assistance Act (Public Law 101-134)	9	9	
Treasury-Postal Service Appropriations (Public Law 101-136)	18,395	16,268	500
Offsetting receipts	−5,212	−5,212	
Defense Production Act Extension (Public Law 101-137)	−3	−190	
Statutory Debt Limit Increase (Public Law 101-140)			−157
Veterans, HUD Appropriations (Public Law 101-144)	66,788	38,679	
Child Nutrition and WIC Reauthorization Act (Public Law 101-147)	(1)	(1)	
Military Construction Appropriations (Public Law 101-148)	8,490	3,095	
Rural Development-Agriculture Appropriations (Public Law 101-161)	39,487	27,043	
Commerce-Justice-State Appropriations (Public Law 101-162)	16,939	13,080	
Offsetting receipts	−169	−169	
Legislative Branch Appropriations (Public Law 101-163)	1,947	1,747	
Transportation Appropriations (Public Law 101-164)	15,040	11,317	
Defense Appropriations (Public Law 101-165)	286,025	175,127	
Labor-HHS Appropriations (Public Law 101-166)	139,060	115,767	
Offsetting receipts	−36,563	−36,563	

PARLIAMENTARIAN STATUS REPORT 101ST CONGRESS, 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS NOV. 22, 1989—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Foreign Operations Appropriations (Public Law 101-167)	14,082	3,977	
Offsetting receipts	−40	−40	
District of Columbia Appropriations (Public Law 101-168)	533	533	
Support for East European Democracy Act (Public Law 101-179)	12	12	
National Defense Authorization Act (Public Law 101-189)	−1	−27	
Social Services Block Grant Supplemental (Public Law 101-198)	100	100	
Palau Compact of Free Association Implementation Act (Public Law 101-219)	205	194	
Technical Changes in Agricultural Programs (Public Law 101-220)	10	−8	
Medicare Catastrophic Coverage Repeal Act (Public Law 101-234)	−5,718	−1,579	−5,849
Department of HUD Reform Act (Public Law 101-235)		14	
Veterans' Benefits Amendments of 1989 (Public Law 101-237)		−129	
Omnibus Budget Reconciliation Act of 1989 (Public Law 101-239)	−11,290	−9,817	5,478
Total enacted this session	583,299	375,894	566
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution:			
Salaries of judges	−2	5	
Payment to judicial officers' retirement fund	−4	−4	
Judicial survivors' annuities fund	−3	−3	
Fees and expenses of witnesses	−2		
Justice assistance	−4		
Fisherman's guaranty fund	1	1	
Administration of territories	−1		
Firefighting adjustments	−624	−192	
Federal unemployment benefits [FUBA]	5		
Advances to unemployment trust fund	(48)	(48)	
Special benefits	−24		
Black Lung disability trust fund	52	32	
Vaccine improvement program trust fund	7	7	
Federal payment to railroad retirement	1	1	
Retirement pay and medical benefits	−4		
Supplemental security income	263	263	
Special benefits, disabled coal miners	21		
Grants to States for Medicaid	−907		
Payments to health care trust funds	(325)	(325)	
Family support payments to States	84	84	
Payment to States for AFDC work programs	15	15	
Payments to States for foster care	−83		
Health professions student loan insurance fund	−25	−7	
Guaranteed student loans	−175		
College housing and academic facilities loans	−3	−3	
Rehabilitation services	−79		
Payments to widows and heirs	(2)	(2)	
Reimbursement to the rural electrification fund	111	111	
Dairy indemnity program	(2)	(2)	
Conservation reserve program	720		
Special milk program	−2		
Food stamp program	−800		
Child nutrition programs	−74		
Federal crop insurance corporation fund	(2)		

PARLIAMENTARIAN STATUS REPORT 101ST CONGRESS, 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS NOV. 22, 1989—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Agriculture credit insurance fund	342		
Rural housing insurance fund	(2)		
Rural communication development fund	(2)		
Payments to the farm credit system financial assistance corporation	−2		
Coast Guard retired pay	−17		
Payment to civil service retirement	(84)	(84)	
Government payments for annuitants	−3	−2	
Readjustment benefits	−62		
Compensation	448	398	
Pensions	−62		
Burial benefits	−4		
Loan guaranty revolving fund	238	238	
Disaster relief	−1,100	−883	
(Public Law 101–)			
VI. Adjustment for Economic and Technical Assumptions	−28,685	−26,763	−8,900
Total current level as of Nov. 22, 1989	1,325,905	1,169,160	1,060,266
1990 budget resolution H. Con. Res. 106	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolution		3,960	
Under budget resolution	3,495		5,234

[1] Extension of certain veterans programs (Public Law 101–110) decreases the current law estimate for loan guaranty revolving fund shown in category V; the Child Nutrition and WIC Reauthorization Act (Public Law 101–147) increases current law for child nutrition programs and is included in the amounts shown in category II for Rural Development-Agricultural appropriations (Public Law 101–161).

[2] Less than $500 thousand.

Notes.—Numbers may not add due to rounding. Amounts shown in parenthesis are interfund transactions that do not add to totals.●

SENATOR KASTEN'S ABLE LEADERSHIP: LEGISLATIVE STUDIES INSTITUTE

● Mr. DOLE. Mr. President, I rise today to recognize the important contribution of our colleague, ROBERT KASTEN, on the education front. As founder and president of the Legislative Studies Institute, SENATOR KASTEN has taken an important and innovative stride toward educating the next generation of U.S. Senate staffers.

The Washington-based Legislative Studies Institute offers a 4½-month intensive course in the highly complicated business of Government. It fills a void on Capitol Hill by providing students the only source of education and instruction available on every aspect of congressional activity—from press releases to parliamentary procedure. The comprehensive curriculum gives students an excellent preparation for careers in the Senate and other work in public life. It is like no other institution, because it is taught by the very people who serve Government every day.

The Institute's first graduating class—featuring 12 distinguished young graduates—will hold its commencement exercises this month. This is only the beginning for the Legislative Studies Institute: BOB KASTEN is committed to making LSI an important landmark on Washington intellectual landscape. Certainly all of us in this Chamber are concerned about maintaining the highest quality of Senate staff, and we applaud Senator KASTEN's dedication and leadership.●

LITHUANIAN INDEPENDENCE DAY

● Mr. SIMON. Mr. President, last August I introduced Senate Joint Resolution 208, designating February 16, 1990, as "Lithuanian Independence Day." I am pleased that its House companion, House Joint Resolution 149, was taken up and passed by the Senate on January 30. It now goes to the President for his signature, and I am confident he will sign this bill quickly.

The United States has never recognized the illegal Soviet annexation of Lithuania, Latvia, and Estonia. By honoring Lithuanian Independence Day, we will be sending a clear message to the people of Lithuania and to Lithuanian Americans that our commitment to a sovereign and free Lithuanian state remains strong.●

NET ASSESSMENT AND THE NEED TO PLAN FOR STRATEGIC CHANGE

● Mr. McCAIN. Mr. President, we live in a period where we are going to have to make massive changes in our strategy, the role and missions of our forces, our force structure, and the relative emphasis we place on military forces versus economic and technological competitiveness. For the last 2 years, I have pressed hard for improvements in our defense planning, programming, and budget process that would enable us to make such changes. It is now clear, however, that even if such changes were fully successful, we would still face the broad problem of integrating the resulting changes in defense into modifications in our foreign and economic policy.

The problems experienced in recent strategic reviews dramatize the fact that we must make major improvements in our national security organization. They clearly show the need for comprehensive net assessment, for far-reaching strategic plans that examine options based on real-world budget constraints, and for policy that integrates all our national objectives.

David Abshire, our former Ambassador to NATO and the director of the Center for Strategic and International Studies, has recently presented proposals for reorganizing our national security effort that might well achieve these ends. His proposals have the same thrust as much of the legislation I have sponsored over the last 3 years, and might well lead to important reforms in our national security process.

I believe that these proposals deserve serious consideration by both the Congress and the executive branch, and I ask that they be included in the RECORD so that they can receive the attention they deserve.

The material follows:

STRATEGY IN A CHANGING WORLD

(By Ambassador David M. Abshire)

Shortly after his great victory at the Battle of Waterloo, the Duke of Wellington noted that "Next to a battle lost, the greatest misery is a battle gained." The sudden and breath-taking demise of communism in Eastern Europe represents a "Battle gained" of historic proportions, perhaps even more profound than Waterloo.

The victory of democratic forces in Eastern Europe is also a fundamental victory for the United States and its strategy of containment. But the "battle gained" poses new challenges and new dangers relevant to this conference. The whirlwind pace of change far exceeds the ability of governments to react in a coherent and strategic manner. Your deliberations are an important first step in the development of a national strategy and force structure for the year 2002 and beyond.

We cannot know with certainty where events may lead in the coming years. The only certainty we have is that the unpredictability of world power relationships, never static, is accelerating at a rapid pace. And never in the past forty years have we confronted a more unpredictable future. For forty years we have been fairly sure of where our principal threat came from. We knew the enemy—his capabilities and intentions—and thus we knew how to counter that threat. But today, as we attempt to make those strategic choices that will ensure our security in the year 2000, the only thing we can be certain of is uncertainty itself.

Indeed, we are not at the "end of history"—as claimed by some—but in the middle of it. Resurgent nationalism appears poised to replace Marxism as the destabilizing ideology of the 1990s and beyond. It is evident in the ethnic struggles in the Soviet Union and Middle-Eastern terrorism. Nationalism even takes an economic form in the aggressive economic practices of the industrialized world. The rise of this powerful force injects an additional element of unpredictability to the future strategic environment by increasing the possibility of conflict—whether political, economic or military. Therefore, this conference must not limit itself solely to consideration of the problems of conventional conflict twelve years hence.

Yesterday's announcement of the President's budget, with tonight's State of the Union Address and the beginning of the 1990 congressional election campaign, marks the beginning of a policy debate which will largely set our course for strategy and policy through the year 2002. If we fail to establish a strategic road map to guide us through those critical decisions, we will end up with a strategy by default, one which is likely to be guided more by bureaucratic and political imperatives than by a grand strategy that harmonizes resources and objectives.

Grand strategy orchestrates an array of economic, foreign policy and military instruments into an effective national security policy. Without such a strategy, the approaching military "build down" will degenerate into a short-sighted and chaotic strug-

gle between the President, the Congress and the armed services. A new grand strategy is necessary to ensure that the Army, Navy and Air Force implement force reductions in a coordinated and coherent manner. An effective grand strategy will also ensure that cost-cutting preserves the first strategic principle—economy of force. Doing more with less will be key to sustaining a national security consensus in Congress and with our European and Pacific allies.

The dramatic direction and pace of events in the Soviet Union and Eastern Europe also dictate a corresponding adjustment in our strategic thinking. The Soviets are dismantling their eastern empire. The Kremlin appears to be losing its grip in the Transcaucasus and Baltic Republics. Even if the Kremlin attempts to reverse course, the Soviet Union has opened a Pandora's box which Gorbachev—or his successor—will be unable to shut. These trends have rendered the Soviet Union, at least for now, less of a direct military threat to the West.

However, the United States cannot base our strategic calculations entirely on the good health and political survival of one man. Should Gorbachev pass from the scene, he may take perestroika and "new thinking" with him. As Gorbachev himself has shown, Soviet intentions are subject to sudden and dramatic change. Our grand strategy must therefore take into account not only current Soviet intentions but also Soviet military capabilities—which will still be considerable in the year 2002, even with CFE reductions.

Even if Gorbachev succeeds in staying the course, the increasingly fluid situation in Eastern Europe contributes to the danger of miscalculation, of events escalating out of control. No one in Europe in July of 1914 intended to fight a world war over the assassination of the Archduke Ferdinand. While we welcome the Soviet rollback, we must realize that the forces of instability in Eastern Europe that led to World War I are once again at work. Our military strategy which today is designed to counter a Red army blitzkrieg through the Fulda Gap, must in the future ensure that history does not pick up where it left off in 1914.

NATO is not obselete but must take on the new mission of maintaining both stability and democratization in Eastern Europe. Much thought and study must go into this new dimension of European security, which will have a profound impact on our strategy in the coming century.

But let me speak of attitudes. In the United States, interest is waning in the future of NATO as the threat which gave rise to the partnership appears to subside. We may even be moving into a new era of isolationism. More Americans question whether the United States should continue to bear major responsibility for deterring threats to world peace. This mood is likely to grow.

At the same time that Americans are becoming less interested in participating in the physical defense of Europe, Western Europe is showing signs of new dynamics. In the year 2002, the United States will face a more powerful and confident Europe. The European community is taking great strides toward its goal of integrating national markets by 1992, and the Western European union is assuming an increasingly prominent role in the coordination of military policies. The growing unity will translate into a more assertive European foreign policy. Already, the EC Commission has seized the leading role in forging a new cooperative relationship with emerging democracies in Eastern Europe.

Meanwhile, our own understanding of national power is undergoing a profound transformation. Recent opinion surveys indicated that a majority of Americans view economic competition from Japan as a greater threat to national security than Soviet military power. A similar revolution has occurred in Soviet thinking. Perestroika reflects Gorbachev's recognition that the faltering Soviet economy can no longer sustain the bloated Soviet military.

Yet while we are more concerned with economic considerations of national security, we are less able to exert direct influence over them. The global economy is increasingly integrated. Foreign exchange traders in London and Tokyo exercise more influence over the value of the dollar than the Federal Reserve. Virtually all major U.S. manufacturers are dependent upon foreign-made components.

We will also witness in the coming years continued dynamism in the Pacific region. Some say China and India will emerge in the 1990s as economic giants. Japan's economic machine shows no signs of running out of gas. Korea, Taiwan, Australia, and the Asian nations will become more aggressive exporters. By the year 2002, the United States will face more intense competition for international markets as well as global leadership. If we respond to these growing challenges with protectionism, we will undermine our international security relationships and accelerate "structural disarmament" of the West.

The United States faces serious economic problems which jeopardize our standing as the world's preeminent power. Political gridlock has stymied meaningful progress on the trade and budget deficits. Other intractable economic problems—such as sluggish productivity growth and low savings rates—cast a shadow over the current prosperity.

As events in Latin America just last month demonstrated, the Third World remains volatile and unpredictable. It is unclear whether perestroika will translate into an easing of superpower rivalries in the developing world. For every Angola, there is an El Salvador. The Soviets continue a massive arms lift to its clients in Afghanistan. Moreover, the decline of superpower competition in the developing world could unleash powerful local forces that may render regional conflicts more rather than less likely. Alarmingly, the United States is quickly returning to a dangerous dependence on the volatile Persian Gulf for the bulk of our crude oil supplies.

Yet another threat to U.S. interests results, from the emergence of a multipolar world. Ironically, a world of many powers is not necessarily more stable than a world dominated by two powers. In fact, 400 years of history, prove just the opposite. Japan and a reunited Germany are likely to play great Britain's role as the balancing powers. The United States must develop a grand strategy to manage the transition to a multipolar world or it risks returning to the precarious balance of 18th century Europe, albeit global.

For forty years we have relied on a strategy of nuclear deterrence. We have long recognized that we could not afford to match the Soviet Union in its willingness to devote a major portion of its gross national product to maintaining its military machine. We designed our force structure not to defeat the Soviets on the battlefield, but to raise the costs of aggression to unacceptable levels. Thus both massive retaliation and flexible response, complemented with forward defense in Europe and forward deployment elsewhere, have effectively prevented the war neither side could afford to fight.

But now those tenets of our strategic doctrine are quickly becoming irrelevant. The momentum to denuclearize Europe may undercut our flexible response doctrine. Without U.S. nuclear forces based in Western Europe, we will return to earlier days when our Allies had difficulty believing we would be willing to sacrifice Chicago for Hamburg. The threat of nuclear response, including the option of a first use in the event of war, will be virtually unbelievable by the year 2002. Flexible response will be a mere anachronism if Europeans prohibit the modernization of theater nuclear forces, or if such forces are reduced to zero through negotiations, or if we find that our theater nuclear weapons are targeted at a democratic Eastern Europe.

At the strategic level, nuclear parity in itself eroded the credibility of flexible response in the 1970s. Both superpowers seem intent on continued research and development into strategic defenses which may by the year 2002 prove feasible.

Our forward strategy is also in jeopardy, both in Europe and elsewhere. What is the meaning of forward defense when there is no line to defend in Germany? As the Germans themselves heal the divisions forced on them by the cold war, the border military regime may also become anachronistic.

So it is time to apply ourselves in earnest to the business of matching our resources to our goals and commitments. Since we are uncertain of the exact nature of the threat, it is difficult to determine today precisely what our strategy ought to be for the year 2002. We need time to sort out our strategic interests and priorities for the next millennium. We have not had the experience of forming a new grand strategy since just after World War II. Our method of determining how we will match our resources to our objectives is seriously flawed. We must improve our approach before we contemplate what conventional force structures, doctrines and technologies we need by the next century.

Unfortunately, our Government is ill-equipped for strategic thinking. The executive branch generally remains focused on the latest tactical crisis, despite the existence of policy planning staffs in both the Defense and State Departments and notwithstanding the mandate of the National Security Council to be more forward-looking. Recent administrations have become increasingly fragmented in developing national security strategy.

Now the strategy of "more" is over. The need for a strategy of better use is upon us. The way of Ulysses Grant—the predominant American way of war—is no longer affordable, and the way of Robert E. Lee is a necessity. But that strategy can only emerge from a close review of our commitments and objectives. We need a net assessment of our strengths and weaknesses, our maldeployments and misapplications, a concept refined so effectively by a dear friend in the audience, Tony Cordesman.

But if the executive branch has been unwilling to take an integrative approach to the Development of strategy, the legislative branch is incapable of doing so. The Congress has become so devoted to servicing constituent interests that fewer and fewer of its members are able to rise above the political fray and join with the President in

forming a bipartisan approach to a national security strategy. The expansion of committee jurisdictions threatens to choke the strategy development process.

We need a process and an institutional arrangement to overcome these inherent difficulties in order to develop an effective national strategy for the next century.

What is needed is a globalized competitive strategies approach. First developed as a business strategy, this approach seeks to maximize returns by pitting a firm's strengths against a competitor's weakness. The concept was adopted by Andrew Marshall, of the Net Assessment Office at the Pentagon, as an organizing principle to manage efficiently defense resources in peacetime.

The competitive strategies approach may challenge the interests of military services or specific allies, but these narrow interests must be overcome. If we fail to conduct such an assessment, the United States will shed military capabilities solely for short-sighted budgetary or political reasons.

The pursuit of a competitive strategies approach to U.S. national security strategy for the year 2002 cannot entail the precise elements of the 1988–1989 Department of Defense exercise that brought attention to the competitive strategies concept. Indeed, recent events in Eastern Europe and the Soviet Union have made many features of that exercise—which looked at long-term U.S.-Soviet competition as a chess match—out of date. Nevertheless, the following features of the approach should be retained and applied globally.

Priority to seeking competitive advantage, much the way a business seeks to exploit changing markets;

Stress on enduring U.S. strengths and weaknesses, as the basis for building on our competitive advantage;

Emphasis on the creation of a portfolio of options to hedge against uncertainty;

Sensitivity to an options portfolio that is flexible enough and complete enough to deal with distinctly different, but equally feasible, outcomes of a variety of contingencies and developments globally; and

Anticipation of the reactions of our potentially opponents to that developing portfolio and examination of their possible sets of responses to U.S. decisions.

Not only must this approach be applied to military competition with potential adversaries other than the Soviet Union but the approach must be expanded to consider competition across the spectrum of the elements of national power to include technological, economic and political competition.

In the first cold war, we became chess experts against a wily opponent. For 2002 we must graduate to become chess masters, capable of maintaining a number of competitions simultaneously. We know that the first competitive strategies process had the intended effect on the Soviets. We must apply the same methodology to our development of a grand strategy for the 21st century. The first step of such a process would be to conduct dynamic net assessment that takes into account not just military capabilities but all the elements of national power.

Unless we change our strategy development process, we will leave our future in the hands of a strategy guided by mere political expediency. There are a number of institutional reforms that are necessary for the United States to adopt a competitive strategies approach.

1. On the National Security Council Staff, there should be a division between policy and operations. By operations I mean the conduct of the national security interagency process, not covert operations of the kind Oliver North ran. The President should assign to the National Security Council staff: (1) A National Security Adviser who takes charge of day-to-day operations and coordination; and quite separate from the advisor, (2) A Presidential counselor for policy integration and long range planning. The counsellor is, in effect, the grand strategist. His scope must include not only the national security cluster of departments and agencies, but also the economy as it relates to the total security of the Nation. Both the National Security Adviser and the counsellor should be present at all meetings regarding either agenda so their efforts are always synchronized.

2. The Presidential counsellor should be given the authority to coordinate the efforts of the planning and analysis staffs in the areas of security and economics. Ideally the counsellor should coordinate the efforts of all the best brains in strategic planning. Out of this cooperative effort should emerge not only a comprehensive framework to guide our security, arms control and economic policy. The counsellor would ensure that this framework is continually modified to take into account new global developments and trends.

3. A special group should be constituted to keep watch on global contingencies and possible responses to them. The gaming and simulation capabilities throughout the Government should be marshalled in this continuing endeavor. This capability would be the tool for conducting the global net assessments so vital as the first step in the competitive strategies process.

Reforms are necessary in the Congress. Without any question, Congress has become far too intrusive in the conduct of foreign affairs and national security policy—not by some grand design, but generally by ad hoc measures and by trying to make policy by amendment. A house divided is an unpredictable house which enhances the dangers of conflict and misallocation. Congressional intrusion has increased because Presidents did not consult, and even at times deceived, but above all because they did not make partners of the Congress.

The President's power to command—even when his own party controls the Congress—has been diminished. Yet the power to persuade is tremendous, especially if the President is an effective communicator. The President should embrace the idea of a newly constituted congressional leadership committee that meets with him regularly on national security matters. The leadership of the Armed Services, Foreign Relations and Foreign Affairs Committees, and the Intelligence Committees, should be involved in regular sessions with the President, Vice President, and Department Secretaries. A house divided cannot be repaired in one or two sessions, and a consensus on a grand strategy requires continuous exchange.

At the same time, the Congress must get its own house in order and must think anew on how to approach the challenges ahead. The two Intelligence Committees should work together. It may be that the Security Committee should come together. Perhaps join together—like the Joint Economic Committee—to commission basic evaluations of the long-range security environment. And just as the military services are tasked beyond their own institutional self-interests, Congressmen must also. But in both cases, institutional reform is needed to enable them to do so.

Economic war comes from barriers and restrictions; shooting wars in this century have almost always evolved from uncertainty, division, and misperceptions. Unity and coherence must be the bedrock of our strategy. It must start with the Presidency and Congress. As Justice Robert H. Jackson noted in 1952, the President achieves the strength of the sovereign when both branches act together. But the reconstruction of unity and coherence must begin with America, for if the last, best hope of the world is in the balance, world peace is too.

Ultimately, the task requires leaders with both vision and determination to make the difference in a time of peril and promise. Only then, can the fruits of the "battle gained" be won.●

WE THE PEOPLE

● Mr. SIMON. Mr. President, 3 years ago the Commission on the Bicentennial of the Constitution began working on a national campaign to expand education and understanding of our Constitution. As chairman of the Senate Judiciary Subcommittee on the Constitution, I have the unique opportunity to watch the Constitution at work and to see the critical role it plays in the proper functioning of our great democracy. Having had this experience, I am keenly aware of the importance of teaching others, both young and old, about the principles and values embodied in the Constitution. I wish to commend the efforts of those individuals in Illinois who have worked so hard to establish and promote the "We the People . . . Bicentennial Programs on the Constitution and Bill of Rights" and teach our youth about our glorious traditions.

We the People . . . includes the National Bicentennial Competition and its non-competitive companion program, Congress and the Constitution, and the National Historical Pictorial Map Contest. Through the dedicated and voluntary efforts of Denee Corbin, the Illinois State Coordinator, thousands of upper elementary, middle, and high school students have studied the philosophical ideas of our founders, the historical background of the Philadelphia Convention, and the issues and debates that shaped the writing of our Constitution. Students learn how the Government is organized and how it protects the rights and liberties of all citizens. Students also learn of the responsibilities accompanying the rights of citizenship in a democracy.

I am pleased to take this opportunity to express my admiration and appreciation to Denee Corbin and the following Illinois district coordinators for fostering student knowledge of and interest in our American heritage and government: Louis D. Burrell, Toni Haugabrok, Louis Asher, Geraldine O'Connor, Herbert Schiff, Beverly Nelson, Ron Johnson, Stan Czaplak, Fred Drake, Chuck Divine, Annette

Marles, Frank Kopecky and Richard Haney.

On behalf of my colleagues I want to extend our appreciation to the students of Illinois who are participating in this program. As we watch new democracies begin to form across Eastern Europe and look to the United States for guidance, it is even more important for all citizens, young and old, to understand the purpose and importance of our Constitution. Education is the key to growth and understanding, and I hope that all students in Illinois, and around the Nation, will take this opportunity to learn more about the Constitution and Bill of Rights.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Ms. Carolyn Seely, a member of the staff of Senator DOLE, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, from February 12 to February 19, 1990.

The committee has determined that participation by Ms. Seely in the program in Japan, at the expense of the Japan Center for International Exchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Irace, a member of the staff of the Joint Economic Committee, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, from February 11 to February 19, 1990.

The committee has determined that participation by Ms. Irace in the program in Japan, at the expense of the Japan Center for International Exchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Senators RUDMAN, STEVENS, ROTH, MCCAIN, GLENN, MIKULSKI, KASTEN, HEINZ, and COHEN to participate in a program in the Federal Republic of Germany, sponsored by the State and Defense Departments along with the Europaische Wehrkunde Organization, from February 2 to February 4, 1990.

The committee has determined that participation by Senators RUDMAN, STEVENS, ROTH, MCCAIN, GLENN, MIKULSKI, KASTEN, HEINZ, and COHEN in the program in the Federal Republic of Germany, at the expense of the State and Defense Departments along with the Europaische Wehrkunde Organization, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Barry Sklar, a member of the staff of Senator PELL, to participate in a program in China, cosponsored by the Far East Studies Institute and the Chinese People's Institute of Foreign Affairs, from February 11 to February 17, 1990.

The committee has determined that participation by Mr. Sklar in the program in China, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Senator MURKOWSKI and Mrs. Murkowski, to participate in a program in Korea and Japan, sponsored by the Alaska Kai, from November 30 to December 10, 1989.

The committee has determined that participation by Senator MURKOWSKI and Mrs. Murkowski in the program in Korea and Japan, at the expense of the Alaska Kai, is in the interest of the Senate and the United States.●

IMMIGRATION AND NATURALIZATION SERVICE COMMISSIONER McNARY'S FAMILY FAIRNESS GUIDELINES

● Mr. CHAFEE. Mr. President, today I would like to say a few words about the Immigration and Naturalization Service's new guidelines for family fairness, with respect to ineligible spouses and children of legalized aliens.

On Friday, February 2, Commissioner McNary of the INS announced that steps will be taken to address a great flaw in our immigration policy.

This flaw was the threat of family separation for those who were part of the amnesty program of the Immigration Reform and Control Act of 1986 [IRCA]. Unfortunately this legislation failed to provide guidelines on how to deal specifically with ineligible family members of those granted amnesty. Broad latitude was given to INS field officers on how to handle cases in which one member of a family qualifies for amnesty, while others do not.

This deficiency in our policy resulted in fear and uncertainty for the immigrants who sought help and guidance through the amnesty program. In some instances, families were actually separated, as legal aliens were faced with a choice of living free here in the United States without their families or not being able to live here at all.

In 1987, I submitted legislation to address this problem by waiving the requirement that the alien spouse or child must have been in the country before January 1, 1982. The Senate approved this measure last year by a vote of 61-38. Although the amendment was not enacted, it sent a strong message of our concern and commitment to keeping families together.

Commissioner McNary's new guidelines, which take effect February 14, 1990, provide coherence and sensibility for our immigration policy—primary objectives of my efforts. The Commissioner's plan consists of five provisions:

First, the spouse and minor children of the legalized alien will be granted voluntary departure status, as long as they were in this country before November 6, 1986;

Second, voluntary departure status will be granted for a 1-year period, and cases will be reviewed on an annual basis in case an extension is needed;

Third, the spouse and children must submit documentary evidence to establish the family relationship and residence with the legal alien;

Fourth, work authorization will be granted to those who qualify under these guidelines; and

Fifth, in case of a child born after November 6, 1986, no deportation proceedings shall be instituted as long as a parent maintains his or her legal status.

Item two of this program, however, only grants a 1-year period of voluntary departure, whereas my amendment would have extended this period indefinitely until such a time as ineligible spouses and children obtained permanent residence. Nevertheless, this new policy is certainly a step in the right direction, and I hope that extensions will be granted with understanding and compassion.

Finally, we will have a clear and uniform policy for granting voluntary departure status to those spouses and children of qualified aliens under the 1986 amnesty program. This new approach by the Immigration and Naturalization Service is a strong indication of both Commissioner McNary's and President Bush's commitment to keeping families together.

Mr. President, I have said over the years that the family unit is sacred. And today, I am delighted, after 4 years of hard work, to see this principle triumph through the new Family Fairness guidelines of the INS. The integrity of the family is the very foundation of American society; and today, we are not only affirming our belief in this value, we are strengthening it.●

BICENTENNIAL OF THE SUPREME COURT

● Mr. SIMON. Mr. President, article III, section 1 of the Constitution provides:

The judicial power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Two hundred years ago the Supreme Court of the United States first met on the second floor of a commercial office building in New York City. The U.S. Senate confirmed the first six justices in 2 days. Only three appeared at the first meeting of the Court, not enough for a quorum.

This inauspicious beginning was consistent with the less than supreme reputation of the Court. Its first Chief Justice, John Jay refused to be renominated after being Governor of New York. In declining, Jay wrote:

I left the bench perfectly convinced that under a system so defective, it would not obtain the energy, weight and dignity which are essential to its affording due support to the national Government, nor acquire the public confidence and respect which, as the last resort of justice in the nation, it should possess.

I am pleased to stand here today and note that Chief Justice Jay's assessment of the Court is no longer true.

As a separate branch of government, equal in stature and power, the Supreme Court plays a vital role ensuring the rights of all citizens. It is often the last resting place of fairness and hope.

I would like to note that four Justices of the Supreme Court were born in the State of Illinois: John Marshall Harlan, Arthur Goldberg, Harry A. Blackmun and John Paul Stevens. Justice Harlan is most noted for his courageous and prescient dissent in Plessy versus Ferguson. Justice Goldberg, who recently passed away, was a consistent champion of civil liberties. And Justices Blackmun and Stevens, both sitting members of the Court, have made important contributions to our jurisprudence in the last two decades.

Now, at the start of our bicentennial celebration of the Court, we should reflect on the importance of an independent judiciary that is willing to make difficult choices to protect the rights all citizens. In the last few months, we have seen people in many countries push for and start to establish democratic governments. As they look to the United States for guidance, we must ourselves remember and understand the crucial role our courts play in guaranteeing our liberty and freedom.●

FFA MEMBERS FROM NEW MEXICO SAVE A STATE PARK

● Mr. DOMENICI. Mr. President, I would like to take a moment to recognize a wonderful accomplishment by the Raton, NM, chapter of Future Farmers of America.

This past summer, 28 student members of the Raton FFA dedicated their summer to a very special and exciting activity: Preserving a State park area known as Sugarite Canyon, just outside Raton.

Early in this century, Sugarite was mined for coal, leaving large tailings mounds. In recent years, those tailings had begun to erode, damaging the environment and harming water supplies.

So throughout the summer, these 28 young men and women, with adult supervisors, worked hard to stop the erosion within the Park.

The students dug seed basins, they terraced slopes, and they constructed a series of rock check dams and diversion channels. Having completed the reclamation work—all done by hand—they built a nature trail, one specifically designed to be accessible to the handicapped.

And along the side of the trail, they prepared the documentation for 10 informational signs that have been erected in the park to educate visitors about its habitat and history.

Frankly, I think that what these young citizens have done is simply great. And so do many officials here in Washington. Last November, the Raton FFA chapter was honored for this work at the Environmental Protection Agency's Youth Environmental awards.

These young student members of FFA worked hard for a good cause. And they really have achieved a wonderful success—they've preserved the land while enhancing themselves. As one young student said, "It gave me self-confidence. I did not think I could do it, but I did. It made me proud of myself."

I am very proud of the work of each these members of the Raton FFA, and I know all the citizens of New Mexico share that pride. To help my colleagues understand the significance of the achievement of these young people, I ask to print in the RECORD at this point an article from the FFA New Horizons describing the great accomplishments of the Raton Future Farmers of America chapter.

The article follows:

SAVING A STATE PARK

(By Elizabeth Morgan)

I'm really impressed by this whole FFA chapter. I think you guys have a lot to be proud of and your community has a lot to be proud of, too."

With that comment, National Geographic Society producer/photographer Edward Sapp summarized his reaction to the Sugarite Canyon Mine Reclamation Project. The project was completed during the summer of 1989 by members of the Raton, New Mexico FFA Chapter.

Sapp visited Raton as the head of a two-man team sent by National Geographic to videotape the chapter's work. The video was shown in November at the EPA's Youth Environmental awards. The Raton FFA Chapter was one of three regional winners to be visited by the Geographic team.

The mining reclamation project was conducted under the supervision of the Mining and Minerals Division (MMD) of the New Mexico Natural Resources Department.

The operation began last May with a phone call from an FFA supporter to advisor Ray Chelewski. "How would your chapter like to make $100,000 this summer?" asked the man. Of course, Chelewski expressed interest, and the work began.

The caller explained that the state government was preparing to put a reclamation project out for bid. The area to be improved was located just seven miles away from Raton, in Sugarite State Park, a park which had been the site of much of the chapter's previous community development work.

During the early 1900's, Sugarite was mined for coal. The waste, or tailings, were dumped nearby. The waste has since begun eroding, causing stream pollution and creating a hazard for park visitors. The proposed project would stop erosion and prevent recurrences.

Chelewski contacted the state MMD about the possibility of chapter members completing the project. The state officials were intrigued by the idea and worked with Chelewski and local school administrators to develop a plan of action.

Before work could begin, a contract was written for the local school district, the state, and the members who would be working. School attorney John Davidson devoted his time to insure that the contract was legal. In addition, the school was required to obtain a bond guaranteeing that the work would be completed.

The chapter encountered problems in coordinating the project, including the federal laws which state that all workers had to be at least 16 years old and that students had to be paid a wage of $6.54 an hour.

Once the work began, 28 students worked efficiently, digging seed basins, building rock check dams, terracing the steeper slopes, and building a diversion channel which changed the flow of a small stream. Five students served as administrative assistants, doing the bookkeeping, photography, research and other paperwork. The workers were supervised by three adults, in addition to advisor Chelewski and an MMD representative.

All of the reclamation work was done by hand. The seed basins are three feet by five feet basins planted with grass and small shrubs. Project planners hope that this experimental process will cause growth in surrounding areas. Check dams were built with available rock to prevent excessive run-off.

The work was not easy, but those involved enjoyed being a part of the project. "It was hot, it was hard work and we got really dirty," says Remy Martinez, a student participant. "But everybody helped everybody else out and we got it done."

The chapter completed the project well ahead of the deadline and with better results than expected. But late October, over ninety percent of the 1,075 seed basins were showing signs of regrowth.

"People here had never done anything like this project," says Bob Salter, an MMD

official. "But the students heard the description of the work and went out there and got it done. The work was better than we often get from professional contractors.

Since the project was finished early, chapter leaders decided to undertake another project at Sugarite, Park Supervisor Bob Dye suggested that students tackle building a handicapped-accessible nature trail.

Again students worked quickly to finish, building a 600 foot trail with ten information stations to help educate visitors about the park. The four feet wide trail had a gentle slope so that those with wheel-chairs may enjoy it.

Students also did the research for the information signs, which were then designed and produced by members of the state Parks and Recreation Division. The signs include information about the park habitats, history and geology. One of the information stations includes a pond, which will be stocked with fish native to the park's lakes and streams.

Students who worked on the project got more than a paycheck from the experience. "I learned that I had to be on time in the morning," says Marion Granado, a sophomore. "I also learned about wildlife and nature."

Martinez adds, "It gave me self-confidence. I didn't think I could to it (the physical labor), but I did. It made me proud of myself."

Students who participated in the project made about $1,000 for their time. Many students saved the money for college, while others are using it to purchase or to improve vehicles. Still others have used the money to help finance trips with the FFA chapter.

Those involved also list a number of positive outcomes of the chapter. "The Sugarite Canyon project showed our community that youth can do as well at these types of projects as older people," states Mark Benavidez.

Chelewski lists the opportunity for public relations, the community development, and the fact that students were able to participate in an unusual SAE as the most positive outcomes for the chapter.

On November 15, 1989, the Raton Chapter was recognized by President Bush and EPA Administrator William Reilly as a winner in the President's Environmental Youth Awards program during ceremonies in the White House Executive Office Building.●

RISE OF ANTI-SEMITISM

● Ms. MIKULSKI. Mr. President, many of us have watched with alarm the recent rise of anti-Semitism in the Soviet Union.

Unfortunately, the policy of glasnost has resulted in an unwelcome byproduct—increasingly open activity against Soviet Jews.

In recent months, there have been 50 separate desecrations of Jewish cemeteries, over 1,000 anti-Jewish rallies and innumerable hate leaflets distributed across the country. The strongly anti-Semitic Russian nationalist group Pamyat violently broke up a January writers' conference, singling out Jews and threatening their lives. Pamyat has also harassed Jews individually and, it is rumored, has gone so far as to schedule pogroms for the coming year.

Mr. President, where hate crimes are concerned, it doesn't matter what form of government the Soviets end up with—Communist controlled or multiparty. It doesn't matter if the Soviet leader is Gorbachev, Yeltsin, or Ligachev. What matters is strong action by that Government to condemn and vigorously oppose the Pamyat call-to-action.

Now more than ever, we must also press the Soviets to continue their current policy of relatively free Jewish emigration. Gorbachev, Jackson, and Vanik have made an enormous difference to thousands of families, but it's hard to be too enthusiastic about the increased emigration of Jews from the Soviet Union if those left behind are subject to persecution and physical attacks.

I was encouraged when many legislators in the Soviet Congress of People's Deputies called for a top-level denunciation of recent anti-Semitism. They also appealed to high-level Government officials to prevent any planned anti-Semitic activity, whether by Pamyat or any other group. We're still waiting for a response from the leaders of the Soviet Government.

It is the responsibility of the Soviet leaders to condemn anti-Semitism wherever it may exist, and to prevent anti-Semitic acts within its borders. It is the responsibility of this Congress and this administration to make clear that the United States cannot give any economic aid or moral approval to a government permitting anti-Semitic violence to occur among its people.

Mr. President, I ask to insert in the RECORD at this point an editorial entitled "Russia's New Anti-Semitism" from this week's Baltimore Jewish Times.

The editorial follows:

[From the Baltimore Jewish Times, Feb. 2, 1990]

RUSSIA'S NEW ANTI-SEMITISM

There is a sad and tragic irony brewing regarding Soviet Jewry. A new record for Jewish emigration from the USSR was set last year—71,196 Jews left for the West. This year's prospects for emigration look equally good, if not better. But many are fleeing not for the positive reasons of wanting to settle in Israel, or even in the United States. They are exiting because they are being made to feel increasingly uncomfortable in the Union of Soviet Socialist Republics. Though government-sanctioned anti-Semitism has loosened, the liberalizing measures of glasnost seem to have unleashed the native anti-Semitism of the Russian people.

"Self-pity is the life-juice of Russian patriotism," noted the cover story in last Sunday's New York Times Magazine. "In their self-pity, nationalists look for culprits and they usually find the scapegoats of history: Jews." In recent months, there have been 50 desecrations of Jewish cemeteries and 1,000 anti-Jewish rallies, and vitriolic hate leaflets in the thousands have been distributed everywhere. Russia's New Right, often demanding a return to the non-Communist days of the czars, is on the march everywhere. It poses a threat not just to Mikhail Gorbachev, whose relaxing of the Kremlin's authority has allowed the right to flourish as never before. But it also threatens the psychological and, maybe, the physical safety of the nation's Jews. Anti-Jewish pogroms have not occurred—yet. But if the violence against Armenians in Azerbaijan is an index, pogroms against minorities are not unimaginable.

Gorbachev has achieved wonders in the five years since he became head of the Communist Party. But it is essential that he not be unnerved by what has been occurring among certain member nations of the USSR, or in the New Right. To date, he has not spoken out against anti-Semitism. This is something he must do to make his prize project, glasnost, authentic and valid. And here in America, we must not assume that Soviet Jews are safe because emigration has increased.

Americans, citizens and statesmen, must not succumb to a false confidence that, with Gorbachev at the helm and with Jews leaving in record numbers, the Jews of Russia are now safe. The sense of urgency regarding Jewish emigration is very real; no one knows how long the gates will remain open. We must continue to pressure the Kremlin to allow even more Jews to leave the country, and to leave now.●

GUN CONTROL

● Mr. SIMON. Mr. President, one of the questions that we face is whether we should have any kind of restraint on the purchase of guns in this country, particularly handguns.

An editorial that appeared in the New York Times on December 4, shortly after we recessed, clearly signals the direction in which we ought to move.

It quotes from the courageous testimony of James Brady, who, I am proud to say, is originally from Illinois.

I urge my colleagues to read the editorial, and I ask to insert it the RECORD at this point.

The article follows:

NO MORE EXCUSES ON GUN CONTROL

"I am a southern Illinois boy who grew up hunting and at home with guns. I don't question the rights of responsible gun owners . . . The issue is whether the John Hinckleys of the world should be able to walk into gun stores and purchase handguns instantly."

That's the courageous voice of James Brady, the nation's most prominent living victim of handgun crime. Mr. Brady testified before a Senate subcommittee in support of a measure that would give police seven days to check a gun purchaser's background before the sale could be completed.

The measure, known as the Brady bill, is a modest suggestion brimming with common sense. It terrifies only the National Rifle Association and those members of Congress who quail before it. Last year, a Congress wary of the gun lobby fended off the Brady bill with an amendment asking the Justice Department to propose alternatives.

Now the department's report is in. Its message: There are no immediately feasible alternatives, and no more reasons for delay on the Brady bill.

Mr. Brady was working as White House press secretary back in 1981, when he stopped an assassin's bullet intended for President Reagan. Mr. Brady remains partially paralyzed. "I need help getting out of bed, help taking a shower and help getting dressed," he testified.

This devastation was inflicted by a handgun John Hinckley purchased at a shop in Texas. The police might have kept him from buying that gun had they been able to check on his background.

For several years, the nation's law enforcement groups have pressed for a Federal waiting period that could not be evaded simply by crossing a state line.

Yet the N.R.A., which violently objects to anything that would inconvenience gun purchasers and dealers, has so far prevented passage. The amendment the gun lobby managed to sell to Congress called for a high-tech system for checking out gun purchasers at the counter. That sounded feasible in the age of instant credit verification.

Now, however, a Justice Department task force reports that while a gun dealer's telephone might provide instant access, there is no master file of state and Federal felony convictions to make possible a meaningful response. Attorney General Richard Thornburgh says it would take a few years to compile such a thorough data base.

There are abundant reasons beyond gun control to create the master file. But with gun trafficking swollen by drug profits, America can't afford more delay on the Brady bill. There is no reason to doubt its effectiveness. In Indiana, a seven-day waiting period stopped 11,158 illegal gun purchases between 1980 and 1988. The next move is obvious: Enact the Brady bill pending a more sophisticated system.

"There are some who oppose a simple seven-day waiting period for handgun purchases because it would inconvenience gun buyers," Mr. Brady asserted. "Well, I guess I am paying for their convenience." Only the most perverse lawmaker would value that convenience over basic public safety.●

OLDER WORKERS' BENEFIT PROTECTION ACT

● Mr. KOHL. Mr. President, I rise today in cosponsorship of S. 1511, the Older Workers' Benefit Protection Act. In light of the Supreme Court's Ohio versus Betts ruling, I believe this bill is desperately needed to ensure that our Nation's older workers are not discriminated against with respect to employee benefits. This Nation should not tolerate discrimination in the workplace. Age should not be an obstacle for employees to gain accessibility to employee benefits. Furthermore, I believe this legislation is consistent with the Age Discrimination in Employment Act of 1967 in terms of outlawing age discrimination in the workplace.

Mr. President, I must question the Supreme Court decision in Public Employees Retirement System of Ohio versus Betts which essentially allows employers to discriminate against workers by limiting their access to employee benefits on the basis of age. At a minimum, we have a responsibility to clarify congressional intent with regard to ADEA. In 1967, this bill was written to cover all areas of discrimination in the workplace—hiring, firing, promotion, wage fluctuation, and employee benefits. Employee benefits were included in an amendment, introduced by then Senator Javits, which was incorporated into the passed bill.

To permit discriminatory practice on the basis of age, we are sending a signal to our older workers—the wrong signal. American needs its most experienced workers to not only compete worldwide, but to help train and encourage tomorrow's workforce to perform at their best. As someone familiar with the business community, I feel that it is shortsighted to not guarantee our most experienced workers the benefits that they deserve, and often need to continue their careers. After all, this Nation will shortly be witnessing a time when most of the work force will be approaching their golden years and still working.

I recognize the fact that benefits for older workers may be a greater expense than benefits for younger workers. However, employers must divide their expenditures for benefits equally among employees, whether those individuals are 25 or 65.

Denying older workers the opportunity to continue their livelihood would truly be unjust in light of the opportunity they have granted today's younger workers. Our older workers deserve better, and will get better, once this bill passes.●

RESOLUTION AMENDING SENATE RESOLUTION 171

Mr. FOWLER. Mr. President, on behalf of the majority leader and the Republican leader, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A Resolution (S. Res. 241) amending Senate Resolution 171 of the 101st Congress (agreed to on August 4, 1989), and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 241) was agreed to.

The resolution reads as follows:

S. RES. 241

Resolved, That section 3 of Senate Resolution 171 of the 101st Congress (agreed to on August 4, 1989) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray the expenses incurred in carrying out the provisions of this resolution.".

Mr. FOWLER. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILL REFERRED—S. 640

Mr. FOWLER. Mr. President, I ask unanimous consent that S. 640, the general aviation accident liability standards bill, be referred to the Judiciary Committee.

I further ask unanimous consent that if the Judiciary Committee has not reported the bill by April 5, 1990, it be discharged from further consideration of the bill and the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR PRINTING REVISED EDITION OF STANDING RULES OF THE SENATE

Mr. FOWLER. Mr. President, on behalf of Senators FORD and STEVENS, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 242) authorizing the printing of a revised edition of the Standing Rules of the Senate as a Senate document.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FORD. Mr. President, this resolution would authorize the preparation and printing as a Senate document of a revised edition of the Standing Rules of the Senate, and that there be printed 2,500 additional copies for the use of the Committee on Rules and Administration.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 242) was agreed to, as follows:

S. RES. 242

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the Standing Rules of the Senate, and that such standing rules shall be printed as a Senate document.

SEC. 2. There shall be printed two thousand five hundred additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administation.

Mr. FOWLER. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO PROCEED TO CONSIDERATION OF S. 2073 OR HOUSE COMPANION MEASURE

Mr. FOWLER. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may at any time proceed to the consideration of S. 2073, urgent assistance for democracy in Panama, or the House companion measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appoints the Senator from Virginia [Mr. ROBB] to read Washington's Farewell Address on February 22, 1990.

ORDERS FOR WEDNESDAY

RECESS UNTIL 9:30 A.M.; MORNING BUSINESS

Mr. FOWLER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m., tomorrow, Wednesday, February 7, and that following the time of the two leaders there be a period for morning business until 10 a.m. with Senators permitted to speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FOWLER. Mr. President, at 10 a.m. the Senate will resume consideration of S. 695 under the provision of the unanimous-consent agreement previously adopted.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. FOWLER. Mr. President, I ask unanimous consent that the Senate now stand in recess under the previous order until tomorrow morning at 9:30 a.m., Wednesday, February 7.

Their being no objection, the Senate, at 7:32 p.m., recessed until Wednesday, February 7, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 6, 1990:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

RICHARD E. BISSELL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE NYLE C. BRADY, RESIGNED.

NATIONAL RAILROAD PASSENGER CORPORATION

TOMMY G. THOMPSON, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL RAILROAD PASSENGER CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 27, 1990, VICE ROBERT D. ORR.

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN MAJOR.

LINE OF THE AIR FORCE

GEORGE M. ABERNATHY, xxx-xx-xxxx
JOHNNIE D. AINSLEY, xxx-xx-xxxx
CHALMOS N. ALDAY, xxx-xx-xxxx
EDDY N. ALLARD, xxx-xx-xxxx
MARK E. ANDERSON, xxx-xx-xxxx
ANTHONY R. ANDREWS, xxx-xx-xxxx
RAY AUSTIN, xxx-xx-xxxx
MARK G. BACIAK, xxx-xx-xxxx
DEBORAH A. BACON, xxx-xx-xxxx
GEORGE L. BAILEY, III, xxx-xx-xxxx
CARTER P. BARRETT, xxx-xx-xxxx
WILLIAM JOHN BERMAN, xxx-xx-xxxx
DOUGLAS L. BLANDFORD, xxx-xx-xxxx
RAYMOND C. BRADBURY, xxx-xx-xxxx
ADLAI O. BREGER, xxx-xx-xxxx
DON E. BROCK, xxx-xx-xxxx
JEANNENE V. BROOKS, xxx-xx-xxxx
LOUIS H. BUDD, III, xxx-xx-xxxx
TONYA L. BUSH, xxx-xx-xxxx
ROBERT F. CAHILL, xxx-xx-xxxx
PAMELA J. CALHOUN, xxx-xx-xxxx
ANIBAL E. CAUSSADE, xxx-xx-xxxx
BRIAN J. CHAISSON, xxx-xx-xxxx
TERENCE M. CLAPP, xxx-xx-xxxx
JOHN L. COLEMAN, xxx-xx-xxxx
JOHN R. COLLIER, JR., xxx-xx-xxxx
ANTONIO A. COVAS, xxx-xx-xxxx
CHARLES F. CRANE, xxx-xx-xxxx
CHARLES M. DAVENPORT, xxx-xx-xxxx
JAMES J. DAVIDSON, xxx-xx-xxxx
DEBORAH O. DAVIS, xxx-xx-xxxx
THOMAS E. DEMBOWSKI, xxx-xx-xxxx
JEFFREY A. DINGMAN, xxx-xx-xxxx
WILLIAM R. DIXON, xxx-xx-xxxx
MANOLA J. DOBBS, xxx-xx-xxxx
ROLAND E. EDWARDS, xxx-xx-xxxx
RICHARD W. FAEHSE, xxx-xx-xxxx
THOMAS K. FELLION, xxx-xx-xxxx
EDWARD L. FIX, xxx-xx-xxxx
ROY J. FRIEDMAN, xxx-xx-xxxx
MARY C. GARCIA, xxx-xx-xxxx
HERBERT L. GIBBS, xxx-xx-xxxx
MARGARET A. GLASGOW, xxx-xx-xxxx
LEO A. GLUNK, JR, xxx-xx-xxxx
MATTHEW F. GRANDALSKI, xxx-xx-xxxx
RICHARD L. GRASSE, xxx-xx-xxxx
MICHAEL D. GRAYSON, xxx-xx-xxxx
STANLEY R. HANFT, xxx-xx-xxxx
CLYDE D. HANLIN, xxx-xx-xxxx
VAN E. HARL, xxx-xx-xxxx
RONALD J. HARLOW, xxx-xx-xxxx
DENNIS H. HAYNES, xxx-xx-xxxx
RONNIE C. HICKS, xxx-xx-xxxx
CLIFTON HILL, xxx-xx-xxxx
JEFFREY D. HOOPER, xxx-xx-xxxx
FRANCIS A. HORNE, xxx-xx-xxxx
DOUGLAS P. HOUSTON, xxx-xx-xxxx
ROBERT A. HOWELL, xxx-xx-xxxx
PAULA H. JEFFERY, xxx-xx-xxxx
GARY W. JOHNSON, xxx-xx-xxxx
GREGORY P. JONES, xxx-xx-xxxx
ROBERT LESLIE JONES, xxx-xx-xxxx
ROBERT P. KAY, xxx-xx-xxxx
KENNETH M. KELLY, xxx-xx-xxxx
CRAIG A. KENNEY, xxx-xx-xxxx
PAUL W. KENNEY, xxx-xx-xxxx
RORY S. KINNEY, xxx-xx-xxxx
PETER D. KIRK, xxx-xx-xxxx
RICHARD A. KIRKLAND, xxx-xx-xxxx
DAVID C. KLAEHN, xxx-xx-xxxx
GREGORY L. KLINGLER, xxx-xx-xxxx
PATRICK KEVIN KROSS, xxx-xx-xxxx
JOSEPH F. LAHUE, xxx-xx-xxxx
ELIZABETH A. LAMBERT, xxx-xx-xxxx
GARY V. LAMBERT, xxx-xx-xxxx
MARK E. LANIER, xxx-xx-xxxx
CORRINE E. LARA, xxx-xx-xxxx
TERRY S. LAWSON, xxx-xx-xxxx
MARK W. LEESE, xxx-xx-xxxx
ROBERT B. LINGERFELT, xxx-xx-xxxx
GREGORY J. LOCHBAUM, xxx-xx-xxxx
FRANCIS G. MACALOON, xxx-xx-xxxx
IAN B. MACINNIS, xxx-xx-xxxx
ROBERT L. MAGGARD, JR, xxx-xx-xxxx
CLIFFORD B. MASS, xxx-xx-xxxx
MICHAEL S. MATERN, xxx-xx-xxxx
DAVID L. MATHIS, xxx-xx-xxxx
RALPH Q. MAYHORN, II, xxx-xx-xxxx
JEFFREY C. MCCLEAN, xxx-xx-xxxx
EDWARD E. MCDONALD, xxx-xx-xxxx
RICHARD T. MEANS, xxx-xx-xxxx
JOSE M. MENDEZ, xxx-xx-xxxx
ROBERT A. MOLINA, xxx-xx-xxxx
GREG MOSER, xxx-xx-xxxx
BOBBY L. NORWOOD, xxx-xx-xxxx
PETER C. OBER, xxx-xx-xxxx
MARK G. OLSON, xxx-xx-xxxx
TERRENCE P. PEACOCK, xxx-xx-xxxx
WENDELL J. POWELL, xxx-xx-xxxx
DENNIS M. PRODY, xxx-xx-xxxx
PETER G. RAETH, xxx-xx-xxxx
DANIEL RODRIGUEZ, JR, xxx-xx-xxxx
OWEN R. ROWLANDS, xxx-xx-xxxx
DENNIS D. ROYER, xxx-xx-xxxx
LAWRENCE D. SAMUELSON, xxx-xx-xxxx
FELIX J. SANTOS, xxx-xx-xxxx
ROBERT W. SAPP, xxx-xx-xxxx
JEFFREY R. SARGENT, xxx-xx-xxxx
SAMUEL B. SHAMBURGER, xxx-xx-xxxx
STEPHEN SILVIA, xxx-xx-xxxx
ROBERT G. SMITH, JR, xxx-xx-xxxx
RONALD E. SOLDANI, xxx-xx-xxxx
CHARLES M. SOLOMON, xxx-xx-xxxx
KIM G. SPOONER, xxx-xx-xxxx
JAMES W. STEELE, xxx-xx-xxxx
JAMES J. STINGER, xxx-xx-xxxx
MALCOLM L. SULLIVAN III, xxx-xx-xxxx
CURTIS E. SWAN II, xxx-xx-xxxx
JOHNNIE L. TAYLOR, xxx-xx-xxxx
KENNETH C. TONN, xxx-xx-xxxx
GREGORY H. TOPPING, xxx-xx-xxxx
RICHARD A. VIDONI, xxx-xx-xxxx
DONALD F. WAGSTAFF, xxx-xx-xxxx
ANTHONY J. WALDBILLIG, xxx-xx-xxxx
KENNETH W. WALDEN, xxx-xx-xxxx
JOHNNY R. WALKER, xxx-xx-xxxx
ROBERT L. WALSH, xxx-xx-xxxx
DONALD E. WARLICK, xxx-xx-xxxx
AUNDREY N. WINGATE, xxx-xx-xxxx
RONALD K. WONSON, xxx-xx-xxxx
DAVID R. WOODS, xxx-xx-xxxx
MICHAEL A. ZIELINSKI, xxx-xx-xxxx

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN MAJOR.

CHAPLAIN CORPS

BRUCE A. ARNOLD, xxx-xx-xxxx
GARY R. BEMENT, xxx-xx-xxxx
GARY R. GARVEY, xxx-xx-xxxx
ROBERT S. HOCHREITER, xxx-xx-xxxx
JOSEPH S. KUAN, xxx-xx-xxxx
BYRON E. LUCKETT, JR, xxx-xx-xxxx
JEROME D. MUELLER, xxx-xx-xxxx
MAURICE L. NEESE, xxx-xx-xxxx
RICHARD D. OBERHEIDE, xxx-xx-xxxx
GARY R. SALMON, xxx-xx-xxxx
JAY R. SHERWOOD, xxx-xx-xxxx
CHARLES M. SIMMONS, xxx-xx-xxxx
JOHN L. TARRANT, JR, xxx-xx-xxxx
REUBEN K. WASHINGTON, xxx-xx-xxxx

JUDGE ADVOCATE

JACK L. ANDERSON, xxx-xx-xxxx
HARRY J. BATEY, xxx-xx-xxxx
RALPH A. BAUER, xxx-xx-xxxx
STEPHEN H. BLEWETT, xxx-xx-xxxx
WILLIAM E. BOYLE, xxx-xx-xxxx
ARTHUR C. BREDEMEYER, xxx-xx-xxxx
PAUL C. CLARK, xxx-xx-xxxx
GREGORY D. COX, xxx-xx-xxxx
LAURA H. CROCKER, xxx-xx-xxxx
PAUL M. DANKOVICH, xxx-xx-xxxx
MORRIS D. DAVIS, xxx-xx-xxxx
BERNARD E. DOYLE, JR, xxx-xx-xxxx
PEGGY C. DURFEY, xxx-xx-xxxx
JOHN A. DYER, xxx-xx-xxxx
HENRY LEE EINSEL, JR, xxx-xx-xxxx
TERRENCE H. FARRELL, xxx-xx-xxxx
GREGORY L. FRONIMOS, xxx-xx-xxxx
RONALD A. GREGORY, xxx-xx-xxxx
WILLIAM A. GROVES, xxx-xx-xxxx
JOHN R. HART, xxx-xx-xxxx
BART HILLYER, xxx-xx-xxxx
MARY J. HONODEL, xxx-xx-xxxx
JUDSON B. HOWELL, xxx-xx-xxxx
VICTOR F. LAPUMA, xxx-xx-xxxx
JOHN T. LAURO, xxx-xx-xxxx
MICHAEL R. LUND, xxx-xx-xxxx
JOEL C. MARSH, xxx-xx-xxxx
CLIFFORD J. MCKINSTRY, xxx-xx-xxxx
ANN M. MITTERMEYER, xxx-xx-xxxx
KATHY A. MONTGOMERY, xxx-xx-xxxx
JAMES E. MOODY, xxx-xx-xxxx
MICHAEL D. MURPHY, xxx-xx-xxxx
GREGORY B. PORTER, xxx-xx-xxxx
MARK R. RUPPERT, xxx-xx-xxxx
CHARLES S. SIVLEY, xxx-xx-xxxx
WALTER J. SKIERSKI, JR, xxx-xx-xxxx
JERALD C. THOMPSON, xxx-xx-xxxx
STEVEN N. TOMANELLI, xxx-xx-xxxx
DONALD G. TYSON, xxx-xx-xxxx
MARC VANNUYS, xxx-xx-xxxx
BILL C. WELLS, xxx-xx-xxxx
EVERETT G. WILLARD, JR, xxx-xx-xxxx
LAWRENCE H. WOODWARD, xxx-xx-xxxx

NURSE CORPS

BEVERLY J. ARBUTHNOT, xxx-xx-xxxx
LEONOR P. BEAM, xxx-xx-xxxx
LYNDA K. BRANDT, xxx-xx-xxxx
SYLVIA H. CATIN, xxx-xx-xxxx
JANE R. HAUSIA, xxx-xx-xxxx
RAYMOND Y. HOWELL, xxx-xx-xxxx
GEORGE HUBBS, III, xxx-xx-xxxx
PATRICIA E. JANTZEN, xxx-xx-xxxx
BARBARA A. LAROSEE, xxx-xx-xxxx
CYNTHIA R. LIGHTNER, xxx-xx-xxxx

BRENDA J. LINDSAY, xxx-xx-xxxx
KATHRYN N. MAHMOOD, xxx-xx-xxxx
MARGARET J. MCARTHUR, xxx-xx-xxxx
CHARLES S. MCDONALD, xxx-xx-xxxx
JOHN F. MITCHELL, xxx-xx-xxxx
MICHAEL C. ORR, xxx-xx-xxxx
TRACY A. PRICE, xxx-xx-xxxx
JOSE M. SALAZAR, xxx-xx-xxxx
VENITA I. SAMPSON, xxx-xx-xxxx
ELAINE M. SOPKO, xxx-xx-xxxx
JOHN R. TURNER, xxx-xx-xxxx
PAULA L. WILLIAMS, xxx-xx-xxxx
KATHLEEN M. YOUNT, xxx-xx-xxxx

MEDICAL SERVICE CORPS

NICHOLAS H. BANZIRUK, xxx-xx-xxxx
BRUCE R. BROWN, xxx-xx-xxxx
CHI CHIANG, xxx-xx-xxxx
KENNETH W. KELLEY, xxx-xx-xxxx
RICHARD F. MONK, xxx-xx-xxxx
LEONARD A. OSTERMANN, xxx-xx-xxxx
LORRI B. POWELL, xxx-xx-xxxx
ROBERT T. SCHAWELSON, xxx-xx-xxxx
SUZANNE M. SILVER, xxx-xx-xxxx
JERRY P. WESTWATER, xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

PAUL H. ADAMSON, xxx-xx-xxxx
CAROLYN S. BENNETT, xxx-xx-xxxx
BRIAN R. CAMPBELL, xxx-xx-xxxx
STEPHEN J. CHIRIGOTIS, xxx-xx-xxxx
DAVID J. DEMAY, xxx-xx-xxxx
BRIAN W. DESANTIS, xxx-xx-xxxx
MARK F. GENTILMAN, xxx-xx-xxxx
L'ELAND E. GEORGE, xxx-xx-xxxx
WILLIAM A. GLASSEY, xxx-xx-xxxx
STEPHEN M. HASWELL, xxx-xx-xxxx
CASEY J. HUMPHREY, xxx-xx-xxxx
MICHAEL E. JOHNSON, xxx-xx-xxxx
JOSEPH H. KUBICEK, xxx-xx-xxxx
BRIAN L. LESTRANGE, xxx-xx-xxxx
KIRK C. MAYNARD, xxx-xx-xxxx
PAULA A. MCPHAIL, xxx-xx-xxxx
OTTO W. OHM, II, xxx-xx-xxxx
STEPHEN G. REINHART, xxx-xx-xxxx
DAVID A. RITTER, xxx-xx-xxxx
LESTER J. SCHMIDT, xxx-xx-xxxx
SCOTT A. SIMPSON, xxx-xx-xxxx
LARRY D. THOMPSON, xxx-xx-xxxx
MARK J. WELTER, xxx-xx-xxxx
MARK R. YAGER, xxx-xx-xxxx
GREGORY Y. G. YOUNG, xxx-xx-xxxx
MICHAEL E. YOUNG, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

JOHN E. BAKER, xxx-xx-xxxx
HARRY D. BROWN, xxx-xx-xxxx
PAUL A. CAPOFARI, xxx-xx-xxxx
GARTH K. CHANDLER, xxx-xx-xxxx
CHARLES A. COSGROVE, xxx-xx-xxxx
STEPHEN R. DOOLEY, xxx-xx-xxxx
THOMAS F. ENGLAND, xxx-xx-xxxx
ROBERT M. FANO, xxx-xx-xxxx
BRYAN H. FELMET, xxx-xx-xxxx
EDWARD W. FRANCE, III, xxx-xx-xxxx
STEPHEN R. HANEY, xxx-xx-xxxx
WILLIAM E. HARLAN, JR., xxx-xx-xxxx
JAMES N. HATTEN, xxx-xx-xxxx
GARY J. HOLLAND, xxx-xx-xxxx
ROBERT F. HOLLAND, xxx-xx-xxxx
JAMES A. HUGHES, JR., xxx-xx-xxxx
JOHN E. KING, xxx-xx-xxxx
PAMELA E. KIRBY, xxx-xx-xxxx
JOHN P. *. LEY, JR., xxx-xx-xxxx
JAMES J. LYNCH, xxx-xx-xxxx
GARY M. MANUELE, xxx-xx-xxxx
JAMES A. MCATAMNEY, xxx-xx-xxxx
MICHAEL J. MCELLIGOTT, xxx-xx-xxxx
JAY D. MCQUEEN, xxx-xx-xxxx
THOMAS J. MURPHY, xxx-xx-xxxx
MICHAEL R. NEDS, xxx-xx-xxxx
JOHN T. PHELPS II, xxx-xx-xxxx
LOUIE REYNA, xxx-xx-xxxx
JOSEPH A. RUSSELBURG, xxx-xx-xxxx
JOHN M. SMITH III, xxx-xx-xxxx
MICHAEL D. WARREN, xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

ELISE F. *. ADRIAN, xxx-xx-xxxx
LOREN D. *. ALVES, xxx-xx-xxxx
PEGGY H. *. AUGUSTINE, xxx-xx-xxxx
WILLIAM R. BACHAND, xxx-xx-xxxx
MICHAEL K. BAISDEN, xxx-xx-xxxx
FREDERICK J. BALLIGAN, xxx-xx-xxxx
JOHN H. *. BARKER, JR., xxx-xx-xxxx
MICHAEL S. *. BARTELT, xxx-xx-xxxx
RICHARD A. BASS, xxx-xx-xxxx
GREGORY W. BOICE, xxx-xx-xxxx
GARY L. *. BREWER, xxx-xx-xxxx
SIDNEY A. *. BROOKS, xxx-xx-xxxx
JOHN S. BROUSSEAU, xxx-xx-xxxx
EUGENE M. *. BUTEL, xxx-xx-xxxx
JOHN M. *. CARUSO, xxx-xx-xxxx
ANDREW J. *. CASSIDY, xxx-xx-xxxx
ANDREW D. *. CHANDLER, xxx-xx-xxxx
CHIN S. CHEN, xxx-xx-xxxx
MICHAEL C. *. CHISICK, xxx-xx-xxxx
HUNTER R. CLOUSE, xxx-xx-xxxx
JOHN L. *. CORADINI, JR., xxx-xx-xxxx
BRIAN L. *. CULLEN, xxx-xx-xxxx
PETER L. DEMIZIO, xxx-xx-xxxx
JOHN M. DHANE, xxx-xx-xxxx
ALAN W. *. EDMUNDSON, xxx-xx-xxxx
CLARENCE W. ELROD, xxx-xx-xxxx
CARLTON J. *. FLOYD, xxx-xx-xxxx
JEFFREY G. *. FOERSTER, xxx-xx-xxxx
ROBERT D. *. FRAZIER, xxx-xx-xxxx
JAMES M. *. GERGELY, xxx-xx-xxxx
DAVID G. *. GILLON, xxx-xx-xxxx
BILL G. *. GOBLE, xxx-xx-xxxx
LAWRENCE K. GREEN, xxx-xx-xxxx
ROLAND B. *. GUSTAFSON, xxx-xx-xxxx
ROBERT C. *. GUTHRIE, xxx-xx-xxxx
JAMES N. *. HAMILTON, xxx-xx-xxxx
PATRICK R. *. HARRISON, xxx-xx-xxxx
DAVID A. HERMAN, xxx-xx-xxxx
STEPHEN J. HESS, xxx-xx-xxxx
RANDALL S. *. HILTNER, xxx-xx-xxxx
ERIC P. JANKOWSKI, xxx-xx-xxxx
DAVID L. JUDY, xxx-xx-xxxx
CARL E. JULIAO, xxx-xx-xxxx
JOSEPH J. *. JURCAK, xxx-xx-xxxx
GARY R. KARREN, xxx-xx-xxxx
DAVID A. *. KERN, xxx-xx-xxxx
VAL L. *. KUDRYK, xxx-xx-xxxx
REGINALD J. *. LANKFORD, xxx-xx-xxxx
RODGER A. *. LAWTON, xxx-xx-xxxx
THOMAS J. LEAS, xxx-xx-xxxx
BYRON W. LINDSAY, xxx-xx-xxxx
WILSON J. *. LUCIANO, xxx-xx-xxxx
PAUL A. *. LUTTRELL, xxx-xx-xxxx
RAYMOND G. *. MATTHEWS, xxx-xx-xxxx
JOHN D. *. MAYO, xxx-xx-xxxx
RICHARD J. *. MCCLAVE, xxx-xx-xxxx
MICHAEL J. MCGOWAN, xxx-xx-xxxx
HERBERT *. MCKINNEY, xxx-xx-xxxx
STANLEY J. MCNEME, xxx-xx-xxxx
RONALD W. *. MIKALOFF, xxx-xx-xxxx
GEORGE V. *. MILLETT III, xxx-xx-xxxx
BARRY D. MOORE, xxx-xx-xxxx
JAN F. *. MOORE, xxx-xx-xxxx
MALCOLM B. *. MUNK, xxx-xx-xxxx
FRANCIS E. *. NASSER, JR., xxx-xx-xxxx
MARK W. *. NELSON, xxx-xx-xxxx
JAMES E. *. NEWMAN, JR., xxx-xx-xxxx
NORMAN W. *. OTT, JR., xxx-xx-xxxx
CRAIG E. *. PEARCE, xxx-xx-xxxx
HARALD B. *. PEDERSEN, xxx-xx-xxxx
DANIEL M. PIETZ, xxx-xx-xxxx
KEVIN D. *. PLUMMER, xxx-xx-xxxx
MARVIN E. POLAND, xxx-xx-xxxx
JOSEPH R. *. POTOKY, xxx-xx-xxxx
THOMAS C. RAKER, xxx-xx-xxxx
DANIEL R. *. RAVEL, xxx-xx-xxxx
ROBERT B. *. REICHL, xxx-xx-xxxx
ERNEST R. *. RICCI, xxx-xx-xxxx
MICHAEL *. ROTHSTEIN, xxx-xx-xxxx
ROBERT B. SCHANZER, xxx-xx-xxxx
STEVEN E. *. SCHELLER, xxx-xx-xxxx
DAVID L. *. SCHNECK, xxx-xx-xxxx
MICHAEL H. *. SHAHAN, xxx-xx-xxxx
GURBHAJAN *. SINGH, xxx-xx-xxxx
GLEN A. SMITH, xxx-xx-xxxx
TERRANCE L. *. SMITH, xxx-xx-xxxx
KENNETH E. *. STEIDLEY, xxx-xx-xxxx
JOHN P. *. STORZ, xxx-xx-xxxx
WAYNE E. SVOBODA, xxx-xx-xxxx
DANIEL L. SWEENEY, xxx-xx-xxxx
KAREN W. *. TILLMAN, xxx-xx-xxxx
GARY J. *. VALIANT, xxx-xx-xxxx
MACK A. *. WARREN, xxx-xx-xxxx
MICHAEL E. *. WERNER, xxx-xx-xxxx
EUGENE WEST, xxx-xx-xxxx
LESLEY A. *. WEST, xxx-xx-xxxx
DAVID C. WILLIAMS, xxx-xx-xxxx
JERRY W. WILLIAMS, xxx-xx-xxxx
TERRY L. *. ZETTLEMOYER, xxx-xx-xxxx

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE LINE OF THE U.S. NAVY PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, LINE

To be lieutenant commander, USN, permanent

HAROLD G HATCH, JR
THOMAS E KATANA
MICHAEL LEROY MARCINO
JOHN TERRY THOMSON

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, LINE

To be lieutenant, USN, permanent

GLEN CHARLES ACKERMANN
MICHAEL WALTER AHLGRIM
ORLANDO ARTURO ALFRED
ERIC ROBERT BACHMANN
PAMELA KLINE BELL
JAMES C BIBBER
STEVEN JAMES BOLDUC
LOUIS MICHAEL BORNO III
PAUL JOSEPH BOUCREE
JOHN LEARD BOWLEN
THOMAS JOSEPH BROVARONE
CHRISTOPHER ELLSWORTH BROWN
RONALD DEAN BRUNETTE
JOHN LINWOOD BRYANT, JR
ANDREW BUDUO III
KEVIN PETER CAMPBELL
WILLIAM CURTIS CAMPBELL
HENRI LEON CHASE
TERESA JANE CHERRY
GREGORY ALLEN CLANCY
MARK STEVEN CLEMENGER
KENNETH CHARLES COGGINS
DOUGLAS DWIGHT COMBS
JOHN CRAIG CONNOLLY
THOMAS JAMES COOGAN III
ARNAL CHARLES COOK
ANTHONY COOPER
JUSTIN DAVID COOPER II
JOHN WALTER COVELL
JAMES THOMAS COX
VINCENT STARRETT CROMER
AARON LOUIS CUDNOHUFSKY
ALESSANDRO VERONE CUEVAS
JOHN ROBERT DAMICO
EDWIN JOSEPH DAUM, JR
ALVIN DAVIS
SARA JANE DAVIS
RANDAL LEE DEDRICKSON
LORI LEILANI DELOOZE
DANIEL EVAN DENISON
DANIEL SCOTT DIETRICH
MANUEL TULIAO DORIA
RICHARD JAMES DORN
JEFFREY GEORGE EHRBAR
RANDOLPH EUGENE ELLIOTT
LUIS MIGUEL EVANS
KENNETH JOSEPH EXUM
GEORGE THOMAS FADOK, JR
DAVID CHARLES FALK
ALAN LEE FINK
JOHN R B FLIPSE
JEFFREY BRIAN FLYNN
THOMAS FRANCIS FLYNN
ANTONIO PIETRO FONTANA
DAVID MICHAEL FOX
WAYNE SCOTT FOX
JONATHAN CAREY FRAY
LIZABETH LEPP FRUTH
ENRIQUE GARCIA
DAVID JON GERARDI
KYLE ALLEN GISH
WILLIAM HAUPT GOODALE II
ROBERT LEDONNE GOODSON
ARIEL JOSE GUTIERREZ
MARK MASON HALEY
FRANK JOSEPH HALLER
RAYMOND LEIGH HANSHEW
MICHAEL LANSING HARRIS
WILLIAM DECKER HATCH II
KEITH WAYNE HEFLIN
PHILIP MARTIN HENRY
RONALD LEE HERNDON
JAMES ERIC HEYMAN
FRANKLIN NMN HICKMAN
JOHN DOUGLAS HODGES
ROBERT WILLIAM HOLLOCHER
GUY VICTOR HOLSTEN
CLOYES RAY HOOVER, JR
LAMONTE HOSE
ALBIN L HOVDE
WALTER BRIAN HUDSON
WILLIAM THOMAS HUTTO
DENNIS WILLIAM JOHNSON
SCOTT DAVID KATZ
CHRISTINE MARIE KELLER
RANDY HAROLD KING
BRUCE ROBERT KITCHEN
STEPHEN J KOZLOSKY
TIMOTHY MICHAEL KRUKOWSKI
RICHARD ROBERT LAFACE
RAYMOND CHARLES LAHM
JAMES PAUL LAIRD
MICHAEL ROBERT LAJEUNESSE
JAMES S LAKIN
GARY DEAN LEASURE
JAMES GORDON LIDDY
MICHAEL JEFFERY LIGAS
ROBERT JAMES LYON
BRIAN XAVIER MACK
GARY ROBERT MALCOLMSON
OCTAVIO ENRIQUE MANDULEY
JAMES MARION
HELEN HELM MASEK
CAREY EDWARD MATTHEWS
GARY LYNN MAY
BRIAN DEAN MCCLEVE
STEPHEN PATRICK MCINERNEY
GREGOR JOHN MCLEOD
KEVIN J MCSPIRIT
LAWRENCE EDWARD MILES
PAUL WARREN MOORE
RICHARD ALLEN MOORE
ROBERT CRUZ MORALES
CARL STEPHEN MURPHY
MICHAEL JOSEPH NEIBERT
SCHEILA LYNN NORTHAM
KATRINA THERESE OAKELEY
MAURICE OGLETREE
JOONGYUL DAVID OH
JOHN LOUIS OLLIGES
HAMLIN ANTONIO ORTIZMARTY
ROBERT EARL PARKER, JR
CLARENCE ALLEN PARKS
JAMES TAYLOR PATTERSON
KENNETH RAY PATTERSON, JR
MARK ALLEN PAUL
BARRY WAYNE PHILLIPS
ALAN PAUL PIETRUSZEWSKI
JAMES PATRICK PORTER
ROBERT DANIEL RANDALL, JR
THERESA MARIE REA
LYNN E RICE
RICHARD WILLIAM RIDGWAY
RONALD W ROMINE
TIMOTHY JON ROORDA
SHELTON KENNETH ROSS
DANIEL D ROTHENBERGER
JOHN J RUSSELL
ANNE KELLEY RYAN
SUSAN BETH SALE
FELIPE ELIEZER SALINAS
JOSEPH ANTHONY SALMON
DAVID M SALUTO
CHARLES EDWARD SANDFORD
HARRISON SELLS
DAVID MICHAEL SERBER
WILLIAM ROCKWELL SHIVELL
ANDREW CLARK SIGLER, JR
CHERYL ANN SINNOTT
IRMA SITYAR
DAVID ELLSWORTH SLOAT
CHARLES DONALD SMITH, JR
ARNETTA SPIKES
ELIZABETH A STEINNECKER
ROBERT ANDREW STOUFER
STEVEN ROBERT STUMP
RAYMOND EARL SULLIVAN, JR
DAVID REUBEN SWATHWOOD
CLEMENT TANAKA

SANDRA ELAINE THORNTON
JAMES ELEFTHERIOS TRANORIS
WILLIAM ALBERT TREADWAY
KURT WILLIAM VALKO
STEVEN M VOLOVSEK
ALAN KEITH WALTERS
PATRICK LEONARD WARD
TERRY LEE WASHBURN
EDWARD THOMAS WATKO
EZELL WESTBROOK, JR
ERIC LEX WESTREICH
MARK ANTHONY WHITTLE
ROBERT FRANK WILLIS
DALE EDWARD WILSON
TRACY LEROY WILSON
TRACY FOREST WILT, JR
TY ROY WOLFER
DAVID JAMES WRAY
THOMAS GERRY WRIGHT
RYAN KEITH ZINKE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, LINE

To be lieutenant (junior grade), USN, permanent

BRYAN MOSS AHERN
WILLIAM JEFFREY ALDERSON
MARK JAVIER ALLBRITTON
CLAYTON RICHARD ALLEN
MICHAEL DEAN ANGOVE
SEGUNDO JORGE ARGUDO
THERESA MARIE ATWELL
KEVIN WAYNE BAILEY
JAMES ROBERT BEHRENDS
JEFFRY LENDAL BENNETT
STEVEN BRADLEY BLINN
JEFFREY WARD BOWMAN
DOUGLAS E BURNS
KEVIN ANTHONY BUTLER
JOHN DANIEL CARPENTER
MICHAEL ALBERT CELEC
SUSAN KAY CEROVSKY
JOHN LESLIE CHOYCE
MICHAEL DEAN COKER
GREGORY EUGENE COLE
DANIEL ALBERT CROCKER
GLENN ALAN DAVIS
WILLIAM MICHAEL DECANIO
EDUARDO ANTONIO DEJESUS
MERVIN DANIEL DIAL
RICHARD C DIAMANTOPOULOS
FREEMAN RUSSELL DODSWORTH
DONALD FRANK DOMBROWSKY
MANUEL BAYACA DOMINGO
DONNA LEE DORAN
DENISE GROHE DORN
THOMAS VINCENT DOUGHERTY
MARCUS STEPHEN EDWARDS
DAVID CHARLES ENGLEHART
STEPHEN CARL EVANS
LINDA R EVANSWACKERMAN
BURT WADE FINCHAM
AARON CLIFFORD FLANNERY
TIMOTHY PATRICK FLEMING
AMY LOUISE FRAHER
MARC M GIBELEY
WILLIAM NICOLAS GIGANTE
DAVID BENJAMIN GIMBEL
STEVEN LEMAR GREENE
KERI ANN GROHS
THOMAS STEPHEN GROSS
DON E HAGGARD
WARDEN GREGORY HEFT
SELENA ANN HERNANDEZHAINES
LOVELY VERLEANA HIBBLER
JAMES BRIAN HOKE
GLORIA JEAN JONES
WILLIAM PETER JONES
KAREN MARIE KALCIC
MARY ELLEN KINNEY
ROBERT L KINNEY
TIMOTHY G LANE
MICHAEL SEAN LEE
LEO JOSEPH LEGIDAKES
DANIEL MARK LETTER
BARBARA LYNN LEWIS
SHAWN WADE LOBREE
ROBERT CHARLES LOCKERBY
JAMES AARON MANN
ANNETTE PAULIN MAREZ
CARLOS HERNAN MARTINEZ
ANDREW T MCCARTHY
BILLY JOE MCCARTY
EDWARD MORRIS MCCHESNEY
TIMOTHY RICHARD MCMAHON
JOSEPH EDWIN MOCK
WADE MORASCO
JAMES HERMAN MORRIS
WILLIAM JOSEPH NAULT
TONY N NORWOOD
JAMES EDWARD OLEARY
DAVID ERIC OTIS
JOHN PATRICK OVERTON
ROBERT LEO PAGE III
JANE TERESE PARADEIS
MICHAEL PAUL POCKER
MICHAEL HUGH POWERS
JEFFREY DAVID PRATER
TOMMIE JOE QUINN
MATTHEW CURRAN RAGAN
PHILIP DANIEL RAMIREZ
BRIAN DEAN REEVES
STEPHEN RICHARD RIORDAN
CLAREN DENISE ROBINS
GEORGE EDWARD ROBINSON
DANIEL RAY ROZELLE
KAI RYSSDAL
ALETTA E L SAUER
JOHN EDWARD SAWYERS
JAMES ERNEST SCHMIDT
LEWIS JOHN SCOTT
BARBARA ANN SHEA
CAROL ENA SHIVERS
THOMAS W SITSCH
BRIAN PATRICK SMITH
NATHAN BAKER SMITH
CAROLYNN M SNYDER
CHRISTOPHER BRIAN SOLTIS
STEVEN BURKE SOSHNIK
SHELDON DEE STUDER
STEVEN ANDREW SWITTEL
LYNN THERESA TASKER
EUGENE POWELL TRAMM
JENNIFER LYNN URBANO
DAVID JOHN WALSH
JANET LOUISE WILEY
JOEL ERIC ZUPPER

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10 UNITED STATES CODE SECTION 531:

U.S. NAVAL RESERVE, LINE,

To be ensign, USN, permanent

WILLIAM K ADCOX
ADDIE ALKHAS
PETER J ALLEN
ANDREW P BIRCH
ROBERT B BURGIO
ARMANDO R CIRELLO
BLAKE L CONVERSE
MARTIN R COSTA
ANDREW R DEETZ
JOSEPH L DEGRAFF
NATHANIEL ROBERT DOERSAM
DAVID A DUKE
THOMAS W ELGIN
JONATHAN T GIBSON
DAVID B HALLEY
DARREN J HANSON
TERRY A HICKMAN
KERRY A HOLBROOK
BRYAN E HOLCOMB
GREGORY A HOLLSTROM
GERALD L JOHNSTON
TODD K KNUTSON
PATRICK A KOPPA
JAMES R LAMBERT
ERICH H LIMBECK
RANDY W MALTERUD
MICHAEL P MAZZONE
MATTHEW P MCCOLLEY
WALTER L MCPHEARSON, JR
WILLARD D MITCHELL
HUEY H NGUYENHUU
NGHIEM Q PHAM
RODNEY D PICKETT
JAMES B POTTS
WILLIAM P PRINCE
VICTOR RECK, JR
MICHAEL S ROSEN
DENTON L SCHANTZ
BLAKE A SEAS
BRUCE E WILLY
PETER R WOLTERS

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL CORPS

To be commander, USN, permanent

NICOLAS DIMITRI YAMODIS
GEORGE R ORNDORFF

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL CORPS

To be lieutenant commander, USN, permanent

KER BOYCE
DAVID MICHAEL DELVECCHIO
DONALD HURLEY
PAUL G MERCHANT
ANTHONY NEAL MISHIK
WILLIAM FREDERICK NELSON
CHARLES A REESE
MIGUEL ANGEL RODRIGUEZ
ALBERT STEPHEN RUDOCK
ROBERT TIMOTHY SPIRO
JEFFREY M SWALCHICK

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL CORPS,

To be lieutenant, USN, permanent

THOMAS G ANDROS
WILLIAM AUBUCHON
WILLIAM DALE BONE
JOSEPH L DONOVAN
TERRY CRAIG HAMMOND
MURRAY C NORCROSS, JR
MICHAEL J PATTI
FRANK J PINTO, JR
LOUIS U PULICICCHIO

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LINE SUPPLY CORPS

To be lieutenant

TRACY JEAN AUSTINSTANLEY
PAUL JUDE BROWNING
FREDRICK G THORPE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, SUPPLY CORPS

To be lieutenant, USN, permanent

ROBERT W FOSTER
BRIAN ARTHUR ZIRBEL

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LINE SUPPLY CORPS

To be lieutenant (junior grade)

ERIC LYNN GLASER
DONALD W HERNDON
MICHAEL S HONZIK
MICHELE MARIE PERKINS

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, SUPPLY CORPS

To be lieutenant (junior grade), USN, permanent

GRISELL FRANCES COLLAZO
BOBBI LORRAINE COLLINS
DWIN CHARLES CROW
WILLIAM KENT DAVIS
GEORGE DEVRIES
STEVEN ANDREW DIDIO
KENT ROBERT DILLS
JAMES MICHAEL ERSKINE
JAN CHRISTOPHE FARYASZEWSKI
RICHARD DANIEL HAYDEN
JOHN JOSEPH LANDRY
KEVIN DALE REDMAN
DONALD LEE SINGLETON
JAMES WILLIAM SMART
MARK STEPHEN SMITH
DAVID ROSS SUTTON
DAVID WILLIAM TAYLOR
WILLIAM JOSEPH TERRY
LAWRENCE ROBERT WEBB
DAVID TURNER WILEY

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LINE SUPPLY CORPS

To be ensign

JOHN H BLAKELY
TIMOTHY B HEATHERINGTON
MICHAEL B ISRAEL
ENRIQUE R MARCHESE
DAVID C MCMONAGLE
PETER G STAMATOPOULOS
TIMOTHY J THATE
STEVEN C THORNE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, CHAPLAIN CORPS

To be lieutenant, USN, permanent

BRIAN FRANCIS KELLY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, CIVIL ENGINEER CORPS

To be lieutenant, permanent

MARY KATRINA BALDWIN
KEITH DOUGLAS BERNDT
ANTHONY JAMES COX
ALEXIS MICHAEL GAVRISHEFF
DEWAYNE EARL JENKINS
RANDALL JAY JOHNSTON
SCOTT LINCOLN LARSON
MARK LAWRENCE LEEMASTER
WILLINGTON LIN
DERWOOD JOSEPH MASON III
KEITH ALBERT MATCHES
RYAN KEITH VANOMMEREN

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, CIVIL ENGINEER CORPS

To be lieutenant (junior grade), USN, permanent

DANIEL WRAY CURRENCE
ERIC JAMES DENFELD
DONALD ALVIN GROSS, JR
SCOTT KIRBY HIGGINS
CLAYTON OLEN MITCHELL, JR
PHILLIP LEE NELSON
BEN DOMINIC PINA
PAUL FOSTER WEBB

THE FOLLOWING NAMED LINE OFFICER, TO BE REAPPOINTED PERMANENT ENSIGN IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LINE, CIVIL ENGINEER CORP

To be ensign,

ROBERT M FAIRBANKS

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant, USN, permanent

DAVID BRIAN AUCLAIR
NANCY HALE BLANKENSHIP
ANN MARIE DELANEY
JANET RUSSELL DONOVAN
MARTIN JOSEPH EVANS
MARY ANN FLYNN
KURT ALAN JOHNSON
CLAYTON LEE JONES
LARA LYNN JOWERS
RUFUS TYRONE KEE
JOHN EDWARD MCDONALD
MOIRA DEMPSEY MODZELEWSKI
RYMN JAMES PARSONS
MICHAEL IAN QUINN
LYNN RICHEY
STEPHEN RICHARD SARNOSKI
LORETTA GAIL SPILLANE
TIMOTHY DOUGLAS WING

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, DENTAL CORPS

To be commander, USN, permanent

WINTHROP B CARTER

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVY PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, DENTAL CORPS

To be lieutenant commander, USN, permanent

JAMES WILLIAM HUSTON
MARK L LITTLESTAR
JAMES CAREY MARTIN III

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, DENTAL CORPS

To be lieutenant, USN, permanent

RAUL ALBERTO AMADOR
WAYNE SHERWOOD BARKER
CHRISTOPHER A BURNS
JILL MERRITT BURNS
DAVID D CARRIER
MARK V COLAIANNI
SHARON YVETTE COLVIN
JOHN ARVILLE DAY, JR
ELSA BETTINA DEMBINSKI
TIMOTHY M DOWD
HOWARD GLENN EAGLE
PATRICK JOHN GARRETT
STEPHEN JOHN GLAWSON
MICHAEL ALLEN GORTHY
JOHN PATRICK GRIFFIN
CHARLES KENNETT HARVEY
MICHAEL W HUEY
WILLIAM L HURTT
JOSEPH W KARITIS
PHILLIP KISSINGER
JESSE WASHINGTON LEE, JR
RONALD DALE LYNCH
ROWLAND EUGENE MCCOY
MATTHEW ARTHUR MCNALLY
TIMOTHY JAMES MORRIS
GLENN ALEXANDER MUNRO III
WILLIAM NOEL MYERS
JOSEPH V OLSZOWKA
STEPHEN MICHAEL PACHUTA
JAMES EVERETT PARKHILL
DUANE P PRZYBYLSKI
PAUL DAVIDSON REAGAN
JOHN KEATING SHEA, JR
KENNETH MARNE STINCHFIELD
JOHN EDWARD STUPARITZ
JOEL LEE TRAYLOR
GERALD ABINADI TRIPP
POMAY TSOI
CAROL LEE WALKER
KEVIN DAVID WARD
RICHARD DALE WRIGHT

THE FOLLOWING NAMED REGULAR OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LINE, MEDICAL SERVICE CORPS

To be lieutenant, USN, permanent

CHARLES RAYMOND GENAU

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL SERVICE CORPS

To be lieutenant, USN, permanent

ROBERT P AITKEN
JUNIUS LEE BAUGH
GREGORY MARK BEAVERS
JOSE COLICO BELTRANO
WILLIAM HARVEY BLANCHE
MARILYN MARIE BROOKS
DANIEL JAMISON BRUCE
ROBERT MICHAEL BULLOCK
BARBARA KAY BUTLER
DEBORAH ANN CADY
DAVID ANDREW DAVIES
MICHAEL LEE DAVIS
JERRY ANTHONY FORMISANO, JR
ROLAND CLAUS GARIPAY
BRENDAN KIERAN GLENNON
VINCENT DEPAUL GLOVER
ROBERT ANDREW GRASSO, JR
SUSAN BETH GREENBERG
DONNA MANNING GUTIERREZ
JAMES WILLIAM HILAND, JR
DAVID SAMUEL HORN
ANTHONY AUGUSTUS JACKSON
BRIAN GREGORY KERR
JUDY ROLAND KIMBROUGH
THOMAS GEORGE MIHARA
KURT SAMUEL MILSON
VICTORIA LYNN MUNDT
JAMES PAUL NORTON
JAMES JAY PAOLUCCI
THOMAS ALAN ROBERTSON
DEBORAH JEAN SHUMAKER
EUGENE FENTON SMALLWOOD, JR
RICHARD FRANCIS STOLTZ
BRIAN DAVID SWAN
STEPHEN DOUGLAS TELA
KERRY RAY THOMPSON
BRADFORD JAMES WILEY
SHARON KAY WINKLERPEISER

HE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL SERVICE CORPS

To be lieutenant (junior grade), USN, permanent

SCOTT LUDWIG ARCHER
CHRISTINE LOUISE BASS
ANTHONY CLAUDE CARDINALE
BARRY JAMES CRAIG
BETTE M GUZMAN
PAUL JOSEPH MARCINKO
PAULA HAMON MCCLURE
DONALD EARL MCKEAG
DAVID LEE MCNAMARA
WARREN RAY PRESTON
BOBBIE SAPAULA SALIRE
CAREY MAUREEN SILL

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, NURSE CORPS

To be lieutenant commander, USN, permanent

CANDACE M GORTNEY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, NURSE CORPS

To be lieutenant, USN, permanent

ANNETTE BEADLE
MICHAEL RONALD BECK
ANNA GRESK BONNEY
SUZANNE MARIE HAMLIN
HEIDI CHRISTINE KOMDAT
LORETTA ANNE MADDEN
GRETCHEN MAYGER
JENNIFER BORNHARDT MCCOY
TERIANNE PAPPAS
VICKI SUE SHANAGHAN
RITA MARIE SULLIVAN
CARLA GAIL TOLBERT
LYNDA ELIZABETH WALTERS
DEBRA MAY WILBERT

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, NURSE CORPS

To be lieutenant (junior grade), USN, permanent

SCOTT L ANDERSON
OTIS JEFFREY BATY
JOSEPH COSENTINO, JR
CATHERINE MARIE COWAN
ROBERT ENNIS DOYLE, JR
DONNA JEAN GAYLORD
KATHRYN MARIE GIFT
KIMBERLY MAUREEN HARLOW
SHARON KAY HARPER
MAGGIE LAVERN JOHNSON
RICHARD JAMES JOHNSON
ROBERT PASCUAL LAZARTE
FREDERICK THOMAS LEWIS, IV
TERRY BLAIRE MOREHEAD
JOSE AGUILA PALAFOX, JR
BARBARA ELISABETH PAULY
CATHERINE ANNE SEGNI
LORI LYNN SHORT
TERESA ELAINE SNOW
COLLEEN MARIE STALLMER
SHIRLEY MAY TULLER
JENNIFER LISA VEDRALBARON

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, NURSE CORPS

To be ensign, USN, permanent

CATHALEEN ANN CANLER
KARL JOHN MUEHLFELD

THE FOLLOWING NAMED LIMITED DUTY OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT COMMANDER AS A REGULAR OFFICER IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODES 531 AND 5589(E):

LIMITED DUTY OFFICER, LINE

To be lieutenant commander, USN, permanent

KENNETH MACDOWELL

THE FOLLOWING NAMED LIMITED DUTY OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT AS REGULAR OFFICERS IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(E):

LIMITED DUTY OFFICER, LINE

To be lieutenant, USN, permanent

ROBERT PAUL CAIN
KENNETH H CRONK
SERGEY MARK SCOLLAN

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIMITED DUTY OFFICER, SUPPLY CORPS

To be lieutenant, USN, permanent

MICHAEL J LAURENT

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U.S. NAVY PURSUANT TO TITLE 10, UNITED STATE CODE, SECTION 531 AND 5589(A):

LIMITED DUTY OFFICER, LINE

To be lieutenant (junior grade), USN, permanent

DAVID WAYNE BENTLEY
GREGORY W DAVIS
JAMES MICHAEL LIGHTBODY
KEVIN GERARD MCTAGGART
STEPHEN PETER MELNICK
JOHNNY LAWRENCE SCHULTZ
WILLIAM MICHAEL SHUMER
MARK PATRICK SMITH
ALBERT LEE TULLUS
OAKLEY KEY WATKINS III

EXTENSIONS OF REMARKS

INTRODUCTION OF H.R. 3953

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. CONTE. Mr. Speaker, I rise to introduce legislation authorizing an additional $500 million, to a total of $1.886 billion, for the Head Start Program. President Bush recommended in his budget a substantial boost, $500 million, for Head Start, an outstanding program that has proven its worth over and over again.

I agree with the President on the need to boost funding for Head Start. With this 36-percent increase, the largest in the program's history, an additional 180,000 children will have the opportunity to join. This bill will get Head Start off to a great start for the 1990's.

The Head Start Program has given hundreds of thousands of children a chance to actively develop their minds in their crucial formulative years. It gives them the chance to explore new vistas in learning. As these children continue on in school, the skills they learned in Head Start stay with them. Many "alumni" of Head Start are now in the finest colleges and universities across America, preparing for productive careers and livelihoods.

Right now, many families with children who are eligible for Head Start are not aware of the program and its benefits. With the additional funds we can expand capacity, train more staff, enroll more children and provide higher quality services. By making community Head Start programs highly visible and accessible, we would be able to reach more families and children.

America is coming to a crossroad. Our economy faces stiff competition from abroad. In many countries in Asia and Europe, education is their No. 1 priority, bar none. Their children graduate from their schools with skills that contribute to their economic competitiveness. It's time for America to take the lead again in education. Education is absolutely essential if we are to regain our own economic competitiveness. Head Start will be a crucial component of our national strategy to make education our No. 1 priority.

Head Start needs to be reauthorized this year, and I am pleased to introduce this bill to reauthorize the program at the level recommended by the President.

SPEECH BY SECRETARY OF DEFENSE DICK CHENEY TO THE FEDERALIST SOCIETY CONFERENCE ON THE PRESIDENCY AND CONGRESS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. HYDE. Mr. Speaker, on January 19 our distinguished and respected former colleague, Secretary of Defense Dick Cheney, gave a very thoughtful and enlightening speech before the Federalist Societ Conference on the Presidency and Congress. His remarks focused on two very significant separation of powers issues in the overlapping areas of national security and foreign policy: (1) Notification to Congress of special intelligence activities (covert action) and (2) war powers. Secretary Cheney described the differing designs and respective strengths of the legislative and executive branches inherent in the principle of separation of powers. In a penetrating analysis, he summarized the constitutional and practical responsibilities applicable in situations involving notification of covert action and war powers actions in a modern world where change, unpredictability, and often danger are a fundamental reality. He offered concrete examples and discussed important concepts such as consultation. His point is an important one. Congress and the President must work together to constructively contain interbranch disagreements. Otherwise we risk paralyzing our ability to act when effective action on the international scene is critical to our national interest. I commend Secretary Cheney's remarks to my colleagues, and I wish to insert them in the RECORD for the benefit of all Members:

SPEECH BY HON. DICK CHENEY, SECRETARY OF DEFENSE

It is a real pleasure for me to be here. The Federalist Society has made important contributions to the nation's understanding of our constitutional heritage. This particular conference is about one of the Constitution's bedrock principles. As James Madison tells us in Federalist Number 47, "no political truth is certainly of greater intrinsic value, or is stamped with the authority of more enlightened patrons of liberty," than the truth underlying the separation of powers.

Today, I want to talk about two major separation of powers issues in national security policy: notification of special intelligence activities and war powers. But first, I'll begin with a preliminary observation.

Edward S. Corwin, the legal scholar, once wrote that the Constitution is an invitation for the executive and legislative branches to struggle over foreign policy. There has been plenty of struggle over the past 200 years, but it would be a mistake to conclude that the Constitution simply distributed the foreign policy powers at random. The powers are distributed according to a fairly consistent set of underlying principles.

Broadly speaking, the Congress was intended to be a collective, deliberative body. The Presidency, in contrast, was designed as a one-person office to ensure that it would be ready for action. Its major characteristics, in the language of Federalist Number 70, were to be "decision, activity, secrecy, and dispatch." The government works at its best when both branches contribute according to their respective designs. When that happens, the Constitution—to paraphrase a forthcoming Brookings Institution book—can be an invitation to comity and not just to struggle.

Unfortunately, the relationship was one of enormous struggle in the 15 post-Vietnam years of the Ford, Carter, and Reagan administrations. Rather than each branch playing to its unique strength, each seemed increasingly to be convinced that the other was trying to do everything by itself. Today—one year into the administration of President George Bush—I can say that both branches have taken steps to improve the situation.

Congress deserves some of the credit for helping lower the temperature, but I work for the President and I want to tell you something about the way George Bush has conducted himself. The President has used his powers decisively, prudently, and well. He also has a clear view of his responsibilities and has been willing to assert his constitutional authority in the fields of national security and foreign affairs.

The President genuinely respects the role of Congress, but he also has decided to stand up forthrightly to preserve the powers of his own office. He is convinced that all branches have to work well for the government to work well. He is also convinced that Federalist Number 51 is right: that if he does not stand up for the Presidency, no one else will. Paradoxically, it turns out to be easier to reach workable accommodations with Congress when the President is firm.

Unfortunately, the general improvement in atmosphere has not brought about a resolution of all major issues. Let me note two outstanding examples: war powers and the notification of Congress about special intelligence activities.

Under the 1980 amendments to the National Security Act, the President is required to notify Congress before beginning any significant intelligence activity. But the law also allows for situations in which prior notice will not be given. When that happens, the law requires the President "to fully inform the intelligence committees in a timely fashion."

You will remember, of course, that one of the big issues of the Iran-Contra investigation was that President Reagan waited 11 months to inform Congress about the Iran arms sales. After the investigation, many members responded with a classic example of "never again" legislation. By "never again" legislation, I mean legislation that reacts to a past decision by trying to make it impossible for any President to make the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

same decision again, no matter how the world might change, or whatever future circumstances might arise.

The way Congress has been thinking of saying "never again" to Iran-Contra is by passing a bill that would require the President under all conditions, with no exceptions, to notify Congress of all special activities within 48 hours. In 1988, the bill passed the Senate but did not reach the House floor. In 1989, the issue was revived as part of the intelligence authorization act. That year's round produced a compromise that the President feels protects his interests. However, Intelligence Committee members have said they will address the issue again in 1990.

Generally, there is no problem with notifying Congress before an operation starts, or very soon afterwards. But no President can accept a statute that conflicts with his constitutional responsibilities. This is not just a hypothetical possibility.

For example, preparations for the aborted Desert One rescue attempt during the Iran hostage crisis began months before the helicopters lifted off. Under the draft legislation, you could argue that Congress would have had to be notified within 48 hours of the start of the first phases of the operation, long before the actual rescue attempt. Imagine trying to maintain tight operational security for that long. And while you imagine it, remember that hostages' and agents' lives were in the balance.

Then there was the courageous Canadian decision to hide and then spirit away from Iran a handful of Americans who were lucky enough not to be captive inside the American Embassy. This included some U.S. intelligence support activities. According to an August 16, 1988 letter from Secretary of Defense Carlucci to Senator David Boren, chairman of the Senate Intelligence Committee, the Canadians asked us to hold off notifying Congress and we did so. It is worth remembering the atmosphere in Teheran at the time. It is clear that the Canadians were putting their entire embassy staff at peril to help us.

When foreign governments place a condition on the United States, we can either accept the condition and go ahead with the operation, or say no to both. In this case, we are talking about allies who were risking their own lives, at no benefit to themselves, to save American lives. Because the President has the ultimate responsibility for protecting American lives, I believe the decision to withhold notification in these kind of cases, as well as others, has to be his and his alone.

Let me stress that what I am talking about here is a rare situation. The problem is that the situations will vary from case to case. If Congress tries to define everything in advance by law, it will fail to provide enough leeway for action that is in our national interest. This is clearly not what the Constitution intended. Ultimately, the conflict should be resolved by relying on appropriate political checks and balances instead of unwieldly and inappropriate legal ones.

We believe that the appropriate standards were laid out in an October 30th letter President Bush sent to the Chairman and Vice-Chairman of the Senate intelligence committee. In the letter, the President said, and I quote:

I intend to provide notice in a fashion sensitive to congressional concerns. . . . I anticipate that in almost all instances, prior notice will be given. In those rare instances in which prior notice is not provided, I anticipate that notice will be provided within a few days. Any withholding beyond this period would be based upon my assertion of the authorities granted this office by the Constitution.

Two aspects of the letter are important. The first is that the President has been, and will continue to be, sensitive to Congress's needs. But that sensitivity is only half of the point. The other half is his firmness about protecting the institution of the Presidency. We hope the two aspects together will convince Congress to drop the issue.

I'll turn now to war powers. I do not think I have to remind this conference that every President since the 1973 War Powers Resolution has believed it to be unconstitutional, impractical, and even dangerous.

Of all of the resolution's provisions, the most dangerous is probably the 60-day clock. That provision purports to take away a President's power to use troops after 60 days unless Congress affirmatively reauthorizes an extension. Given Congress's tendency to delay and then reach short-term, halfway compromises, what a 60-day clock would really do is tell an adversary how long it has to last to wait us out. A growing number of members of Congress may be coming to understand the 60-day clock's impracticability, but we are far from an agreement about constitutionality.

Meanwhile, we have a responsibility to try to make the government work, despite the constitutional impasse. For example, every President has rejected the resolution's constitutionality. Therefore, none has issued reports to Congress that he has been willing to describe as being "under" or "pursuant to" its requirements. But these same Presidents have sent reports they describe as being "consistent with" them.

The difference between the words "consistent with" and "pursuant to" makes little difference practically, but it makes all the difference when it comes to defending executive power. The intention to notify is expressed, but in a way that preserves Presidential prerogatives.

The most recent report "consistent with" the War Powers Resolution came during Operation Just Cause in Panama. As you know, H-hour in Panama was at 1 A.M. on the morning of December 20. To remind you of the immediate background:

On December 15, at the instigation of General Manuel Noriega, the Panamanian National Assembly declared that a state of war existed between Panama and the United States.

On the 16th, a U.S. Marine officer was killed, a U.S. Navy officer was beaten, and the Navy officer's wife was detained, threatened, and abused.

These events were not isolated. Since February 6, 1988, Americans in Panama have been threatened with serious bodily harm or death almost 100 different times. In addition, there were more than 1,450 violations of the Panama Canal Treaties.

All of this meant that the lives and welfare of American citizens in Panama were increasingly at risk. It also made it clear that the continued safe operation of the Panama Canal, the integrity of the Canal Treaties, and the security of American interests flowing from the Treaties, were all being placed in serious jeopardy. Under these circumstances, the President ordered military operations.

A few hours before H-hour, President Bush notified congressional leaders of his decision. Then, on December 21, well within the 48 hour perid specified in the resolution, he sent a formal letter of notification.

Most members of Congress have supported our action in Panama. That usually happens when a President's decisions work out well. But there was some ctiticism about the way the President notified Congress. Some members said that the President should have consulted and not merely informed them. Moreover, the frequently heard congressional definition of consultation is that it should be a meaningful deliberation, in a group setting, in which the members have an opportunity to advise the President whether he should go ahead with the planned operation.

With all due respect, I cannot accept this position and I do not think any President could either. Remember: the claim is that the President has an obligation to consult. That word "obligation" is significant. The claim is not merely that it would be useful to consult, or that the President would benefit from getting other opinions. I am sure that President Bush would agree that the advice of the congressional leaders can be very valuable indeed. In practice, he does tend to consult when—to paraphrase the statute—it is possible to do so.

Clearly, however, the issue is not about advice, but about power and authority. Congress can properly demand a consultative role in advance of a decision—as opposed to asking for one—only if the power to make the decision is Congress's and the President is exercising the power because Congress has delegated it. That is the underlying theory of the War Powers Resolution. It is not the opinion held by this or any previous President.

Let me emphasize that President Bush often does find it useful to have a give and take with members of Congress. The Administration had an extensive and ongoing quiet dialogue with Congress for months about Panama. But the decision for action finally belongs to the President. He is the one who bears the responsibility of sending young men and women to risk death. If the operation fails, it will be his fault. I have never heard one of my former colleagues stand up after a failed operation to say, "I share the blame for that one; I advised him to go forward." The sad track record too often shows members hedging their bets at the start of an operation, and waiting to see how it turns out before committing themselves.

If the responsibility for decisions is the President's, then the responsibility for gathering advice must also be his. However useful it may be to get members together for a group consultation, history shows that hastily called group meetings can produce rampant press speculation about what is going on.

For example, when President Reagan briefed some Senators before the 1986 Libyan bombing raid, the Senators had to dodge reporters' questions after the meeting. I am not about to claim that this particular chain of events caused security problems. Press speculation about a reprisal raid against Libya was already rampant. However, you can easily imagine similar situations in which a group meeting, followed by "no comments," would raise press suspicions. With today's worldwide electronic media, those suspicions could easily beat our airplanes to the target.

Of course, Presidents often conclude that a meeting is worth it, despite the risks. But balancing the risks is a judgment call. That judgment should belong to the person who has to order the risks in the first place.

I realize as soon as I make this point, of course, that many members of Congress will

disagree vehemently. We can spend the next ten years fighting over the point, but if we do that, I guarantee you that the country will lose. The United States cannot conduct a successful foreign policy if every constitutional disagreement is pressed to a final confrontation. The legislative and executive have to agree to disagree, and then work together to govern. We made some real gains in 1989, but we shall have to work hard to hold on to those gains and keep moving forward.

The United States is a global power, with global responsibilities. Our post-World War II role has raised the foreign policy stakes for most Americans, and we are now entering a time of unusual uncertainty, opportunity and risk. We know from our history that no policy can be sustained for the long term unless it has the active cooperation and participation of both branches. Now of all times, it is crucial to contain disagreement. When the stakes have to do with the leadership of the free world, we cannot afford to be paralyzed in an intramural stalemate.

WHAT KIND OF MEDICINE IS THIS?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. STARK. Mr. Speaker, in last fall's budget reconciliation bill, we took the first steps toward eliminating utilization abuses in the referral by physicians of patients to facilities in which they have an ownership interest.

Almost daily I receive letters documenting why we need to continue to pursue this issue. Last fall's legislation did not deal with the issue of physician-owned physical therapy services. The following letter shows why this is an area we should continue to investigate.

I've blocked out the names involved, since it is an allegation—and since the people complaining might well be subject to further physician boycott by their complaint.

Most of us have a Norman Rockwell sort of view of doctors, but stories just as the following make one think more of Mr. Hyde.

ANUARY , 1990.

Representative FORTNEY (PETE) STARK,
1125 Longworth House Office Building, Washington, DC.

HONORABLE STARK: I am writing in reference to physician-owned physical therapy services. I am a licensed practitioner in the North who employs 10 licensed physical therapists. All these therapists have been sent to graduate courses on back care and are involved in teaching and research. It has been very difficult and expensive for me to bring 10 licensed personnel to rural X. We have developed an 18,000-square-foot clinic that offers the latest in high technology equipment and prides itself in developing programs for open wound care, cerebral palsy child care, sports rehab, splint construction, brace measuring, research, publishing, etc. to provide services that are otherwise not available to people in this area.

My problem is that most physicians and chiropractors own their own rehabilitation offices next door to their clinics. Ninety percent of these clinics have no licensed person on the premises but list several medical doctors and chiropractors as consultants on their bills to give credibility to the person providing the services. The other 10 percent of the clinics in this area have one licensed person in an 800-square-foot office that offers occasional licensed supervision and has obviously spent as little as possible on expansion, equipment or personnel. Still, the owning chiropractor or medical doctor pumps patients into these facilities and for the most part will not allow the patient to attend any facility but their own. My own sister who lives in X had arthroscopic surgery by a doctor 20 miles away in a neighboring city and her physician told her if she did not attend therapy at his clinic he would not do her surgery or follow her up afterwards. He has one licensed person and very little equipment, and yet she was required to drive 80 minutes every day back and forth to therapy so he could financially support his clinic. There have been hundreds of instances like this that I know of, many of them where patients were actually hurt or injured but could not get out because their attending physician owned the facility. I have written formal complaints to the Medical Association, State Board of Physical Therapy Examiners and Chiropractic Board, and even spent thousands of dollars hiring a private investigator to document these abuses. To this day, no one has responded to these complaints with any positive action. I am enclosing only one letter written by such a patient named [J.D.], but have many more if you could use them to further document what is so obvious to me.

My greatest concern is that we have gone to great expense and effort to develop one of the top ranked facilities in the country and have many services to offer these patients. Many times these patients are finally sent to our clinic when their personal injury protection insurance is expired or when worker's compensation begins to give their clinic trouble over the length of care. Our job is then twice as hard. Yet all these patients ask why they weren't sent here a long time ago. The answer is obvious, at least in most cases, and I feel it could be alleviated if the physicians involved were at least required to say that they own that facility, that there is no licensed person on the premises, and that you have the right to go to the place of your choice if you would like to look around. Most people know of our clinic and ask to come here but are many times refused even though they and the doctor know that the services provided are far superior to what is being offered in their own clinics.

Thank you for addressing this most serious and complicated issue. If I can be of any assistance at all, please feel free to contact me.

NOVEMBER 1, 1989.

DEAR SIR: I am writing you to relate an experience I had last July that makes me very strongly believe that an Orthopedic Surgeon should not be allowed to own and operate his own Physical Therapy Center.

My experience was at Dr. X's office in a neighboring city. I live and work in Y but was unable to get in to see a doctor there so I went to X. I had a frozen shoulder and X did orthoscopic surgery on me in July. It was my understanding that I would have therapy in his office following the surgery for a period of a couple of weeks and then he transferred to Y for therapy. I took off from work three afternoons per week to attend his therapy.

The therapy immediately after surgery was very rough and my pain increased to a point I could not tolerate it. I would leave there unable to move my arm at all, and in tears. I would scream with pain and the therapist would just say, "Don't fight me, this is a necessary procedure." After two weeks of not being able to sleep at night or function well in the day time, I saw Dr. X. Until that time, nothing had been given me for pain. Dr. X at that time gave me a mild pain reliever, which did no good against the therapy I was undergoing.

After another two weeks I begged to see Dr. X again. He came back to the therapy room and saw I was in very bad shape. He said that some people just can't handle pain and acted like I was just being a baby about it. He said he was going to send me to a pain control doctor. This doctor's ten minute exam of me cost me $220.00. She wanted to do a block that is done by an injection in the neck to block the pain so I could stand the therapy. This procedure would need to be done once a week. One side effect would be temporary paralysis. I was already missing a lot of work and this meant I would miss more. It was impossible for me to do this and keep my job.

I called to talk this over with Dr. X but only was able to speak with his secretary. I asked if I could be transferred to Y for therapy because they are open after working hours and then I would not have to take off work anymore. She asked Dr. X and his answer was no. He said I had not made enough progress to be turned over to another therapist. I then said I would have to do home exercise until my next appointment time with Dr. X. That week-end I received a registered letter from X releasing me as his patient. He would not treat me unless I used his therapy center and stated I was uncooperative.

I then saw Dr. Smith in Y and started going to therapy at Y Physical Therapy Center. After just 6 treatments they had my pain under control and I was making progress. The treatment at Dr. X's office set me back and I now had to look at months of treatment that should have only taken weeks.

I talked with my insurance company and found that I was not the only one done this way by Dr. X. They told me that anyone that can't take his therapy treatment, he writes a letter of release to. This makes me believe that he does not have the best interest of the patient in mind but has the interest of the therapy center in mind. After going to Y Physical Therapy I realized what I went thru at Dr. X's office was very unnecessary and very costly to me. I would not recommend that anyone use Dr. X, not because he is not a good doctor, but because of his therapy.

BLACK HISTORY MONTH SALUTES: IDA B. WELLS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. TOWNS. Mr. Speaker, as we know, February is Black History Month. Africans first stepped on American soil in 1619. In those 371 years, the history of black Americans has been marred by slavery, injustice, and racism.

However, in the face of these overwhelming obstacles black Americans have survived and often prospered. These people of strength and courage excelled in fields as varied as

law, medicine, science, journalism, business, in arts and religion. It is in recognition of the struggle and achievements of these incredible people that I present to you a portrait of a woman who was an educator, journalist, and a civil rights leader, Ida B. Wells. This black American woman may not be a well-known figure, but she contributed substantially to the history of our country.

I do this in the hope that the knowledge of their struggle and ultimate triumph will inspire yet another generation to work to overcome any obstacle which may be encountered on the long and arduous road to freedom. As Dr. Martin Luther King said in his last speech, "I know that we as a people will get to the promised land someday."

This portrait is taken from the Encyclopedia of Black America, edited by W. Augustus Low and Virgil A. Clift. I commend these gentleman on their enlightening work.

IDA B. WELLS

Ida B. Wells was born in 1862 in Holly Springs, Mississippi. By her fourteenth birthday, both of her parents were dead. This left Ida, the oldest of three children. Unwilling to separate from her siblings, Wells gave up her life as a student and began to teach to earn a living. Wells began to teach in a country school at the age of 14. Moving to Memphis, Tennessee in 1884, she continued to teach to earn a living. Wells began while attending Fisk University during the summers. Due to a lawsuit involving her refusal to give up her seat in a railroad car designated for "whites only", Wells lost her teaching job and subsequently turned to journalism.

For a time she wrote for a local Afro-American Weekly, Living Word, and in 1891 she became coowner and editor of the Memphis weekly, Free Speech. In 1892, three Black men were lynched after opening a grocery store in direct competition with a White grocer. Wells took the extraordinary step of printing the identity of those persons responsible. In response to her courageous act, an angry mob of Whites destroyed her printing press and office.

This act of retaliation led Wells to the belief that Blacks would not be able to obtain justice in Memphis. She encouraged Blacks to leave the city. Thousands did. Wells also left the South.

When Wells left Memphis, she moved to New York City where she was hired by an Afro-American weekly. She launched into an anti-lynching campaign. The anti-lynching cause took her on lecture tours across the country and to England. Later, Wells moved to Chicago, Illinois. In Chicago, she was a contributing writer to newspapers and periodicals. In 1898, Wells led a delegation to President William McKinley to protest lynchings, and that same year she became the secretary of the national Afro-American Council. Ten years later, she founded the Negro Fellowship League.

During this time, Wells returned to the South to interview a group of black farmers who had been arrested on criminal charges arising out of an unsuccessful attempt to organize a union. Against much sage advice, she wrote their story. The farmers were acquitted.

Wells was a prolific writer. In addition to a regular syndicated column, she wrote books which documented facts about lynching. Her publications include, Southern Horrors (1892) and A Red Record (1895). Her autobiography, edited in 1970 by Alfreda M. Duster is entitled, "Crusade for Justice: The Autobiography of Ida B. Wells" (University of Chicago Press, 1970).

R.E. THOMASON HOSPITAL CELEBRATES 75TH ANNIVERSARY

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. COLEMAN of Texas. Mr. Speaker, I rise to pay tribute to El Paso County, TX, general hospital, which has served our community with pride and dedication for 75 years.

Thomason is the county's only publicly operated hospital, and it bears the county's obligation for indigent care. In the process, it has developed into one of the county's best health care facilities. It serves as the regional trauma center, and in 1989, along with its affiliated Texas Tech Regional Academic Health Care Center, combined for 20,000 hospital admissions; 55,000 emergency room visits; 2,000 trauma center cases; 120,000 clinic visits; and 5,447 babies delivered.

Mr. Speaker, the attached article from the El Paso Herald-Post provides a look at Thomason Hospital's rich history of service to the community, and I would like it printed in the CONGRESSIONAL RECORD for the benefit of my colleagues.

The article is as follows:

THOMASON AT 75—From 'Horror' to First-Rate Hospital

(By Vic Kolenc)

Thomason Hospital has gone from a bug-infested "horror" to a first-rate medical center during almost eight decades of operation.

Today, El Paso County's general hospital turns 75.

Dr. Russell Deter, 79, a retired general surgeon, said the "hospital was an absolute horror" in the late '40s and early '50s.

"People died because we had untrained people looking after sick people. And the place was miserable. No one wanted to work out there."

The hospital's condition was about the same as most city-county hospitals in those days, Deter said.

The hospital was run with volunteer doctors and interns until the mid-'60s when it began employing some paid medical staffers.

The hospital got a shot of manpower and medical expertise in 1974 after it affiliated with the Texas Tech University medical school. The school now staffs the hospital with 110 faculty doctors and 110 resident doctors who are training in specialized fields.

The Texas Tech connection greatly improved the quality of health care at the hospital, said Bob Hoy, chairman of the hospital district board of managers.

Deter spent many of his afternoons and Saturdays as a volunteer surgeon in the late '40s and '50s at what was then called the El Paso City-County Hospital and later, El Paso General Hospital. He served as the hospital's chief surgeon for several years.

He often had to scrounge around town to find instruments he needed to perform surgery. Cockroaches and other bugs infiltrated the open-ward hospital.

"I operated out there with people walking around killing flies and bugs. . . . There was no air-conditioning system. We left the windows open and used fans," Deter said. "It's unspeakable to have a fan in an operating room today."

The financial boost to improve El Paso's only publicly operated hospital came in 1955 when voters approved formation of a hospital district. That allowed property taxes to be assessed for operation of the hospital. And a district board of managers was established. Deter was on the first board, which quickly began work on getting a bond issue passed to build a new hospital.

The hospital's deplorable conditions were used to sell the bond issue. Photos of the hospital were printed on brochures along with a caption asking people if they wanted to go there if they were in an accident.

In 1959, county voters approved a $3.7-million bond issue to build a new, 335-bed hospital. The building opened in 1963 and remains the hospital's main tower today.

The hospital's design and layout received national attention. Things that were considered innovations for hospitals at the time were put in El Paso's new hospital. But it took a lot of public debates to get them, said Deter, who was chairman of the hospital's building committee.

Public debates ignited when plans were announced to put air conditioning in the hospital and build private rooms instead of the open wards that were standard in old public hospitals. People viewed those as luxuries not appropriate for a "charity hospital," Deter said.

But hospital officials convinced the public that air conditioning and private rooms were not luxuries, but medical necessities.

Gordon Frasen, of Washington, D.C., who Deter described as the "premier hospital designer of the time," was hired by the contractor who built the new hospital.

Frasen's futuristic design incorporated ideas that have become standard fare in today's hospitals. It began with placing private rooms on the edge of the hospital, connected with central corridors down the middle. It included wiring each room for televisions and telephones because Frasen foresaw the day that a hospital without such conveniences would be unthinkable. Each room was equipped with a private bathroom and a communications system between the room and the nurses station.

State-of-the art X-ray and laboratory facilities and other equipment removed El Paso's public hospital from the stone age of medicine.

And, Deter added, "We got rid of the bugs."

MORE SERVICES PLANNED IN DECADE OF "GROWTH"

(By Vic Kolenc)

Growth and financial strain.

Those are two constants at Thomason Hospital that are unlikely to change in coming years, said Bob Hoy, chairman of the hospital district board of managers.

Thomason plans to move administrative operations and its fourth-floor psychiatric unit to other buildings near the hospital in the coming years. That will free space to meet ever-growing patient demands and allow the addition of some new services, Hoy said.

One service that the hospital hopes to add in the future is open-heart surgery. That will save taxpayers money because indigent patients who need such surgery are now

sent to private hospitals—but taxpayers still pick up the bill. Thomason could perform the surgery for less money, Hoy said.

Thomason and the Texas Tech University medical school delivered $131 million in health-care services last year. But the two institutions had to pick up millions of dollars of that amount because patients couldn't pay.

Hoy said the hospital has become aggressive in its collections, especially in getting people to fill out necessary forms to receive federal and state medical benefits. Sometimes that means going to a patient's home after they're released from the hospital.

And the hospital has formed a foundation to bring in money from grants and donations.

Those measures will help, but the financial struggle will continue in coming years, Hoy said.

One thing that is changing is Thomason's image. It's better, and hospital officials plan to stress Thomason's quality to El Pasoans, especially in the area of trauma care. Thomason is the city's trauma center.

"This is a state-of-the-art institution with quality care (provided by Texas Tech). Just because poor people are treated here doesn't mean they get poor care."

AT A GLANCE

1915: El Paso City-County Hospital opened on Jan. 26 at Thomason Hospital's present site.

1963: A new 335-bed hospital opened. The building remains as the hospital's main tower today. The new hospital was named for R.E. Thomason, a federal judge at the time. He also was an El Paso mayor and he represented El Paso in the United States Congress for 17 years. He died in 1973.

1974: The Texas Tech University Regional Academic Health Center is constructed. Thomason is designated as the school's teaching hospital. That gave Thomason a badly needed shot of manpower and medical expertise. Today, Texas Tech has 110 faculty doctors and 110 resident doctors in specialized training that staff Thomason. In addition, 66 medical students receive training at the hospital.

1985: A $35-million expansion project began that added an eighth floor and a state-of-the-art emergency room which allowed Thomason to be designated as the city's main trauma center.

1989: Texas Tech opens new, $6.9 million building to house its medical clinics near the hospital.

THOMASON NUMBERS

In 1989, Thomason Hospital and the Texas Tech Regional Academic Health Center combined for 20,000 hospital admissions; 55,000 emergency-room visits; 2,000 trauma-center cases; 120,000 clinic visits; 5,447 babies delivered.

TRIBUTE TO GEOFFREY CABAT

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. GREEN. Mr. Speaker, I should like to take this opportunity to recognize and commend Mr. Geoffrey Cabat, an educational leader in my Congressional District, New York's 15th.

Mr. Cabat has been instrumental in administering the "We The People * * * Bicentennial Program on the Constitution and Bill of Rights" in Manhattan. Through the dedicated and voluntary efforts of Mr. Cabat, thousands of students have studied a curriculum of how our Government is organized.

The "We The People" curriculum introduces students to the philosophical ideas of our Founding Fathers, provides historical background of the Philadelphia Convention as well as the issues and debates that shaped the writing of our Constitution. More importantly, the program enables our Nation's youth to learn of the responsibilities which accompany the rights of citizenship in a democracy.

With so few young people understanding the purpose and importance of our Constitution, it is clear that we must do all we can to turn the tide of political apathy into a wave of active and informed participation. Mr. Cabat's dedication to the improvement of the civic education of our students has been exemplary. I am pleased to express my appreciation to him for his impressive contributions to the development of responsible citizenship.

IN RECOGNITION OF REAR ADM. PETER DeMAYO, SUPPLY CORPS, U.S. NAVY

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. HUTTO. Mr. Speaker, I would like to take this opportunity to honor and recognize Rear Adm. Peter DeMayo, Supply Corps, U.S. Navy.

On March 1, Rear Adm. DeMayo will retire after 31 years of outstanding service to the Navy and the Nation. A distinguished professional, Rear Adm. DeMayo is currently serving as the Deputy Assistant Commander for Aviation Depots at the Naval Air Systems Command. While commanding this organization which numbers 23,000 with an operating budget of $2 billion, Rear Adm. DeMayo has clearly demonstrated resourceful leadership and exceptional business acumen. In this regard, he was directly responsible for numerous management initiatives including public/private sector competition as well as those associated with the implementation of the Navy Industrial Improvement Program, which yielded significant enhancement of the quality and mission performance of aviation depot operations while achieving equally significant cost reductions. These efforts contributed greatly to the Naval Air Systems Command being awarded the first Presidential Award for Quality and Productivity in 1989.

Hailing from Lynbrook, NY, Rear Adm. DeMayo has served at sea on the U.S.S. *Canopus* (AS–34) and on the U.S.S. *Cacapon* (AO–52) and overseas at the Fleet Activities Support Center in Sasebo, Japan. He has also served at the Naval Supply Center, Oakland, CA, the Electronics Supply Office, Great Lakes, IL, and the Naval Material Command, Washington, DC. Many of Rear Adm. DeMayo's more recent tours have been in the area of defense acquisition and contracts and include serving for many years as the head of contracts at the Naval Air Systems Command, settling major shipbuilding claims as a special assistant to the Assistant Secretary of the Navy, and training the next generation of Supply Corps contracting officers as associate professor and director of the Systems Acquisition Management Program at the Naval Postgraduate School.

In the last several years, Rear Adm. DeMayo has shared his unique knowledge and great expertise concerning defense acquisition by personally participating in some 20 congressionally sponsored procurement seminars and in this capacity has been of great assistance to me, many of my colleagues and thousands of our constituents.

A man of Rear Adm. DeMayo's talent and integrity is rare indeed and while his honorable service will be genuinely missed, it gives me great pleasure today to recognize him before this body and to wish him "fair winds and following seas" as he brings to a close his long and distinguished career in the U.S. Naval Service.

CHAMINADE-JULIENNE HIGH SCHOOL CELEBRATES NATIONAL SCHOOL OF EXCELLENCE AWARD

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. HALL of Ohio. Mr. Speaker, last May, Chaminade-Julienne High School of Dayton, OH, in my district, was selected by the Department of Education as a national school of excellence. This Friday, the school will hold a ceremony to celebrate the honor. By calling attention to the school's achievement, I hope not only to share the pride of the entire Dayton community, but also to hold up Chaminade-Julienne as a national example of the excellence in education that can be achieved through creativity and dedication.

A news account in the February 2, 1990 issue of the Dayton Daily News describes the plans for the ceremony.

NATIONAL AWARD GIVES C–J SOMETHING TO BRAG ABOUT

(By Rosemary Harty)

Chaminade-Julienne High School students and faculty have so far been low key about the prestigious national award the school won last May. But now it's time to brag a little.

On Friday, officials from the U.S. Department of Education, the city of Dayton, state of Ohio and Montgomery County will join with the Archdiocese of Cincinnati to applaud the school's achievement and help students celebrate.

City workers will install signs reading "Chaminade-Julienne Way" at the corners of Franklin and Ludlow and Washington and Ludlow streets. A banner bearing the distinction will hang in the gym along with the school's athletic accolades. The model of a permanent sign declaring C–J a "national school of excellence" will be unveiled.

And Principal T.J. Wallace plans a special reward for students that will remain undisclosed until the actual celebration.

The high school, Dayton's oldest, was selected a National School of Excellence by

the U.S. Department of Education in May. It was the only area school out of 218 chosen nationwide for the honor, and one of only six in Ohio. More than 600 schools applied for the recognition.

Evaluation teams from the U.S. Department of Education visited the school last March and school officials submitted a lengthy booklet detailing the school's curriculum and achievements.

In September, Wallace picked up the award during a ceremony that included Secretary of Education Lauro L. Cavazos and President George Bush.

A solid academic program and a record of sending 90 percent of its graduates to college helped the school win the award.

Sister Mary O'Brien, superintendent of Dayton area Catholic schools, said they wanted to share the award with the community because it reflects well on both the school and the Miami Valley's educational standards.

The celebration begins at 1:30 p.m. Friday at the school, 505 S. Ludlow St.

"We want to celebrate with our local community the good thing that happened here," Sister O'Brien said. "It's a celebration with the parents, students and the external community, and a lot of civic leaders will be there."

Wallace said the celebration was another way to keep reminding students of what the award means.

"We went to Washington to pick up the award, but this is the first time we can all celebrate here," Wallace said.

Wallace said the school made its students the centerpiece of the award ceremony. Student council President John Barry will receive the award from the Department of Education representative and the group's vice president, Angela Rathweg, will host the event.

"By having government officials and administrators from the archdiocese present it * * * will help make that impression of how significant the award is for us, and how proud the students and all of us can be," Wallace said.

LEGISLATION TO ASSIST TIMBER FARMERS DAMAGE BY HURRICANE HUGO

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. TALLON. Mr. Speaker, I rise today to introduce companion legislation to a bill introduced in the Senate to assist the timber farmers damaged by Hurricane Hugo.

On September 21, South Carolina was devastated by the worst storm of this century. We have had a half million people displaced, a quarter of million out of work and damage to physical property exceeding $4 billion.

It will take us years to recover.

But, as the people of our State begin the long, painful process of piecing their lives and belongings back together, it has become clear that one of the greatest casualties was our forests.

This should not come as a great surprise. Timberland accounts for 12.2 million acres or 63 percent of South Carolina's total land area. Of that, 68 percent is owned by nonindustrial private landowners. These are small landowners who use this timber as a savings account. They use it to finance their children's education, for collateral for operating loans on small family farm operations. But the timber and the opportunities it made available for South Carolina's small farmers are all gone now.

Hugo prematurely harvested over 3 years' worth of South Carolina's timber, the State's largest cash crop. It left over 6.5 billion board feet of saw timber on the ground—enough to build 470,000 homes. For a $4.3 billion industry, this sort of damage is crippling for the entire State economy.

One of my constituents said, "it looks like a giant walked through the forest and snapped off trees. Trees 30 inches in diameter were snapped like twigs."

Perhaps even more threatening is the enormous amount of debris from the pine forest littering almost all of the acreage in my district and across much of the State. Right now the almost 4 million acres affected by Hurricane Hugo are a forest fire waiting to happen. The path of Hugo is like a powder keg.

Yet unlike other crop producers, timber farmers have no real Federal assistance program to fall back on.

Congress enacted the Disaster Assistance Act of 1989 to provide disaster assistance payments to farmers who suffered losses in production due to damaging weather including hurricane.

As well, the Farmers Home Administration has low interest emergency loans for loss of farms and equipment.

But the timber farmer is largely left to his own defenses. This is bad news for those concerned about the production and conservation of the 4 million acres affected by the hurricane.

The legislation introduced in the Senate yesterday, and here in the House today, could go a long way toward filling this void. This bill would establish an Emergency Reforestation Program to provide for the reforestation of timber lands that are damaged by natural disasters.

This bill would establish a cost-sharing program to pay 75 percent of reforestation costs for owners of timber stands which suffer damages resulting from conditions which qualify as a major disaster under the Robert Stafford Disaster Relief and Emergency Assistance Act.

Mr. Speaker, the House demonstrated its compassion for the timber farmers of South Carolina when it passed H.R. 3482, legislation which also sets up a cost-sharing program for clearing debris and reforestation and funds this through the Federal Emergency Management Agency [FEMA]. Unfortunately, this bill did not have adequate support in the Senate to ensure passage. I am hopeful that both Houses of Congress and the President will get behind this bill and H.R. 3482. The important thing is that legislation to clear debris and reforest Hugo damaged lands becomes law—soon. The people of South Carolina cannot afford to wait.

THE CZECHOSLOVAKIAN JEWISH COMMUNITY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. GILMAN. Mr. Speaker, Mark Talisman, director of the Washington office of the Council of Jewish Federations—and former aid to Congressman Charles Vanik recently returned from yet another of his many visits, to Czechoslovakia. Mr. Talisman's contributions to Czechoslovakia's Jewish community include not only the preservation of their cultural heritage through the Precious Legacy exhibit we enjoyed several years ago, but also by assisting this vibrant part of world Jewry in restoring past glories.

Mark's insights regarding the Czech Jewish community are important and I would like to share them with my colleagues. Having Returned from a visit with some of the Jewish Community in Prague last month, I can attest to the validily of Mark Talisman's cogent analysis. I recommend this article to my colleagues for their review, and want to commend Mark for all of his past and continuing endeavors on behalf of Czechoslovakian Jewry.

[From the St. Louis Light, Jan. 17, 1990]

CZECHOSLOVAKIA: THE LIBERATION OF A HISTORIC JEWISH COMMUNITY

(By Mark E. Talisman)

PRAGUE.—Nov. 17, 1989, will not only go down in history as the date the revolution came to Czechoslovakia, but also as the day of liberation of the Czech Jews. In the following days, the Jewish community began to devise a course to liberate themselves from the tyranny which had suppressed them.

The drama, which unfolded in the ancient Jewish town of Prague, began when 40 Czech Jews, young and old, gathered in the 16th century Jewish Town Hall, built by Mordecai Maisel, a great Jewish leader of the times. They met to air grievances against the two leaders who had been installed with the blessings of the Communist ministry of religion.

Mordecai Maisel would have loved this meeting as it unfolded. Young people told of how they had been spied upon and how they were denounced to the secret police by the general secretary of the community. Older people mourned the loss of their once revered community, having seen it fall into a Kafkaesque 48 months of horror at the hands of their leaders.

They formulated a manifesto, which they all signed, and nailed it to the door leading to the kosher restaurant in the Town Hall for others to read and sign. This "radical" document demanded that these two leaders resign at once. Before the revolution, in the streets of Prague and elsewhere in the Czech lands, such a bold document would have been unthinkable.

When confronted with these demands, the elderly president, Heller, quit at once, but the general secretary, Frantisek Kraus, defiantly refused. At the next regular meeting of the Council of the Jewish Communities of the Czech Lands, Kraus was formally presented with the manifesto calling for his resignation.

Not only did he not resign, but he was presented with a formal letter of commendation by his colleagues, most of whom had been on the payroll of the community.

Kraus rushed for political sustenance to his protector, the ministry of religion. There he found the offices all but deserted. When he inquired, he was told that, under the circumstances of rapid change, he would do well to rush back to the community, find Dr. Desidir Galsky, the distinguished former leader of the community who had been ousted for being too honest, and beg his forgiveness.

Kraus did that, but the conversation between Dr. Galsky and Kraus, for the time being, will have to remain unprinted. The young people were elated. Following elections, Dr. Galsky was returned to the presidency he had so well served before being summarily removed in an infamous *putsch.*

His task now is to unite the Czech Jewish community. Working with the young rabbi, Daniel Myer, an energetic group of devoted Jewish young people who want to know the Hebrew language and literature and actively and openly celebrate Jewish life, and a core of older people who have survived enormous adversity, Dr. Galsky now will have a chance to help this proud community grow and prosper without interference.

RESTORING JEWISH LIFE

In circumstances like this, which are being repeated in locally unique ways throughout Central and Eastern Europe, the American Jewish Joint Distribution Committee will have a pivotal role to play, which will help determine the speed with which this Jewish community succeeds in their quest for identity and self-fulfillment. Under this new democratically controlled regime, the JDC will have easy access. Remember, it was Prague where the distinguished leader of the JDC, Charles Jordan, was assassinated in 1968.

It will be necessary to provide Jewish texts for all levels of teaching and learning. It was a *samizdat* operation, proudly but clandestinely lead by Dr. Galsky, which allowed these young Jews of Prague to sustain themselves with the first-time Czech translations of great Hebrew writings during the past regime. Rashi, hand-typed, bound by one of their number, each copy passed among dozens of people.

These volumes soon will join other *samizdat* publications in the museum of the City of Prague so its citizens can understand the bravery of people who would not be crushed under the apparatus of oppression, which had afflicted the country since 1968. At once, the Jewish community mirrored and reflected what was occurring in the general community, and many of the young Jews were straddling both worlds with great dignity and courage.

Now, Dr. Galsky is reformulating the structure of this small but vital Jewish community. There will be vice presidents appointed from among the array of talented people.

There will be outreach with Jewish education, music, lectures and outside speakers. The Texas State Chamber Orchestra played on the stage of the 16th century Town Hall in December to a packed audience. It was on this stage that Franz Kafka read his works before they were sent into the world to be printed and read by others.

Soon, five of the great cantors of the world will come to Prague, as they have to other liberated Jewish communities in Eastern Europe, to perform first for the Jewish community in the Jerusalem synagogue and then in the general community. This has been cosponsored by the deputy prime minister, Hromatka, a Christian, who offered to do so when Dr. Galsky met with him to discuss a range of issues of mutual concern. Hromatka indicated he wanted to visit Israel and asked Dr. Galsky to seek details when he journeys to Jerusalem on his first visit. Formerly travels were proscribed by the government. Now, everyone in Czechoslovakia has a passport and is free to travel without receiving government permission.

CHANGING POLITICAL ORDER

Newly elected president of Czechoslovakia, Vaclav Havel, appointed Jiri Dienstbier foreign minister upon his release from political prison. Dienstbier is a major supporter of the need to recognize the State of Israel.

Havel, Dienstbier and their colleagues had formed the Civic Forum, which aided the revolutionary movement. Among the strongest and most impressive leaders of the forum is Rita Klimova. A Jew born in Prague, she lived some of her teen years in Brooklyn, N.Y. Klimova has been nominated as the new Czechoslovakian ambassador to Washington.

A remarkable woman, Klimova lamented that because of the pressure of forming the new government and ensuring the president actually would be elected and inaugurated, she had for the first time in memory missed the first night of Hanukkah at the Altneuschul.

On being congratulated on their choice of Klimova, both Havel and Dienstbier expressed confidence in her abilities, but added her brilliance and force would be missed as they begin to put the new government into place.

A visit to the *Lidove Noviny,* the newspaper that was the organ for Havel and his colleagues for years, was of particular interest. The present editor-in-chief and managing editor were released from jail only weeks ago as the bureaucracy moved slowly to find them and process the necessary papers. After the revolution, the newly appointed reformist head of the government agency, which had previously banned this once-illegal newspaper, was able to approve their release instantly.

Lidove Noviny was published underground until the second week in December when the first real public edition appeared in two colors. It has no presses or offices of its own. But it has a talented and bright staff of journalists, a number of whom are Jewish. It is housed for the time being in the offices of the agricultural publishing house near the statue of Wenseslas where the revolution began.

This serious newspaper is without computers, recording equipment or printing apparatus. The telephones are dead. Yet, the first edition is out and everyone is seen reading it.

The editors talked with this writer for over three hours seeking information on diverse subjects. They were particularly interested in the Precious Legacy exhibition, an extensive exhibition of more than 350 Judaic objects from the Jewish Museum of Prague. For more than 15 years I was involved with the exhibition, which was cosponsored by the Smithsonian Institution and the Project Judaica Foundation. They had no knowledge of the exhibition since Czech newspapers would never have carried stories about a Jewish exhibition. More than 15 other countries wanted the exhibition, but were refused by the Czech government. Negotiations currently are underway to revive aspects of the exhibit for display in Israel and other countries.

The editors of *Lidove Noviny* also sought detailed history of the Jackson-Vanik Amendment. At that moment, I was able to hand them a copy of a letter, which former Congressman Charles Vanik sent the previous day to President George Bush, requesting the President grant most favored nation status to the new Czechoslovak government. Sen. Carl Levin, a recent visitor to Prague, will seek to rally support for waiver of the Jackson-Vanik Amendment among his colleagues who will then press the administration to show our nation's support for this newly created democracy.

The case for waiver of the Jackson-Vanik Amendment is clear. The barbed wire borders between Czecholsovakia and East and West Germany, Austria and Hungary are down. Citizens have their passports and are free to travel. Religious freedom is restored and former political prisoners are running the country. By providing most favored nation status to this new government, the United States will lower tariffs on a number of dutiable goods, thus handing much needed hard currency to this country whose economy is in need of urgent repair. Havel is not begging for handouts. He wants normalization of relations between the United States and his country.

FREEDOM TAKES ROOT

Are developments such as these good or bad for the Jewish community? Clearly, in Czechoslovakia, one concludes, so far, so good. There is much to be done inside the Jewish community to allow it to fully enjoy the new freedom.

As democracy begins to flourish, the Jews will share in its bounty. As religious freedom spreads above ground, so should tolerance for all religion. Vigilance to assure this is on the minds of the new ministers.

As the economy goes through the upheavals of conversion to a new, possibly hybrid, form of existence, one considers the impact on the Jewish communities within the countries undergoing these convulsive changes. In Czechoslovakia, hopes are high in the Jewish community for full participation alongside their fellow non-Jews. There is no fear of a rise in anti-Semitism, and there is widespread optimism in this community with a thousand years of rich, Jewish history. For the first time since Hitler crushed this community in 1938, they have elected their own president. The future looks bright.

On Dec. 29, as the winter dusk settled in early and Shabbat arrived in Prague, Jews from everywhere gathered at the Altneuschul on Maiselova Street in the Jewish quarter. The Town Hall's bells chimed 4 p.m. as the hands of the Roman and Hebrew clocks reached that place from opposite directions.

It is a tiny place with high vaulted ceilings. A 13th century Christian architect had been engaged to design this Jewish house of prayer having done a credible job on St. Agnes' church and convent nearby. The building profile had to be lower than the nearby church, so as not to offend the Christian sensibilities, so he sunk the vestibule lower than street level.

This thoughtful architect knew it would be wrong for the Jew praying there to look up to the Gothic vaulted ceiling and see the traditional four spines joined at the top of the vault thus forming a cross, so he added a fifth spine.

We entered the Altneuschul on this special night, the last Shabbat of the year, the eighth night of Hanukkah, walked down the five steps into the vestibule under the arch of the Gothic doorway into the beautifully serene chamber of prayer. The crimson satin banner of the Czech Jews stretched across the side of the intricate forged iron gratework. In the center of the banner was the Mogen David with its unique Swedish military cap, which was awarded to the Jews of Prague for defending the crown of Bohemia against the invading Swedish hordes in the 17th century.

All was ready for the *mincha* and *ma'ariv* services. Here, they are traditionally shortened in deference to the elderly in the community. Cantor Feurlicht's voice rose instantly to the highest point in the ceiling and descended upon us. Each candle was lighted on the 16th century menorah as young and old were called to light a candle until all eight were ablaze.

This was the first Hanukkah in freedom under a president elected and installed only hours before. This was the same president who had issued a personal invitation to the new president of the Council of Jewish Communities of the Czech Lands to witness his swearing in.

At a break in the service, a special prayer was chanted in Hebrew and Czech for the health and success of the new president of Czechoslovakia. Then Dr. Galsky read a letter he was sending, on behalf of the Jewish community, wishing the president success and pledging him and his government support in every way. A representative of the government was present to receive these greetings and to transmit them to the president.

As we left the Altneuschul, we hugged each other, cognizant of the power of the day and evening's events in both the country's history and that of this Jewish community. Glancing back, I saw a luminescent glow over the prayer bench of the great *maharal*, Rabbi Judah ben Bezalel, as once again he appeared to watch over his flock in their new freedom.

It is clear all eyes will continue to focus on developments along Maiselova Street in Prague to see how freedom takes root once again in this unique Jewish community.

THE ANTI-DEFAMATION LEAGUE AND THE ABESS AWARD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, the Anti-Defamation League of B'nai B'rith is one of America's oldest human relations agencies. Since its founding in 1913, it has dedicated itself to translating the American heritage of democratic ideals into a way of life for all citizens. It is an organization which strives to foster improved understanding between all peoples of the globe.

Each year, the Anti-Defamation League of B'nai B'rith presents the Leonard L. Abess Award which publicly recognizes outstanding endeavors of individuals or organizations. The award symbolizes enhancements toward better human relations as well as contributing substantially to the welfare of citizens of the State of Florida.

On February 22, 1990, a luncheon will be held at Miami's Omni International Hotel to acknowledge this year's recipients: Georgia Jones Ayers and Representative Elaine Gordon. Georgia Jones Ayers is the founder and executive director of the Alternative Programs, Inc., a community agency dedicated to providing the courts with alternatives to incarceration for offenders. A grass-roots community activist, Georgia Jones Ayers has dedicated her lifetime of community service to turning youthful offenders away from criminal behavior and towards constructive and productive lives.

Representative Elaine Gordon is an effective legislator in Florida's House of Representatives for human rights issues. As one of the prime sponsors, Representative Gordon was successful in enacting the 1989 Florida Hates Crime Act, the most comprehensive and toughest bias crimes legislation in the United States.

Through the hard work and creative efforts of these distinguished individuals, we are one step closer toward unification of a better society.

A TRIBUTE TO HON. O. JAMES LIGHTHIZER

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to salute the Honorable O. James Lighthizer, whose 7 years as Anne Arundel County executive have been remarkable for enactment of enlightened policies providing public support for cultural amenities. Understanding that nurturing arts, sciences, and humanities in the community provides an environment in which to understand our past and build our future, he has enhanced the quality of life for our citizens.

This leadership has led arts and culture to flourish in Anne Arundel County, enabling the county residents to experience quality cultural activities that are available close to home, either for free or at an affordable price.

Programs are provided by community arts grants, community concert grants, the department of recreation and parks, the office on aging, community promotions grants and the active arts in schools program.

Community arts grants support 30 local organizations from Historic Annapolis and the Annapolis Symphony, to the writer's project at Jessup Prison and the Ballet Theater of Annapolis. The Maryland Hall for the Creative Arts in Annapolis, a center for arts activities, is a tribute to the cooperation between government, the board of education, artists, and preservationists. Jim Lighthizer also supported Maryland Hall with generous, annual grants. These grants enabled two galleries, an auditorium, and studio spaces to be provided for cultural enrichment. In addition, hundreds of children visit there to gain their first experience on the violin, the piano, or at the ballet barre; many of these children are on scholarships underwritten in part by county support.

Jim has been a leader, supporting major institutions within the region such as the Baltimore Symphony, the National Aquarium, the Baltimore Science Center and the Walters Act Gallery. This support comes from community promotions grants and is a model for the Baltimore region.

Mr. Speaker, the citizens of Anne Arundel County are fortunate to have had the benefit of his leadership for the past 7 years. His policies will keep a bright light glowing into the 21st century, enabling our children, our grandchildren and future generations to benefit from Jim's humane and caring attitude toward community cultural responsibilities.

It is a privilege to join with my fellow citizens to offer sincere congratulations to O. James Lighthizer, and all good wishes for the future.

A CONGRESSIONAL TRIBUTE TO HARVEY FEIT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention one of the finest and most respected journalists in southern California, Harvey Feit of San Bernardino. Harvey recently retired as political editor of the San Bernadino County Sun after a long and distinguished career.

Harvey has long been recognized by many as a shrewd observer of San Bernardino County's changing political scene. In all his years, however, he has never really been recognized for a gift that sets him apart from other reporters, namely, his innate ability to sense shifting political winds. Time and time again, Harvey has been way ahead of the crowd in anticipating the unanticipated in politics. While common sense would often suggest the obvious, Harvey could see otherwise.

Harvey Feit graduated from the University of Wisconsin and spent his early career working for newspapers in Sycamore, IL and Aberdeen, WA before moving to San Bernardino. He joined the staff of the Sun-Telegram in 1956 serving as staff writer, copy editor, and night city editor before he began covering city hall and county government in 1960. Harvey was promoted to political editor in 1968.

Now that he has left reporting, Harvey will have more time to spend with his wife, Laura, and focus upon his love of skiing and tennis. He claims to his friends that he plans to develop his topspin. As a politician who has seen Harvey Feit lob a few volleys over the last 22 years, I can attest to his fairness and accuracy. In all that time, I never once saw Harvey Feit—one of our finest in the fourth estate—ever hit out of bounds.

THE NEED TO CURB ARBITRARY "MEDIGAP" INSURANCE INCREASES

HON. EDWARD R. ROYBAL
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. ROYBAL. Mr. Speaker, you are aware, I am sure, that many insurance companies throughout the United States are seeking price increases for their insurance plans which supplement Medicare. Such insurance is commonly referred to as Medigap insurance. A recent national survey of State insurance departments by my Subcommittee on Health and Long-Term Care found that many of the increases that will be going into effect are unwarranted and in many instances not reviewed by State insurance regulators before they go into effect.

Noting increasing expressions of concern from senior citizens across the country regarding expected Medigap insurance rate increases, I called upon my subcommittee to undertake a national survey. We were shocked to learn of the dramatic hikes many insurance companies demanded in 1989 and are seeking again in 1990 for their Medigap policies. At the conclusion of my statement I would like to submit for my colleagues' review a copy of the summary of our subcommittee survey. You will note that in 1989, when we expected the cost of Medigap insurance policies to go down because of increased Medicare catastrophic benefits, many policies upped their premiums by over 100 percent. We also learned that, because of long waiting periods that precede the start of coverage under many Medigap plans for pre-existing conditions, seniors dare not switch plans. They don't want to risk becoming ill during the waiting period or to postpone treatment for current illnesses. For these and other reasons, they are virtually trapped in one policy and at the mercy of the companies who market those policies and who, with little or no supervision from the States, set the premium rates.

These increases have had a devastating impact on the lives of our Nation's 29 million older Americans. Consider the plight of one elderly Cleveland, OH, widow who told our subcommittee last week how her husband of 52 years committed suicide in order to not leave her impoverished due to his uncovered medical expenses which were draining all their resources. At age 72 she was forced to go to work for the first time in her life to pay for anticipated insurance increases.

In addition, my subcommittee was surprised that many States have no formal mechanism for reviewing or approving premium increases. Unlike public utilities, which must show just cause for rate hikes, the insurance companies in many States call their own shots. There is limited statutory authority to deny them insurance rate increases. Only 16 States require that requests for group Medigap premium increases, no matter how large, be reviewed and approved prior to their taking effect. Over a quarter of the States do not require prior approval and review of individual policy premium increases.

Lastly, most Medigap policies do not provide seniors with a good rate of return on their investment. While Medicare pays out 98 percent of every dollar it spends in benefits—2 percent goes for administrative costs—Federal law sets targets of only 60 percent for individual Medigap policies and 75 percent for group policies. Many policies do not meet these minimums, with some paying out as little as 8 percent of premiums received back in benefits. This should be changed.

Today, I am introducing, together with my distinguished colleague from Ohio MARY ROSE OAKAR, H.R. 3959, a bill referred to as the Medicare Supplemental Insurance Reform Act of 1990, which would protect senior citizens from unwarranted insurance rate increases by:

Requiring prior approval of all Medigap insurance rate increases which exceed the rate of growth expected for Medicare;

Establishing a minimum national prior review process which would require documentation by the insurer of the need for the rate increase, holding at least one public hearing at which seniors and the insurers would be allowed to present their views, and the finding by the Insurance Commissioner that the rate increase is reasonable and is not excessive, inadequate or unfairly discriminatory;

Providing seniors, upon request, a justification for the proposed rate increase in writing.

Mandating an increase in Federal minimum loss-ratio for Medigap policies from 60 percent to 70 percent for individual plans and from 75 percent to 80 percent for group plans; and

Requiring State Insurance Departments to maintain and make available to senior citizen consumers a listing of loss ratios—an indicator of economic worth—on all Medigap insurance plans offered for sale within the State.

The Medicare Supplemental Insurance Reform Act of 1990, which would become effective for all policies sold on or after January 1, 1991, is strongly supported by the National Council of Senior Citizens.

If we in the United States are to continue with our current form of health care, which is a blend of public and private insurance, we must provide consumers better protection. At least we can require companies to provide adequate justification for their rate increases and require that they provide an adequate return on their policies.

I urge my colleagues to join me in support of this important consumer reform measure and commend it to your consideration. I insert my subcommittee survey to be included in its entirety at this point in the RECORD:

HIGHLIGHTS OF THE SUBCOMMITTEE SURVEY

In order to determine on a national basis the degree to which senior citizens have been and will be effected by changes in the costs of their private supplemental coverage, the subcommittee undertook a telephone survey of the entity within each of the 50 State governments whose responsibility is to regulate the sale of insurance. Appropriate officials in each State Department of Insurance were asked a series of questions relating to recent and approved changes in the cost of Medigap insurance and the scope of regulation of these rates by the States. What follows is a summary of the results of this survey. The summary is based on responses from 44 States.

The first question asked of State insurance regulators was, "What was the range of rate changes in Medigap insurance policies in your State in 1989?" It was the expectation of Congressional, consumer and insurance industry experts that with the implementation of increased "catastrophic" benefits beginning January 1, 1989, including fully paying for long hospital stays and limiting the number of hospital deductibles to one per year, that the cost of private insurance plans which help fill in the gaps of Medicare coverage would decrease. In fact, it was hoped that seniors would be able to use some of the savings they would realize in the Medigap premiums to help pay for any additional costs they might incur as the result of the Medicare Catastrophic Coverage Act. Contrary to this belief and hope, the Subcommittee survey reveals that in most instances the cost of Medigap insurance increased in 1989. Shockingly, despite the new Medicare coverage, the States reported that increases in policy costs of up to 133 percent. As Table I. on the following page reveals, every State reported increases in the cost of at least some of the Medigap policies sold there. Maximum increases ranged from 10 percent in Massachusetts to 133 percent in Arizona. 19 of the 35, or well over half of the States which provided a response to this question, indicated that Medigap prices increased up to 35 percent or more. Interestingly, States with largest number of elderly residents were home to some of the largest increases. For example, in New York some seniors were required to pay 62 percent more for the Medigap insurance. Some seniors in Florida and California encountered premium increases of 50 percent or more.

The second question put to State regulators was, "What is the range of rate changes for Medigap policies in your State for 1990?" It was again expected that costs of Medigap insurance would decrease in 1990 as the Medicare catastrophic insurance benefits were further put into effect. In response to the question, State officials uniformly stated that most insurance companies had not filed their 1990 rates because of the uncertainty surrounding the status of the Medicare catastrophic program. However, the regulators indicated that the majority of companies that have filed with or have indicated to the States, requested rate increases irregardless of the fate of the catastrophic program. The only difference, the States said, would be in the size of such an increase. For example, the major insurer in Massachusetts had requested a 33 percent increase for 1990 assuming that catastrophic benefits would continue. This company has now indicated they will request an additional 44 percent increase if catastrophic benefits are repealed.

TABLE I.—1989 INCREASES IN THE PRICE OF MEDIGAP POLICIES

State	Percentage increase
Alabama	N/A.
Alaska	
Arizona	Up To 133.
Arkansas	Up To 20.
California	Up To 75.
Colorado	Up To 15.
Connecticut	Up To 20.
Delaware	Up To 14.
Florida	Up To 50.
Georgia	N/A.
Hawaii	
Idaho	Up To 20.
Illinois	Up To 40.
Indiana	
Iowa	Up To 10.
Kansas	Up To 52.

TABLE I.—1989 INCREASES IN THE PRICE OF MEDIGAP POLICIES—Continued

State	Percentage increase
Kentucky	
Louisiana	Up To 75.
Maine	
Maryland	Up To 17.3
Massachusetts	Up To 10.
Michigan	Up To 27.
Minnesota	Up To 25.
Mississippi	Up To 75.
Missouri	Up To 120.
Montana	
Nebraska	Up To 12.
Nevada	Up To 75.
New Hampshire	Up To 10.
New Jersey	Up To 43.
New Mexico	
New York	Up To 62.
North Carolina	
North Dakota	
Ohio	Up To 33.
Oklahoma	N/A
Oregon	Up To 60.
Pennsylvania	
Rhode Island	Up To 30.
South Carolina	Up To 15.
South Dakota	Up To 15.
Tennessee	Up To 75.
Texas	Up To 30.
Utah	
Vermont	Up To 12.
Virginia	Up To 35.
Washington	Up To 10.
West Virginia	Up To 18.
Wisconsin	Up To 11.
Wyoming	
District of Columbia	Up To 55.

[1] For Blue Cross Plans which make up 80–90% of market. Other policies had larger increases but figures not available.

TABLE II.—DOES THE STATE REQUIRE THAT MEDIGAP PREMIUM INCREASES BE FORMALLY APPROVED BEFORE GOING INTO EFFECT?

State	Individual policies		Group policies	
	Yes	No	Yes	No
Alabama		X		[2]X
Alaska				
Arizona	X			[1]X
Arkansas	X		X	
California		X		[2]X
Colorado	X		X	
Connecticut	X		X	
Delaware	X		X	
Florida	X		X	
Georgia	X			X
Hawaii				
Idaho		X		X
Illinois	X		X	
Indiana	X			X
Iowa	X		X	
Kansas		X		[2]X
Kentucky	X			[2]X
Louisiana		X		X
Maine				
Maryland		X		[2]X
Massachusetts	X			X
Michigan	X			[2]X
Minnesota	X			[2]X
Mississippi	X		X	
Missouri	X		X	
Montana		X		X
Nebraska				
Nevada				
New Hampshire	X		X	
New Jersey	X		X	
New Mexico	X			[1]X
New York	X			[1]X
North Carolina	X			[2]X
North Dakota				
Ohio	X			[2]X
Oklahoma		X		X
Oregon	X			[2]X
Pennsylvania	X			[2]X
Rhode Island	X		X	
South Carolina	X			[2]X
South Dakota	X		X	
Tennessee	X		X	
Texas		X		[2]X
Utah	X		X	
Vermont	X		X	
Virginia	X			[2]X
Washington	X			X
West Virginia	X		X	
Wisconsin		X		X
Wyoming		X		[2]X
District of Columbia		X		X

TABLE II.—DOES THE STATE REQUIRE THAT MEDIGAP PREMIUM INCREASES BE FORMALLY APPROVED BEFORE GOING INTO EFFECT?—Continued

State	Individual policies		Group policies	
	Yes	No	Yes	No
Total	32	12	16	28

[1] A limited number of group policies are reviewed.
[2] Group Medigap policies do not even have to file (inform) the State of changes in premiums. (15 States).

The third and fourth questions put to the States pertained to the degree to which Medigap rates and rate changes are scrutinized. The States reported that the insurance companies are largely free to decide what rates they wish to charge. As is reflected in Table II, nearly two thirds (28 of 44) of the States do not require that changes in rates for group Medigap insurance (that sold to a group of people, such as members of a business or organization) be approved prior to their going into effect. In addition, over a third of the States do not even require group policies to file their rates and rate changes with the State. Over a quarter (12 of 44) of the States reported that rates for individual Medigap policies do not have to be approved before they go into effect. Several States, including Alabama and the District of Columbia do not even require that rate changes be filed with the State.

INTERESTING COMMENTS FROM THE STATES

A State regulator in Florida, expressing the frustration of many State officials in States that are required to review and approve rates over the uncertain nature of catastrophic and how Medigap policies will have to change. He told the Subcommittee, "It's just a big mess now and it will be an absolute nightmare."

An Insurance Department official in Washington State told the Subcommittee of that "even those States which do require prior approval of rate increases rarely ever get to the bottom of it when they have serious questions about whether an increase is justified."

NATIONAL ALLIANCE OF BREAST CANCER ORGANIZATIONS SUPPORTS H.R. 3880

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. STARK. Mr. Speaker, to date, over 71 Members of the House have sponsored H.R. 3880, the Medicare Benefit Improvements Act of 1990.

The bill would provide new mammography, hospice, home health, and respite care benefits to the Medicare program.

The bill is endorsed by the National Alliance of Breast Cancer Organizations. Following is their letter which helps explain the importance of this legislation:

JANUARY 18, 1990.

Hon. FORTNEY P. STARK,
Chairman, Subcommittee on Health, Washington, DC.

DEAR CONGRESSMAN STARK: We have been informed that you and Congressmen Gradison and Waxman plan to introduce The Medicare Benefit Improvements Act of 1990 in the second session of the 101st Congress, legislation that would provide Medicare reimbursement for screening mammography. The National Alliance of Breast Cancer Organizations and our 180 member organizations across the country wish to extend our congratulations, and our support.

As you know, breast cancer has reached epidemic proportions in the United States, striking one out of ten women. It is the most common form of cancer among women, and until 1986, it was the leading cause of death from cancer in women. In 1989, there were an estimated 143,000 new cases of breast cancer. Last year, approximately 43,000 American women died from the disease, the majority of them over 55 years of age. The premature death of a women from cancer is always tragic. Yet the greatest tragedy of all is that many of these deaths could have been prevented if the cancer has been detected earlier.

We have the technology to detest breast cancer when it is still in its very early stages. Mammography is a highly safe and reliable procedure which can detect tumors before they can be felt—when the chances of cure are over 90%. Yet very few women undergo regular mammography screening, and currently, many insurance policies do not cover the cost of mammography for screening purposes.

For more than a decade, scientists have known that diagnosing and treating a breast malignancy when it is preclinical (microscopic) and non-palpable (too small to be felt) will save the lives of thousands of our female citizens. A randomized screening program conducted by the Health Insurance Plan of New York in the 1960s proved that the 10-year death rates of women older than 50 who were diagnosed to have breast cancer after being examined by mammography and a clinical examination, were more than 30% lower than those of women who were examined but not mammographed. In November 1987, these life-saving benefits of mammography were described by Dr. Myron Moscowitz, director of a screening center in Cincinnati, at a hearing before the House Subcommittee on Health of the Ways and Means Committee.

If these life-saving benefits of mammography have already been proven, why are about 50% of new patients diagnosed *after* the cancer has already spread? This question was answered by several polls conducted by the American Cancer Society and the American College of Radiology. Most doctors are reluctant to order mammography because of its cost (as high as $200), while radiologists—the specialists who interpret mammograms—argue that dedicated equipment, the salaries of trained and certified technologists, supplies and overhead are the same, whether they do one mammographic examination each day or 50. It is a proverbial vicious circle: women are not being referred for mammography because of its high cost; the reason the examination is so expensive is that too few women are being screened.

Cost containment is the argument which can defeat proposed mandatory coverage for breast screening, even though this is a penny-wise and pound-foolish policy: it costs many more taxpayers' dollars to treat advanced breast cancer than it does to detect the disease by mammography screening before it has spread. Of course, no dollar value can be put on the pain, suffering and premature death that inevitably follow a diagnosis of advanced breast cancer. It is imperative, therefore, that all insurers cover

the cost of this screening that can detect potentially fatal disease when it is early, and most likely to be cured.

Savings will not be seen immediately, however, because more women will be diagnosed with advanced disease and will need more expensive treatments, longer hospital stays, etc. A 1988 report from the Congress' Office of Technology Assessment has also pointed out that a comprehensive screening program will probably increase Medicare costs because of "false positive" diagnoses. What should be clear to insurers, however, is that higher initial expenses will drop as the screened women are diagnosed with early breast cancer that requires far less treatment—therefore, far lower bills.

The first legislation to help women afford annual mammography was enacted by the state of Maryland in 1986. Since then, even more comprehensive mammography legislation has been enacted in twenty five other states, the result in part of assistance given by NABCO. We would like to see the Medicare program join in this pioneering legislation until a federal law can provide the comprehensive health care all American women need.

Breast cancer has become a political issue in the United States. Women compose more than half of the U.S. population, and we have a right to expect our representatives to do whatever they can to help us.

No woman should have to experience the devastating effects of breast cancer simply because she could not afford to have a routine screening procedure. Medicare reimbursement of annual screening by mammography would represent substantial progress toward this goal.

Sincerely yours,

AMY J. SCHIFFMAN,
Administrative Director.

A TRIBUTE TO THE SEVERNA PARK YMCA SWIMMERS

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to pay tribute to a very special group of young people in my district, the Severna Park YMCA swimmers, in recognition for their total dedication and commitment to the sport. This is reflected by their last 12 years of competition in YMCA dual meets, in which they have not had a single loss.

The Severna Park YMCA swim club, which is more commonly referred to in their region as SPY, originated in 1976 and participates in the Chesapeake/Potomac Swimming League. SPY is comprised of 160 enthusiastic youths ranging in age from 5 to 18, whose devotion to their sport often requires them to practice from 3 to 5 days a week in the earliest hours of the morning. This hard work has paid off: They've remained league champions for 12 years in a row; served as YMCA Southern District Champions; and sent over 100 qualifiers to the YMCA National Championships in Orlando, FL, each year.

It is with great pride that I offer my congratulations to the Severna Park Swim Club and extend best wishes for their continued success. I know that my colleagues will be pleased to join with me in this well-deserved tribute.

BLACK HISTORY MONTH AND CHANGES IN SOUTH AFRICA

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. COLEMAN of Texas. Mr. Speaker, February has been celebrated as Black History Month since 1976, but the origins of this event date back to 1926, when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage, achievements, and contributions of black Americans. Although it is coincidence that major changes were announced in South Africa earlier in this same month in 1990, I believe there are some lessons that should be drawn from these two events.

All Americans owe a debt of gratitude to House Majority Whip WILLIAM GRAY and the rest of the Congressional Black Caucus for staying the course on sanctions and on keeping up the pressure on the racist government that rules South Africa like a police state. Sanctions do work. But courage can be a lonely companion, and without the resolve of the caucus, I doubt we would have seen any changes.

In addition to exerting economic pressure, U.S. sanctions also sent a message of hope to the oppressed people of South Africa that the world's most powerful democracy was on the side of their hopes and aspirations. Hope is a powerful ally, and amidst all the turmoil in that troubled nation, United States sanctions proclaimed loud and clear that the struggle for freedom would not be in vain.

Another lesson we have learned, and this one is from the civil rights movement here in this country, is that we should never settle for anything less than what justice and equality demand. While we are pleased with the legalization of opposition political parties in South Africa, and by the promise to release Nelson Mandela, a long, long road lies ahead for South Africa and its people. We must redouble our efforts until a true and full democracy is established in South Africa and until each and every person has the right to participate in that democracy. We must not be content with this month's developments when the obscenity known as apartheid remains in place. We must not sit still while human beings are still graded like cattle depending on the color of their skin. And we must not applaud the actions of the South African Government, because it has only demonstrated the barest glimmer of the true proportion of what it still owes its own people and what it still owes humanity for its racial policies of the last century.

Here at home, we must resist any attempt by the Bush administration to abolish or weaken U.S. sanctions. We must maintain the pressure on the South African Government, and we must not send them misleading signals that anything less than the total destruction of apartheid is acceptable to the United States of America.

Mr. Speaker, let us hope that when Black History Month is celebrated a 100 years from now, the events of February 1990 were seen as the beginning of the end for apartheid. Let us hope and pray that history showed that the United States had the courage to remain steadfast in its opposition to racist police states and to anything less than full and complete democracy in South Africa.

TRIBUTE TO ASIAN AMERICANS FOR EQUALITY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. GREEN. Mr. Speaker, I rise today to pay tribute to the Asian Americans for Equality [AAFE] upon the occasion of its annual Chinese New Year celebration.

For over 15 years, AAFE has provided the Chinatown community with immigration assistance, English language classes, neighborhood crime prevention, food distribution, tenant assistance, and housing relocation. AAFE has successfully fought to maintain and create low-income housing in the community while real estate prices in Chinatown rise due to its proximity to the financial district. This past October, AAFE became a not-for-profit housing developer with the opening of Equality House and Unity House, apartment buildings erected to supply low-income housing. These buildings now provide 75 low-income and homeless families with housing.

AAFE has sought to revitalize its community's economy by supporting the Manhattan neighborhood trolley, which will stimulate tourism in lower Manhattan. I was honored to join AAFE at the inaugural run of the trolley last July.

I have every expectation that Asian Americans for Equality, which has already done so much for its community, will continue to provide vital services and leadership in the years to come.

NATIONAL STUDENT HUNGER CLEANUP DAY, APRIL 7

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. HALL of Ohio. Mr. Speaker, as chairman of the House Select Committee on Hunger, I would today like to call attention to thousands of American students who are now organizing the country's largest student-run volunteer event to help the hungry and homeless—the Sixth Annual Student Hunger Cleanup, scheduled for April 7. This annual spring event combines community service and fundraising.

The Hunger Cleanup is similar to a walk-a-thon but the students are working instead of walking. They raise money for the fight against hunger by signing up financial sponsors for their work which improves the appearance and quality of community facilities. Their activities include painting homeless shelters, cleaning up playgrounds, planting community

gardens, and otherwise sprucing up their home-towns.

The vast energy of more than 15,000 students will be doubly invested on April 7: First, through important, and usually very visible, services; second, through funds contributed to assist the victims of hunger, poverty and homelessness. Half of the money remains in the local community, the remainder goes to international development, education and training projects for students.

In 1985 the cleanup started with five schools in one city, Grand Rapids, MI. There can be no greater commentary on the concern of students about hunger, poverty and homelessness than the rapid growth of this event. Like the proverbial prairie fire, it spread to 110 cities in 1989, raising $150,000.

The cleanup often teams both high school and college students. For example, last year in Evanston, IL, students from Northwestern University teamed up with students from New Trier High School to raise $18,000, the most money raised in a single location in 1989.

Through the Hunger Cleanup students become more involved with their communities, learning about needs and the capacities of private agencies. Participating students decide where their efforts should be directed to help their communities and which food pantries, soup kitchens, job training, and other programs will receive the funds they raise. This involves learning about local needs, local poverty, and the local structures in place to meet those needs. They also recruit local business and individual sponsors. These idealistic young people are gaining knowledge and skills that will help them function effectively in our domestic society.

In the international arena the students' contributions are directed to grassroots development programs where small amounts of money go a long way. Last year they supported a well-digging project in Ethiopia. This year the students will choose similar projects through the International Development Exchange. They will select from a roster which includes projects such as libraries for children, food processing, and agricultural activities in developing countries.

The cleanup is an activity of the National Student Campaign Against Hunger and Homelessness, an organization of students who also have policy and legislative concerns. It was launched in 1985 by the Public Interest Research Groups [PIRGs] in cooperation with USA for Africa. The Campaign provides technical and organizational assistance to students who want to fight hunger and poverty in order to build a strong action oriented network.

The cleanup is an opportunity for young people to put their social concerns into action while creating a network with others who also want to alleviate hunger. This event turns the idealistic energy of thousands of students into practical actions that will have noticeable and worthwhile benefits today and enduring effects for tomorrow.

TERRORISTS' TOUR BUS ATTACK IN EGYPT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. GILMAN. Mr. Speaker, Sunday's tour bus attack in Egypt has not only shocked the world, but may adversely impact upon the Middle East peace process. The bloody attack by rifle- and grenade-wielding assailants on a tour group of Israeli academics and their wives, which took place on an Egyptian highway, east of Cairo, was the worst of its kind on Egyptian territory since the 1979 Camp David accords were signed. The bus was stopped while traveling from the Gaza Strip to Cairo, by men in a Peugeot sedan, and was fired on with automatic weapons and attacked with hand grenades.

This reprehensible terrorist attack in which 9 Israelis were killed and 17 Israelis and 2 Egyptians were wounded, is an appalling attempt to undermine the peace process. The Organization for the Defense of the Oppressed of Egypt's Prisons, a hitherto unknown terrorist group in Cairo took credit for the debacle. This organization, which is unknown to counterterrorism experts, obviously desires to prevent the forces of peace from gaining ground in the Middle East.

It is essential for Israeli and Egyptian security forces to work together, to identify the terrorists responsible for this abominable violence. Israeli officials speculate that the Palestine Liberation Organization played a role in this dastardly attack. If that is true, we must call upon our senior United States administration officials to hold the PLO leadership in Tunis responsible for the tragedy.

International cooperation is necessary to ensure that these culprits are brought to justice—whoever they may be. I urge my colleagues to join together to do eveything in our power to keep this issue salient until the terrorists responsible for this heinous act are brought to justice.

TAIWAN'S DECEMBER 2 ELECTIONS

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. TALLON. Mr. Speaker, last month I had the opportunity to visit the Republic of China on Taiwan. In my meetings with Foreign Minister Lien Chan, Chairman Frederick Chien of the Council of Economic Planning and Development, trade officials, business leaders and many young men and women, I learned a great deal about Taiwan's recent diplomatic breakthroughs, economic progress and projections, Taiwan's trade with the United States and with the world. I was also privileged to meet with Taiwan's U.S.-educated President Lee Teng-hui. He and I exchanged views on a variety of issues and especially about the December 2 elections.

It was my observation that the December 2 elections were conducted fairly and efficiently and that the ROC government should be congratulated for its commitment to democratization. More specifically, the significance of the elections was as follows:

First, the ruling Kuomintang was challenged by legally organized political parties, especially by the opposition, the Democratic Progressive Party.

Second, more than 9 million out of 12 million eligible voters went to the polls. The Kuomintang and the Democratic Progressive Party captured ninety percent of the popular vote, with the former capturing 60 percent and the latter, 30 percent, the remaining 10 percent going to independent candidates.

Third, Taiwan now has a truly viable opposition party. And the ruling Kuomintang has to work even harder in the future to push for political reforms and democratization.

As a friend of the Republic of China I am pleased to see that Taiwan's political maturation is catching up with its continuing economic prosperity. With a per capita income of over $7,200 and the enviable status as the world's 13th largest economy and our fifth largest trading partner, Taiwan deserves to be recognized for what it is—a developed industrialized power, worthy of all international respect and courtesy.

I therefore urge my colleagues in the United States Congress and the policymakers in the Bush administration to help Taiwan rejoin various international organizations such as the United Nations and the General Agreement on Tariffs and Trade.

Mr. Speaker, I believe it is now time to end Taiwan's isolation and its second-class status in the world of Nations. Taiwan's dramatic growth of political reform in the last 3 years and its continuing economic development in the last decade indicate that it is in our national interest to improve our relationship with Taiwan and to help President Lee Teng-hui lead his nation to a full-fledged democracy in total accordance with American democratic values.

TRIBUTE TO ADM. EARL BURNS PIRIE

HON. ROBERT HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. HUTTO. Mr. Speaker, as the Congressman in whose constituency lies the "Cradle of U.S. Naval Aviation", Pensacola, Fl, I rise to honor and pay our respects to one of this Nation's greast naval heroes and patriots, Vice Adm. Robert Burns Pirie, U.S. Navy, retired, who died on January 11, 1990. Admiral Pirie, a 1926 graduate of the U.S. Naval Academy, was designated as a naval aviator at Pensacola, in 1929, thus beginning what was to be a career filled with valor, dedication, and service to his country. In that period prior to World War II, when aviation was in its infancy, he was one of those aggressive young aviators that helped create that U.S. Naval air power which played such a great role in World War II. He was a test pilot, a flight instructor and

helped develop our evolving naval aviation. When Pearl Harbor was attacked Admiral Pirie was in Opa-Locka, FL, training the Navy's fighter and attack pilots for the combat that was ahead of them. A few months later Admiral Pirie was sent to sea and during the next 4 years participated in many of the sea battles for control by the United States of the Pacific Ocean, which was so vital to winning that phase of the war. As a Navy captain, he, along with another famous naval officer, Capt. Arleigh Burke, played a major role in the success of the U.S. Naval carrier task forces in the Pacific Ocean.

In the years following World War II, Admiral Pirie's dedication to naval aviation and his personal leadership and accomplishments, leading to the position of the No. 1 naval aviator, the deputy chief of Naval Operations for AIR, resulted in his widely being hailed as the "Father of Modern Naval Aviation." Mainly due to his many contributions to naval aviation our U.S. Naval Carrier task forces are the most powerful and flexible forces deployed worldwide, keeping the oceans and seas free for economic and military use by this nation, as may be necessary.

After retirement from active duty in 1962, Admiral Pirie, until his recent death, continued to serve the U.S. Navy and naval aviation. His long service as chairman of the U.S. Naval Academy Foundation is well known and documented. He was dedicated to seeing that many deserving young men and women got the assistance they needed in order to attend the U.S. Naval Academy. Many young naval officers, men and women, are in our sea service because of the efforts of this great naval officer.

This much decorated Navy hero and leader spent a lifetime of service to this Nation at a very critical time in our history—a time when our survival and freedoms at times were in doubt. To this great American and naval hero we say these time-honored naval words "Well done Admiral Pirie." We pray that in this Nation's future crises and times of peril, it will produce such leaders to guide us to victory.

TRIBUTE TO THE REVEREND JOHNNY R. YOUNGBLOOD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to a man whose initiative in the area of housing, inspired by his faith in God and his Christian commitment to his community, helped bring a rebirth to an area of Brooklyn that so many had written off.

The Reverend Johnny R. Youngblood, pastor of the Saint Paul Community Baptist Church in Brooklyn, NY, was the guiding force behind the model housing program "Nehemiah", named after the Old Testament prophet who rebuilt Jerusalem. The title chosen for this program evokes both the spirit of the program and spirit of the man who spearheaded the effort to make a revolutionary idea a reality. Led by Reverend Youngblood and other spiritual leaders in the community, an interdenominational group of 55 churches raised $8 million to build something extraordinary in Brooklyn: The Nehemiah Program, which sought to enable poor and working families to purchase their first homes, and in doing so, to rebuild and revive the urban communities in which the housing was constructed.

Due to Reverend Youngblood's successful efforts, the Brownsville/East New York section of Brooklyn has now gained not just Nehemiah housing, but also Nehemiah neighborhoods and Nehemiah communities. These housing developments are helping the borough retain and even increase inner-city urban population where deterioration and decay had previously forced many residents out. Brooklyn's retention of population since the last census, due in part to the Nehemiah concept, will help this borough hold on to congressional seats in the upcoming reapportionment. Those of us who represent minority districts in the borough of Brooklyn owe a debt of gratitude to Reverend Youngblood and the people behind the growing Nehemiah Program.

It is important to remember that this transformation has been conceived, executed, and successfully expanded within a largely minority and working-class community. While Nehemiah now receives a government grant, it was completely home grown and community financed at its inception.

More importantly, the Nehemiah Program demonstrates the value of true leadership in the community—the kind of leadership shown by the Reverend Johnny R. Youngblood in initiating, spearheading, and driving the Nehemiah concept through to becoming a reality. Brooklyn has been blessed in having such a caring and committed spiritual leader to guide community efforts. Therefore this day the Nation salutes the Reverend Johnny R. Youngblood for the outstanding contributions he has made not only to the Brooklyn community but also to the Nation.

LIVERMORE POLICE CHIEF MELVIN ROBERT NELSON RETIRES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Livermore Police Chief Melvin Robert Nelson. Chief Nelson is retiring from the Livermore Police Department on August 3 after more than 35 years of dedicated service to California's Ninth Congressional District. Chief Nelson is a well-known figure in the San Francisco Bay area and within law enforcement profession. His experience, leadership, knowledge, and personal work ethic have contributed greatly to the professional development of law enforcement.

Chief Nelson's career began in 1954 when he entered the U.S. Air Force as an air policeman. In 1959, he became a police officer for the Pacifica Police Department. He became sergeant in 1965 and asked to be put in the narcotics division as a detective. He became very involved with kids at this point, especially runaways and drug addicts, and instituted a new concept of local-based alternatives to the justice system for helping these young people. He began holding dinner meetings in his home for selected juvenile offenders. He and his wife, Judy, would have question and answer periods and Chief Nelson even gave out his home phone number in case any of these young people needed help or just someone to talk to.

In 1969, Chief Nelson was promoted to captain and in 1970, he attained the rank of chief, becoming at the age of 34, the second youngest police chief in the State of California. In 1978, Chief Nelson accepted a post with the Livermore Police Department.

Chief Nelson brought many innovative programs to the Livermore community. He created the "We Say No" Program which targeted reckless driving, narcotic and alcohol abuse. This program was launched as a 3-year endeavor; now it has become a staple for the community. He also helped to implement the Adult Day Health Care Center for senior citizens.

Chief Nelson has received far too many awards over the past 35 years to document them all. One special achievement, however, is his record of 22 years of perfect attendance at Rotary meetings. He was also recognized as the distinguished president for his term of office.

Chief Nelson is a leader in his field. Whether he was providing instruction to his subordinates or to his students—he also found time to reach the level of senior adjunct professor at Golden Gate University—his goal has always been to provide service to the community. Mr. Speaker, I would like to commend and congratulate Chief Nelson for over 35 years of dedicated and loyal service to our community. His leadership will be sorely missed. I would also like to wish Chief Nelson and his family a happy retirement—he certainly deserves it.

A TRIBUTE TO THE EXCHANGE CLUB FOR 65 YEARS OF COMMUNITY SERVICE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today a special celebration marking the 65th anniversary of the San Bernardino and Riverside Exchange Clubs, organizations that have largely defined the meaning of community service throughout the country and particularly in a number of communities in southern California. National President, Jim Brown, and his wife, Kay, will help the Exchange Club mark this momentous occasion on February 24, 1990.

The Exchange Club is the oldest service club in the United States. First established in Detroit in 1911, the Exchange Club was developed and designed to improve the quality of life and to preserve those principles that contribute to our rich American heritage. The San Bernardino and Riverside clubs were both chartered in 1925.

Mr. Speaker, I am very aware of the many invaluable contributions the Exchange Club has made and continues to make in a number of projects including crime, fire, and child abuse prevention, Freedom Shrines, the Book of Golden Deeds, One Nation Under God, Milestones of Freedom, and Project "Givea-kidaflagtowave." In my earlier days, I participated in an Exchange Club swim meet. In recent years, the Exchange Club has graciously asked me to attend their luncheon meetings.

Mr. Speaker, I ask you to join me today in congratulating the Exchange Club for 65 years of outstanding community service and in wishing well the many people who make this worthy organization possible.

THE CUBAN WOMEN'S CLUB

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to share with my colleagues the proud history of the Cuban Women's Club. On Saturday, February 10, the Club will be holding the installation of its new officers. I am proud to salute these outstanding members of the Cuban-American community in Miami. The presidents are Mercy Diaz Miranda and Remedios Diaz Oliver; Eugenia Sierra will be installed as the new vice president; the secretary and vice secretary will be Haydee Garcia Rios and Elena Aguero; the new treasurer and vice treasurer will be Belen Saborido and Marina Silva; Marta Bequer-Pazos and Manuela Oliú will be installed as the corresponding secretary and vice corresponding secretary respectively.

A nonprofit organization in the State of Florida, the Cuban Women's Club was founded in 1968 by Cuban women exiles. The purpose of the Club is one of seeking support and understanding with one another to emerge and evolve in a new society, trying to keep alive their Cuban heritage and traditions while becoming aware and responsible citizens in their new country, the United States. The inspiration for the Club was the Lyceum Lawn Tennis Club in Havana. The Lyceum Lawn Tennis Club provided sports, library, and concert facilities as well as continuing education courses for low-income women.

Among its special projects are the Cuban Women's Club Scholarship Awards, established in 1970, to provide academic education to under-privileged average students, who already completed their associate degrees. In 1989, the Club contributed $10,000 to Florida International University for a permanent scholarship.

In 1976, the Club established the Floridiana Awards to recognize headliners and achievers of Cuban and other origins, individuals who have excelled in the fields of government, technology, business, and community involvement.

Among the many plans for the 1990–1992 agenda, the Cuban Women's Club plans to reach out to many United Way agencies and other recognized independent community agencies by means of a community service fair. This project will make it possible for those in need to be aware of the places where they can go to seek assistance.

The Cuban Women's Club has continued a tradition of excellence and community work begun over 50 years ago in Cuba. They are proud representatives of the Cuban culture, and have become exemplary citizens of our great Nation. As Cuban-American women, they have met the challenges and opportunities offered to them by their new home. Their contributions have been, and will continue to be, of great benefit to our community in Miami. Their spirit of citizenship is an example for all of us to emulate.

Mr. Speaker, it is an honor and a pleasure to recognize and congratulate the members and officers of the Cuban Women's Club during this most important event in their history.

CBS THIS MORNING WITH KATHLEEN SULLIVAN

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. DANNEMEYER. Mr. Speaker, on January 31 of this new year I had the privilege of being interviewed by Kathleen Sullivan on the CBS television show "This Morning." I believe my experience will be instructive and useful to Members if they are ever requested to be entertained by Ms. Sullivan on her show.

In all truth, my personal interview with Ms. Sullivan was not particularly entertaining in the sense Ms. Sullivan had obviously hoped it would be. it was pretty standard fare for her: she interrupted me several times, avoided topics with which she was unfamiliar, used pejoratives, equated my rational beliefs with the irrational beliefs of others, and, not getting the responses she hoped, abruptly ended the interview.

Much more interesting was a follow-up interview the next day, one designed to give the "opposing view," as if Ms. Sullivan was not enough. In fact, the Washington Post reported February 1 that CBS received hundreds of phone calls asking if CBS planned a response to my interview. (Could it be that Mom and Pop America were deeply concerned with my "militant anti-gay" attitudes such as the nerve to suggest that special civil privileges should not be granted on the basis of what someone does in bed? Well, then, who did make all those phone calls?)

Let me take my colleagues on a narative tour of myth and reality Kathleen Sullivan-style.

Myth: Kathleen Sullivan: "Congressman Dannemeyer would not appear yesterday with any gay representation, so we get a response from them this morning.* * *"

Reality: The Thursday before my Wednesday interview I received a mail bomb threat at my office clearly sent by some coward who does not like my position on the homosexual issue. The last thing I desired at the time was to assist some nut in living out the threat by giving the homosexuals advance notice where I would be and for how long. Ms. Sullivan's staff knew this clearly.

Myth: Kathleen Sullivan: "Ms. Vaid [Urvashi Vaid, National Gay and Lesbian Task Force], you're familiar with this man, he's from California. Would you call him homophobic?"

Reality: Familiar? I would not know this woman if she was standing right in front of me (that is, if she remained silent). Ms. Sullivan makes it sound as if this woman heads "Lesbians for Dannemeyer" and that she comes over to my house for barbecues and other functions. Unbelievably, Ms. Sullivan suggests that a California lineage is the equivalent of close family, as if I have a personal acquaintance with all 28 million Californians.

And this intimate knowledge gives Ms. Vaid the ability to diagnose the communicable and dreaded Dannemeyer-disease of "homophobia." (Is that a clinical term?)

Myth: Kathleen Sullivan: "Mr. Stoddard [Tom Stoddard, Lambda Legal Defense Fund], when he says special privileges to homosexuals, isn't he somewhat talking about legislation in which gays are protected by discrimination along with some of the disabled and the handicapped?"

Reality: Not at all. But the rhetorical ploy is revealing. Ms. Sullivan seeks to equate what someone does in bed with America's disabled. This is the same ploy homosexuals and executives in the AIDS industry have used to hitch their political wagon to the Americans with Disabilities Act.

This is the genius of Ms. Sullivan—the right to anal sex carries the same civil weight as caring for the disabled.

Myth: Kathleen Sullivan: "Ms. Vaid, do you see him as a bit of McCarthyism tactic [sic] that he's issuing here. * * *"

Reality: A skim of the two transcripts from both shows reveals the real McCarthyites. I never use one pejorative, nor do I in speaking of the homosexual movement.

Ms. Sullivan, Ms. Vaid, and Mr. Stoddard, in the total course of twenty minutes, managed to avoid the consideration of any point of substance and instead referred to me as wanting to "blame," "punish," "take away civil rights," "preying on peoples myths and prejudices," "advancing his own career," referring to me as "dangerous," "asleep for the past 30 years," "bigoted," "militant anti-gay," and course, "homophobic."

No doubt my opponents will accept these slanders as accurate, just as I am sure Senator McCarthy felt his words were always correctly descriptive of the facts.

Myth: Kathleen Sullivan: "* * * do you see this [McCarthyite behavior] as pervasive on Capitol Hill or do you see this man as really one out of 435."

Reality: If voting to affirm family values is McCarthyite, then the majority of Congress should wear the label on their sleeve. Clean votes on homosexuality versus family values are always landslides in favor of the family.

And yes, I am one of 435, just as every other Member of the House. And yes, I am in the minority party. However, this is just an inconvenience. My record in the first session alone can arguably be considered excellent for an entire term for most Members:

Turned a motion to adjourn into a symbolic vote on the pay raise. Refusing to adjourn, Speaker Wright was forced to give

the House a vote on the pay raise. Congressman Dannemeyer had announced his attention to use *any* vote as a vote on the proposed 50% pay raise. The Senate followed suit and the President signed the pay refusal.—Motion to adjourn [roll call No. 5]. Motion failed 88-238-106. February 6, 1989.

Provides that no funds can be used to deny or prevent voluntary prayer in public schools.—Amendment to the Carl D. Perkins Vocational Education Act, H.R. 7. Passed 269-135 [roll call No. 47]. May 9, 1989.

Calls for reconsideration of catastrophic health care by the House. Set stage for repeal of catastrophic provision in House.—Motion to instruct conferees to the Fair Labor Standards Amendments Act of 1989, H.R. 2. Passed 408-0 [roll call No. 31]. April 18, 1989.

Reduces nuclear licensing process from a two-stage oversight review to a single review to expedite licensing and lessen costs.—Amendment to the Nuclear Regulatory Authorization Act, H.R. 1549. Passed in the Subcommittee on Energy and Power 13-10. June 15, 1989.

Upholds religious freedom allowing educational institutions affiliated with religious organizations in the District of Columbia. Maintains rights to affirm religious beliefs.—A motion to amend a motion to instruct conferees to the District of Columbia Appropriations bill, H.R. 3026. Passed 262-154 [roll call No. 265]. October 3, 1989.

Rejects a House move to amend and dilute the Armstrong amendment to uphold religious liberty in the District of Columbia.—Rejection of amendment allowed Congressman Dannemeyer to gain a voice vote to agree to the Armstrong amendment. Failed 170-252 [roll call No. 280]. October 11, 1989.

To deter women from using illicit drugs during pregnancy, treat expectant women who use drugs, and provide appropriate follow-up care to affected newborn.—Amendment to the Emergency Drug Abuse Treatment Expansion Act of 1989, H.R. 3630. Passed in Subcommittee on Health and the Environment by voice vote. November 8, 1989.

Provides strict new guidelines regarding dial-a-porn services. Only persons 18 years and older who write their phone company and request such service will be able to receive dial-a-porn.—Motion to dispose of amendment requiring strict guidelines on dial-a-porn to Labor, Health and Human Services, and Education Appropriations bill, H.R. 3566. Failed 98-306. Motion to concur with Senate amendment then passed 402-0. November 17, 1989.

Mr. Speaker, no Member should be particularly surprised at the behavior of Ms. Sullivan. She has long been a proponent of the radical chic mentality. For instance, to Ms. Sullivan, a top public policy expert on the homeless issue is actress Dionne Warwick (sorry Ms. Warwick, your music is still delightful). Consider this in-depth questioning on October 6, 1989:

Kathleen Sullivan: "Dionne, I just found out you are called a U.S. ambassador of health, is that correct?"

Kathleen Sullivan: "Dionne, I also understand that the Hollywood personalities who are going to be involved in the march tomorrow are actually going to march behind 500 homeless people? * * * Very significant."

What's significant? That Hollywood personalities would leave their 20,000 square foot mansions to march with the homeless, or that there are 500 homeless willing to exercise their civil rights?

Just prior to the interview with the homosexual and lesbian on February 1, Ms. Sullivan was interviewing a woman who was promoting pre-marital chastity. Unbelievably, and deeply revealing about the mindset of Ms. Sullivan, she asked the woman (I am completely serious!), "How are people supposed to have a relationship if they cannot have sex?"

This is the same woman who took her show on the road to Cuba and proclaimed that Fidel Castro "seemed very popular," an intriguing comment about someone who holds a gun to the head of voters. Cuba, under the close journalistic scrutiny of Ms. Sullivan, "is a country with a struggling economy, but also with a model health care program and a lively arts scene." I wonder if Ms. Sullivan is concerned about censorship in the arts under Castro? What would old Fidel say if he found out his money (the people's taxes) was going to fund a piece of art dipping himself in a jar of urine a la Serrano?

Evidently, Ms. Sullivan goes with the flow—the Hollywood flow. Cuba is a paradise, the homeless should be government chattel, and homosexuals should be allowed to get married and adopt children.

Out of the numerous letters I have received as a result of my interview with Ms. Sullivan, one lady from Hoboken, New Jersey wrote to say:

I was a little astounded by the effort Ms. Sullivan made in trying to attack your principles. Ted Koppel she was not. She lacked even the appearance of fairness.

* * * she was obviously trying to prove something to someone—in the control room? on her staff? in her social circles? Who can guess?

Who indeed. The latest Nielson Ratings reflect this public wondering. Good Morning America has a 21-percent share of the television audience in that time slot. The Today Show is second at a 19-percent share. And CBS This Morning is last, at the bottom, with an 11-percent share. I guess you get what you pay for.

SUPPORT OF CHILE'S TRANSITION TO DEMOCRACY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. WEISS. Mr. Speaker, last December, the people of Chile voted in their first democratic election in almost two decades. This election represented a victory not only for Patricio Aylwin—who became Chile's President-elect—but also for the Chilean people themselves, who are entering a new era of democracy after 16 years of military dictatorship.

On March 11, just a few weeks from today, Mr. Alywin will be inaugurated as Chile's new civilian President, reclaiming that nation's proud, century-old tradition of democracy.

Today, on behalf of myself and several distinguished colleagues, I am introducing a resolution to express the support of the United States for Chile's unique transition to democracy. The resolution briefly outlines the transition process—beginning with the 1988 nationwide plebiscite in which the Chilean people delivered an emphatic "no" to the continuation of military rule—and concludes with expressions of congratulations for the President-elect and support for the new government.

This resolution was approved by the Foreign Affairs Committee this morning with broad bipartisan support, including the chairman and ranking member of the full committee and the leadership of both the Western Hemisphere and the Human Rights Subcommittees. In addition, the resolution is supported by the State Department.

Much of the credit for this piece of legislation must go to the leadership of the Ad Hoc Group in Support of Democracy—a 60-member congressional working group which has monitored Chile's transition to democracy over the last several years, and which I have the privilege to cochair. The other cochairmen of this working group—Mr. BEREUTER, Mr. MORRISON of Connecticut, and Mr. MILLER of Washington—have made a different contribution to this resolution, and all three of these gentlemen join me as original cosponsors.

Mr. Speaker, the new Chilean Government will face many challenges when it is inaugurated next month. These challenges include addressing the sensitive issue of civil-military relations; coming to grips with the legacy of violence and human rights abuses during the years of military dictatorship; and continuing Chile's economic prosperity.

And of course, the first priority with regard to Chile's relationship with the United States must be the Letelier-Moffitt case. United States assistance to Chile is conditioned on a satisfactory resolution of the case of the murders of Orlando Letelier and Ronni Karpen Moffitt. Since this issue has yet to be resolved, it remains a significant obstacle to good relations between our two nations. The new Chilean Government has pledged to address this issue as one of its top priorities, and I am certain Congress will be monitoring the progress on that case closely.

Mr. Speaker, Chile's transition to democracy is providing that the winds of change are blowing in this hemisphere as well as in Eastern Europe and the Soviet Union. Our support for this democratic transition should be clear and strong, and I urge my colleagues to support this resolution.

The text of the resolution follows:

H.J. RESOLUTION —

Whereas the people of Chile have shown tremendous courage and determination in their efforts to return their nation to civilian democracy;

Whereas Chile's transition to civilian rule reached a critical turning point on October 5, 1988, when 97 percent of the registered voters of Chile cast ballots in a nationwide plebiscite and, by a significant majority, voted to reject the presidential candidate of the military dictatorship;

Whereas, in compliance with the results of the 1988 plebiscite, multiparty elections were scheduled for December 1989, and an open, competitive, and vigorous campaign for public office began;

Whereas Chile's major political parties and the Chilean Government reached an agreement on significant constitutional re-

forms to eliminate certain antidemocratic elements of the Chilean Constitution;

Whereas this package of constitutional reforms was put before the Chilean people in a second nationwide plebiscite on July 30, 1989, and was approved overwhelmingly;

Whereas three widely respected candidates, representing a broad spectrum of political opinion in Chile, were nominated for the office of President;

Whereas national elections were held on December 14, 1989, under conditions that were proclaimed free and fair by observers from around the world, in which Presidential candidate Patricio Aylwin received 55 percent of the vote;

Whereas President-elect Aylwin commended the Chilean Armed Forces for their role in the administration of the electoral process;

Whereas, in a gesture of dignity and national unity, the defeated Presidential candidates congratulated the new President-elect and pledged their commitment to Chile's new civilian government;

Whereas the new government adopted a platform designed to continue Chile's economic prosperity, promote professionalism in the Chilean Armed Forces, exert civilian control over the military, and respect and guarantee the human rights of all Chileans; and

Whereas on March 11, 1990, the people of Chile will take another significant step in their transition to democracy when Patricio Aylwin is inaugurated as the first civilian president in almost two decades, reclaiming Chile's proud, century-old tradition of democracy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States—

(1) commends the people of Chile for their courageous commitment to democracy;

(2) congratulates President-elect Patricio Aylwin for his decisive victory; and

(3) pledges support for the new civilian government as it leads Chile into a new era of democracy.

SITKA WELCOME

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. LAUGHLIN. Mr. Speaker, I would like to express a warm Texas welcome to some visiting students from Mount Edgecumbe High School in Sitka, AK. The students will be visiting Sweeny High School, in my district, the 14th of Texas. I am very excited about what is not only a Texas exchange with students from our 50th State, but also an important historical event in. My congressional district Sweeny High adopted Mount Edgecumbe as its sister school as part of an exchange program in connection with QUEST.

Mr. Speaker, QUEST is the acronym for quality understanding of entrepreneurship, science, and technology. Over the course of the 4 days the students from both schools will exchange ideas, goals for their future, and opinions on entrepreneurship, science, and technology. The fact that young people are going to cross the country and exchange ideas about their future hopes and ideas truly shows that Texas and Alaska are pioneers in the next frontier of education in America. Furthermore, this exchange will allow their teachers a new and innovative look at how students from around the country are educated.

I also want to thank the sponsors of the exchange program, Dow Chemical and Phillips Petroleum who are committed to helping provide the very best education to the young people of the 14th district. This is big business way of saying education is big business.

Mr. Speaker the February 10 through 13 visit will no doubt be a historic moment, and as a native of this area I welcome these students to Brazoria County.

ANSWERS NEEDED IN DEATH OF INDIAN PARLIAMENTARIAN

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. HERGER. Mr. Speaker, in December, the citizens of India went to the polls and voted for a change in their Federal Government. The integrity of the electoral process brought credit to the Indian people and emphasized the broad public support for the democratic process in that nation. However, a few weeks ago the body of a newly elected Member of Parliament, Jagdev Singh Khudian, was found in a canal in the Faridkot district of the Punjab. There are some who suspect that the murder of Mr. Khudian, a Sikh nationalist, was politically motivated. The local chief of police has declared the death a suicide without conducting an investigation. Though an investigation has begun, it is important that the new government ensure that the investigation is thorough and fair.

Taking into account the political turmoil in India's Punjab state over the last several years, it is critical that government conduct this investigation into the death of a duly elected Member of the Indian Parliament. In the past, I have been highly critical of the previous Indian Government's human rights record. I believe that many Indians shared these concerns, a factor which likely contributed to the election of the present government. I have been gratified by many of the actions of Prime Minister V.P. Singh, particularly the statements he has made and the gestures he has undertaken to signal a new willingness on the part of the Indian Government to respect the rights of religious and ethnic minorities and foster a spirit of reconciliation within Indian society. It is therefore unfortunate that this most recent incident threatens progress toward lessening tensions in the Punjab.

I am hopeful that a new era of respect for human rights in India can begin. An important signal that Prime Minister Singh can send to illustrate a renewed commitment to human rights would be to intervene and see to it that the investigation results in arrests and charges brought against the likely suspects.

Any democratic nation must do everything in its power to guarantee the basic human rights of its citizens. If the democratic process is to work for all the people of India, the government must get to the bottom of this horrific crime, and bring to justice whoever was responsible for it. Without this, the effort to find a peaceful resolution to the continuing violence in India's Punjab state will be harmed.

EQUAL TREATMENT FOR COLA'S

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. BORSKI. Mr. Speaker, I rise to express concern that Federal retirees are again being unfairly singled out for cuts in the Federal budget.

In his budget proposal, President Bush recommended elimination of Federal retirees' 1991 cost-of-living adjustment [COLA]. He also wants to limit future COLA's to an amount less than the rise in the Consumer Price Index [CPI]. In contrast, no similar reduction was proposed for Social Security COLA's.

In 1986, Congress passed legislation to ensure Federal retirees' COLA's would be given the same protection from sequestration as COLA's for Social Security beneficiaries. The commitment to treat all retirees' COLA's in the same manner was renewed during the bipartisan budget summit in 1987. Now, the Bush administration proposes to abandon this pledge to retired Federal workers.

I believe these proposals place an unfair burden for deficit reduction on those who have committed their working lives to public service, particularly in light of the substantial cuts borne by these individuals in recent years. The Federal retirement benefits have been cut by almost $24.3 billion.

Federal retirees face the same cost increases that burden their private-sector counterparts. As such, they should be afforded the same inflation protection as Social Security recipients.

I am contacting President Bush to urge him to support full COLA's for federal retirees in 1990. In addition, I have cosponsored legislation (H.R. 3914) which would guarantee that Federal retirees' be treated the same as Social Security COLA's.

I urge my colleagues to join this effort to provide equal treatment for all retirees.

TRIBUTE TO RUTH HOLMBERG

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mrs. LLOYD. Mr. Speaker, it is my honor to pay tribute to Ruth Holmberg, who was recently awarded the Kiwanis Club of Chattanooga's distinguished service award which recognizes her as the outstanding citizen of the year. She is a lady of tremendous insight, wisdom, tenacity who is also known for her grace, ability, humility, and courage. Because of her contributions, Chattanooga is a better place to live.

Let me take a moment to expound on her numerous accomplishments. Mrs. Holmberg is publisher of the Chattanooga Times. One of

the finest newspapers in our region. She is a former president of the Southern Newspaper Publishers Association and board chairwoman of the Southern Center for International Studies in Atlanta. She serves on the board of directors of the Associated Press and the New York Times Co.

Mrs. Holmberg is a founding member and former chairwoman of the Hunter Museum of Art and is serving as president of the Chattanooga Symphony and Opera Association for the second time. She was cochairwoman of the recent campaign to restore the Tivoli Theater. She has been a longtime advocate of projects to make Chattanooga a cleaner city, serving as chairwoman of the area beautification committee from 1965 to 1982. For more than two decades, she has played perhaps the most significant role of any individual in our city in making Chattanooga a cleaner, more beautiful community.

Mrs. Holmberg is a founding member of the Tennessee Arts Commission and has served as a director of the Tennessee Performing Arts Center, Reading Is Fundamental Program, Cultural Council Foundation in New York, Washington Journalism Center in Washington, DC, and numerous other cultural and civic organizations. Last year she was president of the Chattanooga Area Chamber of Commerce—the first woman to hold the position and she recently received the 1989 outstanding leadership award from the UTC School of Business.

Mrs. Holmberg graduated from Smith College in 1943. Upon graduation, she joined the American Red Cross, serving in England, Germany, and France. After moving to Chattanooga in 1946, she became actively involved in the operation of the newspaper her grandfather, Adolph S. Ochs, was publisher of from 1878 until 1935. She has been publisher of the Chattanooga Times since 1964.

For more than 40 years, she has caused our community to seriously examine the most significant social, educational, environmental political, cultural, business and personal issues which have faced us as a community and as individuals. She has provided the kind of progressive leadership which has caused us to move forward and change for the better.

As the Representative for the Third Congressional District of Tennessee, I have the privilege of representing many individuals of great knowledge and distinction and Ruth Holmberg is one such person. She is not only one of my most esteemed constituents, but she is also a valued friend. I feel honored to commend her today for her many years of tireless efforts to improve the civic, cultural and business life of our community. She is one of the Nations best.

AMERICA'S PREEMINENCE IN SPACE THREATENED

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. SOLOMON. Mr. Speaker, I rise today to bring to the attention of my colleagues a matter that I view as a serious threat to America's preeminence in space. We are at risk of having our own government policy undermine both our commercial launch and our satellite manufacturing industries and turn them over to subsidized foreign competitors.

Let me provide a bit of history for my colleagues.

In the late 1970's, in a fit of euphoria over the performance of the space shuttle, our country adopted a policy that all satellites would be launched from the shuttle. By the middle of the 1980's, it had become apparent to President Reagan and his advisors and to many in Congress that the shuttle program could not keep pace with the demand for access to space by American and foreign satellites. President Reagan reversed the policy and encouraged U.S. industry to develop the capability to launch satellites commercially on expendable launch vehicles. That decision was underscored by the tragedy of the *Challenger* disaster and the nearly 3 years that followed with no American capability to launch satellites. Congress followed by setting a policy that removed commercial ventures from the shuttle.

America's industry responded, and three of the giants of U.S. aerospace, General Dynamics, Martin Marietta, and McDonald Douglas, responded by investing over $500,000,000 in redeveloping a viable commercial launch industry. U.S. launch companies have already successfully launched U.S. satellites in space, and more are planned for this year, and for the rest of the century.

However, China and now the Soviet Union also have responded and have been actively contacting satellite companies, offering to launch satellities at very low cost because of the incredible subsidies the two governments provide. They have also successfully lobbied our Government. As a result, our own Government, after encouraging U.S. industry to move into the market, is now undercutting these same companies. Last year, our Government signed an agreement with China to allow them to launch nine satellites over the next 6 years. This was the best restriction our U.S. industry could achieve from the State Department and the White House. Even that agreement was suspended in light of the massacre in Tiananmen Square, but last month, our State Department decided that reform had come to China, and granted licenses to export three U.S. satellites for launch in China. Somehow, they found that this was in the national interest, which allowed them to get around a congressional prohibition in last year's fiscal year 1990 Commerce, State and Justice appropriation bill. I think we need to take a closer look at that deal, and I urge my colleagues on the relevant committees to do so.

At the same time, we are now hearing that the Soviets have turned up the heat to get space and space launch services included in the upcoming United States-Soviet trade negotiations that will be culminated at the June summit between President Bush and General Secretary Gorbachev. The effect of the Soviets on the commercial launch industry could be devastating. Unlimited access could quickly lock up the entire United States launch market and much of the United States satellite manufacturing business since the Soviets, much like the Chinese, can charge whatever they want in order to obtain the business. If that were to occur, United States launch companies satellite manufacturing companies will be driven from the market. The effect of all of this on national security could be significant not only in terms of price for military launches, but also in terms of whether our industry would be able to continue to provide the quality launch vehicle that our military services have come to rely on.

Let us not put ourselves in this position, particularly since the National Space Council has begun a study of the entire commercial launch industry and will make recommendations this August on the whole range of issues involved. I urge the White House and the trade related agencies not to allow these vital U.S. industries to become a part of any impending trade agreement and let us benefit from the National Space Council and our own congressional space experts.

IRVING R. RUTSTEIN JEWISH WAR VETERANS POST 212 HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Irving R. Rutstein Jewish War Veterans Post 212. Post 212, located in Wilkes-Barre, PA, is named after Irving R. Rutstein who was killed in action during World War I. The Jewish War Veterans of the United States is a national organization chartered in 1896 and is the oldest active chartered organization in the United States.

The Irving R. Rutstein Post 212 was chartered in 1939 and celebrated its 50th anniversary of service in 1989. Throughout its history, the post has been dedicated to working for and with the community and veterans.

The post's activities and accomplishments are extensive. For example, Post 212 was the first organization to support the poison control clinic and supply and operate the dental clinic at the Wilkes-Barre Mercy Hospital. They claim a number of other firsts including being the first allied post to feed patients each year at the Wilkes-Barre Veterans' Administration Hospital on Christmas Day and the first organization to distribute a narcotics guide chart to a number of police departments and school districts in the Wyoming Valley.

In addition, Post 212 works with community leaders and organizations to better the quality of life of the people of the area. The post established a scholarship fund at Wilkes University for any needy veterans or their child. Post 212 also has an annual brotherhood program honoring an individual in the community. They have been providing volunteers for the Wilkes-Barre VA Hospitql since 1946 and distribute patriotic manuals to all new citizens of the area.

Twenty-two members of the Irving R. Rutstein Post have been killed in action in World War I, World War II, and Korea. The members of Post 212 have fought for this country and have continued with that same commitment in serving the people of the Wyoming Valley.

Recently, I was privileged enough to attend the Jewish War Veterans 33d Annual Commanders Ball and spend some time with the dedicated veterans of this post. However, this great sense of service goes far beyond Post 212. The Irving R. Rutstein Post 212 has been the home post to five Pennsylvania State commanders, one national judge advocate—attorney Joseph Savitz, and one national commander—Sam Greensberg. I know that my colleagues in the House of Representatives will join me in paying tribute to the members of the Irving R. Rutstein Jewish War Veterans Post 212 and praising them for the outstanding work they have done.

HANG TOUGH ON CLEAN AIR

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Ms. SCHNEIDER. Mr. Speaker, I find it unconscionable that leaders of the U.S. Senate would consider gutting key provisions of the clean air legislation now pending in that Chamber, which provide major protection from global climate change.

I am referring to current discussions going on to ease the NO_x vehicle emissions standards to less than those now pending in the House version. I also refer to the elimination of a CO_2 standard that would lead to the multiple benefits of also reducing imported oil, and additional reductions in urban smog and acid rain.

Such actions come at the very moment that hundreds of scientists and international policymakers are meeting here in the Nation's Capital as part of the Intergovernmental Panel on Climate Change, to find solutions to global warming.

As the scientific community has repeatedly testified before Congress, the United States is the world's major contributor of global greenhouse gases, and vehicles are a prime contributor.

The current provisions in the Senate bill are forward thinking and should be retained. These measures are strongly supported by the American voters as reflected in recent polls, they are cost-effective for consumers in reducing the bills at the gas pump, and they are among the least-cost ways of reducing environmental pollutants.

Congress can and must exercise their leadership on this issue. I call on my colleagues in the other body to hang tough and don't weaken this important legislation.

A SALUTE TO MS. DONNA MILTON

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. DARDEN. Mr. Speaker, Ms. Donna Milton has been selected "Teacher of the Year" for the Marietta, GA, School System. Ms. Milton teaches first-year students at Hickory Hills Elementary School. The Marietta School System is one of the finest in the State of Georgia, and to be recognized as Teacher of the Year in this system is indeed a great honor and indicative of Ms. Milton's commitment and abilities. I have first-hand knowledge of Ms. Milton's teaching abilities because both of my children were taught math by her, and I know that her enthusiasm about education and children is contagious. At a time when our Nation is facing new challenges and a changing world, the education of our youth should be a priority concern of all Americans. A child's first year in school is the most crucial, and I am encouraged that teachers like Donna Milton are there to provide a firm foundation and encouragement for our children.

I ask that the following article from the August 24, 1989, Atlanta Journal-Constitution be included in the RECORD.

DONNA MILTON GOES TO HEAD OF THE CLASS

(By Margaret L. Usdansky)

Fifteen years after she began teaching first-graders at Hickory Hills Elementary School, Donna Milton still talks enthusiastically about the moment when a child begins to read.

"That is the greatest thing," she said. "When the kid discovers, 'Hey, I can put all of this together and make sense of this page.' "

This week, the school system recognized Ms. Milton's devotion to her profession by naming her Marietta Teacher of the Year, an honor that means she will represent the city schools in the 1990 Georgia Teacher of the Year competition.

Marietta Superintendent Roy D. Nichols described Ms. Milton as a person who makes a strong and favorable first impression.

"You realize she's somebody who really does care about kids and is a dedicated professional," he said.

To qualify as a candidate for systemwide teacher of the year, Ms. Milton first was selected as teacher of the year at her school. She was one of nine teachers chosen by their colleagues to represent each of the system's nine schools before a panel of teachers, administrators and community members in charge of the final selection.

In addition to teaching children how to read, Ms. Milton encourages them to view reading as a lifelong source of enjoyment. With that object in mind, she reads to her pupils frequently and allows them to bring in their own books and magazines for recreational reading periods.

"Short of Penthouse," she joked, "they can bring comic books or almost anything."

The object of having them select their own material, she said, is to show them that "reading is fun. It's not just something you do in school."

Teaching was not Ms. Milton's first profession. A former advertising agent, she decided to go into teaching after she observed variations in the quality of her son's elementary-school teachers.

"I thought [Guy] had a poor kindergarten teacher and a wonderful first-grade and second-grade teacher," Ms. Milton recalled.

As she became increasingly interested in what constituted good teaching, Ms. Milton decided to enroll in the University of Pittsburgh, where she received a master's degree in education in 1973.

She joined the Marietta School System that same year after her husband, James, received a job transfer in Georgia. After teaching kindergarten for one year at Park Street Elementary, she moved to Hickory Hills, where she has taught first grade since.

"She is so interested in making sure that all kids, no matter what their abilities, no matter what their families are like, have an opportunity to learn," said Marietta schools spokeswoman Jean Glascoff, who served on the selection committee.

Ms. Milton was chosen from among a group of educators who were teachers of the year at each Marietta school. They are:

Amanda Weems, Westside Elementary.
Evelyn Pylant, Allgood Elementary.
Nellie Hill, Burruss Elementary.
Christine Smith, Lockheed Elementary.
Janeen Paradiso, Park Street Elementary.
Kay Vaughn, Pine Forest Elementary.
Majorie Kellog, Marietta Junior High.
Noel Jenks, Marietta High School.

NASHVILLE PRIDE CELEBRATES SECOND ANNIVERSARY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. CLEMENT. Mr. Speaker, I'd like to pay tribute today to the Nashville Pride newspaper in my hometown, Nashville, TN. The Pride , as the paper is called by its readers, is a newspaper which fills a true need by focusing its coverage on issues of interest to the African-American community in middle Tennessee.

The Pride recently celebrated its second anniversary, and I use the newspaper's own description of its mission to accent the role this publication fills in our community.

The Nashville Pride, a weekly newspaper, is the result of an identified need for a mass communication media, owned, operated, and produced by black people in the Nashville, Tennessee area.

The purpose of the Nashville Pride is to gather, give shape to, and then disseminate information which is relevant, important, and of specific interest to the black community.

Our goal is to bring civic, local and state news, which has a direct impact on the lives of our readership.

Our commitment is to continuously strive for the perfection of our art; to consistently produce, each week, a publication which is accurate, objective and fair.

In my opinion, the Pride is accomplishing the mission which it identified. This publication, in a mere 2 years, has created a distinct identity as an integral part of the black community through consistent publication of a quality newspaper.

I want to compliment and acknowledge the efforts of the Nashville Pride's executive publisher Larry Davis and every employee and person associated with the newspaper. I think this tribute is particularly timely now, during black history month, since this newspaper plays an important role in events being shaped today.

America was built on principles of freedom. The Nashville Pride is helping the African-American population of middle Tennessee move progressively into the 21st century through a free expression of ideas, and a determined effort to provide important information.

Congratulations to the Nashville Pride and best wishes throughout the years to come.

CONGRESSIONAL SALUTE TO HACHI KAWAKAMI

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to an outstanding individual in my community who deserves to be recognized for his dedication and service to Sacramento for almost half a decade. January 31, 1990 marked the 50th birthday anniversary for Mr. Hachi Kawakami and in tribute to this remarkable man, his family and friends held a surprise party to celebrate this special occasion. In honor of Hachi's 50th birthday, it is my pleasure to share with my colleagues the story of this dedicated family man.

Hachi Kawakami and his lovely wife, Reiko, have been married for 31 years. They are the proud parents of five children, Deann, Cynthia, Mark, Susan, and John. They have three grandchildren, Nichole, Rachelle Gee, and Brett Nomura, all whom they adore.

After completing his education at the University of California, Davis and the University of California Medical Center in San Francisco, Hachi began a distinguished career as a pharmacist. He has been associated with Thrifty Drug Stores for the past 25 years and has served in the capacity of president for both the Sacramento Pharmacy Association and the California State Pharmacy Association.

An accomplished runner, Hachi has recently qualified as a participant in the Boston marathon. The hard work he has undertaken in order to qualify for and to run in this upcoming marathon is a tremendous accomplishment and I commend his outstanding achievement. Hachi's dedicated service extends beyond his family and career to serve his community. He and his family are active members of the Sacramento Buddhist Church and Hachi's leadership as past president to the Young Adult Buddhist Association and adviser to the church's youth organization has greatly contributed to its overall success.

Mr. Speaker, as Hachi Kawakami celebrates his 50th birthday in the company of his loving family and friends, I ask that my colleagues join me in extending congratulations and best wishes to him for many happy years to come.

IN HONOR OF THE TEACHER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Ms. OAKAR. Mr. Speaker, today I am introducing legislation to establish a memorial on Federal land in Washington, DC, in recognition of the contributions of "the teacher." Being a former educator, I believe a memorial that would honor the teaching profession will serve to emphasize and enhance the stature of teachers everywhere.

In this city of monuments and memorials, it is incomprehensible that there is not one memorial dedicated to the teacher. Everyday in this city, we walk or drive past memorials commemorating certain wars, battles, generals and countries. However, we have yet to establish a memorial dedicated to the individuals who have had the most influence on our lives—our teachers. I am certain that we all fondly remember that one teacher who made a special impact on our lives, whose guidance, philosophy and wisdom stayed with us as we grew into adults. It would be a fitting tribute to honor these men and women in our Nation's capital.

Mr. Speaker, besides learning in the classroom, today's youth must learn to deal with the problems of drugs, crime and illiteracy, to name a few. As legislators, we need to reinforce the value of education in our society. One step taken toward that goal was evidenced by the first education summit attended by our Nation's Governors this past fall.

By establishing a memorial to the teacher, we will demonstrate to children and their families the importance of education and the teaching profession—which is the base of all professions.

My legislation authorizes the Cadmus Foundation to establish this memorial with private funds. The Cadmus Foundation is an organization dedicated to the recognition of the teacher in our society. Cadmus was considered by the ancient Greeks as their first teacher, because he taught them the first phonetic alphabet, as well as about agriculture, music, metallurgy, cosmology and theology. The personage of Cadmus is also represented on the bronze door of the Library of Congress.

I would like to invite all of my colleagues to support this important legislation.

A TRIBUTE TO JOSEPH TRIPPE NALL

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. LANCASTER. Mr. Speaker, my friend Joe Nall, a member of the National Transportation Safety Board, was killed in an airplane crash in Caracas, Venezuela on November 27, 1989.

The personal loss to Joe's family and friends is devastating. North Carolina and the Nation have lost a great human asset. He was a devoted and loving father to his two daughters and a warm and cherished comrade to us, his friends. He was the quintessential renaissance man whose marvelous range of interests and accomplishments brought him into beneficent contact with many people and served his community and country well.

Joe was a native of Atlanta, and he received his early education there. He graduated from Furman University, Southeastern Theological Seminary, and the Wake Forest University School of Law.

At the time of his death, he was serving on the National Transportation Safety Board and had been a member since his appointment by President Reagan in 1986.

Before coming to Washington to serve his country at the President's request, Joe had been an attorney in private practice in Smithfield, NC. Before that he was associate pastor of the First Baptist Church of Smithfield. He had also served as pastor of the Beth Car Baptist Church in Halifax, VA.

The unique blending in his life of the spiritual calling and the driving need to serve his fellow man is evident in his civic activities. He had served as chairman and director of the Johnston County, NC, Board of Social Services; president and campaign chairman of the Johnston County United Way; and as leader and organizer in many Democratic campaigns and civic causes. After he began to practice law, Joe found the time to put his concern for his church into action by serving as chairman of the board of deacons.

With the move to Washington, Joe became a deacon of Riverside Baptist Church and a member of the church choir. He was among the first volunteer teachers in the church's Tuesday Nights Together Tutoring Program in the Washington area.

Joe is survived by his two daughters, Molly Elizabeth and Anna Kate. Molly served as an outstanding intern in my Washington office 2 years ago and is a student at Duke University. Anna is a senior at Smithfield-Selma Senior High School. He is also survived by his brother, Robert G. Nall of Atlanta.

Joe Nall was indeed a renaissance man: Baptist minister; attorney; pilot; teacher; volunteer leader in civic affairs; social worker; innovative safety expert on the National Transportation Safety Board; spiritual leader in his North Carolina and Washington communities; accomplished musician; role model for the young; helper of the less fortunate; good friend.

The Lord called him home at an early age. Had he remained with us, he was destined for a greater leadership role. May our personal loss be assuaged by remembrance of his love for his family and neighbors, his dedication and his lofty goals.

TRIBUTE TO ROSE KUSHNER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Ms. PELOSI. Mr. Speaker, although most women may not have heard of Rose Kushner, she was a friend to all women.

Rose Kushner, through her personal experience with breast cancer, changed the lives of many women by questioning the routine procedure of the one-step radical breast surgery and proposing a more conservative two-step procedure.

The book, "Alternatives: New Developments in the War on Breast Cancer," authored by Rose Kushner, presented a provocative statement on the importance of communication between doctor and patient at all stages of an illness. Her work to educate other women has provided invaluable information to those women who are faced with the fear of breast cancer. Rose Kushner was a single "support system" for all women. She

offered support and encouragement for women to question their physicians, to scrutinize their treatment and to seek expert advice.

Rose Kushner was a woman of great insight, intelligence, and courage. We can all thank her for the fight she waged, against her own painful illness, as well as against the fears women share about the dread disease of breast cancer.

I did not know Rose Kushner, but I feel a special kinship with her—she was born in Baltimore, my birthplace, and her daughter now resides in San Francisco, the district I represent in Congress.

The New York Times obituary—December—provides an eloquent description of Rose Kushner's work in behalf of women. I hope you will take time to read about this amazing individual.

Thank you.

ROSE KUSHNER, 60, LEADER IN BREAST CANCER FIGHT

(By Gina Kolata)

Rose Kushner, a vigorous and tenacious advocate for women with breast cancer, died Sunday of the disease. She was 60 years old and lived in Kensington, Md.

Ms. Kushner gained national recognition in 1975, when she wrote about her battle with breast cancer in a book, "Why Me? What Every Woman Should Know About Breast Cancer to Save Her Life," published by W.B. Saunders Company in Philadelphia. She became an influential voice questioning standard medical procedures and was a leader in the movement to change the way the disease is treated.

Many of the steps she advocated, especially less radical surgery, were at first rejected by leading breast cancer experts but are now common practice.

As the founder and director of the Breast Cancer Advisory Center in Kensington, Ms. Kushner provided women with crucial information about their options when facing breast cancer.

"POETIC JUSTICE" IN AWARD

She was a member of the National Breast Cancer Advisory Board from 1980 to 1986 and was appointed last year to the American Cancer Society's Breast Cancer Task Force.

This year, Ms. Kushner will be awarded the Society of Surgical Oncology's James Ewing Award for outstanding contributions by a lay person to the fight against cancer. This is "poetic justice," and her husband, Harvey D. Kushner, because the society's members had "booed her off their stage in 1975," after she had challenged their standard treatments.

"A lot of people heard about her and trusted her," said Dr. Bruce A. Chabner, director of the division of cancer treatment at the National Cancer Institute in Bethesda, Md.

At the time of her death, Ms Kushner was lobbying to encourage the Federal Government to require that health insurance companies cover mammograms.

A psychologist and medical writer, Ms. Kushner turned single-mindedly to her breast cancer crusade in 1974, when she found a lump in her breast but refused to submit to the then routine "one step" procedure.

In the mid-1970's, women would be anesthetized, the lump would be removed for biopsy on the spot and if it was malignant, the breast would be removed. The patient would learn only upon awakening whether she had lost a breast. Ms Kushner believed that women needed time after a cancer diagnosis to find the best surgeon to remove the breast.

She railed against the one-step procedure, and after 18 telephone calls, finally found a general surgeon to remove just her lump. She later found a breast cancer specialist to remove her breast when the lump proved cancerous.

ROLE IN CHANGING PRACTICE

Now, the one-step procedure that Ms. Kushner abhorred is no longer done.

"She is probably the single most important person in leading to this major change in breast surgery," Dr. Chabner said. Although there was medical evidence that the one-step procedure was not advisable, Dr. Chabner added, "I don't think the public would have accepted it or even known about it if she had not been so persistent in her efforts."

Later, Ms. Kushner became an advocate for increased use of lumpectomy, in which the malignant lump is removed but the rest of the breast is left.

Ms. Kushner was born in Baltimore and graduated from the University of Maryland in 1972.

She is survived by her husband, Harvey; her sons, Gantt of Silver Spring, Md., and Todd of Rockville, Md.; a daughter Lesley Kushner of San Francisco, and her brothers, Isaac and Meyer Rehert of Baltimore and Paul Rehert of West Palm Beach, Fla.

THE TELECOMMUNICATIONS DRUG ENFORCEMENT ACT OF 1990

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. MANTON. Mr. Speaker, today I am introducing legislation along with my colleague from Illinois, Congresswoman CARDISS COLLINS, to take mobile telephones and electronic pagers out of the hands of drug dealers.

Mr. Speaker, illicit drug use continues to plague our society and poison our children. Drug abuse, and the violence and crime it breeds, remains the No. 1 problem facing many communities across the Nation. We must escalate our war on drugs, and the drug pusher must be the primary target for extinction by our law enforcement personnel. One way to attack drug dealers is to cripple their ability to effectively communicate with their buyers and associates. That is what our legislation is designed to do.

Mr. Speaker, a growing number of drug dealers are using mobile telephones and electronic pagers. Police in the District of Columbia confiscate approximately 25 pagers a week from suspected drug dealers and their associates. Our legislation would give any U.S. attorney or State investigative or law enforcement officer the authority to petition a Federal district court judge for an order requiring any company which provides a mobile telephone service to discontinue service to any mobile radio unit. The judge must determine, on the basis of the facts presented by the U.S. attorney or law enforcement officer, that there is probably cause to believe that mobile unit is being used for the purpose of transmitting or receiving information in connection with the manufacture, distribution, transportation, or sale or any illegal drug. Once the judge makes this finding, the person whose mobile radio service is being disconnected shall have only 3 days' notice before all service is shut off.

This bill specifically allows law enforcement personnel the discretion of moving on drug dealers using mobile telephones and paging systems. Oftentimes, law enforcement personnel may determine that leaving the phones in the hands of drug dealers will lead to more arrests because the over-the-air communications can be intercepted by law enforcement officers. Once, however, the officers have gleaned all useful information they can then move to a judicial forum to obtain a ruling from a Federal judge on the probable cause standard contained in this bill.

Mr. Speaker, I believe the Telecommunications Drug Enforcement Act will be a valuable tool for our law enforcement officers across the Nation who are in the trenches fighting the war on drugs. I urge my colleagues to cosponsor this important legislation.

BLACK HISTORY MONTH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. LANTOS. Mr. Speaker, each February our Nation commemorates the achievements of black Americans by marking Black History Month. This occasion affords us the opportunity to recognize the many important contributions which black Americans have made to the culture and history of our country. Black History Month reminds us how far we have come, but it also reminds us how far we still must go.

As we take this opportunity to reflect upon the progress that our society has made toward achieving racial equality during the 20th century, I ask my colleagues to consider the important transformation of American politics that began a generation ago with the passage of the 1965 Voting Rights Act. What happened in the elections of 1989 was unimaginable just two decades ago.

In this past election, more black politicians across the Nation proved they can attract voters across racial lines. Blacks are no longer limited to districts and contests where the majority of voters are black. In 1989, black candidates claimed major election victories across the Nation. In two important elections, two blacks—one a grandson of slaves and the other the son of a barber—were elected to offices which no black has previously held. Doug Wilder of Virginia made history as the Nation's first elected black governor—in a State with an electorate that is only 17 percent black. In New York City, David Dinkins was elected mayor in a city that is only 25 percent black. Other blacks have been elected to leadership in jurisdictions in which blacks are not the majority—Norm Rice as mayor of Seattle, Michael White as mayor of Cleveland, and Chester Jenkins as mayor of Durham, NC. Here in the House of Represent-

atives our distinguished colleague, Congressman BILL GRAY, of Pennsylvania, was elected majority whip, the highest House leadership office held by an African-American, and the Democratic National Committee is now headed by Ronald Brown.

Mr. Speaker, Dr. Martin Luther King's dream is still alive. We are moving toward the day that children are judged, not by the color of their skin, but by the quality of their character. But there is still much that must be done before we reach that day. There are still too many signs of intolerance, and too many black Americans' lives are far removed from the individual successes of Doug Wilder, David Dinkins, Ron Brown, or BILL GRAY. While economic, political, and social gaps between black and white Americans have narrowed, they have not closed. By almost all aggregate measures—income and living standards; health and life expectancy; educational, professional, and residential opportunities; political and social participation—the well-being of blacks remains behind whites.

Mr. Speaker, we must continue to insist upon basic rights for all of our citizens. The Supreme Court has launched a serious challenge to our Nation's civil rights laws. These rights were hard fought and difficult to win. They must not be weakened. We must also continue to pay close attention to improving educational opportunities, removing the inequities of employment, increasing the stock of affordable housing, and protecting our communities from the evils of drugs. We must remain committed to curing the problems of discrimination.

Mr. Speaker, Black History Month gives us an opportunity to honor black Americans and the important contributions they have made to American society. It also gives us the opportunity to measure periodically our achievement in assuring the equality and opportunity to which we give public voice. This annual celebration is an occasion for all of us—and particularly those of us in the U.S. Congress—to renew our commitment to equality and opportunity for all Americans.

INTRODUCTION OF THE BIOTECHNOLOGY PATENT PROTECTION ACT

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. MOORHEAD. Mr. Speaker, today my colleague, Congressman RICH BOUCHER, and I are introducing legislation to assist our biotech industry. The purpose of this new bill is to stand up for the American biotechnology industry by eliminating the unfair advantages that our patent law now confers on foreign countries.

Too often in recent years we have seen home-grown American industries—developed through good old-fashioned American ingenuity, determination and sweat—captured by foreign competitors. A recent example of this is last Friday's announcement that the largest biotech company in America, Genentech, Inc., a California based company, has been purchased by a Swiss Pharmaceutical Co. Biotech was invented and perfected in this country. Since the discovery of DNA, nearly two decades ago, the United States has been the world leader in biotech research. We should be sure that we remain the commercial leader as well. We cannot afford to stand idly by as American initiative and invention is once again turned into commercial gold by our competitors overseas.

Section one of the bill would correct what many believe to be a loophole in U.S. law and authorize the U.S. Patent Office to grant patents for processes used to make biotech products. Such patents are routinely issued in Europe and Japan.

Section two of the bill would extend the U.S. International Trade Commission's jurisdiction to cover certain biotech inventions. I was an original author of the process patent amendments of the 1988 trade bill. Those amendments were designed to prevent the importation of foreign products into the United States when the manufacture of such products within the United States would violate our patent laws. But in light of developing technology, those amendments have not proved fully adequate. So this new bill, which is clearly within the spirit of the 1988 amendments, allows us to finish some unfinished business.

Section three contains the effective date. The effective date is prospective. But one of the areas we will closely review at the hearing is the effect this section might have on particular companies. A problem exists because of an ongoing court case. We do not intend to interfere with the case between Amgen and Genetics Institute. Both hold patents on a similar substance. We must review the situation in that case so that we do not inadvertently penalize those parties.

While we do not believe that American biotech companies should get special protection against foreign competition, we do believe that our companies should be allowed to compete on a level playing field. Foreign companies should not be able to evade U.S. patent laws for products sold in the United States simply by moving production offshore. And our companies should receive the same process patent protection that their competitors receive in Japan and Europe.

Fundamental fairness requires as much, and so does our obligation to innovative American companies, American workers, and all the many people who will enjoy the benefits of biotech products.

AUSTRALIA CONFERENCE AGAINST CHEMICAL WEAPONS AND THE FISCAL YEAR 1991 REQUEST FOR NEW CHEMICAL WEAPONS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. FASCELL. Mr. Speaker, in September 1989 the Australian Government hosted a government-industry conference against chemical weapons. Chemical industry and government representatives strongly endorsed a chemical weapons agreement in Geneva to ban chemical weapons and their proliferation worldwide. The results of the conference are succinctly summarized in the following statement by Senator Gareth Evans, the Minister of Foreign Affairs and Trade of Australia. This statement indicates optimism and real movement toward a worldwide chemical weapons agreement. It is my conviction that Congress and the administration must seize this leadership opportunity, make achievement of a chemical weapons ban on arms control priority, halt United States production of new binary chemical weapons, and begin a bilateral destruction of current CW stocks with the Soviet Union.

Foreign Minister Evans' statement follows:

STATEMENT BY FOREIGN MINISTER GARETH EVANS

I. INTRODUCTION

1. This Conference has been a unique event, bringing together not only governments, who have the responsibility for negotiating and implementing the forthcoming Chemical Weapons Convention (CWC), but also representatives of the world's chemical industry, who will be directly affected by its implementation.

2. Building on the Paris Conference declaration of January 1989, and in particular its call for a redoubling of effort to conclude the Convention at the earliest date, government and industry representatives have come together to reinforce and give new momentum to a dialogue that is crucially necessary for two purposes:

to assist in the resolution of technical issues, and the identification of workable and realistic solutions to other outstanding problems, to enable the early conclusion of the Convention; and

to convey a clear understanding of the industry's concerns, and an appreciation of how the Chemical Weapons Convention will impact on the industry, so as to ensure not only speedy conclusion of the Convention, but its effective practical implementation.

3. This Conference has been the occasion for a number of important developments, including:

the first collective statement by the world's chemical industry of its commitment to assist governments in bringing about a total ban on chemical weapons through a comprehensive CWC;

extensive dialogue between governments and industry on issues relating both to the conclusion and implementation of the treaty, and detailed exploration of ways of progressing that dialogue in the future;

the identification of a number of measures in support of the objectives of the Chemical Weapons Convention, which both governments and industry are either implementing, or have indicated a willingness to consider, in advance of its coming into effect; and

a renewed expression of commitment by governments to conclude and implement a comprehensive CWC at the earliest date.

4. There was at the Conference clearly evident total support for the achievement of the CWC of comprehensive scope, which would be effective, verifiable and workable in practice, non-discriminatory in impact and attract universal adherence. It was acknowledged that no interim regime could be a substitute for such a Convention. The long quest for a comprehensive, global, and effectively verifiable ban on chemical weapons, to which we are all firmly committed,

has been brought closer to realization by the assembly here in Canberra of the relevant diplomatic skills and industrial expertise needed to complete and implement the Chemical Weapons Convention.

II. CONCLUDING THE CONVENTION

5. The conceptual framework of the Convention is already substantially settled, and many of its detailed provisions have already been elaborated. In bringing the Convention to conclusion, 1990 is seen by most delegations as a critical year. I have clearly discerned in the contributions of all delegation both the political and practical will to work through and resolve, as fast as the complexity of the subject matter allows, remaining outstanding issues in the Convention negotiations. The general view is that the major substantive issues for negotiations should be able to be completed within the coming year.

6. Much of the discussion at the Conference focused on those issues whose resolution could clearly benefit from industry input and co-operation, in particular:

verification regimes;

protection of confidential commercial information;

the structure of the international authority and its relationship through national authorities with chemical industries;

technical questions in relation to the destruction of existing stockpiles and production facilities; and

within the Convention context, promotion of the free and non-discriminatory exchange of chemicals and technology only for peaceful purposes, and assistance to developing states parties.

7. In order to assist in the process of resolving outstanding issues, many countries have brought to the negotiations their own national experiences with various matters relevant to the Convention, and these were reported to the Conference. These exercises have enabled the outstanding issues to be considered from a very practical perspective, and have helped give a better understanding of what is required under the Convention. In particular:

a number of countries have conducted national trial inspections, and others are planning to do so; and

other countries have been conducting, or are planning to conduct, trial challenge inspections.

8. There was a recognition that the negotiating environment for an early conclusion of the Convention would be significantly enhanced by governments being as frank and open as possible in their approach to chemical weapons issues, bringing their activities into conformity with their commitment to the Convention, and by taking other specific steps—in the period before the Convention is concluded—to increase confidence in it. Such steps could include:

acknowledgement of their chemical weapons stocks by weapons-possessing states;

bilateral and multilateral data exchanges as provided for in the rolling text: information could be provided on CW stockpiles, CW production facilities, CW destruction facilities, and production of chemicals included in Schedules 1, 2 and 3;

trial inspections of stockpiles and production facilities on a bilateral and multilateral basis;

establishing facilities to allow for the environmentally sound destruction of CW stocks, and exchanging the technology relevant to this process;

taking steps to eliminate existing CW stockpiles;

making unequivocal undertakings not to acquire chemical weapons and acting accordingly, as part of exercising restraint and acting responsibly in accordance with the purpose of the Geneva negotiation; and

informing governments outside the Conference on Disarmament on the negotiations for a CWC (as has been done, e.g., by the Chairman of the Ad Hoc Committee, and through Australia's regional initiative).

III. IMPLEMENTING THE CONVENTION

9. The effectiveness of the Convention will be maximized by the adherence of all states, and there were many calls for governments to work actively towards that objective. The Convention will provide equal security benefits to its adherents, and the value of those benefits will be strengthened by widespread support. At the same time, the operation of the CWC will assure industry that its products can readily be traded and distributed on a non-discriminatory basis for purposes not prohibited by the Convention. The Convention will provide for equal treatment for all countries and all industrial entities. All governments and their industries have a strong interest in confirming that these objectives are realized in practice.

10. A number of countries are already implementing in advance some of the provisions of the draft convention, adapting existing national measures to the convention framework, or adopting other measures which will assist in its implementation. For example, in addition to the trial inspections already referred to, governments are:

establishing the framework for the national authorities which will implement the Convention (e.g., the decision of Australia to establish its national CWC authority and the interest of others in doing likewise);

establishing technical assistance programs for the identification and training of personnel who might be required to carry out the obligations of the Convention (e.g., the program established by Finland); and

legislation to prohibit certain activities which will be proscribed under the Convention (e.g., the FRG's recent amendments to the War Weapons Control Act).

Developments of this kind will contribute momentum to the negotiations, and will help avoid misapprehensions and delays in implementing the Convention. Taking such measures will also contribute to a collective understanding of the extent to which the Convention can be implemented within the existing operations of governments and industry.

11. It was proposed that all nations should consider the mechanism they will need to put in place to implement the Convention's requirements. Since the impact of the Convention will vary considerably according to differing circumstances, special attention will need to be paid to the concerns of those countries with small or non-existent industries, or whose bureaucracies may require technical assistance in handling the complex requirements of the Convention.

12. It was also proposed by some delegations that consideration be given to establishing a group or groups which could form the nucleus of the Technical Secretariat to be established under the Convention, contribute to the resolution of certain outstanding issues in the negotiation of the Convention, or both: this is a matter which will need to be taken up in Geneva.

IV. INDUSTRY'S ROLE

13. The effective implementation of the precise mechanisms to achieve the Convention and its objectives will depend to a significant extent on the co-operation and commitment of the chemical industry. At this Conference the industry has made very clear its support for the conclusion of a Convention, that it believes such a Convention will in fact be in its own interests, and that it wants to help that Convention as effective and practicable as possible. The statement adopted this week by the representatives of the world's chemical industry is an especially important and historic one. It:

expresses their unequivocal abhorrence of chemical warfare;

expresses their willingness to work actively with governments to achieve a global ban on chemical weapons, and contribute additional momentum to the Geneva negotiating process;

affirms their desire to foster international co-operation for the legitimate civil uses of chemical products and their opposition to the diversion of industry's products for the manufacture of chemical weapons; and

declares their support for efforts to conclude and implement the CWC at the earliest date.

14. The chemical industry representatives here present have also announced this week the establishment of a new International Industry Forum as a focal point for its essential practical input into the Convention making and implementation process. The group will meet in Geneva and involve an extension of present informal arrangements so as to include representatives of all the world's chemical industries, not just the developed countries.

15. The role which the chemical industry has played in promoting the economic development and improving the living standards of all peoples was frequently mentioned, and acknowledged by government representatives. It was clear that the industry wishes to continue vigorously to pursue its positive contribution to the raising of the quality of life of the people of all nations by the development of its products and their proper dissemination and use.

16. It was noted during the Conference that while the regulatory burden of the Convention on Industry would be significant, it would not be significantly different in kind from that which the industry already experiences. There are in many countries areas of extensive interaction between governments and chemical industry. Examples include:

National reporting arrangements for environmental, health safety and transport reasons;

National inspections of the chemical industry for these purposes; and

Consultation and co-operation in establishing the facts of industry activity.

In view of these already existing national measures, and new steps announced at the Conference, many parts of the industry will be well aware of the general kinds of requirements which will have to be addressed under a Convention regime. Both government and industry representatives accepted the desirability of very substantial consultations occurring in the period ahead to ensure that common objectives are achieved in the least costly and intrusive manner possible.

17. Preparations for the implementation of the Convention will entail specific actions by government and industry. At this Conference, a number of such matters specifically involving industry have been raised, including:

The need by governments for additional inputs from all sections of industry, including policy level direction, management, technical experts and the research community;

The need for a more substantial time commitment by representatives of industry to the Geneva negotiating process, and in particular extension of the formal sessions presently devoted to industry consultation;

The need to include workers and their representatives as part of the industry resource for governments as they draft and implement the Convention;

The need for more trial inspections, and trials to prepare for other aspects of implementing the Convention's requirements, such as the collection and assembly of relevant data about the characteristics of the national chemical industry; and

The need for industry to apply its code of responsible care so as to ensure, amongst other things, the compatibility of its activities with objectives of the Convention, including the objective, shared with governments, of nondiversion of its products for the manufacture of chemical weapons.

V. CONCLUSION

18. This Conference has not been a substitute for, or an alternative to, the negotiations on a CWC in the Conference on Disarmament in Geneva. What we have endeavoured to do, and I believe succeeded in doing, is contribute to the early success of those negotiations. There was widespread support for continuing and expanding the dialogue between government and industry both at the national level and in direct support of the negotiating process in Geneva. The Conference heard many calls for the earliest completion and implementation of the CWC. The chemical industry stated its full and unequivocal support for such an outcome.

19. The tasks ahead for governments are:

To work for the earliest conclusion of the negotiations in Geneva;

To build confidence in the Convention through initial steps;

To develop appropriate mechanisms to prepare for, and, when ready, to implement the CWC; and

To continue and expand the dialogue with industry with the object of both resolving outstanding questions in the Geneva negotiations, and preparing the ground for the effective practical implementation of the Convention once concluded.

20. The tasks ahead for industry are:

To consider the detailed requirements for the conclusion and implementation of the CWC and to continue to expand its dialogue between government and industry;

To help define practical, workable and effective solutions to outstanding problems being addressed in the Geneva negotiations;

To co-operate in ensuring that their products are not diverted for the manufacture of chemical weapons; and

To collaborate with governments and with other sections of the industry in ensuring that the CWC's provisions are implemented fully and effectively and apply equally to all parties: industry representatives at the Canberra Conference will no doubt wish to be in contact with those elements of the industry not physically present here to discuss with them in detail the issues raised at this meeting.

21. Above all else, the Government Industry Conference Against Chemical Weapons has affirmed the commitment of governments and the world's chemical industry to work together to bring to fruition at the earliest date a comprehensive, global Chemical Weapons Convention—long intensely desired, and now widely anticipated—which will operate to rid the world once and for all of these universally detested weapons. All of us want a chemical industry operating in the cause not of death, but of life.

David Barton, staff consultant on arms control for the Committee on Foreign Affairs, attended the conference and has reported to me on the conference's results. He concludes that the participation of the chemical industry in such an arms control conference was unique and that the strong endorsement by industry and governments of a chemical weapons agreement in Geneva at the earliest possible date to ban chemical weapons and halt their proliferation worldwide was the most important result. A summary of Mr. Barton's observations follow:

1. Chemical industry endorses a CW agreement to ban chemical weapons and their proliferation worldwide. Chemical industry participation was active, broadly representative, high-level, and unique in such an arms control context.

2. Australia continues its active leadership role on the CW issue. To make the conference the success that it was Australia had to provide strong leadership for the conference which involved extensive diplomatic and financial efforts and commitments to get the broad participation from governments (67) and chemical industry.

3. The U.S. position and initiative for a technical working group were positive and were viewed as supportive of a CW agreement by most government and industry participants. Since the Paris conference in January, 1989 an attitude of several countries seemed to be developing that saw the U.S. position in Geneva as stagnating, floundering without instructions nor political commitment to the CW talks. Canberra helped to change that attitude to seeing the U.S. position as more favorable to a CW agreement.

4. CW does not seem to be a strong Soviet arms control priority. At Canberra the Soviets had no major initiatives and did no objectionable posturing related to their CW moratorium. A point that Chairman Fascell has continued to make to the Bush administration is that this low Soviet interest in CW also creates an excellent opportunity for the U.S. to seize leadership and take credit for a worldwide CW ban which would be a stunning arms control achievement.

5. Third World governments and chemical industry have concerns about a treaty. Third World governments which do not possess chemical weapons want the superpowers and others to stop all CW production immediately otherwise the hypocrisy of the situation drives them into produciton. Third World chemical industry wants to make sure that the legitimate development of their own chemical industry—so desperately needed for their economic, social, and medical well-being—not be unduly restricted.

The firm commitment of governments and the chemical industry to a CW ban at the Conference Against Chemical Weapons in Canberra, Australia, and the progress achieved at the CW negotiations in Geneva conflict sharply with the fiscal year 1991 request by the Department of Defense for $141 million to produce new binary chemical weapons, Bigeye bombs, and 155 mm artillery shells. A bipartisan majority in the House of Representatives will continue to oppose the production of new binary chemical weapons and, therefore, if President Bush wants to exert leadership to ban chemical weapons and seize this arms control opportunity, it would make sense for him to withdraw the production request for new chemical weapons thereby bringing the budgetary request into line with his strong rhetoric in favor of a worldwide ban on chemical weapons.

HONORING DICK MARKARIAN AS THE 1989 OUTSTANDING AGRIBUSINESSMAN

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. LEHMAN of California. Mr. Speaker, since 1987, California State University Fresno's Ag One booster foundation has recognized an outstanding member of the agribusiness industry in a community salute. For several years, the Ag One foundation has promoted education excellence in agriculture through awarding scholarships to outstanding students majoring in the field of agriculture. In many respects, the Ag One scholarships has been the framework for helping to maintain interest by students choosing a career in agriculture. The foundation continues this tradition with the outstanding agribusiness persons scholarship endowment.

I am pleased to help the Ag One foundation honor the 1989 recipient of this community salute: Dick Markarian. For more than 60 years, Dick has been a leader in our community. No one has been a more forceful, articulate, and loyal advocate for Central Valley agriculture than Dick Markarian.

Dick knows farming from the ground up. He has been a fearless champion of farm issues and causes as divergent as labor, water, pesticides, land use, and marketing orders. He has counseled politicians and elected officials at all levels. All who know and have worked with Dick have enormous respect for his energy and commitment.

To me, Dick has been a supporter, a counselor, a critic, and a friend. He can always be counted on for an objective opinion. His only bias is to do what's right for agriculture. You can agree or disagree with Dick Markarian—but you can't ignore him.

It is appropriate, and frankly over due, that our community pay tribute to the contributions Dick has made. The Ag One Scholarship Endowment Fund is a fitting way to honor Dick Markarian, and I am proud to play a small role in helping to honor this outstanding agribusinessman, friend, and community leader.

ADL REPORT ON ANTI-SEMITISM

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. FRANK. Mr. Speaker, the Anti-Defamation League does extraordinary important work in combating bigotry, including but not limited

to anti-Semitism. Recently, as an example of the first rate work that it does, the Anti-Defamation League issued its most recent nationwide audit of anti-Semitic acts. The accompanying statement prepared by Leonard Zakim, who is the very able and diligent regional director of the ADL for New England, summarizes this most recent audit in a very useful way. Given the importance of our joining in a continuing national fight to stamp out bigotry, I insert this useful summary:

PRESS RELEASE OF THE ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH, JANUARY 17, 1990

"The highest increase in reported anti-Semitic incidents in the nation in 1989 occurred in Massachusetts (171 percent increase)," according to Leonard Zakim, New England Regional Director of the Anti-Defamation League.

Zakim noted that despite the exceptional response of district attorneys and the heightened awareness of local police departments, the sharp escalation in incidents demonstrates that the problem of anti-Semitism is one that merits our highest priority and attention. "Massachusetts ranked third in the nation in the number of reported incidents with 95 acts of vandalism and 45 harassments, last year 35 incidents of vandalism were reported."

The nationwide audit conducted annually by the Anti-Defamation League since 1979 revealed that anti-Semitic incidents rose nationally to an eleven year high. The current national total comprised 845 incidents of anti-Jewish vandalism and desecrations, and 587 episodes of harassments, assaults of threats against Jews or Jewish institutions; both figures were up 12 percent over 1988. The vandalism figure includes arson, bombings, cemetery desecrations and swastika daubings against Jewish institutions, Jewish-owned property and public property.

Abraham H. Foxman, ADL's national director, described the record number of anti-Semitic incidents as "disturbing, but not surprising"; in light of "the rise in hate-inspired violence generally around the country."

The total in the 1989 vandalism category, Mr. Foxman said, was the most since 1981 and "unfortunately, has kept pace with the high level of such episodes recorded in 1987 and 1988." Noting that "there were more serious types of anti-Semitic vandalism and desecrations last year than ever recorded in ADL audits," Mr. Foxman went on to say that violent neo-Nazi Skinhead gangs were responsible for more than 100 acts of such vandalism. He further pointed out that there was a 30 percent rise in anti-Jewish incidents reported on college campuses. The audit, compiled by the Research Department of ADL's Civil Rights Division, reflects incidents in 44 states and the District of Columbia as reported to the League's regional offices and law enforcement officials.

Urging that an overreaction to the disturbing increase would be as mistaken a response as ignoring them, Zakim cautioned that "these incidents are not occurring in a vacuum. Hate crimes are up around the nation," he told an ecumenical task force on anti-Semitism. Although some of the more publicized incidents do spur imitative behavior, they have also heightened awareness and encouraged increased reporting. However, the basic cause of these incidents is the existence of plain and simple anti-Semitism.

He emphasized that more arrests were made this past year than any other and singled out District Attorneys Kevin Burke, Scott Harshbarger and William Delahunt for responding quickly and effectively. Zakim also reported "public rallies attended by over 2,000 people in Marblehead, Wellesley, Canton and Beverly demonstrated that not only Jews were affected and outraged by these acts."

Among those incidents are the well publicized incidents in Wellesley and Marblehead. Others include anti-Semitic hate mail, vandalism targeting people's homes and businesses, death threats and other forms of anti-Semitic harassment. Over fifty Massachusetts communities were affected throughout the State. "One of the most disturbing aspects of the report Zakim said was that "racist skinhead-type groups were not responsible in most cases—it is, in most cases, our neighbor's children and not the work of organized hate groups."

Following is a summary of the audit's major findings:

845 incidents of vandalism. This is about 3 percent higher than the 1988 total of 823, which in turn was 18.5 percent higher than the 1987 total of 694. Of the 845, there were 38 incidents of the most serious types of vandalism (arson, bombings, and cemetery desecrations), making it the highest total ever recorded and 10 more than 1988. An unprecedented number of Jewish cemetery desecrations—21 in 14 states—was largely responsible for the overall figure. There were five bombings, including four in California alone, and eight arson attacks on synagogues.

587 incidents of harassments, assaults and threats, the second highest total ever recorded by ADL and including a murder. It was a 28 percent increase over the 1988 total of 458 and marked the fifth straight year there was a rise in this category. In addition, 149 of the harassments incidents (25 percent) were aimed at Jewish institutions.

A record 116 anti-Semitic incidents in 24 states attributed to neo-Nazi Skinheads, 180 percent more than 1988 when there were 41 incidents in 15 states. Of the 116 incidents, 22 involved vandalism agains Jewish institutions, 18 were aimed at homes and other property owned by Jews, and, at least 38 incidents of anti-Semitic graffiti and swastika markings bore "Skinhead" signatures on public property. Neo-Nazi Skinheads were also involved in 13 incidents in which hate messages and threats were made against Jewish institutions. Racist Skinheads were also implicated in 25 harassment cases in which the victims were either Jews or those they thought were Jews.

69 anti-Semitic incidents on 51 college campuses in 1989 as against 54 incidents on 38 campuses the previous year. As in past surveys, the attacks are varied and included vandalism of Hillel centers, Jewish fraternities and Jewish student's property. Among the harassment and assault incidents, the most serious cases occurred at the University of California-Los Angeles last May and at Brooklyn College, New York, last October when two Jewish students were brutally beaten on the eve of Yom Kippur.

144 people were arrested—with 21 identified as neo-Nazi Skinheads—in connection with 168 anti-Semitic incidents in 14 states. Of those arrested, 125 or 87% were under the age of 21. In 1988, there were 124 arrest in all in connection with 57 incidents in 19 states.

The one murder, recorded in July 1989, was that of Max Kowalsky, a Holocaust survivor and long-time residents of Brooklyn, who after protesting swastikas he found scrawled across his apartment door had a confrontation with the 36-year old alleged perpetrator and was stabbed.

The ADL audit includes state-by-state totals of anti-Semitic incidents.

Zakim, joined by a number of religious and community leaders at the press conference, announced the formation of a task force on anti-Semitism. Its mandate will be to propose new institutional initiatives to address the problem of anti-Semitism and to educate more people about its history and contemporary status.

Represented on the task force are the Archdiocese of Boston, Massachusetts Council of Churches, NAACP, Boston Police Department, U.S. Justice Department Community Relations Service, Asian-American Resource Workshop, City of Newton Mayor's Office, North Shore Christian Task Force Against anti-Semitism, Facing History and Ourselves, United Way, Massachusetts Attorney General's Office and District Attorney Kevin Burke and William Delahunt.

ADL TASKFORCE TO COMBAT ANTI-SEMITISM PERSONAL STATEMENTS

"The diseased mind that promulgates anti-Semitic rhetoric is more pernicious than most felons in prison today."—Steven Berglas, PhD, Newton, MA.

"Anti-Semitism is an attack against the fundamental civil rights of every person . . . We must also recognize that anti-Semitism is rooted in lies and ignorance. As a District Attorney whose responsibility it is to enforce the civil rights statutes that apply to anti-Semitic acts, I am painfully aware of the limitations of the criminal law to combat this problem . . . I share with the ADL the belief that Jew and non-Jew must reach out to the community-at-large and educate others about anti-Semitism and the Jewish community."—Kevin Burke, District Attorney, Essex County.

"The leaders and members of each church and synagogue should be asking ourselves: what are we doing to counter the insidious hatred that is poisoning our communities? In what way are we reaching out to each other to show that religious people of every faith are opposed to anti-Semitism and racism and that we will not remain indifferent to these cancers in our midst? . . . Each church and each synagogue should take as its motto for this decade and for all time: 'We shall not be silent in the face of evil.' "—Rabbi Samuel Chief, Temple Emanuel, Newton, MA.

"Anti-Semitism is not a 'Jewish problem'; it is our problem. It affects the entire community. It is a cancer that can destroy the life of the community unless it is treated aggressively and quickly. I pledge the continuing efforts of the staff of the Norfolk District Attorney's office to deal forcefully with incidents of anti-Semitism in this jurisdiction."—William Delahunt, District Attorney, Norfolk County.

"With the dramatic increase of anti-Semitic incidents in Massachusetts and in the nation, racial, ethnic and religious groups face continued persecution and harrassment. Asian Americans also continue to suffer given the increase of anti-Asian violence, the rise of linguistic persecution in the form of the English Only Movement, and unofficial quotas, affecting equal education opportunity. Realizing that injustice and the continuing trend of our society's movement toward intolerance affects us all, the AARW stands in unity with our Jewish American brothers and sisters to organize our community's resources to mount an effective and appropriate response to this alarming trend. The AARW supports the ef-

forts of the ADL."—Frederick H. Dow, Executive Director, Asian American Resource Workshop.

"I have no patience with anti-Semitism! It is a cancer that eats away at the fabric of civilized society; distorting reality, comprising morality, and poisoning the human spirit. As a Christian, I am especially outraged at anti-Semitism's continued presence in the theology and practice of those that claim my religious heritage. I feel compelled by conscience to confront anti-Semitism in all it's expressions, but particularly with those that erroneously identify themselves as a Christian."—Rev. James T. Hegley, No. Shore Christian Task Force Against Anti-Semitism.

"All forms of anti-Semitism must be faced head-on. I am concerned that this type of ignorance and hatred sets the stage for accelerated assaults, and we all know where this can lead. When anyone is victimized, everyone is vulnerable. Anti-Semitism is not just a "Jewish problem". It is a problem for us all. . . The generation of people including non-Jews who can talk and teach about World War II is dying out, but anti-Semitism still exists. It is important for all of us to be able to explain to people what anti-Semitism is and what it can lead to."—Barbara Howard, Free-lance contributor, "Eyes on the Prize".

"I am seeking changes which indicate we are reverting back to the days when these types of activities were not only tolerated but embraced by a certain segment of the population. . . I decry the rise in anti-Semitic incidents for one incident is too many . . . It is not until we learn to live together as a human race that we can ever hope to live in a world of peace."—Sgt. William Johnston, Community Disorders Unit, Boston Police Dept.

"There certainly can be no room in the Christian heart for anti-Semitism in thought, word or deed. Both our religious traditions teach us that when one part of the community suffers, all suffer together. When part of the community is scorned, all are diminished. We are committed to working with you, and your colleagues, in a spirit of interfaith solidarity, to reaffirm publicly our absolute refusal to tolerate anti-Semitism in any form."—Rev. Diane C. Kessler, Executive Director, MA Council of Churches.

". . . And just as the stickers which covered my friend's door proclaimed, anti-immigrant, anti-minority, and anti-Semitic sentiment rise and fall together. They are a package deal. The rise of anti-Semitism together with anti-Asian violence on campuses and communities throughout the country is well documented. . . There has to be more than documentation of even moral outrage to combat the problem."—Peter Kiang, University of MA/Boston.

The Catholic Church's official and universal condemnation of anti-Semitism finds its strongest and clearest contemporary expression in the declaration of the world-wide Council of Bishops: Vatican II. . . 'Mindful of (the Church's) common patrimony with the Jews, and motivated by the gospel's spiritual love and by no political considerations, she (the Church) deplores the hatred, persecutions, and displays of anti-Semitism directed against the Jews at any time and from any source.'—Rev. John MacInnis, Archdiocese of Boston.

"Newton will not tolerate racism, anti-Semitism—persecution in any form to any group . . . have clergy associations in each community of the Commonwealth organize groups of students who, as part of a school course or extracurricular activity, would participate in an 'education on wheels' program, whereby students would be transported within a community to visit various houses of worship and receive information from members of the clergy association."—Theodore D. Mann, Mayor, City of Newton.

"When incidents of bigotry and injustice are committed, as with the anti-Semitism in Wellesley, Marblehead, New York City and elsewhere, it is each individual's responsibility to condemn these actions. Our responsibility as educators and concerned citizens is to examine our culture and all its institutions for therein lies the breeding ground for intolerance."—Linda Marchesani, Ed.D., Univ. of MA/Amherst.

"Education is—for us—the most powerful tool both to combat prejudice and to learn to respond to it and withstand its effects."—Dr. Daniel Margolis, Bureau of Jewish Ed.

"As members of, and advocates for, a community which is frequently the victim of verbal harassment, vandalism, and physical harm due to lack of information and unfounded prejudice, we believe that we understand in some small way the pain and horror that anti-Semitic acts cause in the Jewish community. But we want to assure you that you do not feel that pain and horror alone. Certainly an act of anti-Semitism is an act against humanity, and none of us can ever be too vigilant in our efforts to stop such acts wherever they may occur."—Jean McCray, Esq., MA Lesbian and Gay Bar Association.

"To brutalize a people because they are "Black", or because they are "Jews", first requires a denial of the oppressed people's humanity. The portrayal of Blacks as animals or generally as a people who are less than human abounds in the historical annals of slavery and persists today. The portrayal of Jews with horns and tails or as 'Christ killers' fill the annals of anti-Semitic history and serves as an historic precedent for the dehumanization of victims of oppression. Today I am more conscious than ever that racism and anti-Semitism de-humanizes the oppressor as much as it does the oppressed."—Ricardo Millett, Sr. Vice Pres./Planning, United Way.

"Anti-Semitism diminishes the quality of my life in a free society. It deprives me of my piece of mind and makes me fearful of my essential safety and well-being."—Sharon L. Rich, Marblehead, MA.

"Although I fully believe that we must never allow the vocal minority to yell louder than we can, nor the silent majority to let hatred and prejudice remain under the surface. We have an obligation to everyone, the persecuted and the persecutors, to educate, enlighten and combat religious and racial prejudice and inequities."—Peter Seronick, Rossin, Greenberg, Seronick, & Hill.

"To tolerate anti-Semitism or racism is an open invitation to the worst of history to repeat itself. The Black community opposes anti-Semitism because it is wrong—because it is detrimental to us all . . . because recent events and centuries of racism have shown that no matter our differences, we are united more than divided, and we are all in the same boat."—Rev. Charles Stith, Union United Methodist Church, Boston Organization for a New Equality, Boston.

DECADE OF THE 1980'S

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. OXLEY. Mr. Speaker, I commend to the attention of my colleagues an article written by columnist Patrick J. Buchanan regarding the decade of the 1980s.

We have all heard the pronouncements that the previous 10 years were a decade of excess, a decade of greed, and a lost decade. Fortunately, the American people know the truth about the 1980's. They know that the 1980s were a decade of American revitalization, a decade when our Nation prospered, and a decade in which democracy and freedom flourished. No one deserves more credit for a successful 1980's than Ronald Reagan.

I urge my colleagues attention to this article.

REAGAN'S ERA—HE RETURNED THE NATION TO A PLACE OF GREATNESS

(By Patrick J. Buchanan)

Christmas week, 10 years ago, was the nadir of the Cold War. Iran fell to the ayatollah's revolution, Nicaragua to the Sandinistas, 52 Americans were taken hostage in Tehran; the Red Army invaded Afghanistan, driving toward the Arabian Sea.

That dreadful year, 1979, closed a dreadful decade that saw South Vietnam, Laos, Cambodia, South Yemen, Mozambique, Ethiopia, Angola, Grenada, as well as Afghanistan, Nicaragua and Iran, force-marched into the enemy camp—greatest gains for the Evil Empire since Stalin seized Eastern Europe, and China fell to Mao Tse-tung.

America, her military demoralized by budget cuts, her security agencies paralyzed by demagogic leftist assault, was led by a failed president whose approval rating, 25 percent, nearly intersected with a prime rate rising toward 21 percent. Inflation was pushing 13 percent; the dollar was an international joke.

If 1979 was the worst of years, 1989 was the best, one of the great years of the 20th century. Students rose in China against the corrupt gerontocracy of Deng Xiaoping; communist regimes in East Germany, Hungary, Czechoslovakia, and Bulgaria were shattered; the Berlin Wall came down. After Gorbachev's fourth year, the Soviet Union was a conceded failure, sinking ever deeper into a morass from which Leninism may, God willing, never climb out.

In 1989, freedom went on a rampage; history, supposedly the ally of Marxism, changed sides; time became an ally of the West.

It was also the eighth year of the longest peacetime expansion in U.S. history; and we ended the first decade since the '30s without an American army being sent overseas to war.

The graveyards are full of indispensable men, De Gaulle said. Perhaps so. But if one man was truly indispensable to the triumph of freedom, the global retreat of communism, surely, it was Ronald Wilson Reagan. Of him, more than of any other man in 50 years, it may fairly be said: He won the cold war!

The week he took office was the high-water mark of the Soviet Empire. That week, the "final offensive" of the FMLN guerrillas to present the new president with

a second Cuba on the mainland of North America failed in El Salvador. The very hour Ronald Reagan took the oath the ayatollah decided not to test the new president—and let the hostages go. A wise decision.

By the end of Ronald Reagan's first year, the great conservative revolution was under way.

The White House won full decontrol of oil and gasoline prices, leading to a boom in production, an end to the gas lines of the '70s, and the mighty OPEC cartel began its own retreat from power

Reagan had also passed a sweeping cut of 25 percent in tax rates, cutting the top rate from 70 percent to 50 percent. They called it "Reaganomics," "welfare for the rich," but, when the reform took hold the U.S. began an unprecedented peacetime expansion that is not over yet, adding 20 million new jobs.

The triumph of supply-side economics was matched by the triumph of peace through strength. Neglected U.S. armed forces were given overdue pay raises, the finest equipment and training money could buy. Under new Secretary John Lehman, the U.S. Navy was expanded toward 600 ships; many equipped with the latest in cruise missiles. The U.S. Air Force got the B-1 and B-2 bombers, and the MX missile. The first Trident submarine came off the skids. New Pershing and Cruise missiles were deployed in Europe, over the howls of Moscow and squeals of U.S. and European freezeniks. The Soviets, who threatened to walk out of arms talks forever if the missiles were deployed, came skulking back after a year's absence.

The commander in chief made as many visits to military bases as to Camp David. Morale soared. The Sixth Fleet shot down two of Gadhafi's jets; the Marines and Airborne liberated Grenada: the Air Force paid Gadhafi back for bombing the Berlin discotheque. Moscow was put on notice that if it wanted an arms race, it would end up bankrupt, with an American space shield overhead that would negate a trillion-dollar investment in Soviet missiles.

But the great innovation was the Reagan Doctrine. To Ronald Reagan and the Right, containment was not enough; America had to go over onto the offensive, to recapture territory lost to the Soviet Empire, to tie down Moscow in a few "wars of national liberation."

U.S. military aid went to the Nicaraguan resistance, to the UNITA freedom fighters of Jonas Savimbi, to the mujahedeen of Afghanistan, Initially, Moscow's new dictator reacted by stepping up military shipments; but, soon, the pressure appeared unbearable, and the cost interminable. So Moscow packed it in; and the empire began to unravel. And Ronald Reagan went home.

All in all, it was Reagan's decade, the Conservative Decade, and a great decade at that. Though the caterwaulers can still be heard in the distance, yowling, "What about the deficit?," the Gipper gave us, and gave his country, some of the best years of our lives.

And what does the Left have to say?

In my "in" box is a booklet sent out by the Democratic National Committee, titled The Lost Decade, a 44-page whine that describes a "decade-long drift," quotes Mary Frances Berry of the Civil Rights Commission. ("Reagan really was a destroyer. He attacked the infrastructure.") Alludes to how wonderful it all was when we had Jimmy Carter as president. Get a copy; it'll be a collector's item.

ORGAN PROCUREMENT EXTENSION

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. WALGREN. Mr. Speaker, today Congressman WAXMAN and I are introducing a bill to provide a 9-month extension of certain regulatory deadlines in order to allow for congressional review of their effect. Senator GORE will be introducing a companion bill in the Senate for the same reason.

Current organ procurement organizations, the local entities responsible for matching organs with donors for organ transplants, must meet certain performance standards, including a 1988 requirements that an OPO must "reasonably expect to recover organs from not less than 50 donors each year." Under current law, OPO's must meet this requirement this coming March in order to continue their certifications by the Department of Health and Human Services. Certification is a prerequisite for receiving Medicare payment for transplants.

Representatives of the Association of Organ Procurement Organizations have indicated that almost one-half of the 71 organ agencies now serving the Nation will not be able to meet this requirement and, thus, are in jeopardy of not being recertified. The Congress needs some time to review the reauthorization of several expiring provisions of the National Organ Transplant Act of 1984. Our bill will give Congress the opportunity to review the extent of compliance with the terms of these regulations, while avoiding the abrupt closure of OPO's.

With donation rates down, we need to do all we can to encourage a strong organ procurement network. Closing almost half the agencies involved in coordinating organ donation is clearly simply destructive. Rather than causing wholesale disruption among the organ procurement-organ matching system, I believe it makes common sense to extend the time for compliance while we review the state of donation and the general functioning of the organ network system.

Clearly, we need strong standards to ensure an effective network. The Task Force on Organ Transplantation has expressed concerns about small, ineffective OPO's and recommended some consolidation into larger entities. The performance criteria we wrote into law were in part in response to recommendations made by the task force itself and at the time, were not anticipated to cause the difficulty that now seems apparent.

Representative WAXMAN, chairman of the Subcommittee on Health and the Environment, and I both look forward to reviewing the problems faced by the organ procurement network so that the life-giving potential of modern medicine can prosper.

LESS OF THE SAME: PRESIDENT BUSH'S FISCAL YEAR 1991 BUDGET

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. OWENS of New York. Mr. Speaker, President Bush's proposed fiscal year 1991 Federal budget represents less of the same. In many instances, his funding proposals for social programs are lower than those of the Reagan administration's 1981 proposals. And in other instances, President Bush makes some inconsequential funding shifts, robbing Peter to pay Paul. For example, the President proposes to cut $462 million from the School Lunch Program, reducing the number of children served, and transferring $48 million to serve more lower income children. The term "higher income" is relative. Are these higher income children supposed to go hungry and make do with less because their parents may earn a few dollars more than the parents of their lower income friends covered by the program? This does not strike me as a kinder and gentler way to fund child nutrition programs for economically disadvantaged children.

The Bush budget maintains current funding of the Women, Infants, and Children [WIC] Program at $2.2 billion, but this funding does not keep up with inflation, and the program itself covers only half of those low-income women, small children, and babies who are eligible.

The proposed cuts in WIC and other social services and health programs will have a devastating impact on New York City. The proposed cut of $343 million from the Low-Income Energy Assistance Program nationally would mean that New York City would have to reduce its program by approximately $19 million, and energy grants would be eliminated for 67,840 poor families just as energy costs are increasing. The Food Stamp Program would be hard hit, because the funding for it proposed in the budget does not keep up with inflation. In real dollar terms, this program would take more than a 2-percent reduction.

As a senior member of the House Education and Labor Committee, the chairman of its Select Education Subcommittee and the chairman of the Congressional Black Caucus Higher Education Braintrust, I am appalled that our "education President" proposes to shift funds from college student aid to elementary and secondary education programs, again robbing Peter to pay Paul. He wants to cut $648 million from college student loans, eliminating 114,000 loans, at a time when we are seeing an alarming trend of fewer low- and middle-income African-Americans enrolling in colleges and universities due to skyrocketing costs. And although President Bush proposes to increase funding for Head Start by $500 million to $1.89 billion, his budget contains little funding for other education programs designed to help inner-city children and youth.

The cuts in education and job training programs will adversely affect New York. Presi-

dent Bush's proposed reductions in the Guaranteed Student Loan Program would mean a loss of $56 million to New York State. New York City would lose up to $4 million in Federal impact aid for education. The President also proposes to cut the Community Services Block Grant by $347 million; New York City would lose $14 million, resulting in funding cutbacks for GED and dropout prevention programs and employment services.

Housing and community development programs would also feel the sharp edge of the Bush budget ax. The proposed cuts in these areas would result in a loss of $654 million nationally and $47 million in New York City. New York City would also lose $8 million in Community Development Block Grant funds, meaning that parts of its 10-year housing plan would be put on hold. The loss of these funds could also affect New York City's ability to maintain more than 25,000 housing units it owns, and could result in cuts in senior citizens services and day care programs.

Rental Rehabilitation funds for New York City would be slashed by $7 million, which translates into a loss of 2,029 units of rental housing. Section 202 housing reserved for seniors and disabled individuals would be cut by $19 million, meaning that nearly 100 seniors and disabled persons would be left with inadequate housing and pay more than half of their income for rent. Nationally, President Bush proposes to cut $50 million from the rental rehabilitation program.

The apparent callous disregard for our Nation's elderly citizens is further evident in the Bush budget's proposed $6 billion cut in Medicare, and to change the indirect medical education section of the Medicare Program. For New York City it would mean a loss of $18 million every year, and for the voluntary sector millions more. Together, cuts in Medicare will cost New York City's private and public hospitals roughly $172 million, and constitute an additional blow to the city's crowded, overburdened hospitals, and to elderly New Yorkers who can barely keep up with rising medical costs. The President also proposes to reduce Federal employee health and retirement benefits by $4.5 billion.

Mass transit also suffers under the Bush budget proposals. New York City could lose $95 million in mass transit operating aid and $50 million in mass transit capital aid when many New Yorkers depend on buses and subways as their sole means of transportation.

Yet under the proposed Bush budget, the "fat cats" in the military and defense industries stand to get even fatter, as President Bush wants to increase the defense budget by 2 percent, from nearly $363 billion in fiscal year 1990 to nearly $369 billion in fiscal year 1991. With glasnost in the Soviet Union and the democratization taking place in the Eastern bloc nations, there is no need to beef up defense at the expense of much needed social programs.

The other "fat cats" who will gain from the Bush budget are those in the savings and loan industry. Last year's S&L bailout is draining away funds which could have been used for social and domestic programs. Although the money borrowed to finance the bailout will not actually appear on the budget, it is estimated that over the next 11 years, $22 billion in interest payments on those loans will appear on the budget. There will also be an estimated $9 billion in lost taxes over several years due to favorable tax incentives given to institutions that bought insolvent thrifts during the time that the bailout bill was pending in Congress.

Mr. Speaker, once again a Republican President has presented a reverse "Robin Hood" budget. It robs from the poor and the marginally middle class and gives to the rich, who are those in defense and the military, those who would benefit from the proposed cuts in capital gains taxes, and those corrupt and incompetent savings and loan institutions officials who have yet to pay for the ruining of the S&L industry. However, I resolve to join with the Democratic leadership in the House and the Senate, as well as with Republicans of conscience in both Houses, to fight to pass a budget that directly addresses the needs of all Americans. We must throw out this sneaky, deceptive, and dangerous document offered by President Bush.

THE BIOTECHNOLOGY PATENT PROTECTION ACT OF 1990

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. BOUCHER. Mr. Speaker, today the gentleman from California [Mr. MOORHEAD] and I are introducing the Biotechnology Patent Protection Act. Our legislation will stimulate the development of new drugs through innovative techniques and protect the U.S. biotechnology industry from unfair foreign competition.

Biotechnology is one of the world's most promising new industries. Nearly every American family will be touched by its development during the next decade. It will revolutionize health care with new drug therapies, and it will yield far-reaching applications in agriculture.

The origins of biotechnology trace back to the mid-19th century when Gregor Mendel detected genetic patterns in his famous pea experiments, thereby discovering the principles of heredity. Expanding upon these concepts, scientists today employ genetic engineering to synthesize useful human proteins, such as insulin. With the rapid advancement of technology, American companies are using biotechnology to explore new drug treatments, including a possible cure to dreaded diseases such as AIDS and Alzheimers.

Biotechnology has produced a whole new generation of drug products. Tissue Plasminogen Activator [TPA] and Erythropoietin [EPO] are examples of what can be accomplished. The human body makes these proteins in minute quantities, but technology has led to the widespread availability of recombinantly derived versions of these rare substances. TPA is administered to heart attack victims and saves lives in minutes by dissolving dangerous blood clots formed in the arteries. EPO is used to treat anemia and reduce the need for blood transfusions in patients suffering from chronic kidney failure.

Despite the impressive progress in biotechnology product development, significant obstacles to growth remain, particularly in the area of patent law. Technological advancement has outpaced the government's ability to pass laws which provide sufficient proprietary protection for biotechnology inventions. Unless corrective action is taken, the deficiency in current law will severely weaken investment incentives and damage the ability of American companies to create new products. Our legislative remedy offers an optimal solution.

First, the measure specifies that a process to make a product will not be considered unpatentable if the starting material is novel. This corrects problems arising from the 1985 decision of the patent appeals court in the case of In Re Durden, which created some confusion within the scientific community as well as the Patent and Trademark Office regarding the criteria to be used in evaluating process patents. Without clarification, approvals and rejections will continue to be granted in an inconsistent manner, and the uneven application of the law jeopardizes future drug development.

In addition, strengthening process patent protection will help American companies achieve parity with their Japanese and European counterparts. Overseas, process patents are often considered to be part of the "unity of the invention." Equitable process patent protection will help ensure that American investors can exercise their proprietary rights in the same manner as their foreign competitors.

While the Patent and Trademark Office offers an administrative appeals process to investors denied a process patent, the transactional cost of such an approach is frequently great. For a company wishing to obtain rapid approval from the Food and Drug Administration and proceed quickly to marketing a new drug, time is critical. Pursuing a process claim through the entire litigation chain may not be viable option in a fast moving market.

Second, the legislation grants the International Trade Commission jurisdiction to exclude foreign products that are made through the use of a product patented within the United States, unless the importer has been licensed by the patent holder. This provision is designed to address the problem which arises when a foreign-based company uses a host cell, or other starting material, which is patented in the United States and manufactures the final product abroad for sale in the United States. Currently, the International Trade Commission cannot bar entry of such a product, although the manufacture and sale in the United States would not be permitted.

In the patent context, the International Trade Commission already has the authority to enforce product and process claims. Unfortunately, the agency cannot exclude goods that are derived from a patented biotechnology product absent a traditional process claim. This is true even though the use of such a product would constitute a patent infringement if it occurred within the United States. Therefore, the present system allows a manufacturer to simply use the patented U.S. invention outside of the United States in order to escape the arm of the International Trade Commission.

Congress recognized in the 1988 trade bill the principle of preventing the importation of

foreign products when the manufacture of the product in the United States would be an act of patent infringement. Granting the International Trade Commission jurisdiction over such foreign products will not extend any new patent rights but will expand the available legal remedies for existing rights.

Overall this legislation is designed to create new vistas for biotechnology development. It also assures that American investment in this emerging field will continue to flourish. A recent study by the Office of Technology Assessment revealed that American companies are spending $1.5 to $2 billion in biotechnology research and development each year. In 1987, the biotechnology field yielded nearly 36,000 jobs, of which half were for scientists and engineers. Approximately 33 States are engaged in some type of biotechnology research and development effort. In light of this investment, the United States can ill afford to let another leading technically oriented industry fall victim to unfair competition.

The bill has been endorsed broadly within America's biotechnology community. It is supported by most of the country's leading biotechnology firms, including Genentech, Hoffman-La Roche, Merck, Amgen, Schering Plough, Biogen, California Biotechnology, Chiron, Houston Biotechnology, Synergen and Mycogen. It is supported by Stanford University as well as by the Association of University Technology Managers, whose members include the technology managers of such institutions as Harvard Medical School, Northwestern University, Dartmouth, Washington University, the University of Maryland and Oregon State.

The Biotechnology Patent Protection Act of 1990 will promote industrial competitiveness and fairness. A thriving biotechnology sector will make possible the patenting of new drugs which could dramatically improve the quality of life for all Americans. I am pleased that Mr. BATES, Ms. BENTLEY, Mr. BILBRAY, Ms. COLLINS, Mr. GALLEGLY, Mr. GLICKMAN, Mr. KILDEE, Mr. LEVINE, Mr. LIPINSKI, Mr. MATSUI, and Mr. SENSENBRENNER are original cosponsors. I invite our colleagues to join us in this most important effort.

SUPPORT EARLY RELEASE OF LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM CONTINGENCY FUNDS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Ms. SNOWE. Mr. Speaker, I rise today in support of a bill introduced by Mr. GOODLING and Mr. TAUKE that would enable the Office of Management and Budget to release Low-Income Energy Assistance Program (LIHEAP) contingency funds prior to the scheduled March 15 release date. I urge my colleagues to join me in support of this important legislation.

We are all aware of the dramatic rise of oil prices that impacted much of the Nation in the past 2 months and the hardships that these high prices, combined with record low temperatures, have created. The lower temperatures, which increased demand, and higher oil prices, which reduced the benefit of energy assistance to consumers, combined to severely deplete the LIHEAP funds for many States.

The Office of Management and Budget holds LIHEAP funds to be distributed at intervals throughout the year. While this system allows States to stretch their funding throughout the year, the degree to which Maine's and many other States' funds were depleted during the month of December requires that these States have access to these funds immediately.

For example, Maine is slated to receive $1.7 million in contingency funding. While the Governor has taken steps to provide additional funding from the States' oil overcharge account, the Federal LIHEAP funds are needed to keep the community action agencies that distribute the assistance funded.

The availability of these funds could determine the ability of the State to serve the needs of low-income families in the coming weeks.

In Maine, the difficulties created by the extreme cold and staggering fuel prices have been compounded by the timing of the LIHEAP grant awards to the States. The intervals between grant payments created a hardship as the funds subgranted to the community action agencies were expended between allocations, forcing clients to wait for assistance or seek temporary assistance elsewhere.

Mr. Speaker, the additional LIHEAP funding is needed now, while weather conditions are still severe and the need for assistance remains critical. I urge my colleagues to join me in support of the Goodling/Tauke proposal to facilitate an early release of LIHEAP contingency funds.

TRIBUTE TO GEORGE ROBY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. GALLEGLY. Mr. Speaker, I rise today to bid farewell to a Federal employee who has meant a lot to my district—George "G.A." Roby, who is retiring after 3 years as the forest supervisor for the Angeles National Forest.

G.A. Roby has devoted over half his life to our Nation's forests, which as we all know are "lands of many uses." It isn't the easiest thing to balance those many uses, but G.A. has handled his responsibilities skillfully and conscientiously. For that, he deserves thanks from the thousands of southern Californians who work and play in the Angeles.

G.A. began his career at 19 as a firefighter in the Valyermo District of the Angeles National Forest. He served in a number of forestry technical positions before attending Oregon State University, graduating with a degree in forest management.

From there, he served in various resources, fire management, and administrative positions in the Angeles, Cleveland, San Bernardino, Los Padres, and Shasta Trinity National Forests, and at the Forest Service Fire Laboratory in Riverside—all in California. Before becoming forest supervisor in January 1987, he served for 5 years here in Washington as a member of the aviation and fire management staff at national headquarters.

He is also the author of several Forest Service publications in the field of fire and resource management.

Mr. Speaker, I'm sure my colleagues join me today in extending best wishes to G.A. and his wife, Margarita, upon his retirement.

SUPPORT LEGISLATION TO END THE B-2 BOMBER PROGRAM

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. BRENNAN. Mr. Speaker, I join today with my colleagues Congressmen RON DELLUMS and JOHN KASICH in offering legislation to terminate the B-2 bomber program. This aircraft is truly a plane without a mission and has a price tag without justification. The legislation allows for the completion of aircraft already in some form of production, and allows for research, development, testing, and evaluation of those aircraft whose production were assured before fiscal year 1991.

The B-2 bomber is a program which should be opposed on the grounds of enormous costs which could reach $1 billion per airplane and has no realistic mission. In an Armed Services Committee hearing last July, I questioned Air Force Chief of Staff Larry Welch about the B-2's mission. The questioning follows: "Would it be a fair statement to say * * * that by the time the B-2 is actually used, if it had to be used, it would be after virtual nuclear annihilation of both countries?," I asked. "I would think so," replied General Welch.

During last year's defense authorization debate, and amendment offered by Congressman KASICH garnered 144 votes to terminate the B-2 program. I believe this legislation offered today will gather increased support because of uncertainty over the B-2's mission, its enormous cost, and the rapidly changing world events which lead many to believe hostilities are diminishing.

The B-2 program stands alone in the defense budget as the single largest line-time expenditure at $5.5 billion—even higher than another questionable weapons system, star wars. We should not commit such enormous resources to an airplane which has only begun initial flight testing and will have over half of the planned 132 aircraft procured by the time we know it can actually fly as intended. Let's stop the program before greater budget requests are made and less resources are available for allocation.

I intend to work closely with my colleagues to ensure funding for this questionable defense program is terminated. We must review all areas of the defense budget for savings and reductions, and this program is certainly one candidate for termination. I urge my colleagues to join us in cosponsoring and supporting this important legislation.

ALARMING DETAILS REGARDING AFGHANISTAN

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. RITTER. Mr. Speaker, I would like to discuss some alarming details regarding Afghanistan.

I am disturbed that many people—including United States Government officials—are blaming the Afghan resistance for stalemate and infighting, now that the Soviets have pulled out of Afghanistan. This is unfortunate, because in reality these problems have been largely exacerbated by current United States policy implementation and the role of Pakistan's military intelligence [ISI] in the distribution of United States aid.

The faulty implementation of United States policy in Afghanistan, and the manipulation of supplies to the Afghan resistance by Pakistan's ISI, is the reason that strategic and moderate elements of the Afghan resistance are being denied critical military supplies, and a major reason for stalemate and factionalism in Afghanistan.

There is a rapidly growing discontent in Congress with ISI's policy of providing very limited and inadequate supplies to hard fighting elements of the Afghan resistance—like Commander Masood (Jamiat Party), General Abdul Rahim Wardak (National Islamic Front of Afghanistan) and other Jamiat, NIFA, and Khalis commanders.

Mr. Speaker, I am sure many Members are asking themselves how we can continue to consider sending large amounts of foreign aid to our good friends in Pakistan—or provide sophisticated fighter planes or AH–1F Cobra attack helicopters to our good friends in the Pakistani military—when elements of Pakistani military intelligence [ISI] can not be relied on to distribute supplies equitably and fairly to important Afghan freedom fighters like Commander Masood, General Wardak, and other strategic and important commanders?

Most of the Members here in Congress, including myself, supported a large amount of foreign and military aid to Pakistan. But, now many Members here are very disturbed by ISI's pressure on Commander Masood's two brothers—forcing them to cancel their trip to the United States. The reports of the harassment of Commander Masood's brothers, and their families and friends, are also cause for great alarm here in Congress.

Mr. Speaker, there is a second bit of disturbing news regarding Afghanistan. There is growing concern in Congress that Secretary of State James Baker may negotiate a defective political settlement on Afghanistan with Soviet Foreign Minister Eduard Shevardnadze at their meeting later this week. If these rumors are true they are very disturbing.

Any settlement that allows Afghanistan's Communist regime—and their notorious leader Najibullah—to remain in power, even transitionally, will be staunchly opposed here in Congress, and by the Afghan people.

Mr. Speaker, I know that I speak for many supports of Afghanistan and Pakistan here in Congress when I say that I hope that Secretary Baker seizes the moment and avoids a settlement that betrays the people of Afghanistan. America cannot afford to abandon the Afghan resistance—in favor of a defective political settlement with Najibullah and the Soviets. I hope that the following excellent piece on Afghanistan, written recently by former President Nixon, will help serve as blueprint for future United States efforts in Afghanistan.

[From the Los Angeles Times, February 1, 1990]

SEIZE THE MOMENT, AVOID A NEW VIETNAM

(By Richard M. Nixon)

When U.S. Secretary of State James A. Baker III and Soviet Foreign Minister Eduard A. Shevardnadze meet in early February, their discussions will almost certainly touch upon a major geopolitical paradox: While Eastern Europe is slipping out of Moscow's grasp, the chance to liberate Afghanistan from communism appears to be slipping out of America's hands.

The Red Army's withdrawal from Afghanistan last February became the opening round in the collapse of much of the Kremlin's empire. Yet change in Eastern Europe has outpaced progress in Afghanistan. To secure the Afghan people's right of self-determination, we need to understand what's at stake, what's gone wrong and what needs to be done.

Afghanistan remains a critical strategic issue. Ten years of support to the resistance has been based on a bipartisan recognition that the Soviet occupation threatened U.S. interests in the Persian Gulf. Yet if Washington abandons the resistance, and thereby leaves the Soviet-sponsored Kabul regime in power, Soviet troops will have left but Moscow will still have what the Red Army was sent in to secure: complete domination of Afghanistan.

The Kremlin not only will retain the Afghan air bases that allow Soviet tactical aircraft to reach the Strait of Hormuz but will have also seized the optimal position for long-term subversion of Pakistan and Iran by exploiting the region's myriad rivalries.

Initial military progress made by the resistance after the Soviet withdrawal has faltered. While the Afghan insurgents control 90% of the countryside and half a dozen provincial capitals, they have been unable to challenge communist control over the major cities.

Resistance forces have had some difficulty making the transition from guerrilla combat to conventional warfare and have suffered from infighting. But the main reason for the current stalemate has been the failure of the United States and other supporters to equip the resistance adequately.

Moreover, the United States and other supporters of the resistance have failed to adjust our assistance to fit the new conventional phase of the war. The equipment appropriate to hit-and-run attacks and ambushes will not meet the requirements of set-piece battles and siege warfare.

To overcome our failures, we must first be clear about our goals. We have had two objectives: the removal of all Soviet forces and self-determination for the Afghan people. The first goal has largely been achieved. But the second depends on removing the Soviet-imposed Najibullah government. To do so, the United States must launch a political and military offensive.

Some observers claim that only a political solution is possible. I disagree. If the United States wants to achieve a political solution that safeguards our interests and those of the Afghan people, we must give the resistance the capability to turn up the heat on the Kabul regime.

To be acceptable, a political solution must measure up on three counts. First, it must involve the decapitation of the Kabul regime. There can be no compromise with the communists. Second, it must provide for the creation of a broad-based transition government, headed by former King Zahir Shah, who enjoys more popular support than any other political figure, and staffed at the cabinet level by prominent figures from the resistance, from the traditional elites of Afghan society, and from the many patriotic non-communists who remained in the communist-controlled cities during the war. Third, it must stipulate that the transition government quickly call for a national tribal council or elections for an assembly to draft a constitution for the permanent government.

Ultimately, it is in Moscow's interest to settle the Afghan issue on these terms. In view of the deepening economic crisis and the mounting national problems within the Soviet Union, Mikhail S. Gorbachev can be brought around.

Yet we cannot get from here to there without major military pressure. For the coming fighting season, we must provide enough material for the resistance to launch simultaneous offensives against all major cities. It is particularly important that we provide better antitank weapons, heavier mortars and artillery more mine field breaching devices and higher altitude anti-aircraft weapons. In the past, we have provided the resistance with enough to keep up the war. In the coming year, we need to give them enough to win.

While we should continue to explore the possibilities for a political settlement, we should not use negotiations simply to sweep the Afghan issue under the rug. Instead, we should use them to achieve our strategic objectives. If we snatch defeat from the jaws of victory, we will have not only wasted $2 billion in assistance but also permitted more than a million Afghans to die in vain.

Those who have called Afghanistan the Soviet Union's Vietnam tragically misstate the case. South Vietnam was doomed when Congress cut our aid by 80% from 1973 to 1975 and revoked the President's powers to enforce the Paris peace accords of 1973, while Moscow poured massive assistance into North Vietnam. One key lesson of Vietnam is that the United States must do as much for its friends as the Kremlin leaders do for theirs. The Bush Administration should seize the opportunity to make sure that the tragedy in Vietnam is not repeated in Afghanistan.

CONGRESSMAN AUGUSTUS F. HAWKINS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1990

Mr. DYMALLY. Mr. Speaker, recently Congressman AUGUSTUS F. HAWKINS announced his retirement after 56 years in public life.

The Los Angeles Sentinel, the west coast's oldest African-American newspaper ran a front page story by A.S. Doc Young.

I submit the article for review by Members of the U.S. House of Representatives.

Attached is a copy of the article:

[From the Los Angeles Sentinel, Feb. 1, 1990]

STATE'S FIRST BLACK CONGRESSMAN: HAWKINS—AN ERA ENDS

(By A.S. Doc Young)

"The leadership belongs not to the loudest, not to those who beat the drums or blow the trumpets, but to those who, day in day out, in all seasons, work for the practical realization of a better world—those who have the stamina to persist and remain dedicated. To those belong the leadership."

This statement is found in a biographical sketch of U.S. Congressman Augustus F. Hawkins.

It epitomizes the long-distance runner and the physical fitness-conscious, daily, early-morning, long-distance walker as well.

Cong. Hawkins, slightly built but trim, is 82 years old. Remarkably, he is now working in his 56th year of public service in political office.

It is a statement of his personal view of public service. As he contemplates retirement at the end of this Congressional session, it is most apropos.

In his lifetime and his professional career, both made notable by longevity of achievement, Hawkins has outlasted countless numbers of "political sprinters," including the so-called charismatics who have flashed across political skies like meteors in the night and flamed out because they lacked energy and strength and real, nitty-gritty substance.

Hawkins also has outlasted hundreds of other great politicans who either have lost elections, retired, or gone to meet their Maker.

When he announced his planned retirement in a press release last Friday, Hawkins said:

"It is after a great deal of soul-searching that I announce today that I shall retire from the Congress. I intend to continue my public service, but in a different way.

"While I believe I have accomplished much over the years," Hawkins said, "there is still a full agenda of issues that must be addressed: Equity and excellence in education, basic skills training, proper health and nutrition, full employment, adequate housing, civil rights and drug abuse remain monumental challenges in my community and elsewhere."

Hawkins, a Democrat, represents the 29th Congressional District of California, which includes South Central Los Angeles, the cities of South Gate and Huntington Park and a part of Downey.

The first Black person west of the Mississippi to be elected to Congress, Hawkins took office in 1962, and has served with distinction ever since. Prior to his election to Congress, he served 28 years in the California State Assembly, where he honed his skills as an effective legislator, authoring bills which impact on the district he served and the entire state even today.

According to the Los Angeles Times, "Hawkins' decision not to seek reelection set off a flurry of activity in Los Angeles' Black political community, which for years has been frustrated over a lack of upward mobility."

But, that seemed to be based on statements made by ambitious Blacks who want to replace Hawkins. His record of achievement cannot be appraised as that of a "frustrator."

Hawkins' announcement, more importantly, moved many public figures from coast to coast to pay tribute to him, to compile a long list of his accomplishments, to express their respect.

Six of them are quoted briefly here.

Mervyn M. Dymally, a Democratic member of the U.S. Congress from California's 31st District, said: "I think that his departure is a loss not only to his district but to the Congressional Black Caucus and the nation as a whole."

Julian Dixon, a Democratic member of the U.S. Congress from California's 28th District: "Gus truly has been a dominant force in the legislative process in education and labor going back to the Humphrey-Hawkins Full Employment and Balanced Growth Act, and tracing the Civil Rights Restoration Act."

William H. Gray III, a Democratic member of the U.S. Congress from Pennsylvania, and the Democratic Majority Whip: "We are indeed greatful for his presence, his public service for 56 years, and the major leadership that he has given on the national level on education issues."

Derrick Mims, a 29-year-old field representative in Congressman Hawkins' Los Angeles District office: "He is a statesman in the true sense, in that he always is in tune with the community. As a young person, he had impressed me more than I thought he would. Our government, our nation, and our community in particular will be losing a rare statesman."

Celes King III, a prominent Los Angeles businessman and Republican politician, and a former president of the Los Angeles Branch NAACP: "Gus Hawkins probably is the finest legislator that this country ever has produced. I have learned through 50 years of experience that the man is absolutely fearless and priceless."

Dootsie Williams, a prominent Los Angeles businessman who many years ago became a contributor to Hawkins' political campaigns and a staunch supporter as well as the owner of a building which was once Hawkins' branch office: "Early on, I discovered that Gus Hawkins was a visionary, a public official who was way ahead of his time. He is the one politician for whom I have the highest esteem. If he were the President, this country would have no problems at all."

Dr. William Williams, a teacher in Public Administration at the University of Southern California who worked seven years for Hawkins, eventually becoming the field director in his Los Angeles Congressional office: "Working with Congressman Hawkins was the most rewarding experience I've ever had. I learned about politics from him. I learned about compassion, courage, and caring for others. I learned about honesty and integrity.

Augustus F. Hawkins is a native of Shreveport, Louisiana, who moved to Los Angeles with his family when he was 11 years old.

He earned a degree in economics from the University of California at Los Angeles and attended graduate classes at the University of Southern California's Institute of Government.

On his first professional venture into politics, Hawkins was elected to the California State Assembly and remained there for 28 continuous years. (He was elected in 1934, the year Congressman Julian Dixon was born, the year Leon H. Washington, Jr., renamed the East Side Shopper the Los Angeles Sentinel.)

During his tenure as a member of the California State Assembly, Hawkins compiled an impressive legislative record which led to his assuming the powerful position of chairman of the Rules Committee. He also served as chairman of the Senate and Assembly Joint Legislative Organization Committee, the highest committee position in the state Legislature.

During his 28 years in the Assembly, Hawkins authored more than 100 laws, including the Fair Housing Act, the Fair Employment Practices Act of 1959 and laws pertaining to minimum wage for all women, slum clearance and low-cost housing, workman's compensation for domestics, disability insurance, old age pension and child care centers. He also authored 1961 legislation for the construction of the Los Angeles Sports Arena, the Department of Employment Building at 15th and Broadway in Los Angeles, and the Law and Medical school at UCLA.

Also as a result of Hawkins' work, Blacks were appointed—in some cases for the first time—to positions as judges, state commissioners, members of the California State Highway Patrol, and to supervisory positions in post offices.

In 1962, Hawkins was elected to the U.S. Congress with the strong support of the late President John F. Kennedy. The support of voters in his district has been remarkable. In 1984, Hawkins was re-elected, by 87 percent of the vote.

Augustus F. Hawkins is nationally known and respected for many bills which he has authored or coauthored in Congress. To list a few:

A bill which helped to change the dishonorable discharge status for Black soldiers involved in the so-called Brownsville (TX.) incident. He succeeded 66 years after the Black soldiers were drummed out of the Army by racists without a fair trial and without a shred of evidence against them.

During the second session of the 95th Congress on October 27, 1978, the Humphrey-Hawkins Full Employment and Balanced Growth Act was signed into law.

During the 93rd Congress, three landmark pieces of legislation: The Juvenile Justice and Delinquency Prevention Act, the Community Services Act, and the Civil Rights Act which established the Equal Employment Opportunity Commission as the lead agency in Federal civil rights enforcement.

Also during the 95th Congress, the Comprehensive Employment and Training Act Amendments, Youth Employment and Demonstration Projects Act, and the Pregnancy Disability Act.

And, so it goes.

Cong. Julian Dixon says Hawkins probably is faced with his greatest challenge with the ABC School Bill, which he is now spearheading through Congress. So, he could have his greatest victory in his last year here.

Hawkins is the chairman of the Congressional Committee on Education and Labor, which reflects his interests on a wide range of social issues. He also is chairman of the Subcommittee on Elementary, Secondary and Vocational Education. He is a member of the Joint Economic Committee which studies and makes recommendations on economic policy, including fiscal policy and maintains data pertaining to aggregate economic activity.

In years past, most of the notable and ambitious Black politicians in Hawkins' district have respected him so highly that they have refused to campaign against him.

Even in the 1960s, Mervyn M. Dymally, who describes Hawkins as his mentor, said

he would not run against him until he decided to retire.

Last Sunday evening, Dymally chuckingly said over long distance telephone, "I finally had to find another district (the 31st) in which to run."

Hawkins is married to the former Mrs. Elsie Taylor. Prior to entering politics, he was involved in the real estate business.